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SENATE—*Wednesday, September 27, 2000*

The Senate met at 9:32 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Samuel Adams was born on this day in 1722. It was on September 7, 1774, that he called for prayer at the Continental Congress in Carpenter Hall in Philadelphia. He said about his responsibilities: "If you carefully fulfill the various duties of life, from a principle of obedience to your heavenly Father, you will enjoy that peace which the world cannot give nor take away."

Let us pray:

Gracious Father, we seek to be obedient to You as we fulfill the sacred duties of this Senate today. May the Senators and all who assist them see the work of this day as an opportunity to glorify You by our country. We renew our commitment to excellence in all that we do. Our desire is to know and do Your will. Grant us the profound experience of Your peace, true serenity in our souls that comes from complete trust in You, and dependence on Your guidance. Free us of anything that would distract us or disturb us as we give ourselves totally to the tasks and challenges today. In the Lord's name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROD GRAMS, a Senator from the State of Minnesota, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Alaska is recognized.

SCHEDULE

Mr. MURKOWSKI. Mr. President, today the Senate will be in a period for morning business until 10:30 a.m. Following morning business, the Senate is expected to resume postcloture debate on amendment No. 4178 to the H-1B visa bill. Under a previous agreement, at 9:30 a.m. on Thursday, the Senate will begin 7 hours of debate on the continuing resolution. At the use or yielding back of that time, the Senate will proceed to a vote on the resolution.

As a reminder, cloture motions were filed yesterday on the H-1B visa bill. Therefore, cloture votes will occur at a time to be determined later this week.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Alaska, Mr. MURKOWSKI, is recognized to speak for up to 20 minutes.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that my time, which was the leader's time, not be taken out of my 20 minutes. I was asked by the leadership to announce the opening script for the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATURAL GAS

Mr. MURKOWSKI. Mr. President, it is my intention this morning to talk about natural gas and alert the American people to the crisis we have before us relative to this very important source of clean energy.

Over the last several days, I have talked about our energy policy, the fact that, to a large degree, our energy policy is determined by environmental groups, environmental pressures, and the Environmental Protection Agency, as opposed to a balance which suggests, indeed, we need to face the realization that we need all our energy sources coming together to meet the crisis we have today, as we find ourselves 58-percent dependent on imported oil.

I will also speak on the dangers of Iraq and the realization that we are now 750,000-barrels-a-day dependent on Iraqi oil. The interesting thing is that Iraq has a production of nearly 2.5 million barrels a day, a kind of leverage on the world's supply of oil. What I mean is that the capacity of the world to produce oil and the demand of the world to use that oil is very close. We are somewhere in the area of roughly 1 million barrels a day of excess capacity over demand. With Iraq producing better than 2 million barrels a day, one can clearly see the leverage Iraq has should they choose to reduce production.

I have also talked about the Strategic Petroleum Reserve and the merits of pulling down 30 million barrels, which sounds like a significant relief, if indeed we can turn that into heating oil, but the reality is that we are going to get 3 to 4 million barrels out of that 30 million barrels in heating oil which amounts to a 2- or 3-day supply.

I do not want to mislead anybody. It is simply my attempt to alert the American people; there is no panacea. We are going to need all our sources of oil. To blame big oil on profiteering is really shortsighted, and the American people are too smart to believe some of the rhetoric out there.

Just look at where we were a year ago with the price of oil at $10 a barrel. Were the oil companies so benevolent then or was it supply and demand? Of course.

Who sets the price of oil? We had a hearing yesterday. Secretary Richardson was there. I think we all agreed that the price of oil, without question, is being set by those who supply oil, who have an abundance of oil, and that is primarily OPEC, Saudi Arabia, Venezuela, and Mexico. They have it for sale, and the price currently is somewhere in the area of $33 to $34. Last

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

week, we had an all-time high in over 10 years of about $37.86.

Tomorrow I am going to talk about ANWR. I know something about ANWR. That is the narrow area in the coastal plain of Alaska. It is that small area that has been set aside out of the whole area of ANWR. Few people really understand the merits and the magnitude of the land mass and what we have done with it by congressional action.

There are 19 million acres up there. That is about the size of the State of South Carolina. We have taken 8.5 million acres and put them in a permanent wilderness. We have taken another 9 million acres and put them in a refuge, leaving 1.5 million acres of the so-called 1002 area to the determination of Congress as to whether or not we can open it up safely. Industry says, if the oil is there in the abundance it would have to be, the footprint would be about 2,000 acres. So I think we ought to keep this discussion in perspective.

I am pleased to say, one of the Presidential candidates supports opening it, recognizing that we have the technology, we can do it correctly, we can make the footprint small. If the oil is there, we could very well produce another million barrels a day. We have the pipeline capacity. One can certainly imagine what kind of message that would send to OPEC. You would see the price of oil drop dramatically. Also, as we look at the Strategic Petroleum Reserve, it certainly makes sense to know whether we have one sitting up in the arctic area adjacent to Prudhoe Bay.

Today, I am going to talk about the natural gas crisis in America because that crisis is here today. To give you some idea, yesterday we were quoting gas prices for delivery in October at $5.34 per 1,000 cubic feet. How does that compare with 9 months ago? Nine months ago, it was $2.16 per thousand cubic feet. What is it for November of this year? The November figures are out. It is $5.45 for delivery in November.

The significance of that can probably be reflected on who uses gas. The American public out there knows who uses gas. Fifty percent of our homes in this country rely on natural gas for heating. Natural gas provides 15 percent of our Nation's electrical power, and it is growing.

The reality is, we are not going to have any new supply in place before this winter. The reality is, the administration isn't going to be able to go into a strategic natural gas reserve, because there isn't any.

So what are we going to do? The projections are very clear. We are using about 22 trillion cubic feet of gas now. It is estimated we will be somewhere between 32 and 34 trillion cubic feet by the year 2010.

This is going to be primarily the result of the utility industry in this country—an industry we take for granted because the lights usually work. We are an electronic society. We depend on computers, e-mail. This power has to come from somewhere. You have your air-conditioners, your heating. The demand is up.

It is going to cost the industry somewhere in the area of $1.5 billion to put in more infrastructure. We are concerned about pipeline safety. As more gas is utilized, we are putting more pressure on our pipelines. This is a multiplier of demand, of price increases. The reason so much pressure is on natural gas is we do not have a policy on oil. Our policy is to import more oil. Before the 1973 Arab Oil Embargo, after which we created SPR, we were 37-percent dependent on imported oil. To give you some idea of where we are going in that regard, today we are 58-percent dependent on imported oil.

The administration has always favored clean gas as the alternative. But now we are using our gas reserves faster than we are finding new reserves. When you are in business, and you are selling your inventory faster than you are replacing it, you have a problem. This is an alert to the American people and, hopefully, my colleagues because we are facing a train wreck. It is coming. The signs are here. The administration has yet to address what they are going to do about it.

Certainly releasing the crude oil in SPR isn't going to help the gas situation because the demand is there. The reason the demand is there is quite simple. I have indicated oil is not the answer, simply because we become more dependent on imports.

So let's move to hydro. What do they want to do? They want to take down hydroelectric dams. The tradeoff of that, of course, is putting the barge traffic on the highways.

Coal: We have an abundance of coal. We have clean coal technology. But you have not seen a new coal plant built in this country in the last several years. I think the last one was back in the mid-1990s. You can't get permits.

Nuclear: Twenty percent of our power comes from nuclear energy. Have we built a new plant in this last decade or the last two decades? No one in their right mind would build a nuclear plant because the Government will not fulfill its contractual commitments to take the waste that it agreed to do and the ratepayers have been paying for the last two decades.

So everywhere we look—everywhere we look—we are check-mated. We can't find an alternative source other than gas. That is why American consumers should care.

According to the Energy Information Administration, Midwestern families will spend as much as 40 percent more on heating this winter because of higher natural gas prices; that is, expecting a typical winter. A real cold spike could cause some real problems. I am not suggesting you go out and sharpen your saw or put gasoline in your chain saw, but it isn't a bad idea. I know that is being done in the Northeast Corridor.

So we have an increased demand, no new supply, and this adds up to higher gas prices for the American people this winter, make no mistake about it.

What has the administration done about it? As I have said, it used to be that natural gas was kind of a seasonal fuel, stored underground in the summer, drawn down for winter use. But we now have a large summer demand for natural gas because more and more electric powerplants rely on natural gas. Here is the figure: Over 96 percent of all the new plants will be gas fired. If they all come on line, we simply do not have the gas supply.

Again, permits are obtainable for gas, unlike coal and fossil fuel. We can't get enough natural gas from existing wells to fuel these new powerplants if they all go on line. I had one CEO of a major oil and gas company tell me: We are virtually out of natural gas. We can no longer store gas in the summer. Our winter stocks are low. With a cold winter, prices are going to go up. Reserves are not adequate to buffer surges in consumer demand.

As I have stated, even if this winter is normal, we will still face natural gas prices—we know it already—they are going to be over 50 percent higher than last year—$2.16—and I indicated earlier they are currently $5.45 for November delivery. The simple reason is, the demand is strong and supply is not keeping pace. The market responds with what? Higher prices. It is supply and demand.

The administration touts natural gas as its "bridge to the energy future": Our cleanest fossil fuel, fewer emissions; efficient end use; no need to depend on imports. Yet as they express this and encourage you to use gas, their actions simply do not match the rhetoric. Rather than encourage new supplies, they stifle supplies.

Proof: This administration has placed Federal lands off limits to new natural gas exploration and production. They have taken the Rocky Mountain overthrust belt—that is Wyoming, Colorado, Montana—these States have a tremendous capability for producing oil and gas. Well more than 50 percent—about 56 percent—of the public land in those areas, the overthrust belt, have been taken off from any exploration or development for oil and gas.

Now the Forest Service comes along with a roadless policy to lock up 40 million acres of national forest, eliminating any exploration for oil and gas. We have a moratorium on OCS leasing and drilling until 2012.

The Vice President would even cancel existing leases. He made a statement in Rye, NH, on October 21, 1999:

> I will make sure that there is no new oil leasing off the coasts of California and Florida. And then I will go much further: I will do everything in my power to make sure that there is no new drilling off these sensitive areas—even in areas already leased by previous administrations.

I do not know what that means to you, Mr. President, but it means to me that he is not going to support OCS activities of any consequence, and he is even going to attempt to cancel and negate some of the existing leases.

Where is it going to come from? He conveniently ducks that issue. AL GORE claims to have invented the Internet, but he refuses to provide natural gas that is needed to provide electricity to power it.

We use more electricity today. We are an energy consuming country—emails, electronics, computers. Even if we had access to more natural gas, regulation after regulation inhibits construction of new pipelines to get gas to the consumer.

The Northeast Corridor: There have been nothing but delays—3 years of delay. The Federal Energy Regulatory Commission, FERC, that regulates and has to approve it, has been sitting on it. This would have given the Northeast Corridor a clean source of fuel. Most of this is Canadian gas. It has taken forever.

This administration wants you to use more natural gas, but at the same time they make sure you can't get it. That sounds like a recipe for higher prices, if you ask me, higher home electric costs, heating costs. Then what happens to the problem? It is going to get worse. The demand is expected to grow from 22 trillion cubic feet to over 35 trillion cubic feet by the year 2010. Without new exploration and new production, natural gas prices are going to go even higher. We are going to pay more to heat our homes, run our businesses.

When higher heating bills arrive this winter, we will want to thank the President and Vice President GORE for causing a natural gas crisis in America, one that was predictable, one that we knew was coming.

We have been asleep. The train wreck is coming. The solution is obvious: increase domestic supply of gas. Increased domestic supply will obviously lower prices, reduce volatility, and ensure a safe and secure energy supply.

I am all for alternative energy. I am all for conservation. But the reality is, transportation does not move on hot air. Members of this body don't go home on an airplane that flies on hot air. It flies on fuel. Our homes are not heated by hot air from Washington. They are heated by natural gas, 50 percent of all homes. That is 56 million homes in this country.

We found 36 trillion cubic feet of natural gas in the Prudhoe Bay oil field while searching for oil. We never looked for gas. Now there is a possibility the economics will favor bringing that gas down from Alaska for distribution in the lower 48 States, but don't think it is going to be cheap gas. You have to amortize the cost of a pipeline that is going to run some 1,600 miles down through Alaska, follow the Alcan Highway, going through Canada and into the Canadian prebuilt system for distribution into the U.S.

The fact is, we have proven gas, but the market has never been able to sustain the cost. At this range, the feasibility of that project is very costly. The most important thing we can do, however, is to increase access to proven natural gas that is likely to be found on Federal lands. We need to depend on all sources of energy—oil, gas, clean coal, hydro, and nuclear—and we need to conserve.

That is why Senator LOTT and others have introduced the National Energy Security Act of 2000, S. 2557. Briefly, it would increase the domestic gas supply by allowing frontier royalty relief; improving Federal gas lease management; providing tax incentives for production; and assuring price certainty for small producers. It would require the administration to develop a comprehensive strategy to ensure that natural gas remains affordable and available to American consumers. It would allow new exploration for natural gas in America's Arctic as well as the Rocky Mountain States and along the OCS areas.

As I have indicated, we have substantial potential for new reserves, but if you don't have access to the areas, you might as well leave it in the ground because it will never be developed. We want to remove the disincentives for utilities to use natural gas, protect consumers against seasonal price spikes, especially with regard to Northeast heating oil use, and increase funding for energy efficiency and weatherization assistance to reduce winter heating bills.

A noted economist, Daniel Yergin, stated that this current energy "shock" could turn into a world crisis—that is paraphrasing the exposure that we have today. You can ask Tony Blair from Great Britain about the price of energy that is threatening his Government. Unless we take the kinds of actions outlined in this policy plan of the Republicans that we have submitted before this body, as represented in the legislation, S. 2557, the National Energy Security Act, we very well will face a current energy shock that could turn into a world crisis. Just look at the stock market this morning; it is pretty shaky.

There is probably more to come because of the uncertainty over where we are with regard to energy and the spiraling costs. It is referenced in a taxi ride to Capitol Hill; there is a surcharge. It is referenced in your airplane ticket now. You can't figure out the airplane tickets anyway; they are so confusing whether you fly on Thursday, Friday, or Sunday, or before a.m. or p.m. It is in there, all your truckers, all your delivery systems. Everybody is now facing the reality that energy costs are higher. It is going to have an effect.

Finally, thanks to the failed energy policies of Clinton-Gore, we are going to pay more for gas this winter. We must increase domestic supply of natural gas to meet demand. This administration continues to make new exploration and production not just difficult but almost impossible. We pay the price.

This GOP energy plan encourages short-term efforts to minimize spike hikes this winter and increase supply in the long term.

Tomorrow, I hope to talk a little bit about where the oil and gas is likely to be found.

The PRESIDING OFFICER. The Senator from Iowa.

THE VIOLENCE AGAINST WOMEN ACT AND NOMINATION OF BONNIE CAMPBELL

Mr. HARKIN. Mr. President, I rise to discuss my disappointment that the Republican leadership in the Senate seems to have better things to do than to pass a bill reauthorizing one of our most effective laws to combat domestic violence. I am talking about the Violence Against Women Act.

Since it became law in 1994, it has provided money to State and local programs to help women obtain restraining orders and to arrest those who are abusing women. The numbers show that the Violence Against Women Act is working.

A recent Justice Department report found that domestic violence against women decreased by 21 percent between 1993 and 1998. That is good news, but we still have a long way to go.

In 1998, American women were the victims of 876,340 acts of domestic violence. Between 1993 and 1998, domestic violence accounted for 22 percent of the violent crimes against women. And during those same years, children under the age of 12 lived in 43 percent of the households where domestic violence occurred. This is generational. The kids see it, they grow up, they become abusive parents themselves.

In Iowa and all across America, law enforcement officers and prosecutors and victims service organizations are fighting back, but they need help. The help they need is to make sure we reauthorize the Violence Against Women Act, to make sure it is funded, to keep the great job going that it has been doing over the last 5 years.

There is other help that we need to cut down on domestic violence and violence against women; that is, to make sure that we have judges on our courts who understand this law, who know what is happening out there and can make sure the law is applied fairly and is upheld in the courts around the country.

To that end, it is again disappointing that the Republican Senate is holding up the nomination of one person uniquely qualified to ensure that the Violence Against Women Act is enforced in our courts around the country.

Since the beginning of the Violence Against Women Office that was created under the Justice Department in 1995, the person who has been at the head of that office is the former attorney general of the State of Iowa, Bonnie Campbell. Earlier this year, the President nominated her for a vacancy on the Eighth Circuit Court of Appeals. She has had her hearing on the Judiciary Committee. She is broadly supported on both sides of the aisle, strongly supported in her home State of Iowa where, as I said, she served with distinction as attorney general. Yet for some reason, the Judiciary Committee is holding up her nomination.

I have heard a couple of reasons: It is too late in the year; this is an election year; they want to hold on, maybe Bush will be elected and they can get their people in.

So, that makes me feel the need to take a look at the history of our judicial nominations. In 1992, when there was a Republican in the White House and the Democrats controlled the Senate. But in 1992, from July through October, the Democratically controlled Senate confirmed nine circuit court judges. This year, with a Democratic President but a Republican-controlled Senate, we have only gotten one confirmed since July. We have some pending who could be reported out, one of whom is Bonnie Campbell. But we see no action and time is running out.

And everything I have heard from the Judiciary Committee is that they will not report her name out. The other thing I heard was, she was nominated too late. I also heard from some people on the committee—that she was only nominated earlier this year. I shouldn't expect her to be reported out.

Well, again, let's take a look at the record books. In 1992, when there was a Republican President and a Democratic Senate, nine circuit nominees were nominated and confirmed that same year. Let me say that again. They were nominated in 1992 and acted on in 1992. Yet this year, we are told that the Republican-controlled Senate cannot move circuit court judges out because it is an election year. Yet when the Democrats were in charge in 1992, as I said, nine were nominated and nine were acted upon by the Democratic Senate.

Let's jump back to this year. Seven people this year were nominated to sit on the judicial circuit. Only 1 of those seven has been confirmed and that was in July.

I want to focus on Bonnie Campbell. A hearing was held in May. All the paperwork is done. She is widely supported. If there are people here who would like to vote against her, at least bring her nomination to the floor; and if they want to vote against her, for whatever reason, let them do so. But I have not had one person on the Republican side or the Democratic side come to this Senator and say that Bonnie Campbell is not qualified to be a circuit court judge—not one. She is eminently well qualified and everyone knows it.

Here is this person who has headed the Office of Violence Against Women in the Department of Justice since it started. She has run it for 5 years. The House of Representatives, yesterday, reauthorized the Violence Against Women Act, with 415 votes for it. I ask, do you think 415 Members of the House, Republicans and Democrats, would have voted that overwhelmingly to reauthorize the bill if the person who had been running that office had not done an exemplary job? I think by the very fact that 415 Members of the House, from every end of the ideological spectrum, voted to reauthorize that bill, what they are saying is that Bonnie Campbell gets an A-plus on running that office, implementing the VAWA provisions and enforcing the law. Yet this Republican Senate will not report her name out on the floor to be confirmed, or at least to vote on her to be a circuit court judge.

Well, I tell you, talk about a split personality. The Republicans in this Senate can talk all they want to about violence against women and that they are going to bring the bill up and we are going to pass it before the end of the year; but if this Republican-controlled Senate holds Bonnie Campbell's name and won't let her come out for a vote, they are saying: We will pass the Violence Against Women Act, but we don't want judges on our courts who are going to enforce it. I say that because nobody is more qualified to enforce it than Bonnie Campbell.

The Judiciary Committee, I am told, is going to meet tomorrow. I am hopeful that tomorrow they will report Bonnie Campbell's name out for action by the full Senate.

(Mr. L. CHAFEE assumed the chair.)

THE MEDICARE PRESCRIPTION DRUG PROPOSAL

Mr. HARKIN. Mr. President, it is time to shed some light on the Medicare prescription drug proposal advanced by some of my colleagues on the other side of the aisle and by their nominee for President, Gov. George Bush.

Unfortunately, there is a big TV ad campaign being waged across the country to deceive and frighten seniors about the Medicare prescription drug benefit proposed by Vice President AL GORE and the Democrats in the Senate. So I want to set the facts straight.

First, let's examine Bush's "immediate helping hand." That is what Governor Bush calls his Medicare proposal. Quite simply, it is not immediate and it doesn't give much help. Will it be immediate? The answer is no. His plan for Medicare would require all 50 States to pass enabling or modifying legislation. Right now, only 16 States have any kind of drug benefit for seniors. Each State will have a different approach. Many State legislatures only meet once every 2 years. So for Bush's plan to go into effect, the State has to pass some kind of enabling legislation.

Well, our most recent experience with something like this was the CHIP program, the State Children's Health Insurance Program, which Congress passed in 1997. It took Governor Bush's home State of Texas over 2 years to implement the CHIP program.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. I ask unanimous consent to continue for 10 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. I object. We have a time agreement and I think we ought to stick with it.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Parliamentary inquiry. What is the time allotment for the remainder of morning business?

The PRESIDING OFFICER. Senator ROBB is to be recognized for 5 minutes, Senator LEAHY has 15 minutes, and Senator THOMAS has 10 minutes.

Mr. HARKIN. Repeat that, please.

The PRESIDING OFFICER. Senator THOMAS has 10 minutes, Senator ROBB has 5, and Senator LEAHY has 15.

Mr. HARKIN. Mr. President, who is next in order to be recognized?

The PRESIDING OFFICER. There is nobody.

Mr. THOMAS. If the time has been divided on both sides and if the Senator wants to use some of his associate's time, I have no objection.

Mr. HARKIN. I will check on that.

I ask unanimous consent that I may take Senator ROBB's 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, as I said, most State legislatures meet every 2 years. Governor Bush's own State didn't even implement the CHIP program for over 2 years. In addition, the States don't even want this block grant. In February of this year, the Governors rejected Bush's proposal. They said:

> If Congress decides to expand prescription drug coverage for seniors, it should not shift that responsibility or its costs to the States.

That was the National Governors' Association. Republicans and Democrats said Bush's proposal won't work. So that won't be immediate. Bush's proposal takes years to get any effect for people.

Will it give a helping hand? Well, Bush's plan only covers low-income seniors. Middle-class seniors are told they don't need to apply. That is what Bush's plan is. It only helps low-income. For example, if you are a senior and your income is over $14,600 a year, you get zero, zip, no help at all, from Bush's Medicare proposal.

A recent analysis shows that the Bush plan would only cover 625,000 seniors, or less than 5 percent of those who need help. So his plan is not adequate and it is not Medicare. Seniors want Medicare, not welfare.

The other thing is that under the Bush proposal for Federal care, for his prescription drug program, seniors would probably have to go to the State welfare office to apply for it. Why is that? Because there is an income cutoff. The agencies in the States that are set up to determine whether or not you meet income guidelines for programs are welfare agencies. So that means that under the Bush program, every senior, to get prescription drugs, has to go down to the welfare agency and show that they don't make over $14,600 a year. That is the first 4 years. Bush's program is for 4 years. States have not acted. As I pointed out, some State legislatures don't even meet except once every 2 years.

They have to go down to the welfare office. It only helps those below $14,000 a year.

Then what happens after 4 years? After 4 years, Governor Bush's plan becomes even worse because his long-term plan, after 4 years, involves privatizing Medicare. It would raise premiums and force seniors to join HMOs.

The Bush plan is the fulfillment of what Newt Gingrich once said when he wanted Medicare to "wither on the vine." Bush's plan after 4 years will begin withering Medicare on the vine because after 4 years, Governor Bush's program leaves seniors who need drug coverage at the mercy of HMOs.

Under his plan, they don't get a guaranteed benefit package. The premium would be chosen by the HMOs, and the copayment would be chosen by the HMO. The deductible would be chosen by the HMO. The drug you get, again, is chosen by the HMO—not by your doctor, and not by your pharmacist, but by the HMO.

Even worse, the Bush plan would leave rural Americans in the cold. About 30 percent of seniors live in areas with no HMOs. In Iowa, we have no Medicare HMOs. There are only eight seniors in the entire State of Iowa who happen to live near Sioux Falls, SD, who belong to a plan with a prescription drug benefit—eight out of the entire State of Iowa.

HMOs are dropping like flies out of rural areas. Almost 1 million Medicare beneficiaries lost their HMO coverage just this year.

Under the Bush plan, first of all, it is not immediate. States would have to enact these plans. The Governors say they don't even want to do it.

Under the Bush plan, Medicare would "wither on the vine." Premiums for regular Medicare would increase 25 percent to 47 percent in the first year alone, and seniors would be forced to join HMOs to receive affordable benefits.

Mrs. BOXER. Mr. President, will my friend yield for a question?

Mr. HARKIN. Certainly, I will yield for a question.

Mrs. BOXER. It is just a very brief question. I thank my friend. I think that is the clearest explanation I have ever heard of the Bush plan. It is very clear.

Something that I read yesterday reminded me of the days when Newt Gingrich was in control, and as the Senator well remembers, in 1995 it led to a Government shutdown. They wanted to cut $207 billion out of Medicare over 10 years. And we said that is the end of Medicare. It turns out that Governor Bush in those years said that Gingrich and the Republicans were courageous to do this, and he lauded it. I think if you take that statement and mesh it with what the Senator from Iowa just taught us about his plan, it all adds up now. It is the end of Medicare.

Mr. HARKIN. Here is basically the thing.

Mrs. BOXER. Mr. President, I ask that my friend get an additional 2 minutes.

Mr. THOMAS. I object.

The PRESIDING OFFICER. Objection is heard. The Senator's time has expired.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I want to again say that we have divided this time, and I expect to live within the divisions that we have agreed to and, therefore, we will try to do that.

Mr. HARKIN. It works both ways.

Mr. THOMAS. Certainly, it works both ways. We have divided the time, and that is the way it is.

ENERGY POLICY

Mr. THOMAS. Mr. President, I want to go back a little bit to one of the issues that is before us that has to do with energy and energy policy.

Certainly, we are faced at the moment with some real difficulties in terms of winter use of heating oil.

There are differences of view as to what we do with the strategic storage. I understand that.

But aside from that, I think in one way or another we certainly need to help those people who will need help this winter in terms of price and in terms of availability.

We had a hearing yesterday with the Secretary of Energy. Quite frankly, I didn't get any feel for where we are going in the long term. What we have done here, of course, over the last number of years with the fact that this administration has had an energy policy—some have accused them of having no policy; I suggest there has been a policy—is to basically not do anything to encourage, and, in fact, discourage, domestic production. The result of that, of course, has been that since 1992, U.S. oil production is down 17 percent and consumption is up 14 percent. We have had a reduction since 1990 in U.S. jobs producing and exploring for oil. At that point, we had over 400,000 workers. Now to do the same thing, the number is down 27 percent.

We have had a policy that despite the increased use of energy, which is not to be unexpected in this kind of a prosperous time, we have sought to reduce exploration, and we have become more dependent on foreign oil. We are now nearly 57-percent dependent on OPEC for providing our energy sources.

There are a number of things we could be doing that would certainly help alleviate that problem.

One is access to public lands in the West. Of course, in Wyoming 50 percent of the land belongs to the Federal Government. In some States, it is as much as 85 percent.

As we make it more difficult for our oil exploration and production to show up on Federal lands with multiple use, then we see that production go down.

As we put more and more regulations on refiners and have reformulated gasoline, it makes it more difficult. Older refineries have to go out of business. We then find it more difficult to be able to process the oil that we indeed have which is there to be used.

We also, of course, have an opportunity in many ways to produce energy. We could have a very healthy nuclear energy system if we could go ahead and move forward with storage out at Yucca Mountain in Nevada. We have not been able to do that.

We could certainly use more low-sulfur coal.

But we continue to put regulations on the production of those things.

One of the things that seemed fairly clear yesterday was that the Department of Energy has relatively little to do with energy policy, even if they choose to. The policy is being made by the Environmental Policy Council in the White House. It is being made by EPA. It is being made by these other kinds of regulatory agencies. Obviously, all of us want to continue to work to have clean air. Air is much cleaner than it was.

I think what we need to recognize is one of the things that came out again yesterday. Vice President GORE announced some time ago that there would be no more drilling. That is the kind of policy that has been developed.

What we ought to be doing is taking a longer look at where we are going with energy and have some idea of what we will do over the years. It is one thing to be able to work in the next 2 or 3 months and argue about how you do that. But the real issue is where we are in the next year and the year after in those areas where energy is such an important part of our economy.

I am hopeful that the outcome of what we have here with this current dilemma with respect to energy will result in a real, honest-to-goodness debate, discussion, and decision with respect to long-term energy policy and increased access to public lands for potential oil and gas in the Rocky Mountains, offshore, and in Alaska, and at the same time develop techniques where we can do it and also take care of the environment. It is not a choice between the two things.

We should develop tax incentives to try to encourage increases in oil and gas production, particularly in stripper wells. In old production wells, it really hasn't been economic to do that.

We can do some things with respect, of course, to research. We have been working now for a couple of years on a mineral management group to be able to clarify how those charges are made, and we have been unable to do that over a period of time.

There are a number of things: The Clean Air Act, the Clean Water Act, we now have in my State a real activity going on with methane gas production—gas production that we need now under the Clean Water Act. Some Senators are pushing against insertions of fracture used to help with that production. These things are all, of course, inconsistent with some kind of policy which will, indeed, move us forward in terms of energy development.

Refineries are already up to 95 percent of capacity or more. So to actually take oil out of the reserve, if there isn't a refinery capacity, makes it very difficult. Everyone recognizes the difficulty in the Northeast, the major user of oil for heating in the wintertime. That has traditionally been important. We do need to do some things there. We need to provide more fuel. We need also, I am sure, to do something about low-income users.

There are a number of things we need to do. I hope we don't totally get involved in making this a political issue. Rather than trying now to point out what everyone has done or hasn't done, we ought to say, all right, here is where we are; now what do we do? How much can we do to develop domestic production? What are the best ways to do that? How can we move in that direction? How soon can we move forward with that?

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in morning business and the Senator from Vermont has up to 15 minutes.

Mr. LEAHY. Mr. President, is the Senator from Vermont correct in understanding that morning business will not start until he has completed his 15 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I thank the Chair and my fellow New Englander.

LACK OF JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, yesterday I was amazed when I checked my computer, as I do during the day, to see what the latest news items were in our country and around the world. I learned of another tragic incident of school violence in a middle school in New Orleans. Just before noon yesterday, two teenaged boys, age 13 and 15, shot each other with the same gun during a fight just outside the cafeteria at the Carter G. Woodson Middle School. Hundreds of students were inside eating lunch. Both boys are in critical condition.

The growing list of schoolyard violence by children in Arkansas, Washington, Oregon, Tennessee, California, Pennsylvania, Kentucky, Mississippi, Colorado, Georgia, Michigan, Florida, and now Louisiana is simply unacceptable and intolerable.

Over a year ago, May 20, 1999, this Senate passed the Hatch-Leahy juvenile crime bill by a vote of 73–25. It had a number of things that would address school violence, a number of things that would help with the problems of teenage violence, that would create everything from mentoring programs to the prosecution of juvenile delinquents, and it passed overwhelmingly, with Republicans and Democrats alike voting for it.

But we never had a real conference on it. It was stalled. Why? Because the gun lobbies told the Republican leadership that there was one minor problem, one minor bit of gun control—closing the gun show loophole, something that allows people to sell firearms to felons out of the back of a pickup truck at a flea market. One would think everyone would want to close that gun loophole and say everyone will abide by the same rules that the regular gun shops in Vermont or anywhere else have to follow; but, instead, because the gun lobby doesn't want that simple loophole closed, we haven't gone forward with a vote on this juvenile justice bill that goes into so many other areas—helping troubled teens, helping prosecutors, courts, and others with teenage violence.

How many shootings do we have to have before the leadership, the Republican leadership, says we will stand up to the gun lobby and actually have a vote? If this Senate wants to vote against it, let it vote against it. I don't know why the Republicans are so concerned. They have a majority. They can vote against this bill if they want. But vote. Vote "aye" or vote "nay." We are not paid to vote "maybe." We are paid to vote up or down. We should do it. It has been more than 15 months since the Senate acted. It has been more than a year since the only meeting of the House-Senate conference committee on the Hatch-Leahy juvenile crime bill. It was on August 5, 1999 that Chairman HATCH convened the conference for the limited purpose of opening statements. I am disappointed that the Republican majority continues to refuse to reconvene the conference and that for a over a year this Congress has failed to respond to issues of youth violence, school violence and crime prevention.

It has been 17 months since the tragedy at Columbine High School in Littleton, Colorado, where 14 students and a teacher lost their lives. Senate and House Democrats have been ready for more than a year to reconvene the juvenile justice conference and work with Republicans to craft an effective juvenile justice conference report, but the Republican majority has adamantly refused to act.

On October 20, 1999, all the House and Senate Democratic conferees wrote to Senator HATCH who serves as the Chairman of the juvenile justice conference, and Congressman HYDE, the Chairman of the House Judiciary Committee, to reconvene the conference immediately.

In April of this year, Congressman HYDE joined our call for the juvenile justice conference to meet as soon as possible in a letter to Senator HATCH, which was also signed by Congressman CONYERS.

Last March, the President invited House and Senate leaders of the conference to the White House to implore us to proceed to the conference and to final enactment of legislation before the anniversary of the Columbine tragedy.

This effort to jump-start the stalled conference could not break through the majority's intransigent inaction. That anniversary, like so many others tragic anniversaries has come and gone. We have seen more incidents but no action by the Republican Congress.

The Republican majority has rejected the President's pleas for action as they have those of the American people. Every parent, teacher and student in this country is concerned about school violence over the last few years and worried about when the next shooting may occur. They only hope it does not happen at their school or involve their children.

We all recognize that there is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have had an opportunity before us to do our part and the Republican majority has chosen to squander it. We should have seized this opportunity to act on balanced, effective juvenile justice legislation.

I regret that this Republican Congress has failed to do its work and provide the additional resources and reforms that would have been helpful and reassuring to our children, parents, grandparents, teachers and schools.

Mr. LEAHY. Mr. President, my main reason for coming to the floor today is to introduce the Windfall Oil Profits for Heating Assistance Act of 2000.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 3118 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent to speak as in morning business for about 12 minutes.

Mr. REID. Mr. President, has the morning business hour closed?

The PRESIDING OFFICER. It has not been announced by the Chair. It is closed.

Mr. REID. It is closed.

The PRESIDING OFFICER. Time has expired.

Mr. REID. I am sorry?

The PRESIDING OFFICER. The Chair has not yet announced that morning business is closed, but the designated time has expired.

Mrs. BOXER. Mr. President, I withdraw my unanimous consent request. Let us move on. Then I will take time under the cloture motion.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000—RESUMED

The PRESIDING OFFICER. The clerk will report the pending business.

The senior assistant bill clerk read as follows:

A bill (S. 2045) to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

Pending:

Lott (for Abraham) amendment No. 4177 (to the committee substitute), in the nature of a substitute.

Lott amendment No. 4178 (to amendment No. 4177), of a perfecting nature.

Lott (for Conrad) amendment No. 4183 (to the text of the bill proposed to be stricken), to exclude certain "J" non-immigrants from numerical limitations applicable to "H-1B" non-immigrants.

Lott amendment No. 4201 (to amendment No. 4183), in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Parliamentary inquiry. I understand we are now under cloture and each Senator is recognized for up to 1 hour to speak.

The PRESIDING OFFICER. Each Senator has a maximum of 1 hour.

Mr. HARKIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I appreciate very much the willingness on the part of the Senator from Iowa to give me an opportunity to make some remarks with regard to where we are on the legislation.

Yesterday's vote demonstrates clearly that there is strong bipartisan support in the Senate for increasing the number of visas for high-skilled workers. On that point, Democrats and Republicans agree, but there is a stark disagreement between our parties on the issue of fairness to immigrants.

Republicans do not want to acknowledge this; they do not want to admit that they oppose the Latino and Immigrant Fairness Act. That is why they have gone to such extraordinary lengths to try to avoid having to take a public position on it. There is an election coming up, and they do not want to have to explain to Latino and immigrant groups why they told thousands of hard-working immigrants who are in this country doing essential jobs: Go home. Republicans would rather risk not delaying the passage of the H-1B visa bill than vote for the Latino and Immigrant Fairness Act or risk the political consequences of voting against it.

There is really no reason we cannot pass both a strong H-1B bill and the Latino and Immigrant Fairness Act.

We are in the longest period of economic expansion in our Nation's history. We all know that now. The census numbers which were released yesterday confirm once again the remarkable progress we have made in recent years.

In the last 7 years, we have seen 20 million new jobs. Unemployment is lower now than it has been in 30 years. In my State of South Dakota, the jobless rate is between 2 and 3 percent.

Ten years ago, many companies could not expand because they could not get the capital. Today they can get the capital, but they cannot get the workers.

Clearly, one of the industries hardest hit by today's skilled-worker shortage is the information technology industry. According to a recent survey of almost 900 IT executives, nearly 10 percent of IT service and support positions in this country—268,740 jobs—are unfilled today because there are not enough skilled workers in this country to fill them.

The H-1B visa program was supposed to prevent such shortages, but it cannot because it has not kept pace with the growth in our economy. This year, in fact, the H-1B program reached its ceiling of 115,000 visas in less than 6 months. That is why my colleagues and I support substantially increasing the number of visas available under the H-1B program.

The high-tech industry, however, is not the only industry struggling with worker shortages. The Federal Reserve Board has said repeatedly that there are widespread shortages of essential workers all through the United States. All across America, restaurants, hotels, and nursing homes are in desperate need of help. Widespread labor shortages in these industries also pose a very significant threat to our economy. That is one reason my colleagues and I introduced the Latino and Immigrant Fairness Act earlier this year and why we wanted to offer that legislation as an amendment to this measure.

The changes in our proposal are probusiness and certainly pro-family. They are modest, and they are long overdue. We have talked about them before, but let me just, again for the RECORD, make sure people are clear as to what it is we want to do.

First, we want to establish legal parity for all Central American and Caribbean refugees. That is not too much to ask. Why is it we treat refugees from some countries differently from refugees from other countries? All we are asking for is parity.

Second, we want to update the registry so that immigrants who have been in this country since before 1986, who have worked hard and played by the rules, will remain here permanently and will have the ability to remain here legally.

We want to restore section 245(i) of the Immigration Act so that a person who is in this country and on the verge of becoming a legal resident can remain here while he or she completes the process. Why would we want to send somebody back to the country they fled—someone who is eligible to be a legal resident—just so they can come back here again? If we do not change the law, that is exactly what will happen, forcing these immigrants to pay thousands of dollars, disrupt their lives, and maybe imperil their opportunity to come back at all.

Finally, we want to adjust the status of the Liberians who fled to America when Liberia was plunged into a horrific civil war. Thousands of them live in the State of the current Presiding Officer. Our Nation gave these families protected immigrant status which allowed them to stay in the United States but preempted their asylum claims. Instead of forcing them to return to Liberia, a nation our Government warns Americans to avoid because it is so dangerous even today, our bill will give them the opportunity to become legal residents. That is all it would do.

Earlier this month, a coalition of 31 associations—the U.S. Chamber of Commerce, the American Health Care Association, the National Restaurant Association, the National Retail Federation, and about 28 more—all came together and said: If there is something you do before the end of this year, now that we have PNTR finished, we hope you can pass the restoration of Section 245(i) and these other reasonable immigration provisions.

It is the only fair thing to do, and it is good business. We need this done. That is the message from the Chamber of Commerce and the American Retail Federation sent. The American economy is growing not in spite of immigrant workers, but with their help. That is one reason we should pass the Latino and Immigrant Fairness Act now.

There is another reason. President Roosevelt once said: "We are a nation of immigrants." We are also a nation that values families. This principle is not relegated to one ethnic group. Whether you are African American, European American, Latino American, or Asian American, we value family. That is important to us. If we do not pass the provisions in our proposal, thousands of immigrant parents of American-born children will face an excruciating choice. If they are told to leave this country, should they defy the law so that they can remain with their American-citizen children or should they leave their children here in the hope that others will care for them? Forcing choices like this is simply antithetical to our commitment to family values.

I have heard all the speeches in the Senate Chamber about protecting family, doing what is best for family, trying to ensure that families stay together. We are concerned about what children watch on television. But for Heaven's sake, if we care what they watch on television, we ought to decide right now where we want them to watch television. Children ought to be watching television here with their families.

That is the choice: Should they leave their children here and hope that others care for them, or should they take their children back to nations that are mired in poverty and torn by violence or both?

Surely, those are not the kinds of choices we should force on people who have lived in this country and played by the rules for years. That is not the way we should treat people who have done the essential jobs that others did not want, particularly today when we need their labor so desperately.

My colleagues and I strongly support the H-1B visa bill. On that there can be no doubt, especially after yesterday's vote. But we are deeply disturbed and disappointed that the majority has refused to allow us to offer the Latino and Immigrant Fairness Act or any other amendment on this bill. Once again we have been refused the right to offer even one amendment to the bill.

I have offered the majority leader many opportunities. I suggested five and five. I suggested that they have five amendments, that we have five amendments, that we limit them in terms of time and second degree amendments because we wanted to get this bill done. I heard the allegation that: No, Democrats just want to slow down the process, the deliberation, the consideration of the H-1B bill; they don't want it to pass.

Our answer to that, you saw yesterday. We want it to pass. That is why I offered a limit on amendments, why I offered a limit on time, why I offered almost any formula you could come up with so that we could accommodate both.

Let's pass H-1B, but for Heaven's sake, with 2 weeks left, let's pass the Latino and Immigrant Fairness Act as well. Once again we have been refused the right to offer even one amendment to the bill. Once again we are told: Do it our way, or we are not going to do it at all. This is not how this body should operate. Offering amendments and voting on them does not kill bills, it strengthens them, and it strengthens this Senate.

Why are our Republican colleagues so determined not even to let us discuss our amendment? They are the majority. If they believe our proposal is misguided, they can vote it down, they can table it. They can do anything they want to. They have the votes. Why won't they allow that vote? What are they so afraid of?

We are pleased we are finally on the verge of passing this legislation and increasing the number of H-1B visas. But we are disappointed by the disdain the majority has shown for this Senate and its tradition of fair and open debate. We are even more disturbed by the indifference they are showing to thousands—tens of thousands—of decent, hard-working families who are looking forward to the time when they can live here in freedom and peace, and with confidence that their families can stay together.

I am disappointed. I am frustrated, once again, that we have not had an opportunity to have the voice, to have the input, to have the opportunity that any Senator should count as his right or her right to participate fully in debate. But we have been precluded by the rules of the Senate imposed upon us in this case by the majority.

The rules in the Senate, of course, allow for free and open debate, allow for amendment, allow for unlimited debate and discussion. The majority continues to insist on bending the rules so that they can constrain the way we pass legislation and which issues will be heard, without regard to the rights of all Senators to have their voices heard.

MOTION TO SUSPEND RULE XXII

So, Mr. President, as my statement in yesterday's RECORD indicated, I now move to suspend rule XXII to permit the consideration of amendment No. 4184.

The PRESIDING OFFICER. The motion is debatable.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the Democratic leader's comments and the sincerity of those comments. But I think a few points should be made in response to them. Then I will make a unanimous consent request relative to the motion which has been put forward by the Democratic leader.

The first point is that the rules of the Senate are being followed. The Democratic leader knows the rules a great deal better than I do. But the vote on cloture yesterday, to which the Democratic leader on a number of occasions has alluded to represent the Democratic leader's commitment to the H-1B proposal, is the vote which puts the Democratic leader in the position that he is in now, which is that the amendment he is offering is not relevant and not germane to the underlying bill. So, as a practical matter, for him to first claim that, with great enthusiasm, they voted for cloture but now they are being foreclosed under the rules of the Senate from doing what they want to do is, I think, crocodile tears.

Secondly, it appears at about this time every election cycle we see a movement that occurs from this administration which involves bypassing the usual and legal procedures for obtaining citizenship.

Citizenship is the most sacred item of trust that we can impart as a nation to someone who wishes to come to our shores and live. The granting of citizenship is an extraordinary action because it gives a person the right to live in our Nation—the greatest nation on Earth—and the capacity to vote and participate as a full citizen and to raise a family here as a citizen. So it is something where we have set up a fairly significant and intricate set of laws in order to develop a process so there is fairness in how we apply citizenship.

Yet every election year, during this administration, or at least for the last two major election years—especially Presidential election years—we have seen an attempt, basically, to set aside the law as it is structured for purposes of obtaining citizenship, and to create a new class of citizens independent of what is present law.

To say that people shall be given the imprimatur of citizenship just before the election, ironically—and the last time this occurred under Citizenship USA, which was the title given to it, a title which was truly inappropriate because it ended up being "Felony USA," thousands of people were given citizenship outside of the usual course. They did not have to go through the usual process, in a rush to complete citizenship prior to the election, which led to literally thousands of people who ended up being felons and criminals receiving citizenship. We are still trying to track down many of the felons who received citizenship under Citizenship USA, which was the last aggressive attempt to bypass the citizenship laws of this country during an election year.

I think we should have learned our lesson from that little exercise, that attempt at political initiative for the purposes of political gain, which ended up costing us literally millions of dollars to try to correct and leave us with, fortunately, a number of good citizens but, unfortunately, a number of people who should never have gotten citizenship who are literally felons and who have committed serious crimes.

So this attempt to bypass the citizenship process must be looked at with a certain jaundiced eye in light of the fact it is an election year because there is a history which asserts that it should be viewed with a jaundiced eye, because the Citizen USA was such a debacle and so grossly political and ended up costing our Nation so dearly, by giving the sacred right of citizenship to people who are criminals and who committed lawless acts against other citizens.

So that is why we are in this position today.

The Democratic leadership claims that they strongly support H–1B and so they voted for cloture. Then they come forward and claim: But the rules are limiting us.

They were the ones who voted for the rule that happens to be limiting them. They can't have it both ways, but they appear to want to. It is, as I said, crocodile tears on their part, in my opinion. However, the Democratic leader has the right to make this request. He has positioned himself procedurally in that order.

Therefore, I ask unanimous consent that a vote occur on the pending motion to suspend the rules, that the vote occur today at 4 o'clock, and that the time between the two sides until 4 o'clock be equally divided in the usual form.

Mr. REID. Reserving the right to object, Mr. President, I was diverted by talking to someone else. Will the Senator restate the unanimous consent request?

Mr. GREGG. I ask unanimous consent that a vote occur today on the pending motion to suspend the rule at 4 o'clock and that the time between now and 4 o'clock be equally divided in the usual form.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I yield whatever time I have remaining under cloture on the bill to the minority leader, Senator DASCHLE.

The PRESIDING OFFICER. The Senator has that right.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I regret how little progress we were able to make yesterday on legislation to increase the number of H–1B visas. This legislation was reported from the Judiciary Committee more than a half a year ago. I have advocated that it receive a fair hearing and that the Senate vote to increase the number of H–1B visas.

I have also said we should take up other important immigration matters that have been neglected for too long in this body. But those requests have fallen on deaf ears, as yesterday once again demonstrated. Senators DASCHLE and REID have offered to spend only 10 minutes debating immigration amendments. Under those terms, we could complete action on this bill in well under a day. But the majority apparently would rather see this process continue to drag on than take a simple up-or-down vote on matters of critical importance to the Latino community and other immigrant groups. Indeed, this bill has been more strictly controlled than any bill during this Congress. At a certain point one cannot help but ask: What is the majority afraid of?

We ought to vote up or down on the Latino and Immigrant Fairness Act. I don't say this from any parochial interest. We do not have any significant minority ethnic group in Vermont. We are sort of unique in that regard. But all Vermonters, Republican and Democrat alike, believe in fairness. It is a matter of fairness to have the Latino and Immigrant Fairness Act voted on. Let us vote it up or vote it down. I will vote for it. I am a cosponsor of it. I strongly support it.

The chairman of the Judiciary Committee complained yesterday that the Latino and Immigrant Fairness Act was not introduced until July, and that the Democrats were pressing for action on the bill even though it had no hearings. As the chairman must know, the Latino and Immigrant Fairness Act brings together a number of proposals that have been talked about since the very beginning of this Congress, and in some cases for years before that. Indeed, the current proposal is drawn from S. 1552, S. 1592, and S. 2668. And as the chairman also must recognize, these proposals have been denied hearings in the Judiciary Committee he chairs and the Immigration subcommittee that Senator ABRAHAM chairs. For the chairman to point to the lack of hearings on these proposals as an excuse to derail them reminds me of the person on trial for killing his parents who throws himself on the mercy of the court as an orphan.

Meanwhile, I am encouraged by the majority leader's conciliatory words on the substance of the LIFA proposals. According to today's Congress Daily, the majority leader has said that he thought the proposals "could be wrapped in such a way that I could be for it." I hope this signals that he will work with us to find a way to have a vote on these issues.

Let me be clear: I support increasing the number of H–1B visas and voted for S. 2045 in the Judiciary Committee. I have hoped that our consideration of this bill would allow us to achieve other crucially important immigration goals that have been neglected by the majority throughout this Congress. I have hoped that the majority could agree to at least vote on—if not vote for—limited proposals designed to protect Latino families and other immigrant families. I have hoped that the majority would consider proposals to restore the due process that was taken away from immigrants by the immigration legislation Congress passed in 1996. In short, I thought we could work together to restore some of America's lost luster on immigration issues. Since the majority has thus far been unwilling to do that, pro-immigration Senators have been faced with a choice between achieving one of our many goals or achieving nothing at all.

Like most of my Democratic colleagues, I agree that we need to increase the number of H–1B visas. The stunning economic growth we have experienced in the past eight years has led to worker shortages in certain key areas of our economy. Allowing workers with specialized skills to come to the United States and work for a 6-year period—as an H–1B visa does—helps to alleviate those shortages. In the current fiscal year, 115,000 H–1B visas were available. These visas ran out well before the fiscal year ended. If we do not change the law, there will actually be fewer visas available next year, as the cap drops to 107,500. This will simply be insufficient to allow America's employers—particularly in the information technology industry—to maintain their current rates of growth. As such, I think that we need to increase the number of available visas dramatically. I think that S. 2045 is a valuable starting point, although it can and should be improved through the amendment process.

I have been involved in helping to ease America's labor shortage for some time. Last year, I cosponsored the HITEC Act, S. 1645, legislation that Senator ROBB has introduced that would create a new visa that would be available to companies looking to hire recent foreign graduates of U.S. master's and doctoral programs in math, science, engineering, or computer science. I believe that keeping such bright, young graduates in the United States should be the primary purpose of any H–1B legislation we pass. By concentrating on such workers, we can address employers' needs for highly-skilled workers, while also limiting the number of visas that go to foreign workers with less specialized skills.

Of course, H–1B visas are not a long-term answer to the current mismatch between the demands of the high-tech industry and the supply of workers with technical skills. Although I believe that there is a labor shortage in certain areas of our economy, I do not believe that we should accept that circumstance as an unchangeable fact of life. We need to make a greater effort to give our children the education they need to compete in an increasingly technology-oriented economy, and offer our adults the training they need to refashion their careers to suit the changes in our economy. This bill goes part of the way toward improving our education and training programs, but could do better.

Although I have said that this is not a perfect bill, there are a few provisions within it that should be retained in any final version. I strongly support the increased portability this legislation offers for visa holders, making it easier for them to change jobs within the United States. And the legislation extends the labor attestation requirements in the bill—which force employers to certify that they were unable to find qualified Americans to do a job that they have hired a visa recipient to fill—as well as the Labor Department's authority to investigate possible H–1B violations.

It is regrettable that it has taken so long for us to turn our attention to the H–1B issue. The Judiciary Committee reported S. 2045 more than six months ago. It has taken us a very long time to get from point A to point B, and it has often appeared that the majority has been more interested in gaining partisan advantage from a delay than in actually making this bill law.

The Democratic leader has said month after month that we would be willing to accept very strict time limits on debating amendments, and would be willing to conduct the entire debate on S. 2045 in less than a day. Our leader has also consistently said that it is critical that the Senate should take up proposals to provide parity for refugees from right-wing regimes in Central America and to address an issue that has been ignored for far too long—how we should treat undocumented aliens who have lived here for decades, paying taxes and contributing to our economy. These provisions are both contained in the Latino and Immigrant Fairness Act. I joined in the call for action on H–1B and other critical immigration issues, but our efforts were rebuffed by the majority.

Indeed, months went by in which the majority made no attempt to negotiate these differences, time which many members of the majority instead spent trying to blame Democrats for the delay in their bringing this legislation to the floor. At many times, it seemed that the majority was more interested in casting blame upon Democrats than in actually passing legislation. Instead of working in good faith with the minority to bring this bill to the floor, the majority spent its time trying to convince leaders in the information technology industry that the Democratic Party is hostile to this bill and that only Republicans are interested in solving the legitimate employment shortages faced by many sectors of American industry. Considering that three-quarters of the Democrats on the Judiciary Committee voted for this bill, and that the bill has numerous Democratic cosponsors, including Senator LIEBERMAN, this partisan appeal was not only inappropriate but absurd on its face.

Finally, a few weeks ago, the majority made a counteroffer that did not provide as many amendments as we would like, but which did allow amendments related to immigration generally. We responded enthusiastically to this proposal, but individual members of the majority objected, and there is still no agreement to allow general immigration amendments. At least some members of the majority are apparently unwilling even to vote on issues that are critical to members of the Latino community. This is deeply unfortunate, and leaves those of us who are concerned about humanitarian immigration issues with an uncomfortable choice. We can either address the legitimate needs of the high-tech industry in the vacuum that the majority has imposed, or we can refuse to proceed on this bill until the majority affords us the opportunity to address other important immigration needs. I still hope that an agreement can be reached with the majority that will allow votes on other important immigration matters as part of our consideration of this bill, but I have little confidence that this will happen.

I regret that we will likely be unable to offer other important amendments to this bill. For much of the summer, the majority implied that we were simply using the concerns of Latino voters as a smokescreen to avoid considering S. 2045. Speaking for myself, although I have had reservations about certain aspects of S. 2045, I voted to report it from the Judiciary Committee so that we could move forward in our discussions of the bill. I did not seek to offer immigration amendments on the Senate floor because I wanted to derail S. 2045. Nor did the White House urge Congress to consider other immigration issues as part of the H–1B debate because the President wanted to play politics with this issue, as the distinguished chairman of the Judiciary Committee suggested on the floor a few weeks ago. Rather, the majority's inaction on a range of immigration measures in this Congress forced those of us who were concerned about immigration issues to attempt to raise those issues. Under our current leadership, the opportunity to enact needed change in our immigration laws does not come around very often, to put it mildly.

It is a disturbing but increasingly undeniable fact that the interest of the business community has become a prerequisite for immigration bills to receive attention on the Senate floor. In fact, we are now in the week before we are scheduled to adjourn, and this is the first immigration bill to be debated on the floor in this Congress. Even humanitarian bills with bipartisan backing have been ignored in this Congress, both in the Judiciary Committee and on the floor of the Senate.

It is particularly upsetting that the majority refuses to vote on the Latino and Immigrant Fairness Act. This is a bill that I have cosponsored and that offers help to hardworking families who pay taxes and help keep our economy going strong. On two occasions, including last Friday, the minority has moved to proceed to this bill, and the majority has twice objected. In our negotiations with the majority about how S. 2045 would be brought to the floor, we have consistently pressed for the opportunity to vote on the proposals contained within it. But the majority has turned its back on the concerns of Latinos and other immigrants who are treated unfairly by our current immigration laws.

The majority has shown a similar lack of concern for proposals by numerous Democratic Senators to restore the due process protections that were removed by the passage of the

Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act 4 years ago. There are still many aspects of those laws that merit our careful review and rethinking, including the inhumane use of expedited removal, which would be sharply limited by the Refugee Protection Act (S. 1940) that I have introduced with Senator BROWNBACK.

As important as H-1B visas are for our economy and our Nation's employers, it is not the only immigration issue that faces our Nation. And the legislation we are concerned with today does not test our commitment to the ideals of opportunity and freedom that America has represented at its best. Those tests will apparently be left for another day, or another Congress.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I want to answer some of the comments made by our colleagues from the other side yesterday and today.

We have been on the floor this week supposedly debating the H-1B bill. That is S. 2045. This bill is an extremely important measure. It is aimed at alleviating both short- and long-term problems in the inadequate supply of a highly skilled worker force in our dynamic and expanding high-tech economy.

The debate has turned into quite a different matter. My colleagues on the other side stood on the floor yesterday talking about the so-called Latino fairness legislation and insisting, time and time again, for a vote on this unrelated measure.

Let's review where we are. The high-tech community wants this H-1B bill without amendment. My colleagues on both sides voted overwhelmingly for cloture; meaning, ending the debate. Cloture would knock out nongermane amendments which, of course, would knock out the so-called Latino fairness amendment as well.

The last time I looked, a vote in support of cloture meant that we support consideration of legislation without—I emphasize that word "without"—unrelated, nongermane amendments, such as the so-called Latino fairness bill. This bill, by the way, was only filed on July 25 of this year. If it was so important, why was it filed so late in the session, without the opportunity for hearings or committee consideration?

Talk about trying to have it both ways. I guess this is a brilliant political move if you don't think about it too closely, the ultimate effort to try to have it both ways: Give the high-tech community a cloture vote and at the same time continue to maneuver to get around what that cloture vote means.

So there we have it. I don't recall seeing a spectacle of this sort in all of my years in the Senate.

Having said that, let me now join my colleagues in this discussion on the so-called Latino fairness legislation. There was a great deal of talk yesterday. Some of it was shameless. The talk was about due process, about the need for more unskilled workers in this country, and about the hardship of the parents of American-citizen children. Much of the rhetoric does not meet reality.

My colleagues on the other side argue that they want to vote on S. 2912, the so-called Latino fairness act. I really wonder if most in the Senate understand and appreciate what is involved in this costly, far-reaching bill that has never had a day of hearings.

This is no limited measure, to undo a previous wrong to a limited class of immigrants who otherwise might have been eligible for amnesty under the 1986 act. Rather, this is a major new amnesty program, without 1 day of hearings, with a price tag of almost $1.4 billion, with major implications for our national policy on immigration.

For years, as Chairman of the Judiciary Committee, I have watched the Immigration Subcommittee, and I have helped to steer through and monitor and help make immigration policy in this country. That policy works well, to a large degree, but there are certainly areas that we can improve. I can tell you that some are trying to turn this bipartisan policy upside down.

I will begin by saying that I have been a long-time supporter of legal immigration. That is what has built this country. It has made this country the greatest country in the world.

I believe in legal immigration. In connection with the 1996 immigration reform legislation, I fought long and hard against those who wanted to cut legal family immigration and other categories. At that and other times, it has been my view that our emphasis ought to be on combating illegal, not legal, immigration.

The bill before us, however, while termed "Latino fairness," does nothing to increase or preserve the categories of legal immigrants allowed in this country on an annual basis. It does nothing to shorten the long waiting period or the hurdles that persons waiting years to come to this country—people who play by the rules and wait their turn—have to go through.

In contrast, what we hear now is an urgent call to grant broad amnesty to what could be up to 2 million illegal aliens. Let's be clear about what is at issue here. Some refer to the fact that a certain class of persons who may have been entitled to amnesty in 1986 have been unfairly treated and should therefore be granted amnesty now. That is one issue—and I am certainly prepared to discuss that issue in our committee, with full hearings, and resolve any inequities that exist. I am certainly prepared to discuss that, but only outside the context of S. 2045, a bill that virtually everybody in this body wants because it will allow us to stay in the forefront of our global, high-tech economy.

Again, I am prepared to discuss, outside of this bill, what we might be able to do to help that so-called 1982 class of immigrants. But that is not really what S. 2912 is about. This bill that some now want to attach to the H-1B bill, would ensure its death in the House of Representatives; it would never see the light of day. The fact is—this bill also covers that 1982 class, but also hundreds of thousands, if not millions, of illegal aliens who were never eligible for amnesty under the 1986 act.

This is a difficult issue and one with major policy implications for the future. When we supported amnesty in 1986—and I believe there were several million people granted amnesty at that time—it was not with the assumption that this was going to be a continuous process.

What kind of signal does this type of "urgency" send? On one hand, the Government spends millions each year to combat illegal immigration and deports thousands of persons each year who are here illegally. But if an illegal alien can manage to escape law enforcement for long enough, we reward that person with citizenship, or at least permanent resident status, followed by the right to apply for citizenship after 5 years of living here.

That is a slap in the face to all of those who have abided by the rules and who have been here legally. If there are inequities, I am willing to work them out, but let's do it through hearings, through a thorough examination. Let's not do it through a political sham that has been thrust upon us on the floor for no other reason than because they are worried on the other side that George Bush appeals to the Hispanic community. We know he gets about 50 percent of the Hispanic vote in Texas, and there is good reason for it.

Hispanic children are now reading at better levels. The Hispanic people have been helped greatly in Texas by the Bush administration. Our colleagues on the other side are deathly afraid that if he continues to do that, the Hispanic vote—which they just take for granted—is going to suddenly go to George Bush and the Republicans. Well, I don't blame them for that, because I think that is what is going to happen.

As chairman of the Republican Senatorial Hispanic Task Force, which I helped to start years ago, I know that the Hispanics are out there watching both parties and seeing who really has their interests at heart. We have done more with that task force—not just by throwing money at problems—than the other side ever dreamed of.

Further, I hope my colleagues are aware of the cost of this bill to American taxpayers. I don't mind the costs if we are doing something that is absolutely right. As I said, I am willing to go through the appropriate hearing process. I do that every day in my work as a Senator in solving immigration problems—as a lot of Senators do. But we ought to take into consideration the costs of this to the American taxpayers—giving amnesty to up to 2 million illegal aliens.

Specifically, a draft and preliminary CBO estimate indicates this bill comes with a price tag just short of $1.4 billion over 10 years. But that is a conservative estimate because the amendment actually filed yesterday goes way beyond S. 2912 on amnesty. Not only was S. 2912, the so-called the Latino Fairness Act, filed on July 25, but the amendment filed yesterday goes even beyond what their original bill. The amendment's proponents argue that it just consists of a simple due process restoration. But, in fact, it not only gives hundreds of thousands, if not millions, additional illegal immigrants amnesty who have been here since 1986, it appears to be a rolling amnesty measure!

In this highly charged political area, we ought to try and get together in a bipartisan manner. But some of my friends on the other side seem to want to play politics with this issue. They try to act as if they are for Hispanics. But what they are in fact doing is ignoring those who play by the rules, who are here legally, in favor of those who are here illegally and who have broken the rules. It is a slap in the face to all of those who have played by the rules.

What do I mean by a rolling amnesty measure? It means the amnesty provision continues and expands for the next 6 years. That is right, Mr. President. If illegal aliens can manage to avoid authorities until 2006—if they can avoid authorities for that long—they automatically get amnesty, and that is a stepping stone to citizenship for people who have violated our laws and are here illegally. Again, if there are people who are being injured who should not be, people who really have due process rights, or who ought to have consideration, I am willing to work on that with my colleagues on the other side in a bipartisan way to do something that really works. We do that regularly anyway. But to just throw this open on a rolling amnesty basis for 6 solid years is not the way to go; we are talking about millions of people who are here illegally being automatically given the right to apply for citizenship in a few years.

Mr. President, what are we doing here? We devote hundreds of millions of dollars each year to try and control illegal immigration. What does this so-called fairness bill do? It rewards persons for their illegal activity. It says let's keep fighting illegal immigration, but if certain persons succeed in evading the law for long enough, they get rewarded by being allowed to stay, get permanent resident status, and 5 years later can apply for citizenship, in contrast to all of those millions who have legally come into this country under legal immigration rules and regulations, who have abided by the law, and who basically have paid the appropriate price to get here.

We have also heard about the need for more workers. I agree with that. Why don't we address and examine this need, however, in the right way? Why don't we examine increasing the number of legal immigrants allowed to come here? Why don't we consider lifting certain of those caps? I don't see anyone on the other side of the aisle arguing for that. It would seem to me if they want to argue for having more immigrants in this country—and I might go along with this—that we ought to lift the caps. I have to admit that there are those in this body who do not want to lift those caps—but at least in the other body for sure. That is the appropriate way to do that.

During our debate in the 1996 act, the Democrats offered, and the committee unanimously agreed, to curb the number of legal, unskilled workers coming to this country. Why did they do that? Because their No. 1 supporters in the country—the trade union movement in this country—believe that they would take jobs; that if we lifted the caps there would be more legal immigrants coming into this country that would take jobs away from American workers.

It is amazing to me that they wouldn't allow the caps lifted then for that reason, and now they want the broad amnesty. They want to allow up to 2 million illegal immigrants in here because everybody realizes there is a shortage of workers right now.

I am willing to consider lifting those caps, and do it legally and do it the right way. I would be willing to do that. But without hearings, and without a really thorough examination of this, I am not willing to just wholesale have a rolling amnesty provision that would allow millions of illegal aliens who haven't played by the rules to have a wide open street to citizenship while many people who are applying legally can't get in and who really need to get in.

I agree with the need to reexamine our position on lifting the caps on legal immigration. Let's do that. I am willing to hold hearings, or make sure the subcommittee holds the hearings on that. By the way, they have held some hearings.

I have to say that generally the two leaders on the Subcommittee on Immigration, Senator ABRAHAM from Michigan and Senator KENNEDY from Massachusetts, have worked well together. But all of a sudden, there's a chance to score political points, they think. I don't think they are getting political points. If I was a legal Hispanic, or a legal Chinese, or a legal person from any other country, I would resent knowing how difficult it was for me to become a legal immigrant while people who are trying to make it possible for those who are illegally here to be able to become citizens without obeying the same rules. I suspect there is going to be a lot of resentment, if people really understand this.

While we are at it, why don't we do something to get the INS to move more swiftly—the Immigration and Naturalization Service—to move more swiftly on applications for legal immigrants? That would be real Latino fairness. That is what we ought to be doing on the floor.

There isn't a person in this body who cares more for family unification than I do. There are some who are certainly my equal here. But nobody exceeds my desire to bring families together, a point brought out yesterday. I fought for years on this issue. Every day we are working on immigration problems to try to solve the problem of bringing families together in my offices in Utah and here.

If we really care about family reunification, why don't we do something about the Immigration and Naturalization Service? Why should parents, children, and spouses have to stay on a waiting list for years? I would like to hear more comments from the other side on that. But every time you try to lift the caps, their friends in the union movement come in and say: You can't do that. You might take jobs away from union workers.

Under the H-1B bill, we are not taking jobs away from union workers or from anyone else. We are trying to maintain our dominant status throughout the world in the high-tech world. We are trying to make sure we keep the people here who can really help us do that. That bill provides that those who are highly educated in our universities have a right to stay here and work. This is the bill we are talking about. It is a step in the right direction to get us there.

What does this so-called Latino fairness amendment, or bill, that they filed so late in this Presidential year say to families who played by the rules? It doesn't say obey the laws and wait your turn. It says we are going to make special favors for those of you who are here illegally, and we are going to do it on a rolling amnesty basis over the next 6 years. They are just going to have the right to become citizens, while others have had to abide by the rules—rules that have been set over decades and decades.

I challenge anybody on the other side to work with me in helping to resolve these problems. I am willing to do that. I don't need a lecture from people on the other side about families who have been split up. I think it is abysmal to have families split up. I am willing to work to try and solve that problem, but it takes both sides to do it.

Last but not least, it is no secret that our committee handles intellectual property in many of the high-tech issues in this country. Last year we passed one of the most important bills in patent changes in the history of the country—certainly in the last 50 years. We passed a number of other high-tech bills to make a real difference.

We have done an awful lot to make sure our high-tech world in this country stays at the top of the ladder.

I just came from the Finance Committee upon which I sit where I made a principal argument that we need to get this new bill through that Chairman ROTH is working on with the ranking member, Senator MOYNIHAN, to have a broadband tax credit which we need now.

S. 2045 is one of the most important high-tech bills in this Congress. Everybody here, except for about three people, believes it should pass. Almost everybody on both sides of the floor has said it should pass. Everybody says it is a very important bill.

The fact is, there are people in this body who are scared to death that Republicans might make inroads with the Hispanic community. I know that because I am chairman of the Republican Senatorial Standing Task Force. We have been working for better than 10 years on Hispanic affairs.

We don't care whether Democrats, Independents, or Republicans are on our task force. In fact, we have all three there. We don't care if they are Conservatives, Liberals, or Independents. They are all there. I have to tell you that we have been working hard on every Hispanic issue that this country has. There is basically no end to what we will all try to do, to help assimilate the Hispanic people who are immigrants in this country into every aspect of opportunity that this country has to offer.

To be honest with you, our country is the No. 1 high-tech country in the world. The reason we are is because we have worked together in many respects to get some of these high-tech bills through that make a difference.

I prefer to see my colleagues on the other side work with us rather than against us, as they are doing right now. I don't want to pull this bill down, but it is coming down if we can't get this bill passed in a relatively short period of time. By tomorrow, there will be three cloture votes overwhelmingly for this bill. If Democrats don't want this bill, why are they voting for cloture? If they want to vote against cloture tomorrow, I can live with that. We will pull the doggone bill down and say to the high-tech community, we are not going to support you this year because we can't get enough support from our friends on the other side. That is exactly what I will tell them, and it won't be one inch far from the truth.

The fact is, everyone on the other side knows that this is a critical bill. It has taken bipartisan support to get it this far. It has great hope for the high-tech industry in this country. It will provide more high-tech workers and more high-tech jobs. Now, we may have some difficulty getting the House to go along with everything we are doing here.

If we keep playing around with this and delaying it beyond this week, it will make impossible to pass it in the end.

I know how important this legislation is. I have worked on high-tech issues for all of my Senate career, and have worked patent, copyright, and trademark laws throughout the country. I don't think anyone can say I haven't made a strong bipartisan effort to make sure we stay at the top of the high-tech world. The best way we can do it right now is to pass broadband tax credit and to pass this H-1B legislation and get the House to go along with it. It is the best thing we can do.

We are in an inane battle on the floor because some people want to score some political points. I was almost embarrassed by some of the comments yesterday—not almost, I was embarrassed for some of these people. Is there no length to which they will go at the end of this session to score political points? I don't like it on my side, and I certainly don't like it on the other side. This is a time for cooperation, to help our country get through this year, and to hopefully spur us into the next year, whoever is President. I intend to do that. I want to have some bipartisan support in getting it done.

I suppose we will have to go through another cloture vote tomorrow—three cloture votes on one bill that almost everybody is for.

I think it is time to quit scoring political points and get the job done. This H-1B bill is a critical bill for America. It is a critical bill for American children and American workers. It contains critical bipartisan training and education provisions to equip our workforce for the 21st century. Those are provisions we worked out with the other side in order to get this bill, something I agree with 100 percent, that I will fight for in Congress.

One would think they would want to do this and quit playing around with the bill. The longer we go on this bill, if we go beyond this week, it seems to me it makes it more problematic whether we can ever pass an H-1B piece of legislation with these wonderful, critical provisions to help train our children for the future workforce, for the high-tech world they are going to enter.

I have met with people today who are prescient with regard to the future. We have been talking broadband all morning. We have been talking about wireless. We have been talking about cable. We have been talking about the critical infrastructure industries. We have been talking about software. Almost all of it is dependent upon whether we pass an H-1B bill.

The rest of the world isn't standing still while we are sitting here treading water week after week, debating whether we will allow an H-1B final vote. If this were the final vote to pass this bill, I could wait another few days. But we still have to deal with the House. We are going to have to work that out. That will take some time. We don't have a lot of time.

It seems to me we ought to get rid of politics. I hope people watching this will listen to the other side and realize how political they have been. Yesterday it was almost shameful—no, it wasn't; it was shameful—the arguments made on the floor. It is all done just for political advantage. Frankly, I don't think they get any advantage.

I believe the millions of legal immigrants with green cards might resent rolling amnesty for 6 years to millions of illegal immigrants who don't abide by the rules.

This is an important bill. We can no longer afford to play the political games that were played yesterday and apparently will be played through a cloture vote tomorrow. I think the other side ought to allow the vote or just admit they really aren't for this bill in spite of the overwhelming cloture votes we have had so far. I would like to see that in this body, especially at the end of this year.

There are those on our side who really would like to work with our colleagues on the other side in a bipartisan manner. I know the Presiding Officer is one, and I believe there are a lot of others who want to see that done.

There is a strong suspicion among many in the media and many on our side that there is a deliberate slowdown, with filibusters, even motions to proceed, for no other reason than a political advantage. It really gets old.

I think once in a while we really ought to put the best interests of our country ahead of everything else. This is a bill where we ought to do that. We have so much support for this bill, if it is allowed to be voted upon. Supporters ought to be allowed to express themselves in a vote for or against this bill. This is one bill where we can be together. We had 94 votes on this bill, in essence, yesterday; only 3 against. I suspect if we got the other 3, they would be for it, too, so it would be 97 with, 3 against; if they were against, it would be 94–6.

But, no. Steady delay. Day in, day out, steady filibusters. Now they will say they are not filibustering. Then why are they forcing a cloture vote every day?—to have cloture votes on a bill that virtually everybody admits is a good bi-partisan bill.

By the way, I want to thank Senators FEINSTEIN, KENNEDY, LIEBERMAN, and of course Senator ABRAHAM. We have all worked together on this bill. We have accommodated Democrats. We have shown good faith. I thank them for helping. I think it is time to end this charade, end the political posturing we have had. Let's pass this bill.

Start doing what is right. Live up to what everybody in this body, except for the three, I suppose, has told the high-tech world—we are going to get H–1B passed. But I tell you we are not going to get it passed if this kind of charade continues because I myself will bring this bill down and then we will start over again next year and hopefully we will have a more bipartisan approach towards it. I would hate to do that; I sure would, after all the work we put in trying to get this bill passed when I know that could delay it 6 to 9 months before we really are helping our people in the high-tech world who drastically need help.

I have been there. I have been out there. I know the people, the top people, the top CEOs in almost all of these companies. I have been meeting with a bunch of them this morning, everybody from ATT, Microsoft, Sun Microsystems, Oracle, Novell—you name it. I know them all. I don't think they are partisan. I think they like both parties, and I think they help both parties, and I think they deserve our help.

Frankly, to put us through another cloture vote—it seems to me to be inane. I do not want to accuse anybody of lacking good faith, but I will tell you after what I heard yesterday, I say, my gosh, how can they stand there and make those kinds of comments, when you know if you want to really help get jobs and get people in here to take jobs, let's lift the caps on legal immigration but not change the laws with one stroke of the pen, without 1 day of hearings, and allow up to 2 million people on a rolling amnesty over a 6-year period to really become citizens, flashing in the face of everybody who paid the price to abide by the rules, it is just not right.

Frankly, I am getting tired of it. That is why I have gone on and on today, because I am tired of it. I think it is time for us to do something good for a change, to work together and get it done. I am going to be here to try to get it done in the next day or so. If we do not, then we will pull the bill down. Then we will just throw our hands in the air and say it is too political a Congress to do something worthwhile for our country.

Everybody on my side is going to vote for this bill—they have been there from day 1—at least I believe everybody, certainly the vast majority, are going to vote for this bill in the end because they believe our future depends on being able to solve some of these problems that this bill will solve.

I believe we will have a tremendous number of votes on the Democratic side because we have some of the top leaders in this area on this bill. I mentioned some of them a few minutes ago. We have accommodated them in language in this bill that makes sense. I am saying on the floor of the Senate that I would fight for that language because of our Democrat friends who have worked with us to put that good language together. I will do it in a bipartisan way.

But the high-tech companies are not the primary beneficiaries. They are beneficiaries, no question about it. The primary beneficiaries are the children who will benefit from the education proposals here and the American workers who will benefit from the critical training provisions that we have in this bill. Let's pass this bill for them. I have to admit the high-tech industry will benefit tremendously, too.

What the Daschle motion says is let's ignore the rules of the Senate. Let's take the easy route. Their Latino fairness bill says let's ignore all these immigration laws we have all fought over in a bipartisan way for years—and many us on this side have helped those on the other side. Let's ignore those immigration laws. Let's take the easy route.

There is a similar theme here. Some want to have it both ways. This sort of double-speak is why so many Americans have grown tired of Washington politics as usual. I hope I have at least made the case we on this side stand ready to pass this bill a minute from now if the other side will allow a vote up and down on this bill. If they do not, we will go to cloture again, and then we will see what we can do postcloture to get this thing brought to a close where people can vote for it.

Then, assuming we will pass this bill, we will go to work with the House and see if they will take this bill. If they will not take this bill, we will go to conference and fight very hard with everything I have to make sure there are these provisions in this bill; that we have 195,000 high-tech workers allowed into this country and that we have the right for those who are highly educated, in American institutions, to stay here to work in our high-tech world, and that we have these provisions to help train our children.

Those are pretty important provisions. This is a very important bill. To stand here and say everybody in business and all these companies want all these illegal immigrants to be naturalized—so what? We ought to abide by the law. That is why we have immigration laws. Where there are inequities, we ought to work to resolve them. I promise you, I will work to resolve them. I have been doing it for my whole 24 years in the Senate, and I am not going to stop now. We can resolve them if we work together. If we do not work together, we cannot.

I hope both sides will get serious about this bill. I hope we can pass this bill. I hope we can get this matter resolved. I would like to do it today, if we can, but certainly by tomorrow. We will look at it and see if we have to pull it down if we can't get this resolved.

Mr. REID. Madam President, I ask unanimous consent that the time of the Senator from California, Mrs. BOXER, under the postcloture proceedings, be in the control of the Senator from Nevada.

The PRESIDING OFFICER (Ms. COLLINS). Is there objection? Without objection, it is so ordered.

Mr. REID. Madam President, my good friend from Utah, for whom I have the greatest respect got a little carried away this morning. I don't think he would purposely call me or my colleagues incompetent—but he did. I don't think he would call us silly or stupid, but he did. The word "inane," in a dictionary, means silly or stupid.

We have a philosophical difference in what we are doing here. The fact that we disagree with the chairman of the Judiciary Committee does not mean we are incompetent. It doesn't mean we are stupid. It just demonstrates that we have a basic disagreement.

Mr. President, I want to go back and start where the majority started this morning, with the chairman of the Appropriations Committee on Commerce-State-Justice. Among other things, he said we were crying crocodile tears over here, and that this piece of legislation only dealt with criminals. I am paraphrasing what the other side said, but not too much. In actuality they said was that "criminals were coming in, and attempting to do an end run to get citizenship."

The fact is, I take great exception to that. The Democratic proposal would not allow criminals to become citizens. First, this legislation is not offering citizenship. We are offering longtime residents, people who are already in this country, the ability to apply for permanent residency and then perhaps apply for citizenship. Second, anyone applying for residency must have good moral character. They also must show they have good moral character, which means that anyone with a criminal record—not criminals, of course wouldn't qualify, anyone with a criminal record would not qualify for permanent residency.

These people are people who are already in the country. They are working, they are paying taxes, they work hard. In many instances, in fact most instances, others won't take their jobs.

I think my friend from New Hampshire, for whom I have the greatest respect—he has a record which is outstanding; he served in the House of Representatives, was the Governor of the State of New Hampshire, is now a Member of the Senate—I do not think he is suggesting that the U.S. Chamber of Commerce, who supports the Latino Fairness Act wholeheartedly, is suggesting the U.S. Chamber of Commerce wants citizenship for criminals. I don't think the American Health Care Association is suggesting we want citizenship for criminals. I know that the American Hotel and Motel Association is not saying we should come here and give a blanket citizenship to criminals. I don't think the Resort, Recreation and Tourism organization is suggesting that criminals be given citizenship.

We have a list. We talked about it yesterday: The National Retail Association—dozens and dozens of organizations and companies believe we must do something, not only to protect the people who we are going to give the right to come to this country, under H–1B. In fact, we have given almost a half a million people the right to come to this country under H–1B.

We are going to increase it this year up to almost 200,000. I have a couple of different lists, and I could go to another chart. These companies and organizations believe that people who are already in the country also deserve the right to apply for permanent residency and someday apply for citizenship.

This is nothing but a typical red herring. In fact, the Republicans, the majority, are saying: How could you have this bill without even having a hearing? That will bring a smile to your face. The legislation pending before the Senate, the energy bill, S. 2557, was brought to the floor by the majority leader and it has had no hearings.

To say we did not introduce this legislation until July 25, we may not have introduced specifically the legislation, but I wrote a letter to the majority leader in May outlining the legislation. There have been long-time discussions.

In fact, we were denied a hearing in the House. We tried to have a hearing in the House last year on this legislation, but we could not. The chairman of the Immigration Subcommittee refused to give us a hearing, so SHEILA JACKSON-LEE and I had an informal hearing in the House. We could not do it because the chairman of the subcommittee would not let us have a hearing.

The parity legislation was introduced 3 years ago. That is no surprise to anyone. The registry has been in our law since 1929. I introduced the same legislation last year. We reintroduced it, of course, but it was introduced last year. We had, as I indicated, an informal hearing because we were denied a formal hearing.

The chairman of the Judiciary Committee said: What about the July 25 introduction? In his words, "Is this incompetence?" The Latino and Immigrant Fairness Act contains multiple provisions, all of which were introduced well before July 2000. We combined a number of pieces of legislation that have been around for a long time. Central American parity was introduced on September 15 of last year; date of registry was introduced on August 5, 1999. These have bill numbers. Section 245(i) was introduced May 25, 2000. Also, the one my friend from Rhode Island, Mr. REED, cares so much about, was introduced in March of 1999. These proposals have been denied hearings in the Judiciary Committee that my friend from Utah chairs and the Immigration Subcommittee which Senator ABRAHAM chairs. There have been no hearings because the majority has refused to allow us to have hearings.

Let's boil this down to where we really understand what is going on around here. There are threats to pull down the H–1B legislation. I dare them to pull the bill down. I dare them because it would be on their conscience. We have said we will vote on H–1B—what time is it now? Five to 12. We will vote at 12 o'clock. We can have a unanimous consent agreement that the vote can start in 5 minutes on H–1B. As soon as that 15-minute vote, which around here takes 40 minutes, is finished, we will have another 15-minute vote on our Latino and Immigrant Fairness Act. We can complete it all in just a few minutes.

If people do not like our legislation, vote against it. There is a unanimous consent request kicking around here someplace which we hope to have approved soon that we vote at 4:30 on Senator DASCHLE's motion to suspend the rules so we can vote on this. Keep in mind, so everyone understands, you can disguise it any way you want, but this is a vote on our amendment, the Latino and Immigrant Fairness Act.

There has been a lot of talk about the registry provision that this is something new and unique, changing 1982 and 1986. This same thing has been going on since 1929.

The registry provision originated in 1929. The registry provision has been amended many times since 1929. In 1940, the registry date was changed to July 1, 1924, and in 1958, the date was changed to June 28, 1940. Subsequently, the date was changed to June 30, 1948, then January 1, 1972, then, of course, we changed it to 1982, giving people 1 year to apply. That is what we are talking about, 1 year to apply. Some people did not file within that 1 year, even though they qualified. People who are here who deserve to qualify under the same law that has been changed since 1929 deserve a fair hearing.

What happened? What happened is there was sneaked into a bill a provision that said these people would not be entitled to a due process hearing, a fair hearing. So hundreds of thousands of people who could have qualified under the 1982 cutoff date were denied that privilege, and we are saying that is wrong. That is one of the most important parts of our legislation.

We are not ignoring the law with this legislation. We are correcting flaws in current immigration policy that have denied people the opportunity to have legal immigrant status.

My friend from Utah has disparaged a number of people, in addition to calling us incompetent, silly, and stupid. He also said that because trade unions oppose some legislation, that it is necessarily bad. Let's talk about trade unions.

Let's see here. We have carpenters. Carpenters: What is wrong with carpenters? We have nurses. I wonder what is wrong with nurses opposing legislation, or I wonder what is wrong with having people who work as electricians opposing legislation? What is wrong with trade unions opposing legislation? Is that any worse than the Chamber of Commerce supporting or opposing legislation? There has been a lot of name-calling that has been unnecessary.

We are playing around with this bill: If allowing people who have been here for many years to apply for permanent residency is playing around with legislation, then we are playing around with legislation. The playing around is going to stop because we are going to have this legislation passed. The President of the United States has said this will be in a bill, and if it is not, he will veto the bill. He has also gone so far as to say: I would like some support from the Congress before I do that. He has it. He has more than enough to sustain a veto in a letter to him from the House and from the Senate.

Our legislation is going to come to be, and people might just as well realize that. What Senators from the majority should also understand is that we are going to vote on our measure. We are going to vote for H–1B. We support it, but in addition to H–1B, we also believe, without any question, that we need to vote on our legislation. We need individuals who fill a critical shortage of high-tech workers in this country. We support that. We also need essential workers, skilled, and semiskilled workers to fill jobs, as indicated by the scores of organizations and companies that support our amendment, our legislation.

I hope the majority understands they are the ones holding up this legislation, not us. They can file 15 more motions to invoke cloture, and we are still going to have a vote on our amendment. One of the votes is going to occur this afternoon if the unanimous consent request is brought forward. If not, it will occur some other time.

We believe that the vote which is going to occur at 4:30 this afternoon is the first test to finding out how people really feel about supporting this legislation—not holding hearings in the future, not saying we want to increase the caps on legal immigration. I do not want to do that. We need to deal with it now.

I think what we need to do is not talk about the future; let's talk about today, what we are going to do to make sure these people in Las Vegas—20,000 people in Nevada; most of them in Las Vegas—who have had their work cards pulled, who have lost their jobs, who have had their mortgages foreclosed on their homes, who have had their cars repossessed, who have had their credit cards pulled from them, who deserve the basic protections that we have in this country in something called due process that has been denied—we want to have a due process hearing for these people who have children who are American citizens, wives and husbands who are American citizens.

Today is the day we are going to determine if my constituents in Nevada are going to be given what every American, every person within the boundaries of our country, has a right to, and that is due process.

What we have is a piece of legislation that seeks to provide permanent and legally defined groups of immigrants who are already here, already working, already contributing to the tax base and social fabric of our country, with a way to gain U.S. permanent residency and hopefully someday citizenship.

I repeat, 5 minutes from now we would agree to vote on H-1B. Five minutes after that vote is completed, we will agree to vote on the Latino and Immigrant Fairness Act.

I also say, if that process is not allowed, then we are going to continue here in the Senate to keep working until people are called upon to account for how they feel about this legislation. There comes a time when you have to fess up, you have to vote for or against a piece of legislation. That is what we are asking for here—a vote for or against this legislation.

Mr. GRAMM addressed the Chair.

Mr. REID. If my friend would withhold, there is a unanimous consent request that I understand——

The PRESIDING OFFICER (Mr. BURNS). The Senator from Texas.

Mr. GRAMM. Mr. President, to hasten the moment of this all-important vote, I ask unanimous consent that a vote occur on the pending Daschle motion to suspend the rules at 4:30 p.m. today, and the time between now and 4:30 p.m. be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I further ask unanimous consent, notwithstanding rule XXII, that following that vote, the pending amendments Nos. 4201 and 4183 be considered adopted, and the vote then occur immediately on the second-degree amendment No. 4178, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, in light of this agreement, Members can expect two back-to-back votes at 4:30 p.m. today.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me begin by talking about immigration. I am a strong supporter of immigration. I am proud that my grandfather came to this country right before the turn of the 20th century. I am proud that my wife's grandfather came to America as an indentured laborer to work in the sugar cane fields in Hawaii. In fact, this summer, I had the very happy experience of our family donating to the Institute of Texan Cultures in San Antonio a photograph of my wife's grandmother that was a picture in a picture book that men went through to pick out what was called a "picture- book bride" to send for her to come to America.

This pioneer came to America to marry a man she had never met in a strange country whose language she did not speak; she came seeking opportunity and freedom, and found both.

That is a story of America in action. Her granddaughter, under Presidents Reagan and Bush, became Chairman of the Commodity Futures Trading Commission, where she oversaw the trading of all futures, including futures on the same cane sugar that her grandfather came to America to cut by hand.

I am as strongly committed to immigration as you can be committed to immigration.

I also remind my colleagues that the bill before the Senate was co-authored by Senator ABRAHAM, by the distinguished chairman of the Judiciary Committee, Senator HATCH, and by myself.

This bill seeks to allow highly skilled people—many of them in graduate school in America—to stay in our country, to help us be competitive in the world market, to help us dominate the information age, and to help us create more jobs for our own people.

I challenge anyone to point to a more committed position in favor of immigration than I have taken as a Member of the Senate.

In fact, our Presiding Officer may remember a speech I gave once about a young man who worked for me on my staff named Rohit Kumar. I was debating, I believe, Senator KENNEDY at the time. I took this young man's family—his father is a research physician; his mother is a doctor; his uncle is an engineer—and I simply went through a list of Kumars in America—his parents had come here as immigrants. And I talked about the contributions they made and the taxes they paid. The conclusion of my speech was this: America needs more Kumars. By the way, lest anyone be confused by what has now become an American name, the Kumars came from India.

Why do I say all this? To make it clear that America is not full. I believe there is still room in America for people who come and bring new genius and new energy and new creativity. But I draw a bright line—it is as bright as the morning Sun—and it is on one issue: People should come to America legally. People should come to America to be part of the American dream. In coming to America, people should not violate the laws of our country.

Apparently, our Democrat colleagues feel so comfortable that it is a salable political position to take that they want to change the law to say that people who violated the laws of our country are welcome to America. I reject that. I reject it because it is patently unfair.

Our Democrat colleagues even have the arrogance to call this the "Latino and Immigrant Fairness Act," as if the label would make it so. I wonder how many people who are waiting in line to come to America—the several million people who have applied to come legally; people whose spouses have applied to come—I wonder how fair they think it is that they are going to bed every night dreaming of coming to America, and we are going to put somebody who violated the laws of the country in front of them.

I do not call that fair. Quite frankly, I am happy to label the idea outrageous and condescending, that if someone is a Latino that they must therefore favor changing the laws to allow people who violated the immigration laws to come and to stay and to invite others to do the same.

I remind my colleagues that in 1986 we passed a landmark immigration bill. The fundamental tenets of that bill were, one, we were going to enforce employer sanctions—we have not done that, as everybody who lives in America knows—and two, that if you came before 1982 and you were in good standing, you could apply and become a permanent resident alien and eventually you could become a citizen. But if you came afterward, the commitment of that bill was that was the last general amnesty we were ever going to provide.

Now our Democrat colleagues obviously think it is good politics that we should go back on the commitments we made in that bill. Hence, we have the bill that is before us.

Let me explain the issue of how we came to be here, then the procedure that is being used. Finally, I will talk about this threat by President Clinton that if we don't adopt a bill legalizing illegal acts, he is going to shut down the FBI and the Justice Department by not funding their appropriations.

Let me begin by explaining that we have before us a bill called the H-1B program. Most Americans, I am sure, don't know what H-1B is, but basically this is a procedure in immigration law that allows us to employ uniquely skilled, high-income workers, principally, as it has turned out, in this new area of high technology and computer science—many of these people are actually graduate students in our country; half of the students in the high-tech areas at American universities are foreign born, as I am sure many people know. Because we have such critical shortages in this area, this provision allows these people to stay in America and work and help us create jobs for people who are already here.

Our Democrat colleagues claim they are for this bill. The problem is, they won't let us vote on it. But when it gets right down to it, they want to be paid tribute. The tribute they are seeking is passage of another bill that would let people who violated the law to stay in our country.

Now we have made it very clear that we are not going to pay tribute. Their problem is, they have gone to Silicon Valley, they have gone to Austin, TX, they have gone to the high-tech centers of America, and they have told people in the high-tech industry: We are with you; the Democrat Party is with you; we are for the H-1B program. The problem they have is, their actions do not comport with their words. And that is why we are here simply saying, if you are for the H-1B program, pass it.

I have believed for a couple of days that we are coming to the end of this charade. I don't believe our Democrat colleagues can sustain the American public—that is, the relatively small number of people who are interested in this bill—watching Democrats every day delay a bill which they are out trumpeting their support. You can confuse some of the people some of the time, but people cannot be confused under these circumstances.

Meanwhile, our Democrat colleagues are on the verge of throwing in the towel on H-1B by saying, well, we want another bill on another issue. To that end, they have adopted a very unusual procedure of trying to change the rules of the Senate in order to accomplish what they want, and we are going to vote on that at 4:30. That is going to be defeated, soundly defeated.

Let me turn to President Clinton. I wonder if, in these waning hours of the Clinton administration, our President has not become so deluded by his power and the semblance of power he has exercised in the last 8 years in beating Congress into submission. I wonder if the President has not started to believe he is King, that somehow he can say to us, if you don't pass a law legalizing illegal activities in America, I will shut down the FBI and the Justice Department.

That is what the threat is. The threat is, if we don't pass a bill that says people who violated the law in coming to America can stay here, he will veto an appropriations bill that funds the FBI, the DEA, the Justice Department, and the Federal prison system. It seems to me those aren't the words of a President, those are the words of a King.

Does he believe we are so weak in our commitment to the constitutional principle? The Congress is given the power under article I of the Constitution to appropriate money, not the President.

I will say to the President, if he wants to veto the Commerce-State-Justice appropriations bill—I know the bill well because I once had the privilege of chairing that subcommittee —if he wants to veto that bill and risk shutting down the FBI and the Justice Department and the DEA because we are not going to pass a bill that has nothing to do with those appropriations but simply a bill that legalizes illegal activity, then I would have to say to the President he had better get his pen out and he had better be sure it has ink in it.

You never know what is going to happen around here, but let me tell you, from one Senator's point of view, a private in the Army, as long as there is any possibility of resisting this I am never, ever going to sit by without using every right I have as a Senator to stop that from happening.

What an outrageous, deeply offensive threat. Are none of our Democrat colleagues offended? I will be interested to see how the sage of the Senate, our colleague from West Virginia, ranking member of the Appropriations Committee, former majority leader, former chairman of the Appropriations Committee, how he feels about a President who has become so deluded about his powers that he believes he is King and that he can say to us, you either legalize illegal acts in America or I will shut down the FBI and the DEA and the Justice Department.

I understand we are simple people here in the Senate. We have demonstrated over and over that we don't have President Clinton's ability to communicate with the public. We don't have the ability to stand for one thing one day and the next day do a 180-degree reversal and everybody thinks it is great.

But if we don't have the ability to stand up to a President in telling us that unless we pass legislation legalizing illegal activity, he is going to shut down the FBI and the DEA and the Justice Department and the prison system by vetoing an appropriations bill forum—if we can't stand up and debate that, we might as well eliminate Congress and just let Bill Clinton rule.

I don't intend to see that happen. It may be we will get run over here, but we are not going to get run over without one great fight. I am going to be surprised in the end if there is not at least one Democrat who is going to join us in this fight.

Now, let me turn to the heart and soul of this issue, the belief by our Democrat colleagues that it is good politics to make it legal for people to engage in illegal activity in coming to America. Our Democrat colleagues believe they are going to gain votes in this election by saying that if you violated the law in coming to America, if you jumped in line in front of the several million people who have applied to come legally, don't worry because we intend to legalize what you did. And don't worry about the spouses of people who are already here, who are waiting and praying for the day they can come to America legally, just jump ahead of them, violate the law, come to America, because once you get here, we will embrace you and legalize your actions.

I know our Democrat colleagues believe this is good politics. I know our Democrat colleagues believe, because of the way they named this bill, that every immigrant and especially Latinos support illegal immigration. What an outrageous, offensive name for this bill, the "Latino and Immigrant Fairness Act." What is fair about a bill that sanctions illegal activities? What is fair about saying to several million people—more of them Latinos than any other ethnic extraction or origin—that it is fair for somebody to violate the law and come to America ahead of you, but it is fair to make you wait month after month, year after year, to join the people you love? That is the Democrats idea of fairness? What is fair about that?

I think immigrants—and, quite frankly, I still consider myself one—I don't think most people who are immigrants to America believe this is about fairness. They believe this is a raw political act, and they are right. This is putting politics ahead of people. This is about trying to single out a group of people, as if every Hispanic in my State believes that it is OK to let someone violate the law.

I reject that. That is not the way Texans feel, no matter what their ethic origin. I think when people really look at this, they are going to see that this for what it is, an outrageous political act.

Since I am going to stand for reelection in a State where many Hispanics are going to vote—and I am proud of the fact that when I ran in 1990, I got about half of the Hispanic vote in my

State—I, obviously, do not believe that this is the great political ploy that our Democrat colleagues believe it to be.

Mr. CRAIG. Will the Senator yield for a question?

Mr. GRAMM. I am happy to yield.

Mr. CRAIG. The Senator makes a point that I hope echoes across this country, which is that you cannot honor, recognize, or enhance the concept of breaking the law or acting illegally and therefore be rewarded for it. We are struggling mightily on the floor to address a need in this country; it is called an employment need—H-1B workers primarily for the high-tech industry.

The Senator knows I have worked on H-2A, the issue of primarily Hispanic workforces but migrant labor coming to this country to work in agriculture. We have a very real need there, but we are trying to adjust a law so that it accommodates a citizenry, treats them in a humane way, but stays within the law because we have to control our borders.

It is critically necessary that as a nation we control our borders. What you are suggesting—and this is my question—if you can make it across the border illegally, and if you can stay here long enough and raise your issue through an interest group long enough, or with a political party, you may be rewarded for having broken the law by getting someone to do something for you.

Mr. GRAMM. Basically, what their bill is, is that you will be rewarded by being put in front of the 7 million people who have applied to come to America legally because they weren't willing to violate America's laws to become Americans and you were. If I may say this, and I then will yield the floor———

Mr. CRAIG. May I ask one more question?

Mr. GRAMM. Yes.

Mr. CRAIG. Under current law as to the Immigration and Naturalization Service, people who seek either status in this country as a legal resident but not a citizen, apply and basically line up on a list and wait for the process to move them through; is that how it works? You are saying we would jump millions ahead of that?

Mr. GRAMM. We would jump millions ahead of those who are currently in other countries, some of them spouses of people who live in America who applied to come here legally. Basically, what the Democrats' bill says is, look, the people who violate the law will be rewarded. I don't believe you promote a respect for law by rewarding people who violate the law, and I don't know a single Texan who believes that, either.

Let me make this clear. I am not saying that there are not some special cases where people, because of bureaucracies—and we all know bureaucracies and how they work or don't work—I am not saying there are not thousands, maybe tens of thousands, maybe hundreds of thousands of people who have a good case against the bureaucracy and they should have an opportunity to make their case. Whatever we can do to speed the bureaucratic process and give people justice, I am for. I am sure our colleagues, at some point in the debate, will hold up some case of a person who has not gotten due process from the Clinton administration's Immigration and Naturalization Service. But the solution to that is not to throw out the law book; the solution is to install new leadership, to fix the INS bureaucracy and to deal with people's problems effectively and on an individual basis.

So let me conclude with the following highlights: No. 1, I am for legal immigration because I think it enriches America. As some of my colleagues know, I was once chairman of the National Republican Senatorial Committee. We were having an event and a very sweet little old lady from Florida stood up and said, "Senator GRAMM, why does everybody at this meeting talk funny?" Well, we had a lot of people who I guess you would call "ethnics" there, and everybody sort of gasped and wondered what I might say and not hurt anybody's feelings, including this lady's feelings. So I said the first thing that occurred to me: "Ma'am, I guess people talk funny because this is America."

I want immigrants to come to America. I want them to join in the American dream, as my family and my wife's family have been blessed to join in. I want them to come legally, and I draw the line on that. I am willing to face every voter in Texas on that.

Our Democrat colleagues are really hoping today that the voters are not paying attention. They are hoping some of these radical groups wanting to change America's law to forgive the fact that their members have violated the law are watching this debate on television. But they hope that the working men and women of America are not paying attention to this issue. They want credit for saying they will reward you for violating the law, but I don't think they are going to want the American people to know the political game they are engaged in with putting politics before people.

Let me say that I am happy to debate this issue. I don't have any fear about this issue whatsoever—none. Anybody who wants to come to Texas and debate this issue will have a grand opportunity to do that when I am running, and I look forward to them coming. Texans, including Hispanics, do not believe that those who violate the law should be treated better than people who abide by the law.

I think our Democrat colleagues have misjudged this issue if they think hardworking Hispanics in this country believe we ought to allow people to break the law and be rewarded for it. I reject that. I will be happy to debate it, and I am going to be eager to vote on it at 4:30.

Finally, to repeat, in case anybody missed it, President Clinton threatened to veto the funding measure for the FBI, the DEA, the Justice Department, and the prison system unless we legalize illegal activity—something that is not only bad policy and that the American people are against, but that has nothing to do with funding Commerce-State-Justice. If the President really believes that is going to work, he believes he has become a King. I think the time has come to show him that he can veto a good bill, but he cannot make us pass this bad law that would legalize and reward lawlessness in America.

You can put a pretty face on this. You can sugarcoat it all you want. But what we are seeing is a blatant political act that is before the Senate in an effort to appeal to voters who believe that somehow it is good policy in America to legalize illegal actions and to reward people who have violated the law. Maybe I misjudge America. Maybe I don't understand this issue. But I don't think so.

I want everybody to know about this issue. I want to be sure everybody hears about this issue. I would be willing to let this election and every election from now until the end of time be determined by the issue of refusing to legalize illegal activity for political gain.

Our Democrat colleagues have chosen poorly, in my opinion. We are not going to be stampeded by President Clinton into passing this bill.

I can't prevent it from being put into some bill. I can resist and will resist, and maybe I can be run over as part of some backroom deal. But as a freestanding measure, this bill will never pass as a freestanding measure as long as I am in the Senate.

I thank the Chair for allowing me to speak this long. This is an important issue and I feel strongly about it. I want people to know about it.

If our colleagues are ready to debate this issue, to quote a famous Shakespeare play:

> Lay on, Macduff,
> And damn'd be he that first cries, "Hold, enough!"

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, we have colleagues on the floor who are waiting to speak. I apologize to them for breaking in ahead of them. I appreciate their kindness in allowing me to respond briefly to the comments of the Senator from Texas.

I can't believe what I have just heard, frankly. I am really amazed, and I may take a longer time at a later date to respond. I do not even know where to begin. But let me make four points very quickly.

First, to the point made by the Senator from Texas that somehow we are holding up the H-1B bill, that could not be further off the mark. That is not true.

I have suggested to Senator LOTT and to others that we would be willing to take a very short time agreement, period; it is over; let's have the vote.

I think what he said was we are trying to hijack the bill. What is it about offering an amendment that hijacks a piece of legislation? We are not hijacking anything. We are simply asking that we use the regular order here. Let's have the vote. Let's have the vote. We can do it this afternoon.

Second, with regard to this notion that somehow we are making illegal activity legal, I wonder if the Senator from Texas has looked at the Statute of Liberty recently—the Statue of Liberty welcoming those oppressed from around the world.

What is wrong with granting fairness to all immigrants regardless of circumstance? Why do we draw a distinction?

That is all we are suggesting—that we not draw any distinctions here; that if you come from El Salvador or Haiti that you ought to have the same rights as if you came from Cuba. We are simply saying we want some basic fairness. We are not condoning any illegal activity. He knows that.

Third, I must say that it seems that it is the Senator from Texas who is shedding crocodile tears—in his case, for people who have been waiting in a long line to become American citizens. I am sympathetic to these people too. But, with the passage of the H-1B bill that I know the Senator from Texas will vote for, we are going to allow 600,000 people—over three years—to go to the front of the line. We are going to put them at the front of the line. Never mind those 7 million people he just said were waiting. We are going to put them at the front of the line because they are filling high-paying, high-skilled jobs. Never mind the individuals who fill the thousands of available low-paying, low-skilled jobs. It is only the high-skilled workers we are interested in? To them, we say go to the front of the line. But if you work in a nursing home, if you work in a restaurant, if you work for the minimum wage, we say get back to the end of the line.

Fourth, let me correct this notion that somehow Democratic Senators are out of sync. This isn't our legislation. This is the legislation that virtually the entire Hispanic community has said they need. I didn't draft it. We worked with the Hispanic community to draft it. A large number of those people who the distinguished Senator from Texas said voted for him in the last election were the ones who came to this Senate, and said: Fix this problem. Fix it.

We are not out of sync. We are trying to respond, as we all must do, to legitimate problems in the Latino community, and the Liberian community. Fairness is what we are asking for.

We are not alone. It is the other side that is out there all by themselves. I know the distinguished Senator from Nevada, the Assistant Democratic Leader, has a list that Senator KENNEDY initially constructed, of 31 national organizations, including the National Restaurant Association, the Chamber of Commerce, and the National Retail Federation, that all believe we should pass these immigration reforms.

These organizations are not supporting sanctifying or somehow justifying illegal activity. How does the Senator from Texas possibly explain to the Chamber of Commerce that they are condoning illegal activity? For Heaven's sake.

That is why I say I don't believe what I just heard. I can't believe anybody would come to the floor and say those things. But they were said. They deserve a response, and I hope our colleagues will keep them in perspective.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I yield such time as I may consume from the Democratic time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Thank you, Mr. President.

Mr. President, there has been much discussion about the Latino and Immigrant Fairness Act. I think it is useful and appropriate to focus on precisely what this act does.

First, in 1997 Congress passed the Nicaraguan Adjustment and Central American Relief Act. Essentially, this bill granted permanent residency to Nicaraguans and Cubans who had fled oppressive governments. But we also recognize that there were thousands of other individuals from Central America who were fleeing the same type of repression, the same type of uncertainty in their lives, and violence in their lives. Yet these individuals were not covered by this legislation.

One of the major provisions of the bill we are discussing is to recognize these individuals who also have been residing in the United States, who have been working in the United States, and who have been contributing to our communities. This is not at all some act of condoning illegality.

Frankly, in 1997, we recognized that simple justice demanded that we allow individuals who are living in this country to adjust to permanent residency. We now want to expand that principle of fairness and decency to the others from that region.

In addition, there are other areas of the world which have the same types of violence, chaos, and turmoil. Principally I have been active on behalf of the Liberians who are here—many since the early 1990s civil war in their country.

This is not about condoning or recognizing lawlessness. It is about fairness.

In fact, our immigration policy is such that we certainly recognize and extend extraordinary opportunities to Cubans who flee their country without documentation, simply by arriving on the shore, have argument or the opportunity to make the case to stay here. If we can do that for one particular group, I think in the context of the turmoil and chaos we have seen in Central America, we can do it for other groups. That is at the core of this legislation.

Second, we have, since 1929, established a principle that if one enters this country and stays long enough and contributes to the communities in which he or she lives, they will be allowed to adjust to permanent status—this notion, called the registry date, is the idea that if you can document your presence in the United States for a long enough period of time, we will allow you to become a permanent resident and part of the citizenry.

Another part of the legislation moves the day of registry from 1972 to 1986. I think that recognizes that periodically throughout our history we face the reality that people have come here and established themselves, and it would be unfair to send them to their native lands. We are simply updating that particular date to allow people who have been residing in this country since 1986 to become permanent residents.

Finally, we would extend provision 245(i) which allows a person who qualified for a green card or work authorization to obtain a visa without first leaving the country. One of the changes we made recently in the immigration law was to require people physically to leave the United States to apply for a visa to come back in. That is not only an undue burden, but it complicates infinitely the lives of people who are working here, living here, and want to become permanent residents.

This is not legislation that condones lawlessness, it is legislation that is consistent with many legislative acts we have adopted beginning in the 1920s. It is legislation that recognizes if we are extending special opportunities to some people in a region, we should also, in fairness, extend it to others in that same region. This is legislation that is not particularly novel, but it is eminently and inherently just and fair and should be before the Senate.

But because of the parliamentary maneuvering and devices used, this legislation has not been offered in a way we can vote directly on it. Our plea has been, for months and months and months, to allow an up-or-down vote. There are serious policy issues regarding this legislation. People of good conscience can disagree. What is most disagreeable is that we have not had the opportunity to offer amendments on this legislation so that we can vote up or down.

There is one part of the bill in which I am particularly interested because it applies to a group of people who have been residing in our country for almost a decade, the Liberian population; 10,000 Liberians. The cause of their stay in the United States was a vicious civil war in their homeland. Many have been here for years. They have established themselves. They have been working and paying taxes and not, because they are subject to temporary protected status, enjoying any particular public benefits. Many have children who are American citizens.

One such individual, reported today in the Baltimore Sun is Gonlakpor Gonkpala, 48 years old. He has been living in the United States since he arrived as a student from Liberia in 1982. He got a degree in finance at Central State University in Wilberforce, OH, and did graduate work at Morgan State University. The civil war has prevented him from returning home. Today he lives in Brockton, MA, where he owns a three-bedroom house, belongs to a Masonic lodge, and is a member of the Methodist Church. He manages a CVS pharmacy. But Friday, without extension of DED, deferred enforced departure, his work authority will cease and he will be deported back to Liberia.

This is typical of so many people. It seems to me supremely ironic that as we are taking people from around the world under H–1B visas to man our industrial and commercial enterprises throughout this country, we are literally sending people who are already here, working hard, contributing and making our economy grow, we are sending them back to Liberia.

At the same time we are proposing to send people back to Liberia, our State Department is issuing warnings telling American citizens: Don't go there; it is too dangerous; you are likely to be threatened, if not worse.

We have been working with colleagues in this body for months to bring a bill to the floor on a bipartisan basis, Republicans and Democrats. Yet we have been denied systematically that opportunity. The denial to us means the status and the lives of 10,000 Liberians in the United States continue to hang by a very slender thread.

I hope all who embrace the notion of fairness and justice in immigration will give us the opportunity to vote on this issue. To date, that has not happened. It is critical because the prospect of sending these people home is very daunting and dangerous for these individuals. Liberia today is a democracy in form but not a democracy in substance. It is plagued with violence, economic turmoil, uncertainty, and fear. As so many Liberians report to me, it is a place where they will not be accepted readily. Also, they very well could be threatened physically. Certainly, they would have difficult problems adapting. Many face a very difficult choice: Do I leave my American-born children, American citizens here, and go back, or do I bring them back to a country that is unprepared to care for them in terms of health care, education, and other social endeavors?

That is what is at stake. It is the same for so many families who are Latinos in this country. That is what we are about: The same kind of simple justice since the same kind of difficult situations faced by the Liberians are faced by Hispanics. We want to give them a chance to adjust their status. It is not a recognition of lawlessness, it is in a sense a recognition of these people's contributions to America and their commitment to our country.

The situation is one which is especially compelling for me. Our ties to Liberia are older than any in Africa. The country was established by freed American slaves. Its capital is Monrovia, named after President Monroe. It has for years been a place for which Americans and Liberians have felt a special kinship. Today it is ruled by a President, Charles Taylor, who has been implicated in crimes of violence in neighboring country Sierra Leone, who has been nonsupportive of human rights and political freedoms, who has conducted a regime that is repressive and rightly criticized by so many.

I don't believe we can or should send thousands of Liberians residing here back to Liberia. What we have is an opportunity to do something that is both fair and, I believe, entirely appropriate. But that opportunity has been frustrated left and right by the unwillingness to give us the opportunity to bring this measure forward. Later today, we have an opportunity to vote on a resolution that will allow us at least to get a vote. We will continue to press on. We will continue to try to inject justice into our system of immigration, to recognize that there are thousands and thousands of people who are living here who desperately want to stay here, who want to continue to contribute to America. I hope we recognize their contribution and give them a chance to stay.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to proceed for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY POLICY

Mr. BINGAMAN. Mr. President, first let me say a word about the procedural morass that we find ourselves in, as I understand it. I do not claim to understand it all. The Democratic leader was trying to get the Senate to actually consider and vote on this Latino Fairness Act, which I strongly support. But in order to keep that from happening, I understand the majority leader came forward with a motion to proceed to S. 2557. Now, S. 2557 is a bill to protect the energy security of the United States and to decrease America's dependence on foreign oil sources. This is a bill, parts of which I support but many parts of which I cannot support because they have, in my view, wrongheaded policy judgments in them. But that is the National Energy Security Act of 2000 to which the majority leader made a motion to proceed.

I am informed by those who follow this activity on the floor more closely than do I that there is no serious effort by the Republican majority to actually consider or vote on or pass any legislation regarding energy security; that that is not a subject which they believe has enough of a priority attached to it that it justifies any real action by this Senate.

So we are somewhat on this issue because of a procedural effort to keep us from considering something else. That is just by way of background, to identify for people why I am here today speaking about an amendment which I would offer. If we ever did seriously consider this National Energy Security Act of 2000, then I would offer an amendment to that on behalf of myself, Senator DASCHLE, Senator BYRD, Senator BAUCUS, Senator BAYH, Senator JOHNSON, Senator LEVIN, Senator ROCKEFELLER, and Senator AKAKA.

The amendment I would offer would replace the text of S. 2557 in its entirety, and in its place it would offer a comprehensive approach to energy policy, much of which we originally introduced as S. 1833 nearly a year ago.

In order to explain why I believe it would be good for this Congress and good for this Senate to go ahead and pass this legislation that I would offer as an amendment, let me just say a few things about the energy situation. There have been several speeches. I do not know about today; I haven't watched the floor proceedings all day, but I did see yesterday where several people were speaking about the problems we have with our energy supply. Those problems are real.

With the supplies of crude oil and refined products and natural gas extremely tight, which they are, energy prices and the availability of some of these products are in the forefront of the minds of a lot of people. In my State, people are receiving in their mail notices from the utility companies saying the price of natural gas will be going up, their utility bills will be going up substantially this winter. So I believe it is essential we assess the current circumstance and that we develop a strategy for remedying the identified deficiencies.

Current prices are extreme when we compare them with the relatively low prices that we have enjoyed for the past 10 years. Aside from the oil price spike at the time of the Gulf war, the average annual price of crude oil during the 1990s was about $15 a barrel. The price of natural gas is somewhat less volatile than oil, historically, but it was also quite low. It was $1.84 per thousand cubic feet. That was because of what was called by all who focused on it "the gas bubble." This was excess supply following the restructuring of the natural gas markets.

The reality is that oil and natural gas are commodities. They are commodities whose prices rise and fall just as those of any other commodity. Since oil and natural gas are often developed together out of common reserves, as they are in parts of my State, the dramatic drop-off in oil drilling in 1998 and 1999 had a direct impact on natural gas supply at the same time that it was impacting future oil supply.

So true to what we all learned in Economics 101, once supply was reduced enough—with some direct market intervention by OPEC, I would add—the price of oil began to rise and drilling began again. Drilling is now going on at a robust pace around this country. While U.S. oil production overall has been in decline since 1970, the deep waters in the Gulf of Mexico have recently proven to be a very active oil and gas production area for our country. The deep water royalty incentives that were proposed by Senator Johnston when he was representing Louisiana in this body, which were also supported by this administration, have been a major contributor to the 65-percent increase in offshore oil production that has occurred under this administration. That is something that is often not focused on, but there has been a 65-percent increase in offshore oil production since this administration came into office.

Natural gas production on Federal lands—and that is the bulk of the natural gas production in my State—has also increased 60 percent under this administration due, in part, to the development of coalbed methane. My State of New Mexico has been a major contributor to that growth in natural gas production. We look forward to a continuation of that trend.

A recent survey by Salomon-Smith Barney projected the highest increase this year in worldwide spending on oil and gas exploration since 1981. The lion's share of that increased spending is directed toward North America, with companies planning to spend 76 percent more on natural gas projects alone this year than they did in 1999. So that is good news. However, those new supplies will not begin having a significant impact on natural gas prices until at least next spring or next summer.

There has been considerable consternation about the President's decision just this last week to go forward with a swap of 30 million barrels of oil from the strategic petroleum reserve to address concerns about heating oil stocks. I want to offer to this debate, which has occurred sporadically here on the Senate floor, the following information from the International Energy Agency's September monthly oil market report. That report says that world oil demand is always highest in the fourth quarter of the year, and the IEA, the International Energy Agency, is predicting a drop in world oil demand in the first quarter of next year on the order of 1 million barrels per day. In the near term, however—and this is a quote from their report:

> The market is too fragile. It needs higher inventories to protect against circumstances such as an abnormally cold winter. Without adequate stock coverage, the market lumbers from one problem to another, creating instability in its wake and dragging prices ever higher.

The reduction in world oil demand in the spring, coupled with the new production from non-OPEC sources, should bring prices down appreciably in the spring and summer of next year.

I ask unanimous consent a page from the September IEA Oil Market Report be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BINGAMAN. Mr. President, I also ask that an article that appears in this morning's New York Times, the September 27 New York Times, also be printed in the RECORD after my statement. This is an article by Paul Krugman entitled "A Drop in the Barrel."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. BINGAMAN. Mr. President, the thrust of that article is that the decision to go ahead with release of oil from the SPR, the Strategic Petroleum Reserve, was the right decision. He says we should be tapping our oil reserves. In fact, our mistake was that we waited too long; we should have been doing it months ago. But he applauds the decision of the President last week to go ahead now. I commend that article to my colleagues.

Beyond crude oil availability, the other key and a more complicated element is U.S. refining capacity, which currently is at near maximum utilization.

While it is true that the number of refineries has decreased during the past 10 years, the capacity has actually increased. In 1990, there were 205 refineries. By 1998, that number had decreased to 163. However, the total capacity increased from 15.57 million barrels per day to 15.71 million barrels per day over that same period. Certain small, inefficient refineries which were originally built to take advantage of the old oil allocation rules were shut down rather than upgraded to produce cleaner fuels, but the refineries that did upgrade to comply with the Clean Air Act actually expanded capacity—more specifically, the capacity to produce light products.

According to the Economist magazine, there was considerable excess capacity in the U.S. refining sector as recently as late 1996. I quote from an article in the Economist:

> Demand for oil in North America and Western Europe is sluggish. According to the International Energy Agency, it was only 1 percent higher in 1995 than 1993. Yet both regions are plagued with over-capacity. In 1990–1995, the capacity of American refiners to produce light-oil products, such as gasoline, increased by an average of 1 million barrels per day—almost double the rate of growth in demand.

I ask unanimous consent that a copy of that article entitled "A case of Unrefined Behaviour" from the October 12, 1996, Economist be printed in the RECORD following my statement.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Without objection, it is so ordered.

(See Exhibit 3.)

Mr. BINGAMAN. Mr. President, robust demand growth has finally caught up to eliminate that excess capacity, both in the United States and in Europe. Clearly, domestic refining capacity is a significant concern that needs to be addressed, but if near-term crude prices come down enough—as they have started to since the announcement to swap oil from the reserve—the underutilized refining capacity in Asia and the Caribbean could be utilized to increase the distillate stocks in the world market.

There are many political and economic factors beyond the control of the Congress and the administration that drive OPEC decisions. To a substantial extent, the price of oil will be driven by world market factors beyond our control. Natural gas, on the other hand, is largely sold in the North American market. While there is no quick or easy fix, we need to assess the impacts of our current policies on natural gas and on oil development during very low world oil price periods to avoid these boom-and-bust cycles in the future.

No one wants to go back to the days of regulation with gasoline lines and natural gas shortages, but we do need to determine where there are market inefficiencies and market failures that cause this extreme volatility in product stocks and prices.

One of the major problems in the crude oil market is uncertainty about actual global consumption and production until months after the fact. Our Energy Secretary, Bill Richardson, has already begun the process of improving market data with the successful meeting this summer involving both the consuming countries and OPEC representatives.

We also need a better assessment of whether and how increased demand for oil products and natural gas will be met, and this includes better coordination of environmental and fuel policies.

Over the long run, the least costly, most environmentally benign, and sustainable thing we can do is to use energy more efficiently.

I refer to this chart to make that point. When one looks at the petroleum consumption in this country by sector, it is very easy to conclude what our problem is. Our problem is consumption in the transportation sector. That is this top line, which is going off the chart.

What does that mean? It means the cars especially the sport utility vehicles, we are driving now are much less fuel efficient than they could and should be. That makes no sense. We now have much better technology than we used to have. We know how to produce a car with good power without it consuming such enormous quantities of gasoline, and in fact there are some of those on the market.

Because of lack of attention, because of lack of commitment, because of lack of purpose, we in the Congress in particular, but also the administration, have given too little attention to this transportation issue.

We are going to have to get serious about energy efficiency in this country if we are going to ever reduce the demand and see to it that we do not become further dependent upon foreign sources of petroleum products.

That is not popular, I understand. We had a vote last year on whether or not to even allow the study of whether sports utility vehicles could be considered to be cars and come under corporate fuel efficiency standards. The truth is, that effort last year failed. Most Senators chose to look the other way and to say this was not something that was a priority. Now we see the result.

I found it a little more than ironic that once gasoline prices began to rise this summer, our major auto manufacturers realized they could increase fuel economy of sport utility vehicles and light trucks by as much as 25 percent without costing jobs or eliminating the features that consumers want in those vehicles.

In fact, one of the companies' CEO made an announcement that they were going to go ahead and do that on their own, even though nobody required it of them. We need to make sure those efficiency improvements show up in the marketplace as quickly as possible, and we need to educate Americans on the importance of taking advantage of those efficiency improvements.

There was reference yesterday to a New York Times article suggesting that Japan appears unaffected by the current high price of crude oil. I point out that according to the Energy Information Administration, Japan has among the highest gasoline prices in the OECD, second only to Norway. Approximately half the price of gasoline in Japan is made up of taxes, about 48 percent. American consumers are not as inured to such high prices as the Japanese. The Japanese, however, have done a much better job of increasing overall fuel economy than we have in our country.

Many of the provisions in this amendment which I would offer if we were going to seriously consider passing legislation on energy security—and as I said at the beginning of my statement, there is no serious intention on the part of the majority leader to have us consider energy security before this Congress adjourns—but if we were to consider energy security and I were permitted to offer my amendment to S. 2557, it would address a broad range of technologies and industries that are necessary to meet our energy needs.

The amendment would include a serious commitment to more efficient use of energy in its many forms, as well as incentives to ensure we can maintain production of our domestic resources.

It would address several issues. I will list six of them.

First, it would address the purchase of more efficient appliances, homes, and commercial buildings;

Second, address greater use of distributed generation; that is, fuel cells, microturbines, combined heat and power systems and renewables;

Third, the purchase of hybrid and alternative fuel vehicles and development of the infrastructure to service those vehicles;

Fourth, the investment in clean coal technologies and generation of electricity from biomass, including co-firing with coal.

Fifth, countercyclical tax incentives for production from domestic oil and gas marginal wells. Those are extremely important in my State.

Finally, sixth, provisions to ensure diverse sources of electric power supply are developed in the United States and to continue our investment in demand-side management.

I notice the assistant Democratic leader is on the floor and anxious to proceed with other business. I conclude by saying I believe this is an important issue. I hope very much that the majority leader and the Republican majority in the Congress will work with us to pass a bipartisan energy package before we conclude this session.

Mr. President, I ask unanimous consent the full text of the amendment that I would offer be printed in the RECORD immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is printed in today's RECORD under "Amendments Submitted."

Mr. BINGAMAN. Mr. President, I yield the floor.

EXHIBIT 1

A QUESTION OF BALANCE

With OPEC's third ministerial meeting of the year scheduled to begin on 10 September, followed by a Heads of State gathering later in the month, the usual questions are being asked: whether, when and by how much should or will producers increase production? In a complicated market, most analysts expect OPEC to boost production. If OPEC goes with a modest increase, it would simply endorse what has already happened: August crude supply from OPEC (excluding Iraq) exceeded the 1 July target by 435 kb/d. Whatever the outcome, producers will likely take it upon themselves to increase production in excess of formal targets.

Continuing high prices and extreme market volatility indicate that the market is fundamentally unbalanced. Stocks are stubbornly low even as economic activity has been strengthening globally. Low stocks are in large measure the result of 18 months of production restraint by producers in an effort to achieve price recovery on the heels of extremely low prices in 1998 and early 1999. At the margin, production restraint works, but it is an imprecise instrument. It can have profound and unforeseen side effects, including market instability and the distortion of economic behaviour.

The Labour Day weekend signals the end of the peak summer driving season in the US and Canada. Given earlier historic low gasoline inventories, North American refiners had been running flat out just to meet demand. Even when some additional OPEC crude did become available to the market it was for the most part sour and of a heavy grade, something the market could not fully digest in large quantities. Consequently, sweet-sour differentials widened and there was a build of sour crude stocks at the same time refiners were clamouring for more oil.

OPEC Crude Production

[Million barrels per day]

	1 July 2000 targets	August 2000 production	Production v targets	Sustainable production capacity	Spare capacity
Algeria	0.81	0.83	0.02	0.90	0.07
Indonesia	1.32	1.31	−0.01	1.35	0.05
Iran	3.73	3.67	−0.06	3.73	0.06
Kuwait	2.04	2.14	0.10	2.40	0.26
Libya	1.36	1.43	0.07	1.45	0.02
Nigeria	2.09	2.01	−0.09	2.20	0.20
Qatar	0.66	0.70	0.04	0.75	0.05
Saudi Arabia	8.25	8.55	0.30	10.50	1.95
UAE	2.22	2.28	0.07	2.40	0.12
Venezuela	2.93	2.92	−0.01	2.95	0.03
Subtotal	25.40	25.84	0.44	28.63	2.79
Iraq		2.95		3.00	0.05
Total		28.79		31.63	2.84
Memo Item: Mexico crude		[1] 3.10		3.40	0.30

[1] Estimated.

Even as aggregate stocks rise, albeit from low levels, severe imbalances remain in product markets. By maximising gasoline yields, refiners unavoidably have contributed to a secondary problem. Distillate stocks in the Atlantic Basin are extremely low heading into the peak winter heating season. The market is too fragile. It needs higher inventories to protect against circumstances such as an abnormally cold winter. Without adequate stock coverage, the market lumbers from one problem to another, creating instability in its wake, dragging prices ever higher.

Fortunately, surplus crude oil production and refining capacity is available around the world which, if mobilised quickly, can begin to address these market imbalances. Incremental feedstock is rich in distillates, something that is in high demand for heating-mode operations. But stocks need to build well in advance of peak seasonal demand. Producers need to look beyond the present to see their way through to market stability.

EXHIBIT 2

A DROP IN THE BARREL?

The decision to release part of our Strategic Petroleum Reserve has been widely criticized. Even many commentators with no ax to grind seem convinced that there is something irresponsible about the move.

But they're wrong. We should be tapping our oil reserves; in fact, the big mistake was not using them months ago.

Put it this way: Why has the Organization of Petroleum Exporting Countries, derided as irrelevant only two years ago, suddenly become so effective again? The answer is that now, as in the oil crises of 1973–4 and 1979–80, circumstances have given OPEC what amounts to a temporary corner on the world oil market. Our long-run policy should be to encourage production and discourage consumption, so this doesn't happen again. But in the meantime we should try to prevent OPEC from taking full advantage of that corner. Releasing oil reserves to set a cap on prices—and making it clear that we are prepared to release more—will do exactly that.

Successful attempts to corner markets are rare, but they happen. A Jappense company managed to corner the entire world copper market in the mid-1990's (through it lost it all by overplaying its hand). The standard procedure is to surreptitiously buy up a large part of the supply of your chosen commodity, then pull some of that supply off the market, causing prices to soar for the rest. In effect, the market manipulator creates a temporary monopoly position for himself—the market corner—and exploits that temporary monopoly by selling some but not all of his stockpile at very high prices.

OPEC did not follow the classic procedure, but events have produced much the same result. Very low oil prices a few years ago discouraged independent producers; oil exploration fell off sharply. Then demand for oil surged as Asia recovered from its financial crisis and Americans bought ever more S.U.V.'s The result is that for the time being, even with non-OPEC production at maximum, a few major exporting nations know that they have enormous market power. By producing a few hundred thousand barrels a day less than they could, they can drive prices on the oil they do produce to levels not seen in many years.

This situation won't last indefinitely. As long as we don't do something foolish like encourage consumption by cutting taxes on gasoline, new supplies of oil, together with falling demand in response to high prices, will eventually eliminate that market power. Until then the oil exporters have us, yes, over a barrel, and are exploiting their temporary advantage with gusto.

But if withholding a few hundred thousands barrels a day from the market can drive prices sky-high, putting a similar amount back in can bring them back down to earth—as demonstrated by the sharp drop in oil prices that followed the announcement of plans to tap U.S. strategic reserves. And Western governments have more than a billion barrels in reserve. Why not use those reserves to break the market corner, or at least to limit its effectiveness?

Some warn that if we supply more oil, OPEC will supply less. Indeed, yesterday Libya's oil minister made that threat explicit. But the logic of the situation suggests that this threat isn't credible. Oil producers know that they are getting higher prices for their oil now than they will in a year or two; the only reason they are not putting as much as they can is that they believe that holding back will keep prices high. But if they know that attempts to drive up prices by restricting production will be offset by increased release from Western reserves, they will have less, not more, reason to keep oil off the market. A credible promise (threat?) to use our petroleum reserves to prevent prices from going too high might well actually persuade OPEC to produce more than it otherwise would.

Remember that we're not talking about fundamental market forces here. This market is already being manipulated by a handful of exporting-nation governments—so why shouldn't the importing-nation governments also enter the game? We have a lot of influence over this market, if we choose to use it. And it would be not just a shame, but positively shameful, if we allow ourselves to be deterred from acting in our own interest because we're afraid to annoy the oil cartel.

EXHIBIT 3

(From the Economist October 12, 1996, U.S. Edition)

A case of unrefined behaviour From Texas to Thailand, oil refining is a consistently miserable business. It will stay that way as long as pride is more important than profits.

This week three oil companies—Shell Oil, the American arm of Royal Dutch/Shell; Texaco, an American firm; and Star Enterprise, a joint venture between Texaco and Saudi Aramco, the state-run Saudi Arabian giant—announced they were discussing a possible merger of their American refining and marketing operations. That would mean pooling $10 billion-worth of assets and creating America's biggest oil retailer, with a market share of 15 percent. Earlier this year, British Petroleum, BP, and America's Mobil, two other oil giants, announced a $5 billion deal to merge their downstream businesses in Europe.

Both mergers are the sign of an industry in trouble. Until a decade or so ago, the oil business barely treated refining as an industry in its own right; it was simply the necessary process by which crude oil was adapted for an ever-growing market once the hard, glamorous job of wrenching the stuff out of the ground had been completed. Now that oil firms treat their downstream businesses as profit centres, they have discovered that they are often nothing of the sort.

The world's biggest oil firms have recently been making a much higher return from their upstream investments than from their downstream (one chart on next page). In most parts of the world there are simply too many refineries. In Europe and the United States, too few firms are willing to shut them down; and in Asia, they seem to be building many more than they need.

Demand for oil in North America and Western Europe is sluggish. According to the International Energy Agency, it was only 1 percent higher in 1995 than in 1993. Yet both regions are plagued with over-capacity. In 1990–95 the capacity of American refiners to produce light-oil products, such as gasoline, increased by an average of 1m barrels per day—almost double the rate of growth in demand. Over the same period, the refining margin, ie, the value of a basket of typical refined products less the cost of crude, fell by 51 percent in real terms, to $2.53 per barrel, according to Cambridge Energy Research Associates, CERA, a consultancy based in Massachusetts.

Two other factors complicate the picture. The first is the cost of having to refit plants to comply with environmental rules. American refiners reckon that they will need to spend $150 billion over the next 15 years to meet green regulations. (Closing a refinery does not let a firm off the hook: there are extremely onerous environmental regulations about cleaning up old industrial sites.)

The other problem is that oil marketing—the other main activity of the downstream business—has become ferociously competitive in some countries. In Britain supermarkets have snatched a quarter of the retail petrol market, much of that from the big oil firms; in France hypermarkets now sell around half of the country's petrol. European oil firms are beginning to follow the example of their American counterparts by adding convenience stores to their pumps: the typical American petrol station now makes some 40 percent of its profits from the sale of non-oil products, such as cigarettes and beer.

Certainly the new downstream mergers should help firms cut some costs. BP and Mobil reckon that they will save around $450m a year; savings from the proposed new American merger will be four times that, according to one estimate. Much of these savings will come from merging and slimming head-office and other administrative functions. The worry is that this is too little, too late. The proposed American merger, as it is currently being discussed, apparently will not involve closing any refineries. And the BP-Mobil joint venture has so far led to no new closure previously announced by the two companies. After you. No, after you.

One problem is that it is in nobody's interest to move first to shut down capacity. While the costs of closing a refinery are paid by its owner, the benefits—in terms of higher refining margins—accrue to the industry as a whole. Hence every firm wants refineries to be closed, as long as they are not its own. Meanwhile, according to a new report by Enerfinance, a consultancy in Paris, there are still 600,000 barrels per day of excess refining capacity in Western Europe (although some oil companies reckon the surplus is double that).

Frustrated in Europe and America, many western refiners have been looking to Asia, where car ownership and electricity consumption are growing fast. Demand for oil products in the region is expected to rise by over 4 percent a year between 1995 and 2010, according to Chem Systems, a London consultancy. On some estimates, $140 billion of new investment in refining will be required to meet this demand.

Yet, strangely, the refining business is proving dismal in Asia too. Refining margins have drifted lower since the start of the 1990s. In September, for example, the average Singapore refining margin—a benchmark—had sunk to $2.98 per barrel, compared with a 1992–93 average of over $5 per barrel, according to CERA. One big oil company reckons many refineries in the region are now barely covering their running costs, let alone their huge capital investment (a typical new refinery costs around $1.5 billion).

The problem is that over the past year refinery capacity in Asia has grown even faster than demand for oil products. Consumption in the region has been hit both by a recession in Japan, and by an attempt by the Chinese government to restrict imports of oil products into the country. But the excess capacity is also due to a swathe of new refineries that are being built.

In Thailand two new refineries have recently come on stream. Both are joint ventures with PTT, the state-run oil company—one involving Royal Dutch/-Shell, the other involving Caltex, which is jointly owned by Texaco and Chevron, two giant American oil firms. Many South Koreans meanwhile are expanding the capacity of their existing plants. According to Petroleum Argus, an industry newsletter, new investment in South Korea, Thailand and India alone is expected to boost Asia's capacity this year by around 6 percent, to 17.5m barrels per day (last year, demand across the Asia-Pacific region as a whole rose by 4.5 percent).

Many refiners say that this is a short-term problem. They argue that low margins will now deter new investment, that demand will eventually outpace capacity, and that margins will thus widen again. Many other capital-intensive industries suffer from a similar boom-bust cycle.

Maybe. But many of those companies building refineries are doing so for reasons other than a calculation that they will make money. Politics often interferes. Middle East countries, for instance, are keen to ensure a secure outlet for their crude oil for decades to come. For this reason, their firms sometimes seem willing to tolerate lower returns than western oil Saudi Aramco has bought a stake both in Petron, a Philippine oil-refining and marketing firm, and in Ssang-yong Oil, a South Korean refiner. The state oil companies of Kuwait, Oman and Abu Dhabi are now talking about building new refineries in a number of Asian countries, including Pakistan, Thailand and India.

Asian governments and oil firms also have their own reasons for increasing domestic refining capacity. The governments see it as a way to reduce their dependence on imported oil products. Pakistan has recently tried to tempt investors to build new refineries by offering them a guaranteed 25 percent annual rate of return. The companies see building refineries as a way to turn themselves into more international businesses. The big South Korean refiners have expanded their capacity partly in the hope of exporting greater volumes to China.

With so many people eager to build more refineries in Asia, there may be no significant improvement in refining margins over the next few years, predicts Dennis Eklof of CERA. In Asia everyone is rushing to build at once; in Europe and America nobody wants to shut a refinery. Either way, the collective ambition of individual refiners thwarts the interests of the industry as a whole; and either way, oil refiners behave remarkably like lemmings.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. On behalf of the minority, we have approximately 90 minutes left; is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, I yield 15 minutes to the Senator from Rhode Island, and yield Senator KENNEDY 40 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 15 minutes.

Mr. REED. Mr. President, I had the opportunity to speak prior to Senator BINGAMAN about the issues pending before us with respect to immigration, and, in particular, with regard to the Liberian community in the United States—10,000 individuals who are facing immediate deportation unless the President extends DED, which is the acronym for deferred enforced departure. I certainly would urge the President to do that.

As a result of our inability to bring this measure to the floor over the last several months, there is very little option for these people except for the Presidential issuance of a DED proclamation. I would urge him to do that.

But that does not solve the problem. That would essentially give the Liberians in the United States another year. But still their life would be tenuous. They would be unsure of whether or not they could stay through the next year.

As a result, I believe what we must do is come to grips with the underlying issue, and allow these individuals to adjust to permanent status in the United States and, hopefully, become citizens of this country. We have to do that, I think, because each year the equity and the logic of allowing them to become permanent citizens becomes more compelling.

It has been 10 years now since many of them came to this country. In another year it will be 11. At some point, simple justice requires that they be allowed to make an adjustment to permanent status and become citizens of this country.

It is important to recognize how the Liberian community got to this particular juncture. In 1991, in that era of violent civil war in Liberia, the Attorney General granted temporary protected status, recognizing that the chaos in Liberia was so great that, in good conscience, we could not force these people to return to Liberia. That TPS status was extended year after year after year, until very recently when it was determined that the conditions in Liberia momentarily had stabilized.

But the President, recognizing that what appeared to be a formal democratic government process in Liberia was, in effect, covering up great confusion, great chaos, great turmoil in the country, and did not require the deportation of these individuals but invoked DED.

I have heard on the floor suggestions that our proposal with respect to Liberia and, indeed with respect to other immigrant groups, is some novel, unique, first-time attempt to upset the "majesty" of our immigration laws; when, in fact, periodically in the United States we have recognized that people have come here with temporary documentation but now have stayed long enough, have contributed to our communities, and, in doing so, deserve the opportunity to become permanent residents and citizens.

In 1988, Congress passed a law allowing four national groups that had been allowed to stay in the U.S. at the Attorney General's discretion to adjust to permanent resident status: 4,996 Poles who had been here for 3 years; 378 Ugandans who had been here for 10 years; 565 Afghanis who had been here for 8 years; and about 1,200 Ethiopians who had been here for 11 years. So this process of recognizing the reality of the contribution of people who come here intending initially to stay temporarily is nothing new.

The 102d Congress passed a law allowing Chinese nationals who had been granted DED—they were in the same position as Liberians are now—to adjust to permanent residency after the Tiananmen Square atrocity. After the Chinese authorities brutally repressed the demonstration of young students, it was feared that to return these people to China would place them in great peril—I think a well-founded fear. But over the next 4 years, 52,000 Chinese changed their status.

So, again, we recognized turmoil in a country, we recognized individuals are here who established themselves, and we have given them a chance to adjust. That is simply what we are asking for with respect to Liberians, with respect to many Central Americans who are here.

In the last Congress, we passed NACARA, which recognized some of the need and some of the demand to give people from Central America a chance to establish themselves here permanently. So what we have seen over the course of many years is a pattern of recognizing the need of particular groups who come here without documentation or with temporary protection, who establish themselves, who contribute to their communities, and who, under our law—both its letter and its spirit—deserve a chance to adjust their status.

That is at the heart of what we are attempting to do with these several amendments that we wanted to originally propose to the H-1B visa bill. I think it is an appropriate vehicle. After all, we are all supportive of the need of high-tech industry for workers. I think we can equally be supportive of those people who are working today, not only in high tech but in a host of enterprises throughout this country, who face deportation, who face being returned to their homeland. They are already contributing to our country, yet we have not been able to bring such measures to the floor for the kind of up-and-down vote that their situation demands. I hope we can at some point.

It is very critical to the Liberians. It is critical to many other people. The criticality for Liberians turns, I think, on the conditions in their own homeland. We have a situation where there was an election. It was monitored by international authorities. In form it looked democratic, but in substance it has not resulted in a democratic regime that is protective of the rights of individuals.

There are numerous examples of human rights abuses that persist today in Liberia. Last year, for example, human rights organizations estimated that approximately 100 individuals were victims of extrajudicial killings, but yet there have been no convictions of anyone involved in these killings.

I had an individual visit me in my office in Rhode Island who had just returned from Liberia. He went back there. He is trying to promote commerce and industry between the two countries of the United States and Liberia. And he is associated with a political party that is out of favor at the moment over there.

He was traveling with one of their principal politicians. He was in a car, leaving a particular village, and they were warned to go the other way because an ambush had been set up to either kidnap them or kill them. They avoided that situation by a few moments and the intercession of someone who gave them advice to go the other way. I am told this is very common in Liberia.

We have also seen eyewitness accounts of incidents in villages. Last year a village was surrounded by Government security forces. All the men were taken away. Their fate is yet to be determined.

In 1999, the State Department issued a report, their country report, which stated that Government security forces, sometimes torture, beat, and otherwise abuse and humiliate citizens. Victims reported being held in water-filled holes in the ground, being injured when fires were kindled on grates over their heads, suffering beatings, and sexual abuse. All of this is attributed to Government security forces.

President Taylor has stated that these reports of human rights abuses are simply the results of these human rights organizations trying to interfere with his country. I think that could not be further from the truth.

There is a pattern. There is evidence. There is persistent evidence of these types of abuses.

In 1999, Government security personnel were involved in the looting of 1,450 tons of food intended for Sierra Leone refugees. And they stole vehicles belonging to nongovernmental organizations that were sent to Liberia to help refugees in Sierra Leone.

Prison conditions are harsh in the country. There are reports of torture, of detainees being held without charges. Government security forces continue to harass and threaten political opposition figures.

Freedom of the press is not a reality. The press is repressed rather than encouraged.

We find a situation that is consistent throughout the country with these types of human rights abuses, so much so that our State Department has suggested and advised Americans not to travel to Liberia.

So we are on the verge of a decision, I hope, by the White House to extend deferred enforced departure, a decision that is entirely appropriate but insufficient to deal with the underlying issues. The underlying issues involve 10,000 Liberians who have come to this country, who have been offered sanctuary—we must applaud the generosity of spirit that motivated the offer of temporary protected status—have established themselves, and now wait with uncertainty and doubt about their future.

Simply to extend this uncertainty and this doubt year by year by year is cruel but also fails to recognize that they have become so much a part of our communities in such a constructive way. I mentioned before an individual who has a master's degree, who is now managing a CVS store in Massachusetts, who owns his home. He is somebody who is contributing to our economy today. He is someone who is here making our economy work for us. Yet he faces the prospect of being denied the ability to work, come Friday, and being potentially deported back to a country which is unwilling in many respects to accept him back.

For many reasons, we have to be supportive of this effort to bring this legislation to the floor. What is so frustrating is that for many months now, working in the way I believe the Senate works, making the case to my colleagues, getting the support across the aisle of several colleagues for bipartisan legislation, of working for the kind of support that would be necessary to pass this legislation, but ultimately being frustrated because it became quite clear there was no real intent to give this community, to give this legislation a vote, up or down, on the floor. That is the wrong way to use the process.

I don't think anyone here should be afraid of taking a vote on this particular measure. One could disagree with the policy. One could disagree with the principle, articulate those differences and then vote. What we find, time after time after time, is that type of principled, rational, careful legislative debate and decision is frustrated by the decision that we can only recognize one immigration issue, and that is ensuring that high-technology companies have sufficient workers. We can't recognize the many other immigration issues, the many other individuals who cry out for simple justice and cry out for the chance to be good Americans, to be recognized as such, to have the chance to change their status to permanent residents and, we hope, ultimately to become citizens of this great country.

We can do better. I don't think we have to limit our vision and our efforts and our activities simply to keep our economy moving forward. I think we can recognize something else, to ensure that we are fair and just in our dealings with thousands of people who come to this country and, by the way, who contribute significantly to our economy.

I hope we can do both. I hope in the next few days we can resolve this impasse and we can get a vote, and we can pass this measure with respect to the Liberians but also with respect to Latinos and other groups who have been here and continue to be part of our great country and want their contribution recognized with the opportunity to become citizens of this country.

With that, I yield the floor.

The PRESIDING OFFICER. By previous order of the Senate, the Senator from Massachusetts is recognized for up to 40 minutes.

Mr. KENNEDY. Mr. President, I thank my friend and colleague, Senator REED, for his presentation and strong support. I've had the good opportunity, since I first came to the Judiciary Committee, to be on the Subcommittee on Immigration. We have provided temporary protected status for probably 14 different nations over the past years. And we've also provided the green cards for six of those countries, more than half of those countries. What the good Senator has been pressing the Senate on is to take action—that would be consistent with past action—particularly with the guns of war that continue to wreak such havoc in Liberia. I think it is a very compelling case. I am in strong support.

Mr. President, for months, Democrats and Republicans have given their strong support for the H-1B high-tech visa legislation. In addition, Democrats have tried—but without Republican support—to offer the Latino and Immigrant Fairness Act.

We have worked hard to reach an agreement to vote on both of these important bills. We could easily have voted on the Latino legislation as part of the high-tech visa bill, but our Republican colleagues have repeatedly blocked every effort we have made to do so. The Republican leadership is determined to prevent this basic issue from coming to a vote in the Senate.

Our Republican friends tell us that the Latino and Immigrant Fairness Act is a poison pill, that it will undermine the H-1B high-tech visa legislation before the Senate. But if Republicans are truly supportive of the Latino legislative agenda, that cannot possibly be true.

Yesterday, Senator GRAMM accused Democrats of "putting politics in front of people." Is Senator GRAMM prepared to say that to those who would benefit from the Latino and Immigrant Fairness Act, people such as Francisco?

Francisco and his wife completed applications for legalization and attempted to submit them to the INS. The INS refused to accept the applications, because Francisco and his wife briefly left the United States during the application period without INS permission. The courts have ruled against this INS practice, but Francisco and his wife were never granted legalization. They have worked legally with temporary permission while awaiting the court decision on their case.

If they are not permitted to work legally in the United States, they will not be able to support their three U.S. citizen children. With permission to work, they have been able to find jobs that accommodate a hearing disability that affects one of their children. If they lose their work permit, they may not be able to find work. They constantly fear detention and deportation.

It is shameful that the Senate refuses even to allow a vote on these issues of fundamental fairness for immigrant families. It is Republicans—not Democrats—who are playing politics with the lives of those who have come to our country as refugees from persecution in other countries. The hypocrisy is flagrant. Our Republican colleagues pretend to court the Latino vote across the country in this election year. But when the chips are down, they refuse to act.

The Senate Republican leadership can't have it both ways. Either they are part of the solution, or they are part of the problem. They can't call themselves friends of the Latino community, while working to prevent the Latino Fairness Act from becoming law.

Republican opposition to this legislation is so intense that they continue to delay passage of the H-1B legislation with their procedural tactics. For reasons that no one understands, the Republican leadership filed a meaningless cloture petition last week, and now they have filed three additional cloture petitions. I ask my Republican colleagues, wouldn't it be easier to allow a vote on the Latino and Immigrant Fairness Act? If you support the Latino community, if the priorities of the Latino community are your priorities too, we can pass both bills and move forward.

The choice is clear. Instead of adopting long overdue family immigration reforms that have broad support from the business, religious, and labor communities, Republicans would prefer to stall action on the high tech visa bill and block a vote on the Latino Fairness Act. I urge my Republican colleagues to end this shameful hypocrisy and allow the vote that simple justice and fundamental fairness demand.

But these procedural road blocks won't stop those who support this legislation. After all, the immigrant community—particularly the Latino community—has waited far too long for the fundamental justice that the Latino and Immigrant Fairness Act will provide. These issues are not new to Congress. The immigrants who will benefit from this legislation should have received permanent status from the INS long ago.

Contrary to remarks made on the Senate floor earlier today, these issues have been around for a long, long time. If my friend, the chairman of the Senate Judiciary Committee, wanted to have a hearing, he could have scheduled a hearing at any time over the past 3 years. And if we had had such a hearing, it would have demonstrated that this legislation is not what he described as a "broad amnesty for illegal immigrants." It is a measured bill necessary to reunite families and ensure that American businesses have the workers they need. He would have learned that contrary to Republican concerns that this bill would "let everybody in," the legislation only seeks to create fairness where there is injustice and restore longstanding immigration policy objectives, and is similar to actions Congress has taken often in the past.

The Latino and Immigrant Fairness Act includes parity for Central Americans, Haitians, nationals of the former Soviet bloc, and Liberians. In 1997, Congress enacted the Nicaraguan Adjustment and Central American Relief Act, which granted permanent residence to Nicaraguans and Cubans who had fled their repressive governments.

Other similarly situated Central Americans, Soviet bloc nationals, and Haitians were only provided an opportunity to apply for green cards under a much more difficult and narrower standard and much more cumbersome procedures. Hondurans and Liberians received nothing.

The Latino and Immigrant Fairness Act will eliminate the disparities for all of these asylum seekers, and give them all the same opportunity that Nicaraguans and Cubans now have to become permanent residents. It will create a fair, uniform set of procedures for all immigrants from this region who have been in this country since 1995.

The Latino and Immigrant Fairness Act will also provide long overdue relief to all immigrants who, because of bureaucratic mistakes, were prevented from receiving green cards many years ago. In 1986, Congress passed the Immigration Reform and Control Act, which included legalization for persons who could demonstrate that they had been present in the United States since before 1982. There was a one-year period to file.

However, the INS misinterpreted the provisions in the 1986 Act, and thousands of otherwise qualified immigrants were denied the opportunity to make timely applications.

Several successful class action lawsuits were filed on behalf of individuals who were harmed by these INS misinterpretations of the law, and the courts required the INS to accept filings for these individuals. As one court decision stated: "The evidence is clear that the INS' . . . regulations deterred many aliens who would otherwise qualify for legalization from applying."

To add insult to injury, however, the 1996 immigration law stripped the courts of jurisdiction to review INS decisions, and the Attorney General ruled that the law superceded the court cases. As a result of these actions, this group of immigrants has been in legal limbo, fighting government bureaucracy for over 14 years.

Our bill will alleviate this problem by allowing all individuals who have resided in the U.S. prior to 1986 to obtain permanent residency, including those who were denied legalization because of the INS misinterpretation, or who were turned away by the INS before applying. Our bill would also amend some of the procedural blocks in terms of normalizing one's green card situation.

The nation's history has long been tainted with periods of anti-immigrant sentiment. The Naturalization Act of 1790 prevented Asian immigrants from attaining citizenship. The Chinese Exclusion Act of 1882 was passed to reduce the number of Chinese laborers. The Asian Exclusion Act and the National Origins Act which made up the Immigration Act of 1924, were passed to block immigration from the "Asian Pacific Triangle"—Japan, China, the Philippines, Laos, Thailand, Cambodia, Singapore, Korea, Vietnam, Indonesia, Burma, India, Sri Lanka, and Malaysia—and prevent them from entering the United States for permanent residence. Those discriminatory provisions weren't repealed until 1965. The Mexican Farm Labor Supply Program—the Bracero Program—provided Mexican labor to the United States under harsh and unacceptable conditions and wasn't repealed until 1964.

The Latino and Immigrant Fairness Act provides us with an opportunity to end a series of unjust provisions in our current immigration laws, and build on the most noble aspects of our American immigrant tradition.

It restores fairness to the immigrant community and fairness in the nation's immigration laws. It is good for families, it is good for American business, and it is good for our economy.

Last summer, Federal Reserve Board Chairman Alan Greenspan said,

> Under the conditions that we now confront, we should be very carefully focused on the contribution which skilled people from abroad, [as well as] unskilled people from abroad, can contribute to the country, as they have for generation after generation. The pool of people seeking jobs continues to decline. At some point, it must have an impact. If we can open up our immigration rolls

significantly, that clearly will make [the unemployment rate's effect on inflation] less and less of a problem.

The Essential Worker Immigration Coalition, a consortium of businesses and trade associations and other organizations shares this view and strongly supports the Latino and Immigrant Fairness Act. This coalition includes the health care and home care associations, hotel, motel, restaurant and tourism associations, manufacturing and retail concerns, and the construction and transportation industries.

These key industries have added their voices to the broad coalition of business, labor, religious, Latino and other immigrant organizations in support of the Latino and Immigrant Fairness Act.

The coalition of supporters includes Americans for Tax Reform, Empower America, the AFL-CIO, the Mexican American Legal Defense and Educational Fund, the National Council of La Raza, the League of United Latin American Citizens, the National Association of Latino Elected and Appointed Officials, the Anti-Defamation League, the National Conference of Catholic Bishops, the Union of Needletrades and Industrial Textile Employees, and the Service Employees International Union.

Few days remain in this Congress, but my Democratic colleagues and I are committed to doing all we can to see that both the Latino and Immigrant Fairness Act and the H-1B high tech visa legislation become law this year.

As others have pointed out, we have been discussing this issue now for several days. There is, as the indication of the votes suggest, overwhelming support for H-1B. There is virtual unanimity in the Senate to pass the H-1B program. I was very hopeful that we would be able to offer an amendment with a training component that would be available to Americans, so that the American worker would be able to obtain the level of skills which these new immigrants are bringing here to the jobs in the United States.

The average income for the H-1B worker is $47,000; it is not $150,000. Really, all that is necessary for Americans to fill the overwhelming majority of these jobs is training and skills. There is a small percentage of very highly skilled and talented individuals in the H-1B program who add an additional dimension in terms of our economy. But the great majority—the average, as I mentioned—is $47,000.

We only require a $500 application fee now. An immigrant family has to pay $1,000 to get a green card to cover the processing. If we were to require a $2,000 fee for the Microsofts, the multibillion-dollar companies, for every H-1B application they have, we would have a fund of about $280 million a year. That fund would be allocated between the National Science Foundation and the existing workforce boards, under the bipartisan workforce legislation that we passed 2 years ago. It would be allocated on the basis of competition to these communities that develop training programs for high skills. That would include the employers, the workers, and the educational institutions. It would give them some continued resources to be able to provide the skills to Americans to meet this particular challenge.

We don't have a crisis in terms of workers; we only have a crisis in terms of skills. So we ought to be able to develop the kind of support so that out into the future these jobs will be fulfilled by Americans. But we are not able to offer that amendment under the cloture motion, even though it is directly relevant and even though we offered and debated those in the conference and even though it seems to me to be directly on target with regard to the underlying amendment. We ought to be able to do that.

I don't know what the problem is among those on the other side in refusing to permit us to develop a program so these jobs can be fulfilled by Americans. That seems to me to make sense. Good jobs, good benefits—why shouldn't they be for Americans? The only thing that is lacking is the skilled training. Is it asking too much to ask the Microsofts and the great successful IT businesses for a $2,000 application fee for the H-1Bs? I don't think so.

We can develop that fund and develop the training program—not create a new bureaucracy—and use the existing training programs with additional funding that would be targeted for that purpose, and also support additional funding for the National Science Foundation, for outreach programs, for women and minorities in these high-tech areas to support those kinds of efforts because there is an enormous absence of women and minorities in the area of these H-1B jobs.

There is no reason in the world that we should not have an outreach program. There are excellent programs in terms of developing interest, and programming in terms of women and minorities in the high-tech area. They need additional support. We can use some resources to expedite the processing of the H-1B visas.

Massachusetts yields to no one in terms of the high-tech aspects of our industry. We are second to California in the small business innovative research programs. Half of all health patents created in this country are in my own State of Massachusetts. We get high awards in terms of peer review for research. But when I talk to either the private sector or talk to others, they say: Right on. They don't question the importance of getting additional skilled workers.

It is difficult to understand the reluctance and the resistance for this. It is true that 30 years ago if someone worked, for example, in my State in the Four Rivers Shipyard, their grandfather worked there, their father worked there, they generally had a high school education. Every employee who enters the job force now is going to have eight different jobs. What it means in terms of the continued growth of that employee is that there is going to be continuing education and training programs that are going to be available to them. That is just obvious. If we don't understand that, we don't understand what is happening in terms of the needs of American highly competitive, high-tech industries in this Nation, and for the most part other industries as well.

We are denied the opportunity to offer that amendment. We would be glad to enter into a time limitation. We are denied that opportunity. We are denied the opportunity in terms of the Latino fairness, even though, as I have mentioned, we have a court decision that found for these particular individuals. But for the actions of the Immigration and Naturalization Service, they would have had their position adjusted and would have had a green card. It was certainly the intention of Congress at that time that they should. We are trying to remedy that situation. We are denied that opportunity.

We are denied the opportunity to give fairness to the other Central Americans and others who were given the assurance that it was just a matter that we were being rushed at the end of the last Congress and we were unable to get the clearance for these other Central Americans. We were denied that opportunity. We had the judgment for the Cubans and Nicaraguans but not for the Guatemalans, Haitians, Hondurans, and Eastern Europeans. They were given assurance that they would. Republicans and Democrats alike indicated that we are prepared to vote on that with a short time limit. But we are denied that opportunity as well.

We find ourselves in this extraordinary situation with all of the machinations on the other side to prohibit us from having a vote. Maybe they have the votes. They probably do, although I somehow feel that if we were to get to this fairness in the light of day, it would be difficult to argue against it. It would be difficult to argue against why on the one hand we are increasing the immigration for high skills and for the high-skilled industries, and on the other hand we are refusing to provide additional manpower and womanpower for many of the other industries with the kind of support that they have in terms of the Chamber of Commerce, labor, and church groups that say they should be able to get it.

If we are going to have sauce for the goose, let's have sauce for the gander. Beyond that, they ought to treat these individuals fairly. They have been treated unfairly because of the actions that have been taken in denying them the kinds of protections and rights that they otherwise would have received.

They have the compelling argument that they ought to be treated similarly as the H–1Bs; and, second, because they been denied fairness because of other actions that have been taken by the Government.

It is difficult as we go through this to understand why we are being denied the opportunity to bring this up. It is very difficult to explain to our colleagues in the Hispanic caucus, let alone to church leaders and other groups, why fair is not fair. That is where we are. The extent to which the Republican leadership is going to deny us this opportunity is absolutely mindboggling. Why not just let the chips fall where they may? No. We are being denied that opportunity. We are not even permitted a vote on it.

That is becoming sort of the custom. It never used to be that way in the Senate. The Senate used to be a place where you could have the clash of ideas, and also the opportunity to express them and get some degree of accountability. But we are being denied, on Latino fairness, to ever get a vote.

We are denied the opportunity to have another vote on minimum wage.

We are denied the opportunity to get a vote on the prescription drug program.

We are denied the opportunity on Patients' Bill of Rights.

We are denied the opportunity on the education programs.

We can't get those. We can understand people voting different ways, and maybe voting for positions I favor and against positions that I support. That was the way it was generally done in the Senate. But we cannot have that opportunity.

PRESCRIPTION DRUGS

Mr. KENNEDY. Mr. President, earlier this week, the Republican leadership in the House and Senate emphasized again their attempt to block needed action this year to provide prescription drug coverage under Medicare.

Their letter to President Clinton declared any legislation to provide fair prescription drug benefits dead for this year. President Clinton disagreed, and he was right to do it. There is still time for this Congress to pass a long overdue Medicare prescription drug benefit. House Democrats are for it. Senate Democrats are for it. So are many Republicans. President Clinton has been fighting for it for years.

All that is needed to make Medicare prescription drug coverage a reality for this year is for the Republican leadership to finally say yes to senior citizens and no to the drug companies.

In addition to opposing Medicare prescription drug coverage —in a shameful example of disinformation—the Republican leaders also tried to blame the President for their failure to act.

Their letter charges the President with rejecting the recommendations of the commission. But the commission proposed to raise premiums for senior citizens as much as 47 percent.

It proposed charging a copayment for home health services that could add more than $3,000 a year to the out-of-pocket costs of the sickest and most vulnerable senior citizens.

It proposed restricting the eligibility for Medicare, forcing hundreds of thousands of senior citizens into the ranks of the uninsured.

And it proposed a new cap on Medicare spending that could push Medicare into bankruptcy as early as 2005.

In fact, the commission proposed the same anti-Medicare agenda that Governor Bush has adopted. The President was right to reject it, and Senator LOTT and Speaker HASTERT are wrong to endorse it.

Their letter criticizes the House Democrats for walking off the House floor when the House leadership refused to allow a vote on a fair Medicare drug benefit, and then rammed through a measure that was not Medicare and was not adequate. All the Speaker had to do was to allow a vote. Democrats wouldn't have walked out. He knew that a fair prescription drug benefit would have passed.

The GOP leadership letter also attacks the President for failing to endorse the Republican alternative of means-tested block grants to the States to help low-income senior citizens. But it would take years for States to put that alternative in effect and would leave out at least 70 percent of senior citizens.

It would provide yet another excuse for inaction.

Mr. President, do you understand that? It would limit the benefit. The block grant would be limited to persons under 175 percent of the poverty level, and only those persons under 135 percent of the poverty level would receive total coverage. But that leaves out 29 million seniors who, for the next 4 years, would not participate in the prescription drug program. That makes absolutely no sense.

Senior citizens want Medicare, not welfare. In 1965, the Nation rejected the idea that the only way for seniors to obtain health benefits should be to go to the welfare office. Medicare was passed, and today it has become one of the most successful social programs ever enacted. That decision was right then, and it continues to be right today. We should not turn back the clock. It is not too late for Congress to enact prescription drug coverage under Medicare for senior citizens. We know where the President stands. We know where Democrats in Congress stand. Most of all, we know where senior citizens and their families stand. The Republican leadership should listen to their voices and end its obstruction.

EDUCATION

Mr. KENNEDY. I bring to the attention of the Senate the excellent recommendations announced today of the Glenn Commission, a very prestigious group of academic educators from around the country, Governors, and Members of Congress, who had been interested in education. The presentations and discussions over the past year have reinforced our sense of urgency about the need for better-qualified math and science teachers in the nation's classrooms.

The report emphasizes the need for greater investments in math and science at every level—federal, state, and local. We've made significant progress in recent years, but we can't afford to be complacent. In out increasingly high-tech economy, high school graduate need strong math and analytical skills in order to be competitive in the workplace. Schools also face record-high enrollments that will continue to rise, and looming teacher shortages.

Recruiting, training, and retaining high-quality math and science teachers deserve a higher priority on our education agenda in Congress. I intend to do all I can to see that schools have the federal support they deserve. The need is especially urgent in schools that serve disadvantaged students.

Mr. President, this brings me back to where we are on the issues of education. I can't turn my television on without finding Governor Bush in another school talking about education. I wish he would pick up the telephone and call our majority leader and say, why don't you bring up the Elementary and Secondary Education Act and have a debate on that legislation.

If we don't get action on it, it will be the first time in 35 years that we have not had debate or discussion on the Elementary and Secondary Education Act and have not been willing to take a position on this extremely important area of public policy.

We had 22 days of hearings in our committee on this measure. We had hours during markup, and we came to the floor of the Senate, and it was like running into a brick wall. We had 6 days of what could be called debate, although 2 days was debate only. And in this time we had 8 votes. But 1 vote was a voice vote, so we only had 7 votes. And 3 of those votes were virtually unanimous. So we only had 4 votes in a couple of days. Compare that to 55 amendments in 16 days on the bankruptcy bill.

For those on this side, we think we should have had a much longer opportunity to debate this issue. I think this was the position of the majority leader because he indicated in January of 1999:

> Education is going to be the central issue this year . . . we must reauthorize the Elementary and Secondary Education Act.

In June of 1999:

> Education is number one on the agenda for Republicans in Congress this year. . . .

In May of 2000:

> This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

May 2, 2000:

> No, I haven't scheduled a cloture vote: But education is number one in the minds of the American people all across this country and every State, including my own State. For us to have a good, healthy, and even a protracted debate and amendments on education I think is the way to go.

July 25:

> We will keep trying to find a way to go back to this legislation this year and get it completed.

We heard we would have two-track action during the course of the days on appropriations and we would deal with other issues at night. We completed the trade bill, and now we have protracted sessions without any kind of action.

We invited the majority leader to call up the Elementary and Secondary Education Act and deal with it in the evenings because it is something the American people want. We are told, no, we will not do that, because there was going to be a possible effort to include an amendment to try to reduce the number of guns that might be going into the schools of this country and we were told that safe schools were not relevant to education.

That might be an interesting philosophical position, but yesterday in New Orleans there was another school shooting. We have been following the terrible tragedy and the circumstances of the two children, ages 13 and 15, who are in critical condition.

I think parents across the country want to make sure we are doing everything we possibly can to make our schools safe and secure. There are other elements in the debate, but safety is enormously important. It is enormously important because we are reaching record high enrollments in the public school system.

Fifty-three million students enrolled in school this Fall. Over the next 100 years, we will double that number of students, and in order to deal with these increases, the Federal, State, and local governments should work together and share the responsibility. This is not an issue we can escape.

We have made significant progress in education over the last 30 years. Public schools are experiencing greater success than ever before—with higher graduation rates, increased test scores, higher academic standards, and greater accountability. Students have made gains in achievement, and are more effectively meeting the challenge of high standards.

More students are taking the advanced math and science classes. This chart indicates between 1990 and 2000, those who took precalculus rose from 31 percent up to 44 percent; 19 percent in calculus, up to 24 percent; 44 percent in physics, up to 49 percent.

The number of students taking the Scholastic Aptitude Tests has also increased. 33 percent of all students were taking this test in 1980, and now it is 44 percent in 2000.

Contrary to what many have talked about, we are finding in many of the urban areas that a number of the urban school systems are doing increasingly better. One of those that was extremely challenged in the early 1990s was Detroit, for example. These are the increase-in-performance percentages from 1992 to 1998:

Michigan Education Assessment Program: In the district of Detroit, in 1992, 33 percent passed; in the State, 60 percent passed. In 1998, 65 percent in the district of Detroit passed, which is a 97-percent improvement; in the State 74 percent passed. So you are seeing not only is there a dramatic increase in the performance of children in this fourth grade on the subject of mathematics, but also the disparity between the children in a large urban area and those statewide have dramatically been reduced.

All of these indicators are rising. The fact is, also, that they are modest, but they are all the positive indicators. But, our work is far from over. In spite of this promising news—the results so far are not enough. Now is not the time to be complacent. We cannot leave any child or any group behind. We have a responsibility in Congress to help all students. The nation's children, the nation's parent, and the nation's schools are counting on us.

As we are getting closer to the election, it is getting fashionable to use the education issue as a political issue. But I think it is important to remind our colleagues and friends about who has the special responsibility for education. The fact is, the States and the Governors still have the prime responsibilities. They control effectively 97 cents out of every 100 cents that are spent on education. When some public officials go around and try to blame people for the fact that a particular area, region or community is failing in education, we ought to recognize who has the responsibilities—the local communities and the States.

We do have some important responsibilities as well. The American people expect us to fulfill those responsibilities. We are going to continue to speak about this issue and work until the end of this session, to see if we cannot put education back as a priority item for this Congress.

Mr. President, I reserve the remainder of my time and suggest the absence of a quorum and ask the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I had the opportunity, earlier today, to talk about the effort by Senator DASCHLE and the minority to suspend the rules of the Senate and to bring before this body an amnesty provision. In essence, this provision would reward people who violated the laws of this country by coming to the United States illegally when we have millions of people waiting to come the right way, legally.

After I left, the minority leader, in response to what I said, asked if I had seen the Statue of Liberty lately. Let me assure him that not only have I seen it, but that when my grandfather, who came to this country by way of Ellis Island, saw the Statue of Liberty he rejoiced in it. I would also like to ask the people who are for this bill, if they have they seen the Supreme Court Building lately? "Equal Justice Under Law."

Without law, we can't have liberty. Without law, we can't have an organized society. We corrupt the legal system when we have a set of rules that people are supposed to operate under, and then for political reasons in an election year, say to all of those who have abided by the law in waiting to come to America, that they are going to be treated differently than people who violated the law in coming to this country.

I have seen the Statue of Liberty and I rejoice in it. I want people to give us the best they have so we can build a greater country. But I want people to come, as my grandfather came, as my wife's grandparents came—I want them to come legally.

Second, the H-1B program is a temporary work program for highly skilled people. It is an entirely different issue than the issue before us, which is an effort to waive the rules of the Senate and bring before us a bill that would grant amnesty to and reward people who have violated the law. I do not believe my colleagues are going to do this. I know our Democrat colleagues believe this is good politics and that this is going to get them more votes, but I don't believe it. As I said before, I would be willing to let this election, and every other election for the remaining history of this country, be determined on this issue and this issue alone.

I do not believe it is good politics to basically say that we are going to reward people who violate the law at the expense of those who abide by the law.

Also, the idea that somehow immigrants support this bill I think is outrageous. I think those who have abided by the law resent the fact that we routinely reward people who violate the law.

Finally, in 1986 we adopted an amnesty provision, and that was supposed to be the final granting of amnesty. Now we are back trying to renegotiate the deal. The point is, every time we grant one of these amnesty provisions, we say to people all over the world: Violate the law, come to America illegally, and you will ultimately be rewarded for it.

I say to people all over the world: Come to America legally, and secondly I say, we need to promote free enterprise to individual freedom where we can take America to them. Not everybody who goes to bed at night praying to come to America is going to get to come. We cannot have the whole world in America, but we can take America to them by promoting the policies worldwide that have made us the greatest and richest country in the history of the world.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Idaho.

ANGELS IN ADOPTION

Mr. CRAIG. Mr. President, I am going to use some time this afternoon and depart from this immediate debate to talk about an event that occurred last night which I and my colleague from Louisiana had the opportunity to cohost, along with the Freddie Mac Foundation.

My colleague, Senator MARY LANDRIEU, and I are cochairs of the Congressional Caucus on Adoption. Both she and I are adoptive parents and very proud of that fact. For the last good number of years, we have worked to organize our colleagues into a caucus to become sensitive to the issues of adoption. We became very active in the transformation of the foster care laws of our country which this Senate passed 5 years ago that have certainly made many children safer and available to individuals, couples who want to form families through adoption to provide permanent loving homes for those children.

More importantly, the Senator and I have been active with our colleagues on the House side to literally debate and move nationally the whole issue of adoption, both at the State and the Federal level. Why? For a very simple reason. We know, and many of my colleagues know, that there are literally hundreds of thousands of children who are in search of loving adults and parents who will provide them with a home—not a foster home, not a temporary home, but a permanent home. Why? Because their natural parents either are no longer alive or are dysfunctional in a way that they cannot provide for and love these children. In many instances, they were actually harming these children and, as a result, we have worked in a bipartisan way to make a very real difference.

In the course of all of our efforts, the Senator from Louisiana and I a year ago stumbled on an idea that we thought just made all the sense in the world, to lift the visibility of and the general public awareness of adoption: That there are marvelous, beautiful young people who are in search of a home.

We began to ask our colleagues in the Senate and the House to recognize individuals who were outstanding in the area of adoption, whether it was individuals, families, or couples who were adopting children, whether it was foster parents, whether it was mentors who were attempting to work in the adoption of children, or volunteers with the court-appointed special advocates, known as CASA, who help family courts by working with children in their homes, support communities, organizations across the country, or just outstanding individuals who stand above it all, whose greatest and most direct interest is in helping kids.

Last night, we recognized a number of people who are doing just that. One hundred and twenty nominees flowed from House and Senate Members and from their States to be recognized. At a gathering last night at the Hyatt, over 450 people, hosted by the Freddie Mac Foundation, came together to honor Angels in Adoption.

I now turn to my colleague, Senator MARY LANDRIEU, my cochair of the Congressional Caucus on Adoption, to speak to this issue. There is a lot more to be said, and I want her to have a full share of this time as we talk about the most important issue of providing loving, caring homes for children who do not have them and who can have them if we can simply help facilitate the ability of adults to adopt these children.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague from Idaho for being such a wonderful partner in this endeavor. He and I have quite enjoyed leading the Senate coalition on adoption and working with our counterparts, TOM BLILEY and JIM OBERSTAR on the House side.

Senator CRAIG is absolutely right. Last evening was a wonderful event with over 450 people from all around our Nation nominated by Members of Congress for the outstanding work they are doing in their communities and States to promote the great beauty and joy of adoption, that it is a wonderful way to be a family.

Before I list some of the award winners from last night, it is our hope—and I think Senator CRAIG will agree with me—that every child who comes into this world is wanted, loved, and can remain with the family who brought them into the world—that would be ideal—to have someone love them and care for them.

For many reasons, which we do not have the time today to go into, families disintegrate or break down and children are abandoned or left alone. The fact of the matter is, children cannot raise themselves. The other fact is, although the Government can help with policies, the Government itself cannot raise children. The children need to be raised by adults who are responsible and who love them.

Today in our country—and the Senator from Idaho knows this because he speaks out regularly about it—there are 500,000 children, a half a million children—you could fill up the Superdome, which is in New Orleans, with which a lot of people are familiar; it seats 80,000 people—you could fill up that Superdome many times with the number of children who have been taken from their homes because of abuse, neglect, or other very difficult situations. About 130,000 of those 500,000 are right now ready for adoption.

We believe there are no unwanted children, just unfound families. That is what our coalition is about: To promote the concept of reunification, obviously, when possible, but, if not, to move these children into loving homes.

We want to focus our attention on the children in the United States who need our help, but also there are children all around the world. There are literally too many to count. Millions and millions of children are being raised by themselves on the streets or are in institutions or are languishing in foster care. We want to correct that.

Last night, we nominated for our national Angels award Congressman TOM BLILEY, who is retiring this year, the wonderful Congressman from Virginia.

In his many years in Congress, he promoted tax credits for adoption, adoption awareness, family leave for adoptive parents, the formation of the National Adoption Information Center, foster care incentive payments, and aid to orphans and displaced children, which is one of the most recent things TOM BLILEY has promoted.

I say to Senator CRAIG, since you introduced Gale and Larry Cole, why don't you say a word on the record about this particularly wonderful family—Lynette Cole, Miss USA, and her parents.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, last night, as we were recognizing these national Angels in Adoption, I had the privilege of introducing Lynette Cole and her parents, Gale and Larry.

Lynette is a beautiful young lady whom we have come to know as Miss USA. She is a young lady of color, and her parents are not of color, they are Caucasian. Yet the marvelous chemistry of the family said they were made for each other. They came together, both she and her brother, to be adopted by Larry and Gale Cole and to be raised by them. Never prouder parents did you see than last night when they were standing beside their beautiful daughter on stage—all three—to be recognized as Angels in Adoption.

It was so appropriate that we did that. Here is a perfect example of what can happen when all of the right chemistry comes together, but, more importantly, when all of the right law comes together.

Here is an adult couple who wanted this child, who could not adopt her. They were not allowed to adopt her. They actually moved out of one jurisdiction into another, where the laws were different, so they could adopt this child and become her permanent parents.

The country knows the rest of that story now—not only the story of their unlimited love, but the fact that they raised and helped shape a beautiful young lady who ultimately became the reigning Miss USA 2000.

So it was my tremendous privilege last night to be there to honor them and to recognize them as the recipients of our Congressional Caucus on Adoption national award of Angels in Adoption.

I yield the floor.

Ms. LANDRIEU. Mr. President, let me just add to that an extraordinary element about this particular story. Obviously, part of it is that Lynette Cole went on to become Miss USA. But 25 years ago, her father had a steady job at Chrysler. He gave up his job, moved out of State, and his wife had to go back to work, so that they could basically fight the Government system to allow them to adopt this child.

When everyone said no—the Government said it was the wrong thing to do—this family, through sheer will and dedication, adopted this young lady. And she has grown up to be Miss USA. We are proud of them. These are the kinds of people who are helping us change the view of adoption and the way the system should work in this country. We are proud of them.

Let me mention Bertha Holt, another person we honored last night. I presented this award to her daughters because, unfortunately, she passed away just this year, at 96 years of age, as we were preparing to give her this award. So last night I said, she truly is our angel because she was observing, watching from Heaven last night.

But 50 years ago, Bertha Holt, and her husband Harry Holt, began breaking down the barriers for international adoption. They had six biological children of their own and were well on their way, raising those children, when the aftermath of the Korean war brought these two loving people basically to their knees. They said: What can we do to help? They went over to Korea and literally began trying to save children, one by one, picking them up off the streets, out of the hospitals, children who had been orphaned by the war, and said: Let's make a home for them here in our own home in the United States.

It took an act of Congress, back in the late 1950s, to allow them to do this. They had to literally change the law to allow them to do this. Because of that ground-breaking work and their advocacy, decade after decade they have found homes here in the United States for 2,000 children from around the world.

We honored Bertha Holt last night. She truly is an angel in Heaven.

Finally, one of our national award winners was Children's Action Network, a group of individuals who have great stature and standing because many of them operate in movies and in videos. So they are quite familiar to the general public. They have come together to use their celebrity status to promote this idea, to bring attention to it.

Last year, they raised money and contributed to a wonderful program that was filmed in our Nation called "Home For the Holidays." It was shown, I say to the Senator, all across the country. Because of that video, and because of the issue that was raised to the American public, hundreds of children were adopted into homes here.

So we had a grand night. These were our national Angels. I think for the RECORD we may submit these other names. There were over 120 of our award winners last night.

I am happy to yield.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me talk just a little more about what the Congressional Caucus on Adoption and the coalition we formed actually does.

As you know, coalitions or caucuses here in the Congress are nonpartisan. We are bicameral. We are an alliance of Members of the House and the Senate, now 150 strong, who work very closely together for the purpose that both Senator LANDRIEU and I have talked about.

We are from all political stripes: Liberal, moderate, conservative. But we have one goal, and that is to help facilitate and change the laws so young people, in search of loving, permanent homes and families can come together.

Just this last week, we were able to see the "adoption bonuses" announced. These are the incentive payments that were created by Congress in the Adoption and Safe Families Act, which provides to States, if you will, the carrot and the stick to assure that States help get more children out of that system once they have determined that the natural parents—if they are still living—are unable or unacceptable to parent these children. Then they move them into adoption and into loving homes. These are the incentives we have created in the passage of that law for the reshaping of foster care in our country.

I would be remiss if I did not mention the name of the late Senator John Chafee, and Senator MIKE DEWINE, who, with myself, and others—I say to Senator LANDRIEU, I think she was just coming to the Senate at that time—worked to reshape that law.

It has become a tremendously valuable change in the law because, tragically enough, for all the right reasons—and for some of the wrong motivations—the foster care system in our country was becoming a warehouse which young people went into and stayed and oftentimes graduated out of at the age of 18, never knowing a permanent home, sometimes living in three or four or five homes during their life. Foster care parents are wonderful, loving, giving people, but those children knew that this was not a permanent environment. They did not have a mom or a dad.

We are changing that now, and doing it very quickly, by erring on the side of the child and making the determination for the child and not for the natural parent, because, by definition of being in foster care, that parent in some way has given up a good many rights or has been found dysfunctional and unable to care for the child they may have brought into this world.

Also, last week—and I will let the Senator speak more about this—Senator LANDRIEU, working with Senator HELMS, was very instrumental in bringing about the final clearance of the Hague Treaty that deals with international intercountry adoption, which is so critical as we try to change laws not just in our country, nationally and on a State-by-State basis, to create greater uniformity in State law to accommodate and enhance adoption, but also working internationally. These are very important steps.

Let me conclude and yield back to the Senator by saying this to my colleagues. In November, we are not going to be here, hopefully. We are going to be adjourned. All of us will be back in our States and back in our hometowns.

November is Adoption Month. That is when our Nation celebrates the institution of adoption. I certainly encourage my colleagues to think about November and look forward and ask the congressional coalition to work with them in giving them material or information so they could prepare to give a speech back in their home State about adoption. Host an adoption party for prospective parents and adoptable children. Most importantly, though, speak publicly about it. Make your citizens in your State more aware or at least give them the opportunity to be more aware of it.

You can also do something I did. You can host, with the U.S. Postal Service, a ceremony about the adoption stamp that was just released this year. You can give out those stamps. It is a marvelous activity that the Post Office loves to do, not only to bring attention to adoption but to bring attention to the fact that they are sensitive to these kinds of important issues in our country.

I yield the floor.

Ms. LANDRIEU. The Senator has made some wonderful suggestions as to what we all can do to celebrate Adoption Month, which is November, whether you have adopted children or perhaps adopted grandchildren; perhaps you yourself were adopted and you know someone, a neighbor, who has built a family through adoption. It is life affirming.

This is what we can all agree on, whether you are conservative or liberal, Democrat or Republican. It is an endeavor where we believe our Nation can step forward; we can do a better job of making sure that every child has a family to call their own. That is what this is about.

The Senator mentioned the Hague Treaty on Intercountry Adoption. I would be remiss if I did not thank publicly the chairman of that committee, Senator JESSE HELMS, and our ranking member, Senator JOE BIDEN. There are many treaties sitting on shelves, waiting to be acted on by this Senate. There are literally, to my understanding, hundreds. But this chairman, even with a busy schedule, with many demands about taking up a treaty on other international issues, brought forth a treaty for intercountry adoption.

It is going to be and is already a historic milestone so that the United States can continue to lead, to say that there should be no barriers to adoption.

We would love all children to stay with the parents to whom they were born or the parent or the family to stay within the country where they were born. But if we can't find a home for them in that country or in that community, we should not leave children in institutions or orphanages or, for Heaven's sake, living on the street by themselves in boxes and boxcars. We should do everything we can.

This treaty will help us to do just that. It will help the governments of the world to shape laws and policies, minimize costs, stamp out corruption, and help us to have a system where we can all feel good about our work to bring help to these children. It will be done with the governments, in partnership with the nonprofit organizations, churches, faith-based organizations, and individuals throughout the world. It is quite exciting.

Perhaps, because there are other Senators on the floor who may want to speak, we could submit the names of our 120 Angels into the RECORD. I know the Senator probably will want to at least mention his Idaho Angel.

I will mention our Louisiana Angel. I was proud to present, with Congressman DAVID VITTER, the award last night to Judith Legett from the New Orleans area, and Sister Rosario O'Connell from the Houma area. Both are doing extraordinary work. The sister, with her other sisters, originally from Ireland but now long-time residents of Louisiana, are taking care of approximately 22 abused and neglected children, helping them to move through that system and find permanent homes. Mrs. Legett has been an outstanding spokesperson in our State.

I thank the Senator for the time and thank Chairman HELMS for his great leadership in intercountry adoption and thank the Senators for their vote on that earlier this year.

I ask unanimous consent to print in the RECORD the list of Angels in Adoption 2000 Awardees.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL COALITION ON ADOPTION—ANGELS IN ADOPTION 2000 AWARDEES

NATIONAL ANGEL IN ADOPTION AWARDEES

The Honorable Tom Bliley
Children's Action Network
Gail and Larry Cole
Lynette Cole
Bertha Holt

CONGRESSIONAL COALITION ON ADOPTION ANGEL IN ADOPTION AWARDEES

Alabama: John Hamilton Carr, Judith Smith Crane, and Anne Forgey.

Alaska: Dawn Crombie.

Arizona: Barbara and Samuel Aubrey, John A. Oliver, and Lori Vandagriff.

Arkansas: Curtis and Margaret Blake and Connie Fails.

California: Dr. Frank Alderette and Delia Morales, Hillview Acres Children's Home and Foster Family Agency, Mark and Sylvia Olvera, Walden Family Services, and Nancy Wang.

Colorado: Clem and Florence Cook, Yuri Gorin, Mike and Ellie Honeyman, and Jackie and Tom Washburn.

Delaware: Mary Lou Edgar.

Florida: Florence Gilbert, Jesse and Cheryl Parsons, Beverly Young, and Georgia Edward W. (Kip) Klein.

Hawaii: Denise and Frank Mazepa.

Idaho: Jolyn Callen.

Illinois: Chuck and Lynn Barkulis, Kenneth and Kim Lovelace, Annette and Jim McDermott, Henry and Odessa McDowell, and Judy Stigger.

Indiana: Ann and Moses Gray.

Iowa: Jim and Diane Lewis and Bambi Schrader.

Kansas: Joe Harvey.

Kentucky: Virginia Sturgeon and Martin and Lisa Williams.

Louisiana: Judith Legett and Sister Rosario O'Connell.

Maine: Anne Henry Sister Theresa Theuein, LCSW.

Maryland: Lisa A. Olney.

Massachusetts: Dr. Laurie Miller, Penny Callan Partridge, Dr. Joyce Maguire Pavao, and Nancy Reffsin.

Michigan: Sydney Duncan, Mary Ellyn Lambert, Jim Rockwell, Milton and Julia Smith, JoAnne Swanson, Craig and Paula Van Dyke, and Judge Joan E. Young.

Minnesota: Roger Toogood and The Witikko Family.

Missouri: Janet Harp, Ed and Joan Harter, Howard and Rochelle Muchnick, Connie Quinn, Small World Adoption Foundation, and Brenda Henn and Slava Plotonov.

Nebraska: Stuart and Dari Dornan and Tammy Nelson.

Nevada: Judge Nancy M. Saitta.

New Hampshire: David Villiotti.

New Jersey: Lawrence and Deborah Andrews, Barbara Cohen, Joseph Collins, Karen Flanagan Ken and Bonnie Moore, Jane Nast, Mary Hunt Peret, and Paytra Skelly.

New York: Dr. Jane Aronson, Linda and Thomas Bellick, Kevin and Eileen Gilligan, Frederick Greenman, Marie Keller Nauman, New York State Citizens' Coalition for Children, Inc., Paul and Jackie White, Barbara and Scott Williams, Alan M. Wishnoff and Lisa Smith.

North Dakota: Tammy and Jared Gasel and Family.

Ohio: Mary Malloy, Theodore and Lillian Mason, Faith and Marvin Smith.

Oklahoma: Jerry and Denise Dillion and Debbie Espinosa.

Oregon: Judith Spargo.

Pennsylvania: Barbara Schoener.

Rhode Island: Dennis B. Langley.

South Carolina: Brenda and Anthony Davis, Peggy Ewing, Tomilee Harding, William Brantley Hart.

South Dakota: Jeanine Jones and Andy Browles, Dale and Arlene Decker, Jeannie French, Mark Kelsey and Calla Rogue, Jon and Laurie LeBar, and Judge Merton B. Tice, Jr.

Texas: Kathleen Foster, Tom and Mary Alice McCubbins, and Armando and Lucy Valdes.

Utah: Gary Simmons.

Vermont: William M. Young.

Virginia: Cathy Harris, Brian and Kellie Meehan, Sandra F. Silvers, WRIC TV 8, and United Methodist Family Services.

Washington: Ivan Day, Janice Neilson, Jon and Kerri Steeb.

West Virginia: Scott and Faith Merryman.

Wisconsin: Cheri Kainz and Lisa Robertson.

Wyoming: Ellen McGee.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, again, a very special thanks to my cochair with the Congressional Coalition on Adoption for the tremendous work she has done.

We now are able to have an intern, thanks to a private organization helping facilitate the development of our coalition.

Lastly, a marvelous lady in Boise, ID, Jolyn Callen, is my Angel in Adoption. Her advocacy grew out of her own experience adopting her daughter from abroad. She is now a volunteer with a local adoption agency, helping others who are thinking about adopting or going through the adoption process. Even as we work to streamline this process and improve the law and create the tax credits, all of that, it is still a phenomenally daunting process. It takes time. It is a legal approach and necessary, as we make sure that the laws are dealt with appropriately.

What we want to make sure is that there are no locked doors, that the doors are there with large signs on them for people to walk through, whether it be State by State or across the Nation or nation to nation, to assure, as Senator LANDRIEU says, that every child in search of a home can find one.

Let me close by drawing attention to the map behind Senator LANDRIEU. A good many people will recognize that these are all of the people and their names and locations that we have just placed into the RECORD. For Senators who might be listening or Senators who will read this RECORD, look at the States where there are no Angels yet. That means you haven't done your homework. That means you haven't gone home to check to see who that marvelous individual is in your State who is helping facilitate an adoption or may have 10 or 12 or 15 adopted children of their own. They are all over America, wonderful people, whether it is at the court level, at the family level, at the agency level, advocating for children to be placed in permanent, loving homes.

Next year, when the Congressional Coalition on Adoption once again steps forward to name nationally our Angels in Adoption, let's make sure that this map is completely full, not 150 but several hundreds of citizens who are helping us facilitate and work for this very worthy cause across our country.

I thank the Senator from Louisiana for the tremendous work she does and yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, S. 2045 and the Lott amendment would raise the H-1B visa cap for highly skilled workers, and there seems to be considerable support on both sides of the aisle for raising this cap.

Much has been said about the shortage of skilled workers for the information technology industry. In my State of Minnesota, the Minnesota Department of Economic Security has said that over the next decade, the industry will need about 8,800 more skilled workers, but at the same time they see only about 1,000 workers a year being trained for such jobs. I am sympathetic to what the business community is saying in Minnesota and around the country. But I think there is a right way and a wrong way to raise the H-1B visa cap. I rise to speak about what I think would be the right way.

The only way we can do it the right way is if we are able to bring amendments to the floor to improve this bill. That is how you are a good Senator representing people in your State.

One amendment would call for more resources for high-skilled training for workers in our country, for men and women who want nothing more than to be able to obtain a living wage job, earn a decent standard of living, take care of their families. We ought to make sure that there is a significant investment of resources for such skill development and job training. The Kennedy amendment would have done that. We are not able to do that because we are shut out from amendments.

If we are going to raise the H-1B visa cap, we ought to make sure that those workers with more advanced skills that Americans could not obtain the training for right away—that is to say, workers who have a PhD or a master's degree—would be the ones who, first of all, would be coming to our country from other countries.

That way, you make sure working people in our country who can easily be trained for these jobs are not shut out. My understanding is that Senator KENNEDY will be offering a carve-out amendment after the cloture vote.

Then there is rural America. The Center for Rural Affairs, located in Nebraska, came out with a study that one-third of households in rural counties in a six-State region, including Minnesota, have annual incomes of less than $15,000 a year. Information technology companies say we need skilled workers. People in rural America have a great work ethic. Farmers and other rural citizens tell me: PAUL, we would like nothing more than to have the opportunity to receive the training for these jobs and then we could telework, do it from our homes and farms, or from a satellite office. We can make a decent wage. Why don't we put some focus on that?

I have an amendment, the telework amendment, and I have worked on this for the better part of a year. Whether it is Native Americans, first Americans, who want the opportunity for skills development or whether it be rural people, I wanted to bring an amendment to the floor that would have provided funding for this telework. I think this amendment would have made all the sense in the world.

Rural workers need jobs. High-tech employers need workers. This amendment would have found a solution to these common challenges. It would authorize competitive grants to qualified organizations for 5-year projects to connect and broker employment in the private sector through telework to a population of rural workers, setting up centers of distance learning around the country in rural America, where we can make the connection between rural citizens who so desire the opportunity to have the skills and find the employment and the information technology companies that need these skilled workers.

It seems to me that if we are going to have such a piece of legislation on the floor—we would be respectful, of course, of skilled immigrants coming to our country to do the work. I am all for that. But at the same time, we would also make sure citizens within our own country who desire the opportunity to receive the skills and job training to obtain these jobs are given such an opportunity.

Cloture on the underlying bill would also doom another amendment that I think is necessary to improve this legislation. We cannot escape the irony that we are proceeding to pass a bill that would bring more foreign nationals into this country to work in high-tech companies, while we have done nothing to help literally thousands of immigrants who have been living in this country for years and paying taxes and often raising their children as American citizens. If we are going to bring more foreign workers into this country, it is only fair and just to take into account people who are already here, already contributing to our economy, and who already have families who have only known America as their home. It is hypocrisy, in my view, to do one without the other.

There are thousands of taxpaying immigrants who have been waiting years for an adjustment of status to permanent residency. Many of them have done everything they are required to do to stay in this country. But through a bureaucratic mixup, a change in laws, or another reason, largely beyond their control, they have become "out of status." It is for these people that we must—I use the word "must"—pass the Latino and Immigrant Fairness Act. Instead, we have moved to pass the H-1B bill and we ignore them. We ignore them, while we open our doors to more high-tech workers. With so many of our neighbors, our coworkers, our fathers, our mothers, and friends facing possible deportation to countries that have not been their home, I do not know how we can stand here and argue that increasing the H-1B cap to admit new foreign nationals should pass without bringing fairness and relief to those who are already here. I include a thousand wonderful people in the Liberian community in my own State of Minnesota.

I don't know how a nation that believes in fairness could say that if you fled Castro, you can stay, but if you fled the death squads in El Salvador, you must go. I don't know how a nation that calls for more family values and responsible fatherhood would deport the father of American children such as JoJo Mendoza of Minnesota, who has worked for years building our economy, our community, and our Nation. Mr. Mendoza was deported 2 weeks ago from Minnesota. He left his children, who are Americans.

I would be prepared to vote for raising the H-1B visa cap if it were done in the right way. I do not think the LOTT amendment is the right way. I hope we can reach an agreement to do it in the right way—by permitting amendments that would make this bill one I could support.

Finally, I say one more time—and I feel as if I have said it so many times that perhaps I have deafened all the gods—we cannot be good Senators, whether we are Democrats or Republicans, when we no longer have a process that allows unlimited debate and allows any Senator to come to the floor with amendments that he or she believes will lead to an improvement in the quality of life of the people we represent. I have said to the majority leader a million times—he is not on the floor now, but I don't feel badly saying it because I have said it so many times when he has been on the floor of the Senate—I believe the way in which we have proceeded, the way in which the majority party doesn't want to debate amendments and doesn't want to vote on controversial questions, robs the Senate of its vitality. It makes it hard for any of us to be good Senators.

Here I am giving a speech. I like speaking on the floor of the Senate. I am honored to speak on the floor of the Senate. I get goose bumps every time I come to the Chamber. I love this Chamber, but I would rather be on the floor doing what I consider to be the work of a Senator, which is with an amendment that would set up centers for distance learning, that would focus on telework, that would be so important to so many rural Americans, including so many citizens in Minnesota, that would connect the need of the information technology industry for more skilled workers with a strong desire of rural people to be able to have the training, I say to my colleague from Idaho, and then telework from a satellite office from their home, a good job with a decent wage, with decent health care benefits.

I can't introduce that amendment to this bill with the way the majority leader has proceeded. I can't improve this bill. I can't represent the people in greater Minnesota and rural Minnesota, many of whom are really hurting given the farm economy. For that reason, I certainly will vote for the motion to move forward on the immigrant fairness legislation, but I won't vote for this H-1B legislation as brought to the floor by the majority leader. I will not vote for cloture.

I am going to insist over and over again, as is my right as a Senator, to come to this floor and introduce and debate amendments that I think will make our country better. My solution could be another Senator's horror. I understand that. But the beauty and the greatness of the Senate, when we are at our best, is not this process, but it is the process of amending and debating, disposing of amendments, voting yes or no, and having more amendments to deal with, and then work to pass the legislation. I think we are making a terrible mistake in proceeding the way we have. I do not think it is for the good of the Senate as an institution, and I don't think it is for the good of Minnesota or the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, we will vote later this afternoon on a motion to change the way we proceed here to allow an amendment to come to the floor of the kind the Senator from Minnesota has spoken to.

This is an interesting process because the beauty of the process of the Senate that the Senator speaks of is that there are rules and procedures by which we live. Historically, most Americans understand that when they elect a majority to the Congress, they expect that majority, under the Constitution, to form a Congress and to form rules and to be able to manage that Congress. Under that responsibility of management, which this time the Republicans have under the majority leader of TRENT LOTT, there are the rules that each one of us as Senators have a right to enforce and to live by; that is, that we are all equal as our Founding Fathers assured that every State must be.

But it also recognized that there are more important procedures and processes that keep us functioning and functioning well. It is the rule of the majority, and in some instances in our Senate it is a supermajority that must move, giving the minority even greater rights to speak out.

While the Senator from Minnesota may be frustrated, clearly he has the right to make every effort to enjoy his right. But if a majority or a supermajority says, no, that is not the way we will proceed, and this is what we must do to carry on the business of the Senate and the Government, then while it may collectively have chosen to say to the Senator from Minnesota this is the way we are going to go, it is very difficult to suggest that is an outright denial of his right.

We are here to deal with allowing people from other countries to come to this country to work and not only to share in the American dream, to enhance the American dream, but to share in the freedoms and the benefits that all citizens in our country have.

While we as a country have always recognized the importance of our existence, we are a conglomerate as a country. We are not one people in the sense of one nationality or one color or one religion. We are all Americans, and we live under this marvelous system. We are brought together by our Constitution, and oneness under that Constitution which is really spelling out the rights and the freedoms of us as citizens.

We take seriously allowing others to come. They must come by rule, and they must come by law, or we become a nation quite lawless. Certainly a lawless nation is a nation that loses control of its boundaries, loses control of its borders, and, in fact, could lose control of its institutions—the very institutions of which the Senator from Minnesota and I are so proud.

We, as a country, have established laws. We have said this is the way a foreign national can enter our country to enjoy those things that are basically American. Some would choose to enter illegally; in other words, they would choose to violate the process or to violate the law.

We have before us today what we consider is waiving the rules of the Senate to consider a bill that basically says it is OK to violate the law; that we will change the law now that you violated it to make you legal.

I don't think American citizens with their full faith as it relates to how our institutions of government work are going to be very excited about that idea. They, too, may once have been a foreign national and became a naturalized American citizen. My family was five or six or seven generations ago. I am not sure when. But in the late 1700s, they were once foreigners coming from the great land of Scotland.

I have tremendous empathy for and have always voted when it came to changing our immigration laws or adjusting them to accommodate the needs of our country and the needs of our citizenry. But we as an institution and responsible as caretakers under the Constitution cannot reward the breaking of the law by simply changing it and saying it is OK now. It is OK if you can make it across the border into this country. Somehow we will accommodate you and change the law.

A sovereign nation is not a nation if it cannot control its borders—if it cannot police its borders and control the process of movement across those borders, both exit and entry. That is what creates a nation. That is what constitutes a nation. That is what identifies us as a nation. We are not one indivisible world. We are one indivisible nation under God. Nations make up a world.

There is a fundamental debate going on on the floor today, and it spells a difference.

My colleague from Texas talked about the millions and millions of foreign nationals who have applied to become American citizens, or at least legal as foreign nationals in our country. They stand in line. They work the procedure. It is complicated. We want it to be complicated. We do not want all of the world at our doorstep, nor would any other nation of the world. But we have always recognized that the vitality of our country is the uniqueness of our character, and our character is made up of many, many who come here and are not only the beneficiaries of our country but the great contributors to our country.

They are many, and they are all different. Once they are here and once they are legal, under the process of law then they become part of that one nation indivisible.

There is a very important vote this afternoon that will occur about 4:30. It will be to decide whether we are going to change the law to allow those who came here illegally to all of a sudden be legal and, therefore, send a message to the world that there is no consequence. If you can make it across the border, you are home free.

That is not the way you sustain a nation. That is not the way you identify a border. That is not the way you protect the strength of our sovereignty. Diversity is important. We all recognize that because we are all part of this great diversity. We became the melting pot of the world, as so many down through the years have spoken of, but in doing so we did it through process and procedure—orderly with responsibility under the law. That is why this vote this afternoon will be so important.

I hope the Senate will not choose to waive our rule or waive our procedures for the purpose of an amendment that would clearly change the character of the law and allow an illegal alien to have benefits from having been the performer of an illegal act.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

THE VIOLENCE AGAINST WOMEN ACT

Mr. TORRICELLI. Mr. President, in only a matter of 2 or 3 weeks, the Congress will adjourn—I trust having passed H-1B visas, but in all likelihood without passing a Patients' Bill of Rights, or, unfortunately, a prescription drug benefit, and probably without any real improvement in gun safety legislation.

While many of us will take comfort in helping American high-technology companies by providing H-1B visas, it is not even a mixed success. Worse, however, than most of these frustrations is the most unnecessary of all of these failures; that is, the failure to pass the Violence Against Women Act.

Five years ago, Senator BIDEN led this Congress in passing a Violence Against Women Act, which I believe became noncontroversial and which benefits have been widely accepted. It makes it all the more difficult to understand that this $1.6 billion package is languishing and will expire.

Under this legislation, we have trained thousands of police officers to make them sensitive to the problems of family violence and abuse. Judges and counselors have received training in sensitivity. We have increased the means of reporting domestic violence. So our records are accurate. We know the extent of the problem and how to respond.

Most importantly, we have provided real services, medical services, for a woman or a family who is abused; a place to go to get counselling from someone who understands domestic violence and how to deal with it; a place to take a child.

I think the most important of all is temporary housing. No American parent should have to choose between subjecting their child or themselves to violence, sexual abuse, or even a threat to life, and homelessness. Thousands of American women face that every night. Do I take my child to the streets, to a temporary motel, unsafe shelter, no shelter at all, or do I stay in a home where the child can be abused, where my life can be threatened?

The Violence Against Women Act has created thousands of beds in temporary shelters across the country so women do not have to face that choice. It established an emergency hotline which continues to get 13,000 calls a month, half a million calls since its inception; where a desperate woman, not knowing her options, or how to protect her child, not knowing what to do, how to get medical help, how to get counseling, how to get a police officer who understands, can call and get someone on the other end of a phone and get help.

The greatest part of the Violence Against Women Act is that it is showing results. Since 1997, the programs created by the Violence Against Women Act have reduced the rate of partner violence against women by 21 percent. This is a dramatic decline in the amount of violence against women since the act came into being. There may be many reasons.

We are also seeing dramatic drops in murders. Fewer murders were committed by intimate partners in 1996, 1997, and 1998, than any year since 1976. The number of women raped has declined by 13 percent between 1994 and 1997. Members may cite many reasons why violence is down, rape rates are down, and most importantly, murder rates are down, but one of those reasons must be that police officers are better trained and are responding more promptly, judges are move sensitive to the crime, and most importantly, women who feel threatened in these circumstances have a choice, are getting out of residences and into shelters, into protected environments.

During a recent recess, I visited a number of the shelters across my State of New Jersey. The Women's Center in Monmouth County, NJ, is receiving $285,000 for counseling and shelter and emergency services. The Passaic County Women's Shelter in Paterson received $185,000 under the Violence Against Women Act for Spanish-speaking women to get help and advice.

If this act is not reauthorized, these shelters lose their Federal funding, potentially close their doors, with the unescapable conclusion that violence may rise as women lose choices.

We have come to recognize in these years, the criminal justice system has come to recognize, as well, that violence in the family, particularly in cities, is dangerous not only to the individuals in the family, but society, which is built upon a family unit. We decided not to ignore the problem. But that may be exactly what this Congress is doing. This legislation will lapse, this funding will end, and people will get hurt. Those are realities. They are not partisan comments. They don't represent a philosophy or ideology. They are cold, hard, facts because for all the progress we have made, family violence in this country remains an epidemic. One in three women continues to experience domestic violence in their lifetime. A woman is still raped every 5 minutes, and still there are no arrests in half of all the Nation's rape cases.

The risks of not acting are great: Lose the shelters, lose another generation of police officers or judges who are not properly trained, a phone call in the night that cannot be made, beds that will not be available. Is it worth the price, the cost of this inaction?

I am pleased we are voting on this H-1B visa today. I wish we were doing many other things. Other things may be controversial, we may have our own ideas about them, but surely this could bring us together. It did once. In 1995, we acted together, without division. Are we less now than we were then—is the problem so much less in our minds?

I urge the leadership to bring the Violence Against Women Act to the floor and to do so now.

The PRESIDING OFFICER (Mr. CRAPO). Who yields time?

If no one yields, time will be charged equally against both sides.

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I again lend my support to the Latino and Immigrant Fairness Act. I understand we may be voting at 4:30 this afternoon to waive the rules to allow this legislation to be considered. I am hopeful in the spirit of fundamental fairness the Senate will vote to allow a full debate on this issue.

The focus of this legislation is the same word that I just used to refer to what I hope will be the disposition of the Senate, and that is "fairness." There has been a lot of discussion over the past few days about high-tech workers, H-1B visas. Our American companies need these high-tech workers.

Unfortunately, there are deficiencies in the skill level of Americans which have resulted in the necessity of providing visas for specific high-skilled foreign workers to come to the United States to fill these jobs. I hope this deficiency will just be a temporary one and we will use the debate we are having on H-1B as a spur to do the fundamental reforms we are called upon to do to see that Americans have the skills to fill these high-tech, high-wage jobs. Until then, American industry needs these workers. High-tech industries are one of the engines that have been growing our prosperous economy.

I want to see the H-1B bill become law. I am a cosponsor and a long-time supporter of this legislation. However, high-tech workers are not the engine of our economic growth. The equally essential workers in our service and retail industry, manufacturing, care giving, tourism, and others are part of that economic engine. The need is great for H-1B and high-tech workers. The need is also great for these essential workers. Many of these workers would remain as legal, permanent members of our society under the relief provided with the Latino and Immigrant Fairness Act.

Simply put, what is fairness? I said before that we all learn in grammar school what is fair and what is not fair. It is fair for a teacher to punish two noisy and disruptive schoolchildren by keeping both of them inside during recess. But if the teacher keeps only one student in and lets the other go outside and play, that is unfair. In other words, fair is treating people in the same circumstances in the same way. This is exactly what we are trying to achieve with the "NACARA Parity" section of the Latino and Immigrant Fairness Act.

We are here today trying to achieve fairness because in 1996 we passed an immigration law that went too far. It was unfair because it applied retroactively. This is like changing the rules in the middle of the game. This is what we have done, and we should correct it, and we should begin that process of correction today.

What we are being asked to do is not to provide citizenship or even legal permanent status to the persons who will be affected by this legislation. In most instances what we are being asked to do is to give these people a chance to apply for legal status in the United States, just as we have given others who are in the same circumstances the right to apply for legal residence in the United States.

I spoke on the Senate floor earlier about the human faces and human stories I came to know when Congress corrected part of this unfairness, the unfairness of the 1996 act, in 1997 and 1998 with two immigration bills dealing with Central Americans and Haitians.

On the Senate floor I spoke of Alexandra Charles, whom I came to know when I participated in a hearing held in Miami when we were originally introducing the Haitian Refugee Immigration Fairness Act. Let me tell you Alexandra's story.

As a young child in Haiti, she witnessed the military murder her mother. Her father has disappeared. She came to the United States as an unaccompanied minor, but she has built a life here. When I testified about her at the hearing in Miami, she was working at two jobs. She was finishing 2 years at Miami Dade Community College. Congress took the right step, in 1997, to protect her future in the United States. We have the opportunity today to start the process to take the right step for others who are in Alexandra's same circumstances.

We are now treating differently those individuals who faced equally arduous hurdles to come to the United States: Those who fled civil wars, those who witnessed brutal acts—such as Alexandra, seeing a military man shoot down her mother—those who were forced out of a nation after a military overthrow because of their views on democracy. Our Nation has always set the standard for offering refuge to those in need. We did so in this case. We gave legal status to many in the mid-1980s who came here in these circumstances, fleeing persecution, seeking democracy and freedom. Then, in 1996 we took it away and did it retroactively. This is wrong. This is not the American way. We should correct this error in this legislation.

In July of this year, Congressman ALCEE HASTINGS and I met with members of the Haitian community in Fort Lauderdale, FL. One of the audience members who approached the microphone to speak was in elementary school. His name was Rickerson Moises. He and some of his siblings were born in the United States. They are U.S. citizens. His mother fled the violence in Haiti but was not protected in the Haitian Refugee Fairness Act because she came with a false document, a method she had to take to escape Haiti.

If I could just explain for a moment the differences in exit from Haiti during that period of the Duvalier regime and then the military dictatorship which followed. Most Haitians who fled the country did so by small boat. They arrived in the United States with no documentation at all. They had no passports, no other documents to support their exit from their former country or their arrival in the United States. There was another group, a smaller group, approximately 10,000, who came by commercial airline. These frequently were the people who were in the greatest jeopardy. They realized they did not have time to seek out a boat, to wait possibly the days or weeks before the boat was prepared to leave. They had to leave tonight because of the nature of the threat they faced.

Mr. President, I ask for an additional 10 minutes.

The PRESIDING OFFICER. Will the Senator clarify as to what time that 10 minutes will come from? We have a time agreement which has a deadline for a vote.

Mr. GRAHAM. It will come from the minority side.

The PRESIDING OFFICER. There is no time on the minority side. It would have to come from the majority side. As a Senator from Idaho, I would have to object until I have advice from the majority leader as to the time.

Mr. GRAHAM. Mr. President, in light of the fact that there is no one here seeking the floor, I ask unanimous consent I be allowed to continue until someone seeks the floor or for an additional 5 minutes, whichever is shorter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, those persons who came by commercial airliner had to have some documents in order to get on the plane. So what they would frequently do is get counterfeit passports so they could get onto the plane and out of Haiti and escape the imminent prospect of persecution or worse.

She was one of those persons. She came to the United States with false documents, counterfeit documents she admits. Had she come with no documents at all, she would have been allowed to stay here. But because she arrived with false documents, she is subject to deportation. After years of life in the United States, this action would separate U.S. citizen children from their Haitian mother. This is an agonizing choice—follow the law and leave your children behind or take your children back to a country where you suffered violence and persecution. I cannot think of any choice more un-American, more offensive to our basic principles. We have a chance to correct this and restore fairness, and we should do so as soon as possible.

Mr. President, I ask unanimous consent to have printed in the RECORD two editorials, one from the Miami Herald, one from the San Francisco Chronicle, which explain in greater detail the urgent need to take action and correct this injustice. I ask these two editorials be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. Mr. President, I do not want to speak much longer. I didn't speak much when I was on the floor before about another element of the Latino and Immigrant Fairness Act because I focused on my own personal experiences in south Florida. But the "registry date" component of the legislation will have a tremendously positive impact on my State and our Nation as a whole.

Congress every so often in the course of legislation updates what is called the registry date in immigration law. This is the way, for many years, residents of our Nation have had to formalize their status in the United States. It recognizes the fact that after many years in our country doing the hardest work, paying taxes, participating in the community, and starting small businesses, there should be an avenue of appeal to be able to stay in the United States.

To apply for relief—and I underscore apply for relief, not be granted relief—to apply for relief under the new registry date, 1986, you must have been here since that time, nearly 15 years.

For many Floridians, these are the most long-term employees or our established neighbors. These workers for Florida's companies have the most experience and are among the most dedicated. It is fundamentally unfair to these workers, the businesses, and our communities to uproot these families after 15 years or more.

Critics have said this condones illegal immigration. Our Nation should have a firm policy on illegal immigration, and through the last few years' appropriations cycles, we have allocated more money for border enforcement. We have the Federal responsibility to strengthen our borders, but we also have the responsibility to face the reality and the consequences of uprooting families after nearly two decades of work and life in the United States.

Many of these individuals did have legal status at one time and were affected by the immigration laws passed in 1996. Some were given bad advice about whether they were eligible for the amnesty program in 1986. They were told not to apply, when, in fact, they were eligible for the program.

Updating the registry date allows those who have dedicated 15 or more years of their life to building and strengthening our economy and Nation to finally have the opportunity for a formal status here. It makes both economic and humanitarian sense.

Lastly, I want to react to some of the debate yesterday. I believe there should be a free and open debate on this important immigration issue, but, in my view, that debate does not need to be partisan.

This is an issue that affects every city, business, and family in America. It crosses State lines and party lines. There is a common ground, and I hope we can work together to find a way to allow both H-1B and the Latino and Immigrant Fairness Act to become law. It is in the greatest of America's tradition of justice and fairness.

I thank the Chair.

EXHIBIT 1

[From the Miami Herald, May 4, 2000]

HAITIAN PARENTS OF U.S. KIDS DESERVE TO REMAIN HERE TOGETHER

Imagine a scene where American children are made to bid goodbye to their mothers and fathers as federal agents force the parents to board a plane to Haiti, where they'll have to rebuild their lives.

After going to extraordinary lengths to reunite Elian Gonzalez with his father, Attorney General Janet Reno must not let that tragedy come to pass for the 5,000 U.S.-born children of Haitians who soon might be placed in this awful situation. These parents, some of whom have been here for as many as 20 years, could be deported at a moment's notice. They'd be forced to choose between leaving their children behind or raising them in a destitute, strife-torn country the children have never seen.

That's what the U.S. Immigration and Naturalization Service, which Ms. Reno oversees, proposes to do. Ms. Reno should be consistent in her concern for children. For their sake, she must protect these families by suspending their deportation at the highest executive level.

The next step is for Ms. Reno to allow these Haitians to be included in the Haitian Refugee Immigration Fairness Act of 1998, which was intended to cover Haitians fleeing political violence in Haiti in the early 1990s. The law granted amnesty from deportation to Haitians who made it to U.S. shores before the 1996 cutoff date, as these 10,000 people did.

But unlike those who arrived by boat or other means, most of these 10,000 came through South Florida's airports using phony documents to flee that country. Yet because they broke the law by using counterfeit papers, the INS has refused to let them apply for protection under that amnesty law signed by President Clinton in 1998. One such refugee was a former Haitian soldier who fled after refusing to follow orders and shoot at unarmed demonstrators.

Another is Kenol Henricy who paid $2,500 for a passport and visa that got him to Turk and Caicos, then to Maimi. He was stopped at the airport and spent four months at the Krome Detention Center. "I knew it was illegal," says Henricy, 32. "There was nothing else I could do."

That was 11 years ago. In the meantime, his wife died, leaving him alone to care for Kenisha, his asthmatic, American-born child. Since he arrived, Mr. Henricy has worked at the same Medley tool-and-die shop. Recently he's been sharing a house in Hollywood to help a brother pay the mortgage.

Last August, Mr. Henricy received his deportation letter with an extension set to run out in September if he's denied residency under HRIFA. He's interviewing with an INS officer today. If his request for amnesty is turned down, Henricy fears he may be detained and deported on the spot.

What then? Here he has work and insurance for his asthmatic daughter. In Haiti—nothing.

Ms. Reno must show compassion for children like Kenisha, some who don't speak a word of Creole. She has the power to stop INS lawyers from prosecuting fraudulent-entry cases, and she must use it. The HRIFA law was intended to correct a wrong, not to break apart families.

[From the San Francisco Chronicle, April 5, 2000]

NO ROOM FOR 5,000 ELIANS

While much of the nation is consumed by the plight of one little Cuban boy, more than 5,000 Haitian children are facing an even more frightening prospect: banishment by the Immigration and Naturalization Service to a Caribbean hell of filth, tyranny, starvation and, some cases, surely death.

Obscured in the dark shadows just beyond America's spotlight on Elian Gonzalez, few know the pain of thousands of lesser known but equally vulnerable children on the verge of either being ripped from their families or booted out of the only homeland they've ever known. Worried and puzzled, the children await the execution of deportation orders that, at any moment will either make them orphans, doom them to a life of squalor, or both.

U.S. citizens by birthright, the children can't be deported. But their parents can and have been so ordered—the penalty for doctoring passports to escape a fearsome Haiti more than a decade ago.

Now, 3,000 parents face an agonizing choice: take their children with them or leave their children here—in effect making them orphans—as the only way to ensure them at least a chance at a better life.

The fate of the Haitians, long colored by politics and race, is a brutal tale of a people unable to awake from nightmares most thought they fled years ago. From 1981 to 1994, 10,000 Haitians boarded leaky boats, leaving a country wracked by street chaos, military coups and the kind of ruthless politics that made Cuba look orderly by comparison.

But the U.S. Coast Guard seized and burned their boats, and returned them to a regime the world routinely scorns. But many tried again, this time using altered passports to board airlines and fly.

In 1997, Cubans and Nicaraguans who came here in much the same way were given amnesty, but not Haitians who entered with fake passports. Apparently, scaling border fences or floating in on rafts like Elian is less criminal.

Ironically, Haitians mostly live in Florida, virtually next door to Elian and his rabid street crusade for citizenship.

The Haitians have worked hard at menial jobs, obeying laws, buying homes, educating their kids. But no politicians have taken up their cause. No one is protecting their dilemma, demanding parental rights or simply fighting to save their children.

But if it is wrong to tear one child away from his father, surely it's wrong to tear 5,000 children away from theirs. It's time to end America's double standard for Haitian refugees. Attorney General Janet Reno should stay the deportations and assure the Haitians that they too won't be ripped from their parents.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent to be allowed to proceed as in morning business counted against the time on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I thank the Chair.

RURAL HEALTH CARE

Mr. THOMAS. Mr. President, we are supposed to vote here at 4:30, so I want to take a few minutes while we have a little time to talk about an issue that is very important to me and, I think, very important to many people in this country that has to do with rural health care.

I am cochairman of the Rural Health Care Caucus in the Senate. We are faced with a number of issues, of course, in health care for everyone. But one of the issues we always have to work at is the notion that when you have low population areas, rural areas, then the provision of health care and delivery of health care is different than it is in urban areas, than it is in city areas. So, from time to time, we have to make some different kinds of adjustments. That is what our Rural Health Care Caucus seeks to do.

It is also interesting that although Wyoming is certainly one of the rural States, almost every State has rural areas. Even New York, which we never think of that way, has, I think, a higher percentage of people who live in cities than any other State; so, therefore, they have rural areas as well.

I want to take a minute to bring to the attention of the Senate what I consider to be current inequities in the Medicare program that do not address the unique and different needs of rural Medicare providers and beneficiaries in my State and across the country.

Rural health care beneficiaries—those who utilize the program—tend to be poorer, tend to have more chronic illnesses than their urban counterparts. There is generally a higher proportion of seniors in rural areas. Rural providers generally serve a higher proportion of Medicare patients and therefore, of course, are impacted and are highly susceptible to changes and reductions in Medicare reimbursements for the services they provide.

It is because of these unique circumstances that rural providers and beneficiaries are working now to put into whatever package we come up with, as this Congress comes to a close, that which strengthens Medicare.

The Balanced Budget Act of 1997 asked for some reductions. Unfortunately, HCFA, the agency that handles the disbursements for Medicare, reduced those payments a great deal more than asked for by Congress. It had been provided at one time to bring them up again. There is an effort being made to have a sort of payback arrangement from the BBA this year as well.

So there are a number of specific provisions I hope will be considered that do pertain to rural areas and are specifically pertinent to rural Medicare providers.

The Balanced Budget Act of 1997 reduced the annual inflation —the market basket it was called—update that hospitals usually received in order to make the payments even with inflation. In fiscal years 2001 and 2002, hospitals were slated to receive a market basket which would have been the inflation minus 1.1 percent as an update. Unfortunately, studies demonstrate that because of the reductions, many rural hospitals have margins now that hover below that. So we are really interested in that. This market basket payback does reflect what the increased inflationary costs are. I think that is terribly important as we move forward.

We need to revise the disproportionate share hospital payment formula. A majority of those hospitals serve large numbers of seniors who are in low-income brackets and receive little or no Medicare payments because of the differential qualifications for rural and urban hospitals.

Rural and sole community hospitals must meet a higher threshold of criteria of 45 percent and 30 percent than their urban counterparts. So here again is a certain amount of unfairness in these kinds of payments and distributions.

So we are asking that the committee apply the threshold of the 15 percent of having these kinds of patients, to make it fair and equitable—which is currently what it is in urban hospitals—rather than the 30 percent.

The wage index: Here again we have the formula that applies to most hospitals. The local wage index is considered to be about 70 percent of the total cost. However, that is not true in rural hospitals, where it is more like 50 or 60 percent. So when that adjustment is made, our hospitals in the rural areas have lower wages and, therefore, are unfairly penalized. So we are asking that each of them be assessed on what their average percentage really is.

Rural home health agencies are not able to spread out their fixed costs. They are not able to generally include the costs of the excessive traveling that takes place in rural areas. That needs to be changed.

Medicare-dependent hospitals: We find that this program was established in 1989 to provide special protections to rural hospitals that serve a high proportion of Medicare patients. They used the old figures that were there. We need to do something about that.

So there are a number of areas in rural health care that need to be justified, and hopefully can be justified, as we move forward toward the kind of changes that ought to be made to bring this balanced budget business back into play and to be fair.

All we are asking for is fairness as we compare the different kinds of hospitals. We found some time ago that the payments made in Florida were much larger than payments made for the same kind of services in Wyoming. Now there is some adjustment in terms of cost, and so on, but not nearly the kind of adjustment that showed up in the payments. We have made some improvements on that. I think it is something we have to continue to look at as we revise the criteria.

Last year, we also established a critical access hospital arrangement for small communities that could not sustain a hospital with all the full requirements that are necessary in an urban hospital, so their hospitals could be listed so they could be paid for their services under Medicare.

We do have community access hospitals which basically are clinics. People can take care of emergencies knowing, if it is a serious illness or a serious accident, they can be moved to another location, but the community access hospitals can provide the emergency care that is needed and can be paid for it out of Medicare. That is simply a very reasonable, sensible, fair, and equitable thing that needed to be changed and was. I am pleased about that.

I am looking for ways to increase the program which entices providers to come to rural areas where they could pay off part of their educational expenses by serving in areas of low population in the United States. That is just one of the things, as we complete this session, that needs to be done. I hope it will be done. And as that happens, I am very anxious that the uniqueness of our rural communities be recognized and that we have fairness based on that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding that the minority has no more time left under the time agreement.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I know the Chair, acting in his capacity as a Senator from Idaho, if there was a problem, would certainly correct it. But nobody is here.

I ask unanimous consent that until somebody from the majority wants to talk—I have spoken to Senator THOMAS, to whom I have indicated I was going to speak. I don't know if he knew that we had no time. I ask unanimous consent that I be allowed to address the Senate for up to 4 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Nevada is recognized.

Mr. REID. Before the vote occurs at 4:30, I want to make sure we all understand where we are coming from in this instance. Our leader has asked that the rules be suspended, in effect, so that we can vote on the Latino and Immigrant Fairness Act. This is a very simple measure that we want to vote on. Some people disagree with what we are trying to do. We want an up-or-down vote on this amendment. The Latino and Immigrant Fairness Act contains Central American parity, date of registry, 245(i), and the matter that has been so well discussed by Senator REED from Rhode Island dealing with Liberians. We want an up-or-down vote on this and we will get one eventually. We hope this measure will pass.

Everybody should understand that a vote against our suspending the rules is against the amendment that we are advocating, the Latino and Immigrant Fairness Act. This has nothing to do with illegal immigration. These are people who are already in the United States, who are here seeking to have their status readjusted. It has nothing to do with criminals. None of these people are criminals who could apply to have legal status here and apply for citizenship.

There are a number of red herrings that have been thrown up, and this is a simple proposal. We want the ability of these people who are in the country to have their status adjusted. Some of it is so unfair that people have the ability to apply under an amnesty act passed in 1986. Anybody in the country prior to 1982 could apply to have their status readjusted. They had a year to do that. Some people took more than a year. We believe there should be the ability of these people who were here before 1982 to have their status adjusted. We have asked that that date be moved up to 1986 in keeping with what we have done in this country since 1929. We have been adjusting the time for individuals to readjust their status.

It is unfair if we are unable to do this. The President has said he would not allow this Congress to adjourn unless this fairness provision is passed and made law.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN WRESTLER RULON GARDNER WINS GOLD MEDAL

Mr. THOMAS. Mr. President, I want to suggest something that is very exciting for those of us in Wyoming and, I think, all over the country. I will start with a headline off of the Internet: "American Stops Russian's 13-year Streak."

It says:

> "I cannot believe I actually won," said the 286-pound Rulon Gardner, and he was not alone.

He wasn't expected to win. He is a wrestler from Star Valley, WY, weighing 286 pounds. This was really an incredible thing. Listen to this:

> Just how invincible was the Russian Icon he beat? Alexander Karelin had not lost a match in international competition in 14 years. Only one point had been scored against him by an opponent in 10 years. He'd won gold in the past three Olympics. The American who wrestled him in Atlanta in 1996, respected silver medalist Matt Ghaffari, faced him 22 times over his career and lost every time.

He is a huge guy and has done this great, great job of wrestling throughout the years. In fact, it seemed so certain he would win again that the Olympic Committee president was there to present him with the medal. Sure enough, that did not happen. The unthinkable happened, in fact, and our man scored a point. Gardner scored a point early on and maintained that point, and now he is the gold medal winner in heavyweight wrestling at the world Olympics.

He grew up the youngest of nine in Afton, WY, population 1,400. He went to college and wrestled there. Before wrestling, he also played a little football. But he has been wrestling for some time and had a chance to go to the Olympics this year. This is the first Olympic gold for a U.S. wrestler since 1984.

We are especially proud in Wyoming to have had a number of athletes in the Olympics. But we are really so proud of this one in particular, who, as of yesterday, had the gold medal in heavyweight wrestling.

I couldn't resist the opportunity to recognize that.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL CRISIS

Mr. BENNETT. Mr. President, this morning there was a meeting of the Joint Economic Committee on which I sit. The subject had to do with oil prices. I would like to report to my fellow Senators and any who may be watching on television some of the things we found out.

The first thing that became clear was that the oil crisis that we are dealing with now did not occur in the last 60 days. It has been building for months. Indeed, the conditions have been building for years.

One of the things that I found distressing was a comment made by one member of the committee whose suggestion was that anyone who disagreed with what the President and the Vice President are currently proposing should be challenged with this question: What is your solution? And if the answer was you don't have an easy solution, then stop complaining about our solution.

I think that is an irresponsible reaction.

I quoted to the members of the committee a column that was written in the New York Times yesterday by Thomas L. Friedman. He is the foreign affairs commentator for the New York Times, not normally known—either Mr. Friedman or his newspaper—for their support of Republicans or for their disapproval of Democrats.

I found it a rather interesting column. I quoted some of this to my fellow committee members. I would like to quote from it here on the floor.

I ask unanimous consent that at the conclusion of my remarks, the entire column be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENNETT. Mr. President, Mr. Friedman is writing this column from Tokyo. It has a Tokyo byline on it. He starts out by saying:

> It's interesting watching the American oil crisis/debate from here in Tokyo. The Japanese are cool as cucumbers today—no oil protests, no gas lines, no politicians making crazy promises. That's because Japan has been preparing for this day since the 1973 oil crisis by steadily introducing natural gas, nuclear power, high-speed mass transit and conservation, and thereby steadily reducing its dependence on foreign oil.

That is one of the key paragraphs in this entire piece, that for nearly 30 years now the Japanese have been steadily reducing their dependence on foreign oil. In the same period in the United States, we have been steadily increasing our dependence on foreign oil.

Look at the power sources Mr. Friedman refers to: Natural gas, nuclear power, high-speed transit, on the conservation side. I have been a supporter of high-speed transit ever since I came to the Senate. There are some people who have said: Senator, you come from the West. Why do you care about Amtrak? Why do you care about high-speed ground transportation in the Northeast corridor? I have said I care about it because it is part of the long-term solutions in the United States. Even as a Senator from Utah, I have sided with the Senators from New Jersey, the Senators from New York, and the Senators from Delaware in supporting Amtrak and high-speed ground transportation, in hoping to keep that form of transportation alive so we are not always on the highways.

Natural gas: There is an enormous amount of natural gas in the United States.

Nuclear power: We have not built a nuclear powerplant in this country since the oil crisis of 1973. There are those who say nuclear power cannot be built. I am a strong supporter of nuclear power.

Just because we have large supplies of natural gas, including large supplies of natural gas on Federal lands, public lands, doesn't mean we can use the natural gas to heat our homes. Why? Because natural gas on Federal lands is of no value. It must be explored for, it must be brought out of the ground, and then it must be transported, which means building pipelines, usually across Federal lands.

Once we realize, particularly in this administration, what the attitude has been, we begin to understand why Mr. Friedman can write this somewhat sarcastic column in Tokyo. This administration, for 8 years, has done everything it can to prevent the building of additional pipelines across Federal lands. They say, no, we don't want to do that; somehow it will despoil the Federal land if there is a pipeline under it. I stress "under it" because once a pipeline is in place, people who are out on that Federal land who love the wide open spaces will not be aware of the fact that the pipeline is there. The pipelines get buried, particularly natural gas pipelines, and the scenery is unaffected. It comes back quickly, in the age of the wide open spaces of the West, a few years, to recover from where a pipeline has been buried. It is nothing more than the blink of an eye in nature's time. This administration is opposed to pipelines.

Friedman goes on to tell us that America has failed to do the kind of exploration and conservation that the Japanese have done. He makes this comment:

> Imagine if America had that sort of steely focus. Imagine, in fact, if at this time of soaring oil prices and endangered environments, America had a presidential candidate who could offer a realistic plan for how to preserve our earth in the balance.

Then Thomas Friedman goes on to make this comment, writing in the New York Times:

> Wait a minute—that was supposed to be Al Gore, but in the heat of the campaign, Mr. Gore has shamelessly offered us instead a fly-by-night plan for putting America out of balance. The new Gore energy theory is to demonize the oil companies, tap into the Nation's strategic oil reserve—which only a few months ago he declared shouldn't be touched to manipulate prices —and talk about developing new magic energy-saving technologies that will create jobs in the swing states where Mr. Gore needs to get elected and will allow Americans to keep driving gas-guzzling big cars and indulging their same energy-consuming habits without pain.

I felt a little sense of satisfaction when I read that particular paragraph because I have just traded in my gas-guzzling car for one that will get 70 miles to the gallon on the highway. I am sorry to say that it is Japanese in its origin, but it is a lovely little car and I will be happy to give any Member of this body a ride in it at any point.

Back to the Friedman article, referring, again, to the Gore policy with respect to energy:

> How nice! How easy! And how far from what's really required to free us from the grip of OPEC.

He goes on and describes what needs to be done and then makes this comment:

> Mr. Gore knows this, but instead of laying it on the line he opted for an Olympic-quality, full-bodied pander—offering a quick-fix to garner votes and pain-free solutions for the future. Prime the pumps, pumps the polls and pay later. Don't get me wrong, tapping the strategic reserve makes some sense to ease the current distribution crisis—but doing it without also offering a real program for consuming less oil and finding more makes no sense at all.

I go back to the accusation made in this morning's committee hearing: you who are complaining about what the President is doing, have no solution yourselves, so stop complaining.

What Mr. Friedman is talking about illustrates what I and other Members of this body have been proposing as a solution for 8 years. For 8 years, we have been trying to increase the domestic supply of power. For 8 years, we have been on this floor asking this administration to allow us to drill more, to find more, to produce more so that we will have the supply when the demand comes. For 8 years, we have been sounding the alarm on the energy issue and we have been ignored by the President of the United States, or on those occasions where we have actually passed legislation, it has been vetoed by the President of the United States on the recommendation of the Vice President: No, we do not need to go after that vast pool of oil that is there in Alaska; It will despoil the environment.

The Senator from Alaska has pointed out if we compared this room to the Alaska Natural Wildlife Reserve or ANWR, say this room is the size of ANWR, the footprint of the drilling would be about the size of one of those decorative stars in the middle of the carpet. One could cover it entirely with a single piece of paper 8½ by 11. That would be the total amount of impact on the entire room in the bill that this Congress has passed and that the President has vetoed—not once but twice.

Yet now when we say wait a minute, it is the action of this administration that has prevented America from having the oil supplies we need to deal with this crisis, we are told: you have no solution. We have had a solution and we have had it for years and it is the President and the Vice President who have stymied us.

I don't want to overdramatize this, but I will try to be a student of history. I feel a little like Winston Churchill who for years and years and years warned of the coming threat, and then when it happened, he had to say to his people: I have nothing to offer you but blood, toil, tears, and sweat.

That is overdramatic, and I do not want to overplay it. The point is, there is one thing to be complaining about this over and over and then there is another thing to come along and say: We are in a mess and you guys don't have any solution.

My senior colleague from Utah is here. I understand he has reserved the last 10 minutes before the vote so I shall terminate my comments.

I want to make it clear, the solution to the problem of high oil prices does not lie in short-term fixes. It does not lie in the kind of neat conclusions that Thomas Friedman talks about. It lies in long-term plans and long-term policies. That being the case, we are not going to get out of this anytime soon.

I leave you with this one conclusion that came out of the witnesses. They said this: If everything goes the very best that it can, if everything works according to our plans, home heating oil prices in New England this year will be substantially higher than they were last year. That is the best-case scenario.

I think those who should have seen the handwriting on the wall last year bear the responsibility for that situation and should not be let off the hook by just saying to us: Well, what's your solution?

We were not in charge. Those who were should bear the responsibility. I yield the floor.

EXHIBIT 1

[From the New York Times, Sept. 26, 2000]

CANDIDATE IN THE BALANCE

(By Thomas L. Friedman)

It's interesting watching the American oil crisis/debate from here in Tokyo. The Japanese are cool as cucumbers today—no oil protests, no oil protests, no gas lines, no politicians making crazy promises. That's because Japan has been preparing for this day since the 1973 oil crisis by steadily introducing natural gas, nuclear power, high-speed mass transit and conservation, and thereby steadily reducing its dependence on foreign oil. And unlike the U.S., the Japanese never wavered from that goal by falling off the wagon and becoming addicted to S.U.V.'s—those they just make for the Americans.

Imagine if America had that sort of steely focus. Imagine, in fact, if at this time of soaring oil prices and endangered environments, America had a presidential candidate who could offer a realistic plan for how to preserve our earth in the balance.

Wait a minute—that was supposed to be Al Gore, but in the heat of the campaign Mr. Gore has shamelessly offered us instead a fly-by-night plan for putting America out of balance. The new Gore energy theory is to demonize the oil companies, tap into the nation's strategic oil reserve—which only a few months ago he declared shouldn't be touched to manipulate prices—and talk about developing new magic energy-saving technologies that will create jobs in the swing states where Mr. Gore needs to get elected and will allow Americans to keep driving gas-guzzling big cars and indulging their same energy-consuming habits without pain.

How nice! How easy! And how far from what's really required to free us from the grip of OPEC. Here is how we got into this pickle, which you won't hear from Mr. Gore:

OPEC came along in the 1970's and pushed the crude oil price up too far too fast, and it created a global economic slowdown, triggered both energy conservation and widespread new exploration outside of OPEC. The result was an oversupply of oil from 1981 to 1998—culminating in 1998 with oil falling to $10 a barrel, when the glut coincided with Asia's economic crisis.

This cheap oil lulled us into retreating from conservation, and was like a huge tax cut. And because it coincided with the technology revolution, it added to the booming U.S. economy, which helped fuel a world economic recovery. But this boom eventually stretched OPEC's capacity for quality oil, used up most of the world's oil tankers and once again pushed up prices. As such, today we either have to start to consume less oil—by shrinking our S.U.V.'s, raising gasoline taxes and again taking conservation seriously—or find more non-OPEC oil, which means figuring out how to tap more of Alaska's huge natural gas reserves without spoiling Alaska's pristine environment. Or else we pay the price.

Mr. Gore knows this, but instead of laying it on the line he opted for an Olympic-quality, full-body pander—offering a quick fix to garner votes, and pain-free solutions for the future. Prime the pumps, pump the polls and pay later. Don't get me wrong, tapping the strategic reserve makes some sense to ease the current distribution crisis—but doing it without also offering a real program for consuming less oil and finding more makes no sense at all.

It's also dangerous. Another name for the Gore strategy would be "The Saddam Hussein Rehabilitation Act of 2000." Because tapping into the strategic reserve, without conservation or exploration, only guarantees OPEC's dominance. And when the oil market remains tight, it means that Saddam is in an ideal position to hold America hostage. Any time he threatens to take any of his oil off the market, he can make the price soar.

Mr. Gore's oil pander also reminds many Democrats of what it is that bothers them about the vice president. Many Democrats really are not wild about him, yet they know they have to vote for him over Mr. Bush. They would at least like to feel good about that vote.

But when you hear Mr. Gore bleating that "I will work for the day when we are free forever of the dominance of big oil and foreign oil"—without leveling with Americans that the only way to do that is by us consuming less and drilling more—you just want to cover your ears. Surely Mr. Gore is better than that. Surely Gore supporters are entitled to expect more from him. I guess all they can hope for now is that he will show more spine and intellectual honesty as a president than he has as a candidate. You really start to wonder, though.

Ms. MIKULSKI. Mr. President, I rise to oppose cloture on the H–1B visa bill. I understand the importance of filling jobs in our high-tech industry. Yet hiring more people from abroad is only a short-term stop-gap solution.

We don't have a worker shortage—We have a skill shortage. We must upgrade the skills of American workers.

If we don't start dealing with the issue of skills, we will never have enough high-tech workers, and we'll perpetuate the underclass.

I am pleased that the H-1B visa bill would use visa fees for worker training and National Science Foundation scholarships, but we must do a lot more for K–12 education. That is why I want to offer an amendment to enable all Americans to learn the skills they need to work in the new digital economy.

My amendment is endorsed by the NAACP, the National Council of La Raza, the American Library Association, and the YMCA.

During consideration of the budget resolution, I offered an amendment to create a national goal: to ensure that every child is computer literate by the 8th grade, regardless of race, ethnicity, income, gender, geography, or disability.

My amendment passed unanimously. Yet in this Congress, we have done nothing to make this goal a reality.

A digital divide exists in America. Low-income, urban and rural families are less likely to have access to the Internet and computers. Black and Hispanic families are only two-fifths as likely to have Internet access as white families. Some schools have ten computers in every classroom. In other schools, 200 students share one computer.

Technology is the tool; empowerment since the Civil Rights Act of 1964, or it could result in even further divisions between races, regions and income groups.

Last year I visited New Shiloh Church in Baltimore. The pastor, Reverend Carter is working to bring jobs and hope to his community. He wanted to start a technology center. He asked for my help—and I didn't know how to help him. So for over a year, I've been learning about the digital divide.

I reached out to the Congressional Hispanic Caucus, the Congressional Black Caucus, people throughout Maryland, including, Speaker Cass Taylor, who is trying to wire western Maryland, ministers in Baltimore, who want their congregations to cross the digital divide, business leaders, who need trained workers, and educators, who want to help their students become computer literate.

I learned that our Federal programs are scattered and skimpy. Teachers and community leaders have to forrage for assistance.

The private sector is doing important, exciting work in improving access to technology. But technology empowerment can't be limited to a few zip codes or a couple of recycled factories. We need national policies and national programs.

We must focus on the ABC's: A—Universal Access; B—best trained—and better paid teachers; C—computer literacy for all students by the time they finish 8th grade.

My amendment would do two things. First of all, I am focusing on access. Community leaders have told me that we need to bring technology to where kids learn not just where we want them to learn.

They don't just learn in school; they learn in their communities.

Not every family has a computer in their home, but every American should have access to computers in their community.

This is a truly American ideal. We are the nation that created free public schools to provide every child with access to education.

We created community libraries across the country to provide all Americans with access to books.

We now need to bring technology into our communities to give all Americans access to technology.

What does this amendment do to improve access to technology? It creates 1,000 community based technology centers around the country. These centers would be created and run by community organizations, like a YMCA, the Urban League, or a public library.

The Federal Government would provide competitive grants to community based organizations.

At least half the funds for these sectors must come from the private sector. So we will be helping to build public-private partnerships around the country.

The private sector is eager to form these partnerships because their biggest problem is hiring enough skilled workers.

What does this mean for local communities? It means a safe haven for children, where they could learn how to use computers and use them to do homework or surf the Web.

It means job training for adults, who could use the technology centers to sharpen their job skills or write their resumes.

These community centers can serve all regions, races, and ethnic groups. They will be where they are needed, where there is limited access to technology.

They will be in urban, rural, and suburban areas.

They will be in Appalachia, and urban centers, and Native American reservations.

Over 750 community organizations applied for Community Technology Center grants last year.

We were only able to give grants to 40 community organizations.

There were so many excellent proposals last year that they didn't ask for new applicants this year, so this year, they are funding 71 more of the original applicants.

We must do better.

The second part of my amendment is about education.

My amendment doubles teacher training in technology.

Why is this important?

Because everywhere I go, teachers tell me that they want to help their students cross the digital divide. They need the training to do this because technology without training is a hollow opportunity.

Yet, according to a 1998 study by the National Center for Educational Statistics, only 20 percent of teachers feel fully prepared to use technology in their classrooms.

The Maryland Superintendent of Schools, Dr. Nancy Grasmick, told me that last summer, over 600 teachers from across the State volunteered to participate in a technology training academy. They volunteered their time to go to Towson State University to learn how to use technology in their classrooms. Over 400 were turned away because of lack of funding.

That is why my amendment would double funding for teacher training in technology.

Finally, my amendment doubles funding to train new teachers. Over the next 10 years, we will have to hire an additional 2 million teachers. In Maryland, over half our teachers will be eligible to retire by 2002. We must make sure that all new teachers have the skills they need to fully integrate technology into their classes.

Under cloture, I would not be able to offer my amendment.

Some of my colleagues would be glad about that.

They would say this bill is about immigration, not education.

Well, I would have preferred to offer this amendment to the Elementary and Secondary Education Act, but the majority leader pulled that bill off the floor after only nine days of debate.

So instead of educating Americans for high-tech jobs, we are putting a Band-Aid on the problem by relying on workers from abroad.

We are living in an exciting time.

The opportunities are tremendous: to use technology to improve our lives; to use technology to remove the barriers caused by income, race, ethnicity, or geography.

This could mean the death of distance as a barrier for economic development for poor children and children of color; it could mean the death of discrimination and enable them to leap frog into the future.

My goal is to ensure that everyone in Maryland and in American can take advantage of these opportunities, so that no one is left out or left behind.

It would be a shame and a disgrace for this Congress to end without helping all Americans to cross the digital divide.

Mr. HOLLINGS. Mr. President, I cannot agree with the premise of the H1B Visa bill. Affluent America with all of its opportunities cannot be designated skill-short. I have been in the game of technical training for skills for years. At present we are attracting high-tech industries, like Black Baud, training computer operators overnight. Stop for a moment and analyze the zeal behind this movement. We have learned that 20 percent of Microsoft employees are part-time. The employees had brought a suit in 1992 so that they would receive stock options, health care and retirement benefits as other workers performing the same task. By 1998 these workers had prevailed in the courts, but Microsoft put them all on part-time employment. The trend in these high-tech industries is to part-time. Today this amounts to 20 to 30 percent of those at Redmond, Washington. In Silicon Valley 42 percent of the employ is part-time. So high-tech is not providing the paying jobs to support a middle class in America. High-tech is looking to bring in the so-called Indian or Chinese talented at a $40,000 per year rate. But these jobs can and should be trained for in the United States. In fact, that is what they have told the 38,700 textile workers in South Carolina who have lost their jobs since NAFTA. "We have moved into a new economy" is the cry with the rejoinder, "retrain, retrain." So, as I set about retraining them for high-tech, the Congress prepares to superimpose 600,000 foreign trained before they have had a chance to compete in the new economy. Mind you me, I am devoted to advanced technology. I authored the successful advanced technology program now ongoing in the Department of Commerce. I believe America's security rests with its superiority in technology. But high-tech doesn't provide the number of jobs that manufacture does. Microsoft has 21,000 employees in Redmond, Washington; Boeing has 100,000. And high-tech doesn't pay. I know firsthand that we can train the cotton picker to become a skilled automobile manufacturer. We have done this at BMW in Spartanburg, South Carolina. Incidentally, the quality of the product of the South Carolina BMW plant exceeds the quality of the Munich product. What we are really facing is a foot race for the high-tech political money. I saw this in the farcical Y2K law adopted by the Congress. We saw it again in the foot race for the estate tax legislation to take care of 100 new Internet billionaires. And now we presume a non-existent national crisis in H1B for the high-tech political contributions. I am not joining in this charade.

I ask unanimous consent that an article entitled "How To Create a Skilled-Labor Shortage" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 6, 2000]

HOW TO CREATE A SKILLED-LABOR SHORTAGE

(By Richard Rothstein)

To alleviate apparent shortages of computer programmers, President Clinton and Congress have agreed to raise a quota on H–1B's, the temporary visas for skilled foreigners. The annual limit will go to 200,000 next year, up from 65,000 only three years ago.

The imported workers, most of whom come from India, are said to be needed because American schools do not graduate enough young people with science and math skills. Microsoft's chairman, William H. Gates, and Intel's chairman, Andrew S. Grove, told Congress in June that more visas were only a stopgap until education improved.

But the crisis is a mirage. High-tech companies portray a shortage, yet it is our memories that are short: only yesterday there was a glut of science and math graduates.

The computer industry took advantage of that glut by reducing wages. This discouraged youths from entering the field, creating the temporary shortages of today. Now, taking advantage of a public preconception that school failures have created the problem, industry finds a ready audience for its demands to import workers.

This newspaper covered the earlier surplus extensively. In 1992, it reported that 1 in 5 college graduates had a job not requiring a college degree. A 1995 article headlined "Supply Exceeds Demand for Ph.D.'s in Many Science Fields" cited nation-wide unemployment of engineers, mathematicians and scientists. "Overproduction of Ph.D. degrees," it noted, "seems to be highest in computer science."

Michael S. Teitelbaum, a demographer who served as vice chairman of the Commission on Immigration Reform, said in 1996 that there was "an employer's market" for technology workers, partly because of post-cold-war downsizing in aerospace.

In fields with real labor scarcity, wages rise. Yet despite accounts of dot-com entrepreneurs' becoming millionaires, trends in computer technology pay do not confirm a need to import legions of programmers.

Salary offers to new college graduates in computer science averaged $39,000 in 1986 and had declined by 1994 to $33,000 (in constant dollars). The trend reversed only in the late 1990's.

The West Coast median salary for experienced software engineers was $71,100 in 1999, up only 10 percent (in constant dollars) from 1990. This pay growth of about 1 percent a year suggests no labor shortage.

Norman Matloff, a computer science professor at the University of California, contends that high-tech companies create artificial shortages by refusing to hire experienced programmers. Many with technology degrees no longer work in the field. By age 50, fewer than half are still in the industry. Luring them back requires higher pay.

Industry spokesmen say older programmers with outdated skills would take too long to retrain. But Dr. Matloff counters by saying that when they urge more H–1B visas, lobbyists demonstrate a shortage by pointing to vacancies lasting many months. Companies could train older programmers in less time than it takes to process visas for cheaper foreign workers.

Dr. Matloff says that in addition to the pay issue, the industry rejects older workers because they will not work the long hours typical at Silicon Valley companies with youthful "singles" styles. Imported labor, he argues, is only a way to avoid offering better conditions to experienced programmers. H-1B workers, in contrast, cannot demand higher pay; visas are revoked if workers leave their sponsoring companies.

As for young computer workers, the labor market has recently tightened, with rising wages, because college students say earlier wage declines and stopped majoring in math and science. In 1996, American colleges awarded 25,000 bachelor's degrees in computer science, down from 42,000 in 1985.

The reason is not that students suddenly lacked preparation. On the contrary, high school course-taking in math and science, including advanced placement, had climbed. Further, math scores have risen; last year 24 percent of seniors who took the SAT scored over 600 in math. But only 6 percent planned to major in computer science, and many of these cannot get into college programs.

The reason: colleges themselves have not yet adjusted to new demand. In some places, computer science courses are so oversubscribed that students must get on waiting lists as high school juniors.

With a time lag between student choice of majors and later job quests, high schools and colleges cannot address short-term supply and demand shifts for particular professions. Such shortages can be erased only by raising wages to attract those with needed skills who are now working in other fields—or by importing low-paid workers.

For the longer term, rising wages can guide counselors to encourage well-prepared students to major in computer science and engineering, and colleges will adjust to rising demand. But more H-1B immigrants can have a perverse effect, as their lower pay signals young people to avoid this field in the future keeping the domestic supply artificially low.

Mr. MCCAIN. Mr. President, I regret that the Latino and Immigrant Fairness Act, which I enthusiastically support, has fallen victim to political currents in the Senate that do a disservice to the many Latino and other immigrants who rightly deserve the status this legislation would afford them. I strongly support the H-1B visa bill but, like my colleagues, recognize that attaching the Latino and Immigrant Fairness Act to it would likely prevent the high-tech worker legislation's passage in the 106th Congress. Indeed, the House leadership has indicated that it will not bring the H-1B visa bill to the floor with the Fairness provisions attached—a position I strongly disagree with.

Senators who support passage of both the H-1B bill and the Fairness Act thus find themselves in the position of being forced to vote against a procedural motion to allow consideration of the Fairness provisions to keep alive our hope of raising visa caps for the high-tech workers our companies so desperately need.

I hope the Senate will have the opportunity to vote on passage of the Latino and Immigrant Fairness Act before the 106th Congress adjourns. It is the right thing to do, and our leaders on both sides of the aisle should find a way to bring it to a vote.

Throughout my political career, I have been deeply honored by the support of Latinos and other immigrants in my home state of Arizona. Our compassion and advocacy of family values for all members of our society, including hard-working, tax-paying Latinos who have resided in this nation for many years, require us to take a closer look at the Latino and Immigrant Fairness Act than has been afforded us during the H-1B visa debate. I look forward to an up-or-down vote on this legislation and will support its passage.

Mr. BYRD. Mr. President, earlier today I voted against suspending the rule to allow for the consideration of the Latino and Immigration Fairness Act as an amendment to the H-1B visa legislation.

I opposed suspending the rules because the Latino and Immigration Fairness Act sends the wrong message to those persons who might consider illegally entering the United States. Under current law, a person who enters this country as a temporary alien or nonimmigrant must return to his native country after his temporary papers have expired if he wants to apply for permanent residency in the United States. This amendment would allow these nomimmigrants to pay a $1,000 fee to the Immigration and Naturalization Service (INS) in order to remain in the United States while they apply for permanent residency. Advocates of this provision argue that this fee would be a significant source of income for the INS. That may be so, but, at the same time, the amendment would allow for illegal immigrants to legally work in the United States while their residency application is pending, and send the message abroad that this is the preferred route to U.S. residence. Although it may be inconvenient for eligible aliens who are in the United States to have to apply for residency from outside of the United States, that is not a sufficient reason for giving them an advantage that is unavailable to other hopeful immigrants who are patiently waiting abroad for their opportunity to legally immigrate.

Similarly, the Latino and Immigration Fairness Act would extend the registration time line for immigrants who are here illegally to apply for permanent residence if they entered the country prior to 1986. While this provision would allow immigrants of good moral conduct to apply for permanent residency, it also rewards immigrants who managed to stay in the United States illegally. What is worse is, that it sends the unfortunate message that is possible to gain permanent residency in the United States regardless of whether you are an alien who arrived here legally or illegally.

I am opposed to Congress' sending these mixed signals to immigrants entering this country. The Immigration and Nationality Act, our primary law for regulating immigration into this country, sets out a very specific process by which nonimmigrants may apply for permanent residency in this country. The Latino and Immigration Fairness Act would effectively create short cuts around this process by allowing illegal immigrants to, circumvent the normal rules. This is not the message I want to send abroad.

Mr. SMITH of New Hampshire. Mr. President, I rise today in support of S. 2045, the American Competitiveness in the Twenty-First Century Act.

This bill provides for an increase in foreign workers possessing special skills to enter the United States on a temporary basis in the field of information technology.

This bill also encourages more young people to study mathematics, engineering, and computer science to insure that in the future, Americans can fill these high technology jobs.

I support this legislation, but I do have some concerns about the potential for the theft of American technology through immigrant high-tech workers.

H-1B is a visa classification. H-1B visas were created for non-immigrant foreign nationals admitted to the U.S. on a temporary basis. These H-1B visas are valid for three years and can be renewed for an additional three years.

In order to qualify for H-1B visa status, an individual must be in a specialty occupation which requires a theoretical and practical application of a body of highly specialized knowledge and at least a bachelor's degree in the specific specialty area.

In 1998, Congress passed, and the President signed, legislation increasing the annual ceiling for admission of H-1B visas from 115,000 in fiscal year 1999 and 2000, and 107,500 in fiscal year 2001.

In 1999, it took nine months to exhaust the H-1B annual ceiling. This year the ceiling was reached in 6 months. The high tech industry has not filled these jobs and the American economy is paying the price.

Another provision of this legislation addresses the long-term problem that too few U.S. students are excelling in mathematics, computer science, and engineering. We need to encourage more young people to study mathematics, engineering, and computer science and to train more Americans in these areas, so that there will be no need in the future for H-1B visas.

I do have national security concerns about the H-1B visa program. I would like to see a proper screening of candidates for H-1B visas by the Immigration and Naturalization Services to ensure that these foreign nationals do not steal technology for export to a foreign government.

I will be monitoring the implementation of this new law to ensure that national security and intellectual property rights are protected.

We also need to make a better effort to encourage these companies to train and recruit American workers for these high paying jobs.

Mr. President, I ask that the Senate support this increase in the ceiling on H–1B visas and this increase in funding to train young Americans to fill these important jobs in the high tech industry.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, parliamentary inquiry: How much time is left on both sides?

The PRESIDING OFFICER. The majority controls all remaining time until 4:30.

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from Connecticut be granted 5 minutes to make whatever speech he desires, and that there be an additional 10 minutes for me to conclude my remarks on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Utah. As always, he is very gracious.

Mr. President, I rise today in support of the pending motion made by the Democratic leader on behalf of the Latino fairness legislation, and also in support of the underlying H–1B visa legislation. First, let me speak to the H–1B legislation, which is so vital to the economic growth of our nation. This legislation both raises the limit on the number of foreign high-tech workers admitted to the United States each year, and invests vital funds in educating our American students, especially those in low-income areas, in math, science, and technology. This is a critically important bill that is necessary to maintain the dynamic growth we have seen in the high-tech sector of our economy over both the short- and long-term.

We live in a remarkable period of prosperity. Just today we read in our newspapers that the poverty rate in America is the lowest in 20 years, while median household income is at an all time high—over $40,000 a year. Yet, we can do more to lift the tide of growth for all Americans. Currently, approximately 190,000 high-tech jobs go unfilled in America each year, and it is expected that close to 1.3 million high-tech jobs will be unfilled in 2006. Our high-tech businesses are hurting for employees, and there are not enough American students graduating with technology degrees to fill these jobs. The short-term answer to this shortage of technology skilled workers is simple: we must admit more highly-trained foreign workers to the United States. This legislation will do that by raising the number of H–1B visas issued to 195,000.

Yet, in the long-run, we should not simply keep importing foreign workers to shore up our workforce. We must do a better job of preparing our own students to seek careers in technology. That is why the education and training provisions included in this bill are so important. By making an investment in math and science education for our young people, especially those students who live in our low-income areas, we are investing in their future as well as America's future.

Having said that, we must remember that the economic prosperity that we enjoy today is not being distributed equally. There is a cloud behind the silver lining of our current prosperity. The gap between the most affluent Americans and the rest of the population is widening, and poverty rates are still too high. 11.8 percent of our citizens live below the poverty line. True, that number is the lowest in years. However, it also means that 32.2 million Americans cannot afford the basic necessities of life. A disproportionate number of those who live in poverty are minorities, including a great many who have left their country of birth for a better life in America.

This is one of the reasons why when we talk about H–1B visas we must also talk about the Latino Fairness Act. This act will help restore fairness and parity to our immigration laws, keeping families together and encouraging more Hispanics to work lawfully. This bill has three purposes;

First, it will update the date of registry to 1986, recognizing that immigrants who have lived in the United States for a very long time have deep roots here, and it is best to put them on a track toward citizenship.

Second, it would restore section 245(I) of the immigration code to allow immigrants who are undergoing the process of legalization to apply for their visas in the United States, rather than forcing them to leave the country and reenter, sometimes causing them to be "locked-out" of the United States for years.

Finally, the Latino Fairness Act would guarantee that Latinos from strife-torn nations are treated the same under immigration law. The oppression that residents of one Latin American country have suffered should not be considered more or less grave than the oppression faced by the residents of another country where serious human rights abuses have been committed. By improving parity and equality in our immigration law, this bill would even the playing field for many Latin Americans who want to come to this country and be referred to as simply "Americans." In fact, I would hope that as we continue efforts to enact this legislation, we would consider expanding the list of covered nationalities to include people from countries that also experience economic strife.

I would like to take a moment to share with you the story of just one of the many immigrants that would be helped by this law. Gheycell moved to the United States in 1991, when she was 12 years old, with her father and sister from war-torn Guatemala. She went to school and became an active member of her community. In high school, she formed a club to help homeless adults and children in Los Angeles. Her father applied for asylum and they were all given work permits. Gheycell aspired to go to college to become a teacher and help others. She could not afford to go to a state university so she went to community college while working full time to save money for university tuition. Her father has applied for permanent residence under current law, but Gheycell has turned 21 and no longer qualifies for adjustment of status through her father's application. Her work permit has expired and she is now undocumented. She must return to Guatemala where she will not have the opportunities she has here. Her father and sister are not getting their green cards and Gheycell does not want to be separated from her family or give up her dream of educating and helping children here in her adopted homeland.

Do we really want to be responsible for turning Gheycell away from her dream? America needs more teachers. Why are we sending this dedicated American away? Denying Gheycell a visa is both her and America's loss. That is why we must act to help Gheycell and others like her. Reforming our immigration laws is not only an issue that is important for our economy, but is also important to our values as a nation. If we truly believe in family values, we need to value families. We should be trying to keep families together, especially those families with children that need two wage-earners to stay above the poverty line. The Latino Fairness Act, as much as any other legislation this Congress will consider, tells Americans and the world that we do value families. It says that we will not turn family members away when they have for years been a part of America—working, serving their community, and contributing to the well-being of their families and our country.

We read stories every day in the paper and in magazines about the innovators and leaders of the new economy. Thanks in many respects to them, the technology sector is booming. That sector now needs the relief that the H–1B legislation will provide. However, we must remember that people like Gheycell also exist—people who are not the subject of biographies and "man-of-the-year" awards—that need relief too.

While the Latino Fairness measures may not be technically germane to the H–1B bill, they are highly relevant to the issues we are debating today. The general goal of the H–1B legislation is to admit immigrants to our country to work and contribute to our economic prosperity. Why then are we attempting to limit consideration of a bill that would allow people who have been living and working in the United States to stay here and continue to contribute to our prosperity? We seem to be giving with one hand, and taking with the other. By obstructing the Latino Fairness Act, we are effectively closing our doors and contributing to a process that will result in the departure of people that have been working and adding to our prosperity for years. At a time when job vacancies are commonplace, we can't afford as a nation to turn people out. If we want to help the high tech community, our economic well-being, and families, we need to pass both the H–1B and Latino fairness bills, and I hope that my colleagues will agree with me on this matter.

The PRESIDING OFFICER. Under the previous agreement, the Senator from Utah is recognized for 10 minutes prior to the vote.

Mr. HATCH. Mr. President, I spoke at length this morning on the issues before us, so I will try and be brief now.

First, let me begin by emphasizing how critical this bill is for our country's future. The second vote this afternoon is on the Hatch substitute to the underlying bill, S. 2045. Like the bill, the substitute raises the annual cap on H–1B visas to 195,000 in each of the next three years. The increase in the number of highly skilled temporary workers will help American companies continue to create jobs in this country and maintain their competitiveness in the global economy.

But this substitute, however, does a lot more. The use of skilled foreign labor is nothing more than a temporary stop gap solution to a long term problem we face in this Century. The problem is one of ensuring that our high tech industry has an adequate number of highly trained and educated workers to fill the demand. To hear some of my colleagues in recent days, one would think there is nothing in this bill on educating our young people and training our workforce. That is simple and completely inaccurate. The substitute contains important education and training provisions, worked out with my colleagues—including Senators LIEBERMAN, FEINSTEIN, KENNEDY, and ABRAHAM. Senators ABRAHAM and KENNEDY are respectively the chairman and ranking member of the Immigration Subcommittee. These provisions use the fees generated by these visas to finance important education and training programs for our children and our current workforce. These are critical measures for our country.

That, Mr. President, is the matter at hand. Unfortunately, however, much of the discussion and debate this week has been on an unrelated and far-reaching immigration matter—the so-called Latino fairness bill. As I noted in some detail this morning, this measure, which purports to simply restore due process to a limited group is a broad, far-reaching and costly new amnesty program, conservatively estimated to cost $1.4 billion over the next 10 years. It provides amnesty to hundreds of thousands if not millions of illegal aliens on an ongoing basis—or, in other words, an amnesty, "rolling" amnesty—over the next 5 years. That is right, Mr. President—it is a rolling amnesty, obviously creating an incentive for illegal aliens to continue to escape the law because the rewards for those who are most effective at remaining in this country illegally happen to be permanent resident status.

But this so-called Latino fairness is no fairness at all—no fairness to the millions of immigrants who have and will continue to play by the rules and follow the legal process. I have said to my friends on the other side, if we are so eager to increase the supply of labor from abroad, if we are so eager to unify families, then perhaps we should examine lifting the caps on legal immigrants or at least cutting down their waiting periods.

I am willing to work on that, but I can never get any cooperation from the other side. They want to have a "rolling" amnesty for several million illegal aliens in this country who can evade the law for a matter of time and then be eligible for full nonresident status on the way to citizenship.

To summarize:

First, the so-called Latino fairness bill extends a broad amnesty to illegal immigrants here since 1986.

Second, it is a "rolling" amnesty, so that over the next 5 years we move the date up to 1991.

Third, a conservative CBO estimate, even without considering the "rolling" provision, puts the cost of the amnesty at $1.4 billion over 10 years.

Fourth, this provision rewards illegal immigrants who have been the most effective in evading law enforcement.

What this proposal does not do, and what I think real Latino fairness would be is:

First, we should increase the number of legal immigrants allowed in this country annually if such an increase is needed to ensure an adequate labor supply and greater family unification. This would be a wise thing to do. It would be a fair thing to do. It would also be the legal thing to do, compared to what they are trying to do over there.

They are trying to enact a bill that they did not even have the foresight to bring up on the floor or to file until July 25 of this year.

Mr. DURBIN. Will the Senator yield?

Mr. HATCH. I only have a limited period of time, so I have to finish my remarks.

Second, we should expedite INS review of petitions by family members of citizens. Let's face it, the INS is in a mess right now, and it could be reformed to expedite the processing of legal immigrants.

Third, we should restore the right of persons allowed amnesty back in 1986 to have their claims adjudicated.

These three changes in law, in contrast to what is proposed today by our friends on the other side, would be real Latino fairness. It would reward those who have followed the law and played by the rules.

So this is where we are. The vote we are about to have on suspending the rules is a "have it both ways" vote. My colleagues voted overwhelmingly for cloture yesterday—including almost all Democrats and all Republicans. The last time I looked, cloture meant the inability to consider nongermane amendments.

Today, many of these same persons who voted for cloture are voting to suspend the results of that vote and allow debate on this unrelated measure. Tomorrow, they will probably vote for cloture again.

So on Tuesday, the high-tech community gets its vote. On Wednesday, many of the same group vote to undo their vote, and on Thursday they vote with high tech again. Oh, it is confusing when you are trying to have it both ways.

I hope no one will be fooled by what is happening. I urge my colleagues to oppose suspending the rules, which is an extraordinary procedural move aimed at playing politics.

I am told that this procedure of suspending the rules has not been used since 1982. I do not believe it has ever been used in this manner for crass political purposes and maneuvering. I hope it will be overwhelmingly rejected. I hope that, once again, we will vote for cloture on this bill.

Mr. President, I ask unanimous consent that a letter from the Chamber of Commerce dated September 26, 2000, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CHAMBER OF COMMERCE,
Washington, DC, September 26, 2000.

TO MEMBERS OF THE UNITED STATES SENATE: On behalf of the U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, I wish to clarify our position with regard to the current debate on the H–1B legislation and proposals unrelated to that legislation concerning legalization of certain workers already in the United States. During this afternoon's debate on this issue, there have been misleading statements as to the Chamber's position on provisions relating to updating the registry date, restoring section 245(i), and adjustments for certain Central Americans.

While the U.S. Chamber of Commerce, as part of the Essential Worker Immigration Coalition, has expressed its general support for these concepts, it strongly opposes efforts to amend the pending H–1B legislation with these provisions. These are completely separate issues and must be considered separately.

Sincerely,

R. BRUCE JOSTEN.

Mr. HATCH. Mr. President, I have heard all this talk on the other side about how all these people are supporting what they want to do. It just "ain't" true. Let me read this letter dated September 26, 2000:

> TO MEMBERS OF THE UNITED STATES SENATE: On behalf of the U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, I wish to clarify our position with regard to the current debate on the H-1B legislation and proposals unrelated to that legislation concerning legalization of certain workers already in the United States. During this afternoon's debate on this issue, there have been misleading statements as to the Chamber's position on provisions relating to updating the registry date, restoring section 245(i), and adjustments for certain Central Americans.
>
> While the U.S. Chamber of Commerce, as part of the Essential Worker Immigration Coalition, has expressed its general support for these concepts, it strongly opposes efforts to amend the pending H-1B legislation with these provisions. These are completely separate issues and must be considered separately.
>
> Sincerely,
>
> R. BRUCE JOSTEN,
> *Executive Vice President Government Affairs.*

Mr. President, it is remarkable to say all these organizations support this type of extraordinary procedural maneuvering. Because when you really look at what the organizations support, they support a regular process whereby the committee with jurisdiction holds real substantive hearings to determine what is right and what is wrong. The organizations do not support just slamming some bill that would change our immigration laws wholesale—on the floor at the last minute—for no other reason than to try to indicate that they are currying favor with certain groups in this society. In reality this so-called Latino fairness bill would undermine every one of the people who have come here legally, have earned their right to be citizens, and have abided by the rules of this country.

That is just not right. I think this type of procedural maneuvering and politicking should not occur on something where most everybody in this body agrees. And we—most everybody—agrees that this bill should pass.

Mr. President, I ask for the yeas and nays on the pending motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to suspend the rules in reference to amendment no. 4184. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Miller
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—2

Feinstein
Lieberman

The PRESIDING OFFICER. On this vote the ayes are 43, the nays are 55. Two-thirds of the Senators duly chosen not having voted in the affirmative, the motion is rejected.

Mr. HATCH. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4178

The PRESIDING OFFICER. Under the previous order, amendment No. 4201 is agreed to, and amendment No. 4183, as thus amended, is agreed to.

The amendments (Nos. 4201 and 4183) were agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4178.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—2

Hollings
Wellstone

NOT VOTING—2

Feinstein
Lieberman

The amendment (No. 4178) was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED

Mr. LOTT. Mr. President, I now withdraw the pending motion to proceed to S. 2557.

The PRESIDING OFFICER. The Senator has that right. The motion is withdrawn.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000—Continued

AMENDMENT NO. 4214 TO AMENDMENT NO. 4177

Mr. LOTT. Mr. President, I call up amendment No. 4214 at the desk to the pending first degree amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4214 to amendment No. 4177.

Mr. LOTT. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 4216

Mr. LOTT. Mr. President, I now call up amendment No. 4216 at the desk to the pending bill and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4216.

Mr. LOTT. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4217 TO AMENDMENT NO. 4216

Mr. LOTT. Mr. President, I now call up the filed second-degree amendment No. 4217 at the desk to the pending amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4217 to amendment No. 4216.

Mr. LOTT. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

MOTION TO RECOMMIT

Mr. LOTT. Mr. President, I move to recommit the bill back to the Judiciary Committee to report back forthwith, and I send the motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] moves to recommit the bill to the Committee on the Judiciary with instructions to report back forthwith.

Mr. LOTT. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4269

Mr. LOTT. Mr. President, I now send an amendment to the desk to the pending motion to recommit with instructions.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4269.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4270 TO AMENDMENT NO. 4269

Mr. LOTT. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4270 to amendment No. 4269.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED

Mr. LOTT. Mr. President, I now move to proceed to S. 2557, regarding America's dependency on foreign oil sources.

The PRESIDING OFFICER. The motion is debatable.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant minority leader.

Mr. REID. Mr. President, before the majority leader leaves the floor, I know that he and the minority leader have had the opportunity to speak this afternoon. I haven't had an opportunity to speak since that took place.

For purposes of informing Members, could the leader give us some idea of what we can expect. We know that tomorrow is pretty well filled up. We have 7 hours set aside for the continuing resolution, but there is some progress being made on various bills. Energy and water, they are reading that now. Hopefully, that might be filed tonight.

Mr. LOTT. I might say, Mr. President, I know the Senator from Nevada helped with some of the completion efforts on that energy and water appropriations bill. We should have it ready, hopefully, to be considered tomorrow; if not tomorrow, then the first part of next week.

I yield further for his questions and then I have some answers for him.

Mr. REID. On the H-1B, we are ready to vote on it. We have tried to have a vote on the Latino and Immigrant Fairness Act. There was one this afternoon that this Senator considers a vote on that amendment. Perhaps we are arriving at a point where we can start moving some of these things because I know we are going to get out of here next Thursday or Friday.

Mr. LOTT. That sounds like an excellent suggestion to me, Mr. President.

If I could respond, of course, the Senator is correct when he noted that we have, I believe, 7 hours of time that will be consumed, if it is all used, to discuss the continuing resolution. And, of course, we would have a vote at the end of that time. Obviously, Senator REID and others have made their points on the immigration issue. The H-1B issue, hopefully, we could come to agreement to have a vote scheduled on that. And I would like to work with the minority in determining what time they would find agreeable to have that vote. Perhaps we could do that tomorrow. I am fixing to ask consent that we consider the D.C. appropriations bill, which would give us a time agreement on that, if we could get that.

On the appropriations bills, it is like all appropriations conferences. They are never closed until they are closed. There are one or two issues that are very important that are still pending on a number of them. Interior appropriations, I believe, is very close to closure. There is still discussion going on with regard to so-called lands legacy funding and the CARA conservation bill.

The Agriculture appropriations bill is very close to conclusion. Once again, we have a couple of issues that have to be dealt with in finality. One of them is how do you deal with the sanctions question. A lot of people are making suggestions and, hopefully, a compromise can be reached that satisfies the great majority of the Senate and the House, Republicans and Democrats.

We think we are very close on the HUD-VA appropriations bill. The information I get is the administration is signaling that they think that could be an acceptable bill. There might be some issues that would be considered being added to that, not necessarily appropriations bills.

The Transportation appropriations bill, I believe, is for the most part done, with one remaining issue that is very difficult to resolve. But I know the Senator from New Jersey has a very passionate feeling about that. I understand that. So there are at least four or five appropriations bills that are pretty close to being wrapped up in terms of the dollar amounts. There is about one policy issue left on each one of them.

We hope to have two or three of those done, perhaps in the House of Representatives tomorrow, and then as quickly as we could get to them after that, we would want to do that.

I might say, I am expecting that we will be in session obviously on Monday. We do have the Jewish holiday to honor on Friday, September 29. But we will expect to be here on Monday, October 2, and could be having votes on these conferences that Monday.

I want to give Senators as much notice as we can, although we have indicated for quite some time that that first week in the new fiscal year, obviously we will have to be prepared to be in session the whole week and into the night, if necessary.

Those are the issues we now have identified. There are a number of other issues that are being worked on. The Finance Committee has been doing some work on the railroad retirement bill and on the community renewal legislation, two issues in which I know there is a lot of interest on both sides of the Capitol. I will give the Senator that list, and, hopefully, we can begin to work together to move a number of these. I believe I sense that opportunity now, when maybe it hadn't been quite ready for that earlier.

HEROISM OF WILLIBALD C. BIANCHI AND LEO K. THORSNESS

Mr. DASCHLE. Mr. President, the state of South Dakota has just dedicated a very special park at my alma mater, South Dakota State University. This park holds two new granite markers, each honoring a former SDSU student who won the Congressional Medal of Honor, our nation's highest award for valor in action against an enemy force.

Today I offer my solemn appreciation to these great Americans: First Lieutenant Willibald C. Bianchi, whose heroism occurred in the Philippines during the first weeks of World War II, and Lt. Colonel Leo K. Thorsness, who was decorated for his feats as a fighter pilot over North Vietnam.

First Lieutenant Bianchi, a Minnesota native, was a football player at SDSU and graduated in 1940 with a degree in animal science. During World War II, he served in the 45th Infantry, Philippine Scouts, one of the largest units in the Philippines during the Japanese invasion of December 1941. The invasion was brutally effective and, after less than a month, our Filipino and American troops were forced to retreat onto the Bataan Peninsula where they mounted a final stand against a numerically superior foe.

For three desperate months, the Americans and Filipinos battled the Japanese in a sweltering, mountainous jungle. Food was limited and medical supplies scarce. About a month into the fight, however, First Lieutenant Bianchi participated in a crucial series of battles that helped eliminate a pocket of Japanese troops behind the American line.

Four days after the Japanese incursion, our forces targeted "the Big Pocket" in a coordinated infantry-tank attack. A tank was lost and only slight gains made. On February 3, our forces tried again. Although he was assigned to another unit, First Lieutenant Bianchi volunteered to join a rifle platoon that was directed to destroy two machine gun nests. While leading part of the platoon, First Lieutenant Bianchi was struck by two bullets in his left hand. Refusing to pause for first aid, he dropped his rifle and began firing a pistol. He located one of the machine gun nests and silenced it with grenades. When wounded again, this time by machine gun bullets through his chest muscles, First Lieutenant Bianchi climbed atop an American tank, seized its anti-aircraft gun, and fired into another enemy position until he was knocked off the tank by a third severe bullet wound.

This story has a sad ending. First Lieutenant Bianchi survived that day and returned to the fight a month later. The American-Filipino forces crushed "the Big Pocket" about a week after his heroics. But the Japanese would take Bataan in the end, and First Lieutenant Bianchi was sent off on the Bataan Death March. Though he survived the march, he died on January 9, 1945, when an American plane bombed a Japanese prison ship, not realizing that it held Americans.

The other hero memorialized in Brookings is Lt. Colonel Leo Thorsness, with whom I share some history. We both studied at SDSU, we both served in the Air Force, and we both ran for South Dakota's 1st Congressional District seat in 1978. While I prevailed, it was only by the skin of my teeth—110 votes out of more than 129,000 total ballots. And from that struggle, I gained a first-hand appreciation of the spirit, determination and patriotism of Leo Thorsness. For me, that experience enhances my appreciation for the remarkable story of a 35-year-old Air Force major who, in the words of his strike force commander, took on "most of North Vietnam all by himself."

Lt. Colonel Thorsness had served as a pilot for about 15 years when he was assigned to the 357th Tactical Fighter Squadron at Takhli Royal Thai Air Base. Lt. Colonel Thorsness was sent in just months after the Soviet Union began supplying North Vietnam with surface-to-air missiles (SAMs), and his mission was a new and dangerous one—distract and destroy the SAMs so that U.S. bombers could deliver their ordnance.

At one o'clock in the afternoon on Wednesday, April 19, 1967, his F-105 screamed off the runway, headed for the Xuan Mai army barracks and storage supply area, 37 miles southwest of Hanoi. Lt. Colonel Thorsness and his wingman attacked from the south, while another pair of F-105s attacked from the north. He silenced one SAM site with missiles, and then destroyed a second SAM site with bombs. But in the attack on the second site, Lt. Colonel Thorsness' wingman was shot down by intensive anti-aircraft fire, and the plane's pilot and electronic warfare officer were forced to eject over North Vietnam. Lt. Colonel Thorsness circled their parachutes and relayed their position to search and rescue crews. While he was circling, a MIG-17 was sighted in the area. Lt. Colonel Thorsness immediately initiated an attack and destroyed the MIG, but he was then forced to depart the area in search of an aerial tanker for refueling.

After learning that rescue helicopters had arrived, but that no additional F-105s were arriving to provide cover, Lt. Colonel Thorsness returned alone, flying back through an area bristling with SAMs and anti-aircraft guns to the downed flyers' position. As he approached, he spotted four MIG-17 aircraft, which he attacked, damaging one and driving away the rest. Soon it became clear that Lt. Colonel Thorsness' plane lacked sufficient fuel to continue protecting the rescue operation and that he would have to find an aerial tanker. On his way to the tanker, however, Lt. Colonel Thorsness received a distress call from a fellow F-105 pilot who had gotten lost in battle and was running critically low on fuel. In response, Lt. Colonel Thorsness allowed that pilot to refuel at the tanker, while he himself flew toward the Thai border, a decision that may have saved the other plane and the life of its pilot, according to the Medal of Honor citation. Lt. Colonel Thorsness managed to return to a forward operating base—"With 70 miles to go, I pulled the power back to idle and we just glided in," he would recall later. "We were indicating 'empty' when the runway came up just in front of us."

A week-and-a-half later, on a similar mission, Lt. Colonel Thorsness was shot down over North Vietnam by a heat-seeking missile from a MIG-21. He spent the next six years as a North Vietnamese prisoner of war. He was released on March 4, 1973, and in October of that year, the President of the United States draped the light blue ribbon of the Congressional Medal of Honor around Lt. Colonel Thorsness' neck.

The official citation says: "Lt. Colonel Thorsness' extraordinary heroism, self-sacrifice, and personal bravery involving conspicuous risk of life were in the highest traditions of the military service and have reflected great credit upon himself and the U.S. Air Force." I could not have put it any better myself.

With this statement before the United States Senate, I join in saluting First Lieutenant Bianchi and Lt. Colonel Thorsness. As Congressional Medal of Honor winners, they are a symbol of the finest our nation has to offer. Their feats serve as extraordinary lessons in courage, commitment, and self sacrifice, and I am proud that they are identified with my home state.

THE PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 2000

Mr. LEAHY. Mr. President, I spoke earlier this month about the continuing problems for Federal law enforcement caused by the so-called McDade law, which was slipped into the omnibus appropriations law at the end of the last Congress. I discussed how the interplay of the McDade law and a recent attorney ethics decision by the Oregon Supreme Court is severely hampering Federal law enforcement efforts in Oregon. Oregon's Federal prosecutors will no longer use federally authorized investigative techniques such as wiretaps and consensual monitoring, and by the end of this week, the FBI will shut down Portland's Innocent Images undercover operation, which targets child pornography and exploitation. This is just the latest example of how the McDade law has impeded important criminal prosecutions, chilled the use of traditional Federal investigative techniques and posed multiple hurdles for Federal prosecutors.

Due to my serious concerns about the adverse effects of the McDade law on Federal law enforcement efforts, I introduced S. 855, the Professional Standards for Government Attorneys Act, on April 21, 1999. The Justice Department has called this legislation "a good approach that addresses the two most significant problems caused by the McDade Amendment—confusion about what rule applies and the issue of contacts with represented parties."

Since that time, I have conferred with a number of lawmakers from both sides of the aisle about crafting an alternative to the McDade law. Together, we worked out a proposal based on S. 855, which would address the problems that have caused by the McDade law, while adhering to the basic premise of that law— that the Department of Justice should not have the authority it long claimed either to write its own ethics rules or to exempt its lawyers from the ethics rules adopted by the Federal courts. Based on these discussions, I am filing this substitute amendment to my bill, S. 855.

I regret that we have squandered opportunities to move any corrective legislation through the Congress. The consequences of our inaction have been severe, as I have discussed, and it is clear that Federal law enforcement efforts will continue to suffer if we do not act now.

I ask unanimous consent that a copy of the substitute amendment and a section-by-section summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 2000

1. OVERVIEW

The Professional Standards for Government Attorneys Act of 2000 adheres to the basic premise of section 801 of the omnibus appropriations act for fiscal year 1999 (Pub. L. 105–277), commonly known as the McDade law: the Department of Justice does not have the authority it has long claimed to write its own ethics rules. The proposed legislation would establish that the Department may not unilaterally exempt federal trial lawyers from the rules of ethics adopted by the federal courts. Federal courts are the more appropriate body to establish rules of professional responsibility for federal prosecutors, not only because federal courts have traditional authority to establish such rules for lawyers generally, but because the Department lacks the requisite objectivity.

The first part of the proposed legislation embodies the traditional understanding that when lawyers handle cases before a federal court, they should be subject to the federal court's rules of professional responsibility, and not to the possibly inconsistent rules of other jurisdictions. By incorporating this ordinary choice-of-law principle, the proposed legislation would preserve the federal courts' traditional authority to oversee the professional conduct of federal trial lawyers, including federal prosecutors. It would thereby avoid the uncertainties presented by the McDade law, which subjects federal prosecutors to state laws, rules of criminal procedure, and judicial decisions which differ from existing federal law.

The second part of the proposed legislation addresses the most pressing contemporary question of government attorney ethics—namely, the question of which rule should govern government attorneys' communications with represented persons. It asks the Judicial Conference of the United States to submit to the Supreme Court a proposed uniform national rule to govern this area of professional conduct, and to study the need for additional national rules to govern other areas in which the proliferation of local rules may interfere with effective federal law enforcement. The Rules Enabling Act process is the ideal one for developing such rules, both because the federal judiciary traditionally is responsible for overseeing the conduct of lawyers in federal court proceedings, and because this process would best provide the Supreme Court an opportunity fully to consider and objectively to weigh all relevant considerations.

2. SHORT TITLE

Section one is the short title of the bill.

3. AMENDMENTS TO 28 U.S.C. 530B

Section two supersedes the McDade law with a new 28 U.S.C. 530B, consisting of four subsections.

Subsection (a) codifies the definition of "attorney for the Government" in the current Department of Justice regulations, and also includes in the definition any outside special counsel, or employee of such counsel, as may be appointed by the Attorney General under 28 CFR 600.1 or any other provision of law.

Subsection (b) establishes a clear choice-of-law rule for government attorneys with respect to standards of professional responsibility, modeled on Rule 8.5(b) of the ABA's Model Rules of Professional Conduct. An attorney who is handling a case in court would be subject to the professional standards established by the rules and decisions of that court. An attorney who is conducting a grand jury investigation would be subject to the professional standards of the court under whose authority the grand jury was impanelled. In other circumstances, where no court has clear supervisory authority over particular conduct, an attorney would be subject to the professional standards established by rules and decisions of the United States district court for the judicial district in which the attorney principally performs his official duties, except that the Act does not apply to government attorney conduct that is unrelated to the attorney's work for the government.

Thus, for example, an Assistant United States Attorney for the Eastern District of New York would ordinarily be subject to the attorney conduct rules prescribed by the E.D.N.Y. courts, as interpreted and applied by those courts. If the attorney handled a government appeal in the United States Court of Appeals for the Second Circuit, the attorney's conduct in connection with the appeal would be subject to the local rules and interpretive decisions of the Second Circuit. If cross-designated to handle a prosecution in another judicial district, e.g., the District of New Jersey, the attorney's conduct with respect to that prosecution would be subject to the local federal district court rules. Similarly, if the attorney were to handle a matter for the government before a New York State court, the attorney would be subject to the professional standards established by the rules and decisions of that court, in the same manner and to the same extent as other New York State practitioners.

This provision anticipates that the Supreme Court might promulgate one or more uniform national rules governing the professional conduct of government attorneys practicing before the federal courts. In this event, the terms of the uniform national rule would apply.

Subsection (c) codifies the predominant practice with respect to state disciplinary proceedings against government attorneys. A government attorney whose conduct is subject to the professional standards of a federal court may be disciplined by state authorities only if referred to state authorities by a federal court. No referral is needed when the applicable professional standards are those of a state court (which may occur, under subsection (b), if the attorney is handling a matter before a state court). This gatekeeping provision ensures that federal courts will have the first opportunity to interpret and apply federal court rules to government attorneys, while leaving substantial enforcement authority with state disciplinary bodies. This provision also specifically promotes federal uniformity in the application of professional standards to government attorneys.

Subsection (d) clarifies the law regarding the licensing of government attorneys, an issue that is currently addressed through the appropriations process. Since 1979, appropriations bills for the Department of Justice have incorporated by reference section 3(a) of Pub. L. 96–132, which states: "None of the sums authorized to be appropriated by this Act may be used to pay the compensation of any person employed after the date of the enactment of this Act as an attorney (except foreign counsel employed in special cases) unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, territory, or the District of Columbia."

Subsection (d) codifies this longstanding requirement, and also makes clear that government attorneys need not be licensed under the laws of any state in particular. The clarification is necessary to ensure that local rules regarding state licensure are not applied to federal prosecutors. Cf. *United States* v. *Straub*, No. 5:99 Cr. 10 (N.D. W. Va. June 14, 1999) (granting defense motion to disqualify the Assistant United States Attorney because he was not licensed to practice in West Virginia).

Subsection (e), like the McDade law, authorizes the Attorney General to make and amend rules to assure compliance with section 530B.

4. JUDICIAL CONFERENCE REPORTS AND RECOMMENDATIONS

Section three directs the Judicial Conference of the United States to prepare two reports regarding the regulation of government attorney conduct. Both reports would contain recommendations with respect to the advisability of uniform national rules.

The first report would address the issue of contacts with represented persons, which has generated the most serious controversy regarding the professional conduct of government attorneys. See, e.g., *State* v. *Miller*, 600 N.W.2d 457 (Minn. 1999); *United States* v. *McDonnell Douglas Corp.*, 132 F.3d 1252 (8th Cir. 1998); *United States* v. *Lopez*, 4 F.3d 1455 (9th Cir. 1993); *United States* v. *Hammad*, 858 F.2d 834 (2d Cir. 1988).

Rule 4.2 of the ABA's Model Rules of Professional Conduct and analogous rules adopted by state courts and bar associations place strict limits on when a lawyer may communicate with a person he knows to be represented by another lawyer. These "no contact" rules preserve fairness in the adversarial system and the integrity of the attorney-client relationship by protecting parties, potential parties and witnesses from lawyers who would exploit the disparity in legal skill between attorneys and lay people and damage the position of the represented person. Courts have given a wide variety of interpretations to these rules, however, creating uncertainty and confusion as to how they apply in criminal cases and to government attorneys. For example, courts have disagreed about whether these rules apply to federal prosecutor contacts with represented persons in non-custodial pre-indictment situations, in custodial pre-indictment situations, and in post-indictment situations involving the same or different matters underlying the charges.

Lawyers who practice in federal court—and federal prosecutors in particular—have a legitimate interest in being governed by a single set of professional standards relating to frequently recurring questions of professional conduct. Further, any rule governing federal prosecutors' communications with represented persons should be respectful of legitimate law enforcement interest as well as the legitimate interests of the represented individuals. Absent clear authority to engage in communications with represented persons—when necessary and under limited circumstances carefully circumscribed by law—the government is significantly hampered in its ability to detect and prosecute federal offenses.

The proposed legislation charges the Judicial Conference with developing a uniform national rule governing government attorney contacts with represented persons. Given the advanced stage of dialogue among the interested parties—the Department of Justice, the ABA, the federal and state courts, and others—the Committee is confident that a satisfactory rule can be developed within the one-year time frame established by the bill.

While the "no contact" rule poses the most serious challenge to effective law enforcement, other rules of professional responsibility may also threaten to interfere with legitimate investigations. The proposed legislation therefore directs the Judicial Conference to prepare a second report addressing broader questions regarding the regulation of government attorney conduct. This report, to be completed within two years, would review any areas of conflict or potential conflict between federal law enforcement techniques and existing standards of professional responsibility, and make recommendations concerning the need for additional national rules.

HISPANIC HERITAGE MONTH

Mr. KERRY. Mr. President, I would like to take this opportunity to commemorate the 30-day period from September 15 through October 15, which was designated by the President as Hispanic Heritage Month. Hispanic Heritage Month was first initiated by Congress in 1968 to celebrate the diverse cultures, traditions, and valuable contributions of Hispanic people in the United States.

We are living through the longest and strongest economic boom in American history. Since 1992, our economy has created 22 million new jobs—and Hispanics in Massachusetts and around the country are sharing in our national prosperity and contributing to this marvelous growth. Since 1993, Hispanic employment has increased by nearly one-third nationwide, and median weekly wages for Hispanics have risen more than 16 percent. The unemployment rate for Hispanics is the lowest since we began tracking it, and the median income for Hispanic households has risen 15.9 percent over the last three years.

But for all our progress, we know that many challenges remain. The dropout rate for Hispanic youth is astonishingly high. There are far too many young people with nothing to do after school, and the unemployment rate is still too high in many predominately-Hispanic communities. We cannot ignore or turn our backs on these young people, because they are truly the future of this nation. And prosperity that is not broadly shared is not true prosperity.

In February of 1994, President Clinton signed Executive order 12900, "Educational Excellence for Hispanic Americans," specifically, "To advance the development of human potential, to strengthen the Nation's capacity to provide high-quality education, and to increase opportunities for Hispanic Americans to participate in and benefit from Federal education programs." I am proud to tell you about an initiative in my state, the Massachusetts Education Initiative for Latino Students (MEILS), which was created to implement the White House Initiative on Educational Excellence for Hispanic Americans in Massachusetts. MEILS created a Steering Committee responsible for developing and implementing a comprehensive approach for dealing with Latino educational issues statewide. MEILS has formulated a partnership between the state, federal, and local government to ensure high-level educational achievements for Latino students, from preschoolers to lifelong learners. MEILS has already established working groups in 13 of the communities with the highest percentages of Hispanic populations in the state of Massachusetts. Last Fall, MEILS held a conference in Worcester, Massachusetts, expecting approximately 300–400 participants, but ultimately drawing 700. They are currently planning their second conference, anticipating over 1,000 participants.

By 2050, one-quarter of all Americans will be Hispanic. In Massachusetts, Hispanics comprise 6% of the population and have made significant contributions to our communities, to our workplaces, to our public schools, and to academe. One of those contributors, Juan Maldacena, an Associate Professor of Physics at Harvard University, recently secured a MacArthur Foundation "genius" grant for his work on "string theory," a method for describing gravity in the same terms as other forces in the universe. A colleague of Mr. Maldacena's from the University of Chicago was so taken by this theory that he penned a new version of the "Macarena" called the "Maldacena."

We know that the key to growing and staying strong is making sure that every American participates in our nation's prosperity. I will continue, and I hope the Congress will continue, to work closely with the Hispanic community because, together, we bring Massachusetts and America closer to the vision of a nation where all citizens are free to reach their potential.

THE PREVENTION OF CIRCUMVENTION OF SUGAR TARIFF RATE QUOTAS

Mr. DORGAN. Mr. President, I rise in support as a cosponsor of S. 3116. The purpose of this legislation is to prevent molasses stuffed with sugar from being allowed into this country.

As others have stated, the molasses in question is stuffed with South American sugar in Canada, and then transported into the United States. The sugar is then spun out of this concoction and sold in this country while the molasses is sent right back across the border to be stuffed with more sugar—and the smuggling cycle starts over again.

This practice is a blatant circumvention of our tariff quota. The sole purpose of this process is to smuggle excess sugar into the United States, and I urge my colleagues to support this legislation, which will put an end to this loophole.

ENERGY POLICY

Mrs. BOXER. Mr. President, yesterday, the Senator from Alaska, Senator MURKOWSKI, made a reference to me which I would like to respond to and set the RECORD straight.

The Senator from Alaska said that H.R. 2884, which would reauthorize the Strategic Petroleum Reserve, is being held up by a senator from the Democratic side of the aisle who is objecting to the reauthorization of the Energy Policy and Conservation Act.

I support H.R. 2884, but I oppose Senator MURKOWSKI's substitute amendment that undermines the new oil valuation rule for royalty payments on oil produced on Federal lands. This rule took over three years to finally implement. Senator MURKOWSKI's amendment would do great damage to the rule, which just took effect a few months ago and taxpayers would be hurt.

In conclusion, I support the House bill, which sets up a heating oil reserve for the northeastern states and reauthorizes the Strategic Petroleum Reserve, but I object to the royalty provision in the substitute amendment.

I call on the Senator from Alaska to let H.R. 2884 move forward as it was passed by the other body—without the royalty language.

VICTIMS OF GUN VIOLENCE

Mr. AKAKA. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 27, 1999: Jermaine Allen, 26, Baltimore, MD; John Arcady, 49, Cincinnati, OH; Nathaniel Ball, 61, Tulsa, OK; Patrick Penson, 18, Fort Worth, TX; Eric Shine, 29, Charlotte, NC; Kevin Woods, 37, St. Louis, MO.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 26, 2000, the Federal debt stood at $5,648,781,388,359.77, five trillion, six hundred forty-eight billion, seven hundred eighty-one million, three hundred eighty-eight thousand, three hundred fifty-nine dollars and seventy-seven cents.

Five years ago, September 26, 1995, the Federal debt stood at $4,953,251,000,000, four trillion, nine hundred fifty-three billion, two hundred fifty-one million.

Ten years ago, September 26, 1990, the Federal debt stood at $3,214,541,000,000, three trillion, two hundred fourteen billion, five hundred forty-one million.

Fifteen years ago, September 26, 1985, the Federal debt stood at $1,823,103,000,000, one trillion, eight hundred twenty-three billion, one hundred three million.

Twenty-five years ago, September 26, 1975, the Federal debt stood at $552,848,000,000, five hundred fifty-two billion, eight hundred forty-eight million, which reflects a debt increase of more than $5 trillion—$5,095,933,388,359.77, five trillion, ninety-five billion, nine hundred thirty-three million, three hundred eighty-eight thousand, three hundred fifty-nine dollars and seventy-seven cents, during the past 25 years.

ADDITIONAL STATEMENTS

DANIEL DYER CELEBRATES 100TH ANNIVERSARY

• Mr. LEAHY. Mr. President, I rise today to speak about an extraordinary Vermonter, Daniel Dyer. As the world celebrates the end of the twentieth century, Daniel Dyer is celebrating the end of his first century. He has seen history made, but he has also made history of his own. Growing up on a farm in Vermont, Mr. Dyer attended the local school in Albany. His strong academic record afforded him the opportunity to attend Craftsbury Academy—where he performed odd jobs to help defray the cost of his room and board. From there, he moved on to the University of Vermont to study education and agriculture, and graduated in 1924. Since then, Mr. Dyer has given over forty years of dedicated service to the young people of Vermont as a teacher, a coach and a principal.

Even after retiring, Mr. Dyer remains active in his community—just last year he was speaking to a classroom of sixth-grade students about his experiences growing up. His contributions to Vermonters were recognized by the University of Vermont when he received awards for Community Service Leadership in 1978 and Distinguished Service in 1988. Today Mr. Dyer is the University's oldest active alumnus and still maintains an amicable relationship with members of the faculty.

On November 3, Daniel Dyer will celebrate his one hundredth birthday with friends and family. Of course, this grand event will include his children, grandchildren and great-grandchildren, all of whom—along with countless other Vermont children—have been touched by this special man.•

TRIBUTE TO CAROLYN C. ROBERTS

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Carolyn C. Roberts, an outstanding Vermonter and a national leader in the area of health care reform. As she prepares to retire from her position as President and Chief Executive Officer of Copley Health Systems in Morrisville, Vermont, it is important to reflect on how much one person can accomplish in serving others.

Carolyn was the first Vermonter and the second woman to serve as the Chair of the Board of Trustees of the American Hospital Association. While Carolyn worked to represent all hospitals in this country, she stressed the importance of ensuring residents of rural communities access to health services in their communities. Carolyn also fought hard to preserve the role of community hospitals by advocating for relationships with other health systems. In this, as in every other capacity, her mark has been felt far beyond the boundaries of Lamoille County, Vermont.

Carolyn began her vocation as a nurse and quickly rose to leadership positions as a direct provider, clinical administrator, and executive. Since 1982, Carolyn has been at the helm of Copley, a rural, community-wide, health delivery system in Morrisville, Vermont. Under her leadership, Copley Hospital received the 1987 Foster G. McGaw Prize for Excellence in Community Service in 1987.

During Carolyn's career, she has frequently held leadership positions on national boards, including the Joint Commission on Accreditation of Healthcare Organizations, The Hospital Fund, the Commission on Professional and Hospital Activities, the Institute for Healthcare Improvement, the American Academy of Medical Administrators, and the American College of Healthcare Executives.

I must also acknowledge Carolyn's willingness to advise me personally over the years on critical health care policy issues. As Chairman of the Senate Committee on Health, Education, Labor, and Pensions, I have been gratified to know that I could always rely on Carolyn's expertise in such arenas as rural health care, integrated systems of care, and Medicare reform.

Vermont has much to be grateful for, in view of Carolyn's steadfast commitment to improving the quality of life in our State. Whether serving on Governor Snelling's Blue Ribbon Health Care Commission or on Governor Dean's Task Force on Medicaid Managed Care, she always brought a sense of knowledge, dedication, and grace to solving the problem at hand. It is reassuring to know that her legacy will lead Copley Health Systems and the greater community of Vermont itself into the next millennium.

Mr. President, Carolyn's unwavering commitment toward improving the health status of Vermont and its citizens serves as a testament to us all. Vermont is truly indebted to her. Her deep commitment to the citizens of the Green Mountain State has endeared her to us. She has our sincerest good wishes for the future.●

MESSAGES FROM THE HOUSE

At 11:20 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1248. An act to prevent violence against women.

H.R. 2267. An act to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes.

H.R. 2572. An act to direct the Administrator of NASA to design and present an award to the Apollo astronauts.

H.R. 2752. An act to direct the Secretary of the Interior to sell certain public land in Lincoln County through a competitive process.

H.R. 3745. An act to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

H.R. 4259. An act to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

H.R. 4292. An act to protect infants who are born alive.

H.R. 4429. An act to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such businesses to successfully integrate and utilize electronic commerce technologies and business practices, and to authorize the National Institute of Standards and Technology to assess critical enterprise integration standards and implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major manufacturing industry.

H.R. 4519. An act to amend the Public Buildings Act of 1959 concerning the safety and security of children enrolled in childcare facilities located in public buildings under the control of the General Services Administration, to provide for reform of the Federal Protective Service, and for other purposes.

H.R. 4613. An act to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

H.R. 4835. An act to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.

H.R. 4904. An act to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes.

H.R. 4944. An act to amend the Small Business Act to permit the sale of guaranteed loans made for export purposes before the loans have been fully disbursed to borrowers.

H.R. 4946. An act to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

H.R. 5034. An act to expand loan forgiveness for teachers, and for other purposes.

H.R. 5036. An act to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park.

H.R. 5117. An act to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit for missing children, and for other purposes.

H.R. 5273. An act to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes.

H.J. Res. 100. Joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 999) to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

The message further announced that the House has passed the following bill, without amendment:

S. 1324. An act to expand the boundaries of the Gettysburg National Military Park to include Wills House, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2267. An act to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes, to the Committee on Energy and Natural Resources.

H.R. 2572. An act to direct the Administrator of NASA to design and present an award to the Apollo astronauts; to the Committee on Commerce, Science, and Transportation.

H.R. 4429. An act to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such business to successfully integrate and utilize electronic commerce technologies and business practices, and to authorize the National Institute of Standards and Technology to assess critical enterprise integration standards and implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major manufacturing industry; to the Committee on Commerce, Science, and Transportation.

H.R. 4519. An act to amend the Public Buildings Act of 1959 concerning the safety and security of children enrolled in childcare facilities located in public buildings under the control of the General Services Administration, to provide for reform of the Federal Protective Service, and for other purposes; to the Committee on Environment and Public Works.

H.R. 4835. An act to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4944. An act to amend the Small Business Act to permit the sale of guaranteed loans made for export purposes before the loans have been fully disbursed to borrowers; to the Committee on Small Business.

H.R. 4946. An act to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business.

H.R. 5034. An act to expand loan forgiveness for teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5117. An act to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit for missing children, and for other purposes; to the Committee on Finance.

H.R. 5273. An act to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills and joint resolution were read the first and second time by unanimous consent, and placed on the calendar:

H.R. 1248. An act to prevent violence against women.

H.R. 2752. An act to direct the Secretary of the Interior to sell certain public land in Lincoln County through a competitive process.

H.R. 3745. An act to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

H.R. 4613. An act to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

H.J. Res. 100. Joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOND, from the Committee on Small Business, without amendment:

S. 3121: A bill to reauthorize programs to assist small business concerns, and for other purposes (Rept. No. 106-422).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 3059: A bill to amend title 49, United States Code, to require motor vehicle manufacturers and motor vehicle equipment manufacturers to obtain information and maintain records about potential safety defects in their foreign products that may affect the safety of vehicles and equipment in the United States, and for other purposes (Rept. No. 106-423).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 2899: A bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians, and for other purposes (Rept. No. 106-424).

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 4868: A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for Mrs. FEINSTEIN):

S. 3117. A bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children to ensure that their best interests are held paramount in immigration proceedings and actions involving them; to prescribe standards for their custody, release, and detention; to improve policies for their permanent protection; and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 3118. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profits adjustment on crude oil (and products thereof) and to fund heating assistance for consumers and small business owners; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 3119. A bill to amend the Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes"; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. KERRY, Mr. WELLSTONE, Mr. DURBIN, and Mr. FEINGOLD):

S. 3120. A bill to amend the Immigration and Nationality Act to modify restrictions added by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

By Mr. BOND:

S. 3121. A bill to reauthorize programs to assist small business concerns, and for other purposes; from the Committee on Small Business; placed on the calendar.

By Mr. HUTCHINSON:

S. 3122. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAMS:

S. 3123. A bill to provide for Federal class action reform; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. THURMOND):

S. 3124. A bill to establish grants for drug treatment alternative to prison programs administered by State or local prosecutors; to the Committee on the Judiciary.

By Mr. CONRAD:

S. 3125. A bill to amend the Public Health Service Act, the Internal Revenue Code of 1986, and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas; to the Committee on Finance.

By Mr. HAGEL (for himself and Mr. BIDEN):

S. 3126. A bill to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger; to the Committee on Foreign Relations.

By Mr. SANTORUM (for himself, Mr. HUTCHINSON, and Mr. FITZGERALD):

S. 3127. A bill to protect infants who are born alive: to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. SARBANES, and Mr. BIDEN):

S.J. Res. 53. A resolution to commemorate fallen firefighters by lowering the American flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emittsburg, Maryland; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for Mrs. FEINSTEIN):

S. 3117. A bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children to ensure that their best interests are held paramount in immigration proceedings and actions involving them; to prescribe standards for their custody, release, and detention; to improve policies for their permanent protection; and for other purposes; to the Committee on the Judiciary.

UNACCOMPANIED ALIEN CHILD PROTECTION ACT OF 2000

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to change the way unaccompanied immigrant children are treated while in the custody of the Immigration and Naturalization Service (INS). The Unaccompanied Alien Child Protection Act of 2000 would ensure that the federal government addresses the special needs of thousands of unaccompanied alien children who enter the U.S. It would ensure that these children have a fair opportunity to obtain humanitarian relief when eligible.

Central throughout this legislation are two concepts:

(1) The United States government has a special responsibility to protect unaccompanied children in its custody; and

(2) In all proceedings and actions, the government must have as its paramount priority the protection of the best interests of the child.

The Unaccompanied Alien Child Protection Act of 2000 would ensure that children who are apprehended by the INS are treated humanely and appropriately by transferring jurisdiction over the welfare of unaccompanied minors from the INS Detention and Deportation division to a newly created Office of Children Services within the INS.

This legislation would also centralize responsibility for the care and custody of unaccompanied children in a new Office of Children's Services. By doing so, the legislation would resolve the conflict of interest inherent in the current system—that is, the INS retains custody of children and is charged with their care while, at the same time, it seeks their deportation.

Under this bill, the Office of Children's Services would be required to establish standards for the custody, release, and detention of children, ensuring that children are housed in appropriate shelters or foster care rather than juvenile jails. In 1999, the INS held some 2,000 children in juvenile jails even though they had never committed a crime. Equally as important, the bill would require the Office to establish clear guidelines and uniformity for detention alternatives such as shelter care, foster care, and other child custody arrangements.

The bill would strengthen options for the permanent protection of alien children in the United States, including providing asylum or adjustment of status to those who qualify.

Finally, the Unaccompanied Alien Child Protection Act would provide unaccompanied minors with access to legal counsel, who would ensure that the children appear at all immigration proceedings and assist them as the INS and immigration court considers their cases. The bill would also provide access to a guardian ad litem to ensure that they are properly placed in a safe environment. The guardian ad litem would also make sure that the child's attorney is, in fact, operating in his or her best interest.

Let me turn for a moment to the issue of access to counsel. Children, even more than adults, have immense difficulty tackling the complexities of the asylum system without the assistance of counsel. Despite this reality, most children in INS detention are unrepresented. Without legal representation, children are at risk of being returned to their home countries where they may face further human rights abuses.

I am aware of two cases that demonstrate the compelling need for counsel on behalf of these children. The first case involves two 17-year-old boys from China. Li and Wang were apprehended on an island near Guam and have been in INS custody for 16 months. During their detention on Guam, the two boys testified in federal court against the smugglers who brought them to Guam. In their testimony, they described being beaten by the smugglers even before leaving China, and stated that others were beaten during the trip to Guam. In the spring of 2000, the two boys were brought to a corrections facility in Los Angeles and are currently being held in the INS section of that facility. This is where the similarity in their cases end.

While both of the boys would face danger from the smugglers if they returned to China because of their testimony, only one was granted asylum. Li applied for asylum and was denied. He was not represented by counsel at his hearing. Despite the fact that the INS trial attorney mentioned that Li had testified in federal court against the smugglers, the judge did not include this information in her decision on the claim. Luckily for Li, an attorney overheard the hearing, and after speaking with Li, agreed to appeal his asylum claim. Li is still being held in a Los Angeles corrections facility. The story is different for Wang. Wang had an attorney and won his asylum hearing. But INS is appealing the decision so Wang still sits in a Los Angeles corrections facility, too.

These cases demonstrate the pressing need of legal representation for children. Li may have won his asylum claim if he had been represented by counsel and if the evidence regarding his testimony in federal court had been incorporated into his asylum claim. Instead, a 17-year-old boy unfamiliar with our immigration system and our language was forced to navigate the tricky court system alone.

According to Human Rights Watch, children detained by the INS, whether in secure detention or less restrictive settings, often have great difficulty obtaining information about their legal rights. On a visit to the Berks facility in 1998, Human Rights Watch staff found that none of the children they interviewed had received information about their rights or available legal services from either the INS or the facility's staff. Neither could local INS or facility staff identify how these children might receive this information.

In one way or another, we have been affected by the six-year-old shipwreck survivor from Cuba, Elian Gonzalez. His tragic story brought to light the plight of numerous other youngsters who find their way to the United States, unaccompanied by an adult and, in many cases, traumatized by the experiences provoking their flight.

Unaccompanied alien children are among the most vulnerable of the immigrant population; many have entered the country under traumatic circumstances. They are unable to protect themselves adequately from danger. Because of their youth and the fact that they are alone, they are often subject to abuse or exploitation.

Because of their age and inexperience, unaccompanied alien children are not able to articulate their fears, their views, or testify to their needs as accurately as adults can. Despite these facts, U.S. immigration laws and policies have been developed and implemented without careful attention to their effect on children, particularly on unaccompanied alien children.

Each year, the INS detains more than 5,000 children nationwide. They are apprehended for not having proper documentation at the ports-of-entry for entering the United States. Their detention may last for months—and sometimes for years—as they undergo complex immigration proceedings.

Under current immigration law, these children are forced to struggle through a system designed primarily for adults, even though they lack the capacity to understand nuanced legal principles and procedures. Children who may very well be eligible for relief are often vulnerable to being deported back to the very abuses they fled before they are able to make their case before the INS or an immigration judge.

Under current law, the INS is responsible for the apprehension, detention, care, placement, legal protection, and deportation of unaccompanied children. I believe that these are conflicting responsibilities that undercut the best interests of the child. Too often, the INS has fallen short in fulfilling the protection side of the these responsibilities.

The INS uses a variety of facilities to house children. Some are held in children's shelters in which children are offered some of the services they need but still may experience prolonged detention, lack of access to counsel, and other troubling conditions.

The INS relies on juvenile correctional facilities to house many children, even in the absence of any criminal wrongdoing. Today, one out of every three children in INS custody is detained in secure, jail-like facilities. These facilities are highly inappropriate, particularly for children who have already experienced trauma in their homelands.

There is currently no provision of federal law providing guidance for the placement of unaccompanied alien children. In 1987, the Flores v. Reno settlement agreement on behalf of minors in INS detention established the nationwide policy for the detention, release, and treatment of children in the custody of INS. The Flores agreement requires that the INS treat minors with dignity, respect, and special concern for their particular vulnerability. It also requires the INS to place each detained minor in the least restrictive setting appropriate to the child's age and special needs.

In response to Flores, the INS issued regulations that permitted its officers to detain children in secure facilities only in limited circumstances. The INS officers were required to provide written notice to the child of the reasons for such placement. More importantly, the regulations required the INS to segregate immigration detainees from juvenile criminal offenders.

Although INS officials have contended that these children are placed in these facilities largely because they are charged with other offenses, the INS statistics do not bear out this claim. In fiscal year 1999, only 19 percent of the children placed in secure detention were chargeable or adjudicated as delinquents.

According to non-governmental organizations (NGOs) such as Human Rights Watch and the Women's Commission on Refugee Women and Children, the INS regularly violates these regulations. The NGOs contend that too often children are placed in jail-like facilities for seemingly arbitrary reasons, seldom notified of the reasons why, and forced to share rooms and have extensive contact with convicted juvenile offenders.

I was also astonished to learn that many of these children, some as young as four and five years old, are placed behind multiple layers of locked doors, surrounded by walls and barbed wire. They are strip searched, patted down, placed in solitary confinement for punishment, forced to wear prison uniforms and shackles, and are forbidden to keep personal objects. Often they have no one to speak with because of the language barrier.

The Unaccompanied Alien Child Protection Act of 2000 would ensure that the particular needs of the thousands of unaccompanied alien children who enter INS custody each year are met and that these children have a fair opportunity to obtain immigration relief when eligible.

In 1999, the INS held approximately 4,600 children under the age of 18 in its custody. Some of these children fled human rights abuses or armed conflict in their home countries, some were victims of child abuse or had otherwise lost the support and protection of their families, some came to the United States to join family members, and some came to escape economic deprivation.

Many of these children came from troubled countries around the world, including the Peoples Republic of China, Honduras, Afghanistan, Somalia, Sierra Leone, Colombia, Guatemala, Cuba, former Yugoslavia, and others. They range in age from toddlers to teenagers. Some traveled to the United States alone, while others were accompanied by unrelated adults.

Sadly, a significant number are victims of smuggling or trafficking rings. In one recent instance, Phanupong Khaisri, a two-year-old Thai child, was brought to the U.S. by two individuals falsely claiming to be his parents, but who were actually part of a major alien trafficking ring. The INS was prepared to deport the child back to Thailand. It was not until Members of Congress and the local Thai community had intervened, however, that the INS decided to allow the child to remain in the U.S. until the agency could provide proper medical attention and determine what course of action would be in his best interest. Now his case is before a federal district court judge who will determine whether he should be eligible to apply for asylum.

The Unaccompanied Alien Child Protection Act aims to prevent situations like this from recurring by centralizing the care and custody of unaccompanied children into a new Office of Children's Services within the INS, but outside the jurisdiction of the District Directors. By doing so, the Act resolves the conflict of interest inherent in the current system—that is, the INS retains custody of children and is charged with their care while, at the same time, it seeks their deportation.

I would like to take a moment to share with you a few other examples of how the federal government has fallen short in the manner in which we handle vulnerable unaccompanied minors. One would think that our country would treat unaccompanied minors with the sensitivity and care their situations demands. Unfortunately, in too many instances, that has not been the case. Too often, these children are often treated like adults and, under the worst circumstances, like criminals.

Xaio Ling, a young girl from China who spoke no English, was detained by the INS at the Berks County Juvenile Detention Center. The INS placed her among children guilty of violent crimes, including rape and murder. Xaio was never guilty of any crime, and yet she slept in a small concrete cell, was subjected to humiliating strip searches, and forced to wear handcuffs. She was forbidden to keep any of her clothes or possessions and, under the policies of the Berks Center, Xaio was not allowed to laugh.

Imagine the fear this child had: thrust into a system she did not understand, given no legal aid, placed in jail that housed juveniles with serious criminal convictions, including murder, car jacking, rape, and drug trafficking. She did not speak English and was unable to speak to any staff who knew her language, and she had to submit to strip searches. It is hard to believe that our country would have allowed this innocent child to be treated in such a horrible manner.

Situations like that of the young Chinese girl make a compelling case for a change in the way our nation treats unaccompanied alien children. Under the legislation I have introduced today, this youngster would never have been placed in a detention center with criminal offenders. Rather, she would have immediately been placed in shelter care, foster care, or a home more appropriate for her situation. She would have been provided an attorney for her immigration proceedings and a social worker would have been appointed as guardian ad litem to ensure that the child's needs were being met. Sadly, this young girl was given none of these options. Neither was a 16-year-old boy from Colombia.

This youngster fled Colombia to escape a life of violence on the streets of Bogota, where FARC guerrillas attempted to recruit him and the F-2 branch of the Colombian government harassed him in its attempt to get rid of street children. Fearing for his life, he fled Colombia for Venezuela where he lived without shelter or sufficient food. In search of a safer life, he sneaked into the machine room of a cargo ship bound for the United States. He was lucky to survive; many other stowaways were thrown overboard when discovered by the ship's crew.

The boy remained on the ship from November 1998 until March 1999, when he arrived in Philadelphia. He was soon turned over to the INS and placed into the same detention center the young Chinese girl was held in. He, too, was kept with criminal offenders. He did not understand English, which created a myriad of problems because he was unable to understand what was expected of him in the detention center. He was held in an inappropriately punitive environment for six months.

I have one last story to share with you today. Placed on a boat bound for the United States by her very own parents, a 15-year-old girl fled China's rigid family planning laws. Under these laws she was denied citizenship, education, and medical care. She came to this country alone and desperate. And what did our immigration system do when they found her? They held her in a juvenile jail in Portland, Oregon. She was held for eight months and was detained for an additional four months after being granted political asylum. At her asylum hearing, the young girl could not wipe away the tears from her face because her hands were chained to her waist. According to her lawyer, "her only crime was that her parents had put her on a boat so she could get a better life over here."

For years children's rights and human rights organizations have implored Congress to improve the way our immigration system handles unaccompanied minors—just like the ones whose stories I have just told. I believe my bill would do just that.

We cannot continue to allow children, who come to our country, often traumatized and guilty of no crime, to be held in jails and treated like criminals. We cannot continue to allow children, scared and helpless, to be thrown into a system they do not understand without sufficient legal aid and a guardian to look after their best interests. We must adhere to the principles of our justice system. What kind of message do we send when we deprive children who come to our country seeking refuge of their basic rights and protections?

As a nation that holds our democratic ideals and constitutional rights paramount, how then can we continue to avert our attention from repeated violations of some of the most basic human rights against children who have no voice in the immigration system? We should be outraged that children who come to the U.S. alone, many against their will, are subjected to such inhumane, excessive conditions.

I am proud to have the support of the United States Catholic Conference and the Women's Commission on Refugee Women and Children, with whom I have worked closely to develop this legislation.

Although we are nearing the end of the session, I want to highlight this issue now so that we can begin to think about the importance of protecting the rights of children in immigration custody and work towards passing this legislation in the next Congress.●

By Mr. LEAHY:

S. 3118. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profits adjustment on crude oil (and products thereof) and to fund heating assistance for consumers and small business owners; to the Committee on Finance.

WINDFALL OIL PROFITS FOR HEATING ASSISTANCE ACT OF 2000

Mr. LEAHY. Mr. President, the Windfall Oil Profits for Heating Assistance Act of 2000 is a bit of a mouthful, but let me explain what this does. My legislation imposes a windfall profits adjustment on the oil industry so we can fund heating help for consumers and small business owners across America.

Mr. President, while American families have been paying sky-high prices at the gas pump and are bracing for record-high home heating costs this winter, the oil industry is savoring phenomenal profits. Something is wrong when working families are struggling to pay for basic transportation and home heat while Big Oil rakes in obscene amounts of cash by the barrel.

Indeed, the overall net income for the 14 major petroleum companies more than doubled in the second quarter of 2000 relative to the second quarter of 1999, to $10.3 billion.

In the second quarter of 2000, BP Amoco PLC reported profits of $2.87 billion, Chevron Corporation reported profits of $1.14 billion, Conoco reported profits of $460 million, Exxon Mobil Corporation reported profits of $4.53 billion, Marathon Oil Company reported profits of $367 million, Phillips Petroleum Company reported profits of $439 million, Royal Dutch/Shell Group reported profits of $3.15 billion and Texaco, Inc. reported profits of $641 million.

Look at these huge profits. When people in Vermont and New England want to know why they are paying so much extra for home heating oil, pick up the phone and call Texas and ask them how they justify these huge windfall profits.

This chart illustrates the phenomenal profits of the oil industry. Keep in mind, these profits came as gasoline prices soared and heating oil stocks fell. The oil industry executives said: It is the people of OPEC. It is not our fault. We love our customers. We are your friends. We wouldn't raise these prices. It is the naughty people overseas. We are not making any money from this. We are sorry you have to pay so much more to commute to work. We are sorry you can't heat your home.

In my State, where it can drop down to 20 below zero, this is not a matter of comfort. It is a matter of whether you will live or not.

But the oil industry executives say: We are sorry you have to pay so much more. Gee, maybe you should fill up early. Stocks are low. It is not our fault. We are not making anything out of this. We are not making any money out of it.

They are liars. They are making money. They are making windfall profits.

I have a chart here that illustrates the phenomenal profits of the oil industry for the past year when gasoline prices soared and heating oil stocks fell. Compared to the second quarter of 1999, the profits in the second quarter of 2000 increased 133 percent for BP Amoco, 136 percent for Chevron, 205 percent for Conoco, 123 percent for Exxon Mobil, 208 percent for Marathon, 275 percent for Phillips, 96 percent for Shell and 124 percent for Texaco.

Not surprisingly, these multi-million and even multi-billion dollar profits in the second quarter of 2000 for BP Amoco, Chevron, Conoco, Exxon Mobil and Shell were record quarterly profits.

These gushering profits are not new for the oil industry in 2000. In the first quarter of 2000, Big Oil also reaped record profits.

In the first quarter of 2000, ARCO reported profits of $333 million, BP Amoco reported profits of $2.68 billion, Chevron reported profits of $1.10 billion, Conoco reported profits of $391 million, Exxon Mobil reported profits of $3.35 billion, Phillips reported profits of $250 million, Shell reported profits of $3.13 billion, and Texaco reported profits of $602 million.

I have a second chart here that illustrates the phenomenal profits of the oil industry for the first quarter of the past year. Compared to the first quarter of 1999, the profits in the first quarter of 2000 increased 136 percent for ARCO, 296 percent for BP Amoco, 291 percent for Chevron , 371 percent for Conoco, 108 percent for Exxon Mobil, 257 percent for Phillips, 117 percent for Shell and 473 percent for Texaco.

Again, these multi-million and multi-billion dollar profits in the first quarter of 2000 for BP Amoco, Conoco, Exxon Mobil and Shell were record quarterly profits.

Yet these same oil company executives can tell the people of Vermont, the Northeast and elsewhere: Sorry you have to pay so much more for your gasoline. Sorry you have to pay so much more for your home heating oil. It is not our fault. We are not making any profits. It is those mean people in the Middle East.

Man, what hypocrisy.

Somebody once said, in Vermont: We will rely on the facts. Vermonters are not fooled by this. But how frustrating it is for all of us, how frustrating it is for middle America, to pay these bills, feeling they are helpless. Because the fact comes down, in our State, in an extraordinarily cold winter, we have to have heat. The fact comes down, when men and women have to go to work and they have to commute, they have to pay the price of going there. Everybody expects to pay what it costs to live. But they do not expect to have to pay windfall profits for a cartel of companies.

Big Oil reaped record profits while American consumers and small business owners dug deeper into their pockets to pay for soaring gasoline prices. And more record profits for Big Oil at the expense of consumers and small business owners are expected this winter when heating costs go through the roof.

Even more disturbing are the recent press reports that the major oil companies are not using their record profits to boost production and lower future prices, but are instead cutting back on exploration and production.

If they were using some of these huge profits to create more fuel, to create more production ability to be able to stave off shortages in the future, I would say let them have the profits because we will all benefit. They are not. They are just pocketing the profits. They are not doing a thing to find new oil, to find new production facilities.

Listen to this from a report in yesterday's Wall Street Journal: "Exploration and production expenditures at the so-called super majors—Exxon Mobil Corp., BP Amoco PLC, and Royal Dutch/Shell Group—fell 20 percent to $6.91 billion in the first six months of the year from a year earlier. . . ." Mr. President, that is outrageous.

The oil industry is made up of corporations formed under the laws of the United States. These oil industry corporations have a responsibility to the public good as well as their shareholders.

To reap record windfall profits and then cut back on exploration and production to further increase future profits is poor corporate citizenship and an abuse of the public trust by these oil industry corporations and their executives.

Well I for one have had enough of Big Oil making record profits at the expense of the working families and the small business owners who pay the oil bills, live by the rules and struggle mightily when fuel and heating costs skyrocket.

In response to the energy crisis of the 1980s, Congress enacted the Crude Oil Windfall Profit Tax Act of 1980. This windfall profits tax, which was repealed in 1988, funded low-income fuel assistance and energy and transportation programs.

Similar to the early 1980s, American families again face an energy crisis of high prices and record oil company profits. This past June, gasoline prices hit all-time highs across the United States, with a national average of $1.68 a gallon, according to the Energy Information Administration.

This winter, the Department of Energy estimates that heating oil inventories are 36 percent lower than last year with heating oil inventories in New England estimated to be 65 percent lower than last year. In my home state of Vermont, energy officials estimate heating oil costs will jump to $1.31 per gallon, up from $1.19 last winter and 80 cents in 1998.

Given the oil industry's record windfall profits in the face of this energy crisis, it is time for Congress to act and again limit the windfall profits of Big Oil.

The Leahy bill would do just that and dedicate the revenue generated from this windfall profits adjustment to help working families and small business owners with their heating oil costs this winter.

If they are not going to put more money into providing more energy for us, then the Windfall Oil Profits For Heating Assistance Act of 2000 would impose a 100 percent assessment on windfall profits from the sale of crude oil. My legislation builds on the current investigation by the Federal Trade Commission, a well deserved investigation into the pricing and profits of the oil industry.

My bill requires the Federal Trade Commission to expand this investigation to determine if the oil industry is reaping windfall profits.

The revenue collected from windfall oil industry profits, under my legislation, would be dedicated to two separate accounts in the Treasury for the following: 75 percent of the revenues to fund heating assistance programs for consumers such as the Low Income Home Energy Assistance Program (LIHEAP), weatherization and other energy efficiency programs; and 25 percent of the revenues to fund heating assistance programs for small business owners.

American consumers and small business owners continue to pay sky-high gasoline prices and home heating oil costs are expected to hit an all-time high this winter while U.S. oil corporations reap more record profits. We ought to restore some basic fairness to the marketplace. It is time for Congress to transfer the windfall profits from Big Oil to fund heating oil assistance for working families.

If big oil executives say: But we need these profits so we can continue our exploration, we can continue to increase refineries—then let them spend the money for that. If they are actually spending the money for that, it is not a problem. But they want to have it both ways: They want to have a shortage, they want to force up the price, they want to have a windfall profit, and they want to stick it in their pocket and they don't want to do anything to help the consumer. If they are unwilling to help the consumer, the Congress ought to stand up and help the consumer.

I ask unanimous consent the text of the bill be printed in the RECORD at the conclusion of my remarks and the bill be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Windfall Oil Profits For Heating Assistance Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The overall net income for the 14 major petroleum companies more than doubled in the second quarter of 2000 relative to the second quarter of 1999, to $10,300,000,000.

(2) In the second quarter of 2000, BP Amoco reported profits of $2,870,000,000, Chevron Corporation reported profits of $1,140,000,000, Conoco reported profits of $460,000,000, Exxon Mobil Corporation reported profits of $4,530,000,000, Marathon Oil Company reported profits of $367,000,000, Phillips Petroleum Company reported profits of $439,000,000, Royal Dutch/Shell Group reported profits of $3,150,000,000, and Texaco, Inc. reported profits of $641,000,000.

(3) When compared to the second quarter of 1999, the profits in the second quarter of 2000 increased 133 percent for BP Amoco, 136 percent for Chevron, 205 percent for Conoco, 123 percent for Exxon Mobil, 208 percent for Marathon, 275 percent for Phillips, 96 percent for Shell, and 124 percent for Texaco.

(4) The profits in the second quarter of 2000 for BP Amoco, Chevron, Conoco, Exxon Mobil, and Shell were record quarterly profits for these oil companies.

(5) In the first quarter of 2000, ARCO reported profits of $333,000,000, BP Amoco reported profits of $2,680,000,000, Chevron reported profits of $1,100,000,000, Conoco reported profits of $391,000,000, Exxon Mobil reported profits of $3,350,000,000, Phillips reported profits of $250,000,000, Shell reported profits of $3,130,000,000, and Texaco reported profits of $602,000,000.

(6) When compared to the first quarter of 1999, the profits in the first quarter of 2000 increased 136 percent for ARCO, 296 percent for BP Amoco, 291 percent for Chevron, 371 percent for Conoco, 108 percent for Exxon Mobil, 257 percent for Phillips, 117 percent for Shell, and 473 percent for Texaco.

(7) The profits in the first quarter of 2000 for BP Amoco, Conoco, Exxon Mobil, and Shell were record quarterly profits.

(8) On June 19, 2000, gasoline prices hit all-time highs across the United States, with a national average of $1.68 per gallon, according to the Energy Information Administration.

(9) On September 22, 2000, the Department of Energy estimated that heating oil inventories nationwide are 36 percent lower than in 1999, in the East such inventories are 40 percent lower than in 1999, and in New England such inventories are 65 percent lower than in 1999.

(10) American consumers continue to pay sky-high gasoline prices and home heating oil prices are expected to hit an all-time high in the winter of 2000–2001 while the oil industry continues to reap record profits.

(b) PURPOSE.—The purpose of this Act is to transfer windfall profits from the oil industry to fund heating assistance for consumers and small business owners.

SEC. 3. WINDFALL PROFITS ADJUSTMENT.

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end the following new chapter:

"CHAPTER 55—WINDFALL PROFITS ON CRUDE OIL AND PRODUCTS THEREOF

"Sec. 5886. Imposition of tax.

"SEC. 5886. IMPOSITION OF TAX.

"(a) IN GENERAL.—An excise tax is hereby imposed an the windfall profit from any domestic crude oil or other taxable product removed from the premises during the taxable year at a rate equal to 100 percent of such windfall profit.

"(b) DEFINITIONS.—For purposes of this section—

"(1) PREMISES.—The term 'premises' has the same meaning as when used for purposes of determining gross income from property under section 613.

"(2) PRODUCER.—The term 'producer' means the holder of the economic interest with respect to the crude oil or taxable product.

"(3) REASONABLE PROFIT.—The term 'reasonable profit' means the amount determined by the Chairman of the Federal Trade Commission to be a reasonable profit on the crude oil or taxable product.

"(4) TAXABLE PRODUCT.—The term 'taxable product' means any fuel which is a product of crude oil.

"(5) WINDFALL PROFIT.—The term 'windfall profit' means, with respect to any removal of crude oil or taxable product, so much of the profit on such removal as exceeds a reasonable profit.

"(c) LIABILITY FOR PAYMENT OF TAX.—The tax imposed by subsection (a) shall be paid by the producer of the crude oil or taxable product.

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle E of such Code is amended by adding at the end the following new item:

"CHAPTER 55. Windfall profits on crude oil and products thereof."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to crude oil or other products removed from the premises on or after January 1, 2000.

SEC. 4. FEDERAL TRADE COMMISSION INVESTIGATION AND DETERMINATION OF REASONABLE PROFITS.

(a) INVESTIGATION OF OIL INDUSTRY PROFITS.—The Chairman of the Federal Trade Commission shall investigate the profits of the oil industry, including the 14 major petroleum companies, on the sale in the United States of any crude oil or other taxable product (as defined in section 5886(b) of the Internal Revenue Code of 1986) made after January 1, 1999.

(b) DETERMINATION OF REASONABLE OIL INDUSTRY PROFITS.—The Federal Trade Commission shall make reasonable profit determinations for purposes of applying section 5886 of the Internal Revenue Code of 1986 (relating to windfall profit on crude oil and products thereof).

(c) FUNDING.—There are authorized to be appropriated to the Federal Trade Commission such funds as are necessary to carry out this section.

SEC. 5. ALLOCATION OF REVENUES FROM WINDFALL OIL PROFITS ADJUSTMENT TO HEATING ASSISTANCE.

(a) ESTABLISHMENT OF TRUST FUND.—Subchapter A of chapter 98 of subtitle I of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following new section:

"SEC. 9511. WINDFALL OIL PROFITS TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Windfall Oil Profits Trust Fund', consisting of such amounts as may be appropriated or credited to the Windfall Oil Profits Trust Fund as provided in this section.

"(b) TRANSFERS TO WINDFALL OIL PROFITS TRUST FUND.—There are hereby appropriated to the Windfall Oil Profits Trust Fund amounts equivalent to the taxes received in the Treasury under section 5886.

"(c) EXPENDITURES FROM WINDFALL OIL PROFITS TRUST FUND.—Amounts in the Windfall Oil Profits Trust Fund shall be available, as provided by appropriations Acts, for making expenditures—

"(1) in an amount not to exceed 75 percent of amounts transferred under subsection (b), for heating assistance for consumers, and

"(2) in an amount not to exceed 25 percent of amounts transferred under subsection (b), for heating assistance for small businesses.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of subtitle I of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 9511. Windfall oil profits trust fund."

Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 3119. A bill to amend the Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes"; to the Committee on Energy and Natural Resources.

THE FORT CLATSOP NATIONAL MEMORIAL EXPANSION ACT OF 2000

Mr. WYDEN. Mr. President, today I am pleased to introduce, with my friend and colleague from Oregon, Senator GORDON SMITH, the Fort Clatsop National Memorial Expansion Act of 2000. I am also pleased that Congressman DAVID WU, representing Fort Clatsop and Clatsop County in the United States House of Representatives, is introducing companion legislation in the House.

The Fort Clatsop Memorial marks the spot where Meriwether Lewis, William Clark and the Corps of Discovery spent 106 days during the winter of 1805. The bicentennial of their historic journey is fast approaching and it is estimated that over a quarter-million people will visit the Memorial during the bicentennial years of 2003 through 2006. Despite this anticipated influx of visitors, the Memorial is still legally limited to no more than 130 acres. This legislation would authorize the boundary expansion of the Memorial to no more than 1500 acres so as to help accommodate the large number of expected visitors.

Since the 1980s, the U.S. Park Service in Astoria, Oregon has been trying to negotiate a land purchase with Williamette Industries to acquire approximately 928 acres for the expansion of the Ft. Clatsop National Memorial. These acres are integral to the interpretation and enjoyment of the Memorial's historic site. Over the past 13 months the Park Service and Willamette Industries negotiated and, recently, reached an agreement that will lead to the Park Service acquiring this property. Before that can happen, however, this legislation, authorizing the expansion of the park boundary, will allow the Park Service to acquire the Willamette land administratively. The bill also authorizes a study of the national significance of Station Camp, another Lewis and Clark stopping point in 1805, located in Washington State.

The Park Service has targeted the expansion of the Fort Clatsop Memorial as one of its highest priorities. The Clatsop County Commission supports this legislation, as do the local landowners in and around the Memorial. In addition, I have heard from the National Parks and Conservation Association [NPCA], the Trust for Public Lands and the Conservation Fund, all of whom support efforts to expand the Ft. Clatsop Memorial.

I look forward to working with my colleagues to see this legislation pass because the protection of this important American historic area will enable us to illustrate the story of Oregon and America's western expansion for all who visit this special place. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Clatsop National Memorial Expansion Act of 2000".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In 1805, the members of the Lewis and Clark Expedition built Fort Clatsop at the mouth of the Columbia River near Astoria, Oregon, where they spent 106 days waiting for the end of winter and preparing for their journey home. The Fort Clatsop National Memorial was created by Congress in 1958 for the purpose of commemorating the culmination, and the winter encampment, of the Lewis and Clark Expedition following its successful crossing of the North American continent, and is the only National Park Service site solely dedicated to the Lewis and Clark Expedition.

(2) The 1995 General Management Plan for the Fort Clatsop National Memorial, prepared with input from the local community, calls for the addition of lands to the memorial to include the trail used by expedition members to travel from the fort to the Pacific Ocean and to include the shore and forest lands surrounding the fort and trail to protect their natural settings.

(3) The area near present day McGowan, Washington where Lewis and Clark and the Corps of Discovery camped after reaching the Pacific Ocean, performed detailed surveying, and conducted the historic "vote" to determine where to spend the winter, is of undisputed national significance.

(4) The National Park Service and State of Washington should identify the best alternative for adequately and cost effectively protecting and interpreting the "Station Camp" site.

(5) Expansion of the Fort Clatsop National Memorial would require Federal legislation because the size of the memorial is currently limited by statute to 130 acres.

(6) Congressional action to allow for the expansion of Fort Clatsop for both the trail to the Pacific and, possibly, the Station Camp site would be both timely and appropriate before the start of the national bicentennial celebration of the Lewis and Clark Expedition planned to take place during the years 2004 through 2006.

SEC. 3. ACQUISITION OF LANDS FOR FORT CLATSOP NATIONAL MEMORIAL.

The Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes", approved May 29, 1958 (Chapter 158; 72 Stat. 153), is amended—

(a) by inserting in section 2 "(a)" before "The Secretary".

(b) by inserting in section 2 a period, ".", following "coast" and by striking the remainder of the section.

(c) by inserting in section 2 the following new subsections:

"(b) The Memorial shall also include the lands depicted on the map entitled 'Fort Clatsop Boundary Map', numbered and dated '405-80016-CCO-June-1996'. The area designated in the map as a 'buffer zone' shall not be developed but shall be managed as a visual buffer between a commemorative trail that will run through the property, and contiguous private land holdings.

(c) The total area designated as the Memorial shall contain no more than 1,500 acres."

(d) by inserting at the end of section 3 the following:

"(b) Such lands included within the newly expanded boundary may be acquired from willing sellers only, with the exception of corporately owned timberlands."

SEC. 4. AUTHORIZATION OF STUDY OF STATION CAMP.

The Secretary of the Interior shall conduct a study of the area known as "Station Camp" near McGowan, Washington, to determine its suitability, feasibility, and national significance, for inclusion into the National Park System. The study shall be conducted in accordance with Section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

Mr. KENNEDY (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. KERRY, Mr. WELLSTONE, Mr. DURBIN, and Mr. FEINGOLD):

S. 3120. A bill to amend the Immigration and Nationality Act to modify restrictions added by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

THE IMMIGRANT FAIRNESS RESTORATION ACT OF 2000

Mr. KENNEDY. Mr. President, I am honored to join my colleagues, Senators GRAHAM, LEAHY, KERRY, WELLSTONE, DURBIN, and FEINGOLD in introducing the Immigrant Fairness Restoration Act. This legislation will restore the balance to our immigration laws that was lost when Congress enacted changes in 1996 that went too far.

The 1996 law has had harsh consequences that violate fundamental principles of family integrity, individual liberty, fairness, and due process. Families are being torn apart. Persons who are no danger to the community have languished in INS detention. Individuals who made small mistakes and atoned for their crimes long ago are being summarily deported from the United States to countries they no longer remember, separated from all that they know and love in this country.

The Immigrant Fairness Restoration Act will repeal the harshest provisions of the 1996 changes. It will eliminate retroactive application of these laws. The rules should not change in the middle of the game. Permanent residents who committed offenses long before the enactment of the 1996 laws should be able to apply for the relief from removal as it existed when the offense was committed. Unfair new consequences should not attach to old conduct.

Our legislation will also restore proportionality to our immigration laws. Current immigration laws punish permanent residents out of proportion to their crimes. Relatively minor offenses are now considered aggravated felonies. Permanent residents who did not receive criminal convictions or serve prison sentences should not be precluded from all relief from deportation.

Our proposal also restores the discretion of immigration judges to evaluate cases on an individual basis and grant relief from deportation to deserving families. Currently, these judges are unable to grant such relief to many permanent residents, regardless of their circumstances or equities in the cases. Their hands are tied, even in the most compelling cases, and deserving legal residents are being unfairly treated by these laws.

In addition, our proposal will end mandatory detention. The Attorney General will have authority to release person from detention who do not pose a danger to the community and are not a flight risk. The traditional standards governing such determinations should be restored to immigrants. Dangerous criminals should be detained and deported. But indefinite detention must end. Those who have lived in the United States with their families for years, established strong ties in our communities, paid taxes, and contributed to the Nation deserve to be treated fairly.

The 1996 changes also stripped the Federal courts of any authority to review the decisions of the INS and the immigration courts. As a result, life-shattering determinations are often now made at the unreviewable discretion of an INS functionary. Immigrants deserve this day in court, and our proposal will provide it.

It is long past time for Congress to end these abuses. Real individuals and real families continue to be hurt by the unacceptable changes made four years ago.

Armando Baptiste of Boston was recently featured in a column in the New York Times by Anthony Lewis. Armando came to the United States at the age of 9 from Cape Verde. As a teenager, he became involved in a gang and was convicted of assault. Later, he joined a church-sponsored group and turned his life around. He became a key figure in the city, helping other young people in the Cape Verdean community avoid the mistakes that he had made.

But the 1996 law made Armando deportable as a result of his earlier conviction. In February, he was jailed by the INS, and he now awaits deportation. The immigration judge will not be able to consider his positive contributions to his community, his family ties, or the hardship that severing those ties will cause.

Mary Anne Gehris was born in Germany and adopted by a family in Georgia when she was 2 years old. She is married and has two children, including a 14-year-old with cerebral palsy. Eleven years ago, she pulled another woman's hair during an argument and pled guilty to a misdemeanor. Although she never spent a day in jail, the crime is a deportable offense under the 1996 laws. Mary Anne was pardoned by the Georgia Board of Pardons this year. The Board does not usually grant pardons for misdemeanor convictions, but it decided to do so because, it said, the 1996 laws have "adversely affected the lives of numerous Georgia residents."

Ana Flores also deserves a chance. For several years, she complained to police about physical abuse by her husband. In 1998, she bit her husband during a domestic dispute. Without consulting a lawyer, she pleaded guilty at the urging of a judge and was placed on probation for six months. Because the 1996 immigration law calls domestic violence a deportable offense, she is now being deported to Guatemala, even though she has two children who are U.S. citizens.

We still have time to act this year to end these abuses. The House of Representatives has already passed legislation that is an important first step in this process, but it fails to deal with many of the most harmful aspects of the 1996 laws. The legislation we are introducing today is needed to end these festering abuses once and for all, and we urge Congress to enact it.

Mr. GRAHAM. Mr. President, I rise today, with my colleagues, Senators KENNEDY, LEAHY, DURBIN, KERRY, and WELLSTONE to introduce legislation that will help restore fairness and justice to our legal system.

Our nation is known worldwide for our system of justice.

We proclaim that everyone is equal under the eyes of the law.

Since the passage of the 1996 immigration law and the Anti-Terrorism and Effective Death Penalty Act, this statement has been only partially true.

There have been thousands of individuals who have been, in simple terms, punished twice: once for a crime, even a very minor crime, that was committed, and once again for their immigration status.

These are individuals who are legally here in the United States: but they are not U.S. citizens.

I do a workday once a month.

On these days I work a full shift on jobs ranging from garbage collection to teaching.

In my 345th workday, in May 1999, I spent the day at the INS Krome Detention Center near Miami.

I met individuals who had been legally present in the United States for years.

They had committed a crime, and for that they had fully served any criminal sentence that was imposed.

When I met them, they were being indefinitely detained by the INS solely because of their immigration status.

Under the two laws we passed in 1996, the United States could not release them.

And because we don't have a treaty with their country of origin—in this case—Cuba, we could not deport them.

Cuba won't take them back.

So we are locking up for life individuals who may have bounced a check, or stolen a car radio and have already been sentenced, and have completed their sentence, for those crimes by a court of law.

Allow me to offer a few examples from my home state of Florida.

Catherine Caza was born in Canada but came to this country as a legal permanent resident when she was three years old.

She has always considered herself an American.

Until recently, she had no reason to believe otherwise.

Twenty years ago Ms. Caza made a terrible mistake. She sold drugs to an undercover policeman. For this she pleaded guilty and received five years probation—which she successfully completed.

That was 20 years ago. Now she is 40 years old. She is the mother of a 7-year-old girl. She is attending college, hoping to someday become a social worker. The INS wants to deport her.

Ms. Caza is scared, and justifiably so. She wonders how she will be able to build a new life for herself and her daughter, her American-born daughter, in a country that is wholly unfamiliar.

Roberto and Sheila Salas are facing an equally bleak future.

Mrs. Salas dreamed of going overseas with the United States Air Force. Naturally, she planned to take her husband and two children with her.

Her husband, 31-year-old Roberto Salas, came to this country from Peru as a permanent legal resident when he was 17.

At 19, he was sentenced to five years probation. He was released from probation two years early because he followed all the rules. He has followed the rules ever since.

His family calls him a loving husband and father and a good provider. In 1997 he applied for naturalization so his wife could go overseas. Months later he was told that his adopted country was sending him back to Peru. The rules had changed.

These are, as I have said, just two of countless stories from every state in the nation. This is not fair. This is not humane. This is simply not reasonable.

Our legislation tries to restore a measure of sanity to the laws governing deportation of legal aliens.

First and foremost: It is blatantly unfair to change the rules in the middle of the game. This is what we did in 1996.

We passed a bill that applied new rules retroactively. We need to fix this. Under our legislation, if you committed a crime 10 years ago, the rules that will punish you will be the rules that were in place then.

This bill restores proportionality to our immigration law. With the passage of Immigrant Fairness Restoration Act, the "punishment will fit the crime."

Under our current law, an individual can be deported for very minor crimes.

They can be punished even if a judge and jury hand down no jail time.

This person may have children who were born in this country, a spouse who is a U.S. citizen, even a business with many U.S. citizen employees.

This legislation returns to judges the discretion they had before 1996. There are some cases where deportation is the appropriate sanction. There are other cases where it is clearly not.

Let's let judges look at the facts and decide instead of taking over their role and insisting on a one-size-fits-all system of justice.

Let's not treat someone who stole a car as a teenager, served his time, and has since become a law-abiding productive adult, the same way we treat someone who has committed violent crimes over and over again.

Let's also not lock someone up for life because they have the bad fortune to come from a country that won't take them back. Long-term detention is an extremely powerful judicial tool.

We ask that the INS use this action only when necessary—not as a first option.

This is a very difficult issue to advocate. These are criminals. I absolutely believe they should be punished. They should fully repay their debt to society through incarceration, monetary restitution, community service, or any other sanction.

Judges and juries decide these punishments, and the legal immigrant should fully comply with each and every decision. However, from that point on, they should be allowed to start over.

As Americans, we cannot and should not re-punish them.

What we are doing now is locking up everyone: car radio thieves, check bouncers, and others, all mixed in with the most dangerous felons. Everyone should get an equal change to plead their case.

Experienced judges should have the discretion to keep together American families who now face the prospect of lifetime separation. I do not want a mass release of legal immigrants who pose a threat to our society.

However—I do want fairness and discretion restored to all those who legally live in the United States.

Mr. LEAHY. Mr. President, I am proud to be a cosponsor of a bill as important as the Immigrant Fairness Restoration Act, which would restore a number of the due process rights that were taken away by the passage in 1996 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Anti-Terrorism and Effective Death Penalty Act (AEDPA). With those laws, we turned our back on our historical commitment to immigration and the rule of law. It is long past time to undo the damage that was done then, and this bill provides an excellent foundation for such important change.

First, this bill would eliminate the retroactive effects of the 1996 laws. Those laws not only contained new and overly harsh provisions calling for increased deportations for minor offenses, it applied those new provisions retroactively. Under those laws, immigrants who may have committed a crime years before and had since gone on to live productive lives suddenly faced removal from the United States. Some had plead guilty to minor offenses—many of which did not even require jail time—with the understanding that such a plea would have no effect on their immigration status. And that was true at the time. But suddenly, with the passage of this law, they face removal and are not even allowed to apply for relief. They receive no due process, despite the fact that they have American families and legal immigration status.

This part of our immigration law simply must be changed. I have previously introduced legislation that would at least provide noncitizen veterans of our Armed Forces the right to due process before being removed for past offenses under these laws—the Fairness to Immigrant Veterans Act (S. 871). This bill has the support of the American Legion, the Vietnam Veterans of America, and other veterans' groups. It is unconscionable that those who served our country would be forced to leave it for a crime they committed 20 years ago, under a different immigration law regime, without even receiving the chance to convince a judge that they deserve the opportunity to stay. But in truth, this country should not treat any immigrant in that way, and I welcome a total eradication of the retroactivity provisions of these laws.

The Immigrant Fairness Restoration Act also refines the definition of "aggravated felony" that was itself altered in the 1996 legislation. This redefinition will ensure that immigrants who commit relatively minor offenses will not be classified as aggravated felons and precluded from all relief from deportation. Current law is unfair even when it is not applied retroactively, and we must fight to restore the concept of judicial review in our immigration law. The United States has historically been committed to the idea that people should be judged as individuals, and that we are just to impose penalties—whether they be criminal penalties or severe civil measures such as removal—because we have considered them carefully. We must return to that historical commitment.

The bill will also return the definition of "crimes involving moral turpitude" to the pre-1996 definition of that term. Before the 1996 laws were passed, an immigrant had to have been sentenced to a year in prison for a crime involving moral turpitude to be deportable. Today, any crime that could lead to a sentence of a year—even if a judge decides to impose no sentence whatsoever—qualifies as a crime involving moral turpitude. A one-year prison term requirement makes sense and could prevent great unfairness. Our immigration law should respect the decisions of judges and juries, not seek to undermine them.

This bill also touches on an area that I have worked on extensively—expedited removal. Expedited removal allows low-level INS officers with cursory supervision to return people who enter the United States to their home countries without opportunity for review. Although those who say they fear returning are given the opportunity for a credible fear hearing, there is ample evidence that that protection is insufficient to help those who have learned to fear authority in their native lands, or those whose grasp of English is halting or nonexistent. Senator BROWNBACK and I last year introduced S. 1940, the Refugee Protection Act, which would restrict the use of expedited removal to immigration emergencies, as certified by the Attorney General. I have been greatly disappointed that the Judiciary Committee has not scheduled a hearing on this bipartisan bill. I hope that we can still take action in this Congress to resolve this critical human rights issue. Meanwhile, I strongly support this bill's provision to restrict the use of expedited removal to our ports of entry. The INS has recently begun implementing expedited removal inside the United States. I believe an expansion of this program is inappropriate, considering the bipartisan movement in Congress to reevaluate its existence even at our ports of entry. This bill will limit expedited removal's growth while we continue our efforts to restrict its use altogether.

I would also like to note this bill's restoration of the authority of federal courts to review INS decisions. Portions of this authority were stripped in both 1996 bills, a move I opposed at the time and continue to oppose today. Congress should not be in the business of micromanaging the federal docket, especially in politically sensitive areas such as immigration law. We should restore the pre-1996 status quo and give federal courts back the power we improvidently removed in the midst of the anti-immigration movement that seized this Congress.

I have highlighted only some of the excellent provisions in this bill today. This legislation also contains good provisions addressing the detention of immigrants, and allowing immigrants who have already been deported under the 1996 laws to reopen their cases. We cannot be content simply to fix these problems while ignoring those who have already been harmed by them. Rather, we must find a way to rectify the situations of those who have been treated unfairly over the last four years.

Although it is late in this Congress, there is a real opportunity for action on these issues. The House has already passed bipartisan legislation eliminating some of the retroactive effects of the 1996 laws. That legislation is not comprehensive enough in my view, but it is a good start, and it shows that members on both sides of the aisle are concerned about the effects—perhaps unintended—of those laws.

I would like to thank Senator KENNEDY and Senator GRAHAM for their hard and consistent work on these issues. I am happy to be able to join with them and I hope that we can work together to gain attention for this bill, and convince our colleagues and the Administration that these are changes that need to be made this year.

Mr. HUTCHINSON:

S. 3122. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations; to the Committee on Health, Education, Labor, and Pensions.

ADA NOTIFICATION ACT

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "ADA Notification Act".

SEC. 2. AMERICANS WITH DISABILITIES ACT OF 1990; AMENDMENT TO PROVIDE OPPORTUNITY TO CORRECT ALLEGED VIOLATIONS AS PRECONDITION TO CIVIL ACTIONS REGARDING PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES.

Section 308(a)(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12188(a)(1)) is amended—

(1) by striking "(1) AVAILABILITY" and all that follows through "The remedies and procedures set forth" and inserting the following:

"(1) AVAILABILITY OF REMEDIES AND PROCEDURES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the remedies and procedures set forth";

(2) in subparagraph (A) (as designated by paragraph (1) of this section), by striking the second sentence; and

(3) by adding at the end the following subparagraphs:

"(B) OPPORTUNITY FOR CORRECTION OF ALLEGED VIOLATION.—A court does not have jurisdiction in a civil action filed under subparagraph (A) with the court unless—

"(i) before filing the complaint, the plaintiff provided to the defendant notice of the alleged violation, and the notice was provided by registered mail or in person;

"(ii) the notice identified the specific facts that constitute the alleged violation, including identification of the location at which the violation occurred and the date on which the violation occurred;

"(iii) 90 or more days has elapsed after the date on which the notice was so provided;

"(iv) the notice informed the defendant that the civil action could not be commenced until the expiration of such 90-day period; and

"(v) the complaint states that, as of the date on which the complaint is filed, the defendant has not corrected the alleged violation.

"(C) CERTAIN CONSEQUENCES OF FAILURE TO PROVIDE OPPORTUNITY FOR CORRECTION.—With respect to a civil action that does not meet the criteria under subparagraph (B) to provide jurisdiction to the court involved, the following applies:

"(i) The court shall impose an appropriate sanction upon the attorneys involved (and notwithstanding the lack of jurisdiction to proceed with the action, the court has jurisdiction to impose and enforce the sanction).

"(ii) If the criteria are subsequently met and the civil action proceeds, the court may not under section 505 allow the plaintiff any attorneys' fees (including litigation expenses) or costs.".

By Mr. GRAMS:

S. 2123. A bill to provide for Federal class action reform; to the Committee on the Judiciary.

CONSUMER RIGHTS IN FEDERAL CLASS ACTIONS ACT OF 2000

● Mr. GRAMS. Mr. President, I offer today legislation entitled the "Consumer Rights in Federal Class Actions Act of 2000." It is designed to incorporate checks upon the abuses of class action law that has led to an increasing number of suits where the primary benefit accrues to the attorney, and not the class represented. The bill also takes steps to ensure that attorney fees in class action resolutions are in proportion to the benefits that actually accrue to the class.

The last few years have seen the rise of "coupon settlements" in class action suits, in which attorneys reap literally hundreds of thousands of dollars in fees while the class members merely receive coupons for discounts on later purchases. For instance, in one well-known airline price-fixing settlement, class members received coupons in $8, $10, and $25 denominations which could not be pooled. In another class action settlement, a manufacturer was sued because its dishwashers caught on fire under conditions of normal use. Under the settlement, customers were provided coupons to purchase replacement dishwashers from the very same maker. So not only are the trial lawyers hitting the jackpot for themselves, but the defendants in many coupon settlements actually receive the benefit of a promotional tool for their products. These types of deals only further erode the credibility of our judicial system.

Moreover, notices to class members are so densely worded and difficult to slog through that they are routinely ignored, and the class action attorneys are free to proceed and negotiate without true accountability to their supposed clients. The idea of attorneys working for the benefit of their clients has been turned on its head, and now in many class action lawsuits class members exist for the benefit of the lawyer, and the lawyer walks away from the table with a large fee while the class members receive next to nothing.

The Senate Judiciary Committee has recently addressed the problem of "coupon settlements" with S. 353, the Class Action Fairness Act, which would move more large, multi-state claims into federal court where there has been more vigilance in reviewing class action certifications and settlements. This is an important reform, but I think we can take specific steps that go beyond this reform to cut down on the number of "coupon settlements" in class action lawsuits.

The first reform in my bill requires that the attorney filing the class action lawsuit file a pleading, including a disclosure of the recovery sought for class members and the anticipated attorney's fees, along with an explanation of how any attorney's fees will be calculated. This will give the court and the public notice of what the attorney is actually attempting to accomplish with the litigation for the class, and for themselves.

The second reform would require that, after a proposed settlement agreement has been filed by the parties, counsel for the class shall provide notice to the class members of the expected benefits they will receive, the rights they will waive through the settlement, the fee amount class counsel will seek, an explanation of how the attorney fee will be calculated and funded, and the right of any class member to enter comments into the court record about the proposed settlement terms. This will give class members a more thorough knowledge about what they will receive in the settlement compared to what the attorney would receive, and will provide the court a mechanism for receiving comments from the class about the proposed settlement terms before rejecting or approving the agreement.

The third reform would require a regular, continuing disclosure as to how many members of the class are participating in the settlement. One of the dirty secrets of coupon settlements is that the benefits to the class are often of such minimal value that the class members do not even bother to take the steps necessary to receive the benefit, making the high fees received by the attorneys even more outrageous.

Some settlements even offer cash recoveries to class members that are so minimal that it is not worth their time to recover the funds. The required disclosure will be via Internet so that the public and legal researchers can access the information, and also will be mailed directly to the class members for their information and use.

The final reform is that Congress will authorize a report by the Judicial Conference of the United States on ways to correct a particular abuse by class action lawyers in which they use polling surveys of the class to determine how many class members would utilize the settlement, and then submit it to the court as evidence for determining an appropriate fee. Courts have indeed used these tools to determine fees, however, the polling numbers regularly overestimate class utilization of the settlements by a wide margin, leading to inflated fee awards for class attorneys. My legislation directs the Conference to make recommendations to ensure that attorneys receive fees that are commensurate with the degree that the lawsuit benefits the class. The Judicial Conference is also directed to make recommendations affecting the broader topic of ensuring that proposed class action settlements are fair to the class members for whom the settlements are supposed to benefit.

My legislation will expose the trial bar to greater scrutiny in lawsuits that are filed primarily to line their own pockets, give class members greater rights in assessing the settlement offers, and set in motion other reforms that will put attorneys fees in line with the benefit they bring to the class. This is a true consumers' rights bill that will cut down on the abuses by the trial bar and shed more light on who is actually being benefited by these lawsuits. I urge all of my colleagues to join me in supporting this commonsense reform.●

Mr. CONRAD:

S. 3125. A bill to amend the Public Health Service Act, the Internal Revenue Code of 1986, and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas; to the Committee on Finance.

SUSTAINING ACCESS TO VITAL EMERGENCY MEDICAL SERVICES ACT OF 2000

Mr. CONRAD. Mr. President, today I am introducing the Sustaining Access to Vital Emergency Medical Services (EMS) Act of 2000. This bill would take important steps to strengthen the emergency medical service system in rural communities and across the nation.

Across America, emergency medical care reduces human suffering and saves lives. According to recent statistics, the average U.S. citizen will require the services of an ambulance at least twice during his or her life. As my colleagues surely know, delays in receiving care can mean the difference between illness and permanent injury, between life and death. In rural communities that often lack access to local health care services, the need for reliable EMS is particularly crucial.

Over the next few decades, the need for quality emergency medical care in rural areas is projected to increase as the elderly population in these communities continues to rise. Unfortunately, while the need for effective EMS systems may increase, we have seen the number of individuals able to provide these services decline. Nationwide, the majority of emergency medical personnel are unpaid volunteers. As rural economies continue to suffer, and individuals have less and less time to devote to volunteering, it has become increasingly difficult for rural EMS squads to recruit and retain personnel. In my state of North Dakota, this phenomenon has resulted in a sharp reduction in EMS squad size. In 1980, on average there were 35 members per EMS squad; today, the average squad size has plummeted to 12 individuals per unit. I am concerned that continued reductions in EMS squad size could jeopardize rural residents' access to needed medical services.

For this reason, the legislation I introduce today includes two components to help communities recruit, retain, and train EMS providers. First, this proposal would establish a Rural Emergency Medical Services Training and Equipment Assistance program. This program would authorize $50 million in grant funding for fiscal years 2001–2006, which could be used by rural EMS squads to meet various personnel needs. For example, this funding could help cover the costs of training volunteers in emergency response, injury prevention, and safety awareness; volunteers could also access this funding to help meet the costs of obtaining State emergency medical certification. In addition, EMS squads would be offered the flexibility to use grant funding to acquire new equipment, such as cardiac defibrillators. This is particularly important for rural squads that have difficulty affording state-of-the-art equipment that is needed for stabilizing patients during long travel times between the rural accident site and the nearest urban medical facility. This grant funding could also be used to provide community education training in CPR, first aid or other emergency medical needs.

Second, the Sustaining Access to Vital Emergency Medical Services Act would help individuals meet the costs of providing services by offering all volunteer emergency medical personnel a $500 income tax credit. Volunteers could use this credit to cover some of the incidental expenses incurred in providing services, such as purchasing gasoline for the vehicles they use to respond to emergencies or to buy medical gear like safety gloves and clothing. It is my hope that this tax credit would provide an incentive for unpaid EMS volunteers to continue providing services and for new volunteers to join rural emergency medical squads.

In addition to the provisions I have just described, this legislation also includes two other measures that would provide additional resources to EMS squads. The Balanced Budget Act (BBA) of 1997 reduced inflationary update payments to ambulance providers through 2002. This means that during this time frame, ambulance providers have not been given adequate resources to keep up with increasing service demands. To ensure ambulance providers receive appropriate resources, this legislation would eliminate the BBA market basket reductions and would instead provide a full inflationary update over the next two years. Also, this bill would provide an extra one percentage point increase in fiscal year 2001 to all EMS providers.

In addition, this proposal takes steps to fix the shortcomings of the newly implemented Medicare ambulance fee schedule. The negotiated rulemaking committee that developed the fee schedule voiced concern that the payment system does not adequately account for the costs of providing emergency care to low-volume rural areas. In response to this concern, the Committee included an add-on payment for services provided to rural areas. While this payment adjustment is a step in the right direction, we must go further in identifying low-volume areas and ensuring EMS providers are paid appropriately for serving these communities. This proposal would direct the Department of Health and Human Services (HHS) to conduct a study and provide recommendations to Congress on options for providing more appropriate payments to the nation's rural EMS providers. In conjunction with providing these recommendations, HHS would be required to implement any appropriate reimbursement changes by January 1, 2002.

It is my hope that the Sustaining Access to Vital Emergency (SAVE) Medical Services Act will help ensure EMS providers can continue providing quality medical care to our communities. I urge my colleagues to support this important effort.

By Mr. HAGEL (for himself and Mr. BIDEN):

S. 3126. A bill to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger; to the Committee on Foreign Relations.

FAMINE PREVENTION AND FREEDOM FROM HUNGER IMPROVEMENT ACT OF 2000

● Mr. HAGEL. Mr. President, today I am introducing a bill to amend title

XII of the Foreign Assistance Act of 1961. Title XII describes the relationship between American universities and the United States Agency for International Development (USAID), with respect to USAID's international agriculture development programs. I am pleased to be joined in introducing this bill by my distinguished colleague from Delaware, Senator Biden.

This bill revitalizes the relationship between our universities, their public and private partners, and USAID. It reflects the fact that agriculture development work has changed dramatically in the past few years. For example, universities have long been important partners in the United States' efforts to promote agricultural development and decrease world hunger, but universities are no longer ivory towers. They now work with a variety of public and private partners to carry out agriculture-related assistance projects. This bill authorizes universities to utilize such partners when carrying out projects for USAID.

The bill also reflects the fact that agriculture development work increasingly focuses on income generation, rather than simply on household subsistence production. In addition to helping farmers grow enough to feed their immediate families, foreign agricultural assistance should also help farmers market and sell their products, and maximize their household income. This bill recognizes this new focus on income generation as a goal of American foreign agricultural assistance programs.

Lastly, the bill reflects the fact that sustainable development has increased in importance. Environmental and natural resource issues should be considered as part of the big picture in agriculture development.

I ask unanimous consent that the full text of the bill be printed in the Record immediately following these remarks.

There being no objection, the bill was ordered to be printed in the Record.

S. 3126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Famine Prevention and Freedom From Hunger Improvement Act of 2000".

SEC. 2. GENERAL PROVISIONS.

(a) Declarations of Policy.—(1) The first sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended to read as follows: "The Congress declares that, in order to achieve the mutual goals among nations of ensuring food security, human health, agricultural growth, trade expansion, and the wise and sustainable use of natural resources, the United States should mobilize the capacities of the United States land-grant universities, other eligible universities, and public and private partners of universities in the United States and other countries, consistent with sections 103 and 103A of this Act, for: (1) global research on problems affecting food, agriculture, forestry, and fisheries; (2) improved human capacity and institutional resource development for the global application of agricultural and related environmental sciences; (3) agricultural development and trade research and extension services in the United States and other countries to support the entry of rural industries into world markets; and (4) providing for the application of agricultural sciences to solving food, health, nutrition, rural income, and environmental problems, especially such problems in low-income, food deficit countries.".

(2) The second sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended—

(A) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively;

(B) in subparagraph (A) (as redesignated), by striking "in this country" and inserting "with and through the private sector in this country and to understanding processes of economic development";

(C) in subparagraph (B) (as redesignated), to read as follows:

"(B) that land-grant and other universities in the United States have demonstrated over many years their ability to cooperate with international agencies, educational and research institutions in other countries, the private sector, and nongovernmental organizations worldwide, in expanding global agricultural production, processing, business and trade, to the benefit of aid recipient countries and of the United States;";

(D) in subparagraph (C) (as redesignated), to read as follows:

"(C) that, in a world of growing populations with rising expectations, increased food production and improved distribution, storage, and marketing in the developing countries is necessary not only to prevent hunger and ensure human health and child survival, but to build the basis for economic growth and trade, and the social security in which democracy and a market economy can thrive, and moreover, that the greatest potential for increasing world food supplies and incomes to purchase food is in the developing countries where the gap between food need and food supply is the greatest and current incomes are lowest;";

(E) by striking subparagraphs (E) and (G) (as redesignated);

(F) by striking "and" at the end of subparagraph (F) (as redesignated);

(G) by redesignating subparagraph (F) as subparagraph (G); and

(H) by inserting after subparagraph (D) the following:

"(E) that, with expanding global markets and increasing imports into many countries, including the United States, food safety and quality, as well as secure supply, have emerged as mutual concerns of all countries;

"(F) that research, teaching, and extension activities, and appropriate institutional and policy development therefore are prime factors in improving agricultural production, food distribution, processing, storage, and marketing abroad (as well as in the United States);";

(I) in subparagraph (G) (as redesignated), by striking "in the United States" and inserting "and the broader economy of the United States"; and

(J) by adding at the end the following:

"(H) that there is a need to responsibly manage the world's natural resources for sustained productivity, health and resilience to climate variability; and

"(I) that universities and public and private partners of universities need a dependable source of funding in order to increase the impact of their own investments and those of their State governments and constituencies, in order to continue and expand their efforts to advance agricultural development in cooperating countries, to translate development into economic growth and trade for the United States and cooperating countries, and to prepare future teachers, researchers, extension specialists, entrepreneurs, managers, and decisionmakers for the world economy.".

(b) Additional Declarations of Policy.—Section 296(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(b)) is amended to read as follows:

"(b) Accordingly, the Congress declares that, in order to prevent famine and establish freedom from hunger, the following components must be brought together in a coordinated program to increase world food and fiber production, agricultural trade, and responsible management of natural resources, including—

"(1) continued efforts by the international agricultural research centers and other international research entities to provide a global network, including United States universities, for international scientific collaboration on crops, livestock, forests, fisheries, farming resources, and food systems of worldwide importance;

"(2) contract research and the implementation of collaborative research support programs and other research collaboration led by United States universities, and involving research systems in other countries focused on crops, livestock, forests, fisheries, farming resources, and food systems, with benefits to the United States and partner countries;

"(3) broadly disseminating the benefits of global agricultural research and development including increased benefits for United States agriculturally related industries through establishment of development and trade information and service centers, for rural as well as urban communities, through extension, cooperatively with, and supportive of, existing public and private trade and development related organizations;

"(4) facilitation of participation by universities and public and private partners of universities in programs of multilateral banks and agencies which receive United States funds;

"(5) expanding learning opportunities about global agriculture for students, teachers, community leaders, entrepreneurs, and the general public through international internships and exchanges, graduate assistantships, faculty positions, and other means of education and extension through long-term recurring Federal funds matched by State funds; and

"(6) competitive grants through universities to United States agriculturalists and public and private partners of universities from other countries for research, institution and policy development, extension, training, and other programs for global agricultural development, trade, and responsible management of natural resources.".

(c) Sense of the Congress.—Section 296(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(c)) is amended—

(1) in paragraph (1), by striking "each component" and inserting "each of the program components described in paragraphs (1) through (6) of subsection (b)";

(2) in paragraph (2)—

(A) by inserting "and public and private partners of universities" after "for the universities"; and

(B) by striking "and" at the end;

(3) in paragraph (3)—

(A) by inserting "and public and private partners of universities" after "such universities";

(B) in subparagraph (A), by striking ", and" and inserting a semicolon,

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) by striking the matter following subparagraph (B); and

(E) by adding at the end the following:

"(C) multilateral banks and agencies receiving United States funds;

"(D) development agencies of other countries; and

"(E) United States Government foreign assistance and economic cooperation programs;"; and

(4) by adding at the end the following:

"(4) generally engage the United States university community more extensively in the agricultural research, trade, and development initiatives undertaken outside the United States, with the objectives of strengthening its capacity to carry out research, teaching, and extension activities for solving problems in food production, processing, marketing, and consumption in agriculturally developing nations, and for transforming progress in global agricultural research and development into economic growth, trade, and trade benefits for aid recipient countries and United States communities and industries, and for the wise use of natural resources; and

"(5) ensure that all federally funded support to universities and public and private partners of universities relating to the goals of this title is periodically reviewed for its performance.".

(d) Definition of Universities.—Section 296(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(d)) is amended—

(1) by inserting after "sea-grant colleges;" the following: "Native American land-grant colleges as authorized under the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note);"; and

(2) in paragraph (1), by striking "extension" and inserting "extension (including outreach)".

(e) Definition of Administrator.—Section 296(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(e)) is amended by inserting "United States" before "Agency".

(f) Definition of Public and Private Partners of Universities.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

"(f) As used in this title, the term 'public and private partners of universities' includes entities that have cooperative or contractual agreements with universities, which may include formal or informal associations of universities, other education institutions, United States Government and State agencies, private voluntary organizations, nongovernmental organizations, firms operated for profit, nonprofit organizations, multinational banks, and, as designated by the Administrator, any organization, institution, or agency incorporated in other countries.".

(g) Definition of Agriculture.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

"(g) As used in this title, the term 'agriculture' includes the science and practice of activity related to food, feed, and fiber production, processing, marketing, distribution, utilization, and trade, and also includes family and consumer sciences, nutrition, food science and engineering, agricultural economics and other social sciences, forestry, wildlife, fisheries, aquaculture, floraculture, veterinary medicine, and other environmental and natural resources sciences.".

(h) Definition of Agriculturists.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

"(h) As used in this title, the term 'agriculturists' includes farmers, herders, and livestock producers, individuals who fish and others employed in cultivating and harvesting food resources from salt and fresh waters, individuals who cultivate trees and shrubs and harvest nontimber forest products, as well as the processors, managers, teachers, extension specialists, researchers, policymakers, and others who are engaged in the food, feed, and fiber system and its relationships to natural resources.".

SEC. 3. GENERAL AUTHORITY.

(a) Authorization of Assistance.—Section 297(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(a)) is amended—

(1) in paragraph (1), to read as follows:

"(1) to implement program components through United States universities as authorized by paragraphs (2) through (5) of this subsection;";

(2) in paragraph (3), to read as follows:

"(3) to provide long-term program support for United States university global agricultural and related environmental collaborative research and learning opportunities for students, teachers, extension specialists, researchers, and the general public;"; and

(3) in paragraph (4)—

(A) by inserting "United States" before "universities";

(B) by inserting "agricultural" before "research centers"; and

(C) by striking "and the institutions of agriculturally developing nations" and inserting "multilateral banks, the institutions of agriculturally developing nations, and United States and foreign nongovernmental organizations supporting extension and other productivity-enhancing programs".

(b) Requirements.—Section 297(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "universities" and inserting "United States universities with public and private partners of universities"; and

(B) in subparagraph (C)—

(i) by inserting ", environment," before "and related"; and

(ii) by striking "farmers and farm families" and inserting "agriculturalists";

(2) in paragraph (2), by inserting ", including resources of the private sector," after "Federal or State resources"; and

(3) in paragraph (3), by striking "and the United States Department of Agriculture" and all that follows and inserting ", the Department of Agriculture, State agricultural agencies, the Department of Commerce, the Department of the Interior, the Environmental Protection Agency, the Office of the United States Trade Representative, the Food and Drug Administration, other appropriate Federal agencies, and appropriate nongovernmental and business organizations.".

(c) Further Requirements.—Section 297(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(c)) is amended—

(1) in paragraph (2), to read as follows:

"(2) focus primarily on the needs of agricultural producers, rural families, processors, traders, consumers, and natural resources managers;"; and

(2) in paragraph (4), to read as follows:

"(4) be carried out within the developing countries and transition countries comprising newly emerging democracies and newly liberalized economies; and".

(d) Special Programs.—Section 297 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b) is amended by adding at the end the following new subsection:

"(e) The Administrator shall establish and carry out special programs under this title as part of ongoing programs for child survival, democratization, development of free enterprise, environmental and natural resource management, and other related programs.".

SEC. 4. BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT.

(a) Establishment.—Section 298(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(a)) is amended in the third sentence, by inserting at the end before the period the following: "on a case-by-case basis".

(b) General Areas of Responsibility of the Board.—Section 298(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(b)) is amended to read as follows:

"(b) The Board's general areas of responsibility shall include participating in the planning, development, and implementation of, initiating recommendations for, and monitoring, the activities described in section 297 of this title.".

(c) Duties of the Board.—Section 298(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "increase food production" and all that follows and inserting the following: "improve agricultural production, trade, and natural resource management in developing countries, and with private organizations seeking to increase agricultural production and trade, natural resources management, and household food security in developing and transition countries;"; and

(B) in subparagraph (B), by inserting before "sciences" the following: ", environmental, and related social";

(2) in paragraph (4), after "Administrator and universities" insert "and their partners";

(3) in paragraph (5), after "universities" insert "and public and private partners of universities";

(4) in paragraph (6), by striking "and" at the end;

(5) in paragraph (7), by striking "in the developing nations." and inserting "and natural resource issues in the developing nations, assuring efficiency in use of Federal resources, including in accordance with the Governmental Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), and the amendments made by that Act;"; and

(6) by adding at the end the following:

"(8) developing information exchanges and consulting regularly with nongovernmental organizations, consumer groups, producers, agribusinesses and associations, agricultural cooperatives and commodity groups, State departments of agriculture, State agricultural research and extension agencies, and academic institutions;

"(9) investigating and resolving issues concerning implementation of this title as requested by universities; and

"(10) advising the Administrator on any and all issues as requested.".

(d) Subordinate Units.—Section 298(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(d)) is amended—

(1) in paragraph (1)—

(A) by striking "Research" and insert "Policy";

(B) by striking "administration" and inserting "design"; and

(C) by striking "section 297(a)(3) of this title" and inserting "section 297"; and

(2) in paragraph (2)—

(A) by striking "Joint Committee on Country Programs" and inserting "Joint Operations Committee"; and

(B) by striking "which shall assist" and all that follows and inserting "which shall assist in and advise on the mechanisms and processes for implementation of activities described in section 297.".

SEC. 5. ANNUAL REPORT.

Section 300 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220e) is amended by striking "April 1" and inserting "September 1".●

● Mr. BIDEN. Mr. President, I am pleased to join my good friend Senator HAGEL in introducing the Famine Prevention and Freedom from Hunger Improvement Act of 2000.

The challenge facing developing nations whose people live in hunger today is no longer just how to increase food production. As we enter the new millennium, those countries must also confront the problems of inadequate income, lack of access to markets for both producers and consumers, and unsustainable natural resource management practices.

One of the keys to all these issues must be a new, more productive relationship between educational institutions—here in the U.S. and in the affected countries—and their private partners involved in agricultural development. In short, they must become part of the new, higher-tech, international agricultural economy. This bill, an amendment to the Foreign Assistance Authorization Act, is designed to move us in that direction.

Mr. President, when delegates from around the world gathered in Rome in 1996 for the World Food Summit, they pledged to reduce by half the number of people suffering from hunger by the year 2015. At that time the number of hungry people was estimated to be between 830 and 840 million. Now, four years later, the Food and Agriculture Organization of the United Nations estimates that there are 790 million people in the developing world who do not get enough the eat each day. This is positive news, but it is painfully evident that more needs to be done.

Title XII of the FAA, Famine Prevention and Freedom from Hunger, was written in 1975, at a time when there was a significant level of famine and hunger in the world. Its aim was to involve U.S. universities in the fight to increase food production. Mr. President, that mission has achieved a large degree of success. It is time to go beyond the basic issue of production, to take on the further challenges of increasing access to markets, improving shipping and storage, promoting environmentally sustainable agriculture, and turning farming in developing nations from a subsistence activity into a source of income.

The U.S. Action Plan on Food Security was developed to fulfill America's part of the 1996 commitment to cut in half the number of hungry persons by 2015. This plan includes several key priority areas, including strengthened research and educational capacity, increased liberalization of trade and investment, and greater attention to natural resource management and environmental degradation. This legislation furthers U.S. efforts by amending title XII of the Foreign Assistance Act to reflect these priorities.

As a donor country, our task is to channel assistance into the areas in which it is most needed, and to use the most effective means to do so. American land and sea grant colleges have been engaged in agricultural research for years and, increasingly in the past decade, have partnered with private research institutions. In my own state of Delaware, Mr. President, both the University of Delaware and Delaware State University are engaged in just the kind of research that could benefit from the support this legislation will provide.

I would wager, Mr. President, that most Americans are not aware of the many direct benefits that our country's foreign assistance programs can provide for us right here at home. Our commitment to reduce hunger in developing countries not only benefits those in need: with the changes this bill proposes, we will increase the existing benefits to U.S. universities and research institutions, and our private organizations involved in agricultural development. Our assistance programs, while primarily aimed at helping those abroad, can and should reflect our commitment to involve U.S. universities and businesses, with all of their expertise and experience, in making the world a healthier, more productive, and a safer place.

Mr. President, here in the United States, we are experiencing a period of unprecedented growth. At a time in which we have so much, I believe that we have a moral obligation to share our blessings. This bill helps us to shift our priorities to reflect changing realities so that the generosity of the American people is as effective and targeted as possible.●

Mr. SANTORUM (for himself, Mr. HUTCHINSON, and Mr. FITZGERALD:)

S. 3127. A bill to protect infants who are born alive; to the Committee on the Judiciary.

BORN ALIVE INFANTS PROTECTION ACT OF 2000

● Mr. SANTORUM. Mr. President, I rise today to introduce the Born Alive Infants Protection Act. I would like to thank Senator HUTCHINSON and Senator FITZGERALD for joining me as original sponsors. This bill is the Senate companion to H.R. 4292, which the House of Representatives passed by a vote of 380–15.

When I came to the Senate six years ago, I never imagined that the bill I am offering today would be necessary. Simply stated, this measure gives legal status to a fully born living infant regardless of the circumstances of his or her birth. I am deeply saddened that we must clarify federal law to specify that a living newborn baby is, in fact, a person.

One could ask, "Why do you need federal legislation to state the obvious? What else could a living baby be, except a person?" I will begin my explanation with events in 1995, when the Senate began its attempts to outlaw a horrifying, inhumane, and barbaric abortion procedure: partial birth abortion. In this particular abortion method, a living baby is killed when he or she is only inches from being fully born. Twice, the House and Senate have stood united in sending a bill to President Clinton to ban this procedure. Twice, the President has vetoed the bill. And twice, the House courageously voted to override the veto. Although support in the Senate grew each time the ban came to a vote, the Senate fell a few votes shy of overriding the veto.

The Supreme Court's ruling in Stenberg v. Carhart, as well as subsequent rulings in lower courts, are disturbing on a number of levels. First, the Supreme Court struck down Nebraska's attempt to ban a grotesque procedure the American Medical Association has called "bad medicine," and thousands of physicians who specialize in high risk pregnancies have called "never medically necessary." Further, the Court said it did not matter that the baby is killed when it is almost totally outside the mother's body in this abortion method. In other known abortion methods, the baby is killed in utero. Finally, the U.S. Supreme Court, and the Third Circuit Court have stated it does not matter when the baby is positioned when it is aborted. This assertion, to me, is the most horrifying of all.

In the five years worth of debates on partial birth abortion, I have asked Senators a very simple question: "If a partial birth abortion was being performed on a baby, and for some reason the head slipped out and the baby was delivered, would the doctor and the mother have the right to kill that baby?" In five years, not one Senator who defended the procedure has provided a straightforward "yes" or "no" response. They would not answer my question. So last year, I revised it. In an effort to try to define when a child may be protected by the Constitution, I asked whether it would be alright to kill a baby whose foot is still inside the mother's body, or what if only a toe is inside? Again, I did not receive an answer.

Unfortunately, evidence uncovered at a recent hearing before the House Judiciary Subcommittee on the Constitution suggests my questions were not so hypothetical. In fact, two nurses testified to seeing babies who were born alive as a result of induced labor abortions being left to die in soiled utility rooms. Furthermore, the intellectual framework for legalization of killing unwanted babies is being constructed by a prominent bioethics professor at Princeton University. Professor Peter Singer has advocated allowing parents a 28 waiting period to decide whether to kill a disabled or unhealthy newborn. In his widely disseminated book, Practical Ethics, he asserts, "killing a disabled infant is not morally equivalent to killing a person. Very often it is not wrong at all."

In response to these events, the Born Alive Infants Protection Act grants protection under federal law to newborns that are fully outside of the mother. Specifically, it states that federal laws and regulations referring to a "person," "human being," "child," and "individual" include "every infant member of the species homo sapiens who is born alive at any stage of development." "Born alive" means "the complete expulsion or extraction from its mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definitive movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, caesarean section, or induced abortion." The definition of "born alive" is derived from a World Health Organization definition of "live birth" that has been enacted in 30 states and the District of Columbia.

Again, all this bill says is that a living baby who is completely outside of its mother is a person, a human being, a child, and an individual. Similar legislation passed by the House of Representatives received overwhelming bipartisan support from Members on both sides of the general abortion debate. I am hopeful that the Senate and the President can agree that once a baby is completely outside of its mother, it is a person, deserving protections and dignity afforded to all other Americans.

I ask unanimous consent that the text of the Born Alive Infants Protection Act be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Born-Alive Infants Protections Act of 2000".

SEC. 2. DEFINITION OF BORN-ALIVE INFANT.

(a) IN GENERAL.—Chapter 1 of title, 1, United States Code, is amended by adding at the end the following:

"§ 8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant

"(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administration bureaus and agencies of the United States, the words 'person', 'human being', 'child', and 'individual', shall include every infant member of the species home sapiens who is born alive at any stage of development.

"(b) As used in this section, the term 'born alive', with respect to a member of the species homo sapiens, means the complete expulsion or extraction from its mother of that member of any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, caesarean section, or induced abortion.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by adding at the end the following new item:

"8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant.".

Mr. HUTCHINSON. Mr. President, I rise today in support of the Born-Alive Infants Protection Act. While I am profoundly saddened by the fact that such legislation has become necessary, I am proud to be an original cosponsor and commend Senator SANTORUM for his efforts on behalf of those members of our society who don't yet have a voice.

While the abortion lobby announced its vociferous opposition to this common-sense legislation and will mostcertainly denounce this as an attack on Role v. Wade, this is not such an attack. Rather, it is an effort to end the brutal practice of infanticide, and to reaffirm that a child may not be killed once it has been born.

I simply do not know how some of my colleagues will be able to defend the practice of killing children who have been born alive. We are talking about children who have been fully delivered. As I think of the moment I first held my grandson Jackson, I am repelled by the fact that our society has degenerated to the point where some people say that Jackson's life should be able to be taken even after his birth. I truly fear that if this practice is not stopped, some day, when the Peter Singers of the world have their way, the weakest members of our society—babies, the mentally retarded, the terminally ill, and the elderly—will have their lives taken from them against their will after someone has determined that their life is not meaningful.

Accordingly, I ask that my colleagues join me and work to enact this legislation.

Mr. ROTH (for himself, Mr. SARBANES, and Mr. BIDEN):

S.J. Res. 53. A resolution to commemorate fallen firefighters by lowering the American flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emittsburg, Maryland; to the Committee on the Judiciary.

Mr. ROTH. Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 53

Whereas 1,200,000 men and women comprise the American fire and emergency services;

Whereas the fire and emergency services is considered one of the most dangerous jobs in the United States;

Whereas fire and emergency services personnel respond to over 16,000,000 emergency calls annually, without reservation and with little regard for their personal safety;

Whereas fire and emergency services personnel are the first to respond to an emergency, whether it involves a fire, medical emergency, spill of hazardous materials, natural disaster, act of terrorism, or transportation accident;

Whereas approximately one-third of all active fire and emergency personnel suffer debilitating injuries annually; and

Whereas approximately 100 fire and emergency services personnel die annually in the line of duty: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each year, the American flags on all Federal office buildings will be lowered to half-staff on the day of the National Fallen Firefighters Memorial Service in Emittsburg, Maryland.

ADDITIONAL COSPONSORS

S. 622

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 622, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from New Jersey (Mr. TORRICELLI), the Senator from Louisiana (Mr. BREAUX), the Senator from North Dakota (Mr. CONRAD), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1020

At the request of Mr. MACK, his name was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1510

At the request of Mr. McCain, the name of the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1536

At the request of Mr. DeWine, the names of the Senator from Florida (Mr. Mack), the Senator from Georgia (Mr. Cleland), the Senator from Hawaii (Mr. Inouye), the Senator from Maryland (Mr. Sarbanes), the Senator from Connecticut (Mr. Dodd), the Senator from Virginia (Mr. Robb), and the Senator from Georgia (Mr. Miller) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1961

At the request of Mr. Johnson, the name of the Senator from Minnesota (Mr. Grams) was added as a cosponsor of S. 1961, a bill to amend the Food Security Act of 1985 to expand the number of acres authorized for inclusion in the conservation reserve.

S. 2052

At the request of Mr. Campbell, the name of the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 2052, a bill to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to community, business, and the economic development of Native American communities.

S. 2265

At the request of Mrs. Hutchison, the name of the Senator from Rhode Island (Mr. L. Chafee) was added as a cosponsor of S. 2265, a bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes.

S. 2274

At the request of Mr. Grassley, the name of the Senator from Pennsylvania (Mr. Specter) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2293

At the request of Mr. Santorum, the name of the Senator from Alabama (Mr. Shelby) was added as a cosponsor of S. 2293, a bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves.

S. 2341

At the request of Mr. Gregg, the name of the Senator from Oregon (Mr. Smith) was added as a cosponsor of S. 2341, a bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

S. 2665

At the request of Mr. Kyl, the name of the Senator from New Mexico (Mr. Bingaman) was added as a cosponsor of S. 2665, a bill to establish a streamlined process to enable the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources.

S. 2733

At the request of Mr. Santorum, the name of the Senator from Iowa (Mr. Grassley) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2868

At the request of Mr. Frist, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 2868, a bill to amend the Public Health Service Act with respect to children's health.

S. 2887

At the request of Mr. Grassley, the name of the Senator from Maryland (Mr. Sarbanes) was added as a cosponsor of S. 2887, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 2904

At the request of Mr. Bingaman, the name of the Senator from Hawaii (Mr. Akaka) was added as a cosponsor of S. 2904, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the production and use of efficient energy sources, and for other purposes.

S. 2912

At the request of Mr. Kennedy, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 2912, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

S. 2936

At the request of Mr. Robb, the name of the Senator from Florida (Mr. Graham) was added as a cosponsor of S. 2936, a bill to provide incentives for new markets and community development, and for other purposes.

S. 2986

At the request of Mr. Hutchinson, the names of the Senator from Kentucky (Mr. McConnell) and the Senator from Missouri (Mr. Bond) were added as cosponsors of S. 2986, a bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes.

S. 3002

At the request of Mr. Bingaman, the names of the Senator from Massachusetts (Mr. Kerry) and the Senator from Louisiana (Ms. Landrieu) were added as cosponsors of S. 3002, a bill to authorize a coordinated research program to ensure the integrity, safety and reliability of natural gas and hazardous liquids pipelines, and for other purposes.

S. 3020

At the request of Mr. Grams, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3060

At the request of Mr. Wellstone, the name of the Senator from Virginia (Mr. Robb) was added as a cosponsor of S. 3060, a bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

S. 3071

At the request of Mr. Mack, his name was added as a cosponsor of S. 3071, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 3073

At the request of Mr. Durbin, the name of the Senator from Florida (Mr. Graham) was added as a cosponsor of S. 3073, a bill to amend titles V, XVIII, and XIX of the Social Security Act to promote smoking cessation under the medicare program, the medicaid program, and the maternal and child health program.

S. 3105

At the request of Mr. Breaux, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 3105, a bill to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit in the case of missing children, and for other purposes.

S. 3112

At the request of Mr. Abraham, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 3112, a bill to amend title XVIII of the Social Security Act to ensure access to digital mammography through adequate payment under the medicare system.

S. RES. 292

At the request of Mr. CLELAND, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Res. 292, a resolution recognizing the 20th century as the "Century of Women in the United States."

S. RES. 339

At the request of Mr. REID, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Rhode Island (Mr. REED), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY), the Senator from North Carolina (Mr. HELMS), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mr. SCHUMER), the Senator from North Dakota (Mr. DORGAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Res. 339, a resolution designating November 18, 2000, as "National Survivors of Suicide Day."

S. RES. 340

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Wyoming (Mr. ENZI), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Mr. LEVIN), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. Res. 340, a resolution designating December 10, 2000, as "National Children's Memorial Day."

S. RES. 343

At the request of Mr. FITZGERALD, the names of the Senator from Rhode Island (Mr. L. CHAFEE) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

S. RES. 359

At the request of Mr. SCHUMER, the names of the Senator from Virginia (Mr. ROBB), the Senator from Maryland (Ms. MIKULSKI), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. Res. 359, a resolution designating October 16, 2000, to October 20, 2000 as "National Teach For America Week."

AMENDMENTS SUBMITTED

PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 1999

LEAHY AMENDMENT NO. 4218

(Ordered referred to the Committee on the Judiciary)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill (S. 855) to clarify the applicable standards of professional conduct for attorneys for the Government, and other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Professional Standards for Government Attorneys Act of 2000".

SEC. 2. PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS.

Section 530B of title 28, United States Code, is amended to read as follows:

"SEC. 530B. PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS.

"(a) DEFINITION.—In this section, the term 'Government attorney'—

(1) means the Attorney General; the Deputy Attorney General; the Solicitor General; the Assistant Attorneys General for, and any attorney employed in, the Antitrust Division, Civil Division, Civil Rights Division, Criminal Division, Environment and Natural Resources Division, and Tax Division; the Chief Counsel for the Drug Enforcement Administration and any attorney employed in the DEA Office of Chief Counsel; the General Counsel of the Federal Bureau of Investigation and any attorney employed in the FBI Office of General Counsel; any attorney employed in, or head of, any other legal office in a Department of Justice agency; any United States Attorney; any Assistant United States Attorney; any Special Assistant to the Attorney General or Special Attorney appointed under section 515; any Special Assistant United States Attorney appointed under section 543 who is authorized to conduct criminal or civil law enforcement investigations or proceedings on behalf of the United States; any other attorney employed by the Department of Justice who is authorized to conduct criminal or civil law enforcement proceedings on behalf of the United States; any independent counsel, or employee of such counsel, appointed under chapter 40; and any outside special counsel, or employee of such counsel, as may be duly appointed by the Attorney General; and

(2) does not include any attorney employed as an investigator or other law enforcement agent by the Department of Justice who is not authorized to represent the United States in criminal or civil law enforcement litigation or to supervise such proceedings.

"(b) CHOICE OF LAW.—Subject to any uniform national rule prescribed by the Supreme Court under chapter 131, the standards of professional responsibility that apply to a Government attorney with respect to the attorney's work for the Government shall be—

"(1) for conduct in connection with a proceeding in or before a court, the standards of professional responsibility established by the rules and decisions of that court;

"(2) for conduct in connection with a grand jury proceeding, the standards of professional responsibility established by the rules and decisions of the court under whose authority the grand jury was impanelled; and

"(3) for all other conduct, the standards of professional responsibility established by the rules and decisions of the Federal district court for the judicial district in which the attorney principally performs his official duties.

"(c) DISCIPLINARY AUTHORITY.—

"(1) IN GENERAL.—With respect to conduct that is governed by the standards of professional responsibility of a Federal court pursuant to subsection (b)—

"(A) a Government attorney is not subject to the disciplinary authority of any disciplinary body other than a Federal court or the Department of Justice's Office of Professional Responsibility unless the attorney is referred by a Federal court;

"(B) a Federal court shall not refer a Government attorney to any disciplinary body except upon finding reasonable grounds to believe that the attorney may have violated the applicable standards of professional responsibility; and

"(C) in any exercise of disciplinary authority by any disciplinary body under this subsection—

"(i) the standards of professional responsibility to be applied shall be the standards applicable pursuant to subsection (b); and

"(ii) the disciplinary body shall, whenever possible, seek to promote Federal uniformity in the application of such standards.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to abridge, enlarge, or modify the disciplinary authority of the Federal courts or the Office of Professional Responsibility of the Department of Justice.

"(d) LICENSURE.—A Government attorney (except foreign counsel employed in special cases)—

(1) shall be duly licensed and authorized to practice as an attorney under the laws of a State; and

(2) shall not be required to be a member of the bar of any particular State.

"(e) RULEMAKING AUTHORITY.—The Attorney General shall make and amend rules of the Department of Justice to assure compliance with this section.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 31 of title 28, United States Code, is amended, in the item relating to section 530B, by striking "Ethical standards for attorneys for the Government" and inserting "Professional standards for Government attorneys".

(c) REPORTS.—

(1) UNIFORM RULE.—In order to encourage the Supreme Court to prescribe, under chapter 131 of title 28, United States Code, a uniform national rule for Government attorneys with respect to communications with represented persons and parties, not later than 1 year after the date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chief Justice of the United States a report, which shall include recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for such a uniform national rule.

(2) ACTUAL OR POTENTIAL CONFLICTS.—Not later than 2 years after the date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate a report, which shall include—

(A) a review of any areas of actual or potential conflict between specific Federal duties related to the investigation and prosecution of violations of Federal law and the regulation of Government attorneys (as that term is defined in section 530B of title 28, United States Code, as amended by this Act) by existing standards of professional responsibility; and

(B) recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for additional rules governing attorney conduct to address any areas of actual or potential conflict identified pursuant to the review under subparagraph (A).

(3) REPORT CONSIDERATIONS.—In carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall take into consideration—

(A) the needs and circumstances of multiforum and multijurisdictional litigation;

(B) the special needs and interests of the United States in investigating and prosecuting violations of Federal criminal and civil law; and

(C) practices that are approved under Federal statutory or case law or that are otherwise consistent with traditional Federal law enforcement techniques.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

KENNEDY AMENDMENTS NOS. 4219–4223

(Ordered to lie on the table.)

Mr. KENNEDY submitted five amendments intended to be proposed by him to the bill (S. 2045) amending the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

Amendment No. 4219

At the appropriate place, add the following:

RECRUITMENT FROM UNDERREPRESENTED MINORITY GROUPS.

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by section 202, is further amended by inserting after subparagraph (H) the following:

"(I) The employer certifies that the employer—

"(i) is taking steps to recruit qualified United States workers who are members of underrepresented minority groups, including—

"(I) recruiting at a wide geographical distribution of institutions of higher education, including historically black colleges and universities, other minority institutions, community colleges, and vocational and technical colleges; and

"(II) advertising of jobs to publications reaching underrepresented groups of United States workers, including workers older than 35, minority groups, non-English speakers, and disabled veterans, and

"(ii) will submit to the Secretary of Labor at the end of each fiscal year in which the employer employs an H-1B worker a report that describes the steps so taken.

For purposes of this subparagraph, the term 'minority' includes individuals who are African-American, Hispanic, Asian, and women.".

Amendment No. 4220

At the appropriate place, add the following:

DEPARTMENT OF LABOR SURVEY; REPORT.

(1) SURVEY.—The Secretary of Labor shall conduct an ongoing survey of the level of compliance by employers with the provisions and requirements of the H-1B visa program. In conducting this survey, the Secretary shall use an independently developed random sample of employers that have petitioned the INS for H-1B visas. The Secretary is authorized to pursue appropriate penalties where appropriate.

(2) REPORT.—Beginning 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary of Labor shall submit a report to Congress containing the findings of the survey conducted during the preceding 2-year period.

Amendment No. 4221

At the appropriate place, add the following:

USE OF FEES FOR DUTIES RELATING TO PETITIONS.

Section 286(s)(5) of the Immigration and Nationality Act (8 U.S.C. (s)(5) is amended to read as follows:—4 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Attorney General until expended to carry out duties under paragraphs (1) and (9) of section 214(c) related to petitions made for nonimmigrants describes in section 101(a)(15)(H)(i)(b), under paragraph (1)(c) or (D) of section 204 related to petitions for immigrants described in section 203(b), and under section 212(n)(5).

Notwithstanding any other provision of this Act, the figure on page 11, line 2 is deemed to be "22 percent"; the figure on page 12, line 25 deemed to be "4 percent"; and the figure on page 13 line 2 is deemed to be "2 percent".

Amendment No. 4222

At the appropriate place, add the following:

PARTNERSHIP CONSIDERATIONS.

Consideration in the awarding of grants shall be given to any partnership that involves a labor-management partnership, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of United States workers and obtaining services to meet such needs.

Amendment No. 4223

At the appropriate place, add the following:

IMPOSITION OF FEES.

Section 214(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A) is amended by striking "(excluding" and all that follows through "2001)" and inserting "(excluding any employer any that is a primary or secondary education institution, an institution of the higher education, as defined in section 101(a) of the Higher Education Act Of 1965 (20 U.S.C. 1001(a)), a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing".

KENNEDY (AND OTHERS) AMENDMENT NO. 4224

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. REID, Mr. DURBIN, Mr. REED, Mr. GRAHAM, Mr. LEAHY, Mr. WELLSTONE, and Mr. DASCHLE) submitted an amendment intended to be proposed by them to the bill, S. 2045, supra; as follows:

At the appropriate place, insert the following:

TITLE —LATINO AND IMMIGRANT FAIRNESS ACT OF 2000

SEC. 01. SHORT TITLE.

This title may be cited as the "Latino and Immigrant Fairness Act of 2000".

Subtitle A—Central American and Haitian Parity

SEC. 11. SHORT TITLE.

This subtitle may be cited as the "Central American and Haitian Parity Act of 2000".

SEC. 12. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS FROM EL SALVADOR, GUATEMALA, HONDURAS, AND HAITI.

Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the section heading, by striking "NICARAGUANS AND CUBANS" and inserting "NICARAGUANS, CUBANS, SALVADORANS, GUATEMALANS, HONDURANS, AND HAITIANS";

(2) in subsection (a)(1)(A), by striking "2000" and inserting "2003";

(3) in subsection (b)(1), by striking "Nicaragua or Cuba" and inserting "Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti"; and

(4) in subsection (d)—

(A) in subparagraph (A), by striking "Nicaragua or Cuba" and inserting "Nicaragua, Cuba, El Salvador, Guatamala, Honduras, or Haiti; and

(B) in subparagraph (E), by striking "2000" and inserting "2003".

SEC. 13. APPLICATIONS PENDING UNDER AMENDMENTS MADE BY SECTION 203 OF THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

An application for relief properly filed by a national of Guatemala or El Salvador under the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, shall, at the election of the applicant, be considered to be an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by sections 12 and 15 of this Act, upon the payment of any fees, and in accordance with procedures, that the Attorney General shall prescribe by regulation. The Attorney General may not refund any fees paid in connection with an application filed by a national of Guatemala or El Salvador under the amendments made by section 203 of that Act.

SEC. 14. APPLICATIONS PENDING UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

An application for adjustment of status properly filed by a national of Haiti under the Haitian Refugee Immigration Fairness Act of 1998 which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, may be considered by the Attorney General to also constitute an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by sections 12 and 15 of this Act.

SEC. 15. TECHNICAL AMENDMENTS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) In General.—Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: ", and the Attorney General may, in the unreviewable discretion of the Attorney General, waive the grounds of inadmissibility specified in section 212(a)(1) (A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest";

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

"(2) Inapplicability of certain provisions.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act."; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

"(3) Relationship of application to certain orders.—An alien present in the United States who has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.";

(2) in subsection (b)(1), by adding at the end the following: "Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for relief under that subsection in deportation or removal proceedings.";

(3) in subsection (c)(1), by adding at the end the following: "Nothing in this Act requires the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.";

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: "Spouses, Children, and Unmarried Sons and Daughters.—";

(B) by amending the heading of paragraph (1) to read as follows: "Adjustment of Status.—";

(C) by amending paragraph (1)(A) to read as follows:

"(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 2000;";

(D) in paragraph (1)(B), by striking "except that in the case of" and inserting the following: "except that—

"(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 2000; and

"(ii) in the case of"; and

(E) by adding at the end the following new paragraph:

"(3) Eligibility of certain spouses and children for issuance of immigrant visas.—

"(A) In general.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

"(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

"(ii) applies for such a visa within a time period to be established by such regulations.

"(B) Retention of fees for processing applications.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

"(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

"(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.";

(5) in subsection (g), by inserting ", or an immigrant classification," after "for permanent residence"; and

(6) by adding at the end the following new subsection:

"(i) Statutory Construction.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.".

(b) Effective Date.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Nicaraguan and Central American Relief Act. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. 16. TECHNICAL AMENDMENTS TO THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) In General.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: ", and the Attorney General may waive the grounds of inadmissibility specified in section 212(a)(1)(A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest";

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

"(2) Inapplicability of certain provisions.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, or for permission to reapply for admission to the United States for the purpose of adjustment of status under this section, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act."; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

"(3) Relationship of application to certain orders.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.";

(2) in subsection (b)(1), by adding at the end the following: "Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for such relief under that subsection in deportation or removal proceedings.";

(3) in subsection (c)(1), by adding at the end the following: "Nothing in this Act shall require the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.";

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: "Spouses, Children, and Unmarried Sons and Daughters.—";

(B) by amending the heading of paragraph (1) to read as follows: "Adjustment of Status.—";

(C) by amending paragraph (1)(A), to read as follows:

"(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 2000;";

(D) in paragraph (1)(B), by striking "except that in the case of" and inserting the following: "except that—

"(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 2000; and

"(ii) in the case of";

(E) by adding at the end of paragraph (1) the following new subparagraph:

"(E) the alien applies for such adjustment before April 3, 2003."; and

(F) by adding at the end the following new paragraph:

"(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

"(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

"(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

"(ii) applies for such a visa within a time period to be established by such regulations.

"(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

"(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

"(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.";

(5) in subsection (g), by inserting ", or an immigrant classification," after "for permanent residence";

(6) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(7) by inserting after subsection (h) the following new subsection:

"(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.".

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Haitian Refugee Immigration Fairness Act of 1998. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. 17. MOTIONS TO REOPEN.

(a) NATIONALS OF HAITI.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Haiti who, on the date of enactment of this Act, has a final administrative denial of an application for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998, and is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998.

(b) NATIONALS OF CUBA.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Cuba or Nicaragua who, on the date of enactment of the Act, has a final administrative denial of an application for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act, and who is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act.

Subtitle B—Adjustment of Status of Other Aliens

SEC. 21. ADJUSTMENT OF STATUS.

(a) GENERAL AUTHORITY.—Notwithstanding any other provision of law, an alien described in paragraph (1) or (2) of subsection (b) shall be eligible for adjustment of status by the Attorney General under the same procedures and under the same grounds of eligibility as are applicable to the adjustment of status of aliens under section 202 of the Nicaraguan Adjustment and Central American Relief Act.

(b) COVERED ALIENS.—An alien referred to in subsection (a) is—

(1) any alien who was a national of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, any or state of the former Yugoslavia and who has been physically present in the United States for a continuous period, beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment under subsection (a) is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days; and

(2) any alien who is a national of Liberia and who has been physically present in the United States for a continuous period, beginning not later than December 31, 1996, and ending not earlier than the date the application for adjustment under subsection (a) is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

Subtitle C—Restoration of Section 245(i) Adjustment of Status Benefits

SEC. 31. REMOVAL OF CERTAIN LIMITATIONS ON ELIGIBILITY FOR ADJUSTMENT OF STATUS UNDER SECTION 245(i).

(a) IN GENERAL.—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking "(i)(1)" through "The Attorney General" and inserting the following:

"(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who—

"(A) entered the United States without inspection; or

"(B) is within one of the classes enumerated in subsection (c) of this section:

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2440).

SEC. 32. USE OF SECTION 245(i) FEES.

Section 245(i)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(3)(B)) is amended to read as follows:

"(B) One-half of any remaining portion of such fees remitted under such paragraphs shall be deposited by the Attorney General into the Immigration Examinations Fee Account established under section 286(m), and one-half of any remaining portion of such fees shall be deposited by the Attorney General into the Breached Bond/Detention Fund established under section 286(r).".

Subtitle D—Extension of Registry Benefits

SEC. 41. SHORT TITLE.

This subtitle may be cited as the "Date of Registry Act of 2000".

SEC. 42. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS.

(a) IN GENERAL.—Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended—

(1) in subsection (a), by striking "January 1, 1972" and inserting "January 1, 1986"; and

(2) by striking "JANUARY 1, 1972" in the heading and inserting "JANUARY 1, 1986".

(b) EFFECTIVE DATES.—

(1) GENERAL RULE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

(c) EXTENSION OF DATE OF REGISTRY.—

(A) PERIOD BEGINNING JANUARY 1, 2002.—Beginning on January 1, 2002, section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended by striking "January 1, 1986" each place it appears and inserting "January 1, 1987".

(B) PERIOD BEGINNING JANUARY 2003.—Beginning on January 1, 2003, section 249 of such Act is amended by striking "January 1, 1987" each place it appears and inserting "January 1, 1988".

(C) PERIOD BEGINNING JANUARY 1, 2004.—Beginning on January 1, 2004, section 249 of such Act is amended by striking "January 1, 1988" each place it appears and inserting "January 1, 1989".

(D) PERIOD BEGINNING JANUARY 1, 2005.—Beginning on January 1, 2005, section 249 of such Act is amended by striking "January 1, 1989" each place it appears and inserting "January 1, 1990".

(E) PERIOD BEGINNING JANUARY 1, 2006.—Beginning on January 1, 2006, section 249 of such Act is amended by striking "January 1, 1990" each place it appears and inserting "January 1, 1991."

"RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JULY 1, 1924 OR JANUARY 1, 1986".

(3) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act is amended by amending the item relating to section 249 to read as follows:

"Sec. 249. Record of admission for permanent residence in the case of certain aliens who entered the United States prior to July 1, 1924 or January 1, 1986.".

(c) EFFECTIVE DATE.—THE AMENDMENTS MADE BY THIS SECTION SHALL TAKE EFFECT ON JANUARY 1, 2001, AND THE AMENDMENT MADE BY SUBSECTION (A) SHALL APPLY TO APPLICATIONS TO RECORD LAWFUL ADMISSIN FOR PERMANENT RESIDENCE THAT ARE FILED ON OR AFTER JANUARY 1, 2001.

CONRAD AMENDMENT NO. 4225

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by them to the bill, S. 2045, supra; as follows:

At the appropriate place, add the following:

SEC. . EXCLUSION OF CERTAIN "J" NONIMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICABLE TO "H-1B" NONIMMIGRANTS.

The numerical limitations contained in section 2 of this Act shall not apply to any nonimmigrant alien granted a waiver that is subject to the limitation contained in paragraph (1)(B) of the first section 214(l) of the Immigration and Nationality Act (relating to restrictions on waivers).

KERRY AMENDMENT NO. 4226

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 2045, supra; as follows:

At the appropriate place, insert the following:

SEC. 9. STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The Secretary of Commerce shall conduct a review of existing public and private high-tech workforce training programs in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Commerce shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

NATIONAL ENERGY SECURITY ACT OF 2000

BINGAMAN (AND OTHERS) AMENDMENT NO. 4227

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. BYRD, Mr. BAUCUS, Mr. LEVIN, Mr. JOHNSON, Mr. ROCKEFELLER, Mr. BAYH, and Mr. AKAKA) submitted an amendment intended to be proposed by them to the bill (S. 2045) protecting the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the 'Energy Security Tax and Policy Act of 2000'.

(b) AMENDMENT OF 1986 CODE—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ENERGY-EFFICIENT PROPERTY USED IN BUSINESS

Sec. 101. Incentive for Distributed Generation.
Sec. 102. Credit for energy-efficient property used in business, including hybrid vehicles.
Sec. 103. Energy Efficient Commercial Building Property Deduction.

TITLE II—NONBUSINESS ENERGY SYSTEMS

Sec. 201. Credit for certain nonbusiness energy systems.

TITLE III—ALTERNATIVE FUELS

Sec. 301. Allocation of alcohol fuels credit to patrons of a cooperative.

TITLE IV—AUTOMOBILES

Sec. 401. Extension of credit for qualified electric vehicles.
Sec. 402. Additional Deduction for Cost of Installation of Alternative Fueling Stations.
Sec. 403. Credit for Retail Sale of Clean Burning Fuels as Motor Vehicle Fuel.
Sec. 404. Exception to HOV Passenger Requirements for Alternative Fuel Vehicles.

TITLE V—CLEAN COAL TECHNOLOGIES

Sec. 501. Credit for investment in qualifying clean coal technology.
Sec. 502. Credit for production from qualifying clean coal technology.
Sec. 503. Risk pool for qualifying clean coal technology.

TITLE VI—METHANE RECOVERY

Sec. 601. Credit for capture of coalmine methane gas.

TITLE VII—OIL AND GAS PRODUCTION

Sec. 701. Credit for production of re-refined lubricating oil.
Sec. 702. Oil and gas from marginal wells.
Sec. 703. Deduction for delay rental payments.
Sec. 704. Election to expense geological and geophysical expenditures.

TITLE VIII—RENEWABLE POWER GENERATION

Sec. 801. Modifications to credit for electricity produced from renewable resources.
Sec. 802. Credit for capital costs of qualified biomass-based generating system.
Sec. 803. Treatment of facilities using bagasse to produce energy as solid waste disposal facilities eligible for tax-exempt financing.
Sec. 804. Federal renewable portfolio standard.

TITLE IX—STEELMAKING

Sec. 901. Extension of credit for electricity to production from steel congeneration.

TITLE X—ENERGY EMERGENCIES

Sec. 1001. Energy Policy and Conservation Act Amendments.
Sec. 1002. Energy Conservation Programs for Schools and Hospitals.
Sec. 1003. State Energy Programs.
Sec. 1004. Annual Home Heating Readiness.
Sec. 1005. Summer Fill and Fuel Budgeting Programs.
Sec. 1006. Use of Energy Futures for Fuel Purchases.
Sec. 1007. Increased Use of Alternative Fuels by Federal Fleets.
Sec. 1008. Full Expensing of Home Heating Oil and Propane Storage Facilities.

TITLE XI—ENERGY EFFICIENCY

Sec. 1101. Energy Savings Performance Contracts.
Sec. 1102. Weatherization.
Sec. 1103. Public Benefits System.
Sec. 1104. National Oil Heat Research Alliance Act.

TITLE XII—ELECTRICITY

Sec. 1201. Comprehensive Indian Energy Program.
Sec. 1202. Interconnection.

TITLE I—ENERGY-EFFICIENT PROPERTY USED IN BUSINESS

SEC. 101. INCENTIVE FOR DISTRIBUTED GENERATION.

(a) IN GENERAL.—Section 168(e)(3)(E) of the Internal Revenue Code (classifying certain property as 15-year property) is amended by striking "and" at the end of clause (ii), striking the period at the end of clause (iii) and inserting ", and" and by adding the following new clauses:

"(iv) any distributed power property.".

(b) CONFORMING AMENDMENTS.—(1) Section 168(i) is amended by adding at the end following new paragraph:

"(15) DISTRIBUTED POWER PROPERTY.—The term 'distributed power property' means property—

"(A) which is used in the generation of electricity for primary use—

"(i) in nonresidential real or residential rental property used in the taxpayer's trade or business, or

"(ii) in the taxpayer's industrial manufacturing process of plant activity, with a rated total capacity in excess of 500 kilowatts,

"(B) which also may produce usable thermal energy or mechanical power for use in a hearing or cooling application, as long as at least 40 percent of the total useful energy produced consists of—

"(i) with respect to assets described in subparagraph (a)(i), electrical power (whether sold or used by the taxpayer), or

"(ii) with respect to assets described in subparagraph (A)(ii), electrical power (whether sold or used by the taxpayer) and thermal or mechanical energy used in the taxpayer's industrial manufacturing process or plant activity,

"(C) which is not used to transport primary fuel to the generating facility or to distribute energy within or outside of the facility, and

"(D) where it is reasonably expected that not more than 50 percent of the produced electricity will be sold to, or used by, unrelated persons.

For purposes of subparagraph (B), energy output is determined on the basis of expected annual output levels, measured in British thermal units (Btu), using standard conversion factors established by the Secretary.".

(2) Subparagraph (B) of section 168(g)(3) is amended by inserting after the item relating

to subparagraph (E)(iii) in the table contained therein the following new line:

"(E)(iv) 22".

(c) Effective Date.—The amendments made by this section are effective for property placed in service on or after December 31, 2000.

SEC. 102. CREDIT FOR CERTAIN ENERGY-EFFICIENT PROPERTY USED IN BUSINESS.

(a) In General.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit) is amended by inserting after section 48 the following:

"SEC. 48A. ENERGY CREDIT.

"(a) In General.—For purposes of section 46, the energy credit for any taxable year is the sum of—

"(1) the amount equal to the energy percentage of the basis of each energy property placed in service during such taxable year, and

"(2) the credit amount for each qualified hybrid vehicle placed in service during the taxable year.

"(b) Energy Percentage.—

"(1) In general.—The energy percentage is—

"(A) except as otherwise provided in this subparagraph, 10 percent,

"(B) in the case of energy property described in clauses (i), (iii), (vi), and (vii) of subsection (c)(1)(A), 20 percent,

"(C) in the case of energy property described in subsection (c)(1)(A)(v), 15 percent, and

"(D) in the case of energy property described in subsection (c)(1)(A)(ii) relating to a high risk geothermal well, 20 percent.

"(2) Coordination with rehabilitation.—The energy percentage shall not apply to that portion of the basis of any property which is attributable to qualified rehabilitation expenditures.

"(c) Energy Property Defined.—

"(1) In general.—For purposes of this subpart, the term 'energy property' means any property—

"(A) which is—

"(i) solar energy property,

"(ii) geothermal energy property,

"(iii) energy-efficient building property,

"(iv) combined heat and power system property,

"(v) low core loss distribution transformer property,

"(vi) qualified anaerobic digester property, or

"(vii) qualified wind energy systems equipment property,

"(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

"(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

"(C) which can reasonably be expected to remain in operation for at least 5 years,

"(D) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

"(E) which meets the performance and quality standards (if any) which—

"(i) have been prescribed by the Secretary by regulations (after consultation with the Secretary of Energy), and

"(ii) are in effect at the time of the acquisition of the property.

"(2) Exceptions.—

"(A) Public utility property.—Such term shall not include any property which is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), except for property described in paragraph (1)(A)(iv).

"(B) Certain wind equipment.—Such term shall not include equipment described in paragraph (1)(A)(vii) which is taken into account for purposes of section 45 for the taxable year.

"(d) Definitions Relating to Types of Energy Property.—For purposes of this section—

"(1) Solar Energy Property.—

"(A) In general.—The term 'solar energy property' means equipment which uses solar energy to generate electricity, to heat or cool (or provide hot water for use in) a structure, or to provide solar process heat.

"(B) Swimming pools, etc., used as storage medium.—The term 'solar energy property' shall not include property with respect to which expenditures are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage.

"(C) Solar panels.—No solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as solar energy property solely because it constitutes a structural component of the structure on which it is installed.

"(2) Geothermal energy property.—

"(A) In general.—The term 'geothermal energy property' means equipment used to produce, distribute, or use energy derived from a geothermal deposit (within the meaning of section 613(e)(2)), but only, in the case of electricity generated by geothermal power, up to (but not including) the electrical transmission stage.

"(B) High risk geothermal well.—The term 'high risk geothermal well' means a geothermal deposit (within the meaning of section 613(e)(2)) which requires high risk drilling techniques. Such deposit may not be located in a State or national park or in an area in which the relevant State park authority or the National Park Service determines the development of such a deposit will negatively impact on a State or national park.

"(3) Energy-efficient building property.—

"(A) In general.—The term 'energy-efficient building property' means—

"(i) a fuel cell that—

"(I) generates electricity and heat using an electrochemical process,

"(II) has an electricity-only generation efficiency greater than 35 percent, and

"(III) has a minimum generating capacity of 5 kilowatts,

"(ii) an electric heat pump hot water heater that yields an energy factor of 1.7 or greater under standards prescribed by the Secretary of Energy,

"(iii) an electric heat pump that has a heating system performance factor (HSPF) of 9 or greater and a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater,

"(iv) a natural gas heat pump that has a coefficient of performance of not less than 1.25 for heating and not less than 0.60 for cooling,

"(v) a central air conditioner that has a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater,

"(vi) an advanced natural gas water heater that—

"(I) increases steady state efficiency and reduces standby and vent losses, and

"(II) has an energy factor of at least 0.65,

"(vii) an advanced natural gas furnace that achieves a 95 percent AFUE, and

"(viii) natural gas cooling equipment—

"(I) that has a coefficient of performance of not less than .60, or

"(II) that uses desiccant technology and has an efficiency rating of 40 percent.

"(B) Limitations.—The credit under subsection (a)(1) for the taxable year may not exceed—

"(i) $500 in the case of property described in subparagraph (A) other than clauses (i) and (iv) thereof,

"(ii) $500 for each kilowatt of capacity in the case of a fuel cell described in subparagraph (A)(i), and

"(iii) $1,000 in the case of a natural gas heat pump described in subparagraph (A)(iv).

"(4) Combined heat and power system property.—

"(A) In general.—The term 'combined heat and power system property' means property—

"(i) comprising a system for using the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with steam, heat, or other forms of useful energy,

"(ii) that has an electrical capacity of more than 50 kilowatts or a mechanical energy capacity of more than 67 horsepower or an equivalent combination of electrical and mechanical energy capacities, and

"(iii) that produces at least 20 percent of its total useful energy in the form of both thermal energy and electrical or mechanical power.

"(B) Accounting rule for public utility property.—In the case that combined heat and power system property is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), the taxpayer may only claim the credit under subsection (a)(1) if, with respect to such property, the taxpayer uses a normalization method of accounting.

"(5) Low core loss distribution transformer property.—The term 'low core loss distribution transformer property' means a distribution transformer which has energy savings from a highly efficient core of at least 20 percent more than the average for power ratings reported by studies required under section 124 of the Energy Policy Act of 1992.

"(6) Qualified anaerobic digester property.—The term 'qualified anaerobic digester property' means an anaerobic digester for manure or crop waste that achieves at least 65 percent efficiency measured in terms of the fraction of energy input converted to electricity and useful thermal energy.

"(7) Qualified wind energy systems equipment property.—The term 'qualified wind energy systems equipment property' means wind energy systems equipment with a turbine size of not more than 50 kilowatts rated capacity.

"(e) Qualified Hybrid Vehicles.—For purposes of subsection (a)(2).—

"(1) Credit amount.—

"(A) In general.—The credit amount for each qualified hybrid vehicle with a rechargeable energy storage system that provides the applicable percentage of the maximum available power shall be the amount specified in the following table:

"Applicable percentage greater than or equal to—(percent)	Less than—(percent)	Credit amount is:
5	10	$500
10	20	1,000
20	30	1,500
30		2,000

"(B) Increase in credit amount for regenerative braking system.—In the case of a qualified hybrid vehicle that actively employs a regenerative braking system which supplies to the rechargeable energy storage system the applicable percentage of the energy available from braking in atypical 60 miles per hour to 0 miles per hour braking event, the credit amount determined under subparagraph (A) shall be increased by the amount specified in the following table:

"Applicable percentage Greater than or equal to—(percent)	Less than—(percent)	Credit amount increase is:
20	40	$250
40	60	500
60		1,000

"(2) QUALIFIED HYBRID VEHICLE.—The term 'qualified hybrid vehicle,' means an automobile that meets all regulatory requirements applicable to gasoline-powered automobiles and that can draw propulsion energy from both of the following on-board sources of stored energy:

"(A) A consumable fuel.

"(B) A rechargeable energy storage system, provided that the automobile is at least 33% more efficient than the average vehicle in its vehicle characterization as defined by EPA.

"(3) MAXIMUM AVAILABLE POWER.—The term 'maximum available power' means the maximum value of the sum of the heat engine and electric drive system power or other non-heat energy conversion devices available for a driver's command for maximum acceleration at vehicle speeds under 75 miles per hour.

"(4) AUTOMOBILE.—The term 'automobile' has the meaning given such term by section 4064(b)(1) (without regard to subparagraphs (B) and (C) thereof). A vehicle shall not fail to be treated as an automobile solely by reason of weight if such vehicle is rated at 8,500 pounds gross vehicle weight rating or less.

"(5) DOUBLE BENEFIT; PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a)(2) with respect to—

"(A) any property for which a credit is allowed under section 25B or 30,

"(B) any property referred to in section 50(b), and

"(C) the portion of the cost of any property taken into account under section 179 or 179A.

"(6) REGULATIONS.—

"(A) TREASURY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.

"(B) ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency shall prescribe such regulations as may be necessary or appropriate to specify the testing and calculation procedures that would be used to determine whether a vehicle meets the qualifications for a credit under this subsection.

"(7) TERMINATION.—Paragraph (2) shall not apply with respect to any vehicle placed in service during a calendar year ending before January 1, 2003, or after December 31, 2006.

"(f) SPECIAL RULES.—For purposes of this section—

"(1) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR INDUSTRIAL DEVELOPMENT BONDS.—

"(A) REDUCTION OF BASIS.—For purposes of applying the energy percentage to any property, if such property is financed in whole or in part by—

"(i) subsidized energy financing, or

"(ii) the proceeds of a private activity bond (within the meaning of section 141) the interest on which is exempt from tax under section 103, the amount taken into account as the basis of such property shall not exceed the amount which (but for this subparagraph) would be so taken into account multiplied by the fraction determined under subparagraph (B).

"(B) DETERMINATION OF FRACTION.—For purposes of subparagraph (A), the fraction determined under this subparagraph is 1 reduced by a fraction—

"(i) the numerator of which is that portion of the basis of the property which is allocable to such financing or proceeds, and

"(ii) the denominator of which is the basis of the property.

"(C) SUBSIDIZED ENERGY FINANCING.—For purposes of subparagraph (A), the term 'subsidized energy financing' means financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy.

"(2) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

"(g) APPLICATION OF SECTION.—

"(1) IN GENERAL.—Except as provided by paragraph (2) and subsection (e), this section shall apply to property placed in service after December 31, 2000, and before January 1, 2004.

"(2) EXCEPTIONS.—

"(A) SOLAR ENERGY AND GEOTHERMAL ENERGY PROPERTY.—Paragraph (1) shall not apply to solar energy property or geothermal energy property.

"(B) FUEL CELL PROPERTY.—In the case of property that is a fuel cell described in subsection (d)(3)(A)(i), this section shall apply to property placed in service after December 31, 2000, and before January 1, 2005."

(e) CONFORMING AMENDMENTS.—

(1) Section 48 is amended to read as follows:

"SEC. 48. REFORESTATION CREDIT.

"(a) IN GENERAL.—For purposes of section 46, the reforestation credit for any taxable year is 20 percent of the portion of the amortizable basis of any qualified timber property which was acquired during such taxable year and which is taken into account under section 194 (after the application of section 194(b)(1)).

"(b) DEFINITIONS.—For purposes of this subpart, the terms 'amortizable basis' and 'qualified timber property' have the respective meanings given to such terms by section 194."

(2) Section 39(d) is amended by adding at the end the following:

"(9) NO CARRYBACK OF ENERGY CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the energy credit determined under section 48A may be carried back to a taxable year ending before the date of the enactment of section 48A."

(3) Section 280C is amended by adding at the end the following:

"(d) CREDIT FOR ENERGY PROPERTY EXPENSES.—

"(1) IN GENERAL.—No deduction shall be allowed for that portion of the expenses for energy property (as defined in section 48A(c)) otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for such taxable year under section 48A(a).

"(2) SIMILAR RULE WHERE TAXPAYER CAPITALIZES RATHER THAN DEDUCTS EXPENSES.—

"(A) the amount of the credit allowable for the taxable year under section 48A (determined without regard to section 38(c)), exceeds

"(B) the amount allowable as a deduction for the taxable year for expenses for energy property (determined without regard to paragraph (1)), the amount chargeable to capital account for the taxable year for such expenses shall be reduced by the amount of such excess.

"(3) CONTROLLED GROUPS.—Paragraph (3) of subsection (b) shall apply for purposes of this subsection."

(4) Section 29(b)(3)(A)(i)(III) is amended by striking "section 48(a)(4)(C)" and inserting "section 48A(f)(1)(C)".

(5) Section 50(a)(2)(E) is amended by striking "section 48(a)(5)" and inserting "section 48A(f)(2)".

(6) Section 168(e)(3)(B) is amended—

(A) by striking clause (vi)(I) and inserting the following:

"(I) is described in paragraph (1) or (2) of section 48A(d) (or would be so described if "solar and wind" were submitted for "solar" in paragraph (1)(B)),", and

(B) in the last sentence by striking "section 48(a)(3)" and inserting "section 48A(c)(2)(A)".

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 48 and inserting the following:

"Sec. 48. Reforestation credit.
"Sec. 48A. Energy credit."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2000, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 103. ENERGY EFFICIENT COMMERCIAL BUILDING PROPERTY DEDUCTION.

"(a) IN GENERAL.—There shall be allowed as a deduction for the taxable year an amount equal to the sum of the energy efficient commercial building amount determined under subsection (b).

"(b)(1) DEDUCTION ALLOWED.—For purposes of subsection (a)—

"(A) IN GENERAL.—The energy efficient commercial building property deduction determined under this subsection is an amount equal to energy efficient commercial building property expenditures made by a taxpayer for the taxable year.

"(B) MAXIMUM AMOUNT OF DEDUCTION.—The amount of energy efficient commercial building property expenditures taken into account under subparagraph (A) shall not exceed an amount equal to the product of—

"(i) $2.25, and

"(ii) the square footage of the building with respect to which the expenditures are made.

"(C) YEAR DEDUCTION ALLOWED.—The deduction under subparagraph (A) shall be allowed in the taxable year in which the construction of the building is completed.

"(2) ENERGY EFFICIENT COMMERCIAL BUILDING PROPERTY EXPENDITURES.—For purposes of this subsection, the term 'energy efficient commercial building property expenditures' means an amount paid or incurred for energy efficient commercial building property installed on or in connection with new construction or reconstruction of property—

"(A) for which depreciation is allowable under section 167,

"(B) which is located in the United States, and

"(C) the construction or erection of which is completed by the taxpayer.

Such property includes all residential rental property, including low-rise multifamily structures and single family housing property which is not within the scope of Standard 90.1–1999 (described in paragraph (3)). Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

"(3) Energy Efficient Commercial Building Property.—For purposes of paragraph (2)—

"(A) In general.—The term 'energy efficient commercial building property' means any property which reduces total annual energy and power costs with respect to the lighting, heating, cooling, ventilation, and hot water supply systems of the building by 50 percent or more in comparison to a reference building which meets the requirements of Standard 90.1–1999 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America using methods of calculation under subparagraph (B) and certified by qualified professionals as provided under paragraph (6).

"(B) Methods of calculation.—The Secretary, in consultation with the Secretary of Energy, shall promulgate regulations which describe in detail methods for calculating and verifying energy and power consumption and cost, taking into consideration the provisions of the 1998 California Nonresidential ACM Manual. These procedures shall meet the following requirements:

"(i) In calculating tradeoffs and energy performance, the regulations shall prescribe the costs per unit of energy and power, such as kilowatt hour, kilowatt, gallon of fuel oil, and cubic foot or Btu of natural gas, which may be dependent on time of usage.

"(ii) The calculational methodology shall require that compliance be demonstrated for a whole building. If some systems of the building, such as lighting, are designed later than other systems of the building, the method shall provide that either—

"(I) the expenses taken into account under paragraph (1) shall not occur until the date designs for all energy-using systems of the building are completed,

"(II) the energy performance of all systems and components not yet designed shall be assumed to comply minimally with the requirements of such Standard 90.1–1999, or

"(III) the expenses taken into account under paragraph (1) shall be a fraction of such expenses based on the performance of less than all energy-using systems in accordance with clause (iii)

"(iii) The expenditures in connection with the design of subsystems in the building, such as the envelope, the heating, ventilation, air conditioning and water heating system, and the lighting system shall be allocated to the appropriate building subsystem based on system-specific energy cost savings targets in regulations promulgated by the Secretary of Energy which are equivalent, using the calculation methodology, to the whole building requirement of 50 percent savings.

"(iv) The calculational methods under this subparagraph need not comply fully with section 11 of such Standard 90.1–1999.

"(v) The calculational methods shall be fuel neutral, such that the same energy efficiency features shall qualify a building for the deduction under this subsection regardless of whether the hearing source is a gas or oil furnace or an electric heat pump.

"(vi) The calculational methods shall provide appropriate calculated energy savings for design methods and technologies not otherwise credited in either such Standard 90.1–1999 or in the 1998 California Nonresidential ACM Manual, including the following:

"(I) Natural ventilation.

"(II) Evaporative cooling.

"(III) Automatic lighting controls such as occupancy sensors, photocells, and timeclocks.

"(IV) Daylighting.

"(V) Designs utilizing semi-conditioned spaces that maintain adequate comfort conditions without air conditioning or without heating.

"(VI) Improved fan system efficiency, including reductions in static pressure.

"(VII) Advanced unloading mechanisms for mechanical cooling, such as multiple or variable speed compressors.

"(VIII) The calculational methods may take into account the extent of commissioning in the building, and allow the taxpayer to take into account measured performance that exceeds typical performance.

"(C) Computer Software.—

"(i) In general.—Any calculation under this paragraph shall be prepared by qualified computer software.

"(ii) Qualified computer software.—For purposes of this subparagraph, the term 'qualified computer software' means software—

"(I) for which the software designer has certified that the software meets all procedures and detailed methods for calculating energy and power consumption and costs as required by the Secretary,

"(II) which provides such forms as required to be filed by the Secretary in connection with energy efficiency of property and the deduction allowed under this subsection, and

"(III) which provides a notice form which summarizes the energy efficiency features of the building and its projected annual energy costs.

"(4) Allocation of deduction for public property.—In the case of energy efficiency commercial building property installed on or in public property, the Secretary shall promulgate a regulation to allow the allocation of the deduction to the person primarily responsible for designing the property in lieu of the public entity which is the owner of such property. Such person shall be treated as the tax payer for purposes of this subsection.

"(5) Notice to owner.—The qualified individual shall provide an explanation to the owner of the building regarding the energy efficiency features of the building and its projected annual energy costs as provided in the notice under paragraph (3)(C)(ii)(III).

"(6) Certification.—

"(A) In general.—Except as provided in this paragraph, the Secretary, in consultation with the Secretary of Energy, shall establish requirements for certification and compliance procedures similar to the procedures under section 25B(c)(7).

"(B) Qualified individuals.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary for such purposes.

"(C) Proficiency of qualified individuals.—The Secretary shall consult with nonprofit organizations and State agencies with expertise in energy efficiency calculations and inspections to develop proficiency tests and training programs to qualify individuals to determine compliance.

"(g) Termination.—This section shall not apply with respect to—

"(1) any energy property placed in service before December 31, 2000 and after December 31, 2006, and

"(2) any energy efficient commercial building property expenditures in connection with property—

"(A) the plans for which are not certified under subsection (f)(6) on or before December 31, 2006, and

"(B) the construction of which is not completed on or before December 31, 2008.".

TITLE II—NONBUSINESS ENERGY SYSTEMS

SEC. 201. CREDIT FOR CERTAIN NONBUSINESS ENERGY SYSTEMS.

(a) In General.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following:

"SEC. 25B. NONBUSINESS ENERGY PROPERTY.

"(a) Allowance of Credit.—

"(1) In general.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(A) the applicable percentage of residential energy property expenditures made by the taxpayer during such year,

"(B) the credit amount (determined under section 48A(e)) for each vehicle purchased during the taxable year which is a qualified hybrid vehicle (as defined in section 48A(e)(2)), and

"(C) the credit amount specified in the following table for a new, highly energy-efficient principal residence:

"Column A—Description In the case of:	Column B—Credit Amount The credit amount is:	Column C—Period For the period:	
		Beginning on:	Ending on:
30 percent property	$1,000	1/1/2001	12/31/2002
50 percent property	2,000	1/1/2001	12/31/2004"

In the case of any new, highly energy-efficient principal residence, the credit amount shall be zero for any period for which a credit amount is not specified for such property in the table under subparagraph (C).

"(2) Applicable percentage.—

"(A) In general.—The applicable percentage shall be determined in accordance with the following table:

Column A—Description In the case of:	Column B—Applicable Percentage is:	Column C—Period For the period:	
		Beginning on:	Ending on:
20% energy-eff. bldg. prop	20	1/1/2001	12/31/2004
10% energy-eff. bldg. prop	10	1/1/2001	12/31/2002
Solar water heating property	15	1/1/2001	12/31/2007
Photovoltaic property	15	1/1/2001	12/31/2007

"(B) PERIODS FOR WHICH PERCENTAGE NOT SPECIFIED.—In the case of any residential energy property, the applicable percentage shall be zero for any period for which an applicable percentage is not specified for such property under subparagraph (A).

"(b) MAXIMUM CREDIT.—

"(1) IN GENERAL.—In the case of property described in the following table, the amount of the credit allowed under subsection (a)(1)(A) for the taxable year for each item of such property with respect to a dwelling unit shall not exceed the amount specified for such property in such table:

Description of property item:	Maximum allowable credit amount is:
20 percent energy-efficient building property (other than a fuel cell or natural gas heat pump)	$500.
20 percent energy-efficient building property: fuel cell described in section 48A(d)(3)(A)(i)	$500 per each kw/hr of capacity.
Natural gas heat pump described in section 48A(d)(3)(D)(iv)	$1,000.
10 percent energy-efficient building property	$250.
Solar water heating property	$1,000.
Photovoltaic property	$2,000.

"(2) COORDINATION OF LIMITATION.—If a credit is allowed to the taxpayer for any taxable year by reason of an acquisition of a new, highly energy-efficient principal residence, no other credit shall be allowed under subsection (a)(1)(A) with respect to such residence during the 1-taxable year period beginning with such taxable year.

"(c) DEFINITIONS.—For purposes of this section—

"(1) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—The term 'residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property installed on or in connection with a dwelling unit which—

"(A) is located in the United States, and

"(B) is used by the taxpayer as a residence.

Such term includes expenditures for labor costs properly allocable to the on site preparation, assembly, or original installation of the property.

"(2) QUALIFIED ENERGY PROPERTY.—

"(A) IN GENERAL.—The term 'qualified energy property' means—

"(i) energy-efficient building property,

"(ii) solar water heating property, and

"(iii) photovoltaic property.

"(B) SWIMMING POOL, ETC., USED AS STORAGE MEDIUM; SOLAR PANELS.—For purposes of this paragraph, the provisions of subparagraphs (B) and (C) of section 48A(d)(1) shall apply.

"(3) ENERGY-EFFICIENT BUILDING PROPERTY.—The term 'energy-efficient building property' has the meaning given to such term by section 48A(e)(3).

"(4) SOLAR WATER HEATING PROPERTY.—The term 'solar water heating property' means property which, when installed in connection with a structure, uses solar energy for the purpose of providing hot water for use within such structure.

"(5) PHOTOVOLTAIC PROPERTY.—The term 'photovoltaic property' means property which, when installed in connection with a structure, uses a solar photovoltaic process to generate electricity for use in such structure.

"(6) NEW, HIGHLY ENERGY-EFFICIENT PRINCIPAL RESIDENCE.—

"(A) IN GENERAL.—Property is a new, highly energy-efficient principal residence if—

"(i) such property is located in the United States,

"(ii) the original use of such property commences with the taxpayer and is, at the time of such use, the principal residence of the taxpayer, and

"(iii) such property is certified before such use commences as being 50 percent property or 30 percent property.

"(B) 50 OR 30 PERCENT PROPERTY.—

"(i) IN GENERAL.—For purposes of subparagraph (A), property is 50 percent property or 30 percent property if the projected energy usage of such property is reduced by 50 percent or 30 percent, respectively, compared to the energy usage of a reference house that complies with minimum standard practice, such as the 1998 International Energy Conservation Code of the International Code Council, as determined according to the requirements specified in clause (ii).

"(ii) PROCEDURES.—

"(I) IN GENERAL.—For purposes of clause (i), energy usage shall be demonstrated either by a component-based approach or a performance-based approach.

"(II) COMPONENT APPROACH.—Compliance by the component approach is achieved when all of the components of the house comply with the requirements of prescriptive packages established by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, such that they are equivalent to the results of using the performance-based approach of subclause (III) to achieve the required reduction in energy usage.

"(III) PERFORMANCE-BASED APPROACH.—Performance-based compliance shall be demonstrated in terms of the required percentage reductions in projected energy use. Computer software used in support of performance-based compliance must meet all of the procedures and methods for calculating energy savings reductions that are promulgated by the Secretary of Energy. Such regulations on the specifications for software shall be based in the 1998 California Residential Alternative Calculation Method Approval Manual, except that the calculation procedures shall be developed such that the same energy efficiency measures qualify a home for tax credits regardless of whether the home uses a gas or oil furnace or boiler, or an electric heat pump.

"(IV) APPROVAL OF SOFTWARE SUBMISSION.—The Secretary of Energy shall approve software submissions that comply with the calculation requirements of subclause (III).

"(C) DETERMINATIONS OF COMPLIANCE.—A determination of compliance made for the purposes of this paragraph shall be filed with the Secretary of Energy within 1 year of the date of such determination and shall include the TIN of the certifier, the address of the building in compliance, and the identify of the person for whom which determination was performed. Determinations of compliance filed with the Secretary of Energy shall be available for inspection by the Secretary.

"(D) COMPLIANCE.—

"(i) IN GENERAL.—The Secretary of Energy in consultation with the Secretary of the Treasury shall establish requirements for certification and compliance procedures after examining the requirements for energy consultants and home energy ratings providers specified by the Mortgage Industry National Accreditation Procedures for Home Energy Rating Systems.

"(ii) INDIVIDUALS QUALIFIED TO DETERMINE COMPLIANCE.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary of Energy for such purposes.

"(E) PRINCIPAL RESIDENCE.—The term 'principal' has the same meaning as when used in section 121, except that the period for which a building is treated as the principal residence of the taxpayer shall also include the 60-day period ending on the 1st day on which it would (but for this subparagraph) first be treated as the taxpayer's principal residence.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which if jointly occupied and use during any calendar year as a residence by 2 or more individuals the following shall apply:

"(A) The amounts of the credit allowable under subsection (a) by reason of expenditures made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

"(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

"(3) CONDOMINIUMS.—

"(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which the individual owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

"(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

"(4) JOINT OWNERSHIP OF ENERGY ITEMS.—

"(A) IN GENERAL.—Any expenditure otherwise qualifying as a residential energy property expenditure shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

"(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

"(5) ALLOCATION IN CERTAIN CASES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account. For purposes of this paragraph, use for a swimming pool shall be treated as use which is not for nonbusiness purposes.

"(B) SPECIAL RULE FOR VEHICLES.—For purposes of this section and section 48A, a vehicle shall be treated as used entirely for business or nonbusiness purposes if the majority of the use of such vehicle is for business or nonbusiness purposes, as the case may be.

"(6) DOUBLE BENEFIT; PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a)(1)(B) with respect to—

"(A) any property for which a credit is allowed under section 30 or 48A,

"(B) any property referred to in section 50(b), and

"(C) the portion of the cost of any property taken into account under section 179 or 179A.

"(7) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

"(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction of a structure, such expenditure shall be treated as made when the original use of the constructed structure by the taxpayer begins.

"(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

"(8) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—

"(A) REDUCTION OF EXPENDITURES.—For purposes of determining the amount of residential energy property expenditures made by any individual with respect to any dwelling unit, there shall not be taken into account expenditures which are made from subsidized energy financing (as defined in section 48A(f)(1)(C)).

"(B) DOLLAR LIMITS REDUCED.—The dollar amounts in the table contained in subsection (b)(1) with respect to each property purchased for such dwelling unit for any taxable year of such taxpayer shall be reduced proportionately by an amount equal to the sum of—

"(i) the amount of the expenditures made by the taxpayer during such taxable year with respect to such dwelling unit and not taken into account by reason of subparagraph (A), and

"(ii) the amount of any Federal, State, or local grant received by the taxpayer during such taxable year which is used to make residential energy property expenditures with respect to the dwelling unit and is not included in the gross income of such taxpayer.

"(9) SAFETY CERTIFICATIONS.—No credit shall be allowed under this section for an item of property unless—

"(A) in the case of solar water heating property, such property is certified for performance and safety by the non-profit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed, and

"(B) in the case of photovoltaic property, such property meets appropriate fire and electric code requirements.

"(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed."

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting "; and", and by adding at the end the following:

"(28) to the extent provided in section 25B(e), in the case of amounts with respect to which a credit has been allowed under section 25B."

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25A the following:

"SEC. 25B. Nonbusiness energy property."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures after December 31, 2000.

TITLE III—ALTERNATIVE FUELS

SEC. 301. ALLOCATION OF ALCOHOL FUELS CREDIT TO PATRONS OF A COOPERATIVE.

(a) IN GENERAL.—Section 40(d) (relating to alcohol used as fuel) is amended by adding at the end the following:

"(6) ALLOCATION OF SMALL ETHANOL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—

"(A) IN GENERAL.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization made on a timely filed return (including extensions) for such year, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year. Such an election, once made, shall be irrevocable for such taxable year.

"(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to patrons pursuant to subparagraph (A)—

"(i) shall not be included in the amount determined under subsection (a) for the taxable year of the organization, and

"(ii) shall be included in the amount determined under subsection (a) for the taxable year of each patron in which the patronage divided for the taxable year referred to in subparagraph (A) is includable in gross income.

"(C) SPECIAL RULE FOR DECREASING CREDIT FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a)(3) for a taxable year is less than the amount of such credit shown on the cooperative organization's return for such year, an amount equal to the excess of such reduction over the amount not apportioned to the patrons under subparagraph (A) for the taxable year shall be treated as an increase in tax imposed by this chapter on the organization. Any such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this subpart or subpart A, B, E, or G of this part."

(b) TECHNICAL AMENDMENT.—Section 1388 (relating to definitions and special rules for cooperative organizations) is amended by adding at the end the following:

"(k) CROSS REFERENCE.—

"For provisions relating to the apportionment of the alcohol fuels credit between cooperative organizations and their patrons, see section 40(d)(6)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE IV—AUTOMOBILES

SEC. 401. EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.—Subsection (f) of section 30 (relating to termination) is amended by striking 'December 31, 2004' and inserting "December 31, 2006".

(b) REPEAL OF PHASEOUT.—Subsection (b) of section 30 (relating to limitations) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(c) NO DOUBLE BENEFIT.—

(1) Subsection (d) of section 30 (relating to special rules) is amended by adding at the end the following:

"(5) NO DOUBLE BENEFIT.—No credit shall be allowed under subsection (a) with respect to any vehicle if the taxpayer claims a credit for such vehicle under section 25B(a)(1)(B) or 48A(a)(2)."

(2) Paragraph (3) of section 30(d) (relating to property used outside United States, etc., not qualified) is amended by striking "section 50(b)" and inserting "section 25B, 48A, or 50(b)".

(3) Paragraph (5) of section 179A(e) (relating to property used outside United States, etc., not qualified) is amended by striking "section 50(b)" and inserting "section 25B, 48A, or 50(b)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2000.

SEC. 402. ADDITIONAL DEDUCTION FOR COST OF INSTALLATION OF ALTERNATIVE FUELING STATIONS.

(a) IN GENERAL.—Subparagraph (A) of section 179A(b)(2) of the Internal Revenue Code of 1986 (relating to qualified clean-fuel vehicle refueling property) is amended to read as follows:

"(A) IN GENERAL.—The aggregate cost which may be taken into account under subsection (a)(1)(B) with respect to qualified clean-fuel vehicle refueling property placed in service during the taxable year at a location shall not exceed the sum of—

"(i) with respect to costs not described in clause (ii); the excess (if any) of—

"(I) $100,000, over

"(II) the aggregate amount of such costs taken into account under subsection (a)(1)(B) by the taxpayer (or any related person or predecessor) with respect to property placed in service at such location for all preceding taxable years, plus

"(ii) the lesser of—

"(I) the cost of the installation of such property, or

"(II) $30,000.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2000.

SEC. 403. CREDIT FOR RETAIL SALE OF CLEAN BURNING FUELS AS MOTOR VEHICLE FUEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by inserting after section 40 the following:

"SEC. 40A. CREDIT FOR RETAIL SALE OF CLEAN BURNING FUELS AS MOTOR VEHICLE FUEL.

"(a) GENERAL RULE.—For purposes of section 38, the clean burning fuel retail sales credit of any taxpayer for any taxable year is 50 cents for each gasoline gallon equivalent of clean burning fuel sold at retail by the taxpayer during such year as a fuel to properl any qualified motor vehicle.

"(b) DEFINITIONS.—For purposes of this section—

"(1) CLEAN BURNING FUEL.—The term "clean burning fuel" means natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, and any liquid at least 85 percent of which consists of methanol.

"(2) GASOLINE GALLON EQUIVALENT.—The term "gasoline gallon equivalent" means, with respect to any clean burning fuel, the amount (determined by the Secretary) of such fuel having a Btu content of 114,000.

"(3) QUALIFIED MOTOR VEHICLE.—The term "qualified motor vehicle" means any motor vehicle (as defined in section 179A(e)) which meets any applicable Federal or State emissions standards with respect to each fuel by which such vehicle is designed to be propelled.

"(4) SOLD AT RETAIL.—

"(A) IN GENERAL.—The term "sold at retail" means the sale, for a purpose other than resale, after manufacture, production, or importation.

"(B) USE TREATED AS SALE.—If any person uses clean burning fuel as a fuel to propel any qualified motor vehicle (including any use after importation) before such fuel is sold at retail, then such use shall be treated in the same manner as if such fuel were sold at retail as a fuel to propel such a vehicle by such person.

"(c) NO DOUBLE BENEFIT.—The amount of the credit determined under subsection (a) shall be reduced by the amount of any deduction or credit allowable under this chapter for fuel taken into account in computing the amount of such credit.

"(d) TERMINATION.—This section shall not apply to any fuel sold at retail after December 31, 2007.".

"(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following:

"(13) the clean burning fuel retail sales credit determined under section 404A(a).".

(c) TRANSITIONAL RULE.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules) is amended by adding at the end the following:

"(9) NO CARRYBACK OF SECTION 40A CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the clean burning fuel retail sales credit determined under section 40A(a) may be carried back to a taxable year ending before January 1, 2000."

(d) CLERICAL AMENDMENT.—The table of sections for subpart D or part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 40 the following:

"SEC. 40A. Credit for retail sale of cleaning burning fuels as motor vehicle fuel."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold at retail after December 31, 2000, in taxable years ending after such date.

SEC. 404. EXCEPTION TO HOV PASSENGER REQUIREMENTS FOR ALTERNATIVE FUEL VEHICLES.

Section 102(a) of title 23, United States Code, is amended by inserting "(unless, at the discretion of the State highway department, the vehicle operates on, or is fueled by, and alternative fuel (as defined) in section 301 of Public Law 102-486 (42 U.S.C. 1321(2)))" after "required".

TITLE V—CLEAN COAL TECHNOLOGIES

SEC. 501. CREDIT FOR INVESTMENT IN QUALIFYING CLEAN COAL TECHNOLOGY.

(a) ALLOWANCE OF QUALIFYING CLEAN COAL TECHNOLOGY FACILITY CREDIT.—Section 46 (relating to amount of credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following:

"(4) the qualifying clean coal technology facility credit."

(b) AMOUNT OF QUALIFYING CLEAN COAL TECHNOLOGY FACILITY CREDIT.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit), as amended by section 101(a), is amended by inserting after section 48A the following:

SEC. 48B. QUALIFYING CLEAN COAL TECHNOLOGY FACILITY CREDIT.

"(a) IN GENERAL.—For purposes of section 46, the qualifying clean coal technology facility credit for any taxable year is an amount equal to 10 percent of the qualified investment in a qualifying clean coal technology facility for such taxable year.

"(b) QUALIFYING CLEAN COAL TECHNOLOGY FACILITY.—

"(1) IN GENERAL.—For purposes of subsection (a), the term 'qualifying clean coal technology facility' means a facility of the taxpayer—

"(A)(i)(I) which replaces a conventional technology facility of the taxpayer and the original use of which commences with the taxpayer, or

"(II) which is a retrofitted or repowered conventional technology facility, the retrofitting or repowering of which is completed by the taxpayer (but only with respect to that portion of the basis which is properly attributable to such retrofitting or repowering), or

"(ii) that is acquired through purchase (as defined by section 179(d)(2)),

"(B) that is depreciable under section 167,

"(C) that has a useful life of not less than 4 years,

"(D) that is located in the United States, and

"(E) that uses qualifying clean coal technology.

"(2) SPECIAL RULE FOR SALE-LEASEBACKS.—For purposes of subparagraph (A) of paragraph (1), in the case of a facility that—

"(A) is originally placed in service by a person, and

"(B) is sold and leased back by such person, or is leased to such person, within 3 months after the date such facility was originally placed in service, for a period of not less than 12 years,

such facility shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback (or lease) referred to in subparagraph (B). The preceding sentence shall not apply to any property if the lessee and lessor of such property make an election under this sentence. Such an election, once made, may be revoked only with the consent of the Secretary.

"(3) QUALIFYING CLEAN COAL TECHNOLOGY—FOR PURPOSES OF PARAGRAPH (1)(A)—

"(A) IN GENERAL.—The term 'qualifying clean coal technology' means, with respect to clean coal technology—

"(i) applications totaling 1,000 megawatts of advanced pulverized coal or atmospheric fluidized bed combustion technology installed as a new, retrofit, or repowering application and operated between 2000 and 2014 that has a design average net heat rate of not more than 8,750 Btu's per kilowatt hour,

"(ii) applications totaling 1,500 megawatts of pressurized fluidized bed combustion technology installed as a new, retrofit, or repowering application and operated between 2000 and 2014 that has a design average net heat rate of not more than 8,400 Btu's per kilowatt hour,

"(iii) applications totaling 1,500 megawatts of integrated gasification combined cycle technology installed as a new, retrofit, or repowering application and operated between 2000 and 2014 that has a design average net heat rate of not more than 8,550 Btu's per kilowatt hour, and

"(iv) applications totaling 2,000 megawatts or equivalent of technology for the production of electricity installed as a new, retrofit, or repowering application and operated between 2000 and 2014 that has a carbon emission rate that is not more than 85 percent of conventional technology.

"(B) EXCEPTIONS.—Such term shall not include clean coal technology projects receiving or scheduled to receive funding under the Clean Coal Technology Program of the Department of Energy.

"(C) CLEAN COAL TECHNOLOGY.—The term 'clean coal technology' means advanced technology that utilizes coal to produce 50 percent or more of its thermal output as electricity including advanced pulverzied coal or atmospheric fluidized bed combustion, pressurized fluidized bed combustion, integrated gasification combined cycle, and any other technology for the production of electricity that exceeds the performance of conventional technology.

"(D) CONVENTIONAL COAL TECHNOLOGY.—The term 'conventional technology' means—

"(i) coal-fired combustion technology with a design average net heat rate of not less than 9,300 Btu's per kilowatt hour (HHV) and a carbon equivalents emission rate of not more than 0.53 pounds of carbon per kilowatt hour; or

"(ii) natural gas-fired combustion technology with a design average net heat rate of not less than 7,500 Btu's per kilowatt hour (HHV) and a carbon equivalents emission rate of not more than 0.24 pound of carbon per kilowatt hour.

"(E) DESIGN AVERAGE NET HEAT RATE.—The term 'design average net heat rate' shall be based on the design average annual heat input to and the design average annual net electrical output from the qualifying clean coal technology (determined without regard to such technology's co-generation of steam).

"(F) SELECTION CRITERIA.—Selection criteria for clean coal technology facilities—

"(i) shall be established by the Secretary of Energy as part of a competitive solicitation,

"(ii) shall include primary criteria of minimum design average net heat rate, maximum design average thermal efficiency, and lowest cost to the government, and

"(iii) shall include supplemental criteria as determined appropriate by the Secretary of Energy.

"(c) QUALIFIED INVESTMENT.—For purposes of subsection (a), the term 'qualified investment' means, with respect to any taxable year, the basis of a qualifying clean coal technology facility placed in service by the taxpayer during such taxable year.

"(d) QUALIFIED PROGRESS EXPENDITURES.—

"(1) INCREASE IN QUALIFIED INVESTMENT.—In the case of a taxpayer who has made an election under paragraph (5), the amount of the qualified investment of such taxpayer for the taxable year (determined under subsection (c) without regard to this section) shall be increased by an amount equal to the aggregate of each qualified progress expenditure for the taxable year with respect to progress expenditure property.

"(2) PROGRESS EXPENDITURE PROPERTY DEFINED.—For purposes of this subsection, the term 'progress expenditure property' means any property being constructed by or for the taxpayer and which it is reasonable to believe will qualify as a qualifying clean coal technology facility which is being constructed by or for the taxpayer when it is placed in service.

"(3) QUALIFIED PROGRESS EXPENDITURES DEFINED.—For purposes of this subsection—

"(A) SELF-CONSTRUCTED PROPERTY.—In the case of any self-constructed property, the term 'qualified progress expenditures' means the amount which, for purposes of this subpart, is properly chargeable (during such taxable year) to capital account with respect to such property.

"(B) NON-SELF-CONSTRUCTED PROPERTY.—In the case of non-self-constructed property, the term 'qualified progress expenditures' means the amount paid during the taxable year to another person for construction of such property.

"(4) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) SELF-CONSTRUCTED PROPERTY.—The term 'self-constructed property' means property for which it is reasonable to believe that more than half of the construction expenditures will be made directly by the taxpayer.

"(B) NON-SELF-CONSTRUCTED PROPERTY.—The term 'non-self-constructed property' means property which is not self-constructed property.

"(C) CONSTRUCTION, ETC.—The term 'construction' includes reconstruction and erection, and the term 'constructed' includes reconstructed and erected.

"(D) ONLY CONSTRUCTION OF QUALIFYING CLEAN COAL TECHNOLOGY FACILITY TO BE TAKEN INTO ACCOUNT.—Construction shall be taken into account only if, for purposes of this subpart, expenditures therefore are properly chargeable to capital account with respect to the property.

"(5) ELECTION.—An election under this subsection may be made at such time and in such manner as the Secretary may by regulations prescribe. Such an election shall apply to the taxable year for which made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.

"(e) COORDINATION WITH OTHER CREDITS.—This section shall not apply to any property with respect to which the rehabilitation credit under section 47 or the energy credit under section 48A is allowed unless the taxpayer elects to waive the application of such credit to such property.

"(f) TERMINATION.—This section shall not apply with respect to any qualified investment after December 31, 2014."

(c) RECAPTURE.—Section 50(a) (relating to other special rules) is amended by adding at the end the following:

"(6) SPECIAL RULES RELATING TO QUALIFYING CLEAN COAL TECHNOLOGY FACILITY.—For purposes of applying this subsection in the case of any credit allowable by reason of section 48B, the following shall apply:

'(A) GENERAL RULE.—In lieu of the amount of the increase in tax under paragraph (1), the increase in tax shall be an amount equal to the investment tax credit allowed under section 38 for all prior taxable years with respect to a qualifying clean coal technology facility (as defined by section 48B(b)(1)) multiplied by a fraction whose numerator is the number of years remaining to fully depreciate under this title the qualifying clean coal technology facility disposed of, and whose denominator is the total number of years over which such facility would otherwise have been subject to depreciation. For purposes of the preceding sentence, the year of disposition of the qualifying clean coal technology facility property shall be treated as a year of remaining depreciation.

"(B) PROPERTY CEASES TO QUALIFY FOR PROGRESS EXPENDITURES.—Rules similar to the rules of paragraph (2) shall apply in the case of qualified progress expenditures for a qualifying clean coal technology facility under section 48B, except that the amount of the increase in tax under subparagraph (A) of this paragraph shall be substituted in lieu of the amount described in such paragraph (2).

"(C) APPLICATION OF PARAGRAPH.—This paragraph shall be applied separately with respect to the credit allowed under section 38 regarding a qualifying clean coal technology facility."

(d) TRANSITIONAL RULE.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules), as amended by section 101(b)(2), is amended by adding at the end the following:

"(10) NO CARRYBACK OF SECTION 48B CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the qualifying clean coal technology facility credit determined under section 48B may be carried back to a taxable year ending before the date of the enactment of section 48B."

(e) TECHNICAL AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following:

"(iv) the portion of the basis of any qualifying clean coal technology facility attributable to any qualified investment (as defined by section 48B(c))."

(2) Section 50(a)(4) is amended by striking "and (2)" and inserting ", (2), and (6)".

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by section 101(d), is amended by inserting after the item relating to section 48A the following:

"Sec. 48B. Qualifying clean coal technology facility credit."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2000, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 502. CREDIT FOR PRODUCTION FROM QUALIFYING CLEAN COAL TECHNOLOGY.

(a) CREDIT FOR PRODUCTION FROM QUALIFYING CLEAN COAL TECHNOLOGY.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following:

"SEC. 45D. CREDIT FOR PRODUCTION FROM QUALIFYING CLEAN COAL TECHNOLOGY.

"(a) GENERAL RULE.—For purposes of section 38, the qualifying clean coal technology production credit of any taxpayer for any taxable year is equal to the applicable amount for each kilowatt hour—

"(1) produced by the taxpayer at a qualifying clean coal technology facility during the 10-year period beginning on the date the facility was originally placed in service, and

"(2) sold by the taxpayer to an unrelated person during such taxable year.

"(b) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount with respect to production from a qualifying clean coal technology facility shall be determined as follows:

"(1) In the case of a facility originally placed in service before 2007, if—

"The facility design average net heat rate, Btu/kWh (HHV) is equal to:	The applicable amount is:	
	For 1st 5 yrs of such service	For 2d 5 yrs of such service
Not more than 8400	$.0130	$.0110
More than 8400 but not more than 8550	.0100	.0085
More than 8550 but not more than 8750	.0090	.0070

"(2) In the case of a facility originally placed in service after 2006 and before 2011, if—

"The facility design average net heat rate, Btu/kWh (HHV) is equal to:	The applicable amount is:	
	For 1st 5 yrs of such service	For 2d 5 yrs of such service
Not more than 7770	$.0100	$.0080
More than 7770 but not more than 8125	.0080	.0065
More than 8125 but not more than 8350	.0070	.0055

"(3) In the case of a facility originally placed in service after 2010 and before 2015, if—

"The facility design average net heat rate, Btu/kWh (HHV) is equal to:	The applicable amount is:	
	For 1st 5 yrs of such service	For 2d 5 yrs of such service
Not more than 7720	$.0085	$.0070
More than 7720 but not more than 7380	.0070	.0045

"(c) INFLATION ADJUSTMENT FACTOR.—Each amount in paragraphs (1), (2), and (3) shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the amount is applied. If any amount as increased under the preceding sentence is not a multiple of 0.01 cent, such amount shall be rounded to the nearest multiple of 0.01 cent.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) any term used in this section which is also used in section 48B shall have the meaning given such term in section 48B,

"(2) the rules of paragraphs (3), (4), and (5) of section 45 shall apply,

"(3) the term "inflation adjustment factor" means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for the calendar year 1998, and

"(4) the term "GDP implicit price deflator" means the most recent revision of the implicit price deflator for the gross domestic product as computed by the Department of Commerce before March 15 of the calendar year."

"(b) Credit Treated as Business Credit.—Section 38(b) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following:

"(13) the qualifying clean coal technology production credit determined under section 45D(a)."

(c) Transitional Rule.—Section 39(d) (relating to transitional rules), as amended by section 501(d), is amended by adding at the end the following:

"(11) No carryback of certain credits before effective date.—No portion of the unused business credit for any taxable year which is attributable to the credits allowable under any section added to this subpart by the amendments made by the Energy Security Tax and Policy Act of 2000 may be carried back to a taxable year ending before the date of the enactment of such Act."

(d) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

"Sec. 45D. Credit for production from qualifying clean coal technology."

(e) Effective Date.—The amendments made by this section shall apply to production after December 31, 2000.

SEC. 503. RISK POOL FOR QUALIFYING CLEAN COAL TECHNOLOGY.

(a) Establishment.—The Secretary of the Treasury shall establish a financial risk pool which shall be available to any United States owner of qualifying clean coal technology (as defined in section 48B(b)(3) of the Internal Revenue Code of 1986) to offset for the first 3 three years of the operation of such technology the costs (not to exceed 5 percent of the total cost of installation) for modifications resulting from the technology's failure to achieve its design performance.

(b) Authorization of Appropriations.—There is authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

TITLE VI—METHANE RECOVERY

SEC. 601. CREDIT FOR CAPTURE OF COALMINE METHANE GAS.

(a) Credit for Capture of Coalmine Methane Gas.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by section 502(a), is amended by adding at the end the following:

SEC. 45E. CREDIT FOR CAPTURE OF COALMINE METHANE GAS.

"(b) Definition of Coalmine Methane Gas. The term 'Coalmine Methane Gas' as used in this section means any methane gas which is being liberated, or would be liberated, during coal mine operations or as a result of past coal mining operations, or which is extracted up to ten years in advance of coal mining operations as part of specific plan to mine a coal deposit."

For the purpose of section 38, the coalmine methane gas capture credit of any taxpayer for any taxable year is $1.21 for each one million British thermal units of coalmine methane gas captured by the taxpayer and utilized as a fuel source or sold by or on behalf of the taxpayer to an unrelated person during such taxable year (within the meaning of section 45)."

Credits for the capture of coalmine methane gas shall be earned upon the utilization as a fuel source or sale and delivery of the coalmine methane gas to an unrelated party, except that credit for coalmine methane gas which is captured in advance of mining operations shall be claimed only after coal extraction occurs in the immediate area where the coalmine methane gas was removed.

(c) Credit Treated as Business Credit.—Section 38(b), as amended by section 502(b), is amended by striking "plus" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ",plus", and by adding at the end the following:

"(14) the coalmine methane gas capture credit determined under section 45E(a)."

(d) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section 502(d), is amended by adding at the end the following:

"Sec. 45E. Credit for the capture of coalmine methane gas.;;

(c) Effective Date.—The amendments made by this section shall apply to the capture of coalmine methane gas after December 31, 2000 and on or before December 31, 2006.

TITLE VII—OIL AND GAS PRODUCTION

SEC. 701. CREDIT FOR PRODUCTION OF RE-REFINED LUBRICATING OIL.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by section 601(a), is amended by adding at the end the following:

SEC. 45F. CREDIT FOR PRODUCING RE-REFINED LUBRICATING OIL.

"(a) General Rule.—For purposes of section 38, the re-refined lubricating oil production credit of any taxpayer for any taxable year is equal to $4.05 per barrel of qualified re-refined lubricating oil production which is attributable to the taxpayer (within the meaning of section 29(d)(3)).

"(b) Qualified Re-Refined Lubricating Oil Production.—For purposes of this section—

"(1) In general.—The term 'qualified re-refined lubricating oil production' means a base oil manufactured from at least 95 percent used oil and not more than 2 percent of previously unused oil by a re-refining process which effectively removes physical and chemical impurities and spent and unspent additives to the extent that such base oil meets industry standards for engine oil as defined by the American Petroleum Institute document API 1509 as in effect on the date of the enactment of this section.

"(2) Limitation on amount of production which may qualify.—Re-refined lubricating oil produced oil produced during any taxable year shall not be treated as qualified re-refined lubricating oil production but only to the extent average daily production during the taxable year exceeds 7,000 barrels.

"(3) Barrel.—The term 'barrel' has the meaning given such term by section 613A(e)(4).

"(c) Inflation Adjustment.—In the case of any taxable year beginning in a calendar year after 2000, the dollar amount contained in subsection (a) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 29(d)(2)(B) by substituting '2000' for '1979')."

(b) Credit Treated as Business Credit.—Section 38(b) (relating to current year business credit), as amended by section 601(b), is amended by striking 'plus' at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting ', plus', and by adding at the end the following:

"(15) the re-refined lubricating oil production credit determined under section 45F(a)."

(c) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section 601(c), is amended by adding at the end the following:

"Sec. 45F. Credit for producing re-refined lubricating oil."

(d) Effective Date.—The amendments made by this section shall apply to production after December 31, 2000.

SEC. 702. OIL AND GAS FROM MARGINAL WELLS.

"SEC. 45D. CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS

(a) General Rule.—For purposes of section 38, the marginal well production credit for any taxable year is an amount equal to the product of—

"(1) the credit amount, and

"(2) the qualified crude oil production and the qualified natural gas production which is attributable to the taxpayer.

"(b) Credit Amount.—For purposes of this section—

"(1) In general.—The credit amount is—

"(A) $3 per barrel of qualified crude oil production, and

"(B) 50 cents per 1,000 cubic feet of qualified natural gas production.

"(2) Reduction as oil and gas prices increase.—

"(A) In general.—The $3 and 50 cents amounts under paragraph (1) shall each be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this paragraph) as—

"(i) the excess (if any) of the applicable reference price over $14 ($1.56 for qualified natural gas production), bears to

"(ii) $3 ($0.33 for qualified natural gas production).

The applicable reference price for a taxable year is the reference price for the calendar year preceding the calendar year in which the taxable year begins.

"(B) Inflation adjustment.—In the case of any taxable year beginning in a calendar year after 2000, each of the dollar amounts contained in subparagraph (A) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting '2000' for '1990').

"(C) Reference price.—For purposes of this paragraph, the term 'reference price' means, with respect to any calendar year—

"(i) in the case of qualified crude oil production, the reference price determined under section 29(d)(2)(C), and

"(ii) in the case of qualified natural gas production, the Secretary's estimate of the annual average wellhead price per 1,000 cubic feet for all domestic natural gas.

"(c) Qualified Crude Oil and Natural Gas Production.—For purposes of this section—

"(1) IN GENERAL.—The terms 'qualified crude oil production' and 'qualified natural gas production' mean domestic crude oil or natural gas which is produced from a marginal well.

"(2) LIMITATION ON AMOUNT OF PRODUCTION WHICH MAY QUALIFY.—

"(A) IN GENERAL.—Crude oil or natural gas produced during any taxable year from any well shall not be treated as qualified crude oil production or qualified natural gas production to the extent production from the well during the taxable year exceeds 1,095 barrels or barrel equivalents.

"(B) PROPORTIONATE REDUCTIONS.—

"(i) SHORT TAXABLE YEARS.—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days in such taxable year bears to 365.

"(ii) WELLS NOT IN PRODUCTION ENTIRE YEAR.—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which the number of days of production bears to the total number of days in the taxable year.

"(3) DEFINITIONS.—

"(A) MARGINAL WELL.—The term 'marginal well' means a domestic well—

"(i) the production from which during the taxable year is treated as marginal production under section 613A(c)(6), or

"(ii) which, during the taxable year—

"(I) has average daily production of not more than 25 barrel equivalents, and

"(II) produces water at a rate not less than 95 percent of total well effluent.

"(B) CRUDE OIL, ETC.—The terms 'crude oil', 'natural gas', 'domestic', and 'barrel' have the meanings given such terms by section 613A(e).

"(C) BARREL EQUIVALENT.—The term 'barrel equivalent' means, with respect to natural gas, a conversion ratio of 6,000 cubic feet of natural gas to 1 barrel of crude oil.

"(d) OTHER RULES.—

"(1) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a marginal well in which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer's revenue interest in the production bears to the aggregate of the revenue interests of all operating interest owners in the production.

"(2) OPERATING INTEREST REQUIRED.—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

"(3) PRODUCTION FROM NONCONVENTIONAL SOURCES EXCLUDED.—In the case of production from a marginal well which is eligible for the credit allowed under section 29 for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim the credit under section 29 with respect to the well.'

"(c) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) is amended by striking 'plus' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ', plus', and by adding at the end the following new paragraph:

"(13) the marginal oil and gas well production credit determined under section 45D(a)."

(d) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) SPECIAL RULES FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—

"(A) IN GENERAL.—In the case of the marginal oil and gas well production credit—

"(i) this section and section 39 shall be applied separately with respect to the credit, and

"(ii) in applying paragraph (1) to the credit—

"(I) subparagraphs (A) and (B) thereof shall not apply, and

"(II) the limitation under paragraph (1) (as modified by subclause (II)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the marginal oil and gas well production credit).

"(B) MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—For purposes of this subsection, the term 'marginal oil and gas well production credit' means the credit allowable under subsection (a) by reason of section 45D(a)."

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting "or the marginal oil and gas well production credit" after "employment credit".

(e) CARRYBACK.—Subsection (a) of section 39 (relating to carryback and carryforward of unused credits generally) is amended by adding at the end the following new paragraph:

"(3) 10-YEAR CARRYBACK FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—In the case of the marginal oil and gas well production credit—

"(A) this section shall be applied separately from the business credit (other than the marginal oil and gas well production credit),

"(B) paragraph (1) shall be applied by substituting '10 taxable years' for '1 taxable years' in subparagraph (A) thereof, and

"(C) paragraph (2) shall be applied—

"(i) by substituting '31 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

"(ii) by substituting '30 taxable years' for '20 taxable years' in subparagraph (B) thereof."

(f) COORDINATION WITH SECTION 29.—Section 29(a) is amended by striking "There" and inserting "At the election of the taxpayer, there".

(g) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following item:

"Sec. 45D. Credit for producing oil and gas from marginal wells."

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 2000.

SEC. 703. DEDUCTION FOR DELAY RENTAL PAYMENTS.

(a) IN GENERAL.—Section 263 (relating to capital expenditures) is amended by adding after subsection (i) the following new subsection:

"(j) DELAY RENTAL PAYMENTS FOR DOMESTIC OIL AND GAS WELLS.—

"(1) IN GENERAL.—Notwithstanding subsection (a), a taxpayer may elect to treat delay rental payments incurred in connection with the development of oil or gas within the United States (as defined in section 638) as payments which are not chargeable to capital account. Any payments so treated shall be allowed as a deduction in the taxable year in which paid or incurred.

"(2) DELAY RENTAL PAYMENTS.—For purposes of paragraph (1), the term 'delay rental payment' means an amount paid for the privilege of deferring development of an oil or gas well.".

(b) CONFORMING AMENDMENT.—Section 263A(c)(3) is amended by inserting "263(j)," after "263(i),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2000.

SEC. 704. ELECTION TO EXPENSE GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) IN GENERAL.—Section 263 (relating to capital expenditures) is amended by adding after subsection (j) the following new subsection:

"(k) GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR DOMESTIC OIL AND GAS WELLS.—Notwithstanding subsection (a), a taxpayer may elect to treat geological and geophysical expenses incurred in connection with the exploration for, or development of, oil or gas within the United States (as defined in section 638) as expenses which are not chargeable to capital account. Any expenses so treated shall be allowed as a deduction in the taxable year in which paid or incurred."

(b) CONFORMING AMENDMENT.—Section 263A(c)(3) is amended by inserting "263(k)," after "263(j),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred in taxable years beginning after December 31, 2000.

TITLE VIII—RENEWABLE POWER GENERATION

SEC. 801. MODIFICATIONS TO CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES.

(a) EXPANSION OF QUALIFIED ENERGY RESOURCES.—

(1) IN GENERAL.—Section 45(c)(1) (defining qualified energy resources) is amended by striking "and" at the end of subparagraph (B), by striking subparagraph (C), and by adding at the end the following:

"(C) biomass (other than closed-loop biomass), or

"(D) poultry waste."

(2) DEFINITIONS.—Section 45(c) is amended by redesignating paragraph (3) as paragraph (4) and by striking paragraphs (2) and (4) and inserting the following:

"(2) BIOMASS.—

"(A) IN GENERAL.—The term 'biomass' means—

"(i) closed-loop biomass, and

"(ii) any solid, nonhazardous, cellulosic waste material, which is segregated from other waste materials, and which is derived from—

"(I) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, but not including old-growth timber,

"(II) waste pellets, crates, and dunnage, manufacturing and construction wood wastes, landscape or right-of-way tree trimmings, and municipal solid waste but not including paper that is destined for recycling, or

"(III) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.

"(B) CLOSED-LOOP BIOMASS.—The term 'closed-loop biomass' means any organic material from a plant which is planted exclusively for purposes of being used at a qualified facility to produce electricity.

"(3) POULTRY WASTE.—The term 'poultry waste' means poultry manure and litter, including wood shavings, straw, rice hulls, and other bedding material for the disposition of manure."

(b) Extension and Modification of Placed-in-Service Rules.—Paragraph (4) of section 45(c), as redesignated by subsection (a), is amended to read as follows:

"(4) Qualified facility.—

"(A) Wind facility.—In the case of a facility using wind to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after December 31, 1993.

"(B) Closed-loop biomass facility.—In the case of a facility using closed-loop biomass to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which:

"(i) is originally placed in service after December 31, 1992 and before January 1, 2005, or

"(ii) is originally placed in service after December 31, 2000, and modified to use closed loop biomass to co-fire with coal after such date and before January 1, 2005.

"(C) Biomass facility.—In the case of a facility using biomass (other than closed-loop biomass) to produce electricity, the term 'qualified facility' means:

"(i) any facility owned by the taxpayer which is originally placed in service after December 31, 2000 and before January 1, 2005, or

"(ii) is originally placed in service before December 31, 2000 and modified to co-fire biomass with coal after such date and before January 1, 2005.

"(D) Poulstry waste facility.—In the case of a facility using poultry waste to produce electricity, the term 'qualified facility' means:

"(i) any facility of the taxpayer which is originally placed in service after December 31, 1999 and before January 1, 2005, or

"(ii) is originally placed in service before December 31, 2000 and modified to co-fire poultry waste with coal after such date and before January 1, 2005.

"(E) Special rules.—

"(i) Combined production facilities included.—For purposes of this paragraph, the term 'qualified facility' shall include a facility using biomass to produce electricity and other biobased products such as renewable based chemicals and fuels.

"(ii) Special rules.—In the case of a qualified facility described in subparagraph (B), (C) or (D)—

"(I) the 10-year period referred to in subsection (a) shall be treated as beginning upon the date the taxpayer first applies for the credit, and

"(II) subsection (b)(3) shall not apply to any such facility originally placed in service before January 1, 1997.'

(c) Electricity Produced From Biomass Co-fired in Coal Plants.—Paragraph (1) of section 45(a) (relating to general rule) is amended to inserting (1.0 cents in the case of electricity produced from biomass, other than closed loop biomass, co-fired in a facility which produces electricity from coal) after "1.5 cents".

(d) Coordination with Other Credits.—Section 45(d) (relating to definitions and special rules) is amended by adding at the end the following:

"(8) Coordination with other credits.—This section shall not apply to any production with respect to which the clean coal technology production credit under section 45(b) is allowed unless the taxpayer elects to waive the application of such credit to such production."

(e) Effective Date.—The amendments made by this section shall apply to electricity produced after December 31, 2000.

SEC. 802. CREDIT FROM CAPITAL COSTS OF QUALIFIED BIOMASS-BASED GENERATING SYSTEM.

(a) Allowance of Qualified Biomass-Based Generating system Facility Credit.—Section 46 (relating to amount of credit), as amended by section 501(a), is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following:

"(5) the qualified biomass-based generating system facility credit."

(b) Amount of Credit.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit), as amended by section 501(b), is amended by inserting after section 48C the following:

SEC. 48C. QUALIFIED BIOMASS-BASED GENERATING SYSTEM FACILITY CREDIT.

"(a) In General.—For purposes of section 46, the qualified biomass-based generating system facility credit for any taxable year is an amount equal to 20 percent of the qualified investment in a qualified biomass-based generating system facility for such taxable year.

"(b) Qualified Biomass-Based Generating System Facility.—

"(1) In General.—For purposes of subsection (a), the term 'qualified biomass-based generating system facility' means a facility of the taxpayer—

"(A)(i) the original use of which commences with the taxpayer or the reconstruction of which is completed by the taxpayer (but only with respect to that portion of the basis which is properly attributable to such reconstruction), or

"(ii) that is acquired through purchase (as defined by section 179(d)(2)),

"(B) that is depreciable under section 167,

"(C) that has a useful life of not less than 4 years, and

"(D) that uses a qualified biomass-based generating system.

"(2) Special Rule for Sale-Leasebacks.—For purposes of subparagraph (A) of paragraph (1), in the case of a facility that—

"(A) is originally placed in service by a person, and

"(B) is sold and leased back by such person, or is leased to such person, within 3 months after the date such facility was originally placed in service, for a period of not less than 12 years, such facility shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback (or lease) referred to in subparagraph (B). The preceding sentence shall not apply to any property if the lessee and lessor of such property make an election under this sentence. Such an election, once made, may be revoked only with the consent of the Secretary.

"(3) Qualified Biomass-Based Generating System.—For purposes of paragraph (1)(D), the item 'qualified biomass-based generating system' means a biomass-based integrated gasification combined cycle (IGCC) generating system which has an electricity-only generation efficiency greater than 40 percent.

"(c) Qualified Investment.—For purposes of subsection (a), the term 'qualified investment' means, with respect to any taxable year, the basis of a qualified biomass-based generating system facility placed in service by the taxpayer during such taxable year.

"(d) Qualified Progress Expenditures.—

"(1) Increase in qualified investment.—In the case of a taxpayer who has made an election under paragraph (5), the amount of the qualified investment of such taxpayer for the taxable year (determined under subsection (c) without regard to this section) shall be increased by an amount equal to the aggregate of each qualified progress expenditure for the taxable year with respect to progress expenditure property.

"(2) Progress expenditure property defined.—For purposes of this subsection, the term 'progress expenditure property' means any property being constructed by or for the taxpayer and which—

"(A) cannot reasonably be expected to be completed in less than 18 months, and

"(B) it is reasonable to believe will qualify as a qualified biomass-based generating system facility which is being constructed by or for the taxpayer when it is placed in service.

"(3) Qualified progress expenditures defined.—For purposes of this subsection—

"(A) Self-constructed property.—In the case of any self-constructed property, the term 'qualified progress expenditures' means the amount which, for purposes of this subpart, is properly chargeable (during such taxable year) to capital account with respect to such property.

"(B) Non-self-constructed property.—In the case of non-self-constructed property, the term 'qualified progress expenditures' means the amount paid during the taxable year to another person for the construction of such property.

"(4) Other definitions.—For purposes of this subsection—

"(A) Self-constructed property.—The term 'self-constructed property' means property for which it is reasonable to believe that more than half of the construction expenditures will be made directly by the taxpayer.

"(B) Non-self-constructed property.—The term 'non-self-constructed property' means property which is not self-constructed property.

"(C) Construction, etc.—The term 'construction' includes reconstruction and erection, and the term 'constructed' includes reconstructed and erected.

"(D) Only construction of qualified biomass-based generating system facility to be taken into account.—Construction shall be taken into account only if, for purposes of this subpart, expenditures therefor are properly chargeable to capital account with respect to the property.

"(5) Election.—An election under this subsection may be made at such time and in such manner as the Secretary may by regulations prescribe. Such an election shall apply to the taxabale year for which made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.

"(e) Coordination With Other Credits.—This section shall not apply to any property with respect to which the rehabilitation credit under section 47 or the energy credit under section 48A is allowed unless the taxpayer elects to waive the application of such credits to such property."

(c) Recapture.—Section 50(a) (relating to other special rules), as amended by section 501(c), is amended by adding at the end the following:

"(7) Special rules relating to qualified biomass-based generating system facility.—For purposes of applying this subsection in the case of any credit allowable by reason of section 48C, the following shall apply:

"(A) General rule.—In lieu of the amount of the increase in tax under paragraph (1), the increase in tax shall be an amount equal to the investment tax credit allowed under section 38 for all prior taxable years with respect to a qualified biomass-based generating system facility (as defined by section

48C(b)) multiplied by a fraction whose numerator is the number of years remaining to fully depreciate under this title the qualified biomass-based generating system facility disposed of, and whose denominator is the total number of years over which such facility would otherwise have been subject to depreciation. For purposes of the preceding sentence, the year of disposition of the qualified biomass-based generating system facility shall be treated as a year of remaining depreciation.

"(B) PROPERTY CEASES TO QUALIFY FOR PROGRESS EXPENDITURES.—Rules similar to the rules of paragraph (2) shall apply in the case of qualified progress expenditures for a qualified biomass-based generating system facility under section 48C, except that the amount of the increase in tax under subparagraph (A) of this paragraph shall be substituted in lieu of the amount described in such paragraph (2).

"(C) APPLICATION OF PARAGRAPH.—This paragraph shall be applied separately with respect to the credit allowed under section 38 regarding a qualified biomass-based generating system facility."

(d) TRANSITIONAL RULE.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules) as amended by section 501(d), is amended by adding at the end the following:

"(11) NO CARRYBACK OF SECTION 48C CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the qualified biomass-based generating system facility credit determined under section 48C may be carried back to a taxable year ending before the date of the enactment of section 48C."

(e) TECHNICAL AMENDMENTS.—

(1) Section 49(a)(1)(C), as amended by section 501(e), is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following:

"(v) the portion of the basis of any qualified biomass-based generating system facility attributable to any qualified investment (as defined by section 48C(c))."

(2) Section 50(a)(4), as amended by section 501(e), is amended by striking "and (6)" and inserting ", (6) and (7)".

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by section 501(e), is amended by inserting after the item relating to section 48B the following:

"Sec. 48C. Qualified biomass-based generating system facility credit."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1999, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 803. TREATMENT OF FACILITIES USING BAGASSE TO PRODUCE ENERGY AS SOLID WASTE DISPOSAL FACILITIES ELIGIBLE FOR TAX-EXEMPT FINANCING.

(a) IN GENERAL.—Section 142 (relating to exempt facility bond) is amended by adding at the end the following:

"(k) SOLID WASTE DISPOSAL FACILITIES.—For purposes of subsection (a)(6), the term 'solid waste disposal facilities' includes property located in Hawaii and used for the collection, storage, treatment, utilization, processing, or final disposal of bagasse in the manufacture of ethanol."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 804. FEDERAL RENEWABLE PORTFOLIO STANDARD.

Title VI of the Public Utility Regulatory Policies Act of 1978 is further amended by adding at the end the following:

"SEC. 610. FEDERAL RENEWABLE PORTFOLIO STANDARD.

"(a) MINIMUM RENEWABLE GENERATION REQUIREMENT.—(1) For each calendar year beginning with 2003, a retail electric supplier shall submit to the Secretary renewable energy credits in an amount equal to the required annual percentage, specified in subsection (b), of the total electric energy sold by the retail electric supplier to electric consumers in the calendar year. The retail electric supplier shall make this submission before April 1 of the following calendar year.

"(b) REQUIRED ANNUAL PERCENTAGE.—

"(1) For calendar years 2003 and 2004, the required annual percentage shall be determined by the Secretary in an amount less than the amount in paragraph (2):

"(2) For calendar years 2005 through 2015, the required annual percentage shall be determined by the Secretary, but no less than 2.5 percent of the retail electric supplier's base amount by the year 2007 increasing to 5.0 percent by the year 2012 continuing through 2015.

"(c) SUBMISSION OF CREDITS.—(1) A retail electric supplier may satisfy the requirements of subsection (a) through the submission of—

"(A) renewable energy credits issued under subsection (d) for renewable energy generated by the retail electric supplier in the calendar year for which credits are being submitted or any previous calendar year;

"(B) renewable energy credits obtained by purchase or exchange under subsection (e);

"(C) renewable energy credits borrowed against future years under subsection (f); or

"(D) any combination of credits under subparagraphs (A), (B), and (C).

"(2) A credit may be counted toward compliance with subsection (a) only once.

"(d) ISSUANCE OF CREDITS.—(1) The Secretary shall establish, not later than one year after the date of enactment of this section, a program to issue, monitor the sale or exchange of, and track renewable energy credits.

"(2) Under the program, an entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits. The application shall indicate—

"(A) the type of renewable energy resource used to produce the electricity,

"(B) the State in which the electric energy was produced, and

"(C) any other information the Secretary determines appropriate.

"(3)(A) Except as provided in paragraphs (B) and (C), the Secretary shall issue to an entity one renewable energy credit for each kilowatt-hour of electric energy the entity generates through the use of a renewable energy resource in any State in 2001 and any succeeding year through 2015.

"(B) For incremental hydropower the credits shall be calculated based on normalized water flows, and not actual generation. The calculation of the credits for incremental hydropower shall not be based on any operational changes at the hydroproject not directly associated with the efficiency improvements or capacity additions.

"(C) The Secretary shall issue two renewable energy credits for each kilowatt-hour of electric energy generated through the use of a renewable energy resource in any State in 2001 and any succeeding year, if the generating facility is located on Indian land. For purposes of this paragraph, renewable energy generated by biomass cofired with other fuels is eligible for two credits only if the biomass was grown on the land eligible under this paragraph.

"(D) To be eligible for a renewable energy credit, the unit of electricity generated through the use of a renewable energy resource may be sold or may be used by the generator. If both a renewable energy resource and a non-renewable energy resource are used to generate the electric energy, the Secretary shall issue credits based on the proportion of the renewable energy resource used. The Secretary shall identify renewable energy credits by type of generation and by the State in which the generating facility is located.

"(4) In order to receive a renewable energy credit, the recipient of a renewable energy credit shall pay a fee, calculated by the Secretary, in an amount that is equal to the administrative costs of issuing, recording, monitoring the sale or exchange of, and tracking the credit or does not exceed five percent of the dollar value of the credit, whichever is lower. The Secretary shall retain the fee and use it to pay these administrative costs.

"(5) When a generator sells electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract subject to section 210 of this Act, the retail electric supplier is treated as the generator of the electric energy for the purposes of this section for the duration of the contract.

"(e) CREDIT TRADING.—A renewable energy credit may be sold or exchanged by the entity to whom issued or by any other entity who acquires the credit. A renewable energy credit for any year that is not used to satisfy the minimum renewable generation requirement of subsection (a) for that year may be carried forward for use in another year.

"(f) CREDIT BORROWING.—At any time before the end of the calendar year, a retail electric supplier that has reason to believe that it will not have sufficient renewable energy credits to comply with subsection (a) may—

"(1) submit a plan to the Secretary demonstrating that the retail electric supplier will earn sufficient credits within the next 3 calendar years which, when taken into account, will enable to retail electric supplier to meet the requirements of subsection (a) for the calendar year involved; and

(2) upon the approval of the plan by the Secretary, apply credits that the plan demonstrates will be earned within the next 3 calendar years to meet the requirements of subsection (a) for the calendar year involved.

"(g) ENFORCEMENT.—The Secretary may bring an action in the appropriate United States district court to impose a civil penalty on a retail electric supplier that does not comply with subsection (a). A retail electric supplier who does not submit the required number of renewable energy credits under subsection (a) is subject to a civil penalty of not more than 3 cents each for the renewable energy credits not submitted.

"(h) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

"(1) the annual electric energy generation and renewable energy generation of any entity applying for renewable energy credits under this section.

"(2) the validity of renewable energy credits submitted by a retail electric supplier to the Secretary, and

"(3) the quantity of electricity sales of all retail electric suppliers.

"(i) ENVIRONMENTAL SAVINGS CLAUSE.—Incremental hydropower shall be subject to all applicable environmental laws and licensing and regulatory requirements.

"(j) EXEMPTION FOR ALASKA AND HAWAII.—This section shall not apply to any retail electric supplier in Alaska or Hawaii.

"(k) STATE SAVINGS CLAUSE.—This section does not preclude a State from requiring additional renewable energy generation in that State.

"(l) DEFINITIONS.—For purposes of this section—

"(1) The term 'incremental hydropower' means additional generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric dam.

"(2) The term 'Indian land' means—

"(A) any land within the limits of any Indian reservation, pueblo or rancheria,

"(B) any land not within the limits of any Indian reservation, pueblo or rancheria title to which was on the date of enactment of this paragraph either held by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation,

"(C) any dependent Indian community, and

"(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act.

"(3) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(4) The term 'renewable energy' means electric energy generated by a renewable energy resource.

"(5) The term 'renewable energy resource' means solar thermal, photovoltaic, wind, geothermal, biomass (including organic waste, but not unsegregated municipal solid waste), or incremental hydropower facility or modification to an existing facility to cofire biomass or to expand electricity production from an existing renewable facility that is placed in service on or after January 1, 2001.

"(6) The term 'retail electric supplier' means a person, State agency, or Federal agency that sells electric energy to an electric consumer.

"(7) The term 'retail electric supplier's base amount' means the total amount of electric energy sold by the retail electric supplier to electric customers during the most recent calendar year for which information is available, excluding electric energy generated by solar energy, wind, geothermal, biomass, or hydroelectric facility placed in service prior to January 1, 2001.

"(m) SUNSET.—Subsection (a) of this section expires December 31, 2015.".

TITLE IX—STEELMAKING

SEC. 901. EXTENSION OF CREDIT FOR ELECTRICITY TO PRODUCTION FROM STEEL COGENERATION.

(a) EXTENSION OF CREDIT FOR COKE PRODUCTION AND STEEL MANUFACTURING FACILITIES.—Section 45(c)(1) (defining qualified energy resources), as amended by section 507 of P.L. 106-170, is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following:

"(E) steel cogeneration."

(b) STEEL COGENERATION.—Section 45(c), is amended by adding at the end the following:

"(5) STEEL COGENERATION.—The term 'steel cogeneration' means the production of electricity and steam (or other form of thermal energy) from any or all waste sources in subparagraphs (A), (B), and (C) within an operating facility that produces or integrates the production of coke, direct reduced iron ore, iron, or steel provided that the cogeneration meets any regulatory energy-efficiency standards established by the Secretary, and only to the extent that such energy is produced from—

"(A) gases or heat generated from the production of metallurgical coke, ·

"(B) gases or heat generated from the production of direct reduced iron ore or iron, from blast furnace or direct ironmaking processes, or

"(C) gases or heat generated from the manufacture of steel."

(c) MODIFICATION OF PLACED IN SERVICE RULES FOR STEEL COGENERATION FACILITIES.—Section 45(c)(4) (defining qualified facility), as amended by Section 507 of P.L. 106–170, is amended by adding at the end the following:

"(F) STEEL COGENERATION FACILITIES.—In the case of a facility using steel cogeneration to produce electricity, the term 'qualified facility' means any facility permitted to operate under the environmental requirements of the Clean Air Act Amendments of 1990 which is owned by the taxpayer and originally placed in service after December 31, 2000, and before January 1, 2006. Such a facility may be treated as originally placed in service when such facility was last upgraded to increase efficiency or generation capability. However, no facility shall be allowed a credit under this section for more than 10 years of production."

(d) CONFORMING AMENDMENTS.—

(1) The heading for section 45 is amended by inserting "and waste energy" after "renewable".

(2) The item relating to section 45 in the table of sections subpart D of part IV of subchapter A of chapter 1 is amended by inserting "and waste energy" after "renewable."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE X—ENERGY EMERGENCIES

SEC. 1001. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211-6251) is amended—

(a) In section 166 (42 U.S.C. 6246), by inserting "through 2003" after "2000."

(b) In section 181 (42 U.S.C. 6251), by striking "March 31, 2000" each place it appears and inserting "September 30, 2003."

Title II of the Energy Policy and Conservation Act (42 U.S.C. 6261-6285) is amended—

(a) In section 256(h) (42 U.S.C. 6276(h)), by striking the last sentence and inserting the following, "For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary."

(b) In section 281 (42 U.S.C. 6285), by striking "March 31, 2000" each place it appears and inserting "September 30, 2003".

(a) AMENDMENT.—Title I of the Energy Policy and Conservation Act is amended by—

(1) redesignating part D as part E;

(2) redesignating section 181 as section 191; and

(3) inserting after part C the following new part D:

PART D—NORTHEAST HOME HEATING OIL RESERVE.

(a) Title I of the Energy Policy and Conservation Act is amended by—

(1) redesignating part D as part E;

(2) redesignating section 181 as section 191; and

(3) inserting after part C the following new part D:

"PART D—NORTHEAST HOME HEATING OIL RESERVE

"ESTABLISHMENT

"SEC. 181. (a) Notwithstanding any other provision of this Act, the Secretary may establish, maintain, and operate in the Northeast a Northeast Home Heating Oil Reserve. A Reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. A Reserve established under this part shall contain no more than 2 million barrels of petroleum distillate.

"(b) for the purposes of this part—

"(1) the term 'Northeast' means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey.

"(2) the term 'petroleum distillate' includes heating oil and diesel fuel; and

"(3) the term 'Reserve' means the Northeast Home Heating Oil Reserve established under this part.

"AUTHORITY

"SEC. 182. to the extent necessary or appropriate to carry out this part, the Secretary may—

"(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services'

"(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

"(3) acquire by purchase, exchange (including exchange of petroleum product from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;

"(4) store petroleum distillate in facilities not owned by the United States; and

"(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part, including to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

"CONDITIONS FOR RELEASE; PLAN

"SEC. 183. (a) FINDING.—The Secretary may sell product from the Reserve only upon a finding by the President that there is a severe energy supply interruption. Such a finding may be made only if he determines that—

"(1) a dislocation in the heating oil market has resulted from such interruption; or

"(2) a circumstance, other than that described in paragraph (1), exists that constitutes a regional supply shortage of significant scope and duration and that action taken under this section would assist directly and significantly in reducing the adverse impact of such shortage.

"(b) DEFINITION.—For purposes of this section a 'dislocation in the heating oil market' shall be deemed to occur only when—

"(1) The price differential between crude oil, as reflected in an industry daily publication such as 'Platt's Oilgram Price Report' or 'Oil Daily' and No. 2 heating oil, as reported in the Energy Information Administration's retail price data for the Northeast, increases by more than 60% over its five year rolling average for the months of mid-October through March, and continues for 7 consecutive days; and

"(2) The price differential continues to increase during the most recent week for which price information is available.

"(c) The Secretary shall conduct a continuing evaluation of the residential price data supplied by the Energy Information Administration for the Northeast and data on crude oil prices from published sources.

"(d) After consultation with the heating oil industry, the Secretary shall determine procedures governing the release of petroleum distillate from the Reserve. The procedures shall provide that:

"(1) The Secretary may—

"(A) sell petroleum distillate from the Reserve through a competitive process, or

"(B) enter into exchange agreements for the petroleum distillate that results in the Secretary receiving a greater volume of petroleum distillate as repayment than the volume provided to the acquirer;

"(2) In all such sales or exchanges, the Secretary shall receive revenue or its equivalent in petroleum distillate that provides the Department with fair market value. At no time may the oil be sold or exchanged resulting in a loss of revenue or value to the United States; and

"(3) The Secretary shall only sell or dispose of the oil in the Reserve to entities customarily engaged in the sale and distribution of petroleum distillate.

"(e) Within 45 days of the date of the enactment of this section, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

"(1) the acquisition of storage and related facilities or storage services for the Reserve, including the potential use of storage facilities not currently in use;

"(2) the acquisition of petroleum distillate for storage in the Reserve;

"(3) the anticipated methods of disposition of petroleum distillate from the Reserve;

"(4) the estimated costs of establishment, maintenance, and operation of the Reserve;

"(5) efforts the Department will take to minimize any potential need for future drawdowns and ensure that distributors and importers are not discouraged from maintaining and increasing supplies to the Northeast; and

"(6) actions to ensure quality of the petroleum distillate in the Reserve.

"NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

"SEC. 184. (a) Upon a decision of the Secretary of Energy to establish a Reserve under this part, the Secretary of the Treasury shall establish in the Treasury of the United States an account known as the 'Northeast Home Heating Oil Reserve Account' (referred to in this section as the 'Account').

"(b) The Secretary of the Treasury shall deposit in the Account any amounts appropriated to the Account and any receipts from the sale, exchange, or other disposition of petroleum distillate from the Reserve.

"(c) The Secretary of Energy may obligate amounts in the Account to carry out activities under this part without the need for further appropriation, and amounts available to the Secretary of Energy for obligation under this section shall remain available without fiscal year limitation.

"EXEMPTIONS

"SEC. 185. An action taken under this part is not subject to the rulemaking requirements of section 523 of this Act, section 501 of the Department of Energy Organization Act, or section 553 of title 5, United States Code.".

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 186. There are authorized to be appropriated for fiscal year 2001, 2002, and 2003 such sums as may be necessary to implement this part.".

SEC. 1002. ENERGY CONSERVATION PROGRAMS FOR SCHOOLS AND HOSPITALS.

Title III of the Energy Policy and Conservation Act (42 U.S.C. 6325) is amended as follows:

Sec. 365 (f) For the purpose of carrying out this part there are authorized to be appropriated such sums as may be necessary.

SEC. 1003. STATE ENERGY PROGRAMS.

Title III of the Energy Policy and Conservation Act (42 U.S.C. 6371f) is amended as follows:

Sec. 397. For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary.

"SEC. 1004. ANNUAL HOME HEATING READINESS PROGRAM

"(a) IN GENERAL.—Part A of title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

ANNUAL HOME HEATING READINESS.

"(a) IN GENERAL.—The Secretary, in conjunction with the Administrator of the Energy Information Agency, shall coordinate with all interested states on an annual basis a program to assess the adequacy of supplies for natural gas, heating oil and propane and develop joint recommendations for responding to regional shortages or price spikes.

"(b) On or before September 1 of each year, the Secretary, acting through the Administrator of the Energy Information Agency, shall submit to Congress a Home Heating Readiness Report on the readiness of the natural gas, heating oil and propane industries to supply fuel under various weather conditions, including rapid decreases in temperature.

"(c) CONTENTS.—The Home Heating Readiness Report shall include—

"(1) estimates of the consumption, expenditures, and average price per MMBtu or gallon of natural gas, heating oil and propane for the upcoming period of October through March for various weather conditions, with special attention to extreme weather, and various regions of the country;

"(2) an evaluation of—

"(A) global and regional crude oil and refined product supplies;

"(B) the adequacy and utilization of refinery capacity;

"(C) the adequacy, utilization, and distribution of regional refined product storage capacity;

"(D) weather conditions;

"(E) the refined product transportation system;

"(F) market inefficiencies; and

"(G) any other factor affecting the functional capability of the natural gas, heating oil industry and propane industry that has the potential to affect national or regional supplies and prices;

"(3) recommendations on steps that the Federal, State, and local governments can take to prevent or alleviate the impact of sharp and sustained increases in the price of natural gas, heating oil and propane; and

"(4) recommendations on steps that companies engaged in the production, refining, storage, transportation of heating oil or propane, or any other activity related to the heating oil industry or propane industry, can take to prevent or alleviate the impact of sharp and sustained increases in the price of heating oil and propane.

"(d) INFORMATION REQUESTS.—The Secretary may request information necessary to prepare the Home Heating Readiness Report from companies described in subsection (b)(4).".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The Energy Policy and Conservation Act is amended—

(1) in the table of contents in the first section (42 U.S.C. prec. 6201), by inserting after the item relating to section 106 the following:

"Sec. 107. Major fuel burning stationary source.
"Sec. 108. Annual home heating readiness report.";

and

(2) in section 107 (42 U.S.C. 6215), by striking 'SEC. 107. (a) No Governor' and inserting the following:

"SEC. 107. MAJOR FUEL BURNING STATIONARY SOURCE.

"(a) No Governor".

"SEC. 1005. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

"(a) IN GENERAL.—Part C of title II of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

"SEC. 273. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

"(a) DEFINITIONS.—In this section:

"(1) BUDGET CONTRACT.—The term 'budget contract' means a contract between a retailer and a consumer under which the heating expenses of the consumer are spread evenly over a period of months.

"(2) FIXED-PRICE CONTRACT.—The term 'fixed-price contract' means a contract between a retailer and a consumer under which the retailer charges the consumer a set price for propane, kerosene, or heating oil without regard to market price fluctuations.

"(3) PRICE CAP CONTRACT.—The term 'price cap contract' means a contract between a retailer and a consumer under which the retailer charges the consumer the market price for propane, kerosene, or heating oil, but the cost of the propane, kerosene, or heating oil may not exceed a maximum amount stated in the contract.

"(b) ASSISTANCE.—At the request of the chief executive officer of a State, the Secretary shall provide information, technical assistance, and funding—

"(1) to develop education and outreach programs to encourage consumers to fill their storage facilities for propane, kerosene, and heating oil during the summer months; and

"(2) to promote the use of budget contracts, price cap contracts, fixed-price contracts, and other advantageous financial arrangements;

to avoid severe seasonal price increases for and supply shortages of those products.

"(c) PREFERENCE.—In implementing this section, the Secretary shall give preference to States that contribute public funds or leverage private funds to develop State summer fill and fuel budgeting programs.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $25,000,000 for fiscal year 2001; and

"(2) such sums as are necessary for each fiscal year thereafter.

"(e) Inapplicability of Expiration Provision.—Section 281 does not apply to this section.".

(b) Conforming Amendment.—The table of contents in the first section of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the item relating to section 272 the following:

"Sec. 273. Summer fill and fuel budgeting programs.".

SEC. 1006. USE OF ENERGY FUTURES FOR FUEL PURCHASES.

(a) Heating Oil Study.—The Secretary shall conduct a study—

(1) to ascertain if the use of energy futures and options contracts could provide cost-effective protection from sudden surges in the price of heating oil (including number two fuel oil, propane, and kerosene) for governments, consumer cooperatives, and other organizations that purchase heating oil in bulk to market to end use consumers in the Northeast (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, and New Jersey); and

(2) to ascertain how these entities may be most effectively educated in the prudent use of energy futures and options contracts to maximize their purchasing effectiveness, protect themselves against sudden or unanticipated surges in the price of heating oil, and minimize long-term heating oil costs.

(b) Report.—The Secretary, no later than 180 days after appropriations are enacted to carry out this Act, shall transmit the study required in this section to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The report shall contain a review of prior studies conducted on the subjects described in subsection (a).

(c) Pilot Program.—If the study required in subsection (a) indicates that futures and options contracts can provide cost-effective protection from sudden surges in heating oil prices, the Secretary shall conduct a pilot program, commencing not later than 30 days after the transmission of the study required in subsection (b), to educate such governmental entities, consumer cooperatives, and other organizations on the prudent and cost-effective use of energy futures and options contracts to increase their protection against sudden or unanticipated surges in the price of heating oil and increase the efficiency of their heating oil purchase programs.

(d) Authorization.—There is authorized to be appropriated $3 million in fiscal year 2001 to carry out this section.

SEC. 1007. INCREASED USE OF ALTERNATIVE FUELS BY FEDERAL FLEETS

Title IV of the Energy Policy and Conservation Act (42 U.S.C. 6374) is amended as follows: In SEC. 400AA(a)(3)(E), insert the following sentence at the end,

"Except that, no later than fiscal year 2003 at least 50 percent of the total annual volume of fuel used must be from alternative fuels.", and

In SEC. 400AA(g)(4)(B), after the words, "solely on alternative fuel", insert the words ", including a three wheeled enclosed electric vehicle having a VIN number".

SEC. 1008. FULL EXPENSING OF HOME HEATING OIL AND PROPANE STORAGE FACILITIES

(a) In General.—Section 179(b) of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following—

"(5) Full expensing of home heating oil and propane storage facilities.—Paragraphs (1) and (2) shall not apply to section 179 property which is any storage facility (not including a building or its structural components) used in connection with the distribution of home heating oil or liquefied petroleum gas."

TITLE XI—ENERGY EFFICIENCY

SEC. 1101. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) Section 801(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(1)) is amended by—

(1) inserting "and water" after "energy" the first place it appears;

(2) striking "that purpose" and inserting "these purposes";

(3) inserting "or water" after "energy" the second place it appears;

(4) inserting "or water conservation" after "energy" the third place it appears; and

(5) inserting "or water" after "energy" the fourth place it appears.

(b) Section 801(a)(2) (A) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(A)) is amended by—

(1) inserting "or water" after "energy" the first place it appears; and

(2) inserting "or water conservation" after "energy" the next two places it appears.

(c) Section 801(a)(2)(B) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(B)) is amended by—

(1) inserting "or water" after "energy" each place it appears; and

(2) inserting "energy or" before "utilities" the second place it appears.

(d) Section 801(a)(2)(D)(iii) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)) is amended by striking "$750,000" and inserting "$10,000,000".

(e) Section 801(b)(1)(A) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(1)(B)) is amended by inserting "and water" after "energy".

(f) Section 801(b)(1)(B) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(1)(B)) is amended by—

(1) inserting "or water" after "energy" the first place it appears; and

(2) inserting "or water" after "energy" the second place it appears.

(g) Section 801(b)(2)(A) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(2)(A)) is amended by inserting "or water" after "energy" each place it appears.

(h) Section 801(b)(2)(C) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(2)(C)) is amended by inserting "or water" after "energy" each place it appears.

(i) Section 801(b)(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(3)) is amended by inserting "or water" after "energy".

(j) Section 801(c)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)(1)) is repealed.

(k) Section 801(c)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by inserting "or water" after "energy" each place it appears.

(l) Section 802 of the National Energy Conservation Policy Act (42 U.S.C. 8287a.) is amended by inserting "and water" after "energy".

(m) Section 803 of the National Energy Conservation Policy Act (42 U.S.C. 8287b.) is amended by inserting "'and water" after "energy".

(n) Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c.(2)) is amended in paragraph (a)(2) by inserting "or water" after "energy" each place it appears.

(o) Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c.(3)) is amended in paragraph (a)(3) by inserting "or water" after "energy".

(p) Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c.(3)) is amended to read as follows:

"(4) The term "energy or water conservation measure" includes an "energy conservation measure" as defined in section 551(4), or a "water conservation measure," which is a measure applied to a Federal building that improves water efficiency, is life cycle cost effective, and involves water conservation, water recycling or reuse, improvements in operation or maintenance efficiencies, retrofit activities or other related activities.".

(q) The seventh paragraph under the heading "Administrative Provisions, Department of Energy," in title II of the Act Making Appropriation for the Department of the Interior and Related Agencies for the Fiscal Year Ending September 30, 1999 is amended by inserting "and water" after "energy" each place it appears.

(r) Section 101(e) of Public Law 105–277 is amended by—

(1) inserting "and water conservation" after "efficiency" in the title.

(2) inserting "and water" after "energy" each place it appears.

SEC. 1102. WEATHERIZATION.

(a) Section 414 of the Energy and Conservation and Production Act (42 U.S.C. 6865) is amended by inserting the following sentence in subsection (a) the following sentence. "The application shall contain the state's best estimate of matching funding available from state and local governments and from private sources," after the words "assistance to such persons". And, by inserting the words, "without regard to availability of matching funding", after the words "low-income persons throughout the States,"

(b) Section 415 of the Energy and Conservation and Production Act (42 U.S.C. 6865) is amended—

(1) in subsection (a)(1) by striking the first sentence;

(2) in subsection (a)(2) by—

(A) striking "(A)",

(B) striking "approve a State's application to waive the 40 percent requirement established in paragraph (1) if the State includes in its plan" and inserting "establish", and

(C) striking subparagraph (B);

(3) in subsection (c)(1) by—

(A) striking "paragraphs (3) and (4)" and inserting "paragraph (3)",

(B) striking "$1600" and inserting "$2500",

(C) striking "and" at the end of subparagraph (C),

(D) striking the period and inserting "; and" in subparagraph (D), and

(E) inserting after subparagraph (D) the following new subparagraph: "(E) the cost of making heating and cooling modifications, including replacement.";

(4) in subsection (c)(3) by—

(A) striking "1991, the $1600 per dwelling unit limitation" and inserting "2000, the $2500 per dwelling unit average",

(B) striking "limitation" and inserting "average" each time it appears, and

(C) inserting "the" after "beginning of" in subparagraph (B); and

(5) by striking subsection (c)(4).

SEC. 1103. PUBLIC BENEFITS FUND.

(a) Definitions.—For purposes of this section—

(1) the term "eligible public purpose program" means a State or tribal program that—

(A) assists low-income households in meeting their home energy needs;

(B) provides for the planning, construction, or improvement of facilities to generate, transmit, or distribute electricity to Indian tribes or rural and remote communities;

(C) provides for the development and implementation of measures to reduce the demand for electricity; or

(D) provides for—

(i) new or additional capacity, or improves the efficiency of existing capacity, from a wind, biomass, geothermal, solar thermal, photovoltaic, combined heat and power energy source, or

(ii) additional generating capacity achieved from increased efficiency at existing hydroelectric dams or additions of new capacity at existing hydroelectric dams;

(2) the term "fiscal agent" means the entity designated under subsection (b)(2)(B);

(3) the term "Fund" means the Public Benefits Fund established under subsection (b)(2)(A);

(4) the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(5) the term "State" means each of the States and the District of Columbia.

(b) Public Benefits Fund.—There is established in the Treasury of the United States a separate fund, to be known as the Public Benefits Fund. The Fund shall consist of amounts collected by the fiscal agent under subsection (e). The fiscal agent may disburse amounts in the Fund, without further appropriation, in accordance with this section.

(c) Fiscal Agent.—The Secretary shall appoint a fiscal agent shall collect and disburse the amounts in the Fund in accordance with this section.

(d) Secretary.—The Secretary shall prescribe rules for:

(1) the determination of charges under subsection (e);

(2) the collection of amounts for the Fund, including provisions for overcollection or undercollection;

(3) the equitable allocation of the Fund among States and Indian tribes based upon—

(A) the number of low-income households in such State or tribal jurisdiction; and

(B) the average annual cost of electricity used by households in such State or tribal jurisdiction; and

(4) the criteria by which the fiscal agent determines whether a State or tribal government's program is an eligible public purpose program.

(e) Public Benefits Change.—(1) As a condition of existing or future interconnection with facilities of any transmitting utility, each owner of an electric generating facility whose nameplate capacity exceeds five megawatts shall pay the transmitting utility a public benefits charge determined under paragraph (2), even if the generation facility and the transmitting facility are under common ownership or are otherwise affiliated. Each importer of electric energy from Canada or Mexico, as a condition of existing or future interconnection with facilities of any transmitting utility in the United States, shall pay this same charge for imported electric energy. The transmitting utility shall pay the amounts collected to the fiscal agent at the close of each month, and the fiscal agent shall deposit the amounts into the Fund as offsetting collections.

(2)(A) The Commission shall calculate the rate for the public benefits charge for each calendar year at an amount—

(i) equal to $3 billion per year, divided by the estimated kilowatt hours of electric energy to be generated by generators subject to the charge, but

(ii) not to exceed 1 mill per kilowatt-hour.

(B) Amounts collected in excess of $3 billion in a fiscal year shall be retained in the fund and the assessment in the following year shall be reduced by that amount.

(f) Disbursal From the Fund.—

(1) The fiscal agent shall disburse amounts in the Fund to participating States and tribal governments as a block grant to carry out eligible public purpose programs in accordance with this subsection and rules prescribed under subsection (d).

(2)(A) The fiscal agent shall disburse amounts for a calendar year from the Fund to a State or tribal government in twelve equal monthly payments beginning two months after the beginning of the calendar year.

(B) The fiscal agent shall make distributions to the State or tribal government or to an entity designated by the State or tribal government to receive payments. The State or tribal government may designate a nonregulated utility as an entity to receive payments under this section.

(C) A State or tribal government may use amounts received only for the eligible public purpose programs the State or tribal government designated in its submission to the fiscal agent and the fiscal agent determined eligible.

(g) Report.—One year before the date of expiration of this section, the Secretary shall report to Congress whether a public benefits fund should continue to exist.

(h) Sunset.—This section expires at midnight on December 31, 2015.".

SEC. 1104. NATIONAL OIL HEAT RESEARCH ALLIANCE ACT

SEC. 101. DEFINITIONS.

In this section:

(1) Alliance.—The term "Alliance" means a national oil heat research alliance established under section 104.

(2) Consumer education.—The term "consumer education" means the provision of information to assist consumers and other persons in making evaluations and decisions regarding oilheat and other nonindustrial commercial or residential space or hot water heating fuels.

(3) Exchange.—The term "exchange" means an agreement that—

(A) entitles each party or its customers to receive oilheat from the other party; and

(B) requires only an insubstantial portion of the volumes involved in the exchange to be settled in cash or property other than the oilheat.

(4) Industry trade association.—The term "industry trade association" means an organization described in paragraph (3) or (6) of section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code and is organized for the purpose of representing the oilheat industry.

(5) No. 1 distillate.—The term "No. 1 distillate" means fuel oil classified as No. 1 distillate by the American Society for Testing and Materials.

(6) No. 2 dyed distillate.—The term "No. 2 dyed distillate" means fuel oil classified as No. 2 distillate by the American Society for Testing and Materials that is indelibly dyed in accordance with regulations prescribed by the Secretary of the Treasury under section 4082(a)(2) of the Internal Revenue Code of 1986.

"(7) Oilheat.—The term 'oilheat' means—

"(A) No. 1 distillate; and

"(B) No. 2 dyed distillate;

that is used as a fuel for nonindustrial commercial or residential space or hot water heating.

"(8) Oilheat industry.—

"(A) In general.—The term 'oilheat industry' means—

"(i) persons in the production, transportation, or sale of oilheat; and

"(ii) persons engaged in the manufacture or distribution of oilheat utilization equipment.

"(B) Exclusion.—The term 'oilheat industry' does not include ultimate consumers of oilheat.

"(9) Public member.—The term 'public member' means a member of the Alliance described in section 105(c)(1)(F).

"(10) Qualified industry organization.—The term 'qualified industry organization' means the National Association for Oilheat Research and Education or a successor organization.

"(11) Qualified State association.—The term 'qualified State association' means the industry trade association or other organization that the qualified industry organization or the Alliance determines best represents retail marketers in a State.

"(12) Retail marketer.—The term 'retail marketer' means a person engaged primarily in the sale of oilheat to ultimate consumers.

"(13) Secretary.—The term 'Secretary' means the Secretary of Energy.

"(14) Wholesale distributor.—The term 'wholesale distributor' means a person that—

"(A)(i) produces No. 1 distillate or No. 2 dyed distillate;

"(ii) imports No. 1 distillate or No. 2 dyed distillate; or

"(iii) transports No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas; and

"(B) sells the distillate to another person that does not produce, import, or transport No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas.

"(15) State.—The term 'State' means the several States, except the State of Alaska.

"SEC. 102. REFERENDA.

"(a) Creation of Program.—

"(1) In general.—The oilheat industry, through the qualified industry organization, may conduct, at its own expense, a referendum among retail marketers and wholesale distributors for the establishment of a national oilheat research alliance.

"(2) Reimbursement of cost.—The Alliance, if established, shall reimburse the qualified industry organization for the cost of accounting and documentation for the referendum.

"(3) Conduct.—A referendum under paragraph (1) shall be conducted by an independent auditing firm.

"(4) Voting rights.—

"(A) Retail marketers.—Voting rights of retail marketers in a referendum under paragraph (1) shall be based on the volume of oilheat sold in a State by each retail marketer in the calendar year previous to the year in which the referendum is conducted or in another representative period.

"(B) Wholesale distributors.—Voting rights of wholesale distributors in a referendum under paragraph (1) shall be based on the volume of No. 1 distillate and No. 2 dyed distillate sold in a State by each wholesale distributor in the calendar year previous to the year in which the referendum is conducted or in another representative period, weighted by the ratio of the total volume of

No. 1 distillate and No. 2 dyed distillate sold for nonindustrial commercial and residential space and hot water heating in the State to the total volume of No. 1 distillate and No. 2 dyed distillate sold in that State.

“(5) ESTABLISHMENT BY APPROVAL OF TWO-THIRDS.—

“(A) IN GENERAL.—Subject to subparagraph (B), on approval of persons representing two-thirds of the total volume of oilheat voted in the retail marketer class and two-thirds of the total weighted volume of No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class, the Alliance shall be established and shall be authorized to levy assessments under section 107.

“(B) REQUIREMENT OF MAJORITY OF RETAIL MARKETERS.—Except as provided in subsection (b), the oilheat industry in a State shall not participate in the Alliance if less than 50 percent of the retail marketer vote in the State approves establishment of the Alliance.

“(6) CERTIFICATION OF VOLUMES.—Each person voting in the referendum shall certify to the independent auditing firm the volume of oilheat, No. 1 distillate, or No. 2 dyed distillate represented by the vote of the person.

“(7) NOTIFICATION.—Not later than 90 days after the date of enactment of this title, a qualified State association may notify the qualified industry organization in writing that a referendum under paragraph (1) will not be conducted in the State.

“(b) SUBSEQUENT STATE PARTICIPATION.—The oilheat industry in a State that has not participated initially in the Alliance may subsequently elect to participate by conducting a referendum under subsection (a).

“(c) TERMINATION OR SUSPENSION.—

“(1) IN GENERAL.—On the initiative of the Alliance or on petition to the Alliance by retail marketers and wholesale distributors representing 35 percent of the volume of oilheat or weighted No. 1 distillate and No. 2 dyed distillate in each class, the Alliance shall, at its own expense, hold a referendum, to be conducted by an independent auditing firm selected by the Alliance, to determine whether the oilheat industry favors termination or suspension of the Alliance.

“(2) VOLUME PERCENTAGES REQUIRED TO TERMINATE OR SUSPEND.—Termination or suspension shall not take effect unless termination or suspension is approved by—

“(A) persons representing more than one-half of the total volume of oilheat voted in the retail marketer class and more than one-half of the total volume of weighted No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class; or

“(B) persons representing more than two-thirds of the total volume of fuel voted in either such class.

“(d) CALCULATION OF OILHEAT SALES.—For the purposes of this section and section 105, the volume of oilheat sold annually in a State shall be determined on the basis of information provided by the Energy Information Administration with respect to a calendar year or other representative period.

“SEC. 103. MEMBERSHIP.

“(a) SELECTION.—

“(1) IN GENERAL.—Except as provided in subsection (c)(1)(C), the qualified industry organization shall select members of the Alliance representing the oilheat industry in a State form a list of nominees submitted by the qualified State association in the State.

“(2) VACANCIES.—A vacancy in the Alliance shall be filled in the same manner as the original selection.

“(b) REPRESENTATION.—In selecting members of the Alliance, the qualified industry organization shall make best efforts to select members that are representative of the oilheat industry, including representation of—

“(1) interstate and intrastate operators among retail marketers;

“(2) wholesale distributors of No. 1 distillate and No. 2 dyed distillate;

“(3) large and small companies among wholesale distributors and retail marketers; and

“(4) diverse geographic regions of the country.

“(c) NUMBER OF MEMBERS.—

“(1) IN GENERAL.—The membership of the Alliance shall be as follows:

“(A) One member representing each State with oilheat sales in excess of 32,000,000 gallons per year.

“(B) If fewer than 24 States are represented under subparagraph (A), 1 member representing each of the States with the highest volume of annual oilheat sales, as necessary to cause the total number of States represented under subparagraph (A) and this subparagraph to equal 24.

“(C) 5 representatives of retail marketers, 1 each to be selected by the qualified State associations of the 5 States with the highest volume of annual oilheat sales.

“(D) 5 additional representatives of retail marketers.

“(E) 21 representatives of wholesale distributors.

“(F) 6 public members, who shall be representatives of significant users of oilheat, the oilheat research community, State energy officials, or other groups knowledgeable about oilheat.

“(2) FULL-TIME OWNERS OR EMPLOYEES.—Other than the public members, Alliance members shall be full-time owners or employees of members of the oilheat industry, except that members described in subparagraphs (C), (D), and (E) of paragraph (1) may be employees of the qualified industry organization or an industry trade association.

“(d) COMPENSATION.—Alliance members shall receive no compensation for their service, nor shall Alliance members be reimbursed for expenses relating to their service, except that public members, on request, may be reimbursed for reasonable expenses directly related to participation in meetings of the Alliance.

“(e) TERMS.—

“(1) IN GENERAL.—Subject to paragraph (4), a member of the Alliance shall serve a term of 3 years, except that a member filling an unexpired term may serve a total of 7 consecutive years.

“(2) TERM LIMIT.—A member may serve not more than 2 full consecutive terms.

“(3) FORMER MEMBERS.—A former member of the Alliance may be returned to the Alliance if the member has not been a member for a period of 2 years.

“(4) INITIAL APPOINTMENTS.—Initial appointments to the Alliance shall be for terms of 1, 2, and 3 years, as determined by the qualified industry organization, staggered to provide for the subsequent selection of one-third of the members each year.

SEC. 104. FUNCTIONS.

“(a) IN GENERAL.—

“(1) PROGRAMS, PROJECTS, CONTRACTS AND OTHER AGREEMENTS.—The Alliance—

“(A) shall develop programs and projects and enter into contracts or other agreements with other persons and entities for implementing this title, including programs—

“(i) to enhance consumer and employee safety and training;

“(ii) to provide for research, development, and demonstration of clean and efficient oilheat utilization equipment; and

“(iii) for consumer education; and

“(B) may provide for the payment of the costs of carrying out subparagraph (A) with assessments collected under section 107.

“(2) COORDINATION.—The Alliance shall coordinate its activities with industry trade associations and other persons as appropriate to provide delivery of services and to avoid unnecessary duplication of activities.

“(3) ACTIVITIES.—

“(A) EXCLUSIONS.—Activities under clause (i) or (ii) of paragraph (1)(A) shall not include advertising, promotions, or consumer surveys in support of advertising or promotions.

“(B) RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.—

“(i) IN GENERAL.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall include—

“(I) all activities incidental to research, development, and demonstration of clean and efficient oilheat utilization equipment; and

“(II) the obtaining of patents, including payment of attorney's fees for making and perfecting a patent application.

“(ii) EXCLUDED ACTIVITIES.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall not include research, development, and demonstration of oilheat utilization equipment with respect to which technically feasible and commercially feasible operations have been verified, except that funds may be provided for improvements to existing equipment until the technical feasibility and commercial feasibility of the operation of those improvements have been verified.

“(b) PRIORITIES.—In the development of programs and projects, the Alliance shall give priority to issues relating to—

“(1) research, development, and demonstration;

“(2) safety;

“(3) consumer education; and

“(4) training.

“(c) ADMINISTRATION.—

“(1) OFFICERS, COMMITTEES; BYLAWS.—The Alliance—

“(A) shall select from among its members a chairperson and other officers as necessary;

“(B) may establish and authorize committees and subcommittees of the Alliance to take specific actions that the Alliance is authorized to take; and

“(C) shall adopt bylaws for the conduct of business and the implementation of this title.

“(2) SOLICITATION OF OILHEAT INDUSTRY COMMENT AND RECOMMENDATIONS.—The Alliance shall establish procedures for the solicitation of oilheat industry comment and recommendations on any significant contracts and other agreements, programs, and projects to be funded by the Alliance.

“(3) ADVISORY COMMITTEES.—The Alliance may establish advisory committees consisting of persons other than Alliance members.

“(4) VOTING.—Each member of the Alliance shall have 1 vote in matters before the Alliance.

“(d) ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—The administrative expenses of operating the Alliance (not including costs incurred in the collection of assessments under section 107) plus amounts paid under paragraph (2) shall not exceed 7 percent of the amount of assessments collected in any calendar year, except that during the first year of operation of the Alliance such expenses and amounts shall not exceed 10 percent of the amount of assessments.

"(2) Reimbursement of the Secretary.—

"(A) In general.—The Alliance shall annually reimburse the Secretary for costs incurred by the Federal Government relating to the Alliance.

"(B) Limitation.—Reimbursement under subparagraph (A) for any calendar year shall not exceed the amount that the Secretary determines is twice the average annual salary of 1 employee of the Department of Energy.

"(e) Budget.—

"(1) Publication of proposed budget.—Before August 1 of each year, the Alliance shall publish for public review and comment a proposed budget for the next calendar year, including the probable costs of all programs, projects, and contracts and other agreements.

"(2) Submission to the Secretary and Congress.—After review and comment under paragraph (1), the Alliance shall submit the proposed budget to the Secretary and Congress.

"(3) Recommendations by the Secretary.—The Secretary may recommend for inclusion in the budget programs and activities that the Secretary considers appropriate.

"(4) Implementation.—The Alliance shall not implement a proposed budget until the expiration of 60 days after submitting the proposed budget to the Secretary.

"(f) Records; Audits—

"(1) Records.—The Alliance shall—

"(A) keep records that clearly reflect all of the acts and transactions of the Alliance; and

"(B) make the records available to the public.

"(2) Audits—

"(A) In general.—The records of the Alliance (including fee assessment reports and applications for refunds under section 107(b)(4)) shall be audited by a certified public accountant at least once each year and at such other times as the Alliance may designate.

"(B) Availability of audit reports.—Copies of each audit report shall be provided to the Secretary, the members of the Alliance, and the qualified industry organization, and, on request, to other members of the oilheat industry.

"(C) Policies and procedures—

"(i) In general.—The Alliance shall establish policies and procedures for auditing compliance with this title.

"(ii) Conformity with GAAP.—The policies and procedures established under clause (i) shall conform with generally accepted accounting principles.

"(g) Public Access To Alliance Proceedings—

"(1) Public notice.—The Alliance shall give at least 30 days' public notice of each meeting of the Alliance.

"(2) Meetings open to the public.—Each meeting of the Alliance shall be open to the public.

"(3) Minutes.—The minutes of each meeting of the Alliance shall be made available to and readily accessible by the public.

"(h) Annual Report.—Each year the Alliance shall prepare and make publicly available a report that—

"(1) includes a description of all programs, projects, and contracts and other agreements undertaken by the Alliance during the previous year and those planned for the current year; and

"(2) details the allocation of Alliance resources for each such program and project.

SEC. 105. ASSESSMENTS.

"(a) Rate.—The assessment rate shall be equal to two-tenths-cent per gallon of No. 1 distillate and No. 2 dyed distillate.

"(b) Collection Rules—

"(1) Collection at point of sale.—The assessment shall be collected at the point of sale of No. 1 distillate and No. 2 dyed distillate by a wholesale distributor to a person other than a wholesale distributor, including a sale made pursuant to an exchange.

"(2) Responsibility for payment.—A wholesale distributor—

"(A) shall be responsible for payment of an assessment to the Alliance on a quarterly basis; and

"(B) shall provide to the Alliance certification of the volume of fuel sold.

"(3) No ownership interest.—A person that has no ownership interest in No. 1 distillate or No. 2 dyed distillate shall not be responsible for payment of an assessment under this section.

"(4) Failure to receive payment—

"(A) Refund.—A wholesale distributor that does not receive payments from a purchaser for No. 1 distillate or No. 2 dyed distillate within 1 year of the date of sale may apply for a refund from the Alliance of the assessment paid.

"(B) Amount.—The amount of a refund shall not exceed the amount of the assessment levied on the No. 1 distillate or No. 2 dyed distillate for which payment was not received.

"(5) Importation after point of sale.—The owner of No. 1 distillate or No. 2 dyed distillate imported after the point of sale—

"(A) shall be responsible for payment of the assessment to the Alliance at the point at which the product enters the United States; and

"(B) shall provide to the Alliance certification of the volume of fuel imported.

"(6) Late payment charge.—The Alliance may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Alliance any amount due under this title.

"(7) Alternative collection rules.—The Alliance may establish, or approve a request of the oilheat industry in a State for, an alternative means of collecting the assessment if another means is determined to be more efficient or more effective.

"(c) Sale For Use Other Than As Oilheat.—No. 1 distillate and No. 2 dyed distillate sold for uses other than as oilheat are excluded from the assessment.

"(d) Investment of Funds.—Pending disbursement under a program, project, or contract or other agreement the Alliance may invest funds collected through assessments, and any other funds received by the Alliance, only—

"(1) in obligations of the United States or any agency of the United States;

"(2) in general obligations of any State or any political subdivision of a State;

"(3) in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

"(4) in obligations fully guaranteed as to principal and interest by the United States.

"(e) State, Local, and Regional Programs—

"(1) Coordination.—The Alliance shall establish a program coordinating the operation of the Alliance with the operator of any similar State, local, or regional program created under State law (including a regulation), or similar entity.

"(2) Funds made available to qualified State associations—

"(A) In general—

"(i) Base amount.—The Alliance shall make available to the qualified State association of each State an amount equal to 15 percent of the amount of assessments collected in the State.

"(ii) Additional amount.—

"(I) In general.—A qualified State association may request that the Alliance provide to the association any portion of the remaining 85 percent of the amount of assessments collected in the State.

"(II) Request requirements.—A request under this clause shall—

"(aa) specify the amount of funds requested;

"(bb) describe in detail the specific uses for which the requested funds are sought;

"(cc) include a commitment to comply with this title in using the requested funds; and

"(dd) be made publicly available.

"(III) Direct benefit.—The Alliance shall not provide any funds in response to a request under this clause unless the Alliance determines that the funds will be used to directly benefit the oilheat industry.

"(IV) Monitoring; terms, conditions, and reporting requirements.—The Alliance shall—

"(aa) monitor the use of funds provided under this clause; and

"(bb) impose whatever terms, conditions, and reporting requirements that the Alliance considers necessary to ensure compliance with this title.

"SEC. 106. MARKET SURVEY AND CONSUMER PROTECTION.

"(a) Price Analysis.—Beginning 2 years after establishment of the Alliance and annually thereafter, the Secretary of Commerce, using only data provided by the Energy Information Administration and other public sources, shall prepare and make available to the Congress, the Alliance, the Secretary of Energy, and the public, an analysis of changes in the price of oilheat relative to other energy sources. The oilheat price analysis shall compare indexed changes in the price of consumer grade oilheat to a composite of indexed changes in the price of residential electricity, residential natural gas, and propane on an annual national average basis. For purposes of indexing changes in oilheat, residential electricity, residential natural gas, and propane prices, the Secretary of Commerce shall use a 5-year rolling average price beginning with the year 4 years prior to the establishment of the Alliance.

"(b) Authority To Restrict Activities.—If in any year the 5-year average price composite index of consumer grade oilheat exceeds the 5-year rolling average price composite index of residential electricity, residential natural gas, and propane in an amount greater than 10.1 percent, the activities of the Alliance shall be restricted to research and development, training, and safety matters. The Alliance shall inform the Secretary of Energy and the Congress of any restriction of activities under this subsection. Upon expiration of 180 days after the beginning of any such restriction of activities, the Secretary of Commerce shall again conduct the oilheat price analysis described in subsection (a). Activities of the Alliance shall continue to be restricted under this subsection until the price index excess is 10.1 percent or less.

"SEC. 107. COMPLIANCE.

"(a) In General.—The Alliance may bring a civil action in United States district court to compel payment of an assessment under section 107.

"(b) Costs.—A successful action for compliance under this section may also require payment by the defendant of the costs incurred by the Alliance in bringing the action.

“SEC. 108. LOBBYING RESTRICTIONS.

“No funds derived from assessments under section 107 collected by the Alliance shall be used to influence legislation or elections, except that the Alliance may use such funds to formulate and submit to the Secretary recommendations for amendments to this title or other laws that would further the purposes of this title.

“SEC. 109. DISCLOSURE.

“Any consumer education activity undertaken with funds provided by the Alliance shall include a statement that the activities were supported, in whole or in part, by the Alliance.

“SEC. 110. VIOLATIONS.

“(a) PROHIBITION.—It shall be unlawful for any person to conduct a consumer education activity, undertaken with funds derived from assessments collected by the Alliance under section 107, that includes—

“(1) a reference to a private brand name;

“(2) a false or unwarranted claim on behalf of oil heat or related products; or

“(3) a reference with respect to the attributes or use of any competing product.

“(b) COMPLAINTS—

“(1) IN GENERAL.—A public utility that is aggrieved by a violation described in subsection (a) may file a complaint with the Alliance.

“(2) TRANSMITTAL TO QUALIFIED STATE ASSOCIATION.—A complaint shall be transmitted concurrently to any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

“(3) CESSATION OF ACTIVITIES.—On receipt of a complaint under this subsection, the Alliance, and any qualified State allocation undertaking the consumer education activity with respect to which the complaint is made, shall cease that consumer education activity until—

“(A) the complaint is withdrawn; or

“(B) a court determines that the conduct of the activity complained of does not constitute a violation of subsection (a).

“(c) RESOLUTION BY PARTIES—

“(1) IN GENERAL.—Not later than 10 days after a complaint is filed and transmitted under subsection (b), the complaining party, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made shall meet to attempt to resolve the complaint.

“(2) WITHDRAWAL OF COMPLAINT.—If the issues in dispute are resolved in those discussions, the complaining party shall withdraw its complaint.

“(d) JUDICIAL REVIEW—

“(1) IN GENERAL.—A public utility filing a complaint under this section, the Alliance, a qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made, or any person aggrieved by a violation of subsection (a) may seek appropriate relief in United States district court.

“(2) RELIEF.—A public utility filing a complaint under this section shall be entitled to temporary and injunctive relief enjoining the consumer education activity with respect to which a complaint under this section is made until—

“(A) the complaint is withdrawn; or

“(B) the court has determined that the consumer education activity complained of does not constitute a violation of subsection (a).

“(e) ATTORNEY'S FEES—

“(a) MERITORIOUS CASE.—In a case in Federal court in which the court grants a public utility injunctive relief under subsection (d), the public utility shall be entitled to recover an attorney's fee from the Alliance and any qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made.

“(2) NONMERITORIOUS CASE.—In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous and without merit, the prevailing party shall be entitled to recover an attorney's fee.

“(f) SAVINGS CLAUSE.—Nothing in this section shall limit causes of action brought under any other law.

“SEC. 111. SUNSET.

“This title shall cease to be effective as of the date that is 4 years after the date on which the Alliance is established.”

TITLE XII—ELECTRICITY

SEC. 1201. COMPREHENSIVE INDIAN ENERGY PROGRAM.

(a) Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501–3506) is amended by adding after section 2606 the following new section—

“SEC. 2607. COMPREHENSIVE INDIAN ENERGY PROGRAM.

“(a) Definitions.—For purposes of this section—

“(1) “Director” means the Director of the Office of Indian Energy Policy and Programs established by section 217 of the Department of Energy Organization Act, and

“(2) “Indian land” means—

“(A) any land within the limits of an Indian reservation, pueblo, or ranchera;

“(B) any land not within the limits of an Indian reservation, pueblo, or ranchera whose title on the date of enactment of this section was held—

“(i) in trust by the United States for the benefit of an Indian tribe,

“(ii) by an Indian tribe subject to restriction by the United States against alienation, or

“(iii) by a dependent Indian community; and

“(C) land conveyed to an Alaska Native Corporation under the Alaska Native Claims Settlement Act.

“(b) Indian Energy Education, Planning and Management Assistance.—(1) The Director shall establish programs within the Office of Indian Energy Policy and Programs to assist Indian tribes to meet their energy education, research and development, planning, and management needs.

“(2) The Director may make grants, on a competitive basis, to an Indian tribe for—

“(A) renewable, energy efficiency, and conservation programs;

“(B) studies and other activities supporting tribal acquisition of energy supplies, services, and facilities; and

“(C) planning, constructing, developing, operating, maintaining, and improving tribal electrical generation, transmission, and distribution facilities.

“(3) The Director may develop, in consultation with Indian tribes, a formula for making grants under this section. The formula may take into account the following—

“(A) total number of acres of Indian land owned by an Indian tribe;

“(B) total number of households on the tribe's Indian land;

“(C) total number of households on the Indian tribe's Indian land that have no electricity service or are underserved; and

“(D) financial or other assets available to the tribe from any source.

“(4) In making a grant under paragraph (2)(E), the Director shall give priority to an application received from an Indian tribe that is not served or served inadequately by an electric utility, as that term is defined in section 3(4) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(4)), or by a person, State agency, or any other non-federal entity that owns or operates a local distribution facility used for the sale of electric energy to an electric consumer.

“(5) There are authorized to be appropriated to the Department of Energy such sums as may be necessary to carry out the purposes of this section.

“(c) Application of Buy Indian Act.—(1) An agency or department of the United States Government may give, in the purchase and sale of electricity, oil, gas, coal, or other energy product or by-product produced, converted, or transferred on Indian lands, preference, under section 23 of the Act of June 25, 1910 (25 U.S.C. 47) (commonly known as the “Buy Indian Act”), to an energy and resource production enterprise, partnership, corporation, or other type of business organization majority or wholly owned and controlled by an Indian, a tribal government, or a business, enterprise, or operation of the American Indian Tribal Governments.

“(2) In implementing this subsection, an agency or department shall pay no more for energy production than the prevailing market price and shall obtain no less than existing market terms and conditions.

“(d) This section does not—

“(1) limit the discretion vested in an Administrator of a Federal Power Administration to market and allocate Federal power, or

“(2) alter Federal laws under which a Federal Power Administration markets, allocates, or purchases power.”.

(b) Office of Indian Policy and Programs. Title II of the Department of Energy Organization Act is amended by inserting the following after section 216:

“OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.

“SEC. 217. (a) There is established within the Department an Office of Indian Energy Policy and Programs. This Office shall be headed by a Director, who shall be appointed by the Secretary and compensated at the rate equal to that of level IV of the Executive Schedule under section 5315 of Title 5, United States Code. The Director shall perform the duties assigned the Director under the Comprehensive Indian Energy Act and this section.

“(b) The Director shall provide, direct, foster, coordinate, and implement energy planning, education, management, conservation, and delivery programs of the Department that—

“(1) promote tribal energy efficiency and utilization;

“(2) modernized and develop, for the benefit of Indian tribes, tribal energy and economic infrastructure related to natural resource development and electrification;

“(3) preserve and promote tribal sovereignty and self determination related to energy matters and energy deregulation;

“(4) lower or stabilize energy costs; and

“(5) electrify tribal members' homes and tribal lands.

“(c) The Director shall carry out the duties assigned the Secretary under title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.).”.

(c) Conforming Amendment. Section 2603(c) of the Energy Policy Act of 1992 (25 U.S.C. 3503(c)) is amended to read as follows:

“(c) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.”

(b) The table of contents of the Department of Energy Act is amended by inserting after the item relating to section 216 the following new item:

"217. Office of Indian Energy Policy and Programs.".

(c) Section 5315 of title 5, United States Code, is amended by inserting "Director, Office of Indian Energy Policy and Programs, Department of Energy." after "Director, Office of Science, Department of Energy.".

SEC. 1202. INTERCONNECTION.

Title II of the Federal Power Act is further amended by adding after section 210 (16 U.S.C. 824i) the following:

"SEC. 210A. INTERCONNECTION OF DISTRIBUTED GENERATION FACILITIES.

"(a) RULEMAKING AUTHORITY.—Not later than one year after the date of enactment of this section, the Commission shall adopt rules to ensure the interconnection of distributed generation facilities to local distribution facilities of an electric utility.

"(b) INTERCONNECTION AUTHORITY.—Upon the application of the owner or operator of a distributed generation facility, the Commission may issue an order requiring the physical connection of the local distribution facilities of an electric utility with the distributed generation facility of the applicant.

"(c) STATE AUTHORITY.—Any interconnection ordered under this section shall be subject to regulation by the appropriate State commission.

"(d) DEFINITION.—As used in this section, the term "distributed generation facility" means—

"(1) a small-scale electric power generation facility that is designed to serve customers at or near the facility, or

"(2) a facility using a single fuel source to produce at the point of use either electric or mechanical power and thermal energy.".

MIKULSKI (AND OTHERS) AMENDMENTS NOS. 4228-4229

(Ordered to lie on the table.)

Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4228

At the appropriate place, insert the following:

SEC. . COMMUNITY TECHNOLOGY CENTERS.

Part A of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6811 et seq.) is amended by adding at the end the following:

"Subpart 5—Community Technology Centers

"SEC. 3161. PURPOSE; PROGRAM AUTHORITY.

"(a) PURPOSE.—It is the purpose of this subpart to assist eligible applicants to—

"(1) create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training; and

"(2) provide technical assistance and support to community technology centers.

"(b) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to assist such applicants in—

"(A) creating or expanding community technology centers; or

"(B) providing technical assistance and support to community technology centers.

"(2) PERIOD OF AWARD.—The Secretary may award grants, contracts, or cooperative agreements under this subpart for a period of not more than 3 years.

"(3) SERVICE OF AMERICORPS PARTICIPANTS.—The Secretary may collaborate with the Chief Executive Officer of the Corporation for National and Community Service on the use of participants in National Service programs carried out under subtitle C of title I of the National and Community Service Act of 1990 in community technology centers.

"SEC. 3162. ELIGIBILITY AND APPLICATION REQUIREMENTS.

"(a) ELIGIBLE APPLICANTS.—In order to be eligible to receive an award under this subpart, an applicant shall—

"(1) have the capacity to expand significantly access to computers and related services for disadvantaged residents of economically distressed urban and rural communities (who would otherwise be denied such access); and

"(2) be—

"(A) an entity such as a foundation, museum, library, for-profit business, public or private nonprofit organization, or community-based organization;

"(B) an institution of higher education;

"(C) a State educational agency;

"(D) a local educational agency; or

"(E) a consortium of entities described in subparagraphs (A), (B), (C), or (D).

"(b) APPLICATION REQUIREMENTS.—In order to receive an award under this subpart, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include—

"(1) a description of the proposed project, including a description of the magnitude of the need for the services and how the project would expand access to information technology and related services to disadvantaged residents of an economically distressed urban or rural community;

"(2) a demonstration of—

"(A) the commitment, including the financial commitment, of entities such as institutions, organizations, business and other groups in the community that will provide support for the creation, expansion, and continuation of the proposed project; and

"(B) the extent to which the proposed project establishes linkages with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of an economically distressed urban or rural community;

"(3) a description of how the proposed project would be sustained once the Federal funds awarded under this subpart end; and

"(4) a plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

"(c) MATCHING REQUIREMENTS.—The Federal share of the cost of any project funded under this subpart shall not exceed 50 percent. The non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

"SEC. 3163. USES OF FUNDS.

"(a) REQUIRED USES.—A recipient shall use funds under this subpart for—

"(1) creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities; and

"(2) evaluating the effectiveness of the project.

"(b) PERMISSIBLE USES.—A recipient may use funds under this subpart for activities, described in its application, that carry out the purposes of this subpart, such as—

"(1) supporting a center coordinator, and staff, to supervise instruction and build community partnerships;

"(2) acquiring equipment, networking capabilities, and infrastructure to carry out the project; and

"(3) developing and providing services and activities for community residents that provide access to computers, information technology, and the use of such technology in support of pre-school preparation, academic achievement, lifelong learning, and workforce development, such as the following:

"(A) After-school activities in which children and youths use software that provides academic enrichment and assistance with homework, develop their technical skills, explore the Internet, and participate in multimedia activities, including web page design and creation.

"(B) Adult education and family literacy activities through technology and the Internet, including—

"(i) General Education Development, English as a Second Language, and adult basic education classes or programs;

"(ii) introduction to computers;

"(iii) intergenerational activities; and

"(iv) lifelong learning opportunities.

"(C) Career development and job preparation activities, such as—

"(i) training in basic and advanced computer skills;

"(ii) resume writing workshops; and

"(iii) access to databases of employment opportunities, career information, and other online materials.

"(D) Small business activities, such as—

"(i) computer-based training for basic entrepreneurial skills and electronic commerce; and

"(ii) access to information on business start-up programs that is available online, or from other sources.

"(E) Activities that provide home access to computers and technology, such as assistance and services to promote the acquisition, installation, and use of information technology in the home through low-cost solutions such as networked computers, web-based television devices, and other technology.

"SEC. 3164. AUTHORIZATION OF APPROPRIATIONS.

"For purposes of carrying out this subpart, there is authorized to be appropriated $100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. . SCHOOL TECHNOLOGY RESOURCE GRANTS.

Section 3114(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6814(a)) is amended by adding at the end the following:

"(3) TEACHER TRAINING IN TECHNOLOGY.—In addition to any other funds appropriated to carry out subpart 2, there are authorized to be appropriated $127,000,000 to carry out subpart 2 (other than section 3136) for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years. Funds appropriated under this paragraph shall be used to carry out teacher training in technology in accordance with subpart 2 (other than section 3136).".

SEC. . NEW TEACHER TRAINING.

(a) GRANTS AUTHORIZED.—The Secretary of Education is authorized to award grants, on a competitive basis, to institutions of higher education to enable the institutions to train students entering the teaching workforce to use technology effectively in the classroom.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $150,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

AMENDMENT NO. 4229

At the appropriate place, insert the following:

SEC. . COMMUNITY TECHNOLOGY CENTERS.

Part A of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6811 et seq.) is amended by adding at the end the following:

“Subpart 5—Community Technology Centers

“SEC. 3161. PURPOSE; PROGRAM AUTHORITY.

“(a) PURPOSE.—It is the purpose of this subpart to assist eligible applicants to—

“(1) create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training; and

“(2) provide technical assistance and support to community technology centers.

“(b) PROGRAM AUTHORITY.—

“(1) IN GENERAL.—The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to assist such applicants in—

“(A) creating or expanding community technology centers; or

“(B) providing technical assistance and support to community technology centers.

“(2) PERIOD OF AWARD.—The Secretary may award grants, contracts, or cooperative agreements under this subpart for a period of not more than 3 years.

“(3) SERVICE OF AMERICORPS PARTICIPANTS.—The Secretary may collaborate with the Chief Executive Officer of the Corporation for National and Community Service on the use of participants in National Service programs carried out under subtitle C of title I of the National and Community Service Act of 1990 in community technology centers.

“SEC. 3162. ELIGIBILITY AND APPLICATION REQUIREMENTS.

“(a) ELIGIBLE APPLICANTS.—In order to be eligible to receive an award under this subpart, an applicant shall—

“(1) have the capacity to expand significantly access to computers and related services for disadvantaged residents of economically distressed urban and rural communities (who would otherwise be denied such access); and

“(2) be—

“(A) an entity such as a foundation, museum, library, for-profit business, public or private nonprofit organization, or community-based organization;

“(B) an institution of higher education;

“(C) a State educational agency;

“(D) a local educational agency; or

“(E) a consortium of entities described in subparagraphs (A), (B), (C), or (D).

“(b) APPLICATION REQUIREMENTS.—In order to receive an award under this subpart, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include—

“(1) a description of the proposed project, including a description of the magnitude of the need for the services and how the project would expand access to information technology and related services to disadvantaged residents of an economically distressed urban or rural community;

“(2) a demonstration of—

“(A) the commitment, including the financial commitment, of entities such as institutions, organizations, business and other groups in the community that will provide support for the creation, expansion, and continuation of the proposed project; and

“(B) the extent to which the proposed project establishes linkages with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of an economically distressed urban or rural community;

“(3) a description of how the proposed project would be sustained once the Federal funds awarded under this subpart end; and

“(4) a plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

“(c) MATCHING REQUIREMENTS.—The Federal share of the cost of any project funded under this subpart shall not exceed 50 percent. The non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

“SEC. 3163. USES OF FUNDS.

“(a) REQUIRED USES.—A recipient shall use funds under this subpart for—

“(1) creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities; and

“(2) evaluating the effectiveness of the project.

“(b) PERMISSIBLE USES.—A recipient may use funds under this subpart for activities, described in its application, that carry out the purposes of this subpart, such as—

“(1) supporting a center coordinator, and staff, to supervise instruction and build community partnerships;

“(2) acquiring equipment, networking capabilities, and infrastructure to carry out the project; and

“(3) developing and providing services and activities for community residents that provide access to computers, information technology, and the use of such technology in support of pre-school preparation, academic achievement, lifelong learning, and workforce development, such as the following:

“(A) After-school activities in which children and youths use software that provides academic enrichment and assistance with homework, develop their technical skills, explore the Internet, and participate in multimedia activities, including web page design and creation.

“(B) Adult education and family literacy activities through technology and the Internet, including—

“(i) General Education Development, English as a Second Language, and adult basic education classes or programs;

“(ii) introduction to computers;

“(iii) intergenerational activities; and

“(iv) lifelong learning opportunities.

“(C) Career development and job preparation activities, such as—

“(i) training in basic and advanced computer skills;

“(ii) resume writing workshops; and

“(iii) access to databases of employment opportunities, career information, and other online materials.

“(D) Small business activities, such as—

“(i) computer-based training for basic entrepreneurial skills and electronic commerce; and

“(ii) access to information on business start-up programs that is available online, or from other sources.

“(E) Activities that provide home access to computers and technology, such as assistance and services to promote the acquisition, installation, and use of information technology in the home through low-cost solutions such as networked computers, web-based television devices, and other technology.

“SEC. 3164. AUTHORIZATION OF APPROPRIATIONS.

“For purposes of carrying out this subpart, there is authorized to be appropriated $100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

SEC. . SCHOOL TECHNOLOGY RESOURCE GRANTS.

Section 3114(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6814(a)) is amended by adding at the end the following:

“(3) TEACHER TRAINING IN TECHNOLOGY.—In addition to any other funds appropriated to carry out subpart 2, there are authorized to be appropriated $127,000,000 to carry out subpart 2 (other than section 3136) for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years. Funds appropriated under this paragraph shall be used to carry out teacher training in technology in accordance with subpart 2 (other than section 3136).”.

SEC. . NEW TEACHER TRAINING.

(a) GRANTS AUTHORIZED.—The Secretary of Education is authorized to award grants, on a competitive basis, to institutions of higher education to enable the institutions to train students entering the teaching workforce to use technology effectively in the classroom.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $150,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

CONRAD AMENDMENT NO. 4230

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by them to the bill, S. 2045, supra; as follows:

At the appropriate place, add the following:

SEC. . EXCLUSION OF CERTAIN “J” NONIMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICABLE TO “H-1B” NONIMMIGRANTS.

The numerical limitations contained in section 2 of this Act shall not apply to any nonimmigrant alien granted a waiver that is subject to the limitation contained in paragraph (1)(B) of the first section 214(l) of the Immigration and Nationality Act (relating to restrictions on waivers).

KENNEDY AMENDMENTS NOS. 4231–4237

(Ordered to lie on the table.)

Mr. KENNEDY submitted seven amendments intended to be proposed by him to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4231

At the appropriate place, add the following:

IMPOSITION OF FEES.

Section 214(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A) is amended by striking "(excluding" and all that follows through "2001)" and inserting "(excluding any employer any that is a primary or secondary education installation, an institution of the higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing".

AMENDMENT NO. 4232

At the appropriate place, add the following:

RECRUITMENT FROM UNDERREPRESENTED MINORITY GROUPS.

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by section 202, is further amended by inserting after subparagraph (H) the following:

"(I) The employer certifies that the employer—

"(i) is taking steps to recruit qualified United States workers who are members of underrepresented minority groups, including—

"(I) recruiting at a wide geographical distribution of institutions of higher education, including historically black colleges and universities, other minority institutions, community colleges, and vocational and technical colleges; and

"(II) advertising of jobs to publications reaching underrepresented groups of United States workers, including workers older than 35, minority groups, non-English speakers, and disabled veterans, and

"(ii) will submit to the Secretary of Labor at the end of each fiscal year in which the employer employs an H–1B worker a report that describes the steps so taken.

For purposes of this subparagraph, the term 'minority' includes individuals who are African-American, Hispanic, Asian, and women.".

AMENDMENT NO. 4233

At the appropriate place, add the following:

DEPARTMENT OF LABOR SURVEY; REPORT.

(1) SURVEY.—The Secretary of Labor shall conduct an ongoing survey of the level of compliance by employers with the provisions and requirements of the H–1B visa program. In conducting this survey, the Secretary shall use an independently developed random sample of employers that have petitioned the INS for H–1B visas. The Secretary is authorized to pursue appropriate penalties where appropriate.

(2) REPORT.—Beginning 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary of Labor shall submit a report to Congress containing the findings of the survey conducted during the preceding 2-year period.

AMENDMENT NO. 4234

At the appropriate place, add the following:

USE OF FEES FOR DUTIES RELATING TO PETITIONS.

Section 286(s)(5) of the Immigration and Nationality Act (8 U.S.C. (s)(5) is amended to read as follows:—4 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Attorney General until expended to carry out duties under paragraphs (1) and (9) of section 214(c) related to petitions made for nonimmigrants describes in section 101(a)(15)(H)(i)(b), under paragraph (1)(c) or (D) of section 204 related to petitions for immigrants described in section 203(b), and under section 212(n)(5).

Notwithstanding any other provision of this Act, the figure on page 11, line 2 is deemed to be "22 percent"; the figure on page 12, line 25 deemed to be "4 percent"; and the figure on page 13 line 2 is deemed to be "2 percent".

AMENDMENT NO. 4235

At the appropriate place, add the following:

PARTNERSHIP CONSIDERATIONS.

Consideration in the awarding of grants shall be given to any partnership that involves a labor-management partnership, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of United States workers and obtaining services to meet such needs.

AMENDMENT NO. 4236

Notwithstanding any other provisions, section (g)(5) is null and void and the following section shall apply in lieu thereof:

Section 214(g) of the Immigration and nationality Act (8 U.S.C. 1184(g)), as amended by section 2, is further amended by adding at the end of the following new paragraphs:

"(5)(A) Of the total number of aliens authorized to be granted nonimmigrant status under section 101(a)(15)(H)(i)(b) in a fiscal year, not less than 12,000 shall be nonimmigrant aliens issued visas or otherwise provided status under section 101(a)(15)(H)(i)(b) who are employed (or have received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity;

"(ii) a nonprofit entity that engages in established curriculum-related clinical training of students registered at any such institution; or

(iii) a nonprofit research organization or a government research organization.

"(B) To the extent the 12,000 visas or grants of status specified in subparagraph (A) are not issued or provided by the end of the third quarter of each fiscal year, available for aliens described in paragraph (6) as well as aliens described in subparagraph (A).

"(6) Of the total number of aliens authorized to be granted nonimmigrant status under section 101(a)(15)(H)(i)(b), not less than 40 percent for fiscal year 2000, not less than 45 percent for fiscal year 2001, and not less than 50 percent for fiscal year 2002, are authorized for such status only if the aliens have attained at least a master's degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in the United States or an equivalent degree (as determined in a credential evaluation performed by a private entity prior to filing a petition) from such an institution abroad.".

Notwithstanding any other provision of this Act, the figure on page 2, line 3 is deemed to be "200,000"; the figure on page 2, line 4 is deemed to be "200,000"; and the figure on page 2, line 5 is deemed to be "200,000".

AMENDMENT NO. 4237

Notwithstanding any other provisions, section (g)(5) is null and void and the following section shall apply in lieu thereof:

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 2, is further amended by adding at the end the following new paragraphs:

"(5)(A) Of the total number of aliens authorized to granted nonimmigrant status under section 101(a)(15)(H)(i)(b) in a fiscal year, not less than 12,000 shall be nonimmigrant aliens issued visas or otherwise provided status under section 101(a)(15)(H)(i)(b) who are employed (or have received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity;

"(ii) a nonprofit entity that engages in established curriculum-related clinical training of students registered at any such institution; or

"(iii) a nonprofit research organization or a governmental research organization.

"(B) To the extent the 12,000 visas or grants of status specified in subparagraph (A) are not issued or provided by the end of the third quarter of each fiscal year, available for aliens described in paragraph (6) as well as aliens described in subparagraph (A).

"(6) Of the total number of aliens authorized to be granted nonimmigrant status under section 101(a)(15)(H)(i)(b), not less than 40 percent for fiscal year 2000, not less than 45 percent for fiscal year 2001, and not less than 50 percent for fiscal year 2002, are authorized for such status only if the aliens have attained at least a master's degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in the United States or an equivalent degree (as determined in a credential evaluation performed by a private entity prior to filing a petition) from such an institution abroad.".

Notwithstanding any other provision of this Act, the figure on page 2, line 3 is deemed to be "200,000"; the figure on page 2, line 4 is deemed to be "200,000"; and the figure on page 2, line 5 is deemed to be "200,000".

KENNEDY (AND OTHERS) AMENDMENT NO. 4238

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. REID, Mr. DURBIN, Mr. REED, Mr. GRAHAM, Mr. LEAHY, Mr. WELLSTONE, and Mr. DASCHLE) submitted an amendment intended to be proposed by them to the bill, S. 2045, supra; as follows:

At the appropriate place, insert the following:

TITLE —LATINO AND IMMIGRANT FAIRNESS ACT OF 2000

SEC. 01. SHORT TITLE.

This title may be cited as the "Latino and Immigrant Fairness Act of 2000".

Subtitle A—Central American and Haitian Parity

SEC. 11. SHORT TITLE.

This subtitle may be cited as the "Central American and Haitian Parity Act of 2000".

SEC. 12. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS FROM EL SALVADOR, GUATEMALA, HONDURAS, AND HAITI.

Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the section heading, by striking "NICARAGUANS AND CUBANS" and inserting "NICARAGUANS, CUBANS, SALVADORANS, GUATEMALANS, HONDURANS, AND HAITIANS";

(2) in subsection (a)(1)(A), by striking "2000" and inserting "2003";

(3) in subsection (b)(1), by striking "Nicaragua or Cuba" and inserting "Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti"; and

(4) in subsection (d)—

(A) in subparagraph (A), by striking "Nicaragua or Cuba" and inserting "Nicaragua, Cuba, El Salvador, Guatamala, Honduras, or Haiti; and

(B) in subparagraph (E), by striking "2000" and inserting "2003".

SEC. 13. APPLICATIONS PENDING UNDER AMENDMENTS MADE BY SECTION 203 OF THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

An application for relief properly filed by a national of Guatemala or El Salvador under the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, shall, at the election of the applicant, be considered to be an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by sections 12 and 15 of this Act, upon the payment of any fees, and in accordance with procedures, that the Attorney General shall prescribe by regulation. The Attorney General may not refund any fees paid in connection with an application filed by a national of Guatemala or El Salvador under the amendments made by section 203 of that Act.

SEC. 14. APPLICATIONS PENDING UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

An application for adjustment of status properly filed by a national of Haiti under the Haitian Refugee Immigration Fairness Act of 1998 which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, may be considered by the Attorney General to also constitute an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by sections 12 and 15 of this Act.

SEC. 15. TECHNICAL AMENDMENTS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) In General.—Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: ", and the Attorney General may, in the unreviewable discretion of the Attorney General, waive the grounds of inadmissibility specified in section 212(a)(1) (A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest";

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

"(2) Inapplicability of certain provisions.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act."; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

"(3) Relationship of application to certain orders.—An alien present in the United States who has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.";

(2) in subsection (b)(1), by adding at the end the following: "Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for relief under that subsection in deportation or removal proceedings.";

(3) in subsection (c)(1), by adding at the end the following: "Nothing in this Act requires the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.";

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: "Spouses, Children, and Unmarried Sons and Daughters.—";

(B) by amending the heading of paragraph (1) to read as follows: "Adjustment of Status.—";

(C) by amending paragraph (1)(A) to read as follows:

"(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 2000;";

(D) in paragraph (1)(B), by striking "except that in the case of" and inserting the following: "except that—

"(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 2000; and

"(ii) in the case of"; and

(E) by adding at the end the following new paragraph:

"(3) Eligibility of certain spouses and children for issuance of immigrant visas.—

"(A) In general.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

"(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

"(ii) applies for such a visa within a time period to be established by such regulations.

"(B) Retention of fees for processing applications.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

"(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

"(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.";

(5) in subsection (g), by inserting ", or an immigrant classification," after "for permanent residence"; and

(6) by adding at the end the following new subsection:

"(i) Statutory Construction.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.".

(b) Effective Date.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Nicaraguan and Central American Relief Act. The amendments made by paragraphs (1) (A)-(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. 16. TECHNICAL AMENDMENTS TO THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) In General.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: ", and the Attorney General may waive the grounds of inadmissibility specified in section 212(a)(1)(A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest";

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

"(2) Inapplicability of certain provisions.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, or for permission to reapply for admission to the United States for the purpose of adjustment of status under this section, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act."; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

"(3) Relationship of Application to Certain Orders.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.";

(2) in subsection (b)(1), by adding at the end the following: "Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for such relief under that subsection in deportation or removal proceedings.";

(3) in subsection (c)(1), by adding at the end the following: "Nothing in this Act shall require the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.";

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: "Spouses, Children, and Unmarried Sons and Daughters.—";

(B) by amending the heading of paragraph (1) to read as follows: "Adjustment of Status.—";

(C) by amending paragraph (1)(A), to read as follows:

"(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 2000;";

(D) in paragraph (1)(B), by striking "except that in the case of" and inserting the following: "except that—

"(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 2000; and

"(ii) in the case of";

(E) by adding at the end of paragraph (1) the following new subparagraph:

"(E) the alien applies for such adjustment before April 3, 2003."; and

(F) by adding at the end the following new paragraph:

"(3) Eligibility of Certain Spouses and Children for Issuance of Immigrant Visas.—

"(A) In general.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

"(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

"(ii) applies for such a visa within a time period to be established by such regulations.

"(B) Retention of Fees for Processing Applications.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

"(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

"(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.";

(5) in subsection (g), by inserting ", or an immigrant classification," after "for permanent residence";

(6) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(7) by inserting after subsection (h) the following new subsection:

"(i) Statutory Construction.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.".

(b) Effective Date.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Haitian Refugee Immigration Fairness Act of 1998. The amendments made by paragraphs (1) (A)-(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. 17. MOTIONS TO REOPEN.

(a) Nationals of Haiti.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Haiti who, on the date of enactment of this Act, has a final administrative denial of an application for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998, and is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998.

(b) Nationals of Cuba.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Cuba or Nicaragua who, on the date of enactment of the Act, has a final administrative denial of an application for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act, and who is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act.

Subtitle B—Adjustment of Status of Other Aliens

SEC. 21. ADJUSTMENT OF STATUS.

(a) General Authority.— Notwithstanding any other provision of law, an alien described in paragraph (1) or (2) of subsection (b) shall be eligible for adjustment of status by the Attorney General under the same procedures and under the same grounds of eligibility as are applicable to the adjustment of status of aliens under section 202 of the Nicaraguan Adjustment and Central American Relief Act.

(b) Covered Aliens.—An alien referred to in subsection (a) is—

(1) any alien who was a national of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, any or state of the former Yugoslavia and who has been physically present in the United States for a continuous period, beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment under subsection (a) is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days; and

(2) any alien who is a national of Liberia and who has been physically present in the United States for a continuous period, beginning not later than December 31, 1996, and ending not earlier than the date the application for adjustment under subsection (a) is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

Subtitle C—Restoration of Section 245(i) Adjustment of Status Benefits

SEC. 31. REMOVAL OF CERTAIN LIMITATIONS ON ELIGIBILITY FOR ADJUSTMENT OF STATUS UNDER SECTION 245(i).

(a) In General.—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking "(i)(1)" through "The Attorney General" and inserting the following:

"(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who—

"(A) entered the United States without inspection; or

"(B) is within one of the classes enumerated in subsection (c) of this section;

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General".

(b) Effective Date.—The amendment made by subsection (a) shall be effective as if included in the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119; 111 Stat. 2440).

SEC. 32. USE OF SECTION 245(i) FEES.

Section 245(i)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(3)(B)) is amended to read as follows:

"(B) One-half of any remaining portion of such fees remitted under such paragraphs shall be deposited by the Attorney General into the Immigration Examinations Fee Account established under section 286(m), and one-half of any remaining portion of such fees shall be deposited by the Attorney General into the Breached Bond/Detention Fund established under section 286(r).".

Subtitle D—Extension of Registry Benefits

SEC. 41. SHORT TITLE.

This subtitle may be cited as the "Date of Registry Act of 2000".

SEC. 42. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS.

(a) IN GENERAL.—Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended—

(1) in subsection (a), by striking "January 1, 1972" and inserting "January 1, 1986"; and

(2) by striking "JANUARY 1, 1972" in the heading and inserting "JANUARY 1, 1986".

(b) EFFECTIVE DATES.—

(1) GENERAL RULE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

(2) EXTENSION OF DATE OF REGISTRY.—

(A) PERIOD BEGINNING JANUARY 1, 2002.—Beginning on January 1, 2002, section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended by striking "January 1, 1986" each place it appears and inserting "January 1, 1987".

(B) PERIOD BEGINNING JANUARY 1, 2003.—Beginning on January 1, 2003, section 249 of such Act is amended by striking "January 1, 1987" each place it appears and inserting "January 1, 1988".

(C) PERIOD BEGINNING JANUARY 1, 2004.—Beginning January 1, 2004, section 249 of such Act is amended by striking "January 1, 1988" each place it appears and inserting "January 1, 1989".

(D) PERIOD BEGINNING JANUARY 1, 2005.—Beginning on January 1, 2005, section 249 of such Act is amended by striking "January 1, 1989" each place it appears and inserting "January 1, 1990".

(E) PERIOD BEGINNING JANUARY 1, 2006.—Beginning on January 1, 2006, section 249 of such Act is amended by striking "January 1, 1990" each place it appears and inserting "January 1, 1991".

"RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JULY 1, 1924 OR JANUARY 1, 1986".

(3) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act is amended by amending the item relating to section 249 to read as follows:

"Sec. 249. Record of admission for permanent residence in the case of certain aliens who entered the United States prior to July 1, 1924 or January 1, 1986.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2001, and the amendment made by subsection (a) shall apply to applications to record lawful admission for permanent residence that are filed on or after January 1, 2001.

HATCH AMENDMENT NO. 4239

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the bill, S. 2045, supra; as follows:

On page 1 of the amendment, line 10, strike "(vi)" and insert "(vii)".

On page 2 of the amendment, strike lines 1 through 5 and insert the following:

(2) by striking clause (iv) and inserting the following:

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002;

"(vi) 195,000 in fiscal year 2003; and".

On page 2 of the amendment, line 6, strike "FISCAL YEAR 1999.—" and insert "FISCAL YEARS 1999 AND 2000.—".

On page 2 of the amendment, line 7, strike "Notwithstanding" and insert "(A) Notwithstanding".

On page 2 of the amendment, between lines 17 and 18, insert the following:

(B) In the case of any alien on behalf of whom a petition for status under section 101(a)(15)(H)(I)(b) is filed before September 1, 2000, and is subsequently approved, that alien shall be counted toward the numerical ceiling for fiscal year 2000 notwithstanding the date of the approval of the petition. Notwithstanding section 214(g)(1)(A)(iii) of the Immigration and Nationality Act, the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 2000 is increased by a number equal to the number of aliens who may be issued visas or otherwise provided nonimmigrant status who filed a petition during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(iii) is reached and ending on August 31, 2000.

On page 6 of the amendment, strike lines 16 through 18 and insert the following:

(2) is eligible to be granted that status but for application of the per country limitations applicable to immigrants under those paragraphs,

On page 7 of the amendment, strike lines 22 through 24 and insert the following:

"(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.".

On page 9 of the amendment, between lines 3 and 4, insert the following:

(c) INCREASED JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS.—

(1) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

"(j) JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS TO PERMANENT RESIDENCE.—A petition under subsection (a)(1)(D) for an individual whose application for adjustment of status pursuant to section 245 has been filed and remained unadjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the petition was filed.".

(2) Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following new clause:

"(iv) LONG DELAYED ADJUSTMENT APPLICANTS.—A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.".

(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in paragraph (2). Visas made available under this subsection shall only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act.

(2) NUMBER AVAILABLE.—

(A) IN GENERAL.—Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal year 1999 and 2000 and the number of such visas that were actually used in such fiscal years.

(B) REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas actually used under paragraph (1) for previous fiscal years.

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term "employment-based visa" means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

On page 12 of the amendment, line 3, strike "used" and insert "use".

On page 12 of the amendment, line 21, strike "this" and insert "the".

On page 15 of the amendment, beginning on line 18, strike "All training" and all that follows through "demonstrated" on line 20 and insert the following: "The need for the training shall be justified".

On page 18 of the amendment, line 10, strike "that are in shortage".

On page 18 of the amendment, line 23 and 24, strike "H–1B skill shortage." and insert "single specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.".

On page 19 of the amendment, strike lines 1 through 6.

On page 20 of the amendment, line 23, strike "and".

On page 21 of the amendment, line 2, strike the period and insert "; and".

On page 21 of the amendment, between lines 2 and 3, insert the following:

"(iii) in the case of an application for a grant under subsection (c)(2)(A)(ii), explain what barriers prevent the strategy from being implemented through a grant made under subsection (c)(2)(A)(i).".

On page 21 of the amendment, after line 25, insert the following new section:

SEC. 12. IMPOSITION OF FEES.

Section 214(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A)) is amended by striking "(excluding" and all that follows through "2001)" and inserting "(excluding any employer that is a primary or secondary education institution, an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), a nonprofit entity related to or affiliated with any such institution, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing".

On page 22 of the amendment, line 1, strike "**SEC. 12.**". and insert "**SEC. 13.**".

On page 27 of the amendment, line 1, strike "**SEC. 13.**". and insert "**SEC. 14.**".

ABRAHAM AMENDMENTS NOS. 4240–4259

(Ordered to lie on the table.)

Mr. ABRAHAM submitted 20 amendments intended to be proposed by him to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4240

On page 1 of the amendment, line 10, strike "(vi)" and insert "(vii)".

AMENDMENT NO. 4241

On page 2 of the amendment, strike lines 1 through 5 and insert the following:

(2) by striking clause (iv) and inserting the following:

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002;

"(vi) 195,000 in fiscal year 2003; and".

AMENDMENT NO. 4242

On page 2 of the amendment, line 6, strike "FISCAL YEAR 1999.—" and insert "FISCAL YEARS 1999 AND 2000.—".

AMENDMENT NO. 4243

On page 2 of the amendment, line 7, strike "Notwithstanding" and insert "(A) Notwithstanding".

AMENDMENT NO. 4244

On page 2 of the amendment, between lines 17 and 18, insert the following:

(B) In the case of any alien on behalf of whom a petition for status under section 101(a)(15)(H)(I)(b) is filed before September 1, 2000, and is subsequently approved, that alien shall be counted toward the numerical ceiling for fiscal year 2000 notwithstanding the date of the approval of the petition. Notwithstanding section 214(g)(1)(A)(iii) of the Immigration and Nationality Act, the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 2000 is increased by a number equal to the number of aliens who may be issued visas or otherwise provided nonimmigrant status who filed a petition during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(iii) is reached and ending on August 31, 2000.

AMENDMENT NO. 4245

On page 6 of the amendment, strike lines 16 through 18 and insert the following:

"(2) is eligible to be granted that status but for application of the per country limitations applicable to immigrants under those paragraphs,".

AMENDMENT NO. 4246

On page 7 of the amendment, strike lines 22 through 24 and insert the following:

"(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.".

AMENDMENT NO. 4247

On page 9 of the amendment, between lines 3 and 4, insert the following:

(c) INCREASED JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS.—

(1) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

"(j) JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS TO PERMANENT RESIDENCE.—A petition under subsection (a)(1)(D) for an individual whose application for adjustment of status pursuant to section 245 has been filed and remained unadjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the petition was filed.".

(2) Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following new clause:

"(iv) LONG DELAYED ADJUSTMENT APPLICANTS.—A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.".

(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in paragraph (2). Visas made available under this subsection shall only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act.

(2) NUMBER AVAILABLE.—

(A) IN GENERAL.—Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal year 1999 and 2000 and the number of such visas that were actually used in such fiscal years.

(B) REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas actually used under paragraph (1) for previous fiscal years.

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term "employment-based visa" means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

AMENDMENT NO. 4248

On page 12 of the amendment, line 3, strike "used" and insert "use".

AMENDMENT NO. 4249

On page 12 of the amendment, line 21, strike "this" and insert "the".

AMENDMENT NO. 4250

On page 15 of the amendment, beginning on line 18, strike "All training" and all that follows through "demonstrated" on line 20 and insert the following: "The need for the training shall be justified".

AMENDMENT NO. 4251

On page 16 of the amendment, line 6, insert "section 116(b) or" before "section 117".

AMENDMENT NO. 4252

On page 16 of the amendment, line 20, strike "; and" and insert the following: ": *Provided*, That the activities of such local or regional public-private partnership described in this subsection shall be conducted in coordination with the activities of the relevant local workforce investment board or boards established under the Workforce Investment Act of 1998 (29 U.S.C. 2832)".

AMENDMENT NO. 4253

On page 18 of the amendment, line 10, strike "that are in shortage".

AMENDMENT NO. 4254

On page 18 of the amendment, line 23 and 24, strike "H–1B skill shortage." and insert "single specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.".

AMENDMENT NO. 4255

On page 19 of the amendment, strike lines 1 through 6.

AMENDMENT NO. 4256

On page 20 of the amendment, line 23, strike "and".

AMENDMENT NO. 4257

On page 21 of the amendment, line 2, strike the period and insert "; and".

AMENDMENT NO. 4258

On page 21 of the amendment, between lines 2 and 3, insert the following:

"(iii) in the case of an application for a grant under subsection (c)(2)(A)(ii), explain what barriers prevent the strategy from being implemented through a grant made under subsection (c)(2)(A)(i).".

AMENDMENT NO. 4259

On page 21 of the amendment, after line 25, insert the following new section:

SEC. 12. IMPOSITION OF FEES.

Section 214(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A)) is amended by striking "(excluding" and all that follows through "2001)" and inserting "(excluding any employer that is a primary or secondary education institution, an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), a nonprofit entity related to or affiliated with any such institution, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing".

CLELAND AMENDMENTS NOS. 4260–4261

(Ordered to lie on the table.)

Mr. CLELAND submitted two amendments intended to be proposed by him to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4260

At the end, add the following:

SEC. . IMMIGRANTS TO NEW AMERICANS MODEL PROGRAMS.

(a) SHORT TITLE.—This section may be cited as the "Immigrants to New Americans Act".

(b) FINDINGS.—Congress finds the following:

(1) In 1997, there were an estimated 25,800,000 foreign-born individuals residing in the United States. That number is the largest number of such foreign-born individuals ever in United States history and represents a 6,000,000, or 30 percent, increase over the 1990 census figure of 19,800,000 of such foreign-born individuals. The Bureau of the Census estimates that the recently arrived immigrant population (including the refugee population) currently residing in the Nation will account for 75 percent of the population

growth in the United States over the next 50 years.

(2) For millions of immigrants settling into the Nation's hamlets, towns, and cities, the dream of "life, liberty, and the pursuit of happiness" has become a reality. The wave of immigrants, from various nationalities, who have chosen the United States as their home, has positively influenced the Nation's image and relationship with other nations. The diverse cultural heritage of the Nation's immigrants has helped define the Nation's culture, customs, economy, and communities. By better understanding the people who have immigrated to the Nation, individuals in the United States better understand what it means to be an American.

(3) There is a critical shortage of teachers with the skills needed to educate immigrant students and their families in nonconcentrated, nontraditional, immigrant communities as well as communities with large immigrant populations. The large influx of immigrant families over the last decade presents a national dilemma: The number of such families with school-age children, requiring assistance to successfully participate in elementary schools, secondary schools, and communities in the United States, is increasing without a corresponding increase in the number of teachers with skills to accommodate their needs.

(4) Immigrants arriving in communities across the Nation generally settle into high-poverty areas, where funding for programs to provide immigrant students and their families with the services the students and families need to successfully participate in elementary schools, secondary schools, and communities in the United States is inadequate.

(5) The influx of immigrant families settling into many United States communities is often the result of concerted efforts by local employers who value immigrant labor. Those employers realize that helping immigrants to become productive, prosperous members of a community is beneficial for the local businesses involved, the immigrants, and the community. Further, local businesses benefit from the presence of the immigrant families because the families present businesses with a committed and effective workforce and help to open up new market opportunities. However, many of the communities into which the immigrants have settled need assistance in order to give immigrant students and their families the services the students and families need to successfully participate in elementary schools, secondary schools, and communities, in the United States.

(c) Purpose.—The purpose of this section is to establish a grant program, within the Department of Education, that provides funding to partnerships of local educational agencies and community-based organizations for the development of model programs to provide to immigrant students and their families the services the students and families need to successfully participate in elementary schools, secondary schools, and communities, in the United States.

(d) Definitions.—

(1) Immigrant.—In this section, the term "immigrant" has the meaning given the term in section 101 of the Immigration and Nationality Act.

(2) Other terms.—The terms used in this section have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965.

(e) Program Authorized.—

(1) In general.—The Secretary of Education is authorized to award not more than 10 grants in a fiscal year to eligible partnerships for the design and implementation of model programs to—

(A) assist immigrant students to achieve in elementary schools and secondary schools in the United States by offering such educational services as English as a second language classes, literacy programs, programs for introduction to the education system, and civics education; and

(B) assist parents of immigrant students by offering such services as parent education and literacy development services and by coordinating activities with other entities to provide comprehensive community social services such as health care, job training, child care, and transportation services.

(2) Duration.—Each grant awarded under this section shall be awarded for a period of not more than 5 years. A partnership may use funds made available through the grant for not more than 1 year for planning and program design.

(f) Applications for Grants.—

(1) In general.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(2) Eligible partnerships.—To be eligible to receive a grant under this section, a partnership—

(A) shall include—

(i) at least 1 local educational agency; and

(ii) at least 1 community-based organization; and

(B) may include another entity such as an institution of higher education, a local or State government agency, a private sector entity, or another entity with expertise in working with immigrants.

(3) Required documentation.—Each application submitted by a partnership under this section for a proposed program shall include documentation that—

(A) the partnership has the qualified personnel required to develop, administer, and implement the proposed program; and

(B) the leadership of each participating school has been involved in the development and planning of the program in the school.

(4) Other application contents.—Each application submitted by a partnership under this section for a proposed program shall include—

(A) a list of the organizations entering into the partnership;

(B) a description of the need for the proposed program, including data on the number of immigrant students, and the number of such students with limited English proficiency, in the schools or school districts to be served through the program and the characteristics of the students described in this subparagraph, including—

(i) the native languages of the students to be served;

(ii) the proficiency of the students in English and the native languages;

(iii) achievement data for the students in—

(I) reading or language arts (in English and in the native languages, if applicable); and

(II) mathematics; and

(iv) the previous schooling experiences of the students;

(C) a description of the goals of the program;

(D) a description of how the funds made available through the grant will be used to supplement the basic services provided to the immigrant students to be served;

(E) a description of activities that will be pursued by the partnership through the program, including a description of—

(i) how parents, students, and other members of the community, including members of private organizations and nonprofit organizations, will be involved in the design and implementation of the program;

(ii) how the activities will further the academic achievement of immigrant students served through the program;

(iii) methods of teacher training and parent education that will be used or developed through the program, including the dissemination of information to immigrant parents, that is easily understandable in the language of the parents, about educational programs and the rights of the parents to participate in educational decisions involving their children; and

(iv) methods of coordinating comprehensive community social services to assist immigrant families;

(F) a description of how the partnership will evaluate the progress of the partnership in achieving the goals of the program;

(G) a description of how the local educational agency will disseminate information on model programs, materials, and other information developed under this section that the local educational agency determines to be appropriate for use by other local educational agencies in establishing similar programs to facilitate the educational achievement of immigrant students;

(H) an assurance that the partnership will annually provide to the Secretary such information as may be required to determine the effectiveness of the program; and

(I) any other information that the Secretary may require.

(g) Selection of Grantees.—

(1) Criteria.—The Secretary, through a peer review process, shall select partnerships to receive grants under this section on the basis of the quality of the programs proposed in the applications submitted under subsection (f), taking into consideration such factors as—

(A) the extent to which the program proposed in such an application effectively addresses differences in language, culture, and customs;

(B) the quality of the activities proposed by a partnership;

(C) the extent of parental, student, and community involvement;

(D) the extent to which the partnership will ensure the coordination of comprehensive community social services with the program;

(E) the quality of the plan for measuring and assessing success; and

(F) the likelihood that the goals of the program will be achieved.

(2) Geographic distribution of programs.—The Secretary shall approve applications under this section in a manner that ensures, to the extent practicable, that programs assisted under this section serve different areas of the Nation, including urban, suburban, and rural areas, with special attention to areas that are experiencing an influx of immigrant groups (including refugee groups), and that have limited prior experience in serving the immigrant community.

(h) Evaluation and Program Development.—

(1) Requirement.—Each partnership receiving a grant under this section shall—

(A) conduct a comprehensive evaluation of the program assisted under this section, including an evaluation of the impact of the program on students, teachers, administrators, parents, and others; and

(B) prepare and submit to the Secretary a report containing the results of the evaluation.

(2) EVALUATION REPORT COMPONENTS.—Each evaluation report submitted under this section for a program shall include—

(A) data on the partnership's progress in achieving the goals of the program;

(B) data showing the extent to which all students served by the program are meeting the State's student performance standards, including—

(i) data comparing the students served to other students, with regard to grade retention and academic achievement in reading and language arts, in English and in the native languages of the students if the program develops native language proficiency, and in mathematics; and

(ii) a description of how the activities carried out through the program are coordinated and integrated with the overall school program of the school in which the program described in this section is carried out, and with other Federal, State, or local programs serving limited English proficient students;

(C) data showing the extent to which families served by the program have been afforded access to comprehensive community social services; and

(D) such other information as the Secretary may require.

(i) ADMINISTRATIVE FUNDS.—A partnership that receives a grant under this section may use not more than 5 percent of the grant funds received under this section for administrative purposes.

(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

AMENDMENT NO. 4261

At the end, add the following:

SEC. . IMMIGRANTS TO NEW AMERICANS MODEL PROGRAMS.

(a) SHORT TITLE.—This section may be cited as the "Immigrants to New Americans Act".

(b) FINDINGS.—Congress finds the following:

(1) In 1997, there were an estimated 25,800,000 foreign-born individuals residing in the United States. That number is the largest number of such foreign-born individuals ever in United States history and represents a 6,000,000, or 30 percent, increase over the 1990 census figure of 19,800,000 of such foreign-born individuals. The Bureau of the Census estimates that the recently arrived immigrant population (including the refugee population) currently residing in the Nation will account for 75 percent of the population growth in the United States over the next 50 years.

(2) For millions of immigrants settling into the Nation's hamlets, towns, and cities, the dream of "life, liberty, and the pursuit of happiness" has become a reality. The wave of immigrants, from various nationalities, who have chosen the United States as their home, has positively influenced the Nation's image and relationship with other nations. The diverse cultural heritage of the Nation's immigrants has helped define the Nation's culture, customs, economy, and communities. By better understanding the people who have immigrated to the Nation, individuals in the United States better understand what it means to be an American.

(3) There is a critical shortage of teachers with the skills needed to educate immigrant students and their families in nonconcentrated, nontraditional, immigrant communities as well as communities with large immigrant populations. The large influx of immigrant families over the last decade presents a national dilemma: The number of such families with school-age children, requiring assistance to successfully participate in elementary schools, secondary schools, and communities in the United States, is increasing without a corresponding increase in the number of teachers with skills to accommodate their needs.

(4) Immigrants arriving in communities across the Nation generally settle into high-poverty areas, where funding for programs to provide immigrant students and their families with the services the students and families need to successfully participate in elementary schools, secondary schools, and communities in the United States is inadequate.

(5) The influx of immigrant families settling into many United States communities is often the result of concerted efforts by local employers who value immigrant labor. Those employers realize that helping immigrants to become productive, prosperous members of a community is beneficial for the local businesses involved, the immigrants, and the community. Further, local businesses benefit from the presence of the immigrant families because the families present businesses with a committed and effective workforce and help to open up new market opportunities. However, many of the communities into which the immigrants have settled need assistance in order to give immigrant students and their families the services the students and families need to successfully participate in elementary schools, secondary schools, and communities, in the United States.

(c) PURPOSE.—The purpose of this section is to establish a grant program, within the Department of Education, that provides funding to partnerships of local educational agencies and community-based organizations for the development of model programs to provide to immigrant students and their families the services the students and families need to successfully participate in elementary schools, secondary schools, and communities, in the United States.

(d) DEFINITIONS.—

(1) IMMIGRANT.—In this section, the term "immigrant" has the meaning given the term in section 101 of the Immigration and Nationality Act.

(2) OTHER TERMS.—The terms used in this section have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965.

(e) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Education is authorized to award not more than 10 grants in a fiscal year to eligible partnerships for the design and implementation of model programs to—

(A) assist immigrant students to achieve in elementary schools and secondary schools in the United States by offering such educational services as English as a second language classes, literacy programs, programs for introduction to the education system, and civics education; and

(B) assist parents of immigrant students by offering such services as parent education and literacy development services and by coordinating activities with other entities to provide comprehensive community social services such as health care, job training, child care, and transportation services.

(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 5 years. A partnership may use funds made available through the grant for not more than 1 year for planning and program design.

(f) APPLICATIONS FOR GRANTS.—

(1) IN GENERAL.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(2) ELIGIBLE PARTNERSHIPS.—To be eligible to receive a grant under this section, a partnership—

(A) shall include—

(i) at least 1 local educational agency; and

(ii) at least 1 community-based organization; and

(B) may include another entity such as an institution of higher education, a local or State government agency, a private sector entity, or another entity with expertise in working with immigrants.

(3) REQUIRED DOCUMENTATION.—Each application submitted by a partnership under this section for a proposed program shall include documentation that—

(A) the partnership has the qualified personnel required to develop, administer, and implement the proposed program; and

(B) the leadership of each participating school has been involved in the development and planning of the program in the school.

(4) OTHER APPLICATION CONTENTS.—Each application submitted by a partnership under this section for a proposed program shall include—

(A) a list of the organizations entering into the partnership;

(B) a description of the need for the proposed program, including data on the number of immigrant students, and the number of such students with limited English proficiency, in the schools or school districts to be served through the program and the characteristics of the students described in this subparagraph, including—

(i) the native languages of the students to be served;

(ii) the proficiency of the students in English and the native languages;

(iii) achievement data for the students in—

(I) reading or language arts (in English and in the native languages, if applicable); and

(II) mathematics; and

(iv) the previous schooling experiences of the students;

(C) a description of the goals of the program;

(D) a description of how the funds made available through the grant will be used to supplement the basic services provided to the immigrant students to be served;

(E) a description of activities that will be pursued by the partnership through the program, including a description of—

(i) how parents, students, and other members of the community, including members of private organizations and nonprofit organizations, will be involved in the design and implementation of the program;

(ii) how the activities will further the academic achievement of immigrant students served through the program;

(iii) methods of teacher training and parent education that will be used or developed through the program, including the dissemination of information to immigrant parents, that is easily understandable in the language of the parents, about educational programs and the rights of the parents to participate in educational decisions involving their children; and

(iv) methods of coordinating comprehensive community social services to assist immigrant families;

(F) a description of how the partnership will evaluate the progress of the partnership in achieving the goals of the program;

(G) a description of how the local educational agency will disseminate information on model programs, materials, and other information developed under this section that the local educational agency determines to be appropriate for use by other local educational agencies in establishing similar programs to facilitate the educational achievement of immigrant students;

(H) an assurance that the partnership will annually provide to the Secretary such information as may be required to determine the effectiveness of the program; and

(I) any other information that the Secretary may require.

(g) Selection of Grantees.—

(1) Criteria.—The Secretary, through a peer review process, shall select partnerships to receive grants under this section on the basis of the quality of the programs proposed in the applications submitted under subsection (f), taking into consideration such factors as—

(A) the extent to which the program proposed in such an application effectively addresses differences in language, culture, and customs;

(B) the quality of the activities proposed by a partnership;

(C) the extent of parental, student, and community involvement;

(D) the extent to which the partnership will ensure the coordination of comprehensive community social services with the program;

(E) the quality of the plan for measuring and assessing success; and

(F) the likelihood that the goals of the program will be achieved.

(2) Geographic distribution of programs.—The Secretary shall approve applications under this section in a manner that ensures, to the extent practicable, that programs assisted under this section serve different areas of the Nation, including urban, suburban, and rural areas, with special attention to areas that are experiencing an influx of immigrant groups (including refugee groups), and that have limited prior experience in serving the immigrant community.

(h) Evaluation and Program Development.—

(1) Requirement.—Each partnership receiving a grant under this section shall—

(A) conduct a comprehensive evaluation of the program assisted under this section, including an evaluation of the impact of the program on students, teachers, administrators, parents, and others; and

(B) prepare and submit to the Secretary a report containing the results of the evaluation.

(2) Evaluation report components.—Each evaluation report submitted under this section for a program shall include—

(A) data on the partnership's progress in achieving the goals of the program;

(B) data showing the extent to which all students served by the program are meeting the State's student performance standards, including—

(i) data comparing the students served to other students, with regard to grade retention and academic achievement in reading and language arts, in English and in the native languages of the students if the program develops native language proficiency, and in mathematics; and

(ii) a description of how the activities carried out through the program are coordinated and integrated with the overall school program of the school in which the program described in this section is carried out, and with other Federal, State, or local programs serving limited English proficient students;

(C) data showing the extent to which families served by the program have been afforded access to comprehensive community social services; and

(D) such other information as the Secretary may require.

(i) Administrative Funds.—A partnership that receives a grant under this section may use not more than 5 percent of the grant funds received under this section for administrative purposes.

(j) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

FEINGOLD AMENDMENT NO. 4262

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill, S. 2045, supra; as follows:

At the end of the substitute, add the following:

SECTION 12. TRAFFIC STOPS STATISTICS STUDY.

(a) Short Title.—This section may be cited as the "Traffic Stops Statistics Study Act of 2000".

(b) Study.—

(1) In general.—The Attorney General shall conduct a nationwide study of stops for traffic violations by law enforcement officers.

(2) Initial analysis.—The Attorney General shall perform an initial analysis of existing data, including complaints alleging and other information concerning traffic stops motivated by race and other bias.

(3) Data collection.—After completion of the initial analysis under paragraph (2), the Attorney General shall then gather the following data on traffic stops from a nationwide sample of jurisdictions, including jurisdictions identified in the initial analysis:

(A) The traffic infraction alleged to have been committed that led to the stop.

(B) Identifying characteristics of the driver stopped, including the race, gender, ethnicity, and approximate age of the driver.

(C) Whether immigration status was questioned, immigration documents were requested, or an inquiry was made to the Immigration and Naturalization Service with regard to any person in the vehicle.

(D) The number of individuals in the stopped vehicle.

(E) Whether a search was instituted as a result of the stop and whether consent was requested for the search.

(F) Any alleged criminal behavior by the driver that justified the search.

(G) Any items seized, including contraband or money.

(H) Whether any warning or citation was issued as a result of the stop.

(I) Whether an arrest was made as a result of either the stop or the search and the justification for the arrest.

(J) The duration of the stop.

(c) Reporting.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report the results of its initial analysis to Congress, and make such report available to the public, and identify the jurisdictions for which the study is to be conducted. Not later than 2 years after the date of the enactment of this Act, the Attorney General shall report the results of the data collected under this Act to Congress, a copy of which shall also be published in the Federal Register.

(d) Grant Program.—In order to complete the study described in subsection (b), the Attorney General may provide grants to law enforcement agencies to collect and submit the data described in subsection (b) to the appropriate agency as designated by the Attorney General.

(e) Limitation on Use of Data.—Information released pursuant to this section shall not reveal the identity of any individual who is stopped or any law enforcement officer involved in a traffic stop.

(f) Definitions.—For purposes of this section:

(1) Law enforcement agency.—The term "law enforcement agency" means an agency of a State or political subdivision of a State, authorized by law or by a Federal, State, or local government agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws, or a federally recognized Indian tribe.

(2) Indian tribe.—The term "Indian tribe" means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe.

(g) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

FEINGOLD AMENDMENT NO. 4263

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to the amendment No. 4177 proposed by Mr. Lott to the bill, S. 2045, supra; as follows:

At the end of the matter proposed to be inserted, add the following:

SECTION 12. TRAFFIC STOPS STATISTICS STUDY.

(a) Short Title.—This section may be cited as the "Traffic Stops Statistics Study Act of 2000".

(b) Study.—

(1) In general.—The Attorney General shall conduct a nationwide study of stops for traffic violations by law enforcement officers.

(2) Initial analysis.—The Attorney General shall perform an initial analysis of existing data, including complaints alleging and other information concerning traffic stops motivated by race and other bias.

(3) Data collection.—After completion of the initial analysis under paragraph (2), the Attorney General shall then gather the following data on traffic stops from a nationwide sample of jurisdictions, including jurisdictions identified in the initial analysis:

(A) The traffic infraction alleged to have been committed that led to the stop.

(B) Identifying characteristics of the driver stopped, including the race, gender, ethnicity, and approximate age of the driver.

(C) Whether immigration status was questioned, immigration documents were requested, or an inquiry was made to the Immigration and Naturalization Service with regard to any person in the vehicle.

(D) The number of individuals in the stopped vehicle.

(E) Whether a search was instituted as a result of the stop and whether consent was requested for the search.

(F) Any alleged criminal behavior by the driver that justified the search.

(G) Any items seized, including contraband or money.

(H) Whether any warning or citation was issued as a result of the stop.

(I) Whether an arrest was made as a result of either the stop or the search and the justification for the arrest.

(J) The duration of the stop.

(c) REPORTING.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report the results of its initial analysis to Congress, and make such report available to the public, and identify the jurisdictions for which the study is to be conducted. Not later than 2 years after the date of the enactment of this Act, the Attorney General shall report the results of the data collected under this Act to Congress, a copy of which shall also be published in the Federal Register.

(d) GRANT PROGRAM.—In order to complete the study described in subsection (b), the Attorney General may provide grants to law enforcement agencies to collect and submit the data described in subsection (b) to the appropriate agency as designated by the Attorney General.

(e) LIMITATION ON USE OF DATA.—Information released pursuant to this section shall not reveal the identity of any individual who is stopped or any law enforcement officer involved in a traffic stop.

(f) DEFINITIONS.—For purposes of this section:

(1) LAW ENFORCEMENT AGENCY.—The term "law enforcement agency" means an agency of a State or political subdivision of a State, authorized by law or by a Federal, State, or local government agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws, or a federally recognized Indian tribe.

(2) INDIAN TRIBE.—The term "Indian tribe" means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

HUTCHISON AMENDMENT NO. 4264

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 2045, supra; as follows:

At the appropriate place, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the 'International Patient Act of 2000'.

SEC. 2. THREE-YEAR PILOT PROGRAM TO EXTEND VOLUNTARY DEPARTURE PERIOD FOR CERTAIN NONIMMIGRANT ALIENS REQUIRING MEDICAL TREATMENT WHO WERE ADMITTED UNDER VISA WAIVER PILOT PROGRAM.

Section 240B(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1229c(a)(2)) is amended to read as follows:

"(2) PERIOD.—

"(A) IN GENERAL.—Subject to subparagraph (B), permission to depart voluntarily under this subsection shall not be valid for a period exceeding 120 days.

"(B) 3-YEAR PILOT PROGRAM WAIVER.—During the period October 1, 2000, through September 30, 2003, and subject to subparagraphs (C) and (D)(ii), the Attorney General may, in the discretion of the Attorney General for humanitarian purposes, waive application of subparagraph (A) in the case of an alien—

"(i) who was admitted to the United States as a nonimmigrant visitor (described in section 101(a)(15)(B)) under the provisions of the visa waiver pilot program established pursuant to section 217, seeks the waiver for the purpose of continuing to receive medical treatment in the United States from a physician associated with a health care facility, and submits to the Attorney General—

"(I) a detailed diagnosis statement from the physician, which includes the treatment being sought and the expected time period the alien will be required to remain in the United States;

"(II) a statement from the health care facility containing an assurance that the alien's treatment is not being paid through any Federal or State public health assistance, that the alien's account has no outstanding balance, and that such facility will notify the Service when the alien is released or treatment is terminated; and

"(III) evidence of financial ability to support the alien's day-to-day expenses while in the United States (including the expenses of any family member described in clause (ii)) and evidence that any such alien or family member is not receiving any form of public assistance; or

"(ii) who—

"(I) is a spouse, parent, brother, sister, son, daughter, or other family member of a principal alien described in clause (i); and

"(II) entered the United States accompanying, and with the same status as, such principal alien.

"(C) WAIVER LIMITATIONS—

"(i) Waivers under subparagraph (B) may be granted only upon a request submitted by a Service district office to Service headquarters.

"(ii) Not more than 300 waivers may be granted for any fiscal year for a principal alien under subparagraph (B)(i).

"(iii)(I) Except as provided in subclause (II), in the case of each principal alien described in subparagraph (B)(i) not more than one audit may be granted a waiver under subparagraph (B)(ii).

"(II) Not more than two adults may be granted a waiver under subparagraph (B)(ii) in a case in which—

"(aa) the principal alien described in subparagraph (B)(i) is a dependent under the age of 18; or

"(bb) one such adult is age 55 or older or is physically handicapped.

"(D) REPORT TO CONGRESS; SUSPENSION OF WAIVER AUTHORITY—

"(i) Not later than March 30 of each year, the Commissioner shall submit to the Congress an annual report regarding all waivers granted under subparagraph (B) during the preceding fiscal year.

"(ii) Notwithstanding any other provision of law, the authority of the Attorney General under subparagraph (B) shall be suspended during any period in which an annual report under clause (i) is past due and has not been submitted.".

FEINSTEIN AMENDMENTS NOS. 4265–4266

(Ordered to lie on the table.)

Mr. DASCHLE (for Mrs. FEINSTEIN) submitted two amendments intended to be proposed by her to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4265

At the appropriate place, insert the following:

TITLE II—IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Immigration Services and Infrastructure Improvements Act of 2000".

SEC. 202. CONGRESSIONAL FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Applications for naturalization have increased dramatically in recent years, outpacing the Immigration and Naturalization Service's ability to process them.

(2) The dramatic increase in applications for naturalization and the inability of the Immigration and Naturalization Service to deal with them adequately has resulted in an unacceptably large backlog in naturalization adjudications.

(3) The processing times in the Immigration and Naturalization Service's other immigration benefits have been unacceptably long. Applicants for family- and employment-based visas are waiting as long as 3 to 4 years to obtain a visa or an adjustment to lawful permanent resident status.

(4) In California, the delays in processing adjustment of status applications have averaged 52 months. In Texas, the delays have averaged 69 months. Residents of New York have had to wait up to 28 months; in Florida, 26 months; in Illinois, 37 months; in Oregon, 31 months; and in Arizona, 49 months. Most other States have experienced unacceptably long processing and adjudication delays.

(5) Applicants pay fees to have their applications adjudicated in a timely manner. These fees have increased dramatically in recent years without a commensurate increase in the capability of that Immigration and Naturalization Service to process and adjudicate these cases in an efficient manner.

(6) Processing these applications in a timely fashion is critical. Each 12-month delay in adjudicating an adjustment of status application requires the alien to file applications to extend employment authorization to work and advance parole documents to travel.

(7) The enormous delays in processing applications for families and businesses have had a negative impact on the reunification of spouses and minor children and the ability of law-abiding and contributing members of our communities to participate fully in the civic life of the United States.

(8) United States employers have also experienced debilitating delays in hiring employees who contribute to the economic growth of the United States. These delays have forced employers to send highly skilled and valued employees out of the United States because their immigrant petitions were not approved in a timely fashion. Such disruptions seriously threaten the competitive edge of the United States in the global marketplace.

(b) PURPOSES.—The purposes of this title are to—

(1) provide the Immigration and Naturalization Service with the mechanisms it needs to eliminate the current backlog in the processing of immigration benefit applications within 1 year after enactment of this Act and to maintain the elimination of the backlog in future years; and

(2) provide for regular congressional oversight of the performance of the Immigration and Naturalization Service in eliminating the backlog and processing delays in immigration benefits adjudications.

(c) POLICY.—It is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application, except that a petition for a nonimmigrant visa under section 214(c) of the Immigration and Nationality Act should be processed not later than 30 days after the filing of the petition.

SEC. 203. DEFINITIONS.

In this title:

(1) Backlog.—The term "backlog" means, with respect to an immigration benefit application, the period of time in excess of 180 days that such application has been pending before the Immigration and Naturalization Service.

(2) Immigration benefit application.—The term "immigration benefit application" means any application or petition to confer, certify, change, adjust, or extend any status granted under the Immigration and Nationality Act.

SEC. 204. IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENT ACCOUNT.

(a) Authority of the Attorney General.—The Attorney General shall take such measures as may be necessary to—

(1) reduce the backlog in the processing of immigration benefit applications, with the objective of the total elimination of the backlog not later than one year after the date of enactment of this Act;

(2) make such other improvements in the processing of immigration benefit applications as may be necessary to ensure that a backlog does not develop after such date; and

(3) make such improvements in infrastructure as may be necessary to effectively provide immigration services.

(b) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to the Department of Justice from time to time such sums as may be necessary for the Attorney General to carry out subsection (a).

(2) Designation of account in treasury.—Amounts appropriated pursuant to paragraph (1) may be referred to as the "Immigration Services and Infrastructure Improvements Account".

(3) Availability of funds.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(4) Limitation on expenditures.—None of the funds appropriated pursuant to paragraph (1) may be expended until the report described in section 205(a) has been submitted to Congress.

SEC. 205. REPORTS TO CONGRESS.

(a) Backlog Elimination Plan.—

(1) Report required.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning—

(A) the backlogs in immigration benefit applications in existence as of the date of enactment of this title; and

(B) the Attorney General's plan for eliminating such backlogs.

(2) Report elements.—The report shall include—

(A) an assessment of the data systems used in adjudicating and reporting on the status of immigration benefit applications, including—

(i) a description of the adequacy of existing computer hardware, computer software, and other mechanisms to comply with the adjudications and reporting requirements of this title; and

(ii) a plan for implementing improvements to existing data systems to accomplish the purpose of this title, as described in section 202(b);

(B) a description of the quality controls to be put into force to ensure timely, fair, accurate, and complete processing and adjudication of such applications;

(C) the elements specified in subsection (b)(2);

(D) an estimate of the amount of appropriated funds that would be necessary in order to eliminate the backlogs in each category of immigration benefit applications described in subsection (b)(2); and

(E) a detailed plan on how the Attorney General will use any funds in the Immigration Services and Infrastructure Improvements Account to comply with the purposes of this title.

(b) Annual Reports.—

(1) In general.—Beginning 90 days after the end of the first fiscal year for which any appropriation authorized by section 204(b) is made, and 90 days after the end of each fiscal year thereafter, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning the status of—

(A) the Immigration Services and Infrastructure Improvements Account including any unobligated balances of appropriations in the Account; and

(B) the Attorney General's efforts to eliminate backlogs in any immigration benefit application described in paragraph (2).

(2) Report elements.—The report shall include—

(A) State-by-State data on—

(i) the number of naturalization cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for naturalization applications;

(iii) the number of naturalization applications pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) estimated processing times adjudicating newly submitted naturalization applications;

(v) an analysis of the appropriate processing times for naturalization applications; and

(vi) the additional resources and process changes needed to eliminate the backlog for naturalization adjudications;

(B) the status of applications or, where applicable, petitions described in subparagraph (C), by Immigration and Naturalization Service district, including—

(i) the number of cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for such applications or petitions;

(iii) the number of applications or petitions pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) the estimated processing times adjudicating newly submitted applications or petitions;

(v) an analysis of the appropriate processing times for applications or petitions; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications; and

(C) a status report on—

(i) applications for adjustments of status to that of an alien lawfully admitted for permanent residence;

(ii) petitions for nonimmigrant visas under section 214 of the Immigration and Nationality Act;

(iii) petitions filed under section 204 of such Act to classify aliens as immediate relatives or preference immigrants under section 203 of such Act;

(iv) applications for asylum under section 208 of such Act;

(v) registrations for Temporary Protected Status under section 244 of such Act; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications.

(3) Absence of appropriated funds.—In the event that no funds are appropriated subject to section 204(b) in the fiscal year in which this Act is enacted, the Attorney General shall submit a report to Congress not later than 90 days after the end of such fiscal year, and each fiscal year thereafter, containing the elements described in paragraph (2).

AMENDMENT NO. 4266

At the appropriate place, insert the following:

TITLE II—IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Immigration Services and Infrastructure Improvements Act of 2000".

SEC. 202. CONGRESSIONAL FINDINGS AND PURPOSES.

(a) Findings.—Congress makes the following findings:

(1) Applications for naturalization have increased dramatically in recent years, outpacing the Immigration and Naturalization Service's ability to process them.

(2) The dramatic increase in applications for naturalization and the inability of the Immigration and Naturalization Service to deal with them adequately has resulted in an unacceptably large backlog in naturalization adjudications.

(3) The processing times in the Immigration and Naturalization Service's other immigration benefits have been unacceptably long. Applicants for family- and employment-based visas are waiting as long as 3 to 4 years to obtain a visa or an adjustment to lawful permanent resident status.

(4) In California, the delays in processing adjustment of status applications have averaged 52 months. In Texas, the delays have averaged 69 months. Residents of New York have had to wait up to 28 months; in Florida, 26 months; in Illinois, 37 months; in Oregon, 31 months; and in Arizona, 49 months. Most other States have experienced unacceptably long processing and adjudication delays.

(5) Applicants pay fees to have their applications adjudicated in a timely manner. These fees have increased dramatically in recent years without a commensurate increase in the capability of that Immigration and Naturalization Service to process and adjudicate these cases in an efficient manner.

(6) Processing these applications in a timely fashion is critical. Each 12-month delay in adjudicating an adjustment of status application requires the alien to file applications to extend employment authorization to work and advance parole documents to travel.

(7) The enormous delays in processing applications for families and businesses have had a negative impact on the reunification of spouses and minor children and the ability of law-abiding and contributing members of our communities to participate fully in the civic life of the United States.

(8) United States employers have also experienced debilitating delays in hiring employees who contribute to the economic growth of the United States. These delays have forced employers to send highly skilled and valued employees out of the United States because their immigrant petitions were not approved in a timely fashion. Such disruptions seriously threaten the competitive edge of the United States in the global marketplace.

(b) PURPOSES.—The purposes of this title are to—

(1) provide the Immigration and Naturalization Service with the mechanisms it needs to eliminate the current backlog in the processing of immigration benefit applications within 1 year after enactment of this Act and to maintain the elimination of the backlog in future years; and

(2) provide for regular congressional oversight of the performance of the Immigration and Naturalization Service in eliminating the backlog and processing delays in immigration benefits adjudications.

(c) POLICY.—It is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application, except that a petition for a nonimmigrant visa under section 214(c) of the Immigration and Nationality Act should be processed not later than 30 days after the filing of the petition.

SEC. 203. DEFINITIONS.

In this title:

(1) BACKLOG.—The term "backlog" means, with respect to an immigration benefit application, the period of time in excess of 180 days that such application has been pending before the Immigration and Naturalization Service.

(2) IMMIGRATION BENEFIT APPLICATION.—The term "immigration benefit application" means any application or petition to confer, certify, change, adjust, or extend any status granted under the Immigration and Nationality Act.

SEC. 204. IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENT ACCOUNT.

(a) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General shall take such measures as may be necessary to—

(1) reduce the backlog in the processing of immigration benefit applications, with the objective of the total elimination of the backlog not later than one year after the date of enactment of this Act;

(2) make such other improvements in the processing of immigration benefit applications as may be necessary to ensure that a backlog does not develop after such date; and

(3) make such improvements in infrastructure as may be necessary to effectively provide immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of Justice from time to time such sums as may be necessary for the Attorney General to carry out subsection (a).

(2) DESIGNATION OF ACCOUNT IN TREASURY.—Amounts appropriated pursuant to paragraph (1) may be referred to as the "Immigration Services and Infrastructure Improvements Account".

(3) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(4) LIMITATION ON EXPENDITURES.—None of the funds appropriated pursuant to paragraph (1) may be expended until the report described in section 205(a) has been submitted to Congress.

SEC. 205. REPORTS TO CONGRESS.

(a) BACKLOG ELIMINATION PLAN.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning—

(A) the backlogs in immigration benefit applications in existence as of the date of enactment of this title; and

(B) the Attorney General's plan for eliminating such backlogs.

(2) REPORT ELEMENTS.—The report shall include—

(A) an assessment of the data systems used in adjudicating and reporting on the status of immigration benefit applications, including—

(i) a description of the adequacy of existing computer hardware, computer software, and other mechanisms to comply with the adjudications and reporting requirements of this title; and

(ii) a plan for implementing improvements to existing data systems to accomplish the purpose of this title, as described in section 202(b);

(B) a description of the quality controls to be put into force to ensure timely, fair, accurate, and complete processing and adjudication of such applications;

(C) the elements specified in subsection (b)(2);

(D) an estimate of the amount of appropriated funds that would be necessary in order to eliminate the backlogs in each category of immigration benefit applications described in subsection (b)(2); and

(E) a detailed plan on how the Attorney General will use any funds in the Immigration Services and Infrastructure Improvements Account to comply with the purposes of this title.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Beginning 90 days after the end of the first fiscal year for which any appropriation authorized by section 204(b) is made, and 90 days after the end of each fiscal year thereafter, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning the status of—

(A) the Immigration Services and Infrastructure Improvements Account including any unobligated balances of appropriations in the Account; and

(B) the Attorney General's efforts to eliminate backlogs in any immigration benefit application described in paragraph (2).

(2) REPORT ELEMENTS.—The report shall include—

(A) State-by-State data on—

(i) the number of naturalization cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for naturalization applications;

(iii) the number of naturalization applications pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) estimated processing times adjudicating newly submitted naturalization applications;

(v) an analysis of the appropriate processing times for naturalization applications; and

(vi) the additional resources and process changes needed to eliminate the backlog for naturalization adjudications;

(B) the status of applications or, where applicable, petitions described in subparagraph (C), by Immigration and Naturalization Service district, including—

(i) the number of cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for such applications or petitions;

(iii) the number of applications or petitions pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) the estimated processing times adjudicating newly submitted applications or petitions;

(v) an analysis of the appropriate processing times for applications or petitions; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications; and

(C) a status report on—

(i) applications for adjustments of status to that of an alien lawfully admitted for permanent residence;

(ii) petitions for nonimmigrant visas under section 214 of the Immigration and Nationality Act;

(iii) petitions filed under section 204 of such Act to classify aliens as immediate relatives or preference immigrants under section 203 of such Act;

(iv) applications for asylum under section 208 of such Act;

(v) registrations for Temporary Protected Status under section 244 of such Act; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications.

(3) ABSENCE OF APPROPRIATED FUNDS.—In the event that no funds are appropriated subject to section 204(b) in the fiscal year in which this Act is enacted, the Attorney General shall submit a report to Congress not later than 90 days after the end of such fiscal year, and each fiscal year thereafter, containing the elements described in paragraph (2).

FEINSTEIN AMENDMENTS NOS. 4267–4268

(Ordered to lie on the table.)

Mr. DASCHLE (for Mrs. FEINSTEIN) submitted two amendments to be proposed by her to amendment No. 4183 proposed by Mr. LOTT (for Mr. CONRAD) to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4267

On line 9, strike "waivers).", and insert the following:

waivers and authority to change status).

TITLE II—IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Immigration Services and Infrastructure Improvements Act of 2000".

SEC. 202. CONGRESSIONAL FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Applications for naturalization have increased dramatically in recent years, outpacing the Immigration and Naturalization Service's ability to process them.

(2) The dramatic increase in applications for naturalization and the inability of the Immigration and Naturalization Service to deal with them adequately has resulted in an unacceptably large backlog in naturalization adjudications.

(3) The processing times in the Immigration and Naturalization Service's other immigration benefits have been unacceptably long. Applicants for family- and employment-based visas are waiting as long as 3 to 4 years to obtain a visa or an adjustment to lawful permanent resident status.

(4) In California, the delays in processing adjustment of status applications have averaged 52 months. In Texas, the delays have averaged 69 months. Residents of New York have had to wait up to 28 months; in Florida, 26 months; in Illinois, 37 months; in Oregon,

31 months; and in Arizona, 49 months. Most other States have experienced unacceptably long processing and adjudication delays.

(5) Applicants pay fees to have their applications adjudicated in a timely manner. These fees have increased dramatically in recent years without a commensurate increase in the capability of that Immigration and Naturalization Service to process and adjudicate these cases in an efficient manner.

(6) Processing these applications in a timely fashion is critical. Each 12-month delay in adjudicating an adjustment of status application requires the alien to file applications to extend employment authorization to work and advance parole documents to travel.

(7) The enormous delays in processing applications for families and businesses have had a negative impact on the reunification of spouses and minor children and the ability of law-abiding and contributing members of our communities to participate fully in the civic life of the United States.

(8) United States employers have also experienced debilitating delays in hiring employees who contribute to the economic growth of the United States. These delays have forced employers to send highly skilled and valued employees out of the United States because their immigrant petitions were not approved in a timely fashion. Such disruptions seriously threaten the competitive edge of the United States in the global marketplace.

(b) Purposes.—The purposes of this title are to—

(1) provide the Immigration and Naturalization Service with the mechanisms it needs to eliminate the current backlog in the processing of immigration benefit applications within 1 year after enactment of this Act and to maintain the elimination of the backlog in future years; and

(2) provide for regular congressional oversight of the performance of the Immigration and Naturalization Service in eliminating the backlog and processing delays in immigration benefits adjudications.

(c) Policy.—It is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application, except that a petition for a nonimmigrant visa under section 214(c) of the Immigration and Nationality Act should be processed not later than 30 days after the filing of the petition.

SEC. 203. DEFINITIONS.

In this title:

(1) Backlog.—The term "backlog" means, with respect to an immigration benefit application, the period of time in excess of 180 days that such application has been pending before the Immigration and Naturalization Service.

(2) Immigration benefit application.—The term "immigration benefit application" means any application or petition to confer, certify, change, adjust, or extend any status granted under the Immigration and Nationality Act.

SEC. 204. IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENT ACCOUNT.

(a) Authority of the Attorney General.—The Attorney General shall take such measures as may be necessary to—

(1) reduce the backlog in the processing of immigration benefit applications, with the objective of the total elimination of the backlog not later than one year after the date of enactment of this Act;

(2) make such other improvements in the processing of immigration benefit applications as may be necessary to ensure that a backlog does not develop after such date; and

(3) make such improvements in infrastructure as may be necessary to effectively provide immigration services.

(b) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to the Department of Justice from time to time such sums as may be necessary for the Attorney General to carry out subsection (a).

(2) Designation of account in treasury.—Amounts appropriated pursuant to paragraph (1) may be referred to as the "Immigration Services and Infrastructure Improvements Account".

(3) Availability of funds.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(4) Limitation on expenditures.—None of the funds appropriated pursuant to paragraph (1) may be expended until the report described in section 205(a) has been submitted to Congress.

SEC. 205. REPORTS TO CONGRESS.

(a) Backlog Elimination Plan.—

(1) Report required.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning—

(A) the backlogs in immigration benefit applications in existence as of the date of enactment of this title; and

(B) the Attorney General's plan for eliminating such backlogs.

(2) Report elements.—The report shall include—

(A) an assessment of the data systems used in adjudicating and reporting on the status of immigration benefit applications, including—

(i) a description of the adequacy of existing computer hardware, computer software, and other mechanisms to comply with the adjudications and reporting requirements of this title; and

(ii) a plan for implementing improvements to existing data systems to accomplish the purpose of this title, as described in section 202(b);

(B) a description of the quality controls to be put into force to ensure timely, fair, accurate, and complete processing and adjudication of such applications;

(C) the elements specified in subsection (b)(2);

(D) an estimate of the amount of appropriated funds that would be necessary in order to eliminate the backlogs in each category of immigration benefit applications described in subsection (b)(2); and

(E) a detailed plan on how the Attorney General will use any funds in the Immigration Services and Infrastructure Improvements Account to comply with the purposes of this title.

(b) Annual Reports.—

(1) In general.—Beginning 90 days after the end of the first fiscal year for which any appropriation authorized by section 204(b) is made, and 90 days after the end of each fiscal year thereafter, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning the status of—

(A) the Immigration Services and Infrastructure Improvements Account including any unobligated balances of appropriations in the Account; and

(B) the Attorney General's efforts to eliminate backlogs in any immigration benefit application described in paragraph (2).

(2) Report elements.—The report shall include—

(A) State-by-State data on—

(i) the number of naturalization cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for naturalization applications;

(iii) the number of naturalization applications pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) estimated processing times adjudicating newly submitted naturalization applications;

(v) an analysis of the appropriate processing times for naturalization applications; and

(vi) the additional resources and process changes needed to eliminate the backlog for naturalization adjudications;

(B) the status of applications or, where applicable, petitions described in subparagraph (C), by Immigration and Naturalization Service district, including—

(i) the number of cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for such applications or petitions;

(iii) the number of applications or petitions pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) the estimated processing times adjudicating newly submitted applications or petitions;

(v) an analysis of the appropriate processing times for applications or petitions; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications; and

(C) a status report on—

(i) applications for adjustments of status to that of an alien lawfully admitted for permanent residence;

(ii) petitions for nonimmigrant visas under section 214 of the Immigration and Nationality Act;

(iii) petitions filed under section 204 of such Act to classify aliens as immediate relatives or preference immigrants under section 203 of such Act;

(iv) applications for asylum under section 208 of such Act;

(v) registrations for Temporary Protected Status under section 244 of such Act; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications.

(3) Absence of appropriated funds.—In the event that no funds are appropriated subject to section 204(b) in the fiscal year in which this Act is enacted, the Attorney General shall submit a report to Congress not later than 90 days after the end of such fiscal year, and each fiscal year thereafter, containing the elements described in paragraph (2).

Amendment No. 4268

On line 9, strike "waivers).", and insert the following:

waivers and authority to change status).

TITLE II—IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Immigration Services and Infrastructure Improvements Act of 2000".

SEC. 202. CONGRESSIONAL FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Applications for naturalization have increased dramatically in recent years, outpacing the Immigration and Naturalization Service's ability to process them.

(2) The dramatic increase in applications for naturalization and the inability of the Immigration and Naturalization Service to deal with them adequately has resulted in an unacceptably large backlog in naturalization adjudications.

(3) The processing times in the Immigration and Naturalization Service's other immigration benefits have been unacceptably long. Applicants for family- and employment-based visas are waiting as long as 3 to 4 years to obtain a visa or an adjustment to lawful permanent resident status.

(4) In California, the delays in processing adjustment of status applications have averaged 52 months. In Texas, the delays have averaged 69 months. Residents of New York have had to wait up to 28 months; in Florida, 26 months; in Illinois, 37 months; in Oregon, 31 months; and in Arizona, 49 months. Most other States have experienced unacceptably long processing and adjudication delays.

(5) Applicants pay fees to have their applications adjudicated in a timely manner. These fees have increased dramatically in recent years without a commensurate increase in the capability of that Immigration and Naturalization Service to process and adjudicate these cases in an efficient manner.

(6) Processing these applications in a timely fashion is critical. Each 12-month delay in adjudicating an adjustment of status application requires the alien to file applications to extend employment authorization to work and advance parole documents to travel.

(7) The enormous delays in processing applications for families and businesses have had a negative impact on the reunification of spouses and minor children and the ability of law-abiding and contributing members of our communities to participate fully in the civic life of the United States.

(8) United States employers have also experienced debilitating delays in hiring employees who contribute to the economic growth of the United States. These delays have forced employers to send highly skilled and valued employees out of the United States because their immigrant petitions were not approved in a timely fashion. Such disruptions seriously threaten the competitive edge of the United States in the global marketplace.

(b) PURPOSES.—The purposes of this title are to—

(1) provide the Immigration and Naturalization Service with the mechanisms it needs to eliminate the current backlog in the processing of immigration benefit applications within 1 year after enactment of this Act and to maintain the elimination of the backlog in future years; and

(2) provide for regular congressional oversight of the performance of the Immigration and Naturalization Service in eliminating the backlog and processing delays in immigration benefits adjudications.

(c) POLICY.—It is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application, except that a petition for a nonimmigrant visa under section 214(c) of the Immigration and Nationality Act should be processed not later than 30 days after the filing of the petition.

SEC. 203. DEFINITIONS.

In this title:

(1) BACKLOG.—The term "backlog" means, with respect to an immigration benefit application, the period of time in excess of 180 days that such application has been pending before the Immigration and Naturalization Service.

(2) IMMIGRATION BENEFIT APPLICATION.—The term "immigration benefit application" means any application or petition to confer, certify, change, adjust, or extend any status granted under the Immigration and Nationality Act.

SEC. 204. IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENT ACCOUNT.

(a) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General shall take such measures as may be necessary to—

(1) reduce the backlog in the processing of immigration benefit applications, with the objective of the total elimination of the backlog not later than one year after the date of enactment of this Act;

(2) make such other improvements in the processing of immigration benefit applications as may be necessary to ensure that a backlog does not develop after such date; and

(3) make such improvements in infrastructure as may be necessary to effectively provide immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of Justice from time to time such sums as may be necessary for the Attorney General to carry out subsection (a).

(2) DESIGNATION OF ACCOUNT IN TREASURY.—Amounts appropriated pursuant to paragraph (1) may be referred to as the "Immigration Services and Infrastructure Improvements Account".

(3) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(4) LIMITATION ON EXPENDITURES.—None of the funds appropriated pursuant to paragraph (1) may be expended until the report described in section 205(a) has been submitted to Congress.

SEC. 205. REPORTS TO CONGRESS.

(a) BACKLOG ELIMINATION PLAN.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning—

(A) the backlogs in immigration benefit applications in existence as of the date of enactment of this title; and

(B) the Attorney General's plan for eliminating such backlogs.

(2) REPORT ELEMENTS.—The report shall include—

(A) an assessment of the data systems used in adjudicating and reporting on the status of immigration benefit applications, including—

(i) a description of the adequacy of existing computer hardware, computer software, and other mechanisms to comply with the adjudications and reporting requirements of this title; and

(ii) a plan for implementing improvements to existing data systems to accomplish the purpose of this title, as described in section 202(b);

(B) a description of the quality controls to be put into force to ensure timely, fair, accurate, and complete processing and adjudication of such applications;

(C) the elements specified in subsection (b)(2);

(D) an estimate of the amount of appropriated funds that would be necessary in order to eliminate the backlogs in each category of immigration benefit applications described in subsection (b)(2); and

(E) a detailed plan on how the Attorney General will use any funds in the Immigration Services and Infrastructure Improvements Account to comply with the purposes of this title.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Beginning 90 days after the end of the first fiscal year for which any appropriation authorized by section 204(b) is made, and 90 days after the end of each fiscal year thereafter, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning the status of—

(A) the Immigration Services and Infrastructure Improvements Account including any unobligated balances of appropriations in the Account; and

(B) the Attorney General's efforts to eliminate backlogs in any immigration benefit application described in paragraph (2).

(2) REPORT ELEMENTS.—The report shall include—

(A) State-by-State data on—

(i) the number of naturalization cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for naturalization applications;

(iii) the number of naturalization applications pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) estimated processing times adjudicating newly submitted naturalization applications;

(v) an analysis of the appropriate processing times for naturalization applications; and

(vi) the additional resources and process changes needed to eliminate the backlog for naturalization adjudications;

(B) the status of applications or, where applicable, petitions described in subparagraph (C), by Immigration and Naturalization Service district, including—

(i) the number of cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for such applications or petitions;

(iii) the number of applications or petitions pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) the estimated processing times adjudicating newly submitted applications or petitions;

(v) an analysis of the appropriate processing times for applications or petitions; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications; and

(C) a status report on—

(i) applications for adjustments of status to that of an alien lawfully admitted for permanent residence;

(ii) petitions for nonimmigrant visas under section 214 of the Immigration and Nationality Act;

(iii) petitions filed under section 204 of such Act to classify aliens as immediate relatives or preference immigrants under section 203 of such Act;

(iv) applications for asylum under section 208 of such Act;

(v) registrations for Temporary Protected Status under section 244 of such Act; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications.

(3) ABSENCE OF APPROPRIATED FUNDS.—In the event that no funds are appropriated subject to section 204(b) in the fiscal year in which this Act is enacted, the Attorney General shall submit a report to Congress not later than 90 days after the end of such fiscal year, and each fiscal year thereafter, containing the elements described in paragraph (2).

LOTT AMENDMENT NO. 4269

Mr. LOTT proposed an amendment to the instructions of the motion to recommit the bill, S. 2045, supra; as follows:

Strike all after the first word and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

"(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking "September 30, 2001" and inserting "September 30, 2002".

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "56.3 percent" and inserting "55 percent";

(2) in paragraph (3), by striking "28.2 percent" and inserting "23.5 percent";

(3) by amending paragraph (4) to read as follows:

"(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

"(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

"(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).";

(4) in paragraph (6), by striking "6 percent" and inserting "5 percent"; and

(5) in paragraph (6), by striking "3 percent" each place it appears and inserting "2.5 percent".

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking "$2,500 per year." and inserting "$3,125 per year. The Director may renew scholarships for up to 4 years.".

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

"(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

"(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

"(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

"(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.".

SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

"(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

"(1) IN GENERAL.—

"(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

"(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

"(2) GRANTS.—

"(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

"(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

"(I) one workforce investment board;

"(II) one community-based organization or higher education institution or labor union; and

"(III) one business or business-related nonprofit organization such as a trade association; and

"(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

"(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) START-UP FUNDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) TRAINING OUTCOMES.—

"(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the "Kids 2000 Act".

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted one day after effective date.

LOTT AMENDMENT NO. 4270

Mr. LOTT proposed an amendment to amendment No. 4269 proposed by himself tothe bill S. 2045, supra; as follows:

In lieu of the matter proposed insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant

status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277).

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

"(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1-B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "September 30, 2001" and inserting "September 30, 2002".

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "56.3 percent" and inserting "55 percent";

(2) in paragraph (3), by striking "28.2 percent" and inserting "23.5 percent";

(3) by amending paragraph (4) to read as follows:

"(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K-12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

"(A) IN GENERAL.—15 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K-12 education.

"(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K-12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K-12 teachers and education for students in science, mathematics, and technology; support the professional development of K-12 math and science teachers in the used of technology in the classroom; stimulate system-wide K-12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7-12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).";

(4) in paragraph (6), by striking "6 percent" and inserting "5 percent"; and

(5) in paragraph (6), by striking "3 percent" each place it appears and inserting "2.5 percent".

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "$2,500 per year." and inserting "$3,125 per year. The Director may renew scholarships for up to 4 years.".

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by adding at the end the following new subsection:

"(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

"(1) track and monitor the performance of programs receiving H-1B Nonimmigrant Fee grant money; and

"(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) the tracking system to monitor the performance of programs receiving H-1B grant funding; and

"(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.".

SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277; 112 Stat. 2681-653) is amended to read as follows:

"(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

"(1) IN GENERAL.—

"(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

"(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

"(2) GRANTS.—

"(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H-1B Nonimmigrant Petitioner Account, award—

"(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

"(I) one workforce investment board;

"(II) one community-based organization or higher education institution or labor union; and

"(III) one business or business-related nonprofit organization such as a trade association; and

"(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H-1B skill shortage.

"(E) H-1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H-1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) START-UP FUNDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) TRAINING OUTCOMES.—

"(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and "(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the "Kids 2000 Act".

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United.States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted one day after the effective date.

DISTRICT OF COLUMBIA APPROPRIATIONS 2001

HUTCHISON (AND DURBIN) AMENDMENT NO. 4271

Mr. LOTT (for Mrs. HUTCHISON (for herself and Mr. DURBIN)) proposed an amendment to the bill (S. 3041) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 8 at line 21, strike "acquisition,".

On page 8 line 22, strike ",lease, maintenance,".

On page 8 at line 22, strike "operation" and insert "hire".

On page 9 at line 2, strike "108,527,000" and insert "112,527,000" and strike "65,018,000" and insert "67,521,000".

On page 9 at line 6, strike "18,487,000" and insert "18,778,000".

On page 9 at line 8, strike "25,022,000" and insert "26,228,000".

On page 10 following line 9 insert the following:

"FEDERAL PAYMENT FOR BROWNFIELD REMEDIATION

"For a Federal payment to the District of Columbia, $3,450,000 for environmental and infrastructure costs at Poplar Point: *Provided*, That of said amount, $2,150,000 shall be available for environmental assessment, site remediation and wetlands restoration of the eleven acres of real property under the jurisdiction of the District of Columbia: *Provided further*, That no more than $1,300,000 shall be used for infrastructure costs for an entrance to Anacostia Park: *Provided further*, That none of said funds shall be used by the District of Columbia to purchase private property in the Poplar Point area."

On page 11, line 1, after "except" strike "for" and insert the following: "as provided in section 450A of the District of Columbia Home Rule Act and".

Strike all matter beginning on line 7 on page 13 after the colon to and including line 16 on page 13.

On page 20 at line 23, strike "WSF" and insert "Weighted Student Formula".

On page 23 at line 9, after "clinics" insert ": *Provided further*, That notwithstanding any other provision of law, the District of Columbia may increase the Human Support Services appropriation under this Act by an amount equal to not more than 15% of the local funds in the appropriation in order to augment the District of Columbia subsidy for the Public Benefit Corporation for the purpose of restructuring the delivery of health services in the District of Columbia pursuant to a restructuring plan approved by the Mayor, Council of the District of Columbia, District of Columbia Financial responsibility and Management Assistance Authority, and Chief Financial Officer".

Page 25, strike line 6 through line 17 of page 32 and insert the following:

RESERVE

For a reserve to be established by the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority, $150,000,000 of local funds.

Insert at the appropriate place under the heading relating to "Reserve Funds" in the Senate bill the following:

Emergency Reserve Fund

For the emergency reserve fund established under section 450A(a) of the District of Columbia Home Rule Act, the amount provided for fiscal year 2001 under such section, to be derived from local funds.

Strike all matter beginning on line 9 on page 4 after "TO" to and including line 10 on page 4 and insert "COVENANT HOUSE WASHINGTON".

Strike all matter beginning on line 11 on page 4 after "to" through "Services" on line 12 on page 4 and insert "Covenant House Washington".

On page 43 at line 8, after "reprogramming" insert "or inter-appropriation transfer".

On page 43 at line 19, after "less;" strike "or".

On page 43 at line 21, after "center;" insert "or (8) transfers an amount from one appropriation to another, provided that the amount transferred shall not exceed 2 percent of the local funds in the appropriation".

On page 43 at line 24 after "reprogramming" insert "or inter-appropriation transfer".

On page 51 at line 22, after "action" insert "or any attorney who defends any action".

On page 52 at line 2, strike "120" and insert "250".

On page 52 at line 6, strike "120" and insert "250".

On page 52 at line 12, insert after "Code" the following: "; and,

(3) in no case may the compensation limits in paragraphs (1) and (2) exceed $2,500."

On page 52 at line 14, strike ", District of Columbia Financial Responsibility and Management Assistance Authority".

On page 52 at line 20, after "section" insert "to both the attorney who represents the prevailing party and the attorney who defends the action."

On page 81 at line 1, strike "or" and insert "of".

Strike all matter beginning on line 4, page 73 over to and including line 16 on page 80, and insert in lieu thereof the following:

APPOINTMENT AND DUTIES OF CHIEF FINANCIAL OFFICER

Sec. 143. (a) Appointment and Dismissal.—Section 424(b) of the District of Columbia Home Rule Act (sec. 47–317.2, D.C. Code) is amended—

(1) in paragraph (1)(B), by adding at the end the following: "Upon confirmation by the Council, the name of the Chief Financial Officer shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the appointment takes effect."; and

(2) in paragraph (2)(B), by striking the period at the end and inserting the following: "upon dismissal by the Mayor and approval of that dismissal by a ⅔ vote of the Council of the District of Columbia. Upon approval of the dismissal by the Council, notice of the dismissal shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the dismissal takes effect.".

(b) Functions.—

(1) In general.—Section 424(c) of such Act (sec. 47–317.3, D.C. Code) is amended—

(A) in the heading, by striking "During a Control Year";

(B) in the matter preceding paragraph (1), by striking "During a control year, the Chief Financial Officer" and inserting "The Chief Financial Officer";

(C) in paragraph (1), by striking "Preparing" and inserting "During a control year, preparing";

(D) in paragraph (3), by striking "Assuring" and inserting "During a control year, assuring";

(E) in paragraph (5), by striking "With the Approval" and all that follows through "the Council—" and inserting "Preparing and submitting to the Mayor and the Council, with the approval of the Authority during a control year—";

(F) in paragraph (11), by striking "or the Authority" and inserting "(or by the Authority during a control year)"; and

(G) by adding at the end the following new paragraphs:

"(18) Exercising responsibility for the administration and supervision of the District of Columbia Treasurer (except that the Chief Financial Officer may delegate any portion of such responsibility as the Chief Financial Officer considers appropriate and consistent with efficiency).

"(19) Administering all borrowing programs of the District government for the issuance of long-term and short-term indebtedness.

"(20) Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.

"(21) Administering the centralized District government payroll and retirement systems.

"(22) Governing the accounting policies and systems applicable to the District government.

"(23) Preparing appropriate annual, quarterly, and monthly financial reports of the accounting and financial operations of the District government.

"(24) Not later than 120 days after the end of each fiscal year, preparing the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under section 448(a)(4).".

(2) Conforming amendments.—Section 424 of such Act (sec. 47–317.1 et seq., D.C. Code) is amended—

(A) by striking subsection (d);

(B) in subsection (e)(2), by striking "or subsection (d)"; and

(C) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

Insert at the appropriate place the following new section:

RESERVE FUNDS

Sec.   . (a) Establishment of Reserve Funds.—

(1) In general.—The District of Columbia Home Rule Act is amended by inserting after section 450 the following new section:

"RESERVE FUNDS

"Sec. 450A. (a) Emergency Reserve Fund.—

"(1) In general.—There is established an emergency cash reserve fund (in this subsection referred to as the 'emergency reserve fund') as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than February 15 of each fiscal year (or not later than October 1, 2000, in the case of fiscal year 2001) such amount as may be required to maintain a balance in the fund of at least 4 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2004, such amount as may be required to maintain a balance in the fund of at least the minimum emergency reserve balance for such fiscal year, as determined under paragraph (2)).

"(2) Determination of minimum emergency reserve balance.—

"(A) In general.—The 'minimum emergency reserve balance' with respect to a fiscal year is the amount equal to the applicable percentage of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds.

"(B) Applicable percentage defined.—In subparagraph (A), the 'applicable percentage' with respect to a fiscal year means the following:

"(i) For fiscal year 2001, 1 percent.

"(i) For fiscal year 2002, 2 percent.

"(i) For fiscal year 2003, 3 percent.

"(3) Interest.—Interest earned on the emergency reserve fund shall remain in the account and shall only be withdrawn in accordance with paragraph (4).

"(4) Criteria for use of amounts in emergency reserve fund.—The Chief Financial Officer, in consultation with the Mayor, shall develop a policy to govern the emergency reserve fund which shall include (but which may not be limited to) the following requirements:

"(A) The emergency reserve fund may be used to provide for unanticipated and nonrecurring extraordinary needs of an emergency nature, including a natural disaster or calamity as defined by section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100–707) or unexpected obligations by Federal law.

"(B) The emergency reserve fund may also be used in the event of a State of Emergency as declared by the Mayor pursuant to section 5 of the District of Columbia Public Emergency Act of 1980 (sec. 6–1504, D.C. Code).

"(C) The emergency reserve fund may not be used to fund—

"(i) any department, agency, or office of the Government of the District of Columbia which is administered by a receiver or other official appointed by a court;

"(ii) shortfalls in any projected reductions which are included in the budget proposed by the District of Columbia for the fiscal year; or

"(iii) settlements and judgments made by or against the Government of the District of Columbia.

"(5) Allocation of emergency cash reserve funds.—Funds may be allocated from the emergency reserve fund only after—

"(A) an analysis has been prepared by the Chief Financial Officer of the availability of other sources of funding to carry out the purposes of the allocation and the impact of such allocation on the balance and integrity of the emergency reserve fund; and

"(B) with respect to fiscal years beginning with fiscal year 2005, the contingency reserve fund established by subsection (b) has been projected by the Chief Financial Officer to be exhausted at the time of the allocation.

"(6) Notice.—The Mayor, the Council, and (in the case of a fiscal year which is a control year, as defined in section 305(4) of the

District of Columbia Financial Responsibility and Management Assistance Act of 1995) the District of Columbia Financial Responsibility and Management Assistance Authority shall notify the Committees on Appropriations of the Senate and House of Representatives in writing not more than 30 days after the expenditure of funds from the emergency reserve fund.

"(7) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding fiscal year by the following fiscal year. Once the emergency reserve equals 4 percent of total budget appropriated for operating expenditures for the fiscal year, the District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding year to maintain a balance of at least 4 percent of total funds appropriated for operating expenditures by the following fiscal year.

"(b) CONTINGENCY RESERVE FUND.—

"(1) IN GENERAL.—There is established a contingency cash reserve fund (in this subsection referred to as the 'contingency reserve fund') as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than October 1 of each fiscal year (beginning with fiscal year 2005) such amount as may be required to maintain a balance in the fund of at least 3 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2007, such amount as may be required to maintain a balance in the fund of at least the minimum contingency reserve balance for such fiscal year, as determined under paragraph (2)).

"(2) DETERMINATION OF MINIMUM CONTINGENCY RESERVE BALANCE.—

"(A) IN GENERAL.—The 'minimum contingency reserve balance' with respect to a fiscal year is the amount equal to the applicable percentage of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds.

"(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the 'applicable percentage' with respect to a fiscal year means the following:

"(i) For fiscal year 2005, 1 percent.

"(ii) For fiscal year 2006, 2 percent.

"(3) INTEREST.—Interest earned on the contingency reserve fund shall remain in the account and may only be withdrawn in accordance with paragraph (4).

"(4) CRITERIA FOR USE OF AMOUNTS IN CONTINGENCY RESERVE FUND.—The Chief Financial Officer, in consultation with the Mayor, shall develop a policy governing the use of the contingency reserve fund which shall include (but which may not be limited to) the following requirements:

"(A) The contingency reserve fund may only be used to provide for nonrecurring or unforeseen needs that arise during the fiscal year, including expenses associated with unforeseen weather or other natural disasters, unexpected obligations created by Federal law or new public safety or health needs or requirements that have been identified after the budget process has occurred, or opportunities to achieve cost savings.

"(B) The contingency reserve fund may be used, if needed, to cover revenue shortfalls experienced by the District government for 3 consecutive months (based on a 2 month rolling average) that are 5 percent or more below the budget forecast.

"(C) The contingency reserve fund may not be used to fund any shortfalls in any projected reductions which are included in the budget proposed by the District of Columbia for the fiscal year.

"(5) ALLOCATION OF CONTINGENCY CASH RESERVE.—Funds may be allocated from the contingency reserve fund only after an analysis has been prepared by the Chief Financial Officer of the availability of other sources of funding to carry out the purposes of the allocation and the impact of such allocation on the balance and integrity of the contingency reserve fund.

"(6) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding fiscal year by the following fiscal year. Once the contingency reserve equals 3 percent of total funds appropriated for operating expenditures, the District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding year to maintain a balance of at least 3 percent of total funds appropriated for operating expenditures by the following fiscal year.

"(c) QUARTERLY REPORTS.—The Chief Financial Officer shall submit a quarterly report to the Mayor, the Council, the District of Columbia Financial Responsibility and Management Assistance Authority (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), and the Committees on Appropriations of the Senate and House of Representatives that includes a monthly statement on the balance and activities of the contingency and emergency reserve funds.".

(2) CLERICAL AMENDMENT.—The table of contents for the District of Columbia Home Rule Act is amended by inserting after the item relating to section 450 the following new item:

"Sec. 450A. Reserve funds.".

(b) CONFORMING AMENDMENTS.—

(1) CURRENT RESERVE FUND.—Section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47-392.2(j), D.C. Code) is amended by striking "Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act" and inserting "For each of the fiscal years 2000 through 2004, the budget of the District government for the fiscal year".

(2) POSITIVE FUND BALANCE.—Section 202(k) of such Act (sec. 47-392.2(k), D.C. Code) is repealed.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2000.

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 2000

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 4272

Mr. LOTT (for Mr. SMITH of New Hampshire) proposed an amendment to the bill (S. 1752) to reauthorize and amend the Coastal Barrier Resources Act; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coastal Barrier Resources Reauthorization Act of 2000".

SEC. 2. GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.

Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503), as otherwise amended by this Act, is further amended by adding at the end the following:

"(g) GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.—

"(1) IN GENERAL.—In making any recommendation to the Congress regarding the addition of any area to the System or in determining whether, at the time of the inclusion of a System unit within the System, a coastal barrier is undeveloped, the Secretary shall consider whether within the area—

"(A) the density of development is less than 1 structure per 5 acres of land above mean high tide; and

"(B) there is existing infrastructure consisting of—

"(i) a road, with a reinforced road bed, to each lot or building site in the area;

"(ii) a wastewater disposal system sufficient to serve each lot or building site in the area;

"(iii) electric service for each lot or building site in the area; and

"(iv) a fresh water supply for each lot or building site in the area.

"(2) STRUCTURE DEFINED.—In paragraph (1), the term 'structure' means a walled and roofed building, other than a gas or liquid storage tank, that—

"(A) is principally above ground and affixed to a permanent site, including a manufactured home on a permanent foundation; and

"(B) covers an area of at least 200 square feet.

"(3) SAVINGS CLAUSE.—Nothing in this subsection supersedes the official maps referred to in subsection (a).".

SEC. 3. VOLUNTARY ADDITIONS TO JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) IN GENERAL.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended by inserting after subsection (c) the following:

"(d) ADDITIONS TO SYSTEM.—The Secretary may add a parcel of real property to the System, if—

"(1) the owner of the parcel requests, in writing, that the Secretary add the parcel to the System; and

"(2) the parcel is an undeveloped coastal barrier.".

(b) TECHNICAL AMENDMENTS RELATING TO ADDITIONS OF EXCESS PROPERTY.—

(1) IN GENERAL.—Section 4(d) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591)—

(A) is redesignated and moved so as to appear as subsection (e) of section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503); and

(B) is amended—

(i) in paragraph (1)—

(I) by striking "one hundred and eighty" and inserting "180"; and

(II) in subparagraph (B), by striking "shall"; and

(ii) in paragraph (2), by striking "subsection (d)(1)(B)" and inserting "paragraph (1)(B)"; and

(iii) by striking paragraph (3).

(2) CONFORMING AMENDMENTS.—Section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591) is amended—

(A) in subsection (b)(2), by striking "subsection (d) of this section" and inserting "section 4(e) of the Coastal Barrier Resources Act (16 U.S.C. 3503(e))"; and

(B) by striking subsection (f).

(c) Additions to System.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is further amended by inserting after subsection (e) (as added by subsection (b)(1)) the following:

"(f) Maps.—The Secretary shall—

"(1) keep a map showing the location of each boundary modification made under subsection (c) and of each parcel of real property added to the System under subsection (d) or (e) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service and in such other offices of the Service as the Director considers appropriate;

"(2) provide a copy of the map to—

"(A) the State and unit of local government in which the property is located;

"(B) the Committees; and

"(C) the Federal Emergency Management Agency; and

"(3) revise the maps referred to in subsection (a) to reflect each boundary modification under subsection (c) and each addition of real property to the System under subsection (d) or (e), after publishing in the Federal Register a notice of any such proposed revision.".

(d) Conforming Amendment.—Section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is amended by striking "which shall consist of" and all that follows and inserting the following: "which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary entitled 'Coastal Barrier Resources System', dated October 24, 1990, as those maps may be modified, revised or corrected under—

"(1) subsection (f)(3);

"(2) section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591); or

"(3) any other provision of law enacted on or after November 16, 1990, that specifically authorizes the modification, revision, or correction.".

SEC. 4. CLERICAL AMENDMENTS.

(a) Coastal Barrier Resources Act.—The Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) is amended—

(1) in section 3(2) (16 U.S.C. 3502(2)), by striking "refers to the Committee on Merchant Marine and Fisheries" and inserting "means the Committee on Resources";

(2) in section 3(3) (16 U.S.C. 3502(3)), in the matter following subparagraph (D), by striking "Effective October 1, 1983, such" and inserting "Such"; and

(3) by repealing section 10 (16 U.S.C. 3509).

(b) Coastal Barrier Improvement Act of 1990.—Section 8 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591) is repealed.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is redesignated as section 10, moved to appear after section 9, and amended to read as follows:

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to the Secretary to carry out this Act $2,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.".

SEC. 6. DIGITAL MAPPING PILOT PROJECT.

(a) In General.—

(1) Project.—The Secretary of the Interior (referred to in this section as the "Secretary"), in consultation with the Director of the Federal Emergency Management Agency, shall carry out a pilot project to determine the feasibility and cost of creating digital versions of the John H. Chafee Coastal Barrier Resources System maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) (as amended by section 3(d)).

(2) Number of units.—The pilot project shall consist of the creation of digital maps for no more than 75 units and no fewer than 50 units of the John H. Chafee Coastal Barrier Resources System (referred to in this section as the "System"), 1/3 of which shall be otherwise protected areas (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591)).

(b) Data.—

(1) Use of existing data.—To the maximum extent practicable, in carrying out the pilot project under this section, the Secretary shall use digital spatial data in the possession of State, local, and Federal agencies including digital orthophotos, and shoreline, elevation, and bathymetric data.

(2) Provision of data by other agencies.—The head of a Federal agency that possesses data referred to in paragraph (1) shall, upon request of the Secretary, promptly provide the data to the Secretary at no cost.

(3) Additional data.—If the Secretary determines that data necessary to carry out the pilot project under this section do not exist, the Secretary shall enter into an agreement with the Director of the United States Geological Survey under which the Director shall obtain, in cooperation with other Federal agencies, as appropriate, and provide to the Secretary the data required to carry out this section.

(4) Data standards.—All data used or created to carry out this section shall comply with—

(A) the National Spatial Data Infrastructure established by Executive Order 12906 (59 Fed. Reg. 17671 (April 13, 1994)); and

(B) any other standards established by the Federal Geographic Data Committee established by Office of Management and Budget Circular A–16.

(c) Digital Maps Not Controlling.—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps created under this section.

(d) Report.—

(1) In general.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the pilot project and the feasibility, data needs, and costs of completing digital maps for the entire System.

(2) Contents.—The report shall include a description of—

(A) the cooperative agreements that would be necessary to complete digital mapping of the entire System;

(B) the extent to which the data necessary to complete digital mapping of the entire System are available;

(C) the need for additional data to complete digital mapping of the entire System;

(D) the extent to which the boundary lines on the digital maps differ from the boundary lines on the original maps; and

(E) the amount of funding necessary to complete digital mapping of the entire System.

(e) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section $500,000 for each of fiscal years 2002 through 2004.

SEC. 7. ECONOMIC ASSESSMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives an economic assessment of the John H. Chafee Coastal Barrier Resources System.

(b) Required Elements.—The assessment shall consider the impact on Federal expenditures of the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.), including impacts resulting from the avoidance of Federal expenditures for—

(1) disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.); and

(3) development assistance for roads, potable water supplies, and wastewater infrastructure.

NOTICE OF HEARING

SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT, PRODUCTION AND REGULATION

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy Research, Development, Production and Regulation.

The hearing will take place on, Thursday, October 5, 2000 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the electricity challenges facing the Northwest.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Energy Research, Development, Production and Regulation, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger at (202) 224–7875.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, September 27, 2000, at 9:30 a.m., in open session to receive testimony on the status of U.S. military readiness.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 27, 2000, at 9:30 a.m. on motion picture CEO's.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, September 27, 2000 to mark up H.R. 4844, the Railroad Retirement and Survivors' Improvement Act of 2000 and the Community Renewal and New Markets Act of 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 27, 2000 at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, September 27, 2000 at 9:30 a.m. for a business meeting to consider pending Committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 27, 2000 at 9:30 a.m. in room 485 of the Russell Senate Building to conduct a hearing on S. 2052, the Indian Tribal Development Consolidated Funding Act of 2000, to be followed immediately by a business meeting to markup S. 1840, the California Indian Land Transfer Act; S. 2665, to establish a streamlined process to enable the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources; S. 2917, the Santo Domingo Pueblo Claims Settlement Act of 2000, H.R. 4643, the Torrez-Martinez Desert Cahuilla Indian Claims Settlement Act; S. 2688, the Native American Languages Act Amendments Act of 2000; S. 2580, the Indian School Construction Act; S. 3031, to make certain technical corrections in laws relating to Native Americans; S. 2920, the Indian Gaming Regulatory Improvement Act of 2000; S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act; and H.R. 1460, to amend the Ysleta Sur and Alabama and Coushatta Indian tribes of Texas restoration Act, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. THOMAS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 27, 2000 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Wednesday, September 27, 2000, at 9:30 a.m. The hearing will take place in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. THOMAS. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be authorized to meet Wednesday, September 27, at 2:15 p.m., Hearing Room (SD–406), to receive testimony from State and local governments on the reauthorization of the Clean Air Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RESEARCH, NUTRITION AND GENERAL LEGISLATION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Research, Nutrition and General Legislation be authorized to meet during the session of the Senate on Wednesday, September 27, 2000. The purpose of this hearing will be to review U.S. Department of Agriculture Financial Management issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that the congressional fellow in my office, Miss Terri Ceravolo, be granted privileges of the floor during duration of this debate on S. 2045.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 3041

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 800, S. 3041, the D.C. appropriations bill, and following the reporting of the bill by the clerk, the bill be advanced to third reading, and the Senate then proceed to Calendar No. 805, H.R. 4942, the House companion bill.

I further ask unanimous consent that the Senate text be considered offered and agreed to as original text, also including a series of managers' changes sponsored by the two managers which are at the desk, that the House bill then be advanced to third reading, and passage occur, all without intervening action or debate.

I further ask unanimous consent that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, which will be the entire Subcommittee on the District of Columbia, including the chairman of the full committee and Senator INOUYE.

I further ask unanimous consent that the Senate bill then be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 3041) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

The Senate proceeded to consider the bill.

The amendment (No. 4271) was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The bill (S. 3041), as amended, was read the third time.

The bill (H.R. 4942), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

DISTRICT OF COLUMBIA APPROPRIATIONS BILL

Mr. BYRD. Mr. President, I want to thank the chairman and the ranking member of the Appropriations Subcommittee for the District of Columbia, Senators KAY BAILEY HUTCHISON and RICHARD DURBIN, for the very fine work they have done to bring forward the District of Columbia appropriations bill for fiscal year 2001.

Even though this bill is neither the largest nor the most complex of the appropriations bills, it is not an easy bill to resolve. Senators HUTCHISON and DURBIN are to be commended for working together and bringing this bill before the Senate. We have followed the regular order with this bill. The Senate has an opportunity to work its will on this measure.

With the passage of this bill, we have brought all but three fiscal year 2001 appropriations bills to the Senate floor. I call upon my colleagues to finish the Senate's work on these final three measures.

The PRESIDING OFFICER (Mr. VOINOVICH) appointed Mrs. HUTCHISON, Mr. KYL, Mr. DURBIN, Mr. STEVENS, and Mr. INOUYE conferees on the part of the Senate.

WATER RIGHTS OF AK-CHIN INDIAN COMMUNITY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 813, H.R. 2647.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2647) to amend the Act entitled "An Act relating to the water rights of the Ak-Chin Indian Community" to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2647) was read the third time and passed.

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 1999

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 483, S. 1752.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1752) to reauthorize and amend the Coastal Barrier Resources Act.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public works with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coastal Barrier Resources Reauthorization Act of 1999".

SEC. 2. DEFINITIONS.

Section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502) is amended—

(1) by striking "For purposes of" and all that follows through the end of paragraph (1) and inserting the following:

"In this Act:

"(1) UNDEVELOPED COASTAL BARRIER.—

"(A) IN GENERAL.—The term 'undeveloped coastal barrier' means—

"(i) a geologic feature (such as a bay barrier, tombolo, barrier spit, or barrier island) that—

"(I) is subject to wave, tidal, and wind energies; and

"(II) protects landward aquatic habitats from direct wave attack; and

"(ii) all associated aquatic habitats, including the adjacent wetlands, marshes, estuaries, inlets, and nearshore waters.

"(B) EXCLUSIONS.—The term 'undeveloped coastal barrier' excludes a feature or habitat described in subparagraph (A) if, as of the date on which the feature or habitat is added to the System—

"(i) the density for the unit in which the feature or habitat is located is equal to or greater than 1 structure per 5 acres of land above the mean high tide, which structure—

"(I) is a walled and roofed building (other than a gas or liquid storage tank) that is principally above ground and affixed to a permanent site, including a manufactured home on a permanent foundation; and

"(II) covers at least 200 square feet; or

"(ii) the feature or habitat contains infrastructure consisting of—

"(I) a road, to each lot or building site, that is under the jurisdiction of, and maintained by, a public authority and is open to the public;

"(II) a wastewater disposal system for each lot or building site;

"(III) electric service for each lot or building site; and

"(IV) availability of a fresh water supply for each lot or building site.";

(2) in paragraph (2), by striking "refers to the Committee on Merchant Marine and Fisheries" and inserting "means the Committee on Resources"; and

(3) in paragraph (3), by striking the second sentence.

[SEC. 3. VOLUNTARY ADDITIONS TO COASTAL BARRIER RESOURCES SYSTEM.]

SEC. 3. VOLUNTARY ADDITIONS TO JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) IN GENERAL.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended by adding at the end the following:

"(d) ADDITIONS TO SYSTEM.—

"(1) IN GENERAL.—The Secretary may add a parcel of real property to the System, if—

"(A) the owner of the parcel requests, in writing, that the Secretary add the parcel to the System; and

"(B) the parcel is a feature or habitat covered by section 3(1).

"(2) MAPS.—The Secretary shall—

"(A) keep a map showing the location of each parcel of real property added to the System under paragraph (1) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service and in such other offices of the Service as the Director considers appropriate;

"(B) provide a copy of the map to—

"(i) the State in which the property is located;

"(ii) the Committees; and

"(iii) the Federal Emergency Management Agency; and

"(C) revise the maps referred to in subsection (a) to reflect each addition of real property to the System under paragraph (1), after publishing in the Federal Register a notice of any such proposed revision.".

(b) CONFORMING AMENDMENT.—Section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is amended by striking "which shall consist of" and all that follows and inserting the following: "which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary entitled 'Coastal Barrier Resources System', dated October 24, 1990, as those maps may be modified, revised, or corrected under—

"(1) subsection (c) or (d);

"(2) section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591); or

"(3) any other provision of law enacted on or after November 16, 1990, that specifically authorizes the modification, revision, or correction.".

SEC. 4. TECHNICAL AMENDMENTS.

(a) IN GENERAL.—Sections 10 and 11 of the Coastal Barrier Resources Act (16 U.S.C. 3509, 96 Stat. 1658) are repealed.

(b) EFFECT ON PRIOR AMENDMENTS.—Nothing in subsection (a) or the amendments made by subsection (a) affects the amendments made by section 11 of the Coastal Barrier Resources Act (96 Stat. 1658), as in effect on the day before the date of enactment of this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

The Coastal Barrier Resources Act is amended by striking section 12 (16 U.S.C. 3510) and inserting the following:

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this Act $2,000,000 for each of fiscal years 2001 through 2004 and $3,000,000 for each of fiscal years 2005 through 2007.".

SEC. 6. DIGITAL MAPPING PILOT PROJECT.

(a) IN GENERAL.—

(1) PROJECT.—The Secretary of the Interior (referred to in this section as the "Secretary") shall carry out a pilot project to determine the feasibility and cost of creating digital versions of the **[**Coastal Barrier Resources System**]** *John H. Chafee Coastal Barrier Resources System* maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) (as amended by section 3(b)).

(2) MINIMUM NUMBER OF UNITS.—The pilot project shall consist of the creation of digital maps for at least 75 units of the **[**Coastal Barrier Resources System**]** *John H. Chafee Coastal Barrier Resources System* (referred to in this section as the "System"), 25 of which shall be otherwise protected areas (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591)).

(b) DATA.—

(1) USE OF EXISTING DATA.—To the maximum extent practicable, in carrying out the pilot project under this section, the Secretary shall use—

(A) digital spatial data (including digital orthophotos) in existence at the time at which the project is carried out;

(B) shoreline, elevation, and bathymetric data; and

(C) electronic navigational charts in the possession of other Federal agencies, including the United States Geological Survey and the National Oceanic and Atmospheric Administration.

(2) PROVISION OF DATA BY OTHER AGENCIES.—The head of a Federal agency that possesses data or a chart referred to in paragraph (1) shall, upon request of the Secretary, promptly provide the data or chart to the Secretary at no cost.

(3) ADDITIONAL DATA.—If the Secretary determines that data or a chart necessary to carry out the pilot project under this section does not exist, the Secretary shall enter into an agreement with the Director of the United States Geological Survey under which the Director shall obtain, in cooperation with other Federal agencies, as appropriate, and provide to the Secretary the data or chart required to carry out this section.

(4) DATA STANDARDS.—All data and charts used or created to carry out this section shall comply with—

(A) the National Spatial Data Infrastructure established by Executive Order 12906 (59 Fed. Reg. 17671 (1994)); and

(B) any other standards established by the Federal Geographic Data Committee established by the Office of Management and Budget Circular A–16.

(c) DIGITAL MAPS NOT CONTROLLING.—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps created under this section.

(d) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the pilot project and the feasibility, data needs, and costs of completing digital maps for the entire System.

(2) CONTENTS.—The report shall include a description of—

(A) the cooperative agreements that would be necessary to complete digital mapping of the entire System;

(B) the extent to which the data necessary to complete digital mapping of the entire System are available;

(C) the need for additional data to complete digital mapping of the entire System;

(D) the extent to which the boundary lines on the digital maps differ from the boundary lines of the original maps; and

(E) the amount of funding necessary to complete digital mapping of the entire System.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $500,000 for each of fiscal years 2001 through 2003.

[SEC. 7. ECONOMIC ASSESSMENT OF COASTAL BARRIER RESOURCES SYSTEM.]

SEC. 7. ECONOMIC ASSESSMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives an economic assessment of the [Coastal Barrier Resources System] *John H. Chafee Coastal Barrier Resources System.*

(b) REQUIRED ELEMENTS.—The assessment shall consider the past and estimated future savings of Federal expenditures attributable to the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.), including the savings resulting from avoidance of Federal expenditures for—

(1) disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.); and

(3) development assistance for roads, potable water supplies, and wastewater infrastructure.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

AMENDMENT NO. 4272

Mr. LOTT. Mr. President, Senator BOB SMITH has a substitute amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. SMITH of New Hampshire, proposes an amendment numbered 4272.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. I ask unanimous consent that the substitute be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4272) was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I rise today to encourage my colleagues to support final passage of S. 1752, a bill to reauthorize the Coastal Barrier Resources Act, CBRA. I am offering a manager's amendment in the nature of a substitute that makes several important changes to the bill that was reported by the Committee on Environment and Public Works. These changes have been negotiated with the House Committee on Natural Resources. I believe that in adopting these changes, we will not only improve the bill, but will also ensure that this important legislation is signed into law this year.

Most people do not realize that coastal barriers are the first line of defense protecting the mainland from major storms and hurricanes. This extremely vulnerable area is under increasing pressure from development. From 1960 to 1990, the population of coastal areas increased from 80 to 110 million, and is projected to reach over 160 million by 2015. Continued development on and around coastal barriers place people, property and the environment at risk.

To address this problem Congress passed CBRA in 1982. This extremely important legislation prohibits the Federal Government from subsidizing flood insurance, and providing other financial assistance, such as beach replenishment, within the Coastal Barrier Resources System, System. Nothing in CBRA prohibits development on coastal barriers; it just gets the Federal Government out of the business of subsidizing risky development.

The law proved to be so successful that Congress expanded the Coastal Barrier System in 1990, with the support of the National Taxpayers Union, the American Red Cross, Coast Alliance and Tax Payers for Common Sense, to name just a few. The 1990 act doubled the size of the System to include coastal barriers in Puerto Rico, the U.S. Virgin Islands, the Great Lakes, and additional areas along the Atlantic and Gulf coasts. Congress also allowed the inclusion of areas that are already protected for conservation purposes, such as parks and refuges. Currently the system is comprised of 3 million acres and 2,500 shoreline miles.

Development of coastal barriers decreases their ability to absorb the force of storms and buffer the mainland. The devastating floods of Hurricane Floyd are a reminder of the susceptibility of coastal development to the power of nature. The Federal Emergency Management Agency reports that 10 major disaster declarations were issued for this hurricane, more than for any other single hurricane or natural disaster. In fact, 1999 sets a record for major disaster declarations—a total of 14 in that year alone. As the number of disaster declarations has crept up steadily since the 1980's, so has the cost to taxpayers. Congress has approved on average $3.7 billion a year in supplemental disaster aid in the 1990's, compared to less than $1 billion a year in the previous decade.

Homeowners know the risk of building in these highly threatened areas. Despite this, taxpayers are continually being asked to rebuild homes and businesses in flood-prone areas. The National Wildlife Federation published a study that found that over 40 percent of the damage payments from the National Flood Insurance Program go to people who have had at least one previous claim. A New Jersey auto repair shop made 31 damage claims in 15 years.

At a time when climatologists believe that we are entering a period of turbulent hurricane activity after three decades of relative calm, the safety concerns associated with continued development of coastal barrier regions must also be considered. As roadway systems have not kept up with population growth, it will become increasingly difficult to evacuate coastal areas in the face of a major storm.

Beyond the economic and safety issues, another compelling reason to support the Coastal Barrier Resources Act is that it contributes to the protection of our Nation's coastal resources. Coastal barriers protect and maintain the wetlands and estuaries essential to the survival of innumerable species of fish and wildlife. Large populations of waterfowl and other migratory birds depend on the habitat protected by coastal barriers for wintering areas. Undeveloped coastal barriers also provide unique recreational opportunities.

and deserve protection for present and future public enjoyment.

S. 1752, would reauthorize the act for 5 years and make some necessary changes to improve implementation. Due to the complexity of the coastal barrier maps, Congress periodically authorizes changes to the map, primarily to correct errors. In this process, we always ask the administration to determine whether or not a modification to the coastal barrier maps is "technical" in nature. This provision would require the Secretary of the Interior to use a set of criteria when making this determination. The criteria that we included in the bill is based on a rule that the administration proposed in 1982, and on guidance published in 1985.

This provision would require the Secretary to determine whether the area in question, at the time of its inclusion into the system, has more than one structure per 5 acres and a "complete set of infrastructure." Infrastructure, for the purposes of this bill, is described as a road with a reinforced roadbed, wastewater disposal system, electric service, and fresh water to each lot or building site. If the area, at the time of its inclusion into the system, does not meet all of the criteria, the Secretary is required to find that the area is undeveloped and therefore should remain in the system.

I strongly believe this criteria is necessary because some recommendations recently made by the administration have concerned me. For example, the administration claimed in one instance that a golf cart path should be considered a road. By requiring in law that a road must contain a reinforced roadbed, Congress is indicating that we mean real roads-roads where construction work has been done by a public or private entity to ensure that the road includes surfaces, shoulders, roadsides, structures, and any traffic control devices as are necessary for safe use. This definition will preclude future golfcart paths and trails from being considered legitimate roads.

S. 1752 will also require the Secretary of the Interior to complete a pilot project to determine the feasibility of creating digital versions of the coastal barrier system maps. Digital maps would improve the accuracy of the older coastal barriers maps, and make it easier for the Department of Interior and homeowners to determine where a structure is located. Eventually, we hope that the entire system can be accessed by the Internet.

I believe that Congress should make every effort to conserve barrier islands and beaches. This legislation offers an opportunity to increase protection of coastal barriers, and at the same time, save taxpayers money. I urge my colleagues to support S. 1752.

Mr. LOTT. Mr. President, I ask unanimous consent the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1752), as amended, was read the third time and passed, as follows:

S. 1752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coastal Barrier Resources Reauthorization Act of 2000".

SEC. 2. GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.

Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503), as otherwise amended by this Act, is further amended by adding at the end the following:

"(g) GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.—

"(1) IN GENERAL.—In making any recommendation to the Congress regarding the addition of any area to the System or in determining whether, at the time of the inclusion of a System unit within the System, a coastal barrier is undeveloped, the Secretary shall consider whether within the area—

"(A) the density of development is less than 1 structure per 5 acres of land above mean high tide; and

"(B) there is existing infrastructure consisting of—

"(i) a road, with a reinforced road bed, to each lot or building site in the area;

"(ii) a wastewater disposal system sufficient to serve each lot or building site in the area;

"(iii) electric service for each lot or building site in the area; and

"(iv) a fresh water supply for each lot or building site in the area.

"(2) STRUCTURE DEFINED.—In paragraph (1), the term 'structure' means a walled and roofed building, other than a gas or liquid storage tank, that—

"(A) is principally above ground and affixed to a permanent site, including a manufactured home on a permanent foundation; and

"(B) covers an area of at least 200 square feet.

"(3) SAVINGS CLAUSE.—Nothing in this subsection supersedes the official maps referred to in subsection (a).".

SEC. 3. VOLUNTARY ADDITIONS TO JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) IN GENERAL.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended by inserting after subsection (c) the following:

"(d) ADDITIONS TO SYSTEM.—The Secretary may add a parcel of real property to the System, if—

"(1) the owner of the parcel requests, in writing, that the Secretary add the parcel to the System; and

"(2) the parcel is an undeveloped coastal barrier.".

(b) TECHNICAL AMENDMENTS RELATING TO ADDITIONS OF EXCESS PROPERTY.—

(1) IN GENERAL.—Section 4(d) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591)—

(A) is redesignated and moved so as to appear as subsection (e) of section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503); and

(B) is amended—

(i) in paragraph (1)—

(I) by striking "one hundred and eighty" and inserting "180"; and

(II) in subparagraph (B), by striking "shall"; and

(ii) in paragraph (2), by striking "subsection (d)(1)(B)" and inserting "paragraph (1)(B)"; and

(iii) by striking paragraph (3).

(2) CONFORMING AMENDMENTS.—Section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591) is amended—

(A) in subsection (b)(2), by striking "subsection (d) of this section" and inserting "section 4(e) of the Coastal Barrier Resources Act (16 U.S.C. 3503(e))"; and

(B) by striking subsection (f).

(c) ADDITIONS TO SYSTEM.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is further amended by inserting after subsection (e) (as added by subsection (b)(1)) the following:

"(f) MAPS.—The Secretary shall—

"(1) keep a map showing the location of each boundary modification made under subsection (c) and of each parcel of real property added to the System under subsection (d) or (e) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service and in such other offices of the Service as the Director considers appropriate;

"(2) provide a copy of the map to—

"(A) the State and unit of local government in which the property is located;

"(B) the Committees; and

"(C) the Federal Emergency Management Agency; and

"(3) revise the maps referred to in subsection (a) to reflect each boundary modification under subsection (c) and each addition of real property to the System under subsection (d) or (e), after publishing in the Federal Register a notice of any such proposed revision.".

(d) CONFORMING AMENDMENT.—Section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is amended by striking "which shall consist of" and all that follows and inserting the following: "which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary entitled 'Coastal Barrier Resources System', dated October 24, 1990, as those maps may be modified, revised, or corrected under—

"(1) subsection (f)(3);

"(2) section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591); or

"(3) any other provision of law enacted on or after November 16, 1990, that specifically authorizes the modification, revision, or correction.".

SEC. 4. CLERICAL AMENDMENTS.

(a) COASTAL BARRIER RESOURCES ACT.—The Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) is amended—

(1) in section 3(2) (16 U.S.C. 3502(2)), by striking "refers to the Committee on Merchant Marine and Fisheries" and inserting "means the Committee on Resources";

(2) in section 3(3) (16 U.S.C. 3502(3)), in the matter following subparagraph (D), by striking "Effective October 1, 1983, such" and inserting "Such"; and

(3) by repealing section 10 (16 U.S.C. 3509).

(b) COASTAL BARRIER IMPROVEMENT ACT OF 1990.—Section 8 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591) is repealed.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is redesignated as section 10, moved to appear after section 9, and amended to read as follows:

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to the Secretary to carry out this Act $2,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.".

SEC. 6. DIGITAL MAPPING PILOT PROJECT.

(a) In General.—

(1) Project.—The Secretary of the Interior (referred to in this section as the "Secretary"), in consultation with the Director of the Federal Emergency Management Agency, shall carry out a pilot project to determine the feasibility and cost of creating digital versions of the John H. Chafee Coastal Barrier Resources System maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) (as amended by section 3(d)).

(2) Number of units.—The pilot project shall consist of the creation of digital maps for no more than 75 units and no fewer than 50 units of the John H. Chafee Coastal Barrier Resources System (referred to in this section as the "System"), 1/3 of which shall be otherwise protected areas (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591)).

(b) Data.—

(1) Use of existing data.—To the maximum extent practicable, in carrying out the pilot project under this section, the Secretary shall use digital spatial data in the possession of State, local, and Federal agencies including digital orthophotos, and shoreline, elevation, and bathymetric data.

(2) Provision of data by other agencies.—The head of a Federal agency that possesses data referred to in paragraph (1) shall, upon request of the Secretary, promptly provide the data to the Secretary at no cost.

(3) Additional data.—If the Secretary determines that data necessary to carry out the pilot project under this section do not exist, the Secretary shall enter into an agreement with the Director of the United States Geological Survey under which the Director shall obtain, in cooperation with other Federal agencies, as appropriate, and provide to the Secretary the data required to carry out this section.

(4) Data standards.—All data used or created to carry out this section shall comply with—

(A) the National Spatial Data Infrastructure established by Executive Order 12906 (59 Fed. Reg. 17671 (April 13, 1994)); and

(B) any other standards established by the Federal Geographic Data Committee established by Office of Management and Budget Circular A-16.

(c) Digital Maps Not Controlling.—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps created under this section.

(d) Report.—

(1) In general.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the pilot project and the feasibility, data needs, and costs of completing digital maps for the entire System.

(2) Contents.—The report shall include a description of—

(A) the cooperative agreements that would be necessary to complete digital mapping of the entire System;

(B) the extent to which the data necessary to complete digital mapping of the entire System are available;

(C) the need for additional data to complete digital mapping of the entire System;

(D) the extent to which the boundary lines on the digital maps differ from the boundary lines on the original maps; and

(E) the amount of funding necessary to complete digital mapping of the entire System.

(e) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section $500,000 for each of fiscal years 2002 through 2004.

SEC. 7. ECONOMIC ASSESSMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives an economic assessment of the John H. Chafee Coastal Barrier Resources System.

(b) Required Elements.—The assessment shall consider the impact on Federal expenditures of the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.), including impacts resulting from the avoidance of Federal expenditures for—

(1) disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.); and

(3) development assistance for roads, potable water supplies, and wastewater infrastructure.

ORDERS FOR THURSDAY, SEPTEMBER 28, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Thursday, September 28.

I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of H.J. Res. 109 under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will begin consideration of the continuing resolution at 9:30 a.m. tomorrow.

Under a previous agreement, there will be 7 hours for debate, with the vote scheduled to occur after the use or yielding back of that time. After adoption of the resolution, the Senate will proceed to a cloture vote with regard to the H-1B visa bill, unless it can be agreed to be vitiated, and a vote on the final passage could occur.

Therefore, Senators can expect at least two votes during tomorrow's afternoon session, and hopefully more. We hope we can possibly have as many as three or four votes. That will depend on further action by the House on conference reports.

ORDER FOR RECESS

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order following the remarks of Senator LAUTENBERG for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT VEHICLE

Mr. REID. Mr. President, before the majority leader leaves, I think what we have heard today has been comforting, except for one thing. I wish we had a vehicle here before us that we could amend. I think we have a number of amendments we would like to offer to this legislation. The leader decided not to do that. I hope in the next few days we can work on some of the issues that we believe are so important, which we have talked about on many occasions, such as minimum wage, Patients' Bill of Rights, prescription drugs, and education. We understand where we are in a parliamentary situation now that we can't offer any amendments. We look forward to the next week being very productive and our being able to move forward on some of this very important legislation.

Mr. LOTT. Mr. President, in response, I believe the Senate has voted one or more times on all of the issues that Senator REID mentioned. It is my full expectation that before this session is over a minimum wage bill, coupled with a small business tax relief package that we will have to work through the final details on, will be incorporated in some other bill or moved in one way or another and sent to the President. I fully expect that it will be accomplished.

I think maybe the Senator knows there is a Patients' Bill of Rights conference that is still meeting. I think there are meetings, even today, to see if we can come to an agreement to get a bill that truly protects patients, but not just become a bill that provides more opportunities for my brother-in-law to sue people. So I am hopeful on a combination there. In fact, I discussed that with the President directly and said we would still like to see if we couldn't have some sort of a sit-down meeting and a broad, bipartisan, bicameral, "bi-branch" of the Government discussion and get an end result. I am still hopeful that can occur.

On education, obviously, when we get to the Labor-HHS-Education appropriations conference report, it is going to have funds for education in it—more funds than was requested by the administration or was in our budget resolution. We will have to come to some agreement about how we help local school districts in terms of flexibility, accountability, school construction, and if the best way to be helpful is a bond or some other program. All of that is under discussion now, and it is occurring between the House and Senate and the administration.

So certainly I understand that there is a desire to perhaps offer other amendments. I am sure the Senator can understand my feeling that we have already voted on all of those issues, and repeated votes don't necessarily render a result. I think what we need to do in this final period of the session is get agreements and work together.

I had a meeting with Senator DASCHLE. We talked about a bill that has broad bipartisan support—actually, a couple of bills. We looked at whether we can consider them on the floor, or if there is another way we can get a result that would be satisfactory to the largest number of Senators without having an extended cloture process, such as we had on H-1B.

I have indicated I would like for us to see if we can find a way to do the railroad retirement bill. But if I bring that up, it probably would have to go through a lot of hurdles, and there is opposition to some aspects of it. Instead of trying to find a way to have a fight, I am trying to find a way to get an agreement and get it done.

I certainly understand Senator REID's position. He has been persistent in that effort, and he has done it without rancor. I appreciate that. As we go into these final few days of the session, hopefully we can keep the channels of communication open and see what we can do to facilitate a conclusion with which most Senators can be satisfied.

Mr. REID. Finally, the majority leader raised the minimum wage issue. I believe we can do something on a bipartisan basis. The three Senators on the floor presently—two Democrats and one Republican—know that one of the tax incentives we have to give small business is a meals tax deduction. We cut that back significantly and it has hurt restaurant businesses all over America. For Mississippi, having a heavy resort industry, along with Atlantic City and Nevada, I think that is something we can do on a bipartisan basis.

I hope we can get the minimum wage issue before us and have decent tax breaks that aren't budget busters and move forward on that.

On the Patients' Bill of Rights, for example, sadly, the structure of the Senate has changed by one. We believe we are entitled to another vote, and that failed by one vote previously. That is an issue we can debate later in some other forum. We have talked enough today on H-1B and matters related thereto. I can say that I am comforted by the fact that we were able to get an early vote on the motion to suspend the rules. I hope that will satisfy everybody because it was an up-or-down vote on the Latino and Immigrant Fairness Act.

I hope we can set that matter aside and schedule an early vote on H-1B.

Mr. LOTT. I would be glad to work with Senator REID and our colleagues to see if we can find a time to do that tomorrow. I ask our staff to see if we can work through that agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I understand that I have 15 minutes based on the unanimous consent agreement that we just concluded.

TRANSPORTATION

Mr. LAUTENBERG. Mr. President, I am getting very close to the end of my Senate career. One of the issues I consider vital in terms of my knowledge and experience in the Senate for these last 18 years is that I have learned, among several other serious problems, of a problem that looms large and is often ignored. That is, how do we establish our transportation system to satisfy the growing needs for travel in this country?

I see a crisis looming in our country because of congestion and because of our inability to move in a timely and reasonably comfortable fashion. We constantly read about delays at airports. As a matter of fact, these days I can almost never travel by air without resigning myself to the fact that I am not going to get there on time. There is a very good chance that I am going to miss my connection. There is a very good chance that a flight may be canceled. There is a very good chance that it is going to be a stressful, tough trip.

I was fortunate enough to be a grandparent for the eighth time. My son lives in Colorado. I am, as everyone knows, I hope, from New Jersey. My son and his wife just had their first child, my number eight grandchild. The oldest is six years old. They are little kids. They are an awful lot of fun. I would like to see more of them if I could do it and still make sure I perform the duties necessary to represent the people of New Jersey and the people of this country.

The trip I made consisted of two legs: one to Denver, CO, and the next one a short trip outside of Denver. It was on a Saturday. It wasn't on a busy weekday. It left an hour late from Newark. We were told that we should plan on a refueling stop in Wichita, KS. I have nothing against Kansas. I just didn't want to stop there if I didn't have to, because I was in such a hurry to get out and see my newest granddaughter. Her name is Hannah Lautenberg. I wanted to see her in the worst way. We stopped in Wichita long enough, about 40 minutes, to add more fuel.

Why did we leave the Newark airport to start on a trip knowing full well that we weren't going to have enough fuel to make the trip? They said, based on the passenger load, the baggage load, and the severe headwinds that we were going to run into, we had to provide for circling over Denver Airport in case that was necessary. We managed to take on the fuel. We didn't have to circle over Denver. The weather was reasonable. But it was enough for me to miss my next flight.

I called ahead and tried to reserve the second flight 2 hours later and was told that it was canceled and that the one 2 hours after that was full. Normally I would have exploded. But nobody would have cared. The worst thing is that you kind of resign yourself to saying, "Oh, well, that is what I expected." Instead of getting a 30-minute airplane ride, I took a 2½ hour van ride bouncing along the pavement and trying to figure out what to do to keep myself amused during that period of time. It was hard to read.

I got to see that beautiful grandchild. Boy, was I happy, too. She was as glorious as my daughter-in-law and my son described her. I thought she looked a lot like me. They said no. But it was a pleasant experience.

I stayed overnight and planned to take a 1:30 flight out because I had only come in 5 o'clock the night before to Denver, CO from New Jersey. But I was told that the short flight was canceled and that I have to go back in the van. I have nothing against the van, the company, or the driver. It was just a lot of time to spend together with a stranger. That is what I did.

I got back having missed two legs of the flight for which I paid in advance. I am not blaming that particular airline.

It is terrible what we have adjusted to. We have adjusted to poor performance. We have adjusted to discomfort. We have adjusted to not having services that we paid for. That is the kind of society we created.

I have all kind of friends. I come out of the corporate world, as the distinguished occupant of the Chair knows, and am accustomed to business travel. In the days before I came to the Senate, you would have a reservation and arrive kind of at the last minute, get on the plane, arrive on time, do your business, and get on your way. It is not so anymore at all.

Again, it is not simply because the airlines are neglectful or that the airlines aren't trying. They simply can't carry the load.

We have to face up to it. If you have bad weather in Denver, CO, you can bet your boots that you will be held up by aviation travel throughout the country. If you have bad weather, as we do even in Washington, DC, where sometimes they say the weather is always sunny—it is hard to believe that—you get stuck, and you feel it all over the country.

We had a meeting at the Newark airport. I sat down with people from the FAA, the Secretary of Transportation, people from the controllers operation, people who manage the airports, and people from the Air Transport Committee who operate the airlines.

I asked one question: Is the sky a finite place or can we say it is infinite and just put every airplane that you can get in the sky up there without feeling the impact? I don't think they were surprised. I was. The answer was no. It is crowded up there.

I went to a place in central southern New Jersey just about two-thirds of the way down where a couple of weeks ago we had an airplane crash. Two airplanes with a total of 11 people collided in the sky on a bright, sunny day. All 11 people died. It was a miracle that more people on the ground were not killed. I don't want to get too grizzly. But part of the airplane fell through a house roof with people in it. It was a stark reminder about how this system is overloaded.

I fly a lot in the second seat in the airplane, listen to the radio, and do some of the observing that one has to do in an airplane cockpit.

I hear over the collision warning system "traffic," "traffic," "traffic." That means that there are airplanes close enough to you that you had better be careful.

I point these out because we have our heads in the sand. We are not facing up to the problem. There is no more room in the sky.

I can tell you this: There are no communities that I have seen begging for more airplanes to come into their airports. I have not seen anybody that says, let's not build more highways. I don't care if the cars pass underneath my window making noise all night. I don't care if my kids read that excessive carbon monoxide and other emissions come out of automobiles and diesel trucks. I don't know of anybody saying that. They are saying, help us get around more effectively. There is one way to do that, Mr. President; that is, get this country into the 21st century transportation mode.

Not too long ago, I was on a trip to NATO and went from Brussels, Belgium, to Paris, France, a distance of 200 miles in about an hour and 25 minutes. We are 250 miles from New York. Sometimes I make it in a cool 4 hours by air, because I have to get on the plane. One time they told me: Get on the plane, Senator. I want you to know that we are moving away from the gate but we are going to wait 3 hours because of the line-up of traffic before we can take off. But we have to pull away from the gate. So please make the adjustment.

In 1987 I had the good fortune to understand the problem and wrote the law that banned smoking in airplanes. It happened right here. It was a tough fight, but we got it through. I thought, my goodness, suppose we had to sit in an airplane 3 hours before we took off today with the people who are accustomed to smoking in airplanes saying to the pilot while banging on the door: Let us smoke. It would have been awful, and people across the country would have been in rebellion if they had to do that. So there is a solution: Get on with an investment in high-speed rail.

I have heard debate on this floor that distresses me, from intelligent people, from people who say: No, we don't want to spend any more on Amtrak, we have spent enough. This is a cash guzzler.

The fact of the matter is, we haven't done the job that we planned or that we thought we should have. We have spent $23 billion, approximately, since Amtrak—as we know it now—was developed in the early 1970s. It sounds like a lot of money, but it isn't a lot of money, not when we consider what we put into aviation, what we put into airports over the same period of time. I repeat, $23 billion since 1971.

Since that period of time, we have spent $160 billion on aviation programs, $380 billion on highways. Yes, we do collect a highway tax, and I am not saying we haven't done a pretty good job in building highways and airports. I am glad to see things being updated and upgraded. The fact of the matter is, when it is compared to $23 billion in Federal subsidies for high-speed rail, it is a drop in the bucket. Germany is going to spend $70 billion in a decade upgrading its high-speed rail system. We ought to learn from that.

To say just because a State doesn't have active rail service they don't want it to happen is crazy. Everybody doesn't have the same kind of aviation airline service we have in Chicago or New York or Los Angeles or Dallas, TX. But we help the system perform. We pay funds into FAA and build control towers and build a flight service network. Why? Because it is good for the country. And so is high-speed rail, even if it doesn't touch your neighborhood.

As a matter of fact, we have a bunch of locations that are going to be beneficiaries of high-speed rail. They are included in 14 of the most congested urban areas that are designated high-speed corridors, including Chicago, Los Angeles, Seattle, Atlanta, GA, Houston, TX, Washington, DC, and Portland, OR, just to name a few of the places that are going to benefit by investments in high-speed rail. However, we have a problem convincing people from those States that it is good for them, that we ought to be spending more money on getting this system up to snuff.

I proposed a piece of legislation that calls for $10 billion worth of capital investment by Amtrak over the next 10 years to try to bring the system up to grade for the 21st century. That is on top of other subsidies for which we appropriate funds. It gives them the ability to sell $10 billion worth of bonds. The Federal Government does have to take some cost for providing a tax credit for bondholders.

The benefits are enormous. Within 2 weeks, we will see the first high-speed rail train set come into Washington. It will be there just as a showpiece to tell us what is coming. Very soon thereafter, within 4 or 5 weeks, we will be seeing high-speed rail service or modified high-speed rail service in this corridor, between Washington and New York. We started in New York, the New York to Boston route. It is not truly high-speed rail; it is modified high-speed. It took an hour and a half off a 5½-hour trip, and the trains are loaded. It is as if people were standing on the platform for weeks waiting to find a train ride that would get them to their destinations, depending on weather, overcrowded skies, congestion all over the place, getting in your car and sitting there with all of the toxic emissions, all of the pollution, waiting for the traffic to move along. It was indeed a blessing, recognized by the public.

When we get the system in the New York to Washington area, it will be considerably less than a 3-hour trip. That competes very effectively with aviation and the shuttle flights. We have approximately 100 flights a day. I don't want to deprive the airlines of revenue. That is not my mission. My mission is to help the American public get to their destinations on time, not miss connections, and to feel more comfortable, and lift the spirit of people who have to travel for a living, or recreationally, for family reunions or all kinds of reasons—to make it easier. That is the mission we are on.

We have endorsements from many organizations. I know the occupant of the Chair was a member of the National Governors' Association when he was the Governor of Ohio. They endorse high-speed speed rail. National Conference of State Legislatures; U.S. Conference of Mayors; we have environmentalists; the American Road and Transportation Association; the AFL-CIO, Rail Labor Division; all people who have an interest in seeing high-speed rail. And newspapers that think about these things and whether or not they are going to be affected by this: The New York Times, the Houston Chronicle, the Philadelphia Inquirer, the Chicago Sun-Times, the Tampa Tribune, Minneapolis Star Tribune, and other newspapers support this investment in high speed rail.

I think we ought to get on with it. I plead with my colleagues, don't let this be a last-ditch stand to try to uproot the possibilities of getting these trains underway, getting this track underway, getting the signal systems underway. It will make a difference in lives all across this country. Some of those whose States are serviced or will be serviced by this high-speed rail connection have to recognize what it means to them directly and step up to the plate and say this will be a national asset, even if it doesn't touch any of the cities in my State.

Recognizing time is precious and not wanting to hold the present occupant of the chair to a stricter schedule than he would like, I am feeling very generous and sympathetic because I know I am going to be able to call on the occupant of the chair to help us with the high-speed rail situation. I thank the chair for the courtesy of permitting me to make these comments. This is a milestone for America. It is a very important point in how we see ourselves getting from here to there.

I hope my colleagues will support this with enthusiasm, knowing very well this is going to be the mode of transportation that is essential to continue to carry out our responsibilities.

I thank the Chair.

I yield the floor.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m., Thursday, September 28, 2000.

Thereupon, the Senate, at 6:19 p.m., recessed until Thursday, September 28, 2000, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, September 27, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. OSE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 27, 2000.

I hereby appoint the Honorable DOUG OSE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Michael Caridi, Mary, Mother of the Church, Charleroi, Pennsylvania, offered the following prayer:

God of Abraham, Isaac and Jacob, Father of our Lord, Jesus Christ, as this venerable assembly of representatives convenes this day to offer guidance and leadership to our Nation, we beseech Your divine presence among us and ask You to send Your blessings upon these men and women who so generously devote themselves to helping and serving others.

We ask that, prompted by Your Spirit, they will make decisions that further the ideals upon which this Nation was founded, decisions which respect the inherent dignity of every human being residing within our borders, irrespective of age, race, creed or social class.

May their work this day be pleasing in Your sight and may it bring about an increase of peace, justice and prosperity, not only in our own land, but throughout the whole world. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. MASCARA) come forward and lead the House in the Pledge of Allegiance.

Mr. MASCARA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill and a joint resolution of the House of the following titles:

H.R. 4700. An act to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.J. Res. 72. Joint resolution granting the consent of the Congress to the Red River Boundary Compact.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1658. An act to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

S. 1865. An act to provide grants to establish demonstration mental health courts.

S. 1929. An act to amend the Native Hawaiian Health Care Improvement Act to revise and extend such Act.

S. 2272. An act to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

WELCOME TO FATHER MICHAEL CARIDI, MARY, MOTHER OF THE CHURCH, CHARLEROI, PENNSYLVANIA

(Mr. MASCARA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MASCARA. Mr. Speaker, I would like to welcome Father Michael Caridi of Mary, Mother of the Church, in Charleroi, Pennsylvania, and his brothers, Gregory and Jamie Caridi, to our Nation's Capital.

Thank you, Father Michael, for your inspiring prayer. I am sure it will be comforting to all of us as we proceed with our legislative business today.

I would also like to extend a special greeting to Father David Dzermejko, pastor of Mary, Mother of the Church. Father David also served as a guest chaplain here several years ago.

I would also like to thank the House chaplain, Father Daniel Coughlin, for making the arrangements for Father Michael's visit.

Father David and Father Michael have been true spiritual leaders of our parish.

I wish to extend my best wishes to the parish family in Charleroi. Be assured, be assured, that I will take good care of Father Michael during his visit to Washington, DC.

VIGIL FOR CAPTAIN NATHAN PECHACEK, LAS VEGAS FIRE DEPARTMENT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, it is often known that in times of crisis, family and friends join together to support one another, and today that is exactly what is happening in Las Vegas, Nevada, for Captain Nathan Pechacek of the Las Vegas Fire Department.

Earlier this week Captain Pechacek was seriously injured as his car was crushed and knocked on to its side by a drunk driver. Within minutes, fire fighters from Pechacek's own station arrived on the scene to rescue the injured driver from the wreck, not even knowing at first that the injured driver was their own captain.

Now, Captain Pechacek's fellow firefighters are keeping a vigil at the hospital, during which they have organized a blood drive to help him and others and volunteered to help Captain Pechecek's son with his homework in his father's absence.

We all wish Captain Pechacek a full and speedy recovery and his family strength during this difficult time. And to all those Las Vegas firefighters, we commend you on your heroism and loyalty.

Finally, I would like to end with a comment made by Las Vegas Fire Chief Mario Trevino. He said that they "always treat an accident like it was our mother or father or sister or brother. This time it really was."

JOHN LENNON MURDERER WANTS FREEDOM

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, John Lennon's murderer says he should be set free, and even John Lennon, who was a liberal, would agree he should be set free.

Think about it. Chapman said, "My mental illness is over. I am eating, I am breathing, I am even singing and playing the guitar."

Now, if that is not enough to throw up, let us remember Chapman's testimony. "I asked Lennon for his autograph. He gave it to me. It was a ploy. I killed him. It was not his signature I wanted, I wanted his life."

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Beam me up. Mark Chapman deserves an electric chair, not an electric guitar.

I yield back the fact that America, that tolerates murderers like Mark Chapman, is an America that promotes and tolerates more murderers.

I yield back the life of John Lennon.

COMMENDING DR. CARLOTTA MORALES, PRINCIPAL OF SAINT AGATHA CATHOLIC SCHOOL, MIAMI, FLORIDA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I am honored to commend Dr. Carlotta Morales, the Principal of Saint Agatha Catholic School in my hometown of Miami.

Through her hard work and dedication, Dr. Morales has upgraded her school's facilities, advanced the education of her students, and improved the relationship between students, faculty and parents.

Dr. Morales has shown us what can be achieved with a positive attitude and a firm belief in self-reliance.

For her wonderful leadership in both her school and our community, Dr. Morales has been honored by both the National Association of Elementary School Principals and the Department of Education by being named one of this year's national distinguished principals.

Through her work, Dr. Morales demonstrates that our children are our Nation's most important assets, and her fine work on behalf of South Florida's youngsters is a shining example to be followed by educators everywhere.

I ask my colleagues to join me in congratulating Dr. Carlotta Morales as she continues her wonderful work at Saint Agatha Catholic school in Miami.

INTERNATIONAL CHILD ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, today I continue in my effort to bring to this House's attention my deepest concern for American families destroyed by cases of international child abduction. Since February I have been coming to the floor to tell the stories of the over 10,000 American children who have been abducted abroad.

Today I will tell the story of Ms. Ildiko Gerbatsch and her two daughters, Naomi, who is 13, and her younger sister, Isabelle, who is now 10.

In the summer of 1977, Naomi and Isabelle visited their father in Germany. The parents had divorced in 1994, and Ms. Gerbatsch had complied with the California Superior Court's decision allowing the father visitation rights. At the end of the children's visiting time, the father failed to return the children to their mother in the United States.

To this date and after 3 years of legal disputes costing close to $100,000 in legal fees, the mother now has full custody of both children, but only on paper. Ms. Gerbatsch has only been allowed to visit with Naomi and Isabelle on three occasions. She has been mistreated by the German courts, who have failed to comply with the Hague Treaty.

Mr. Speaker, I come back to the floor for these daily one minutes because I care about families and reuniting children and parents. Let us make it our duty to place pressure on the countries that are the Hague signatories and who choose not to abide by the Hague Treaty.

I urge my colleagues to join me in spreading the message and taking a responsible role in bringing our children home.

VICE PRESIDENT AND MARRIAGE PENALTY TAX RELIEF

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, Vice President AL GORE, who once claimed he invented the Internet, now has an equally incredible claim, that he will get rid of the marriage penalty. The marriage penalty forces married couples to pay higher taxes than they would if they were single. Simply put, the marriage penalty is a tax on marriage.

The Vice President's proposal does not repeal the marriage penalty for all marriage penalty victims. The Vice President's plan only helps couples who take the standard deduction. That means that you would only get the marriage penalty reduction if you do not itemize your taxes.

In other words, under the Vice President's scheme, you will not get one penny of marriage penalty tax relief if you own a home and deduct your mortgage interest, if you donate to your church and other charities and deduct your contributions, if you own property and deduct your real estate or property taxes, if you deduct your State and local income taxes, if your spouse or child is ill and you deduct skyrocketing medical bills, or if you work at home and deduct the cost of your home office.

No one, Mr. Speaker, should be subjected to higher taxes simply because they are married. Taxing marriage is wrong. It is wrong whether a couple itemizes their taxes or not.

Mr. Speaker, I ask the American people, e-mail Vice President GORE, tell him to get it right. He did so well on the Internet, he should be able to do so well on the marriage penalty.

THE SURPLUS AND MEDICARE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, this week we have had some interesting events. We were treated to a video coverage of Mr. Bush, Governor Bush, who is running for the Presidency, who was saying what a wonderful set of cuts were made in 1997 on Medicare, the Gingrich proposal to produce $270 billion that could be used for $270 billion worth of tax cuts.

Now we have the majority leader talking here about the marriage tax penalty. Why did they not do it in 1997? Well, they had some other rich folks they wanted to take care of before they got to the middle class folks in this country.

Tomorrow in the Committee on Ways and Means, for the third time, we are going to go back and shovel money back into the Medicare plan that was taken out in 1997. They are going to throw $40 billion in there tomorrow to fill the hole they dug for themselves in 1997. If you think that is silly, where is something on prescription drugs?

Who is driving this bus, Mr. Speaker?

DEBT PAY DOWN AND PRESCRIPTION DRUGS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, there are a lot of issues on our plate, but there are two in particular that the American people are demanding action on. The American people want us to take advantage of our current prosperity to pay off the multi-trillion dollar public debt that the Democrats racked up in their 30-year stranglehold on Congress, and they want to do something about prescription drugs. No senior should ever have to choose between putting food on the table and filling prescriptions when the doctor gives them.

Well, we are paying down the debt all right. By the end of the next year, we will have paid off a half a trillion dollars on the national debt, and done it while protecting 100 percent of Social Security and Medicare Trust Fund surpluses. But the Democrats and the President are blocking any progress on the prescription drug issue. You see, as long as they can keep us from implementing our plan, and it is a good one, they can keep accusing us of having done nothing.

Well, the American people need to know we have acted on the prescription drugs issue. We passed a plan that is effective, fair and comprehensive. We passed a plan that would give seniors solid coverage, even on catastrophic expenses, something AL GORE's plan would make them wait years for. But Democrats are blocking it because they do not want Republicans to get any credit for it.

HELPING SENIORS PAY FOR PRESCRIPTION DRUGS .

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, Republicans are working to pay down the debt and help seniors get the prescription drugs they need. Republicans believe that in this time of plenty, it is critical that Congress reduce the public debt and enact a prescription drug benefit for our elderly.

As government surpluses pile up, we have a moral obligation to wipe out the public debt to provide our children with a brighter future. Reducing the public debt will strengthen the economy and result in lower interest rates for consumers. Our budget plan will pay down $240 billion of the public debt next year alone. America is the most prosperous nation on Earth, yet some seniors here are forced to choose between putting food on the table and the prescription drugs they need to lead healthy and productive lives.

□ 1015

That is just not right. Republicans have passed a plan to make voluntary prescription drug coverage available and affordable to all.

Mr. Speaker, as the 106th Congress enters the final stretch, Republicans are working to pay off the public debt and help seniors pay for their prescription drugs they need to live happy, productive lives.

SLEEPOVERS AT THE WHITE HOUSE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last week, the White House grudgingly released information showing that 404 people have been invited to sleep overnight in the White House since Hillary began her Senate campaign. Today a columnist in the Washington Post reports that 146 of the guests have contributed funds in this election cycle, 98 percent of it to Democrats. About 100 committed to supporting Hillary's campaign; others gave to the Gore campaign; others to the DNC.

Sleepovers have risen to 29 per month. That is almost every night. Mr. Speaker, this practice of turning the White House into a Motel 6 for soliciting campaign funds is improper and demeaning to the White House and to the office of the presidency. It is another disgusting example of the Clinton-Gore campaign finance practices, all while they call for campaign finance reform. That is nothing more than an attempt to get public attention away from their blatant "no controlling legal authority" violations. The American people deserve better.

CLINTON-GORE ENERGY POLICY IS DANGEROUS

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, when it comes to energy prices and energy policy, the Clinton-Gore administration has failed the American people.

National gas and crude oil prices are at record highs. It is the American people who bear the brunt of the administration's failures on their policies.

The administration has prevented exploration of our largest domestic reserves along the coasts and in Alaska. They have strangled the capacity of American refineries with needless regulations to satisfy the goals of their extreme left wing. They have totally ignored and stifled the significant contributions of clean coal, hydroelectric and nuclear power.

The Vice President even cast a deciding vote to increase gasoline taxes on consumers, directly in line with his outrageous book, Earth in the Balance.

Now just a few weeks before the election, the Clinton-Gore administration reverses itself and risks the national energy security by releasing oil from our strategic petroleum reserves. I urge the administration to stop the politics and provide a real and effective energy policy for the American people.

CONGRATULATIONS TO MARTY NOTHSTEIN, OLYMPIC GOLD MEDAL WINNER

(Mr. TOOMEY asked and was given permission to address the House for 1 minute.)

Mr. TOOMEY. Mr. Speaker, today I rise to offer hardy congratulations to Marty Nothstein. Last Wednesday, Marty won the gold medal in the cycling match sprint competition during the 2000 Summer Olympic Games in Sydney, Australia. I am proud to stand before all of my colleagues today to say "job well done" to this Trexlertown, Lehigh Valley, Pennsylvania native.

During the 1996 Atlanta games, Marty narrowly missed his chance at gold by placing second in the match sprint competition in one of the closest races from Olympic history. But instead of giving up on his Olympic dream for gold, Marty rededicated himself to his sport. He devoted more time, more energy, more patience to his training than he had at any other time during his long cycling career.

Marty's win last Wednesday is the culmination of a career that includes seven World Championship medals, including three World Championship titles.

Mr. Speaker, before all of my colleagues today, I want to recognize the efforts of this outstanding young man. By winning this gold medal on the world's biggest stage, Marty has proven that, with unparalleled effort, determination, and dedication, everything is possible. Marty is a true Olympic hero.

MEDIA BIASED AGAINST CHENEY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Mr. Speaker, here is a recent Washington Post article describing vice presidential candidate Dick Cheney's speeches: "Bash. Bash. Bash."

The reporter quotes Cheney as saying that the country was "weary of the Clinton-Gore routine," but then adds, "even if no one else is" but Cheney.

No, these sarcastic opinions are not from an editorial. They are from a news story that is supposed to be objective and impartial. What it reveals is the bias of a reporter who is trying to tell us what to think.

Why does the media display such a liberal bias? Simply because journalists are more liberal than the rest of us.

Peter Brown, an editor at the "Orlando Sentinel" conducted a study that discovered a profound cultural disconnect between journalists and readers. He found that reporters are far more likely than other Americans to approve of abortion on demand, to express disdainful attitudes towards the suburbs and rural areas, and to identify strongly with people who see themselves as victims of society. They are also less likely to go to church or do volunteer work in their communities.

But what is the answer? We need to tell the media, give us the facts, and let us make up our own mind.

PRESCRIPTION DRUG BENEFIT UNDER MEDICARE IS WHAT SENIORS WANT

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, as we speak right now, outside of this Chamber, our senior citizens who have come here begging us for some relief for the high cost of prescription drugs, they are telling us about how they are spending all of their money, rather than being able to buy the nutritious food or put a decent roof over their head, they are struggling to pay for the drugs that they need. We have only a few days left to provide real relief. A prescription drug benefit under Medicare is what they want.

Now we are talking about reimportation of lower-cost drugs from Canada. That is fine. Let us do that. Although, I have to tell my colleagues, it is pretty crazy that we have to rely on the Canadian Government who puts some controls on the cost of drugs, the cost they are willing to pay, and we as Americans have to go and buy those same American-made drugs from the Canadians because we do not do anything to control the cost.

Senior citizens need help. Let us get a prescription drug benefit under Medicare.

PRESCRIPTION DRUG COVERAGE FOR AMERICA'S SENIORS IS IMPORTANT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, prescription drug coverage for America's seniors is important. Our two parties differ, however.

Republicans believe in choice, not government control. Americans themselves can always make decisions that best meet their individuals needs. On the other hand, Democrats believe government, not individuals, make the best decisions for all people in every circumstance.

The Clinton-Gore administration's prescription drug proposals are total government control. Vice President GORE claims to have a recipe of hopes and promises. But when we get in the kitchen, we discover it is the same old concoction of government ingredients and bureaucratic spices. One can present it any way one wants to, but one knows it still tastes the same, it still smells the same. It is not good.

We need a prescription drug benefit under Medicare that offers seniors real choices without government control. Americans do not want, need, or deserve any more Hillary care.

SHAME ON THE CONGRESS FOR NOT TAKING ACTION ON PRESCRIPTION DRUGS

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I rise today to admonish this country, it is a shame that we are here talk, talk, talk, and not doing anything about prescription drugs.

My daughter recounted to me a story last Saturday night when she was in a pharmacy at midnight on Saturday night, to pick up some pain medicine. She told me that the people waiting in line there were limited English speaking, about eight families.

One of the gentlemen was pleading with the pharmacist to sell him at least two of the pills that were prescribed, he could not afford the whole package, because his infant daughter was sick and needed these prescription drugs. But the pharmacist would not sell the drugs to him because he could not buy the entire package, the entire dosage which the doctors recommend.

He said, "I cannot afford it. Give me two now, and I will come back in a couple of days and buy the rest of them." It went on and on, and the pharmacist would not sell it because the process would not allow them to do it, and the person could not afford the drugs. He was in tears, as any parent would be.

Shame on America that we cannot take care of people; we cannot even disburse those drugs that have been prescribed because people cannot pay for them. Shame on the drug companies. Shame on the process. Shame on Congress for not correcting it.

THIS ADMINISTRATION NOT CONNECTED WHEN IT COMES TO EDUCATION

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, now we have from the Gore-Clinton administration the formula for turning around education. This was revealed on September 7, 2000, by the Secretary of Education, Richard Riley, and I quote: "What we need are the three R's in education: relationships, resilience, and readiness."

Now, is not that odd, because back home in Georgia, none of the parents or teachers have come to me and said, what we really need is resilience in education. Somehow their idea of the three R's is a little bit different. We need local control of education. We need parental involvement. We need the money going to the teacher in the classroom, not the bureaucrats in Washington. We need safe campuses.

No wonder the gentleman from California (Mr. GEORGE MILLER), a Democrat Congressman, said January 10, 2000, and I quote directly: "I sit on the House Committee on Education and the Workforce, and I have witnessed the failure of this administration and AL GORE to do enough to address our Nation's education needs."

Well, I agree with the gentleman from California (Mr. GEORGE MILLER), my Democrat colleague. It does not appear that this administration is connected when it comes to education.

UNITED STATES RANKS NEAR BOTTOM IN EDUCATION COMPARED TO INDUSTRIALIZED COUNTRIES AROUND THE WORLD

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, I have an obscenity to share with the Members of the House. For the 8 years that the Clinton-Gore administration has possessed the White House, they have squandered their opportunity to fix education in America.

The Third International Math and Science Study comparison compared 21 industrialized countries around the world in math and science. Let me read the list of countries that outperform the United States: Netherlands, Sweden, Denmark, Switzerland, Iceland, Norway, France, New Zealand, Australia, Canada, Austria, Slovenia, Germany, Hungary, Italy, Russia, Lithuania, the Czech Republic.

After the United States comes two countries: Cyprus and South Africa.

Yes, Mr. Speaker, we rank near the bottom when compared to industrial countries around the world in education.

Republicans have a different message. Stop squandering opportunity in the White House. Get dollars to the classroom. Get money to the teachers, the administrators, the school board members who know the names of our children. Stop wasting billions on a huge bureaucracy here in Washington, D.C. that cannot teach.

CHILDREN'S HEALTH ACT OF 2000

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 594 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 594

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 4365) to amend the Public Health Service Act with respect to children's health, with Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Commerce or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore (Mr. OSE). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST); pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 594 is a rule waiving all points of order against a motion to concur in the Senate amendment to H.R. 4365, the Children's Health Act of the year 2000.

The rule provides 1 hour of debate on the motion to be equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce.

Mr. Speaker, H.R. 4365, the Children's Health Act of 2000, was passed in the House earlier this year on May 9 by a vote of 419 to two. Last week, our colleagues in the other body considered and passed this important legislation with an amendment by unanimous consent.

Adoption of this rule and passage of this legislation today is the last step in our work to sending this bill to the President for his signature and thus making this important package a reality.

I would like to congratulate the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) for their renewed efforts and success on this important legislation and also to commend the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce and the gentleman from Michigan (Mr. DINGELL), ranking member, for their hard work and leadership.

H.R. 4365, along with the decisions made by the other body, is a comprehensive package of several important children's health bills. Together it addresses a wide variety of critical issues, including day care safety, maternal and infant health, pediatric public health promotion, pediatric research, along with efforts to fight youth drug abuse and provide mental health services.

□ 1030

The legislation includes two important divisions. Division A addresses issues regarding children's health; while Division B focuses on youth drug abuse. Together this package will form the foundation for efforts to address the unique needs of one of our most important constituencies: Our children.

The provisions contained in the second part of this legislation, Division D, include a number of provisions previously introduced and considered in the House of Representatives and will allow us to tackle the plague of drug abuse and addiction which are moving through many of our communities.

The 1999 National Household Survey on drug abuse reported that some 10.9 percent of our youths, between the ages of 12 and 17, use some form of illicit drug. Just as tragic are the report's findings that alcohol use is also on the rise with our Nation's youth, with some 10.4 million drinkers under the legal age of 21.

H.R. 4365 reauthorizes and improves the Substance Abuse and Mental Health Services Administration, SAMSHA, by giving it greater focus on our youth and increased flexibility and accountability for the States. It will provide the needed funds for community-based programs, helping individuals with substance abuse and mental health disorders.

It includes the Drug Addiction Treatment Act, introduced by the gentleman from Virginia (Mr. BLILEY), to permit qualified physicians to treat their addicted patients and speed up the drug approval process of narcotic drugs needed for additional treatment.

Finally, H.R. 4365 includes important provisions to reduce the proliferation of the drug methamphetamine, and tackle the devastating drug currently on the rise with our youth commonly known as Ecstasy.

Mr. Speaker, we all hope that the wealth of our Nation and the amazing technological advances that have been made in medicine will give us the necessary resources to protect our children from harm. We have made tremendous progress, but the sad fact is that there are still so many diseases that affect our children for which there is no cure or even an effective treatment.

Division A of the legislation before us will give child victims and their families hope by devoting more Federal resources to diseases such as autism, asthma, juvenile diabetes and arthritis. I am especially pleased that this new version of H.R. 4365 includes specific provisions on childhood cancer.

By awarding grants, expanding data collection, encouraging uniform reporting standards and urging the national coordination of activities, this bill will go a long way in the battle against this disease that takes the lives of so many of our Nation's children.

This legislation also focuses on a new pediatric research initiative at NIH, and reauthorizes money to train physicians at children's hospitals, in order to help us better understand the way in which diseases attack children and how to give them the most effective and appropriate care.

There are critical differences between medical care for adults and medical care for children that must be reflected in the training of physicians and treatments designed for a child's system, which is still developing. The children's hospitals across the Nation need funding to adequately train their physicians, and I am so very pleased that H.R. 4365 extends the authorization of appropriations for graduate medical education programs in children's hospitals through fiscal year 2005.

This is an issue of fairness, and full authorization is necessary to provide children's hospitals support that is on par with that received by teaching hospitals that care for adults. This legislation recognizes and focuses on these many important differences.

Mr. Speaker, while we may never be able to make a child understand why he or she is sick or is made to suffer, we can invest in the research that will allow our best and brightest scientists to solve the mysteries of childhood disease so that more children can have the carefree youths to which they are entitled. What better way to invest our Nation's resources?

Mr. Speaker, this measure is straightforward and noncontroversial and its adoption will allow us to complete the work and the business of the House and pass this comprehensive package. I urge all my colleagues to support both the rule and this very important child health initiative.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

As the gentlewoman has explained, this rule will take a Senate amendment from the Speaker's desk and agree to it. Under this procedure, there will be no opportunity to change the bill under consideration with a motion to recommit.

Mr. Speaker, 6 years after the Republican majority took control of this House, the Republican leadership has yet to find a way to effectively manage the business of the House. It is 3 days before the end of the fiscal year and 9 days before the Congress is scheduled to end, yet only 2 of the 13 appropriation bills have been sent to the President to be signed; we have yet to consider on this floor the funding bills we need to help people find housing or have safe transportation to get to work or plow their ground to produce food or learn the basic skills to be able to get and hold a job in the modern day workplace.

Last night, the members of the Committee on Rules were held hostage for hours past the last vote so that we might be available to bail out the Republican leadership so that the House might have some business to conduct today. Why should the Committee on Rules be held here until 9:30? For one very simple reason, Mr. Speaker. And that is because the majority party still has not figured out how to run this institution in an efficient manner and could not find anything to do on the floor today.

However, sometime around 9 p.m. the Republican leadership came up with a solution. So what did they do? The Republican leadership has taken one of the bills that was supposed to be considered yesterday under procedures for noncontroversial bills, suspension of the rules, and moved it to today to be considered under a rule.

I do not mean to take anything away from the value of this bill. The Children's Health Act is vitally important to help find new ways to prevent or cure diseases which affect our children. But it should have been passed last night under suspension of the rules, as it was intended to be done. The health organizations, including the March of Dimes, the Spina Bifida Foundation, the Autism Society of America, the Association of Maternal and Child Health Programs, the Epilepsy Foundation, the Cereberal Palsy Association, and many, many others have worked hard to see the bill to completion and were counting on us to do our work. It is past time to get on with this business.

Mr. Speaker, I strongly support the Children's Health Act of 2000. This bill now spans 400 pages and has two basic purposes. The first addresses a host of specific childhood health problems and prenatal risk factors, including many provisions which passed in the House earlier this year. The bill authorizes research and public health and health education services that respond to fragile X syndrome, epilepsy, asthma, childhood lead poisoning, pediatric cancers, childhood obesity prevention, traumatic brain injury, juvenile diabetes, hearing loss, oral health, autism, arthritis, muscular dystrophy, autoimmune conditions, child care safety and pediatric organ transplants.

It also provides block grants to the States for laboratory infrastructure and patient care services for those affected with or at risk for genetic conditions. The bill contains the first ever authorization of the very successful Healthy Start demonstration project, now in their ninth year of reducing infant mortality and improving pregnancy outcomes in underserved populations.

The second feature of this bill covers a wide range of youth drug and mental health service programs that will strengthen America's communities, including extending and reauthorizing programs administered by the Substance Abuse and Mental Health Services Administration. These programs provide critical safety net services for individuals and families with substance abuse problems and mental illness, and also exclusively target youth. It also supports public and professional education programs related to substance abuse and mental illness. The breadth of services provided here range from an underage drinking provision and a suicide prevention initiative, to services for youth offenders, the homeless, and adults with fetal alcohol syndrome.

This large and complex bill, however, is marked with a number of procedural irregularities. As worthy as the goals may be, no bill of this scope and magnitude should proceed to the floor without going through the committee process, yet this occurred in the majority's apparent rush to move this bill to the floor.

For example, the bill contains a provision that invokes charitable choice. This is a difficult issue for many Members, yet the Committee on the Judiciary was never given the opportunity for public debate on this issue. I know this is of particular concern to my colleague, the gentleman from Virginia (Mr. SCOTT), who is here to voice his concerns this morning.

The second example is marked with some irony. The fine provision promoting safe motherhood includes a public education initiative addressing the dangers of alcohol, tobacco and illicit drug use in pregnancy. Most women do not begin smoking during pregnancy, they begin as adolescents. Yet neither the House nor the Committee on Commerce had the opportunity to even debate the issue of FDA regulation of youth tobacco use during this Congress.

I will vote for this bill, however, I want America's children to know that while H.R. 4365 is a measurable step toward improving the quality of their collective health, we can and should do better. It is obvious that this Congress will fail to address many major health care issues that confront us. I am only grateful we have the opportunity to vote for this bill and do something constructive to improve the health care of our Nation's children.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise to oppose the rule because, in its present form, good health care for children now includes a bad crime bill and a provision which waters down our fundamental civil rights. A good child health care bill should not come at such a price.

By adopting the rule, we will prohibit amendments to the bill that could fix the methamphetamine drug part of the bill. A similar bill was considered in the Committee on the Judiciary, and amendments could have conformed that 46-page bill to the formal deliberations of the committee. But the rule prohibits amendments, and so the bill now provides new Draconian mandatory minimums for violations of methamphetamines, mandatory minimums that everyone knows do not work. The same mandatory minimums as for crack cocaine.

Now, it is interesting that crack cocaine is prevalent in the black community; methamphetamine is more prevalent in the Hispanic community. They get the Draconian mandatory minimums. However, there is an exception to all of this. Ecstasy, which is prevalent in the middle class white community, does not suffer the same mandatory minimums. The Committee on the Judiciary at least had the common decency to make them all equal. But now we have a rule which prohibits any consideration for equalizing this penalty. We have this exemption and, because of the rule, we have to just do it.

The rule also protects another form of discrimination: Religious discrimination. Section 3305 has a provision that allows some sponsors of federally funded programs to discriminate on employment based on religion. That is they can tell otherwise qualified individuals that they do not hire their kind because of their religion. These are federally funded programs. We cannot address this discrimination because the rule protects that provision and does not allow any amendments.

So if we want good child health care, we have to accept the discrimination; we have to accept the mandatory minimums, with the exception for the middle class white kids. We should not be forced to accept ineffective counterproductive mandatory minimums and religious discrimination as a price for good child health care, and that is why I oppose this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I am thrilled that the Children's Health Act of 2000 is on the floor today. I would like to thank the Chair of the Subcommittee on Health and the Environment, the gentleman from Florida (Mr. BILIRAKIS), and the ranking member, the gentleman from Ohio (Mr. BROWN), for their leadership and determination to see the bill through.

But I want to take special time to salute the gentleman from Pennsylvania (Mr. GREENWOOD) for his work on behalf of children in America. The gentleman from Pennsylvania has worked tirelessly on behalf of millions of Americans suffering from traumatic brain injury. He has also assisted in my efforts to create the first national traumatic brain injury registry, which is critical.

I first became involved with this issue several years ago when a constituent of mine, Dennis Benigno, approached me to tell me about his son, who was struck by a car, hospitalized for months, leaving him with severe cognitive and physical damage.

□ 1045

As a result of his son's accident, Mr. Benigno has been on the front lines researching the disease, informing others, reaching out to the medical research and scientific community, and lobbying elected officials like myself.

I am proud of the efforts and the progress my good friend has made on behalf of traumatic brain injury, and I am pleased that the national registry will be included in the Children's Health Act.

These brain injury registries will also charge hospitals and local and State departments of health with the task of collecting data for up to a year following the injury.

A national registry will help all of us to better understand the injury, what types of treatment people have received, what services they use, and how we can best link people with services.

I also hope that we fight each day, like Dennis does, to raise awareness of this disease and to fight for the injured, like his son.

I urge all my colleagues to, when the bill comes up after we debate the rule, vote for the passage of this bill.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I indicated in my opening remarks, this is a good bill. The gentleman from Virginia (Mr. SCOTT) has some legitimate concerns about a particular matter that he was not able to address. The overall bill is an important piece of legislation.

We have concerns on this side that we seem to be treading water here in not being able to bring anything up on the floor on a regular basis. We do not know from day to day what is going to be considered.

This bill could have been done on suspension yesterday. That does not diminish the bill. This is an important piece of legislation. I support the bill and support the rule.

Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, let me just respond. This very well could have been considered under the suspension calendar last night. We would all have been considering this bill at about 11 p.m. if that were the case.

Instead, we chose to come back in the light of day and with everyone well rested and alert and consider this important piece of legislation and allow the American public to hear all the goods things that we are promoting and adopting.

In closing, let me remind my colleagues that the House has already passed this with a strong bipartisan support vote of 419-2. Our work today will allow us to dedicate important resources and focus Members on the very unique needs in the health and well-being of our children.

I urge adoption of this straightforward, noncontroversial rule and passage of the comprehensive legislation.

I applaud my colleagues, the gentleman from Florida (Chairman BILIRAKIS), and my colleague, the gentleman from Ohio (Mr. BROWN), on their hard work.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BILIRAKIS. Mr. Speaker, pursuant to House Resolution 594, I call up from the Speaker's table the bill (H.R. 4365) to amend the Public Health Service Act with respect to children's health, with the Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. BILIRAKIS

Mr. BILIRAKIS. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore (Mr. OSE). The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BILIRAKIS moves that the House concur in the Senate amendment to H.R. 4365, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Health Act of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

DIVISION A—CHILDREN'S HEALTH

TITLE I—AUTISM

Sec. 101. Expansion, intensification, and coordination of activities of National Institutes of Health with respect to research on autism.
Sec. 102. Developmental disabilities surveillance and research programs.
Sec. 103. Information and education.
Sec. 104. Inter-agency Autism Coordinating Committee.
Sec. 105. Report to Congress.

TITLE II—RESEARCH AND DEVELOPMENT REGARDING FRAGILE X

Sec. 201. National Institute of Child Health and Human Development; research on fragile X.

TITLE III—JUVENILE ARTHRITIS AND RELATED CONDITIONS

Sec. 301. National Institute of Arthritis and Musculoskeletal and Skin Diseases; research on juvenile arthritis and related conditions.
Sec. 302. Information clearinghouse.

TITLE IV—REDUCING BURDEN OF DIABETES AMONG CHILDREN AND YOUTH

Sec. 401. Programs of Centers for Disease Control and Prevention.
Sec. 402. Programs of National Institutes of Health.

TITLE V—ASTHMA SERVICES FOR CHILDREN

Subtitle A—Asthma Services

Sec. 501. Grants for children's asthma relief.
Sec. 502. Technical and conforming amendments.

Subtitle B—Prevention Activities

Sec. 511. Preventive health and health services block grant; systems for reducing asthma-related illnesses through integrated pest management.

Subtitle C—Coordination of Federal Activities

Sec. 521. Coordination through National Institutes of Health.

Subtitle D—Compilation of Data

Sec. 531. Compilation of data by Centers for Disease Control and Prevention.

TITLE VI—BIRTH DEFECTS PREVENTION ACTIVITIES

Subtitle A—Folic Acid Promotion

Sec. 601. Program regarding effects of folic acid in prevention of birth defects.

Subtitle B—National Center on Birth Defects and Developmental Disabilities

Sec. 611. National Center on Birth Defects and Developmental Disabilities.

TITLE VII—EARLY DETECTION, DIAGNOSIS, AND TREATMENT REGARDING HEARING LOSS IN INFANTS

Sec. 701. Purposes.
Sec. 702. Programs of Health Resources and Services Administration, Centers for Disease Control and Prevention, and National Institutes of Health.

TITLE VIII—CHILDREN AND EPILEPSY

Sec. 801. National public health campaign on epilepsy; seizure disorder demonstration projects in medically underserved areas.

TITLE IX—SAFE MOTHERHOOD; INFANT HEALTH PROMOTION

Subtitle A—Safe Motherhood Prevention Research

Sec. 901. Prevention research and other activities.

Subtitle B—Pregnant Women and Infants Health Promotion

Sec. 911. Programs regarding prenatal and postnatal health.

TITLE X—PEDIATRIC RESEARCH INITIATIVE

Sec. 1001. Establishment of pediatric research initiative.
Sec. 1002. Investment in tomorrow's pediatric researchers.
Sec. 1003. Review of regulations.
Sec. 1004. Long-term child development study.

TITLE XI—CHILDHOOD MALIGNANCIES

Sec. 1101. Programs of Centers for Disease Control and Prevention and National Institutes of Health.

TITLE XII—ADOPTION AWARENESS

Subtitle A—Infant Adoption Awareness

Sec. 1201. Grants regarding infant adoption awareness.

Subtitle B—Special Needs Adoption Awareness

Sec. 1211. Special needs adoption programs; public awareness campaign and other activities.

TITLE XIII—TRAUMATIC BRAIN INJURY

Sec. 1301. Programs of Centers for Disease Control and Prevention.
Sec. 1302. Study and monitor incidence and prevalence.
Sec. 1303. Programs of National Institutes of Health.
Sec. 1304. Programs of Health Resources and Services Administration.
Sec. 1305. State grants for protection and advocacy services.
Sec. 1306. Authorization of appropriations for certain programs.

TITLE XIV—CHILD CARE SAFETY AND HEALTH GRANTS

Sec. 1401. Definitions.
Sec. 1402. Authorization of appropriations.
Sec. 1403. Programs.
Sec. 1404. Amounts reserved; allotments.
Sec. 1405. State applications.
Sec. 1406. Use of funds.
Sec. 1407. Reports.

TITLE XV—HEALTHY START INITIATIVE

Sec. 1501. Continuation of healthy start program.

TITLE XVI—ORAL HEALTH PROMOTION AND DISEASE PREVENTION

Sec. 1601. Identification of interventions that reduce the burden and transmission of oral, dental, and craniofacial diseases in high risk populations; development of approaches for pediatric oral and craniofacial assessment.
Sec. 1602. Oral health promotion and disease prevention.
Sec. 1603. Coordinated program to improve pediatric oral health.

TITLE XVII—VACCINE-RELATED PROGRAMS

Subtitle A—Vaccine Compensation Program

Sec. 1701. Content of petitions.

Subtitle B— Childhood Immunizations

Sec. 1711. Childhood immunizations.

TITLE XVIII—HEPATITIS C

Sec. 1801. Surveillance and education regarding hepatitis C.

TITLE XIX—NIH INITIATIVE ON AUTOIMMUNE DISEASES

Sec. 1901. Autoimmune diseases; initiative through Director of National Institutes of Health.

TITLE XX—GRADUATE MEDICAL EDUCATION PROGRAMS IN CHILDREN'S HOSPITALS

Sec. 2001. Provisions to revise and extend program.

TITLE XXI—SPECIAL NEEDS OF CHILDREN REGARDING ORGAN TRANSPLANTATION

Sec. 2101. Organ Procurement and Transplantation Network; amendments regarding needs of children.

TITLE XXII—MUSCULAR DYSTROPHY RESEARCH

Sec. 2201. Muscular dystrophy research.

TITLE XXIII—CHILDREN AND TOURETTE SYNDROME AWARENESS

Sec. 2301. Grants regarding Tourette Syndrome.

TITLE XXIV—CHILDHOOD OBESITY PREVENTION

Sec. 2401. Programs operated through the Centers for Disease Control and Prevention.

TITLE XXV—EARLY DETECTION AND TREATMENT REGARDING CHILDHOOD LEAD POISONING

Sec. 2501. Centers for Disease Control and Prevention efforts to combat childhood lead poisoning.
Sec. 2502. Grants for lead poisoning related activities.
Sec. 2503. Training and reports by the Health Resources and Services Administration.
Sec. 2504. Screenings, referrals, and education regarding lead poisoning.

TITLE XXVI—SCREENING FOR HERITABLE DISORDERS

Sec. 2601. Program to improve the ability of States to provide newborn and child screening for heritable disorders.

TITLE XXVII—PEDIATRIC RESEARCH PROTECTIONS

Sec. 2701. Requirement for additional protections for children involved in research.

TITLE XXVIII—MISCELLANEOUS PROVISIONS

Sec. 2801. Report regarding research on rare diseases in children.
Sec. 2802. Study on metabolic disorders.

TITLE XXIX—EFFECTIVE DATE

Sec. 2901. Effective date.

DIVISION B—YOUTH DRUG AND MENTAL HEALTH SERVICES

Sec. 3001. Short title.

TITLE XXXI—PROVISIONS RELATING TO SERVICES FOR CHILDREN AND ADOLESCENTS

Sec. 3101. Children and violence.
Sec. 3102. Emergency response.
Sec. 3103. High risk youth reauthorization.
Sec. 3104. Substance abuse treatment services for children and adolescents.
Sec. 3105. Comprehensive community services for children with serious emotional disturbance.
Sec. 3106. Services for children of substance abusers.
Sec. 3107. Services for youth offenders.
Sec. 3108. Grants for strengthening families through community partnerships.
Sec. 3109. Programs to reduce underage drinking.
Sec. 3110. Services for individuals with fetal alcohol syndrome.
Sec. 3111. Suicide prevention.
Sec. 3112. General provisions.

TITLE XXXII—PROVISIONS RELATING TO MENTAL HEALTH

Sec. 3201. Priority mental health needs of regional and national significance.
Sec. 3202. Grants for the benefit of homeless individuals.
Sec. 3203. Projects for assistance in transition from homelessness.
Sec. 3204. Community mental health services performance partnership block grant.
Sec. 3205. Determination of allotment.
Sec. 3206. Protection and Advocacy for Mentally Ill Individuals Act of 1986.
Sec. 3207. Requirement relating to the rights of residents of certain facilities.
Sec. 3208. Requirement relating to the rights of residents of certain non-medical, community-based facilities for children and youth.
Sec. 3209. Emergency mental health centers.
Sec. 3210. Grants for jail diversion programs.
Sec. 3211. Improving outcomes for children and adolescents through services integration between child welfare and mental health services.
Sec. 3212. Grants for the integrated treatment of serious mental illness and co-occurring substance abuse.
Sec. 3213. Training grants.

TITLE XXXIII—PROVISIONS RELATING TO SUBSTANCE ABUSE

Sec. 3301. Priority substance abuse treatment needs of regional and national significance.
Sec. 3302. Priority substance abuse prevention needs of regional and national significance.
Sec. 3303. Substance abuse prevention and treatment performance partnership block grant.
Sec. 3304. Determination of allotments.
Sec. 3305. Nondiscrimination and institutional safeguards for religious providers.
Sec. 3306. Alcohol and drug prevention or treatment services for Indians and Native Alaskans.
Sec. 3307. Establishment of commission.

TITLE XXXIV—PROVISIONS RELATING TO FLEXIBILITY AND ACCOUNTABILITY

Sec. 3401. General authorities and peer review.
Sec. 3402. Advisory councils.
Sec. 3403. General provisions for the performance partnership block grants.
Sec. 3404. Data infrastructure projects.
Sec. 3405. Repeal of obsolete addict referral provisions.
Sec. 3406. Individuals with co-occurring disorders.
Sec. 3407. Services for individuals with co-occurring disorders.

TITLE XXXV—WAIVER AUTHORITY FOR PHYSICIANS WHO DISPENSE OR PRESCRIBE CERTAIN NARCOTIC DRUGS FOR MAINTENANCE TREATMENT OR DETOXIFICATION TREATMENT

Sec. 3501. Short title.
Sec. 3502. Amendment to Controlled Substances Act.

TITLE XXXVI—METHAMPHETAMINE AND OTHER CONTROLLED SUBSTANCES

Sec. 3601. Short title.

Subtitle A—Methamphetamine Production, Trafficking, and Abuse

PART I—CRIMINAL PENALTIES

Sec. 3611. Enhanced punishment of amphetamine laboratory operators.
Sec. 3612. Enhanced punishment of amphetamine or methamphetamine laboratory operators.
Sec. 3613. Mandatory restitution for violations of Controlled Substances Act and Controlled Substances Import and Export Act relating to amphetamine and methamphetamine.
Sec. 3614. Methamphetamine paraphernalia.

PART II—ENHANCED LAW ENFORCEMENT

Sec. 3621. Environmental hazards associated with illegal manufacture of amphetamine and methamphetamine.
Sec. 3622. Reduction in retail sales transaction threshold for non-safe harbor products containing pseudoephedrine or phenylpropanolamine.
Sec. 3623. Training for Drug Enforcement Administration and State and local law enforcement personnel relating to clandestine laboratories.
Sec. 3624. Combating methamphetamine and amphetamine in high intensity drug trafficking areas.
Sec. 3625. Combating amphetamine and methamphetamine manufacturing and trafficking.

PART III—ABUSE PREVENTION AND TREATMENT

Sec. 3631. Expansion of methamphetamine research.
Sec. 3632. Methamphetamine and amphetamine treatment initiative by Center for Substance Abuse Treatment.
Sec. 3633. Study of methamphetamine treatment.

PART IV—REPORTS

Sec. 3641. Reports on consumption of methamphetamine and other illicit drugs in rural areas, metropolitan areas, and consolidated metropolitan areas.
Sec. 3642. Report on diversion of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products.

Subtitle B—Controlled Substances Generally

Sec. 3651. Enhanced punishment for trafficking in list I chemicals.
Sec. 3652. Mail order requirements.
Sec. 3653. Theft and transportation of anhydrous ammonia for purposes of illicit production of controlled substances.

Subtitle C—Ecstasy Anti-Proliferation Act of 2000

Sec. 3661. Short title.
Sec. 3662. Findings.
Sec. 3663. Enhanced punishment of Ecstasy traffickers.

Sec. 3664. Emergency authority to United States Sentencing Commission.
Sec. 3665. Expansion of Ecstasy and club drugs abuse prevention efforts.

Subtitle D—Miscellaneous

Sec. 3671. Antidrug messages on Federal Government Internet websites.
Sec. 3672. Reimbursement by Drug Enforcement Administration of expenses incurred to remediate methamphetamine laboratories.
Sec. 3673. Severability.

DIVISION A—CHILDREN'S HEALTH

TITLE I—AUTISM

SEC. 101. EXPANSION, INTENSIFICATION, AND COORDINATION OF ACTIVITIES OF NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON AUTISM.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following section:

"Expansion, intensification, and coordination of activities of national institutes of health with respect to research on autism

"Sec. 409C. (a) In General.—

"(1) Expansion of activities.—The Director of NIH (in this section referred to as the 'Director') shall expand, intensify, and coordinate the activities of the National Institutes of Health with respect to research on autism.

"(2) Administration of program; collaboration among agencies.—The Director shall carry out this section acting through the Director of the National Institute of Mental Health and in collaboration with any other agencies that the Director determines appropriate.

"(b) Centers of Excellence.—

"(1) In general.—The Director shall under subsection (a)(1) make awards of grants and contracts to public or nonprofit private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for centers of excellence regarding research on autism.

"(2) Research.—Each center under paragraph (1) shall conduct basic and clinical research into autism. Such research should include investigations into the cause, diagnosis, early detection, prevention, control, and treatment of autism. The centers, as a group, shall conduct research including the fields of developmental neurobiology, genetics, and psychopharmacology.

"(3) Services for patients.—

"(A) In general.—A center under paragraph (1) may expend amounts provided under such paragraph to carry out a program to make individuals aware of opportunities to participate as subjects in research conducted by the centers.

"(B) Referrals and costs.—A program under subparagraph (A) may, in accordance with such criteria as the Director may establish, provide to the subjects described in such subparagraph, referrals for health and other services, and such patient care costs as are required for research.

"(C) Availability and access.—The extent to which a center can demonstrate availability and access to clinical services shall be considered by the Director in decisions about awarding grants to applicants which meet the scientific criteria for funding under this section.

"(4) Coordination of centers; reports.—The Director shall, as appropriate, provide for the coordination of information among centers under paragraph (1) and ensure regular communication between such centers, and may require the periodic preparation of reports on the activities of the centers and the submission of the reports to the Director.

"(5) Organization of centers.—Each center under paragraph (1) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director.

"(6) Number of centers; duration of support.—

"(A) In general.—The Director shall provide for the establishment of not less than 5 centers under paragraph (1).

"(B) Duration.—Support for a center established under paragraph (1) may be provided under this section for a period of not to exceed 5 years. Such period may be extended for 1 or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(c) Facilitation of Research.—The Director shall under subsection (a)(1) provide for a program under which samples of tissues and genetic materials that are of use in research on autism are donated, collected, preserved, and made available for such research. The program shall be carried out in accordance with accepted scientific and medical standards for the donation, collection, and preservation of such samples.

"(d) Public Input.—The Director shall under subsection (a)(1) provide for means through which the public can obtain information on the existing and planned programs and activities of the National Institutes of Health with respect to autism and through which the Director can receive comments from the public regarding such programs and activities.

"(e) Funding.—There are authorized to be appropriated such sums as may be necessary to carry out this section. Amounts appropriated under this subsection are in addition to any other amounts appropriated for such purpose.".

SEC. 102. DEVELOPMENTAL DISABILITIES SURVEILLANCE AND RESEARCH PROGRAMS.

(a) National Autism and Pervasive Developmental Disabilities Surveillance Program.—

(1) In general.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the Director of the Centers for Disease Control and Prevention, may make awards of grants and cooperative agreements for the collection, analysis, and reporting of data on autism and pervasive developmental disabilities. In making such awards, the Secretary may provide direct technical assistance in lieu of cash.

(2) Eligibility.—To be eligible to receive an award under paragraph (1) an entity shall be a public or nonprofit private entity (including health departments of States and political subdivisions of States, and including universities and other educational entities).

(b) Centers of Excellence in Autism and Pervasive Developmental Disabilities Epidemiology.—

(1) In general.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish not less than 3 regional centers of excellence in autism and pervasive developmental disabilities epidemiology for the purpose of collecting and analyzing information on the number, incidence, correlates, and causes of autism and related developmental disabilities.

(2) Recipients of awards for establishment of centers.—Centers under paragraph (1) shall be established and operated through the awarding of grants or cooperative agreements to public or nonprofit private entities that conduct research, including health departments of States and political subdivisions of States, and including universities and other educational entities.

(3) Certain requirements.—An award for a center under paragraph (1) may be made only if the entity involved submits to the Secretary an application containing such agreements and information as the Secretary may require, including an agreement that the center involved will operate in accordance with the following:

(A) The center will collect, analyze, and report autism and pervasive developmental disabilities data according to guidelines prescribed by the Director, after consultation with relevant State and local public health officials, private sector developmental disability researchers, and advocates for those with developmental disabilities.

(B) The center will assist with the development and coordination of State autism and pervasive developmental disabilities surveillance efforts within a region.

(C) The center will identify eligible cases and controls through its surveillance systems and conduct research into factors which may cause autism and related developmental disabilities.

(D) The center will develop or extend an area of special research expertise (including genetics, environmental exposure to contaminants, immunology, and other relevant research specialty areas).

(c) Clearinghouse.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out the following:

(1) The Secretary shall establish a clearinghouse within the Centers for Disease Control and Prevention for the collection and storage of data generated from the monitoring programs established by this title. Through the clearinghouse, such Centers shall serve as the coordinating agency for autism and pervasive developmental disabilities surveillance activities. The functions of such a clearinghouse shall include facilitating the coordination of research and policy development relating to the epidemiology of autism and other pervasive developmental disabilities.

(2) The Secretary shall coordinate the Federal response to requests for assistance from State health department officials regarding potential or alleged autism or developmental disability clusters.

(d) Definition.—In this title, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 103. INFORMATION AND EDUCATION.

(a) In General.—The Secretary shall establish and implement a program to provide information and education on autism to health professionals and the general public, including information and education on advances in the diagnosis and treatment of autism and training and continuing education through programs for scientists, physicians, and other health professionals who provide care for patients with autism.

(b) Stipends.—The Secretary may use amounts made available under this section to provide stipends for health professionals who are enrolled in training programs under this section.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 104. INTER-AGENCY AUTISM COORDINATING COMMITTEE.

(a) Establishment.—The Secretary shall establish a committee to be known as the "Autism

Coordinating Committee" (in this section referred to as the "Committee") to coordinate all efforts within the Department of Health and Human Services concerning autism, including activities carried out through the National Institutes of Health and the Centers for Disease Control and Prevention under this title (and the amendment made by this title).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of the Directors of such national research institutes, of the Centers for Disease Control and Prevention, and of such other agencies and such other officials as the Secretary determines appropriate.

(2) ADDITIONAL MEMBERS.—If determined appropriate by the Secretary, the Secretary may appoint to the Committee—

(A) parents or legal guardians of individuals with autism or other pervasive developmental disorders; and

(B) representatives of other governmental agencies that serve children with autism such as the Department of Education.

(c) ADMINISTRATIVE SUPPORT; TERMS OF SERVICE; OTHER PROVISIONS.—The following shall apply with respect to the Committee:

(1) The Committee shall receive necessary and appropriate administrative support from the Department of Health and Human Services.

(2) Members of the Committee appointed under subsection (b)(2)(A) shall serve for a term of 3 years, and may serve for an unlimited number of terms if reappointed.

(3) The Committee shall meet not less than 2 times each year.

SEC. 105. REPORT TO CONGRESS.

Not later than January 1, 2001, and each January 1 thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress, a report concerning the implementation of this title and the amendments made by this title.

TITLE II—RESEARCH AND DEVELOPMENT REGARDING FRAGILE X

SEC. 201. NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT; RESEARCH ON FRAGILE X.

Subpart 7 of part C of title IV of the Public Health Service Act is amended by adding at the end the following section:

"FRAGILE X

"SEC. 452E. (a) EXPANSION AND COORDINATION OF RESEARCH ACTIVITIES.—The Director of the Institute, after consultation with the advisory council for the Institute, shall expand, intensify, and coordinate the activities of the Institute with respect to research on the disease known as fragile X.

"(b) RESEARCH CENTERS.—

"(1) IN GENERAL.—The Director of the Institute shall make grants or enter into contracts for the development and operation of centers to conduct research for the purposes of improving the diagnosis and treatment of, and finding the cure for, fragile X.

"(2) NUMBER OF CENTERS.—

"(A) IN GENERAL.—In carrying out paragraph (1), the Director of the Institute shall, to the extent that amounts are appropriated, and subject to subparagraph (B), provide for the establishment of at least three fragile X research centers.

"(B) PEER REVIEW REQUIREMENT.—The Director of the Institute shall make a grant to, or enter into a contract with, an entity for purposes of establishing a center under paragraph (1) only if the grant or contract has been recommended after technical and scientific peer review required by regulations under section 492.

"(3) ACTIVITIES.—The Director of the Institute, with the assistance of centers established under paragraph (1), shall conduct and support basic and biomedical research into the detection and treatment of fragile X.

"(4) COORDINATION AMONG CENTERS.—The Director of the Institute shall, as appropriate, provide for the coordination of the activities of the centers assisted under this section, including providing for the exchange of information among the centers.

"(5) CERTAIN ADMINISTRATIVE REQUIREMENTS.—Each center assisted under paragraph (1) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(6) DURATION OF SUPPORT.—Support may be provided to a center under paragraph (1) for a period not exceeding 5 years. Such period may be extended for one or more additional periods, each of which may not exceed 5 years, if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period be extended.

"(7) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE III—JUVENILE ARTHRITIS AND RELATED CONDITIONS

SEC. 301. NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES; RESEARCH ON JUVENILE ARTHRITIS AND RELATED CONDITIONS.

(a) IN GENERAL.—Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 442 the following section:

"JUVENILE ARTHRITIS AND RELATED CONDITIONS

"SEC. 442A. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in coordination with the Director of the National Institute of Allergy and Infectious Diseases, shall expand and intensify the programs of such Institutes with respect to research and related activities concerning juvenile arthritis and related conditions.

"(b) COORDINATION.—The Directors referred to in subsection (a) shall jointly coordinate the programs referred to in such subsection and consult with the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

(b) PEDIATRIC RHEUMATOLOGY.—Subpart 1 of part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

"SEC. 763. PEDIATRIC RHEUMATOLOGY.

"(a) IN GENERAL.—The Secretary, acting through the appropriate agencies, shall evaluate whether the number of pediatric rheumatologists is sufficient to address the health care needs of children with arthritis and related conditions, and if the Secretary determines that the number is not sufficient, shall develop strategies to help address the shortfall.

"(b) REPORT TO CONGRESS.—Not later than October 1, 2001, the Secretary shall submit to the Congress a report describing the results of the evaluation under subsection (a), and as applicable, the strategies developed under such subsection.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

SEC. 302. INFORMATION CLEARINGHOUSE.

Section 438(b) of the Public Health Service Act (42 U.S.C. 285d–3(b)) is amended by inserting ", including juvenile arthritis and related conditions," after "diseases".

TITLE IV—REDUCING BURDEN OF DIABETES AMONG CHILDREN AND YOUTH

SEC. 401. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317G the following section:

"DIABETES IN CHILDREN AND YOUTH

"SEC. 317H. (a) SURVEILLANCE ON JUVENILE DIABETES.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop a sentinel system to collect data on juvenile diabetes, including with respect to incidence and prevalence, and shall establish a national database for such data.

"(b) TYPE 2 DIABETES IN YOUTH.—The Secretary shall implement a national public health effort to address type 2 diabetes in youth, including—

"(1) enhancing surveillance systems and expanding research to better assess the prevalence and incidence of type 2 diabetes in youth and determine the extent to which type 2 diabetes is incorrectly diagnosed as type 1 diabetes among children; and

"(2) developing and improving laboratory methods to assist in diagnosis, treatment, and prevention of diabetes including, but not limited to, developing noninvasive ways to monitor blood glucose to prevent hypoglycemia and improving existing glucometers that measure blood glucose.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

SEC. 402. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by inserting after section 434 the following section:

"JUVENILE DIABETES

"SEC. 434A. (a) LONG-TERM EPIDEMIOLOGY STUDIES.—The Director of the Institute shall conduct or support long-term epidemiology studies in which individuals with or at risk for type 1, or juvenile, diabetes are followed for 10 years or more. Such studies shall investigate the causes and characteristics of the disease and its complications.

"(b) CLINICAL TRIAL INFRASTRUCTURE/INNOVATIVE TREATMENTS FOR JUVENILE DIABETES.—The Secretary, acting through the Director of the National Institutes of Health, shall support regional clinical research centers for the prevention, detection, treatment, and cure of juvenile diabetes.

"(c) PREVENTION OF TYPE 1 DIABETES.—The Secretary, acting through the appropriate agencies, shall provide for a national effort to prevent type 1 diabetes. Such effort shall provide for a combination of increased efforts in research and development of prevention strategies, including consideration of vaccine development, coupled with appropriate ability to test the effectiveness of such strategies in large clinical trials of children and young adults.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE V—ASTHMA SERVICES FOR CHILDREN

Subtitle A—Asthma Services

SEC. 501. GRANTS FOR CHILDREN'S ASTHMA RELIEF.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following part:

"PART P—ADDITIONAL PROGRAMS

"SEC. 399L. CHILDREN'S ASTHMA TREATMENT GRANTS PROGRAM.

"(a) Authority To Make Grants.—

"(1) In General.—In addition to any other payments made under this Act or title V of the Social Security Act, the Secretary shall award grants to eligible entities to carry out the following purposes:

"(A) To provide access to quality medical care for children who live in areas that have a high prevalence of asthma and who lack access to medical care.

"(B) To provide on-site education to parents, children, health care providers, and medical teams to recognize the signs and symptoms of asthma, and to train them in the use of medications to treat asthma and prevent its exacerbations.

"(C) To decrease preventable trips to the emergency room by making medication available to individuals who have not previously had access to treatment or education in the management of asthma.

"(D) To provide other services, such as smoking cessation programs, home modification, and other direct and support services that ameliorate conditions that exacerbate or induce asthma.

"(2) Certain Projects.—In making grants under paragraph (1), the Secretary may make grants designed to develop and expand the following projects:

"(A) Projects to provide comprehensive asthma services to children in accordance with the guidelines of the National Asthma Education and Prevention Program (through the National Heart, Lung and Blood Institute), including access to care and treatment for asthma in a community-based setting.

"(B) Projects to fully equip mobile health care clinics that provide preventive asthma care including diagnosis, physical examinations, pharmacological therapy, skin testing, peak flow meter testing, and other asthma-related health care services.

"(C) Projects to conduct validated asthma management education programs for patients with asthma and their families, including patient education regarding asthma management, family education on asthma management, and the distribution of materials, including displays and videos, to reinforce concepts presented by medical teams.

"(2) Award of Grants.—

"(A) Application.—

"(i) In General.—An eligible entity shall submit an application to the Secretary for a grant under this section in such form and manner as the Secretary may require.

"(ii) Required Information.—An application submitted under this subparagraph shall include a plan for the use of funds awarded under the grant and such other information as the Secretary may require.

"(B) Requirement.—In awarding grants under this section, the Secretary shall give preference to eligible entities that demonstrate that the activities to be carried out under this section shall be in localities within areas of known or suspected high prevalence of childhood asthma or high asthma-related mortality or high rate of hospitalization or emergency room visits for asthma (relative to the average asthma prevalence rates and associated mortality rates in the United States). Acceptable data sets to demonstrate a high prevalence of childhood asthma or high asthma-related mortality may include data from Federal, State, or local vital statistics, claims data under title XIX or XXI of the Social Security Act, other public health statistics or surveys, or other data that the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, deems appropriate.

"(3) Definition of Eligible Entity.—For purposes of this section, the term 'eligible entity' means a public or nonprofit private entity (including a State or political subdivision of a State), or a consortium of any of such entities.

"(b) Coordination With Other Children's Programs.—An eligible entity shall identify in the plan submitted as part of an application for a grant under this section how the entity will coordinate operations and activities under the grant with—

"(1) other programs operated in the State that serve children with asthma, including any such programs operated under titles V, XIX, or XXI of the Social Security Act; and

"(2) one or more of the following—

"(A) the child welfare and foster care and adoption assistance programs under parts B and E of title IV of such Act;

"(B) the head start program established under the Head Start Act (42 U.S.C. 9831 et seq.);

"(C) the program of assistance under the special supplemental nutrition program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

"(D) local public and private elementary or secondary schools; or

"(E) public housing agencies, as defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

"(c) Evaluation.—An eligible entity that receives a grant under this section shall submit to the Secretary an evaluation of the operations and activities carried out under the grant that includes—

"(1) a description of the health status outcomes of children assisted under the grant;

"(2) an assessment of the utilization of asthma-related health care services as a result of activities carried out under the grant;

"(3) the collection, analysis, and reporting of asthma data according to guidelines prescribed by the Director of the Centers for Disease Control and Prevention; and

"(4) such other information as the Secretary may require.

"(d) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

SEC. 502. TECHNICAL AND CONFORMING AMENDMENTS.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended—

(1) in part L, by redesignating section 399D as section 399A;

(2) in part M—

(A) by redesignating sections 399H through 399L as sections 399B through 399F, respectively;

(B) in section 399B (as so redesignated), in subsection (e)—

(i) by striking "section 399K(b)" and inserting "subsection (b) of section 399E"; and

(ii) by striking "section 399C" and inserting "such section";

(C) in section 399E (as so redesignated), in subsection (c), by striking "section 399H(a)" and inserting "section 399B(a)"; and

(D) in section 399F (as so redesignated)—

(i) in subsection (a), by striking "section 399I" and inserting "section 399C";

(ii) in subsection (a), by striking "subsection 399J" and inserting "section 399D"; and

(iii) in subsection (b), by striking "subsection 399K" and inserting "section 399E";

(3) in part N, by redesignating section 399F as section 399G; and

(4) in part O—

(A) by redesignating sections 399G through 399J as sections 399H through 399K, respectively;

(B) in section 399H (as so redesignated), in subsection (b), by striking "section 399H" and inserting "section 399I";

(C) in section 399J (as so redesignated), in subsection (b), by striking "section 399G(d)" and inserting "section 399H(d)"; and

(D) in section 399K (as so redesignated), by striking "section 399G(d)(1)" and inserting "section 399H(d)(1)".

Subtitle B—Prevention Activities

SEC. 511. PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT; SYSTEMS FOR REDUCING ASTHMA-RELATED ILLNESSES THROUGH INTEGRATED PEST MANAGEMENT.

Section 1904(a)(1) of the Public Health Service Act (42 U.S.C. 300w–3(a)(1)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(2) by adding a period at the end of subparagraph (G) (as so redesignated);

(3) by inserting after subparagraph (D), the following:

"(E) The establishment, operation, and coordination of effective and cost-efficient systems to reduce the prevalence of illness due to asthma and asthma-related illnesses, especially among children, by reducing the level of exposure to cockroach allergen or other known asthma triggers through the use of integrated pest management, as applied to cockroaches or other known allergens. Amounts expended for such systems may include the costs of building maintenance and the costs of programs to promote community participation in the carrying out at such sites of integrated pest management, as applied to cockroaches or other known allergens. For purposes of this subparagraph, the term 'integrated pest management' means an approach to the management of pests in public facilities that combines biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.";

(4) in subparagraph (F) (as so redesignated), by striking "subparagraphs (A) through (D)" and inserting "subparagraphs (A) through (E)"; and

(5) in subparagraph (G) (as so reaesignated), by striking "subparagraphs (A) through (E)" and inserting "subparagraphs (A) through (F)".

Subtitle C—Coordination of Federal Activities

SEC. 521. COORDINATION THROUGH NATIONAL INSTITUTES OF HEALTH.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by inserting after section 424A the following section:

"COORDINATION OF FEDERAL ASTHMA ACTIVITIES

"Sec. 424B (a) In General.—The Director of Institute shall, through the National Asthma Education Prevention Program Coordinating Committee—

"(1) identify all Federal programs that carry out asthma-related activities;

"(2) develop, in consultation with appropriate Federal agencies and professional and voluntary health organizations, a Federal plan for responding to asthma; and

"(3) not later than 12 months after the date of the enactment of the Children's Health Act of 2000, submit recommendations to the appropriate committees of the Congress on ways to strengthen and improve the coordination of asthma-related activities of the Federal Government.

"(b) Representation of the Department of Housing and Urban Development.—A representative of the Department of Housing and Urban Development shall be included on the National Asthma Education Prevention Program Coordinating Committee for the purpose of performing the tasks described in subsection (a).

"(c) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

Subtitle D—Compilation of Data

SEC. 531. COMPILATION OF DATA BY CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act, as amended by section 401 of this Act, is amended by inserting after section 317H the following section:

"COMPILATION OF DATA ON ASTHMA

"SEC. 317I. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

"(1) conduct local asthma surveillance activities to collect data on the prevalence and severity of asthma and the quality of asthma management;

"(2) compile and annually publish data on the prevalence of children suffering from asthma in each State; and

"(3) to the extent practicable, compile and publish data on the childhood mortality rate associated with asthma nationally.

"(b) SURVEILLANCE ACTIVITIES.—The Director of the Centers for Disease Control and Prevention, acting through the representative of the Director on the National Asthma Education Prevention Program Coordinating Committee, shall, in carrying out subsection (a), provide an update on surveillance activities at each Committee meeting.

"(c) COLLABORATIVE EFFORTS.—The activities described in subsection (a)(1) may be conducted in collaboration with eligible entities awarded a grant under section 399L.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE VI—BIRTH DEFECTS PREVENTION ACTIVITIES

Subtitle A—Folic Acid Promotion

SEC. 601. PROGRAM REGARDING EFFECTS OF FOLIC ACID IN PREVENTION OF BIRTH DEFECTS.

Part B of title III of the Public Health Service Act, as amended by section 531 of this Act, is amended by inserting after section 317I the following section:

"EFFECTS OF FOLIC ACID IN PREVENTION OF BIRTH DEFECTS

"SEC. 317J. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall expand and intensify programs (directly or through grants or contracts) for the following purposes:

"(1) To provide education and training for health professionals and the general public for purposes of explaining the effects of folic acid in preventing birth defects and for purposes of encouraging each woman of reproductive capacity (whether or not planning a pregnancy) to consume on a daily basis a dietary supplement that provides an appropriate level of folic acid.

"(2) To conduct research with respect to such education and training, including identifying effective strategies for increasing the rate of consumption of folic acid by women of reproductive capacity.

"(3) To conduct research to increase the understanding of the effects of folic acid in preventing birth defects, including understanding with respect to cleft lip, cleft palate, and heart defects.

"(4) To provide for appropriate epidemiological activities regarding folic acid and birth defects, including epidemiological activities regarding neural tube defects.

"(b) CONSULTATIONS WITH STATES AND PRIVATE ENTITIES.—In carrying out subsection (a), the Secretary shall consult with the States and with other appropriate public or private entities, including national nonprofit private organizations, health professionals, and providers of health insurance and health plans.

"(c) TECHNICAL ASSISTANCE.—The Secretary may (directly or through grants or contracts) provide technical assistance to public and nonprofit private entities in carrying out the activities described in subsection (a).

"(d) EVALUATIONS.—The Secretary shall (directly or through grants or contracts) provide for the evaluation of activities under subsection (a) in order to determine the extent to which such activities have been effective in carrying out the purposes of the program under such subsection, including the effects on various demographic populations. Methods of evaluation under the preceding sentence may include surveys of knowledge and attitudes on the consumption of folic acid and on blood folate levels. Such methods may include complete and timely monitoring of infants who are born with neural tube defects.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

Subtitle B—National Center on Birth Defects and Developmental Disabilities

SEC. 611. NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES.

Section 317C of the Public Health Service Act (42 U.S.C. 247b–4) is amended—

(1) by striking the heading for the section and inserting the following:

"NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES";

(2) by striking "SEC. 317C. (a)" and all that follows through the end of subsection (a) and inserting the following:

"SEC. 317C. (a) IN GENERAL.—

"(1) NATIONAL CENTER.—There is established within the Centers for Disease Control and Prevention a center to be known as the National Center on Birth Defects and Developmental Disabilities (referred to in this section as the 'Center'), which shall be headed by a director appointed by the Director of the Centers for Disease Control and Prevention.

"(2) GENERAL DUTIES.—The Secretary shall carry out programs—

(A) to collect, analyze, and make available data on birth defects and developmental disabilities (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and disabilities and on the incidence and prevalence of such defects and disabilities;

(B) to operate regional centers for the conduct of applied epidemiological research on the prevention of such defects and disabilities; and

(C) to provide information and education to the public on the prevention of such defects and disabilities.

"(3) FOLIC ACID.—The Secretary shall carry out section 317J through the Center.

"(4) CERTAIN PROGRAMS.—

"(A) TRANSFERS.—All programs and functions described in subparagraph (B) are transferred to the Center, effective upon the expiration of the 180-day period beginning on the date of the enactment of the Children's Health Act of 2000.

"(B) RELEVANT PROGRAMS.—The programs and functions described in this subparagraph are all programs and functions that—

"(i) relate to birth defects; folic acid; cerebral palsy; mental retardation; child development; newborn screening; autism; fragile X syndrome; fetal alcohol syndrome; pediatric genetic disorders; disability prevention; or other relevant diseases, disorders, or conditions as determined the Secretary; and

"(ii) were carried out through the National Center for Environmental Health as of the day before the date of the enactment of the Act referred to in subparagraph (A).

"(C) RELATED TRANSFERS.—Personnel employed in connection with the programs and functions specified in subparagraph (B), and amounts available for carrying out the programs and functions, are transferred to the Center, effective upon the expiration of the 180-day period beginning on the date of the enactment of the Act referred to in subparagraph (A). Such transfer of amounts does not affect the period of availability of the amounts, or the availability of the amounts with respect to the purposes for which the amounts may be expended."; and

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "(a)(1)" and inserting "(a)(2)(A)".

TITLE VII—EARLY DETECTION, DIAGNOSIS, AND TREATMENT REGARDING HEARING LOSS IN INFANTS

SEC. 701. PURPOSES.

The purposes of this title are to clarify the authority within the Public Health Service Act to authorize statewide newborn and infant hearing screening, evaluation and intervention programs and systems, technical assistance, a national applied research program, and interagency and private sector collaboration for policy development, in order to assist the States in making progress toward the following goals:

(1) All babies born in hospitals in the United States and its territories should have a hearing screening before leaving the birthing facility. Babies born in other countries and residing in the United States via immigration or adoption should have a hearing screening as early as possible.

(2) All babies who are not born in hospitals in the United States and its territories should have a hearing screening within the first 3 months of life.

(3) Appropriate audiologic and medical evaluations should be conducted by 3 months for all newborns and infants suspected of having hearing loss to allow appropriate referral and provisions far audiologic rehabilitation, medical and early intervention before the age of 6 months.

(4) All newborn and infant hearing screening programs and systems should include a component for audiologic rehabilitation, medical and early intervention options that ensures linkage to any new and existing state-wide systems of intervention and rehabilitative services for newborns and infants with hearing loss.

(5) Public policy in regard to newborn and infant hearing screening and intervention should be based on applied research and the recognition that newborns, infants, toddlers, and children who are deaf or hard-of-hearing have unique language, learning, and communication needs, and should be the result of consultation with pertinent public and private sectors.

SEC. 702. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION, CENTERS FOR DISEASE CONTROL AND PREVENTION, AND NATIONAL INSTITUTES OF HEALTH.

Part P of title III of the Public Health Service Act, as added by section 501 of this Act, is amended by adding at the end the following section:

"SEC. 399M. EARLY DETECTION, DIAGNOSIS, AND TREATMENT REGARDING HEARING LOSS IN INFANTS.

"(a) STATEWIDE NEWBORN AND INFANT HEARING SCREENING, EVALUATION AND INTERVENTION PROGRAMS AND SYSTEMS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make awards of grants or cooperative agreements to develop statewide newborn and infant hearing screening, evaluation and intervention programs and systems for the following purposes:

"(1) To develop and monitor the efficacy of state-wide newborn and infant hearing screening, evaluation and intervention programs and *systems. Early intervention includes referral to schools and agencies, including community, consumer, and parent-based agencies and organizations and other programs mandated by part C of the Individuals with Disabilities Education Act, which offer programs specifically designed to meet the unique language and communication needs of deaf and hard of hearing newborns, infants, toddlers, and children.*

''(2) To collect data on statewide newborn and infant hearing screening, evaluation and intervention programs and systems that can be used for applied research, program evaluation and policy development.

''(b) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH.—

''(1) CENTERS FOR DISEASE CONTROL AND PREVENTION.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall make awards of grants or cooperative agreements to provide technical assistance to State agencies to complement an intramural program and to conduct applied research related to newborn and infant hearing screening, evaluation and intervention programs and systems. The program shall develop standardized procedures for data management and program effectiveness and costs, such as—

''(A) to ensure quality monitoring of newborn and infant hearing loss screening, evaluation, and intervention programs and systems;

''(B) to provide technical assistance on data collection and management;

''(C) to study the costs and effectiveness of newborn and infant hearing screening, evaluation and intervention programs and systems conducted by State-based programs in order to answer issues of importance to state and national policymakers;

''(D) to identify the causes and risk factors for congenital hearing loss;

''(E) to study the effectiveness of newborn and infant hearing screening, audiologic and medical evaluations and intervention programs and systems by assessing the health, intellectual and social developmental, cognitive, and language status of these children at school age; and

''(F) to promote the sharing of data regarding early hearing loss with State-based birth defects and developmental disabilities monitoring programs for the purpose of identifying previously unknown causes of hearing loss.

''(2) NATIONAL INSTITUTES OF HEALTH.—The Director of the National Institutes of Health, acting through the Director of the National Institute on Deafness and Other Communication Disorders, shall for purposes of this section, continue a program of research and development on the efficacy of new screening techniques and technology, including clinical studies of screening methods, studies on efficacy of intervention, and related research.

''(c) COORDINATION AND COLLABORATION.—

''(1) IN GENERAL.—In carrying out programs under this section, the Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the National Institutes of Health shall collaborate and consult with other Federal agencies; State and local agencies, including those responsible for early intervention services pursuant to title XIX of the Social Security Act (Medicaid Early and Periodic Screening, Diagnosis and Treatment Program); title XXI of the Social Security Act (State Children's Health Insurance Program); title V of the Social Security Act (Maternal and Child Health Block Grant Program); and part C of the Individuals with Disabilities Education Act; consumer groups of and that serve individuals who are deaf and hard-of-hearing and their families; appropriate national medical and other health and education specialty organizations; persons who are deaf and hard-of-hearing and their families; other qualified professional personnel who are proficient in deaf or hard-of-hearing children's language and who possess the specialized knowledge, skills, and attributes needed to serve deaf and hard-of-hearing newborns, infants, toddlers, children, and their families; third-party payers and managed care organizations; and related commercial industries.

''(2) POLICY DEVELOPMENT.—The Administrator of the Health Resources and Services Administration,.the Director of the Centers for Disease Control and Prevention, and the Director of the National Institutes of Health shall coordinate and collaborate on recommendations for policy development at the Federal and State levels and with the private sector, including consumer, medical and other health and education professional-based organizations, with respect to newborn and infant hearing screening, evaluation and intervention programs and systems.

''(3) STATE EARLY DETECTION, DIAGNOSIS, AND INTERVENTION PROGRAMS AND SYSTEMS; DATA COLLECTION.—The Administrator of the Health Resources and Services Administration and the Director of the Centers for Disease Control and Prevention shall coordinate and collaborate in assisting States to establish newborn and infant hearing screening, evaluation and intervention programs and systems under subsection (a) and to develop a data collection system under subsection (b).

''(d) RULE OF CONSTRUCTION; RELIGIOUS ACCOMMODATION.—Nothing in this section shall be construed to preempt or prohibit any State law, including State laws which do not require the screening for hearing loss of newborn infants or young children of parents who object to the screening on the grounds that such screening conflicts with the parents' religious beliefs.

''(e) DEFINITIONS.—For purposes of this section:

''(1) The term 'audiologic evaluation' refers to procedures to assess the status of the auditory system; to establish the site of the auditory disorder; the type and degree of hearing loss, and the potential effects of hearing loss on communication; and to identify appropriate treatment and referral options. Referral options should include linkage to State coordinating agencies under part C of the Individuals with Disabilities Education Act or other appropriate agencies, medical evaluation, hearing aid/sensory aid assessment, audiologic rehabilitation treatment, national and local consumer, self-help, parent, and education organizations, and other family-centered services.

''(2) The terms 'audiologic rehabilitation' and 'audiologic intervention' refer to procedures, techniques, and technologies to facilitate the receptive and expressive communication abilities of a child with hearing loss.

''(3) The term 'early intervention' refers to providing appropriate services for the child with hearing loss, including nonmedical services, and ensuring that families of the child are provided comprehensive, consumer-oriented information about the full range of family support, training, information services, communication options and are given the opportunity to consider the full range of educational and program placements and options for their child.

''(4) The term 'medical evaluation by a physician' refers to key components including history, examination, and medical decision making focused on symptomatic and related body systems for the purpose of diagnosing the etiology of hearing loss and related physical conditions, and for identifying appropriate treatment and referral options.

''(5) The term 'medical intervention' refers to the process by which a physician provides medical diagnosis and direction for medical and/or surgical treatment options of hearing loss and/or related medical disorder associated with hearing loss.

''(6) The term 'newborn and infant hearing screening' refers to objective physiologic procedures to detect possible hearing loss and to identify newborns and infants who, after rescreening, require further audiologic and medical evaluations.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) STATEWIDE NEWBORN AND INFANT HEARING SCREENING, EVALUATION AND INTERVENTION PROGRAMS AND SYSTEMS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated to the Health Resources and Services Administration such sums as may be necessary for fiscal year 2002.

''(2) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH; CENTERS FOR DISEASE CONTROL AND PREVENTION.—For the purpose of carrying out subsection (b)(1), there are authorized to be appropriated to the Centers for Disease Control and Prevention such sums as may be necessary for fiscal year 2002..

''(3) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH; NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS.—For the purpose of carrying out subsection (b)(2), there are authorized to be appropriated to the National Institute on Deafness and Other Communication Disorders such sums as may be necessary for fiscal year 2002.''.

TITLE VIII—CHILDREN AND EPILEPSY

SEC. 801. NATIONAL PUBLIC HEALTH CAMPAIGN ON EPILEPSY; SEIZURE DISORDER DEMONSTRATION PROJECTS IN MEDICALLY UNDERSERVED AREAS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b) is amended by adding at the end the following section:

"SEC. 330E. EPILEPSY; SEIZURE DISORDER.

''(a) NATIONAL PUBLIC HEALTH CAMPAIGN.—

''(1) IN GENERAL.—The Secretary shall develop and implement public health surveillance, education, research, and intervention strategies to improve the lives of persons with epilepsy, with a particular emphasis on children. Such projects may be carried out by the Secretary directly and through awards of grants or contracts to public or nonprofit private entities. The Secretary may directly or through such awards provide technical assistance with respect to the planning, development, and operation of such projects.

''(2) CERTAIN ACTIVITIES.—Activities under paragraph (1) shall include—

''(A) expanding current surveillance activities through existing monitoring systems and improving registries that maintain data on individuals with epilepsy, including children;

''(B) enhancing research activities on the diagnosis, treatment, and management of epilepsy;

''(C) implementing public and professional information and education programs regarding epilepsy, including initiatives which promote effective management of the disease through children's programs which are targeted to parents, schools, daycare providers, patients;

''(D) undertaking educational efforts with the media, providers of health care, schools and others regarding stigmas and secondary disabilities related to epilepsy and seizures, and its effects on youth;

''(E) utilizing and expanding partnerships with organizations with experience addressing the health and related needs of people with disabilities; and

''(F) other activities the Secretary deems appropriate.

''(3) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this subsection are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding epilepsy and seizure.

"(b) SEIZURE DISORDER; DEMONSTRATION PROJECTS IN MEDICALLY UNDERSERVED AREAS.—

"(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants for the purpose of carrying out demonstration projects to improve access to health and other services regarding seizures to encourage early detection and treatment in children and others residing in medically underserved areas.

"(2) APPLICATION FOR GRANT.—A grant may not be awarded under paragraph (1) unless an application therefore is submitted to the Secretary and the Secretary approves such application. Such application shall be submitted in such form and manner and shall contain such information as the Secretary may prescribe.

"(c) DEFINITIONS.—For purposes of this section:

"(1) The term "epilepsy" refers to a chronic and serious neurological condition characterized by excessive electrical discharges in the brain causing recurring seizures affecting all life activities. The Secretary may revise the definition of such term to the extent the Secretary determines necessary.

"(2) The term "medically underserved" has the meaning applicable under section 799B(6).

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE IX—SAFE MOTHERHOOD; INFANT HEALTH PROMOTION

Subtitle A—Safe Motherhood Prevention Research

SEC. 901. PREVENTION RESEARCH AND OTHER ACTIVITIES.

Part B of title III of the Public Health Service Act, as amended by section 601 of this Act, is amended by inserting after section 317J the following section:

"SAFE MOTHERHOOD

"SEC. 317K. (a) SURVEILLANCE.—

"(1) PURPOSE.—The purpose of this subsection is to develop surveillance systems at the local, State, and national level to better understand the burden of maternal complications and mortality and to decrease the disparities among population at risk of death and complications from pregnancy.

"(2) ACTIVITIES.—For the purpose described in paragraph (1), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may carry out the following activities:

"(A) The Secretary may establish and implement a national surveillance program to identify and promote the investigation of deaths and severe complications that occur during pregnancy.

"(B) The Secretary may expand the Pregnancy Risk Assessment Monitoring System to provide surveillance and collect data in each State.

"(C) The Secretary may expand the Maternal and Child Health Epidemiology Program to provide technical support, financial assistance, or the time-limited assignment of senior epidemiologists to maternal and child health programs in each State.

"(b) PREVENTION RESEARCH.—

"(1) PURPOSE.—The purpose of this subsection is to provide the Secretary with the authority to further expand research concerning risk factors, prevention strategies, and the roles of the family, health care providers and the community in safe motherhood.

"(2) RESEARCH.—The Secretary may carry out activities to expand research relating to—

"(A) encouraging preconception counseling, especially for at risk populations such as diabetics;

"(B) the identification of critical components of prenatal delivery and postpartum care;

"(C) the identification of outreach and support services, such as folic acid education, that are available for pregnant women;

"(D) the identification of women who are at high risk for complications;

"(E) preventing preterm delivery;

"(F) preventing urinary tract infections;

"(G) preventing unnecessary caesarean sections;

"(H) an examination of the higher rates of maternal mortality among African American women;

"(I) an examination of the relationship between domestic violence and maternal complications and mortality;

"(J) preventing and reducing adverse health consequences that may result from smoking, alcohol and illegal drug use before, during and after pregnancy;

"(K) preventing infections that cause maternal and infant complications; and

"(L) other areas determined appropriate by the Secretary.

"(c) PREVENTION PROGRAMS.—

"(1) IN GENERAL.—The Secretary may carry out activities to promote safe motherhood, including—

"(A) public education campaigns on healthy pregnancies and the building of partnerships with outside organizations concerned about safe motherhood;

"(B) education programs for physicians, nurses and other health care providers; and

"(C) activities to promote community support services for pregnant women.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

Subtitle B—Pregnant Women and Infants Health Promotion

SEC. 911. PROGRAMS REGARDING PRENATAL AND POSTNATAL HEALTH.

Part B of title III of the Public Health Service Act, as amended by section 901 of this Act, is amended by inserting after section 317K the following section:

"PRENATAL AND POSTNATAL HEALTH

"SEC. 317L. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on prenatal smoking, alcohol and illegal drug use, including data on the implications of such activities and on the incidence and prevalence of such activities and their implications;

"(2) to conduct applied epidemiological research on the prevention of prenatal and postnatal smoking, alcohol and illegal drug use;

"(3) to support, conduct, and evaluate the effectiveness of educational and cessation programs; and

"(4) to provide information and education to the public on the prevention and implications of prenatal and postnatal smoking, alcohol and illegal drug use.

"(b) GRANTS.—In carrying out subsection (a), the Secretary may award grants to and enter into contracts with States, local governments, scientific and academic institutions, Federally qualified health centers, and other public and nonprofit entities, and may provide technical and consultative assistance to such entities.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE X—PEDIATRIC RESEARCH INITIATIVE

SEC. 1001. ESTABLISHMENT OF PEDIATRIC RESEARCH INITIATIVE.

Part B of title IV of the Public Health Service Act, as amended by section 101 of this Act, is amended by adding at the end the following:

"PEDIATRIC RESEARCH INITIATIVE

"SEC. 409D. (a) ESTABLISHMENT.—The Secretary shall establish within the Office of the Director of NIH a Pediatric Research Initiative (referred to in this section as the 'Initiative') to conduct and support research that is directly related to diseases, disorders, and other conditions in children. The Initiative shall be headed by the Director of NIH.

"(b) PURPOSE.—The purpose of the Initiative is to provide funds to enable the Director of NIH—

"(1) to increase support for pediatric biomedical research within the National Institutes of Health to realize the expanding opportunities for advancement in scientific investigations and care for children;

"(2) to enhance collaborative efforts among the Institutes to conduct and support multidisciplinary research in the areas that the Director deems most promising; and

"(3) in coordination with the Food and Drug Administration, to increase the development of adequate pediatric clinical trials and pediatric use information to promote the safer and more effective use of prescription drugs in the pediatric population.

"(c) DUTIES.—In carrying out subsection (b), the Director of NIH shall—

"(1) consult with the Director of the National Institute of Child Health and Human Development and the other national research institutes, in considering their requests for new or expanded pediatric research efforts, and consult with the Administrator of the Health Resources and Services Administration and other advisors as the Director determines to be appropriate;

"(2) have broad discretion in the allocation of any Initiative assistance among the Institutes, among types of grants, and between basic and clinical research so long as the assistance is directly related to the illnesses and conditions of children; and

"(3) be responsible for the oversight of any newly appropriated Initiative funds and annually report to Congress and the public on the extent of the total funds obligated to conduct or support pediatric research across the National Institutes of Health, including the specific support and research awards allocated through the Initiative.

"(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.

"(e) TRANSFER OF FUNDS.—The Director of NIH may transfer amounts appropriated under this section to any of the Institutes for a fiscal year to carry out the purposes of the Initiative under this section.".

SEC. 1002. INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS.

(a) IN GENERAL.—Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 921 of this Act, is amended by adding at the end the following:

"INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS

"SEC. 452G. (a) ENHANCED SUPPORT.—In order to ensure the future supply of researchers dedicated to the care and research needs of children, the Director of the Institute, after consultation with the Administrator of the Health Resources and Services Administration, shall support activities to provide for—

''(1) an increase in the number and size of institutional training grants to institutions supporting pediatric training; and

''(2) an increase in the number of career development awards for health professionals who intend to build careers in pediatric basic and clinical research.

''(b) AUTHORIZATION.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

(b) PEDIATRIC RESEARCH LOAN REPAYMENT PROGRAM.—Part G of title IV of the Public Health Service Act (42 U.S.C. 288 et seq.) is amended by inserting after section 487E the following section:

''PEDIATRIC RESEARCH LOAN REPAYMENT PROGRAM

''SEC. 487F. (a) IN GENERAL.—The Secretary, in consultation with the Director of NIH, may establish a pediatric research loan repayment program. Through such program—

''(1) the Secretary shall enter into contracts with qualified health professionals under which such professionals will agree to conduct pediatric research, in consideration of the Federal government agreeing to repay, for each year of such service, not more than $35,000 of the principal and interest of the educational loans of such professionals; and

''(2) the Secretary shall, for the purpose of providing reimbursements for tax liability resulting from payments made under paragraph (1) on behalf of an individual, make payments, in addition to payments under such paragraph, to the individual in an amount equal to 39 percent of the total amount of loan repayments made for the taxable year involved.

''(b) APPLICATION OF OTHER PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with paragraph (1), apply to the program established under such paragraph to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established under subpart III of part D of title III.

''(c) FUNDING.—

''(1) IN GENERAL.—For the purpose of carrying out this section with respect to a national research institute the Secretary may reserve, from amounts appropriated for such institute for the fiscal year involved, such amounts as the Secretary determines to be appropriate.

''(2) AVAILABILITY OF FUNDS.—Amounts made available to carry out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which such amounts were made available.''.

SEC. 1003. REVIEW OF REGULATIONS.

(a) REVIEW.—By not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall conduct a review of the regulations under subpart D of part 46 of title 45, Code of Federal Regulations, consider any modifications necessary to ensure the adequate and appropriate protection of children participating in research, and report the findings of the Secretary to Congress.

(b) AREAS OF REVIEW.—In conducting the review under subsection (a), the Secretary of Health and Human Services shall consider—

(1) the appropriateness of the regulations for children of differing ages and maturity levels, including legal status;

(2) the definition of ''minimal risk'' for a healthy child or for a child with an illness;

(3) the definitions of ''assent'' and ''permission'' for child clinical research participants and their parents or guardians and of ''adequate provisions'' for soliciting assent or permission in research as such definitions relate to the process of obtaining the agreement of children participating in research and the parents or guardians of such children;

(4) the definitions of ''direct benefit to the individual subjects'' and ''generalizable knowledge about the subject's disorder or condition'';

(5) whether payment (financial or otherwise) may be provided to a child or his or her parent or guardian for the participation of the child in research, and if so, the amount and type given;

(6) the expectations of child research participants and their parent or guardian for the direct benefits of the child's research involvement;

(7) safeguards for research involving children conducted in emergency situations with a waiver of informed assent;

(8) parent and child notification in instances in which the regulations have not been complied with;

(9) compliance with the regulations in effect on the date of enactment of this Act, the monitoring of such compliance, and enforcement actions for violations of such regulations; and

(10) the appropriateness of current practices for recruiting children for participation in research.

(c) CONSULTATION.—In conducting the review under subsection (a), the Secretary of Health and Human Services shall consult broadly with experts in the field, including pediatric pharmacologists, pediatricians, pediatric professional societies, bioethics experts, clinical investigators, institutional review boards, industry experts, appropriate Federal agencies, and children who have participated in research studies and the parents, guardians, or families of such children.

(d) CONSIDERATION OF ADDITIONAL PROVISIONS.—In conducting the review under subsection (a), the Secretary of Health and Human Services shall consider and, not later than 6 months after the date of enactment of this Act, report to Congress concerning—

(1) whether the Secretary should establish data and safety monitoring boards or other mechanisms to review adverse events associated with research involving children; and

(2) whether the institutional review board oversight of clinical trials involving children is adequate to protect children.

SEC. 1004. LONG-TERM CHILD DEVELOPMENT STUDY.

(a) PURPOSE.—It is the purpose of this section to authorize the National Institute of Child Health and Human Development to conduct a national longitudinal study of environmental influences (including physical, chemical, biological, and psychosocial) on children's health and development.

(b) IN GENERAL.—The Director of the National Institute of Child Health and Human Development shall establish a consortium of representatives from appropriate Federal agencies (including the Centers for Disease Control and Prevention, the Environmental Protection Agency) to—

(1) plan, develop, and implement a prospective cohort study, from birth to adulthood, to evaluate the effects of both chronic and intermittent exposures on child health and human development; and

(2) investigate basic mechanisms of developmental disorders and environmental factors, both risk and protective, that influence health and developmental processes.

(c) REQUIREMENT.—The study under subsection (b) shall—

(1) incorporate behavioral, emotional, educational, and contextual consequences to enable a complete assessment of the physical, chemical, biological and psychosocial environmental influences on children's well-being;

(2) gather data on environmental influences and outcomes on diverse populations of children, which may include the consideration of prenatal exposures;

(3) consider health disparities among children which may include the consideration of prenatal exposures.

(d) REPORT.—Beginning not later than 3 years after the date of enactment of this Act, and periodically thereafter for the duration of the study under this section, the Director of the National Institute of Child Health and Human Development shall prepare and submit to the appropriate committees of Congress a report on the implementation and findings made under the planning and feasibility study conducted under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $18,000,000 for fiscal year 2001, and such sums as may be necessary for each the fiscal years 2002 through 2005.

TITLE XI—CHILDHOOD MALIGNANCIES

SEC. 1101. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION AND NATIONAL INSTITUTES OF HEALTH.

Part P of title III of the Public Health Service Act, as amended by section 702 of this Act, is amended by adding at the end the following section:

"SEC. 399N. CHILDHOOD MALIGNANCIES.

''(a) IN GENERAL.—The Secretary, acting as appropriate through the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health, shall study environmental and other risk factors for childhood cancers (including skeletal malignancies, leukemias, malignant tumors of the central nervous system, lymphomas, soft tissue sarcomas, and other malignant neoplasms) and carry out projects to improve outcomes among children with childhood cancers and resultant secondary conditions, including limb loss, anemia, rehabilitation, and palliative care. Such projects shall be carried out by the Secretary directly and through awards of grants or contracts.

''(b) CERTAIN ACTIVITIES.—Activities under subsection (a) include—

''(1) the expansion of current demographic data collection and population surveillance efforts to include childhood cancers nationally;

''(2) the development of a uniform reporting system under which treating physicians, hospitals, clinics, and states report the diagnosis of childhood cancers, including relevant associated epidemiological data; and

''(3) support for the National Limb Loss Information Center to address, in part, the primary and secondary needs of persons who experience childhood cancers in order to prevent or minimize the disabling nature of these cancers.

''(c) COORDINATION OF ACTIVITIES.—The Secretary shall assure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities focused on childhood cancers and limb loss.

''(d) DEFINITION.—For purposes of this section, the term 'childhood cancer' refers to a spectrum of different malignancies that vary by histology, site of disease, origin, race, sex, and age. The Secretary may for purposes of this section revise the definition of such term to the extent determined by the Secretary to be appropriate.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

TITLE XII—ADOPTION AWARENESS

Subtitle A—Infant Adoption Awareness

SEC. 1201. GRANTS REGARDING INFANT ADOPTION AWARENESS.

Subpart I of part D of title III of the Public Health Service Act, as amended by section 801 of this Act, is amended by adding at the end the following section:

"SEC. 330F. CERTAIN SERVICES FOR PREGNANT WOMEN.

''(a) INFANT ADOPTION AWARENESS.—

''(1) In general.—The Secretary shall make grants to national, regional, or local adoption organizations for the purpose of developing and implementing programs to train the designated staff of eligible health centers in providing adoption information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling to pregnant women.

''(2) Best-practices guidelines.—

''(A) In general.—A condition for the receipt of a grant under paragraph (1) is that the adoption organization involved agree that, in providing training under such paragraph, the organization will follow the guidelines developed under subparagraph (B).

''(B) Process for development of guidelines.—

''(i) In general.—The Secretary shall establish and supervise a process described in clause (ii) in which the participants are—

''(I) an appropriate number and variety of adoption organizations that, as a group, have expertise in all models of adoption practice and that represent all members of the adoption triad (birth mother, infant, and adoptive parent); and

''(II) affected public health entities.

''(ii) Description of process.—The process referred to in clause (i) is a process in which the participants described in such clause collaborate to develop best-practices guidelines on the provision of adoption information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling to pregnant women.

''(iii) Date certain for development.—The Secretary shall ensure that the guidelines described in clause (ii) are developed not later than 180 days after the date of the enactment of the Children's Health Act of 2000.

''(C) Relation to authority for grants.—The Secretary may not make any grant under paragraph (1) before the date on which the guidelines under subparagraph (B) are developed.

''(3) Use of grant.—

''(A) In general.—With respect to a grant under paragraph (1)—

''(i) an adoption organization may expend the grant to carry out the programs directly or through grants to or contracts with other adoption organizations;

''(ii) the purposes for which the adoption organization expends the grant may include the development of a training curriculum, consistent with the guidelines developed under paragraph (2)(B); and

''(iii) a condition for the receipt of the grant is that the adoption organization agree that, in providing training for the designated staff of eligible health centers, such organization will make reasonable efforts to ensure that the individuals who provide the training are individuals who are knowledgeable in all elements of the adoption process and are experienced in providing adoption information and referrals in the geographic areas in which the eligible health centers are located, and that the designated staff receive the training in such areas.

''(B) Rule of construction regarding training of trainers.—With respect to individuals who under a grant under paragraph (1) provide training for the designated staff of eligible health centers (referred to in this subparagraph as 'trainers'), subparagraph (A)(iii) may not be construed as establishing any limitation regarding the geographic area in which the trainers receive instruction in being such trainers. A trainer may receive such instruction in a different geographic area than the area in which the trainer trains (or will train) the designated staff of eligible health centers.

''(4) Adoption organizations; eligible health centers; other definitions.—For purposes of this section:

''(A) The term 'adoption organization' means a national, regional, or local organization—

''(i) among whose primary purposes are adoption;

''(ii) that is knowledgeable in all elements of the adoption process and on providing adoption information and referrals to pregnant women; and

''(iii) that is a nonprofit private entity.

''(B) The term 'designated staff', with respect to an eligible health center, means staff of the center who provide pregnancy or adoption information and referrals (or will provide such information and referrals after receiving training under a grant under paragraph (1)).

''(C) The term 'eligible health centers' means public and nonprofit private entities that provide health services to pregnant women.

''(5) Training for certain eligible health centers.—A condition for the receipt of a grant under paragraph (1) is that the adoption organization involved agree to make reasonable efforts to ensure that the eligible health centers with respect to which training under the grant is provided include—

''(A) eligible health centers that receive grants under section 1001 (relating to voluntary family planning projects);

''(B) eligible health centers that receive grants under section 330 (relating to community health centers, migrant health centers, and centers regarding homeless individuals and residents of public housing); and

''(C) eligible health centers that receive grants under this Act for the provision of services in schools.

''(6) Participation of certain eligible health clinics.—In the case of eligible health centers that receive grants under section 330 or 1001:

''(A) Within a reasonable period after the Secretary begins making grants under paragraph (1), the Secretary shall provide eligible health centers with complete information about the training available from organizations receiving grants under such paragraph. The Secretary shall make reasonable efforts to encourage eligible health centers to arrange for designated staff to participate in such training. Such efforts shall affirm Federal requirements, if any, that the eligible health center provide nondirective counseling to pregnant women.

''(B) All costs of such centers in obtaining the training shall be reimbursed by the organization that provides the training, using grants under paragraph (1).

''(C) Not later than one year after the date of the enactment of the Children's Health Act of 2000, the Secretary shall submit to the appropriate committees of the Congress a report evaluating the extent to which adoption information and referral, upon request, are provided by eligible health centers. Within a reasonable time after training under this section is initiated, the Secretary shall submit to the appropriate committees of the Congress a report evaluating the extent to which adoption information and referral, upon request, are provided by eligible health centers in order to determine the effectiveness of such training and the extent to which such training complies with subsection (a)(1). In preparing the reports required by this subparagraph, the Secretary shall in no respect interpret the provisions of this section to allow any interference in the provider-patient relationship, any breach of patient confidentiality, or any monitoring or auditing of the counseling process or patient records which breaches patient confidentiality or reveals patient identity. The reports required by this subparagraph shall be conducted by the Secretary acting through the Administrator of the Health Resources and Services Administration and in collaboration with the Director of the Agency for Healthcare Research and Quality.

''(b) Application for grant.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(c) Authorization of appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

Subtitle B—Special Needs Adoption Awareness

SEC. 1211. SPECIAL NEEDS ADOPTION PROGRAMS; PUBLIC AWARENESS CAMPAIGN AND OTHER ACTIVITIES.

Subpart I of part D of title III of the Public Health Service Act, as amended by section 1201 of this Act, is amended by adding at the end the following section:

''SEC. 330G. SPECIAL NEEDS ADOPTION PROGRAMS; PUBLIC AWARENESS CAMPAIGN AND OTHER ACTIVITIES.

''(a) Special Needs Adoption Awareness Campaign.—

''(1) In general.—The Secretary shall, through making grants to nonprofit private entities, provide for the planning, development, and carrying out of a national campaign to provide information to the public regarding the adoption of children with special needs.

''(2) Input on planning and development.—In providing for the planning and development of the national campaign under paragraph (1), the Secretary shall provide for input from a number and variety of adoption organizations throughout the States in order that the full national diversity of interests among adoption organizations is represented in the planning and development of the campaign.

''(3) Certain features.—With respect to the national campaign under paragraph (1):

''(A) The campaign shall be directed at various populations, taking into account as appropriate differences among geographic regions, and shall be carried out in the language and cultural context that is most appropriate to the population involved.

''(B) The means through which the campaign may be carried out include—

''(i) placing public service announcements on television, radio, and billboards; and

''(ii) providing information through means that the Secretary determines will reach individuals who are most likely to adopt children with special needs.

''(C) The campaign shall provide information on the subsidies and supports that are available to individuals regarding the adoption of children with special needs.

''(D) The Secretary may provide that the placement of public service announcements, and the dissemination of brochures and other materials, is subject to review by the Secretary.

''(4) Matching Requirement.—

''(A) In general.—With respect to the costs of the activities to be carried out by an entity pursuant to paragraph (1), a condition for the receipt of a grant under such paragraph is that the entity agree to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs.

''(B) Determination of amount contributed.—Non-Federal contributions under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.

"(b) National Resources Program.—The Secretary shall (directly or through grant or contract) carry out a program that, through toll-free telecommunications, makes available to the public information regarding the adoption of children with special needs. Such information shall include the following:

"(1) A list of national, State, and regional organizations that provide services regarding such adoptions, including exchanges and other information on communicating with the organizations. The list shall represent the full national diversity of adoption organizations.

"(2) Information beneficial to individuals who adopt such children, including lists of support groups for adoptive parents and other postadoptive services.

"(c) Other Programs.—With respect to the adoption of children with special needs, the Secretary shall make grants—

"(1) to provide assistance to support groups for adoptive parents, adopted children, and siblings of adopted children; and

"(2) to carry out studies to identify—

"(A) the barriers to completion of the adoption process; and

"(B) those components that lead to favorable long-term outcomes for families that adopt children with special needs.

"(d) Application for Grant.—The Secretary may make an award of a grant or contract under this section only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(e) Funding.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE XIII—TRAUMATIC BRAIN INJURY

SEC. 1301. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) In General.—Section 393A of the Public Health Service Act (42 U.S.C. 280b–1b) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(3) the implementation of a national education and awareness campaign regarding such injury (in conjunction with the program of the Secretary regarding health-status goals for 2010, commonly referred to as Healthy People 2010), including—

"(A) the national dissemination of information on—

"(i) incidence and prevalence; and

"(ii) information relating to traumatic brain injury and the sequelae of secondary conditions arising from traumatic brain injury upon discharge from hospitals and trauma centers; and

"(B) the provision of information in primary care settings, including emergency rooms and trauma centers, concerning the availability of State level services and resources.";

(2) in subsection (d)—

(A) in the second sentence, by striking "anoxia due to near drowning." and inserting "anoxia due to trauma."; and

(B) in the third sentence, by inserting before the period the following: ", after consultation with States and other appropriate public or nonprofit private entities".

(b) National Registry.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393A the following section:

"NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY REGISTRIES

"Sec. 393B. (a) In General.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States or their designees to operate the State's traumatic brain injury registry, and to academic institutions to conduct applied research that will support the development of such registries, to collect data concerning—

"(1) demographic information about each traumatic brain injury;

"(2) information about the circumstances surrounding the injury event associated with each traumatic brain injury;

"(3) administrative information about the source of the collected information, dates of hospitalization and treatment, and the date of injury; and

"(4) information characterizing the clinical aspects of the traumatic brain injury, including the severity of the injury, outcomes of the injury, the types of treatments received, and the types of services utilized.".

SEC. 1302. STUDY AND MONITOR INCIDENCE AND PREVALENCE.

Section 4 of Public Law 104–166 (42 U.S.C. 300d–61 note) is amended—

(1) in subsection (a)(1)(A)—

(A) by striking clause (i) and inserting the following:

"(i)(I) determine the incidence and prevalence of traumatic brain injury in all age groups in the general population of the United States, including institutional settings; and

"(II) determine appropriate methodological strategies to obtain data on the incidence and prevalence of mild traumatic brain injury and report to Congress concerning such within 18 months of the date of enactment of the Children's Health Act of 2000; and"; and

(B) in clause (ii), by striking ", if the Secretary determines that such a system is appropriate";

(2) in subsection (a)(1)(B)(i), by inserting ", including return to work or school and community participation," after "functioning"; and

(3) in subsection (d), to read as follows:

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.".

SEC. 1303. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

(a) Interagency Program.—Section 1261(d)(4) of the Public Health Service Act (42 U.S.C. 300d–61(d)(4)) is amended—

(1) in subparagraph (A), by striking "degree of injury" and inserting "degree of brain injury";

(2) in subparagraph (B), by striking "acute injury" and inserting "acute brain injury"; and

(3) in subparagraph (D), by striking "injury treatment" and inserting "brain injury treatment".

(b) Definition.—Section 1261(h)(4) of the Public Health Service Act (42 U.S.C. 300d–61(h)(4)) is amended—

(1) in the second sentence, by striking "anoxia due to near drowning." and inserting "anoxia due to trauma."; and

(2) in the third sentence, by inserting before the period the following: ", after consultation with States and other appropriate public or nonprofit private entities".

(c) Research on Cognitive and Neurobehavioral Disorders Arising From Traumatic Brain Injury.—Section 1261(d)(4) of the Public Health Service Act (42 U.S.C. 300d–61(d)(4)) is amended—

(1) in subparagraph (C), by striking "and" after the semicolon at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) carrying out subparagraphs (A) through (D) with respect to cognitive disorders and neurobehavioral consequences arising from traumatic brain injury, including the development, modification, and evaluation of therapies and programs of rehabilitation toward reaching or restoring normal capabilities in areas such as reading, comprehension, speech, reasoning, and deduction.".

(d) Authorization of Appropriations.—Section 1261 of the Public Health Service Act (42 U.S.C. 300d–61) is amended by adding at the end the following:

"(i) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

SEC. 1304. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

Section 1252 of the Public Health Service Act (42 U.S.C. 300d–51) is amended—

(1) in the section heading by striking "**DEMONSTRATION**";

(2) in subsection (a), by striking "demonstration";

(3) in subsection (b)(3)—

(A) in subparagraph (A)(iv), by striking "representing traumatic brain injury survivors" and inserting "representing individuals with traumatic brain injury"; and

(B) in subparagraph (B), by striking "who are survivors of" and inserting "with";

(4) in subsection (c)—

(A) in paragraph (1), by striking ", in cash,"; and

(B) in paragraph (2), by amending the paragraph to read as follows:

"(2) Determination of Amount Contributed.—Non-Federal contributions under paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.";

(5) by redesignating subsections (e) through (h) as subsections (g) through (j), respectively; and

(6) by inserting after subsection (d) the following subsections:

"(e) Continuation of Previously Awarded Demonstration Projects.—A State that received a grant under this section prior to the date of the enactment of the Children's Health Act of 2000 may compete for new project grants under this section after such date of enactment.

"(f) Use of State Grants.—

"(1) Community Services and Supports.—A State shall (directly or through awards of contracts to nonprofit private entities) use amounts received under a grant under this section for the following:

"(A) To develop, change, or enhance community-based service delivery systems that include timely access to comprehensive appropriate services and supports. Such service and supports—

"(i) shall promote full participation by individuals with brain injury and their families in decision making regarding the services and supports; and

"(ii) shall be designed for children and other individuals with traumatic brain injury.

"(B) To focus on outreach to underserved and inappropriately served individuals, such as individuals in institutional settings, individuals with low socioeconomic resources, individuals in rural communities, and individuals in culturally and linguistically diverse communities.

"(C) To award contracts to nonprofit entities for consumer or family service access training, consumer support, peer mentoring, and parent to parent programs.

"(D) To develop individual and family service coordination or case management systems.

"(E) To support other needs identified by the advisory board under subsection (b) for the State involved.

"(2) BEST PRACTICES.—

"(A) IN GENERAL.—State services and supports provided under a grant under this section shall reflect the best practices in the field of traumatic brain injury, shall be in compliance with title II of the Americans with Disabilities Act of 1990, and shall be supported by quality assurance measures as well as state-of-the-art health care and integrated community supports, regardless of the severity of injury.

"(B) DEMONSTRATION BY STATE AGENCY.—The State agency responsible for administering amounts received under a grant under this section shall demonstrate that it has obtained knowledge and expertise of traumatic brain injury and the unique needs associated with traumatic brain injury.

"(3) STATE CAPACITY BUILDING.—A State may use amounts received under a grant under this section to—

"(A) educate consumers and families;

"(B) train professionals in public and private sector financing (such as third party payers, State agencies, community-based providers, schools, and educators);

"(C) develop or improve case management or service coordination systems;

"(D) develop best practices in areas such as family or consumer support, return to work, housing or supportive living personal assistance services, assistive technology and devices, behavioral health services, substance abuse services, and traumatic brain injury treatment and rehabilitation;

"(E) tailor existing State systems to provide accommodations to the needs of individuals with brain injury (including systems administered by the State departments responsible for health, mental health, labor/employment, education, mental retardation/developmental disorders, transportation, and correctional systems);

"(F) improve data sets coordinated across systems and other needs identified by a State plan supported by its advisory council; and

"(G) develop capacity within targeted communities.";

(5) in subsection (g) (as so redesignated), by striking "agencies of the Public Health Service" and inserting "Federal agencies";

(6) in subsection (i) (as redesignated by paragraph (3))—

(A) in the second sentence, by striking "anoxia due to near drowning." and inserting "anoxia due to trauma."; and

(B) in the third sentence, by inserting before the period the following: ", after consultation with States and other appropriate public or nonprofit private entities"; and

(7) in subsection (j) (as so redesignated), by amending the subsection to read as follows:

"(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

SEC. 1305. STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.

Part E of title XII of the Public Health Service Act (42 U.S.C. 300d–51 et seq.) is amended by adding at the end the following:

"SEC. 1253. STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration (referred to in this section as the 'Administrator'), shall make grants to protection and advocacy systems for the purpose of enabling such systems to provide services to individuals with traumatic brain injury.

"(b) SERVICES PROVIDED.—Services provided under this section may include the provision of—

"(1) information, referrals, and advice;

"(2) individual and family advocacy;

"(3) legal representation; and

"(4) specific assistance in self-advocacy.

"(c) APPLICATION.—To be eligible to receive a grant under this section, a protection and advocacy system shall submit an application to the Administrator at such time, in such form and manner, and accompanied by such information and assurances as the Administrator may require.

"(d) APPROPRIATIONS LESS THAN $2,700,000.—

"(1) IN GENERAL.—With respect to any fiscal year in which the amount appropriated under subsection (i) to carry out this section is less than $2,700,000, the Administrator shall make grants from such amount to individual protection and advocacy systems within States to enable such systems to plan for, develop outreach strategies for, and carry out services authorized under this section for individuals with traumatic brain injury.

"(2) AMOUNT.—The amount of each grant provided under paragraph (1) shall be determined as set forth in paragraphs (2) and (3) of subsection (e).

"(e) APPROPRIATIONS OF $2,700,000 OR MORE.—

"(1) POPULATION BASIS.—Except as provided in paragraph (2), with respect to each fiscal year in which the amount appropriated under subsection (i) to carry out this section is $2,700,000 or more, the Administrator shall make a grant to a protection and advocacy system within each State.

"(2) AMOUNT.—The amount of a grant provided to a system under paragraph (1) shall be equal to an amount bearing the same ratio to the total amount appropriated for the fiscal year involved under subsection (i) as the population of the State in which the grantee is located bears to the population of all States.

"(3) MINIMUMS.—Subject to the availability of appropriations, the amount of a grant a protection and advocacy system under paragraph (1) for a fiscal year shall—

"(A) in the case of a protection and advocacy system located in American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, and the protection and advocacy system serving the American Indian consortium, not be less than $20,000; and

"(B) in the case of a protection and advocacy system in a State not described in subparagraph (A), not be less than $50,000.

"(4) INFLATION ADJUSTMENT.—For each fiscal year in which the total amount appropriated under subsection (i) to carry out this section is $5,000,000 or more, and such appropriated amount exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Administrator shall increase each of the minimum grants amount described in subparagraphs (A) and (B) of paragraph (3) by a percentage equal to the percentage increase in the total amount appropriated under subsection (i) to carry out this section between the preceding fiscal year and the fiscal year involved.

"(f) CARRYOVER.—Any amount paid to a protection and advocacy system that serves a State or the American Indian consortium for a fiscal year under this section that remains unobligated at the end of such fiscal year shall remain available to such system for obligation during the next fiscal year for the purposes for which such amount was originally provided.

"(g) DIRECT PAYMENT.—Notwithstanding any other provision of law, the Administrator shall pay directly to any protection and advocacy system that complies with the provisions of this section, the total amount of the grant for such system, unless the system provides otherwise for such payment.

"(h) ANNUAL REPORT.—Each protection and advocacy system that receives a payment under this section shall submit an annual report to the Administrator concerning the services provided to individuals with traumatic brain injury by such system.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2001, and such sums as may be necessary for each the fiscal years 2002 through 2005.

"(j) DEFINITIONS.—In this section:

"(1) AMERICAN INDIAN CONSORTIUM.—The term 'American Indian consortium' means a consortium established under part C of the Developmental Disabilities Assistance Bill of Rights Act (42 U.S.C. 6042 et seq.).

"(2) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042 et seq.).

"(3) STATE.—The term 'State', unless otherwise specified, means the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

SEC. 1306. AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN PROGRAMS.

Section 394A of the Public Health Service Act (42 U.S.C. 280b–3) is amended by striking "and" after "1994" and by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE XIV—CHILD CARE SAFETY AND HEALTH GRANTS

SEC. 1401. DEFINITIONS.

In this title:

(1) CHILD WITH A DISABILITY; INFANT OR TODDLER WITH A DISABILITY.—The terms "child with a disability" and "infant or toddler with a disability" have the meanings given the terms in sections 602 and 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1401 and 1431).

(2) ELIGIBLE CHILD CARE PROVIDER.—The term "eligible child care provider" means a provider of child care services for compensation, including a provider of care for a school-age child during non-school hours, that—

(A) is licensed, regulated, registered, or otherwise legally operating, under State and local law; and

(B) satisfies the State and local requirements, applicable to the child care services the provider provides.

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(4) STATE.—The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $200,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year.

SEC. 1403. PROGRAMS.

The Secretary shall make allotments to eligible States under section 1404. The Secretary shall make the allotments to enable the States to establish programs to improve the health and safety of children receiving child care outside the home, by preventing illnesses and injuries associated with that care and promoting the health and well-being of children receiving that care.

SEC. 1404. AMOUNTS RESERVED; ALLOTMENTS.

(a) AMOUNTS RESERVED.—The Secretary shall reserve not more than ½ of 1 percent of the *amount appropriated under section 1402 for each fiscal year to make allotments to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands to be allotted in accordance with their respective needs.*

(b) STATE ALLOTMENTS.—

(1) GENERAL RULE.—From the amounts appropriated under section 1402 for each fiscal year and remaining after reservations are made under subsection (a), the Secretary shall allot to each State an amount equal to the sum of—

(A) an amount that bears the same ratio to 50 percent of such remainder as the product of the young child factor of the State and the allotment percentage of the State bears to the sum of the corresponding products for all States; and

(B) an amount that bears the same ratio to 50 percent of such remainder as the product of the school lunch factor of the State and the allotment percentage of the State bears to the sum of the corresponding products for all States.

(2) YOUNG CHILD FACTOR.—In this subsection, the term "young child factor" means the ratio of the number of children under 5 years of age in a State to the number of such children in all States, as provided by the most recent annual estimates of population in the States by the Census Bureau of the Department of Commerce.

(3) SCHOOL LUNCH FACTOR.—In this subsection, the term "school lunch factor" means the ratio of the number of children who are receiving free or reduced price lunches under the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.) in the State to the number of such children in all States, as determined annually by the Department of Agriculture.

(4) ALLOTMENT PERCENTAGE.—

(A) IN GENERAL.—For purposes of this subsection, the allotment percentage for a State shall be determined by dividing the per capita income of all individuals in the United States, by the per capita income of all individuals in the State.

(B) LIMITATIONS.—If an allotment percentage determined under subparagraph (A) for a State—

(i) is more than 1.2 percent, the allotment percentage of the State shall be considered to be 1.2 percent; and

(ii) is less than 0.8 percent, the allotment percentage of the State shall be considered to be 0.8 percent.

(C) PER CAPITA INCOME.—For purposes of subparagraph (A), per capita income shall be—

(i) determined at 2-year intervals;

(ii) applied for the 2-year period beginning on October 1 of the first fiscal year beginning after the date such determination is made; and

(iii) equal to the average of the annual per capita incomes for the most recent period of 3 consecutive years for which satisfactory data are available from the Department of Commerce on the date such determination is made.

(c) DATA AND INFORMATION.—The Secretary shall obtain from each appropriate Federal agency, the most recent data and information necessary to determine the allotments provided for in subsection (b).

(d) DEFINITION.—In this section, the term "State" includes only the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 1405. STATE APPLICATIONS.

To be eligible to receive an allotment under section 1404, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall contain information assessing the needs of the State with regard to child care health and safety, the goals to be achieved through the program carried out by the State under this title, and the measures to be used to assess the progress made by the State toward achieving the goals.

SEC. 1406. USE OF FUNDS.

(a) IN GENERAL.—A State that receives an allotment under section 1404 shall use the funds made available through the allotment to carry out 2 or more activities consisting of—

(1) providing training and education to eligible child care providers on preventing injuries and illnesses in children, and promoting health-related practices;

(2) strengthening licensing, regulation, or registration standards for eligible child care providers;

(3) assisting eligible child care providers in meeting licensing, regulation, or registration standards, including rehabilitating the facilities of the providers, in order to bring the facilities into compliance with the standards;

(4) enforcing licensing, regulation, or registration standards for eligible child care providers, including holding increased unannounced inspections of the facilities of those providers;

(5) providing health consultants to provide advice to eligible child care providers;

(6) assisting eligible child care providers in enhancing the ability of the providers to serve children with disabilities and infants and toddlers with disabilities;

(7) conducting criminal background checks for eligible child care providers and other individuals who have contact with children in the facilities of the providers;

(8) providing information to parents on what factors to consider in choosing a safe and healthy child care setting; or

(9) assisting in improving the safety of transportation practices for children enrolled in child care programs with eligible child care providers.

(b) SUPPLEMENT, NOT SUPPLANT.—Funds appropriated pursuant to the authority of this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services for eligible individuals.

SEC. 1407. REPORTS.

Each State that receives an allotment under section 1404 shall annually prepare and submit to the Secretary a report that describes—

(1) the activities carried out with funds made available through the allotment; and

(2) the progress made by the State toward achieving the goals described in the application submitted by the State under section 1405.

TITLE XV—HEALTHY START INITIATIVE

SEC. 1501. CONTINUATION OF HEALTHY START PROGRAM.

Subpart I of part D of title III of the Public Health Service Act, as amended by section 1211 of this Act, is amended by adding at the end the following section:

"SEC. 330H. HEALTHY START FOR INFANTS.

"(a) IN GENERAL.—

"(1) CONTINUATION AND EXPANSION OF PROGRAM.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, Maternal and Child Health Bureau, shall under authority of this section continue in effect the Healthy Start Initiative and may, during fiscal year 2001 and subsequent years, carry out such program on a national basis.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'Healthy Start Initiative' is a reference to the program that, as an initiative to reduce the rate of infant mortality and improve perinatal outcomes, makes grants for project areas with high annual rates of infant mortality and that, prior to the effective date of this section, was a demonstration program carried out under section 301.

"(3) ADDITIONAL GRANTS.— Effective upon increased funding beyond fiscal year 1999 for such Initiative, additional grants may be made to States to assist communities with technical assistance, replication of successful projects, and State policy formation to reduce infant and maternal mortality and morbidity.

"(b) REQUIREMENTS FOR MAKING GRANTS.—In making grants under subsection (a), the Secretary shall require that applicants (in addition to meeting all eligibility criteria established by the Secretary) establish, for project areas under such subsection, community-based consortia of individuals and organizations (including agencies responsible for administering block grant programs under title V of the Social Security Act, consumers of project services, public health departments, hospitals, health centers under section 330, and other significant sources of health care services) that are appropriate for participation in projects under subsection (a).

"(c) COORDINATION.—Recipients of grants under subsection (a) shall coordinate their services and activities with the State agency or agencies that administer block grant programs under title V of the Social Security Act in order to promote cooperation, integration, and dissemination of information with Statewide systems and with other community services funded under the Maternal and Child Health Block Grant.

"(d) RULE OF CONSTRUCTION.—Except to the extent inconsistent with this section, this section may not be construed as affecting the authority of the Secretary to make modifications in the program carried out under subsection (a).

"(e) ADDITIONAL SERVICES FOR AT-RISK PREGNANT WOMEN AND INFANTS.—

"(1) IN GENERAL.—The Secretary may make grants to conduct and support research and to provide additional health care services for pregnant women and infants, including grants to increase access to prenatal care, genetic counseling, ultrasound services, and fetal or other surgery.

"(2) ELIGIBLE PROJECT AREA.—The Secretary may make a grant under paragraph (1) only if the geographic area in which services under the grant will be provided is a geographic area in which a project under subsection (a) is being carried out, and if the Secretary determines that the grant will add to or expand the level of health services available in such area to pregnant women and infants.

"(3) EVALUATION BY GENERAL ACCOUNTING OFFICE.—

"(A) IN GENERAL.—During fiscal year 2004, the Comptroller General of the United States shall conduct an evaluation of activities under grants under paragraph (1) in order to determine whether the activities have been effective in serving the needs of pregnant women with respect to services described in such paragraph. The evaluation shall include an analysis of whether such activities have been effective in reducing the disparity in health status between the general population and individuals who are members of racial or ethnic minority groups. Not later than January 10, 2004, the Comptroller General shall submit to the Committee on Commerce in the House of Representatives, and to the Committee on Health, Education, Labor, and Pensions in the Senate, a report describing the findings of the evaluation.

"(B) RELATION TO GRANTS REGARDING ADDITIONAL SERVICES FOR AT-RISK PREGNANT WOMEN AND INFANTS.—Before the date on which the evaluation under subparagraph (A) is submitted in accordance with such subparagraph—

"(i) the Secretary shall ensure that there are not more than five grantees under paragraph (1); and

"(ii) an entity is not eligible to receive grants under such paragraph unless the entity has substantial experience in providing the health services described in such paragraph.

"(f) FUNDING.—

"(1) GENERAL PROGRAM.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section (other than subsection (e)), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(B) ALLOCATIONS.—

"(i) PROGRAM ADMINISTRATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary may reserve up to 5 percent for coordination, dissemination, technical assistance, and data activities that are determined by the Secretary to be appropriate for carrying out the program under this section.

"(ii) EVALUATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary may reserve up to 1 percent for evaluations of projects carried out under subsection (a). Each such evaluation shall include a determination of whether such projects have been effective in reducing the disparity in health status between the general population and individuals who are members of racial or ethnic minority groups.

"(2) ADDITIONAL SERVICES FOR AT-RISK PREGNANT WOMEN AND INFANTS.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (e), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(B) ALLOCATION FOR COMMUNITY-BASED MOBILE HEALTH UNITS.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary shall make available not less than 10 percent for providing services under subsection (e) (including ultrasound services) through visits by mobile units to communities that are eligible for services under subsection (a).".

TITLE XVI—ORAL HEALTH PROMOTION AND DISEASE PREVENTION

SEC. 1601. IDENTIFICATION OF INTERVENTIONS THAT REDUCE THE BURDEN AND TRANSMISSION OF ORAL, DENTAL, AND CRANIOFACIAL DISEASES IN HIGH RISK POPULATIONS; DEVELOPMENT OF APPROACHES FOR PEDIATRIC ORAL AND CRANIOFACIAL ASSESSMENT.

(a) IN GENERAL.—The Secretary of Health and Human Services, through the Maternal and Child Health Bureau, the Indian Health Service, and in consultation with the National Institutes of Health and the Centers for Disease Control and Prevention, shall—

(1) support community-based research that is designed to improve understanding of the etiology, pathogenesis, diagnosis, prevention, and treatment of pediatric oral, dental, craniofacial diseases and conditions and their sequelae in high risk populations;

(2) support demonstrations of preventive interventions in high risk populations including nutrition, parenting, and feeding techniques; and

(3) develop clinical approaches to assess individual patients for the risk of pediatric dental disease.

(b) COMPLIANCE WITH STATE PRACTICE LAWS.—Treatment and other services shall be provided pursuant to this section by licensed dental health professionals in accordance with State practice and licensing laws.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each the fiscal years 2001 through 2005.

SEC. 1602. ORAL HEALTH PROMOTION AND DISEASE PREVENTION.

Part B of title III of the Public Health Service Act, as amended by section 911 of this Act, is amended by inserting after section 317L the following section:

"ORAL HEALTH PROMOTION AND DISEASE PREVENTION

"SEC. 317M. (a) GRANTS TO INCREASE RESOURCES FOR COMMUNITY WATER FLUORIDATION.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States and Indian tribes for the purpose of increasing the resources available for community water fluoridation.

"(2) USE OF FUNDS.—A State shall use amounts provided under a grant under paragraph (1)—

"(A) to purchase fluoridation equipment;

"(B) to train fluoridation engineers;

"(C) to develop educational materials on the benefits of fluoridation; or

"(D) to support the infrastructure necessary to monitor and maintain the quality of water fluoridation.

"(b) COMMUNITY WATER FLUORIDATION.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with the Director of the Indian Health Service, shall establish a demonstration project that is designed to assist rural water systems in successfully implementing the water fluoridation guidelines of the Centers for Disease Control and Prevention that are entitled "Engineering and Administrative Recommendations for Water Fluoridation, 1995" (referred to in this subsection as the 'EARWF').

"(2) REQUIREMENTS.—

"(A) COLLABORATION.—In collaborating under paragraph (1), the Directors referred to in such paragraph shall ensure that technical assistance and training are provided to tribal programs located in each of the 12 areas of the Indian Health Service. The Director of the Indian Health Service shall provide coordination and administrative support to tribes under this section.

"(B) GENERAL USE OF FUNDS.—Amounts made available under paragraph (1) shall be used to assist small water systems in improving the effectiveness of water fluoridation and to meet the recommendations of the EARWF.

"(C) FLUORIDATION SPECIALISTS.—

"(i) IN GENERAL.—In carrying out this subsection, the Secretary shall provide for the establishment of fluoridation specialist engineering positions in each of the Dental Clinical and Preventive Support Centers through which technical assistance and training will be provided to tribal water operators, tribal utility operators and other Indian Health Service personnel working directly with fluoridation projects.

"(ii) LIAISON.—A fluoridation specialist shall serve as the principal technical liaison between the Indian Health Service and the Centers for Disease Control and Prevention with respect to engineering and fluoridation issues.

"(iii) CDC.—The Director of the Centers for Disease Control and Prevention shall appoint individuals to serve as the fluoridation specialists.

"(D) IMPLEMENTATION.—The project established under this subsection shall be planned, implemented and evaluated over the 5-year period beginning on the date on which funds are appropriated under this section and shall be designed to serve as a model for improving the effectiveness of water fluoridation systems of small rural communities.

"(3) EVALUATION.—In conducting the ongoing evaluation as provided for in paragraph (2)(D), the Secretary shall ensure that such evaluation includes—

"(A) the measurement of changes in water fluoridation compliance levels resulting from assistance provided under this section;

"(B) the identification of the administrative, technical and operational challenges that are unique to the fluoridation of small water systems;

"(C) the development of a practical model that may be easily utilized by other tribal, state, county or local governments in improving the quality of water fluoridation with emphasis on small water systems; and

"(D) the measurement of any increased percentage of Native Americans or Alaskan Natives who receive the benefits of optimally fluoridated water.

"(c) SCHOOL-BASED DENTAL SEALANT PROGRAM.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with the Administrator of the Health Resources and Services Administration, may award grants to States and Indian tribes to provide for the development of school-based dental sealant programs to improve the access of children to sealants.

"(2) USE OF FUNDS.—A State shall use amounts received under a grant under paragraph (1) to provide funds to eligible school-based entities or to public elementary or secondary schools to enable such entities or schools to provide children with access to dental care and dental sealant services. Such services shall be provided by licensed dental health professionals in accordance with State practice licensing laws.

"(3) ELIGIBILITY.—To be eligible to receive funds under paragraph (1), an entity shall—

"(A) prepare and submit to the State an application at such time, in such manner and containing such information as the state may require; and

"(B) be a public elementary or secondary school—

"(i) that is located in an urban area in which and more than 50 percent of the student population is participating in federal or state free or reduced meal programs; or

"(ii) that is located in a rural area and, with respect to the school district in which the school is located, the district involved has a median income that is at or below 235 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

"(d) DEFINITIONS.—For purposes of this section, the term 'Indian tribe' means an Indian tribe or tribal organization as defined in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

SEC. 1603. COORDINATED PROGRAM TO IMPROVE PEDIATRIC ORAL HEALTH.

Part B of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by adding at the end the following:

"COORDINATED PROGRAM TO IMPROVE PEDIATRIC ORAL HEALTH

"SEC. 320A. (a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a program to fund innovative oral health activities that improve the oral health of children under 6 years of age who are eligible for services provided under a Federal health program, to increase the utilization of dental services by such children, and to decrease the incidence of early childhood and baby bottle tooth decay.

"(b) GRANTS.—The Secretary shall award grants to or enter into contracts with public or private nonprofit schools of dentistry or accredited dental training institutions or programs, community dental programs, and programs operated by the Indian Health Service (including federally recognized Indian tribes that receive medical services from the Indian Health Service, urban Indian health programs funded under title V of the Indian Health Care Improvement Act, and tribes that contract with the Indian Health Service pursuant to the Indian Self-Determination and Education Assistance Act) to enable such schools, institutions, and programs to develop programs of oral health promotion, to increase training of oral health services providers in accordance with State practice laws, or to increase the utilization of dental services by eligible children.

"(c) Distribution.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure an equitable national geographic distribution of the grants, including areas of the United States where the incidence of early childhood caries is highest.

"(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000 for each the fiscal years 2001 through 2005.".

TITLE XVII—VACCINE-RELATED PROGRAMS

Subtitle A—Vaccine Compensation Program

SEC. 1701. CONTENT OF PETITIONS.

(a) In General.—Section 2111(c)(1)(D) of the Public Health Service Act (42 U.S.C. 300aa–11(c)(1)(D)) is amended by striking "and" at the end and inserting "or (iii) suffered such illness, disability, injury, or condition from the vaccine which resulted in inpatient hospitalization and surgical intervention, and".

(b) Effective Date.—The amendment made by subsection (a) takes effect upon the date of the enactment of this Act, including with respect to petitions under section 2111 of the Public Health Service Act that are pending on such date.

Subtitle B—Childhood Immunizations

SEC. 1711. CHILDHOOD IMMUNIZATIONS.

Section 317(j)(1) of the Public Health Service Act (42 U.S.C. 247b(j)(1)) is amended in the first sentence by striking "1998" and all that follows and inserting "1998 through 2005.".

TITLE XVIII—HEPATITIS C

SEC. 1801. SURVEILLANCE AND EDUCATION REGARDING HEPATITIS C.

Part B of title III of the Public Health Service Act, as amended by section 1602 of this Act, is amended by inserting after section 317M the following section:

"SURVEILLANCE AND EDUCATION REGARDING HEPATITIS C VIRUS

"Sec. 317N. (a) In General.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may (directly and through grants to public and nonprofit private entities) provide for programs to carry out the following:

"(1) To cooperate with the States in implementing a national system to determine the incidence of hepatitis C virus infection (in this section referred to as 'HCV infection') and to assist the States in determining the prevalence of such infection, including the reporting of chronic HCV cases.

"(2) To identify, counsel, and offer testing to individuals who are at risk of HCV infection as a result of receiving blood transfusions prior to July 1992, or as a result of other risk factors.

"(3) To provide appropriate referrals for counseling, testing, and medical treatment of individuals identified under paragraph (2) and to ensure, to the extent practicable, the provision of appropriate follow-up services.

"(4) To develop and disseminate public information and education programs for the detection and control of HCV infection, with priority given to high risk populations as determined by the Secretary.

"(5) To improve the education, training, and skills of health professionals in the detection and control of HCV infection, with priority given to pediatricians and other primary care physicians, and obstetricians and gynecologists.

"(b) Laboratory Procedures.—The Secretary may (directly and through grants to public and nonprofit private entities) carry out programs to provide for improvements in the quality of clinical-laboratory procedures regarding hepatitis C, including reducing variability in laboratory results on hepatitis C antibody and PCR testing.

"(c) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE XIX—NIH INITIATIVE ON AUTOIMMUNE DISEASES

SEC. 1901. AUTOIMMUNE DISEASES; INITIATIVE THROUGH DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 1001 of this Act, is amended by adding at the end the following:

"SEC. 409E. AUTOIMMUNE DISEASES.

"(a) Expansion, Intensification, and Coordination of Activities.—

"(1) In General.—The Director of NIH shall expand, intensify, and coordinate research and other activities of the National Institutes of Health with respect to autoimmune diseases.

"(2) Allocations by Director of NIH.—With respect to amounts appropriated to carry out this section for a fiscal year, the Director of NIH shall allocate the amounts among the national research institutes that are carrying out paragraph (1).

"(3) Definition.—The term 'autoimmune disease' includes, for purposes of this section such diseases or disorders with evidence of autoimmune pathogensis as the Secretary determines to be appropriate.

"(b) Coordinating Committee.—

"(1) In General.—The Secretary shall ensure that the Autoimmune Diseases Coordinating Committee (referred to in this section as the 'Coordinating Committee') coordinates activities across the National Institutes and with other Federal health programs and activities relating to such diseases.

"(2) Composition.—The Coordinating Committee shall be composed of the directors or their designees of each of the national research institutes involved in research with respect to autoimmune diseases and representatives of all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to such diseases, including the Centers for Disease Control and Prevention and the Food and Drug Administration.

"(3) Chair.—

"(A) In General.—With respect to autoimmune diseases, the Chair of the Committee shall serve as the principal advisor to the Secretary, the Assistant Secretary for Health, and the Director of NIH, and shall provide advice to the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, and other relevant agencies.

"(B) Director of NIH.—The Chair of the Committee shall be directly responsible to the Director of NIH.

"(c) Plan for NIH Activities.—

"(1) In General.—Not later than 1 year after the date of enactment of this section, the Coordinating Committee shall develop a plan for conducting and supporting research and education on autoimmune diseases through the national research institutes and shall periodically review and revise the plan. The plan shall—

"(A) provide for a broad range of research and education activities relating to biomedical, psychosocial, and rehabilitative issues, including studies of the disproportionate impact of such diseases on women;

"(B) identify priorities among the programs and activities of the National Institutes of Health regarding such diseases; and

"(C) reflect input from a broad range of scientists, patients, and advocacy groups.

"(2) Certain Elements of Plan.—The plan under paragraph (1) shall, with respect to autoimmune diseases, provide for the following as appropriate:

"(A) Research to determine the reasons underlying the incidence and prevalence of the diseases.

"(B) Basic research concerning the etiology and causes of the diseases.

"(C) Epidemiological studies to address the frequency and natural history of the diseases, including any differences among the sexes and among racial and ethnic groups.

"(D) The development of improved screening techniques.

"(E) Clinical research for the development and evaluation of new treatments, including new biological agents.

"(F) Information and education programs for health care professionals and the public.

"(3) Implementation of Plan.—The Director of NIH shall ensure that programs and activities of the National Institutes of Health regarding autoimmune diseases are implemented in accordance with the plan under paragraph (1).

"(d) Reports to Congress.—The Coordinating Committee under subsection (b)(1) shall biennially submit to the Committee on Commerce of the House of Representatives, and the Committee on Health, Education, Labor and Pensions of the Senate, a report that describes the research, education, and other activities on autoimmune diseases being conducted or supported through the national research institutes, and that in addition includes the following:

"(1) The plan under subsection (c)(1) (or revisions to the plan, as the case may be).

"(2) Provisions specifying the amounts expended by the National Institutes of Health with respect to each of the autoimmune diseases included in the plan.

"(3) Provisions identifying particular projects or types of projects that should in the future be considered by the national research institutes or other entities in the field of research on autoimmune diseases.

"(e) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriations that is available for conducting or supporting through the National Institutes of Health research and other activities with respect to autoimmune diseases.".

TITLE XX—GRADUATE MEDICAL EDUCATION PROGRAMS IN CHILDREN'S HOSPITALS

SEC. 2001. PROVISIONS TO REVISE AND EXTEND PROGRAM.

(a) Payments.—Section 340E(a) of the Public Health Service Act (42 U.S.C. 256e(a)) is amended—

(1) by striking "and 2001" and inserting "through 2005"; and

(2) by adding at the end the following: "The Secretary shall promulgate regulations pursuant to the rulemaking requirements of title 5, United States Code, which shall govern payments made under this subpart.".

(b) Updating Rates.—Section 340E(c)(2)(F) of the Public Health Service Act (42 U.S.C. 256e(c)(2)(F)) is amended by striking "hospital's cost reporting period that begins during fiscal *year 2000" and inserting "Federal fiscal year for which payments are made".*

(c) Resident Count for Interim Payments.—Section 340E(e)(1) of the Public Health Service Act (42 U.S.C. 256e(e)(1)) is amended by adding at the end the following: "Such interim payments to each individual hospital shall be based on the number of residents reported in the hospital's most recently filed medicare cost report prior to the application date for the Federal fiscal year for which the interim payment amounts are established. In the case of a hospital that does not report residents on a medicare cost report, such interim payments shall be based on the number of residents trained during the hospital's most recently completed medicare cost report filing period.".

(d) Withholding.—Section 340E(e)(2) of the Public Health Service Act (42 U.S.C. 256e(e)(2)) is amended—

(1) by adding "and indirect" after "direct";

(2) by adding at the end the following: "The Secretary shall withhold up to 25 percent from each interim installment for direct and indirect graduate medical education paid under paragraph (1) as necessary to ensure a hospital will not be overpaid on an interim basis.".

(e) Reconciliation.—Section 340E(e)(3) of the Public Health Service Act (42 U.S.C. 256e(e)(3)) is amended to read as follows:

"(3) Reconciliation.—Prior to the end of each fiscal year, the Secretary shall determine any changes to the number of residents reported by a hospital in the application of the hospital for the current fiscal year to determine the final amount payable to the hospital for the current fiscal year for both direct expense and indirect expense amounts. Based on such determination, the Secretary shall recoup any overpayments made to pay any balance due to the extent possible. The final amount so determined shall be considered a final intermediary determination for the purposes of section 1878 of the Social Security Act and shall be subject to administrative and judicial review under that section in the same manner as the amount of payment under section 1186(d) of such Act is subject to review under such section.".

(f) Authorization of Appropriations.—Section 340E(f) of the Public Health Service Act (42 U.S.C. 256e(f)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(iii) for each of the fiscal years 2002 through 2005, such sums as may be necessary."; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(C) for each of the fiscal years 2002 through 2005, such sums as may be necessary.".

(g) Definition of Children's Hospital.—Section 340E(g)(2) of the Public Health Service Act (42 U.S.C. 256e(g)(2)) is amended by striking "described in" and all that follows and inserting the following: "with a medicare payment agreement and which is excluded from the medicare inpatient prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act and its accompanying regulations.".

TITLE XXI—SPECIAL NEEDS OF CHILDREN REGARDING ORGAN TRANSPLANTATION

SEC. 2101. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK; AMENDMENTS REGARDING NEEDS OF CHILDREN.

(a) In General.—Section 372(b)(2) of the Public Health Service Act (42 U.S.C. 274(b)(2)) is amended—

(1) in subparagraph (J), by striking "and" at the end;

(2) in each of subparagraphs (K) and (L), by striking the period and inserting a comma; and

(3) by adding at the end the following subparagraphs:

"(M) recognize the differences in health and in organ transplantation issues between children and adults throughout the system and adopt criteria, polices, and procedures that address the unique health care needs of children,

"(N) carry out studies and demonstration projects for the purpose of improving procedures for organ donation procurement and allocation, including but not limited to projects to examine and attempt to increase transplantation among populations with special needs, including children and individuals who are members of racial or ethnic minority groups, and among populations with limited access to transportation, and

"(O) provide that for purposes of this paragraph, the term 'children' refers to individuals who are under the age of 18.".

(b) Study Regarding Immunosuppressive Drugs.—

(1) In general.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall provide for a study to determine the costs of immunosuppressive drugs that are provided to children pursuant to organ transplants and to determine the extent to which health plans and health insurance cover such costs. The Secretary may carry out the study directly or through a grant to the Institute of Medicine (or other public or nonprofit private entity).

(2) Recommendations regarding certain issues.—The Secretary shall ensure that, in addition to making determinations under paragraph (1), the study under such paragraph makes recommendations regarding the following issues:

(A) The costs of immunosuppressive drugs that are provided to children pursuant to organ transplants and to determine the extent to which health plans, health insurance and government programs cover such costs.

(B) The extent of denial of organs to be released for transplant by coroners and medical examiners.

(C) The special growth and developmental issues that children have pre- and post- organ transplantation.

(D) Other issues that are particular to the special health and transplantation needs of children.

(3) Report.—The Secretary shall ensure that, not later than December 31, 2001, the study under paragraph (1) is completed and a report describing the findings of the study is submitted to the Congress.

TITLE XXII—MUSCULAR DYSTROPHY RESEARCH

SEC. 2201. MUSCULAR DYSTROPHY RESEARCH.

Part B of title IV of the Public Health Service Act, as amended by section 1901 of this Act, is amended by adding at the end the following:

"MUSCULAR DYSTROPHY RESEARCH

"Sec. 409F. (a) Coordination of Activities.—The Director of NIH shall expand and increase coordination in the activities of the National Institutes of Health with respect to research on muscular dystrophies, including Duchenne muscular dystrophy.

"(b) Administration of Program; Collaboration Among Agencies.—The Director of NIH shall carry out this section through the appropriate institutes, including the National Institute of Neurological Disorders and Stroke and in collaboration with any other agencies that the Director determines appropriate.

"(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of the fiscal years 2001 through 2005. Amounts appropriated under this subsection shall be in addition to any other amounts appropriated for such purpose.".

TITLE XXIII—CHILDREN AND TOURETTE SYNDROME AWARENESS

SEC. 2301. GRANTS REGARDING TOURETTE SYNDROME.

Part A of title XI of the Public Health Service Act is amended by adding at the end the following section:

"TOURETTE SYNDROME

"Sec. 1108. (a) In General.—The Secretary shall develop and implement outreach programs to educate the public, health care providers, educators and community based organizations about the etiology, symptoms, diagnosis and treatment of Tourette Syndrome, with a particular emphasis on children with Tourette Syndrome. Such programs may be carried out by the Secretary directly and through awards of grants or contracts to public or nonprofit private entities.

"(b) Certain Activities.—Activities under subsection (a) shall include—

"(1) the production and translation of educational materials, including public service announcements;

"(2) the development of training material for health care providers, educators and community based organizations; and

"(3) outreach efforts directed at the misdiagnosis and underdiagnosis of Tourette Syndrome in children and in minority groups.

"(c) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE XXIV—CHILDHOOD OBESITY PREVENTION

SEC. 2401. PROGRAMS OPERATED THROUGH THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 1101 of this Act, is amended by adding at the end the following part:

"PART Q—PROGRAMS TO IMPROVE THE HEALTH OF CHILDREN

"SEC. 399W. GRANTS TO PROMOTE CHILDHOOD NUTRITION AND PHYSICAL ACTIVITY.

"(a) In General.—The Secretary, acting though the Director of the Centers for Disease Control and Prevention, shall award competitive grants to States and political subdivisions of States for the development and implementation of State and community-based intervention programs to promote good nutrition and physical activity in children and adolescents.

"(b) Eligibility.—To be eligible to receive a grant under this section a State or political subdivision of a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan that describes—

"(1) how the applicant proposes to develop a comprehensive program of school- and community-based approaches to encourage and promote good nutrition and appropriate levels of physical activity with respect to children or adolescents in local communities;

"(2) the manner in which the applicant shall coordinate with appropriate State and local authorities, such as State and local school departments, State departments of health, chronic disease directors, State directors of programs under section 17 of the Child Nutrition Act of 1966, 5-a-day coordinators, governors councils for physical activity and good nutrition, and State and local parks and recreation departments; and

"(3) the manner in which the applicant will evaluate the effectiveness of the program carried out under this section.

"(c) USE OF FUNDS.—A State or political subdivision of a State shall use amount received under a grant under this section to—

"(1) develop, implement, disseminate, and evaluate school- and community-based strategies in States to reduce inactivity and improve dietary choices among children and adolescents;

"(2) expand opportunities for physical activity programs in school- and community-based settings; and

"(3) develop, implement, and evaluate programs that promote good eating habits and physical activity including opportunities for children with cognitive and physical disabilities.

"(d) TECHNICAL ASSISTANCE.—The Secretary may set-aside an amount not to exceed 10 percent of the amount appropriated for a fiscal year under subsection (h) to permit the Director of the Centers for Disease Control and Prevention to—

"(1) provide States and political subdivisions of States with technical support in the development and implementation of programs under this section; and

"(2) disseminate information about effective strategies and interventions in preventing and treating obesity through the promotion of good nutrition and physical activity.

"(e) LIMITATION ON ADMINISTRATIVE COSTS.—Not to exceed 10 percent of the amount of a grant awarded to the State or political subdivision under subsection (a) for a fiscal year may be used by the State or political subdivision for administrative expenses.

"(f) TERM.—A grant awarded under subsection (a) shall be for a term of 3 years.

"(g) DEFINITION.—In this section, the term 'children and adolescents' means individuals who do not exceed 18 years of age.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.

"SEC. 399X. APPLIED RESEARCH PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Centers for Disease Control and Prevention and in consultation with the Director of the National Institutes of Health, shall—

"(1) conduct research to better understand the relationship between physical activity, diet, and health and factors that influence health-related behaviors;

"(2) develop and evaluate strategies for the prevention and treatment of obesity to be used in community-based interventions and by health professionals;

"(3) develop and evaluate strategies for the prevention and treatment of eating disorders, such as anorexia and bulimia;

"(4) conduct research to establish the prevalence, consequences, and costs of childhood obesity and its effects in adulthood;

"(5) identify behaviors and risk factors that contribute to obesity;

"(6) evaluate materials and programs to provide nutrition education to parents and teachers of children in child care or pre-school and the food service staff of such child care and pre-school entities; and

"(7) evaluate materials and programs that are designed to educate and encourage physical activity in child care and pre-school facilities.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.

"SEC. 399Y. EDUCATION CAMPAIGN.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in collaboration with national, State, and local partners, physical activity organizations, nutrition experts, and health professional organizations, shall develop a national public campaign to promote and educate children and their parents concerning—

"(1) the health risks associated with obesity, inactivity, and poor nutrition;

"(2) ways in which to incorporate physical activity into daily living; and

"(3) the benefits of good nutrition and strategies to improve eating habits.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.

"SEC. 399Z. HEALTH PROFESSIONAL EDUCATION AND TRAINING.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, in collaboration with the Administrator of the Health Resources and Services Administration and the heads of other agencies, and in consultation with appropriate health professional associations, shall develop and carry out a program to educate and train health professionals in effective strategies to—

"(1) better identify and assess patients with obesity or an eating disorder or patients at-risk of becoming obese or developing an eating disorder;

"(2) counsel, refer, or treat patients with obesity or an eating disorder; and

"(3) educate patients and their families about effective strategies to improve dietary habits and establish appropriate levels of physical activity.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE XXV—EARLY DETECTION AND TREATMENT REGARDING CHILDHOOD LEAD POISONING

SEC. 2501. CENTERS FOR DISEASE CONTROL AND PREVENTION EFFORTS TO COMBAT CHILDHOOD LEAD POISONING.

(a) REQUIREMENTS FOR LEAD POISONING PREVENTION GRANTEES.—Section 317A of the Public Health Service Act (42 U.S.C. 247b–1) is amended—

(1) in subsection (d)—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following:

"(7) Assurances satisfactory to the Secretary that the applicant will ensure complete and consistent reporting of all blood lead test results from laboratories and health care providers to State and local health departments in accordance with guidelines of the Centers for Disease Control and Prevention for standardized reporting as described in subsection (m)."; and

(2) in subsection (j)(2)—

(A) in subparagraph (F) by striking "(E)" and inserting "(F)";

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

"(F) The number of grantees that have established systems to ensure mandatory reporting of all blood lead tests from laboratories and health care providers to State and local health departments.".

(b) GUIDELINES FOR STANDARDIZED REPORTING.—Section 317A of the Public Health Service Act (42 U.S.C. 247b–1) is amended by adding at the end the following:

"(m) GUIDELINES FOR STANDARDIZED REPORTING.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop national guidelines for the uniform reporting of all blood lead test results to State and local health departments.".

(c) DEVELOPMENT AND IMPLEMENTATION OF EFFECTIVE DATA MANAGEMENT BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.—

(1) IN GENERAL.—The Director of the Centers for Disease Control and Prevention shall—

(A) assist with the improvement of data linkages between State and local health departments and between State health departments and the Centers for Disease Control and Prevention;

(B) assist States with the development of flexible, comprehensive State-based data management systems for the surveillance of children with lead poisoning that have the capacity to contribute to a national data set;

(C) assist with the improvement of the ability of State-based data management systems and federally-funded means-tested public benefit programs (including the special supplemental food program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) and the early head start program under section 645A of the Head Start Act (42 U.S.C. 9840a(h)) to respond to ad hoc inquiries and generate progress reports regarding the lead blood level screening of children enrolled in those programs;

(D) assist States with the establishment of a capacity for assessing how many children enrolled in the medicaid, WIC, early head start, and other federally-funded means-tested public benefit programs are being screened for lead poisoning at age-appropriate intervals;

(E) use data obtained as result of activities under this section to formulate or revise existing lead blood screening and case management policies; and

(F) establish performance measures for evaluating State and local implementation of the requirements and improvements described in subparagraphs (A) through (E).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for each the fiscal years 2001 through 2005.

(3) EFFECTIVE DATE.—This subsection takes effect on the date of enactment of this Act.

SEC. 2502. GRANTS FOR LEAD POISONING RELATED ACTIVITIES.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended by section 1801 of this Act, is amended by inserting after section 317N the following section:

"GRANTS FOR LEAD POISONING RELATED ACTIVITIES

"SEC. 317O. (a) AUTHORITY TO MAKE GRANTS.—

"(1) IN GENERAL.—The Secretary shall make grants to States to support public health activities in States and localities where data suggests that at least 5 percent of preschool-age children have an elevated blood lead level through—

"(A) effective, ongoing outreach and community education targeted to families most likely to be at risk for lead poisoning;

"(B) individual family education activities that are designed to reduce ongoing exposures to lead for children with elevated blood lead levels, including through home visits and coordination with other programs designed to identify and treat children at risk for lead poisoning; and

"(C) the development, coordination and implementation of community-based approaches for comprehensive lead poisoning prevention from surveillance to lead hazard control.

"(2) STATE MATCH.—A State is not eligible for a grant under this section unless the State agrees to expend (through State or local funds) $1 for every $2 provided under the grant to carry out the activities described in paragraph (1).

"(3) APPLICATION.—To be eligible to receive a grant under this section, a State shall submit an *application to the Secretary in such form and manner and containing such information as the Secretary may require.*

"(b) Coordination With Other Children's Programs.—A State shall identify in the application for a grant under this section how the State will coordinate operations and activities under the grant with—

"(1) other programs operated in the State that serve children with elevated blood lead levels, including any such programs operated under titles V, XIX, or XXI of the Social Security Act; and

"(2) one or more of the following—

"(A) the child welfare and foster care and adoption assistance programs under parts B and E of title IV of such Act;

"(B) the head start program established under the Head Start Act (42 U.S.C. 9831 et seq.);

"(C) the program of assistance under the special supplemental nutrition program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

"(D) local public and private elementary or secondary schools; or

"(E) public housing agencies, as defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

"(c) Performance Measures.—The Secretary shall establish needs indicators and performance measures to evaluate the activities carried out under grants awarded under this section. Such indicators shall be commensurate with national measures of maternal and child health programs and shall be developed in consultation with the Director of the Centers for Disease Control and Prevention.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.".

(b) Conforming Amendment.—Section 340D(c)(1) of the Public Health Service Act (42 U.S.C. 256d(c)(1)) is amended by striking "317E" and inserting "317F".

SEC. 2503. TRAINING AND REPORTS BY THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) Training.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration and in collaboration with the Administrator of the Health Care Financing Administration and the Director of the Centers for Disease Control and Prevention, shall conduct education and training programs for physicians and other health care providers regarding childhood lead poisoning, current screening and treatment recommendations and requirements, and the scientific, medical, and public health basis for those policies.

(b) Report.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, annually shall report to Congress on the number of children who received services through health centers established under section 330 of the Public Health Service Act (42 U.S.C. 254b) and received a blood lead screening test during the prior fiscal year, noting the percentage that such children represent as compared to all children who received services through such health centers.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each the fiscal years 2001 through 2005.

SEC. 2504. SCREENINGS, REFERRALS, AND EDUCATION REGARDING LEAD POISONING.

Section 317A(l)(1) of the Public Health Service Act (42 U.S.C. 247b–1(l)(1)) is amended by striking "1994" and all that follows and inserting "1994 through 2005.".

TITLE XXVI—SCREENING FOR HERITABLE DISORDERS

SEC. 2601. PROGRAM TO IMPROVE THE ABILITY OF STATES TO PROVIDE NEWBORN AND CHILD SCREENING FOR HERITABLE DISORDERS.

Part A of title XI of the Public Health Service Act, as amended by section 2301 of this Act, is amended by adding at the end the following:

"SEC. 1109. IMPROVED NEWBORN AND CHILD SCREENING FOR HERITABLE DISORDERS.

"(a) In General.—The Secretary shall award grants to eligible entities to enhance, improve or expand the ability of State and local public health agencies to provide screening, counseling or health care services to newborns and children having or at risk for heritable disorders.

"(b) Use of Funds.—Amounts provided under a grant awarded under subsection (a) shall be used to—

"(1) establish, expand, or improve systems or programs to provide screening, counseling, testing or specialty services for newborns and children at risk for heritable disorders;

"(2) establish, expand, or improve programs or services to reduce mortality or morbidity from heritable disorders;

"(3) establish, expand, or improve systems or programs to provide information and counseling on available therapies for newborns and children with heritable disorders;

"(4) improve the access of medically underserved populations to screening, counseling, testing and specialty services for newborns and children having or at risk for heritable disorders; or

"(5) conduct such other activities as may be necessary to enable newborns and children having or at risk for heritable disorders to receive screening, counseling, testing or specialty services, regardless of income, race, color, religion, sex, national origin, age, or disability.

"(c) Eligible Entities.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) be a State or political subdivision of a State, or a consortium of 2 or more States or political subdivisions of States; and

"(2) prepare and submit to the Secretary an application that includes—

"(A) a plan to use amounts awarded under the grant to meet specific health status goals and objectives relative to heritable disorders, including attention to needs of medically underserved populations;

"(B) a plan for the collection of outcome data or other methods of evaluating the degree to which amounts awarded under this grant will be used to achieve the goals and objectives identified under subparagraph (A);

"(C) a plan for monitoring and ensuring the quality of services provided under the grant;

"(D) an assurance that amounts awarded under the grant will be used only to implement the approved plan for the State;

"(E) an assurance that the provision of services under the plan is coordinated with services provided under programs implemented in the State under titles V, XVIII, XIX, XX, or XXI of the Social Security Act (subject to Federal regulations applicable to such programs) so that the coverage of services under such titles is not substantially diminished by the use of granted funds; and

"(F) such other information determined by the Secretary to be necessary.

"(d) Limitation.—An eligible entity may not use amounts received under this section to—

"(1) provide cash payments to or on behalf of affected individuals;

"(2) provide inpatient services;

"(3) purchase land or make capital improvements to property; or

"(4) provide for proprietary research or training.

"(e) Voluntary Participation.—The participation by any individual in any program or portion thereof established or operated with funds received under this section shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, another Federal or State program.

"(f) Supplement Not Supplant.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities of the type described in this section.

"(g) Publication.

"(1) In general.—An application submitted under subsection (c)(2) shall be made public by the State in such a manner as to facilitate comment from any person, including through hearings and other methods used to facilitate comments from the public.

"(2) Comments.—Comments received by the State after the publication described in paragraph (1) shall be addressed in the application submitted under subsection (c)(2).

"(h) Technical Assistance.—The Secretary shall provide to entities receiving grants under subsection (a) such technical assistance as may be necessary to ensure the quality of programs conducted under this section.

"(i) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.

"SEC. 1110. EVALUATING THE EFFECTIVENESS OF NEWBORN AND CHILD SCREENING PROGRAMS.

"(a) In General.—The Secretary shall award grants to eligible entities to provide for the conduct of demonstration programs to evaluate the effectiveness of screening, counseling or health care services in reducing the morbidity and mortality caused by heritable disorders in newborns and children.

"(b) Demonstration Programs.—A demonstration program conducted under a grant under this section shall be designed to evaluate and assess, within the jurisdiction of the entity receiving such grant—

"(1) the effectiveness of screening, counseling, testing or specialty services for newborns and children at risk for heritable disorders in reducing the morbidity and mortality associated with such disorders;

"(2) the effectiveness of screening, counseling, testing or specialty services in accurately and reliably diagnosing heritable disorders in newborns and children; or

"(3) the availability of screening, counseling, testing or specialty services for newborns and children at risk for heritable disorders.

"(c) Eligible Entities.—To be eligible to receive a grant under subsection (a) an entity shall be a State or political subdivision of a State, or a consortium of 2 or more States or political subdivisions of States.

"SEC. 1111. ADVISORY COMMITTEE ON HERITABLE DISORDERS IN NEWBORNS AND CHILDREN.

"(a) Establishment.—The Secretary shall establish an advisory committee to be known as the 'Advisory Committee on Heritable Disorders in Newborns and Children' (referred to in this section as the 'Advisory Committee').

"(b) Duties.—The Advisory Committee shall—

"(1) provide advice and recommendations to the Secretary concerning grants and projects awarded or funded under section 1109;

"(2) provide technical information to the Secretary for the development of policies and priorities for the administration of grants under section 1109; and

"(3) provide such recommendations, advice or information as may be necessary to enhance, expand or improve the ability of the Secretary to

reduce the mortality or morbidity from heritable disorders.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Secretary shall appoint not to exceed 15 members to the Advisory Committee. In appointing such members, the Secretary shall ensure that the total membership of the Advisory Committee is an odd number.

"(2) REQUIRED MEMBERS.—The Secretary shall appoint to the Advisory Committee under paragraph (1)—

"(A) the Administrator of the Health Resources and Services Administration;

"(B) the Director of the Centers for Disease Control and Prevention;

"(C) the Director of the National Institutes of Health;

"(D) the Director of the Agency for Healthcare Research and Quality;

"(E) medical, technical, or scientific professionals with special expertise in heritable disorders, or in providing screening, counseling, testing or specialty services for newborns and children at risk for heritable disorders;

"(F) members of the public having special expertise about or concern with heritable disorders; and

"(G) representatives from such Federal agencies, public health constituencies, and medical professional societies as determined to be necessary by the Secretary, to fulfill the duties of the Advisory Committee, as established under subsection (b).".

TITLE XXVII—PEDIATRIC RESEARCH PROTECTIONS

SEC. 2701. REQUIREMENT FOR ADDITIONAL PROTECTIONS FOR CHILDREN INVOLVED IN RESEARCH.

Notwithstanding any other provision of law, not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall require that all research involving children that is conducted, supported, or regulated by the Department of Health and Human Services be in compliance with subpart D of part 45 of title 46, Code of Federal Regulations.

TITLE XXVIII—MISCELLANEOUS PROVISIONS

SEC. 2801. REPORT REGARDING RESEARCH ON RARE DISEASES IN CHILDREN.

Not later than 180 days after the date of the enactment of this Act, the Director of the National Institutes of Health shall submit to the Congress a report on—

(1) the activities that, during fiscal year 2000, were conducted and supported by such Institutes with respect to rare diseases in children, including Friedreich's ataxia and Hutchinson-Gilford progeria syndrome; and

(2) the activities that are planned to be conducted and supported by such Institutes with respect to such diseases during the fiscal years 2001 through 2005.

SEC. 2802. STUDY ON METABOLIC DISORDERS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall, in consultation with relevant experts or through the Institute of Medicine, study issues related to treatment of PKU and other metabolic disorders for children, adolescents, and adults, and mechanisms to assure access to effective treatment, including special diets, for children and others with PKU and other metabolic disorders. Such mechanisms shall be evidence-based and reflect the best scientific knowledge regarding effective treatment and prevention of disease progression.

(b) DISSEMINATION OF RESULTS.—Upon completion of the study referred to in subsection (a), the Secretary shall disseminate and otherwise make available the results of the study to interested groups and organizations, including insurance commissioners, employers, private insurers, health care professionals, State and local public health agencies, and State agencies that carry out the medicaid program under title XIX of the Social Security Act or the State children's health insurance program under title XXI of such Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2003.

TITLE XXIX—EFFECTIVE DATE

SEC. 2901. EFFECTIVE DATE.

This division and the amendments made by this division take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

DIVISION B—YOUTH DRUG AND MENTAL HEALTH SERVICES

SEC. 3001. SHORT TITLE.

This division may be cited as the "Youth Drug and Mental Health Services Act".

TITLE XXXI—PROVISIONS RELATING TO SERVICES FOR CHILDREN AND ADOLESCENTS

SEC. 3101. CHILDREN AND VIOLENCE.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

"PART G—PROJECTS FOR CHILDREN AND VIOLENCE

"SEC. 581. CHILDREN AND VIOLENCE.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education and the Attorney General, shall carry out directly or through grants, contracts or cooperative agreements with public entities a program to assist local communities in developing ways to assist children in dealing with violence.

"(b) ACTIVITIES.—Under the program under subsection (a), the Secretary may—

"(1) provide financial support to enable local communities to implement programs to foster the health and development of children;

"(2) provide technical assistance to local communities with respect to the development of programs described in paragraph (1);

"(3) provide assistance to local communities in the development of policies to address violence when and if it occurs;

"(4) assist in the creation of community partnerships among law enforcement, education systems and mental health and substance abuse service systems; and

"(5) establish mechanisms for children and adolescents to report incidents of violence or plans by other children or adolescents to commit violence.

"(c) REQUIREMENTS.—An application for a grant, contract or cooperative agreement under subsection (a) shall demonstrate that—

"(1) the applicant will use amounts received to create a partnership described in subsection (b)(4) to address issues of violence in schools;

"(2) the activities carried out by the applicant will provide a comprehensive method for addressing violence, that will include—

"(A) security;

"(B) educational reform;

"(C) the review and updating of school policies;

"(D) alcohol and drug abuse prevention and early intervention services;

"(E) mental health prevention and treatment services; and

"(F) early childhood development and psychosocial services; and

"(3) the applicant will use amounts received only for the services described in subparagraphs (D), (E), and (F) of paragraph (2).

"(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) will be distributed equitably among the regions of the country and among urban and rural areas.

"(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years.

"(f) EVALUATION.—The Secretary shall conduct an evaluation of each project carried out under this section and shall disseminate the results of such evaluations to appropriate public and private entities.

"(g) INFORMATION AND EDUCATION.—The Secretary shall establish comprehensive information and education programs to disseminate the findings of the knowledge development and application under this section to the general public and to health care professionals.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $100,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2003.

"SEC. 582. GRANTS TO ADDRESS THE PROBLEMS OF PERSONS WHO EXPERIENCE VIOLENCE RELATED STRESS.

"(a) IN GENERAL.—The Secretary shall award grants, contracts or cooperative agreements to public and nonprofit private entities, as well as to Indian tribes and tribal organizations, for the purpose of developing programs focusing on the behavioral and biological aspects of psychological trauma response and for developing knowledge with regard to evidence-based practices for treating psychiatric disorders of children and youth resulting from witnessing or experiencing a traumatic event.

"(b) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the development of knowledge on evidence-based practices for treating disorders associated with psychological trauma, the Secretary shall give priority to mental health agencies and programs that have established clinical and basic research experience in the field of trauma-related mental disorders.

"(c) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

"(d) EVALUATION.—The Secretary, as part of the application process, shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

"(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years. Such grants, contracts or agreements may be renewed.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2003.".

SEC. 3102. EMERGENCY RESPONSE.

Section 501 of the Public Health Service Act (42 U.S.C. 290aa) is amended—

(1) by redesignating subsection (m) as subsection (o);

(2) by inserting after subsection (l) the following:

"(m) EMERGENCY RESPONSE.—

"(1) IN GENERAL.—Notwithstanding section 504 and except as provided in paragraph (2), the Secretary may use not to exceed 2.5 percent of *all amounts appropriated under this title for a fiscal year to make noncompetitive grants, contracts or cooperative agreements to public entities to enable such entities to address emergency substance abuse or mental health needs in local communities.*

"(2) EXCEPTIONS.—Amounts appropriated under part C shall not be subject to paragraph (1).

"(3) EMERGENCIES.—The Secretary shall establish criteria for determining that a substance abuse or mental health emergency exists and publish such criteria in the Federal Register prior to providing funds under this subsection.

"(n) LIMITATION ON THE USE OF CERTAIN INFORMATION.—No information, if an establishment or person supplying the information or described in it is identifiable, obtained in the course of activities undertaken or supported under section 505 may be used for any purpose other than the purpose for which it was supplied unless such establishment or person has consented (as determined under regulations of the Secretary) to its use for such other purpose. Such information may not be published or released in other form if the person who supplied the information or who is described in it is identifiable unless such person has consented (as determined under regulations of the Secretary) to its publication or release in other form."; and

(3) in subsection (o) (as so redesignated), by striking "1993" and all that follows through the period and inserting "2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.".

SEC. 3103. HIGH RISK YOUTH REAUTHORIZATION.

Section 517(h) of the Public Health Service Act (42 U.S.C. 290bb-23(h)) is amended by striking "$70,000,000" and all that follows through "1994" and inserting "such sums as may be necessary for each of the fiscal years 2001 through 2003".

SEC. 3104. SUBSTANCE ABUSE TREATMENT SERVICES FOR CHILDREN AND ADOLESCENTS.

(a) SUBSTANCE ABUSE TREATMENT SERVICES.—Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by adding at the end the following:

"SEC. 514. SUBSTANCE ABUSE TREATMENT SERVICES FOR CHILDREN AND ADOLESCENTS.

"(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to public and private nonprofit entities, including Native Alaskan entities and Indian tribes and tribal organizations, for the purpose of providing substance abuse treatment services for children and adolescents.

"(b) PRIORITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall give priority to applicants who propose to—

"(1) apply evidenced-based and cost effective methods for the treatment of substance abuse among children and adolescents;

"(2) coordinate the provision of treatment services with other social service agencies in the community, including educational, juvenile justice, child welfare, and mental health agencies;

"(3) provide a continuum of integrated treatment services, including case management, for children and adolescents with substance abuse disorders and their families;

"(4) provide treatment that is gender-specific and culturally appropriate;

"(5) involve and work with families of children and adolescents receiving treatment;

"(6) provide aftercare services for children and adolescents and their families after completion of substance abuse treatment; and

"(7) address the relationship between substance abuse and violence.

"(c) DURATION OF GRANTS.—The Secretary shall award grants, contracts, or cooperative agreements under subsection (a) for periods not to exceed 5 fiscal years.

"(d) APPLICATION.—An entity desiring a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(e) EVALUATION.—An entity that receives a grant, contract, or cooperative agreement under subsection (a) shall submit, in the application for such grant, contract, or cooperative agreement, a plan for the evaluation of any project undertaken with funds provided under this section. Such entity shall provide the Secretary with periodic evaluations of the progress of such project and such evaluation at the completion of such project as the Secretary determines to be appropriate.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 and 2003.

"SEC. 514A. EARLY INTERVENTION SERVICES FOR CHILDREN AND ADOLESCENTS.

"(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to public and private nonprofit entities, including local educational agencies (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), for the purpose of providing early intervention substance abuse services for children and adolescents.

"(b) PRIORITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall give priority to applicants who demonstrate an ability to—

"(1) screen for and assess substance use and abuse by children and adolescents;

"(2) make appropriate referrals for children and adolescents who are in need of treatment for substance abuse;

"(3) provide early intervention services, including counseling and ancillary services, that are designed to meet the developmental needs of children and adolescents who are at risk for substance abuse; and

"(4) develop networks with the educational, juvenile justice, social services, and other agencies and organizations in the State or local community involved that will work to identify children and adolescents who are in need of substance abuse treatment services.

"(c) CONDITION.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall ensure that such grants, contracts, or cooperative agreements are allocated, subject to the availability of qualified applicants, among the principal geographic regions of the United States, to Indian tribes and tribal organizations, and to urban and rural areas.

"(d) DURATION OF GRANTS.—The Secretary shall award grants, contracts, or cooperative agreements under subsection (a) for periods not to exceed 5 fiscal years.

"(e) APPLICATION.—An entity desiring a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(f) EVALUATION.—An entity that receives a grant, contract, or cooperative agreement under subsection (a) shall submit, in the application for such grant, contract, or cooperative agreement, a plan for the evaluation of any project undertaken with funds provided under this section. Such entity shall provide the Secretary with periodic evaluations of the progress of such project and such evaluation at the completion of such project as the Secretary determines to be appropriate.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 and 2003.".

(b) YOUTH INTERAGENCY CENTERS.—Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.) is amended by adding the following:

"SEC. 520C. YOUTH INTERAGENCY RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE CENTERS.

"(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, and in consultation with the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Bureau of Justice Assistance and the Director of the National Institutes of Health, shall award grants or contracts to public or nonprofit private entities to establish not more than 4 research, training, and technical assistance centers to carry out the activities described in subsection (c).

"(b) APPLICATION.—A public or private nonprofit entity desiring a grant or contract under subsection (a) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(c) AUTHORIZED ACTIVITIES.—A center established under a grant or contract under subsection (a) shall—

"(1) provide training with respect to state-of-the-art mental health and justice-related services and successful mental health and substance abuse-justice collaborations that focus on children and adolescents, to public policymakers, law enforcement administrators, public defenders, police, probation officers, judges, parole officials, jail administrators and mental health and substance abuse providers and administrators;

"(2) engage in research and evaluations concerning State and local justice and mental health systems, including system redesign initiatives, and disseminate information concerning the results of such evaluations;

"(3) provide direct technical assistance, including assistance provided through toll-free telephone numbers, concerning issues such as how to accommodate individuals who are being processed through the courts under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), what types of mental health or substance abuse service approaches are effective within the judicial system, and how community-based mental health or substance abuse services can be more effective, including relevant regional, ethnic, and gender-related considerations; and

"(4) provide information, training, and technical assistance to State and local governmental officials to enhance the capacity of such officials to provide appropriate services relating to mental health or substance abuse.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $4,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 and 2003.".

(c) PREVENTION OF ABUSE AND ADDICTION.—Subpart 2 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-21 et seq.) is amended by adding the following:

"SEC. 519E. PREVENTION OF METHAMPHETAMINE AND INHALANT ABUSE AND ADDICTION.

"(a) GRANTS.—The Director of the Center for Substance Abuse Prevention (referred to in this section as the 'Director') may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities to enable such entities—

"(1) to carry out school-based programs concerning the dangers of methamphetamine or inhalant abuse and addiction, using methods that are effective and evidence-based, including initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools; and

"(2) to carry out community-based methamphetamine or inhalant abuse and addiction prevention programs that are effective and evidence-based.

"(b) Use of Funds.—Amounts made available under a grant, contract or cooperative agreement under subsection (a) shall be used for planning, establishing, or administering methamphetamine or inhalant prevention programs in accordance with subsection (c).

"(c) Prevention Programs and Activities.—

"(1) In general.—Amounts provided under this section may be used—

"(A) to carry out school-based programs that are focused on those districts with high or increasing rates of methamphetamine or inhalant abuse and addiction and targeted at populations which are most at risk to start methamphetamine or inhalant abuse;

"(B) to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for methamphetamine or inhalant abuse and addiction;

"(C) to assist local government entities to conduct appropriate methamphetamine or inhalant prevention activities;

"(D) to train and educate State and local law enforcement officials, prevention and education officials, members of community anti-drug coalitions and parents on the signs of methamphetamine or inhalant abuse and addiction and the options for treatment and prevention;

"(E) for planning, administration, and educational activities related to the prevention of methamphetamine or inhalant abuse and addiction;

"(F) for the monitoring and evaluation of methamphetamine or inhalant prevention activities, and reporting and disseminating resulting information to the public; and

"(G) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

"(2) Priority.—The Director shall give priority in making grants under this section to rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine or inhalant abuse and addiction.

"(d) Analyses and Evaluation.—

"(1) In general.—Up to $500,000 of the amount available in each fiscal year to carry out this section shall be made available to the Director, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for methamphetamine or inhalant abuse and addiction and the development of appropriate strategies for disseminating information about and implementing these programs.

"(2) Annual reports.—The Director shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and Committee on Appropriations of the House of Representatives, an annual report with the results of the analyses and evaluation under paragraph (1).

"(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out subsection (a), $10,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2003.".

SEC. 3105. COMPREHENSIVE COMMUNITY SERVICES FOR CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCE.

(a) Matching Funds.—Section 561(c)(1)(D) of the Public Health Service Act (42 U.S.C. 290ff(c)(1)(D)) is amended by striking "fifth" and inserting "fifth and sixth".

(b) Flexibility for Indian Tribes and Territories.—Section 562 of the Public Health Service Act (42 U.S.C. 290ff–1) is amended by adding at the end the following:

"(g) Waivers.—The Secretary may waive 1 or more of the requirements of subsection (c) for a public entity that is an Indian Tribe or tribal organization, or American Samoa, Guam, the Marshall Islands, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, or the United States Virgin Islands if the Secretary determines, after peer review, that the system of care is family-centered and uses the least restrictive environment that is clinically appropriate.".

(c) Duration of Grants.—Section 565(a) of the Public Health Service Act (42 U.S.C. 290ff–4(a)) is amended by striking "5 fiscal" and inserting "6 fiscal".

(d) Authorization of Appropriations.—Section 565(f)(1) of the Public Health Service Act (42 U.S.C. 290ff–4(f)(1)) is amended by striking "1993" and all that follows and inserting "2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.".

(e) Current Grantees.—

(1) In general.—Entities with active grants under section 561 of the Public Health Service Act (42 U.S.C. 290ff) on the date of enactment of this Act shall be eligible to receive a 6th year of funding under the grant in an amount not to exceed the amount that such grantee received in the 5th year of funding under such grant. Such 6th year may be funded without requiring peer and Advisory Council review as required under section 504 of such Act (42 U.S.C. 290aa–3).

(2) Limitation.—Paragraph (1) shall apply with respect to a grantee only if the grantee agrees to comply with the provisions of section 561 as amended by subsection (a).

SEC. 3106. SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS.

(a) Administration and Activities.—

(1) Administration.—Section 399D(a) of the Public Health Service Act (42 U.S.C. 280d(a)(1)) is amended—

(A) in paragraph (1), by striking "Administrator" and all that follows through "Administration" and insert "Administrator of the Substance Abuse and Mental Health Services Administration"; and

(B) in paragraph (2), by striking "Administrator of the Substance Abuse and Mental Health Services Administration" and inserting "Administrator of the Health Resources and Services Administration".

(2) Activities.—Section 399D(a)(1) of the Public Health Service Act (42 U.S.C. 280d(a)(1)) is amended—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period and inserting the following: "through youth service agencies, family social services, child care providers, Head Start, schools and after-school programs, early childhood development programs, community-based family resource and support centers, the criminal justice system, health, substance abuse and mental health providers through screenings conducted during regular childhood examinations and other examinations, self and family member referrals, substance abuse treatment services, and other providers of services to children and families; and"; and

(C) by adding at the end the following:

"(D) to provide education and training to health, substance abuse and mental health professionals, and other providers of services to children and families through youth service agencies, family social services, child care, Head Start, schools and after-school programs, early childhood development programs, community-based family resource and support centers, the criminal justice system, and other providers of services to children and families.".

(3) Identification of certain children.—Section 399D(a)(3)(A) of the Public Health Service Act (42 U.S.C. 280d(a)(3)(A)) is amended—

(A) in clause (i), by striking "(i) the entity" and inserting "(i)(I) the entity";

(B) in clause (ii)—

(i) by striking "(ii) the entity" and inserting "(II) the entity"; and

(ii) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(ii) the entity will identify children who may be eligible for medical assistance under a State program under title XIX or XXI of the Social Security Act.".

(b) Services for Children.—Section 399D(b) of the Public Health Service Act (42 U.S.C. 280d(b)) is amended—

(1) in paragraph (1), by inserting "alcohol and drug," after "psychological,";

(2) by striking paragraph (5) and inserting the following:

"(5) Developmentally and age-appropriate drug and alcohol early intervention, treatment and prevention services."; and

(3) by inserting after paragraph (8), the following:

"Services shall be provided under paragraphs (2) through (8) by a public health nurse, social worker, or similar professional, or by a trained worker from the community who is supervised by a professional, or by an entity, where the professional or entity provides assurances that the professional or entity is licensed or certified by the State if required and is complying with applicable licensure or certification requirements.".

(c) Services for Affected Families.—Section 399D(c) of the Public Health Service Act (42 U.S.C. 280d(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting before the colon the following: ", or by an entity, where the professional or entity provides assurances that the professional or entity is licensed or certified by the State if required and is complying with applicable licensure or certification requirements"; and

(B) by adding at the end the following:

"(D) Aggressive outreach to family members with substance abuse problems.

"(E) Inclusion of consumer in the development, implementation, and monitoring of Family Services Plan.";

(2) in paragraph (2)—

(A) by striking subparagraph (A) and inserting the following:

"(A) Alcohol and drug treatment services, including screening and assessment, diagnosis, detoxification, individual, group and family counseling, relapse prevention, pharmacotherapy treatment, after-care services, and case management.";

(B) in subparagraph (C), by striking ", including educational and career planning" and inserting "and counseling on the human immunodeficiency virus and acquired immune deficiency syndrome";

(C) in subparagraph (D), by striking "conflict and"; and

(D) in subparagraph (E), by striking "Remedial" and inserting "Career planning and"; and

(3) in paragraph (3)(D), by inserting "which include child abuse and neglect prevention techniques" before the period.

(d) Eligible Entities.—Section 399D(d) of the Public Health Service Act (42 U.S.C. 280d(d)) is amended—

(1) by striking the matter preceding paragraph (1) and inserting:

"(d) ELIGIBLE ENTITIES.—The Secretary shall distribute the grants through the following types of entities:";

(2) in paragraph (1), by striking "drug treatment" and inserting "drug early intervention, prevention or treatment; and

(3) in paragraph (2)—

(A) in subparagraph (A), by striking "; and" and inserting "; or"; and

(B) in subparagraph (B), by inserting "or pediatric health or mental health providers and family mental health providers" before the period.

(e) SUBMISSION OF INFORMATION.—Section 399D(h) of the Public Health Service Act (42 U.S.C. 280d(h)) is amended—

(1) in paragraph (2)—

(A) by inserting "including maternal and child health" before "mental";

(B) by striking "treatment programs"; and

(C) by striking "and the State agency responsible for administering public maternal and child health services" and inserting ", the State agency responsible for administering alcohol and drug programs, the State lead agency, and the State Interagency Coordinating Council under part H of the Individuals with Disabilities Education Act; and"; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(f) REPORTS TO THE SECRETARY.—Section 399D(i)(6) of the Public Health Service Act (42 U.S.C. 280d(i)(6)) is amended—

(1) in subparagraph (B), by adding "and" at the end; and

(2) by striking subparagraphs (C), (D), and (E) and inserting the following:

"(C) the number of case workers or other professionals trained to identify and address substance abuse issues.".

(g) EVALUATIONS.—Section 399D(l) of the Public Health Service Act (42 U.S.C. 280d(l)) is amended—

(1) in paragraph (3), by adding "and" at the end;

(2) in paragraph (4), by striking the semicolon and inserting the following: ", including increased participation in work or employment-related activities and decreased participation in welfare programs."; and

(3) by striking paragraphs (5) and (6).

(h) REPORT TO CONGRESS.—Section 399D(m) of the Public Health Service Act (42 U.S.C. 280d(m)) is amended—

(1) in paragraph (2), by adding "and" at the end;

(2) in paragraph (3)—

(A) in subparagraph (A), by adding "and" at the end;

(B) in subparagraph (B), by striking the semicolon and inserting a period; and

(C) by striking subparagraphs (C), (D), and (E); and

(3) by striking paragraphs (4) and (5).

(i) DATA COLLECTION.—Section 399D(n) of the Public Health Service Act (42 U.S.C. 280d(n)) is amended by adding at the end the following: "The periodic report shall include a quantitative estimate of the prevalence of alcohol and drug problems in families involved in the child welfare system, the barriers to treatment and prevention services facing these families, and policy recommendations for removing the identified barriers, including training for child welfare workers.".

(j) DEFINITION.—Section 399D(o)(2)(B) of the Public Health Service Act (42 U.S.C. 280d(o)(2)(B)) is amended by striking "dangerous".

(k) AUTHORIZATION OF APPROPRIATIONS.—Section 399D(p) of the Public Health Service Act (42 U.S.C. 280d(p)) is amended to read as follows:

"(p) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2003.".

(l) GRANTS FOR TRAINING AND CONFORMING AMENDMENTS.—Section 399D of the Public Health Service Act (42 U.S.C. 280d) is amended—

(1) by striking subsection (f);

(2) by striking subsection (k);

(3) by redesignating subsections (d), (e), (g), (h), (i), (j), (l), (m), (n), (o), and (p) as subsections (e) through (o), respectively;

(4) by inserting after subsection (c), the following:

"(d) TRAINING FOR PROVIDERS OF SERVICES TO CHILDREN AND FAMILIES.—The Secretary may make a grant under subsection (a) for the training of health, substance abuse and mental health professionals and other providers of services to children and families through youth service agencies, family social services, child care providers, Head Start, schools and afterschool programs, early childhood development programs, community-based family resource centers, the criminal justice system, and other providers of services to children and families. Such training shall be to assist professionals in recognizing the drug and alcohol problems of their clients and to enhance their skills in identifying and understanding the nature of substance abuse, and obtaining substance abuse early intervention, prevention and treatment resources.";

(5) in subsection (k)(2) (as so redesignated), by striking "(h)" and inserting "(i)"; and

(6) in paragraphs (3)(E) and (5) of subsection (m) (as so redesignated), by striking "(d)" and inserting "(e)".

(m) TRANSFER AND REDESIGNATION.—Section 399D of the Public Health Service Act (42 U.S.C. 280d), as amended by this section—

(1) is transferred to title V;

(2) is redesignated as section 519; and

(3) is inserted after section 518.

(n) CONFORMING AMENDMENT.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by striking the heading of part L.

SEC. 3107. SERVICES FOR YOUTH OFFENDERS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.), as amended by section 3104(b), is further amended by adding at the end the following:

"SEC. 520D. SERVICES FOR YOUTH OFFENDERS.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, and in consultation with the Director of the Center for Substance Abuse Treatment, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, and the Director of the Special Education Programs, shall award grants on a competitive basis to State or local juvenile justice agencies to enable such agencies to provide aftercare services for youth offenders who have been discharged from facilities in the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances.

"(b) USE OF FUNDS.—A State or local juvenile justice agency receiving a grant under subsection (a) shall use the amounts provided under the grant—

"(1) to develop a plan describing the manner in which the agency will provide services for each youth offender who has a serious emotional disturbance and has been detained or incarcerated in facilities within the juvenile or criminal justice system;

"(2) to provide a network of core or aftercare services or access to such services for each youth offender, including diagnostic and evaluation services, substance abuse treatment services, outpatient mental health care services, medication management services, intensive home-based therapy, intensive day treatment services, respite care, and therapeutic foster care;

"(3) to establish a program that coordinates with other State and local agencies providing recreational, social, educational, vocational, or operational services for youth, to enable the agency receiving a grant under this section to provide community-based system of care services for each youth offender that addresses the special needs of the youth and helps the youth access all of the aforementioned services; and

"(4) using not more than 20 percent of funds received, to provide planning and transition services as described in paragraph (3) for youth offenders while such youth are incarcerated or detained.

"(c) APPLICATION.—A State or local juvenile justice agency that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(d) REPORT.—Not later than 3 years after the date of enactment of this section and annually thereafter, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives, a report that describes the services provided pursuant to this section.

"(e) DEFINITIONS.—In this section:

"(1) SERIOUS EMOTIONAL DISTURBANCE.—The term 'serious emotional disturbance' with respect to a youth offender means an offender who currently, or at any time within the 1-year period ending on the day on which services are sought under this section, has a diagnosable mental, behavioral, or emotional disorder that functionally impairs the offender's life by substantially limiting the offender's role in family, school, or community activities, and interfering with the offender's ability to achieve or maintain 1 or more developmentally-appropriate social, behavior, cognitive, communicative, or adaptive skills.

"(2) COMMUNITY-BASED SYSTEM OF CARE.—The term 'community-based system of care' means the provision of services for the youth offender by various State or local agencies that in an interagency fashion or operating as a network addresses the recreational, social, educational, vocational, mental health, substance abuse, and operational needs of the youth offender.

"(3) YOUTH OFFENDER.—The term 'youth offender' means an individual who is 21 years of age or younger who has been discharged from a State or local juvenile or criminal justice system, except that if the individual is between the ages of 18 and 21 years, such individual has had contact with the State or local juvenile or criminal justice system prior to attaining 18 years of age and is under the jurisdiction of such a system at the time services are sought.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2003.".

SEC. 3108. GRANTS FOR STRENGTHENING FAMILIES THROUGH COMMUNITY PARTNERSHIPS.

Subpart 2 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–21 et seq) is amended by adding at the end the following:

"SEC. 519A. GRANTS FOR STRENGTHENING FAMILIES.

"(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Director of the Prevention Center, may make grants to public and nonprofit private entities to develop and implement model substance abuse prevention programs to provide early intervention and substance abuse prevention services for individuals of high-risk families and the communities in which such individuals reside.

"(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applicants that—

"(1) have proven experience in preventing substance abuse by individuals of high-risk families and reducing substance abuse in communities of such individuals;

"(2) have demonstrated the capacity to implement community-based partnership initiatives that are sensitive to the diverse backgrounds of individuals of high-risk families and the communities of such individuals;

"(3) have experience in providing technical assistance to support substance abuse prevention programs that are community-based;

"(4) have demonstrated the capacity to implement research-based substance abuse prevention strategies; and

"(5) have implemented programs that involve families, residents, community agencies, and institutions in the implementation and design of such programs.

"(c) Duration of Grants.—The Secretary shall award grants under subsection (a) for a period not to exceed 5 years.

"(d) Use of Funds.—An applicant that is awarded a grant under subsection (a) shall—

"(1) in the first fiscal year that such funds are received under the grant, use such funds to develop a model substance abuse prevention program; and

"(2) in the fiscal year following the first fiscal year that such funds are received, use such funds to implement the program developed under paragraph (1) to provide early intervention and substance abuse prevention services to—

"(A) strengthen the environment of children of high risk families by targeting interventions at the families of such children and the communities in which such children reside;·

"(B) strengthen protective factors, such as—

"(i) positive adult role models;

"(ii) messages that oppose substance abuse;

"(iii) community actions designed to reduce accessibility to and use of illegal substances; and

"(iv) willingness of individuals of families in which substance abuse occurs to seek treatment for substance abuse;

"(C) reduce family and community risks, such as family violence, alcohol or drug abuse, crime, and other behaviors that may effect healthy child development and increase the likelihood of substance abuse; and

"(D) build collaborative and formal partnerships between community agencies, institutions, and businesses to ensure that comprehensive high quality services are provided, such as early childhood education, health care, family support programs, parent education programs, and home visits for infants.

"(e) Application.—To be eligible to receive a grant under subsection (a), an applicant shall prepare and submit to the Secretary an application that—

"(1) describes a model substance abuse prevention program that such applicant will establish;

"(2) describes the manner in which the services described in subsection (d)(2) will be provided; and

"(3) describe in as much detail as possible the results that the entity expects to achieve in implementing such a program.

"(f) Matching Funding.—The Secretary may not make a grant to a entity under subsection (a) unless that entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program for which the grant was awarded, the entity will make available non-Federal contributions in an amount that is not less than 40 percent of the amount provided under the grant.

"(g) Report to Secretary.—An applicant that is awarded a grant under subsection (a) shall prepare and submit to the Secretary a report in such form and containing such information as the Secretary may require, including an assessment of the efficacy of the model substance abuse prevention program implemented by the applicant and the short, intermediate, and long term results of such program.

"(h) Evaluations.—The Secretary shall conduct evaluations, based in part on the reports submitted under subsection (g), to determine the effectiveness of the programs funded under subsection (a) in reducing substance use in high-risk families and in making communities in which such families reside in stronger. The Secretary shall submit such evaluations to the appropriate committees of Congress.

"(i) High-Risk Families.—In this section, the term 'high-risk family' means a family in which the individuals of such family are at a significant risk of using or abusing alcohol or any illegal substance.

"(j) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $3,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.".

SEC. 3109. PROGRAMS TO REDUCE UNDERAGE DRINKING.

Subpart 2 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–21 et seq), as amended by section 3108, is further amended by adding at the end the following:

"SEC. 519B. PROGRAMS TO REDUCE UNDERAGE DRINKING.

"(a) In General.—The Secretary shall make awards of grants, cooperative agreements, or contracts to public and nonprofit private entities, including Indian tribes and tribal organizations, to enable such entities to develop plans for and to carry out school-based (including institutions of higher education) and community-based programs for the prevention of alcoholic-beverage consumption by individuals who have not attained the legal drinking age.

"(b) Eligibility Requirements.—To be eligible to receive an award under subsection (a), an entity shall provide any assurances to the Secretary which the Secretary may require, including that the entity will—

"(1) annually report to the Secretary on the effectiveness of the prevention approaches implemented by the entity;

"(2) use science based and age appropriate approaches; and

"(3) involve local public health officials and community prevention program staff in the planning and implementation of the program.

"(c) Evaluation.—The Secretary shall evaluate each project under subsection (a) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

"(d) Geographical Distribution.—The Secretary shall ensure that awards will be distributed equitably among the regions of the country and among urban and rural areas.

"(e) Duration of Award.—With respect to an award under subsection (a), the period during which payments under such award are made to the recipient may not exceed 5 years. The preceding sentence may not be construed as establishing a limitation on the number of awards under such subsection that may be made to the recipient.

"(f) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $25,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.".

SEC. 3110. SERVICES FOR INDIVIDUALS WITH FETAL ALCOHOL SYNDROME.

Subpart 2 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–21 et seq), as amended by sections 3108 and 3109, is further amended by adding at the end the following:

"SEC. 519C. SERVICES FOR INDIVIDUALS WITH FETAL ALCOHOL SYNDROME.

"(a) In General.—The Secretary shall make awards of grants, cooperative agreements, or contracts to public and nonprofit private entities, including Indian tribes and tribal organizations, to provide services to individuals diagnosed with fetal alcohol syndrome or alcohol-related birth defects.

"(b) Use of Funds.—An award under subsection (a) may, subject to subsection (d), be used to—

"(1) screen and test individuals to determine the type and level of services needed;

"(2) develop a comprehensive plan for providing services to the individual;

"(3) provide mental health counseling;

"(4) provide substance abuse prevention services and treatment, if needed;

"(5) coordinate services with other social programs including social services, justice system, educational services, health services, mental health and substance abuse services, financial assistance programs, vocational services and housing assistance programs;

"(6) provide vocational services;

"(7) provide health counseling;

"(8) provide housing assistance;

"(9) parenting skills training;

"(10) overall case management;

"(11) supportive services for families of individuals with Fetal Alcohol Syndrome; and

"(12) provide other services and programs, to the extent authorized by the Secretary after consideration of recommendations made by the National Task Force on Fetal Alcohol Syndrome.

"(c) Requirements.—To be eligible to receive an award under subsection (a), an applicant shall—

"(1) demonstrate that the program will be part of a coordinated, comprehensive system of care for such individuals;

"(2) demonstrate an established communication with other social programs in the community including social services, justice system, financial assistance programs, health services, educational services, mental health and substance abuse services, vocational services and housing assistance services;

"(3) show a history of working with individuals with fetal alcohol syndrome or alcohol-related birth defects;

"(4) provide assurance that the services will be provided in a culturally and linguistically appropriate manner; and

"(5) provide assurance that at the end of the 5-year award period, other mechanisms will be identified to meet the needs of the individuals and families served under such award.

"(d) Relationship to Payments Under Other Programs.—An award may be made under subsection (a) only if the applicant involved agrees that the award will not be expended to pay the expenses of providing any service under this section to an individual to the extent that payment has been made, or can reasonably be expected to be made, with respect to such expenses—

"(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

"(2) by an entity that provides health services on a prepaid basis.

"(e) Duration of Awards.—With respect to an award under subsection (a), the period during which payments under such award are made to the recipient may not exceed 5 years.

"(f) Evaluation.—The Secretary shall evaluate each project carried out under subsection (a) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

"(g) Funding.—

"(1) Authorization of Appropriations.—For the purpose of carrying out this section, *there are authorized to be appropriated $25,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.*

“(2) ALLOCATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, not less than $300,000 shall, for purposes relating to fetal alcohol syndrome and alcohol-related birth defects, be made available for collaborative, coordinated interagency efforts with the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Child Health and Human Development, the Health Resources and Services Administration, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, the Department of Education, and the Department of Justice.

“SEC. 519D. CENTERS OF EXCELLENCE ON SERVICES FOR INDIVIDUALS WITH FETAL ALCOHOL SYNDROME AND ALCOHOL-RELATED BIRTH DEFECTS AND TREATMENT FOR INDIVIDUALS WITH SUCH CONDITIONS AND THEIR FAMILIES.

“(a) IN GENERAL.—The Secretary shall make awards of grants, cooperative agreements, or contracts to public or nonprofit private entities for the purposes of establishing not more than 4 centers of excellence to study techniques for the prevention of fetal alcohol syndrome and alcohol-related birth defects and adaptations of innovative clinical interventions and service delivery improvements for the provision of comprehensive services to individuals with fetal alcohol syndrome or alcohol-related birth defects and their families and for providing training on such conditions.

“(b) USE OF FUNDS.—An award under subsection (a) may be used to—

“(1) study adaptations of innovative clinical interventions and service delivery improvements strategies for children and adults with fetal alcohol syndrome or alcohol-related birth defects and their families;

“(2) identify communities which have an exemplary comprehensive system of care for such individuals so that they can provide technical assistance to other communities attempting to set up such a system of care;

“(3) provide technical assistance to communities who do not have a comprehensive system of care for such individuals and their families;

“(4) train community leaders, mental health and substance abuse professionals, families, law enforcement personnel, judges, health professionals, persons working in financial assistance programs, social service personnel, child welfare professionals, and other service providers on the implications of fetal alcohol syndrome and alcohol-related birth defects, the early identification of and referral for such conditions;

“(5) develop innovative techniques for preventing alcohol use by women in child bearing years;

“(6) perform other functions, to the extent authorized by the Secretary after consideration of recommendations made by the National Task Force on Fetal Alcohol Syndrome.

“(c) REPORT.—

“(1) IN GENERAL.—A recipient of an award under subsection (a) shall at the end of the period of funding report to the Secretary on any innovative techniques that have been discovered for preventing alcohol use among women of child bearing years.

“(2) DISSEMINATION OF FINDINGS.—The Secretary shall upon receiving a report under paragraph (1) disseminate the findings to appropriate public and private entities.

“(d) DURATION OF AWARDS.—With respect to an award under subsection (a), the period during which payments under such award are made to the recipient may not exceed 5 years.

“(e) EVALUATION.—The Secretary shall evaluate each project carried out under subsection (a) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

“(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.”.

SEC. 3111. SUICIDE PREVENTION.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq), as amended by section 3107, is further amended by adding at the end the following:

“SEC. 520E. SUICIDE PREVENTION FOR CHILDREN AND ADOLESCENTS.

“(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to States, political subdivisions of States, Indian tribes, tribal organizations, public organizations, or private nonprofit organizations to establish programs to reduce suicide deaths in the United States among children and adolescents.

“(b) COLLABORATION.—In carrying out subsection (a), the Secretary shall ensure that activities under this section are coordinated among the Substance Abuse and Mental Health Services Administration, the relevant institutes at the National Institutes of Health, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and the Administration on Children and Families.

“(c) REQUIREMENTS.—A State, political subdivision of a State, Indian tribe, tribal organization, public organization, or private nonprofit organization desiring a grant, contract, or cooperative agreement under this section shall demonstrate that the suicide prevention program such entity proposes will—

“(1) provide for the timely assessment, treatment, or referral for mental health or substance abuse services of children and adolescents at risk for suicide;

“(2) be based on best evidence-based, suicide prevention practices and strategies that are adapted to the local community;

“(3) integrate its suicide prevention program into the existing health care system in the community including primary health care, mental health services, and substance abuse services;

“(4) be integrated into other systems in the community that address the needs of children and adolescents including the educational system, juvenile justice system, welfare and child protection systems, and community youth support organizations;

“(5) use primary prevention methods to educate and raise awareness in the local community by disseminating evidence-based information about suicide prevention;

“(6) include suicide prevention, mental health, and related information and services for the families and friends of those who completed suicide, as needed;

“(7) provide linguistically appropriate and culturally competent services, as needed;

“(8) provide a plan for the evaluation of outcomes and activities at the local level, according to standards established by the Secretary, and agree to participate in a national evaluation; and

“(9) ensure that staff used in the program are trained in suicide prevention and that professionals involved in the system of care have received training in identifying persons at risk of suicide.

“(d) USE OF FUNDS.—Amounts provided under grants, contracts, or cooperative agreements under subsection (a) shall be used to supplement and not supplant other Federal, State, and local public funds that are expended to provide services for eligible individuals.

“(e) CONDITION.—An applicant for a grant, contract, or cooperative agreement under subsection (a) shall demonstrate to the Secretary that the applicant has the support of the local community and relevant public health officials.

“(f) SPECIAL POPULATIONS.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall ensure that such awards are made in a manner that will focus on the needs of communities or groups that experience high or rapidly rising rates of suicide.

“(g) APPLICATION.—A State, political subdivision of a State, Indian tribe, tribal organization, public organization, or private nonprofit organization receiving a grant, contract, or cooperative agreement under subsection (a) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include a plan for the rigorous evaluation of activities funded under the grant, contract, or cooperative agreement, including a process and outcome evaluation.

“(h) DISTRIBUTION OF AWARDS.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall ensure that such awards are distributed among the geographical regions of the United States and between urban and rural settings.

“(i) EVALUATION.—A State, political subdivision of a State, Indian tribe, tribal organization, public organization, or private nonprofit organization receiving a grant, contract, or cooperative agreement under subsection (a) shall prepare and submit to the Secretary at the end of the program period, an evaluation of all activities funded under this section.

“(j) DISSEMINATION AND EDUCATION.—The Secretary shall ensure that findings derived from activities carried out under this section are disseminated to State, county and local governmental agencies and public and private nonprofit organizations active in promoting suicide prevention and family support activities.

“(k) DURATION OF PROJECTS.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award may be made to the recipient may not exceed 5 years.

“(l) STUDY.—Within 1 year after the date of enactment of this section, the Secretary shall, directly or by grant or contract, initiate a study to assemble and analyze data to identify—

“(1) unique profiles of children under 13 who attempt or complete suicide;

“(2) unique profiles of youths between ages 13 and 21 who attempt or complete suicide; and

“(3) a profile of services which might have been available to these groups and the use of these services by children and youths from paragraphs (1) and (2).

“(m) AUTHORIZATION OF APPROPRIATION.—

“(1) IN GENERAL.—For purposes of carrying out this section, there is authorized to be appropriated $75,000,000 for fiscal year 2001 and such sums as may be necessary for each of the fiscal years 2002 through 2003.

“(2) PROGRAM MANAGEMENT.—In carrying out this section, the Secretary shall use 1 percent of the amount appropriated under paragraph (1) for each fiscal year for managing programs under this section.”.

SEC. 3112. GENERAL PROVISIONS.

(a) DUTIES OF THE CENTER FOR SUBSTANCE ABUSE TREATMENT.—Section 507(b) of the Public Health Service Act (42 U.S.C. 290bb(b)) is amended—

(1) by redesignating paragraphs (2) through (12) as paragraphs (4) through (14), respectively;

(2) by inserting after paragraph (1), the following:

“(2) ensure that emphasis is placed on children and adolescents in the development of treatment programs;

"(3) collaborate with the Attorney General to develop programs to provide substance abuse treatment services to individuals who have had contact with the Justice system, especially adolescents;";

(3) in paragraph (7) (as so redesignated), by striking "services, and monitor" and all that follows through "1925" and inserting "services";

(4) in paragraph (13) (as so redesignated), by striking "treatment, including" and all that follows through "which shall" and inserting "treatment, which shall"; and

(5) in paragraph 14 (as so redesignated), by striking "paragraph (11)" and inserting "paragraph (13)".

(b) OFFICE FOR SUBSTANCE ABUSE PREVENTION.—Section 515(b) of the Public Health Service Act (42 U.S.C. 290bb–21(b)) is amended—

(1) by redesignating paragraphs (9) and (10) as (10) and (11);

(2) by inserting after paragraph (8), the following:

"(9) collaborate with the Attorney General of the Department of Justice to develop programs to prevent drug abuse among high risk youth;"; and

(3) in paragraph (10) (as so redesignated), by striking "public concerning" and inserting "public, especially adolescent audiences, concerning".

(c) DUTIES OF THE CENTER FOR MENTAL HEALTH SERVICES.—Section 520(b) of the Public Health Service Act (42 U.S.C. 290bb–3(b)) is amended—

(1) by redesignating paragraphs (3) through (14) as paragraphs (4) through (15), respectively;

(2) by inserting after paragraph (2), the following:

"(3) collaborate with the Department of Education and the Department of Justice to develop programs to assist local communities in addressing violence among children and adolescents;";

(3) in paragraph (8) (as so redesignated), by striking "programs authorized" and all that follows through "Programs" and inserting "programs under part C"; and

(4) in paragraph (9) (as so redesignated), by striking "program and programs" and all that follows through "303" and inserting "programs".

TITLE XXXII—PROVISIONS RELATING TO MENTAL HEALTH

SEC. 3201. PRIORITY MENTAL HEALTH NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

(a) IN GENERAL.—Section 520A of the Public Health Service Act (42 U.S.C. 290bb–32) is amended to read as follows:

"SEC. 520A. PRIORITY MENTAL HEALTH NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

"(a) PROJECTS.—The Secretary shall address priority mental health needs of regional and national significance (as determined under subsection (b)) through the provision of or through assistance for—

"(1) knowledge development and application projects for prevention, treatment, and rehabilitation, and the conduct or support of evaluations of such projects;

"(2) training and technical assistance programs;

"(3) targeted capacity response programs; and

"(4) systems change grants including statewide family network grants and client-oriented and consumer run self-help activities.

The Secretary may carry out the activities described in this subsection directly or through grants or cooperative agreements with States, political subdivisions of States, Indian tribes and tribal organizations, other public or private nonprofit entities.

"(b) PRIORITY MENTAL HEALTH NEEDS.—

"(1) DETERMINATION OF NEEDS.—Priority mental health needs of regional and national significance shall be determined by the Secretary in consultation with States and other interested groups. The Secretary shall meet with the States and interested groups on an annual basis to discuss program priorities.

"(2) SPECIAL CONSIDERATION.—In developing program priorities described in paragraph (1), the Secretary shall give special consideration to promoting the integration of mental health services into primary health care systems.

"(c) REQUIREMENTS.—

"(1) IN GENERAL.—Recipients of grants, contracts, and cooperative agreements under this section shall comply with information and application requirements determined appropriate by the Secretary.

"(2) DURATION OF AWARD.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

"(3) MATCHING FUNDS.—The Secretary may, for projects carried out under subsection (a), require that entities that apply for grants, contracts, or cooperative agreements under this section provide non-Federal matching funds, as determined appropriate by the Secretary, to ensure the institutional commitment of the entity to the projects funded under the grant, contract, or cooperative agreement. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(4) MAINTENANCE OF EFFORT.—With respect to activities for which a grant, contract or cooperative agreement is awarded under this section, the Secretary may require that recipients for specific projects under subsection (a) agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant, contract, or cooperative agreement.

"(d) EVALUATION.—The Secretary shall evaluate each project carried out under subsection (a)(1) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

"(e) INFORMATION AND EDUCATION.—

"(1) IN GENERAL.—The Secretary shall establish information and education programs to disseminate and apply the findings of the knowledge development and application, training, and technical assistance programs, and targeted capacity response programs, under this section to the general public, to health care professionals, and to interested groups. The Secretary shall make every effort to provide linkages between the findings of supported projects and State agencies responsible for carrying out mental health services.

"(2) RURAL AND UNDERSERVED AREAS.—In disseminating information on evidence-based practices in the provision of children's mental health services under this subsection, the Secretary shall ensure that such information is distributed to rural and medically underserved areas.

"(f) AUTHORIZATION OF APPROPRIATION.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $300,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.

"(2) DATA INFRASTRUCTURE.—If amounts are not appropriated for a fiscal year to carry out section 1971 with respect to mental health, then the Secretary shall make available, from the amounts appropriated for such fiscal year under paragraph (1), an amount equal to the sum of $6,000,000 and 10 percent of all amounts appropriated for such fiscal year under such paragraph in excess of $100,000,000, to carry out such section 1971.".

(b) CONFORMING AMENDMENTS.—

(1) Section 303 of the Public Health Service Act (42 U.S.C. 242a) is repealed.

(2) Section 520B of the Public Health Service Act (42 U.S.C. 290bb–33) is repealed.

(3) Section 612 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 290aa–3 note) is repealed.

SEC. 3202. GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS.

Section 506 of the Public Health Service Act (42 U.S.C. 290aa–5) is amended to read as follows:

"SEC. 506. GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS.

"(a) IN GENERAL.—The Secretary shall award grants, contracts and cooperative agreements to community-based public and private nonprofit entities for the purposes of providing mental health and substance abuse services for homeless individuals. In carrying out this section, the Secretary shall consult with the Interagency Council on the Homeless, established under section 201 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311).

"(b) PREFERENCES.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall give a preference to—

"(1) entities that provide integrated primary health, substance abuse, and mental health services to homeless individuals;

"(2) entities that demonstrate effectiveness in serving runaway, homeless, and street youth;

"(3) entities that have experience in providing substance abuse and mental health services to homeless individuals;

"(4) entities that demonstrate experience in providing housing for individuals in treatment for or in recovery from mental illness or substance abuse; and

"(5) entities that demonstrate effectiveness in serving homeless veterans.

"(c) SERVICES FOR CERTAIN INDIVIDUALS.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall not—

"(1) prohibit the provision of services under such subsection to homeless individuals who are suffering from a substance abuse disorder and are not suffering from a mental health disorder; and

"(2) make payments under subsection (a) to any entity that has a policy of—

"(A) excluding individuals from mental health services due to the existence or suspicion of substance abuse; or

"(B) has a policy of excluding individuals from substance abuse services due to the existence or suspicion of mental illness.

"(d) TERM OF THE AWARDS.—No entity may receive a grant, contract, or cooperative agreement under subsection (a) for more than 5 years.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.".

SEC. 3203. PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS.

(a) WAIVERS FOR TERRITORIES.—Section 522 of the Public Health Service Act (42 U.S.C. 290cc–22) is amended by adding at the end the following:

"(i) WAIVER FOR TERRITORIES.—With respect to the United States Virgin Islands, Guam, American Samoa, Palau, the Marshall Islands, and the Commonwealth of the Northern Mariana Islands, the Secretary may waive the provisions of this part that the Secretary determines to be appropriate.".

(b) AUTHORIZATION OF APPROPRIATION.—Section 535(a) of the Public Health Service Act (42 U.S.C. 290cc–35(a)) is amended by striking "1991 through 1994" and inserting "2001 through 2003".

SEC. 3204. COMMUNITY MENTAL HEALTH SERVICES PERFORMANCE PARTNERSHIP BLOCK GRANT.

(a) CRITERIA FOR PLAN.—Section 1912(b) of the Public Health Service Act (42 U.S.C. 300x–2(b)) is amended by striking paragraphs (1) through (12) and inserting the following:

"(1) COMPREHENSIVE COMMUNITY-BASED MENTAL HEALTH SYSTEMS.—The plan provides for an organized community-based system of care for individuals with mental illness and describes available services and resources in a comprehensive system of care, including services for dually diagnosed individuals. The description of the system of care shall include health and mental health services, rehabilitation services, employment services, housing services, educational services, substance abuse services, medical and dental care, and other support services to be provided to individuals with Federal, State and local public and private resources to enable such individuals to function outside of inpatient or residential institutions to the maximum extent of their capabilities, including services to be provided by local school systems under the Individuals with Disabilities Education Act. The plan shall include a separate description of case management services and provide for activities leading to reduction of hospitalization.

"(2) MENTAL HEALTH SYSTEM DATA AND EPIDEMIOLOGY.—The plan contains an estimate of the incidence and prevalence in the State of serious mental illness among adults and serious emotional disturbance among children and presents quantitative targets to be achieved in the implementation of the system described in paragraph (1).

"(3) CHILDREN'S SERVICES.—In the case of children with serious emotional disturbance, the plan—

"(A) subject to subparagraph (B), provides for a system of integrated social services, educational services, juvenile services, and substance abuse services that, together with health and mental health services, will be provided in order for such children to receive care appropriate for their multiple needs (such system to include services provided under the Individuals with Disabilities Education Act);

"(B) provides that the grant under section 1911 for the fiscal year involved will not be expended to provide any service under such system other than comprehensive community mental health services; and

"(C) provides for the establishment of a defined geographic area for the provision of the services of such system.

"(4) TARGETED SERVICES TO RURAL AND HOMELESS POPULATIONS.—The plan describes the State's outreach to and services for individuals who are homeless and how community-based services will be provided to individuals residing in rural areas.

"(5) MANAGEMENT SYSTEMS.—The plan describes the financial resources, staffing and training for mental health providers that is necessary to implement the plan, and provides for the training of providers of emergency health services regarding mental health. The plan further describes the manner in which the State intends to expend the grant under section 1911 for the fiscal year involved.

Except as provided for in paragraph (3), the State plan shall contain the information required under this subsection with respect to both adults with serious mental illness and children with serious emotional disturbance.".

(b) REVIEW OF PLANNING COUNCIL OF STATE'S REPORT.—Section 1915(a) of the Public Health Service Act (42 U.S.C. 300x–4(a)) is amended—

(1) in paragraph (1), by inserting "and the report of the State under section 1942(a) concerning the preceding fiscal year" after "to the grant"; and

(2) in paragraph (2), by inserting before the period "and any comments concerning the annual report".

(c) MAINTENANCE OF EFFORT.—Section 1915(b) of the Public Health Service Act (42 U.S.C. 300x–4(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1), the following:

"(2) EXCLUSION OF CERTAIN FUNDS.—The Secretary may exclude from the aggregate State expenditures under subsection (a), funds appropriated to the principle agency for authorized activities which are of a non-recurring nature and for a specific purpose.".

(d) APPLICATION FOR GRANTS.—Section 1917(a)(1) of the Public Health Service Act (42 U.S.C. 300x–6(a)(1)) is amended to read as follows:

"(1) the plan is received by the Secretary not later than September 1 of the fiscal year prior to the fiscal year for which a State is seeking funds, and the report from the previous fiscal year as required under section 1941 is received by December 1 of the fiscal year of the grant;".

(e) WAIVERS FOR TERRITORIES.—Section 1917(b) of the Public Health Service Act (42 U.S.C. 300x–6(b)) is amended by striking "whose allotment under section 1911 for the fiscal year is the amount specified in section 1918(c)(2)(B)" and inserting in its place "except Puerto Rico".

(f) AUTHORIZATION OF APPROPRIATION.—Section 1920 of the Public Health Service Act (42 U.S.C. 300x–9) is amended—

(1) in subsection (a), by striking "$450,000,000" and all that follows through the end and inserting "$450,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003."; and

(2) in subsection (b)(2), by striking "section 505" and inserting "sections 505 and 1971".

SEC. 3205. DETERMINATION OF ALLOTMENT.

Section 1918(b) of the Public Health Service Act (42 U.S.C. 300x–7(b)) is amended to read as follows:

"(b) MINIMUM ALLOTMENTS FOR STATES.—With respect to fiscal year 2000, and subsequent fiscal years, the amount of the allotment of a State under section 1911 shall not be less than the amount the State received under such section for fiscal year 1998.".

SEC. 3206. PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT OF 1986.

(a) SHORT TITLE.—The first section of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (Public Law 99–319) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Protection and Advocacy for Individuals with Mental Illness Act'.".

(b) DEFINITIONS.—Section 102 of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10802) is amended—

(1) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by inserting ", except as provided in section 104(d)," after "means";

(B) in subparagraph (B)—

(i) by striking "(i)" who" and inserting "(i)(I) who";

(ii) by redesignating clauses (ii) and (iii) as subclauses (II) and (III);

(iii) in subclause (III) (as so redesignated), by striking the period and inserting "; or"; and

(iv) by adding at the end the following:

"(ii) who satisfies the requirements of subparagraph (A) and lives in a community setting, including their own home."; and

(2) by adding at the end the following:

"(8) The term 'American Indian consortium' means a consortium established under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042 et seq.).".

(c) USE OF ALLOTMENTS.—Section 104 of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10804) is amended by adding at the end the following:

"(d) The definition of 'individual with a mental illness' contained in section 102(4)(B)(iii) shall apply, and thus an eligible system may use its allotment under this title to provide representation to such individuals, only if the total allotment under this title for any fiscal year is $30,000,000 or more, and in such case, an eligible system must give priority to representing persons with mental illness as defined in subparagraphs (A) and (B)(i) of section 102(4).".

(d) MINIMUM AMOUNT.—Paragraph (2) of section 112(a) of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10822(a)(2)) is amended to read as follows:

"(2)(A) The minimum amount of the allotment of an eligible system shall be the product (rounded to the nearest $100) of the appropriate base amount determined under subparagraph (B) and the factor specified in subparagraph (C).

"(B) For purposes of subparagraph (A), the appropriate base amount—

"(i) for American Samoa, Guam, the Marshall Islands, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, and the Virgin Islands, is $139,300; and

"(ii) for any other State, is $260,000.

"(C) The factor specified in this subparagraph is the ratio of the amount appropriated under section 117 for the fiscal year for which the allotment is being made to the amount appropriated under such section for fiscal year 1995.

"(D) If the total amount appropriated for a fiscal year is at least $25,000,000, the Secretary shall make an allotment in accordance with subparagraph (A) to the eligible system serving the American Indian consortium.".

(e) TECHNICAL AMENDMENTS.—Section 112(a) of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10822(a)) is amended—

(1) in paragraph (1)(B), by striking "Trust Territory of the Pacific Islands" and inserting "Marshall Islands, the Federated States of Micronesia, the Republic of Palau"; and

(2) by striking paragraph (3).

(f) REAUTHORIZATION.—Section 117 of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10827) is amended by striking "1995" and inserting "2003".

SEC. 3207. REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

"PART H—REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES

"SEC. 591. REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES.

"(a) IN GENERAL.—A public or private general hospital, nursing facility, intermediate care facility, or other health care facility, that receives support in any form from any program supported in whole or in part with funds appropriated to any Federal department or agency shall protect and promote the rights of each resident of the facility, including the right to be free from physical or mental abuse, corporal

punishment, and any restraints or involuntary seclusions imposed for purposes of discipline or convenience.

"(b) Requirements.—Restraints and seclusion may only be imposed on a resident of a facility described in subsection (a) if—

"(1) the restraints or seclusion are imposed to ensure the physical safety of the resident, a staff member, or others; and

"(2) the restraints or seclusion are imposed only upon the written order of a physician, or other licensed practitioner permitted by the State and the facility to order such restraint or seclusion, that specifies the duration and circumstances under which the restraints are to be used (except in emergency circumstances specified by the Secretary until such an order could reasonably be obtained).

"(c) Current Law.—This part shall not be construed to affect or impede any Federal or State law or regulations that provide greater protections than this part regarding seclusion and restraint.

"(d) Definitions.—In this section:

"(1) Restraints.—The term 'restraints' means—

"(A) any physical restraint that is a mechanical or personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely, not including devices, such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets, or any other methods that involves the physical holding of a resident for the purpose of conducting routine physical examinations or tests or to protect the resident from falling out of bed or to permit the resident to participate in activities without the risk of physical harm to the resident (such term does not include a physical escort); and

"(B) a drug or medication that is used as a restraint to control behavior or restrict the resident's freedom of movement that is not a standard treatment for the resident's medical or psychiatric condition.

"(2) Seclusion.—The term 'seclusion' means a behavior control technique involving locked isolation. Such term does not include a time out.

"(3) Physical escort.—The term 'physical escort' means the temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a resident who is acting out to walk to a safe location.

"(4) Time out.—The term 'time out' means a behavior management technique that is part of an approved treatment program and may involve the separation of the resident from the group, in a non-locked setting, for the purpose of calming. Time out is not seclusion.

"SEC. 592. REPORTING REQUIREMENT.

"(a) In General.— Each facility to which the Protection and Advocacy for Mentally Ill Individuals Act of 1986 applies shall notify the appropriate agency, as determined by the Secretary, of each death that occurs at each such facility while a patient is restrained or in seclusion, of each death occurring within 24 hours after the patient has been removed from restraints and seclusion, or where it is reasonable to assume that a patient's death is a result of such seclusion or restraint. A notification under this section shall include the name of the resident and shall be provided not later than 7 days after the date of the death of the individual involved.

"(b) Facility.—In this section, the term 'facility' has the meaning given the term 'facilities' in section 102(3) of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10802(3)).".

"SEC. 593. REGULATIONS AND ENFORCEMENT.

"(a) Training.—Not later than 1 year after the date of enactment of this part, the Secretary, after consultation with appropriate State and local protection and advocacy organizations, physicians, facilities, and other health care professionals and patients, shall promulgate regulations that require facilities to which the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.) applies, to meet the requirements of subsection (b).

"(b) Requirements.—The regulations promulgated under subsection (a) shall require that—

"(1) facilities described in subsection (a) ensure that there is an adequate number of qualified professional and supportive staff to evaluate patients, formulate written individualized, comprehensive treatment plans, and to provide active treatment measures;

"(2) appropriate training be provided for the staff of such facilities in the use of restraints and any alternatives to the use of restraints; and

"(3) such facilities provide complete and accurate notification of deaths, as required under section 592(a).

"(c) Enforcement.—A facility to which this part applies that fails to comply with any requirement of this part, including a failure to provide appropriate training, shall not be eligible for participation in any program supported in whole or in part by funds appropriated to any Federal department or agency.".

SEC. 3208. REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN NON-MEDICAL, COMMUNITY-BASED FACILITIES FOR CHILDREN AND YOUTH.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 3207, is further amended by adding at the end the following:

"PART I—REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN NON-MEDICAL, COMMUNITY-BASED FACILITIES FOR CHILDREN AND YOUTH

"SEC. 595. REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN NON-MEDICAL, COMMUNITY-BASED FACILITIES FOR CHILDREN AND YOUTH.

"(a) Protection of Rights.—

"(1) In general.—A public or private non-medical, community-based facility for children and youth (as defined in regulations to be promulgated by the Secretary) that receives support in any form from any program supported in whole or in part with funds appropriated under this Act shall protect and promote the rights of each resident of the facility, including the right to be free from physical or mental abuse, corporal punishment, and any restraints or involuntary seclusions imposed for purposes of discipline or convenience.

"(2) Nonapplicability.—Notwithstanding this part, a facility that provides inpatient psychiatric treatment services for individuals under the age of 21, as authorized and defined in subsections (a)(16) and (h) of section 1905 of the Social Security Act, shall comply with the requirements of part H.

"(3) Applicability of medicaid provisions.—A non-medical, community-based facility for children and youth funded under the medicaid program under title XIX of the Social Security Act shall continue to meet all existing requirements for participation in such program that are not affected by this part.

"(b) Requirements.—

"(1) In general.—Physical restraints and seclusion may only be imposed on a resident of a facility described in subsection (a) if—

"(A) the restraints or seclusion are imposed only in emergency circumstances and only to ensure the immediate physical safety of the resident, a staff member, or others and less restrictive interventions have been determined to be ineffective; and

"(B) the restraints or seclusion are imposed only by an individual trained and certified, by a State-recognized body (as defined in regulation promulgated by the Secretary) and pursuant to a process determined appropriate by the State and approved by the Secretary, in the prevention and use of physical restraint and seclusion, including the needs and behaviors of the population served, relationship building, alternatives to restraint and seclusion, de-escalation methods, avoiding power struggles, thresholds for restraints and seclusion, the physiological and psychological impact of restraint and seclusion, monitoring physical signs of distress and obtaining medical assistance, legal issues, position asphyxia, escape and evasion techniques, time limits, the process for obtaining approval for continued restraints, procedures to address problematic restraints, documentation, processing with children, and follow-up with staff, and investigation of injuries and complaints.

"(2) Interim procedures relating to training and certification.—

"(A) In general.—Until such time as the State develops a process to assure the proper training and certification of facility personnel in the skills and competencies referred in paragraph (1)(B), the facility involved shall develop and implement an interim procedure that meets the requirements of subparagraph (B).

"(B) Requirements.—A procedure developed under subparagraph (A) shall—

"(i) ensure that a supervisory or senior staff person with training in restraint and seclusion who is competent to conduct a face-to-face assessment (as defined in regulations promulgated by the Secretary), will assess the mental and physical well-being of the child or youth being restrained or secluded and assure that the restraint or seclusion is being done in a safe manner;

"(ii) ensure that the assessment required under clause (i) take place as soon as practicable, but in no case later than 1 hour after the initiation of the restraint or seclusion; and

"(iii) ensure that the supervisory or senior staff person continues to monitor the situation for the duration of the restraint and seclusion.

"(3) Limitations.—

"(A) In general.—The use of a drug or medication that is used as a restraint to control behavior or restrict the resident's freedom of movement that is not a standard treatment for the resident's medical or psychiatric condition in nonmedical community-based facilities for children and youth described in subsection (a)(1) is prohibited.

"(B) Prohibition.—The use of mechanical restraints in non-medical, community-based facilities for children and youth described in subsection (a)(1) is prohibited.

"(C) Limitation.—A non-medical, community-based facility for children and youth described in subsection (a)(1) may only use seclusion when a staff member is continuously face-to-face monitoring the resident and when strong licensing or accreditation and internal controls are in place.

"(c) Rule of Construction.—

"(1) In general.—Nothing in this section shall be construed as prohibiting the use of restraints for medical immobilization, adaptive support, or medical protection.

"(2) Current law.—This part shall not be construed to affect or impede any Federal or State law or regulations that provide greater protections than this part regarding seclusion and restraint.

"(d) Definitions.—In this section:

"(1) Mechanical restraint.—The term 'mechanical restraint' means the use of devices as a means of restricting a resident's freedom of movement.

"(2) Physical escort.—The term 'physical escort' means the temporary touching or holding *of the hand, wrist, arm, shoulder or back for the purpose of inducing a resident who is acting out to walk to a safe location.*

“(3) PHYSICAL RESTRAINT.—The term ‘physical restraint’ means a personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely. Such term does not include a physical escort.

“(4) SECLUSION.—The term ‘seclusion’ means a behavior control technique involving locked isolation. Such term does not include a time out.

“(5) TIME OUT.—The term ‘time out’ means a behavior management technique that is part of an approved treatment program and may involve the separation of the resident from the group, in a non-locked setting, for the purpose of calming. Time out is not seclusion.

“SEC. 595A. REPORTING REQUIREMENT.

“Each facility to which this part applies shall notify the appropriate State licensing or regulatory agency, as determined by the Secretary—

“(1) of each death that occurs at each such facility. A notification under this section shall include the name of the resident and shall be provided not later than 24 hours after the time of the individuals death; and

“(2) of the use of seclusion or restraints in accordance with regulations promulgated by the Secretary, in consultation with the States.

“SEC. 595B. REGULATIONS AND ENFORCEMENT.

“(a) TRAINING.—Not later than 6 months after the date of enactment of this part, the Secretary, after consultation with appropriate State, local, public and private protection and advocacy organizations, health care professionals, social workers, facilities, and patients, shall promulgate regulations that—

“(1) require States that license non-medical, community-based residential facilities for children and youth to develop licensing rules and monitoring requirements concerning behavior management practice that will ensure compliance with Federal regulations and to meet the requirements of subsection (b);

“(2) require States to develop and implement such licensing rules and monitoring requirements within 1 year after the promulgation of the regulations referred to in the matter preceding paragraph (1); and

“(3) support the development of national guidelines and standards on the quality, quantity, orientation and training, required under this part, as well as the certification or licensure of those staff responsible for the implementation of behavioral intervention concepts and techniques.

“(b) REQUIREMENTS.—The regulations promulgated under subsection (a) shall require—

“(1) that facilities described in subsection (a) ensure that there is an adequate number of qualified professional and supportive staff to evaluate residents, formulate written individualized, comprehensive treatment plans, and to provide active treatment measures;

“(2) the provision of appropriate training and certification of the staff of such facilities in the prevention and use of physical restraint and seclusion, including the needs and behaviors of the population served, relationship building, alternatives to restraint, de-escalation methods, avoiding power struggles, thresholds for restraints, the physiological impact of restraint and seclusion, monitoring physical signs of distress and obtaining medical assistance, legal issues, position asphyxia, escape and evasion techniques, time limits for the use of restraint and seclusion, the process for obtaining approval for continued restraints and seclusion, procedures to address problematic restraints, documentation, processing with children, and follow-up with staff, and investigation of injuries and complaints; and

“(3) that such facilities provide complete and accurate notification of deaths, as required under section 595A(1).

“(c) ENFORCEMENT.—A State to which this part applies that fails to comply with any requirement of this part, including a failure to provide appropriate training and certification, shall not be eligible for participation in any program supported in whole or in part by funds appropriated under this Act.”.

SEC. 3209. EMERGENCY MENTAL HEALTH CENTERS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.), as amended by section 3111, is further amended by adding at the end the following:

“SEC. 520F. GRANTS FOR EMERGENCY MENTAL HEALTH CENTERS.

“(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to States, political subdivisions of States, Indian tribes, and tribal organizations to support the designation of hospitals and health centers as Emergency Mental Health Centers.

“(b) HEALTH CENTER.—In this section, the term ‘health center’ has the meaning given such term in section 330, and includes community health centers and community mental health centers.

“(c) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that such grants awarded under subsection (a) are equitably distributed among the geographical regions of the United States, between urban and rural populations, and between different settings of care including health centers, mental health centers, hospitals, and other psychiatric units or facilities.

“(d) APPLICATION.—A State, political subdivision of a State, Indian tribe, or tribal organization that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a plan for the rigorous evaluation of activities carried out with funds received under this section.

“(e) USE OF FUNDS.—

“(1) IN GENERAL.—A State, political subdivision of a State, Indian tribe, or tribal organization receiving a grant under subsection (a) shall use funds from such grant to establish or designate hospitals and health centers as Emergency Mental Health Centers.

“(2) EMERGENCY MENTAL HEALTH CENTERS.—Such Emergency Mental Health Centers described in paragraph (1)—

“(A) shall—

“(i) serve as a central receiving point in the community for individuals who may be in need of emergency mental health services;

“(ii) purchase, if needed, any equipment necessary to evaluate, diagnose and stabilize an individual with a mental illness;

“(iii) provide training, if needed, to the medical personnel staffing the Emergency Mental Health Center to evaluate, diagnose, stabilize, and treat an individual with a mental illness; and

“(iv) provide any treatment that is necessary for an individual with a mental illness or a referral for such individual to another facility where such treatment may be received; and

“(B) may establish and train a mobile crisis intervention team to respond to mental health emergencies within the community.

“(f) EVALUATION.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant under subsection (a) shall prepare and submit an evaluation to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including an evaluation of activities carried out with funds received under this section and a process and outcomes evaluation.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of the fiscal years 2002 through 2003.”.

SEC. 3210. GRANTS FOR JAIL DIVERSION PROGRAMS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.), as amended by section 3209, is further amended by adding at the end the following:

“SEC. 520G. GRANTS FOR JAIL DIVERSION PROGRAMS.

“(a) PROGRAM AUTHORIZED.—The Secretary shall make up to 125 grants to States, political subdivisions of States, Indian tribes, and tribal organizations, acting directly or through agreements with other public or nonprofit entities, to develop and implement programs to divert individuals with a mental illness from the criminal justice system to community-based services.

“(b) ADMINISTRATION.—

“(1) CONSULTATION.—The Secretary shall consult with the Attorney General and any other appropriate officials in carrying out this section.

“(2) REGULATORY AUTHORITY.—The Secretary shall issue regulations and guidelines necessary to carry out this section, including methodologies and outcome measures for evaluating programs carried out by States, political subdivisions of States, Indian tribes, and tribal organizations receiving grants under subsection (a).

“(c) APPLICATIONS.—

“(1) IN GENERAL.—To receive a grant under subsection (a), the chief executive of a State, chief executive of a subdivision of a State, Indian tribe or tribal organization shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall reasonably require.

“(2) CONTENT.—Such application shall—

“(A) contain an assurance that—

“(i) community-based mental health services will be available for the individuals who are diverted from the criminal justice system, and that such services are based on the best known practices, reflect current research findings, include case management, assertive community treatment, medication management and access, integrated mental health and co-occurring substance abuse treatment, and psychiatric rehabilitation, and will be coordinated with social services, including life skills training, housing placement, vocational training, education job placement, and health care;

“(ii) there has been relevant interagency collaboration between the appropriate criminal justice, mental health, and substance abuse systems; and

“(iii) the Federal support provided will be used to supplement, and not supplant, State, local, Indian tribe, or tribal organization sources of funding that would otherwise be available;

“(B) demonstrate that the diversion program will be integrated with an existing system of care for those with mental illness;

“(C) explain the applicant's inability to fund the program adequately without Federal assistance;

“(D) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

“(E) describe methodology and outcome measures that will be used in evaluating the program.

“(d) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant under subsection (a) may use funds received under such grant to—

“(1) integrate the diversion program into the existing system of care;

"(2) create or expand community-based mental health and co-occurring mental illness and substance abuse services to accommodate the diversion program;

"(3) train professionals involved in the system of care, and law enforcement officers, attorneys, and judges; and

"(4) provide community outreach and crisis intervention.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—The Secretary shall pay to a State, political subdivision of a State, Indian tribe, or tribal organization receiving a grant under subsection (a) the Federal share of the cost of activities described in the application.

"(2) FEDERAL SHARE.—The Federal share of a grant made under this section shall not exceed 75 percent of the total cost of the program carried out by the State, political subdivision of a State, Indian tribe, or tribal organization. Such share shall be used for new expenses of the program carried out by such State, political subdivision of a State, Indian tribe, or tribal organization.

"(3) NON-FEDERAL SHARE.—The non-Federal share of payments made under this section may be made in cash or in kind fairly evaluated, including planned equipment or services. The Secretary may waive the requirement of matching contributions.

"(f) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that such grants awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(g) TRAINING AND TECHNICAL ASSISTANCE.—Training and technical assistance may be provided by the Secretary to assist a State, political subdivision of a State, Indian tribe, or tribal organization receiving a grant under subsection (a) in establishing and operating a diversion program.

"(h) EVALUATIONS.—The programs described in subsection (a) shall be evaluated not less than 1 time in every 12-month period using the methodology and outcome measures identified in the grant application.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2003.".

SEC. 3211. IMPROVING OUTCOMES FOR CHILDREN AND ADOLESCENTS THROUGH SERVICES INTEGRATION BETWEEN CHILD WELFARE AND MENTAL HEALTH SERVICES.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.), as amended by section 3210, is further amended by adding at the end the following:

"SEC. 520H. IMPROVING OUTCOMES FOR CHILDREN AND ADOLESCENTS THROUGH SERVICES INTEGRATION BETWEEN CHILD WELFARE AND MENTAL HEALTH SERVICES.

"(a) IN GENERAL.—The Secretary shall award grants, contracts or cooperative agreements to States, political subdivisions of States, Indian tribes, and tribal organizations to provide integrated child welfare and mental health services for children and adolescents under 19 years of age in the child welfare system or at risk for becoming part of the system, and parents or caregivers with a mental illness or a mental illness and a co-occurring substance abuse disorder.

"(b) DURATION.—With respect to a grant, contract or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive an award under subsection (a), a State, political subdivision of a State, Indian tribe, or tribal organization shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENT.—An application submitted under paragraph (1) shall—

"(A) describe the program to be funded under the grant, contract or cooperative agreement;

"(B) explain how such program reflects best practices in the provision of child welfare and mental health services; and

"(C) provide assurances that—

"(i) persons providing services under the grant, contract or cooperative agreement are adequately trained to provide such services; and

"(ii) the services will be provided in accordance with subsection (d).

"(d) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant, contract, or cooperative agreement under subsection (a) shall use amounts made available through such grant, contract or cooperative agreement to—

"(1) provide family-centered, comprehensive, and coordinated child welfare and mental health services, including prevention, early intervention and treatment services for children and adolescents, and for their parents or caregivers;

"(2) ensure a single point of access for such coordinated services;

"(3) provide integrated mental health and substance abuse treatment for children, adolescents, and parents or caregivers with a mental illness and a co-occurring substance abuse disorder;

"(4) provide training for the child welfare, mental health and substance abuse professionals who will participate in the program carried out under this section;

"(5) provide technical assistance to child welfare and mental health agencies;

"(6) develop cooperative efforts with other service entities in the community, including education, social services, juvenile justice, and primary health care agencies;

"(7) coordinate services with services provided under the medicaid program and the State Children's Health Insurance Program under titles XIX and XXI of the Social Security Act;

"(8) provide linguistically appropriate and culturally competent services; and

"(9) evaluate the effectiveness and cost-efficiency of the integrated services that measure the level of coordination, outcome measures for parents or caregivers with a mental illness or a mental illness and a co-occurring substance abuse disorder, and outcome measures for children.

"(e) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that grants, contracts, and cooperative agreements awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(f) EVALUATION.—The Secretary shall evaluate each program carried out by a State, political subdivision of a State, Indian tribe, or tribal organization under subsection (a) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2003.".

SEC. 3212. GRANTS FOR THE INTEGRATED TREATMENT OF SERIOUS MENTAL ILLNESS AND CO-OCCURRING SUBSTANCE ABUSE.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.), as amended by section 3211, is further amended by adding at the end the following:

"SEC. 520I. GRANTS FOR THE INTEGRATED TREATMENT OF SERIOUS MENTAL ILLNESS AND CO-OCCURRING SUBSTANCE ABUSE.

"(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to States, political subdivisions of States, Indian tribes, tribal organizations, and private nonprofit organizations for the development or expansion of programs to provide integrated treatment services for individuals with a serious mental illness and a co-occurring substance abuse disorder.

"(b) PRIORITY.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall give priority to applicants that emphasize the provision of services for individuals with a serious mental illness and a co-occurring substance abuse disorder who—

"(1) have a history of interactions with law enforcement or the criminal justice system;

"(2) have recently been released from incarceration;

"(3) have a history of unsuccessful treatment in either an inpatient or outpatient setting;

"(4) have never followed through with outpatient services despite repeated referrals; or

"(5) are homeless.

"(c) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that receives a grant, contract, or cooperative agreement under subsection (a) shall use funds received under such grant—

"(1) to provide fully integrated services rather than serial or parallel services;

"(2) to employ staff that are cross-trained in the diagnosis and treatment of both serious mental illness and substance abuse;

"(3) to provide integrated mental health and substance abuse services at the same location;

"(4) to provide services that are linguistically appropriate and culturally competent;

"(5) to provide at least 10 programs for integrated treatment of both mental illness and substance abuse at sites that previously provided only mental health services or only substance abuse services; and

"(6) to provide services in coordination with other existing public and private community programs.

"(d) CONDITION.—The Secretary shall ensure that a State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that receives a grant, contract, or cooperative agreement under subsection (a) maintains the level of effort necessary to sustain existing mental health and substance abuse programs for other populations served by mental health systems in the community.

"(e) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that grants, contracts, or cooperative agreements awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(f) DURATION.—The Secretary shall award grants, contract, or cooperative agreements under this subsection for a period of not more than 5 years.

"(g) APPLICATION.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that desires a grant, contract, or cooperative agreement under this subsection shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include a plan for the rigorous evaluation of activities funded with an award under such subsection, including a process and outcomes evaluation.

"(h) EVALUATION.—A State, political subdivision of a State, Indian tribe, tribal organization,

or private nonprofit organization that receives a grant, contract, or cooperative agreement under this subsection shall prepare and submit a plan for the rigorous evaluation of the program funded under such grant, contract, or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

"(i) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this subsection $40,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2003.".

SEC. 3213. TRAINING GRANTS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.), as amended by section 3212, is further amended by adding at the end the following:

"SEC. 520J. TRAINING GRANTS.

"(a) IN GENERAL.—The Secretary shall award grants in accordance with the provisions of this section.

"(b) MENTAL ILLNESS AWARENESS TRAINING GRANTS.—

"(1) IN GENERAL.—The Secretary shall award grants to States, political subdivisions of States, Indian tribes, tribal organizations, and nonprofit private entities to train teachers and other relevant school personnel to recognize symptoms of childhood and adolescent mental disorders, to refer family members to the appropriate mental health services if necessary, to train emergency services personnel to identify and appropriately respond to persons with a mental illness, and to provide education to such teachers and personnel regarding resources that are available in the community for individuals with a mental illness.

"(2) EMERGENCY SERVICES PERSONNEL.—In this subsection, the term 'emergency services personnel' includes paramedics, firefighters, and emergency medical technicians.

"(3) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that such grants awarded under this subsection are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(4) APPLICATION.—A State, political subdivision of a State, Indian tribe, tribal organization, or nonprofit private entity that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a plan for the rigorous evaluation of activities that are carried out with funds received under a grant under this subsection.

"(5) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, tribal organization, or nonprofit private entity receiving a grant under this subsection shall use funds from such grant to—

"(A) train teachers and other relevant school personnel to recognize symptoms of childhood and adolescent mental disorders and appropriately respond;

"(B) train emergency services personnel to identify and appropriately respond to persons with a mental illness; and

"(C) provide education to such teachers and personnel regarding resources that are available in the community for individuals with a mental illness.

"(6) EVALUATION.—A State, political subdivision of a State, Indian tribe, tribal organization, or nonprofit private entity that receives a grant under this subsection shall prepare and submit an evaluation to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including an evaluation of activities carried out with funds received under the grant under this subsection and a process and outcome evaluation.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2003.".

TITLE XXXIII—PROVISIONS RELATING TO SUBSTANCE ABUSE

SEC. 3301. PRIORITY SUBSTANCE ABUSE TREATMENT NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

(a) RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN.—Section 508(r) of the Public Health Service Act (42 U.S.C. 290bb–1(r)) is amended to read as follows:

"(r) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary to fiscal years 2001 through 2003.".

(b) PRIORITY SUBSTANCE ABUSE TREATMENT.—Section 509 of the Public Health Service Act (42 U.S.C. 290bb–1) is amended to read as follows:

"SEC. 509. PRIORITY SUBSTANCE ABUSE TREATMENT NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

"(a) PROJECTS.—The Secretary shall address priority substance abuse treatment needs of regional and national significance (as determined under subsection (b)) through the provision of or through assistance for—

"(1) knowledge development and application projects for treatment and rehabilitation and the conduct or support of evaluations of such projects;

"(2) training and technical assistance; and

"(3) targeted capacity response programs.

The Secretary may carry out the activities described in this section directly or through grants or cooperative agreements with States, political subdivisions of States, Indian tribes and tribal organizations, other public or nonprofit private entities.

"(b) PRIORITY SUBSTANCE ABUSE TREATMENT NEEDS.—

"(1) IN GENERAL.—Priority substance abuse treatment needs of regional and national significance shall be determined by the Secretary after consultation with States and other interested groups. The Secretary shall meet with the States and interested groups on an annual basis to discuss program priorities.

"(2) SPECIAL CONSIDERATION.—In developing program priorities under paragraph (1), the Secretary shall give special consideration to promoting the integration of substance abuse treatment services into primary health care systems.

"(c) REQUIREMENTS.—

"(1) IN GENERAL.—Recipients of grants, contracts, or cooperative agreements under this section shall comply with information and application requirements determined appropriate by the Secretary.

"(2) DURATION OF AWARD.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

"(3) MATCHING FUNDS.—The Secretary may, for projects carried out under subsection (a), require that entities that apply for grants, contracts, or cooperative agreements under that project provide non-Federal matching funds, as determined appropriate by the Secretary, to ensure the institutional commitment of the entity to the projects funded under the grant, contract, or cooperative agreement. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(4) MAINTENANCE OF EFFORT.—With respect to activities for which a grant, contract, or cooperative agreement is awarded under this section, the Secretary may require that recipients for specific projects under subsection (a) agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant, contract, or cooperative agreement.

"(d) EVALUATION.—The Secretary shall evaluate each project carried out under subsection (a)(1) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

"(e) INFORMATION AND EDUCATION.—The Secretary shall establish comprehensive information and education programs to disseminate and apply the findings of the knowledge development and application, training and technical assistance programs, and targeted capacity response programs under this section to the general public, to health professionals and other interested groups. The Secretary shall make every effort to provide linkages between the findings of supported projects and State agencies responsible for carrying out substance abuse prevention and treatment programs.

"(f) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section, $300,000,000 for fiscal year 2001 and such sums as may be necessary for each of the fiscal years 2002 and 2003.".

(c) CONFORMING AMENDMENTS.—The following sections of the Public Health Service Act are repealed:

(1) Section 510 (42 U.S.C. 290bb–3).

(2) Section 511 (42 U.S.C. 290bb–4).

(3) Section 512 (42 U.S.C. 290bb–5).

(4) Section 571 (42 U.S.C. 290gg).

SEC. 3302. PRIORITY SUBSTANCE ABUSE PREVENTION NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

(a) IN GENERAL.—Section 516 of the Public Health Service Act (42 U.S.C. 290bb–1) is amended to read as follows:

"SEC. 516. PRIORITY SUBSTANCE ABUSE PREVENTION NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

"(a) PROJECTS.—The Secretary shall address priority substance abuse prevention needs of regional and national significance (as determined under subsection (b)) through the provision of or through assistance for—

"(1) knowledge development and application projects for prevention and the conduct or support of evaluations of such projects;

"(2) training and technical assistance; and

"(3) targeted capacity response programs.

The Secretary may carry out the activities described in this section directly or through grants or cooperative agreements with States, political subdivisions of States, Indian tribes and tribal organizations, or other public or nonprofit private entities.

"(b) PRIORITY SUBSTANCE ABUSE PREVENTION NEEDS.—

"(1) IN GENERAL.—Priority substance abuse prevention needs of regional and national significance shall be determined by the Secretary in consultation with the States and other interested groups. The Secretary shall meet with the States and interested groups on an annual basis to discuss program priorities.

"(2) SPECIAL CONSIDERATION.—In developing program priorities under paragraph (1), the Secretary shall give special consideration to—

"(A) applying the most promising strategies and research-based primary prevention approaches; and

"(B) promoting the integration of substance abuse prevention information and activities into primary health care systems.

"(c) REQUIREMENTS.—

"(1) IN GENERAL.—Recipients of grants, contracts, and cooperative agreements under this section shall comply with information and application requirements determined appropriate by the Secretary.

"(2) DURATION OF AWARD.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

"(3) MATCHING FUNDS.—The Secretary may, for projects carried out under subsection (a), require that entities that apply for grants, contracts, or cooperative agreements under that project provide non-Federal matching funds, as determined appropriate by the Secretary, to ensure the institutional commitment of the entity to the projects funded under the grant, contract, or cooperative agreement. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(4) MAINTENANCE OF EFFORT.—With respect to activities for which a grant, contract, or cooperative agreement is awarded under this section, the Secretary may require that recipients for specific projects under subsection (a) agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant, contract, or cooperative agreement.

"(d) EVALUATION.—The Secretary shall evaluate each project carried out under subsection (a)(1) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

"(e) INFORMATION AND EDUCATION.—The Secretary shall establish comprehensive information and education programs to disseminate the findings of the knowledge development and application, training and technical assistance programs, and targeted capacity response programs under this section to the general public and to health professionals. The Secretary shall make every effort to provide linkages between the findings of supported projects and State agencies responsible for carrying out substance abuse prevention and treatment programs.

"(f) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section, $300,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.".

(b) CONFORMING AMENDMENTS.—Section 518 of the Public Health Service Act (42 U.S.C. 290bb–24) is repealed.

SEC. 3303. SUBSTANCE ABUSE PREVENTION AND TREATMENT PERFORMANCE PARTNERSHIP BLOCK GRANT.

(a) ALLOCATION REGARDING ALCOHOL AND OTHER DRUGS.—Section 1922 of the Public Health Service Act (42 U.S.C. 300x–22) is amended by—

(1) striking subsection (a); and

(2) redesignating subsections (b) and (c) as subsections (a) and (b).

(b) GROUP HOMES FOR RECOVERING SUBSTANCE ABUSERS.—Section 1925(a) of the Public Health Service Act (42 U.S.C. 300x–25(a)) is amended by striking "For fiscal year 1993" and all that follows through the colon and inserting the following: "A State, using funds available under section 1921, may establish and maintain the ongoing operation of a revolving fund in accordance with this section to support group homes for recovering substance abusers as follows:".

(c) MAINTENANCE OF EFFORT.—Section 1930 of the Public Health Service Act (42 U.S.C. 300x–30) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d) respectively; and

(2) by inserting after subsection (a), the following:

"(b) EXCLUSION OF CERTAIN FUNDS.—The Secretary may exclude from the aggregate State expenditures under subsection (a), funds appropriated to the principle agency for authorized activities which are of a non-recurring nature and for a specific purpose.".

(d) APPLICATIONS FOR GRANTS.—Section 1932(a)(1) of the Public Health Service Act (42 U.S.C. 300x–32(a)(1)) is amended to read as follows:

"(1) the application is received by the Secretary not later than October 1 of the fiscal year for which the State is seeking funds;".

(e) WAIVER FOR TERRITORIES.—Section 1932(c) of the Public Health Service Act (42 U.S.C. 300x–32(c)) is amended by striking "whose allotment under section 1921 for the fiscal year is the amount specified in section 1933(c)(2)(B)" and inserting "except Puerto Rico".

(f) WAIVER AUTHORITY FOR CERTAIN REQUIREMENTS.—

(1) IN GENERAL.—Section 1932 of the Public Health Service Act (42 U.S.C. 300x–32) is amended by adding at the end the following:

"(e) WAIVER AUTHORITY FOR CERTAIN REQUIREMENTS.—

"(1) IN GENERAL.—Upon the request of a State, the Secretary may waive the requirements of all or part of the sections described in paragraph (2) using objective criteria established by the Secretary by regulation after consultation with the States and other interested parties including consumers and providers.

"(2) SECTIONS.—The sections described in paragraph (1) are sections 1922(c), 1923, 1924 and 1928.

"(3) DATE CERTAIN FOR ACTING UPON REQUEST.—The Secretary shall approve or deny a request for a waiver under paragraph (1) and inform the State of that decision not later than 120 days after the date on which the request and all the information needed to support the request are submitted.

"(4) ANNUAL REPORTING REQUIREMENT.—The Secretary shall annually report to the general public on the States that receive a waiver under this subsection.".

(2) CONFORMING AMENDMENTS.—Effective upon the publication of the regulations developed in accordance with section 1932(e)(1) of the Public Health Service Act (42 U.S.C. 300x–32(d))—

(A) section 1922(c) of the Public Health Service Act (42 U.S.C. 300x–22(c)) is amended by—

(i) striking paragraph (2); and

(ii) redesignating paragraph (3) as paragraph (2); and

(B) section 1928(d) of the Public Health Service Act (42 U.S.C. 300x–28(d)) is repealed.

(g) AUTHORIZATION OF APPROPRIATION.—Section 1935 of the Public Health Service Act (42 U.S.C. 300x–35) is amended—

(1) in subsection (a), by striking "$1,500,000,000" and all that follows through the end and inserting "$2,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.";

(2) in subsection (b)(1), by striking "section 505" and inserting "sections 505 and 1971";

(3) in subsection (b)(2), by striking "1949(a)" and inserting "1948(a)"; and

(4) in subsection (b), by adding at the end the following:

"(3) CORE DATA SET.—A State that receives a new grant, contract, or cooperative agreement from amounts available to the Secretary under paragraph (1), for the purposes of improving the data collection, analysis and reporting capabilities of the State, shall be required, as a condition of receipt of funds, to collect, analyze, and report to the Secretary for each fiscal year subsequent to receiving such funds a core data set to be determined by the Secretary in conjunction with the States.".

SEC. 3304. DETERMINATION OF ALLOTMENTS.

Section 1933(b) of the Public Health Service Act (42 U.S.C. 300x–33(b)) is amended to read as follows:

"(b) MINIMUM ALLOTMENTS FOR STATES.—

"(1) IN GENERAL.—With respect to fiscal year 2000, and each subsequent fiscal year, the amount of the allotment of a State under section 1921 shall not be less than the amount the State received under such section for the previous fiscal year increased by an amount equal to 30.65 percent of the percentage by which the aggregate amount allotted to all States for such fiscal year exceeds the aggregate amount allotted to all States for the previous fiscal year.

"(2) LIMITATIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a State shall not receive an allotment under section 1921 for a fiscal year in an amount that is less than an amount equal to 0.375 percent of the amount appropriated under section 1935(a) for such fiscal year.

"(B) EXCEPTION.—In applying subparagraph (A), the Secretary shall ensure that no State receives an increase in its allotment under section 1921 for a fiscal year (as compared to the amount allotted to the State in the prior fiscal year) that is in excess of an amount equal to 300 percent of the percentage by which the amount appropriated under section 1935(a) for such fiscal year exceeds the amount appropriated for the prior fiscal year.

"(3) DECREASE IN OR EQUAL APPROPRIATIONS.—If the amount appropriated under section 1935(a) for a fiscal year is equal to or less than the amount appropriated under such section for the prior fiscal year, the amount of the State allotment under section 1921 shall be equal to the amount that the State received under section 1921 in the prior fiscal year decreased by the percentage by which the amount appropriated for such fiscal year is less than the amount appropriated or such section for the prior fiscal year.".

SEC. 3305. NONDISCRIMINATION AND INSTITUTIONAL SAFEGUARDS FOR RELIGIOUS PROVIDERS.

Subpart III of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–51 et seq.) is amended by adding at the end the following:

"SEC. 1955. SERVICES PROVIDED BY NONGOVERNMENTAL ORGANIZATIONS.

"(a) PURPOSES.—The purposes of this section are—

"(1) to prohibit discrimination against nongovernmental organizations and certain individuals on the basis of religion in the distribution of government funds to provide substance abuse services under this title and title V, and the receipt of services under such titles; and

"(2) to allow the organizations to accept the funds to provide the services to the individuals without impairing the religious character of the organizations or the religious freedom of the individuals.

"(b) RELIGIOUS ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—

"(1) IN GENERAL.—A State may administer and provide substance abuse services under any program under this title or title V through grants, contracts, or cooperative agreements to provide assistance to beneficiaries under such titles with nongovernmental organizations.

"(2) REQUIREMENT.—A State that elects to utilize nongovernmental organizations as provided for under paragraph (1) shall consider, on the same basis as other nongovernmental organizations, religious organizations to provide services under substance abuse programs under this title or title V, so long as the programs under such titles are implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. Neither the Federal Government nor a State or local government receiving funds under such programs shall discriminate against an organization that provides services under, or applies to provide services under, such programs, on the basis that the organization has a religious character.

"(c) Religious Character and Independence.—

"(1) In general.—A religious organization that provides services under any substance abuse program under this title or title V shall retain its independence from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

"(2) Additional safeguards.—Neither the Federal Government nor a State or local government shall require a religious organization—

"(A) to alter its form of internal governance; or

"(B) to remove religious art, icons, scripture, or other symbols;

in order to be eligible to provide services under any substance abuse program under this title or title V.

"(d) Employment Practices.—

"(1) Substance abuse.—A religious organization that provides services under any substance abuse program under this title or title V may require that its employees providing services under such program adhere to rules forbidding the use of drugs or alcohol.

"(2) Title VII exemption.—The exemption of a religious organization provided under section 702 or 703(e)(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1, 2000e–2(e)(2)) regarding employment practices shall not be affected by the religious organization's provision of services under, or receipt of funds from, any substance abuse program under this title or title V.

"(e) Rights of Beneficiaries of Assistance.—

"(1) In general.—If an individual described in paragraph (3) has an objection to the religious character of the organization from which the individual receives, or would receive, services funded under any substance abuse program under this title or title V, the appropriate Federal, State, or local governmental entity shall provide to such individual (if otherwise eligible for such services) within a reasonable period of time after the date of such objection, services that—

"(A) are from an alternative provider that is accessible to the individual; and

"(B) have a value that is not less than the value of the services that the individual would have received from such organization.

"(2) Notice.—The appropriate Federal, State, or local governmental entity shall ensure that notice is provided to individuals described in paragraph (3) of the rights of such individuals under this section.

"(3) Individual described.—An individual described in this paragraph is an individual who receives or applies for services under any substance abuse program under this title or title V.

"(f) Nondiscrimination Against Beneficiaries.—A religious organization providing services through a grant, contract, or cooperative agreement under any substance abuse program under this title or title V shall not discriminate, in carrying out such program, against an individual described in subsection (e)(3) on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice.

"(g) Fiscal Accountability.—

"(1) In general.—Except as provided in paragraph (2), any religious organization providing services under any substance abuse program under this title or title V shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

"(2) Limited audit.—Such organization shall segregate government funds provided under such substance abuse program into a separate accouht. Only the government funds shall be subject to audit by the government.

"(h) Compliance.—Any party that seeks to enforce such party's rights under this section may assert a civil action for injunctive relief exclusively in an appropriate Federal or State court against the entity, agency or official that allegedly commits such violation.

"(i) Limitations on Use of Funds for Certain Purposes.—No funds provided through a grant or contract to a religious organization to provide services under any substance abuse program under this title or title V shall be expended for sectarian worship, instruction, or proselytization.

"(j) Effect on State and Local Funds.—If a State or local government contributes State or local funds to carry out any substance abuse program under this title or title V, the State or local government may segregate the State or local funds from the Federal funds provided to carry out the program or may commingle the State or local funds with the Federal funds. If the State or local government commingles the State or local funds, the provisions of this section shall apply to the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

"(k) Treatment of Intermediate Contractors.—If a nongovernmental organization (referred to in this subsection as an 'intermediate organization'), acting under a contract or other agreement with the Federal Government or a State or local government, is given the authority under the contract or agreement to select nongovernmental organizations to provide services under any substance abuse program under this title or title V, the intermediate organization shall have the same duties under this section as the government but shall retain all other rights of a nongovernmental organization under this section.".

SEC. 3306. ALCOHOL AND DRUG PREVENTION OR TREATMENT SERVICES FOR INDIANS AND NATIVE ALASKANS.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

"SEC. 506A. ALCOHOL AND DRUG PREVENTION OR TREATMENT SERVICES FOR INDIANS AND NATIVE ALASKANS.

"(a) In General.—The Secretary shall award grants, contracts, or cooperative agreements to public and private nonprofit entities, including Native Alaskan entities and Indian tribes and tribal organizations, for the purpose of providing alcohol and drug prevention or treatment services for Indians and Native Alaskans.

"(b) Priority.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall give priority to applicants that—

"(1) propose to provide alcohol and drug prevention or treatment services on reservations;

"(2) propose to employ culturally-appropriate approaches, as determined by the Secretary, in providing such services; and

"(3) have provided prevention or treatment services to Native Alaskan entities and Indian tribes and tribal organizations for at least 1 year prior to applying for a grant under this section.

"(c) Duration.—The Secretary shall award grants, contracts, or cooperative agreements under subsection (a) for a period not to exceed 5 years.

"(d) Application.—An entity desiring a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(e) Evaluation.—An entity that receives a grant, contract, or cooperative agreement under subsection (a) shall submit, in the application for such grant, a plan for the evaluation of any project undertaken with funds provided under this section. Such entity shall provide the Secretary with periodic evaluations of the progress of such project and such evaluation at the completion of such project as the Secretary determines to be appropriate. The final evaluation submitted by such entity shall include a recommendation as to whether such project shall continue.

"(f) Report.—Not later than 3 years after the date of enactment of this section and annually thereafter, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, a report describing the services provided pursuant to this section.

"(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $15,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 and 2003.

SEC. 3307. ESTABLISHMENT OF COMMISSION.

(a) In General.—There is established a commission to be known as the Commission on Indian and Native Alaskan Health Care that shall examine the health concerns of Indians and Native Alaskans who reside on reservations and tribal lands (hereafter in this section referred to as the 'Commission').

(b) Membership.—

(1) In general.—The Commission established under subsection (a) shall consist of—

(A) the Secretary;

(B) 15 members who are experts in the health care field and issues that the Commission is established to examine; and

(C) the Director of the Indian Health Service and the Commissioner of Indian Affairs, who shall be nonvoting members.

(2) Appointing authority.—Of the 15 members of the Commission described in paragraph (1)(B)—

(A) 2 shall be appointed by the Speaker of the House of Representatives;

(B) 2 shall be appointed by the Minority Leader of the House of Representatives;

(C) 2 shall be appointed by the Majority Leader of the Senate;

(D) 2 shall be appointed by the Minority Leader of the Senate; and

(E) 7 shall be appointed by the Secretary.

(3) Limitation.—Not fewer than 10 of the members appointed to the Commission shall be Indians or Native Alaskans.

(4) Chairperson.—The Secretary shall serve as the Chairperson of the Commission.

(5) Experts.—The Commission may seek the expertise of any expert in the health care field to carry out its duties.

(c) Period of Appointment.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filed in the same manner as the original appointment.

(d) Duties of the Commission.—The Commission shall—

(1) study the health concerns of Indians and Native Alaskans; and

(2) prepare the reports described in subsection (i).

(e) Powers of the Commission.—

(1) Hearings.—The Commission may hold such hearings, including hearings on reservations, sit and act at such times and places, take such testimony, and receive such information as the Commission considers advisable to carry out the purpose for which the Commission was established.

(2) Information from federal agencies.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the purpose for which the Commission was

established. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(f) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—Except as provided in subparagraph (B), each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time), during which that member is engaged in the actual performance of the duties of the Commission,

(2) LIMITATION.—Members of the Commission who are officers or employees of the United States shall receive no additional pay on account of their service on the Commission.

(g) TRAVEL EXPENSES OF MEMBERS.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under section 5703 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(h) COMMISSION PERSONNEL MATTERS.—

(1) IN GENERAL.—The Secretary, in accordance with rules established by the Commission, may select and appoint a staff director and other personnel necessary to enable the Commission to carry out its duties.

(2) COMPENSATION OF PERSONNEL.—The Secretary, in accordance with rules established by the Commission, may set the amount of compensation to be paid to the staff director and any other personnel that serve the Commission.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privilege.

(4) CONSULTANT SERVICES.—The Chairperson of the Commission is authorized to procure the temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of such title.

(i) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Youth Drug and Mental Health Services Act, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, a report that shall—

(A) detail the health problems faced by Indians and Native Alaskans who reside on reservations;

(B) examine and explain the causes of such problems;

(C) describe the health care services available to Indians and Native Alaskans who reside on reservations and the adequacy of such services;

(D) identify the reasons for the provision of inadequate health care services for Indians and Native Alaskans who reside on reservations, including the availability of resources;

(E) develop measures for tracking the health status of Indians and Native Americans who reside on reservations; and

(F) make recommendations for improvements in the health care services provided for Indians and Native Alaskans who reside on reservations, including recommendations for legislative change.

(2) EXCEPTION.—In addition to the report required under paragraph (1), not later than 2 years after the date of enactment of the Youth Drug and Mental Health Services Act, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, a report that describes any alcohol and drug abuse among Indians and Native Alaskans who reside on reservations.

(j) PERMANENT COMMISSION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 and 2003.

TITLE XXXIV—PROVISIONS RELATING TO FLEXIBILITY AND ACCOUNTABILITY

SEC. 3401. GENERAL AUTHORITIES AND PEER REVIEW.

(a) GENERAL AUTHORITIES.—Paragraph (1) of section 501(e) of the Public Health Service Act (42 U.S.C. 290aa(e)) is amended to read as follows:

“(1) IN GENERAL.—There may be in the Administration an Associate Administrator for Alcohol Prevention and Treatment Policy to whom the Administrator may delegate the functions of promoting, monitoring, and evaluating service programs for the prevention and treatment of alcoholism and alcohol abuse within the Center for Substance Abuse Prevention, the Center for Substance Abuse Treatment and the Center for Mental Health Services, and coordinating such programs among the Centers, and among the Centers and other public and private entities. The Associate Administrator also may ensure that alcohol prevention, education, and policy strategies are integrated into all programs of the Centers that address substance abuse prevention, education, and policy, and that the Center for Substance Abuse Prevention addresses the Healthy People 2010 goals and the National Dietary Guidelines of the Department of Health and Human Services and the Department of Agriculture related to alcohol consumption.”.

(b) PEER REVIEW.—Section 504 of the Public Health Service (42 U.S.C. 290aa–3) is amended as follows:

“SEC. 504. PEER REVIEW.

“(a) IN GENERAL.—The Secretary, after consultation with the Administrator, shall require appropriate peer review of grants, cooperative agreements, and contracts to be administered through the agency which exceed the simple acquisition threshold as defined in section 4(11) of the Office of Federal Procurement Policy Act.

“(b) MEMBERS.—The members of any peer review group established under subsection (a) shall be individuals who by virtue of their training or experience are eminently qualified to perform the review functions of the group. Not more than ¼ of the members of any such peer review group shall be officers or employees of the United States.

“(c) ADVISORY COUNCIL REVIEW.—If the direct cost of a grant or cooperative agreement (described in subsection (a)) exceeds the simple acquisition threshold as defined by section 4(11) of the Office of Federal Procurement Policy Act, the Secretary may make such a grant or cooperative agreement only if such grant or cooperative agreement is recommended—

“(1) after peer review required under subsection (a); and

“(2) by the appropriate advisory council.

“(d) CONDITIONS.—The Secretary may establish limited exceptions to the limitations contained in this section regarding participation of Federal employees and advisory council approval. The circumstances under which the Secretary may make such an exception shall be made public.”.

SEC. 3402. ADVISORY COUNCILS.

Section 502(e) of the Public Health Service Act (42 U.S.C. 290aa–1(e)) is amended in the first sentence by striking “3 times” and inserting “2 times”.

SEC. 3403. GENERAL PROVISIONS FOR THE PERFORMANCE PARTNERSHIP BLOCK GRANTS.

(a) PLANS FOR PERFORMANCE PARTNERSHIPS.—Section 1949 of the Public Health Service Act (42 U.S.C. 300x–59) is amended as follows:

“SEC. 1949. PLANS FOR PERFORMANCE PARTNERSHIPS.

“(a) DEVELOPMENT.—The Secretary in conjunction with States and other interested groups shall develop separate plans for the programs authorized under subparts I and II for creating more flexibility for States and accountability based on outcome and other performance measures. The plans shall each include—

“(1) a description of the flexibility that would be given to the States under the plan;

“(2) the common set of performance measures that would be used for accountability, including measures that would be used for the program under subpart II for pregnant addicts, HIV transmission, tuberculosis, and those with a co-occurring substance abuse and mental disorders, and for programs under subpart I for children with serious emotional disturbance and adults with serious mental illness and for individuals with co-occurring mental health and substance abuse disorders;

“(3) the definitions for the data elements to be used under the plan;

“(4) the obstacles to implementation of the plan and the manner in which such obstacles would be resolved;

“(5) the resources needed to implement the performance partnerships under the plan; and

“(6) an implementation strategy complete with recommendations for any necessary legislation.

“(b) SUBMISSION.—Not later than 2 years after the date of enactment of this Act, the plans developed under subsection (a) shall be submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives.

“(c) INFORMATION.—As the elements of the plans described in subsection (a) are developed, States are encouraged to provide information to the Secretary on a voluntary basis.

“(d) PARTICIPANTS.—The Secretary shall include among those interested groups that participate in the development of the plan consumers of mental health or substance abuse services, providers, representatives of political divisions of States, and representatives of racial and ethnic groups including Native Americans.”.

(b) AVAILABILITY TO STATES OF GRANT PROGRAMS.—Section 1952 of the Public Health Service Act (42 U.S.C. 300x–62) is amended as follows:

“SEC. 1952. AVAILABILITY TO STATES OF GRANT PAYMENTS.

“Any amounts paid to a State for a fiscal year under section 1911 or 1921 shall be available for obligation and expenditure until the end of the fiscal year following the fiscal year for which the amounts were paid.”.

SEC. 3404. DATA INFRASTRUCTURE PROJECTS.

Part C of title XIX of the Public Health Service Act (42 U.S.C. 300y et seq.) is amended—

(1) by striking the headings for part C and subpart I and inserting the following:

“PART C—CERTAIN PROGRAMS REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE

“Subpart I—Data Infrastructure Development”;

(2) by striking section 1971 (42 U.S.C. 300y) and inserting the following:

“SEC. 1971. DATA INFRASTRUCTURE DEVELOPMENT.

“(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts or cooperative agreements with States for the purpose of

developing and operating mental health or substance abuse data collection, analysis, and reporting systems with regard to performance measures including capacity, process, and outcomes measures.

"(b) PROJECTS.—The Secretary shall establish criteria to ensure that services will be available under this section to States that have a fundamental basis for the collection, analysis, and reporting of mental health and substance abuse performance measures and States that do not have such basis. The Secretary will establish criteria for determining whether a State has a fundamental basis for the collection, analysis, and reporting of data.

"(c) CONDITION OF RECEIPT OF FUNDS.—As a condition of the receipt of an award under this section a State shall agree to collect, analyze, and report to the Secretary within 2 years of the date of the award on a core set of performance measures to be determined by the Secretary in conjunction with the States.

"(d) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—With respect to the costs of the program to be carried out under subsection (a) by a State, the Secretary may make an award under such subsection only if the applicant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 50 percent of such costs.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.

"(e) DURATION OF SUPPORT.—The period during which payments may be made for a project under subsection (a) may be not less than 3 years nor more than 5 years.

"(f) AUTHORIZATION OF APPROPRIATION.—

"(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001, 2002 and 2003.

"(2) ALLOCATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, 50 percent shall be expended to support data infrastructure development for mental health and 50 percent shall be expended to support data infrastructure development for substance abuse.".

SEC. 3405. REPEAL OF OBSOLETE ADDICT REFERRAL PROVISIONS.

(a) REPEAL OF OBSOLETE PUBLIC HEALTH SERVICE ACT AUTHORITIES.—Part E of title III (42 U.S.C. 257 et seq.) is repealed.

(b) REPEAL OF OBSOLETE NARA AUTHORITIES.—Titles III and IV of the Narcotic Addict Rehabilitation Act of 1966 (Public Law 89–793) are repealed.

(c) REPEAL OF OBSOLETE TITLE 28 AUTHORITIES.—

(1) IN GENERAL.—Chapter 175 of title 28, United States Code, is repealed.

(2) TABLE OF CONTENTS.—The table of contents to part VI of title 28, United States Code, is amended by striking the items relating to chapter 175.

SEC. 3406. INDIVIDUALS WITH CO-OCCURRING DISORDERS.

The Public Health Service Act is amended by inserting after section 503 (42 U.S.C. 290aa–2) the following:

"SEC. 503A. REPORT ON INDIVIDUALS WITH CO-OCCURRING MENTAL ILLNESS AND SUBSTANCE ABUSE DISORDERS.

"(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary shall, after consultation with organization's representing States, mental health and substance abuse treatment providers, prevention specialists, individuals receiving treatment services, and family members of such individuals, prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives, a report on prevention and treatment services for individuals who have co-occurring mental illness and substance abuse disorders.

"(b) REPORT CONTENT.—The report under subsection (a) shall be based on data collected from existing Federal and State surveys regarding the treatment of co-occurring mental illness and substance abuse disorders and shall include—

"(1) a summary of the manner in which individuals with co-occurring disorders are receiving treatment, including the most up-to-date information available regarding the number of children and adults with co-occurring mental illness and substance abuse disorders and the manner in which funds provided under sections 1911 and 1921 are being utilized, including the number of such children and adults served with such funds;

"(2) a summary of improvements necessary to ensure that individuals with co-occurring mental illness and substance abuse disorders receive the services they need;

"(3) a summary of practices for preventing substance abuse among individuals who have a mental illness and are at risk of having or acquiring a substance abuse disorder; and

"(4) a summary of evidenced-based practices for treating individuals with co-occurring mental illness and substance abuse disorders and recommendations for implementing such practices.

"(c) FUNDS FOR REPORT.—The Secretary may obligate funds to carry out this section with such appropriations as are available.".

SEC. 3407. SERVICES FOR INDIVIDUALS WITH CO-OCCURRING DISORDERS.

Subpart III of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–51 et seq.) (as amended by section 3305) is further amended by adding at the end the following:

"SEC. 1956. SERVICES FOR INDIVIDUALS WITH CO-OCCURRING DISORDERS.

"States may use funds available for treatment under sections 1911 and 1921 to treat persons with co-occurring substance abuse and mental disorders as long as funds available under such sections are used for the purposes for which they were authorized by law and can be tracked for accounting purposes.".

TITLE XXXV—WAIVER AUTHORITY FOR PHYSICIANS WHO DISPENSE OR PRESCRIBE CERTAIN NARCOTIC DRUGS FOR MAINTENANCE TREATMENT OR DETOXIFICATION TREATMENT

SEC. 3501. SHORT TITLE.

This title may be cited as the "Drug Addiction Treatment Act of 2000".

SEC. 3502. AMENDMENT TO CONTROLLED SUBSTANCES ACT.

(a) IN GENERAL.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended—

(1) in paragraph (2), by striking "(A) security" and inserting "(i) security", and by striking "(B) the maintenance" and inserting "(ii) the maintenance";

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by inserting "(1)" after "(g)";

(4) by striking "Practitioners who dispense" and inserting "Except as provided in paragraph (2), practitioners who dispense"; and

(5) by adding at the end the following paragraph:

"(2)(A) Subject to subparagraphs (D) and (J), the requirements of paragraph (1) are waived in the case of the dispensing (including the prescribing), by a practitioner, of narcotic drugs in schedule III, IV, or V or combinations of such drugs if the practitioner meets the conditions specified in subparagraph (B) and the narcotic drugs or combinations of such drugs meet the conditions specified in subparagraph (C).

"(B) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to a practitioner are that, before the initial dispensing of narcotic drugs in schedule III, IV, or V or combinations of such drugs to patients for maintenance or detoxification treatment, the practitioner submit to the Secretary a notification of the intent of the practitioner to begin dispensing the drugs or combinations for such purpose, and that the notification contain the following certifications by the practitioner:

"(i) The practitioner is a qualifying physician (as defined in subparagraph (G)).

"(ii) With respect to patients to whom the practitioner will provide such drugs or combinations of drugs, the practitioner has the capacity to refer the patients for appropriate counseling and other appropriate ancillary services.

"(iii) In any case in which the practitioner is not in a group practice, the total number of such patients of the practitioner at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 30, except that the Secretary may by regulation change such total number.

"(iv) In any case in which the practitioner is in a group practice, the total number of such patients of the group practice at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 30, except that the Secretary may by regulation change such total number, and the Secretary for such purposes may by regulation establish different categories on the basis of the number of practitioners in a group practice and establish for the various categories different numerical limitations on the number of such patients that the group practice may have.

"(C) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to narcotic drugs in schedule III, IV, or V or combinations of such drugs are as follows:

"(i) The drugs or combinations of drugs have, under the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.

"(ii) The drugs or combinations of drugs have not been the subject of an adverse determination. For purposes of this clause, an adverse determination is a determination published in the Federal Register and made by the Secretary, after consultation with the Attorney General, that the use of the drugs or combinations of drugs for maintenance or detoxification treatment requires additional standards respecting the qualifications of practitioners to provide such treatment, or requires standards respecting the quantities of the drugs that may be provided for unsupervised use.

"(D)(i) A waiver under subparagraph (A) with respect to a practitioner is not in effect unless (in addition to conditions under subparagraphs (B) and (C)) the following conditions are met:

"(I) The notification under subparagraph (B) is in writing and states the name of the practitioner.

"(II) The notification identifies the registration issued for the practitioner pursuant to subsection (f).

"(III) If the practitioner is a member of a group practice, the notification states the names of the other practitioners in the practice and identifies the registrations issued for the other practitioners pursuant to subsection (f).

"(ii) Upon receiving a notification under subparagraph (B), the Attorney General shall assign the practitioner involved an identification number under this paragraph for inclusion with the registration issued for the practitioner pursuant to subsection (f). The identification number so assigned shall be appropriate to preserve the confidentiality of patients for whom the practitioner has dispensed narcotic drugs under a waiver under subparagraph (A).

"(iii) Not later than 45 days after the date on which the Secretary receives a notification under subparagraph (B), the Secretary shall make a determination of whether the practitioner involved meets all requirements for a waiver under subparagraph (B). If the Secretary fails to make such determination by the end of the such 45-day period, the Attorney General shall assign the physician an identification number described in clause (ii) at the end of such period.

"(E)(i) If a practitioner is not registered under paragraph (1) and, in violation of the conditions specified in subparagraphs (B) through (D), dispenses narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance treatment or detoxification treatment, the Attorney General may, for purposes of section 304(a)(4), consider the practitioner to have committed an act that renders the registration of the practitioner pursuant to subsection (f) to be inconsistent with the public interest.

"(ii)(I) Upon the expiration of 45 days from the date on which the Secretary receives a notification under subparagraph (B), a practitioner who in good faith submits a notification under subparagraph (B) and reasonably believes that the conditions specified in subparagraphs (B) through (D) have been met shall, in dispensing narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance treatment or detoxification treatment, be considered to have a waiver under subparagraph (A) until notified otherwise by the Secretary, except that such a practitioner may commence to prescribe or dispense such narcotic drugs for such purposes prior to the expiration of such 45-day period if it facilitates the treatment of an individual patient and both the Secretary and the Attorney General are notified by the practitioner of the intent to commence prescribing or dispensing such narcotic drugs.

"(II) For purposes of subclause (I), the publication in the Federal Register of an adverse determination by the Secretary pursuant to subparagraph (C)(ii) shall (with respect to the narcotic drug or combination involved) be considered to be a notification provided by the Secretary to practitioners, effective upon the expiration of the 30-day period beginning on the date on which the adverse determination is so published.

"(F)(i) With respect to the dispensing of narcotic drugs in schedule III, IV, or V or combinations of such drugs to patients for maintenance or detoxification treatment, a practitioner may, in his or her discretion, dispense such drugs or combinations for such treatment under a registration under paragraph (1) or a waiver under subparagraph (A) (subject to meeting the applicable conditions).

"(ii) This paragraph may not be construed as having any legal effect on the conditions for obtaining a registration under paragraph (1), including with respect to the number of patients who may be served under such a registration.

"(G) For purposes of this paragraph:

"(i) The term 'group practice' has the meaning given such term in section 1877(h)(4) of the Social Security Act.

"(ii) The term 'qualifying physician' means a physician who is licensed under State law and who meets one or more of the following conditions:

"(I) The physician holds a subspecialty board certification in addiction psychiatry from the American Board of Medical Specialties.

"(II) The physician holds an addiction certification from the American Society of Addiction Medicine.

"(III) The physician holds a subspecialty board certification in addiction medicine from the American Osteopathic Association.

"(IV) The physician has, with respect to the treatment and management of opiate-dependent patients, completed not less than eight hours of training (through classroom situations, seminars at professional society meetings, electronic communications, or otherwise) that is provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Medical Association, the American Osteopathic Association, the American Psychiatric Association, or any other organization that the Secretary determines is appropriate for purposes of this subclause.

"(V) The physician has participated as an investigator in one or more clinical trials leading to the approval of a narcotic drug in schedule III, IV, or V for maintenance or detoxification treatment, as demonstrated by a statement submitted to the Secretary by the sponsor of such approved drug.

"(VI) The physician has such other training or experience as the State medical licensing board (of the State in which the physician will provide maintenance or detoxification treatment) considers to demonstrate the ability of the physician to treat and manage opiate-dependent patients.

"(VII) The physician has such other training or experience as the Secretary considers to demonstrate the ability of the physician to treat and manage opiate-dependent patients. Any criteria of the Secretary under this subclause shall be established by regulation. Any such criteria are effective only for 3 years after the date on which the criteria are promulgated, but may be extended for such additional discrete 3-year periods as the Secretary considers appropriate for purposes of this subclause. Such an extension of criteria may only be effectuated through a statement published in the Federal Register by the Secretary during the 30-day period preceding the end of the 3-year period involved.

"(H)(i) In consultation with the Administrator of the Drug Enforcement Administration, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the National Institute on Drug Abuse, and the Commissioner of Food and Drugs, the Secretary shall issue regulations (through notice and comment rulemaking) or issue practice guidelines to address the following:

"(I) Approval of additional credentialing bodies and the responsibilities of additional credentialing bodies.

"(II) Additional exemptions from the requirements of this paragraph and any regulations under this paragraph.

Nothing in such regulations or practice guidelines may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which medical services are provided.

"(ii) Not later than 120 days after the date of the enactment of the Drug Addiction Treatment Act of 2000, the Secretary shall issue a treatment improvement protocol containing best practice guidelines for the treatment and maintenance of opiate-dependent patients. The Secretary shall develop the protocol in consultation with the Director of the National Institute on Drug Abuse, the Administrator of the Drug Enforcement Administration, the Commissioner of Food and Drugs, the Administrator of the Substance Abuse and Mental Health Services Administration and other substance abuse disorder professionals. The protocol shall be guided by science.

"(I) During the 3-year period beginning on the date of the enactment of the Drug Addiction Treatment Act of 2000, a State may not preclude a practitioner from dispensing or prescribing drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment in accordance with this paragraph unless, before the expiration of that 3-year period, the State enacts a law prohibiting a practitioner from dispensing such drugs or combinations of drug.

"(J)(i) This paragraph takes effect on the date of the enactment of the Drug Addiction Treatment Act of 2000, and remains in effect thereafter except as provided in clause (iii) (relating to a decision by the Secretary or the Attorney General that this paragraph should not remain in effect).

"(ii) For purposes relating to clause (iii), the Secretary and the Attorney General may, during the 3-year period beginning on the date of the enactment of the Drug Addiction Treatment Act of 2000, make determinations in accordance with the following:

"(I) The Secretary may make a determination of whether treatments provided under waivers under subparagraph (A) have been effective forms of maintenance treatment and detoxification treatment in clinical settings; may make a determination of whether such waivers have significantly increased (relative to the beginning of such period) the availability of maintenance treatment and detoxification treatment; and may make a determination of whether such waivers have adverse consequences for the public health.

"(II) The Attorney General may make a determination of the extent to which there have been violations of the numerical limitations established under subparagraph (B) for the number of individuals to whom a practitioner may provide treatment; may make a determination of whether waivers under subparagraph (A) have increased (relative to the beginning of such period) the extent to which narcotic drugs in schedule III, IV, or V or combinations of such drugs are being dispensed or possessed in violation of this Act; and may make a determination of whether such waivers have adverse consequences for the public health.

"(iii) If, before the expiration of the period specified in clause (ii), the Secretary or the Attorney General publishes in the Federal Register a decision, made on the basis of determinations under such clause, that this paragraph should not remain in effect, this paragraph ceases to be in effect 60 days after the date on which the decision is so published. The Secretary shall in making any such decision consult with the Attorney General, and shall in publishing the decision in the Federal Register include any comments received from the Attorney General for inclusion in the publication. The Attorney General shall in making any such decision consult with the Secretary, and shall in publishing the decision in the Federal Register include any comments received from the Secretary for inclusion in the publication.".

(b) CONFORMING AMENDMENTS.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a), in the matter after and below paragraph (5), by striking "section 303(g)" each place such term appears and inserting "section 303(g)(1)"; and

(2) in subsection (d), by striking "section 303(g)" and inserting "section 303(g)(1)".

(c) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—For the purpose of assisting the Secretary of Health and Human Services with the additional duties established for the Secretary pursuant to the amendments made by this section, there are authorized to be appropriated, in addition to other authorizations of

appropriations that are available for such purpose, such sums as may be necessary for each of fiscal years 2001 through 2003.

TITLE XXXVI—METHAMPHETAMINE AND OTHER CONTROLLED SUBSTANCES

SEC. 3601. SHORT TITLE.

This title may be cited as the "Methamphetamine Anti-Proliferation Act of 2000".

Subtitle A—Methamphetamine Production, Trafficking, and Abuse

PART I—CRIMINAL PENALTIES

SEC. 3611. ENHANCED PUNISHMENT OF AMPHETAMINE LABORATORY OPERATORS.

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any offense relating to the manufacture, importation, exportation, or trafficking in amphetamine (including an attempt or conspiracy to do any of the foregoing) in violation of—

(1) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(2) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(3) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(b) GENERAL REQUIREMENT.—In carrying out this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) relating to amphetamine—

(1) review and amend its guidelines to provide for increased penalties such that those penalties are comparable to the base offense level for methamphetamine; and

(2) take any other action the Commission considers necessary to carry out this subsection.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenders convicted of offenses described in subsection (a) reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving amphetamines, including—

(1) the rapidly growing incidence of amphetamine abuse and the threat to public safety that such abuse poses;

(2) the high risk of amphetamine addiction;

(3) the increased risk of violence associated with amphetamine trafficking and abuse; and

(4) the recent increase in the illegal importation of amphetamine and precursor chemicals.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

SEC. 3612. ENHANCED PUNISHMENT OF AMPHETAMINE OR METHAMPHETAMINE LABORATORY OPERATORS.

(a) FEDERAL SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with paragraph (2) with respect to any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture amphetamine or methamphetamine in violation of—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(B) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(C) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(2) REQUIREMENTS.—In carrying out this paragraph, the United States Sentencing Commission shall—

(A) if the offense created a substantial risk of harm to human life (other than a life described in subparagraph (B)) or the environment, increase the base offense level for the offense—

(i) by not less than 3 offense levels above the applicable level in effect on the date of enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 27, to not less than level 27; or

(B) if the offense created a substantial risk of harm to the life of a minor or incompetent, increase the base offense level for the offense—

(i) by not less than 6 offense levels above the applicable level in effect on the date of enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 30, to not less than level 30.

(3) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this subsection as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

(b) EFFECTIVE DATE.—The amendments made pursuant to this section shall apply with respect to any offense occurring on or after the date that is 60 days after the date of enactment of this Act.

SEC. 3613. MANDATORY RESTITUTION FOR VIOLATIONS OF CONTROLLED SUBSTANCES ACT AND CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT RELATING TO AMPHETAMINE AND METHAMPHETAMINE.

(a) MANDATORY RESTITUTION.—Section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)) is amended—

(1) in the matter preceding paragraph (1), by striking "may" and inserting "shall";

(2) by inserting "amphetamine or" before "methamphetamine" each place it appears;

(3) in paragraph (2)—

(A) by inserting ", the State or local government concerned, or both the United States and the State or local government concerned" after "United States" the first place it appears; and

(B) by inserting "or the State or local government concerned, as the case may be," after "United States" the second place it appears; and

(4) in paragraph (3), by striking "section 3663 of title 18, United States Code" and inserting "section 3663A of title 18, United States Code".

(b) DEPOSIT OF AMOUNTS IN DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(4) of title 28, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following:

"(D) all amounts collected—

"(i) by the United States pursuant to a reimbursement order under paragraph (2) of section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)); and

"(ii) pursuant to a restitution order under paragraph (1) or (3) of section 413(q) of the Controlled Substances Act for injuries to the United States.".

(c) CLARIFICATION OF CERTAIN ORDERS OF RESTITUTION.—Section 3663(c)(2)(B) of title 18, United States Code, is amended by inserting "which may be" after "the fine".

(d) EXPANSION OF APPLICABILITY OF MANDATORY RESTITUTION.—Section 3663A(c)(1)(A)(ii) of title 18, United States Code, is amended by inserting "or under section 416(a) of the Controlled Substances Act (21 U.S.C. 856(a))," after "under this title,".

(e) TREATMENT OF ILLICIT SUBSTANCE MANUFACTURING OPERATIONS AS CRIMES AGAINST PROPERTY.—Section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended by adding at the end the following new subsection:

"(c) A violation of subsection (a) shall be considered an offense against property for purposes of section 3663A(c)(1)(A)(ii) of title 18, United States Code.".

SEC. 3614. METHAMPHETAMINE PARAPHERNALIA.

Section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)) is amended in the matter preceding paragraph (1) by inserting "methamphetamine," after "PCP,".

PART II—ENHANCED LAW ENFORCEMENT

SEC. 3621. ENVIRONMENTAL HAZARDS ASSOCIATED WITH ILLEGAL MANUFACTURE OF AMPHETAMINE AND METHAMPHETAMINE.

(a) USE OF AMOUNTS OF DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(1)(E) of title 28, United States Code, is amended—

(1) by inserting "(i) for" before "disbursements";

(2) by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(ii) for payment for—

"(I) costs incurred by or on behalf of the Department of Justice in connection with the removal, for purposes of Federal forfeiture and disposition, of any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine; and

"(II) costs incurred by or on behalf of a State or local government in connection with such removal in any case in which such State or local government has assisted in a Federal prosecution relating to amphetamine or methamphetamine, to the extent such costs exceed equitable sharing payments made to such State or local government in such case;".

(b) GRANTS UNDER DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)(3)) is amended by inserting before the semicolon the following: "and to remove any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine".

(c) AMOUNTS SUPPLEMENT AND NOT SUPPLANT.—

(1) ASSETS FORFEITURE FUND.—Any amounts made available from the Department of Justice Assets Forfeiture Fund in a fiscal year by reason of the amendment made by subsection (a) shall supplement, and not supplant, any other amounts made available to the Department of Justice in such fiscal year from other sources for payment of costs described in section 524(c)(1)(E)(ii) of title 28, United States Code, as so amended.

(2) GRANT PROGRAM.—Any amounts made available in a fiscal year under the grant program under section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)(3)) for the removal of hazardous substances or pollutants or contaminants associated with the illegal manufacture of amphetamine or methamphetamine by reason of the amendment made by subsection (b) shall supplement, and not supplant, any other amounts made available in such fiscal year from other sources for such removal.

SEC. 3622. REDUCTION IN RETAIL SALES TRANSACTION THRESHOLD FOR NON-SAFE HARBOR PRODUCTS CONTAINING PSEUDOEPHEDRINE OR PHENYLPROPANOLAMINE.

(a) REDUCTION IN TRANSACTION THRESHOLD.—Section 102(39)(A)(iv)(II) of the Controlled Substances Act (21 U.S.C. 802(39)(A)(iv)(II)) is amended—

(1) by striking "24 grams" both places it appears and inserting "9 grams"; and

(2) by inserting before the semicolon at the end the following: "and sold in package sizes of not more than 3 grams of pseudoephedrine base or 3 grams of phenylpropanolamine base".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 1 year after the date of enactment of this Act.

SEC. 3623. TRAINING FOR DRUG ENFORCEMENT ADMINISTRATION AND STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO CLANDESTINE LABORATORIES.

(a) IN GENERAL.—

(1) REQUIREMENT.—The Administrator of the Drug Enforcement Administration shall carry out the programs described in subsection (b) with respect to the law enforcement personnel of States and localities determined by the Administrator to have significant levels of methamphetamine-related or amphetamine-related crime or projected by the Administrator to have the potential for such levels of crime in the future.

(2) DURATION.—The duration of any program under that subsection may not exceed 3 years.

(b) COVERED PROGRAMS.—The programs described in this subsection are as follows:

(1) ADVANCED MOBILE CLANDESTINE LABORATORY TRAINING TEAMS.—A program of advanced mobile clandestine laboratory training teams, which shall provide information and training to State and local law enforcement personnel in techniques utilized in conducting undercover investigations and conspiracy cases, and other information designed to assist in the investigation of the illegal manufacturing and trafficking of amphetamine and methamphetamine.

(2) BASIC CLANDESTINE LABORATORY CERTIFICATION TRAINING.—A program of basic clandestine laboratory certification training, which shall provide information and training—

(A) to Drug Enforcement Administration personnel and State and local law enforcement personnel for purposes of enabling such personnel to meet any certification requirements under law with respect to the handling of wastes created by illegal amphetamine and methamphetamine laboratories; and

(B) to State and local law enforcement personnel for purposes of enabling such personnel to provide the information and training covered by subparagraph (A) to other State and local law enforcement personnel.

(3) CLANDESTINE LABORATORY RECERTIFICATION AND AWARENESS TRAINING.—A program of clandestine laboratory recertification and awareness training, which shall provide information and training to State and local law enforcement personnel for purposes of enabling such personnel to provide recertification and awareness training relating to clandestine laboratories to additional State and local law enforcement personnel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2000, 2001, and 2002 amounts as follows:

(1) $1,500,000 to carry out the program described in subsection (b)(1).

(2) $3,000,000 to carry out the program described in subsection (b)(2).

(3) $1,000,000 to carry out the program described in subsection (b)(3).

SEC. 3624. COMBATING METHAMPHETAMINE AND AMPHETAMINE IN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) IN GENERAL.—

(1) IN GENERAL.—The Director of National Drug Control Policy shall use amounts available under this section to combat the trafficking of methamphetamine and amphetamine in areas designated by the Director as high intensity drug trafficking areas.

(2) ACTIVITIES.—In meeting the requirement in paragraph (1), the Director shall transfer funds to appropriate Federal, State, and local governmental agencies for employing additional Federal law enforcement personnel, or facilitating the employment of additional State and local law enforcement personnel, including agents, investigators, prosecutors, laboratory technicians, chemists, investigative assistants, and drug-prevention specialists.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $15,000,000 for fiscal year 2000; and

(2) such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) APPORTIONMENT OF FUNDS.—

(1) FACTORS IN APPORTIONMENT.—The Director shall apportion amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (b) for activities under subsection (a) among and within areas designated by the Director as high intensity drug trafficking areas based on the following factors:

(A) The number of methamphetamine manufacturing facilities and amphetamine manufacturing facilities discovered by Federal, State, or local law enforcement officials in the previous fiscal year.

(B) The number of methamphetamine prosecutions and amphetamine prosecutions in Federal, State, or local courts in the previous fiscal year.

(C) The number of methamphetamine arrests and amphetamine arrests by Federal, State, or local law enforcement officials in the previous fiscal year.

(D) The amounts of methamphetamine, amphetamine, or listed chemicals (as that term is defined in section 102(33) of the Controlled Substances Act (21 U.S.C. 802(33)) seized by Federal, State, or local law enforcement officials in the previous fiscal year.

(E) Intelligence and predictive data from the Drug Enforcement Administration and the Department of Health and Human Services showing patterns and trends in abuse, trafficking, and transportation in methamphetamine, amphetamine, and listed chemicals (as that term is so defined).

(2) CERTIFICATION.—Before the Director apportions any funds under this subsection to a high intensity drug trafficking area, the Director shall certify that the law enforcement entities responsible for clandestine methamphetamine and amphetamine laboratory seizures in that area are providing laboratory seizure data to the national clandestine laboratory database at the El Paso Intelligence Center.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated in a fiscal year pursuant to the authorization of appropriations for that fiscal year in subsection (b) may be available in that fiscal year for administrative costs associated with activities under subsection (a).

SEC. 3625. COMBATING AMPHETAMINE AND METHAMPHETAMINE MANUFACTURING AND TRAFFICKING.

(a) ACTIVITIES.—In order to combat the illegal manufacturing and trafficking in amphetamine and methamphetamine, the Administrator of the Drug Enforcement Administration may—

(1) assist State and local law enforcement in small and mid-sized communities in all phases of investigations related to such manufacturing and trafficking, including assistance with foreign-language interpretation;

(2) staff additional regional enforcement and mobile enforcement teams related to such manufacturing and trafficking;

(3) establish additional resident offices and posts of duty to assist State and local law enforcement in rural areas in combating such manufacturing and trafficking;

(4) provide the Special Operations Division of the Administration with additional agents and staff to collect, evaluate, interpret, and disseminate critical intelligence targeting the command and control operations of major amphetamine and methamphetamine manufacturing and trafficking organizations;

(5) enhance the investigative and related functions of the Chemical Control Program of the Administration to implement more fully the provisions of the Comprehensive Methamphetamine Control Act of 1996 (Public Law 104–237);

(6) design an effective means of requiring an accurate accounting of the import and export of list I chemicals, and coordinate investigations relating to the diversion of such chemicals;

(7) develop a computer infrastructure sufficient to receive, process, analyze, and redistribute time-sensitive enforcement information from suspicious order reporting to field offices of the Administration and other law enforcement and regulatory agencies, including the continuing development of the Suspicious Order Reporting and Tracking System (SORTS) and the Chemical Transaction Database (CTRANS) of the Administration;

(8) establish an education, training, and communication process in order to alert the industry to current trends and emerging patterns in the illegal manufacturing of amphetamine and methamphetamine; and

(9) carry out such other activities as the Administrator considers appropriate.

(b) ADDITIONAL POSITIONS AND PERSONNEL.—

(1) IN GENERAL.—In carrying out activities under subsection (a), the Administrator may establish in the Administration not more than 50 full-time positions, including not more than 31 special-agent positions, and may appoint personnel to such positions.

(2) PARTICULAR POSITIONS.—In carrying out activities under paragraphs (5) through (8) of subsection (a), the Administrator may establish in the Administration not more than 15 full-time positions, including not more than 10 diversion investigator positions, and may appoint personnel to such positions. Any positions established under this paragraph are in addition to any positions established under paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Drug Enforcement Administration for each fiscal year after fiscal year 1999, $9,500,000 for purposes of carrying out the activities authorized by subsection (a) and employing personnel in positions established under subsection (b), of which $3,000,000 shall be available for activities under paragraphs (5) through (8) of subsection (a) and for employing personnel in positions established under subsection (b)(2).

PART III—ABUSE PREVENTION AND TREATMENT

SEC. 3631. EXPANSION OF METHAMPHETAMINE RESEARCH.

Section 464N of the Public Health Service Act (42 U.S.C. 285o–2) is amended by adding at the end the following:

"(c) METHAMPHETAMINE RESEARCH.—

"(1) GRANTS OR COOPERATIVE AGREEMENTS.—The Director of the Institute may make grants or enter into cooperative agreements to expand the current and on-going interdisciplinary research and clinical trials with treatment centers of the National Drug Abuse Treatment Clinical Trials Network relating to methamphetamine abuse and addiction and other biomedical, behavioral, and social issues related to methamphetamine abuse and addiction.

"(2) USE OF FUNDS.—Amounts made available under a grant or cooperative agreement under paragraph (1) for methamphetamine abuse and addiction may be used for research and clinical trials relating to—

"(A) the effects of methamphetamine abuse on the human body, including the brain;

"(B) the addictive nature of methamphetamine and how such effects differ with respect to different individuals;

"(C) the connection between methamphetamine abuse and mental health;

"(D) the identification and evaluation of the most effective methods of prevention of methamphetamine abuse and addiction;

"(E) the identification and development of the most effective methods of treatment of methamphetamine addiction, including pharmacological treatments;

"(F) risk factors for methamphetamine abuse;

"(G) effects of methamphetamine abuse and addiction on pregnant women and their fetuses; and

"(H) cultural, social, behavioral, neurological and psychological reasons that individuals abuse methamphetamine, or refrain from abusing methamphetamine.

"(3) RESEARCH RESULTS.—The Director shall promptly disseminate research results under this subsection to Federal, State and local entities involved in combating methamphetamine abuse and addiction.

"(4) AUTHORIZATION OF APPROPRIATIONS.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1), such sums as may be necessary for each fiscal year.

"(B) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated pursuant to the authorization of appropriations in subparagraph (A) for a fiscal year shall supplement and not supplant any other amounts appropriated in such fiscal year for research on methamphetamine abuse and addiction.".

SEC. 3632. METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE BY CENTER FOR SUBSTANCE ABUSE TREATMENT.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by adding at the end the following new section:

"METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE

"SEC. 514. (a) GRANTS.—

"(1) AUTHORITY TO MAKE GRANTS.—The Director of the Center for Substance Abuse Treatment may make grants to States and Indian tribes recognized by the United States that have a high rate, or have had a rapid increase, in methamphetamine or amphetamine abuse or addiction in order to permit such States and Indian tribes to expand activities in connection with the treatment of methamphetamine or amphetamine abuser or addiction in the specific geographical areas of such States or Indian tribes, as the case may be, where there is such a rate or has been such an increase.

"(2) RECIPIENTS.—Any grants under paragraph (1) shall be directed to the substance abuse directors of the States, and of the appropriate tribal government authorities of the Indian tribes, selected by the Director to receive such grants.

"(3) NATURE OF ACTIVITIES.—Any activities under a grant under paragraph (1) shall be based on reliable scientific evidence of their efficacy in the treatment of methamphetamine or amphetamine abuse or addiction.

"(b) GEOGRAPHIC DISTRIBUTION.—The Director shall ensure that grants under subsection (a) are distributed equitably among the various regions of the country and among rural, urban, and suburban areas that are affected by methamphetamine or amphetamine abuse or addiction.

"(c) ADDITIONAL ACTIVITIES.—The Director shall—

"(1) evaluate the activities supported by grants under subsection (a);

"(2) disseminate widely such significant information derived from the evaluation as the Director considers appropriate to assist States, Indian tribes, and private providers of treatment services for methamphetamine or amphetamine abuser or addiction in the treatment of methamphetamine or amphetamine abuse or addiction; and

"(3) provide States, Indian tribes, and such providers with technical assistance in connection with the provision of such treatment.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 and 2002.

"(2) USE OF CERTAIN FUNDS.—Of the funds appropriated to carry out this section in any fiscal year, the lesser of 5 percent of such funds or $1,000,000 shall be available to the Director for purposes of carrying out subsection (c).".

SEC. 3633. STUDY OF METHAMPHETAMINE TREATMENT.

(a) STUDY.—

(1) REQUIREMENT.—The Secretary of Health and Human Services shall, in consultation with the Institute of Medicine of the National Academy of Sciences, conduct a study on the development of medications for the treatment of addiction to amphetamine and methamphetamine.

(2) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on the results of the study conducted under paragraph (1).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated for the Department of Health and Human Services for fiscal year 2000 such sums as may be necessary to meet the requirements of subsection (a).

PART IV—REPORTS

SEC. 3641. REPORTS ON CONSUMPTION OF METHAMPHETAMINE AND OTHER ILLICIT DRUGS IN RURAL AREAS, METROPOLITAN AREAS, AND CONSOLIDATED METROPOLITAN AREAS.

The Secretary of Health and Human Services shall include in each National Household Survey on Drug Abuse appropriate prevalence data and information on the consumption of methamphetamine and other illicit drugs in rural areas, metropolitan areas, and consolidated metropolitan areas.

SEC. 3642. REPORT ON DIVERSION OF ORDINARY, OVER-THE-COUNTER PSEUDOEPHEDRINE AND PHENYLPROPANOLAMINE PRODUCTS.

(a) STUDY.—The Attorney General shall conduct a study of the use of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products in the clandestine production of illicit drugs. Sources of data for the study shall include the following:

(1) Information from Federal, State, and local clandestine laboratory seizures and related investigations identifying the source, type, or brand of drug products being utilized and how they were obtained for the illicit production of methamphetamine and amphetamine.

(2) Information submitted voluntarily from the pharmaceutical and retail industries involved in the manufacture, distribution, and sale of drug products containing ephedrine, pseudoephedrine, and phenylpropanolamine, including information on changes in the pattern, volume, or both, of sales of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

(2) ELEMENTS.—The report shall include—

(A) the findings of the Attorney General as a result of the study; and

(B) such recommendations on the need to establish additional measures to prevent diversion of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine (such as a threshold on ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products) as the Attorney General considers appropriate.

(3) MATTERS CONSIDERED.—In preparing the report, the Attorney General shall consider the comments and recommendations including the comments on the Attorney General's proposed findings and recommendations, of State and local law enforcement and regulatory officials and of representatives of the industry described in subsection (a)(2).

(c) REGULATION OF RETAIL SALES.—

(1) IN GENERAL.—Notwithstanding section 401(d) of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 802 note) and subject to paragraph (2), the Attorney General shall establish by regulation a single-transaction limit of not less than 24 grams of ordinary, over-the-counter pseudoephedrine or phenylpropanolamine (as the case may be) for retail distributors, if the Attorney General finds, in the report under subsection (b), that—

(A) there is a significant number of instances (as set forth in paragraph (3)(A) of such section 401(d) for purposes of such section) where ordinary, over-the-counter pseudoephedrine products, phenylpropanolamine products, or both such products that were purchased from retail distributors were widely used in the clandestine production of illicit drugs; and

(B) the best practical method of preventing such use is the establishment of single-transaction limits for retail distributors of either or both of such products.

(2) DUE PROCESS.—The Attorney General shall establish the single-transaction limit under paragraph (1) only after notice, comment, and an informal hearing.

Subtitle B—Controlled Substances Generally

SEC. 3651. ENHANCED PUNISHMENT FOR TRAFFICKING IN LIST I CHEMICALS.

(a) AMENDMENTS TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any violation of paragraph (1) or (2) of section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) involving a list I chemical and any violation of paragraph (1) or (3) of section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) involving a list I chemical.

(b) EPHEDRINE, PHENYLPROPANOLAMINE, AND PSEUDOEPHEDRINE.—

(1) IN GENERAL.—In carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving ephedrine, phenylpropanolamine, or pseudoephedrine (including their salts, optical isomers, and salts of optical isomers), review and amend its guidelines to provide for increased penalties such that those penalties corresponded to the quantity of controlled substance that could reasonably have been manufactured using the quantity of ephedrine, phenylpropanolamine, or pseudoephedrine possessed or distributed.

(2) CONVERSION RATIOS.—For the purposes of the amendments made by this subsection, the

quantity of controlled substance that could reasonably have been manufactured shall be determined by using a table of manufacturing conversion ratios for ephedrine, phenylpropanolamine, and pseudoephedrine, which table shall be established by the Sentencing Commission based on scientific, law enforcement, and other data the Sentencing Commission considers appropriate.

(c) OTHER LIST I CHEMICALS.—In carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving any list I chemical other than ephedrine, phenylpropanolamine, or pseudoephedrine, review and amend its guidelines to provide for increased penalties such that those penalties reflect the dangerous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving methamphetamine and amphetamine, including—

(1) the rapidly growing incidence of controlled substance manufacturing;

(2) the extreme danger inherent in manufacturing controlled substances;

(3) the threat to public safety posed by manufacturing controlled substances; and

(4) the recent increase in the importation, possession, and distribution of list I chemicals for the purpose of manufacturing controlled substances.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

SEC. 3652. MAIL ORDER REQUIREMENTS.

Section 310(b)(3) of the Controlled Substances Act (21 U.S.C. 830(b)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) As used in this paragraph:

"(i) The term 'drug product' means an active ingredient in dosage form that has been approved or otherwise may be lawfully marketed under the Food, Drug, and Cosmetic Act for distribution in the United States.

"(ii) The term 'valid prescription' means a prescription which is issued for a legitimate medical purpose by an individual practitioner licensed by law to administer and prescribe the drugs concerned and acting in the usual course of the practitioner's professional practice.";

(3) in subparagraph (B), as so redesignated, by inserting "or who engages in an export transaction" after "nonregulated person"; and

(4) adding at the end the following:

"(D) Except as provided in subparagraph (E), the following distributions to a nonregulated person, and the following export transactions, shall not be subject to the reporting requirement in subparagraph (B):

"(i) Distributions of sample packages of drug products when such packages contain not more than 2 solid dosage units or the equivalent of 2 dosage units in liquid form, not to exceed 10 milliliters of liquid per package, and not more than one package is distributed to an individual or residential address in any 30-day period.

"(ii) Distributions of drug products by retail distributors that may not include face-to-face transactions to the extent that such distributions are consistent with the activities authorized for a retail distributor as specified in section 102(46).

"(iii) Distributions of drug products to a resident of a long term care facility (as that term is defined in regulations prescribed by the Attorney General) or distributions of drug products to a long term care facility for dispensing to or for use by a resident of that facility.

"(iv) Distributions of drug products pursuant to a valid prescription.

"(v) Exports which have been reported to the Attorney General pursuant to section 1004 or 1018 or which are subject to a waiver granted under section 1018(e)(2).

"(vi) Any quantity, method, or type of distribution or any quantity, method, or type of distribution of a specific listed chemical (including specific formulations or drug products) or of a group of listed chemicals (including specific formulations or drug products) which the Attorney General has excluded by regulation from such reporting requirement on the basis that such reporting is not necessary for the enforcement of this title or title III.

"(E) The Attorney General may revoke any or all of the exemptions listed in subparagraph (D) for an individual regulated person if he finds that drug products distributed by the regulated person are being used in violation of this title or title III. The regulated person shall be notified of the revocation, which will be effective upon receipt by the person of such notice, as provided in section 1018(c)(1), and shall have the right to an expedited hearing as provided in section 1018(c)(2).".

SEC. 3653. THEFT AND TRANSPORTATION OF ANHYDROUS AMMONIA FOR PURPOSES OF ILLICIT PRODUCTION OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

"ANHYDROUS AMMONIA

"SEC. 423. (a) It is unlawful for any person—

"(1) to steal anhydrous ammonia, or

"(2) to transport stolen anhydrous ammonia across State lines,

knowing, intending, or having reasonable cause to believe that such anhydrous ammonia will be used to manufacture a controlled substance in violation of this part.

"(b) Any person who violates subsection (a) shall be imprisoned or fined, or both, in accordance with section 403(d) as if such violation were a violation of a provision of section 403.".

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 421 the following new items:

"Sec. 422. Drug paraphernalia.
"Sec. 423. Anhydrous ammonia.".

(c) ASSISTANCE FOR CERTAIN RESEARCH.—

(1) AGREEMENT.—The Administrator of the Drug Enforcement Administration shall seek to enter into an agreement with Iowa State University in order to permit the University to continue and expand its current research into the development of inert agents that, when added to anhydrous ammonia, eliminate the usefulness of anhydrous ammonia as an ingredient in the production of methamphetamine.

(2) REIMBURSABLE PROVISION OF FUNDS.—The agreement under paragraph (1) may provide for the provision to Iowa State University, on a reimbursable basis, of $500,000 for purposes the activities specified in that paragraph.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Drug Enforcement Administration for fiscal year 2000, $500,000 for purposes of carrying out the agreement under this subsection.

Subtitle C—Ecstasy Anti-Proliferation Act of 2000

SEC. 3661. SHORT TITLE.

This subtitle may be cited as the "Ecstasy Anti-Proliferation Act of 2000".

SEC. 3662. FINDINGS.

Congress makes the following findings:

(1) The illegal importation of 3,4-methylenedioxy methamphetamine, commonly referred to as "MDMA" or "Ecstasy" (referred to in this subtitle as "Ecstasy"), has increased in recent years, as evidenced by the fact that Ecstasy seizures by the United States Customs Service have increased from less than 500,000 tablets during fiscal year 1997 to more than 9,000,000 tablets during the first 9 months of fiscal year 2000.

(2) Use of Ecstasy can cause long-lasting, and perhaps permanent, damage to the serotonin system of the brain, which is fundamental to the integration of information and emotion, and this damage can cause long-term problems with learning and memory.

(3) Due to the popularity and marketability of Ecstasy, there are numerous Internet websites with information on the effects of Ecstasy, the production of Ecstasy, and the locations of Ecstasy use (often referred to as "raves"). The availability of this information targets the primary users of Ecstasy, who are most often college students, young professionals, and other young people from middle- to high-income families.

(4) Greater emphasis needs to be placed on—

(A) penalties associated with the manufacture, distribution, and use of Ecstasy;

(B) the education of young people on the negative health effects of Ecstasy, since the reputation of Ecstasy as a "safe" drug is the most dangerous component of Ecstasy;

(C) the education of State and local law enforcement agencies regarding the growing problem of Ecstasy trafficking across the United States;

(D) reducing the number of deaths caused by Ecstasy use and the combined use of Ecstasy with other "club" drugs and alcohol; and

(E) adequate funding for research by the National Institute on Drug Abuse to—

(i) identify those most vulnerable to using Ecstasy and develop science-based prevention approaches tailored to the specific needs of individuals at high risk;

(ii) understand how Ecstasy produces its toxic effects and how to reverse neurotoxic damage;

(iii) develop treatments, including new medications and behavioral treatment approaches;

(iv) better understand the effects that Ecstasy has on the developing children and adolescents; and

(v) translate research findings into useful tools and ensure their effective dissemination.

SEC. 3663. ENHANCED PUNISHMENT OF ECSTASY TRAFFICKERS.

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission (referred to in this section as the "Commission") shall amend the Federal sentencing guidelines regarding any offense relating to the manufacture, importation, or exportation of, or trafficking in—

(1) 3,4-methylenedioxy methamphetamine;

(2) 3,4-methylenedioxy amphetamine;

(3) 3,4-methylenedioxy-N-ethylamphetamine;

(4) paramethoxymethamphetamine (PMA); or

(5) any other controlled substance, as determined by the Commission in consultation with the Attorney General, that is marketed as Ecstasy and that has either a chemical structure substantially similar to that of 3,4-methylenedioxy methamphetamine or an effect on the central nervous system substantially similar to or greater than that of 3,4-methylenedioxy methamphetamine;

including an attempt or conspiracy to commit an offense described in paragraph (1), (2), (3), (4), or (5) in violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. 1901 et seq.).

(b) General Requirements.—In carrying out this section, the Commission shall, with respect to each offense described in subsection (a)—

(1) review and amend the Federal sentencing guidelines to provide for increased penalties such that those penalties reflect the seriousness of these offenses and the need to deter them; and

(2) take any other action the Commission considers to be necessary to carry out this section.

(c) Additional Requirements.—In carrying out this section, the Commission shall ensure that the Federal sentencing guidelines for offenders convicted of offenses described in subsection (a) reflect—

(1) the need for aggressive law enforcement action with respect to offenses involving the controlled substances described in subsection (a); and

(2) the dangers associated with unlawful activity involving such substances, including—

(A) the rapidly growing incidence of abuse of the controlled substances described in subsection (a) and the threat to public safety that such abuse poses;

(B) the recent increase in the illegal importation of the controlled substances described in subsection (a);

(C) the young age at which children are beginning to use the controlled substances described in subsection (a);

(D) the fact that the controlled substances described in subsection (a) are frequently marketed to youth;

(E) the large number of doses per gram of the controlled substances described in subsection (a); and

(F) any other factor that the Commission determines to be appropriate.

(d) Sense of Congress.—It is the sense of Congress that—

(1) the base offense levels for Ecstasy are too low, particularly for high-level traffickers, and should be increased, such that they are comparable to penalties for other drugs of abuse; and

(2) based on the fact that importation of Ecstasy has surged in the past few years, the traffickers are targeting the Nation's youth, and the use of Ecstasy among youth in the United States is increasing even as other drug use among this population appears to be leveling off, the base offense levels for importing and trafficking the controlled substances described in subsection (a) should be increased.

(e) Report.—Not later than 60 days after the amendments pursuant to this section have been promulgated, the Commission shall—

(1) prepare a report describing the factors and information considered by the Commission in promulgating amendments pursuant to this section; and

(2) submit the report to—

(A) the Committee on the Judiciary, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate; and

(B) the Committee on the Judiciary, the Committee on Commerce, and the Committee on Appropriations of the House of Representatives.

SEC. 3664. EMERGENCY AUTHORITY TO UNITED STATES SENTENCING COMMISSION.

The United States Sentencing Commission shall promulgate amendments under this subtitle as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

SEC. 3665. EXPANSION OF ECSTASY AND CLUB DRUGS ABUSE PREVENTION EFFORTS.

(a) Public Health Service Act.—Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 3306, is further amended by adding at the end the following:

"SEC. 506B. GRANTS FOR ECSTASY AND OTHER CLUB DRUGS ABUSE PREVENTION.

"(a) Authority.—The Administrator may make grants to, and enter into contracts and cooperative agreements with, public and nonprofit private entities to enable such entities—

"(1) to carry out school-based programs concerning the dangers of the abuse of and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other drugs commonly referred to as 'club drugs' using methods that are effective and science-based, including initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools; and

"(2) to carry out community-based abuse and addiction prevention programs relating to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs that are effective and science-based.

"(b) Use of Funds.—Amounts made available under a grant, contract or cooperative agreement under subsection (a) shall be used for planning, establishing, or administering prevention programs relating to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs.

"(c) Use of Funds.—

"(1) Discretionary functions.—Amounts provided to an entity under this section may be used—

"(A) to carry out school-based programs that are focused on those districts with high or increasing rates of abuse and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs and targeted at populations that are most at risk to start abusing these drugs;

"(B) to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for abuse of and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs;

"(C) to assist local government entities to conduct appropriate prevention activities relating to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs;

"(D) to train and educate State and local law enforcement officials, prevention and education officials, health professionals, members of community anti-drug coalitions and parents on the signs of abuse of and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs and the options for treatment and prevention;

"(E) for planning, administration, and educational activities related to the prevention of abuse of and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs;

"(F) for the monitoring and evaluation of prevention activities relating to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs and reporting and disseminating resulting information to the public; and

"(G) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

"(2) Priority.—The Administrator shall give priority in awarding grants under this section to rural and urban areas that are experiencing a high rate or rapid increases in abuse and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs.

"(d) Allocation and Report.—

"(1) Prevention program allocation.—Not less than $500,000 of the amount appropriated in each fiscal year to carry out this section shall be made available to the Administrator, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for abuse of and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs and the development of appropriate strategies for disseminating information about and implementing such programs.

"(2) Report.—The Administrator shall annually prepare and submit to the Committee on Health, Education, Labor, and Pensions, the Committee on the Judiciary, and the Committee on Appropriations of the Senate, and the Committee on Commerce, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives, a report containing the results of the analyses and evaluations conducted under paragraph (1).

"(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section—

"(1) $10,000,000 for fiscal year 2001; and

"(2) such sums as may be necessary for each succeeding fiscal year.".

Subtitle D—Miscellaneous

SEC. 3671. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT INTERNET WEBSITES.

Not later than 90 days after the date of enactment of this Act, the head of each department, agency, and establishment of the Federal Government shall, in consultation with the Director of the Office of National Drug Control Policy, place antidrug messages on appropriate Internet websites controlled by such department, agency, or establishment which messages shall, where appropriate, contain an electronic hyperlink to the Internet website, if any, of the Office.

SEC. 3672. REIMBURSEMENT BY DRUG ENFORCEMENT ADMINISTRATION OF EXPENSES INCURRED TO REMEDIATE METHAMPHETAMINE LABORATORIES.

(a) Reimbursement Authorized.—The Attorney General, acting through the Administrator of the Drug Enforcement Administration, may reimburse States, units of local government, Indian tribal governments, other public entities, and multi-jurisdictional or regional consortia thereof for expenses incurred to clean up and safely dispose of substances associated with clandestine methamphetamine laboratories which may present a danger to public health or the environment.

(b) Additional DEA Personnel.—From amounts appropriated or otherwise made available to carry out this section, the Attorney General may hire not more than 5 additional Drug Enforcement Administration personnel to administer this section.

(c) Authorization of Appropriations.—There is authorized to be appropriated to the Attorney General to carry out this section $20,000,000 for fiscal year 2001.

SEC. 3673. SEVERABILITY.

Any provision of this title held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed as to give the maximum effect permitted by law, unless such provision is held to be utterly invalid or unenforceable, in which event such provision shall be severed from this title and shall not affect the applicability of the remainder of this title, or of such provision, to other persons not similarly situated or to other, dissimilar circumstances.

The SPEAKER pro tempore. Pursuant to House Resolution 594, the gentleman from Florida (Mr. BILIRAKIS) and the gentlewoman from Colorado (Ms. DEGETTE) each will control 30 minutes.

The Chair recognizes gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4365.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to bring H.R. 4365, the Children's Health Act of 2000, to the floor of the House today. This measure is a result of strong bipartisan, and I underline strong bipartisan, bicameral cooperation and extensive negotiations.

The bill before us today includes the original children's health bill passed by the House in May, as well as provisions to reauthorize the Substance Abuse and Mental Health Services Administration. The Senate passed the revised bill last Friday. Since then, more than a dozen children's health advocacy groups have issued statements publicly applauding the bill and praising this effort.

In developing this legislation, my Committee on Commerce colleagues and I examined many of the difficult barriers we face in working to improve children's health and well-being. Witnesses testified about a variety of serious childhood afflictions, including autism, Fragile X, childhood asthma, and juvenile diabetes.

The bill before us authorizes and reauthorizes children's disease research and prevention activities conducted under the Public Health Service Act. Among its key provisions, the bill establishes a new Pediatric Research Initiative within the National Institutes of Health to enhance opportunities for research and improve coordination of efforts to prevent or cure diseases affecting children.

The bill also addresses a number of specific concerns, including autism, Fragile X, birth defects, early hearing loss, epilepsy, asthma, juvenile arthritis, childhood malignancies, juvenile diabetes, safe motherhood and infant health promotion, adoption awareness, traumatic brain injury, Healthy Start, oral health, vaccine injury compensation, Hepatitis C, autoimmune diseases, graduate medical education in children's hospitals, muscular dystrophy, and rare pediatric diseases.

Equally important, Mr. Speaker, it does not include specific funding earmarks or other controversial provisions.

This legislation incorporates a number of separate legislative proposals, and I would like to acknowledge the efforts of those Members who worked to develop provisions that were included in the bill.

I also want to acknowledge all of the patient advocates, there were many, as there were many Members and also cosponsors of the original children's health bill, who lent us strong support for this initiative. Their dedication helped keep this legislation alive.

We can never estimate the human toll of childhood diseases. However, they also have an enormous financial impact through billions of dollars in increased health care costs. Every dollar spent by the Federal Government on disease research and prevention is an extremely wise investment.

Any parent can tell us that nothing is more heart-wrenching than watching their own child suffer with an illness. As a father and grandfather myself, I know how terrible that can be. Today, however, we have a rare opportunity to do something that will give hope to families devastated by childhood disease.

This bill, Mr. Speaker, also takes great steps to reauthorize and refine the mission of the Substance Abuse and Mental Health Services Administration. It gives States more flexibility in the use of their block grant funds and follows the trend in other Federal programs to require more accountability based on performance.

The bill authorizes funding for many important services for youths and adolescents. These include youth drug treatment, early intervention for juvenile substance abuse, prevention of methamphetamine and inhalant use, follow-up services for youth offenders released from juvenile justice facilities, comprehensive community services for children with serious emotional disturbances, services for individuals with fetal alcohol syndrome, and prevention of underage drinking and suicide prevention.

The bill also addresses the needs of adults by authorizing grants for emergency mental health centers, programs to divert individuals with mental illness from the criminal justice system, and programs to expand mental health and substance abuse treatment services for the homeless.

In addition, this bill facilitates some physicians' ability to prescribe certain narcotics, such at buprenorpine, that are used in treating narcotics addiction. It also provides a comprehensive strategy to combat methamphetamine use. These provisions were approved by my subcommittee as H.R. 2634, the Drug Addiction Treatment Act of 2000, and this language was carefully worked out with the Committee on the Judiciary.

In closing, Mr. Speaker, I urge all of my colleagues to support this important legislation in addition to reauthorizing the Federal Substance Abuse and Mental Health Services programs. The bill before us will provide vital resources targeted at ending the scourge of childhood diseases.

Mr. Speaker, I want to thank the gentleman from Ohio (Mr. BROWN), a member of the subcommittee, for his tireless efforts. Together, we did put kids ahead of politicians, and I am truly grateful for his commitment to improve the health of our Nation's children.

I also want to recognize the staff who worked to advance this legislation, and first and foremost, to thank my health policy advisor, Anne Esposito, for her hard work and dedication through long hours and extensive negotiations.

I am also grateful to her partner in that effort, Ellie Dehoney from the staff of the gentleman from Ohio (Mr. BROWN). Together they demonstrated the patience and determination necessary to keep this process on track and moving forward.

Additionally, I would like to thank Mr. Jeremy Allen, who was with me for a short time as, I guess, a presidential fellow. He worked to pass the bill through the House and helped with the Senate negotiations; Michael Reilly, who was also with us in that capacity at one time; and, of course, my chief of staff, Todd Tuten, because it was his consent based on our success with the women's health initiative that led to doing this; and, additionally, Dr. Carolyn Sporn, who is a third-year resident at George Washington University in the Emergency room who chose to spend a month in my office to gain the knowledge that I think all medical doctors should have regarding this process.

Together we are doing something good for kids. I urge every Member to support passage of H.R. 4365.

Mr. Speaker, I reserve the balance of my time.

Ms. DEGETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the House is moving forward today to pass legislation seeking to improve the health care of our Nation's children.

While much of the health focus in the 106th Congress has been in the area of Medicare programs and other areas of health care policy, Congress has largely neglected the area of children's health and development until my colleagues, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN), spearheaded this important initiative.

I would like to thank the chairman and the ranking member for their work in this area and really forcing this issue before the end of the 106th Congress.

I, too, want to add my thanks to the staff, particularly John Ford, Judith Bankendorf, and Eleanor Dehoney of the Committee on Commerce and Bruce Lesley from my staff for their outstanding work on this legislation, as it has been improved through every step of the process due to their hard work and diligence.

As the chairman knows, nothing could be more important to our Nation's future than our children. Numerous indicators of the well-being of our children paint a mixed picture. Both in terms of success and shortcomings, they give us a mixed view of what our Nation's future holds.

Reports of both gains and continued unmet needs are also apparent with regard to a variety of other pediatric health care needs including infant mortality, immunization rates, pediatric asthma care, youth violence, and the critically important fact that over 11 million children in this country still remain uninsured.

It is on this latter point, the issue of uninsured children and adolescents, that I hope this Congress will choose to address through legislative action in the near future. We cannot fully address the health care needs of children without addressing the fact that 11 million children still continue to have limited, sporadic, if any, access to health care.

H.R. 4365 takes very important strides to expand pediatric research efforts and increase coordination in Federal resources for a variety of childhood diseases or health problems. While some have questioned such a focus on the needs of children, the Federal Government commitment related to child and adolescent health and development is completely inadequate and desperately needs greater focus and attention to the unique health care problems facing children.

According to a report issued by the President's National Science and Technology Council entitled "Investing in Our Future: A National Research Initiative for America's Children for the 21st Century," the combined research spending for children and adolescents through the Federal Government represents "less than three percent of the total Federal research enterprise".

Thus, the Federal Government commits less than 3 percent of its research focus to improve the lives of children despite the fact that they represent over 30 percent of our Nation's population and our future.

□ 1100

As such, pediatric research and prevention efforts must be at the forefront. As the President's National Science and Technology Council concluded:

"Our Nation has a clear stake in ensuring that all of America's children grow up to be healthy, educated, productive and contributing adults. Scientific research is and will continue to be a catalyst for achieving that goal."

I would like to highlight those provisions in this bill that come from legislation that I introduced in this Congress, including:

H.R. 4008, the Pediatric Organ Transplantation Improvement Act of 2000. This legislation, introduced with the gentleman from Pennsylvania (Mr. PETERSON), will require that our Nation's organ transplant system recognizes children's unique health care needs and increases research into improving pediatric organ transplantation. For some of our Nation's most vulnerable citizens, children awaiting lifesaving organ transplants, this language should improve their care and even save lives.

H.R. 4594, the Pediatric Diabetes Research and Prevention Act. This initiative, introduced with the gentleman from Washington (Mr. NETHERCUTT), the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from New York (Mr. LAFALCE) as well as in the Senate by Senator COLLINS improves our Nation's research and prevention efforts into pediatric diabetes. The language increases the necessary tools to expand clinical trials on children with diabetes to move some of the remarkable research that we are seeing on diabetes from the laboratory bench to the patient's bedside.

H.R. 5198, the Children's Research Protection Act. This legislation, introduced with the gentleman from Ohio (Mr. LATOURETTE) and Senators DODD and DEWINE, promotes the improvement of pediatric research and protections for children involved in medical research. The provision requires that all HHS-funded and regulated research comply with pediatric-specific human subject protections and has many other important provisions.

Finally, H.R. 1313, the Patient Freedom from Restraint Act of 1999. This initiative, which was introduced as companion legislation to bills by Senators LIEBERMAN and DODD, would take important steps to protect both children and adults with mental illness or mental retardation from being inappropriately placed in endangering restraints or seclusion, which has caused personal harm and even death.

There are many other fine provisions of this bill. Several I would like to talk about is the reauthorization of the Substance Abuse and Mental Health Services Administration, or SAMHSA, Act which improves mental health and substance abuse services for children and adolescents. There are several provisions that have become known as the Columbine provisions because they deal with children and adolescents who are at great risk. One, grants to public entities, seeks to develop ways to assist children in dealing with violence. Another allows the Secretary to use up to 2.5 percent of the funds appropriated for discretionary grants for responding to emergencies. Yet another reauthorizes the high-risk youth program which provides funds to public and nonprofit private entities to establish programs for the prevention of drug abuse among high-risk youths. There are many other fine provisions of SAMHSA which are in this bill and which we will hear about from my colleagues.

In addition, the bill has numerous other important children's health provisions, including fragile X research, pediatric asthma, birth defects, hearing loss and newborn screening, childhood cancer, traumatic brain injury, child care safety, graduate medical education for our Nation's children's hospitals and lead poisoning.

I am proud of this legislation. I know we are all proud of this legislation. Again I would like to thank the chairman and the ranking member for their courageous leadership on this broad bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. BRYANT), a member of the Subcommittee on Health and Environment and a very conscientious and active Member.

Mr. BRYANT. Mr. Speaker, I thank the gentleman for yielding me this time. I thank him for bringing this bill to the floor and for his leadership on all health care issues.

Mr. Speaker, I do rise in support of the Children's Health Act and would like to alert my colleagues to two issues which specifically are addressed in this bill and which are of concern to me and interest to me: Duchenne muscular dystrophy and day care safety. Duchenne muscular dystrophy is the most common and most catastrophic form of genetic childhood disease, occurring in one of every 3,500 live births and generally killing its victims in their late teens or early twenties.

My first experience with a family suffering from this devastating disease was in 1998 when my constituents Roy and Carol Henderson from Memphis first contacted my office. Their son had been diagnosed with Duchenne muscular dystrophy. I remember the pain and frustration that that strong family expressed to me as they began to search for answers to the difficult questions of why their child was afflicted with this awful, debilitating disease. Why were there so few treatment options for their son? And, most importantly, why had the government failed to prioritize more Federal resources toward finding a cure to this terrible disease?

Despite the 1987 discovery of the dystrophin gene, the survivability of this childhood disease has not been extended in any significant way. For decades, the only treatment known to somewhat alter the course of this disease was the use of steroids whose serious side effects are well known.

For these reasons it is imperative that the National Institutes of Health, NIH, begin to focus some of its Federal resources toward muscular dystrophy research. Today we will be voting on comprehensive children's health legislation which directs NIH to provide a more coordinated emphasis on muscular dystrophy research and assigns the National Institute of Neurological

Disorders and Stroke with the responsibility of leading NIH's efforts in this promising field.

The bill also includes legislation authored by Senator BILL FRIST and introduced in the House by myself and the gentlewoman from New York (Mrs. MCCARTHY). This section will provide the States with over $200 million to improve the safety of its day care centers throughout the United States. The bill would allow States the flexibility to use the funding for a number of purposes, including training child care providers, rehabilitating child care facilities, improving the safety of transporting children and conducting criminal background checks for child care providers. With the all too frequent reports of abuse and neglect in child care facilities, there was a need to give States additional resources to provide quality child care. Under the bill's formula, my State, Tennessee, would receive $4.2 million to give child care providers the tools needed to offer safe, affordable, quality child care to the children of Tennessee.

In conclusion, too many of our children needlessly suffer and even die from abuse, birth defects and diseases which can be prevented given the proper investment of our time and resources. With the passage of this bill, Congress will renew its commitment to America's children. I am pleased that the sponsors of this legislation recognized the seriousness of these issues by including them in this legislation. I encourage my colleagues to support its passage.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from Colorado for her leadership along with the gentleman from Ohio (Mr. BROWN), who is the ranking member, and as well the chairman, the gentleman from Florida (Mr. BILIRAKIS) for their leadership.

This is an important issue. I know there are many legislative initiatives that are found in this legislation dealing with children's health. I applaud the reauthorization of SAMHSA dealing specifically with the important issues of substance abuse and also the provisions that assist children in dealing with violence as well as the $2.5 million in grants to assist local communities in reauthorizing high-risk programs dealing with children susceptible to drug use. That is clearly still a viable concern in our communities. My 15-year-old son acknowledges that we have a problem, and I imagine that he may be representative of many of our children around the Nation.

I would hope, however, that as we look at the question of children's health as we will be hearing from many members of the Democratic Caucus discussing specifically this question of children's health and this poor state of children's health in the Nation that we will continue to do this in a more deliberative fashion, that we will be able to give more time to addressing the needs of children, particularly the concerns I have and the legislation I filed, H.R. 3455, the Give a Kid a Chance omnibus mental health bill that is a comprehensive assessment of providing resources to parents, immediate resources so that children who are in need of access to mental health care are not channeled to the juvenile justice system. That is what happens now.

Along with the 11 million children that are uninsured, can you imagine the children that do not have access to mental health services? And even though I know that there are provisions in this bill, there is still much to be accomplished.

Might I also take note of the charitable choice provisions that raises much concern. I wish we would explore this question. We are for these issues, but we want to have them in a nondiscriminatory fashion. I would have hoped the Committee on the Judiciary would have been allowed to address this question in a fair manner. Certainly I think we are moving forward on children's health, but we still have a long way to go on the needs of children's mental health.

Mr. BILIRAKIS. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), my 98th Congress colleague.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank my friend and the honored chairman of this subcommittee the gentleman from Florida (Mr. BILIRAKIS) for bringing forward a really extremely important bill that will provide many good services for children throughout America.

There are two specific provisions intended to protect children in therapeutic group homes, patients in psychiatric hospitals, old folks in nursing homes and youths in juvenile detention centers from hurting themselves and others. The intent behind these provisions is to ensure that vulnerable populations who live behind closed doors are safe and treated with respect and dignity. This bill establishes standards for the clinical use of restraints to physically stabilize a patient and protocols for time-out situations that require the patient to be separated from others. This is the first time that Congress has attempted to legislate clinical practices in health care facilities as well as nonmedical community-based facilities. For this reason it is very important that this legislation be clear and unambiguous about the kinds of practices that will be prohibited and the kinds that will be encouraged.

Unfortunately, the legislation is not exactly clear. A distinction is made in the legislation between health care facilities and nonmedical community-based facilities, but there is no definition of either. Where does a residential treatment center fit in? What rules will apply?

A standard practice in treatment facilities is the use of therapeutic holding to calm a patient who is out of control through proximity and physical touch. Therapeutic holds are used to protect children. They are used to express affection. They are used to calm children. I worked as an aide on the children's ward of a major psychiatric hospital and I know the power of therapeutic holds. I chaired the community child guidance clinic in my hometown for many years and as a State senator visited residential facilities for children with serious psychiatric problems throughout Connecticut. We must not deny these critical facilities the ability to provide loving help for our kids.

My reading of section 591(d)(1) in part H where restraint is defined as excluding "any method that involves the physical holding of a resident" would allow the practice of therapeutic holding to be used when appropriate to allow residents to resume their activities as soon as possible. It is my expectation that the HHS regulations will reflect this reading and that the Committee on Commerce agrees that therapeutic holds are indeed excluded from any definition of restraint.

While the legislation calls for training and staff development in the use of restraint and seclusion methods, two things are unclear: Who will provide this training and who will pay for it? I would hope, and it would be very helpful, if HHS would promulgate all regulations, both those for health care facilities and those for nonmedical community-based facilities, at the same time to avoid confusion and to ensure seamless delivery of services to the most vulnerable populations in our country.

In summary, I thank the chairman for his leadership on this legislation.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I stand to speak not against the underlying bill but specifically in regard to the so-called charitable choice language in the bill. Let me make five points about that language:

First what it says is Federal tax dollars can go directly to churches, synagogues and houses of worship. I believe that is clearly unconstitutional and for good reason. Federal subsidies of our churches and houses of worship is something we have not done for 200 years in our country.

The second point. It mentions this language under the guise of not wanting to have discrimination against religious organizations. That might be cute marketing but it is faulty logic and it is unconstitutional logic. What that says in effect is that the Bill of Rights and the first amendment thereof discriminates against religion. The reason Mr. Madison, Mr. Jefferson and our Founding Fathers set up a distance between government and religion and church and state was to protect religion, not to discriminate against it. Their argument is that I guess the Bill of Rights is discriminating against religion.

The third point is it talks about stopping discrimination. Charitable choice language in this bill actually subsidizes religious discrimination.

□ 1115

Very clearly it says you can take my Federal tax dollars, your Federal tax dollars, and put out a government paid for sign that says "No Catholics, no Jews, no Protestants need apply here for this federally subsidized job." That is wrong. It is wrong to have Federal taxpayers paying for religious job discrimination.

The fourth point is that charitable choice language in the name of helping religion is actually going to bring government auditing on our churches. According to the language of the bill itself, the churches and houses of worship are going to have to face the same auditing requirements as non-religious entities. I am not sure our religious entities are helped in America by having Uncle Sam come in and audit.

This language is unnecessary, it is harmful, it is unconstitutional, and it should not be in this bill.

Mr. BILIRAKIS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Washington (Mr. NETHERCUTT), who has been quite a leader in diabetes in this House.

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman from Florida and the gentlewoman from Colorado, both great friends of mine, with respect to their commitment to curing the disease of diabetes that affects so many people around this world, especially in the United States of America.

This bill is a great bill with respect to its attention to diabetes. It creates a national registry to track the incidence of juvenile diabetes; it establishes long-term epidemiology studies, in which persons with type 1 diabetes will be followed for 10 years; it addresses type 2 diabetes in youth; it creates a critical trial infrastructure for juvenile diabetes; it provides a look at animal studies, which will provide hope and promise that a true vaccine can be developed to prevent type 1 diabetes in humans; and it also contains a loan repayment program to encourage research.

Overall, this bill is a very good effort as it relates to diabetes, and I am very much supportive of it. I hope that all the 270 members of the House Diabetes Caucus will get on board and support it as well.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, I rise in very strong support of this legislation. H.R. 4365 reflects consensus around issues that are of deep importance to all of us, keeping our children healthy and free of substance abuse and mental illness.

This bill addresses major challenges in childhood disease and reauthorizes the Substance Abuse and Mental Health Services Administration. As a school nurse, a mother, and now a grandmother, children's health is an issue that has been of great concern to me throughout my entire life.

This bill would dedicate more Federal spending and intensify efforts on childhood diseases, including fragile X, autism, early hearing loss, juvenile diabetes and other child-specific conditions and diseases. This legislation does much to help young victims of childhood disease.

Mr. Speaker, parents and families with children who suffer from these childhood diseases have put their heart and soul into passing this legislation, and we must thank them for their tireless efforts. They have come forward with personal, often very painful stories, illustrating the need for this bill. I commend them, and I urge support for this important legislation.

This bill also includes reauthorization of SAMSHA, based on a version of legislation that I introduced earlier this year. This reauthorization will address substance abuse as it relates to children, in addition to adults, with regard to under-age drinking, children and violence, and fetal alcohol syndrome, to name a few.

To the extent that we can protect our children from alcohol and substance abuse, we reduce their chances of addiction or abuse as adults. Drug addiction is often an intergenerational family problem, with future use by children of addicts a very common occurrence. Sadly, this is a pattern I saw regularly as a school nurse.

This legislation also includes a bill I authored, the Youth Drinking Elimination Act. This legislation, which has the support of the American Academy of Pediatrics, will provide competitive grants to private organizations and governmental agencies through SAMSHA to develop and implement programs and services to reduce underage drinking.

I have seen the success of SAMSHA prevention programs in my own district, particularly with Santa Barbara's Fighting Back and also with Life Steps in San Luis Obispo. They provide highly successful public awareness initiatives, mentoring, criminal justice partnerships and health care intervention programs.

Mr. Speaker, SAMSHA reauthorization is the best way we can comprehensively address the problems of substance abuse and mental health confronting our communities. These problems are just too great for us to treat in a piecemeal fashion.

I urge my colleagues to support this much-needed legislation.

Mr. BILIRAKIS. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to bring to the attention of my colleagues a provision in this legislation that I have authored that will help us address the growing problem of so-called "club drugs," such as Ecstasy.

Five months ago, three young adults in the Chicago area, including two in my Congressional District, died after ingesting what they thought was the club drug Ecstasy, but was in fact a much more powerful cousin called PMA.

These club drugs are flooding our country, and it is not hard to see why. Ecstasy costs just pennies to make, but it is sold here in the United States for as much as $40 per tablet, and the penalties for trafficking are a joke. While the youth of this country believe that Ecstasy is harmless, the problems they face range from paranoia to brain damage, and even to death.

Under this bill, the penalties for Ecstasy trafficking will be increased and we will authorize $10 million to teach our children that these club drugs are dangerous. I believe that this will get the attention of traffickers and the users of Ecstasy, and I urge passage of this bill.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank all of those who have been in the leadership role in bringing this important legislation to the floor.

I support this legislation and any legislation that will help and protect America's children. I do want to bring attention though to one provision that is very dear to my heart and truly affects the inner-city communities in my district. That provision authorizes funding for important life-enhancing and life-saving asthma initiatives.

As author of the Asthma Awareness Education and Treatment Act and founder of the Congressional Asthma Task Force with the gentleman from Texas (Mr. BARTON) and Senators DURBIN and DEWINE, I have been a vocal and unyielding advocate for America's right to breathe.

Countless children and families in my district, which includes Watts, Compton and other low-income inner cities, are literally struggling to breathe, primarily because they lack information and access to effective long-term asthma management medical care.

While the rate of asthma prevalence has grown throughout the country, including rural and suburban areas, it has devastated our inner cities minorities and low-income families. The asthma death rate is twice as high among African Americans, and a staggering four times higher for African-American children. African Americans are also five times more likely to seek emergency room care for asthma, which does not provide long-term management for this disease.

Asthma is also more prevalent among all age groups in lower-income families. In families with an income average of less than $10,000, 80 out of 1,000 individuals have asthma, while in families with an average income of $20,000 to $34,000, 54 out of 1,000 individuals have asthma. That means close to 400,000 more people with extremely limited earnings have asthma.

Mr. Speaker, we can do better. This bill provides that type of funding, and I welcome and appreciate this legislation.

Mr. Speaker, today we will pass historic legislation which will help and protect America's children. The Children's Health Act is the result of bipartisan dedication to ensuring that we address critical problems facing our youth today. From drug abuse to youth violence to prenatal care, this legislation is comprised of critical programs that will impact the lives of children most in need.

While I embrace all the initiatives included in the Children's Health Act, today I would like to address one provision in particular, which is dear to my heart and will truly affect the inner-city communities in my district. That provision authorizes funding for important, life-enhancing and life-saving asthma initiatives.

As author of the Asthma Awareness, Education and Treatment Act and founder of the Congressional Asthma Task Force with Congressman BARTON and Senators DURBIN and DEWINE, I have been a vocal and unyielding advocate for America's right to breathe. Countless children and families in my district which includes Watts, Compton and other low-income inner-city communities are literally struggling to breathe primarily because they lack information and access to effective, long-term asthma management medical care. While the rate of asthma prevalence has grown throughout the country, including rural and suburban areas, it has devastated our inner-cities, minorities and low income families. The asthma death rate is twice as high among African Americans and a staggering four times higher for African American children. African Americans are also five times more likely to seek emergency room care for asthma, which does not provide long-term management of this disease. Asthma is also more prevalent among all age groups in lower income families. In families with an annual income of less than $10,000, 80 out of 1,000 individuals have asthma while in families with an annual income of $20,000 to $34,999, 54 out of 1,000 individuals have asthma—that means close to 400,000 more people with extremely limited earnings have asthma.

Whatever your income, we are all paying the price for the 160% increase in asthma among preschool children over the past decade. The total cost of asthma to Americans was close to $12 billion in 1998. Parents miss work, children miss school, and too many cases are treated in emergency rooms that could have been treated, or in some situations prevented, by education, medication and ongoing management by a physician.

Today with the passage of the Children's Health Act, we are taking meaningful steps to curb this staggering growth in asthma cases, its high cost to society, and its disproportionate effect on minorities and low income families. This bill provides comprehensive asthma services to children, mobile health care clinics, patient and family education on managing asthma, and identification of children eligible for Medicaid, and other children's health programs.

In representing some of the poorest areas of the country in South Central Los Angeles, I have seen the dire need for community assistance, and that is why I applaud the efforts of Senator DURBIN to ensure this legislative language was included in the Senate-passed bill. Furthermore, I urge my colleagues to not only vote for the Children's Health Act but to ensure that you inform your constituents of the asthma services this bill creates. As Members of Congress, it is our job to educate our constituents on the policies we enact and empower them to use the programs we create to improve their lives.

Mr. BILIRAKIS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, I rise today to highlight one of the specific provisions of this child health package, the Infant Adoption Awareness Act.

It is truly my privilege to stand here and thank my colleagues in the House and Senate and on many different sides of the family planning issue for their ability to come together and pass adoption provisions which allow us to celebrate life by celebrating adoption.

I would like to thank the leaders in sponsoring and negotiating this legislation, the gentleman from Virginia (Chairman BLILEY); the ranking member, the gentleman from Michigan (Mr. DINGELL); Senator FRIST; Senator KENNEDY.

In particular, I would like to thank and honor the distinguished chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY), for his tireless efforts on behalf of adoption. As an adoptive father and cochairman of the Congressional Coalition on Adoption, as well as the chairman of the House Committee on Commerce, he has championed the adoption issue to help build happy, loving homes across America.

I would also like to thank Marc Wheat of the Committee on Commerce staff for his excellent work and dedication and persistence on this project.

Mr. Speaker, I am pleased that the infant adoption awareness provisions in this bill are a step in the right direction to bring complete and accurate adoption information to women facing unplanned pregnancies. These women in difficult circumstances deserve to hear about the options from a well-trained counselor who can provide accurate, up-to-date information on adoption.

This act provides professional development for pregnancy counselors in adoption counseling. The training will enable pregnancy counselors to feel confident in their knowledge of the adoption process, relevant State and local laws, and the legal, medical and financial resources which can be provided to women with unplanned pregnancies.

Mr. Speaker, I know that it is not easy to get a diverse group of organizations representing a wide variety of interests to agree on anything. I am therefore particularly delighted to be on the floor today praising the infant adoption awareness component of this bill, which reflects the input of a broad range of organizations. I want to thank everyone for their support.

Ms. DEGETTE. Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding me time, and I especially thank her and the manager on the other side for the hard work that succeeded in bringing this bill that we have waited so long to get to the floor.

Mr. Speaker, I must say we had no right to subject such an important bill to the constitutional attack it is going to get in the courts almost immediately. We have marred this bill by incorporating two provisions that involve deliberate discrimination. At least one of them puts the bill at constitutional peril. That is the constitutional choice provision.

I am a former Chair of the Equal Employment Opportunity Commission. Title VII gives the broadest deference to religious institutions. They can discriminate in employment involving religion, and even in secular activities that they carry out, and even if conduct as they see it is against their religion.

But once you give a religious organization the right to administer Federal funds, our law and our Constitution require equal treatment. Title VI and title VII both make that clear, and certainly the Constitution does.

We are funding churches, synagogues, other religious entities, as if they were Federal agencies. That in itself raises the most serious constitutional questions, because these are pervasively religious institutions, and that is exactly what the Supreme Court says you cannot fund.

Then we go one unconstitutional step further. We allow these religious institutions to discriminate as to whom they hire to administer Federal funds. That is where the line surely must be drawn.

We go further in discriminating in this bill. We carry into this bill discredited, discriminatory, mandatory sentencing minimums, and we carry it to new legislation, turning a deaf ear to the Federal courts and to all our experience. Worse, we effectively exempt white defendants from mandatory minimums, while assuring black and Hispanic defendants will get them. That is deliberate discrimination. That is the very definition of racism.

Mr. BILIRAKIS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD), who, as has already been said, has spent an awful lot of time particularly on the autism portion of this legislation, and so many other children's issues.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me time and for his hard work. He has really been the leader on this.

Mr. Speaker, this is one of the happiest days for me in the House in 8 years here, because of the importance of this bill for America's children. It does so much that none of us can do it justification in a few minutes so I just want to just focus on the autism part.

Autism is not a rare disease. It is the third most common developmental disorder to affect children, following mental retardation and cerebral palsy. Autism currently affects over 400,000 individuals in the United States. One of every 500 children born today will be faced with autism.

The third most common developmental disorder, autism is more prevalent than Down syndrome, childhood cancer or cystic fibrosis. It is a lifelong, severe neurological disorder that usually manifests itself in children during their first two years of life and causes severe impairment in language, cognition and communication.

□ 1130

Mr. Speaker, I have a friend. His name is John. He lives in California. He has a little boy named Dov. He told me about how this young son of his was coming along, developmentally meeting all of the milestones. And as a father, I can relate to that. I think the greatest joy of childhood is watching your children move along the developmental milestones.

John said that at a certain stage his son just sort of drifted off, and it was like watching him on an ice flow drifting away, because he could no longer communicate. He could not say "Mommy," could not say "Daddy," and he has been impossible to really reach ever since then.

John and his friends, other parents of autistic children, formed an organization. Theirs is called Curing Autism Now, CAN. In my district, we have mothers and fathers who created Caring and Sharing. They are committed to doing something about these children. They are committed to trying to find a cure, to find a way to identify this disorder early.

Mr. Speaker, what this bill will do for these parents who have struggled, because for many, many years doctors actually did not understand what autism was, did not recognize the symptoms and blamed the parents. Blamed usually the mothers and said that they were cold and dispassionate and that is why their children were regressing. What a cruel thing to do to a parent struggling with this awful malady. Doctors still are lacking in their ability to recognize childhood autism early.

What this bill will do is create five research centers geographically dispersed around the country, so that parents who know that there is something wrong with their child can go to get diagnosis, to get their child in an early clinical program to find out what the state of the art is in treatment, and what the state of the art is in curing this disease.

I am delighted and proud today that the House of Representatives is going to answer the prayers of these parents.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes and 15 seconds to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, although I support the children's health part of the Children's Health Act, I rise to oppose the bill for several reasons.

First, I must object to the process by which we merge an anti-drug bill and attacks on religious liberty into legislation dealing with children's health. Mr. Speaker, the anti-drug part of the bill provides for more mandatory minimum sentences, making penalties for amphetamine abuses comparable to those for abusing methamphetamine and crack cocaine, which is 5 years for 5 grams of possession.

It is interesting to note that the majority has taken out the mandatory minimums for penalties for Ecstasy, a methamphetamine-based drug which is prevalent in the middle-class white community. This is curious, because crack cocaine, prevalent in the African-American community, Draconian mandatory minimums. Methamphetamine, prevalent in the Hispanic community, mandatory minimums. And for Ecstasy and powder cocaine, prevalent in the white community, no mandatory minimums.

Now, I oppose mandatory minimums for the same reason the Judicial Conference of the United States recently wrote to Chairman HYDE. They said that mandatory minimums are a bad idea because they treat dissimilar offenders in a similar manner, offenders who can be quite different with respect to the seriousness of their conduct or a danger to society. Mandatories require the sentencing court to impose the same sentence on offenders, when sound policy and common sense call for reasonable differences in punishment. But this bill requires no exception except for those drugs used in the middle-class white community.

Additionally, I oppose the bill because it attacks our civil rights laws. It contains the charitable choice, as has already been mentioned on the floor. Let me mention that if this bill passes, some sponsors of federally sponsored programs, not church-run programs, federally funded programs will be able to say for the first time in 30 years that "we do not hire your kind because of your religion."

Mr. Speaker, if this bill passes, it contains counterproductive mandatory minimums applied in a racially discriminatory manner and allows religious bigotry to be practiced with Federal funds. There seems to be a suggestion that if the dollar amount is high enough and the programs are good enough, that civil rights can be bought and sold.

Mr. Speaker, I will not vote for this bill, even though it includes a good Children's Health Care Act.

Mr. BILIRAKIS. Mr. Speaker, I reserve the balance of my time.

Ms. DEGETTE. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I thank the gentlewoman from Colorado (Ms. DEGETTE) for yielding me this time.

Mr. Speaker, this bill includes provisions for substance abuse and mental health reauthorization, which allows us to think about our Latino adolescents, ages 9 to 14, leading the Nation in attempted suicide, depression, self-reported gun handling, asthma, diabetes, besides an increase in HIV/AIDS cases and teen pregnancy.

I am sorry to have to recognize the need to pay special attention to this segment of the population who are facing great challenges, and I am thankful for the funding. It will help our communities, schools, community-based organizations work together with families to combat this phenomenon in the United States.

Mr. Speaker, the violence, the drugs, the cultural assimilation, peer pressure, dysfunctional families, environment, media are all some of the causes we must help our adolescents deal with. Our youngsters are our future; and we must neither neglect, ignore, nor turn our backs on them. They do not vote, but let us give them a voice for the future.

Mr. BILIRAKIS. Mr. Speaker, I yield 7 minutes to the gentleman from Arkansas (Mr. HUTCHINSON), a member of the Committee on the Judiciary.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS) for yielding me this time.

Mr. Speaker, I am pleased to speak in support of this bill, especially in support of the bill's provision dealing with the growing nationwide threat of methamphetamine. The legislation is substantially similar to the Methamphetamine Antiproliferation Act that we considered on the House side in Committee on the Judiciary. It was introduced by the gentleman from Utah (Mr. CANNON).

The bill was brought up in committee after the Subcommittee on Crime traveled across the country and held hearings on the growing problem of methamphetamine. The subcommittee in these hearings heard from law enforcement officials, treatment and prevention organizations, State crime laboratories and concerned community leaders.

Some of the most compelling testimony came from the meth addicts themselves. One recovering addict said that meth is so consuming, that everything from family to employment, from self-dignity to self-restraint is sacrificed for meth.

Mr. Speaker, this threat is real and immediate. My own State of Arkansas was recently declared to have the highest number of meth lab seizures per capita in the Nation. A similar story is repeated across the country. The number of labs cleaned up by the DEA has almost doubled each year since 1995. Last year, more than 5,500 labs were seized by the DEA and other enforcement officials.

This resulted in millions of dollars spent on cleaning up pollutants and toxins left behind by the operators of these labs, which can run as much as $10,000 per lab. But let me emphasize that the legislation, the provisions in the bill concerning meth are balanced in its approach.

First of all, the bill provides additional resources to fight the production and use of methamphetamine. It provides training for State and local agencies in handling the toxic waste created by meth labs, and it provides for stiff penalties for the manufacturing and trafficking of meth.

But in addition, besides the enforcement side, it authorizes significant funding for drug prevention and treatment efforts. $10 million is allocated for State grants for addiction treatment, and $15 million for education programs. So it is a balanced approach to dealing with the problem of meth.

If we look at some of the specifics of the legislation, it makes the penalties for manufacturing and trafficking amphetamine, a lesser-known but no less dangerous drug than meth, the same as methamphetamine. But it increases the penalties when there is a substantial risk of harm to human life or the environment, which is many times the case with meth labs.

It also criminalizes the interstate transportation of anhydrous ammonia, which is used by farmers in the production of fertilizer, but is also used in the production of methamphetamine. And so to help the farmers, though, the legislation authorizes funds to research alternative substances for farming and other uses that cannot be used in making meth.

It requires meth lab operators to reimburse society for the environmental and physical damage they cause through their activity. And it authorizes $5.5 million for DEA training of State and local law enforcement in meth lab detection and investigation techniques.

Mr. Speaker, I could go on about some of the specific provisions of the bill, but it helps us deal with the problem. There are some of the objections raised by the methamphetamine legislation that were deleted from this bill. For example, provisions allowing for delayed notice of a search warrant have been deleted. Penalties for the advertisement of illegal drugs and drug paraphernalia have been deleted. So some of those questionable parts are not in this legislation.

I commend the gentlewoman from Illinois (Mrs. BIGGERT), who has done an excellent job of dealing with the problem of Ecstasy and the club drugs. Those provisions she has described are also in the legislation.

Let me just make some personal comments about the drug problem. When I grew up in northwest Arkansas on the farm, I became aware of the drug problems on the nightly news, thinking it did not affect us in the rural areas. But the National Center for Addiction and Substance Abuse announced recently that the drug use among young teens in rural America is now higher than in the Nation's large urban centers. In fact, eighth graders living in rural America are 100 percent more likely to use amphetamines, 34 percent of rural eighth graders are more likely to smoke marijuana than kids in urban areas.

Mr. Speaker, this should be a wakeup call to parents and community leaders in our country. As a former Federal prosecutor, as a legislator, but most importantly as a father of teenagers, my heart aches over the lives that are ruined by the gripping terror of meth that overpowers so many, from the curious teenager to the innocent victim of its violence.

Recent surveys show that in 1999, 54 percent of high school seniors had used an illicit substance. The number has risen for the past 6 of 7 years. These statistics show that drug-induced deaths now exceed the national murder rate. These statistics are a call to action. But the cost does not stop with physical violence. The social consequences are equally devastating. Just last August, police raided a heavily armed meth lab in Conway, Arkansas, after discovering that a baby living in the drug trailer had been left alone and had eaten the drugs left strewn around the trailer. Clearly, additional resources are needed to thwart the damage threatening the next generation. That is what is provided in this legislation.

Mr. Speaker, I would like to respond to the objection raised by the gentleman from Virginia (Mr. SCOTT). He has indicated that this creates new mandatory minimums. I understand that he now agrees that new mandatory minimums are not provided in this legislation. There are no new mandatory minimums.

Secondly, there was a question raised about the discriminatory impact of sentences between amphetamine, crack cocaine, and some of the club drugs. First of all, we tried and I think we had a preferable House bill, but this is the Senate bill and I think we probably can improve upon that. I am willing to work with the gentleman from Virginia to make sure that we have equal treatment.

We are giving direction to the Sentencing Commission, and I hope they come up with recommendations that are fair and nondiscriminatory. But we will be happy to look at that in the next Congress as well.

So I am pleased to support this legislation. I ask my colleagues to support it as well. It is fair, and it is what addresses the problems that faces our young people today.

Ms. DEGETTE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of the Children's Health Act, legislation that would reauthorize children's health research and prevention programs, graduate medical education programs for children's hospitals, substance abuse and drug abuse prevention and treatment programs, and safety of child care programs.

As an original cosponsor of many of the initiatives that are included in this comprehensive bill, I am pleased that Congress will be acting to protect children's health.

One of the most important provisions is the reauthorization for 5 years of the Graduate Medical Education Program for independent children's hospitals. As one who represents the largest independent children's hospital in the United States, I strongly support the role that pediatric hospitals play in advancing pediatric medicine in the training of physicians dedicated to children's health care needs.

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Under the current law, Medicare, which is the main funder of graduate medical education in the United States, does not provide funding for pediatric residencies for freestanding children's hospitals such as Texas Children's Hospital in my district because these hospitals, of course, treat a very small number of Medicare patients who are under the disability program.

Last year, Congress enacted a law that provided a one-time capped entitlement for pediatric Medicare education programs. This legislation would rightly extend this valuable program for 5 years.

Mr. Speaker, I am also working with my colleagues to ensure that the pediatric graduate medical education program receives sufficient funding through the annual appropriations process. Earlier this year, the House of Representatives approved for the fiscal year 2001 Labor, Health and Human Services and Education appropriations bills $80 billion for pediatric graduate medical education, an increase of $40 million, over this year's program. I am committed to maintaining this funding level as the budget is finalized.

Another important issue in this bill is the pediatric research initiative that would require the National Institutes of Health to conduct pediatric biomedical research at the NIH. In particular, this initiative will ensure that more research is done on how diseases affected children as compared to adults. In most cases, clinical trials are conducted on adults without any consideration of how these drugs would affect children.

This initiative would also encourage the development of pediatric clinical trials to ensure that safe and effective drug treatments are available. When children face life-threatening diseases, it is very difficult to determine how much and what type of treatments should be given to them because there is insufficient information about how these treatments would affect them.

With more data in clinical trials, there will be more options for children who are fighting for their lives. The bill also directs the National Institutes of Health to conduct more research on diseases which directly affect children such as hearing loss, autism, asthma and juvenile diabetes.

I think this is a step in the right direction. I commend the gentleman from Florida (Mr. BILIRAKIS) and the ranking members of the Subcommittee on Health and Environment, and I encourage my colleagues to adopt this bill.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS) for yielding me the time.

Mr. Speaker, I rise to support the comments made by the gentleman from Arkansas (Mr. HUTCHINSON) who has been a tremendous leader on the issue of combatting methamphetamine production, sale and distribution in our country and from my perspective especially in rural America.

I am here today to speak on behalf of this legislation and, particularly, the meth section, that in large part mirrors H.R. 2987, a bill which I am a sponsor.

Kansas was one of those locations, certainly Kansas, a rural State, was one of those locations in which the Committee on the Judiciary came to on location to hear about the problems we face in our part of the country. And the stories that were told, the testimony that was taken was very compelling.

I brought with me today comments made by the sheriff of one of the counties in Kansas who testified before the subcommittee on the Judiciary on the impact of methamphetamines on his rural county, and I think it can be said across the State of Kansas and rural places around the country.

Sheriff Sherrer's testimony before the subcommittee in part is this, "the adverse effect of meth on rural America is destroying our way of life. We are now combatting narcotics problems on fertile farm ground; problems that previously existed only in large cities with large police forces having large narcotics and violent crime units. The idea that we are living in Mayberry is a myth.

"We are living in a war zone. My office is totally unprepared to combat the rapidly expanding problem of the manufacture of meth in rural Kansas. The money and manpower necessary to combat the problem is destroying my annual budget and exhausting my personnel.

"There were 25 labs seized in Pawnee County in 1999." And I might add, as an aside, indicate that Pawnee County's population is 7,470. We have had more than 500 meth busts in 1999 in our State alone, and we are going to, unfortunately, exceed that record this year.

Sheriff Sherrer's testimony continues, "my personnel are physically exhausted and perhaps even worse is that they are mentally exhausted, 80- and 90-hour workweeks are not uncommon in our attempt to combat the meth problem and still attend to our normal duties. I don't have the budget or the manpower necessary to fight the current meth problem. I have exhausted all manpower and financial efforts to address this problem to no avail. As a law enforcement agency, we are exhausted.

"On behalf of all western Kansas law enforcement administrators, concerning the problem of methamphetamine, we are understaffed, underfunded, outgunned and out of our league."

I thought originally when I got involved in this issue that it was somewhat beyond the scope of the duties that I normally face as a rural Member of Congress, but this is a problem that is real in rural America. I am glad this Congress is addressing this issue in this legislation.

Ms. DEGETTE. Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I rise and express my strong support for the Children'S Health Act. This important legislation includes the Children's Day Care Health and Safety Improvement Act, a bill that I introduced with the gentleman from Tennessee (Mr. BRYANT).

Mr. Speaker, I just want to take this opportunity to also thank the gentleman from Michigan (Mr. DINGELL), the gentleman from Virginia (Chairman BLILEY) and the gentleman from Tennessee (Mr. BRYANT) and certainly my colleague, the gentlewoman from Colorado (Ms. DEGETTE), for the leadership and hard work on this issue.

Mr. Speaker, we are experiencing a national child care crisis. In 1997, 31,000 children ages 4 and younger were treated in hospital emergency rooms for injuries sustained in child care facilities.

In 1999, in my home district of Nassau County, there were 55 cases of suspected child abuse incidents in child care facilities. Our bill gives $200 million in State grants to improve programs, to improve the health and safety of our children in child care.

These grants can be used for a number of reasons, train and educate child care providers to prevent injuries and illnesses and to promote health-related practices; strengthen and enforce child care provider licensing, regulation and registration; rehabilitate, which is probably one of the most important parts of this bill, child care facilities to meet health and safety standards; provide health consultants to give health and safety advice to child care providers; enhance child care providers' ability to serve children with disabilities; conduct criminal background checks on child care providers, what I think is really important, especially to give our parents the peace of mind of where they are going to send their child is offering the best services possible, and I think to provide information to parents on choosing a safe and healthy setting for their children or to or improve the safety of transportation of children in child care.

Mr. Speaker, being a new grandmother, I have to say watching my daughter-in-law looking for day care is an experience that is happening around this Nation, so the more that we can do to provide certainly our children, the future leaders of this country, with a safe environment and the best environment, we, in Congress, are doing a great job. I appreciate the work of this committee for letting this to go forward and hoping we can do more in the future.

Ms. DEGETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just close by saying we can sense the breadth of this bill by listening to the debate on the floor today, everything from child care to imaging, to medical research, vital, vital issues for our children. Again, I am proud to be a part of this debate and of this bill. I want to thank the gentleman from Florida (Mr. BILIRAKIS), the chairman, and also the gentleman from Ohio (Mr. BROWN), the ranking member.

Mr. Speaker, I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I endorse the remarks of the gentlewoman from Colorado (Ms. DEGETTE) and thank her for her role, the role that she has played, not only in this legislation, but all matters involving particularly children. I want to emphasize that this legislation came about as the result of an awful lot of hard work on a bipartisan basis. The minority was involved in every case, and I ask that everyone support.

Mr. UPTON. Mr. Speaker, I rise today in strong support of H.R. 4365, the Children's Health Act of 2000. This comprehensive measure will make a significant difference in the lives of millions of children and families by boosting biomedical and clinical research on a range of conditions and diseases that afflict children with particular severity and by improving access to treatment. As a member of the Commerce Committee's Subcommittee on Health and the Environment, I was fortunate to have the opportunity to work closely with our chairman, MIKE BILIRAKIS, who has shown great leadership on this legislation.

I am especially pleased and grateful that the final version of this bill includes provisions strengthening the National Institutes of Health's focus on Duchenne muscular dystrophy research. This will be the first time that Duchenne muscular dystrophy is mentioned in the Public Health Service Act.

I have seen the human face of this disease and the toll that it takes on children and families. Some time ago, I had the opportunity to visit with Don and Joyce Carpenter of Kalamazoo, MI, and their young and courageous son, Ben. Ben suffers from Duchenne muscular dystrophy. From them I learned that Duchenne muscular dystrophy is the most common and the most catastrophic form of genetic childhood disease. Sadly, it generally kills its victims in their late teens or early 20's.

For decades, the only drug treatment known to somewhat alter the course of the disease in the use of steroids—whose serious side effects are well-known. We've simply got to do better. We have to find a way to prevent this devastating disorder in the first place—perhaps through the promise of gene therapy. And until we learn how to prevent it, we've got to learn how to treat it more effectively.

I urge every Member of Congress to join me in voting for this bill and giving hope to Don and Joyce and Ben Carpenter and the many like them across this Nation and world. We can work miracles when we really try.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 4365, the Children's Health Act of 2000. This legislation renews America's commitment to children and ensuring that their physical and mental health are cared for.

This comprehensive bill contains a number of provisions that will revise and establish programs with respect to children's health research and prevention activities performed by Federal public health agencies. Of these provisions there are five which I would like to highlight. H.R. 4365 will:

(1) Improve autism research by directing the Director of the National Institutes of Health (NIH) to expand and diversify the NIH's activities with respect to autism, as well as requiring the Director to award grants and contracts to public or nonprofit entities for research on autism and creating the National Autism Developmental Disabilities Surveillance Program, which uses a number of mechanisms to improve the collection, analysis, and reporting of case data on autism and other pervasive developmental disabilities.

(2) Direct the HHS Secretary to develop a system to collect data on juvenile diabetes through the CDC, and establish a national data base for this data and conduct and support long-term studies through the NIH that follow individuals with juvenile, or type 1, diabetes for 10 years or more and establish through the CDC a national health effort to address type 2 diabetes in youth.

(3) Require the Secretary of Health and Human Services to distribute to States sufficient funding to enable them to establish programs to improve the health and safety of children receiving child care outside the home by preventing illnesses and injuries.

(4) Provide funding to the Drug Enforcement Administration (DEA) and Office of National Drug Control Policy (ONDCP) to assistance to State and local law enforcement officials in methamphetamine investigations and establishing additional DEA offices. This legislation provides law enforcement officials with tools and training to combat the methamphetamine and club drug epidemics in America today, and authorize comprehensive prevention and treatment programs to combat abuse and addiction as well.

(5) Modify the vaccine injury compensation program which currently only provides compensation to someone injured from routinely administered vaccines where the injury lasts more than 6 months. Certain vaccines, like rotavirus, often require immediate surgery, which would not be eligible for compensation. The modified program makes compensation available if the injury requires a hospital stay or surgery.

The programs I have mentioned, as well as the other important provisions of this bill, will make significant changes in the lives of children throughout this country. I applaud our colleague from Florida, Mr. BILIRAKIS, for his leadership on this issue and I urge my colleagues to support H.R. 4365, the Children's Health Act of 2000.

Mr. SHAYS. Mr. Speaker, I rise in strong support of H.R. 4365, the Children's Health Act of 2000. In particular, I am pleased the legislation includes S. 976 which reauthorizes the Substance Abuse and Mental Health Services Administration (SAMHSA).

S. 976 includes comprehensive standards for the use of restraint and seclusion in all facilities receiving Federal funding. The regulations, authored primarily by my colleague from Connecticut, Senator CHRISTOPHER DODD, will go a long way toward ensuring those receiving treatment in federally funded facilities are not subject to potentially life threatening inappropriate restraint and seclusion.

I became deeply concerned about the inappropriate use of restraint and seclusion following a series of articles published by the Hartford Courant in October 1998, entitled "Deadly Restraint." The series reported patient deaths related to the use of restraint or seclusion in 142 cases over 10 years, and chronicled the deaths of 23 patients who had died within 11 months—all apparent victims of overuse of seclusion or restraint.

Among the deaths the Courant investigated was Andrew McClain's. Andrew was an 11 year old foster child from Bridgeport, CT—in my district—who was a patient at Elmcrest Hospital, a State psychiatric institution, in Portland, CT.

On March 22, 1998, Andrew was told to move to a different table than the one where he was seated during breakfast. When he disobeyed, an aide at the hospital forcibly restrained Andrew and placed him in a face-down restraint hold.

Andrew's arms were drawn across his chest. The full weight of an adult on his back pinned this 11-year-old child to the ground, making it impossible for him to breathe, and eventually causing his death.

Andrew's horrifying death and others like it in the Courant series raised serious questions surrounding the use of restraints in mental health facilities nationwide, and more importantly, it raised public awareness of a very serious issue.

It also caused significant concern among members of the Connecticut delegation, who asked the General Accounting Office to study the use of restraint and seclusion among our most vulnerable populations—those with mental illness or mental retardation—who depend on care from others for their well-being.

The study, published last September, revealed a number of disturbing facts including at least 24 deaths associated with restraint or seclusion in 1998 alone. The GAO study also found the lack of a comprehensive reporting system to track injuries to both patients and staff resulting from restraint and seclusion, and an inconsistency among Federal and State regulations regarding restraint and seclusion for the mentally ill and disabled.

The GAO recommended an improved reporting system and led to conclusions that having regulatory protections and reporting requirements in place would reduce the use of restraint and seclusion and improve safety for patients and staff. The report also highlighted the urgent need to regulate the use of restraint and seclusion in federally funded facilities.

As a result of the GAO findings, both Senators DODD and LIEBERMAN introduced comprehensive legislation to regulate the use of restraint and seclusion in mental health facilities.

With the support of other members of the Connecticut delegation, on November 1, I introduced H.R. 3010, the Restraint Safety Act—the House companion to legislation introduced by Senator LIEBERMAN.

Provisions from Senator DODD's bill were included in the Senate-passed SAMHSA reauthorization bill which we are considering today.

Mr. Speaker, only strong Federal guidelines will ensure those in all facilities which receive federal funding will be free from unnecessary restraint and seclusion and I urge my colleagues on both sides of the aisle to support these life-saving provisions by voting for the underlying bill.

Mr. MCCOLLUM. Mr. Speaker, I submit the following letters re H.R. 4365 to be printed in the RECORD.

DEPARTMENT OF JUSTICE,
DRUG ENFORCEMENT ADMINISTRATION,
Washington, DC, September 26, 2000.

Hon. BILL MCCOLLUM,
Chairman, Subcommittee on Crime, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed letter dated March 15, 2000, from Mr. Robert Raben, Assistant Attorney General, Office of Legislative Affairs, to Chairman Henry J. Hyde, House Judiciary Committee, contains the views of the Drug Enforcement Administration on provisions previously contained in 486, now included in HR 4365, "An Act to Amend the Public Health Act of 2000" as placed on the Senate calendar on September 25, 2000.

We continue to support the objectives behind relaxing the restrictions governing practitioners who dispense replacement pharmacotherapies to make drug addiction treatment available in greater numbers. The March 15 letter did state concerns, however, regarding what is now Title XXXV which amends Section 303(g) of the Controlled Substances Act. Specifically, we are concerned about the (g)(2)(B)(II) subparagraph which this amendment adds. As we stated, these concerns would be resolved if the following language were added to the report accompanying the bill to clarify congressional intent regarding this section:

"Nothing in this section is intended to affect either the long standing authority of the Attorney General to enforce the standard that a controlled substance is legally dispensed by a practitioner only when it is dispensed for a legitimate medical purpose by the practitioner acting in the usual course of his/her professional practice or the authority of the Secretary of Health and Human Services under 42 U.S.C. 257a, after consultation with the Attorney General, to determine appropriate methods of professional practice in the medical treatment of narcotic addiction. See, U.S. v. Moore, 423 U.S. 122 (1975). The standard applies to the dispensing of all controlled substances, including the dispensing in the course of maintenance or detoxification of an individual."

Thank you for the opportunity to reaffirm our views on the bill. Please do not hesitate to call if we may be of additional assistance.

Sincerely,

DONNIE R. MARSHALL,
Administrator.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, March 15, 2000.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter presents the views of the Department of Justice on S. 486, the "Methamphetamine Anti-Proliferation Act of 1999," as passed by the Senate on November 19, 1999. The Department supports many of the provisions in S. 486, because they provide important and necessary tools for deterring the spread of methamphetamine manufacturing and abuse in our Nation.

We are pleased that several suggested changes to the bill were made to accommodate the Department's concerns. We, however, continue to be troubled by section 211 ("Waiver Authority for Physicians Who Dispense or Prescribe Certain Narcotic Drugs for Maintenance Treatment or Detoxification Treatment"). While we support the objectives behind relaxing the restrictions governing practitioners who dispense replacement pharmacotherapies to make drug addition treatment available to greater numbers, we believe that federal law enforcement must maintain the ability to prosecute unauthorized dispensing of controlled substances.

Our major concern is with section 211(a)(5), adding section 303(g)(2)(B)(ii)(II) of the Controlled Substances Act [page 55, line 7–11, engrossed Senate bill]. That provision states that "[n]othing in the regulations or practice guidelines under this clause may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which the medicinal services are provided." As written, section 211 could be interpreted in a way that would narrow the DEA's current authority under the Controlled Substances Act (CSA) to prosecute physicians who dispense controlled substances, but do so without a legitimate medical purpose in the usual course of their professional practice. It is well-settled law that a physician's license is not an automatic and absolute shield to prosecution under the CSA, since the CSA was designed by Congress in part "to confine authorized medical practice within accepted limits," *See United States* v. *Moore*, 423 U.S. 122, 143 (1975). In *Moore*, for example, a defendant/doctor was authorized to dispense methadone for detoxification purposes only. A jury found that he exceeded the bounds of his professional practice by prescribing large quantities of methadone for patients without giving them adequate physical examinations or specific instructions for its use and charged fees according to the quantity of methadone prescribed rather than fees for medical services rendered. The Supreme Court concluded that the doctor was using his medical license as an excuse to facilitate the sale of controlled substances to addicts and, therefore, was in violation of the CSA.

Our concerns would be resolved if the following language were added to the report accompanying the bill to clarify congressional intent regarding this section:

"Nothing in this section is intended to affect neither the long standing authority of the Attorney General to enforce the standard that a controlled substance is legally dispensed by a practitioner only when it is dispensed for a legitimate medical purpose by the practitioner acting in the usual course of his/her professional practice nor the authority of the Secretary of Health and Human Services under 42 U.S.C. §257a, after consultation with the Attorney General, to determine appropriate methods of professional practice in the medical treatment of narcotic addiction. *See, U.S.* v. *Moore*, 423 U.S. 122 (1975). The standard applies to the dispensing of all controlled substances, including the dispensing in the course of maintenance or detoxification of an individual."

On an unrelated matter, we recommend that section 123(a) of the bill ("Expansion of Methamphetamine Abuse Prevention Reports") (enacting new section 515(e) of the Public Health Service Act (42 U.S.C. §290bb(e)(1))) be amended by adding after "the Administrator" "of the Substance Abuse and Mental Health Services Administration in the Department of Health and Human Services, in consultation with the Secretary of Education and the Attorney General." Although we do not object to this provision as it is currently drafted, we believe that the language we are suggesting would help to ensure coordination among related and ongoing federal initiatives.

Finally, section 114(c) of the bill would require the Director of the Office of National Drug Control Policy (ONDCP) to "apportion" funds appropriated for combating methamphetamine in High Intensity Drug Trafficking Areas (HIDTA's). Technically, this is an inaccurate use of the word "apportion." Only the Office of Management and Budget is authorized to "apportion" funds. We recommend that the word "allocate" be substituted for "apportion."

Thank you for the opportunity to present our views. Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

ROBERT RABEN,
Assistant Attorney General.

Identical letter to be sent to the ranking minority member, Committee on the Judiciary.

Mr. WICKER. Mr. Speaker, I would like to thank those who have spent so many hours working on developing a comprehensive children's health bill to present to this House today. While this bill makes great strides on many childhood diseases and health issues, I will focus my remarks on the devastating affects that Duchenne Muscular Dystrophy has on the children with the disease and their families.

Duchenne Muscular Dystrophy is the most common genetic illness, crossing all cultures. Although Duchenne MD is an inherited disease and is present from the initial stages of fetal development, there is generally no indication at birth that the child has abnormal muscle function. In the first year of life, it is rare for parents to detect any delay in development. Typically a child is diagnosed between the age of 2–5 years. As a child grows and his muscle cells deteriorate, and he becomes noticeably weak. The child usually loses his ability to walk around 10 years of age. As time progresses, the chest muscles deteriorate, causing respiratory problems. Death often occurs in the late teens unless mechanical breathing is instituted.

This is painful not only for the child but also for the mothers and fathers who care for and love their child. To date there are efforts in finding a cure for this disease and the Children's Health Bill will allow these efforts to come to fruition. In addition, this bill will begin to provide the resources needed to expand research efforts in finding treatment and a cure for this disease.

As a member of the Labor-Health and Human Services, and Education Appropriations Subcommittee, I have supported doubling the NIH's budget over a five year period. I am pleased that this legislation's Muscular Dystrophy title tracks with report language from both the House and Senate Labor/HHS Appropriations bills, calling for increased research and coordination among the institutes of NIH. One of the problems that has confronted this disease community is that MD does not have a natural "home" among the institutes. I am confident that the National Institute for Neurological Disorders and Stroke, under the exemplary leadership of Dr. Gerald Fischbach, will increase the pace of research and provide a crucial coordination role.

An essential and logical portion of this heightened research would be the creation of a muscle biology study section, which could easily be accomplished in the context on an ongoing review of the study sections and their scientific peer review processes of NIH. I am troubled that out of the current 105 NIH study sections, there is no study section for muscle, the largest organ of the body.

Mr. Speaker, not only are there no cures for this, the world's number-one genetic killer of children, but there are no real therapies for Duchenne and Becker Muscular Dystrophy. Astonishingly, the pace of research, in real dollars, actually declined after the dystrophin gene was discovered in 1986. Passage of the Children's Health Act is a clear indication from Congress that this is unacceptable. I urge all Members of this House to join me in supporting this legislation.

Mr. DEMINT. Mr. Speaker, as the original sponsor of H.R. 2511, the Adoption Awareness Act, along with the gentleman from Virginia, Chairman BLILEY, a champion of adoption issues, I am pleased to endorse the Infant Adoption Awareness Act included in the child health bill, H.R. 4365.

Adoption is a wonderful option because it brings a positive, life-giving end to what could be difficult circumstances. The mother can place her child in a loving family, the child receives a warm and welcoming home, and an adoptive couple gets to wear one of the greatest titles in America—parent. Additionally, pro-life individuals, groups, and communities should encourage adoption as one of the life-giving choices of women with unplanned pregnancies. With the love and care provided at crisis pregnancy centers and in homes, community and faith-based organizations across the country, more women will hear about the resources available to help them through this difficult time and to encourage them to bring this newly-formed life into the world.

While this language is not as broad as the original legislation, it does reflect significant efforts to advance the purpose of the Adoption Awareness Act. This language was drafted with input from a wide variety of organizations, including those in the adoption and public health communities.

Women facing unplanned pregnancies deserve to hear about their options from a well-trained counselor who can provide accurate, up-to-date information on adoption. This Act provides professional development for pregnancy counselors in adoption counseling. The training will enable pregnancy counselors to feel confident in their knowledge of the adoption process, relevant State and local laws, and the legal, medical, and financial resources which can be provided to women with unplanned pregnancies.

I am pleased to support the Infant Adoption Awareness Act as a step in the right direction to bring complete and accurate adoption information to women facing unplanned pregnancies. I hope that this step significantly advances our Nation in the direction of eliminating a perceived anti-adoption bias in pregnancy counseling in providing lasting answers to difficult circumstances.

I truly believe that in our great Nation, while there may be unwanted pregnancies, there are no unwanted children.

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 4365, the Childrens' Health Act of 2000, as amended by the other body. This important legislation is the result of long, hard negotiations on the part of members of my staff and their counterparts on the staff of Mr. BILIRAKIS, Mr. BRYANT, Mr. GREENWOOD, Mr. UPTON, Mr. BROWN, Mr. DINGELL, and members of the other body that made this possible.

As members of the House will recall, after we passed H.R. 4365 the first time, the other body moved forward on legislation that would have left many health problems facing children unaddressed. I am pleased to report that were able to restore the House provisions that were omitted in the other body's legislation, and have added authorizations that strengthen the bill.

Though too numerous to mention each provision individually, I want to comment on three provisions that I believe are particularly important. As a proud adoptive father of two, I am pleased that this bill advances adoption policy in this country. The bill ensures that family planning counselors have access to training on presenting complete and accurate adoption information to women facing unplanned pregnancies. In the interest of time, I will extend my remarks for a more full discussion of this aspect of the legislation.

Moreover, this bill contains several initiatives that will foster the adoption of special needs children. The bill also authorizes the Healthy Start program for the first time. For at-risk pregnant women served by this program, it authorizes mobile health clinics equipped with ultra-sound screening technology and also expands access to prenatal and other surgical services to the unborn child, mother, and infant during the first year after birth.

I am also pleased that this bill directs NIH to expand and increase coordination in activities with respect to research on muscular dystrophies. It also makes important strides in the fight against autism, which affects 1 in every 500 children born today. More prevalent than Down syndrome, childhood cancer or cystic fibrosis, autism hits children during the first two years of life and causes severe impairment in language, cognition and communication. Since so many of America's children suffer from so many disorders, it is right that work to ensure that researchers are looking for the cures they need.

Although this bill addresses many tragic disorders among children, among the most tragic is that of drug abuse—and this bill extends a powerful helping hand to help parents to secure their children's future. This bill further extends the war on drugs to those who push methamphetamine, "ecstasy," and heroin onto our young people. Under these provisions, criminal penalties are increased for individuals who manufacture and traffic in methamphetamine and "ecstasy." The provisions also increase funding for law enforcement training and targets high intensity methamphetamine trafficking areas.

Perhaps most importantly, we are attacking heroin abuse by reducing the demand for this deadly drug. Let me relate some of the testimony Mr. Odis Rivers of Detroit, Michigan shared with the Commerce Subcommittee on Health and Environment last year. He has been addicted to heroin for 30 years, and is undergoing treatment with a drug that this bill will help more physicians prescribe to their patients. He told the Subcommittee that he was back with his wife and family and was enjoying their support. He had won their respect, and could again assume his rightful place in their family. As the Detroit Free Press stated on October 3rd of last year, "this seems like the kind of legislation that should be passed, especially in light of new University of Michigan research showing that heroin use among teens doubled from 1991 to 1998." These provisions will make new heroin-blocking medications available to physicians treating patients struggling to be free from heroin addiction.

Not only do we use innovative strategies to address the problems of meth, ecstasy, and heroin, we also ensure that there is a Federal agency that is focused on reducing the incidence of substance abuse and mental illness throughout society. H.R. 4365 reauthorizes the Substance Abuse and Mental Health Services Administration, which was created in 1992 to assist States develop effective prevention and treatment programs to protect America's children from the scourges of mental illness and drug abuse. The important "charitable choice" provision in this legislation permits Federal assistance for religious organizations providing substance abuse services, which is similar to language that has been enacted into law several times with broad support in the House.

It is important that the Members of this House vote for passage of this critically important bill to secure a better future for America's children by helping to reduce the incidence of disease and illness. We know we can lessen the incidence of these diseases through heightened research activities, and through the use of successful interventions that still remain out of reach by many in our society.

Again, I thank my colleagues and many other Members who have contributed to making this bill possible, and I would like to recognize the hard work of the House staff who brought this bill together: Marc Wheat, Jason Lee, Brent Del Monte, Patrick Morrisey, Anne Esposito, Carolyn Sporn, John Ford, Judith Benkendorf, Ellie Dehoney, and Katie Porter.

Last year, Congressman JIM DEMINT of South Carolina and I introduced H.R. 2511, the Adoption Awareness Act. After negotiations with all interested parties, including adoption advocates, foster care advocates, and representatives from the pro-life community as well as the abortion industry, the language of H.R. 2511 changed but the central purpose remained the same: the Infant Adoption Awareness Act ensures that counselors in health clinics and other settings provide women who have unplanned pregnancies complete and accurate information on adoption.

The Infant Adoption Awareness Act passed the House as part of H.R. 4365 by a vote of 419–2 and passed the Senate by unanimous consent. As Chairman of the Commerce Committee, I have been responsible for the negotiations leading to the final form of the Infant Adoption Awareness Act for these many months, and I want to take this opportunity to explain the bill at length to my colleagues in case there is any confusion with the text of the original Adoption Awareness Act, H.R. 2511.

What struck Congressman DEMINT and me was that the studies and statistics available in this field show a lack of activity which may well reflect an anti-adoption bias in pregnancy counseling. According to a University of Illinois study by Professor Edmund Mech, Orientations of Pregnancy Counselors Toward Adoption, 40 percent of self-identified "pregnancy counselors" in settings such as health, family planning, and social service agencies do not even raise the issue of adoption with their pregnant clients. Of the 60 percent who raise the issue of adoption in some form, 40 percent provide inaccurate or incomplete information. Furthermore, while pregnancy counselors themselves may not have a negative bias towards adoption, they presuppose that their client is not interested and therefore do not present adoption as a true option for women facing unplanned pregnancies (Source: Mech, Pregnant Adolescents: Communicating the Adoption Option). The Infant Adoption Awareness Act would set up a training program by which clinic workers and others could receive professional in-service training in educational adoption counseling. If properly trained, these counselors would be equipped to provide valuable information on adoption to their clients.

While many societal factors have changed in the last twenty years, including the acceptance of non-marital teen parenting, the availability of welfare, and increased availability of abortion services, there has been a dramatic drop in the number of adoptions among live births to unwed mothers. Prior to 1973, an adoption placement occurred for almost one of every ten premarital births. By the 1990s, the number had dropped to an adoption placement for one of less than every hundred premarital births. A long-term study of the Adolescent Family Life (AFL) pregnancy programs which included an adoption counseling component showed that—given necessary adjustments for client and community characteristics—more women chose to place their child for adoption when enrolled in an AFL Care project which provided adoption counseling as a part of pregnancy resolution decision-making (Source: McLaughlin and Johnson, Battelle Human Affairs Research Centers, The Relationship of Client and Project Characteristics to the Relinquishment Rates of the AFL Care Demonstration Projects). Thus, this Act intends to ensure that the public health and other professionals coming in contact with a high percentage of women facing unplanned pregnancies—often unwed adolescents—are properly prepared to have a complete and accurate discussion of adoption.

The Act allows for a six month period in which representatives of the adoption community come together to adopt or develop best-practices guidelines for counseling on adoption to women facing unplanned pregnancies. Specifically, the Secretary should include representatives of diverse viewpoints in the adoption community, including organizations representing agencies arranging infant adoptions, adoption attorneys, adoptive parents, social services, and appropriate groups representing the adoption triad (birth parents, infant, and adoptive parents). Organizations with significant expertise and history in this arena include the National Council For Adoption, Loving and Caring, Bethany Christian Services, the American Academy of Adoption Attorneys, and the American Bar Association Family Law Section's Adoption Committee. These organizations should be represented on the panel. While recognizing the sensitivity of making an adoption decision, the organizations represented should be those which promote adoption in a realistic, positive manner as beneficial to the birth parents, child, and adoptive parents. The best-practices guidelines should focus on the essential components of adoption information and counseling to be presented during a pregnancy counseling session. Furthermore, the guidelines should include important variables to be presented, such as state laws on adoption, and available medical, legal, and financial resources. Previous curricula developed for these purposes should be the starting point and, as an interim set of guidelines, be determinative.

The role of the public health clinics on the panel developing the best practices guidelines (and organizations representing their interests, such as the Family Planning Councils of America) is to ensure the guidelines are relevant to the health clinic setting. The experts in adoption counseling, including those who have a history of developing and delivering training or tools to teach adoption counseling, should shape the best-practices guidelines to provide an excellent model for presenting adoption to women facing unplanned pregnancies. Since different attitudes towards adoption exist throughout the country which can be attributed to racial, ethnic, religious, social, and geographic differences, the best-practices guidelines should act as a blueprint or model while still allowing localities the flexibility to address their local situation. Therefore, the best-practices guidelines would be a model which could be tailored to address the individual needs of the pregnant woman.

After the best-practices guidelines are developed, the Secretary shall make grants to adoption organizations to carry out training, which will often be training trainers, to teach pregnancy counselors how to present complete and accurate information on adoption. The guidelines are meant to be the basis for the adoption, improvement, or development of a training curriculum by grantees. Furthermore, the grantees can carry out the training programs directly or through grants or contracts with other adoption organizations. For instance, a national office could subgrant or contract with local affiliates throughout the nation or a region thereof. The Secretary should use discretion in ensuring that all regions of the nation will have adequate access to the training without having duplicate services in an area with a small number of eligible health clinics. There are no geographic limitations on where the trainers should be trained. The intent is to provide for training of trainers, often on a statewide or regional basis, so truly expert trainers can teach others.

The trainers should be highly qualified individuals with an expertise in adoption counseling. "Adoption counseling" in the adoption community implies an in-depth discussion of adoption which includes knowledge of various types of adoption and familiarity with the viewpoint and challenges of birth mothers, putative fathers, adoptive parents, and the best interest of the child. Trainers should have experience in providing adoption information and referrals in the geographic area of the eligible health centers. With a knowledge of state laws and access to local support networks, a trainer will be able to provide a more extensive review of local information and resources to the pregnancy counselors. The most essential component of the training, however, is to teach pregnancy counselors how to accurately and completely present adoption as an option to their clients and to ensure counselors are able to answer the frequently asked questions clients have regarding adoption.

The Infant Adoption Awareness Act refers to pregnancy counselors providing adoption information and referrals as a part of pregnancy counseling. It is important to note that handing a client a piece of paper or booklet explaining the adoption process and providing phone numbers of agencies or attorneys for adoption referrals does not constitute adoption information and referrals. Adoption information means a counselor is able to fully explore the option of adoption with a client. This includes answering relevant questions such as the types of adoptions, financial and medical resources for birth mothers, and state laws regarding relinquishment procedures and putative father involvement. Referral upon request includes following the procedures of the health clinic to make an appointment for the client and follow-up as necessary. Referral may be made to an in-house adoption provider, such as a staff member of a licensed adoption agency. Since adoption is explored in the context of pregnancy counseling sessions in which counselors and clients have a limited amount of time, it is essential that the counselors provide complete and accurate summary information to their clients at that time.

The intent of this Act is to ensure that pregnancy counselors are well-trained, knowledgeable and comfortable presenting adoption to their clients. While adoption may not be the right choice for every women facing an unplanned pregnancy, each woman should be presented adoption information to make a well-informed decision. Many women have not thought of the possibility of adoption, do not know how to explore the details of adoption, or have misconceptions of the adoption process which hinder their consideration of the alternative of adoption. Since pregnancy counselors act as an important resource for these women, they must be equipped to fully address the option of adoption with their clients.

The adoption organizations eligible to receive grants for training (or subgrants or contracts) are those national, regional, or local private, non-profit institutions among whose primary purposes is adoption, and are knowledgeable in all elements of the adoption process and on providing adoption information and referrals to pregnant women. These adoption organizations must work in collaboration with existing Health Resources Services Administration (HRSA) funded "training centers." Of particular importance is the organization's experience in explaining the process involved to the birth mother placing the child for adoption.

It is essential that adoption is among the primary of the entity, as it should be organizations with true experts in adoption counseling who are training pregnancy counselors.

Health centers which are eligible to have staff receive training are public and nonprofit private entities that provide health-related services to pregnant women. The designated staff of the health centers means the counselors who will interact and provide counseling to women with unplanned pregnancies. The designated staff members are those who provide pregnancy or adoption information and referrals (or will provide such information and referrals after receiving training). Furthermore, while the Act sets out those health centers which should receive priority is being trained, nothing should be construed to prohibit those who provide counseling in other settings, such as on military bases and corrections facilities, to be eligible to participate in the adoption counseling training sessions.

The grant is conditioned on the agreement of the adoption organization to make reasonable efforts to ensure that the eligible health centers which may receive training under this grant include, but are not limited to, those that receive federal family planning funding, community health centers, migrant health centers, centers for homeless individuals and residents of public housing and school-based clinics.

The Secretary has the duty to provide eligible health centers (which receive funding under Section 330 and 1001) with complete information about the training available from the adoption organizations receiving the training grants. Furthermore, the Secretary has the duty to encourage eligible health centers to have their designated staff participate in the training. The Secretary must make reasonable efforts to encourage staff to undergo training within a reasonable period after the Secretary begins making grants for such training. The grantees will cover the costs of training the designated staff and reimbursing the health center for costs associated with receiving the training. Adoption counseling training is a type of professional development for pregnancy counselors and should be reimbursed on a similar basis as other professional development activities which staff receive in the local area.

Within one year, the Secretary shall submit to the appropriate Committees of Congress a report prepared by an independent evaluator, paid for by funds set aside under this Act evaluating the extent to which adoption information, and referral upon request, is provided by eligible health centers. The bill directs the reports to be conducted by the Secretary acting through the Administrator of the Health Resources and Services Administration and in collaboration with the Director of the Agency for Healthcare Research and Quality. The study should be scientifically-based and sufficiently broad so as to gain an understanding of the current practices of providing adoption information in Federally funded health clinics throughout the country. This should include the attention given to adoption relative to other options discussed in pregnancy counseling. Further, the study should indicate how often and in what form (written, verbal) adoption information is offered, the completeness and accuracy of the adoption information provided, and non-identifying information about the options ultimately chosen by clients.

Within a reasonable period of time, the Secretary shall submit to the appropriate Committees of Congress a report evaluating the extent to which adoption information, and referral upon request, is provided by eligible health centers to determine the effectiveness of the training. The bill directs the reports to be conducted by the Secretary acting through the Administrator of the Health Resources and Services Administration and in collaboration with the Director of the Agency for Health Care Research and Quality. Moreover, it is important that the study is scientifically-based, that is, more than a checklist asserting that adoption counseling, information, or referral has been provided, and focus on those health centers in which designated staff have been provided training through this Act. In conducting these studies, the Secretary shall ensure that the research does not allow any interference in the provider-patient relationship, any breach of patient confidentiality, or any monitoring or auditing of the counseling process which breaches patient confidentiality or reveals patient identity.

Funding for research in adoption counseling practices has been sporadic at best. Despite the acknowledged need to ensure pregnancy counselors can present adoption in a positive, accurate manner, funding for such studies has not materialized in proportion to the need. The Adolescent Family Life Program in the Office of Population Affairs provided for limited studies in the 1980s and follow-up studies on the effectiveness of the AFL Demonstration Programs into the early 1990s. The Office of Adolescent Pregnancy Programs in the 1990s proposed an objective of increasing to 90 percent the number of pregnancy counselors who are able to counsel on adoption in a complete, accurate manner. With a change of Administration, this goal never materialized as one of the priorities of the Public Health Service. Furthermore, plans for follow-up study by the Department of Health and Human Services to determine if the orientations of pregnancy counselors toward adoption had changed were dropped in 1995. Thus, research in this area is of critical importance.

Additionally, while the intention was to include "charitable choice" language allowing faith-based organizations to compete for grants on the same basis as any other nongovernmental provider without impairing the religious character of such institution, this language is not in the final bill due to opposition from the minority. I hope faith-based institutions will be able to compete for these grants in the future. To clarify, under charitable choice, the Federal Government cannot discriminate against an organization that applies to receive such a grant on the bias that the organization has a religious character and programs must be implemented consistent with the Establishment and Free Exercise Clauses of the United States Constitution. While following the agreed upon charitable choice model, future charitable choice language must be crafted to conform it to the purpose and structure of this Act.

As an adoptive father, Co-Chairman of the Congressional Coalition on Adoption, and Chairman of the House Commerce Committee, I am proud to have worked to make complete and accurate information on adoption a reality for women across the country. I look forward to the implementation of this important legislation as one my legacies to this great country.

Finally, Mr. Speaker, I submit this statement on my behalf and the behalf of Congressman BILL MCCOLLUM, Chairman, Subcommittee on Crime.

JOINT STATEMENT OF THE HONORABLE TOM BLILEY AND THE HONORABLE BILL MCCOLLUM

We write to clarify our intent with respect to Title XXXV of H.R. 4653, the Child Health Act of 2000. We support the objectives of this provision, to amend current law governing practitioners in order to make certain addiction treatment available in appropriate circumstances.

However, subsection within Title XXXV stating that "Nothing in such regulations or practice guidelines may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which medical services are provided" requires further clarification. Nothing in this subsection is intended to affect either the long standing authority of the Attorney General to enforce the standard governing the dispensing of controlled substances, nor the authority of the Secretary of Health and Human Services, after consultation with the Attorney General, to determine the appropriate methods professional practice in the medical treatment of narcotic addiction. This authority applies to the dispensing of all controlled substances, including that which is authorized by this provision.

Mr. BROWN of Ohio. Mr. Speaker, in this town, it's difficult to take action in any direction without creating controversy.

Consensus is a rarity.

This legislation bucks the trend. It reflects consensus around a common-sense principle.

If we can protect children from needless surgery, preventable disability, premature death—we should do it.

That's what this bill is all about.

We are placing our hope and trust in the National Institutes of Health, the Centers for Disease Control, HRSA, and other federal agencies that have responsibility for improving our nation's health.

We are asking them to intensify their efforts in areas of children's health including juvenile arthritis, muscular dystrophy, asthma, and Fragile X syndrome.

This bill provides screening and health care services for infants and children at risk for heritable disorders, and it implements organ donation policies that recognize the unique needs of children.

We have done a lot in this bill to help young victims of childhood illness and disease. But we in Congress should not take the credit.

Parents and other advocates for children throughout the United States should.

I especially want to acknowledge the parents. I've met with many parents this year, and I am proud that this bill translates their straightforward and eminently justifiable goals into action.

These parents want to see children's health research given the priority it deserves.

We invest generously in our children's basic needs, their education, their happiness . . . we should invest at least as generously in the kind of research that can protect and restore their health.

Many of the parents I spoke with were bringing their stories to Congress not for themselves, not for their own children, but for children and families they will never meet.

These parents are working to prevent others from experiencing the trauma and pain a childhood illness can inflict on a child and their loved ones.

I want to thank the parents for their hard work, dedication and unwavering conviction that we can do much, much more to ease the way for our children.

This same conviction underlies the portion of the Children's Health Act that reauthorizes the Substance Abuse and Mental Health Services Administration (SAMHSA).

In this year's reauthorization of SAMHSA, we do more to address substance abuse and mental health issues as they relate to children—under age drinking, children and violence, and fetal alcohol syndrome, to name a few.

To the extent we can protect our children from alcohol and substance abuse, we reduce their chances of addiction or abuse as adults.

We owe them that.

This is a great success, but once again, it's the public's accomplishment.

Substance abuse prevention is a public priority and has garnered overwhelming support on both sides of the aisle.

We have been asked to make this, as well as children's health, a priority for this Congress.

I am pleased to be among those helping to fulfill those wishes.

Mr. DINGELL. Mr. Speaker, I support H.R. 4365, the Children's Health Act of 2000. This bill, which now contains provisions from the Senate's bill, authorizes a variety of programs for expanding and intensifying children's health research. It also includes prenatal care initiatives (including the first formal authorization of the Healthy Start Program) that were included in the bill we passed in May of this year.

The bill also covers a wide range of youth drug and mental health services programs that will strengthen America's communities. I am very pleased that this Congress is reauthorizing programs administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). These programs provide critical safety-net services for individuals and families with substance abuse problems and mental illness.

I wish to commend a number of my colleagues for their fine contributions: Representative DIANA DEGETTE, for championing provisions on pediatric organ transplants, juvenile diabetes, limits on the use of seclusion and restraints on hospitalized children, and a study concerning the use of children as participants in clinical research; Representative STRICKLAND for his child mental health provisions and for bringing state-of-the-art services to residents of rural communities; and, Representative CAPPS for her efforts in this Chamber not only to make the SAMHSA reauthorization a reality, but for her fine provision on underage drinking. The ranking member of the Health and Environment Subcommittee, Representative BROWN, has done a splendid job with this bill and he deserves our gratitude. Virtually every bill affecting public health bears the mark of my good friend and colleague, Representative WAXMAN, and this one is no exception. Many other of our colleagues made significant contributions to this bill, as well.

Giving credit where it is due, this bill has been improved by our Senate colleagues. Childhood obesity, now a focus of the bill, is one of the Surgeon General's priorities for Healthy People 2010. I am also delighted to see the program for newborn screening for heritable metabolic disorders, an issue of great concern to my colleague, Representative PALLONE. This provision would establish an advisory counsel to guide the Secretary in making timely and informed responses to rapid advances in genetic technologies. State and local public health departments will benefit from their provision as resources would be made available to improve programmatic uniformity, from laboratory infrastructure, to counseling, and healthcare services.

Other new provisions for America's children will develop strategies for improving childcare facilities, increase funds for the early detection and treatment of childhood lead poisoning, and fund a longitudinal study of influences that shape child development. The new National Center for Birth Defects and Developmental Disabilities at the Centers for Disease Control and Prevention will track and identify causes of birth defects and developmental disabilities with the goal of creating effective interventions to prevent the conditions, or their secondary health impacts. But without the full support of our colleagues on the Appropriations Committee in fiscal year 2001 to build and operate the Center, and in successive years to sustain and expand it, the Center will only be a shell.

Despite its many worthy provisions, this bill has been marked by a number of procedural irregularities. No bill of this scope and magnitude should proceed to the House floor without going through the committee process. No children's health bill worth its name should neglect such programs as: (1) supplementing S–CHIP and Medicaid to provide seamless access to state-of-the-art prenatal services to all pregnant women; (2) assuring equal access to pediatric specialists, medically necessary drugs and clinical trials for children with rare and/or serious health problems; (3) establishing guidelines for the administration of psychotropic medications to children under five, which is a major concern to my good friend Representative Towns; and, (4) addressing FDA regulation of youth tobacco use. Ironically, the provision promoting safe motherhood includes a public education initiative addressing the dangers of alcohol, tobacco, and illicit drug use in pregnancy. Most women do not begin smoking during pregnancy; they begin as adolescents. Yet, our Committee was unable to even debate this issue this year.

The provision on narcotic addiction treatment unfortunately fails to provide coverage for the majority of heroin addicts who cannot afford new drugs, such as buprenorphine, which were developed with taxpayer resources. Implementation of this provision, which exempts certain physicians from future guidelines for treatment with a not yet approved and labeled drug, will bear watching.

Finally, it is unfortunate that at a time when our Nation has more than 120,000 children in the foster care and the child welfare system who need homes, the only provision in this bill addressing adoption is based on a very limited, heavily criticized, sixteen year old study of how women with unintended pregnancies are counseled about their options. It speaks volumes that not a single organization involved with special needs adoptions has written to express support for this bill. This provision is based on a pejorative assumption about our publicly funded primary health care system and it burdens the already extended community health centers and Title X family planning clinics. Our tax dollars would be better spent addressing the needs of the more than 120,000 children of this Nation who so desperately need loving, caring homes.

I will vote for this bill. However, I want America's children to know that while H.R. 4365 is a significant step toward improving the quality of your collective health, we can do better. It now seems clear that the horizon of the 106th Congress will be rather limited with respect to health issues. I have great hope and great confidence that in the 107th Congress we will do better.

Mr. GREENWOOD. Mr. Speaker, as a member of the Subcommittee on Health and Environment of the House Committee on Commerce, the committee of jurisdiction, I wish to clarify my intent in voting or H.R. 4365. Section 3207 imposes new requirements on residents of certain facilities with respect to the use of techniques of "restraint" and "seclusion." While such practices should be avoided whenever possible, I trust that the regulatory agencies implementing this law will do so in a reasonable, practical manner. New Section 591(d)(1) of the Public Health Service Act defines "restraint" to exclude "any . . . method that involves the physical holding of a resident . . . to permit the resident to participate in activities without the risk of physical harm to the resident . . ." I construe this phrase to allow facilities covered under this section providing services to children and youth with serious emotional disturbances to continue using a practice known as a "therapeutic hold" when appropriate to allow a resident to resume activities as soon as possible.

Mr. CANNON. Mr. Speaker, I rise today in support of the underlying legislation which includes within it an important bill that I sponsored in the House, the Methamphetamine Anti-Proliferation Act of 2000. Methamphetamine is a powerful and dangerous drug. It differs from other popular illegal narcotics because it can be made from readily available, domestically produced, legal but dangerous chemicals and substances. It puts both human life and the environment at risk and it is reaching epidemic proportions.

Meth has become the fastest growing illegal narcotic in America. Within the last five years, meth use has increased in some communities by as much as 300 percent. In some areas meth accounts for as much as 90 percent of all drug cases. An increasing amount of meth is imported, but there are also hundreds of small "Mom and Pop" clandestine labs manufacturing meth in my State of Utah and throughout the country. Cheaply produced, but with a street value as high as $1,500 an ounce, it is no wonder that meth has become the drug of choice for gangs and criminals.

This legislation that I sponsored, and which we consider today, will address the proliferation of methamphetamine and club drug manufacturing, trafficking, use, and addiction in America. It provides Federal, State, and local law enforcement officials with tools and training to combat the methamphetamine and club drug epidemic in America today. It furthermore authorizes comprehensive prevention and treatment programs to combat abuse and addiction as well.

H.R. 2987 provides funding to the Drug Enforcement Administration [DEA] and Office of National Drug Control Policy [ONDCP]. These additional resources will be used to assist State and local law enforcement officials in methamphetamine investigations and establish additional DEA offices in rural areas. It provides training for toxic methamphetamine waste clean up, and authorizes federal reimbursement to states and localities for meth lab cleanup expenses.

H.R. 2987 also increases penalties for amphetamine production, trafficking in meth precursor chemicals, and drug manufacturing that creates a risk to human life or to the environment. The bill also contains provisions to address the problems associated with "Ecstasy," gamma-hydroxbutyric acid (GHB) to so-called "date rape drug," other enumerated "club" drugs, as well as similar controlled substances. And finally, the bill contains a number of provisions authorizing effective and science-based methamphetamine and club drug prevention and addiction treatment programs and federal resources for those programs.

Mr. Speaker, by passing this bill today we will be upholding our responsibility to provide additional federal resources that will help local law enforcement take back our cities and towns from the rising tide of methamphetamine and club drugs. I thank all the Members who worked on this bill for their efforts, and urge my colleagues to support this legislation.

Mr. OSE. Mr. Speaker, when the Children's' Health Act was passed by the Senate, the Anti-Methamphetamine Proliferation Act was added as an amendment. I wish to speak about the importance of this provision in the fight against methamphetamines.

Those of us who live on the east coast have not experienced the devastation that methamphetamines can wreak on a community. Unfortunately, in California, where 80 percent of the Nation's Meth supply is produced, we know all too well the dangers of this drug. Methamphetamines are a powerful drug that leaves a path of destruction in its wake. Meth is highly addictive, giving the user a sense of power and paranoia. As a result, a staggering proportion of violent crime in many communities is tied to Meth use. Would you believe that in Sacramento, 27 percent of male arrestees tested positive for Meth? In other western cities, the numbers are equally alarming: San Diego—26 percent; Salt Lake City—25 percent; San Jose—24 percent; Spokane—20 percent; Portland—19 percent; Las Vegas—16 percent; Phoenix—16 percent.

The Meth crisis is full of youth tragedies as well. Since Meth is largely produced on kitchen stoves, children are extremely vulnerable to exposure to lethal chemicals. In addition, I have personally heard horrific stories of child abuse at the hands of Meth users.

In March of this year I hosted a congressional field hearing in Woodland, CA to discuss the Meth crisis. During the hearing I heard from State and local law enforcement officials who fight the Meth crisis. From them I learned the unique challenges that this drug presents. The Anti-Methamphetamines Proliferation Act, for the first time ever, takes a comprehensive approach to fighting Meth and addresses those very problems that I heard from my local sheriffs and police chiefs.

The Anti-Meth Proliferation Act would: increase penalties for possession of precursor chemicals used to make Meth; add $15 million to the High Intensity Drug Trafficking Areas (HIDTAs) specifically targeted towards fighting Meth; increase funds to help state and local officials clean up Meth labs, which are filled with dangerous chemicals that threaten both human lives and the environment; adds funds for research and treatment of Meth.

I congratulate the gentleman from Utah, Mr. Cannon and the gentleman from Florida, Mr. McCollum for their hard work on this important bill. With this legislation, we are finally giving our law enforcement officials the resources they need to fight Meth production and distribution.

Let's pass this bill and get serious about fighting the scourge of methamphetamines.

Mr. WAXMAN. Mr. Speaker, I rise to express my strong support for H.R. 4365, the Children's Health Act. I am very pleased this bill represents a bipartisan, consensus combination of the children's health legislation and a long overdue reauthorization of the Substance Abuse and Mental Health Administration [SAMHSA].

This legislation contains many important provisions which will advance the treatment, cure and prevention of many childhood diseases and disorders. Among other benefits, they promise to make significant advances in the treatment and prevention of childhood asthma and of autoimmune diseases, like multiple sclerosis, juvenile diabetes and lupus, as well as in education and outreach regarding Tourette Syndrome. And children participating in clinical research will be afforded stronger protections under Federal law.

Title V of this bill consists of H.R. 2840, the Children's Asthma Relief Act of 1999, introduced by Congressman Fred Upton and myself. Title XIX is based on H.R. 2573, the NIH Office of Autoimmune Diseases Act of 1999, which was authored by Congresswoman Connie Morella and myself. Title XXIII consists of an amendment, "Children and Tourette Syndrome Awareness," authored by myself. Title XXVII includes enhanced protections for children participating in clinical research, based on H.R. 4605, the Human Research Subjects Protection Act introduced by Congresswoman Diana DeGette, Congressman John Mica and myself.

Equally important, this legislation authorizes programs and grants administered by SAMHSA which are essential to the health of many Americans. The reauthorization of this agency's statutory authority is long overdue and comes at an important juncture in our efforts to improve our health care services

NIH INITIATIVE ON AUTOIMMUNE DISEASES

I am pleased that H.R. 4365 establishes a new initiative at NIH to "expand, intensify and corrdinate" research and education on autoimmune diseases.

Last year, Congresswoman Morella and I introduced the NIH Office of Autoimmune Diseases Act of 1999. This legislation created an office in the NIH Office of the Director to ensure that federal funding of autoimmune disease research is used optimally and that clinical treatments are developed as rapidly as possible.

There are more than 80 autoimmune diseases—including multiple sclerosis, lupus, and rheumatoid arthritis—in which the body's immune system mistakenly attacks healthy tissues. These diseases affect more than 13.5 million Americans and are major causes of disability. Most striking of all, three-quarters of those afflicted with an autoimmune disease are women.

Research on autoimmune diseases is spread through many institutes of the National Institutes of Health [NIH], just as treatments involve many clinical specialties. Increasingly, however, scientists are identifying the common risk factors and symptoms of autoimmune diseases. This is why greater coordination and additional resources are needed in our Nation's autoimmune research effort.

Title XIX of H.R. 4365 adopts our office, transferring its activities and mission to an Autoimmune Diseases Coordinating Committee. Composed of NIH institute directors and permanently staffed with scientists and health professionals, the coordinating committee would be advised by a public advisory council.

Most significantly, the coordinating committee, in close consultation with the advisory council, will develop a plan for research and education on autoimmune diseases. The plan will establish NIH priorities and the Director of NIH will ensure the plan is fully and appropriately funded. The strategic plan would create crucial new funding opportunities for autoimmune research, based on the professional and scientific judgements of researchers, patients and clinicians. Finally, the committee would report to Congress on implementation of the plan, including the actual amounts dedicated by NIH to autoimmune disease research. The committee will also prospectively identify areas and projects of great promise which Congress should support. I cannot overstate the importance of these activities. In conjunction with the strategic plan, these reports will provide an objective, scientifically sound roadmap to Congress and NIH to follow in the pursuit of new treatments and cures for autoimmune diseases.

ASTHMA SERVICES FOR CHILDREN

Title V will benefit the more than five million American children who have asthma, one of the most significant and prevalent chronic diseases in America. Surgeon General David Satcher recently concluded that the United States is "moving in the wrong direction, especially among minority children in the urban communities."

That is why the Children's Asthma Relief Act provides new funding for pediatric asthma prevention and treatment programs, allowing states and local communities to target and improve the health of low-income children suffering from asthma. The act would also increase the enrollment of these children into

Medicaid and state Children's Health Insurance Programs [CHIP], such as California's Healthy Families.

I am particularly pleased that Title V includes mobile "breathmobiles" among the community-based programs eligible for funding. These school-based mobile clinics were developed by the Southern California chapter of the Asthma and Allergy Foundation of America, in conjunction with Los Angeles County, Los Angeles Unified School District and the University of Southern California.

Finally, this title reflects the leadership and work of Senators DICK DURBIN and MIKE DEWINE. It also has the strong support of leading child health and asthma organizations, including the American Lung Association, the American Academy of Pediatrics, Association of Maternal and Child Health Programs, the National Association of Children's Hospitals, the American Academy of Chest Physicians and the Children's Health Fund.

CHILDREN AND TOURETTE SYNDROME AWARENESS

Because I had intended to offer title III of this legislation as an amendment to the House legislation, I am very pleased it has been included. This title provides grants to develop and implement outreach programs, with a particular emphasis on children. These programs will target health providers, community groups and educators with enhanced information about the etiology, diagnosis and treatment of Tourette Syndrome [TS], a serious, often misunderstood and frequently misdiagnosed inherited neurological disorder.

I am particularly pleased that this provision reflects the contributions and expertise of the Tourette Syndrome Association, a national organization dedicated to providing information about TS, its treatment and support services and current research to individuals with TS and their families.

RESEARCH SUBJECT PROTECTIONS FOR CHILDREN

I am also very pleased that provisions from Congresswoman DEGETTE's Human Research Subjects Protection Act have been included in title XXVII of this legislation. This bipartisan legislation represents the first comprehensive reforms of research protections in a quarter century. This provision benefitting children is a downpayment on the additional reforms which are urgently needed in informed consent and our national system of Institutional Review Boards [IRBs]. These protections are indispensable to medical research, and recent abuses and failures have understandably shaken public confidence.

In the past, Congress has acted to protect research volunteers in the face of crisis or scandals like Tuskeegee, Willowbrook, and the government's cold war radiation experiments. But today, there is a clear consensus that we must strengthen and expand current protections. In doing so, we will restore the confidence of courageous people who are willing to put their health and welfare on the line to help find new cures and treatments. Without their trust, research simply cannot continue.

ADOPTION POLICY

Finally, the adoption awareness provisions in title XII were the subject to great controversy and debate. The original language raised many serious objections concerning adoption policy as well as abortion policy. These objections were made by Members, including myself, and important public health organizations including the American College of Obstetricians and Gynecologists, the National Association of Community Health Centers, and the National Abortion and Reproductive Rights Action League.

I recognize the sincerity of Chairman TOM BLILEY's concern on the issue of adoption and the significant efforts he has made to achieve a compromise and to remove the more troubling provisions from this Title.

SAMHSA REAUTHORIZATION

With respect to the reauthorization of SAMHSA, substance and alcohol abuse remain complex, troubling issues which elude simply or quick solutions. In light of surveys which indicate a recent increase in teenage drug use, it was particularly troubling to recently learn that nearly half of all parents are simply resigned to having their teenage children be exposed to illegal drugs. Unmet treatment needs continue to drive the annual $160 billion in societal costs from substance and alcohol abuse. Instead of receiving appropriate care, millions of Americans actively seeking treatment are being forced onto waiting lists. This is an unacceptable situation, especially as we have begun to receive conclusive data on the cost-effective health outcomes and dramatic savings produced by effective treatment.

For these reasons, I want to commend Congresswoman LOIS CAPPS on her authorship of the provisions on youth alcohol and fetal alcohol syndrome, Congressman TED STRICKLAND for his hard work on the mental health provisions, and Congresswoman DEGETTE on her provision strengthening protections against the use of seclusion and restraints. I am also particularly pleased that the grant programs targeting homeless individuals, the Grants for the Benefit of Homeless Individuals [GBHI] and the Projects for Assistance in Transition from Homelessness [PATH] have been reauthorized.

CHARITABLE CHOICE

There is one provision which I regret has been included in the SAMHSA reauthorization. It relates to "charitable choice," and wholly exempts faith-based organizations from the application of Federal employment and discrimination laws in the provision of services funded by SAMHSA. I am also concerned that "pervasively sectarian" organizations may receive such funding, weakening the clear constitutional separation of church and state. Finally, I question whether this provision weakens the standards for certifying facilities and personnel providing substance abuse or mental health services, and for measuring and assessing the delivery of such services by a faith-based organization.

In conclusion, I urge my colleagues to support H.R. 4365 and commend the House staff for their hard work and dedication on this important public health legislation, particularly Judith Benkendorf, Eleanor Dehoney, Anne Esposito, John Ford and Marc Wheat.

Mr. TOWNS. Mr. Speaker, I'm very pleased that the House approved H.R. 4365, the Children's Health Act of 2000, reflecting a compromise agreement that was reached on a bipartisan basis with the Senate last week. This legislation will establish various children's health research and prevention programs conducted through federal public health agencies. The legislation will amend the Public Health Service Act to authorize additional federal resources targeted at many children's diseases, such as traumatic brain injury, autism, Fragile X, juvenile arthritis, childhood skeletal malignancies, diabetes, birth defects, hepatitis C, and epilepsy.

Today, however, I want to specifically make mention of title 22 of the legislation, which mandates increased research by the National Institutes of Health into Muscular Dystrophy. Passage of this title represents the first time that Muscular Dystrophy, and specifically Duchesne Muscular Dystrophy, has been acknowledged in a federal statute. This is long overdue.

As a member of the Health Subcommittee of the Commerce Committee, I am greatly heartened by the efforts of the gentleman from Ohio, ranking member SHERROD BROWN, to include this title in the legislation. Duchesne Muscular Dystrophy is the world's most prevalent lethal childhood genetic disease, cutting equally across all races and all citizens. To look at the record of research on this disease is to realize that despite our country's enormous resources, sometimes many children are left behind. Today, despite all the advances in medical science, victims of this disease—which afflicts one of every 3,500 boys—have no cures and no effective treatments available to them.

Children afflicted with Duchesne Muscular Dystrophy have no ability to produce the protein dystrophin, the protein that binds the muscle cells together. First, they lose their ability to climb and walk, then the disease spreads to their arms, and ultimately pulmonary or cardiac failure results by the late teens or early twenties. It is an exceptionally cruel disease that slowly robs boys of their independence and ultimately immobilizes them, leading invariably to an untimely and early loss of life.

Sadly, the federal response to this disease has been exceptionally poor. This year, in a NIH budget of more than $18 billion, research into Duchesne and Becker Muscular Dystrophies totals $9.2 million. Because it is a difficult disease that affects only tens of thousands of children—not millions—there is no current commitment from private drug manufacturers to conduct research on this disease. If you want to understand why there is nothing available to treat these children, you need look no further than the weak federal response to this disease. The gene that is flawed in this disease is readily identifiable, and has been so for 14 years. But astonishingly, the pace of research on DMD actually slowed down after the gene was discovered.

It is not that the scientists of NIH do not care about the victims of this disease. Rather, there are significant structural problems that have inhibited leadership at the Institutes in creating the platform for expanded research. Specifically, research into DMD is spread among the institutes of NIH. The National Institute of Child Health and Development does nothing on DMD, even though DMD victims exclusively are children. Of even more concern is the reality that of the more than 100 separate study sections at NIH through which scientists seek grants for research, none are devoted to muscle, the largest organ of the body. The scientists who work in this area are frequently frustrated by the wide array of study sections through which they must apply for grants, and the lack of affinity that the peer review processes afford them.

Mr. Speaker, passage of this legislation will improve coordination of research into the various forms of Muscular Dystrophy. This is imperative. But beyond that, NIH should take additional steps to ensure that DMD gets a fair share of federal resources based on the severity and prevalence of the disease. An Office of Dystrophinopathies, or a branch devoted to study of Muscular Dystrophy, is certainly called for. A study section is essential. I believe that the Commerce Committee should conduct ongoing oversight of NIH's compliance with the Children's Health Act, specifically in this important area.

While I am neither a scientist nor a doctor, I think it is highly probable that sooner or later gene therapy is going to be able to cure diseases of this nature, particularly those that involve flaws on a single, identifiable gene. Yet the words "sooner" and "later" have profound consequences in the lives of tens of thousands of American children and their families that are suffering with this disease. With the passage of H.R. 4365, we move a step closer to giving those families hope.

Thank you, and I thank the bipartisan leadership of the Commerce Committee for their hard work in producing this important piece of legislation.

Mrs. EMERSON. Mr. Speaker, I'd like to take this opportunity to show my commitment and support to the children's health bill before us today. This comprehensive children's health legislation was cultivated out of several individual bills, including the Healthy Kids 2000 Act that I introduced last year with my colleague Senator KIT BOND. It was a tremendous pleasure working with Representatives BILIRAKIS and BROWN in developing the first version of this comprehensive children's health legislation, and I applaud their dedication and commitment to seeing the important issue of children's health addressed this year.

Specifically within this bill, there are three key components that I am especially proud of the conferees for including. The first provision is with respect to safe motherhood. Most Americans are surprised to learn that total maternal mortality has not declined in the United States since 1982. Between 1982 and 1996, the national maternal mortality ratio has remained approximately 7.5 maternal deaths per 100,000 live births. Additionally, the CDC estimates that of the 10,000 women who give birth in the United States every day: 2–3 women die from pregnancy-related conditions; 2,100 women experience major pregnancy related complications before labor; 2,500 women have Caesarean section delivery; 2,600 women experience severe labor-related complications.

These rates of mortality and morbidity are simply unacceptable. Fortunately, with passage of the children's health bill today, the CDC will now have the ability and resources to increase surveillance research on maternal health issues, and also implement additional prevention and maternal health promotion programs nationwide.

A second provision I was pleased to sponsor and support earlier this year with my colleague Representative LUCILLE ROYBALL-ALLARD was the folic acid education initiative. This bill contains the authorization of a comprehensive national health education campaign promoting folic acid to prevent serious birth defects. In 1991, research proved that the B vitamin folic acid could prevent serious birth defects of the brain and spine, known as neural tube defects [NTDs]. Spina bifida and anencephaly are two common NTDs. The Centers for Disease Control and Prevention [CDC] has stated that if all American women of childbearing age consumed 400 micrograms of the B vitamin folic acid each day up to 70 percent of all cases of neural tube defects could be prevented.

However, this scientific breakthrough has not been translated into a reduction in neural tube defects because millions of women are not aware of the role of folic acid in preventing NTDs. While public awareness is improving, a majority of women are uninformed about the benefits of folic acid and they are not consuming the recommended daily amount. According to a June 2000 March of Dimes national survey conducted by the Gallup Organizations, only 34 percent of women of childbearing age reported taking a multivitamin with folic acid on a daily basis. The survey also found that 9 out of 10 women do not know that folic acid must be consumed before pregnancy to be effective, and that only 1 in 7 know that folic acid prevents birth defects.

This provision outlines the components of a comprehensive national campaign that would enable CDC to assist states and others to develop and implement programs to reduce the incidence of neural tube birth defects which effect an estimated 2,500 babies each year.

Lastly, I want to take a moment to express my support for title XXII of the bill, which directs the National Institutes of Health to develop a more coordinated research strategy with regards to muscular dystrophy, giving particular attention to Duchenne Muscular Dystrophy. This form of the disease is the most common and most devastating of the muscular dystrophies. One in 3,500 male children born worldwide will be born with Duchenne and will lose the ability to walk by age 10; however, most children are diagnosed between the ages of two and three. Muscle deterioration will continue in the back and chest making it more and more difficult to breathe. The deterioration process will continue until it takes the life of a child some where in their late teens or early twenties. This is a process that no family should ever have to undergo, and I am happy to see that the National Institute for Neurological Disorders and Stroke has been challenged with the task of ensuring a stronger federal focus at NIH towards finding a cure and alternative treatments for Duchenne Muscular Dystrophy. I applaud and thank my colleagues for pushing NIH to take a more responsible role in finding a cure for this devastating disease, and for their commitment to ensuring passage of this important legislation impacting the lives of millions of children throughout the country.

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of the Children's Health Act (H.R. 4365), legislation that would reauthorize children's health research and prevention programs, graduate medical education programs for children's hospital, substance abuse and drug abuse prevention and treatment programs, and safety of children care programs.

As an original cosponsor of many of initiatives that were included in this comprehensive bill, I am pleased that Congress will be acting to protect children's health. One of the most important provisions is the reauthorization for 5 years of the graduate medical education program for independent children's hospitals. I strongly support the role that pediatric hospitals play in advancing pediatric medicine and the training of physicians dedicated to children's health care needs. Under current law, Medicare does not provide funding for pediatric residencies for freestanding children's hospitals such as Texas Children's Hospital in my district because these hospitals do not treat a large number of Medicare patients. Last year, we enacted a law that provided a one-time capped entitlement for pediatric graduate medical education programs. This legislation would extend this valuable program for five years.

I am also working to ensure that the pediatric graduate medical education program receives sufficient funding through the annual appropriations process. Earlier this year, the House of Representatives approved the Fiscal Year 2001 Labor, Health and Human Services and Education appropriations bill (H.R. 4577) that includes $80 million for the pediatric graduate medical education program, an increase of $40 above this year's program. I am committed to maintaining this funding level as the budget is finalized.

Another important issue is the bill is the Pediatric Research Initiative that would require the National Institutes of Health (NIH) to conduct pediatric biomedical research at the NIH. In particular, this initiative will ensure that more research is done on how diseases affect children as compared to adults. In most cases, clinical trials are conducted on adults without any consideration of how these drugs will affect children.

This initiative would also encourage the development of pediatric clinical trials to ensure that safe and effective drug treatments are available for children. When children face life-threatening diseases, it is very difficult to determine how much and what types of treatments should be given to them, because there is insufficient information about how these treatments affect children. With more data and clinical trials, there will more options for children who are fighting for their lives.

This bill would also direct the National Institutes of Health to conduct more research on diseases which directly affect children such as hearing loss, autism, asthma, and juvenile diabetes. For autism, this legislation requires the NIH to establish five Centers for Excellence on autism research as well as three regional centers at the Centers for Disease Control. For asthma, this legislation would establish a grant program to provide comprehensive asthma services to children, equipping mobile health care clinics and conducting patient and family education on managing asthma. For juvenile diabetes, this bill establishes a national database at the Centers for Disease Control. With more information about juvenile diabetes, it will be easier to delineate potential environmental triggers related to type 1 diabetes. This bill would also provide funding for research related to a vaccine to prevent juvenile diabetes.

Another important initiative in this legislation is the creation of a nationwide toll-free phone number for parents to call to get information about poison control centers. Regrettably, the number of accidental poisonings is a real threat to our children. This initiative will ensure that parents have one location to call to determine what is the best treatment for an accidental poisoning. This legislation also includes funding for a national public information campaign to educate the public about poison prevention and how to access poison control centers in their area. With appropriate information, parents can learn how to reduce the number of poisonings each year.

I am also supportive of provisions in this legislation that would provide new funding to prevent birth defects. In particular, this legislation would authorize the Centers for Disease Controls to conduct a public health program about the effects of folic acid in preventing birth defects in pregnant women. This bill would also establish a National Center on Birth Defects and Development Disabilities to collect and analyze available data on birth defects. With more information, I believe we will discover new ways to prevent birth defects.

This bill would also provide several new programs to address the mental health of our children. This measure authorizes $75 million for a program to provide grants to public and nonprofit organizations to prevent suicide among children and adolescents. This bill also authorizes $300 million next year for grants to prevent substance abuse among children. The legislation also creates a High-Risk Youth Program to help public and nonprofit organizations to combat drug abuse for high-risk youths.

Another importation provision in this bill would create a grant program to improve the health and safety of children in child care facilities. This bill authorizes $200 million next year to ensure that child care facilities are safe for our children. These grants can also be used to improve the training for child care providers as well as rehabilitating existing centers to meet current health and safety requirements. Today, with more children enrolled in child care centers, it is critically important that these facilities are well-equipped so that our children will learn and prosper.

I strongly urge my colleagues to support this effort and vote for H.R. 4365.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in very strong support of this legislation. I also wish to thank the Senate Committee on Health, Education, Labor and Pensions for including language in H.R. 4365 that will help those who have suffered traumatic brain injury receive cognitive therapy. Traumatic brain injury or TBI is one the leading causes of death and disability among young persons in the United States. The Centers for Disease Control and Prevention recently announced that there are currently 5.3 million Americans living with a serious long-term disability as a result of brain injury.

This important measure will, for the first time, clarify that cognitive therapy is necessary for individuals who have suffered traumatic brain injury. In many cases, rehabilitation focuses exclusively on physical treatment without regard for cognitive treatment, such as reading, speaking, comprehension, reasoning and deductive capabilities.

This provision is based on H.R. 477, which I introduced on February 2, 1999, to clarify that cognitive therapy is a necessary component of treatment for TBI.

There is no widely accepted nor standardized long-term procedure for TBI treatment. The availability of cognitive therapy varies by state, which causes inequitable and varying treatment for TBI victims. But this measure seeks to change that. It clarifies that the National Institutes of Health should conduct research on cognitive therapy needed for TBI patients and that cognitive therapy for TBI should be funded by the Health Resources and Services Administration under its TBI grant program.

Persons with traumatic brain injuries are greatly in need of help to rehabilitate and recover their mental, as well as their physical, capabilities. By passing H.R. 4365, we can help those persons do just that.

I urge all Members to vote for this important legislation.

Mr. WELDON of Florida. Mr. Speaker, I rise in strong support of this bill. I am particularly pleased with the provisions authorizing the Healthy Start Project and pursuing an aggressive effort to address the epidemic of autism in America today. I was pleased to play a role in moving both of these initiatives forward. The Healthy Start project will reduce the rate of infant mortality and improve prenatal care by providing grants to areas with high rates of infant mortality and low birth weight infants. Healthy Start authorizes new grants to provide research and services like mobile health clinics which will provide poor women and their developing child access to ultrasound screenings. This will undoubtedly enhance access to prenatal care, ultrasound services, and prenatal surgery.

I have become increasingly concerned about the rapid increase in the incidence of autism among our children. I have spent a considerable amount of time over the past year on this very issue. I believe this bill will be a great help in addressing this issue. This bill ensures that the Director of National Institutes of Health [NIH] expands of NIH's autism research initiatives. The centers of excellence in autism research that are established under this program will lead to significant advances in basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of autism.

Ms. PELOSI. Mr. Speaker, I serve on the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations. Our subcommittee's jurisdiction concerns the welfare of America's children in many ways: their health, their education and well-being, and the economic security of their families, which is certainly related to their well-being.

What we see in that subcommittee, from the scientists who come in and tell us what the possibilities are now in science and what they know about the development of children, is how essential it is for children to have quality health care even before they are born. The research has shown time and time again that investments in their good health are very good investments for our country indeed.

The opportunities are great. The knowledge that we have gained through our investments in biomedical research increases the opportunities to help our children not only reach their own personal fulfillment and strengthen the families from which they come, but also enrich our country in terms of our family values and our economic strength. So we all have a responsibility to all children. Every parent, of course, has a responsibility to his or her child, but on the Subcommittee we must think of every child in America as our child, all the children as our children, because indeed they are our responsibility. So in Congress, we have a responsibility to do all that we can to prevent and treat childhood disease. The Children's Health Act comprehensively addresses this responsibility by increasing our commitment to children's health research, health promotion, and disease prevention activities.

Although I strongly support the Children's Health Act, I would like to join my colleagues who have expressed their concerns about the Charitable Choice provisions included in the bill. These provisions would weaken important anti-discrimination civil rights protections; violate the constitutional separation of church and state; and entangle religious institutions in the purview of government. These provisions explicitly enable faith-based organizations to proselytize to those receiving public services and discriminate in employment decisions with public funds.

I am disappointed that the Republican leadership did not allow an amendment to strengthen prohibitions against proselytizing and prevent discrimination against beneficiaries. These needed protections are very important to ensure that the religious rights and the civil rights of Americans can be exercised, and where they overlap, there is an appropriate balance. They also would serve to protect the separation of church and state. Despite these concerns, I do support the underlying language in this bill, and I urge my colleagues to vote yes on the Children's Health Act.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). Pursuant to House Resolution 594, the previous question is ordered.

The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the 15-minute vote on this motion will be followed by a 5-minute vote on the motion to suspend the rules and pass H.R. 5272, as amended, on which the yeas and nays were ordered yesterday.

The vote was taken by electronic device, and there were—yeas 394, nays 25, not voting 14, as follows:

[Roll No. 496]

YEAS—394

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
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Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
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Calvert
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Cannon
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Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
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Condit
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Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sawyer
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—25

Clay
Clayton
Clyburn
Conyers
Cummings
Davis (IL)
Fattah
Gejdenson
Hastings (FL)
Hilliard
Jackson (IL)
Johnson, E. B.
Kilpatrick
Lee
Lewis (GA)
McKinney
Meeks (NY)
Miller, George
Payne
Sanford
Scott
Slaughter
Towns
Waters
Watt (NC)

NOT VOTING—14

Brown (OH)
Campbell
Ewing
Jones (OH)
Klink
Lazio
McCollum
McIntosh
Paul
Rush
Sandlin
Saxton
Vento
Wynn

□ 1216

Messrs. CONYERS, CLAY, TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. GEJDENSON, HASTINGS of Florida, LEWIS of Georgia, MEEKS of New York, GEORGE MILLER of California, and Ms. KILPATRICK changed their vote from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PEACE THROUGH NEGOTIATIONS ACT OF 2000

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The unfinished business is the question of suspending the rules and passing the bill, H.R. 5272.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 5272, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, nays 27, answered "present" 4, not voting 17, as follows:

[Roll No. 497]

YEAS—385

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle

Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—27

Bonior
Carson
Clay
Clayton
Conyers
Danner
Dingell
Hilliard
Jackson (IL)
Johnson, E. B.
Lee
McDermott
McKinney
Miller, George
Moran (VA)
Murtha
Obey
Payne
Rahall
Rohrabacher
Sabo
Serrano
Stark
Sununu
Traficant
Waters
Watt (NC)

ANSWERED "PRESENT"—4

Capuano
DeFazio
Kucinich
Rivers

NOT VOTING—17

Campbell
Doolittle
Ewing
Goodling
Hilleary
Jones (OH)
Klink
Lazio
McCollum
McIntosh
Meek (FL)
Paul
Pickett
Sandlin
Thomas
Vento
Wynn

□ 1225

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING ESTABLISHMENT ACT

Mr. BURR of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1795) to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering, as amended.

The Clerk read as follows:

H.R. 1795

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Institute of Biomedical Imaging and Bioengineering Establishment Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Basic research in imaging, bioengineering, computer science, informatics, and related fields is critical to improving health care but is fundamentally different from the research in molecular biology on which the current national research institutes at the National Institutes of Health ("NIH") are based. To ensure the development of new techniques and technologies for the 21st century, these disciplines therefore require an identity and research home at the NIH that is independent of the existing institute structure.

(2) Advances based on medical research promise new, more effective treatments for a wide variety of diseases, but the development of new, noninvasive imaging techniques for earlier detection and diagnosis of disease is essential to take full advantage of such new treatments and to promote the general improvement of health care.

(3) The development of advanced genetic and molecular imaging techniques is necessary to continue the current rapid pace of discovery in molecular biology.

(4) Advances in telemedicine, and teleradiology in particular, are increasingly important in the delivery of high quality, reliable medical care to rural citizens and other underserved populations. To fulfill the promise of telemedicine and related technologies fully, a structure is needed at the NIH to support basic research focused on the acquisition, transmission, processing, and optimal display of images.

(5) A number of Federal departments and agencies support imaging and engineering research with potential medical applications, but a central coordinating body, preferably housed at the NIH, is needed to coordinate these disparate efforts and facilitate the transfer of technologies with medical applications.

(6) Several breakthrough imaging technologies, including magnetic resonance imaging ("MRI") and computed tomography ("CT"), have been developed primarily abroad, in large part because of the absence of a home at the NIH for basic research in imaging and related fields. The establishment of a central focus for imaging and bioengineering research at the NIH would promote both scientific advance and U.S. economic development.

(7) At a time when a consensus exists to add significant resources to the NIH in coming years, it is appropriate to modernize the structure of the NIH to ensure that research dollars are expended more effectively and efficiently and that the fields of medical science that have contributed the most to the detection, diagnosis, and treatment of disease in recent years receive appropriate emphasis.

(8) The establishment of a National Institute of Biomedical Imaging and Bioengineering at the NIH would accelerate the development of new technologies with clinical and research applications, improve coordination and efficiency at the NIH and throughout the Federal government, reduce duplication and waste, lay the foundation for a new medical information age, promote economic development, and provide a structure to train the young researchers who will make the pathbreaking discoveries of the next century.

SEC. 3. ESTABLISHMENT OF NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING.

(a) IN GENERAL.—Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following subpart:

"Subpart 18—National Institute of Biomedical Imaging and Bioengineering

"PURPOSE OF THE INSTITUTE

"SEC. 464z. (a) The general purpose of the National Institute of Biomedical Imaging and Bioengineering (in this section referred to as the 'Institute') is the conduct and support of research, training, the dissemination of health information, and other programs with respect to biomedical imaging, biomedical engineering, and associated technologies and modalities with biomedical applications (in this section referred to as 'biomedical imaging and bioengineering').

"(b)(1) The Director of the Institute, with the advice of the Institute's advisory council, shall establish a National Biomedical Imaging and Bioengineering Program (in this section referred to as the 'Program').

"(2) Activities under the Program shall include the following with respect to biomedical imaging and bioengineering:

"(A) Research into the development of new techniques and devices.

"(B) Related research in physics, engineering, mathematics, computer science, and other disciplines.

"(C) Technology assessments and outcomes studies to evaluate the effectiveness of biologics, materials, processes, devices, procedures, and informatics.

"(D) Research in screening for diseases and disorders.

"(E) The advancement of existing imaging and bioengineering modalities, including imaging, biomaterials, and informatics.

"(F) The development of target-specific agents to enhance images and to identify and delineate disease.

"(G) The development of advanced engineering and imaging technologies and techniques for research from the molecular and genetic to the whole organ and body levels.

"(H) The development of new techniques and devices for more effective interventional procedures (such as image-guided interventions).

"(3)(A) With respect to the Program, the Director of the Institute shall prepare and transmit to the Secretary and the Director of NIH a plan to initiate, expand, intensify, and coordinate activities of the Institute with respect to biomedical imaging and bioengineering. The plan shall include such comments and recommendations as the Director of the Institute determines appropriate. The Director of the Institute shall periodically review and revise the plan and shall transmit any revisions of the plan to the Secretary and the Director of NIH.

"(B) The plan under subparagraph (A) shall include the recommendations of the Director of the Institute with respect to the following:

"(i) Where appropriate, the consolidation of programs of the National Institutes of Health for the express purpose of enhancing support of activities regarding basic biomedical imaging and bioengineering research.

"(ii) The coordination of the activities of the Institute with related activities of the other agencies of the National Institutes of Health and with related activities of other Federal agencies.

"(c) The establishment under section 406 of an advisory council for the Institute is subject to the following:

"(1) The number of members appointed by the Secretary shall be 12.

"(2) Of such members—

"(A) 6 members shall be scientists, engineers, physicians, and other health professionals who represent disciplines in biomedical imaging and bioengineering and who are not officers or employees of the United States; and

"(B) 6 members shall be scientists, engineers, physicians, and other health professionals who represent other disciplines and are knowledgeable about the applications of biomedical imaging and bioengineering in medicine, and who are not officers or employees of the United States.

"(3) In addition to the ex officio members specified in section 406(b)(2), the ex officio members of the advisory council shall include the Director of the Centers for Disease Control and Prevention, the Director of the National Science Foundation, and the Director of the National Institute of Standards and Technology (or the designees of such officers).

"(d)(1) Subject to paragraph (2), for the purpose of carrying out this section:

"(A) For fiscal year 2001, there is authorized to be appropriated an amount equal to the amount obligated by the National Institutes of Health during fiscal year 2000 for biomedical imaging and bioengineering, except that such amount shall be adjusted to offset any inflation occurring after October 1, 1999.

"(B) For each of the fiscal years 2002 and 2003, there is authorized to be appropriated an amount equal to the amount appropriated under subparagraph (A) for fiscal year 2001, except that such amount shall be adjusted for the fiscal year involved to offset any inflation occurring after October 1, 2000.

"(2) The authorization of appropriations for a fiscal year under paragraph (1) is hereby reduced by the amount of any appropriation made for such year for the conduct or support by any other national research institute of any program with respect to biomedical imaging and bioengineering.".

(b) USE OF EXISTING RESOURCES.—In providing for the establishment of the National Institute of Biomedical Imaging and Bioengineering pursuant to the amendment made by subsection (a), the Director of the National Institutes of Health (referred to in this subsection as "NIH")—

(1) may transfer to the National Institute of Biomedical Imaging and Bioengineering such personnel of NIH as the Director determines to be appropriate;

(2) may, for quarters for such Institute, utilize such facilities of NIH as the Director determines to be appropriate; and

(3) may obtain administrative support for the Institute from the other agencies of NIH, including the other national research institutes.

(c) CONSTRUCTION OF FACILITIES.—None of the provisions of this Act or the amendments made by the Act may be construed as authorizing the construction of facilities, or the acquisition of land, for purposes of the establishment or operation of the National Institute of Biomedical Imaging and Bioengineering.

(d) DATE CERTAIN FOR ESTABLISHMENT OF ADVISORY COUNCIL.—Not later than 90 days after the effective date of this Act under section 4, the Secretary of Health and Human Services shall complete the establishment of an advisory council for the National Institute of Biomedical Imaging and Bioengineering in accordance with section 406 of the Public Health Service Act and in accordance with section 464z of such Act (as added by subsection (a) of this section).

(e) CONFORMING AMENDMENT.—Section 401(b)(1) of the Public Health Service Act (42 U.S.C. 281(b)(1)) is amended by adding at the end the following subparagraph:

"(R) The National Institute of Biomedical Imaging and Bioengineering.".

SEC. 4. EFFECTIVE DATE.

This Act takes effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BURR) and the gentlewoman from Colorado (Ms. DEGETTE) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BURR).

GENERAL LEAVE

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1795.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BURR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1795, the National Institute of Biomedical Engineering and Bioengineering Establishment Act, is supported by over 170 of our colleagues in the House. It passed out of the Committee on Commerce under voice vote, and I want to commend my colleague on the other side, the gentlewoman from California (Ms. ESHOO), for her great support and co-sponsorship of this legislation. H.R. 1795 establishes a new National Institute of Biomedical Imaging and Bioengineering at the NIH, the National Institutes of Health.

Mr. Speaker, in an age where we talk about producing more resources for the National Institutes of Health to do additional research, it is incumbent on this institution to create a structure that makes sure that we are chasing the best and the brightest. When we talk about the issue of biomedical imaging, we need to look at ways to detect at an earlier stage breast cancer and many other terminal and chronic illnesses.

□ 1230

It is incumbent on this institution to make sure that this institute is there so that the resources that are made available for imaging changes the latest and greatest breakthroughs that could possibly be brought to the patient community.

MRIs and CT scans were not created in this country, but they were refined in this country because of the emphasis we put on research and development and on the refinement to make sure that every possible tool is available for early detection of disease.

H.R. 1795 creates a research environment in which new imaging and biotechnologies, techniques, and devices can be developed for clinical use much more rapidly than under the present system.

For those that might say this does not require a new institute, let me assure them that for 3 years we have tried to work with the National Institutes of Health to make sure that the proper attention was paid to this very important field of imaging and what we found was that every disease in its research stages uses basic imaging, but there was not an effort to move to the next generation of imaging that can mean the difference between the number of options that patients are provided in their treatment, in many cases the difference between life and death because of early detection.

In the last Congress, 80 bipartisan House Members cosponsored this bill, but it was to create only an imaging institute. Others supported a bill by my dear friend, the gentlewoman from California (Ms. ESHOO), to establish a bioengineering center. It was our belief that to combine these was in the best interest of both efforts and that we could rely on the administrative resources of a single institute versus dual.

Mr. Speaker, it is important that our colleagues know our effort here is to not create a new bureaucracy but it is to put somebody in charge of this new exciting field that is driven by technology to make sure that every patient in America has early detection as a tool against disease whether it is chronic or whether it is fatal.

My hope is that every Member will support this legislation and that we can move it so that it becomes law and this institute becomes a permanent part of the National Institutes of Health.

Mr. Speaker, I reserve the balance of my time.

Ms. DEGETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1795 amends the Public Health Service Act to require the director of the National Institutes of Health to establish a National Institute of Biomedical Imaging and Engineering for the purposes of conducting and supporting research, training scientists and health professionals, disseminating relevant information, and sponsoring other programs with respect to biomedical imaging, biomedical engineers, and associated technologies and modalities with biomedical applications, such as bioinformatics and telemedicining.

Bioimaging is truly the diagnostic tool of the 21st century. I am proud to be a cosponsor, and I am also particularly proud of the hard work that my colleagues, the gentleman from North Carolina (Mr. BURR) and the gentlewoman from California (Ms. ESHOO), have done on the legislation; and I commend them for this excellent bill.

More than any other area of medicine, medical imaging has radically changed the way physicians detect, diagnose, and treat disease. In the coming years, additional breakthroughs in imaging promise to save more lives and further reduce the need for expensive, invasive, and painful surgery.

This proposed institute fulfills all five of the criteria stipulated by the Institute of Medicine in its 1984 report responding to the health needs of the scientific community, the organizational structure of the National Institutes of Health. It would also coordinate all imaging research through the Federal Government in order to enhance communication and avoid duplicity, activities now sorely lacking.

I have been assured by my colleagues, the gentlewoman from California (Ms. ESHOO) and the gentleman from North Carolina (Mr. BURR), that the proposed institute has been structured to control administrative costs and mitigate against administrative growth.

Indeed, the numbers are sobering. Based on fiscal year 1998 figures, the biomedical imaging program at the National Cancer Institute administered a grant portfolio of nearly $60 million and 220 grants. Given a generous ratio staff-to-grant, the newly proposed institute should easily maintain itself with the 62 full-time employees already working in this discipline through the NIH institute and centers.

It would draw most heavily from currently funded positions at the National Cancer Institute and have a responsibility for collection of 932 grants totaling $201.5 million.

These figures, together with this great promise of this cutting edge biomedical discipline, make a compelling case for moving forward with the new institute; and I, therefore, support wholeheartedly the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BURR of North Carolina. Mr. Speaker, I reserve the balance of my time.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from California (Ms. ESHOO), the sponsor of the legislation.

Ms. ESHOO. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I am very proud to join with the gentleman from North Carolina (Mr. BURR) in this very important effort, and I salute him for his leadership. I am pleased to have partnered with him, because I think this is a very important idea for the people of our country. So I am very, very proud of being the chief Democratic sponsor on H.R. 1795.

This legislation, as Members have already heard, creates a new institute, a Biomedical Imaging and Bioengineering, at NIH. Dramatic advances in both of these areas have really revolutionized medical practice in recent years. New noninvasive imaging techniques such as magnetic resonance imaging, MRI, and those three letters are mentioned with all the familiarity of patients across the country and many, many people speak of going in for an MRI; and also computed tomography, or CTs. These have both paved the way for earlier detection and diagnosis of diseases, and they have dramatically improved the quality of treatment for so many people across our country.

But the next generation of breakthroughs, Mr. Speaker, will be longer in coming, or they may not come at all unless we modernize the structure at NIH.

The MRI and the CT, I was really taken aback to learn that they were not developed in the United States. The lack of a dedicated research effort in our country has forced the greatest country in the world really to be relying on other countries for breakthroughs in medical imaging and bioengineering. And that really is the basis and the intent of the bill to change this.

H.R. 1795 ensures the continued and rapid development of new diagnostic technologies by creating an independent research institute at NIH which is focused specifically on medical imaging and bioengineering. Establishment of a National Institute of Biomedical Imaging and Bioengineering will reduce duplication, it will lay the foundation for a new medical information age, and it will provide a structure to train young researchers who will make the breakthrough discoveries for the rest of this very new and promising century.

At a time when the Congress is committed to doubling the NIH budget, we must ensure that research dollars are expended more efficiently and more effectively and that the field of medical science that has contributed the most to the detection, the diagnosis, and the treatment of disease receives appropriate emphasis.

I am very fond of saying that the NIH represents our national institutes of hope. And I think that with this legislation we extend that hope in an area that really holds a great deal of promise not only for the genius of America but how that genius is applied to the betterment of our people and for the breakthroughs that they are counting on to be made to fight the war of diseases that have not yet been conquered.

So, again, I want to compliment my colleague, the gentleman from North Carolina (Mr. BURR), and everyone that has joined this effort. I think it is a worthy one, and I urge all of my colleagues to support it.

Ms. DEGETTE. Mr. Speaker, again I thank the sponsors of this legislation, and I yield back the balance of my time.

Mr. BURR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I take this opportunity to once again thank my friends, the gentlewoman from California (Ms. ESHOO) and the gentlewoman from Colorado (Ms. DEGETTE) and all the members of our committee and staff who have worked on what I think is very important legislation.

I will end with a quote from the hearing that we had on this bill. It was given by Dr. Nick Bryant, a former Director of Diagnostic Radiology at the NIH.

Dr. Bryant said, "I believe that the creation of a National Institute of Biomedical Imaging and Bioengineering is essential to promote the development of new imaging techniques and technologies. In order to flourish and grow consistently at the NIH, a scientific field requires an organization with the mandate, the responsibility, the authority, and the resources to direct and drive investigation in that field. In the NIH structure, only institutes possess those attributes."

I believe his testimony to our committee best sums up why every Member of Congress should support this legislation.

Most Members of Congress strongly support an increase in NIH funding. Additional resources are important. But we should pass H.R. 1795 before we commit more money. Our legislation will ensure a greater return on our investment in medical science.

Mr. DINGELL. Mr. Speaker, I continue to have major doubts about the wisdom of H.R. 1795, the National Institute of Biomedical Imaging and Bioengineering Establishment Act. Because this rushed process has not resolved my doubts, I oppose this legislation.

At the September 14 Commerce Committee markup on this bill, I expressed my long-standing concern about the administrative burdens and duplication that come with authorizing new Institutes at the National Institutes of Health. I understand that the intent of this bill is to bring together programs in biomedical imaging and bioengineering that support clinical research in other disciplines, thereby fostering basic research in the development of improved diagnostic technologies. This is a laudable goal, yet all Institutes come with Directors who appoint administrative personnel, and new Institutes create opportunities for needless duplication of existing work. NIH's budget is finite, and we must be careful to use it wisely.

Do we need to spend more money on administrative bureaucracy or risk duplication of existing work to achieve the goals of this legislation? I think not, and neither does Secretary Shalala. Her attached letter to me, received last night, concludes that a newly created Office of Bioengineering, Bioimaging, and

Bioinformatics "ensures the most effective and efficient deployment of resources to foster research in this area."

Are we prepared to say she is wrong, before the Office has a chance to work? Are we prepared to substitute our judgment for that of the National Institutes of Health? Are we prepared to take money from research to spend on administrative support?

My answer to these questions is no. I cannot support this legislation at this time.

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, September 25, 2000.
Hon. JOHN D. DINGELL,
Committee on Commerce, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE DINGELL: On September 14, the Committee on Commerce marked up and ordered reported H.R. 1795, which would establish a new National Institute on Biomedical Imaging and Bioengineering at the National Institutes of Health (NIH). During the markup, you raised questions about the impact of the legislation on the operations of NIH. I am writing in response a request made by your staff to address these concerns.

NIH invests heavily in this promising field of research. The majority of its Institutes and Centers (ICs) have significant research efforts underway in bioimaging and bioengineering. We believe that the application of imaging techniques to scientific questions about health and disease is part of the basic mission of NIH. We further believe it is imperative that the ICs maintain their support for imaging and engineering projects that are informed by compelling biological questions.

The discovery of new imaging modalities and approaches is being fostered in this collaborative environment, since the engineers and physicists are constantly being challenged by their biologist/clinician colleagues to develop new approaches to studying the body. A critical mass of engineers and physicists is present in many of these programs, providing the necessary technical and theoretical insight to develop advances in the biological sciences. There are many examples in the various ICs of this synergy leading to significant discoveries.

Three Institutes—the National Institute of Neurological Disorders and Stroke, the National Institute of Mental Health, and the National Institute on Aging—are using bioimaging advances to evaluate cognition. The National Heart, Lung and Blood Institute is collaborating with other Government as well as private sector researchers to develop new cardiac magnetic resonance imaging and ultrasound techniques. The National Cancer Institute is developing new, more sensitive diagnostic and treatment tools using bioimaging techniques to detect and cure malignancies that heretofore have been recalcitrant to current interventions.

These are but a few examples of the tremendous amount of research being conducted within the ICs, where collaborations among scientists, physicists, and engineers are essential to developing new technologies.

The establishment of another NIH Institute would require an expensive administrative structure, for which additional resources would be required, so as not to rob the existing NIH ICs of their expertise and funds. While this Department and NIH are thoroughly committed to this rich and exciting research area, we have concluded that the newly created Office of Bioengineering, Bioimaging, and Bioinformatics in the Office of the Director, NIH, ensures the most effective and efficient deployment of resources to foster research in this area. The mission of the Office, for which a director is no being recruited, is to provide a focus for biomedical engineering, bioimaging, and biomedical computational science among the ICs and other Federal agencies. The Office will develop programs aimed at fostering basic understanding and new collaborations among the biological, medical, engineering, physical, and computational scientists and among the various ICs. The purpose of the Office is to develop effective research strategies while maintaining the core of the research at the individual ICs that have the necessary expertise to ask the appropriate questions and conduct the best research. In sum, we have carefully considered various approaches and are convinced that at this time a new Office, rather than a new Institute with its attendant organizational layers and administrative costs, offers the best and most practical opportunity to exploit the many potentials of this critical research. Experience with the new Office will contribute to the evaluation of the need for a separate Institute for bioengineering and bioimaging at NIH.

I would be delighted to answer any further questions that you may have regarding bioimaging and bioengineering research at NIH, and I look forward to working with you as you consider legislation that would enhance our research efforts. An identical letter on this subject has been sent to Chairman Bliley.

The Office of Management and Budget has advised that there is no objection to the transmittal of this letter from the standpoint of the Administration's program.

Sincerely,
DONNA E. SHALALA.

Ms. ESHOO. Mr. Speaker, I'm proud to join my colleague from North Carolina, Representative BURR, in sponsoring H.R. 1795—legislation to create a new Institute of Biomedical Imaging and Bioengineering at NIH.

Dramatic advances in bioimaging and bioengineering have revolutionized medical practice in recent years. New noninvasive imaging techniques, such as Magnetic Resonance imaging (MRI) and Computed Tomography (CT), have paved the way for earlier detection and diagnosis of disease, dramatically improving the quality of treatment.

But, the next generation of breakthroughs will be longer in coming, or may not come at all, unless we modernize the structure at NIH. The MRI and CT were not developed here in the United States. The lack of a dedicated research effort makes us rely on other countries for breakthroughs in medical imaging and bioengineering.

H.R. 1795 ensures the continued and rapid development of new diagnostic technologies by creating an independent research institute at NIH focused specifically on medical imaging and bioengineering. Establishment of a National Institute of Biomedical Imaging and Bioengineering will reduce duplication, lay the foundation for a new medical information age, and provide a structure to train young researchers who will make the breakthrough discoveries of the next century.

At a time when Congress has committed to doubling the NIH budget, we must ensure that research dollars are expended more efficiently and effectively and that the fields of medical science that have contributed the most to the detection, diagnosis, and treatment of disease receive appropriate emphasis. This is the goal and the effect of H.R. 1795 and I urge the support of the full House.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of H.R. 1795, the National Institute of Biomedical Imaging and Engineering Establishment Act. This legislation, introduced by Representatives RICHARD BURR and ANNA ESHOO, would establish a National Institute of Biomedical Imaging and Engineering at the National Institutes of Health.

Earlier this month, members of my Subcommittee heard testimony from three distinguished professors from Radiology departments throughout the country. They indicated that breakthroughs in imaging, such as magnetic resonance imaging (MRI) and computed tomography (CT), have revolutionized the practice of medicine in the past quarter century.

However, these technologies are inadequate in diagnosing some diseases. The NIH itself has recognized the importance of this discipline by designating imaging as one of the top four research priorities at the National Cancer Institute. However, testimony indicates that NIH's focus on imaging research should be broadened beyond cancer.

Representatives BURR and ESHOO have introduced this legislation to create an institute at NIH to focus on imaging research. This will create a climate that promotes discovery and innovation in imaging, as NIH has done in other fields of scientific discovery.

By approving the legislation before us, we can move into an era of non-invasive medicine. I urge Members to support passage of H.R. 1795, the National Institute of Biomedical Imaging and Engineering Establishment Act.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of legislation, H.R. 1795, that would establish a National Institute of Biomedical Imaging and Bioengineering at the National Institutes of Health [NIH]. As an original cosponsor of this bill, I am pleased that the House of Representatives will be considering this legislation today.

The National Biomedical Imaging and Bioengineering Institute would conduct and support research on biomedical imaging and bioengineering and associated technologies that have biomedical applications. There are current 25 Institutes at the NIH. This new Institute would help in the development of innovative imaging technologies to help patients.

Today there are currently two types of imaging technologies called magnetic resonance imaging [MRI] and computed tomography [CT or "CAT" scans]. These technologies are critically important to physicians who use them to diagnose disease. As a result of these diagnostic tools, physicians can avoid costly and invasive surgeries because they can determine whether operations are necessary to help their patients. Regrettably, many of these technologies have been developed in other nations.

In addition, there is not one Institute at the NIH which is conducting this type of cutting-edge research technologies that will save lives and reduce health care costs. Under the current system, the NIH focuses its research on disease-specific or organ-specific research. However, imaging and bioengineering is not disease-specific or organ-specific and therefore does not fit well into the structure of the NIH.

This legislation would correct this inequity by ensuring that the NIH conduct basic biomedical research on imaging techniques and devices, including those involving molecular and genetic biology. This research would include scientific projects on engineering, mathematics, and computer science. This legislation would authorize funding for this Institute through 2003. In order to be fiscally responsible, this bill does not include any funding to purchase land or construct an Institute. Rather, it would require the NIH to coordinate research being done at other NIH facilities into one Institute. The measure also establishes a 12 member Advisory Council of health care professionals who are directly involved in biomedical imaging and bioengineering to help in the establishment and research priorities of this Institute.

I believe that this bill will benefit our nation's health care system. First, it would accelerate the development of new technologies by funding clinical and research applications. Second, it would require coordination at the NIH and throughout the Federal Government on biomedical imaging. Third, it would provide a foundation for the new medical information age. Fourth, it would help to ensure that young scientists have the resources they need to conduct cutting-edge research projects. Without this investment, I am concerned that many of our brightest scientists will abandon their academic research to join private sector firms which do not fund these basic research programs. For these reasons, I urge my colleagues to vote for this bill.

Mr. BURR of North Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from North Carolina (Mr. BURR) that the House suspend the rules and pass the bill, H.R. 1795, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Bioengineering.".

A motion to reconsider was laid on the table.

SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

Mr. BURR of North Carolina. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 576) supporting efforts to increase childhood cancer awareness, treatment, and research.

The Clerk read as follows:

H. RES. 576

Whereas an estimated 12,400 children will be diagnosed with cancer in the year 2000;

Whereas cancer is the leading cause of death by disease in children under age 15;

Whereas an estimated 2,300 children will die from cancer in the year 2000;

Whereas the incidence of cancer among children in the United States is rising by about one percent each year;

Whereas 1 in every 330 Americans develops cancer before age 20;

Whereas approximately 8 percent of deaths of those between 1 and 19 years old are caused by cancer;

Whereas a number of opportunities for childhood cancer research remain unfunded or underfunded;

Whereas limited resources for childhood cancer research hinder the recruitment of investigators and physicians to pediatric oncology;

Whereas peer-reviewed clinical trials are the standard of care for pediatrics and have improved cancer survival rates among children; and

Whereas a recent study indicates that, based on parental reports, 89 percent of children with cancer experienced substantial suffering in the last month of life: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that Congress should support—

(1) public and private sector efforts to promote awareness about the incidence of cancer among children, the signs and symptoms of cancer in children, and treatment options;

(2) increased public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, and long-term survival;

(3) policies that provide incentives to encourage medical trainees and investigators to enter the field of pediatric oncology;

(4) policies that provide incentives to encourage the development of drugs and biologics designed to treat pediatric cancers;

(5) policies that encourage participation in clinical trials; and

(6) medical education curricula designed to improve pain management for cancer patients.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BURR) and the gentlewoman from Colorado (Ms. DEGETTE) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 576 concerning childhood cancers.

Sadly, most of us have had a personal experience with cancer. We have seen it attack a family member or a friend, a coworker, or we have been diagnosed ourselves. But even more sadly, cancer takes the lives of some 2,300 American boys and girls every year. Imagine a school of 100 classrooms empty because of childhood cancer.

We stand with our colleagues, the gentlewoman from Ohio (Ms. PRYCE) and the gentleman from Ohio (Mr. HALL), who have both lost children to cancer, in resolving to ensure that opportunities for childhood cancer research are funded, that we attract the best and the brightest scientists to pediatric oncology, and that as many children as possible participate in and benefit from the discoveries made through clinical trials. We will work together so that no other parent has to feel the loss of a child due to cancer.

Mr. Speaker, I reserve the balance of my time.

Ms. DEGETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 576, supporting efforts to increase childhood cancer awareness, treatment and research, introduced by the gentlewoman from Ohio (Ms. PRYCE), is a sobering reminder of the rising incidents of pediatric cancer.

We cannot overemphasize the importance of protecting America's children. They are our Nation's future and its most precious resource. Hence, they deserve the same breadth of our Nation's biomedical resources as we devote to fighting cancer in adults, namely, cutting-edge research, targeted treatments, and medical education initiatives based on their unique needs and physiology.

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Children are not simply "little adults." The recommendations in this resolution are critical to decreasing the burden of childhood cancers and should guide public policy.

With that said, I am also pleased to remind the Members of this Chamber that the bill we just passed, H.R. 4365, the Children's Health Act of 2000, contains an expanded provision from its original title on skeletal cancers in childhood to authorize the Secretary of HHS to devote research resources to learning more about all childhood cancers and improving treatment outcomes. Indeed, these are all steps in the right direction and a clear message to all children and the families whose lives have been forever altered by this disease.

I am pleased to support the gentlewoman from Ohio's resolution. I look forward to working with her over the years to increase funding for research into childhood cancer and all pediatric diseases in this Congress. In addition, I would like to highlight one of the provisions from this resolution that Congress should support:

"Public and private sector efforts to promote awareness about the incidence of cancer among children, the signs and symptoms of cancer in children, and treatment options."

As such, I think that it is important to point out that 11 million children in this country still remain uninsured despite passage of the Children's Health Improvement Act. Uninsured children often do not get the same prevention, diagnosis or treatment needed to save their lives. Consequently, we should take action in this Congress to address the barriers that exist to health insurance coverage that continue to harm the health of children. We should take action to streamline enrollment of kids into Medicaid and CHIP. We should improve outreach efforts to get eligible children enrolled. We should expand coverage to pregnant women which would reduce infant mortality, another leading cause of mortality in children.

We should also do everything to encourage States to spend all the money that we have provided them to get children into CHIP. It is a terrible shame that 40 States have failed to spend $1.9 billion. For example, the State of Texas is scheduled to return over 70 percent of its CHIP allocations. That is unfortunate. I encourage Members to consider passage of the Improved Maternal and Children's Health Coverage Act this year. My own State of Colorado also stands to lose money because it has not covered all of the children in Colorado. If we have health insurance for children, parents will be able to take the children to their physicians at the first hints, at the first physical symptoms of cancer, and if that happens, then we should be able to diagnose and treat that cancer at an earlier stage and to save many thousands of lives every year.

Again, I commend my colleague for raising this issue. I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. BURR of North Carolina. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. I thank the gentleman for yielding me this time.

Mr. Speaker, as the sponsor of H. Res. 576, the Childhood Cancer Awareness, Research and Treatment Act, I rise today in strong support of efforts to increase awareness of this disease, one which is stealing the very life from our children.

I would also like to thank the lead Democratic sponsor, my distinguished colleague and good friend, the gentleman from Ohio (Mr. HALL), for all the support he and his wife Janet have provided. Sadly, they also know all too well the importance of this fight to raise awareness. I also want to thank my colleague the gentleman from New York (Mr. FORBES) for his early leadership on this initiative.

A year ago, my daughter Caroline, just 9 years old, succumbed to an ailment we too often view as only an adult disease, that is, cancer. This is, however, a tragically flawed assumption, as the devastation of cancer knows no age limits. Cancer is the leading cause of death by disease in all children, killing more children than any other disease, more than diabetes, cystic fibrosis, asthma, congenital defects and AIDS combined.

Cancer strikes 46 children like Caroline every school day, forcing them into a cycle of pain, test tubes, needles, multiple medications and debilitating limitations. The median age at diagnosis is 6, placing the child's entire lifetime at risk.

Unfortunately, Caroline was not accurately diagnosed when she first complained of pain in her leg just more than 2 years ago. Her doctors, while well intentioned and caring, lacked the expertise to correctly identify her early symptoms. In fact, she was sent home twice from her pediatrician with a casual observation that she must be suffering from shin splints and "growing pains." Compounding the nightmare, the initial diagnosis of the type of cancer she had was incorrect, causing further delays as specific treatments vary for different forms of cancer. As a result, our little girl did not receive the necessary attention early on in treating her cancer which most likely reduced her chances for survival. My husband and I still spend a part of every day wondering if Caroline's death could have been prevented if she had been able to get treatment sooner. Sadly, we are not alone in this melancholy world of "what if."

Caroline's story illustrates an issue we must confront as a Nation, how to ensure the best possible treatment of children and teenagers with cancer.

One vitally important step is the recent merger of the four main childhood cancer research cooperatives into one, the Children's Oncology Group, or COG. It will address the dilemma faced by parents like us when one set of doctors recommends a certain type of treatment plan while another group aggressively pushes a different treatment plan. How are terrified parents supposed to sort that one out?

This new merger will lead to a single recommended treatment plan for each type of childhood cancer, and it will ensure that 90 percent of children in North America have access to the best standardized care no matter where they live. But we must do more. Childhood cancer has a unique set of characteristics and problems, yet research into childhood cancer is at one of the bottom rungs of the funding ladder. Our goal should be to increase funding to a level commensurate with the public health issues and personal challenges that our children face.

Clinical research remains the brightest hope for stemming the tide of childhood cancer. So cutting the bureaucratic red tape that slows funding to support some of the most successful cooperative research of our time, that of childhood cancer research, is a must. And we must ensure that children have early access to cutting-edge cancer-fighting drugs, and pediatricians should be trained to look for even the most subtle signs of cancer. In addition, we must do more to deal with the pain that our children endure as they go through their cancer treatments, especially those in the final days of a losing battle with the disease.

As a parent watching my child suffer, I could not comprehend why more relief could not be provided in a hospital compared to what was available in hospice care. The average medical student receives only 4 hours of training in palliative care, or pain relief. Four hours. The cycle of myth and ignorance surrounding the treatment of pain, even in our own medical community, has to change. However, I do not believe that discussions about childhood cancer need to be confined to hospital corridors or public policy debates. During this month of September, people have demonstrated their support for childhood cancer research by wearing a gold ribbon to commemorate Childhood Cancer Month. This gold ribbon is a symbol for hope, for innovation through continued research, for the courage of children in need and for their families. Wearing the gold ribbon demonstrates our willingness to hold this issue, and our precious children, close to our hearts.

During Childhood Cancer Month, many of these families, friends, doctors and supporters came to Washington to share their personal experience and to participate in a variety of events designed to raise awareness about the incidence of childhood cancer and the work we have to do to find a cure. This is just the beginning of an annual tradition that will serve to educate Congress and recruit people to our cause. Over 30 witnesses came from across the country to testify on this issue which has touched each of them in a profound and too often devastating way. I hope these firsthand accounts of courage and frustration will spur my colleagues into action.

Mr. Speaker, House Resolution 576, the Childhood Cancer Awareness, Research and Treatment Act, formalizes this fight to raise awareness and find a cure by stating that Congress should:

Support public and private sector efforts to promote awareness about the incidence of cancer among children, the signs and symptoms of cancer in children, and treatment options.

Support increased public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, and long-term survival.

Support policies that provide incentives to encourage medical trainees and investigators to enter the field of pediatric oncology.

Mr. Speaker, it is hard to enter a field and be prepared to watch children suffer and die every day. But we must encourage these brave professionals. They are our hope.

Support policies that provide incentives to encourage the development of drugs and biologics designed to treat pediatric cancers.

Support policies that encourage participation in clinical trials; and finally, to support medical education curricula designed to improve pain management for cancer patients.

In passing this resolution today during Childhood Cancer Month, my hope is to take an important step forward in our fight to help more 9-year-olds with cancer reach age 10 and for all children to celebrate even more birthdays in the years ahead.

Once again, I thank the gentleman for yielding me this time and for all his support. I am grateful to the gentleman from Virginia (Mr. BLILEY) and the Committee on Commerce for clearing this resolution so that we may consider it today.

Finally, I would like to thank the Members on both sides of the aisle who have cosponsored this resolution. I urge adoption of it.

Ms. DEGETTE. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BURR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

In concluding, Mr. Speaker, let me urge my colleagues to support this resolution. I think that it is time that we move towards an era that in this great country we can create an atmosphere that ensures hope and eliminates what-ifs.

Mr. GILMAN. Mr. Speaker, I rise today in support of H. Res. 576, which calls for increased efforts for childhood cancer awareness, treatment and research. I am pleased that we are able to bring this bill to the floor in September, during National Childhood Cancer Month.

H. Res. 576 expresses the sense of Congress supporting public and private efforts to promote awareness of signs and symptoms as well as treatment options for childhood cancer; increased investments in research to improve prevention, diagnosis, treatment, and long-term survival; policies to encourage medial professionals to enter the field of pediatric oncology; policies to encourage the development of drugs and biologics to treat pediatric cancers; policies to encourage participation in clinical trials; and medical education curricula to improve pain management for cancer patients.

Cancer does not discriminate based on race, sex, religion, economic position or age. This legislation demonstrates the need for more awareness of and research in childhood cancer. This commitment will help thousands of children each year and allow them the opportunity to grow into healthy and productive adults. I applaud my colleague from Ohio, Ms. PRYCE for her personal strength and commitment to this issue and I urge my colleagues to support this measure.

Mr. HALL of Ohio. Mr. Speaker, I commend my good friend and colleague from Ohio, DEBORAH PRYCE, for offering H. Res. 576, a "Sense of the House Resolution" supporting efforts to increase awareness, treatment, and research of childhood cancer.

September is Childhood Cancer Month. Unfortunately, the incidence of cancer among children in the United States is a growing problem. It is estimated that this year 12,400 children will be diagnosed with cancer, and 2,300 children will die from this dread disease. In fact, cancer is the leading cause of death by disease in children under age 15.

Our colleagues on the Appropriations Subcommittee on Labor-HHS-Education have recognized the seriousness of the problem of cancer by increasing the appropriation for the National Cancer Institute over the past five years from $2.761 billion to $3,793 billion for FY 2001. Despite this increase, we still hear that opportunities for childhood cancer research remain unfunded or underfunded. For this reason, it appropriate for us to consider this resolution.

It is important to increase the resources directed toward childhood cancer research. Children are amazingly resilient and can often tolerate higher doses of experimental drugs. Therefore, clinical trials on children can offer insights on the treatments of all cancers.

From personal experience, I know of the dedication of the doctors, nurses, and other medical personnel who treat children with cancer, and of the researchers who have devoted their lives to finding cures. With significant advances such as completing the mapping of the human genome, I think that we are on the verge of a new understanding of how cancer develops and how it can be cured. Childhood cancer is a problem that can be conquered.

Mr. REYNOLDS. Mr. Speaker, ask anyone you know or even someone you pass on the street if they know someone who has cancer and nearly every single person will respond with a heart-wrenching "Yes." Today I come before my colleagues on both sides of the aisle to ask for their support in helping the littlest cancer warriors—children.

Anthony Peca is a grandfather from my district who recently lost his granddaughter, Catie, to cancer. Catie had neuroblastoma and was denied access to a clinical trial. She fought valiantly like only a child can, but in the end the cancer overcame her. And now, Anthony Peca and his family are left with a hole in their hearts, knowing from experience that eight years old is too young to die.

According to the National Childhood Cancer Foundation, cancer kills more children than any other disease. Each year cancer kills more children than asthma, diabetes, cystic fibrosis, congenital anomalies, and AIDS, combined. In recent years, cancer research has made leaps and bounds in progress, yet the incidence of cancer among children in this country is rising almost 1 percent per year. The research is simply not keeping up. And children are suffering because of it.

And it's not just the disease itself that exacts such a heavy toll. How much do families suffer emotionally and financially? How do we rebuild a child's youthful spirit and innocence once it has been shattered by the disease inside them? There isn't a medicine strong enough to mend the soul of a child.

That's why this resolution is so important. Thanks to the tireless and courageous efforts of Congresswoman DEBORAH PRYCE, Congress has the opportunity to address childhood cancer awareness, treatment, and research. We have the power to encourage both the public and private sectors to conduct research, expand medical education, and open up more clinical trials to children. Childhood should be something that you grow out of, not something that gets ripped out from underneath you.

Mrs. FOWLER. Mr. Speaker, I rise in strong support of House Resolution 576, which expresses Congress' advocacy for improved efforts to battle childhood cancers.

Every one of us has a friend or family member who has fought or is fighting a personal battle with cancer. We have colleagues who show us daily the strength that comes from living with cancer and recovering from its effects. But nothing touches our hearts more than a child stricken with this devastating disease, and no one has shown us courage like our colleagues, DEBORAH PRYCE, whose young daughter succumbed to cancer only a year ago.

It is in her memory and for the 46 children who will be diagnosed with cancer today and every school day that we must pass this resolution. Innovative research and aggressive treatment have improved the odds that these children will live longer, happier lives.

In fact, 70 percent of children diagnosed today will be alive 5 years from now. By passing this resolution, and standing firmly behind its call, we can give the other 30 percent hope and a future.

Mr. BURR of North Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BURR) that the House suspend the rules and agree to the resolution, House Resolution 576.

The question was taken.

Mr. BURR of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CORRECTIONS CALENDAR

The SPEAKER pro tempore. Pursuant to the order of the House of September 26, 2000, this is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

KNOW YOUR CALLER ACT OF 1999

The Clerk called the bill (H.R. 3100) to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

The Clerk read the bill, as follows:

H.R. 3100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Know Your Caller Act of 1999".

SEC. 2. PROHIBITION OF INTERFERENCE WITH CALLER IDENTIFICATION SERVICES.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection:

"(e) PROHIBITION ON INTERFERENCE WITH CALLER IDENTIFICATION SERVICES.—

"(1) IN GENERAL.—It shall be unlawful for any person within the United States, in making any telephone solicitation, to interfere with or circumvent the ability of a caller identification service to access or provide to the recipient of the call the information about the call (as required under the regulations issued under paragraph (2)) that such service is capable of providing.

"(2) REGULATIONS.—Not later than 6 months after the enactment of the Know Your Caller Act of 1999, the Commission shall prescribe regulations to implement this subsection which shall—

"(A) require any person making a telephone solicitation to make such solicitation in a manner such that a recipient of the solicitation having a caller identification service capable of providing such information will be provided by such service with—

"(i) the name of the person or entity on whose behalf the solicitation is being made; and

"(ii) a valid and working telephone number at which the caller or the entity on whose behalf the telephone solicitation was made may be reached during regular business hours for the purpose of requesting that the recipient of the solicitation be placed on the do-not-call list required under section 64.1200 of the Commission's regulations (47 CFR 64.1200) to be maintained by the person making the telephone solicitation; and

"(B) provide that any person or entity who receives a request from a person to be placed on such do-not-call list may not use such person's name and telephone number for any other telemarketing, mail marketing, or other marketing purpose (including transfer or sale to any other entity for marketing use) other than enforcement of such list.

"(2) PRIVATE RIGHT OF ACTION.—A person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

"(A) an action based on a violation of this subsection or the regulations prescribed under this subsection to enjoin such violation;

"(B) an action to recover for actual monetary loss from such a violation, or to receive $500 in damages for each such violation, whichever is greater; or

"(C) both such actions.

If the court finds that the defendant willfully or knowingly violated this subsection or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B) of this paragraph.

"(3) DEFINITIONS.—For purposes of this subsection:

"(A) CALLER IDENTIFICATION SERVICE.—The term 'caller identification service' means any service or device designed to provide the user of the service or device with the telephone number of an incoming call.

"(B) TELEPHONE CALL.—The term 'telephone call' means any telephone call or other transmission which is made to or received at a telephone number of any type of telephone service. Such term includes calls made by an automatic telephone dialing system, an integrated services digital network, and a commercial mobile radio source.".

SEC. 3. EFFECT ON STATE LAW AND STATE ACTIONS.

(a) EFFECT ON STATE LAW.—Subsection (f)(1) of section 227 of the Communications Act of 1934 (47 U.S.C. 227(f)(1)), as so redesignated by section 2(1) of this Act, is further amended—

(1) in subparagraph (C), by striking "or" at the end;

(2) in subparagraph (D), by striking the period and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(E) interfering with or circumventing caller identification services.".

(b) ACTIONS BY STATES.—The first sentence of subsection (g)(1) of section 227 of the Communications Act of 1934 (47 U.S.C. 227(f)(1)), as such subsections is so redesignated by section 2(1) of this Act, is further amended by inserting after "this section," the following: "or has engaged or is engaging in a pattern or practice of interfering with or circumventing caller identification services of residents of that State in violation of subsection (e) or the regulations prescribed under such subsection.".

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered read for amendment.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the amendment in the nature of a substitute recommended by the Committee on Commerce.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Know Your Caller Act of 2000".

SEC. 2. PROHIBITION OF INTERFERENCE WITH CALLER IDENTIFICATION SERVICES.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection:

"(e) PROHIBITION ON INTERFERENCE WITH CALLER IDENTIFICATION SERVICES.—

"(1) IN GENERAL.—It shall be unlawful for any person within the United States, in making any telephone solicitation—

"(A) to interfere with or circumvent the capability of a caller identification service to access or provide to the recipient of the telephone call involved in the solicitation any information regarding the call that such service is capable of providing; and

"(B) to fail to provide caller identification information in a manner that is accessible by a caller identification service, if such person has capability to provide such information in such a manner.

For purposes of this section, the use of a telecommunications service or equipment that is incapable of transmitting caller identification information shall not, of itself, constitute interference with or circumvention of the capability of a caller identification service to access or provide such information.

"(2) REGULATIONS.—Not later than 6 months after the enactment of the Know Your Caller Act of 2000, the Commission shall prescribe regulations to implement this subsection, which shall—

"(A) specify that the information regarding a call that the prohibition under paragraph (1) applies to includes—

"(i) the name of the person or entity who makes the telephone call involved in the solicitation;

"(ii) the name of the person or entity on whose behalf the solicitation is made; and

"(iii) a valid and working telephone number at which the person or entity on whose behalf the telephone solicitation is made may be reached during regular business hours for the purpose of requesting that the recipient of the solicitation be placed on the do-not-call list required under section 64.1200 of the Commission's regulations (47 CFR 64.1200) to be maintained by such person or entity; and

"(B) provide that any person or entity who receives a request from a person to be placed on such do-not-call list may not use such person's name and telephone number for telemarketing, mail marketing, or other marketing purpose (including transfer or sale to any other entity for marketing use) other than enforcement of such list.

"(3) PRIVATE RIGHT OF ACTION.—A person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

"(A) an action based on a violation of this subsection or the regulations prescribed under this subsection to enjoin such violation;

"(B) an action to recover for actual monetary loss from such a violation, or to receive $500 in damages for each such violation, whichever is greater; or

"(C) both such actions.

If the court finds that the defendant willfully or knowingly violated this subsection or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B) of this paragraph.

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) CALLER IDENTIFICATION SERVICE.—The term 'caller identification service' means any service or device designed to provide the user of the service or device with the telephone number of an incoming telephone call.

"(B) TELEPHONE CALL.—The term 'telephone call' means any telephone call or other transmission which is made to or received at a telephone number of any type of telephone service and includes telephone calls made using the Internet (irrespective of the type of customer premises equipment used in connection with such services). Such term also includes calls made by an automatic telephone dialing system, an integrated services digital network, and a commercial mobile radio source.".

SEC. 3. EFFECT ON STATE LAW AND STATE ACTIONS.

(a) EFFECT ON STATE LAW.—Subsection (f)(1) of section 227 of the Communications Act of 1934 (47 U.S.C. 227(f)(1)), as so redesignated by section 2(1) of this Act, is further amended by inserting after "subsection (d)" the following: "and the prohibition under paragraphs (1) and (2) of subsection (e),".

(b) ACTIONS BY STATES.—The first sentence of subsection (g)(1) of section 227 of the Communications Act of 1934 (47 U.S.C. 227(g)(1)), as so

redesignated by section 2(1) of this Act, is further amended by striking "telephone calls" and inserting "telephone solicitations, telephone calls, or".

SEC. 4. STUDY REGARDING TRANSMISSION OF CALLER IDENTIFICATION INFORMATION.

The Federal Communications Commission shall conduct a study to determine—

(1) the extent of the capability of the public switched network to transmit the information that can be accessed by caller identification services;

(2) the types of telecommunications equipment being used in the telemarketing industry, the extent of such use, and the capabilities of such types of equipment to transmit the information that can be accessed by caller identification services; and

(3) the changes to the public switched network and to the types of telecommunications equipment commonly being used in the telemarketing industry that would be necessary to provide for the public switched network to be able to transmit caller identification information on all telephone calls, and the costs (including costs to the telemarketing industry) to implement such changes.

The Commission shall complete the study and submit a report to the Congress on the results of the study, not later than one year after the date of the enactment of this Act.

Mr. BURR of North Carolina (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BURR) and the gentleman from Massachusetts (Mr. MARKEY) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3100, the Know Your Caller Act, deals with the business practice of telemarketing. There are thousands of reputable telemarketing companies that provide a benefit to consumers by offering a broad range of consumer options and opportunities. Some companies are helping to grow our economy, employing thousands of citizens and fueling the economy with literally billions of dollars. Increasingly, however, telemarketers are the cause of complaints. Consumers are concerned that telemarketers are intruding into their homes. We continue to see stories about telemarketing schemes that separate consumers from their hard-earned money.

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In fact, the telemarketing complaints lodged with the Federal Trade Commission seem to underscore these concerns. In 1997 there were 2,260 complaints. In 1999 that number rose to 17,423. Today's bill takes these complaints seriously.

Thanks to the excellent work of the bill's sponsor, the gentleman from New Jersey (Mr. FRELINGHUYSEN), the legislation strips away the ability of telemarketers to hide behind anonymous telephone calls.

H.R. 3100 prohibits telemarketers from blocking the transmission of caller identification information. In addition, the bill affirmatively requires telemarketers to transmit caller identification in their equipment, if their equipment is capable of doing so. I believe this bill strikes the appropriate balance between the consumer's right to privacy and safety and the telemarketer's legitimate business interests.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by complimenting the gentleman from New Jersey (Mr. FRELINGHUYSEN). He did good work here. In our committee process, we were able to take his legislation, fine tune it a little bit, and to ultimately bring it out here to the floor of the House for action by every Member.

Consumers who want to exercise their right to be placed on a do-not-call list or to take a telemarketer to small claims court after being called are often frustrated when they cannot get the Caller ID information from the telemarketer to identify them. This legislation addresses whether telemarketers may actively block Caller ID information, and contains a prohibition against anyone making a telephone solicitation who interferes with or circumvents the capability of Caller ID services to work with consumers.

An amendment was made in the Committee on Commerce. The gentleman from North Carolina (Mr. BURR) and I and other members of the committee worked to construct an amendment to make clear that telemarketers will not be forced to buy all new equipment, and that the use of equipment that is incapable of transmitting Caller ID information is not in and of itself a violation.

In my view, however, telemarketers who solicit the public in their homes for commercial gain should not be permitted to evade the purpose and functionality of Caller ID services. This bill will prevent telemarketers from doing so, while further empowering consumers to control the communications going to and from their home.

Mr. Speaker, the bottom line is that the telecommunications revolution gives enormous opportunities for telemarketers, but it also gives to consumers powers, and those powers should include the ability, using Caller ID, to prevent information from going to their family which they believe is inappropriate. I think that this balances something which is very much consistent with the nonpartisan, nonideological way in which we have been constructing telecommunications policy over the last generation in Congress.

I again congratulate the gentleman from New Jersey.

Mr. Speaker, I reserve the balance of my time.

Mr. BURR of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I want to thank the gentleman from North Carolina (Mr. BURR) for yielding me time and for his leadership and assistance, and particularly the gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce, and the staff on the Committee on Commerce for their assistance with this bill, and also thank the gentleman from Massachusetts (Mr. MARKEY) for his kind words and for his assistance in fine-tuning this bill as well.

Mr. Speaker, I also need to thank the gentleman from Louisiana (Chairman TAUZIN) and the ranking member of the Committee on Commerce, the gentleman from Michigan (Mr. DINGELL), and their staffs for their help with this bill.

Further, I want to thank the chairman of the Corrections Advisory Group, the gentleman from Michigan (Mr. CAMP), the gentleman from California (Mr. WAXMAN), and members of the Corrections Advisory Group for their prompt acceptance of this proposal.

Mr. Speaker, the Know Your Caller Act will provide a simple but important consumer protection. Many consumers purchase and pay for the Caller ID service and Caller ID equipment for several reasons: to protect their privacy, to provide security by identifying an incoming call, and to allow them the opportunity to decide before picking up the receiver whether or not to answer that call.

But, guess what? Some of the most frequent calls, those from telemarketers, appear with the message on Caller ID box, "Out of the area; caller unknown."

Mr. Speaker, telemarketing is a commercial enterprise. As such, what would be the reason for not disclosing your business telephone number? There simply is no reason.

I believe that all commercial enterprises that use the telephone to advertise or sell their services to encourage the purchase of property or goods or for any other commercial purposes should be required to have the name of their business and their business telephone number disclosed on Caller ID boxes.

Some telemarketer enterprises purposely block out Caller ID, yet these same companies know your name, your address, and your telephone number. Is it not only fair that they share their company name and their telephone number so a person can make sure that they are a legitimate company?

Also, if you are like me and politely ask to have your name removed from their list, I think you should also be able to track the name and number of these telemarketing callers to ensure that they do not call back again repeatedly. My legislation will simply require any person making a telephone solicitation to identify themselves on Caller ID devices.

Mr. Speaker, this legislation I think will greatly help separate legitimate telemarketers from fraudulent telemarketers. While a majority of these telemarketers are legitimate business people attempting to sell a product or service, there are some unscrupulous individuals and companies violating existing telemarketing rules and scamming consumers.

Consumers pay a monthly fee to subscribe to a Caller ID service because they want to protect their privacy and their pocketbooks, but they have little recourse because most telemarketers intentionally block their identity from being transmitted to Caller ID devices.

Mr. Speaker, we already require telemarketers under present law to identify themselves over the telephone and via telephone fax transmissions. This bill simply extends that protection to consumers with Caller ID devices.

Mr. Speaker, in closing, when someone knocks at your door, do you not usually look out the window to see who it is before you answer it? Well, Caller ID acts as a window for consumers to let them know who is calling before you answer the telephone.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I echo what the gentleman from New Jersey (Mr. FRELINGHUYSEN) just said. I urge all Members of the House to support this good legislation.

Mr. KING. Mr. Speaker, I rise today in support of H.R. 3100, the Know Your Caller Act, which will help protect the privacy of consumers from telemarketers. I cannot begin to tell you how many constituents have complained to me about the number of annoying telephone calls they get at home. These calls come from credit card companies and other telemarketers trying to make a sale. These calls are intrusive and are wrong. H.R. 3100 would prevent telemarketers from interfering with consumers' caller-identification machines and require the companies to make their name readable to applicable caller ID services. Most importantly, because consumers have very little recourse, telemarketers would have to provide a phone number to the ID service that consumers can call to have their names and numbers removed from call lists. In addition, consumers could sue telemarketers for up to $500 per unidentified call. Because we live in a very fast paced world where every free moment with our family and friends is valuable, we cannot allow these companies and businesses to violate our privacy. I support this measure and urge my colleagues to do the same.

Mr. CAMP. Mr. Speaker, I would like to thank Chairman BLILEY of the Commerce Committee for all of the work he has done on this bill. I would also like to thank Mr. FRELINGHUYSEN for authoring this bill. He has demonstrated his dedication and leadership on this issue.

On July 25, Mr. FRELINGHUYSEN presented H.R. 3100 before the Speakers advisory group on corrections. The corrections group is a bipartisan group that seeks to fix, update or repeal outdated or unnecessary laws, rules or regulations.

H.R. 3100 would prohibit telemarketers from intentionally hiding their identity by blocking caller ID devices. This would ensure someone knows if a telemarketer is calling them. One simple rule of telemarketing is that once you get a person on the phone your chances to make a sale are greatly increased. This is especially true with senior citizens who are seen as easy targets by telemarketers. That is why this bill is supported by the American Association of Retired People, the National Senior Citizens Law Center and the Federal Trade Commission.

During the meeting several Members shared stories about how their constituents have been affected by telemarketers who hide their identity.

I am proud as chairman of the advisory group to speak in favor of H.R. 3100 and would advise my colleagues from both sides of the aisle to support it.

Mr. MARKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3100, as amended.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BURR of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the amendment recommended by the Committee on Commerce and on the bill.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. BURR of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING ENFORCEMENT OF REGULATIONS ON CITIZENS BAND RADIO EQUIPMENT

Mr. BURR of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2346) to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

The Clerk read as follows:

H.R. 2346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENFORCEMENT OF REGULATIONS REGARDING CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302a) is amended by adding at the end the following:

"(f)(1) Except as provided in paragraph (2), a State or local government may enact a statute or ordinance that prohibits a violation of the following regulations of the Commission under this section:

"(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

"(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

"(2) A station that is licensed by the Commission pursuant to section 301 in any radio service for the operation at issue shall not be subject to action by a State or local government under this subsection. A State or local government statute or ordinance enacted for purposes of this subsection shall identify the exemption available under this paragraph.

"(3) The Commission shall provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

"(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government enforcing a statute or ordinance under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, enacted a statute or ordinance outside the authority provided in this subsection.

"(B) A person shall submit an appeal on a decision of a State or local government to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government becomes final, but prior to seeking judicial review of such decision.

"(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

"(D) If the Commission determines under subparagraph (C) that a State or local government has acted outside its authority in enforcing a statute or ordinance, the Commission shall preempt the decision enforcing the statute or ordinance.

"(5) The enforcement of statute or ordinance that prohibits a violation of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

"(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.

"(7) The enforcement of a statute or ordinance by a State or local government under paragraph (1) with regard to citizens band radio equipment on board a 'commercial motor vehicle', as defined in section 31101 of title 49, United States Code, shall require probable cause to find that the commercial motor vehicle or the individual operating the vehicle is in violation of the regulations described in paragraph (1). Probable cause shall be defined in accordance with the technical guidance provided by the Commission under paragraph (3).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BURR) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BURR).

GENERAL LEAVE

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2346.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BURR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 2346. It is an important initiative to improve compliance with FCC rules governing citizens band radio service.

Citizens band radio service can serve some very important functions. For instance, many people use CB radios in order to communicate in times of emergency. America's trucking community uses CB radios to report accidents and traffic problems on our Nation's highways and roadways. Many other people use CBs for simply short-distance communications, and others use it as a source of entertainment.

These constructive uses, however, are being overshadowed by the practice of a few bad actors. A number of individuals have taken advantage of the unlicensed nature of CB radio to operate outside the boundaries of FCC rules. In particular, a recurrent problem is CB users boosting their signal strength with power amplifiers. Further, some CB users operate outside the permit frequencies allocated for CB radio service.

When these violations occur, unexpected and potentially harmful interference can result for others who use the service. Traditionally, Congress has looked to the FCC to enforce its rules. In fact, current communications statutes give the FCC great authority to enforce its rules and take remedial action when the rules are not followed.

Unfortunately, the FCC has made clear that reported violations regarding CB radios will be investigated only as time, manpower and priorities permit. The FCC has also indicated that it will only investigate CB violations where there is convincing evidence that results from a violation of the rules has occurred, and then only on a low-priority basis.

H.R. 2346 is an effort to provide a back-up enforcement mechanism. Under H.R. 2346, a State or local government is given authority to enact a statute or ordinance requiring operators of CB radio service within their jurisdiction to obey FCC rules. Violators would be subject to enforcement by State or local government.

The bill is carefully drafted so as not to interfere with the FCC's enforcement authority and provides suspected offenders with an appeals process.

This noncontroversial bill was reported from the Committee on Commerce by voice vote and enjoys bipartisan support.

I commend the gentleman from Michigan (Mr. EHLERS) for his work on this bill, and ask all Members to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Michigan (Mr. DINGELL) from Michigan have spent a considerable amount of time dealing with an issue which I think should be of great concern to everyone because of the increase in its occurrence as a phenomenon.

We have millions of CB operators across the country. They have a lot of fun with it, and they do not really cause anybody any problems at all. They are kind of like the original Internet, in a lot of ways. They are out there with their own separate sets of networks on which they are able to communicate, and it is really a great thing for our country.

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But there has been a rising incidence of individuals using CB frequencies abusively. They actually build towers in their neighborhoods, and they start broadcasting over the CB frequency.

It has several severe adverse consequences for all of the rest of the people who live in the neighborhood. It has the effect of interfering with television broadcast reception. It has the impact of interfering with telephone reception. It has the impact of interfering with every electronic piece of equipment in the home.

Moreover, it has even more consequences. That is, the content of many of these CB frequency broadcasters is profane, and it interferes with the ability of families to be able to live in peace and quiet without having someone in the neighborhood broadcasting in a way that actually goes into the homes of others who live in that community.

The Federal Communications Commission does not have the resources to be able to deal with this essentially local phenomenon, this set of brush fires that are cropping up increasingly across the country in community after community.

What this legislation does is to give to the States the ability to move in and to enforce the laws which ensure that these neighborhood nightmares, these nuisances are shut down, and that those individuals use the CB frequency in the same way that the millions of others in America who use the CB frequency use it, that is, for their own enjoyment and not in a way which creates a nuisance for everyone else in their community.

Mr. Speaker, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Michigan (Mr. DINGELL), in my opinion, have done an excellent job on this legislation. I thank the gentleman from North Carolina (Mr. BURR) for bringing it out to the floor at this time.

Mr. Speaker, I reserve the balance of my time.

Mr. BURR of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS), the bill's author.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from North Carolina (Mr. BURR) for yielding me this time.

Mr. Speaker, I rise in support of the legislation that is before us which will combat unlawful use of citizen band radios. First of all, I want to thank the gentleman from Virginia (Chairman BLILEY), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Michigan (Mr. DINGELL), and the gentleman from Massachusetts (Mr. MARKEY) for their assistance in bringing this legislation to the floor. I also thank the gentleman from North Carolina (Mr. BURR) for his active efforts here.

Mr. Speaker, I appreciate the time that they all have taken to address this problem and pass it through the Committee on Commerce.

This legislation is not only important to my district, but to many other cities that are dealing with the same problems that this bill addresses. For several years, many of my constituents have been fighting a losing battle against illegal CB radio operators.

Most CB radio operators use their equipment within the low-power levels prescribed by the FCC rules and regulations and do not cause any problems. However, some users illegally boost the range of their home-based CB equipment by using high-powered external linear amplifiers. Also, occasionally, they modify the frequencies illegally.

When the CB level is amplified above legal levels, or the frequency is changed, it causes interference with television, radio and phone signals and damages other electronic equipment in the surrounding houses. The interference can be so bad that surrounding residents hear CB conversations over their televisions, radios, and phones. This can be extremely frustrating as telephone conversations can be cut off, television signals can be distorted, and other electronic equipment can suffer interference.

Sometimes it is so bad that neighbors have to suffer through profane and abusive language that is being picked up by their own television sets, radios, or telephones.

This is not an isolated problem. Most of the cosponsors of this legislation have exactly the same problems in their districts, and that is true of many other areas of the country as well.

The Federal Communications Commission (the FCC), knows about the problem and has outlawed the sale and the use of these amplifiers. However, they are still on sale for other purposes and can be easily modified for use with CB radios. Even worse, the FCC does not have the personnel to enforce the law. Localities are powerless to help, because the FCC has a total preemption over enforcing regulations regarding CB radio use.

The legislation before us will allow State and local authorities to enforce the FCC regulations regarding CB equipment and frequencies. This would be a narrow exemption from the total Federal preemption of CB radio regulation enforcement and would give residents recourse against an unlawful CB operator by capitalizing on the enforcement capabilities of local government and on the FCC's years of experience in setting rules governing CB use. In other words, the best of both worlds.

The intent of this provision is to allow State and local governments to pass ordinances that will mimic Federal law and allow for its enforcement.

Mr. Speaker, this legislation, let me emphasize, does not change what equipment is and is not legal. People who are operating CB equipment in accordance with the FCC rules will not be affected at all by this legislation. I have also worked with the ham radio operators (amateur radio operators) on this provision to ensure that their concerns about this legislation were addressed. Frankly, the ham radio operators in my district are very pleased with the bill. They were the ones who initiated it by asking me to address this particular problem, because it affected them as well.

The bill also contains a provision that exempts anyone who possesses a ham radio license from this legislation.

Lastly, the legislation contains a provision that specifically restates that local law enforcement officials must have just cause to investigate whether or not someone is operating an illegal amplifier before they take action against someone.

Just to summarize in a nutshell, we have a real Catch-22 at the moment. The Federal Government has the power to enforce these laws. Not only that, we preempt the law from other communities so that they cannot enforce them. And yet the Federal Government, through the FCC, does not enforce them. So we tell people we will enforce it, but we cannot enforce it. This bill resolves that problem by allowing those on the scene, the local law enforcement agencies, to deal with the problem that the Federal Government has preempted but does not enforce. I believe that this will be beneficial to everyone.

Mr. Speaker, in closing, I urge the House to approve this legislation. It is supported by the Committee on Commerce, the FCC, and local law enforcement officials. Again, I thank the leaders of the Committee on Commerce for bringing this bill to the floor.

Mr. MARKEY. Mr. Speaker, I do not have any other requests to speak at this time; and with the request to all Members to support this good piece of legislation, I yield back the balance of my time.

Mr. BURR of North Carolina. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MARKEY). Again, I thank the gentleman from Michigan (Mr. DINGELL) and the gentleman from Michigan (Mr. EHLERS), the authors of this bill. I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from North Carolina (Mr. BURR) that the House suspend the rules and pass the bill, H.R. 2346.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

* * *

MAKING TECHNICAL CORRECTIONS TO TITLE X OF ENERGY POLICY ACT OF 1992

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2641) to make technical corrections to title X of the Energy Policy Act of 1992, as amended.

The Clerk read as follows:

H.R. 2641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DATE EXTENSIONS.

Section 1001 of the Energy Policy Act of 1992 (42 U.S.C. 2296a) is amended—

(1) in subsection (b)(1)(B)(i), by striking "2002" and inserting "2007";

(2) in subsection (b)(1)(B)(ii), by striking "placed in escrow not later than December 31, 2002," and inserting "incurred by a licensee after December 31, 2007,"; and

(3) in subsection (b)(2)(E)(i) by striking "July 31, 2005" and inserting "December 31, 2008".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

GENERAL LEAVE

Mrs. CUBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2641 will make date extensions to title X of the Energy Policy Act of 1992, which specifies how and when the Federal Government reimburses the private sector licensees for the Federal Government's share of the cost of cleaning up uranium and thorium milling sites. We have learned that it costs a lot more and takes a lot longer to clean up these mill sites than we originally anticipated back in 1992, due in large part to the difficulties of dealing with groundwater contamination.

Therefore, H.R. 2641 makes some adjustments to the time line of the current reimbursement scheme to recognize these realities and to make sure that the government continues to pay its fair share of the cleanup costs.

The current scheme of reimbursement on an annual basis is due to end in 2002, with DOE required to place into escrow sufficient funds to cover the estimated post-2002 costs. Both industry and the Department of Energy want to continue the current arrangement of reimbursement of actual costs on an annual basis for several more years until all or almost all of this cleanup work is completed.

This bill was changed significantly as it moved through the committee process. I commend the Members and staff on both sides of the aisle, particularly the gentleman from Oklahoma (Mr. LARGENT), for working to improve this bill. What is before the House today was reported out of the Committee on Commerce with unanimous bipartisan support.

Mr. Speaker, H.R. 2641 represents an effective compromise measure that has the full support of the Department of Energy and the industry. I urge Members on both sides of the aisle to vote for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2641, which makes constructive and noncontroversial changes to title X of the Energy Policy Act of 1992.

I want to thank the gentlewoman from Wyoming (Mrs. CUBIN), the gentleman from Texas (Chairman BARTON) of our Subcommittee on Energy and Power, the gentleman from Oklahoma (Mr. LARGENT), and their respective staffs for working with us at the subcommittee level and at the level of the full House Committee on Commerce to address a range of concerns that the minority originally had concerning these provisions.

As the gentlewoman from Wyoming indicated, the bill reported by the Committee on Commerce makes a number of useful administrative changes to the uranium and thorium mill tailings cleanup program. First, it extends for 5 additional years the period during which licensees may apply to the Department of Energy for reimbursement of their share of the costs of approved cleanup projects.

Secondly, the bill eliminates the requirement that certain funds be placed in escrow which will benefit all licensees by providing more flexibility to provide reimbursements for completed projects.

And third, the bill extends the date by which the Secretary of Energy must determine that there are excess funds for cleaning up the gaseous diffusion plants. These changes reflect the reality that while the title X cleanup program has been largely successful, the work has taken longer than expected. I would stress, however, that the bill does not alter the formula for Federal reimbursement or in any way increase the program's previously authorized spending ceiling.

The bill reported by the Committee on Commerce is supported by both the administration and industry. It has bipartisan support, and I am pleased to join with the gentlewoman in urging the approval by the House of this measure. I want to thank her, the gentleman from Texas (Chairman BARTON) of our Subcommittee on Energy and Power, and the leadership of the full Committee on Commerce for their cooperation in addressing the concerns we originally had.

Mr. Speaker, I reserve the balance of my time.

Mrs. CUBIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Speaker, I thank the gentlewoman from Wyoming (Mrs. CUBIN) for yielding me just a moment of time to talk about H.R. 2641.

Mr. Speaker, I rise in support of H.R. 2641 to make technical corrections to title X of the Energy Policy Act of 1992. This legislation is a clean reauthorization that extends the program of annual reimbursements for 5 more years to clean up uranium and thorium mill tailings sites by extending these reimbursements for 5 more years. It eliminates the requirement for DOE to place into escrow sufficient funds to cover estimated post-2002 cleanup costs, and it changes the date when the Secretary must determine whether any excess funds remain from 2005 until 2008.

H.R. 2641 is a bipartisan bill reported out unanimously by the Committee on Commerce. The bill is supported by the Department of Energy, by industry, and by the PACE union which represents workers at the gaseous diffusion plants.

□ 1330

H.R. 2641 will keep the industry licensees focused on completing their cleanup work and will keep DOE focused on reimbursing its fair share of the cleanup costs.

Finally, I want to thank Kevin Cook from the Committee on Commerce for all of his fine work; Sue Sheridan from the staff of the gentleman from Michigan (Mr. DINGELL) for her efforts and cooperation and from the staff of the gentlewoman from Wyoming (Mrs. CUBIN), Bryan Jacobs for all of his work and time on this bill.

Mr. Speaker, finally, I would just add that this bill is environmentally sound and responsible and economically sound, fiscally sound and responsible as well.

Mr. BOUCHER. Mr. Speaker, I yield back the balance of my time.

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again I want to thank the staffs on both sides of the aisle. I want to thank the gentleman from Virginia (Mr. BOUCHER), his cooperation and good temperament is always a joy to work with and I thank him very much.

Mrs. CUBIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 2641, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LANCE CORPORAL HAROLD GOMEZ POST OFFICE

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1295) to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the "Lance Corporal Harold Gomez Post Office."

The Clerk read as follows:

S. 1295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF LANCE CORPORAL HAROLD GOMEZ POST OFFICE.

The United States Post Office located at 3813 Main Street in East Chicago, Indiana, shall be known and designated as the "Lance Corporal Harold Gomez Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in section 1 shall be deemed to be a reference to the "Lance Corporal Harold Gomez Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1295.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have before us S. 1295 introduced by the distinguished senator from Indiana, Senator LUGAR, on June 6, 1999. The legislation passed the Senate on November 19, 1999 and was received in the House soon thereafter.

Mr. Speaker, the gentleman from Indiana (Mr. VISCLOSKY) introduced identical legislation, H.R. 2358, on June 24 of 1999 and, pursuant to the policy on the Committee on Government Reform, the entire House delegation of the State of Indiana cosponsored H.R. 2358, and the committee passed the bill.

Both of these bills has been noted to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana as the Lance Corporal Harold Gomez Post Office.

Mr. Speaker, we have had the opportunity and, indeed, the honor to do a number of these bills in this session as in previous years, and it is always truly a pleasure. I want to begin by extending my compliments both to Senator LUGAR and to the gentleman from Indiana (Mr. VISCLOSKY) for their efforts in bringing this worthy nominee to our attention.

One of the true joys of having the opportunity to handle these kinds of proposals, Mr. Speaker, is that it provides us with the opportunity to honor the widest possible range of United States citizens and to, in that fashion, recognize their achievements, and they are the kinds of achievements that really do span the entire horizon of contributions to country, contributions to community, and all worthy points in between.

Mr. Speaker, today, we have in Corporal Gomez just such an example. The corporal was a fire team leader in a rifle company of the Third Marine Division when in 1967, he was killed by a land mine explosion in South Vietnam. He was the first citizen from Northwest Indiana to die of casualties in that war.

Corporal Gomez received numerous awards, including the Purple Heart, the Combat Action Ribbon, the Presidential Unit Citation, the National Defense Service Medal, the Vietnam Service Medal, RVN, Military Merit Medal, RVN Gallantry Cross Medal, the Vietnam Campaign Medal and the Rifle Sharp Shooters Badge.

Corporal Gomez was posthumously awarded the Silver Star Medal for his courageous leadership and heroism. As these medals so eloquently attest, Mr. Speaker, Corporal Gomez was truly a hero.

He was a man who put the needs and the safety of his troops, of his fellow servicepeople before himself; and through him, we have again underscored the history of this Nation, a Nation founded upon the principle that in the pursuit of life and liberty and happiness, there is no cost too great, no price too high, that citizens like Corporal Gomez are willingly to extend it, even when that means the loss of their life. That kind of lesson can never be restated too often, I would suggest respectfully, Mr. Speaker.

Certainly, his heroism, his example was felt far and wide. And in his hometown, I think it is important to note that after his death, Central High School in East Chicago, the place from which Corporal Gomez had graduated, named and dedicated the library to him and the American GI Forum of the United States chartered the Harold Gomez Chapters in East Chicago.

I am proud, Mr. Speaker, to join with Senator LUGAR, the gentleman from Indiana (Mr. VISCLOSKY), with the entire House delegation from that great State, and in working with, as always, the minority on the Subcommittee on Postal Service, particularly the gentleman from Philadelphia, Pennsylvania (Mr. FATTAH), the ranking member, in ensuring that these kinds of worthy initiatives are brought quickly to this floor.

Mr. Speaker, just one final word of urging that all of our colleagues join us in supporting of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the gentleman from New York (Mr. McHUGH), the chairman of our Subcommittee on Postal Service, for his efforts in helping us bring to the floor this very important legislation.

Mr. Speaker, I want to make a note, even though we act today on a Senate bill, it was the House bill of the gentleman from Indiana (Mr. VISCLOSKY) that was introduced, as the gentleman from New York (Chairman McHUGH) has indicated, first and in cooperation with obviously the entire congressional delegation, we now move this Senate bill. I want to commend the gentleman from Indiana for introducing this bill decades after the death of this young man in service to his country.

The gentleman, my good friend, took it upon himself to introduce this legislation to acknowledge the sacrifice of Mr. Gomez and his family on behalf of a grateful Nation.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), my good friend.

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. FATTAH) for yielding the time to me.

Mr. Speaker, I do rise today to urge my colleagues to support S. 1295, a bill that was sponsored in the United States Senate by Senator LUGAR, a bill to rename the Harbor Branch Post Office at 3813 Main Street in East Chicago in honor of a true hero, Lance Corporal Harold Gomez.

I did have the privilege of introducing the House version of this measure, as the gentleman from Pennsylvania (Mr. FATTAH) mentioned, H.R. 2358 and would like to thank each of my colleagues from the State of Indiana, Republican and Democrat alike, for their complete bipartisan support of the measure.

Mr. Speaker, I would also like to give special thanks to the gentleman from Indiana (Chairman BURTON), chairman of the Committee on Government Reform, for all of his assistance in bringing this bill to the floor and would like to thank the gentleman from New York (Chairman McHUGH) and the ranking member, the gentleman from Pennsylvania (Mr. FATTAH), for all of their diligent service in ensuring that this legislation would be heard.

Mr. Speaker, as the first resident of East Chicago, Indiana to be killed while in service to his country during the Vietnam war, Corporal Gomez is a hero and his community would like to honor him in this special way.

The gentleman from New York has already reiterated on the House floor the numerous awards and battle ribbons that the corporal has received and though Harold Gomez' life was tragically cut short, he touched many lives and was admired by both friends and colleagues alike.

Mr. Speaker, I am deeply honored to offer this legislation to honor a true hero of Northwest Indiana. Corporal Gomez distinguished himself in combat and is a source of inspiration to both the residents of East Chicago and the rest of our Nation.

He is worthy of the recognition. On behalf of all of the citizens of Northwest Indiana, particularly our young people and our veterans, I am proud to support this legislation to name the East Chicago Post Office in honor of Corporal Harold Gomez and do ask my colleagues to support it.

Mr. FATTAH. Mr. Speaker, let me say in conclusion, because we have no further speakers on our side, that I thank the gentleman from New York (Chairman McHUGH) and I would hope that the naming of this post office, even though it is in East Chicago, Indiana, in some symbolic way represents our appreciation for so many young men who gave their lives in service to this country in the conflict that we now refer to as the Vietnam War.

Mr. Speaker, I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no further requests for time but let me just state for the RECORD what many of us understand, but I think it is an important note, that was very legitimately raised by the gentleman from Indiana (Mr. VISCLOSKY) who has worked tirelessly on this beginning in 1998, the adoption of the Senate bill today is merely a parliamentary procedure that in no way reflects his lack of concern and, indeed, I would suggest that without his hard work and without his ensuring that indeed the Committee on Government Reform has considered his bill and, to my recollection, unanimously endorsed it, we may not be here today. So I want to pay a final compliment to him and to his diligence and a word of thanks again for his bringing to us a very worthy individual. With that, Mr. Speaker, I urge all of our colleagues to join us in support of this initiative.

Mr. ROMERO-BARCELO. Mr. Speaker, I am pleased to speak in support of H.R. 2358, a bill to honor Lance Corporal Harold Gomez, a hero of the Vietnam War. My colleague, PETE VISCLOSKY, has introduced the bill to name the East Chicago, Indiana, Post Office for this young hero, the first resident of East Chicago to be killed during the Vietnam War. It is appropriate to recognize Corporal Gomez' bravery and gallantly in battle.

Corporal Gomez was born in East Chicago in 1946 and perished in action on February 21, 1967, at the young age of 21. His adventuresome spirit and love for America led him to volunteer in the Marine Corps. He was sent to Vietnam in 1966, where he became a fire team leader in a rifle company of the Third Marine Corps. In the brief one year period he fought in Vietnam, he received numerous military awards, including the Purple Heart Medal, Combat Action Ribbon, Presidential Unit Citation, National Defense Service Medal, Vietnam Campaign Medal and the Rifle Sharpshooters Badge. Posthumously, he was awarded the Silver Star Medal for valiant leadership and bravery during the battle that took his life.

This young man of Hispanic (Mexican) heritage of the East Chicago neighborhood represents the best of what it means to be an American. His heroism is a proud symbol of his love for his country and his willingness to defend American democratic principles at the expense of his own life.

His spirit lives on and today we have the opportunity to honor this young hero, whose audacity and fighting spirit will shine as an example for his fellow citizens in the East Chicago, Indiana, neighborhood.

In addition, I think it is important to note that Corporal Gomez is only survived by his mother. She stands as a symbol of the thousands of parents who share in the ultimate sacrifice of losing their only son. Nobody can prepare another for battle, however, it is clear that parents such as Mrs. Gomez ingrained the desire for liberty, courage and selflessness that was so exemplary in their sons. Of such Americans is our country made of.

Mr. McHUGH. Mr. Speaker, I y8ield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and pass the Senate bill, S. 1295.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1345

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Pursuant to clause 8 of rule XX, the Chair will now put the question on H.R. 3100, the bill on the Corrections Calendar, and then on the motion to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order: H.R. 3100, by the yeas and nays, and House Resolution 576, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

KNOW YOUR CALLER ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of passage of the bill, H.R. 3100, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 498]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Campbell
Ewing
Gutknecht
Jackson-Lee (TX)
Jones (OH)
Klink
Lazio
McCollum
McIntosh
Paul
Rangel
Sandlin
Vento

□ 1407

So (three-fifths having voted in favor thereof) the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GUTKNECHT. Mr. Speaker, I was unable to be present earlier today for rollcall Vote No. 498 due to a previously scheduled radio debate with my challenger in the upcoming election. Had I been present, I would have voted "aye".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the motion to suspend the rules on which the Chair has postponed further proceedings.

SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 576.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. BURR) that the House suspend the rules and agree to the resolution, House Resolution 576, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

[Roll No. 499]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Campbell
Ewing
Ganske
Gordon
Hastings (FL)
Hunter
Jackson-Lee (TX)
Jones (OH)
Kingston
Klink
Lazio
McCollum
McIntosh
Paul
Pickett
Rangel
Sandlin
Vento

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So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. NEY). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, I rise once again to focus attention on the topic of prescription drugs. The topic of affordable prescription drugs for seniors is a critical one for families in Michigan and across the nation. Last summer I set up a hot line in Michigan asking those who had stories to tell to call and share them with me, and also for individuals to write me letters and send me copies of their prescription drug bills.

I have received hundreds from across the state, and I have heard heartbreaking stories from seniors about their struggles—about having to choose between putting food on the table and paying the utility bill or being able to get their medications. Because this is such a pervasive problem, it is critical that we pass prescription drug coverage under Medicare, that modernizes the Medicare program to cover the way health care is provided today.

On April 12 of this year, I led an hour of debate on the topic of prescription drug coverage for senior citizens, I read three letters from around the state from seniors who shared their personal stories. At that time, I made a commitment to continue to read a different letter every week until the House enacts reform. This week I will read a letter form Paul and Lois Van Valkenburgh of Buckley, Michigan:

> DEAR CONGRESSWOMAN STABENOW: You say three out of four Americans do not have adequate prescription drug coverage. My wife and I have no prescription drug coverage; how is that for not having adequate coverage? We have never found prescription drug insurance we could afford.
>
> Attached to this letter are copies of our prescription drug bills. They cost us over $2,200 per year, which we really cannot afford. If we had prescription drug coverage like people [who are not retired] (and make much more money than we), then we could afford to pay the premium on insurance coverage for prescription drugs. But the premium has got to be affordable and the deductible reasonable. . . .
>
> Anything you can do to either lower the prices or get retired people a prescription drug insurance that's affordable will be appreciated.
>
> Thank you for giving us this opportunity to talk to someone about this awful situation.
>
> Sincerely yours,
>
> PAUL AND LOIS VAN VALKENBURGH.

The Van Valkenburghs have a combined income of $13,500 a year. Under the Democratic prescription drug plan which I have cosponsored they would be entitled to significant help with their drug costs. I would like to thank the Van Valkenburghs for sharing their story, and on their behalf and the others that need this assistance, I will continue to work to pass

an affordable, voluntary prescription drug benefit for all of our seniors during the 106th Congress.

THE MESSAGE MATTERS: WORDS THAT WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, as we enter the final stretch of legislative business for this Congress and as we prepare to engage in the campaigns back home, as a member of Florida and a member of the Committee on Ways and Means of Congress, I wanted to assure residents in Florida that, in fact, Republicans have initiated prescription drug coverage for seniors in our community.

Back in 1994, then Governor Lawton Chiles was running for reelection to the governorship and was being challenged by Jeb Bush. Governor Chiles ran negative ads saying, if Jeb Bush was elected the governor, he would take away Social Security.

Now, everyone knows the governor of a State does not control Social Security. But the scam worked and, in fact, Jeb lost. The governor went on later to apologize after a thorough investigation found that the campaign did, in fact, make those spurious claims that were false and misleading.

Now we are being told that if we do not elect a majority to the other side of the aisle that we will not see prescription drug coverage for senior citizens.

Let us put people before politics; and let us make certain that, at the end of the day, we come together in a bipartisan fashion to bring about prescription coverage for our seniors.

In town hall meetings in Florida, I meet with seniors all the time of every political stripe, not just Republicans, but Democrats and Independents. Their first thought to me is, we do not want something free, but we certainly do not want to be forced into a government-run HMO-style system that makes everyone in the same system one size fits all. They would like access to prescription drugs. Yes, they would like lower pricing of prescription drugs.

In this House, we are trying do that. We recognize the cost is becoming a big burden on many seniors in our community. But we want to make certain that we only cover the poorest and the sickest.

When the President's drug plan first came to our Committee on Ways and Means, there was no provision for catastrophic coverage. We are most concerned in our bill of finding a way for the sickest Americans who may have diabetes, who may have hypertension, who may have suffered from cancer, who may have to depend daily on a multiple dose of medications that they, in fact, have some safeguard against financial ruin.

Our bill does that. But our bill also provides a voluntary system in which they can decide whether they want to enroll in a new drug plan.

Senator EDWARD KENNEDY of Massachusetts stated that two-thirds of Americans currently have prescription drug coverage who are 65 and older. So it begs the question, why are we going to upturn, if you will, or turn over the entire prescription drug benefit to those two-thirds when it is really the one-third we should be seeking to remedy.

Those may again be the poorest. And we can help through our plan to provide for prescription drug coverage both through the States and the Medicaid system and through our innovative care.

Again, people before politics.

We want to put families back in charge of the decisions they make relative to their prescription coverage and their health care and what policies they may or may not want to join, not a forced plan by the Federal Government.

But we also have to recognize some of the other things that we have to consider, long-term care insurance, another serious issue facing Americans. We should not just be talking, Mr. Speaker, about prescription drugs. We have to face reality that our community and our country is growing older and that the need for long-term health care insurance or coverage will become even more profound in the years ahead.

Now, fortunately this Congress is on its way to paying down with surplus dollars, 90 percent of that surplus, to pay down the Federal debt. When we first came to Congress, many of us prescribed a bill that would in fact use any anticipated surplus for paying down debt, strengthening Social Security and Medicare, and providing some tax relief for our citizens.

I think we are on the threshold of greatness in being able to announce to the people that, yes, both sides of the aisle can take credit, because $356-some billion of the debt has been retired in the last 3 years of this Congress's existence.

Now, that is a monumental achievement in as much as now the interest that was going to be paid on that $356 billion can now be used to fund and strengthen Social Security, fund and strengthen Medicare and, yes, provide prescription drugs.

So before people who are listening to our voices get scared by TV ads suggesting that some party is going to do more for them than the other, at least listen to the facts at hand and recognize that I believe so many people in Congress on both sides of the aisle are in fact striving to provide the coverage to make certain our seniors have the drugs they need that they may not be able to afford; but thankfully for the pharmaceutical industry, which has brought some miraculous drugs to the forefront, we will provide a way to provide them cheaper, more affordably and more accessibly.

UNIFIED BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BARTLETT) is recognized for 5 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, I just wanted to spend a few minutes talking about some terminology associated with the debt. There are a lot of terms that are used.

I hear terms like the "public debt," the "trust fund debt," the "national debt." The other day I heard someone say "Federal debt."

What are all these debts, and how do they relate to each other?

Before we can talk about debt, though, we have to talk a little bit about the balanced budget and what the balanced budget means.

The budget that we had hoped to balance and have balanced, as a matter of fact, is the unified budget. The unified budget is all the money that comes into Washington and all the money that leaves Washington, and that budget is balanced.

But about 10 percent of the money that comes into Washington should not be Washington's money to spend because a big percent of that is monies that come from the American people taken from them presumably to be put in trust for them.

The two biggest trust funds are the Social Security trust fund and the Medicare trust fund.

But in the unified budget, which looks at all the money that comes into Washington and all the money that leaves Washington, we take that trust fund money, we took it all up in the lockbox for Social Security and now the lockbox for Medicare, we took all that money and spent it.

And what is in the trust fund is not money. There are IOUs in there. And it is a very special IOU. It is an IOU; it is a non-negotiable U.S. security.

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Although the Social Security trust fund should have about $900 billion in it and the total trust fund should have roughly double that in it, there is in fact no money in the trust funds. All that is in the trust funds is IOUs.

In the past years when we were running a $300 billion deficit, the real deficit in terms of accounting for the trust funds which we took and spent, the real deficit would have been about $160 billion more than that.

What we have done is just phenomenal. At the beginning of this administration, the President never thought that we could balance the budget, and he was showing $300 billion deficits which were really $460 billion deficits if we account for the trust fund. He was showing those out as far as the eye could see. When we balanced the unified budget, the total debt, the national debt, continued to go up. If you will look at national debt figures, you will see that they went up.

Now, let us come to the debt and what we are doing today. What we are doing today is paying down the publicly held debt. The publicly held debt is the Wall Street debt. It is the debt which is owed to people who have bought bonds and securities, government bonds and securities and so forth. That publicly held debt represented, or it did until we started paying it down, we are now paying it down, represented about two-thirds of the total debt and the other debt was the trust fund debt. We are now paying down the publicly held debt but we are doing that largely with moneys from the trust funds, so as we pay down the publicly held debt, we are accumulating an equivalent amount of trust fund debt, which would mean that, all things being equal, the national debt or the total debt would stay at exactly the same figure. But all things are not equal and the truth of the matter is that at least for the next couple of years or so, the national debt, which is the total debt, will continue to go up a little. If this roaring economy continues, we will in fact have a true surplus and the total debt, the national debt, will begin to go down.

What we are doing is very advantageous and it is what we ought to do, because as we pay down the publicly held debt, the Federal Government is competing less for dollars, which means that interest rates will drop, and we expect interest rates to drop by about 2 percent. That is great good news if you are buying a home or buying a car or putting your kid through college. But the flip side of that is that as we pay down that publicly held debt, we are, and by law we can do nothing else but invest the moneys in these nonnegotiable U.S. securities.

We are driving up the trust fund debt. That trust fund debt now becomes a liability. We will not have to pay that. I will not. But my kids and my grandkids are going to have to pay that money. And starting about 2012 or 2013 or 2014 depending upon your projections the way our economy is going, not enough money will come in Social Security to meet the obligations, and we are going to have to go to the trust fund. There is no money there. There is only IOUs there. And so we are going to have to borrow the money to make good on that. It is great good news for the present, but we must really do something about Social Security or it is not all that great good news for our children and our grandchildren.

H. RES. 587, EXPRESSING THE IMPORTANCE OF THE U.S. RELATIONSHIP WITH THE PEOPLE OF OKINAWA

The SPEAKER pro tempore (Mr. NEY). Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I urge my colleagues to support H.R. 587, which expresses the appreciation of the United States to the people of Okinawa for hosting U.S. defense facilities, commends the Government of Japan for choosing Okinawa as the site of the recent summit meeting of the G–8 countries, and urges the President to work with the leaders of Japan to implement a joint U.S.-Japan education initiative.

In his speech at Peace Park in Okinawa, Japan, on July 21, 2000, President Clinton noted that he was the first American president to visit Okinawa in 40 years. He also acknowledged the vital role that Okinawa plays in hosting more than 50 percent of America's forces in Japan on just 1 percent of its land mass.

We know the tremendous impact that the presence of American troops has had on Okinawa's society and economy. Some 24,000 troops are headquartered there and military bases and facilities use 11 percent of land in the prefecture.

In his speech, President Clinton acknowledged the United States' responsibility to be a good neighbor and to work to bring the benefits of peace and prosperity to Okinawa, which is one of Japan's poorest prefectures. President Clinton announced plans for a new scholarship program by the United States and Japan to send young Okinawan graduate students to the East-West Center in Hawaii.

The East-West Center is an internationally respected research and educational institution based in Hawaii. Established in 1960 through a bipartisan effort of the Eisenhower Administration and the Congress, the Center has worked to promote better relations and understanding between the United States and the nations and peoples of Asia and the Pacific through cooperative study, training, and research. It is an important forum for the development of policies to promote stability and economic and social development in the Asia-Pacific region.

Before the 1972 reversion of Okinawa from American control to Japan, Okinawans made up the largest percentage of students from any of the 34 countries at the East-West Center. Since 1972, Okinawa's status as only one of Japan's 47 prefectures meant that far fewer were selected for these prestigious scholarships. Last year, the Center had only one Okinawan participant. Despite this fact, the Center's most active alumni chapter is in Okinawa, primarily made up of graduates from programs in the 1960s and early 1970s. This new scholarship program will add a strong and symbolic non-military dimension to a U.S. relationship with Okinawa that is now dominated by the military bases.

I urge my colleagues to join me in sponsoring this resolution, which recognizes the importance of our connection to and friendship with the people of Okinawa.

CONGRATULATING LEONARD "BULLY" KAPAHULEHUA

I also wish to acknowledge the contributions of a remarkable man, Leonard "Bully" Kapahulehua of Kihei on the island of Maui. Bully Kapahulehua received the Excellence in Promoting Diversity in Coastal or Ocean Resource Management Award in the 1999 Walter B. Jones Memorial and National Oceanic and Atmospheric Administration (NOAA) Excellence Awards for Coastal and Ocean Resource Management. The award recognizes Mr. Kapahulehua's extraordinary commitment to integrating cultural or ethnic diversity into coastal or ocean resource management programs.

Bully Kapahulehua is the first person from the state of Hawaii to receive this national recognition. I am inserting the nomination summary that led to Mr. Kapahulehua's selection for this award because it eloquently describes why he is so deserving of this great honor.

He kane kupaianaha (an exceptional man)!

How does one begin to describe the difference that this man has made in the lives of thousands of Maui's youth? Bully Kapahulehua has devoted countless hours teaching, playing and working with the children of Maui to instill in them a sense of stewardship for the natural coastal resources of Hawai'i. He has the uncanny ability to transfer the ways and values of ka wā kāhiko (time of old) to the children of today.

Bully has been able to increase public awareness of coastal issues by integrating them with hands-on projects. He not only teaches about the importance of canoeing to the Hawaiian culture but also enlists Hawai'i's youth to help prepare a canoe for a journey to Lāna'i. He is also responsible for helping to create and organize the annual "Celebration of Canoes" festival. This annual festival draws thousands of residents and tourists to Lahaina for a week long celebration featuring South Pacific nations (Hawai'i, Tahiti, New Zealand, etc.). Canoe carving, haka ceremonies, food booths, an evening parade down Front Street, followed by an evening filled with the mele (music) of local musicians highlight the ancient art of canoe carving and navigation.

Mr. Kapahulehua has used innovative approaches such as creating youth programs (Kū I Ka Mana and Kamali'i programs) that provide an opportunity for children to not only learn a new sport, canoe paddling, but also stresses important values such as caring for the ocean and the land. He then channels their youthful energy into worthwhile projects such as beach clean-ups at Kamehameha 'Iki Park in Lahaina and pulling weeds and planting native Hawaiian coastal plants (naupaka and pōehuehue) at Kealia Pond National Wildlife Refuge, Mai Poina 'Oe Ia 'u Beach Park and the Hawaiian Islands Humpback Whale National Marine Sanctuary. The children learn Hawaiian values, work hard and make a difference in Kihei's coastal zone.

In addition, Bully has taken his knowledge about ocean processes and native plants and, with the help of countless volunteers, has applied for and secured grants to fund projects like Kōkua Kealia that grows and plants native plants. He has also been instrumental in erecting and maintaining a sand fence along North Kihei Road. The sand fence effectively serves three purposes: helps restore the sand dunes, prevents the endangered Hawksbill turtles from crossing onto the road and prevents 4-wheel drive trucks from driving on the sand dunes.

He is a kumu (teacher) who teaches by doing. He is a kumu of celestial navigation, canoe paddling, coral reef ecology (how coral reefs interact with sand dunes), coastal processes and cultural awareness. He is uniquely qualified to blend Hawaiian values about caring for the land and the ocean into educational programs for Maui's youth that actually help preserve Maui's coastal zone.

He kane kupaianaha (an exceptional man)!

I join all the people of our nation and Hawaii in honoring Bully Kapahulehua for his remarkable achievements. In his love of the land and his commitment to Hawaii's youth, Bully embodies the true spirit of aloha.

POWER AND POLITICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. OSE) is recognized for 5 minutes.

Mr. OSE. Mr. Speaker, I have come to the floor today to share with my colleagues some of the information we dug out last week in a series of hearings in the Committee on Government Reform focusing on the energy challenges we face as a country. I would like to specifically address the issue of electricity and how it is generated and distributed throughout the country, particularly the Southwest of which California is a certain portion.

In our hearings last week, we had the various investor-owned utilities come and testify with us, a couple of environmental groups, we had the Department of Energy, we had the administrator for the EPA and we had one of the representatives of the Federal Energy Regulatory Commission come and visit with us.

What became apparent is that the mix of electricity in this country is quite complex. There are different generators of different sizes and utilities that contribute to us having electricity throughout our country. Interestingly enough, two of the largest electric generators in the country are the Bureau of Reclamation and the Army Corps of Engineers. I would like to specifically focus my comments today on those two entities.

In the West, the Bureau of Reclamation is a huge power generator. The Army Corps of Engineers more so in the Northwest at Bonneville but the Bureau, along the Colorado River and elsewhere, generates huge amounts of electricity. If you look at our electric markets and you consider different end users, California in fact is a huge end user of this electricity.

Now, the challenge we face is how do we plan for the delivery of electricity to the end users in a manner timely enough to make it possible for our economy to continue to thrive and for people to be cool in their homes in the summer and warm in the winter. If you look at the Bureau of Reclamation Web site, you will see on their map, they have four different regions in the West.

The two that I would like to specifically address today are the Sierra Nevada region and the Desert Southwest region. In particular, the Desert Southwest region focuses along the Colorado River and in fact includes southern California as part of its delivery market.

If you examine the facilities that the Bureau runs in the Desert Southwest region, you will see the Hoover Dam; and you will see a number of other facilities, one of which is the Glen Canyon Dam. In the midst of power shortages this summer in June, July and August, the interesting thing that you will see in this information is that the Bureau of Reclamation was running most of their facilities flat out, all the way to the red line, but the Glen Canyon Dam was running at a rate 50 percent of what it was running at last year. In other words, the Bureau had reduced generation by 300,000 megawatts in the face of severe energy shortages.

Now, that manifested itself in San Diego and elsewhere, because electricity is very fluid. It comes from somewhere, it goes somewhere, and when one is down, another might be up in terms of generating capacity. The consequence, the reality is that Glen Canyon's generating capacity was reduced, for what? For what purpose? If you track back the legislation or the historical data, you will see that in 1992, the 104th Session of this Congress, legislation was passed that allowed the Bureau, working with the Fish and Wildlife Service to try and experiment with the water flow from Glen Canyon that is used to generate electricity in the turbines. The legislation is very clear. It says, you will test this low flow regime along the Colorado River to see its environmental benefit. But the legislation also includes a waiver provision that says in a period of huge or unexpected power disruptions, the Bureau is authorized to run the turbines flat out. In other words, abandon the low flow regime.

In June, July, and August, the Bureau chose, they elected, they made a conscious decision to keep generation low. What that did was it hammered areas like San Diego and Silicon Valley and others who rely on this electricity to power industry and provide jobs and to cool houses and the like. It is interesting. Last Monday, the Bureau issued a waiver and they ran those turbines up to respond to a peak demand for electricity in the Desert Southwest region. But that was the first time this summer they have done that.

Mr. Speaker, the very clear message here is that this administration chose to run Glen Canyon over the summer at 50 percent of capacity and the consequence in San Diego and elsewhere in California were brownouts, blackouts and seniors having to choose between maintaining a low temperature in their house, for instance, and being able to buy food or prescription drugs. That is a reality. It is as much a reality as any other comparison we have. The administration is at fault. I have yet to hear a rational explanation of why this had to occur.

IN HONOR OF MURRY ORMAND PHILLIPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, Harnett County and the town of Coats lost one of its most indefatigable education, civic, and business leaders with the death on May 16, 2000, of Murry Ormand Phillips. His lifetime resume of accomplishments could well do credit to 10 men.

Born in 1913 in a Mississippi county that the U.S. Department of Commerce ranked the poorest in the entire United States, Mr. Phillips turned to education as a way out, eventually gaining entrance to Mississippi State University, where he graduated with a degree in vocational agriculture and a commission as a 2d Lieutenant in the Army Reserve. His graduation came in the midst of the Great Depression when jobs were almost nonexistent. The university placement center offered one opportunity—a teaching job in far off Coats, NC. Mr. Phillips set off for North Carolina and a lifelong love affair with his adopted state.

The teaching job in Coats turned out to be teaching vocational agriculture at Coats High School in the mornings and vocational agriculture in Angier in the afternoons. Mr. Phillips proved very popular with his students, so much so that one student introduced the teacher to a sister, Kathryn Stewart Smith. The two young people were married a year later. The marriage was to produce a daughter and a son. Mrs. Phillips died in 1998.

Mr. Phillips' career was interrupted by World War II. He entered active duty on February 14, 1942, barely 2 months after Pearl Harbor. He was to serve under Gen. George S. Patton and Gen. Mark Clark and see action in North Africa and Italy. He participated in the landing of Allied forces on Anzio Beach.

His military record was a distinguished one. Mr. Phillips was a liaison officer, company commander, and a headquarters executive officer, among other assignments. He received the Bronze Star, the Purple Heart, the American and Silver Star, European Service medals, the Legion of Merit Award, a Presidential Unit Citation, six campaign stars and two commendations for meritorious service, one from the Army and one from the Navy. One citation for battlefield merit detailed how Mr. Phillips "disregarded his personal welfare and safety by carrying" a message "through artillery fire in an exposed one-fourth ton truck." He also received an Army commendation for his teaching methods in training tank commanders. After the war, Mr. Phillips came home to Coats. He remained a member of the Army Reserve, eventually retiring as a Major.

But it was to be in his chosen profession, education, that Mr. Phillips would make his greater contribution. Almost immediately upon his return to Coats, he began a night carpentry class for veterans. More than 1,500 veterans were to pass through that carpentry class. He and his agricultural students constructed a new agricultural building and later built and operated a cannery on the school grounds for use by the community every summer.

Mr. Phillips' educational career had many highlights. He taught vocational agriculture in Harnett County for more than 28 years, worked for the North Carolina Department of Public Instruction for more than 10 years as a curriculum specialist and supervisor for curriculum development, and designed the course of study for several divisions in vocational education. He wrote, photographed, and developed a fourth grade curriculum for the study of North Carolina that included a resume of six sound color filmstrips with a teacher's text and guide to utilization. He worked closely with NC State University, an institution from which he received the Master's Degree in 1958, over a period of 25 years and supervised some 100 student teachers during that period.

He received many honors for his activities. He received the Honorary American Farmer Degree in 1958, the highest honor that a vocational agriculture instructor can receive. He won the Teacher of Teachers Silver Award in 1968 from the National Vocational Agricultural Teachers Association. Former students established an "M.O. Phillips Scholarship" in 1966, and a day was set aside in Coats as M.O. Phillips Day with a large celebration and life story at the Coats school. This scholarship is given each year to an outstanding student who has been accepted to attend a four-year college or university. North Carolina State University award him its "Outstanding Alumni Award" posthumously in 1999–2000.

Mr. Phillips was active in all agriculture associations as well as the North Carolina Association of Educators and the National Education Association. One of his enduring gratifications was that he was a member of the Future Farmers of America nominating committee that nominated Jim Hunt for FFA president. Hunt won, then later went on to serve as North Carolina Governor for 16 years.

Under Mr. Phillips' leadership, the Coats FFA chapter won more honors than any other chapter in North Carolina. The chapter received the "Gold Service Award" twice, the highest award given by the national organization. A total of 23 Future Farmers received the "American Farmer Degree," under Mr. Phillips' leadership.

Mr. Phillips was executive secretary of Meredith Publishing Company's Successful Farmers Teaching Aids for 13 years. As executive secretary, he recommended to the publisher what aides were to be published monthly and from those recommendations would prepare the monthly teaching aid kits which Successful Farming mailed to some 5,000 vocational education teachers each month. A lover of roses, he was the publication's rose editor for 13 years.

In 1994, Governor Hunt gave Mr. Phillips the "Governor's Volunteer Award" for his activities. Those activities included service to the American Legion, the Lions Club, the Chamber of Commerce, the Coats Development Group, and the Coats Senior Citizens Center, as well as numerous other civic endeavors. Mr. Phillips was founding member of the Coats Chamber of Commerce Board of Directors. He was named "Coats Man of the Year" in 1983 and was a grand marshal of the Coats 85th Farmers Day Parade in 1997. He was also a charter member of the Coats Lions Club and the Coats Senior Citizens Center.

A member of Coats Baptist Church for 64 years, Mr. Phillips taught Sunday school for 45 years and was Sunday school superintendent for 26 years. He was a deacon for 40 years and chairman of the Baptist Men for 11 years. He served as a tour escort for a tour group formed at the church and made some 30 trips with the group. He was a popular speaker in both Methodist and Baptist churches in North Carolina and in his home state of Mississippi.

Mr. Phillips survivors include one daughter and son-in-law, Carolyn S. and Ben Spears of Greensboro; one son and daughter-in-law, Murry T. and Dora Phillips of Dunn; one sister, Evelyn Collier, five grandchildren and one great granddaughter.

If an individual's role is to leave the world a better place than he found it, Murry Ormand Phillips did an inestimable job. When his country was threatened, he rallied to the colors. When courage was called for, he responded. When his community needed vision, he supplied it. When students needed inspiration, he offered it. When children needed an adult model from whom they could learn, he was always available.

Coats and North Carolina have lost an outstanding citizen. But we can thank a Kind Providence that placed us on the same highway of life as this good man.

A BIPARTISAN SOLUTION TO EDUCATION CRISIS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, of the many challenges that our country faces in this new century, there is none greater than education, educating our populace so that we have a skilled workforce and so that everybody has the level of education that they need in today's economy.

When I go around my district and go visit businesses and it does not matter what size or what level of skill they are looking for and I ask them what their greatest challenge is, the answer is always the same, finding employees. This is particularly true certainly of high-skilled jobs, computer, engineers, math, science, but it is also true across the board of just about any level of job that you could need in any business. We are not educating our population to fill the jobs that are available in our country. If we are going to maintain the economic growth that we have enjoyed for the last 7 or 8 years, we are going to have to start doing that.

Increasingly, the battle over education has broken down into an either/or partisan debate that is not benefiting either party or certainly not benefiting the people of this country. On the one side you have people saying that all we need to do is spend more money on public education and the problems will be solved. On the other side, you have people saying all we need to do is privatize the system and it will magically be solved. The truth is that neither answer really works or really applies to the challenge we face in this country.

I rise today to talk about a new solution to this that will bring some of the ideas from both sides and hopefully forge a bipartisan solution to the education crisis that we have in our country. As a member of the New Democrat Coalition, this is something that Members like the gentleman from Indiana (Mr. ROEMER) and the gentleman from California (Mr. DOOLEY) and the gentleman from Florida (Mr. DAVIS) and the gentleman from Wisconsin (Mr. KIND), myself, and many others have been working on to forge a solution to our education problem that gets away from the old partisan polemic, that gets away from the idea of trying to score political points on education and to actually work towards a solution. And it blends together a couple of very basic ideas. Yes, we need to support public education. Ninety percent of the students in this country, more in most places, are educated in public institutions. They need our support. Anyone who says money does not matter in education is not being realistic.

I do not think you would hear any businessman say that money does not matter in his or her ability to run their business. It matters. But it also matters every little bit as much how you spend that money. Not only do we need to support public education, we also need to make sure that there is accountability and choice at every level of the education establishment. Right now in K-12 education that really is not true. Either for the students or the employees, whether it is administrators, teachers, principals, students, whatever, we really do not have many methods to measure results, to measure how well our students are doing, how well our teachers are doing, how well our administrators are doing. The people of this country are demanding that accountability. They will support public education, they will support lower class sizes, better school construction, mandatory preschool, a variety of different things but they want to make sure they are getting their money's worth.

What we need to advocate is programs that give parents and students reasonable reason to believe that we are going to have that sort of accountability within our education system. We need to measure results. I understand that nobody is excited about having their results measured. If you show up to work and someone says, "Okay, today we're going to do a 2-week evaluation of how well you're doing at your job." It is not something that anybody is looking forward to nor is it easy to do. I am not advocating that we simply have one multiple choice test fits all. It is a complicated process to evaluate. But some evaluation has to be done.

It is not enough for those of us who advocate public schools to stand up and say, "Well, it's too tough to evaluate. We can't really tell you what schools are working and which ones are not." We need to figure that out.

We also need to give parents choice. Expanding charter schools in this country would give parents realistic public school choice. They could mold and shape their local community school and be invested in it. Those options would help improve public schools. But at the end of the day, we also need to fund schools. If we are going to tell teachers that we are going to hold them more accountable, we are going to have to pay them more. You will not attract people to the teaching profession if they know they are starting out at $24,000 and topping out at $50,000 when they have other options.

Another good idea, something that the gentleman from Florida (Mr. DAVIS) has worked on a lot, is the idea of alternative certification, the idea of taking people who have been working in the business world, have developed skills and giving them an alternative method to allow them to teach perhaps for a short period of time to help fill that quality issue. So we are going to have to increase quality through increasing pay and increasing accountability if we are truly going to move forward in education.

In this election year, I ask both parties to step up to this problem. This should not be an issue where we try to advance an idea or a piece of legislation for the political purpose of making the other party look like either, A, they do not support public schools or, B, they do not support accountability. We need people working together who both support public schools and support accountability and choice. I think that is the majority of this body, frankly. We just need to forge that coalition and work on that so that we can move forward.

Mr. Speaker, one final point. Local control is going to be a critical aspect of this. This cannot be solved from Washington, D.C. Local schools have to make the difference, and we have to empower them to make that difference.

□ 1445

TRIBUTE TO JUDGE JOSEPH CLEMENS HOWARD, SR.

The SPEAKER pro tempore (Mr. NEY). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise to note the passing from this life on September 16 of a great American. I rise to pay homage to a man of peace, United States District Judge Joseph Clemens Howard, Sr.

Judge Howard served the cause of justice for many years, first on the Supreme Bench of Baltimore City, and later on the United States District Court for the District of Maryland.

Some may think it unusual that I characterize this man who was such a fierce and tenacious fighter for justice as a man of peace. We must never forget, however, what Dr. Martin Luther King taught this Nation when he said, "Peace is more than the absence of war. Peace is the presence of justice."

All too often in this life, we fail to recognize, Mr. Speaker, the greatness of the people around us. Judge Joseph Howard was a man, however, whose elevated stature as a human being, whose intellectual capability and moral character, as well as physical presence, demanded recognition.

As a consequence of that stature, Joe Howard was acknowledged in his own time as both a legal scholar and as a trailblazer for civil rights.

President Jimmy Carter nominated Judge Howard to serve on the United States District Court for the District of Maryland in 1979. That action on the part of President Carter was an historic event.

In recognition of Joe Howard's capabilities and proven accomplishments as a member of the Maryland judiciary, both Maryland Senator Charles Mathias and our Democratic Senator Paul SARBANES strongly supported Judge Howard's nomination. The Senate gave its advice and consent, and on October 25, 1979, Judge Joseph Howard was sworn in as the first African American to ever serve on Maryland's United States District court.

No one who loves justice has ever had cause to regret this historic event.

I have been taught that a true leader stands up for what is right, whatever adversity that may bring, hanging on to his principles until the rest of the world catches up. This is how I will always remember Judge Joseph Howard.

He cleared the path and set the standards of excellence and principle for all of us who followed him into the law. Those of us who were blessed to know Judge Howard understand that the principles he fought to advance are far from being secured. We will carry on in the certain knowledge that a man who loved humanity has chartered our course and won the opening argument.

Judge Howard used to remind us that justice must always seek to improve the human condition. He quoted Eleanor Roosevelt's words so often:

> Human rights must begin in small places close to home. They are the world of the individual person, where every man, woman and child seeks equal justice, equal opportunity and equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere.

Judge Howard understood the fundamental truth in Eleanor Roosevelt's words. That conviction was the source of his greatness.

Judge Howard's funeral last Friday was one of those brief moments when everyone, both black and white, became one heart and one mind. Baltimore came together last Friday to pay respect to the life of a man who taught us lasting lessons about the seeds of justice within the human spirit.

"There was a fury about Judge Joseph Howard, a sense of justice that lay at the center of his soul," recalled District Court Chief Judge J. Frederick Motz. "At the same time, he was a man of compassion to all, whatever their station in life."

Maryland's Chief Judge, Robert Bell, concurred, observing, "Joe Howard was a man who built bridges so that those who followed could cross to opportunity on the other side."

What touched me most deeply, Mr. Speaker, though, was the honesty and the candor with which those of us who spoke addressed the struggles in Joe Howard's life. We talked openly about how in 1968 as a young man and Assistant State's Attorney, Joe Howard had gone against the legal establishment of that time, challenging racial disparities in sentencing and pushing for a higher level of equity.

We remembered how the system attempted to punish Joe Howard's pursuit of justice during his campaign for a seat on the Supreme Bench. In a free society, the seeds of justice can take hold and grow only in the shared soil of our respect for ourselves and each other as human beings.

So, my colleagues and friends, I rise not to mourn the death of Joseph Clemens Howard, but to celebrate the life of a man who exemplified "equal justice under the law."

To the beloved ones in Judge Howard's life, his wife, Gwendolyn Lynn Howard; his son, Joseph; his brother, Lawrence; and the entire Howard family, we simply say thank you for sharing with us the life of a great man. Judge Joseph Clemens Howard was beloved by all who loved justice, and he will be sorely missed.

INJURED COLD WAR VETERANS DESERVE ASSISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise during this unusual period of the day when we should be busy at work moving our appropriation bills on this floor in the full light of the public to talk and plead about an issue that should be resolved through the appropriations process and the defense authorization bill that is moving both through this body and the other body, and it concerns Americans who worked, who fought on behalf of this country's Cold War efforts, working in the nuclear industry, the beryllium industry, the gaseous diffusion industry, and who are now dying or have died because of illnesses contracted as a part of their working life.

We have tried to bring that issue to bear in the current bills being worked on in the back rooms here somewhere. We have been told that those provisions have now been dropped from the bill.

I am here this afternoon to say, pay attention to what I am saying, because these Americans are veterans, just like those who fought on foreign soil or defended us here at home.

It is terrible to be a Member of Congress and to have someone walk into your office on a breathing machine and say to you, "Congresswoman KAPTUR, I worked in the beryllium industry, and I am dying, and I cannot get workman's compensation, I cannot get decent health benefits for myself, and what is going to happen to my family after my life is over?"

I stand here today in memory of Galen Lemke, just one of hundreds of people, patriotic Americans, who served, worked every day, and produced the weaponry that now has made America the premier military and economic power on the Earth. I would plead with the Defense conferees to listen to them, to care for their lives and their families, and to do what is right, what is just.

The Department of Energy, under the leadership of Secretary Bill Richardson, has produced a piece of legislation that covers most, but not all, of the workers who worked in the nuclear industry, the gaseous diffusion industry, and the beryllium industry.

We have a bipartisan effort here in the House comprised of people like the gentleman from Ohio (Mr. STRICKLAND) of Ohio, the gentleman from Kentucky (Mr. WHITFIELD), the gentleman from Texas (Mr. SMITH), the gentleman from Colorado (Mr. UDALL), myself, and, in the other body, several Members, including two Senators from my home state of Ohio, who are very supportive of this legislation.

There is absolutely no reason that this Congress cannot help these Americans, who are truly deserving of our respect, and, behind that respect, placing the kind of assistance they need in the most difficult moments of their lives.

If the American people were sitting here, they would vote on this 100 percent. They would not leave out one of those families. Yet we are poised to move bills through here which cast them aside. That is truly wrong, when we know it is a discrete number of workers, we know who they are, we know how they have suffered, and we have this time, this year, in the beginning of the year 2000, to put the unfinished business of the 20th century behind us and to take care of these families, as we properly should.

So I would say to the defense conferees, to the conferees on the appropriations bill, there is no better time than now. Do what is right, do what is in the interest of America, and treat these families like the true American patriots and veterans that they are. Include these beryllium workers, gaseous diffusion workers and nuclear workers in a compensation bill that is no different than any other Federal compensation program that exists.

I would say to Secretary Richardson, thank you; and I would say to the Secretary of Defense, where are you? Where are you lobbying on behalf of people who helped this country win the Cold War?

Please conferees, do not do this to Americans who truly deserve the support of the American people.

"THE REST OF THE STORY" ON THE BUDGET SURPLUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. STENHOLM) is recognized for 60 minutes as the designee of the minority leader.

Mr. STENHOLM. Mr. Speaker, we will be taking this hour, I will be joined by many of my fellow Democrats, Blue Dogs, and perhaps several others today, to talk about the budget, to talk about debt reduction, and, as Paul Harvey says quite often, to talk about "the rest of the story," that which we are not hearing in much of the rhetoric that is going on today.

The first point I want to make is that through August 31, 2000, there has been no surplus, other than trust fund surpluses. You would not believe that with the carried-away rhetoric that all of us have been guilty of using of late.

The $4.6 trillion projected surplus over the next 10 years, remember, that is projected. But, more important, remember that as of August 31 of this year, there still has been no surplus, other than trust funds, and, therefore, that is why many of us on this side of the aisle have been arguing that before we spend these projected surpluses, that we ought to fix Social Security and Medicare first, that we ought to be doing the Nation's business today. Instead of adjourning at 3 o'clock in the afternoon, or completing business at 2:15, we ought to be dealing in the respective committees with how do we fix Medicare and the tremendous needs of rural health care.

Why have we been on the floor for the last several weeks talking about tax cuts of $1.3 trillion, when you add them all up, again spending projected surpluses, before we fix Social Security and Medicare? Again, let us calm ourselves and acknowledge the fact that as of August 31, there is no surplus, other than trust fund surpluses.

That is why today the Blue Dog Democrats reiterated the plan that we were talking about at the beginning of this session of Congress, the same plan that we brought to the floor of the House that got, if memory serves me correct, 177 votes, 144 Democrats and I believe 37 Republicans joined with us. That would be 181. Not quite a majority, but there was a significant bipartisan group that recognized that you needed a plan if you were going to accomplish all of the rhetoric that both sides take part in from time to time.

Today we come to the floor to discuss in quite some detail the plan that the Blue Dogs put forward months ago that we reiterate today. The Blue Dog outline demonstrates that it is still possible to reach an agreement on a fiscally responsible budget plan that pays off the debt, maintains fiscal discipline and provides substantial tax relief, including estate tax relief and marriage penalty repeal.

The Blue Dogs have been advocating debt reduction since surplus projections first materialized 2 years ago. The Republican leadership has adopted Blue Dog rhetoric in the last few days on debt reduction, but only for 1 year, and the question we ask today of the leadership of this House is why only 1 year? If debt reduction is truly something that we all agree on in a bipartisan way, why not do it over a 10-year period?

The Blue Dogs believe that to be meaningful, a commitment to debt reduction must be long-term. That is why we are calling on the leadership of this House to extend the principles of their debt reduction lockbox for 10 years. Under the Blue Dog framework, $3.65 trillion, 80 percent of the unified surplus, would be devoted to debt reduction over 10 years. This would put us on the path to eliminate the publicly held debt by 2010.

☐ 1500

That is what we say we are for.

Why do we not have policies on this floor that do that which we say? Why do we continue on having political rallies talking about debt reduction when we really do not mean it except for 1 year? That is a question we ask, and hopefully someone will come to the floor and answer that question. It would be nice to have some simple discussions of these points, instead of just one side talking to the other in the absence of the other. We will be here.

By contrast, the debt reduction lockbox passed last week would only reserve 60 percent of the unified surplus for debt reduction over the next 10 years. Blue Dogs say 80, Republican leadership says 60, and still says we are doing a better job. We do not understand that.

The Blue Dog framework would result in the budget being balanced without counting any trust funds beginning in 2001.

The gentleman from Mississippi (Mr. TAYLOR) has been the one that continues to bring the record from Treasury, source monthly statement of the public debt that anyone can pick up, which is what I was talking about when I started my comments today. There is no surplus except trust fund surpluses. If we are conservative in our approach, we can begin paying off the debt without using any of the trust fund surpluses beginning in 2001.

If we can only reach an agreement on a 10-year debt reduction plan, it will establish a foundation that will make it much easier to reach an agreement on significant tax cuts, including estate tax relief and repeal of the marriage penalty, without jeopardizing fiscal discipline.

The Blue Dogs are prepared to work within the 90/10 framework for fiscal year 2001 to balance competing priorities. Ironically, where we have been talking about 50/25/25, for 10 years, 90/10 fits almost exactly with where we believe we ought to be in the year 2001.

The Blue Dogs believe that it is important that Congress and the President look beyond the short-term cost of legislation and keep in mind the long-term impact of budget decisions we make today. Before agreeing on any tax cuts or new spending programs, we need to know how all of these proposals add up over the next 5 to 10 years, even if they fit within the 90/10 framework for next year. It is important that this Congress consider the 10-year costs of any tax cuts and new spending initiatives, not just the cost in fiscal 2001.

Likewise, once Congress and the President agree on the level of discretionary spending for next year, and this is what is being fought out. It bothered me considerably when I see on the front page of the Washington Post this morning that members of the other body in the other party are talking about "spending is going to go out of the window." It should not. All we have to do is agree on a framework of what spending should be this year, in a bipartisan way, working with the White House. I believe that is achievable. That is the Blue Dog plan.

Mr. Speaker, we have looked at the President's proposals. We have looked at the Republican budget, and we have said somewhere in between is where we need to be, close to the middle. I think if all of our colleagues on both sides of the aisle would look at this proposal, we hope they would find the same degree of enthusiasm for it that we bring to the floor today.

Once we get through the 90/10 for 2001, let us talk about the 10 percent. How do we propose spending that 10 percent of the projected surplus? Remember, there is no surplus as yet. It is projected. But we do believe if we stay fiscally conservative with our spending and our tax-cutting euphoria, that what I am saying today can be achieved.

We have a projected surplus of $268 billion for fiscal year 2001. Ten percent of that is $26.8 billion, and that is to be divided between tax cuts and spending, divided equally between Medicare provider restorations and discretionary spending and tax cuts. The Blue Dog framework would allow a tax cut of $8.5 billion in 2001 and $377 billion over the next 10 years. This will allow for estate tax and marriage tax penalty relief with room for other tax cuts of $4.4 billion in 2001 and approximately $200 billion over the next 10 years.

Why should we be considering today going home without dealing responsibly with the marriage tax penalty? Why should we be going home in a few weeks or days without dealing responsibly with the death tax, when everyone in this body knows there is a good, sound, conservative middle ground that would be very appealing to every single small businessman and woman in the United States and give significant relief to everyone above $4 million in estates? Why would we go home without completing our work?

Devoting an additional $8.5 billion for discretionary spending will provide room to increase spending in the appropriation bills to fund agricultural disaster relief, increase funding levels for education, health care, veterans and military retiree health care, all of which have bipartisan agreement that we do need to make some increases in those areas.

We also provide for $8.5 billion in 2001 to address problems facing health care providers as a result of the reductions of the 1997 balanced budget agreement, the kind that our rural hospitals are clamoring, praying for the relief so that they do not have to close. All of this can be achieved within the framework of debt reduction, sincere debt reduction, recognizing also that the surpluses that everybody talks about are projected.

One of the fundamental questions this body should be concerned a little bit about is when we look at this debt that we are talking about, one-third of it is owned by foreign interests and the question that we all want to answer, I think, sooner than later, how much longer can our economy continue to grow at the unprecedented rate that it has for the last 8 years? How much longer can we go in the longest sustained peacetime economic expansion in the history of our country? Can we go another 2 months, 3 months, 6 months, 1 year, 2 years? No one knows the answer to that question.

But the Blue Dogs believe that the most conservative thing we can do right now is spend our time discussing how we fix Social Security and Medicare for the future. And until we do that, let us pay down the debt and let us be very fiscally prudent with the expenditure of our taxpayer dollars. That is our message.

Mr. Speaker, at this point I am glad to yield to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding to me, and I also thank him for his work on this issue. He has been a real bulldog at dealing with fiscal matters of this Nation.

I just left a Blue Dog press conference just hours ago, and our message was very simple. It is that there is still time in this Congress to get something done. I believe that there are some people in this Congress that have thrown in the towel, have raised the white flag and said: we are not getting what we want, so we are going to go home. Go back to the American people and say they would not let us do anything.

Mr. Speaker, I believe that is the wrong approach. I think we give up a golden opportunity to do something because we have it in hand. What we heard the gentleman from Texas so eloquently articulate, our position, is not a new position. It is a position that we have been advocating for over 2 years now: 50 percent for debt reduction, 25 percent for targeted tax cuts, 25 percent for priority spending.

But we underscored today in our press conference that it was good 2 years ago, it was good last year, it was good 2 weeks ago, and it is better today because there is no other plan on the table as comprehensive as this is today.

I believe it is reasonable for this body to come together and do what I think the American people want us to do: be conservative with their money. I frankly think being conservative with their money is being conservative, is looking at it as we would in our families, in our businesses. What is the first thing we do with a windfall? Pay down our debt. The Blue Dogs have talked about debt reduction until we are blue in the face, frankly; and it finally caught some traction. Now everyone is talking about it. No one was talking about it a year ago; but now they are talking about it, and I think it is a good thing.

The best tax cut that we could give our children and our grandchildren is keeping down the interest rates on our credit cards and our mortgages. How do we do that? We get out of debt with this country. That is what the centerpiece of our proposal is. Whatever the surplus is, let us pay down the national debt.

Another piece of our puzzle is 25 percent to targeted tax cuts. We go home, and we have heard in this Congress a lot of rhetoric about tax cuts. Well, I am for this tax cut, I am for that tax cut, I am going to be for this, and I am going to be for that. But I believe that it has been all rhetoric up to this point in time.

Frankly, that is the legislative process. We take 2 years to debate, talk about different angles, let everyone come in. That is the American way. It is representative democracy at its best, and it has worked.

But now is the time to fish or cut bait, as we say back home in Louisiana. This is the only program on the table that can be done. It is doable. It is reasonable. It is affordable.

In the area of tax cuts, I believe we would be derelict in our duties in this Congress not to go home with a significant tax cut. A reasonable tax cut. Something we can afford. We could not afford a trillion dollars. That is why the program failed. But I believe there is room for it, and this is the way to go.

Estate tax. Everyone talks about estate tax. I left a press conference just 30 minutes ago, right after our Blue Dog press conference, where we unveiled the Estate Tax Relief Now plan of the gentleman from Tennessee (Mr. TANNER). A wonderful plan. If my colleagues are truly for estate tax relief, they must embrace this plan. It is the only plan on the table. It is a plan that my friends on the other side of the aisle have basically abandoned, saying we either want repeal or no repeal.

Well, I have come to this Congress to compromise. We do it in our business life every day. We do it in our married life every day. We do it in State legislatures, and it is done here every day. Compromise. And if we do not do it, we go home with nothing; and I think that is a serious mistake.

What does the Tanner bill do for estate tax? It cuts the rate in January 1, 2001, 20 percent. I have heard from every person in my district, from the coffee shops to the bus stops, to the rice fields, to the boats that we need to cut the rates. We ought not to pay 55 percent of our income just because one of our loved ones has passed away. Well, Mr. Speaker, I think they are correct; and that is what this bill does. And it does not backload it, and it does not phase in. It starts January 1. It cuts the rate 20 percent.

What else does it do? It doubles the deduction from $675,000 to $1.3 million, which is $2.6 million for couples. It is a reasonable plan. It covers most small businesses and also small farms, and it is what we should be doing. It fits in the Blue Dog proposal. It fits in any reasonable proposal. It fits very well.

The marriage penalty, I think we ought to do it. I have voted for it in the past. It was vetoed by the President. But what do we do? Take our marbles and go home? I do not believe that. I think if we look at marriage penalty and double the deduction, for a married couple double the deduction, that is marriage tax penalty relief in its truest form.

Mr. Speaker, I believe that there are so many more other smaller tax cuts that we can do if we live within the means and not just go off on some spending spree and say we are going to do all of these tax cuts or we are not going to do any. I would tell my colleagues, there is middle ground and this is it.

The other part of our program is 25 percent of whatever the surplus is to priority spending. My farmers in southwest Louisiana have been devastated. Salt water intrusions in our wells have killed our rice crop. Prices are low because this Congress has not been able to, I believe, fulfill our promise in the Freedom to Farm bill and open new markets, especially Cuba. We need to give our farmers a break.

Disaster relief. Something that we can do that fits in priority spending. Veterans and health care. Education. Our Conservation and Reinvestment Act that is now in the midst of being enacted into law. We need some priority spending and we ought to spend it on programs that are important to the American people.

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That is your program. Our program is very simple and very straightforward. And it is very serious. It is a proposal that I commend and I beg the other side that we need to get engaged with, with only 2½ weeks left, because I can say all I want about how I fought for my people of the seventh district, but I do not want to go home and say we could not get a budget package together, a framework, and bring us forward for the next 10 years, because I know I would do that in my business, and I know my constituents want me to do that.

Mr. Speaker, I ask my colleagues to look at the Blue Dog plan seriously. I beg of the Senate, the administration and the other aisle, because I think it is the way that we should go. And as we say so many times, "follow the Dogs, we'll lead you out of this problem."

Mr. STENHOLM. Mr. Speaker, I yield to the gentleman from the 4th District of Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for allowing me to be up here and thank him for yielding to me.

Mr. Speaker, I guess this gets down to priorities; and when we are talking about priorities do we care more about tax cuts or do we care more about protecting and giving our country a future? I was talking to the Rotary Club and a lot of businessmen were in the Rotary Club, and one of the gentlemen asked me a question, "do you think it is more important to give tax cuts or pay down our national debt?" I said to him paying down our national debt, and when I got on the stand, there was applause for me for making that recommendation, because it is true; the future in this country is in us paying down our national debt. The Blue Dogs have the right idea, that is the reason I am proud to be a Blue Dog.

We have our 50-25-25 plan to lower the national debt, protect Social Security and Medicare, lower taxes, secure health care, promote family life policy and in supporting and helping our farmers. It is the safest, most affordable and workable plan being offered today, and I am proud to be a part of it.

Let us think about what are we going to do with Social Security. Well, the first thing we ought to do, let us say this is the Social Security surplus, we ought to set it in a trust fund and take it off budget and let us leave it off budget and let us leave it for Social Security. The same thing with Medicare. That way we are working with a true budget surplus, 50 percent of the non-Social Security and nonbudget Medicare budget surplus will eliminate the national debt by 2010.

Let us think about it, 50-25-25. We take Medicare, Social Security, Medicare off budget, we operate from a true budget surplus. We take 50 percent of our budget surplus and pay down our national debt. Within several years, we will have our debt down to what it was in 1970. Helping to lower interest rates, what does that do? That keeps businesses going.

What started the economy going any way was lowering interest rates. These are the things that are going to give our children and our country a future.

What do we do with the rest of it? We have 25 percent that we can use for tax cuts. We were talking about this estate tax in the press conference that went on a while ago. And I guess all of us here supported some kind of elimination of the estate tax one way or the other or cutting down on it, that is something we should do.

The marriage penalty tax, we ought to do something about that. Tax incentives for retirement savings; tax incentives for small business for employers to provide their employees with insurance, give them tax credits for that; tax credits to expand access to health insurance, which we have already said; tax incentives for school construction and educational tax breaks; tax incentives to encourage economic development in distressed communities.

There are so many things that we can do to help reinvest into our people in this country, and we ought to be looking for that.

The other thing we ought to go look at is the other 25 percent of the balanced budget surplus, that ought to go into priority spending programs. We were talking about prescription medicine.

I will tell this story. I did a bus tour in our district last year. We made 17 speeches in 4 days, and what we did, we took 30 Federal agencies and State agencies in the district and we went to courthouses and we asked people to sit there, and the people who were having problems to meet there, having problems with housing, medical, health care, farming issues and agendas, something like this, to meet with us there and we would subdivide the group up.

Mr. Speaker, I was standing there in the front and this elderly couple came walking up to me and said we need to talk about our hospital bill and prescriptions and our health care. Well, I directed them over to the lady that was handling them. Well, I was talking to some other folks, and I looked over there and the elderly man was crying and his wife was crying and the lady who was helping them was crying. We all started crying because of the situation.

Well, what happened to this man? Here is a person, part of the greatest generation of this country, he worked hard, he was a carpenter. He provided for kids, they have good jobs and gone out on their own, and now he is having a problem with his health care. He was self-employed, and he cannot pay his hospital bills.

He cannot buy the medicine for his prescriptions, now he is being turned in for bad credit because he cannot pay his hospital bills.

These are the priorities we ought to be talking about. These are the priorities we ought to be investing into, we should be investing in our people. That is not throwing money away, reinvesting back into the people.

Think about it, 50 percent of the budget surplus going to national debt, 25 percent of it going to priority spending, tax cuts, and then 25 percent of it going for discretionary spending on priority programs, such as Medicare, prescription drug benefits, restored Medicare cuts that hurt our small health care providers, improving and extending safety net for our farmers who are going out of business and the gentleman from Texas was good enough to come talk to our farmers not too long ago, and our foreign military retirees, the men and women who have saved this country, who have given to this country so we can get on the floor and talk today about what we can do for this country. We are not keeping the promise to them, they are broken promises.

The military retirees should have better health care benefits. Veterans, we are not providing those kinds of benefits, because we need to take this budget surplus and reinvest back in the people. Also increase defense spending, pass a patients' bill of rights, discretionary spending, with some increases in inflation for these hospitals, and for education, health care to our veterans.

These are issues that are really close to our heart, and we feel really serious about it. Remember the formula, 50–25–25. It is the best deal in town, and we ought to take. I appreciate the gentleman from Texas (Mr. STENHOLM) for this time.

Mr. STENHOLM. I thank the gentleman from Mississippi (Mr. SHOWS) for his contribution today and for his contribution to the 106th Congress and to the Blue Dogs. He has been one of our real bulldogs, as we heard him saying, in sticking with the plan.

Before I yield to the gentleman from Texas (Mr. TURNER), my fellow colleague, let me kind of refocus why we are here. We are supposed to complete our work in this body by September 30, that is what the Constitution requires. We do not always do that. When Democrats were in control, we quite often did not accomplish that goal, but usually we ended up with a plan of how we were going to complete our work.

We now have only two appropriation bills that have been completed. It seems to those of us on the outside of the appropriation process that the leadership of the House and the Senate are having a difficult time coming up with a plan to get us out of here. We are submitting the Blue Dogs' perspective that this is a plan that can get bipartisan support. We believe that it not only can get bipartisan support here, but that it can get Presidential support, that is what it is going to take for us to complete our work. And when we complete our work, it is something that we all want to go home and take a little credit for and take credit for it in an honest way.

Mr. Speaker, so often around here, most of us tell the truth most of the time, if not all of the time, but many of us do not tell the truth, the whole truth and nothing but the truth, and what the Blue Dogs are trying to say today is the rest of the story, the truth, the whole truth and nothing but the truth. There is no surplus yet through August the 31st.

When we hear $4.6 trillion in projected surpluses, the word that should be emphasized is projected. We readily acknowledge that this is your money and we are just trying to give some of it back to you. And in the rhetoric prior to last week, certainly Congress has no money, other than what we take from the American people in the way of taxes, it is your money.

But the Blue Dogs also remind you it is your debt, the $5 trillion 678 billion debt as of August 31, 2000, which is $21 billion more debt than we had 1 year ago.

It is your debt, and that is why we have suggested the 50–25–25, and that is why we come back to the floor today and reiterate debt reduction, program priorities, tax cuts targeted carefully towards meeting a real human need.

Mr. Speaker, I yield to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding to me, and I certainly want to thank him for the leadership that he has shown for so many years now on these budgetary issues.

I am pleased to join with him and my fellow colleagues in the Blue Dog Democrat Coalition, our group of about 30 or so Democrats, who believe in the balanced budget, who believe in paying off the debt, who believe in a responsible tax cut plan. I think that the reason that we have come to the floor today is because of our mutual sense that the leadership of this Congress has failed in the area of budgetary policy.

The Republican leadership started off this year with a big tax cut plan. Now, we all know it was based on some estimates of a future surplus that may never arrive, and so the Blue Dog Democrats put together our own budget plan.

As has been said by previous speakers, it is really a pretty simple plan. It says keep your hands off the surplus and the Social Security trust fund, keep your hands off the surplus that accrues in the Medicare trust fund. And with regard to the general fund surplus, we call it the on-budget surplus, let us use 50 percent of that money to pay down the national debt, 25 percent to give reasonable and meaningful tax cuts to the American people, and let us reserve 25 percent for spending priorities. That is the plan shown on the chart to my right, the Blue Dog budget.

Mr. Speaker, it provides debt reduction of $955 billion over the next 10 years from the on-budget surplus, a net tax cut of $387 billion plus the savings of $91 billion in interest costs since we are paying down the debt with $955 billion. And program priorities, things like being sure we save our rural hospitals, who are struggling today to keep the doors open, to be sure that we have money set aside so that when the baby boomers retire and the stresses and strains come on the Social Security trust fund and the Medicare trust fund, we will be able to take care of that generation; priorities like strengthening national defense.

Within the Blue Dog budget, we take care of program priorities, areas where we can all agree we need to spend dollars, and yet we provide a meaningful tax cut for the American people.

Our Blue Dog plan, I think, is the most fiscally responsible plan, and it is also the plan that recognizes as a priority debt reduction.

On the chart that I am showing my colleagues now, we can see the comparison of the debt reduction plans that have been presented to this Congress. The first one that is mentioned is the Blue Dog plan that I have referred to which reduces the national debt $3.6 trillion over the next 10 years. That reduction, debt reduction plan, will totally eliminate the publicly held debt over the next 10 years.

We went 30 years in this Congress spending more money every year than we took in. We are just now at the point where we are able to say we have a balanced Federal budget, that is because of the fiscal restraint that we have exercised, and that is because the American people have worked hard to produce a prosperous economy. And those additional tax revenues have brought us to the balanced Federal budget.

While times are good, we need to take advantage of what is, I think, a historic opportunity to pay off that national debt so our children and our grandchildren will not inherit the free spending practices of the past generation. And if we can pay off the national debt, we will, in fact, give our people the best tax cut they could ever have.

Even the trillion dollars tax package that the Republican leadership advocated in this House, that would only give middle-income families about a dollar a day in tax relief. If we pay down the national debt, economists tell us that it will lower interest rates across the board for everybody that has to borrow money.

□ 1530

In fact, the economists tell us, and Alan Greenspan himself has testified before this Congress many times, that the best use of the surplus is to pay off the national debt. If we get the government out of the business of borrowing so much money every year and rolling that debt over year after year, the economists say that it will take this pressure off the credit markets, and interest rates will go down.

So folks trying to borrow money to own a home, folks borrowing money to buy a car, people who borrow money to send their children to college, they will all experience lower interest rates. A 2 percent reduction in interest rates for a family that has a $100,000 home mortgage they are paying on, it would save them $2,000 a year. That is a much better tax cut than the $323 that a middle-income family would get under the trillion dollars Republican tax cut plan.

Yes, we Blue Dog Democrats and all Democrats believe in tax cuts, but we believe that they must be granted within the context of reality. The reality is that, even though the surplus we are talking about is about $2 trillion over the next 10 years, it is just an estimate. If we cut taxes with about 70 to 80 percent of that number, which is Governor Bush's plan, we may very well find out that the surplus has never materialized. If the economy is not as strong as we assume it may be, that surplus may never arrive; and we, as the Federal Government, will be back into deficit spending again.

Our Blue Dog plan leaves room for $77 billion of tax cuts over 10 years. That is a conservative plan. That is a realistic plan. That is a plan that will keep us on the road to economic prosperity by lowering interest rates for the American people.

But let us compare the plans. The Blue Dog plan reduces the national debt $3.65 trillion over the next 10 years. That is equal to using 80 percent of what we call the unified surplus for debt reduction. The unified surplus simply means we devote all of the Social Security trust fund surplus to paying down that debt. We devote 100 percent of the Medicare trust fund to paying down debt, and we devote 50 percent of the general fund, the so-called on-budget surplus, to paying down debt. So 80 percent of the surplus that will accrue over the next 10 years goes to debt reduction.

The Clinton administration budget allocates 75 percent of the unified surplus to paying down debt. Vice President GORE's proposal that he has talked about in his campaign dedicates 68.5 percent of the unified surplus to paying down the debt.

If we look on the other hand at the Republican proposals, the Republican proposal in this House would dedicate 60 percent of the unified surplus to paying down debt. Governor Bush's proposal would dedicate only 58 percent of the unified surplus to paying down the national debt.

The question I ask my colleagues is, who are the fiscal conservatives in the Congress? I think it is the party that advocates paying off the national debt. The Blue Dog plan would pay it off the fastest. This plan would pay it off in 10 years. Governor Bush's plan, by our calculations, would still, after 10 years, leave us owing a trillion dollars. We believe the thing that we should do for the American people is pay down the national debt over the next 10 years.

It is interesting that our 50/25/25 budget plan has received bipartisan support. During the budget debates on the floor of this House, our plan was presented. As the gentleman from Texas (Mr. STENHOLM) mentioned, it received over 170 votes in this 435 Member House. Thirty-three Republicans joined with Democrats in supporting that Blue Dog plan.

It is the right plan for the American people. It will ensure our future prosperity. It represents what my daddy always taught me, and that is, the first thing you do if you have a little extra money is pay off what you owe. That rule applies at my colleagues' house, it applies at my house, and it should apply in the people's house here in the United States House of Representatives.

So we hope that our Republican leadership will adopt our plan. Frankly, I was disappointed in the Republican leadership after they so vigorously pushed for over a trillion dollars in tax cuts, not setting the priority that we wanted to on paying down the national debt. After their plans were vetoed, as the President vetoed tax cut after tax cut, they threw in the towel and said, well, we will just forget about tax cuts.

Democrats in this House believe the American people need tax relief. We just believe that we need to give that tax relief within the framework of a sound and sensible Federal budget.

With $377 billion in tax cuts under our plan, we can eliminate the marriage penalty; we can reduce estate tax. For all estates of $2 million or less, that means a family, husband and wife, could be worth $4 million and pay absolutely no estate tax under our plan. It reduces all estate tax rates above that 20 percent.

We believe that within our $377 billion plan, we can increase the amount that families can put in an IRA or put in their 401(k) plan, saving more for the future, and being able to deduct more on their income tax return.

We believe we can provide some relief for our seniors, many of whom have to pay tax on their Social Security benefits. We believe we can provide meaningful tax relief to allow urban and rural areas some incentives to invest and do projects that would renew their communities.

These are tax cuts that make sense for the American people. They are tax cuts that fit within an overall budget plan that will allow us to pay off the national debt over the next 10 years.

I believe and I hope that our Republican colleagues will listen to this plan and listen to our appeal and join with us in these closing weeks of this session to put America on the right course for the next decade.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Texas (Mr. TURNER) for his contribution today and, again, for the last several months as he has been, again, one of our Blue Dog bulldogs.

When my colleagues sit here and they listen to what we are saying today and they listen to what our colleagues from the other side of the aisle are saying, I get confused sometimes as to what are we fussing about. What is it that divides us so much? What is it that causes colleague after colleague on the other side of the aisle to come over and point the finger at this side of the aisle and blame us for the impasse in the Congress?

We Democrats are in the minority. We got there the old fashioned way in 1994. We earned it. We are no longer in the majority.

It is my understanding the majority leader will be coming over to take his hour after we finish. I would be glad to yield the remainder of my time for an honest discussion with the gentleman from Texas (Mr. ARMEY) regarding the plan that we are talking about and what is wrong with it. Perhaps we can change it.

The Blue Dogs have suggested all along that bipartisanship is what it is going to take for us to do the Nation's work. A lot of times, we will hear we are spending too much. Well, perhaps we are. But let us work that out.

The Committee on Appropriations gets blamed for doing a lot of things.

But if we give them the numbers of what they have to spend, they usually stay within that. But it is the majority of this body that determines what we are going to spend, and the majority is now in the other side of the aisle's hands.

If we do not want to spend any more money on Medicare, say so. Let us tell our hospitals we are not going to spend any additional money. The solution for our Nation is to close the hospitals that cannot cut it with the balance-the-budget agreement, the plan that was put into effect in 1997 that was supposed to be the salvation of health care. Well, it has not worked out that way.

Come to the floor and say we are not going to spend on Medicare. Come to the floor and say we are not going to deal with veterans and military retirees; that we are not going to deliver on the promise that we have made; that we have been shortchanging. Come to the floor and say we are not going to recognize the disasters that have occurred, weather related, fire, drought. Come to the floor and say we do not give a rip whether communities will not have drinking water because we do not wish to spend any more than the budget we submitted 6 months ago.

That is an honest debate. It is an honest discussion to have. I think we will find that we will have bipartisan agreement, that we can find something close to what the Blue Dogs are suggesting.

Do not take our marbles and go home because we did not get the tax cuts we were for. Respect some of us on this side of the aisle that say we are for dealing with the estate tax, the death tax. We just believe it ought to be done from a fiscally responsible way; that we ought not to leave the problems of Social Security 10 years from today to some future Congress because we want to deal with the repeal of the death tax in 2010. Some of us believe we ought to deal with it in 2001, but deal with it in a fiscally responsible way, an honest discussion, an honest debate. I feel very strongly that we could come to a bipartisan agreement.

Understand the process around this place. The process is, if we have got 218 votes and 51 votes and a presidential signature, it becomes law. If we do not have 218 votes, 51 votes, and a presidential signature, it does not become law. That means we have to sit down and, in a good-faith effort, with folks on the other side of the aisle, if one is in the majority, to find that middle ground. That is the way our Founding Fathers intended that this place should work.

Where have we lost that? Why is there no sincere effort ever to reach out to this side of the aisle from the current leadership when we are here extending the hand of saying we are prepared to work with you, and we offer a plan to start with? Did we say it is perfect? No. Can it be improved? Absolutely.

Spending. We proposed today that we should not have abandoned caps on discretionary spending that worked pretty darn good for 3 years before we began to run into the unrealistic level of the caps. Because even those in the majority party refuse to live up to what they said we were going to do because it could not have been done. We would have gutted Defense had we done that.

We are suggesting now, let us agree on the spending levels for this year within the 90/10 philosophy that we have heard espoused. Then let us set a new set of caps for the next 5 years at this year's level with inflation and demographic adjustment. We believe that that is a very fiscally prudent way for us to handle the prospects of future spending. If my colleagues disagree, come to the floor and disagree with us.

October 6 is going to be here before we know it. What is the plan for getting out? Remember, we have to get a presidential signature or we do not go home, nor should we. But what is the plan? What is the plan that can get the kind of bipartisan support that is going to be required?

This is what the Blue Dogs are saying today, and we say it not in a confrontational way. We remind our friends on the other side of the aisle, we were here in February, in March, in April, in May, in June and July and August. Now here we are in September saying the same thing that we have been saying all year. Here is a plan that can get support including presidential support. But somehow, some way, and I do not point this finger in an accusing way, because I was reminded a long time ago, when you point the finger, Mr. Speaker, there is always three pointing back at you. I accept the three pointing back at me.

But I do not sincerely understand why the leadership of this House has chosen not to come forward and to have a serious discussion regarding how do we get out of this place and complete the 106th Congress.

Mr. TURNER. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I am happy to yield to the gentleman from Texas.

Mr. TURNER. Mr. Speaker, I think one of the points that the gentleman from Texas (Mr. STENHOLM) made there deserves our further discussion. I noted, when the Republican leadership abandoned their plans for tax cuts, they came back and began to talk as we have for 2 years now about debt reduction as a priority. I think they have said for this year it would be okay with them to use a portion of that surplus for debt reduction.

I believe that when we look at what they have proposed for the next year, if we could just persuade them to put that in place, that plan for the next 10 years, we could basically have the Blue Dog budget plan that we have advocated.

So I think we are really at a point where we could possibly reach some accord with regard to the future Federal budget and probably do the American people a great service by letting them know now that, in 10 years, we will pay down the publicly held national debt, and we will provide some meaningful tax relief to the American people.

□ 1545

I think it all comes down to what the gentleman said earlier, and that is it comes down to one's view of how this process is supposed to work. The Republican leadership knew before they passed their almost trillion dollar tax cut bill that the President was going to veto it. He told them that. It was passed anyway. And that is fine, that is the process working its will. But once that occurred, then it seems to me that the right thing to do was to realize that a half a loaf, from their point of view, would have been better for the American people than none at all.

And if we come back to a more realistic Federal budget plan that puts a priority on the national debt and that provides about $377 billion, as we have in our plan, in tax cuts, then we can tell the American people that we have done the people's work; that we have set our Nation on a course of fiscal responsibility and we have taken the good times that we have and the projected surplus and we have allocated it in a way that is going to work for the American people and work to keep this prosperous economy going.

So I hope that this hour has not been spent in vain. I hope our Republican leadership will take a look at the Blue Dog plan, which we have advocated for 2 years now, and perhaps get us back to the point where we can come together and do the job the American people expect us to do, both Democrats and Republicans, and do the right thing. Even though it might not be what everybody wants, it will at least represents a true compromise. And after all, that is what the legislative process is all about.

So I really appreciate the time that we have had here to talk about this issue. And again I thank the gentleman from Texas (Mr. STENHOLM) for his leadership on this issue on our side of the aisle.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman, and will now yield to the gentleman from the 19th District of Illinois (Mr. PHELPS), one of our Blue Puppies, that has now achieved the full rank of Blue Dog in this year.

Mr. PHELPS. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) and the gentleman from Texas (Mr. TURNER), and I want to also commend the gentleman from Alabama

(Mr. CRAMER) and the gentleman from Tennessee (Mr. TANNER) and many others. The leadership of the Blue Dog organization has been right on target and made me feel very comfortable in being a part of the membership. I have learned a lot as a new Member in looking at this budget.

And I want to thank the Blue Dogs for being consistent. To me that is very important. My father gave me some advice a long time ago. He said, "Don't reject an idea just because it is not your own." I think that is what we are coming down to here.

Mr. Speaker, as the budget discussions continue, I encourage my colleagues on both sides of the aisle to look at the Blue Dog budget framework as a workable fiscally sound solution. This budget framework shows that it is still possible to responsibly pay down the debt while providing critical funding for education and health care programs.

I am pleased to see that both sides are now focused on paying down the debt, something the Blue Dogs have supported from the very beginning. Under the Blue Dog plan, the debt reduction lockbox would be extended 10 years to save 100 percent of the Social Security and Medicare surpluses, plus half of the on-budget surpluses for debt reduction.

We owe it to our children to not squander the surplus but invest it into their future by paying down what we already owe. At the same time, this budget would suggest that 10 percent of the fiscal year 2001 surplus be divided between tax cuts, BBA relief, and discretionary spending. I have favored some of the tax cuts proposed this year, and I will continue to do so, but we must provide necessary funds for the problems we are now facing in health care and education.

In my district these are critical funds. In my district, for example, education funding is critical to providing our students, especially those with special needs, with the education they need to make it in the real world.

In my district, home health and rural health centers are the only point of access to health care for many people. Funding of these programs and providing them with BBA relief, which is included in the Blue Dog alternative, literally can mean life or death for these programs and the patients they serve.

In 1997, with the Balanced Budget Amendment, we asked our citizens to accept cuts to put us on the path to a fiscally secure future. Well, now we are fiscally responsible and we have a surplus. It is our duty to also use the surplus responsibly by investing in our kids' education and providing access to necessary health care for our citizens. The Blue Dog alternative best meets these goals.

It is not too late to come to agreement on a fiscally sound budget that pays down the debt, gives tax relief, and provides for health and education. I ask my colleagues to use the Blue Dog framework and agreement to come to the end of this budget impasse. I hope that we all are reasonable and will come forward and be sure that we act responsibly on behalf of our citizens.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for his contribution.

In closing, I would just say, Mr. Speaker, that we have taken this hour in good faith, in the spirit of which we have spoken. We believe that we have some ideas worthy of consideration, Mr. Speaker, and we hope that our colleagues will give them their just due.

HUNGER

The SPEAKER pro tempore (Mr. NEY). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, hunger is an issue that many in America would prefer to ignore, and I perhaps wish I did not have to speak on it. I have spoken on this before and have said many of the things I must repeat again.

The economy is soaring for some. In fact, it is good for most. Unemployment is at a 30-year low. Welfare rolls have been slashed. Still, every day in America, 31 million Americans, 31 million Americans, are either hungry or living under the specter of hunger. The economy is sinking for far too many of our citizens: Those who are hungry.

There is evidence of hunger in 3.6 percent of all households in America. Close to 4 million children are hungry. Fourteen million children, 20 percent of the population of children, live in food insecure homes. In food insecure homes, meals are skipped or the size of the meal is reduced. More than 10 percent of all households in America are food insecure.

Because there is such hunger and food insecurity, there is also infant mortality, growth stunting, iron deficiency, anemia, poor learning, and increased chances for disease. Because there is such hunger and food insecurity, the poor are more likely to remain poor and the hungry more likely to remain hungry.

It seems strange that we must fight for food for those who cannot fight for themselves. It really is time to stop picking on the poor. Less than 3 percent, less than 3 percent of the budget goes to feed the hungry. It is for those reasons that Congress should, Congress must pass hunger relief legislation. If we do, we can achieve several important goals: We will build on the bipartisan progress we made in 1998 with the passage of the Agriculture Research Act. In that act we restored some benefits for legal immigrants.

In legislation I have co-sponsored in this Congress, we restore food stamp benefits for all immigrants, including the working poor, families with young children, and needy seniors. With the Hunger Relief Act of 1999, we also seek to update the food stamp rules.

We change the vehicle limit so that families can retain a reliable car without losing food stamp benefits. We change the shelter cap, raising it from $275 to now $340 over the next 4 years, and then we index it to inflation. Finally, the Hunger Relief Act authorizes another $100 million over 5 years for commodity purchases and food distribution.

With the will, we can pass this act this Congress. We cannot move from poverty to progress without a fair chance for all. We cannot prepare our children for the future if we insist upon policies that relegate them to the past. We cannot ensure the quality of life for every citizen if we fail to provide programs for all of our citizens. And we cannot protect and preserve our communities if we do not adequately provide the most basic commodity for living: Something to eat.

Nutritional programs are essential for the well-being of millions of our citizens. The disadvantaged, our children, the elderly, and the disabled, these are groups of people who often cannot provide for themselves and need help for their existence. They do not ask for much: Just a little help to sustain them through the day; just a little help to keep children alert in classes and adults to be productive in their jobs or as they search for jobs.

The Hunger Relief Act provides that help. Food for all is worth fighting for. And as we end this Congress, we have a chance to change this shocking and the scandalous situation. I am so proud to have joined 181 of my colleagues in the House and 38 Senators, Republicans and Democrats, in support of legislation that focuses on food and takes notice of this Nation's nutritional needs.

The Hunger Relief Act, H.R. 3192 in the House and S. 1805 in the Senate will help the one in ten families in our Nation who are affected by hunger. Mr. Speaker, let us pass this act before we end this Congress.

VICE PRESIDENT'S ECONOMIC PLAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. ARMEY) is recognized for 60 minutes as the designee of the majority leader.

Mr. ARMEY. Mr. Speaker, a few of my colleagues will soon be joining me and we will be spending the next hour discussing the details of the Vice President's economic plan. Certainly during that period of time we will have a broad overview, but at this point I would like to just focus very narrowly on one aspect of the Vice President's plan.

My colleagues may recall, Mr. Speaker, that the Vice President was one of many voices that urged the President of the United States to veto the marriage penalty tax relief that was passed by this Congress and sent to the President. Soon after the President vetoed the marriage penalty tax relief, the Vice President announced that he would give marriage penalty relief by doubling the standard deduction.

Mr. Speaker, I think it is probably worth our while to realize what this means exactly in terms of the Vice President's claim that it is marriage penalty tax relief; certainly what it means by way of comparison with the marriage penalty tax relief that was granted by this Congress and vetoed by the President.

The first thing my colleagues should realize is that in the congressional bill, written by the Republicans and passed on to the President, vetoed by the President, all married couples, irrespective of their filing status, received relief from the unfair marriage penalty. The Vice President's proposal that he now outlines only gives relief to those people who do not itemize their taxes.

If a couple owns a home and decides to deduct their mortgage interest, they will get no marriage penalty relief under the Vice President's plan. If a couple gives to their church and deducts charitable contributions, they get no marriage penalty relief under the Vice President's plan.

□ 1600

If you, your spouse, or your child is ill and you deduct your skyrocketing medical bills, you get no marriage penalty relief under the Vice President's plan. If you or your spouse work at home and deduct the cost of a home office, you get no marriage penalty relief under the Vice President's plan. And, Mr. Speaker, if you jump through hoops to become eligible for one of the new credits that the Vice President has proposed, complicating our Tax Code even further than it is now, than the Vice President will not give you relief from the unfair marriage penalty. And, Mr. Speaker, that is wrong.

Mr. Speaker, that is just the beginning of the serious concern I have with the details of the Vice President's plan.

Let me say, Mr. Speaker, it is a commonplace observation in this town that the devil is in the details. Armey's axiom is, if you make a deal with the devil, you are the junior partner. And I am about to demonstrate in this next hour that indeed the devil that we do not want to make a deal with is in the details of the Vice President's plan.

Let us take a look at the big picture first. The Vice President would spend the on-budget surplus, he would rob the Social Security trust fund, and he would provide a measly tax cut designed to manipulate behavior instead of giving meaningful tax relief.

Madam Speaker, one of the things that we are very proud of in this Congress, one of the things that we have been able to do, thanks primarily to the success of the American people in creating an enormous economic success story here in America and the revenues that have accrued to the Government out of our economic success, is that we have managed to stop the raid on Social Security.

Not only do we set aside 100 percent of all Social Security tax dollars that people find in their payroll stubs as FICA tax, 100 percent of all Medicare tax surpluses set aside by this Congress, thus ending the 40-year raid on Social Security and Medicare; but we have even managed in this Congress to set aside a large portion of the on-budget budget surplus.

What is the on-budget budget surplus? That is the part of the budget surplus that accrues to the Government from your Social Security taxes, not from your Medicare taxes, but from your income taxes. So that we are now setting 90 percent of all budget surplus aside for debt reduction.

The Vice President's plan would take all of that income tax surplus, which we call on-budget surplus, and he would spend it. But worse than that, he would renew the old practice, a practice that should be forgotten, of robbing from the Social Security trust fund for new risky spending schemes that we will talk about later.

At the same time, he would provide a bureaucratic government-run prescription drug plan that is not guaranteed to bring the cost of drugs down. Indeed, Madam Speaker, the Vice President's one-size-fits-all, you-must-join-the-Government plan threatens to force the price of prescription drugs up.

Let us address his spending plans first.

According to Vice President GORE's numbers, he would increase Federal spending by about $900 billion through the year 2010. However, the Senate budget committee shows a much higher price tag. They added up the numbers and found that the Vice President would spend $2.1 trillion of new spending and he would not stop there.

Think of it this way: the Vice President's plan is 191 pages. That means that each page of his book would cost taxpayers an amazing $18.4 billion per page. It means that for every dollar by which the Vice President would cut taxes, he would spend $6.75.

If you look at the details, Madam Speaker, we find that Vice President GORE dramatically underestimates the cost of his new retirement entitlement program built on top of the Social Security program. That is not new. This has been a part of our problem historically in the past with Democrat Congresses that created new mandatory spending programs and dramatically underestimated their cost.

The Vice President says his new retirement program, which is very similar to the Clinton universal savings account, which was a trial balloon which the Clinton administration floated until it popped, that this would cost $200 billion over 10 years.

But an analysis by Dr. John Colgen of Stanford University shows that, if everyone eligible to participate in it, it would cost $160 billion in the first year alone. The Vice President says his plan would cost $200 billion over 10 years. Professor Colgen of Stanford University says, if everybody eligible participated, it would be $160 billion for the first year alone.

The Vice President mistakenly calls this brand new massive retirement spending program a tax cut.

True enough, it would be run through the IRS and that would give this agency still more power and control over the lives of Americans. But this is no tax cut. Instead, the Vice President would give government checks to people, some of whom do not even pay taxes. Our budget rules would score it on the spending side, not on the tax side.

Other parts of this Big Government agenda include massive new spending on energy, environment, transportation and crime, all important items on our policy agenda. But to pay for this, the Vice President would rob the Social Security system.

Madam Speaker, we have stopped that raid on Social Security; and I believe that the American people would agree with me, there is no going back.

Madam Speaker, I see the gentleman from Wisconsin (Mr. RYAN), one of our brighter and younger newer Members of the Republican Caucus, has joined me; and I see he has some very interesting graphs there. So, Madam Speaker, I yield to Professor RYAN so that he can help us look into this case even further.

Mr. RYAN of Wisconsin. Madam Speaker, I thank the gentleman from Texas (Mr. ARMEY) for yielding to me, and I appreciate his leadership on this issue.

I also serve on the House Committee on the Budget. We actually spend a great deal of time crunching these numbers, looking at the surplus, and evaluating the different plans that come through Washington that are being proposed.

What we have done through the Senate budget committee's analysis is look at the different proposals, looked at what Governor Bush is proposing to do with the Government's surplus, looked at what Vice President GORE is proposing to do with the surplus. And as we did an apples-to-apples comparison and took a look at the priorities, it is a pretty stark difference.

One of the things that I have heard as I have gone around my district, which is the First Congressional District in Wisconsin, is we talked to a lot of people about this election and the thing that really gets to me sometimes that I hear is that some people think there is not much of a difference, that there is no difference between who they pick in Washington.

Well, I have got to tell my colleagues, of all the elections, this election is clearing about differences. The differences between the visions for America as proposed by AL GORE and George Bush are worlds apart from each other.

To quickly summarize it, the Vice President wants to take the hard-earned surplus, and the surplus by definition are people overpaying their taxes, the Vice President wants to keep it in Washington. He wants to spend it on new government programs. Governor Bush wants to pay off our debt, protect Social Security and Medicare, and give us our money back as we continue to overpay our taxes.

But let us not just listen to me. Let us take a look at the hard numbers. I have here a chart that breaks up the surplus dollars. It basically says, for every one dollar coming into Washington in government surplus, how does each plan spend that money, how does each plan treat that money?

Well, if we look at Vice President GORE's plan, 46 cents of every surplus dollar is committed to new government spending. On the contrary, in the Bush plan, 6 cents of all surplus dollars are committed to new spending.

What about preserving Social Security, Medicare, and paying off our national debt? A lot of them serve the same purpose. Paying off our debt helps us preserve Social Security and Medicare.

The Bush plan commits 58 cents of every surplus dollar over the next 10 years toward preserving Social Security and paying off the debt and shoring up Medicare. The Gore plan commits 36 cents of every surplus dollar.

What about tax relief? This is the lowest priority in the Gore budget. Vice President GORE is saying that, for every surplus dollar coming into Washington, Americans, after they overpay their taxes, should only get 7 cents of that dollar back.

Governor Bush is saying 29 cents of every surplus dollar should be returned back to the taxpayer after dedicating 58 cents back towards Social Security and Medicare and paying off the debt.

And increased interest costs, something that we have to do to manage the interest, the balance payments, 11 cents for GORE, 7 cents for Bush. That basically means that the Vice President is paying off debt at a slower pace. The Vice President, if all of his new spending plans get enacted, will likely wind us up into the point where we will have to dip into the Social Security trust fund.

If you want to take a look at what the difference is in plans over the surplus are, just take a look at who wants to spend money and who wants to save the money.

Vice President GORE is proposing the greatest expansion of the Federal Government in 30 years. He is proposing to take $2.1 trillion of the surplus and spend it on new programs here in Washington. To the contrary, Governor Bush is saying let us spend $278 billion on needed things in Washington, such as committing ourselves to the fundamental problems we have in this country, funding the education unfunded mandates, funding our critical needs in health care, rebuilding our national defenses.

When it comes down to it, it is basically this: the Vice President wants to spend the surplus in Washington, the greatest expansion of the Federal Government in 30 years, at the expense of Social Security and Medicare and paying off our debt.

Governor Bush is saying this: here is the priority of how we deal with the surplus. Pay off our national debt, shore up Social Security and Medicare. And if people still continue to overpay their taxes to Washington, give them their money back rather than spend it on new programs in Washington.

That is what Bush is proposing. And there is a huge world of difference between these two men running for President and their visions for America with respect to how they treat our surpluses.

Mr. ARMEY. Madam Speaker, reclaiming my time, I would like to look at that graph. You notice in this graph on the Bush proposal that Governor Bush proposes 29 cents out of that dollar for tax relief. And I notice that you see Vice President GORE is proposing 7 cents.

Mr. RYAN of Wisconsin. That is right.

Mr. ARMEY. But is it not true that the Vice President is proposing 85 new tax increases?

Mr. RYAN of Wisconsin. That is correct.

Mr. ARMEY. And 36 targeted tax cuts? So that 7 cents is really a net tax.

Mr. RYAN of Wisconsin. That is right.

Mr. ARMEY. Madam Speaker, I ask, does the gentleman from Wisconsin (Mr. RYAN) know how many tax increases are being proposed by Governor Bush?

Mr. RYAN of Wisconsin. Madam Speaker, it is my understanding that he is not proposing any tax increases at all.

Mr. ARMEY. Madam Speaker, the understanding of the gentleman is absolutely correct. And I appreciate that.

I hope the gentleman from Wisconsin (Mr. RYAN) can stay around, and maybe we can talk some more.

But, Madam Speaker, we have also been joined here by the gentleman from Michigan (Mr. HOEKSTRA) on the Committee on Education and the Workforce. And when we start talking about our responsibilities here in Washington, certainly we can take a look at big-picture items, what are our broad-based plans for the creation of new programs, all the new programs the Vice President would like to create, whether or not we would like to cut taxes, or whether or not we will keep our commitment to America to stop the raid on Social Security and pay down the debt. But in doing that, we also have an administrative responsibility.

Now, the Vice President has been a key member of the Clinton administration for 8 years; and during those 8 years, he accepted the responsibility for doing what he called reinventing government, the idea being that he was going to make the agencies of this government administratively work efficiently, effectively, and be cost effective on behalf the American people.

The gentleman from Michigan (Mr. HOEKSTRA) from the Committee on Education and the Workforce has spent a good deal of time examining just what is the record of performance of the agencies of the Federal Government under the stewardship of the Clinton/Gore administration and especially in light of the enormous amount of applause this Nation has given the Vice President for his efforts to bring, what should I say, common sense good business practices to government.

I wonder if I yield to the gentleman, maybe he would share with us some of his discoveries along those lines.

Madam Speaker, I yield to the gentleman from Michigan (Mr. HOEKSTRA).

□ 1615

Mr. HOEKSTRA. I thank the gentleman for yielding. I think this really builds off of the discussion that our colleague from Wisconsin was just leading in that when we take a look at the Vice President's plans to significantly increase spending, before we significantly increase spending anywhere, we ought to take a look at how we are spending the $1.7, $1.8 trillion that we currently collect and we hand over to the executive branch and say, "How's it going?"

The majority leader is absolutely right. This is the publication that came out on September 7, 1993, it came from the Vice President, signed by Mr. GORE. The book is, From Red Tape to Results, Creating a Government that Works Better and Costs Less.

It is the report of the National Performance Review, Vice President AL GORE. He was clearly mandated by the President to lead this effort. Where we are in the year 2000 is with this question, there are nine departments whose books cannot be audited. They can be audited but the auditors come back and say, "We can't give you a clean audit." The first one is the Department of Treasury. Think about this. The national bank or whatever we want to call it, the Department of Treasury cannot get a clean audit.

Mr. RYAN of Wisconsin. The gentleman is saying that we have nine Cabinet departments that cannot pass an audit?

Mr. HOEKSTRA. I am not sure they are all Cabinet, but we have nine significant agencies that cannot receive a clean audit.

Mr. RYAN of Wisconsin. What would happen if a small or medium-sized business in Michigan or Texas or Wisconsin could not pass their audit with the IRS?

Mr. HOEKSTRA. We actually had testimony from the accounting and the investment field. We asked them if they knew of any $1.8 trillion or even a $1 billion company publicly held in the last year, the last 2 years that had failed their audit to the extent that the Department of Education had, where they have not had a clean audit for 2 years and do not expect a clean audit for 3 more years and they said, "We can't think of one." Because what would happen if you were in the private sector and the auditors failed your audit, most likely the value of the stock would drop significantly immediately. The other thing that would happen is most likely the Securities and Exchange Commission would suspend the trading of your stock, because you could not with any reasonable certainty go to your shareholders and indicate that what you represent in your financial statements in any way reflects the real world.

Let us take a look. The Treasury Department, Justice cannot get a clean audit, Education, Defense, Ag, the EPA, HUD, OPM, AID. None of these can receive a clean audit. I chair the Subcommittee on Oversight for the Committee on Education and the Workforce. We miss the majority leader on the committee. But he knows the work that we have done at that committee in taking a look at exactly what is going on in the Education Department.

In 1993, here is what the Vice President said: "The Department of Education has suffered from mistrust and management neglect almost from the beginning. To overcome this legacy and to lead the way in national educational reform, Ed must refashion and revitalize its programs, management and systems." That is directly out of this book.

In 2000, here is what the General Accounting Office said: "Serious internal control and financial management system weaknesses continue to plague the agency."

In 1993, the Vice President said: "The Department is redesigning its core financial management systems to ensure that data from accounting, grants, contracts, payments and other systems are integrated into a single system."

In 2000, here is what GAO said: "Pervasive weaknesses in the design and operation of Education's financial management systems, accounting procedures, documentation, record keeping and internal controls including computer security controls prevented Education from reliably reporting on the results of its operations for fiscal year 1998." That is also true for fiscal year 1999, and we are expecting that they will again fail their audit for the year 2000.

Now, in the private sector when the auditors say you cannot keep your books, we know that there are real consequences. Here are just some of the examples of what is going on in our Department of Education. Most of these are examples not from us in Congress but they are from the General Accounting Office, they are from their own Inspector General, and so these are well documented.

Congratulations, You're Not a Winner. In February, the Department of Education notified 39 young people in America that they won the prestigious Jacob Javits scholarship. My daughter just went to school this fall, went to college, my first one in college, and a Jacob Javits scholarship awards kids 4 years of graduate school at government expense. Paying undergraduate bills, I can imagine how excited the kids were and how excited the parents were. These kids were thrilled. Two days later, they got a call back saying, "Sorry, you're not the winners." Poor management, real results, real impact.

In September of 1999, they printed 3.5 million financial aid forms. This is what kids use to apply. They printed them incorrectly. A cost of $720,000.

Mr. ARMEY. Does the gentleman mean the Department of Education incorrectly printed financial aid forms for the students wishing to apply for college to learn how they might correctly use the English language?

Mr. HOEKSTRA. 3.5 million forms containing errors, incorrect line references to the IRS tax form were printed, 100,000 of them were distributed, had to be recalled, the other ones all had to be destroyed. A cost of $720,000.

Dead and Loving It. The Department of Education improperly discharged almost $77 million in student loans for borrowers who claimed to be either permanently disabled or deceased. This was a double good news for these people. The good news, number one, is that their loans were forgiven because they were disabled or dead. The second bit of good news is they were neither disabled nor dead. But the Education Department had identified them as such and had forgiven their loans.

Most recently a theft ring, and this is what happens when you do not have proper controls. They had a purchasing agent within the Department of Education who could order materials, certify that they came in, certify that they should be paid for and certify that other individuals, independent contractors, should receive overtime. They ordered over $330,000 of electronic equipment, authorized the payment, the $330,000 of equipment was shipped around to various employees' and friends' homes around the Nation's capital. This was all done through the phone guy. What was in it for the phone guy? The phone guy got $660,000 of overtime that he had not worked.

More recently, we had a hearing on this last week. Another theft ring. Impact Aid funds. This is dollars that we send to needy school districts or districts that have a lot of Federal facilities in them. In this case, two school districts in South Dakota, actually I believe on Indian reservations. The Department of Education wired them the money, found out a couple of days later because a local car dealer had somebody coming in and wanted to buy a Corvette, came in and were ready to pay cash or a cashier's check to pay for the Corvette. The dealership did a credit check on this individual and found out that it did not check out. They called the FBI. They found out that this group had bought a Lincoln Navigator, a Cadillac Escalade and they were looking at buying a Corvette. They also bought a home, $135,000. So somebody was checking this to see where did this money come from. Somebody had gone into the computer systems at the Department of Ed, and this is one of their other problems, they do not have computer security, and had changed the routing, so instead of sending this money to an account into the school districts in South Dakota, the money went into these individuals' accounts in Washington to the tune of $1.9 million.

Mr. ARMEY. If I may ask the gentleman, Madam Speaker, I want to continue this with the gentleman from Michigan (Mr. HOEKSTRA) and I certainly want to get back to my good friend the gentleman from Wisconsin (Mr. RYAN) as well but I think it is very important that we make this note. The gentleman from Michigan is the oversight chairman of the subcommittee on education. It is his job to see to it that the Education Department under the jurisdiction of his committee does a good job. And the information we have here is about that committee. But as the gentleman from Michigan pointed out, we have how many agencies that are inauditable, they cannot be audited?

Mr. HOEKSTRA. We have nine significant agencies.

Mr. ARMEY. Nine significant agencies, including the Treasury Department which I will bet has in its employ a more than generous number of CPAs and they cannot be audited. So what happens, it seems, is that when people come to Washington, they cannot even do what they do do well. The CPAs malfunction at Treasury, the educators malfunction in the Department of Education.

I want to make this point very quickly. Why are we being tough on the Department of Education? It is not that we dislike the Department of Education. It is certainly not that we dislike education. We would stand here and we would say there is no thing that any culture can do that can be more important than how we educate our children. And if we have an agency of the Federal Government that is committed to that purpose by an act of Congress, committed, then it is the responsibility of Congress to see that that agency functions for the children. And to find this kind of inefficiency, neglect, sloppy work, abuse, who pays for that? That all translates into the neglected children from an agency of this government that we created.

I would commend the gentleman from Michigan for his good work. I want to hear more about his findings.

Mr. Speaker, we have with us the gentlewoman from North Carolina (Mrs. MYRICK), and she has agreed to participate but is on a very tight schedule. I yield to our good friend the gentlewoman from North Carolina.

Mrs. MYRICK. I appreciate the gentleman yielding. I just wanted to make a couple of comments, not on education because the gentleman from Michigan is covering that quite thoroughly and I am sure the gentleman from Wisconsin is covering budget surplus information. But I wanted to just mention a couple of things relative to Vice President GORE's budget that he has presented, because I think there are some things that we could point out that maybe do show a difference in the way that we philosophically go about spending our government's money and the people's money at home.

I know that the Vice President made the comment at the Democratic National Convention that in the next 4 years he wanted to pay off all the national debt we have accumulated over 200 years, and this would be the plan that would put us on track for completely paying off debt by 2012. Then I remember back last year how President Clinton's administration only wanted to save 63 percent of the surplus and if it had not been for us really forcing the issue and saying that we are going to lock away 100 percent of the surplus, we might not be in the position today where those statements could even be made that we are going to be able to save and pay off the debt.

I think we need to look at that. Plus the fact that the National Taxpayers Union estimates that the Vice President's spending proposals would actually increase government spending by $2.7 trillion. We do not hear about the increase in spending that is being talked about. That is more than the budget surplus for the next year. And that would send us right back into the days of deficit spending where we do not want to be. Then it also comes out to say that for every dollar that the Vice President's budget would cut taxes, he would raise government spending by $6.75. I am not a brilliant mathematician but that kind of tells me that this is not going to work. You cannot on one hand cut taxes by a dollar and then raise spending and expect that you are going to be in a good financial position.

When we look at this proposal that has been put on the table, it does closely mirror what the administration is also proposing. I think back to 1995 because if my colleagues remember if we had adopted that proposed budget, we would still have $200 billion in deficits today. It was a lot of my colleagues here who forced this issue that we would sign a balanced budget agreement. Remember that, back in 1995? I think there were five budgets presented by the President before we finally got to one that was agreeable that we could sign when we stood our ground and said we are going to balance this budget.

Look at the results. The American people are definitely reaping the results. We have worked hard to make this happen. We have turned the tide. We really have turned the tide by all the policies, the things that the gentleman from Michigan has been working on with all the oversight that he has been doing, that has been going into it and what we are talking about now with these generous surpluses that are really the people's money that we want to give back to them, that we do not want to keep here in Washington.

I think it is important that the American people do understand and know that this would not have happened if we had not stuck to our guns and really kept these policies in place. That is something that we need to be doing for the future for our children and our grandchildren.

I appreciate all of my colleagues being here today to really share this information with the American people, because otherwise they do not hear. We do not say, they do not hear.

□ 1630

Mr. ARMEY. I thank the gentlewoman. I would like to make this observation: Listening to the gentlewoman from North Carolina, I am reminded it takes leadership, and it takes cooperation, to really get big jobs done in government. People must work together.

I have to say I am very proud of this record we have of working on this very big issue of our budget. We said we were going to balance the budget. The naysayers in this town said it could not be done. When we got to that point, the President recognized it, and in fact when the surplus began to emerge, he recognized that.

I remember the President said, "I am going to commit 63 percent of the Social Security revenues to debt reduction." We appreciated that gesture on his part, but we said, "How about 100 percent?" Again, the naysayers, they said it could not be done.

But we challenged the President to work with us. What we saw is when you have a disciplined leadership and two agencies of the government, the Congress and the White House, working together, we managed to accomplish a 100 percent total stop of the raid.

Now, what we need is a new administration after these elections that understands the fruits of that discipline and retains that commitment. Here we have the Vice President saying, elect me to the Presidency and I will start a new spending spree in Washington. I will introduce these new high-risk spending schemes in Washington that promise to spend so much that we will not only backslide on the accomplishments of this Congress, but, more discouragingly, backslide on the accomplishments of this Congress working together with this Presidency.

So he turns his back not only on the work of the Republicans in the House and the Senate, but on the work of President Clinton, and says never mind all that, I want to go back to large-scale, big risky spending schemes.

I see the gentleman from Wisconsin would like to make a point, and I also would like to get back to the gentleman from Michigan (Mr. HOEKSTRA), I imagine he has more information here. We also have the gentleman from Florida (Mr. STEARNS) here.

Mr. RYAN of Wisconsin. I appreciate the majority leader. I was really struck with what the gentlewoman from North Carolina (Mrs. MYRICK) had to say. It really is about priorities.

When you put together a budget, you are putting together a vision for the country. When you take a look at the good economic prosperity and times we have enjoyed here in America, it has given us a wonderful opportunity. It has given us a wonderful opportunity to take care of the challenges and needs that are facing the country.

As I travel throughout southern Wisconsin, the constituents I listen to tell me, you know, finally we have a chance to get our hands around paying off the national debt. We have a looming crisis occurring when the baby boomers begin to retire in Medicare and Social Security. Let us take care of those problems so that Social Security and Medicare are programs that can be enjoyed not only for this current generation of retirees, but future generations of retirees.

Finally, we are an overtaxed Nation. We are paying a higher amount of taxes than we do on food, shelter and clothing. We are paying the highest level of taxes in the peacetime history of this country. So when we are talking about budgets, it gets a little dry when you look at the numbers, but what it really means is what is your vision for the country, how are you going to address these challenges.

This chart shows you the different visions for this country, the Gore vision and the Bush vision. The Bush vision is first pay off national debt, stop raiding the Social Security trust fund and modernize Medicare, and, as we accomplish those goals, if people are still overpaying their taxes, give them their money back, rather than spend it on new programs in Washington.

What the Vice President is proposing is just the opposite. Spend the bulk of the money on new programs in Washington, pay off some debt, but he is putting us on a path to where we will be forced to dip back into Social Security to the tune of $906 billion to fund the new spending initiatives that the Vice President is proposing.

The good fortune is this Congress has been able to keep the line on spending, so we can pay off the debt. We have already paid off $354 billion. If we get our way, as we are trying to with these negotiations, we will have paid off half a trillion dollars of debt just in the last 3 years alone.

So what we are looking at here is the future. Are we going to take advantage of this prosperity, of this surplus, to use it to pay off the debt, to shore up Social Security and Medicare and let families keep some more of their hard earned money, or are we going to spend the money on new programs in Washington, as Vice President GORE is proposing? These are the choices that will be determined in this next election.

As you look at the details underneath these policies, the details underneath these numbers, I just take a look at the Vice President's idea for saving Social Security. I would just like to quote two economists that the Vice President often listens to on his plan to revive Social Security.

"The Vice President does nothing more than add more IOUs to the Social Security trust fund. It is a papering over of the Social Security trust fund. To quote the General Accounting Office, 'the Vice President's plan amounts to a pledge to provide that much more money for Social Security in the future somehow. It does not specify the sources. Thus, by itself, it does not fulfill any of the funding gap with Social Security.' "

That is what Alan Blinder said, who is the Vice President's economic adviser.

David Walker, comptroller to the GAO, says, "The Gore and Clinton proposal does not come close to saving Social Security. Under this proposal, the changes in the Social Security program will be more perceived than real. Although the trust funds will appear to have more resources as a result of the proposal, nothing about the program has changed."

So we are seeing a rhetoric being cast about across the country that the Vice President is giving us a program, a proposal to save Social Security, but when we actually take a look at it, it is just adding more money, more IOUs to the Social Security program. It does nothing to advance the solvency of Social Security. In fact, the spending plan that the Vice President articulated in his acceptance speech in Los Angeles, that he has articulated in his prosperity plan for America, is one in which he is proposing to take $2.1 trillion, almost half of the surplus over the next 10 years, and spend it on new programs in Washington, to the point where he is proposing to dip into the Social Security trust fund by almost as much as $906 billion.

Madam Speaker, that is not how you manage the surplus. What we are trying to accomplish with this surplus, what Governor Bush is trying to do with the surplus, is to stop the raid on Social Security. Do not dip into the trust fund anymore, pay off our national debt, modernize Medicare and Social Security, not on paper, but in reality, so that those of us who are near and dear to us, our grandparents, our fathers, our mothers, will have the program to rely upon in the future.

As our constituents, as working families, continue to pay more and more and more to Washington, the highest level of taxation in the peacetime history of this Nation, we are saying, let us let them keep some of their money back as they continue to overpay their taxes, rather than spending it on new programs in Washington. That is the difference in this election. That is the choice that you have as a voter here in this election by choosing either the Bush vision or the Gore vision.

I see the gentleman from Florida (Mr. STEARNS) is here, and I would like to yield back to the majority leader who is controlling the time.

Mr. ARMEY. Madam Speaker, I am sitting here listening to the logic of this whole campaign season. We all know it is often thought of as the silly season, but just look here.

Governor Bush talks about 29 cents on the dollar he would like to return to the people who created the surplus. No matter how you define that tax reduction, whether it be marriage penalty tax relief, inheritance tax relief, no matter how you define it, it is always said to be, by Vice President GORE, a risky tax scheme. We label everything that. Everything gets labeled that way.

Yet in the Gore plan you have a situation where he has the IRS writing checks to give to people who do not pay taxes. He counts that as a tax cut, instead of saying this is what it is, a risky spending scheme. So there is that kind of confusion.

If the gentleman from Florida will just bear with us a little bit, I think the gentleman from Michigan was just about to complete pointing out that kind of confused thinking is what gives you the sort of sloppy work that he has uncovered in one of our Nation's most important agencies. I know the gentleman from Michigan has been very patient and had wanted to complete his summary of those findings. I think we ought to give the gentleman from Michigan that extra couple of minutes.

Mr. HOEKSTRA. Madam Speaker, I thank the gentleman for yielding, and I enjoy being down here and being part of this special order.

Just a couple of other examples. The Education Department placed a half billion dollars in the wrong Treasury account, then disbursed the money without leaving an auditable paper trail. They also have something in the Department of Education, which I think in the private sector if you were a vendor with the Department of Education you would find fascinating. It is called duplicate payments.

I cannot believe it happens. You provide a service to the Department of Education, you bill them, and they pay you, and they pay you again. You get paid twice. This year alone there have been $150 million of documented duplicate payments. There is no telling how much we do not know. These are the vendors that have contacted us and said, hey, you paid us twice. I wonder if there are any out there that we do not know about who maybe have been paid twice, closed shop and said, hey, this is a pretty good deal.

I think the other thing that we really do have is we have got a phenomenal education strategy to improve schools at the local level, saying when you send a dollar to Washington, we want to get 95 cents back into a local classroom. Today that is about 60 cents.

We know the local classroom is where we make a difference. We are saying get the money out of Washington, out of this failed bureaucracy, get it into a local classroom, get it to a teacher, get it to a teacher who knows our kids' names. We are saying get the money back to the local school district. Let them decide whether they need computers, teachers, teacher training, whether they need construction or whatever. But let local schools make the decisions as to how they are going to spend those dollars.

We have 760 programs. You have to apply for each one of these programs. It is a huge paperwork bureaucracy, and we know the Department cannot handle it. Get the money back into the local school district; say we are going to make the investment, but let you decide how to spend it. Get rid of the Federal paperwork.

We know we have been in 20 States. Governors will come in and say we get 6 to 7 percent of our money from Washington; 60 percent of the paperwork comes from Washington.

Let us get rid of the red tape and bureaucracy and create an environment where schools get back to reading, writing and arithmetic, the three R's. Secretary Riley recently gave a speech and he has three new R's: Relationships, readiness, and resiliency. It is kind of like, I think we need our kids focusing on the basics. The only reason our kids need to be resilient today is because they are not scoring well enough on international test scores and we need them to bounce back. But we need to focus not on relationships and readiness and resiliencies, we need our kids learning the basics. We have got a great education program that does not depend on the failed bureaucracy, but puts power back where it needs to be, with local teachers and administrators and parents.

I thank the majority leader for allowing me to participate and for the extra time.

Mr. ARMEY. I want to thank the gentleman from Michigan. I think the gentleman from Wisconsin would agree with me you could go into any community in America and talk to the local school superintendent, talk to the members of the local board of education, and I will bet you not only is their judgment sounder and they have a better understanding of what we need in their community, but I bet you every one of these people can balance their books and survive an audit. So the folks back home know what is going on with those precious tax dollars that pay for that education back home.

We have just got to do better in Washington. We cannot ask for so much of this money, create these new agencies and programs, and then just leave them to run without supervision.

Finally, let me just say, we also saw that this kind of error is committed in other agencies of the government as well. We found that the Veterans Administration was able to have their computers hacked with the kind of technology and practice that apparently any 12-year-old might be able to figure out, and in the process of learning how easy it was to hack the VA's computers, they too found two VA employees that had each separately gone into the computers illegally and paid themselves over $600,000 apiece. That kind of waste, inefficiency, fraud and abuse casts a pall on the good, decent honest people that work in agencies all over this country. It gives them a bad reputation, but it shows the weaknesses in administration.

So we want to have good plans, good programs, good ideas, what we want to accomplish in America, and a good sense of discipline in the administration.

The gentleman from Florida, who I will yield to, is taking a look at that now. Not only do we have this kind of failed ability to administer existing programs, but we also see a great deal of risk in a continued desire on the part of the Gore campaign, with Vice President GORE wanting to continue to create programs put together on an arbitrary, mandatory and potentially dangerous, risky basis, as they have been so often in the past.

The gentleman from Florida (Mr. STEARNS) has taken the time to look into one in particular of Vice President GORE's proposals that affects so many of your constituents. If wonder if I yield to the gentleman if he would like to help us.

□ 1645

Mr. STEARNS. Madam Speaker, I want to thank the distinguished gentleman from Texas (Mr. ARMEY), our majority leader. I would like this afternoon to focus on prescription drugs. We have talked about the waste, fraud and abuse, the incompetency that the gentleman from Michigan brought up, and the gentleman from Wisconsin, when he talked about under a Gore administration they would spend $2.5 trillion over the next 10 years, and this would go into the Social Security surplus.

I want to talk about one of the most potential political questions in this election year. The Democrats have proposed a prescription drug program that was defeated, and the Republicans proposed a prescription drug program here in Congress that passed. So I want to focus on the difference of these plans. And more particularly, about the difference between the plan that the Gore campaign is talking about and what we have passed here in Congress and what we think is better, which the Bush campaign has adopted.

All of us in this House, all of us in the Senate are committed to helping our seniors with access to affordable prescription drugs through the Medicare program. But there is a key difference. Joshua Hammond wrote a book called The Seven Cultural Forces That Shape Who Americans Are, and the number one is choice, because we believe that Americans should have choice in what they do and what is offered to them by different programs. So I would like to discuss just briefly today the proposed plans by Republicans and Democrats that have been before this House and talk about the difference.

Madam Speaker, I might point out to my colleagues, this House has been controlled by Republicans since 1995. But if prescription drugs was such a problem, why is it that the Democrats did not propose a solution to this before we took the majority in 1995? And why did we have to wait for Republicans to come forward with a solution? So it is easy for them to criticize, but they had 40 years when they controlled the body over here to come up with their own plan and present it to the American people. Why did they not do it?

It is only because Republicans have tackled this issue, which is very controversial, and the Republican bill, H.R. 2680, would give beneficiaries a choice. The hallmark of the American approach is choice. We do it through two private sector drug plans. In addition to having choice, the question becomes: Who do we trust? The government running the program? Or do we believe that through choice and competition we will get a better program?

Our program will allow beneficiaries to choose plans that best suit their needs. Our plan is market-based rather than relying on the Government to run the plan.

Now, why is this so important? Because we know that overwhelmingly, the components of any plan that we must offer must have this choice. It must be the centerpiece of any plan that we offer to the American people dealing with prescription drugs.

How affordable are these plans? Let us look at these two plans and see why they actually provide what they actually provide and how much it would cost our seniors. Our bill, which is H.R. 4680, passed on the House floor here on June 28. So the Democrats say the Republicans do not have a plan. We have a plan; it passed here on the House floor.

Mr. ARMEY. Madam Speaker, if the gentleman would yield, I cannot help but point out it was such a high drama day here in the House on the day we voted a prescription drug plan for our senior citizens, one with universal coverage, that had freedom and choice in it, that had a premium subsidy for low-income seniors. It had a stopgap so that nobody would be bankrupted by that.

On the day that we brought that to the floor to discuss it and pass it, the Democrats, under the leadership of the gentleman from Missouri (Mr. GEPHARDT), I remember him rising from his seat over there, got up and walked out. Walked out on the debate. Walked out on the seniors. Walked out on the whole issue.

To me, it was an enormously dramatic moment. And I thought to myself, why they would walk out on that debate? But now they are back and saying that we do not have a plan. I have to say to the gentleman from Missouri (Mr. GEPHARDT) and my friends on the other side of the aisle, if they had stayed at work and listened to the debate, if you had participated, they would not have forgotten that we passed a plan that day.

Mr. STEARNS. Madam Speaker, I think what the gentleman from Texas is saying in a larger measure is just because they do not control the House does not mean they cannot contribute. They could have been on the House floor offering proposals, trying to make this bill in their estimation better to their determination.

But we passed it. And as I point out, they have had years and years to solve this problem and they did not. So now we have tackled it, and I think it takes political courage.

We provide taxpayers a subsidy to encourage insurers to offer policies which are affordable to our seniors. One key aspect about our program it is voluntary and seniors taking part can choose from at least two plans. All plans start with a $250 deductible, and it would establish the Medicare Benefits Administration. This is an agency that would run the program, but it would be private sector-oriented and provide volume buying for these seniors. It would cover 100 percent of drug and premium costs for couples with income up to $15,200 and singles with incomes up to $11,300.

For all participants, it covers at least half of all drug costs up to $2,100 annually and 100 percent of out-of-pocket costs up to $6000.

So we have something that private companies are providing, the Government is giving incentives and subsidies to help them, it is helping Americans get choice through at least two private sector choices, and it is voluntary.

But let us take a look at the Democrat plan that the House defeated here on the House floor. Currently, seniors pay a premium and receive reimbursement for a portion of their hospital and doctor costs through Medicare. Under the Democrat plan, they would use the new government benefit to reduce the cost of pharmaceutical drugs. As I point out, it is a government program. Translation: they put government in charge of seniors' prescription drugs through the Health Care Financing Administration, which is HCFA, which would choose, they would choose and they would control the drug purchasing contractor for every region of this country. HCFA would be doing it.

In other words, it would be a new Big Government program, a one-size-fits-all plan. And this is a key element of their program.

In a recent survey done with seniors talking about drug coverage, they prefer by a margin of two to one a program that is private sector-oriented, that is voluntary, and not having the Government through HCFA provide the pharmaceutical drugs. So the Clinton-Gore plan for seniors dealing with prescription drugs is like a government-chosen HMO for drugs; and, therefore, I do not think it is good.

Another thing I would like to say is that seniors would lose their private sector coverage, whether they participate or not. This is a key element.

I say in closing, the premiums for the drug coverage under the Clinton-Gore plan come directly out of the monthly Social Security check. Do not think this is going to be a choice. This is government coming into seniors' Social Security check and taking the payment out every month, whether they like it or not in this program that is not voluntary. So I think the real questions seniors have to come to grips with in this political season is do they want to have choice, do they want to have competition or a voluntary approach to this plan, or do they want to have the Government run it?

So I say to the distinguished Majority Leader, I think it is clear. If the American people look at the two plans, the prescription drug will be a plan that is much more favorable to seniors with what we offered, what we provided on the House floor, and I regret that the gentleman from Missouri (Mr. GEPHARDT) walked out on us.

Mr. ARMEY. Madam Speaker, I thank the gentleman from Florida for his comments. If the gentleman would hold for a second, there is an old story that a picture is sometimes worth a thousand words. One of the things I think we should remember, today in America right now 70 percent of our seniors have already gone into the private markets and purchased prescription drug coverage. They have shopped around. They have checked out what is available. They decided and they chose coverage that they are happy with. They do not want to lose it. They are content. They understand it. They appreciate it. They want to keep it.

A year ago, President Clinton offered a plan that would be mandatory. "Go into my plan, forsake yours"; and the seniors rejected it.

Now, my friends on the left, the liberals, Vice President Gore and others who want the government-run plan, will say about the seniors: well, we cannot leave them to their own devices to go in the marketplace and buy for themselves, because they cannot understand those plans. Yet 70 percent of them are happy with what they decided for themselves and do not want to be forced out of their plans.

But I should say this to Vice President GORE, if he is concerned that today's seniors cannot understand what is available to them now, how then would he expect them to understand this nightmare, this bureaucratic nightmare? Every one of these little dashes, this horrible snake here cut into slices, every slice is a new, better Federal Government bureaucratic regulation.

Madam Speaker, the answer is very simple from the left: they do not have to understand it. We decided it. They do not have a choice. They will not make a choice. They do not need to know. The Health Care Finance Agency will tell them what they are going to get.

I have to say, I know the gentlemen here on this floor will be surprised by this, but I am over 60 years old. I am soon to be 65. I refuse to accept any agency of the Federal Government declaring me on that moment of my 65th birthday, "Today Mr. ARMEY, you suddenly became senile. You do not need to understand anymore. We will take over your health care destiny."

I have to tell my colleagues if they do not run my health care destiny any better than they have been running the Department of Education, I am not trusting them. I would rather choose for myself, and I think most of America would.

Mr. STEARNS. Madam Speaker, just one final comment. I do not know how soon the gentleman will be 65, but under the Gore plan, at age 64½, if the gentleman does not want to join at that time, or changes his mind later, he is out of luck because he has got to make his decision at 64½ to do this, or there is no other chance.

The other point I want to make is that the Government will decide which drugs are and are not covered. If the people, like the gentleman from Texas, want to have drugs, the Government can decide it is too expensive; and they will tell him to go to another drug. So all the concerns we had about Mrs. Clinton's health care plan is coming back with this pharmaceutical drugs plan. I think the American people should understand that.

Mr. ARMEY. Madam Speaker, I thank the gentleman for yielding. The bottom line is very simple. The plan we passed where they walked out, would not participate, gives choice. What the Vice President's plan gives is an ultimatum: join us now or never.

We have here the gentleman from California (Mr. OSE), who was listening to my earlier remarks and wanted to come down and make a point about the Vice President's tax plan. I think it is a very good point, so I yield to the gentleman from California for that purpose. I also understand the gentleman from California (Mr. HERGER) wants to make a few comments as well.

Mr. OSE. Madam Speaker, I appreciate the gentleman from Texas (Mr. ARMEY), the majority leader, yielding me this time. His earlier comments focused on our attempt to override the President's veto of the marriage tax penalty relief. In that legislation there were two primary components. One was relief for marriage tax penalty consequences, the other was an adjustment to the threshold at which earned income tax credits could be realized.

In my district where we have a significantly higher or above the norm unemployment rate, we have a number of young people, a number of elder Americans who actually work for wages, hourly wages who would be eligible for the earned income tax credit if it had been adjusted for inflation over these past 8 years. But in fact just as the Democrats walked out of here back when we passed that bill, this Clinton administration has walked out on lower-income people for an adjustment in the earned income tax credit.

The President's veto of the marriage tax penalty relief right here in this bill also was a veto of an inflation adjustment to the level, the threshold at which the earned income tax credit would be eligible for. That veto cost a low-income family with two children $421 per year in terms of the earned income tax credit. That is real money.

Mr. ARMEY. I thank the gentleman from California. That benefit denied by the Clinton veto was a benefit that would have accrued to the most low-income earners in America, not only all of my rich friends as they were discussing earlier.

The gentleman from California (Mr. HERGER) is a man of great insight on the budget.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman's time has expired.

Mr. ARMEY. Madam Speaker, let me say I am going to invite the gentleman from California (Mr. HERGER) to come back next week for another such session and let him lead off with his good insight.

ACCOMPLISHMENTS OF THE REPUBLICAN CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HERGER) is recognized for 5 minutes.

Mr. HERGER. Madam Speaker, I thank the gentleman from Texas (Mr. ARMEY), our majority leader, very much for leading this very informative hour on programs that are so very important to our Nation, to our seniors, to our American taxpayers.

Madam Speaker, I would like just to comment some on that. I have had the great privilege this last 8 years of serving on the Committee on the Budget, and I have seen over the last 6 years during the time that we have had the Republican Congress accomplishing some tasks that many thought we could never do, i.e., the first balanced budget in 60 years. Something which, by the way, President Clinton and the Vice President, AL GORE, vetoed not once or twice, but three times.

Also, something we thought we would never see was welfare reform. And, again, even though Ronald Reagan once said that, "There is no limit to what you can accomplish as long as you don't care who takes the credit"; well, our Republican Congress, we were able to reform welfare. It has been reduced by more than 50 percent on the average in the 50 States.

□ 1700

Those are individuals who are now out working being productive. Again, the President vetoed this twice, not once, but twice, and then I know he and the Vice President were out taking credit for it. Again, it does not matter who gets the credit, but it happened, and it happened under the watch of this Republican Congress.

What have we done balancing the budget? Welfare reform? We have seen that we have been able for again for the first time in some 40 years to begin paying down the national public debt. As a matter of fact, up to this point, we paid it down by $350 billion. And in this next year, we are down, that is over the last 3 years, for another $240 billion paying down the public debt; that debt which rests on the shoulders of our children and our grandchildren, money that past Congresses have spent more than what we had.

Mr. Speaker, I would like the gentleman from Texas (Mr. ARMEY), the majority leader, and those who are watching look on this chart that I have here, what it does, it compares Vice President AL GORE's budget and proposal, spending proposals, that he has and compares it with Governor George W. Bush's.

Now, this chart was prepared and the statistics were put out by the National Taxpayer Union Foundation, and it shows that right now the on-budget surplus for the next 10 years is projected to be $2.1 trillion. It is interesting to look at Vice President GORE, who is running for President, his spending, his expenditures add up to $2.8 trillion.

Mr. Speaker, I might mention Governor Bush's spending adds up to $766 billion, his spending proposals. Well, the difference from what is projected as surplus over the next 10 years and what Vice President GORE would spend would put us in some $638 billion deficit again. In other words, under his administration, we would again return to deficit spending. And where does that come from?

The gentleman from Texas (Mr. ARMEY), the majority leader, knows of the legislation which I authored and which passed this last year. We, as Republicans, put a lock box on not spending the Social Security money that had not been spent yet. And we passed that overwhelmingly out of this House, 416–12 this year, and that had been spent since 1935, all that money, and it amounts to several hundred billion dollars a year, but we had been spending that which was a surplus spending on ongoing programs.

This year we passed an additional lockbox on the Medicare. Now, where would this $638 billion come from what GORE would spend? Well, it would come, Mr. Speaker, come from the Social Security money that should be going to pay our seniors. Is that right? No, it is not. Can we afford, this country, to turn around and go back into the direction that we were going for years here where we spend on promises to everyone that may be well meaning, but spending money that we do not have? I think the answer is clearly no.

Mr. Speaker, of course, here in about another month and a half we are going to have an election that will determine whether the American public is going to go back to the failed policies of tax and spend that we have had in the past, or whether or not we are going to continue the direction that this Republican Congress has led us in in the last 6 years moving towards again fiscal responsibility.

Again, I thank the gentleman from Texas, the majority leader for this time.

Mr. ARMEY. Mr. Speaker, let me just say what the gentleman's charts shows is that the pundits are right, if Governor Bush is President during the worst of time, we might lose the surplus, but it also shows that if Vice President GORE is President during the best of times, he will spend the surplus.

Mr. HERGER. That is right; he only spends one-third of the surplus, the rest is for paying down the debt further and for perhaps some tax relief and some other good things.

CONGRESSIONAL BLACK CAUCUS ALTERNATIVE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, we are about to approach the end game negotiations, probably behind the scenes, the end game negotiations on the budget, and the appropriations process has started already.

We have gone through a process of preparing a budget which sets forth the general contours, the outlines of where we want to go with respect to our expenditures for each particular function of government. We did that some time ago, and then we have gone through the passage of 13 appropriations bills in the House of Representatives.

Mr. Speaker, I understand they have not passed all of those bills in the other body, but we have passed them in the House of Representatives. In a situation where there is disagreement between the majority party in the House, they have the votes to pass whatever they want to pass, if there is disagreement between the majority party in the House and the White House or the majority party in the House plus the other body, they agree but then the White House disagrees, then the only way we resolve those disagreements is through a negotiation process, which takes place at the very end of the progress of the other steps that we have taken.

Mr. Speaker, we are about to approach that point in the year when we have a special situation. For the first time in many decades, this Nation has a surplus, and it is not a small surplus at all. The Federal surplus keeps changing every day, but positively changing. It was $200 billion a few weeks ago, and now I understand we are talking about $230 billion as the most conservative estimate of what the budget will be available for some kind of processing by the House and the executive branch.

There is another surplus for Social Security, which is a lockbox; that means we are not talking about money that would be taken away from Social Security, because they have generated their own surplus, whereas we can give some part of the $230 billion to Social Security, they have their own surplus already.

We do not have to rush to the rescue of Social Security with the surplus. We have some alternatives for what we do with the surplus. Mr. Speaker, I want to just go back to the point where the budget process started. I want to speak for the Congressional Black Caucus, which set forth its alternative budget during the beginning of the budget process.

Now that we are at the end of the process, the negotiations that are going to take place will take place between the Democrat-controlled White House and the Republican-controlled Congress, both Houses of Congress. And we need to get on the agenda and we have to talk to the public in order to get on that agenda.

We need to have you, members of the public, understand that public opinion will decide whether certain items go on to the agenda of the discussions that take place.

We would like very much to get on the agenda from the White House side of the table to have the President understand what our final concerns are in this budget. We are concerned, like everybody else is, about certain priorities, but now that we are down to the last moment and the clock is ticking, we want to emphasize certain very special concerns that we have.

Let me just go back and read from the introduction of a Congressional Black Caucus Alternative Budget to set a frame of reference for my final proposals today.

We started with an introduction which reads as follows, carrying forward the great Democratic party traditions, Franklin Roosevelt's New Deal, Harry Truman's Marshal Plan, Lyndon Johnson's Great Society that produced Medicaid and Medicare, as advocates for the Democratic party mainstream philosophy, the Congressional Black Caucus sets forth this budget for maximum investment in opportunity.

We call our budget a budget for maximum investment and opportunity. As we prepare the year 2001 budget, we are blessed by the long, warm rays of the sun of a coming decade of surpluses. Compassion and vision are no longer blocked by the spectrum of budget deficits. The conservative estimate is that there will be a $1.9 trillion nonSocial Security surplus over the next 10 years.

I made that statement several months ago. We know it is greater than $1.9 trillion, the estimate. Using very simple logic, we should be able to project about $200 billion for the year 2001 budget as this window of opportunity opens.

Investment for the future must be our first priority. Maximizing opportunities for individual citizens is synonymous with maximizing the growth and expansion of the U.S. superpower economy. It is the age of information, stupid. It is the time of a computer and digitalization. It is the era of thousands of high-level vacancies, because there are not enough information technology workers with enlightened budget decisions. We can, at this moment, begin the shaping of the contours of a new cybercivilization.

If we fail to seize this moment to make investments that will allow our great Nation to surge forward in the creation of this new cybercivilization, then our children and our grandchildren will frown on us and lament the fact that we failed not because we lacked fiscal resources, but our failures, our very devastating blunder, was due to a poverty of vision.

We have custodians of unprecedented wealth in a giant economy, but midget minds and tiny spirits have seized control and the only big sweeping idea being generated during this budget discussion is a negative Republican proposal for a monster tax cut for the wealthy. At a time when positive generosity is possible, such a proposal maximizes great selfishness.

Now, this was at the time of the consideration of the budget and since that time, the Republican majority has retreated somewhat on the size of its proposed tax cut. We welcome that retreat, but we think of the lack of voices for investment, we want to invest a portion of the surplus in human resources, and we want to follow up that budget statement which was made, a very general statement made at that time, we want to follow up with more specific recommendations now.

The boldest and the most vital proposal contained in our CBC budget alternative was at the heart of this function; that is, funding for school construction, responding to the fact that the American people in numerous polls have indicated that their number one priority for Federal budget action is education.

Each of the budgets being present that were presented at that time offered education increases, but only the CBC budget has chosen to focus on the kingpin issue of school physical infrastructure. While we applaud the President's inclusion of $1.3 billion for emergency repairs, we deem it to be grossly inadequate.

We support school financing via the Tax Code, however, most of the local education agencies cannot borrow money without a lengthy taxpayer referendum procedure.

The CBC proposes a $10 billion increase over the President's budget for school construction. This amount would be taken from the $200 billion surplus. In addition to this 5 percent for infrastructure repair, security, and new construction, the CBC budget proposes another 5 percent, another $10 billion to address other education improvements. In other words, only 10 percent of the overall surplus would be utilized for the all-important mission of investment in human resources, only 10 percent.

☐ 1715

We proposed that at that time. We would like to underscore that proposal and say that we were talking about education, of course education improvements for everybody, education improvements for the entire Nation.

In fact, in my piece of specific legislation; our school construction, H.R. 3071, I proposed construction funding to be allocated to all schools throughout the Nation based on the number of school-age children in each State. There would be no other qualifying features except school-age children, which meant that every school district in the country would be able to receive some of the proposed Federal school infrastructure and modernization and construction funding.

We are now, as I said before, at the point where the negotiations specifically on amounts of money to go into this so-called omnibus budget that we hear about, omnibus appropriation act, the actual allocation of funds is going to take place somewhere between now and October 15. We have various projections on when Congress will adjourn. But I suspect that the outer limit in an election year like this that we will dare go will probably be in the middle of October.

So, therefore, I think it is reasonable to project that somewhere between now and October 15, this omnibus budget, this end-game negotiation product will be produced; and we will have to vote on it.

Right now I want to appeal to everybody listening who cares about education to become a part of the process. They become a part of the process by understanding the power of public opinion in this process. Public opinion is always being monitored by both parties. Leadership is always watching the polls, watching the results of focus groups. There are various ways in which public opinion makes itself felt here in Washington.

So I want my colleagues to understand that there is a danger right here that, despite the fact that we have enormous wealth, we have a huge budget surplus, the danger that we are going to make some ridiculous blunders. There is a danger that we are going to make some decisions about how to spend the first $200 billion or $230 billion of the surplus over this 10-year period which will set a pattern; and we will get set in that pattern, and we will find ourselves spending, utilizing funding in the same way for the next 10 years.

It is possible for the political leadership to make horrendous blunders. We know that wars and all kinds of catastrophes have been caused in the past by political leadership. Very intelligent, very well trained, very experienced, but still they make outrageous blunders. We know that is possible.

I would like to use the Roman Empire as an example that Rome was a great civilization, and it was in terms of technology, in terms of military power, in terms of law. The Roman law is the basis on probably most of the civilized nations' legal systems today. The Romans started it all, a huge system of law with a level of courts and appeals. In addition to their military might and their technology prowess, the great civilization of Rome seemed to have it all.

But at the same time the Romans were inventing concrete and building magnificent structures and conquering the rest of the world at that time, the Romans were feeding the Christians to the lions in the Coliseum. The leadership of the Roman Empire, the politicians of the Roman Empire, the elected officials such as they were of the Roman Empire, were feeding the Christians to the lions at the height of the Roman civilization.

Politicians can make great blunders sometimes, and we must be aware of that. Public opinion has to be the check and balance on some of these blunders. We could look at the education situation in America now in terms of where it was a century ago and continue to make decisions as if we had little red schoolhouses and as if we still had teachers who were so dedicated that they would give their lives to the profession without being appropriately compensated.

We could act as if we are fighting wars with rifles. It was a long time when the rifle was supreme in the war, in any wars fought. We have evolved modern military technology.

The cost of a rifle now is not the way we judge whether or not we have a decent defense budget. Rifles are the least expensive item. If we were to look at the cost of rifles and say, well, we ought to have a defense budget which is reflective of the cost of rifles, it must be greatly reduced. We do not do that with the Department of Defense.

We have nuclear aircraft carriers that cost $4 billion and $5 billion. One nuclear aircraft carrier costs more than $4 billion. We recognize in modern warfare one has to have that kind of system. One F-22, talking about 20 some million dollars a piece, each time we make a mistake and fire one of these test rockets in our new proposed antimissile defense system, the mistake costs us $100 million. So in terms of defense and technology for the 21st century, we are ready to spend the money.

But when we start talking about education and schools, we want to go back to the Dark Ages, we want to go back to the horse and buggy era; and we think that 10 percent, 10 percent of the surplus is too much to dedicate to an increase in the education budget.

That is what the Congressional Black Caucus introduction, as I have just read, said we needed. It is a conservative request to say that if one has $200 billion, dedicate 10 percent of the $200 billion to an improvement in the school and education system. Invest in human resources.

Let us not think of schools as not needing that kind of money because, after all, it is only chalks and blackboards and low-paid teachers. Let us think of schools in the 21st century and all the kinds of needs that they face and be willing to invest at least 10 percent of the surplus in education.

Updating our Congressional Black Caucus alternative budget is a statement that we are preparing now to address to the leadership of the Democratic Party. We would like to at this point become more specific. Time has gone by. No one is addressing the request for 10 percent, half of which was to go to school construction. No one is addressing that. We are running out of time.

So we would like to go back and approach our leadership with a new request. The members of the Congressional Black Caucus are convinced that we are at a pivotal point in this 106th session of Congress and we are at a critical point in the history of our Nation.

For the first time in many decades, we have a Federal budget surplus, and we anticipate a significant surplus every year for the next 10 years. We have a window of opportunity to make positive budget decisions this year which will set a pattern for the next 10 years.

We, members of the Congressional Black Caucus, have already stated our general budget and appropriations priorities through the Congressional Black Caucus alternative budget which emphasized the need to use our surplus to invest in human resources.

Since the countdown for the end-game negotiations has now begun, we wish to state our priorities in more specific and concrete requests. First, we wish to state that we agree with the prevailing wisdom that a large percentage of the $230 billion surplus should be used for debt reduction.

Remember, I said we had now gone beyond $200 billion, and the conservative estimate now is that the surplus after we get through with the Social Security surplus, and it has its own lockbox, leaving that aside, we still have $230 billion surplus as a conservative estimate.

We agree that the greater portion of that ought to be used for debt reduction. Pay down the national debt. Why is it important to pay down the national debt? Because when we pay down the national debt, we eliminate the interest payment on that debt that happens every year. We have a huge amount of money that just goes into the budget every year to pay the interest on the money that we owe.

If we pay down the debt, we eliminate the need for the interest payment at such a large size, and the money that would have gone into the interest payment can now be put into the regular budget for meaningful and productive activities. Or we can continue to pay down the debt with the money we save. It makes sense to use a large part of it to pay down the debt.

We also concur that some portion of the allocation of funds from the surplus should be used to strengthen Medicare and to provide for prescription medicine benefit. We are in agreement. If we have $230 billion, then most of it should go to pay down on the debt, but not all of it. Because, I mean, who would make this kind of choice?

If one receives an income bonus, either one's stocks pay off well or better than one expected, one suddenly receives a bonus at one's house, one's family, and one of one's children is going to college, one can now pay for their college tuition without having to borrow money, would one pay one's mortgage off instead of paying for the tuition of one's child who is about to go to school? Or would one invest in that tuition for that child, let them go to school, and continue one's mortgage for a little while longer?

I mean, we do not rush to pay off debts because there is a great virtue in paying off all debts. In the system that we have concocted, sometimes it makes sense to have long-term debts while we invest in immediate priorities.

I always say now do not use all of the money to pay down the debt. Invest some of the money in human resources. Is it so difficult to understand that? We want to emphasize the need to use our surplus to invest in human resources.

Since the countdown for the end-game negotiation has now begun, we wish to state our priorities in more specific and concrete requests. We were talking about a round figure of 10 percent for education for school construction, and another 10 percent for other education improvements. We were talking about focusing on the priority of school construction but also having money recognizing the other kinds of needs that we have.

First, we wish to agree with the prevailing wisdom, as I said before, that a large percentage should go to pay down the debt. Secondly, however, we contend that, after these priority steps are taken, there should be a significant investment in human resources. At least 10 percent of the surplus should be invested in education, 5 percent for school construction, and 5 percent for other school improvements.

We propose that another 10 percent be invested in housing, health care, and social services in our Congressional Black Caucus alternative budget. For the benefit of the Nation, the Congressional Black Caucus still stands firm on the adoption of all of these proposals.

If we had 10 percent for education and 10 percent for housing, social services and health care, that is 20 percent. We still have 80 percent. Out of that 80 percent, we can deal with shoring up Medicare, providing a Medicare prescription medicine benefit, giving a tax cut, a tax cut starting with the people at the lower rung instead of at the top, and paying down the debt. We still have quite a bit of money left. So give us our 10 percent for education.

Since the hour is late and the negotiations have begun, we now find it necessary to move from general concerns to specific emergencies. Within the African American community, education remains as our greatest emergency. This is a solution that makes it possible to resolve most of the other problems we face. Education remains as our greatest emergency, the solution that makes it possible to resolve most of the other problems we face.

I might add that the problems faced by the African American communities are not unique. Low-income communities, working families communities face similar problems all over America. So when I propose a solution for problems that we face, particularly in the areas represented by the members of the Congressional Black Caucus, I am proposing solutions that apply to much of America where working families live who are not necessarily African American.

Our crisis education situations require a systemic and well-targeted Federal emergency education initiative. Right now, we are weary of the ability to deal with the problem in the terms we state it. There probably will not be an overall 10 percent for education. The mechanism is not there.

The leadership in charge appears to be ignoring the polls and public opinion for a change. Very rarely are the polls and public opinion ignored. But in a case of the demand for more government support for education, it is very interesting how the leadership of both parties choose to sort of talk about the problem without committing resources equal to the public demand.

□ 1730

So the public demand has to be louder. We need to hear more from the public. And I will talk about that in terms of school construction in a few minutes. But I think that we have to now think in terms of a Federal emergency education initiative to deal with the fact that, in general terms, the problem of the worst schools in America escalates. The problem in the worst communities, which need the greatest amount of help, continues to escalate. So we want a Federal emergency education initiative which directly addresses the most critical problems of the worst schools of the Nation.

While the larger national education problems are being considered, we must have an immediate intensified initiative to address the Nation's schools which serves populations where more than 50 percent of the students qualify for free school lunches or where schools are failing and their local systems or the State authorities are ordering that they be closed down because they are just not functioning. They do not meet standards that have been set. Those are crisis schools. They are in crisis situations. They are in crisis school districts. So we need an emergency initiative to meet the crises.

I am defining the crisis situation quite clearly. The school lunch program, children who qualify for the school lunch program, are the poorest children in America. We have used that as a benchmark for measuring how funds are allocated by the Federal Government. The E-rate, for example, the most recent and most creative allocation of national funds, is done on the basis of the number of children who qualify for free school lunches. A school where 90 percent of the children qualify for free school lunches can get a 90 percent E-rate discount; where less qualified, the E-rate goes down. So the discount for the E-rate is less in the schools that are a little better off, and the wealthier schools of course can get a 15 percent standard discount, but no greater than that in the areas where the schools are serving students who do not qualify at all for the school lunch program.

So for crisis situation schools we need a Federal education initiative, and that initiative should contain the following components:

One major component has to be accelerated school construction and modernization. We must move faster to relieve our school systems of the burden of some of their cost for school construction, school repairs, school modernization. We must do that.

I regret to report the fact that there seems to be this determination, a dogged determination, to ignore school construction needs, not only here in Washington, but a dogged determination in State governments and in city governments. Certainly New York is an example of a situation where 2 years ago the mayor of the City of New York had a $2 billion surplus. $2 billion is not like $200 billion, but for a city to have a surplus of $2 billion is significant, especially since this city has seen hard times and we have had deficits and had a brush with bankruptcy at one point in the last 20 years. So to have a $2 billion surplus was a great window of opportunity for the city.

Not a single penny of that surplus was spent on school repairs and school construction. Now, this is in a city which at that time had more than 175 schools that were still burning coal in the school furnaces. We have something like 1,200 schools in New York, and 175 are so old or neglected that they still have furnaces that burn coal. This is in a city where the air already is polluted enough; in a city where asthma is a major problem. We still burn coal in some of the school furnaces and not a single penny of the $2 billion surplus was allocated by the mayor of the City of New York to assist with school repairs.

Not a single member of the city council, certainly no member representing part of my district, spoke up. Some of them, who are quite friendly with the mayor of the City of New York, did not speak out against the coal-burning furnaces in our district. They did not say, look, we ought to use some of this money to get rid of the coal burning furnaces. We have a situation where children are placed at risk. Certainly if they have asthma, it is aggravated by the fact they go into a situation where there is coal dust in the air. Coal dust is in the air no matter how good the filter situation is.

I know this is true because the first house I ever owned was a house that had a coal burning furnace, and we had all kinds of filters and did all kinds of cleanup, but the coal dust still got through and the coal dust was there. I was very happy to replace that coal-burning furnace with a gas-burning furnace because just the battle with the dust was enough to merit a movement as fast as possible away from a situation with a coal-burning furnace.

When we have hundreds of children who go to school every day throughout the winter into a situation where they are placed at risk by coal-burning furnaces it ought to be declared an emergency. We ought to have both the city and the State, as well as the Federal Government, moving as rapidly as possible to remove those remaining 175 coal-burning furnaces.

I am told by the school construction authority that, as a result of our agitation for the last 3 years, they now have a schedule whereby by the end of the year 2001 all of the coal-burning furnaces will be eliminated. Now, they will be eliminated after having existed for all these many decades since the invention of better, more efficient oil-burning and gas-burning furnaces. But this is an emergency which is ignored by public officials.

Yet this is only one of many emergencies related to the problem of school construction. We need funds at every level to go into play and to deal with basic problems that schools face. I do not ever represent school construction as being the only problem or the only priority that our schools face. The training of proper teachers, certified teachers, science teachers, math teachers, that is a problem equally as important; and I do not want to downplay that. Having decent laboratories in schools and decent libraries, there are many priorities.

But I do point out the fact that the school building, the edifice, sends a message like no other component of the education system sends. It says to the children and it says to the teachers and the community that the people who are in charge, the elected officials who make decisions, whether they are Congresspeople or city council people or State legislators, the people who make the decisions care. It is a highly visible statement.

If a school no longer has a coal-burning furnace, it meant that we cared about the situation enough, we cared about education, we cared about the students. If a school is not overcrowded to the point where classrooms have to be held in the hallways or in closets converted into classrooms, or there is a situation where the children have to start eating lunch at 10 a.m. in the morning because the students have to be cycled through the lunchroom because the lunch building that was built for 500 children now has 1,500. There are schools that must have three or four lunch periods and the first lunch period begins at 10 a.m., when the child just had breakfast.

Now, some of my colleagues might say, well, that is an unusual situation; why should I talk about an extreme situation. Well, if a survey were to be conducted in any big city in America, we would find similar things are happening; and it happens in New York City on a large scale. There are a large number of schools where children have to eat lunch at 10 a.m. in the morning. And yet we are in a situation now where we have surpluses at the State level, surpluses at the city level, and surpluses here in Washington.

I would like to say to every parent listening, or every decent citizen listening and who knows a situation where children are being forced to eat lunch at 10 a.m. in the morning, just after they have had breakfast, I would like to see our sense of decency and fair play be brought to bear on this outrageous practice. It is child abuse to force a student to eat lunch before 11 a.m. in the morning or after 1 p.m. Those who eat after 1 p.m. are hungry; those who eat at 10 a.m. do not want to eat breakfast. They are not hungry. They are being force-fed. That is child abuse.

We have accepted this as a routine, ordinary part of getting through the school emergency situation in New York. The school space emergency situation is like routine now. Every year they announce, well, we are 26,000 or 20,000 seats short. That happens at the beginning of the school year and we wonder, what happened; how did they deal with the problem? Well, somehow they crammed them into hallways, they crammed them into closets, they put them into situations where they have to eat lunch at 10 a.m. in the morning. They come to grips with the problem. They solve the problems by dehumanizing the children.

So every parent, every decent human being in New York City should do all of us a favor by rising up and saying, look, we will not tolerate this kind of child abuse any more. Join us in a court suit. Let us go to the health department. The health department regulates day care centers and Head Start. They have tight regulations on what happens in facilities that serve children, but they put a waiver on the board of education. They have nothing to do basically with the operations of the board of education and the schools.

So many kinds of horrendous things happen in respect to school space, ventilation and, in this case, the actual serving of lunch, which would not be allowed to happen in a day care center or Head Start center. We should not tolerate it any longer.

For those people down here in Washington who are now pushing aside all discussions of school construction, school repairs, and are genteelly talking about everything else in education, but who refuse to recognize that there is a need in the area of school construction, I say that they are part of the problem of forcing this child abuse situation where we are forcing children to eat lunch just after they have had breakfast. These people must bear part of the blame. They may not be as bad as the Romans, who were feeding the Christians to the lions at a time when they had great prosperity and a high civilization, but they are guilty of something on a smaller scale that I think their grandchildren would not be very proud of.

We have the money, we have the wealth, we have a surplus, we can deal with the problem of school construction. If the Federal Government were to give a portion of the money, it would stimulate and force the State governments and city governments to do more. We could eliminate these major problems of school overcrowding. We could eliminate that in the next 10 years. We have the resources to do it. So let us stop the child abuse. Do not force students to eat lunch, and parents should be indignant, and everybody else indignant, about that kind of child abuse.

A second problem is that the outdoor and inside pollution caused by coal-burning furnaces constitutes a direct threat to the health of all children, and teachers too. Children with asthma are particularly placed at risk in these situations, in a city with an asthma epidemic. The mayor of the city, a little more than a year ago, had a special asthma initiative. And they are so cruel, so much like the Roman politicians, because they deliberately never mentioned coal-burning furnaces as part of the problem. That was not an accident.

There are coal-burning furnaces in schools. If they draw the map of where the largest concentration of asthma cases are, where the asthma epidemic is, we can see the overlap with the places where we have the schools with the coal-burning furnaces. Any intelligent person can see the correlation, but the correlation was not recognized deliberately. Many articles in the newspapers were written, but nobody wanted to offend his majesty in city hall so they never said coal-burning furnaces are part of the problem, Mr. Mayor. Why not appropriate some money to get rid of coal-burning furnaces?

We are part of the problem if we do not take the initiative now and use some of the funds we have here. Whose money is it, the $200 billion surplus? Does it belong to the Federal Government? My friends on the other side are telling us all the time it is the people's money. All taxes are local. All funding of government comes from the local level. We want to give it back. It is not a great act of generosity by the Federal Government to make money available for school construction or any other local purpose. It is one way we can help education without becoming involved, without being accused of trying to take over the decision-making process at the local level.

□ 1745

It is a capital expenditure, school construction. Go in, give the money, and oversee the process of getting the building going and get out. You do not have to stay around to interfere with operational decisions of the school board. Just help with the immediate physical infrastructure problem.

Item three: the departments of government should fully enforce all health and building codes in school buildings and no waivers should be granted.

Along with coal-burning furnaces, which should not be allowed by the health department in schools, you have many other violations. There was a survey done with the help of the United Federation of Teachers. The teachers union pushed for a survey. And every school building in New York has been inspected and there is a record of violations, a computerized record of violations. And many of them have numerous violations which, if they were not schools, they would be forced to immediately make the repairs or close down.

So we elected officials, members of government, decision-makers are part of the problem if we allow these violations to continue to exist jeopardizing the safety and health of children in our schools.

We also have a problem with school libraries and laboratories and facilities which allow children to really get the kind of education they need.

The Board of Regents of New York State, like many other State bodies, have established certain standards and no child will be able to graduate and receive a diploma of any kind. They used to give a general diploma. If you did not pass the mathematics, the science and the English and the couple other regents tests, you got a general diploma. Well, they have decreed that no child will get any diploma if they do not pass certain Regents tests.

Among those tests is a Regents science examination. We ought to postpone, eliminate the mandated Regents science examination required before a student can qualify for a diploma unless and until we have all high schools equipped with laboratories where they can have real science teaching take place.

Science teachers will tell us now that theoretical science teaching, teaching only through theory, is not complete science instruction; you have to have laboratories. And yet, if you do not have the physical facilities, you use these old buildings which if you probably installed a decent laboratory, something will malfunction. They will catch fire or blow up.

They do not have the wiring or the ventilation. They need in many cases totally new buildings, or they need massive renovation in order to have a decent science laboratory.

We are enforcing standards and we are dumping on the students' backs the responsibility of learning while we do not want to use valuable resources. The dollars are here. The money is here at the Federal level and at other levels, and we want to ignore it. I am not sure why. Some people say because the majority of the Members of Congress, their children are either in private schools or they are in suburban schools, which are very well taken care of. They do not have construction repair problems.

I hate to believe that my colleagues do not accept the responsibility for all the schools and all the children in the Nation. At a time when we have the resources, I hate to believe that they turn their back on a portion of the population which very much needs to have an investment in their education.

We have shortages of all kinds. Everybody is complaining about information technology shortages; we do not have young people who can actually fill the jobs. In the information technology industry, we do not have the people to do the computer programming, and we are importing people from outside.

On the floor of the Congress, we are going to have a discussion of H–1B which lifts the quota for the number of professionals who can come into the Nation because we need those professionals from outside the Nation to fill the jobs.

And on and on it goes, the discussion which ignores the simple fact that, in the long run, we have to train our own population, we cannot rely on school systems of foreign countries to provide us with the manpower, with the professionals or any other degree of manpower in this digitalized economy that we need.

So let us invest and let us have the broad view, the compassion necessary to see that, in our inner city schools, in our schools which serve the poorest youngsters. And there is a correlation between the construction problems and the schools which have overcrowding and the schools which do not have laboratories the schools which have the least number of certified teachers, the correlation is always in income.

The low-income schools, where the parents have the least education and the least ability to deal with the system, they are always the ones who have these problems.

Another item: the use of trailers in school playgrounds. The use of trailers in school playgrounds to relieve overcrowding should be limited to situations that are temporary substitutes for buildings under repair or in the process of construction. We should become indignant. Everybody out there should look at those trailers, and sometimes they have been around 10 years or more, and say that this was supposed to have been a temporary solution.

Children should not have to go to school in trailers. They should not have to be in situations where in the winter time, in order for them to go to the bathroom, they have got to come out of the trailer and go into the main building. They should not be in situations where the ventilation and the situation is not up to par in terms of the square footage necessary to accommodate a full class of children.

We should become indignant about the continuation of an emergency use of trailers when we have a $200 billion surplus. The mere dedication of 10 percent of that will allow us in 10 years to wipe out these kinds of problems.

Teachers for the classrooms is another program that we have emphasized greatly. We want to reduce the ratio of children to teachers. We want teachers to have smaller classes. All of us are in favor of that. I never heard of a Republican or Democrat against teachers having smaller classes.

But there is a racketeering process set in the inner-city communities, certainly in New York City. We have taken the money to reduce the ratio of children to teachers, but since we do not have the classrooms, it is not happening. Sometimes they put in an additional teacher, an additional teacher goes into a crowded classroom. That is not what we meant. And you do not have the kind of teaching taking place when you have children crowded into a classroom, even though you have a second adult. That is not what is meant.

We are spending large sums of money for teacher development or a number of other kinds of options that are in the law which they can take, while they stall on the basic problem of getting more teachers into the classroom.

You cannot get classrooms that have smaller class sizes unless you build more classrooms or renovate classrooms. Teachers for the classroom funding ought to be used to lower the ratio of students to teachers within separate classrooms, not for the assignment of a second teacher to a crowded classroom or for some other auxiliary purpose. More classrooms must be made available.

Otherwise, the number one item in our program, in our platform of teachers to the classroom, which we all are proud of, that item is sabotaged and we are really not honest about what we are doing. .

Finally, accreditation should be denied to any school which lacks an adequate physical infrastructure. I talked about laboratories. But the playroom space, the gym, all these things are part of the experience necessary to educate young people.

Substandard and nonaccredited school buildings ought to be closed. We ought to create a crisis. Instead of continuing to accept these half measures which are dangerous to the psyche of kids as well as to their physical bodies, let us wage war on our own decision-makers. Let us understand that it is possible that we can make real blunders here and have blinders on. They are blinders which say school construction, that is too radical, anything related to school construction will give the impression that we are big spenders; and we do not want to be accused of being big spenders.

It is all right to have $4 billion for an aircraft carrier. It is all right to spend $218 billion for highways and roads over a 6-year period. But do not talk about school construction $10 billion a year. Do not even talk about $2 billion a year.

I want to applaud the President for at least putting $1.3 billion in the budget that he proposed. But since he proposed that, there is very little discussion. As we get closer to the end-game negotiations, I do not hear any discussion about the $1.3 billion direct appropriation in the budget that the President proposed.

All I hear about is the $25 billion that is being proposed in the Committee on Ways and Means to loan. We have a proposal that $25 billion would be available. The Government is willing to pay interest on up to $25 billion. So a local school district or the State can borrow money, and we will pay the interest. Rah, rah, rah.

We have a $200 billion surplus, and all we are willing to do is to pay between $3 billion and $4 billion in interest or money borrowed by the local governments.

Will it help New York City and New York State? Not likely. Because you have to have a school bond issue on the ballot. People have to approve the borrowing of money to build schools before you can borrow the money. And there are other places in the Nation with similar problems.

I am all for what is now called the Rangel-Johnson school modernization bill. I am one of the cosponsors. And we should go forward with it. But it is only a small part of the problem. It can help districts which are able to use borrowed money and use it rapidly, but do not have to go through a process of taking it to the voters. We have turned down in the last 10 years two bond issues that might have helped schools.

So we need direct appropriation. The Congressional Black Caucus would like to specifically request that we have more direct appropriation to be allocated to the schools in crisis situations. That is the schools that are serving large numbers of low-income youngsters who qualify for the free lunch program and the schools that are being closed down because they are not functioning properly.

There is a crisis. There is a crisis out there, and we need to rally to meet that crisis. We should not allow future generations to look upon the situation we face now when we have a golden window of opportunity, a $230 billion surplus and we are so blind, so hardhearted, so mean-spirited, so whatever that we cannot see the need to invest in students and young people.

What other reason is there to not set aside a substantial portion of a $230 billion surplus for education?

Substantial is conservative. We talked about we are asking for 10 percent. Ten percent of $200 billion is $20 billion. Ten percent of $200 billion is $20 billion. Over a 10-year period, 10 percent is $200 billion for school construction and other education improvements.

Why are we going to pass up this opportunity and be guilty of history saying that we were no better than the great Romans? We had the technology. We had the economy. We had the military might. Rome was really a village compared to the United States of America at this point in history. There is nothing that has ever existed like the United States of America colossus. We are a colossus.

Given all of this, how can we not make an investment in every human being out there? The human investment is the key now. Brain power drives everything. Brain power is obviously the kind of power that sustains us now and will carry us into the future. Let us at least have the vision to make the investment in the brain power.

There are alternative education proposals being proposed by the Republican candidate for President and the Democratic candidate for President, the leadership of the House. All of the general outlines and the general plans that are being set forth we cannot quarrel with; we applaud. Most of the approaches on both sides are approaches that address serious problems related to education in America.

The problem is priorities. The problems is seeing an emergency. The worst schools in America should not be deserted. The worst schools in America should not be abandoned as we prepare plans and we allocate resources for education. The worst schools have to be dealt with first.

If we solve the problems of the worst schools and we deal with the challenges that are faced by the worst school systems, then we are in a position to deal with all the others. They become much easier. If we solve the problems faced by the worst schools, we also recoup the lost resources that we face as those youngsters fail to enter into the stream that carries them through high school graduation into higher education institutions.

We need improvements of all kinds. The Congressional Black Caucus will be proposing to the leadership in the next few days as we move into the finality of the end-game negotiations that we examine not only the school construction, which is the first priority, but Pell Grants need to have more money. We need a technical research center for Historically Black Colleges and Universities. Teacher recruitment needs more funds. Training and the certification of teachers is still a major problem. The 21st century learning centers, the after-school centers, we need more of them. In our crisis, school districts, every district should have some of those learning centers.

□ 1800

They should not be allocated on the basis of competitive grants but allocated on the basis of need. We should have more money, produce more centers and allocate them on the basis of need. We are firmly convinced that a demand of this kind is in the interest of all of America. If you address the problems that are the worst problems, you will certainly be in a position to solve all the rest of the problems. Construction should not be pushed off to the side and abandoned as an undesirable activity because it might cost money. It will cost so much more to build prisons in the future, to build correction facilities in the future. It will cost so much more to have to compensate for the waste of human resources that will result from our failure to educate those who are in greatest need.

I would like to end by saying we are at the end of a process we started when we covered the Congressional Black Caucus alternative budget. Our priorities are the same. We would like to zero in and talk about specific dollar figures for school construction in the communities where they have the greatest need. If you are not going to do it for everybody, at least we should do school construction in the communities with the greatest need. At least we should have an aggressive program for teacher training, teacher recruitment and certification of teachers in the communities with the greatest need. If we are not going to address the education problem generally as we should address it, at least we insist that you focus the dollars that are available through the surplus on the schools which have the greatest need. We can do no less.

NIGHTSIDE CHAT

The SPEAKER pro tempore (Mr. STEARNS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes.

Mr. McINNIS. Mr. Speaker, again another nightside chat. I have two very important subjects that I want to address with my colleagues this evening. The first subject is going to be Wen Ho Lee. That is a name that is familiar to all of you. He is the gentleman, and I can tell you that I stretch the words when I utilize the word "gentleman," you will follow me a little later on, out of New Mexico who was arrested by the FBI at Los Alamos lab. I intend this evening to tell the other side of the story of Wen Ho Lee.

The second thing, of course, is a complete shift of agenda. I want to talk about Social Security and the obligations all of us have to the future generations on saving Social Security, on doing something about Social Security that is going to make a difference for these generations, on doing something about Social Security so that Social Security is there for these future generations, on doing something about Social Security so that those young people, the generations behind those of us who are midlife in our working careers, so that those people have some kind of voluntary choice, some kind of voice in how their investments are made, so that they can get a return better than the 1 percent return that most of us on Social Security will experience under today's program.

But first of all let me begin with Wen Ho Lee. The last few days have been amazing to me in the press. In fact, the last month. I used to be a police officer. My district is in Colorado. I used to be a police officer out in Colorado. So I do have kind of a law enforcement slant. But through my years of law enforcement and also through my years in the practice of law, especially the areas where I did family law, I found out something pretty interesting in my early career. It is kind of like if you have a small child that comes up to you, you have two kids, two small children that have gotten in a fight with each other. The one child comes up to you and explains their side of the fight. They tell you what in their mind is the truth. Then the other child comes up to you and tells you their side of the story which is exactly contrary to the side of the story that you just heard but in their eyes that is the concept of the truth. In other words, the truth usually is out there and there are almost always, and I learned this time after time, when I would arrive at the scene of an accident or at the scene of a fight or at the scene of a domestic dispute, I always found that when I first got there, most of the time you better listen to the other side of the story because most of the time the facts are not as they appear upon first arrival. That is exactly what has happened here.

In the last few days or the last month, I have almost been sickened by reading some of the national media that makes Wen Ho Lee, this gentleman right here, sound as if he is a martyr, makes him sound as if he is a hero. And these news media reports and some of the people, one of the things they like to jump up and they play the race card. Forget it. It is not going to work in this one. They play sympathy. "Well, he was picked upon. The poor guy was abused." Forget it.

You better listen to the second side, the other side of the story. How easy it is to trash the FBI and trash the Attorney General. I can tell you I am no fan of the Attorney General, but in this case the Attorney General is right. In this case the Federal Bureau of Investigation is right. I stood on this floor in front of you as one of the harshest critics of the Federal Bureau of Investigation as a former police officer when they goofed up at Ruby Ridge which in my opinion was one of the darkest black eyes that the FBI has given to law enforcement in law enforcement's entire career in this country.

So I think I approach this from a fairly impartial view. I criticize the FBI when I think they should be criticized. I am not a fan of the Attorney General, Janet Reno, but on the other hand when they are right, we ought to stand up here and talk about it. What we are doing is letting the media get away with what I think is one of the most atrocious incidents in recent history.

At the beginning of my remarks, I told you how I wanted to address today Social Security and future generations. If you want to talk about something that is going to have an impact on future generations, wait till you hear my story today about what this gentleman's contribution is to future generations.

The question is here, who is the victim? That is the newest concept. I used to practice law as I mentioned. There are a couple of ways that you defend a client who is guilty, who you know is guilty. First of all you try and point out that the client, really the defendant, the person that you are defending did not intend to commit the crime. And if that does not work, then what you do is you attack the witnesses. You try and show that the prosecution witnesses are biased or somehow they are crooks themselves or they are not worthy of their testimony. And then the third approach you do in trying to defend somebody is make your client look like the victim. My client is the victim here, not the person that got raped or murdered or shot or burglarized. My client is the victim. Look at how abused they were in their childhood, look at all of the things they did out in our society and this is what caused him to commit that kind of crime. That is exactly what has happened in the last few days or in the last month. This guy is being victimized. This is the victim.

Wait till you hear my story. I am going to bring you out the other side of the facts on this. My question, my comment is here, who is really the victim? Is it Wen Ho Lee? Or is it us, the United States? Is it us, the citizens, our future generations? I advance to you this evening that the victims in this particular case are not the defendant, the victims in this case is the United States of America and all future generations of the United States of America.

Let us start with some facts. First of all, as many of you know, Wen Ho Lee was a scientist who had access to the most secret nuclear information and material we have in this Nation. He had one of the most trusted positions that we divvy out, so to speak, in our government. He had access to the basics and the fundamental scientific knowledge and the construction knowledge and the practical knowledge of the most devastating weapons known in the history of mankind. We do not just willy-nilly give out that kind of access. Why? That is self-explanatory. We all know in this Chamber what will happen if that information gets into the wrong hands. We know, too, that if that information gets into the wrong hands, that is one weapon, just one weapon is all it takes, but you can make numerous weapons. But that weapon alone is a weapon that could destroy the United States of America. It is the only weapon in existence we know of today, nuclear capabilities, maybe some biological but primarily nuclear capabilities are about the only weapon today that could destroy the destiny of the United States of America. I cannot emphasize on my colleagues enough the importance of the secrecy of this information that we have in the Los Alamos lab. And this gentleman, this guy right here, Wen Ho Lee, he was entrusted by the American people to keep those documents secret. And now some of the very people who, in my opinion, he has betrayed, and I use that word with some caution, I do not typically stand on the floor of the United States House of Representatives and talk about betrayal by a citizen but I am telling you today, that is what has happened.

Let us go into some facts, the other side of the story. As Paul Harvey would say, now it is time for the rest of the story. These quotes, by the way, are a direct testimony, given under oath, in front of the United States Senate by the Director of the FBI and by the Attorney General. Let us go over some facts about this scientist, Wen Ho Lee. It is critical to understand that Wen Ho Lee's conduct was not inadvertent. It was not careless. And it was not innocent. Over a period of years, Lee used an elaborate scheme to move the equivalent of 400,000 pages of extremely sensitive nuclear weapon files from a secure part of the Los Alamos computer system to an unclassified, unsecure part of the system which could be accessed from outside of Los Alamos, indeed from anywhere in the world.

Another additional fact here. At one point in time, this scientist, while he was overseas in Taiwan, tried to access this equipment. We have it on the computer. We traced it through on the computer. What are we talking about here? What this fellow did is that kind of information is highly classified obviously and on the computers there are indications that give you the different levels of classification. The classification for this material is highly top secret or whatever classification they use, they call it the X information, so it was classified as X information.

Wen Ho Lee used a very methodical method to move the classification as top secret or as an X file, to remove that from the designation and replace it with a nonclassified designation. So, in other words, he made top secret material look like it was not top secret, that it was regular material. Then he moved it onto his computer and then he accessed it and made copies of that kind of thing. To move a document from highly classified or top secret to nonclassified, it does not happen by a bump of an elbow or you push the wrong button on the keyboard. It takes several coordinated, sophisticated steps.

We know that Wen Ho Lee, in fact, for a long period of time failed in his attempts. He had to work his way through, which he did by experimentation until he mastered how to take top secret classification heading, take it off the document and put a nonclassified documentation on there so then you could move the documents without suspicion. And 400,000 pages. That is the equivalent of what he transferred out of top secret: 400,000 pages of the most sensitive secret nuclear weapon material that this government possesses. Yet some people are out there trying to make this guy look like some kind of martyr or that he has been picked upon by our government or that somehow it is abusive for us to go and accuse him of being a spy or make these kind of accusations.

By the way, he is a felon. There is no mistake about it. He is not an accused felon. He is a felon. Keep that in mind. In order to achieve his ends, Wen Ho Lee had to override the default mechanism. He had to override them, an intentional movement that required several steps that were designed to prevent any accidental or inadvertent movement of those files. His downloading process consumed nearly 40 hours over a period of 70 different days.

□ 1815

So do not let anyone tell you when they arrive upon the scene of an accident that this transfer of material was inadvertent, or that it was an oversight, or that this scientist did it by pushing the wrong button. These systems are built for fail-safe, so that that kind of thing does not accidentally happen.

Let us go on. Nor was this all. Wen Ho Lee carefully and methodically removed classification markings from documents. He attempted repeatedly to enter secure areas of the Los Alamos labs after his access had been revoked, including one attempt at 3:30 in the morning on Christmas Eve.

Now, imagine, every one of you in here, what were you doing at 3:30 in the morning on Christmas Eve? Were you trying to use a stairwell to get up to an office here in the Capitol? Those are what we call burglar hours. The only people up trying to gain access at that time in the morning, generally you have to be a little bit suspicious about what is going on. And on Christmas Eve, most people are home with their families on Christmas Eve.

It would be highly unusual to see somebody trying to enter into an area of which their access had been revoked, of which they were denied access to, highly unusual to see them all of a sudden at 3:30 in the morning going up a stairwell trying to gain access to a top secret area.

Let us continue. He deleted files in an attempt to cover his tracks before he was caught.

I am going to go over that in a little more detail too. I have a chart here. We are going to go to this chart, and I will show you what happens when this fellow fails a lie detector test. I will tell you what happens when the FBI presents him with evidence.

Primarily what you are going to see is once he figures out they are on top of him, then he tries to get back in there and coverup his tracks by erasing files.

Let us go on. Wen Ho Lee created his own portable secret library of this Nation's nuclear weapons secrets. My gosh, do you see what I have just said? Look at this. A citizen creates his own library, his own personal library, of the Nation's most sensitive nuclear weapons secrets.

Now, does that sound like an innocent bystander to you, somebody is out on Saturday afternoon putting together a butterfly collection? This is serious stuff.

Let us go on. He stood before a Federal Court judge and admitted his wrongdoing and pleaded guilty to a felony. Contrary to some reports, there is nothing minor or insignificant about that crime.

It amazes me that the media and some of the people that I have talked to think that, well, he just pleaded guilty to something totally insignificant, that this poor guy is being picked upon.

The restricted data that Wen Ho Lee downloaded into 10 portable computer tapes included, listen to this, included the electronic blueprints of the exact dimensions and geometry of this Nation's nuclear weapons.

Does that sound like a guy that has been picked on to you? That does not sound that way to me.

There are always two sides to a story. Let us go on with this side of the story.

Here are the steps that are required to download and create tapes. So any of you out there that think, well, this was innocently done, or, you know, it was a distraction, or, you know, he just wanted to experiment, keep in mind 400,000 pages, that is what the equivalent is. Let us talk about the steps to move this over, partition it from classified to nonclassified, download and create tapes.

First of all you have to log into a secure computer system by entering a password and a Z number. You then need to access data in red, which means secure, partition, then hit save, and then CLU equal U, classification level equals unclassified. Then you need to access the C machine and type commands. There are numerous commands that you have to type in to down partition from a secure partition to an open, unsecure machine. You then access that machine to save the data into a green unsecured directory. Then you have to log on to a colleague's computer outside of the X division. Remember, X division is top secret. That is the highest secrets of the Nation. You have to then access outside the X division and insert a tape into the tape drive. Then you access the open directory and copy files on to the portable tape.

In other words, the purpose of that chart right there simply is to tell you, hey, this guy knew what he was doing. This was not some country bumpkin in there playing games on a computer. He knew exactly what he was doing. Not only did he know what he was doing before he was caught, he built his own library. By the way, you will find out later in my discussion a good portion of this library is missing. It is gone.

Now, the guy who lied to us, the guy who tried to evade the truth and who tried to cover his tracks, now tells us, "There is nothing to worry about, I erased them. They are erased. You don't have to be concerned about this."

This gives you an idea of what intentionally was required for him to complete his mission.

Let us continue. Wen Ho Lee worked for the X division, which I explained earlier as the top secret division at Los Alamos Laboratory. The X division is responsible for the research, design and development of thermo-nuclear weapons and requires the highest level of security at any division at Los Alamos.

X division scientists most familiar with the downloaded information, so we went to other scientists and said you are familiar with this information that has been downloaded by Wen Ho Lee. Let us talk about it. These scientists would have testified that Wen Ho Lee took every significant, every, he did not miss anything, every significant piece of information to which a nuclear designer would want access, every key piece of information.

He did not just pull up one little piece of information that looked cute and thought this would be kind of fun to experiment with. Every piece of information that was necessary for research, design and development of thermo-nuclear weapons, he changed classification and he downloaded it into his own personal library. And not only did he download into his own personal library, he tried to access the official computers from overseas, and he took copies of his library, and now he claims he has lost it or the files were deleted, he went ahead and erased them because he did not want people to get access.

Before Wen Ho Lee created these tapes, and this is so important, this is so important, before Wen Ho Lee created these tapes, only two sites in the world held this complete design portfolio. Only two sites in the entire world had that information; the secure computer inside the highest security division at Los Alamos and the secure computer system inside the highest security division of another one of our national laboratories. We only had that information in two places in this country.

Now, somewhere, we have got three locations, thanks to Wen Ho Lee, who some people out there are calling a martyr. Some people are saying he has been victimized by an overzealous FBI or an overzealous Attorney General. You are going to get to make the decision.

The first poster I put up had a question mark on it, because I wanted my colleagues at the end of my comments today, you decide, is he the victim, or is the United States of America the victim?

Let us go on. It was not a simple task for Wen Ho Lee to move files from the closed to the open system. The CFS tracking system reveals that Wen Ho Lee spent hours unsuccessfully trying to move classified files into unclassified space, meaning he could not quite get it down. So he worked on it. You know, practice makes perfect.

He practiced on it, and he practiced on it. He would get a step, and over time he got these steps down so he could figure out to a very calculating move how to move material that has been labeled classified to material that is now labeled unclassified.

Wen Ho Lee eventually worked his way around what was designed to be a cumbersome process. By design it is complicated, so this kind of thing is very tough to do. Wen Ho Lee had to command the computer to declassify the files, when he was well aware that the files contained some of the most sensitive classified information at Los Alamos.

Nuclear weapons restricted data downloaded by Wen Ho Lee into portable tapes. Let us go through it again very quickly.

These weapons restricted data downloads, input deck, input file information, so this is some of the material that he downloaded. This is material that this scientist downloaded, switched from classified to nonclassified. The electronic blueprint of the exact dimensions and geometry of this nation's thermo-nuclear weapons, including our most sophisticated modern weapons or warheads; data files including, these are some of the files that he took, nuclear bomb testing protocol, libraries reflecting the data collected from actual tests of nuclear weapons. Next, data concerning nuclear weapons bomb test problems, yield calculations and other nuclear weapon design and detonation information.

Next, information relating to the physical and radioactive properties of materials used to construct nuclear weapons. Source codes that he downloaded. Data used for determining by simulation the validity of nuclear weapon designs and for comparing bomb test results with predicted results.

Let us move on. There is more to the story to come.

This is a quote. Of everything I say this evening to you, this is probably the most important. "And make no mistake about the scope of this offense and the danger it presents to our Nation's security." As an expert from Los Alamos testified in this case, "The material downloaded and copied by Wen Ho Lee represented the complete nuclear weapons design capability at Los Alamos at that time, approximately 50 years, approximately 50 years of nuclear development."

Fifty years, the most sophisticated data we have and 50 years of accumulated data. We had an expert to come in, his name was Dr. Yunger, listen very carefully. I will read it very slowly, because each word has its own meaning in a very substantive way.

"These codes," the codes that he downloaded, "these codes and their associated databases and the input file, combined with someone that knew how to use them, could, in my opinion, in the wrong hands, change, "change, the global strategic balance." Change the entire global strategic balance.

That information that this so-called picked-upon scientist, that this scientist that people are trying to point out as a victim, the information he moved out of our top secret laboratories could change the global strategic balance.

This is serious stuff. You talk about the next generation and future generations? Tell me how much you want to thank this guy for what he has done for our future generations in this country.

They enabled the possessor to design the only objects, and let me repeat this, they enable the possessor to design the only objects that could result in the military defeat of America's conventional forces. They enable the possessor, whoever has this material, can now design the only weapon known that could completely destroy the American conventional forces.

Let us go on. The only threat, for example, to our carrier battle groups. They represent the gravest possible security risk to the United States, what the President and most other Presidents have described as the supreme national interests of the United States. The gravest security risk to the United States of America, and we have newspapers in this country saying, well, this guy was picked upon.

Let us move on, because we got more of the story. Let us talk, for example, about what chronological events concerning this individual occurred.

Let us, for example, take a few days, significant events between December 23, 1998, and February 10, 1999. On December 23, two days before Christmas, 1998, at 2:18 in the afternoon, the Department of Energy polygraph of Lee is completed. They gave him a polygraph that day. They completed that polygraph.

At five o'clock, he was advised by his superiors that his access to the secure areas of the X division, in other words, the top secret compartments at Los Alamos, his access was yanked to both his secure and open X division computer accounts. They suspended it. They said you cannot go in the X area any more. Your computer files, you are not to access them any more. Pretty plain English. Very understandable. Your rights to go in there are suspended. Do not go in there.

At 9:36 that evening, mind you, he worked all day, at 9:36 he reappears at the lab. He makes four attempts, four attempts, to enter the laboratory, the secure area of X division, through stairwell number two. Apparently they have caught him on camera. At 9:39, three minutes later, he again attempts to enter the secure area of X division, but this time trying the south elevator. So he tries four attempts one direction, cannot master it there, so he comes up and now tries it through a different approach.

The next day, December 24, this is Christmas Eve, at 3:30 in the morning on Christmas Eve, 3:30 in the morning on Christmas Eve, he again shows up at the laboratory. He again attempts to enter a secure area of the X division through the south stairwell, number two. December 24th through January 3rd, Thursday through Sunday of that week, Thursday through Sunday of that week, Los Alamos is closed for the holidays.

□ 1830

So the entire laboratory is closed down for the holidays. Remember, Christmas Eve morning, 3 o'clock in the morning, here he is trying to gain access to an area from which he was specifically instructed he was suspended. He was not allowed to enter that area. So during these few days that the lab is closed for the holidays, look what Dr. Lee does.

On January 4, 1999, Monday, he succeeds in having his open computer account reactivated and deletes three computer files. On January 12, he deletes another computer file. January 17, the FBI conducts an interview of Lee at his residence. On January 20, from 11:00 to 12:00, he attempts to delete 47 computer files after the FBI interview. He immediately goes and deletes 47 computer files.

On January 21, he asks the computer Help Desk why files he is deleting are not going away. On many computers, on those computers down there, they have kind of a Help Desk where they can log into and ask for directions how to work the computer. Any who are computer literate know what I am talking about. It is a service there to help them work their way through it. So he asks the computer help desk, he is trying to delete these files, why they are not deleting.

At 10:46, he attempts to enter the secure area of the X Division through Stairwell 3. On January 30, at 2:54 in the morning, almost 3 o'clock in the morning, Los Alamos officials deactivate Lee's open computer account in the security area of X Division after discovering that it has been improperly reactivated. At 4:52 in the afternoon, Lee attempts once again to enter the secure area of the X Division through the south door.

On February 2, Lee attempts to enter a secured area of the X Division through the south door, 9:42 in the morning. In the afternoon, he attempts to enter the secure area of the X Division through the south door. At 1:46 that afternoon, he makes four more attempts to enter the secure area of the X Division through the south door.

On February 8, the FBI contacts Lee and asks him to meet with them to discuss conducting an interview and another polygraph. Right after that, Lee attempts to enter a secure area of the X Division once again. At 4 o'clock, the FBI meets with Lee and arranges for an interview and a polygraph over the next 2 days. 6:30 that evening, he attempts to enter the secure area of the X Division once again.

On February 9 from 11:30 to 12:00 Lee deletes approximately 93 computer files. At 1 o'clock, FBI interviews Lee and obtains his agreement to undergo another polygraph. At 5:03, Lee attempts to enter the secure area of the X Division once again.

February 10, Lee undergoes the polygraph from 9:00 to 4:00. Right after he is done with the polygraph, he immediately goes over and deletes 310 computer files. He then at 5 o'clock attempts once again to get to the X Division through the south door.

Does this sound like somebody who inadvertently or just kind of a country bumpkin walks into the highest most sensitive secrets of this Nation and moves them from classified Top Secret to unclassified then copies them on to his own computer? He lies to the FBI, by the way; and as soon as he is done being interviewed with the FBI, he goes up and starts deleting computer files.

This guy has some history to him. And it is history that he ought not to be proud of.

By the way, when he was first arrested, we should point out that through his lawyers he denied any knowledge. He denied that he copied any of these files. It was only later when the evidence was laid down in front of him that his lawyers thought it was best, probably, to advise him maybe that he ought to tell the truth.

Let us just very quickly summarize. One other thing I guess I should bring up, because I read this in the media. Oh, my gosh, this guy was put in isolation. He was shackled. He did not get to see other people. That is on its face patently false.

They built a special facility for him. They built a special facility for him so he could spend time privately with his lawyers. In the 90 days or so that he was in prison there, 6 hours a day he spent in that special facility with his lawyers. The only time that he was shackled was when he was transferred from one facility to the other, the same as any other prisoner.

If anything, this guy got better treatment than any other prisoner that we had down there. My colleagues should not let these lawyers, or do not let some of these fans of this Wen Ho Lee, or do not let his daughter who understandably has a love for her folks, just like I do, do not let them buffalo them. This Wen Ho Lee is not an innocent guy. He is a convicted felon.

Some people say, well, the FBI filed 59 cases against him or 59 charges against him. Why did the FBI drop 58 of the 59 charges against him? Well, it is pretty simple. We had a Federal judge and the Federal judge said, Okay, we are going to allow you to go ahead with these 59 charges against him. But in order to do it, we are going to have to require you to release some of your secrets. We are going to make this public information.

So the FBI did not drop these charges because they could not prove them. The U.S. Attorney General, Janet Reno, did not instruct the FBI to drop these charges because they could not prove them. The reason they dropped those charges is because they did not want to release further U.S. secrets on thermonuclear weapons.

It is interesting what happens in an election year. As soon as the newspapers start editorializing about old poor Wen Ho Lee and how he has been victimized, and it sounds just like a defense attorney, guess who jumps in? The President of the United States, he makes a comment. He said he is discouraged by this prosecution. That is his policy. He cannot understand this.

What happens this quickly, we can lose control of this quickly. The fact is Wen Ho Lee still has or has the knowledge of where the many, many secrets of the United States of America on our thermonuclear weapons are, and we have every right to go after this guy. He has jeopardized every living citizen in America. In fact he has jeopardized the entire world by accessing and taking out of that laboratory some of the highest level secrets every known to mankind.

He has, in my opinion, put at risk every future generation of every country in this world. And yet he refuses to cooperate up until the time, and we hope we get a little cooperation now, using as his front these defense attorneys.

Then they go out and put together this massive public relations effort. To me it is almost like having a cheer leading conference on the day of impeachment. They have a pep rally when this guy gets out of prison when the judge orders that he be released, and then the people cannot wait to stomp on the FBI or criticize Attorney General Janet Reno. Why did they prosecute this poor guy? Why are they picking on Wen Ho Lee? He is an innocent guy. He has been victimized. Maybe by accident he copied some files. It was inadvertent. He did not know what he was doing.

Of course some of the other groups are playing the race card, saying the only reason he was arrested is because of his ethnic background, whatever that background was.

We ought to take a look at what has happened to this Nation. Take a look at what our losses are. By the way, we cannot really calculate what our losses are because we do not know who has that material.

We do know this: we do know that some of the countries in this world have information that was provided for them from the laboratories out of the United States. We know this: we know that somehow there has been a leak somewhere down in that laboratory.

Mr. Speaker, I am saying to all of my colleagues tonight, I know that my speech has been somewhat impassioned; but I cannot imagine that any one of us who has a fiduciary duty to the people of this country that we would simply nod and turn our face the other way. Or that we would stand here and criticize the Federal Bureau of Investigation. Not that they are above criticism, as I said earlier. That Ruby Ridge was a disaster. Waco, Texas, was a disaster. The FBI deserves plenty of criticism.

But on this case, we too will be contributing, in my opinion, to this huge massive misjustice to all future generations of this world by turning eyes the other way and thinking that this Wen Ho Lee was some innocent guy that we decided to victimize or pick on him to find a spy for the FBI Chronicles.

Let me wrap this portion of my comments up by saying, I cannot think of anything in my entire political career, I cannot think of anything in my adult life that I consider of more serious consequence from a national security interest point of view than the compromise of these thermonuclear secrets. These secrets were compromised by one individual. We know who he is. We have got the facts. We have just heard the other side of the story.

Now, what I would say is all my colleagues should go home tonight, have discussions with their families and let me know tomorrow who is the victim. Is the victim Wen Ho Lee, or is the victim the United States of America?

Mr. Speaker, I really should have made this chart a little different. I should have put United States of America, the rest of the world, and all future generations.

Mr. Speaker, at this point in time I would like to yield to my friend and colleague, the gentleman from Maryland (Mr. EHRLICH).

A TRIBUTE TO DR. NANCY S. GRASMICK

Mr. EHRLICH. Mr. Speaker, I thank the gentleman from Colorado (Mr. MCINNIS) for yielding me this time, and I thank the gentleman for his leadership on such an important issue, nuclear security. He is a good friend and a great colleague and a fine Member of this House.

I intend to yield back, but what I would like to do, Mr. Speaker, for a few minutes is truly switch gears.

We talk about education, education policy in this country an awful lot. It is an important debate. It is a debate in the presidential campaigns and a debate on this floor almost every day. And there are special people who stand for educational excellence in this country, and one happens to be a friend of mine, and she happens to be from Maryland.

So for a few minutes I would like to pay tribute to a lady by the name of Nancy S. Grasmick.

Mr. Speaker, I rise today in proud recognition of Dr. Nancy S. Grasmick, superintendent of Maryland State Schools, for having been recently named recipient of this year's Harold W. McGraw, Jr. Prize in Education.

Dr. Grasmick is one of only three individuals nationwide to receive this distinguished award, which annually recognizes outstanding commitment to education in our country.

Dr. Nancy Grasmick defines education reform and excellence in America today. Dr. Grasmick has devoted her entire life to helping young people achieve the American dream. Her beginnings as a special education teacher in Baltimore County Maryland only hinted at what lay ahead for Maryland schools and indeed the entire State.

She advanced through the county school system and constructed a legacy that can be felt in every classroom in Maryland today. Thanks to her leadership and participation in countless school reform efforts in other States, that legacy is also felt across the Nation.

Dr. Grasmick's reform efforts were well under way when she was named Maryland Superintendent for Schools in 1991. At that time I was in the Maryland General Assembly. Her immediate goal was to establish accountability standards for teachers, administrators, and individual schools.

She challenged the status quo by proposing and successfully establishing teacher standards, students standards, and annual school-by-school evaluations.

She fought for unprecedented increases in State funding for education and school construction. At times, and I know this for a fact, Mr. Speaker, her plans met resistance and criticism. But she backed up her reform efforts with real progress in student performance. And is that not what really counts? She exhibited courage by forcing State takeovers of underperforming schools and has used her pulpit to bring every county school system into her reform initiatives.

Nancy Grasmick has simultaneously served as the Maryland Special Secretary for Children, Youth and Families also since 1991. At her urging, the position was established to bring together the myriad components of what she knew then was required to educate our young people: quality schools, stable family lives, and responsible health care.

I am proud to have known and worked with Dr. Nancy Grasmick for more than 10 years. Receiving the McGraw Prize in Education is simply the latest in a series of her professional achievements. In my opinion, Mr. Speaker, she is the leading educator and reformer in America today.

By every measure—student performance, school achievement, and teacher certification—she deserves this great recognition; and we in Maryland are quite proud of her. And, I should add, we in the Ehrlich family are equally quite proud of her.

Mr. Speaker, I thank my friend who I know also has very serious views on education, education reform and probably enjoyed hearing about this great lady in Maryland, who has brought standards and true reform to Maryland schools, and I yield back.

□ 1845

Mr. MCINNIS. Mr. Speaker, I appreciate the gentleman's comments. Not that this is jumping on media day, we have heard my previous comments about the fellow out of Los Alamos labs, it is interesting in our society today, we can go back to the Roman Empire where the Gladiators get all the attention, and a woman who is outstanding as this woman is, who has devoted her entire life to education, whose entire hope was not for her but for the next generation and the following generation, would probably capture maybe one column in a local newspaper, while the sports section, it is amazing to me, we can pull out a newspaper and take the middle 20 pages or 30 pages or 40 pages out on the sports section, and yet a little paragraph about someone who is as outstanding as your friend.

Mr. EHRLICH. If the gentleman would continue to yield for one second, it will not surprise the gentleman to learn, because she is a true reformer and has demanded accountability, she has taken quite a few hits in Maryland, and she has survived, because she has the factual and the moral high ground on this issue. That is why I wanted to come to this floor and congratulate her in front of the entire country.

Mr. MCINNIS. Of course, as the gentleman knows, the person that has enough guts to get out of the fox hole usually draws the fire but somebody has to get out of it and somebody has to lead the charge. I commend the gentleman from Maryland.

Mr. Speaker, I want to continue, I have about 16 minutes left. I am just going to comment for a few minutes about a speech that I want to make next week in regards to Social Security. It is unfortunate. It is reality, I face it, and it is just natural. It is inherent with the system that we have, but we have a general election coming up here in about 5 weeks or 6 weeks, and unfortunately, a lot of the good ideas, ideas that require bipartisan support, bipartisan coalition building get drowned out by some of the impacts of an election and by the advertising.

I want to tell my colleagues that several months ago, I had the opportunity to go down to Texas. I went to law school in Texas. I have a great fondness for that state, and I was able to sit down with their governor, George W. Bush, and we talked a little about Social Security.

We talked about the threat to future generations. And next week, I intend to expound on what I think is a solution, a solution that has been drowned out in this election process, a solution that George W. Bush parallels, a commitment that he feels very importantly about, because of the fact he is running for President, because he has proposed it as a part of this program instead of a methodological analysis and thoughtful analysis of what he is saying, people say it is a risky scheme. We hear people that say stay with the status quo.

Mr. Speaker, I am here to tell my colleagues that tonight we cannot stay with the status quo of Social Security. Social Security is in trouble. It is not in trouble today. It is not going to be in trouble for my generation, my generation and the generations ahead of me, they are okay. We are going to get our benefits.

Mr. Speaker, where it is going to be in trouble is the generations we ought to be worrying about, the generation behind me, my children. And at some point in time, my children's children. And we have a fiduciary responsibility to make Social Security a system that is sound from a fiscal point of view.

Today Social Security has more cash coming in than it has going out; that is called a cash basis. It has a positive cash flow. But if we take a look at the actuarial numbers, actuarial meaning that while the cash is coming in today, that cash is earmarked for future obligations. So we get the cash today, but we do not have to spend it for a while.

It is coming in today, our younger generations are contributing. My son and my two daughters are contributing to this Social Security system, with the expectation that they will have some return on their money, but without really the knowledge of that on an actuarial basis. Social Security is going to be bankrupt; we have that obligation to go forward.

It got there for several reasons, and I thought this evening I would just go over, with the time I have remaining, how Social Security got in trouble and why some of it frankly is good news. You know, when Social Security first came into place in 1935, we had 42 workers, 42 workers for every person that was retired.

Forty-two workers here working and generating and putting cash into the Social Security system up here, which was distributing to one worker; 42 to 1 was the ratio. Today we have three workers over here contributing to the cash system up here distributing to one retired person here, so ratio is from 42 to 1 down to 3 to 1. And in the next 10 to 15 years it is going to be 2 to 1, and if we are not careful, in about 25 years, it is going to be 1 to 1.

How does a system sustain itself? Well, first of all, the first thing if we look at a system and we are trying to figure out how do we address future obligations, the first thing we need to do is figure out is this system working today? Do we have a sound, economic, smooth-running machine in that Social Security system? If we do not, do we have to oil it? Do we have to replace some parts? What do we have to do?

The facts are clear. The facts are clear. The Social Security machine is broken. Now, it is still not working, but it is not working at the kind of capacity that will be needed to supply what is necessary for those future generations.

Now, there are some of the reasons Social Security got in trouble; one I just went over with you, the retirement ratio; the second one is good news for all of us. When Social Security was first put into place, women could expect to live to be an average of 65 years old and the man could expect to live to probably an age of 61. Today that is well into the 70s for both sexes. So we have had an extended life span, a lot in regards to improvement in our life-styles, like trying to get rid of smoking, a lot of it in regards to our health care system and the new products and the new medicines and the new machines, premature babies used to die in the past, today we can save them.

There is lots of medical technology that has extended the life span, but, unfortunately, in the Social Security system, this machine that we have did not have a part in it that worked faster when people live longer. In fact, it worked at the same speed and enabled us to produce more, because we had more people living to a longer age to an older age. This part of the machine had to generate.

It had to work faster. It is not working faster. In fact, it is working and producing at the same rate that it did 35 years ago, when people would live to 61 in the case of a male or 65 in the case of a female. Mr. Speaker, we have to do something about that.

And the other thing is that the Social Security system, and this is politics, it happens everywhere in the world, it happened in the history of the world, political bodies have a difficult time saying no to consumers that want something for nothing. As time goes on, we have some good sound programs.

By the way, when they want something for nothing, it is not that the program sounds bad, you know, the survivor's benefits or some of these other benefit programs that we have had, Social Security, SSI, things like this, they come to this body with a good sounding program and, in fact, sometimes they are great programs, but nobody really stood up and had the guts to say but can we afford it? I know I am going to be the most unpopular person up here. But slow it down, can we afford it?

And over a period of time, we have indebted this country to further obligations through Social Security. Some of those additional liabilities that we picked up were justified. But if we are going to pick up an additional liability, we have to go to the other side of the ledger. Any of us that have basic accounting, and almost all of us have, we know any time we have a debit, we have a credit; any time we have a credit, we have to have a debit, except when it gets to the politics.

The politics just continues to put on and put on one side of the ledger, and it continues to put obligations on one side of the ledger without figuring out on the other side of the ledger how we are going to pay for it. So we have got to figure out a program.

When I had my discussions with George W. Bush, and why I am excited about that conversation and why I think it is imperative to bring it up, is because I think the merits of this program are being drowned out by the rhetoric that we have heard out there on the election trail. What is important about the program is, first of all, for our future generation, we have to have a program that is voluntary, not being in Social Security, we have to be in Social Security, but it is your choice. We want to offer people some choice.

I happen to think, and most of us happen to think, the generations behind us, they are very capable, they are the brightest generations this world has ever known, my kids, that generation, they can make good decisions on personal choice. They ought to have some more choice on how their investment or a portion of their investment in Social Security, where they put it. It should be voluntary for them.

And you know what? They should pick up some property rights with their Social Security investment. What I mean by that is, if they die, they ought to be able to pass on to their family the benefits that over their working career they had accumulated. This is the kind of program we need to have. Guess what?

As you will find out from my comments next week, this is not a new program. It is not a new invention. We are not plowing new ground. In fact, there is a program that is almost as identical and we have test marketed it, we have. We have actually gone out and test marketed an alternative to Social Security, an addition to Social Security that gives people choice, that is voluntary, allows people to take a higher risk or lower risk, higher return or lower return.

Do you know what happened in our test market survey? Eighty-five percent of the people that we put into the test market are in it. They like it. They voluntarily signed up and they are staying in the program. In fact, we are growing our numbers in this test market.

Now, where is this, you say. Wait a minute, Scott, what are you talking about? Where is this test you are talking about? What kind of retirement system are you talking about as an alternative or as a way to improve Social Security? It is our retirement. It is our retirement, the U.S. Congress. It is the retirement of every Federal employee, 3 million people are in this test market. It is a program called the Thrift Savings Program.

Every Federal Government employee on a voluntary basis can take a percentage of their salary every month and have it matched by the Federal Government to the extent of 5 percent, and they then exercise the choice of where they want that money to go, whether they want to put it into high risk stock market, which usually brings a higher return, or whether they want to put it into a lower risk bond market or they want to put it into a guaranteed no loss savings account.

And you know what happens if they die, if a Federal employee dies? They get to pass it on to the next family member. So the answer is, wow, it is working. The participants in the program are satisfied with the program. The program allows benefits to continue beyond their death to their family. The program funds itself.

You know what the returns are, take a look at the returns that Social Security has today. Here is the returns from my generation on Social Security, less than 1 percent, and what if we do not change this system, this system is going to produce a return of less than 1 percent. Your certificate of deposit was 0 risk, returns, almost a little over 5 percent, and your government bonds return 7 percent.

Social Security takes your dollars and gives you less than a 1 percent return. And by the way, there is no guarantee of safety. So what I am saying here is, next week I intend to go into much more detail, but I think the American people deserve to know that their government employees have an alternative system.

Now we still participate in Social Security. Do not believe that stuff you see on the Internet that we are exempt, we do not have to; we participate in Social Security, but we have this additional benefit, and it works. It is good. It provides a return.

So next week, I am going to go into a little more detail on that and why I think that George W. Bush's approach is look, stand up. I think it is a bold approach, and any time you make a bold approach, you are going to get criticized because a lot of people are comfortable with the status quo, but the status quo ain't going to hunt, it is a dog that is not going to hunt.

So we need to have change, and we need to have a plan that is going to work. So what we ask the American people and in this discussion I had with George W. Bush several months ago, when we go to the American people, look, they are relying on this, we have to give them a product that has been test marketed. We have the product that has been test marketed. We know it works.

□ 1900

So why resist it.

Well, right now the resistance comes in because of politics. We have an election. So they do not dare. One side does not dare say to the other side, well, that is a good program; that might work.

We have got a good program here, and I look forward in the next week to go into much greater detail on this alternative that I think the Federal Government uses for its own. What is good for the goose is good for the gander. So I think that is exactly what we ought to take a look at.

In conclusion, I look forward to seeing my colleagues next week on this. Let me say, going to the first part of my speech, please take the time to look at the other side of the story on this Wen Ho Lee guy out at Los Alamos. Do not think he is a victim. Do not think he is being picked upon. In my opinion, he has probably committed one of the most egregious transfers of thermonuclear material in the last 100 years.

I do not have much sympathy for him, and I intend to pursue that side of the story. I have heard both sides, and I have made my decision. The victim here in that case is the United States of America; it is not Mr. Lee.

RECESS

The SPEAKER pro tempore (Mr. BARR of Georgia). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 p.m.), the House stood in recess subject to the call of the Chair.

□ 2247

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 10 o'clock and 47 minutes p.m.

CONFERENCE REPORT ON H.R. 4733, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

Mr. PACKARD submitted the following conference report and statement on the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes:

CONFERENCE REPORT (H. REPT. 106-907)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4733) "making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $160,038,000, to remain available until expended: Provided, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff: Provided further, That the Secretary of the Army is directed to use $750,000 of the funds appropriated herein to continue preconstruction engineering and design for the Murrieta Creek, California flood protection and environmental restoration project in accordance with Alternative 6, based on the Murrieta Creek feasibility report and environmental impact statement dated June 2000 at a total cost of $90,866,000, with an estimated Federal cost of $59,063,900 and an estimated non-Federal cost of $31,803,100.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,695,699,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, and Kanawha River, West Virginia, projects; and of which funds are provided for the following projects in the amounts specified:

San Gabriel Basin Groundwater Restoration, California, $25,000,000;

San Timoteo Creek (Santa Ana River Mainstem), California, $5,000,000;

Indianapolis Central Waterfront, Indiana, $10,000,000;

Southern and Eastern Kentucky, Kentucky, $4,000,000;

Clover Fork, Middlesboro, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Martin County, and Harlan County, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, Kentucky, $20,000,000: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with planning, engineering, design and construction of the Town of Martin, Kentucky, element, in accordance with Plan A as set forth in the preliminary draft Detailed Project Report, Appendix T of the General Plan of the Huntington District Commander;

Jackson County, Mississippi, $2,000,000;

Bosque and Leon Rivers, Texas, $4,000,000; and

Upper Mingo County (including Mingo County Tributaries), Lower Mingo County (Kermit), Wayne County, and McDowell County, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in West Virginia, $4,100,000:

Provided further, That using $900,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the Bowie County Levee project, which is defined as Alternative B Local Sponsor Option, in the Corps of Engineers document entitled Bowie County Local Flood Protection, Red River, Texas, Project Design Memorandum No. 1, Bowie County Levee, dated April 1997: Provided further, That no part of any appropriation contained in this Act shall be expended or obligated to begin Phase II of the John Day Drawdown study or to initiate a study of the drawdown of McNary Dam unless authorized by law: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed hereafter to use available Construction, General funds in addition to funding provided in Public Law 104–206 to complete design and construction of the Red River Regional Visitors Center in the vicinity of Shreveport, Louisiana at an estimated cost of $6,000,000: Provided further, That section 101(b)(4) of the Water Resources Development Act of 1996, is amended by striking "total cost of $8,600,000" and inserting in lieu thereof, "total cost of $15,000,000": Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $3,000,000 of the funds appropriated herein for additional emergency bank stabilization measures at Galena, Alaska under the same terms and conditions as previous emergency bank stabilization work undertaken at Galena, Alaska pursuant to Section 116 of Public Law 99–190: Provided further, That with $4,200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Brunswick County Beaches, North Carolina-Ocean Isle Beach portion in accordance with the General Reevaluation Report approved by the Chief of Engineers on May 15, 1998: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use not to exceed $300,000 of funds appropriated herein to reimburse the City of Renton, Washington, at full Federal expense, for mitigation expenses incurred for the flood control project constructed pursuant to 33 U.S.C. 701s at Cedar River, City of Renton, Washington, as a result of overdredging by the Army Corps of Engineers: Provided further, That $2,000,000 of the funds appropriated herein shall be available for stabilization and renovation of Lock and Dam 10, Kentucky River, Kentucky, subject to enactment of authorization by law: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $3,000,000 of the funds appropriated herein to initiate construction of a navigation project at Kaumalapau Harbor, Hawaii: Provided further, That the Secretary of the Army is directed to use $2,000,000 of the funds provided herein for Dam Safety and Seepage/Stability Correction Program to design and construct seepage control features at Waterbury Dam, Winooski River, Vermont: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to design and construct barge lanes at the Houston-Galveston Navigation Channels, Texas, project, immediately adjacent to either side of the Houston Ship Channel, from Bolivar Roads to Morgan Point, to a depth of 12 feet with prior years' Construction, General carry-over funds: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, may use Construction, General funding as directed in Public Law 105–62 and Public Law 105–245 to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, except that the funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable, and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided further, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: Provided further, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington, January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the "Boundary Waters Treaty of 1909"): Provided further, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: Provided further, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g–1), $347,731,000, to remain available until expended: Provided, That the Secretary of the Army is directed to complete his analysis and determination of Federal maintenance of the Greenville Inner Harbor, Mississippi navigation project in accordance with Section 509 of the Water Resources Development Act of 1996.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,901,959,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities: Provided, That the Secretary of the Army, acting through the Chief of Engineers, from the funds provided herein for the operation and maintenance of New York Harbor, New York, is directed to prepare the necessary documentation and initiate removal of submerged obstructions and debris in the area previously marked by the Ambrose Light Tower in the interest of safe navigation: Provided further, That the Secretary of the Army is directed to use $500,000 of funds appropriated herein to remove and reinstall the docks and causeway, in kind, at Astoria East Boat Basin, Oregon: Provided further, That $500,000 of the funds appropriated herein for the Ohio River Open Channel, Illinois, Kentucky, Indiana, Ohio, West Virginia, and Pennsylvania, project, are provided for the Secretary of the Army, acting through the Chief of Engineers, to dredge a channel from the mouth of Wheeling Creek to Tunnel Green Park in Wheeling, West Virginia.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $125,000,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to: (1) by March 1, 2001, supplement the report, Cost Analysis For the 1999 Proposal to Issue and Modify Nationwide Permits, to reflect the Nationwide Permits actually issued on March 9, 2000, including changes in the acreage limits, preconstruction notification requirements and general conditions between the rule proposed on July 21, 1999, and the rule promulgated and published in the Federal Register; (2) after consideration of the cost analysis for the 1999 proposal to issue and modify nationwide permits and the supplement prepared pursuant to this Act and by September 30, 2001, prepare, submit to Congress and publish in the Federal Register a Permit Processing Management Plan by which the Corps of Engineers will handle the additional work associated with all projected increases in the number of individual permit applications and preconstruction notifications related to the new and replacement permits and general conditions. The Permit Processing Management Plan shall include specific objective goals and criteria by which the Corps of Engineers' progress towards reducing any permit backlog can be measured; (3) beginning on December 31, 2001, and on a biannual basis thereafter, report to Congress and publish in the Federal Register, an analysis of the performance of its program as measured against the criteria set out in the Permit Processing Management Plan; (4) implement a 1-year pilot program to publish quarterly on the U.S. Army Corps of Engineer's Regulatory Program website all Regulatory Analysis and Management Systems (RAMS) data for the South Pacific Division and North Atlantic Division beginning within 30 days of the enactment of this Act; and (5) publish in Division Office websites all findings, rulings, and decisions rendered under the administrative appeals process for the Corps of Engineers Regulatory Program as established in Public Law 106–60: Provided further, That, through the period ending on September 30, 2003, the Corps of Engineers shall allow any appellant to keep a verbatim record of the proceedings of the appeals conference under the aforementioned administrative appeals process: Provided further, That within 30 days of the enactment of this Act, the Secretary of the Army, acting through the Chief of Engineers, shall require all U.S. Army Corps of Engineers Divisions and Districts to record the date on which a Section 404 individual permit application or nationwide permit notification is filed with the Corps of Engineers: Provided further, That the Corps of Engineers, when reporting permit processing times, shall track both the date a permit application is first *received and the date the application is considered complete, as well as the reason that the application is not considered complete upon first submission.*

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Water Resources Support Center, and headquarters support functions at the USACE Finance Center, $152,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: Provided further, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

REVOLVING FUND

Amounts in the Revolving Fund are available for the costs of relocating the U.S. Army Corps of Engineers headquarters to office space in the General Accounting Office headquarters building in Washington, D.C.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) The Secretary of the Army shall enter into an agreement with the City of Grand Prairie, Texas, wherein the City agrees to assume all of the responsibilities of the Trinity River Authority of Texas under Contract No. DACW63–76–C–0166, other than financial responsibilities, except as provided for in subsection (c) of this section. The Trinity River Authority shall be relieved of all of its financial responsibilities under the Contract as of the date the Secretary of the Army enters into the agreement with the City.

(b) In consideration of the agreement referred to in subsection (a), the City shall pay the Federal Government a total of $4,290,000 in two installments, one in the amount of $2,150,000, which shall be due and payable no later than December 1, 2000, and one in the amount of $2,140,000, which shall be due and payable no later than December 1, 2003.

(c) The agreement executed pursuant to subsection (a) shall include a provision requiring the City to assume all costs associated with operation and maintenance of the recreation facilities included in the Contract referred to in that subsection.

SEC. 102. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (Public Law 99–662); section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303, and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 103. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

SEC. 104. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available by this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Chesapeake and Delaware Canal, Delaware, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 105. Within available funds under title I, the Secretary of the Army, acting through the Chief of Engineers, shall provide up to $7,000,000 to replace and upgrade the dam in Kake, Alaska which collapsed July 2000, to provide drinking water and hydroelectricity.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $38,724,000, to remain available until expended, of which $19,566,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: Provided, That of the amounts deposited into that account, $5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and $14,158,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,216,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $678,450,000, to remain available until expended, of which $1,916,000 shall be available for transfer to the Upper Colorado River Basin Fund and $39,467,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which $16,000,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106–163; of which not more than 25 percent of the amount provided for drought emergency assistance may be used for financial assistance for the preparation of cooperative drought contingency plans under Title II of Public Law 102–250; and of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting "2000, and 2001" in lieu of "and 2000": Provided further, That the amount authorized for Indian municipal, rural, and industrial water features by section 10 of Public Law 89–108, as amended by section 8 of Public Law 99–294, section 1701(b) of Public Law 102–575, Public Law 105–245, and Public Law 106–60 is increased by $2,000,000 (October 1998 prices): Provided further, That the amount authorized for Minidoka Project North Side Pumping Division, Idaho, by section 5 of Public Law 81–864, is increased by $2,805,000: Provided further, That the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is amended as follows: (1) by inserting in Section 4(c) after "1984," and before "costs" the following: "and the additional $95,000,000 further authorized to be appropriated by amendments to that Act in 2000,"; (2) by inserting in Section 5 after "levels)," and before "plus" the following: "and, effective October 1, 2000, not to exceed an additional $95,000,000 (October 1, 2000, price levels),"; and (3) by striking "sixty days (which" and all that follows through "day certain)" and inserting in lieu thereof "30 calendar days".

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $8,944,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $27,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $425,000, to remain available until expended: Provided, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $38,382,000, to be derived from such sums as may be collected in the

Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $50,224,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed four passenger motor vehicles for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 202. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 203. Beginning in fiscal year 2001 and thereafter, the Secretary of the Interior shall assess and collect annually from Central Valley Project (CVP) water and power contractors the sum of $540,000 (June 2000 price levels) and remit, without further appropriation, the amount collected annually to the Trinity Public Utilities District (TPUD). This assessment shall be payable 70 percent by CVP Preference Power Customers and 30 percent by CVP Water Contractors. The CVP Water Contractor share of this assessment shall be collected by the Secretary through established Bureau of Reclamation (Reclamation) Operation and Maintenance ratesetting practices. The CVP Power Contractor share of this assessment shall be assessed by Reclamation to the Western Area Power Administration, Sierra Nevada Region (Western), and collected by Western through established power ratesetting practices.

SEC. 204. (a) In General.—For fiscal year 2001 and each fiscal year thereafter, the Secretary of the Interior shall continue funding, from power revenues, the activities of the Glen Canyon Dam Adaptive Management Program as authorized by section 1807 of the Grand Canyon Protection Act of 1992 (106 Stat. 4672), at not more than $7,850,000 (October 2000 price level), adjusted in subsequent years to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(b) VOLUNTARY CONTRIBUTIONS.—Nothing in this section precludes the use of voluntary financial contributions (except power revenues) to the Adaptive Management Program that may be authorized by law.

(c) ACTIVITIES TO BE FUNDED.—The activities to be funded as provided under subsection (a) include activities required to meet the requirements of section 1802(a) and subsections (a) and (b) of section 1805 of the Grand Canyon Protection Act of 1992 (106 Stat. 4672), including the requirements of the Biological Opinion on the Operation of Glen Canyon Dam and activities required by the Programmatic Agreement on Cultural and Historic Properties, to the extent that the requirements and activities are consistent with the Grand Canyon Protection Act of 1992 (106 Stat. 4672).

(d) ADDITIONAL FUNDING.—To the extent that funding under subsection (a) is insufficient to pay the costs of the monitoring and research and other activities of the Glen Canyon Dam Adaptive Management Program, the Secretary of the Interior may use funding from other sources, including funds appropriated for that purpose. All such appropriated funds shall be nonreimbursable and nonreturnable.

SEC. 205. The Secretary of the Interior is authorized and directed to use not to exceed $1,000,000 of the funds appropriated under title II to refund amounts received by the United States as payments for charges assessed by the Secretary prior to January 1, 1994 for failure to file certain certification or reporting forms prior to the receipt of irrigation water, pursuant to sections 206 and 224(c) of the Reclamation Reform Act of 1982 (96 Stat. 1226, 1272; 43 U.S.C. 390ff, 390ww(c)), including the amount of associated interest assessed by the Secretary and paid to the United States pursuant to section 224(i) of the Reclamation Reform Act of 1982 (101 Stat. 1330–268; 43 U.S.C. 390ww(i)).

SEC. 206. CANYON FERRY RESERVOIR, MONTANA. (a) APPRAISALS.—Section 1004(c)(2)(B) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–713; 113 Stat. 1501A–307) is amended—

(1) in clause (i), by striking "be based on" and inserting "use";

(2) in clause (vi), by striking "Notwithstanding any other provision of law," and inserting "To the extent consistent with the Uniform Appraisal Standards for Federal Land Acquisition,"; and

(3) by adding at the end the following:

"(vii) APPLICABILITY.—This subparagraph shall apply to the extent that its application is practicable and consistent with the Uniform Appraisal Standards for Federal Land Acquisition.".

(b) TIMING.—Section 1004(f)(2) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–714; 113 Stat. 1501A–308) is amended by inserting after "Act," the following: "in accordance with all applicable law,".

(c) INTEREST.—Section 1008(b) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–717; 113 Stat. 1501A–310) is amended by striking paragraph (4).

SEC. 207. Beginning in fiscal year 2000 and thereafter, any amounts provided for the Newlands Water Rights Fund for purchasing and retiring water rights in the Newlands Reclamation Project shall be non-reimbursable.

SEC. 208. USE OF COLORADO-BIG THOMPSON PROJECT FACILITIES FOR NONPROJECT WATER. The Secretary of the Interior may enter into contracts with the city of Loveland, Colorado, or its Water and Power Department or any other agency, public utility, or enterprise of the city, providing for the use of facilities of the Colorado-Big Thompson Project, Colorado, under the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water originating on the eastern slope of the Rocky Mountains for domestic, municipal, industrial, and other beneficial purposes; and

(2) the exchange of water originating on the eastern slope of the Rocky Mountains for the purposes specified in paragraph (1), using facilities associated with the Colorado-Big Thompson Project, Colorado.

SEC. 209. AMENDMENT TO IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1998. (a) Section 2(a) of the Irrigation Project Contract Extension Act of 1998, Public Law 105–293, is amended by striking the date "December 31, 2000", and inserting in lieu thereof the date "December 31, 2003"; and

(b) Subsection 2(b) of the Irrigation Project Contract Extension Act of 1998, Public Law 105–293, is amended by—

(1) striking the phrase "not to go beyond December 31, 2001", and inserting in lieu thereof the phrase "not to go beyond December 31, 2003"; and

(2) striking the phrase "terminates prior to December 31, 2000", and inserting in lieu thereof "terminates prior to December 31, 2003".

SEC. 210. Section 202 of Division B, Title I, Chapter 2 of Public Law 106–246 is amended by adding at the end the following: "This section shall be effective through September 30, 2001.".

SEC. 211. Section 106 of the San Luis Rey Indian Water Rights Settlement Act (Public Law 100–675; 102 Stat. 4000 et seq.) is amended by adding at the end the following new subsection:

"(f) REQUIREMENT TO RESERVE AND FURNISH WATER.—Notwithstanding any other provision of law, the Secretary, acting through the Commissioner of Reclamation, shall permanently reserve and furnish annually the following:

"(1) WATER.—The first 16,000 acre-feet of any water conserved by the works authorized by title II, to the Indian Water Authority and the local entities in accordance with the settlement agreement.

"(2) CAPACITY AND ENERGY.—Capacity and energy from the Parker-Davis Project at the rates established for project use power sufficient to convey water conserved pursuant to paragraph (1) from Lake Havasu through the Colorado River Aqueduct to Lake Matthews and to the places of use on the Bands reservations or in the local entities service area in accordance with the settlement agreement.

Water conserved pursuant to paragraph (1) may be used on the Bands' reservations or in the local entities' service areas, leased for use outside the Bands' reservations or the local entities' service areas, or exchanged for water from other sources for use by the Bands, the Indian Water Authority, or the local entities, in accordance with the settlement agreement.".

SEC. 212. (a) DEFINITIONS.—For the purpose of this section, the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "Sly Park Unit" means the Sly Park Dam and Reservoir, Camp Creek Diversion Dam and Tunnel, and conduits and canals as authorized under the American River Act of October 14, 1949 (63 Stat. 853), including those used to convey, treat, and store water delivered from Sly Park, as well as all recreation facilities thereto; and

(3) "District" means the El Dorado Irrigation District.

(b) IN GENERAL.—The Secretary shall, as soon as practicable after date of the enactment of this Act and in accordance with all applicable law, transfer all right, title, and interest in and to the Sly Park Unit to the District.

(c) SALE PRICE.—The Secretary is authorized to receive from the District $2,000,000 to relieve payment obligations and extinguish the debt under contract number 14–06–200–949IR3, and $9,500,000 to relieve payment obligations and extinguish all debts associated with contracts

numbered 14-06-200-7734, as amended by contracts numbered 14-06-200-4282A and 14-06-200-8536A. Notwithstanding the preceding sentence, the District shall continue to make payments required by section 3407(c) of Public Law 102-575 through year 2029.

(d) Credit Revenue to Project Repayment.—Upon payment authorized under subsection (b), the amount paid shall be credited toward repayment of capital costs of the Central Valley Project in an amount equal to the associated undiscounted obligation.

(e) Future Benefits.—Upon payment, the Sly Park Unit shall no longer be a Federal reclamation project or a unit of the Central Valley Project, and the District shall not be entitled to receive any further reclamation benefits.

(f) Liability.—Except as otherwise provided by law, effective on the date of conveyance of the Sly Park Unit under this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

(g) Costs.—All costs, including interest charges, associated with the Project that have been included as a reimbursable cost of the Central Valley Project are declared to be nonreimbursable and nonreturnable.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

Energy Supply

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 17 passenger motor vehicles for replacement only, $660,574,000 to remain available until expended: Provided, That, in addition, royalties received to compensate the Department of Energy for its participation in the First-Of-A-Kind-Engineering program shall be credited to this account to be available until September 30, 2002, for the purposes of Nuclear Energy, Science and Technology activities.

Non-Defense Environmental Management

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $277,812,000, to remain available until expended.

Uranium Facilities Maintenance and Remediation

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, $393,367,000, of which $345,038,000 shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended: Provided, That $72,000,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

Science

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 58 passenger motor vehicles for replacement only, $3,186,352,000, to remain available until expended.

Nuclear Waste Disposal

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $191,074,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That not to exceed $2,500,000 may be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended: Provided further, That $6,000,000 shall be provided to affected units of local governments, as defined in Public Law 97-425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97-425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982 in Public Law 97-425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

Departmental Administration

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $226,107,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $151,000,000 in fiscal year 2001 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at not more than $75,107,000.

Office of the Inspector General

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $31,500,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

National Nuclear Security Administration

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 12 for replacement only), $5,015,186,000, to remain available until expended: Provided: That, $130,000,000 shall be immediately available for Project 96-D-111, the National Ignition Facility at Lawrence Livermore National Laboratory: Provided further, That $69,100,000 shall be available only upon a certification by the Administrator of the National Nuclear Security Administration to the Congress after March 31, 2001, that (a) includes a recommendation on an appropriate path forward for the project; (b) certifies all established project and scientific milestones have been met on schedule and on cost; (c) certifies the first and second quarter project reviews in fiscal year 2001 determined the project to be on schedule and cost; (d) includes a study of requirements for and alternatives to a 192 beam ignition facility for maintaining the safety and reliability of the current nuclear weapons stockpile; (e) certifies an integrated cost-schedule earned-value project control system has been fully implemented; and (f) includes a five-year budget plan for the stockpile stewardship program.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, Defense Nuclear Nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $874,196,000, to remain available until expended: Provided, That not to exceed $7,000 may be used for official reception and representation expenses for national security and nonproliferation (including transparency) activities in fiscal year 2001.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $690,163,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator of the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $5,000), $10,000,000, to remain available until expended.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 30 passenger motor vehicles for replacement only, $4,974,476,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $1,082,714,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $65,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $585,755,000, to remain available until expended, of which $17,000,000 shall be for the Department of Energy Employees Compensation Initiative upon enactment of authorization legislation into law.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $200,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Nez Perce Tribe Resident Fish Substitution Program, the Cour D'Alene Tribe Trout Production facility, and for official reception and representation expenses in an amount not to exceed $1,500.

During fiscal year 2001, no new direct loan obligations may be made. Section 511 of the Energy and Water Development Appropriations Act, 1997 (Public Law 104–206), is amended by striking the last sentence and inserting, "This authority shall expire January 1, 2003.".

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $3,900,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, amounts collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to $34,463,000; for fiscal year 2002, up to $26,463,000; for fiscal year 2003, up to $20,000,000; and for fiscal year 2004, up to $15,000,000.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $28,100,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,200,000 in reimbursements, to remain available until expended: Provided, That amounts collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to $288,000; for fiscal year 2002, up to $288,000; for fiscal year 2003, up to $288,000; and for fiscal year 2004, up to $288,000.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $165,830,000, to remain available until expended, of which $154,616,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $5,950,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That amounts collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to $65,224,000; for fiscal year 2002, up to $33,500,000; for fiscal year 2003, up to $30,000,000; and for fiscal year 2004, up to $20,000,000.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,670,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $175,200,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $175,200,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2001 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at not more than $0.

RESCISSIONS

DEFENSE NUCLEAR WASTE DISPOSAL

(RESCISSION)

Of the funds appropriated in Public Law 104–46 for interim storage of nuclear waste, $75,000,000 are transferred to this heading and are hereby rescinded.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

(RESCISSION)

Of the funds appropriated in Public Law 106–60 and prior Energy and Water Development Acts for the Tank Waste Remediation System at Richland, Washington, $97,000,000 of unexpended balances of prior appropriations are rescinded.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy,

under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the $24,500,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. Of the funds in this Act provided to government-owned, contractor-operated laboratories, not to exceed 6 percent shall be available to be used for Laboratory Directed Research and Development.

SEC. 307. (a) Of the funds appropriated by this title to the Department of Energy, not more than $185,000,000 shall be available for reimbursement of management and operating contractor travel expenses, of which $10,000,000 is available for use by the Chief Financial Officer of the Department of Energy for emergency travel expenses.

(b) Funds appropriated by this title to the Department of Energy may be used to reimburse a Department of Energy management and operating contractor for travel costs of its employees under the contract only to the extent that the contractor applies to its employees the same rates and amounts as those that apply to Federal employees under subchapter I of chapter 57 of title 5, United States Code, or rates and amounts established by the Secretary of Energy. The Secretary of Energy may provide exceptions to the reimbursement requirements of this section as the Secretary considers appropriate.

(c) The limitation in subsection (a) shall not apply to reimbursement of management and operating contractor travel expenses within the Laboratory Directed Research and Development program.

SEC. 308. No funds are provided in this Act or any other Act for the Administrator of the Bonneville Power Administration to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies that such services are not available from private sector businesses.

SEC. 309. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackage residues; and (5) scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site".

SEC. 310. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: Provided, That of the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term "covered nuclear weapons production plant" means the following:

(1) The Kansas City Plant, Kansas City, Missouri.

(2) The Y–12 Plant, Oak Ridge, Tennessee.

(3) The Pantex Plant, Amarillo, Texas.

(4) The Savannah River Plant, South Carolina.

SEC. 311. Notwithstanding any other law, and without fiscal year limitation, each Federal Power Marketing Administration is authorized to engage in activities and solicit, undertake and review studies and proposals relating to the formation and operation of a regional transmission organization.

SEC. 312. Not more than $10,000,000 of funds previously appropriated for interim waste storage activities for Defense Nuclear Waste Disposal in Public Law 104–46, the Energy and Water Development Appropriations Act, 1996, may be made available to the Department of Energy upon written certification by the Secretary of Energy to the House and Senate Committees on Appropriations that the Site Recommendation Report cannot be completed on time without additional funding.

SEC. 313. TERM OF OFFICE OF PERSON FIRST APPOINTED AS UNDER SECRETARY FOR NUCLEAR SECURITY OF THE DEPARTMENT OF ENERGY. (a) LENGTH OF TERM.—The term of office as Under Secretary for Nuclear Security of the Department of Energy of the first person appointed to that position shall be three years.

(b) EXCLUSIVE REASONS FOR REMOVAL.—The exclusive reasons for removal from office as Under Secretary for Nuclear Security of the person described in subsection (a) shall be inefficiency, neglect of duty, or malfeasance in office.

(c) POSITION DESCRIBED.—The position of Under Secretary for Nuclear Security of the Department of Energy referred to in this section is the position established by subsection (c) of section 202 of the Department of Energy Organization Act (42 U.S.C. 7132), as added by section 3202 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 954).

SEC. 314. SCOPE OF AUTHORITY OF SECRETARY OF ENERGY TO MODIFY ORGANIZATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION. (a) SCOPE OF AUTHORITY.—Subtitle A of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 957; 50 U.S.C. 2401 et seq.) is amended by adding at the end the following new section:

"SEC. 3219. SCOPE OF AUTHORITY OF SECRETARY OF ENERGY TO MODIFY ORGANIZATION OF ADMINISTRATION.

"Notwithstanding the authority granted by section 643 of the Department of Energy Organization Act (42 U.S.C. 7253) or any other provision of law, the Secretary of Energy may not establish, abolish, alter, consolidate, or discontinue any organizational unit or component, or transfer any function, of the Administration, except as authorized by subsection (b) or (c) of section 3291.".

(b) CONFORMING AMENDMENTS.—Section 643 of the Department of Energy Organization Act (42 U.S.C. 7253) is amended—

(1) by striking "The Secretary" and inserting "(a) Subject to subsection (b), the Secretary"; and

(2) by adding at the end the following new subsection:

"(b) The authority of the Secretary to establish, abolish, alter, consolidate, or discontinue any organizational unit or component of the National Nuclear Security Administration is governed by the provisions of section 3219 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65).".

SEC. 315. PROHIBITION ON PAY OF PERSONNEL ENGAGED IN CONCURRENT SERVICE OR DUTIES INSIDE AND OUTSIDE NATIONAL NUCLEAR SECURITY ADMINISTRATION. Subtitle C of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 50 U.S.C. 2441 et seq.) is amended by adding at the end the following new section:

"SEC. 3245. PROHIBITION ON PAY OF PERSONNEL ENGAGED IN CONCURRENT SERVICE OR DUTIES INSIDE AND OUTSIDE ADMINISTRATION.

"(a) Except as otherwise expressly provided by statute, no funds authorized to be appropriated or otherwise made available for the Department of Energy may be obligated or utilized to pay the basic pay of an officer or employee of the Department of Energy who—

"(1) serves concurrently in a position in the Administration and a position outside the Administration; or

"(2) performs concurrently the duties of a position in the Administration and the duties of a position outside the Administration."

"(b) The provision of this section shall take effect 60 days after the date of enactment of this section.".

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $66,400,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $18,500,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to establish the Delta Regional Authority and to carry out its activities, $20,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $30,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), $481,900,000, to remain available until expended: Provided, That of the amount appropriated herein, $21,600,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $447,958,000 in fiscal year 2001 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That $3,200,000 of the funds herein appropriated for regulatory reviews and assistance to other Federal agencies and States shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at not more than $33,942,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $5,500,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $5,390,000 in fiscal year 2001 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at not more than $110,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $2,900,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

FISCAL YEAR 2001 EMERGENCY APPROPRIATIONS

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

CERRO GRANDE FIRE ACTIVITIES

For necessary expenses to remediate damaged Department of Energy facilities and for other expenses associated with the Cerro Grande fire, $203,460,000, to remain available until expended, of which $2,000,000 shall be made available to the United States Army Corps of Engineers to undertake immediate measures to provide erosion control and sediment protection to sewage lines, trails, and bridges in Pueblo and Los Alamos Canyons downstream of Diamond Drive in New Mexico: Provided, That the entire amount shall be available only to the extent an official budget request for $203,460,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For necessary expenses to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, $11,000,000, to remain available until expended, which shall be available only to the extent an official budget request for $11,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE VI

GENERAL PROVISIONS

SEC. 601. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 602. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 603. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal Reclamation law.

SEC. 604. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 605. (a) IN GENERAL.—None of the funds made available in this Act may be used to pay any basic pay of an individual who simultaneously holds or carries out the responsibilities of—

(1) a position within the National Nuclear Security Administration; and

(2) a position within the Department of Energy not within the Administration.

(b) EXCEPTIONS FOR ADMINISTRATOR FOR NUCLEAR SECURITY AND DEPUTY ADMINISTRATOR FOR NAVAL REACTORS.—The limitation in subsection (a) shall not apply to the following cases:

(1) The Under Secretary of Energy for Nuclear Security serving as the Administrator for Nuclear Security, as provided in section 3212(a)(2) of the National Nuclear Security Administration Act (50 U.S.C. 2402(a)(2)).

(2) The director of the Naval Nuclear Propulsion Program provided for under the Naval Nuclear Propulsion Executive Order serving as the Deputy Administrator for Naval Reactors, as provided in section 3216(a)(1) of such Act (50 U.S.C. 2406(a)(1)).

SEC. 606. FUNDING OF THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT. Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is amended in the second sentence by striking "2000" and inserting "2009".

SEC. 607. REDESIGNATION OF INTERSTATE SANITATION COMMISSION AND DISTRICT. (a) INTERSTATE SANITATION COMMISSION.—

(1) IN GENERAL.—The district known as the "Interstate Sanitation Commission", established by article III of the Tri-State Compact described in the Resolution entitled, "A Joint Resolution granting the consent of Congress to the States of New York, New Jersey, and Connecticut to enter into a compact for the creation of the Interstate Sanitation District and the establishment of the Interstate Sanitation Commission", approved August 27, 1935 (49 Stat. 933), is redesignated as the "Interstate Environmental Commission".

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the Interstate Sanitation Commission shall be deemed to be a reference to the Interstate Environmental Commission.

(b) INTERSTATE SANITATION DISTRICT.—

(1) IN GENERAL.—The district known as the "Interstate Sanitation District", established by article II of the Tri-State Compact described in the Resolution entitled, "A Joint Resolution granting the consent of Congress to the States of New York, New Jersey, and Connecticut to enter into a compact for the creation of the Interstate Sanitation District and the establishment of the Interstate Sanitation Commission", approved August 27, 1935 (49 Stat. 932), is redesignated as the "Interstate Environmental District".

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the Interstate Sanitation District shall be deemed to be a reference to the Interstate Environmental District.

TITLE VII

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $5,000,000,000.

TITLE VIII

NUCLEAR REGULATORY COMMISSION

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking "September 30, 1999" and inserting "September 20, 2005"; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting "or certificate holder" after "licensee"; and

(B) by striking paragraph (2) and inserting the following:

"(2) AGGREGATE AMOUNT OF CHARGES.—

"(A) IN GENERAL.—The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less—

"(i) amounts collected under subsection (b) during the fiscal year; and

"(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

"(B) Percentages.—The percentages referred to in subparagraph (A) are—

"(i) 98 percent for fiscal year 2001;

"(ii) 96 percent for fiscal year 2002;

"(iii) 94 percent for fiscal year 2003;

"(iv) 92 percent for fiscal year 2004; and

"(v) 90 percent for fiscal year 2005.".

This Act may be cited as the "Energy and Water Development Appropriations Act, 2001".

And the Senate agree to the same.

Ron Packard,
Harold Rogers,
Joe Knollenberg,
Rodney P. Frelinghuysen,
Sonny Callahan,
Tom Latham,
Roger F. Wicker,
C.W. Bill Young,
Peter J. Visclosky,
Chet Edwards,
Ed Pastor,
Michael P. Forbes,
Managers on the Part of the House.

Pete V. Domenici,
Thad Cochran,
Slade Gorton,
Mitch McConnell,
Robert F. Bennett,
Conrad Burns,
Larry E. Craig,
Ted Stevens,
Harry Reid,
Robert C. Byrd,
Ernest F. Hollings,
Patty Murray,
Herb Kohl,
Daniel Inouye,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

The language and allocations set forth in House Report 106–693 and Senate Report 106–395 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not contradicted by the report of the Senate or the statement of the managers, and Senate report language which is not contradicted by the report of the House or the statement of the managers is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where both the House report and Senate report address a particular issue not specifically addressed in the conference report or joint statement of managers, the conferees have determined that the House and Senate reports are not inconsistent and are to be interpreted accordingly. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Senate amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Corps of Engineers. Additional items of conference are discussed below.

GENERAL INVESTIGATIONS

The conference agreement appropriates $160,038,000 for General Investigations instead of $153,327,000 as proposed by the House and $139,219,000 as proposed by the Senate.

Within available funds, $50,000 is provided for erosion control studies in the Harding Lake watershed in Alaska. The conference agreement deletes the bill language proposed by the Senate for this project.

The conference agreement does not include funds proposed by the House in this account for the Hamilton Airfield Wetlands Restoration project in California and the Ohio River Greenway project in Indiana. Funding for these projects is included in the Construction, General account. The conference agreement does not include funds in this account for the White River, Muncie, Indiana, project. Funding for this project has been included within the amount provided for the Section 1135 program.

The conference agreement includes $150,000 for the Corps of Engineers to undertake studies of potential navigational improvements, shoreline protection, and breakwater protection at the ports of Rota and Tinian in the Commonwealth of the Northern Mariana Islands.

The conferees have provided $200,000 for the Corps of Engineers to initiate and complete a comprehensive water management reconnaissance study for ecosystem restoration and related purposes in the St. Clair River and Lake St. Clair watersheds in Michigan pursuant to section 426 of the Water Resources Development Act of 1999.

Within the amount provided for Research and Development, $200,000 is provided for a topographic/bathymetric mapping project for Coastal Louisiana in cooperation with the National Oceanic and Atmospheric Administration at the interagency Federal laboratory in Lafayette, Louisiana. The conference agreement does not include bill language proposed by the Senate for this work. The conferees also urge the Corps of Engineers to use available Research and Development funds for a review of innovative dredging technologies for potential implementation in the Peoria Lakes, Illinois, area.

The conference agreement includes language proposed by the House and the Senate which provides that in conducting the Southwest Valley Flood Damage Reduction, Albuquerque, New Mexico, study, the Corps of Engineers shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage area, and the amount of runoff.

The conferees have agreed to include language in the bill which directs the Corps of Engineers to use $750,000 to continue preconstruction engineering and design of the Murrieta Creek, California, flood control project in accordance with Alternative 6, as identified in the Murrieta Creek Feasibility Report and Environmental Impact Statement dated June 2000.

The conference agreement deletes bill language proposed by the Senate providing funds for the John Glenn Great Lakes Basin Program, the Detroit River, Michigan, project, and the Niobrara River and Missouri River, South Dakota, project. Funds for these projects have been included in the overall amount provided for General Investigations.

The conference agreement does not include language proposed by the Senate providing funds for the selection of a permanent disposal site for environmentally sound dredged material from navigation projects in the State of Rhode Island. Funds for this work have been provided within the amount appropriated for Operation and Maintenance, General.

Within the amount provided for Flood Plain Management Services, the conference agreement includes $250,000 for the Corps of Engineers to undertake a study of drainage problems in the Winchester, Kentucky, area. In addition, the conferees urge the Corps of Engineers to complete a report on flood control problems on Negro Creek at Sprague, Washington.

Within the amount provided for Planning Assistance to States, the conference agreement includes $100,000 for the Corps of Engineers to update the daily flow model for the Delaware River Basin.

CONSTRUCTION, GENERAL

The conference agreement appropriates $1,695,699,000 for Construction, General instead of $1,378,430,000 as proposed by the House and $1,361,449,000 as proposed by the Senate. The amount recommended by the conferees for the Corps of Engineers construction program represents a significant increase over the budget request and the amount appropriated in fiscal year 2000. However, the conferees note that the budget request grossly underfunds many ongoing construction projects, and its enactment would result in increased project costs, major delays in the completion of projects and loss of project benefits. The conferees also note that the Corps of Engineers, through the use of unobligated balances, expects its fiscal year 2000 construction expenditures to be approximately $1,600,000,000.

The conferees note that the Lake Worth Inlet, Florida, sand transfer plant project is behind schedule and expect the Corps of Engineers to proceed with the project as expeditiously as possible.

Within the amount provided for the West Virginia and Pennsylvania Flood Control Project, $1,000,000 is provided for the following projects within the State of Pennsylvania: Bloody Run/Everett Borough ($25,000); Shoups Run/Carbon Township ($150,500); Six Mile Run/Coaldale ($125,000); Black Log Creek/Boroughs of Orbisonia and Rockhill Furnace ($127,000); Newton Hamilton Borough ($465,500); and Coal Bank Run/Coalmont Borough ($107,000).

The conference agreement includes $150,000 for the Southeastern Pennsylvania project for the Corps of Engineers to prepare a decision document to determine the Federal interest in and the scope of the problems in the Logan and Feltonville sections of Philadelphia, Pennsylvania.

The conferees direct the Corps of Engineers to use $500,000 to initiate the Hillsboro Inlet, Florida, project in accordance with the Jacksonville District's General Reevaluation Report for the project dated May 2000.

The conference agreement includes $4,000,000 for the Corps of Engineers to undertake water related infrastructure projects in northeastern Pennsylvania as authorized by section 502(f)(11) of the Water Resources Development Act of 1999.

The conference agreement includes $500,000 for the Corps of Engineers to undertake water related infrastructure projects in Avis Borough and Renovo Borough, Clinton County, Pennsylvania.

The conference agreement includes $1,000,000 for sanitary sewer and water and wastewater infrastructure projects in Towanencin Township, Pennsylvania, as authorized by section 502(f)(8) of the Water Resources Development Act of 1999; $200,000 for a project to eliminate or control combined sewer overflows in the city of St. Louis, Missouri, as authorized by section 502(f)(32) of the Water Resources Development Act of 1999; and $300,000 for water related infrastructure projects in Lake and Porter Counties, Indiana, as authorized by section 502(f)(12) of the Water Resources Development Act of 1999. In addition, the conference agreement includes $2,500,000 to carry out environmental infrastructure projects in northeastern Minnesota as authorized by section 569 of the Water Resources Development Act of 1999.

The conference agreement includes $25,000,000 for the Corps of Engineers to design, construct, and operate water quality projects in the San Gabriel Basin of California; and $4,000,000 for the Corps of Engineers, in coordination with other Federal agencies and the Brazos River Authority, to participate in investigations and projects in the Bosque and Leon Watersheds in Texas to assess the impact of the perchlorate associated with the former Naval Weapons Industrial Reserve Plant at McGregor, Texas.

The conference agreement includes $300,000 for the Corps of Engineers to continue the environmental restoration pilot project at Dog River, Alabama.

The conference agreement includes $1,500,000 for a project to eliminate or control combined sewer overflows in the City of Lebanon, New Hampshire, as authorized by section 502(f)(37) of the Water Resources Development Act of 1999; $1,500,000 for environmental infrastructure projects in Ohio authorized in section 594 of the Water Resources Development Act of 1999; and $3,000,000 for environmental infrastructure projects in central New Mexico authorized in section 593 of the Water Resources Development Act of 1999.

The conference agreement includes a total of $37,100,000 for the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project. In addition to the amounts included in the budget request, the conference agreement includes: $4,000,000 for the Clover Fork, Kentucky, element of the project; $4,800,000 for the Middlesboro, Kentucky, element of the project; $1,000,000 for the City of Cumberland, Kentucky, element of the project; $700,000 for the Town of Martin, Kentucky, element of the project; $4,200,000 for the Pike County, Kentucky, element of the project, including $1,400,000 for additional studies along the tributaries of the Tug Fork and the initiation of a Detailed Project Report for the Levisa Fork; $3,500,000 for the Martin County, Kentucky, element of the project; $1,200,000 for additional studies along the tributaries of the Cumberland River in Bell County, Kentucky; $800,000 to continue the detailed project report for the Buchanan County, Virginia, element of the project; $700,000 to continue the detailed project report for the Dickenson County, Virginia, element of the project; $1,500,000 for the Upper Mingo County, West Virginia, element of the project; $1,600,000 for the Kermit, Lower Mingo County (Kermit), West Virginia, element of the project; $400,000 for the Wayne County, West Virginia, element of the project; and $600,000 for the McDowell County, West Virginia, element of the project.

The conference agreement includes $7,000,000 for the Dam Safety and Seepage Stability Correction Program. Of the amount provided, $1,000,000 is for repairs to the Mississinewa Lake, Indiana, project, and up to $2,000,000 is for the Waterbury Dam, Vermont, project.

The conference agreement includes $4,000,000 for the Rural Nevada project authorized by section 595 of the Water Resources Development Act of 1999. Of the amount provided, $1,500,000 is for the Lawton-Verdi, Nevada, sewer inceptor project; $1,000,000 is for the Mesquite, Nevada, project; and $1,500,000 for the Silver Springs, Nevada, sanitary sewer project.

The conferees direct the Corps of Engineers to undertake the projects listed in the House and Senate reports and the projects described below for the various continuing authorities programs. The recommended funding levels for those programs are as follows: Section 206—$19,000,000; Section 204—$4,000,000; Section 14—$9,000,000; Section 205—$35,000,000; Section 111—$300,000; Section 107—$11,000,000; Section 1135—$21,000,000; Section 103—$2,500,000; and Section 208—$600,000. The conferees are aware that there are funding requirements for ongoing continuing authorities projects that may not be accommodated within the funds provided for each program. It is not the conferees' intent that ongoing projects be terminated. If additional funds are needed during the year to keep ongoing work in any program on schedule, the conferees urge the Corps of Engineers to reprogram funds into the program within available funds.

Of the amount provided for the Section 14 program, $580,000 is to initiate and complete the planning and design analysis phase, execute a project cooperation agreement, and initiate and complete construction for the Rouge River, Southfield, Michigan, project.

Of the amount provided for the Section 111 program, $300,000 is to prepare a shoreline stabilization study and plans and specifications, and award a construction contract for the Virginia Key, Florida, project.

Of the amount provided for the Section 205 program, $100,000 is to undertake the Columbus, New Mexico, project; $200,000 is to undertake the Battle Mountain, Nevada, project; and $500,000 is to undertake the Hay Creek, Roseau County, Minnesota, project. The conference agreement deletes the bill language proposed by the Senate for the Hay Creek project. In addition, for the McKeel Brook, Dover and Rockaway Townships, New Jersey, project, the funds provided are to be used to complete plans and specifications and initiate construction of the Morris County plan.

Of the amount provided for the Section 1135 program, $100,000 is to initiate the upland environmental restoration study for the Virginia Key, Florida, project; $300,000 is to prepare an environmental restoration report and prepare a project cooperation agreement for the White River, Muncie, Indiana, project; $250,000 is to initiate and complete a preliminary restoration plan and a feasibility report for the Sand Creek, Newton, Kansas, project; and $200,000 is to initiate the ecosystem restoration report for the Lake Champlain Watershed, Vermont, project. In addition, the Corps of Engineers is directed to proceed with the most cost effective solution to the water quality degradation and related environmental and public impacts associated with the western jetty at the mouth of the Genessee River at Rochester, New York.

Of the amount provided for the Section 107 program, $810,000 is for construction of the Pemiscot Harbor, Missouri, project; $3,000,000 is for construction of the Ouzinkie Harbor, Alaska, project; and $500,000 is to initiate construction of the South Basin Inner Harbor, Buffalo, New York, project.

The amount provided for the Section 206 program does not include funds for the Upper Truckee River project. Funds for this project are included in the Bureau of Reclamation's Wetlands Development Program.

The conference agreement includes $4,000,000 for the Aquatic Plant Control program. Within the amount provided, $400,000 is for aquatic weed control in Lake Champlain, Vermont, $250,000 is for aquatic plant control within the State of South Carolina, and $100,000 is for the control and tracking of aquatic plants in the Potomac River in Virginia and Maryland.

The conferees have included language in the bill earmarking funds for the following projects in the amount specified: San Timoteo Creek (Santa Ana River Mainstem), California, $5,000,000; San Gabriel Basin Groundwater Restoration, California, $25,000,000; Indianapolis Central Waterfront, Indiana, $10,000,000; Southern and Eastern Kentucky, Kentucky, $4,000,000; Clover Fork, Middlesboro, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork tributaries), Bell County, Martin County, and Harlan County, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, $20,000,000; Jackson County, Mississippi, $2,000,000; Bosque and Leon Rivers, Texas, $4,000,000; Upper Mingo County (including Mingo County Tributaries), Lower Mingo County (Kermit), Wayne County, and McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, $4,100,000.

The conference agreement includes language proposed by the House which directs the Corps of Engineers to proceed with the Town of Martin element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in accordance with a Plan A as set forth in the preliminary draft Detailed Project Report, Appendix T of the General Plan of the Huntington District Commander.

The conference agreement includes language proposed by the House which directs the Corps of Engineers to use $900,000 to undertake the Bowie County Levee project in Texas, which is defined as Alternative B Local Sponsor Option in the Corps of Engineers document entitled Bowie County Local Flood Protection, Red River, Texas, project Design Memorandum No. 1, Bowie County Levee, dated April 1997.

The conference agreement includes language proposed by the Senate which provides that none of the funds appropriated in the Act may be used to begin Phase II of the John Day Drawdown study or to initiate a study of the drawdown of McNary Dam unless authorized by law.

The conference agreement includes language proposed by the Senate which directs the Corps of Engineers to use available Construction, General, funds to complete design and construction of the Red River Regional Visitors Center in the vicinity of Shreveport, Louisiana, at an estimated cost of $6,000,000.

The conference agreement includes language proposed by the Senate which increases the authorization for the Norco Bluffs, California, project.

The conference agreement includes language proposed by the Senate which directs the Corps of Engineers to use $3,000,000 of the funds appropriated in the Act for additional emergency bank stabilization measures at Galena, Alaska, under the same terms and conditions as previously undertaken emergency bank stabilization work.

The conference agreement includes language proposed by the Senate directing the Corps of Engineers to use $4,200,000 appropriated in the Act to continue construction of the Ocean Isle Beach segment of the Brunswick County Beaches, North Carolina, project in accordance with the General Reevaluation Report approved by the Chief of Engineers on May 15, 1998.

The conference agreement includes language proposed by the Senate which directs the Corps of Engineers to use $300,000 of the funds appropriated in the Act to reimburse the City of Renton, Washington, for mitigation expenses incurred for the flood control project constructed on the Cedar River at Renton as a result of over-dredging by the Corps of Engineers.

The conference agreement includes language proposed by the Senate subjecting the expenditure of previously appropriated funds for the Devils Lake, North Dakota, project to a number of conditions.

The conference agreement includes language which provides that $2,000,000 shall be available for stabilization and renovation of Lock and Dam 10 on the Kentucky River, subject to the enactment of authorization for the project.

The conference agreement includes language which directs the Corps of Engineers to use $3,000,000 to initiate construction of a navigation project at Kaumalapau Harbor, Hawaii. The project will consist of a 350-foot long breakwater and a channel depth of 19 feet.

The conference agreement includes language which directs the Corps of Engineers to design and construct seepage control features at Waterbury Dam, Winooski River, Vermont. The Dam Safety and Seepage Correction Program includes up to $2,000,000 to initiate this work. The proposed corrective actions will restore the structural integrity of the dam and reduce the chances of potential failure.

The conference agreement includes language which directs the Corps of Engineers to design and construct barge lanes at the Houston-Galveston Navigation Channels, Texas, project.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

The conference agreement appropriates $347,731,000 for Flood Control, Mississippi River and Tributaries instead of $323,350,000 as proposed by the House and $334,450,000 as proposed by the Senate.

The conference agreement includes $900,000 for the Southeast Arkansas feasibility study. The House had proposed to fund this study in the General Investigations account.

The conference agreement includes language proposed by the Senate which directs the Secretary of the Army to complete the analysis and determination regarding Federal maintenance of the Greenville Inner Harbor, Mississippi, navigation project in accordance with section 509 of the Water Resources Development Act of 1996.

The conference agreement includes $375,000 for construction of the Yazoo Basin Tributaries project and $47,000,000 for continuing construction of Mississippi River levees. The conference agreement deletes bill language proposed by the Senate regarding these projects.

The conference agreement includes $7,242,000 for operation and maintenance of Arkabutla Lake; $5,280,000 for operation and maintenance of Grenada Lake; $7,680,000 for operation and maintenance of Sardis Lake; and $4,376,000 for operation and maintenance of Enid Lake. The conference agreement deletes bill language proposed by the Senate regarding these projects.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement appropriates $1,901,959,000 for Operation and Maintenance, General, instead of $1,854,000,000 as proposed by the House and $1,862,471,000 as proposed by the Senate.

The conference agreement includes $6,755,000 for the Apalachicola, Chattahoochee, and Flint Rivers project in Georgia, Alabama, and Florida. The additional funds above the budget request shall be used to implement environmental restoration requirements as specified under the certification issued by the State of Florida under section 401 of the Federal Water Pollution Control Act and dated October 1999, including $1,200,000 for increased environmental dredging and $500,000 for related environmental studies required by the state water quality certification. The conference agreement does not include bill language proposed by the Senate regarding this project.

The conferees have provided $5,071,000 for the Red Rock Dam and Lake, Iowa, project. The funds provided above the budget request are for repair and replacement of various features of the project including repair of the scouring of the South-East Des Moines levee.

The conference agreement includes $10,400,000 for operation and maintenance of the Pascagoula Harbor, Mississippi, project.

The conference agreement includes $1,500,000 over the budget request for the Corps of Engineers to address impacts of recent fires, undertake habitat restoration activities, and address other essential requirements at Cochiti Lake in New Mexico.

The conference agreement includes an additional $3,000,000 for the Jemez Dam, New Mexico, project for the Corps of Engineers to address the impacts of increased water releases required to help sustain the endangered silvery minnow.

The conferees have provided an additional $600,000 for the Waco Lake, Texas, project for the Corps of Engineers to address the higher lake levels associated with the raising of the dam.

The conferees have provided $12,570,000 for the Grays Harbor, Washington, project, including $650,000 for repair of the south jetty, $1,000,000 to complete the rehabilitation of the north jetty at Ocean Shores, and $1,100,000 for the north jetty operations and maintenance study.

The conference agreement includes language proposed by the Senate which directs the Corps of Engineers to prepare the necessary documents and initiate removal of submerged obstructions in the area previously marked by the Ambrose Light Tower in New York Harbor.

The conference agreement deletes language proposed by the Senate providing $500,000 for maintenance and repair of the Sakonnet Harbor breakwater in Little Compton, Rhode Island. Funds for this project are included in the amount appropriated for Operation and Maintenance, General.

The conference agreement deletes language proposed by the Senate providing $50,000 for a study of crossings across the Chesapeake and Delaware Canal. The amount provided for operation and maintenance of the Chesapeake and Delaware Canal project includes $50,000 for the Corps of Engineers to conduct a study to determine the adequacy and timing for maintaining good and sufficient crossings across the canal.

Although the conference agreement deletes bill language proposed by the Senate regarding the marketing of dredged material from the Delaware River Deepening project, the conferees expect the Corps of Engineers to establish such a program.

The conference agreement includes language which directs the Corps of Engineers to use $500,000 to dredge a channel from the mouth of Wheeling Creek to Tunnel Green Park in Wheeling, West Virginia.

The conference agreement includes language which provides that $500,000 of the funds provided for the Columbia and Lower Willamette River below Vancouver, Washington, and Portland, Oregon, project shall be used to remove and reinstall the docks and causeway, in kind, at the Astoria East Boat Basin in Oregon.

The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to extend the sheet pile wall on the west end of the entrance to the Dillingham, Alaska, small boat harbor, and to replace the existing wooden bulkhead at the city dock under the provisions of Public Law 99-190.

The conferees are aware of costs associated with maintaining and operating the complex computer system used to execute and program activities for the entire Operation and Maintenance program. The conferees direct the Corps of Engineers to specifically budget for this computer system in future years and, within available fiscal year 2001 funds, pay for this effort under Operation and Maintenance, General.

The conferees are aware of a plan to improve the effectiveness of public information exhibits located within visitor centers at Corps of Engineers projects. The initial plan will be developed by a multidiscipline team and is scheduled to be completed this year. The conferees expect the plan to be developed within available Operation and Maintenance, General, funds and expect implementation of any plans to be justified in future budget requests.

FLOOD CONTROL AND COASTAL EMERGENCIES

The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to extend the existing Bethel Bank Stabilization project in Alaska an additional 1200 linear feet upstream, and to remove sediments from Brown's Slough that hamper safe navigation.

REGULATORY PROGRAM

The conference agreement appropriates $125,000,000 for the Corps of Engineers Regulatory Program as proposed by the House instead of $120,000,000 as proposed by the Senate.

The conference agreement includes language proposed by the House and the Senate which will improve the analysis and increase the information available to the public and the Congress regarding the costs of the nationwide permit program and permit processing times.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

The conference agreement appropriates $140,000,000 for the Formerly Utilized Sites Remedial Action Program as proposed by the House and the Senate.

The conferees concur with the language in the Senate report regarding the Parks Township Shallow Land Disposal Area in Armstrong County, Pennsylvania.

GENERAL EXPENSES

The conference agreement appropriates $152,000,000 for General Expenses as proposed by the Senate instead of $149,500,000 as proposed by the House.

REVOLVING FUND

The conference agreement includes language proposed by the House and the Senate which provides that amounts in the Revolving Fund are available for the costs of relocating the Corps of Engineers headquarters to the General Accounting Office building.

GENERAL PROVISIONS

Corps of Engineers—Civil

Section 101. The conference agreement includes language proposed by the House which provides for the transfer of responsibility of local sponsorship of recreation development at Joe Pool Lake, Texas, from the Trinity River Authority to the City of Grand Prairie, Texas.

Section 102. The conference agreement includes language proposed by the Senate which places a limit on credits and reimbursements allowable per project and annually.

Section 103. The conference agreement includes language proposed by the Senate which prohibits the use of funds to revise the Missouri River Master Water Control Manual if the revision provides for increases in springtime water releases during spring heavy rainfall or snow melt.

Section 104. The conference agreement includes language proposed by the Senate which provides that none of the funds provided in this Act may used for activities related to the closure or removal of the St. Georges Bridge across the Chesapeake and Delaware Canal in Delaware.

Section 105. The conference agreement includes language proposed by the Senate which provides that the Secretary of the Army shall provide up to $7,000,000 to replace and upgrade the dam in Kake, Alaska.

Provisions not included in the conference agreement.—The conference agreement does not include language proposed by the House extending the authorization for spending Coastal Wetlands Restoration Trust Fund receipts. This matter has been addressed in Title VI. The conference agreement does not include language proposed by the Senate regarding the use of continuing contracts for Corps of Engineers projects. The conference agreement does not include language proposed by the Senate earmarking funds for the Pascagoula Harbor, Mississippi, project and the Gulfport Harbor, Mississippi, project. Funds for those projects are included in the amounts appropriated for Operation and Maintenance, General, and Construction, General, respectively.

The conference agreement does not include language proposed by the Senate regarding the Kihei Area Erosion project in Hawaii. It is the intent of the conferees that the Kihei Area Erosion study shall include an analysis of the extent and causes of the shoreline erosion. Further, a regional economic development (RED) analysis shall be included. The results of the RED analysis shall be displayed in all study documents along with the traditional benefit-cost analysis including recommendations of the Chief of Engineers.

The conference agreement does not include language proposed by the Senate regarding the Waikiki Erosion Control project in Hawaii. It is the intent of the conferees that the Waikiki Erosion Control study shall include an analysis of environmental resources that have been, or may be, threatened by erosion of the shoreline. Further, a regional economic development (RED) analysis shall be included. The results of the RED analysis shall be displayed in all study documents along with the traditional benefit-cost analysis including recommendations of the Chief of Engineers.

The conference agreement does not include language proposed by the Senate directing the Secretary of the Army to conduct a study to determine the need for providing additional crossing capacity across the Chesapeake and Delaware Canal. The conference agreement includes $50,000 under Operation and Maintenance, General for the Corps of Engineers to conduct a study to determine the adequacy and timing for maintaining good and sufficient crossings across the Chesapeake and Delaware Canal.

The conference agreement does not include language proposed by the Senate expressing the sense of the Senate concerning dredging of the main channel of the Delaware River and language proposed by the Senate regarding the Historic Area Remediation Site.

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
ALABAMA				
ALABAMA RIVER BELOW CLAIBORNE LOCK AND DAM, AL	200	---	200	---
BALDWIN COUNTY WATERSHEDS, AL	200	---	200	---
BAYOU LA BATRE, AL	100	---	100	---
BLACK WARRIOR AND TOMBIGBEE RIVERS, AL	521	---	521	---
BREWTON AND EAST BREWTON, AL	50	---	50	---
CAHABA RIVER WATERSHED, AL	50	---	50	---
COOSA RIVER, AL	---	---	---	150
DOG RIVER, AL	250	---	250	---
LUBBUB CREEK, AL	50	---	50	---
LUXAPALILA CREEK, LAMAR COUNTY, AL	---	---	100	---
VILLAGE CREEK, JEFFERSON COUNTY (BIRMINGHAM WATERSHED)	250	---	250	---
ALASKA				
AKUTAN HARBOR, AK	108	---	108	---
AKUTAN HARBOR, AK	---	150	---	150
ANCHOR POINT HARBOR, AK	---	---	50	---
ANIAK, AK	50	---	50	---
BARROW COASTAL STORM DAMAGE REDUCTION, AK	150	---	150	---
CHANDALAR RIVER WATERSHED, VENETIE INDIAN, AK	50	---	50	---
CHENA RIVER WATERSHED, AK	50	---	50	---
CRAIG HARBOR, AK	---	---	100	---
DELONG MOUNTAIN HARBOR, AK	422	---	700	---
DOUGLAS HARBOR EXPANSION, AK	109	---	109	---
DOUGLAS HARBOR EXPANSION, AK	---	50	---	50
FALSE PASS HARBOR, AK	---	250	---	250
FIRE ISLAND, AK	---	---	100	---
GASTINEAU CHANNEL MODIFICATION, AK	50	---	50	---
HAINES HARBOR, AK	---	---	200	---
KENAI RIVER WATERSHED, AK	50	---	50	---
KETCHIKAN HARBOR, AK	---	---	200	---
KOTZEBUE SMALL BOAT HARBOR, AK	---	---	150	---
LITTLE DIOMEDE HARBOR, AK	---	---	75	---
MATANUSKA RIVER WATERSHED, AK	100	---	100	---
MEKORYUK HARBOR, AK	---	---	100	---
NAKNEK RIVER WATERSHED, AK	50	---	50	---
NAPASKIAK HARBOR, AK	69	---	69	---
PERRYVILLE HARBOR, AK	120	---	120	---
PORT LIONS HARBOR, AK	107	---	107	---
QUINHAGAK HARBOR, AK	100	---	100	---
SAINT GEORGE HARBOR IMPROVEMENT, AK	---	---	200	---
SHIP CREEK WATERSHED, AK	53	---	53	---
SITKA HARBOR, AK	---	---	100	---
SKAGWAY HARBOR MODIFICATION, AK	100	---	100	---
UNALAKLEET HARBOR, AK	74	---	74	---
UNALASKA HARBOR, AK	209	---	209	---
UNALASKA HARBOR, AK	---	58	---	58
VALDEZ HARBOR EXPANSION, AK	43	---	43	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
VALDEZ HARBOR EXPANSION, AK	---	150	---	150
WHITTIER BREAKWATER, AK	---	---	169	---
AMERICAN SAMOA				
TUTUILA HARBOR, AS	275	---	275	---
ARIZONA				
COLONIAS ALONG THE U.S./MEXICO BORDER, AZ & TX	---	---	---	260
GILA RIVER, NORTHEAST PHOENIX DRAINAGE AREA, AZ	212	---	212	---
LITTLE COLORADO RIVER, AZ	100	---	100	---
PIMA COUNTY, AZ	75	---	175	---
RILLITO RIVER, PIMA COUNTY, AZ	290	---	290	---
RIO DE FLAG, FLAGSTAFF, AZ	---	250	---	375
RIO SALADO ESTE, AZ	175	---	175	---
RIO SALADO OESTE, AZ	175	---	400	---
SANTA CRUZ RIVER (GRANT RD. TO LOWELL RD.), AZ	---	---	300	---
SANTA CRUZ RIVER (PASEO DE LAS IGLESIAS), AZ	100	---	335	---
TRES RIOS, AZ	---	250	---	500
TUCSON DRAINAGE AREA, AZ	---	432	---	800
VA SHLY-AY AKIMEL SALT RIVER RESTORATION PROJECT, AZ	---	---	150	---
ARKANSAS				
ARKANSAS RIVER LEVEES, AR	---	---	---	400
ARKANSAS RIVER NAVIGATION STUDY, AR & OK	753	---	753	---
MAY BRANCH, FORT SMITH, AR	247	---	247	---
NORTH LITTLE ROCK, DARK HOLLOW, AR	---	200	---	500
RED RIVER NAVIGATION STUDY, SOUTHWEST ARKANSAS, AR	200	---	200	---
WHITE RIVER BASIN COMPREHENSIVE, AR & MO	500	---	500	---
WHITE RIVER NAVIGATION, AR	---	---	300	---
WHITE RIVER MINIMUM FLOW STUDY, AR	---	---	850	---
CALIFORNIA				
ALISO CREEK MAINSTEM, CA	50	---	500	---
AMERICAN RIVER WATERSHED, CA	---	3,285	---	3,285
ARROYO PASAJERO, CA	---	500	---	500
BOLINAS LAGOON ECOSYSTEM RESTORATION, CA	---	300	---	300
CITY OF SAN BERNARDINO, CA	175	---	175	---
COAST OF CALIFORNIA STORM AND TIDAL WAVE STUDY, CA	---	---	500	---
HUNTINGTON BEACH, BLUFFTOP PARK, CA	---	---	211	---
LAGUNA DE SANTA ROSA, CA	200	---	200	---
LLAGAS CREEK, CA	---	240	---	700
LOS ANGELES COUNTY, CA	225	---	225	---
LOS ANGELES HARBOR MAIN CHANNEL DEEPENING, CA	---	375	---	750
LOWER MISSION CREEK, CA	---	325	---	325
MALIBU CREEK, CA	---	---	400	---
MARE ISLAND, CA	---	---	---	500

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
MARINA DEL REY AND BALLONA CREEK, CA	---	---	500	---
MATILIJA DAM, CA	150	---	150	---
MIDDLE CREEK, CA	---	160	---	160
MOJAVE RIVER FORKS DAM, CA	200	---	200	---
MORRO BAY ESTUARY, CA	250	---	900	---
MUGU LAGOON, CA	250	---	250	---
MURRIETA CREEK, CA	---	300	---	750
N CA STREAMS, DRY CREEK, MIDDLETOWN, CA	150	---	150	---
N CA STREAMS, LOWER SACRAMENTO RVR RIPARIAN REVEGETATI	237	---	237	---
N CA STREAMS, MIDDLE CREEK, CA	90	---	90	---
N CA STREAMS, SUISUN MARSH, CA	65	---	65	---
NAPA RIVER, SALT MARSH RESTORATION, CA	300	---	300	---
NAPA VALLEY WATERSHED MANAGEMENT, CA	50	---	50	---
NCS, LOWER CACHE CREEK, YOLO COUNTY, WOODLAND AND VIC,	300	---	500	---
NEWPORT BAY HARBOR, CA	---	350	---	350
NEWPORT BAY (LA-3 SITE DESIGNATION STUDY), CA	---	---	800	---
NEWPORT BAY/SAN DIEGO CREEK WATERSHED, CA	381	---	381	---
ORANGE COUNTY COAST BEACH EROSION, CA	---	---	475	---
ORANGE COUNTY, SANTA ANA RIVER BASIN, CA	100	---	100	---
PAJARO RIVER AT WATSONVILLE, CA	---	600	---	1,200
PAJARO RIVER BASIN STUDY, CA	50	---	50	---
PENINSULA BEACH (CITY OF LONG BEACH), CA	---	---	250	---
PINE FLAT DAM, FISH AND WILDLIFE HABITAT RESTORATION,	---	300	---	300
PORT OF STOCKTON, CA	150	---	150	---
POSO CREEK, CA	150	---	500	---
RANCHO PALOS VERDES, CA	---	200	---	200
REDWOOD CITY HARBOR, CA	250	---	250	---
RUSSIAN RIVER ECOSYSTEM RESTORATION, CA	200	---	200	---
SACRAMENTO - SAN JOAQUIN DELTA, CA	300	---	300	---
SACRAMENTO AND SAN JOAQUIN COMPREHENSIVE BASIN STUDY,	1,500	---	3,000	---
SAN ANTONIO CREEK, CA	125	---	125	---
SAN BERNARDINO COUNTY, CA	100	---	100	---
SAN DIEGO COUNTY SHORELINE, CA	---	---	325	---
SAN DIEGO HARBOR, NATIONAL CITY, CA	125	---	125	---
SAN FRANCISCO BAY, CA	250	---	700	---
SAN GABRIEL RIVER TO NEWPORT BAY, CA	---	---	150	---
SAN JACINTO RIVER, CA	225	---	225	---
SAN JOAQUIN R BASIN, STOCKTON METRO AREA, FARMINGTON D	---	150	---	150
SAN JOAQUIN R BASIN, STOCKTON METRO AREA, FARMINGTON D	100	---	100	---
SAN JOAQUIN RIVER BASIN, CONSUMNES & MOKELUMNE RIVERS,	150	---	150	---
SAN JOAQUIN RIVER BASIN, CORRAL HOLLOW CREEK, CA	65	---	65	---
SAN JOAQUIN RIVER BASIN, FRAZIER CREEK, CA	65	---	250	---
SAN JOAQUIN RIVER BASIN, STOCKTON METROPOLITAN AREA, C	180	---	180	---
SAN JOAQUIN RIVER BASIN, TUOLUMNE RIVER, CA	150	---	300	---
SAN JOAQUIN RIVER BASIN, WEST STANISLAUS COUNTY, CA	213	---	213	---
SAN JUAN CREEK WATERSHED MANAGEMENT, CA	50	---	200	---
SAN JUAN CREEK, SOUTH ORANGE COUNTY, CA	50	---	50	---
SAN LUIS OBISPO, CA	170	---	170	---
SAN PABLO BAY WATERSHED, CA	200	---	200	---
SANTA ROSA CREEK WATERSHED, CA	300	---	300	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
SANTA YNEZ, CA	---	---	100	---
SOLANA BEACH, CA	---	---	350	---
SOUTH SACRAMENTO COUNTY STREAMS, CA	---	200	---	200
SOUTHERN CALIFORNIA SPECIAL AREA MANAGEMENT PLANS, CA.	---	---	1,882	---
STRONG AND CHICKEN RANCH SLOUGHS, CA	150	---	300	---
SUTTER BASIN, CA	150	---	150	---
TAHOE BASIN, CA & NV	150	---	150	---
TIJUANA RIVER ENVIRONMENTAL RESTORATION, CA	205	---	500	---
TULE RIVER, CA	---	400	---	400
UPPER GUADALUPE RIVER, CA	---	500	---	500
UPPER PENITENCIA CREEK, CA	300	---	300	---
UPPER SANTA ANA RIVER WATERSHED, CA	100	---	100	---
VENTURA HARBOR SAND BYPASS, CA	400	---	400	---
WHITE RIVER AND DEER CREEK, CA	150	---	150	---
WESTMINISTER, CA	---	---	100	---
WHITEWATER RIVER BASIN, CA	---	---	---	500
YUBA RIVER BASIN, CA	---	400	---	400
COLORADO				
CHATFIELD, CHERRY CREEK AND BEAR CREEK RESERVOIRS, CO.	250	---	250	---
FOUNTAIN CREEK AND TRIBUTARIES, CO	---	---	100	---
ZUNI AND SUN VALLEY REACHES, SOUTH PLATTE RIVER, CO	---	---	100	---
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS				
NAVIGATION IMPROVEMENTS, CNMI	100	---	150	---
CONNECTICUT				
COASTAL CONNECTICUT ECOSYSTEM RESTORATION, CT	80	---	80	---
DELAWARE				
C&D CANAL, BALTIMORE HBR CONN CHANNELS, DE & MD (DEEPE	---	100	---	100
DELAWARE COAST FROM BETHANY BEACH TO SOUTH BETHANY, DE	---	---	---	33
DELAWARE BAY COASTLINE, ROOSEVELT INLET/LEWES BEACH, D	---	---	---	124
DELAWARE BAY COASTLINE, BROADKILL BEACH, DE	---	---	---	304
FLORIDA				
BISCAYNE BAY, FL	543	---	543	---
HILLSBOROUGH RIVER, FL	114	---	114	---
LAKE WORTH INLET, PALM BEACH COUNTY, FL	114	---	114	---
MILE POINT, FL	114	---	114	---
PORT EVERGLADES HARBOR, FL	160	---	160	---
WITHLACOOCHEE RIVER, FL	114	---	114	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
GEORGIA				
ALLATOONA LAKE, ETOWAH RIVER, GA	90	---	90	---
ALLATOONA LAKE, LITTLE RIVER, GA	40	---	40	---
ARABIA MOUNTAIN, GA	---	---	100	---
AUGUSTA, GA	500	---	500	---
BRUNSWICK HARBOR, GA	---	50	---	---
INDIAN, SUGAR, ENTRENCHMENT AND FEDERAL PRISON CREEKS,	50	---	50	---
LONG ISLAND, MARSH AND JOHNS CREEKS, GA	50	---	50	---
METRO ATLANTA WATERSHED, GA	499	---	499	---
SAVANNAH HARBOR ECOSYSTEM RESTORATION, GA	450	---	450	---
SAVANNAH HARBOR EXPANSION, GA	---	100	---	100
SAVANNAH RIVER BASIN COMPREHENSIVE, GA & SC	400	---	400	---
UTOY, SANDY AND PROCTOR CREEKS, GA	100	---	100	---
HAWAII				
ALA WAI CANAL, OAHU, HI	140	---	140	---
BARBERS POINT HARBOR MODIFICATION, OAHU, HI	---	173	---	173
HAWAII WATER MANAGENMENT, HI	---	---	200	---
HONOLULU HARBOR MODIFICATIONS, OAHU, HI	200	---	200	---
KAHUKU, HI	---	---	---	200
KAHULUI HARBOR MODIFICATIONS, MAUI, HI	150	---	150	---
KAWAIHAE DEEP DRAFT HARBOR MODIFICATIONS, HAWAII, HI	40	---	40	---
KIHEI AREA EROSION, HI	---	---	100	---
WAIKIKI EROSION CONTROL, HI	---	---	100	---
IDAHO				
BOISE RIVER, BOISE, ID	165	---	165	---
GOOSE CREEK, OAKLEY, ID	---	---	100	---
KOOTENAI RIVER AT BONNERS FERRY, ID	60	---	60	---
LITTLE WOOD RIVER, GOODING, ID	165	---	165	---
PAYETTE AND SNAKE RIVER, ID	---	---	100	---
ILLINOIS				
ALEXANDER AND PULASKI COUNTIES, IL	---	200	---	200
DES PLAINES RIVER, IL	---	400	---	400
DES PLAINES RIVER, IL (PHASE II)	250	---	750	---
ILLINOIS BEACH STATE PARK, IL	---	---	---	325
ILLINOIS RIVER ECOSYSTEM RESTORATION, IL	500	---	500	---
KANKAKEE RIVER BASIN, IL & IN	300	---	600	---
PEORIA RIVERFRONT DEVELOPMENT, IL	400	---	400	---
ROCK RIVER, IL & WI	700	---	700	---
UPPER MISS & ILLINOIS NAV IMPROVEMENTS, IL, IA, MN, MO	2,105	---	2,105	---
UPPER MISS & ILLINOIS NAV IMPROVEMENTS, IL, IA, MN, MO	---	4,707	---	4,707
UPPER MISS RVR SYS FLOW FREQUENCY STUDY, IL, IA, MN, M	888	---	888	---
WAUKEGAN HARBOR, IL	---	300	---	300
WOOD RIVER LEVEE, IL	---	310	---	310

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
INDIANA				
INDIANA HARBOR ENVIRONMENTAL DREDGING, IN	---	---	500	---
JOHN T MYERS LOCKS AND DAM, IN & KY	---	2,210	---	2,210
LITTLE CALUMET RIVER (CADDY MARSH DITCH), IN	---	---	---	250
IOWA				
DES MOINES AND RACCOON RIVERS, IA	400	---	600	---
INDIAN CREEK, COUNCIL BLUFFS, IA	80	---	80	---
KANSAS				
TOPEKA, KS	200	---	200	---
TURKEY CREEK BASIN, KS & MO	---	353	---	353
UPPER TURKEY RUN CREEK, KS	---	---	100	---
WALNUT AND WHITEWATER RIVER WATERSHEDS, KS	200	---	200	---
KENTUCKY				
BANKLICK CREEK, KY	100	---	100	---
GREENUP LOCKS AND DAM, OHIO RIVER, KY & OH	---	1,300	---	1,300
LICKING RIVER, CYNTHIANA, KY	260	---	260	---
METROPOLITAN LOUISVILLE, JEFFERSON COUNTY, KY	100	---	100	---
METROPOLITAN LOUISVILLE, MILL CREEK BASIN, KY	250	---	250	---
METROPOLITAN LOUISVILLE, SOUTHWEST, KY	161	---	161	---
OHIO RIVER MAIN STEM SYSTEMS STUDY, KY, IL, IN, PA, WV	4,141	---	4,141	---
OHIO RIVER SHORELINE, PADUCAH, KY	---	---	---	400
LOUISIANA				
AMITE RIVER AND TRIBUTARIES ECOSYSTEM RESTORATION, LA.	200	---	400	---
ATCHAFALAYA RIVER; BAYOUS CHENE, BOENF & BLACK, LA	---	---	250	---
CALCASIEU LOCK, LA	339	---	339	---
CALCASIEU RIVER BASIN, LA	100	---	300	---
HURRICANE PROTECTION, LA	---	---	100	---
INTRACOASTAL WATERWAY LOCKS, LA	686	---	686	---
JEFFERSON PARISH, LA	---	215	---	500
LAFAYETTE PARISH, LA	---	200	---	200
LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LA	1,750	---	1,750	---
ORLEANS PARISH, LA	---	164	---	300
ST BERNARD PARISH URBAN FLOOD CONTROL, LA	100	---	500	---
ST. CHARLES PARISH URBAN FLOOD CONTROL. LA	---	---	100	---
PLAQUEMINES PARISH URBAN FLOOD CONTROL, LA	---	---	100	---
WEST SHORE, LAKE PONTCHARTRAIN, LA	346	---	346	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
MARYLAND				
ANACOSTIA RIVER FEDERAL WATERSHED IMPACT ASSESSMENT, M	500	---	500	---
ANACOSTIA RIVER, PG COUNTY LEVEE, MD & DC	455	---	455	---
BALTIMORE METROPOLITAN, GWYNNS FALLS, MD	68	---	68	---
CUMBERLAND, MD	---	700	---	700
EASTERN SHORE, MD	400	---	400	---
LOWER POTOMAC ESTUARY WATERSHED, MATTAWOMAN, MD	100	---	100	---
LOWER POTOMAC ESTUARY WATERSHED, ST MARY'S, MD	250	---	250	---
PATUXENT RIVER, PRINCE GEORGES COUNTY, MD	---	100	---	100
SMITH ISLAND ENVIRONMENTAL RESTORATION, MD	---	100	---	100
MASSACHUSETTS				
BLACKSTONE RIVER WATERSHED RESTORATION, MA & RI	310	---	310	---
BOSTON HARBOR, MA (45-FOOT CHANNEL)	150	---	150	---
COASTAL MASSACHUSETTS ECOSYSTEM RESTORATION, MA	100	---	100	---
MUDDY RIVER, BROOKLINE AND BOSTON, MA	---	---	---	500
SOMERSET AND SEARSBURG DAMS, DEERFIELD RIVER, MA & VT.	100	---	100	---
MICHIGAN				
BELL ISLE SHORELINE, DETROIT, MI	---	---	100	---
DETROIT RIVER ENVIRONMENTAL DREDGING, MI	---	---	250	---
DETROIT RIVER MASTER PLAN, MI	---	---	100	---
DETROIT RIVER SEAWALLS, MI	---	---	100	---
JOHN GLENN GREAT LAKES BASIN PROGRAM, MI	---	---	100	---
MUSKEGON LAKE, MI	---	---	100	---
GREAT LAKES NAVIGATION SYSTEM, MI, IL, IN, MN, NY, OH, PA, & WI	---	---	500	---
SAULT STE MARIE (REPLACEMENT LOCK), MI	---	1,000	---	1,000
ST CLAIR RIVER AND LAKE ST CLAIR, MI	---	---	200	---
MINNESOTA				
LOWER ST ANTHONY FALLS RAPIDS RESTORATION, MN	---	---	400	---
UPPER MISS RIVER WATERSHED MGMT, LAKE ITASCA TO L/D 2,	250	---	250	---
MISSISSIPPI				
PEARL RIVER WATERSHED, MS	---	---	50	---
MISSOURI				
CHESTERFIELD, MO	---	250	---	250
HANNIBAL, MO	---	---	100	---
KANSAS CITY, MO & KS	312	---	312	---
MISSOURI & MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJE	500	---	500	---
MISSOURI RIVER LEVEE SYSTEM, UNITS L455 & R460-471, MO	220	---	220	---
RIVER DES PERES, MO	---	330	---	330

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
ST LOUIS HARBOR, MO & IL	---	265	---	265
ST. LOUIS FLOOD PROTECTION, MO	---	445	---	445
SWOPE PARK INDUSTRIAL AREA, KANSAS CITY, MO	---	170	---	170
MONTANA				
LOWER YELLOWSTONE RIVER DIVERSION DAM, MT	---	---	---	100
YELLOWSTONE RIVER CORRIDOR, MT	500	---	500	---
NEBRASKA				
ANTELOPE CREEK, LINCOLN, NE	---	275	---	275
LOWER PLATTE RIVER AND TRIBUTARIES, NE	217	---	217	---
SAND CREEK WATERSHED, WAHOO, NE	---	220	---	220
NEVADA				
LOWER LAS VEGAS WASH WETLANDS, NV	100	---	500	---
TRUCKEE MEADOWS, NV	---	500	---	500
WALKER RIVER BASIN, NV	100	---	100	---
NEW HAMPSHIRE				
MERRIMACK RIVER BASIN	---	---	500	---
NEW JERSEY				
BARNEGAT BAY, NJ	---	50	---	50
BARNEGAT INLET TO LITTLE EGG HARBOR INLET, NJ	---	---	---	450
BRIGANTINE INLET TO GREAT EGG HARBOR INLET, NJ	---	---	---	391
DELAWARE BAY COASTLINE, OAKWOOD BEACH, NJ & DE	---	---	---	222
DELAWARE BAY COASTLINE, REEDS BEACH TO PIERCES POINT	---	---	---	135
DELWARE BAY COASTLINE, VILLAS AND VICINITY, NJ & DE	---	---	---	155
DELAWARE RIVER BASIN, NJ	---	---	100	---
GREAT EGG HARBOR INLET TO TOWNSENDS INLET, NJ	---	---	---	150
LOWER CAPE MAY MEADOWS TO CAPE MAY POINT, NJ	---	---	---	350
LOWER PASSAIC RIVER, NJ	---	---	100	---
LOWER SADDLE RIVER, NJ	---	---	---	100
MANASQUAN INLET TO BARNEGAT INLET, NJ	---	---	---	150
NEW JERSEY INTRACOASTAL WATERWAY, ENV RESTORATION, NJ	218	---	218	---
PASSAIC RIVER, HARRISON, NJ	---	---	---	300
RARITAN BAY AND SANDY HOOK BAY, LEONARDO, NJ	550	---	550	---
RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NJ	291	---	291	---
SHREWSBURY RIVER AND TRIBUTARIES IN MONMOUTH COUNTY, N	120	---	120	---
SOUTH RIVER, RARITAN RIVER BASIN, NJ	450	---	450	---
STONY BROOK, NJ	120	---	120	---
UPPER PASSAIC RIVER AND TRIBS, LONG HILL, MORRIS COUNT	300	---	300	---
UPPER ROCKAWAY RIVER, MORRIS COUNTY, NJ	300	---	300	---
WOODBRIDGE AND RAHWAY, NJ	200	---	200	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
NEW MEXICO				
ESPANOLA VALLEY, RIO GRANDE AND TRIBUTARIES, NM	50	---	50	---
RIO GRANDE BASIN, NM, CO & TX	500	---	600	---
SANTA CRUZ DAM SEDIMENT STUDY, NM	---	---	100	---
SW VALLEY FLOOD DAMAGE REDUCTION STUDY, ALBUQUERQUE, N	330	---	330	---
NEW YORK				
ATLANTIC COAST OF NEW YORK MONITORING PROGRAM, NY	---	---	1,000	---
ARTHUR KILL CHANNEL, HOWLAND HOOK MARINE TERMINAL, NY	---	347	---	347
AUSABLE RIVER BASIN, ESSEX AND CLINTON COUNTIES, NY	200	---	200	---
BOQUET RIVER AND TRIBUTARIES, ESSEX COUNTY, NY	200	---	200	---
BRONX RIVER BASIN, NY	250	---	450	---
BUFFALO RIVER ENVIRONMENTAL DREDGING, NY	---	---	100	---
CLINTON COUNTY, NY	150	---	150	---
FLUSHING BAY AND CREEK, NY	520	---	520	---
FREEPORT CREEK, VILLAGE OF FREEPORT, NY	---	---	100	---
HUDSON - RARITAN ESTUARY, NY & NJ	800	---	800	---
HUDSON RIVER HABITAT RESTORATION, NY	---	50	---	50
HUDSON RIVER HABITAT RESTORATION, NY	50	---	50	---
HUDSON RIVER, HUDSON, NY	120	---	120	---
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, ARVERNE, NY	50	---	50	---
JAMAICA BAY, MARINE PARK AND PLUMB BEACH, NY	296	---	296	---
LAKE MONTAUK HARBOR, NY	---	---	200	---
LINDENHURST, NY	100	---	100	---
MONTAUK POINT, NY	---	---	287	---
NEW YORK AND NEW JERSEY HARBOR, NY & NJ	---	2,528	---	2,528
NEW YORK HARBOR ANCHORAGE AREAS, NY	259	---	259	---
NORTH SHORE OF LONG ISLAND, BAYVILLE, NY	300	---	300	---
ONONDAGA LAKE, NY	250	---	250	---
SAW MILL RIVER AND TRIBUTARIES, NY	50	---	100	---
SAW MILL RIVER AT ELMSFORD/GREENBURGH, NY	---	---	---	750
SOUTH SHORE OF LONG ISLAND, NY	90	---	90	---
SOUTH SHORE OF STATEN ISLAND, NY	400	---	400	---
SUSQUEHANNA RIVER BASIN WATER MANAGEMENT, NY, PA & MD	---	100	---	100
UPPER DELAWARE RIVER WATERSHED, NY	776	---	776	---
UPPER SUSQUEHANNA RIVER BASIN, NY	---	---	200	---
NORTH CAROLINA				
BOGUE BANKS, NC	---	---	250	---
CURRITUCK SOUND, NC	100	---	100	---
DARE COUNTY BEACHES, NC	50	---	300	---
DARE COUNTY BEACHES, HATTERAS AND ORACOKE ISLAND, NC	---	---	500	---
LOCKWOODS FOLLY RIVER, NC	600	---	600	---
MANTEO (SHALLOWBAG) BAY, NC	---	250	---	250
NEUSE RIVER BASIN, NC	100	---	100	---
SURF CITY, NC	---	---	100	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
NORTH DAKOTA				
DEVILS LAKE, ND	50	---	---	4,000
GRAFTON, PARK RIVER, ND	---	900	---	900
RED RIVER OF THE NORTH, ND & MN	---	---	200	---
OHIO				
ASHTABULA RIVER ENVIRONMENTAL DREDGING, OH	---	384	---	384
BUTLER COUNTY, OH	100	---	100	---
COLUMBUS METROPOLITAN AREA, OH	600	---	600	---
HOCKING RIVER BASIN ENV RESTORATION, MONDAY CREEK, OH.	306	---	306	---
HOCKING RIVER BASIN ENV RESTORATION, SUNDAY CREEK, OH.	200	---	200	---
MAHONING RIVER ENVIRONMENTAL DREDGING, OH & PA	---	---	500	---
MUSKINGUM BASIN SYSTEM STUDY, OH	100	---	100	---
OHIO RIVER FLOW COMMODITY STUDY, OH	---	---	200	---
RICHLAND COUNTY, OHIO	100	---	100	---
SANDUSKY RIVER, TIFFIN, OH	---	---	100	---
STEUBENVILLE, OH	---	---	175	---
WESTERN LAKE ERIE BASIN, OH, IN & MI	---	---	100	---
OKLAHOMA				
CIMARRON RIVER AND TRIBUTARIES, OK, KS, NM & CO	200	---	200	---
SOUTHEAST OKLAHOMA WATER RESOURCE STUDY, OK	200	---	700	---
WARR ACRES, OK	200	---	200	---
OREGON				
COLUMBIA RIVER NAVIGATION CHANNEL DEEPENING, OR & WA	---	923	---	---
TILLAMOOK BAY AND ESTUARY ECOSYSTEM RESTORATION, OR	274	---	274	---
WILLAMETTE RIVER BASIN REVIEW, OR	210	---	210	---
WILLAMETTE RIVER ENVIRONMENTAL DREDGING, OR	114	---	114	---
WILLAMETTE RIVER FLOODPLAIN RESTORATION, OR	200	---	200	---
PENNSYLVANIA				
BEAVER CREEK, CLARION, PA	---	---	100	---
BLOOMSBURG, PA	441	---	441	---
LOWER WEST BR, SUS RIVER, ENV RESTORATION, BUFFALO CRE	250	---	250	---
NEW CASTLE, PA	---	---	100	---
TURTLE CREEK BASIN, UPPER TURTLE CREEK ENV RESTORATION	66	---	66	---
PUERTO RICO				
RIO GUANAJIBO, PR	---	441	---	441

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
RHODE ISLAND				
QUONSET DAVISVILLE PORT, RI	---	---	100	---
RHODE ISLAND ECOSYSTEM RESTORATION, RI	191	---	191	---
RHODE ISLAND SOUTH COAST, HABITAT REST & STRM DMG REDU	54	---	54	---
SOUTH CAROLINA				
ATLANTIC INTRACOASTAL WATERWAY, SC	581	---	581	---
BROAD RIVER BASIN, SC	---	---	200	---
CHARLESTON ESTUARY, SC	150	---	150	---
PAWLEYS ISLAND, SC	219	---	219	---
WACCAMAW RIVER, SC	---	---	100	---
YADKIN - PEE DEE RIVER WATERSHED, SC & NC	---	50	---	50
SOUTH DAKOTA				
JAMES RIVER, SD	---	---	500	---
NIOBRARA AND MISSOURI RIVERS, SD	---	---	100	---
TENNESSEE				
DAVIDSON COUNTY, TN	200	---	200	---
DUCK RIVER WATERSHED, TN	50	---	50	---
FRENCH BROAD WATERSHED, TN	500	---	500	---
NORTH CHICKAMAUGA CREEK, TN	50	---	50	---
TEXAS				
BOIS D'ARC CREEK, BONHAM, TX	200	---	200	---
BUFFALO BAYOU AND TRIBUTARIES, WHITE OAK BAYOU, TX	230	---	230	---
CITY OF BROWNSVILLE (RESACAS), TX	---	---	100	---
CORPUS CHRISTI SHIP CHANNEL, LAQUINTA CHANNEL, TX	456	---	456	---
CORPUS CHRISTI SHIP CHANNEL, TX	1,008	---	1,008	---
DALLAS FLOODWAY EXTENSION, TRINITY RIVER, TX	---	100	---	---
FREEPORT AND VINCITY, HURRICANE/FLOOD PROTECTION, TX	---	---	100	---
GIWW MODIFICATIONS, TX	195	---	195	---
GIWW, BRAZOS RIVER TO PORT O'CONNOR, TX	500	---	500	---
GIWW, HIGH ISLAND TO BRAZOS RIVER, TX	728	---	728	---
GIWW, MATAGORDA BAY, TX	---	100	---	200
GIWW, PORT O'CONNOR TO CORPUS CHRISTI BAY, TX	653	---	653	---
GREENS BAYOU, HOUSTON, TX	---	434	---	434
GUADALUPE AND SAN ANTONIO RIVER BASINS, TX	200	---	200	---
HUNTING BAYOU, HOUSTON, TX	---	100	---	500
LOWER COLORADO RIVER BASIN, TX	600	---	1,500	---
MIDDLE BRAZOS RIVER, TX	300	---	300	---
NORTH BOSQUE RIVER, TX	---	50	---	50
NORTH PADRE ISLAND, CORPUS CHRISTI, TX	---	164	---	1,000
NORTHWEST EL PASO, TX	280	---	280	---
PECAN BAYOU, BROWNWOOD, TX	---	100	---	100

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST INVESTIGATIONS	BUDGET REQUEST PLANNING	CONFERENCE INVESTIGATIONS	CONFERENCE PLANNING
RAYMONDVILLE DRAIN, TX	---	100	---	700
SABINE - NECHES WATERWAY, TX	544	---	544	---
SABINE PASS TO GALVESTON BAY, TX	114	---	114	---
SOUTH MAIN CHANNEL, TX	---	574	---	574
SULPHUR RIVER ENVIRONMENTAL RESTORATION, TX	50	---	50	---
UPPER TRINITY RIVER BASIN, TX	500	---	1,100	---
UTAH				
PROVO AND VICINITY, UT	100	---	100	---
VIRGINIA				
AIWW, BRIDGES AT DEEP CREEK, VA	342	---	342	---
AIWW, BRIDGES AT DEEP CREEK, VA	---	200	---	200
CHESAPEAKE BAY SHORELINE, VA	---	---	170	---
ELIZABETH RIVER BASIN, ENVIR RESTORATION, HAMPTON ROAD	247	---	247	---
JAMES RIVER CHANNEL, VA	---	277	---	277
JOHN H KERR DAM AND RESERVOIR, VA & NC (SECTION 216)	200	---	200	---
LAKE MERRIWEATHER, GOSHEN DAM AND SPILLWAY, VA	---	---	---	150
LOWER RAPPAHANNOCK RIVER BASIN, VA	300	---	300	---
NEW RIVER BASIN, VA, NC, & WV	---	---	200	---
NORFOLK HARBOR AND CHANNELS, CRANEY ISLAND, VA	1,188	---	1,188	---
POWELL RIVER WATERSHED, VA	165	---	165	---
POWELL RIVER, STRAIGHT, REEDS AND JONES CREEK, VA	---	200	---	200
PRINCE WILLIAM COUNTY WATERSHED, VA	205	---	205	---
RAPPAHANNOCK RIVER, EMBREY DAM, VA	257	---	---	600
WASHINGTON				
BELLINGHAM BAY, WA	60	---	60	---
CENTRALIA, WA	---	250	---	1,750
CHEHALIS RIVER BASIN, WA	150	---	150	---
DUWAMISH AND GREEN RIVER BASIN, WA	---	222	---	222
HOWARD HANSON DAM, WA	---	600	---	1,500
LAKE WALLULA NAVIGATION CHANNEL, COLUMBIA RIVER, WA	---	---	100	---
LAKE WASHINGTON SHIP CANAL, WA	350	---	790	---
LOWER COLUMBIA RIVER ECOSYSTEM RESTORATION, WA & OR	---	---	100	---
OCEAN SHORES, WA	100	---	100	---
PUGET SOUND CONFINED DISPOSAL SITES, WA	250	---	250	---
PUGET SOUND NEARSHORE MARINE HABITAT RESTORATION, WA	65	---	65	---
SKAGIT RIVER, WA	270	---	270	---
SKOKOMISH RIVER BASIN, WA	100	---	100	---
STILLAGUAMISH RIVER BASIN, WA	---	225	---	225
TRI-CITIES AREA RIVERSHORE ENHANCEMENT, WA	250	---	---	---

CORPS OF ENGINEERS - GENERAL INVESTIGATIONS

PROJECT TITLE	BUDGET REQUEST		CONFERENCE	
	INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
WEST VIRGINIA				
ERICSON/WOOD COUNTY PUBLIC PORT, WV	---	---	---	500
ISLAND CREEK AT LOGAN, WV	---	200	---	200
LOWER MUD RIVER, WV	---	650	---	---
MERCER COUNTY, WV	107	---	107	---
WEIRTON PORT, WV	---	---	---	750
WISCONSIN				
BARABOO RIVER, WI	---	---	100	---
FOX RIVER, WI	---	---	250	---
SAXON HARBOR, WI	---	---	50	---
WYOMING				
JACKSON HOLE RESTORATION, WY	---	100	---	300
MISCELLANEOUS				
COASTAL FIELD DATA COLLECTION	2,300	---	2,200	---
ENVIRONMENTAL DATA STUDIES	700	---	100	---
FLOOD DAMAGE DATA	400	---	400	---
FLOOD PLAIN MANAGEMENT SERVICES	9,000	---	8,200	---
GREAT LAKES REMEDIAL ACTION PROGRAM	---	---	600	---
HYDROLOGIC STUDIES	500	---	500	---
INTERNATIONAL WATER STUDIES	500	---	500	---
NATIONAL SHORELINE	300	---	---	---
OTHER COORDINATION PROGRAMS	8,900	---	8,000	---
PLANNING ASSISTANCE TO STATES	6,500	---	6,700	---
PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE)	400	---	400	---
REMOTE SENSING/GEOGRAPHIC INFORMATION SYSTEM SUPPORT	300	---	300	---
RESEARCH AND DEVELOPMENT	26,000	---	25,000	---
SCIENTIFIC AND TECHNICAL INFORMATION CENTERS	100	---	100	---
STREAM GAGING (U.S. GEOLOGICAL SURVEY)	800	---	700	---
TRANSPORTATION SYSTEMS	800	---	700	---
TRI-SERVICE CADD/GIS TECHNOLOGY CENTER	650	---	650	---
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE AND CARRYOVER BALANCES	-23,250	---	-47,693	---
TOTAL, GENERAL INVESTIGATIONS	101,519	36,181	104,496	55,542

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ALABAMA		
BLACK WARRIOR AND TOMBIGBEE RIVERS, VICINITY OF JACKSO	2,000	2,000
DOG RIVER, AL	---	300
ELBA, AL	---	1,500
GENEVA, AL	---	500
MOBILE HARBOR, AL	499	499
WALTER F GEORGE POWERHOUSE AND DAM, AL & GA (MAJOR REH	3,000	3,000
WALTER F GEORGE POWERPLANT, AL & GA (MAJOR REHAB)	2,500	2,500
ALASKA		
CHIGNIK HARBOR, AK	1,312	1,312
GALENA, AK	---	3,000
KAKE HARBOR, AK	5,508	5,508
NOME HARBOR, AK	---	1,000
ST PAUL HARBOR, AK	5,616	5,616
ARIZONA		
RIO SALADO, PHOENIX AND TEMPE REACHES, AZ	2,000	2,000
ARKANSAS		
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	3,300	3,300
MONTGOMERY POINT LOCK AND DAM, AR	20,000	40,000
OZARK POWERHOUSE, AR (MAJOR REHAB)	1,230	---
RED RIVER EMERGENCY BANK PROTECTION, AR	---	4,000
CALIFORNIA		
AMERICAN RIVER WATERSHED, CA	10,000	10,000
AMERICAN RIVER WATERSHED, CA (FOLSOM DAM MODIFICATIONS	5,000	4,000
BERRYESSA CREEK, CA	---	1,000
CORTE MADERA CREEK, CA	100	100
GUADALUPE RIVER, CA	3,500	7,000
HAMILTON AIRFIELDS WETLANDS RESTORATION, CA	---	2,000
HARBOR/SOUTH BAY WATER RECYCLING, CA	---	2,000
IMPERIAL BEACH, CA	---	800
KAWEAH RIVER, CA	500	3,000
LOS ANGELES COUNTY DRAINAGE AREA, CA	9,821	9,821
LOWER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA	1,485	1,485
MARYSVILLE/YUBA CITY LEVEE RECONSTRUCTION, CA	760	760
MERCED COUNTY STREAMS, CA	500	500
MID-VALLEY AREA LEVEE RECONSTRUCTION, CA	2,000	2,000
NAPA RIVER, CA	4,000	4,000
NORCO BLUFFS, CA	---	3,225
PORT OF OAKLAND, CA	---	4,000
SACRAMENTO RIVER BANK PROTECTION PROJECT, CA	3,300	5,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
SAN FRANCISCO BAY TO STOCKTON, CA	---	250
SAN GABRIEL BASIN RESTORATION, CA	---	25,000
SAN LORENZO RIVER, CA	4,000	4,000
SANTA ANA RIVER MAINSTEM, CA	18,000	23,000
SANTA BARBARA HARBOR, CA	5,000	5,000
STOCKTON METROPOLITAN AREA, CA	---	4,000
SUCCESS DAM, TULE RIVER, CA (DAM SAFETY)	1,000	1,000
SURFSIDE-SUNSET AND NEWPORT BEACH, CA	---	5,000
UPPER SACRAMENTO AREA LEVEE RECONSTRUCTION, CA	1,665	1,665
WEST SACRAMENTO, CA	1,775	1,775
DELAWARE		
DELAWARE COAST FROM CAPE HELOPEN TO FENWICK ISLAND, DE	---	3,000
DELAWARE COAST PROTECTION, DE	254	254
FLORIDA		
BREVARD COUNTY, FL	---	6,000
CANAVERAL HARBOR, FL	847	847
CEDAR HAMMOCK, WARES CREEK, FL	200	200
CENTRAL AND SOUTHERN FLORIDA, FL	92,423	80,423
DADE COUNTY, FL	3,058	8,000
DUVAL COUNTY, FL	3,800	3,800
EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FL	20,525	20,525
HILLSBORO AND OKEECHOBEE AQUIFER, FL	4,562	---
HILLSBORO INLET, FL	---	500
JACKSONVILLE HARBOR, FL	---	1,000
JIM WOODRUFF LOCK AND DAM POWERHOUSE, FL & GA (MAJOR R	4,500	4,500
KISSIMMEE RIVER, FL	20,000	20,000
MANATEE COUNTY, FL	200	200
MANATEE HARBOR, FL	10,828	10,828
MARTIN COUNTY, FL	2,419	2,419
MIAMI HARBOR CHANNEL, FL	6,591	6,591
PALM VALLEY BRIDGE, FL	4,000	7,500
PANAMA CITY HARBOR, FL	706	706
PINELLAS COUNTY, FL	1,321	1,321
ST. JOHNS COUNTY, FL	---	4,000
ST. LUCIE INLET, FL	---	4,000
TAMPA HARBOR, FL	---	300
GEORGIA		
BRUNSWICK HARBOR, GA	---	250
BUFORD POWERHOUSE, GA (MAJOR REHAB)	2,455	2,455
LOWER SAVANNAH RIVER BASIN, GA & SC	1,500	1,500
MAYO'S BAR LOCK & DAM, GA	---	400
OATES CREEK, RICHMOND COUNTY, GA (DEF CORR)	332	332
RICHARD B RUSSELL DAM AND LAKE, GA & SC	2,666	2,666
THURMOND LAKE POWERHOUSE, GA & SC (MAJOR REHAB)	5,000	5,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
HAWAII		
IAO STREAM FLOOD CONTROL, MAUI, HI (DEF CORR)	239	239
KAUMALAPAU HARBOR, HI	---	3,000
KIKIAOLA SMALL BOAT HARBOR, KAUAI, HI	3,437	3,437
MAALAEA HARBOR, MAUI, HI	325	325
IDAHO		
MILO CREEK, ID	---	1,000
ILLINOIS		
CHAIN OF ROCKS CANAL, MISSISSIPPI RIVER, IL (DEF CORR)	2,100	2,100
CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, IL.	400	400
CHICAGO SHORELINE, IL	19,192	19,192
EAST ST LOUIS, IL	900	900
EAST ST LOUIS INTERIOR FLOOD CONTROL	---	150
LOCK AND DAM 24, MISSISSIPPI RIVER, IL & MO (MAJOR REH	5,750	5,750
LOVES PARK, IL	4,010	4,010
MCCOOK AND THORNTON RESERVOIRS, IL	2,800	7,800
MELVIN PRICE LOCK AND DAM, IL & MO	1,400	1,400
OLMSTED LOCKS AND DAM, OHIO RIVER, IL & KY	38,142	56,000
UPPER MISS RVR SYSTEM ENV MGMT PROGRAM, IL, IA, MN, MO	18,000	21,000
INDIANA		
CALUMET REGION, IN	---	300
FORT WAYNE METROPOLITAN AREA, IN	1,088	1,088
INDIANA HARBOR, IN (CONFINED DISPOSAL FACILITY)	3,291	3,291
INDIANA SHORELINE EROSION, IN	---	1,000
INDIANAPOLIS CENTRAL WATERFRONT, IN	---	10,000
INDIANAPOLIS, WHITE RIVER (NORTH), IN	934	934
LITTLE CALUMET RIVER, IN	5,343	8,843
OHIO RIVER GREENWAY PUBLIC ACCESS, IN	1,500	1,500
PATOKA LAKE, IN (MAJOR REHAB)	5,200	5,200
IOWA		
LOCK AND DAM 11, MISSISSIPPI RIVER, IA (MAJOR REHAB)..	3,210	---
LOCK AND DAM 12, MISSISSIPPI RIVER, IA (MAJOR REHAB)..	5,260	5,260
MISSOURI RIVER FISH AND WILDLIFE MITIGATION, IA, NE, K	12,000	12,000
MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS & MO	4,400	4,650
PERRY CREEK, IA	7,178	7,178
KANSAS		
ARKANSAS CITY, KS	5,100	5,100

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
KENTUCKY		
BARKLEY DAM AND LAKE BARKLEY, KY & TN................	1,000	1,000
DEWEY LAKE, KY (DAM SAFETY)..........................	3,832	3,832
KENTUCKY LOCK AND DAM, TENNESSEE RIVER, KY...........	14,900	30,000
KENTUCKY RIVER LOCK AND DAM #10, KY..................	---	2,000
MCALPINE LOCKS AND DAM, OHIO RIVER, KY & IN..........	14,000	18,000
METROPOLITAN LOUISVILLE, BEARGRASS CREEK, KY.........	---	500
METROPOLITAN LOUISVILLE, POND CREEK, KY..............	4,000	4,000
SOUTHERN AND EASTERN KENTUCKY, KY....................	---	4,000
LOUISIANA		
COMITE RIVER, LA.....................................	10,000	10,000
INNER HARBOR NAVIGATION CANAL LOCK, LA...............	14,349	16,349
GRAND ISLE AND VICINITY, LA..........................	---	500
J BENNETT JOHNSTON WATERWAY, LA......................	18,040	21,040
LAKE PONTCHARTRAIN AND VICINITY, LA (HURRICANE PROTECT	3,100	10,000
LAROSE TO GOLDEN MEADOW, LA (HURRICANE PROTECTION)....	1,414	2,414
MISSISSIPPI RIVER GULF OUTLET, LA....................	---	500
MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, L	719	719
NEW ORLEANS TO VENICE, LA (HURRICANE PROTECTION)......	1,800	1,800
SOUTHEAST LOUISIANA, LA..............................	47,260	69,000
WEST BANK VICINITY OF NEW ORLEANS, LA................	8,065	8,065
MARYLAND		
ANACOSTIA RIVER AND TRIBUTARIES, MD & DC.............	3,951	3,951
ASSATEAGUE ISLAND, MD................................	2,500	2,500
ATLANTIC COAST OF MARYLAND, MD.......................	185	185
BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MD & VA.....	5,000	3,000
CHESAPEAKE BAY ENV RESTORATION AND PROTECTION, MD, VA.	608	1,058
CHESAPEAKE BAY OYSTER RECOVERY, MD & VA..............	---	3,000
POPLAR ISLAND, MD....................................	19,190	19,190
MASSACHUSETTS		
CAPE COD CANAL RAILROAD BRIDGE, MA (MAJOR REHAB)......	8,600	8,600
TOWN BROOK, QUINCY AND BRAINTREE, MA.................	100	100
MINNESOTA		
CROOKSTON, MN..	---	1,000
LOCK AND DAM 3, MISSISSIPPI RIVER, MN (MAJOR REHAB)...	5,000	5,000
MARSHALL, MN...	1,312	1,312
NORTHEASTERN MINNESOTA, MN...........................	---	2,500
PINE RIVER DAM, CROSS LAKE, MN (DAM SAFETY)...........	3,873	3,873

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MISSISSIPPI		
DESOTO COUNTY, MS	---	3,000
GULFPORT HARBOR, MS	---	200
JACKSON COUNTY WATER SUPPLY, MS	---	2,000
PASCAGOULA HARBOR, MS	6,663	6,663
WOLF AND JORDAN RIVERS, MS	1,337	1,337
PEARL RIVER VICINITY OF WALKIAH BLUFF, MS AND LA	---	1,000
MISSOURI		
BLUE RIVER BASIN, KANSAS CITY, MO	---	200
BLUE RIVER CHANNEL, KANSAS CITY, MO	10,500	14,500
CAPE GIRARDEAU, JACKSON, MO	2,350	2,350
MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MO	3,000	3,000
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	6,500	6,500
ST LOUIS, MO	---	200
STE GENEVIEVE, MO	6,000	6,000
TABLE ROCK LAKE, MO & AR (DAM SAFETY)	5,920	5,920
NEBRASKA		
MISSOURI NATIONAL RECREATIONAL RIVER, NE & SD	300	1,800
WOOD RIVER, GRAND ISLAND, NE	1,600	3,000
NEVADA		
RURAL NEVADA, NV	---	4,000
TROPICANA AND FLAMINGO WASHES, NV	20,000	21,600
NEW HAMPSHIRE		
LEBANON, NH	---	1,500
NEW JERSEY		
BRIGANTINE INLET/GREAT EGG HARBOR INLET (ABSECON ISL).	---	5,000
CAPE MAY INLET TO LOWER TOWNSHIP, NJ	100	100
DELAWARE RIVER MAIN CHANNEL, NJ, PA & DE	29,756	29,756
GREAT EGG HARBOR INLET AND PECK BEACH, NJ	5,100	5,100
NEW YORK HARBOR & ADJACENT CHANNELS, PORT JERSEY CHANN	5,649	10,000
PASSAIC RIVER PRESERVATION OF NATURAL STORAGE AREAS, N	1,700	1,700
PASSAIC RIVER STREAMBANK RESTORATION, NJ	---	3,000
RAMAPO RIVER AT MAHWAH, NJ	---	750
RAMAPO RIVER AT OAKLAND, NJ	2,717	2,717
RARITAN RIVER BASIN, GREEN BROOK SUB-BASIN, NJ	4,000	4,000
SANDY HOOK TO BARNEGAT INLET, NJ	6,383	6,383
TOWNSENDS INLET TO CAPE MAY INLET, NJ	---	4,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
NEW MEXICO		
ACEQUIAS IRRIGATION SYSTEM, NM	900	900
ALAMOGORDO, NM	3,000	3,000
CENTRAL NEW MEXICO, NM	---	3,000
LAS CRUCES, NM	2,841	2,841
MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELE	600	600
RIO GRANDE FLOODWAY, SAN ACACIA TO BOSQUE DEL APACHE,	600	600
NEW YORK		
ARTHUR KILL CHANNEL, HOWLAND HOOK MARINE TERMINAL, NY.	5,000	4,000
ATLANTIC COAST OF NYC, ROCKAWAY INLET TO NORTON POINT,	500	500
EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY,	1,000	1,000
FIRE ISLAND INLET TO JONES INLET, NY	500	1,500
FIRE ISLAND INLET TO MONTAUK POINT, NY	3,000	3,000
KILL VAN KULL AND NEWARK BAY CHANNEL, NY & NJ	53,000	53,000
NEW YORK CITY WATERSHED, NY	---	3,000
ONONDAGA LAKE, NY	---	5,000
NORTH CAROLINA		
AIWW, REPLACEMENT OF FEDERAL HIGHWAY BRIDGES, NC	1,000	1,000
BRUNSWICK COUNTY BEACHES, NC	---	4,200
CAROLINA BEACH AND VICINITY, NC	2,000	2,000
WEST ONSLOW BEACH AND NEW RIVER INLET, NC	---	330
WILMINGTON HARBOR, NC	40,600	40,600
NORTH DAKOTA		
BUFORD-TRENTON IRRIGATION DISTRICT LAND ACQUISITION, N	4,700	6,000
DEVILS LAKE EMERGENCY OUTLET, ND	24,000	---
GARRISON DAM AND POWER PLANT, ND (MAJOR REHAB)	5,300	5,300
GRAND FORKS, ND - EAST GRAND FORKS, MN	13,044	13,044
HOMME LAKE, ND (DAM SAFETY)	8,000	8,000
SHEYENNE RIVER, ND	2,600	2,600
OHIO		
BEACH CITY LAKE, MUSKINGUM RIVER LAKES, OH (DAM SAFETY	897	897
HOLES CREEK, OH	---	1,000
LOWER GIRARD LAKE DAM, OH	---	1,000
METROPOLITAN REGION OF CINCINNATI, DUCK CREEK, OH	3,024	3,024
MILL CREEK, OH	500	500
OHIO ENVIRONMENTAL INFRASTRUCTURE, OH	---	1,500
WEST COLUMBUS, OH	6,000	11,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
OKLAHOMA		
SKIATOOK LAKE, OK (DAM SAFETY)	2,400	2,400
TENKILLER FERRY LAKE, OK (DAM SAFETY)	4,500	4,500
OREGON		
BONNEVILLE POWERHOUSE PHASE II, OR & WA (MAJOR REHAB)	6,110	6,110
COLUMBIA RIVER NAVIGATION CHANNEL DEEPENING, OR & WA	---	4,500
COLUMBIA RIVER TREATY FISHING ACCESS SITES, OR & WA	5,000	5,000
ELK CREEK LAKE, OR	500	500
LOWER COLUMBIA RIVER BASIN BANK PROTECTION, OR & WA	200	200
WILLAMETTE RIVER TEMPERATURE CONTROL, OR	8,200	8,200
PENNSYLVANIA		
CLINTON COUNTY, PA	---	500
JOHNSTOWN, PA (MAJOR REHAB)	7,000	7,000
LOCKS AND DAMS 2, 3 AND 4, MONONGAHELA RIVER, PA	35,000	60,000
NANTY GLO, PA	---	700
NORTHEAST PENNSYLVANIA, PA	---	4,000
PRESQUE ISLE PENINSULA, PA (PERMANENT)	580	580
SAW MILL RUN, PITTSBURGH, PA	4,300	4,300
SCHUYLKILL RIVER PARK, PA	---	1,000
SOUTH CENTRAL PENNSYLVANIA ENVIRON IMPROVEMENT PROGRAM	---	20,000
SOUTHEASTERN PENNSYLVANIA, PA	---	150
TOWAMENCIN TOWNSHIP, PA	---	1,000
WILLIAMSPORT, PA	---	446
WYOMING VALLEY, PA (LEVEE RAISING)	23,092	23,092
PUERTO RICO		
ARECIBO RIVER, PR	4,102	5,402
PORTUGUES AND BUCANA RIVERS, PR	9,590	9,590
RIO DE LA PLATA, PR	3,493	3,493
RIO GRANDE DE LOIZA, PR	743	750
RIO NIGUA AT SALINAS, PR	198	---
RIO PUERTO NUEVO, PR	11,000	13,800
SAN JUAN HARBOR, PR	6,940	6,940
RHODE ISLAND		
FOX POINT HURRICANE BARRIER, RI	---	1,950
SOUTH CAROLINA		
CHARLESTON HARBOR, SC (DEEPENING & WIDENING)	16,227	16,227
LAKES MARION AND MOULTRIE, SC	---	4,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
SOUTH DAKOTA		
BIG SIOUX RIVER, SIOUX FALLS, SD	1,500	1,500
CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX, SD	4,000	4,000
PIERRE, SD	4,000	6,000
TENNESSEE		
BLACK FOX, MURFREE AND OAKLANDS SPRINGS WETLANDS, TN	---	1,000
HAMILTON COUNTY, TN	---	1,500
TEXAS		
BOSQUE AND LEON RIVERS, TX	---	4,000
BRAYS BAYOU, HOUSTON, TX	5,500	6,000
CHANNEL TO VICTORIA, TX	6,104	6,104
CLEAR CREEK, TX	1,525	1,525
DALLAS FLOODWAY EXTENSION, TX	---	2,000
EL PASO, TX	5,200	5,200
GIWW, ARANSAS NATIONAL WILDLIFE REFUGE, TX	1,176	1,176
HOUSTON - GALVESTON NAVIGATION CHANNELS, TX	53,492	53,492
JOHNSON CREEK, TX	---	3,000
NECHES RIVER AND TRIBUTARIES SALTWATER BARRIER, TX	9,000	9,000
RED RIVER BASIN CHLORIDE CONTROL, TX	---	1,300
RED RIVER BELOW DENISON DAM, TX	---	900
SAN ANTONIO CHANNEL IMPROVEMENT, TX	900	900
SIMS BAYOU, HOUSTON, TX	11,820	11,820
UTAH		
UPPER JORDAN RIVER, UT	800	800
VIRGINIA		
AIWW, BRIDGE AT GREAT BRIDGE, VA	8,492	8,492
ENVIRONMENTAL REMEDIATION, FRONT ROYAL, VA	---	7,000
JOHN H KERR DAM AND RESERVOIR, VA & NC (MAJOR REHAB)	4,000	4,000
NORFOLK HARBOR AND CHANNELS (DEEPENING), VA	600	600
ROANOKE RIVER UPPER BASIN, HEADWATERS AREA, VA	1,000	1,000
SANDBRIDGE BEACH, VA	---	3,000
VIRGINIA BEACH, VA (HURRICANE PROTECTION)	---	20,000
VIRGINIA BEACH, VA (REIMBURSEMENT)	---	1,100
WASHINGTON		
COLUMBIA RIVER FISH MITIGATION, WA, OR & ID	91,000	81,000
LOWER SNAKE RIVER FISH & WILDLIFE COMPENSATION, WA, OR	1,000	1,000
MT ST HELENS SEDIMENT CONTROL, WA	710	710
MUD MOUNTAIN DAM, WA (DAM SAFETY)	2,000	2,000
THE DALLES POWERHOUSE (UNITS 1-14), WA & OR (MAJOR REH	7,000	7,000

CORPS OF ENGINEERS - CONSTRUCTION, GENERAL

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
WEST VIRGINIA		
BLUESTONE LAKE, WV (DAM SAFETY)......................	6,300	10,000
CENTRAL WEST VIRGINIA, WV............................	---	1,500
GREENBRIAR RIVER BASIN, WV...........................	---	1,000
LEVISA AND TUG FORKS AND UPPER CUMBERLAND RIVER, WV, V	12,100	37,100
LONDON LOCKS AND DAM, KANAWHA RIVER, WV (MAJOR REHAB).	1,800	1,800
LOWER MUD RIVER, WV..................................	---	1,000
MARMET LOCK, KANAWHA RIVER, WV.......................	6,500	10,200
ROBERT C BYRD LOCKS AND DAM, OHIO RIVER, WV & OH......	2,700	2,700
SOUTHERN WEST VIRGINIA, WV...........................	---	3,000
TYGART LAKE, WV (DAM SAFETY).........................	4,293	4,293
WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL, WV & PA.	---	3,000
WINFIELD LOCKS AND DAM, KANAWHA RIVER, WV............	300	300
WISCONSIN		
LAFARGE LAKE, KICKAPOO RIVER, WI.....................	---	2,000
MISCELLANEOUS		
AQUATIC ECOSYSTEM RESTORATION (SECTION 206)..........	10,000	19,000
AQUATIC PLANT CONTROL PROGRAM........................	3,000	4,000
BENEFICIAL USES OF DREDGED MATERIAL (SECTION 204).....	4,000	4,000
DAM SAFETY AND SEEPAGE/STABILITY CORRECTION PROGRAM...	3,000	7,000
DREDGED MATERIAL DISPOSAL FACILITIES PROGRAM..........	5,000	5,000
EMERGENCY STREAMBANK & SHORELINE PROTECTION (SEC. 14).	9,000	9,000
EMPLOYEES' COMPENSATION..............................	19,200	19,200
FLOOD CONTROL PROJECTS (SECTION 205).................	25,000	35,000
INLAND WATERWAYS USERS BOARD - BOARD EXPENSE.........	45	45
INLAND WATERWAYS USERS BOARD - CORPS EXPENSE.........	185	185
NAVIGATION MITIGATION PROJECT (SECTION 111)..........	300	300
NAVIGATION PROJECTS (SECTION 107)....................	7,000	11,000
PROJECT MODIFICATIONS FOR IMPROVEMENT OF THE ENVIRONME	14,000	21,000
RECREATION MODERNIZATION PROGRAM.....................	27,000	---
RIVERINE ECOSYSTEM RESTORATION AND FLOOD HAZARD MITIGA	20,000	---
SHORELINE PROTECTION PROJECTS (SECTION 103)...........	2,500	2,500
SNAGGING AND CLEARING PROJECT (SECTION 208)...........	200	600
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE AND CARRYOVER BALANCES................................	-165,253	-198,753
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TOTAL, CONSTRUCTION GENERAL....................	1,346,000	1,695,699
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CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
GENERAL INVESTIGATIONS		
SURVEYS:		
GENERAL STUDIES:		
ALEXANDRIA, LA TO THE GULF OF MEXICO.............	750	750
DONALDSONVILLE TO THE GULF, LA....................	1,100	1,100
SPRING BAYOU, LA..................................	100	100
COLDWATER RIVER BASIN ABOVE ARKABUTLA LAKE, MS....	350	350
COLDWATER RIVER BASIN BELOW ARKABUTLA LAKE, MS....	100	100
MEMPHIS METRO AREA, TN & MS.......................	657	657
BAYOU METO BASIN, AR..............................	6,500	6,500
SOUTHEAST ARKANSAS, AR............................	---	900
MORGANZA, LA TO THE GULF OF MEXICO................	2,000	2,000
REELFOOT LAKE, TN & KY............................	318	368
WOLF RIVER, MEMPHIS, TN...........................	216	216
COLLECTION AND STUDY OF BASIC DATA.................	435	435
SUBTOTAL, GENERAL INVESTIGATIONS................	12,526	13,476
CONSTRUCTION		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN......	35,690	35,690
FRANCIS BLAND FLOODWAY DITCH (EIGHT MILE CREEK), AR...	2,110	2,110
GRAND PRAIRIE REGION, AR..............................	22,800	20,300
HELENA AND VICINITY, AR...............................	2,450	2,450
L'ANGUILLE RIVER BASIN, AR............................	750	750
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	40,621	47,000
ST FRANCIS BASIN, AR & MO.............................	3,195	4,195
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA................	10,000	10,000
ATCHAFALAYA BASIN, LA.................................	26,000	26,000
LOUISIANA STATE PENITENTIARY LEVEE, LA................	5,500	5,500
MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, LA & MS....	100	100
MISSISSIPPI DELTA REGION, LA..........................	5,000	5,000
TENSAS BASIN, RED RIVER BACKWATER, LA.................	2,330	2,330
YAZOO BASIN:	(11,195)	(34,200)
BACKWATER PUMP, MS..................................	500	1,000
BIG SUNFLOWER RIVER, MS.............................	3,500	4,500
DEMONSTRATION EROSION CONTROL, MS...................	---	15,000
MAIN STEM, MS.......................................	25	25
REFORMULATION UNIT, MS..............................	300	300
TRIBUTARIES, MS.....................................	84	375
UPPER YAZOO PROJECT, MS.............................	6,786	13,000
ST JOHNS BAYOU AND NEW MADRID FLOODWAY, MO............	700	5,000
NONCONNAH CREEK, FLOOD CONTROL FEATURE, TN & MS.......	2,000	2,000
WEST TENNESSEE TRIBUTARIES, TN........................	500	500
SUBTOTAL, CONSTRUCTION.........................	170,941	203,125

CORPS OF ENGINEERS - FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MAINTENANCE		
CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN......	58,954	56,500
HELENA HARBOR, PHILLIPS COUNTY, AR....................	421	421
INSPECTION OF COMPLETED WORKS, AR.....................	442	442
LOWER ARKANSAS RIVER, NORTH BANK, AR..................	407	407
LOWER ARKANSAS RIVER, SOUTH BANK, AR..................	10	10
MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	6,160	8,200
ST FRANCIS BASIN, AR & MO.............................	6,775	7,775
TENSAS BASIN, BOEUF AND TENSAS RIVERS, AR & LA........	2,384	2,384
WHITE RIVER BACKWATER, AR.............................	1,070	1,070
INSPECTION OF COMPLETED WORKS, IL.....................	45	45
INSPECTION OF COMPLETED WORKS, KY.....................	25	25
ATCHAFALAYA BASIN, FLOODWAY SYSTEM, LA................	1,499	1,499
ATCHAFALAYA BASIN, LA.................................	9,482	9,482
BATON ROUGE HARBOR, DEVIL SWAMP, LA...................	210	210
BAYOU COCODRIE AND TRIBUTARIES, LA....................	56	56
BONNET CARRE, LA......................................	1,340	1,340
INSPECTION OF COMPLETED WORKS, LA.....................	389	389
LOWER RED RIVER, SOUTH BANK LEVEES, LA................	5,739	5,739
MISSISSIPPI DELTA REGION, LA..........................	916	916
OLD RIVER, LA...	4,720	4,720
TENSAS BASIN, RED RIVER BACKWATER, LA.................	3,048	3,048
GREENVILLE HARBOR, MS.................................	626	626
INSPECTION OF COMPLETED WORKS, MS.....................	193	193
VICKSBURG HARBOR, MS..................................	480	480
YAZOO BASIN:	(24,185)	(34,096)
ARKABUTLA LAKE, MS..................................	6,242	7,242
BIG SUNFLOWER RIVER, MS.............................	137	4,500
ENID LAKE, MS.......................................	3,376	4,376
GREENWOOD, MS.......................................	1,007	1,007
GRENADA LAKE, MS....................................	4,232	5,280
MAIN STEM, MS.......................................	1,254	1,254
SARDIS LAKE, MS.....................................	5,180	7,680
TRIBUTARIES, MS.....................................	1,162	1,162
WILL M WHITTINGTON AUXILIARY CHANNEL, MS............	358	358
YAZOO BACKWATER AREA, MS............................	431	431
YAZOO CITY, MS......................................	806	806
INSPECTION OF COMPLETED WORKS, MO.....................	202	202
WAPPAPELLO LAKE, MO...................................	7,000	7,000
INSPECTION OF COMPLETED WORKS, TN.....................	113	113
MEMPHIS HARBOR, MCKELLAR LAKE, TN.....................	1,085	1,085
MAPPING...	1,129	1,129
SUBTOTAL, MAINTENANCE............................	139,105	149,602
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE........	-13,572	-18,472
TOTAL, FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES..................................	309,000	347,731

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ALABAMA		
ALABAMA - COOSA COMPREHENSIVE WATER STUDY, AL........	1,100	1,100
ALABAMA - COOSA RIVER, AL..........................	5,355	5,355
BAYOU LA BATRE, AL..................................	1,999	1,999
BLACK WARRIOR AND TOMBIGBEE RIVERS, AL...............	19,204	20,704
DAUPHIN ISLAND BAY, AL..............................	60	60
DOG AND FOWL RIVERS, AL.............................	66	66
GULF INTRACOASTAL WATERWAY, AL......................	4,734	4,734
INSPECTION OF COMPLETED WORKS, AL..................	50	50
MILLERS FERRY LOCK AND DAM, WILLIAM "BILL" DANNELLY LA	4,999	4,999
MOBILE HARBOR, AL..................................	18,665	22,665
MOBILE AREA DIGITAL MAPPING, AL.....................	---	150
PROJECT CONDITION SURVEYS, AL.......................	350	350
ROBERT F HENRY LOCK AND DAM, AL.....................	4,962	4,962
SCHEDULING RESERVOIR OPERATIONS, AL.................	120	120
TENNESSEE - TOMBIGBEE WATERWAY, AL & MS..............	23,547	24,547
WALTER F GEORGE LOCK AND DAM, AL & GA................	7,373	7,373
ALASKA		
ANCHORAGE HARBOR, AK................................	1,777	1,777
CHENA RIVER LAKES, AK...............................	1,364	1,364
DILLINGHAM HARBOR, AK...............................	423	423
HOMER HARBOR, AK....................................	191	191
INSPECTION OF COMPLETED WORKS, AK...................	35	35
NINILCHIK HARBOR, AK................................	186	186
NOME HARBOR, AK.....................................	386	386
PETERSBURG HARBOR, AK...............................	394	394
PROJECT CONDITION SURVEYS, AK.......................	512	512
WRANGELL NARROWS, AK................................	2,438	3,838
ARIZONA		
ALAMO LAKE, AZ......................................	1,166	1,166
INSPECTION OF COMPLETED WORKS, AZ...................	69	69
PAINTED ROCK DAM, AZ................................	1,186	1,186
SCHEDULING RESERVOIR OPERATIONS, AZ.................	74	74
WHITLOW RANCH DAM, AZ...............................	168	168
ARKANSAS		
BEAVER LAKE, AR.....................................	4,520	4,520
BLAKELY MT DAM, LAKE OUACHITA, AR....................	5,758	5,758
BLUE MOUNTAIN LAKE, AR..............................	1,200	1,200
BULL SHOALS LAKE, AR................................	4,565	4,565
DARDANELLE LOCK AND DAM, AR.........................	5,937	5,937
DEGRAY LAKE, AR.....................................	4,218	4,218
DEQUEEN LAKE, AR....................................	1,058	1,058
DIERKS LAKE, AR.....................................	988	988

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
GILLHAM LAKE, AR....................................	929	929
GREERS FERRY LAKE, AR...............................	5,933	5,933
HELENA HARBOR, PHILLIPS COUNTY, AR..................	304	304
INSPECTION OF COMPLETED WORKS, AR...................	294	294
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, AR.	19,988	19,988
MILLWOOD LAKE, AR...................................	1,602	1,602
NARROWS DAM, LAKE GREESON, AR.......................	3,604	3,604
NIMROD LAKE, AR.....................................	1,416	1,416
NORFORK LAKE, AR....................................	3,626	3,626
OSCEOLA HARBOR, AR..................................	419	419
OUACHITA AND BLACK RIVERS, AR & LA..................	6,402	6,402
OZARK - JETA TAYLOR LOCK AND DAM, AR................	4,072	4,072
WHITE RIVER, AR.....................................	2,258	2,258
YELLOW BEND PORT, AR................................	125	125
CALIFORNIA		
BLACK BUTTE LAKE, CA................................	1,854	1,854
BODEGA BAY, CA......................................	---	200
BUCHANAN DAM, H V EASTMAN LAKE, CA..................	1,580	1,580
CHANNEL ISLANDS HARBOR, CA..........................	3,000	3,000
COYOTE VALLEY DAM, LAKE MENDOCINO, CA...............	3,403	3,403
CRESCENT CITY HARBOR, CA............................	---	500
DRY CREEK (WARM SPRINGS) LAKE AND CHANNEL, CA........	4,437	4,687
FARMINGTON DAM, CA..................................	313	313
HIDDEN DAM, HENSLEY LAKE, CA........................	1,616	1,616
HUMBOLDT HARBOR AND BAY, CA.........................	4,710	4,710
INSPECTION OF COMPLETED WORKS, CA...................	843	843
ISABELLA LAKE, CA...................................	793	793
JACK D. MALTESTER CHANNEL (SAN LEANDRO MARINA), CA....	---	1,500
LOS ANGELES - LONG BEACH HARBOR MODEL, CA............	170	170
LOS ANGELES - LONG BEACH HARBORS, CA.................	3,910	3,910
LOS ANGELES COUNTY DRAINAGE AREA, CA................	3,956	3,956
MARINA DEL REY, CA..................................	5,335	5,335
MERCED COUNTY STREAMS, CA...........................	288	288
MOJAVE RIVER DAM, CA................................	251	251
MORRO BAY HARBOR, CA................................	170	1,170
MOSS LANDING HARBOR, CA.............................	---	700
NEW HOGAN LAKE, CA..................................	1,778	1,778
NEW MELONES LAKE, DOWNSTREAM CHANNEL, CA............	1,135	1,135
NEWPORT BAY HARBOR, CA..............................	40	40
OAKLAND HARBOR, CA..................................	8,118	8,118
OCEANSIDE HARBOR, CA................................	1,535	2,035
PINE FLAT LAKE, CA..................................	2,248	2,248
PROJECT CONDITION SURVEYS, CA.......................	1,256	1,256
REDWOOD CITY HARBOR, CA.............................	---	400
RICHMOND HARBOR, CA.................................	5,774	5,774
SACRAMENTO RIVER (30 FOOT PROJECT), CA..............	2,037	2,037
SACRAMENTO RIVER AND TRIBUTARIES (DEBRIS CONTROL), CA.	1,113	1,113
SACRAMENTO RIVER SHALLOW DRAFT CHANNEL, CA...........	163	163

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
SAN FRANCISCO BAY, DELTA MODEL STRUCTURE, CA	2,382	2,382
SAN FRANCISCO BAY LONG TERM MANAGEMENT STRATEGY, CA	---	200
SAN FRANCISCO HARBOR AND BAY (DRIFT REMOVAL), CA	2,000	2,000
SAN FRANCISCO HARBOR, CA	2,573	2,573
SAN JOAQUIN RIVER, CA	2,028	2,028
SANTA ANA RIVER BASIN, CA	3,086	3,086
SANTA BARBARA HARBOR, CA	1,615	1,615
SCHEDULING RESERVOIR OPERATIONS, CA	1,153	1,153
SUCCESS LAKE, CA	1,898	1,898
SUISUN BAY CHANNEL, CA	3,117	3,117
TERMINUS DAM, LAKE KAWEAH, CA	1,659	1,659
VENTURA HARBOR, CA	2,240	3,440
YUBA RIVER, CA	74	74
COLORADO		
BEAR CREEK LAKE, CO	425	425
CHATFIELD LAKE, CO	1,568	1,568
CHERRY CREEK LAKE, CO	707	707
INSPECTION OF COMPLETED WORKS, CO	67	67
JOHN MARTIN RESERVOIR, CO	1,543	1,543
SCHEDULING RESERVOIR OPERATIONS, CO	209	209
TRINIDAD LAKE, CO	619	619
CONNECTICUT		
BLACK ROCK LAKE, CT	309	309
COLEBROOK RIVER LAKE, CT	399	399
HANCOCK BROOK LAKE, CT	269	269
HOP BROOK LAKE, CT	819	819
MANSFIELD HOLLOW LAKE, CT	335	335
NORTHFIELD BROOK LAKE, CT	344	344
STAMFORD HURRICANE BARRIER, CT	311	311
THOMASTON DAM, CT	581	581
WEST THOMPSON LAKE, CT	506	506
DELAWARE		
INTRACOASTAL WATERWAY, DELAWARE R TO CHESAPEAKE BAY, D	19,707	14,757
INTRACOASTAL WATERWAY, REHOBOTH BAY TO DELAWARE BAY, D	433	433
WILMINGTON HARBOR, DE	3,217	3,217
DISTRICT OF COLUMBIA		
POTOMAC AND ANACOSTIA RIVERS (DRIFT REMOVAL), DC	910	910
POTOMAC RIVER BELOW WASHINGTON, DC	235	235
WASHINGTON HARBOR, DC	38	38

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
FLORIDA		
AIWW, NORFOLK, VA TO ST JOHNS RIVER, FL, GA, SC, NC &.	1,660	1,660
CANAVERAL HARBOR, FL.................................	7,625	7,625
CENTRAL AND SOUTHERN FLORIDA, FL......................	10,558	10,558
ESCAMBIA AND CONECUH RIVERS, FL.......................	1,000	1,000
FERNANDINA HARBOR, FL................................	2,705	2,705
FORT PIERCE HARBOR, FL...............................	1,051	1,051
INSPECTION OF COMPLETED WORKS, FL....................	100	100
INTRACOASTAL WATERWAY, CALOOSAHATCHEE R TO ANCLOTE R,.	147	147
INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI, FL......	4,035	4,035
JACKSONVILLE HARBOR, FL..............................	7,755	7,755
JIM WOODRUFF LOCK AND DAM, LAKE SEMINOLE, FL, AL & GA.	5,855	5,855
MANATEE HARBOR, FL...................................	3,080	3,080
MIAMI HARBOR, FL.....................................	1,323	1,323
MIAMI RIVER, FL......................................	---	4,000
OKEECHOBEE WATERWAY, FL..............................	5,811	5,811
PALM BEACH HARBOR, FL................................	4,577	4,577
PANAMA CITY HARBOR, FL...............................	50	50
PENSACOLA HARBOR, FL.................................	---	2,000
PONCE DE LEON INLET, FL..............................	46	46
PORT ST. JOE HARBOR, FL..............................	---	500
PROJECT CONDITION SURVEYS, FL........................	600	600
REMOVAL OF AQUATIC GROWTH, FL........................	3,340	4,500
SCHEDULING RESERVOIR OPERATIONS, FL..................	50	50
ST PETERSBURG HARBOR, FL.............................	3,280	6,580
TAMPA HARBOR, FL.....................................	6,308	6,308
WITHLACOOCHIE RIVER, FL..............................	35	35
GEORGIA		
ALLATOONA LAKE, GA...................................	4,520	6,000
APALACHICOLA, CHATTAHOOCHEE AND FLINT RIVERS, GA, AL &	5,055	6,755
ATLANTIC INTRACOASTAL WATERWAY, GA...................	2,460	2,460
BRUNSWICK HARBOR, GA.................................	5,271	5,271
BUFORD DAM AND LAKE SIDNEY LANIER, GA................	7,275	7,275
CARTERS DAM AND LAKE, GA.............................	7,489	7,489
HARTWELL LAKE, GA & SC...............................	11,875	11,875
INSPECTION OF COMPLETED WORKS, GA....................	100	100
J STROM THURMOND LAKE, GA & SC.......................	10,585	10,585
RICHARD B RUSSELL DAM AND LAKE, GA & SC..............	6,190	6,190
SAVANNAH HARBOR, GA..................................	13,869	14,369
SAVANNAH RIVER BELOW AUGUSTA, GA.....................	650	650
WEST POINT DAM AND LAKE, GA & AL.....................	3,977	4,977
HAWAII		
BARBERS POINT HARBOR, HI.............................	153	153
INSPECTION OF COMPLETED WORKS, HI....................	165	165
KAHULUI HARBOR, HI...................................	1,296	1,296

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
PROJECT CONDITION SURVEYS, HI........................	706	706
IDAHO		
ALBENI FALLS DAM, ID................................	2,291	2,291
DWORSHAK DAM AND RESERVOIR, ID.......................	2,689	2,689
INSPECTION OF COMPLETED WORKS, ID....................	73	73
LUCKY PEAK LAKE, ID..................................	1,206	1,206
SCHEDULING RESERVOIR OPERATIONS, ID..................	332	332
ILLINOIS		
CALUMET HARBOR AND RIVER, IL & IN....................	4,758	4,758
CARLYLE LAKE, IL.....................................	5,112	5,112
CHICAGO HARBOR, IL...................................	2,762	2,762
CHICAGO RIVER, IL....................................	362	362
FARM CREEK RESERVOIRS, IL............................	195	195
ILLINOIS AND MISSISSIPPI CANAL, IL...................	562	562
ILLINOIS WATERWAY (MVR PORTION), IL & IN.............	22,808	23,808
ILLINOIS WATERWAY (MVS PORTION), IL & IN.............	1,598	1,598
INSPECTION OF COMPLETED WORKS, IL....................	473	473
KASKASKIA RIVER NAVIGATION, IL.......................	2,081	2,081
LAKE MICHIGAN DIVERSION, IL..........................	837	837
LAKE SHELBYVILLE, IL.................................	5,209	5,209
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVR PORTION)	39,842	43,842
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVS PORTION)	14,499	16,999
PROJECT CONDITION SURVEYS, IL........................	43	43
REND LAKE, IL..	3,904	3,904
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IL.........	97	97
WAUKEGAN HARBOR, IL..................................	1,473	1,473
INDIANA		
BROOKVILLE LAKE, IN..................................	782	782
BURNS WATERWAY HARBOR, IN............................	1,937	2,437
CAGLES MILL LAKE, IN.................................	732	732
CECIL M HARDEN LAKE, IN..............................	864	864
INDIANA HARBOR, IN...................................	429	429
INSPECTION OF COMPLETED WORKS, IN....................	101	101
J EDWARD ROUSH LAKE, IN..............................	824	824
MICHIGAN CITY HARBOR, IN.............................	806	1,206
MISSISSINEWA LAKE, IN................................	1,182	1,182
MONROE LAKE, IN......................................	799	799
PATOKA LAKE, IN......................................	731	731
PROJECT CONDITION SURVEYS, IN........................	42	42
SALAMONIE LAKE, IN...................................	749	749
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, IN.........	62	62

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
IOWA		
CORALVILLE LAKE, IA	2,952	2,952
INSPECTION OF COMPLETED WORKS, IA	738	738
MISSOURI RIVER - KENSLERS BEND, NE TO SIOUX CITY, IA	146	146
MISSOURI RIVER - RULO TO MOUTH, IA, NE, KS & MO	5,250	5,950
MISSOURI RIVER - SIOUX CITY TO RULO, IA & NE	2,111	2,111
RATHBUN LAKE, IA	2,058	2,058
RED ROCK DAM AND LAKE RED ROCK, IA	3,827	5,071
SAYLORVILLE LAKE, IA	4,074	4,074
KANSAS		
CLINTON LAKE, KS	1,621	1,621
COUNCIL GROVE LAKE, KS	1,197	1,197
EL DORADO LAKE, KS	487	487
ELK CITY LAKE, KS	728	728
FALL RIVER LAKE, KS	1,429	1,429
HILLSDALE LAKE, KS	908	908
INSPECTION OF COMPLETED WORKS, KS	36	36
JOHN REDMOND DAM AND RESERVOIR, KS	1,186	1,531
KANOPOLIS LAKE, KS	1,541	1,541
MARION LAKE, KS	1,354	1,354
MELVERN LAKE, KS	1,872	1,872
MILFORD LAKE, KS	1,906	1,906
PEARSON - SKUBITZ BIG HILL LAKE, KS	1,074	1,074
PERRY LAKE, KS	1,966	1,966
POMONA LAKE, KS	1,830	1,830
SCHEDULING RESERVOIR OPERATIONS, KS	193	193
TORONTO LAKE, KS	673	673
TUTTLE CREEK LAKE, KS	2,546	2,546
WILSON LAKE, KS	2,017	2,017
KENTUCKY		
BARKLEY DAM AND LAKE BARKLEY, KY & TN	10,330	10,330
BARREN RIVER LAKE, KY	2,544	2,544
BIG SANDY HARBOR, KY	1,497	1,497
BUCKHORN LAKE, KY	1,685	1,685
CARR CREEK LAKE, KY	1,542	1,542
CAVE RUN LAKE, KY	868	868
DEWEY LAKE, KY	1,429	1,429
ELVIS STAHR (HICKMAN) HARBOR, KY	361	361
FISHTRAP LAKE, KY	1,890	1,890
GRAYSON LAKE, KY	1,366	1,366
GREEN AND BARREN RIVERS, KY	1,079	1,079
GREEN RIVER LAKE, KY	2,917	2,917
INSPECTION OF COMPLETED WORKS, KY	123	123
KENTUCKY RIVER, KY	1,149	1,149
KENTUCKY RIVER LOCKS AND DAMS 5-14, KY	---	750

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
LAUREL RIVER LAKE, KY................................	1,357	1,357
LICKING RIVER OPEN CHANNEL WORK, KY..................	21	21
MARTINS FORK LAKE, KY................................	714	714
MIDDLESBORO CUMBERLAND RIVER BASIN, KY...............	100	100
NOLIN LAKE, KY.......................................	2,285	2,285
OHIO RIVER LOCKS AND DAMS, KY, IL, IN & OH...........	31,813	31,813
OHIO RIVER OPEN CHANNEL WORK, KY, IL, IN & OH.........	6,007	6,007
PAINTSVILLE LAKE, KY.................................	1,016	1,016
ROUGH RIVER LAKE, KY.................................	1,827	1,827
TAYLORSVILLE LAKE, KY................................	1,048	1,048
WOLF CREEK DAM, LAKE CUMBERLAND, KY..................	5,892	5,892
YATESVILLE LAKE, KY..................................	1,211	1,211
LOUISIANA		
ATCHAFALAYA RIVER AND BAYOUS CHENE, BOEUF AND BLACK, L	14,026	14,026
BARATARIA BAY WATERWAY, LA...........................	570	570
BAYOU BODCAU RESERVOIR, LA...........................	509	509
BAYOU LAFOURCHE AND LAFOURCHE JUMP WATERWAY, LA.......	726	726
BAYOU PIERRE, LA.....................................	25	25
BAYOU SEGNETTE WATERWAY, LA..........................	735	735
BAYOU TECHE AND VERMILION RIVER, LA..................	48	48
BAYOU TECHE, LA......................................	132	132
CADDO LAKE, LA.......................................	127	127
CALCASIEU RIVER AND PASS, LA.........................	12,117	12,117
FRESHWATER BAYOU, LA.................................	5,354	5,354
GULF INTRACOASTAL WATERWAY, LA.......................	19,478	21,478
HOUMA NAVIGATION CANAL, LA...........................	3,175	3,175
INSPECTION OF COMPLETED WORKS, LA....................	268	268
J BENNETT JOHNSTON WATERWAY, LA......................	8,907	11,907
LAKE PROVIDENCE HARBOR, LA...........................	559	559
MADISON PARISH PORT, LA..............................	108	108
MERMENTAU RIVER, LA..................................	1,933	1,933
MISSISSIPPI RIVER OUTLETS AT VENICE, LA..............	2,773	2,773
MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO,.	63,359	63,359
MISSISSIPPI RIVER, GULF OUTLET, LA...................	11,286	11,286
PROJECT CONDITION SURVEYS, LA........................	80	80
REMOVAL OF AQUATIC GROWTH, LA........................	2,000	2,000
WALLACE LAKE, LA.....................................	233	233
WATERWAY FROM INTRACOASTAL WATERWAY TO B DULAC, LA....	45	45
MAINE		
PROJECT CONDITION SURVEYS, ME........................	1,060	1,060
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, ME..........	17	17
UNION RIVER, ME......................................	---	900
WELLS HARBOR, ME.....................................	1,455	2,205

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
MARYLAND		
BALTIMORE HARBOR (DRIFT REMOVAL), MD	455	455
BALTIMORE HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS),	710	710
BALTIMORE HARBOR AND CHANNELS (50 FOOT), MD	16,354	16,354
CUMBERLAND, MD AND RIDGELEY, WV	141	141
HONGA RIVER AND TAR BAY, MD	55	55
INSPECTION OF COMPLETED WORKS, MD	327	327
JENNINGS RANDOLPH LAKE, MD & WV	1,616	1,616
OCEAN CITY HARBOR AND INLET AND SINEPUXENT BAY, MD	1,810	1,810
PROJECT CONDITION SURVEYS, MD	450	450
RHODES POINT TO TYLERTON, MD	70	70
SCHEDULING RESERVOIR OPERATIONS, MD	140	140
ST JEROME CREEK, MD	175	175
TOLCHESTER CHANNEL, MD	5,801	6,801
TWITCH COVE AND BIG THOROFARE RIVER, MD	75	75
UPPER THOROFARE, MD	220	220
WICOMICO RIVER, MD	740	740
MASSACHUSETTS		
BARRE FALLS DAM, MA	368	368
BIRCH HILL DAM, MA	439	439
BUFFUMVILLE LAKE, MA	361	361
CAPE COD CANAL, MA	8,787	8,787
CHARLES RIVER NATURAL VALLEY STORAGE AREA, MA	213	213
CONANT BROOK LAKE, MA	147	147
EAST BRIMFIELD LAKE, MA	267	267
HODGES VILLAGE DAM, MA	462	462
INSPECTION OF COMPLETED WORKS, MA	125	125
KNIGHTVILLE DAM, MA	390	390
LITTLEVILLE LAKE, MA	461	461
NEW BEDFORD AND FAIRHAVEN HARBOR, MA	310	310
NEW BEDFORD FAIRHAVEN AND ACUSHNET HURRICANE BARRIER,	480	480
PLYMOUTH HARBOR, MA	500	500
PROJECT CONDITION SURVEYS, MA	3,113	3,113
SALEM HARBOR, MA	200	200
TULLY LAKE, MA	436	436
WEST HILL DAM, MA	647	647
WESTVILLE LAKE, MA	342	342
MICHIGAN		
ALPENA HARBOR, MI	203	203
ARCADIA HARBOR, MI	85	85
BLACK RIVER, PORT HURON, MI	306	306
CEDAR RIVER HARBOR, MI	---	1,000
CHANNELS IN LAKE ST CLAIR, MI	458	458
CHARLEVOIX HARBOR, MI	118	118
DETROIT RIVER, MI	2,342	2,342

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
FRANKFORT HARBOR, MI	130	130
GRAND HAVEN HARBOR, MI	1,264	1,264
HOLLAND HARBOR, MI	905	905
INLAND ROUTE, MI	33	33
INSPECTION OF COMPLETED WORKS, MI	205	305
KEWEENAW WATERWAY, MI	256	256
LELAND HARBOR, MI	168	168
LUDINGTON HARBOR, MI	663	663
MANISTEE HARBOR, MI	272	272
MANISTIQUE HARBOR, MI	239	239
MENOMINEE HARBOR, MI & WI	174	174
MONROE HARBOR, MI	695	695
NEW BUFFALO HARBOR, MI	---	150
ONTONAGON HARBOR, MI	603	603
PENTWATER HARBOR, MI	450	450
PORTAGE LAKE HARBOR, MI	1,974	1,974
PROJECT CONDITION SURVEYS, MI	275	275
ROUGE RIVER, MI	417	417
SAGINAW RIVER, MI	1,453	1,453
SEBEWAING RIVER (ICE JAM REMOVAL), MI	10	10
SOUTH HAVEN HARBOR, MI	481	481
ST CLAIR RIVER, MI	996	996
ST JOSEPH HARBOR, MI	1,194	1,194
ST MARYS RIVER, MI	20,502	23,502
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MI	3,197	3,197
WHITE LAKE HARBOR, MI	290	290
MINNESOTA		
BIGSTONE LAKE WHETSTONE RIVER, MN & SD	178	178
DULUTH - SUPERIOR HARBOR, MN & WI	5,310	5,310
DULUTH ALTERNATIVE TECHNOLOGY STUDY, MN	---	320
GRAND MARAIS HARBOR, MN	186	186
INSPECTION OF COMPLETED WORKS, MN	154	154
LAC QUI PARLE LAKES, MINNESOTA RIVER, MN	453	453
MINNESOTA RIVER, MN	196	196
MISS RIVER BTWN MO RIVER AND MINNEAPOLIS (MVP PORTION)	42,765	42,765
ORWELL LAKE, MN	315	315
PROJECT CONDITION SURVEYS, MN	25	25
RED LAKE RESERVOIR, MN	101	101
RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER, MN	2,805	2,805
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, MN	64	64
TWO HARBORS, MN	208	208
MISSISSIPPI		
BILOXI HARBOR, MS	801	801
CLAIBORNE COUNTY PORT, MS	122	122
EAST FORK, TOMBIGBEE RIVER, MS	150	150
GULFPORT HARBOR, MS	2,500	2,500

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
INSPECTION OF COMPLETED WORKS, MS	360	360
MOUTH OF YAZOO RIVER, MS	133	133
OKATIBBEE LAKE, MS	955	955
PASCAGOULA HARBOR, MS	3,406	10,400
PEARL RIVER, MS & LA	250	250
ROSEDALE HARBOR, MS	645	645
YAZOO RIVER, MS	115	115
MISSOURI		
CARUTHERSVILLE HARBOR, MO	184	295
CLARENCE CANNON DAM AND MARK TWAIN LAKE, MO	5,196	5,196
CLEARWATER LAKE, MO	2,015	2,015
HARRY S TRUMAN DAM AND RESERVOIR, MO	7,688	7,688
INSPECTION OF COMPLETED WORKS, MO	473	473
LITTLE BLUE RIVER LAKES, MO	854	854
LONG BRANCH LAKE, MO	931	931
MISS RIVER BTWN THE OHIO AND MO RIVERS (REG WORKS), MO	13,384	13,384
NEW MADRID HARBOR, MO	259	354
POMME DE TERRE LAKE, MO	2,065	2,065
PROJECT CONDITION SURVEYS, MO	26	26
SMITHVILLE LAKE, MO	1,160	1,160
SOUTHEAST MISSOURI PORT, MISSISSIPPI RIVER, MO	401	401
STOCKTON LAKE, MO	3,486	3,486
TABLE ROCK LAKE, MO	6,485	6,485
UNION LAKE, MO	10	10
MONTANA		
FT PECK DAM AND LAKE, MT	3,620	3,620
LIBBY DAM, LAKE KOOCANUSA, MT	2,273	2,273
NEBRASKA		
GAVINS POINT DAM, LEWIS AND CLARK LAKE, NE & SD	6,151	6,241
HARLAN COUNTY LAKE, NE	2,198	2,198
MISSOURI R MASTER WTR CONTROL MANUAL, NE, IA, KS, MO,.	709	709
MISSOURI RIVER BASIN COLLABORATIVE WATER PLANNING (NWK	125	125
MISSOURI RIVER BASIN COLLABORATIVE WATER PLANNING (NWO	125	125
PAPILLION CREEK AND TRIBUTARIES LAKES, NE	721	721
SALT CREEK AND TRIBUTARIES, NE	796	796
SCHEDULING RESERVOIR OPERATIONS, NE	327	327
NEVADA		
INSPECTION OF COMPLETED WORKS, NV	34	34
MARTIS CREEK LAKE, NV & CA	522	522
PINE AND MATHEWS CANYONS LAKES, NV	193	193

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
NEW HAMPSHIRE		
BLACKWATER DAM, NH	389	389
EDWARD MACDOWELL LAKE, NH	412	412
FRANKLIN FALLS DAM, NH	478	478
HOPKINTON - EVERETT LAKES, NH	984	984
OTTER BROOK LAKE, NH	554	554
PORTSMOUTH HARBOR & PISCATAQUA RIVER, NH & ME	---	250
SURRY MOUNTAIN LAKE, NH	469	469
NEW JERSEY		
BARNEGAT INLET, NJ	1,400	1,400
COLD SPRING INLET, NJ	580	580
DELAWARE RIVER AT CAMDEN, NJ	19	19
DELAWARE RIVER, PHILADELPHIA TO THE SEA, NJ, PA & DE	16,355	17,855
DELAWARE RIVER, PHILADELPHIA, PA TO TRENTON, NJ	3,180	3,180
NEW JERSEY INTRACOASTAL WATERWAY, NJ	2,005	2,005
NEWARK BAY, HACKENSACK AND PASSAIC RIVERS, NJ	120	120
PASSAIC RIVER FLOOD WARNING SYSTEMS, NJ	425	425
RARITAN RIVER TO ARTHUR KILL CUT-OFF, NJ	140	140
RARITAN RIVER, NJ	120	120
SALEM RIVER, NJ	278	278
SHREWSBURY RIVER, MAIN CHANNEL, NJ	175	175
NEW MEXICO		
ABIQUIU DAM, NM	1,315	1,315
COCHITI LAKE, NM	1,766	3,266
CONCHAS LAKE, NM	1,037	1,537
GALISTEO DAM, NM	305	305
INSPECTION OF COMPLETED WORKS, NM	50	50
JEMEZ CANYON DAM, NM	445	3,445
SANTA ROSA DAM AND LAKE, NM	846	1,026
SCHEDULING RESERVOIR OPERATIONS, NM	73	73
TWO RIVERS DAM, NM	313	313
UPPER RIO GRANDE WATER OPERATIONS MODEL, NM	---	1,250
NEW YORK		
ALMOND LAKE, NY	468	468
ARKPORT DAM, NY	257	257
BLACK ROCK CHANNEL AND TONAWANDA HARBOR, NY	2,966	2,966
BUFFALO HARBOR, NY	176	176
DUNKIRK HARBOR, NY	310	310
EAST RIVER, NY	750	750
EAST ROCKAWAY INLET, NY	2,250	2,250
EAST SIDNEY LAKE, NY	473	473
FIRE ISLAND INLET TO JONES INLET, NY	340	340
FIRE ISLAND INLET, NY	1,000	1,000

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
FLUSHING BAY AND CREEK, NY	490	490
GREAT SOUTH BAY, NY	1,540	1,540
HUDSON RIVER CHANNEL, NY	1,265	1,265
HUDSON RIVER, NY (MAINT)	2,485	2,485
HUDSON RIVER, NY (O&C)	1,340	1,340
INSPECTION OF COMPLETED WORKS, NY	460	460
JAMAICA BAY, NY	1,410	1,410
JONES INLET, NY	200	200
LONG ISLAND INTRACOASTAL WATERWAY, NY	2,190	2,190
MORICHES INLET, NY	980	980
MT MORRIS LAKE, NY	1,958	1,958
NEW YORK AND NEW JERSEY CHANNELS, NY	6,720	6,720
NEW YORK HARBOR (DRIFT REMOVAL), NY & NJ	5,030	5,030
NEW YORK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS)	740	740
NEW YORK HARBOR, NY	12,319	12,319
OSWEGO HARBOR, NY	353	353
PORTCHESTER HARBOR, NY	200	200
PROJECT CONDITION SURVEYS, NY	3,038	3,038
ROCHESTER HARBOR, NY	725	725
SAG HARBOR, NY	1,600	1,600
SHINNECOCK INLET, NY	2,000	2,000
SOUTHERN NEW YORK FLOOD CONTROL PROJECTS, NY	739	739
STURGEON POINT HARBOR, NY	15	15
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, NY	564	564
WHITNEY POINT LAKE, NY	517	517
NORTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, NC	5,831	5,831
B EVERETT JORDAN DAM AND LAKE, NC	1,500	1,500
BEAUFORT HARBOR, NC	350	350
BOGUE INLET AND CHANNEL, NC	627	627
CAPE FEAR RIVER ABOVE WILMINGTON, NC	897	897
CAROLINA BEACH INLET, NC	1,430	1,430
FALLS LAKE, NC	1,276	1,276
INSPECTION OF COMPLETED WORKS, NC	22	22
LOCKWOODS FOLLY RIVER, NC	455	455
MANTEO (SHALLOWBAG) BAY, NC	4,995	4,995
MASONBORO INLET AND CONNECTING CHANNELS, NC	45	45
MOREHEAD CITY HARBOR, NC	4,737	4,737
NEW RIVER INLET, NC	825	825
NEW TOPSAIL INLET AND CONNECTING CHANNELS, NC	610	610
PAMLICO AND TAR RIVERS, NC	139	139
PROJECT CONDITION SURVEYS, NC	64	64
ROANOKE RIVER, NC	100	100
W KERR SCOTT DAM AND RESERVOIR, NC	1,742	1,742
WILMINGTON HARBOR, NC	8,405	8,405

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
NORTH DAKOTA		
BOWMAN - HALEY LAKE, ND..............................	241	241
GARRISON DAM, LAKE SAKAKAWEA, ND.....................	8,513	8,563
HOMME LAKE, ND.......................................	153	153
LAKE ASHTABULA AND BALDHILL DAM, ND..................	1,230	1,230
PIPESTEM LAKE, ND....................................	401	401
SOURIS RIVER, ND.....................................	292	292
OHIO		
ALUM CREEK LAKE, OH..................................	790	790
ASHTABULA HARBOR, OH.................................	750	750
BERLIN LAKE, OH......................................	3,270	3,270
CAESAR CREEK LAKE, OH................................	1,309	1,309
CLARENCE J BROWN DAM, OH.............................	1,175	1,175
CLEVELAND HARBOR, OH.................................	3,915	5,915
CONNEAUT HARBOR, OH..................................	735	735
DEER CREEK LAKE, OH..................................	745	745
DELAWARE LAKE, OH....................................	777	777
DILLON LAKE, OH......................................	709	709
FAIRPORT HARBOR, OH..................................	1,785	1,785
HURON HARBOR, OH.....................................	790	790
INSPECTION OF COMPLETED WORKS, OH....................	240	240
LORAIN HARBOR, OH....................................	2,152	2,152
MASSILLON LOCAL PROTECTION PROJECT, OH...............	25	25
MICHAEL J KIRWAN DAM AND RESERVOIR, OH...............	1,033	1,033
MOSQUITO CREEK LAKE, OH..............................	1,329	1,329
MUSKINGUM RIVER LAKES, OH............................	7,993	7,993
NORTH BRANCH KOKOSING RIVER LAKE, OH.................	544	544
PAINT CREEK LAKE, OH.................................	661	661
PROJECT CONDITION SURVEYS, OH........................	85	85
ROCKY RIVER HARBOR, OH...............................	---	590
ROSEVILLE LOCAL PROTECTION PROJECT, OH...............	30	30
SANDUSKY HARBOR, OH..................................	870	870
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OH.........	174	174
TOLEDO HARBOR, OH....................................	4,550	4,550
TOM JENKINS DAM, OH..................................	350	350
WEST FORK OF MILL CREEK LAKE, OH.....................	565	565
WILLIAM H HARSHA LAKE, OH............................	821	821
OKLAHOMA		
ARCADIA LAKE, OK.....................................	417	417
BIRCH LAKE, OK.......................................	480	480
BROKEN BOW LAKE, OK..................................	1,471	1,971
CANDY LAKE, OK.......................................	18	168
CANTON LAKE, OK......................................	2,656	2,656
COPAN LAKE, OK.......................................	823	823
EUFAULA LAKE, OK.....................................	7,240	7,240

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
FORT GIBSON LAKE, OK	5,954	5,954
FORT SUPPLY LAKE, OK	838	838
GREAT SALT PLAINS LAKE, OK	209	209
HEYBURN LAKE, OK	557	557
HUGO LAKE, OK	1,639	1,639
HULAH LAKE, OK	447	447
INSPECTION OF COMPLETED WORKS, OK	72	72
KAW LAKE, OK	1,756	1,756
KEYSTONE LAKE, OK	6,435	6,435
MCCLELLAN - KERR ARKANSAS RIVER NAVIGATION SYSTEM, OK.	4,588	4,588
OOLOGAH LAKE, OK	2,353	2,353
OPTIMA LAKE, OK	63	63
PENSACOLA RESERVOIR, LAKE OF THE CHEROKEES, OK	32	32
PINE CREEK LAKE, OK	1,160	1,160
ROBERT S KERR LOCK AND DAM AND RESERVOIRS, OK	4,001	4,001
SARDIS LAKE, OK	944	944
SCHEDULING RESERVOIR OPERATIONS, OK	386	386
SKIATOOK LAKE, OK	947	947
TENKILLER FERRY LAKE, OK	3,178	3,178
WAURIKA LAKE, OK	1,441	1,441
WEBBERS FALLS LOCK AND DAM, OK	3,297	3,297
WISTER LAKE, OK	729	1,429
OREGON		
APPLEGATE LAKE, OR	748	748
BLUE RIVER LAKE, OR	332	332
BONNEVILLE LOCK AND DAM, OR & WA	6,250	6,250
CHETCO RIVER, OR	435	435
COLUMBIA & LWR WILLAMETTE R BLW VANCOUVER, WA & PORTLA	16,274	18,874
COLUMBIA RIVER AT THE MOUTH, OR & WA	7,403	7,403
COLUMBIA RIVER BETWEEN VANCOUVER, WA AND THE DALLES, O	357	357
COOS BAY, OR	4,144	4,144
COQUILLE RIVER, OR	316	316
COTTAGE GROVE LAKE, OR	919	919
COUGAR LAKE, OR	705	705
DEPOE BAY, OR	3	363
DETROIT LAKE, OR	672	672
DORENA LAKE, OR	580	580
FALL CREEK LAKE, OR	619	619
FERN RIDGE LAKE, OR	1,277	1,277
GREEN PETER - FOSTER LAKES, OR	1,050	1,050
HILLS CREEK LAKE, OR	408	408
INSPECTION OF COMPLETED WORKS, OR	220	220
JOHN DAY LOCK AND DAM, OR & WA	4,507	4,507
LOOKOUT POINT LAKE, OR	1,990	1,990
LOST CREEK LAKE, OR	2,919	2,919
MCNARY LOCK AND DAM, OR & WA	4,989	4,989
PORT ORFORD, OR	702	702
PROJECT CONDITION SURVEYS, OR	200	200

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ROGUE RIVER, OR	641	641
SCHEDULING RESERVOIR OPERATIONS, OR	67	67
SIUSLAW RIVER, OR	822	822
SKIPANON CHANNEL, OR	176	176
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, OR	134	134
TILLAMOOK BAY AND BAR, OR	148	148
UMPQUA RIVER, OR	1,421	1,421
WILLAMETTE RIVER AT WILLAMETTE FALLS, OR	1,234	1,234
WILLAMETTE RIVER BANK PROTECTION, OR	285	285
WILLOW CREEK LAKE, OR	646	646
YAQUINA BAY AND HARBOR, OR	7,895	7,895
PENNSYLVANIA		
ALLEGHENY RIVER, PA	6,905	6,905
ALVIN R BUSH DAM, PA	608	608
AYLESWORTH CREEK LAKE, PA	216	216
BELTZVILLE LAKE, PA	832	832
BLUE MARSH LAKE, PA	2,121	2,121
CONEMAUGH RIVER LAKE, PA	1,259	1,259
COWANESQUE LAKE, PA	1,785	2,035
CROOKED CREEK LAKE, PA	1,491	1,491
CURWENSVILLE LAKE, PA	659	659
EAST BRANCH CLARION RIVER LAKE, PA	903	903
ERIE HARBOR, PA	125	125
FOSTER JOSEPH SAYERS DAM, PA	713	713
FRANCIS E WALTER DAM, PA	663	663
GENERAL EDGAR JADWIN DAM AND RESERVOIR, PA	321	321
INSPECTION OF COMPLETED WORKS, PA	95	95
JOHNSTOWN, PA	13	13
KINZUA DAM AND ALLEGHENY RESERVOIR, PA	1,472	1,472
LOYALHANNA LAKE, PA	1,778	1,778
MAHONING CREEK LAKE, PA	1,392	1,392
MONONGAHELA RIVER, PA	14,293	14,293
OHIO RIVER LOCKS AND DAMS, PA, OH & WV	22,407	22,407
OHIO RIVER OPEN CHANNEL WORK, PA, OH & WV	218	218
PROJECT CONDITION SURVEYS, PA	88	88
PROMPTON LAKE, PA	437	437
PUNXSUTAWNEY, PA	13	13
RAYSTOWN LAKE, PA	3,533	4,783
SCHUYLKILL RIVER, PA	740	740
SHENANGO RIVER LAKE, PA	2,644	2,644
STILLWATER LAKE, PA	334	334
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, PA	70	70
TIOGA - HAMMOND LAKES, PA	2,382	3,352
TIONESTA LAKE, PA	1,788	1,788
UNION CITY LAKE, PA	258	258
WOODCOCK CREEK LAKE, PA	817	817
YORK INDIAN ROCK DAM, PA	517	517
YOUGHIOGHENY RIVER LAKE, PA & MD	2,011	2,011

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
RHODE ISLAND		
PROVIDENCE RIVER AND HARBOR, RI	584	1,584
SAKONNET HARBOR, RI	---	500
SOUTH CAROLINA		
ATLANTIC INTRACOASTAL WATERWAY, SC	3,629	5,629
CHARLESTON HARBOR, SC	7,145	7,145
COOPER RIVER, CHARLESTON HARBOR, SC	3,235	3,235
FOLLY RIVER, SC	266	266
GEORGETOWN HARBOR, SC	5,234	5,234
INSPECTION OF COMPLETED WORKS, SC	26	26
MURRELLS INLET, SC	---	1,000
PORT ROYAL HARBOR, SC	21	21
PROJECT CONDITION SURVEYS, SC	60	60
SHIPYARD RIVER, SC	477	477
TOWN CREEK, SC	398	398
SOUTH DAKOTA		
BIG BEND DAM, LAKE SHARPE, SD	6,422	6,502
COLD BROOK LAKE, SD	496	496
COTTONWOOD SPRINGS LAKE, SD	172	172
FORT RANDALL DAM, LAKE FRANCIS CASE, SD	8,852	8,942
LAKE TRAVERSE, SD & MN	580	580
MISSOURI R BETWEEN FORT PECK DAM AND GAVINS PT, SD, MT	586	586
OAHE DAM, LAKE OAHE, SD & ND	11,192	11,282
SCHEDULING RESERVOIR OPERATIONS, SD	306	306
TENNESSEE		
CENTER HILL LAKE, TN	6,070	6,070
CHEATHAM LOCK AND DAM, TN	5,307	5,307
CHICKAMAUGA LOCK, TN	1,900	1,900
CORDELL HULL DAM AND RESERVOIR, TN	4,916	4,916
DALE HOLLOW LAKE, TN	4,191	4,191
INSPECTION OF COMPLETED WORKS, TN	5	5
J PERCY PRIEST DAM AND RESERVOIR, TN	3,278	3,278
OLD HICKORY LOCK AND DAM, TN	6,326	6,326
TENNESSEE RIVER, TN	14,484	14,484
WOLF RIVER HARBOR, TN	348	348
TEXAS		
AQUILLA LAKE, TX	738	738
ARKANSAS - RED RIVER BASINS CHLORIDE CONTROL - AREA VI	1,340	1,340
BARBOUR TERMINAL CHANNEL, TX	314	314
BARDWELL LAKE, TX	1,453	1,453
BAYPORT SHIP CHANNEL, TX	1,810	1,810

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
BELTON LAKE, TX......................................	3,103	3,103
BENBROOK LAKE, TX....................................	1,975	1,975
BRAZOS ISLAND HARBOR, TX.............................	4,802	4,802
BUFFALO BAYOU AND TRIBUTARIES, TX....................	2,029	2,029
CANYON LAKE, TX......................................	2,689	2,689
CHANNEL TO PORT MANSFIELD, TX........................	2,627	2,627
CORPUS CHRISTI SHIP CHANNEL, TX......................	5,036	5,036
DENISON DAM, LAKE TEXOMA, TX.........................	5,517	5,517
DOUBLE BAYOU, TX.....................................	805	805
ESTELLINE SPRINGS EXPERIMENTAL PROJECT, TX...........	10	10
FERRELLS BRIDGE DAM, LAKE O' THE PINES, TX...........	2,801	2,801
FREEPORT HARBOR, TX..................................	4,802	4,802
GALVESTON HARBOR AND CHANNEL, TX.....................	87	87
GIWW, CHANNEL TO VICTORIA, TX........................	752	752
GRANGER DAM AND LAKE, TX.............................	1,573	1,573
GRAPEVINE LAKE, TX...................................	2,433	2,433
GULF INTRACOASTAL WATERWAY, TX.......................	21,765	21,765
HORDS CREEK LAKE, TX.................................	1,203	1,203
HOUSTON SHIP CHANNEL, TX.............................	8,137	8,137
INSPECTION OF COMPLETED WORKS, TX....................	393	393
JIM CHAPMAN LAKE, TX.................................	1,144	1,144
JOE POOL LAKE, TX....................................	759	759
LAKE KEMP, TX..	201	201
LAVON LAKE, TX.......................................	2,439	2,439
LEWISVILLE DAM, TX...................................	2,959	2,959
MATAGORDA SHIP CHANNEL, TX...........................	4,315	4,315
MOUTH OF THE COLORADO RIVER, TX......................	2,953	2,953
NAVARRO MILLS LAKE, TX...............................	1,524	1,524
NORTH SAN GABRIEL DAM AND LAKE GEORGETOWN, TX.........	1,785	1,785
O C FISHER DAM AND LAKE, TX..........................	1,005	1,005
PAT MAYSE LAKE, TX...................................	941	941
PROCTOR LAKE, TX.....................................	1,709	1,709
PROJECT CONDITION SURVEYS, TX........................	75	75
RAY ROBERTS LAKE, TX.................................	1,002	1,002
SABINE - NECHES WATERWAY, TX.........................	10,013	10,013
SAM RAYBURN DAM AND RESERVOIR, TX....................	4,191	4,191
SCHEDULING RESERVOIR OPERATIONS, TX..................	249	249
SOMERVILLE LAKE, TX..................................	2,773	2,773
STILLHOUSE HOLLOW DAM, TX............................	1,744	1,744
TEXAS CITY SHIP CHANNEL, TX..........................	371	371
TOWN BLUFF DAM, B A STEINHAGEN LAKE, TX..............	2,007	2,007
TRINITY RIVER AND TRIBUTARIES, TX....................	29	29
TEXAS WATER ALLOCATION ASSESMENT.....................	---	1,500
WACO LAKE, TX..	2,301	2,901
WALLISVILLE LAKE, TX.................................	1,208	1,208
WHITNEY LAKE, TX.....................................	4,680	4,680
WRIGHT PATMAN DAM AND LAKE, TX.......................	2,643	2,643

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
UTAH		
INSPECTION OF COMPLETED WORKS, UT....................	55	55
SCHEDULING RESERVOIR OPERATIONS, UT..................	305	305
VERMONT		
BALL MOUNTAIN LAKE, VT...............................	607	607
BURLINGTON HARBOR, VT................................	---	1,000
NARROWS OF LAKE CHAMPLAIN, VT & NY...................	46	46
NORTH HARTLAND LAKE, VT..............................	561	561
NORTH SPRINGFIELD LAKE, VT...........................	583	583
TOWNSHEND LAKE, VT...................................	629	629
UNION VILLAGE DAM, VT................................	464	464
VIRGINIA		
APPOMATTOX RIVER, VA.................................	593	593
ATLANTIC INTRACOASTAL WATERWAY - ACC, VA.............	1,750	1,750
ATLANTIC INTRACOASTAL WATERWAY - DSC, VA.............	1,325	1,325
CHANNEL TO NEWPORT NEWS, VA..........................	120	120
CHINCOTEAGUE INLET, VA...............................	877	877
GATHRIGHT DAM AND LAKE MOOMAW, VA....................	1,465	1,465
HAMPTON RDS, NORFOLK & NEWPORT NEWS HBR, VA (DRIFT REM	995	995
INSPECTION OF COMPLETED WORKS, VA....................	77	77
JAMES RIVER CHANNEL, VA..............................	4,294	4,294
JOHN H KERR LAKE, VA & NC............................	8,041	8,041
JOHN W FLANNAGAN DAM AND RESERVOIR, VA...............	1,525	1,525
LITTLE WICOMICO RIVER, VA............................	605	605
NORFOLK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS), V	225	225
NORFOLK HARBOR, VA...................................	6,105	6,105
NORTH FORK OF POUND RIVER LAKE, VA...................	406	406
OCCOQUAN RIVER,VA....................................	---	1,000
PAGAN RIVER, VA......................................	145	145
PHILPOTT LAKE, VA....................................	3,060	3,060
POTOMAC RIVER AT MT VERNON, VA.......................	410	410
PROJECT CONDITION SURVEYS, VA........................	617	617
RUDEE INLET, VA......................................	646	646
STARLINGS CREEK, VA..................................	551	551
THIMBLE SHOAL CHANNEL, VA............................	204	204
WATERWAY ON THE COAST OF VIRGINIA, VA................	1,185	1,185
WASHINGTON		
CHIEF JOSEPH DAM, WA.................................	2,113	2,113
COLUMBIA RIVER AT BAKER BAY, WA & OR.................	3	3
COLUMBIA RIVER BETWEEN CHINOOK AND SAND ISLAND, WA....	6	6
EVERETT HARBOR AND SNOHOMISH RIVER, WA...............	1,212	1,212
GRAYS HARBOR AND CHEHALIS RIVER, WA..................	9,820	12,570
HOWARD HANSON DAM, WA................................	1,849	1,849

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
ICE HARBOR LOCK AND DAM, WA	6,094	6,094
INSPECTION OF COMPLETED WORKS, WA	146	146
LAKE WASHINGTON SHIP CANAL, WA	6,797	6,797
LITTLE GOOSE LOCK AND DAM, WA	1,537	1,537
LOWER GRANITE LOCK AND DAM, WA	4,291	4,291
LOWER MONUMENTAL LOCK AND DAM, WA	2,821	2,821
MILL CREEK LAKE, WA	925	925
MT ST HELENS SEDIMENT CONTROL, WA	312	312
MUD MOUNTAIN DAM, WA	2,440	2,440
PROJECT CONDITION SURVEYS, WA	316	316
PUGET SOUND AND TRIBUTARY WATERS, WA	967	967
QUILLAYUTE RIVER, WA	37	1,037
SCHEDULING RESERVOIR OPERATIONS, WA	415	415
SEATTLE HARBOR, EAST WATERWAY CHANNEL DEEPENING, WA	100	450
SEATTLE HARBOR, WA	714	714
STILLAGUAMISH RIVER, WA	205	205
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WA	56	56
TACOMA, PUYALLUP RIVER, WA	78	78
THE DALLES LOCK AND DAM, WA & OR	3,432	3,432
WILLAPA RIVER AND HARBOR, WA	---	650
WEST VIRGINIA		
BEECH FORK LAKE, WV	1,137	1,137
BLUESTONE LAKE, WV	1,689	4,800
BURNSVILLE LAKE, WV	1,723	1,723
EAST LYNN LAKE, WV	1,714	1,714
ELKINS, WV	16	16
INSPECTION OF COMPLETED WORKS, WV	91	91
KANAWHA RIVER LOCKS AND DAMS, WV	7,782	7,782
OHIO RIVER LOCKS AND DAMS, WV, KY & OH	15,934	15,934
OHIO RIVER OPEN CHANNEL WORK, WV, KY & OH	2,786	2,786
R D BAILEY LAKE, WV	1,934	1,934
STONEWALL JACKSON LAKE, WV	1,216	1,216
SUMMERSVILLE LAKE, WV	1,526	1,526
SUTTON LAKE, WV	1,903	1,903
TYGART LAKE, WV	3,568	3,568
WHEELING CREEK, WV	---	500
WISCONSIN		
ASHLAND HARBOR, WI	170	170
EAU GALLE RIVER LAKE, WI	735	735
FOX RIVER, WI	3,252	3,252
GREEN BAY HARBOR, WI	1,640	1,640
KENOSHA HARBOR, WI	925	925
KEWAUNEE HARBOR, WI	490	490
LA FARGE LAKE, WI	53	53
MANITOWOC HARBOR, WI	738	738
MILWAUKEE HARBOR, WI	819	819

CORPS OF ENGINEERS - OPERATION AND MAINTENANCE

PROJECT TITLE	BUDGET REQUEST	CONFERENCE
SHEBOYGAN HARBOR, WI.................................	290	290
STURGEON BAY HARBOR AND LAKE MICHIGAN SHIP CANAL, WI..	1,534	1,534
SURVEILLANCE OF NORTHERN BOUNDARY WATERS, WI..........	28	28
TWO RIVERS HARBOR, WI................................	537	537
WYOMING		
JACKSON HOLE LEVEES, WY..............................	1,163	1,163
MISCELLANEOUS		
COASTAL INLET RESEARCH PROGRAM.......................	3,000	2,750
CULTURAL RESOURCES (NAGPRA/CURATION).................	3,000	1,500
DREDGE WHEELER READY RESERVE.........................	13,500	8,000
DREDGING DATA AND LOCK PERFORMANCE MONITORING SYSTEM..	1,166	1,000
DREDGING OPERATIONS AND ENVIRONMENTAL RESEARCH (DOER).	8,000	7,000
DREDGING OPERATIONS TECHNICAL SUPPORT (DOTS) PROGRAM..	2,100	1,500
EARTHQUAKE HAZARDS PROGRAM FOR BUILDINGS AND LIFELINES	600	500
GREAT LAKES SEDIMENT TRANSPORT MODELS................	---	500
HARBOR MAINTENANCE FEE DATA COLLECTION...............	975	575
MANAGEMENT TOOLS FOR O&M.............................	1,100	500
MONITORING OF COASTAL NAVIGATION PROJECTS............	2,000	1,700
NATIONAL DAM SAFETY PROGRAM..........................	40	40
NATIONAL DAM SECURITY PROGRAM........................	25	25
NATIONAL EMERGENCY PREPAREDNESS PROGRAMS (NEPP).......	6,000	4,000
PERFORMANCE BASED BUDGETING SUPPORT PROGRAM...........	1,650	415
PROTECTING, CLEARING AND STRAIGHTENING CHANNELS(SEC 3)	50	50
RECREATION MANAGEMENT SUPPORT PROGRAM (RMSP)..........	1,950	1,500
REGIONAL SEDIMENT MANAGEMENT SEDIMENT DEMO PROGRAM....	1,500	1,500
RELIABILITY MODELS PROGRAM FOR MAJOR REHABILITATION...	675	675
REMOVAL OF SUNKEN VESSELS............................	500	500
WATER OPERATIONS TECHNICAL SUPPORT (WOTS) PROGRAM.....	1,500	700
WATERBORNE COMMERCE STATISTICS.......................	4,600	4,000
WETLANDS FUNCTIONAL ASSESSMENT METHODOLOGY............	1,000	---
ZEBRA MUSSEL CONTROL.................................	700	700
REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE........	-16,867	-43,867
TOTAL, OPERATION AND MAINTENANCE...............	1,854,000	1,901,959

TITLE II

DEPARTMENT OF THE INTERIOR

Central Utah Project

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

The conference agreement appropriates $39,940,000 to carry out the provisions of the Central Utah Project Completion Act as proposed by the House and the Senate.

Bureau of Reclamation

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Bureau of Reclamation. Additional items of the conference agreement are discussed below.

WATER AND RELATED RESOURCES

The conference agreement appropriates $678,450,000 for Water and Related Resources instead of $635,777,000 as proposed by the House and $655,192,000 as proposed by the Senate.

The conference agreement includes $39,467,000 for the Central Arizona Project as proposed by the House.

The additional funds provided by the House under the California Investigations Program for studies of ways to increase the reliability of water supplies in southern Orange County, California, have been included under the Southern California Investigations Program.

The conference agreement includes an additional $1,000,000 for the Columbia and Snake Rivers Salmon Recovery project. The additional funds may be used for water acquisition and other actions that may be required by Endangered Species Act biological opinions concerning the operation and maintenance of Bureau of Reclamation projects.

The conference agreement includes an increase of $4,758,000 over the budget request for the Middle Rio Grande project in New Mexico for the Bureau of Reclamation to undertake research, monitoring, and modeling of evapotranspiration, implement a program for the transplant of silvery minnow larvae and young-of-year, and carry out habitat conservation and restoration activities along the middle Rio Grande River valley as specified in the Senate report. Additional funding is also provided for Bureau of Reclamation participation in the recent settlement regarding the recovery of the Rio Grande silvery minnow.

The conference agreement includes $2,960,000 for the Title XVI Water Reclamation and Reuse Program. Of the funds provided, $500,000 is provided for the Bureau of Reclamation to participate with the City of Espanola, New Mexico, in a feasibility study to investigate opportunities to reclaim and reuse municipal wastewater and naturally impaired surface and groundwater, and $300,000 is provided to continue the Phoenix Metropolitan Water Reclamation and Reuse (Aqua Fria) project in Arizona. In addition, up to $1,000,000 is provided for the Bureau of Reclamation to support the WateReuse Foundation's research program as described in the House report.

The conferees have provided $5,000,000 for the Drought Emergency Assistance Program to address the severe drought conditions that currently exist in New Mexico and other western states. The conferees direct the attention of the Bureau of Reclamation to the need for the acquisition of water for the San Carlos Reservoir on the Gila River in Arizona.

The conference agreement includes $8,500,000 for the Native American Affairs Program of the Bureau of Reclamation, of which $200,000 is for the Bureau to undertake studies, in consultation and cooperation with the Jicarilla Apache Tribe, of the most feasible method of developing a safe and adequate municipal, rural and industrial water supply for the residents of the Jicarilla Apache Indian Reservation in New Mexico.

Of the amount provided for the Wetlands Development Program, $1,500,000 is provided for design and construction of the restoration for closure of the Upper Truckee River in the vicinity of the airport at South Lake Tahoe, California, including channel realignment, and meadow and floodplain restoration.

The conference agreement deletes language proposed by the House which provides that none of the funds appropriated in the Act may be used by the Bureau of Reclamation for closure of the Auburn Dam, California, diversion tunnel or restoration of the American River channel through the Auburn Dam construction site.

The conferees have included language in the bill proposed by the Senate which provides that $16,000,000 shall be available for the Rocky Boys Indian Water Rights Settlement project in Montana; provides that not more than $500,000 shall be available for projects carried out by the Youth Conservation Corps; increases the amount authorized for Indian municipal, rural, and industrial water features of the Garrison Diversion project in North Dakota by $2,000,000; and amends the Reclamation Safety of Dams Act of 1978.

The conference agreement deletes bill language proposed by the Senate providing $2,300,000 for the Albuquerque Metropolitan Area Water Reclamation and Reuse project. Funding for this project is included in the total amount appropriated for Water and Related Resources.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

The conference agreement appropriates $9,369,000 for the Bureau of Reclamation Loan Program account as proposed by the House and the Senate.

CENTRAL VALLEY PROJECT RESTORATION FUND

The conference agreement appropriates $38,382,000 for the Central Valley Project Restoration Fund as proposed by the House and the Senate.

POLICY AND ADMINISTRATION

The conference agreement appropriates $50,224,000 for Policy and Administration as proposed by the Senate instead of $47,000,000 as proposed by the House.

GENERAL PROVISIONS

Department of the Interior

Section 201. The conference agreement includes language proposed by the House which provides that none of the funds appropriated by this or any other Act may be used to purchase or lease water in the Middle Rio Grande or Carlsbad projects in New Mexico unless the purchase or lease is in compliance with the requirements of section 202 of Public Law 106–60.

Section 202. The conference agreement includes language proposed by the Senate which provides that funds for Drought Emergency Assistance are to be used primarily for leasing of water for specified drought related purposes from willing lessors in compliance with State laws. The language also provides that leases may be entered into with an option to purchase provided the purchase is approved in the State in which the purchase takes place and does not cause economic harm in the State in which the purchase is made.

Section 203. The conference agreement includes language proposed by the House which provides authority to the Secretary of the Interior to make an annual assessment upon Central Valley Project water and power contractors for the purpose of making an annual payment to the Trinity Public Utilities District. The language has been amended to clarify that the payments to the Trinity Public Utilities District will be made without the need for appropriations.

Section 204. The conference agreement includes language proposed by the Senate regarding the activities of the Glen Canyon Dam Adaptive Management Program. The language in the Senate bill has been amended to increase the funding limit for the program to not more than $7,850,000, adjusted for inflation, and to not preclude voluntary contributions to the Adaptive Management Program.

Section 205. The conference agreement includes language proposed by the Senate which authorizes and directs the Secretary of the Interior to use not to exceed $1,000,000 to refund amounts received by the United States as payments for charges assessed by the Secretary prior to January 1, 1994, for failure to file certain certification or reporting forms prior to the receipt of project water pursuant to sections 206 and 224(c) of the Reclamation Reform Act of 1982.

Section 206. The conference agreement includes language proposed by the Senate which amends the Canyon Ferry Reservoir, Montana, Act.

Section 207. The conference agreement includes language proposed by the Senate which provides that beginning in fiscal year 2000 and thereafter, any amounts provided for the Newlands Water Rights Fund for purchasing and retiring water rights in the Newlands Reclamation Project shall be nonreimbursable.

Section 208. The conference agreement includes language proposed by the Senate which permits the use of Colorado-Big Thompson Project facilities for nonproject water.

Section 209. The conference agreement includes language proposed by the Senate which amends the Irrigation Project Contract Extension Act of 1998.

Section 210. The conference agreement includes a provision proposed by the Senate which extends through fiscal year 2001 the prohibition on the use of funds to further reallocate Central Arizona Project water until the enactment of legislation authorizing and directing the Secretary of the Interior to make allocations and enter into contracts for the delivery of Central Arizona Project water.

Section 211. The conference agreement includes language which amends the San Luis Rey Indian Water Rights Settlement Act, Public Law 100–675.

Section 212. The conference agreement includes language providing for the conveyance of the Sly Park Unit in California to the El Dorado Irrigation District.

Provision not included in the conference agreement.—The conference agreement does not include a provision proposed by the Senate related to recreation development within the State of Montana.

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
WATER AND RELATED				
ARIZONA				
AK CHIN INDIAN WATER RIGHTS SETTLEMENT ACT PROJECT....	---	6,762	---	6,762
CENTRAL ARIZONA PROJECT..................................	33,667	---	39,467	---
COLORADO RIVER BASIN SALINITY CONTROL, TITLE I........	1,068	10,315	1,068	10,315
COLORADO RIVER FRONT WORK AND LEVEE SYSTEM............	3,722	380	3,722	380
HOPI/WESTERN NAVAJO WATER DEVELOPMENT PLAN............	---	---	1,000	---
NORTHERN ARIZONA INVESTIGATIONS PROGRAM...............	300	---	300	---
SOUTH CENTRAL ARIZONA INVESTIGATIONS PROGRAM..........	690	---	890	---
SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT..........	5,189	---	5,189	---
TRES RIOS WETLANDS DEMONSTRATION......................	550	---	550	---
TUCSON AREA WATER RECLAMATION AND REUSE STUDY.........	300	---	300	---
YUMA AREA PROJECTS....................................	1,738	17,450	1,738	17,450
CALIFORNIA				
CACHUMA PROJECT.......................................	666	401	666	401
CALIFORNIA INVESTIGATIONS PROGRAM.....................	1,293	---	1,293	---
CALLEGUAS MUNICIPAL WATER DISTRICT RECYCLING PROJ.....	500	---	824	---
CENTRAL VALLEY PROJECT:				
AMERICAN RIVER DIVISION, AUBURN-FOLSOM SOUTH UNIT.	4,740	10,708	10,240	10,708
DELTA DIVISION..	14,636	4,706	14,636	4,706
EAST SIDE DIVISION....................................	585	3,595	585	3,595
FRIANT DIVISION.......................................	4,170	2,531	4,170	2,531
MISCELLANEOUS PROJECT PROGRAMS........................	11,824	1,009	11,824	1,009
REPLACEMENTS, ADDITIONS, EXTRAORDINARY MAINT......	---	8,013	---	8,013
SACRAMENTO RIVER DIVISION.............................	6,171	1,612	8,691	1,612
SAN FELIPE DIVISION...................................	897	---	897	---
SAN JOAQUIN DIVISION..................................	2,608	---	2,608	---
SHASTA DIVISION.......................................	3,474	7,356	3,474	7,356
TRINITY RIVER DIVISION................................	7,116	4,791	7,116	4,791
WATER AND POWER OPERATIONS............................	897	6,490	897	6,490
WEST SAN JOAQUIN DIVISION, SAN LUIS UNIT..........	6,385	5,447	7,385	5,447
YIELD FEASIBILITY INVESTIGATION.......................	1,800	---	1,800	---
LONG BEACH AREA WATER RECLAMATION PROJECT.............	2,000	---	2,000	---
LOS ANGELES AREA WATER RECLAMATION/REUSE PROJ.........	740	---	740	---
MISSION BASIN BRACKISH GROUNDWATER DESALTING DEMO.....	---	---	503	---
NORTH SAN DIEGO COUNTY AREA WATER RECYCLING PROJ......	2,000	---	5,000	---
ORANGE COUNTY REGIONAL WATER. RECLAMATION PROJ........	2,000	---	2,000	---
ORLAND PROJECT..	---	617	---	617
SALTON SEA RESEARCH PROJECT...........................	1,000	---	5,000	---
SAN DIEGO AREA WATER RECLAMATION PROGRAM..............	7,500	---	7,500	---
SAN GABRIEL BASIN PROJECT.............................	2,000	---	2,000	---
SAN JOSE AREA WATER RECLAMATION AND REUSE PROG........	3,500	---	3,500	---
SOLANO PROJECT..	1,084	1,088	1,084	1,088
SOUTHERN CALIFORNIA INVESTIGATIONS PROGRAM............	624	---	1,124	---
VENTURA RIVER PROJECT, CASITAS DAM....................	---	5,500	---	5,500

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
COLORADO				
ANIMAS-LAPLATA PROJECT, SECTIONS 5 & 8	2,000	---	2,000	---
COLLBRAN PROJECT	132	967	132	967
COLORADO-BIG THOMPSON PROJECT	355	7,381	355	7,381
COLORADO INVESTIGATIONS PROGRAM	188	---	188	---
FRUITGROWERS DAM PROJECT	102	16	102	16
FRYINGPAN-ARKANSAS PROJECT	285	4,653	285	4,653
GRAND VALLEY UNIT, CRBSCP	412	507	412	507
LEADVILLE/ARKANSAS RIVER RECOVERY PROJECT	469	1,291	469	1,291
LOWER COLORADO RIVER BASIN INVESTIGATIONS PROGRAM	69	---	69	---
LOWER GUNNISON BASIN UNIT, CRBSCP, TITLE II	---	332	---	332
MANCOS PROJECT	42	22	42	22
PARADOX VALLEY UNIT, CRBSCP, TITLE II	---	2,058	---	2,058
PINE RIVER PROJECT	90	58	90	58
SAN LUIS VALLEY PROJECT, CLOSED BASIN/CONEJOS DIV	410	2,812	410	2,812
UNCOMPAHGRE PROJECT	287	23	287	23
IDAHO				
BOISE AREA PROJECTS	1,746	5,683	1,746	5,683
COLUMBIA AND SNAKE RIVER SALMON RECOVERY PROJECT	4,622	---	5,622	---
DRAIN WATER MANAGEMENT STUDY, BOISE PROJECT	250	---	500	---
IDAHO INVESTIGATIONS PROGRAM	248	---	248	---
MINIDOKA AREA PROJECTS	3,466	1,841	3,766	1,841
MINIDOKA NORTHSIDE DRAINWATER MANAGEMENT PROJECT	288	---	288	---
KANSAS				
KANSAS INVESTIGATIONS PROGRAM	400	---	400	---
WICHITA PROJECT	---	226	---	226
MONTANA				
CANYON FERRY RESRVOIR	---	---	325	---
FORT PECK RURAL COUNTY WATER SYSTEM	---	---	1,500	---
FORT PECK, DRY PRAIRIE RURAL WATER SYSTREM	---	---	435	---
HUNGRY HORSE PROJECT	---	283	---	283
MILK RIVER PROJECT	325	512	325	512
MONTANA INVESTIGATIONS PROGRAM	251	---	251	---
ROCKY BOYS INDIAN WATER RIGHTS SETTLEMENT	16,000	---	16,000	---
NEBRASKA				
MIRAGE FLATS PROJECT	35	53	35	53
NORTH LOOP DIVISION, MIRDAN CANAL	---	---	1,750	---
NEBRASKA INVESTIGATIONS PROGRAM	17	---	17	---

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
NEVADA				
LAKE MEAD/LAS VEGAS WASH PROGRAM	800	---	1,500	---
LAHONTAN BASIN PROJECT	6,864	1,577	6,864	1,577
NEWLANDS PROJECT WATER RIGHTS FUND	---	---	2,700	---
SOUTHERN NEVADA WATER RECYCLING	---	---	500	---
WALKER RIVER BASIN PROJECT	---	---	300	---
NEW MEXICO				
ALBUQUERQUE METRO AREA WATER & RECLAMATION REUSE	---	---	2,300	---
CARLSBAD PROJECT	2,345	607	2,345	857
EASTERN NEW MEXICO WATER SUPPLY	---	---	250	---
MIDDLE RIO GRANDE PROJECT	2,604	8,480	7,362	8,480
NAVAJO-GALLUP WATER SUPPLY PROJECT	---	---	450	---
PECOS RIVER BASIN WATER SALVAGE PROJECT	---	176	---	176
RIO GRANDE PROJECT	947	2,287	947	2,287
SAN JUAN RIVER BASIN INVESTIGATIONS PROGRAM	183	---	183	---
SO. NEW MEXICO/WEST TEXAS INVESTIGATIONS PROGRAMS	238	---	238	---
TUCUMARI PROJECT	18	5	18	5
UPPER RIO GRANDE BASIN INVESTIGATIONS PROGRAM	164	---	164	---
VELARDE COMMUNITY DITCH PROJECT	3,880	---	3,880	---
NORTH DAKOTA				
DAKOTA INVESTIGATIONS PROGRAM	387	---	387	---
DAKOTA TRIBES INVESTIGATIONS PROGRAM	187	---	187	---
GARRISON DIVERSION UNIT, P-SMBP	17,416	3,875	21,416	3,875
OKLAHOMA				
ARBUCKLE PROJECT	---	168	---	168
MCGEE CREEK PROJECT	---	535	---	535
MOUNTAIN PARK PROJECT	---	232	---	232
NORMAN PROJECT	---	163	---	163
OKLAHOMA INVESTIGATIONS PROGRAM	234	---	234	---
W.C. AUSTIN PROJECT	---	262	---	262
WASHTIA BASIN PROJECT	---	638	---	638
OREGON				
CROOKED RIVER PROJECT	384	307	384	307
DESCHUTES ECOSYSTEM RESTORATION PROJECT	500	---	1,000	---
DESCHUTES PROJECT	294	137	294	137
EASTERN OREGON PROJECTS	205	249	205	249
GRANDE RONDE WATER OPTIMIZATION STUDY	50	---	50	---
KLAMATH PROJECT	10,837	348	10,837	348
OREGON INVESTIGATIONS PROGRAM	601	---	601	---
ROGUE RIVER BASIN PROJECT, TALENT DIVISION	260	623	260	623
TUALATIN PROJECT	197	123	197	123

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
TUALATIN VALLEY WATER SUPPLY FEASIBILITY STUDY	100	---	100	---
UMATILLA BASIN PROJECT, PHASE III STUDY	100	---	100	---
UMATILLA PROJECT	571	1,723	571	1,723
SOUTH DAKOTA				
LEWIS AND CLARK RURAL WATER SYSTEM	---	---	---	1,000
MID-DAKOTA RURAL WATER PROJECT	6,000	40	8,000	40
MNI WICONI PROJECT	23,570	6,165	27,570	6,165
RAPID VALLEY PROJECT	---	30	---	30
TEXAS				
BALMORHEA PROJECT	31	---	31	---
CANADIAN RIVER PROJECT	---	131	---	131
HASKELL STREET RECLAIMED WATER PROJECT	---	---	500	---
NUECES RIVER PROJECT	---	393	---	393
PALMETTO BEND PROJECT	---	546	---	546
SAN ANGELO PROJECT	---	262	---	262
TEXAS INVESTIGATIONS PROGRAM	346	---	596	---
UTAH				
HYRUM PROJECT	62	11	62	11
MOON LAKE PROJECT	15	5	15	5
NAVAJO SANDSTONE AQUIFER RECHARGE STUDY	250	---	250	---
NEWTON PROJECT	39	14	39	14
NORTHERN UTAH INVESTIGATIONS PROGRAM	230	---	230	---
OGDEN RIVER PROJECT	76	29	76	29
PROVO RIVER PROJECT	401	340	401	340
SCOFIELD PROJECT	91	24	91	24
SOUTHERN UTAH INVESTIGATIONS PROGRAM	235	---	235	---
STRAWBERRY VALLEY PROJECT	88	7	88	7
WEBER BASIN PROJECT	1,267	141	1,267	141
WEBER RIVER PROJECT	296	32	296	32
WASHINGTON				
COLUMBIA BASIN PROJECT	3,600	7,524	3,600	7,524
WASHINGTON INVESTIGATIONS PROGRAM	264	---	264	---
YAKIMA PROJECT	523	7,483	523	7,483
YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT	11,056	---	11,056	---
WYOMING				
KENDRICK PROJECT	4	5,597	4	5,597
NORTH PLATTE PROJECT	19	1,295	19	1,295
SHOSHONE PROJECT	42	905	42	905
WYOMING INVESTIGATIONS PROGRAM	70	---	70	---

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
VARIOUS				
COLORADO RIVER BASIN SALINITY CONTROL, TITLE II	11,085	---	11,085	---
COLORADO RIVER STORAGE PROJECT, SECTION 5	3,813	1,455	3,813	1,455
COLORADO RIVER STORAGE PROJECT, SECTION 8, RFW	7,135	---	7,135	---
COLORADO RIVER WATER QUALITY IMPROVEMENT	150	---	150	---
DAM SAFETY PROGRAM:				
DEPARTMENT DAM SAFETY PROGRAM	---	1,700	---	1,700
INITIATE SOD CORRECTIVE ACTION	---	51,600	---	51,600
SAFETY EVALUATION OF EXISTING DAMS	---	17,500	---	17,500
SAFETY OF DAMS CORRECTIVE ACTION STUDIES	---	1,000	---	1,000
DEPARTMENTAL IRRIGATION DRAINAGE PROGRAM	3,000	---	2,000	---
DROUGHT EMERGENCY ASSISTANCE PROGRAM	500	---	5,000	---
EFFICIENCY INCENTIVES PROGRAM	3,169	---	3,000	---
EMERGENCY PLANNING AND DISASTER RESPONSE PROG	---	309	---	309
ENDANGERED SPECIES RECOVERY IMPLEMENT. PROG	12,179	---	12,179	---
ENVIRONMENTAL AND INTERAGENCY COORDINATION	1,824	---	1,000	---
ENVIRONMENTAL PROGRAM ADMINISTRATION	2,155	---	1,500	---
EXAMINATION OF EXISTING STRUCTURES	30	4,740	30	4,240
FEDERAL BUILDING SEISMIC SAFETY PROGRAM	---	1,400	---	1,000
GENERAL PLANNING ACTIVITIES	1,842	---	1,700	---
LAND RESOURCES MANAGEMENT PROGRAM	6,484	---	5,884	---
LOWER COLORADO RIVER OPERATIONS PROGRAM	13,729	---	11,729	---
MISCELLANEOUS FLOOD CONTROL OPERATIONS	---	506	---	506
NATIONAL FISH AND WILDLIFE FOUNDATION	1,300	---	1,300	---
NATIVE AMERICAN AFFAIRS PROGRAM	8,500	---	8,500	---
NEGOTIATION AND ADMINISTRATION OF WATER MARKETING	1,254	---	1,000	---
OPERATION AND MAINTENANCE PROGRAM MANAGEMENT	169	865	169	865
PICK-SLOAN MISSOURI BASIN PROGRAM - OTHER PROJ	3,232	25,667	3,232	25,667
POWER PROGRAM SERVICES	1,023	473	1,023	473
PUBLIC ACCESS AND SAFETY PROGRAM	464	---	464	---
RECLAMATION LAW ADMINISTRATION	4,914	---	4,696	---
RECLAMATION RECREATION MANAGEMENT ACT - TITLE XXVIII	3,743	---	3,743	---
RECREATION, FISH AND WILDLIFE PROGRAM ADMIN	2,766	---	2,000	---
SCIENCE AND TECHNOLOGY:				
ADVANCED WATER TREATMENT RESEARCH PROGRAM	1,225	---	1,225	---
APPLIED SCIENCE AND TECHNOLOGY DEVELOPMENT	3,249	---	3,249	---
DESALINATION RESEARCH DEVELOPMENT PROGRAM	300	---	1,300	---
HYDROELECTRIC INFRASTRUCTURE PROT/EHNANCE	660	---	660	---
TECHNOLOGY ADVANCEMENT PROGRAM	283	---	283	---
WATERSHED/RIVER SYSTEMS MANAGEMENT PROGRAM	933	---	933	---
SITE SECURITY	---	1,043	---	1,043
SOIL AND MOISTURE CONSERVATION	263	---	263	---
TECHNICAL ASSISTANCE TO STATES	1,840	---	1,000	---
TITLE XVI WATER RECLAMATION AND REUSE PROGRAM	1,460	---	2,960	---
UNITED STATES/MEXICO BORDER ISSUES- TECH SUPPORT	50	---	50	---
WATER MANAGEMENT AND CONSERVATION PROGRAM	7,605	---	7,100	---
WETLANDS DEVELOPMENT	3,750	---	3,250	---

BUREAU OF RECLAMATION

PROJECT TITLE	BUDGET REQUEST RESOURCES MANAGEMENT	BUDGET REQUEST FACILITIES OM&R	CONFERENCE RESOURCES MANAGEMENT	CONFERENCE FACILITIES OM&R
UNDISTRIBUTED REDUCTION BASED ON ANTICIPATED DELAYS...	-31,120	---	-47,720	---
TOTAL, WATER AND RELATED RESOURCES.............	353,822	289,236	388,864	289,586
LOAN PROGRAM				
CALIFORNIA				
CASTROVILLE IRRIGATION WATER SUPPLY PROJECT...........	1,300	---	1,300	---
SALINAS VALLEY WATER RECLAMATION......................	800	---	800	---
SAN SEVAINE CREEK WATER PROJECT.......................	6,844	---	6,844	---
VARIOUS				
LOAN ADMINISTRATION...................................	425	---	425	---
TOTAL, LOAN PROGRAM............................	9,369	---	9,369	---

TITLE III

DEPARTMENT OF ENERGY

The summary tables at the end of this title set forth the conference agreement with respect to the individual appropriations, programs, and activities of the Department of Energy. Additional items of conference agreement are discussed below.

PROJECT MANAGEMENT

The conferees strongly support the progress being made by the Office of Engineering and Construction Management in bringing standardization, discipline, oversight, and increased professionalism to the Department's project management efforts. The project engineering and design (PED) process developed by the Department represents significant progress toward correcting serious management deficiencies that have historically plagued the Department's construction projects. The conferees believe that implementation of the PED process for all construction and environmental projects throughout the Department will provide the assurance necessary to eliminate the current requirement for an external independent review of all projects prior to releasing funds for construction. The conferees expect the continuation of the external independent review process as discussed in both the House and Senate reports.

PASSENGER MOTOR VEHICLES

The conferees have provided statutory limitations on the number of passenger motor vehicles that can be purchased by the Department of Energy in fiscal year 2001. These limitations are included each year, but the Department has been interpreting this limitation to mean that sport utility vehicles are not considered passenger motor vehicles and do not count against the appropriation ceiling. The conferees consider this to be disingenuous at best and a violation of the appropriations language at worst.

The conferees expect the Department to adhere strictly to the limits set for the purchase of motor vehicles. It is the intention of the conferees in prescribing these limitations that sport utility vehicles are to be considered passenger motor vehicles and, therefore, subject to the limitation. Further, the Department is to provide a full and complete accounting of the current motor vehicle inventory at each location. The Department should work with the Committees on Appropriations to ensure that the report provides the necessary information.

CONTRACTOR TRAVEL

The conference agreement includes a statutory provision limiting reimbursement of Department of Energy management and operating contractors for travel expenses to not more than $185,000,000. This limitation consists of $175,000,000 for contractor travel and a reserve fund of $10,000,000 to be administered by the Department's Chief Financial Officer and released for emergency travel requirements.

The Department had requested $200,000,000 for contractor travel. The reduction in fiscal year 2001 is not to be prorated, but should be applied to those organizations that appear to have the most questionable travel practices. This is not meant to restrict trips between laboratories to coordinate on program issues.

INDEPENDENT CENTERS

The Department is to identify all independent centers at each DOE laboratory and facility in the fiscal year 2002 budget submission. These centers are to be funded directly in program accounts, rather than overhead, with the exception of those centers which clearly benefit more than one program at a laboratory or facility. The Department is directed to provide a list of any centers that are funded through overhead accounts with the fiscal year 2002 budget submission.

REPROGRAMMINGS

The conference agreement does not provide the Department of Energy with any internal reprogramming flexibility in fiscal year 2001 unless specifically identified by the House, Senate, or conference agreement. Any reallocation of new or prior year budget authority or prior year deobligations must be submitted to the House and Senate Committees on Appropriations in advance, in writing, and may not be implemented prior to approval by the Committees.

LABORATORY DIRECTED RESEARCH AND DEVELOPMENT

The conference agreement includes an allowance of six percent for the laboratory directed research and development (LDRD) program and two percent for nuclear weapons production plants. Travel costs for LDRD are exempt from the contractor travel ceiling. The conferees direct the Department's Chief Financial Officer to develop and execute a financial accounting report of LDRD expenditures by laboratory and weapons production plant. This report, due to the House and Senate Committees on Appropriations by December 31, 2000, and each year thereafter, should provide costs by personnel salaries, equipment, and travel. The Department should work with the Committees on the specific information to be included in the report.

SAFEGUARDS AND SECURITY BUDGET AMENDMENT

The conferees have chosen to reflect the amounts requested for safeguards and security funding in the manner proposed in the budget amendment submitted to Congress by the Department. Adjustments have been made in each account to reflect the consolidation of safeguards and security costs into a few major accounts and the transfer of these costs from overhead accounts to specific program line items. However, the conferees do not concur with the amendment to the extent its purpose is to reorganize all safeguards and security functions at the Department under the control and direction of the Office of Security and Emergency Operations, or any other entity not part of line management. The conferees agree that the direct responsibility for safeguards and security must be united and integrated with the responsibility of line operations.

ADDITIONAL DEPARTMENT OF ENERGY REQUIREMENTS

The conferees agree with the House report language on augmenting Federal staff, overhead costs reviews and reprogramming guidelines.

GENERAL REDUCTIONS NECESSARY TO ACCOMMODATE SPECIFIC PROGRAM DIRECTIONS

The Department is directed to provide a report to the House and Senate Committees on Appropriations by January 15, 2001, on the actual application of any general reductions of funding or use of prior year balances contained in the conference agreement. In general, such reductions should not be applied disproportionately against any program, project, or activity. However, the conferees are aware there may be instances where proportional reductions would adversely impact critical programs and other allocations may be necessary. The report should also include the distribution of the safeguards and security funding adjustments.

ENERGY SUPPLY

The conference agreement provides $640,574,000 for Energy Supply instead of $616,482,000 as proposed by the House and $691,520,000 as proposed by the Senate. The conference agreement includes the House proposal to make funds available until expended rather than the Senate proposal to limit availability to two years. The conference agreement does not include the Senate bill language transferring funds from the United States Enrichment Corporation or earmarking funds for a variety of projects to demonstrate alternative energy technologies.

RENEWABLE ENERGY RESOURCES

The conference agreement provides $422,085,000 instead of $390,519,000 as proposed by the House and $444,117,000 as proposed by the Senate for renewable energy resources.

Biomass/biofuels.—The conference agreement includes $112,900,000 for biomass/biofuels. The conferees have provided $26,740,000 for research to be managed by the Office of Science, the same as the budget request. The conference agreement includes $40,000,000 for power systems and $46,160,000 for the transportation program. The conference agreement does not include prescriptive language specifying funding allocations as contained in the House and Senate reports.

The conferees encourage the Department to continue the integrated approach to bioenergy activities and recommend the use of up to $18,000,000 within available funds for the bioenergy initiative. Funding for this initiative may be derived from both the power and transportation programs.

In the power program, the conference agreement provides $2,000,000 for the Iowa switch grass project which is a multi-year project; $4,000,000 for the McNeill biomass plant in Burlington, Vermont; $395,000 for the final Federal contribution to the Vermont agriculture methane project; $500,000 for the bioreactor landfill project to be administered by the Environmental Education and Research Foundation and Michigan State University; $1,000,000 for methane energy and agriculture development (MEAD) in Tillamook Bay, Oregon; and $1,000,000 for the Mount Wachusett College biomass conversion project in Massachusetts.

The Department is to accelerate the large-scale biomass demonstration at the Winona, Mississippi, site.

The conference agreement provides $4,000,000 in power systems to support a project to demonstrate a commercial facility employing the thermo-depolymerization technology at a site adjacent to the Nevada Test Site. The project shall proceed on a cost-shared basis where Federal funding shall be matched in at least an equal amount with non-Federal funding.

In the transportation program, the conference agreement provides $1,000,000 for continuation of biomass research at the Energy and Environmental Research Center on the integration of biomass with fossil fuels for advanced power systems transportation fuels; $600,000 for the University of Louisville to work on the design of bioreactors for production of fuels and chemicals for ethanol production; and $2,000,000 for the design and construction of a demonstration facility for regional biomass ethanol manufacturing in southeast Alaska.

The conference agreement also includes $2,000,000 for the Michigan Biotechnology Institute to be derived equally from power and transportation systems.

Funding allocated by the Department for the regional biomass program and feedstock production should be derived equally from the power and transportation programs.

Geothermal.—The conference agreement includes $27,000,000 for geothermal activities. The conference agreement does not include language specifying funding allocations as contained in the Senate report. The conferees have provided $2,000,000 to complete the Lake County Basin 2000 Geothermal project in Lake County, California.

Hydrogen.—The conference agreement includes $29,970,000 for hydrogen activities, including $350,000 for the Montana Trade Port Authority in Billings, Montana; $250,000 for the gasification of Iowa switch grass; and $800,000 for the ITM Syngas project.

The conferees have also provided $2,000,000 for the multi-year demonstration of an underground mining locomotive and an earth loader powered by hydrogen at existing facilities within the State of Nevada. The demonstration is subject to a private sector industry cost-share of not less than an equal amount, and a portion of these funds may also be used to acquire a prototype hydrogen fueling appliance to provide on-site hydrogen in the demonstration.

Hydropower.—The conference agreement includes $5,000,000 for hydropower. The conferees are aware that the Department is funding research that is supposed to be applicable to the needs of the large dams in the northwest United States. The Department is concerned that the Federal power marketing administrations are not involved in developing this research program. The Department is directed to provide a report coordinated with the power marketing administrations that indicates how this hydropower research is applicable to the current and future needs of the power marketing administrations and the schedule by which this research will provide useable products.

Solar Energy.—The conference agreement includes $110,632,000 for solar energy programs. The conference agreement does not include language specifying funding allocations as contained in the House and Senate reports.

The conference agreement provides $13,800,000 for concentrating solar power, including $1,000,000 to initiate planning of a one MW dish engine field validation power project at the University of Nevada-Las Vegas.

The conference agreement includes $78,622,000 for photovoltaic energy systems, including up to $3,000,000 for the million solar roofs initiative. The conferees have provided $1,500,000 for the Southeast and Southwest photovoltaic experiment stations.

The conference agreement includes $3,950,000 for solar building technology research.

Wind.—The conference agreement includes $40,283,000 for wind programs. The conference agreement does not include prescriptive language specifying allocations as included in the Senate report. The conferees have provided $1,000,000 for the Kotzebue wind project. Of the funding for wind energy systems, not less than $5,000,000 shall be made available for new and ongoing small wind programs, including not less than $2,000,000 for the small wind turbine development project. From within available funds, $100,000 has been provided for a wind turbine and for educational purposes at the Turtle Mountain Community College in North Dakota.

Electric energy systems and storage.—The conference agreement includes $52,000,000 for electric energy systems and storage. The conferees urge the Department to support the university, industry-based partnership at the University of California-Irvine Advanced Power and Energy Program to conduct energy and information related technology demonstrations to accelerate the development and deployment of cost-efficient technologies benefiting all energy consumers affected by a deregulated energy industry.

The conference agreement includes $6,000,000 to accelerate the development and application of high temperature superconductor technologies through joint efforts among DOE laboratories, universities, and industry to be lead by Los Alamos and Oak Ridge National Laboratories.

The conference agreement includes $500,000 for completion of the distributed power demonstration project begun last year at the Nevada Test Site.

Renewable Support and Implementation.—The conference agreement includes $21,600,000 for renewable support and implementation programs.

The Federal Energy Management Program should report to the Committees on Appropriations by December 31, 2001, on the accomplishments of the Departmental energy management program with the fiscal year 2001 appropriations including the number of energy efficiency projects funded, the number of energy savings performance contracts supported, and the total estimated savings.

From within available funds, the conference agreement provides $1,000,000 for the Office of Arctic Energy as proposed by the Senate.

The conference agreement includes $5,000,000 for the international renewable energy program. Of this amount, $1,000,000 is to be provided to International Utility Efficiency Partnerships, Inc. (IUEP). The IUEP shall competitively award all projects, continuing its leadership role in reducing carbon dioxide emissions using voluntary market-based mechanisms.

The conference agreement includes $4,000,000 for the renewable energy production incentive program.

The conference agreement includes $6,600,000 for renewable Indian energy resources projects as proposed by the Senate.

The conference agreement includes $4,000,000 for renewable program support, of which $1,000,000 is for an Indoor Air Quality and Energy Conservation Research Planning grant to study and develop technologies to improve air quality within homes and buildings.

Program direction.—The conference agreement includes $18,700,000 for program direction. The conferees have provided additional funding to support implementation of the management reforms identified in the recent National Academy of Public Administration review.

Nuclear Energy

The conference agreement provides $259,925,000 for nuclear energy activities instead of $231,815,000 as proposed by the House and $262,084,000 as proposed by the Senate.

Advanced radioisotope power systems.—The conference agreement includes $32,200,000, an increase over the budget request of $30,864,000. The additional funds are to maintain the infrastructure to support future national security needs and NASA missions.

Isotope support.—The conference agreement includes a total program level of $27,215,000 for the isotope program. This amount is reduced by offsetting collections of $8,000,000 to be received in fiscal year 2001, resulting in a net appropriation of $19,215,000. The conferees understand that the total estimated cost of Project 99–E–201, the isotope production facility at Los Alamos National Laboratory, has increased significantly due to factors outside the control of the Office of Nuclear Energy and have included $2,500,000 to partially cover these additional costs.

University reactor fuel assistance and support.—The conference agreement includes $12,000,000, the same as the budget request.

Research and development.—The conference agreement provides $47,500,000 for nuclear energy research and development activities.

The conference agreement includes $5,000,000, the same as the budget request, for nuclear energy plant optimization. The conferees direct the Department to ensure that projects are funded jointly with non-Federal partners and that total non-Federal contributions are equal to or in excess of total Department contributions to projects funded in this program.

The conferees have provided $35,000,000 for the nuclear energy research initiative.

The conference agreement includes $7,500,000 for nuclear energy technologies. The Senate had included these activities in the nuclear energy research initiative program. Funding of $4,500,000 is provided to develop a road map for the commercial deployment of a next generation power reactor; $1,000,000 for the preparation of a detailed assessment that analyzes and describes the changes needed to existing advanced light water reactor (ALWR) designs; $1,000,000 for planning and implementation of initiatives in support of an advanced gas reactor; and $1,000,000 to undertake a study to determine the feasibility of deployment of small modular reactors.

Infrastructure.—The conference agreement includes the budget request of $39,150,000 for ANL-West Operations, $9,000,000 for test reactor landlord activities, and $44,010,000 for the Fast Flux Test Facility.

Nuclear facilities management.—The conference agreement adopts the budget structure proposed by the House and provides $34,850,000 for nuclear facilities management activities, the same as the budget request.

The conference agreement provides the full amount of the budget request to complete draining and processing EBR-II primary sodium. The conferees direct the Department to notify the House and Senate Committees on Appropriations immediately if any issues arise that would delay the Department's scheduled date to complete these activities.

Uranium programs.—The conference agreement transfers the budget request of $53,400,000 for uranium programs to a new appropriation account, Uranium Facilities Maintenance and Remediation.

Program direction.—The conference agreement includes $22,000,000 for program direction. This reduction reflects the transfer of 25 employees in the field and up to 5 employees at Headquarters who managed the uranium programs to the Office of Environmental Management.

ENVIRONMENT, SAFETY AND HEALTH

The conference agreement includes $35,998,000 for non-defense environment, safety and health activities. The conferees direct that the reduction from the budget request be directed to eliminate lower-priority activities currently funded in this program. The conference agreement includes $1,000,000 to be transferred to the Occupational Safety and Health Administration as proposed by the House. The conferees expect the Department to budget for this activity in fiscal year 2002.

TECHNICAL INFORMATION MANAGEMENT PROGRAM

The conference agreement includes $8,600,000 as proposed by the Senate.

FUNDING ADJUSTMENTS

The conference agreement also includes $47,100,000, the same amount as the budget request, for research performed by the Office of Science related to renewable energy technologies, and $2,352,000 proposed as an offset from nuclear energy royalties to be received in fiscal year 2001. A reduction of $16,582,000 reflects the transfer of safeguards and security costs in accordance with the Department's amended budget request.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

The conference agreement provides $277,812,000 for Non-Defense Environmental Management instead of $281,001,000 as proposed by the House and $309,141,000 as proposed by the Senate. Funding of $5,000,000 is provided to expedite environmental cleanup at the Brookhaven National Laboratory. No funding has been provided for the Atlas site in Moab, Utah, which has not been authorized. The recommendation transfers $1,900,000 from the post-2006 program to the site/project completion program to maintain the schedule for completing cleanup of three Oakland geographic sites.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

The conference agreement provides $393,367,000 for uranium activities instead of $301,400,000 as proposed by the House and $297,778,000 as proposed by the Senate, and adopts the budget structure proposed by the House.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

The conference agreement includes $345,038,000 for the uranium enrichment decontamination and decommissioning fund. This includes $273,038,000 for cleanup activities and $72,000,000 for uranium and thorium reimbursements. The conferees recognize there are eligible uranium and thorium licensee claims under Title X of the Energy Policy Act that have been approved for reimbursement, but not yet paid in full. Additional funding of $42,000,000 over the budget request of $30,000,000 has been provided for these payments.

URANIUM PROGRAMS

The conference agreement provides $62,400,000 for uranium activities, an increase of $9,000,000 over the budget request of $53,400,000. Additional funding of $9,000,000, as proposed by the Senate, has been provided for activities associated with the depleted uranium hexafluoride (DUF6) management and conversion project.

DOMESTIC URANIUM INDUSTRY

The conferees are very concerned about the front end of the U.S. nuclear fuel cycle. The conferees direct the Secretary to work with the President and other Federal agencies to ensure that current laws with respect to the privatization of USEC and with respect to the implementation of the Russian HEU agreement and their impact on United States domestic capabilities are carried out. In addition, the Secretary is instructed to take timely measures to ensure that conversion capability is not lost in the United States. The conferees expect that any such measures will not interfere with the implementation of the Russian HEU agreement and the important national security goals it is accomplishing.

The conferees direct the Secretary to undertake an evaluation and make specific recommendations on the various options to sustain a domestic uranium enrichment industry in the short and long-term to be delivered to Congress no later than December 31, 2000. The Secretary's evaluation shall include recommendations for dealing with the Portsmouth facility and its role in maintaining a secure and sufficient domestic supply of enriched uranium. Further, this investigation should consider the technological viability and commercial feasibility of all proposed enrichment technologies including various centrifuge options, AVLIS and SILEX technologies, or other emerging technology. The evaluation should also consider the role of the Federal government in developing and supporting the implementation and regulation of these new technologies in order to secure a reliable and competitive source of domestic nuclear fuel.

FUNDING ADJUSTMENT

A reduction of $14,071,000 reflects the transfer of safeguards and security costs in accordance with the Department's amended budget request.

SCIENCE

The conference agreement provides $3,186,352,000 instead of $2,830,915,000 as proposed by the House and $2,870,112,000 as proposed by the Senate. The conference agreement does not include the Senate language earmarking funds for various purposes and limiting funding for the small business innovation research program.

High energy physics.—The conference agreement provides $726,130,000 for high energy physics and reflects the adjustments recommended in the Science budget amendment submitted by the Department. Funding of $230,931,000 has been provided for facility operations at the Fermi National Accelerator Laboratory.

Nuclear physics.—The conference agreement provides $369,890,000 for nuclear physics, the same as the original budget request.

Biological and environmental research.—The conference agreement includes $500,260,000 for biological and environmental research. The conferees have included $20,135,000 for the low-dose effects program, an increase of $8,453,000 over the budget request. The conference agreement provides $9,000,000 for molecular nuclear medicine.

The conferees have provided the budget request of $2,500,000 for the Laboratory for Comparative and Functional Genomics at Oak Ridge National Laboratory.

The conference agreement includes $2,000,000 for the Discovery Science Center in Orange County, California; $1,500,000 for the Children's Hospital emergency power plant in San Diego; $1,000,000 for the Center for Science and Education at the University of San Diego; $500,000 for the bone marrow transplant program at Children's Hospital Medical Center Foundation in Oakland, California; $1,000,000 for the North Shore Long Island Jewish Health System in New York; $1,700,000 for the Museum of Science and Industry in Chicago; $2,000,000 for the Livingston Digital Millenium Center to be located at Tulane University; and $1,000,000 for the Center for Nuclear Magnetic Resonance at the University of Alabama-Birmingham.

The conference agreement includes $3,000,000 for the Nanotechnology Engineering Center at the University of Notre Dame in South Bend, Indiana; $2,000,000 for the School of Public Health at the University of South Carolina for modernization upgrades; $2,000,000 for the National Center for Musculoskeletal Research at the Hospital for Special Surgery in New York; and $1,300,000 for the Western States Visibility Assessment Program at New Mexico Tech to trace emissions resulting from energy consumption.

The conference agreement includes $1,000,000 for high temperature super conducting research and development at Boston College; $2,500,000 for the positron emission tomography facility at West Virginia University; $1,000,000 for the advanced medical imaging center at Hampton University; $500,000 for the Natural Energy Laboratory in Hawaii; $800,000 for the Child Health Institute of New Brunswick, New Jersey; and $900,000 for the linear accelerator for University Medical Center of Southern Nevada.

The conference agreement also includes $200,000 for the study of biological effects of low level radioactive activity at University of Nevada-Las Vegas; $1,000,000 for the Medical University of South Carolina Oncology Center; $11,000,000 for development of technologies using advanced functional brain imaging methodologies, including magneto-encephalography, for conduct of basic research in mental illness and neurological disorders, and for construction; $2,000,000 for a science and technology facility at New Mexico Highlands University; $2,000,000 for the University of Missouri-Columbia to expand the federal investment in the university's nuclear medicine and cancer research capital program; and $2,000,000 for the Inland Northwest Natural Resources Research Center at Gonzaga University.

Basic energy sciences.—The conference agreement includes $1,013,370,000 for basic energy sciences. The conferees have included $8,000,000 for the Experimental Program to Stimulate Competitive Research (EPSCoR).

Spallation Neutron Source.—The recommendation includes $278,600,000, including $259,500,000 for construction and $19,100,000 for related research and development, the same as the amended budget request, for the Spallation Neutron Source.

Advanced scientific computing research.—The conference agreement includes $170,000,000 for advanced scientific computing research.

Energy research analyses.—The conference agreement includes $1,000,000 for energy research analyses, the same amount provided by the House and the Senate.

Multiprogram energy labs—facility support.—The conference agreement includes $33,930,000 for multi-program energy labs-facility support.

Fusion energy sciences.—The conference agreement includes $255,000,000, as proposed by the House, for fusion energy sciences.

Safeguards and security.—Consistent with the Department's amended budget request for safeguards and security, the conference agreement includes $49,818,000 for safeguards and security activities at laboratories and facilities managed by the Office of Science. This is offset by a reduction of $38,244,000 that is to be allocated among the various programs which budgeted for safeguards and security costs in their overhead accounts.

Program Direction.—The conference agreement includes $139,245,000 for program direction. Funding of $4,500,000 has been provided for science education.

Funding adjustments.—A reduction of $38,244,000 reflects the allocation of safeguards and security costs in accordance with the Department's amended budget request. A general reduction of $34,047,000 has been applied to this account.

NUCLEAR WASTE DISPOSAL

The conference agreement provides $191,074,000 for Nuclear Waste Disposal instead of $213,000,000 as proposed by the House and $59,175,000 as proposed by the Senate. Combined with the appropriation of $200,000,000 to the Defense Nuclear Waste Disposal account, a total of $391,074,000 will be available for program activities in fiscal year 2001. The funding level reflects a reduction of $39,500,000 from the budget request and the transfer of $6,926,000 in safeguards and security costs in accordance with the Department's amended budget request.

In addition, the conferees recommend that $10,000,000 of funds previously appropriated for interim waste storage activities in Public Law 104–46 may be made available upon written certification by the Secretary of Energy to the House and Senate Committees on Appropriations that the site recommendation report cannot be completed on time without additional funding.

Site recommendation report.—The conferees reiterate the expectation by Congress that the Department submit its site recommendation report in July 2001 according to the current schedule. While the conference agreement does not provide the full funding requested by the Department, the conferees expect the Department to promptly submit a reprogramming request if it becomes apparent that limited funding will delay the site recommendation report beyond July 2001.

The conferees further expect that, if the site is approved, the Department will continue to analyze further design improvements and enhancements between that time and the submittal of a license application to the Nuclear Regulatory Commission.

State oversight funding.—The conference agreement includes $2,500,000 for the State of Nevada. This funding will be provided to the Department of Energy which will reimburse the State for actual expenditures on appropriate scientific oversight responsibilities conducted pursuant to the Nuclear Waste Policy Act of 1982. These funds are to be provided to the Nevada Division of Emergency Management for program management and execution and may not be used for payment of salaries and expenses for State employees.

Local oversight funding.—The conference agreement includes $6,000,000 for affected units of local government. The conferees expect the Department to provide the full amount of funding allocated to the State and local counties for oversight activities. Any proposed reduction to the amounts identified by Congress for State and local oversight will require prior approval of a reprogramming request by the Committees on Appropriations.

Limitation on the use of funds to promote or advertise public tours.—The conferees direct that none of the funds be used to promote or advertise any public tour of the Yucca Mountain facility, other than public notice that is required by statute or regulation.

DEPARTMENTAL ADMINISTRATION

The conference agreement provides $226,107,000 for Departmental Administration instead of $153,527,000 as proposed by the House and $210,128,000 as proposed by the Senate. Additional funding adjustments include a transfer of $25,000,000 from Other Defense Activities; the use of $8,000,000 of prior year balances; and a reduction of $18,000 for safeguards and security costs. Revenues of $151,000,000 are estimated to be received in fiscal year 2001, resulting in a net appropriation of $75,107,000.

The conference agreement provides $5,000,000 for the Office of the Secretary as proposed by the House. All funds for the newly established National Nuclear Security Administration have been provided in the defense portion of this bill.

The conference agreement provides $32,148,000 for the Chief Financial Officer, an increase of $1,400,000 over the budget request of $30,748,000. These additional funds are to support the DOE project management career development program.

Working capital fund.—The conference agreement does not include statutory language proposed by the House prohibiting funding Federal employee salaries and expenses in the working capital fund. However, any proposal by the Department to transfer salaries and expenses to the working capital fund will require prior approval by the House and Senate Committees on Appropriations.

Cost of work for others.—The conference agreement includes a one-time increase of $40,000,000 in the cost of work for others program to accommodate safeguards and security requirements. It is anticipated that this amount will be offset by an estimated $40,000,000 in revenues derived from non-Department of Energy customers for the purpose of funding safeguards and security activities throughout the Department. In fiscal year 2002 and beyond, the conferees expect the Department to submit a safeguards and security budget that includes amounts obtained previously from other agencies or customers.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $31,500,000 for the Inspector General as proposed by the House instead of $28,988,000 as proposed by the Senate. The conference agreement does not include statutory language proposed by the House requiring a study of the economic basis of recent gasoline price levels.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

The conferees support the Administrator's efforts to establish and fill critical positions within the National Nuclear Security Administration (NNSA). The conferees agree that the Administrator's authority should not be impacted by any action that would otherwise limit or preclude hiring which may occur as a result of a change of administrations, and that the Administrator should to the maximum extent possible under applicable statutes proceed with effecting appointments.

WEAPONS ACTIVITIES

The conference agreement provides $5,015,186,000 for Weapons Activities instead of $4,579,684,000 as proposed by the House and $4,883,289,000 as proposed by the Senate. Statutory language proposed by the House limiting the funds availability to two years has not been included by the conferees.

Reprogramming.—The conference agreement provides limited reprogramming authority of $5,000,000 or 5 percent, whichever is less, within the Weapons Activities account without submission of a reprogramming to be approved in advance by the House and Senate Committees on Appropriations. No individual program account may be increased or decreased by more than this amount during the fiscal year using this reprogramming authority. This should provide the needed flexibility to manage this account.

Congressional notification within 30 days of the use of this reprogramming authority is required. Transfers which would result in increases or decreases in excess of $5,000,000 or 5 percent to an individual program account during the fiscal year require prior notification and approval from the House and Senate Committees on Appropriations.

The Department is directed to submit a report to the Committees on Appropriations by January 15, 2001, that reflects the allocation of the safeguards and security reduction, the use of prior year balances and the application of general reductions, and any proposed accounting adjustments.

Directed stockpile work.—In stockpile research and development, additional funding of $19,000,000 has been provided for life extension development activities and to support additional sub-critical experiments. Additional funding of $10,000,000 has been provided to support activities required to maintain the delivery date for a certified pit. No additional funds are provided for cooperative research on hard and deeply buried targets.

Funding for stockpile maintenance has been increased by $22,000,000 as follows: $13,000,000 for life extension operations and development and engineering activities; $5,000,000 for the Kansas City Plant; and $4,000,000 for the Y–12 Plant.

Funding for stockpile evaluation has been increased by $23,000,000 as follows: $6,000,000 for the elimination of the testing backlog and joint test equipment procurements; $8,000,000 for the Pantex Plant; $6,000,000 for the Y–12 Plant; and $3,000,000 for the Savannah River Plant.

Campaigns.—The conference agreement provides $41,400,000 for pit certification, the same as the budget request. Additional funding of $10,000,000 has been provided for dynamic materials properties to support the maintenance of core scientific capabilities, Liner Demonstration Experiments, and other various multi-campaign supporting physics demonstrations for the Atlas pulsed power facility at the Los Alamos National Laboratory and the Nevada Test Site.

An additional $15,000,000 has been provided to support research, development and preconceptual design studies for an advanced hydrodynamic test facility using protons.

Additional funding of $17,000,000 has been provided for enhanced surveillance activities as follows: $3,000,000 for the Kansas City Plant; $7,000,000 for the Pantex Plant; $4,000,000 for the Y–12 Plant; $1,000,000 for the Savannah River Plant; and $2,000,000 to support accelerated deployment of test and diagnostic equipment.

Funding for pit manufacturing readiness is increased by $17,000,000. An increase of $2,000,000 is provided to initiate conceptual design work on a pit manufacturing facility. Additional funding of $15,000,000 is provided to support the pit production program which is now behind schedule and over cost. The conferees strongly support the Senate language regarding the Department's lack of attention to this critical program and the requirement for a progress report by December 1, 2000, and each quarter thereafter.

An additional $5,000,000 has been provided to the Y–12 Plant for secondary readiness.

Inertial Fusion.—The conference agreement includes $449,600,000 for the inertial fusion program in the budget structure proposed by the House.

Additional funding of $25,000,000 as proposed by the House has been provided to further development of high average power lasers. The conference agreement includes the budget request of $9,750,000 for the Naval Research Laboratory and the budget request of $32,150,000 for the University of Rochester. The conference agreement reflects the transfer of $40,000,000 from National Ignition Facility (NIF) operations funding to the NIF construction project.

The conference agreement provides $2,500,000 from within available funds to transfer the Petawatt Laser from Lawrence Livermore National Laboratory to the University of Nevada-Reno, as proposed by the Senate.

National Ignition Facility.—The conference agreement provides $199,100,000 for continued construction of the National Ignition Facility (NIF). The conferees have included a directed reduction of $25,000,000 in the Weapons

Activities account which is to be applied to programs under the direction of the Lawrence Livermore National Laboratory.

The conferees have included statutory language providing that only $130,000,000 shall be made available for NIF at the beginning of fiscal year 2001 and the remaining $69,100,000 shall be available only upon a certification after March 31, 2001, by the Administrator of the National Nuclear Security Administration that several requirements have been met. These requirements include:

A. A recommendation on an appropriate path forward for the project based on a detailed review of alternative construction options that would (1) focus on first achieving operation of a 48 or 96 beam laser; (2) allow for the full demonstration of a such a system in support of the stockpile stewardship program before proceeding with construction and operation of a larger laser complex; and (3) include a program and funding plan for the possible future upgrade to a full NIF configuration. The recommendation should include identification of available "off-ramps" and decision points where the project could be scaled to a smaller system.

B. Certification that project and scientific milestones as established in the revised construction project data sheet for the fourth quarter of fiscal year 2000 and the first two quarters of fiscal year 2001 have been met on schedule and on cost.

C. Certification that the first and second quarter project reviews in fiscal year 2001 determined the project to be on schedule and cost and have provided further validation to the proposed path forward.

D. Completion of a study that includes conclusions as to whether the full-scale NIF is required in order to maintain the safety and reliability of the current nuclear weapons stockpile, and whether alternatives to the NIF could achieve the objective of maintaining the safety and reliability of the current nuclear weapons stockpile.

E. Certification that the NIF project has implemented an integrated cost-schedule earned-value project control system by March 1, 2001.

F. A five-year budget plan for the stockpile stewardship program that fully describes how the NNSA intends to pay for NIF over the out years and what the potential for other impacts on the stockpile stewardship program will be.

The conferees remain concerned about the Department's proposed budget increase and schedule delay for the NIF at the Lawrence Livermore National Laboratory (LLNL). The conferees believe that previously the Department of Energy, and most recently the National Nuclear Security Administration (NNSA), may have failed to examine adequately options for NIF that have fewer than the full 192 beams. For example, a preferred course for NIF may be to complete 48 or 96 beams as soon as possible (although block procurement of infrastructure and glass may be considered), bring the reduced NIF into operation, perform the necessary scientific and technical tests to evaluate whether a full NIF will work and its impact on stockpile stewardship, and then develop a path forward for NIF that balances its scientific importance within the overall needs of the stockpile stewardship program. To move on this path in fiscal year 2001, the conferees recommend that $199,100,000 be appropriated for NIF as follows: $74,100,000 as originally proposed for Project 96–D–111, $40,000,000 from NIF operations funding within the budget request for LLNL, $25,000,000 to be identified within the budget request at LLNL, plus an additional $60,000,000 in new appropriations.

Furthermore, the conferees direct the Administration to prepare a budget request for fiscal year 2002 that fully reflects a balanced set of programs and investments within the stockpile stewardship program, and that the overall budget profile over the next eight years will accommodate a $3.4 billion NIF along with the other critical aspects of the program.

Defense computing and modeling.—The conference agreement provides $786,175,000 for defense computing modeling and the Accelerated Strategic Computing Initiative in the budget structure proposed by the House. The recommendation is $10,000,000 less than the budget request, and the reduction should be taken against lower priority activities.

Tritium.—A total of $167,000,000 is provided for continued research and development on a new source of tritium. Funding of $15,000,000 has been provided for design only activities in Project 98–D–126, Accelerator Production of Tritium.

Readiness in technical base and facilities.—The conference agreement includes several funding adjustments transferring funds from this program to individual campaigns.

For operations of facilities, $137,300,000 has been transferred to the inertial fusion program. An additional $36,000,000 has been provided to the production plants for replacement of critical infrastructure and equipment as follows: $12,000,000 for the Kansas City Plant; $12,000,000 for the Pantex Plant; $10,000,000 for the Y–12 Plant; and $2,000,000 for the Savannah River Plant.

Additional funding of $10,000,000 has been provided for the operation of pulsed power facilities; $20,000,000 for microsystems and microelectronics activities at the Sandia National Laboratory; $7,000,000 for a replacement CMR facility at Los Alamos National Laboratory; and $3,100,000 to fund the transition period for the new contractor at the Pantex Plant in Texas.

For program readiness, the conference agreement transfers $7,400,000 to the inertial fusion program and adds $6,100,000 for the TA–18 relocation.

For nuclear weapons incident response, a new program established in readiness technical base and facilities, the conference agreement provides $56,289,000. Funding of $44,205,000 for the nuclear emergency search team and $12,084,000 for the accident response group was transferred from the emergency management program in the Other Defense Activities account.

Special projects are supported at the budget request of $48,297,000. Additional funds have not been provided for AMTEX. From within available funds, $1,000,000 has been provided to support a program in partnership with university systems to meet the needs of the NNSA.

For materials recycling, the conference agreement provides an additional $8,000,000 to maintain restart schedules for hydrogen fluoride and wet chemistry operations at the Y–12 Plant.

For containers, the conference agreement provides an additional $4,000,000 to support the effort to repackage pits which is currently behind schedule at the Pantex Plant due to operational problems.

Funding for advanced simulation and computing has been transferred to the defense computing and modeling campaign.

The conference agreement does not provide additional funding to process uranium-233 as proposed by the Senate, but the conferees expect the Department to act expeditiously to process this material in a manner that would retain and make available isotopes for beneficial use. The Department should provide to the House and Senate Committees a report on the status of this project by March 1, 2001.

Construction projects.—The conference agreement provides $35,500,000 for preliminary project engineering and design. Funding of $20,000,000 is provided for design and supporting infrastructure upgrades for the Microsystems and Engineering Sciences Applications facility at Sandia National Laboratory; $5,000,000 for proof of concept and completion of facility operational capability for the Atlas pulsed power machine at the Nevada Test Site; and $1,000,000 for initiation of design activities for the relocation of the TA–18 nuclear materials handling facility at Los Alamos National Laboratory.

Safeguards and security.—Consistent with the Department's amended budget request for safeguards and security, the conference agreement includes $377,596,000 for safeguards and security activities at laboratories and facilities managed by the Office of Defense Programs. This is offset by a reduction of $310,796,000 to be allocated among the various programs which budgeted for safeguards and security costs in their overhead accounts.

Program direction.—The conference agreement provides $224,071,000 for program direction as proposed by the Senate.

Funding adjustments.—The conference agreement includes the use of $13,647,000 in prior year balances and a reduction of $310,796,000 that reflects the allocation of safeguards and security costs in accordance with the Department's amended budget request. In addition, the conference agreement includes a general reduction of $35,700,000 of which $25,000,000 is to be taken against programs at Lawrence Livermore National Laboratory.

DEFENSE NUCLEAR NONPROLIFERATION

The conference agreement provides $874,196,000 for Defense Nuclear Nonproliferation instead of $861,477,000 as proposed by the House and $908,967,000 as proposed by the Senate. Statutory language proposed by the House limiting the funds availability to two years has not been included by the conferees. Statutory language proposed by the Senate to earmark funding for the Incorporated Research Institutions for Seismology has not been included. The conferees have provided a total of $53,000,000 for the long-term Russian initiative within this account.

Limitation on Russian and Newly Independent States' (NIS) program funds.—The conferees are concerned about the amount of funding for Russian and NIS programs which remains in the United States for Department of Energy contractors and laboratories rather than going to the facilities in Russia and the NIS. The conferees direct that not more than the following percentages of funding may be spent in the United States in fiscal year 2001 for these programs: Materials Protection, Control and Accounting, 43%; International Proliferation Prevention Program, 40%; Nuclear Cities Initiative, 49%; Russian Plutonium Disposition, 38%; and International Nuclear Safety, 78%.

The conferees expect the Department to continue to increase the level of funding which is provided to Russia versus the funding which remains in the United States for Department of Energy contractors and laboratories in each subsequent year. The Department is to provide a report to the Committees by January 31, 2001, and each subsequent year on the amount of funding provided to Russia and NIS in each program area. The Department should work with the Committees on the specific information to be included in the report.

Nonproliferation and verification research and development.—The conference agreement provides $252,990,000 for nonproliferation and verification research and development. Funding of $17,000,000 has been provided for the nonproliferation and international security center (NISC) at Los Alamos National Laboratory, and $1,000,000 for the Incorporated Research Institutions for Seismology PASSCAL Instrument Center.

Concerns have been raised repeatedly that there should be more opportunity for open competition in certain areas of the nonproliferation and verification research and development program. A recent report by an outside group established by the Department to review the Office of Nonproliferation Research and Engineering included a similar recommendation. The report stated that, "There should be greater opportunity for the wider U.S. scientific and technical community to contribute to the success of the NN-20 portfolio. This can be done through open competition administered by DOE Headquarters and through partnerships chosen and managed by the DOE national laboratories." * * * "Areas that come to mind as candidates for open competition include seismic verification technologies for very low yield underground nuclear tests and chemical and biological agent detection and identification technologies. Other possible areas might be specialized electronic chip development and certain radio-frequency technologies."

The conferees expect the Department to act in good faith on the recommendations provided by the external review group, and direct the Department to initiate a free and open competitive process for 25 percent of its research and development activities during fiscal year 2001 for ground-based systems treaty monitoring. The competitive process should be open to all Federal and non-Federal entities.

The conferees direct the Department to report to the Committees on Appropriations on the status of implementing the external review panel's recommendations and the results of the directed open competition by March 30, 2001.

Arms control.—The conference agreement provides $152,014,000 for arms control activities including $24,500,000 for the Initiatives for Proliferation Prevention and $27,500,000 for the Nuclear Cities Initiative. In addition to the $10,000,000 added to the Nuclear Cities Initiative, the conferees have provided another $19,000,000 for the long-term Russian initiative in the arms control program to be distributed as follows: $15,000,000 for spent fuel dry storage; $500,000 for the plutonium registry at Mayak; $2,500,000 for geologic repository cooperation research and planning; and $1,000,000 for research reactor spent fuel acceptance.

International materials protection, control and accounting (MPC&A).—The conference agreement includes $173,856,000 for the MPC&A program including $24,000,000 for the long-term Russian initiative. The conferees have provided $5,000,000 for plutonium storage at Mayak and $19,000,000 for expanded MPC&A activities at Russian naval sites.

HEU transparency implementation.—The conference agreement provides $15,190,000, the same as the budget request.

International nuclear safety.—The conference agreement provides $20,000,000, the same as the budget request, for the international nuclear safety program. This funding is to be used only for activities in support of completing the upgrades to Soviet-designed nuclear reactors. From within available funds, the conference agreement provides $1,000,000 for a cooperative effort between the United States and Russia to address intergranular stress corrosion cracking and restore the structural integrity of Russian nuclear plants until decommissioning.

Fissile materials disposition.—The conference agreement provides $249,449,000 for fissile materials disposition. Funding of $139,517,000, as proposed by the House, has been provided for the U.S. surplus materials disposition program. The conference agreement provides $26,000,000 for Project 99–D–143, the MOX fuel fabrication facility.

Program direction.—The conference agreement provides $51,468,000 for the program direction account as proposed by the House. The conferees are aware that the Department does not have enough qualified Federal employees available to manage the nonproliferation and national security programs, particularly the Russian programs. The conferees will favorably consider a reprogramming of funds from program areas to the program direction account as Federal employees are hired to replace the contractor employees who currently oversee these programs.

Funding adjustment.—The conference agreement includes a reduction of $40,245,000 that reflects the transfer of safeguards and security costs in accordance with the Department's amended budget request.

NAVAL REACTORS

The conference agreement provides $690,163,000 for Naval Reactors instead of $694,600,000 as proposed by the Senate and $677,600,000 as proposed by the House. Additional funding of $17,000,000 is provided to optimize the program to shutdown prototype reactors and complete all major inactivation work by fiscal year 2002.

Funding adjustment.—The conference agreement includes a reduction of $4,437,000 that reflects the transfer of safeguards and security costs in accordance with the Department's amended budget request.

OFFICE OF THE ADMINISTRATOR

The conference agreement provides $10,000,000 for this new account as proposed by the Senate. These funds are provided to the Administrator of the National Nuclear Security Administration for the costs associated with hiring new employees and establishing the office.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conference agreement provides $4,974,476,000 for Defense Environmental Restoration and Waste Management instead of $4,522,707,000 as proposed by the House and $4,635,763,000 as proposed by the Senate. Additional funding of $1,082,714,000 is contained in the Defense Facilities Closure Projects account and $65,000,000 in the Defense Environmental Management Privatization account for a total of $6,122,190,000 provided for all defense environmental management activities.

The conference agreement does not include statutory language proposed by the House pertaining to the use of funds for the Waste Isolation Pilot Plant or language proposed by the Senate earmarking funds for programs to be managed by the Carlsbad office of the Department of Energy.

The conference agreement limits the number of motor vehicles that can be purchased in fiscal year 2001 to not more than 30 for replacement only. The conferees have included an additional reporting requirement on the entire Department and have specified that sport utility vehicles are to be counted within this ceiling.

National monument designation.—The conferees agree that no funds spent by the Department for the coordination, integration, or implementation of a management plan related to the Hanford Reach National Monument shall result in the reduction or delay of cleanup at the Hanford site.

Site/Project Completion.—The conference agreement provides an additional $11,000,000 for F and H-area stabilization activities at the Savannah River Site in South Carolina as proposed by the House, and $19,000,000 to address funding shortfalls at the Hanford site in Richland, Washington, as proposed by the Senate. Funding of $12,308,000 has been transferred to other accounts as proposed by the House.

The conference agreement supports the budget request of $2,500,000 for the cooperative agreement with WERC and provides $25,000 for an independent evaluation of the mixed-waste landfill at Sandia National Laboratories in New Mexico.

For construction, the conference agreement provides $17,300,000 for Project 01–D–414, preliminary project engineering and design (PE&D). Project 01–D–415, 235–F packaging and stabilization, at the Savannah River Site has been funded at $4,000,000. Funding of $500,000 requested for Project 01–D–402, INTEC cathodic protection system expansion project, at Idaho Falls has been transferred to the new PE&D project. Funding of $27,932,000 for the Highly Enriched Blend Down Facility has been transferred to the fissile materials disposition program.

Post 2006 Completion.—The conference agreement includes an additional $10,000,000 to maintain schedules required by revised compliance agreements with the State of Washington as proposed by the Senate, and $6,000,000 to support transuranic and low-level waste activities at the Savannah River Site in South Carolina as proposed by the House. Funding of $10,000,000 for the Four Mile Branch project and $18,000,000 for the Consolidated Incinerator Facility at the Savannah River Site has not been provided as proposed by the House. Funding of $18,692,000 has been transferred to the Science and Technology program.

The conference agreement provides $400,000 to begin design activities for a subsurface geosciences laboratory at Idaho.

From within available funds for the Waste Isolation Pilot Plant, $1,000,000 has been provided for a transparency demonstration project.

A total of $3,000,000 has been provided to support a program with the United States-Mexico Border Health Commission to demonstrate technologies to reduce hazardous waste streams and to support the Materials Corridor Partnership Initiative.

Funding of $1,300,000 for Project 01–D–403, immobilized high level waste interim storage facility, at Richland, Washington, has been transferred to the PE&D project in site/project completion account.

Office of River Protection.—The conference agreement provides $757,839,000 for the Office of River Protection at the Hanford site in Washington. The conference agreement provides $377,000,000 for Project 01–D–416, Tank Waste Remediation System, at Richland, Washington, to vitrify the high-level waste in underground tanks. Funding to vitrify waste at the Hanford site was requested in the Defense Environmental Management Privatization account in fiscal year 2001.

However, due to the failure of the contractor to provide a viable cost estimate under the concept of a "privatized" contract, the contract will now be structured as a cost plus incentive fee contract and will be funded in the regular appropriation account.

Science and technology development.—The conference agreement provides $256,898,000 for the science and technology development program. Funding of $21,000,000 has been transferred to this account for the Idaho validation and verification program. This transfer is not intended to reduce the environmental management base program in Idaho. The Department is directed to provide $10,000,000 for the next round of new and innovative research grants in the environmental management science program in fiscal year 2001, and $10,000,000 for technology deployment activities.

The conference agreement provides $4,000,000 for the international agreement with AEA Technology; $4,500,000 for the Diagnostic Instrumentation and Analysis Laboratory; $4,350,000 for the university robotics research program; an additional $1,000,000 for the D&D focus area; and up to $4,000,000 to continue evaluation, development and demonstration of the Advanced Vitrification System upon successful completion of supplemental testing. The conferees have provided $2,000,000 to the National Energy Technology Laboratory to be used for the continuation of the Mid-Atlantic Recycling Center for End-of-Life Electronics initiative (MARCEE) in cooperation with the Polymer Alliance Zone.

The conference agreement includes $4,000,000 for the long-term stewardship program to be administered at Headquarters and $4,000,000 for the Idaho National Engineering and Environmental Laboratory. No funds are provided for the low dose radiation effects program, as the entire Senate recommended amount is provided within the Office of Science.

Safeguards and security.—Consistent with the Department's amended budget request for safeguards and security, the conference agreement includes $203,748,000 for safeguards and security activities at laboratories and facilities managed by the Office of Defense Programs. This is offset by a reduction of $193,217,000 to be allocated among the various programs which budgeted for safeguards and security costs in their overhead accounts.

Program direction.—The conferees have provided $363,988,000 for the program direction account. This funding level reflects the transfer of the uranium programs from the office of nuclear energy to the office of environmental management. Funding of $4,100,000 has been provided to allow for the transfer of up to 5 employees from Headquarters and 25 employees at Oak Ridge who manage the uranium programs.

Funding adjustments.—The conference agreement includes the use of $34,317,000 of prior year balances and $50,000,000 in pension refunds, the same as the budget request. The conference agreement includes a reduction of $193,217,000 that reflects the allocation of safeguards and security costs in accordance with the Department's amended budget request. A general reduction of $10,700,000 has also been included.

DEFENSE FACILITIES CLOSURE PROJECTS

The conference agreement appropriates $1,082,714,000 the same as the amended budget request. The conferees expect the Department to request adequate funds to keep each of these projects on a schedule for closure by 2006 or earlier.

Any savings resulting from safeguards and security costs are to be retained and used for cleanup activities at the closure sites.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

The conference agreement provides $65,000,000 for the defense environmental management privatization program instead of $259,000,000 as proposed by the House and $324,000,000 as proposed by the Senate. The conference agreement provides no funds for the Tank Waste Remediation System (TWRS) project at Hanford. Funding for this project, which had previously been considered as a privatization contract, has been transferred to the Defense Environmental Restoration and Waste Management appropriation account.

The conference agreement also includes a rescission of $97,000,000 of funds previously appropriated for the TWRS project in the Defense Environmental Management Privatization appropriation account.

OTHER DEFENSE ACTIVITIES

The conference agreement appropriates $585,755,000 for Other Defense Activities instead of $592,235,000 as proposed by the House and $579,463,000 as proposed by the Senate. Details of the conference agreement are provided below.

SECURITY AND EMERGENCY OPERATIONS

For nuclear safeguards and security, the conference agreement provides $116,409,000 as proposed by the House. The conferees have provided $3,000,000 for the critical infrastructure protection program, an increase of $600,000 over fiscal year 2000. The conference agreement also provides $2,000,000 to procure safety locks to meet Federal specifications.

The conference agreement provides $33,000,000 for security investigations, the same as the budget request.

The conference agreement includes $33,711,000 for emergency management. Funding of $3,600,000 was transferred to the program direction account to reflect the conversion of contractor employees to Federal employees at a substantial cost savings. Funding of $44,205,000 for the nuclear emergency search team and $12,084,000 for the accident response group was transferred to the Weapons Activities account.

Program direction.—The conference agreement provides $92,967,000 for the program direction account as proposed by the House. This reflects the transfer of $3,600,000 from the emergency management program.

INTELLIGENCE

The conference agreement includes $38,059,000 as proposed by the House and the Senate to support the Department's intelligence program.

COUNTERINTELLIGENCE

The conference agreement includes $45,200,000 as proposed by the House and the Senate to support the Department's counterintelligence program.

ADVANCED ACCELERATOR APPLICATIONS

The conference agreement provides $34,000,000 to establish a new program for advanced accelerator applications, including $3,000,000 for research and development of technologies for economic and environmentally sound refinement of spent nuclear fuel at the University of Nevada-Las Vegas.

The Department is directed to prepare a program plan for managing and executing this program using the extensive expertise of the Office of Science and the Office of Defense Programs in accelerator research, design, and applications, and the expertise of the Office of Nuclear Energy in transmutation of nuclear waste. This program plan should be submitted to the Committees by March 1, 2001.

The conferees make no recommendation as to how the Department should manage the advanced accelerator application program.

INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE

The conference agreement provides $14,937,000, the same as the budget request for the office of independent oversight and performance assurance.

ENVIRONMENT, SAFETY AND HEALTH (DEFENSE)

The conference agreement provides $125,567,000 for defense-related environment, safety and health activities. The conferees have provided $3,000,000 to establish a program at the University of Nevada-Las Vegas for Department-wide management of electronic records; $1,750,000 for the University of Louisville and the University of Kentucky to undertake epidemiological studies of workers; $880,000 to provide medical screening for workers employed at the Amchitka nuclear weapons test site; and $500,000 for the State of Nevada to address deficiencies in the Cancer Registry, Vital Statistics, and Birth Defects Registry activities.

The conference agreement includes $17,000,000 for the Department's administrative costs associated with the proposed Energy Employees Compensation Initiative. These funds are not available until the program is authorized by law.

WORKER AND COMMUNITY TRANSITION

The conference agreement provides $24,500,000 for the worker and community transition program, including $2,100,000 for infrastructure improvements at the former Pinellas plant. The conferees expect that communities denied funds in fiscal year 2000 will be granted priority status in fiscal year 2001.

The conference agreement provides that no funds may be used to augment the $24,500,000 made available for obligation for severance payments and other benefits and community assistance grants unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT

The conference agreement provides $25,000,000 for national security programs administrative support instead of $51,000,000 as proposed by the House and no funding as proposed by the Senate.

OFFICE OF HEARINGS AND APPEALS

The conference agreement provides $3,000,000 as proposed by the House and the Senate.

FUNDING ADJUSTMENTS

A reduction of $595,000 and the elimination of the $20,000,000 offset to user organizations for security investigations reflects the allocation of the safeguards and security amended budget request.

DEFENSE NUCLEAR WASTE DISPOSAL

The conference agreement provides $200,000,000 as proposed by the House instead of $292,000,000 as proposed by the Senate.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION

The conferees have included the statutory language extending Bonneville's voluntary separation incentive program until January 1, 2003.

During fiscal year 2001, Bonneville plans to pay the Treasury $620,000,000 of which

$163,000,000 is to repay principal on the Federal investment in these facilities.

SOUTHEASTERN POWER ADMINISTRATION

The conference agreement includes $3,900,000, the same as the budget request, for the Southeastern Power Administration.

SOUTHWESTERN POWER ADMINISTRATION

The conference agreement includes $28,100,000, the same as the budget request, for the Southwestern Power Administration.

WESTERN AREA POWER ADMINISTRATION

The conference agreement provides $165,830,000, instead of $164,916,000 as proposed by the Senate and $160,930,000 as proposed by the House. The conference agreement increases the amount of purchase power and wheeling to $65,224,000 and increases offsetting collections by the same amount. Funding of $5,950,000 is provided for the Utah Reclamation Mitigation and Conservation Account.

FALCON AND AMISTAD FUND

The conference agreement includes $2,670,000, the same as the budget request, for the Falcon and Amistad Operating and Maintenance Fund.

FEDERAL ENERGY REGULATORY COMMISSION

The conference agreement includes $175,200,000, the same as the budget request for the Federal Energy Regulatory Commission.

RESCISSIONS

DEFENSE NUCLEAR WASTE DISPOSAL

The conference agreement includes language rescinding $75,000,000 from funds previously appropriated for interim waste storage activities for Defense Nuclear Waste Disposal in Public Law 104-46, the fiscal year 1996 Energy and Water Development Appropriations Act.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

The conference agreement includes language rescinding $97,000,000 from the Defense Environmental Management Privatization account. Funds were appropriated in this account in prior years for the Hanford Tank Waste Remediation System Project. This project is no longer being considered for a privatization contract. It has been transferred to the Defense Environmental Restoration and Waste Management appropriation account and will be funded there in future appropriation acts.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

Sec. 301. The conference agreement includes a provision proposed by the House that none of the funds may be used to award a management and operating contract unless such contract is awarded using competitive procedures, or the Secretary of Energy grants a waiver to allow for such a deviation. Section 301 does not preclude extension of a contract awarded using competitive procedures.

Sec. 302. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or implement workforce restructuring plans or provide enhanced severance payments and other benefits and community assistance grants for Federal employees of the Department of Energy under section 3161 of the National Defense Authorization Act of Fiscal Year 1993, Public Law 102-484.

Sec. 303. The conference agreement modifies a provision proposed by the House that none of the funds may be used to augment the $24,500,000 made available for obligation for severance payments and other benefits and community assistance grants unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

Sec. 304. The conference agreement includes a provision proposed by the House and Senate that none of the funds may be used to prepare or initiate Requests for Proposals for a program if the program has not been funded by Congress in the current fiscal year. This provision precludes the Department from initiating activities for new programs which have been proposed in the budget request, but which have not yet been funded by Congress.

Sec. 305. The conference agreement includes a provision proposed by the House and Senate that permits the transfer and merger of unexpended balances of prior appropriations with appropriation accounts established in this bill.

Sec. 306. The conference agreement includes language providing that not to exceed 6 percent of funds shall be available for Laboratory Directed Research and Development.

Sec. 307. The conference agreement includes language limiting to $185,000,000 the funds available for reimbursement of management and operating contractor travel expenses. Of the $185,000,000, $175,000,000 is available for contractor travel and $10,000,000 is to be held in reserve by the Department's Chief Financial Officer for emergency travel requirements. The language also requires the Department of Energy to reimburse contractors for travel consistent with regulations applicable to Federal employees and specifies that the travel ceiling does not apply to travel funded from Laboratory Directed Research and Development funds.

Sec. 308. The conference agreement includes language prohibiting the Bonneville Power Administration from performing energy efficiency services outside the legally defined Bonneville service territory.

Sec. 309. The conference agreement includes language limiting the types of waste that can be disposed of in the Waste Isolation Pilot Plant in New Mexico. None of the funds may be used to dispose of transuranic waste in excess of 20 percent plutonium by weight for the aggregate of any material category. At the Rocky Flats site, this provision includes ash residues; salt residues; wet residues; direct repackage residues; and scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site".

Sec. 310. The conference agreement includes language allowing the Administrator of the National Nuclear Security Administration to authorize certain nuclear weapons production plants to use not more than 2 percent of available funds for research, development and demonstration activities.

Sec. 311. The conference agreement includes language allowing each Federal power marketing administration to engage in activities relating to the formation and operation of a regional transmission organization.

Sec. 312. The conference agreement includes language that would permit the Secretary of Energy to use $10,000,000 of funds previously appropriated for interim waste storage activities for Defense Nuclear Waste Disposal upon receipt of written certification that the site recommendation report cannot be completed on time without additional funding.

Sec. 313. The conference agreement includes language proposed by the Senate that would provide a three year term of office for the first person appointed to the position of the Under Secretary of Nuclear Security of the Department of Energy.

Sec. 314. The conference agreement includes language proposed by the Senate limiting the authority of the Secretary of Energy to modify the organization of the National Nuclear Security Administration.

Sec. 315. The conference agreement includes language proposed by the Senate prohibiting the pay of personnel engaged in concurrent service or duties inside and outside the National Nuclear Security Administration.

Report on impacts of limits on on-site storage.—The conference agreement does not include statutory language proposed by the Senate, but the conferees direct that not later than 90 days after enactment of the fiscal year 2001 Energy and Water Development Appropriations Act, the Secretary of Energy shall submit to Congress a report containing a description of all alternatives that are available to the Northern States Power Company and the Federal government to allow the company to continue to operate the Prairie Island nuclear generating plant until the end of the term of the license issued to the company by the Nuclear Regulatory Commission, in view of a law of the State of Minnesota that limits the quantity of spent nuclear fuel that may be stored at the plant, assuming that the existing Federal and State laws remain unchanged.

Report on electricity prices.—The conferees note that California is currently experiencing an energy crisis. Wholesale electricity prices have soared, resulting in electrical bills that have increased by as much as 300 percent in the San Diego area. Conferees understand that the staff of the Federal Energy Regulatory Commission is currently investigating the crisis. The Commission is directed to submit to Congress a report on the results of the investigation no later than December 1, 2000. The report shall include identification of the causes of the San Diego price increases, a determination whether California wholesale electricity markets are competitive, a recommendation whether a regional price cap should be set in the Western States, a determination whether manipulation of prices has occurred at the wholesale level, and a determination of remedies, including legislation or regulations, that are necessary to correct the problem and prevent similar incidents in California and elsewhere in the United States.

Provisions not adopted by the conferees.—The conference agreement deletes language proposed by the House and Senate prohibiting the use of funds for contracts modified in a manner that deviates from the Federal Acquisition Regulation.

The conference agreement deletes language proposed by the Senate allowing the Secretary of Energy to enter into multiyear contracts without obligating the estimated costs.

The conference agreement deletes language proposed by the Senate requiring the Department of Energy's laboratories to provide an annual funding plan to the Department.

The conference agreement deletes language proposed by the House prohibiting the payment of Federal salaries in the working capital fund.

The conference agreement deletes language proposed by the Senate prohibiting the expenditure of funds to establish or maintain independent centers at Department of Energy laboratories or facilities. The conference agreement includes report language requiring the Department to identify these centers in the budget request.

The conference agreement deletes language proposed by the House requiring a report on activities of the executive branch to address high gasoline prices and develop an overall national energy strategy.

The conference agreement deletes language proposed by the Senate prohibiting the expenditure of funds to restart the High Flux Beam Reactor.

The conference agreement deletes language proposed by the Senate limiting the inclusion of costs of protecting fish and wildlife within the rates charged by the Bonneville Power Administration.

The conference agreement deletes language proposed by the Senate limiting the cost of construction of the National Ignition Facility.

The conference agreement deletes language proposed by the Senate requiring an evaluation of innovative technologies for demilitarization of weapons components and treatment of hazardous waste.

The conference agreement deletes language proposed by the Senate requiring a report on national energy policy.

The conference agreement deletes language proposed by the Senate noting concern with the House provision on limiting funds for worker and community transition. The conference agreement deletes language proposed by the Senate requiring a report on the impact of State-imposed limits on spent nuclear fuel storage. This requirement has been included in report language.

The conference agreement deletes language proposed by the Senate limiting the use of funds to promote or advertise public tours at Yucca Mountain. This requirement has been included in report language.

CONFERENCE RECOMMENDATIONS

The conference agreement's detailed funding recommendations for programs in title III are contained in the following table.

Department of Energy (in thousands)

	Budget Request	Conference
ENERGY SUPPLY		
RENEWABLE ENERGY RESOURCES		
Renewable energy technologies		
Biomass/biofuels energy systems		
Power systems	47,830	40,000
Transportation	54,110	46,160
Subtotal, Biomass/biofuels energy systems	101,940	86,160
Biomass/biofuels energy research	26,740	26,740
Subtotal, Biomass	128,680	112,900
Geothermal technology development	26,970	27,000
Hydrogen research	22,940	27,000
Hydrogen energy research	2,970	2,970
Subtotal, Hydrogen	25,910	29,970
Hydropower	5,000	5,000
Solar energy		
Concentrating solar power	14,940	13,800
Photovoltaic energy systems	81,450	75,775
Photovoltaic energy research	2,847	2,847
Subtotal, Photovoltaic	84,297	78,622
Solar building technology research	4,470	3,950
Solar photoconversion energy research	14,260	14,260
Subtotal, Solar energy	117,967	110,632
Wind energy systems	50,140	40,000
Wind energy research	283	283
Subtotal, Wind	50,423	40,283
Total, Renewable energy technologies	354,950	325,785

Department of Energy (in thousands)

	Budget Request	Conference
Electric energy systems and storage		
High temperature superconducting R&D	31,900	37,000
Energy storage systems	5,000	6,000
Transmission reliability	10,960	9,000
Total, Electric energy systems and storage	47,860	52,000
Renewable support and implementation		
Departmental energy management	4,988	2,000
International renewable energy program	11,460	5,000
Renewable energy production incentive program	4,000	4,000
Renewable Indian energy resources	5,000	6,600
Renewable program support	6,500	4,000
Total, Renewable support and implementation	31,948	21,600
National renewable energy laboratory	1,900	4,000
Program direction	18,159	18,700
TOTAL, RENEWABLE ENERGY RESOURCES	454,817	422,085

Department of Energy (in thousands)

	Budget Request	Conference
NUCLEAR ENERGY		
Advanced radioisotope power system	30,864	32,200
Isotopes		
Isotope support and production	16,218	24,715
Construction		
99-E-201 Isotope production facility (LANL)	500	2,500
Subtotal, Isotope support and production	16,718	27,215
Offsetting collections	---	-8,000
Total, Isotopes	16,718	19,215
University reactor fuel assistance and support	12,000	12,000
Research and development		
Nuclear energy plant optimization	5,000	5,000
Nuclear energy research initiative	34,903	35,000
Nuclear energy technologies	---	7,500
Total, Research and development	39,903	47,500
Infrastructure		
ANL-West operations	---	39,150
Fast flux test facility (FFTF)	38,524	44,010
Test reactor area landlord	7,415	7,575
Construction		
99-E-200 Test reactor area electrical utility upgrade, Idaho National Engineering Laboratory, ID	879	925
95-E-201 Test reactor area fire and life safety improvements, Idaho National Engineering Laboratory, ID	458	500
Subtotal, Construction	1,337	1,425
Subtotal, Test reactor area landlord	8,752	9,000
Total, Infrastructure	47,276	92,160

Department of Energy (in thousands)

	Budget Request	Conference
Nuclear facilities management	66,126	---
Nuclear facilities management		
EBR-II shutdown	---	8,800
Disposition of spent fuel and legacy materials	---	16,200
Disposition technology activities	---	9,850
Total, Nuclear facilities management	---	34,850
Uranium programs	47,779	---
Program direction	27,620	22,000
TOTAL, NUCLEAR ENERGY	288,286	259,925
ENVIRONMENT, SAFETY AND HEALTH		
Environment, safety and health	19,906	16,000
Program direction	19,998	19,998
TOTAL, ENVIRONMENT, SAFETY AND HEALTH	39,904	35,998
ENERGY SUPPORT ACTIVITIES		
Technical information management program	1,802	1,600
Program direction	7,335	7,000
TOTAL, ENERGY SUPPORT ACTIVITIES	9,137	8,600
Subtotal, Energy supply	792,144	726,608
Renewable energy research program	-47,100	-47,100
Transfer from Geothermal and USEC	-12,000	---
Offset from nuclear energy royalties	-2,352	-2,352
Reduction for safeguards and security	---	-16,582
TOTAL, ENERGY SUPPLY	730,692	660,574

Department of Energy (in thousands)

	Budget Request	Conference
NON-DEFENSE ENVIRONMENTAL MANAGEMENT		
Site closure	81,248	81,636
Site/project completion	63,798	61,621
Post 2006 completion	137,766	137,744
Reduction for safeguards and security	---	-3,189
TOTAL, NON-DEFENSE ENVIRONMENTAL MANAGEMENT	282,812	277,812
URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND		
Decontamination and decommissioning	264,588	---
Uranium/thorium reimbursement	30,000	---
TOTAL, URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING	294,588	---
URANIUM FACILITIES MAINTENANCE AND REMEDIATION		
Uranium Enrichment Decontamination and Decommissioning Fund		
Decontamination and decommissioning	---	273,038
Uranium/thorium reimbursement	---	72,000
Total, Uranium enrichment D&D fund	---	345,038
Other Uranium Activities		
Maintenance of facilities and inventories	---	29,193
Pre-existing liabilities	---	11,330
Depleted UF6 conversion project	---	21,877
Total, Other uranium activities	---	62,400
Reduction for safeguards and security	---	-14,071
TOTAL, URANIUM FACILITIES MAINTENANCE AND REMEDIATION	---	393,367

Department of Energy (in thousands)

	Budget Request	Conference
SCIENCE		
High energy physics		
Research and technology	236,000	234,720
Facility operations	440,872	459,010
Construction		
00-G-307 SLAC office building	5,200	5,200
99-G-306 Wilson hall safety improvements, Fermilab	4,200	4,200
98-G-304 Neutrinos at the main injector, Fermilab	23,000	23,000
Subtotal, Construction	32,400	32,400
Subtotal, Facility operations	473,272	491,410
Total, High energy physics	709,272	726,130
Nuclear physics	365,069	369,890
Biological and environmental research	435,954	497,760
Construction		
01-E-300 Laboratory for Comparative and Functional Genomics, ORNL	2,500	2,500
Total, Biological and environmental research	438,454	500,260

Department of Energy (in thousands)

	Budget Request	Conference
Basic energy sciences		
Materials sciences	448,964	456,111
Chemical sciences	219,090	223,229
Engineering and geosciences	40,304	40,816
Energy biosciences	33,662	33,714
Construction		
99-E-334 Spallation neutron source (ORNL)	261,900	259,500
Total, Basic energy sciences	1,003,920	1,013,370
Advanced scientific computing research	179,817	170,000
Energy research analyses	988	1,000
Multiprogram energy labs - facility support		
Infrastructure support	1,023	1,160
Oak Ridge landlord	7,475	10,711
Construction		
MEL-001 Multiprogram energy laboratory infrastructure projects, various locations	22,059	22,059
Total, Multiprogram energy labs - fac. support	30,557	33,930
Fusion energy sciences program	243,907	255,000
Safeguards and security	49,818	49,818
Program direction		
Field offices	82,929	83,307
Headquarters	51,408	51,438
Science education	6,500	4,500
Total, Program direction	140,837	139,245
Subtotal, Science	3,162,639	3,258,643
General reduction	---	-34,047
Reduction for safeguards and security	---	-38,244
TOTAL, SCIENCE	3,162,639	3,186,352

Department of Energy (in thousands)

	Budget Request	Conference
NUCLEAR WASTE DISPOSAL		
Repository program	255,034	135,200
Program direction	63,540	62,800
Reduction for safeguards and security	---	-6,926
TOTAL, NUCLEAR WASTE DISPOSAL	318,574	191,074
DEPARTMENTAL ADMINISTRATION		
Administrative operations		
Salaries and expenses		
Office of the Secretary	6,648	5,000
Board of contract appeals	878	878
Chief financial officer	30,748	32,148
Contract reform	2,500	2,500
Congressional and intergovernmental affairs	5,146	5,000
Economic impact and diversity	5,126	5,126
General counsel	22,724	22,724
International affairs	9,400	8,500
Management and administration	78,882	77,800
Policy office	6,688	6,600
Public affairs	4,150	3,900
Subtotal, Salaries and expenses	172,890	170,176
Program support		
Minority economic impact	1,498	1,500
Policy analysis and system studies	406	422
Environmental policy studies	1,600	1,000
Corporate management information program	12,000	12,000
Subtotal, Program support	15,504	14,922
Total, Administrative operations	188,394	185,098
Cost of work for others	34,027	74,027
Subtotal, Departmental Administration	222,421	259,125
Use of prior year balances and other adjustments	-8,000	-8,000
Transfer from other defense activities	---	-25,000
Reduction for safeguards and security	---	-18
Total, Departmental administration (gross)	214,421	226,107
Miscellaneous revenues	-128,762	-151,000
TOTAL, DEPARTMENTAL ADMINISTRATION (net)	85,659	75,107

Department of Energy (in thousands)

	Budget Request	Conference
OFFICE OF INSPECTOR GENERAL		
Office of Inspector General	33,000	31,500
ATOMIC ENERGY DEFENSE ACTIVITIES		
NATIONAL NUCLEAR SECURITY ADMINISTRATION		
WEAPONS ACTIVITIES		
Stewardship operation and maintenance		
Directed stockpile work		
Stockpile research and development	243,300	272,300
Stockpile maintenance	257,994	279,994
Stockpile evaluation	151,710	174,710
Dismantlement/disposal	29,260	29,260
Production support	149,939	149,939
Field engineering, training and manuals	4,400	4,400
Reduction for safeguards and security	-17,427	---
Subtotal, Directed stockpile work	819,176	910,603
Campaigns		
Primary certification	41,400	41,400
Dynamic materials properties	64,408	74,408
Advanced radiography	43,000	58,000
Construction		
97-D-102 Dual-axis radiographic hydrotest facility (LANL), Los Alamos, NM	35,232	35,232
Subtotal, Advanced radiography	78,232	93,232
Secondary certification and nuclear systems margins	52,964	52,964
Enhanced surety	40,600	40,600
Weapons system engineering certification	16,300	16,300
Certification in hostile environments	15,400	15,400
Enhanced surveillance	89,651	106,651
Advanced design and production technologies	75,735	75,735
Inertial confinement fusion	120,800	250,500
Construction		
96-D-111 National ignition facility, LLNL	73,469	199,100
Subtotal, Inertial confinement fusion	194,269	449,600

Department of Energy (in thousands)

	Budget Request	Conference
Defense computing and modeling....................	249,100	716,175
Construction		
01-D-101 Distributed information systems laboratory, SNL, Livermore, CA...............	2,300	2,300
00-D-103, Terascale simulation facility, LLNL, Livermore, CA.........................	4,900	5,000
00-D-105 Strategic computing complex, LANL, Los Alamos, NM..............................	56,000	56,000
00-D-107 Joint computational engineering laboratory, SNL, Albuquerque, NM.............	6,700	6,700
Subtotal, Construction.....................	69,900	70,000
Subtotal, Defense computing and modeling......	319,000	786,175
Pit manufacturing readiness......................	108,038	125,038
Secondary readiness..............................	15,000	20,000
Materials readiness..............................	40,511	40,511
Tritium readiness................................	77,000	77,000
Construction		
98-D-125 Tritium extraction facility, SR......	75,000	75,000
98-D-126 Accelerator production of Tritium, various locations............................	---	15,000
Subtotal, Construction.....................	75,000	90,000
Subtotal, Tritium readiness..................	152,000	167,000
Reduction for safeguards and security............	-52,204	---
Subtotal, Campaigns............................	1,251,304	2,105,014

Department of Energy (in thousands)

	Budget Request	Conference
Readiness in technical base and facilities		
Operations of facilities	1,313,432	1,252,232
Program readiness	75,800	74,500
Nuclear weapons incident response	---	56,289
Special projects	48,297	48,297
Material recycle and recovery	22,018	30,018
Containers	7,876	11,876
Storage	9,075	9,075
Advanced simulation and computing	477,075	---
Reduction for safeguards and security	-220,867	---
Subtotal, Readiness in technical base and fac...	1,732,706	1,482,287
Construction		
01-D-103 Preliminary project engineering and design (PE&D), various locations	14,500	35,500
01-D-124 HEU storage facility, Y-12 plant, Oak Ridge, TN	17,749	17,800
01-D-126 Weapons Evaluation Test Laboratory Pantex Plant, Amarillo, TX	3,000	3,000
99-D-103 Isotope sciences facilities, LLNL, Livermore, CA	4,975	5,000
99-D-104 Protection of real property (roof reconstruction-Phase II), LLNL, Livermore, CA	2,786	2,800
99-D-106 Model validation & system certification center, SNL, Albuquerque, NM	5,200	5,200
99-D-108 Renovate existing roadways, Nevada Test Site, NV	1,874	2,000
99-D-125 Replace boilers and controls, Kansas City plant, Kansas City, MO	13,000	13,000
99-D-127 Stockpile management restructuring initiative, Kansas City plant, Kansas City, MO	23,566	23,765
99-D-128 Stockpile management restructuring initiative, Pantex consolidation, Amarillo, TX	4,998	4,998
98-D-123 Stockpile management restructuring initiative, Tritium factory modernization and consolidation, Savannah River, SC	30,767	30,767
97-D-123 Structural upgrades, Kansas City plant, Kansas City, KS	2,864	2,918

Department of Energy (in thousands)

	Budget Request	Conference
95-D-102 Chemistry and metallurgy research (CMR) upgrades project (LANL)........................	13,337	13,337
Subtotal, Construction........................	138,616	160,085
Subtotal, Readiness in technical base and fac...	1,871,322	1,642,372
Total, Stewardship operation and maintenance......	3,941,802	4,657,989
Transportation safeguards division		
Operations and equipment............................	79,357	79,357
Program direction................................	36,316	36,316
Total, Transportation safeguards division.......	115,673	115,673
Safeguards and security..............................	356,840	356,840
Construction		
99-D-132 SMRI nuclear material safeguards and security upgrade project (LANL), Los Alamos, NM...	18,043	18,043
88-D-123 Security enhancements, Pantex plant, Amarillo, TX............................	2,713	2,713
Subtotal, Construction.........................	20,756	20,756
Total, Safeguards and security..................	377,596	377,596
Program direction.................................	204,154	224,071
Subtotal, Weapons activities....................	4,639,225	5,375,329
Use of prior year balances..........................	---	-13,647
General reduction...................................	---	-35,700
Reduction for safeguards and security................	---	-310,796
TOTAL, WEAPONS ACTIVITIES.........................	4,639,225	5,015,186

Department of Energy (in thousands)

	Budget Request	Conference
DEFENSE NUCLEAR NONPROLIFERATION		
Nonproliferation and verification, R&D	216,550	235,990
Construction		
00-D-192 Nonproliferation and international security center (NISC), LANL	7,000	17,000
Total, Nonproliferation and verification, R&D	223,550	252,990
Arms control	119,915	152,014
International materials protection, control, and accounting	146,081	173,856
Long-term nonproliferation program for Russia	100,000	---
HEU transparency implementation	15,166	15,190
International nuclear safety	18,902	20,000
Fissile materials disposition		
U.S. surplus materials disposition	117,912	139,517
Russian surplus materials disposition	34,803	40,000
Program direction - MD	9,878	---
Construction		
01-D-407 Highly enriched uranium (HEU) blend down, Savannah River, SC	---	20,932
01-D-142 Immobilization and associated processing facility, various locations	3,000	3,000
99-D-141 Pit disassembly and conversion facility, various locations	20,000	20,000
99-D-143 Mixed oxide fuel fabrication facility various locations	15,000	26,000
Subtotal, Construction	38,000	69,932
Total, Fissile materials disposition	200,593	249,449
Program direction	41,383	51,468
Use of prior year balances	---	-526
Reduction for safeguards and security	---	-40,245
TOTAL, DEFENSE NUCLEAR NONPROLIFERATION	865,590	874,196

Department of Energy (in thousands)

	Budget Request	Conference
NAVAL REACTORS		
Naval reactors development..........................	623,063	644,500
Construction		
GPN-101 General plant projects, various locations.	11,400	11,400
01-D-200 Major office replacement building, Schenectady, NY................................	1,300	1,300
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID.....................	16,000	16,000
Subtotal, Construction.........................	28,700	28,700
Total, Naval reactors development................	651,763	673,200
Program direction...................................	21,320	21,400
Reduction for safeguards and security................	---	-4,437
TOTAL, NAVAL REACTORS............................	673,083	690,163
OFFICE OF THE ADMINISTRATOR		
Office of the Administrator..........................	---	10,000
TOTAL, NATIONAL NUCLEAR SECURITY ADMINISTRATION...	6,177,898	6,589,545

Department of Energy (in thousands)

	Budget Request	Conference
DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MGMT.		
Site/project completion		
Operation and maintenance	856,812	919,167
Construction		
01-D-402 Intec cathodic protection system expansion project, Idaho National Engineering and Environmental Laboratory, Idaho Falls, ID	481	---
01-D-407 Highly enriched uranium (HEU) blend down, Savannah River, SC	27,932	---
01-D-414 Preliminary project, engineering and design (PE&D), various locations	---	17,300
01-D-415 235-F packaging and stabilization project, Savannah River, SC	---	4,000
99-D-402 Tank farm support services, F&H area, Savannah River site, Aiken, SC	7,714	7,714
99-D-404 Health physics instrumentation laboratory (INEL), ID	4,277	4,300
98-D-453 Plutonium stabilization and handling system for PFP, Richland, WA	1,690	1,690
97-D-470 Regulatory monitoring and bioassay laboratory, Savannah River site, Aiken, SC	3,949	3,949
96-D-471 CFC HVAC/chiller retrofit, Savannah River site, Aiken, SC	12,512	12,512
92-D-140 F&H canyon exhaust upgrades, Savannah River, SC	8,879	8,879
86-D-103 Decontamination and waste treatment facility (LLNL), Livermore, CA	2,000	2,000
Subtotal, Construction	69,434	62,344
Total, Site/project completion	926,246	981,511

Department of Energy (in thousands)

	Budget Request	Conference
Post 2006 completion		
Operation and maintenance	2,453,735	2,251,514
Uranium enrichment D&D fund contribution	420,000	420,000
Construction		
93-D-187 High-level waste removal from filled waste tanks, Savannah River, SC	27,212	27,212
Office of River Protection		
Operation and maintenance	---	309,619
Construction		
01-D-403 Immobilized high level waste interim storage facility, Richland, WA	1,300	---
01-D-416 Tank waste remediation system, Richland, WA	---	377,000
99-D-403 Infrastructure support, Richland, WA	7,812	7,812
97-D-402 Tank farm restoration and safe operations, Richland, WA	46,023	46,023
94-D-407 Initial tank retrieval systems, Richland, WA	17,385	17,385
Subtotal, Construction	72,520	448,220
Subtotal, Office of River Protection	72,520	757,839
Total, Post 2006 completion	2,973,467	3,456,565

Department of Energy (in thousands)

	Budget Request	Conference
Science and technology	196,032	256,898
Safeguards and security	203,748	203,748
Program direction	347,881	363,988
Subtotal, Defense environmental management	4,646,374	5,262,710
Use of prior year balances	-34,317	-34,317
Pension refund	-50,000	-50,000
General reduction	---	-10,700
Reduction for safeguards and security	---	-193,217
TOTAL, DEFENSE ENVIRON. RESTORATION AND WASTE MGMT	4,562,057	4,974,476
DEFENSE FACILITIES CLOSURE PROJECTS		
Site closure	1,027,942	1,027,942
Safeguards and security	54,772	54,772
TOTAL, DEFENSE FACILITIES CLOSURE PROJECTS	1,082,714	1,082,714
DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION		
Privatization initiatives, various locations	539,976	90,092
Use of prior year balances	-25,092	-25,092
TOTAL, DEFENSE ENVIRONMENTAL MGMT. PRIVATIZATION	514,884	65,000
TOTAL, DEFENSE ENVIRONMENTAL MANAGEMENT	6,159,655	6,122,190

Department of Energy (in thousands)

	Budget Request	Conference
OTHER DEFENSE ACTIVITIES		
Other national security programs		
Security and emergency operations		
Nuclear safeguards	123,566	116,409
Security investigations	38,597	33,000
Emergency management	91,773	33,711
Program direction	89,367	92,967
Subtotal, Security and emergency operations	343,303	276,087
Intelligence	35,010	36,059
Construction		
01-D-800 Sensitive compartmented information facility, LLNL, Livermore, CA	1,975	2,000
Subtotal, Intelligence	36,985	38,059
Counterintelligence	44,328	45,200
Advanced accelerator applications	---	34,000
Independent oversight and performance assurance		
Program direction	14,937	14,937
Environment, safety and health (Defense)	85,963	102,963
Program direction - EH	22,604	22,604
Subtotal, Environment, safety & health (Defense)	108,567	125,567
Worker and community transition	21,497	21,500
Program direction - WT	3,000	3,000
Subtotal, Worker and community transition	24,497	24,500
National Security programs administrative support	---	25,000
Office of hearings and appeals	3,000	3,000
Subtotal, Other defense activities	575,617	586,350
Reduction for safeguards and security	---	-595
TOTAL, OTHER DEFENSE ACTIVITIES	575,617	585,755

Department of Energy (in thousands)

	Budget Request	Conference
DEFENSE NUCLEAR WASTE DISPOSAL		
Defense nuclear waste disposal	112,000	200,000
ENERGY EMPLOYEES COMPENSATION INITIATIVE		
Energy employees beryllium compensation fund	12,800	---
Energy employees pilot project	2,000	---
Paducah employees exposure compensation fund	2,200	---
TOTAL, ENERGY EMPLOYEES COMPENSATION INITIATIVE	17,000	---
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	13,042,170	13,497,490
POWER MARKETING ADMINISTRATIONS		
SOUTHEASTERN POWER ADMINISTRATION		
Operation and maintenance		
Purchase power and wheeling	34,463	34,463
Program direction	5,000	5,000
Subtotal, Operation and maintenance	39,463	39,463
Offsetting collections	-34,463	-34,463
Use of prior year balances	-1,100	-1,100
TOTAL, SOUTHEASTERN POWER ADMINISTRATION	3,900	3,900
SOUTHWESTERN POWER ADMINISTRATION		
Operation and maintenance		
Operating expenses	3,795	3,795
Purchase power and wheeling	288	288
Program direction	18,388	18,388
Construction	6,817	6,817
Subtotal, Operation and maintenance	29,288	29,288
Offsetting collections	-288	-288
Use of prior year balances	-900	-900
TOTAL, SOUTHWESTERN POWER ADMINISTRATION	28,100	28,100

Department of Energy (in thousands)

	Budget Request	Conference
WESTERN AREA POWER ADMINISTRATION		
Operation and maintenance		
Construction and rehabilitation	23,115	23,115
System operation and maintenance	36,104	36,104
Purchase power and wheeling	35,500	65,224
Program direction	106,644	106,644
Utah mitigation and conservation	5,036	5,950
Subtotal, Operation and maintenance	206,399	237,037
Offsetting collections	-35,500	-65,224
Use of prior year balances	-5,983	-5,983
TOTAL, WESTERN AREA POWER ADMINISTRATION	164,916	165,830
FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND		
Operation and maintenance	2,670	2,670
TOTAL, POWER MARKETING ADMINISTRATIONS	199,586	200,500
FEDERAL ENERGY REGULATORY COMMISSION		
Federal energy regulatory commission	175,200	175,200
FERC revenues	-175,200	-175,200
TOTAL, FEDERAL ENERGY REGULATORY COMMISSION	---	---
Defense nuclear waste disposal (rescission)	-85,000	-75,000
Defense environmental privatization (rescission)	---	-97,000
GRAND TOTAL, DEPARTMENT OF ENERGY	18,064,720	18,341,776

TITLE IV

INDEPENDENT AGENCIES

Appalachian Regional Commission

The conference agreement includes $66,400,000 for the Appalachian Regional Commission as proposed by the Senate instead of $63,000,000 as proposed by the House.

Defense Nuclear Facilities Safety Board

The conference agreement includes $18,500,000 for the Defense Nuclear Facilities Safety Board as proposed by the Senate instead of $17,000,000 as proposed by the House.

Delta Regional Authority

The conference agreement includes $20,000,000 for the Delta Regional Authority as proposed by the Senate.

Denali Commission

The conference agreement includes $30,000,000 for the Denali Commission as proposed by the Senate.

Nuclear Regulatory Commission

SALARIES AND EXPENSES

The conference agreement includes $481,900,000 as proposed by the House and the Senate, to be offset by revenues of $447,958,000, for a net appropriation of $33,942,000. This reflects the statutory language adopted by the conference to reduce the revenues collected in fiscal year 2001 by 2 percent.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $5,500,000 as proposed by the House and the Senate, to be offset by revenues of $5,390,000, for a net appropriation of $110,000. This reflects the statutory language adopted by the conference to reduce the revenues collected in fiscal year 2001 by 2 percent.

Nuclear Waste Technical Review Board

The conference agreement provides $2,900,000 instead of $2,700,000 as proposed by House and $3,000,000 as proposed by the Senate.

GENERAL PROVISIONS

The conference agreement deletes language proposed by the Senate establishing a Presidential Energy Commission.

TITLE V

FISCAL YEAR 2001 EMERGENCY APPROPRIATIONS

DEPARTMENT OF ENERGY

Atomic Energy Defense Activities

CERRO GRANDE FIRE ACTIVITIES

The conference agreement includes an emergency appropriation of $203,460,000 as proposed by the Senate for Cerro Grande Fire Activities at the Los Alamos National Laboratory in New Mexico.

The recommendation includes $46,860,000 for repair and risk mitigation associated with physical damage and destruction; $25,400,000 for restoring services; $18,000,000 for emergency response; and $15,000,000 for resuming laboratory operations.

In addition, funding is provided for the following construction projects: $6,100,000 for Project 97–D–102, Dual-Axis Radiographic Hydrotest Facility (DAHRT); $25,000,000 for Project 01–D–701, Site-wide Fire Alarm System Replacement; $20,000,000 for Project 01–D–702, Emergency Operations Center Replacement and Relocation; $29,100,000 for Project 01–D–703, TA–54 Waste Management Mitigation; $10,000,000 for Project 01–D–704, Office Building Replacement Program for Vulnerable Facilities; and $8,000,000 for Project 01–D–705, Multi-channel Communications System. The Department is directed to include construction project data sheets for these projects in the fiscal year 2002 budget request.

INDEPENDENT AGENCIES

Appalachian Regional Commission

The conference agreement includes an emergency appropriation of $11,000,000 for the Appalachian Regional Commission.

TITLE VI

GENERAL PROVISIONS

Sec. 601. The conference agreement includes language directing that none of the funds in this Act or any prior appropriations Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

Sec. 602. The conference agreement includes language regarding the purchase of American-made equipment and products, and prohibiting contracts with persons falsely labeling products as made in America.

Sec. 603. The conference agreement includes language providing that no funds may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit of the Central Valley Project until certain conditions are met. The language also provides that the costs of the Kesterson Reservoir Cleanup Program and the San Joaquin Valley Drainage Program shall be classified as reimbursable or non-reimbursable by the Secretary of the Interior and that any future obligation of funds for drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries pursuant to Reclamation law.

Sec. 604. The conference agreement includes language proposed by the Senate limiting the use of funds to propose or issue rules, regulations, decrees, or orders for the purpose of implementing the Kyoto Protocol. The conferees do not concur with the report language proposed by the House.

Sec. 605. The conference agreement includes language prohibiting the use of funds to pay an individual who simultaneously holds positions within the National Nuclear Security Administration and the Department of Energy.

Sec. 606. The conference agreement includes language extending the Coastal Wetlands Planning, Protection and Restoration Act.

Sec. 607. The conference agreement includes language redesignating the Interstate Sanitation Commission as the Interstate Environmental Commission.

Provisions not adopted—The conference agreement deletes language proposed by the House amending the Energy Policy and Conservation Act.

The conference agreement deletes language proposed by the House limiting the use of funds to pay salaries of employees of the Department of Energy who refused to take polygraph examinations.

The conference agreement deletes language proposed by the Senate repealing sections of Public Law 106–246.

The conference agreement deletes language proposed by the Senate requiring the Tennessee Valley Authority to complete an environmental impact statement before proceeding with the sale of mineral rights.

The conference agreement deletes language proposed by the Senate requiring a report to Congress on electricity prices. This requirement has been included in report language.

TITLE VII

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

The conference agreement includes language providing funds to reduce the public debt.

TITLE VIII

Nuclear Regulatory Commission

The conference agreement includes language extending the Nuclear Regulatory Commission's (NRC) authority to assess license and annual fees through fiscal year 2005. This extension is necessary to provide the resources needed to fund the activities of the Commission. The conferees have also provided authority to reduce the fee recovery requirement from 100 percent to 98 percent in fiscal year 2001, and further decrease the fee incrementally until the fee recovery requirement is reduced to 90 percent in 2005. This will address fairness and equity concerns relating to charging NRC licensees for agency expenses which do not provide a direct benefit to them.

Conference Total—With Comparisons

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follow:

(In thousands of dollars)

New budget (obligational) authority, fiscal year 2000	$21,647,047
Budget estimates of new (obligational) authority, fiscal year 2001	23,146,559
House bill, fiscal year 2001	22,204,000
Senate bill, fiscal year 2001	23,131,901
Conference agreement, fiscal year 2001	24,066,880
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2000	+2,419,833
Budget estimates of new (obligational) authority, fiscal year 2001	+920,321
House bill, fiscal year 2001	+1,862,880
Senate bill, fiscal year 2001	+934,979

Ron Packard,
Harold Rogers,
Joe Knollenberg,
Rodney P. Frelinghuysen,
Sonny Callahan,
Tom Latham,
Roger F. Wicker,
C.W. Bill Young,
Peter Visclosky,
Chet Edwards,
Ed Pastor,
Michael P. Forbes
Managers on the Part of the House.

Pete V. Domenici,
Thad Cochran,
Slade Gorton,
Mitch McConnell,
Robert F. Bennett,
Conrad Burns,
Larry E. Craig,
Ted Stevens,
Harry Reid,
Robert C. Byrd,
Ernest F. Hollings,

PATTY MURRAY,
HERB KOHL,
DANIEL INOUYE
Managers on the Part of the Senate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 48 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 11 o'clock and 21 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4733, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–908) on the resolution (H. Res. 598) waiving points of order against the conference report to accompany the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today after 1:30 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. NCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. BARTLETT of Maryland, for 5 minutes, today.

Mr. OSE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HERGER, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1658. An act to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, and for other purposes; to the Committee on Resources.

S. 1865. An act to provide grants to establish demonstration mental health courts; to the Committee on the Judiciary.

S. 1929. An act to amend the Native Hawaiian Health Care Improvement Act to revise and extend such Act; to the Committee on Commerce.

S. 2272. An act to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on the Judiciary.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On Wednesday, September 26, 2000:

H.R. 2909. To provide for implementation by the United States of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and for other purposes.

H.R. 4919. To amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

H.R. 940. To designate the Lackawanna Valley and the Schuylkill River National Heritage Areas, and for other purposes.

ADJOURNMENT

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Thursday, September 28, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10312. A letter from the Administrator, Rural Utilities Services, Department of Agriculture, transmitting the Department's final rule—RUS Form 397, Special Equipment Contract (Including Installation) (RIN: 0572–AB35) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10313. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Dimethyl silicone polymer with silica; silane, dichloromethyl-reaction product with silica; hexamethyldisilizane, reaction product with silica; Tolerance Exemption [OPP–301055; FRL–6745–1] (RIN: 2070–AB78) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10314. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerances for Emergency Exemptions [OPP–301047; FRL–6744–4] (RIN: 2070–AB78) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10315. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Pesticide Tolerance [OPP–301069; FRL–6749–1] (RIN: 2070–AB78) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10316. A letter from the Under Secretary of Defense, Acquisition and Technology, Department of Defense, transmitting The Fiscal Year 1999 Defense Environmental Technology Program; to the Committee on Armed Services.

10317. A letter from the Chief, Compliance Division, Office of Civil Rights, Department of Commerce, transmitting the Department's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance—received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10318. A letter from the Office of Civil Rights, Department of Transportation, transmitting the Department's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance—September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10319. A letter from the Senior Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards [Docket No. NHTSA–98–4515; Notice 2] (RIN: 2127–AF43) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10320. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision [Region 2 Docket No. NY43a-212, FRL–6873–2] received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10321. A letter from the Executive Director, Committee For Purchase From People Who

Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10322. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions—received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10323. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation [FRL-6874-5] received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10324. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic MACKerel, Squid and Butterfish Fisheries; Inseason Adjustment Procedures [Docket No. 000907254-0254-01; I.D. 082400A] received September 25, 20000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10325. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Fisheries; Annual Specifications [Docket No. 000831250-0250-01; 071400E] (RIN: 0648-AN74) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10326. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pella, IA [Airspace Docket No. 00-ACE-26] received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10327. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; McPherson, KS [Airspace Docket No. 00-ACE-17] received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10328. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Hugoton, KS [Airspace Docket No. 00-ACE-18] received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10329. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and EMB-145 Series Airplanes [Docket No. 2000-NM-301-AD; Amendment 39-11904; AD 2000-19-03] (RIN: 2120-AA64) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10330. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBARER) Model EMB-135 and EMB-145 Series Airplanes [Docket No. 2000-NM-300-AD; Amendment 39-11903; AD 2000-19-02] (RIN: 2120-AA64) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10331. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models 1900C, 1900C (C-21J), and 1900D Airplanes [Docket No. 2000-CE-02-AD; Amendment 39-11905; AD 2000-19-04] (RIN: 2120-AA64) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10332. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Capital Gains, Partnership, Subchapter S, and Trust Provisions (RIN: 1545-AW22) received September 25,2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 5266. A bill for the relief of Saeed Rezai (Rept. 106-905). Referred to the Private Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. S. 302. An Act for the relief of Kerantha Poole-Christian (Rept. 106-906). Referred to the Private Calendar.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 3575. A bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991 (Rept. 106-903). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 604. A bill to amend the charter of the AMVETS organization; with an amendment (Rept. 106-904). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. H. Res. 598. A resolution waiving points of order against the conference report to accompany the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-908). Referred to the House Calendar.

Mr. PACKARD: Committee of Conference. Conference report on H.R. 4733. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-907). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. EVANS:

H.R. 5311. A bill to amend title 38, United States Code, to improve programs for homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. McCOLLUM (for himself, Mr. ROGAN, Mr. MICA, Mr. NETHERCUTT, and Mr. SESSIONS):

H.R. 5312. A bill to amend the Controlled Substances Act to protect children from drug traffickers; referred to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 5313. A bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs; referred to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland:

H.R. 5314. A bill to require their immediate termination of the Department of Defense practice of euthanizing military working dogs at the end of their useful working life and to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons, capable of caring for these dogs; to the Committee on Armed Services.

By Mr. TANNER (for himself, Mr. STENHOLM, Mr. BOYD, Ms. HOOLEY of Oregon, Mr. SPRATT, Mr. DOOLEY of California, Ms. ESHOO, Mr. ABERCROMBIE, Mrs. McCARTHY of New York, Ms. LOFGREN, Mr. CROWLEY, Mr. LUCAS of Kentucky, Ms. DANNER, Mr. HALL of Texas, Mr. SISISKY, Mr. TURNER, Mrs. TAUSCHER, Mr. SMITH, of Washington, Mr. BERRY, Mr. SHOWS, Mr. THOMPSON of California, Mr. HOLDEN, Mr. HILL of Indiana, Mr. JOHN Mr. CRAMER, and Mr. DOYLE):

H.R. 5315. A bill to amend the Internal Revenue Code of 1986 to reduce estate and gift tax rates, and for other purposes; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 5316. A bill to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and elderly, and for other purposes; referred to the Committee on Commerce, and in addition to the Committees on Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO:

H.R. 5317. A bill to increase accountability for Government spending and to reduce wasteful Government spending; referred to the Committee on Ways and Means, and in addition to the Committees on Commerce, Armed Services, Science, Resources, Banking and Financial Services, International Relations, Veterans' Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH:

H.R. 5318. A bill to prohibit the exportation of Alaskan North Slope crude oil; referred to the Committee on International Relations, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE:

H.R. 5319. A bill to expand the teacher loan forgiveness programs under the guaranteed and direct student loan programs, and for other purposes; referred to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KOLBE:

H.R. 5320. A bill to amend part C of title XVIII of the Social Security Act to revise and improve the Medicare+Choice Program, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATHAM:

H.R. 5321. A bill to amend the Fair Debt Collection Practices Act to clarify that judgments in actions brought under the Act are enforceable in any court of competent jurisdiction; to the Committee on Banking and Financial Services.

By Mr. LEWIS of California (for himself, Mrs. Bono, and Mr. Calvert):

H.R. 5322. A bill to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes; to the Committee on Resources.

By Mr. LIPINSKI (for himself, Mr. Duncan, and Mr. Costello):

H.R. 5323. A bill to direct the Administrator of the Federal Aviation Administration to require automatic external defibrillators in terminals at certain airports, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY (for himself, Mr. Frank of Massachusetts, Mr. Moakley, Mr. Neal of Massachusetts, Mr. Meehan, Mr. Olver, Mr. Tierney, Mr. Delahunt, Mr. McGovern, Mr. Capuano, Ms. Millender-McDonald, Mr. Doyle, Mr. Blumenauer, Mr. Hilliard, Mr. Abercrombie, Mr. Mascara, Mr. Payne, Mr. Romero-Barceló, Ms. Lee, Mr. Conyers, Mr. Sanders, Mr. Clement, Ms. McKinney, Mr. Blagojevich, Mr. Barcia, Mr. Davis of Illinois, Mr. Hinojosa, Mrs. Meek of Florida, Mr. Sandlin, Ms. Brown of Florida, Ms. Kilpatrick, Mr. Pickett, Ms. Waters, Mr. Reyes, Mrs. Jones of Ohio, Mr. Green of Texas, Mr. Berman, Mr. Serrano, and Mr. McNulty):

H.R. 5324. A bill to amend the Social Security Act to make corrections and refinements in the Medicare, Medicaid, and SCHIP health insurance programs, as revised by the Balanced Budget Act of 1997, and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes; referred to the Committee on Commerce, and in addition to the Committees on Ways and Means, Rules, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 5325. A bill to amend title 18, United States Code, to ensure that acts of torture, as proscribed by the Torture Convention, as also recognized as criminal if committed in the United States; to the Committee on the Judiciary.

By Ms. WATERS:

H.R. 5326. A bill to introduce common sense to America's policy regarding controlled substances; referred to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida:

H.R. 5327. A bill to amend the Public Health Service Act with respect to the Vaccine Injury Compensation Program; to the Committee on Commerce.

By Mr. WU (for himself and Mr. Souder):

H.R. 5328. A bill to authorize the acquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes; to the Committee on Resources.

By Mr. WU:

H.R. 5329. A bill to amend title II of the Social Security Act to restore child's insurance benefits in the case of students attending postsecondary schools; to the Committee on Ways and Means.

By Mr. CAMPBELL (for himself, Mr. Pitts, Mr. Lantos, Mr. Rohrabacher, Mr. Royce, and Mr. Bereuter):

H. Con. Res. 411. Concurrent resolution relating to the reestablishment of representative government in Afghanistan; to the Committee on International Relations.

By Mr. POMEROY (for himself, Mrs. Johnson of Connecticut, Mr. Foley, Mr. Peterson of Pennsylvania, Mr. Whitfield, Mr. LaTourette, Mr. Manzullo, Mr. Saxton, Mr. Kuykendall, Mr. English, Ms. Millender-McDonald, Mr. Davis of Florida, Mr. Abercrombie, Mr. Skelton, Ms. Kaptur, Mr. Sandlin, Mr. Frost, Mr. Ramstad, and Mr. Bass):

H. Con. Res. 412. Concurrent resolution promoting a national dialog on long-term care financing reform; referred to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH:

H. Res. 596. Resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes; to the Committee on International Relations.

By Mrs. CHENOWETH-HAGE:

H. Res. 597. Resolution reaffirming the proclamation signed by President Abraham Lincoln on March 30, 1863, in which President Lincoln called for national humility, fasting, and prayer, and for other purposes; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. Nadler.

H.R. 44: Mr. Green of Wisconsin.

H.R. 65: Mr. Green of Wisconsin.

H.R. 207: Mr. LaTourette.

H.R. 254: Mr. Wu.

H.R. 284: Mr. Scarborough, Mr. Moran of Kansas, Mr. Oberstar, Mr. Pickering, and Mr. Brown of Ohio.

H.R. 303: Mr. Nussle.

H.R. 488: Mrs. Roukema.

H.R. 525: Mr. Rothman.

H.R. 632: Mr. Ortiz.

H.R. 828: Mr. Meehan and Mr. Bereuter.

H.R. 1177: Mr. Ryan of Wisconsin.

H.R. 1285: Ms. DeGette.

H.R. 1303: Ms. Eshoo, and Mr. Nadler.

H.R. 1413: Mr. Green of Wisconsin.

H.R. 1525: Mr. Tierney.

H.R. 1595: Mr. Baird.

H.R. 1657: Ms. Baldwin.

H.R. 1793: Mr. Boyd.

H.R. 1885: Mr. Crowley.

H.R. 2087: Ms. Pryce of Ohio, Mrs. Northup, Mr. Souder, and Mr. Chabot.

H.R. 2308: Mr. Lewis of Georgia.

H.R. 2631: Mr. LaTourette.

H.R. 2710: Mr. Rogers.

H.R. 2722: Mr. Scott.

H.R. 2774: Mr. Frost.

H.R. 2780: Mr. Pastor, and Mr. Moran of Virginia.

H.R. 2790: Mr. Toomey.

H.R. 2802: Mr. Gonzalez.

H.R. 2814: Mr. McGovern.

H.R. 2900: Mr. LoBiondo.

H.R. 3492: Mr. Kanjorski, Mr. Sherman, and Mrs. Jones of Ohio.

H.R. 3514: Ms. Brown of Florida, and Mr. Metcalf.

H.R. 4025: Mr. Ortiz.

H.R. 4106: Mr. Lewis of Georgia, and Mr. Gejdenson.

H.R. 4215: Mr. Barr of Georgia.

H.R. 4277: Mr. Larson, and Mr. Pomeroy.

H.R. 4281: Mr. Sherman, and Mr. Abercrombie.

H.R. 4388: Mr. Baca.

H.R. 4393: Mr. Stark, Mr. Canady of Florida, Mr. Sam Johnson of Texas, and Mrs. Meek of Florida.

H.R. 4483: Mr. Fattah and Mr. Blumenauer.

H.R. 4493: Mr. McHugh.

H.R. 4536: Mr. Clement, and Mr. McHugh.

H.R. 4543: Mr. Edwards.

H.R. 4594: Ms. Brown of Florida.

H.R. 4624: Mr. Weiner and Ms. Velázquez.

H.R. 4649: Mr. Peterson of Minnesota, Mr. Sweeney, and Ms. Ros-Lehtinen.

H.R. 4740: Mr. Wynn, Mr. McIntyre, and Mr. Rangel.

H.R. 4841: Mr. Cooksey.

H.R. 4879: Mr. Weiner, Mr. Becerra, and Mr. Udall of Colorado.

H.R. 4915: Ms. Carson and Mr. Hoeffel.

H.R. 4926: Mr. Foley, Mr. Towns, Ms. Sanchez, Mr. Meeks of New York, Mr. Thompson of Mississippi, and Mr. Payne.

H.R. 4949: Mr. Edwards and Mr. Moore.

H.R. 4953: Mr. Sanders and Mr. Leach.

H.R. 4968: Mr. Inslee.

H.R. 5005: Ms. Pelosi and Ms. Dunn.

H.R. 5018: Mr. Wamp.

H.R. 5035: Mr. Waxman.

H.R. 5065: Mr. Frost, Ms. Pelosi, and Mr. Berman.

H.R. 5114: Mr. PASTOR.

H.R. 5116: Mr. EVANS, Mrs. JOHNSON of Connecticut, and Ms. KILPATRICK.

H.R. 5126: Ms. MILLENDER-MCDONALD, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BROWN of Florida, Mr. PAYNE, Mr. MEEKS of New York, Mr. WYNN, Mr. DAVIS of Illinois, Mr. FORD, Mr. SCOTT, Mr. WATT of North Carolina, Ms. KILPATRICK, Mrs. CLAYTON, Mrs. MEEK of Florida, Mr. JEFFERSON, Mr. TOWNS, Ms. LEE, Mr. OWENS, Mr. CUMMINGS, Mr. HILLIARD, Mr. THOMPSON of Mississippi, Mr. RUSH, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. BISHOP, Ms. MCKINNEY, Mr. CLAY, Mr. CLYBURN, Ms. WATERS, and Mr. JACKSON of Illinois.

H.R. 5152: Mr. FILNER.

H.R. 5157: Mr. ABERCROMBIE, Mr. BLAGOJEVICH, Mrs. JONES of Ohio, Mr. HILLIARD, and Mr. DIXON.

H.R. 5158: Ms. CARSON, Mrs. JONES of Ohio, Mr. OWENS, and Mr. TOWNS.

H.R. 5164: Mr. BOEHLERT, Mr. GEORGE MILLER of California, Mr. LAFALCE, and Mr. WYNN.

H.R. 5178: Mr. MATSUI, Mr. BEREUTER, Ms. SCHAKOWSKY, Mr. SWEENEY, Mr. POMEROY, Mr. LARSON, and Mr. TIERNEY.

H.R. 5212: Mr. GOODLATTE and Mr. WOLF.

H.R. 5247: Mr. WAXMAN and Mr. BROWN of Ohio.

H.R. 5262: Mr. GUTIERREZ and Mr. STARK.

H.R. 5265: Mr. BAKER, Mr. POMBO, Mr. SCHAFFER, Mr. COOKSEY, and Mr. GREEN of Wisconsin.

H.R. 5277: Ms. WOOLSEY, Mr. BAIRD, Ms. STABENOW, Mr. EDWARDS, Mr. FROST, and Mr. RODRIGUEZ.

H.R. 5288: Mr. HOLDEN, Mr. RADANOVICH, Mr. HERGER, and Mr. GIBBONS.

H.R. 5309: Mr. MCCOLLUM, Mr. CANADY of Florida, Mr. SHAW, Mr. SCARBOROUGH, Mr. BILIRAKIS, and Ms. BROWN of Florida.

H. Con. Res. 337: Mr. ROHRABACHER.

H. Con. Res. 340: Mr. ROGAN, Mr. MARTINEZ, Mr. BACA, and Mr. MATSUI.

H. Con. Res. 370: Mr. BACA, Mr. MARTINEZ, and Mr. ROGAN.

H. Res. 51: Mr. BORSKI.

H. Res. 309: Mr. PORTER.

H. Res. 347: Mr. WAXMAN.

H. Res. 420: Mr. STUMP.

H. Res. 576: Mrs. MORELLA, Mr. FORBES, and Mr. COYNE.

H. Res. 577: Mr. FALEOMAVAEGA.

EXTENSIONS OF REMARKS

LEES-MCRAE COLLEGE CELEBRATES ITS 100TH ANNIVERSARY

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. HASTERT. Mr. Speaker, today,, September 26, 2000 marks the one-hundredth anniversary of Lees-McRae College in Banner Elk, North Carolina. This is a significant day, not just for the college, but for the entire region and, indeed, for the country. Located in the Blue Ridge Mountains, Lees-McRae has its roots in the desire of the Reverend Edgar Tufts, its founder, to bring literacy to the area. The history of Lees-McRae is a century of service to the educational and spiritual needs of the region. The college's commitment to being an integral part of the larger community is summed up in its motto, "In the mountains, of the mountain, for the mountains."

Because of its hundred-year commitment to values-centered education, and a century of success in preparing young people for lives of leadership and service, Lees-McRae College has made a significant contribution to the Nation. Its graduates are in all walks of life, putting into practice the values and lessons they learned at Lees-McRae.

Lees-McRae College is an institution of which the entire United States can be proud. We honor its centennial as it celebrates the vision and accomplishments of its founder, the Reverend Edgar Tufts. With pride and gratitude we wish the college a second century of success.

PAYING TRIBUTE TO MARY JEAN LETENDRE

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. GOODLING. Mr. Speaker, I would like to take this opportunity to pay tribute to Mary Jean LeTendre, Director of Compensatory Programs at the U.S. Department of Education. I recently learned that Mary Jean plans to retire in January 2001. Her departure will be a great loss for the Department of Education and for those programs that have benefited from her guidance during her years of service.

For the past 15 years, Mary Jean has been the director of the $8.5 billion Title I program. Managing this program is an enormous task for anyone, but Mary Jean has worked against overwhelming odds to ensure the program actually does help close the achievement gap that currently exists in our nation's schools. She has been particularly instrumental in ensuring that early childhood services are provided to disadvantaged at-risk youngsters in an effort to make sure they are "reading ready" when they reach first grade. When this happens, many of these children excel, enjoy learning, and do not fall behind.

Mary Jean's most important concern was first and always helping disadvantaged children get a piece of the American dream. She has also been a true advocate for some of our country's most at-risk children, including homeless children and those in facilities for neglected and delinquent children and youth.

But, Mr. Speaker, Mary Jean's greatest accomplishments have been in the area of family literacy. In 1988, Congress enacted the Even Start Family Literacy Program, based on legislation I introduced in the House of Representatives.

My greatest concern was that Even Start would not work if it was not properly administered and someone was not there ensuring that program requirements were met at the local level. But I should not have worried. Mary Jean was there every step of the way to make sure that each and every program included all of the core components: adult education, age appropriate education for participating children, parent and child together time, and assistance to help parents become their child's first and most important teacher.

As a result, Even Start has helped thousands of families to end cycles of illiteracy and become productive members of society. With Mary Jean's hard work and guidance, my dream of a literate society may yet become a reality. Her legacy will be the numerous children and families who have benefited from her efforts to ensure that participants receive a high quality education.

Mr. Speaker, I have never met a more dedicated and knowledgeable career government official than Mary Jean LeTendre. Our nation's children have benefited greatly under her care. She will truly be missed.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. SENSENBRENNER. Mr. Speaker, I rise today to pay tribute to a faithful and dedicated public servant, the distinguished senior Senator from New York, Senator DANIEL PATRICK MOYNIHAN. Senator MOYNIHAN has served the people of New York in the United States Senate for nearly a quarter century. However, his long list of achievements in public service began over 50 years ago.

In those 50 plus years, Senator MOYNIHAN has been both soldier and ambassador, author and teacher, and legislator and diplomat. Very few Americans serve their country and their fellow citizens with the range of knowledge and experience Senator MOYNIHAN has demonstrated. We in Congress are privileged to call him our colleague.

Among Senator MOYNIHAN's most important roles has been that of advocate for peace in Northern Ireland. Drawing on his extensive foreign policy experience as both ambassador to India and United States Representative to the United Nations, Senator MOYNIHAN called for a peaceful resolution of tensions in Northern Ireland and helped guide the negotiations that have today resulted in decreased bloodshed, decreased violence, and greater understanding there.

Senator MOYNIHAN has also earned the distinction of being the only American in history to serve in the Executive Branch in four successive administrations, both Republican and Democrat. He has dedicated his service not to partisanship, but to people; not to party, but to peace. The people of New York recognize him for fighting tirelessly for their rights, including better education and better healthcare. His colleagues recognize him for fighting for his principles.

I join my colleagues in thanking Senator MOYNIHAN for his valuable service. We will not soon forget the example he set.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. McNULTY. Mr. Speaker, I regret that I was unable to join with my colleagues from New York last Tuesday in honoring one of the greatest Senators this nation has known, PAT MOYNIHAN. I welcome the opportunity to add my voice to the chorus singing in praise of the Senator and his equally amazing wife, Liz.

PAT, you have enlightened millions as an author, educated thousands as a professor, impressed hundreds of diplomats as a statesman, awed your colleagues as a legislator, counseled four Presidents as a scholar, raised three children as a father, and enjoyed 44 years as husband to Liz. What an extraordinary life.

Thank you for your tireless work to protect the environment, to improve our infrastructure, to make welfare work for the people, to save Social Security for future generations, and to promote peace and democracy throughout the world. You did all of this while managing to evade the crippling grasp of partisanship by using the strength and power of ideas.

Thank you on behalf of the residents of the Capital Region, the people of the State of New York, the citizens of America, and the community of nations.

Enjoy your retirement. It is well deserved. And as all good friends say at particularly

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

grueling moments of departure, "Promise you'll keep in touch." PAT, it's not just that the nation wants to hear from you—it needs to hear from you.

INTRODUCTION OF LEGISLATION TO NAME THE UNITED STATES COURTHOUSE IN SEATTLE, WASHINGTON, IN HONOR OF CONGRESSIONAL MEDAL OF HONOR RECIPIENT PFC. WILLIAM K. NAKAMURA

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. McDERMOTT. Mr. Speaker, today, I introduce legislation to name the United States Courthouse in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse" in honor of Congressional Medal of Honor recipient Pfc. William K. Nakamura.

William K. Nakamura was born and raised in an area of Seattle that used to be known as "Japantown." In 1942, while attending the University of Washington, William K. Nakamura, his family, and 110,000 other Japanese Americans were forcibly relocated to federal internment camps. While living at the Minidoka Relocation Center in Idaho, Nakamura and his brothers chose to prove their patriotism by enlisting in the United States Army. William K. Nakamura was assigned to the serve with the 442nd Regimental Combat Team. The courageous service of this unit during World War II made it one of the most decorated in the history of our nation's military.

William K. Nakamura distinguished himself by extraordinary heroism in action on July 4, 1944, near Castellina, Italy. As Pfc. Nakamura's platoon approached Castellina, it came under heavy enemy fire. Acting on his own initiative, Pfc. Nakamura crawled within 15 yards of the enemy's machine gun nest and used four hand grenades to neutralize the enemy fire which allowed his platoon to continue its advance. Pfc. Nakamura's company was later ordered to withdraw from the crest of a hill. Rather than retreat with his platoon, Pfc. Nakamura took a position to cover the platoon's withdrawal. As his platoon moved toward safety they suddenly became pinned down by machine gun fire. Pfc. Nakamura crawled toward the enemy's position and accurately fired upon the machine gunners, allowing his platoon time to withdraw to safety. It was during this heroic stand that Pfc. Nakamura lost his life to enemy sniper fire.

Pfc. Nakamura's commanding officer nominated him for the Medal of Honor but the racial climate of the time prevented him, as well as other soldiers of color, from receiving the nation's highest honor. In the spring of this year, 56 years after he made the ultimate sacrifice for his country, William Kenzo Nakamura was awarded the Congressional Medal of Honor.

Designating the United States Courthouse in Seattle in Pfc. Nakamura's name is a fitting way to acknowledge the memory of a true American hero, who for so many years was denied the honor he so justly deserved. Mr. Speaker, the legislation I introduce today is broadly supported by veterans' service organizations and elected officials in the Pacific Northwest. I urge speedy passage of this bill.

RECOGNIZING THE FIRST VETERANS DAY OF THE 21ST CENTURY

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. SWEENEY. Mr. Speaker, today I express the sense that special recognition should be given to the observance of Veterans Day on November 11, 2000, the first Veterans Day of the 21st Century. As we enter this new millennium, it is important to preserve the memory of our Nation's veterans and to teach the next generations of their sacrifices. Our veterans are responsible for securing and preserving the freedom that all Americans now enjoy.

This first Veterans Day of the 21st Century offers all Americans a special chance to recognize the contributions of our veterans in defending freedom and democracy. It is also an appropriate occasion to make a much greater effort to educate our country's children on the contributions of veterans in defending the freedoms the Nation enjoys so that the memory of those contributions will be preserved throughout the 21st Century. I believe children throughout the Nation would benefit from education that places greater emphasis on the Armed Services' role in shaping the history of the United States.

It is extremely important for us to remember the more than 700,000 brave Americans who sacrificed their lives while serving this nation so that America's children may continue to live in a country founded on the principles of freedom, justice, and democracy. Veterans Day also affords us the opportunity to thank the more than 25,000,000 veterans currently living in the United States. It is important for them to know that our country is grateful for their service.

Mr. Speaker, please join me in recognizing the first Veterans Day of the 21st Century. Also, join me in thanking the veterans who sacrificed so much to protect our way of life.

IN RECOGNITION OF THE CONTRIBUTIONS OF MRS. CLARE M. ALBOM

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. GEJDENSON. Mr. Speaker, today I congratulate Mrs. Clare M. Albom upon her retirement as Director of the Senior Center in Vernon, Connecticut. Serving more than 18 years as Director, Mrs. Albom has proven to be a tremendous asset for seniors in Vernon.

Mrs. Albom is a highly regarded member of the community. Since accepting the position as consultant for the Vernon Senior Center 18 years ago, Mrs. Albom has helped build it into one of the top centers for senior citizens in the State of Connecticut. During her tenure, Mrs. Albom supervised a comprehensive physical renovation project to further improve the Center. Mrs. Albom is also responsible for creating a unique and effective organizational structure for the Center with help from part-time staff, volunteers and senior citizens. Mrs. Albom worked to establish important programs to help senior citizens in Vernon with a wide range of issues, including assistance with the ConnPace prescription drug program, Medicare, income taxes, rental assistance and recreation arrangements.

In her time away from the center, Mrs. Albom contributes a weekly column for senior citizens in the Saturday edition of the Journal Inquirer. Mrs. Albom is also a former teacher in the Vernon school system and a devoted wife and mother. Mrs. Albom's biggest influence on the Vernon community has been her solid commitment to the Town as a whole and, more specifically, to the Senior Center to which she has dedicated the past 18 years of her life and, even today, finds difficult to leave.

Mr. Speaker, I join residents from Vernon in commending Mrs. Clare M. Albom on her superb tenure at the Vernon Senior Center. She is a kind, selfless, special person and an example for all.

VIEWPOINTS OF WALKER F. RUCKER

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. COBLE. Mr. Speaker, Walker F. Rucker of Greensboro, North Carolina, is a veteran of the Second World War, a lay historian, and a man unafraid to speak his mind. Along with 38 other veterans from the Greensboro area, Mr. Rucker wishes to have his thoughts on the conduct of the President recorded for posterity.

Mr. Rucker has written and spoken eloquently of the sacrifices which his generation has made on behalf of our Republic. In light of their contributions, and those of preceding generations, these men are disturbed by the President's conduct during his two terms in office, which they believe manifests a basic disrespect for the values which they hold in such high regard. They are especially appalled by the events in the White House and elsewhere that led to the President's impeachment; and further object to his fund-raising tactics, his motivations for shaping certain foreign policy scenarios, his posture toward and treatment of our military, and a seeming disinterest in the imperative to adhere to the rule of law.

Mr. Speaker, I have paraphrased Mr. Rucker's views at this point. Anyone who knows him can fully appreciate his passion for a cause, his command of the King's English, and his sense of history. Accordingly, I thought it also appropriate to quote from a petition which he has circulated on this subject. Mr. Rucker notes that historical precedents teach us that external forces do not fell great Republics such as ours; they implode from within. To invoke Mr. Rucker verbatim:

"The Tree of Liberty has never been toppled by an external whirlwind. Rather, in the past it has perished because a vine which grows in its shadow and under its protection eventually smothers it. In nature this is the work of the strangler fig; in Government, this is the work of Corrupt Political Adventurers. Republics are a tenuous form of Government. Their demise does not come about by a single seismic political event, but rather is initiated by an unchallenged violation of its Founding Precepts. Thus the first successful violation of a State's Tenants of Faith begins the inevitable Decline and Fall of that State. Thus: (1) "Democratic Athens did not fail because of the annihilation of its fleet in 404 B.C. by Sparta. Rather a generation earlier Alcibides, when summoned to appear in Athens to explain the Syracuse Debacle, deserted first to Sparta and later to Persia. (2) "Republican Rome fell, not because Julius Caesar crossed the Rubicon, but because a score of years earlier Sulla violated the Roman Constitution by leading seven renegade legions into the defenseless city. (3) "The First Republic of France succumbed to Bonapartism because a decade earlier the "Incorruptible" Assembly was replaced by the Corrupt Directorate.

"Some 162 years ago, a 28-year-old frontiersman who became our 16th President foresaw such a challenge to our nation's foundation and told us how to respond:

> At what point shall we expect the approach of danger? By what means shall we fortify against it? Shall we expect some transatlantic military giant to step the ocean and crush us at a blow? Never! All the armies in Europe, Asia, and Africa combined, with all the treasures of the earth (our own excepted) in their military chest; with a Bonaparte for a commander could not by force take a drink from the Ohio, or make a track on the Blue Ridge, in a trial of a thousand years. At what point then is the approach of danger to be expected? I answer, if it ever reaches us, it must spring up amongst us. It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of free men we must live through all time or die by suicide. The question recurs, "How shall we fortify against it?" The answer is simple. Let every American, every lover of liberty, every well wisher of this posterity, swear by the blood of the (American) Revolution never to violate the least particular, the laws of the country, and never tolerate their violation by others.—(Abraham Lincoln, The Perpetuation of Our Political Institution, Springfield Lyceum, January 27, 1838.)"

Mr. Speaker, Mr. Rucker and his colleagues believe that the President should resign prior to January 3, 2001, in deference to their beliefs and reading of American history. I believe that this is an old war that distracted the Congress from its business and the nation from its tranquility. Given the President's transgressions, however, it had to be fought, and as a result the President became the second man to be impeached by the House of Representatives. I do not wish to fight this war again, but I have enough respect for Walker Rucker and like-minded men to submit their views on this unfortunate subject in our nation's history for inclusion in the Congressional Record.

TRIBUTE TO MRS. PAULINE F. SMITH

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. NORWOOD. Mr. Speaker, I rise today to honor one of my very special constituents, Mrs. Pauline F. Smith, of Allentown, Georgia as she prepares to celebrate her 78th birthday. It gives me great pleasure to not only wish her a happy birthday, but also to commend her for her outstanding service to her community and country.

Mrs. Smith, a life long Georgian, was born on October 2, 1922 in Tate, Georgia. Although Mrs. Smith's life accomplishments are too vast and rich to fully recount here, highlights demonstrate that Mrs. Smith has enriched and touched the lives of many through her commitment to, and love for, her family, community, and country.

Mrs. Smith was married in 1944 to Mr. Lonnie Smith Jr. and moved to Allentown, Georgia where they raised two children, Sandra and Denise. Beyond her role as loving wife and mother, however, Mrs. Smith has played and continues to play a significant role in her community and in her church, the Allentown Methodist Church.

Mrs. Smith's record of public service is also remarkable, both for its length and quality. In various capacities, from her work in the selective service office to her many years of service at Robins Air Force Base, Mrs. Smith selflessly served her country for 33 years, 3 months, and 3 days.

Therefore, in recognition of her tremendous service and in honor of her birthday, I am happy, Mr. Speaker, to rise today and Join Mrs. Smith's family and friends in wishing her a very happy 78th birthday, and in wishing her many more happy and healthy birthdays ahead.

DEATH OF SETH FOTI

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. GILMAN. Mr. Speaker, the Diplomatic Courier Service, U.S. Department of State, lost one of its own on August 23, 2000. Mr. Seth Foti, age 31, lost his life while serving his nation in the line of duty in the Persian Gulf. Seth was one of 143 passengers aboard the Gulf Air flight that crashed in Bahrain on August 23rd. Our thoughts and prayers go out to the entire Foti family. Seth is survived by his wife Anisha, his father Dominic Foti, his mother Deyann Davis, and step-father Maxwell Davis.

The U.S. Diplomatic Couriers face hardship on a daily basis. Not everyone is qualified for such a highly-sought-after position in public service. Just a few of the challenges with which couriers contend, include constant travel, traversing several time zones, long hours, solitary travel and flight delays. U.S. Diplomatic Couriers are integral in the work of the Foreign Service. These men and women deliver documents and materials that are vital to U.S. interest' and foreign policy goals. It can be dangerous.

The tragic loss of Mr. Foti, the sixth courier killed in the service's 82 year history, reminds us all of the bravery and commitment associated with our Diplomatic Couriers.

Seth was one of the new breed of couriers who recently joined the Diplomatic Courier Service in April 1999. He was a young, bright, energetic man who was willing to accept the dangers associated with a career in the U.S. Diplomatic Courier Service. Seth's supervisor, Mike Meeker, stated the following, "Seth Foti was such a dedicated colleague, professional in every respect. His professionalism was unmatched. He knew how to negotiate his way through the most difficult of airports. Always cheerful, charismatic and well respected by his fellow couriers and those who served with him at our embassy in Bahrain. He loved his parents and step-dad and was so excited about his recent marriage to Anisha."

As Chairman of the House International Relations Committee, I want to extend my sincere condolences to the Foti family and the U.S. Diplomatic Courier Service family. Seth was a true public servant of the people who gave the ultimate sacrifice in the line of duty. I thank him. The extensive amount of travel is an inherent risk and danger associated with the demanding job of a U.S. Diplomatic Courier. I salute the bravery and commitment that these fine men and woman demonstrate on a daily basis for the U.S. Department of State and the American people.

FREDERICK L. DEWBERRY, JR. POST OFFICE BUILDING

SPEECH OF

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. FATTAH. Mr. Speaker, as the Ranking member of the Subcommittee on the Postal Service, I am pleased to join my Government Reform Committee colleague, Congresswoman Judy Biggert (R–IL) in the consideration of H.R. 4451. H.R. 4451, which designates a United States Post Office after "Frederick L. Dewberry, Jr.", was introduced by my good friend and committee colleague, Representative Elijah Cummings (D–MD), on May 15, 2000.

Mr. Frederick L. Dewberry, Jr. was born and raised in Baltimore City. He is a graduate of Loyola College and received a law degree from the University of Baltimore. A dedicated and distinguished World War II veteran, Lieutenant Dewberry served in the U.S. Navy, working as a sonar operator on submarines. Returning to Maryland, Mr. Dewberry held the very important post of Chairman of the Baltimore County Council from 1964 to 1966. From 1979 to 1984, Frederick Dewberry was the Deputy Secretary of the Maryland Department of Transportation. He passed 10 years ago, on July 9, 1990.

Mr. Speaker, I urge swift adoption of this measure and commend my colleague, Congressman Cummings for seeking to honor

Frederick L. Dewberry—a veteran and true public servant.

REGARDING THE BENEFICIARY IMPROVEMENT AND PROTECTION ACT OF 2000

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. MARKEY. Mr. Speaker, I am pleased to join my colleagues on the Commerce Committee in introducing the Beneficiary Improvement and Protection Act of 2000. 1 want to commend Chairmen BLILEY and BILIRAKIS, as well as Ranking Democratic Members DINGELL and BROWN for putting together a Commerce Committee initiative to repair some of the damage wrought by the Balanced Budget Act of 1997. 1 commend them because Members of the Commerce Committee were shut out of this process last year and the year before while our Medicare and Medicaid providers were hemorrhaging and Medicare beneficiaries across the country were suffering. The legislation we are introducing today addresses some of the most critical problems with the Balanced Budget Act, but this $21 billion package, like last year's $16 billion package, is woefully inadequate.

I want to thank Chairman BLILEY and Rep. DINGELL for working with me to include a provision of great importance to me, a clarification of the homebound definition for the purpose of permitting people afflicted with Alzheimer's Disease to leave the home in order to receive adult day care. This is an important amendment that will make a real difference in the lives of Alzheimer's patients and their family caregivers. However, we need to do even more to help all people who are homebound. It's not only homebound Alzheimer's patients in need of adult day care. In addition, I believe all Medicare beneficiaries who are classified as homebound should be able to get out of their homes to attend religious services or once-in-a-lifetime events like the wedding of a granddaughter or the graduation of a grandson.

Mr. Speaker, three years ago, Congress passed the so-called "Balanced Budget Act" claiming it would cut $115 billion from Medicare and $12 billion from Medicaid. Mr. Speaker, that $115 billion figure has become the Energizer Bunny of Congressional Budget Office (CBO) estimates, it keeps growing and growing and growing. CBOs most recent estimate from July 2000 shows that Medicare cuts now total $230 billion. Medicare spending increased by just 1.5% in FY98, it actually went down 1% in FY99, and it remained flat in FY2000, increasing by just 1.5%

And by some mystery Mr. Speaker, just as the amount cut from the Medicare program keeps growing, so too does the Budget surplus. The people in my district have watched in horror as local institutions—community hospitals and home health agencies—have closed their doors for good—a scene I'm sure has played out in many congressional district around the country.

Hospitals in Massachusetts will lose $1.7 billion because of the BBA. My hometown hospital, the Malden Hospital is now an outpatient surgical center, a far cry from the fall-service hospital of my youth. The nearby Boston Regional Medical Center in Stoneham has closed. The Symmes Hospital in Arlington is closing. Others in my district are on life support. Home health agencies throughout my state have been decimated and devastated. Nursing homes are hurting as well.

Mr. Speaker, in this era of unprecedented surplus, we should be restoring $40-50 billion over the next five years and $80-100 billion over the next ten to the Medicare and Medicaid programs. It would be a refund of the amount we overcharged seniors in the BBA. Congress put a $115 billion price tag on BBA, but when seniors came to the register, they were charged over $200 billion — and we owe them a refund. I don't think that's too much to ask for our seniors, for the men and women who built this country. The surplus we enjoy today has been generated in large part by these Medicare cuts that have harmed seniors. I believe we should give this senior surplus back to the seniors, back to the programs that pay for their health care.

I am pleased that the Commerce Committee has produced a bill that deals with some of the most critical aspects of the BBA cuts. However, I am hopeful that as we move forward in the few remaining weeks of this session, that we will increase the price tag for this giveback package—$21 billion is not going to get the job done.

CONGRATULATING MONTGOMERY COUNTY VETERANS OF THE NORMANDY INVASION

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mrs. MORELLA. Mr. Speaker, I rise to honor and congratulate the Montgomery County, Maryland veterans who participated in the Invasion of Normandy during World War II. Many of the veterans who took part in that courageous assault have never before been recognized for their valor. This evening, I will be handing out medals at American Legion Post #268 in Wheaton, Maryland that symbolize our district and our country's thanks for their heroism on the beaches of Normandy.

Over 56 years ago, the greatest seaborne invasion the world had ever seen commenced on June 6, 1944. The German army had established a strong line of defense, and Allied forces took heavy losses but their determination and valor enabled these soldiers to persevere under the most harrowing conditions. For the next 87 days, soldiers from Montgomery County, Maryland joined forces with our allies to expel the Nazi occupiers and liberate Europe.

Their supreme efforts ultimately destroyed Nazi Germany and paved the way for democracy and freedom to spread throughout Europe and the world. Their success did not come without a price. Over 9,300 men including 33 pairs of brothers and a father and son lost their lives in the Normandy invasion. These soldiers never knew what their service meant to America and the rest of the world. They never saw America become the prosperous country that has championed the notions of liberty, democracy, and equality. They never had the opportunity to see a world that has departed from the factionalism and distrust that marred the 20th century's first fifty years. But their service is not forgotten. The medal that I am presenting today is a reminder that the people who you fought for remember your sacrifice and the sacrifice of those that did not return from Europe.

The citizens of Normandy had this medal struck to commemorate the 50th anniversary of the invasion. The Medal of the Jubilee of Liberty was originally presented to the veterans that were able to return for the 1994 ceremony. Many of the soldiers who fought there were unable to attend, and so the people of Normandy allowed these medals to be given out in an appropriate ceremony. Today, we honor the Montgomery County veterans that were instrumental in securing our freedom. Their actions not only made America the leader of the free world but demonstrated the fortitude of democratic nations in surmounting evil and tyranny and establishing peace throughout the world.

Those being recognized this evening are Nicholas Caime, Mortimer Caplin, George Copley, Norman Creel, Louis Davids, Donald Foor, David Goldberg, Albert Gruber, John D. Fitzgerald, John Hardy, Peter Hayes, Roy Hickman, Robert Higgins, Cornelius Holden, Paul Lamb, Elroy Lovett, Thomas McDermitt, Howard J. Moore, William Perryman, Alvin Reiner, Philip Shepsle, Ira Shoemaker, John Smith, Peter Violante, and Norbert Young.

PERSONAL EXPLANATION

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. ISAKSON. Mr. Speaker, I was detained in my district due to inclement weather yesterday and was not able to vote on rollcall No. 487. Had I been present I would have voted "yes" on this vote.

VETERANS' FAMILY FARM PRESERVATION ACT

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. EVANS. Mr. Speaker, on September 25, 2000, I introduced H.R. 5271, the "Veterans' Family Farm Preservation Act", to make it possible for more wartime veterans and their survivors to qualify for pension benefits from the Department of Veterans Affairs (VA) without being forced to sell their family farms and ranches. This legislation will also benefit low-income veterans who seek to obtain health care from VA.

The productivity of America's family farms is undisputed. Family farms and ranches feed our Nation. Family members and unpaid workers account for 70% of farm labor in the

United States. While America's family farmers and ranchers are unmatched in their productivity, they have little or no control over many factors which determine the economic results of their labor.

Veterans who have gone in harm's way and placed their lives on the line by serving our nation in the Armed Forces should not be asked to relinquish their family farm in order to qualify for veterans' benefits. Unfortunately, that is what is occurring today. The Veterans' Family Farm Preservation Act addresses this problem.

Pension benefits administered by the Department of Veterans Affairs (VA) are payable to wartime veterans who are totally and permanently disabled due to a non-service connected medical condition. A small, but important number of these disabled wartime veterans own family farms or ranches, which provide the livelihood for their families. Most family farms in the United States are very small. Over 75% of family farms have less than $50,000 in gross annual sales. After deductions for costs of operating the farm or ranch, the net income of the family farmer is much lower. Farmers receive an average of 20 cents for every dollar of produce sold. In 1995, the average net farm income for very small farms was $510. The average net family income for small farms with gross sales between $50,000 and $250,000 averaged $14,335. Clearly most family farmers have modest annual income.

In determining eligibility for pension benefits, VA is required to consider not only the family income, but also the family's "net worth." Currently, unless VA determines that the land can be sold at "no substantial sacrifice", the value of farm and ranch land is included in determining net worth. Some veteran farmers are "land rich." While having little or no liquid assets, the value of their land makes their "net worth" appear larger on paper.

On May 25, 2000, Senator GRASSLEY and I wrote to VA's Under Secretary for Benefits, Joseph Thompson, requesting that he recognize the unique nature of a family farm and take immediate steps to address the need for a fair evaluation of the eligibility of our Nation's family farmers for veteran's pension benefits. On June 27, 2000, Mr. Thompson replied indicating that VA viewed a family farm in the same light as interest-producing bank deposits or securities.

Family farms are important not only for the food and fiber they produce, but also for the values they represent. Family farms should not be considered as simply substitutes for liquid bank accounts or other liquid assets.

In good years, family farms and ranches provide an adequate income. In bad times, adverse crop conditions or illness, the income and liquid resources of family farmers and ranchers are quickly depleted. Wartime veterans have made a substantial sacrifice on behalf of our Nation by serving in the Armed Forces. We should not ask them to sacrifice their family farms in order to receive the assistance they have earned by their wartime service.

I believe that an operating family farm can never be liquidated without substantial sacrifice on the part of the veteran. It is never reasonable to require a veteran to sell his or her means of future livelihood in order to obtain pension benefits or VA health care. If the farm is sold, the assets which in future years can be expected to generate income for the veteran and the veteran's dependents, are permanently lost.

The Veterans' Family Farm Preservation Act would exempt farm and ranch land owned by the veteran and the veteran's dependents from being counted in determining net worth. The bill would also exclude land used for similar agricultural purposes, such as timberland, Christmas tree farms, or horticultural purposes.

During the past century, the number of family farms in our country has declined dramatically. When a veteran is required to sell his or her farm in order to receive necessary VA assistance, another family farm may be lost forever. No veteran should be called on to make this additional sacrifice. I urge my colleagues to support H.R. 5271, the Veterans' Family Farm Preservation Act. America's family farmers and ranchers deserve no less.

Mr. Speaker, I request the response which the Honorable Joseph Thompson, Under Secretary for Benefits of the Department of Veterans Affairs, sent to me and Senator GRASSLEY concerning VA's valuation of farm lands be included in the CONGRESSIONAL RECORD at this point.

DEPARTMENT OF VETERANS AFFAIRS,
VETERANS BENEFITS ADMINISTRATION,
Washington, DC, June 27, 2000.

Hon. LANE EVANS,
Ranking Democratic Member, Committee on Veterans' Affairs, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN EVANS: This is in response to your letter of May 25, 2000, concerning the issue of net worth as it applies to the non service-connected pension program administered by the Department of Veterans Affairs (VA).

In order to qualify for our pension program, a veteran is required to be permanently and totally disabled. Generally, there are relatively few instances where an individual who is operating a working farm meets the basic requirements for pension eligibility. Although there is no such disability requirement for surviving spouse claimants, it is our belief that an individual operating a farm or other business with assets that could be converted to substantial amounts of cash should not qualify for pension. We view the operator of a business in the same light as an individual owning rental property or an owner of interest-producing bank deposits or securities.

VA pension, similar to Supplemental Security Income (SSI), is intended to provide an income supplement for needy individuals and not to allow beneficiaries to build up substantial assets. Although countable income limitations for VA pension are in the same range as those for SSI, our net worth guideline of $50,000 for the preparation of an administrative decision is more generous than SSI's $2,000 for an individual and $3,000 for a couple.

As you pointed out, our procedural manual, M21-1, indicates that a determination of excessive net worth is a question of fact for resolution after the consideration of the facts and circumstances in each case. The $50,000 guideline is not to be interpreted as a strict, mechanical limitation We will issue clarifying guidance on that point.

We are also conducting an analysis of our recent net worth determinations. Based on these results we will decide whether additional changes to our rules and procedures are appropriate. At that time, we will also consider whether the $50,000 guideline should be increased. You will be apprised of our results.

In April 2000, representatives from the Veterans Health Administration and the Veterans Benefits Administration met with Senator Grassley, members of his staff, farmers and their representatives in Des Moines, Iowa. We understood their concerns and informed them about our efforts to address their concerns.

Our reports show that between December 1997 and December 1999, an average of 213 beneficiaries had their pension benefits terminated for excessive net worth. In FY 1999, there were 131 terminations for excessive net worth. Unfortunately, no data are available on the number of claimants who are disallowed for excessive net worth, or the number of administrative decisions made annually on the issue of net worth or the type of assets involved.

I hope this information is helpful to you. I am providing Senator Grassley a similar response.

Sincerely,

JOSEPH THOMPSON.

PERSONAL EXPLANATION

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. TAYLOR of North Carolina. Mr. Speaker, due to flight delays, I was again unavoidably detained in North Carolina and unable to cast a vote on rollcall vote No. 487. Had I been present, I would have voted "yea" on rollcall vote No. 487.

IN HONOR OF DR. MURRAY ITZKOWITZ, AFTER 31 YEARS AS EXECUTIVE DIRECTOR OF THE BRIDGE INC.

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to honor Dr. Murray Itzkowitz, of The Bridge Inc., who after 31 years as Executive Director is now the Executive Director Emeritus in charge of research and new program development.

For more than 45 years, The Bridge Inc. has worked with mentally disabled adults as a nonprofit mental health, rehabilitation, and housing agency. The Bridge is a key provider of housing and support services for the chronically mentally ill within New York City. Its Mental Health Clinic provides individual, group, and family psychotherapy with specialities in, among others, bereavement and divorce counseling, substance abuse counseling, and offers treatment to victims of crime.

The Bridge offers health care services provided by a part-time primary care physical and nurse practitioner team and a full-time licensed practical nurse. This service provides comprehensive services such as physicals and follow-up visitations.

Another cornerstone of The Bridge Inc, is its residence assistance program. The Bridge operates more than 300 beds in various settings, such as 24-hour supervised residences and independent apartments. In fact in December 1998, The Bridge Inc, was granted a $1.7 million grant from the US Department of Housing and Urban Development to finance 18 individual apartment units in the South Bronx and Harlem.

Finally, I must mention the vocational and educational programs offered by The Bridge. Among these programs include work training, on-site employment, and job-placement services. The education program includes basic literacy instruction, GED preparation, and college preparatory work.

Through his selfless leadership of this fine organization, Dr. Murray Itzkowitz has demonstrated his desire for a physical and mentally healthy, better educated, and properly housed citizenry of New York City. Exceptional individuals like Dr. Itzkowitz, help improve the quality of life for many of our most needy citizens.

Mr. Speaker, I am proud to have a deeply intelligent and compassionate man like Dr. Murray Itzkowitz working within my district and I am confident that, as the new Executive Director Emeritus in charge of research and development, Dr. Itzkowitz will continue his rigorous pursuit of the public well being.

PERSONAL EXPLANATION

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. SHOWS. Mr. Speaker, because of unanticipated delays in my flight from Jackson, Mississippi, on Monday, September 25, 2000, I was unable to cast a recorded vote on Rollcall 487.

On Rollcall 487, I would have voted "yea" on the Motion to Suspend the Rules and Agree to H. Con. Res. 399, recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

AMNESTY INTERNATIONAL DENOUNCES ARREST OF WITNESS TO POLICE KIDNAPPING OF HUMAN RIGHTS ACTIVIST JASWANT SINGH KHALRA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. TOWNS. Mr. Speaker, police tyranny in Punjab has reared its ugly head again. Rajiv Singh has been arrested in Amritsar on false charges of robbery and murder. At the time of his arrest, Mr. Randhawa was attempting to hand a petition to Jack Straw, the Home Secretary of the United Kingdom, in front of the holiest shrine of Sikhism, the Golden Temple, which was invaded and desecrated by the Indian military in June 1984. The petition asked for intervention of the British government in the matter of human rights in Punjab.

Mr. Randhawa was arrested once before on false charges. He has been a target of police harassment since he saw the Punjab police kidnap Mr. Khalra, who was General Secretary of the Human Rights Wing (SAD). Mr. Khalra was subsequently murdered in police custody and no one has ever been charged or otherwise held responsible in the Khalra case. In that light, there is reason to believe that Mr. Randhawa's life and his safety may be in danger.

September 6 was the fifth anniversary of the Khalra kidnapping. Mr. Khalra conducted an investigation which proved that the Indian government had kidnapped, tortured, and murdered thousands of Sikhs, then declared their bodies "unidentified" and cremated them. No one has been held accountable for these atrocities either.

This is merely the latest action by the police against anyone who speaks up for human rights in Punjab, Khalistan. It is clear from this action that General Narinder Singh, a human-rights leader in Punjab, was right when he said that "Punjab is a police state."

Amnesty International has issued a press release and an Urgent Action bulletin denouncing the lawless actions of the police. I will be introducing them at the end of my statement, and I urge my colleagues to read these chilling documents.

Mr. Speaker, the Indian Prime Minister is visiting the United States to meet with the President and address Congress. Our government must press Prime Minister Vajpayee on the Randhawa case, on human-rights violations, on self-determination, on the release of political prisoners, on nuclear proliferation, and on the Indian government's efforts to construct a security alliance "to stop the U.S.," as the Indian Express reported last year. If the responses are not satisfactory, then we must take action to ensure freedom in South Asia. This Congress should put itself on record in support of a free and fair plebiscite in Punjab, Khalistan, in Kashmir, in Nagalim, and everywhere that the people are seeking freedom. We must maintain our sanctions on India and cut off its aid. And we should declare India a terrorist state.

Mr. Speaker, I submit the Amnesty International press release and Urgent Action bulletin that I mentioned before into the RECORD for the information of my colleagues.

[From Amnesty International, Sept. 6, 2000]

URGENT ACTION

A key witness in the trial of police officers accused of abducting a human rights activist has been arrested by Punjab police. Amnesty International fears this is an attempt to prevent him testifying, and is extremely concerned for his safety in police custody.

Rajiv Singh was arrested as he attempted to hand a petition to UK Home Secretary Jack Straw in Amritsar, Punjab, on 5 September. The petition reportedly called on the UK government to persuade the Indian authorities to take action over human rights violations in Punjab.

He was held overnight and brought before a magistrate the next day and reportedly charged with the murder of two people who were killed in a bank robbery in Amritsar. He was remanded in police custody until 8 September.

This is the third time that Rajiv Singh has been arrested by Punjab police and charged with serious offences. Earlier this year the Punjab Human Rights Commission ruled that police had "concocted" previous charges to persuade him not to testify against them. He had been accused in July 1998 of setting up an organization to fight for a separate Sikh state of Khalistan, called Tigers of Sikh Land. The Commission recommended that the police officers involved should face criminal charges and that there should be further investigations. Rajiv Singh was awarded compensation for being illegally detained.

Today is the fifth anniversary of the "disappearance" of human rights activist Jaswant Singh Khalra, who unearthed evidence that Punjab police had illegally cremated the bodies of hundreds of people who had been arrested and then "disappeared". A number of Punjab police are now on trial for his abduction, and Rajiv Singh is a key eyewitness in the case.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language: expressing grave concern about the arrest and detention of Rajiv Singh on 5 September in Amritsar; expressing concern that since the Punjab police have unlawfully detained and charged Rajiv Singh before, to try to prevent him from testifying in the case of Jaswant Singh Khalra, the current charges against him may be false, and that he is at grave risk of further harassment or torture in police custody; calling for an immediate review of the charges against him by a judicial body; and calling for commitments from the authorities in Punjab to ensure that he will not be ill-treated in custody.

APPEALS TO:

Mr. Prakash Singh Badal, Chief Minister of Punjab, Office of the Chief Minister, Chandigarh, Punjab, India.

Salutation: Dear Chief Minister

Fax: +91 172 740936

Telegrams: Chief Minister, Punjab, India

Mr. S. Sarabjit Singh, Director General of Police, Office of the Director General, Police Headquarters, Punjab, India.

Saluation: Dear Director General

Telegrams: Director General of Police, Punjab, India

COPIES TO:

Mr. L.K. Advani, Minister of Home Affairs, Ministry of Home Affairs, North Block, New Delhi 110 001, India.

Salutation: Dear Minister

Fax +91 11 301 5750

and to diplomatic representatives of India accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 18 October 2000.

(Amnesty International Press Release Sept. 7, 2000)

INDIA: ARREST OF WITNESS POINTS TO CONTINUING POLICE HARASSMENT

A key eyewitness to the "disappearance" of a human rights activist has been arrested in Amritsar, India. Rajiv Singh Randhawa was attempting to hand a petition to UK Home Secretary Jack Straw in front of the Golden Temple when the arrest took place on 5 September. Amnesty International today expressed serious concern for his safety while in police custody.

The petition called on the UK government to intervene with the Indian government on the matter of human rights violations in Punjab.

Rajiv Singh Randhawa has since been charged with robbery and murder as well as offences under the Arms Act in connection with a robbery at a bank in Amritsar in which two people were killed. The magistrate remanded him to police custody until 8 September. Amnesty International has appealed to the authorities in Punjab for assurances that he will not be subjected to torture or ill-treatment while in police custody.

"This case highlights the continuing lawlessness of sections of the police in Punjab. Amnesty International is seriously concerned that these charges against Rajiv Singh Randhawa, like other charges brought in the past, are merely a means of harassing and intimidating him," the organization said.

Rajiv Singh Randhawa is a key eyewitness in the case of the "disappearance" of human rights activist Jaswant Singh Khalra. Yesterday, 6 September, was the fifth anniversary of the "disappearance" of Khalra who unearthed evidence that hundreds of bodies of individuals who had "disappeared" after arrest in the 1980s and early 1990s had been illegally cremated by Punjab police. Amnesty International has learned that a hearing in the case was scheduled for 21 September at which evidence, including that of Rajiv Singh, was due to be recorded.

This is the third time that Rajiv Singh Randhawa has been arrested by Punjab police and charged with serious offenses. On the last occasion, he was accused of setting up an organization to fight for a separate Sikh state of Khalistan, the Tigers of Sikh land. In July this year the Punjab Human Rights Commission ruled that those charges against Rajiv Singh were "concocted" by police as a means of dissuading him from giving evidence against police in the Khalra case. The Commission recommended that criminal cases be registered against the police officers and further investigations carried out. Rajiv Singh was awarded compensation for his illegal detention.

Amnesty International believes that the failure by the state to systematically investigate a pattern of grave human rights violations in Punjab during the 1980s and early 1990s has led to a climate of impunity within the police force and continuing illegal actions of police in the state. Attempts by human rights organizations in the state to seek justice for victims of human rights violations have been met with harassment, intimidation and official obstruction to redress.

"The silencing of Rajiv Singh Randhawa in front of a foreign dignitary shows how desperate sections of the Punjab police are to suppress evidence in this case. We call on the international community to intervene in this case," Amnesty International said.

INTRODUCTION OF THE "FEDERAL EMPLOYEES' OVERTIME PAY LIMITATION AMENDMENTS ACT OF 2000"

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. CUMMINGS. Mr. Speaker, this legislation is needed to help address the challenges posed in responding to emergencies and disasters, in particular, the wildfires that besieged our Western States. The effects of our brave Federal wildland firefighters and other disaster relief personnel are being undercut by personnel administration problems relating to compensation for overtime work. The overtime pay rate for employees covered by the Fair Labor Standards Act (FLSA) is equal to one and one-half times their regular hourly rate of pay. For FLSA-exempt Federal employees, however, the overtime rate may not exceed one and one-half times the GS–10 step 1 rate.

This legislation would address this problem in two ways. First, it assures that no Federal employee receives less than his or her normal rate of pay for overtime work. Second, it recognizes the special demands and difficult circumstances involving emergencies that threaten life or property by increasing the hourly overtime pay rate limitation from GS–10, step 1, to GS 12, step 1, for FLSA-exempt employees who perform overtime work in connection with such an emergency. The higher rates of overtime pay resulting from these changes will effectively address the daunting challenges faced by our Federal land management agencies in containing extremely large, and dangerous wildfires. This legislation builds upon and includes changes proposed in H.R. 1770, the "Federal Employees' Overtime pay Limitation Amendments Act of 1999," which I introduced last session to correct longstanding FLSA-exempt overtime pay problems for Federal employees generally.

Please join me by cosponsoring this legislation for federal managers and supervisors, emergency personnel, and their families.

Text of bill follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees' Overtime Pay Limitation Amendments Act of 2000.,"

SEC. 2. (a) Title 5, United States Code is amended—

(1) in section 5542(a)—

(A) by amending paragraph (2) to read as follows:

"(2) For an employee whose basic pay is at a rate which exceeds the minimum rate of basic pay for GS–10 (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law), the overtime hourly rate of pay is an amendment equal to the greater of—

"(A) one and one-half times the minimum hourly rate of basic pay for GS–10 (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law); or

"(B) the hourly rate of basic pay of the employee (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law),

and all that amount is premium pay."; and

(B) by amending paragraph (4) to read as follows;

"(4) Notwithstanding paragraphs (1) and (2), for any pay period during which an employee is engaged in work in connection with an emergency (including a wildfire emergency) that involves a direct threat to life or property, including work performed in the aftermath of such an emergency, the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay of the employee, except that such overtime hourly rate of pay may not exceed the greater of—

"(A) one and one-half times the minimum hourly rate of basic pay for GS–12 (including any applicable locality-based comparability payment under section 5304 or similar provision of law but excluding any applicable special rate of pay under section 5305 or similar provision of law); or

"(B) the hourly rate of basic pay of the employee (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law),

and all that amount is premium pay. A determination as to the existence and duration of such an emergency and its aftermath, and whether work is connected to it, shall be made at the discretion of the head of the agency (or his or her designee) in consultation with the director of the Office of Management and Budget."; and

(2) in section 5547—

(A) by amending subsection (a) to read as follows:

"(a) An employee may be paid premium pay under sections 5542, 5545 (a), (b), and (c), 5545a, and 5546 (a) and (b) only to the extent that the payment does not cause the aggregate of basic pay and such premium pay for any pay period for such employee to exceed the greater of—

"(1) the maximum rate of basic pay payable for GS–15 (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law); or

"(2) the rate payable for level V of the Executive Schedule.";

(B) by amending subsection (b)(1) to read:

"(1) Subject to regulations prescribed by the Office of Personnel Management, the first sentence of subsection (a) shall not apply to an employee who is paid premium pay by reason of work in connection with an emergency as specified under section 5542(a)(4).";

(C) by amending subsection (b)(2) to read as follows:

"(2) Notwithstanding paragraph (1), no employee referred to in such paragraph may be paid premium pay under the provisions of law cited in the first sentence of subsection (a) if, or to the extent that, the aggregate of the basic pay and premium pay under those provisions for such employee would, in any calendar year, exceed the greater of—

"(A) the maximum rate of basic pay payable for GS–15 in effect at the end of such calendar year (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law); or

"(B) the rate payable for level V of the Executive Schedule in effect at the end of such calendar year.";

(D) by amending subsection (c) to read as follows:

"(c) The Office of Personnel Management may prescribe regulations governing the applicability of subsection (b) to employees who are in receipt of annual premium pay for standby duty or administratively uncontrollable overtime work under section 5545(c) or availability pay for criminal investigators under section 5545a."; and

(E) by adding at the end:

"(d) This section shall not apply to any employee of the Federal Aviation Administration or the Department of Defense who is paid premium pay under section 5546a.".

(b) The amendments made by subsection (a) shall take effect on the first day of the first pay period beginning on or after 120 days following the date of enactment of this Act.

SECTION-BY-SECTION ANALYSIS

The first section provides the bill's short title, the "Federal Employees' Overtime Pay Limitation Amendments Act of 2000."

Section 2 amends sections 5542 and 5547 of title 5, United States Code.

Subsection (a)(1) amends 5 U.S.C. 5542 to provide that an employee whose rate of basic pay exceeds the minimum rate of basic pay for GS–10 (including any applicable locality-based comparability payment under section 5304 or similar provision of law, and any applicable special rate of pay under section 5305 or similar provision of law) will have an overtime hourly rate of pay in an amount equal to the *greater* of (1) one and one-half times the minimum hourly rate of basic pay for GS–10 (including locality pay and special rates), or (2) the employee's hourly rate of basic pay (including locality pay and special rates). All pay under this provision would be premium pay.

Subsection (a)(1) also amends 5 U.S.C. 5542 to provide that during a pay period in which an employee is engaged in work in connection with an emergency that involves a direct threat to life or property, including work performed in the aftermath of such an emergency, the employee will have an overtime hourly rate of pay in an amount equal to one and one-half times the hourly rate of basic pay of the employee, except that such overtime hourly rate of pay may not exceed the greater of (1) one and one-half times the minimum hourly rate of basic pay for GS–12 (including locality pay but excluding special rates) or (2) the hourly rate of basic pay of the employee (including locality pay and special rates). The head of the agency, in consultation with the Director of the Office of Management and Budget, is authorized to determine the existence and duration of such an emergency and its aftermath, and whether work is connected to it.

Subsection (a)(2) amends 5 U.S.C. 5547 to provide that an employee may be paid premium pay only to the extent that the payment does not cause the employee's aggregate rate of pay for any pay period to exceed the greater of (1) the maximum rate of basic pay payable for GS–15 (including locality pay and special rates) or (2) the rate payable for level V of the Executive Schedule. Under current law, two separate premium pay limitations cover most General Schedule (GS) employees. A GS law enforcement officer under 5 U.S.C. 5547(c) may be paid premium pay up to the lesser of 150 percent of the minimum rate of basic pay payable for GS–15 or the rate payable for level V of the Executive Schedule. In contrast, the premium pay limitation applicable to other GS employees (currently found at 5 U.S.C. 5547(a)) is the maximum rate payable for GS–15 (including locality pay and special rates). This amendment would create a uniform biweekly premium pay limitation. The calendar year premium pay limitation at 5 U.S.C. 5547(b) (for work in connection with an emergency which involves a direct threat to life or property) is similarly amended as well as expanded to cover work in the aftermath of an emergency involving a threat to life or property. Provision is also made for Office of Personnel Management regulations to harmonize the application of overtime provisions with other forms of premium pay.

Subsection (b) would set the effective date of the amendments made by subsection (a). The amendments would take effect in pay periods beginning on and after the 120th day following the date of enactment.

HONORING STEPHEN PETERSBURG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. McINNIS. Mr. Speaker, it is with great honor that I take this moment to congratulate Stephen Petersburg of Rangely, Colorado, on receiving the National Resource Management Award from the National Park Service. I would like to take this moment to thank Stephen for his diligent work to ensure that Dinosaur National Monument's resources are managed efficiently and effectively. At the same time, I would like to congratulate him on this distinguished award. Stephen's educational background laid the groundwork for what would become a truly accomplished career with the National Park Service, that has spanned almost three decades.

Stephen received his undergraduate degree in Forestry and a graduate degree in Wildlife Biology from Iowa State University. This education prepared him for his career in the National Park Service, which began in 1971 as a Park Ranger at Wind Cave National Park. After working for a little over two years at Wind Cave, Stephen shifted his professional talents to Dinosaur National Monument, where he began his illustrious tenure in 1973.

Stephen is considered a leader in fire management and training and is nationally known for his expertise. This past summer he worked with great care to protect our nation's forests, working on fire-fighting efforts in Colorado, New Mexico and on the Clear Creek Fire in Idaho.

Beyond his work at Dinosaur National Monument, Stephen's desire to help his community is clearly a personal priority. Stephen is an active member of the Kiwanis and serves on the Board of Directors of the Rangely District Hospital. He is also a Deacon in his local church.

Stephen, you have earned the admiration of your friends, peers, neighbors and Nation. On behalf of the State of Colorado and the US Congress, I congratulate you on this prestigious and well-deserved award. Congratulations!

INTRODUCTION OF THE VACCINE INJURY COMPENSATION PROGRAM CORRECTIVE AMENDMENTS OF 2000

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. WELDON of Florida. Mr. Speaker, today I am introducing the Vaccine Injury Compensation Program Corrective Amendments of 2000 (NVICPCA). Over the past year, the Vaccine Injury Compensation Program (VICP) has been subject to several congressional hearings. I have met on several occasions with parents, doctors, and attorneys who have been involved in the current program seeking compensation for injuries that resulted from vaccines.

Vaccine injuries are, thankfully, very rare. However, some children have adverse reactions to vaccines. In a small number of cases these are very debilitating reactions. I am a strong proponent of vaccinations. It is important that children be vaccinated against otherwise devastating diseases. Widespread vaccination has and will continue to spare our nation from the scourge of disease. Our nation benefits from widespread vaccination. Those of us who are healthy are the beneficiaries of national vaccination efforts. As such, I believe very strongly that we as a nation have an obligation to meet the needs of those children who suffer adverse reactions.

I also believe that our federal public health officials should do more to ensure that we are doing all that we can to reduce the number of children who do have adverse reactions. I will continue to aggressively pursue this effort with the leaders of the Centers for Disease Control (CDC) and the National Institutes of Health (NIH).

I was pleased when the Congress and President Reagan established the VICP back in the 1980s. This program was established to ensure that our nation continues to have a strong vaccination program while compensating those families where a child suffers a serious adverse reaction. When this program was approved, there was a real concern that due to lawsuits brought against vaccine manufacturers, some manufacturers would stop making their vaccines available leaving the American public without important vaccines.

The Vaccine Injury Compensation Program Corrective Amendments of 2000 would make a number of substantive and administrative changes to the VICP, in an attempt to restore this program to the user friendly, non-adversarial, remedial, compensation program that it should be and was intended to be. The bill amends the VICP provisions in the Public Health Service Act (PHS Act).

The bill clarifies that this program is to be a remedial, compensation program, which is consistent with the original intent expressed by Congress in the House Report accompanying the National Childhood Vaccine Injury Act of 1986. The program has become too litigious and adversarial in the eyes of many.

The bill also makes changes to the provisions relating to the burden of proof. Currently, the burden of proof is so high on the claimants that some children may not be receiving compensation that is due them. The intent of this program is to provide compensation for all claimants whose injuries may very well have been caused by the vaccine. Strict scientific proof is not always available. Serious side effects of vaccines are rare, and it is often difficult to prove causal relationships with the certainty that science and medicine often expect. Indeed there may be multiple factors that lead to an adverse reaction in some children and the program should recognize this. My bill will ensure that this is taken into account.

This bill will also make it easier to ensure that the costs associated with setting up a trust for the compensation award are permitted. This is important to ensure that these funds are available to provide a lifetime of care for this child. The bill also stops the practice of discounting to ensure that the value of an award for pain and suffering is fully met.

Often, the families of these children need counseling in order to help them deal with and care for a profoundly injured child and siblings. The impact of these injuries go well beyond the child who is injured. This bill will ensure that these expenses are covered.

The bill also ensures the payment of interim fees and costs. Under the current program, families and attorneys are often forced to bear these expenses for years while the claim is heard. Attorneys for the claimants are going to be paid for their fees and costs at the end of a claim, regardless of whether or not they prevail. Thus there is no logical reason why they should not be allowed to petition for interim fees and costs. This provision simply ensures a more fair process for the claimants, by ensuring that the injured child can have good representation while pursuing his or her claim. The current practice may hinder the ability of claimants to put their best case forward. This should not be the case in a program that was established to ensure provision for those children who have been injured.

Finally, the bill makes a number of changes to statutes of limitation. The program should serve the purpose of compensating those who were harmed. Thus, it is important to ensure that it is as inclusive as possible to ensure that injured parties are compensated.

INTRODUCTION OF THE "TEACHERS FOR TOMORROW" ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. INSLEE. Mr. Speaker, today I introduce Teachers for Tomorrow, a bill to address the serious teacher shortage in our nation's schools. We have 54.4 million students in America's schools—the greatest it has ever been. But we lack the most important part of the equation—teachers! Nationwide, we will need an additional 2.2 million teachers in the next ten years. There are particular shortages in specific subject areas such as math, science, bilingual education and special education. For the first time in my district in Washington State, teaching positions have remained vacant.

We cannot afford to allow the current trend to continue where our best and brightest students ignore the teaching profession or leave it altogether. Where the median age of teachers is 42 years old, it is glaring evidence that new graduates are not entering the teaching field. There are a million teachers ready to retire in the next decade, leaving the classroom faster than new teachers are graduating from college. Even more troublesome is that only half of new teachers in urban public schools are still teaching after five years. Moreover, the new teachers who are twice as likely to leave are those with the highest scores on standardized tests. These are serious warning signs of the current teacher shortage and upcoming crisis if we do not act to recruit and retain teachers.

There are everyday heroes in classrooms throughout America. We must face the fact that our teachers are getting older and we are failing to make teaching a viable option for today's students and young professionals. We have to continue to make sure that our top graduates continue to enter the teaching profession. This legislation would do Just that.

We need to empower individuals to make the decision to be a teacher. We need to make it possible for more specialty teachers and more teachers overall to enter our nation's public school system. This legislation would permit every public elementary and secondary school teacher to apply for loan forgiveness. Current law only applies to teachers that teach in certain specific areas or low-income schools. This bill would also increase the incentives to meet specific instruction needs by establishing a three-year program of direct reimbursement for those teachers. All other teachers would be eligible for a five-year program of indirect loan forgiveness. Both programs would forgive 100 percent of the incurred loan debt.

Additionally, this bill grants other incentives for new teachers. Under income tax laws, loan forgiveness would be granted tax-neutral status. This prevents the current problem where loans are treated as additional income that effectively place teachers into an inappropriately high tax bracket.

This is the only loan forgiveness legislation that provides for continuing education. Teachers need to be given the opportunity to continue their professional development. With increased expertise and training, they will be able to impart that much more knowledge into their lessons and students' learning processes.

Furthermore, our teachers deserve to use the benefit of their experience and be able to guide their classrooms and schools with local control. As leaders in the community, teachers and school administrators know how make the best decisions for their students. This legislation only provides federal loan forgiveness where graduates have incurred federal loans. It maintains the ability of local schools to make hiring, firing and other decisions as they see fit. Local school administration is not a business the federal government should be in.

We need to support our teachers. Our teachers deserve our highest accolades for educating our nation's children. We ought to thank them for the meaningful work they do every day. Our students, the future of our country, learn under the hard work and patience of our teachers and they merit our appreciation.

I submit to my colleagues a plan to recruit and retain qualified teachers. We cannot shirk our duty to provide a high quality education to every child. I urge my colleagues to meet this challenge and support this legislation.

CELEBRATING THE 300TH ANNIVERSARY OF THE TOWNSHIP OF WHITPAIN IN MONTGOMERY COUNTY, PA

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate the township of Whitpain in Montgomery County, Pennsylvania on its 300th Anniversary. During the years of 1683 and 1686, Richard Whitpain purchased approximately 4500 acres of land that attracted settlers seeking religious freedom and economic opportunities. This land of promise was established as Whitpain Township in 1701 near the center of the county.

Many important historical events took place in Whitpain. During the American Revolution, the Township played an integral role for General George Washington and the Continental Army. Whitpain is home to Dawesfield, George Washington's headquarters, and served as a battleground for skirmishes during the Battle of Germantown.

Early Whitpain Township was primarily a fanning area and later evolved to incorporate the growing industries in the vicinity. As early as 1804, there was a weaving enterprise in Centre Square and a mill on Wissahickon Creek. The Township had quickly become a flourishing community with both prosperity and promise.

As one of the oldest municipalities in Montgomery County, Whitpain Township is now home to more than 17,000 Pennsylvanians, Montgomery County Community College and several high tech firms.

I am proud to represent such an extraordinary town. This anniversary should serve as a long-standing tribute to hard work and dedication for all of those who have made Whitpain Township the wonderful place it is.

HONORING FRANK HODSOLL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to commend the Honorable Frank Hodsoll on his outstanding service to his community. Frank is stepping down as Ouray County Commissioner after three years of service. Frank is extremely active in his community and his leadership as Commissioner will be greatly missed. As family, friends and the Ouray community thank Frank for his service, I too would like to pay tribute to this distinguished American.

Leadership and public service come naturally to Frank. Over the past several years, he has served both his community and State well in a number of different organizations. He is currently serving as Vice Chair of the National Association of Counties (NACo) Telecommunications & Technology Steering Committee, Chair of the NACo Rural Action Caucus Telecommunications Committee, and has served as Director of both the Colorado River Water Conservation District and the Center of Arts and Culture in Washington, DC.

Beyond his efforts in Ouray, Frank has had a long and illustrious career in government, both at the local and national levels. Before working to improve the community of Ouray County, he worked with a number of the nation's most prominent governmental institutions, like the Departments of State and Commerce. Frank also served as Chairman of the National Endowment for the Arts, Deputy Assistant to President Reagan and Deputy to White House Chief of Staff James Baker.

Frank, you have served your community, State and Nation admirably. On behalf of the State of Colorado and the US Congress, I thank you for your generous and valued service to the Ouray community and to these United States. Best of luck in all of your future endeavors.

GONZALES—"LEXINGTON OF TEXAS"

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. PAUL. Mr. Speaker, in the town of Gonzales, Texas, on October 2, 1835, the first shot for Texas Independence was fired from a cannon by colonists waving a flag which proclaimed "Come and Take It." Gonzales became known as the "Lexington of Texas."

The Little Cannon has been recognized by many as a true and proper memento of our glorious past and has appeared in no less historic sites as the Alamo and the rotunda of the Texas Capitol, and is forever enshrined in The Great Seal of Texas.

Exactly 165 years after the shot was fired, on the afternoon of October 2, 2000, the City of Gonzales will accept the "Come and Take It Cannon" from the estate of Dr. Patrick J. Wagner.

The Little Cannon will be an ever-present reminder to the citizens of Gonzales of the courage of those who stood at the "Lexington of Texas" and first cried, "Come and Take It!"

CONGRATULATING PASTOR ALVIN A. JACKSON

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. SAXTON. Mr. Speaker, please join me in congratulating Pastor Alvin A. Jackson of Cinnaminson, New Jersey on his fiftieth anniversary as pastor of the Saint Paul Baptist Church. Dr. Jackson preached his first sermon on Sunday, January 2, 1950. Since that time he has played a critical role in the Cinnaminson community.

His spiritual guidance and open door policy has irrefutably changed the lives of many constituents in my district. Dr. Jackson was raised by his maternal grandparents in Philadelphia, Pennsylvania. He became a licensed preacher in 1940. Dr. Jackson also served his country in World War II in the European theater of operations. His faith in God and in country are to be applauded.

He was baptized in the family church, First African Baptist, where he could be found practicing his musical talents. Dr. Jackson's aptitude for playing musical instruments is of particular note. His talents on the piano and violin must be appreciated.

Dr. Jackson is well-known throughout the Delaware Valley. He has taken an active interest in the concerns of Cinnaminson Township in general and the East Riverton section in particular. He has served on the Human Relations Council of Cinnaminson Township and the Advisory Council of the New Jersey Water Company.

Mr. Speaker, truly, Dr. Jackson is an inspiring figure in my district and in our nation. Congratulations, Dr. Jackson, on your fiftieth anniversary. May there be many more years of service to come.

HONORING THE SOUTHEAST GUILFORD HIGH SCHOOL OF THE 6TH DISTRICT OF NORTH CAROLINA

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. COBLE. Mr. Speaker, I would like to recognize a high school from the Sixth District of North Carolina that recently won the state lacrosse championship.

Southeast Guilford High School claimed the North Carolina varsity lacrosse title. This is only the second team from the school to ever win a state championship in 33 years. The Falcons had an impressive season with 16 wins and only 3 losses. We congratulate Chris Godfrey, Josh Smith, Jon Murphy, Justin Patteson, Scott Van Hoever, Lucas McCraw, James Aldridge, Mike Wiggins, Ben Doffelmoyer, Chris McVey, John Clark, David Murphy, Chris Collins, Chris Smith, Chad Thompson, Paul Winn, John Batts, Daniel Davenport, David Dunnuck, Jimmy Mullen, and Russell Peele. The team was led by Head Coach Mark Goldsmith and Assistant Coaches Clark Byrnes and Paul Allen. They were ably assisted by head manager Nikki Berger and assistant manager Alicia Reed, along with athletic trainers Eric Stubblefield and Mark White. The team was supported strongly by the school administration including Athletic Director Roy Turner, Principal Dr. Pat Spicer and Assistant Principals Amanda Gane, Randy Shaver and Ron Coleman.

Since winning the state championship in lacrosse, interest has escalated in the school, and they are expecting an influx of players this season. Many of the players are being recruited by colleges and receiving scholarships. Perhaps a dynasty is brewing at Southeast Guilford High School.

The Sixth District of North Carolina is proud of this high school team from Guilford County for its hard work and dedication. Congratulations to the Falcons for a job well done.

HONORING CHIEF GARY KONZAK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. McINNIS. Mr. Speaker, it is with great sadness that I take this moment to celebrate the life of former Grand Junction Police Chief Gary Konzak. Gary recently passed away after complications resulting from heart surgery. Chief Konzak served the Grand Valley admirably and his leadership and commitment to public safety will be greatly missed. As family, friends, and fellow police officers say goodbye to Gary, I would like to take this time to honor this remarkable human being.

Chief Konzak began his career in law enforcement in 1968 as a cadet in LaGrange, Illinois. Gary's outstanding leadership abilities and drive to succeed propelled him to the rank of Chief in 1987. After serving as Chief for half a decade in LeGrange, he moved to Carol Stream, Illinois, where he again served as Chief of Police. He remained in Carol Stream until 1997, when he redirected his impressive law enforcement abilities toward serving the Grand Junction community.

During Chief Konzak's two and one-half years as Chief of Police, he made an impressive impact upon the law enforcement community in Grand Junction, as well as on the area as a whole. Lt. Stan Hilkey of the Mesa County Sheriff's Department, in a recent article by Zack Barnett of The Daily Sentinel, credited Chief Konzak with helping improve the healthy relationship between the Grand Junction Police Department and the Mesa County Sheriff's Department. His success in fostering this relationship was instrumental in forming the Grand Valley Joint Drug Task Force. Chief Konzak has also been credited with working to improve traffic and drug enforcement, as well as the visibility of police officers within the city of Grand Junction.

Chief Konzak served his community, State and Nation admirably. It is men like Chief Gary Konzak that ensure that the communities of this great nation are safe for all citizens, and for that I thank him.

Mr. Speaker, as a former police officer, I ask that we take this moment to honor this great American and friend of Grand Junction. He was a dedicated public servant who will truly be missed.

HONORING HATTIE LEE WHITE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Hattie Lee White, a lifelong resident of

Brooklyn, and to celebrate with her today her 75th birthday. I ask my colleagues assembled here today to please join me in acknowledging Mrs. White's remarkable life.

On this day, September 27th, in 1925, J.D. and Rosalie Carter were blessed with the birth of their daughter, Hattie. As a young girl, Hattie possessed excellence, greatness, the favor of God, love and honor, the law of kindness in tongue, morality and character. Hattie married Dennis White, and their union was blessed with seven beautiful children: Vernice, Jonathan, Gloria, Marilyn, Andre, Denise and Iris. These children have honored their parents with 24 grandchildren, and 23 great grandchildren.

All of the amazing blessings bestowed upon Hattie White are the result of a God-centered life, as Mrs. White is a committed member of Zion Shiloh Baptist Church. She also serves as secretary for her neighborhood block association, where she is active in the community in lobbying for issues that affect seniors. In her spare time, she enjoys cooking, gardening and traveling.

Mr. Speaker, Hattie Lee White is more than worthy of receiving our birthday wishes, and I hope that all of my colleagues will join me today in honoring this truly remarkable woman.

PERSONAL EXPLANATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. BEREUTER. Mr. Speaker, on September 26, 2000, this Member inadvertently missed rollcall No. 495 on final passage of H.R. 4292, the Born-Alive Infants Protection Act, while he was in a room where the bells did not ring announcing the vote. Had this Member been present, he would have voted "aye."

REGARDS TO REVEREND CURTIS TURNER, AND PRAYER AT HIGH SCHOOL FOOTBALL GAMES

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. BARR of Georgia. Mr. Speaker, I rise today in support of Reverend Curtis Turner, the pastor of the New Testament Baptist Church, in Ellenwood, Georgia.

Recently, Rev. Turner led nearly 4,000 high school football fans in the Lord's Prayer, at the Paulding-East Paulding football game, which is the county's largest attended game each year.

Rev. Turner and churches throughout the country, particularly in the South, have engaged in these prayers in protest of the U.S. Supreme Court's June misguided ruling, which concludes that student-led prayers at games and other events sanctioned by public schools are unconstitutional. Rev. Turner is planning on attending and leading the Lord's Prayer at other Friday night high school football games throughout the season. Also, he is gathering one million signatures in support of House Joint Resolution 66 introduced by Congressman ERNEST ISTOOK (R-Okla.). The resolution proposes an amendment to the Constitution of the United States restoring religious freedom.

It is absurd to argue that allowing students voluntarily to say a brief prayer at a football game after school hours violates anyone's rights or is violative of our constitution. The First Amendment was never intended to eradicate religion from public life, and I commend the efforts of Rev. Turner for standing up for the sound values that form the foundation of our nation.

IN HONOR OF MR. HAROLD OSHRY

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. DEUTSCH. Mr. Speaker, I rise today to honor Mr. Harold Oshry, an accomplished entrepreneur, respected civic leader, and generous humanitarian. After graduating Magna Cum Laude from Bowdoin College in 1940, Mr. Oshry dreamed of graduating from law school. His dream was set aside however when he joined the Untied States Army 9th Air Corps. Mr. Oshry served bravely in the Army from 1942–1945. In the years following his military service, Mr. Oshry returned to his native New York City and became a successful businessman and entrepreneur. He founded the Sandgate Corporation, a transportation holding company, and served on the boards of several other New York based businesses including the William Morris Agency and the Universal Auto Group.

Mr Oshry's success in business informs upon his life of community and philanthropic activity. As a leader in the New York United Jewish Associations Federation for over thirty years, Mr. Oshry has helped further the public's understanding of Jewish culture and history. Demonstrating his commitment to education, in 1976 Mr. Oshry endowed the Harry Oshry Scholarship Fund at Bowdoin College in honor of his father. Not only committed to university excellence in America, Mr. Oshry's generous contributions to education stretch across oceans. In 1993, Mr Oshry and his family endowed the Claire and Harold Oshry Chair in Aquatic Microbiology Federations at Ben Gurion University of the Negev in Israel. Continuing his service to cultural education and community outreach, Mr. Oshry currently serves as the President of the Broward County Jewish Senior Center in Tamarac, Florida.

Additionaily, Mr. Speaker, I am pleased to announce that Mr. Oshry has achieved the education goal he had to set aside long ago when he joined the Army. On May 22, 1998, Bowdoin College honored Mr. Oshry for his lifelong commitment to excellence in education and awarded him the Degree of Doctor of Law, Honoris Causa. I am pleased to commend Mr. Harold Oshry for his service to his country, for his generous contributions to education, and his ongoing commitment to the enhancement of cultural understanding and community service.

TRIBUTE TO THE JEWISH COMMUNITY OF UKRAINE

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. GEJDENSON. Mr. Speaker, I would like to take this opportunity to extend my congratulations to the Jewish community of Ukraine, and particularly to the Chief Rabbi Schmuel Kaminezki, on the reopening of the Golden Rose Choral Synagogue in the city of Dnepropetrovsk.

This event, which took place on September 20th, is very important, not only for Ukrainian Jews, but for Jewish people around the world. It symbolizes the hard work and dedication that has made the Jewish community in Ukraine one of the most vibrant Jewish communities among the countries comprising the former Soviet Union.

Today in Dnepropetrovsk Jewish orphanages, schools, food centers, community centers, medical centers, centers that provide care for the elderly, and centers for holocaust survivors and victims of communism, are all thriving. More importantly, more than 200 Jewish public organizations are active throughout Ukraine promoting and reviving cultural and religious customs and traditions for all Ukrainian Jews.

While this progress is significant, I want to encourage the Ukrainian government to continue working together with Jewish community leaders to resolve the remaining property restitution issues. Ukraine's record in this area and the Ukrainian government's commitments to future progress will go a long way toward promoting religious tolerance and freedom and ensuring that all Ukrainians have an opportunity to build bright and prosperous futures for themselves and their families.

CONGRATULATING JAMES A. DICK AND THE DICK BROADCASTING COMPANY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. DUNCAN. Mr. Speaker, on Friday, September 29, 2000, a remarkable chapter in the history of East Tennessee will come to an end. At the close of this week, Citadel Communications Group will officially take over Dick Broadcasting Company, located in Knoxville.

Nearly 50 years ago, in December 1952, the FCC granted Mr. James A. Dick a license to build a 1,000-watt, daytime only, AM radio station, and Dick Broadcasting was born. On March 20, 1953, WIVK AM–860 signed on the air.

From it's first studios on North Gay Street, WIVK's early days were filled with programs such as "The Big Jim and Little Alf Show," "Mull's Singing Congregation," "The Gospel Train," "Archie Campbell's Hillbilly Show," and the legendary "Cas Walker Live Country Music Show." Such future stars as the Everly Brothers and Dolly Parton found a home performing on WIVK's airwaves.

Later in the history of this radio station, we saw the beginning of the "Great Day Show" with Claude "The Cat" Tomlinson, Lester Longmire, and "Old Man Schultz." This show would go on to dominate local ratings and remain virtually unchanged until Claude's retirement in 1992.

The Dick Broadcasting Family has grown from a 1,000 watt AM station to 14 FM and AM stations operating in three states. Now a FM station, WIVK's unique mix of country music, community involvement, personality, and of course, University of Tennessee sports, has made it one of the most-listened to radio stations in America from the late 70's to present day.

For over 45 years now, Dick Broadcasting has sought to provide East Tennessee with the best in music and entertainment, and the most up-to-date news and information. When a severe blizzard hit East Tennessee in 1993, WIVK was the only radio station left on the air.

In 1988, Dick Broadcasting purchased WNOX–AM 990, and donated the old WIVK–AM 860 to the University of Tennessee. The new 990 frequency had the advantage of being a 24-hour. channel. WIVK–AM 990 soon started adding its own programming, and by 1992 had become its own entity as "NewsTalk 990."

Mr. Speaker, I know that I join with the citizens of the City of Knoxville in congratulating Jim Dick for his service and devotion to the people of East Tennessee. I am proud to call him a friend, and I wish him well in the years to come. I ask my fellow colleagues and other readers of the RECORD to join me in thanking Jim Dick and Dick Broadcasting Company for their many years of service and contributions to East Tennessee. Our Nation is certainly a better place because of people like Jim Dick and his family.

REGARDING SENATE AMENDMENTS TO H.R. 4365

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I voted against passage of the Senate amendments to H.R. 4365, the Children's Health Act. I would like to take this opportunity to explain the reason for my vote, especially in light of the fact that I voted in favor of the bill when it was first considered by the House on May 9, 2000.

H.R. 4365 reauthorizes and revises a number of children's health and drug abuse prevention and treatment programs. I am particularly pleased that the bill includes several new initiatives to combat asthma in children. The asthma epidemic has been particularly troublesome; national survey data indicate that the number of children with asthma in the nation has more than doubled in the past 15 years and the number of deaths attributed to asthma in children more than tripled between 1977 and 1995.

I also strongly support the bill's provisions to expand efforts to assist children with hearing loss and autism, the provisions providing grants to states to improve the health and safety of children in child care facilities, and the new programs intended to help prevent birth defects.

However, I did not vote in favor of H.R. 4365 because the Senate included provisions requiring the United States Sentencing Commission to amend the federal sentencing guidelines to provide for mandatory minimum sentences for crimes related to the manufacture, importation, exportation, and trafficking of methamphetamine and ecstasy. While I of course do not condone the manufacture, use, or distribution of these two dangerous and illegal controlled substances, I also strongly believe that sentencing for federal criminal offenses should be left to the discretion of federal judges and that they should be permitted to take into account the facts and circumstances surrounding each individual case.

HONORING THE ROTH LIVING FARM MUSEUM

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. HOEFFEL. Mr. Speaker, I rise today to honor the Roth Living Farm Museum which has been designated a National Historic Site by the U.S. Department of the Interior.

Located in North Wales, Pennsylvania, the Roth Museum was founded in 1993 as a nonprofit organization thanks to a generous donation to the Delaware Valley College by Mrs. Edythe Roth. The museum is an historic farm of 20 acres anchored by a restored 1832 farmhouse and barn to provide visitors with a unique look into the history of U.S. agriculture.

The Roth Living Farm Museum provides an educational experience to all who visit the facility. Visitors to the farm can see sheep shearing, antique farm equipment displays, early-American and farm crafts, and resident draft horses, cattle, sheep, goats, chickens, rabbits, and duck. Homegrown produce, seasonal decorations and firewood are available for sale. In addition, interactive demonstrations are created to provide visitors the opportunity of learning about 19th Century farming.

I am pleased to celebrate this significant honor with the college community and all of Montgomery County. We are fortunate to have the Roth Living Farm Museum in our community and especially honored to have it receive this important designation.

TRIBUTE TO ANDRÉ A. GALIBER, SR., MD

HON. DONNA MC CHRISTENSEN

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mrs. CHRISTENSEN. Mr. Speaker, I rise to pay tribute to Dr. André Anthony Galiber, Sr., who passed away this week. Dr. Galiber was a great leader of the medical profession, particularly in the field of Radiology, an ideal family man, an outstanding citizen and a great humanitarian in my district, the community of St. Croix and the entire U.S. Virgin Islands.

Dr. Galiber earned his Medical Doctorate in 1957 and completed a diagnostic and therapeutic radiology residency in 1963. His distinctive medical career began with an internship at the Howard University's Freedmen's Hospital, here in Washington, D.C. He also served as a Captain in the U.S. Medical Corps and was the Chief Radiologist at Fort Benjamin Harrison Army Hospital in Indianapolis, Indiana.

Dr. Galiber opened his private Radiology office in 1967 and became the first full-time, board certified Radiologist, in the Virgin Islands. He was and remained the only regional Fellow of the American College of Radiology. Dr. Galiber became the Director of the Radiology Department at the Charles Harwood Hospital during the 1960's and 1970's, and became the Director of the Radiology Department when the hospital relocated to the new Governor Juan F. Luis Hospital and Medical Center, serving in that capacity until his "so-called" retirement in 1984.

Dr. Galiber volunteered as a consultant at the new St. Croix Hospital and provided most of the technical training and professional services during the initial ten year growth period of clinical ultrasound. He performed and interpreted the first echocardiograms on St. Croix and was the first Radiologist licensed in Computer Tomography. He was a FDA accredited mammoradiologist and had been performing mammographys since he opened his practice in 1964.

His untiring dedication to St. Croix was also directed at strengthening and advocating on behalf of the medical community. He was an active member of the Virgin Islands Medical Society for almost forty years, serving as President, Executive Secretary, Treasurer, Delegate to the American Medical Association, as well as Delegate to the National Medical Association.

Dr. Galiber also served as President of the Croix Hospital Medical staff, was an elected officer Virgin Islands Medical Institute and presented, coordinated and monitored seminars for his peers. He was also the principal supporter of advanced diagnostic imaging capabilities at the Governor Juan Luis Hospital. Recently, he drafted legislation that was proposed by the Virgin Islands Medical Institute, to encourage Virgin Islands physicians training in the United States, to become licensed in the Territory. Most notably, he was a mentor and ardent supporter of students pursuing health science careers, of which I was one.

Hurricane Hugo introduced several generations of Virgin Islanders to the devastation a hurricane could inflict. While most of the populace remained stunned in the aftermath, Dr. Galiber salvaged his radiological equipment, established electrical power and a safe habitat for essential medical operations and within nine days after the hurricane had passed, he was essentially ready to provide services to his patients.

Dr. Galiber was a charter member of the St. Croix Power Squadron. He became a trustee for most of the schools on the island of St. Croix including St. Mary's Catholic School, Country Day School, Good Hope School and St. Dunstan's Episcopal School. Dr. Galiber was also the chairperson of the St. Croix Continuing Medical Education Committee which certified all eligible programs to do post-graduate training for physicians, and a member of the Eta Iota Iota Chapter of Omega Psi Phi Fraternity.

As an entrepreneur, Dr. Galiber in 1974 became the Project Development Coordinator/Secretary Treasurer, of the first Medical Office Condominium in the Virgin Islands. He was one of seven owners of Medical offices in Island Medical Center Associates, and supervised the management of the entire complex along with managing and practicing his own radiology office at the same time.

Dr. Galiber was an avid reader of non-fiction and a history buff of World War II, greatly admiring the deeds of Winston Churchill. For recreation he enjoyed golf, tennis, traveling, dancing, and classical music.

He and his wife were Members of Friends of Denmark, an organization that strives to maintain the links established by more than two centuries of Danish rule. He and his wife also joined the Landmark Society, which preserves and promotes the various influences in our unique architecture that has developed over the centuries, and our local cultural traditions. He was also a member of the Virgin Islands Lung Association and the St. George's Botanical Garden.

Dr. and Mrs. Galiber were also collectors of original art by local artists even collaborating in commissioning many of the items he eventually bought. He insisted on authenticity and accuracy, in the depiction of what to us now seems the simpler times of just a few decades ago. One such piece, that was the result of his direction, was selected by the Census Bureau, in its desire to have minority oriented art, as the poster for the Virgin Islands. The painting was a work-in-progress then entitled "Good Day Ladies", when first viewed by the Galibers. The new name "Mr. Collins", and other items of the painting were changed, to accurately correspond to names and events of the time.

Dr. Galiber was the recipient of many honors, including the Distinguished Physician in 1986 by the Virgin Islands Medical Society and the American Cancer Society's Honoree in 1999.

On June 9th of this year, the Governor Juan F. Luis Hospital and Medical Center conducted a dedication ceremony of the André A. Galiber, Sr., FACR, Radiology and Cardiovascular Laboratory Suite. The unit was dedicated in honor of his significant contributions to diagnostic imaging. He was also recognized at that ceremony for implementing the terminal digit filing system that is still used today. Some of his peers recognized that he singlehandedly established the Radiology Departments at both the Charles Harwood and Juan Luis Hospitals and that due to him, the hospitals will soon have MRI capabilities. His legendary diagnostic skills were praised and appreciation was shown for the tireless work he performed in other areas of hospitals.

His children consider themselves to be proud "Virgin Islanders" and claim that their father taught them to contribute their service to the West Indian community and to work together as a family. He encouraged them to develop their individual talents and actively fostered their personal development. He and his namesake, André Junior, won golf tournaments. Two others Dante and Cecile, played tennis at the Pan American Games. Lisa, a world renown fashion model, is multilingual and has a development consulting firm in San Diego. his daughter Cecile, a Banker and licensed realtor, heads the Financial Trust Company in St. Thomas.

His wife of forty-four years, Edith Lewis Galiber, is a retired Director of Pubic Health Nursing in St. Croix. All four of his sons are involved in the field of medicine, one as a cardiologist, two are radiologist and the other is their business manager, and also a trained and registered Technologist in ultrasound.

Dr. André Galiber's death on September 24, 2000, ended an illustrious life and work, but the contributions to his community, its culture and the field of Radiology live on.

Mr. Speaker, I salute Dr. André A. Galiber for his dedicated service to his country, his profession and the Territory of the U.S. Virgin Islands. I thank his wife Edith, his seven children and fifteen grandchildren, for sharing him with us.

INTRODUCTION OF HEATHER FRENCH HOMELESS VETERANS ASSISTANCE ACT OF 2000, H.R. 5311

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. EVANS. Mr. Speaker, I am proud and honored today to introduce the Heather French Homeless Veterans Assistance Act of 2000. The homeless veterans of our nation have no better friend, no better advocate than Miss America 2000. During the past year, Heather has given generously of her time, talent, energy and self to challenge this nation to meet the unmet needs of our homeless veterans. The value of her advocacy for our nation's homeless veterans this past year cannot be calculated—it is priceless. From coast to coast and border to border, Heather has taken her message of our national responsibility to provide homeless veterans the assistance they need and deserve. It is an honor for me to, in some small way, recognize what Heather French has done and what she means for our homeless veterans and our nation. The legislation I introduce today is intended to recognize and honor Heather French, but it is not a ceremonial measure.

Nearly four decades ago, President John F. Kennedy challenged our nation to send a man to the moon and return him safely to earth before the end of a decade. He said we would do it not because it was easy, but because it was hard. Our nation spent billions of dollars, some $21.3 billion in 1969 dollars, to meet this challenge. Today, the cost would be an estimated $110 billion. The crew of Apollo 11, Armstrong, Aldrin, and Collins, will always be American heroes. The men and women who have served this nation in uniform and who are now homeless are also American heroes. They are the real survivors.

If we were capable of achieving that goal set by President Kennedy nearly 40 years ago, then we are capable of achieving this goal now—before the end of a decade eliminate homelessness among veterans. We must honor the service of our women and men who have served in uniform by providing the resources and opportunity they need to regain their future and again become productive citizens. This is our challenge. Like generations before us, we can and will succeed.

Let us never forget that every homeless veteran in America today served as a member of our Armed Forces. Today's homeless veterans were the once eager, excited and maybe a little frightened young men and women who came forward to serve our nation in uniform. In real terms, they defended our nation. They were our national defense. They came forward by the tens of thousands to serve our country. It is time for our country to come forward to fully provide the services they now need.

The Heather French Homeless Veterans Assistance Act of 2000 is comprehensive legislation. It contains both innovative and proven programs. It provides, for example; expanding successful grant programs, extending the authority of the Department of Veterans Affairs (VA) to provide dental care, and authorizing individual grants to veterans at risk for homelessness. Mr. Speaker, I ask that a summary explanation of the Heather French Homeless Veterans Assistance Act of 2000 be included in the RECORD following my statement.

Some may question the need for enacting comprehensive homeless veterans legislation. They may ask, "Don't programs to help homeless veterans already exist?" The answer is a qualified yes. VA offers a wide array of special programs and initiatives designed to help homeless veterans live as self-sufficiently and independently as possible. VA's specialized homeless veterans treatment programs have grown and developed since first authorized in 1987. In addition, other federal and community based programs exist throughout the nation to offer support and provide assistance to homeless veterans. Homeless veterans are receiving assistance and support from many programs that have demonstrated their effectiveness.

The question then remains, "Why are veterans still homeless?" The answer is simple. We have not done enough. The problem is not ineffective programs. The problem is too few programs and too many homeless veterans. If our goal is to end homelessness among veterans, we must do more. Existing programs must be continued and expanded when possible. New programs must be established.

For some, the first question will be, "How much will this cost?" The question that should be asked instead is, "What are the costs of failing to end homelessness among veterans? What are the costs of failing to provide what they need to regain their future and again become productive citizens and members of society?"

I strongly support the specialized programs of the Department of Veterans Affairs intended to meet the needs of homeless veterans. These are worthwhile, effective programs. For fiscal year 2000, the total amount expected to be spent supporting these programs is $152.5 million dollars. This is clearly not pocket change, but neither is it enough funding. In fact, it is far from enough.

Over the course of a year, 345,000 homeless veterans will experience nearly 126 nights of homelessness. To meet the needs of nearly 126 million nights of homelessness among veterans a year, $152.5 million really isn't very much. In fact, the total spending this year for VA's specialized programs for homeless veterans amounts to approximately $1.25 per day, per homeless veteran. No matter how effective or efficient, $1.25 per day, per homeless veteran can't be expected to be enough. On average, this is about $450 per year, per homeless veteran.

The Homeless Veterans Reintegration Program (HVRP), of the Department of Labor, provides even less support. The purpose of HVRP is to assist homeless veterans gain employment and become or move toward self-sufficiency. Again, HVRP is a good program which has demonstrated its effectiveness. But how effective can HVRP be in eliminating homelessness with an annual budget of $10 million? If the homeless veteran population is 345,000, HVRP can spend, at the utmost, less than $30 per year, per veteran, on average.

For some, eliminating homelessness among veterans is simply a question of economics. A formerly homeless veteran who becomes a computer programmer earning $40,000 a year is a contributing member of our society who will repay many times over in taxes the assistance he or she received. It is in our national economic interest to once again use the skills and values learned in military service and to productively use new skills to benefit everyone.

For me, this is not simply a question of economics. Morally, there is no other choice that we can make. We must make use of the full arsenal of programs and tools to help homeless veterans regain their self-worth, their dignity, their pride and their self-sufficiency. We can end homelessness among veterans if we have the will to do so. As the richest nation on earth, we can afford to do no less.

President Reagan once asked, "If not us, who? If not now, when?" I ask these same questions today. We cannot afford to wait any longer. More importantly, America's homeless veterans cannot afford to wait any longer.

If we simply maintain the status quo, over the next decade there will be more than one billion nights of homelessness among veterans. Let me repeat that—more than one billion nights of homelessness among veterans over the next decade if we simply maintain our current efforts. If our

The most recent assessment of the Community Homelessness Assessment, Local Education and Networking Groups (CHALENG) was issued in May 2000 by the Department of Veterans Affairs. That assessment reported that there were an estimated 344,983 homeless veterans during 1999, an increase of 34 percent above the 1998 estimate of 256,872 homeless veterans.

Veterans continue to constitute a significant and disproportionately greater percentage of homeless men than their non-veteran peers. Twenty-three percent of the homeless male population are veterans while thirteen percent of the general male population are veterans.

The CHALENG assessment issued in May 2000, by the Department of Veterans Affairs (VA), also reported there is a need now for more than 110,000 additional beds to meet current needs of homeless veterans. Those additional beds will not be enough, however. Food, clothing, social services, medical services, job training and readiness programs and so much more will also be needed. It can be done and we must do it.

This same assessment of the needs of homeless veterans issued by the Department of Veterans Affairs (VA) reported VA and community partnerships during 1999 were responsible for establishing 4,943 total beds for homeless veterans which included emergency, transitional and permanent beds. If 5,000 additional beds are provided annually to meet the needs of homeless veterans, more than two decades will be required to meet the current need for additional beds to serve homeless veterans. According to an informal cost estimate provided by VA, $1 billion will be required to establish the new beds now needed by homeless veterans.

The Congressional Budget Office forecast a federal budget surplus totaling $268 billion for fiscal year 2001 and a budget surplus of over $4.5 trillion over the next ten years. We are the most powerful and richest nation on earth. Economically, we can afford to end homelessness among veterans. Morally, we must. Morally, there is no other choice that we can make. We must make use of the full arsenal of programs and tools to help homeless veterans regain their self-worth, their dignity, their pride and their self-sufficiency.

I am pleased the Heather French Homeless Veterans Assistance Act of 2000 has already received support from the Veterans Organizations Homeless Council. The members of the Veterans Organizations Homeless Council represent ten major national veteran service organizations. These organizations are The American Legion, AMVETS, Blinded Veterans Association, Disabled American Veterans, Jewish War Veterans, Military Order of the Purple Heart, Non Commissioned Officers Association, Paralyzed Veterans of America, Veterans of Foreign Wars and Vietnam Veterans of America. The Veterans Organizations Homeless Council "strongly supports the comprehensive recommendations advanced by Congressman LANE EVANS, Illinois, in a legislative proposal that will offer a strategic program to break the vicious cycle of veterans homelessness in cities and towns across this Nation."

In addition, I am also very pleased this legislation has won the support of Miss America 2000. Heather French has carried a torch of compassion which has shown light on the plight of America's homeless veterans. She has given voice to homeless veterans who have been voiceless and visibility to homeless veterans who have been invisible to society in general. Her efforts have raised the awareness of the American people regarding the struggles and circumstances of the thousands of homeless men and women who have served our nation in uniform.

By her words and deeds Miss America 2000 has demonstrated her steadfast commitment to leaving no homeless veteran behind. From the halls of Congress, to homeless shelters, and to communities across America, Heather French has inspired us to a single goal—ending homelessness among America's veterans. As Miss America 2000, Heather French has well represented the Miss America Organization—the largest provider of scholarship assistance, exclusively for women, in the world. As an advocate for our homeless veterans, Heather French has maintained The Miss America Organization tradition of many decades of empowering American women to achieve their personal and professional goals, while providing a forum in which to express their opinions, talents, and intelligence. Her year of service as Miss America will end next month, but her commitment will not. She will continue to speak for those who are voiceless, seek shelter for those who have none, and remind us of our obligation to those who have served.

Heather French has said, "homeless veterans want to be able to regain personal pride by taking personal responsibility to remove the barriers that have prevented their transition to productive citizenship." "I applaud this legislation that focuses on a comprehensive package of proposals that will lead to ending homelessness among our nation's veterans so they can once again be proud citizens."

The National Coalition for Homeless Veterans (NCHV) has also endorsed this legislation. NCHV executive director Linda Boone has said "this bill will become the platform to address homeless veterans' issues in the 107th Congress and we look forward to a continued active relationship between Ms. French and Mr. EVANS towards the goal of ending homelessness among our nation's veterans."

I am proud to have the support of Ms. French, major veterans organizations, and community based providers of services to homeless veterans. I urge my colleagues to support and cosponsor H.R. 5311, the Heather French Homeless Veterans Assistance Act of 2000.

HEATHER FRENCH HOMELESS VETERANS ASSISTANCE ACT OF 2000

SUMMARY OF H.R. 5311

1. Findings

2. National Goal to end homelessness among Veterans within a decade

3. Establish the Homeless Veterans Advisory Committee, Department of Veterans Affairs

4. Requires annual meeting for Interagency Council on Homeless

5. Evaluation of homeless programs

6. Changes in veterans equitable resource allocation methodology

7. Grant program for homeless veterans with special needs

8. Coordination of services for veterans at risk of homelessness

9. Centers of Excellence in integrated mental health services delivery

10. Expansion of authority for dental care

11. Programmatic expansions

12. Various Authorities

13. Temporary Assistance Grants

14. Emergency Homeless Grants

15. Technical Assistance Grants

16. Manufactured Housing Loans

17. Increase Homeless Veterans Reintegration Program annual authorization to $50 million

EXPRESSING SENSE OF HOUSE ON PEACE PROCESS IN NORTHERN IRELAND

SPEECH OF

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. PASCRELL. Mr. Speaker, I rise today to express my strong support of House Resolution 547 and I commend my colleague, Congressman Neal, for bringing this important measure to the floor today.

Mr. Speaker, the last 4 years have brought great change to Northern Ireland and we are all hopeful that these changes will eventually yield peace. Unfortunately, the devil is in the details. One of the most glaring of these details is the matter of policing. If there is going to be lasting peace in Northern Ireland, then there must be reform of the Royal Ulster Constabulary [RUC]—Northern Ireland's police force. The RUC is comprised of 92 percent Protestant officers and human rights organizations have historically accused this police force of brutality against Catholics in the region.

Without addressing this contentious and complex problem, it will be impossible for peace to reign in Northern Ireland. I might add that the United States is no stranger to incidents of police brutality. In fact, we have bills pending in Congress which call for reforms of police enforcement practices. We know in the United States that if a community does not have trust in the law enforcement charged with policing them, then chaos and unrest will rule. We must be consistent in our country and when we call for peace in other countries, like Northern Ireland. That is why I urge all of my colleagues to vote in favor of House Resolution 547.

This resolution encourages the British Parliament to follow the recommendations of the Patten Report: To give the police force a new name, new badges and symbols free of the British or Irish states; to no longer fly the Union flag at police stations; and, to substantially increase the proportion of Catholic officers to 30 percent of the total force in 10 years.

If the parties involved in the peace agreement can accept these recommendations and implement them in a timely fashion, then I believe that they can achieve lasting peace in Northern Ireland. Mr. Speaker, I urge all my colleagues to support House Resolution 547.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Ms. LEE. Mr. Speaker, on Monday, September 25th, I was unavoidably detained in my district.

On rollcall No. 487, H. Con. Res. 399, recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975, had I been present, I would have voted "yes".

STS. CYRIL AND METHODIUS CHURCH CELEBRATES CENTENNIAL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the enduring faith of the parishioners of Sts. Cyril and Methodius Church in Edwardsville, Pennsylvania, which will celebrate the centennial anniversary of its founding on October 22, 2000.

The parish has its roots in the immigration of people from Slovakia who began to settle in the Wyoming Valley in the late 1870s and early 1880s. They came to the area upon hearing of the abundant work in the coal mines. At that time, there were no churches specifically for people of Slovak descent, so they attended churches where most of the members' first language was English.

Around 1885, a Slovak parish, St. Stephen's Church, was founded in Plymouth and many people from the Edwardsville area traveled there on foot for services on Sundays and other holy days. However, this travel was difficult, especially in the winter months, and so the Slovak people of Edwardsville joined together and began work to build their own church.

In September 1900, Bishop Michael J. Hoban officiated at the dedication of Sts. Cyril and Methodius Church on Grove Street in Edwardsville. Until the winter of 1901, the pastor of St. Stephen's Church in Plymouth also served as their pastor, when the arrival of Father John Jedlicka gave the parishioners of Sts. Cyril and Methodius Church their own clergyman.

Father Jedlicka oversaw several modifications to the church structure, including the tower and much of the interior, at a cost of $1,400, quite a sum at the time. During his tenure, the parish also purchased land on Pringle Hill for a cemetery and started a four-classroom school in the church basement.

In 1904, Father Jedlicka was replaced by a newly ordained priest, who had to leave because he could not find a place to live. The parishioners borrowed $3,000 to build a rectory, which was completed in 1905, and Father Jedlicka returned. That building still stands today on the corner of Grove and Hurbane streets in Edwardsville.

The following year, the parish tragically lost its church building, dedicated only six years before, in a fire. The current church on Zerbey Avenue was built in 1907 to replace it.

In 1921, Father Jedlicka died and was replaced by Father Edward Bellas, who served the parish for about eight years. He in turn was replaced by Father Stephen Gurcik, who was pastor until 1943, guiding the parish during the difficult years of the Great Depression. Many events were held to raise money, notably parish picnics, and finances began to improve in the 1940s. Father Gurcik loved the outdoors and often took the alter servers camping. During his tenure, the parish also sponsored a baseball team.

Father Joseph Podskoch served as pastor from 1943 until his death in 1949. He held bingo and other events to reduce the church's still-considerable debt. He was well-known in Edwardsville and would often walk up and down the streets to meet the people.

Father Michael Harvan, who became pastor in 1949, instituted a "day's wage" collection. During his pastorate, a few parishioners made sizable donations to the parish, and many improvements to the church were made. It also became possible to pay all existing debts. While pastor at Sts. Cyril and Methodius, Father Harvan was honored by becoming a Monsignor, or Prelate of Honor to the Pope. Upon his retirement in 1985, he left the parish with a sizable amount in its savings account.

In 1985, Sts. Cyril and Methodius Church was joined with St. Anthony of Padua Church in Larksville, and both shared the same pastor, Father Joseph Ziobro. Since Father Ziobro lived at St. Anthony's Rectory, the one at St. Cyril and Methodius was sold at that time. Father Ziobro worked hard to bring the two churches together as one parish family.

In 1990, Father Ziobro was transferred and Father Andrew Strish became pastor of the two churches until he was transferred in 1996. Father Bernard Evanofski then became pastor of the two churches. Upon his arrival, it was obvious that Sts. Cyril and Methodius Church was in need of a new roof and other repairs. Through a capital fund campaign and the generosity of the parishioners, all needed repairs were made, including a new roof.

Mr. Speaker, the people of Sts. Cyril and Methodius church continue to be active and strongly supportive of all parish functions as they celebrate both the centennial of the church's founding and the Great Jubilee of the Year 2000. I salute them on the occasion of this milestone anniversary, and I am pleased to call their faith and service to the attention of the House of Representatives.

PRESCRIPTION DRUG RELIEF

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. HINOJOSA. Mr. Speaker, time is running out. We are coming down the home stretch of the 106th Congress. Shortly we will be returning home to our respective congressional districts to report to our constituents what we have accomplished these past 2 years. I would like to be able to say that we've done something about the sky rocketing prices of prescription drugs.

This has certainly been a priority for me. This has defiantly been a priority for Democrats. Sadly, there are some for whom this is not a priority—and just who is going to pay the price for this indifference. The answer is America's seniors. The one issue that I have heard more about from senior citizens as well as their sons and daughters, these past 2 years than any other, is the outrageous cost of prescription drugs. I can't even begin to count the number of letters I have received, the phone calls I have had and the people that have come up to me when I am at home in my district, all imploring me to pass prescription drug legislation now.

The voices of seniors must be heard—Now. I urge my colleagues in the House—lets pass a prescription drug bill before we adjourn in October of this congress. The Nation's seniors deserve more than rhetoric—they deserve action.

PERSONAL EXPLANATION

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. ROGAN. Mr. Speaker, I was unavoidably detained on the afternoon and evening of September 26, 2000 and, therefore, was unable to attend any votes held during the period. Had I been present, I would have voted in the affirmative on every recorded vote. These votes include: H.R. 1248—the Violence Against Women Act; H.R. 2572—the Apollo Exploration Award Act; H.R. 5117—the Missing Children Tax Fairness Act; H.J. Res. 109—making continuing appropriations for the fiscal year 2001; H.R. 5175—the Small Business Liability Relief Act; and H.R. 4292—the Born Alive Infants Protection Act.

PEACE THROUGH NEGOTIATIONS ACT OF 2000

SPEECH OF

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. BONIOR. Mr. Speaker, like all Members of this body I share the hope that Israel and its neighbors—including the Palestinians—will negotiate a comprehensive and lasting peace.

In fact, recent news suggests that Palestinian and Israeli negotiators may soon resume their formal discussions.

Does America have a role to play in helping the two sides reach a final settlement?

Of course we do.

As President Clinton has shown us—time and again—American leadership makes the difference.

But, as any mediator will tell you, there is a difference between leading—and interfering.

The measure before us is interfering.

It will have only one effect: to polarize a complex situation even further, and undermine America's ability to help the two sides come together.

That doesn't help the Israelis.

That doesn't help the Palestinians.

And it certainly doesn't help the cause of peace.

In his recent speech before the United Nations, Prime Minister Barak said: "We are standing at the Rubicon and neither of us can cross it alone."

Mr. Speaker, I for one believe America has to be prepared to cross that Rubicon with them.

But being a partner in helping to win peace, does not give us the authority to dictate its terms.s

ANTI-SEMITIC NEWSPAPER ARTICLE IN RUSSIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. SMITH of New Jersey. Mr. Speaker, the fall of the Soviet Union saw the emergence of open anti-Semitism in Russia. While the government was abandoning its official policy of discrimination against Jews, anti-Semitism was being resurrected by certain political and social elements within Russian society, or "privatized," as one observer put it.

Not that anti-Semitism is a distinctly Russian phenomenon. Our own history has shown that at times of economic difficulties or societal challenge extremist figures and groups peddling anti-Semitic or other hate philosophies may arise within our midst.

Nevertheless, I was surprised and disturbed when the Union of Councils for Soviet Jews called my attention to a recent article in the Russian newspaper Nezavisimaya Gazeta entitled "Strategy of 'Globallization Leadership' For Russia. First Priority Indirect Strategic Actions To Ensure National Security." This article was penned by a Mr. Alexandr Ignatov, the director of a think tank under the jurisdiction of the Presidential Administration of Russia. In his lengthy opus, the author asserts that the activities of a "world government" are a key influence on globalization processes, and that a "Hasidic-paramasonic group" has usurped power within this world government. Moreover, this "Hasidic-paramasonic group" has allegedly decided that Russia should be excluded from leadership in the globalization process and be viewed exclusively as a source of raw materials for the "New World Order."

This "usurpation of power in the world government by the Hasidic-paramasonic group requires immediate correction," says Mr. Ignatov, which should include such initiatives as establishing Orthodox and Islam as state religions and imposing a departure tax on persons of childbearing age and "trained specialists."

Mr. Speaker, what can we say? Do Mr. Putin and others in the Russian Government take seriously the advice of people who prattle on about "Hasidic-paramasonic" groups usurping power in a so-called "world government"? The Ignatov article is, at best, a vacuous ramble about the "New World Order and world government, and, at worst, a vicious piece of anti-Semitism reflecting the mind set of the Protocols of the Elders of Zion. To wrap fish in it would be to insult fish.

For the record, the Russian Orthodox Church, for all its claims as the historic Christian faith in Russia, has rejected the idea of becoming the state church. Even the Soviet government backed down from the departure tax idea back in the early 1980s.

In my opinion, this article is unworthy of Nezavisimaya Gazeta, a widely read newspaper of a generally "centrist" orientation. I don't deny their right to print whatever they want, but I find it hard to believe that the editors of Nezavisimaya Gazeta want their publication to resemble some of the many anti-Semitic rags that have emerged in post-Soviet Russia.

In any event, I would certainly hope that the leadership of the Russian Government disavows the article, the author and certainly the policy prescriptions suggested.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mrs. MYRICK. Mr. Speaker, due to weather delays, I was unable to participate in the following vote. If I had been present, I would have voted as follows:

September 25, 2000, rollcall vote 478, on recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975, I would have voted "yea."

SERBIA DEMOCRATIZATION ACT OF 2000

SPEECH OF

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. SANFORD. Mr. Speaker, I rise to support of H.R. 1064, The Serbia Montenegro Democracy Act of 1999. In April of last year, I offered a bill containing many of the same provisions of Mr. Smith's bill with the belief that we needed to come up with some alternative strategy, in dealing with Milosevic and the situation in the Balkans.

In wake of the alleged fraud during yesterday's election, I believe it is as important now as it was last April that we begin focusing on what we are doing in the former Yugoslavia. What this bill attempts to do is look towards the future of the region, and I believe begs a larger point of what are we doing in that part of the world.

For starters, look at the cost of our military operations in Kosovo, such as Noble Anvil, Joint Guardian, Balkan Call, Eagle Eye, Sustained Hope, Task Force Hawk thus far these programs have totaled over $5 billion. Then add in the cost in Bosnia, roughly $8.95 billion. Lastly, add in other missions in the Balkans and the total amount of United States taxpayers money spent in the region since 1991 comes to $15.7 billion. I have to ask the question, where does it end?

We still have troops in Bosnia and Kosovo, despite promises to bring them home. If we have not begun to find some kind of alternative to our current strategy in Montenegro, history will repeat itself. The U.S. has already made commitment after commitment in the Balkans and a break away Montenegro would probably be no different.

So I would applaud Mr. Smith's leadership for incorporating my bill into today's legislation. I would hope that this and future administrations come up with some kind of strategy other than sending troops and bombs through the sky with the Balkans, because that seems to be our current strategy. I think that this bill is a more effective and efficient alternative.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber on Monday, July 25, 2000 when rollcall vote No. 487 was cast and on Tuesday, July 26, 2000 when rollcall vote No. 493 was cast. Had I been present in this Chamber at the time these votes were cast, I would have voted "yes" on each of them.

IN HONOR OF ADAM VENESKI, PRESIDENT OF THE PEOPLE'S FIREHOUSE OF WILLIAMSBURG, BROOKLYN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today with my colleague NYDIA VELÁZQUEZ, to pay special tribute to Adam Veneski, the President of The People's Firehouse and a pillar of the Northern Brooklyn community, who recently passed away.

Mr. Veneski, who in early 1975 was a well-liked neighborhood grocer in Williamsburg, Brooklyn, suddenly became a passionate political activist after his neighborhood firehouse, Engine 212, was closed as a result of the Mayor Abe Beame's financial cutbacks. Disillusioned by the excessive number of firehouse closings and concerned for the safety of his neighbors, Mr. Veneski organized a campaign against the city government aimed at changing the Mayor's mind. Mr. Veneski, using every resource he had, however limited, strove towards achieving a single, meaningful goal—to save Engine 212.

Conceiving one of New York City's most memorable acts of civil disobedience, Mr. Veneski encouraged neighbors to sleep in the firehouse on round-the-clock shifts for nearly eighteen months while holding the fire truck hostage as a direct message to the city to keep North Brooklyn's firehouse open. When the Mayor ordered his opposition removed, a deputy fire chief said, "We're not going to remove them, it's the people's firehouse." The name has stuck around since—and so has Adam Veneski.

Mr. Veneski's goal was not only achieved through his public protests, but it was also realized as a result of his relentless research into facts that exhibited the necessity of preserving Engine 212. Mr. Veneski became an expert on fire-related injuries in his neighborhood, pointing out that eight fire-related deaths had occurred during the eighteen months Engine 212 was closed. As a result of the valiant efforts of Mr. Veneski and his neighbors, Engine 212, now known as the People's Firehouse, was reopened and the alarming increase in fire deaths in Williamsburg strongly reduced.

Mr. Veneski, fresh from his triumphal success as a community activist and invigorated by his role in helping the community, continued to serve his North Brooklyn neighborhood. After Engine 212 was reopened as a fully operational fire station, Mr. Veneski and his united neighbors formed a community assistance program, the People's Firehouse, Inc. (PFI). PFI provides legal outreach and mediation services, language education specialists, and housing development assistance to the residents of North Brooklyn. The People's Firehouse is celebrating its twenty-fifth year of public service this year and owes it success to a kind and personable grocer from Williamsburg Brooklyn—Adam Veneski.

From simple beginnings and with few resources, Mr. Veneski pioneered a movement that not only assisted in the improvement of the lives of those in his community, but through the preservation of the People's Firehouse and his dogged determination, saved many of those lives as well. North Brooklyn lost a tenacious advocate with the death of Adam Veneski. He will be sorely missed.

HONORING GEORGE H. WELDON, SR.

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. RANGEL. Mr. Speaker, I rise today to honor and congratulate a long-time constituent of the 15th Congressional District of New York and certainly a very dear friend, George H. Weldon, Sr.

On September 28, 2000, George Weldon will receive the Tenth Annual Samuel DeWitt Proctor Phoenix Award from the Abyssinian Development Corporation which is a comprehensive community development and human services organization serving the Harlem community.

George Weldon is one of Harlem's leading businessmen. He has operated the George H. Weldon Funeral Home, Inc., a well-respected family owned funeral business located in Harlem, for over forty years.

A committed civic and business leader, Mr. Weldon is currently a member of various boards including Empire State Funeral Directors Association, Metropolitan Funeral Directors Association, Harlem Junior Tennis League, and Vice President of LaGuardia Memorial House. He also serves as the Secretary of the Board of the Business Resource and Investment Service Center (BRISC) of the Upper Manhattan Empowerment Zone.

Active in the Harlem Business Alliance since 1987, he later served two terms as President. It was during those terms, that he led the organization into the forefront of economic development in Harlem and throughout New York City.

In 1995, I appointed George Weldon to the Uptown Partnership where he currently serves as its Chairman. The Partnership was convened to bring together the diverse business communities in the Upper Manhattan Empowerment Zone. He also serves on the Mayor's Harlem Task Force for Conflict Resolution.

A native of Harlem, Mr. Weldon served in the U.S. Army and is an Honorable Discharged veteran of World War II and the Korean Conflict. Upon leaving the Army, he attended the American Academy of Mortuary Science College where he graduated as a Licensed Funeral Director.

George Weldon has received numerous awards and citations for his service and commitment to the community including the Education Alumni Group of City College of New York (Business Educator of the Year), the Metropolitan Civic League (Martin Luther King, Jr. Award), and the New York Urban League (Building Brick Award).

Mr. Weldon is married and is the father of two children, both of whom have followed in his footsteps as Funeral Directors. He is also the grandfather of five.

In his own words: "Let's not only leave our children a legacy of love, but a legacy of economic empowerment."

THE INTRODUCTION OF "THE MEDICARE, MEDICAID AND SCHIP BALANCED BUDGET REFINEMENT ACT OF 2000"

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 2000

Mr. MARKEY. Mr. Speaker, I am pleased to join with my friend and colleague, the Gentleman from Massachusetts, Mr. FRANK, the entire Massachusetts delegation in the House, and many of my other colleagues in the House in introducing the "Medicare, Medicaid, SCHIP Balanced Budget Refinement Act of 2000."

Mr. Speaker, in this era of unprecedented surplus, we must ask the question, "Who's surplus is it?" The answer is, "it's the seniors' surplus." The legislation we are introducing today is closely modeled after legislation (S. 3077) recently introduced in the Senate, and will provide $40 to $50 billion over five years in additional Medicare and Medicaid payments to health care providers adversely affected by the cuts in the 1997 law, including hospitals, home health agencies, managed care plans, and nursing homes.

In 1997, seniors in our country were told that the price tag for Balanced Budget Act was going to be $115 billion. Even then, the Gentleman from Massachusetts (Mr. FRANK) and I thought that price was too high, and that was one of the principal reasons we voted against the bill. But today, we find ourselves in a situation where the actual cost of the BBA is turning out to be over $200 billion. In addition to the cost of the BBA doubling, Medicare spending is down sharply, increasing by just 1.5 percent in FY98, decreasing by 1.0 percent in FY99, and increasing just 1.5 percent in FY2000—well below the predicted growth rates for the program.

Mr. Speaker, we owe our seniors a refund. That's not too much to ask for the men and women who built this country. The 1997 Medicare cuts have harmed seniors, and I believe we should give this senior surplus back to the seniors to pay for their health care programs.

Congress is working on a package of Medicare givebacks this year to deal with the most critical aspects of the BBA cuts, a package that will cost about $21 billion. However, I am hopeful that as we move forward in the few remaining weeks of this session, that we will increase the price tag for this package. $21 billion is not going to be enough to get the job done.

Mr. Speaker, the following is a summary of the legislation, outlining specific areas of relief, such as community and teaching hospitals, skilled nursing facilities, home health care facilities, and Medicare HMOs, which I submit into the RECORD.

THE MEDICARE, MEDICAID AND SCHIP BALANCED BUDGET REFINEMENT ACT OF 2000

We believe strong that Congress, in light of the projected budget surplus for the next five years, should provide substantial relief to health care providers hurt by the 1997 Balanced Budget Act. Today, we are introducing the House companion bill to S. 3077, the Balanced Budget Refinement Act of 2000.

THE FOLLOWING IS A SUMMARY OF THE KEY PROVISIONS OF THE LEGISLATION:

Hospitals: Significant portions of the BBA spending reductions have impacted hospitals. According to the Medicare Payment Advisory Commission (MedPAC), "Hospitals' financial status deteriorated significantly in 1998 and 1999," the years following enactment of BBA. BBRA–2000 would address the most pressing problems facing hospitals by:

Fully restoring, for fiscal years '01 and '02, inpatient market basket payments to keep up with increases in hospital costs, an improvement that will help all hospitals.

Preventing implementation of further reductions in (IME) payment rates for vital teaching hospitals—which are on the cutting edge of medical research and provide essential care to a large proportion of indigent patients. Support for medical training and research at independent children's hospitals is also included in the Democratic proposal.

Targeting additional relief to rural hospitals (Critical Access Hospitals, Medicare Dependent Hospitals, and Sole Community Hospitals) and making it easier for them to qualify for disproportionate share payments under Medicare.

Providing additional support for hospitals with a disproportionate share of indigent patients, including elimination of scheduled reductions in Medicare and Medicaid disproportionate share (DSH) payments, and extending Medicaid to legal immigrant children and pregnant women, as well as providing State Children's health Insurance Program (SCHIP) coverage to these children.

Establishing a grant program to assist hospitals in their transition to a more data intensive care-delivery model.

Providing Puerto Rico hospitals with a more favorable payment rate (specifically, the inpatient operating blend rate) as MedPAC data suggests is warranted.

Home Health. The BBA hit home health agencies particularly hard. Home health spending dropped 45 percent between 1997 and 1999, while the number of home health agencies declined by more than 2000 over that period. MedPAC has cautioned against implementing next year the scheduled 15 percent reduction in payments. BBRA–2000 would:

Repeal the scheduled 15 percent cut in the home health payments, remove medical supplies in the home health prospective payment system (PPS), provide a 10-percent upward adjustment in rural home health payments to address the special needs of rural home health agencies in the transition to PPS. Security costs for high crime areas are also covered in this legislation.

Provides $500 million to care for "outlier", or the sickest and most costly, patients.

Clarifies the "homebound" definition allowing Medicare beneficiaries to attend adult day care, religious services or important family events while continuing to receive home health benefits.

Allows home health agencies to list telemedical services on their cost reports and orders HCFA to study whether these services should be reimbursable under Medicare.

Provide full update payments (inflation) for medical equipment, oxygen, and other suppliers.

Skilled Nursing Facilities (SNFs). The BBA was expected to reduce payments to skilled nursing facilities by about $9.5 billion. The actual reduction in payments to SNFs over the period is estimated to be significantly larger. BBRA–2000 would:

Allow nursing home payments to keep up with increases in costs through a full market basket update for SNFs for FY 2001 and FY 2002, and market basket plus two percent for additional payments.

Further delay caps on the amount of physical/speech therapy and occupational therapy a patient can receive while the Secretary completes a scheduled study on this issue.

Rural. Rural providers typically serve a larger proportion of Medicare beneficiaries and are more adversely affected by reductions in Medicare payments. In addition to the rural relief measures noted above (under "hospitals"), BBRA–2000 addresses the unique situation faced in rural areas through a number of measures, including: a permanent "hold-harmless" exemption for small rural hospitals from the Medicare Outpatient PPS; assistance for rural home health agencies; a capital loan fund to improve infrastructure of small rural facilities; assistance to develop technology related to new prospective

Hospice. Payments to hospices have not kept up with the cost of providing care because of the cost of prescription drugs, the therapies now in end-of-life care, as well as decreasing lengths of stay. Hospice base rates have not been increased since 1989. BBRA–2000 would provide significant additional funding for hospice services to account for their increasing costs, including full market basket updates for fiscal years '01 and '02 and a 10-percent upward adjustment in the underlying hospice rates.

Medicare+Choice. This legislation would ensure that appropriate payments are made to Medicare+Choice (M+C) plans. Expenditures by Medicare for its fee-for-service providers included in BBRA–2000 indirectly benefit M+C plans to a significant extent. Moreover, the legislation includes an increase in the M+C growth percentage for fiscal years '01 and '02, permitting plans to move to the 50:50 blended payment one year earlier, and allowing plans which have decided to withdraw to reconsider by November 2000.

Physicians. Congress understands the pressures that physicians face to deliver high-quality care while still complying with payment and other regulatory obligations. BBRA–2000 provides for comprehensive studies of issues important to physicians, including: the practice expense component of the Resource-Based Relative Value Scale (RBRVS) physician payment system, post-payment audits, and regulatory burdens. BBRA–2000 would provide relief to physicians in training, whose debt can often be crushing, by lowering the threshold for loan deferment from $72,000 to $48,000.

Beneficiary Improvements. House Democrats continue to believe that passage of a universal, affordable, voluntary, and meaningful Medicare prescription drug benefit is the highest priority for beneficiaries. In addition, BBRA–2000 would directly assist beneficiaries in the following ways:

Coinsurance: BBRA–2000 would lower beneficiary coinsurance to achieve a true 20 percent beneficiary copayment for all hospital outpatient services within 20 years.

Preventive Benefits: The bill would provide for significant advances in preventive medicine for Medicare beneficiaries, including waiver of deductibles and cost-sharing, glaucoma screening, counseling for smoking cessation, and nutrition therapy.

Immunosuppressive Drugs: The bill would remove current restrictions on payment for immunosuppressive drugs for organ transplant patients.

ALS: The bill would waive the 24-month waiting period for Medicare disability coverage for individuals diagnosed with amyotrophic lateral sclerosis (ALS).

M+C Transition: For beneficiaries who have lost Medicare+Choice plans in their area, BBRA-2000 includes provisions that would strengthen fee-for-service Medicare and assist beneficiaries in the period immediately following loss of service.

Return-to-home: The bill would allow beneficiaries to return to the same nursing home or other appropriate site-of-care after a hospital stay.

Part B penalty: The bill would limit the penalty for late enrollment in Medicare Part B.

Vision Services: The bill would allow beneficiaries to access vision rehabilitation services provided by Orientation and Mobility Specialists, Low Vision Therapists, and Rehabilitation Teachers.

Other Provisions. BBRA–2000 would address other high priority issues, including: improved payment for dialysis in fee-for-service and M+C to assure access to quality care for end stage renal disease (ESRD) patients; increased market basket updates for ambulance providers in fiscal years '01 and '02; an immediate opt-in to the new ambulance fee schedule for affected providers; and enhanced training opportunities for geriatricians and clinical psychologists. BBRA–2000 also The Act in addition includes important modifications to the Community Nursing Organization (CNO) demonstration project, and additional funding for the Ricky Ray Hemophilia program.

Medicaid and SCHIP. The growing number of uninsured individuals and declining enrollment in the Medicaid program are issues that also must be addressed. To improve access to health care for the uninsured and ensure that services available through the Medicaid and SCHIP programs are reaching those eligible for assistance, BBRA–2000 includes the following provisions:

Improve eligibility and enrollment processes in SCHIP and Medicaid.

Extend and improve the Transitional Medical Assistance program for people who leave welfare for work.

Improve access to Medicare cost-sharing assistance for low-income beneficiaries.

Give states grants to develop home and community based services for beneficiaries who would otherwise be in nursing homes.

Create a new prospective payment system (PPS) for Community Health Centers to ensure they remain a strong, viable component of our health care safety net.

Extend Medicaid coverage of breast and cervical cancer treatment to women diagnosed through the federally-funded early detection program.

Permit nurse practitioners and clinical nurse specialists to bill independently under State Medicaid plans, regardless of whether or not a physician or other health care provider is supervising.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 28, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 3

9:30 a.m.

Environment and Public Works

To hold oversight hearings on the use of comparative risk assesment in setting priorities and on the Science Advisory Board's Residual Risk Report.

SD–406

Judiciary

Administrative Oversight and the Courts Subcommittee

To continue oversight hearings on the Wen Ho Lee case.

SD–226

Health, Education, Labor, and Pensions

To hold hearings to examine the impact of high fuel cost on low-income families.

SD–430

Judiciary

Youth Violence Subcommittee

To hold oversight hearings to examine Office of Justice programs, focusing on drug courts.

Room to be announced

Commerce, Science, and Transportation

To hold hearings on internet privacy issues.

SR–253

10 a.m.

Intelligence

Closed business meeting to consider pending intelligence matters.

SH–219

OCTOBER 4

9:30 a.m.

Small Business

To hold hearings on U.S. Forest Service issues relating to small business.

SR–428A

Health, Education, Labor, and Pensions

To hold hearings to examine health care coverage issues.

SD–430

Commerce, Science, and Transportation

To hold oversight hearings on seaport security.

SR–253

10:30 a.m.

Intelligence

To hold closed hearings on pending intelligence matters.

SH–219

OCTOBER 5

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine the status of Gulf War illnesses.

SD–124

Commerce, Science, and Transportation

To hold hearings on tobacco related issues.

SR–253

Energy and Natural Resources

Energy Research, Development, Production and Regulation Subcommittee

To hold hearings to examine the electricity challenges facing the Northwest.

SD–366

HOUSE OF REPRESENTATIVES—*Thursday, September 28, 2000*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of truth, God of our salvation, at times we think we are wronged for simply doing what seems to be right to us, but who can really harm us if we are truly devoted to what is good?

Lord, allow no weakening of our commitment to be a body of justice and the defense of the oppressed.

Strengthen us to suffer for virtue's sake. For whom should we fear, or why should we be perturbed, if You, O Lord, are reverenced in our hearts?

Free the conscience of this assembly and this Nation, that we may be Your instrument of goodness and peace, now and forever, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. FOLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. FOLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2647. An act to amend the Act entitled "An Act relating to the water rights of the Ak-Chin Indian Community" to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1752. An act to reauthorize and amend the Coastal Barrier Resources Act.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 one-minute speeches on each side of the aisle.

BRUTALITY IN BURMA BEING IGNORED

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the government of Burma has engaged in repressive, brutally violent tactics against its people.

Earlier this week we heard testimony of women, children and men being raped, forced into slave labor, and watching their villages and food sources destroyed. Squadrons of Burmese military have tortured and murdered villagers throughout the country.

One eyewitness recounts this horror: "Before the military killed them they captured them, they did not feed them rice or give them water for 7 days. They beat them and punched each of their faces more than 500 times. They sliced their legs and arms and dried them in the hot sun. They stabbed them at least 200 times each. They abused them until they cut out their intestines and then pushed them back in their gut, but didn't kill them right away. They kept them like that day and night and then killed them in the jungle."

In light of these atrocities, why does Burma not get more attention by the international community?

Mr. Speaker, the international community must do something to assist these people who have suffered for too many years at the hands of this brutal dictatorship.

COMMENDING JEFF SCHIEFELBEIN, FOUNDER OF CARPOOL

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I am going to digress from my normal message on international child abduction to commend a new acquaintance, Jeff Schiefelbein. Jeff is founder of an organization called CarPool, a designated driver program that provides safe rides for the Texas A&M area to intoxicated or otherwise incapacitated students.

After receiving a DWI, a driving while intoxicated charge, and while serving an 18-month probation sentence, Jeff and his friends created a program intended to decrease the amount of drivers under the influence in the community that would be good for the users and the helpers.

This spring, CarPool received an award for the Outstanding Achievement for a New Committee at Texas A&M, and another award for the best Individual Contribution to Campus for his work on CarPool. In its first year of operation, CarPool gave 6,343 rides and is now in demand at other college universities, on other campuses.

Great by great young people. Congratulations to Jeff Schiefelbein at Texas A&M University and his friends for their dedication in stopping drinking and driving.

ADMINISTRATION PLAN TO RELEASE OIL IS RECKLESS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, after 7½ years of no energy policy and skyrocketing fuel prices, the Clinton-Gore administration plans to release 30 to 35 million barrels of oil from the U.S. Strategic Petroleum Reserve. It is not that we do not appreciate the gesture, but it is just a 2-day supply.

But there is a bigger problem. This is the first time that the reserve has been tapped since 1991, when the United States was in the middle of the Persian Gulf War and our oil supply was in danger of being cut off.

Madam Speaker, the administration's decision is ill-conceived, illogical, ill-advised, and perhaps even illegal. Even the administrations's own top advisors oppose tapping the oil reserve, including Treasury Secretary Summers, who said that the decision would be "a major and substantial policy mistake."

This Republican Congress has tried to promote a sound energy policy, both domestically and abroad, but the administration has vetoed every attempt at doing so. Yet 46 days before the election, the Clinton-Gore administration announces a desperate plan, which will not lower oil prices but will endanger our national security.

Madam Speaker, I yield back the Clinton-Gore plan as a blatant political ploy.

SOCIAL SECURITY INEQUITIES

(Mr. REYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYES. Madam Speaker, the teachers in the State of Texas and in

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

many states do not pay Social Security taxes. Because they do not pay into Social Security, teachers do not receive Social Security benefits. Instead, these teachers receive a pension from their respective State.

While retired teachers may be eligible to receive Social Security benefits as a result of previous jobs, these benefits are often greatly reduced. Further, some or all of a spouse's or widow's or widower's benefits may be offset if a retired teacher receives a pension that did not require payment of Social Security benefits.

This is why I am a cosponsor of H.R. 1217, a bill that would address the problem of reduced Social Security benefits in the case of spouses and surviving spouses who are also receiving government pensions. These would include the pensions that teachers receive from the State of Texas and other States.

H.R. 121 would modify the formula, and is currently pending in the Committee on Ways and Means Subcommittee on Social Security.

Madam Speaker, there are 253 cosponsors of this important legislation, and I would request that this bill be moved out of committee and brought before the House for a vote.

RECKLESS USE OF STRATEGIC OIL RESERVE

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Madam Speaker, have you ever noticed that when you borrow money from your savings account with good intentions, it never seems to find its way back to the account? Well, that is what we are doing with the Strategic Petroleum Reserve account.

We are announcing today that in order to help oil prices, that we are going to release 30-plus million barrels of oil from that strategic reserve. The question is, when do you replace it, and how much is the cost when it is replaced?

The campaign of the Vice President is quickly running out of gas itself, so, in order to make themselves also more popular with voters, they have succumbed to a ploy that I think is reckless and dangerous. Every editorial board around the country has condemned it as a bad idea and not appropriate.

Madam Speaker, this administration sued Microsoft. They should have sued OPEC. We have got a lot of problems with price collusion. Maybe the American taxpayer would not be worrying about future energy prices or supplies if they had acted more aggressively. Here are our friends that we bailed out of the Kuwait invasion now turning against us by raising oil prices daily.

BEFORE IT IS TOO LATE

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Madam Speaker, yesterday the National Commission on Mathematics and Science Teaching for the 21st Century issued its report entitled "Before it's too late" on the state of math and science teaching in America. The Glenn Commission, as it has come to be known, identifies teaching as the most powerful instrument for reform in education, and thus the place to begin.

I am proud to be one of four Members of Congress selected to serve on the Glenn Commission, which was chaired by former senator and astronaut John Glenn.

As the report concludes, we must significantly increase the number of teachers who feel qualified to teach math and science, and change the environment of professional development to create an ongoing system of improvement in our schools.

Teaching our children math and science is important for economic productivity and national security. It is also important at an even more profound level than the practical benefits to our economy.

Math and science bring order and harmony and balance to our lives. They teach us that our world is not capricious, but predictable, that it contains pattern and logic. They also provide us with foundational skills for lifelong learning, for creating progress itself.

HOLDING THE DEPARTMENT OF EDUCATION ACCOUNTABLE

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Madam Speaker, America's children deserve the world's best education, but they are not getting it. Even though the Federal Government has spent over $100 billion annually on education, 40 percent of our Nation's fourth graders fall below the basic level of reading achievement.

Madam Speaker, it is little wonder the Department of Education has mismanaged and lost billions of taxpayer dollars, and millions more have been literally stolen from Department office buildings, stolen from America's children. The Department of Education cannot account for how it spent nearly $32 billion in taxpayer funds.

Since 1983, more than 20 million students have reached their senior year unable to do basic math, and it all seems to have gone unnoticed by the Department of Education. The Department does not expect to pass audits for at least 2 more years.

Madam Speaker, it is time that the Department of Education is held accountable for how it spends our money. The Clinton-Gore administration has been in office for 8 years, and they squandered their opportunity to help.

Republicans believe no child should be left behind.

PRESCRIPTION DRUG BENEFIT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Madam Speaker, many, many of our seniors must choose between buying food and buying medicine every day and every week of their lives, and we know that that is not right. But what are we doing about it? What are we doing in this Congress as we come to the end of the 106th Congress?

My Republican colleagues would suggest that private insurance companies take over this issue, but from 1995 to 1999 this country has doubled what is spent on prescription drugs, from $65 billion a year to $125 billion a year.

Prescriptions are a fact of life. Do we really believe that private insurers are willing to take on the burden of 18 prescription drugs on average per year for a senior citizen? Of course not. If it were at all profitable, private insurers would already be all over this market.

Instead, we need to expand Medicare. We need to include the guaranteed prescription drug benefits through a good program that has been working for us for 30 years.

101ST ANNIVERSARY OF VETERANS OF FOREIGN WARS

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Madam Speaker, on the evening of September 29, 1899, 13 men gathered in a tailor's shop at 286 East Main Street in Columbus, Ohio. They were all veterans of the U.S. 17th Infantry Regiment who had fought in Cuba during the Spanish-American War. They gathered to remember those killed in action, to assist their surviving brothers, and to care for the families of those who had died. This meeting formed the foundation of an order, which we know today as the Veterans of Foreign Wars.

While the total significance of this first meeting was unknown to these 13 veterans, without a question, the VFW's actions have left an indelible mark on the last 100 years of our Nation's proud history.

Madam Speaker, tomorrow I will have the distinct privilege and honor to unveil an historic marker at the very site where the VFW was born, exactly 101 years ago in Columbus. As a sponsor of this historic marker, I am proud that we will be commemorating the very spot where this organization first got its start. Undoubtedly, this marker represents the VFW's wonderful tradition of service to our community in central Ohio and to our great Nation.

□ 1015

MEDICARE PRESCRIPTION DRUG COVERAGE

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Madam Speaker, after fighting tooth and nail against Democratic efforts to provide seniors with prescription drug coverage, the Republican leadership now appears willing to make a small concession. They will agree to let pharmacies buy drugs from Canada for sale to U.S. citizens. This is the bipartisan crumb that may be given to seniors by the 106th Congress.

The Republican leadership believes that if they govern as Republicans for 22 months, they can win elections by talking like Democrats for the last 2.

Governor Bush barely mentioned the words "prescription drugs" during the primary season. Now he says he has a plan, but it will not help middle-income seniors with huge drug bills. He says that Medicare is a government HMO. It is not. It is reliable. Medicare does not pick up and leave a State if it is not making money.

It is cost effective. Medicare has 3 percent administrative costs instead of 30 percent for the private insurance companies. It is fair. Medicare covers all seniors, not just a few.

A Medicare prescription drug benefit with negotiated lower prices for all seniors, that is the Democratic promise.

NATIONAL ALLIANCE FOR AUTISM RESEARCH SPONSORS "WALK FAR"

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, autism strikes one out of every 500 children. In Florida, 50 percent of all children and adults afflicted with autism reside within my congressional district. I have become very familiar with this disorder because my close friend, Patience Flick, has two children, Bonnie and Willis, with autism.

On November 4, we will be participating in Walk FAR, Friends and Relatives, sponsored by the National Alliance for Autism Research. This first walk of its kind is being organized by the cochairs, Michelle Cruz and Marie Eileen Whitehurst, two south Florida mothers whose children have autism.

South Florida will come together that Saturday to raise research funds for the National Alliance for Autism Research, which in only 4 years has committed $3 million for 50 specific projects and fellowships around the world to combat this devastating disorder.

Madam Speaker, I ask my colleagues to join me in congratulating Michelle and Marie Eileen, as well as Karen London, founder of the National Alliance for Autism Research, Dr. Michael Alessandri, director of the University of Miami Center for Autism and Related Disorders, and the hundreds of south Florida families who will join forces to begin the eradication of autism.

SENIORS MUST HAVE MEDICARE PRESCRIPTION DRUG COVERAGE

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Madam Speaker, today, once again, America awoke to the story of another senior citizen that finds the difficult choices in their life because of the cost of prescription drugs.

Winifred Skinner, 79 years old, of Des Moines, Iowa, yesterday told the Vice President how on her $800-a-month income, $250 will go to prescription drugs, which leaves her very little for her other costs of maintaining her household. Therefore, she spends 2 and 3 hours a day collecting aluminum cans to turn in to provide food for herself. She is reduced to walking the streets and the roads of Des Moines, Iowa, so that she can collect cans to provide food because of the high cost of prescription drugs. She has no prescription drug benefit.

Madam Speaker, we have been trying now for almost 2 years to get the Republicans to agree to have a Medicare prescription drug benefit so people like Winifred Skinner will have a reliable benefit to help pay for the medicines that they need; not a plan that depends on whether or not their HMO is in business or out of business; not a plan that depends on whether or not an insurance company will write the benefit or not, but a guaranteed plan within the Medicare system so that seniors know that they can rely on it.

The time has come so Winifred Skinner does not have to keep walking the roads.

MEDIA WATCHDOG ORGANIZATION NEEDED

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Madam Speaker, since Labor Day, the traditional start of presidential campaigns, ABC, CBS and NBC evening newscasts have given AL GORE 55 percent positive coverage and George Bush only 35 percent. The networks, which are the primary source of information for most Americans, did not cover several possible scandals involving the Gore campaign.

Sometimes I wonder if they are trying to control our political process. The media do not have a license to lie or mislead or slant or skew the news. We should hold biased members of media accountable and encourage them to be fair, impartial, and balanced.

One way is to form a citizen's watchdog organization. If the media will not police themselves, and if we cannot allow the government to intervene, then it is up to us to take the initiative.

Good government and fair media coverage demands that we take such an action.

OIL AND FUEL PRICES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, gasoline is going up to $2 a gallon. Home heating oil fuel is going up 50 percent. Diesel fuel is so high we will get a nosebleed.

Beam me up.

We do not need to open up emergency oil reserves. That helps oil companies and monarchs who can continue to gouge. It is time for Congress to slap huge fines on those companies that gouge the American consumer.

But, finally, it is also time to tell those monarchs and dictators from the OPEC countries the next time Saddam Hussein comes calling, dial 911 for the Boy Scouts, because they are on their own. I guarantee in 30 days this thing will be resolved.

Madam Speaker, I yield back the fact that America is being gouged as much by American companies as they are by these monarchs and dictators overseas.

TAXPAYERS' CHOICE DEBT REDUCTION ACT

(Mr. SANFORD asked and was given permission to address the House for 1 minute.)

Mr. SANFORD. Madam Speaker, Eisenhower apparently once said that he believed that there could be no surplus as long as our Nation was in debt. I come from that school of thought, and yet that is not exactly where we are right now in Washington.

Where we are right now is debating whether or not 90 percent or 50 percent, or some number in between, of these projected future surpluses should be allocated to the debt.

What struck our office is the fact that really more than just the Congress should be involved in that debate. It is for that reason that I introduce today the Taxpayers' Choice Debt Reduction Act.

Madam Speaker, what it would do would be to simply take the 1040, the tax return as we now know it. And right now, we can send $3 to the presidential campaign. This would create another box wherein we could send 3 bucks to debt reduction. That is not enough money to change our national debt, but it is enough money to make a small step in an important debate that we all ought to be a part of.

RETURN EDUCATION DECISIONS TO LOCAL CONTROL

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr TIAHRT. Madam Speaker, the Federal Government has spent a lot of money on education. Yet the United States continues to rank near the bottom of industrialized nations in student test scores. This simply is unacceptable.

The United States is the most prosperous Nation in the world. There is no reason why our schools cannot be second to none. However, just loading up the Federal bureaucracy with more money is not the solution. Yet this is the very approach the Big Government party of Clinton and Gore and the other liberals are attempting, and it has failed time and time again over the past 40 years.

So what is the solution? We Republicans want to return the dollars and the decisions back to the parents and teachers who know our children's names and their educational needs. Parents and teachers should set education policy, not some Washington bureaucracy or someone sitting in a fourth story of a government office building right here in Washington, D.C.

The only way to turn the test score embarrassment around is local control of local schools. But if the liberals keep following their presidential nominee down the path to the roadblock, America's future in education has no hope. For the sake of our Nation's children, let us join together and return control back to our schools and our local governments and our parents and teachers.

KENNY GAMBLE'S ONE-MAN URBAN RENEWAL IN SOUTH PHILADELPHIA

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Madam Speaker, recently I had the opportunity to go to Philadelphia, and there I met with Kenny Gamble. My colleagues may remember the Gamble and Huff song writing team who produced music for the O'Jays and Harold Melvin and the Blue Notes. Mr. Gamble is a very successful businessman and music producer. He moved back to South Philly, his childhood home in the ghetto, and is basically starting a one-man urban renewal project.

It is a very inspirational project. One of the keystones of that is a charter school that he started. Four hundred kids are in that charter school, with a waiting list of 1,400 children.

Why is it successful? Because it is run locally with input from the teachers and the parents. It is something that all the neighborhood and the community can focus on and take a lot of pride in. It does not have Washington bureaucrats micromanaging it. It does not have people from the State capital in Pennsylvania telling them what to do.

Madam Speaker, I believe this is a key corner to our education reform effort to get people back home interested and involved in the education process, because our children and our future are at stake. We should all follow Mr. Gamble's lead.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4733, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

Mr. HASTINGS of Washington. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 598 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 598

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Massachusetts (Mr. MOAKLEY), the ranking minority member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Madam Speaker, H. Res. 598 is a rule providing for the consideration of the conference report to accompany H.R. 4733, the Energy and Water Appropriation Act of 2001. The rule waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as read.

The conference agreement provides $23.59 billion in new discretionary spending authority for the U.S. Army Corps of Engineers, the Department of the Interior's Bureau of Reclamation, the Department of Energy, and several independent agencies.

The bill is $2.3 billion above fiscal year 2000, and $889 million above the President's request.

Most notably, Madam Speaker, as a Member whose district includes the most challenging nuclear cleanup project in the Nation, I am pleased that the conference report increases the funding for the defense environmental management cleanup activities by $6.12 billion, an increase of $406 million over last year.

Specifically, this legislation includes $377 million for the critically important Hanford Tank Waste Treatment Facility that is located in my district.

Finally, I would like to point out to my colleagues that this conference report also includes an appropriation of $5 million dedicated solely to reducing the national debt.

Madam Speaker, I want to commend the chairman of the Subcommittee on Energy and Water Appropriations, the gentleman from California (Mr. PACKARD), and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for their efforts to defend the House position on a long list of important items in this legislation. They have worked long and hard to bring this agreement to the House, and accordingly, I urge my colleagues to support both the rule and the conference report.

Madam Speaker, I reserve the balance of my time.

☐ 1045

Mr. MOAKLEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from Washington (Mr. HASTINGS), my colleague and my dear friend, for yielding me the customary half hour.

Madam Speaker, I would also like to thank the gentleman from Indiana (Mr. VISCLOSKY), and the gentleman from California (Mr. PACKARD) for their work on this bill. They really had to juggle a lot of requests and a lot of issues. And as a result, this conference report contains funding for some very, very good water projects and infrastructure projects.

Unfortunately, Madam Speaker, something happened last night in conference that will force me to oppose this rule and oppose it very strongly. Despite the fact that many people in the Northeast are currently facing what promises to be the worst heating crisis, winter heating crisis in two decades, some of my colleagues have decided to eliminate the funding in this conference report for Northeast home heating oil reserve.

Madam Speaker, I do not know why my colleagues would want to take steps to avoid helping their neighbors, but I do know how bad the situation could be in Massachusetts. According to today's Boston Globe, the Energy Information Administration announced yesterday that the stocks of heating oil shrank by another 300,000 barrels over the last week, and what that means, Madam Speaker, is that New England has less than one-third of the supply of heating oil that it had last year.

Madam Speaker, the winter we had last year was terrible, and we did not have anywhere near enough home heating oil.

Madam Speaker, two million households in Massachusetts depend on heating oil to warm their homes in the winter. Meanwhile, prices are up to about $1.40 a gallon and to give you a sense of perspective, it was $1 last winter and 80 cents the winter before. Madam Speaker, let me tell my colleagues it gets cold in Massachusetts and these very high prices force families to make that horrible choice between heating their homes or feeding their children.

But, Madam Speaker, we can do something about this. We can insist on a New England heating oil reserve. We can oppose efforts to stop the President from releasing 30 million barrels of oil from the Strategic Petroleum Reserve. Now, to hear some of my Republican friends talk, this is a violation of a sacred thing to release this oil, but this is not the first time this oil has been released from the Strategic Petroleum Reserve.

Madam Speaker, this would be the 11th time that oil has been released and every time, Madam Speaker, the release had the blessings of my Republican colleagues. But all of a sudden the 11th time it is released, it is political, but the other 10 times it was not.

So contrary to the way it may seem, oil really is not a matter of political parties, it is not a matter of competition between one region or another. In Massachusetts, heating your home really is not a luxury.

For many in the Northeast, Madam Speaker, it really could be a matter of life and death. So to put people's health and safety at risk for partisan gain is absolutely inexcusable. So I urge my colleagues to oppose this rule.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield as much time as he may consume to the gentleman from California (Mr. PACKARD), the chairman of the Subcommittee on Energy and Water Development, who is dealing with this legislation and somebody who is working on his last appropriations bill before he retires.

Mr. PACKARD. Madam Speaker, I thank the gentleman for yielding me the time, and I would like to respond to the remarks of the gentleman from Massachusetts (Mr. MOAKLEY) concerning Northeast home heating oil reserve and the Strategic Petroleum Reserve.

I want to correct, what I hope is a misunderstanding. We have never had in this bill funding for the Northeast energy oil problem. That funding is in the Subcommittee on Interior, not in this bill. So we not only did not knock it out, it never was in this bill. There was an amendment passed on the floor of the House to do something in this area, but that jurisdiction really belongs in the Committee on Interior and not in this committee.

This is to further clarify this whole issue. The House did pass a separate freestanding bill, the Energy Policy and Conservation Act, and that would have dealt with the Northeast oil issue, but that bill is being held up in the Senate by Senator BOXER. And for that reason, it has not moved. It is on hold by the Senator.

The administration claims, however, that as long as the appropriations exist, they do not need legislation to release oil from the Strategic Petroleum Reserve. In fact, the President announced last Friday that he was releasing 30 million barrels from that reserve. Clearly, he does not feel that legislation is necessary for this purpose.

Madam Speaker, I do not agree with him, and frankly I do not think that is a wise policy, but the fact is that is what he announced. And so we did not need to include funding in this bill for that purpose, and we did not include it in the bill. It does not belong in our bill. It belongs in the Interior Appropriations subcommittee bill. So we have not included it.

Madam Speaker, on the rule itself, however, let me just make a comment. I totally support the rule that is before the House. I commend the Committee on Rules for providing us with this rule. It should be very simple for us to move forward with this conference report under the rule, and I hope that the House will unanimously vote for the rule.

Mr. MOAKLEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we had an immigration bill that started out in one bill and then it was pulled out, it was put in another bill, and then when we passed it on the floor, it was pulled up and put in another bill. Is this what is going to happen from the Northeast, it is going to go from Interior to Energy and Interior to Energy? There was a vote, 360 people voted for this Northeast petroleum reserve. It should be in the Energy bill. So to have the gentleman say it should not be in the Energy bill, I do not know why it should be in Interior and not in Energy.

I think legislation may be necessary to give the President the right, because the right the President had to release that oil lapsed last month, and I think there is a question of whether he needs the authority or not. But regardless of what happens, the Northeast petroleum reserve should have been in the Energy bill, unless the gentleman can tell me it is absolutely going to be in the Interior bill.

Mr. PACKARD. Madam Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from California.

Mr. PACKARD. Madam Speaker, all jurisdiction for fossil fuel lies within the Subcommittee on Interior, not this subcommittee, Subcommittee on Energy and Water Development, we have other energy issues, but not fossil fuel. The Strategic Petroleum Reserve is in the Interior jurisdiction.

I served on that subcommittee when I first went on appropriations, and that is where we dealt with it then and that is where it ought to be dealt with at this time.

Mr. MOAKLEY. Madam Speaker, reclaiming my time, but the gentleman, I am sure, knows it is not going to be dealt with. And we know in the past we put amendments in other bills that really did not have the jurisdiction and it passed. But I think it is going to get awful cold awful quick, and I would hate to be someone who voted against this to answer the questions why did not we not act when we had time.

As I say, go back to the Cubin bill. It goes from one committee to the other. Every time it comes up, the committee says no, it is not our jurisdiction, it is somebody else's jurisdiction. I think we should look at the problem itself and how complex it is and how necessary it is that some people have to choose between heating and eating.

And I do not think we should say it should not be in this bill because we have never handled it before. We have done a lot of things that we have never done before.

And as far as the release of the Strategic Petroleum Reserve, I am not saying it is in this bill, I am just referring to an action of a Member of his party that is trying to stop the release of the petroleum. I just want to show that this has been done.

This will be the 11th time it has been done, and this is the first time that anybody accused it of being political.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I have no more requests for time.

Mr. MOAKLEY. Madam Speaker, I yield 3 minutes to the gentleman from the great State of Massachusetts (Mr. CAPUANO), a colleague of mine from Somerville.

Mr. CAPUANO. Madam Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me the time.

Madam Speaker, as I was watching this back in the office and as I was reading the contents of the particular bill, I have to tell my colleagues I am absolutely shocked. I do not think anyone at home, certainly nobody in my district, cares who has what jurisdiction. They could care less, they care about one thing, keeping their seniors and their kids warm. And for us to sit here and argue about jurisdiction to make promises that we may not be able to keep is ridiculous. It is patently absurd and unfair.

I came over today to make sure that the people I represent do not care if it is political or not. We are all politicians. We all do things for political reasons. Do my colleagues think any senior citizen who freezes in the middle of the winter cares about politics? They want heat. And for those people who do not have to rely on oil heat like we do in the Northeast, mark my words, without question, if we do nothing and oil heat price rises, natural gas prices will rise as well.

There are already supply problems. If we do not do it, people like me may start thinking about changing to natural gas. If we do, that puts further demand on diminished natural gas supplies. Those prices will be right behind us. And I will tell my colleagues, whether it is political or not, my hope is that every single politician in any one of us in the Frostbelt States makes this an issue, one way or the other; I am for it, I am against it.

I do not think, I have been involved with this since the day I got here, I do not think anyone who has argued for or against the Strategic Oil Preserve has said this is the only way to do it. We said there are a thousand things we can and should be doing and hopefully we will. This is one. This is the one that we can do immediately. Most of the others will take time.

For us to sit here and fiddle while the Northeast and the Midwest freezes is an insult to the people who have elected us.

Mr. MOAKLEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would just like to read from the CONGRESSIONAL RECORD of June 27, the Sherwood amendment printed in House Report 106-701 includes the text of H.R. 2884 as passed the House, includes provisions to reauthorize the Strategic Petroleum Reserve through 2003 and authorizes the Energy Department to buy oil from stripper wells and establish a regional home heating oil reserve in the Northeast. Agreed on by a record vote of 393-33. Nobody who voted then questioned what bill it was going to be put in.

Madam Speaker, I think we should take the will of the House, and it should have been in this report. And I think unless it is in this report, the report is flawed.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield as much time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Madam Speaker, I appreciate my friend from Washington (Mr. HASTINGS) for yielding me the time and thank him for his management of this rule.

We filed this late last night, and I want to rise in strong support of it and the underlying conference report. And I want to congratulate the retiring distinguished gentleman from California (Mr. PACKARD), the former mayor of Carlsbad, who will go off and be doing all kinds of wonderful things as he leaves behind him this great work product.

I also want to congratulate the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations.

And I want to take just a few minutes to talk about a very important provision which is in this bill, which I have been working on for a number of years. It began in Southern California when the water quality authority, a group that came together to address the water challenges that we have there, found something called perchlorate in the groundwater. And perchlorate is a chemical which unfortunately has tremendous negative repercussions getting into the groundwater.

We worked hard to try and find out exactly what led to the perchlorate getting into the groundwater, and they discovered that it came from the legal disposal of spent rocket fuel during the military buildup during the Cold War during the 1950s and 1960s.

Many people, when this perchlorate was discovered, began pointing fingers and saying that somebody is responsible for this. One of the things that we found, Madam Speaker, is that there are many companies that were very important to the buildup during the Cold War that are no longer in business, and so it was easy to begin pointing fingers. Some of us said that we needed to solve the problem, and so that is why, when we look at the fact this is a national security issue, yes, it was first discovered in Southern California, but this has national repercussions.

It has national repercussions because the gentleman from Texas (Mr. SESSIONS), my friend, has been faced with the same problem.

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There are people from other States of the Union who have found just recently the discovery of perchlorate in the groundwater. So I was very pleased that several months ago the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation and Infrastructure, and the gentleman from New York (Mr. BOEHLERT), the subcommittee chairman, agreed to put together a hearing which was designed to specifically address this question.

We were able to utilize something I am very proud of, new technology; and we had a hearing of the Committee on Transportation and Infrastructure, the subcommittee that the gentleman from New York (Mr. BOEHLERT) chairs, which was able to include community activists from Southern California, people with the Water Quality Authority, and several of my colleagues who in a bipartisan way joined in introducing the authorizing legislation, H.R. 910.

They included the gentlewoman from California (Mrs. NAPOLITANO), the gentleman from California (Mr. MARTINEZ) and others, the gentleman from California (Mr. GEORGE MILLER), the gentleman from California (Mr. ROGAN), who have been very supportive of this effort.

Well, Madam Speaker, I am pleased that we have been able to include in this legislation in this conference report important funding to begin this to find a solution to this problem. It is a small amount of money. But it is a beginning. Again, it is one of the very serious environmental questions that we have.

So in passage of this conference report, we will in this Congress be taking a very bold step towards addressing a major environmental concern, not only for Southern California, but for the entire country.

I want to express my appreciation again to the gentleman from California (Mr. PACKARD). I would especially like to thank the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations, who has been phenomenal in providing me with assistance in dealing with this.

Also, I want to express my appreciation to Chairman DOMENICI for his work on this and, as I said, the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from New York (Chairman BOEHLERT) for the effort that they have put together in helping us deal with an important problem that, as I said, impacts, it appears, Southern California right now but also the entire Nation.

So I urge strong support of this rule and support of the conference report.

Mr. MOAKLEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, my colleagues may recall that I applauded all that is in this bill. I am not taking anything away from my chairman. I think he did a masterful job in getting the money he got for that project, and it is well needed.

I am talking about what is not in the bill, and what is not in the bill is going to help protect the lives and safety of the people in the Northeast. Two years ago, we had an elderly couple freeze to death because they did not have money to buy fuel oil, and there was no reserve set up. We are trying to build against that so we will not have the same thing happen again.

I think it is very, very small for some people to play petty politics with this very, very important issue. Just because it affects the Northeast where maybe our Republican candidate is not doing too well and he can just "dis" it off. But there are human beings up there that are fighting for their lives, and probably some may lose their lives if the winter is as bad as some people predict.

Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. FROST), the head of the Democratic Caucus.

Mr. FROST. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, we ought to be very clear about the game that the Republicans are playing right now. On the one hand, they are critical of the President for announcing that he is going to release oil from the Strategic Petroleum Reserve. In fact, they are even talking about filing a lawsuit or perhaps passing legislation to prevent the President from releasing oil from the Strategic Petroleum Reserve.

Yet, in this bill, they deleted the authority for the Strategic Petroleum Reserve. So on the one hand, they are saying, gee, the President does not have the authority. On the other hand, they are deleting the authority and not giving it to him. One cannot have it both ways.

Now they try and say, oh, well, it should be in another bill. We know that is a ludicrous argument late in the session. This is a bill that is moving forward. This is the opportunity to provide the authority to release oil from the Strategic Petroleum Reserve so that we can deal with home heating oil prices so that we can deal with the price of gasoline.

The facts are very clear. They do not want the President to have that authority so then they can say, well, he does not have it. So we are going to challenge his action. This is perhaps one of the most cynical actions that a legislative majority could possibly take.

Mr. MOAKLEY. Madam Speaker, will the gentleman yield?

Mr. FROST. Yes, I am happy to yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Madam Speaker, is the gentleman from Texas aware this has been done 10 separate and distinct times under Republican leadership, and not one word of political chicanery was ever mentioned?

Mr. FROST. Madam Speaker, I am aware of the history. It just is ironic that today one of the committees of this House under the leadership of a Republican chairman is criticizing the President for exercising this authority while the other Republicans are on the floor trying to prevent the President from having the authority.

Now, I cannot think of anything that is more cynical, any more than a legislative body could take to say, gee, he cannot do that, but we are sure not going to give him the authority to do it; so maybe then we can challenge his right to do it.

Madam Speaker, this is perhaps one of the worst pieces of energy policy that this majority has done in the last 6 years. I conclude my remarks. I think it is extraordinary what is happening today.

Mr. MOAKLEY. Madam Speaker, we had some other speakers, but we do not seem to have them here; and I guess the gentleman from Washington (Mr. HASTINGS) has no speakers, so I reluctantly yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). The Chair will take this opportunity to remind all Members not to wear communicative badges while under recognition.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I just want to repeat once again that all this discussion has been on home heating oil for the Northeast. I know that is a major issue for people who live up in that part of the country, but this is being addressed already in another bill where there is funding in the conference report that is working its way through. That is the proper venue for this.

I would like to make one other point because this is probably the first time that the issue has really been debated on the floor regarding the Strategic Oil Reserves. Part of the long-term solution, I want to emphasize the word "long-term solution," is obviously to try to find more sources to get petroleum. That has not been talked about. It certainly was not talked about at all here in debate.

I would like to cite one statistic. When we created the Department of Energy some 25, 30 years ago, it was a crisis. One of the reasons why we created the Department of Energy is, horror upon horrors, we were importing about one-third of our oil. So now here we are 25 years or so or more later and we are importing some 50 percent of our oil.

I would just contend, if it was a crisis some 25, 30 years ago to have a cabinet-level agency to look at our energy policies when we were only importing 30 percent, it certainly ought to be something that we look at right now. Obviously, part of the long-term solution is to find more sources for oil.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 231, nays 186, not voting 16, as follows:

[Roll No. 500]

YEAS—231

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Chabot
Chambliss
Chenoweth-Hage
Clyburn
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McInnis
McIntyre
McKeon
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Myrick
Napolitano
Nethercutt
Ney
Northup
Nussle
Ose
Oxley
Packard
Pastor
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen

Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—186

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berman
Berry
Bishop
Blagojevich
Bliley
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Clayton
Clement
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Doyle
Edwards
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
Rangel
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—16

Castle
Clay
Engel
Eshoo
Fossella
Jones (OH)
Klink
LaFalce
Lazio
McCollum
McIntosh
Norwood
Paul
Stabenow
Talent
Vento

□ 1116

Messrs. McHUGH, HOLT, TAYLOR of Mississippi, QUINN, SWEENEY, REYNOLDS, and Mrs. KELLY changed their vote from "yea" to "nay."

Mr. LAMPSON changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PACKARD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on the conference report to accompany H.R. 4733.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5130

Mr. CAMPBELL. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 5130.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. PASTOR. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. PASTOR. Madam Speaker, this morning, as I was walking onto the floor, you reminded us that if we were going to speak on the floor that we could not wear any button that communicated a message.

I bring that to your attention because I ask what the rule is that, in the past, we have had Members speak on the floor while wearing such buttons.

In particular, yesterday I saw a number of Members that were wearing a button that communicated 90 percent. And this morning I was hoping to wear a button, but I was reminded by you that I could not.

The question is, what is the rule on wearing buttons on the floor while we speak, especially buttons that communicate a message?

The SPEAKER pro tempore. Clause 1 of rule XVII, which requires Members to address their remarks to the Chair, has been interpreted to proscribe the wearing of badges by Members to communicate a message while under recognition to speak by the Chair.

The Chair would direct the gentleman to page 693 of the House Rules and Manual for a recitation of precedents under this rule, some of which involve the Chair taking the initiative when the Chair observed their display while the Member was speaking.

The Chair will endeavor to be consistent in this enforcement and will use due diligence to call the attention of the Member to this rule.

Mr. PASTOR. Madam Speaker, I want to thank Madam Speaker for her comments.

Hopefully, maybe in the morning before we start, the Chair might remind us what the rule is on buttons that communicate a message.

The SPEAKER pro tempore. The Chair thanks the gentleman for calling that to the attention of the Chair.

CONFERENCE REPORT ON H.R. 4733, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

Mr. PACKARD. Madam Speaker, pursuant to House Resolution 598, I call up the conference report on the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 598, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 27, 2000, at page H8312.)

The SPEAKER pro tempore. The gentleman from California (Mr. PACKARD) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. PACKARD).

Mr. PACKARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present to the House the conference report on H.R. 4733, the fiscal year 2001 Energy and Water Development Appropriations Act.

At the outset, I would like to briefly state how pleased I am that the conference committee was able to work out the dramatic differences between the House and the Senate bills as amicably as we have and with a positive effect. Given the great divide over the House and Senate priorities, many concluded that we would never be able to resolve our differences. Not only did we resolve those differences, but we did so in such a way that the critical priorities of the House were carefully protected.

I am proud of the agreement struck between the House and that Senate on energy and water resources development programs. It was a difficult and arduous negotiation, but the product of our deliberations is a package that will help strengthen our defense, rebuild our critical infrastructure, and increase our scientific knowledge.

The total amount included in the conference agreement for energy and water program is $23.3 billion. This is about $1.6 billion over the amount included in the House-passed bill. The bill also includes $214 million in emergency appropriations primarily to continue recovery operations at the Los

Alamos National Laboratory as a result of the Cerro Grande fire.

I am especially pleased with the level of funding we have recommended for the Civil Works program of the U.S. Army Corps of Engineers. At $4.52 billion, the recommended funding is almost $460 million higher than the administration's inadequate budget request. The majority of this increase, about $350 million, is in the Corps' construction program. While that may sound like a large increase, the amount we have recommended is about the same as the amount the Corps will expend this year on construction. If we had funded the construction program at the level requested by the administration, the result would have been schedule delays, increased project costs, and the loss of project benefits.

In addition to providing more funding for ongoing projects, I am pleased that the conference agreement includes funding for a number of new construction starts.

For the Bureau of Reclamation we have provided $816 million, which is $10 million above the fiscal year 2000 level and $24 million above the budget request.

Perhaps the most significant item is one that we did not fund, the Bay-Delta Ecosystem Restoration Program in my State of California. The administration had requested $60 million to continue this program in fiscal year 2001. However, the authorization for the program expires at the end of this fiscal year; and as a result, neither the House nor the Senate included funding in their respective bills for this project.

The House authorizing committee reported the bill to reauthorize this program for fiscal year 2001; and as late as yesterday afternoon, we thought a compromise had been reached to permit the program to go forward. However, negotiations broke down when the Senate did not agree with the proposal. Accordingly, we have not funded it in this conference report.

For the non-defense programs of the Department of Energy, our top priority all year long was to provide adequate funding for the basic research programs of the Department. The basic research performed by the Department of Energy has led to many of the technological breakthroughs that have helped our economy grow. These programs will be even more important as we move into the 21st century.

I am pleased to report that additional allocations were received to enable us to fund these programs near the level requested by the administration. For renewable energy programs, I am pleased to report that we were able to provide about $30 million over the House-passed level.

For the Atomic Energy Defense programs of the Department of Energy, the conference agreement includes about $13.5 billion. These funds will permit the Department to ensure that we have a reliable and safe nuclear weapons stockpile.

For the National Ignition Facility, we provided $199 million. We are very concerned about the way this program has been managed in the past. However, we believe that the Department has assembled the management team and put in place the procedures that will enable the project to be successfully completed.

I need to point out to the Members of the House that when we were at conference this week, we received a letter signed by the President's chief of staff indicating that the President would veto the bill if a provision regarding the management of the Missouri River included in the Senate bill was not dropped in the conference. It was not dropped, incidentally, in the conference. I believe that this is the only item in the bill that the Senate actually voted on. Therefore, the provision was retained in conference.

I would point out that the President has signed this very same provision into law four times previously. I would hope that on the fifth time the President would not see fit to veto the entire bill over this one issue that he has agreed to in the past and would not allow a single issue to destroy months of hard work by the House and the Senate.

The conference agreement includes funding for many of the administrative initiatives, particularly in the Department of Energy's science programs, but also in a number of smaller programs that are important to the President.

I want to thank my Senate counterpart, Chairman PETE DOMENICI, and his ranking minority member, Senator HARRY REID, for their cooperation and hard work in conferencing the bill. Moreover, I would like to express my sincere appreciation to my colleagues on the House Subcommittee on Energy and Water, whose devoted efforts have made this conference report possible.

I am especially grateful to my very good friend and the ranking minority member of the House subcommittee, the honorable gentleman from Indiana (Mr. VISCLOSKY), for his tremendous effort on behalf of this conference report.

□ 1130

Some last minute issues arose yesterday that had the potential to reopen our conference and not allow us to be here today and finish the work. His willingness to cooperate permitted us to complete our work, and I am deeply grateful for his cooperation.

I also want to thank our chairman, the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full committee, for their cooperation in enabling us to bring this conference report to the floor today.

I would be remiss if I did not express my sincere gratitude to all of the staff people who have worked on this conference report. They have given untireless effort to getting the conference report ready for this morning, and I sincerely want to thank them: Mr. Bob Schmidt, the clerk of the committee; Jeanne Wilson; Tracey LaTurner; Witt Anderson; Terry Tyborowski; Sally Chadbourne; and Rich Kaelin; and perhaps several others even on the Senate side that have helped us so much.

I believe the conference agreement is balanced and fair. I would urge the unanimous support of the House for its adoption. I would hope we could quickly conclude action on this conference report so we can get the bill to the White House before the new fiscal year begins.

Mr. Speaker, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I would want to note for all of the Members in the Chamber that as we begin the debate on this conference report, this will also be the last time that the gentleman from California (Mr. PACKARD) will manage legislation on the House floor.

As I mentioned in my earlier remarks during House consideration of this legislation, we ought to all just take a moment to appreciate the fact that for over 4 decades, every day of every year of more than 40 years, the gentleman from California (Mr. PACKARD) has dedicated his life not only to his family, but to his country. We are richer for that. And given the experience I have had during the last 2 years of working closely with the gentleman from California (Mr. PACKARD) as my chairman, I certainly would emphasize to all of the Members of the House that the golf game of the gentleman from California (Mr. PACKARD) will certainly improve, not that it needs much improvement, in his retirement, his family will see him more often, but we will be the poorer of it.

Again, I would say to the gentleman from California (Mr. PACKARD), he has done a terrific job, and we ought to give him a hand.

Mr. Speaker, I want to also not only thank the gentleman from California (Mr. PACKARD) and the members of the subcommittee and full committee, but to thank those who are truly responsible for ensuring that this legislation is on the floor, and that is the staff connected with the committee, as well as the personal offices. I want to thank Nora Bomar, who is in the office of the gentleman from California (Mr. PACKARD); Terry Tyborowski; Carol Angier; Tracey LaTurner; Witt Anderson; Sally Chadbourne; Jeanne Wilson; Bob Schmidt; Rich Kaelin; and, as a former associate staff person myself, all of the associate staff who worked so hard with the professional staff throughout the year to make this conference report a reality.

Before getting into the merits of the bill, I would also want to express my regret and apology to Members who feel that, for whatever reason, their requests were not met in this bill. While we did receive a larger allocation after conference, there clearly was more demand placed on us than ability to perform.

I do want to emphasize to Members that, regardless of which side of the aisle they were on, particularly on water projects, we tried to give everyone every serious consideration, every fair consideration, but clearly we could not do everything. I do regret that. I am sure that the gentleman from California (Mr. PACKARD) does as well. It was unavoidable.

During House consideration and consideration in the committee, I expressed concern that as far as this country's investment in infrastructure, we have fallen short; and while we have moved strongly in the right direction during conference on this bill, I would reiterate that, for myself, I do believe that we continue to under invest in economic infrastructure, and I would continue to use the Army Corps as an example of that failure.

There are $30 billion on the active construction list that are authorized, that are economically justified, and that are supported by non-Federal entity. Most of those will, unfortunately, not be funded in this bill, because, again, of the squeeze of our allocation. There is $450 million in backlog of critical deferred maintenance for next year alone, and the Corps estimates they need $700 million per year to permit projects to move forward on their most efficient schedule.

The administration asked for a new initiative on recreational facility modernization, and the money was not available to do that. The administration asked for the Challenge 21 Riverine Exploration Program to begin, and there was not enough money for that.

Generically, in constant dollars, we have seen expenditure on these kinds of projects to decline from 1996 of $5 billion to approximately $1.7 billion during the 1990s in constant dollars. So while we have improved this bill and increased funding for economic infrastructure, I think, generically, this institution and the administration has not paid enough attention to this critical need.

I would also want to advise Members that while I am going to vote for this bill, they should all, as a matter of information, understand that the President has threatened to veto this bill because of a paragraph included in the Senate relative to a master water control manual for the Missouri River that is being developed by the Army Corps of Engineers.

Relative to the House mark, the Army Corps of Engineers will have an additional $395 million, and I think that is a vast improvement. I am also happy that the compromise struck in the conference raised the dollars to the House level relative to the regulatory programs that the Corps has to undergo. That figure is $125 million.

I would note, however, for the record that because of additional regulatory requirements that the Corps has now undertaken, as well as additional reporting requirements that we will be imposing on the Corps in this bill, it is my belief today that the Corps remains $6 million short.

I warn Members that I hope we do not see a self-fulfilling prophesy; and that is during the debate on these new regulations and requirements the suggestion was this was going to slow down permitting process nationally, well, if you do not give an agency the required monies, that is not a possibility. It would not in this case be the Army Corps' fault.

We had a debate during House consideration as far as monies set aside for civilian science. That number is higher today than it was in the House, and in fact is $356 million higher.

Finally, we had an amendment in debate on renewable energy. The figure in this conference is $422 million. That is $59 million greater than when the bill left the House, but I would also note for the information of Members that it remains $30 million below the President's request. Again, I have these iterations essentially for the information of Members.

It has been a pleasure to work with the gentleman from California (Chairman PACKARD). This is a good bill, I support it, but I do want Members to be fully informed before their vote.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, the two gentleman bringing this bill to the floor have done a fine job. The gentleman from California (Mr. PACKARD) is a fine Member of this institution, and I am going to hate to see him leave his post. The gentleman from Indiana (Mr. VISCLOSKY) is also an extremely fine Member. But I am not going to vote for this bill, and I want to explain why.

This bill is the product of the total and utter collapse of the budget process. That collapse came about as a result of the adoption of a budget resolution last spring which pretended that domestic spending priorities could be squeezed to the bone, far below the level that everyone understood would actually be producible by this Congress, and under that resolution the House then proceeded to debate and pass all 13 appropriation bills. We spent the entire summer working on those bills. Many of those bills passed by the narrowest of margins because of concerns expressed on both sides of the aisle over the lack of adequate resources being provided and most of them to fund government activities.

Now, suddenly, in the last inning, in the middle of September, only a few weeks before the beginning of the fiscal year, that budget resolution has been thrown out. Discipline has been thrown out. Now we are told that we should ignore all decisions that were made in early morning and late night sessions throughout the spring and summer to produce radically different bills.

The new guidelines that we have been given by the Republican leadership are to spend up to 10 percent of the unified budget surplus of nearly $280 billion. That was first interpreted to mean about $28 billion. Later Republican leaders revealed that, relative to the budget passed last spring, they would permit $41 billion of the surplus to be spent. But you need to understand that really means close to $80 billion. Here is why.

The surplus is only spent when the funds actually leave the Treasury. Most appropriations for discretionary programs do not result in all of the money leaving the Treasury in the fiscal year for which they are provided. They are spent later. So, on average, only half of the appropriated funds leave the Treasury in any give year, and, for some programs, less than one-tenth of the appropriated funds result in funds leaving the Treasury during that same fiscal year. As a result, that $40 billion in spending can be leveraged into an expenditure of up to $80 billion, and, if you really twist the numbers, you could squeeze even more than $80 billion in additional spending into the budget.

That is why this bill now can come to the floor almost $2 billion above the level of the same bill passed by the House in the summer, and $800 million above the level requested by the President.

Now, the leadership is arguing that the reason this has to be done is to reach compromise with the President because they do not want him to veto the bill. Well, if you take a look the statement of administration policy for this bill when this bill was reported in mid-June, almost $2 billion lower in spending than the bill now before us, you do not find in that eight-page statement the word "veto." The President would have signed that bill as it stood in June.

The problem that we have here is that the $2 billion that has been added to this bill was not for him, it was for Members of this body, and this is not the only bill where that is happening. The problem is that I might be willing to vote for this money if I knew what was going to happen in some of the other bills, but we are being told, for instance, that in the Labor, Health and Education conference, that we cannot add to the amount that has been agreed to by the majority in that conference. So there is no room in the budget for additional funding above the level that the Republican Party has laid out for the Labor, Health and Education programs, and yet they have room to put $2 billion of additional money in for this program.

I am not willing to vote for that added money in this bill, if it means that it is going to be squeezed out of education or out of health or out of worker protection programs. Those are not my priorities.

If we have to choose, and we should have to choose, there should be some limits, there should be some context, there should be some discipline; but the problem is that there is none, because under the new rules under which we are now proceeding in this rush to get out of town, the only people who know what the spending limits are are a few staffers in the leadership offices of the majority party. The problem is that they change the rules every 2 or 3 days.

So at this point, by voting for the additional $2 billion in this bill, I do not know what consequences there are for other programs in the budget that, to me, are of higher priority. That is why I am not going to vote for this bill.

I mean no criticism of either of the gentleman, and I certainly mean no criticism of the gentleman from Florida (Mr. YOUNG), the full committee chairman.

□ 1145

But this process by which decisions are made arbitrarily by a few staffers on instruction from a few other staffers in the House leadership office disenfranchises rank and file members of the Committee on Appropriations. And if we doubt that, take a look at what is happening in all the other conferences. Those rank and file members are not in those conferences.

It also disenfranchises the vast majority of members of both parties in this House. That is not the fault of the Committee on Appropriations. In the end, the committee, the way this place works, will take the heat for it, but it is not the fault of the Committee on Appropriations. They are simply following the orders of their leadership.

So the result is we have institutional chaos, no discipline, no real understanding of what the rules are, and no context in which to judge whether the amount of money being put in these bills is responsible or not.

That is why, and I mean no criticism of these two gentlemen, but that is why I intend to vote against this bill. Because this is a lousy way to run a railroad, and it is a lousy way to run a legislative body that is supposed to be the greatest legislative body in the world.

Mr. PACKARD. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank the very distinguished gentleman from California (Mr. PACKARD), chairman of the subcommittee, for yielding me this time. I wanted to say to the gentleman, and I know it is not appropriate to direct a comment directly from one Member to another without going through the Chair, so, Mr. Speaker, let me say to the gentleman from California through the Speaker that he has been an outstanding member of the Committee on Appropriations, an outstanding Member of the House of Representatives, and he has been a dynamic chairman on the subcommittees on which he has chaired over the last 6 years.

I would say that one way that a chairman of a committee can be successful in getting the job done is to have outstanding subcommittee chairmen. The gentleman from California (Mr. PACKARD) certainly fits that bill. He is, and has been, an outstanding subcommittee chairman.

Also, he has been a very good friend to this chairman, and I think to most everybody in this House Chamber. So, Mr. Speaker, I want the gentleman to know how much we are going to miss him, and I regret his decision to retire voluntarily from the United States Congress.

Mr. Speaker, I want to compliment the gentleman from California (Chairman PACKARD) and also the gentleman from Indiana (Mr. VISCLOSKY), the ranking minority member, for having brought this bill to the floor. It has not been an easy task. There have been many, many differences on this bill. There are many Members who have requests for projects in the bill that did not make it. They did not make it, not because they were not important projects, not because they were not necessary, but because we were trying to be as fiscally conservative as we could possibly be. I know that there are several Members who are looking for another opportunity to have their projects considered.

But the idea that the gentleman from Wisconsin (Mr. OBEY) spoke to just a moment ago, that he would not support this bill because he was not sure what would be done in some other bill, well, that is not the way the process works. Mr. Speaker, we have 13 separate bills. I would say to and remind my colleagues that the House of Representatives has passed all 13 of our bills. And I cannot say that often enough. And we passed them at lower spending levels than the White House or many Members of the minority side wanted.

If my colleagues recall, we spent hour after hour, day after day on some of these bills dealing with amendments to add more billions of dollars, and we fought off successfully most of those amendments, realizing that there was only a certain amount of money that we ought to spend.

Just because there is a $230 billion surplus out there, we do not have to spend it all. In our homes, in our personal lives, in our businesses, and in our government, at a time of great prosperity, we pay down some of our bills that have been haunting us for months or years before. That is one of the things that we are committed to doing in this Congress, pay down some of those debts.

Mr. Speaker, we have paid in the last 2 years nearly half a trillion dollars on the public debt that this Nation owed. That is good news, and it is good news for this reason, Mr. Speaker: it is good news because we have had to pay a substantial interest payment on the national debt. $250 billion is a good round figure to estimate what the interest payment on the national debt was last year and would be this year.

Can my colleagues imagine how many schools we could build? School construction is a big issue. How many schools could we build with $250 billion that we are now paying out as interest on the national debt? How many highways could we build or bridges could we build? How much more advantage could we give to our veteran population in medical care? In some areas veterans have to wait in line to get their medical care because the demand is greater than the supply available.

So, it is important that we have fought off some of these big spending amendments. I found it really ironic yesterday when I read a statement by the President of the United States scolding Congress for being a "big spending Congress." Well, up until just the last couple of weeks, he was scolding us for not providing all of the money that he wanted for all of his programs. He cannot have it both ways. There he goes again. On the one hand he is scolding us for not spending enough; on the other hand he scolds us for spending too much.

Mr. CALLAHAN. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Speaker, the gentleman brought up the subject I wanted to discuss and that was the news accounts last night where I saw the President criticizing the majority for wanting to spend too much money. I have been in on some of the negotiations. The gentleman from Florida has been in all of them. In every instance that I have been involved in we have been trying to hold down the growth in spending; and the President's representatives ought to go see the President and see what he was talking about, because the representatives he has negotiating these appropriation bills with us are insisting that we spend more money, that we increase the size of government. Yet the President very clearly last night on the news account indicated that we were trying to hold him hostage so we could spend more money.

I am glad the gentleman from Florida clarified that, because I was confused. I thought maybe I had fallen asleep in some of those meetings.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I thank the gentleman from Alabama for those comments.

I think it is important that our colleagues know this. We have been very diligent in communicating with the White House and the President's staff, and the Office of Management and Budget, to do the best we could to accommodate the wishes that they had within our strong desire to keep the budget balanced and to pay down a substantial amount on our national debt.

Anyway, Mr. Speaker, we are at this point. This bill should be decided on its own merits. We should not vote for this bill or against this bill because of what may or may not be in some other appropriations bill. This is a good bill, and all of the minority members signed the conference report except for the gentleman from Wisconsin (Mr. OBEY), so I think that is an indication that this is a pretty decent bipartisan appropriations bill.

Again, I congratulate the gentleman from California (Chairman PACKARD) and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for bringing a good bill to this floor; and I thank the gentleman for yielding me this time.

Mr. VISCLOSKY. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. PASTOR), a member of the subcommittee.

Mr. PASTOR. Mr. Speaker, first of all, I would like to congratulate the gentleman from California (Chairman PACKARD) and the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, for bringing to the floor a good bill. I know that we have worked on it. We worked on it very hard, and we are able to have a good conference. I will support the bill and ask other Members to support it.

I would like to thank the staff. I would like to thank the gentleman from Indiana for working with all of us, as well as the gentleman from Florida.

People of Arizona in Maricopa County and in Pima County want to thank the committee for the fine work they have allowed to be funded in terms of habitat restoration and the studies that will rehabilitate the environment.

I would like to take a moment to thank the gentleman from Florida (Chairman PACKARD). He has been very fair and willing to work things out with all of us. I want to thank him for the way he treated this Member. I wish him the best. Sorry to see him go, but I wish him the best in his retirement.

Mr. PACKARD. Mr. Speaker, I yield 2½ minutes to the gentleman from Iowa (Mr. LATHAM), a valued member of the subcommittee.

Mr. LATHAM. Mr. Speaker, I want to join in congratulating the gentleman from Florida (Mr. PACKARD), our subcommittee chairman, on a great job this year. It is only indicative of the job he has done for so many years in this Congress, and I think we all know that he will be sorely missed next year.

I would like to just address one issue that is in this bill that is of extreme importance to Iowa and the States along the Missouri River. Apparently, the President and the Vice President have threatened a veto over this issue.

Mr. Speaker, this has to do with the Missouri River flow. Mr. Speaker, apparently our memories are very, very short. No one is going back to 1993 with the tremendous flooding that we had in the Midwest. At that time, if the policies that President Clinton and Vice President GORE wanted to put in place had been in place, we would have dramatically increased the amount of flooding along the Missouri River, all the way down to the lower Mississippi River basin.

This is a direct threat to the lives and property of people who live along the Missouri River. It is extraordinary that when the Vice President comes out of Iowa and asks for our support, or Nebraska, or Missouri, or any of the States below the junction of the Missouri and Mississippi Rivers, that he would want to compound a tremendous flooding potential.

It is not only a matter of lives and property; it is a matter of economic necessity that we maintain navigation on the Missouri River. It is going to dramatically increase the cost to agriculture as far as our inputs are concerned, and it is going to dramatically reduce the price even further of our grains as we try to export them down the river. What it is going to do is make the railroads absolutely king, with no competition in the upper Midwest.

One other issue that is not talked about is the reduced generating power of the dams upstream during the low flow that they are proposing in the middle of the summer.

Mr. Speaker, it is a matter of life, property, economic viability for anyone along the Missouri River or the lower Mississippi. It is something that is wrong in their position, and we have to maintain the position that is in the bill. And I would really ask anyone, when the Vice President comes out and asks for support, how he can put the lives of our citizens in jeopardy by supporting this outrageous proposal that they are threatening a veto over.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Chair advises the gentleman from Indiana (Mr. VISCLOSKY) has 14½ minutes remaining, and the gentleman from California (Mr. PACKARD) has 12½ minutes remaining.

Mr. VISCLOSKY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY), a member of the full committee.

Mr. HINCHEY. Mr. Speaker, I thank the gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the subcommittee, for his kind consideration. I also want to express my respect and appreciation to the gentleman from Florida (Mr. PACKARD), chairman of the subcommittee, and the gentleman from Florida (Mr. YOUNG), chairman of the full committee as well. I am a great admirer of their work and certainly of their personal qualities.

This bill, however, is a different matter all together. The bill suffers from serious and dramatic deficiencies. First of all, with regard to the need to bring our country more closely into a condition of energy independence, the bill fails. It is $32 million less than what the President requested for alternative energy and energy conservation.

Now, I wish that the President had requested more than that, but the very least that this bill could do is to meet the request laid out by the President of the United States and recognize the need to move our country closer to a situation of energy independence.

We are now importing 53 percent of the oil that we use every single day for transportation and for heating of our homes, businesses, and industries. This is a deplorable situation. This is a matter of strategic interest and strategic concern.

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I can only conclude that this is a conscious decision. Why? Because it is not a matter of money. The bill adds $2 billion to that which was in the bill when it left this House. So it is not a question of funding.

It is a question of establishing priorities. We could use a substantial portion of that $2 billion to move us away from our dependence upon people who wish us ill in the Middle East. In fact, this bill plays into the hands of several leaders who wish this country ill, Middle Eastern leaders who control the oil spigot, because it increases our dependence on foreign oil. That is one of the deficiencies.

Another deficiency is that the bill fails to reauthorize the Strategic Petroleum Reserve and fails to authorize a strategic home heating oil reserve for the northeastern part of this country.

We have heard that those provisions may be in another bill, another bill coming out of another subcommittee. But at this moment, we have no reason to have any confidence in those pronouncements. Why? Because that subcommittee, the Interior Subcommittee, the conferees of that subcommittee are allegedly meeting somewhere in this Capitol, somewhere, allegedly. Now I say allegedly because I am one of the conferees.

I am one of the conferees, and I do not know where that conference is meeting, nor do almost all of the other conferees, whether they are Democrats or Republicans. These meetings, if they are being held, are being held clandestinely.

This is a bill that suffers seriously in its deficiencies, and for those reasons, it ought to be defeated.

Mr. PACKARD. Mr. Speaker, I yield myself 30 seconds to respond to the gentleman from New York (Mr. HINCHEY).

Mr. Speaker, this bill is $60 million on alternative fuels more than last year's, so we have not neglected that area. We have raised it even from where it was as it passed out of the House.

Mr. HINCHEY. Mr. Speaker, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from New York.

Mr. HINCHEY. Mr. Speaker, I appreciate what the gentleman just said, and I think that that is a very good procedure and the right direction, but is it not true that the bill appropriates an additional $2 billion for a variety of unknown works, and that it is $32 million below the requests for energy conservation and alternative energy as requested by the President; is not that true?

Mr. PACKARD. Reclaiming my time, the $2 billion figure has been thrown around several times today. It is an inaccurate figure. We have increased the funding for this bill to the tune of $1.6 billion, not $2 billion. But the fact is we have readdressed the alternative fuel issue, and we have increased it substantially this year over last year. That is moving in the right direction and in the direction the gentleman has addressed.

Mr. HINCHEY. But it is $32 million less than the President requested.

Mr. PACKARD. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), a valued member of the Subcommittee on Energy and Water Development.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman from California (Chairman PACKARD) very much for his great work. I, too, want to join my colleagues in extending to the gentleman the very best. Three words come to mind when I think of the gentleman from California (Mr. PACKARD) as to the style in which he operates, one is temperament and another patience and the third is attentiveness. The gentleman ranks high on all three of those.

Again, my thanks also to the gentleman from Indiana (Mr. VISCLOSKY), the ranking Member and the staff that contributed so much to this bill.

Let me just say that this is a good bill. It is a good conference report. It exercises a proper balance between spending for the Nation's important water, energy and national security projects while still maintaining adequate fiscal restraint. Furthermore, the bill sets aside a sizable amount of money, sizable amount of the budget surplus to go towards paying down the Federal debt.

As we all know, the Nation is facing a period of exceptionally high energy prices. Unfortunately, the Clinton-Gore administration has decided to tamper with our national security by releasing oil from our Strategic Petroleum Reserve instead of correcting what can only be called their antienergy policy of the last 8 years.

Mr. Speaker, this measure takes some of the necessary steps toward bringing a proper balance to our national energy mix. It provides for a variety of important research and development projects that I hope will deliver some of the break-through technologies to fuel America's future energy needs.

It is clear that electricity is the source that drives our burgeoning information economy, and we need to recognize that nuclear power now provides over one-fifth of our total electric demand. Along these lines, this bill provides vitally required funding for nuclear energy research under the NERI, the NEPO and the NEER programs; and it enhances the ability of the Nuclear Regulatory Commission to perform its mission. And nuclear technology provides more than just power. Nuclear technology right now is being used to take excess weapons material and making it available for life-saving cancer treatment.

It likewise keeps the Department of Energy on its path towards completing nuclear cleanup as some of the Nation's old cold war weapon sites by the year 2006, and it funds the development of the Yucca Mountain spent fuel repository.

The measure also invests in fusion as a future energy source, and it addresses the need to bring ever-greater computing capabilities through the advanced scientific computing research initiative to our national laboratories and universities. Finally, in addition, the vital water infrastructure projects that the Corps of Engineers performs are, I believe, sufficiently addressed.

Mr. Speaker, I thank the gentleman from California, the chairman of the subcommittee for yielding me the time.

Mr. VISCLOSKY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a member of the full committee.

Ms. KILPATRICK. Mr. Speaker, let me first thank the gentleman from California (Mr. PACKARD), the chairman of the Subcommittee on Energy and Water Development for his leadership and for working with us as we try to work together to serve the people of America. I thank the gentleman very much and I wish him well in his retirement.

And I would like to thank our ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for his work in yielding time to me this morning.

Mr. Speaker, I voted for this bill, as some 400 others did as it went through the House in June, June 28, I do believe. At that time we thought it was a good bill, needed improvement, but we were willing to work with the chairman and our ranking member to see that we can address America's problems.

The Interior bill should have included, and did not, a provision that the Strategic Petroleum Reserve would be used in the case of an emergency. The Interior bill did not have that in the House. It did not have that in the Senate. This House passed a bill that would give the President authority to release those reserves in an emergency. Mr. Speaker, unfortunately, that bill has not been acted on in the Senate.

The Committee on Appropriations took action to put an amendment on this bill that would give our President the authority, should he need it, to release those reserves. This House adopted that amendment, as well as one that said that the Northeast Corridor could also secure the oil reserves they need.

We are now 2 days from a new fiscal year, and much more than that or, just as important, we are on our way in the Midwest and the Northeast part of our country in a severe weather winter season.

Mr. Speaker, this bill has stricken the language for the Strategic Petroleum Reserve, and I think that is unfortunate. It has also stricken the language that would help the people in the Northeast meet their heating bills. At a time when our economy is booming, we find many people on fixed incomes, seniors, who will not have the dollars it will take to heat their homes; families who will not have the dollars they will need to send their children to school from a heated healthy home.

Mr. Speaker, I think it is unfortunate 2 days before the new fiscal year ends that we have not approved permission to our President to release the oil reserves.

It is important with 2 days left that we act for the people of the Midwest, for the people of the Northeast Corridor who are about to embark on the winter season, when they do not have the resources. Oil prices are high. It is unfortunate that since we announced and since the President acted on releasing some of the 30 million barrels of oil that oil prices have begun to come down now because this Congress is not acting, because we have stricken the language in this bill.

Oil prices are on the way up. Now why is that? The demand is high. Can we not as Members of Congress do what we need to do to make sure, A, the President has the authority, B, that oil prices begin to come down, and that people on fixed incomes, middle-income people with families have the right to heat their homes and drive their cars to get back and forth to their employment with oil reserves that this country can make available to them.

Mr. Speaker, I appreciate the work of the gentleman from California (Mr. PACKARD) and the work of the gentleman from Indiana (Mr. VISCLOSKY). It did not get in the Interior bill. We passed it in this full House. We ought to do it today. I urge my colleagues to adopt it.

Mr. PACKARD. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. WAMP), a member of the full committee.

Mr. WAMP. Mr. Speaker, I want to commend the gentleman from California (Chairman PACKARD), who is just simply a class act. He will be sorely missed here. He is a real gentleman and a credit to this institution. I want to commend the staffs on both sides of the aisle. They are professionals, specifically Bob Schmidt, the staff director, an excellent job. I do not think there is a staffer on the Hill who is more thorough, efficient, fair or tougher than Jeanne Wilson, I thank her. I thank Eric Mondero and Nora Bomar for their cooperation.

Thousands of Tennesseans work in national security, science, and environmental management every day on behalf of our country. The Department of Energy needs oversight. We need to be tough with them. We need to hold them accountable. This committee does both. They fund them, but they hold them accountable.

This bill is the product of both of those things. We thank our colleagues for the priorities that they set to carry out the critical missions of national security, major science investments for future generations, and environmental cleanup. The work this bill will do in those areas is the best product in the last 6 years that this Congress has passed out, but it comes with tough love and oversight of the Department of Energy, which is very needed. A job well done, everyone should support this conference report.

Mr. VISCLOSKY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN) and would point out that his work on the Brays Bayou flight control project and the Houston Ship Canal has been critical.

Mr. BENTSEN. Mr. Speaker, I appreciate the comments of the gentleman from Indiana (Mr. VISCLOSKY), the ranking member. I also want to congratulate the gentleman from California (Mr. PACKARD), chairman of the Subcommittee on Energy and Water Development for his work and for putting together an extremely good bill.

Mr. Speaker, I strongly support this bill, and I want to point out three items that are in it. First, the bill fully funds for the second consecutive year the Brays Bayou project which runs through my congressional district, that affects tens of thousands of homeowners, the Texas Medical Center, the largest medical center in the world and Rice University, all in my district. This is part of a new authorization that the gentleman from Texas (Mr. DELAY) and I worked on and had passed, that gives more local control. And we think this is going to be a very good project for the taxpayers and for providing public safety.

It also fully funds the Simms Project, which runs in part through my district. And it fully funds the Port of Houston project, which is an ongoing project which will continue economic growth in our area. Most particularly, it includes legislative authorization for barge lanes along the Houston Ship Channel project that I and others have been working on trying to get for the last year and a half.

This will enhance the barge business in our districts but also provide great safety. So I appreciate it.

In closing, let me say I strongly support this bill. I think it is a well-done bill. It would be very good for Texas and for the Nation.

Mr. Speaker, I rise in support of H.R. 4733, the FY 2001 Energy and Water Appropriations Conference Report. Chairman RON PACKARD, Ranking Member PETER VISCLOSKY, and all other conferees deserve recognition for their hard work on this important legislation. I would also like to thank my good friend from Texas, Mr. EDWARDS, for all the help he and his office have provided me.

I strongly support the decision of the conferees to provide the U.S. Army Corps of Engineers with vital funding to continue their work in the areas of flood control and navigational improvement. This funding is necessary for the critical economic and public safety initiatives contained within the legislation. Because many flood and navigation projects located in and around my district are on accelerated construction schedules, full funding by the conferees leads to expedited completion at great savings to the taxpayers and reduced threat to public safety.

I am very pleased with the support this legislation provides for addressing the chronic flooding problems of Harris County, Texas. H.R. 4733 provides vital federal assistance to flood control projects in the Houston area on Brays, Sims, Buffalo, Hunting and White Oak bayous. I am confident these projects will safeguard tens of thousands in my district from flood waters and safeguard taxpayers from potential disaster relief expense.

Mr. Speaker, I have the privilege of representing Harris County, one of the original sites for a demonstration project for a new federal reimbursement program which was authorized by legislation introduced by Representative TOM DELAY and myself as part of the Water Resources Development Act (WRDA) of 1996. Much of the flood control project design, contracting, and maintenance in my district is undertaken by an extremely competent local agency, the Harris County Flood Control District, which is at the forefront of integrated and effective watershed management. This unique program strengthens and enhances Corps/Local Sponsor relationship by giving the local sponsor a lead role and providing for reimbursement by the federal government to the local sponsor for the traditionally federal portion of work.

I am most gratified that the conferees, for the second consecutive year, decided to fully fund the Brays Bayou project at $6 million for FY '01. This project will improve flood protection for an extensively developed urban area along Brays Bayou in southwest Harris County including tens of thousands of homeowners in the floodplain and the Texas Medical Center and Rice University by providing three miles of channel improvements, three flood detention basins, and seven miles of stream diversion resulting in a 25-year level of flood protection. Originally authorized in the Water Resources Development Act of 1990 and reauthorized in 1996 as part of a $400 million federal/local flood control project, over $16.3 million has already been appropriated for the Brays Bayou Project. It is important that the Congress fully fund its match now that the local sponsor has approved the final design.

I am also gratified that the conferees decided to fully fund the Sims Bayou project at a level of $11.8 million. This project is necessary to improve flood protection for an extensively developed urban area along Sims Bayou in southern Harris County. Authorized as part of the 1988 WRDA bill, the Sims Bayou project consists of 19.3 miles of channel enlargement, rectification, and erosion control and will provide a 25-year level of flood protection. The Sims Bayou project is scheduled to be completed two years ahead of schedule in 2004.

Flood control projects are necessary for the protection of life and property in Harris County, but improving navigation in our Port an integral step for the rapid growth of our economy in the global marketplace. Therefore, Mr. Speaker, I am very pleased that this legislation provides the full $53.5 million for continuing construction on the Houston Ship Channel expansion project. I also commend the Committee for including legislative language directing the Corps of Engineers to design and construct new barge levees in the Houston Ship Channel as part of the deepening and widening project. I and others have worked very hard over the last year and a half to obtain this authorization to ensure that the increasingly important barge traffic can be conducted safely and without disruption. Upon completion, this entire project will likely generate tremendous economic and environmental benefits to the nation and will enhance one of our region's most important trade and economic centers.

The Houston Ship Channel, one of the world's most heavily-trafficked ports, desperately needs expansion to meet the challenges of expanding global trade and to maintain its competitive edge as a major international port. Currently, the Port of Houston is the second largest port in the United States in total tonnage, and is a catalyst for the southeast Texas economy, contributing more than $5 billion annually and providing 200,000 jobs.

The Houston Ship Channel expansion project calls for deepening the channel from 40 to 45 feet and widening it from 400 to 530 feet. The ship channel modernization, considered the largest dredging project since the construction of the Panama Canal, will preserve the Port of Houston's status as one of the premier deep-channel Gulf ports and one of the top transit points for cargo in the world. Besides the economic and safety benefits, the dredged material from the deepening and widening will be used to create 4,250 acres of wetland and bird habitat. I congratulate the conferees on continuing a project supported by local voters, governments, chambers of commerce, and environmental groups.

I sincerely thank the conferees, Chairman, and Ranking Member for their support and I urge my colleagues to support this legislation.

Mr. PACKARD. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from California (Mr. PACKARD) for yielding me the time.

Mr. Speaker, I rise in strong opposition to the conference report before the House. We are supposed to be considering an appropriations conference report today. Instead, what we have before us is a legislative outrage.

Mr. Speaker, who knew that instead of funding energy and water programs this year, we would be bailing out the nuclear industry to the tune of hundreds of millions of dollars. Well, that is exactly what this bill does, by dramatically changing the fee structure that the industry pays to the Nuclear Regulatory Commission.

That is not all. Who knew that not only would we be funding the Department of Energy this year, but we would be legislating major changes to the agency that safeguards our nuclear secrets? That is right. This conference report contains substantial amendments to the National Nuclear Security. The NNSA has not been doing such a great job in the last year, does anyone really think that legislative on the fly like this is going to improve our nuclear safety?

It is conference reports like this, Mr. Speaker, that have gotten the American people sick and tired with Washington politics. Mr. Speaker, I urge my colleagues to vote against the conference report.

Mr. VISCLOSKY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN), who also has been indispensable in working on the Houston Ship Channel Project.

Mr. GREEN of Texas. Mr. Speaker, I hope we quickly pass this conference report and send it on to our colleagues in the Senate and hopefully the President will sign this vital piece of legislation.

Mr. Speaker, I want to thank the gentleman from California (Chairman PACKARD) not only for this particular bill, but the service to our Nation for many years, and thank the gentleman from Indiana (Mr. VISCLOSKY), our ranking member, along with the conferees for the work on this report.

Mr. Speaker, I especially want to thank the gentleman from Texas (Mr. EDWARDS), my colleague and friend, for his dedication and hard work and especially appreciate his advice during this process.

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Because of the vision of the conference committee and the Subcommittee on Energy and Water Development, the Houston-Galveston Navigation project will receive $53.5 million needed to continue the construction schedule for the deepening and widening of the Houston Ship Channel including the safety effort in barge lanes.

The continued expansion of the Port of Houston is important on many levels. More than 7,000 vessels navigate the ship channel each year. The port provides $5.5 billion in business revenue and creates indirectly and directly 196,000 jobs.

It is anticipated that the number and size of vessels will only increase. So this important project is definitely needed for, not only for the port, but for the city of Houston and Harris County.

In addition to the Houston Ship Channel, there are several other flood control projects that the Army Corps of Engineers, in partnership with the Harris County Flood Control, have undertaken.

The Hunting Bayou project and the Greens Bayou project will protect many square miles of watershed and provide protection for hundreds of homes.

Mr. Speaker, again, citizens of Houston and Harris County appreciate the work of the conference committee and our Subcommittee on Energy and Water Development.

Mr. PACKARD. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from California (Mr. PACKARD) for yielding me this time. Mr. Speaker, I, too, compliment him on his work. I particularly rise to thank him for including the ongoing funding for the Brevard County Beach project.

The historical record supports that, prior to the creation of Port Canaveral by the Army Corps of Engineers, the beaches in Brevard County were growing. The creation of that port was in order to stimulate commerce but as well to support the Navy's ballistic missile program, clearly a program that benefited us in our ability to win the Cold War that accrued to the benefit of every American.

The disruption of the natural flow of sand from north to south by the creation of that port has contributed to a heavy degree of erosion. The Federal Government is recognizing that. I compliment the gentleman from California (Mr. PACKARD) and all the conferees for their support of ongoing funding for this project and the need to badly redress the critical problem of beach erosion there.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Indiana (Mr. VISCLOSKY) has 5½ minutes remaining. The gentleman from California (Mr. PACKARD) has 5½ minutes remaining.

Mr. VISCLOSKY. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, I rise because of my great concern that within this bill is the reauthorization for the Energy Policy and Conservation Act. But missing from it is the language which would authorize the President to deploy the Strategic Petroleum Reserve or to create a regional home heating oil reserve on a permanent basis. When this bill left the House, it was in. As it comes back from the Senate, it is gone.

Now, I know that there are some people, George Bush, who is saying it is 45 days before the election. I understand his perspective. But for those of us in the Northeast and the Midwest, we have a different perspective. We think it is 45 days before winter.

We think the President should have the authority to create a regional home heating oil reserve on a permanent basis, to have a trigger in it that is a definition that he can use to deploy it, that is flexible so that we can deal with the fact that two-thirds of all the home heating oil in the world is really consumed in the northeastern part of the United States, and that ultimately there can be this depressing impact upon the price of crude oil.

Since last Wednesday when this discussion began in the Clinton-Gore administration, the price of oil has dropped $6 a barrel, from $38 down to $32, which is good for the consumers.

Now, yesterday the chairman of the energy subcommittee, the Republican chairman, said that he was going to introduce a bill that prohibited the President from using the Strategic Petroleum Reserve. He said he did not think it was an emergency.

Of course, down in Texas, they have another phrase for this kind of a situation. They call it a profit-taking opportunity, and it is for the oil companies.

They are tipping people upside down and shaking money out of their pockets.

This bill should contain the authorization for the Strategic Petroleum Reserve and for the regional home heating oil reserve which is so critical for the Northeast and Midwestern part of the country.

Now, people say that we should not use it. Nero fiddled while Rome burned. They could have sent over some firehoses to kind of do something about it, but he just decided to fiddle away, and Rome was lost. Noah could have listened to the fish, not built an ark. The fish say, no problem. The higher the water gets, the better it is for us.

Kind of like the oil companies. You do not need this ark of a Strategic Petroleum Reserve for everybody else, for the human beings. They can just pay higher prices.

So this bill is severely deficient, lacking the authority to protect American consumers from these skyrocketing outrageous energy prices. As a result, this bill should be rejected.

Mr. POMEROY. Mr. Speaker, the Energy and Water Appropriations Conference Report provides critical funding for many important water projects in my state of North Dakota. Under the bill we will be able to provide a clean, reliable water supply to communities across North Dakota and on the reservations. We will be able to continue work on the construction of a permanent flood control project to protect the city of Grand Forks. Finally, we will be able to continue preconstruction, engineering and design of an emergency outlet to relieve flooding in Devils Lake.

However, while I will be supporting the conference report, I strongly object to language included in the conference report that would prevent the Corps of Engineers from moving forward to revise the Missouri River Master Manual. Today, the Army Corps of Engineers is managing the Missouri River on the basis of a manual that was adopted in the 1960s. Under the manual, the Corps manages the river by trying to maintain steady water levels through the spring and summer to ensure there is always enough water to support barge traffic downstream. Unfortunately, under this management system, navigation has been emphasized on the Missouri River to the detriment of upstream interests, including recreation, which is much more important now than it was in 1960. The projections on barge traffic used to justify the manual have never materialized and have actually declined since its peak in the late 1970s.

After more than 40 years, the time has come for the management of the Missouri River to reflect the current economic realities of a $90 million annual recreation impact upstream, versus a $7 million annual navigation impact downstream. The Corps has proposed to revise the master manual to increase spring flows, known as a spring rise, once every 3 years in an effort to bring back the river's natural flow and reduce summer flows every year.

The President has indicated that he intends to veto the conference report because of this provision. If the conference report comes back to the House with this provision in it, I will vote to sustain the President's veto. I firmly believe the Corps should not be stopped in their efforts to revise and update the manual.

Mr. MATSUI. Mr. Speaker, I rise to thank the Chairman of the Energy and Water Appropriations Subcommittee Representative RON PACKARD and the Ranking Member, Representative PETER VISCLOSKY, and the conferees for their support of Sacramento flood control projects included in the FY 2001 Energy and Water Appropriations Conference Report. Flooding remains the single greatest threat to the public safety of the Sacramento community, posing a constant risk to the lives of my constituents and to the regional economy. Thanks to your efforts and the efforts of this Committee, Sacramento can continue to work toward improved flood protection.

With a mere 85-year level of protection, Sacramento remains the metropolitan area in this nation most at risk to flooding. More than 400,000 people and $37 billion in property reside within the Sacramento flood plain, posing catastrophic consequences in the event of a flood. While Congress will continue to consider the best long-term solution to this threat, funding in this bill will provide much needed improvements to the existing flood control facilities throughout the region.

I am grateful that the Committee was able to find the necessary resources to provide funding for the Folsom Dam Modifications under the Army Corps of Engineers New Starts construction account. This project is crucial to the public safety of the residents in the Sacramento flood plain. The funding allotted will be used to make modifications to the outlet works on Folsom Dam, improving its flood control efficiency, and allowing more water to be released earlier during storms that cause flooding. These improvements represent the first significant enhancements to Sacramento's flood control works in roughly 50 years, and will boost its level of flood protection to approximately 140-years.

Also, this legislation provides funding that allows for the continuation of levee improvements and bank stabilization projects along the lower American and Sacramento Rivers, increasing levee reliability and stemming bank erosion. Additionally, I greatly appreciate the Committee's willingness to provide funding for projects—including the Strong Ranch and Chicken Ranch Sloughs, and Magpie Creek—aimed at preventing flooding from a series of smaller rivers and streams that present substantial threats separate from those posed by the major rivers in the region. Importantly, the Committee's willingness to include funding for the American River Comprehensive Plan will allow for ongoing Corps of Engineers general investigation work on all area flood control needs, including a permanent long-term solution.

Again, I am thankful this Committee has recognized the grave danger confronting Sacramento and by this funding has signaled a willingness by the federal government to maintain a strong commitment to the community. On behalf of my constituents, I am grateful for your support in helping to address this perilous situation.

Mr. BENTSEN. Mr. Speaker, I rise in support of H.R. 4733, the FY 2001 Energy and Water Appropriations Conference Report. Chairman RON PACKARD, Ranking Member PETER VISCLOSKY, and all other conferees deserve recognition for their hard work on this important legislation. I would also like to thank my good friend from Texas, Mr. EDWARDS, for all the help he and his office have provided me.

I strongly support the decision of the conferees to provide the U.S. Army Corps of Engineers with vital funding to continue their work in the areas of flood control and navigational improvement. This funding is necessary for the critical economic and public safety initiatives contained within the legislation. Because many flood and navigation projects located in and around my district are on accelerated construction schedules, full funding by the conferees leads to expedited completion at great savings to the taxpayers and reduced threat to public safety.

I am very pleased with the support this legislation provides for addressing the chronic flooding problems of Harris County, Texas. H.R. 4733 provides vital federal assistance to flood control projects in the Houston area on Brays, Sims, Buffalo, Hunting and White Oak bayous. I am confident these projects will safeguard tens of thousands in my district from flood waters and safeguard taxpayers from potential disaster relief expense.

Mr. Speaker, I have the privilege of representing Harris County, one of the original sites for a demonstration project for a new federal reimbursement program, which was authorized by legislation introduced by Representative TOM DELAY and myself as part of the Water Resources Development Act (WRDA) of 1996. Much of the flood control project design, contracting and maintenance in my district is undertaken by an extremely competent local agency, the Harris County Flood Control District, which is at the forefront of integrated and effective watershed management. This unique program strengthens and enhances Corps/Local Sponsor relationship by giving the local sponsor a lead role and providing for reimbursement by the federal government to the local sponsor for the traditionally federal portion of work.

I am most gratified that the conferees, for the second consecutive year, decided to fully fund the Brays Bayou project at $6 million for FY 2001. This project will improve flood protection for an extensively developed urban area along Brays Bayou in southwest Harris County including tens of thousands of residents in the flood plain, the Texas Medical Center, and Rice University. The project will provide three miles of channel improvements, three flood detention basins, and seven miles of stream diversion resulting in a 25-year level of flood protection. Originally authorized in the Water Resources Development Act of 1990 and reauthorized in 1996 as part of a $400 million federal/local flood control project, over $16.3 million has already been appropriated for the Brays Bayou Project. It is important that Congress fully fund its match now that the local sponsor has approved the final design.

I am also gratified that the conferees decided to fully fund the Sims Bayou project at a level of $11.8 million. This project is necessary to improve flood protection for an extensively developed urban area along Sims

Bayou in southern Harris County. Authorized as part of the 1998 WRDA bill, the Sims Bayou project consists of 19.3 miles of channel enlargement, rectification, and erosion control and will provide a 25-year level of flood protection. The Sims Bayou project is scheduled to be completed two years ahead of schedule in 2004.

Flood control projects are necessary for the protection of life and property in Harris County, but improving navigation in our Port is an integral step for the rapid growth of our economy in the global marketplace. Therefore, Mr. Speaker, I am very pleased that this legislation provides the full $53.3 million for continuing construction on the Houston Ship Channel expansion project. Upon completion, this project will likely generate tremendous economic and environmental benefits to the nation and will enhance one of our region's most important trade and economic centers.

The Houston Ship Channel, one of the world's most heavily-trafficked ports, desperately needs expansion to meet the challenges of expanding global trade and to maintain its competitive edge as a major international port. Currently, the Port of Houston is the second largest port in the United States in total tonnage, and is a catalyst for the southeast Texas economy, contributing more than $5 billion annually and providing 200,000 jobs.

The Houston Ship Channel expansion project calls for deepening the channel from 40 to 45 feet and widening it from 400 to 530 feet. The ship channel modernization, considered the largest dredging project since the construction of the Panama Canal, will preserve the Port of Houston's status as one of the premier deep-channel Gulf ports and one of the top transit points for cargo in the world. Besides the economic and safety benefits, the dredged material from the deepening and widening will be used to create 4,250 acres of wetland and bird habitat. I congratulate the conferees on continuing a project supported by local voters, governments, chambers of commerce, and environmental groups.

I also commend the committee for including legislative language directing the Corps of Engineers to design and construct new barge lanes in the Houston Ship Channel as part of the deepening and widening project. I and others have worked very hard over the last year and one-half to obtain this authorization to ensure that the increasingly important barge traffic can be conducted safely, without spills, and without disruption.

I sincerely thank the conferees, Chairman, and Ranking Member for their support and I urge my colleagues to support this legislation.

Mr. SMITH of Washington. Mr. Speaker, I would like to thank the conferees for their excellent work in bringing this Energy and Water Appropriations Conference Report to the floor today.

It is my understanding that the conference report under consideration provides $125 million for the regulatory program account of the Corps of Engineers for fiscal year 2001—an increase of $8 million above the FY00 appropriation for this program. This funding is necessary for the Corps to carry out its permit-related responsibilities pertaining to navigable waters and wetlands under the Clean Water Act, the Marine Protection Research and Sanctuaries Act, and the 1899 Rivers and Harbors Act.

I am pleased that the conferees have added these important funds in an effort to help address the growing backlog of permit applications in need of Corps review and decision. In my district and State, there is increasing concern about the number of permits that are awaiting final agency action, a number more than double what has been achievable in recent years. This growing permit backlog is unnecessarily delaying projects that are vitally important to local and regional economies. I believe the Corps must redouble its efforts to reduce this permit backlog to more reasonable levels as expeditiously and professionally as possible. I am confident that this is the intention of the conferees when they added $8 million to the regulatory program account.

I also expect the Corps to review its current program procedures and to revise those procedures through streamlining, partnering with other public entities, or other appropriate measures that will expedite permit review and decision without jeopardizing the quality of that review and decision or the interests of the public.

Again, I thank the conferees for taking real steps to address this crucial need and I look forward to working with my colleagues to ensure that the Corps effectively reduce the current permitting backlog.

Mr. GILMAN. Mr. Speaker, I rise in strong support of the conference report to H.R. 4733, the Energy and Water Development Appropriations bill for fiscal year 2001.

I want to thank Chairman PACKARD for his hard work on producing this important bill.

This conference report will appropriate funding to the Army Corps of Engineers providing for the design and construction of necessary flood control projects throughout our Nation. These projects offer our constituents and communities the protection against the devastation that flooding has on human life and property.

In fact, my constituents in Elmsford and Suffern, New York, have and continue to suffer from the flooding of the Saw Mill and Ramapo Rivers.

In 1999, when Hurricane Floyd dropped more than 11 inches of rain on my congressional district, my constituents were faced with flood waters that destroyed homes and businesses and created severe financial stress.

After observing the destruction in my district first-hand, I contacted the U.S. Army Corps and Chairman PACKARD for assistance.

Accordingly, Chairman PACKARD has provided the Army Corps with $750,000 for each of these flood projects, the Saw Mill River and the Ramapo-Mahwah Flood Control projects, to begin the phases necessary to prevent such destruction in the future.

I look forward to continuing my work with the chairman as the flood control process in both Elmsford and Suffern proceeds.

Once again, I thank Chairman PACKARD for his diligence and work on this important measure, and I urge our colleagues to support this conference report.

Mr. HASTINGS of Washington. Mr. Speaker, I want to take this opportunity to thank Chairman PACKARD for his commitment to fully fund the Office of River Protection and include increases in many vital Hanford cleanup projects in my district.

The Office of River Protection is a congressionally created office in the Department of Energy that is responsible for "managing all aspects" of the River Protection Project, the world's largest and most challenging environmental cleanup project. The $377 million in total available funds the conference report provides for the River Protection Project Vitrification facility and $383 million for the tank feed delivery and tank farm operation portion is critical to ensure that the project remains on schedule.

The conference report will also allow for the continued timely placement of eight retired plutonium reactors along the Columbia River at the Hanford site, into an interim safe storage (ISS) mode. The continuation of the accelerated schedule funding will allow these reactors to be cocooned by the end of FY 2003, 6 years ahead of schedule saving the American taxpayer more than $14 million. $950,000 of this increase will go directly to ensuring the preservation of the world's first nuclear reactor, The B reactor, which I hope to see opened one day as a museum.

I also support the additional $12 million for the successful cleanup of the Spent Fuel Project in the K-basins and the additional $7 million provided for the stabilization of plutonium at the Plutonium Finishing Plant included in the conference report. The Spent Nuclear Fuel Project is a first of its project the will safely move 2,100 metric tons of irradiated nuclear fuel away from the Columbia River beginning this November. The additional $7 million for the PFP will allow current operations allowing for the continued disposition of over 1800 metric tons of Uranium as well as the deactivation of highly radioactive hot cell facilities.

Further, I appreciate the Committee's support of $720,000 for the Pasco Shoreline Rivershore project. These dollars are necessary to initiate and complete plans and begin construction on this vital project.

I also appreciate the committee's support of language to ensure that no cleanup funds will be diverted from the Hanford site for the implementation of the Hanford Reach National Monument. While many in my community are split on the issue of a National Monument all of us agree that cleanup at Hanford must not be affected by this decision.

Finally, I want to thank Chairman PACKARD for his excellent work throughout his tenure in Congress and especially his time as chairman of this important subcommittee. America is truly a better place because of his work and his leadership will be truly missed by all of us.

Mr. PACKARD. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Speaker I have no further requests for time, and I yield back the balance of my time.

Mr. PACKARD. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to the provisions of clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 301, nays 118, not voting 14, as follows:

[Roll No. 501]

YEAS—301

Abercrombie
Aderholt
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Carson
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Murtha
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Packard
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Strickland
Stump
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Traficant
Turner
Udall (CO)
Udall (NM)
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (FL)

NAYS—118

Ackerman
Allen
Andrews
Archer
Baldacci
Baldwin
Barrett (WI)
Berman
Bliley
Blumenauer
Boehner
Boswell
Brady (TX)
Brown (OH)
Campbell
Capuano
Cardin
Castle
Chabot
Chenoweth-Hage
Coburn
Conyers
Cook
Coyne
Cubin
DeFazio
Delahunt
DeLauro
DeMint
Deutsch
Doggett
Engel
Frank (MA)
Gejdenson
Gibbons
Goodling
Green (WI)
Greenwood
Gutierrez
Hastings (FL)
Hefley
Hinchey
Holden
Holt
Hostettler
Inslee
Istook
Johnson, Sam
Kanjorski
Kennedy
Kind (WI)
Kleczka
Kucinich
Largent
Larson
Lowey
Luther
Maloney (CT)
Markey
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Minge
Moakley
Moran (KS)
Moran (VA)
Myrick
Nadler
Neal
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pascrell
Payne
Petri
Pickering
Portman
Ramstad
Rangel
Rogan
Rothman
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanders
Sanford
Schaffer
Sensenbrenner
Shadegg
Shays
Sherman
Smith (MI)
Stearns
Stenholm
Sununu
Tancredo
Thurman
Tierney
Toomey
Towns
Upton
Velázquez
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wynn

NOT VOTING—14

Clay
Dingell
Eshoo
Gilchrest
Jones (OH)
Klink
Lazio
McCollum
McIntosh
Morella
Paul
Talent
Vento
Young (AK)

☐ 1242

Messrs. RANGEL, HASTINGS of Florida, BRADY of Texas, WEYGAND, TOWNS, COOK, GREEN of Wisconsin, HOLT, and Ms. VELÁZQUEZ changed their vote from "yea" to "nay."

Ms. KAPTUR changed her vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 4461, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. SKEEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Miss KAPTUR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4461 be instructed to hold a full and adequate public meeting at which managers have the opportunity to debate and vote on all matters in disagreement between the two Houses, and be instructed to fully resolve all differences between H.R. 4461 and the Senate amendment as part of this conference.

☐ 1245

The SPEAKER pro tempore (Mr. QUINN). Pursuant to the rule, the gentlewoman from Ohio (Ms. KAPTUR) will be recognized for 30 minutes and the gentleman from New Mexico (Mr. SKEEN) will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very important motion to instruct for members of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, of which I am ranking member. But it goes beyond just the need of our particular subcommittee.

We have 13 appropriations bills that we must pass in this Congress in order that the Government of the United States be allowed to operate. The Republican leadership of this institution, 3 days before the end of this fiscal year, has not completed work on but two of them, which means that we have 11 bills hanging out there that are not complete. Our bill is one of them.

What we understand might be happening to us is that, in spite of the fact that we in the House operated under regular order and passed our bill over 60 days ago, now, 2 days before the end of the fiscal year, we are told that conferees are going to be appointed.

Now, may I remind the membership that a year ago conferees were also appointed but then we never met. What I am very concerned about and the purpose of this motion to instruct is that we ask that full and open conference committee hearings be held at which managers have the opportunity to debate and vote on all matters in disagreement between the two Houses and that we be instructed to fully resolve those differences and that this not be done behind closed doors by a couple of the top leaders of this institution.

We are very, very worried that the House provisions, for example on prescription drugs and the ability of the American people to obtain safe pharmaceuticals from nations like Canada, may be jerked from the bill and, unless we have an opportunity to fight in an open forum for our amendments and to resolve our differences with the other body, that that issue may all of a sudden just disappear.

And so I want to explain to the Members that, if they vote for the motion to instruct, they are voting to give us the opportunity to deal with the prescription drug issue on the table in public with all members of our subcommittee participating.

The issue of sanctions, and no one has fought harder to bring that issue before us to allow American firms to sell their products around the world than the gentleman from New York (Mr. SERRANO). That is another issue that, unless we meet together in open, public conference committee hearings, could be jerked from our bill and we would not know who would do it but all of a sudden it would disappear.

So this motion to instruct says we want to be able to hold the House position on sanctions, we want an open conference committee meeting, and we do not want a few people in this institution to take our rightful responsibilities away from us, as has happened before.

Finally, in the important area of disaster assistance, we are hearing all kinds of rumors. Our committee is the one charged with the responsibility of meeting the emergency needs of America's farmers and ranchers.

I do not think that people who necessarily come from just one or two districts who may happen to be the leaders of this institution should have the right to tinker around with those provisions without the full participation of the members of our committee who represent the farmers and ranchers across the wide spectrum of industries in this country, whether it is dairy, whether it is grains, whether it is livestock. It does not matter what it is. All those concerns need to be aired publicly in an open conference committee meeting.

So the purpose of this motion to instruct is to say we do not want any hanky-panky; we want to be able to conduct our business under regular order. We are very concerned based on our inability to get clear answers over the last several weeks and now, even worse, over the last few days. We do not want our bill to be stuck on some other bill and then we not have the opportunity to deal with the issues that are there and that we have worked so hard on in this Congress.

And again just three of them: prescription drugs and the ability of the American people to obtain those pharmaceuticals at competitive prices even if those drugs come from Canada or from Mexico and they are safe and marked so according to our Food and Drug Administration; the issue of sanctions, whether it is Cuba, whether it is Libya, whatever country we are talking about, we want the ability to debate that in our subcommittee; and finally, the level of disaster and emergency assistance to our farmers.

We do not want to leave anybody out. If they are out there in the country, they have tried to earn a living and they have been hurt by the present economy, we do not want a few deal makers to write our bill for us behind closed doors.

So the purpose of this motion to instruct is to ensure regular order in this institution and not to disenfranchise our Members.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), our very, very distinguished ranking member of the full committee, for further elaboration. And I want it thank him from the bottom of my heart for being a voice for our subcommittee and for the rights of our members, every single one of them, to participate in open conference committee deliberations.

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, what I want to say is directed to one simple question: How much self-respect does each and every individual Member of this body possess? Does every one of the 435 Members who belongs to this body believe that they have a right to participate in the process by which major decisions are made, or do they believe that year after year these major decisions, especially if they are politically difficult, will be made by a few people in a room somewhere? That is the issue.

Now, the way this place is supposed to do business is that the President's budget comes down to the floor each year, it is divided into 13 appropriation bills for discretionary spending, and one by one those subcommittees containing members who specialize in these issues and actually, lo and behold, know something about them, are supposed to deal with these issues on a bill-by-bill basis.

The gentleman from New Mexico (Mr. SKEEN) has spent years developing an expertise on agriculture. So has the gentlewoman from Ohio (Ms. KAPTUR) and every other member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies has spent hours and hours learning to do their craft.

And yet, what is now happening? We have a lot of major issues in this bill. We have the issue of Cuba. We have the issue of what kind of embargo policy we are going to have and how that is supposed to impact on our ability to export agriculture products. We have issues involving agriculture conservation. We have issues involving emergency disaster payments and all the rest.

Those issues ought to be decided by the people who are a member of the committee that knows something about them. But we have been told in the last day or so that there is a new game plan floating around, and that game plan calls for all of these issues to be solved at a staff level with an occasional consult with a member.

And then the agriculture bill is supposed to be dumped into the transportation appropriations bill and the conferees who will actually bring that bill to the floor would be the members of the transportation subcommittee.

Well, I do not know how many members of the transportation subcommittee know a Guernsey from a Holstein, but I bet the gentleman from New Mexico (Mr. SKEEN) does.

It seems to me, therefore, that every single Member of this House who respects the rights of rank and file Members to decide what ought to happen on these issues, and every Member of this House who has a reverence for what this institution is supposed to be and a reverence for some semblance of context, process, and order so that we know what we are doing as we do it, it seems to me every single one of them would vote for this motion to instruct regardless of party.

The only reason, the only reason that the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies might not be allowed to make these decisions is because the majority party leadership has a problem. They lost two votes on this House floor on the issue of agriculture exports and the Cuban embargo and so they want to reverse by flat what the House did; and so they are, in the process, willing to run roughshod not just over the Committee on Appropriations, not just over the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, but over the right of every single Member in this House to know who they are supposed to talk to if they want to get their two cents' worth in about resolving these issues. That is what is at stake here.

What is at stake here is whether this is still a body of 435 people who belong to committees who develop expertise on these issues or whether we are just going to have this whole House run by an anonymous set of staffers with a few general dictates laid out by their bosses with no ability of the House to really shape the choices that we will be asked to vote on.

That is why, regardless of party, this motion ought to be supported.

Mr. SKEEN. Mr. Speaker, I reserve the balance of my time.

Ms. KAPTUR. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BOYD), a distinguished member of our subcommittee.

Mr. BOYD. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me the time.

Mr. Speaker, I first want to say what a deep and abiding respect that I have for the appropriations team that has developed and passed 13 appropriations bills off the House floor, our ranking member, the gentleman from Wisconsin (Mr. OBEY); ranking member on the subcommittee, the gentlewoman from Ohio (Ms. KAPTUR); my dear friend, the gentleman from Florida (Mr. YOUNG), chairman of the full committee; and the gentleman from New Mexico (Mr. SKEEN), ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies.

I sit on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, as the gentlewoman from Ohio (Ms. KAPTUR) said, and have worked hard to understand the issues in the bill and to have some input into them.

Some issues I won, and some issues I lost. I understood that was the democratic process and the process of the rules that we govern ourselves by in this House.

□ 1300

I assumed that we would move forward and have a vote on the House floor and some we would win and some we would lose. I want to remind, Mr. Speaker, the rank and file Members and our constituents that the House and the Senate passed this appropriations bill out of their respective Chambers over 60 days ago, before we broke for the August recess. Under the rules, normally you would think after you pass a bill like that and you have differences that you would have a conference on that. Well, we were noticed this morning that the leadership of this body is thinking about appointing conferees over 60 days later. Now we are 2 days from the end of the fiscal year.

I understand there are problems, that there are differences on the Cuba embargo and there are differences on the prescription drugs, but that is why the Members of this Chamber were elected, to resolve those differences. The people of this Nation understand those two issues and the people they sent up here to represent them understand them. Let the body work its will. Let us have an up and down vote. Those are two very important issues.

Obviously the Cuba thing is important, more important to the State of Florida than it is to some other States. So what is wrong with having the Members of the United States House of Representatives who were elected and sent here to decide those issues have a vote on that? What is wrong with letting them have a vote on the prescription drug issue, the reimportation issue which is another hang-up in this bill that the gentleman from New York (Mr. CROWLEY) and the gentleman from Vermont (Mr. SANDERS) have so ardently advanced. It is an issue which is very important to our constituents. I do not understand this process where we are going to bottle things up and we are going to have some staff in the back room with occasional consultation with a couple of Members make these decisions and then you have an up and down vote later on. I think the conference is designed to resolve those issues and we ought to follow the regular order and let the conference work.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

I want to thank our very able subcommittee member the gentleman from Florida (Mr. BOYD) for speaking out on behalf of the entire rights of the House and the Members of the House as well as the needs of agriculture. We could not have a harder working member of our subcommittee.

I also wanted to say, Mr. Speaker, that there are many issues that we want to resolve in open dialogue with our colleagues in the other body. What is at issue? Rules that expand opportunities to import prescription drugs from countries where prices are lower. This is of interest to every single family in America. What we do not know is if our bill gets rolled into the transportation bill, what provisions get selected, if any, unless we have an open dialogue in full conference with our colleagues in the Senate. The House provisions? The Senate provisions? No provisions?

We are very concerned about that. In addition to that, the design of and funding levels for emergency assistance to deal with drought, with floods and with disastrously low prices around this country. We know we have a terrible situation where even under current law many farmers and ranchers who have been harmed do not get any help. How are we going to try to deal with that in the conference committee? Who do we trust but a broad array of Members to represent the various segments of agriculture in our country in open conference hearings?

Several of the Members have talked about the trade sanction issue that would affect the shipment of food and medicine from our country and the circumstances under which future sanctions can be imposed, whether it is Cuba, whether it is nations in Africa, whether it is nations in the Middle East. These are all issues that are highly charged and ones that we really believe we should be able to dialogue with our colleagues in the other body. We have not even had a chance to do that.

Also, funding levels for meat inspection and other food safety inspections that are so critical at the Food and Drug Administration and the Department of Agriculture. Frankly, I just do not want some leader who may be from Mississippi in the other body picking a funding level. Our Members have a right to participate in those discussions. They have worked for over a year on this bill. They have a right to be heard. All of the issues dealing with concentration and anticompetitive practices in today's agricultural markets, all those issues are in this bill. These are vital to agriculture in America. What is going to happen to those provisions when there are disagreements between the House and the Senate? Who is going to decide, particularly if we are rolled into a transportation bill where our Members are muzzled and have no ability to participate in the dialogue?

The funding for our programs for the elderly, our nutrition programs for the elderly, our nutrition programs for women, infants and children. All these are on the table. All of the funding levels for our conservation programs, our natural resource programs and certainly our rural development programs. All these programs require the involvement of our Members in full and open conference.

Mr. Speaker, in carrying out the responsibilities of our subcommittee this afternoon, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY), an extremely able member of our subcommittee who singlehandedly was able to assure that the fruit and vegetable growers of our country got recognition in this bill.

Mr. HINCHEY. Mr. Speaker, I want to thank the ranking member of our subcommittee, the gentlewoman from Ohio, for allowing me the opportunity to speak on this bill.

I want to say, first of all, it gives me no pleasure whatsoever to find myself criticizing the appropriations process at this late stage of this Congress. Both the chairman of the Committee on Appropriations and the chairman of this subcommittee, the gentleman from Florida (Mr. YOUNG) and the gentleman from New Mexico (Mr. SKEEN), have been great gentlemen and efficient and effective leaders throughout the process. However, now, at the end of the session, we find ourselves in a position where all that has gone before us is now in the process of being corrupted and lost. Why? Because the normal procedure of conference committees meeting together and resolving important differences between the House bill and the Senate bill has been abandoned. It has been abandoned and in its place we have people who are in some cases faceless and unknown making decisions that affect the constituencies of virtually every Member in this House.

Furthermore, important amendments which were adopted on the floor of this House have been and are in danger of being removed from specific appropriations bills of specific subcommittees as a result of this corruption of the normal and effective process. That is something that I do not believe every Member is aware of, and I think they would be deeply concerned to the extent that they become aware of it.

So the motion to instruct that we have before us is in every sense a sensible and reasonable initiative. It simply says the conference committees ought to meet. Decisions about specialty crops which are important to a number of Members here, apples and other specialty crops, decisions affecting those specialty crops ought to be made by the elected Members of the House of Representatives in conference. Specific decisions with regard to the importation of prescription drugs, which is an important part of this agricultural bill, ought to be made by the elected representatives of the House in conference, duly appointed. That is not happening under the present system and under the present process that we have. Those decisions and others are being made by people apparently who are not elected and to the extent that we have elected people in the room, it is only a handful of the normal conferees.

Now, that is not the way we ought to be doing business. These are critically important issues. We were elected to come here in this House of Representatives and resolve these issues on behalf of the people of the United States from the point of view of our various constituencies. We are being denied that right.

Now, I know that the chairman of the subcommittee does not condone this. I know that the chairman of the committee as well as the subcommittee, neither of those chairmen condone this process. But the process is occurring nevertheless. And the only way that we can change this process, the only way that we can alter it, the only way that we can get back on the right and appropriate track in this particular context is to pass this motion to instruct.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY) who has absolutely moved this prescription drug issue into center stage in our country. We thank him for his participation today and we thank the voters of New York for sending such an able Member to us.

Mr. CROWLEY. I thank the gentlewoman from Ohio for her kind remarks.

Mr. Speaker, I rise in strong support of the motion to instruct. This process needs to be an open process. The people of both houses have spoken on a myriad of issues that should not be hidden behind closed doors and vetted out by the leadership alone. Whether it is the issue of Cuba and sanctions or the issue that is very near and dear to my heart and to many Members of this body's heart, the issue of the reimportation of prescription drugs. If you are going to appoint conferees, then let them do the work. Let them meet. Do not pull the ultimate charade by appointing conferees and then go behind closed doors and letting the leadership itself work out or take out, more appropriately, take out issues that they do not want to have in final passage.

It was the Crowley amendment that got the ball rolling again and jump-started much of the work that was started by my good colleague and friend from Vermont (Mr. SANDERS) and others on the issue of the reimportation of prescription drugs. It is too important and vital an issue to Americans in this country, senior and nonseniors alike, but to most importantly senior citizens, that they have the opportunity to purchase prescription drugs at least at the same rate that their Canadian and Mexican counterparts are purchasing those drugs at. If this is taken out of the agricultural bill, seniors in my district and across this country will not see a reduction in their price of prescription drugs anywhere between 30 and 50 percent. If we do not do this, seniors will continue to struggle.

In and of itself reimportation is not enough, but it is the first step. We need to do more. We need to pass a prescription drug measure under the Medicare system. But by passing this provision, we will be going a long way to reducing the overall cost of prescription drugs.

Do not hide behind closed doors. Meet in conference. Let the conferees meet. Let all of us vote on this very, very important issue.

Ms. KAPTUR. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), a member of the subcommittee who has worked diligently all year and whose voice should be allowed to be heard in full conference and open public hearings.

Ms. DELAURO. Mr. Speaker, I rise in strong support of this motion to instruct. We were promised that in this Congress under this Republican leadership that the trains were going to run on time. Well, not only has the train not run on time, it has completely derailed. To tell members of any committee that they are not even able to sit as a conferee on their own bill in fact undermines the credibility of this House. It is an affront to each and every Member. This does not protect the decisions that were made by the members of the subcommittee. I am a member of this subcommittee. I take the job very, very seriously. This conference report was negotiated in the dead of night by a few members of the Republican leadership behind closed doors.

Let me say that we worked hard with our colleagues on the other side of the aisle up until this point, the gentlewoman from Ohio and the gentlemen from New York, California, and Florida and myself, we were engaged. My God, we have been left out of the process. This is not a democracy. This is capitulation.

Do you know what is in this bill? Vital things, incredibly important to people in this country. The prescription drug reimportation piece of it is vital to our seniors.

□ 1315

It says we are going to bring down the cost of prescription drugs to people in this country, to seniors in this country.

Sanction reform for our farmers, it says let our farmers sell their products overseas, alternative fuel source, food stamps, nutrition programs for women and children, help for hard-working families and their families.

Connecticut leads New England in farm income, in fruit, and milk production. As a Member of Congress, it is my responsibility to represent my constituents. This report denies my constituents a chance to be heard.

Too much is at stake. Let us allow the conferees to sit down, to review the issues, to make their determinations. Let them do their job. When you lock Members of this House out of the conference, when a handful of people decide to cast votes, then you shut my constituents out of this process. That is not the message that this House needs to be sending.

Ms. KAPTUR. Mr. Speaker, I yield 3 minutes to the gentleman from the State of Vermont (Mr. SANDERS), who has moved the issue of prescription drugs and fair pricing to all Americans to center stage.

Mr. SANDERS. Mr. Speaker, I thank my good friend for yielding me time. I appreciate and congratulate her on the work she does as the ranking member, and the gentleman from New Mexico (Mr. SKEEN) on the work he does.

Mr. Speaker, there is not much I can add to what the gentleman from New York (Mr. CROWLEY) and the gentlewoman from Connecticut (Ms. DELAURO) have already said. There is a lot in the agricultural appropriations bill which concerns me, but the issue that concerns me most is something that I have been working on for the last 14 months, and that is an effort to substantially lower the cost of prescription drugs in this country.

I made a trip with folks from northern Vermont over the Canadian border over a year ago, and what we discovered on that trip is that prescription drugs could be purchased in Canada for substantially lower prices than they are in the United States. The widely prescribed breast cancer drug Tamoxifen was selling in Canada for one-tenth the price that it sells in the United States.

In fact, at a time when the pharmaceutical industry last year saw $27 billion in profits, they are charging the American people by far the highest prices in the world for prescription drugs, most of which are made right here in the United States of America.

Now, why is this motion that we are discussing now so important? I will tell you why. The issue is the reimportation bill, which passed the House, which passed the Senate. Is that bill going to be written by representatives of the American people, or is it going to be written behind closed doors by the pharmaceutical industry, the most profitable industry in this country?

The pharmaceutical industry has 300 paid lobbyists in Washington, D.C. The pharmaceutical industry has spent $40 million in opposition to this legislation. The pharmaceutical industry has contributed millions and millions of dollars to both political parties, and last night, not last week, last night, they held a fund-raiser for the Republican Party where millions of dollars were raised.

The question is, do we have an open debate in order to pass serious legislation without loopholes, without impediments, without the drug companies putting in little language which will make our legislation unenforceable or meaningless, or do we have serious legislation that representatives of the United States Congress participate in writing?

The pharmaceutical industry should not write this bill behind closed doors; the elected representatives of the American people should write this legislation. Let us pass this.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Chairman YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me time. I want to compliment the gentleman for a good job in getting the bill passed.

Mr. Speaker, as my friend from Florida (Mr. BOYD) said, over 60 days ago we passed this bill in the House, and we have passed all 13 bills in the House. But as I listen to my friends on the other side, it looks to me like they are trying to create an issue that is not there, because my friend and colleague from New Mexico, the chairman, has said that he does not have any objection to this motion to instruct. So I do not understand the arguments, because they seem to try to make an issue that is not even there.

As far as debating, as the last speaker said, we have spent more time in this Chamber and in the Committee on Appropriations this year debating matters that are extraneous and have nothing to do with appropriations bills. We have spent more time this year in genuine debate on those extraneous issues than we have in many, many years in the past.

So I say again, I am glad they pointed out the fact that we have passed all of our bills, and I am glad to repeat what my friend the gentleman from New Mexico (Mr. SKEEN) has said, we do not object to this motion. So what is the issue?

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I have the greatest respect for the gentleman from Florida, and I wonder if he would be willing to answer a question.

The Chairman has a tremendous weight on him, and I have some understanding of that. I do want to ask the gentleman, however, seeing as how he says that the gentleman from New Mexico (Mr. SKEEN) has no objection to this motion, does that mean that if the motion passes, the members, the full set of members of the Subcommittee on Agriculture and Rural Development will be able to meet in full and open conference to deal with our disagreements with the members in the other body? Or does it mean, as last year, that our members would be appointed, but then the conference never called and the bill written in the back rooms here and brought to the floor?

Could the gentleman describe the process forward?

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I would respond to the gentlewoman that, yes, we would intend to meet in conference, and to suggest that we have not done that is erroneous.

We have a very intense conference meeting underway right now on one of the other conference reports. I have spent, as have many of our colleagues on both sides of the aisle, many, many hours in conference with the other body, and, in fact, with representatives of the White House, trying to iron out the differences between the House bills, the Senate bills and the position of the administration.

So the truth is, we have spent a massive amount of time in conference trying to resolve these differences. I understand that the agriculture bill is an extremely important measure and there are some strong differences between the House and the Senate. They will have to be worked out, and I would suggest to the gentlewoman that they will be worked out in a regular conference.

Ms. KAPTUR. Mr. Speaker, if the gentleman would yield further, so the gentleman would agree that our full membership would participate, the full membership of the subcommittee, in those discussions?

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I would respond to the gentlewoman by saying that is why we do not object to this motion to instruct.

Mr. SKEEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when the other body acted on the agriculture appropriation bill, they added a great amount of new matter, items that are within our subcommittee's jurisdiction as well as many items in other areas. All of the new matter is in addition to the routine differences we have every year on the basic bill.

We have been working hard on the differences between the House-passed bill and Senate-passed bill. We need to proceed one step at a time, and I think the step we need to take right now is to appoint the House conferees. So let us get on with it and do that.

Mr. Speaker, I reserve the balance of my time.

Ms. KAPTUR. Mr. Speaker, I yield 1 minute to the very distinguished gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentlewoman for yielding me time. The gentlewoman from Ohio (Ms. KAPTUR) has been working very hard and done a very good job in her leadership on the Committee on Agriculture, and I have enjoyed working with her, as well as the gentleman from New Mexico (Mr. SKEEN) under his leadership, and the gentleman from Florida (Mr. YOUNG) and his leadership and the gentleman from Wisconsin (Mr. OBEY).

Mr. Speaker, recognizing that as we get down to the final days of this session and the need and interest to be able to discuss and debate and to analyze these issues, as we move these things along, we want to make sure that we do move these things along. I want to encourage both sides to get together.

As far as the debate and the discussion of these issues, there is a very important measure as it pertains to the reimportation issue, which I have worked with the Members on the other side on very diligently, in trying to do it in a bipartisan fashion and have safety first. We want to make sure that that measure certainly has the safety, protection and safeguards necessary for public health, but, at the same time, that we do not create enough roadblocks and obstacles where it would be rendered meaningless.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I would simply like to make the point that the issue of Cuba travel has ended up in a sort of political no-man's land. We were told in the Treasury-Postal bill it would be handled in the Agricultural bill.

I would urge the chairman and those who are going to be in this conference to actually take up that issue, because, if not, it is going to find itself off in the dust bins or at least the far corners of this political debate. I think it is an important political debate, having a lot to do with the constitutional rights that all Americans should enjoy.

Mr. SKEEN. Mr. Speaker, I yield back the balance of my time.

Ms. KAPTUR. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The gentlewoman from Ohio (Ms. KAPTUR) is recognized for one minute.

Ms. KAPTUR. Mr. Speaker, first I would like to say to the gentleman from Maine (Mr. BALDACCI), because he represents the Northeastern home heating reserve issue so well, he represents all States. So I want to say to the gentleman, his reach extends beyond his own State in many ways. I thank him for speaking on behalf of the motion to instruct.

Mr. Speaker, I ask our colleagues to vote for the motion to instruct.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Ohio (Ms. KAPTUR).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. KAPTUR. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 24, as follows:

[Roll No. 502]

YEAS—409

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—24

Brown (FL)
Burr
Callahan
Chenoweth-Hage
Clay
Cunningham
Danner
Eshoo
Everett
Forbes
Franks (NJ)
Jones (OH)
Klink
Lazio
McCarthy (MO)
McCollum
McIntosh
Paul
Pickett
Scarborough
Talent
Vento
Wise
Young (AK)

☐ 1347

Mr. ROTHMAN changed his vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 502, I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. QUINN). Without objection, the Chair appoints the following conferees: Messrs. SKEEN, WALSH, DICKEY, KINGSTON, NETHERCUTT, BONILLA, LATHAM, Mrs. EMERSON, Mr. YOUNG of Florida, Ms. KAPTUR, Ms. DELAURO, and Messrs. HINCHEY, FARR of California, BOYD and OBEY.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4942. An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4942) "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mrs. HUTCHISON, Mr. KYL, Mr. STEVENS, Mr. DURBIN, and Mr. INOUYE, to be the conferees on the part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4578, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. REGULA. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, September 28, 2000, to file a conference report on the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. OBEY. Mr. Speaker, reserving the right to object, I just want to make clear that it is understood that the bill will be filed only if we have reached final agreement on all four corners.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. REGULA. That is absolutely right. It would have to be complete agreement on the part of the conferees.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 3244, TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Mr. REGULA. Mr. Speaker, I ask unanimous consent that the conferees on the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, have until midnight tonight, September 28, 2000, to file a conference report on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I ask for this time for the purpose of inquiring of the majority leader the schedule for the week and next week.

Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, let me begin by thanking the gentleman from Michigan (Mr. BONIOR) for yielding to me.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. The House will next meet for legislative business on Monday October 2 at 12:30 for morning hour and 2 p.m. for legislative business.

We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

Mr. Speaker, the appropriations conferees are working hard to solve many remaining issues on the Interior and Transportation conference reports. It is our hope that the conferees will be able to file their conference report as early as tonight. Members, therefore, should be prepared to vote on appropriations conference reports on Monday night after 6 p.m.

On Tuesday, October 3, and the balance of the week, the House will consider the following measures:

H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001;

H.R. 4577, the Departments of Labor, Health and Human Services and Education Appropriations Conference Report; and

H.R. 3244, the Trafficking Victims Protection Act of 2000 Conference Report.

Mr. Speaker, the House will also consider any other conference reports that may become available.

At some point next week, I would anticipate that the House will consider a continuing resolution.

Mr. Speaker, I thank the gentleman from Michigan for yielding.

Mr. BONIOR. I thank my colleague for his report, and I gather from the last statement that the gentleman made that he anticipates that the House will consider a continuing resolution sometime next week, that we expect that we will go beyond the original target date of October 6. Can the gentleman help us with anything beyond that date in terms of his prognosis?

Mr. ARMEY. Mr. Speaker, if the gentleman will yield to me.

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I think the gentleman speaks, in this case, on behalf of all of our Members on both sides of the aisle. It is that time of the year that many of us have planned to complete our work. We are still hopeful that with a good week's work next week we might be able to finish by the appointed date of October 6, but I think the gentleman from Michigan (Mr. BONIOR) would agree, in light of the past history of appropriations seasons past, that it would be a prudent thing for us to be prepared to have a continuing resolution that would go beyond that time. And should we find ourselves moving in to that period of time, Mr. Speaker, I would like to assure the gentleman from Michigan, the House will be scheduled in such a way as to maximize the opportunity that Members might need to fulfill other commitments they would have made for that week ensuing.

Mr. BONIOR. I thank my colleague. I am thinking in particular of Yom Kippur and Columbus Day that are right behind next weekend or next weekend, and I am wondering if the gentleman could express his comments.

Mr. ARMEY. Again, I appreciate the gentleman's inquiry. I believe that it is Yom Kippur, and it is a matter of major importance to so many of our Members, and we certainly want to respect that.

Mr. BONIOR. I thank the gentleman from Texas for his response.

Let me ask one other question to the gentleman from Texas, the majority leader, we had a vote here just a second ago on the motion by the gentlewoman from Ohio (Ms. KAPTUR) to open up and make sure that the conference on Agriculture is available to all the conferees and to instruct the conferees to meet with all Members present. Can we assume from that vote that that in fact will happen?

Mr. ARMEY. Again, I want to thank the gentleman for his inquiry, and if the gentleman would continue to yield.

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Earlier in our bicameral meeting today, we discussed the conference on agriculture, and it is my understanding that the key participants in the committee on both sides of the aisle will get together, plan out a schedule, and notify the other Members.

Mr. BONIOR. I am trusting that there will be full and adequate public airings in which the managers have the opportunity to debate and to vote on all matters of disagreements between both Houses, and I hope this is not done between a couple of people and everyone else is left out.

I just want to reemphasize and underscore what we have just done on the House floor and say to the majority leader I anticipate that since the House overwhelmingly voted in that matter that those wishes will be carried out in the conference on agriculture, and I thank my colleague for his information.

Mr. ARMEY. I thank the gentleman. Mr. Speaker, may I just wish the gentleman from Michigan good luck this Sunday on the gridiron when my beloved Vikings come to town.

HOUR OF MEETING ON FRIDAY, SEPTEMBER 29, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow, Friday, September 29, 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO MONDAY, OCTOBER 2, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, September 29, 2000, it adjourn to meet at 12:30 p.m. on October 2 for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STOP SPLINTERING FAMILIES; START APPLYING AMERICAN FAIRNESS AND JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to honor my colleagues for taking a step forward and unanimously passing H.R. 5062, an important step toward restoring fairness to families split apart by 1996 legislation that was billed in this House as immigration reform.

I encourage the Senate to quickly follow the House of Representatives' lead. We must stop deporting hardworking legal immigrants, Mr. Speaker, who are raising stable families only because they committed a minor infraction years and years ago.

We must stop hauling away parents away in the middle of the night in front of their children, and we must stop denying these people now in detention the most basic constitutional rights that we in America believe everyone should have.

□ 1400

These practices, Mr. Speaker, are the direct result of the 1996 so-called immigration reform law. The 1996 law removed the authority of immigration judges to take into account a person's contributions to our society as well as their misdeeds. It removed Federal judges' oversight of the immigration process.

It allowed Immigration and Naturalization Service deportation officials to pick up someone after they applied for citizenship, put them in detention in the middle of the night without their relatives knowing where they were, and hold them without bail.

H.R. 5062 will stop these immoral practices. It will restore judicial oversight of these matters that involve long-term legal permanent residents who paid their debt to our society, in many cases on this a short probation or a suspended sentence, only to have the 1996 law reclassify their misdeed as an aggravated felony.

H.R. 5062 stops this. It restores justice and fairness to immigration proceedings. Many, many families in my district applaud this action.

For example, it would help Aida. Her father had always been a good provider, but was picked up by the INS, handcuffed in front of his family, and deported. Now the family, which had been paying taxes, had to move into reliance on welfare. Aida's father can now apply to come back into the country and have a judge review his case under our recent action.

Mr. Speaker, this is America where actions have consequences but where we have a system of checks and balances to ensure that no branch of the Government can run roughshod over our rights.

So to my colleagues in the Senate, I urge quick passage of H.R. 5062. It would rollback the un-American provisions of the 1996 law by eliminating most of the so-called retroactivity provisions so minor crimes from decades ago are not counted against those who are in this country legally. It allows those who have been deported to appeal to return to the United States.

H.R. 5062 is a real positive step forward. It will help hundreds if not thousands of families in my own district and around the Nation. We need to restore fairness so that our pledge of allegiance truly means with liberty and justice for all.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–909) on the resolution (H. Res. 599) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–910) on the resolution (H. Res. 600) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

DISAPPOINTING POLICIES OF CLINTON ADMINISTRATION TOWARD SUDAN AND AFRICA

The SPEAKER pro tempore (Mr. QUINN). Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I rise today to express my profound disappointment with the Clinton administration's policies towards Sudan, and Africa in general. To be sure, there are many good people who have tried to implement worthwhile and thoughtful policies for Africa during the tenure of this administration. The problem with this administration is, more often than not, the voices that should be heard have not carried the day.

My complete statement will provide more details, but let me briefly outline what I have been talking about. I have been to Sudan three times and followed the horrible situation there very closely.

The Clinton administration has much to answer for. Over 2 million people have died in Sudan; yet President Clinton never expended the energy on Sudan to bring about a lasting peace as he has in Northern Ireland and the Middle East.

The administration knew about the existence of slavery in Sudan since at least 1993. Yet, the administration was slow to act and slow to take tough action with Sudan.

The administration failed to prevent the listing of PetroChina, a subsidiary of the Chinese National Petroleum Company, on the New York Stock Exchange.

The administration's record on preventing one of Sudan's primary exports, gum arabic, has been spotty. An embargo on gum arabic has been in effect by an Executive Order since November of 1997, but just this year the administration allowed an exemption of a shipment of gum arabic from Sudan. This Congress may be passing something that the administration has not spoken out against with regard to gum arabic.

In the past few months, the government of Sudan has repeatedly bombed the United Nations relief operations and other civilian targets. The administration has issued statements. But at this point, after all of the Sudanese Government's atrocities, words are not enough to address the problem in Khartoum.

Two years ago, President Clinton hailed what he called an African renaissance. But a recent article in the Los Angeles Times states that a recent national intelligence estimate says that "Africa faces a bleaker future than at any time in the past century."

Today's Roll Call shows pictures of some of the children who had their arms and legs and ears cut off by rebels in Sierra Leone. This administration has made a mess of the situation in Sierra Leone and has done nothing but spin its wheels there. Yet again, it is an African policy that is long on rhetoric and short on action.

President Clinton has traveled more than almost any other President. He has had first-hand experience throughout Africa, more experience and actual time in Africa than any other President. But all this time there only amounted to photo opportunities and handshakes, amounting to substance-free public relations.

Because of his time in Africa, he should have done much more. It is not too late for this administration to do more for Africa. The death, the suffering, the destruction that has occurred over the past 8 years in Sudan and Sierra Leone and Rwanda and Burundi and other places need more than a touch-down by Air Force One.

REVIEWING THE REOPENING OF PENNSYLVANIA AVENUE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, if my colleagues have been in Congress for no more than 5 years, they have never seen Pennsylvania Avenue as a normal city street. It was closed in 1995 in the wake of the tragic Oklahoma City bombing. This body has had no mechanism for reviewing what was done, whether it was appropriate or whether it should continue ad infinitum. The Secret Service has, of course, wanted to close Pennsylvania Avenue for decades now; and after the tragic Oklahoma bombing, it is understandable that the Service succeeded.

But what about now? The Subcommittee on the District of Columbia, to its credit, under the leadership of the gentleman from Virginia (Mr. DAVIS) had three hearings. But there was nothing concrete that the committee could come forward with at that time in 1995 to respond to the closing.

For all intents and purposes, there is no way for the Congress of the United States to review a closing, and it could happen anywhere in the United States on the say so, the unreviewable say so, as it turns out, of the Secret Service, unreviewable because it is clear to me after a meeting that I had with Secretary of the Treasury Lawrence Summers yesterday that the Secret Service has captured and easily continues to capture the government bureaucrats.

The Congress must establish a way to review and decide the appropriateness of a closing when it goes on for years. I intend to introduce legislation to that effect so that it does not again happen here and so it cannot happen in my colleagues' jurisdictions either.

A public-spirited group of business people, the Federal City Council and the D.C. Building and Industry Association, have secured an independent effort by world-class experts to see whether there is any way to meet the Secret Service's concerns and open the avenue. They have a plan that meets each and every concern the Secret Service had raised—narrowing the avenue, putting grass over large parts of it so that cars would be well beyond the distance that a bomb could do damage to the White House complex, bridges on either side of the avenue that would allow only cars and not trucks to enter the avenue, and so forth.

Without this kind of sensitivity to this living, breathing city, of course, essentially we close down much of its commerce in the middle of the town. We do great damage to the environment, and we make congestion far more awful than it is. We are second already in traffic congestion in this country.

There are many other details, including technology, that there is not time to offer here today. I soon am to receive a Secret Service briefing so that I can learn what it is that concerns them now. But there is every indication that they simply intend to move the goal post. First it was trucks. I am sure that now it will be cars. Then it will be motorcycles.

We have briefed White House officials. The President seems quite open to opening the avenue, but he says he wants to make sure that others are not harmed. The fact is that no single person wants to take the responsibility. This is the body that should take the responsibility.

What the Secret Service wants is essentially zero risk. It is time to factor into the equation of decisionmaking the more than half a million people who live in this city, the more than 4 million who live in the region, and the millions of Americans 25 million each year, who come to visit and see America's main street closed down.

Only the independent counsel has had as much nonreviewable authority as the Secret Service effectively has. Nobody wants to harm the President or the White House complex. But in a free society there must be a way to balance the risk of harm versus the risk to our democratic institutions. We cannot accept a bar that automatically rises when the Secret Service alone, unreviewable for all intents and purposes, simply raises that bar. We cannot let the police ever be the last word on our democratic institutions.

In America, the notion of a zero risk standard in order to protect any of us is unacceptable when what we lose are our democratic rights and our democratic institutions. Zero risk or anything close to it is a standard that no American who believes in an open and democratic society should ever have to meet. That is the power we have effectively given the Secret Service.

I am going to introduce a bill to make sure that it does not happen again.

RIPLEY'S BELIEVE IT OR NOT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, if this campaign for President goes on much longer, it may be capable of being admitted into "Ripley's Believe It or Not". In fact, I am speaking specifically of our candidate on the Democratic side, the Vice President of the United States.

Many people will remember some of the claims that he has made in recent years, including "I invented the Internet," "I discovered Love Canal," "I was the feature for Love Story," and then recently he imagined his dog and mother-in-law were taking the same medicine for arthritis in which to compare pricing and scare seniors in my home State of Florida to reality check, if you will, that neither one apparently is taking the medicine, or at least the analysis was incorrect and flawed at best.

More recently he is going to crack down on Hollywood and then goes out there and raises buckets of money and says to them, "Do not worry, I am only here to nudge you." Now he wants to tap into the Strategic Reserve because he sponsored the legislation that created it and authorized the first funds to purchase the fuel, even though that was created 2 years before he came to Congress.

He continues to accuse the Bush campaign of being beholden to big oil, yet continues to refuse to fully explain his ties and financial dealings with Armand Hammer, the late chairman of Occidental Petroleum, and a long favorite of the Russian Government.

More recently now as we talk about the Strategic Reserve, many in this Congress claim on both sides of the aisle that the intervention of the White House on the Strategic Petroleum Reserve has caused the market on energy and fuel prices to plummet because of their outstanding leadership on this issue.

Let me read to my colleagues from today's USA Today in the Money section, Thursday September 28: "Forget oil. The price of natural gas is skyrocketing. All but unnoticed in the recent furor over crude oil and heating oil, the price of natural gas," and let me underscore this point, "which heats more than five times as many homes as heating oil has soared to record heights with hardly a pause since July. The natural gas future prices hit 531 per million British thermal units Wednesday on the New York Mercantile Exchange, more than double its load this year of $2.17 on January 5 and up about 62 cents over last month."

Then the claim is that the tapping of the Strategic Reserve is not about politics. That one may top all other whoppers committed by the campaign to date.

The Strategic Reserve was established to make certain that America would never become dependent on foreign fuels during a crisis. During a crisis, like the Persian Gulf, we were able to last tap into that reserve to make certain our country handled that crisis calmly and that there was no interruption in domestic life.

But now because of the campaign, the concerns when soccer moms are complaining about the high price of gas, we have an administration that is quickly willing to tap into that very viable and vital supply that is there for all Americans to use.

Now, think about it in one's own life. Many people, I am certain, think about buying a new car, maybe going on vacation. They make the analogy that I will borrow from my savings account and I will pay it back because this is really important. Of course most of us realize we never quite get around to paying it back or, if we do, it is usually late or not at all.

□ 1415

Now, look at the analogy here of 30-plus million barrels of oil. When and how do we pay it back, and at what price? Saddam Hussein and others must be cheerfully mocking America today and thinking, let us get them to continue, in the art of politics, to draw down their reserves, and then we in OPEC will spike prices so that when they have to replace it for the purpose of the strategic reserve, they will not be paying $30 or $32, they may be paying $40 or $45. But then the election will be over and no one will really have to explain the financial gimmickry we went for in order to do a temporary fix at the pumps.

We have not had a consistent energy policy the past 8 years. We have not embarked on enough wind energy and solar power and other alternative fuel sources. We have become too dependent, too consistently obligated to foreign sources. Yet this administration, in response to a domestic enterprise, sues Microsoft. They should have been suing OPEC, possibly for collusion on price.

When Americans fill up their cars over the next few weeks, the one question most important to them should be, are we better off than we were 8 years ago? I would say they are not better off than they were even 1 or 2 years ago. During this administration prices have risen to the highest level we have had over the last 10 years; the last time being during a conflict in the Persian Gulf.

So I urge my colleagues to look at the record, reflect on it, and, hopefully, urge the administration not to tap into our Strategic Petroleum Reserve by playing politics with petroleum.

COAST GUARD READINESS

The SPEAKER pro tempore (Mr. QUINN). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I rise today to address this body on the issue of military readiness. Yesterday, the Committee on Armed Services held a lengthy hearing regarding the state of our Nation's military. During that hearing, the Chairman of the Joint Chiefs and the Service Chiefs of the Army, Air Force, Navy, and Marines offered frank testimony regarding the ability of our Nation to meet the security challenges facing us today.

As I participated in yesterday's hearing, I could not help but think that an important part of our military was not being heard: The United States Coast Guard. While some might not realize it, the United States Coast Guard is our Nation's fifth military service. In one form or another, the Coast Guard has served our country alongside her sister services in peace and war since 1790.

As a recent Presidentially approved study on the roles and missions of the Coast Guard certified, the Coast Guard's special capabilities are as well suited to the national defense mission of the 21st century as they were in 1790. Whether it is drug interdiction or illegal immigrants along our Nation's shores or serving with our naval forces in the Balkans and the gulf, the Coast Guard is a vital part of our overall national security strategy.

Unfortunately, with that responsibility has also come many of the same readiness difficulties facing the other branches of the military. They are facing challenges in recruiting and retaining personnel, in keeping up with rising operation and maintenance costs caused by aging equipment and by performing dramatically increased missions with greater decreased manpower.

A USA Today article published last May highlighted many of these problems facing the Coast Guard, and I will be providing a copy of the article, Mr. Speaker, for the RECORD.

The writer of this article identified several of the concerns when indicating that despite soaring operational commitments, the Coast Guard, which has 35,000 active duty service members, is the same size as it was in 1967. Enlisted experience has declined from 8.8 years in 1995 to 7.9 years today, and is expected to drop to 7.1 years in the year 2003. The percentages of experienced pilots who leave every year has doubled since 1995, soaring from 20 percent to 40 percent.

I further quote the article: "The Coast Guard has only half of the certified surfmen it needs to operate rescue boats in the most dangerous conditions." The author went on to say that equipment is also a problem. "On any given day, just 60 percent of the HC-130 fleet is fit for duty. Some have been turned into 'hangar queens,' cannibalized for spare parts to keep other aircraft flying. The Coast Guard's major cutters are an average of more than 30 years old. Many smaller boats date to the Vietnam War. Such a creaky fleet is no match for drug smugglers."

From these anecdotes alone it is easy to see the challenges facing the Coast Guard are not minor. The men and women of our fifth armed services are some of the best, the brightest, and the most dedicated military personnel in the world. They serve our Nation with pride, and we owe it to them to ensure that they are properly resourced to perform their missions.

Mr. Speaker, when this Congress and the American people debate the issue of military readiness, it is imperative that the Coast Guard be included as part of the debate. That debate is important to ensuring that the Coast Guard will always be able to live up to its motto, Semper Paratus, always ready.

Mr. Speaker, I submit herewith for the RECORD the news article referred to above:

[From USA Today, May 16, 2000]

READINESS PROBLEMS PLAGUE COAST GUARD

(By Andrea Stone)

WASHINGTON—For 210 years, the Coast Guard has lived its motto, Semper Paratus. Always ready.

Yet there are mounting questions today about whether that still holds true.

When President Clinton speaks to Coast Guard Academy graduates in New London, Conn., Wednesday, he will face members of a military service whose national security role has expanded in the last three decades even as its ranks have shrunk to 1967 proportions. At a time when drugs, terrorism, pollution and illegal migration pose a bigger threat than foreign armies, the Coast Guard is the federal agency in charge of monitoring them all.

And it must do so without skimping on its No. 1 priority: saving lives. Last year, the Coast Guard answered 39,000 calls for help and saved 3,800 people.

Yet with an enlisted force that is younger and less experienced every year and a fleet that is older than 38 of 41 navies of similar size and mission, there is evidence that its core mission is being compromised:

A shortage of serviceable HC–130 search planes may have contributed to the death last fall of a boater who called for help during a storm off the California coast.

Four people drowned in 1997 near Charleston, S.C., during a storm after an inexperienced watchstander failed to pick up the word "Mayday!" on a radio distress call. The National Transportation Safety Board later cited "substandard performance" by the service.

That same year, three Coast Guard crewmembers died when their boat capsized during a rescue attempt off the coast of Washington. An internal report blamed a lack of training and experience, noting that many crews are "unqualified to fill the billets to which they have been assigned."

"They're reaching the edge of their capabilities," says Mortimer Downey, deputy secretary of Transportation, which oversees the Coast Guard. "We're seeing less than optimum performance."

In what was called a "cultural shift" signaling that crews would no longer try to do more with less, Coast Guard Commandant Adm. James Loy ordered in March an unprecedented 10% cut in non-emergency operations. "The strains caused by having tired people run old equipment beyond human and mechanical limits (degrades) our readiness," he said recently.

"Coasties" will still answer every call for help. But safety inspections and patrols to catch drug smugglers, illegal migrants and foreign vessels illegally fishing in U.S. waters have been scaled back. The Coast Guard commander on Nantucket Island, Mass., has stopped operations for eight months though crews will still respond to search-and-rescue emergencies and oil spills. He said his crews need the time to repair their boats and train.

"The reduction in Coast Guard presence on the high seas will undoubtedly mean more illegal drugs will not (sic) stopped, more illegal migrants will reach our shores, and more foreign fishing vessels will harvest our marine resources," retired vice admiral Howard Thorsen wrote in May's issue of Proceedings.

Since 1976, when Congress expanded the coastal limit from 12 miles to 200 miles, the Coast Guard has enforced the law in the United States' exclusive economic zone—at 3.4 million square miles the world's largest. During that same period, the service was given the jobs of protecting the marine environment, stopping illegal migrants and interdicting drug smugglers. The last two decades have also seen safety-related duties expand as the number of recreational boats and passenger cruise ships has skyrocketed.

Yet the Coast Guard, which has 35,000 active-duty service members, is the same size as in 1967. It joined the other military services in a post-Cold War downsizing that saw 5,000 people leave in the 1990s. And now, like those services, it is struggling to cope with high turnover and tough recruiting in a red-hot economy:

Enlisted experience has declined from 8.8 years in 1995 to 7.9 years today and is expected to drop to 7.1 years in 2003.

The percentage of experienced pilots who leave every year has doubled since 1995, soaring from 20% to 40%.

More than a quarter of enlisted cruise ship and charter boat safety inspectors have not attended entry-level marine safety courses. A third of lieutenant commander safety billets are filled with junior lieutenants.

The Coast Guard has half the certified surfmen it needs to operate rescue boats in the most dangerous conditions. Aging equipment adds to problems. On any given day, just 60% of the HC–130 fleet is fit for duty. Some have been turned into "hangar queens," cannibalized for spare parts to keep other aircraft flying.

The Coast Guard's major cutters are an average of more than 30 years old. Many smaller boats also date to the Vietnam War. Such a creaky fleet is no match for drug smugglers.

Thsi year, at least 400 souped-up speedboats carrying tons of illegal drugs from Colombia will cut through the Caribbean at up to 50 knots per hour. The fastest cutters reach 30 knots. The result is that nine of 10 smugglers get away.

In December, a government task force recognized the problems and endorsed replacing the entire fleet with electronically linked high-tech cutters, small boats, fixed-wing aircraft, helicopters and satellites. The so-called Deepwater project, which has bipartisan support, would cost at least $500 million a year for the next 20 years.

By Pentagon standards, the project is modest. But then again, the Coast Guard's $4.1 billion budget is tiny compared with the Pentagon's nearly $300 billion budget.

CONGRESS MUST PROVIDE A TRANSFUSION TO AMERICA'S HEALTH CARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, I am delighted today to pay tribute to a gentleman who is not only a friend but a great part of the Fifth Congressional District of Washington. His name is Gordon McLean. He is the Administrator of the Whitman County Community Hospital in Colfax, Washington. He has been working in my office the last couple of weeks on the issue of health care and helped me prepare these remarks today for delivery to the House. He is not only a valued friend but a valuable part of the medical community in eastern Washington and really across the Nation.

Mr. Speaker, the Nation's health care system needs a transfusion that only Congress can provide. I am delighted to recognize the extraordinary health care system we have in my Fifth Congressional District of Washington, a model of cooperation, collaboration, and creative solutions to the challenges facing an industry continually pressed to do more with less and never make a mistake.

Without a transfusion in the form of further Medicare and Medicaid relief, this system is in jeopardy, and it is not alone. The lack of reasonable and necessary reimbursement for quality health care services is affecting health care systems across our country. Right here, in what people in my State call "the other Washington," one major hospital totters on the brink of closure, while another copes with a strike by nurses.

Ever more often we see headlines about patients dying or being injured because of medication errors, short staffing, too much overtime, misuse of restraints, unsafe bed rails and overworked interns. Many of these reports are exaggerated, based on flawed or insufficient study and embellished by tabloid sensationalism. But we must admit that there is often an element of truth in every report.

In a hospital, a reportable accident or a situation prompts a root-cause analysis that is conducted to get to the root of the problem, change policies and procedures, and take steps to ensure the risk is reduced or removed. The truth is that more and more of these reportable incidents can be traced back to insufficient funding. The truth is that there will be more safety, service and staffing incidents until Congress provides a funding transfusion not only for hospitals but for community clinics, home health, and hospice services, graduate medical education, and all the vital components of our health care system.

The Balanced Budget Act was a timely and appropriate effort by Congress, and I also believe that the reduction in projected payments for Medicare and Medicaid was intended to be reasonable and necessary. One intended consequence was what we eastern Washingtonians describe as separating the wheat from the chaff. There needed to be some pruning of excess duplication and abuse, shaking out those who saw Medicare as a gravy train. While painful and maybe a little too aggressive at first, the Medicare crackdown on Medicare fraud was timely and appropriate as well. Yes, it has been difficult for the last 3 years, but I believe our health care system is now and will continue to be healthier for the experience.

At the same time, even Mother Joseph, who pioneered health care ministries in our great Pacific Northwest, the Mother Joseph we honor in our Congressional Hall of Statutes, understood the meaning of no margin, no mission. And it is this deteriorating margin in the health care industry that prompts my comments today.

The new reality is that our extraordinary system of health care in this country, designed to care for the ill, injured and infirm is itself infirm, unstable and tottering. Yes, this system sacrificed for the cause of a balanced budget. Yes, there have been the pains of change as the system has become more efficient and productive. Needless to say, Medicare compliance is a priority for providers who have received the message from Congress.

Yet, Mr. Speaker, I believe we have gone beyond intended consequences and are in the realm of serious systems failures if there is no boost to margins for health care providers. One of the first rules in medicine is, "First do no harm." I believe we have reached the point of harm in many programs, from graduate medical eduction to home health.

We recall the urgency to balance the Federal budget. We achieved that goal. And we recall how reductions in projected Medicare and Medicaid patients' payments made a significant contribution. I believe too significant. For example, 3 years into our 5-year program, we find the hospital inflation rate running at three to four times their Federal payment updates. The hospital inflation rate is driven by wage and benefit demands in a labor shortage environment, the rising cost of supplies, replacing and adding new technology, responding to greater numbers of uninsured, and adding staff to cope with the increasing complexities of administration.

While I use the hospital example, I am speaking for the entire health care system. Each component faces similar as well as unique challenges. The one common denominator they share is deteriorating margins. Congress has been besieged by countless messages from health care providers telling us of the unintended consequences of the Balance Budget Act; that our reconciliation efforts last year were appreciated but were not enough; and that a 2-year transfusion is needed now.

There is another saying in medicine. "Bleeding always stops." The challenge is to determine the cause of the bleeding and take action before it is too late. Today, I ask my colleagues to join together in a bipartisan effort to recognize the extraordinary health care system we have in America, acknowledging enough is enough, and providing prompt and appropriate Balanced Budget Act relief to stem the bleeding, and to do no more harm to one of our Nation's most valued assets; the American health care system.

URGING LEADERSHIP TO GIVE H.R. 4541 FULL HEARING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, last week's announcement by President Clinton that the Federal Government would swap 30 million barrels of oil from the Strategic Petroleum Reserve was welcome news to myself and many other Members from the Northeast. I remember all too well the effect that last winter's dramatic spike in heating oil prices had on my constituents' heating bills. While the OPEC countries should do the right thing and increase supplies, here on Capitol Hill lobbyists are working behind the scenes to increase their companies' bottom lines at the expense of the public and taxpayers.

I want to take this opportunity to bring to the attention of my colleagues an important piece of energy legislation that may soon be placed on suspension. The Commodity Futures Modernization Act of 2000, H.R. 4541, which was passed by the Committees on Banking and Financial Services, Commerce and Agriculture. This is important legislation for our Nation's financial services and our economy in general.

I am concerned that a provision excluding trading in energy derivatives from proper regulation has been added to this legislation and that the House may not have an opportunity at this late date to debate this provision. The legislation, as reported by the Committee on Banking and Financial Services, increases the legal certainty of financial derivatives by excluding them from regulation by the Commodity Futures Trading Commission. These financial instruments are used by financial institutions and large businesses to offset interest rates, foreign currency, credit and other risks. When used by qualified investors, financial derivatives can reduce risk and increase the efficiency of the economy.

In drafting the Commodity Futures Modernization Act, the House committees closely followed the recommendations of the report of the President's working group on financial markets. The working group, comprised of the Federal Reserve, SEC, OCC, and CFTC, produced its report after months of study of the derivatives market. A central recommendation of the working group was that the exclusion from CFTC regulation should be limited to financial derivatives. Financial derivatives are based on underlying commodities of infinite supply, such as interest rates.

CFTC Chairman William Rainer elaborated on this distinction before the House Committee on Agriculture, and I quote,

> H.R. 4541 diverges, however, from the President's recommendations by codifying an exemption for most provisions of the Commodity Exchange Act for transactions in energy and metal commodities. In recommending an exclusion from the CEA for financial derivatives, the working group differentiated between trading financial products and nonfinancial products.

Continuing, he said,

> The CFTC has already exempted many types of energy trading from the provisions of the Commodity Exchange Act. But the exemption for energy commodities included in H.R. 4541 expands the scope.

☐ 1430

"The Commission's 1993 energy exemption is confined to parties with a capacity to make or take delivery. But this act would extend the exemption beyond those acting in a commercial capacity to encompass all eligible contract participants as defined in the bill."

In other words, the bill that the House may be asked to vote on contains an exclusion for energy products that was not recommended by the report which the House otherwise followed in drafting the bill.

Contributing to my concern is that the public and the CFTC may be handcuffed in monitoring energy derivative prices if trading that currently occurs on energy future exchanges moves to private, multilateral electronic exchanges that the energy companies themselves may own.

Given the historically high energy prices we are currently facing, I believe now is the wrong time to limit our regulators in policing fraud in the energy markets. Again the CFTC, the regulator, agrees with me on this point. Last week I received a letter from Chairman Rainer in which he wrote of the provisions in this bill.

He said, "Charging the Commission with the responsibility to police for fraud and manipulation, however, without conferring authority to right regulations where necessary, leaves the CFTC inadequately equipped to fulfill these responsibilities."

Mr. Speaker, I include for the RECORD the following letter from Chairman Rainer:

U.S. COMMODITY FUTURES
TRADING COMMISSION,
Washington, DC, September 19, 2000.

Hon. CAROLYN B. MALONEY,
Member of Congress, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE MALONEY: I am pleased to write you on behalf of the Commodity Futures Trading Commission in response to your recent letter asking for the Commission's position with respect to language in H.R. 4541 that would exempt energy and metals products from regulation under the Commodity Exchange Act.

Before addressing the specifics of the energy and metals exemptions, I would like to emphasize the Commission's support for swift Congressional action on legislation establishing legal certainty for over-the-counter financial derivatives consistent with the unanimous recommendations of the President's Working Group on Financial Markets.

However, all versions of H.R. 4541 also contain provisions that effectively exempt most forms of trading in energy products from the Commodity Exchange Act, contrary to the recommendations of the PWG. As stated previously in testimony in both the House and Senate, the Commission is deeply concerned that these exemptions are not based upon sufficient evidence to warrant their inclusion in the legislation. One of the principal factors cited by the PWG in recommending an exclusion for OTC financial derivatives was that nearly every dealer in those products is either subject to, or affiliated with, an entity subject to federal financial regulation. This cannot be said with respect to most participants in trading energy products.

The Commission also notes that the views of other agencies with responsibilities for regulating various aspects of the cash markets in energy products have not been solicited. The recommendations of the President's Working Group on Financial Markets for treatment of OTC financial transactions was preceded by nearly a year of deliberation and study by the four principal agencies of the Working Group, resulting in a consensus on treatment of those products. No such process has been undertaken by the agencies with responsibilities for various aspects of trading in energy products, and we are therefore concerned that the potential consequences of this part of the legislation have not been thoroughly considered.

While the exemption in energy products is common to all three versions of the legislation—those of the Committees on Agriculture, Banking & Financial Services and Commerce, respectively—the Commerce Committee version extends the exemption to apply to metals products, as well.

With respect to the exemption for metal commodities, the Commission has serious reservations about the extent to which H.R. 4541 would exempt these products from the CEA. In the Commission's experience, metal commodities have an unambiguous history of susceptibility to manipulation and we believe that futures and options transactions in these commodities require full regulatory oversight by the CFTC to protect the markets and their participants from unlawful practices. For example, in 1998 the Commission settled a major copper manipulation case, in which one company acquired a dominant and controlling cash and futures market position during 1995 and 1996 that caused copper prices worldwide to rise to artificially high levels. That case resulted in the offending company's paying the largest civil monetary penalty in U.S. history to that time. In fact, the President's Working Group Report explicitly stated that these markets have been susceptible to manipulation and to supply and pricing distortions and therefore recommended that they not be excluded from the CEA.

The Commission recognizes that the legislation attempts to address some of these concerns by providing the agency with anti-fraud and anti-manipulation authority. Charging the Commission with the responsibility to police for fraud and manipulation, however, without conferring commensurate authority to promulgate regulations, where necessary, leaves the CFTC inadequately equipped to fulfill those responsibilities.

While there are many important provisions of H.R. 4541 that warrant enactment, the Commission cannot recommend that the Congress move forward on those provisions unless the basic issues outlined here are addressed. The Commission is pleased to continue working with you and other interested parties to reach a satisfactory solution to these important issues.

Sincerely,

WILLIAM J. RAINER.

Mr. Speaker, I do not believe that now is the time to give big energy companies trading in energy derivative products a regulatory pass.

Let me quote and note that the commodity modernization bill is otherwise very, very important legislation for the conduct of our Nation's financial services that I support.

I urge the leadership to give this bill a full hearing in the House and not place it on suspension, and I urge my colleagues to remove the exemption for energy derivatives so that the public may know what the price is.

CORPUS CHRISTI

The SPEAKER pro tempore (Mr. QUINN). Under the Speaker's announced policy of January 6, 1999, the gentleman from Indiana (Mr. SOUDER) is recognized for 20 minutes as the designee of the majority leader.

Mr. SOUDER. Mr. Speaker, some of what I have to say here this afternoon is not going to be very comfortable to hear, and it is, quite frankly, pretty uncomfortable for me to come forth and to talk about this directly.

The poster my colleagues see beside me, and I will refer to this a number of times, is about a play called "Corpus Christi." This is representing Jesus Christ. This is the Apostle Peter, his supposed homosexual lover. This play depicts all the Apostles as the homosexual lovers of Christ.

The reason that this is of concern to me is not because the Government directly funded it, because we did not, but because through the National Endowment for the Arts we funded this theater before the play and we have continued to fund this theater after they insulted those of us who believe that Jesus Christ is our Lord and Savior. They continued to insult us by funding this theater that did this play, among others.

I want to put this in a little bit of context. We are having a tough debate right now over the Interior appropriations bill. I strongly support most of the money in the Interior appropriations bill and have been an advocate for it.

Furthermore, I want to make it clear, as I have before on this floor, that I am not a libertarian who favors eliminating the National Endowment for the Arts unless it cannot restrict itself to really funding true art.

I believe there is an important role for arts in society. In fact, I came on this floor after having led a fight in my first term to try to first eliminate the National Endowment for the Arts and then to freeze the funds. I came to this floor to say that I believe that Bill Ivey has made some progress at the National Endowment for the Arts in eliminating some of the types of performance art and in trying to direct the arts to different parts of the country.

I also said in my statement, which I will ask unanimous consent to reinsert at this point, why I believed it is important to fund the arts and why I believe that some of the charges that some of the conservatives were making against the National Endowment for the Arts had not been researched.

In fact, I went into detail on this particular play showing how the National Endowment for the Arts did not know for sure what Terrance McNally was going to produce when they funded this theater. But I did not know at the time because the National Endowment did not provide me with the information, and since then the American Family Association has, that we were continuing to fund the theater after they insulted us, after they in effect told the American people to go stick it in your ear, then we continued to fund them.

That is not progress; that is a step backwards. We are not going to buy this wink and a blink where we say, "okay, we are not going to fund the play directly. We will just fund the theater." Then we will fund the theater again. Most of these theaters are small theaters. The money moves between the plays. It is a tad too cute to convince me or anyone else that we are not funding the play directly when we are funding the stage, when we are funding the repertory company, when we are funding in effect indirectly their advertising and their overhead.

Of course they are funding the play. And to have the gall to try to imply otherwise to me and for me then to come down to this floor to defend the National Endowment for the Arts when in fact they were continuing to fund the very things that I was trying to say they had tried to clean up, I feel deceived and duped on top of trying to help them work it out.

Even that said, the conservatives in this House went to our leadership and went to our appropriators, and the gentleman from Ohio (Chairman REGULA) has stayed firm and our leadership has stayed firm with the House position to keep it at a freeze. But since the other body wants to increase the funds, we came forth with a compromise that any new funding would go to a separate fund targeted towards smaller and rural areas where there clearly is a shortage of arts dollars in America, where they do not have the resources to do the arts and put the new funding there and also ask that, in the regular NEA, that there either be a restriction that funds could not be given to these individual theaters, which we have learned we cannot do in the limitation of funds, or that there be additional reduction in the NEA direct funding from $98 million down to $96 million and that $2 million be put over into the reserve fund.

We have bent over backwards to try to come up with a compromise on this, even though many of us are so offended by the gratuitous type of art. We have said we will stand aside knowing that the majority of this body and the Senate want to increase the funds; but there has to be some kind of restriction, including the one other thing we asked for, that obscene and pornographic theater could not be funded.

The truth is we know that by banning obscene and pornographic funding that is just language, because the truth is NEA could declare that it is not obscene or not pornographic. But it is important symbolism here of what we in Congress intend the arts to be. We do not intend it to insult the majority of the American people gratuitously with our tax dollars.

This is not about freedom of speech. It is not about freedom of art. Pretty much you can do whatever you want in America. And if it is in the name of art, you do not even fall under a lot of the restrictions we have on other forms of entertainment.

So this is not about what you can do with your money. This is about what you can do with my money and the taxpayers of Indiana and the taxpayers of America's money.

There is a difference between private art that you do and then asking everybody else to fund your art. And part of what should be funded should be what is good, what is pure, what is beautiful, what we want to preserve in America, things that uplift not that tear down or insult other parts. That is not what should be publically funded. It should be more consensus art.

Obviously, there needs to be art that expresses dissent in society. And sometimes dissent eventually becomes the majority position. But it is not the job of the majority to fund with their tax dollars things that offend their fundamental beliefs in society.

I want to make a couple other points on this.

A book that made a big impression on me as I was growing up was "The Christian, the Arts, and Truth" by Frank Gaebelein, the founder of the Stonybrook School on Long Island. I read this book many years ago because many times evangelicals have not been appreciative enough of the arts. The Catholic Church has. The Jewish faith has. But the evangelicals sometimes separated themselves. And we need to be more involved.

As Gaebelein said in his book, though, "What is the function, the underlying purpose of art? What is it for? How many answers there are. Art exists to give pleasure, to edify, to represent or depict, to fulfill the artist's urge for making things, to tell us about life." He says, "This is another way of stating the criterion of durability. Art that is deeply true does not succumb to time. It stands up to the passage of the centuries."

The art we fund with public dollars should meet that standard.

Furthermore, another book that made a big impression on me was "How Should We Then Live," by Francis Schaeffer, a book on the arts and how Christians should look at the arts. And he shows how through the Reformation and through many things much of the great art and the great music in the world was created by Christians because they appreciated what was good and true and pure and things that came from our creator.

A new book, "Roaring Lambs," for which I and the gentleman from Pennsylvania (Mr. PITTS) and a number of others sponsored a musical celebration here on the Hill with a number of artists, talks specifically about the problem of Christians dealing with art. And interestingly, in this book it says that we need to have a more positive role, which I absolutely agree with, and figure out how to promote the arts because it makes our lives so much richer, it criticizes some of those, who criticize the National Endowment for the Arts for being too negative.

Now, the dilemma I face here today is I have bent over backwards, and the gentleman from Arizona (Mr. SHADEGG) who is the head of the Conservative Action Team, and the members of the Conservative Action Team, have bent over backwards to try to come up with a compromise saying we are not trying to stifle the arts, we are trying to stifle certain things that are extremely offensive to the overwhelming majority of the people and cannot stand the light of day.

So let me give my colleagues some more examples of what I am talking about.

The Manhattan Theater Club did "Corpus Christi." I already referred to that. And this year they got two more grants, not one but two grants.

Women Make Movies, and the gentleman from Michigan (Mr. HOEKSTRA) will be following me and talking about education through his subcommittee on education, showed that they got $100,000 over a 3-year period for pornographic films such as "Sex Fish," "Watermelon Woman," and "Blood Sisters." They depict explicit lesbian pornography and oral sex. They got two grants last year after they told us this was going to be cleaned up.

The Woolly Mammoth Theater Company, which staged the "My Queer Body" play, where the performer describes on stage what it is like to have sex with another man, climbs naked into the lap of a spectator and attempts to arouse himself sexually in full view of the audience.

So what did we do in the National Endowment for the Arts? We funded it this year. After they in effect funded that play, we said, oh, well, we will fund that theater. They do great art.

Now, I cannot stand here and say they funded that play because they did not. It is too cute. They gave money to the theater after they did it.

My criterion is that sometimes we do not know what a theater is going to do in advance, but if they do things that offend the overwhelming majority of the American people, they should have their money taken away or not given to them the next year. But that is not the position of the NEA. They went right back. And this is an NEA that is claiming they are cleaning it up.

At the Whitny Museum of American Art, where they had previously done this famous so-called "Piss Christ" where the crucifix was in a jar of urine and they had another porn film on "Sluts and Goddesses Video Workshop and How to be a Sex God in 100 Easy Steps," now they have a marquee for a crucifix, a naked Jesus Christ surrounded by sadomasochistic obscene imagery and many grotesque portrayals of corpses and body parts. They got $40,000 this year.

The Walker Arts Center had an AIDS artist that pierced his body with needles, cut designs into the back of another man. He then blotted the man's blood with paper towels and set the towels over the audience on a clothes line.

This theater really needs our funding. I am glad my tax dollars are going to this theater.

The Walker Arts Center, and I used to live in Minneapolis, is a tremendous contemporary art theater. But they do not need our money. And if they are going to use money that gets comingled with funds in this way, they do not deserve to get the public money.

The New Museum of Contemporary Art in New York has an exhibit with Annie Sprinkle, whose pornographic and NEA funded works have already in the past caused problems. This new Schneeman exhibit includes film footage of the artist hanging naked from ropes and engaging in very graphic sex with her partner.

Well, this is great. They got $10,000 this year to kind of thank them for their great public service.

Franklin Furnace, in New York, receives NEA funds and they usually also promote homosexuality and blast traditional morality.

In fact, the Woolly Mammoth says openly that the purpose of their theater is to challenge the established morality of our society.

I am really glad that my tax dollars are continuing to go to them. This is not a question of what has happened in the past. This is a question of what has happened this year in funding.

Now, the Theater for the New City, and I want to talk a little bit about this play in particular, they have a play that they did called the "Pope and the Witch."

□ 1445

They received $30,000 before the play and this year we funded them again. I am going to read a review of "The Pope and the Witch" that actually views it from a fairly positive way. It is actually describing some of the controversies.

I have the wrong release in front of me, but basically the thrust of "The Pope and the Witch" and the reviewer in outlining the play says that, first off, the person who wrote this play, an Italian playwright, is a Communist, a member of the Communist party in Italy, and his goal was to contradict and undermine the Catholic church in Italy. So they come to America and we fund the theater, the stage, the performers before they perform the play and then this year we go back.

So what is this play? To show a paranoic Pope who is so paranoid that when 100,000 children gather in Vatican Square, he decides that this is a plot by condom manufacturers to embarrass the Catholic church. So he goes berserk in a paranoic way. So then a nun, who happens to be a little witch dressed up in a nun's outfit, kidnaps the Pope. They give a heroin needle, an insertion into the Pope whose head then clears up and he starts to distribute free heroin needles, advocate the legalization of drugs, and promote the distribution of birth control throughout the world now that the witch has helped him understand that drugs are a positive influence and birth control is a positive influence.

I am sure glad that our tax dollars are used to fund a theater that puts out something that bigoted against the Catholic church of the United States. Can you imagine if any theater in America did anything that bigoted against African Americans, against Jews, against many groups in America, but it is still okay to pick on and discriminate and insult Catholics who believe the Pope is a direct lineage from the original apostles and speaks for the Church and for God. That is okay. That is okay to give money to those theaters.

Now, Republicans and Democrats in this body and the Presidential candidates in both parties are busy saying, "Hollywood's bad. We need to clean up Hollywood. They have terrible things on TV." You heard me describe some of the terrible things that we are indirectly funding, the stages, the actors, the promotions, the lights, the overhead in these theaters with your tax dollars. Hollywood's dollars are their own. I want to clean up Hollywood, too. But how dare Members of Congress stand on this floor and in particular in the other body and say Hollywood is bad when we fund this here. How can you do that? Will the American voters look at us and say, "Man, you guys aren't very consistent there"?

We really do need to clean up America. People have a right to free speech. We can try to advocate what to do in the free speech arena, but we do not have to fund the speech. The court has already ruled that an artist does not have the right to be publicly subsidized. That is a privilege, not a right. It is something to build on, to uplift, to preserve. We have theaters and art museums and philharmonics that are drowning because they do not have enough money. We have places all through the Midwest and the West and the Plains and the South and little cities and little towns that need art funding.

But, no, we give it to these places that insult our basic values in America. It is beyond and it defies belief how those people can defend this type of funding. I hope that before the Interior bill comes to the floor, a few people can see the light of day and work with our House leadership that has been steadfast in trying to work with rules. We have held out a compromise. We are not asking to eliminate NEA. We are not asking to cut NEA. We are actually willing to put more money into arts.

But I stand here before you and say there is nothing more important in my life than God. People can mock that. They can disagree with me. But if it was not for Jesus Christ, I believe that I would be lost. And I have a right to not have my tax dollars and my government do gratuitous insults to everything I believe, making my Lord and Savior a homosexual who is having affairs with the apostles when there is no historical evidence, when it is made up merely to rub it into my soul, so to speak.

As a Catholic, you have the right not to have your tax dollars insult the Pope and undermine him directly or indirectly. I am not arguing it is directly. I am arguing it is indirectly. I will make this point again. Do not play games with us. You will hear people stand up in the coming debate most likely and say that these things were not direct funded. I did not assert that they were direct funded. What I asserted was these are mostly repertory theaters. I am a business person. I understand the difference between variable, fixed and mixed costs. When you get a grant, some of that grant goes directly for the play, some of it goes to cover the overhead of the theater and some of it goes to cover what they call mixed costs that vary some with the thing. When you only have four plays in a season and we fund one of them, it is a disproportionate covering of your cost. Do not play games and tell the American people you are not funding these kind of plays. If you fund those theaters, you are funding those kind of plays.

We need the arts in America. We need the National Endowment for the Arts to stand up and say there is good art. We need to promote good art. We have a program called FAME in northeast Indiana that gets some NEA funds, where school kids all over our district in high schools, elementary and junior high kids touch into art and produce good and beautiful art. They do not produce the type of obscene things that we are funding here. Why do we not fund that? We fund the first chair in one of our philharmonic positions in the Fort Wayne Philharmonic so they can go out and teach music in the school and it helps our philharmonic to have a stronger first chair. That is a good use of art.

Why do we have to fund a homosexual Christ? Let them find the funding for that. If that theater wants to challenge the principles and the foundations upon which this country is and insult the religious beliefs of the majority of America, let them go raise the money to do it. Why do they have to get public money?

Members can tell I am very frustrated. It is hard for me to do this, because I have a number of things I have worked very hard for in this appropriations bill. We have worked hard for weeks to come up with a compromise. I am very disappointed that we are at this point where not only did the other body say that they would not even consider our last offer but then went and tried to blame it on the Conservative Action Team. A press release went out saying the Conservative Action Team signed off on this. We did not. The gentleman from Arizona (Mr. SHADEGG) has written the gentleman from Ohio (Mr. REGULA) about that. The leadership understands it. They are trying to address that. But misinformation went out and when we tried to work out an agreement that I have defined here, they turned that on us.

It is very frustrating. I am sorry that I have been so upset. I am sorry even that I had to read some of the graphic materials that I did. But sometimes as a Congressman, even if it is not in your best interest, you have to say, am I so compromised that I am unwilling to speak about things that matter most to my soul, matter most to my life? And am I so worried about every grant that I might get in some appropriations bill or that I might tick somebody off if I say these kinds of things, or that there might be retaliation later that I will not even speak out for the things that are most important to me, most important to my family, and that is my Lord and Savior.

I stand here today as someone who worked hard to come up with a compromise with others and I am deeply disappointed at the attitudes. I hope people will be held accountable and you will not let them off by trying to do a slide or by trying to say Hollywood is bad when we in fact are funding this type of activity indirectly through the Federal Government.

EDUCATION IN AMERICA

The SPEAKER pro tempore (Mr. QUINN). Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for the remainder of the 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, today I want to talk about education. I want to talk about the Department of Education. I want to spend a little bit of time talking about our kids. And I want to spend a little bit of time talking about where we go from here.

The fastest growing program on our college campuses today is not computers, it is not high tech, it is not science and math. It is not foreign language. It is not political science. The fastest growing program on college campuses today is remedial education. It means that our young people who are graduating from high school are entering college without the basic skills necessary to complete the work in their colleges.

We have been embarked on a program where we have had the opportunity to go around the country and visit 20 States and talk to educational leaders. In some of these hearings, we have had the opportunity to listen to our college presidents and deans on our college campuses. They came in and they said, "The most important thing you are doing for us, and make sure you don't decrease, as a matter of fact, make sure you increase funding for it, is increased funding for remedial education." After I heard this a few times, it is kind of like, you ask the question, you say what do you mean, what do you need remedial education dollars for on our college campuses? These are some of the best schools in America and you have got standards for the young people coming in. And they said, "Yes, but we've got a lot of people who we are admitting who are not functionally literate at an eighth grade level in reading, writing or math."

So the comment then became, we need the money to bring these kids up to the basic levels, and we forgot to ask the first question, which is, why are you not engaged with the people at the K–12 level to solve the problem at the K–12 level rather than accepting that as a condition and saying, "We're now going to see this as an opportunity for growth, to grow our programs on college campuses." But it is a symptom that says, we are not doing a good enough job at the K–12 level.

Another symptom is outlined in a document that has been prepared, it is called America's Education Recession. It outlines a couple of things that we need to be concerned about. It says that our young people not only as they enter college do a number of them need remediation, but it also says that when you test our kids at the 4th grade, 8th grade and 12th grade levels, they are not at grade proficiency, meaning they are not learning what we have expected them to learn by the time they are in the grade where we are testing them.

In America's highest poverty schools, 68 percent of fourth graders could not read at basic level in 1998 as measured by the National Assessment of Educational Progress. Students scoring below the basic fourth grade level were unable to read a simple children's book. That is our fourth graders.

The problem is that we see that in math as well as in reading. So we know that the fastest growing programs in our colleges are remediation. We know that our kids are not testing well when it comes to basic proficiencies. The question then comes up, how well do our kids perform when we compare them to international standards? Or how well do our kids measure up to kids in other industrialized countries? What we find is in study after study, our kids do not measure up. In the math and science area, the Third International Math and Science Study, we compared American students with other students in industrialized countries. In math and science, we score 18 out of 21.

Who scores higher? The Netherlands, Sweden, Denmark, Switzerland, Iceland, Norway, France, New Zealand, Australia, Canada, Austria, Slovenia, Germany, Hungary, Italy, the Russian Federation, Lithuania, the Czech Republic, and then we have the United States. We are seeing enough symptoms that are saying we do have an education recession in America. An education recession does not say that all of our kids are doing poorly. What it does say is that we are leaving too many of our young people behind and we are leaving them behind in an area where we cannot afford to leave any child behind.

We have to have every young person in America developed to their fullest potential. We cannot afford to leave any child behind. Not only can we not afford it, but more importantly it is not the right thing to do. The right thing to do is to make sure that every one of our young people has the opportunity to succeed through the learning process.

As chairman of the Subcommittee on Oversight and Investigations for the Department of Education, we have had the opportunity to travel around the country to gather these statistics but also to take a look at educational programs that work and educational programs that do not. I will talk a little bit about those a little bit later, but going out into the grassroots and taking a look at our kids, our schools, our teachers and meeting with administrators and parents, we see lots of exciting things happening in education. But I am also tasked with taking a look at what is going on in the Department of Education, and is the Department of Education fostering innovation? Is the Department fostering excellence in our educational system?

□ 1500

In some cases, it is a barrier.

If we take a look at this chart right here, it does again give us some reason to be concerned. The title of the chart is "Show me the money." The problem is that we in Congress allocate and appropriate money to the different agencies. One of those agencies is the Department of Education.

The Department of Education, let me just scale it for you, is about a $40 billion agency. That is how much we give the Department roughly each and every year to help administer and to help our kids at a local level achieve their educational goals. In addition to that, they manage a loan portfolio of about $100 billion. So it is about a $140 billion agency.

The disturbing thing is that for the last 2 years, this agency has not been able to get a clean audit from the independent auditors that come in and take a look at this agency, look at its numbers, look at its policies and procedures to determine whether how they report the money being spent is actually the way that the money is spent.

They said, we looked at your books, we looked at what you said, we looked at your procedures, and, by taking a look at your procedures, we have reached the conclusion that we do not have a high degree of confidence that what you are reporting is actually the way that the money is being spent in the Department of Education. You have failed your audit.

The disappointing thing is that the Department of Education is one of only nine significant organizations in the Executive Branch that has been unable to get a clean audit. Other departments include the Department of Treasury, the Department of Justice, the Department of Defense, the Department of Agriculture, EPA, HUD, OPM and AID. Nine agencies cannot get a clean audit.

I came from the private sector, and I agree with something that the Vice President said in 1993, in a book that he prepared, he said creating a government that works better and costs less. It is a report of the National Performance Review, authored, or at least given credit to, by Vice President GORE. In this document he says, "In other words, if a publicly traded corporation kept its books the way the Federal Government does, the Securities and Exchange Commission would close it down immediately." It would close it down immediately.

Now, we are not going to do that with the Department of Education. We cannot do that with the Department of Education, and we do not want to do that with the Department of Education. But I do believe it is time for this Congress and I believe it is time for the American people to demand some accountability for the $40 billion, some of the most important money that we spend in Washington, to demand some accountability to the Department of Education and say where is that money going and how are you spending it?

We do know that in an environment where the auditors say we cannot give you a clean audit, we do know that in the private sector, that sends off the red flags and sets off the alarm bells, and it says there is a reason to be concerned here, because if they do not have the proper procedures or they do not have the proper control mechanisms in place, what you have done is created an environment that is ripe for waste, fraud and abuse.

So over the last year we have gone back, along with General Accounting Office and the Inspector General at the Department of Education, and said is there any waste or fraud within the Department of Education? Help us explore what is going on within the Department of Education, to let us know whether there are examples of waste, fraud and abuse.

The disappointing thing is the answer has come back a resounding yes. Let me give you some examples.

The first one is not a big example, except that it dramatically impacted the lives of 39 young people in America. Congratulations, you are not a winner. As taxpayers in America and as the Federal Government, we have decided we are going to reward young people who excel by giving them a Jacob Javits scholarship, which pays for 4 years of graduate school. It recognizes their achievement and it recognizes the achievement of their undergraduate schools in preparing them for graduate work.

Earlier this year we notified 39 young people that they had won the Jacob Javits scholarship. Two days later, after these kids were excited, called home, called mom and dad and said, "Hey, we won, isn't that great." I just dropped my daughter off at college this fall and I can tell you how excited I would be if I knew she had won a 4-year scholarship. Parents were excited, the undergraduate schools were excited because it recognized they had been successful and they were being recognized for their contributions and their success. The only problem was, 2 days later the Department of Education had to call them back and say, sorry, we called the wrong 39 young people.

Failing proofreading. In September 1999, remember, this is an agency that has a $100 billion loan portfolio, they send their forms out where kids apply for additional financial aid. 3.5 million forms printed, 3.5 million forms printed incorrectly. The taxpayers in America, young people, lose $720,000.

Dead and loving it. The Department of Education, when they give loans, they recognize if a young person becomes disabled or if they pass away, that it would be unrealistic for us to expect to collect on that loan. We forgave $77 million in student loans. That is good news for those young people. It is even better news when they recognize that they were not disabled and they had not died.

A theft ring within the Department of Education. Because they did not have the proper controls in place, they had a purchasing agent who could order electronic equipment, including a 61-inch color TV, including Gateway computers, including VCRs, printers and the like, ordered $330,000 worth of equipment. She could certify that the materials had been received at the Department of Education, certify that they should be paid for. Only one problem, they were not delivered to the Department of Education, they were delivered around to individual homes around the Washington, D.C. area. All done through the phone guy. What was in it for the phone guy? The phone guy got paid $660,000 for overtime that he did not work.

We provide one other program that says we are going to help school districts that have a big Federal installation that kind of eats up their tax base, we call it Impact Aid. Again, because we do not have the computer security in place, this summer, when a school district was supposed to receive its Impact Aid funds, we had someone, we are not quite sure because it is still under investigation, but what we do know is $1.9 million did not go to two schools on Indian reservations in South Dakota, but it went into personal accounts here in Washington, D.C., and in this case they were caught by the car guy.

The car salesman caught this, because an individual went in to a Chevy dealer here in Maryland, and they wanted to buy a Corvette. The alarm bells went off for the car salesman, because he did a credit check on the person buying the Corvette. The credit check did not balance out. The guy called the FBI, and, rather than getting a Corvette, the person trying to buy the Corvette ended up with a date with the FBI. That is how we found out; not through the procedures at the Department of Education, but because the car guy called the FBI and said this does not check out.

All of this is in a context today where we recognize we want to invest in our kids.

I am glad to see my colleague from Wisconsin has joined us.

Again, I am saying we do not want to not invest in our kids, but what we are saying is if we are going to invest in our kids, or if we are going to invest in other areas, whether it is in Treasury, Justice, Defense or Agriculture, let us make sure there is accountability. We need to make sure that when an American taxpayer sends their money to Washington, that we hold that money in trust for them and we spend the money wisely.

I will yield to my colleague from Wisconsin to talk a little bit about where we are going with spending programs, and perhaps some areas where we have some concerns.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding. I notice the gentleman is here talking about how a lot of the money coming to Washington through our Federal tax dollars is getting wasted, it is getting misappropriated, there is actual fraud involved. So I thought that would be a fitting topic to discuss, what is the future?

As we go into this coming election, it is very important, as we look at the waste, the fraud and the abuse, of how our taxpayer dollars are being spent here in Washington, it is important to take a look at what our two Presidential candidates are proposing with respect to spending the surplus from now for the next decade when they actually are in the oval office.

I think it is important that we note, there is a huge surplus. It is not just a Social Security surplus. We have a giant non-Social Security surplus, almost over $5 trillion, coming into Washington over the next 10 years. As we take a look at this surplus, we are going back to our districts, talking to our constituents. When I go home to Wisconsin, my constituents tell me, first pay off the national debt, stop raiding the Social Security trust fund, fix the problems we have with Medicare, and if we are still overpaying our taxes, make sure we can have some of our money back, rather than spending it on new money in Washington.

These are the priorities that I am hearing as I am traveling back, and I think a lot of people are seeing this around the country.

Mr. HOEKSTRA. If the gentleman will just yield, I think you are helping us get the language right. A lot of people in Washington are talking about this as a Washington surplus, meaning that this is Washington's money. I think the gentleman has been very careful to point out this is not a Washington surplus, but this is a tax surplus. We are collecting more in taxes than what we need to run the Federal Government, so this is an overtaxation. This is not just Washington's money.

Mr. RYAN of Wisconsin. That is right. It is not Washington's money, it is America's money. As we take a look at this, let us take a look at the two different proposals being pushed right now by the two different Presidential candidates. I have here sort of an apples to apples comparison of the Gore budget and the Bush budget plan for America, should either of these two men become President of the United States.

When you take a look at the Gore budget, and this chart shows the surplus dollar, how each candidate plans to divide up every dollar of surplus coming from taxpayers to Washington. Well, it is not a question of whether you cut taxes or pay down the national debt; it is now a question of whether you cut taxes or spend the money in Washington.

Take a look at the pie over to my right, which is the Gore budget. Of every single surplus dollar, Vice President GORE is proposing to spend 46 cents, 46 cents of every surplus dollar coming from income tax overpayments, to be spent in Washington on new government programs on these Federal agencies. That is compared to George Bush's plan to spend 6 cents, 6 cents, of every surplus dollar in Washington on other programs here on Federal agencies.

It is a huge difference. It is $2.1 trillion, about half of the surplus, the Vice President is proposing to keep in Washington and spend on government agencies, compared to Governor Bush's plan to spend $278 billion.

But it goes beyond that. Mr. Bush has often been criticized for not paying down the debt. Nothing could be further from the truth. If you take a look Governor Bush's plan, he is actually dedicating 58 cents of the surplus dollar for the next 10 years towards shoring up Social Security and Medicare and paying off our national debt, to the tune of we will pay off the national debt in 12 years.

Vice President GORE? He says not so much should go to debt reduction, Social Security and Medicare. He wants to dedicate 36 cents of the surplus dollar toward those goals.

Where is the difference? Mr. Bush is proposing 29 cents of our surplus dollar to go back to the people it came from, the taxpayers; by eliminating the marriage tax penalty, by eliminating the death tax, by making health care more affordable through health care tax cuts, those kinds of things, making the tax code fairer for all Americans.

The Vice President is proposing a net tax cut of 7 cents, meaning Americans are projected to send a lot of extra money over to pay their taxes for the next 10 years, to the tune of about $5 trillion. The Vice President is saying, let us give them 7 cents on the dollar back, and we will keep the money in Washington; 46 cents we will keep and spend, we will dedicate 36 cents to paying off the debt, shoring up Social Security and Medicare.

It is a completely different vision than what Governor Bush is proposing. He is saying his number one priority in the budget, pay down the debt, shore up Social Security and Medicare. Then, if people are still overpaying their taxes, give them their money back by reducing their tax bite. Take less out of the paychecks in Washington, rather than spending the money in Washington, which is precisely what Vice President GORE is proposing.

If you take a look the sum of the totals, as we examine these Federal agencies, the waste and the fraud and abuse that is occurring in these Federal agencies, Vice President GORE wants to fuel the flames. He wants to spend $2.1 trillion of the hard-earned surplus in Washington on new programs and other Federal agencies.

□ 1515

Compared to Bush's proposal to spend $278 billion. So it is not a question of paying off the debt or cutting taxes. It is a question of paying off the debt, reducing taxes, or spending the money in Washington. And I think if our constituents were faced with a choice of, after we pay off the debt, do we want to keep the money in Washington or do we want to have it back in our pocket, we think the people want to have it back in their pocket, and that is what the Bush plan is.

Mr. HOEKSTRA. Mr. Speaker, reclaiming my time, we have been joined by the gentleman from Colorado (Mr. SCHAFFER). Put the chart back up that talks about the 6 cents in new spending that Governor Bush is talking about versus the 45 cents that the Vice President is talking about. The one thing that I think we have recognized, and the gentleman from Colorado served on the Subcommittee on Oversight and Investigations with me, we believe that there is tremendous leverage in the money that we are already spending, that there are ways to reform the way that we are spending the money.

Again, as an example, the Department of Education could get much more of a bang for our buck. And maybe the gentleman from Colorado would care to comment on some of the reforms that we are proposing, besides just being able to audit the books. I would think that just by having a clean set of books and knowing where our money is going, we could leverage significantly. But also the programs and the plans that we have, Straight A's, Dollars to the Classroom, regulatory flexibility.

I yield to the gentleman from Colorado.

Mr. SCHAFFER. Mr. Speaker, spending the money that the taxpayers send to Washington more wisely is always a goal, and a goal to which Republicans seem to be more deeply devoted to than our friends on the Democrat side of the aisle. We can see that from the budget suggestions made by the two presidential candidates. Vice President GORE would propose to spend more money. We contend that we can meet many of the needs that the Vice President has in mind, but we can do it not by spending more of the people's money; we can do it by spending the money we currently do spend more wisely, and spend it in a way that is much smarter.

Before I get to some of the specifics on how we can do that in education, I want to point out the overall impact, not just on how we divvy up these two equivalent pies of projected surplus revenue, but there is also a secondary impact we have to consider and that is the impact on the economy. Because spending more and more money in Washington, D.C., really is not the best way to stimulate positive economic growth. That is really the second part of the story.

The point is the tax relief. If we really can reduce taxes on the American people by 29 cents, versus the measly 7 cents that the Vice President has proposed, what we know is that Americans do something better than government with money. They spend it wisely. They invest it wisely. They create more jobs. They create more wealth. And that is what we learned throughout economic history in America.

Tax relief actually allows us to pay down debt more quickly and allows us to do it in a more powerful way where Americans enjoy more freedom. So we want to do what Americans do all the time with their family budgets, and that is count every penny.

The gentleman mentioned the U.S. Department of Education.

Mr. HOEKSTRA. Mr. Speaker, I was going to mention, and neither one of my colleagues here today were here in 1993. I had the pleasure of serving my first year here in 1993, and other than that little blue sliver that is on the Gore plan of tax relief of 7 cents, the rest of it or the biggest chunk of it looks very much like the Clinton plan of 1993.

If my colleagues remember, if they were watching Washington, one of the most sought-after committees in 1993 was Committee on Public Works and Transportation, because the President came in and said we are in an economic crisis here. We have got to what? We have got to raise taxes so that there is more money here in Washington, and then we have to spend it because we can spend is more wisely.

I think there is a quote to that effect in Buffalo.

Mr. RYAN of Wisconsin. Mr. Speaker, if the gentleman would yield, I am very familiar with this quote because I think it goes to the different philosophies that are being represented here in Washington.

Two weeks after the President came right behind the gentleman there and gave the State of the Union address last year, where he talked about how we are going to use the government surplus, he went to Buffalo, New York, and talked to a packed crowd of tens of thousands of people. He said, with respect to the government surplus, the people's surplus, he said, quote, "We could give you your money back, but we would not be sure that you would spend it right," end quote.

Well, therein lies the philosophy. The people's money is spent right, so long as they spend their own money. The belief here in Washington, shared by President Clinton and Vice President GORE, is that we here in Washington know how to spend the people's money better than they do. There is a different school of thought; there is a different philosophy which we share that people know how to spend their own money better. People know how to take care of their children, their grandparents, their parents much better than some distant bureaucrats in Washington do.

So these two pie charts here, the visions, the blueprints about how to divvy up the surplus, they are more than just numbers, more than just budgets. They are twin visions. They are two different visions.

The Gore vision here on how to treat the surplus is to spend the bulk of the money in Washington. Spend the bulk of our families' budgets in Washington on more programs, on more agencies so that Washington can try and come up with a solution to solve the problems in our lives.

The different vision, the Bush vision proposed in the Bush plan is to pay down our debts so our children and grandchildren can inherit a debt-free Nation from our efforts. And as people are still overpaying their taxes, here is the critical part, do not think that Washington can spend money better than people can. Give people their money back and make the Tax Code much more fair and simpler so that they can move on and live and grow businesses and raise their families.

So the vision here is very stark. It is very different. The Gore vision: spend the money in Washington, keep it in Washington, pay off the debt at a slower pace. If we actually add these numbers up, this $2.1 trillion spending increase that the Vice President is proposing, it is the largest proposed spending increase in the Federal Government in 30 years. Not since Lyndon Johnson has a spending increase been proposed. It is so large that if we add it all up, it forces the Vice President to go and raid the Social Security trust fund by $906 billion. He spends so much money, it is over $906 billion.

The answer then is either dip into Social Security or raise taxes if we want to satisfy all of the Vice President's spending desires. That is not what the Bush plan is doing. That is not what we are trying to get done. Pay off the debt, shore up Social Security and Medicare, and as people are continuing to overpay their taxes, give them their money back rather than spend it on new programs in Washington. That is the difference in visions that these two alternatives present.

Mr. HOEKSTRA. Mr. Speaker, again reclaiming my time, I think my colleague from Colorado is going to talk a little bit about the difference in vision on education, which I think is very much the same thing. What we see here in front of us is one that is a Washington-based plan versus one that says we are going to take care of business here in Washington, which is paying down the debt.

But other than that, we are going to give the money back to the American people who sent it here in the first place. We are going to trust them. I think it is very similar to the differences that we have here envisioned in where we are going to go with education.

Mr. Speaker, I yield to the gentleman from Colorado.

Mr. SCHAFFER. Start with our Dollars to the Classroom philosophy and the legislation that we have pushed as one of our top education priorities and let us use that example by comparing how an American taxpayer would spend their money versus how Washington currently spends its money on education today.

If a taxpayer, who is represented by the blue sections of the chart, and where we think surplus money ought to go, versus the Vice President, which is next to nothing, let us suppose that taxpayer would want to budget that tax savings for a new washing machine. That family would expect that 100 percent of the money they budget for the washing machine would go to the actual purchase of the washing machine.

But in Washington when we say education is a high priority, somehow people in Washington are just content to see only 60 percent of the money budgeted for education actually ever make it to a classroom. Now that is a huge distinction in how Americans view fiscal responsibility versus how government views fiscal responsibility. Republicans have a different way.

Clinton and GORE, they have been in the White House now for 8 years. They have had their opportunity to try to use the money that the Americans have sent here and spend it wisely, and we share their sincerity that we want to help children. But we are not for all the waste that for 8 years they have been willing to endure and sustain.

Sixty percent out of every education dollar is all that makes it to a child's classroom. Our goal is to tell the Department of Education, "We do not care how difficult it is. We do not care about your silly rules, your silly regulations, your old ways of doing business, the status quo over there in that nice office building. We demand that 95 percent of every dollar spent on education get to a child, get to a classroom. We will give you the 5 percent for overhead and administrative costs." That is what most other charities spend for overhead. The Federal Government ought to be held to the same standard that Americans insist on on a day-by-day basis.

Wasting cash, hemorrhaging money, maybe that is the way the Clinton-Gore regime is inclined to spend money and they feel comfortable with that. We have a different way, and we are fortunate that we have a governor in Texas that has shown real leadership and he will join us, given the opportunity.

Mr. Speaker, I yield back to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I think we know how and why we lose 45 to 60 cents when we create a program here in Washington. There have been hundreds since we have been here. They were here when we got here, but there are hundreds of programs.

We have to tell a local school district that, hey, we have a program for this to buy computers, a technology program. So we pass a program. The Education Department has to notify these school districts. These school districts then have to apply for the money. So they have to go through the process of filling out these forms. We then have the people within the Department of Education who sort these applications out and say this group over here gets them and, sorry, you do not. So we send a check to this local school district.

That local school district then has to track that money. So if it is coming in for technology, they have to segregate that money, they have got to make sure that it is spent on computers and nothing else, technology. They then send the forms back to the Department of Education and say, yes, we spent it on exactly what this program was for. And then the Department of Education knows that they cannot trust those people at the local level, so they send their auditors in to make sure that the way the money was reported spent is actually the way the money was spent.

It is kind of interesting, I have talked to some of my school districts who have gone through an audit by the Department of Education. They say it is absolutely brutal. They have to document every penny, every dime, and all of this. And these are the people that know our kids' names. And they are going through this process when we have a Department of Education that cannot keep its own books here in Washington.

Mr. SCHAFFER. Mr. Speaker, it is an unfortunate tragedy that in 1998, the U.S. Department of Education could not audit its books. We are concerned now about the inability of the Department to pass an audit of their Department. But in 1998, the books were so poorly managed, the finances were so badly mismanaged, that they could not even audit the books. The documents were not even in an auditable state, let alone letting us get to the point of finding out where the money really went.

We have managed to improve things slightly, only so that we know now that the U.S. Department of Education fails those audits when we can actually sit down and add the money up.

So our goal is for financial accountability and responsibility. We want to manage the funds that are spent today. If we can get that 40 cents back that today is squandered and wasted and misdirected away from children's classrooms, we do not need the new spending. We can actually increase the amount of money spent on children without increasing one dime, the amount of money budgeted for education, just by cutting out the waste fraud and abuse in the Department of Education.

Mr. RYAN of Wisconsin. Mr. Speaker, I have an education advisory board which consists of parents, teachers, school board members, administrators, superintendents from all around southern Wisconsin; and I am always asking them for ideas, asking them what kinds of reforms do they think Washington needs to make their job better, to help them improve the quality of education in southern Wisconsin.

Does my colleague know what they always say? Get off of our backs. The fact that Washington only sends 6 cents of the education dollar that is spent on education in all of our school districts, but promulgates over 50 percent of the regulations is astounding. Six cents on the dollar come from Washington; 94 cents on average are coming from local property taxes and local and State money. Yet over half of the unfunded mandates are imposed from Washington on our local school districts.

What astounds me is that just in my area of Wisconsin that I come from, we have school districts that have very interesting and unique problems. Racine, Wisconsin, has school district problems that are so unique to those in Beloit, Wisconsin, or those in Janesville, Wisconsin, but let alone the problems that may exist in Harlem or in Los Angeles or in New Mexico. In this kind of country, in a vast and differing Nation, to subject our school districts to one-size-fits-all, cookie-cutter solutions where we give them a little bit of the money, but all of the mandates. It is strangling our schools and strangling innovation.

I see that we are running out of time, but I think it is very important to point out they do not have all the answers in Washington. And in fact when we try to inflict these answers on our local school districts, we are doing more harm than good in many cases.

□ 1530

Mr. Speaker, I thank the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Colorado (Mr. SCHAFFER) for joining me this afternoon. I mean there are two different visions here; there is a Washington-based vision and there is a local vision. We are focused on the local vision.

REGARDING UNSUBSTANTIATED SENSATIONAL ALLEGATIONS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. WAXMAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. WAXMAN. Mr. Speaker, as Members of Congress, we have a responsibility to exercise oversight over a wide range of issues. This is one of our most fundamental obligations, and it includes investigating potential problems, both in the executive branch and the private sector.

Mr. Speaker, along with that responsibility comes extraordinary power. We have the power to require citizens to come before us and respond to detailed questions about their lives. We have the power to require citizens to provide us with their most sensitive personal information, including their bank records, telephone logs and diaries.

And when we make allegations about the conduct of citizens, our statements are broadcast on television and radio and printed in newspapers all across the country. We thus have the power to permanently tarnish individuals' reputations. So it is essential that when we fulfill our responsibilities to investigate, we investigate responsibly and be accountable for what we do.

When we make a serious charge about an individual's conduct, we should be certain of the accuracy of our accusation. If we later learn of information that refutes that charge, we ought to correct the record. And when we harm individuals by making charges that are wrong, we ought to apologize.

Wen Ho Lee has been in the news a lot recently. Many Members of Congress have been justly critical of the irreparable damage that has been done to his reputation. No one should be subject to unfounded smears by government officials. But, unfortunately, over the past several years, a pattern has emerged in which Members of Congress have done just that.

Members of Congress have repeatedly made sensational public allegations against individual American citizens. Many of these initial allegations have received widespread coverage in the media. Further investigation, however, often has shown that the allegations are unsupported by the facts. And when the facts eventually do emerge, the news media inevitably gives little attention to the truth, and the public record is rarely corrected.

Let me give you an example: In June 1997, former Representative Gerald Solomon, the chairman of the House Rules Committee claimed he had "evidence" from a government source that John Huang, the former Commerce Department official and Democratic National Committee fund-raiser, had "committed economic espionage and breached our national security."

This allegation of espionage was very serious. It amounted to a claim of treason, the most serious accusation that can be brought against an American. It was reported on national television and in newspapers across the country.

But it turns out that that allegation was based on nothing more than gossip at a reception. When the FBI interviewed Mr. Solomon about this allegation, he told the FBI that he was told by a Senate staffer at a Capitol Hill reception that the staffer "received confirmation, that 'a Department of Commerce employee had passed classified information to a foreign government.'"

According to the FBI interview notes, the Senate staffer did not say that the employee was John Huang, nor did he say that information went to China. Representative Solomon did not know who the staffer was.

In a second interview with the FBI, Representative Solomon recalled that what the staffer said to him was, "Congressman, you might like to know that you were right there was someone at Commerce giving out information."

Again, in this interview, Representative Solomon told the FBI that he did not know the name of the staffer who made this comment. In fact, the only way Mr. Solomon could identify the staffer was to describe him as "a male in his 30s or 40s, approximately 5 feet, 10 inches tall with brownish hair."

Mr. Speaker, here is another example: In June 1999, Representative DAN BURTON issued a press release accusing Defense Department officials, including Colonel Raymond A. Willson of attempting to tamper with the computer of a committee witness, Dr. Peter Leitner, of the Defense Threat Reduction Agency, sometimes known as DTRA.

Mr. BURTON alleged, "While Dr. Leitner was telling my committee about the retaliation he suffered for bringing his concerns to his superiors and Congress, his supervisor was trying to secretly access his computer. This smacks of mob tactics." He further commented, "George Orwell couldn't have dreamed this up."

But Colonel Willson did not tamper with Dr. Leitner's computer; both the committee and the Air Force Office of Special Investigations conducted investigations and found that Colonel Willson had done nothing improper.

It turns out that the incident at issue was nothing more than a routine effort to obtain files in the witness' computer that were necessary to complete an already overdue project.

I regret to say that I am unaware of any public apology by Mr. BURTON or Mr. Solomon for making these sensational allegations about Colonel Willson or Mr. Huang.

Now, it is true that Mr. Huang has admitted involvement in conduit campaign contributions between 1992 and 1994, but Members of Congress should be accountable for their allegations regardless of whether the individual targeted has committed other wrongdoings.

There have been many others who have been the target of unsubstantiated claims by Members of Congress, and who have yet to receive a public apology. Many of these allegations have focused on individuals in the administration. I believe that this pattern reflects a significant abuse of the serious powers that have been entrusted to us.

I asked my staff to compile a report on unsubstantiated sensational allegations that have been made over the past few years. This report describes 25 of the most widely publicized of such allegations, as well as the facts that have been uncovered regarding the allegations.

Mr. Speaker, I will enter this report into the RECORD at the conclusion of my remarks.

I would like to take this opportunity today to set the record straight about at least some of the many wild claims that have been made.

One of these allegations involves a very sad incident in 1993, in which Deputy White House Counsel Vince Foster was found dead in a nearby park. In 1994 and 1995, Mr. BURTON suggested numerous times on the floor of the House that Mr. Foster had been murdered and that his murder was related to the investigation into President and Hillary Clinton's involvement in the Whitewater land deal.

Mr. BURTON's allegations have been repeatedly repudiated.

On August 10, 1993, the United States Park Police announced the following conclusions of its investigation: "Our investigation has found no evidence of foul play. The information gathered from associates, relatives and friends provide us with enough evidence to conclude that Mr. Foster was anxious about his work and he was distressed to the degree that he took his own life."

On June 30, 1994, Independent Counsel Robert Fiske issued his report stating that "the overwhelming weight of the evidence compels the conclusion that Vincent Foster committed suicide."

More recently, on October 10, 1997, Independent Counsel Ken Starr concluded "the available evidence points clearly to suicide as the manner of death." No further statements have been made by Representative BURTON who made the allegation of foul play or murder.

Let us turn to another allegation. In June 1996, Representative BURTON claimed that the White House had improperly obtained FBI files of prominent Republicans and that these files "were going to be used for dirty political tricks in the future."

Committee Republicans also released a report suggesting that the files were being used by the Clinton administration to compile a "hit list" or an "enemies list." Just yesterday, a Member of the Republican House leadership again referred to this charge on a nationally syndicated radio program, but these allegations have been thoroughly investigated by the Office of the Independent Counsel and repudiated.

The Independent Counsel had been charged with examining whether Anthony Marceca, a former White House detailee, senior White House officials, or Mrs. Clinton had engaged in illegal conduct relating to these files.

According to the report of the Independent Counsel Robert Ray in March 2000, "neither Anthony Marceca nor any senior White House official or First Lady Hillary Rodham Clinton engaged in criminal conduct to obtain through fraudulent means derogatory information about former White House staff."

The Independent Counsel also concluded that "Mr. Marceca's alleged criminal conduct did not reflect a conspiracy within the White House," and stated that Mr. Marceca was truthful when he testified that "no senior White House official, or Mrs. Clinton, was involved in requesting FBI background reports for improper partisan advantage."

The next allegation I am going to describe has occupied the House Committee on Government Reform for the past 4 years. Beginning in 1996, Representative BURTON and other Republican leaders suggested that there was a conspiracy between the Chinese Government and the Clinton administration to violate Federal campaign finance laws and improperly influence the outcome of the 1996 Presidential election.

In a February 1997 interview on national television, Mr. BURTON stated if the White House or anybody connected with the White House was selling or giving information to the Chinese in exchange for political contributions, then we have to look into it, because that is a felony, and you're selling this country's security, economic security or whatever to a Communist power.

Then on the House floor in June 1997, Representative BURTON alleged a "massive" Chinese conspiracy. He said we are investigating a possible massive scheme of funneling millions of dollars of foreign money into the U.S. electoral system. We are investigating allegations that the Chinese Government at the highest levels decided to infiltrate our political system.

Although the House Committee on Government Reform to date has spent 4 years and over $8 million investigating these allegations, no evidence was provided to the committee to substantiate the claim that the administration was "selling or giving information to the Chinese in exchange for political contributions," and no evidence was provided to the committee that the Chinese Government carried out a "massive scheme" to influence the election of President Clinton.

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In August 1997, several Republican leaders called for an independent counsel to investigate allegations that Former Secretary Hazel O'Leary had in effect "shaken down" Democratic donor Johnny Chung by requiring him to make a donation to the charity Africare as a precondition to a meeting with her. For example, on national television, Republican National Committee Chairman Jim Nicholson stated, "We need independent investigation made of people like Hazel O'Leary."

But it turns out there was no such misconduct by Secretary O'Leary. A Department of Justice investigation found "no evidence that Mrs. O'Leary had anything to do with the solicitation of the charitable donation." In fact, it turned out that Secretary O'Leary's first contact with Mr. Chung occurred after Mr. Chung had made his contribution, making the allegation factually impossible.

Another allegation. On national television in September 1997, the gentleman from Indiana (Mr. BURTON) suggested that the Clinton administration was engaging in an abuse of power by using the Internal Revenue Service, the IRS, to retaliate against the President's political enemies.

The Washington Times also quoted the gentleman from Indiana (Mr. BURTON) as stating, "One case might be a coincidence. Two cases might be a coincidence. But what are the chances of this entire litany of people, all of whom have an adversarial relationship with the President, being audited?" That was his quote.

These remarks by the gentleman from Indiana (Mr. BURTON) concerned allegations that the IRS was auditing conservative groups and individuals for political purposes. According to these allegations, several nonprofit tax-exempt organizations that supported positions different from those of the Clinton administration were being audited while other organizations favoring policies of the Clinton administration were not.

The Joint Committee on Taxation conducted a 3-year bipartisan investigation of these allegations. In March, 2000, the committee reported that it had found no evidence of politically motived IRS audits. Specifically, the bipartisan report found there was "no credible evidence that tax-exempt organizations were selected for examination, or that the IRS altered the manner in which examinations of tax-exempt organizations were conducted, based on the views espoused by the organizations or individuals related to the organization."

Further, the report found "no credible evidence of intervention by Clinton administration officials (including Treasury Department and White House officials) in the selection of (or the failure to select) tax-exempt organizations for examination." Another allegation that was made that was not substantiated and, when the facts came out, were not supported by those facts.

Another example. In October of 1997, the gentleman from Indiana (Mr. BURTON) held a hearing in the Committee on Government Reform in which he said he would produce evidence of "blatantly illegal activity by a senior national party official" in the Democratic National Committee. The star witness at that hearing, David Wang, alleged that the then DNC official John

Huang had solicited a conduit contribution from him in person in Los Angeles on August 16, 1996.

But it was not John Huang who had solicited Mr. Wang. Credit card records, affidavits, and other evidence conclusively demonstrated that Mr. Huang had been in New York, not Los Angeles, on the day in question. Democratic fund-raiser Charlie Trie subsequently appeared before the committee and acknowledged that it had been he and an individual named Antonio Pan, not Mr. Huang, who had solicited the conduit contribution.

Members of the committee have repeatedly asked that the committee officially correct the record on this matter because of this false charge against Mr. Huang, but the gentleman from Indiana (Mr. BURTON) has refused to do so.

Another example. In October 1997, the gentleman from Indiana (Mr. BURTON) also appeared on national television and suggested that the White House nad deliberately altered videotapes of Presidential fund-raising events. On CBS's "Face the Nation", he said, "We think maybe some of those tapes may have been cut off intentionally, they've been, you know, altered in some way." He also said that he might hire lip readers to examine the tapes to figure out what was being said on the tapes.

Well, investigations by the House Committee on Government Reform and the Senate Governmental Affairs Committee, however, including review by a technical expert hired by the Senate committee, produced no evidence of any tampering with the tapes.

My colleagues might remember some of these examples because they all were prominently mentioned in the press at the time the allegations were made.

In November 1997, Republican leaders drew on unsubstantiated reports by conservative radio talk shows and publications to accuse the Clinton administration of selling burial plots in Arlington National Cemetery for campaign contributions. Republican Party Chairman Jim Nicholson accused the administration of a despicable political scheme, and several Republican leaders, including the gentleman from Indiana (Mr. BURTON), called for investigations. Former Representative Gerald Solomon stated "this latest outrage is one more slap in the face of every American who ever wore the uniform of their country, who seem to be special objects of contempt in this administration."

The General Accounting Office then conducted an independent review of the allegations that waivers to the burial plot eligibility requirements were granted in exchange for political contributions. In January 1998, GAO stated, "We found no evidence in the records we reviewed to support recent media reports that political contributions have played a role in waiver decisions."

Further, the GAO said, and I am quoting again from them, "Where the records show some involvement or interest in a particular case on the part of the President, Executive Branch officials, or Members of Congress or their staffs, the documents indicate only such factors as a desire to help a constituent or a conviction that the merits of the person being considered warranted a waiver."

Another example. In January 1998, the gentleman from Indiana (Mr. BURTON) held 4 days of hearings in the Committee on Government Reform regarding whether campaign contributions influenced the actions of Secretary of the Interior Bruce Babbitt or other Department of the Interior officials with respect to a decision to deny an Indian gambling application in Hudson, Wisconsin. During those hearings, the gentleman from Indiana (Mr. BURTON) alleged that the decision was a political payoff and that it stinks and smells.

Well, on August 22, however, Independent Counsel Carol Elder Bruce released the report of her investigation into the Hudson casino decision. She found that the allegations of political payoff were unsubstantiated, concluding from her report, I now quote, "A full review of the evidence . . . indicates that neither Babbitt nor any government official at Interior or the White House entered into any sort of specific and corrupt agreement to influence the outcome of the Hudson casino application in return for campaign contributions to the DNC."

The next allegation is not only unsubstantiated, but it involved the inappropriate disclosure of very private information. The allegation concerns Webster Hubbell, who was Assistant Attorney General until March 1994. Prior to that, he was a partner with Hillary Clinton at the Rose Law Firm in Littlerock, Arkansas. In December 1994, Mr. Hubbell pled guilty to tax evasion and mail fraud and went to prison for 16 months. During his imprisonment, Mr. Hubbell's phone calls to his friends, family, and lawyers were routinely taped by prison authorities. Such taping of phone calls is standard procedure in Federal prisons.

Well, the tapes of Mr. Hubbell's phone calls were turned over to the Committee on Government Reform. As the Justice Department advised the committee, the tapes were protected by the Privacy Act and were not supposed to be released publicly. Nevertheless, the gentleman from Indiana (Mr. BURTON) released the document in April of 1998 entitled the "Hubbell Master Tape Log", which contained what were purported to be excerpts from these tapes. It was subsequently revealed that many of these excerpts were in fact inaccurate or omitted exculpatory statements by Mr. Hubbell.

For example, according to the transcripts of the gentleman from Indiana (Mr. BURTON), if Mr. Hubbell had filed a lawsuit against his former law firm, it would have "opened up" the First Lady to allegations, and for this reason Mr. Hubbell had decided to "roll over" in order to protect the First Lady. These transcripts included a quote of Mrs. Hubbell saying, "you are opening Hillary up to all of this", and Mr. Hubbell responding, "I will not raise those allegations that might open it up to Hillary", and "So, I need to roll over one more time." These quotes were taken from a 2-hour conversation between the Hubbells.

The "Hubbell Master Tape Log", however, omitted a later portion of the same conversation that exonerates the First Lady. This included the following remarks exchanged between Mr. Hubbell and his wife:

Mr. Hubbell: "Okay, Hillary's not, Hillary isn't, the only thing is people say why didn't she know what was going on. And I wish she had never paid any attention to what was going on in the firm. That's the gospel truth. She just had no idea what was going on. She didn't participate in any of this."

Mrs. Hubbell: "They wouldn't have let her if she tried."

Mr. Hubbell: "Of course not."

The "Hubbell Master Tape Log" of the gentleman from Indiana (Mr. BURTON) also included a passage in which Mr. Hubbell allegedly said, "The Riady is just not easy to do business with me while I'm here." Mr. Riady, by the way, was a well-known figure in these campaign contributions that had been under investigation. In fact, the actual tape states, "The reality is it's just not easy to do business with me while I'm here." He misrepresented the word "reality" for "Riady".

Another example, and I want it on the RECORD in hopes that maybe someone will find this RECORD maybe in the press and report the corrections for maybe nearly as large as the original sensational allegations.

In April 1998, the gentleman from Indiana (Mr. BURTON) sought immunity from the Committee on Government Reform for four witnesses: Nancy Lee, Irene Wu, Larry Huang, and Kent La. He and other Republican leaders, including Speaker Newt Gingrich, alleged that these witnesses had important information about illegal contributions from the Chinese Government during the 1996 elections.

Speaker Gingrich alleged that the four witnesses would provide information on "a threat to the fabric of our political system." The gentleman from Ohio (Mr. BOEHNER) alleged that the witnesses had "direct knowledge about how the Chinese Government made illegal campaign contributions" and stated that the decision regarding granting immunity "is about determining whether American lives have been put at risk." That is his quote.

□ 1600

But after the committee provided these witnesses with immunity, their testimony revealed that none had any knowledge whatsoever about alleged Chinese efforts to influence American elections. For example, Mr. Wong's primary responsibilities in working for Democratic donor Noral Lum were to register voters and serve as a volunteer cook.

One Member even suggested that the President could have committed treason. In May 1998, the gentleman from Pennsylvania (Mr. WELDON) made remarks on the House floor regarding allegations that the political contributions of the chief executive officer of Loral Corporation, Bernard Schwartz, had influenced the President's decision to authorize the transfer of certain technology to China. The gentleman from Pennsylvania (Mr. WELDON) described this issue as a, "Scandal that is unfolding that I think will dwarf every scandal that we have seen talked about on this floor in the past 6 years." And said further, "This scandal involves potential treason."

The Department of Justice examined the allegations relating to whether campaign contributions influenced export control decisions and found them to be unfounded. In August 1998, Lee Radek, chief of the department's public integrity section, wrote that "there is not a scintilla of evidence or information that the President was corruptly influenced by Bernard Schwartz." Charles La Bella, then head of the department's campaign finance task force, agreed with Mr. Radek's assessment that "this was a matter which likely did not merit any investigation."

I have not heard that the gentleman from Pennsylvania has given any apologies.

The House select committee investigated allegations relating to United States technology transfer to China and whether campaign contributions influenced export control decisions. In May 1999, the committee findings were made public. The committee's bipartisan findings also did not substantiate the suggestion of the gentleman from Pennsylvania of treason by the President.

In recent years, some Members have even engaged in a practice of asking the Department of Justice to consider criminal charges against individuals who have provided testimony that is inconsistent with Members' theories, and I want to go into that, but I do want to point out that to make a statement that the President of the United States has committed treason, to make it on the floor of the House of Representatives, to have it in the press by people who are in our government, elected by their constituents, is a serious matter. And to find later that a charge like that was unsubstantiated, it has got to bother all of us.

We have had a series of Members, when they found statements made that they did not think were what they wanted to hear, they have sent letters to the Justice Department and then they have asked the Justice Department to say that those statements and testimony that were inconsistent with their views ought to be prosecuted; they ought to be prosecuted as criminal matters. I will give some examples.

In September 1998, the gentleman from Indiana (Mr. MCINTOSH) sent a criminal referral to the Department of Justice alleging that White House Deputy Counsel Cheryl Mills provided false testimony to Congress and obstructed justice. He told The Washington Post that there was, "very strong evidence," that Ms. Mills lied to Congress. But the claims of the gentleman from Indiana were based on a run-of-the-mill document dispute. Ms. Mills believed that two documents out of over 27,000 pages produced to the House Committee on Government Reform and Oversight were not responsive to a request from the gentleman from Indiana, while the gentleman from Indiana believed that the two documents were responsive.

Instead of viewing this disagreement as a difference in judgment, the gentleman from Indiana charged that Ms. Mills was obstructing justice and that she lied to the committee. The Justice Department investigated the allegations by the gentleman from Indiana and found them to be without merit.

Over the past several years, the gentleman from Indiana (Mr. BURTON) has made similar referrals to the Department of Justice regarding three other individuals who testified before the House Committee on Government Reform and Oversight. Now, not all mistaken allegations are made with an intent to intimidate or cause harm. Not all are made with a knowing disregard of the facts. Sometimes such allegations simply reflect sloppy investigative work. But the allegations of Members of Congress are not just words. Publication of such allegations in the newspaper can cause an individual embarrassment in their community.

Can anybody listening to me imagine an allegation being made about them, that they committed a crime: how they would feel; how their reputation might be tarnished. Defending against an allegation can cause individuals to wrack up thousands, sometimes hundreds of thousands of dollars in legal fees. Particularly in light of the powerful impact our words can have on the lives of individuals, when we learn that our allegations are not true, we ought to do everything we can to remedy the harm our mistakes have caused.

I am saddened and disturbed at the pattern we have seen over recent years, where Members of Congress have failed to take responsibility for their sensational claims. Today, I have described just some examples of the many allegations that should be corrected. There are more in this report that I am entering into the RECORD, and there are additional unsubstantiated claims beyond those that are in this report. I have spoken today because I believe this record must be corrected.

The American people have entrusted the House of Representatives with extraordinary powers. The institution as a whole suffers when its Members are not accountable for the exercise of these powers. The American public should be able to trust that when we conduct oversight, we will act responsibly and that we will not impugn the integrity of others with unsubstantiated attacks. The fact that they are in a different political party does not justify that. The fact they may disagree with some of our own political views does not justify making serious and unsubstantiated allegations to tarnish them.

The least we can do, if we act so irresponsibly to make these kinds of allegations, is to put the facts about such allegations in the CONGRESSIONAL RECORD; and the facts, when they show the allegations were not true, should serve as the basis for Members to publicly announce their error.

To accuse someone of treason, to accuse someone of perjury, to accuse someone of obstruction of justice, and then to find those charges were not true, not even to say you are sorry and to correct the record and apologize, the only thing I can say to those Members who have done that, after all that, have you no decency?

The least we can do is to correct the facts, correct the allegations, to make apologies, even though we all know the truth never catches up with the lie. The headline of the front page, which is the allegation, never gets corrected by the page 25 story that says that the original allegation was not true.

Mr. Speaker, the committee report I referred to earlier is submitted for the RECORD herewith:

[Prepared for Rep. Henry A. Waxman, Minority Staff Report, Committee on Government Reform, U.S. House of Representatives—September 2000]

UNSUBSTANTIATED ALLEGATIONS OF WRONGDOING INVOLVING THE CLINTON ADMINISTRATION

Over the past eight years, Chairman Dan Burton of the House Government Reform Committee and other Republican leaders have repeatedly made sensational allegations of wrongdoing by the Clinton Administration. In pursuing such allegations, Chairman Burton alone has issued over 900 subpoenas; obtained over 2 million pages of documents; and interviewed, deposed, or called to testify over 350 witnesses. The estimated cost to the taxpayer of investigating these allegations has exceeded $23 million.[1]

Chairman Burton or other Republicans have suggested that Deputy White House Counsel Vince Foster was murdered as part of a coverup of the Whitewater land deal;

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[1] Footnotes at end of article.

that the White House intentionally maintained an "enemies list" of sensitive FBI files; that the IRS targeted the President's enemies for tax audits; that the White House may have been involved in "selling or giving information to the Chinese in exchange for political contributions"; that the White House altered videotapes of White House coffees to conceal wrongdoing; that the Clinton Administration sold burial plots in Arlington National Cemetery; that prison tape recordings showed that former Associate Attorney General Webster Hubbell was paid off for his silence; and that the Attorney General intentionally misled Congress about Waco.

This report is not intended to suggest that President Clinton or his Administration have always acted properly. There have obviously been instances of mistakes and misconduct that deserve investigation. But frequently the Republican approach—regardless of the facts—has been "accuse first, investigate later." Further investigation then often shows the allegations to be unsubstantiated. In fact, FBI interviews showed that one widely publicized Republican allegation was based on nothing more than gossip at a congressional reception.

This approach has done great harm to reputations. The unsubstantiated accusations have frequently received widespread attention. For example, Chairman Burton's allegation regarding White House videotape alteration received widespread media coverage. It was reported by numerous television news programs, including CBS Morning News,[2] CBS This Morning,[3] NBC News at Sunrise,[4] NBC's Today,[5] ABC World News Sunday,[6] CNN Early Prime,[7] CNN Morning News,[8] CNN's Headline News,[9] CNN's Early Edition,[10] Fox's Morning News,[11] and Fox News Now/Fox In Depth.[12] In addition, newspapers across the country, including the Washington Post,[13] the Las Vegas Review-Journal,[14] the Houston Chronicle,[15] the Commercial Appeal,[16] and the Sun-Sentinel,[17] published stores focusing on the allegation. Two months later, when Senator Fred Thompson announced that there was no evidence that the videotapes had been doctored, there was minimal press coverage of his statement.[18]

The discussion below examines the facts—and lack thereof—underlying 25 of the most highly publicized allegations.

Allegation: During 1994 and 1995, Chairman Burton suggested numerous times on the House floor that Deputy White House Counsel Vince Foster had been murdered and that his murder was related to the investigation into President and Hillary Clinton's involvement in the Whitewater land deal.[19]

The Facts: Chairman Burton's allegations have been repeatedly repudiated.

On August 10, 1993, the United States Park Police announced the following conclusions of its investigation: "Our investigation has found no evidence of foul play. The information gathered from associates, relatives and friends provide us with enough evidence to conclude that . . . Mr. Foster was anxious about his work and he was distressed to the degree that he took his own life."[20] On June 30, 1994, Independent Counsel Robert Fiske issued his report stating that "[t]he overwhelming weight of the evidence compels the conclusion . . . that Vincent Foster committed suicide."[21]

More recently, on October 10, 1997, Independent Counsel Ken Starr concluded: "The available evidence points clearly to suicide as the manner of death."[22]

Allegation: In 1995 and 1996, Republicans alleged that the White House fired the employees of the White House travel office so that White House travel business would be given to Harry Thomason, a political supporter of President Clinton. The Chairman of the House Committee on Government Reform and Oversight, William F. Clinger, said he saw the First Lady's "fingerprints" on efforts to cover up and lie about the travel office firings.[23] Discussing the travel office matter, Rep. Dan Burton said, "The First Lady, according to the notes we have, has lied."[24]

The Facts: In June 2000, the Office of the Independent Counsel issued a press release announcing that its investigation into the Travel Office matter had concluded. Independent Counsel Robert Ray stated:

"This Office has now concluded its investigation into allegations relating to . . . Mrs. Clinton's statements and testimony concerning the Travel Office firings and has fully discharged [her] from criminal liability for matters within this Office's jurisdiction in the Travel Office matter."[25]

Allegation: In June 1996, Chairman Burton alleged that the White House had improperly obtained FBI files of prominent Republicans and that these files "were going to be used for dirty political tricks in the future."[26] Committee Republicans also released a report suggesting that the files were being used by the Clinton Administration to compile a "hit list" or an "enemies list."[27]

The Facts: These allegations have been thoroughly investigated by the Office of the Independent Counsel and repudiated. The Independent Counsel had been charged with examining whether Anthony Marceca, a former White House detailee who had requested the FBI background files at issue, senior White House officials, or Mrs. Clinton had engaged in illegal conduct relating to these files.

According to the report issued by Independent Counsel Ray in March 2000, "neither Anthony Marceca nor any senior White House official, or First Lady Hillary Rodham Clinton, engaged in criminal conduct to obtain through fraudulent means derogatory information about former White House staff." The Independent Counsel also concluded that "Mr. Marceca's alleged criminal conduct did not reflect a conspiracy within the White House," and stated Mr. Marceca was truthful when he testified that "[n]o senior White House official, or Mrs. Clinton, was involved in requesting FBI background reports for improper partisan advantage.[28]"

Allegation: Beginning in 1996, Chairman Burton and other Republican leaders suggested that there was a conspiracy between the Chinese government and the Clinton Administration to violate federal campaign finance laws and improperly influence the outcome of the 1996 presidential election. In a February 1997 interview on national television, Chairman Burton stated:

"If the White House or anybody connected with the White House was selling or giving information to the Chinese in exchange for political contributions, then we have to look into it because that's a felony, and you're selling this country's security—economic security or whatever to a communist power.[29]"

Further, on the House floor in June 1997, Chairman Burton alleged a "massive" Chinese conspiracy:

"We are investigating a possible massive scheme . . . of funneling millions of dollars of foreign money into the U.S. electoral system. We are investigating allegations that the Chinese government at the highest levels decided to infiltrate our political system.[30]"

The Facts: The House Government Reform Committee to date has spent four years and over $8 million investigating these allegations. No evidence provided to the Committee substantiates the claim that the Administration was "selling or giving information to the Chinese in exchange for political contributions."

The FBI obtained some evidence that China had a plan to try to influence congressional elections.[31] However, no evidence was provided to the Committee that the Chinese government carried out a "massive scheme" to influence the election of President Clinton.

Allegation: In June 1997, Rep. Gerald Solomon, the Chairman of the House Rules Committee, claimed that he had "evidence" from a government source that John Huang, the former Commerce Department official and Democratic National Committee fundraiser, had "committed economic espionage and breached our national security." This allegation was reported on national television and in many newspapers across the country.[32]

The Facts: In August 1997, and again in February 1998, Rep. Solomon was interviewed by the FBI to determine the basis of Rep. Solomon's allegations. During the first interview, Rep. Solomon told the FBI that he was told by a Senate staffer at a Capitol Hill reception that the staffer "received confirmation that 'a Department of Commerce employee had passed classified information to a foreign government.'" According to the FBI notes on the Solomon interview, the Senate staffer did not say that the employee was John Huang, nor did he say that information went to China. Rep. Solomon did not know who the staffer was.[33]

In his second interview with the FBI, Rep. Solomon recalled that what the staffer said to him was: "Congressman you might like to know that you were right there was someone at Commerce giving out information." Again in this interview, Rep. Solomon told the FBI that he did not know the name of the staffer who made this comment.[34]

Allegation: In August 1997, several Republican leaders called for an independent counsel to investigate allegations by Democratic donor Johnny Chung that former Energy Secretary Hazel O'Leary had, in effect, "shaken down" Mr. Chung by requiring him to make a donation to the charity Africare as a precondition to a meeting with her. On national television, Republican National Committee Chairman Jim Nicholson stated, "[W]e need independent investigation made of people like Hazel O'Leary."[35] Rep. Gerald Solomon, the chairman of the House Rules Committee, criticized the Attorney General for being "intransigent" in refusing to appoint an independent counsel.[36]

The Facts: A Department of Justice investigation found "no evidence that Mrs. O'Leary had anything to do with the solicitation of the charitable donation."[37] In fact, it turned out that Secretary O'Leary's first contact with Mr. Chung occurred after Mr. Chung had made his contribution, making the allegation factually impossible.[38]

Allegation: In September 1997, Chairman Burton suggested on national television that the Clinton Administration was engaging in an "abuse of power" by using the Internal Revenue Service (IRS) to retaliate against the President's political enemies.[39] The Washington Times also quoted the Chairman as stating: "One case might be a coincidence. Two cases might be a coincidence. But what are the chances of this entire litany of people—all of whom have an adversarial relationship with the President—being audited?"[40]

The Facts: The Chairman's remarks related to allegations that the IRS was auditing conservative groups and individuals for political purposes. According to these allegations, several non-profit tax-exempt organizations that supported positions different from those of the Clinton Administration were being audited while other organizations favored by the Administration were not.[41]

The Joint Committee on Taxation conducted a three-year bipartisan investigation of these allegations. In March 2000, the Committee reported that it had found no evidence of politically motivated IRS audits.[12] Specifically, the bipartisan report found there was "no credible evidence that tax-exempt organizations were selected for examination, or that the IRS altered the manner in which examinations of tax-exempt organizations were conducted, based on the views espoused by the organizations or individuals related to the organization." Further, the report found "no credible evidence of intervention by Clinton Administration officials (including Treasury Department and White House officials) in the selection of (or the failure to select) taxexempt organizations for examination."[43]

Allegation: In October 1997, Chairman Burton held a hearing which he claimed would produce evidence of "blatantly illegal activity by a senior national party official."[44] The star witness at that hearing, David Wang, alleged that then-DNC official John Huang had solicited a conduit contribution from him in person in Los Angeles on August 16, 1996.[45]

The Facts: It was Charlie Trie and his associate Antonio Pan, not John Huang, who solicited Mr. Wang. Unlike Mr. Huang, Mr. Trie and Mr. Pan were never "senior officials" at the DNC. Credit card records, affidavits, and other evidence conclusively demonstrated that Mr. Huang and been in New York, not Los Angeles, on the day in question.[46] Mr. Huang later testified before the Committee and denied Mr. Wang's allegations. On March 1, 2000, Democratic fundraiser Charlie Trie appeared before the Committee and acknowledged that it had been he and Mr. Pan, not Mr. Huang, who had solicited the conduit contribution.[48]

Allegation: At an October 1997 hearing before the House Committee on Government Reform and Oversight, Chairman Burton publicly released a proffer from Democratic fundrasiers Gene and Nora Lum. Chairman Burton stated that the proffer indicated that "the solicitation and utilization of foreign money and conduit payments did not begin after the Republicans won control of the Congress in 1994. Rather, it appears that the seeds of today's scandals may have been planted as early as 1991."[49] Specifically, the proffer suggested that President Clinton endorsed the candidacy of a foreign leader in exchange for campaign contributions.[50] This allegation was reported in the Washington Post in an article entitled "Story of a Foreign Donor's Deal With '92 Clinton Camp Outlined," and in other national media.[51]

The Facts: To investigate this allegation and other allegations concerning the Lums, Chairman Burton issued nearly 200 information requests that resulted in the receipt of over 40,000 pages of documents, 50 audiotapes, a videotape and numerous depositions. After this extensive investigation, however, the Chairman was never able to produce any evidence to support the dramatic allegation in the proffer.

The proffer presented by Chairman Burton stated that, during the 1992 campaign the Lums arranged a meeting with a Clinton/Gore official for an individual who had proposed to arrange a "large donation in exchange for a letter signed by the Clinton campaign endorsing the candidacy of a man who is now the leader of an Asian nation." The proffer states that the official "later provided a favorable letter over the name of Clinton," that a "Clinton/Gore official signed then Governor Clinton's name to the letter," and that the individual who made the request for the letter then made a $50,000 contribution that reportedly came from "a foreign person then residing in the United States."[52]

In its investigation, the only letter the Committee obtained that concerned then-Governor Clinton's position on an election in Asia is an October 28, 1992, letter on Clinton/Gore letterhead that pertains to the presidential election in Korea. This document specifically states that then-Governor Clinton does *not* believe it is appropriate for U.S. public officials to endorse the candidacies in foreign elections. The letter states:

"Thank you for bringing to my attention the impact in Korea that my statement of September 17th has caused. I would appreciate your help in clarifying the situation in Korea through proper channels. My statement was a courtesy reply in response to an invitation to me to attend an event in honor of Chairman Kim Dae-Jung, and to extend to him my greetings. It was not meant to endorse or assist his candidacy in the upcoming presidential election in Korea. I do not believe that any United States government official should endorse a presidential candidate in another country.[53]"

Allegation: On October 19, 1997, Chairman Burton appeared on national television and suggested that the White House had deliberately altered videotapes of presidential fund-raising events. On CBS's *Face the Nation*, he said "We thing ma—maybe some of those tapes may have been cut off intentionally, they're been—been, you know, altered in some way." He also said that he might hire lip-readers to examine the tapes to figure out what was being said on the tapes.[54]

The Facts: Investigations by the House Government Reform and Oversight Committee and the Senate Governmental Affairs Committee produced no evidence of any tampering with the tapes. Shortly after Chairman Burton made his allegation regarding tape alteration, the Senate Governmental Affairs Committee hired a technical expert, Paul Ginsburg, to analyze the videotapes to determine whether they had been doctored. Mr. Ginsburg concluded that there was no evidence of tampering.[55] In addition, Colonel Joseph Simmons, commander of the White House Communications Agency (WHCA), Colonel Alan Sullivan, head of the White House Military Office which overseas WHCA, and Steven Smith, chief of operations of WHCA, all testified under oath before the House Government Reform and Oversight Committee in October 1997 that they were unaware of any alteration of the videotapes.[56]

Allegation: In November 1997, Republican leaders drew on unsubstantiated reports by conservative radio talk shows and publications to accuse the Clinton Administration of selling burial plots in Arlington National Cemetery for campaign contributions.[57] Republican Party Chairman Jim Nicholson accused the Administration of a "despicable political scheme," and several Republican leaders, including Chairman Burton, called for investigations.[58] Representative Gerald Solomon stated, "[t]his latest outrage is one more slap in the face of every American who ever wore the uniform of their country, who seem to be special objects of contempt in this administration."[59]

The Facts: The Army has established restrictive eligibility requirements for burial at Arlington. Individuals who are eligible for Arlington National Cemetery burial sites include service members who died while on active duty, honorably discharged members of the armed forces who have been awarded certain high military distinctions, and surviving spouses of individuals already buried at Arlington, among others. The Secretary of the Army may grant waivers of these requirements.[60]

In January 1998, the General Accounting Office (GAO) concluded an independent investigation of the allegations that waivers were granted in exchange for political contributions. As part of this investigation, GAO analyzed the laws and regulations concerning burials at Arlington, conducted in-depth review of Department of Army case files regarding approved and denied waivers, and had discussions with officials responsible for waiver decisions.[61]

GAO's report stated: "[W]e found no evidence in the records we reviewed to support recent media reports that political contributions have played a role in waiver decisions." Further, GAO stated: "Where the records show some involvement or interest in a particular case on the part of the President, executive branch officials, or Members of Congress or their staffs, the documents indicate only such factors as a desire to help a constituent or a conviction that the merits of the person being considered warranted a waiver."[62]

Allegation: In January 1998, Chairman Burton held four days of hearings into whether campaign contributions influenced the actions of Secretary of the Interior Bruce Babbitt or other Department of the Interior officials with respect to a decision to deny an Indian gambling application in Hudson, Wisconsin. During those hearings, Chairman Burton alleged that the decision was a "political payoff" and that it "stinks" and "smells."[63]

The Facts: On August 22, 2000, Independent Counsel Carol Elder Bruce released the report of her investigation into the Hudson casino decision. She found that the allegations of political payoff were unsubstantiated, concluding:

"A full review of the evidence . . . indicates that neither Babbitt nor any government official at Interior or the White House entered into any sort of specific and corrupt agreement to influence the outcome of the Hudson casino application in return for campaign contributions to the DNC."[64]

Allegation: In April 1998, Chairman Burton suggested that President Clinton had created a national monument in Utah in order to benefit the Lippo Group, an Indonesian conglomerate with coal interests in Indonesia.[65] James Riady, an executive of the Lippo Group, was a contributor to the DNC. In June 1998, in a statement on the House floor, Chairman Burton reiterated his allegation: "[T]he President made the Utah Monument a national park. What is the significance of that? The largest clean-burning coal facility in the United States, billions and billions of dollars of clean-burning coal are in the Utah Monument. It could have been mined environmentally safely according to U.S. engineers. Who would benefit from turning that into a national park so you cannot mine there? The Riady group, the Lippo Group, and Indonesia has the largest clean-burning coal facility, mining facility, in southeast

Asia. They are one of the largest contributors. Their hands are all over, all over these contributions coming in from Communist China, from Macao and from Indonesia. Could there be a connection here?"[66]

The Facts: In September 1996, President Clinton set aside as a national monument 1.7 million acres of coal-rich land in Utah under a 1906 law that allows the president to designate national monuments without congressional approval.[67] After two years of investigation, the Committee produced no evidence that there is any connection between the designation of this land as a monument and Riady group or any other contributions.[68]

Allegation: In April 1998, Chairman Burton released transcripts of selected portions of Webster Hubbell's prison telephone conversations. According to these transcripts, if Mr. Hubbell had filed a lawsuit against his former law firm, it would have "opened up" the First Lady to allegations, and for this reason Mr. Hubbell had decided to "roll over" to protect the First Lady. These transcripts included a quote of Mrs. Hubbell saying, "And that you are opening Hillary up to all of this," and Mr. Hubbell responding, "I will not raise those allegations that might open it up to Hillary" and "So, I need to roll over one more time." These quotes were taken from a two-hour March 25, 1996, conversation between the Hubbells.[69]

The Facts: Webster Hubbell was Assistant Attorney General until March 1994. Prior to that, he was a partner with Hillary Clinton at the Rose Law Firm in Little Rock, Arkansas. In December 1994, Mr. Hubbell pled guilty to tax evasion and mail fraud and went to prison for 16 months.

During his imprisonment, Mr. Hubbell's phone calls to his friends, family, and lawyers were routinely taped by prison authorities. Such taping is standard in federal prisons. These tapes were turned over to the Government Reform and Oversight Committee. Although the tapes are supposed to be protected by the Privacy Act, Chairman Burton released a document in April 1998 entitled the "Hubbell Master Tape Log," which contained what were purported to be excepts from these tapes. However, it was subsequently revealed that many of these excepts were in fact inaccurate or omitted exculpatory statements made by Mr. Hubbell that directly contradicted the allegations.[70]

For example, while the "Hubbell Master Tape Log" quoted the above portions of the March 25, 1996, conversation between Mr. and Mrs. Hubbell, it omitted a later portion of the same conversation that appears to exonerate the First Lady. The later portion of that conversation follows, with the portions that Chairman Burton omitted from the "Hubbell Master Tape Log" in italics:

"Mr. Hubbell: Now, Suzy, I say this with love for my friend Bill Kennedy, and I do love him, he's been a good friend, he's one of the most vulnerable people in my counterclaim. OK?

"Mrs. Hubbell: *I know.*

"Mr. Hubbell: *Ok, Hillary's not, Hillary isn't, the only thing is people say why didn't she know what was going on. And I wish she never paid any attention to what was going on in the firm. That's the gospel truth. She just had no idea what was going on. She didn't participate in any of this.*

"Mrs. Hubbell: *They wouldn't have let her if she tried.*

"Mr. Hubbell: *Of course not.*"

The "Hubbell Master Tape Log" released by the Chairman also included an italicized passage in which Mr. Hubbell allegedly said: "The Riady is just not easy to do business with me while I'm here." In fact, the actual tape states: "*The reality* is it's just not easy to do business with me while I'm here."

Allegation: In April 1998, Chairman Burton sought immunity from the Committee for four witnesses: Nancy Lee, Irene Wu, Larry Wong, and Kent La. He and other Republican leaders, including Speaker Newt Gingrich, alleged that these witnesses had important information about illegal contributions from the Chinese government during the 1996 elections.[71]

Speaker Gingrich alleged that the four witnesses would provide information on "a threat to the fabric of our political system."[72] Rep. John Boehner alleged that the witnesses had "direct knowledge about how the Chinese government made illegal campaign contributions" and stated that the decision regarding granting immunity "is about determining whether American lives have been put at risk."[73] Committee Republican Rep. Shadegg stated that one of the witnesses, Larry Wong, "is believed to have relevant information regarding the conduit for contributions made by the Lums and others in the 1992 fund-raising by John Huang and James Riady."[74]

The Facts: In June 1998, the Committee provided these witnesses with immunity. After they were immunized, their testimony revealed that none had any knowledge whatsoever about alleged Chinese efforts to influence American elections. For example, Mr. Wong's primary responsibilities in working for Democratic donor Nora Lum were to register voters and serve as a volunteer cook.[75] Following is the total testimony he provided regarding James Riady:

"Majority Counsel: Did Nora ever discuss meeting James Riady?

"Mr. Wong: James who?

* * *

"Majority Counsel: James Riady.

"Mr. Wong: No.[76]"

Allegation: In May 1998, Rep. Curt Weldon suggested on the House floor that the President could have committed treason. Rep. Weldon's remarks involved allegations that the political contributions of the Chief Executive Officer of Loral Corporation, Bernard Schwartz, had influenced the President's decision to authorize the transfer of certain technology to China. Rep. Weldon described this issue as a "scandal that is unfolding that I think will dwarf every scandal that we have seen talked about on this floor in the past 6 years," and said, "this scandal involves potential treason."[77] The National Journal reported this allegation in an article that referred to Rep. Weldon as a "respected senior member of the National Security Committee."[78]

The Fácts: The Department of Justice examined the allegations relating to whether campaign contributions influenced export control decisions and found them to be unfounded.[79] In August 1998, Lee Radek, chief of the Department's public integrity section, wrote that "there is not a scintilla of evidence—or information—that the President was corruptly influenced by Bernard Schwartz."[80] Charles La Bella, then head of the Department's campaign finance task force, agreed with Mr. Radek's assessment that "this was a matter which likely did not merit any investigation."[81]

A House select committee investigated allegations relating to United States technology transfers to China, and whether campaign contributions influenced export control decisions. In May 1999, the Committee findings were made public. The Committee's bipartisan findings also did not substantiate Rep. Weldon's suggestions of treason by the President.[82]

Allegation: In September 1998, Rep. David McIntosh sent a criminal referral to the Department of Justice alleging that White House Deputy Counsel Cheryl Mills provided false testimony to Congress and obstructed justice.[83] He told the Washington Post that there was "very strong evidence" that Ms. Mills lied to Congress.[84]

The Facts: Rep. McIntosh's claims were based on a run-of-the-mill document dispute. Ms. Mills believed that two documents out of over 27,000 pages of documents produced to the Government Reform and Oversight Committee were not responsive to a request from Rep. McIntosh, while Rep. McIntosh believed the two documents were responsive. Instead of viewing this disagreement as a difference in judgment, Rep. McIntosh charged that Ms. Mills was obstructing justice and that she lied to the Committee.[85] The Justice Department investigated Rep. McIntosh's allegations and found them to be without merit.[86]

Allegation: In October 1998, Rep. David McIntosh alleged that the President, First Lady, and senior Administration officials were involved in "theft of government property" for political purposes. To support this claim, Rep. McIntosh claimed that the President's 1993 and 1994 holiday card lists had been knowingly delivered to others outside of the government, and that, with respect to the holiday card project, evidence suggested a "criminal conspiracy to circumvent the prohibition on transferring data to the DNC."[87]

The Facts: The White House database, known as "WhoDB," is a computerized rolodex used to track contacts of citizens with the White House and to create a holiday card list. In putting together the holiday card list, the Clinton Administration followed the procedures established by previous administrations. A number of entities, including the White House and the Democratic National Committee, created lists of card recipients, and the White House hired an outside contractor to merge the lists, and produce and mail the cards. As with past Administrations, the production and mailing costs of the holiday card project were paid for by the President's political party to avoid any appearance that taxpayer funds were being used to pay for greetings to political supporters.

The evidence showed that the contractor charged with eliminating duplicate names from the 1993 holiday card list failed to remove the list from its computer. This computer was subsequently moved—for unrelated reasons—to the 1996 Clinton/Gore campaign. The Committee uncovered no evidence that this list was ever used for campaign purposes. In fact, computer records showed that the Clinton/Gore campaign never accessed it, and it appears that the campaign was not aware that the computer contained this list.

With respect to the 1994 holiday card list, a DNC employee learned that the contractor charged with eliminating duplicate names from the list did not properly "de-dupe" the list. Therefore, the worked with her parents and several volunteers over a weekend to properly perform this task. The evidence indicates that neither the 1994 nor the 1993 holiday card list was used for any other purpose than sending out the holiday cards.[88]

Allegation: In March 1999, Chairman Burton sent a criminal referral to Department of Justice alleging that Charles Duncan, Associate Director of the Office of Presidential

Personnel of the White House, made false statements to the Committee regarding the appointment of Yah Lin "Charlie" Trie to the Bingaman Commission.[89]

The Facts: Chairman Burton alleged that Mr. Duncan made false statements in his answers to Committee interrogatories in April 1998.[90] These answers included statements by Mr. Duncan that, to the best of his recollection, no one expressed opposition to him regarding the appointment of Mr. Trie to a trade commission known as the "Bingaman Commission."[91] The main basis for the Chairman's allegation was that Mr. Duncan's responses were "irreconcilable" with statements purportedly made by another witness, Steven Clemons.[92]

Investigation revealed that Mr. Clemons's statements were apparently misrepresented by Mr. Burton's staff. Mr. Clemons was interviewed by two junior majority attorneys without representation of counsel. Immediately after the majority released the majority staff's interview notes of the Clemons interview in February 1998, Mr. Clemons issued a public statement noting that he had never seen the notes, he had not been given the opportunity to review them for accuracy, and that "the notes have significant inaccuracies and misrepresentations . . . about the important matters which were discussed,"[93] The Department of Justice closed its investigation of Mr. Duncan without bringing any charges.[94]

Allegation: In June 1999, Chairman Burton issued a press release accusing Defense Department officials of attempting to tamper with the computer of a Committee witness, Dr. Peter Leitner, of the Defense Threat Reduction Agency (DTRA), while he was testifying before the House Committee on Government Reform. The Chairman alleged, "While Dr. Leitner was telling my committee about the retaliation be suffered for bringing his concerns to his superiors and Congress, his supervisor was trying to secretly access his computer. This smacks of mob tactics." He further commented, "George Orwell couldn't have dreamed this up."[95]

The Facts: Both the Committee and the Air Force Office of Special Investigations subsequently conducted investigations regarding the allegation of computer tampering. The Committee interviewed 11 DTRA employees, obtained relevant documents, and learned that the allegation was untrue. Instead, the incident was nothing more than a routine effort to obtain files in the witness's computer that were necessary to complete an already overdue project.

When Dr. Leitner was on leave to testify before the Committee on June 24, 1999, his superior, Colonel Raymond A. Willson, had reassigned a task of Dr. Leitner's to another DTRA employee. This reassignment—responding to a letter from Senator Phil Gramm—occurred because DTRA's internal due date for the project was passed and Dr. Leitner's draft response was not accurate. As part of reassigning the task, Col. Willson asked the office's technical division to transfer relevant files from Dr. Leitner's computer. The transfer never occurred, however, because the employee to whom the task was reassigned did not need Dr. Leitner's files to complete the task. Dr. Leitner's computer was not touched.[96]

On July 12, 1999, the Committee also learned that the Air Force Office of Special Investigations had completed its investigation and found that Col. Willson had done nothing improper.

Allegation: In July 1999 testimony before the House Rules Committee, Chairman Burton stated that the House Committee on Government Reform had received information indicating that the Attorney General "personally" changed a policy related to release of information by the Department of Justice so that an attorney she knew "could help her client."[97]

The Facts: One year after Chairman Burton testified before the Rules Committee, the House Government Reform Committee took testimony from the relevant witnesses at a July 27, 2000, hearing.

Chairman Burton's allegations concerned efforts by a Miami attorney, Rebekah Poston, to obtain information for her client, who had been sued in a Japanese court for libel by a Japanese citizen named Nobuo Abe. The alleged statements at the heart of this lawsuit related to whether Mr. Abe had been arrested or detained in Seattle in 1963. Mr. Abe maintained that he had never been detained and that statements to the contrary made by Ms. Poston's client were defamatory.[98] In order to support her client's interests in this lawsuit, Ms. Poston filed Freedom of Information Act (FOIA) requests with several components of the Department of Justice in November 1994 seeking records that reestablished that her client's statements were true and that Mr. Abe had, in fact, been arrested or detained.

In response to Ms. Poston's FOIA requests, the INS, Bureau of Prisons, and Executive Office of the United States Attorneys informed Ms. Poston that no records on Mr. Abe existed.[99] The Department of Justice, however, initially informed Ms. Poston that it was its policy not to confirm or deny whether the Justice Department maintains such files on an individual unless the individual authorizes such a confirmation or denial.[100] After Ms. Poston appealed this decision and threatened litigation on the matter, the Justice Department reversed its decision and confirmed to her that no records on Mr. Abe existed. This decision to confirm the lack of records was legal and it was damaging to Ms. Poston's client. The Justice Department official who directed this decision testified the he believed it was appropriate because it precluded potential litigation and did not deprive anyone of privacy rights because no release of records was involved.[101]

Although the Chairman suggested that the Attorney General "personally" changed Department policy to allow release of information, the records produced to the Committee show that the Attorney General recused herself from the decision.[102] John Hogan, who was Attorney General Reno's chief of staff at the time of Ms. Poston's FOIA request, testified before the House Government Reform Committee that the Attorney General "had no role in this decision whatsoever, initially or at any stage."[103]

Allegation: In August and September 1999, Chairman Burton alleged that Attorney General Reno had intentionally withheld evidence from Congress on the use of "military rounds" of tear gas, which may have some potential to ignite a fire, during the siege of the Branch Davidian compound in Waco, TX. Specifically, on a national radio news broadcast in August 1999, he stated that Attorney General Reno "should be summarily removed, either because she's incompetent, number one, or, number two, she's blocking for the President and covering things up, which is what I believe."[104]

Further, on September 10, 1999, Chairman Burton wrote the Attorney General regarding a 49-page FBI lab report that on page 49 references the use of military tear gas at Waco. He stated that the Department had failed to produce that page to the Committee on Government Reform during the Committee's Waco investigation in 1995, and asserted that this failure "raises more questions about whether this Committee was intentionally misled during the original Waco investigation."[105] In a subsequent television interview, Chairman Burton stated, "with the 49th page of this report not given to Congress when we were having oversight investigations into the tragedy at Waco and that was the very definitive piece of paper that could have given us some information, it sure looks like they were withholding information."[106]

The Facts: Evidence regarding the use of "military rounds" of tear gas was in Chairman Burton's own files at the time he alleged that the Department of justice had withheld this information. Within days after Chairman Burton's allegations, the minority staff found several documents provided by the Department of Justice to Congress in 1995 that explicitly describe the use of military tear gas rounds at Waco on April 19, 1993.[107]

Further, contrary to Chairman Burton's allegations, the Department of Justice in fact had produced to the Committee copies of the FBI lab report that *did* include the 49th page. Former Senator John Danforth, whom the Attorney General appointed as a special counsel to conduct an independent investigation of Waco-related allegations, recently issued a report that commented as follows on document production to congressional committees:

"[W]hile one copy of the report did not contain the 49th page, the Committees were provided with at least two copies of the lab report in 1995 which did contain the 49th page. The Office of Special Counsel easily located these complete copies of the lab report at the Committees' offices when it reviewed the Committees' copy of the 1995 Department of Justice production. The Department of Justice document production to the Committees also included several other documents that referred to the use of the military tear gas rounds, including the criminal team's witness summary chart and interview notes. The Special Counsel has concluded that the missing page on one copy of the lab report provided to the Committees is attributable to an innocent photocopying error and the Office of Special Counsel will not pursue the matter further."[108]

Allegation: In November 1999, Chairman Burton appeared on television and claimed that FBI notes of interviews with John Huang show that the President was a knowing participant in an illegal foreign campaign contribution scheme. According to the Chairman, "Huang says that James Riady told the President he would raise a million dollars from foreign sources for his campaign," that "$700,000 was then raised by the Riady group in Indonesia," and that "that money was reimbursed by the Riadys through intermediaries in the United States. All that was illegal campaign contributions." He further stated: "[T]his $700,000 that came in—the President knew that James Riady was doing it. He knew it was foreign money coming in from the Lippo Group in Jakarta, Indonesia, and he didn't decline it. He accepted it, used it in his campaign, and got elected."[109]

The Facts: The FBI interview notes do not support the Chairman's allegation. The FBI notes of interviews with Mr. Huang do indicate that Mr. Riady, who was a legal resident at the time told President Clinton that he would like to raise one million dollars.[110]

The notes do not indicate, however, that Mr. Riady discussed the source of the contributions he intended to raise, and Mr. Huang told the FBI that he personally never discussed individual contributions or the sources of such contributions with the President.[111]

In December 1999, John Huang appeared before the Committee. He testified that he had no knowledge regarding whether President Clinton knew of foreign money coming from the Lippo group to his campaign, and that he did not believe that the President knew about it. He further stated that he had no knowledge that Mr. Riady indicated to the President the source of the money he intended to raise.[112] In addition, Mr. Huang testified that, as far as he knew, President Clinton had not participated in or had any knowledge of efforts to raise illegal foreign campaign contributions.[113]

Allegation: In December 1999, Chairman Burton alleged that the White House prevented White House Communications Agency (WHCA) personnel from filming the President meeting with James Riady, a figure from the campaign finance investigation, at the Asia-Pacific Economic Cooperation (APEC) summit meeting in New Zealand in September 1999. During a December 15, 1999, hearing entitled "The Role of John Huang and the Riady Family in Political Fundraising," Chairman Burton showed the two tapes made by the WHCA personnel, and then showed a video filmed by a press camera. Of the third tape, the Chairman said:

"That shows a little different picture. The White House tapes don't show it, but President Clinton really did pay some special attention to Mr. Riady. This White House is so consumed with covering things up that their taxpayer-funded photographer wouldn't even allow a tape to be made of the President shaking Mr. Riady's hand. No one minded the President meeting Mr. Riady. They just didn't want anyone to know how warmly he was greeted because of the problems surrounding Mr. Riady.[114]"

The Facts: President Clinton shook James Riady's hand in a rope line in New Zealand in September 1999. One of the WHCA cameras filming the President from the side stopped filming as the President greeted Mr. Riady. The other camera, filming the President head-on, panned away from the President as he moved down the rope line and did not return to him until he moved past Mr. Riady. The third camera, the camera Chairman Burton claimed was operated by a member of the press, captured the whole exchange between the President and Mr. Riady. This exchange lasted approximately 10 seconds and consisted of a handshake and a brief, inaudible conversation.

Committee staff interviewed Jon Baker, the person who operated the camera filming the President from the side, and Quinton Gipson, the person who operated the camera filming the President head-on. Mr. Baker told staff that no one instructed him not to film the President and Mr. Riady and he did not know who Mr. Riady was. Similarly, Mr. Gipson said he did not know who James Riady was and that he did not get any guidance about taping the event from anyone.

WHCA policy is to film any remarks the president gives, but not necessarily to film every move the President makes. WHCA camera operators do not take direction from the White House about how to cover events. Mr. Baker told Committee staff that he stopped filming when he did because he had to pack up his equipment and rush to join the motorcade and it was a coincidence that neither he nor the other cameraman captured the full exchange between the President and Mr. Riady.

Allegation: In July 2000, Chairman Burton said a videotape of a December 15, 1995, coffee at the White House indicates that Vice President Gore suggested that DNC issue advertisements be played for Democratic donor James Riady, who has been the subject of campaign finance probes. According to the Chairman, Vice President Gore "apparently states: 'We oughta, we oughta, we oughta show Mr. Riady the tapes, some of the ad tapes.'"[115]

The Facts: Chairman Burton played the videotape at a July 20, 2000, hearing of the Government Reform Committee. However, it was not possible to determine what was said on the tape.

Further, it was impossible to determine to whom the Vice President was speaking because he was not on camera during the alleged comment. A Reuters reporter describing the playing of the videotape at the hearing wrote, "Gore's muffled words were not clear."[116]

When chairman Burton played the tape on Fox Television's program Hannity and Colmes, the person whose job it is to transcribe the show transcribed the tape excerpt as follows:

"We ought to—we ought to show that to (unintelligible) here, let (unintelligible) tapes, some of the ad tapes (unintelligible).[117]"

FOOTNOTES

1. The minority staff of the Government Reform Committee estimates that the costs of the congressional campaign finance investigations alone have exceeded $23 million. This figure includes $8.7 million that a 1998 General Accounting Office report found federal agencies reported spending on responding to congressional inquiries on campaign finance matters; over $8 million that the House Government Reform Committee has spent on its campaign finance investigation; $3.5 million that the Senate Government Affairs Committee spent on its campaign finance investigation; $1.2 million authorized for the House Committee on Education and the Workforce's investigation of allegations of campaign finance abuses concerning the Teamsters; and $2.5 million authorized for select committee that investigated allegations that the Clinton Administration gave missile technology to China in exchange for campaign contributions. See GAO Survey of Executive Branch Cost to Respond to Congressional Campaign Finance Inquiries (June 23, 1998); House Committee on Government Reform and Oversight, Interim Report: Investigation of Political Fundraising Improprieties and Possible Violations of Law, Additional and Minority Views, 105th Cong, 3968–69 (1998) (H. Rept. 105–829). When the costs of investigating allegations in addition to the campaign finance allegations are included, the total costs likely significantly exceed $23 million. Many of these additional investigations involved substantial congressional resources as well as executive branch resources to respond to inquiries. For example, to investigate allegations concerning the government's actions at Waco, Texas, the House Government Reform Committee has conducted at least 82 interviews, and has received over 750,000 pages of documents from the Justice Department and the Defense Department in response to Committee requests.

2. CBS, CBS Morning News (Oct. 20, 1997).

3. CBS, CBS This Morning (Oct. 20, 1997).

4. NBC, NBC News at Sunrise (Oct. 20, 1997).

5. NBC, Today (Oct. 20, 1997).

6. ABC, ABC World News Sunday (Oct. 19, 1997).

7. CNN, CNN Early Prime (Oct. 19, 1997).

8. CNN, CNN Morning News (Oct. 20, 1997).

9. CNN, Headline News (Oct. 20, 1997).

10. CNN, Early Edition (Oct. 20, 1997).

11. Fox, Fox Morning News (Oct. 20, 1997).

12. Fox, Fox News Now/Fox in Depth (Oct. 20, 1997).

13. Tapes May Have Been Altered, Rep. Burton Says; Clinton Aide Decries Chairman's 'Innuendo' (Oct. 20, 1997).

14. GOP Suggests Tapes Altered (Oct. 20, 1997).

15. GOP Suspects White House Altered Fund-raising Tapes (Oct. 20, 1997).

16. Panel May Use Lip Readers to Check Fund-raising Tapes (Oct. 20, 1997).

17. Tape-Tampering Denied (Oct. 21, 1997).

18. Senator Thompson announced these findings on NCB's Meet the Press (Dec. 7, 1997). Only a handful of media outlets reported this announcement, and these reports focused on other campaign finance issues and mentioned the Thompson announcement only at the very end of the accounts. E.g., Reno and Freeh to Testify, Morning Edition, National Public Radio (Dec. 9, 1997) (reporting on the upcoming House Government Reform and Oversight Committee hearing on the independent counsel decision and noting Senator Thompson's announcement at the very end). Beyond coverage of Senator Thompson's announcement, one article reported that Paul Ginsburg, a technical expert hired by the Senate Governmental Affairs Committee, had found no signs of doctoring, See Expert: Coffee Tapes Are Clean, Newsday (Nov. 8, 1997), and the "Real Deal" segment at the end of Face the Nation on November 2, 1997, followed up on Rep. Burton's allegations to report that Mr. Ginsburg was going to report that there was no doctoring.

19. See, e.g., Congressional Record, H5632 (July 13, 1994).

20. Office of Independent Counsel, Report on the Death of Vincent W. Foster, Jr. (In Re: Madison Guaranty Savings & Loan Association), 5 (Oct. 10, 1997) (citing Federal News Service (Aug. 10, 1993)).

21. Id. at 7 (citing Report of the Independent Counsel Robert B. Fiske, Jr., In Re: Vincent W. Foster, Jr., at 58).

22. Id. at 111.

23. Former Clinton Aide Faces Questions on Memo; Document Suggests that First Lady Was Behind Firings in Travel Office, Milwaukee Journal Sentinel (Jan. 6, 1996).

24. House Committee on Government Reform and Oversight, Hearing, White House Travel Office—Day Three, 104th Cong., 111 (Jan. 24, 1996).

25. Press Release, Office of the Independent Counsel (June 22, 2000).

26. Congressional Record, H6633 (June 20, 1996).

27. House Committee on Government Reform and Oversight, Investigation of the White House and Department of Justice on Security of FBI Background Investigation Files, 104th Cong., 16 (1996) (H. Rept. 104–862).

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33. Gerald Solomon Interview FD-302 at 1 (Aug. 28, 1997).

34. Gerald Solomon Interview FD-302 at 1 (Feb. 11, 1998).

35. CNN, Inside Politics (Aug. 27, 1997).

36. GOP Lawmaker Seeks Counsel to Probe O'Leary-Chung Tie, Buffalo News (Aug. 22, 1997).

37. Notification to the Court Pursuant to 28 U.S.C. §592(b) of Results of Preliminary Investigation (Dec. 2, 1997).

38. Id. The House Government Reform and Oversight Committee also discovered that fact. The Committee deposed several individuals, including Secretary O'Leary, to investigate the allegation by Mr. Chung regarding Secretary O'Leary. The Committee scheduled a hearing on the matter, but, upon discovering the allegation was false, canceled the hearing.

39. NBC's Meet the Press (Sept. 14, 1997).

40. White House Denies Role in Audit of Jones; IRS Has History of Targeting "Enemies," Washington Times (Sept. 16, 1997).

41. E.g., Whistleblowers' Letter, Newspapers Alert Agency, Washington Times (Sept. 29, 1997); Conservatives Suspect IRS Audit Is Price of Opposing Clinton Policies, Washington Times (Apr. 21, 1997); Politics and the IRS, Wall Street Journal (Jan. 9, 1997).

42. Staff of the Joint Committee on Taxation, Report of Investigation of Allegations Relating to Internal Revenue Service Handling of Tax-Exempt Organization Matters (March 2000).

43. Id. at 7.

44. House Committee on Government Reform and Oversight, Hearings on Conduit Payments to the Democratic National Committee, 105th Cong., 7 (Oct. 9, 1997) (H. Rept. 105–51).

45. Id. at 257, 271.

46. Minority Staff Report, House Committee on Government Reform and Oversight, Evidence that John Huang Was in New York City on August 15, 16, 17, and 18 (Oct. 9, 1997).

47. House Committee on Government Reform, Hearing on the Role of John Huang and the Riady Family in Political Fundraising, 108 (Dec. 15, 1999) (stenographic record).

48. House Committee on Government Reform, Hearing on the Role of Yah Lin "Charlie" Trie in Illegal Political Fundraising, 250–52 (March 1, 2000) (stenographic record).

49. House Committee on Government Reform and Oversight, Hearings on Campaign Finance Improprieties and Possible Violations of Law, 105th Cong., 11–12 (Oct. 8, 1997) (H. Rept. 105–50).

50. Proffer of Nora and Gene Lum to the Committee on Government Reform and Oversight (Aug. 22, 1997).

51. E.g., Story of a Foreign Donor's Deal With '92 Clinton Camp Outlined, Washington Post (Oct. 9, 1997); House Panel to Hear of '92 Clinton Donation Problem Probe, Los Angeles Times (Oct. 9, 1997).

52. Proffer of Nora and Gene Lum, supra note 50, at Part B.1–3.

53. Deposition of Richard C. Bertsch, House Committee on Government Reform and Oversight, ex. 12 (March 30, 1998). The letter was addressed to Richard Choi Bertsch, who worked for an organization called the Asian Pacific Advisory Council-VOTE ("APAC") which conducted get-out-the-vote and fundraising activities in the Asian-American community in California in 1992. Id. at 10–13, 20–22.

54. CBS's Face the Nation (Oct. 19, 1997).

55. Senate Committee on Governmental Affairs, Investigation of Illegal or Improper Activities in Connection with 1996 Federal Election Campaigns, 105th Cong., v. 6, 9345–46 (1998) (S. Rept. No. 167); Meet the Press (Dec. 7, 1997) (interview with Senator Thompson).

56. Deposition of Joseph Simmons, House Committee on Government Reform and Oversight, 149 (Oct. 18, 1997); Deposition of Alan P. Sullivan, House Committee on Government Reform and Oversight, 37 (Oct. 17, 1997); Deposition of Steven Smith, House Committee on Government Reform and Oversight, 99 (Oct. 18, 1997).

57. The conservative publication Insight magazine reported that "dozens of big-time political donors or friends of the Clintons" had gained waivers of the eligibility rules regarding burials at Arlington National Cemetery. Without naming its sources, the article stated that a "national cemetery official" and other sources are "outraged that the Clinton White House has applied pressure to gain waivers for fat-cat donors." Is There Nothing Sacred?, Insight Magazine (dated Dec. 8, 1997, but reportedly released in advance of that date).

58. White House Denies Burial Politics, Atlanta Constitution (Nov. 21, 1997); Burton to Probe Plots-for-Politics Allegations, Indianapolis Star News (Nov. 21, 1997).

59. Press Release, Rep. Gerald Solomon (Nov. 20, 1997).

60. General Accounting Office, Arlington National Cemetery: Authority, Process, and Criteria for Burial Waivers, 2–3, appendix 1 (Jan. 28, 1998) (GAO/T-HEHS-98-81).

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62. Id. at 9.

63. House Committee on Government Reform and Oversight, Hearings on the Department of the Interior's Denial of the Wisconsin Chippewa's Casino Application, 105th Cong., v.1, 106, 340 (Jan. 28, 1998).

64. Office of Independent Counsel, Final Report of Independent Counsel in Re: Bruce Edward Babbitt, 430, 441 (Aug. 22, 2000).

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71. Opening Statement by Chairman Burton, House Committee on Government Reform and Oversight, Business Meeting, 6–13 (Apr. 23, 1998); Congressional Record, H2338 (Apr. 28, 1998); Congressional Record, H2444 (Apr. 29, 1998).

72. Congressional Record, H2336 (Apr. 28, 1998).

73. Congressional Record H3453 (May 19, 1998).

74. House Committee on Government Reform and Oversight, Business Meeting, 87 (Apr. 23, 1998) (stenographic record).

75. Deposition of Larry Wong, House Committee on Government Reform and Oversight, 13–14, 19, 26–27, 43, 52, 57 (July 27, 1998).

76. Id. at 85.

77. Congressional Record, H3239 (May 13, 1998).

78. GOP Breaking China Over Clinton's Deals, National Journal (May 23, 1998).

79. See Internal Justice Memo Excuses Loral, Los Angeles Times (May 23, 2000).

80. Memorandum from Lee Radek to James Robinson, Assistant Attorney General, Criminal Division (Aug. 5, 1998).

81. The Addendum to Interim Report for Janet Reno and Louis Freeh Prepared by Charles La Bella and James DeSarno (Aug. 12, 1998).

82. House Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, 105th Cong., 2nd Sess. (Committed to the Committee of the Whole House, Jan. 3, 1999; Declassified in Part, May 25, 1999) (H. Rept. 105–851).

83. Letter from Rep. David McIntosh to Attorney General Janet Reno (Sept. 17, 1998).

84. Database Criminal Probe Sought, Washington Post (Sept. 9, 1998).

85. Letter from Rep. David McIntosh to Attorney General Janet Reno (Sept. 17, 1998); House Committee on Government Reform and Oversight, Investigation of the Conversion of the $1.7 Million Centralized White House Computer System, Known as the White House Database, and Related Matters, 105th Cong., 574–581 (Oct. 30, 1998) (H. Rept. 105–828).

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90. Id.

91. Charles Duncan's Responses to Interrogatories (Apr. 20, 1998).

92. Letter from Chairman Dan Burton to Attorney General Janet Reno, supra note 89.

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94. Statement of Alan Gershel, Deputy Assistant Attorney General, Department of Justice, House Committee on Government Reform, Hearing on Contacts between Northrop Grumman Corporation and the White House Regarding Missing White House E-Mails (Sept. 26, 2000).

95. Press Release, Chairman Burton, Burton Angered by Harassment of Witness (June 29, 1999).

96. Letter from Rep. Henry Waxman to Chairman Dan Burton (July 15, 1999).

97. Testimony of Chairman Dan Burton, House Rules Committee (July 15, 1999) (available at www.house.gov/reform/oversight/99 07 15db-rules.htm).

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99. Letter from Wallace H. Cheney, Assistant Director/General Counsel, Federal Bureau of Prisons, to Joseph M. Gabriel, Law Offices of Langberg, Leslie and Gabriel (March 2, 1995); Letter from Bonnie L. Gay, Attorney-in-Charge, FOIA/PA Unit, Executive Office of United States Attorneys, Department of Justice, to Joseph M. Gabriel (Dec. 15, 1994); See Letter from Magda S. Ortiz, FOIA/PA Reviewing Officer, Immigration and Naturalization Service, to Rebekah Poston (Dec. 6, 1994) (explaining that a potentially responsive record was illegible and requesting additional information); Letter from Russell J. Bruemmer, Wilmer, Cutler & Pickering, to Richard L. Huff, Co-Director, Office of Information and Privacy, Department of Justice (March 31, 1995) (explaining that the INS searched for, but ultimately could not find, a record responsive to the FOIA request).

100. Testimony of Richard Huff and Rebekah Poston, House Government Reform Committee, Felonies and Favors: A Friend of the Attorney General Gathers Information from the Justice Department, 129–31 (July 27, 200) (stenographic record).

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102. Memorandum from Attorney General Janet Reno to staff of the Attorney General (Apr. 28, 1995).

103. House Committee on Government Reform, Felonies and Favors: A Friend of the Attorney General Gathers Information from the Justice Department, 154 (July 27, 2000) (stenographic record).

104. Morning Edition, National Public Radio (Aug. 31, 1999).

105. Letter from Chairman Burton to Attorney General Janet Reno (Sept. 10, 1999).

106. Fox News, Fox News Sunday (Sept. 12, 1999).

107. Letter from Rep. Henry Waxman to John Danforth, Special Counsel (Sept. 13, 1999); FBI FD-302 of FBI Agent (June 9, 1993) (reporting that a pilot heard "a high volume of [Hostage Rescue Team] traffic and Sniper [Tactical Operations Command] instructions regarding . . . the insertion of gas by ground units," including "one conversation, relative to utilization of some sort of military round to be used on a concrete bunker"); FBI H.R.T. Interview Schedule (Nov. 9, 1993) (summarizing an interview with an FBI agent and stating that "smoke on film came from attempt to penetrate bunker w/1 military and 2 ferret rounds" and further describing the military round as "Military was . . . bubblehead w/green base"); Handwritten notes (April 19, 1993) (making repeated references to military rounds fired on April 19, 1993, such as "smoke from bunker came when these guys tried to shoot gas into the bunker (military gas round)").

108. John C. Danforth, Special Counsel, Interim Report to the Deputy Attorney General Concerning the 1993 Confrontation at the Mt. Carmel Complex, Waco, Texas, 54 (July 21, 2000).

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110. John Huang Interview FD-302 at 19 (Jan. 19–Feb. 10, 1999).

111. John Huang Interview FD-302 at 129 (Feb. 23–March 26, 1999).

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114. House Committee on Government Reform, Hearings on the Role of John Huang and the Riady Family in Political Fundraising, 15–16 (Dec. 15, 1999) (stenographic record).

115. Letter from Chairman Dan Burton to Attorney General Janet Reno, 2 (July 18, 2000).

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HISTORY OF CONGRESSIONAL OVERSIGHT COMMITTEE AND THE "NEW MAJORITY"

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60.

Mr. MICA. Mr. Speaker, I appreciate having this time this afternoon to come before the House following the distinguished ranking member of the Committee on Government Reform.

I have had an opportunity, since I came to Congress in 1993, to serve on the Committee on Government Reform. I came as a freshman Member in that year, in 1993, and served on that committee because I think it is a most important committee.

Many of my colleagues may not be familiar with the history of the Committee on Government Reform. It was called the Committee on Government Operations, and it has had several other names through its history. But I think the Committee on Government Reform is one of the most important committees in the House of Representatives and in the entire Congress. It has an interesting history that dates back to when our Federal government started building a bureaucracy.

After the Presidencies of Washington and Adams, in 1808, actually, Thomas Jefferson was quite alarmed by the bureaucracy building, he termed it, in Washington. He did not like the huge bureaucracy in his estimation that had been constructed previous to his taking office. The founding Members in the Congress, early Members at the turn of that century, the 19th century, again in 1808, created the predecessor of the Committee on Government Operations.

They did not trust the appropriators. They did not trust the authorizers. The authorizers would initiate a program, the appropriators would fund the program, and they wanted an additional check. All the checks and balances they put into our system of government are really incredible when we think back that this was done some 200 years ago. They wanted a government that worked and also a government that had oversight and investigation responsibility.

So in 1808, they created the predecessor of the committee on which the gentleman from California (Mr. WAXMAN) is the ranking member. He is the chief Democrat. The gentleman from Indiana (Mr. BURTON) is the chairman of the full Committee on Government Reform. So from the very beginning of the House of Representatives and the Congress, and the beginning of our system and the checks and balances, our Founding Fathers wanted that committee. Again, it serves a very important purpose and that is to investigate, to conduct oversight independent of all the other committees.

We heard criticism of the chairman, the gentleman from Indiana (Mr. BURTON). I would say that no one has done a more admirable job. We have to look at the history of this Congress and we have to look at the history of administrations. There have been many administrations. I would venture to say that never in the history of the United States of America and our government have we had an administration that has had more scandals. They probably have had more scandals in the Clinton-Gore administration than we have had in the 20th century and the 19th century back to the founding of our government.

This administration has been riddled with scandals. I cannot even keep track of the number of scandals that we have had. And for a Member to come forward and criticize the chairman for his conduct of investigations and oversight, I think, is unfair, because he had a responsibility and a tough responsibility.

I submit, having served on that subcommittee, that never before had I seen anything like this, and I have been a student of government since high school days some many years ago. Again, in serving on the committee under the Democrat control of both the House, the Senate and the White House from 1993 to 1995, I saw how they ran that committee, and it did not serve its purpose well.

□ 1615

In fact, there was a great defect in that because the committee was run in a fashion unintended by the Founding Fathers. I remember coming to this floor and holding up a sign that said "55 to 5." And I will tell you how the other side ran the committee, the committee that kept us straight in the House of Representatives. Again holding up that chart that said "55 to 5," I said, my colleagues, that is not the score of a badly mismatched sporting event. That is how the Democrats ran the investigation and the oversight committee. They gave us five investigative staff and they kept 55. We did not even have a chance. And they controlled the White House, the House and the other body; and that was not what the Founding Fathers intended.

So if you want to talk about misuse of one of the most important committees in the Congress or in the House of Representatives, merely look back in a reflective manner on how the other side operated this committee.

And time and time again, when I was in the minority, I came out and said, this is unfair, they should not run it in this fashion. And time and time again, they ran it in that fashion.

So to criticize the gentleman from Indiana (Mr. BURTON) for his record in conducting oversight and investigations for the most scandal-ridden administration ever to set its face in Washington, and I will include Philadelphia and New York, and we could go back to the Continental Congresses where they met in Trenton, Annapolis, Harrisburg, and some dozen State capitals, there has never been an administration so racked with scandal. And it has been dumped in our lap.

Now, do you think that is a lot of fun? Do you think we came to Congress just to pick on the other side? No, we did not. We came here because the Founding Fathers set up this check and balance to make this system work.

There are some countries I found that have even adopted the Constitution of the United States of America. They have adopted the entire document. Yet they do not function like ours. And I submit one reason they do not have that additional check that the Founding Fathers established, such as we have with the investigations and oversight, is because we are always trying to cleanse the process.

Sure, we may make a few mistakes in the investigations. It is not intentional. Sure, we may have gotten some inadequate information. But let me tell my colleagues, when we were in the minority, I saw how they ran the show at least as far as investigations and oversight, and it was not anything to be proud of.

In fact, again, I came many times asking for reform. And we did institute that reform, and we shared staff on a more equitable basis so we could do an honest job in conducting oversight of the House of Representatives. But to come here today to criticize the chairman.

I have also served on the committee, and I have seen what we had to contend with. And you can talk about witnesses, you can talk about Webb Hubbell who served time in prison, can you talk about run-away Federal prosecutors; but I am telling you, never before in the history has there been such a scandalous misuse of the investigative process by the other side. And I hope, for the good of the country, I hope for the good of this Congress that it is never repeated.

My colleagues, the House, Mr. Speaker, over 120 witnesses either would not raise their hand and swear to tell the whole truth, they raised their hand and took the fifth amendment. Over 120 witnesses fled the country. We have never been able to conduct a thorough investigation. And the other side that calls for campaign reform, 98 percent of the violations were on their side of the aisle, 98 percent of the violations.

I submit that 98 percent of those serving in Congress obey the laws, they do not get into the gray area. They know there is a controlling legal authority. They have made a mockery of the law. And for them to campaign on campaign finance reform is a mockery. Because almost every one of the offenses that we see and we have seen, whether it is the Vice President at a Buddhist temple raising funds, whether it is making calls with no controlling legal authority, whether it is other gray areas and now we see that the White House has reported the use of the Lincoln Bedroom like a Motel 6, campaign contributions coming into various people running for high office here or there, and the lights are on at the Motel 6 White House.

So again, we have a very serious situation we have had to contend with on that committee attempting to conduct investigations and oversight in a responsible manner, whether it is campaign finance; whether it is Travelgate, which was one of the worst misuses and abuses of Federal authority planned, cooked, sealed, a misuse of that office, a misuse of professional White House employees abusing them in the fashion, and some of them have been compensated fortunately for that; whether it is Filegate.

And we can go back to Filegate. Do we still know? Do we still know? And our committee, under the gentleman from Indiana (Mr. BURTON) and other Members, investigated Filegate, the illegal use of hundreds and hundreds of personnel files obtained through the FBI into the White House.

Everybody knows what they were up to. We know they were trying to get dirt on their political opponents. We even know who did it. Now, do we know who hired Craig Livingston? We do not know to this date because this is the way these folks operated.

I had a conversation with a Democrat colleague, and the Democrat colleague and I shared our concern that a future administration might use the Clinton-Gore administration as a model in which to use the system, and that would be so sad for the future of the country.

Hopefully, we can banish the Clinton-Gore method of operation because the operation of the Committee on Government Reform and Oversight has always had involved bipartisan cooperation and people coming forward raising their right hand and telling the whole truth to the committee so we could proceed, not taking the fifth amendment, not fleeing the country, not withholding information, shredding information, information disappearing, and only reappearing when we were able to get it somewhere else, information that unfortunately we have never been able to obtain.

So it is sad to come and have attacks against the chairman. And I will not say that, again, everything I have done is 100 percent. I make mistakes. I am human. The gentleman from Indiana (Mr. BURTON) makes mistakes. But I will tell my colleagues, he has done an incredible job.

The same method they used to go after everyone who questions or tries to hold them accountable is find dirt on them, try to expose them in some way with their friends in the press and belittle them and degrade them in public is sad. My Democrat colleague and I both share our concern that this is not the method of operation for future administrations whether they be Democrat or Republican.

So I take great exception.

I wanted to spend part of tonight, I usually talk on the drug issue, but following the ranking member and having background about how this committee, which I have served on since the first day I came to Congress and am knowledgeable about, I wanted to tell, as Paul Harvey says, the rest of the story.

Let me also mention while I have the floor that there are some funny things happening at this juncture. Of course, we are in a political time and people are talking about what they have done and what they have not done. And I think it is important to reflect.

I came into the Congress, again, as a minority Member in 1992. I was from the business sector. I am not an attorney. I came here because I was concerned about the future of the country, about us having a balanced budget, about the huge deficit we were running, about getting our country's finances in order.

I am pleased to come before my colleagues tonight to tell them that in fact we have been able to do that. And it was not done during my first term when there were huge numbers of majority from the other side. They did not bring spending under control. In fact, what they did was tax and spend more.

In a few weeks, the American people have an opportunity to decide whether they want to turn back to tax and spend or they want to remain on a sound fiscal basis, they want the finances of this country run like they would run their own finances so the income matches the outflow. And if they do not do that and they have a personal checkbook, they know exactly what happens, they keep spending and spending and they get further and further in debt.

Except they had the ability to tax. In 1993 and 1994, they did increase taxes on the American people. They did not balance the budget. And we could not pin the President down on when we would balance the budget; and every time we made a proposal, he would come back with a different date and propose more government spending, more government programs, more control in Washington, more takeover here, and they did not balance the budget. They had their opportunity.

In fact, I remember them presenting their budget and for this fiscal year after they came to the floor and proposed the largest tax increase in the history of our Republic and told us this was going to balance the budget, they found in fact that the information they gave us for this year they would have had a $200 billion deficit. That was their plan to this year have a $200 billion deficit.

Now, something changed there. I will tell my colleagues what changed there. It was the Republican majority took control in 1995. And what we did was not anything special. It was not rocket science. It was not some magic formula from a Harvard economic Ph.D. We limited the annual increases, we still have allowed increases, and we matched it with our expenditures and income.

It was a simple plan. We balanced the budget. And we did that without harming senior citizens, without harming education, but actually by, and I will show in a few minutes, by helping education, by resetting priorities. Because this place basically had run amuck. The finances of the country were out of control.

Let me just tell my colleagues the way I found the House of Representatives running when I came here. The banking scandal, as my colleagues may recall, Members on both sides of the aisle would write checks and the bills would be paid by bouncing checks that were covered here really with taxpayer money.

The restaurant downstairs, the House restaurant, was run at a deficit and the food there for Members of Congress and their guests was subsidized.

I have given the example of ice being delivered and some 16 and 17 people working to deliver ice. Well, they instituted delivering ice to the Members' rooms back in the 1930s and 1940s before they had refrigerators and they were still spending three-quarters of a million dollars a year to deliver ice to the offices when I came here and had some 16 to 17 employees doing that.

I gave that speech many years ago, and someone could not believe it. I had to send them the documentation. He said I was not telling the truth. But that is how they ran the place. The place was in shambles. The House of Representatives, the people's House, was a disaster.

And I sat with a Member of Congress, a freshman Member, and I was telling him the things that we have done since 1995 just starting here with the House of Representatives.

The first thing we did, and we said we would do it, was we cut the staff in the House of Representatives by one-third. That is what we started out with. We cut the staff by one-third. We cleaned out one building and a half a building on Capitol Hill of the huge bulk that the other side had taken on board and bulged the bureaucracy of the administration of Congress.

□ 1630

We cut the committees by a third. I took over the Civil Service subcommittee, which at one time Civil Service and Post Office had over 100 employees. I chaired Civil Service, and in fact we operated with seven staffers as opposed to more than 50 that had been devoted to the Civil Service subcommittee. So we cut the staff.

If you walk around the halls of Congress today in some of the House office buildings, you will see some empty rooms there that are there for meeting. They were formerly filled with this huge bureaucracy that the other side built up. That would be very sad to return to those days of yesteryear when they had control, when they misused their power.

We instituted many reforms in addition to cutting staff. Incidentally, since we cut the staff, we had a lot of parking spaces left over here because we did not have the 3,000 employees that were cut from the congressional payroll when we also cut the expenditures of the House of Representatives. So we turned that into a public parking lot. That parking lot actually has revenue into the House of Representatives. The subsidized dining room is now privately operated and not operated at a subsidy on the House side. A big change. The shoe shine stand, the barber shop, all of these things have been privatized and now accomplished. As I said, I sat with a freshman Member of Congress, he did not know, and if a freshman Republican Member of Congress does not know what we did, how can the American people or the rest of Congress remember the reforms that were instituted here in this House of Representatives?

One of the other great things that we have done, as long as I am going to spend a few minutes talking about, again, a contrast between the Republican control and the Democrat control, is our Nation's capital. Our Nation's capital was a disaster in 1993 to 1995 when the Democrats controlled the White House, the House and the Senate. It was a national shame. The murder rate approached some 400. There was a murder almost every weekend. Some weekends there were half a dozen murders here. There was slaughter in the streets of Washington. The public housing authority was bankrupt. The children who were supposed to be protected, most protected, not at a disadvantage, were fed jello, rice and chicken for a month because they did not have money to pay the vendors.

Sometimes you had to boil your water in the District of Columbia. The morgue was not able to pay again for burying the indigent dead and bodies were stacked up like cord wood because they could not meet their obligations. This Congress was funding three-quarters of a billion dollars of deficit for the District of Columbia before the Republicans took control of the House of Representatives. Three-quarters of a billion dollars a year in debt. Marion Barry who was a disgrace to not only the capital but to the Nation, who set a horrible example for the young people here, he had employed some 60,000 employees. About one in every 10 people in the District of Columbia was employed by the District staff.

What did the Republicans do? This year we have nearly balanced the budget for the District of Columbia, first of all kicking and screaming and you would think we had imposed martial law but we did impose a control board over the District of Columbia. The District is our responsibility. It is a trust given to the Congress under the Constitution and we must work to try to maintain that trust as a good steward of the District. You do want home rule and we have tried to do that, but we did have to institute a control board. We have gotten some of the agencies, not all of them, in order. But the District again is running at a near balanced budget. They were spending more on education than any other entity in the United States on a per capita basis and performing at one of the lowest levels and we have turned some of that around.

We had to turn the water system over to another agency to operate. We have had to redo the District of Columbia building which once was a beautiful building and it looked like a Third World practically bombed out shelter when we took over. We have cut the employees from some 60,000 to in the mid-30,000 range, I believe, but we have dramatically decreased the number of employees in the District of Columbia. And we have cut the murders in the District. The person we brought in as the financial officer to oversee the District's finances and try to get them in order fortunately was elected the mayor and he has done an admirable job in bringing the District finances under control, and now we have returned most of the rule back to the District of Columbia.

But what a sad case. How sad it would be for the District of Columbia or for the American people to turn the Congress over, the running of the House of Representatives to the side that put it in such shame and disrepute, how sad it would be to turn the

District of Columbia back over to the people who had that stewardship and in some 40 years ran the District of Columbia into the ground. They were responsible. They failed. We took on that responsibility both to run this House, run the District, and I think we did an admirable job. So today, my colleagues, I think it is time that we remember as Members are prepared from the other side to come and bash what we have done, I want to put in the RECORD and let the Congress and the American people know what we have taken on as a responsibility.

I was appointed by Speaker Gingrich to be the chairman of the Civil Service subcommittee. I spoke about that a few minutes ago. I talked about some of the things we did with the Civil Service subcommittee. I am not here to tout my own horn but let me tell you, we took the Federal employees personnel office, which is the Office of Personnel Management, and in the 1993 to 1995 period, just go look at the statistics. Close to 6,000 employees in our personnel office, Office of Personnel Management. We were able to get that down to some 3,000 employees. And 1,000 of those employees, although there was kicking and screaming, there were Federal investigators, I was able, working with others, to turn that into an employee stock ownership plan. So we cut the number of employees. We took a thousand of those Federal investigators and turned that into an employee stock ownership company. I am sure you would not read about this but it is a success of again a Republican initiative and something that we should be very proud of. They now own that company. They now pay taxes, millions of dollars in taxes. They do business with the Federal Government, with other government agencies, with the private sector. But it is employee-owned. They fought kicking and screaming, but we did it.

We can cut government. We can cut bureaucracy. We can make things run more efficiently. I had never been chairman of Civil Service. I had never been to a Civil Service subcommittee hearing. Again, it does not take a lot of rocket science or a Harvard Ph.D. in economics or administration management, it just takes some common sense. And somehow in 40 years these people lost common sense.

Let me talk about one more thing that really got my gander last week. We had the President of the United States at the White House in a signing ceremony for long-term care. The President and the White House announced the statement that the President and the administration had passed long-term care for Federal employees and retirees and others in the Federal workforce. The President of the United States had the gall to say that this would serve as a model for the private sector. Little did the President of the United States know the history of what had taken place on long-term care. Nor would his aides ever reveal this to the American public nor his press machine. But long-term care, ladies and gentlemen, when I became chairman of Civil Service was not ever on the radar screen. There was never ever a hearing in the Congress on long-term care. When I took over and I came from the private sector, I took over Civil Service, I started to look at some of the employee benefit programs. And coming from the private sector, I wondered why we did not have long-term care benefits for Federal employees. So I looked into it, and I actually conducted a hearing. The first hearing ever in the Congress was held on March 26, 1998. I chaired that, and I said, why do we not have long-term care as a benefit for Federal employees?

Now, this does not again take anything but common sense. I came from the private sector. Businesses I had been familiar with had proposals for long-term care for their employees. The bigger the business, the better discounts you can get. With 1.9 million Federal employees, with 2.2 million Federal retirees, with 1 million postal people and millions in the military, why could we not have a long-term care benefit for our Federal employees, go to an insurance carrier for long-term care and get a discounted rate for providing a group policy? I posed that.

"Oh, we can't do that. My goodness, we can't do that." The administration fought, kicked, opposed, blocked, did everything they could, said that this was a radical idea and fought us tooth and nail as we moved along or put impediments in the way.

Finally, the President signed the bill. I was not invited to the signing ceremony. There were other places I have not been invited to that probably would be more offensive to me, but we must set the record straight. And for the President of the United States to say that this would serve as a model for the private sector, well, to the President of the United States, Mr. Speaker and my colleagues, I must remind him that this idea came from the private sector. It was delivered through the person of Mr. MICA from Florida who held the first hearing on it and who introduced the first legislation on this August 4, 1998 and worked to try to get them to provide this simple benefit for one of the largest groups in the United States.

But Federal employees, Federal retirees, if you think that Bill Clinton or AL GORE did this for you, you need to have a serious counseling session with me and I will be glad to provide you the data. Of course he took credit for it and he had himself surrounded by people who did not have a whole lot to do with this particular issue.

Another issue, just to reflect as long as I am on the subject of a comparison of the Republican administration, the new majority, I must say that the other side really has had a deficit in new ideas for some 47 years, long-term care being one of them. But again in chairing the Civil Service subcommittee, I looked at the benefits that Federal employees have, and I came again from the private sector, I had some term insurance I had acquired in the private sector and as you get older and if you have term insurance, you know you pay more for that term insurance, and I thought, well, why not add on? I am now a Federal employee. Even though I am a Member of Congress I fall in that category. Why not add on to the Federal employees life insurance benefits program? I could pay a little bit more in a group and have those benefits. Now I am in that employ, I do not have the private sector benefit, so I looked at the rates, and I said, "My God, they're paying higher rates for life insurance than I can get in the private sector."

□ 1645

I thought, something is dramatically wrong. So I conducted a hearing on Federal employee-retiree life insurance benefits. Come to find out, the other side had not bid the life insurance policy for 40 years. For 40 years they had not bid it; they only had one product available.

If you are even familiar in the slightest sense from the private sector of all the new options that are out there in insurance coverage, and you have a group of 1.9 million Federal employees and 2.2 million Federal retirees and other Federal employees, why could you not get a better rate with a group that size? A no-brainer. I talked to my friends in the insurance industry, and they said it was absurd not to have more choices. It was absurd to be paying those rates.

Now, we did make a little bit of progress. We have some more choices out there. Kicking and screaming, the Office of Personnel Management is coming into the 21st century, whether it is long-term employee health benefits, whether it is life insurance.

Let me just set up as a bit of warning something else that I found as Chair of the Subcommittee on Civil Service that is on everybody's radar screen. One of the most important things to me personally is that we find ways to provide health insurance coverage for all Americans.

I personally remember when I was in college and my brother was in college, we dropped out, my dad did not have health insurance, and we went to work and were able to help the family meet their financial requirements and then go back to school. But I know what it is like to be in a family that does not have health insurance, and there are millions of families that do not have health insurance.

My dad was a working American who did not have health insurance, so I know what it is like; and I think it is important that we as Republicans, that we as Democrats, that we as an Independent Member of this body, work to find ways to find access to health insurance coverage.

I oversaw the largest health care plan as chairman of the Subcommittee on Civil Service in the country when I chaired that subcommittee, and I saw what this administration did to that program. It concerns me, because they are doing the same thing in prescription drugs; they are doing the same thing with HMOs and other reform.

What they are doing is they are bogging it down, they are packing on mandates, they are phrasing things like "Patients' Bill of Rights" and all of this that sounds good.

So I held hearings on what the administration was doing back several years now when I chaired this subcommittee. They came out with this Patients' Bill of Rights, and they could not get agreement in the Congress, so the President, by executive order, imposed the Patients' Bill of Rights on the Federal Employees Health Benefit Program.

I held a hearing and asked the people from the administration, what does this Patients' Bill of Rights do? Tell me what it does specifically. And each of them would say, well, it provides more paperwork, it is more regulation, it is more mandates.

I said, well, what medical benefit is there to all this? And they could not mention a specific medical benefit. But the President by executive order, which he has used so much because of the slim majority, and we do not have override ability here, imposed that on the employees health benefit program for the Federal Government, and not on all plans.

We had close to 400 plans at one time, before he imposed this, and he did not impose on it the most contentious part of the Patients' Bill of Rights, which is the right to sue. He imposed part of it, mostly the regulations and paperwork, I guess to make it look like he was doing something.

I will tell you what the result was. Instead of having, say, some 400 to choose from, we lost 60, 70 plans. When they added more mandates, we lost more plans. So many areas that needed that coverage for Federal employees out in the yonder started seeing fewer HMOs.

In addition, they saw the costs rise dramatically, and the private sector costs have not risen for health care plans anywhere near the extent, almost double digit for Federal employees, again with a system that the administration could get its hands around and sort of strangle, which they have done. So Federal employees, retirees, have seen these dramatic increases in costs in' premium, and also have fewer choices.

We have to be very careful that we do not do the same thing here with HMOs. I had a great letter from a constituent in my district. It was really a prize letter. I think it started out with "Dear Congressman MICA and you other dummies in Washington." He had sent it to not just me.

He said, you all are up there arguing about whether or not I have the right to sue my HMO, and he said you all are out in space, because I do not even have an HMO to sue. Three of them have disappeared.

That is a great concern to me, that something that was set up to provide health care on a cost-effective basis, that we do not destroy it.

Now, there are patient protections and things that can be written without damaging the intent and purpose of HMOs to provide access to health care, but we do not want more people like this who make a mockery of the ability to sue because he does not even have a plan he can go to. We see more and more plans being dissolved.

So if the Federal Government does continue to impose mandates, if we put on a Patients' Bill of Rights that only adds paperwork and regulations, and we increase the cost and we have fewer HMOs to choose from, the gentleman who wrote me, unfortunately, will be very correct. But he did have a great point: we cannot destroy something that is so important to us, and we have got to find ways.

It is interesting that we have some 30 or 40 million people who do not have health insurance coverage, and two-thirds of those people are working Americans. On our side of the aisle, again, kicking and screaming, we made the President sign welfare reform. I can tell you there is no way, if we had not boxed him into a corner, if it had not been close to the election, he ever would have signed welfare reform, but he did sign it. We have some 6 or 7 more million people working, thanks to the Republican initiative.

It is hard. I know it is easy to come here to come to Washington, to say I am going to give you this, free prescription drugs; you do not have to work; we will send you a welfare check from Washington, or through Washington, and you will be taken care of cradle-to-grave.

They tried that in the Soviet Union. They had it all cooked, and, unfortunately, the system was destroyed. You even see it in Europe and some countries that have these huge tax rates, unemployment, people not working, lack of productivity, and it is reflected now in their economies, as opposed to our's.

But we must address the people that we have taken from welfare to work and find a way that they can have access to affordable, quality health care. I think that has to be through a partnership of the working individual on the basis of their ability to pay.

We also have to do that through the employer; and most of the employers who are providing these benefits are small businesses. The majority of businesses in this country, the vast majority, is not big, big business; it is small employers. A huge percentage of our population is employed by small business people. So business, the employer and government also has a responsibility, and it is something we can do.

They had their chance to balance the budget. They did not. What is interesting is this year, I believe we are going to have this year in excess of $200 billion in surplus. They would have had by their plan which they submitted to us, I was here, a $200 billion deficit. Not only would they have had a deficit, but they were also taking out of Social Security and putting in nonnegotiable certificates of indebtedness of the United States.

So here is the crew on the other side of the aisle that brought us these huge deficits, and all the finances of the country start right here in the people's body, in the House of Representatives. They had their chance to propose getting this right, but they now claim to say that they can do a better job.

If you believe that, I have a bridge in Brooklyn that I would like to sell you. These are the same folks that not only had us in a deficit position, had no way to get us out, tried to tax their way out, tried to spend their way out, and had projected for this year a $200 billion deficit, their best guess, and we have a $200 billion-plus surplus.

It has not been easy to do. Every time we have made a reform, they have thrown the kitchen sink at us, saying we are going to have people rolled out of nursing homes on the street, there will be breadlines in America, welfare reform is a cruel thing, to insist that people work and not stay on welfare.

But I submit that we have done an admirable job. One of the things you can do when you balance the budget is you can talk about prescription drug benefits, you can talk about adding more money to education.

Mr. Speaker, I want to talk a few minutes about education, because I think that is important.

Now, I am a Republican Member of the House of Representatives. I come from a background, I actually have a degree in education from the University of Florida. I am very proud of that, and I never taught. I did my internship.

My wife was a public schoolteacher, taught elementary school in Corning, New York, and West Palm Beach when we moved and were married some 28 years ago, and she was a great teacher. I admire her ability with young people, and she has been a great mother to my two children, and I respect her judgment.

So she went to public schools, I went to public schools, we worked our way through college. I want to give that as a background. I am interested in education.

My grandparents were immigrants to this country. One was an Italian immigrant who came in after the turn of the century, worked in the factories and got into business in upstate New York. My grandfather on my father's side, they were Slovak immigrants from Slovakia, now a free and independent nation, once part of Czechoslovakia. They came to this country.

I will tell you, from the time I was a young child, I never heard anything repeated more in my family than get your education, that education is the most important thing. So the background of my family, again, came from immigrants, and they were intent on educating their children and grandchildren, and it was so important to us because they saw education and they saw it so rightly as the key to being able to function in a free democratic society that is dedicated to free enterprise. So education was a very, very important part of my family's background. I want to give that as a predicate.

Mr. Speaker, part of our work is trying to pass some 13 appropriations bills and do it in a responsible fashion. The contest is between the spenders, they had their chance to tax, and they could not impose any higher taxes on the American people because they are not in the majority. And the other alternative is spending, trying to keep the spending under control. The easiest thing for a politician to do is just spend more of the money and get it out of the people's hard-earned paycheck.

□ 1700

But, again, on the point of education, education has always been important to me. And once we get the finances of the country in order, once we get our personal finances in order, we can do a lot. We found that.

If I asked a question to Members of the House of Representatives, or of the Mr. Speaker today, who would do more financially for education, Republicans or Democrats, I am sure, Mr. Speaker, many people would respond, Democrats, because they are bigger spenders. But a strange thing happens when we balance the budget and have fiscal responsibility in Washington. We have more money, as I said, for prescription drugs; we have more money for education.

I can tell my colleagues that in the Republican Majority, K-through-12 funding has been a priority. Now, we only fund about 5 to 6 percent of all education dollars. The rest comes from local and State, usually from State governments through sales tax or other taxes at the State level or local property taxes. So we are the small contributor.

But these are the funding levels. Take a look at this. During the time the Democrats had control of the House of Representatives from 1990 to 1995, they increased spending for K-through-12 some 30.9 percent. If we have our financing in order, we can set priorities. We are not going further in the hole, and we are not robbing money out of Social Security, Medicare, or letting other programs go astray and here is what can be done. Under the Republican Majority from 1995 to 2000, we have increased the funds for education.

So we can do this with a balanced budget. We can put more money into education and the facts show that.

In fact, our side of the aisle has done that. Now, there is a big difference between the way we spend money and the way they spend money. Again, as a teacher, a former teacher-to-be, because, again, I never taught, but as a graduate of an education school and the husband of a teacher, I can tell my colleagues, and from talking to teachers throughout my district and anywhere I meet them, the last thing a teacher is able to do today is to teach. There are so many regulations, so many rules, so many restraints. There are so many court orders, so many edicts from Washington from the Department of Education, that the last thing a teacher can do is teach.

So this Republican majority has a difference. We have a difference in philosophy too about education. With Democrat control of the House of Representatives and the Congress, we found that nearly 90 percent of Federal dollars were going to everything except the classroom. We have first of all put more dollars into education, but also to have them go to the classroom and to the teacher. Those are the most fundamental differences between what the other side has proposed and what we propose and what this great debate is about.

They want that power; they want that control in Washington. They think Washington knows best. Better than parents, better than teachers, better than local school principals. In the meantime, they have created a bureaucracy. They have 5,000 people in the Department of Education; 5,000 people in the Department of Education.

Look at this administrative overhead. We have tried to get the dollars to education. They have tried and actually succeeded in getting the money to education administrative overhead. This is a chart from 1992 to the year 2000, and that has to be reversed. We do not need to be paying for a bureaucracy in Washington. Of the 5,000 people in the Federal Department of Education, somewhere in the neighborhood of 3,000 are located just within a few miles of where I am standing here in Washington, our Nation's capital. Most of them are making between $60,000 and $110,000. I do not have teachers that are making $60,000 and $110,000.

So we have a simple philosophy. Get that money out of administrative overhead. And no matter what program they get into, when they took over the Congress to have a Direct Student Loan Program as opposed to having the private sector, and the costs every time have risen dramatically. Look at the costs back in 1993. It has absolutely mushroomed. This is in a student loan program.

So we have been able to put more money in education. We are trying to do it without strings. We are trying to do it without a huge bureaucracy. There were 760 Federal education programs when I came to Congress. We have got it down to somewhere, I think, just below 700. All well intended, as we will hear the gentleman from Pennsylvania (Mr. GOODLING), the chairman of that committee, cite on the House floor. All well intended. But there is no reason why we cannot get that money back to the classroom, back to the teacher, back to basic education.

I tell my colleagues, and my wife will tell them as well as an elementary educator, students must be able to read, write, and do simple mathematics in order to succeed. And if students do not learn that at the earliest stage. I just saw, and I wanted to say President Bush, but Governor Bush's proposal and for what he did in Texas, what he has done in teaching young people to read, to write, to do mathematics. If we could duplicate this across the United States, what a great thing we would be doing for all young people, especially our minorities.

Again, we have to remember the value of education, to succeed in this country. Because if a student cannot read and write and do simple mathematics at the beginning, then they become the dropout problem, then they become the discipline problem. Then they are the social problem. Then they are sometimes even the prisoner problem and greater social problem that we face.

So Republicans have a very simple proposal. Get the money to the classroom. We have balanced the budget; we have additional resources. But not the control in Washington. Not the strangling. Let teachers teach. Do away with some of the Federal regulations.

We have seen it with charter schools. We have seen it with voucher systems. Voucher systems do not destroy public education; but they allow everyone, whether they are poor or black or Hispanic or white, whatever, to have an opportunity for the best possible education. And we find success, tremendous success in those programs in improvements in basic skills.

We have done it in the District. We helped clean up some of the District of Columbia problems. We have done it in the House of Representatives. We have done it with the Social Security program that was in disarray. We have done it with our Federal balanced budget. We have tried to do it in a responsible manner. And here in education with our seven key principles: quality education, better teaching, local control, which is so important, accountability. It is so important to have education accountability, dollars to the classroom, not to the bureacracy, not to administration, not to Washington control or mandates, but dollars to the classroom where they are most needed.

And not telling each school district they have got to use this money only for this or that. They know, the parents know, the principals know how to use those dollars.

Then parental involvement and responsibility. Responsibility which is so important in our society. Sometimes it is a word that is forgotten. No one wants to be responsible. And certainly we have had some 8 years of people not taking responsibility, of also promoting a nonresponsible society. That must change, because we must be responsible. We must be accountable. And our young people must also be ingrained with that philosophy if they are to succeed.

So we want to, again, take this message to the American people this afternoon, my fellow Members of Congress. We are pleased to compare what we have done, what we said we would do, and what we have accomplished and what we want to do for the future. We have a great model that we have presented.

Sure we have made mistakes. Republicans are human too. Sure, we have not done everything the way we should do. But I can tell my colleagues that this is not the time to turn to irresponsible management of the Congress, irresponsible management of the District of Columbia, irresponsible management over Social Security or Medicare that the other side let go. This is the time to be responsible, to have programs for the future based on sound experiences of the past.

Today, I have been able to hopefully outline some of what we have done; what I have been able to do as a Member of this distinguished body. And we are here to do the people's business and do it with honor, and on a bipartisan basis. But, again, the American people must be aware of the facts, particularly as we approach this most important generational election. This is a critical election; and we do not want to turn back to 1993, 1994, 1995, to tax and spend and regulate and administrate from Washington in an irresponsible manner.

Mr. Speaker, this is the time for responsibility. It is the time for us to really reflect upon the accomplishments that we can point to at this juncture. With that, Mr. Speaker, I appreciate you taking time and the staff taking time as the House concludes its business this afternoon and returns on Monday. Thank you so much for the opportunity to present this special order.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a Joint Resolution of the House of the following title:

H.J. Res. 109. Joint resolution making continuing appropriations for the fiscal year 2001, and for other purposes.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BONIOR) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:)

Mr. NETHERCUTT, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. COBURN, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. MALONEY of New York, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WAXMAN and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,820.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. Thomas, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 999. An act to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

H.R. 2647. An act to amend the Act entitled "An Act relating to the water rights of the Ak-Chin Indian Community" to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

H.R. 4700. An act to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.J. Res. 72. Joint resolution granting the consent of the Congress to the Red River Boundary Compact.

H.J. Res. 109. Joint resolution making continuing appropriations for the fiscal year 2001, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1295. An act to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the "Lance Corporal Harold Gomez Post Office".

S. 1324. An act to expand the boundaries of the Gettysburg National Military Park to include the Wills House, and for other purposes.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, September 29, 2000, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the fourth quarter of 1999, and first and second quarters of 2000, by Committees of the House of Representatives, pursuant to Public Law 95-384, and for miscellaneous groups in connection with official foreign travel during the first quarter of 2000 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Curacao, Arubz, Ecuador and Panama, December 2–10, 1999. Delegation expenses.	12/6	12/8	Ecuador				9,005.88				9,005.88
Committee total							9,005.88				9,005.88

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD D. SPENCE, Chairman, July 31, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LARRY COMBEST, Chairman, July 26, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Frederick A. Bigden	4/29	5/06	Germany		956.25		5,979.95		29.56		6,965.76
	5/06	5/13	England		2,084.50						2,084.50
Robert V. Davis	6/01	6/06	Taiwan		988.75		5,041.97		282.95		6,313.67
	6/06	6/08	Hong Kong		590.00						590.00
	6/08	6/10	China		632.50						632.50
Jack G. Downing	6/01	6/06	Taiwan		988.75		4,468.12		39.69		5,496.56
	6/06	6/08	Hong Kong		590.00						590.00
	6/08	6/15	China		1,500.75						1,500.75
Norman H. Gardner	6/01	6/06	Taiwan		988.75		5,259.12		152.86		6,400.73
	6/06	6/08	Hong Kong		737.50						737.50
Michael O. Glynn	4/28	5/07	Korea		1,949.25		3,494.97		133.28		5,577.50
	5/07	5/12	Japan		822.00						882.00
Terrence E. Hobbs	4/28	5/07	Korea		1,949.25		3,494.27		43.18		5,486.70
	5/07	5/12	Japan		882.00						882.00
Robert H. Pearre, Jr	4/29	5/06	Germany		959.00		6,156.19		114.62		7,229.81
	5/06	5/07	England		413.75						413.75
Robert J. Reitwiesner	6/01	6/06	Taiwan		988.75		4,468.12		272.42		5,729.29
	6/06	6/08	Hong Kong		590.00						590.00
	6/08	6/15	China		1,500.75						1,500.75
Lewis D. Rinker	4/28	5/07	Korea		1,949.25		3,494.97		114.44		5,558.66
	5/07	5/12	Japan		882.00						882.00
Charles J. Semich	6/01	6/06	Taiwan		988.75		4,513.12		231.30		5,733.17
	6/06	6/08	Hong Kong		590.00						590.00
	6/08	6/14	China		1,449.00						1,449.00
R.W. Vandergrift	6/01	6/06	Taiwan		998.75		5,961.02		498.87		7,458.64
	6/06	6/08	Hong Kong		590.00						590.00
	6/08	6/10	China		569.25						569.25
Donald C. Witham	4/29	5/03	Germany		956.25		5,979.95		27.28		6,963.48
	5/03	5/13	England		2,084.50						2,084.50
T. Peter Wyman	6/01	6/06	Taiwan		988.75		4,468.12		205.42		5,662.29
	6/06	6/08	Hong Kong		590.00						590.00
	6/08	6/14	China		1,449.00						1,449.00
Committee total					34 258.00		62,779.89		2,145.87		99,183.76

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

C.W. BILL YOUNG, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JULY 31, 2000.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Charles H. Taylor	4/16	4/22	Russia		1,100.00						1,100.000
Commercial airfare							4,996.06				4,996.06
Edward E. Lombard	4/15	4/22	Russia		1,450.00						1,450.00
Commercial airfare							4,706.63				4,706.63
Mark Mioduski	4/16	4/19	Uganda		642.00						642.00
	4/19	4/22	Ethiopa		714.00						714.00
	4/22	4/26	South Africa		668.00						688.00
Commercial airfare							8,257.85				8,257.85
Hon. John P. Murtha	4/20	4/23	Italy		237.00		(3)				237.00
	4/23	4/25	Kuwait		778.00		(3)				778.00
	4/25	4/26	Germany		236.00		(3)				236.00
James W. Dyer	4/20	4/23	Italy		925.25		(3)				925.25
	4/23	4/25	Kuwait		778.00		(3)				778.00
	4/25	4/26	Germany		89.75		(3)				89.75
									70.67		70.67
Douglas Gregory	4/21	4/23	Kuwait		1,278.00		(3)				1,278.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JULY 31, 2000.—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	4/24	4/25	Italy		258.00		(3)				258.00
	4/26	4/26	Spain		193.00		(3)				193.00
Hon. C.W. Bill Young	4/21	4/23	Kuwait		1,278.00		(3)				1,278.00
	4/24	4/25	Italy		258.00		(3)				258.00
	4/26	4/26	Spain		193.00		(3)				193.00
Jane Porter	4/21	4/23	Kuwait		1,278.00		(3)				1,278.00
	4/24	4/25	Italy		258.00		(3)				258.00
	4/26	4/26	Spain		193.00		(3)				193.00
Mike Ringler	4/25	4/29	Thailand		996.00						996.00
Commercial airfare							4,404.80				4,404.80
Jennifer Miller	4/21	4/22	People's Republic of China		347.00						347.00
	4/22	4/25	Vietnam		404.00						404.00
	4/25	4/29	Thailand		773.00						773.00
Commercial airfare							4,371.88				4,371.88
Hon. Chet Edwards	4/21	4/21	Kosovo				(3)				
	4/21	4/21	Macedonia				(3)				
	4/21	4/22	Croatia		206.00		(3)				206.00
	4/22	4/22	Bosnia/Herzegovina				(3)				
Gregory Dahlberg	4/24	4/26	Germany		168.00						168.00
Commercial airfare							2,265.00				2,265.00
Hon. Sam Farr	4/1	4/2	Costa Rica		173.00		(3)				173.00
Hon. Robert E. "Bud" Cramer	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/1	Panama		448.00		(3)				448.00
Hon. Carrie P. Meek	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
John G. Shank	5/27	5/31	Israel		1,502.00						1,502.00
	5/31	6/3	Austria		606.00						606.00
Commercial airfare							5,629.66				5,629.66
John T. Blazey II	5/26	6/05	Turkey		2,208.00						2,208.00
Commercial airfare							3,844.00				3,844.00
Richard E. Efford	5/26	6/2	Turkey		1,891.00						1,891.00
Commercial airfare							3,843.80				3,843.80
Stephanie K. Gupta	5/25	6/2	Turkey		2,108.00						2,108.00
Commercial airfare							3,843.80				3,843.80
Committee total					29,421.00		46,163.48		70.67		75,655.15

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

C.W. BILL YOUNG, Chairman, July 24, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Travel to France, Germany and Belgium, April 16–21, 2000:											
Hon. Ellen O. Tauscher	4/16	4/18	France		624.00						624.00
	4/18	4/19	Germany		197.00						197.00
	4/19	4/21	Belgium		324.00						324.00
Commercial airfare							4,964.88				4,964.88
Travel to El Salvador, April 19–21, 2000:											
Mr. Christian P. Zur	4/19	4/21	El Salvador		444.000						444.00
Commercial airfare							1,551.80				1,551.80
Mr. George O. Withers	4/19	4/21	El Salvador		444.000						444.00
Commercial airfare							1,551.80				1,551.80
Travel to Bosnia, April 16–18, 2000:											
Hon. Silvestre Reyes	4/16	4/18	Bosnia		425.00						425.00
Travel to Italy, June 11–13, 2000:											
Mr. John D. Chapla	6/11	6/13	Italy		296.350						296.35
Commercial airfare							4,062.20				4,062.20
Committee total					2,754.35		12,130.68				14,885.03

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD SPENCE, Chairman, July 31, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1, AND JUNE 30, 2000.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Max Sandlin	4/21	4/21	Macedonia				(3)				
	4/21	4/22	Croatia		206.00		(3)				206.00
	4/22	4/23	Bosnia				(3)				
Ellen Kuo	5/4	5/8	Thailand		504.00						504.00
	5/8	5/12	Indonesia		680.00		5,569.59				6,249.59
Joseph Engelhard	5/5	5/8	Thailand		651.00						651.00
	5/8	5/10	Indonesia		494.00		5,546.59				6,040.59
Committee total					2,535.99		11,116.18				13,651.18

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JAMES A. LEACH, Chairman, July 25, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24, AND JUNE 1, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
James McCormick	5/24	5/27	Russia		1,150.00						1,150.00
	5/27	5/30	Israel		1,132.00						1,132.00
	5/30	6/1	Italy		315.00		2,328.00				2,643.00
Gregory Wierzynski	5/24	5/27	Russia		1,150.00						1,150.00
	5/27	5/30	Israel		1,132.00						1,132.00
	5/30	6/1	Italy		315.00		2,328.00				2,643.00
Hon. James Leach	5/24	5/27	Russsia		1,150.00						1,150.00
	5/27	5/30	Israel		1,132.00						1,132.00
	5/30	6/1	Italy		315.00		2,328.00		120.00		2,763.00
Committee totals					7,791.00		6,984.00		120.00		14,895.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES A. LEACH, Chairman, Sept. 18, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Abramowitz	3/28	4/1	Switzerland		402.00						402.00
Commercial airfare							4,131.00				4,131.00
David Adams	3/30	4/3	Colombia		772.00						772.00
Commercial airfare							1,827.80				1,827.80
	4/16	4/18	Bangladesh		419.00						419.00
	4/18	4/22	India		1,275.00						1,275.00
	4/23	4/25	Pakistan		449.00						449.00
Commercial airfare							7,406.84				7,406.84
Hon. Cass Ballenger	4/1	4/2	Costa Rica		110.00						110.00
Bob Becker	4/26	4/28	Nicaragua		497.50						497.50
Commercial airfare							469.80				469.80
Paul Berkowitz	3/29	3/30	Belgium		246.00						246.00
	3/30	3/31	Switzerland		270.00						270.00
	3/31	4/1	Italy		289.00						289.00
Commercial airfare							5,444.50				5,444.50
	4/15	4/22	China		1,756.00						1,756.00
Commercial airfare							4,170.80				4,170.80
	4/22	4/25	Taiwan		678.00						678.00
Commercial airfare							735.66				735.66
Hon. Kevin Brady	4/21	4/22	Croatia		64.50						64.50
	4/22	4/23	Bosnia		141.50						141.50
Peter Brookes	4/15	4/22	China		1,756.00						1,756.00
Commercial airfare							5,107.80				5,107.80
Sean Carroll	5/19	5/22	Haiti		292.00						292.00
Hon. William D. Delahunt	4/1	4/2	Costa Rica		173.00						173.00
Michael Ennis	4/16	4/18	Bangladesh		444.00						444.00
	4/18	4/22	India		1,217.00				[3]95.17		1,312.17
	4/23	4/25	Pakistan		474.00				[3]293.77		767.77
Commercial airfare							7,406.84				7,406.84
David Fite	4/18	4/22	India		1,2147.00						1,214.00
	4/23	4/25	Pakistan		474.00						474.00
Commercial airfare							7,319.00				7,319.00
	5/27	5/31	Russia		898.00						898.00
	5/31	6/2	United Kingdom		642.00						642.00
Commercial airfare							6,419.07				6,419.07
Richard Garon	4/7	4/8	Dominican Republic		114.00						114.00
	4/8	4/9	Haiti		187.85				[3]145.57		333.42
Commercial airfare							640.02				640.02
Kristen Gilley	4/25	4/27	Greece		288.00						288.00
	4/27	4/30	France		786.00						786.00
Commercial airfare							4,613.19				4,613.19
Charisse Glassman	5/13	5/15	Haiti		235.77						235.77
Commercial airfare							873.80				873.80
	5/19	5/22	Haiti		292.00						292.00
Amos Hochstein	5/28	5/31	Russia		728.00						728.00
	5/31	6/2	United Kingdom		622.00						622.00
Commercial airfare							6,419.00				6,419.00
John Mackey	3/30	4/3	Colombia		772.00						772.00
Commercial airfare							1,827.80				1,827.80
	4/24	4/27	Greece		288.00						288.00
	4/27	4/30	France		786.00						786.00
Commercial airfare							4,613.19				4,613.19
	5/17	5/20	Colombia		579.00						579.00
Commercial airfare							667.80				667.80
Caleb McCarry	4/7	4/8	Dominican Republic		174.00						174.00
	4/8	4/9	Haiti		189.89						189.89
Commercial airfare							640.02				640.02
	4/26	4/28	Nicaragua		497.50						497.50
	4/18	4/29	Panama		110.00						110.00
Commercial airfare							586.80				586.80
Kathleen Moazed	4/15	4/22	China		1,756.00						1,756.00
Commercial airfare							5,131.30				5,131.30
Hon. Donald M. Payne	5/14	5/15	Haiti		235.78				[3]96.38		332.16
Commercial airfare							826.80				826.80
Stephen Rademaker	4/27	4/30	Slovak Republic		400.00						400.00
Commercial airfare							5,443.57				5,443.57
	5/28	6/1	Russia		1,200.00						1,200.00
Commercial airfare							5,812.01				5,812.01
Grover Joseph Rees	3/29	4/1	Switzerland		577.00						577.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Commercial airfare							4,771.45				4,771.45
John Walker Roberts	5/28	5/31	Russia		918.00						918.00
	5/31	6/2	United Kingdom		622.00						622.00
Commercial airfare							6,419.07				6,419.07
Hon. Dana Rohrabacher	4/25	4/26	Macedonia		(4)						(4)
	4/26	4/27	Kosovo		(4)						(4)
	4/27	4/28	Austria		(4)						(4)
Commercial airfare							1,784.34				1,784.34
Tanya Shamson	5/20	5/23	Latvia		650.00						650.00
Commercial airfare							4,905.96				4,905.96
Peter Yeo	4/15	4/21	China		1,510.00						1,510.00
Commercial airfare							5,235.80				5,235.80
Committee total					29,472.29		111,651.03		630.89		141,754.21

[1] Per diem constitutes lodging, and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Delegation costs.
[4] Financial information pending varification.

BEN GILMAN, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Cynthia Martin	4/7	4/8	Dominican Republic		174.00						174.00
	4/8	4/9	Haiti		146.00						146.00
Commerciall airfare							540.30				540.30
Anthony Foxx	4/7	4/8	Dominican Republic		174.00						174.00
	4/8	4/9	Haiti		146.00						146.00
Commercial airfare							681.30				681.30
Hon. John Conyers, Jr	5/19	5/22	Haiti		292.00		(3)				292.00
Hon. William D. Delahunt	5/19	5/22	Haiti		292.00		(3)				292.00
Cynthia Martin	5/19	5/22	Haiti		292.00		(3)				292.00
Anthony Foxx	5/19	5/22	Haiti		292.00		(3)				292.00
Daniel Freeman	6/22	6/25	Canada		700.00						700.00
Commercial airfare							668.65				668.65
Committee total					2,508.00		1,890.25				4,398.25

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HENRY J. HYDE, Chairman, July 27, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Timothy Sample	4/3	4/6	Europe		999.00						999.00
Commercial airfare							4,795.20				4,795.20
Patrick Murray	4/14	4/18	Middle East		892.00						892.00
	4/18	4/19	Europe		250.00						250.00
Commercial airfare							5,312.30				5,312.30
Jay Jakub	4/14	4/18	Middle East		892.00						892.00
	4/18	4/19	Europe		250.00						250.00
Commercial airfare							5,312.30				5,312.30
Beth Larson	4/16	4/30	Asia		3,572.00						3,572.00
Commercial airfare							5,788.00				5,788.00
Wyndee Parker	4/16	4/30	Asia		3,719.00						3,719.00
Commercial airfare							7,461.20				7,461.20
John Stopher	5/29	6/4	Asia		1,555.00						1,555.00
Commercial airfare							4,540.33				4,540.33
Patrick Murray	6/24	6/28	Europe		780.00						780.00
Commercial airfare							4,289.32				4,289.32
Jay Jakub	6/24	6/28	Europe		780.00						780.00
Commercial airfare							4,289.32				4,289.32
Committee total					10,478.00		26,368.91				36,846.91

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PORTER J. GOSS, Chairman, July 28, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Lynn Rivers	1/5	1/12	New Zealand		1,400.00		6,876.64				8,276.64
Hon. Lynn Woolsey	1/5	1/12	New Zealand		1,400.00		6,338.64				7,738.64
Hon. Mark Sanford	1/5	1/12	New Zealand		1,400.00		2,087.52				3,487.52

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. F. James Sensenbrenner, Jr	1/17	1/19	Jerusalem		987.00		5,527.47				6,514.47
	1/20	1/22	Istanbul		951.00						951.00
Hon. Richard Russell	1/17	1/19	Jerusalem		987.00		5,527.47				6,514.47
	1/20	1/22	Istanbul		951.00						951.00
Hon. F. James Sensenbrenner, Jr	2/19	2/26	Germany		1,578.00		5,410.70		[3]1,067.31		8,056.01
	2/27	2/29	France		1,292.00						1,292.00
Hon. Todd Schultz	2/19	2/26	Germany		1,578.00		5,410.70				6,988.70
	2/27	2/29	France		1,292.00						1,292.00
Committee total					13,816.00		37,179.14				52,062.45

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] The total of $1,067.31 breaksdown as follows: $967.56—overtime; $83.00—mileage; $16.75—package.

F. JAMES SENSENBRENNER, Jr., Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Harlan Watson	5/4	5/8	Canada		1,158.51		5,358.00				6,516.51
	6/8	6/17	Germany		1,300.00		4,704.45				6,004.45
Committee total					2,458.51		10,062.45				12,520.96

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, Jr., Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Duncan	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Hon. Jim Oberstar	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Hon. Tom Ewing	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Hon. Corrine Brown	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Hon. Bob Filner	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Hon. Tim Holden	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Mike Strachn	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
David Heymsfeld	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Roger Nober	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Ward McCarragher	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Jimmy Miller	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Kathy Guilfoy	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Carol Wood	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Patricia Law	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Schaffer	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Ken Kopocis	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Stacie Soumbeniotis	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Rob Chamberlin	4/24	4/25	Brazil		415.00		(3)				415.00
	4/25	4/27	Chile		570.00		(3)				570.00
	4/27	4/30	Argentina		1,184.00		(3)				1,184.00
	4/30	5/2	Panama		448.00		(3)				448.00
Hon. Corrine Brown	5/19	5/21	Haiti		292.00						292.00
Commercial airfare							[4] 292.80				292.80
Committee total					47,398.00		292.80				47,690.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Military air transportation to Haiti; commercial airfare from Haiti to Jacksonville, FL.

BUD SHUSTER, Chairman, July 26, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Marlene Kaufmann		3/28	U.S.A.				5,030.35				5,030.35
	3/29	4/1	Romania		934.50						943.50
Michael Ochs		4/3	U.S.A.				6,390.87				6,390.87
	4/4	4/5	England			281.32					281.32
	4/5	4/11	Georgia		1,667.55						1,667.55
	4/11	4/13	Austria		348.00						348.00
Chadwick Gore		4/8	U.S.A.				4,216.80				4,216.80
	4/9	4/16	Turkey		994.00						994.00
Marlene Kaufmann		4/11	U.S.A.				5,087.75				5,087.75
	4/12	4/14	Czech Republic		500.00						500.00
Robert Hand		5/21	U.S.A.				4,540.12				4,540.12
	5/22	5/26	Poland		868.57						868.57
Janice Helwig	4/1	6/30	Austria		8,420.00						8,420.00
Maureen Walsh		6/17	U.S.A.				5,105.57				5,105.57
	6/18	6/20	Austria		304.22						304.22
	6/20	6/24	Ukraine		546.38						548.38
Committee total					14,866.54		30,371.46				45,238.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS SMITH.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NATO PARLIAMENTARY ASSEMBLY DELEGATION TO HUNGARY AND EGYPT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 25 AND JUNE 5, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	5/26	5/30	Hungary		1,004.00		[3] 1,246.56				2,250.56
Hon. Tom Bliley	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00		(4)				2,146.00
Hon. Herbert Bateman	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00		(4)				2,146.00
Hon. Sherwood Boehlert	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00		(4)				2,146.00
Hon. Paul Gilmor	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00		(4)				2,146.00
Hon. Joel Hefley	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00		(4)				2,146.00
Hon. Vernon Ehlers	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00		(4)				2,146.00
Hon. Roy Blunt	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00		(4)				2,146.00
Hon. Nicholas Lampson	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00		(4)				2,146.00
Hon. Owen Pickett	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00		(4)				2,146.00
Hon. Bobby Rush	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00		(4)				2,146.00
Hon. Ralph Regula	5/26	5/29	Hungary		753.00		[3] 1,373.94				2,126.94
Susan Olson	5/26	5/30	Hungary		1,134.00						
	5/30	6/5	Egypt		1,142.00		[3] 1,511.56				3,787.56
Josephine Weber	5/26	5/30	Hungary		1,134.00						
	5/30	6/5	Egypt		1,142.00		[3] 1,511.56				3,787.56
Robin Evans	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00		(4)				2,146.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NATO PARLIAMENTARY ASSEMBLY DELEGATION TO HUNGARY AND EGYPT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 25 AND JUNE 5, 2000—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Evan Field	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00		(4)				2,146.00
David Goldston	5/26	5/30	Hungary		1,004.00		[3] 1,250.06				2,254.06
Jason Gross	5/26	5/31	Hungary		1,004.00		[3] 1,214.26				2,218.26
David Hobbs	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00		(4)				2,146.00
Scott Palmer	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00		(4)				2,146.00
Ronald Lasch	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00		(4)				2,146.00
John Herzberg	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00		(4)				2,146.00
Linda Pedigo	5/26	5/30	Hungary		1,004.00						
	5/30	6/5	Egypt		1,142.00		(4)				2,146.00
Committee total:					44,799.00		8,107.94				52,906.94

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Figure for commercial airfare, but military air transportation also used.

[4] Military air transportation.

DOUG BEREUTER, July 26, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10333. A letter from the Associate Administrator, Department of Agriculture, Fruit and Vegetable Programs, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Increase in the Minimun Size Requirements for Dancy, Robinson, and Sunburst Tangerines [Docket No. FV00–905–3 FR] received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10334. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Dimethomorph, (E,Z) 4-[3-(4-chlorophenyl) -3- (3, 4-dimethoxyphenyl)-1-oxo-2-propeny morpholine; Pesticide Tolerances [OPP–301062; FRL–6747–9] (RIN: 2070–AB78) received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10335. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Flucarbazone-sodium; Time-Limited Pesticide Tolerances [OPP–301052; FRL–6745–9] (RIN: 2070–AB78) received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10336. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Indoxacarb; Pesticide Tolerance [OPP–301064; FRL–6747–8] (RIN: 2070–AB78) received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10337. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Propamocarb hydrochloride; Pesticide Tolerance [OPP–301057; FRL–6745–8] (RIN: 2070–AB78) received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10338. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report on the independent study of the secondary inventory and parts shortages; to the Committee on Armed Services.

10339. A letter from the Acting Assistant General for Regulatory Services, Department of Education, Office of Management and Office of Inspector General, transmitting the Department's final rule—Official Seal; National Security Information Procedures-received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10340. A letter from the Acting Associate Administrator for Civil Rights, General Services Administration, transmitting the Administration's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance; Final Common Rule—received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10341. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, FDA, transmitting the Department's final rule—Administrative Practies and Procedures; Good Guidance Practices [Docket No. 99N–4783] received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10342. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Consolidated Federal Air Rule (CAR): Synthetic Organic Chemical Manufacturing Industry [AD–FRL–6576–9] (RIN: 2060–AG28) received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10343. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Washington [WA–71–7146a; FRL–6879–6] received September 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10344. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification for Fiscal Year 2001 that no United Nations agency or United Nations affiliated agency grants any official status, accreditation, or recognition to any organization which promotes and condones or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization, pursuant to 22 U.S.C. 287e nt.; to the Committee on International Relations.

10345. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Kouru, French Guiana or Sea Launch [Transmittal No. DTC 103–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10346. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel, Poland, Republic of Korea [Transmittal No. DTC 075–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10347. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to South Korea and Turkey [Transmittal No. DTC 109–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10348. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 119–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10349. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the Netherlands [Transmittal No. DTC 112–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10350. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Switzerland [Transmittal No. DTC 131–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10351. A letter from the Assistant Secretary for Legislative Affairs, Department of

State, transmitting certification of a proposed license for the export of major defense equipment sold commercially under a contract to Denmark [Transmittal No. DTC 99–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10352. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 121–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10353. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada [Transmittal No. DTC 102–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10354. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel [Transmittal No. DTC 129–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10355. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Italy [Transmittal No. DTC 052–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10356. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 134–00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10357. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom [Transmittal No. DTC 120–00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10358. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 93–00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10359. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed transfer of major defense equipment with the United Kingdom [Transmittal No. RSAT–1–00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10360. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 125–00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10361. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 087–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10362. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Spain and Turkey [Transmittal No. DTC 105–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10363. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation; Administrative Amendments [FRL–6878–9] received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10364. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's "Major" rule—Migratory Bird hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2000–01 Late Season (RIN: 1018–AG08) received September 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10365. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Grant Conditions for Indian Tribes and Insular Area Recipients—received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10366. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shapchin and Northern Rockfish in the Aleutian Islands Subarea [Docket No. 000211040–0040–01; I.D. 091800J] received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10367. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Sharpchin and Northern Rockfish in the Aleutian Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 000211040–0040–01; I.D. 091900A] received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10368. A letter from the Attorney General, Department of Justice, transmitting a report on the Department of Justice's deteminination on the consitutionality to prohibit the mailing of truthful information or advertisements concerning lawful gambling operations; to the Committee on the Judiciary.

10369. A letter from the Director, Policy Directives and Instructions Branch, Department of Justice, INS, transmitting the Department's final rule—Fingerprinting Certain Applicants for a Replacement Permanent Resident Card (Form 1–551) INS No.2040–00] (RIN: 1115–AF74) received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10370. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2000–42] received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10371. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 2000–39] received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10372. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Zone Academy BONDS; Obligations of States and Political Subdivisions (RIN: 1545–AY01) received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10373. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the alotting of emergency funds made available by the Low-Income Home Energy Assistance Act of 1981 to all states, territoires and tribes; jointly to the Committees on Commerce and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 599. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 106–909). Referred to the House Calendar.

Mr. REYNOLDS. Committee on Rules. House Resolution 600. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 106–910). Referred to the House Calendar.

Mr. YOUNG of Arkansas; Committee on Resources. S. 1653. An act to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; with an amendment (Rept. 106–911). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Arkansas: Committee on Resources. H.R. 2570. A bill to require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that comprise the Lincoln Highway, and for other purposes. (Rept. 106–912) Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 4827. A bill to amend title 18, United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes; with an amendment (Rept. 106–913) Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. NADLER:

H.R. 5330. A bill to amend the Vaccine Injury Compensation Program, and for other purposes; to the Committee on Commerce.

By Mr. DAVIS of Illinois (for himself, Mr. SHIMKUS, Mr. TALENT, Mr. WATTS of Oklahoma, Ms. NORTON, Mr. HILLIARD, Mr. CLAY, Ms. LEE, Mr. RANGEL, Mr. PAYNE, Mrs. MALONEY of New York, Mrs. JONES of Ohio, Mr. GUTIERREZ, Mr. WYNN, Mr. CLYBURN, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. TOWNS, Mr. FROST, Mr. EVANS, Mr. OWENS, Mr. DIXON, Mr. CUMMINGS, Ms. MILLENDER-MCDONALD, Mr. MEEKS of New York, Mr. CROWLEY, Mr. FALEOMAVAEGA, Mr. SERRANO, Mr. FORD, Mrs. CLAYTON, Ms. BROWN of Florida, Mr. DAVIS of Virginia, Mr. DICKS, Mr. JEFFERSON, Mr. LATOURETTE, Mr. MORAN of Virginia, Mr. BISHOP, Ms. MCKINNEY, Mrs. MCCARTHY of New York, Mr. BACA, Mr. PASCRELL, Mr. SAXTON, Mr. PALLONE, Mr. RUSH, Mr. GEORGE MILLER of California, Mr. PASTOR, Mr. CAPUANO, Mrs. LOWEY, Mr. LAZIO, Mr. FRANKS of New Jersey, Mr. POMEROY, Mr. EWING, Mr. PETERSON of Minnesota, Ms. KILPATRICK, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RIVERS, Ms. CARSON, Mr. SESSIONS, Ms. SLAUGHTER, Mr. BLAGOJEVICH, Mr. LEWIS of Georgia, Mr. HASTINGS of Florida, Mr. SCOTT, Ms. WATERS, Mr. NADLER, Mr. SABO, Mr. PORTMAN, Mr. GREEN of Wisconsin, Mr. MALONEY of Connecticut, Mr. BRADY of Pennsylvania, Mr. MCNULTY, Mrs. MINK of Hawaii, and Mr. SNYDER):

H.R. 5331. A bill to authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass; to the Committee on Resources.

By Mr. BRYANT:

H.R. 5332. A bill to amend the motor vehicle safety chapter of title 49, United States Code to make it illegal for any person to sell a tire which is the subject of a recall; to the Committee on Commerce.

By Mr. CUMMINGS:

H.R. 5333. A bill to amend title 5, United States Code, to revise the overtime pay limitation for Federal employees, and for other purposes; to the Committee on Government Reform.

By Mr. DICKEY:

H.R. 5334. A bill to establish a Patients Before Paperwork Medicare Red Tape Reduction Commission to study the proliferation of paperwok under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH:

H.R. 5335. A bill to amend the Federal Election campaign Act of 1971 to require candidates for election for Federal office to raise the majority of their contributions from individuals who reside in the State the candidate seeks to represent, and for other purposes; to the Committee on House Administration.

By Mr. FORBES (for himself and Mr. ENGEL):

H.R. 5336. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale to a governmental unit of land or an easement therein for open space conservation purposes; to the Committee on Ways and Means.

By Mr. GILCHREST (for himself and Mr. DEFAZIO):

H.R. 5337. A bill to revise the laws of the United States relating to United States cruise vessels, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN:

H.R. 5338. A bill to amend the Homeowners Protection Act of 1998 to provide for cancellation of FHA mortgage insurance for mortages on single family homes; to the Committee on Banking and Financial Services.

By Mrs. JOHNSON of Connecticut (for herself, Mr. MCNULTY, Mr. BOEHLERT, Mr. LARSON, and Mr. HUNTER):

H.R. 5339. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain energy-efficient property; to the Committee on Ways and Means.

By Mrs. KELLY (for herself, Mr. SHAYS, Mr. GILMAN, Mrs. LOWEY, and Mr. ENGEL):

H.R. 5340. A bill to amend title 49, United States Code, relating to the airport noise and access review program; to the Committee on Transportation and Infrastructure.

By Mr. LAFALCE:

H.R. 5341. A bill to preserve the requirement for the annual bank fee report by the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. PETERSON of Minnesota (for himself, Mr. OBERSTAR, Mr. LAHOOD, Mr. PETRI, Mr. MCGOVERN, Mr. GREEN of Wisconsin, Mr. WALSH, Ms. KAPTUR, Ms. BALDWIN, Mr. SCHAFFER, Mr. DICKS, Mr. FROST, Mr. EVANS, Mr. CRAMER, Mr. HINCHEY, Mr. MCDERMOTT, Ms. MCKINNEY, Ms. BROWN of Florida, Mr. MCCOLLUM, Mr. OLVER, Mr. HUTCHINSON, Mr. FILNER, Mr. BONIOR, and Mrs. KELLY):

H.R. 5342. A bill to amend title 10, United States Code, to provide more equitable civil service retirement and retention provisions for National Guard technicians; to the Committee on Armed Services.

By Mr. THOMAS:

H.R. 5343. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers using the income forecast method of depreciation to treat costs contingent on income in the same manner as fixed costs to the extent determined by reference to the estimated income under such method, and for other purposes; to the Committee on Ways and Means.

By Mr. TOOMEY (for himself, Mr. GREENWOOD, Mr. SCHAFFER, Mr. HOSTETTLER, and Mr. SOUDER):

H.R. 5344. A bill to establish limits on medical malpractice claims, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVERETT (for himself, Ms. BROWN of Florida, Mr. STUMP, and Mr. EVANS):

H. Con. Res. 413. Concurrent resolution expressing the sense of Congress concerning cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of medical items; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL (for himself, Mr. PITTS, Mr. LANTOS, Mr. ROHRABACHER, Mr. ROYCE, and Mr. BEREUTER):

H. Con. Res. 414. Concurrent resolution relating to the reestablishment of representative government in Afghanistan; to the Committee on International Relations.

By Mr. LANTOS (for himself, Mr. COX, Mr. WOLF, Mr. SMITH of New Jersey, Ms. PELOSI, Mr. PORTER, and Mr. ROHRABACHER):

H. Res. 601. A resolution expressing the sense of the House of Representatives that without improvement in human rights the Olympic Games in the year 2008 should not be held in Beijing in the People's Republic of China; to the Committee on International Relations.

By Mr. BROWN of Ohio (for himself, Mr. BONIOR, Mr. OBEY, Mr. BORSKI, Ms. PELOSI, Mr. LIPINSKI, and Ms. KAPTUR):

H. Res. 602. A resolution supporting the policy announced by the Secretary of Transportation to delay implementation of the provisions of the North American Free Trade Agreement that allow access for Mexican trucks to all United States roads as of 2000, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 284: Mr. ROGAN, Mr. MEEKS of New York, Mr. STUMP, Mr. WEINER, Mr. SAXTON, Mrs. EMERSON, Ms. MILLENDER-MCDONALD, Mr. QUINN, and Mr. BLAGOJEVICH.

H.R. 353: Mr. WATKINS.

H.R. 455: Mr. ENGEL, Ms. CARSON, and Mr. EVANS.

H.R. 460: Mr. LEWIS of Georgia.

H.R. 534: Mr. ENGLISH and Mr. PETERSON of Pennsylvania.

H.R. 710: Mr. WALDEN of Oregon.

H.R. 762: Mr. TOOMEY.

H.R. 837: Mr. TIERNEY.

H.R. 842: Mr. HOLDEN.

H.R. 856: Ms. RIVERS.

H.R. 860: Mr. LATOURETTE.

H.R. 865: Mr. BONIOR.

H.R. 870: Mr. DUNCAN, Mr. COLLINS, and Mr. HALL of Texas.

H.R. 1046: Mr. ROTHMAN.

H.R. 1195: Ms. HOOLEY of Oregon.

H.R. 1196: Ms. RIVERS.

H.R. 1323: Mr. BILBRAY.

H.R. 1396: Mrs. ROUKEMA.

H.R. 1491: Mr. PALLONE.

H.R. 1601: Mr. BARR of Georgia.

H.R. 1697: Mr. UDALL of New Mexico, Mr. KANJORSKI, and Ms. JACKSON-LEE of Texas.

H.R. 1732: Mrs. ROUKEMA.

H.R. 1769: Mr. FILNER.

H.R. 1771: Mr. SHERWOOD.

H.R. 1841: Mr. PASCRELL.

H.R. 2000: Mrs. CAPPS.

H.R. 2166: Mr. FRELINGHUYSEN, Mr. NEAL of Massachusetts, Mr. BARTLETT of Maryland, Mr. BERMAN, Mr. COSTELLO, and Mr. PASCRELL.

H.R. 2175: Mr. WEYGAND.

H.R. 2341: Mr. GORDON, Mr. MORAN of Kansas, Mr. DAVIS of Florida, and Mr. LEACH.

H.R. 2720: Mr. WATT of North Carolina.

H.R. 2741: Ms. LEE, Mr. MEEHAN, and Ms. ESHOO.

H.R. 2894: Mr. BOYD and Mr. MILLER of Florida.

H.R. 2899: Mrs. LOWEY.

H.R. 2953: Mr. MCHUGH.

H.R. 3174: Mr. HALL of Texas.

H.R. 3192: Mrs. CHRISTENSEN and Ms. JACKSON-LEE of Texas.

H.R. 3430: Mrs. LOWEY, Mr. MCGOVERN, Ms. PELOSI, Mrs. MEEK of Florida, Mr. MCHUGH, Mr. GONZALEZ, Mr. BARRETT of Wisconsin, Ms. MILLENDER-MCDONALD, and Mr. STARK.

H.R. 3514: Mr. SPRATT and Mr. PASCRELL.

H.R. 3590: Mr. BONILLA, Mr. MCCOLLUM, Mr. SCHAFFER, Mr. MILLER of Florida, and Mr. BLUNT.

H.R. 3650: Mr. ANDREWS and Mr. STARK.

H.R. 3700: Mr. SERRANO, Mr. CASTLE, and Mr. SHAW.

H.R. 3732: Mr. SPRATT.

H.R. 3981: Mr. KLINK.

H.R. 4025: Mr. TANCREDO and Mr. LAHOOD.

H.R. 4046: Mr. UDALL of New Mexico.

H.R. 4219: Mr. SHIMKUS.

H.R. 4274: Mr. UDALL of Colorado and Ms. ESHOO.

H.R. 4277: Mr. MANZULLO.

H.R. 4390: Mrs. CLAYTON.

H.R. 4434: Mr. JONES of North Carolina, Ms. SLAUGHTER, and Mr. HAYWORTH.

H.R. 4506: Mr. ETHERIDGE, Mr. FROST, Mr. NADLER, Mr. PAYNE, Mr. MATSUI, Ms. DELAURO, Mr. DOYLE, Mr. ROMERO-BARCELO, Mrs. MORELLA, Mr. BISHOP, Mr. PASCRELL, Ms. SLAUGHTER, Mr. QUINN, Mr. UPTON, Mr. HINCHEY, Mr. GORDON, Mr. GOODE, Mr. INSLEE, Mr. BACA, and Mr. BONIOR.

H.R. 4536: Mrs. MORELLA and Mr. GUTIERREZ.

H.R. 4543: Mr. ISAKSON.

H.R. 4580: Ms. HOOLEY of Oregon.

H.R. 4669: Mr. HAYWORTH.

H.R. 4677: Mr. SESSIONS.

H.R. 4707: Mr. WEXLER, Mr. WYNN, Mr. DELAHUNT, Mr. FROST, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, Mr. CAPUANO, Mr. CROWLEY, Mr. PASTOR, Mr. TOWNS, and Mr. BLAGOJEVICH.

H.R. 4723: Mr. COX.

H.R. 4728: Mr. FATTAH, Mr. HILLIARD, Mr. NEY, Ms. LEE, and Mr. LATHAM.

H.R. 4740: Mr. MARKEY, Mr. SERRANO, and Mr. ALLEN.

H.R. 4746: Mr. VISCLOSKY.

H.R. 4747: Mr. MCINNIS.

H.R. 4821: Mr. HILLIARD, Ms. PELOSI, Mrs. EMERSON, Mr. FILNER, Mr. EVERETT, and Mr. DEFAZIO.

H.R. 4841: Mr. COMBEST.

H.R. 4867: Ms. JACKSON-LEE of Texas and Mr. TOWNS.

H.R. 4878: Mr. SHERWOOD.

H.R. 4902: Mr. NORWOOD.

H.R. 4935: Mr. BAIRD.

H.R. 4987: Mr. WAMP.

H.R. 5005: Mr. LANTOS.

H.R. 5015: Mr. UDALL of New Mexico and Mr. MCGOVERN.

H.R. 5028: Mr. CALVERT and Mr. PITTS.

H.R. 5068: Mr. MCCOLLUM, Mr. WEXLER, Mr. HASTINGS of Florida, Mrs. THURMAN, Mr. DAVIS of Florida, Mr. BOYD, Mr. DEUTSCH, Mr. FOLEY, Mr. MILLER of Florida, and Mr. CANADY of Florida.

H.R. 5132: Mr. BORSKI and Mrs. MALONEY of New York.

H.R. 5137: Ms. MILLENDER-MCDONALD and Mr. HASTINGS of Washington.

H.R. 5155: Mr. FILNER, Mr. BARTON of Texas, Mr. WICKER, and Mr. BERMAN.

H.R. 5178: Mr. CAMPBELL, Mr. PETERSON of Minnesota, Mr. WU, Mr. JACKSON of Illinois, Mr. KILDEE, Mr. ANDREWS, Mr. FATTAH, Mr. REYNOLDS, Ms. KILPATRICK, Mr. PAYNE, Mr. KIND, Mr. ROMERO-BARCELÓ, Mr. HOLT, Mr. DIAZ-BALART, Mr. PETRI, Mr. BRADY of Pennsylvania, Mr. MALONEY of Connecticut, Ms. BALDWIN, Mr. EVANS, Mr. MCGOVERN, Mr. SCOTT, Mrs. MINK of Hawaii, Mr. HAYES, and Mr. KING.

H.R. 5185: Mr. MALONEY of Connecticut.

H.R. 5200: Mr. FROST, Ms. DANNER, Mr. SOUDER, Mr. DEMINT, Mr. PAUL, Mr. SMITH of New Jersey, and Mr. HOSTETTLER.

H.R. 5211: Mr. GEKAS, Mr. PETERSON of Pennsylvania, and Mr. PITTS.

H.R. 5220: Mr. FROST, Mr. SANDLIN, Ms. HOOLEY of Oregon, Mr. PICKERING, Mr. HILLEARY, and Mr. CLYBURN.

H.R. 5222: Ms. DANNER.

H.R. 5242: Mr. LAZIO, Mr. FORBES, Mr. REYNOLDS, Mr. KING, Mr. SWEENEY, Mr. MCHUGH, Mr. RANGEL, Mr. WEINER, Mr. BOEHLERT, Mr. HOUGHTON, Mrs. KELLY, Mr. SERRANO, Mr. TOWNS, Mrs. MCCARTHY of New York, Mr. MCNULTY, and Mr. ENGEL.

H.R. 5265: Mr. GOODLATTE.

H.R. 5277: Mr. STENHOLM, Mr. BONIOR, Ms. MCCARTHY of Missouri, Ms. MILLENDER-MCDONALD, Mr. MENENDEZ, Mr. PRICE of North Carolina, Mr. SAWYER, Mr. SPRATT, Ms. WATERS, Ms. JACKSON-LEE of Texas, Mr. AERCROMBIE, Mr. RANGEL, and Mr. ALLEN.

H.R. 5291: Mr. BASS.

H.R. 5315: Mr. RAHALL, Mr. BISHOP, Mr. SKELTON, and Mr. DELAHUNT.

H.J. Res. 107: Mr. DOYLE.

H. Con. Res. 137: Mr. MORAN of Virginia.

H. Con. Res. 308: Mrs. THURMAN and Ms. DANNER.

H. Con. Res. 321: Mr. GOODLATTE and Mr. BERRY.

H. Con. Res. 328: Mr. MOAKLEY.

H. Con. Res. 357: Mr. TAYLOR of Mississippi and Mr. SMITH of Washington.

H. Con. Res. 363: Ms. KAPTUR, Mr. HALL of Ohio, Mr. PASCRELL, and Mrs. CHRISTENSEN.

H. Con. Res. 370: Mr. MATSUI.

H. Con. Res. 377: Mr. CONYERS, Mr. LANTOS, Mr. LAFALCE, Mr. MEEKS of New York, Mr. DINGELL, Mr. FRANK of Massachusetts, Mr. BARRETT of Nebraska, Mr. SANDERS and Mr. GOODE.

H. Con. Res. 382: Mr. HINCHEY, Mr. GREENWOOD and Ms. SLAUGHTER.

H. Con. Res. 390: Mr. BARR of Georgia, Mr. VITTER, and Mr. MILLER of Florida.

H. Con. Res. 410: Mr. RAMSTAD.

H. Con. Res. 412: Mrs. MORELLA and Mrs. KELLY.

H. Res. 146: Mr. PAYNE.

H. Res. 398: Mr. GREENWOOD, Mr. CARDIN, and Mr. WALSH.

H. Res. 596: Mr. BONIOR.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5130: Mr. CAMPBELL.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Ms. SLAUGHTER on House Resolution 520: JIM DAVIS.

SENATE—*Thursday, September 28, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:30 a.m. on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The guest Chaplain, Dr. Karl Kenneth Stegall, First United Methodist Church, Montgomery, AL, offered the following prayer:

Let us bow in prayer:

Almighty God, Judge of all nations, we offer You today our heartfelt thanks for the good land which we have inherited. We praise You for all of the noble souls who in their own day and generation did give themselves to the call of liberty and freedom, counting their own lives not dear, but giving all devotion to establish a land in the fear of the Lord.

More especially today, we thank You for the Members of this United States Senate. Enlarge their vision, increase their wisdom, purify their motives. We would not ask You to bless what they do, but we would rather ask that they shall do what You can bless.

May they see that in all they do they are acting in Your stead for the well-being of all of the citizens of this great Nation. May they have a lively sense of serving under Your divine providence and a holy remembrance that where there is no vision, Your people perish.

Let them always remember that they serve a public trust far beyond personal gain or glory, and may they always acknowledge their dependence upon You. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK, a Senator from the State of Kansas, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. BROWNBACK). The acting majority leader is recognized.

Mr. STEVENS. Mr. President, it is my privilege to yield to the distinguished Senator from Alabama, so he might introduce for the RECORD, comments concerning our visiting Chaplain.

The PRESIDING OFFICER. The Senator from Alabama.

THE GUEST CHAPLAIN, DR. KARL KENNETH STEGALL

Mr. SESSIONS. Mr. President, it has been an honor to be with Dr. Karl Stegall this morning and to be blessed by his prayer. He is pastor of the First United Methodist Church of Montgomery, AL. First Methodist is one of the great Methodist churches in Alabama, and, in fact, of all of Methodism. It has had two of its pastors become United Methodist bishops. Indeed, Karl himself was endorsed by the 600 pastors and 600 laity of the Alabama-West Florida Conference for the Episcopality several years ago.

Karl grew up in rural Alabama, not too far from where I did. It is considered to be a poor county, and a poor area, but not poor in things that matter. He even came over to Camden once and won the beef competition with the FFA.

But he has not forgotten his heritage. He has served in his career at First United Methodist Andalusia, First Bonifay, Whitfield Memorial, and was district superintendent. For the last 18 years, he has been pastor of First Methodist.

It has been a heavenly match. That great gothic church, with its soaring ceiling and buttresses and superb choir, has blossomed under his leadership. Attendance has grown. Young people are everywhere. The church has expanded and grown in so many different ways to bless the community. He served as a leader on the Board of Global Ministries of the United Methodist Church and always fought aggressively to ensure that every dollar contributed, as I have heard him say, from the small, individual church men and women, was spent wisely and effectively.

He is loved by all, but he has courage and is willing to speak forcefully. He recently delivered a sermon when Alabama was considering whether or not to adopt a lottery. He questioned the wisdom of having the State encourage people to invest their money in random chances to be rich. That sermon was received very well, passed all over the State, and the State eventually rejected that choice.

His wife, Brenda, and he have been partners throughout their ministry, and they have two daughters. He is a beloved minister by his congregation, by his fellow ministers, and respected by all in the community.

He is a Christian clergyman of the finest kind. While he would have been successful in any profession, he chose to give his life to the greatest profession.

By his fine prayer today, we are blessed. By his life and ministry, the people of his church have been blessed. And by his presence today he serves as a recognition of the constant and superb service delivered by tens of thousands of ministers throughout this Nation who daily enrich the lives of their parishioners; who serve them in times of illness and sickness; who minister to them in times of emotional stress, divorce, and all kinds of family challenges; who celebrate with them marriages and births. Those thousands and thousands of ministers who do that daily are not run by the Federal Government. They are not paid by this Government, but they are there, serving their faith and their Lord.

So we are, indeed, delighted to have with us today one of our finest Christian ministers in the State of Alabama, Dr. Karl Stegall.

I thank the Chair.

SCHEDULE

Mr. STEVENS. Mr. President, I wish to make this statement for the leader. Today, the Senate will immediately begin consideration of H. J. Res 109, the continuing resolution. Under the previous agreement, there will be up to 7 hours for debate with a vote scheduled to occur after the use of the time or after the yielding back of the time. After the adoption of the continuing resolution, the Senate will proceed to a cloture vote in regard to the H–1B visa bill. Therefore, Senators can expect at least two votes during this afternoon's session of the Senate.

As a reminder, tomorrow evening is the beginning of Rosh Hashanah. Therefore, the Senate will complete its business today and will not reconvene until Monday, October 2, in observance of this religious holiday.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order the Senate now proceed to the consideration of H.J. Res. 109, which the clerk will report.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 109) making continuing appropriations for the fiscal year 2001, and for other purposes.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The PRESIDING OFFICER. Under the previous order, the joint resolution is advanced to third reading.

The joint resolution (H. J. Res. 109) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. There will now be up to 7 hours for final debate, with 6 hours under the control of the Senator from West Virginia, Mr. BYRD, and 1 hour under the control of the Senator from Alaska, Mr. STEVENS.

The Senator from Alaska.

Mr. STEVENS. As an opening statement on this continuing resolution that is now before the Senate, I want to state that this is a simple 6-day continuing resolution. This bill will fund ongoing Federal programs at the same rate and under the same conditions as currently applied to each agency of our Federal Government.

The continuing resolution now pending before the Senate is in the same form as those passed in previous years to bridge Federal spending until the full year's appropriations acts are completed. This committee has made good progress this week in advancing work on the fiscal year 2001 bills. The energy and water bill was filed last night and should be taken up in the House later today. Work is nearly completed on the Interior appropriations bill, and the conference on the Transportation bill will meet later today. I want to assure all of our colleagues of our determination to complete the work of the Appropriations Committee within the next week, to meet the target adjournment date of Friday, October 6.

Hopefully, this will be the only CR needed for the remainder of the consideration of the appropriations bills for the fiscal year 2001.

A second continuing resolution may, however, be needed to ensure the President has the required period that the Constitution gives him to review the bills that are passed by the House and Senate as conference reports once they are presented to the President.

Mr. President, we are in a difficult situation this year because we are adjourning this evening and will not be here through the full period of September. We will miss 2 days of the time we would otherwise have to complete our work. Therefore, it is necessary that the Senate approve this continuing resolution.

I urge the Senate to do so and we will strive to complete our work within the next week.

Mr. President, I reserve the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, in order that I do not lose the time allotted to me, 1 hour, I ask unanimous consent that the time of the quorum call not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the item before the Senate, the question?

The PRESIDING OFFICER. H.J. Res. 109. The Senator from West Virginia controls 6 hours and the Senator from Alaska 1 hour.

Mr. BYRD. I thank the Chair.

Has any time been charged against——

The PRESIDING OFFICER. The Senator from Alaska has used 3 minutes. There has been no time charged against the Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, to begin with, I should say that I intend to support the short-term continuing resolution. I think it is very important that we do so. But I have reserved this time for the purpose of expressing concerns about what is happening to the Senate and, in particular, what is happening to the appropriations process. Several of my colleagues will join me as we move through the morning and the afternoon. I shall do so without, of course, pointing my finger of criticism at any Senator, naming any Senator. I merely want to talk about what is happening to our Senate, its rules, its processes. And I intend to abide by the rules concerning debate. I say that at the start.

Mr. President, section 7, article I, of the U.S. Constitution, states: "All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills."

Let me quote again the last portion of section 7, article I: "but the Senate may propose or concur with amendments as on other bills," meaning the Senate may propose or concur with amendments on any bill, whether it is a revenue bill or otherwise. When I say "bills," I include, of course, resolutions.

Thus, Mr. President, the organic law of our Republic assures Senators—all Senators; Republicans and Democrats—the right to offer amendments, not only to bills for raising revenue, but also "other bills."

The requirement that revenue bills shall originate in the House of Representatives grew out of the Great Compromise, which was entered into on July 16, 1787. It was this Great Compromise that provided for equality of the States in the Upper House, with each State, large or small, having two votes. And, but for which, the Constitutional Convention would have ended in failure, and instead of a United States of America, which we have today, we would have had, in all likelihood, a "Balkanized States of America" from sea to shining sea—from the Atlantic to the Pacific—from the Canadian border to the Gulf of Mexico. The small States at the Constitutional Convention were adamant in their demands for equal status with the large States in the Upper House, regardless of size or population, so that the small State of Rhode Island, for example, had an equal vote in the Senate with the large State of New York which was larger and with a greater population. All States are equal in this body.

When the large States yielded to the small States in this regard, the way was open and paved for eventual success in the attainment of the Constitution which was then sent to the States for ratification. As a part of that compromise, the large States demanded that revenue bills originate in the House of Representatives.

Thus, the freedom to offer amendments in the Senate is assured by the Constitution of the United States. And what about the freedom to speak? What about the freedom to debate? Is that assured in the Senate? Yes. Section 6 of article I of the United States Constitution states:

> And for any speech or debate in either House, they shall not be questioned in any other place.

So I cannot be questioned in any other place. James Madison, who was a Member of the other body could not be questioned in any other place. No Senator could be questioned in any other place. But what about the freedom to debate at length; in other words, what about a filibuster? Is there any limitation on debate in the Senate today? No, except when cloture is invoked, or when there are time limitations set by unanimous consent of all Senators.

Debate could be limited under rule 10 of the 1778 rules of the Continental Congress, by the adoption of the previous question. Likewise, when the Senate adopted its 1789 rules under the new Constitution, debate could be limited by invoking the previous question. However, in its first revision of the Senate rules in 1806, the Senate dropped the motion for the previous question. As a matter of fact, Aaron Burr, when he left the Vice Presidency in 1805, recommended that the previous question be dropped. Until 1917, when the first cloture rule was adopted, there was no limitation on debate in the Senate, unlike the House of Representatives, where the previous question can still be moved even today.

As we all know, of course, 60 votes are required in the Senate to invoke cloture and thus limit debate. The previous question not being included in the Senate rules, just what is the "previous question"? Thomas Jefferson in his "Manual" explains it as follows: "When any question is before the House, any member may move a previous question, 'Whether that question (called the main question) shall now be put?' If it pass in the affirmative, then the main question is to be put immediately, and no man may speak anything further to it, either to add or alter . . . if the nays prevail, the main question shall not then be put."

Hence, the use of the motion to put the previous question is an effective way to end debate and vote immediately on the main question.

As the distinguished Presiding Officer knows—the Chair being occupied at the moment by the distinguished Senator from Kentucky, Mr. BUNNING—in the other body, the previous question can be used to end debate, if a majority of the Members there so desire. But that is not so in the Senate. It was so until 1806, but no more in the Senate.

Of the various legislative branches throughout the world today, only 60 are bicameral in nature, and of these 60 bicameral legislatures around the world, only the Upper Houses of the U.S. and Italy are not subordinated to the Lower House. Senators should understand what a privilege it is to serve in the U.S. Senate. The U.S. Senate is the premiere Upper Chamber in the world, two of the main reasons being that in the U.S. Senate there exists the right of unlimited debate and the right to offer amendments.

Another singular feature of the U.S. Senate is in the fact that it is the forum of the States. It is not just a forum; it is the forum of the States. The Senate, therefore, represents the "Federal" concept, while the House of Representatives, being based on population, represents the "national" concept in our constitutional system. In the very beginning, the Senate was seen as the bulwark of the State governments against despotic presidential power; it was the special defender of State sovereignty. It was meant to be and exists today as the special defender of State sovereignty. The Senate was also seen as a check against the "radical" tendencies which the House of Representatives might display.

I have been a Member of this body now for 42 years, and the longer I serve, the more convinced I am of the efficacy of the Senate rules as protectors of the Senate's right to unlimited debate and the Senate's right to amend. The Senate is not a second House of Representatives, nor is it an adjunct to the House of Representatives. It is a far different body from the House of Representatives. And it is a far different body by virtue of the Constitution and by virtue of Senate rules and precedents. The Constitution and the Senate rules have made the Senate a far different body from the House of Representatives.

Thomas Jefferson, in his Manual of Parliamentary Practice, emphasized the importance of adhering to the rules:

> Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say, "It was a maxim he had often heard when he was a young man, from old and experienced Members, that nothing tended more to throw power into the hands of the Administration, and those who acted with a majority of the House of Commons, than a neglect of, or departure from, the rules of proceedings; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority, against the attempts of power." So far, the maxim is certainly true—

Continued Mr. Onslow, speaking of the British House of Commons—

> and is founded in good sense, as it is always in the power of the majority, by their number, to stop any improper measure proposed on the part of their opponents—

The minority—

> the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and become the law of the House—

He was talking about the law of the House of Commons—

> by a strict adherence to which the weaker party—

Meaning the minority—

> can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities.

Now there you have it from the mother country, from the House of Commons. So when we speak of rules, Mr. Onslow laid it out very clearly as to the supreme importance of the rules as protectors of a minority.

Jefferson went on to say:

> And whether these forms be in all cases the most rational or not is really not of so great importance. It is much more material that there should be a rule to go by than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker—

Jefferson is talking about the Speaker of the House of Commons, and he is also referring to the Speaker in the House of Representatives.

> —or capriciousness of the members.

Once more, this is Jefferson talking:

> It is much more material that there should be a rule to go by than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or capriciousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.

Nothing could be more true than Jefferson's observations which I have read in part.

Now, Mr. President, my own experience with the Senate rules compels me to appreciate the wisdom that Vice President Adlai Stevenson expressed in his farewell address to the Senate on March 3, 1897. I believe his observation is as fitting today as it was at the end of the 19th century. Let me say that again. I believe his observation is as fitting today, as we close the 20th century, as it was at the end of the 19th century. Here is what he said:

> It must not be forgotten that the rules governing this body—

The Senate—

> are founded deep in human experience; that they are the result of centuries of tireless effort in legislative halls, to conserve, to render stable and secure, the rights and liberties which have been achieved by conflict. By its rules, the Senate wisely fixes the limits to its own power. Of those who clamor against the Senate, and its methods of procedure, it may be truly said: "They know not what they do." In this Chamber alone are preserved without restraint—

This is Adlai Stevenson talking here—

> two essentials of wise legislation and of good government: the right of amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured by words.

How true. I hope that Senators will read again these words that were spoken by our ancestors concerning the importance of the rules and precedents, the importance of amendments, the right to amend, and the importance of the freedom to debate at length. I hope Senators will read this.

We all know that the Senate is unique in its sharing of power with the President in the making of treaties, and in its confirmation powers with respect to nominations, as well as in its judicial function as the sole trier of impeachments brought by the House of Representatives. The Senate is also unique in the quality that exists between and among states of unequal territorial size and population. But we must not forget that the right of extended, and even unlimited debate, together with the unfettered right to offer amendments, are the main cornerstones of the Senate's uniqueness. The right of extended debate is also a primary reason that the United States Senate is the most powerful Upper Chamber in the world today.

The occasional abuse of this right has a painful side effect, but it never has been—I am talking about the right to debate at length; I am talking about filibusters, if you please —never will be fatal to the overall public good in the long run.

The word "filibuster" has an unfortunate connotation. But there have been many useful filibusters during the existence of this Republic. I have engaged in some of them. There has not been a real, honest to goodness old-type filibuster in this Senate in years and years.

Without the right of unlimited debate, of course, there would be no filibusters, but there would also be no Senate, as we know it. The good outweighs the bad. Filibusters have proved to be a necessary evil, which must be tolerated lest the Senate lose its special strength and become a mere appendage of the House of Representatives. If this should happen, which God avert, the American Senate would cease to be "that remarkable body" about which William Ewart Gladstone spoke—"the most remarkable of all the inventions of modern politics."

Without the potential for filibusters, that power to check a Senate majority or an imperial presidency would be destroyed.

The right of unlimited debate is a power too sacred to be trifled with. Our English forebears knew it. They had been taught by sad experience the need for freedom of debate in their House of Commons. So they provided for freedom of debate in the English Bill of Rights in 1689. And our Bill of Rights, in many ways, has its roots deep in English parliamentary history. As Lyndon Baines Johnson said on March 9, 1949: ". . . If I should have the opportunity to send into the countries behind the iron curtain one freedom and only one, I know what my choice would be. . . . I would send to those nations the right of unlimited debate in their legislative chambers. . . . If we now, in haste and irritation, shut off this freedom, we shall be cutting off the most vital safeguard which minorities possess against the tyranny of momentary majorities."

I served with Lyndon Johnson in this Senate when he was the majority leader. We had some real filibusters in those days. I sat in that chair up there 22 hours on one occasion—22 hours in one sitting—almost a day and a night. So Lyndon Johnson was one who could speak with authority based on experience in that regard.

Arguments against filibusters have largely centered around the principle that the majority should rule in a democratic society. The very existence of the Senate, however, embodies an equally valid tenet in American democracy: the principle that minorities have rights.

I am not here today to advocate filibusters. I am talking about the freedom of debate—unlimited debate, if necessary.

Furthermore, a majority of Senators, at a given time and on a particular issue, may not truly represent majority sentiment in the country. Senators from a few of the more populous states may, in fact, represent a majority in the nation while numbering a minority of votes in the Senate, where all the states are equal. Additionally, a minority opinion in the country may become the majority view, once the people are more fully informed about an issue through lengthy debate and scrutiny. A minority today may become the majority tomorrow.

Take the Civil Rights Act of 1964, for example. From the day that Senator Mike Mansfield, then the majority leader, submitted the motion to proceed to the civil rights bill to the day that the final vote was cast on that bill, 103 calendar days had passed—103 days on one bill, the Civil Rights Act of 1964. That is almost as many days on one bill in 1964 as the Senate has been in session this whole year to date.

Mr. President, the Framers of the Constitution thought of the Senate as the safeguard against hasty and unwise action by the House of Representatives in response to temporary whims and storms of passion that may sweep over the land. Delay, deliberation, and debate—though time consuming—may avoid mistakes that would be regretted in the long run.

The Senate is the only forum in the government where the perfection of laws may be unhurried and where controversial decisions may be hammered out on the anvil of lengthy debate. The liberties of a free people will always be safe where a forum exists in which open and unlimited debate is allowed. It is not just for the convenience of Senators that there be a forum in which free and unlimited debate can be had. More importantly, the liberties of a free people will always be safe where a forum exists in which open and unlimited debate is allowed. That forum is here in this Chamber.

The most important argument supporting extended debate in the Senate, and even the right to filibuster, is the system of checks and balances. The Senate operates as the balance wheel in that system, because it provides the greatest check of all against an all-powerful executive through the privilege that Senators have to discuss without hindrance what they please for as long as they please. Senators ought to reflect on these things. There is nothing like history and the experience of history that can teach the lessons that we can learn from the past. A minority can often use publicity to focus popular opinion upon matters that can embarrass the majority and the executive.

Mr. President, we have reviewed briefly these facts about the U.S. Senate: (1) That it is a legislative body in which the smaller states, like the State of West Virginia, like the State of Kentucky, like the State of Rhode Island, the State of Wyoming, the State of Montana, regardless of territory or the size of population, are equal to the larger states in the union, with each state having two votes; (2) that it is a forum of the states and, from the beginning, was representative of the sovereignty of the individual states within the federal system; (3) that aside from its uniqueness with respect to treaties, nominations, and impeachment trials, the Senate is unique among the Upper Chambers of the world in that it is a forum in which amendments can be offered to bills and resolutions passed by the Lower House, and in which its members have a right to unlimited debate. The Senate has, therefore, been referred to as the greatest deliberative body in the world. Because of its members' rights to amend and to debate without limitation as to time, Woodrow Wilson referred to the Senate as the greatest Upper Chamber that exists. Because of its unique powers, the record is replete throughout the history of this republic with instances in which the Senate has demonstrated the wisdom of the Framers in making it the main balance wheel in our Constitutional system of separation of powers and checks and balances. It is a chamber in which bad legislation has been relegated to the dust bin, good legislation has originated, and the people of the country have been informed of the facts concerning the great issues of the day. Woodrow Wilson, himself, stated that the informing function of the legislative branch was as important if not more so than its legislative function.

It has checked the impulsiveness, at times, of the other body, and it has also been a check against an overweening executive. In the course of the 212 years since its beginning in March 1789, the Senate has, by and large, fulfilled the expectations of its Framers and proved itself to be the brightest spark of genius that emanated from the anvil of debate and controversy at the Constitutional Convention in Philadelphia during that hot summer of 1787. However, over the last few years, however, I have viewed with increasing concern that the Senate is no longer fulfilling, as it once did, its raison d'etre, or purpose for being.

More and more, the offering of amendments in the Senate is being discouraged and debate is being stifled. I can say that because I've been here. Quite often, when bills or resolutions are called up for debate, the cloture motion is immediately laid down in an effort to speed the action on the measure and preclude non germane amendments. Mike Mansfield, when he was leader, seldom did that. During the years that I was leader, I very seldom did that. The Republican leaders Baker and Dole seldom did that.

Following my tenure as majority leader, that has been done increasingly. I am not attempting to say that

Mike Mansfield or I were great leaders at all; I am not attempting to do that. But I am saying that through Johnson's tenure, for the most part, through Mansfield's tenure, through my tenure as majority leader and through the tenures of Howard Baker and Bob Dole, the Senate adhered to its rules and precedents; seldom did it do otherwise.

Moreover, the parliamentary amendment tree is frequently filled as a way of precluding the minority from calling up amendments. I filled the parliamentary tree on a very few occasions. I, again, have to call attention to my own tenure as majority leader because through the tenures of Johnson and leaders before Johnson on both sides of the aisle, the rules of the Senate were virtually considered sacred.

The minority is also frequently pressured to keep the number of amendments to a minimum or else the particular bill will not even be called up—or, if it is pending, the bill will be taken down unless amendments are kept to a minimum. That is happening in this Senate.

Unlike the House of Representatives, there is no Rules Committee in the Senate that serves as a traffic cop over the legislation and that determines whether or not there will be any amendments and, if so, how many amendments will be allowed and who will call up such amendments. On occasion, the House Rules Committee will determine perhaps that one amendment will be called up by Mr. So-and-So. But not so with the Senate. We don't have a Rules Committee that serves as a traffic cop.

Could there be a desire on the part of the Senate majority leadership to make the Senate operate as a second House of Representatives? Of the 100 Senators who constitute this body today, 45, at my last count, came from the House of Representatives—45 out of 100. At no time in my almost 42 years in the Senate have I ever entertained the notion that the Senate ought to be run like the House of Representatives, where amendments and unlimited debate are often looked upon as alien to the legislative process. What is the hurry? What is the hurry? There is ample time for the offering of amendments and for debating them at length, if the Senate will only put its shoulder to the wheel and work.

We still have 7 days, just as there were in the beginning of creation. The calendar doesn't go that far back, but we still have 7 days a week. And we still have 24 hours a day, as was the case in Caesar's time. And the edict of God, as he drove Adam and Eve from the garden and laid down the law that by the sweat of his brow man would eat bread—that edict is still the case. We still have to eat bread and we still are supposed to earn our living through the sweat of our brow. Nothing has changed.

We have plenty of time. And we get paid. I am one who gets paid for my work in the Senate. I don't like Sunday sessions, but we have had a few over the years. I am against Sunday sessions. But I am not against working on Saturdays. During that civil rights debate, which I was talking about a while ago, there were six Saturdays in which the Senate was in session. It is not an unheard of thing.

It is far more important for the Senate to engage in thorough debate and for Senators to have the opportunity to call up amendments than it is for the Senate to have many of the Mondays and Fridays left unused insofar as real floor action is concerned.

Mr. REID. Will the Senator yield for a question?

Mr. BYRD. Yes, I will very shortly.

It is far more important for the Senate to engage in thorough debate, and for Senators to have the opportunity to call up amendments, than it is for the Senate to be out of session on Mondays and Fridays. It seems to me that we should be more busily engaged in doing the people's business.

Instead, it seems to me—and, of course, I am not infallible in my judgments—it seems to me that the Senate is more concerned about relieving Senators who are up for reelection—and I am one of them this year—relieving Senators who are up for reelection from the inconvenience of staying on the job and working early and late, than in fulfilling our responsibilities to our constituents. Some might conclude that it is more important for Senators to have Mondays and Fridays in which to raise money for a reelection campaign than it is for us to give to our constituents a full day's work for a full day's pay.

Now I am glad to yield to my friend.

Mr. REID. I say to my friend from West Virginia in the form of a question—the segue is better now than when I asked the first question because what I want to say to the Senator from West Virginia is, I haven't been here nearly as long as you have been here, but I have seen, in the 18 years I have been here, how things have changed. Why have they changed? Because of the unbelievable drive to raise money. Everybody has to raise money. On Mondays, on Tuesdays, on Wednesdays, on Thursdays, on Fridays, on Saturdays, and, I am sorry to say, on Sundays. I say to my friend from West Virginia, don't you think that is the biggest problem around here, the tremendous, overpowering demand for money because of television?

In the form of a dual question: Don't you think, if we did nothing else but eliminate corporate money, which the Congress in the early part of last century, or by the Senator's reasoning this century, early 19——

Mr. BYRD. Not by the Senator's reasoning, but because it is the 20th century still, until midnight December 31 this year. Regardless of what the media says, regardless of what the politicians say, this year is still in the 20th century.

Mr. REID. I say to my friend in the form of a question: In the early part of this century, Congress had the good sense to outlaw, in Federal elections, corporate money. Of course, the Supreme Court changed that a few years ago. I ask the Senator, wouldn't we be well served if we eliminated, among other things, corporate money in campaigns on the Federal level in any form or fashion?

Mr. BYRD. There is no question about that, if one looks at the facts carefully. Having been majority leader and having been minority leader, I can testify as to the pressures that are brought on the majority and minority leaders by Senators who have to get out and run across this country, holding out a tin cup as it were, saying: Give me, give me, give me money.

I have had to do that. In 1982, I had an incumbent in the other body from West Virginia who ran against me. I had to go all over this country. I had to go to California. I had to go to New York. I had to go to Alabama. I had to go to Texas. I was all over the country. But I didn't go during the Senate workdays, and in those days, the Senate worked. I had to go on Sundays, for the most part.

(Mr. ALLARD assumed the Chair.)

Mr. REID. One last question?

Mr. BYRD. Yes.

Mr. REID. Wouldn't the Senator acknowledge things are much worse today than they were in 1982?

Mr. BYRD. They are much worse, and they are growing worse and worse and worse every day and every election. It is a disgrace and it is demeaning. The most demeaning thing that I have had to do in my political career is to ask people for money.

When I was majority leader in the 100th Congress, former Senator David Boren of Oklahoma and I introduced legislation to reform the campaign financing system.

I am not one of the "come lately boys" in this regard. I, as majority leader then, and former Senator David Boren introduced that legislation. The other side of the aisle—I do not like to point to the other side of the aisle as so many Senators today, unfortunately, like to do—but the other side of the aisle—namely, the Republicans in the Senate in that instance—voted consistently eight times against cloture motions that I offered to bring the debate to a close. There were four or five Republicans who did break from the otherwise solid bloc and voted with the Democrats on that occasion to break the filibuster against the campaign financing bill.

Go back to the RECORD. Read it. Senators might do well to go back to the

RECORD and see who those Senators were who broke from the Republican bloc. A handful broke from the Republican bloc and voted to end the filibuster against that campaign financing bill. Eight times I offered cloture motions. No other majority leader has ever offered eight cloture motions on the same legislation in one Congress. And eight times I was defeated in my efforts to invoke cloture.

Chapter 22, Verse 28 of the Book of Proverbs—we are talking about Solomon's sayings now for the most part—admonishes us: "Remove not the ancient landmark, which thy fathers have set." We seem to be doing just the opposite. The Founding Fathers' grant to us of the right to amend and the right to unlimited debate has been, I believe, shifted off course, to the point that these two well-advised attributes of power are being voided, and for what reason? Could it be that the Senate Republican leadership fails to appreciate and fully understand the Senate, fails to understand American Constitutionalism, and fails to understand the purposes which the constitutional framers had in mind when they created the Senate. Or might we suppose that the senatorial powers that be are simply determined to be a Committee of Rules unto themselves and are determined to try to remold the Senate into a second House of Representatives? The fact cannot be ignored that 45 of the 100 Members of today's Senate came here from the House of Representatives. A political observer might also be surprised to find that 59 of today's 100 Senators came to the Senate subsequent to my final stint as majority leader.

Noble are the words of Cicero when he tells us that "It is the first and fundamental law of history that it neither dare to say anything that is false or fear to say anything that is true, nor give any just suspicion of favor or disaffection."

I believe that no less a high standard must be invoked when considering the Senate of today and comparing it with the Senate of the past. Having spent more than half of my life in the Senate, I would consider myself derelict in my duty toward the Senate if I did not express my concerns over what I see happening to the Senate.

Who suffers, whose rights are denied, whose interests are untended when a Senate minority is denied the right to amend and when a Senate minority is denied the right and opportunity to fully debate the issues that confront the Nation? Is it the individual Senators themselves? Is it I? Do I suffer? No. It is their constituents, it is my constituents who are being denied these opportunities and these rights. It is not Senator so-and-so who, in the final analysis, is being denied the full freedom of speech on this Senate floor or who is being shut out from offering an amendment—it is Senator so-and-so's constituents, the people who sent him or her to the Senate.

If the Senate is intended to be a check against the impulsiveness and passions of the other body, is not the ability of the Senate to be such a check reduced in direct proportion to the denial to its Members of the opportunity to amend House measures?

In accordance with the Constitution, revenue bills must originate in the House of Representatives and, by custom, most appropriations bills likewise originate in the House, but under the guarantees of the Constitution, as those guarantees flowed from the Great Compromise of July 16, 1787, the Senate has the right to amend those revenue and appropriations bills.

But if the opportunity for Senators to amend is reduced, or even denied, as is sometimes being done, the Senate as an equal body to that of the House of Representatives is being put to a disadvantage. The House can open the door to legislation on an appropriations bill, but if the Senate, if the 100 Senators are denied the opportunity to offer amendments, or are limited in the number of amendments which Senators may offer, the Senate is thereby denied the opportunity to go through that door with amendments of its own, through the door that the other body has opened, and is denied the potential for the achievement of truly good legislation in the final result, and that opportunity is accordingly lessened and the likelihood of legislative errors in the final product is increased.

If the Senate is a forum of the States, in which the small States are equal to the large States, and if this ability of the small States to acquire equilibrium with the large States serves as an offset to the House of Representatives where the votes of the States are in proportion to population sizes, then when the Senate is denied the opportunity to work its will by the avoidance of votes on amendments, are the small States not the greater losers? My State, for one. The Senator from Alaska's State is one.

If the framers saw the Senate as a powerful check against an overreaching executive at the other end of Pennsylvania Avenue, when free and unlimited debate is bridled and the right of Senators to offer amendments is hindered or denied, is not the Senate's power to check an overreaching President accordingly whittled down, especially in instances where such a check is most needed?

I am gravely concerned that, if the practices of the recent past as they relate to enactment of massive, monstrous, omnibus appropriations bills are not reversed, Senators will be reduced to nothing more than legislative automatons. Senators will have given away their sole authority to debate and amend spending bills and other legislation. Much of that authority will have been handed over, by invitation of Congress itself, to the Chief Executive.

The distinguished chairman of the Appropriations Committee, and I, and other chairmen of appropriations subcommittees in this Senate are experiencing this right now.

Only yesterday, in a conference on the Interior Appropriation bill, I called attention to the fact that when I came to Congress 48 years ago, the Members of the House and Senate in that day would have stood in utter astonishment, to see in that conference, on an appropriations bill, the agents of the President of the United States sitting there arguing with Senators and House Members and advancing the wishes of a President.

There they sat in the House-Senate conference. And they tell the conferees what the President will or will not accept in the bill. If this is in the bill, he will veto it. If this is not in the bill, he will veto it, they say.

So, appropriators of the House and the Senate, get ready. You have company. There are other appropriators in this Government other than the elected Members of the House and Senate. There are administration ex officio members of the Appropriations conference—believe it or not—who sit like Banquo's ghost at the table when the appropriations are being administered out. What a sad—what a sad—thing to behold.

I said that in the meeting yesterday, as I have said it before in meetings. And I don't mean it to insult or to derogate the agents of the President. They are doing their job, and they are very capable people. I have to apologize to them when I say that. They are there through no fault of their own.

And why are they there? The fault lies here. Because we dither and dither almost a full year through. We put off action on appropriations bills until the very last, when we are up against the prospect of adjournment sine die, when our backs are to the wall, and then the President of the United States has the upper hand. His threats of veto make us scatter and run. The result is that all of these bills—or many of them—are crammed into one giant monstrous measure, and that measure comes back to this House without Senators having an opportunity to amend it because it is a conference report. It is not amendable —not amendable. So it is our fault. It really is. And it has been happening in these recent years. So much of that authority will have been handed over, by invitation of Congress itself, in essence, to the Executive.

For fiscal year 1999 an omnibus package was all wrapped together—Senators will remember this—an omnibus package was all wrapped together and run off on copy machines—it totaled some 3,980 pages—and was presented to the House and Senate in the form of an unamendable conference report. Members were told to take it or leave it. If you do not take this agreement, we will have to stay here and start this process over. We will have to call Members back to Washington from the campaign trail, back to Washington from town meetings, and back to Washington from fundraisers. Senator, the gun is at your head, and it is loaded. You do not know what is in this package, Senator 3,980 pages put together by running the pages—3,980 pages—through copy machines.

Not a single Senator, not one knew what was in that conference report, the details of it. No one Senator under God's heaven knew, really, everything that he was voting on. You do not know what is in this package, we are essentially told, but you either vote for it or we will stay here and start all over again. And in the final analysis, we will come up with about the same package.

We know that these legislative provisions made up more than half of the total 3,980 pages. So what we did there, as we did in fiscal year 1997 and as we did again in fiscal year 2000 was put together several appropriations bills into an unamendable conference report, and Members were forced to vote on what was essentially a pig in a poke without knowing the details.

Do the people of this country know that? Do they know this? Do they know what is happening?

In 1932, in the midst of the Great Depression, a reporter from the Saturday Evening Post asked John Maynard Keynes, the great British economist, if he knew of anything that had ever occurred like that depression. Keynes answered: Yes, and it was called the Dark Ages, and it lasted 400 years.

Well, I can say, as one who lived through that depression in a coal mining town in southern West Virginia and was brought up in the home of a coal miner, I can say that we are now entering the "Dark Ages" of the United States Senate.

Now, when Keynes referred to the Dark Ages being equal to the depression or vice versa and I refer to the Dark Ages of the Senate, this is calamity howling on a cosmic scale perhaps, but on one point, the resemblence seems valid, that being, the people never fully understood and don't fully understand today the forces that brought these things into being.

If the people knew that we had a 3,980-page conference report in which we, their elected representatives, didn't know what was in it, they would rise up and say: What in the world is going on here? It is our money that Senators are spending. You are blindfolded and you have wax in your ears. You don't even know what is in that bill.

Is this the way we want the House and the Senate to operate? Is this what Senators had in mind when they ran for the United States Senate? If we continue this process, Senators will not be needed here at all. Oh, you can come to the Senate floor once in a while to make a speech or to introduce a bill or to vote on some matter, but at the end of the session, when the rubber hits the road and we get down to what is and what is not going to be enacted in all areas—appropriations, legislation, and tax measures—most Senators won't be needed. Most of us will not be in the room with the President's men. We won't be in the room.

I have seen times when the minority, Democrats in the House and Senate, were not in the room. Who was in the room? The Republican majority, the Speaker of the House and the majority leader of the Senate. They were in the room. Who else? Who was there to represent us Democrats? Who was there? The executive branch was there, its agents. We were left out. The Democratic Members of the House and Senate, not one, not one sat in that conference. I wasn't in it. I was the ranking member of the Senate Appropriations Committee.

So most of us will not be in the room when the decisions are made. The President's agents will be there. They will carry great weight on all matters because we have to get the President's signature. Having squandered the whole year in meaningless posturing and bickering back and forth, we will have no alternative, none, but to buckle under to a President's every demand. And when that hideous process is mercifully finished, we will then call you, Senator, and let you know that we are now ready to vote on a massive conference report, up or down, without any amendments in order. Take it or leave it, Senator. Take it or leave it, Senator DASCHLE. You are the minority leader. You will be left out. Take it or leave it; here is the conference report.

We are in danger of becoming an oligarchy disguised as a Republic. You may well spend all of your time campaigning or speechmaking or doing constituent services back home, you will have very little to say on legislation or appropriations or tax matters.

There is sufficient blame to go around for this total collapse of the appropriations process. Our side feels muzzled. The majority leader has a very difficult job. I know. I have been in his shoes. He has to do the best he can to meet the demands of all Senators.

Part of the solution has to be a greater willingness to work together on both sides of the aisle to ensure that ample opportunities are provided, early in the session, outside of the appropriations process to debate policy differences. We simply must force ourselves to work harder, beginning earlier in the session, to ensure that we do not continue to abuse the Constitution, abuse the Senate, and ultimately abuse the American people by following the procedure that has resulted in these omnibus packages in 3 of the last 4 years, and which, I fear, is about to be resorted to again this year.

I do see some rays of hope because we have awakened the leadership. I must say, after our squawking and screaming and kicking, the administration this year is insisting that Democrats sit at the table when the crumbs are being parceled out. They insisted because the minority leader has insisted on it and because other voices in the Senate have been complaining.

Cicero said: "There is no fortress so strong that money cannot take it." The power of the purse is the most precious power that we have. It was given to the two Houses by the Constitution, the bedrock of our Government. It was put here—not down at the other end of Pennsylvania Avenue.

I have tried to do my part to help Senators understand our constitutional role. We are the people's elected representatives and they have entrusted us with their vote; those people out there who are watching through the cameras have entrusted us with their vote. That trust must not be treated lightly. This is especially true when it comes to matters that involve appropriations. We are spending their money.

Each of you who is watching through that electronic medium, we are spending your money.

We are stewards of the people's hard-earned tax dollars. They expect, and they ought to demand, that we spend those dollars wisely, and that we scrutinize what we fund and why we fund it.

The Senate is the upper House of a separate branch of Government, with institutional safeguards that protect the people's liberties.

Which party commands the White House at a given time should make no difference as to how we conduct our duties. We are here to work with, but also to act as a check on the occupant of the White House, regardless of who that occupant is. And we are here to reflect the people's will. We are not performing the watchdog function when we invite the White House—literally invite the White House—behind closed doors and play five-card draw with the people's tax dollars.

Mr. President, I fear for the future of this Senate. I think the people are very disenchanted with Congress and with politics in general. They are catching on to our partisan bickering and they don't like what they hear and see.

The people are hungry for leadership. They ask us for solutions to their problems. They expect us to protect their interests and to watch over their hard-earned tax dollars. They entrust us with their franchise and they ask that we ponder issues and debate issues and use their proxy wisely. They ask that we protect their freedoms by holding fast to our institutional and constitutional responsibilities.

Too often, we lose sight of the fact that partisan politics is not the purpose for which the people send us here. We square off like punch-drunk gladiators and preen and polish our media-slick messages in search of the holy grail of power or a headline. I am a politician; I can say that. We fail to educate the people and ourselves on issues of paramount and far-reaching importance for this generation and for the next generation. It is a shame and it is a waste because there is much talent in this Chamber, and there is much mischanneled energy. This Senate could be what the framers intended, but it would take a new commitment by each of us to our duties and to our oaths of office. And it would take a massive turning away from the petty little power wars so diligently waged each week and each month in these Halls.

Our extreme tunnel vision has been duly noted by the American people, I assure Senators. The American people are a tolerant lot, but their patience is beginning to fray.

And when their disappointment turns to dismay, and finally to disgust, we will have no one to blame but ourselves.

Mr. President, I have more to say, but I see other Senators. If they wish to speak on this subject, I will be glad to yield them time. Does the distinguished Senator from California wish to speak?

Mrs. BOXER. Mr. President, I would really appreciate the opportunity to comment on some of the Senator's points and then make a couple other points. As I understand it, the Senator controls the time; is that correct?

Mr. BYRD. I control the time from the beginning, 6 hours.

Mrs. BOXER. May I respectfully request about 20 minutes of that time?

Mr. BYRD. Mr. President, I gladly yield 20 minutes to the very distinguished Senator from California, Mrs. BOXER.

Mrs. BOXER. I thank the Senator from West Virginia, who is, I have to say, the most respected Senator in this Chamber. When he speaks, I do think that both sides listen. I believe that his remarks today are not partisan at all. I think that he has been critical of both sides and he has been critical of the administration.

I want to pick up on some of Senator BYRD's remarks. I had the honor of serving on the Appropriations Committee for a period of time. Senator FEINSTEIN now holds that seat, and who knows, maybe some day I will be able to reclaim it. California is such a large State that I think there is a real understanding on my side of the aisle that one of us should be sitting on that committee.

In that situation you have a much greater chance to speak for your State, and to talk about the priorities of your State.

Right now my dear friend, Senator FEINSTEIN, is recuperating from a terrible fall and a terrible injury to her leg. I want to say to Senator FEINSTEIN—if you are watching, because I know you are in the hospital—we are thinking of you and we wish you well. I will do everything I can to speak for both of us when it comes to the issues that face our State.

But, in particular because of her injury, I think at the moment I am on that list. The Senator could add us on that list of the 23 "have nots," although we are praying that Senator FEINSTEIN will be back next week in time to be there. But even if she is back, the fact is, when that private session is called to look at this big omnibus bill—the Senator from West Virginia has described it—very few will be in that room. I compliment the administration for insisting that the Democratic leadership be in that room.

I had the honor to serve in the House for 10 years of my life. It was a great experience for me. I know many others, including the Senator from West Virginia, had that privilege. But I ran for the Senate in a very risky political move—no one thought I would ever make it here—because I wanted the chance to do more. I wanted the chance to operate under the Senate rules and to offer any amendments that I wanted to at any time.

Now I find with this particular leadership that I am precluded from doing that. I am precluded from fighting for my State. When I hear that bills were going straight to the conference and bypassing the Senate and the ability of the Senator from Iowa to offer an amendment—even though he serves on that committee, there is still time even when you are on the committee. You wait until you get to the floor to offer the amendment. We all know that is the way it goes because sometimes you can't win in the committee but you have a chance to make your case on the floor with unlimited debate and an opportunity to show your charts and make your point.

I find myself here in a circumstance where I, in behalf of the people of California, basically have no say on these bills.

As Senator BYRD rightly points out, I think anyone in this Senate Chamber who says they know what is in a huge omnibus package with 3,000 pages, not to mention report language and colloquy, is simply dreaming because we know there is just so much we are capable of. When you do one appropriations bill at a time, you can concentrate on that and read that bill. You can be briefed on that bill. If you want to offer an amendment, you can do so. You can make your case for your State.

There is one issue on which the Senator from West Virginia and I do not agree. I respect his view so much. But I come on a different side. I think it is so important that we should be allowed to raise other important issues that we believe this Senate ought to vote on, even if it voted on it before. I say to my friend that some of these issues are so important. Now that we are in the middle of a Presidential election, they are being raised by both Governor Bush and Vice President GORE, and we ought to have another chance to vote on them.

Mr. HARKIN. Mr. President, if I might ask the Senator to yield on that point.

Mrs. BOXER. I would be happy to yield.

Mr. HARKIN. I agree with the Senator. I want to say a few more things on my own time about Senator BYRD's presentation this morning, but I also want to respond to the point that my friend from California is making about being able to offer amendments to the appropriations bills that come up.

I ask the Senator from California: I do not know if we agree on this, but I think if we had more of an opportunity to act as a Senate, to bring legislation out and to be able to consider bills that we might be interested in, that we wouldn't have to do them on appropriations bills. But because we are prevented from doing so, many times it is only the appropriations bills where we can offer them.

I ask the Senator from California if she would maybe—I see her nodding her head—agree with that decision; if we had that opportunity to act as a Senate and to bring authorizing bills out here to be able to offer those amendments, then we wouldn't have to do that on appropriations bills.

Mrs. BOXER. I agree with my friend. I sit on some authorizing committees, such as the Environment and Public Works Committee. There are so many good bills that we could bring forward, but the leadership does not want to do that. Frankly, I think it is because they would rather not run this place like the Senate. They want to run it like the House with strict controls where the Rules Committee decides what can happen.

Frankly, I have to think that there are some amendments on which they don't want to vote. I think we are then forced in the circumstance that my friend from West Virginia—my hero, if I might say, in this Senate—believes is inappropriate. But we are in a circumstance where we are committed, for example, to vote on a prescription drug benefit for Medicare. We are so committed to making sure that class sizes could be reduced by putting 100,000 new teachers in, and we don't get the education authorizing bill. We only get the appropriations bill.

It forces us—I agree with my friend—to be in the situation that is not good for the Senate. As my friend said, it is the "Dark Ages of the Senate." Those are powerful words. This is a man who thinks about that. When he says we are in the "Dark Ages," I think we have to listen. We are in the Dark Ages because we don't want to debate authorizing bills. We are forced to try to offer amendments on appropriations bills, which delays the situation, which makes leadership say they are not going to bring the bill forward, and which makes them send them straight to conference to avoid the chance for amendments. The vicious circle continues.

I think I am not being a Senator. We never know how long we are going to be in this Chamber. In many ways, it is up to our electorate. In many ways, it is up to God to give us good health to be here and do this. It is up to our families to see how long they can take it. So we want to have a chance to legislate.

Mr. BYRD. Mr. President, if the distinguished Senator from California will yield.

Mrs. BOXER. I yield to my friend.

Mr. BYRD. I want to clarify one thing.

The distinguished Senator from California earlier, I think, indicated that she and I were in disagreement on this. We are not. In the Senate, there is no rule of germaneness except when cloture is invoked and except when rule XVI is invoked. But a rule XVI invocation can be waived only by a majority vote—not a two-thirds vote but by a majority. We have done that many times.

When a Senator has raised the question of germaneness, I have from time to time voted with that question to make that germane. She and I really are not in disagreement. She has well stated, and so has the distinguished Senator from Iowa, the reasons why so many Senators are forced to offer legislative amendments on appropriations bills. It is because the legislative measures are not brought up in the Senate. So they have to resort to the only vehicle that is in front of them, that being an appropriations bill.

Look at this calendar. This calendar is filled with bills, many of them which have never gone to the committee. Many of them have been put directly on the calendar through rule XIV, and they have never been before a committee. They went before a committee in the House, come from the House, and are put directly on the Senate calendar, or bills are offered by Senators, brought up, and through rule XIV are placed on the calendar.

I counted the number of items on this calendar the other day that have been placed directly on the calendar for one reason or the other, one being rule XIV. I counted the number. I don't remember what it was. There are quite a wide number of amendments that are on the calendar that have never seen or experienced any debate in a Senate committee. We have 71 pages making up this calendar. Senators who want to offer amendments have to understand, there is nothing but appropriations bills to which to offer amendments.

Mrs. BOXER. I am absolutely delighted we are on the same side on this point. The frustration level of Senators, as my friend Senator HARKIN pointed out in his very to-the-point-question, is that we have no other option but to turn to these priorities that our people are asking Members to take care of, and try to offer these amendments. Then we have a majority that doesn't want them.

I yield to my friend.

Mr. HARKIN. I thank the Senator for yielding.

I want to point out to the Senator from West Virginia, regarding the Elementary and Secondary Education Act reauthorization, this is the first time since it was enacted in 1965 we have not reauthorized it. Why? There is no reason we cannot debate the Elementary and Secondary Education Act before we adjourn.

I am certain reasonable minds on both sides would agree to time limits. No one wants to filibuster the bill. Offer the amendments. But the way things are today, if someone has ideas on what we want to do on education in this country, they are precluded from doing so. It is still stuck on the calendar, for the first time since 1965. S. 2, the No. 2 bill of this Congress, and it is still on the calendar. We haven't had a chance to act.

I say to my friend from California, the Senator from West Virginia referred to returning back to the Dark Ages. I was thinking about that when the Senator was speaking. Someone remarked to me that: All this talk about rules and procedure is gobbledygook. Who cares? That is inside ball game stuff around here, and it doesn't really matter on the outside.

I know it sounds like inside ball game stuff when we talk about rules and procedures, rule XVI and things such as this. The Senator mentioned the Dark Ages; I got to thinking about the Dark Ages. That is an appropriate allegory because the reason they were the Dark Ages is that we didn't have rules, we didn't have laws, it was uncivilized. In order for us to be civilized, we said there are certain rules by which we should live.

We have these rules in the Senate so that we don't live in the Dark Ages. They have a lot to do with people's lives outside of the beltway of this city. I think the Senator's mentioning of the Dark Ages is very appropriate. That is what we are returning to. We are returning to a rule-less kind of Senate where whoever is in charge calls the shots. That is what the Dark Ages was about: Whoever had the power ran everything. It was a lawless society. Through the years we developed our rules.

There is a reason the Senate is the way it is. Read the Senator's "History of the Senate." There is a reason the Founding Fathers set up the Senate the way it is. It is to allow some of the smaller States and others to have their say and to have their equal representation so they aren't bound up by the rules of the House of Representatives.

Mr. BYRD. Would the distinguished Senator from California yield me time to respond to the distinguished Senator from Iowa?

Mrs. BOXER. I am happy to yield to the Senator.

Mr. BYRD. I yield an additional 15 minutes overall to the Senator from California.

Mr. President, the Senator from Iowa said something here which is a truism—among other things—that there are many who look upon the rules and the precedence of the Senate as gobbledygook, as inside baseball.

Now I daresay those same narrow-minded, uninformed people, whoever they are, would say the very same about this Constitution of the United States or this Declaration of Independence, both of which are in this little book which I hold in my hand. They would say the same thing about the Constitution of the United States, and those rules of the Senate are there by virtue of this Constitution. I urge them to read the Constitution again.

I also urge them to read what Thomas Jefferson said, what Vice President Adlai Stevenson said, what Lyndon Johnson said, and what other great leaders who are now in the past said about the right to amend and the right to debate.

I will say what Adlai Stevenson said: They know not what they do.

I thank the Senator.

Mr. HARKIN. I thank the Senator from West Virginia.

Sometimes—I am not mentioning any names—sometimes we talk with colleagues about the rules. There is kind of a smirk: Oh, yes, we have business to do around here. And there is sort of—I detected it lately—there is sort of: "Well, the rules are the rules, but if we have the votes, we don't care."

That is a terrible attitude. As the Senator from West Virginia said, it really returns us to the Dark Ages when we were a lawless, ruleless society.

Mrs. BOXER. I ask my friend to stay on his feet because I want to continue this discussion.

When I was a child, I learned how a bill becomes a law. We always had that book in school, how a bill becomes a law. A bill starts out; someone authors it on one side, the Senate; someone authors it in the House. If it is a money bill, it has to go through the House first. And then each House, the House and the Senate, will act on the bill. If there are differences, it will go to conference. Those differences are worked out. If they are worked out—either body will vote on them—it goes to the President; he says yea or nay. If he issues a veto, two-thirds to override; if he signs it, it is a law. We learned this.

I say to my friend, it almost seems to me that what is happening is unconstitutional. I do not have a law degree. But we don't see these bills coming through the Senate for Senators to comment on. Sometimes we get a bill through here and it is not controversial. We will agree to a 2-, 3-, 5-minute time agreement. But at least we have a chance to look at it. That is our job. If we don't look at it and it does some harm to our people, that is our fault.

But if bills never come here and if they are sent directly into a conference committee and bypass the Senate, this says something is very wrong, that we are not doing what we are supposed to do according to the Constitution. I honestly wonder whether there couldn't be some kind of lawsuit by some citizen out there who looks at this and says: The way the Senate is operating, I have no voice in this because my Senator is bypassed. As Senator BYRD shows in his chart, 23 States are not on appropriations. They don't even have a chance to utter a word in the committee.

I was wondering, not being a lawyer, as the Senator is a lawyer, whether there isn't some kind of lawsuit waiting to happen. This isn't the way a bill is to become a law.

I think this could be considered taxation without representation. For some of these cases, some colleagues could say to their people: I didn't know; I didn't have a chance; I could only vote no or aye at the end; I voted aye because there were so many good things in the omnibus bill; but there were 23 bad things, but I had to keep the Government going.

I think we are treading on some dangerous ground.

I am happy to yield if my friend has a comment.

Mr. BYRD. Is the Senator asking a question?

Mrs. BOXER. I would love to have my friend comment on this.

Mr. BYRD. I agree, in large measure, with everything the distinguished Senator is saying. I seriously doubt that a lawsuit—I seriously doubt if that would hold up. But anyhow, it is a good thought.

Mrs. BOXER. Yes. When I go home to meet my constituency, they, as taxpayers, will say to me: Senator, what did you think about page 1030 in that omnibus bill? Did you actually get a chance to vote on it? I will say: In the big sense, I guess you could say I had to vote. It was all in one package. But I had no choice. I wanted to keep the Government going.

When I raised that issue, it was not for the technical response, but I am just suggesting to my friend that it is in many ways taxation without representation. In any event, if it does not rise to that level, it is close to that level.

I wonder if my friend from Iowa has a comment, or my friend from West Virginia.

Mr. HARKIN. I was trying to say—I will yield in just a second more—I think what is happening is that the foundation on which this Senate has been based is beginning to crumble. It is not all gone yet. But I was thinking, the Senate is like a foundation. If you pull one brick out, OK; it still holds. You pull another brick out—the foundation is still strong.

What is happening, I believe, and I say this in all candor, the majority side, for the last several years, has been pulling some bricks out of the foundation. They pulled one out and no one complained. They pulled another one out and nothing happened. What concerns me is that one feeds on another. So if we take back the majority, do we then say we will take out another brick? And then another brick? And then it bounces to the other side? Pretty soon the foundation crumbles and nobody can point to that first brick and when it was pulled out.

That is what I see, a kind of insidious pulling out of the bricks of the foundation of the Senate. Yet since things do happen, at the end of the year there is this big omnibus that is put together and people say: There you go, no big deal. But I predict pretty soon the foundation is going to start crumbling if we don't stop pulling out the bricks.

Mrs. BOXER. I agree with my friend. It is pretty distressing to see this happen to the Senate.

Senator BYRD said the other day that many of us in this Chamber don't know how the Senate is supposed to work because when we got here, those bricks had started to be pulled out of that foundation. I long for the days when I can tell my grandchildren or great grandchildren that I had a chance to serve in the greatest deliberative body of the land, and that even on a matter that perhaps only one or two Senators cared about, we had the unfettered right to express ourselves on behalf of the people we represent.

As I stand here, I represent, with Senator FEINSTEIN, almost 34 million people. Imagine that, 34 million people. They have so many concerns, whether it is the cost of prescription drugs, that I know my friend from Iowa just made a brilliant speech on yesterday—and I hope he will continue that today—whether it is just the normal appropriations process under which they are able to meet their needs, the highways, the public buildings, all the things they need to keep going; making sure we have the water and the power to keep this incredible State going. We would be the eighth largest nation in the world. We count on the Senate to be able to address our needs.

I am so grateful to the Senator from West Virginia for making this point because I think the people need to pay attention. As my friend from Iowa has said, it may sound as if it is about rules and things that do not impact them. But it impacts them mightily because when I am muzzled by virtue of the fact we don't get a chance to offer amendments—not that my voice is going to always carry the day, but at least their voice will be heard.

Mr. BYRD. Mr. President, will the distinguished Senator from California yield briefly?

Mrs. BOXER. I am happy to yield.

Mr. BYRD. On what the distinguished Senator is saying, the difference between a lynching and a fair trial is process.

Mr. President, I have to be away from the Senate for about an hour and a half. I have to meet with my wife of 63 years, so I must leave the floor.

I ask unanimous consent that no time be charged against my time, time that is under my control, unless that time is being used on the subject that is before the Senate. In other words, if no Senator is on the floor to speak on this subject, and he or she wishes to speak on some other subject, that he can get time but that it not be charged against the time on this matter.

There are several Senators who wish to speak on this. But for the moment, I am going to take the liberty of yielding control of time—oh, the minority whip is here; he will take care of that matter. He will be in control of time. I make that request.

The PRESIDING OFFICER. As a Member of the Senate from the State of Colorado, I must object until I fully understand the implications of that request and have had a chance to check with leadership.

Objection is heard.

Mr. BYRD. OK. That is a reasonable request.

I hope in the meantime, the distinguished Senator from Nevada, who is the distinguished minority whip, will be on the floor. I hope he will, and he will see to it that Senators will be recognized on time that was in the order for my control, if they are going to be recognized, and they not be recognized on that time unless they are speaking on this subject.

Mr. REID. If the Senator will yield?

Mr. BYRD. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I spoke to the Senator from West Virginia yesterday. We have worked today to fill the time, talking about some of the things that would work better in this body about which the Senator has spoken already. Senator HARKIN is going to speak, and Senator BOXER. We have Senator KENNEDY coming here at noon. We have Senator MOYNIHAN coming at 12:30. Senator CONRAD is coming. We have a list of speakers and we will work very hard to fulfill the promise to the Senator from West Virginia.

The last thing I say to the Senator from West Virginia, we were here except we were working on the Interior conference.

Mrs. BOXER. Mr. President, do I have some time remaining on my time?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mrs. BOXER. What I would like to suggest to my assistant leader is, after I finish my 5 minutes, during which I would like to continue engaging in a little colloquy with my friend from Iowa, that he be recognized for 30 minutes. Is that acceptable to my friend?

Mr. REID. The problem is we have gotten a little out of whack here this morning. I appreciate the patience of my friend from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Could I have 5 minutes then?

Mr. REID. What we will try to do is have Senator KENNEDY start a little later. He may be a little late anyway. Maybe you will not get your full half hour, but that will be known when the Senator from California gets finished. Then we go to Senator HARKIN, Senator KENNEDY, and Senator MOYNIHAN.

Mrs. BOXER. I ask unanimous consent, when I complete, Senator HARKIN have the floor up to 30 minutes, and if he has to be interrupted by Senator KENNEDY, he will end his remarks.

Mr. REID. I think what we will do is have the Senator recognized for 10 minutes and if he needs more time he can ask for it.

Mrs. BOXER. That will be my unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. In this remaining 5 minutes, I wanted to ask my friend from Iowa if he will stay on the floor because Senator KENNEDY, who is our leader on education issues, as we know, in terms of his position on ESEA, said it looks as though if we don't reauthorize the Elementary and Secondary Education Act when the funding expires, which is this year—which is this year—it will be the first time since the 1960s, since 1965, that this bill will not have been reauthorized.

What I want to ask my friend—I know he is going to take his time to talk about prescription drugs, and I am going to stay here for that. It seems to me, with both Presidential candidates out there talking about education, and with huge differences in the two positions: where you have George Bush supporting a voucher system to pull money out of the public schools into the private schools, and you have AL GORE saying he wants to do twice as much for education; in terms of budget authority, where you have Vice President GORE supporting putting 100,000 new teachers in the classroom and George Bush opposing it; where you have our Vice President supporting school construction, and these are all initiatives that emanated from this side of the aisle with opposition on the other side. A fair debate. Whether or not we want to continue in the tradition of President Eisenhower, a Republican President who said, yes, the Federal Government should step in when there is a void, and that is why he signed the National Defense Education Act saying way back in the fifties—the happy days when I was growing up—that if you do not have an educated workforce, you can have the most powerful military in the world and it will not matter. AL GORE wants to follow in that tradition, but we have the opposition saying the Federal Government should not have anything to do with it, block grant it, and who knows what will happen.

Does my friend agree with me—I know he agrees with me; I would like him to talk about this—why is it so crucial we bring this education bill to the floor—and do it soon—and we allow this Senate to work its will on the issues that all of America cares about, whatever side one is on. Does he not agree this is a stunning departure from tradition and history since 1965? We sit here and there is nobody on the other side. We have the time to talk when we could be acting on the ESEA.

Mr. HARKIN. I thank the Senator for pointing this out. It is true, it is the first time since 1965 we have not reauthorized the Elementary and Secondary Education Act. What the Federal Government has done since the adoption of that bill, since 1965, as the Senator knows, is we have filled in the gaps.

Obviously, education still remains a local and State obligation, as we want it to be, but we recognized there were certain gaps. For example, disadvantaged students: We came up with the title I program to provide needed funds to States to help educate disadvantaged children in disadvantaged areas. I do not think there is a Governor anywhere in this country who does not like title I, or educators. Since we set up title I, it has done great things for our kids. That is at stake here. Without reauthorization, we cannot give guidance and funds to title I.

The Individuals with Disabilities Education Act: for kids with disabilities, is another example of what will slip through the cracks in terms of bringing us into the new century and addressing the new problems in education.

Teacher training is a very vital component of the Elementary and Secondary Education Act to provide guidance and, yes, support for teacher training, for example, in new technologies, such as closing the digital divide. This is all part of that. This will all fall through the cracks.

Because of the intransigence of the Republican majority in the Senate—we will fund it; I am sure we will get the appropriations bill through; we will fund it—we will not address the new problems in education which we need to address. We will still be answering the problems of 8 years ago and 10 years ago rather than addressing new problems.

The PRESIDING OFFICER. The time of the Senator from California has expired. The Senator from Iowa now controls the time.

Mr. HARKIN. Mr. President, I will be glad to continue the colloquy with the Senator. I yield to the Senator from California.

Mrs. BOXER. I will be brief. My friend makes such an important point. In this fast moving, global economy we are in, everyone admits education is the key. If all we can do is fund old programs—by the way, they are good; we are not going to walk away from them—but if we cannot address the new challenges—and my friend mentions specifically the digital divide. Senator MIKULSKI and I have been working on a very good bill. We let thousands and thousands of foreign workers in here when we still have a 4-percent unemployment rate—by the way, the best in generations, but we do have people who need jobs—we do not have a shortage of workers, as Senator MIKULSKI says, we have a shortage of skills.

My friend is so right to point out that when we do not authorize bills and we cannot look at the new solutions and the new challenges, we might as well be living in the last century.

I thank my friend for yielding me additional time. I look forward to his presentation on Medicare. I will sit here and listen to his wisdom on that and maybe he can answer a question or two as he goes about his presentation. I thank my friend.

Mr. HARKIN. Mr. President, I respond in kind by thanking the Senator from California for pointing out again what is at stake because we are not allowed to offer our amendments. The Senator from California has done a great service not only to the Senate, but to the country, in pointing out why so many people are disenfranchised in this country because they do not have a voice with which to speak here if we are blocked from offering our amendments. I thank the Senator from California for pointing that out.

I want to talk about another issue we are, again, blocked from addressing in the Senate, and that is the issue of prescription drugs for the elderly. Of all the issues out there that cry out for solutions and intervention, this has to be No. 1 on our plate. Anyone who has gone to their State and talked with the elderly who are on Social Security, who are on Medicare, has heard heartrending story after heartrending story about how much our seniors are paying out of pocket for prescription drugs.

Vice President GORE was in my home State of Iowa yesterday. There is a story that was running on the news programs and in the newspapers this morning about a 79-year-old woman. I do not know her. I have never met her, to the best of my knowledge. Winifred Skinner, 79 years old, from, I believe, the small town of Altoona—but I cannot be certain about that—who showed up at a meeting with Vice President GORE and talked about how she goes along the streets and the roadways picking up aluminum cans because she can get payment for them. I think it is a nickel a can, if I am not mistaken. She collects these to make some money to help pay for her prescription drugs.

This is a real person. It is not a phony person. This is a real person with real problems, and she needs some help. We have tried time and again to bring this legislation to the Senate floor to openly debate it. If other people have other ideas, let's debate them, have the votes, and let's see what the Senate's position will be, but we are precluded from doing so.

Now we have an ad campaign put on by the Republican candidate for President, Gov. George Bush. This TV ad campaign is being waged across the country to deceive and frighten seniors about the Medicare prescription drug benefit proposed by Senate Democrats and Vice President AL GORE. I thought I would take a few minutes today, as I will do every day we are in session, to set the record straight.

First, we have to examine Bush's "Immediate Helping Hand." That is what he calls it, "Immediate Helping Hand." Quite simply, it is not immediate and, secondly, it does not help.

Is it immediate? No. The Bush proposal for prescription drugs for the elderly requires all 50 States to pass some enabling or modifying legislation. Only 16 States right now have any drug benefit for seniors. Many State legislatures do not meet but every 2 years, so we might have a 2-year lapse or 3-year or 4-year lapse in the Bush proposal.

How do we know this? Our most recent experience is with the CHIP program, the State Children's Health Insurance Program. We passed it in 1997. It took Governor Bush's home state of Texas over 2 years to implement the CHIP program.

In addition, the States have said they do not want this block grant program. This is what the National Governors' Association said, Republicans and Democrats, by the way:

> If Congress decides to expand prescription drug coverage to seniors, it should not shift that responsibility or its costs to the states. . . ."

But that is exactly what the Bush 4-year program does.

Again, keep in mind, the Bush proposal on prescription drugs is a two-phased program. In the first 4 years, he delegates it to the States. As I pointed out, States do not even want to do it.

Secondly, many legislatures do not meet for 2 years.

Thirdly, talk about a "helping hand," who gets helped under the Bush program? If your income is more than $14,600 a year, you are out—$14,600 a year, and you are out.

What does that mean? It means many of the seniors will not qualify. The Bush plan will only cover 625,000 seniors, less than 5 percent of those who need help.

Again, under the Vice President's proposal—and what we are supporting—all you need is a Medicare card. If you have a Medicare card, you can voluntarily sign up for a drug benefit, your doctor prescribes the drugs. You go to the pharmacy and you get your drugs. That is the end of it. That is all you have to show.

If you are under the Bush program, you are going to have to take your income tax return down, plus probably other paperwork to show your assets, to show that you have income of less than $14,600.

Mrs. BOXER. Would my friend yield on this point for a question?

Mr. HARKIN. Yes.

Mrs. BOXER. Because I think this is a stunning point that you have made and are amplifying on today. Out of the 34 million senior citizens in this country who are covered under Medicare—not to mention the 5 million disabled; let's throw that out for a moment because they would qualify for the Gore plan; let's just focus on the 34 million—how many seniors are you saying, if everything went right in their States and they were able to get the enabling legislation—they went to the welfare office, they got the stamp of approval—if it all went right, how many seniors are you estimating would be covered under the Bush plan?

Mr. HARKIN. According to a recent study, if the experience of state pharmacy assistance programs is any guide, of the 34 million, about 625,000—less than 5 percent of those eligible—would sign up for a low-income drug plan.

Mrs. BOXER. Less than 700,000 people.

Mr. HARKIN. That is right.

Mrs. BOXER. Under the first 4 years of the Bush plan, out of the 34 million seniors, this new benefit would go to less than 700,000 people. And those people have to go through the welfare offices. If there is no other reason to oppose it, there it is. It is a sham. It does not do much for hardly anybody.

Mr. HARKIN. That is true.

I thank the Senator from California for amplifying on that. Because Governor Bush's program is not Medicare; it is welfare. What seniors want is they want Medicare, they do not want welfare.

Look at the States. To sign up for Medicare, seniors fill out long, complex applications in 26 States. They must meet an extensive asset and income test in 41 States. And they have to sign up in the welfare office in 34 States. Maybe that is why only 55 percent of eligible seniors sign up for Medicaid compared to 98 percent who sign up for Medicare.

That is what the Bush proposal would do: Send seniors to the local welfare office. Take your income tax returns down, take down other paperwork, fill it out, show them what your income and assets are, and then maybe—maybe—you will qualify.

As I have said repeatedly, the seniors of this country want Medicare, they do not want welfare. The Bush plan would put them on welfare. Then, after the 4 years—the first 4 years of the Bush block grant—then what does his proposal do? His proposal turns it over to the HMOs. So it gets even worse.

The long-term plan under Governor Bush is tied to privatizing Medicare, a move that would raise premiums and force seniors to join HMOs. Under the Bush drug plan, there would be radical changes in Medicare—radical changes. You would not recognize it today.

Premiums for regular Medicare would increase 25 to 47 percent in the first year alone. Why is that? Why do we say that? Because once you turn it over to the HMOs and the insurance companies—which is what the Bush plan does—after the first 4 years, it shifts to universal coverage, but turns it over to the insurance companies.

Obviously, the insurance companies are going to do what we call cherry pick. They are going to pick the healthiest seniors and give them a really good deal to join their insurance program. Who does that leave in Medicare? The oldest and the sickest. And to cover the Medicare costs, under legislation we have that exists, their premiums will go up 25 to 47 percent in the first year alone. That is shocking.

But we have to understand that what the Bush proposal is for Medicare is the fulfillment of Newt Gingrich's dream to let Medicare "wither on the vine." Governor Bush supported that concept when Mr. Gingrich was Speaker of the House. Governor Bush's proposal fulfills Newt Gingrich's dream because by turning it over to the insurance companies, by privatizing Medicare, it would "wither on the vine."

Governor Bush would leave seniors who need drug coverage at the mercy of HMOs. Listen. Under the Bush proposal, who would decide what the premiums are going to be? HMOs. Who would decide copayments? HMOs. Who would decide any deductibles? HMOs. Who would even decide the drugs that you can get? It would be the HMOs—not your doctor, not your pharmacist.

Lastly, as someone who represents a rural State and who still lives in a town of 150 people, the Bush plan would leave rural Americans out in the cold. Thirty percent of our seniors live in areas with no HMOs.

In Iowa, we have no Medicare HMOs. Listen to this. Only eight Iowa seniors, who happen to live near Sioux Falls, SD, belong to a Medicare HMO with a prescription drug benefit. Yet in Iowa, we have the highest proportion of the elderly over the age of 80 anywhere in the Nation. And only eight—count them—elderly, who happen to live near Sioux Falls, SD, belong to a Medicare HMO that has a prescription drug benefit.

Also, HMOs are dropping like flies out of rural areas. Almost a million Medicare beneficiaries lost their HMO coverage this year alone, mostly in rural areas.

So, again, our seniors want Medicare. They do not want welfare. The Bush plan turns it over to the States for the first 4 years. Take your income tax returns down, show how poor you are, maybe you will get help.

The Bush plan for prescription drugs says, if you are rich, you are fine. If you are real poor, you are OK. But if you are in the middle class, you are going to pay for it both ways.

Lastly, we have to talk about priorities. The Bush priority is $1.6 trillion in tax breaks, almost 50 percent of which goes to the top 1 percent of the wealthiest people in this country. For prescription drugs for the elderly, he is proposing $158 billion over the next 10 years. There you go. Those are the priorities right there.

So every day we are in session, I will take the floor to point out the fallacies in Governor Bush's proposal for prescription drugs for the elderly, how it will put elderly first on the welfare rolls—they will have to be eligible for welfare—and then take their income tax returns down; and how, secondly, it will turn it over to the private insurance companies, and it will destroy Medicare as we know it.

Mrs. BOXER. Will my friend yield?

Mr. HARKIN. I will say one more time, what the seniors of this country want is they want Medicare; they do not want welfare.

Mrs. BOXER. Will my friend yield for a question?

I think the chart that you have behind you is crucial for people to look at.

The PRESIDING OFFICER. The Senator from Iowa has used 15 minutes.

Mr. HARKIN. May I have 5 more minutes?

Mr. REID. I say to my friend from Iowa, of course you can have 5 more minutes. We have Senator LANDRIEU here to speak. And I would say, before yielding that time to my friend from Iowa, you have painted the picture so well that Senator BYRD started today. Because if we had the proper process around here, we would have been debating these issues a long time ago.

Mr. HARKIN. Exactly.

Mr. REID. So I yield 5 minutes to the Senator from Iowa. Following that, I yield 5 minutes to the Senator from Louisiana, Ms. LANDRIEU.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

Mr. HARKIN. I yield to the Senator from California.

Mrs. BOXER. I thank my friends, and I thank the Senator from Louisiana for her patience. This is an important point that she made to me yesterday and to a number of my colleagues.

I think the chart that is behind the Senator from Iowa tells a story all America has to see. This tax cut is so enormous, with such enormous tax breaks for those at the top—for example, those over $350,000 will get back $50,000 a year compared to those at $30,000 who will get back a few hundred dollars—that it is impossible for Governor Bush to do anything real for the American people that the American people want.

I asked myself, why would it be that his prescription drug policy would only cover 5 percent of the seniors who need it. The easy answer: Even if he wanted to do more—and let's say he does; I will give him that break—he can't do more, because when you look at what he wants to do for the military and what he says he wants to do for education, and it goes on, it does not add up. So what happens to Governor Bush is that he has to take tiny little baby steps for things he thinks are important because he doesn't have the resources because he is committed to this enormous tax break, instead of doing what AL GORE has done, which is to say: Yes, we will give tax breaks, but we will give them to the middle class. We will do it for people who need to send their kids to college by helping them with their tuition. We will do it for people who need health care by making that deductible. We will do it for the people who are working hard every day, struggling and fighting to make ends meet.

The last point I will make to my friend is a comment by the president of the Health Insurance Association of America, who said:

> Private drug-insurance policies are doomed from the start.

That is the Bush plan.

> The idea sounds good but it cannot succeed in the real world. I don't know of an insurance company that would offer a drug-only policy like that or even consider it.

This isn't TOM HARKIN talking or HARRY REID talking or MARY LANDRIEU or BARBARA BOXER or ZELL MILLER. This is the head of the Insurance Association of America.

I say to my friend, in closing the extra time he has, the chart behind him tells the story, and this quote tells the story. It is truly, unfortunately, a sham prescription drug plan.

Mr. HARKIN. I thank the Senator from California. She is absolutely right. Forty-three percent of these tax breaks go to the top 1 percent, who have an average income of over $915,000 a year. This is where Governor Bush's tax breaks go. Yet Winifred Skinner—age 69, in my home State of Iowa—has to go around the streets and the roads and pick up aluminum cans so she can pay for her prescription drugs. I think that says it all.

I thank the Senator from California. I thank the Senator for yielding me the time and yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I join my colleague from California and my colleague from Iowa in their remarks and thank our colleague from Iowa for spending the time to point out the important differences in the approaches as we get closer to this election. It is something the American people in our democracy will ultimately decide. I thank him.

I also point out to my colleague from California that not only would we not be able to afford the right kind of prescription drug plan for America because of the huge tax cut proposal that the Governor of Texas has proposed, we would not be able to give the military the added investments that it may or may not need. We may be debating that, but the generals appeared yesterday to describe how they needed some increase in investments in the military in certain ways and we need to modernize and streamline and save money where we can. But there are clearly some areas where we will not even be able to do that, if the proposed tax cut plan is in effect. We won't be able to provide the kind of Medicare coverage we need, and we will not be able to strengthen our military in the ways that we perhaps need to as we restructure and reshape.

Mr. President, our senior Senator from West Virginia has made a very important point. He has urged all of us in this Chamber to pay attention to a very important concept in our Constitution that is in the process of being violated. This affects Louisiana and States such as ours. Twenty-three are listed on this chart, as the Senator pointed out.

No one brings a deeper understanding of the constitutional prerogatives and responsibilities of this body than does Senator BYRD, our esteemed colleague from West Virginia. I also know that he is intimately familiar with the writings of John Jay in one of the most cherished pieces of prose regarding our democracy, the Federalist Papers. In Federalist No. 64, he writes:

> As all the States are equally represented in the Senate, and by men the most able and most willing to promote the interests of their constituents, they will all have an equal degree of influence in that body, especially while they continue to be careful in appointing proper persons, and to insist on their punctual attendance.

Although I agree with this, I don't know if our Founding Fathers ever thought there would be a day where there were women in the Senate, but obviously this quote would apply so that men and women in the Senate would have equal opportunity to represent their States.

When we follow these rules, as we can see, our Founding Fathers intended this body to represent the great States of our Union equally. Sadly, after years of hearing of the importance of federalism, the Senate is proceeding down a course that makes a mockery of this ideal.

I represent one of the 20 States without a member on the Appropriations Committee in either Chamber. Currently there is no one from Louisiana on the Appropriations Committee in the House or in the Senate. The only protection a State such as mine—one of the earliest additions to the Union, I might add—has is the power and process of this Chamber. That power and that process is being jeopardized.

When the Senate leadership attempts to short-circuit that process, they trample on the rights of States and undermine our very constitutional structure.

This Senator will be asked to vote, I am certain, on an enormous bill that I could not possibly have read, that has never passed out of this body, and which I will have no opportunity to amend.

Let me say it again. The people in Louisiana, and these 23 States on this chart, will have no opportunity to amend this final bill that is going to be before us shortly. Our rules were written to give life to the intentions of our Founding Fathers that we have the opportunity to deliberate and amend any measure offered in this body. When we follow those rules, all States are truly equal—the most populous and prosperous, as well as the smallest and most in need. That is what our Constitution contemplated, but that is not what we are living out today.

A measure very important to my State, as many of you know, is the Conservation and Reinvestment Act. I am concerned by virtue of the process we are following that this critical legislation, despite the support of 63 Senators, will not be debated on the Senate floor. That potential reality is unfair to Louisiana; it is unjust to the 4.5 million people who live in my State. It is certainly not what John Jay, one of our founders, had in mind 200 years ago.

I think it is important to warn my colleagues now that this Senator intends to defend her State's place in this body. I thank my friend from West Virginia. I salute him for his ongoing leadership in this cause, and I look forward to helping him return this body to its appropriate place in the constitutional order. So whether we are debating Medicare or our military or the environment and the Conservation and Reinvestment Act, I hope that the people of my State can truly be represented in that process. That is why they elected me and I plan to defend that right.

Mr. REID. Mr. President, Senator BYRD has asked that I allocate the time that is remaining under the original time given him under the unanimous consent agreement.

The Democratic leader will be out in a few minutes to take half an hour. When he completes his statement, Senator KENNEDY will follow for half an hour. When he completes his statement at about 1:30, Senator CONRAD will be here to speak for half an hour. Following that, Senator DORGAN will be here for half an hour. Following that, Senator JOHNSON will be here to speak for 10 minutes. Senator DURBIN will come at approximately 2:40 to speak for about a half hour. Senator KOHL will speak around 3 or 3:10. At that time, most of the time will be gone. Senator BYRD will have the remaining time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Democratic Leader is recognized.

Mr. DASCHLE. Mr. President, I compliment the Senator from California and the Senator from Iowa for their extraordinary colloquy this afternoon on prescription drugs. There is so much confusion, unfortunately, on the issue, largely generated intentionally by the other side, hoping to confuse people, obfuscate the question, and confuse the issue. The Senators from California and Iowa have, with great clarity, redefined it and redescribed it. I hope my colleagues, if they did not have the chance to hear them, will read it in the RECORD tomorrow. It was really an extraordinary contribution. I am grateful to them.

Also, I am grateful to the distinguished senior Senator from West Virginia for allocating this time. I think it is very important that we have an opportunity to talk about how it is that we got here. I want to devote my comments to the question of how we got here, and I will talk about two things.

First, I want to talk about how we got here in the larger context of Senate rules and Senate procedure and the practice of the majority under the rules and Senate procedure. And then I want to talk a little bit about the schedule itself and how it is we got here, with only two days remaining in the fiscal year, and so much work still incomplete.

I think it is very important for us to understand that, procedurally, we have seen the disintegration of this institution in so many ways. I have come to the floor on other occasions to talk about this disintegration. I think this is important for newer Senators to understand. I see the extraordinarily able new Member from Georgia, a Senator who has just joined us, Mr. MILLER. I worry about the Senator "Millers" and about the Senator "Fitzgeralds," our current Presiding Officer. I worry about those who may not have understood what the Senate institution looked like as an institution years ago.

The controversy that we are facing is not about procedural niceties. The right to debate and the right to amend are fundamental rights to every Senator as he or she joins us in this Chamber. Without those features, those abilities, we diminish substantially the nature of the office of Senator, the institution of the Senate, and indeed the reason why Senators come here in the first place.

Obviously, we are here to debate the great issues of the day. But how does one do it if we are relegated to press conferences or other forums that force us to talk about those matters off the floor? This Chamber has been called the most deliberative body in the world. Yet I worry about how little we have actually deliberated this year. And because we have not deliberated, the Senate as an institution has suffered.

Unfortunately, over the last few years, I believe the Senate has changed dramatically. We have been denied the opportunity to offer amendments, as we are right now on the pending legislation, the so-called H-1B bill. In the entire 106th Congress, we have had only a handful of opportunities where Senators were given their prerogative, given their fundamental right as a Senator, to do what they came here to do: to represent their constituents through active participant in the legislative process here on the floor of the United States Senate.

There has been an extraordinary abuse of cloture. Over one-fourth of all the cloture votes in history—over 25 percent—have been cast since 1995.

Twenty-five percent of all the cloture votes in history have been cast in the last four years. That is one figure I hope people will remember.

The other one which I think is critical is that we have had more cloture votes in 1999 than any other year in history. We broke a record there as well.

Under the majority leader's approach, we have also had the most first-day cloture filings ever. We have never had this many cloture filings on the first day.

This is a motion to invoke cloture. This is what it says. They are all the same. It is a stock statement.

> We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment—in this case the marriage tax penalty bill.

The key phrase is the one we have outlined in yellow: "To bring to a close debate."

I ask anybody who is even a casual observer of debate: How can you close debate before it has even started? But that is what we are doing. A bill is filed. Amendments are filed to the bill in order to close the parliamentary tree. That denies us the opportunity to offer amendments. Then cloture is filed so we can bring to a closure debate that hasn't even begun.

We have done that more in 1999—of course we don't know about 2000 yet—than in any other year in our history. Of all the cloture votes together, over all of these years, 25 percent of them were in just the last 4.

Under previous leaders, we filed cloture, of course. There were some great debates about many issues in the past that went on for days and weeks and even months. People would be here 24 hours a day. The debates would go on, and a majority leader would be compelled to file cloture to bring the debate to a close. Why? Because they had been debating it. That is what they were supposed to do. That is why cloture is supposed to be filed. Yet now we find ourselves voting on cloture before we have had even the first hour or the first 5 minutes of debate.

We are also rewriting the rules on amendments themselves. Recently, we outlawed nongermane sense-of-the-Senate amendments to appropriations bills. We can't do that anymore.

The number of amendments have also been grossly restricted. I have never seen, as I have this year, the overly restrictive way with which we have approached virtually every single bill.

Take the Elementary and Secondary Education Act, the bill we took up earlier this year. An average of 39 amendments have been offered to ESEA reauthorization bill over the last 25 years—39 amendments. Yet this year, only four Democratic amendments to the ESEA bill were permitted before the bill was pulled. That's right: historically, there were an average of 39 amendments to ESEA bills. This year, Democrats offered four amendments, and the bill was gone. We are told we don't have time to complete the bill. We are told the Democrats shouldn't even think about offering all of these amendments. We are told that bills should be passed with no amendments at all, or if we must offer amendments, they must meet the strict definition of "relevant" used by the parliamentarian.

The interesting thing is, nonrelevant amendments have been considered OK for the Republican Party in the past. I have a chart that shows some of the examples of non-relevant amendments offered when the Republicans were in the minority, and even in some cases when they were in the majority.

We had a juvenile justice bill that came up in 1999. The majority leader saw fit to offer a "prayer at school memorial services" amendment to a juvenile justice bill. That was OK.

We had a Commerce-Justice appropriations bill 2 years ago. It was OK to offer a sense-of-the-Senate resolution on Social Security at that time.

We had a supplemental appropriations bill. This was when the Republicans were in the minority, and the Senator from Delaware, now chairman of the Finance Committee, Senator ROTH, certainly didn't see anything wrong with offering a tax cut amendment to that bill. Evidently, that was OK, too.

Yet now Republicans are saying: Democrats don't have a right to offer nonrelevant amendments, nongermane amendments. We can, but you can't.

I don't understand that logic. I don't understand how in 1993 when they were in the minority the senior Senator from North Carolina saw fit to offer a patent for the Daughters of the Confederacy amendment to the community service bill.

I don't see how we could have a Lithuanian independence amendment to the Clean Air Act. I want clean air in Lithuania, but I have to tell you this had nothing to do with clean air in Lithuania. This wasn't relevant. This wasn't germane.

There is a double standard here. I hope people understand our frustration as they watch the action and hear the words.

We have also trivialized Senate-House conferences over the last several years. The scope of the conference rule was repealed. Now conference reports can include anything and everything—even measures that were never included in either House.

That is all part of what got us to the problem we are in now with appropriations. All of this, I might say, goes back to the concern the senior Senator from West Virginia shared as he talked about the procedures and the breakdown of the institution. When we repeal the scope of conference rule that said things had to be in either the House or Senate bill before they could be considered in conference, when we repealed that, we opened up, as our Senator from New Mexico likes to call it, a "box of Pandoras"—a real box of Pandoras.

We now have sham conferences. It is almost like a huge U-Haul truck is pulled right up to the front door. We just lob everything in there and drive it on down to the White House. Nobody knows what is in that big box of Pandoras. It is put into that truck, hauled down to the White House, the President signs it, and it becomes law.

It is getting worse and worse. Now we find our Republican colleagues want to take what happened in a subcommittee, where maybe a handful of people know anything about it, bypass this Chamber entirely, go into a conference, load up that truck, and take it down to the White House. That is why we said no last week. That is why we said you can't marry these bills that have had no consideration on the Senate floor—sham conferences.

I know why we are doing this. In fact, our colleagues on the other side have been very candid about it, both privately and publicly. They have said: We don't want to have to vote on these tough issues. We have a lot of vulnerable incumbents. We are not going to allow these amendments if they are going to be problematic.

I am sorry if someone is inconvenienced. We have had to do that for years. Casting votes is what being a Senator is all about. If you oppose a measure, then table an amendment, offer a second degree, offer an alternative.

There has to be a way of doing it other than gagging this institution. Forcing cloture votes against imagined filibusters in order to cast blame just doesn't work.

There are those on the other side who have said we shouldn't have to spend more than a couple of days on any one of these bills. We should be able to get these things done within 24 to 48 hours. Why should they take so long? My answer is because this is the Senate. I will get into days in just a minute. We have the days.

We have ways with which to ensure we can have a good debate. We can work Mondays and Fridays. We can work after 6. We could do a lot of things to ensure that the days are there. Some of the very finest pieces of legislation ever to pass the Congress took more than a couple of days. Bills sometimes take longer. They are complicated.

The majority keeps asking for cooperation. But I think what they truly mean is capitulation.

All Senators should be free to debate an amendment. We shouldn't have to face these artificial relevancy requirements. Important bills should have their time on the floor. We ought to have good, rigorous debates. We ought to be able to offer amendments. Let's agree to disagree and let's vote and move on. We did that in 1994 with a piece of legislation from which we still benefit today.

Every crime statistic is down in America today, every single one. Do you know why that is? That is in part because we passed the COPS Program, the community police program. That is because we have provided resources to police officers in ways they didn't have earlier in the decade. Another reason is that we passed an awfully good crime bill in 1994, the last year Democrats were in the majority.

Do you know how long it took? We spent 2 weeks on that crime bill. We had 92 amendments which were proposed, 86 amendments adopted, over 20 rollcall votes. That is the way the Senate is supposed to work—a good, rigorous debate, and ultimately a product that enjoyed, in this case, broad bipartisan support. Why? Because it was a good piece of legislation. Why? Because everybody had their say. Why? Because it was probably an improved product over what it was when it was first introduced.

That ought to be the model. I don't think there was a cloture motion filed in that entire debate. We didn't fill any trees. We didn't say, we have to get this done in 2 days. We didn't say, we don't have time. We said, we are going to do it and we are going to do it right. And we did it right. And 6 years later, we still benefit.

We are prepared to work with our colleagues on the other side. We only hope they share the deeply held view about commitment to the institution, about commitment to the rights of each Senator, about an understanding of the responsibility for the legacy of this institution for future Senators and for all of this country as we consider the fragile nature of democracy itself.

I said there were two items. The first was procedural; the second is schedule. The majority later said last year:

> We were out of town two months and our approval rating went up 11 points. I think I've got this thing figured out.

They are sure acting as if they have it figured out. If they were motivated to be out, so their points went up, they have shown it by the schedule.

This is the schedule for the year. All those red days are days we are not in session. All the blue days are the days we are in session. Look at all those red days. Yet we are told: We don't have time. We don't have time to take up appropriations bills. We don't have time to take up amendments. We don't have time to take up a legislative agenda.

We don't have time? Maybe it is because there is a little more red than there ought to be. The number of days we are scheduled to be in session in the year 2000 is shown: 115. That is the number of days in session in the year 2000. Keep in mind, there are 365 days in the year, yet all we could find time for were 115 out of that 365. As it happens, this is the shortest session of the Senate in half a century—since 1956. In fact, this year's schedule is only two days longer that the infamous do-nothing Congress of 1948.

The number of days with no votes in the year 2000, out of that 115: 34. We will be in session for 115 days in session out of 365 days, but we have lopped off a third of those days. On 34 of the 115 days, we have had no votes at all.

But there is no time.

The number of days on Mondays with votes in the year is shown. Out of all the Mondays in this year, we have only had three where we have had votes—three Mondays.

On how many Fridays of this year 2000 did we have votes? Six. We did a little bit better on Fridays than Mondays. Three Mondays with votes; six Fridays with votes.

Mondays with votes in September? There it is: One.

No time for appropriations bills. No time for all of the issues Democrats wanted to take up. Yet on only 1 Monday in the month of September did we have votes.

On Fridays in September, we didn't do quite as well. I don't know how we explain no votes on Fridays in September when we have all this work, knowing we will bump up against the end of the fiscal year at the end of this month. Imagine not having votes on Mondays or Fridays, knowing we have 11 appropriations bills that are yet to be completed.

Appropriations bills completed to date? Only two. We are dealing here with numbers most people understand: 1's and 2's.

We have done a little calculating because now we are getting into more advanced arithmetic. I said we have been using 1's and 2's and 0's. We used our calculator to decide how long it would take at this rate to complete the work on the remaining 11 appropriations bills, and now we are into triple digits: 572 days to complete work on the 11 appropriations bills on this schedule.

Finally, there is one more calculation. I am sure people are trying to figure that out. If you take the 572 and project it out, I promise we will be finished by April 16 of the year 2002. That is when we finish our work on the appropriations bills using the schedule we have adopted in the year 2000: 4/16/02—April 16, 2002. So mark that in your calendars, folks. That is likely to be the year, the month, and the day that we finish our bills using the schedule we have employed this year.

Someone once said, 90 percent of success is just showing up. Maybe that is our problem. We aren't showing up. Maybe we ought to show up a little bit more. Maybe we ought to work on Mondays and Fridays. Maybe we ought to work a little bit longer after 6 o'clock. Ninety percent of success is just showing up. Maybe we can be a little more successful. When we show up, maybe we ought to remember why we are here. Maybe we ought to remember the prerogatives of every Senator. Maybe we ought to call back the golden days when Senators debated profoundly on the issues of the day.

Open this drawer: Lyndon Baines Johnson sat at this desk, Mike Mansfield sat at this desk, Joe Robinson sat at this desk, ROBERT C. BYRD sat at this desk. George Mitchell sat at this desk. I don't know how I would explain to my predecessors what has happened to the Senate this year. That is why the same ROBERT C. BYRD came to the floor this morning. Listen to ROBERT C. BYRD. Listen to George Mitchell. Go back in the RECORD and listen to Lyndon Baines Johnson, listen to Joe Robinson, and remember what Mike Mansfield said.

Let's call back the glory of this institution. Let's remember why we are here, and we can then all be proud.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I express my appreciation for the Democratic leader's excellent statement and comment.

I was listening particularly to the wrap-up and recalling a number of the majority leaders with whom I had the good opportunity to serve bringing into real relief how at that time we did have the engagement of the issues and the resolution of questions of public policy.

That was the time-honored tradition of this body. It hails back to the time of the Constitutional Convention and our Founding Fathers and what they believed we ought to be about.

I hope his words will be taken to heart by our colleagues as welcoming into these final days of this session.

We are now in the final days of this session. This afternoon, we will mark the end of the current fiscal year by passing a bill—a continuing resolution—that acknowledges that Congress was unable to complete its work. So now we're going to put government funding on auto-pilot while our Republican friends figure out what to do.

We started this year—the first of the new millennium—with great hope. We were going to pass new laws to meet the urgent needs of families across America—to improve health care and education, and provide jobs for working families. The question is, did American taxpayers get their money's worth?

So far in this first year of the new millennium, we have enacted: 27 laws naming new federal buildings; 7 laws granting awards to individuals; 3 technical corrections to existing laws; 4 laws establishing small foreign assistance projects; 4 commemoratives, and 2 laws establishing new commissions.

We found time in our busy schedules to pass a sense of Congress resolution calling for democracy in a Latin American country. We relocated people from one South Pacific atoll to another. We encouraged the development of methane hydrate resources. We allowed the Interior Department to collect new fees for films made in our parks. We eliminated unfair practices in the boxing industry. We renamed the Washington Opera as the National Opera. We passed a new law providing assistance to neotropical migratory birds.

I have no doubt that each of these laws was necessary. But nowhere on the list did we pass the Elementary and Secondary Education Act to strengthen the nation's public schools. Nowhere on this list is the Patients' Bill of Rights. Nowhere do we find a Medicare prescription drug benefit for senior citizens. Nowhere is a long-overdue increase in the minimum wage. Nowhere does Congress strengthen our laws against hate crimes. Nowhere on the list are new gun laws to keep our schools and communities safe.

If ever a "Do-Nothing" label fit a Congress, it fits this "Do-Nothing" Republican Congress.

Our country as a whole is enjoying an unprecedented period of prosperity—the longest period of economic growth in our nation's history. But for millions of Americans, it is someone else's prosperity. Working 40 hours a week, 52 weeks a year, a person earning the minimum wage earns only $10,700 a year—$3,400 below the poverty line for a family of three.

Over the past three decades, the extraordinary benefits of our record prosperity have been flagrantly skewed in favor of the wealthiest members of society. We are pleased with the Census Bureau Report this week showing that the poverty rate dropped to its lowest level since 1979. Yet, poverty has almost doubled among full-time, year-round workers since the late 1970s—from about 1.5 million to almost 3 million by 1998, according to a June 2000 Conference Board report.

Today, the top one percent of households have more wealth than the entire bottom 95 percent combined.

Yet, despite this historic period of economic growth, minimum wage workers are not able to afford adequate housing. The National Low Income Housing Coalition recently found that the current minimum wage fails to provide the income necessary to afford a two bedroom apartment in any area of this country.

Often, workers are putting in longer hours on the job, and more family members are working. A study released by the Economic Policy Institute this month shows that in 1998, lower income families are working 379 more hours a year than they were in 1979.

The increase in working hours for African American and Hispanic families is even more dramatic. Middle-class African American families work an average of 9.4 hours more per week than their white counterparts. Hispanic families work five hours a week more than whites at every income level.

Parents are spending less and less time with their families—22 hours less a week than they did 30 years ago, according to a study last year by the Council of Economic Advisers. Serious health and safety problems result when employees are forced to work long hours. A recent front page article in the New York Times told the story of Brent Churchill, a power lineman, who died in an on-the-job accident after working two and a half days on a total of 5 hours of sleep.

There are signs that at least House Republicans are finally coming around to our way of thinking. They have offered the President a plan to raise the minimum wage. This positive development gives us real hope that we can raise the pay of the lowest paid workers before we adjourn. But we cannot misuse an increase in the minimum wage as an excuse to cut workers' overtime pay, as the GOP proposes. The overtime pay provisions of the Fair Labor Standards Act have been in place for over 60 years, and they protect the rights of 73 million Americans.

Republicans also want to use any minimum wage legislation as a vehicle to repeal protections from millions of Americans who work hard as inside salespeople, funeral directors, embalmers, and computer technicians. These changes would punish these workers for advances in technology that have made businesses more efficient. They would take away basic protections from precisely those occupations where long hours are most at issue.

The Republican proposal also freezes the guaranteed cash wage for waiters and waitresses, and other tip employees. These men and women are usually among the lowest paid workers and often struggle to make ends meet.

Finally, the tax breaks in the Republican proposal are not reasonable. They total $76 billion over ten years, compared to the $21 billion tax cut that was included in the last minimum wage law that was enacted in 1996.

Congress is quick to find time to vote to increase their own salaries. The increase now pending would mean a raise of over $4,000 a year. Yet, we have not found the time to pass an increase in the minimum wage to benefit hard-working, low-income Americans at the bottom of the economic ladder. Each day we fail to act, families across the country fall farther behind. The dollar increase we propose now should have gone into effect in January 1999. Since then, minimum wage workers have lost over $3,000 due to the inaction of Congress.

The American people overwhelmingly support raising the minimum wage. They agree that work should pay, and that the men and women who work hard to earn the minimum wage should be able to afford clothing for their children and food on their tables.

Minimum wage workers should not be forced to wait any longer for the fair increase they deserve. We have bipartisan support for this increase and we are not going to go away or back down. No one who works for a living should have to live in poverty.

Mr. President, these charts depict parents working harder. This charts the hours worked by families with children in the bottom 40 percent of income. It is a comparison of the percent of increase in hours worked from 1979 to 1998. This 13.8 percent represents an average increase of 379 hours of work a year, compared to hours worked in 1979. It is just slightly less for white full-time workers. What we are finding out for Hispanics is it is 5 hours more a week than for white workers, and for African Americans it is 9 hours more. For white workers you have a 337 hour increase, and you almost double that for African American workers.

Let's see what that has meant in terms of where they rate in America in terms of the distribution of income. The bottom fifth of families have declined by 15 percent, even though they are working close to 400 hours a year longer than they were working 20 years ago. They have fallen behind, about a 15 percent decline in their living. For the middle fifth it is about a 12 percent advantage, and the top fifth, a 73 percent advantage.

If you took a chart—I will explain this on the next presentation—and divide the total workforce in fifths, from 1948 to 1975, you would find them virtually all identical. All of America moved together during those years. In the immediate period after World War II, all America moved together.

As a result of hard work and ingenuity, individuals who were successful experienced enhanced prosperity, which is fine. But all Americans who were prepared to work moved along together. Now we are seeing this extraordinary skewing at lower incomes of people working harder and harder and falling further and further behind.

This is another chart which indicates the purchasing value of the minimum wage is gradually declining. The poverty line is increasing which results in more and more American workers working harder and longer and falling into poverty, with all the implications for themselves and their families.

This next chart is extraordinary. It shows the expansion of productivity. We have heard we cannot increase the minimum wage because we have lost our edge in productivity. One can see from this chart the explosion in productivity. The blue line is a decline in real wages.

Historically, wages used to keep pace with the increase in productivity because that affects the actual cost to the employer. If the employees are going to be more productive, they ought to participate in the benefits of increasing profits and increasing productivity. But that is not happening, and it is not happening among the low-income workers.

This next chart shows the purchasing power again. In 1968, it was $7.66; it is now $5.15. Without an increase, it will fall to $4.90, the lowest in the history of the purchasing power of the minimum wage. At a time of the greatest economic prosperity of any country in the world, the income of those individuals who are working 40 hours a week, 52 weeks of the year is the lowest it has been in the history of the purchasing power of the minimum wage. That is absolutely crazy.

We have been denied an opportunity to vote on this issue. Why don't we vote on it and see how the Members feel about it? Why don't we just go ahead and take the vote? But, no, we are denied that opportunity. It is unacceptable that we are leaving here without doing so. That is one part of the unfinished business our leader, Senator DASCHLE, talked about.

The Glenn Commission Report on Math and Science Teaching released yesterday is a clear call to action to do more to put qualified math and science teachers in the Nation's classrooms.

As the commission emphasized, we need greater investments in math and science at every level. This commission is made up of distinguished educators, public officials, school administrators, school boards, local personnel, State national directors, and chaired by our good friend and colleague, Senator John Glenn, who spent such a great deal of time in service in the Senate focusing on and giving life to the issues of math and science training. He provided great leadership. We are very much in his debt for that effort. Now for the last 2 years, he has chaired a very outstanding commission, and they made their recommendations yesterday.

As the commission emphasized, we need greater investments in math and science at every level—federal, state, and local—to significantly increase the number of math and science teachers and improve the quality of their preparation.

We have made some significant progress in recent years, but we cannot afford to be complacent. In our increasingly high-tech economy, high school graduates need strong math and analytical skills in order to be competitive in the workplace. In addition, schools face record-high enrollments that will continue to rise, and they also face serious teacher shortages.

Recruiting, training, and retaining high-quality teachers, particularly math and science teachers, deserve higher priority on our education agenda in Congress. We should do all we can to see that schools have the Federal support they deserve. The need is especially urgent in schools that serve disadvantaged students.

The commission's timely report gives us new bipartisan momentum to address these fundamental issues more effectively.

The report calls for a $3.1 billion investment a year by the federal government for recruiting, mentoring, and training teachers—with most of it for professional development activities. The question is, how fast can Congress respond? Can we act this year, or will we lose another year?

I propose that in the fiscal year 2001 appropriations, we make a down payment on the Glenn Commission recommendation investing $1 billion in teacher quality programs, including Title II of the Higher Education Act, and the Eisenhower Professional Development Program, which makes math and science a priority.

Math and science appropriations is about $335 million. It is in place. It has the confidence of educators. It is focused on math and science. We can take the initiative to enhance that program, following the Glenn recommendations. We can do that as our appropriators are meeting with the administration in these last 2 weeks.

Title II of HEA is vastly underfunded this year at $98 million and the Eisenhower Program is vastly underfunded at $335 million.

By committing $1 billion now, for the coming year, we will be making a needed down payment toward meeting the Nation's teaching needs.

No classroom is any better than the teacher in it. The Glenn Commission report is our chance in Congress to tackle this head on and do what is so obviously needed to improve teacher quality across the country.

It cries out for action, and this is a priority. We should respond to it, and we can do something now. We have to provide the resources for investing in this area, I believe.

Finally, in the debate over prescription drugs, one of the most important reasons for Congress to act and act promptly has often been overlooked. The best source of comprehensive, affordable health insurance coverage for senior citizens is through employer retirement plans. In fact, the combination of Medicare and so-called employer wrap-around coverage is the gold standard for health insurance coverage for the elderly.

But private retirement coverage is in free fall, with ominous implications for all retirees. In the three year period from 1994 to 1997, the proportion of firms offering retiree health coverage dropped by 25 percent. In 1998, and 1999, another 18 percent dropped coverage.

We know one-third of the elderly have no prescription drug coverage. None. Another third have employer-based coverage.

From 1994 to 1997, it dropped 25 percent. From 1997 to 1999, it dropped another 18 percent. All the indicators are going through the bottom. We are seeing dramatic reductions in coverage. We are seeing that prescription drugs are increasingly less relevant in terms of HMOs because the HMOs have been putting in a cap of $1,000 and sometimes $500 in the last 3 years, capping the amount they will actually provide for the senior citizens. And many of them are moving out of parts of the country.

The Medigap program is prohibitively expensive. The only people who are guaranteed prescription drugs with any degree of certainty and predictability are the poorest of Americans under the Medicaid program.

We can do better. We must do better. We can do better even as we are in the last 2 weeks of this session.

A 1999 survey of large employers by the consulting firm of Hewitt Associates found that 30 percent of these firms said they would consider dropping coverage over the next 3 to 5 years. So we have a 25-percent reduction from 1994 to 1997; an 18-percent reduction from 1997 to 1999; and now the prediction of another 30 percent who are going to lose it over the period of the next 3 years.

We know what is happening. The time to act is now.

According to a new study for the Kaiser Family Foundation, a central reason for this decline is the escalating cost of prescription drugs and Medicare's failure to provide coverage. As the study found:

> Prescription drug costs are driving retiree health costs to an unprecedented extent. . . . The drug benefit has represented 40–60 percent of retiree's health costs after accounting for Medicare. Based on current cost trends, Hewitt projects drug benefits to represent as much as 80 percent of total 65+ retiree health costs in 2003.

The study estimates that President Clinton's plan could save employees as much as $15 billion annually when it is fully phased in. They conclude:

> The financial savings could . . . slow the erosion of retiree health care by lowering the costs for prescription drug benefits, which have been increasing for employers at double-digit rates and are a major source of concern.

A critical reason for this Congress to act to provide Medicare prescription drug coverage for the elderly is the worsening situation facing retirees. But the Republican majority won't act. They won't allow a vote. Just 3 days ago, they declared that Medicare prescription drug coverage is dead for this year. Their own proposals are not what senior citizens want and need.

The differences between the two parties are clear on this issue. Vice President GORE and Governor Bush have proposed two very different responses to this problem. The Gore plan provides a solid benefit under the existing Medicare program. Under the leadership of Senator GRAHAM and Senator ROBB, the Senate has already voted on a bipartisan plan that would achieve the objectives of the Gore proposal. With the support of only a few more Republicans, a real prescription benefit can pass this year, so that all our senior citizens can get the prompt help they need.

Shown on this chart are the Gore and Bush plans. You have the comparisons. The Gore plan would be implemented in 1 year. The Bush plan is 4 years, with revenue-sharing with the States or block grants to the States. 'We would have to appropriate the money. Then, if there is, according to Governor Bush, a significant reform of the Medicare system, within that significant reform of the Medicare system—I don't know whether he means just the privatization or not—a prescription drug program could be included. You have that versus starting in a year from now.

Secondly, with regard to the guaranteed benefits—this is a crucial difference—what does this "Yes" shown on the chart mean on guaranteed benefits? It means this: When a senior goes into a health delivery system needing a prescription drug, the doctor prescribes what prescription drug that senior needs, and the rest is arranged through the Medicare system in terms of the payment. But the doctor decides.

As shown over here on the chart, under the Bush proposal it is going to be the HMO. They are going to be the ones making the decision. We can't even get the HMO reform here in the Senate. Now they are suggesting that we have a whole new system of benefits that are going to go through that system, where the HMOs and bean counters, who too often put profits ahead of patients, are going to make that decision.

Under the Gore plan, there will be good coverage. It is going to be comprehensive coverage. But under the Bush plan, we don't know what the coverage is going to be because it will be decided by the HMOs. This means it will be built out of the Medicare system. And this will be some other program that may be built upon HMOs or the private sector, which have been remarkably unsuccessful in many parts of this country.

More than 930,000 people have lost Medicare HMO coverage this year alone. Rather than be expanded, the drug program has been in decline. Senior citizens need help now. AL GORE's plan provides prescription drugs under Medicare for every senior citizen in 2002. Under the Bush proposal, there will be 25 million seniors who will be excluded because they are not eligible under the parameters of the Bush proposal. This makes absolutely no sense.

Experience shows that the Bush proposal would take years to put in operation. Only 14 States have the kind of insurance plans for senior citizens in operation today. This would be all under the Bush proposal. All 50 States must pass new laws or modify legislation. Only 16 States currently have any drug insurance program. The CHIP program—the Children's Health Insurance Program—was passed in August of 1997, was available in October of 1997; and under Texas law, it took them until November 1999 to take advantage of it. It took 2 years to take advantage of it. And the money was already there. The Governors have already indicated they do not want the responsibility to develop, even with the funding, a whole new administration to be able to implement the program. So this is really a nonstarter for seniors.

It makes no sense to depend on HMOs to provide this crucial benefit. The Bush plan does not provide the stable, reliable, guaranteed coverage that should be a part of Medicare's promise to the elderly.

But there is one guarantee under the Bush plan. The benefits are guaranteed to be inadequate. The Bush program allocates almost $100 billion less to prescription drug coverage than the Gore plan. The reason for this lesser amount is obvious. The Bush approach wastes most of the surplus on new tax breaks for the wealthy, and too little is left to help senior citizens.

The nonpartisan Congressional Budget Office has estimated that under the similar Republican plan passed by the House of Representatives, benefits would be so inadequate and costs so high that less than half of the senior citizens who need the help the most—those who have no prescription drug coverage at all—will ever participate. A prescription drug benefit that leaves out half of the senior citizens who need protection the most is not a serious plan to help senior citizens.

There is still time for Congress to enact a genuine prescription drug benefit under Medicare. The administration has presented a strong proposal. Let's work together to enact it this year. It is not too late. The American people are waiting for our answer.

These are some of the issues I would hope we could still address. We ought to be able to pass the minimum wage. It is not complicated. It is not difficult. We know what is at play here.

We ought to be able to finally get prescription drug legislation. We voted on this in the Senate. A majority of the Members of the Senate actually supported a prescription drug program that would be worked through Medicare. We ought to be able to pass that in the Senate. As I mentioned, a majority of the Members already do support it. We ought to be able to get a downpayment on that legislation.

We ought to be able to deal with some of the education challenges. That is important. We ought to be able to get the Patients' Bill of Rights passed, as well as the hate crimes issues, and try to do something on the gun show loophole, and some other matters. These are public policy matters that I think the American people want us to address. They do not want us to be out here now, as we have spent the better part of this week, in quorum calls. They want action, and they want action now. We, on this side of the aisle, are prepared to provide it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise today as a senior member of the Budget Committee to talk about what I see as a breakdown in the budget process in the Senate. I think every member of the Budget Committee and every Member of the Senate ought to be concerned about what has happened the last several years but even more dramatically this year, in what can only be called a virtual meltdown of the budget process.

Those who are watching may say, well, what do we care what the budget process is. We care about the budget outcome. And that is exactly right. The most important thing is the budget outcome. But many times how you start has a lot to do with how you end up, and I am afraid we have now developed a disastrous operating procedure around here.

We start out with a fiction of a budget; we end up with no accountability, no control, and chaos at the end. That is where we are today. This is chaos. Every Member of the Senate knows that is true.

We have a circumstance now where bills are passed in committee, never come to the floor of the Senate, go to a conference committee, the Democrats are locked out of the conference committee, and Senators are denied their right to offer amendments to improve legislation. That is not the way the process is supposed to work. Together we have to mend it. If we don't, we are going to have a circumstance where someday, when the Democrats are going to be back in control, we can operate this way. And if you are in the minority and you are locked out and prevented from offering amendments, your ability to represent your constituents is badly diminished.

This is not just a Democrat issue or Republican issue. This is a question of how we function in this body. It is in all of our interests to have a process where Senators' fundamental rights are protected so they can carry out their fundamental responsibilities.

When I say we are in chaos, the story in the Washington Post yesterday, front-page story, tells us that is true. Here is the story: "Spending Floodgates Open on Hill." Congress is moving to approve the biggest spending increase since Republicans took control in 1995. The binge is setting off alarms among fiscal conservatives and threatens to absorb a chunk of the future surplus.

"It is just a free for all," said Senator MCCAIN. "They are all equal opportunity pork-barrelers . . . This is the worst ever."

I agree with Senator MCCAIN. This is the worst ever. We have a process that is broken. The budget resolution is being paid no attention. That was predictable because the budget resolution made no earthly sense. It wasn't real. It was a fiction. As a result, we have no control, no accountability for what follows. Everybody is on their own. Every one of these committees is on their own. They are out there dividing them up, throwing it in. We are going to have—I predict today—a stack of paper on our desks, and we are going to be told: Take it or leave it; vote for it or the Government will shut down.

That is where we are headed. It is very clear to anybody who is watching. That should not be the way we conduct the people's business.

What is especially troubling about all this is that we have made enormous progress over the last several years, enormous progress in getting our fiscal house in order. We should not put at risk that progress. We should not put at risk the prosperity that has followed getting our fiscal house in order.

I want to look at the last three administrations and their record on deficits. I think it is instructive as we go into this election season. I think it is instructive as we consider what is occurring in the Senate and the House of Representatives right now.

If we go back 20 years ago, 1981, President Reagan came in. He had the old trickle-down economics. It was a disaster in terms of deficits; the deficits skyrocketed. We went from a deficit of about $80 billion to over $200 billion and tripled the national debt during his years. Fiscally, it was a chaotic time. President Bush came in; the deficit was $153 billion. By the time he left, it was $290 billion—more than double.

That is the record. It is in the books. I know it makes tough reading for some of our friends on the other side, but that is their record on the fiscal health of this country. The fact is, they had a policy of deficits and debt, and those deficits and debt threatened the fundamental economic security of the country.

In 1993, we had a new administration. This is their record—not a question; these are the facts. I remember President Reagan used to say facts are stubborn things. He was absolutely right about that. Facts are stubborn things.

In 1993, the deficit was $255 billion. We passed a 5-year plan to reduce the budget deficit and to get it under control. Our friends on the other side said that if we passed that plan, it would crater the economy. That is what they said at the time. They said it wouldn't reduce the deficit. They said it would increase it. They said it wouldn't reduce interest rates; that it would increase them. They said it wouldn't reduce inflation; that it would increase inflation.

We can go back now and check the record. They were wrong on each and every count—not just a little bit wrong, completely wrong. Look at the record.

Every year of that 5-year plan, the deficit went down and went down dramatically, until we got to the fifth year of the plan and we were headed toward surplus. That is the record. We can look back and see who is right and who is wrong. It is just as clear as it can be.

The question is, Are we going to put all of this at risk? The President announced just the other day that we are going to have a $230 billion budget surplus, a $230 billion budget surplus for fiscal year 2000. Just 8 years ago, we had a $290 billion budget deficit.

The results from this fiscal policy have been very clear. Before I get to the results, let me show how it happened. How did we get into this position? We got into this position by, in 1992, passing a plan that cut spending and, yes, raised taxes on the wealthiest 1 percent—raised income taxes on the wealthiest 1 percent. The revenue line went up; the spending line came down. We balanced the budget. We created surpluses, and the economic results have been dramatic and extraordinarily positive.

We now have the longest economic expansion in our Nation's history. This was recorded on February 1, 2000, in the Washington Post, the headline, "Expansion is Now Nation's Longest," 107 months of economic growth, the longest economic expansion in our Nation's history.

It is not just a record of economic expansion. It is the other positive results we obtained as well by getting our fiscal house in order: the lowest unemployment rate in 42 years; and on inflation, the lowest sustained level since 1965. We have the lowest level of sustained inflation in 35 years because we got our fiscal house in order. The welfare caseload has been cut in half; the percentage on welfare in the country is the lowest since 1967. This is the record. It is very clear. Those of us who supported welfare reform, those of us who supported the budget plan to get our fiscal house in order, those decisions have paid off for the country, and we should not put it all at risk.

Federal spending as a percentage of our national income is the lowest it has been since 1966.

Federal spending is the lowest as a percentage of our national income since 1966. These are the kinds of positive results we have developed as a result of a budget plan that added up, that made sense, that got our fiscal house in order.

Some say, gee, income taxes are the highest they have been in a generation. Not true. The reason we have expanded revenue—yes, we raised rates on the wealthiest 1 percent. That is undeniable. That is correct. That was part of the plan that got our fiscal house in order. But it is also true that we passed sweeping tax cuts, child care credit, expansion of the earned-income tax that dramatically reduced the income taxes of tens of millions of Americans.

On March 26 of this year, the Washington Post, on page 1, ran a story under this headline: "Federal Tax Level Falls For Most; Studies Show Burden Now Less Than 10 percent" on a significant part of the American public.

Most Americans, this year, will have to fork over less than 10 percent of their income to the Federal Government when they file Federal income taxes. The fact is, for many segments of our society, income taxes, combined with payroll taxes, have gone down. That is because of the expansion of the earned-income tax, and that is because of the child credit. In fact, if you compare the tax burden for working families—according to the Tax Foundation, this is for a family earning $68,000 in 1999—from 1975—this is both income taxes and payroll taxes—their tax burden declined from 10.4 percent to 8.9 percent.

That is not KENT CONRAD's numbers; those are the numbers from the Tax Foundation.

The Washington Post, in that same story, pointed out:

> For all but the wealthiest Americans, the Federal income tax burden has shrunk to the lowest level in 4 decades, according to a series of studies by liberal and conservative tax experts, the Clinton administration, and two arms of the Republican controlled Congress.

This is the record and these are the facts with respect to what has happened to the income tax burden. Because we have gotten our fiscal house in order, we have seen a substantial reduction in the publicly held debt. We are in a position, if we make no other changes in law, to pay off the publicly held debt of the United States by the year 2009. We all understand there are proposals for additional spending and for tax cuts that will move that back.

The fact is, if we made no changes in current law, we could pay off the publicly held debt in the country by the year 2009. In fact, we are right here on this scale. We have already started paying down the debt. In the last 3 years, we have paid down, I think, over $300 billion of publicly held debt. That is a dramatic transformation, a huge improvement.

Let me just be clear. I give most of the credit to our side of the aisle which, in 1993, passed a 5-year budget plan that did most of the heavy lifting. We didn't have a single vote from the other side of the aisle. But it is also true that in 1997 we finished the job with a bipartisan effort. I say to my colleagues on the other side of the aisle, that was good that we were able to come together in 1997 and do something together to finish the job.

Now the question is: Do we stay on this course or do we go off in some other direction and go back to what I consider the bad old days of debt, deficits, and decline? I hope not. I hope we avoid going back in the deficit ditch.

Let's look ahead. Here is what we are told now. Over the next 10 years, the projections are—remember, they are projections, and projections can change—telling us we can count on $4.6 trillion of surplus. That is extraordinary, the turnaround that has been accomplished. First of all, remember that those are projections. They have improved by a trillion dollars in the last 6 months. They could go the other way in the next 6 months. Let's remember, they are projections.

Two, let's remember the $2.4 trillion—more than half of it—is from Social Security. I think both sides have agreed that we are not going to raid Social Security—at least we agreed rhetorically we are not going to raid Social Security. Another almost $400 billion is Medicare. So you add those two together, and that is $2.8 trillion of the $4.6 trillion, Medicare and Social Security, and that leaves about $1.8 trillion of non-Social Security, non-Medicare surplus.

When I look at the budget plan of Governor Bush, it doesn't add up. It just doesn't add up. This is what concerns me about derailing the progress we have made and going back into the deficit ditch. Let me go through the math. I don't think it can be challenged.

We have the projected surplus of $4.6 trillion. The Social Security surplus is $2.4 trillion. The Medicare surplus is $400 billion. That leaves a remaining non-Social Security, non-Medicare surplus of $1.8 trillion over the next 10 years that has been projected. The Bush tax cut is—his large main proposal costs $1.3 trillion. The other tax cuts that he has endorsed in the campaign are another $300 billion. The interest cost of those tax cuts is another $300 billion. So he has completely wiped out the non-Social Security, non-Medicare surplus. It is gone, poof.

Then he has an additional problem that is very big. He has recommended Social Security privatization. The transition cost of that proposal—or proposals like that one—is about $1 trillion. Where does that come from? Where does that $1 trillion come from? Is he going to take it out of the Social Security surplus? If he does, he has violated the pledge everybody has made here not to raid the Social Security surplus because that money is needed to meet the promises that have been made to existing Social Security recipients. If he takes that $1 trillion out of there, that undermines Social Security solvency because it is a transfer of money to allow people to set up private accounts.

Now, in addition to that, he has used every penny of the non-Social Security, non-Medicare surplus for tax cuts. Where is the additional money for defense? He made a big point in this campaign that we are not at the level of readiness we should have. Where is he going to get any money to deal with that when all of his money—non-Social Security and non-Medicare surplus—goes for tax cuts? Where is he going to get the additional money for education he has called for in this campaign? It doesn't add up.

What worries me very much is that we are going to go right back into the deficit ditch we just crawled out of. What a mistake that would be; what a tragedy for this country it would be to go back to deficits and debt and ultimate economic decline. I hope very much our colleagues will avoid that mistake.

Let me just say that it isn't just the Bush plan that threatens that, in my judgment. I am also worried about those who have massive new spending ideas because this fiscal responsibility, this course that we have embarked on to get our fiscal house in order, can be threatened in several different ways. One way is this Bush plan which, to me, is a financial disaster for the country if we ever adopt it. I hope very much that we do not. That would put us right back in the deficit ditch. But another way to threaten it is out-of-control spending. When you don't have a budget process that has any discipline to it, doesn't have any reality to it, you allow this kind of spending frenzy that is now going on in the committees to emerge. There is no accountability, no plan, and there is fundamentally no discipline.

I hope some colleagues are listening. We did a little calculation about what is out there going through the committees.

The $60 billion 1-year effect they are talking about in the Washington Post is dwarfed by the 10-year effect because we are talking about a 10-year effect of $450 billion by decisions that are being made in some closed room somewhere where one-half of Congress is being excluded. That is not the way to do business.

I hope very much that people on both sides who do not want to see us return to the bad old days of deficits and debt will get together in these final hours and agree that there has to be a better way of doing our business. I know it is not going to change this year, but I hope very much that next year we get back to a budget process that has some integrity to it and some discipline to it because if we fail, I fear very much that we are going to go right back to the bad old days of deficits and debt. That would be a profound mistake for the country.

As one considers how far we have come and the dramatic improvements that we have made, they weren't easy. I know about the votes in 1993 to put in place a 5-year budget plan to get our fiscal house back in order. People lost their political careers as a result. That is not the biggest sacrifice to make. I know that. But the fact is, it was hard. It passed by a single vote in this Chamber. It passed by a single vote over in the House.

We have had such incredible prosperity in part because of the result of those decisions that created the framework so that the American people's hard work, ingenuity, and creativity could lead this economic resurgence. But we see other people who are hardworking and creative living in a failed system. We see it in Russia. We see it in other parts of the world. The fact is that we have a system that works because the monetary and fiscal policy of the United States over the last 8 years has been a good one, has been a sound one, and has been an effective one. But it can all be lost. It can be jeopardized. We can go right back very easily to deficits and debt. All we have to do is pass massive tax cuts that do not add up and pass massive new spending plans in concert with those tax cuts, and we will be right back to deficits, debt, and ultimate economic decline.

This is a matter of choices. It is a matter of choices for those of us who serve in Congress. It is a matter of choices for the American people as they go to the polls. I trust the wisdom of the American people. I trust the wisdom of my colleagues in Congress. I think when people have both sides of the story, they make pretty good judgments. Part of our responsibility is to make certain that people get both sides of the story.

I think I have made the point that Governor Bush has most of his priority placed on tax cuts. That really jeopardizes the fiscal discipline that we have achieved. As I look at what he has proposed, and the $2.2 trillion, which is the surplus without Social Security, and you look at his plan and the additional tax cuts and the interest lost as a result of those tax cuts, you can see not only that he is using up the entire non-Social Security, non-Medicare surplus, he is using up almost entirely the surplus not counting Social Security. That is not a balanced plan. That is a plan that has enormous risk to it.

On top of that, his tax cuts aren't fair. He gives 53 percent of the benefit to the top 35 percent of the American people. That is the analysis by the Citizens for Tax Justice. The lowest 60 percent of the income earners in America get 11 percent of the benefits.

Again, that is not just KENT CONRAD talking; that is not just Citizens for Tax Justice talking.

Senator JOHN McCAIN in his campaign pointed out that 38 percent of Governor Bush's tax cut goes to the wealthiest 1 percent. That is Senator JOHN McCAIN's analysis of Governor George Bush's tax plan.

What is the fairness in that? Thirty-eight percent of the benefit goes to the wealthiest 1 percent?

The Governor is fond of saying that the surpluses are not the Government's money; it is the people's money. He has that exactly right. This money is the people's money. Absolutely. The question is, what should be done with the people's money? His idea is to give 38 percent of that to the wealthiest 1 percent. What kind of a plan is that? Wouldn't it be better to take the people's money and pay off the people's debt?

That is what I believe ought to be the top priority. Let's dump this debt. Let's get rid of it once and for all, especially before the baby boomers start to retire. We have a window of opportunity that is going to last about another 12 years. This is the time to dump the debt.

I offered a budget plan to my colleagues that would use 72 percent of these surpluses for debt elimination, 12 percent for tax relief, 12 percent for high priority domestic needs such as defense and education and health care. That, to me, is a set of priorities for the American people. This plan of Governor Bush does not add up.

JOHN McCAIN said it well in his campaign. He said: "More importantly, there is a fundamental difference here," talking about the difference between himself and George Bush. "I believe we must save Social Security. We must pay down the debt. We have to make an investment in Medicare. For us to put all of the surplus into tax cuts I think is not a conservative effort. I think it is a mistake."

That was JOHN McCAIN. JOHN McCAIN had it right. There is nothing conservative about this plan that has been put forward by Mr. Bush. It is a radical plan.

On the notion that the Bush budget doesn't add up, again, it is not just my analysis. This appeared in the Wall Street Journal.

> Both candidates agree they could afford to set aside Social Security revenues which account for about $2.4 trillion of the projected surplus. That leaves roughly $2.2 trillion.

Of course, they have not subtracted out the Medicare money. They go on to say: "Mr. Bush has a larger problem. His proposals most likely wouldn't fit even under CBO's $2.2 trillion surplus" of non-Social Security money.

They are right. It doesn't fit within the funds. That leaves an enormous vulnerability. I hope before we leave that all of us will think very seriously about what the priorities are.

When I compare GORE and Bush on the question of budgets, GORE is proposing a plan that pays off public debt by 2012. He has $3 trillion of the surplus dedicated to dumping the debt; George Bush about half as much.

These are pretty straightforward facts. The fundamental question is, what is our priority? I believe the top priority ought to be to dump this debt, to pay off this debt. In fact, the plan I have offered would devote even more of the projected surplus that Mr. GORE does to eliminating debt.

Every economist who has come before the Budget Committee and the Finance Committee has said the highest and best use of these projected surpluses is to eliminate the national debt and do it now while we have a window of opportunity before the baby boomers start to retire. I believe that. I agree with that.

I hope we establish budget plans that have that fundamental principle and put that priority where it should be—on eliminating this debt while we can, because when the baby boomers start to retire, the numbers are going to turn against us in a very, very aggressive way. This is our opportunity. I hope we take it.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have been listening to the discussion today on the floor of the Senate about process and procedure and where we find ourselves near the end of this session. I will speak to the comments made earlier today by my colleague from West Virginia, Senator BYRD, and perhaps speak a bit about the comments made by my colleague, Senator CONRAD, especially about fiscal policy.

First, let me talk about process. As I do so, let me acknowledge that it cannot be an easy job to try to schedule and arrange and deal with the House and the Senate, and pass all the legislation, authorization and appropriations bills, that are necessary. A lot of people over many years have had the responsibility of doing that and many people aspire to that responsibility. One of the circumstances of control is that those who win the most seats in the Senate and the House then become chairmen and leaders, majority leaders, chairmen of committees; and the responsibility of having those jobs, of course, means bearing the burden of having to schedule and trying to arrange to make certain that Congress works the way it ought to work and passes the legislation on time and in regular order.

It is not an easy job. My colleague, Senator BYRD, who spoke earlier today, served as a distinguished majority leader in this Congress. He also served as chairman of the Appropriations Committee. He has had the responsibility to try to find a way to get this Senate to move and get it to move on time and discharge its duties on time. Many others have done so, as well, including the distinguished Senator, Mr. Mitchell, most recently, as well as Senator Dole, and so many others over many years, going back to Lyndon Johnson, and decades and decades before that.

In this Congress, the 106th Congress, things have changed some. What has changed, it seems to me, is we have missed most of the deadlines. There doesn't seem to be a cogent plan by which we will meet the deadlines or meet our responsibilities. I want to show some charts that describe what has happened this year. The red on this calendar shows the number of days the Senate was not in session. As shown, a fair part of January, February, and March, a fair part of a number of months of this year, were days in which we had no session in the Senate.

There is some reason for some of that. We have work periods, when Senators go back to their States and meet with their constituents. That is understandable. That has always been the case. However, there needs to be some balance with respect to the number of days we are working here and the amount of time that is available to pass legislation that must be passed.

This is the situation as we near the first of October: The Senate has been in session only 115 days this year; only 115 days have we been in session. Of those 115 days, 34 of those days included no votes at all. In most cases, not much was done, perhaps only morning business for most of the day. Of the 115 days in session, there were no votes on 34 of those days. In fact, there were only three Mondays during this entire year in which there were any votes. For practical purposes, we don't have a Monday in the Senate. On the issue of Fridays, there were only six Fridays in this year in which there were votes.

What can be concluded from this is we have a Senate that really isn't in session much on Mondays or Fridays. Then the question is, what is left? Tuesdays, Wednesdays and Thursdays—except for weeks when the Senate isn't in session at all. That is what results in 115 days in session, 34 of which there weren't any votes.

Now we come to the end of this fiscal year with a lot of legislation yet to be completed. Only 2 of the 13 appropriations bills have been signed by President Clinton. That means 11 of them are as of yet incomplete. In September, we have only had votes on one Monday. This is the period of time in which we are trying to finish everything. We have had no votes on Fridays in September. It is difficult to get all of this work done, appropriations bills and other measures that need to get passed, if we are not in session.

I mentioned before we have 2 appropriations bills that are complete; 11 of them are, as of yet, incomplete. October 1 is the date by which the President is to have signed all of the appropriations bills. It is the first day of the new fiscal year. What we have is a circumstance where most of the work that needs to be done by that moment is not completed.

I serve on the Appropriations Committee. I serve with a very distinguished chairman of that committee, Senator STEVENS. I am not coming to the floor to be critical of Senator STEVENS. I think he does an extraordinary job. I am serving on the agriculture appropriations subcommittee. The chairman of that subcommittee is Senator COCHRAN from Mississippi. I am not here to be critical of Senator COCHRAN. I think he is an extraordinary Senator. I think it is a privilege to work with Senator STEVENS and Senator COCHRAN. I think they do an extraordinary job. They are Republicans; I am a Democrat. I think they are good Senators.

I am not here to say they haven't done their work. I am saying this process, the fashion in which the House and the Senate have worked this year, has just not worked at all. It has become tangled in a morass of difficulty that has prevented Members from doing what we need to do.

We have discovered someone put bills together that in some cases have not been considered by the Senate; in other cases they have not been the subject of a conference, and marry up various pieces of legislation, bring them to the floor and say: Well, let's just have one vote on this omnibus bill that has two or three different appropriations bills in it.

That might sound efficient if you haven't done your work and you reach the end of the fiscal year, but efficiency is not what protecting the interests of all Senators or the interests of all Americans is about. The process by which we are able to debate public issues in this Senate, and by which we are able to get the best of what everyone has to offer, the best of the ideas, and the competition from debate, is a process in which we bring a piece of legislation to the floor, an appropriations bill to the floor, and say, all right, you come from different areas of the country; you come with different philosophies; you come representing different constituencies; now have at this.

This is what we have tried to do in the committee. If Members have better ideas, let's hear them. If Members have the votes to convince the majority of the Senate to support their idea, let's see. Just bring these ideas to the floor of the Senate. Have votes on them. In that manner, we develop public policy. Wide open debate is the essence of democracy. That is the way democracy works.

An old friend of mine back home used to love politics. He used to say: They don't weigh votes; they count votes.

That is the way the Senate should work: Have the debate, have the vote, count it up, and the winner wins. That becomes the process of making public policy.

We have a long and distinguished history in this body. I have learned a lot listening to Senator BYRD over the many years, talking about the history of the Senate. His history goes back to the Roman Senate and beyond. One cannot help but serve here and understand there is a tradition, a tradition that we must respect as we conduct our business on behalf of the American people. We are not here by ourselves. We are not standing just in our shoes. We are here because our constituents have said: Represent us in this democracy; go to the Senate and give it the best you have, adding your voice to the votes that come from the hills and valleys of this country, and participate in the making of public policy.

The process we are seeing now all too often prevents that from happening. I am on a subcommittee of the Appropriations Committee that I am reading about every day in the newspapers. I am a conferee, in fact. But there has been no conference.

Two days ago, I got a call from somebody saying it is going to be brought to the floor of the House and the Senate tomorrow. I said, "What is?" They said, "A conference report." I said, "I am a conferee and there has not been a conference. How can there be a conference report?"

But that is what is happening around here all too often. I think we need to get back on track and decide there is a process we should respect, a process that represents regular order and a process that protects the rights of all Senators to participate in the making of public policy.

What is the agenda here? Why are we so passionate about this, talking about this process? Because the process allows everyone in this Chamber to come here and witness for the public policy they want, to try to keep this country ahead.

Let me go through a list of them briefly. Some of my colleagues have done so. My colleague from North Dakota, Senator CONRAD, just talked about fiscal policy. The process, if followed the way tradition would have us follow it, would allow us, in a year such as this, to grab ahold of this fiscal policy issue and evaluate what do we do. This is a new time. We now have expected surpluses in our future. What a remarkable change from the understanding that every year we were going to have a deficit and it was going to continue to grow, to mushroom out of control. All of a sudden that is gone. We have a new reality. We have fiscal policy surpluses.

I have told audiences from time to time the two enduring truths about political existence in the last 40 years or so in our public lives, the two enduring truths that overshadowed or at least represented a foundation for all of the decisions were: No. 1, we had a cold war with the Soviet Union, and, No. 2, we had budget deficits that just kept growing. Those were the two enduring truths that had an impact on everything else we did.

Think of this: Those two truths are now gone. There is no Soviet Union. The cold war is over. And there is no budget deficit. What a remarkable change in a short period.

So my colleague came to the floor a few moments ago and talked about fiscal policy given these new truths, the fact we may have budget surpluses in the years ahead. The question then is, What do we do with them? So we need to have a debate about that. Some come to the floor of the Senate and say: We know what to do with expected surpluses. Even before the surpluses exist, let's get rid of these surpluses by providing very large tax cuts and let's make sure the largest tax cuts go to those who have the largest incomes in this country. So they come to the floor with $1 trillion, or $1.3 trillion, in tax cuts over the next 10 years. This is before we even have the surpluses. Economists who can't remember their home telephone numbers tell us they know what is going to happen 3, 5, 7 and 10 years from now.

I come down on the side on which my colleague comes down; that is, we ought to be mighty conservative and cautious about this. For the first step, maybe we ought to pay down some of the Federal debt. If you run up the debt during tough times, what greater gift could you give to America's children than to reduce the Federal debt during good times? That is step No. 1.

Step No. 2, sure, if there is room, let's provide some tax cuts in a way that invests in opportunities for America's families, working families. Would it not be a nice thing for those people who are reaching up and struggling to afford to be able to send their kids to college to say: The cost of sending your kids to college you can deduct on your income tax; you can deduct the cost of tuition. What a good investment that would be, and what a nice way to have a tax cut in a way that incentivizes families to send their child to school: Reduce the debt, provide some tax cuts in ways that say to working families, we are going to try to help you.

Then make some other investments. It is not a circumstance that everything that goes out of here is spent. Some of it is invested. Our future, 10 years, 20, 40, 60 years from now, is going to depend on what we invest in that future today. I mentioned education, but there are more issues than just education.

The question of fiscal policy—what do we do, and how do we do it—is a very important question. The way we get to that and have the votes on it and have an expression of what we want to do, what the American people want to do, is have all the ideas here and vote on them. That is awfully inconvenient for some because we have to cast all these votes and some people want to just vote on the things they want and prevent the things other people want. It is inconvenient. That is democracy. Sure, it is inconvenient to give the other person their opportunity to bring their ideas to the floor of the Senate, but that is democracy. Democracy is not always convenient. It is not always efficient. It is so far above any other form of government known to mankind we can hardly describe the difference, but it may be inconvenient.

The issue that has been raised today about process is to say that inconvenience is actually designed into this system, to make sure we do not move rapidly, we do not move with haste, to ensure we do not move riding on a wave of passion that will require us or persuade us to do things we will later regret. That is the way the Senate was developed. Nobody ever suggested the way the Senate was going to react to things, or the way the Senate was going to discuss public policy, was going to be efficient. In fact, those framers, Madison, Mason, Franklin, and so many others—Thomas Jefferson, who contributed from abroad when he was serving this country—did not want a system that created a Senate that was efficient so, in an afternoon, you could grab a big public policy and decide you would each get 10 minutes, have a little vote on a couple of amendments, and that was it because we needed it to be convenient for us.

No, they created a far different system. This body has been known from time to time as the body in which the great debates of democracy take place. But I fear that is changing because some, I think, do not understand the value of debate. Debate is never a waste of time. Debate is always a contributor to knowledge. Debate, from the best to the least of those who come to public service, contributes in some way to the whole of democracy.

I have been to the floor of the Senate many times talking about another issue on the agenda. I just talked about fiscal policy. There are other things I want to get done. One area where my colleague and I may disagree from time to time—some say you should not be repetitious in trying to push your agenda. In some cases I think repetition is necessary. For example, minimum wage. We have a lot of families out there who are working at the bottom of the economic ladder. In fact, a report came out 2 days ago that said we have 3 million people working 40 hours a week who are living in poverty in this country. There are 3 million workers working 40 hours a week, full time, living in poverty. Do you know why? Because they are working right at the bottom of the economic ladder.

Who is out there in the hallways, clogging the hallways of the U.S. Capitol, saying: Do you know what my business is on Thursday here in the U.S. Capitol? I am here on behalf of the low-income folks. I am here on behalf of the voiceless, those not too involved in politics because they are struggling just to work, to make the minimum wage, trying to get home and feed their kids. The hallways are not flooded with people representing those folks. These hallways are crowded with people representing the privileged, people representing the largest corporations in America, people representing those who have done very well in this country, at the upper income scales. They have great representation.

Good for them. Everybody deserves that in a democracy. But my point is, when it comes time to debate public policy on a range of issues and it comes time to discuss the minimum wage, who stands for those families? The people who work the night shift, the people who work the night shift in the hospital for minimum wages, who are moving the bed pans around and changing the beds and helping people up and out and walking around—who is here speaking for them? The people who are working in the convenience stores at 2 a.m. for a minimum wage, who are trying to raise a family and do not have the skills to get a better job and are trapped in one of these cycles of poverty—who is here speaking for them?

The hallways are not crowded, in this Capitol Building, with people paid to represent those at the bottom of the economic ladder. I think from time to time it is important, even if rebuffed once, twice, or six times in a year, to say increasing the minimum wage for those who are struggling at the bottom of the economic ladder is important; if we do not get it the first time, we have a vote the second time; if we don't get it the second time, we have a vote the third time.

Yes, that is inconvenient, too, but it seems to me the rules of this system also allow for those who are passionately interested in pushing for those who do not have much voice in this political system.

Patients' Bill of Rights is another issue that gets caught in this process. Speaking of process, the Patients' Bill of Rights is the most remarkable piece of legislation. If I can for a moment describe the Patients' Bill of Rights as an issue and describe it through the experiences of people who have been gripped in the vice of a system that does not work for them, a woman who is hiking in the Shenandoah Mountains falls off a 40- or 50-foot cliff, breaks multiple bones, and falls into a coma. She is taken to a hospital in an ambulance, lying on a gurney in a coma with very severe injuries. She miraculously recovers, only to find that her HMO and managed care organization sends her a bill saying: We are not going to cover your emergency room treatment because you did not get prior approval for emergency room treatment.

This is a woman hauled into the emergency room in a coma suffering serious injuries from a massive fall and told: You did not get prior approval for emergency room treatment.

Or little Ethan Bedrick; Ethan Bedrick is a young boy. This is a picture of young Ethan. He was told he had a 50-percent chance of walking by age 5. He was born with pretty severe disabilities from cerebral palsy. He had a 50-percent chance of walking by age 5. He needed rehabilitative therapy, and his managed care organization said having a 50-percent chance of walking by age 5 is "insignificant" and, therefore, we deny coverage for the therapy.

Think of that. It is insignificant for a young boy to have a 50-percent chance of being able to walk and, therefore, the managed care organization says: We deny coverage.

Is there a Patients' Bill of Rights that ought to provide rights to Ethan Bedrick, provide rights to the woman who falls off a cliff and is hauled into a hospital unconscious? Or, if I may take one more moment to describe the woman who testified at a hearing Senator HARRY REID and I had in the State of Nevada, a mother who stood up and told us that her son was dead, 16 years old; he had leukemia.

At the moment when he needed the treatment that would give him a chance to survive this leukemia, the HMO said no. Only later—much later—did they finally say yes, and it was too late; he was too weak. She held up his colored picture at this hearing and, through tears, she told us about her son. Her son, Chris Roe, died October 12, 1999, on his 16th birthday. I will never forget the moment when his mother, Susan, held up a picture and said: My son looked up at me from his bed and said: Mom, how can they do this to a kid like me?

He was denied the treatment that would have given him the opportunity—not a guarantee, but the opportunity—to deal with his cancer, and he died.

This young boy was told to fight his cancer and then fight his insurance company at the same time; take on both folks: You go ahead wage this cancer fight, but then you are going to have to fight us to get coverage for the things you need that might give you a chance at life.

The question is: Mom, how can they do this to a 16-year-old kid like me? And his mother, through tears, held up this colored picture of this young, 16-year-old boy and asked: How could they have done this?

Should Congress pass a Patients' Bill of Rights? What about the process there? The House of Representatives passed a bipartisan Patients' Bill of

Rights, a real one, and sent it to conference. This Senate has a right to do this. They passed what I call a "patients' bill of goods," an empty vessel, and sent it to conference so the Senate could say: We passed a Patients' Bill of Rights. But we did not.

A Republican Member of Congress, Dr. NORWOOD, and a Republican Member of Congress, Dr. GANSKE—do not take it from me; take it from them—said the Senate took a pass on this issue. They passed an empty vessel. What the Senate did is a step backward, not forwards.

Should we have the opportunity in this process in the Senate to have another vote on this? Things have changed. The last time we voted on this, we came up one vote short. This time, it will be a tie vote, based on what we know to have happened in the interim. With a tie vote, the Vice President will cast a vote to break the tie, and this Senate will send to conference a Patients' Bill of Rights that is a real Patients' Bill of Rights.

It says you have a right to know all of your medical treatment options, not just the cheapest. You have a right to emergency room care. You have a right, if you are being treated for breast cancer, to take your oncologist with you. If your spouse's employer changes health care providers, you can continue with that same cancer specialist who has been working with you 5 or 7 years. You have that right.

Should we be able to have another vote on that in the next day or 2 days or 2 weeks? The answer is yes, absolutely yes, because it is important to young Ethan, it is important to the memory of Chris, and it is important to all the others out there who are being told: You fight your disease and, by the way, fight your insurance company as well because some of these managed care organizations are much more interested in profit than in your health.

I hasten to say, not all. There are some terrific insurance companies and some terrific HMOs, and they do a great job, but there are some around this country that are doing to patients what I just described, saying to people like young Ethan that the potential to walk is insignificant at 50 percent. We should change that.

Do I have passion for these issues? You are darn right. I was elected to the Senate and I came here because I wanted to do good things for this country. I want this country to be a better place in which to live, whether it is health care, a Patients' Bill of Rights, adding a prescription drug benefit to the Medicare program, eliminating the barriers that prohibit the reimportation of prescription drugs from other countries so our people can access less expensive prescription drugs, or gripping the education issues in this country the way we know we should—reducing class size, renovating and repairing crumbling schools.

I came here because I wanted to do these things. I do not want people to prevent us from having the votes on them. I have spoken so often about going into the school with Rosy Two Bears, a little third grader, that I know people are just flat tired of it, but I could care less.

She walks into a school classroom that none of us would want our kids to walk into. It is a public school. Part of it is 90 years old; part of it is condemned. It has one water fountain and two toilets in this little school. They cannot connect to the Internet. They do not have good recreational facilities, and little Rosy Two Bears looks up at me and says: Mr. Senator, will you build us a new school?

I cannot do that because I do not have the money, but this Senate can. This Senate can say to Rosy and all the others who are walking through a classroom door in this country: We want you to walk through a door of which you are proud. It does not matter where you are, who you are, if you are a first grader, a third grader, or a twelfth grader. We want that schoolroom to be a schoolroom of which you are proud; we want you to be the best you can be. We want every young child to rise to the level of their God-given talents in every corner of America.

That ought to persuade us that the process by which we consider legislation in this Congress gives us full opportunity to take a look at that fiscal policy and say: If we are collecting more than we need, we can give a little back, pay down the debt, and let's also, in addition to giving a little back and paying down the debt, invest in better schools for our kids. Let's take the best ideas everybody has in this Chamber and have a good debate about that.

That is part of the passion with which most of us came to this body. We came here to get things done, and we are so frustrated by a process that seems to say: If it is our idea, we are going to vote on it. If it is your idea, somehow we are going to put it in a box someplace.

The PRESIDING OFFICER. The Senator has spoken for 30 minutes.

Mr. DORGAN. Mr. President, I ask for 30 additional seconds.

Mr. BYRD. Mr. President, I have 38 minutes, do I not, remaining?

The PRESIDING OFFICER. The Senator has that much time and more.

Mr. BYRD. I thank the Chair.

I yield—how many minutes does the Senator wish?

Mr. DORGAN. Just 2 is fine.

Mr. BYRD. The Senator asked for 2 minutes. I will give him 4.

Mr. President, let me say to the Senator, the Patients' Bill of Rights, absolutely, if there is an opportunity to pass that, if it takes twice, if it takes three times, if it takes six times, fine, I am for it.

Minimum wage: I am one who used to work at less—less—than the minimum wage by far. If we pass it, yes. So we are not in disagreement on that.

I think the Senator referenced, a little earlier, two times when I have felt that we are calling up an amendment just as a political amendment and doing it over and over and over again. That is different from what he is speaking of. I am not for that. I am not for taking the time on an amendment which has no opportunity, no future, no possibility of passing.

But in these cases, it is obvious. And the way he has described these has produced such a vivid picture of need that I am very supportive of trying again. There are reasons why one might try again and win. And the Senator has just stated it with reference to the Patients' Bill of Rights.

So I congratulate this Senator, who does so much for the Senate, who has so much to offer, who has such great talents, and who does not hide those talents in a napkin but produces fivefold or tenfold. I congratulate him and salute him. I thank him for what he has said on the Senate floor today.

So I have yielded him 4 minutes. And I have taken how much?

The PRESIDING OFFICER. Two and a half minutes.

Mr. BYRD. I yield the Senator 4 minutes still. That still leaves me, I understand, 30 minutes or more.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Mr. DORGAN. Mr. President, the Senator from West Virginia is very generous. Let me conclude by saying something I think is important. I came to the floor because the Senator from West Virginia is someone for whom I have great respect. He was talking about the process, the method by which the Senate is supposed to work. He has been here much longer than I have. He knows the history of the Senate far better than I do. I have great respect for that.

He did not come to the floor—I listened carefully to his discussion this morning—and I did not come to the floor to be critical of others. It is a tough job running this Senate. I certainly did not come to the floor to say that the distinguished chairman of the Appropriations Committee has not done his job. I happen to think Senator STEVENS is an outstanding Senator, Senator COCHRAN, and so many others with whom I have served. So I do not come here with the purpose of casting aspersions.

But I just come to the floor because I fear that what is preventing us from getting to where I want the Senate to get to, and that is to have a full debate, and good, strong open votes on the issues I care passionately about. We are thwarted from doing that. In fact, we have had bills brought to the floor of the Senate and had cloture motions to shut off debate before the debate began, cloture motions to shut off amendments before the first amendment was offered. That thwarts this process. Back home they would say that is throwing a wrench in the crank case. That just shuts it all down. It is not the way it ought to work.

I think it is a privilege every day to come to work here. I grew up in a town of 300 people, had a high school class of 9, and never in my life thought I would meet another Senator, I suppose, let alone serve in the Senate. I think it is a privilege every day to come here.

But the reason I think it is a privilege is because I bring, as most of my colleagues do, an agenda of passion to make changes that I think will improve this country. I might be wrong in some of it. Maybe so. But I want my day. If I can persuade enough Members of this Senate to vote on the things I care about, then if I win, I win. If I don't, maybe I learned something from the debate. I am willing to lose. But I am not willing to lose the opportunity to have a full debate and a vote on the things that I and the constituents I represent in North Dakota care deeply about. That is the point. I am not willing to lose that opportunity. The process in this Senate increasingly begins to shut those opportunities down.

The Senator from West Virginia came the Senate to say, let's not do that. Let's not do it for Republicans or Democrats. Let's not do it out of concern for this Senate, its proud history and its future. Let's not do that. Let's get back to the way we are supposed to debate public policy in this Chamber.

I commend the Senator from West Virginia and my colleague, the Senator from Nevada, and others, who have spoken today. I hope we can all work together and get the best of what each can bring to this Chamber in the debate about public policy.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, in the unanimous consent agreement that is now before the body, Senator JOHNSON is to be recognized for 10 minutes, then Senator DURBIN for 30 minutes. I ask unanimous consent that following that, Senator CLELAND be recognized for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I thank the Senator from Nevada. I must say, I commend my colleague from West Virginia, Senator BYRD, for his suggestion that some of us come to the floor today to talk a little bit about the process.

Some people would say it is a procedural issue. It is far more profound than simply a procedural issue in the context of the way we have handled legislation on the Senate floor this year. The process that has been applied not only does, I believe, great damage to this institution, but, in the end, it has great consequence to the substance of our legislative priorities and certainly of the budget for our Nation.

Two out of the 13 appropriations bills that are required to run the Federal Government have been passed. Eleven remain incomplete. October 1 is the beginning of the Federal fiscal year, and yet we have made little progress on the Federal budget. We have a CR, continuing resolution, that will take us to October 6. But, clearly, we are in a state of chaos right now relative to the completion of our work in the Senate.

This year has been the shortest legislative session in the Senate since the "do-nothing" Congress that President Truman campaigned against. As my colleague from North Dakota alluded to, during the entire course of this year, we have been in session and have had votes in all of 3 weeks out of the year. How many of our constituents can imagine employment or service of any kind that would involve 3 full weeks out of the year? Of those 115 days we have been in session, roughly 30 percent of them have involved no votes whatever. No progress has been made relative to the completion of the people's agenda.

Now we find, I think most profoundly objectionable of all, an appropriations process where appropriations bills which deal with the Federal budget but, more importantly, deal with where our priorities are as a people—whether we are going to invest more money in education, in health care, in Medicare, in the environment, in our national defense, towards debt reduction—these are all the issues that need to be resolved in the context of the appropriations debate. Yet we find now that these bills move in an unprecedented fashion from an appropriations committee directly to conference, with no consideration on the Senate floor whatever.

It has never been done this way, this kind of legislative bypass of the legislative process, in the Senate.

Fully half of the Senators in this body, 25 States, have no representation on the Appropriations Committee. Certainly that is the case for my home State of South Dakota. Those States have no input, no opportunity to speak for their constituents about the nature of these appropriations bills and the kind of priority they apply to our Nation's needs. These bills then go to conference. What is worse, all too often then the conference committees in turn have not met, but only the majority party members agree then to send the bill back to the floor in a conference report, which is unamendable. So we have not even the distilling of thought through the conference committee process.

This is a terrible process, one that brings a significantly demeaning quality to the thoughtfulness that ought to be going into these fundamental questions.

Eight years after President Clinton was elected to office, having inherited $300 billion a year in red ink, we find ourselves now running budget surpluses. In fact, the White House and the congressional budget experts project budget surpluses in excess of $4 trillion over the coming 10 years. We ought to be cautious about those projections. They are only projections. Most of the money would materialize only in the outer years. Even so, that is a remarkable turnaround. It creates for us a once-in-a-lifetime, a once-in-multiple-generations opportunity to focus on what kind of society America will be for years to come.

If we take the surplus and then set aside the trust fund dollars—Social Security and the other trust funds as well—it is projected that we will have a budget surplus of around $1.2 trillion over the coming 10 years. Unfortunately, our colleagues in the House and the Senate, over my objections and over the objections of Senator DASCHLE and most Members on our side, have passed tax cuts that would cost $1.7 trillion over 10 years, when we have only $1.2 trillion to spend before we even get to issues about whether we are going to do anything to improve the quality of education, Medicare, health care, debt reduction, veterans programs, agriculture, the environment, and whatever other needs our Nation might have.

Wisely, the President has vetoed the two most expensive tax bills. We can bring them up again in a bipartisan fashion and in a more thoughtful manner. We can address those issues as well as questions of paying down the debt, questions of education and health care, rebuilding our schools, technology that we need, and the strength of our national defense.

We cannot bring these issues up and consider them in a thoughtful, deliberative fashion if these issues bypass the Senate floor. That is what the process now entails. This a perversion of our democracy. This is not what the founders of our Republic designed. It does grave injustice not only to this institution but to the needs of every citizen of this Nation.

I applaud the work of Senator BYRD, who is an extraordinary scholar, who has a great understanding of the traditions of this body, and who understands our democracy as well as anyone who has served in this body. I appreciate his suggestion that we come to the floor and talk about how our democracy is being demeaned by this process, that, in fact, the kinds of thoughtful, deliberative priority-making decisions all of our people ought to be engaged in are being denied as these bills go directly from the Budget and Appropriations Committees, with no opportunity for amendment, no opportunity for discussion, into conference committees, which are then unamendable. We wind up with the chaos that we have today, with only 2 of the 13 appropriations bills having been passed, as we near October 1, the beginning of the Federal fiscal year, and we find ourselves in a state of legislative chaos as we end this month of September.

The people of this country deserve better. We need to work in a bipartisan fashion to bring these bills up in an orderly way and to allow amendments and debate, as was designed for this institution. To see that lost is something in which we can take no pride. It is a shameful circumstance in which we find ourselves in this body, that this would ever have occurred in our democracy. It has never happened before to this scope.

It is my hope we learn some painful lessons from the experiences we are having this year. The issues before us are too profound. They are too significant relative to whether we will at last use some resources to pay down the debt, keep the cost of money down, and sustain a strong economy, while at the same time reserving some financial resources to rebuild schools, to do what we need to do to live up to our commitments to veterans, to have a strong national security, to improve our environment, to strengthen Medicare, and to do something about prescription drugs. These are the issues we are being denied an opportunity to debate, to vote on, and to arrive at the kind of political compromises necessary for all of our needs and all of our priorities and all of our points of view to be truly represented in this country. Hopefully, these are lessons that are painfully learned, lessons that will never have to be repeated in future years.

This is a sad day to look back at the lack of progress that has been made in this 2nd session of the 106th Congress. This Senate has been denied its ability to truly do its work. The people of America, not the Senators, are the great losers by the process that has been applied to the appropriations process and the legislative process in general this year.

I will do all I can to work in a bipartisan fashion to never allow this kind of process to occur again. The people of our Nation deserve far better. If we are going to play the leading role in the world, both economically and in terms of security, we need an institution that works better than that.

I yield the floor.

Mr. REID. Mr. President, I have spoken to the Senator from Illinois and the Senator from Georgia. They both agreed to limit their time by 5 minutes. Senator CLELAND will take 10 minutes and Senator DURBIN 25 minutes. I ask unanimous consent that the present order be amended to that effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that my friend and colleague from Georgia, Senator CLELAND, has permission to speak for 10 minutes under our agreement and that I have 25 minutes. Since Senator CLELAND is now on the floor, I ask unanimous consent he be allowed to speak before me and that I follow him with my 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Georgia.

Mr. CLELAND. Mr. President, I thank the distinguished Senator from Illinois for yielding to me for the purpose of discussing the ambiguous situation in which we find ourselves in terms of the budget process and the appropriations process.

I thank the distinguished senior Senator from West Virginia, Mr. BYRD, for his continuing efforts to remind Members of this Chamber of our responsibilities to this institution but, more importantly, responsibilities to the American people.

Today Senator BYRD is causing us to step back and reflect on what we are now doing with respect to the appropriations process. It brings back a comment I like from Winston Churchill: How do you know where you are going unless you know where you have been?

Senator BYRD reminds us where we have been in the appropriations process, our history, our tradition, and the rules of the Senate. He is very fearful of where we are going in that process, and so am I.

As a Senator now for 3½ years, I am certainly not nearly as well versed as Senator BYRD in the history or the precedents of the Senate. I would like to add that I believe all other Senators, of whatever level of experience and of both parties, acknowledge his leadership in this respect. Nonetheless, from what I have read and heard in this debate, in the first budget and appropriations cycle of the 21st century, the Senate has moved in a new and deeply troubling direction.

I am certainly aware that on occasion the Senate has been compelled by necessity to resort to bypassing the regular process of committee action for consideration and amendment, conference action, and then final approval, final passage, of individual authorization and appropriations measures.

Indeed, I voted for the massive omnibus measure with which we concluded the 1998 session. That single bill totaled a whopping $487 billion and funded 8 out of the 13 regular appropriations bills. I think Senator BYRD himself said on that occasion, "God only knows what's in it." Most of us didn't.

However, even on that occasion, the Senate actually took up separately and passed 10 of the 13 bills and considered 1 other bill—namely, Interior appropriations—while only 2 appropriations measures, the Labor-HHS-Education bill and the relatively small District of Columbia bill, were acted on in conference without any previous Senate floor action.

By contrast, this year the number of appropriations measures which are apparently headed for conference action without affording the full Senate an opportunity to work its will has grown to three: Commerce-Justice-State, Treasury-Postal, and VA-HUD. Not only is this trend disturbing, but apparently a determination was made fairly early on that these measures would somehow not require regular floor consideration.

I have heard many theories as to why this will be so, including fears of hard votes, difficult votes, or of obstructionist tactics. But I have yet to learn of any real justification or defense of the notion that the Senate has discretion as to whether or not it will consider appropriations bills—the means through which we are supposed to discharge perhaps the ultimate congressional authority under the Constitution, the power of the purse.

If we in the Senate are not authorized or able to have an impact on appropriations bills, we have what the American Revolution ostensibly was all about: taxation without representation.

I have the great privilege of representing the 7.5 million people in the State of Georgia, the 10th most populous State in America. Georgia hasn't had a representative on the Senate Appropriations Committee since 1992. And while the 28 members of that committee, representing 27 States, with Washington being fortunate to have 2 seats, do a good job of considering national needs and local interests, they cannot be expected to know the priorities and interests of the people of Georgia.

As the Senate was envisioned by the founders and as it has operated throughout our history, the absence of State representation on the Appropriations Committee was not an insurmountable burden. Nonappropriators could expect to have the opportunity to represent their constituents' interests when the 13 appropriations bills came to the Senate floor were open to debate and amendment. Indeed, in my first 3 years in the Senate, I often had recourse to offering floor amendments or entering into colloquies on behalf of Georgia—Georgia priorities and Georgia people. But with the apparent move to routinely bypassing the floor, what am I or, more importantly, my constituents to do?

In looking at the fiscal year 2001 bills, which apparently will not come to the Senate floor in amendable form, the potential adverse impact on my

State is clear. For example, the Commerce bill funds key Georgia law enforcement efforts, including the Georgia Crime Lab and technology enhancement for local law enforcement agencies, such as the Macon Police Department. The Treasury bill contains the budget for the Federal Law Enforcement Training Center in Glynn County, GA. And the Veterans' Administration appropriations measure covers the national veterans cemetery for north Georgia that I got authorized last year. For all of these and more, the Georgia Senators will now apparently have no direct role.

This is not the way it should be, under the Constitution, or the way we ought to act under the traditions of the Senate. More and more of the most important decisions affecting our constituents and their communities are being moved off the floor of the Senate and into closed-door deliberations involving a small number of negotiators where the people of my State are left out and where my only choice as their representative is a single take-it-or-leave-it vote on a massive and unfathomable package. This is taxation without representation.

Mr. President, I understand that in an election year—especially this one—it is always a challenge to have the Senate get its business done on time. But when "business as usual" starts becoming a process where the Senate routinely doesn't get to work its will, something fundamental has been lost. Then, we had better worry not just about the interests and constituents of today, but the precedents and legacies we are leaving for future Senates and future generations of Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, it is my understanding that under the agreement I have 25 minutes.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Mr. President, I thank my colleague from Georgia, MAX CLELAND, my usual seatmate. I moved over here since he was speaking. I thank him for his presentation. He is one of the hardest working Members of the Senate. I echo his words. We both find ourselves, as do all Members of the Senate, in a real predicament. We have only passed three of the appropriations. Two of the bills have been signed into law, and now we are going to send three of the appropriation bills, as I understand it, into a conference committee without any consideration on the floor of the Senate.

This is not unprecedented. It has happened, but very rarely. What troubles me is it is becoming a rather common practice. When the President gives a State of the Union Address at the beginning of the year, he spells out to Congress his hopes for what we can achieve. Many of these hopes are never achieved. That is the plight of a President—relying on a Congress which has its own will and agenda. But the one thing the President is certain will be achieved is that, at the end of the congressional process, the spending bills necessary to keep the Government in business will be passed—13 bills.

If Congress did nothing else, it would have to pass the spending bills. Otherwise, agencies of Government would close down and important functions of Government would not be served. So the President, after giving all of his ideas in the State of the Union, steps back and watches Congress, which starts by the passage of a budget resolution and considers 13 different bills, funding all of the agencies of the Federal Government.

Sadly, over the last several years we have seen this whole process disintegrate to the point where, at the end of the session—and we are nearly there now as we come to the floor today on September 28; our new fiscal year begins October 1. Sadly, each and every year we end the session without doing our work. We end up with all of these spending bills which involve literally billions of dollars and many different functions of the Federal Government that have never been worked through the system. There are authorizing committees and appropriating committees, and they have the right names on the door. But when it comes to the bottom line, they don't, in fact, do their business and bring a bill out of the committee to the floor for consideration.

When we are studying civics and political science, one of the first books we run across is a pamphlet entitled "How Laws Are Made." We teach our children and students across America, and around the world, for that matter, that there is a process in the Congress. The process involves committee consideration, floor consideration on both sides of the Rotunda, and if there are differences, a conference committee, which results in a compromise which is sent to the President for signature. It is very simple and American.

Unfortunately, it is also very unusual around this Congress, and now we are seeing more and more bills coming out of the committee, bypassing the Senate Chamber, and heading straight to a conference committee, which means that billions of dollars' worth of spending is never subject to debate or amendment. That means that Senators who don't serve on an appropriations subcommittee or the full Committee of Appropriations never get a chance to even speak on a bill, let alone change it.

The beauty of this institution, the most important deliberative body in our Nation, is that we are supposed to represent the people and speak to the issues involved in the bills and then come to some conclusion on their behalf. That is what representative government is about. It is what democracy is about. Yet we have been thwarted time and time again.

This time around, we find that only 10 of the bills have seen floor action. The Commerce-Justice-State bill, the Treasury bill, general government bill, and the VA-HUD bill are all moving directly from committee to conference. If this process continues, we will see this year what we have seen in previous years: a bill that comes at the end of the session, called an omnibus bill, that tries to capture all of the unfinished business and a lot of other items that are extraneous and put them in one package. And then, as my friend Senator BYRD from West Virginia can attest, we are handed a bill literally thousands of pages long and told to read it, vote, and go home. A lot of us wonder if we are meeting our constitutional responsibility in so doing.

I asked the staff if they kept one of those bills from previous years so I could show it during the course of this debate, but one wasn't readily available. These bills, as Senator BYRD can tell you, are sometimes 2,000 pages long, and we are asked to look at them and evaluate them. That is hard to do under the best of circumstances and impossible to achieve when we have very little time to do it. The best I could find was the Yellow Pages of the District of Columbia. It is not a good rendition because it is only 1,400 pages long. There is about another 600 pages we can expect to receive in the omnibus bill handed to us at the end of the session. We will be told: "Take it or leave it. Don't you want to go home and campaign?"

I think that is an abrogation of our constitutional responsibility.

I believe that most of us—even those of us on the Appropriations Committee—believe we are duty bound to come before this Senate to address the issues contained in these appropriations bills, to debate them, as we are elected to do, to reach an agreement, hopefully on a bipartisan basis, and pass the bill on to the House for its consideration and to a conference committee.

There was a mayor of New York City named Fiorello La Guardia—a famous mayor—who, when there was a newspaper strike in his town, went on the radio and read the cartoons and the comics to the kids so they wouldn't miss them. But he said what I think is appropriate here: There is no Democratic or Republican way of cleaning the streets.

What he was saying, I believe, is that in many of the functions of government, we really do not need partisanship. In fact, there shouldn't be partisanship.

In this situation, Senator BYRD spoke eloquently today about the traditions of the Senate—the idea of federalism, and the respect for small States and large States alike.

The fact is that this Chamber, unlike the one across the Rotunda, in which I was proud to serve for 14 years, gives every State an equal voice. But that is a fiction if in fact the legislation never comes to the floor so that Senators from every State can use their voice and express their point of view.

That, sadly, is what has been happening time and time again. Their appropriations work may be the most important part of our responsibility in Congress.

A few years go when Congress reached a terrible impasse, we actually closed down several agencies of Government for an extended period of time. There were some critics, radio commentators and the like, who said: Well, if they close down the Government, no one will ever notice.

They were wrong because, frankly, our phones were ringing off the hook. I can recall people calling my offices from Chicago and Springfield, IL, saying: How are we supposed to get our visas and passports to go overseas? How can we get these Federal agencies to respond? The Department of Agriculture was closed and the farmers needed to contact people about important decisions they had to make. In fact, closing down the Government is noticed, and people should take notice not only because important responsibilities of government are not being met but because Congress has not met its responsibility to make certain that we pass the appropriations bills that lead to the continuation of government responsibilities.

The people across America who elect us get up and go to work every morning knowing that if they stayed home and didn't do their job they wouldn't get paid. If they didn't get paid, they couldn't feed their families. We have to do our job. We have no less of a responsibility as Senators to stay here and work as long as it takes to accomplish these things.

The interesting thing, as you reflect on this session of Congress, is how little time we have spent in Washington on the Senate floor doing the people's business. This will be the shortest session of Congress we have had since 1956. Out of 108 days of session so far, we have had 34 days without a vote. If we continue at the current pace, it will take us nearly 2 full years to complete the remaining appropriations bills. That is a sad commentary.

Most of us who are elected to serve come to work and try to do our best. But if you look at this past year, you will find that we are only going to be in session 2 days longer than a Congress which was dubbed the "Do-Nothing Congress" back in the late 1940s. I think that is a sad commentary on our inability to face our responsibility.

Why do we find ourselves in this position? I think there are two major reasons. One is we are dealing with spending caps. These are limitations on spending which have been enacted into law which are there to make certain we don't fall back into red ink and into deficits. These spending caps are strings on the Federal Government's spending in appropriations bills. Some of them are reasonable and some of them are easy to live with. Some of them are very difficult to live with. Those of us on appropriations committees know that. As a member of the Budget Committee, I can attest to it as well.

The budget resolution, the architecture for all of our spending at the Federal level, was enacted by Congress—not by the President. He has no voice in that process. It was enacted by Congress. We try to live within the spending caps. Then we start to try to put together appropriations bills and quickly learn that in some areas there is just not enough money. Neither party wants to be blamed for breaking the spending caps early in the process.

We created unconscionable situations in previous years. One of the most important appropriations bills—the one for Labor, Health and Human Services and Education—was literally ravaged of its money. That money was taken and used in other appropriations bills. It was saved for the very last thing to be done. Knowing of its popularity across the country, many people on Capitol Hill felt that if we were going to bust the caps, we would do it for education, health care, and labor. It happened.

This year, as I understand, VA-HUD is one of those bills. What is more important than our obligation to our veterans? Men and women who served this country with dignity and honor were promised health care and veterans' programs. They rely on us to come up with the appropriations for that purpose and then find there is nothing in the appropriations bill to meet those needs.

Housing and urban development, an important appropriations bill that provides housing for literally millions of families across America, is similarly situated. We have ravaged the VA-HUD bill this year in an effort to try to make up for all of the other spending shortfalls in the other bills.

Everything stacks up as we come near the end of the year. Unlike many previous years, we haven't routed these bills through the Senate floor. So we have never been able to debate what the level of spending on the Senate floor should be for the Veterans' Administration, for the Treasury Department, and for a lot of agencies such as the Department of Justice and the State Department. That puts us at a disadvantage and creates the blockade that we find ourselves in today.

There are amendments as well in some of these bills that are extremely controversial because most of the authorizing committees do not come up with their authorizing bills. Many Members of the Senate have said: I have good legislation. I have a good idea. I will put it on the spending bill. I know they have to pass the spending bill ultimately, so we will do that.

That introduces controversy in some of these spending bills, and as a result, we find ourselves bypassing the Senate floor in an effort to avoid a controversial vote.

I am forever reminded of a quote from the late Congressman from Oklahoma, Mike Synar, who was chiding his fellow Members of the House of Representatives because they did not want to cast controversial votes. The late Congressman Mike Synar used to say, "If you do not want to fight fires, do not be a firefighter." If you do not want to cast controversial votes, don't run for Congress. That is what this job is all about. You cast your votes for the people you represent with your conscience, and you go home and explain it. That is what democracies are all about.

Many of these appropriations bills have been kept away from the floor of the Senate so Members of the Senate who are up for reelection don't have to cast controversial votes. That has a lot to do with the mess we are in today.

Sadly, we have found that as to a lot of these amendments—some related to gun safety, for example, and some related to the treatment of gunmakers and how they can bid on contracts with the Government—because they were introduced in the appropriations bill, the bill was circumvented from the floor. They never got to the floor for fear Members would have to vote on them, and didn't want to face the music with the people who don't want gun control and with the National Rifle Association. They do not want to face reality. The reality is we have a responsibility to consider and vote on this important legislation.

Some have said we don't have time to do all of that. I have been here all week. I think we have been casting a grand total of about one vote a day. I think we are up to a little more than that.

There have been days in the House and Senate where we have cast dozens of votes. We can do that. We can limit debate, cast the votes, and get on with our business.

This week we have been consumed with the H-1B visa bill, a bill which would allow an increase in the number of temporary visas so people with technical skills can come into the United States. We spent a whole week on it.

We are going to go home in a few hours having achieved virtually nothing this week, except for the passage of this short-term spending bill that is pending at the moment. We will delay for another week the business of the Senate.

One has to wonder what will happen in the meantime. I think the President is right to insist that Congress stay and do its job. Some people have said: Why not leave the leaders of Congress here in Washington and let the Members go home and campaign? Let the leaders haggle back and forth as to what the spending bills should contain. I oppose that. I oppose it because I believe we all have a responsibility to stay and meet our obligation to the people of this country and to consider these spending bills. A few years ago, in major sports, there was a decision made about the same time, in basketball. I can recall that in high school when your team would get ahead, you would freeze the ball; you would try to run the clock. Players would dribble around and not get the ball in the hands of the opposition and hope the clock ran out. That used to happen at all levels of basketball. Finally, people said, that is a waste of time. People came to see folks playing basketball, not wasting time dribbling. So they put shot clocks in and said after every few seconds, if you don't take a shot, you lose the ball.

They did the same thing in football. They said we will basically speed this game up, too; we will make you play the game rather than delay the game.

I think we ought to consider, I say to Senator BYRD, the possibility of a vote clock in the Senate that says maybe once every 12 hours while we are in session the Senate is actually going to cast a vote. I know that is radical thinking, somewhat revolutionary. But if we had a vote clock, we wouldn't be dribbling away all of these opportunities to pass important spending bills. We wouldn't be running away from the agenda that most families think are important for them and the future of our country.

Look at all of the things we have failed to do this year. This is a Congress of missed opportunities and unfinished business. It is hard to believe we have been here for 115 days and have so little to show for it. When the people across America, and certainly those I represent in Illinois, talk to me about their priorities and things they really care about, it has little or nothing to do with our agenda on the floor of the Senate. They want to know what Congress is going to do about health care. They have kids who don't have health insurance. They themselves may not have health insurance. They wonder what we will do about a prescription drug benefit. We had a lot of speeches on it. We just don't seem to have reached the point where we can pass a bill into law. Sadly, that says this institution is not producing as people expect Congress to produce.

With a vote clock running on the Senate floor and Members having to cast a vote at least once every 12 hours while in session, maybe we will address these things. Maybe people won't be so fearful of the prospect of actually casting a vote on the floor of the Senate.

Patients' Bill of Rights is another example. People in my home State of Illinois and my hometown of Springfield come to me and tell me horror stories about the insurance companies and the problems they are having with medical care for their families; serious situations where doctors are prescribing certain medications, surgeries, certain hospitalizations, and there will be some person working for an insurance company 100 miles away or more denying coverage, time and time again, saying: You cannot expect to have that sort of treatment even if your doctor wants it.

Many of us believe there should be a Patients' Bill of Rights which defines the rights of all Americans and their families when it comes to health insurance. I believe and I bet most people do, as well. Doctors and medical professionals should make these judgments, not people who are guided by some bottom line of profit and loss but people who are guided by the bottom line of helping people to maintain their health.

We can't pass a Patients' Bill of Rights. The insurance companies, which are making a lot of money today off of these families, just don't want Congress to enact that law. So they have stopped us from passing meaningful legislation.

Another thing we want to do is if the insurance company makes the wrong decision, and you are hurt by it, or some member of your family dies as a result of it, you have a right to sue them for their negligence. Every person, every family, every business in America is subject to a lawsuit, litigation, being held accountable in court for their negligence and wrongdoing—except health insurance companies. We have decided health insurance companies, unlike any other business in America, will not be held accountable for their wrongdoing.

With impunity, they make decisions denying coverage. I think that is wrong. I think they should be held to the same standard every other business in America is held to; that is, if they do something to hurt a person because of their negligence or intentional wrongdoing, they should be held accountable. That is part of our law, the ones that we support on this side of the aisle.

One can imagine that the health insurance companies hate that idea just as the devil hates holy water. They don't want to see that sort of thing ever happen. So they have stopped us from passing the bill. It is another thing we have failed to do in this Congress—a Patients' Bill of Rights.

On prescription drug benefits, to think that we would finally take Medicare, created in 1965, and modernize it so that the elderly and disabled would have access to affordable prescription drugs is not radical thinking. I daresay in every corner of my State, whether a person is liberal, conservative, or independent, they understand this one. People, through no fault of their own, find they need medications that they cannot afford. So they make hard choices. Sometimes they don't take the pill and sometimes they bust them in half, and sometimes they can afford them at a cost of the necessities of life. Shouldn't we change that? Shouldn't we come to an agreement to create a universal, voluntary, prescription drug plan under Medicare? But unless something revolutionary occurs in the next few days, we are going to leave Washington without even addressing the prescription drug issue under Medicare.

Another question is a minimum wage increase. It has been over 2 years now we have held people at $5.15 an hour. Somewhere between 10 and 12 million workers in America are stuck at $5.15 an hour. In my home State of Illinois, over 400,000 people got up this morning and went to work for $5.15 an hour. Quickly calculate that in your mind, and ask yourself, could you survive on $11,000 or $12,000 a year? I know I couldn't. I certainly couldn't do it if I were a single parent trying to raise a child. And the substantial number of these minimum wage workers are in that predicament. They are women who were once on welfare and now trying to get back to work. They are stuck at $5.15 an hour.

We used to increase that on a regular basis. We said, of course, the cost of living went up; the minimum wage ought to go up, too. Then it became partisan about 15 years ago, and ever since we have had the fight, year in and year out. We may leave this year without ever addressing an increase in minimum wage for 12 million people across America in these important jobs—not just maintaining our restaurants and hotels but also maintaining our day-care centers and our nursing homes. These important people who cannot afford the high-paid lobbyists that roam the Halls of Congress are going to find that this Congress was totally unresponsive to their needs.

Issues go on and on, things that this Congress could have addressed and didn't address. Sadly enough, we are not only failing to address the important issues, we are not doing our basic business. We are not passing the spending bills that we are supposed to pass. As Senator BYRD said earlier, we are derelict in our responsibilities under the Constitution. We have failed to respond to the American people when they have asked us to do our job and do our duty.

I hope that before we leave in this session of Congress, we will resolve to never find ourselves in this predicament again; that we are never going to find ourselves having missed so many opportunities that the people of this country have to wonder why we have not accepted our responsibility in a more forthcoming way.

I don't know if next year I will be making the proposal on the Senate floor. I have to talk to Senator BYRD. It is kind of a radical idea of installing a vote clock that will run and force a vote every 12 hours around here so we can get something done. But it worked for the National Football League. It worked for the National Basketball Association.

And Senator BYRD, I know you can't find it in that Constitution in your pocket, but maybe that is what it will take to finally get this Senate to get down to work on the business about which people really care.

I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). Senator from West Virginia.

Mr. BYRD. How much time remains?

The PRESIDING OFFICER. The Senator has 39 minutes.

Mr. BYRD. Mr. President, let me comment on a couple of things that the distinguished Senator from Illinois just said.

The Senator from Illinois served in the other body and he served on the Appropriations Committee. He comes to this body bringing great talent, one of the most talented Members that I have ever seen in this body. He brings great talent to this chamber. He can speak on any subject. He is similar to Mr. DORGAN, and can speak on any subject at the drop of a hat. He is very articulate, he is smart, and I am proud to have him as a fellow Member.

Now, he mentioned a change that was made in basketball. I wish that they would make another change in basketball. When I talk about "basketball" that is a subject concerning which I know almost nothing. But I have watched a few basketball games. I can remember how they played them when I was in high school, which was a long time ago. But it really irritates me to see basketball players run down the court with that ball and jump up and hang on the hoop and just drop the ball through the basket. If I were 7 feet tall, I could drop the ball through the basket, even at age 83. If I were that tall, and I did not have to shoot from the floor to make that basket, I could do it, too. I wonder why they don't get back to the old way of requiring players to shoot from the floor. In the days when I was in high school, players had to shoot from the floor. They weren't 7-feet tall. A 6 foot 2 center in my high school was a tall boy.

But, anyhow, so much for basketball.

The distinguished Senator has talked about how we have plenty of time to do our work. The first year I came to the House of Representatives, in 1953, we adjourned sine die on August 3; 2 years later, we adjourned sine die on August 2; the next year, we adjourned sine die on July 27. We did our work. We did not have the breaks we have now. Easter? We might have been out Friday, Saturday, and Sunday. We didn't have the breaks then, but we passed the appropriations bills.

We didn't do any short-circuiting, and the Appropriations Committees of both Houses acted on a much higher percentage of the total moneys that were spent by the Federal Government. I think there was a time when the Appropriations Committees passed on 90 percent of the moneys that the Federal Government spent. Today, we probably act on less than a third of the total moneys spent. So don't tell me that we can't get this work done. We used to do it. We can do it again.

Now while I am talking about the Senator from Illinois being a new Member—relatively new in this body—he comes well equipped to this body. I have been calling attention to the fact that 59 percent—59 Senators—have come to the Senate since I walked away from the majority leader's job. I mentioned Lyndon Johnson as a majority leader; I mentioned Mike Mansfield as a majority leader; I mentioned ROBERT C. BYRD as a majority leader. I should not overlook the stellar performances of Howard Baker, a Republican majority leader; or Robert Dole, a Republican majority leader. We hewed the line when it came to the Senate rules and precedents. They honored those rules and precedents. We didn't have any shortcutting, any short-circuiting of appropriations bills, like going direct to conference and avoiding action on this floor. I want to mention those two Republican leaders because they were also in my time.

Mr. President, 27 of the 50 States are especially fortunate this year. They have Senators on the Senate Appropriations Committee. These lucky 27 states, containing a total estimated 147,644,636 individuals as of July 1999, account for over half of our population of 272,171,813. However, 23 of these United States—and I have them listed on a chart here. I have them listed as the 25 have-nots—23 of these States are in a different situation. They have no direct representation on the Senate Appropriations Committee. Due to the rather unique situation in which we find ourselves this year, three appropriations bills—bills which fund roughly 100 agencies and departments of the Federal Government—may never be considered on the Senate floor. If that is the case, some 125 million Americans who happen to live in those 23 States will have no direct input regarding the decisions of the Senate committee that directly controls the discretionary budget of the United States. The countless decisions on funding and policies in those three bills will not have been presented on the Senate floor in a form that allows the elected Senators from those 23 States to debate and amend those 3 appropriations bills; namely, the FY2001 Commerce/Justice/State, Treasury-Postal, and VA-HUD bills.

This is not the fault of the Appropriations Committee. I cannot and I will not blame Senator STEVENS, the very capable Chairman of the Appropriations Committee, whom I know wants to shepherd each bill through his committee to the floor, and through the conference committee process in the appropriate manner. His efforts have been hamstrung because of a budget process that sets an unrealistically low level of funding, a level of funding that could not possibly address in any adequate way the demands placed upon it by the administration or by the Senate, and because the Senate has not taken up many important pieces of authorization and policy legislation this year.

I have nothing but praise for Senator TED STEVENS. I have seen many chairmen of the Appropriations Committee of the Senate. I have been on that Senate Appropriations Committee 42 years—longer, now, than any other Senator in history on that Appropriations Committee. I have seen many chairmen. I have never seen one better than Senator TED STEVENS.

Additionally, cloture has been filed too quickly on many bills, in order to further limit amendment opportunities. Appropriations bills have, as a result, become an even stronger magnet for controversial amendments than usual. That always complicates the process. Further, the administration has not waited until the Senate has finished its business before issuing veiled or blatant veto threats in an attempt to influence the appropriations process. So, I am very sympathetic to the situation in which my good friend, Senator STEVENS, now finds himself.

Whatever the reasons, however, these 23 have-not states will be deprived of their right to debate and amend these bills through their elected Senators if we wrap these remaining bills into House/Senate conference reports without first taking them up on the Senate floor. They will get only a yea or nay vote on an entire appropriations conference report. There will be no chance to debate or amend the contents of those bills. The 15 million people in Florida—up or down votes, with no amendments. The 11 million people in Ohio—up or down votes on conference reports, with no amendments. The 479,000 people in Wyoming—up or down votes is all they will get, with no amendments. The same goes for the residents of Virginia, Georgia, Louisiana, Michigan, Oklahoma, Minnesota, Nebraska, and Maine.

Those citizens should also be upset. So should the residents of Connecticut, Delaware, Indiana, Kansas, Massachusetts, North Carolina, Oregon, Rhode

Island, South Dakota, and Tennessee. Those folks will have no input into hundreds of thousands of spending decisions. They will summarily be told to take that conference report without any amendments; take it; vote up or down, take it or leave it.

I heard a Member of this Senate yesterday—I believe it was yesterday—decry the President's threat to veto an appropriations bill if something called the Latino and Immigrant Fairness Act was not passed. That Senator said yesterday that a President who would make such threats was acting like a king. I agree. That threat was outrageous. If that threat was made, it was outrageous. It should not have been made. Further, I agree with that Senator's feeling about the piece of legislation which caused the White House threat. I voted against suspending the rule that would have made it possible to consider it. But when it comes to this President, or any President, Democrat or Republican acting like a king, let me say that we in this body are the ultimate check on that assumption of the scepter and crown that all Presidents would like to make.

When we in the Congress invite the President's men to sit at the table—essentially that is what we do when we delay these appropriations bills until the very last and have to act upon them with our backs to the wall and facing an almost immediate sine die adjournment, we in effect invite the administration's people to sit at the table and be part of the decisions involving the power over the purse; yes, that power which is constitutionally reserved for the House and the Senate. When we do that and then deny the full Senate the right to debate and amend those spending bills, we are aiding and abetting that kingly demeanor.

When we hand over a seat at the table to the White House and lock out the full Senate, not just these 23 States, but lock out the full Senate on spending bills, we are, in truth, giving a President much more power than the framers ever intended.

We are charged in this body with staying the hand of an overreaching Executive. Instead, it sometimes seems as if we are polishing the chrome on the royal chariot and stacking it full of congressional prerogatives for a fast trip to the other end of Pennsylvania Avenue.

This year, one appropriations bill providing funding for the Departments of Commerce, Justice, and State has been in limbo—limbo. I believe that Dante referred to limbo as the first circle of hell. Anyhow, this bill has been in limbo for more than 2 months in order to avoid controversial subjects coming up for debate and amendment. So that bill has been a sort of Wen Ho Lee of the Appropriations Committee. It has been in isolation—incommunicado, stowed away in limbo, out of sight, out of mind. But there it is on the calendar. It has been there for weeks. Controversial? Yes. Some amendments might be offered. But why not? That is the process. We should call it up and have those amendments and have a vote on them. Let's vote on them.

I have cast 15,876 votes in 42 years in this Senate. That is an attendance record of 98.7 percent. That may sound like bragging, but Dizzy Dean said it was all right to brag if you have done it. So I have a 98.7 percent voting attendance. I have never dodged a controversial vote, and I am still here and running again. And if it is the Good Lord's will and the will of the people of West Virginia, I will be around here when the new Congress begins.

I have cast controversial votes. What is wrong with that? That is why we come here.

Two other appropriations bills—DC and VA-HUD—were not even marked up by the committee until the second full week of September. There was not enough money to make the VA-HUD bill even minimally acceptable. But having been marked up and reported from the committee, was it called up on the Senate floor for consideration? No, it was not. It was just wrapped in dark glasses and a low-slung hat, surrounded with security and rushed straight into conference as if it contained secrets for the eyes of the Appropriations Committee only. The plan apparently is to insert the entire VA-HUD bill into the conference agreement on another appropriations bill without bringing it before the Senate. I still am hopeful that a way can be found to bring up that bill, as well as the Treasury Postal and Commerce Justice bills to the Senate floor.

I know that some of my colleagues may argue that every Senator has a chance to make his or her requests known to the chairman and ranking member of each appropriations subcommittee, and in that way get their issues addressed in the bill even if it does not see action on the Senate floor. I certainly know that is true. I receive thousands of requests each year to each subcommittee, as well as the requests made while those bills are in conference. However, if a Member's request is not addressed in a bill and that bill does not see debate on the floor, that Member has no opportunity to take his or her amendment to the full Senate and get a vote on it. He has no way to test the decisions of the committee to see if a majority of the full Senate will support his amendment.

Additionally, when an appropriations bill is not debated by the full Senate, Senators who are not on the committee do not have the opportunity to strip objectionable items out of the bill. They do not have the ability to seek changes, perhaps very useful changes, to provisions in the bill that might hurt their States. They do not have a voice on the many policy decisions contained in appropriations bills.

The Appropriations Committee staff is a good one. The Members and the clerks are fair, and they try to do a good job. For the most part, they succeed and succeed admirably, and I am very proud of them. But we are all human. Sometimes we do not always see the unintended consequences of this or that provision, or we simply make a drafting error that could hurt one or more States or groups of people. The fresh eyes and different perspectives of our fellow Senators who are not on the Appropriations Committee, however, have caught such errors in the past and will, I am sure, do so again. But when those Members only get to vote on a conference report that is unamendable, their judgment is eliminated. That is not a sensible way to legislate. I think it is a sloppy way to legislate. I know that my distinguished chairman, Senator STEVENS, does not want to legislate in this manner. He is not afraid of any debate or any controversial amendments. TED STEVENS is not afraid of anything on God's green Earth that I know of. He has done a yeoman's job in trying to find sufficient funding within the budget system to move his bills, and I commend him for it.

I sincerely hope that we can all come together to find a way to help my chairman. The full Senate must do its duty on appropriations bills this year. We owe that to the Nation. We owe it to this institution in which we all serve.

Mr. President, the Senate is preparing to act on a short-term continuing resolution, which will give the Senate an additional week to take up and debate appropriations bills, if we so choose. We can get a lot done in 7 days if we all put our shoulders to the wheel to heave this bulky omnibus, or these bulky minibuses, out of the mud. The Senate is surely not on a par with the Creator. We cannot pull Heaven and Earth, and all the creatures under the Sun out of the void before we rest. But with His help and His blessings, we surely can complete work on the remaining appropriations bills before we adjourn.

The Legislative Branch and Treasury/General Government appropriations conference report was defeated by the Senate on September 20. Some may have seen this as a defeat. But, in fact, that was no defeat. It was a victory for the institution of the Senate, for the Constitution and its framers, and for the Nation. I think the defeat of that conference report in large measure can be laid at the door of this strategy, which emanates from somewhere here, of avoiding floor debate on appropriations bills. I am glad that many of my colleagues objected to being asked to vote on a nondebatable conference report containing a bill—now, get this—

containing a bill, in this instance the appropriations bill for the Department of the Treasury and for general Government purposes, that they have not had a chance to understand, to debate, to amend, or to influence. The Senate was designed to be a check on the House of Representatives. Moreover, the Senate was designed to even out the advantages that more populous States enjoy in the House, and to give small or rural States an even playing field in all matters, including appropriations.

This vote on the legislative branch, Treasury, and general government minibus—minibus—appropriations bill is a setback, as far as time goes, but, I still believe that we can rally, and complete our work in a manner that will allow us to leave with our heads held high, rather than with our tail between our legs. We can finish our work. The people expect it. We ought to do it.

In fact, in keeping with the rather screwball approach that we have been taking on appropriations matters this year, much of the conferencing on these bills has been taking place, even before the bills have been debated on the floor.

Surely we can build on this base, and still allow the Senate to work its will on the more contentious elements of these bills. It is our job to resolve these problems. We get paid to do it. We get paid well to do it. It may be true that we could get higher pay somewhere else—as a basketball player or as a TV anchor person or in some other job—but we get paid well for the job we do.

We are all familiar with these issues. We know the needs of our individual States. We need to have that debate about these issues, and we need to engage the brains of 100 members of this body to get the very best results. I would far rather—far rather—see this process take place, and send good bills to the President to sign or veto, than to see Senators simply abdicating our constitutional role in formulating the funding priorities for our Nation. The bad taste of recent years' goulash of appropriations, tax, and legislative vehicles all sloshed together in a single omnibus pot has not yet left my mouth. That is the easy way, but it is the wrong way. I didn't want a second or third helping, much less a fourth. It is loaded with empty calories, and full of carcinogens. Moreover, we are poisoning the institutional role of the U.S. Senate, rendering it weaker and weaker in influence and in usefulness. We are slowly eroding the Senate's ability to inform and to represent the people, and sacrificing its wisdom—the wisdom of the Senate—and its unique place in our Republic on the cold altar of ambition and expediency. All it takes is our will to see what we are doing and turn away from the course that we are on. I urge Senators to come together and do our work for our country.

I thank all Senators who have spoken on this subject today.

Mr. President, how many minutes do I have?

The PRESIDING OFFICER. Twelve minutes.

Mr. BYRD. Twelve minutes?

The PRESIDING OFFICER. Yes.

Mr. BYRD. I thank the Chair.

I yield the floor.

Mr. MOYNIHAN. Mr. President, will the revered Senator, who I like to think of as the President pro tempore, yield 5 minutes to this Senator?

Mr. BYRD. I yield 5 minutes—I yield all my remaining time to the Senator.

Mr. MOYNIHAN. Sir, I would like to speak to the matter that the Senator from West Virginia has addressed from the perspective of the Finance Committee. I think the Senator will agree that most of the budget of the Federal Government goes through the Finance Committee in terms of tax provisions, Social Security, Medicare, Medicaid, the interest on the public debt, which is a very large sum, which we do not debate much because we have to pay it.

The two committees—Finance and Appropriations—were formed at about the same time in our history and have had the preeminent quality that comes with the power of the purse, that primal understanding of the founders that this is where the responsibilities of government lie—to lay and collect taxes; to do so through tariffs, to do so through direct taxation.

We had an income tax briefly in the Civil War, but there was the judgment that we ought to amend the Constitution to provide for it directly.

Sir, I came to this body 24 years ago. I have learned that, as I shall retire in January—and, God willing, I will live until then—there will only have been 120 Senators in our history who served more terms. So they claim a certain experience.

I obtained a seat on the Finance Committee with that wondrous Senator from Rhode Island. We were in the same class, Senator Chafee and Senator Danforth and I. I obtained a seat as a first-time Senator, through the instrumentality of the new majority leader. I avow that. I acknowledge it. I am proud of it. I will take that with me from the Senate as few others.

I underwent an apprenticeship at the feet, if you will, of Russell Long, the then-chairman, who, for all his capacity for merriment, was a very strict observer of the procedures of this body and the prerogatives of the Finance Committee.

We brought bills to the floor. They were debated. They were debated at times until 4 in the morning. I can remember then-Majority Leader BYRD waking me up on a couch out in the Cloakroom to say, "Your amendment is up, PAT," and my coming in, finding a benumbed body. The vote was aye, nay. It wasn't clear. It was the first time and the last in my life I asked for a division. And we stood up, and you could count bodies, but you could not hear voices.

Then we would go to conference with the House side. The conferees would be appointed. Each side would have conferees, each party. They each would have a say. We would sit at a table—sometimes very long times, but in time—and we would bring back a conference report and say: Here it is. And if anyone would like to know more about it, there are seven of us in this room who did the final negotiations with the House. It is all there. It is comprehensible. And it is following the procedures of the body.

I stayed on the committee, sir. This went on under Senator Dole as chairman; Senator Bentsen as chairman. I would like to think it went on during the brief 2 years that I was chairman.

In the 6 years since that time, I have seen that procedure collapse. In our committee, we have a very fine chairman. No one holds Senator ROTH in higher regard than I do. I think my friend recognized this when he saw the two of us stand here for 3 weeks on the floor to pass the legislation which he did not approve. Senator BYRD did not approve of permanent normal trade relations, but when it was all over, he had the graciousness as ever to say he did approve of the way we went about it. Every amendment was offered. Cloture was never invoked. And in the end, we had a vote, and the Senate worked its will.

Now, in the last several days in the Finance Committee, we have been working on major legislation, legislation for rebuilding American communities, which is based on an agreement reached between the President and the Speaker of the House that this is legislation we ought to have, which is fine. The President should have every opportunity to reach some agreement with the leadership over here and say: Let us have this legislation. You send it to me; I will sign it. But you send it to me; I won't write it. I might send you a draft.

We were not even contemplating bringing the bill to the floor, passing it, going to conference. It is just assumed that can't happen. And indeed, in the end, we could not even get it out of committee. So the chairman and I will introduce a bill and a rule XIV will have it held here at the desk so it is around when those mysterious powers sit down to decide what our national budget will be.

You spoke of something difficult to speak to but necessary in this body, which is our relations with the Executive, which increasingly have found themselves not just with a place at the table, as you have so gentlemanly put it, but a commanding, decisive role in the legislative process.

Sir, I can report—and I don't have to face constituents any longer, so I might just as well—I can recall around 11 o'clock one evening on the House side in the Speaker's conference room—that particular Speaker had a glass case with the head of an enormous Tyrannosaurus rex in it, a great dinosaur—and tax matters were being taken up. There were representatives of the White House, representatives of the majority leadership in the House, the leadership in the Senate. I didn't really recognize any committee members, just leadership. And I arrived in the innocent judgment of something in which I wouldn't have a large part, but I would be expected to sign the papers, the conference papers the conferees sign, a ritual we all take great pleasure in because it means it is over.

Sir, I was asked to leave the room. I was asked to leave the room. There as a Member of the Senate minority, the ranking member of the committee, that decision was not going to have anything to do with the Finance Committee or much less the Democrats. It would be a White House and a congressional leadership meeting.

In 24 years, nothing like that had ever happened. I don't believe, sir, it ever happened. I can't imagine how we came to this. I do know how, from the point of view of our party—the calamitous elections of 1994, when we lost our majorities in both bodies.

So I would say, I do not believe in the two centuries we have been here—and we are the oldest constitutional government in history, but we have seen our constitutional procedures degrade. We have seen practices not ever before having taken place, nor contemplated. They are not the way this Republic was intended. They are subversive of the principles of our Constitution, the separation of power.

The separation of powers is the first principle of American constitutional government. We would not have a King or a King in Parliament. We would have an elected President, an elected Congress and an independent judiciary. When the White House is in the room drafting the bill that becomes the law, the separation of power has been violated in a way we should not accept.

Mr. STEVENS. Will the Senator yield for one moment?

Mr. MOYNIHAN. I yield the floor.

Mr. STEVENS. Mr. President, I apologize.

Mr. MOYNIHAN. I yield the floor to my distinguished friend, the chairman of the Appropriations Committee.

Mr. STEVENS. Mr. President, I wish to state that if there is no objection, the vote on the continuing resolution would occur at 4:15. I ask unanimous consent that that be the order.

The PRESIDING OFFICER. And that rule XII be waived.

Mr. STEVENS. Yes.

Mr. REID. Reserving the right to object, I ask permission for up to 5 minutes during that period of time.

Mr. STEVENS. I am pleased to yield to my friend 5 minutes of the time I have between now and 4:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, might the very distinguished and able Senator from New York have just 2 or 3 minutes to finish his statement?

Mr. STEVENS. I am pleased to yield to the Senator from New York 3 minutes.

Mr. MOYNIHAN. I thank the Senator from Alaska, my friend of all these years. Just to conclude my thought, which is that the separation of powers is what distinguishes American government. We brought it into being. It did not exist in any previous democratic regimes, the various Grecian cities, the Roman era had a legislature period. There was no executive authority. What Madison once referred to as the fugitive existence of the ancient republics was largely because they had no executive authority to carry out the decisions of the legislature. The legislature was left to be the executive as well. It didn't work.

We have worked. There are two countries on Earth, sir, that both existed in 1800 and have not had their form of government changed by violence since 1800: the United States and the United Kingdom. There are seven, sir, that both existed in 1900 and have not had their form of government changed by violence since. Many of the British dominions were not technically independent nations.

The separation of powers is the very essence of our system. We have seen it evanescing before us. I say evanescing because—the misty clouds over San Clemente, noise rising from the sea—because I was not in that room after I was asked to leave, nor was there any journalist, nor were there any of our fine stenographers. No one was there save a group of self-selected people. They weren't selected for that role. They should not have been playing it. This has gone on too long, and it ought to stop.

With that, sir, I thank my friend from Alaska and I yield the floor.

Mr. BYRD. Mr. President, I revere the Senator from New York. He came to the Senate in 1977. He went on the committee. What he has just said astonishes me—that he was asked to leave the room in this Republic—"a republic, Madam, if you can keep it."

Mr. MOYNIHAN. Said Benjamin Franklin, yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I consider myself very fortunate today. Except for going to a conference here and there, and a few other things that had me go off the floor, I have had the opportunity to listen to almost everything that went on today, either from my seat in the Senate Chamber or in the Cloakroom. How fortunate I am.

The Senator from West Virginia is to be commended for initiating this debate on what American Government is all about. When the history books are written, people will review what took place during this debate, the high level of debate and the exchange between the Senator from New York and the Senator from West Virginia, both with years of wisdom, years of knowledge, and years of experience. People will look back at this consideration in the textbooks.

I stepped out to go over to the Senator's Interior Appropriations Subcommittee. The administration was there complaining about report language as to what the intent of the Congress was. It is hard for me to fathom they could do that. I don't want to embarrass anybody from the administration, but I spoke to two people from the administration. I said: What in the world are you trying to do? Are you trying to tell this subcommittee, this legislative entity, what our intent is? That is our responsibility as legislators, not this administration's responsibility. We have report language in bills so that people can look and find out what our intent is.

Mr. BYRD. So that the courts can also.

Mr. REID. The courts, or anybody else. If the administration doesn't like what we do, they can take it to court, and that report language will give that court an idea as to what we meant. I say to Senator BYRD and Senator MOYNIHAN, words cannot express how I feel.

As people have heard me say on the floor before, I am from Searchlight, NV. My father never graduated from eighth grade and my mother never graduated from high school. To be in the Senate of the United States and to work with Senator MOYNIHAN and Senator BYRD is an honor. It is beyond my ability to express enough my appreciation for this discussion that has taken place today. I hope it will create some sense in this body—maybe not for this Congress but hopefully for the next one—that we will be able to legislate as we are supposed to do it. I express my appreciation to both Senators.

Mr. BYRD. I thank the distinguished Senator.

Mr. MOYNIHAN. I thank my friend.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 8 minutes remaining.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator MURKOWSKI be recognized for up to 20 minutes and that Senator SESSIONS be recognized for up to 15 minutes following the two rollcalls that will soon take place.

Mr. REID. Mr. President, I didn't hear that request.

Mr. STEVENS. I am going to yield back the time I had so we can vote earlier. I agreed to yield time to two colleagues, to be used after the votes take place.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, having been a Senator who served in the minority, in the majority, and then in the minority, and again in the majority, I understand the discussion that has taken place here today full well. I have been a member of the Appropriations Committee for many years—not nearly as long as the Senator from West Virginia but for a long enough time to know that the appropriations process has to fit into the calendar as adjusted by the leadership.

We have done our best to do that this year. It does inconvenience many Senators whenever the appropriations process is shortened. I believe in full and long deliberation on appropriations bills. Mainly, I believe in bringing to the floor bills that have such uniform support on both sides of the aisle that there really isn't much to debate.

I think if the Members of the Senate will go back and look at the Defense Appropriations Committee bills since I became chairman, or when Senator INOUYE became chairman, we have followed that principle. Unfortunately, issues develop that are not bipartisan on many bills and they lead to long delays. In addition, the closer we get to an election period, the longer people want to talk or offer amendments that have been voted on again and again and again.

We have had a process here of trying to accommodate the time that has been consumed on major issues, such as the Patients' Bill of Rights and the PNTR resolution dealing with China, which took a considerable time out of our legislative process. We find ourselves sometimes on Thursday with cloture motions that have to be voted on the following Monday, and then we make it Tuesday and we lose a weekend. We have adjusted to the demands of many Senators.

I believe the Senator from West Virginia would agree that we have tried very hard in the Appropriations Committee to get our work done. Most of our bills were out of committee before we left for the recess in July. As a matter of fact, we had our two major bills, from the point of view of Defense—military construction and the Department of Defense appropriations bill—approved in really record time.

Mr. REID. Will my friend yield for a brief comment?

Mr. STEVENS. Yes.

Mr. REID. I want to make sure that any comments I have made do not reflect on the Senator from Alaska. I can't imagine anyone being more involved in trying to move the legislation forward than the Senator from Alaska. So none of the blame that is to go around here goes to the Senator from Alaska, as far as I am concerned.

Mr. STEVENS. I thank the Senator. I wasn't inferring that I received any comments or concern on my activity or the committee's, per se. I believe the process of the Senate, however, is one that involves the leadership adjusting to the demands of the Senate and to the demands of the times. A political year is an extremely difficult time for the leadership. Senator BYRD had leadership in several elections, and I had the same role as the Senator from Nevada—the whip—during one critical election period during which the leader decided to be a candidate and was gone. So I was acting leader during those days. I know the strains that exist.

I want to say this. I believe that good will in the Senate now is needed to finish our job. The American people want us to do our job. Our job is to finish these 13 bills that finance the standing agencies of the Federal Government and to do so as quickly as possible. Because of the holiday that starts in a few minutes for some of our colleagues, we will not meet tomorrow, and we cannot meet Saturday. So we will come back in Monday, and that will give us another 7 days to work on our bills.

The House has now passed the energy and water bill. We will file the Transportation and Interior bills—I understand those conferences are just about finished now—on Monday. We are working toward completion by the end of this continuing resolution. But let's not fool ourselves. If we got all these bills passed by next Friday, there would still have to be a continuing resolution because the President has a constitutional period within which to review the bills. He has 10 days to review them, not counting Sunday; so we are going to be in session yet for a considerable period of time—those of us involved in appropriations.

I urge the Senate to remember that circumstances can change. We could be in the minority next year, God forbid, and the leadership on the other side could be trying to move bills. And if the minority taught us some lessons about how to delay, I think we are fast learners. We have to remember that what comes around will go around. It is comity that keeps this place moving and doing its job.

I think all of us have studied under and learned from the distinguished Senator from West Virginia. He has certainly been a mentor to people on both sides of the aisle. He has taught us everything there is to know about the rules and how to use them. He has never abused them. I don't take the criticism that he has made other than to be of a process that we now find ourselves involved in. Our job is to work our way out of this dilemma. I hope we can. I hope we can do it in good grace and satisfy the needs of our President as he finishes his term. We have been working very hard at that since we came back from the August recess.

In my judgment, from the conversations I have had with Jack Lew, the Director of the Office of Management and Budget, there is a recognition of the tensions of the time and a willingness to try to accommodate the conflicting needs of the two major parties in an election year. That is what we are trying to do.

I hope we will vote to adopt this continuing resolution and that Members will enjoy the holiday that is given to us by our Jewish colleagues. We will come back Monday ready to work.

I fully intend to do everything I can to get every bill we have to the President by a week from tomorrow. That may not be possible, but that is our goal, and I expect to have the help of every Senator who wants to see us do our constitutional duty, and that is to pass these bills.

Does the Senator wish any further time?

Mr. REID. If the Senator will yield, I ask unanimous consent that following the two Republican Senators there be allowed to speak in morning business: Senator FEINGOLD for 30 minutes and Senator MIKULSKI for 35 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I am compelled to object because I want to state to the Senator that I took our time and allotted it after——

Mr. REID. I said after the Republican speakers.

Mr. STEVENS. I don't know what the leader intends to do after that time. I have no indication that he wishes to object, but I don't know. In a very short time our Jewish friends must be home before sundown. I don't think there is going to be objection, but I am not at liberty to say.

Mr. REID. Senator FEINGOLD, of course, is Jewish and he would handle that on his own. Anyway, fine. I think it is sundown tomorrow, anyway.

Mr. STEVENS. I thought it was sundown tonight.

Mr. REID. No. Some people just want to leave to get ready for sundown tomorrow.

Mr. STEVENS. I don't see any reason to object.

Mr. REID. If the leader has something else he wants to do, of course that will take precedence. But before we leave tonight, they would like to have the opportunity to speak.

Mr. STEVENS. I am compelled to say this: Under the practice we have been in so far, the Senator's side of the aisle has consumed 6 hours today, and we have consumed about 40 minutes, at the most. There is a process of sort of equalizing this time. I would be pleased to take into account anyone who has to leave town, but can we do that after this time? I promise the Senator I will help work this out.

Mr. REID. We will talk after the first vote. I will renew the request after the first vote.

Mrs. MURRAY. Mr. President, I've come to the floor to join my colleagues in discussing where our annual budgeting process stands.

We are just three days away from the start of the new fiscal year, and the Senate is far behind in its work. The resulting rush is leading some to short-circuit our usual appropriations process. Like so many of my colleagues, I am dismayed that Senators are being denied the opportunity to fully consider and debate these appropriations bills.

I want to commend Senator BYRD for his comments today. Senator BYRD is once again speaking for the United States Senate. His comments are neither Republican nor Democrat. With his usual elegance and candor, Senator BYRD is championing this institution, and we should all commend him for that. The Senate that he defends so passionately is one that works for both parties; works for all Senators; and most importantly, works for the American people.

Time and again during my eight years of service in this body, I have made the walk from my office to this floor. And each time, I bring with me a certain excitement and anticipation for the great opportunity the people of Washington state have given me to represent them as we debate issues from education to foreign policy to health care.

Unfortunately, there have been very few opportunities to come to this floor and engage in meaningful debate. Too often, the majority has sought to either stifle or deny debate on the issues Americans care about. On the rare occasions when we have had debates, they have not resulted in meaningful legislation that has a chance of being signed into law.

For example, the Senate spent several weeks debating the Elementary and Secondary Education act. We debated the issues, and we cast tough votes on the ESEA bill. But, for some reason, the bill was shelved by the majority. Now it looks certain to die as the Congress tries to adjourn quickly in this election year.

As we watch the clock tick toward the end of the fiscal year this weekend, only two of the 13 appropriations bills have been signed into law. We now find ourselves in an unnecessary impasse. The breakdown in this year's appropriations process did not happen overnight. It is not merely the result of election eve politicking, or jockeying for position between the Executive and Legislative branches, although there are plenty of both going on.

No, the breakdown of the fiscal year 2001 appropriations process can be traced back to the opening days of this session of Congress in January. Back then, the House and Senate leadership promptly fell into disarray over the handling of the President's request for a supplemental spending bill. You may recall that the President requested $5 billion in supplemental fiscal year 2000 funding. The House subsequently passed a $12.8 billion supplemental funding bill—more than twice what the President had requested. The Senate Appropriations Committee, at the behest of the Senate Majority Leader, shelved plans to draw up a separate supplemental funding bill. Instead, the Senate attached a total of $8.6 billion in supplemental funding onto three regular appropriations bills—Military Construction, Foreign Operations, and Agriculture appropriations. The Majority Leader's plan was to have all three bills enacted into law by the Fourth of July holiday. Needless to say, things did not quite go as planned.

Despite weeks of congressional wrangling, the three bills in the Senate could not be reconciled with the one bill in the House. Finally—in desperation—the House and Senate ended up jamming $11.2 billion in supplemental funding into the conference on the FY 2001 Military Construction Appropriations Bill. Much of that funding had never seen the light of day in either the House or Senate. The conference report was approved on June 30, and became the first of the FY 2001 appropriations bill signed into law. With the exception of the swift and relatively smooth passage of the Defense Appropriations Bill a month later, the FY 2001 appropriations process has gone from bad to worse. We now find ourselves in the intolerable position of having 11 of the 13 appropriations bills still pending—with two days to go before the end of the fiscal year, and no clear game plan in sight. The House has passed all of the regular appropriations bills. And the Senate Appropriations Committee—on which I serve—has reported all 13 regular appropriations bills. But only 10 of these 13 bills have been passed by the Senate. Once again, desperation is setting in. The focus is shifting from the flow of open debate on the Senate floor to the closed doors of the conference committees.

Just last week, the Senate leadership attempted to attach the Treasury and General Government Appropriations bill—which the Senate has never considered—to the Legislative Branch conference report, and pass them as a package deal. The Senate was wise to reject that approach. The Senate should have an opportunity to fully consider these three significant appropriations bills. To abandon the reasoned debate this chamber is known for would represent a full surrender by this body of our responsibilities to the American people.

Mr. President, there are many pressing issues from programs for veterans healthcare and the courts to the National Weather Service. We should be able to debate these funding plans and then vote for or against them. Mr. President, it doesn't have to be this way. The Senate still has time to take up the remaining appropriations bills, debate them, amend them, and send them to the President. They may be contentious. But that is precisely why they must be aired in the light of day before the entire Senate and not swept into law under the cover of an unrelated appropriations conference report.

If the Senate acts promptly, the conferees will have ample time to complete their work, and report back to the full House and Senate. As a member of the Senate Appropriations Committee, I am acutely aware of our responsibilities to the people of this nation when it comes to appropriating taxpayers' dollars. I take that responsibility very seriously. The people have a right to know what Congress is doing with their money. And members of Congress have a responsibility to appropriate money wisely.

We cannot do our jobs or meet our responsibilities, if we delegate our work to a handful of appropriators hammering out a conference agreement, or to a closed circle of congressional leaders and White House officials huddling over a conference table.

Mr. President, we are poised to pass a Continuing Resolution that will keep the government operating through October 6. I believe that if we could put aside political posturing, partisan bickering, and retaliatory tactics for just one week, just one week, we could complete work on the appropriations bills, in an orderly and responsible fashion, and close out this Congress. We may not have accomplished all that we would have wished to accomplish. But I am confident that continued bickering over the appropriations process in the waning days of the 106th Congress will not improve the climate for any other legislation to move forward.

Mr. President, the American people deserve more than this mess from their elected leaders. I know the Senate can do better. In the days ahead, I urge my colleagues to work with our leaders and with the leadership of the Appropriations Committee, to tackle the remaining appropriations bills and conference reports, to debate, to vote, and to complete the work that we have been charged to do.

Though time is running out, it is not too late to make these spending decisions in the most responsible way, and that is what I am calling on my colleagues to do.

Mr. STEVENS. I think the time has come for us to ask that this resolution be presented to the Senate for a vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the joint resolution.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—4

Feinstein
Lieberman
McCain
Thomas

The joint resolution (H.J. Res. 109) was passed.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending first-degree amendment (No. 4177) to Calendar No. 490, S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B non-immigrant aliens:

Trent Lott, Gordon Smith of Oregon, Judd Gregg, Wayne Allard, Conrad Burns, Craig Thomas, Rick Santorum, Thad Cochran, Bob Smith of New Hampshire, Spencer Abraham, Kay Bailey Hutchison, Connie Mack, George Voinovich, Larry Craig, James Inhofe, and Jeff Sessions.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 4177 to S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B non-immigrant aliens, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mrs. MURRAY) would vote "aye."

The yeas and nays resulted—yeas 92, nays 3, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—92

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Miller
Moynihan
Murkowski
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—3

Hollings
Reed
Wellstone

NOT VOTING—5

Feinstein
Lieberman
McCain
Murray
Thomas

The PRESIDING OFFICER. On this vote the yeas are 92, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. MURKOWSKI. Mr. President, may I ask about the order and the unanimous consent that is pending?

The PRESIDING OFFICER. The Senator now has 20 minutes.

Mr. MURKOWSKI. I thank the Chair.

OIL CRISIS

Mr. MURKOWSKI. Mr. President, I have had a series of discussions with my colleagues on the energy crisis in this country.

I think it is fair to make a broad statement relative to the crisis. The crisis is real. We have seen it in our gasoline prices. We saw it last week when oil hit an all-time high of $37 a barrel—the highest in 10 years. And now we are busy blaming each other for the crisis.

I think it is fair to say that our friends across the aisle have taken credit for the economy because it occurred during the last 7 years. I also think it is fair that our colleagues take credit for the energy crisis that has occurred because they have been here for the last 7 years.

I have talked about the Strategic Petroleum Reserve, what I consider the insignificance of the drawdown, and the signal that it sends to OPEC that, indeed, we are vulnerable at 58-percent dependence on imported oil. That sends a message that we are willing to go into our savings account.

What did we get out of that? We got about a 3- to 4-day supply of heating oil. That is all. We use about a million barrels of heating oil a day during the winter. That has to be taken out of the Strategic Petroleum Reserve in crude form—30 million barrels—and transferred to the refineries which are already operating at capacity because we haven't had any new refineries built in this country in the last 15 to 20 years.

This is not the answer.

I am going to talk a little bit about one of the answers that should be considered by this body and has been considered before. In fact, in 1995, the issue of opening up that small area of the Coastal Plain, known as ANWR, came before this body. We supported it. The President vetoed it. If we had taken the action to override that veto of the President, or if the President had supported us, we would know what is in this small area of the Coastal Plain. When I say "small area," I implore my colleagues to reflect on the realities.

Here is Alaska—one-fifth the size of the United States. If you overlay Alaska on the map of the United States, it runs from Canada to Mexico, and Florida to California. The Aleutian Islands go thousands of miles further. There is a very small area near the Canadian border. When I say "small," I mean small in relationship to Alaska with 365 million acres.

But here we have ANWR in a little different proportion. This is where I would implore Members to understand realities. This is 19 million acres. This is the size of the State of South Carolina.

A few of the experts around here have never been there and are never going to go there in spite of our efforts to get them to go up and take a look.

Congress took responsible action. In this area, they created a refuge of 9 million acres in permanent status. They made another withdrawal—only they put it in a wilderness in permanent status with 78.5 million acres, leaving what three called the 1002 area, which is 1½ million acres.

That is this Coastal Plain. That is what we are talking about.

This general area up here—Kaktovik—is a little Eskimo village in the middle of ANWR.

They say this is the "Serengeti." There is a village in it. There are radar sites in it. To suggest it has never been touched is misleading.

Think for a moment. Much has been made of the crude oil prices dropping $2 a barrel when the President tapped the Strategic Petroleum Reserve and released 30 million barrels of oil.

While I believe the price drop will only be temporary, I ask my fellow Senators what the price of crude oil would be today if the President had not vetoed opening up ANWR 6 years ago. It would have been at least $10 less because we would have had another million-barrel-a-day supply on hand.

What would prices be if OPEC and the world knew that potentially 1 to 2 million barrels a day of new oil was coming out of the ANWR Coastal Plain, and not only for 3 or 4 or 15 days, but for decades?

Let me try to belie the myth of what is in ANWR in relationship to Prudhoe Bay. This area of Prudhoe Bay has been supplying this Nation with nearly 25 percent of its crude oil for almost two decades—2½ decades.

We built an 800-mile pipeline with the capacity of over 2 million barrels. Today, that pipeline is flowing at 1 million barrels with the decline of Prudhoe Bay.

You might not like oil fields but Prudhoe Bay is the finest oil field in the world, bar none. I defy anybody to go up there and compare it with other oil fields. The environmental sensitivity is unique because we have to live by rules and regulations.

The point I want to make is when Prudhoe Bay was developed and this pipeline was built at a cost of roughly $6.5 billion to nearly $7 billion, the estimate of what we would get out of the oil field was 9 billion barrels.

Here we are 23 or 24 years later, and we have gotten over 12 billion barrels. It is still pumping at better than 1 million barrels a day.

The estimates up here range from a low of 5.7 billion to a high of 16 billion barrels—16 billion barrels. What does that equate to? It is kind of in the eye of the beholder. Some say it would be a 200-day supply—a 200-day supply of America's oil needs. They are basing their estimates on old data of 3.2 billion barrels in ANWR, ignoring the most recent estimates by the U.S. Geological Survey that there is a 5 percent chance of 16 billion barrels—that is at the high end with a mean estimate of 10.3 billion barrels. That is the average. For the sake of conversation, we might as well say a 10.3 billion barrel average.

Under this argument, Prudhoe Bay, the largest oil field in the United States, has only a 600-day supply. That is assuming all oil stops flowing from all other places, and we have no other source of oil other than Alaska. So those arguments don't hold water.

But the Wilderness Society and the Sierra Club say it is only a 200-day supply. It is only this, or it is only that; and using that logic, the SPR is only a 15-day supply, in theory.

Let's make sure we keep this discussion where it belongs.

To give you some idea, in this 1002 area, in comparison to an eastern seaboard State, let's take the State of Vermont, and say that there are absolutely no other sources for oil in the entire Coastal Plain. If this 1002 area was designated to fulfill Vermont's needs, that 200-day supply is enough to heat homes and run equipment all over Vermont for the next 197 years. So don't tell me that is insignificant. For New Hampshire, for example, it would be 107 years.

The U.S. Geological Survey says that it would replace all of our imports from Saudi Arabia for 11 years.

If it contains the maximum estimate of recoverable oil, it would replace all of our imports from Saudi Arabia for 30 years.

If the Arctic Coastal Plain could produce just 600,000 barrels a day, the most conservative estimate—more likely it would produce 2 million barrels a day—the area would be among the top 13 countries in the world; just this area in terms of crude oil production.

At 2 million barrels a day, the Coastal Plain of ANWR itself would be among the top eight oil-producing nations in the world. I am sick and tired of hearing irresponsible statements from the environmental groups that are lying to the American people.

We had a little discussion the other day on the floor. One of my colleagues from Illinois said he ran into a CEO of a major oil company of Chicago—he didn't identify who he was—and asked him how important ANWR was to the future of the petroleum industry. The man from the company said from his point of view it was nonsense, there are plenty of sources of oil in the United States that are not environmentally dangerous.

Where? Where? We can't drill off the Pacific coast. We can't drill off the Atlantic coast. We can't drill offshore. We can only drill down in the gulf, and now the Vice President wants to cancel leases down there.

He further said he believes, and the man from Illinois agreed, we don't have to turn to a wildlife refuge to start drilling oil in the Arctic nor do we have to drill offshore.

If we are not going to drill offshore, where are we going to drill? They won't let drilling occur in the Overthrust Belt. Mr. President, 64 percent has been ruled out—Wyoming, Colorado, Montana—to any exploration.

The idea that these people don't identify where we are going to drill, but are just opposed to it, is absolutely irresponsible. As a consequence of not knowing whether we have this oil or not, we are not doing a responsible thing in addressing whether we can count on this as another Strategic Petroleum Reserve.

I have a presentation that I hope will catch some of the attention of Members because there is an old saying from some of the environmental groups: For Heaven's sake, there is 95 percent of the coastal plain that is already open for oil and gas development.

Here is a picture of the coastal plain. It is important that the public understand this: 95 percent is not open. Here is Canada. Here is the ANWR area, 19 million acres, the coastal plain. This area is not open. It is open in this general area. Then we have the National Petroleum Reserve. This area is closed —this little bit of white area. From Barrow to Point Hope is closed. I repeat, 95 percent isn't open.

The Administration prides itself on saying we have been responsible in opening up areas of the National Petroleum Reserve, which is an old naval petroleum reserve. A reserve is there for an emergency. We don't know what is there. The areas that the oil company wanted to go in and bid Federal leases, the Department of Interior wouldn't make available. They made a few, it is a promising start, but let's open up a petroleum reserve and find out whether we have the petroleum there. They won't do that. They won't support us in opening up ANWR.

Only 14 percent of Alaska's coastal lands are open to oil and gas exploration. Those are facts. I defy the environmental community, the Sierra Club, or the Wilderness Society to counter those statements. The breakdown: Prudhoe region, 14 percent; ANWR coastal plain, 11 percent; ANWR wilderness, 5 percent; naval petroleum, 52 percent; and Western North Slope, State, native private land, 18 percent. Ninety-five percent is not open.

I am looking at "The Scoop on Oil," Community News Line, Scripps News Service, written obviously by the environmental community. It says "And yet oil spills in Prudhoe Bay average 500 a year."

They don't amount to 500 spills a year. They amount to 17,000 spills a year—I see that has the attention of the Presiding Officer—because in Prudhoe Bay they don't mention they have to report all spills of any non-naturally occurring substance, whether a spill of fresh water, a half cup of lubricating oil, or a more significant spill. The vast majority of spills at Prudhoe Bay have been fresh and salt water use in conditioning on the ice roads and pads—not of chemicals or oil.

In 1993, the worst year in the past decade for spills at Prudhoe Bay, there were 160 reported spills involving nearly 60,000 gallons of material but only 2 spills involving oil. Those are the facts. And all 10 gallons went into secondary containment structures and were easily cleaned.

Prudhoe Bay is the cleanest industrial zone in America. America should understand this. What the environmental community has done is found a cause, a cause for membership dollars. Our energy policy today in this country is directed not by our energy needs but by the direction of the environmental community. They accept no responsibility for the pickle we are in with this energy crisis. This administration has not fostered any domestic exploration program of any magnitude in this country, as I have indicated, whether it be the Overthrust Belt or elsewhere. They have limited excess activity to the Gulf of Mexico. They have prohibited exploration in the high Arctic, as I have indicated.

They have moved off oil and said: No more nuclear; we won't address nuclear waste. My good friend from Nevada and I have had spirited debate, but we are not expanding nuclear energy because we cannot address what to do with the waste. Twenty percent of our power comes from nuclear. We have not built a new coal-fired plant since the mid-1990s. You cannot get a permit. We are talking of taking down hydro dams because of the environmentalists, but there is a tradeoff, as the occupant of the Chair from Oregon knows—putting the traffic off the barges on to the highways. There is a tradeoff.

If we take no hydro, no coal, no nuclear, no more imports of oil, where does it go? It goes to natural gas. What about natural gas, the cleanest fuel? Ten months ago, it was $2.16 per 1,000 cubic feet; deliveries in November of $5.42—more than double. Where are we going for energy? We are going to natural gas. That is the next train wreck coming in this country. It will be severe. Fifty percent of the homes in this country heat by natural gas—56 million homes. Heating bills are going to be 40-percent higher in the Midwest this winter. We have a different problem on the east coast where we don't have natural gas. The train wreck is coming.

When I hear these ludicrous statements, this thing is garbage, it is totally inaccurate. It says:

> The oil industry's definition of "environmentally sensitive" also differs quite radically from yours and mine. How can thousands of caribou, polar grizzly bear, eagles, birds and other species who survive in what has been dubbed "America's Serengeti". . . .

If you haven't been up there, this coastal plain is pretty much the same all over. It is beautiful, it is unique. But it has some activity with the villages and the radar sites, and you wouldn't know where you were along this coastal plain because it is all the same.

They talk about dozens of oil fields. They say the road and pipelines would stop the movement of wildlife from one part of the habitat to another, toxic waste would leak. Let me show something about the wildlife up here: This is Prudhoe Bay, and this is the wildlife. These are not stuffed dummies, these are live caribou. They are wandering around because nobody is shooting them. Nobody is running them down with snow machines. This is Prudhoe Bay. We can do this in other areas of Alaska.

According to the Wilderness Society, rivers, streambeds, key habitat for wildlife, will be stripped by millions of tons of gravel roads. Let me show a little bit about the technology today because it is different. America should wake up and recognize this. This is a drill pad in the Arctic today. There are no gravel roads. We have ice and snow 9 months of the year. This is an ice road. That is the well.

Let me show the same place in the summertime, during the short summer, which is 2½ months or thereabouts. This is after moving the rig. There is the Christmas tree; there is the tundra. Do you see any marks? Do you see any gravel roads? Do you see pipelines? No, we have the technology, we can do it right. We could if the environmental community would meet its responsibilities. As we look for sources of energy, particularly oil, do we want to get it from the rain forests of Colombia where nobody gives a rat's concern about the environment? They just want the oil and to get it at any price, lay a pipeline anywhere.

Do you want to do it right here at home? I think it is time to come to grips with these folks and ask them to stand behind their assertions. They talk about millions of piles of gravel. We don't have to do that anymore. They are talking about the living quarters of thousands of workers and air pollution and death for the stunning animals. They talk about the polar bear. The polar bear don't den on land, they den on the ice.

I could go right down the list and state what is wrong with this thing. It is irresponsible. They finish by saying it is a 90-day supply of oil. That is just not accurate. It is not factual. The reality is, if given the opportunity, we can turn this country around, keep these jobs home.

I am going to tell you, one of the problems, of course, is with our refining capacity because we are going to have to increase that. The assertion is that some of these refineries were closed prior to the Clinton-Gore administration. That is fine. But what have we done to increase the refining capacity? Refining capacity has increased by less than 1 percent while demand has increased 14 percent in this country. What are the causes of price hikes? Let's go to EPA. We have nine geographical regions in this country that require reformulated gas. I am not going to question the merits of that, but I can tell you the same gas in Springfield, IL, can't be used in Chicago. It costs more. Is it necessary? I don't know, but it costs more because you have to batch it.

We have talked about President Clinton's veto of ANWR 6 years ago, and what it would do. We are addressing the national security of this country as we look at depleting our Strategic Petroleum Reserve. It amazes me that nobody is upset about our increased dependence on oil from Iraq, 750,000 barrels a day. Saddam Hussein finishes every speech: "Death to Israel." If there was ever a threat to Israel's national security, it is Saddam Hussein. He is developing a missile capability, biological capability—what is it for? Well, it is not for good things.

As a consequence of that, we are seeing our Nation's increased reliance on crude oil and refined product, increased vulnerability to supply interruptions, and we are pulling down our reserves, and the administration says it is doing something about it. But I would like to know what. It vetoed ANWR, the opening of ANWR. It says we will get a little bit out of SPR. It says we have a problem here, we have a problem there.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MURKOWSKI. I ask unanimous consent for another 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, here are the Iraqi oil exports into the United States. They have gone up. Let me show some more charts because pictures are worth a thousand words. People say we have to concern ourselves with the issue of the porcupine caribou herd. This is ANWR, Canada. This is the Demster Highway. These are oil wells drilled in Canada. These in the light color were drilled. They didn't find any oil, but this is the route of the caribou. They have gone through this area. They cross the Demster Highway with no problem at all. The caribou calve—where do they calve? Sometimes they calve in ANWR, sometimes they do not. We are not going to have any oil development in the summertime in the calving area.

This is what it is like over in Iraq. This is what it was like during the Persian Gulf war. There we are trying to clean up the mess caused by Saddam Hussein. That is the guy we are helping to support today, now with biological capabilities.

There are a couple of more points I wish to make. Talk about compatibility, here is something I think is fairly compatible. This shows a couple of guys out for a walk—3 bears. Why are they walking on the pipeline? The pipeline is warm. This is in the Prudhoe Bay oil field. Nobody is shooting those guys. They are happy. They walk over.

I can remember 15 years ago when they said: You build that pipeline and you are going to cut the State in half. The caribou, the moose will never go over from the other side. It just did not happen. It will not happen because these guys are compatible with the environment, as long as you don't harm them, chase them, run them down and so forth.

We have a lot of things going here, given the opportunity. If these Members would go back, if you will, to your environmental critics and say: What do you suggest? Can American technology overcome, if you will, our environmental obligation? Can we open up this area safely? Do we have the science and technology? There is nothing to suggest that we do not have that capability.

This is where we are getting our oil from now, with no environmental conscience about how they are getting it out of the ground. That is irresponsible on their part.

I am going to leave you with one thought. Here are the people with whom I am concerned. Those are the people who live in my State. This is in a small village. These are the kids walking down the street. It is snowing, it is cold, it is tough. It is a tough environment.

One of my friends, Oliver Leavitt, spoke about life in Barrow. That is at the top of the world, right up here. You can't go any further north or you fall off the top. He said I could come to the DIA school to keep warm because the first thing I did every morning was go out on the beach and pick up the driftwood. Of course, there are no trees. The driftwood has to come down the river.

Jacob Adams said:

> I love life in the Arctic but it's harsh, expensive, and for many, short. My people want decent homes, electricity and education. We do not want to be undisturbed. Undisturbed means abandoned. It means sod huts and deprivation.

The native people of the Coastal Plain are asking for the same right of the Audubon Society of Louisiana, the same right this administration itself is supporting in the Russian Arctic Circle,' and the same right the Gwich'ins had in 1984 when they offered to lease their lands.

The oil companies should have bought it. There just wasn't any oil there.

I recognize the public policy debate about this issue is complex and will involve issues at the heart of the extreme environmental agenda which is driving our energy policy. It certainly is not relieving it.

At the same time, I think the issue can be framed simply as: Is it better to give the Inupiat people, the people of the Arctic, this right?

These people live up here. This is an Eskimo village. There is the village. Do you want to give them the right, while promoting a strong domestic energy policy that safeguards our environment and our national security, rather than rely on the likes of Saddam Hussein to supply the energy?

The answer in my mind is clear, as well as in the minds of the Alaskans.

ORDER OF PROCEDURE

Mr. MURKOWSKI. Mr. President, if I may, I have been asked to announce speeches and I have just concluded one. On behalf of the leader, I ask unanimous consent, following the remarks of the majority leader, Senator FEINGOLD be recognized for up to 25 minutes as in morning business, to be followed by Senator SESSIONS, under the previous order, to be followed by Senator GRAHAM for up to 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent Senator FEINGOLD be allowed to continue until the Senator arrives on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

H-1B VISAS

Mr. FEINGOLD. Mr. President, the Senate has just concluded its fourth vote in favor of the bill expanding H-1B visas that America grants each year to people from other countries to work in certain specialty occupations. I supported the bill on each of these votes.

But I rise today to express how strongly I oppose the manner in which the majority leader has sought to constrain this debate. I oppose the way in which the majority leader sought, on that bill, as with so many others, to prevent Senators from offering amendments. And I oppose the majority leader's effort to stifle debate by repeatedly filing cloture on the bill.

Through his extreme use of cloture and of filling the amendment tree, I'm afraid the majority leader has reduced the Senate to a shadow of its proper self. And the result has been a Senate whose legislative accomplishments are as insubstantial as a shadow. This body cannot long exist as merely a shadow Senate.

Yesterday, as he brushed aside calls that the Senate vote on minimum wage or a patient's bill of rights, the majority leader complained that the Senate had already voted on those matters. But the Senate has, as yet, failed to enact those matters, and the people who sent us here have a right to hold Senators accountable.

And what's more, by blocking amendments, the majority leader has also blocked Senate consideration and votes on a number of issues that have been the subject of no votes in the Senate this year. Let me take a few moments to address two of them, the reform of soft money in political campaigns, and the indefensible practice of racial profiling.

Let me begin my discussion of these two items that the Senate was not allowed to take up—campaign finance and racial profiling—by discussing how those matters relate to what the Senate did take up—the H-1B visa bill.

The proponents of the H-1B bill characterize it as a necessity for our high tech future. It is both more and less than that.

But in a sense, the high-tech industry is certainly a large part of the reason why the Senate considered H-1B legislation these past two weeks. I would assert, that there is a high degree of correlation between the items that come up on the floor of the United States Senate and the items advocated by the moneyed interests that make large contributions to political campaigns.

American Business for Legal Immigration, a coalition which formed to fight for an increase in H-1B visas, offers a glimpse of the financial might behind proponents of H-1Bs. As I've said, I am not opposed to raising the level of H-1B visas. But I do think it's appropriate, from time to time, when the weight of campaign contributions appears to warp the legislative process, to Call the Bankroll to highlight what wealthy interests seeking to influence this debate have given to parties and candidates.

ABLI is chock full of big political donors, Mr. President, and not just from one industry, but from several different industries that have an interest in bringing more high-tech workers into the U.S. I'll just give my colleagues a quick sampling of ABLI's membership and what they have given so far in this election cycle. All the donors I'm about to mention are companies that rank among the top employers of H-1B workers in the U.S., according to the Immigration and Naturalization Service.

These figures are through at least the first 15 months of the election cycle, and in some cases include contributions given more recently in the cycle:

Price Waterhouse Coopers, the accounting and consulting firm, has given more than $297,000 in soft money to the parties and more than $606,000 in PAC money candidates so far in this election cycle.

Telecommunications giant Motorola and its executives have given more than $70,000 in soft money and more than $177,000 in PAC money during the period.

And of course ABLI is comprised of giants in the software industry, who have also joined in the political money game.

The software company Oracle and its executives have given more than $536,000 in soft money during the period, and its PAC has given $45,000 to federal candidates.

Executives of Cisco Systems have given more than $372,000 in soft money since the beginning of this election cycle.

And Microsoft gave very generously during the period, with more than $1.7 million in soft money and more than half a million in PAC money.

But I should also point out, Mr. President, that the lobbying on this issue is hardly one sided.

Many unions are lobbying against it, including the Communication Workers of America, which gave $1.9 million in soft money during the period, including two donations of a quarter of a million dollars last year. And CWA's PAC gave more than $960,000 to candidates during the period.

The lobbying group Federation for American Immigration Reform, or "FAIR," has lobbied furiously against this bill with a print, radio and television campaign, which has cost somewhere between $500,000 and $1 million, according to an estimate in Roll Call.

This is standard procedure these days for wealthy interests—you have to pay to play on the field of politics. You have got to pony up for quarter-million dollar soft money contributions and half-million dollar issue ad campaigns, and anyone who cannot afford the price of admission is going to be left out in the cold.

Thus, I believe that campaign finance is very much tied up in why the Senate considered the H-1B bill these past two weeks. I believe that campaign finance is very much tied up in why the Senate considered the H-1B bill under the tortured circumstances that it did. This is just another reason why I believe that this Senate must consider and vote on amendments that deal with campaign finance reform.

The momentum is building on campaign finance reform. In recent days, more and more candidates have offered to swear off soft money and have called for commitments from their opponents to do without soft money in their campaigns. More and more candidates are coming to the realization that taking soft money is a political liability. The days of soft money are numbered, and this shadow Senate cannot long hide from the political reality.

Beyond that subject, there are other important subjects that the majority leader is blocking with his heavy-handed tactics. The Senate may just have considered a bill dealing with immigrants, but the Senate has thus far failed to consider a discussion of a particular injustice that could well affect their lives, as well.

The INS's May report showed that most of those for whom they approved H-1B visas during the period for which data were available came here from countries of the developing world. As a large number of those receiving H-1B visas are people of color, many could become subject to the indefensible practice of racial profiling.

If this Senate can find the time to consider H-1B legislation, I believe that it should also find the time to consider an amendment that addresses the issue of racial profiling.

Let me begin my discussion of racial profiling by acknowledging the leadership of Congressman JOHN CONYERS and our friend in this body, Senator FRANK LAUTENBERG, the principal authors of the legislation to address this very real problem.

The problem is this: Millions of African Americans, Hispanic Americans, immigrants, and other Americans of racial or ethnic minority backgrounds who drive on our Nation's streets and highways are subject to being stopped for no apparent reason other than the color of their skin.

This practice, known as racial profiling, targets drivers for heightened scrutiny or harassment because of the color of their skin. Some call it "DWB," "Driving While Black," or "Driving While Brown." Of course, not all or even most law enforcement officers engage in this terrible practice. The vast majority of our men and women in blue are honorable people who fulfill their duties without engaging in racial profiling, but the experience of many Americans of color has demonstrated that the practice is very real.

There are some law enforcement agencies or officers in our country who have decided that if you are a person of color, you are more likely to be trafficking drugs or engaged in other illegal activities than a white person, despite statistical evidence to the contrary. In a May 1999 report, the American Civil Liberties Union reported that along I-95 in Maryland, while only roughly 17 percent of the total drivers and traffic violators were African American, an astonishing 73 percent of the drivers searched were African American. The legislation that Senator LAUTENBERG and I have sponsored would allow us to get an even better picture.

In America, all should have the right to travel from place to place free of this unjustified government harassment. None should have to endure this incredibly humiliating experience—and sometimes even a physically threatening one—on the roadsides or in the backseat of police cruisers.

This practice also damages the trust between law enforcement and the community. Where can people of color turn for help when they believe that the men and women in uniform cannot be trusted? As one Hispanic-American testified earlier this year in Glencoe, IL, after his family experienced racial profiling, "Who is there left to protect us? The police just violated us."

Racial profiling chips away at the important trust that law enforcement agencies take great pains to develop with the community. When that trust is broken, it can lead to an escalation of tensions between the police and the community. It can lead to detrimental effects on our criminal justice system—like jury nullification and the failure to convict criminals at all—because some in the communities no longer believes the police officer on the witness stand. Racial profiling is bad policing, and it has a ripple effect whose consequences are only beginning to be felt.

In just the last year and a half, since we introduced the traffic stops statistics study bill, we have already seen increased awareness of this problem in the law enforcement community, and an increased willingness to address it. A growing number of police departments are beginning to collect traffic stops data voluntarily. Over 100 law enforcement agencies nationwide—including State police agencies like the Michigan State Police—have now decided to collect data voluntarily. Eleven State legislatures have passed data collection bills in the last year or so. This is tremendous progress from where we were when the bill was introduced. I applaud those states and I applaud law enforcement agencies that are collecting data on their own.

But these State and local efforts underscore the need for a Federal role in collecting and analyzing traffic stops data to give Congress and the public a national picture of the extent of the racial profiling problem and lay the groundwork for national solutions to end this horrendous practice. While we can applaud individual states and law enforcement agencies for taking action, combating racial discrimination is one area where a Federal role is essential. Our citizens have a right to expect us to act.

I am pleased to have joined my distinguished colleague from New Jersey, Senator LAUTENBERG, in introducing S. 821, a companion bill to the bill introduced in the House by Representatives JOHN CONYERS and ROBERT MENENDEZ. The bill would require the Attorney General to conduct an initial analysis of existing data on racial profiling and then design a study to gather data from a nationwide sampling of jurisdictions.

This is a straightforward bill that requires only that the Attorney General conduct a study. It doesn't tell police officers how to do their jobs. And it doesn't mandate data collection by police departments. The Attorney General's sampling study would be based on data collected from police departments that voluntarily agree to participate in the Justice Department study.

I cannot emphasize enough that this traffic stops study bill is a truly modest proposal. Some would even say it's a conservative proposal. The American people have become so much more aware of the issue over the last year, and so many law enforcement agencies and State governments have expressed interest in addressing the issue, that many people are now saying that a study bill does not go far enough. They argue that we have enough data; we know racial profiling exists; we do not need to study it more; let's just end it. I understand this sentiment. This is a modest, reasonable proposal that, I hope, will lay the groundwork for developing ways to end racial profiling once and for all.

Only last month, the son of the great civil rights leader Martin Luther King Jr. led a march on the Lincoln Memorial to commemorate his father's legacy. His father inspired a nation 37 years ago when he said, in words that echoed throughout the world and have been etched in history, that he had a dream that one day racial justice would flow like a mighty river. Sadly, our Nation has not fulfilled that dream. As Martin Luther King III noted, racial profiling continues to harm Americans and erodes the important trust that should exist between law enforcement and the people they serve and protect.

President Clinton has endorsed S. 821, and last June he directed federal law enforcement agencies to begin collecting and reporting data on the race, ethnicity and gender of the people they stop and search at our Nation's borders and airports. A coalition of civil rights and law enforcement organizations—including the ACLU, the NAACP, the National Council of La Raza, and the National Organization of Black Law Enforcement Executives—also support this legislation. I am pleased that 20 Senators have joined to cosponsor the bill, and I am hopeful that if allowed to come to a vote, my amendment would enjoy broad support. The House of Representatives passed a similar bill by voice vote in the 105th Congress, and this March, the House Judiciary Committee passed the bill again. It's time we passed it in the Senate, too.

Racial profiling and soft money campaign finance reform are issues that deserve consideration in the Senate. Regrettably, the procedures that the majority leader employed to consider the H–1B bill and too many other bills have so far blocked their consideration. Before this Senate adjourns sine die, I hope that we will have an opportunity to address these, and many other issues that demand attention. If it fails to, this Senate's mark in history will be no more permanent than a shadow.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. REID. Mr. President, the junior Senator from Alabama is on the floor. I want to express publicly my appreciation. We had a Senator over here who had some time problems. He graciously allowed him to go first, for which I am very grateful, something he did not have to do. He did it because he is a southern gentleman. I appreciate it very much.

The PRESIDING OFFICER. The Senator from Nevada.

MEASURE READ THE FIRST TIME—S.J. RES. 54

Mr. REID. Mr. President, I understand that S.J. Res. 54, introduced earlier today by Senator KENNEDY and others, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill for the first time.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 54) expressing the sense of Congress with respect to the peace process in Northern Ireland.

Mr. REID. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—S. 2045

Mr. LOTT. Mr. President, with regard to the H–1B legislation, I now ask unanimous consent that notwithstanding rule XXII, following the previously ordered morning business speeches, the Senate resume consideration of S. 2045, the H–1B bill, and the following pending amendment Nos. 4214, 4216, and 4217, be withdrawn and the motion to recommit be withdrawn in order to offer a managers' amendment containing cleared amendments limited to 5 minutes equally divided in the usual form.

I further ask consent that following the adoption of the managers' amendment, no further amendments be in order, and amendment No. 4177, as amended, be agreed to, the committee substitute, as amended, be agreed to, the bill be advanced to third reading, and final passage occur at 10 a.m. on Tuesday, without any intervening action or motion or debate, and that paragraph 4 of rule XII be waived. I further ask consent that the time between 9:30 and 10 a.m. on Tuesday be equally divided between the two managers for closing remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Let my just say, Mr. President, we have one additional part of this H–1B request we hope to be able to clear momentarily. But the interested parties are reviewing the language of the substitute. When we get that reviewed, then we will ask consent that the bill be laid aside until 9:30 a.m. on Tuesday and that the Senate proceed to the visa waiver bill. But we will clarify that in just one moment.

UNANIMOUS CONSENT AGREEMENT—ENERGY/WATER APPROPRIATIONS CONFERENCE REPORT

Mr. LOTT. Now, with regard to the energy and water appropriations conference report, I ask unanimous consent that notwithstanding rule XXII, following H–1B consideration, the Senate proceed to the energy and water appropriations conference report and that the report be considered as having been read and considered under the following agreement: 1 hour equally divided between the chairman and the ranking member of the Appropriations subcommittee, 20 minutes equally divided between the chairman and ranking member of the full committee, and 10 minutes under the control of Senator MCCAIN.

I further ask consent that following the use or yielding back of time, the vote occur on adoption of the conference report immediately, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Because of the lateness of the day, I ask unanimous consent that any time I have be returned to the Chair. I will submit a written statement setting forth my views on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. Majority Leader, might I ask a question? Did you get some time for the Senator from New Mexico?

Mr. LOTT. We do have time equally divided between the chairman, the Senator from New Mexico, and the ranking member.

Mr. DOMENICI. I will yield back my time to the Chair. I have a statement I will submit shortly.

Mr. LOTT. All right. We still have 10 minutes under the control of Senator McCain. We will call and see if he wants to take advantage of that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. We will come back to that later.

UNANIMOUS-CONSENT REQUEST—H.R. 4986

Mr. LOTT. Mr. President, with regard to H.R. 4986, I ask unanimous consent that notwithstanding rule XXII, the Senate now turn to the consideration of Calendar No. 817, which is H.R. 4986, relating to foreign sales corporations, and following the reporting of the bill by the clerk, the committee amendments be agreed to, with no other amendments or motions in order, and the bill be immediately advanced to third reading and passage occur, all without any intervening action or debate.

I further ask consent that the Senate then insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, which will be Senators Roth, Lott, and Moynihan.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I know everyone has worked hard on this. We do have a number of Senators who want to offer amendments. Until we get that worked out, I object.

The PRESIDING OFFICER. Is there objection?

Without objection——

Mr. LOTT. No. He did object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Let me just say, Mr. President, that I did ask for consent on this bill out of the Finance Committee dealing with foreign sales corporations. And, of course, this is the result of WTO decisions, trying to get the U.S. laws to comply with that decision.

We did clear it on this side. I understand there are some Senators on the Democratic side who wish to offer amendments. A lot of the amendments on the list I saw were the usual suspects that have now been offered that do not relate to the bill. I understand that has to be worked out. Senator Reid and others will be trying to clear up those objections based on those amendments.

But I do want to say, if there is any germane or relevant amendment to this bill, certainly we will work to make sure that will be included in the agreement.

Failing that, this is something we need to do, and I hope we can get it cleared up in the next few days.

UNANIMOUS-CONSENT REQUEST—S. 2015

Mr. LOTT. Mr. President, with regard to the Stem Cell Research Act of 2000, Senator Specter has been very energetic in pursuing the opportunity to offer this legislation.

As I had agreed earlier, I now ask unanimous consent that notwithstanding rule XXII, the HELP Committee be discharged from further consideration of S. 2015, and the Senate proceed to its immediate consideration under the following terms: 3 hours on the bill to be equally divided in the usual form; that there be up to one relevant amendment in order for each leader, that they be offered in the first degree, limited to 1 hour equally divided and not subject to any second-degree amendments; that no motions to commit or recommit be in order.

I further ask unanimous consent that following the conclusion or use of the debate time and the disposition of the above-described amendments, the bill be advanced to third reading and a vote occur on passage of the bill, as amended, if amended, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, I have a number of questions under my reservation. First of all, we were of the understanding that this unanimous consent that was proposed had not been cleared on the majority leader's side earlier today.

Mr. LOTT. There very well could be objections on this side, too.

Mr. BROWNBACK. I will object to this proposal.

Mr. LOTT. I think there are objections on both sides to this, but I made a commitment to do everything I could to try to get this issue to be considered by the full Senate. Senator Specter feels very strongly about it, is committed to it, and has been reasonable in waiting for an opportunity to offer it. I know there are objections to it on both sides, and there is no question that there is objection on this side. I felt constrained to make this effort. It is a serious effort.

Mr. REID. If I may say to the leader, Senator Specter has spoken to me. I know how intensely he feels about the issue. I said the same thing to him that the leader has said, that I would do everything I could to get this worked out. Whoever is not allowing it to be cleared, it is not being cleared now.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I yield the floor, Mr. President.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized.

JAMES MADISON COMMEMORATION COMMISSION ACT

Mr. SESSIONS. Mr. President, March 16, 2001, will mark the 250th anniversary of the birth of James Madison, who clearly earned the title: Father of our Constitution.

This great American devoted his life to the service of his country and his fellow man, and that service played an essential role in creating and protecting the constitutional liberty that we enjoy today.

Accordingly, I intend to offer the bipartisan James Madison Commemoration Commission Act to celebrate the life and contributions of this small man who was a giant of liberty.

James Madison was born on March 16, 1751 in Port Conway, VA. He was raised at Montpelier, his family's estate in Orange County, VA. He attended the College of New Jersey, now known as Princeton University, where he excelled academically and graduated in 1771. Shortly after his graduation, Madison embarked on a legal career. In 1774, at the age of 23, Madison entered political life. He was first elected to the Orange County Committee of Safety. Following that, he was elected as delegate to the Constitutional Convention of Virginia in 1776. He next served as a member of the Continental Congress from 1780 to 1783. This provided him marvelous insight into the nature of our early American government and ideals.

After America won its freedom at Yorktown, the country looked to strengthen the government that had proven too helpless under the Articles of Confederation. A Constitutional Convention was called in Philadelphia. It was here that Madison was to play the most important role of his life, dwarfing, in my view, his subsequent excellent service to his country.

From 1784 to 1786, Madison was a member of the Constitutional Convention. He served as a primary draftsman of the Constitution. Thomas Jefferson, who was in France at the time, and who did not participate in the Constitutional Convention, did suggest a number of books that would aid the young draftsman in preparing for his historic task. With these books and others, Madison engaged in an extensive study of the ancient governments of Greece and Rome and of the more modern governments of Italy and England, among others. No one came to Philadelphia so intentionally, practically, and historically prepared to create a new government.

Madison posed his task as follows:

> If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place, oblige it to control itself.

This he wrote in Federalist No. 51.

At the convention, delegates made impassioned arguments regarding the relative powers of big States, small States, Northern States, Southern States, and there were those who feared that a strong national government might dominate all States. In month after month of untiring argument, careful persuasion, and creative compromise, Madison reached answers upon which the delegates could agree. There would be a Federal Government of separated and enumerated powers. Large States would have their votes based on population in the House of Representatives. Small States would have equal, two-vote, representation in this body, the Senate.

Further, the powers of the Federal Government would be limited to enumerated objects in order to protect all the States from Federal overreaching. Madison described the Federal Republic, states and federal governments, that the Constitution envisioned as follows:

> In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.

He was writing that in Federalist No. 51.

In addition to playing a leading role in framing this new government, Madison also made detailed notes on the proceedings of the Constitutional Convention. Madison's notes on the Constitutional Convention have proven the most extensive and accurate account of how our Founding Fathers framed the greatest form of government in the history of mankind.

Once the Constitutional Convention reached an agreement, the States had to ratify the Constitution and make it binding fundamental law. Madison contributed to that fight for ratification in three ways. It was a critical, tough fight.

First, he joined with Alexander Hamilton and John Jay in drafting the Federalist Papers which were circulated among New York newspapers under the pseudonym Publius.

These papers contained perhaps the most vivid and profound pages of practical political philosophy ever produced. They answered with force and eloquence the arguments of the anti-federalists and helped sway public opinion toward ratification.

Second, Madison fought in the Virginia ratification convention for the adoption of the Constitution.

It was critical that Virginia ratify the Constitution. Joining with John Marshall, the future great Chief Justice of the Supreme Court, Madison argued against the fiery orator, Patrick Henry. Henry, who argued so forcefully for declaring independence from Great Britain, charged that the new Constitution would vest too much power in the Federal Government. Madison countered that the powers of the Federal Government would be limited to enumerated objects and subject to the control of people.

Third, Madison helped to develop the Bill of Rights which limited the power of the Federal Government further and ensured the power of the states and the liberty of the people. He was a critical drafter in the development of the Bill of Rights.

Madison's herculean efforts, along with the efforts of others, resulted in the ratification of the Constitution with a Bill of Rights. This constitutional government enabled a fledgling democracy to grow into the most powerful force for liberty the world has ever known. He was the right man at the right time.

Notwithstanding Madison's intellectual prowess and the thoughtful, reflective approach he brought to problem-solving, humility was the hallmark of this man. In later years, when he was referred to as the Father of the Constitution, Madison modestly protested that the document was not "the offspring of a single brain" but "the work of many heads and many hands." It was true, but it was done under his nurturing care.

After Madison's service at the Constitutional Convention, he served in the U.S. House of Representatives for four terms. When Thomas Jefferson was elected President in 1801, he selected Madison to serve as his Secretary of State.

At the conclusion of Jefferson's administration, the American people twice elected James Madison President of the United States. As President, he watched over the very government he played such a crucial role in creating. And his steady leadership in the War of 1812 against Great Britain helped guide America to victory.

While these accomplishments are remarkable indeed, the really remarkable thing is the enduring nature of Madison's imprint on American history. Amended only 17 times after its ratification with the Bill of Rights, the Constitution that Madison drafted still provides the same basic structure upon which our government operates today and that we comply with every day in this body.

The Supreme Court still quotes the Federalist Papers that Madison drafted. And Madison's concept of federalism is the subject of renewed debate in the Supreme Court and Congress at this time.

The Constitution that Madison drafted, and his writings that have guided generations of Americans in interpreting that Constitution, are still the envy of the world. Madison's wisdom and foresight have been proven by the indisputable success of the American constitutional experiment. Indeed, while we are a young country, this nation has the oldest continuous written Constitution in the world. It is a beacon and example for others. Many try and are not able to make it work, but they have modeled their constitutions so often after ours.

Why has it worked? Because Madison understood that the law must be suited to the people it is intended to govern. In Federalist No. 51, Madison stated:

> What is government itself but the greatest of all reflections on human nature?

And a constitution that protects liberty is suited to a people who love liberty to the extent that they are willing to fight and die for it.

So, Mr. President, it is with great pride that I join with other Senators on both sides of the aisle, including Senators BYRD, THURMOND, MOYNIHAN, WARNER, and ROBB, to offer at the appropriate time, this bill establishing the James Madison Commemoration Commission. The Commission will celebrate the 250th anniversary of James Madison's birth on March 16, 2001.

The commission will consist of 19 members: The Chief Justice of the Supreme Court, the Majority and Minority Leaders of the Senate, the Speaker and Minority Leader of the House, the Chairmen and Ranking Members of the Senate and House Judiciary Committees, two Members of the Senate selected by the Majority Leader, two Members of the Senate selected by the Minority Leader, two Members of the House of Representatives selected by the Speaker, two Members of the House of Representatives selected by the Minority Leader of the House, and two members of the Executive Branch selected by the President. A person not able to serve may designate a substitute. Members will be chosen based on their position at the end of the 106th Congress and will continue to serve until the expiration of the Commission.

The bill will also create an Advisory Committee with 14 members, including: the Archivist of the United States, the Secretary of the Smithsonian Institute, the Executive Director of Montpelier, the President of James Madison University, the Director of the James Madison Center, the President of the

James Madison Memorial Fellowship Foundation, 2 persons who are not Members of Congress selected by the majority leader of the Senate, with expertise on the legal and historical significance of James Madison, 2 persons who are not Members of Congress, selected by the minority leader of the Senate, 2 persons who are not Members of Congress, selected by the Speaker of the House, and 2 persons who are not Members of Congress, selected by the minority leader of the House.

With the aid of the Advisory Committee, the Commission will:

1. Publish a collection of Madison's most important writings and tributes to Madison;
2. Coordinate and plan a symposium to provide a better understanding of Madison's contributions to American political culture;
3. Recognize other events celebrating Madison's life and contributions;
4. Accept essay papers from students on Madison's life and contributions and award certificates as appropriate; and
5. Bestow honorary memberships on the Commission and the Advisory Committee.

The bill authorizes $250,000 for the Commission. This will be used for the expenses of publishing the book and hosting a symposium.

The Commission will expire after its work is done in 2001.

Mr. President, I believe this work is truly important to our country. I ask all my colleagues—and we have had a growing number of individuals who have joined as co-sponsors of this bill—to join in this effort to commemorate the Father of our Constitution and perhaps the greatest practical political scientist who ever lived, James Madison.

I yield the floor.

Mr. KENNEDY. Mr. President, I am pleased to gain Senator SESSIONS as a cosponsor of the James Madison Commemoration Commission Act. It is appropriate that we honor James Madison for his exemplary contributions to our country.

The Commission will build on the success of the James Madison Fellowship Foundation, which Senator HATCH and I cochair. We are very proud of the work of the Madison Fellows. They are among the most accomplished, talented, and dedicated educators in the Nation. They are committed to educating children across the country about the value of learning, the importance of the Constitution, and the significance of public service.

I hope that this new Commission honoring James Madison will breathe new life into the Constitution for people across the country.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

STEM CELL LEGISLATION

Mr. SPECTER. Mr. President, I was not on the floor a few moments ago when the distinguished majority leader and the assistant leader for the Democrats had a colloquy when the majority leader propounded a unanimous consent request concerning legislation on stem cells. I think it useful to make a brief comment or two and then to have, if I might, a brief discussion with the majority leader about what will happen on the future of the bill.

The stem cell legislation in question would eliminate the prohibition now in effect which limits the use of Federal funds, principally from the National Institutes of Health, from paying for extracting stem cells from embryos. Once the stem cells have been extracted from embryos, then Federal funds may be used on their research, and private funds—if I might have the attention of the majority leader for a moment while we discuss the stem cell issue, as to what is going to happen next. Without describing the legislation—which I can in a minute—I ask the distinguished majority leader what he anticipates in the future.

When this issue to eliminate the limitation on funding was stricken from the appropriations bill last year, it was done so after I consulted with the majority leader because concluding it would have resulted in a filibuster and tied up that appropriations bill. The majority leader made a commitment, which he has fulfilled today, to bring the bill to the floor.

It had been my hope that we would have had the bill on the floor at an earlier time, but I fully understand the complexities of the schedule; and once we had reached September, the only way to deal with the matter was on a limited time agreement to be obtained through unanimous consent.

So it is my hope that the intent and the thrust of what was proposed—I think intended—was that the bill would be on the calendar and considered when we reconvened, when it would not have to be subjected to a unanimous consent request, but it might have to pass a filibuster vote on a motion to proceed.

Mr. LOTT. Mr. President, if the Senator from Pennsylvania will yield, let me acknowledge the fact that the Senator from Pennsylvania did agree at a critical moment last year to remove this issue from the Labor-HHS-Education appropriations bill so we could complete it. It was clearly one of the difficulties we were having in wrapping up the session.

I committed at that time that we would make an effort to get it up this year and that I would do that. We probably should have made this effort earlier. I owe him an apology for not doing that. Let me say, in recent days we have tried to clear it. There is objection to it. I believed it was important that I go ahead and make that request publicly because we made that commitment to the Senator.

I know how strongly the Senator from Pennsylvania feels about this issue, and a lot of other people feel very strongly about it. I know we had some testimony on it within the last couple of weeks in the Senate. There are strong and passionate feelings about it on both sides in terms of what it can do for some health problems, and there are others who obviously think this is an improper use. I am sure it will be a good debate whenever it is debated and wherever it is debated. I will work with the Senator next year to try to get it up earlier in the session. Before I make a commitment at this time that I will file cloture, I have to make sure it will not fall through and I can keep that commitment.

But I will work with him to see that he gets a shot at it. He always has the opportunity to offer amendments on bills that come along. There is not just one way to get it done. I do believe I owe him a commitment to keep working with him. Even though I don't necessarily agree with him on the substance, I think on the procedure I have an obligation to keep a commitment to help him.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader for his statement. I appreciate his last statement that he doesn't necessarily agree with me, which leaves some room that he doesn't necessarily disagree with me. I am not looking for a response at this time. Senator LOTT is well known to have an open mind on controversial issues and on matters not debated. I agree with him when he says it is subject to passionate feelings on both sides.

We had debates and witnesses. We had seven hearings on this issue. We had Senator BROWNBACK, the principal opponent of the legislation, to testify, and Congressman JAY DICKEY, the principal opponent of the legislation in the House, to testify.

The hearings have always been balanced, and we have had people who have opposed the legislation at every one of the hearings.

It is a matter which is appropriate for the Senate to consider. I appreciate what the majority leader has said about giving consideration to an early listing next year, and not making a commitment on pressing a cloture motion. I think a cloture motion could be filed by any 17 Senators. But we are not going to get involved in that at this time.

But I did want to say for the RECORD why I believe it is important that the matter be considered. And it is because stem cells have such a remarkable opportunity to cure many of the most difficult maladies and diseases which confront America and the world today. These stem cells have the potential to be placed in the human body to replace other cells.

We had testimony, for example, from Michael J. Fox, who suffers from Parkinson's. We had the experts testify that these stem cells could be enormously effective in curing Parkinson's. That is an obtainable goal perhaps in as early as 5 years.

The stem cells may also be useful on Alzheimer's disease, on strokes, on spinal cord injuries, perhaps on cancer, and perhaps on heart ailments.

There is virtually no limit to what these stem cells can do. They are a veritable fountain of youth.

I have said publicly that I understand those on the other side of the issue. It involves taking an embryo which has been created for purposes of in vitro fertilization but not used. These embryos are discarded. There are some 100,000 embryos in existence today which will not be used. So the issue is whether you simply discard these embryos which will have no further effect, or whether you use these embryos to produce stem cells which can cure many very serious maladies.

There are other alternatives such as adult stem cells. But the scientific evidence has been very compelling, in my judgment, that adult stem cells cannot do the job, but stem cells can from embryos.

There are also stem cells from fetal tissue. Those stem cells are limited, and we really need the stem cells from these embryos to provide the research opportunities to cure so many of these ailments.

This is not an issue which is going to lead to the creation of embryos for the purposes of extracting stem cells. When we have the fetal tissue discussion, many people are concerned that they will produce more abortions to have fetal tissue available. In fact, that was not the case—fetal tissue was used from abortions which would have occurred in any event.

It is not a controversial pro-life versus pro-choice issue as we have had many Senators who are strongly pro-life support stem cell research in this legislation. Senator STROM THURMOND, who is very strongly pro-life and an acknowledged very conservative Senator, testified before the subcommittee in favor of this legislation to have Federal funding for extraction of stem cells from embryos.

Senator CONNIE MACK of Florida has spoken about this bill, another pro-life Senator speaking in favor of it. Very strong statements have come from Senator GORDON SMITH, who is pro-life and very concerned about these underlying issues, as to why he feels the balance is in favor of this sort of legislation.

Since the issue was mentioned and there is not another Senator on the floor seeking recognition, I thought I would explain in abbreviated form where this legislation is pending, and why I have been pressing. It comes naturally within the subcommittee of appropriations which I chair.

The prohibition against use of Federal funds to extract stem cells from embryos was placed in a bill which came out of this subcommittee. When the prohibition was imposed, there was no one who really knew the miraculous potential of stem cells, it being a veritable fountain of youth. This only came into existence with the research disclosed in November of 1998. Since that time, our subcommittee has had seven hearings to explore the issue very fully.

It is my hope that the matter will come before the Senate early next year. I appreciate what the majority leader has had to say. We will let the Senate work its will. Let us consider it. Let us debate it. Let us analyze it and come to judgment on it, which is our role as legislators, in a way which considers all of the claims and considers all of the positions but resolves the matter so that public policy will be determined in accordance with our constitutional standards and our legislative procedures.

I thank the Chair. I yield the floor.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

THE PRESIDING OFFICER. The Senator from Minnesota is recognized.

MR. GRAMS. I thank the Chair.

(The remarks of Mr. GRAMS and Mr. SESSIONS pertaining to the introduction of S. 3138 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have two unanimous consents that have been agreed to on the other side. I will make them as expeditiously as I can.

* * *

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000—Resumed

Mr. DOMENICI. Mr. President, on H-1B, I ask unanimous consent the Senate now resume S. 2045, the H-1B bill, and the managers' amendment be agreed to, which is at the desk, and all other provisions of the consent be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 4214, 4216 and 4217) were withdrawn.

The motion to recommit was withdrawn.

The amendment (No. 4275) was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The amendment (No. 4177), as amended, was agreed to.

The committee substitute, as amended, was agreed to.

The bill (S. 2045), as amended, was ordered to a third reading and was read the third time.

Mr. HATCH. Mr. President, let me highlight our intent about how the Immigration and Naturalization Service (INS) should implement this legislation with respect to physicians who seek H-1B visas. The INS currently requires that each applicant for an H-1B visa who wishes to work as a physician must have passed the three parts of the United States Medical Licensing Examination (USMLE) and, if required by the state in which he or she will be practicing, be licensed. Due to the increased number of physicians who may work in the U.S. under H-1B visas with the passage of this legislation, it is even more important that the INS confirm successful completion of all parts of the USMLE each time an individual physician applies for, or seeks renewal of, an H-1B visa.

Mr. KENNEDY. Mr. President, our Nation's economy is experiencing a time of unprecedented growth and prosperity. This strong economic growth can, in large measure, be traced to the vitality of the fast-growing high technology industry. Information technology, biotechnology and associated manufacturers have created more new jobs than any other part of the economy.

The rapid growth of the high-tech industry has made it the nation's third largest employer, with 4.8 million workers in high-tech related fields, working in jobs that pay 70 percent above average income. The Bureau of Labor Statistics projects that the number of core IT workers will grow to a remarkable 2.6 million by 2006—an increase of 1.1 million from 1996.

With such rapid change, the economy is stretched thin to support these new businesses and the growth opportunities they present. The constraint cited most often on future growth of the high-technology industry is the shortage of men and women with the skills and technical background needed for jobs in the industry. Several factors are contributing to this shortage, including an inaccurate, negative image of IT occupations as overly demanding, the under-representation of women and minorities in the IT workforce, and outdated academic curricula that often do not keep pace with industry needs.

All of us want to be responsive to the nation's need for high-tech workers. We know that unless we take steps now to address this growing workforce gap, America's technological and economic leadership will be jeopardized. The H-1B visa cap should be increased, but in a way that better addresses the fundamental needs of the economy. Raising the cap without seriously addressing our long-term labor needs would be a serious mistake.

The legislation before us today includes provisions that respond to what American workers, students and employers have been telling Congress: that any credible legislative proposal must begin with a significant expansion of career training and educational opportunities for our workers and students. Expanding the number of H–1B visas to meet short-term needs is no substitute for long-term solutions to fully develop the potential of our domestic workforce. It makes sense to ask that more of our workers be recruited and trained for these jobs.

I commend Senator LIEBERMAN, Senator CONRAD, and other colleagues for their valuable contributions to the proposed training provisions. The training provided will ensure that the H–1B program will provide our workers with the skills needed to benefit from this growing economy and to help our companies continue to grow.

A REASONABLE INCREASE IN THE H–1B VISA CAP IS JUSTIFIED, BUT IT MUST BE TEMPORARY AND SUFFICIENTLY TAILORED TO MEET EXISTING SHORT-TERM NEEDS

A temporary influx of foreign workers and students is needed in the short-term to help meet the demands by U.S. firms for high skilled workers. But we shouldn't count on foreign sources of labor as a long-term solution. It is unfair to U.S. workers, and the supply of foreign workers is limited.

It makes sense to insist that more of our domestic workers must be recruited into and placed in these jobs. Countless reports cite age and race discrimination as a major problem in the IT industry, along with the hiring of foreign workers and lay-off of domestic workers.

A Dallas Morning News article describes how Ken Schiffman of Texas received only one or two responses to his resume over a long period of time, until he deleted all direct and indirect references to his age. After that, he received 26 messages in one day. A human resource executive at a trade association confirms that this problem is a constant issue. Employers often ask the age of an applicant and reject older applicants without ever interviewing them.

John Miano, head of the American Programmer's Guild, argues that once a worker is laid off, it is very difficult to find a new job, in contrast to younger workers. Companies often unfairly view older workers as "dirty linen." These and countless other experiences support the need for a more responsible approach to H–1B legislation. And similar problems face women and minorities who are under-represented in the IT workforce.

Although many new jobs are created in the IT industry each year, we also know that thousands of IT workers were laid off in 1999. For example 5,180 workers lost their jobs at Electronic Data Systems, 2,150 at Compaq, and 3,000 at NEC-Packard Bell.

We also know that some IT companies classify their workers as independent contractors or temporary workers, rather than as employees, to avoid paying them benefits. In fact, it has been said that "if all categories of contingent workers are included—temporary, part-time, self-employed, and contract workers—almost 40% of all employment in Silicon Valley are contingent workers." This mis-classification scheme also contributes to numerous positions being seemingly "unfilled," because official "employees" are not performing those functions. This practice perpetuates an artificially higher number of "open" positions than actually exist.

Although it makes sense to provide an increase in the H–1B cap through FY 2002, the unprecedented cap exemptions in the Hatch bill are unwarranted. Those exemptions would permit 40,000 workers above the 195,000 cap to receive an H–1B visa. The resulting figure is well above the number of visas that even the most ardent IT lobbyists claim are needed. Exempting all those with advanced credentials will result in a significant increase in the number of persons within the cap who have less specialized skills, and who are in occupations ranging from therapists to super models. This is not the direction in which the H–1B visa program should be moving. The bill should not focus solely on the number of visas available for foreign skilled workers. It should also emphasize employers' needs for as many workers with the highest professional credentials as possible, who possess specialized skills that cannot be easily and quickly reproduced domestically.

I am strongly in favor of supporting our institutions of higher education and research groups. But the two types of exemptions in the bill overlap and are unnecessarily complex. The first exemption addresses a genuine need of universities who face difficulty competing with the high tech industry for visas. But universities and research organizations would be just as easily served by reserving for them 12,000 a year within the cap.

The second exemption is for students graduating in the U.S. with any advanced degree, as long as they apply within a certain time frame. But it should not matter when they graduated or where they graduated. The exemptions will cause administrative problems that we should not impose on INS.

Instead, we should ensure that workers with an advanced degree have priority for H–1B visas within the cap, and are subject to the same requirements as all other applications. No evidence exists that proves or even implies that there is a shortage of American advanced degree holders in all subject areas. Yet the bill ignores this point and specifically permits all foreign graduates to receive a visa.

The unprecedented exemptions contained in this bill will only add to the already troublesome task faced by INS to process visas. We should not make a bad situation for U.S. students and the INS even worse by passing this bill with the current exemptions.

The exemptions in the bill and the abundance of IT workers they would create are an irresponsible approach to increasing the cap, especially given the very real existing questions about the true extent of the IT skill shortage.

As we address the needs of the IT industry, in addition to raising the H–1B visa cap, we must place laid off workers in new jobs, enforce our labor laws, and recruit and train more women, minorities, and people with disabilities, so that the current IT workforce gets the pay, benefits, working conditions and job opportunities to which they are entitled.

EXPANDING JOB TRAINING FOR U.S. WORKERS IS CRITICAL AND PROVIDES THE ONLY LONG-TERM SOLUTION TO THIS LABOR SHORTAGE

When we expanded the number of H–1B visas in 1998, we created a modest training initiative funded by a modest visa fee in recognition of the need to train and update the skills of U.S. workers. Today, as we seek to nearly double the number of high tech workers available to American businesses, we must also ensure a significant expansion of career training and educational opportunities for American workers and students.

Now more than ever, the strong employer demand for high tech foreign workers shows that there is an even greater need to train American workers and prepare U.S. students for careers in information technology. Expanding the number of H–1B visas to meet short-term needs is no substitute for long-term solutions to fully develop the potential of our domestic workforce.

The magnitude of this need for training is increasing year after year. According to the Information Technology Association of America, roughly two-thirds of unfilled jobs requiring workers with computer-related skills are for technical support staff, such as customer service and help desks, database administrators, web designers, and technical writers. According to the survey's own description of these occupational fields, these positions simply require entry-level and moderate-level skills. We clearly need to greatly accelerate training for all skill levels, not just the most advanced level.

Recent studies have also demonstrated the strong correlation between educational attainment and increases in worker productivity. A year of structured employer-directed training can also produce a substantial increase in productivity.

Congress must help fund such efforts. We cannot turn our backs on American workers and employers who need our help.

Many high-tech companies are investing significant resources in education, and to a limited extent, in training programs. In reviewing these examples, however, it is clear that the focus of their contributions is on education, not worker training.

Thie effort does not come close to meeting the nation-wide need for investment in training. Only when businesses address the shortage of highly skilled workers as a national problem with a national solution—rather than a company-by-company approach to worker training—will our workforce be able to meet the growing demand for high skills, so that our economy will continue to prosper. The federal government has an obligation to bridge the high tech skill gap which today separates millions of workers from the 21st century jobs they desire.

RAISING NECESSARY FUNDS FOR EDUCATION AND TRAINING

At a time when the IT industry is experiencing major growth and record profits, it is clear that even the smallest of businesses can afford to pay a higher fee in order to support needed investments in technology skills and education. The only effective way for Congress and industry to provide sufficient long-term solutions to the high-tech skills shortage is by increasing H-1B visa user fees. We should ensure that 55% of all revenues go to worker training and increased educational opportunities for U.S. students.

We must train at least 45,000 workers a year if we are to responsibly address the need for technological skills. Unfortunately, due to blue slip issues that would arise if the Senate were to propose an increase in H-1B fees, I will not be offering an amendment with such a provision.

However, the Senate should send to the House a request for a modest increase in the H-1B visa fees. An increase in H-1B funds collected is necessary to expand training and education programs. A modest increase in the user fee will generate approximately $280 million each year compared to current law, which raises less than one-third of this amount. Revenues can be reasonably and fairly obtained by charging $1,000 per new visa, or visa extension, or request to change employers. As in current law, employers from educational institutions and non-profit and governmental research organizations should remain exempt from all fees.

This fee is fair. Immigrant families with very modest incomes were able to pay a $1,000 fee to allow family members to obtain green cards. Certainly, high tech companies can afford to pay at least that amount during this prosperous economy.

PROVIDING STATE-OF-THE ART TRAINING FOR 46,000 U.S. WORKERS

With such a reasonable and fair fee structure, the training plan in this amendment will receive roughly $154 million to substantially expand the existing program to provide state-of-the-art high tech training for 46,000 workers a year, primarily in high tech, information technology, and biotechnology skills.

It requires the Department of Labor, in consultation with the Department of Commerce; to provide grants to local workforce investment boards in areas with substantial shortages of high tech workers. Grants would be awarded on a competitive basis for innovative high tech training proposals developed by the workforce boards collaboratively with area employers, unions, and higher education institutions.

The training proposal builds on the priorities specified in current H-1B law. It will serve those who are currently employed and are seeking to enhance their skills, as well as those who are currently unemployed.

EDUCATIONAL OPPORTUNITIES FOR U.S. STUDENTS MUST BE INCREASED

As we enter the 21st century, careers increasingly require advanced degrees, especially in math, science, engineering, and computer sciences. Eight of the ten fastest growing jobs of the next decade will require college education or moderate to long-term training.

We must encourage students, including minority students, to pursue degrees in math, science, computers, and engineering. Scholarship opportunities must be expanded for talented minority and low-income students whose families cannot afford today's high college tuition costs. According to the National Action Council for Minorities in Engineering, minority retention rates tend to be higher at institutions with high average financial aid awards, and the financial aid is a significant predictor in retaining minority students.

With increased opportunities for scholarships, students completing two-year degrees will be provided with incentives to continue their education and obtain four-year degrees, and retention rates among four-year degree students will be higher.

CONCLUSION

In sum, it would be irresponsible of Congress to address the shortage of high tech workers solely by expanding the number of visas for foreign workers. Immigration is only a short-term solution to the long range, national skill shortage problem.

The U.S. is currently not providing domestic workers with enough opportunities to upgrade their skills so that they can fully participate in the new economy. They deserve these opportunities, and American business needs their talents.

I commend Senators HATCH and ABRAHAM for agreeing to include these training provisions in the bill before us today, and for committing to help bridge the high tech skills gap.

CONGRESS MUST REJECT THE VIEW THAT THE ONLY PRO-IMMIGRANT AGENDA THIS SESSION IS AN H-1B AGENDA

Finally, Congress cannot continue to ignore other equally important immigration issues which are as critical to immigrants in our workforce as H-1B visas are to the information technology industry. Unfortunately, unlike the H-1B issue, these other equally important issues have been ignored by too many members of Congress.

Last year, a broad coalition of immigrant and faith-based groups launched the "Fix '96" campaign to repeal the harsh and excessive provisions in the 1996 immigration and welfare laws, to restore balance and fairness to current law, and to correct government errors which prevent certain immigrants from receiving the services Congress intended.

All of the issues raised in the "Fix '96" campaign are still outstanding. A number of bills, including the Latino and Immigrant Fairness Act, have been introduced proposing solutions to these problems. However, the Republican leadership continues to block action on these important proposals. These issues include parity legislation for Central Americans and Haitians, restoring protections to asylum seekers, restoring due process in detention and deportation policy, restoring public benefits to legal immigrants, and restoring protections to battered immigrant women and children.

The Latino and Immigrant Fairness Act provides us with an opportunity to end a series of unjust provisions in our current immigration laws, and build on the most noble aspects of our American immigrant tradition.

It restores fairness to the immigrant community and fairness in the nation's immigration laws. It is good for families and it is good for American business.

The immigrant community—particularly the Latino community—has waited far too long for the fundamental justice that this legislation will provide. These issues are not new to Congress. The immigrants who will benefit from this legislation should have received permanent status from the INS long ago.

Few days remain in this Congress, but my Democratic colleagues and I are committed to doing all we can to see that both the Latino and Immigrant Fairness Act and the H-1B high tech visa legislation become law this year. I urge my colleagues to give equal priority to these basic immigration issues that affect so many immigrant families in our workforce. The time to act is now, and there is still ample time to act before Congress adjourns.

TRAINING AND EDUCATION PROGRAMS

Mr. KENNEDY. Mr. President, we in the Senate cannot originate a revenue measure to fund the new training and education program. But it would be a serious mistake to enact a final bill that does not call on employers to pay $1,000 per visa for the training and education necessary to improve the skills of U.S. workers and students.

Mr. ABRAHAM. I, too, am committed to seeing to it that there is funding for these programs and a $1,000 fee is appropriate and would accomplish this goal. As the Ranking Member knows, I believe that as far as the shortage of highly skilled workers is concerned, we have both a short term and long term problem, and I believe these programs are an integral part of addressing our long term problem. I very much appreciation your ongoing willingness to work on these important programs for training and educating Americans so that they will be ready to take these jobs, and the leadership you have shown on these matters. I pledge to work with you, the other Members of this body, the business community, and other affected outside interests to seek ways to help fund these programs consistent with the principle you articulated.

Mr. KENNEDY. In addition, I believe it is important to exclude from that fee any employer that is a primary or secondary education institution, an institution of higher education, as defined in the Higher Education Act of 1965, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization.

Mr. ABRAHAM. I agree with the Ranking Member, and I support his objectives. I will work with Senator KENNEDY to ensure that these institutions are excluded from the imposition of fees.

Mr. KENNEDY. In conclusion, I would simply like to thank Senator ABRAHAM for his ongoing willingness to work on these important programs for training and educating Americans so that they will be ready to take these jobs, and the leadership he has consistently shown on these issues.

Mr. DOMENICI. Mr. President, I further ask unanimous consent the Senate now lay aside S. 2045 until 9:30 a.m. on Tuesday.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

VISA WAIVER PERMANENT PROGRAM ACT

Mr. DOMENICI. I ask unanimous consent the Senate proceed to H.R. 3767, the visa waiver bill, and that the substitute amendment, on behalf of Senators ABRAHAM and KENNEDY, which is at the desk, be agreed to, no further amendments or motions be in order, the bill be advanced to third reading, and passage occur immediately following the passage vote on S. 2045.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill.

Mr. ABRAHAM. Mr. President, I rise to support the passage of H.R. 3767, the Visa Waiver Permanent Program Act. This legislation, as amended, is important not only because it facilitates travel and tourism in the United States, thereby creating many American jobs, but also because it benefits American tourists who wish to travel abroad, since visa requirements are generally waived on a reciprocal basis.

The Visa Waiver Pilot Program authorizes the Attorney General to waive visa requirements for foreign nationals traveling from certain designated countries as temporary visitors for business or pleasure. Aliens from the participating countries complete an admission form prior to arrival and are admitted to stay for up to 90 days.

The criteria for being designated as a Visa Waiver country are as follows: First, the country must extend reciprocal visa-free travel for U.S. citizens. Second, they must have a nonimmigrant refusal rate for B–1/B–2 visitor visas at U.S. consulates that is low, averaging less than 2 percent the previous two full fiscal years, with the refusal rate less than 2.5 percent in either year, or less than 3 percent the previous full fiscal year. Third, the countries must have or be in the process of developing a machine-readable passport program. Finally, the Attorney General must conclude that entry into the Visa Waiver Pilot Program will not compromise U.S. law enforcement interests.

Countries are designated by the Attorney General in consultation with the Secretary of State. Nations currently designated as Visa Waiver participants are Andorra, Argentina, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, United Kingdom, and Uruguay. Greece has been proposed for participation in the program.

The Visa Waiver Pilot Program was established by law in 1986 and became effective in 1988, with 8 countries participating for a period of three years. The program has been considered successful and as such has been expanded to include 29 participating countries. Since 1986, Visa Waiver has been reauthorized on 6 different occasions for periods of one, two, or three years at a time.

The time has come to make the Visa Waiver Pilot Program permanent and, in the process, to strengthen further current requirements. That is the purpose of this bill, which has been amended and worked out jointly with our House counterparts, in particular House Immigration Subcommittee Chair LAMAR SMITH, who I thank for his work on this bill. This legislation is very close to S. 2376, the Travel, Tourism, and Jobs Preservation Act, which I introduced earlier this year with Senators KENNEDY, LEAHY, DEWINE, JEFFORDS, AKAKA, GRAHAM, GRAMS, MURKOWSKI, and INOUYE, all of whom I thank for their support.

The legislation we are about to pass would accomplish a number of things.

First, it would make the Visa Waiver Pilot Program permanent. This is important since no serious disagreement exists that the program should continue in place for the foreseeable future, and no significant problems have been raised with the fundamentals of how it has been operating for the past 14 years. To the contrary, failure to continue the program would cause enormous staffing problems at U.S. consulates, which would have to be suddenly increased substantially to resume issuance of visitor visas. It would also be extremely detrimental to American travelers, who would most certainly find that, given reciprocity, they now would be compelled to obtain visas to travel to Europe and elsewhere. Finally, there are costs to continuing to reauthorize the program on a short-term rather than a permanent basis, as it periodically creates considerable uncertainty in the United States and around the world about what documents travelers planning their foreign travel have to obtain.

Second, the current requirement that countries be in the process of developing a program for issuing machine-readable passports will be replaced with a stricter requirement that all countries in the program as of My 1, 2000 certify by October 1, 2001 that they will have an operational machine-readable passport program by 2003 and that new countries have a machine-readable passport program in place before becoming eligible for designation as a Visa Waiver country. The bill also establishes a deadline of October 1, 2007 by which time all travelers must have machine-readable passports to come to the United States under Visa Waiver. The judgment of everyone involved in these issues is that the technology is now sufficient that it is time for everyone to move from the concept and planning stages to the prompt implementation of these requirements.

Finally, the legislation, altered from the House-passed version, would allow for an "emergency termination" by the Attorney General, in consultation with the Secretary of State, of a country's Visa Waiver designation in an extreme and unusual circumstances. These circumstances are a "war (including undeclared war, civil war, or other military activity on the territory of the program country; a severe breakdown in law and order affecting a significant portion of the program country's territory; a severe economic collapse in the program country; or any other extraordinary even in the program country that threatens the law enforcement or security interests of the United States (including the interest in enforcement of the immigration laws of the United States.)" Considering the impact of such a termination on U.S. foreign policy interests and the conduct of the State Department itself, it is my belief that the Secretary of State would exert considerable authority in determining whether such an "emergency termination" was warranted.

Mr. President, I urge passage of this legislation.

Mr. KENNEDY. Mr. President, I am proud to join Senator ABRAHAM, Senator LEAHY, and others in cosponsoring the Travel, Tourism and Jobs Presentation Act. This measure will reauthorize the Visa Waiver Program and make it permanent.

This visa waiver program allows individuals from designated low risk, high volume countries to enter the United States as temporary visitors for business or pleasure without first obtaining a visa. Individuals visiting the United States under the visa waiver program must complete an admission form prior to arrival. Their visit may last only ninety days, with thirty days extensions allowed only in the case of emergency. Countries participating in the visa waiver program must meet certain requirements, such as possessing a low non-immigrant refusal rate for B-1/B-2 visas and utilizing, or currently developing, a machine readable passport program. Finally, the Attorney General must determine that each country's participation in the program will not compromise United States law.

By eliminating the visa requirement, the visa waiver program facilities international travel and increases the number of visitors for business and tourism. These effects generate economic growth and stimulate international trade and commerce. According to the INS, over 17 million visitors to the United States arrived under the visa waiver program in FY 1998. The program is strongly supported by the State Department because it reduces consular workloads, allowing the officers to shift staff and scarce resources to other pressing matters, as well as reducing costs.

Despite operating efficiently and providing enormous benefit to the United States economy and the State Department for the past eleven years, the visa waiver program remains a pilot program. This bill reauthorizes this important program and makes it permanent.

This legislation also strengthens security precautions under this program by requiring participating countries to incorporate machine readable passport programs by October 2003 and nationals from these countries to possess readable passports by 2008. In addition, the Attorney General, in consultation with the Secretary of State, must continue to evaluate the effect of a new country's inclusion in the visa waiver program on law enforcement and national security. Continuing countries in the program are evaluated every five years.

I am especially pleased that Portugal was recently added to the visa waiver program. Travel between our two countries is significantly easier because cumbersome paperwork and delays have been eliminated—obstacles that needlessly prevented Portugese families from visiting their loved ones here in the United States. Portugal's inclusion in the Program will benefit thousands of Portugese families in Massachusetts and around the nation.

Although I strongly support this important bill, I have very serious concern about the amendment that Senator HELMS has offered amending the Conyers provision of the visa waiver bill. Representative CONYER'S provision simply states that visas that are wrongfully denied based on race, sex, disability or other unlawful grounds cannot be included in computations determining a country's admission into the visa waiver program. The amendment Senator HELMS offers pertaining only to the Conyers provision. It seeks to preclude judicial review of any visa denying visas, denial of admission to the United States, the computation of visa refusal rates, or the designation or non-designation of any country.

I have reluctantly agreed to it because it is surely symbolic and will have no practical legal effect. Under current law, consular visa determinations, the denial of admission under the visa waiver program, or determinations regarding designation of a country into the visa waiver program are not subject to court review.

Nonetheless, court stripping provisions, whether symbolic or not, are anathema to our judicial system. I thought that Republicans had learned the importance of judicial review in the Elian Gonzalez case. Such provisions allow life-shattering determinations to be made at the unreviewable discretion of an administrative functionary. The most fundamental decisions are being made on the basis of a cursory review of a few pages in a file, or a perfunctory interview, without the possibility of any appeal or judicial review. This is a recipe for disastrous mistakes and abuse.

This excellent program has been a pilot program for too long. Its enormous benefits to the United States economy and the efficiency it creates for the federal government are obvious. It is time we make this light of this fact and make this important program permanent. I urge all of my colleague to support this important bill.

Mr. LEAHY. Mr. President, this bill addresses a critically important issue: the preservation of our visa waiver program. I am a cosponsor of the Senate version of this bill, and I strongly recommend the passage of H.R. 3767.

This legislation will achieve the important goal of making our visa waiver program permanent. We have had a visa waiver pilot project for more than a decade, and it has been a tremendous success in allowing residents of some of our most important allies to travel to the United States for up to 90 days without obtaining a visa, and in allowing American citizens to travel to those countries without visas. Countries must meet a number of requirements to participate in the program, including having extraordinarily low rates of visa refusals. Of course, the visa waiver does not affect the need for international travelers to carry valid passports.

The pilot project expired on April 30, and I had sought passage of S. 2367, which is incorporated into the bill we consider today, before that expiration date. Indeed, I encouraged the discharge of this bill from the Judiciary Committee in April so that the Senate could act upon this highly time-sensitive matter. Unfortunately, this bill was instead held hostage to other issues. Fortunately, the Administration extended the program administratively until the end of May, but despite my best efforts we failed to meet that deadline as well. As a result, the program was extended until the end of June, but once again the Senate did not meet the deadline. The Administration then extended the program through July, sparing thousands of American tourists and international business travelers tremendous inconvenience and cost during the busy summer traveling season. Before the August recess, we once again failed to act on this legislation, forcing the Administration to extend it again. It is now well past time to end this charade, pass this bill, and send it back to the House for its final approval.

Rather than simply pass another extension of the pilot program, it is time to make this program permanent—it has stood the test of time for well over a decade. In order to address any security concerns about making the program permanent, the requirements placed upon participating countries have been tightened. Indeed, countries wishing to participate in the visa waiver program must meet each of the following four criteria: the participating country must allow U.S. citizens to travel without a visa; the country must have a nonimmigrant refusal rate for B-1/B-2 visitor visas at U.S. consulates that is low, averaging less than 2 percent the previous two full fiscal years, with the refusal rate less than 2.5 percent in either year, or less than 3 percent the previous full fiscal year; the country must already possess or be in the process of developing a machine-readable passport program; and, the Attorney General must conclude that entry into the Visa Waiver Pilot Program will not compromise U.S. law enforcement interests.

The visa waiver program provides substantial benefits to both the American tourism industry and to Americans traveling abroad. I urge the Senate to make it permanent.

Although I am a strong supporter of the bill, I must speak out against the amendment that has been inserted into the bill by Senator HELMS. This amendment states that under a certain paragraph of this bill, no court will have jurisdiction to review any visa refusal based on race, sex, or disability. It is my understanding that this provision has no practical effect, since affected foreign nationals would not be able to bring such a claim in an American court in the first place. Because it is effectively a dead letter, and because of the importance of the visa waiver program and other amendments to this bill, I have chosen not to assert rights and deny unanimous consent. But this provision is offensive to our legal traditions. I have consistently opposed attempts to strip courts of authority to resolve immigration matters, and I am particularly opposed to such attempts where the stripping is directed specifically toward claims asserting discrimination. Judicial review is a critical part of American law, and we should not be impinging upon it—symbolically or otherwise.

Finally, passage of this bill should not be misinterpreted as a signal that this Congress has dealt fairly or adequately with immigration issues. There is still so much to do in the little time we have left, from passing the Latino and Immigrant Fairness Act—to dealing with the aftereffects of the immigration legislation this Congress passed in 1996. In particular, I would call again for hearings on S. 1940, the Refugee Protection Act. This is a bill I introduced with Senator BROWNBACK and a number of other Senators that would undo the damage that has been done to our asylum process by the implementation of expedited removal. I believe it, like so many immigration issues that have been ignored for the last 21 months, deserves the attention of this Congress.

The amendment (No. 4276) was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The bill (H.R. 3767) was ordered to a third reading and was read the third time.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. DOMENICI. Mr. President, I submit a report of the committee of conference on H.R. 4733 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year 2001, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of September 27, 2000.)

Mr. DOMENICI. Mr. President, I ask that the Senate now turn to consideration of the conference report accompanying the fiscal year 2001 Energy and Water Development Act. Earlier today, the House passed the conference report by a vote of 301 to 118, and I hope the Senate will also overwhelmingly support the conference report. I am very pleased that we are able to get this very important conference report to the floor, given the difficulties affecting more appropriations bills this time of year. Senator REID and I, along with Chairman STEVENS and Senator BYRD, have worked hard to prepare an outstanding bill that meets the needs of the country and addresses many of the Senators' top priorities.

The Senate and House full committee chairman were very supportive and have provided the additional resources at conference that were necessary to address many priority issues for Members. They have allowed the House to come up $630 million to the Senate number on the defense allocation $13.484 billion, and the Senate non-defense allocation has increased by $1.1 billion.

I would now like to highlight some of the great things we have been able to do in this bill.

The conference report provides $4.5 for Army Corps of Engineers water projects, an increase of $400 million over the Senate and $383 over the President's Request.

The increased resources have allowed us to get started on the very highest priority new starts in 2001—something we were not able to do under our original allocation.

The conference report provides $3.20 billion for DOE Science, an increase of $330 million over the Senate and $420 million over last year. We heard from many members over the last few months about providing more money for science and I am pleased we were able to heed their concerns and make significant investments in our future.

On the defense side, the conference report provides $5 billion for nuclear weapons activities, an increase of $150 million over Senate and $600 million over last year.

On clean-up, we have been able to continue to provide the environmental clean-up money that is so important to many of our members across the country. The conference report provides $6.1 billion, and increase of $390 million over last year.

We do have a few controversial provisions in this bill. The conference report includes a provision that we have carried for several years that would prohibit the use of funds to revise the Missouri River Master Manual if such would result in increased springtime flood risk on the lower Missouri River. I know the administration has threatened a veto on this issue, and I take that seriously. But, we have been unable to forge an acceptable compromise and have insisted that the provision remain in the conference report just as it passed the Senate floor. Although there are other issues the administration has raised, we have made a good faith effort to address their concerns were possible. I believe we have a good bill that the President will sign.

LABORATORY DIRECTED RESEARCH AND DEVELOPMENT

Mr. CRAIG. Mr. President, would the distinguished chairman of the Senate Energy and Water Development Appropriations Subcommittee indulge me in a colloquy for clarification purposes on use of Laboratory Directed Research and Development by Department of Energy national laboratories?

Mr. DOMENICI. I am happy to oblige my friend from Idaho, a valuable member of the Energy and Water appropriations subcommittee.

Mr. CRAIG. When DOE's Environmental Management budget request for FY 2001 was submitted to Congress earlier this year it continued a restriction on the use of DOE environmental management funds for LDRD purposes carried over from FY 2000. The EM restriction of LDRD was subsequently rescinded by OMB later in the year at strong urging by numerous Senators including myself. Subsequently, the Senate Defense Authorization and the Senate Energy and Water Development Appropriations bills directed that DOE return LDRD to full scope, to include use of EM funds. The Senate Defense Authorization bill permits use of LDRD up to 6%; and this conference report also permits use of LDRD funds at 6%. Is this the Chairman's understanding?

Mr. DOMENICI. The gentleman from Idaho is correct.

Mr. CRAIG. As the distinguished chairman of the subcommittee knows from the Department's testimony including Secretary Richardson and Dr. Carolyn Huntoon, EM Assistant Secretary, the Administration, with significant encouragement from the Congress, is now on record in support of restoring EM programs as a funding source for LDRD in 2001.

Mr. DOMENICI. That is correct. That has been a factor in the Conference Committee's considerations.

Mr. CRAIG. Would it be fair then to assume that all 2001 laboratory planning budgets prepared while the EM restriction was in place would be impacted by removal of the LDRD restriction?

Mr. DOMENICI. That would be an accurate assumption.

Mr. CRAIG. Is it the Chairman's view that permission to derive LDRD funds from EM sources should be granted to all National laboratories under the new authority established in this bill?

Mr. DOMENICI. Yes, that is my view and the view of the Committee.

Mr. CRAIG. Does the Chairman see any circumstances to justify granting this authority to some of the laboratories but not to others?

Mr. DOMENICI. I see no conditions under which I or the Committee would support any effort by the Administration to withhhold this authority from any laboratory, including the EM lead laboratory in Idaho.

Mr. CRAIG. I thank the gentleman from New Mexico.

YELLOWSTONE ENERGY AND TRANSPORTATION STUDY

Mr. CRAPO. I would like to engage the distinguished Senator from New Mexico, Mr. Domenici, in a colloquy regarding the Greater Yellowstone-Teton energy and transportation systems study and the International Centers for Environmental Safety, ICES.

Mr. DOMENICI. I am delighted to accommodate my friend from Idaho.

Mr. CRAPO. As the chairman of the energy and water appropriations subcommittee knows, the pending conference report does not provide funds for the Yellowstone energy and transportation study. It is my understanding the Department of Energy supports this study and the Department may provide funds to support the Idaho National Engineering and Environmental Laboratory's participation in this effort. If DOE makes a decision to provide funds for this study, would the chairman support that decision?

Mr. DOMENICI. I would agree that funding for this important study would be appropriate.

Mr. CRAPO. As the senior Senator from New Mexico knows, the ICES program was formed last year through a joint statement signed by Secretary Richardson and the Minister for Atomic Energy of the Russian Federation, Yevgeny Adamov. The centers were created to provide a mechanism for technical exchange and effective collaboration between the DOE and Minatom on matters of environmental safety in both countries. The U.S. Center is managed by the Idaho National Engineering and Environmental Laboratory and Argonne National Laboratory. In Russia, the Ministry for Atomic Energy operates the Center in Moscow. Both work collaboratively to ensure overall ICES success in reducing environmental threats and costs.

Mr. DOMENICI. That is my understanding.

Mr. CRAPO. Report language in the FY2001 Senate Energy and Water Development bill supports DOE's efforts to use the experience and expertise of scientists of the former Soviet Union to address waste management and environmental remediation challenges within the DOE complex. Isn't it also true that the centers are intended to facilitate international collaboration to address environmental and nuclear safety issues important to the national security?

Mr. DOMENICI. The Senator from Idaho is correct in his understanding. I would add that committee saw fit to support the International Nuclear Safety Program at the President's requested level of funding. This includes funding for the Russian and U.S. centers.

Mr. CRAPO. I thank the Senator from New Mexico.

HOPI-WESTERN NAVAJO WATER DEVELOPMENT STUDY

Mr. KYL. Mr. President, the conference report to H.R. 4733 provides $1 million for the Bureau of Reclamation to initiate a comprehensive Hopi-Western Navajo water development study. This funding was added to the bill at my request, and I would like to take this opportunity to detail the reason why I consider this to be a very important undertaking.

Efforts have been ongoing for several years to settle the various water rights claims of the Navajo and Hopi Indian tribes and other water users in the Little Colorado River watershed of Northern Arizona. Numerous proposals have been advanced in an effort to settle these water-rights claims, including identifying alternative sources of water, means of delivery and points of usage to help provide a reliable source of good-quality water to satisfy the present and future demands of Indian communities on these reservations. Cost estimates for the various existing proposals run into the hundreds of millions of dollars, the majority of which would likely be borne by the Federal Government. This study is needed to identify the most cost-effective projects that will serve to meet these objectives.

I have asked the Bureau to hire an outside contractor to complete this study to ensure that a fresh and objective analysis of existing studies and data is conducted. In addition, using a private contractor will enable the Bureau to complete the study in a timely manner without requiring the Bureau to divert personnel needed to accomplish other vital priorities. The study should be complete and submitted to the Senate Appropriations Committee as soon as possible but no later than April 1, 2002.

I also want to assure the parties that this study is intended to be used to facilitate this settlement, and cannot be used for any other purpose in any administrative or judicial proceeding.

NIF STUDIES

Mr. HARKIN. Mr. President, I ask the distinguished chairman and ranking member to engage in a brief colloquy on the National Ignition Facility. The bill as it passed the Senate requested a study by the National Academy of Sciences of a number of issues regarding the National Ignition Facility. The current bill and conference report language require reviews of several issues, including the need for the facility, alternatives to NIF, consideration of starting with a smaller facility, and planning for the Broader stockpile stewardship program. All these elements are important, but the bill does not specify how these reviews are to be conducted.

Previous supposedly independent DOE reviews of NIF have been strongly criticized in the recent GAO report and in a recent article in the journal Nature, and have even been subject to lawsuits for violating the Federal Advisory Committee Act. I believe it is critical for the credibility of these reviews that they be conducted by an independent body, such as the National Academy of Sciences, and that they be organized as independent studies under FACA rules. This is a troubled program, and we need the very best thought of independent experts to help us get it back on track or to scale it back as needed.

Mr. REID. Mr. President, I agree with my colleague and want to emphasize how important it is to Congress that these be outside, independent reviews. DOE has unfortunately lost credibility on this issue and needs to bring in outside experts to regain it. I have already conveyed my expectations on this point to Madelyn Creedon and am happy to join my colleagues in clarifying this today.

Mr. DOMENICI. Mr. President, our country has very important needs that many hope NIF can solve. The credibility of outside experts will be crucial as we consider the future of this program.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Mr. DOMENICI. I now ask unanimous consent the vote occur on the adoption of the conference report at 5:30 p.m. on Monday.

Mr. REID. Reserving the right to object, I say to my friend from New Mexico, I am disappointed that we are not voting on this tonight. I think it would be an opportunity to get a bill to the President's desk and speed up things around here. I think it is a shame we are waiting until 5:30 Monday night. It is going to consume too much time in the process.

I hope whoever has caused this, whoever that might be who is responsible, recognizes that they are responsible for slowing up what goes on around here. We have to move these appropriations bills. Senator DOMENICI and I and especially our staffs have worked night and day all this past week, and I literally mean night and day. We were looking forward to completing this bill tonight.

Having said that, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S.-CUBA RELATIONS

Mr. ROBERTS. Mr. President, I would like to bring to the attention of the Senate a relatively new organization designed to enhance U.S.-Cuba relations. The Alliance for Responsible Cuba Policy was created in early 1998 to foster better political, economic and cultural relationships between our country and Cuba. Its board is compromised of distinguished Americans, including some of our former colleagues in the Congress.

Clearly the time has come to bring "responsibleness" to the debate regarding U.S.-Cuba relations.

The Alliance has briefed me and my staff regarding their first-hand experience in Cuba. I encourage them to continue their fact finding and information gathering missions to Cuba.

I ask unanimous consent to have printed in the RECORD an Activities Report of the Alliance.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALLIANCE FOR RESPONSIBLE CUBA POLICY ACTIVITIES REPORT—FACT-FINDING MISSION; REPUBLIC OF CUBA, JULY 10–12, 2000

This report summarizes the activities of a fact-finding mission to the Republic of Cuba conducted on July 10–12, 2000. The fact-finding mission was organized by the Alliance for Responsible Cuba Policy (the "Alliance"), a non-partisan, non-profit organization incorporated in the District of Columbia. The delegation included former Congressman Beryl Anthony, partner, Winston & Strawn; Mr. Albert A. Fox, Jr., President of the Alliance, Mr. Paul D. Fox, Vice-President Atlantic Region, Tysons Food, Inc. and Managing Director, Tyson de Mexico; Ms. Nanette Kelly, President and Mr. John Spain, Managing Director, The Powell Group of Baton Rouge, Louisiana; Mr. Edward Rabel, former news correspondent with CBS and NBC, and currently Senior Vice President of Weber McGinn; and Gregory J. Spak, partner, White & Case LLP.

This fact-finding mission was the second such trip organized by the Alliance. The first mission occurred on September 26–29, 1999. An Activities Report related to that mission is available from the Alliance's web site at www.responsiblecubapolicy.com.

During the July 10–12, 2000 mission, the delegation met with the following persons and entities in Cuba:

Ministry of Foreign Trade

Ministry of Science, Technology, and Environment

Ministry of Agriculture

Ministry of Foreign Investment and Economic Cooperation

Mr. Ricardo Alarcon de Quesada, President of the National Assembly

Ministry of Justice

The following summarizes the discussion at each of these meetings.

MINISTRY OF FOREIGN TRADE

The delegation met with Maria de la Luz B'Hamel, Director of the North American Division of the Foreign Trade Ministry, and with Mr. Igor Montero Brito, Vice President of ALIMPORT. Ms. B'Hamel's division is responsible for international trade issues relating to the United States and Canada, and the Foreign Trade Ministry in general has jurisdiction over all foreign trade issues, including issues arising in the World Trade Organization and other international and regional trade agreements. Ms. B'Hamel noted that Cuba is a founding member of the General Agreement on Tariffs and Trade ("GATT") and the World Trade Organization ("WTO").

The Foreign Trade Ministry has a practical role in foreign trade through its authority to grant licenses to Cuban enterprises engaging in international trade. Ms. B'Hamel described two important trends that have emerged since the dissolution of the Soviet Union and the resulting rupture of Cuba's traditional trading relationships:

(1) Diversification of Cuba's foreign trade. Currently, Cuba's two largest trading partners are Spain and Canada, and no more than 10–12 percent of Cuba's trade is with any one country. As part of this diversification process, Cuba has been negotiating trade agreements with its regional trading partners in order to promote Cuba as a strategic bridge to the Caribbean region.

(2) Decentralization of foreign trade issues. Ms. B'Hamel stated the Foreign Trade Ministry is deemphasizing its direct involvement in international trade transactions, and is assuming more of a trade regulation role. Companies engaged in foreign trade today in Cuba include state enterprises, private enterprises, and international joint ventures or branch offices of foreign companies. More than 250 private and state enterprises are actively engaged in foreign trade, and there are approximately 600 Cuban branch offices of foreign companies engaged in trade in Cuba.

Ms. B'Hamel explained that, since 1994, Cuba has experienced steady improvement in foreign trade and GDP growth. Her Ministry forecasts continued GDP growth, even assuming no relaxation of U.S.-imposed trade restrictions. She stated that the U.S. trade restrictions (which she called the "blockade") have affected Cuba, but that other trends in business and world trade were creating new opportunities for the Cuban economy.

One particularly dynamic sector of the Cuban economy is tourism, which is growing by 16–20 percent per year. These statistics do not include U.S. tourists, which Ms. B'Hamel estimates to have numbered approximately 180,000 last year. She noted that this increase in tourism will have a ripple effect on the Cuban economy and will increase the demand for food goods, and other services.

Mr. Igor Montero explained that ALIMPORT is the principal Cuban state enterprise dedicated to importing foodstuffs into Cuba and distributing imports to the public. ALIMPORT is dedicated almost exclusively to the primary foodstuffs which are considered to be staples of the Cuban diet (e.g., rice, beans, etc.). Cuba currently imports approximately $1 billion in foodstuffs annually, $650 million of which is imported through ALIMPORT. Principal food imports are wheat, soybeans, and rice.

Cuba currently is importing approximately 400,000 metric tons of rice per year, principally from China, Thailand, and Vietnam. Delivery time for rice imported from these countries is approximately 60 days, and the quality is considered only fair. Mr. Montero acknowledged that transportation costs to acquire this rice represent a significant expenditure.

Mr. Spain, whose Louisiana-based company, the Powell Group, is involved in the rice milling business, pointed out that his company used to supply rice to Cuba before the U.S. trade restrictions. While clarifying he was not in Cuba to develop business, Mr. Spain noted that his company could supply high-quality rice to Cuba with a turnaround time (from order to delivery) of approximately one week and insignificant freight costs.

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MINISTRY OF SCIENCE, TECHNOLOGY, AND ENVIRONMENT

The delegation met with a number of representatives from this Ministry ("CITMA"), including the Minister, Dr. Rosa Elena Simeón Negrin. Dr. Simeón described the Ministry's creation in 1994 as a result of the reorganization and consolidation of other Cuban ministries. Dr. Simeón distributed to the delegation the following publications regarding the Ministry's activities (1) "Law of the Environment"; (2) "Cuba Foreign Investment Act of 1995"; and (3) "National Environmental Strategy." These documents are available from the Alliance upon request.

Much of the discussion focused on environmental issues. Dr. Simeón noted the importance of environmental education to the Ministry's mission. She described the results of a recent survey revealing that although 73 percent of the Cuban population recognize the threat to the environment, only 30 percent believe they can improve environmental conditions through their own actions. The Ministry is attempting to increase awareness among the Cuban population of the role the individual plays in improving the environment.

Dr. Simeón also portrayed alternative fuels as an important focus of the Ministry's efforts. Approximately 5,000 facilities in the mountain areas of the country operate with solar energy, but the solar energy panels necessary to continue the development of this energy source are prohibitively expensive. Notwithstanding the cost, the Ministry is committed to solar energy.

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MINISTRY OF AGRICULTURE

The delegation met with Dr. Alfredo Gutierrez Yanis, Vice Minister of Agriculture, and several other officials from the Ministry. Dr. Gutierrez explained that Cuba's traditional relationship with the Soviet Union had allowed for a stable agriculture policy. Cuba exported sugar and citrus to the Soviet Union and Soviet bloc countries, and imported machinery, fertilizer, and pesticides from those countries. Ten years after the dissolution of the Soviet Union, Cuban agriculture is in the midst of a recovery program (known as the "processo de Recuperacion en Agricultura" or the "Agriculture Recovery Process"). Recovery has been uneven, however, with some sectors advancing beyond pre-crisis performance levels (notably vegetable production) and others continuing to experience difficulties (poultry, livestock, and rice production).

Dr. Gutierrez offered poultry products as an example of a sector that has not recovered. Prior to 1991, the Cuban per-capita annual egg consumption was 230, nearly double the current per-capita rate. Similarly, Cuban agriculture once produced approximately 117,000 tons of chicken meat annually, but now can only produce approximately 30,000 tons. Cuba has been forced to import chicken meat, with Canada emerging as the principal supplier. Dr. Gutierrez attributed the decrease in chicken and egg production to lack of available feed. This lack of feed results from both the disruption in the traditional trading relationship with the Soviet Union, and changes in the economic restrictions imposed by the United States. During the 1980s, Cuba imported approximately 2 million tons of feed, and reported much of this was purchased from foreign subsidiaries of U.S. companies. After the enactment of the Toricelli Act, the value of this trade dropped from $400 million per year to approximately $1 million. Also, the provisions of U.S. law restricting access to U.S. ports for those vessels which have engaged in commercial activity in Cuba to obtain feed at a reasonable price.

With respect to milk, Dr. Gutierrez reported that for all practical purposes, the dairy herds ceased to produce when grain was no longer available for feeding. Many cows died of starvation and others were slaughtered while still at a productive age. The Cuban Government has since developed a breed of dairy cow that is ⅝ Holstein and ⅜ Zebu in order to facilitate milk production without excessive grain consumption, but current productivity per head has declined with these genetic changes. The Government is importing powdered milk, but not in sufficient quantities. One of the delegation members touring a neighborhood away from the tourist areas was told that the milk formula sold in state stores is supposed to be consumed exclusively by children from 3 to 7 years old.

Dr. Gutierrez also mentioned difficulties in the rice sector, in that Cuba has been forced to import most of its rice from distant sources, thereby increasing costs and lowering quality of the rice. The Ministry would like to see an increase in local rice production, and a corresponding reduction in imports to approximately 200,000 tons per year. Dr. Gutierrez feels that this would permit a per-capita rice consumption of approximately 50 kilograms.

Dr. Gutierrez cited pork and cirrus production as two examples of a successful recovery. Cirrus production has recovered and could increase if new markets were opened for Cuban citrus goods. Israel is providing assistance to the Cuban Government on citrus production, and an Italian firm is helping with production of citrus derivation products.

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Dr. Gutierrez described developments he believes will help the Cuban agricultural sector continue its post-crisis recovery. First, state farms play a less significant role in the agricultural sector, with the percentage of farm land cultivated by state farms reduced from 67 percent to approximately 33 percent. Thus, according to Dr. Gutierrez, approximately two-thirds of the land is being cultivated today by small private companies and cooperatives. When asked how the small companies and cooperatives sell their crops, he replied that it would be typical for such companies and cooperatives to contract with a Cuban state enterprise for a specific supply quantity, and that the companies and cooperatives would then be free to sell any additional production privately.

Secondly, individual farmers now operate in a relatively free market, and are permitted to farm areas of 75 hectares (approximately 200 acres). Nearly 800,000 hectares (approximately 2 million acres) are now in the hands of individual farmers. The farmers do not own the land (land ownership is reserved to the state), but they are allowed to cultivate the land and are entitled to sell the production as they wish. Many of these farmers have formed privately-operated cooperatives.

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MINISTRY OF FOREIGN INVESTMENT AND ECONOMIC COOPERATION

The delegation met with Mr. Ernesto Senti Endarias, First Vice Minister of the Ministry of Foreign Investment and Economic Cooperation, and various members of his staff. According to Vice Minister Senti, the Cuban economy is in its fifth year of a gradual economic recovery, and foreign investment has played an important role in this recovery. Sales from enterprises resulting from direct foreign investment account for approximately 3–4 percent of the Cuban GDP, nearly twelve percent of all exports, and such enterprises employ approximately one percent of the labor force.

Direct foreign investment is affecting various sectors of the Cuban economy, including (1) tourism, (2) heavy industry (petroleum (especially deep-water drilling)), (3) mining, (4) light industry, (5) telecommunications, (6) energy (especially alternative sources), (7) sugar (especially derivatives from sugar production), and (8) agriculture. Only three sectors are not open to direct foreign investment health, education, and national security. Fifty-two percent of direct foreign investment is from countries in Europe, particularly Spain and France.

Vice Minister Senti believes that direct foreign investment in Cuba will continue to grow. He observed the companies investing in Cuba typically are large companies, and these companies exhibit a high level of professionalism in their business ventures, which is beneficial for Cuba. In return, Cuba offers foreign investors highly-trained workers, political stability, and a government interested in helping companies that are willing to help Cuba.

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PRESIDENT RICARDO ALARCÓN DE QUESADA

The delegation met with Mr. Ricardo Alarcón de Quesada, President of the National Assembly, former foreign minister and former ambassador to the United Nations. The discussion with President Alarcón was wide-ranging, and he was forthcoming on all issues raised by the delegation. He showed particular interest in the status of the various legislative proposals in the U.S. Congress that might permit the sale of U.S. food and medicine to Cuba. When asked whether Cuba would commit to purchasing U.S. food and medicine after the legislation passed, he stated Cuba would like to do so, but ultimately it would depend on the text of the legislation and on timing. He explained they were monitoring the various versions of the legislation and that certain provisions (especially the increased restriction on travel and the limited duration of the export licenses) might make purchasing U.S. food and medicine difficult.

The Alliance then briefed President Alarcón on the upcoming visit by Senators Pat Roberts and Max Baucus. The Alliance explained the importance of these senators to any passage of legislation regarding the sale of food and medicine to Cuba. President Alarcón expressed his pleasure in visiting with the Alliance again.

MINISTRY OF JUSTICE

The delegation met with Lic Robert Díaz Sotolongo and other members of the Ministry. Mr. Díaz began the meeting by stating his satisfaction with the manner in which the United States and Cuba were able to resolve the recent controversy regarding Elián Gonzalez. He noted that this is a visible and helpful example of how the two governments and their societies can interact successfully despite differences of opinion.

Mr. Díaz then directed the discussion toward drug interdiction, another area in which he believes Cuba and the United States can increase cooperation. He noted that in the last meeting with the Alliance, the Cuban Department of Justice had asked for assistance in facilitating the placement of a U.S. Coast Guard representative to the U.S. Interest Section in Havana to help increase cooperation on drug interdiction. He thanked the Alliance for its assistance, noting with satisfaction that the U.S. Coast Guard representative had arrived in Havana. Mr. Díaz went on to describe the celebrated case of the "Limerick," a Belize-flagged vessel that began to sink in Cuban waters in 1996. The cooperation of British, American, and Cuban officials led to the discovery on the vessel of six tons of cocaine believed destined for the United States. The Cuban officials turned over the drugs and the persons involved to the U.S. authorities and actively assisted in the successful prosecution of the individuals traveling to the United States to testify in the criminal trial.

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OBSERVATION

All the Cuban Government officials and the Cuban people with whom we visited were friendly and answered our questions in a forthright manner. They made it clear they have no ill feeling toward the American people or the U.S. form of government. They expressed bewilderment that the U.S. maintains its economic sanctions against Cuba despite other developments, including the normalization of U.S. trade relations with

China, Vietnam, and North Korea, the increasing foreign investment in Cuba by the rest of the world (especially Europe and Canada), and the overwhelming U.S. public opinion in favor of removing the sanctions.

The Alliance is grateful for the opportunity to have concluded a second successful fact-finding mission to Cuba, and intends to continue this process. The Alliance is convinced that the U.S. trade restrictions must end and that we must deal with the Cuban Government as it is, not as we wish it to be.

THE NEED TO PASS THE VIOLENCE AGAINST WOMEN ACT

Mr. LEAHY. Mr. President, I want to take a moment to once again ask the majority to immediately bring S. 2787, the Violence Against Women Act of 2000, VAWA II, to the floor for a vote.

Yesterday the President wrote to the Majority Leader urging passage of VAWA II this week. This is a top priority not only for the Administration but for the Nation. The President wrote: "The Senate should not delay, and I urge you to pass a freestanding version of the Biden-Hatch VAWA reauthorization bill this week. The women and families whose lives have been scarred by domestic violence deserve nothing less than immediate action by the Congress." The President is right.

This Tuesday the House of Representatives overwhelmingly passed the reauthorization of the Violence Against Women Act by a vote of 415 to 3. I commend the House for finally acting on this important legislation. Many of us have been urging Senate action on legislation to reauthorize and improve the Violence Against Women Act for months. We have been stymied by the Republican leadership.

I also would like to thank my friend Senator JOE BIDEN, for his leadership on this issue. He has been a champion for victims of domestic violence for many years. He was pivotal in the enactment of the Violence Against Women Act almost a decade ago. He has been tireless in his efforts this year. It is time for the Senate to take up S. 2787, review and accept the consensus substitute and move to final passage. It could be done this week—today. Senator BIDEN has offered to proceed on a clean bill within 10 minutes and he is right.

I regret to have to remind the Senate that the authorization for the original Violence Against Women Act, VAWA, expires at the end of this week on Saturday, September 30, 2000. This is outrageous. This should be consensus legislation, bipartisan legislation. With a straight up or down vote I have no doubt that our bill will pass overwhelmingly. Playing partisan or political games with this important legislation is the wrong thing to do and this is the wrong time to be playing such games.

"Gotcha" games have no place in this debate or with this important matter. The Violence Against Women Act II is not leverage or fodder but important legislation with 71 Senate cosponsors.

There is and has been no objection on the Democratic side of the aisle to passing VAWA II. Unfortunately, there have been efforts by the majority party to attach this uncontroversial legislation to the "poison pill" represented by the version of bankruptcy legislation currently being advanced by Republicans and to other matters.

I received today a letter from the Pat Ruess of the NOW Legal Defense and Education Fund that emphatically makes the point the VAWA is not "cover" for other legislation that hurts women. She is right. The bankruptcy bill as the Republicans have designed it is opposed by the National Partnership for Women and Families, the National Women's Law Center, the American Association of University Women and dozens of women's organization across the country. I hope that the rumors of such an effort by the Republican leadership will prove unfounded and that no such cynical pairing will be attempted. It is destined to fail and only delays and distracts the Senate from what we should be doing—passing VAWA II.

I believe the Senate can and should pass VAWA II as a clean, stand-alone bill, without further delay. That is what Senator BIDEN urged Tuesday.

According to the Bureau of Justice Statistics, almost one-third of women murdered each year are killed by a husband or boyfriend. In 1998, women experience about 900,000 violent offenses at the hands of an intimate partner. The only good news about this staggering number is that it is lower than that of previous years when the number of violent offenses was well past 1 million. I have no doubt this drop in the numbers of victims of domestic violence is due to the success of the programs of the Violence Against Women Act. We should be working to lower that number even further by reauthorizing and expanding the programs of VAWA. The country has come too far in fighting this battle against domestic violence to risk losing it because the Senate does not pass VAWA II or someone wanting to score clever, political points for short term partisan gain.

There is no reason to make this a political battle. We must act now.

I ask unanimous consent to print in the RECORD the President's letter and the September 28 letter from the NOW Legal Defense and Education Fund and a September 17, 1999 letter from the National Partnership for Women & Families, National Women's Law Center and other women's advocacy organizations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, September 27, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: I am writing to urge you to bring the reauthorization of the Violence Against Women Act (VAWA) to the Senate floor this week.

An estimated 900,000 women suffer violence at the hands of an intimate partner each year, demonstrating the urgent need for this legislation. Since VAWA was enacted, the Department of Justice and Health and Human Services have awarded approximately $1.6 billion in Federal grants to support the work of prosecutors, law enforcement officials, the courts, victim advocates, health care and social service professionals, and intervention and prevention programs in order to combat violence against women. We must reauthorize these critical programs immediately.

As you know, yesterday, the House overwhelmingly passed VAWA reauthorization by a vote of 415–3. In the Senate, VAWA has similar bipartisan support with over 70 cosponsors. If Congress does not act this week, however, VAWA's authorization will expire on September 30, 2000. The Senate should not delay, and I urge you to pass a freestanding version of the Biden-Hatch VAWA reauthorization bill this week. The women and families whose lives have been scarred by domestic violence deserve nothing less than immediate action by the Congress.

Sincerely,

BILL CLINTON.

NOW LEGAL DEFENSE
AND EDUCATION FUND,
Washington, DC, September 28, 2000.

DEAR SENATOR: The Violence Against Women Act runs out in two days. The Senate must act immediately! Do not let VAWA die—pass S. 2787, the reauthorization of the Violence Against Women Act. The bipartisan VAWA renewal bill, sponsored by Senators Biden and Hatch, has 71 co-sponsors and virtually no opposition. The House passed a similar bill on Tuesday, 415–3. You must demand that this bill comes to the Senate floor today, freestanding and without harmful riders.

It is unacceptable for the Senate to attach VAWA to or partner it with any bill that the President has threatened to veto. One such bill is the Bankruptcy Reform Act, a bill that threatens women's economic security by:

Making it more difficult to file bankruptcy and regain economic stability afterwards.

Pitting women and children who are trying to collect child support against powerful commercial companies trying to collect credit card and other debts.

Punishing honest low income bankruptcy filers while providing cover for individuals convicted of violating FACE (clinic violence protections).

We cannot support a bill that uses VAWA to provide cover for legislation that also hurts women. S. 2787 can be passed under Unanimous Consent today. Please just do it.

Sincerely,

PATRICIA BLAU REUSS,
Vice President, Government Relations.

NATIONAL WOMEN'S LAW CENTER,
NATIONAL PARTNERSHIP FOR
WOMEN & FAMILIES,
September 17, 1999.

Re: S. 625, The "Bankruptcy Reform Act of 1999"

DEAR SENATOR: The undersigned women's and children's organizations write to urge you to oppose S. 625, the "Bankruptcy Reform Act of 1999."

Hundreds of thousands of women and their children are affected by the bankruptcy system each year as debtors and creditors. Indeed, women are the fastest growing group in bankruptcy. In 1999, over half a million women are expected to file for bankruptcy by themselves—more than men filing by themselves or married couples. About 200,000 of these women filers will be trying to collect child support or alimony. Another 200,000 women owed child support or alimony by men who file for bankruptcy will become bankruptcy creditors.

S. 625 puts both groups of economically vulnerable women and children at greater risk. By increasing the rights of many creditors, including credit card companies, finance companies, auto lenders and others, the bill would set up a competition for scarce resources between parents and children owed child support and commercial creditors both during and after bankruptcy. And single parents facing financial crises—often caused by divorce, nonpayment of support, loss of a job, uninsured medical expenses, or domestic violence—would find it harder to regain their economic stability through the bankruptcy process. The bill would make it harder for these parents to meet the filing requirements; harder, if they got there, to save their homes, cars, and essential household items; and harder to meet their children's needs after bankruptcy because many more debts would survive.

Contrary to the claims of some, the domestic support provisions included in the bill would not solve these problems. The provisions only relate to the collection of support during bankruptcy from a bankruptcy filer; they do nothing to alleviate the additional hardships the bill would create for the hundreds of thousands of women forced into bankruptcy themselves. And even for women who are owed support by men who file for bankruptcy, the provisions fail to ensure that support payments will come first, ahead of the increased claims of the commercial creditors. Some improvement were made in the domestic support provisions in the Judiciary Committee. However, even the revised provisions fail to solve the problems created by the rest of the bill, which gives many other creditors greater claims—both during and after bankruptcy—than they have under current law. The bill does not ensure that, in this intensified competition for the debtor's limited resources, parents and children owed support will prevail over the sophisticated collection departments of these powerful interests.

This Bankruptcy Reform Act will reduce the ability of parents to pay their most important debt—their debt to their children. It is for these reasons that we strongly oppose S. 625 and urge you to oppose it as well.

Very truly yours,

National Women's Law Center.
National Partnership for Women & Families.
ACES, Association for Children for Enforcement of Support, Inc.
American Association of University Women.
American Medical Women's Association.
Business and Professional Women/USA.
Center for Law and Social Policy.
Center for the Advancement of Public Policy.
Center for the Child Care Workforce.
Church Women United.
Coalition of Labor Union Women (CLUW).
Equal Rights Advocates.
Feminist Majority.
Hadassah.
International Women's Insolvency & Restructuring Confederation ("IWIRC").
National Association of Commissions for Women (NACW).
National Black Women's Health Project.
National Center for Youth Law.
National Council of Jewish Women.
National Council of Negro Women.
National Organization for Women.
National Women's Conference.
Northwest Women's Law Center.
NOW Legal Defense and Education Fund.
Wider Opportunities for Women.
The Women Activist Fund.
Women Employed.
Women Work!
Women's Institute for Freedom of Press.
Women's Law Center of Maryland, Inc.
YWCA of the U.S.A.

CONTINUING CLIMATE OF FEAR IN BELARUS

Mr. CAMPBELL. Mr. President, as co-chairman of the Helsinki Commission, I take this opportunity to update my colleagues on the situation in Belarus, as I have done on previous occasions.

The Belarusian parliamentary elections are scheduled for October 15, and unfortunately, they do not meet the basic commitments outlined by the Organization for Security and Cooperation in Europe (OSCE) concerning free and democratic elections. Moreover, many observers have concluded that the Belarusian government has not made real progress in fulfilling four criteria for international observation of the elections: respect for human rights and an end to the climate of fear; opposition access to the state media; a democratic electoral code; and the granting of real power to the parliament that will be chosen in these elections.

Instead, the Helsinki Commission has observed that the Lukashenka regime launched a campaign of intensified harassment in recent days directed against members of the opposition. We have received reports that just last week, Anatoly Lebedka, leader of the United Civic Party, whom many of my colleagues met when he visited the Senate last year, was roughed up by police after attending an observance marking the first anniversary of the disappearance of a leading member of the democratic opposition Viktor Gonchar and his associate, Anatoly Krasovsky. And just a few days ago, we were informed that Belarusian Popular Front leader Vintsuk Viachorka's request for air time on Belarusian television to explain why the opposition is boycotting the parliamentary elections was met with a hateful, disparaging diatribe on the main newscast "Panorama."

This is only the tip of the iceberg—in addition, the Helsinki Commission is receiving reports of detentions, fines and instances of beatings of opposition activists who are promoting a boycott of the elections by distributing leaflets or other literature or holding meetings with voters. In recent weeks, we have also been informed of the refusal to register many opposition candidates on dubious grounds; the seizure of over 100,000 copies of the independent trade union newspaper "Rabochy"; forceful disruptions of public meetings with representatives of the opposition; an apparent burglary of the headquarters of the Social Democratic Party; a ban of the First Festival of Independent Press in Vitebsk, and recent "reminder letters" by the State Committee on Press for independent newspapers to re-register.

Mr. President, Belarusian opposition parties supporting the boycott have received permission to stage "Freedom March III" this Sunday, October 1. At a number of past demonstrations, police have detained, harassed and beaten participants. Those in Congress who are following developments in Belarus are hopeful that this demonstration will take place peacefully, that authorities do not limit the rights of Belarusian citizens to freedom of association and assembly, and that the Government of Belarus will refrain from acts of repression against the opposition and others who openly advocate for a boycott of these elections.

Mr. President, the Helsinki Commission continue to monitor closely the events surrounding these elections and we will keep the full Senate apprized of developments in the ongoing struggle for democracy in Belarus.

SCHOOL SHOOTINGS

Mr. LEVIN. Mr. President, it is not even one month into the school year and yet school is canceled for the week at Carter C. Woodson Middle School in New Orleans, Louisiana. On Tuesday afternoon, a 13-year-old boy, who had been expelled from school for fighting, allegedly slipped another 13-year-old a .38-caliber revolver. The expelled teen was seen passing the handgun through the school fence to the other 13-year-old, who allegedly used the gun to shoot a 15-year-old schoolmate. According to witnesses, the 15-year-old then managed to get the gun from his attacker and return gunfire.

As a result of this school day skirmish, two teenagers have been hospitalized in critical condition and another teen-ager has been booked on charges of illegally carrying a gun and being a principal to attempted first-degree murder. In addition, the 600 student middle school is in a "cooling off period," meaning classes are canceled for the rest of the week.

It is deeply disturbing that teenagers have such easy access to handguns. The laws in this country make it illegal for a juvenile to possess a handgun or a person to sell, deliver, or otherwise transfer a handgun to a juvenile. Yet, with so many loopholes in our firearm distribution laws, it is easy for prohibited users, such as young people, to find illegal access to thousands of guns.

Congress can close those loopholes and act to prevent tragedies like the one in New Orleans. With only one week left until the Senate's target adjournment, the time is now. We must pass sensible gun laws and reduce the threat of gun violence in our schools and communities.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 28, 1999:

Stephanie Borjon, 25, Fort Worth, TX; Fransisco Cabera, 17, Oklahoma City, OK; Everett Lee, 27, Detroit, MI; Dennis Mattei, 19, Bridgeport, CT; Ronald L. Pearson, 29, Memphis, TN; Sohan S. Rahil, 65, Bedford Heights, OH; Justin Thomas, 27, Baltimore, MD; Christopher M. Williams, 26, Memphis, TN; Douglas Younger, 43, Houston, TX; and Unidentified Male, Detroit, MI.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

EULOGY TO MAUREEN MANSFIELD

Mr. HOLLINGS. Mr. President, Mike Mansfield's eulogy to his wife, Maureen, this past Tuesday at her funeral was simply beauty. It was vintage Mansfield—and any other comment would mar its eloquence. On behalf of the distinguished Senator from Alaska, Mr. STEVENS, and myself, I ask unanimous consent that it be included in the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY FOR MAUREEN MANSFIELD DELIVERED BY SENATOR MIKE MANSFIELD, SEPTEMBER 26, 2000

1929

We met—She was 24 and I was 26.

She was a high school teacher; I was a miner in the Copper mines of Butte.

She was a college graduate; I had not finished the 8th grade.

She urged me to achieve a better education. I followed her advice and with her help, in every way, we succeeded.

She took me out of the mines and brought me to the surface.

1932

We were married in Missoula during the great depression.

She gave up her teaching job.

She cashed in on her insurance.

She brought what little savings she had and, she did it all for me.

1940

Maureen was very politically oriented—I was not.

She urged me to run for Congress.

We campaigned together.

We finished next to last.

The day after the election she put us on the campaign trail for the next election and we won.

1942

Maureen was largely responsible for our election to the House of Representatives.

Almost every summer she drove herself and our daughter, Anne, to Missoula—5 days and 3,000 miles.

Why? To campaign for us and in

1952

She got us elected to the U.S. Senate.

1977

We decided—after talking it over, to retire.

We did not owe anything to anybody—except the people of Montana—nor did anyone owe anything to us.

1977

President Carter asked me if we would be interested in becoming the U.S. Ambassador to Japan. Maureen thought we should accept and we did and when President Reagan called and asked us to stay, we did for almost 12 years.

1988

Around Xmas Maureen almost literally forced me to go to the Naval Hospital at Yokosuka, which sent me to the Army Hospital at Honolulu, which sent me directly to Walter Reed Army Hospital where I had heart bypass and prostate operations. Again it was Maureen.

1989

We came home.

1998

Illness began to take its toll on Maureen. On September 13, 2000, less than 2 weeks ago, we observed—silently—our 68th Wedding Anniversary.

Maureen and I owe so much to so many that I cannot name them all but my family owes special thanks to Dr. William Gilliland, and his associates, who down through the last decade did so much to alleviate Maureen's pain and suffering at Walter Reed Army Medical Hospital—one of the truly great medical centers in our country.

We also owe special thanks to Gloria Zapata, Ana Zorilla and Mathilde Kelly Boyes and Ramona the "round the clockers" who took such loving care of Maureen for the last two years on a 24 hour day, seven day week basis.

MAUREEN MANSFIELD

She sat in the shadow—I stood in the limelight.

She gave all of herself to me.

I failed in recognition of that fact until too late—because of my obstinacy, self centeredness and the like.

She sacrificed much almost always in my favor—I sacrificed nothing.

She literally remade me in her own mold, her own outlook, her own honest beliefs. What she was, I became. Without her—I would have been little or nothing. With her—she gave everything of herself. No sacrifice was too little to ignore nor too big to overcome.

She was responsible for my life, my education, my teaching career, our elections to the House and Senate and our selection to the Embassy to Japan.

She gave of herself that I could thrive, I could learn, I could love, I could be secure, I could be understanding.

She gave of her time to my time so that together we could achieve our goals.

I will not say goodby to Maureen, my love, but only "so long" because I hope the Good Lord will make it possible that we will meet at another place in another time and we will then be together again forever.

SENATE QUARTERLY MAIL COSTS

Mr. MCCONNELL. Mr. President, in accordance with section 318 of Public Law 101-520 as amended by Public Law 103-283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the third quarter of FY2000 to be printed in the RECORD. The official mail allocations are for franked mail expenses only, and therefore are unrelated to the mass mail expenditure totals. The third quarter of FY2000 covers the period of April 1, 2000 through June 30, 2000. The official mail allocations are available for franked mail costs, as stipulated in Public Law 106-57, the Legislative Branch Appropriations Act of 2000.

Mr. President, I ask unanimous consent to print the frank mail allocations in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senators	FY2000 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 06/30/00			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Abraham	$114,766	0	0	$0.00	0
Akaka	35,277	0	0	0.00	0
Allard	65,146	0	0	0.00	0
Ashcroft	79,102	0	0	0.00	0
Baucus	34,375	0	0	0.00	0
Bayh	80,377	0	0	0.00	0
Bennett	42,413	0	0	0.00	0
Biden	32,277	0	0	0.00	0
Bingaman	42,547	0	0	0.00	0
Bond	79,102	0	0	0.00	0
Boxer	305,476	0	0	0.00	0
Breaux	66,941	0	0	0.00	0
Brownback	50,118	0	0	0.00	0
Bryan	43,209	0	0	0.00	0
Bunning	63,969	0	0	0.00	0
Burns	34,375	0	0	0.00	0
Byrd	43,239	0	0	0.00	0
Campbell	65,146	0	0	0.00	0
Chafee, Lincoln	34,703	0	0	0.00	0
Cleland	97,682	0	0	0.00	0
Cochran	51,320	0	0	0.00	0
Collins	38,329	0	0	0.00	0
Conrad	31,320	0	0	0.00	0
Coverdell	97,682	0	0	0.00	0
Craig	36,491	3,100	0.00308	612.63	$0.00061
Crapo	36,491	4,270	0.00424	3,351.95	0.00333
Daschle	32,185	0	0	0.00	0
DeWine	131,970	0	0	0.00	0
Dodd	56,424	0	0	0.00	0
Domenici	42,547	0	0	0.00	0
Dorgan	31,320	0	0	0.00	0

Senators	FY2000 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending 06/30/00			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Durbin	130,125	0	0	0.00	0
Edwards	103,736	0	0	0.00	0
Enzi	30,044	0	0	0.00	0
Feingold	74,483	0	0	0.00	0
Feinstein	305,476	0	0	0.00	0
Fitzgerald	130,125	0	0	0.00	0
Frist	78,239	0	0	0.00	0
Gorton	81,115	320,000	0.06575	59,397.50	0.01220
Graham	185,464	0	0	0.00	0
Gramm	205,051	1,215	0.00007	955.70	0.00006
Grams	69,241	156,322	0.03573	31,676.86	0.00724
Grassley	52,904	0	0	0.00	0
Gregg	36,828	0	0	0.00	0
Hagel	40,964	0	0	0.00	0
Harkin	52,904	0	0	0.00	0
Hatch	42,413	0	0	0.00	0
Helms	103,736	0	0	0.00	0
Hollings	62,273	0	0	0.00	0
Hutchinson	51,203	0	0	0.00	0
Hutchison	205,051	0	0	0.00	0
Ihhofe	58,884	0	0	0.00	0
Inouye	35,277	0	0	0.00	0
Jeffords	31,251	0	0	0.00	0
Johnson	32,185	0	0	0.00	0
Kennedy	82,915	0	0	0.00	0
Kerrey	40,964	0	0	0.00	0
Kerry	82,915	1,135	0.00019	1,003.91	0.00017
Kohl	74,483	0	0	0.00	0
Kyl	71,855	0	0	0.00	0
Landrieu	66,941	0	0	0.00	0
Lautenberg	97,508	0	0	0.00	0
Leahy	31,251	16,630	0.02955	4,088.94	0.00727
Levin	114,766	0	0	0.00	0
Lieberman	56,424	0	0	0.00	0
Lincoln	51,203	1,530	0.00065	390.05	0.00017
Lott	51,320	1,515	0.00059	1,411.99	0.00055
Lugar	80,377	0	0	0.00	0
Mack	185,464	0	0	0.00	0
McCain	71,855	0	0	0.00	0
McConnell	63,969	0	0	0.00	0
Mikulski	73,160	0	0	0.00	0
Moynihan	184,012	0	0	0.00	0
Murkowski	31,184	0	0	0.00	0
Murray	81,115	0	0	0.00	0
Nickles	58,884	0	0	0.00	0
Reed	34,703	0	0	0.00	0
Reid	43,209	0	0	0.00	0
Robb	89,627	0	0	0.00	0
Roberts	50,118	6,042	0.00244	4,754.74	0.00192
Rockefeller	43,239	0	0	0.00	0
Roth	32,277	0	0	0.00	0
Santorum	139,016	0	0	0.00	0
Sarbanes	73,160	0	0	0.00	0
Schumer	184,012	0	0	0.00	0
Sessions	68,176	0	0	0.00	0
Shelby	68,176	0	0	0.00	0
Smith, Gordon	58,557	0	0	0.00	0
Smith, Robert	36,828	0	0	0.00	0
Snowe	38,329	0	0	0.00	0
Specter	139,016	0	0	0.00	0
Stevens	31,184	0	0	0.00	0
Thomas	30,044	0	0	0.00	0
Thompson	78,239	0	0	0.00	0
Thurmond	62,273	0	0	0.00	0
Torricelli	97,508	0	0	0.00	0
Voinovich	131,970	0	0	0.00	0
Warner	89,627	0	0	0.00	0
Wellstone	69,241	0	0	0.00	0
Wyden	58,557	0	0	0.00	0
Totals	7,594,942	511,759	0.14229	107,644.26	0.03350

CONSERVATION AND REINVESTMENT ACT

Ms. LANDRIEU. Mr. President, a letter from the National Governors' Association on September 27th to the majority leader of the Senate expresses the National Governors' Association's views that any final version of the Conservation and Reinvestment Act (CARA) legislation include stable funding and a strong commitment to the states by reinvesting Outer Continental Shelf (OCS) mineral revenues into assets of lasting value and sharing a meaningful portion of these revenues with states and territories. In addition, the letter points out that the essential strengths of CARA are that it assures a dependable stream of funding which enables states to implement long-term capital investments and to develop cost-effective fiscal strategies.

I ask unanimous consent to print the letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS' ASSOCIATION,
Washington, DC, September 27, 2000.

Hon. TRENT LOTT,
Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: The nation's Governors support legislation that both wisely reinvests Outer Continental Shelf (OCS) mineral revenues into assets of lasting value and shares a meaningful portion of these revenues with states and territories. We have previously endorsed H.R. 701, the Conservation and Reinvestment Act (CARA), but recognize that alternatives are being considered. We urge that any final legislation allocating OCS revenues include stable funding and a strong commitment to the states.

As new proposals are floated, we hope that you will remember the essential strengths of CARA. CARA assures a dependable stream of funding. This enables states to implement long-term capital investments and to develop cost-effective fiscal strategies. Being subjected to the annual appropriations process will not provide the stability necessary for states to take advantage of low-interest bonds, enter into voluntary conservation agreements with private landowners, and invest in long-term programs to recover declining species. A one-year appropriation to state programs simply will not address concerns.

CARA also focuses on conserving and preserving both federal and state assets. Parks, estuaries, wildlife, and historical properties are not limited to federal lands. A meaningful share of the Outer Continental Shelf revenues should be shared with the states and territories so that investments in the conservation of America can occur in a comprehensive manner. This hallmark of CARA is the investment of resources and the empowerment of states to set their own priorities, particularly as they respond to federal mandates and fulfill state environmental goals. These fundamental elements must be incorporated into any final legislation.

As you know, Representative Norman D. Dicks (D-Wash.) recently proposed a "Lands Legacy Trust" fund amendment to the fiscal 2001 Interior appropriations conference report. Many Governors perceive the Dicks amendment as a departure from the principles of CARA. The Dicks amendment does not guarantee an increase in net funding or guarantee full funding for conservation programs.

The reported CARA compromise reached by congressional leaders on September 26th is an approach that more closely resembles the principles of CARA. This proposal has the support of the National Governors' Association (NGA) and should be strongly considered as a viable option as negotiations proceed.

On behalf of NGA, we urge that any final legislation allocating OCS revenues address the concerns we have raised. We appreciate your efforts to conserve the nation's most valuable resources by creating a lasting and comprehensive legacy for the American people and future generations.

Sincerely,

GOVERNOR THOMAS J. WILSACK,
Chair, Committee on Natural Resources.

GOVERNOR FRANK KEATING,
Vice Chair, Committee on Natural Resources.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 27, 2000, the Federal debt stood at $5,650,215,693,123.45, five trillion, six hundred fifty billion, two hundred fifteen million, six hundred ninety-three thousand, one hundred twenty-three dollars and forty-five cents.

One year ago, September 27, 1999, the Federal debt stood at $5,641,248,000,000, five trillion, six hundred forty-one billion, two hundred forty-eight million.

Five years ago, September 27, 1995, the Federal debt stood at $4,955,603,000,000, four trillion, nine hundred fifty-five billion, six hundred three million.

Ten years ago, September 27, 1990, the Federal debt stood at $3,217,914,000,000, three trillion, two hundred seventeen billion, nine hundred fourteen million.

Fifteen years ago, September 27, 1985, the Federal debt stood at $1,823,103,000,000, one trillion, eight hundred twenty-three billion, one hundred three million, which reflects a debt increase of close to $4 trillion—$3,827,112,693,123.45, three trillion, eight hundred twenty-seven billion, one hundred twelve million, six hundred ninety-three thousand, one hundred twenty-three dollars and forty-five cents, during the past 15 years.

ADDITIONAL STATEMENTS

300TH ANNIVERSARY OF ST. DAVID'S CHURCH AND ST. PETER'S CHURCH

• Mr. SANTORUM. Mr. President, I rise today to recognize the 300th anniversary of St. David's Church in Berwyn, Pennsylvania and St. Peter's Church in the Great Valley, near Paoli, Pennsylvania. The two parishes were established in 1700 as mission churches of the historic Christ Church, Philadelphia to serve those that settled Chester County.

Philadelphia is where so many of our Founders came together to deliberate, sign the Declaration of Independence and fight in battles during the Revolutionary War. Both churches, now nationally registered landmarks, were involved in the war. St. David's parish sent forth General Anthony Wayne to fight with General Washington, and St. Peter's served as a field hospital for soldiers that were wounded.

For 300 years—longer than we have been a nation—these two churches have been vital elements of the communities in which they reside and serve. Governor Tom Ridge recently selected St. Peter's Church, a registered historical landmark, as the site for the signing of Pennsylvania's "Growing Greener" bill.

On October 21, 2000 these two churches will hold a combined anniversary celebration at St. Peter's Church in the Great Valley. The celebration will feature historic symposia, period food and costume, and the burial of a time capsule. This event will enable people to gain insight into the lives of our historic forebears. I commend area leaders for initiating such a celebration and look forward to the upcoming festivities.

I am therefore pleased to celebrate the 300th anniversary of St. David's Church and St. Peter's Church. To honor this event, I put forward the following proclamation:

Whereas, 300 years ago, St. David's Church and St. Peter's Church in the Great Valley were founded as missions of the historic Christ Church, Philadelphia;

Whereas, the congregations of St. David's Church and St. Peter's Church in the Great Valley played a vital role in the early growth of historic Chester County, Pennsylvania;

Whereas, St. David's Church was the home parish and eventual burial site for General Anthony Wayne, a hero of the American Revolution;

Whereas, St. David's Church and its graveyard are registered as a National Historic Landmark;

Whereas, St. Peter's Church in the Great Valley is a registered National Historic Landmark which served recently as the site selected by the Governor of Pennsylvania for the signing of the "Growing Greener" land conservation bill;

Whereas, St. David's Church and St. Peter's Church in the Great Valley have sent their parishioners out into the larger community as public servants throughout their history;

Whereas, St. David's Church and St. Peter's Church in the Great Valley continue to serve their communities, their State and the Nation as strong civic partners in numerous programs to provide food, shelter, clothing, education, health care, and other forms of nurture to those in need;

Now therefore be it resolved by the United States Senate That St. David's Church and St. Peter's Church in the Great Valley be officially recognized and commended on the occasion of their 300th anniversary of worship, September 2, 2000.•

IN RECOGNITION OF WILLIAM HERNANDEZ

• Mr. TORRICELLI. Mr. President, I rise to recognize William Hernandez for his efforts as president of the Hispanic State Parade of New Jersey. His work has done a great deal for Hispanic-Americans, and it is an honor to acknowledge him today.

As president of the Hispanic State Parade of New Jersey, Mr. Hernandez has been able to honor the accomplishments of many prominent Hispanic-Americans. For the last three years he has also served as the president of DesFile Hispanoacericano of New Jersey. During that time, he has worked to arrange the first international cultural and health fair, and create unity and cultural pride among Hispanic-Americans.

Mr. Hernandez is an extremely talented and energetic individual. His work on behalf of Hispanic-Americans has been truly beneficial, and I am confident he will continue to work tirelessly for all Americans of Hispanic decent as well as all of society.•

CONGRATULATING MOUNT SAINT CHARLES ACADEMY

• Mr. L. CHAFEE. Mr. President, this past weekend, Mount Saint Charles Academy of Woonsocket, Rhode Island, was honored at a ceremony recognizing it as a Blue Ribbon School. I would like to commend them on this outstanding achievement.

"Mount," as it is called in Rhode Island has long been recognized nationally for its elite hockey program. In fact, the Mounties hockey team is so good that they have won the last 23 Rhode Island State Championships—a record—and during that stretch they skated their way to ten straight High School National Championships.

But in Rhode Island, Mount Saint Charles is best known for its excellent academic reputation. It is great to see "Mount" recognized nationally for its academic excellence, not just its hockey.

The Blue Ribbon School program rewards schools that excel in all areas of academic leadership, teaching and teacher development, and school curriculum. Schools are chosen through a competitive application process that rates each school on two areas. The first category, "Conditions of Effective Schooling," includes teaching environment, curriculum and instruction, parent and community support, and student environment. The second category, "Indicators of Success," includes student test performance, high attendance and graduation rates, as well as postgraduate pursuits.

I am proud to see a Rhode Island school recognized nationally for setting the bar high, and I applaud the teachers, principles, and students who have worked so hard to make Mount Saint Charles a Blue Ribbon School.•

TRIBUTE TO THE TURNER HILL BAPTIST CHURCH

• Mr. CLELAND. Mr. President, it is with great personal joy and pride that I come before you today to commemorate an anniversary that is of particular importance to my family and me. One hundred years ago, on October 13, 1900, in a borrowed school building at the intersection of McDaniel and Rockland Roads, sixteen original members of the Turner Hill Baptist Church convened for the first time.

The group enjoyed being together and quickly became a strong extended family. In fact, within months of their first meeting at the Old County Line School, the members decided to cement their closeness by constructing a permanent church building of their own. On land donated by E.L. Turner and as a result of its members' ingenuity and hard work, the beginning of 1901 marked the opening of Turner Hill Baptist Church, a wooden structure heated by one wood stove and lit by kerosene lamps.

Although the congregation moved to a new brick structure in 1954, the original wooden building and the work that went into its creation continue to embody the values of all those associated with the church. Despite the absence of Turner Hill's original sixteen members at today's centennial celebration, many of their descendants are delighted to take part. By the same token, some of the original nine families, including my own, who were present as the church opened in 1901 continue to attend regular services: Turner Hill has both fifth and sixth generation members. I am also proud to be related to both the church's current youngest and oldest members. While my father, Mr. Joseph Hugh Cleland, and Aunt, Mrs. Georgia Mae Cleland Johnston, are Turner Hill's most senior members, my cousin, Miss Jessica Wages is the newest addition to the 151 member congregation.

Over the years, the church itself and the faces in the pews have changed, but one thing has remained a constant—community. My friends and family at Turner Hill have pulled together in times of crisis and joined each other in celebration throughout the years. Behind the leadership of Reverend Farrell Wilkins and with God and family at the center of their lives, the members of my church today commemorate an historic anniversary. May their next hundred years be as prosperous as their first.•

IN RECOGNITION OF FATHER ALBERT R. CUTIE

• Mr. TORRICELLI. Mr. President, I rise today to recognize Father Albert R. Cutie, to whom the 25th Hispanic-American Parade of New Jersey Annual Banquet is being dedicated. This tremendous honor is being bestowed upon an individual who is a true example of the possibilities that are available to all in our great nation.

Father Albert's parents were forced, like many others, to flee from Cuba to Spain due to the atheist-communist dictatorship that took over their homeland. Fortunately, his family was reunited a few years later in San Juan, Puerto Rico, and was able to emigrate to the United States when he was seven years old. Here he has been able to pursue a life that would not have been possible in communist Cuba.

Father Albert has always been a talented and industrious soul. From a young age, he showed vibrant entrepreneurial skills by turning his love for music into his own business. During his High School years his experience in parish youth groups and spiritual retreats began to foster his great love for the Church and its mission. Hearing his calling, Father Albert entered the Seminary in 1987 and was ordained on May 13, 1995.

Since his ordination, countless individuals have benefitted from Father Albert's love and guidance. Not only does he continue to reach out to individuals, families, the sick, and those in need, but he works diligently to give the youth of our society a better future.

We are truly fortunate to have an individual such as Father Albert as a member of our society. I am confident that our future is much brighter thanks to the efforts of Father Albert and other young Americans like him.•

RECOGNITION OF OUR LADY OF PROVIDENCE JUNIOR/SENIOR HIGH SCHOOL IN CLARKSVILLE, INDIANA, WINNER OF THE PRESTIGIOUS BLUE RIBBON SCHOOLS AWARD

• Mr. BAYH. Mr. President, I rise proudly today to congratulate Our Lady of Providence Junior/Senior High School in Clarksville, Indiana for its selection by the U.S. Secretary of Education as one of the Nation's outstanding Blue Ribbon Schools. Our Lady of Providence is one of only two Indiana schools, and of only 198 schools across the country, to be awarded this prestigious recognition.

In order to be recognized as a Blue Ribbon School, Our Lady of Providence met rigorous criteria for overall excellence. The teachers and administration officials demonstrated to the Secretary of Education the qualities necessary to prepare successfully our young people for the challenges of the new century, and proved that the students here effectively met local, state and national goals.

Hoosiers can be very proud of our Blue Ribbon schools. The students and faculty of Our Lady of Providence have shown a consistent commitment to academic excellence and community leadership. Our Lady of Providence has raised the bar for educating our children and for nurturing strong values. This Hoosier school provides a clear example as we work to improve the quality of education in Indiana and across the Nation.•

TRIBUTE TO JAN GORDON

• Mr. LEVIN. Mr. President, as the Senate nears adjournment I want to pay a special tribute to a special member of the Armed Services Committee's Minority staff. After a long and successful career in both the Executive and Legislative Branch, but mostly here in the United States Senate, Jan Gordon will be leaving our staff on November 30. Speaking not only for myself, but on behalf of the entire Committee and our staff, I can tell you that Jan will be sorely missed.

A native North Carolinian, in 1972 Jan Gordon was recruited by the Federal Bureau of Investigation to come to Washington, D.C. to work as an executive secretary in their Intelligence Division. While her heart always remained in North Carolina, her feet became firmly planted in Washington.

After four years at the FBI, Jan began her Senate career, working first on the staff of the Joint Atomic Energy Committee, and then nine and a half years for the Secretary of the Senate in the Office of National Security Information, which later became what is now the Office of Senate Security. Countless numbers of my colleagues and staff who attended classified briefings or conferences up in S–407 of the Capitol during that period have first hand knowledge of Jan Gordon's superior administrative abilities and organizational skills.

In 1987, Chairman Sam Nunn of the Armed Service Committee appointed Jan Gordon as a staff assistant, and she was charged with the very demanding task supporting the staff and work of the Strategic Subcommittee. Not surprisingly, Jan rose to the occasion. She met all of the needs of the Subcommittee, while at the same time she had sole responsibility for the processing and printing of typically 20–25 hearing transcripts per year, many of which were classified. Because her work was so excellent, Jan Gordon was the person Committee's Chief Clerk turned to when new staff assistants needed to be taught "how to do things the right way."

When I became Ranking Minority Member of the Committee in 1997 following Senator San Nunn's retirement from the Senate, one of the quickest and easiest decisions I made was to ask Jan to continue working for me and the rest of the Committee's Minority Members and staff. I was delighted that she accepted my offer, because Jan is a valuable and key member of the Minority Staff of the Armed Services Committee.

Jan Gordon's service on the staff of the Armed Services Committee has been remarkable. She has an uncompromising work ethic and a strong dedication to duty. Of the over 5,000 days she will have worked for the Armed Services Committee when she retires, she has only had seven sick days. Being late to work, cutting any corner for the sake of moving a project forward, or not being totally cooperative and responsive are foreign and unacceptable concepts to Jan. Her steadfast attention to detail is legendary around the Committee, as is her commitment to meeting the highest standards in everything she does.

Jan Gordon has always given completely of herself each and every day of the nearly fourteen years she has served on the staff of the Senate Armed Services Committee. When she departs the Committee staff, all of us will remember her for her professionalism, her enthusiasm, and the consistently high standard she set for herself. We are grateful for her service to the Senate and the Nation, and we wish her many years of health and happiness in the future.•

GEORGIA EARLY LEARNING INITIATIVE

• Mr. CLELAND. Mr. President, with a focus on the horizon and a knowledge of where we've been, I come before you today to laud a group that has dedicated its time and resources to Georgia's youth in attempts to secure a brighter future for us all. Throughout its existence, The Georgia Early Learning Initiative, a collaboration of business and labor leaders, health and human service providers, educators, and legislators, has sought to increase access to, and funding for, early education throughout our state.

As a reflection of today's fast-paced society, households increasingly boast two working parents who can neither afford to miss work nor pay the often exorbitant cost of childcare in our country. In fact, while only forty percent of children are cared for by a parent all day, sixty-seven percent of Georgia mothers with children under age six are in the workforce. Increasingly, many parents want to stay home, yet have no choice but to work. However, it takes a dedicated and selfless group of people to bring about results; there is no greater champion of Georgia's children and investment in the future than The Georgia Early Learning Initiative.

A child's pre-school years are more important than we have previously acknowledged. With 554,430 Georgia children currently enrolled in preschool, and the knowledge that ninety percent of human brain functions develop during the first three years of life, early learning and improved childcare are perhaps more important than ever before. It is our responsibility as a nation and leaders to support activists who are willing to fight for worthy causes, especially when those causes will benefit generations to come. We owe it to our children to provide equal access to early learning options which will place them on a secure footing and will allow them to excel in life. It is the mission of the dedicated men and women who comprise the Georgia Early Learning Initiative to increase childcare choices for parents and to extend the opportunity to succeed to all of America's children, no matter what their family's station in life. In the future, we will only be as strong as our children. As Pearl Buck said, "If our American way of life fails the child, it fails us all."

As I think back to where we have been and once again focus on the glorious horizon, I cannot help but feel optimistic about our future knowing that men and women like those working with the Georgia Early Learning Initiative continue to fight for a better tomorrow for all of our children.•

IN RECOGNITION OF THE HONORABLE JUDGE JULIO FUENTES

• Mr. TORRICELLI. Mr. President, I rise today to recognize one of New Jersey's extremely talented and humble public servants, the Honorable Judge Julio Fuentes. This distinguished member of my State is being honored with the dedication of the 25th Hispanic-American Parade of New Jersey Annual Banquet in his name, and it gives me great pleasure to recognize his accomplishments.

Judge Fuentes is a man of great intellect and a distinguished record of public service. He is constantly seeking to improve himself, as can be attested to by his pursuit of master's degrees in Latin American affairs and liberal arts during his time as a sitting judge. Those who have had the opportunity to work with Judge Fuentes universally praise his integrity as well as the depth and breadth of his knowledge of the law.

Through a great internal drive and determination, Judge Fuentes has risen from Newark Municipal Court Judge to his current post of judge for the 3rd U.S. Circuit Court of Appeals. Judge Fuentes also has the distinction of being the first Hispanic-American to sit on this prestigious court, an honor he has truly earned.

Judge Fuentes is a good, honest, decent man. He is an exemplar of the coveted American ideal of public service. It was truly an honor to be able to recommend his nomination to President Clinton. We are truly fortunate to have someone of his immense capabilities and desire for public service sitting as a judge on the U.S. Circuit Court of Appeals.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1295. An act to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the "Lance Corporal Harold Gomez Post Office".

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1795. An act to require that before issuing an order, the President shall cite the authority for the order, conduct a cost benefit analysis, provide for public comment, and for other purposes.

H.R. 2346. An act to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

H.R. 3100. An act to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

H.R. 5272. an act to provide for a United States response in the event of a unilateral declaration of a Palestinian state.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 4365) to amend the Public Health Service Act with respect to children's health.

ENROLLED BILLS SIGNED

The message also further announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1324. An act to expand the boundaries of the Gettysburg National Military Park to include the Will House, and for other purposes.

H.R. 999. An act to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

H.R. 4700. An act to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.J. Res. 72. An act granting the consent of the Congress to the Red River Boundary Compact.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 12:57 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILLS SIGNED

At 5:18 p.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed following enrolled bills and joint resolutions:

S. 1295. An Act to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the "Lance Corporal Harold Gomez Post Office."

H.R. 2647. An Act to amend the Act entitled "An Act relating to the water rights of the Ak-Chin Indian Community" to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

H.J. Res. 109. A joint resolution making continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 5272. An act to provide for a United States response in the event of a unilateral declaration of a Palestinian state.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 28, 2000, he had presented to the President of the United States the following enrolled bill:

S. 1324. An act to expand the boundaries of the Gettysburg National Military Park to include the Wills House, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–10949. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the notice of delay relative to the report on secondary inventory and parts shortages; to the Committee on Armed Services.

EC–10950. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled "Human Rights Abusers Act of 2000"; to the Committee on the Judiciary.

EC–10951. A communication from the Director of the Federal Emergency Management Agency, transmitting, a draft of proposed legislation entitled "National Flood Insurance Act Amendments of 2000"; to the Committee on Banking, Housing, and Urban Affairs.

EC–10952. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a copy of a report entitled "Audit of the Accounts And Operations of the Washington Convention Center Authority for Fiscal Years 1997 Through 1999"; to the Committee on Governmental Affairs.

EC–10953. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–10954. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Increase in the Minimum Size Requirements for Dancy, Robinson, and Sunburst Tangerines" (Docket Number: FV00–905–3 FR) received on September 26, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10955. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of five rules entitled "Triallate, (S–2, 3, 3–trichloroally diisopropylthiocarbamate); Pesticide Tolerance" (FRL #674408), "Indoxacarb; Pesticide Tolerance" (FRL #6747–8), "Propamacarb hydrochloride; Pesticide Tolerance" (FRL #6745–8), "Dimethomorph, (E,Z) 4–[3–(4–Cholophenyl)-3-(3, 4-dimethoxyphenyl)-1-oxo-2-propenyl]morpholine; Pesticide Tolerance" (FRL #6747–9), and "Flucarbazone-sodium; Time-Limited Pesticide Tolerances" (FRL #6745–9) received on September 26, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10956. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 2000–46–BLS–LIFO Department Store Indexes—August 2000" (Rev. Rul. 2000–46) received on September 27, 2000; to the Committee on Finance.

EC–10957. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled "Acquisition Regulation; Administrative Amendments" (FRL #6878–9), "Consolidated Federal Air Rule (CAR): Synthetic Organic Chemical Manufacturing Industry" (FRL #6576–9), and "Grant Conditions for Indian Tribes and Insular Area Recipients" received on September 26, 2000; to the Committee on Environment and Public Works.

EC–10958. A communication from the Director of the Office of Small Business and Civil Rights, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN3150–AG43) received on September 27, 2000; to the Committee on Environment and Public Works.

EC–10959. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2000–01 Late Season" (RIN1018–AG08) received on September 27, 2000; to the Committee on Indian Affairs.

EC–10960. A communication from the Assistant Secretary for Employment and Training, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Workforce Investment Act" (RIN1205–AB20) received on September 26, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10961. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on September 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10962. A communication from the Attorney General, transmitting, pursuant to law, a notice relative to the mailing of truthful information or advertisements concerning certain lawful gambling operations; to the Committee on the Judiciary.

EC–10963. A communication from the Director of Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Fingerprinting certain applicants for a replacement permanent resident card (Form I–551)" (RIN1115–AF74) received on September 26, 2000; to the Committee on the Judiciary.

EC–10964. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Belgium, Greece, Japan, The Netherlands, and The United Kingdom; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–625. a resolution adopted by the Ocean County Board of Chosen Freeholders, County of Ocean (New Jersey) relative to mud dumping; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 3129: An original bill to provide for international debt forgiveness and the strengthening of anticorruption measures and accountability at international financial institutions (Rept. No. 106–425).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2962: A bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes (Rept. No. 106–426).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2594: A bill to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes (Rept. No. 106–427).

S. 2691: A bill to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes (Rept. No. 106–428).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2848: A bill to provide for a land exchange to benefit the Pecos National Historical Park in New Mexico (Rept. No. 106–429).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2942: A bill to extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia (Rept. No. 106–430).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 2951: A bill to authorize the Commissioner of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River. (Rept. No. 106–431).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 3000: A bill to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes. (Rept. No. 106–432).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1235: A bill to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes (Rept. No. 106–433).

H.R. 3236: A bill to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes (Rept. No. 106–434).

H.R. 3577: A bill to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho (Rept. No. 106–435).

H.R. 4115: A bill to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes (Rept. No. 106–436).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 1162: A bill to designate the bridge on United States Route 231 that crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the "William H. Natcher Bridge".

H.R. 1605: To designate the Federal building and United States courthouse located at 402 North Walnut Street in Harrison, Arkansas, as the "J. Smith Henley Federal Building and United States Courthouse".

By Mr. HATCH, from the Committee on the Judiciary, with amendments:

H.R. 2442: A bill to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgement of such injustices by the President.

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 4806: A bill to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the "Carl Elliott Federal Building".

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. RES. 343: A resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1898: A bill to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2621: A bill to continue the current prohibition of military cooperation with the armed forces of the Republic of Indonesia until the President determines and certifies to the Congress that certain conditions are being met.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2915: A bill to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2924: A bill to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 3072: A bill to assist in the enhancement of the development of expansion of international economic assistance programs that utilize cooperatives and credit unions, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS for the Committee on Foreign Relations.

Barry Edward Carter, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

Robert Mays Lyford, of Arkansas, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2002.

Margrethe Lundsager, of Virginia, to be United States Alternate Executive Director of the International Monetary Fund for a term of two years.

Rust Macpherson Deming, of Maryland, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to be Republic of Tunsia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Rust Macpherson Deming.

Post: Tunis.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses: Justine Deming Rodriguez and Mike Rodriguez, none. Katherine Deming Brodie, and John Brodie, none.

4. Parents: Olcott H. Deming: $20.00, 2/9/98, Mosely Brown; $30.00, 2/16/98, Barbara Boxer; $20.00, 2/16/98, Barbara Milkulski; $20, 3/15/98, Patty Murray. Louise M. Deming (deceased).

5. Grandparents (deceased).

6. Brothers and Spouses: John H. Deming, none.

7. Sisters and Spouses: Rosamond Deming, none.

Douglas Alan Hartwick, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Douglas Alan Hartwick.

Post: Ambassador to Laos.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Regina Z. Hartwick, none.

3. Children and Spouses: Kirsten and Andrea, none.

4. Parents: Tobias Hartwick and Mary Kathleen Hartwick, none.

5. Grandparents: Elmer Golden Thomas and Mary Hutchins Thomas; Tolley Hartwick and Emma Bensen Hartwick (all deceased).

6. Brothers and Spouses: Philip and Rachel Hartwick, none.

7. Sisters and Spouses: Marcia and Peter Mahoney, none.

Ronald D. Godard, of Texas, a Career Member of the Senior Foreign Serevice, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Co-operative Republic of Guyana.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Ronald D. Godard.

Post: Ambassador to Guyana.

Contributions, Amount, Date, and Donee:

1. Self: Ronald D. Godard, none.

2. Spouse: Wesley Ann Godard: $100, 5/30/98, Dottie Lamm (Senatorial candidate, Colorado).

3. Children and Spouses, none.

4. Parents, none.

5. Grandparents, none.

6. Brothers and Spouses, none.

7. Sisters and Spouses, none.

Michael J. Senko, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Senko, Michael James.

Post: Marshall Islands and Kiribati.

Contributions, Amount, Date, and Donee:

1. Self: $30, 9/5/95, DNC; $30, 1/6/96, DNC.

2. Spouse: Editha Senko, none.

3. Children and Spouses: Fe (Stepdaughter) and husband Jonathan Dalida, none; Sharon (age 12), none.

4. Parents: Michael and Lucille Senko: $20, 1995, DNC; $20, 1996, DNC; $40, 1997, DNC.

5. Grandparents: Michael and Mary Senko (deceased).

6. Brothers and Spouses: John and Alice Senko, none.

7. Sisters and Spouses: Sharon and Alan Levin, none.

Howard Franklin Jeter, of South Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Howard Franklin Jeter.

Post: Ambassador to Nigeria. Nominated February 22, 2000.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Donice M. Jeter, none.

3. Children and Spouses: Malaika M. Jeter and Jason C. Jeter, none.

4. Parents: James W. Jeter, Jr. and Emma Maddox Jeter (deceased).

5. Grandparents: James W. Jeter, Sr. and Clara E. Jeter (deceased).

6. Brothers and Spouses: James R. Jeter and Jacqueline Jeter, none.

7. Sisters and spouses: Jacqueline P. Taylor and Fred D. Taylor, Jr., none.

Lawrence George Rossin, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Lawrence George Rossin.

Post: Ambassador to Croatia.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Debra Jane McGowan, none.

3. Children and Spouses: Claire Veronica Rossin and Alec William Donald Rossin, none.

4. Parents: Don and Ruth Rossin, none.

5. Grandparents: (all deceased).

6. Brothers and Spouses, none.

7. Sisters and Spouses: Virginia and John Hargrave, none.

Brian Dean Curran, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Brian Dean Curran.

Post: Ambassador to Haiti.

Contributions, Amount, Date and Donee:

1. Self, none.

2. Spouse, N/A.

3. Children and Spouses, N/A.
4. Parents: Dorothy Curran, none; Timothy Curran (deceased).
5. Grandparents: Wadsworth Harris Williams and Leila Williams (deceased).
6. Brothers and Spouses: M/M David Curran, none.
7. Sisters and Spouses: M/M Scott Smith, none.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I report favorably nomination lists which were printed in the Records of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning John F. Aloia and ending Paul G. Churchill, which nominations were received by the Senate and appeared in the Congressional Record on 7/26/00.

Foreign Service nominations beginning Guy Edgar Olson and ending Deborah Anne Bolton, which nominations were received by the Senate and appeared in the Congressional Record on 9/7/00.

Foreign Service nominations beginning James A. Hradsky and ending Michael J. Williams, which nominations were received by the Senate and appeared in the Congressional Record on 9/7/00.

By Mr. THOMPSON for the Committee on Governmental Affairs:

George A. Omas, of Mississippi, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2006. (Reappointment)

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

John Ramsey Johnson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Gerald Fisher, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. HATCH for the Committee on the Judiciary:

Loretta E. Lynch, of New York, to be United States Attorney for the Eastern District of New York for the term of four years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD (for himself, Mr. Jeffords, Mr. Leahy, Mr. Kohl, and Mr. Wellstone):

S. 3128. A bill to establish the Dairy Farmer Viability Commission; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HELMS:

S. 3129. An original bill to provide for international debt forgiveness and the strengthening of anticorruption measures and accountability at international financial institutions; from the Committee on Foreign Relations; placed on the calendar.

By Mr. HATCH (for himself, Mr. Lott, Mr. Nickles, Mr. Mack, Mr. McCain, Mr. Grassley, Mr. Thurmond, Mr. Kyl, Mr. Abraham, Mr. DeWine, Mr. Sessions, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Ms. Collins, Mr. Fitzgerald, Mr. Helms, Mr. Santorum, Mr. Hagel, Mr. Shelby, Mr. Warner, Mr. Inhofe, Ms. Snowe, Mr. Allard, Mr. Brownback, Mr. Grams, Mr. Bennett, Mr. Cochran, Mr. Hutchinson, and Mr. Frist):

S. 3130. A bill to provide for post-conviction DNA testing, to facilitate the exchange by law enforcement agencies of DNA identification information relating to felony offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself and Mr. Abraham):

S. 3131. A bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians and other health care providers that are attempting to properly submit claims under the medicare program and to ensure that the Secretary targets truly fraudulent activity for enforcement of medicare billing regulations, rather than inadvertent billing errors; to the Committee on Finance.

By Mr. WARNER:

S. 3132. A bill to expand the boundary of the George Washington Birthplace National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. Burns):

S. 3133. A bill to provide compensation to producers for underestimation of wheat protein content; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 3134. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for certain charitable conservation contributions of land by small farmers and ranchers, and for other purposes; to the Committee on Finance.

By Mr. CLELAND (for himself and Mr. Hagel):

S. 3135. A bill to direct the American Folklife Center at the Library of Congress to establish a program to collect video and audio recordings of personal histories and testimonials of American war veterans, and for other purposes; to the Committee on Rules and Administration.

By Mr. DURBIN:

S. 3136. A bill for the relief of Edwardo Reyes, Dianelita Reyes, and their children, Susy Damaris Reyes, Danny Daniel Reyes, and Brandon Neil Reyes; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. Byrd, Mr. Thurmond, Mr. Moynihan, Mr. Warner, Mr. Robb, Mr. Hatch, Mr. Leahy, Mr. Lott, Mr. Kennedy, Mr. Murkowski, Mr. Biden, Mr. Helms, Mr. Dodd, Mr. Smith of New Hampshire, Mr. Graham, Mr. Inhofe, Mr. Edwards, Mr. Voinovich, Mr. Bayh, Mr. Hagel, Mr. Miller, Mr. Ashcroft, Mr. Dorgan, Mr. Allard, Mr. Cleland, Mr. Cochran, Mr. Shelby, Mr. Mack, Mr. Bunning, Mr. Kyl, Mr. Feingold, Mr. Gregg, Mr. Reid, and Mr. Domenici):

S. 3137. A bill to establish a commission to commemorate the 250th anniversary of the birth of James Madison; read the first time.

By Mr. GRAMS:

S. 3138. A bill to amend the Internal Revenue Code of 1986 to increase the amount and availability of the child tax credit and make the credit refundable; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. Feingold, and Mr. Kennedy):

S. 3139. A bill to ensure that no alien is removed, denied a benefit under the Immigration and Nationality Act, or otherwise deprived of liberty, based on evidence that is kept secret from the alien; to the Committee on the Judiciary.

By Mr. McCONNELL (for himself and Mr. Bunning):

S. 3140. A bill to transfer administrative jurisdiction over land of the Tennessee Valley Authority within the Daniel Boone National Forest to the Secretary of Agriculture and compensate the Authority for the transfer; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. Dodd, Mr. Leahy, and Ms. Mikulski):

S.J. Res. 54. A joint resolution expressing the sense of the Congress with respect to the peace process in Northern Ireland; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SANTORUM (for himself and Mr. Specter):

S. Res. 362. A resolution recognizing and honoring Roberto Clemente as a great humanitarian and an athlete of unfathomable skill; to the Committee on the Judiciary.

By Mr. KERREY:

S. Res. 363. A resolution commending the late Ernest Burgess, M.D., for his service to the Nation and the international community, and expressing the condolences of the Senate to his family on his death; considered and agreed to.

By Mr. INOUYE:

S. Con. Res. 139. A concurrent resolution authorizing the use of the Capitol grounds for the dedication of the Japanese-American Memorial to Patriotism; considered and agreed to.

By Mr. LOTT (for himself, Mr. Helms, Mr. Murkowski, Mr. Kyl, Mrs. Hutchison, Mr. Smith of New Hampshire, Mr. Bennett, and Mr. Hutchinson):

S. Con. Res. 140. A concurrent resolution expressing the sense of Congress regarding high-level visits by Taiwanese officials to the United States; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. HATCH (for himself, Mr. Lott, Mr. Nickles, Mr. Mack, Mr. McCain, Mr. Grassley, Mr. Thurmond, Mr. Kyl, Mr. Abraham, Mr. DeWine, Mr. Sessions, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Ms. Collins, Mr. Fitzgerald, Mr. Helms, Mr. Santorum, Mr. Hagel, Mr. Shelby, Mr. Warner, Mr. Inhofe, Ms. Snowe, Mr. Allard, Mr. Brownback, Mr. Grams, Mr. Bennett, Mr. Cochran, Mr. Hutchinson, and Mr. Frist):

S. 3130. A bill to provide for post-conviction DNA testing, to facilitate the exchange by law enforcement agencies of DNA identification information relating to felony offenders, and for other purposes; to the Committee on the Judiciary.

CRIMINAL JUSTICE INTEGRITY AND LAW ENFORCEMENT ASSISTANCE ACT

Mr. HATCH. Mr. President, in the last decade, DNA testing has become the most reliable forensic technique for identifying criminals when biological evidence of the crime is recovered. While DNA testing is standard in pretrial investigations today, the issue of post-conviction DNA testing has emerged in recent years as the technology for testing has improved. Because biological evidence, such as semen or hair from a rape, is often preserved by authorities years after trial, it is possible to submit preserved biological evidence for DNA testing. In cases that were tried before DNA technology existed, and in which biological evidence was preserved after conviction, post-conviction testing is feasible.

While the exact number is subject to dispute, post-conviction DNA testing has exonerated prisoners who were convicted of crimes committed before DNA technology existed. In some of these cases, the post-conviction DNA testing that exonerated a wrongly convicted person led to the apprehension of the actual criminal. In response to these cases, the Senate Judiciary Committee has examined various state post-conviction DNA statutes, held a hearing on post-conviction DNA testing, and sought the expertise of federal and state prosecutors and criminal defense lawyers.

To ensure that post-conviction DNA testing is available in appropriate cases, I, along with Senators Lott, Nickles, Mack, McCain, Thurmond, Grassley, Kyl, Abraham, DeWine, Sessions, R. Smith, G. Smith, Collins, Fitzgerald, Helms, Santorum, Hagel, Shelby, Warner, Inhofe, Snowe, Allard, Brownback, Grams, Bennett, Cochran, T. Hutchinson, and Frist are introducing the Criminal Justice Integrity and Law Enforcement Assistance Act today. This Act authorizes post-conviction DNA testing in federal cases and encourages the States, through a grant program, to authorize post-conviction DNA testing in a consistent manner in state cases. In addition, the Act provides $60 million in grants to help States reduce the backlog of DNA evidence to be analyzed and to conduct post-conviction DNA testing.

The Criminal Justice Integrity Act was based in large part on the successful post-conviction DNA testing statute in Illinois. The Illinois statute has worked particularly well, as Illinois has the most post-conviction DNA exonerations in the Nation. Like the Illinois statute, the Criminal Justice Integrity Act authorizes post-conviction DNA testing only in cases in which testing has the potential to prove the prisoner's innocence. This standard will allow testing in potentially meritorious cases without wasting scarce prosecutorial and judicial resources on frivolous cases. It is significant that the Illinois statute has worked well without overburdening the State's law enforcement or judicial systems.

Mr. President, given that post-conviction DNA testing is a complex legal issue, I would like to discuss the legal standard to obtain testing in the Illinois statute and in the Criminal Justice Integrity Act. While the Illinois statute is somewhat vague, several Illinois Court of Appeals decisions have interpreted the standard for obtaining post-conviction testing under the statute. See *People* v. *Gholston*, 697 N.E.2d 375 (1998); *People* v. *Dunn*, 713 N.E.2d 568 (1999); *People* v. *Savory*, 722 N.E.2d 220 (1999). As these decisions make clear, post-conviction testing is allowed under the Illinois statute only if the testing has "the potential to establish the defendant's innocence."

For example, in People v. Gholston, the defendant and five companions were convicted of raping a woman and assaulting and robbing her two male companions in 1981. In 1995, the defendant filed a motion to compel DNA testing of the victim's rape kit to prove that he did not participate in the gang rape. The trial court dismissed the motion for testing, and the appellate court affirmed.

In affirming the denial of testing, the court ruled that a "negative DNA match would not exculpate defendant Gholston due to the multiple defendants involved, the lack of evidence regarding ejaculation by the defendant Gholston and defendant's own admission of guilt under a theory of accountability." Id. at 379.

In People v. Dunn, the defendant was convicted in 1979 of a rape in which there was only one attacker. The defendant petitioned for post-conviction relief, and the trial court dismissed the petition. On appeal, the court remanded the motion to determine whether post-conviction testing was appropriate under the Illinois statute.

In remanding the motion, the court distinguished the facts in Dunn from Gholston, noting that post-conviction testing was denied in Gholston because "the test results could not have been conclusive of defendant's guilt or innocence." Id. at 571. Under the facts in Dunn, the court held that the decision in Gholston would not prevent post-conviction testing "where DNA testing would be determinative" of guilt or innocence. Id. The court remanded the motion to the trial court to determine "whether any conclusive result is obtainable from DNA testing." Id.

The most extensive discussion of the standard for obtaining post-conviction testing under the Illinois statute occurred in People v. Savory. In Savory, the defendant was convicted of stabbing two people to death in 1977. In 1998, the defendant sought DNA testing of bloodstained pants that were recovered from his home. The trial court denied the motion for DNA testing, and the appeals court affirmed.

The court held that DNA testing on the bloodstained pants could not exonerate the defendant because a negative DNA match could merely indicate that the defendant did not wear those pants during the murders. At trial, Savory's father testified that the pants were his and that he, not the defendant, was responsible for the bloodstains. In addition, there was other, overwhelming evidence of the defendant's guilt.

The court in Savory noted that in Gholston, post-conviction testing was denied because "DNA testing could not conclusively establish defendant's guilt or innocence." In discussing the Illinois statute, the court stated:

> Based on the plain language of [the Illinois statute] and on the interpretation of [the statute] in Gholston and Dunn, we believe that the legislature intended to provide a process of total vindication . . . [I]n using the term "actual innocence," the legislature intended to limit the scope of the [Illinois statute], allowing for scientific testing only where it has the potential to exonerate a defendant. Id. at 224.

Under the facts in Savory, the court denied post-conviction testing because "although DNA testing carries the possibility of weakening the State's original case against the defendant, it does not have the potential to prove him innocent." Id. at 225.

In short, post-conviction testing is allowed under the Illinois statute only where testing "could be conclusive of the defendant's guilt or innocence"; only where "DNA testing would be determinative"; only if "any conclusive result is obtainable from DNA testing"; and only where post-conviction testing "has the potential to exonerate a defendant."

The Criminal Justice Integrity Act has a similar legal standard to obtain testing. The Act authorizes testing if the prisoner makes a "prima facie showing" that identity was at issue at trial and DNA testing would, assuming exculpatory results, establish actual innocence. A "prima facie showing" is a lenient requirement that is defined as "simply a sufficient showing of possible merit to warrant a fuller exploration by the district court." See *Bennett* v. *U.S.*, 119 F.3d 468 (7th Cir. 1997). Thus, under the Criminal Justice Integrity Act, post-conviction testing is ordered if the prisoner makes a "sufficient showing of possible merit" that identity was at issue at trial and DNA testing would, assuming exculpatory results, establish actual innocence. In other words, the Act requires a showing that post-conviction testing has the potential to prove innocence. This is consistent with—and no more difficult than—the legal standard in the Illinois statute. If post-conviction DNA testing can establish a prisoner's innocence, such a prisoner can obtain testing under the Criminal Justice Integrity Act.

If post-conviction DNA testing is performed and produces exculpatory evidence, the Criminal Justice Integrity Act allows the prisoner to move for a new trial based on newly discovered evidence, notwithstanding the time limits on such motions applicable to other forms of newly discovered evidence. In so doing, the Act relies on established judicial procedures. In addition, the Criminal Justice Integrity Act prohibits authorities from destroying biological evidence which was preserved in cases in which identity was at issue for the duration of the Act, and it authorizes the court to appoint counsel for an indigent prisoner who seeks post-conviction testing.

Mr. President, the Criminal Justice Integrity and Law Enforcement Assistance Act is the only federal post-conviction DNA legislation that is supported by the law enforcement community. The Criminal Justice Integrity Act was unanimously endorsed by the bipartisan board of the National District Attorneys Association. In addition, the International Association of Chiefs of Police, the Fraternal Order of Police, and the National Sheriffs' Association have endorsed the bill. I am proud to have the support of the law enforcement community for this important legislation.

In closing, I would like to note that advanced DNA testing improves the just and fair implementation of the death penalty. While the Criminal Justice Integrity Act applies both to non-capital and capital cases, I think the Act is especially important in death penalty cases. While reasonable people can differ about capital punishment, it is indisputable that advanced DNA testing lends support and credibility to the accuracy and integrity of capital cases. For example, earlier this year, Texas Governor George W. Bush, granted a temporary reprieve to a death row inmate, Ricky McGinn, to allow post-conviction DNA testing on evidence recovered from the victim. In 1995, McGinn was convicted of raping and murdering his 12-year-old stepdaughter. McGinn's lawyers had argued that additional DNA testing could prove that McGinn did not rape the victim, and therefore, was not eligible for the death penalty.

The DNA testing was recently completed, and the test results confirmed that McGinn raped the victim, in addition to murdering her. In short, as the McGinn case demonstrates, we are in a better position than ever before to ensure that only the guilty are executed. All Americans—supporters and opponents of the death penalty alike—should recognize that DNA testing provides a powerful safeguard in capital cases. We should be thankful for this amazing technological development.

I ask unanimous consent that the endorsements of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Albuquerque, NM, July 5, 2000.

Hon. ORRIN G. HATCH,
Chairman, Senate Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the more than 290,000 members of the Fraternal Order of Police to advise you of our strong support of legislation you intend to introduce entitled the "Criminal Justice integrity and Law Enforcement Assistance Act."

Political opponents of the death penalty have renewed their assault wrongly citing "mistakes" in the justice system which leads to the execution of innocent persons. One of their ploys in their effort to suspend the practice indefinitely calls for post-conviction DNA testing, a relative new technology. We find it very sad that political considerations are intruding in such a way that real justice is thwarted, not furthered.

The FOP vehemently opposes the thinly veiled political attempts to end capital punishment, like S. 2073, offered by Ranking Member Patrick J. Leahy (D-VT). This legislation would require expensive, post conviction testing in thousands of unnecessary cases such as those in which no exculpatory evidence is likely to be found. The bill places vital law enforcement funds like the Community Oriented Policing Services (COPS), the Edward J. Byrne and DNA Identification grant programs in jeopardy by requiring all states to adopt this standard. His bill would prohibit the death penalty for Federal crimes committed in certain states and provide Federal grants to nonprofit organizations subsidizing the American Civil Liberties Union's (ACLU) representation of defendants in capital cases. In essence, Senator Leahy's bill is an effort to kill the death penalty.

The legislation which you shared with us would authorize post-conviction DNA testing for a thirty (30) month period and only in a narrow class of cases where the identity of the perpetrator was at issue during trial and, assuming exculpatory results, would establish the innocence of the defendant. The FOP strongly approves of the time limitation because the issue of post-conviction testing involves only past cases where the technology was not available. DNA testing is now standard in pretrial investigations.

Your proposed legislation would also provide $60 million to the states in an effort to reduce the nationwide backlog of unanalyzed DNA samples from convicted offenders and crime scenes. In order to qualify for these grants, states must allow post-conviction testing in a manner consistent with the procedures established by this bill.

The FOP has confidence in our nation's justice system and yet recognizes that no system is ever perfect. For this reason, we support a time-limited window for post-conviction DNA testing in those few cases where innocence might be proved.

I want to thank you for sharing this draft with us and we look forward to working with you and your staff to get this legislation enacted.

Sincerely,

GILBERT G. CALLEGOS,
National President.

NATIONAL DISTRICT
ATTORNEYS ASSOCIATION,
Alexandria, VA, August 16, 2000.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN HATCH: The National District Attorneys Association, with over 7,000 members, represents the local prosecutors of this nation. Our members try, by far, the majority of criminal cases in this country and our expertise in prosecuting violent criminals is second to none—as is our dedication to protecting the innocent. In keeping with this charge, the Board of Directors of the National District Attorneys Association has voted, unanimously, to support the "Criminal Justice Integrity and Law Enforcement Assistance Act," for which you serve as the primary sponsor.

New technologies, such as DNA testing, can assist in establishing guilt or innocence in cases when used appropriately. In the application of any new technology, post conviction testing must be reserved for those defendants who can actually benefit from the application of the advance of science and not merely raise spurious claims.

Testing DNA, or any other scientific evidence, is costly and requires trained technicians to collect the evidence, conduct analyses of the samples and provide the requisite records and testimony to the court. Advancing unfounded demands for post conviction tests would not only delay on going investigations and trials but also deny those truly deserving of a reassessment of the evidence in their case a timely review.

Adhering to these principles we believe that post conviction testing must be reserved for:

defendants who have consistently maintained their innocence—if the defendant has voluntarily confessed to the offense or has pled guilty then they should not have the requisite standing to challenge their guilt; and

have contested the issue of identification at tiral—DNA testing goes to the issue of identification, nothing else; and

who can make a prima facie showing that a favorable test would demonstrate their innocence.

The latter point is most crucial. In many cases an individual can be guilty of a crime, in which DNA evidence may be available, yet not have been the individual who left the evidence. For instance an individual can be convicted of rape by holding down a victim even though he never actually has intercourse or they may never have ejaculated; in a like fashion the driver of a "get away" car can be convicted of murder even though she never enters the convenience store.

The federal government does have a vital role to play in this effort to hasten appropriate post conviction relief in fostering the use of DNA testing but cannot, and must not, usurp state prerogatives in preserving the sanctity of their respective systems of criminal justice. If post conviction testing DNA evidence indicates potentially favorable results, the issue should be addressed, under state criminal procedures, as a timely claim of newly discovered evidence and be accorded review under normal state standards.

The legitimate role of the federal government in this effort is to encourage and assist the states in developing the means to conduct post conviction testing of scientific evidence. Given the serious, and continuing, backlog of DNA cases in particular, federal help can, and must be directed towards exponential increases in the capabilities of the state laboratory systems.

Withholding critical funding or mandating how states must use federal programs is counterproductive to the effort to obtain viable post conviction relief. Federal assistance must be devoted to permitting each state to apply resources to support and reinforce their respective systems. Moreover federal assistance must be incorporated, by the individual states, into efforts to upgrade laboratory capabilities across the board.

To be meaningful, DNA testing, and post conviction relief measures, must be truly dispositive of a defendant's guilt or innocence and not merely a pretext to stymie justice—for himself or others. The "Criminal Justice Integrity and Law Enforcement Assistance Act" provides for this balance of resources and we most strongly urge that it be passed by the Congress.

Sincerely,

ROBERT M.A. JOHNSON,
County Attorney, Anoka County, Minnesota. President, National District Attorneys Association.

INTERNATIONAL ASSOCIATION
OF CHIEFS OF POLICE,
Alexandria, VA, June 21, 2000.

Hon. ORRIN HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the International Association of Chiefs of Police (IACP), I am writing to express our strong support for the Criminal Justice Integrity and Law Enforcement Assistance Act of 2000. As you know, the IACP is world's oldest and largest association of law enforcement executives with more than 18,000 members in 100 countries.

The use of DNA evidence represents the logical next step in technological advancement of criminal investigations and is in keeping with law enforcement's obligation to use the most advanced and accurate methods of investigating crime and proving criminal activity in a court of law. The IACP strongly supports the collection and use of DNA evidence and has consistently called for legislation that would promote greater use of DNA technology and include funding to analyze both convicted offender and crime scene DNA samples. The provisions of the Criminal Justice Integrity and Law Enforcement Assistance Act advance these goals.

Currently, more than 700,000 DNA samples taken from convicted felons and recovered from crime scenes remain unanalyzed due to the limited resources of state and local law enforcement agencies. This backlog severely threatens the timeliness of quality forensic examinations that are critical to solving crimes. By authorizing $60 million to assist states in reducing the current backlog of DNA samples the Criminal Justice Integrity and Law Enforcement Assistance Act will greatly increase the ability of state and local law enforcement agencies to make efficient and effective use of DNA evidence.

In addition, by limiting post conviction DNA tests to only those cases where the results have the potential to conclusively establish an individual's innocence of the crime for which they were convicted, this act properly ensures that justice is served without burdening the court system and forensic laboratories with thousands of cases.

Thank you for your continued support of the nation's law enforcement agencies. We look forward to working with you on this issue of vital importance.

Sincerely,

MICHAEL D. ROBINSON,
President.

Mr. SMITH of Oregon. I am very pleased that the distinguished Senator from Utah has recognized the need to address the important issue of post-conviction DNA testing at the federal level and am proud to join his efforts. Senator HATCH's Criminal Justice Integrity and Law Enforcement Assistant Act is an excellent bill that has the strong support from law enforcement officials. It will provide much-needed funds for law enforcement authorities to analyze convicted offender DNA samples and DNA evidence gathered from crime scenes.

However, it has become abundantly clear over recent years that funding is not the only problem in the post-conviction DNA testing debate. In determining guilt and innocence, our criminal justice system occasionally makes mistakes. It is our responsibility to take every reasonable measure to prevent miscarriages of justice. Perhaps the gravest injustice that could occur is wrongful imprisonment of an innocent person. Ensuring that all defendants have access to competent counsel would go a long way to minimize the risk of unjust incarceration.

Some will say that there is no problem, or that it is so rare as to be negligible, or that we do not yet know the true extent of the problem and should not introduce legislation until we do. I strongly disagree. Although officers of America's courts and law enforcement work extremely hard to ensure that the true perpetrators of heinous crimes are caught and convicted, there have been errors that have sent innocent men to death row—innocent people like you and me who did not deserve to be there. While some states, like my home State of Oregon, work hard to ensure that defendants are represented by competent counsel, other states clearly do not. Without a federal standard, there is a real risk that innocent people tried in states without adequate standards for defense counsel could be unjustly incarcerated, or in rate cases, even sentenced to death. Setting federal standards for competent counsel for all defendants is a very reasonable step to make sure that our system of criminal justice operates fairly regardless of where you live.

Senator LEAHY and I have introduced the Innocence Protection Act, which would address the vital issue of competency of counsel, among other things. Although the Criminal Justice Integrity Act, as introduced, does not address the issue of competency of counsel, Senator HATCH has promised to work with me and others to consider this issue when any post-conviction DNA testing legislation is considered in the Senate. I commend Senator HATCH for his interest in this matter, and for his willingness to work with me to produce a bill that will truly make a good system even better.

Mr. HATCH. I promise the distinguished Senator from Oregon that I will take up this issue in the months ahead. The issue of competency of counsel for indigents in state capital cases is a difficult issue for several reasons. First, it is not clear that this is a nationwide problem. For example, in Utah and Oregon, there does not appear to be a problem concerning the representation of indigents in capital cases. Second, the anecdotal examples cited in the media of poor capital representation occurred many years ago. For example, the death penalty trial of Gary Graham, which has been repeatedly mentioned in the press, occurred in 1981. Third, the States that seem to have a problem in this area recently made improvements. In 1995, Texas Governor George W. Bush signed legislation that provided indigent capital defendants the right to have two attorneys represent them at trial. Just this year, Alabama passed a law that compensates lawyers who represent indigents in capital trials at $100 per hour.

In short, I would like to know more about the extent of this problem before I introduce legislation. Thankfully, the Bureau of Justice Statistics is releasing a comprehensive study of state indigent legal defense services in December. I am hopeful that this study will provide the information necessary to evaluate the extent of this problem. I look forward to working with Senator SMITH in the months ahead.

Mr. MURKOWSKI (for himself and Mr. ABRAHAM):

S. 3131. A bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians and other health care providers that are attempting to properly submit claims under the Medicare Program and to ensure that the Secretary targets truly fraudulent activity for enforcement of medicare billing regulations, rather than inadvertent billing errors; to the Committee on Finance.

MEDICARE BILLING AND EDUCATION ACT

Mr. MURKOWSKI. Mr. President, right now, all across America, Medicare beneficiaries are seeking medical care from a flawed health care system. Reduced benefit packages, ever escalating costs, and limited access in rural areas are just a few of the problems our system faces on a daily basis. For this reason, Congress must continue to move towards the modernization of Medicare. But as we address the needs of beneficiaries, we must not turn our back upon the very providers that seniors rely upon for their care.

These providers are the physicians, the therapists, the nurses, and the allied health professionals who deliver quality care to our needy Medicare population. They are the backbone of our complex health care network. When our nation's seniors need care, it is the provider who heals, not the health insurer—and certainly not the federal government.

But more, and more often, seniors are being told by providers that they don't accept Medicare. This is becoming even more common in rural areas, where the number of physicians and access to quality care is already severely limited. Quite simply, beneficiaries are being told that their insurance is simply not wanted. Why? Well it's not as simple as low reimbursement rates. In fact it's much more complex.

The infrastructure that manages the Medicare program, the Health Care Financing Administration and its network of contractors, have built up a system designed to block care and micro-manage independent practices. Providers simply can't afford to keep up with the seemingly endless number of complex, redundant, and unnecessary regulations. And if providers do participate? Well, a simple administrative error in submitting a claim could subject them to heavy-handed audits and the financial devastation of their practice. Should we force providers to choose between protecting their practice and caring for seniors?

I believe the answer is no. For this reason, I am introducing the "Medicare Billing and Education Act of 2000." Cosponsored by Senator ABRAHAM, this legislation will restore fairness to the Medicare system. It will allow providers to practice medicine without fearing the threats, intimidation, and aggressive tactics of a faceless bureaucratic machine.

Most importantly, this bill will reform the flawed appeals process within HCFA. Currently, a provider charged with receiving an overpayment is forced to choose between three options: admit the overpayment, submit additional information to mitigate the charge, or appeal the decision. However, a provider who chooses to submit additional evidence must subject their entire practice to review and waive their appeal rights. That's right—to submit additional evidence you must waive your right to an appeal!

And what is the result of this maddening system that runs contrary to our nation's history of fair and just administrative decisions? Often, providers are intimidated into accepting the arbitrary decision of an auditor employed by a HCFA contractor. Sometimes, they are even forced to pull out of the Medicare program. In the end, our senior population suffers.

Under my bill, providers will be allowed to retain their appeal rights should they choose to first submit additional evidence to mitigate the charge. Many providers receive an overpayment as the result of a simple administrative mistake. For cases not involving fraud, a provider will be able to return that overpayment within twelve months without fear of prosecution. This is a common sense approach, and will not lead to any additional costs to the Medicare system.

To bring additional fairness to the system, my bill will prohibit the retroactive application of regulations, and allow providers to challenge the constitutionality of HCFA regulations. Further, it will prohibit the crippling recovery of overpayments during an appeal, and bar the unfair method of withholding valid future payments to recover past overpayments. These common sense measures maintain the financial viability of medical practices during the resolution of payment controversies, and restore fundamental fairness to the dispute resolution procedures existing within HCFA.

Like many of our nation's problems, the key to improvement is found in education. For this reason, I have included language that stipulates that at least ten percent of the Medicare Integrity Program funds, and two percent of carrier funds, must be devoted to provider education programs.

providers cannot be expected to comply with the endless number of Medicare regulations if they are not shown how to submit clean claims. We must ensure that providers are given the information needed to eliminate future billing errors, and improve the responsiveness of HCFA.

It is with the goal of protecting our Medicare population, and the providers who tend care, that leads me to introduce the "Medicare Billing and Education act of 2000." This bill will ensure that providers are treated with the respect that they deserve, and that Medicare beneficiaries aren't told that their health insurance isn't wanted. We owe it to our nation's seniors. I urge immediate action on this worthy bill.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Billing and Education Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—REGULATORY REFORM

Sec. 101. Prospective application of certain regulations.
Sec. 102. Requirements for judicial and regulatory challenges of regulations.
Sec. 103. Prohibition of recovering past overpayments by certain means.
Sec. 104. Prohibition of recovering past overpayments if appeal pending.

TITLE II—APPEALS PROCESS REFORMS

Sec. 201. Reform of post-payment audit process.
Sec. 202. Definitions relating to protections for physicians, suppliers, and providers of services.
Sec. 203. Right to appeal on behalf of deceased beneficiaries.

TITLE III—EDUCATION COMPONENTS

Sec. 301. Designated funding levels for provider education.
Sec. 302. Advisory opinions.

TITLE IV—SUSTAINABLE GROWTH RATE REFORMS

Sec. 401. Inclusion of regulatory costs in the calculation of the sustainable growth rate.

TITLE V—STUDIES AND REPORTS

Sec. 501. GAO audit and report on compliance with certain statutory administrative procedure requirements.
Sec. 502. GAO study and report on provider participation.
Sec. 503. GAO audit of random sample audits.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Physicians, providers of services, and suppliers of medical equipment and supplies that participate in the medicare program under title XVIII of the Social Security Act must contend with over 100,000 pages of complex medicare regulations, most of which are unknowable to the average health care provider.

(2) Many physicians are choosing to discontinue participation in the medicare program to avoid becoming the target of an overzealous Government investigation regarding compliance with the extensive regulations governing the submission and payment of medicare claims.

(3) Health Care Financing Administration contractors send post-payment review letters to physicians that require the physician to submit to additional substantial Government interference with the practice of the physician in order to preserve the physician's right to due process.

(4) When a Health Care Financing Administration contractor sends a post-payment review letter to a physician, that contractor often has no telephone or face-to-face communication with the physician, provider of services, or supplier.

(5) The Health Care Financing Administration targets billing errors as though health care providers have committed fraudulent acts, but has not adequately educated physicians, providers of services, and suppliers regarding medicare billing requirements.

(6) The Office of the Inspector General of the Department of Health and Human Services found that 75 percent of surveyed physicians had never received any educational materials from a Health Care Financing Administration contractor concerning the equipment and supply ordering process.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPLICABLE AUTHORITY.—The term "applicable authority" has the meaning given such term in section 1861(uu)(1) of the Social Security Act (as added by section 202).

(2) CARRIER.—The term "carrier" means a carrier (as defined in section 1842(f) of the Social Security Act (42 U.S.C. 1395u(f))) with a contract under title XVIII of such Act to administer benefits under part B of such title.

(3) EXTRAPOLATION.—The term "extrapolation" has the meaning given such term in section 1861(uu)(2) of the Social Security Act (as added by section 202).

(4) FISCAL INTERMEDIARY.—The term "fiscal intermediary" means a fiscal intermediary (as defined in section 1816(a) of the Social Security Act (42 U.S.C. 1395h(a))) with an agreement under section 1816 of such Act to administer benefits under part A or B of such title.

(5) HEALTH CARE PROVIDER.—The term "health care provider" has the meaning given the term "eligible provider" in section 1897(a)(2) of the Social Security Act (as added by section 301).

(6) MEDICARE PROGRAM.—The term "medicare program" means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) PREPAYMENT REVIEW.—The term "prepayment review" has the meaning given such term in section 1861(uu)(3) of the Social Security Act (as added by section 202).

(8) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

TITLE I—REGULATORY REFORM

SEC. 101. PROSPECTIVE APPLICATION OF CERTAIN REGULATIONS.

Section 1871(a) of the Social Security Act (42 U.S.C. 1395hh(a)) is amended by adding at the end the following new paragraph:

"(3) Any regulation described under paragraph (2) may not take effect earlier than the date on which such regulation becomes a final regulation. Any regulation described under such paragraph that applies to an agency action, including any agency determination, shall only apply as that regulation is in effect at the time that agency action is taken.".

SEC. 102. REQUIREMENTS FOR JUDICIAL AND REGULATORY CHALLENGES OF REGULATIONS.

(a) RIGHT TO CHALLENGE CONSTITUTIONALITY AND STATUTORY AUTHORITY OF HCFA REGULATIONS.—Section 1872 of the Social Security Act (42 U.S.C. 1395ii) is amended to read as follows:

"APPLICATION OF CERTAIN PROVISIONS OF TITLE II

"SEC. 1872. The provisions of sections 206 and 216(j), and of subsections (a), (d), (e), (h), (i), (j), (k), and (l) of section 205, shall also apply with respect to this title to the same extent as they are applicable with respect to title II, except that—

"(1) in applying such provisions with respect to this title, any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively; and

"(2) section 205(h) shall not apply with respect to any action brought against the Secretary under section 1331 or 1346 of title 28, United States Code, regardless of whether such action is unrelated to a specific determination of the Secretary, that challenges—

"(A) the constitutionality of substantive or interpretive rules of general applicability issued by the Secretary;

"(B) the Secretary's statutory authority to promulgate such substantive or interpretive rules of general applicability; or

"(C) a finding of good cause under subparagraph (B) of the sentence following section 553(b)(3) of title 5, United States Code, if used in the promulgation of substantive or interpretive rules of general applicability issued by the Secretary.".

(b) CONSTRUCTION OF HEARING RIGHTS RELATING TO DETERMINATIONS BY THE SECRETARY REGARDING AGREEMENTS WITH PROVIDERS OF SERVICES.—Section 1866(h) of the Social Security Act (42 U.S.C. 1395cc(h)) is amended by adding at the end the following new paragraph:

"(3) For purposes of applying paragraph (1), an institution or agency dissatisfied with a determination by the Secretary described in such paragraph shall be entitled to a hearing thereon regardless of whether—

"(A) such determination has been made by the Secretary or by a State pursuant to an agreement entered into with the Secretary under section 1864; or

"(B) the Secretary has imposed or may impose a remedy, penalty, or other sanction on the institution or agency in connection with such determination.".

SEC. 103. PROHIBITION OF RECOVERING PAST OVERPAYMENTS BY CERTAIN MEANS.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding sections 1815(a), 1842(b), and 1861(v)(1)(A)(ii) of the Social Security Act (42 U.S.C. 1395g(a), 1395u(a), and 1395x(v)(1)(A)(ii)), or any other provision of law, for purposes of applying sections 1842(b)(3)(B)(ii), 1866(a)(1)(B)(ii), 1870, and 1893 of such Act (42 U.S.C. 1395u(b)(3)(B)(ii), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd), the Secretary may not offset any future payment to a health care provider to recoup a previously made overpayment, but instead shall establish a repayment plan to recoup such an overpayment.

(b) EXCEPTION.—This section shall not apply to cases in which the Secretary finds evidence of fraud or similar fault on the part of such provider.

SEC. 104. PROHIBITION OF RECOVERING PAST OVERPAYMENTS IF APPEAL PENDING.

(a) Notwithstanding any provision of law, for purposes of applying sections 1842(b)(3)(B)(ii), 1866(a)(1)(B)(ii), 1870, and 1893 of the Social Security Act (42 U.S.C. 1395u(b)(3)(B)(ii), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd), the Secretary may not take any action (or authorize any other person, including any fiscal intermediary, carrier, and contractor under section 1893 of such Act (42 U.S.C. 1395ddd)) to recoup an overpayment during the period in which a health care provider is appealing a determination that such an overpayment has been made or the amount of the overpayment.

(b) Exception to this section shall not apply to cases in which the Secretary finds evidence of fraud or similar fault on the part of such provider.

TITLE II—APPEALS PROCESS REFORMS

SEC. 201. REFORM OF POST-PAYMENT AUDIT PROCESS.

(a) COMMUNICATIONS TO PHYSICIANS.—Section 1842 of the Social Security Act (42 U.S.C. 1395u) is amended by adding at the end the following new subsection:

"(u)(1)(A) Except as provided in paragraph (2), in carrying out its contract under subsection (b)(3), with respect to physicians' services, the carrier shall provide for the recoupment of overpayments in the manner described in the succeeding subparagraphs if—

"(i) the carrier or a contractor under section 1893 has not requested any relevant record or file; and

"(ii) the case has not been referred to the Department of Justice or the Office of Inspector General.

"(B)(i) During the 1-year period beginning on the date on which a physician receives an overpayment, the physician may return the overpayment to the carrier making such overpayment without any penalty.

"(ii) If a physician returns an overpayment under clause (i), neither the carrier nor the contractor under section 1893 may begin an investigation or target such physician based on any claim associated with the amount the physician has repaid.

"(C) The carrier or a contractor under section 1893 may not recoup or offset payment amounts based on extrapolation (as defined in section 1861(uu)(2)) if the physician has not been the subject of a post-payment audit.

"(D) As part of any written consent settlement communication, the carrier or a contractor under section 1893 shall clearly state that the physician may submit additional information (including evidence other than medical records) to dispute the overpayment amount without waiving any administrative remedy or right to appeal the amount of the overpayment.

"(E) As part of the administrative appeals process for any amount in controversy, a physician may directly appeal any adverse determination of the carrier or a contractor under section 1893 to an administrative law judge.

"(F)(i) Each consent settlement communication from the carrier or a contractor under section 1893 shall clearly state that prepayment review (as defined in section 1861(uu)(3)) may be imposed where the physician submits an actual or projected repayment to the carrier or a contractor under section 1893. Any prepayment review shall cease if the physician demonstrates to the carrier that the physician has properly submitted clean claims (as defined in section 1816(c)(2)(B)(i)).

"(ii) Prepayment review may not be applied as a result of an action under section 201(a), 301(b), or 302.

"(2) If a carrier or a contractor under section 1893 identifies (before or during post-payment review activities) that a physician has submitted a claim with a coding, documentation, or billing inconsistency, before sending any written communication to such physician, the carrier or a contractor under section 1893 shall contact the physician by telephone or in person at the physician's place of business during regular business hours and shall—

"(i) identify the billing anomaly;

"(ii) inform the physician of how to address the anomaly; and

"(iii) describe the type of coding or documentation that is required for the claim.".

(b) Effective Date.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

SEC. 202. DEFINITIONS RELATING TO PROTECTIONS FOR PHYSICIANS, SUPPLIERS, AND PROVIDERS OF SERVICES.

(a) In General.—Section 1861 of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new subsection:

"Definitions Relating to Protections for Physicians, Suppliers, and Providers of Services

"(uu) For purposes of provisions of this title relating to protections for physicians, suppliers of medical equipment and supplies, and providers of services:

"(1) Applicable authority.—The term 'applicable authority' means the carrier, contractor under section 1893, or fiscal intermediary that is responsible for making any determination regarding a payment for any item or service under the medicare program under this title.

"(2) Extrapolation.—The term 'extrapolation' means the application of an overpayment dollar amount to a larger grouping of physician claims than those in the audited sample to calculate a projected overpayment figure.

"(3) Prepayment review.—The term 'prepayment review' means the carriers' and fiscal intermediaries' practice of withholding claim reimbursements from eligible providers even if the claims have been properly submitted and reflect medical services provided.".

SEC. 203. RIGHT TO APPEAL ON BEHALF OF DECEASED BENEFICIARIES.

Notwithstanding section 1870 of the Social Security Act (42 U.S.C. 1395gg) or any other provision of law, the Secretary shall permit any health care provider to appeal any determination of the Secretary under the medicare program on behalf of a deceased beneficiary where no substitute party is available.

TITLE III—EDUCATION COMPONENTS

SEC. 301. DESIGNATED FUNDING LEVELS FOR PROVIDER EDUCATION.

(a) Education Programs for Physicians, Providers of Services, and Suppliers.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"EDUCATION PROGRAMS FOR PHYSICIANS,
PROVIDERS OF SERVICES, AND SUPPLIERS

"Sec. 1897. (a) Definitions.—In this section:

"(1) Education programs.—The term 'education programs' means programs undertaken in conjunction with Federal, State, and local medical societies, specialty societies, other providers, and the Federal, State, and local associations of such providers that—

"(A) focus on current billing, coding, cost reporting, and documentation laws, regulations, fiscal intermediary and carrier manual instructions;

"(B) place special emphasis on billing, coding, cost reporting, and documentation errors that the Secretary has found occur with the highest frequency; and

"(C) emphasize remedies for these improper billing, coding, cost reporting, and documentation practices.

"(2) Eligible providers.—The term 'eligible provider' means a physician (as defined in section 1861(r)), a provider of services (as defined in section 1861(u)), or a supplier of medical equipment and supplies (as defined in section 1834(j)(5)).

"(b) Conduct of Education Programs.—

"(1) In general.—Carriers and fiscal intermediaries shall conduct education programs for any eligible provider that submits a claim under paragraph (2)(A).

"(2) Eligible provider education.—

"(A) Submission of claims and records.—Any eligible provider may voluntarily submit any present or prior claim or medical record to the applicable authority (as defined in section 1861(uu)(1)) to determine whether the billing, coding, and documentation associated with the claim is appropriate.

"(B) Prohibition of extrapolation.—No claim submitted under subparagraph (A) is subject to any type of extrapolation (as defined in section 1861(uu)(2)).

"(c) Safe Harbor.—No submission of a claim or record under this section shall result in the carrier or a contractor under section 1893 beginning an investigation or targeting an individual or entity based on any claim or record submitted under such subparagraph.

"(3) Treatment of improper claims.—If the carrier or fiscal intermediary finds a claim to be improper, the eligible provider shall have the following options:

"(A) Correction of problems.—To correct the documentation, coding, or billing problem to appropriately substantiate the claim and either—

"(i) remit the actual overpayment; or

"(ii) receive the appropriate additional payment from the carrier or fiscal intermediary.

"(B) Repayment.—To repay the actual overpayment amount if the service was not covered under the medicare program under this title or if adequate documentation does not exist.

"(4) Prohibition of eligible provider tracking.—The applicable authorities may not use the record of attendance of any eligible provider at an education program conducted under this section or the inquiry regarding claims under paragraph (2)(A) to select, identify, or track such eligible provider for the purpose of conducting any type of audit or prepayment review.".

(b) Funding of Education Programs.—

(1) Medicare integrity program.—Section 1893(b)(4) of the Social Security Act (42 U.S.C. 1395ddd(b)(4)) is amended by adding at the end the following new sentence: "No less than 10 percent of the program funds shall be devoted to the education programs for eligible providers under section 1897.".

(2) Carriers.—Section 1842(b)(3)(H) of the Social Security Act (42 U.S.C. 1395u(b)(3)(H)) is amended by adding at the end the following new clause:

"(iii) No less than 2 percent of carrier funds shall be devoted to the education programs for eligible providers under section 1897.".

(3) Fiscal intermediaries.—Section 1816(b)(1) of the Social Security Act (42 U.S.C. 1395h(b)(1)) is amended—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking "; and" and inserting a comma; and

(C) by adding at the end the following new subparagraph:

"(C) that such agency or organization is using no less than 1 percent of its funding for education programs for eligible providers under section 1897.".

(c) Effective Date.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

SEC. 302. ADVISORY OPINIONS.

(a) Straight Answers.—

(1) In general.—Fiscal intermediaries and carriers shall do their utmost to provide health care providers with one, straight and correct answer regarding billing and cost reporting questions under the medicare program, and will, when requested, give their true first and last names to providers.

(2) Written requests.—

(A) In general.—The Secretary shall establish a process under which a health care provider may request, in writing from a fiscal intermediary or carrier, assistance in addressing questionable coverage, billing, documentation, coding and cost reporting procedures under the medicare program and then the fiscal intermediary or carrier shall respond in writing within 30 business days with the correct billing or procedural answer.

(B) Use of Written Statement.—

(i) In general.—Subject to clause (ii), a written statement under paragraph (1) may be used as proof against a future payment audit or overpayment determination under the medicare program.

(ii) Extrapolation prohibition.—Subject to clause (iii), no claim submitted under this section shall be subject to extrapolation.

(iii) Limitation on application.—Clauses (i) and (ii) shall not apply to cases of fraudulent billing.

(C) Safe harbor.—If a physician requests an advisory opinion under this subsection, neither the fiscal intermediary, the carrier, nor a contractor under section 1893 of the Social Security Act (42 U.S.C. 1395ddd) may begin an investigation or target such physician based on any claim cited in the request.

(b) Extension of Existing Advisory Opinion Provisions of Law.—Section 1128D(b) of the Social Security Act (42 U.S.C. 1320a-7d(b)) is amended—

(1) in paragraph (4), by adding at the end the following new subparagraph:

"(C) Safe harbor.—If a party requests an advisory opinion under this subsection, neither the fiscal intermediary, the carrier, nor a contractor under section 1893 may begin an investigation or target such party based on any claim cited in the request."; and

(2) in paragraph (6), by striking, "and before the date which is 4 years after such date of enactment".

TITLE IV—SUSTAINABLE GROWTH RATE REFORMS

SEC. 401. INCLUSION OF REGULATORY COSTS IN THE CALCULATION OF THE SUSTAINABLE GROWTH RATE.

(a) In General.—Section 1848(f)(2) of the Social Security Act (42 U.S.C. 1395w-4(f)(2)) is amended—

(1) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(2) by striking "Specification of growth rate.—The sustainable growth rate" and inserting "Specification of growth rate.—

"(A) In general.—The sustainable growth rate"; and

(3) by adding at the end the following new subparagraphs:

"(B) Inclusion of SGR regulatory costs.—The Secretary shall include in the estimate established under clause (iv)—

"(i) the costs for each physicians' service resulting from any regulation implemented by the Secretary during the year for which the sustainable growth rate is estimated, including those regulations that may be implemented during such year; and

"(ii) the costs described in subparagraph (C).

"(C) Inclusion of other regulatory costs.—The costs described in this subparagraph are any per procedure costs incurred by each physicians' practice in complying with each regulation promulgated by the Secretary, regardless of whether such regulation affects the fee schedule established under subsection (b)(1).

"(D) INCLUSION OF COSTS IN REGULATORY IMPACT ANALYSES.—With respect to any regulation promulgated on or after January 1, 2001, that may impose a regulatory cost described in subparagraph (B)(i) or (C) on a physician, the Secretary shall include in the regulatory impact analysis accompanying such regulation an estimate of any such cost.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any estimate made by the Secretary of Health and Human Services on or after the date of enactment of this Act.

TITLE V—STUDIES AND REPORTS

SEC. 501. GAO AUDIT AND REPORT ON COMPLIANCE WITH CERTAIN STATUTORY ADMINISTRATIVE PROCEDURE REQUIREMENTS.

(a) AUDIT.—The Comptroller General of the United States shall conduct an audit of the compliance of the Health Care Financing Administration and all regulations promulgated by the Department of Health and Human Resources under statutes administered by the Health Care Financing Administration with—

(1) the provisions of such statutes;

(2) subchapter II of chapter 5 of title 5, United States Code (including section 553 of such title); and

(3) chapter 6 of title 5, United States Code.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the audit conducted under subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

SEC. 502. GAO STUDY AND REPORT ON PROVIDER PARTICIPATION.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on provider participation in the medicare program to determine whether policies or enforcement efforts against health care providers have reduced access to care for medicare beneficiaries. Such study shall include a determination of the total cost to physician, supplier, and provider practices of compliance with medicare laws and regulations, the number of physician, supplier, and provider audits, the actual overpayments assessed in consent settlements, and the attendant projected overpayments communicated to physicians, suppliers, and providers as part of the consent settlement process.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

SEC. 503. GAO AUDIT OF RANDOM SAMPLE AUDITS.

(a) AUDIT.—The Comptroller General of the United States shall conduct an audit to determine—

(1) the statistical validity of random sample audits conducted under the medicare program before the date of the enactment of this Act;

(2) the necessity of such audits for purposes of administering sections 1815(a), 1842(a), and 1861(v)(1)(A)(ii) of the Social Security Act (42 U.S.C. 1395g(a), 1395u(a), and 1395x(v)(1)(A)(ii));

(3) the effects of the application of such audits to health care providers under sections 1842(b), 1866(a)(1)(B)(ii), 1870, and 1893 of such Act (42 U.S.C. 1395u(a), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd); and

(4) the percentage of claims found to be improper from these audits, as well as the proportion of the extrapolated overpayment amounts to the overpayment amounts found from the analysis of the original sample.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the audit conducted under subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

By Mr. WARNER:

S. 3132. A bill to expand the boundary of the George Washington Birthplace National Monument, and for other purposes; to the Committee on Energy and Natural Resources.se

GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT BOUNDARY ADJUSTMENT ACT OF 2000

Mr. WARNER. Mr. President, the man who would later become America's first president, George Washington, was born at Popes Creek Plantation on the banks of the Potomac River in 1732. Although most Americans are familiar with his later residence at Mt. Vernon, fewer people know that George Washington's childhood was spent on this sprawling 550 acre plantation in Westmoreland County, Virginia.

The Washington family first settled at Popes Creek in 1656 when John Washington, great-grandfather of George Washington, acquired the property. Although he later moved to Mt. Vernon, most historians agree George Washington returned on a regular basis to his birthplace. Located on the property is the Washington family cemetery that is the final resting place for George Washington's father, grandfather, and great-grandfather. To this day, Washington family descendants continue to live in the area.

In 1930, Congress recognized the historic importance of this site to the nation and created the George Washington Birthplace National Monument. The park is truly a national treasure which tells of George Washington's formative years. In addition to providing an excellent example of colonial life, the park contains acres of woodlands, wetlands, and agricultural fields. I am told numerous bald-eagles now call the park home.

In this age of rapid development, it is remarkable that despite the passage of two hundred and sixty-eight years, the Popes Creek area is remarkably unchanged since the time of George Washington's birth. The 131,099 annual visitors to the park can still experience a rural, pastoral countryside that George Washington would recognize. Much of the credit for this bucolic atmosphere is due to the efforts of the owners of the private property surrounding the park. They have done their best to avoid developing the property adjacent to the park. But, as these landowners gradually decide they wish to sell their property, I believe the Park Service should acquire the surrounding property to preserve this historic setting for future generations. The alternative is to risk development that could forever scar this beautiful national landmark.

Today, I am introducing legislation to expand the boundary of the George Washington Birthplace National Monument by allowing the U.S. Park Service to acquire portions of the surrounding property from willing sellers. As a nation, it is our duty to preserve America's heritage for future generations. I urge my colleagues to support the preservation of George Washington's birthplace.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 3133. A bill to provide compensation to producers for underestimation of wheat protein content; to the Committee on Agriculture, Nutrition, and Forestry.

WHEAT PROTEIN MISMEASUREMENT COMPENSATION ACT

Mr. BAUCUS. Mr. President, I rise today to introduce the bill which will provide long-overdue compensation to agricultural producers in my state and across the country. The "Wheat Protein Mismeasurement Compensation Act" provides a legislative remedy for producers who suffered a loss due to the U.S. Department of Agriculture's erroneous underestimation of their wheat protein content for wheat sold between May 2, 1993 and January 24, 1994.

In May 1993, the Secretary of Agriculture, acting through the Federal Grain Inspection Service, required the use of new technology for determining the protein content of wheat. However, the calibrations provided by the Secretary for the new protein measurement instruments were erroneous and resulted in protein determinations that were lower than those produced by the technology in use before use of the new technology was required.

As a result of this miscalibration and the USDA's failure to provide adequate notice and opportunity for comment, hundreds of wheat producers in my state were forced to adjust their protein measurement and pricing system in order to protect themselves on resale. The result was a significant loss of revenue from the sale of high-protein wheat.

Mr. President, I have worked on this issue for several years—first as a case for my injured Montana producers. In a perfect this world, this problem would have been resolved by the USDA at an administrative level immediately after the miscalibration was identified and readjusted. Instead, it has lagged on and on and on. Unfortunately this matter for technical sovereign immunity reasons cannot be resolved in the courts. That is why we in Congress are their last chance at getting this resolved once and for all.

It is clearly, however, that these wheat producers by no fault of their own were injured by the USDA's implementation of a flawed system. But for that error, they would have received a fair price for their wheat. At a time when the agricultural community continues to suffer from record low prices and disastrous weather conditions, this continued injustice is simply unacceptable. We must do all in our power to correct this problem and justly compensate our producers for their losses.

I urge my colleagues to assist us in the expeditious passage of this legislation.

Mr. BURNS. Mr. President I rise today to join my colleague from Montana in introducing the Wheat Protein Mismeasurement Compensation Act. In 1993 the Federal Grain Inspection Service changed the technology used to determine the protein content of wheat. As a result a number of producers were harmed.

The issue has had our attention for a number of years, and has cumulated in a recent exercise over the past few months to find a resolution. The simple fact is that the USDA has failed to work with the farmers harmed so we can determine the actual financial impact to all producers. However, I am very confident we can address the losses shouldered by Montana's producers with the $465 million cap in this legislation.

My number one priority is to ensure that those producers who were harmed by the Federal Government's miscalculation are fully reimbursed for their losses. As we work this bill through the legislative process I believe we may need to readdress the section on the amount of compensation for the attorneys, but only time will tell. I believe this bill is a good step forward, and I welcome a process that will make USDA sit down face to face with these producers and compensate those that were harmed by the mismeasurements.

By Mr. BAUCUS:

S. 3134. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for certain charitable conservation contributions of land by small farmers and ranchers, and for other purposes; to the Committee on Finance.

RURAL HERITAGE CONSERVATION ACT

Mr. BAUCUS. Mr. President, our nation's agricultural heritage is a rich tradition, which encompasses much of what we are about as a people: hard work, common sense, and a deep respect for the land.

In Montana, and in too many communities across America, our agricultural heritage is at risk. Productive farms and ranches that have been in the same family for generations are being forced to turn their back on the land they love in order to make ends meet.

I applaud our current conservation easement system and the many fine non-profit organizations that have worked with landowners across America to protect millions of acres of land. The successes have been great, but so too have the lessons.

What we have learned is that the current system does not work particularly well for working farmers and ranchers. That's why I've introduced the Rural Heritage Conservation Act, a creative approach that provides farmers and ranchers with a real incentive to preserve their, and our, agricultural heritage.

Over the past twenty-five years, over 3 million acres of agricultural land have been lost to development in Montana alone. Many of these acres were lost when family farms, hit hard by tough times, chose to give up their generations of old farming operations and sell to developers in order to pay their outstanding debts.

The measure proposed in this legislation will expand the current conservation easement tax incentive program with an eye toward making the system work better for the bulk of real, working farmers and ranchers who would like to preserve their land for future generations but for whom the current system does not provide any meaningful incentive.

Let me give you a real-life example that was presented by my good friend Jerry Townsend of Highwood Montana before the Senate Finance Committee's subcommittee on Tax and IRS oversight.

Mr. Townsend testified that when he gave a conservation easement to the Montana Land Reliance, the value of his deduction was $524,000. However, under current law, over the last five years he has only been able to save $1,858 in federal taxes. Not much of an incentive, particularly when you factor in the $2,500 he paid for the appraisal required to complete the conservation easement process.

The Rural Heritage Conservation Act will do three things.

First, it will create a targeted, limited tax credit for farm and ranch filers who donate a conservation easement to a qualified land trust. Mr. Townsend's example is all too familiar a story to farmers and ranchers throughout America. The relatively small deduction they can obtain under current law does not in any way equate to either the potential income they have forfeited or the value the public has gained from the donation. As a result, fewer and fewer farmers and ranchers are donating conservation easements and protecting their land for future generations.

To protect against abuse, the bill calls for a cap on the total tax credit available under the program and requires that a majority of the income for the qualifying filer be from farm and ranch operations.

Second, this legislation will level the playing field for all types of agricultural filers. Current law allows C-Corps to deduct up to 10 percent of their income compared to the 30% allowed for other business types including Limited Liability Companies, Sole Proprietorships and Limited Liability Partnerships.

According to figures presented by the Montana Land Reliance, there are some 40,000 acres of land in Montana alone owned by C-Corporations, in most cases family held, that have identified the 10 percent limit as a barrier to their contributing an easement.

Third, the bill would eliminate the current provision that limits additional estate tax relief to landowners only within a 25 mile radius of a metropolitan area.

As we have discussed at some length in this very chamber, estate tax is a significant issue for many Americans, including those who live in farm and ranch households. The current radius restriction works to the financial disadvantage of people who live in states with sparse populations.

Elimination of the radius will be a significant improvement to current law and will enable many rural families to pass along to future generations family farms and ranches that are so much a part of the very heart of America.

Protecting our agricultural heritage and the land that makes it possible is good public policy. I believe that the Agricultural Heritage Preservation Act is a creative, common sense approach to improving the current conservation easement program and making it work better to meet this important goal. I'm not claiming that this approach is the "perfect" approach, or the only way to accomplish our goals. But it's clear that the current system does not work effectively for small farmers and ranchers and we must do more. I hope that the introduction of this bill will initiate an informed, intelligent discussion of this important matter. We must find the best way to solve this problem that threatens the conservation of our agricultural lands and rural way of life.

I hope that as we consider other land conservation initiatives and other measures to make significant changes to the estate tax system, that the changes I'm proposing in the Rural Heritage Conservation Act will be a key part of the discussion.

By Mr. GRAMS:

S. 3138. A bill to amend the Internal Revenue Code of 1986 to increase the amount and availability of the child tax credit and make the credit refundable; to the Committee on Finance.

HELPING AMERICAN FAMILIES

Mr. GRAMS. Mr. President, I will talk for a couple of minutes about one of the issues about which I am most passionate, and that is taxes, or the overtaxation of the American people in a time of surpluses, and the refusal of this Congress, this President, to even make an attempt to have meaningful tax cuts or meaningful tax relief before the end of this Congress.

In 1997, the Congress passed and the President signed into law my $500-per-child tax credit legislation. As a result, today about 40 million children in this country receive this tax credit every year, and it returns a total of about $20 billion a year in tax savings to families. That is money that families can use for savings for their children's education, for day care, for tutors, for braces, a new washer, dryer—anything—a family vacation. But it is what the family decides to spend their hard-earned money on, rather than waiting for a handout from Washington.

In fact, for the first time since the 1980s, this tax credit and other Republican-initiated tax cuts have reduced the tax burden for low- and middle-income families. I have heard many of my colleagues on the other side of the aisle bragging about how some people in the United States are paying less taxes today—and that is true—but it is mainly true because of the $500-per-child tax credit, nothing else that this administration or this Congress has done.

Despite this tax credit, the total tax burden is still way too high for working Americans. Today, let's look at an average two-income family. The median two-income family pays $26,759 in Federal, State, and local taxes. Let's compare this with back in 1992. Those taxes were $21,320 a year—a 26-percent increase in the tax burden for average families in just the last 8 years of the Clinton administration. That is according to the Nonpartisan Tax Foundation. To date, $26,759; 8 years ago, $21,320.

That shows the increase in taxes to the median-income family—not the rich of this country. They are paying more in taxes, as well. But it is the average working family that is paying the brunt of the tax increases imposed by this administration. Again, that is according to the Nonpartisan Tax Foundation. Total taxes nationwide claim 39 percent of hard-earned income, and that is more than the typical family in this country pays for food, clothing, shelter, and transportation combined.

In the past few years, over 20 million Americans earning between $30,000 and $50,000 have been pushed from the 15-percent tax bracket into the 28-percent tax bracket due to our unfair tax system. They are paying almost twice as much for those incomes, pushed from the 15-percent to the 28-percent tax bracket. As low-income and minimum wage workers work harder and pay more, their payroll taxes also increase, taking a huge bite out of their hard-earned dollars—dollars that I believe are desperately needed to keep those families above the poverty line.

Taxes collected by the Federal Government have reached 20.6 percent of all national income. That is the highest level since World War II. The government takes one-fifth of every dollar produced in this country every year. In the next 10 years, working Americans will pay taxes that will contribute to an over $2.2 trillion non-Social Security surplus. This non-Social Security surplus will be $2.2 trillion and that is even after assuming government spending is increasing along with the level and rate of inflation. This non-Social Security surplus comes from increased personal taxes and the realization of our capital gains taxes.

I believe this money should be returned to working Americans in the form of some tax relief, debt reduction, and also Social Security reform. Yes, overtaxed American families still need tax relief today. I believe using some of the non-Social Security surplus to expand the $500-per-child tax credit is one of the right things to do because Washington, again, is taking more taxes from American families at a time when it doesn't need the money as bad as families do.

I have repeatedly argued in this Chamber that the family has been and will continue to be the bedrock of our society. Strong families make strong communities, strong communities make for a strong America, and our tax policies should strengthen families and should be there to reestablish the value of families.

Between 1960 and 1985, Federal taxes on American families increased significantly. For families with 4 children, the Federal income tax rate increased 223 percent; for families with two children the rate increased 43 percent. The inflation-adjusted median income for families with children also decreased between 1973 and 1994. So its income was going down and taxes were still going up.

While the 1997 Taxpayer Relief Act, which included my $500-per-child tax credit, has helped to change this situation, there is still room for improvement, a lot of room for a lot of improvement. For example, combined with the dependent exemption, the tax benefits for families raising children still falls well below both the inflation-adjusted value of the original dependent exemption, and also the actual cost of raising children according to Minnesota's Children Defense Fund.

In addition, this child tax credit and the income threshold for families qualifying for credit are not indexed for inflation. As a result, the value of this child tax credit would also shrink in the future and fewer families would qualify for the credit.

That is why I am introducing tonight legislation aimed at expanding the tax credit. My legislation would increase the tax credit from $500 per child to $1,000, and it would be adjusted for inflation every year. It would also index the income threshold for families qualifying for this tax credit.

While I strongly support this increase as well as the marriage penalty repeal and getting rid of the death tax, the only way we will achieve meaningful tax relief is to reform our entire tax system completely. Even my legislation today, I look at as just an interim step toward this very essential goal of having a tax system that is simple, fair, and easy to understand.

With these proposed improvements we would allow overtaxed working families with children to keep a little bit more of their own money—give them the opportunity to spend it on their own priorities, not looking for a handout from Washington, not saying they need another program from Washington, not that they want another big government approach—but allowing them to keep some of their dollars so they can make the determination on how they want to spend their money, a little bit more of their own money, to spend on their own priorities. I urge my colleagues to support this legislation.

Mr. SESSIONS. Mr. President, I say to Senator GRAMS, I think this is another insightful bit of tax relief policy you are promoting. I look forward to studying it. People think sometimes this is not possible. I don't think we stop to celebrate enough the wonderful thing that happened when, under your leadership and that of a lot of others who worked on it, we were able to provide a $500-per-child tax credit to working families in America. A mother with two children will now have, today, $1,000 more a year—nearly $80 a month with which they can buy shoes or fix the muffler on the car, take the kids on a trip or to a movie or out for a meal. It is the kind of thing that was really great. People said it could not be done and it was done.

I think these other proposals the Senator makes are realistic and also can be done.

We need to continue to work at this. The question is whether the American people are going to be able to keep this money or are we going to allow more and more to come to Washington as it grows more and more powerful and the power and wealth and independence of American citizens grows weaker and weaker.

Mr. GRAMS. The Senator from Alabama is right. If we look at it, at a time of overtaxation, when American workers are getting up every morning, working hard, and sending this money to Washington, and then it is overtaxed—we are not talking about cutting taxes at all. We are talking right now about returning some of the surplus to make sure those people who worked hard and produced this windfall get it back.

We tell our children: If you find a wallet on the street with $1,000 dollars in it, the first thing you should do is try to return it to the owner. Make sure you give the money back. Washington has found a wallet with $2.2 trillion in it, and they won't give it back. They are trying to find a way to spend it. I think our hard-working families deserve some tax credit along with debt reduction and securing Social Security, rather than leaving it for the big spenders in Washington to decide how they want to divvy up and dole out their money.

Mr. SESSIONS. I think my colleague also makes an excellent point about this percentage of the total gross domestic product. People say we cannot afford a tax cut, but we have reached record levels of a total gross domestic product that is being taken by the Government. These suggestions the Senator makes are worthwhile. We need to be working on that and the marriage penalty and the estate tax and a lot of other things around here which we can afford. I thank my colleague.

Mr. GRAMS. I thank the Senator from Alabama for his support.

Mr. MCCONNELL (for himself and Mr. BUNNING):

S. 3140. A bill to transfer administrative jurisdiction over land of the Tennessee Valley Authority within the Daniel Boone National Forest to the Secretary of Agriculture and compensate the Authority for the transfer; to the Committee on Environment and Public Works.

KENTUCKY NATIONAL FOREST LAND TRANSFER ACT OF 2000

Mr. MCCONNELL. Mr. President, I rise today to introduce the Kentucky National Forest Land Transfer Act of 2000. The purpose of this legislation is to provide an equitable solution to a problem that exists in Kentucky—specifically, to allow the Tennessee Valley Authority (TVA) to donate mineral rights, which it owns, to the Forest Service in exchange for compensation through the sale of other mineral rights in the Federal land inventory.

Mr. President, I would like to take a moment to give my colleagues some background on this issue and why this is necessary. During the 1960's, TVA purchased coal mineral rights on land that was later designated as the Daniel Boone National Forest. Today, TVA owns 40,000 acres of mineral rights under the forest.

This past July, TVA announced that it no longer had a need for these extensive mineral rights, and announced that after a 15-day comment period, it intended to auction the rights to a coal operator to mine the land. In TVA's view, this was a way to get much needed funds to pay down the $26 billion debt which they have amassed over the years. Since TVA originally had purchased the land with ratepayer funds, they were unwilling simply to donate the land, and consequently defended their proposal to auction off their rights to a coal operator by arguing that they currently have the ability to mine the land since they owned the mineral rights before the forest was created.

As you can imagine, Mr. President, this proposal hit a nerve with Kentuckians, who were quick to express their outrage at the proposition that TVA could allow mining in the Daniel Boone National Forest. The Courier-Journal, in an editorial published on August 7, 2000, wrote that TVA's proposal was a "rush to judgment" that failed to take the public interest into consideration. The editorial went on to say that "the best outcome, obviously, would be for the U.S. Forest Service to control the mineral rights under the acreage that it manages. And if there are legal problems to overcome in arranging that, the auction should be held up until Congress can remove them." Mr. President, that is essentially what my legislation will achieve. I would like to submit the editorial for the RECORD.

Well, Mr. President, both Congress and TVA responded to the public outcry. First, Senator BUNNING offered an amendment to the Energy and Water Appropriations bill requiring TVA to conduct an Environmental Impact Study (EIS) before it could move forward on its proposal to auction off mineral rights. In response to that, a week later, TVA withdrew its auction plan, citing its concern that the proposal had sent the wrong signals. Despite these developments, the interested parties continued to press their case for transferring the mineral rights to the Forest Service, and again, I say, Mr. President, that is exactly what my bill will do.

My bill is a compromise solution that will protect the forest and protect TVA's ratepayers, by compensating TVA. This legislation is narrowly crafted to require TVA to donate the mineral rights under the Daniel Boone to the Forest Service in exchange for the right to sell other mineral rights owned by the Interior Department. Under this agreement, TVA will receive fair market value from the sale, which it can then use to reduce its burgeoning debt.

My bill has the support of TVA and the Forest Service, and is necessary in order to implement the compromise which we have worked to achieve. This solution is based on the Mt. St. Helens National Volcanic Monument Completion Act (P.L. 105-279), which allowed for the acquisition of private mineral rights within the Monument through a swap. That legislation passed the Senate by unanimous consent. It is my hope that my colleagues will recognize the merits of my legislation and pass it with similar support.

Mr. President, we are in the waning days of the 106th Congress and time is running out to implement this carefully crafted solution, which is in the best interest of Kentucky's citizens and TVA's ratepayers. This is a win-win proposition and I urge the Senate to expeditiously consider and pass this important legislation. Mr. President, I yield the floor.

I ask unanimous consent that a copy of the bill and an editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kentucky National Forest Land Transfer Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the United States owns over 40,000 acres of land and mineral rights administered by the Tennessee Valley Authority within the Daniel Boone National Forest in the State of Kentucky;

(2) the land and mineral rights were acquired by the Tennessee Valley Authority for purposes of power production using funds derived from ratepayers;

(3) the management of the land and mineral rights should be carried out in accordance with the laws governing the management of national forests; and

(4) the Tennessee Valley Authority, on behalf of the ratepayers of the Authority, should be reasonably compensated for the land and mineral rights of the Authority transferred within the Daniel Boone National Forest.

(b) PURPOSES.—The purposes of this Act are—

(1) to transfer administrative jurisdiction over land of the Tennessee Valley Authority within the Daniel Boone National Forest to the Secretary of Agriculture; and

(2) to compensate the Tennessee Valley Authority for the reasonable value of the transfer of jurisdiction.

SEC. 3. DEFINITIONS.

In this Act:

(1) COVERED LAND.—

(A) IN GENERAL.—The term "covered land" means all land and interests in land owned or managed by the Tennessee Valley Authority within the boundaries of the Daniel Boone National Forest in the State of Kentucky that are transferred under this Act, including surface and subsurface estates.

(B) EXCLUSIONS.—The term "covered land" does not include any land or interest in land owned or managed by the Tennessee Valley Authority for the transmission of water, gas, or power, including power line easements and associated facilities.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 4. TRANSFER OF ADMINISTRATIVE JURISDICTION OVER COVERED LAND.

(a) IN GENERAL.—All covered land is transferred to the administrative jurisdiction of the Secretary to be managed in accordance with the laws (including regulations) pertaining to the National Forest System.

(b) Authority of Secretary of Interior Over Mineral Resources.—The transfer of the covered land shall be subject to the authority of the Secretary of the Interior with respect to mineral resources underlying National Forest System land, including laws pertaining to mineral leasing and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

(c) Surface Mining.—No surface mining shall be permitted with respect to any covered land except as provided under section 522(e)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1272(e)(2)).

SEC. 5. MONETARY CREDITS.

(a) In General.—In consideration for the transfer provided under section 4, the Secretary of the Interior shall provide to the Tennessee Valley Authority monetary credits with a value of $4,000,000 that may be used for the payment of—

(1) not more than 50 percent of the bonus or other payments made by successful bidders in any sales of mineral, oil, gas, or geothermal leases in the contiguous 48 States under—

(A) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(B) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); or

(C) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(2) not more than 10 percent of the bonus or other payments made by successful bidders in any sales of mineral, oil, gas, or geothermal leases in the State of Alaska under the laws referred to in paragraph (1);

(3) not more than 50 percent of any royalty, rental, or advance royalty payment made to the United States to maintain any mineral, oil, gas, or geothermal lease in the contiguous 48 States issued under the laws referred to in paragraph (1); or

(4) not more than 10 percent of any royalty, rental, or advance royalty payment made to the United States to maintain any mineral, oil, gas, or geothermal lease in the State of Alaska issued under the laws referred to in paragraph (1).

(b) Value of Credits.—The total amount of credits provided under subsection (a) shall be considered equal to the fair market value of the covered land.

(c) Acceptance of Credits.—

(1) In general.—The Secretary of the Interior shall accept credits provided under subsection (a) in the same manner as cash for the payments described under subsection (a).

(2) Use of credits.—The use of the credits shall be subject to the laws (including regulations) governing such payments, to the extent the laws are consistent with this section.

(d) Treatment of Credits for Distribution to States.—All credits accepted by the Secretary of the Interior under subsection (c) for the payments described in subsection (a) shall be considered to be money received for the purpose of section 35 of the Mineral Leasing Act (30 U.S.C. 191) and section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019).

(e) Exchange Account.—

(1) Establishment.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall establish an exchange account for the Tennessee Valley Authority for the monetary credits provided under subsection (a).

(2) Administration.—The account shall—

(A) be established with the Minerals Management Service of the Department of the Interior; and

(B) have an initial balance of credits equal to $4,000,000.

(3) Use of credits.—

(A) In general.—The credits shall be available to the Tennessee Valley Authority for the purposes described in subsection (a).

(B) Adjustment of balance.—The Secretary of the Interior shall adjust the balance of credits in the account to reflect credits accepted by the Secretary of the Interior under subsection (c).

(f) Transfer or Sale of Credits.—

(1) In general.—The Tennessee Valley Authority may transfer or sell any credits in the account of the Authority to another person or entity.

(2) Use of transferred credits.—Credits transferred or sold under paragraph (1) may be used in accordance with this subsection only by a person or entity that is qualified to bid on, or that holds, a mineral, oil, or gas lease under—

(A) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(B) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); or

(C) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(3) Notification.—

(A) In general.—Not later than 30 days after the transfer or sale of any credits, the Tennessee Valley Authority shall notify the Secretary of the Interior of the transfer or sale.

(B) Validity of transfer or sale.—The transfer or sale of any credit shall not be valid until the Secretary of the Interior has received the notification required under subparagraph (A).

(4) Time limit on use of credits.—

(A) In general.—On the date that is 5 years after the date on which an account is established for the Tennessee Valley Authority under subsection (e), the Secretary of the Interior shall terminate the account.

(B) Unused credits.—Any credits that originated in the terminated account and have not been used as of the termination date, including any credits transferred or sold under this subsection, shall expire.

SEC. 6. EXISTING AUTHORIZATIONS.

(a) In General.—Nothing in this Act affects any valid existing rights under any lease, permit, or other authorization by the Tennessee Valley Authority on covered land in effect before the date of enactment of this Act.

(b) Renewal.—Renewal of any existing lease, permit, or other authorization on covered land shall be at the discretion of the Secretary on terms and conditions determined by the Secretary.

SEC. 7. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) Definitions.—In this section:

(1) Environmental law.—

(A) In general.—The term "environmental law" means all applicable Federal, State, and local laws (including regulations) and requirements related to protection of human health, natural or cultural resources, or the environment.

(B) Inclusions.—The term "environmental law" includes—

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(iv) the Clean Air Act (42 U.S.C. 7401 et seq.);

(v) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(vi) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(vii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(viii) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ix) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) Hazardous substance, pollutant or contaminant, release, and response action.—The terms "hazardous substance", "pollutant or contaminant", "release", and "response action" have the meanings given the terms in section 101 and other provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(b) Documentation of Existing Conditions.—

(1) In General.—Not later than 60 days after the date of enactment of this Act, the Tennessee Valley Authority shall provide the Secretary all documentation and information that exists on the environmental condition of the land and waters comprising the covered land.

(2) Additional documentation.—The Tennessee Valley Authority shall provide the Secretary with any additional documentation and information regarding the environmental condition of the covered land as such documentation and information becomes available.

(c) Action Required.—

(1) Assessment.—Not later than 120 days after the date of enactment of this Act, the Tennessee Valley Authority shall provide to the Secretary an assessment indicating what action, if any, is required under any environmental law on covered land.

(2) Memorandum of understanding.—If the assessment concludes that action is required under any environmental law with respect to any portion of the covered land, the Secretary and the Tennessee Valley Authority shall enter into a memorandum of understanding that—

(A) provides for the performance by the Tennessee Valley Authority of the required actions identified in the assessment; and

(B) includes a schedule providing for the prompt completion of the required actions to the satisfaction of the Secretary.

(d) Documentation Demonstrating Action.—The Tennessee Valley Authority shall provide the Secretary with documentation demonstrating that all actions required under any environmental law have been taken, including all response actions that are necessary to protect human health and the environment with respect to any hazardous substance, pollutant or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product on covered land.

(e) Continuation of Responsibilities and Liabilities.—

(1) In general.—The transfer of covered land under this Act, and the requirements of this section, shall not affect the responsibilities and liabilities of the Tennessee Valley Authority under any environmental law.

(2) Access.—The Tennessee Valley Authority shall have access to the property that may be reasonably required to carry out a responsibility or satisfy a liability referred to in paragraph (1).

(3) Additional terms and conditions.—The Secretary may require such additional terms and conditions in connection with the

transfer of covered land under this Act as the Secretary considers to be appropriate to protect the interest of the United States concerning the continuation of any responsibilities and liabilities under any environmental law.

(4) NO EFFECT ON RESPONSIBILITIES OR LIABILITIES.—Nothing in this Act affects, directly or indirectly, the responsibilities or liabilities under any environmental law of any person with respect to the Secretary.

(f) OTHER FEDERAL AGENCIES.—Subject to the other provisions of this section, a Federal agency that carried or carries out operations on covered land resulting in the release or threatened release of a hazardous substance, pollutant or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product for which that agency would be liable under any environmental law shall pay—

(1) the costs of related response actions; and

(2) the costs of related actions to remediate petroleum products or their derivatives.

[From the Courier-Journal, Aug. 7, 2000]

TVA'S PROPOSAL TO AUCTION BOONE FOREST MINERAL RIGHTS STINKS

The period for comment on the Tennessee Valley Authority's auction of more than 40,000 acres in mineral rights under Eastern Kentucky's Daniel Boone National Forest has just closed. But for what it's worth, we'll comment anyway: It stinks.

Talk about a rush to judgment. Comment was shut off just 15 days after TVA revealed its plan to sell.

Given that it's at least a quasi-public entity, TVA certainly ought to keep the broad public interest in mind when it makes major business decisions. TVA should be able to say what public good will result from selling these mineral rights to the highest bidder, as if they were some tax evader's living room furniture being auctioned on the courthouse steps.

TVA environmental engineer Steve Hillenbrand defends the sellout (and we do mean to invoke the word "sellout" in both its meanings, the ordinary and the pejorative) by saying the agency needs money. But on that basis just about any outrage could be rationalized. Obviously there needs to be some better justification.

Hillenbrand also said TVA wants out because these mineral deposits are not in the Tennessee Valley.

Odd. The distance between Eastern Kentucky's coalfields and the utility's service area never discouraged TVA's interest, or its coal buyers, before. Indeed, for decades the Kentucky River coalfield was stripped and augered, its watersheds compromised, its resources depleted, its people victimized, for coal to feed the power plants of TVA.

The story of coal barons and their work in Appalachia, on behalf of TVA, would make a great book, if Upton Sinclair or Ida Tarbell were still around to write it.

How can TVA simply turn its back on that history and depart, with the proceeds of its auction?

One newspaper story about the auction said TVA wants at least $3.5 million, and will sell only to those who agree not to strip mine. But the legalities are unclear, and protection for all the national forest land against stripping is not a sure thing. Nor would such a restriction address the potential impact of deep mining or oil-and-gas exploration, which could be devastating.

The best outcome, obviously, would be for the U.S. Forest Service to control the mineral rights under the acreage that it manages. And if there are legal problems to overcome in arranging that, the auction should be held up until Congress can remove them.

Selling mineral rights to the highest bidder is not a responsible policy. The National Citizens' Coal Law Project is right to oppose it, right to call for a full Environmental Impact Statement on the plan instead of some half-baked assessment, and right to urge that, if all else fails, only those with exemplary mining and reclamation records be allowed to bid.

ADDITIONAL COSPONSORS

S. 26

At the request of Mr. FEINGOLD, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 26, a bill entitled the "Bipartisan Campaign Reform Act of 1999".

S. 61

At the request of Mr. DEWINE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 190

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 190, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 693

At the request of Mr. HELMS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 695

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 695, a bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Atlanta, Georgia, metropolitan area.

S. 1128

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Rhode Island (Mr. L. CHAFEE), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1562

At the request of Mr. NICKLES, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to classify certain franchise operation property as 15-year depreciable property.

S. 2029

At the request of Mr. FRIST, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2029, a bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

S. 2265

At the request of Mrs. HUTCHISON, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2265, a bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2450

At the request of Mr. HUTCHINSON, the name of the Senator from Michigan

(Mr. ABRAHAM) was added as a cosponsor of S. 2450, a bill to terminate the Internal Revenue Code of 1986.

S. 2601

At the request of Mr. ASHCROFT, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2601, a bill to amend the Internal Revenue Code of 1986 to exclude from the gross income of an employee any employer provided home computer and Internet access.

S. 2787

At the request of Mr. BIDEN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2858

At the request of Mr. GRAMS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2858, a bill to amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas.

S. 2937

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2937, a bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans through an increase in the annual Medicare+Choice capitation rates and for other purposes.

S. 2938

At the request of Mr. BROWNBACK, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Iowa (Mr. GRASSLEY), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2938, supra.

S. 3007

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3007, a bill to provide for measures in response to a unilateral declaration of the existence of a Palestinian state.

S. 3009

At the request of Mr. HUTCHINSON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

S. 3020

At the request of Mr. GRAMS, the names of the Senator from Washington (Mr. GORTON) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3049

At the request of Mr. FITZGERALD, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 3049, a bill to increase the maximum amount of marketing loan gains and loan deficiency payments that an agricultural producer may receive during the 2000 crop year.

S. 3101

At the request of Mr. ASHCROFT, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 3101, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States.

S. 3116

At the request of Mr. BREAUX, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 3116, a bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. RES. 343

At the request of Mr. FITZGERALD, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

S. RES. 359

At the request of Mr. SCHUMER, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from North Dakota (Mr. CONRAD), the Senator from Maryland (Mr. SARBANES), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 359, a resolution designating October 16, 2000, to October 20, 2000 as "National Teach For America Week."

SENATE CONCURRENT RESOLUTION 139—AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE DEDICATION OF THE JAPANESE-AMERICAN MEMORIAL TO PATRIOTISM

Mr. INOUYE submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 139

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. DEFINITIONS.

In this Resolution:

(1) EVENT.—The term "event" means the dedication of the National Japanese-American Memorial to Patriotism.

(2) SPONSOR.—The term "sponsor" means the National Japanese-American Memorial Foundation.

SEC. 2. AUTHORIZATION OF EVENT TO CELEBRATE THE DEDICATION OF THE NATIONAL JAPANESE-AMERICAN MEMORIAL.

The National Japanese-American Memorial Foundation may sponsor the dedication of the National Japanese-American Memorial to Patriotism on the Capitol grounds on November 9, 2000, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 3. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event shall be open to the public, free of admission charge, and arranged so as not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 4. STRUCTURES AND EQUIPMENT.

(a) STRUCTURES AND EQUIPMENT.—

(1) IN GENERAL.—Subject to the approval of the Architect of the Capitol, beginning on November 8, 2000, the sponsor may erect or place and keep on the Capitol grounds, until not later than 8:00 p.m. on Saturday, November 11, 2000, such stage, sound amplification devices, and other related structures and equipment as are required for the event.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make any such additional arrangements as are appropriate to carry out the event.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol grounds, as well as other restrictions applicable to the Capitol grounds, with respect to the event.

SENATE CONCURRENT RESOLUTION 140—EXPRESSING THE SENSE OF CONGRESS REGARDING HIGH-LEVEL VISITS BY TAIWANESE OFFICIALS TO THE UNITED STATES

Mr. LOTT (for himself, Mr. HELMS, Mr. MURKOWSKI, Mr. KYL, Mrs. HUTCHISON, Mr. SMITH of New Hampshire, Mr. BENNETT, and Mr. HUTCHINSON); submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs:

S. CON. RES. 140

Whereas Taiwan is the seventh largest trading partner of the United States and plays an important role in the economy of the Asia-Pacific region;

Whereas Taiwan routinely holds free and fair elections in a multiparty system, as evidenced most recently by Taiwan's second democratic presidential election of March 18, 2000, in which Mr. Chen Shui-bian was elected as president of the 23,000,000 people of Taiwan;

Whereas Members of Congress, unlike executive branch officials, have long had the freedom to meet with leaders of governments with which the United States does not have formal relations—meetings which provide a vital opportunity to discuss issues of mutual concern that directly affect United States national interests;

Whereas several Members of Congress expressed interest in meeting with President Chen Shui-bian during his 16-hour layover in Los Angeles, California, en route to Latin America and Africa on August 13, 2000;

Whereas the meeting with President Chen did not take place because of pressure from Washington and Beijing;

Whereas Congress thereby lost the opportunity to communicate directly with President Chen about developments in the Asia-Pacific region and key elements of the relationship between the United States and Taiwan when he visited Los Angeles;

Whereas there could not be a more important time to find opportunities to talk to Taiwan's new leaders given the enormous economic, security, and political interests we share with both Taiwan and the People's Republic of China, as well as the results of the recent election in Taiwan which provided for the first party leadership change in Taiwan's history;

Whereas Congress must continue to play an independent oversight role on United States policy toward Taiwan, and try to find ways to reduce the threat of war between Taiwan and the People's Republic of China, and in particular, to counteract China's buildup of missiles pointed at Taiwan;

Whereas the United States continues to cling to its policy of more than 20 years, which prohibits high-ranking Taiwan leaders from making official visits to the United States, forcing Members of Congress to choose whether to rely solely upon indirect assessments provided by the administration or to travel to Taiwan to obtain this information firsthand, and denying Taiwan's democratically elected officials the respect they deserve;

Whereas by bestowing upon President Chen the respect his office deserves, the United States would have demonstrated to the people of both Taiwan and the People's Republic of China United States support for democracy; and

Whereas the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416) provides that the President of Taiwan shall be welcome in the United States at any time to discuss a host of important issues: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) it is in the interest of Congress and the executive branch of the United States to communicate directly with elected and appointed top officials of Taiwan, including its democratically elected president; and

(2) the United States should end restrictions on high-level visits by officials of Taiwan to the United States.

SENATE RESOLUTION 362—RECOGNIZING AND HONORING ROBERTO CLEMENTE AS A GREAT HUMANITARIAN AND AN ATHLETE OF UNFANTHOMABLE SKILL

Mr. SANTORUM (for himself and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 362

Whereas Roberto Clemente's athletic legacy has been honored by the City of Pittsburgh with a 14 foot bronze statue and the naming of a bridge over the Allegheny River located just outside the centerfield gate of the new baseball stadium in Pittsburgh;

Whereas Roberto Clemente led the Pittsburgh Pirates to World Championship titles in 1960 and 1971, winning the Series Most Valuable Player Award in 1971 when he batted .414 with two home runs against Baltimore;

Whereas during his 18 year career with the Pittsburgh Pirates, Roberto Clemente won four National League batting crowns, the 1966 National League Most Valuable Player award, and ended his career with a .317 lifetime average, 240 homers, and 1,305 runs batted in;

Whereas on September 30, 1972, Roberto Clemente became the 11th Major League Baseball player to record 3,000 hits with a 4th inning double off of New York Mets left hander Jon Matlack;

Whereas Roberto Clemente was one of the first Latin American baseball players in the Major Leagues, and as such he faced language barriers and racial segregation throughout his career;

Whereas Roberto Clemente worked tirelessly to improve professional baseball's understanding of the unique challenges faced by young Latin American baseball players thrust into a new culture and language;

Whereas in August of 1973, Roberto Clemente became just the second player to have the mandatory five-year waiting period waived as he was inducted posthumously into the National Baseball Hall of Fame;

Whereas in 1984, Roberto Clemente became the second baseball player to be honored for his athletic and philanthropic achievements with an appearance on a United States postage stamp;

Whereas Roberto Clemente devoted himself to improving the lives of inner city youth in Puerto Rico and throughout the United States, putting into action his belief that sport could be a stepping stone to a better life for underprivileged youth;

Whereas Roberto Clemente tragically died in an airplane crash on December 31, 1972 as he accompanied relief supplies to Nicaragua to aid the victims of the devastating 1972 Managua earthquake;

Whereas Roberto Clement's humanitarian legacy continues to this day, embodied by the Roberto Clemente Sports City in Puerto Rico, which creates an environment for the development of the human spirit though sport, and promotes community, education, and awareness of human rights: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Roberto Clemente was a great humanitarian and an athlete of unfathomable skill;

(2) Roberto Clemente should be honored for his contributions to the betterment of society; and,

(3) all Americans should honor Roberto Clemente's legacy every day through humanitarian and philanthropic efforts toward their fellow man.

Mr. SANTORUM. Mr. President, as the last baseball games are about to be played in Pittsburgh's Three Rivers Stadium, a stadium referred to as the "House that Clemente Build," I am reminded of Roberto Clemente, one of the greatest athletes and humanitarians of all time. Every baseball fan can recite Roberto's achievements during his professional career as a Pittsburgh Pirate—from hitting a remarkable .317 over 18 seasons and collecting 3,000 hits, to his 12 Gold Glove awards and 12 National League All Star Game appearances. However, it was his philanthropic gestures which truly represent Roberto Clemente's invaluable legacy.

As many people know, Roberto Clemente died tragically on December 31, 1972, after he and four others boarded a small DC-7 to deliver food, clothing and medicine to Nicaragua, to aid victims of a devastating earthquake. The four-engine plane, with a questionable past and an overload of cargo, crashed into the Atlantic Ocean, killing all aboard. What is not well known is that, upon hearing rumors that Nicaraguan government officials were delaying the delivery of relief supplies, Roberto Clemente left his New Year's celebration with family and friends to travel to Nicaragua in order to personally oversee the delivery of the Puerto Rican relief supplies to the individuals devastated by the Managua earthquake. On that fateful New Year's Eve night in 1972, the world lost not just a great athlete, arguably the greatest in the history of the Pittsburgh Pirates, but a humanitarian, a cultural icon, and a hero.

Mr. President, over the years, Roberto Clemente's dedication to his fellow man became legendary. As one of the first Latin America baseball players in the Major Leagues, Roberto Clemente faced language barriers and racial segregation throughout his career. He worked tirelessly to improve professional baseball's understanding of the unique challenges faced by young Latin American ballplayers thrust into a new culture and language as they start their baseball careers.

However, his concern for is fellow man did not stop at the foul lines. throughout his career, Roberto Clemente expressed his concern for the troubled lives faced by urban youth both in the United States and Puerto Rico. In a 1966 interview with Myron Cope for "Sports Illustrated," Roberto Clemente discussed his desire to help youth by stoking their interest in sports. Roberto Clemente believed that sports could bring families together in an athletic setting while providing a stage for youngsters to excel. In what would be the final months of his life, Roberto Clemente conducted a series of baseball clinics for Puerto Rican youth in addition to fundraising efforts for a large sports facility dedicated to the youth of the world.

Mr. President, Robert Clemente's humanitarian legacy continues to this day with the Roberto Clemente Sports City in Puerto Rico. Established March 18, 1973, when the Commonwealth of Puerto Rico's government granted 304 acres of land for development, the Roberto Clemente Sports City commemorates Roberto Clemente's commitment of a better life for children through sports, education and community service by creating an environment for the development of the human spirit through sports, involving community, education and human rights. This sports facility provides high quality recreational and sports facilities for children, youth and the general public such as: baseball, volleyball, basketball, tennis, swimming, track and field, batting cages, a golf range, tae kwondo, camping and social and cultural activities. The Roberto Clemente Sports City provides Puerto Rico with learning and training facilities, to include tutoring, mentoring and professional development programs in sports and life.

As eloquently stated by Bowie Kuhn in his 1973 eulogy to Clemente, "he made the world 'superstar' seem inadequate. He had about him the touch of royalty." With all of this in mind, Mr. President, I ask my colleagues to support the resolution I am offering with Senator SPECTER which urges our fellow Americans to honor Roberto Clemente's legacy every day through humanitarian and philanthropic efforts towards their fellow man.

SENATE RESOLUTION 363—COMMENDING THE LATE ERNEST BURGESS, M.D., FOR HIS SERVICE TO THE NATION AND THE INTERNATIONAL COMMUNITY, AND EXPRESSING THE CONDOLENCES OF THE SENATE TO HIS FAMILY ON HIS DEATH

Mr. KERREY submitted the following resolution; which was considered and agreed to:

S. RES. 363

Whereas Dr. Ernest Burgess practiced medicine for over 50 years;

Whereas Dr. Burgess was a pioneer in the field of prosthetic medicine, spearheading groundbreaking advances in hip replacement surgery and new techniques in amputation surgery;

Whereas in 1964, recognizing his work in prosthetic medicine, the United States Veterans' Administration chose Dr. Burgess to establish the Prosthetic Research Study, a leading center for postoperative amputee treatment;

Whereas Dr. Burgess was the recipient of the 1985 United States Veterans' Administration Olin E. League Award and honored as the United States Veterans' Administration Distinguished Physician;

Whereas Dr. Burgess' work on behalf of disabled veterans has allowed thousands of veterans to lead full and healthy lives;

Whereas Dr. Burgess was internationally recognized for his humanitarian work;

Whereas Dr. Burgess established the Prosthetics Outreach Foundation, which since 1988, has enabled over 10,000 children and adults in the developing world to receive quality prostheses;

Whereas Dr. Burgess' lifelong commitment to humanitarian causes led him to establish a demonstration clinic in Vietnam to provide free limbs to thousands of amputees;

Whereas Dr. Burgess received numerous professional and educational distinctions recognizing his efforts on behalf of those in need of care;

Whereas Dr. Burgess' exceptional service and his unfailing dedication to improving the lives of thousands of individuals merit high esteem and admiration; and

Whereas the Senate learned with sorrow of the death of Dr. Burgess on September 26, 2000: Now, therefore, be it

Resolved, That the Senate—

(1) extends its deepest condolences to the family of Ernest Burgess, M.D.;

(2) commends and expresses its gratitude to Ernest Burgess, M.D. and his family for a life devoted to providing care and service to his fellow man; and

(3) directs the Secretary of the Senate to communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

AMENDMENTS SUBMITTED

STEM CELL RESEARCH ACT OF 2000

BROWNBACK AMENDMENT NO. 4273

(Ordered referred to the Committee on Health, Education, Labor, and Pensions.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill (S. 2015) to amend the Public Health Service Act to provide for research with respect to human embryonic stem cells; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pain Relief Promotion Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) in the first decade of the new millennium there should be a new emphasis on pain management and palliative care;

(2) the use of certain narcotics and other drugs or substances with a potential for abuse is strictly regulated under the Controlled Substances Act;

(3) the dispensing and distribution of certain controlled substances by properly registered practitioners for legitimate medical purposes are permitted under the Controlled Substances Act and implementing regulations;

(4) the dispensing or distribution of certain controlled substances for the purpose of relieving pain and discomfort even if it increases the risk of death is a legitimate medical purpose and is permissible under the Controlled Substances Act;

(5) inadequate treatment of pain, especially for chronic diseases and conditions, irreversible diseases such as cancer, and end-of-life care, is a serious public health problem affecting hundreds of thousands of patients every year; physicians should not hesitate to dispense or distribute controlled substances when medically indicated for these conditions; and

(6) for the reasons set forth in section 101 of the Controlled Substances Act (21 U.S.C. 801), the dispensing and distribution of controlled substances for any purpose affect interstate commerce.

TITLE I—PROMOTING PAIN MANAGEMENT AND PALLIATIVE CARE

SEC. 101. ACTIVITIES OF AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.

Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end the following:

"SEC. 903. PROGRAM FOR PAIN MANAGEMENT AND PALLIATIVE CARE RESEARCH AND QUALITY.

"(a) IN GENERAL.—Subject to subsections (e) and (f) of section 902, the Director shall carry out a program to accomplish the following:

"(1) Promote and advance scientific understanding of pain management and palliative care.

"(2) Collect and disseminate protocols and evidence-based practices regarding pain management and palliative care, with priority given to pain management for terminally ill patients, and make such information available to public and private health care programs and providers, health professions schools, and hospices, and to the general public.

"(b) DEFINITION.—In this section, the term 'pain management and palliative care' means—

"(1) the active, total care of patients whose disease or medical condition is not responsive to curative treatment or whose prognosis is limited due to progressive, far-advanced disease; and

"(2) the evaluation, diagnosis, treatment, and management of primary and secondary pain, whether acute, chronic, persistent, intractable, or associated with the end of life; the purpose of which is to diagnose and alleviate pain and other distressing signs and symptoms and to enhance the quality of life, not to hasten or postpone death.".

SEC. 102. ACTIVITIES OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) IN GENERAL.—Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended—

(1) by redesignating sections 754 through 757 as sections 755 through 758, respectively; and

(2) by inserting after section 753 the following:

"SEC. 754. PROGRAM FOR EDUCATION AND TRAINING IN PAIN MANAGEMENT AND PALLIATIVE CARE.

"(a) IN GENERAL.—The Secretary, in consultation with the Director of the Agency for Healthcare Research and Quality, may award grants, cooperative agreements, and contracts to health professions schools, hospices, and other public and private entities for the development and implementation of programs to provide education and training to health care professionals in pain management and palliative care.

"(b) PRIORITY.—In making awards under subsection (a), the Secretary shall give priority to awards for the implementation of programs under such subsection.

"(c) CERTAIN TOPICS.—An award may be made under subsection (a) only if the applicant for the award agrees that the program to be carried out with the award will include information and education on—

"(1) means for diagnosing and alleviating pain and other distressing signs and symptoms of patients, especially terminally ill patients, including the medically appropriate use of controlled substances;

"(2) applicable laws on controlled substances, including laws permitting health care professionals to dispense or administer controlled substances as needed to relieve pain even in cases where such efforts may unintentionally increase the risk of death; and

"(3) recent findings, developments, and improvements in the provision of pain management and palliative care.

"(d) PROGRAM SITES.—Education and training under subsection (a) may be provided at or through health professions schools, residency training programs and other graduate programs in the health professions, entities that provide continuing medical education, hospices, and such other programs or sites as the Secretary determines to be appropriate.

"(e) EVALUATION OF PROGRAMS.—The Secretary shall (directly or through grants or contracts) provide for the evaluation of programs implemented under subsection (a) in order to determine the effect of such programs on knowledge and practice regarding pain management and palliative care.

"(f) PEER REVIEW GROUPS.—In carrying out section 799(f) with respect to this section, the Secretary shall ensure that the membership of each peer review group involved includes individuals with expertise and experience in pain management and palliative care for the population of patients whose needs are to be served by the program.

"(g) DEFINITION.—In this section, the term 'pain management and palliative care' means—

"(1) the active, total care of patients whose disease or medical condition is not responsive to curative treatment or whose prognosis is limited due to progressive, far-advanced disease; and

"(2) the evaluation, diagnosis, treatment, and management of primary and secondary pain, whether acute, chronic, persistent, intractable, or associated with the end of life;

the purpose of which is to diagnose and alleviate pain and other distressing signs and symptoms and to enhance the quality of life, not to hasten or postpone death.".

(b) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—

(1) IN GENERAL.—Section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended, in subsection (b)(1)(C), by striking "sections 753, 754, and 755" and inserting "sections 753, 754, 755, and 756".

(2) AMOUNT.—With respect to section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section), the dollar amount specified in subsection (b)(1)(C) of such section is deemed to be increased by $5,000,000.

SEC. 103. DECADE OF PAIN CONTROL AND RESEARCH.

The calendar decade beginning January 1, 2001, is designated as the "Decade of Pain Control and Research".

SEC. 104. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act.

TITLE II—USE OF CONTROLLED SUBSTANCES CONSISTENT WITH THE CONTROLLED SUBSTANCES ACT

SEC. 201. REINFORCING EXISTING STANDARD FOR LEGITIMATE USE OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

"(i)(1) For purposes of this Act and any regulations to implement this Act, alleviating pain or discomfort in the usual course of professional practice is a legitimate medical purpose for the dispensing, distributing, or administering of a controlled substance that is consistent with public health and safety, even if the use of such a substance may increase the risk of death. Nothing in this section authorizes intentionally dispensing, distributing, or administering a controlled substance for the purpose of causing death or assisting another person in causing death.

"(2)(A) Notwithstanding any other provision of this Act, in determining whether a registration is consistent with the public interest under this Act, the Attorney General shall give no force and effect to State law authorizing or permitting assisted suicide or euthanasia.

"(B) Paragraph (2) applies only to conduct occurring after the date of enactment of this subsection.

"(3) Nothing in this subsection shall be construed to alter the roles of the Federal and State governments in regulating the practice of medicine. Regardless of whether the Attorney General determines pursuant to this section that the registration of a practitioner is inconsistent with the public interest, it remains solely within the discretion of State authorities to determine whether action should be taken with respect to the State professional license of the practitioner or State prescribing privileges.

"(4) Nothing in the Pain Relief Promotion Act of 2000 (including the amendments made by such Act) shall be construed—

"(A) to modify the Federal requirements that a controlled substance be dispensed only for a legitimate medical purpose pursuant to paragraph (1); or

"(B) to provide the Attorney General with the authority to issue national standards for pain management and palliative care clinical practice, research, or quality;

except that the Attorney General may take such other actions as may be necessary to enforce this Act.".

(b) PAIN RELIEF.—Section 304(c) of the Controlled Substances Act (21 U.S.C. 824(c)) is amended—

(1) by striking "(c) Before" and inserting the following:

"(c) PROCEDURES.—

"(1) ORDER TO SHOW CAUSE.—Before"; and

(2) by adding at the end the following:

"(2) BURDEN OF PROOF.—At any proceeding under paragraph (1), where the order to show cause is based on the alleged intentions of the applicant or registrant to cause or assist in causing death, and the practitioner claims a defense under paragraph (1) of section 303(i), the Attorney General shall have the burden of proving, by clear and convincing evidence, that the practitioner's intent was to dispense, distribute, or administer a controlled substance for the purpose of causing death or assisting another person in causing death. In meeting such burden, it shall not be sufficient to prove that the applicant or registrant knew that the use of controlled substance may increase the risk of death.".

SEC. 202. EDUCATION AND TRAINING PROGRAMS.

Section 502(a) of the Controlled Substances Act (21 U.S.C. 872(a)) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following:

"(7) educational and training programs for Federal, State, and local personnel, incorporating recommendations, subject to the provisions of subsections (e) and (f) of section 902 of the Public Health Service Act, by the Secretary of Health and Human Services, on the means by which investigation and enforcement actions by law enforcement personnel may better accommodate the necessary and legitimate use of controlled substances in pain management and palliative care.

Nothing in this subsection shall be construed to alter the roles of the Federal and State governments in regulating the practice of medicine.".

SEC. 203. FUNDING AUTHORITY.

Notwithstanding any other provision of law, the operation of the diversion control fee account program of the Drug Enforcement Administration shall be construed to include carrying out section 303(i) of the Controlled Substances Act (21 U.S.C. 823(i)), as added by this Act, and subsections (a)(4) and (c)(2) of section 304 of the Controlled Substances Act (21 U.S.C. 824), as amended by this Act.

SEC. 204. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

KYL AMENDMENT NO. 4274

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill (S. 2045) amending the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens; as follows:

At the end, add the following:

SEC. . SCHOLARSHIP FOR SERVICE PROGRAM.

Notwithstanding any other provision of law, of the amount made available under section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) for each fiscal year; two percent shall be available to the Director of the National Science Foundation to enable the Director to carry out the Scholarship for Service program.

HATCH (AND OTHERS) AMENDMENT NO. 4275

Mr. HATCH (for himself, Mr. KENNEDY, and Mr. ABRAHAM) proposed an amendment to the bill, S. 2045, supra; as follows:

On page 1 of the amendment, line 10, strike "(vi)" and insert "(vii)".

On page 2 of the amendment, strike lines 1 through 5 and insert the following:

(2) by striking clause (iv) and inserting the following:

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002;

"(vi) 195,000 in fiscal year 2003; and".

On page 2 of the amendment, line 6, strike "FISCAL YEAR 1999.—" and insert "FISCAL YEARS 1999 AND 2000.—".

On page 2 of the amendment, line 7, strike "Notwithstanding" and insert "(A) Notwithstanding".

On page 2 of the amendment, between lines 17 and 18, insert the following:

(B) In the case of any alien on behalf of whom a petition for status under section 101(a)(15)(H)(I)(b) is filed before September 1, 2000, and is subsequently approved, that alien shall be counted toward the numerical ceiling for fiscal year 2000 notwithstanding the date of the approval of the petition. Notwithstanding section 214(g)(1)(A)(iii) of the Immigration and Nationality Act, the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 2000 is increased by a number equal to the number of aliens who may be issued visas or otherwise provided nonimmigrant status who filed a petition during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(iii) is reached and ending on August 31, 2000.

On page 3, line 11 strike "(A".

On page 3, line 13 strike "(i)" and insert "(A)".

On page 3, line 17 strike "(ii)" and insert "(B)".

On page 3, line 18 strike "; or" and insert ".".

On page 3, strike lines 19–24.

On page 4, line 6 strike "(A)".

On page 6 of the amendment, strike lines 16 through 18 and insert the following:

(2) is eligible to be granted that status but for application of the per country limitations applicable to immigrants under those paragraphs,

On page 7 of the amendment, strike lines 22 through 24 and insert the following:

"(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.".

On page 9 of the amendment, between lines 3 and 4, insert the following:

(c) INCREASED JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS.—

(1) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

"(j) JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS TO PERMANENT RESIDENCE.—A petition under subsection (a)(1)(D) for an individual whose application for adjustment of status pursuant to section 245 has been filed and remained unadjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the petition was filed.".

(2) Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following new clause:

"(iv) LONG DELAYED ADJUSTMENT APPLICANTS.—A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.".

(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in paragraph (2). Visas made available under this subsection shall only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act.

(2) NUMBER AVAILABLE.—

(A) IN GENERAL.—Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal year 1999 and 2000 and the number of such visas that were actually used in such fiscal years.

(B) REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas actually used under paragraph (1) for previous fiscal years.

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term "employment-based visa" means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

On page 9, on line 9, strike "October 1, 2002" and insert "October 1, 2003".

On page 9, line 15, strike "September 30, 2002" and insert "September 30, 2003."

On page 12 of the amendment, line 3, strike "used" and insert "use":

On page 12 of the amendment, line 21, strike "this" and insert "the".

On page 15 of the amendment, beginning on line 18, strike "All training" and all that follows through "demonstrated" on line 20 and insert the following: "The need for the training shall be justified".

On page 16 of the amendment, line 6, insert "section 116(b) or" before "section 117".

On page 16 of the amendment, line 20, strike "; and" and insert the following: "; *Provided*, That the activities of such local or regional public-private partnership described in this subsection shall be conducted in coordination with the activities of the relevant local workforce investment board or boards established under the Workforce Investment Act of 1998 (29 U.S.C. 2832)".

On page 18 of the amendment, line 10, strike "that are in shortage".

On page 18 of the amendment, line 23 and 24, strike "H–1B skill shortage." and insert "single specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.".

On page 19 of the amendment, strike lines 1 through 6.

On page 20 of the amendment, line 23, strike "and".

On page 21 of the amendment, line 2, strike the period and insert "; and".

On page 21 of the amendment, between lines 2 and 3, insert the following:

"(iii) in the case of an application for a grant under subsection (c)(2)(A)(ii), explain what barriers prevent the strategy from being implemented through a grant made under subsection (c)(2)(A)(i).".

At the appropriate place, add the following:

USE OF FEES FOR DUTIES RELATING TO PETITIONS.

Section 286(s)(5) of the Immigration and Nationality Act (8 U.S.C. (s)(5)) is amended to read as follows:—4 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Attorney General until expended to carry out duties under paragraphs (1) and (9) of section 214(c) related to petitions made for nonimmigrants describes in section 101(a)(15)(H)(i)(b), under paragraph (1)(c) or (D) of section 204 related to petitions for immigrants described in section 203(b).

Notwithstanding any other provision of this Act, the figure on page 11, line 2 is deemed to be "22 percent"; the figure on page 12, line 25 deemed to be "4 percent"; and the figure on page 13 line 2 is deemed to be "2 percent".

At the appropriate place, add the following:

SEC. . EXCLUSION OF CERTAIN "J" NONIMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICABLE TO "H-1B" NONIMMIGRANTS.

The numerical limitations contained in section 2 of this Act shall not apply to any nonimmigrant alien granted a waiver that is subject to the limitation contained in paragraph (1)(B) of the first section 214(l) of the Immigration and Nationality Act (relating to restrictions on waivers).

At the appropriate place, insert the following:

SEC. 9. STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The Secretary of Commerce shall conduct a review of existing public and private high-tech workforce training programs in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Commerce shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

At the appropriate place, insert the following:

TITLE II—IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Immigration Services and Infrastructure Improvements Act of 2000".

SEC. 202. PURPOSES.

(a) PURPOSES.—The purposes of this title are to—

(1) provide the Immigration and Naturalization Service with the mechanisms it needs to eliminate the current backlog in the processing of immigration benefit applications within 1 year after enactment of this Act and to maintain the elimination of the backlog in future years; and

(2) provide for regular congressional oversight of the performance of the Immigration and Naturalization Service in eliminating the backlog and processing delays in immigration benefits adjudications.

(b) POLICY.—It is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application, except that a petition for a nonimmigrant visa under section 214(c) of the Immigration and Nationality Act should be processed not later than 30 days after the filing of the petition.

SEC. 203. DEFINITIONS.

In this title:

(1) BACKLOG.—The term "backlog" means, with respect to an immigration benefit application, the period of time in excess of 180 days that such application has been pending before the Immigration and Naturalization Service.

(2) IMMIGRATION BENEFIT APPLICATION.—The term "immigration benefit application" means any application or petition to confer, certify, change, adjust, or extend any status

granted under the Immigration and Nationality Act.

SEC. 204. IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENT ACCOUNT.

(a) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General shall take such measures as may be necessary to—

(1) reduce the backlog in the processing of immigration benefit applications, with the objective of the total elimination of the backlog not later than one year after the date of enactment of this Act;

(2) make such other improvements in the processing of immigration benefit applications as may be necessary to ensure that a backlog does not develop after such date; and

(3) make such improvements in infrastructure as may be necessary to effectively provide immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of Justice from time to time such sums as may be necessary for the Attorney General to carry out subsection (a).

(2) DESIGNATION OF ACCOUNT IN TREASURY.—Amounts appropriated pursuant to paragraph (1) may be referred to as the "Immigration Services and Infrastructure Improvements Account".

(3) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(4) LIMITATION ON EXPENDITURES.—None of the funds appropriated pursuant to paragraph (1) may be expended until the report described in section 205(a) has been submitted to Congress.

SEC. 205. REPORTS TO CONGRESS.

(a) BACKLOG ELIMINATION PLAN.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning—

(A) the backlogs in immigration benefit applications in existence as of the date of enactment of this title; and

(B) the Attorney General's plan for eliminating such backlogs.

(2) REPORT ELEMENTS.—The report shall include—

(A) an assessment of the data systems used in adjudicating and reporting on the status of immigration benefit applications, including—

(i) a description of the adequacy of existing computer hardware, computer software, and other mechanisms to comply with the adjudications and reporting requirements of this title; and

(ii) a plan for implementing improvements to existing data systems to accomplish the purpose of this title, as described in section 202(b);

(B) a description of the quality controls to be put into force to ensure timely, fair, accurate, and complete processing and adjudication of such applications;

(C) the elements specified in subsection (b)(2);

(D) an estimate of the amount of appropriated funds that would be necessary in order to eliminate the backlogs in each category of immigration benefit applications described in subsection (b)(2); and

(E) a detailed plan on how the Attorney General will use any funds in the Immigration Services and Infrastructure Improvements Account to comply with the purposes of this title.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Beginning 90 days after the end of the first fiscal year for which any appropriation authorized by section 204(b) is made, and 90 days after the end of each fiscal year thereafter, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning the status of—

(A) the Immigration Services and Infrastructure Improvements Account including any unobligated balances of appropriations in the Account; and

(B) the Attorney General's efforts to eliminate backlogs in any immigration benefit application described in paragraph (2).

(2) REPORT ELEMENTS.—The report shall include—

(A) State-by-State data on—

(i) the number of naturalization cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for naturalization applications;

(iii) the number of naturalization applications pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) estimated processing times adjudicating newly submitted naturalization applications;

(v) an analysis of the appropriate processing times for naturalization applications; and

(vi) the additional resources and process changes needed to eliminate the backlog for naturalization adjudications;

(B) the status of applications or, where applicable, petitions described in subparagraph (C), by Immigration and Naturalization Service district, including—

(i) the number of cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for such applications or petitions;

(iii) the number of applications or petitions pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) the estimated processing times adjudicating newly submitted applications or petitions;

(v) an analysis of the appropriate processing times for applications or petitions; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications; and

(C) a status report on—

(i) applications for adjustments of status to that of an alien lawfully admitted for permanent residence;

(ii) petitions for nonimmigrant visas under section 214 of the Immigration and Nationality Act;

(iii) petitions filed under section 204 of such Act to classify aliens as immediate relatives or preference immigrants under section 203 of such Act;

(iv) applications for asylum under section 208 of such Act;

(v) registrations for Temporary Protected Status under section 244 of such Act; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications.

(3) ABSENCE OF APPROPRIATED FUNDS.—In the event that no funds are appropriated subject to section 204(b) in the fiscal year in which this Act is enacted, the Attorney General shall submit a report to Congress not later than 90 days after the end of such fiscal year, and each fiscal year thereafter, containing the elements described in paragraph (2).

VISA WAIVER PERMANENT PROGRAM ACT

ABRAHAM (AND KENNEDY) AMENDMENT NO. 4276

Mr. DOMENICI (for Mr. ABRAHAM and Mr. KENNEDY) proposed an amendment to the bill (H.R. 3767) to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act, as follows:

On page 5, line 12, strike "2006" and insert "2007".

On page 7, beginning on line 11, strike "VISA" and all that follows through "SYSTEM" on line 13 and insert the following: "VISA APPLICATION SOLE METHOD TO DISPUTE DENIAL OF WAIVER BASED ON A GROUND OF INADMISSIBILITY".

On page 7, beginning on line 13, strike "denial" and all that follows through "use" on line 16 and insert the following: "denied a waiver under the program by reason of a ground of inadmissibility described in section 212(a) that is discovered at the time of the alien's application for the waiver or through the use".

Beginning on page 7, strike line 23 and all that follows through line 15 on page 8.

On page 9, line 6, strike "United States);" and insert "United States and the existence and effectiveness of its agreements and procedures for extraditing to the United States individuals, including its own nationals, who commit crimes that violate United States law);".

On page 9, beginning on line 11, strike "of" and all that follows through "and" on line 12 and insert the following: "and the Committee on International Relations of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations".

On page 10, line 7, strike "United States" and insert "United States and the existence and effectiveness of its agreements and procedures for extraditing to the United States individuals, including its own nationals, who commit crimes that violate United States law);".

On page 10, line 8, insert ", based upon the evaluation in subclause (I),".

On page 10, line 14, strike "of" and all that follows through "and" on line 15 and insert the following: "and the Committee on International Relations of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations".

Beginning on page 10, line 25, strike "but may" and all that follows through "Register" on line 3 of page 11 and insert "in consultation with the Secretary of State".

Beginning on page 11, strike line 13 and all that follows through line 9 on page 12.

On page 12, line 10, strike "(C)" and insert "(B)".

On page 13, line 3, insert "on the territory of the program country" after "ity)".

On page 13, strike lines 4 through 6 and insert the following:

"(III) a severe breakdown in law and order affecting a significant portion of the program country's territory;

"(IV) a severe economic collapse in the program country; or".

On page 13, line 8, insert "in the program country" after "event".

On page 13, line 12, before the period at the end of the line insert "and where the country's participation in the program could contribute to that threat".

On page 13, line 17, insert ", in consultation with the Secretary of State," after "Attorney General".

On page 14, line 18, strike "a designation".

On page 15, line 11, insert "and departs" after "arrives".

Beginning on page 16, line 25, strike "Not later" and all that follows through "Senate" on line 6 of page 17 and insert the following: "As part of the annual report required to be submitted under section 110(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the Attorney General shall include a section".

On page 17, line 8, before the period at the end of the line insert the following: ", together with an analysis of that information".

On page 17, line 10, strike "October 1" and insert "December 31".

On page 18, between lines 2 and 3, insert the following:

The report required by this clause may be combined with the annual report required to be submitted on that date under section 110(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

On page 19, line 21, insert "or Service identification number" after "name".

Beginning on page 20, strike line 22 and all that follows through line 4 on page 21 and insert the following:

"(6) Computation of visa refusal rates.—For purposes of determining the eligibility of a country to be designated as a program country, the calculation of visa refusal rates shall not include any visa refusals which incorporate any procedures based on, or are otherwise based on, race, sex, or disability, unless otherwise specifically authorized by law or regulation.".

On page 21, after line 4, add the following:

SEC. 207. VISA WAIVER INFORMATION.

Section 217(c) of the Immigration and Nationality Act (8U.S.C. 1187(c)), as amended by sections 204(b) and 206 of this Act, is further amended by adding at the end the following:

"(7) Visa waiver information.—

"(A) In general.—In refusing the application of nationals of a program country for United States visas, or the applications of nationals of a country seeking entry into the visa waiver program, a consular officer shall not knowingly or intentionally classify the refusal of the visa under a category that is not included in the calculation of the visa refusal rate only so that the percentage of that country's visa refusals is less than the percentage limitation applicable to qualification for participation in the visa waiver program.

"(B) Reporting requirement.—On May 1 of each year, for each country under consideration for inclusion in the visa waiver program, the Secretary of State shall provide to the appropriate congressional committees—

"(i) the total number of nationals of that country that applied for United States visas in that country during the previous calendar year;

"(ii) the total number of such nationals who received United States visas during the previous calendar year;

"(iii) the total number of such nationals who were refused United States visas during the previous calendar year;

"(iv) the total number of such nationals who were refused United States visas during the previous calendar year under each provision of this Act under which the visas were refused; and

"(v) the number of such nationals that were refused under section 214(b) as a percentage of the visas that were issued to such nationals.

"(C) Certification.—Not later than May 1 of each year, the United States chief of mission, acting or permanent, to each country under consideration for inclusion in the visa waiver program shall certify to the appropriate congressional committees that the information described in subparagraph (B) is accurate and provide a copy of that certification to those committees.

"(D) Consideration of countries in the visa waiver program.—Upon notification to the Attorney General that a country is under consideration for inclusion in the visa waiver program, the Secretary of State shall provide all of the information described in subparagraph (B) to the Attorney General.

"(E) Definition.—In this paragraph, the term 'appropriate congressional committees' means the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on International Relations of the House of Representatives.".

TITLE III—IMMIGRATION STATUS OF ALIEN EMPLOYEES OF INTELSAT AFTER PRIVATIZATION

SEC. 301. MAINTENANCE OF NONIMMIGRANT AND SPECIAL IMMIGRANT STATUS NOTWITHSTANDING INTELSAT PRIVATIZATION.

(a) Officers and Employees.—

(1) After privatization.—In the case of an alien who, during the 6-month period ending on the day before the date of privatization, was continuously an officer or employee of INTELSAT, and pursuant to such position continuously maintained, during such period, the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)), the alien shall be considered as maintaining such nonimmigrant status on and after the date of privatization, but only during the period in which the alien is an officer or employee of INTELSAT or any successor or separated entity of INTELSAT.

(2) Precursory employment with successor before privatization completion.—In the case of an alien who commences service as an officer or employee of a successor or separated entity of INTELSAT before the date of privatization, but after the date of the enactment of the ORBIT Act (Public Law 106–180; 114 Stat. 48) and in anticipation of privatization, if the alien, during the 6-month period ending on the day before such commencement date, was continuously an officer or employee of INTELSAT, and pursuant to such position continuously maintained, during such period, the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)), the alien shall be considered as maintaining such nonimmigrant status on and after such commencement date, but only during the period in which the alien is an officer or employee of any successor or separated entity of INTELSAT.

(b) Immediate Family Members.—

(1) Aliens maintaining status.—

(A) After privatization.—An alien who, on the day before the date of privatization, was a member of the immediate family of an alien described in subsection (a)(1), and had the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on such day, shall be considered as maintaining such nonimmigrant status on and after the date of privatization, but, only during the period in which the alien described in subsection (a)(1) is an officer or employee of INTELSAT or any successor or separated entity of INTELSAT.

(B) After precursory employment.—An alien who, on the day before a commencement date described in subsection (a)(2), was a member of the immediate family of the commencing alien, and had the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on such day, shall be considered as maintaining such nonimmigrant status on and after such commencement date, but only during the period in which the commencing alien is an officer or employee of any successor or separated entity of INTELSAT.

(2) Aliens changing status.—In the case of an alien who is a member of the immediate family of an alien described in paragraph (1) or (2) of subsection (a), the alien may be granted and may maintain status as a nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on the same terms as an alien described in subparagraph (A) or (B), respectively, of paragraph (1).

(c) Special Immigrants.—For purposes of section 101(a)(27)(I) (8 U.S.C. 1101(a)(27)(I)) of the Immigration and Nationality Act, the term "international organization" includes INTELSAT or any successor or separated entity of INTELSAT.

SEC. 302. TREATMENT OF EMPLOYMENT FOR PURPOSES OF OBTAINING IMMIGRANT STATUS AS A MULTINATIONAL EXECUTIVE OR MANAGER.

(a) In General.—Notwithstanding section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)), in the case of an alien described in subsection (b)—

(1) any services performed by the alien in the United States as an officer or employee of INTELSAT or any successor or separated entity of INTELSAT, and in a capacity that is managerial or executive, shall be considered employment outside the United States by an employer described in section 203(b)(1)(C) of such Act (8 U.S.C. 1153(b)(1)(C)), if the alien has the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of such Act (8 U.S.C. 1101(a)(15)(G)(iv)) during such period of service; and

(2) the alien shall be considered as seeking to enter the United States in order to continue to render services to the same employer.

(b) Aliens Described.—An alien described in this subsection is an alien—

(1) whose nonimmigrant status is maintained pursuant to section 301(a); and

(2) who seeks adjustment of status after the date of privatization to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) based on section 203(b)(1)(C) of such Act (8 U.S.C. 1153(b)(1)(C)) during the period in which the alien is—

(A) an officer or employee of INTELSAT or any successor or separated entity of INTELSAT; and

(B) rendering services as such an officer or employee in a capacity that is managerial or executive.

SEC. 303. DEFINITIONS.

For purposes of this title—

(1) the terms "INTELSAT", "separated entity", and "successor entity" shall have the meaning given such terms in the ORBIT Act (Public Law 106–180; 114 Stat. 48);

(2) the term "date of privatization" means the date on which all or substantially all of the then existing assets of INTELSAT are legally transferred to one or more stock corporations or other similar commercial entities; and

(3) all other terms shall have the meaning given such terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

TITLE IV—MISCELLANEOUS

Section 214 of the Immigration and Nationality Act is amended by adding the following new section.

(10) An amended H-1B petition shall not be required where the petitioning employer is involved in a corporate restructuring, including but not limited to a merger, acquisition, or consolidation, where a new corporate entity succeeds to the interests and obligations of the original petitioning employer and where the terms and conditions of employment remain the same but for the identity of the petitioner.

On page 6, line 8, of the amendment, before the quotation marks, insert the following: "No court shall have jurisdiction under this paragraph to review any visa refusal, the denial of admission to the United States of any alien by the Attorney General, the Secretary's computation of the visa refusal rate, or the designation or non-designation of any country.".

At the appropriate place in the bill, insert the following:

SEC. . THE IMMIGRANT INVESTOR PILOT PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking "seven years" and inserting "ten years".

(b) DETERMINATIONS OF JOB CREATION.—Section 610(c) of such Act is amended by inserting ", improved regional productivity, job creation, or increased domestic capital investment" after "increased exports".

At the end of the bill, add the following:

SEC. . PARTICIPATION OF BUSINESS AIRCRAFT IN THE VISA WAIVER PROGRAM.

(a) ENTRY OF BUSINESS AIRCRAFT.—Section 217(a)(5) of the Immigration and Nationality Act (as designated by this Act) is amended by striking all after "carrier" and inserting the following: ", including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations, or a noncommercial aircraft that is owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations which has entered into an agreement with the Attorney General pursuant to subsection (e). The Attorney General is authorized to require a carrier conducting operations under part 135 of title 14, Code of Federal Regulations, or a domestic corporation conducting operations under part 91 of that title, to give suitable and proper bond, in such reasonable amount and containing such conditions as the Attorney General may deem sufficient to ensure compliance with the indemnification requirements of this section, as a term of such an agreement.".

(b) ROUND-TRIP TICKET.—Section 217(a)(8) of the Immigration and Nationality Act (as designated by this Act) is amended by inserting "or the alien is arriving at the port of entry on an aircraft operated under part 135 of title 14, Code of Federal Regulations, or a noncommercial aircraft that is owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations" after "regulations".

(c) AUTOMATED SYSTEM CHECK.—Section 217(a) (8 U.S.C. 1187(a)) of the Immigration and Nationality Act is amended by adding at the end the following: "Operators of aircraft under part 135 of title 14, Code of Federal Regulations, or operators of noncommercial aircraft that are owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations, carrying any alien passenger who will apply for admission under this section shall furnish such information as the Attorney General by regulation shall prescribe as necessary for the identification of any alien passenger being transported and for the enforcement of the immigration laws. Such information shall be electronically transmitted not less than one hour prior to arrival at the port of entry for purposes of checking for inadmissibility using the automated electronic database.".

(d) CARRIER AGREEMENT REQUIREMENTS TO INCLUDE BUSINESS AIRCRAFT.—

(1) IN GENERAL.—Section 217(e) (8 U.S.C. 1187(e)) of the Immigration and Nationality Act is amended—

(A) by striking "carrier" each place it appears and inserting "carrier (including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations) or a domestic corporation conducting operations under part 91 of that title"; and

(B) in paragraph (2), by striking "carrier's failure" and inserting "failure by a carrier (including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations) or a domestic corporation conducing operations under part 91 of that title".

(2) BUSINESS AIRCRAFT REQUIREMENTS.—Secion 217(e) (8 U.S.C. 1187(e)) of the Immigration and Nationality Act is amended by adding at the end the following new paragraph:

"(3) BUSINESS AIRCRAFT REQUIREMENTS.—

"(A) IN GENERAL.—For purposes of this section, a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations that owns or operates a non-commercial aircraft is a corporation that is organized under the laws of any of the States of the United States or the District of Columbia and is accredited by or a member of a national organization that sets business activity standards. The Attorney General shall prescribe by regulation the provision of such information as the Attorney General deems necessary to identify the domestic corporation, its officers, employees, shareholders, its place of business, and its business activities.

"(B) COLLECTIONS.—In addition to any other fee authorized by law, the Attorney General is authorized to charge and collect, on a periodic basis, an amount from each domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations, for nonimmigrant visa waiver admissions on non-commercial aircraft owned or operated by such domestic corporation equal to the total amount of fees assessed for issuance of nonimmigration visa waiver arrival/departure forms at land border ports of entry. All fees collected under this paragraph shall be deposited into the Immigration User Fee Account established under section 286(h).".

(e) REPORT REQUIRED.—Not later than two years after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate assessing the effectiveness of the program implemented under the amendments made by this section for simplifying the admission of business travelers from visa waiver program countries and compliance with the Immigration and Nationality Act by such travelers under that program.

SEC. 401. MORE EFFICIENT COLLECTION OF INFORMATION FEE.

Section 641(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended—

(1) in paragraph (1)—

(A) by striking "an approved institution of higher education and a designated exchange visitor program" and inserting "the Attorney General";

(B) by striking "the time—" and inserting the following: "a time prior to the alien being classified under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act."; and

(C) by striking subparagraphs (A) and (B);

(2) by amending paragraph (2) to read as follows:

"(2) REMITTANCE.—The fees collected under paragraph (1) shall be remitted by the alien pursuant to a schedule established by the Attorney General for immediate deposit and availability as described under section 286(m) of the Immigration and Nationality Act.";

(3) in paragraph (3)—

(A) by striking "has" the first place it appears and inserting "seeks"; and

(B) by striking "has" the second place it appears and inserting "seeks to";

(4) in paragraph (4)—

(A) by inserting before the period at the end of the second sentence of subparagraph (A) the following: ", except that, in the case of an alien admitted under section 101(a)(15)(J) of the Immigration and Nationality Act as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed $40"; and

(B) by adding at the end of subparagraph (B) the following new sentence: "Such expenses include, but are not necessarily limited to, those incurred by the Secretary of State in connection with the program under subsection (a)."; and

(5) by adding at the end the following new paragraphs:

"(5) PROOF OF PAYMENT.—The alien shall present proof of payment of the fee before the granting of—

"(A) a visa under section 222 of the Immigration and Nationality Act or, in the case of an alien who is exempt from the visa requirement described in section 212(d)(4) of the Immigration and Nationality Act, admission to the United States; or

"(B) change of nonimmigrant classification under section 248 of the Immigration and Nationality Act to a classification described in paragraph (3).

"(6) IMPLEMENTATION.—The provisions of section 553 of title 5, United States Code (relating to rule-making) shall not apply to the extent the Attorney General determines necessary to ensure the expeditious, initial implementation of this section.".

SEC. 402. NEW TIME-FRAME FOR IMPLEMENTATION OF DATA COLLECTION PROGRAM.

Section 641(g)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of

1996 (division C of Public Law 104-208) is amended to read as follows:

"(1) Expansion of program.—Not later than 12 months after the submission of the report required by subsection (f), the Attorney General, in consultation with the Secretary of State and the Secretary of Education, shall commence expansion of the program to cover the nationals of all countries.".

SEC. 403. TECHNICAL AMENDMENTS.

Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208) is amended—

(1) in subsection (h)(2)(A), by striking "Director of the United States Information Agency" and inserting "Secretary of State"; and

(2) in subsection (d)(1), by inserting "institutions of higher education or exchange visitor programs" after "by".

FEDERAL EMPLOYEES HEALTH INSURANCE PREMIUM CONVERSION ACT

ABRAHAM AMENDMENT NO. 4277

Mr. GRAMS (for Mr. Abraham) proposed an amendment to the bill (H.R. 3646) to provide that the same health insurance premium conversion arrangements afforded to employees in the executive and judicial branches of the Government be made available to Federal annuitants, individuals serving in the legislative branch of the Government, and members and retired members of the uniformed services; as follows:

On page 8, strike line 8 and insert the following:

(3) Jehad Mustafa, Amal Mustafa, and Raed Mustafa.

On page 11, strike line 16 and insert the following:

(53) Hazem A. Al-Masri.

COASTAL ZONE MANAGEMENT ACT OF 1999

SNOWE AMENDMENT NO. 4278

Mr. GRAMS (for Ms. Snowe) proposed an amendment to the bill (S. 1534) to reauthorize the Coastal Zone Management Act, and for other purposes; as follows:

On page 28, between lines 20 and 21, insert the following:

(b) Equitable Allocation of Funding.—Section 306(c), (16 U.S.C. 1455(c)) is amended by adding at the end thereof "In promoting equity, the Secretary shall consider the overall change in grant funding under this section from the preceding fiscal year and minimize the relative increases or decreases among all the eligible States. The Secretary shall ensure that each eligible State receives increased funding under this section in any fiscal year for which the total amount appropriated to carry out this section is greater than the total amount appropriated to carry out this section for the preceding fiscal year.".

On page 28, line 21, strike "(b)" and insert "(c)".

On page 45, strike lines 7 through line 10 and insert the following:

"(C) $13,000,000 for fiscal year 2002;

"(D) $14,000,000 for fiscal year 2003; and

"(E) $15,000,000 for fiscal year 2004;

On page 45, line 16, strike "$5,500,000" and insert "$6,500,000".

On page 46, after the last sentence, insert the following new section:

SEC. 18. SENSE OF CONGRESS.

It is the Sense of Congress that the Undersecretary for Oceans and Atmosphere should re-evaluate the calculation of shoreline mileage used in the distribution of funding under the Coastal Zone Management Program to ensure equitable treatment of all regions of the coastal zone, including the Southeastern States and the Great Lakes States.

NATIONAL LAW ENFORCEMENT MUSEUM ACT

THOMPSON AMENDMENT NO. 4279

Mr. GRAMS (for Mr. Thompson) proposed an amendment to the bill (S. 1438) to establish the National Law Enforcement Museum on Federal land in the District of Columbia; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Law Enforcement Museum Act".

SEC. 2. FINDING.

Congress finds that there should be established a National Law Enforcement Museum to honor and commemorate the service and sacrifice of law enforcement officers in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) Memorial fund.—The term "Memorial Fund" means the National Law Enforcement Officers Memorial Fund, Inc.

(2) Museum.—The term "Museum" means the National Law Enforcement Museum established under section 4(a).

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. NATIONAL LAW ENFORCEMENT MUSEUM.

(a) Construction.—

(1) In general.—The Memorial Fund may construct a National Law Enforcement Museum on Federal land located on United States Reservation #7, on the property bounded by—

(A) the National Law Enforcement Officers Memorial on the north;

(B) the United States Court of Appeals for the Armed Forces on the west;

(C) Court Building C on the east; and

(D) Old City Hall on the south.

(2) Underground facility.—The Memorial Fund shall be permitted to construct part of the Museum underground below E Street, NW.

(3) Consultation.—The Museum Fund shall consult with and coordinate with the Joint Committee on Administration of the District of Columbia courts in the planning, design, and construction of the Museum.

(b) Design and Plans.—

(1) In general.—In carrying out subsection (a), the Memorial Fund shall be responsible for preparation of the design and plans for the Museum.

(2) Approval.—The design and plans for the Museum shall be subject to the approval of—

(A) the Secretary;

(B) the Commission of Fine Arts; and

(C) the National Capital Planning Commission.

(3) Design requirements.—The Museum shall be designed so that—

(A) there is available for underground planned use by the courts of the District of Columbia for renovation and expansion of Old City Hall—

(i) an area extending to a line that is at least 57 feet, 6 inches, north of the northernmost facade of Old City Hall and parallel to that facade; plus

(ii) an area extending beyond that line and comprising a part of a circle with a radius of 40 feet measured from a point that is 59 feet, 9 inches, from the center of that facade;

(B) the underground portion of the Museum has a footprint of not less than 23,665 square feet;

(C) above ground, there is a no-build zone of 90 feet out from the northernmost face of the north portico of the existing Old City Hall running east to west parallel to Old City Hall;

(D) the aboveground portion of the Museum consists of 2 entrance pavilions totaling a maximum of 10,000 square feet, neither of which shall exceed 6,000 square feet and the height of neither of which shall exceed 25 feet, as measured from the curb of the westernmost pavilion; and

(E) no portion of the aboveground portion of the Museum is located within the 100-foot-wide area centered on the north-south axis of the Old City Hall.

(4) Parking.—The courts of the District of Columbia and the United States Court of Appeals for the Armed Forces may construct an underground parking structure in the southwest quadrant of United States Reservation #7.

(c) Operation and Use.—The Memorial Fund shall own, operate, and maintain the Museum after completion of construction.

(d) Federal Share.—The United States shall pay no expense incurred in the establishment or construction of the Museum.

(e) Funding Verification.—The Secretary shall not permit construction of the Museum to begin unless the Secretary determines that sufficient amounts are available to complete construction of the Museum in accordance with the design and plans approved under subsection (b).

(f) Failure To Construct.—If the Memorial Fund fails to begin construction of the Museum by the date that is 10 years after the date of enactment of this Act, the authority to construct the Museum shall terminate on that date.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 28, 2000 at 9:30 a.m., in open session to receive testimony on U.S. policy toward Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 28, 2000 at 9:30 a.m., on Department of Commerce trade missions/political activities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, September 28, 2000 at 9:30 a.m., to conduct an oversight hearing. The committee will examine the impacts of the recent United States Federal Circuit Court of Appeals decisions regarding the Federal government's breach of contract for failure to accept high level nuclear waste by January 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations and the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, September 28, 2000 at 3:00 p.m., to hold a Joint Committee Hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 28, 2000 to mark up H.R. 4844, the Railroad Retirement and Survivors' Improvement Act of 2000 and the Community Renewal and New Markets Act of 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 28, 2000 at 10:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 28, 2000, at 10:00 a.m. The markup will take place in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, September 28, 2000 from 8:00 a.m.–12:00 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a hearing on Thursday, September 28, 2000, at 2:00 p.m. The hearing will take place in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 28, 2000, to conduct a hearing on "the proposal by the Securities and Exchange Commission to promulgate agency regulations that would restrict the types of non-audit services that independent public accounts may provide to their audit clients."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet during the session of the Senate Thursday, September 28, at 9:30 a.m., Hearing Room (SD-406) to conduct a hearing to receive testimony on H.R. 809, the Federal Protective Service Reform Act of 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

On September 27, 2000, the Senate amended and passed H.R. 4942, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4942) entitled "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2001, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a nationwide program to be administered by the Mayor for District of Columbia resident tuition support, $17,000,000, to remain available until expended: Provided, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

The paragraph under the heading "Federal Payment for Incentives for Adoption of Children" in Public Law 106–113, approved November 29, 1999 (113 Stat. 1501), is amended to read as follows: "For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000: Provided, That such funds shall remain available until September 30, 2002, and shall be used to carry out all of the provisions of title 38, except for section 3808, of the Fiscal Year 2001 Budget Support Act of 2000, D.C. Bill 13–679, enrolled June 12, 2000.".

FEDERAL PAYMENT FOR COMMERCIAL REVITALIZATION PROGRAM

For a Federal payment to the District of Columbia, $1,500,000, to remain available until expended, for the Mayor, in consultation with the Council of the District of Columbia, to provide offsets against local taxes for a commercial revitalization program, such program to provide financial inducements, including loans, grants, offsets to local taxes and other instruments that promote commercial revitalization in Enterprise Zones and low and moderate income areas in the District of Columbia: Provided, That in carrying out such a program, the Mayor shall use Federal commercial revitalization proposals introduced in Congress as a guideline: Provided further, That not later than 180 days after the date of the enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS

For a Federal payment to the District of Columbia Public Schools, $500,000: Provided, That $250,000 of said amount shall be used for a program to reduce school violence: Provided further, That $250,000 of said amount shall be used for a program to enhance the reading skills of District public school students.

FEDERAL PAYMENT TO COVENANT HOUSE WASHINGTON

For a Federal payment to Covenant House Washington for a contribution to the construction in Southeast Washington of a new community service center for homeless, runaway and at-risk youth, $500,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $134,200,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712) of which $1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system: Provided, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That in addition to the funds *provided under this heading, the District of Columbia Corrections Trustee may use any remaining interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, to carry out the activities funded under this heading.*

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $109,080,000 to be allocated as follows: for the District of Columbia Court of Appeals, $7,709,000; for the District of Columbia Superior Court, $72,399,000; for the District of Columbia Court System, $17,892,000; $5,255,000 to finance a pay adjustment of 8.48 percent for nonjudicial employees; and $5,825,000, including $825,000 for roofing repairs to the facility commonly referred to as the Old Courthouse and located at 451 Indiana Avenue, Northwest, to remain available until September 30, 2002, for capital improvements for District of Columbia courthouse facilities: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $38,387,000, to remain available until expended: Provided, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $5,825,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $5,825,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during fiscal year 2000 if the Comptroller General certifies that the amount of obligations lawfully incurred for such payments during fiscal year 2000 exceeds the obligational authority otherwise available for making such payments: Provided further, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: Provided further, That the District of Columbia Courts shall implement the recommendations in the General Accounting Office Report GAO/AIMD/OGC–99–226 regarding payments to court-appointed attorneys and shall report quarterly to the Office of Management and Budget and to the Senate and House of Representatives Appropriations Committees quarterly on the status of these reforms.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712), $112,527,000, of which $67,521,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $18,778,000 shall be transferred to the Public Defender Service; and $26,228,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That notwithstanding section 446 of the District of Columbia Home Rule Act or any provision of subchapter III of chapter 13 of title 31, United States Code, the use of interest earned on the Federal payment made to the District of Columbia Offender Supervision, Defender, and Court Services Agency under the District of Columbia Appropriations Act, 1998, by the Agency during fiscal years 1998 and 1999 shall not constitute a violation of such Act or such subchapter.

METRORAIL CONSTRUCTION

For the Washington Metropolitan Area Transit Authority [WMATA], a contribution of $25,000,000 to design and build a Metrorail station located at New York and Florida Avenues, Northeast: Provided, That, prior to the release of said funds from the Treasury, the District of Columbia shall set aside an additional $25,000,000 for this project in its Fiscal Year 2001 Budget and Financial Plan and, further, shall establish a special taxing district for the neighborhood of the proposed Metrorail station to provide $25,000,000: Provided further, That the requirements of 49 U.S.C. 5309(a)(2) shall apply to this project.

FEDERAL PAYMENT FOR BROWNFIELD REMEDIATION

For a Federal payment to the District of Columbia, $3,450,000 for environmental and infrastructure costs at Poplar Point: Provided, That of said amount, $2,150,000 shall be available for environmental assessment, site remediation and wetlands restoration of the 11 acres of real property under the jurisdiction of the District of Columbia: Provided further, That no more than $1,300,000 shall be used for infrastructure costs for an entrance to Anacostia Park: Provided further, That none of said funds shall be used by the District of Columbia to purchase private property in the Poplar Point area.

PRESIDENTIAL INAUGURATION

For a payment to the District of Columbia to reimburse the District for expenses incurred in connection with Presidential inauguration activities, $6,211,000, as authorized by section 737(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1–1132), which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act and section 124 of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2001 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $5,546,536,000 (of which $192,804,000 shall be from intra-District funds and $3,096,383,000 shall be from local funds): Provided further, That the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2001, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority (Authority), established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104–8), $6,500,000 from other funds: Provided, That these funds be derived from accounts held by the Authority on behalf of the District of Columbia.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $194,271,000 (including $160,672,000 from local funds, $20,424,000 from Federal funds, and $13,175,000 from other funds): Provided, That of the $150,000,000 freed-up appropriations provided for by this Act, $621,000 shall be available to the Office of the Mayor, $2,500,000 to the Office of Property Management, and $1,042,000 to be used for training, prioritized pursuant to an act of the Council: Provided further, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor: Provided *further, That $303,000 and no fewer than 5 FTEs shall be available exclusively to support the Labor-Management Partnership Council: Provided further, That section 168(a) of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1531) is amended by inserting ", to remain available until expended," after "$5,000,000".*

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $205,638,000 (including $53,562,000 from local funds, $92,378,000 from Federal funds, and $59,698,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12–26): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: Provided further, That of the $150,000,000 freed-up appropriations provided for by this Act, $3,296,000 shall be available to the Department of Housing and Community Development and $200,000 to the Department of Employment Services, prioritized pursuant to an act of the Council.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, and such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That of the $150,000,000 freed-up appropriations provided for by this Act, $1,293,000 shall be available to the Department of Fire and Emergency Medical Services, $100,000 to Citizen Complaint Review Board, $200,000 to Metropolitan Police Department, and $4,890,000 to the Settlement and Judgments Funds, prioritized pursuant to an act of the Council: $762,346,000 (including $591,365,000 from local funds, $24,950,000 from Federal funds, and $146,031,000 from other funds): Provided further, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: Provided further, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: Provided further, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: Provided further, That $100,000 shall be available for inmates released on medical and geriatric parole: Provided further, That commencing on December 31, 1999, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: Provided further, That Chapter 23 of Title 11 of the District of Columbia Code is repealed.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $998,918,000 (including $824,867,000 from local funds, $147,643,000 from Federal funds, and $26,408,000 from other funds), to be allocated as follows: $769,943,000 (including $629,309,000 from local funds, $133,490,000 from Federal funds, and $7,144,000 from other funds), for the public schools of the District of Columbia; $200,000 from local funds for the District of Columbia Teachers' Retirement Fund; $1,679,000 from local funds for the State Education Office; $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; $105,000,000 from local funds for public charter schools: Provided, That there shall be quarterly disbursement of funds to the D.C. public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: Provided further, That the D.C. public charter schools will report enrollment on a quarterly basis upon which a quarterly disbursement will be calculated: Provided further, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for public education: Provided further, That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That $76,433,000 (including $44,691,000 from local funds, $13,199,000 from Federal funds, and $18,543,000 from other funds) shall be available for the University of the District of Columbia: Provided further, That $200,000 is allocated for the East of the River Campus Assessment Study, $1,000,000 for the Excel Institute Adult Education Program, $500,000 for the Adult Education State Plan, $650,000 for The Saturday Academy Pre-College Program, and $481,000 for the Strengthening of Academic Programs; and $26,459,000 (including $25,208,000 from local funds, $550,000 from Federal funds and $701,000 from other funds) for the Public Library: Provided further, That the $1,020,000 enhancement shall be allocated such that $500,000 is used for facilities improvements for 8 of the 26 library branches, $235,000 for 13 FTEs for the continuation of the Homework Helpers Program, $166,000 for 3 FTEs in the expansion of the Reach Out And Roar (ROAR) service to license day care homes, and $119,000 for 3 FTEs to expand literacy support into branch libraries: Provided further, That $2,204,000 (including $1,780,000 from local funds, $404,000 from Federal funds and $20,000 from other funds) shall be available for the Commission on the Arts and Humanities: Provided further, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Code, sec. 31–401 et seq.): Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2001 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2001, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: Provided further, That $2,200,000 is allocated to the Temporary Weighted Student Formula to fund 344 additional slots for pre-K students: Provided further, That $50,000 is allocated to fund a conference on learning support for children ages 3-4 in September 2000 hosted jointly by the District of Columbia Public Schools and District of Columbia public charter schools: Provided further, That no local funds in this Act shall be used to administer a system wide standardized test more than once in fiscal year 2001: Provided further, That no less than $436,452,000 shall be expended on local schools through the Weighted Student Formula: Provided further, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: Provided further, That of the $150,000,000 freed-up appropriations provided for by this Act, $12,079,000 shall be available to the District of Columbia Public Schools, $120,000 to the Commission on the Arts and Humanities, $400,000 to the District of Columbia Library, and $2,500,000 to the University of the District of Columbia for adult basic education, prioritized pursuant to an act of the Council.

HUMAN SUPPORT SERVICES

Human support services, $1,532,704,000 (including $634,397,000 from local funds, $881,589,000 from Federal funds, and $16,718,000 from other funds): Provided, That $25,836,000 of *this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That of the $150,000,000 freed-up appropriations provided for by this Act, $10,000,000 shall be available to the Children Investment Trust, $1,511,000 to the Department of Parks and Recreation, $574,000 to the Office on Aging, $4,245,000 to the Department of Health, and $1,500,000 to the Commission on Latino Affairs, prioritized pursuant to an act of the Council: Provided further, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.): Provided further, That $400,000 shall be available for the administrative costs associated with implementation of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13–329): Provided further, That $7,000,000 shall be available for deposit in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13–329): Provided further, That the District of Columbia is authorized to enter into a long-term lease of Hamilton Field with Gonzaga College High School and that, in exchange for such a lease, Gonzaga will introduce and implement a youth baseball program focused on 13 to 18 year old residents, said program to include summer and fall baseball programs and baseball clinics: Provided further, That notwithstanding any other provision of law, the District of Columbia may increase the Human Support Services appropriation under this Act by an amount equal to not more than 15 percent of the local funds in the appropriation in order to augment the District of Columbia subsidy for the Public Benefit Corporation for the purpose of restructuring the delivery of health services in the District of Columbia pursuant to a restructuring plan approved by the Mayor, Council of the District of Columbia, District of Columbia Financial Responsibility and Management Assistance Authority, and Chief Financial Officer.*

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $278,242,000 (including $265,078,000 from local funds, $3,328,000 from Federal funds, and $9,836,000 from other funds): Provided, That of the $150,000,000 freed-up appropriations provided for by this Act, $1,500,000 shall be available to Public Works, $1,000,000 to the Department of Motor Vehicles, and $1,550,000 to the Taxicab Commission, prioritized pursuant to an act of the Council: Provided further, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: Provided further, That $100,000 be available for a commercial sector recycling initiative: Provided further, That $250,000 be available to initiate a recycling education campaign: Provided further, That $10,000 be available for community clean-up kits: Provided further, That $190,000 be available to restore 3.5 percent vacancy rate in Parking Services: Provided further, That $170,000 be available to plant 500 trees: Provided further, That $118,000 be available for two water trucks: Provided further, That $150,000 be available for contract monitors and parking analysts within Parking Services: Provided further, That $1,409,000 be available for a neighborhood clean-up initiative: Provided further, That $1,000,000 be available for tree maintenance: Provided further, That $600,000 be available for an anti-graffiti program: Provided further, That $226,000 be available for a hazardous waste program: Provided further, That $1,260,000 be available for parking control aides: Provided further, That $400,000 be available for the Department of Motor Vehicles to hire additional ticket adjudicators, conduct additional hearings, and reduce the waiting time for hearings.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, $389,528,000 (including $234,913,000 from local funds, $135,555,000 from Federal funds, and $19,060,000 from other funds): Provided, That of the $150,000,000 freed-up appropriation provided for by this Act, $6,300,000 shall be available to the LaShawn Receivership and $13,000,000 to the Commission on Mental Health, prioritized pursuant to an act of the Council.

RESERVE

For a reserve to be established by the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority, $150,000,000 of local funds.

EMERGENCY RESERVE FUND

For the emergency reserve fund established under section 450A(a) of the District of Columbia Home Rule Act, the amount provided for fiscal year 2001 under such section, to be derived from local funds.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, $243,238,000 from local funds: Provided, That of the $150,000,000 freed-up appropriations provided for by this Act, the balance remaining after other expenditures shall be used for Pay-As-You-Go Capital Funds in lieu of capital financing, prioritized pursuant to an act of the Council: Provided further, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act (Public Law 106–113; 113 Stat. 1531) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds: Provided further, That for equipment leases, the Mayor may finance $19,232,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: Provided further, That $2,000,000 is allocated to the Metropolitan Police Department, $4,300,000 for the Fire and Emergency Medical Services Department, $1,622,000 for the Public Library, $2,010,000 for the Department of Parks and Recreation, $7,500,000 for the Department of Public Works and $1,800,000 for the Public Benefit Corporation.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act (105 Stat. 540; D.C. Code, sec. 47–321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $1,140,000 from local funds.

PRESIDENTIAL INAUGURATION

For reimbursement for necessary expenses incurred in connection with Presidential inauguration activities as authorized by section 737(b) of the District of Columbia Home Rule Act, Public Law 93–198, as amended, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1–1803), $6,211,000, which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,950,000 from local funds.

WILSON BUILDING

For expenses associated with the John A. Wilson Building, $8,409,000.

OPTICAL AND DENTAL INSURANCE PAYMENTS

For optical and dental insurance payments, $2,675,000 from local funds.

MANAGEMENT SUPERVISORY SERVICE

For management supervisory service, $13,200,000 from local funds, to be transferred by the Mayor of the District of Columbia among the various appropriation headings in this Act for which employees are properly payable.

TOBACCO SETTLEMENT TRUST FUND TRANSFER PAYMENT

There is transferred $61,406,000 to the Tobacco Settlement Trust Fund established pursuant to section 2302 of the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13–38; to be codified at D.C. Code, sec. 6–135), to be spent pursuant to local law.

OPERATIONAL IMPROVEMENTS SAVINGS (INCLUDING MANAGED COMPETITION)

The Mayor and the Council in consultation of with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $10,000,000 for operational improvements savings in local funds to one or more of the appropriation headings in this Act.

MANAGEMENT REFORM SAVINGS

The Mayor and the Council in consultation of with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $37,000,000 for management reform savings in local funds to one or more of the appropriation headings in this Act.

CAFETERIA PLAN

For the implementation of a Cafeteria Plan pursuant to Federal law, a reduction of $5,000,000: Provided, That of the $150,000,000 freed-up appropriations provided for by this Act, $5,000,000 shall be available for the savings associated with the implementation of the Cafeteria Plan, prioritized pursuant to an act of the Council.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For operation of the Water and Sewer Authority and the Washington Aqueduct, $275,705,000 from other funds (including $230,614,000 for the Water and Sewer Authority and $45,091,000 for the Washington Aqueduct) of which $41,503,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $140,725,000, as authorized by the Act entitled "An Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes"

(33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): Provided, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174 and 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Code, sec. 2–2501 et seq. and sec. 22–1516 et seq.), $223,200,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $10,968,000 from other funds: Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11–212; D.C. Code, sec. 32–262.2, $123,548,000 of which $45,313,000 shall be derived by transfer from the general fund, and $78,235,000 from other funds: Provided, That no amounts may be made available to the Corporation (through reprogramming, transfers, loans, or any other mechanism) which are not otherwise provided for under this heading.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $11,414,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88–622), $1,808,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $52,726,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of $1,077,282,000 of which $806,787,000 is from local funds, $66,446,000 is from highway trust funds, and $204,049,000 is from Federal funds, and a rescission of $55,208,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,022,074,000 to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2002, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2002: Provided further, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 104. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 105. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 107. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 108. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 109. None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming or inter-appropriation transfer of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; (7) increases by 20 percent or more personnel assigned to a specific program, project, or responsibility center; or (8) transfers an amount from one appropriation to another as long as the amount transferred shall not exceed 2 percent of the local funds in the appropriation; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming or inter-appropriation transfer as set forth in this section.

SEC. 110. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 111. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 112. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2001, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2001 revenue estimates as of the end of the first quarter of fiscal year 2001. These estimates shall be used in the budget request for the fiscal year ending September 30, 2002. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 113. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 114. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 115. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 116. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2001 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 117. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 118. REPORTING REQUIREMENTS FOR THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS AND THE UNIVERSITY OF THE DISTRICT OF COLUMBIA. (a) The Superintendent of the District of Columbia Public Schools [DCPS] and the University of the District of Columbia [UDC] shall each submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by DCPS and UDC; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) all reprogramming requests and reports that have been made by UDC within the last quarter in compliance with applicable law; and

(6) changes made in the last quarter to the organizational structure of DCPS and UDC, displaying for each entity previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Superintendent of DCPS and UDC shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall—

(1) set forth the number of validated schedule A positions in the District of Columbia public schools and UDC for fiscal year 2001, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary;

(2) set forth a compilation of all employees in the District of Columbia public schools and UDC as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number; and

(3) be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

(c) No later than November 1, 2000, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of DCPS and UDC shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and UDC for such fiscal year: (1) that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures; and (2) that is in the format of the budget that the Superintendent of DCPS and UDC submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 119. Funds authorized or previously appropriated to the government of the District of Columbia by this or any other Act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 120. (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds 250 percent of the hourly rate of compensation under section 11–2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 250 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code; and

(3) in no case may the compensation limits in paragraphs (1) and (2) exceed $2,500.

(b) Notwithstanding the preceding subsection, if the Mayor and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, then such new rates shall apply in lieu of the rates set forth in the preceding subsection to both the attorney who represents the prevailing party and the attorney who defends the action.

SEC. 121. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 122. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 123. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools (DCPS) in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 124. (a) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Mayor, in consultation

with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) Requirement of chief financial officer report and authority approval.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) Prohibition on spending in anticipation of approval or receipt.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) Quarterly reports.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(b) Report on Expenditures by Financial Responsibility and Management Assistance Authority.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1999, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

Sec. 125. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2001 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93–198), the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

Sec. 126. (a) Restrictions on Use of Official Vehicles.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) Inventory of Vehicles.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2000, an inventory, as of September 30, 2000, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

Sec. 127. (a) Source of Payment for Employees Detailed Within Government.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2001 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) Modification of Reduction in Force Procedures.—Section 2408 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–625.7), is amended as follows:

(a) Subsection (a) is amended by striking the date "September 30, 2000" and inserting the phrase "September 30, 2000, and each subsequent fiscal year" in its place.

(b) Subsection (b) is amended by striking the phrase "Prior to February 1, 2000" and inserting the phrase "Prior to February 1 of each year" in its place.

(c) Subsection (i) is amended by striking the phrase "March 1, 2000" and inserting the phrase "March 1 of each year" in its place.

(d) Subsection (k) is amended by striking the phrase "September 1, 2000" and inserting the phrase "September 1 of each year" in its place.

Sec. 128. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

Sec. 129. (a) Compliance With Buy American Act.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) Sense of the Congress; Requirement Regarding Notice.—

(1) Purchase of American-made equipment and products.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) Notice to recipients of assistance.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) Prohibition of Contracts With Persons Falsely Labeling Products as Made in America.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Sec. 130. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2001 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

Sec. 131. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

Sec. 132. No later than November 1, 2000, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 133. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 134. (a) RESTRICTIONS ON LEASES.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless the lease and an abstract of the lease have been filed (by the District of Columbia or any other party to the lease) with the central office of the Deputy Mayor for Economic Development, in an indexed registry available for public inspection.

(b) ADDITIONAL RESTRICTIONS ON CURRENT LEASES.—

(1) IN GENERAL.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, in the case of a lease described in paragraph (3), none of the funds contained in this Act may be used to make rental payments under the lease unless the lease is included in periodic reports submitted by the Mayor and Council of the District of Columbia to the Committees on Appropriations of the House of Representatives and Senate describing for each such lease the following information:

(A) The location of the property involved, the name of the owners of record according to the land records of the District of Columbia, the name of the lessors according to the lease, the rate of payment under the lease, the period of time covered by the lease, and the conditions under which the lease may be terminated.

(B) The extent to which the property is or is not occupied by the District of Columbia government as of the end of the reporting period involved.

(C) If the property is not occupied and utilized by the District government as of the end of the reporting period involved, a plan for occupying and utilizing the property (including construction or renovation work) or a status statement regarding any efforts by the District to terminate or renegotiate the lease.

(2) TIMING OF REPORTS.—The reports described in paragraph (1) shall be submitted for each calendar quarter (beginning with the quarter ending December 31, 2000) not later than 20 days after the end of the quarter involved, plus an initial report submitted not later than 60 days after the date of the enactment of this Act, which shall provide information as of the date of the enactment of this Act.

(3) LEASES DESCRIBED.—A lease described in this paragraph is a lease in effect as of the date of the enactment of this Act for the use of real property by the District of Columbia government (including any independent agency of the District) which is not being occupied by the District government (including any independent agency of the District) as of such date or during the 60-day period which begins on the date of the enactment of this Act.

SEC. 135. (a) MANAGEMENT OF EXISTING DISTRICT GOVERNMENT PROPERTY.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to enter into a lease (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless the following conditions are met:

(1) The Mayor and Council of the District of Columbia certify to the Committees on Appropriations of the House of Representatives and Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended.

(2) Notwithstanding any other provisions of law, there is made available for sale or lease all real property of the District of Columbia that the Mayor from time-to-time determines is surplus to the needs of the District of Columbia, unless a majority of the members of the Council override the Mayor's determination during the 30-day period which begins on the date the determination is published.

(3) The Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District.

(4) The Mayor and Council within 60 days of the date of the enactment of this Act have filed with the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate a report which provides a comprehensive plan for the management of District of Columbia real property assets, and are proceeding with the implementation of the plan.

(b) TERMINATION OF PROVISIONS.—If the District of Columbia enacts legislation to reform the practices and procedures governing the entering into of leases for the use of real property by the District of Columbia government and the disposition of surplus real property of the District government, the provisions of subsection (a) shall cease to be effective upon the effective date of the legislation.

SEC. 136. CERTIFICATION.—None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and their agency as a result of this Act.

SEC. 137. The proposed budget of the government of the District of Columbia for fiscal year 2002 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the operational improvements savings and management reform savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 138. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as "other", "miscellaneous", or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 139. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 140. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 141. (a) Nothing in the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301 et seq.) may be construed to prohibit the Administrator of the Environmental Protection Agency from negotiating and entering into cooperative agreements and grants authorized by law which affect real property of the Federal Government in the District of Columbia if the principal purpose of the cooperative agreement or grant is to provide comparable benefits for Federal and non-Federal properties in the District of Columbia.

(b) Subsection (a) shall apply with respect to fiscal year 2001 and each succeeding fiscal year.

SEC. 142. (a) IN GENERAL.—The District of Columbia Home Rule Act is amended by inserting after section 450 the following:

"COMPREHENSIVE FINANCIAL MANAGEMENT POLICY

"SEC. 450B. (a) COMPREHENSIVE FINANCIAL MANAGEMENT POLICY.—The District of Columbia shall conduct its financial management in accordance with a comprehensive financial management policy.

"(b) CONTENTS OF POLICY.—The comprehensive financial management policy shall include, but not be limited to, the following:

"(1) A cash management policy.

"(2) A debt management policy.

"(3) A financial asset management policy.

"(4) A contingency reserve management policy in accordance with section 450A(a)(3).

"(5) An emergency reserve management policy in accordance with section 450A(b)(3).

"(6) A policy for determining real property tax exemptions for the District of Columbia.

"(c) ANNUAL REVIEW.—The comprehensive financial management policy shall be reviewed at the end of each fiscal year by the Chief Financial Officer who shall—

"(1) not later than July 1 of each year, submit any proposed changes in the policy to the Mayor for review and the District of Columbia Financial Responsibility and Management Assistance Authority (in a control year);

"(2) not later than August 1 of each year, after consideration of any comments received under paragraph (1), submit the changes to the Council of the District of Columbia for approval; and

"(3) not later than September 1 of each year, notify the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate of any changes enacted by the Council of the District of Columbia.

"(d) PROCEDURE FOR DEVELOPMENT OF FIRST COMPREHENSIVE FINANCIAL MANAGEMENT POLICY.—

"(1) CFO.—Not later than April 1, 2001, the Chief Financial Officer shall submit to the Mayor an initial proposed comprehensive financial management policy for the District of Columbia pursuant to section 450B of the District of Columbia Home Rule Act.

"(2) COUNCIL.—Following review and comment by the Mayor, not later than May 1, 2001, the Chief Financial Officer shall submit the proposed financial management policy to the Council of the District of Columbia for its prompt review and adoption.

"(3) AUTHORITY.—Upon adoption of the financial management policy under paragraph (2), the Council shall immediately submit the policy to the District of Columbia Financial Responsibility and Management Assistance Authority for a review of not to exceed 30 days.

"(4) CONGRESS.—Following review of the financial management policy by the Authority under paragraph (3), the Authority shall submit the policy to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate for review and the policy shall take effect 30 days after the date the policy is submitted under this paragraph.".

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2000.

APPOINTMENT AND DUTIES OF CHIEF FINANCIAL OFFICER

SEC. 143. (a) APPOINTMENT AND DISMISSAL.—Section 424(b) of the District of Columbia Home Rule Act (sec. 47–317.2, D.C. Code) is amended—

(1) in paragraph (1)(B), by adding at the end the following: "Upon confirmation by the Council, the name of the Chief Financial Officer shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the appointment takes effect."; and

(2) in paragraph (2)(B), by striking the period at the end and inserting the following: "upon dismissal by the Mayor and approval of that dismissal by a ⅔ vote of the Council of the District of Columbia. Upon approval of the dismissal by the Council, notice of the dismissal shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the dismissal takes effect.".

(b) FUNCTIONS.—

(1) IN GENERAL.—Section 424(c) of such Act (sec. 47–317.3, D.C. Code) is amended—

(A) in the heading, by striking "DURING A CONTROL YEAR";

(B) in the matter preceding paragraph (1), by striking "During a control year, the Chief Financial Officer" and inserting "The Chief Financial Officer";

(C) in paragraph (1), by striking "Preparing" and inserting "During a control year, preparing";

(D) in paragraph (3), by striking "Assuring" and inserting "During a control year, assuring";

(E) in paragraph (5), by striking "With the Approval" and all that follows through "the Council—" and inserting "Preparing and submitting to the Mayor and the Council, with the approval of the Authority during a control year—";

(F) in paragraph (11), by striking "or the Authority" and inserting "(or by the Authority during a control year)"; and

(G) by adding at the end the following new paragraphs:

"(18) Exercising responsibility for the administration and supervision of the District of Columbia Treasurer (except that the Chief Financial Officer may delegate any portion of such responsibility as the Chief Financial Officer considers appropriate and consistent with efficiency).

"(19) Administering all borrowing programs of the District government for the issuance of long-term and short-term indebtedness.

"(20) Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.

"(21) Administering the centralized District government payroll and retirement systems.

"(22) Governing the accounting policies and systems applicable to the District government.

"(23) Preparing appropriate annual, quarterly, and monthly financial reports of the accounting and financial operations of the District government.

"(24) Not later than 120 days after the end of each fiscal year, preparing the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under section 448(a)(4).".

(2) CONFORMING AMENDMENTS.—Section 424 of such Act (sec. 47–317.1 et seq., D.C. Code) is amended—

(A) by striking subsection (d);

(B) in subsection (e)(2), by striking "or subsection (d)"; and

(C) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 144. (a) Notwithstanding the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code 1–601.1 et seq.), or any other District of Columbia law, statute, regulation, the provisions of the District of Columbia Personnel Manual, or the provisions of any collective bargaining agreement, employees of the District of Columbia government will only receive compensation for overtime work in excess of 40 hours per week (or other applicable tour of duty) of work actually performed, in accordance with the provisions of the Fair Labor Standards Act, 29 U.S.C. §201 et seq.

(b) Subsection (a) of this section shall be effective December 27, 1996. The Resolution and Order of the District of Columbia Financial Responsibility and Management Assistance Authority, dated December 27, 1996, is hereby ratified and approved and shall be given full force and effect.

SEC. 145. (a) IN GENERAL.—Notwithstanding section 503 of Public Law 100–71 and as provided in subsection (b), the Court Services and Offender Supervision Agency for the District of Columbia (in this section referred to as the "agency") may implement and administer the Drug Free Workplace Program of the agency, dated July 28, 2000, for employment applicants of the agency.

(b) EFFECTIVE PERIOD.—The waiver provided by subsection (a) shall—

(1) take effect on enactment; and

(2) terminate on the date the Department of Health and Human Services approves the drug program of the agency pursuant to section 503 of Public Law 100–71 or 12 months after the date referred to in paragraph (1), whichever is later.

SEC. 146. The Mayor of the District of Columbia shall submit quarterly reports to the Senate Committees on Appropriations and Governmental Affairs, commencing October 1, 2000, addressing the following issues: (1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets; (2) access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs; (3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency; (4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools; (5) improvement in basic District services, including rat control and abatement; (6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but which the District failed to spend the amounts received; and (7) indicators of child well-being.

RESERVE FUNDS

SEC. 147. (a) ESTABLISHMENT OF RESERVE FUNDS.—

(1) IN GENERAL.—The District of Columbia Home Rule Act is amended by inserting after section 450 the following new section:

"RESERVE FUNDS

"SEC. 450A. (a) EMERGENCY RESERVE FUND.—

"(1) IN GENERAL.—There is established an emergency cash reserve fund (in this subsection referred to as the 'emergency reserve fund') as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than February 15 of each fiscal year (or not later than October 1, 2000, in the case of fiscal year 2001) such amount as may be required to maintain a balance in the fund of at least 4 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2004, such amount as may be required to maintain a balance in the fund of at least the minimum emergency reserve balance for such fiscal year, as determined under paragraph (2)).

"(2) DETERMINATION OF MINIMUM EMERGENCY RESERVE BALANCE.—

"(A) IN GENERAL.—The 'minimum emergency reserve balance' with respect to a fiscal year is the amount equal to the applicable percentage of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds.

"(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the 'applicable percentage' with respect to a fiscal year means the following:

"(i) For fiscal year 2001, 1 percent.

"(ii) For fiscal year 2002, 2 percent.

"(iii) For fiscal year 2003, 3 percent.

"(3) INTEREST.—Interest earned on the emergency reserve fund shall remain in the account and shall only be withdrawn in accordance with paragraph (4).

"(4) CRITERIA FOR USE OF AMOUNTS IN EMERGENCY RESERVE FUND.—The Chief Financial Officer, in consultation with the Mayor, shall develop a policy to govern the emergency reserve fund which shall include (but which may not be limited to) the following requirements:

"(A) The emergency reserve fund may be used to provide for unanticipated and nonrecurring extraordinary needs of an emergency nature, including a natural disaster or calamity as defined by section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100–707) or unexpected obligations by Federal law.

"(B) The emergency reserve fund may also be used in the event of a State of Emergency as declared by the Mayor pursuant to section 5 of the District of Columbia Public Emergency Act of 1980 (sec. 6–1504, D.C. Code).

"(C) The emergency reserve fund may not be used to fund—

"(i) any department, agency, or office of the Government of the District of Columbia which is administered by a receiver or other official appointed by a court;

"(ii) shortfalls in any projected reductions which are included in the budget proposed by the District of Columbia for the fiscal year; or

"(iii) settlements and judgments made by or against the Government of the District of Columbia.

"(5) ALLOCATION OF EMERGENCY CASH RESERVE FUNDS.—Funds may be allocated from the emergency reserve fund only after—

"(A) an analysis has been prepared by the Chief Financial Officer of the availability of *other sources of funding to carry out the purposes of the allocation and the impact of such allocation on the balance and integrity of the emergency reserve fund; and*

"(B) with respect to fiscal years beginning with fiscal year 2005, the contingency reserve fund established by subsection (b) has been projected by the Chief Financial Officer to be exhausted at the time of the allocation.

"(6) NOTICE.—The Mayor, the Council, and (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) the Distrtct of Columbia Financial Responsibility and Management Assistance Authority shall notify the Committees on Appropriations of the Senate and House of Representatives in writing not more than 30 days after the expenditure of funds from the emergency reserve fund.

"(7) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding fiscal year by the following fiscal year. Once the emergency reserve equals 4 percent of total budget appropriated for operating expenditures for the fiscal year, the District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding year to maintain a balance of at least 4 percent of total funds appropriated for operating expenditures by the following fiscal year.

"(b) CONTINGENCY RESERVE FUND.—

"(1) IN GENERAL.—There is established a contingency cash reserve fund (in this subsection referred to as the 'contingency reserve fund') as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than October 1 of each fiscal year (beginning with fiscal year 2005) such amount as may be required to maintain a balance in the fund of at least 3 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2007, such amount as may be required to maintain a balance in the fund of at least the minimum contingency reserve balance for such fiscal year, as determined under paragraph (2)).

"(2) DETERMINATION OF MINIMUM CONTINGENCY RESERVE BALANCE.—

"(A) IN GENERAL.—The 'minimum contingency reserve balance' with respect to a fiscal year is the amount equal to the applicable percentage of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds.

"(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the 'applicable percentage' with respect to a fiscal year means the following:

"(i) For fiscal year 2005, 1 percent.

"(ii) For fiscal year 2006, 2 percent.

"(3) INTEREST.—Interest earned on the contingency reserve fund shall remain in the account and may only be withdrawn in accordance with paragraph (4).

"(4) CRITERIA FOR USE OF AMOUNTS IN CONTINGENCY RESERVE FUND.—The Chief Financial Officer, in consultation with the Mayor, shall develop a policy governing the use of the contingency reserve fund which shall include (but which may not be limited to) the following requirements:

"(A) The contingency reserve fund may only be used to provide for nonrecurring or unforeseen needs that arise during the fiscal year, including expenses associated with unforeseen weather or other natural disasters, unexpected obligations created by Federal law or new public safety or health needs or requirements that have been identified after the budget process has occurred, or opportunities to achieve cost savings.

"(B) The contingency reserve fund may be used, if needed, to cover revenue shortfalls experienced by the District government for 3 consecutive months (based on a 2 month rolling average) that are 5 percent or more below the budget forecast.

"(C) The contingency reserve fund may not be used to fund any shortfalls in any projected reductions which are included in the budget proposed by the District of Columbia for the fiscal year.

"(5) ALLOCATION OF CONTINGENCY CASH RESERVE.—Funds may be allocated from the contingency reserve fund only after an analysis has been prepared by the Chief Financial Officer of the availability of other sources of funding to carry out the purposes of the allocation and the impact of such allocation on the balance and integrity of the contingency reserve fund.

"(6) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding fiscal year by the following fiscal year. Once the contingency reserve equals 3 percent of total funds appropriated for operating expenditures, the District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding year to maintain a balance of at least 3 percent of total funds appropriated for operating expenditures by the following fiscal year.

"(c) QUARTERLY REPORTS.—The Chief Financial Officer shall submit a quarterly report to the Mayor, the Council, the District of Columbia Financial Responsibility and Management Assistance Authority (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), and the Committees on Appropriations of the Senate and House of Representatives that includes a monthly statement on the balance and activities of the contingency and emergency reserve funds.".

(2) CLERICAL AMENDMENT.—The table of contents for the District of Columbia Home Rule Act is amended by inserting after the item relating to section 450 the following new item:

"Sec. 450A. Reserve funds.".

(b) CONFORMING AMENDMENTS.—

(1) CURRENT RESERVE FUND.—Section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47–392.2(j), D.C. Code) is amended by striking "Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act" and inserting "For each of the fiscal years 2000 through 2004, the budget of the District government for the fiscal year".

(2) POSITIVE FUND BALANCE.—Section 202(k) of such Act (sec. 47–392.2(k), D.C. Code) is repealed.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2000.

This Act may be cited as the "District of Columbia Appropriations Act, 2001".

THE CALENDAR

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate proceed to the following bills en bloc: Calendar No. 599, S. 150; Calendar No. 600, S. 11; Calendar No. 601, S. 451; Calendar No. 602, S. 1078; Calendar No. 603, S. 1513; Calendar No. 604, S. 2019; Calendar No. 651, S. 869; Calendar No. 659, H.R. 3646; Calendar No. 735, S. 2000; Calendar No. 736, S. 2002; Calendar No. 738, S. 2289; and Calendar No. 824, S. 785.

I ask unanimous consent that amendment No. 4277 to H.R. 3646 be agreed to, any committee amendments be agreed to, as amended, if amended, the bills be read a third time and passed, the motions to reconsider be laid upon the table, any title amendments be agreed to, and any statements relating to any of the bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF MARINA KHALINA AND HER SON, ALBERT MIFTAKHOV

The bill (S. 150) for the relief of Marina Khalina and her son, Albert Miftakhov was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

S. 150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Marina Khalina and her son, Albert Miftakhov, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Marina Khalina and her son, Albert Miftakhov, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

RELIEF OF WEI JINGSHENG

The bill (S. 11) for the relief of Wei Jingsheng was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 11

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

(a) SHORT TITLE.—This Act may be cited as the "Wei Jingsheng Freedom of Conscience Act".

(b) Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Wei Jingsheng shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Wei Jingsheng as provided in this Act, the

Secretary of State shall instruct the proper officer to reduce by one during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

RELIEF OF SAEED REZAI

The bill (S. 451) for the relief of Saeed Rezai was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 451

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Saeed Rezai shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Saeed Rezai as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one number during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

RELIEF OF ELIZABETH EKA BASSEY AND HER CHILDREN

The Senate proceeded to consider the bill (S. 1078) for the relief of M.S. Elizabeth Eka Bassey and her children, Emmanuel O. Paul Bassey, Jacob Paul Bassey, and Mary Idongesit Paul Bassey, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert the part printed in italic, as follows:

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

Amend the title to read as follows:

> "A bill for the relief of Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey.".

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1078) was read the third time and passed.

The title was amended so as to read:

A bill for the relief of Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey.

RELIEF OF JACQUELINE SALINAS AND HER CHILDREN

The bill (S. 1513) for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF VISAS.

Upon the granting of permanent residence to Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

RELIEF OF MALIA MILLER

The bill (S. 2019) for the relief of Malia Miller was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR MALIA MILLER.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Malia Miller shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Malia Miller enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Malia Miller, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

RELIEF OF MINA VAHEDI NOTASH

The bill (S. 869) for the relief of Mina Vahedi Notash was considered, ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR MINA VAHEDI NOTASH.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Mina Vahedi Notash shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Mina Vahedi Notash enters the United States before the filing deadline specified in subsection (c), he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Mina Vahedi Notash, the Secretary of State shall instruct the proper officer to reduce by 4, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

RELIEF OF PERSIAN GULF EVACUEES

The Senate proceeded to consider the bill (H.R. 3646) for the relief of certain Persian Gulf evacuees, which had been reported from the Committee on the

Judiciary with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. ADJUSTMENT OF STATUS FOR CERTAIN PERSIAN GULF EVACUEES.

(a) In General.—The Attorney General shall adjust the status of each alien referred to in subsection (b) to that of an alien lawfully admitted for permanent residence if the alien—

(1) applies for such adjustment;

(2) has been physically present in the United States for at least 1 year and is physically present in the United States on the date the application for such adjustment is filed;

(3) is admissible to the United States as an immigrant, except as provided in subsection (c); and

(4) pays a fee (determined by the Attorney General) for the processing of such application.

(b) Aliens Eligible for Adjustment of Status.—The benefits provided in subsection (a) shall apply to the following aliens:

(1) Waddah Al-Zireeni, Enas Al-Zireeni, and Anwaar Al-Zireeni.

(2) Salah Mohamed Abu Eljibat, Ghada Mohamed Abu Eljibat, and Tareq Salah Abu Eljibat.

(3) Amal Mustafa and Raed Mustafa.

(4) Shaher M. Abed.

(5) Zaid H. Khan and Nadira P. Khan.

(6) Rawhi M. Abu Tabanja, Basima Fareed Abu Tabanja, and Mohammed Rawhi Abu Tabanja.

(7) Reuben P. D'Silva, Anne P. D'Silva, Natasha Andrew Collette D'Silva, and Agnes D'Silva.

(8) Abbas I. Bhikhapurawala, Nafisa Bhikhapurawala, and Tasnim Bhikhapurawala.

(9) Fayez Sharif Ezzir, Abeer Muharram Ezzir, Sharif Fayez Ezzir, and Mohammed Fayez Ezzir.

(10) Issam Musleh, Nadia Khader, and Duaa Musleh.

(11) Ahmad Mohammad Khalil, Mona Khalil, and Sally Khalil.

(12) Husam Al-Khadrah and Kathleen Al-Khadrah.

(13) Nawal M. Hajjawi.

(14) Isam S. Naser and Samar I. Naser.

(15) Amalia Arsua.

(16) Feras Taha, Bernardina Lopez-Taha, and Yousef Taha.

(17) Mahmood M. Alessa and Nadia Helmi Abusoud.

(18) Emad R. Jawwad.

(19) Mohammed Ata Alawamleh, Zainab Abueljebain, and Nizar Alawamleh.

(20) Yacoub Ibrahim and Wisam Ibrahim.

(21) Tareq S. Shehadah and Inas S. Shehadah.

(22) Basim A. Al-Ali and Nawal B. Al-Ali.

(23) Hael Basheer Atari and Hanaa Al Moghrabi.

(24) Fahim N. Mahmoud, Firnal Mahmoud, Alla Mahmoud, and Ahmad Mahmoud.

(25) Tareq A. Attari.

(26) Azmi A. Mukahal, Wafa Mukahal, Yasmin A. Mukahal, and Ahmad A. Mukahal.

(27) Nabil Ishaq El-Hawwash, Amal Nabil El Hawwash, and Ishaq Nabil El-Hawwash.

(28) Samir Ghalayini, Ismat F. Abujaber, and Wasef Ghalayini.

(29) Iman Mallah, Rana Mallah, and Mohanned Mallah.

(30) Mohsen Mahmoud and Alia Mahmoud.

(31) Nijad Abdelrahman, Najwa Yousef Abdelrahman, and Faisal Abdelrahman.

(32) Nezam Mahdawi, Sohad Mahdawi, and Bassam Mahdawi.

(33) Khalid S. Mahmoud and Fawziah Mahmoud.

(34) Wael I. Saymeh, Zatelhimma N. Al Sahafie, Duaa W. Saymeh, and Ahmad W. Saymeh.

(35) Ahmed Mohammed Jawdat Anis Naji.

(36) Sesinando P. Suaverdez, Maria Cristina Sylvia P. Suaverdez, and Sesinando Paguio Suaverdez II.

(37) Hanan Said and Yasmin Said.

(38) Hani Salem, Manal Salem, Tasnim Salem, and Suleiman Salem.

(39) Ihsan Mohammed Adwan, Hanan Mohammed Adwan, Maha Adwan, Nada M. Adwan, Reem Adwan, and Lina A. Adwan.

(40) Ziyad Al Ajjouri and Dima Al Ajjouri.

(41) Essam K. Taha.

(42) Salwa S. Beshay, Alexan L. Basta, Rehan Basta, and Sherif Basta.

(43) Latifa Hussin, Anas Hussin, Ahmed Hussin, Ayman Hussin, and Assma Hussin.

(44) Farah Bader Shaath and Rawan Bader Shaath.

(45) Bassam Barqawi and Amal Barqawi.

(46) Nabil Abdel Raoof Maswadeh.

(47) Nizam I. Wattar and Mohamed Ihssan Wattar.

(48) Wail F. Shbib and Ektimal Shbib.

(49) Reem Rushdi Salman and Rasha Talat Salman.

(50) Khalil A. Awadalla and Eman K. Awadalla.

(51) Nabil A. Alyadak, Majeda Sheta, Iman Alyadak, and Wafa Alyadak.

(52) Mohammed A. Ariqat, Hitaf M. Ariqat, Ruba Ariqat, Renia Ariqat, and Reham Ariqat.

(53) Maha A. Al-Masri.

(54) Tawfiq M. Al-Taher and Rola T. Al-Taher.

(55) Nadeem Mirza.

(c) Waiver of Certain Grounds for Inadmissibility.—The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply to adjustment of status under this Act.

(d) Offset in Number of Visas Available.—Upon each granting to an alien of the status of having been lawfully admitted for permanent residence under this section, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

AMENDMENT NO. 4277

(Purpose: To make technical amendments)

On page 8, strike line 8 and insert the following:

(3) Jehad Mustafa, Amal Mustafa, and Raed Mustafa.

On page 11, strike line 16 and insert the following:

(53) Hazem A. Al-Masri.

The amendment (No. 4277) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (H.R. 3646), as amended, was read the third time and passed.

RELIEF OF GUY TAYLOR

The bill (S. 2000) for the relief of Guy Taylor was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR GUY TAYLOR.

(a) In General.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Guy Taylor shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) Adjustment of Status.—If Guy Taylor enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) Deadline for Application and Payment of Fees.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) Reduction of Immigrant Visa Number.—Upon the granting of an immigrant visa or permanent residence to Guy Taylor, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

RELIEF OF TONY LARA

The Senate proceeded to consider the bill (S. 2002) for the Relief of Tony Lara, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(Omit the part in black brackets and insert the part printed in italic.)

S. 2002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR TONY LARA.

(a) In General.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Tony Lara shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) Adjustment of Status.—If Tony Lara enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) Deadline for Application and Payment of Fees.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to [Guy Taylor] *Tony Lara*, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The committee amendment was agreed to:

The bill (S. 2002), as amended, was read the third time and passed.

RELIEF OF JOSE GUADALUPE TELLEZ PINALES

The bill (S. 2289) for the relief of Jose Guadalupe Tellez Pinales was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jose Guadalupe Tellez Pinales shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

RELIEF OF FRANCES SCHOCHENMAIER

The Senate proceeded to consider the bill (S. 785) for the relief of Frances Schochenmaier, which had been reported from the Committee on the Judiciary with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. RELIEF OF FRANCES SCHOCHENMAIER.

The Secretary of the Treasury shall pay, out of any moneys in the Treasury not otherwise appropriated, to Frances Schochenmaier of Bonesteel, South Dakota, the sum of $60,567.58 in compensation for the erroneous underpayment to Herman Schochenmaier, husband of Frances Schochenmaier, during the period from September 1945 to March 1995, of compensation and other benefits relating to a service-connected disability incurred by Herman Schochenmaier during military service in World War II.

SEC. 2. RELIEF OF MARY HUDSON.

Notwithstanding section 5121(a) of title 38, United States Code, or any other provision of law, the Secretary of Veterans Affairs shall not recover from the estate of Wallace Hudson, formerly of Russellville, Alabama, or from Mary Hudson, the surviving spouse of Wallace Hudson, the sum of $97,253 paid to Wallace Hudson for compensation and other benefits relating to a service-connected disability incurred by Wallace Hudson during active military service in World War II, which payment was mailed by the Secretary to Wallace Hudson in January 2000 but was delivered after Wallace Hudson's death.

SEC. 3. LIMITATION ON FEES.

(a) IN GENERAL.—Not more than a total of 10 percent of the payment required by section 1 or retained under section 2 may be paid to or received by agents or attorneys for services rendered in connection with obtaining or retaining such payment, as the case may be, any contract to the contrary notwithstanding.

(b) VIOLATION.—Any person who violates subsection (a) shall be fined not more than $1,000.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 785), as amended, was agreed to.

The title was amended so as to read: A Bill for the relief of Francis Schochenmaier and Mary Hudson.

PRESIDENTIAL TRANSITION ACT OF 2000

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 812, H.R. 4931.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4931) to provide for the training or orientation of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4931) was read the third time and passed.

RELIEF OF AKAL SECURITY, INCORPORATED

Mr. GRAMS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged and the Senate proceed to the immediate consideration of H.R. 3363.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3363) for the relief of Akal Security, Incorporated.

The Senate proceeded to consider the bill.

Mr. GRAMS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3363) was read the third time and passed.

AMENDING THE NATIONAL HOUSING ACT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 5193 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5193) to amend the National Housing Act to temporarily extend the applicability of the downpayment simplification provisions for the FHA single family housing mortgage insurance program.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMS. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5193) was read the third time and passed.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 139, introduced earlier today by Senator INOUYE.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 139) authorizing the use of the Capitol grounds for the dedication of the Japanese-American Memorial to Patriotism.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GRAMS. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 139) was agreed to, as follows:

S. CON. RES. 139

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. DEFINITIONS.

In this Resolution:

(1) EVENT.—The term "event" means the dedication of the National Japanese-American Memorial to Patriotism .

(2) SPONSOR.—The term "sponsor" means the National Japanese-American Memorial Foundation.

SEC. 2. AUTHORIZATION OF EVENT TO CELEBRATE THE DEDICATION OF THE NATIONAL JAPANESE-AMERICAN MEMORIAL.

The National Japanese-American Memorial Foundation may sponsor the dedication of the National Japanese-American Memorial to Patriotism on the Capitol grounds on November 9, 2000, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 3. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event shall be open to the public, free of admission charge, and arranged so as not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 4. STRUCTURES AND EQUIPMENT.

(a) STRUCTURES AND EQUIPMENT.—

(1) IN GENERAL.—Subject to the approval of the Architect of the Capitol, beginning on November 8, 2000, the sponsor may erect or place and keep on the Capitol grounds, until not later than 8:00 p.m. on Saturday, November 11, 2000, such stage, sound amplification devices, and other related structures and equipment as are required for the event.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make any such additional arrangements as are appropriate to carry out the event.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol grounds, as well as other restrictions applicable to the Capitol grounds, with respect to the event.

COASTAL ZONE MANAGEMENT ACT OF 1999

Mr. GRAMS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 803, S. 1534.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1534) to reauthorize the Coastal Zone Management Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike out all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coastal Zone Management Act of 2000".

SEC. 2. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

SEC. 3. FINDINGS.

Section 302 (16 U.S.C. 1451) is amended—

(1) by redesignating paragraphs (a) through (m) as paragraphs (1) through (13);

(2) by inserting "ports," in paragraph (3) (as so redesignated) after "fossil fuels,";

(3) by inserting "including coastal waters and wetlands," in paragraph (4) (as so redesignated) after "zone,";

(4) by striking "therein," in paragraph (4) (as so redesignated) and inserting "dependent on that habitat,";

(5) by striking "well-being" in paragraph (5) (as so redesignated) and inserting "quality of life";

(6) by striking paragraph (11) (as so redesignated) and inserting the following:

"(11) Land and water uses in the coastal zone and coastal watersheds may significantly affect the quality of coastal waters and habitats, and efforts to control coastal water pollution from activities in these areas must be improved."; and

(7) by adding at the end thereof the following:

"(14) There is a need to enhance cooperation and coordination among states and local communities, to encourage local community-based solutions that address the impacts and pressures on coastal resources and on public facilities and public service caused by continued coastal demands, and to increase state and local capacity to identify public infrastructure and open space needs and develop and implement plans which provide for sustainable growth, resource protection and community revitalization.".

SEC. 4. POLICY.

Section 303 (16 U.S.C. 1452) is amended—

(1) by striking "the states" in paragraph (2) and inserting "state and local governments";

(2) by striking "waters," each place it appears in paragraph (2)(C) and inserting "waters and habitats,";

(3) by striking "agencies and state and wildlife agencies; and" in paragraph (2)(J) and inserting "and wildlife management; and";

(4) by inserting "other countries," after "agencies," in paragraph (5);

(5) by striking "and" at the end of paragraph (5);

(6) by striking "zone." in paragraph (6) and inserting "zone;"; and

(7) by adding at the end thereof the following:

"(7) to create and use a National Estuarine Research Reserve System as a Federal, state, and community partnership to support and enhance coastal management and stewardship; and

"(8) to encourage the development, application, and transfer of innovative coastal and estuarine environmental technologies and techniques for the long-term conservation of coastal ecosystems.".

SEC. 5. CHANGES IN DEFINITIONS.

Section 304 (16 U.S.C. 1453) is amended—

(1) by striking "and the Trust Territories of the Pacific Islands," in paragraph (4);

(2) by striking paragraph (8) and inserting the following:

"(8) The term 'estuarine reserve' means a coastal protected area which may include any part or all of an estuary and any island, transitional area, and upland in, adjoining, or adjacent to the estuary, and which constitutes to the extent feasible a natural unit, established to provide long-term opportunities for conducting scientific studies and educational and training programs that improve the understanding, stewardship, and management of estuaries."; and

(3) by adding at the end thereof the following:

"(19) The term 'coastal nonpoint pollution control strategies and measures' means strategies and measures included as part of the coastal nonpoint pollution control program under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b).

"(20) The term 'qualified local entity' means—

"(A) any local government;

"(B) any areawide agency referred to in section 204(a)(1) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334 (a)(1));

"(C) any regional agency;

"(D) any interstate agency;

"(E) any nonprofit organization; or

"(F) any reserve established under section 315.".

SEC. 6. REAUTHORIZATION OF MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

Section 305 (16 U.S.C. 1454) is amended to read as follows:

"SEC. 305. MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

"(a) STATES WITHOUT PROGRAMS.—In fiscal years 2001, 2002, 2003, and 2004, the Secretary may make a grant annually to any coastal state without an approved program if the coastal state demonstrates to the satisfaction of the Secretary that the grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed $200,000 in any fiscal year, and shall require State matching funds according to a 4-to-1 ratio of Federal-to-State contributions. After an initial grant is made to a coastal state under this subsection, no subsequent grant may be made to that coastal state under this subsection unless the Secretary finds that the coastal state is satisfactorily developing its management program. No coastal state is eligible to receive more than 4 grants under this subsection.

"(b) SUBMITTAL OF PROGRAM FOR APPROVAL.—A coastal state that has completed the development of its management program shall submit the program to the Secretary for review and approval under section 306.".

SEC. 7. ADMINISTRATIVE GRANTS.

(a) PURPOSES.—Section 306(a) (16 U.S.C. 1455(a)) is amended by inserting "including developing and implementing coastal nonpoint pollution control program components," after "program,".

(b) ACQUISITION CRITERIA.—Section 306(d)(10)(B) (16 U.S.C. 1455(d)(10)(B)) is amended by striking "less than fee simple" and inserting "other".

SEC. 8. COASTAL RESOURCE IMPROVEMENT PROGRAM.

Section 306A (16 U.S.C. 1455a) is amended—

(1) by inserting "or other important coastal habitats" in subsection (b)(1)(A) after "306(d)(9)";

(2) by inserting "or historic" in subsection (b)(2) after "urban";

(3) by adding at the end of subsection (b) the following:

"(5) The coordination and implementation of approved coastal nonpoint pollution control plans.

"(6) The preservation, restoration, enhancement or creation of coastal habitats.";

(4) by striking "and" after the semicolon in subsection (c)(2)(D);

(5) by striking "section." in subsection (c)(2)(E) and inserting "section;";

(6) by adding at the end of subsection (c)(2) the following:

"(F) work, resources, or technical support necessary to preserve, restore, enhance, or create coastal habitats; and

"(G) the coordination and implementation of approved coastal nonpoint pollution control plans."; and

(7) by striking subsections (d), (e), and (f) and inserting after subsection (c) the following:

"(d) SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

"(1) IN GENERAL.—If a coastal state chooses to fund a project under this section, then—

"(A) it shall submit to the Secretary a combined application for grants under this section and section 306;

"(B) it shall match the combined amount of such grants in the ratio required by section 306(a) for grants under that section; and

"(C) the Federal funding for the project shall be a portion of that state's annual allocation under section 306(a).

"(2) USE OF FUNDS.—Grants provided under this section may be used to pay a coastal state's share of costs required under any other Federal program that is consistent with the purposes of this section.

"(e) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that state of the responsibility for ensuring that any funds so allocated are applied in furtherance of the state's approved management program.

"(f) ASSISTANCE.—The Secretary shall assist eligible coastal states in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (b).".

SEC. 9. COASTAL ZONE MANAGEMENT FUND.

(a) TREATMENT OF LOAN REPAYMENTS.—Section 308(a)(2) (16 U.S.C. 1456a(a)(2)) is amended to read as follows:

"(2) Loan repayments made under this subsection—

"(A) shall be retained by the Secretary and deposited into the Coastal Zone Management Fund established under subsection (b); and

"(B) subject to amounts provided in Appropriations Acts, shall be available to the Secretary for purposes of this title and transferred to the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration to offset the costs of implementing this title.".

(b) USE OF AMOUNTS IN FUND.—Section 308(b) (16 U.S.C. 1456a(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) Subject to Appropriation Acts, amounts in the Fund shall be available to the Secretary to carry out the provisions of this Act.".

SEC. 10. COASTAL ZONE ENHANCEMENT GRANTS.

Section 309 (16 U.S.C. 1456b) is amended—

(1) by striking subsection (a)(1) and inserting the following:

"(1) Protection, restoration, enhancement, or creation of coastal habitats, including wetlands, coral reefs, marshes, and barrier islands.";

(2) by inserting "and removal" after "entry" in subsection (a)(4);

(3) by striking "on various individual uses or activities on resources, such as coastal wetlands and fishery resources." in subsection (a)(5) and inserting "of various individual uses or activities on coastal waters, habitats, and resources, including sources of polluted runoff.";

(4) by adding at the end of subsection (a) the following:

"(10) Development and enhancement of coastal nonpoint pollution control program components, including the satisfaction of conditions placed on such programs as part of the Secretary's approval of the programs.

"(11) Significant emerging coastal issues as identified by coastal states, in consultation with the Secretary and qualified local entities.";

(5) by striking "proposals, taking into account the criteria established by the Secretary under subsection (d)." in subsection (c) and inserting "proposals.";

(6) by striking subsection (d) and redesignating subsection (e) as subsection (d);

(7) by striking "section, up to a maximum of $10,000,000 annually" in subsection (f) and inserting "section."; and

(8) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 11. COASTAL COMMUNITY PROGRAM.

The Act is amended by inserting after section 309 the following:

"SEC. 309A. COASTAL COMMUNITY PROGRAM.

"(a) COASTAL COMMUNITY GRANTS.—The Secretary may make grants to any coastal state that is eligible under subsection (b)—

"(1) to assist coastal communities in assessing and managing growth, public infrastructure, and open space needs in order to provide for sustainable growth, resource protection and community revitalization;

"(2) to provide management-oriented research and technical assistance in developing and implementing community-based growth management and resource protection strategies in qualified local entities;

"(3) to fund demonstration projects which have high potential for improving coastal zone management at the local level;

"(4) to assist in the adoption of plans, strategies, policies, or procedures to support local community-based environmentally-protective solutions to the impacts and pressures on coastal uses and resources caused by development and sprawl that will—

"(A) revitalize previously developed areas;

"(B) undertake conservation activities and projects in undeveloped and environmentally sensitive areas;

"(C) emphasize water-dependent uses; and

"(D) protect coastal waters and habitats; and

"(5) to assist coastal communities to coordinate and implement approved coastal nonpoint pollution control strategies and measures that reduce the causes and impacts of polluted runoff on coastal waters and habitats.".

"(b) ELIGIBILITY.—To be eligible for a grant under this section for a fiscal year, a coastal state shall—

"(1) have a management program approved under section 306; and

"(2) in the judgment of the Secretary, be making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (K).

"(c) ALLOCATIONS; SOURCE OF FEDERAL GRANTS; STATE MATCHING CONTRIBUTIONS.—

"(1) ALLOCATION.—Grants under this section shall be allocated to coastal states as provided in section 306(c).

"(2) APPLICATION; MATCHING.—If a coastal state chooses to fund a project under this section, then—

"(A) it shall submit to the Secretary a combined application for grants under this section and section 306; and

"(B) it shall match the amount of the grant under this section on the basis of a total contribution of section 306, 306A, and this section so that, in aggregate, the match is 1:1.

"(d) ALLOCATION OF GRANTS TO QUALIFIED LOCAL ENTITY.—

"(1) IN GENERAL.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity amounts received by the state under this section.

"(2) ASSURANCES.—A coastal state shall ensure that amounts allocated by the state under paragraph (1) are used by the qualified local entity in furtherance of the state's approved management program, specifically furtherance of the coastal management objectives specified in section 303(2).

"(e) ASSISTANCE.—The Secretary shall assist eligible coastal states and qualified local entities in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (a).".

SEC. 12. TECHNICAL ASSISTANCE.

Section 310(b) (16 U.S.C. 1456c(b)) is amended by adding at the end thereof the following:

"(4) The Secretary may conduct a program to develop and apply innovative coastal and estuarine environmental technology and methodology through a cooperative program. The Secretary may make extramural grants in carrying out the purpose of this subsection.".

SEC. 13. PERFORMANCE REVIEW.

Section 312(a) (16 U.S.C. 1458(a)) is amended by inserting "coordinated with National Estuarine Research Reserves in the state" after "303(2)(A) through (K),".

SEC. 14. WALTER B. JONES AWARDS.

Section 314 (16 U.S.C. 1460) is amended—

(1) by striking "shall, using sums in the Coastal Zone Management Fund established under section 308" in subsection (a) and inserting "may, using sums available under this Act";

(2) by striking "field." in subsection (a) and inserting the following: "field of coastal zone management. These awards, to be known as the 'Walter B. Jones Awards', may include—

"(1) cash awards in an amount not to exceed $5,000 each;

"(2) research grants; and

"(3) public ceremonies to acknowledge such awards.";

(3) by striking "shall elect annually—" in subsection (b) and inserting "may select annually if funds are available under subsection (a)—"; and

(4) by striking subsection (e).

SEC. 15. NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.

(a) Section 315(a) (16 U.S.C. 1461(a)) is amended by striking "consists of—" and inserting "is a network of areas protected by Federal, state, and community partnerships which promotes informed management of the Nation's estuarine and coastal areas through interconnected programs in resource stewardship, education and training, and scientific understanding consisting of—".

(b) Section 315(b)(2)(C) (16 U.S.C. 1461(b)(2)(C)) is amended by striking "public education and interpretation; and"; and inserting "education, interpretation, training, and demonstration projects; and".

(c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

(1) by striking "RESEARCH" in the subsection caption and inserting "RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP";

(2) by striking "conduct of research" and inserting "conduct of research, education, and resource stewardship";

(3) by striking "coordinated research" in paragraph (1)) and inserting "coordinated research, education, and resource stewardship";

(4) by striking "research" before "principles" in paragraph (2);

(5) by striking "research programs" in paragraph (2) and inserting "research, education, and resource stewardship programs";

(6) by striking "research" before "methodologies" in paragraph (3);

(7) by striking "data," in paragraph (3) and inserting "information,";

(8) by striking "research" before "results" in paragraph (3);

(9) by striking "research purposes;" in paragraph (3) and inserting "research, education, and resource stewardship purposes;";

(10) by striking "research efforts" in paragraph (4) and inserting "research, education, and resource stewardship efforts";

(11) by striking "research" in paragraph (5) and inserting "research, education, and resource stewardship"; and

(12) by striking "research" in the last sentence.

(d) Section 315(d) (16 U.S.C. 1461(d)) is amended—

(1) by striking "ESTUARINE RESEARCH.—" in the subsection caption and inserting "ESTUARINE RESEARCH, EDUCATION, AND RESOURCE STEWARDSHIP.—";

(2) by striking "research purposes" and inserting "research, education, and resource stewardship purposes";

(3) by striking paragraph (1) and inserting the following:

"(1) giving reasonable priority to research, education, and stewardship activities that use the System in conducting or supporting activities relating to estuaries; and";

(4) by striking "research." in paragraph (2) and inserting "research, education, and resource stewardship activities."; and

(5) by adding at the end thereof the following:

"(3) establishing partnerships with other Federal and state estuarine management programs to coordinate and collaborate on estuarine research.".

(e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

(1) by striking "reserve," in paragraph (1)(A)(i) and inserting "reserve; and";

(2) by striking "and constructing appropriate reserve facilities, or" in paragraph (1)(A)(ii) and inserting "including resource stewardship activities and constructing reserve facilities; and";

(3) by striking paragraph (1)(A)(iii);

(4) by striking paragraph (1)(B) and inserting the following:

"(B) to any coastal state or public or private person for purposes of—

"(i) supporting research and monitoring associated with a national estuarine reserve that are consistent with the research guidelines developed under subsection (c); or

"(ii) conducting educational, interpretive, or training activities for a national estuarine reserve that are consistent with the education guidelines developed under subsection (c).";

(5) by striking "therein or $5,000,000, whichever amount is less." in paragraph (3)(A) and inserting "therein. Non-Federal costs associated with the purchase of any lands and waters, or interests therein, which are incorporated into the boundaries of a reserve up to 5 years after the costs are incurred, may be used to match the Federal share.";

(6) by striking "and (iii)" in paragraph (3)(B);

(7) by striking "paragraph (1)(A)(iii)" in paragraph (3)(B) and inserting "paragraph (1)(B)";

(8) by striking "entire System." in paragraph (3)(B) and inserting "System as a whole."; and

(9) by adding at the end thereof the following:

"(4) The Secretary may—

"(A) enter into cooperative agreements, financial agreements, grants, contracts, or other agreements with any nonprofit organization, authorizing the organization to solicit donations to carry out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section; and

"(B) accept donations of funds and services for use in carrying out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section.

Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States for the purpose of carrying out this section.".

(f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is amended by inserting "coordination with other state programs established under sections 306 and 309A," after "including".

SEC. 16. COASTAL ZONE MANAGEMENT REPORTS.

Section 316 (16 U.S.C. 1462) is amended—

(1) by striking "to the President for transmittal" in subsection (a);

(2) by striking "zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences;" and inserting "zone;" in the provision designated as (10) in subsection (a);

(3) by inserting "education," after the "studies," in the provision designated as (12) in subsection (a);

(4) by striking "Secretary" in the first sentence of subsection (c)(1) and inserting "Secretary, in consultation with coastal states, and with the participation of affected Federal agencies,";

(5) by striking the second sentence of subsection (c)(1) and inserting the following: "The Secretary, in conducting such a review, shall coordinate with, and obtain the views of, appropriate Federal agencies.";

(6) by striking "shall promptly" in subsection (c)(2) and inserting "shall, within 4 years after the date of enactment of the Coastal Zone Management Act of 2000,"; and

(7) by adding at the end of subsection (c)(2) the following: "If sufficient funds and resources are not available to conduct such a review, the Secretary shall so notify the Congress.".

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

Section 318 (16 U.S.C. 1464) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

"(1) for grants under sections 306, 306A, and 309—

"(A) $70,000,000 for fiscal year 2000;

"(B) $80,000,000 for fiscal year 2001;

"(C) $83,500,000 for fiscal year 2002;

"(D) $87,000,000 for fiscal year 2003; and

"(E) $90,500,000 for fiscal year 2004;

"(2) for grants under section 309A,—

"(A) $25,000,000 for fiscal year 2000;

"(B) $26,000,000 for fiscal year 2001;

"(C) $27,000,000 for fiscal year 2002;

"(D) $28,000,000 for fiscal year 2003; and

"(E) $29,000,000 for fiscal year 2004;

of which $10,000,000, or 35 percent, whichever is less, shall be for purposes set forth in section 309A(a)(5);

"(3) for grants under section 315,—

"(A) $7,000,000 for fiscal year 2000;

"(B) $12,000,000 for fiscal year 2001;

"(C) $12,500,000 for fiscal year 2002;

"(D) $13,000,000 for fiscal year 2003; and

"(E) $13,500,000 for fiscal year 2004;

"(4) for grants to fund construction projects at estuarine reserves designated under section 315, $12,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004; and

"(5) for costs associated with administering this title, $5,500,000 for fiscal year 2000 and such sums as are necessary for fiscal years 2001–2004.";

(2) by striking "306 or 309." in subsection (b) and inserting "306.";

(3) by striking "during the fiscal year, or during the second fiscal year after the fiscal year, for which" in subsection (c) and inserting "within 3 years from when";

(4) by striking "under the section for such reverted amount was originally made available." in subsection (c) and inserting "to states under this Act."; and

(5) by adding at the end thereof the following:

"(d) PURCHASE OF OTHERWISE UNAVAILABLE FEDERAL PRODUCTS AND SERVICES.—Federal funds allocated under this title may be used by grantees to purchase Federal products and services not otherwise available.

"(e) RESTRICTION ON USE OF AMOUNTS FOR PROGRAM, ADMINISTRATIVE, OR OVERHEAD COSTS.—Except for funds appropriated under subsection (a)(5), amounts appropriated under this section shall be available only for grants to states and shall not be available for other program, administrative, or overhead costs of the National Oceanic and Atmospheric Administration or the Department of Commerce.".

Mr. McCAIN. Mr. President, I rise in support of S. 1534, the Coastal Zone Management Act of 2000. Originally passed in 1972, the Coastal Zone Management Act, CZMA, was intended to address increased population and development in coastal communities. The programs established under this law were designed to balance responsible development with the preservation of the coastal environment. With over half of the U.S. population living in coastal areas, such balance is more important than ever.

This bill reauthorizes the law through fiscal year 2004 and improves the framework of the CZMA—voluntary federal-state matching grant programs. S. 1534 also enhances the ability of coastal zone managers to meet the ever increasing demands of tourism, commercial growth, pollution and environmental protection. In fact, one of the most serious problems facing our coastal environment is the damage caused by polluted runoff, or nonpoint source pollution. Polluted runoff has contributed to human health problems, permanent environmental damage, and beach closures.

The legislation before us today will improve the ability of managers to address polluted runoff in a manner specifically tailored to each state's individual needs. The bill clarifies and confirms that matching federal grants may be used to address nonpoint source pollution under the CZMA. In addition, S. 1534 reauthorizes the coastal zone enhancement grant program and provides dedicated funding for the continued implementation of state coastal nonpoint source pollution plans. Previous provisions had limited the program to projects such as wetlands protection and restoration, protection from coastal hazards, and reduction of marine debris along the coast.

I urge my colleagues to support S. 1534. It is a strong, pro-environment bill, which will provide a series of improvements to the Coastal Zone Management Act. Most importantly, the bill allows local and state environmental problems to be addressed on a community-by-community basis. This bipartisan bill enjoys the strong support of the Coastal States Organization, which represents the governors of more than 30 states, and a coalition of environmental organizations.

I would like to thank Senator SNOWE, the sponsor of the legislation, and Senators KERRY and HOLLINGS for their bipartisan support of and hard work on this bill. I would also like to express my gratitude and that of the Commerce Committee to the staff who worked on this bill, including Sloan Rappoport, Stephanie Bailenson, Brooke Sikora, Rick Kenin and Margaret Spring. In particular I would like to thank Emily Lindow, a Sea Grant fellow, whose background and experience in coastal management issues helped produce a strong and reasonable CZMA bill. In addition, the Committee appreciates the efforts of Jena Carter, a former Sea Grant fellow, and Catherine Wannamaker, two former Committee staff who helped develop the legislation.

Again I urge the Senate to pass S. 1534, the Coastal Zone Management Act of 2000.

Mr. HOLLINGS. Mr. President, I rise to voice my support in passing S. 1534, a bill to reauthorize the Coastal Zone Management Act for fiscal years 2000 through 2004, which the Commerce Committee reported out favorably this session. First, I would like to commend Senators SNOWE and KERRY for their leadership on this very important reauthorization.

In 1969, the Commission on Marine Science, Engineering and Resources (the Stratton Commission) recommended that: ". . . a Coastal Zone Management Act be enacted which will provide policy objectives for the coastal zone and authorize federal grants-in-aid to facilitate the establishment of State Coastal Zone Authorities empowered to manage the coastal waters and adjacent land."

In response to this recommendation, Congress, in 1972, enacted coastal zone management legislation to balance coastal development and preservation needs. To encourage state participation, the CZMA established a voluntary, two-stage, state assistance program. The first stage, awarded "section 305" grants to coastal states for development of coastal management programs meeting certain federal requirements. State programs which were judged by the Secretary of Commerce to meet those requirements received Federal approval and became eligible for the second stage of grants. This second stage, under section 306, provides ongoing assistance for states to implement their federally-approved coastal programs. All grants require equal matching funds from the state. Since passage of the CZMA, all 34 eligible states and territories have participated in the program to some degree. Currently, 34 of the 35 eligible coastal states and territories have Federally approved plans. The approved plans include more than 100,000 miles of coastline, which represents nearly all of the national total covered by the Act. The Ohio, Georgia, and Texas, and Minnesota state CZMA programs all received federal approval within the past three years. Of the eligible states, only Illinois is not participating.

Let me note that the nature and structure of CZM programs vary widely from state to state. This diversity was intended by Congress. Some states, like North Carolina, passed comprehensive legislation as a framework for coastal management. Other states, like Oregon, used existing land use legislation as the foundation for their federally-approved programs. Finally, states like Florida and Massachusetts networked existing, single-purpose laws into a comprehensive umbrella for coastal management. The national program, therefore, is founded in the authorities and powers of the coastal states and local governments. Through the CZMA, these collective authorities are orchestrated to serve the "national interest in effective management, beneficial use, protection, and development of the coastal zone." This 28 year program is a success story of how the local, state and federal government can work together for the benefit of all who enjoy and rely on our coastal resources.

I am pleased to report that S. 1534 reauthorizes and strengthens a program that works well. It provides total authorizations of over $136 million, and adds a new Coastal Community Grant Program under section 309A for states that want to focus on coastal community-based initiatives. This provision is aimed at addressing the need for Federal and state support of community-based planning, strategies, and solutions for local sprawl and development issues in the coastal zone. In addition, it strengthens and provides increased authorizations for the National Estuarine Research Reserve System, natural labs operated by the states that support management-oriented research needed by coastal resource managers, as well as educational and interpretive programs to improve public awareness and understanding of the coastal environment.

While the CZMA has proven greatly successful, the world has changed since 1972. Today, over half of the U.S. population lives within 50 miles of our shores—and more than 3,000 people move to the coast every day. In addition, more than 30 percent of the Gross Domestic Product is generated in the coastal zone. In my state of South Carolina, our beaches now attract millions of visitors every year, all year long, placing greater demands on our coastal resources than every before. And more and more people are choosing to move to the coast—making the coastal counties the fastest growing ones in the state. With population growth comes the demand for highways, shopping centers, schools, and sewers that permanently alter the landscape. If people are to continue to live and work on the coast, we must allow our states to do a better job of planning how we impact the very regions in which we all want to live.

Strengthening the CZMA is one important step in addressing these problems. These changes also call for another look at our overall ocean and coastal policy, which is why Congress this year enacted the Oceans Act of 2000, with the strong bipartisan support, including that of Senators SNOWE, KERRY, STEVENS and BREAUX. Through reauthorization and strengthening of the CZMA and creation of a new Ocean Policy Commission called for in the Oceans Act, we are on track in the year 2000 to continue and improve upon the good work started by the Stratton Commission in 1969.

Ms. SNOWE. Mr. President, I rise in support of S. 1534, the Coastal Zone Management Act of 2000. This bill reauthorizes and makes a number of important improvements to the Coastal Zone Management Act. Under the authorities in this Act, coastal states can choose to participate in the voluntary federal Coastal Zone Management Program. States design individual coastal zone management programs, taking their specific needs and problems into account, and then receive federal matching funds to help carry out their program plans. State coastal zone programs manage issues ranging from public access to beaches, protecting habitat, to coordinating permits for coastal development.

The Coastal Zone Management Act was originally enacted by Congress in 1972, in response to concerns over the increasing demands being placed on our nation's coastal regions and resources. These pressures have increased greatly since the Act was originally authorized. Although the coastal zone only comprises 10 percent of the contiguous U.S. land area, it is home to more than 53 percent of the U.S. population, and more than 3,600 people are relocating there annually. It is also an extremely important region economically, supporting commercial and recreational fishing, a booming coastal tourism industry, major commercial shipping, and a variety of other coastal industries.

The coastal zone is comprised of a number of delicate and extremely important ecosystems. Its health is of vital importance not only to the multitude of plants and animals that inhabit this area, but also the people and communities that are dependent on it for their livelihood. For example, coastal estuaries provide habitat for more than 75 percent of the U.S. commercial and 85 percent of the U.S. recreational fisheries. In turn, the commercial fishing industry, with value-added services included, contributes $40 billion to the U.S. economy each year. Recreational fishing added another $25 billion to the economy. Unfortunately, these major economic contributions are being threatened by environmental problems such as non-point source pollution.

Non-point source pollution is degrading the condition of our coastal rivers, wetlands, and marine environments. Although the states are currently taking action to address this problem under existing authority, the Coastal Zone Management Act of 2000 encourages them to take additional steps to combat the problem through the Coastal Community Program. This initiative provides states with the funding and flexibility needed to deal with their specific non-point source pollution problems. The states will have the ability to implement local solutions to local problems.

The Coastal Community Program in this bill also aides states in developing and implementing creative initiatives to deal with problems other than nonpoint solution. It increases federal and state support of local community-based programs that address coastal environmental issues, such as the impact of development and sprawl on coastal uses and resources. This type of bottom-up management approach is critical. It allows communities to design their own solutions to their unique coastal environmental problems. The program also allows communities to be proactive in protecting their coastal resources, preventing them from reaching a point where drastic action may become necessary.

The Coastal Zone Management Act of 2000 significantly increases authorization levels for the Coastal Zone Management Program, allowing states to better address their coastal management plan goals. The bill authorizes $135.5 million for fiscal year 2001 and increases the authorization levels by $5.5 million each year through fiscal year 2004.

To provide further flexibility, the bill allows state matching funds to accrue in aggregate, as opposed to requiring the states to match each section individually. In my own state of Maine, our Coastal Zone Management Program raises an average of seven dollars in state matching funds for every single federal dollar appropriated. Unfortunately, not all states have been as successful. The new aggregate match provision will give coastal states more leeway to address important state and community projects.

Additionally, the Coastal Zone Management Act of 2000 increases authorization for the National Estuarine Research Reserve System (NERRS) to $12 million in fiscal year 2001 with an additional $1 million increase each year through fiscal year 2004. The NERRS is a network of reserves across the country that are operated as a cooperative federal-state partnership. Currently, there are 25 reserves in 22 states. They provide an important opportunity for long-term research and education in estuarine ecosystems. Additional funds will help strengthen this nationwide program which has not received increased funding commensurate with the addition of new reserves.

I would like to address a very serious problem facing the Coastal Zone Management Program that we have tried to rectify in this bill. The Administrative Grant section, section 306, serves as the base funding mechanism for the states' coastal zone management programs. The amount of funding each state receives is determined by a formula that takes into account both the length of coastline and the population of each state. However, since 1992, the Appropriations Committee has imposed a two million dollar cap per state on Administrative Grants. This was an attempt to ensure equitable allocation to all the participating states. However, over the past eight years, appropriations for Administrative Grants have increased by $19 million, yet the $2 million cap has remained. The result has been an inequitable distribution of these new funds. In fiscal year 2000, 13 states had reached this arbitrary $2 million cap. These 13 states account for 83 percent of our Nation's coastline and 76 percent of our coastal population.

It is not equitable to have the 13 states with the largest coastlines and populations stuck at a two million dollar cap, despite major overall funding increases. While smaller states have enjoyed additional programmatic success due to an influx of funding, some of the larger states have stagnated. In an attempt to reassure members of the Appropriations Committee that a fair distribution of funds can occur without this hard cap in place, I have worked with Senator HOLLINGS to develop language that has been included in this bill that directs the Secretary of Commerce to ensure equitable increases or decreases between funding years for each state. It further requires that states should not experience a decrease in base program funds in any year when the overall appropriations increase. I would like to thank Senator HOLLINGS for his assistance in resolving this matter and his commitment over the years to ensuring that the states be treated fairly.

The Coastal Zone Management Act enjoys wide support among all of the coastal states due to its history of success. This support has been clearly demonstrated by the many members of the Commerce Committee who have worked with me to strengthen this program. I would like to thank Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for his hard work and support of this bill. I would also like to express my appreciation to Senator MCCAIN, a cosponsor of the bill and the Chairman of the Commerce Committee, and Senator HOLLINGS, the ranking member of the Committee, for their bipartisan support of this measure. I urge the Senate to pass S. 1534, as amended.

AMENDMENT NO. 4278

Mr. GRAMS. Mr. President, Senator SNOWE has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. GRAMS], for Ms. SNOWE, proposes an amendment numbered 4278.

Mr. GRAMS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase authorization levels for the National Estuarine Research Reserve System and for other purposes.)

On page 28, between lines 20 and 21, insert the following:

(b) EQUITABLE ALLOCATION OF FUNDING.—Section 306(c) (16 U.S.C. 1455(c)) is amended by adding at the end thereof "In promoting equity, the Secretary shall consider the overall change in grant funding under this section from the preceding fiscal year and minimize the relative increases or decreases among all the eligible States. The Secretary shall ensure that each eligible State receives increased funding under this section in any fiscal year for which the total amount appropriated to carry out this section is greater than the total amount appropriated to carry out this section for the preceding fiscal year.".

On page 28, line 21, strike "(b)" and insert "(c)".

On page 45, strike lines 7 through line 10 and insert the following:

"(C) $13,000,000 for fiscal year 2002;

"(D) $14,000,000 for fiscal year 2003; and

"(E) $15,000,000 for fiscal year 2004;

On page 45, line 16, strike "$5,500,000" and insert "$6,500,000".

On page 46, after the last sentence, insert the following new section:

SEC. 18. SENSE OF CONGRESS.

It is the Sense of Congress that the Under Secretary for Oceans and Atmosphere should reevaluate the calculation of shoreline mileage used in the distribution of funding under the Coastal Zone Management Program to ensure equitable treatment of all regions of the coastal zone, including the Southeastern States and the Great Lakes States.

Mr. GRAMS. I ask unanimous consent that the amendment be agreed to.

The amendment (No. 4278) was agreed to.

Mr. GRAMS. I ask unanimous consent the committee substitute be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1534), as amended, was read the third time and passed, as follows:

S. 1534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coastal Zone Management Act of 2000".

SEC. 2. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

SEC. 3. FINDINGS.

Section 302 (16 U.S.C. 1451) is amended—

(1) by redesignating paragraphs (a) through (m) as paragraphs (1) through (13);

(2) by inserting "ports," in paragraph (3) (as so redesignated) after "fossil fuels,";

(3) by inserting "including coastal waters and wetlands," in paragraph (4) (as so redesignated) after "zone,";

(4) by striking "therein," in paragraph (4) (as so redesignated) and inserting "dependent on that habitat,";

(5) by striking "well-being" in paragraph (5) (as so redesignated) and inserting "quality of life";

(6) by striking paragraph (11) (as so redesignated) and inserting the following:

"(11) Land and water uses in the coastal zone and coastal watersheds may significantly affect the quality of coastal waters and habitats, and efforts to control coastal water pollution from activities in these areas must be improved."; and

(7) by adding at the end thereof the following:

"(14) There is a need to enhance cooperation and coordination among states and local communities, to encourage local community-based solutions that address the impacts and pressures on coastal resources and on public facilities and public service caused by continued coastal demands, and to increase state and local capacity to identify public infrastructure and open space needs and develop and implement plans which provide for sustainable growth, resource protection and community revitalization.".

SEC. 4. POLICY.

Section 303 (16 U.S.C. 1452) is amended—

(1) by striking "the states" in paragraph (2) and inserting "state and local governments";

(2) by striking "waters," each place it appears in paragraph (2)(C) and inserting "waters and habitats,";

(3) by striking "agencies and state and wildlife agencies; and" in paragraph (2)(J) and inserting "and wildlife management; and";

(4) by inserting "other countries," after "agencies," in paragraph (5);

(5) by striking "and" at the end of paragraph (5);

(6) by striking "zone." in paragraph (6) and inserting "zone;"; and

(7) by adding at the end thereof the following:

"(7) to create and use a National Estuarine Research Reserve System as a Federal, state, and community partnership to support and enhance coastal management and stewardship; and

"(8) to encourage the development, application, and transfer of innovative coastal and estuarine environmental technologies and techniques for the long-term conservation of coastal ecosystems.".

SEC. 5. CHANGES IN DEFINITIONS.

Section 304 (16 U.S.C. 1453) is amended—

(1) by striking "and the Trust Territories of the Pacific Islands," in paragraph (4);

(2) by striking paragraph (8) and inserting the following:

"(8) The term 'estuarine reserve' means a coastal protected area which may include any part or all of an estuary and any island, transitional area, and upland in, adjoining, or adjacent to the estuary, and which constitutes to the extent feasible a natural unit, established to provide long-term opportunities for conducting scientific studies and educational and training programs that improve the understanding, stewardship, and management of estuaries."; and

(3) by adding at the end thereof the following:

"(19) The term 'coastal nonpoint pollution control strategies and measures' means strategies and measures included as part of the coastal nonpoint pollution control program under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b).

"(20) The term 'qualified local entity' means—

"(A) any local government;

"(B) any areawide agency referred to in section 204(a)(1) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334 (a)(1));

"(C) any regional agency;

"(D) any interstate agency;

"(E) any nonprofit organization; or

"(F) any reserve established under section 315.".

SEC. 6. REAUTHORIZATION OF MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

Section 305 (16 U.S.C. 1454) is amended to read as follows:

"SEC. 305. MANAGEMENT PROGRAM DEVELOPMENT GRANTS.

"(a) States Without Programs.—In fiscal years 2001, 2002, 2003, and 2004, the Secretary may make a grant annually to any coastal state without an approved program if the coastal state demonstrates to the satisfaction of the Secretary that the grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed $200,000 in any fiscal year, and shall require State matching funds according to a 4-to-1 ratio of Federal-to-State contributions. After an initial grant is made to a coastal state under this subsection, no subsequent grant may be made to that coastal state under this subsection unless the Secretary finds that the coastal state is satisfactorily developing its management program. No coastal state is eligible to receive more than 4 grants under this subsection.

"(b) Submittal of Program for Approval.—A coastal state that has completed the development of its management program shall submit the program to the Secretary for review and approval under section 306.".

SEC. 7. ADMINISTRATIVE GRANTS.

(a) Purposes.—Section 306(a) (16 U.S.C. 1455(a)) is amended by inserting "including developing and implementing coastal nonpoint pollution control program components," after "program,".

(b) Equitable Allocation of Funding.—Section 306(c) (16 U.S.C. 1455(c)) is amended by adding at the end thereof "In promoting equity, the Secretary shall consider the overall change in grant funding under this section from the preceding fiscal year and minimize the relative increases or decreases among all the eligible States. The Secretary shall ensure that each eligible State receives increased funding under this section in any fiscal year for which the total amount appropriated to carry out this section is greater than the total amount appropriated to carry out this section for the preceding fiscal year.

(c) Acquisition Criteria.—Section 306(d)(10)(B) (16 U.S.C. 1455(d)(10)(B)) is amended by striking "less than fee simple" and inserting "other".

SEC. 8. COASTAL RESOURCE IMPROVEMENT PROGRAM.

Section 306A (16 U.S.C. 1455a) is amended—

(1) by inserting "or other important coastal habitats" in subsection (b)(1)(A) after "306(d)(9)";

(2) by inserting "or historic" in subsection (b)(2) after "urban";

(3) by adding at the end of subsection (b) the following:

"(5) The coordination and implementation of approved coastal nonpoint pollution control plans.

"(6) The preservation, restoration, enhancement or creation of coastal habitats.";

(4) by striking "and" after the semicolon in subsection (c)(2)(D);

(5) by striking "section." in subsection (c)(2)(E) and inserting "section;";

(6) by adding at the end of subsection (c)(2) the following:

"(F) work, resources, or technical support necessary to preserve, restore, enhance, or create coastal habitats; and

"(G) the coordination and implementation of approved coastal nonpoint pollution control plans."; and

(7) by striking subsections (d), (e), and (f) and inserting after subsection (c) the following:

"(d) Source of Federal Grants; State Matching Contributions.—

"(1) In general.—If a coastal state chooses to fund a project under this section, then—

"(A) it shall submit to the Secretary a combined application for grants under this section and section 306;

"(B) it shall match the combined amount of such grants in the ratio required by section 306(a) for grants under that section; and

"(C) the Federal funding for the project shall be a portion of that state's annual allocation under section 306(a).

"(2) Use of funds.—Grants provided under this section may be used to pay a coastal state's share of costs required under any other Federal program that is consistent with the purposes of this section.

"(e) Allocation of Grants to Qualified Local Entity.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that state of the responsibility for ensuring that any funds so allocated are applied in furtherance of the state's approved management program.

"(f) Assistance.—The Secretary shall assist eligible coastal states in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (b).".

SEC. 9. COASTAL ZONE MANAGEMENT FUND.

(a) Treatment of Loan Repayments.—Section 308(a)(2) (16 U.S.C. 1456a(a)(2)) is amended to read as follows:

"(2) Loan repayments made under this subsection—

"(A) shall be retained by the Secretary and deposited into the Coastal Zone Management Fund established under subsection (b); and

"(B) subject to amounts provided in Appropriations Acts, shall be available to the Secretary for purposes of this title and transferred to the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration to offset the costs of implementing this title.".

(b) Use of Amounts in Fund.—Section 308(b) (16 U.S.C. 1456a(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) Subject to Appropriation Acts, amounts in the Fund shall be available to the Secretary to carry out the provisions of this Act.".

SEC. 10. COASTAL ZONE ENHANCEMENT GRANTS.

Section 309 (16 U.S.C. 1456b) is amended—

(1) by striking subsection (a)(1) and inserting the following:

"(1) Protection, restoration, enhancement, or creation of coastal habitats, including wetlands, coral reefs, marshes, and barrier islands.";

(2) by inserting "and removal" after "entry" in subsection (a)(4);

(3) by striking "on various individual uses or activities on resources, such as coastal wetlands and fishery resources." in subsection (a)(5) and inserting "of various individual uses or activities on coastal waters, habitats, and resources, including sources of polluted runoff.";

(4) by adding at the end of subsection (a) the following:

"(10) Development and enhancement of coastal nonpoint pollution control program components, including the satisfaction of conditions placed on such programs as part of the Secretary's approval of the programs.

"(11) Significant emerging coastal issues as identified by coastal states, in consultation with the Secretary and qualified local entities.";

(5) by striking "proposals, taking into account the criteria established by the Secretary under subsection (d)." in subsection (c) and inserting "proposals.";

(6) by striking subsection (d) and redesignating subsection (e) as subsection (d);

(7) by striking "section, up to a maximum of $10,000,000 annually" in subsection (f) and inserting "section."; and

(8) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 11. COASTAL COMMUNITY PROGRAM.

The Act is amended by inserting after section 309 the following:

"SEC. 309A. COASTAL COMMUNITY PROGRAM.

"(a) Coastal Community Grants.—The Secretary may make grants to any coastal state that is eligible under subsection (b)—

"(1) to assist coastal communities in assessing and managing growth, public infrastructure, and open space needs in order to provide for sustainable growth, resource protection and community revitalization;

"(2) to provide management-oriented research and technical assistance in developing and implementing community-based growth management and resource protection strategies in qualified local entities;

"(3) to fund demonstration projects which have high potential for improving coastal zone management at the local level;

"(4) to assist in the adoption of plans, strategies, policies, or procedures to support local community-based environmentally-protective solutions to the impacts and pressures on coastal uses and resources caused by development and sprawl that will—

"(A) revitalize previously developed areas;

"(B) undertake conservation activities and projects in undeveloped and environmentally sensitive areas;

"(C) emphasize water-dependent uses; and

"(D) protect coastal waters and habitats; and

"(5) to assist coastal communities to coordinate and implement approved coastal nonpoint pollution control strategies and measures that reduce the causes and impacts of polluted runoff on coastal waters and habitats.".

"(b) Eligibility.—To be eligible for a grant under this section for a fiscal year, a coastal state shall—

"(1) have a management program approved under section 306; and

"(2) in the judgment of the Secretary, be making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (K).

"(c) Allocations; Source of Federal Grants; State Matching Contributions.—

"(1) Allocation.—Grants under this section shall be allocated to coastal states as provided in section 306(c).

"(2) Application; matching.—If a coastal state chooses to fund a project under this section, then—

"(A) it shall submit to the Secretary a combined application for grants under this section and section 306; and

"(B) it shall match the amount of the grant under this section on the basis of a total contribution of section 306, 306A, and this section so that, in aggregate, the match is 1:1.

"(d) Allocation of Grants to Qualified Local Entity.—

"(1) In general.—With the approval of the Secretary, the eligible coastal state may allocate to a qualified local entity amounts received by the state under this section.

"(2) Assurances.—A coastal state shall ensure that amounts allocated by the state under paragraph (1) are used by the qualified local entity in furtherance of the state's approved management program, specifically furtherance of the coastal management objectives specified in section 303(2).

"(e) Assistance.—The Secretary shall assist eligible coastal states and qualified local entities in identifying and obtaining from other Federal agencies technical and financial assistance in achieving the objectives set forth in subsection (a).".

SEC. 12. TECHNICAL ASSISTANCE.

Section 310(b) (16 U.S.C. 1456c(b)) is amended by adding at the end thereof the following:

"(4) The Secretary may conduct a program to develop and apply innovative coastal and estuarine environmental technology and methodology through a cooperative program. The Secretary may make extramural grants in carrying out the purpose of this subsection.".

SEC. 13. PERFORMANCE REVIEW.

Section 312(a) (16 U.S.C. 1458(a)) is amended by inserting "coordinated with National Estuarine Research Reserves in the state" after "303(2)(A) through (K),".

SEC. 14. WALTER B. JONES AWARDS.

Section 314 (16 U.S.C. 1460) is amended—

(1) by striking "shall, using sums in the Coastal Zone Management Fund established under section 308" in subsection (a) and inserting "may, using sums available under this Act";

(2) by striking "field." in subsection (a) and inserting the following: "field of coastal zone management. These awards, to be known as the 'Walter B. Jones Awards', may include—

"(1) cash awards in an amount not to exceed $5,000 each;

"(2) research grants; and

"(3) public ceremonies to acknowledge such awards.";

(3) by striking "shall elect annually—" in subsection (b) and inserting "may select annually if funds are available under subsection (a)—"; and

(4) by striking subsection (e).

SEC. 15. NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.

(a) Section 315(a) (16 U.S.C. 1461(a)) is amended by striking "consists of—" and inserting "is a network of areas protected by Federal, state, and community partnerships which promotes informed management of the Nation's estuarine and coastal areas through interconnected programs in resource stewardship, education and training, and scientific understanding consisting of—".

(b) Section 315(b)(2)(C) (16 U.S.C. 1461(b)(2)(C)) is amended by striking "public education and interpretation; and"; and inserting "education, interpretation, training, and demonstration projects; and".

(c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

(1) by striking "Research" in the subsection caption and inserting "Research, Education, and Resource Stewardship";

(2) by striking "conduct of research" and inserting "conduct of research, education, and resource stewardship";

(3) by striking "coordinated research" in paragraph (1)) and inserting "coordinated research, education, and resource stewardship";

(4) by striking "research" before "principles" in paragraph (2);

(5) by striking "research programs" in paragraph (2) and inserting "research, education, and resource stewardship programs";

(6) by striking "research" before "methodologies" in paragraph (3);

(7) by striking "data," in paragraph (3) and inserting "information,";

(8) by striking "research" before "results" in paragraph (3);

(9) by striking "research purposes;" in paragraph (3) and inserting "research, education, and resource stewardship purposes;";

(10) by striking "research efforts" in paragraph (4) and inserting "research, education, and resource stewardship efforts";

(11) by striking "research" in paragraph (5) and inserting "research, education, and resource stewardship"; and

(12) by striking "research" in the last sentence.

(d) Section 315(d) (16 U.S.C. 1461(d)) is amended—

(1) by striking "Estuarine Research.—" in the subsection caption and inserting "Estuarine Research, Education, and Resource Stewardship.—";

(2) by striking "research purposes" and inserting "research, education, and resource stewardship purposes";

(3) by striking paragraph (1) and inserting the following:

"(1) giving reasonable priority to research, education, and stewardship activities that use the System in conducting or supporting activities relating to estuaries; and";

(4) by striking "research." in paragraph (2) and inserting "research, education, and resource stewardship activities."; and

(5) by adding at the end thereof the following:

"(3) establishing partnerships with other Federal and state estuarine management programs to coordinate and collaborate on estuarine research.".

(e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

(1) by striking "reserve," in paragraph (1)(A)(i) and inserting "reserve; and";

(2) by striking "and constructing appropriate reserve facilities, or" in paragraph (1)(A)(ii) and inserting "including resource stewardship activities and constructing reserve facilities; and";

(3) by striking paragraph (1)(A)(iii);

(4) by striking paragraph (1)(B) and inserting the following:

"(B) to any coastal state or public or private person for purposes of—

"(i) supporting research and monitoring associated with a national estuarine reserve that are consistent with the research guidelines developed under subsection (c); or

"(ii) conducting educational, interpretive, or training activities for a national estuarine reserve that are consistent with the education guidelines developed under subsection (c).";

(5) by striking "therein or $5,000,000, whichever amount is less." in paragraph (3)(A) and

inserting "therein. Non-Federal costs associated with the purchase of any lands and waters, or interests therein, which are incorporated into the boundaries of a reserve up to 5 years after the costs are incurred, may be used to match the Federal share.";

(6) by striking "and (iii)" in paragraph (3)(B);

(7) by striking "paragraph (1)(A)(iii)" in paragraph (3)(B) and inserting "paragraph (1)(B)";

(8) by striking "entire System." in paragraph (3)(B) and inserting "System as a whole."; and

(9) by adding at the end thereof the following:

"(4) The Secretary may—

"(A) enter into cooperative agreements, financial agreements, grants, contracts, or other agreements with any nonprofit organization, authorizing the organization to solicit donations to carry out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section; and

"(B) accept donations of funds and services for use in carrying out the purposes and policies of this section, other than general administration of reserves or the System and which are consistent with the purposes and policies of this section.

Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States for the purpose of carrying out this section.".

(f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is amended by inserting "coordination with other state programs established under sections 306 and 309A," after "including".

SEC. 16. COASTAL ZONE MANAGEMENT REPORTS.

Section 316 (16 U.S.C. 1462) is amended—

(1) by striking "to the President for transmittal" in subsection (a);

(2) by striking "zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences;" and inserting "zone;" in the provision designated as (10) in subsection (a);

(3) by inserting "education," after the "studies," in the provision designated as (12) in subsection (a);

(4) by striking "Secretary" in the first sentence of subsection (c)(1) and inserting "Secretary, in consultation with coastal states, and with the participation of affected Federal agencies,";

(5) by striking the second sentence of subsection (c)(1) and inserting the following: "The Secretary, in conducting such a review, shall coordinate with, and obtain the views of, appropriate Federal agencies.";

(6) by striking "shall promptly" in subsection (c)(2) and inserting "shall, within 4 years after the date of enactment of the Coastal Zone Management Act of 2000,"; and

(7) by adding at the end of subsection (c)(2) the following: "If sufficient funds and resources are not available to conduct such a review, the Secretary shall so notify the Congress.".

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

Section 318 (16 U.S.C. 1464) is amended—

(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:

"(1) for grants under sections 306, 306A, and 309—

"(A) $70,000,000 for fiscal year 2000;

"(B) $80,000,000 for fiscal year 2001;

"(C) $83,500,000 for fiscal year 2002;

"(D) $87,000,000 for fiscal year 2003; and

"(E) $90,500,000 for fiscal year 2004;

"(2) for grants under section 309A—

"(A) $25,000,000 for fiscal year 2000;

"(B) $26,000,000 for fiscal year 2001;

"(C) $27,000,000 for fiscal year 2002;

"(D) $28,000,000 for fiscal year 2003; and

"(E) $29,000,000 for fiscal year 2004;

of which $10,000,000, or 35 percent, whichever is less, shall be for purposes set forth in section 309A(a)(5);

"(3) for grants under section 315—

"(A) $7,000,000 for fiscal year 2000;

"(B) $12,000,000 for fiscal year 2001;

"(C) $13,000,000 for fiscal year 2002;

"(D) $14,000,000 for fiscal year 2003; and

"(E) $15,000,000 for fiscal year 2004;

"(4) for grants to fund construction projects at estuarine reserves designated under section 315, $12,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004; and

"(5) for costs associated with administering this title, $6,500,000 for fiscal year 2000 and such sums as are necessary for fiscal years 2001–2004.";

(2) by striking "306 or 309." in subsection (b) and inserting "306.";

(3) by striking "during the fiscal year, or during the second fiscal year after the fiscal year, for which" in subsection (c) and inserting "within 3 years from when";

(4) by striking "under the section for such reverted amount was originally made available." in subsection (c) and inserting "to states under this Act."; and

(5) by adding at the end thereof the following:

"(d) Purchase of Otherwise Unavailable Federal Products and Services.—Federal funds allocated under this title may be used by grantees to purchase Federal products and services not otherwise available.

"(e) Restriction on Use of Amounts for Program, Administrative, or Overhead Costs.—Except for funds appropriated under subsection (a)(5), amounts appropriated under this section shall be available only for grants to states and shall not be available for other program, administrative, or overhead costs of the National Oceanic and Atmospheric Administration or the Department of Commerce.".

SEC. 18. SENSE OF CONGRESS.

It is the sense of Congress that the Undersecretary for Oceans and Atmosphere should re-evaluate the calculation of shoreline mileage used in the distribution of funding under the Coastal Zone Management Program to ensure equitable treatment of all regions of the coastal zone, including the Southeastern States and the Great Lakes States.

MARITIME ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 686, S. 2487.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2487) to authorize appropriations for Fiscal Year 2001 for certain maritime programs of the Department of Transportation.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maritime Administration Authorization Act for Fiscal Year 2001".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.

Funds are hereby authorized to be appropriated, as Appropriations Acts may provide, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, not to exceed $80,240,000 for the fiscal year ending September 30, 2001.

(2) For the costs, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.), $50,000,000, to be available until expended. In addition, for administrative expenses related to loan guarantee commitments under title XI of that Act, $4,179,000.

SEC. 3. AMENDMENTS TO TITLE IX OF THE MERCHANT MARINE ACT, 1936.

(a) Title IX of the Merchant Marine Act, 1936 (46 U.S.C. App. 101 et seq.) is amended by adding at the end thereof the following:

"SEC. 910. DOCUMENTATION OF CERTAIN DRY CARGO VESSELS.

"(a) In General.—The restrictions of section 901(b)(1) of this Act concerning a vessel built in a foreign country shall not apply to a newly constructed drybulk or breakbulk vessel over 7,500 deadweight tons that has been delivered from a foreign shipyard or contracted for construction in a foreign shipyard before the earlier of—

"(1) the date that is 1 year after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2001; or

"(2) the effective date of the OECD Shipbuilding Trade Agreement Act.

"(b) Compliance With Certain U.S.-Build Requirements.—A vessel timely contracted for or delivered pursuant to this section and documented under the laws of the United States shall be deemed to have been United-States built for purposes of sections 901(b) and 901b of this Act if— .

"(1) following delivery by a foreign shipyard, the vessel has any additional shipyard work necessary to receive its initial Coast Guard certificate of inspection performed in a United States shipyard;

"(2) the vessel is not documented in another country before being documented under the laws of the United States;

"(3) the vessel complies with the same inspection standards set forth for ocean common carriers in section 1137 of the Coast Guard Authorization Act of 1996 (46 U.S.C. App. 1187 note); and

"(4) actual delivery of a vessel contracted for construction takes place on or before the 3-year anniversary of the date of the contract to construct the vessel.

"(c) Section 12106(e) of Title 46.—Section 12106(e) of title 46, United States Code, shall not apply to a vessel built pursuant to this section.".

(b) Conforming Calendar Year to Federal Fiscal Year for Section 901b Purposes.—Section 901b(c)(2) of the Merchant Marine Act, 1936 (46 U.S.C App. 1241f(c)(2)) is amended by striking "1986." and inserting "1986, the 18-month period commencing April 1, 2000, and the 12-month period beginning on the first day of October in the year 2001 and each year thereafter.".

SEC. 4. SCRAPPING OF CERTAIN VESSELS.

(a) International Environmental Scrapping Standard.—The Secretary of State in coordination with the Secretary of Transportation shall initiate discussions in all appropriate international forums in order to establish an international standard for the scrapping of vessels in a safe and environmentally sound manner.

(b) Scrapping of Obsolete National Defense Reserve Fleet Vessels.—

(1) DEVELOPMENT OF A SHIP SCRAPPING PROGRAM.—The Secretary of Transportation, in consultation with the Secretary of the Navy, the Administrator of the Environmental Protection Agency, the Assistant Secretary for Occupational Safety and Health, and the Secretary of State, shall develop a program within 9 months after the date of enactment of this Act for the scrapping of obsolete National Defense Reserve Fleet Vessels and report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Armed Services.

(A) CONTENT.—The report shall include information concerning the initial determination of scrapping capacity, both domestically and abroad, development of appropriate regulations, funding and staffing requirements, milestone dates for the disposal of each obsolete vessel, and long term cost estimates for the ship scrapping program.

(B) ALTERNATIVES.—In developing the program the Secretary of Transportation, in consultation with the Secretary of the Navy, the Administrator of the Environmental Protection Agency, and the Secretary of State shall consider all alternatives and available information including—

(i) alternative scrapping sites;

(ii) vessel donations;

(iii) sinking of vessels in deep water;

(iv) sinking vessels for development of artificial reefs;

(v) sales of vessels before they become obsolete;

(vi) results from the Navy Pilot Scrapping Program under section 8124 of the Department of Defense Appropriations Act, 1999; and

(vii) the Report of the Department of Defense's Interagency Panel on Ship Scrapping issued in April, 1998.

(2) SELECTION OF SCRAPPING FACILITIES.—Notwithstanding the provisions of the Toxic Substances Control Act (15 U.S.C. 2605 et seq.), a ship scrapping program shall be accomplished through qualified scrapping facilities whether located in the United States or abroad. Scrapping facilities shall be selected on a best value basis taking into consideration, among other things, the facilities's ability to scrap vessels—

(A) economically;

(B) in a safe and timely manner;

(C) with minimal impact on the environment;

(D) with proper respect for worker safety; and

(E) by minimizing the geographic distance that a vessel must be towed when such a vessel poses a serious threat to the environment.

(3) AMENDMENT OF NATIONAL MARITIME HERITAGE ACT.—Section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

(A) by striking "2001" in subparagraph (A) and inserting "2006"; and

(B) by striking subparagraph (B) and inserting the following:

"(B) in the most cost effective manner to the United States taking into account the need for disposal, the environment, and safety concerns; and".

(4) FUNDING FOR SCRAPPING.—Section 2218(c)(1)(E) of title 10, United States Code, is amended by inserting "and scrapping the vessels of" after "maintaining".

(c) LIMITATION ON SCRAPPING BEFORE PROGRAM.—Until the report required by subsection (b)(1) is transmitted to the Congress, the Secretary may not proceed with the scrapping of any vessels in the National Defense Reserve Fleet except the following:

(1) EXPORT CHALLENGER.
(2) EXPORT COMMERCE.
(3) BUILDER.
(4) ALBERT E. WATTS.
(5) WAYNE VICTORY.
(6) MORMACDAWN.
(7) MORMACMOON.
(8) SANTA ELENA.
(9) SANTA ISABEL.
(10) SANTA CRUZ.
(11) PROTECTOR.
(12) LAUDERDALE.
(13) PVT. FRED C. MURPHY.
(14) BEAUJOLAIS.
(15) MEACHAM.
(16) NEACO.
(17) WABASH.
(18) NEMASKET.
(19) MIRFAK.
(20) GEN. ALEX M. PATCH.
(21) ARTHUR M. HUDDELL.
(22) WASHINGTON.
(23) SUFFOLK COUNTY.
(24) CRANDALL.
(25) CRILLEY.
(26) RIGEL.
(27) VEGA.
(28) COMPASS ISLAND.
(29) DONNER.
(30) PRESERVER.
(31) MARINE FIDDLER.
(32) WOOD COUNTY.
(33) CATAWBA VICTORY.
(34) GEN. NELSON M. WALKER.
(35) LORAIN COUNTY.
(36) LYNCH.
(37) MISSION SANTA YNEZ.
(38) CALOOSAHATCHEE.
(39) CANISTEO.

(d) BIANNUAL REPORT.—Beginning 1 year after the date of enactment of this Act, the Secretary of Transportation in coordination with the Secretary of the Navy shall report to Congress biannually on the progress of the ship scrapping program developed under subsection (b)(1) and on the progress of any other scrapping of obsolete government-owned vessels.

SEC. 5. REPORTING OF ADMINISTERED AND OVERSIGHT FUNDS.

The Maritime Administration, in its annual report to the Congress under section 208 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1118), and in its annual budget estimate submitted to the Congress, shall state separately the amount, source, intended use, and nature of any funds (other than funds appropriated to the Administration or to the Secretary of Transportation for use by the Administration) administered, or subject to oversight, by the Administration.

SEC. 6. MARITIME INTERMODAL RESEARCH.

Section 8 of Public Law 101–115 (46 U.S.C. App. 1121–2) is amended by adding at the end thereof the following:

"(f) UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

"(1) IN GENERAL.—The Secretary may make a grant under section 5505 of title 49, United States Code, to an institute designated under subsection (a) for maritime and maritime intermodal research under that section as if the institute were a university transportation center.

"(2) ADVICE AND CONSULTATION OF MARAD.—In making a grant under the authority of paragraph (1), the Secretary, through the Research and Special Programs Administration, shall advise the Maritime Administration concerning the availability of funds for the grants, and consult with the Administration on the making of the grants.".

SEC. 7. MARITIME RESEARCH AND TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a study of maritime research and technology development, and report its findings and conclusions, together with any recommendations it finds appropriate, to the Congress within 9 months after the date of enactment of this Act.

(b) REQUIRED AREAS OF STUDY.—The Secretary shall include the following items in the report required by subsection (a):

(1) The approximate dollar values appropriated by the Congress for each of the 5 fiscal years ending before the study is commenced for each of the following modes of transportation:

(A) Highway.
(B) Rail.
(C) Aviation.
(D) Public transit.
(E) Maritime.

(2) A description of how Federal funds appropriated for research in the different transportation modes are utilized.

(3) A summary and description of current research and technology development funds appropriated for each of those fiscal years for maritime research initiatives, with separate categories for funds provided to the Coast Guard for marine safety research purposes.

(4) A description of cooperative mechanisms that could be used to attract and leverage non-federal investments in United States maritime research and technology development and application programs, including the potential for the creation of maritime transportation research centers and the benefits of cooperating with existing surface transportation research centers.

(5) Proposals for research and technology development funding to facilitate the evolution of Maritime Transportation System.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $100,000 to carry out this section.

SEC. 8. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL, GLACIER.

(a) AUTHORITY TO CONVEY.—Notwithstanding any other law, the Secretary of Transportation may, subject to subsection (b), convey all right, title, and interest of the United States Government in and to the vessel in the National Defense Reserve Fleet that was formerly the U.S.S. GLACIER (United States official number AGB-4) to the Glacier Society, Inc., a corporation established under the laws of the State of Connecticut that is located in Bridgeport, Connecticut.

(b) TERMS OF CONVEYANCE.—

(1) REQUIRED CONDITIONS.—The Secretary may not convey the vessel under this section unless the corporation—

(A) agrees to use the vessel for the purpose of a monument to the accomplishments of members of the Armed Forces of the United States, civilians, scientists, and diplomats in exploration of the Arctic and the Antarctic;

(B) agrees that the vessel will not be used for commercial purposes;

(C) agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or national emergency;

(D) agrees to hold the Government harmless for any claims arising from exposure to asbestos, polychlorinated biphenyls, or lead paint after the conveyance of the vessel, except for claims arising from use of the vessel by the Government pursuant to the agreement under subparagraph (C); and

(E) provides sufficient evidence to the Secretary that it has available for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(2) DELIVERY OF VESSEL.—If the Secretary conveys the vessel under this section, the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the United States Government.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—If the Secretary conveys the vessel under this section, the Secretary may also convey to the corporation any unneeded equipment from other vessels in the National Defense Reserve Fleet or Government storage facilities for use to restore the vessel to museum quality or to its original configuration (or both).

(d) RETENTION OF VESSEL IN NDRF.—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under this section until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of the conveyance of the vessel under this section.

Mr. GRAMS. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2487), as amended, was read the third time and passed.

VESSEL WORKER TAX FAIRNESS ACT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 830, S. 893.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 893) to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, today the Senate is considering S. 893, the Vessel Worker Tax Fairness Act. The bill will provide men and women working our nation's inland waterways the same treatment with respect to State and local income taxes as other men and women employed in interstate transportation of commerce receive. This measure was passed unanimously out of the Senate Commerce Committee on June 15 of this year.

S. 893 declares individuals engaged on a vessel to perform assigned duties in more than one State to be exempt from income taxation laws of States or political subdivisions of which that individual is not a resident.

While the Interstate Commerce Act exempts truck drivers, airline pilots, and railroad employees from being taxed by state and local jurisdictions in which they do not reside, it does not recognize merchant mariners who operate vessels in more than one state. It is time we correct this oversight and afford merchant mariners the same tax treatment similar transport operators are provided due to the interstate nature of their business.

By passing this measure today, we will be providing much needed relief to merchant mariners. Under existing law, water transportation workers, including marine pilots, tow and tugboat workers and others who work aboard vessels are often subjected to filing and tax requirements by states other than their state of residence leading to possible double taxation. I do not believe that double taxation is what Congress intended for any transportation worker when it crafted the Interstate Commerce Act. By passing S. 893 today, we can make that intent reality.

I thank Senator GORTON for his efforts in bringing this bill forward. I hope my colleagues will join us in supporting passage of this legislation so we can move it on to the President for his signature.

Mr. GORTON. Mr. President, I am glad that the U.S. Senate is finally passing the Transportation Worker Tax Fairness Act. This bi-partisan legislation, which I introduced with Senator MURRAY, will ensure that transportation workers who toil away on our nation's waterways receive the same tax treatment afforded their peers who work on the nation's highways, railroads, or navigate the skies.

Truck drivers, railroad personnel, and airline personnel are currently covered by the Interstate Commerce Act, which exempts their income from double taxation. Water carriers, who work on tugboats or ships, were not included in the original legislation. This treatment is patently unfair. The Transportation Worker Tax Fairness Act will rectify this situation by extending the same tax treatment to personnel who work on the navigable waters of more than one state.

Mr. President, this legislation will have no impact on the federal treasury. This measure simply allows those who work our navigable waterways protection from double taxation.

This matter came to my attention through a series of constituent letters from Columbia River tug boat operators who are currently facing taxation from Oregon as well as Washington state. I am committed to securing this relief for my constituents, as well as hard working tug boat operators across the nation, before the end of the 106th Congress.

Mr. GRAMS. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 893) was read the third time and passed, as follows:

S. 893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF CHAPTER 111 OF TITLE 46, UNITED STATES CODE.

Section 11108 of title 46, United States Code, is amended—

(1) by inserting "(a) WITHHOLDING.—" before "WAGES"; and

(2) by adding at the end the following:

"(b) LIABILITY.—

"(1) LIMITATION ON JURISDICTION TO TAX.—An individual to whom this subsection applies is not subject to the income tax laws of a State or political subdivision of a State, other than the State and political subdivision in which the individual resides, with respect to compensation for the performance of duties described in paragraph (2).

"(2) APPLICATION.—This subsection applies to an individual—

"(A) engaged on a vessel to perform assigned duties in more than one State as a pilot licensed under section 7101 of this title or licensed or authorized under the laws of a State; or

"(B) who performs regularly-assigned duties while engaged as a master, officer, or crewman on a vessel operating on the navigable waters of more than one State.".

FEDERAL PRISONER HEALTH CARE COPAYMENT ACT OF 2000

Mr. GRAMS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on the bill, S. 704, to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 704) entitled "An Act to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Prisoner Health Care Copayment Act of 2000".

SEC. 2. HEALTH CARE FEES FOR PRISONERS IN FEDERAL INSTITUTIONS.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

"§4048. Fees for health care services for prisoners

"(a) DEFINITIONS.—In this section—

"(1) the term 'account' means the trust fund account (or institutional equivalent) of a prisoner;

"(2) the term 'Director' means the Director of the Bureau of Prisons;

"(3) the term 'health care provider' means any person who is—

"(A) authorized by the Director to provide health care services; and

"(B) operating within the scope of such authorization;

"(4) the term 'health care visit'—

"(A) means a visit, as determined by the Director, by a prisoner to an institutional or noninstitutional health care provider; and

"(B) does not include a visit initiated by a prisoner—

"(i) pursuant to a staff referral; or

"(ii) to obtain staff-approved follow-up treatment for a chronic condition; and

"(5) the term 'prisoner' means—

"(A) any individual who is incarcerated in an institution under the jurisdiction of the Bureau of Prisons; or

"(B) any other individual, as designated by the Director, who has been charged with or convicted of an offense against the United States.

"(b) FEES FOR HEALTH CARE SERVICES.—

"(1) IN GENERAL.—The Director, in accordance with this section and with such regulations as the Director shall promulgate to carry out this section, may assess and collect a fee for health care services provided in connection with each health care visit requested by a prisoner.

"(2) EXCLUSION.—The Director may not assess or collect a fee under this section for preventative health care services, emergency services, prenatal care, diagnosis or treatment of chronic infectious diseases, mental health care, or substance abuse treatment, as determined by the Director.

"(c) PERSONS SUBJECT TO FEE.—Each fee assessed under this section shall be collected by the Director from the account of—

"(1) the prisoner receiving health care services in connection with a health care visit described in subsection (b)(1); or

"(2) in the case of health care services provided in connection with a health care visit described in subsection (b)(1) that results from an injury inflicted on a prisoner by another prisoner, the prisoner who inflicted the injury, as determined by the Director.

"(d) AMOUNT OF FEE.—Any fee assessed and collected under this section shall be in an amount of not less than $1.

"(e) NO CONSENT REQUIRED.—Notwithstanding any other provision of law, the consent of a prisoner shall not be required for the collection of a fee from the account of the prisoner under this section. However, each such prisoner shall be given a reasonable opportunity to dispute the amount of the fee or whether the prisoner qualifies under an exclusion under this section.

"(f) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this section may be construed to permit any refusal of treatment to a prisoner on the basis that—

"(1) the account of the prisoner is insolvent; or

"(2) the prisoner is otherwise unable to pay a fee assessed under this section.

"(g) USE OF AMOUNTS.—

"(1) RESTITUTION OF SPECIFIC VICTIMS.—Amounts collected by the Director under this section from a prisoner subject to an order of restitution issued pursuant to section 3663 or 3663A shall be paid to victims in accordance with the order of restitution.

"(2) ALLOCATION OF OTHER AMOUNTS.—Of amounts collected by the Director under this section from prisoners not subject to an order of restitution issued pursuant to section 3663 or 3663A—

"(A) 75 percent shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601); and

"(B) 25 percent shall be available to the Attorney General for administrative expenses incurred in carrying out this section.

"(h) NOTICE TO PRISONERS OF LAW.—Each person who is or becomes a prisoner shall be provided with written and oral notices of the provisions of this section and the applicability of this section to the prisoner. Notwithstanding any other provision of this section, a fee under this section may not be assessed against, or collected from, such person—

"(1) until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with such notices; and

"(2) for services provided before the expiration of such period.

"(i) NOTICE TO PRISONERS OF REGULATIONS.—The regulations promulgated by the Director under subsection (b)(1), and any amendments to those regulations, shall not take effect until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with written and oral notices of the provisions of those regulations (or amendments, as the case may be). A fee under this section may not be assessed against, or collected from, a prisoner pursuant to such regulations (or amendments, as the case may be) for services provided before the expiration of such period.

"(j) NOTICE BEFORE PUBLIC COMMENT PERIOD.—Before the beginning of any period a proposed regulation under this section is open to public comment, the Director shall provide written and oral notice of the provisions of that proposed regulation to groups that advocate on behalf of Federal prisoners and to each prisoner subject to such proposed regulation.

"(k) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of the Federal Prisoner Health Care Copayment Act of 2000, and annually thereafter, the Director shall transmit to Congress a report, which shall include—

"(1) a description of the amounts collected under this section during the preceding 12-month period;

"(2) an analysis of the effects of the implementation of this section, if any, on the nature and extent of heath care visits by prisoners;

"(3) an itemization of the cost of implementing and administering the program;

"(4) a description of current inmate health status indicators as compared to the year prior to enactment; and

"(5) a description of the quality of health care services provided to inmates during the preceding 12-month period, as compared with the quality of those services provided during the 12-month period ending on the date of the enactment of such Act.

"(l) COMPREHENSIVE HIV/AIDS SERVICES REQUIRED.—The Bureau of Prisons shall provide comprehensive coverage for services relating to human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) to each Federal prisoner in the custody of the Bureau of Prisons when medically appropriate. The Bureau of Prisons may not assess or collect a fee under this section for providing such coverage.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

"4048. Fees for health care services for prisoners.".

SEC. 3. HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.

Section 4013 of title 18, United States Code, is amended by adding at the end the following:

"(c) HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.—

"(1) IN GENERAL.—Notwithstanding amounts paid under subsection (a)(3), a State or local government may assess and collect a reasonable fee from the trust fund account (or institutional equivalent) of a Federal prisoner for health care services, if—

"(A) the prisoner is confined in a non-Federal institution pursuant to an agreement between the Federal Government and the State or local government;

"(B) the fee—

"(i) is authorized under State law; and

"(ii) does not exceed the amount collected from State or local prisoners for the same services; and

"(C) the services—

"(i) are provided within or outside of the institution by a person who is licensed or certified under State law to provide health care services and who is operating within the scope of such license;

"(ii) constitute a health care visit within the meaning of section 4048(a)(4) of this title; and

"(iii) are not preventative health care services, emergency services, prenatal care, diagnosis or treatment of chronic infectious diseases, mental health care, or substance abuse treatment.

"(2) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this subsection may be construed to permit any refusal of treatment to a prisoner on the basis that—

"(A) the account of the prisoner is insolvent; or

"(B) the prisoner is otherwise unable to pay a fee assessed under this subsection.

"(3) NOTICE TO PRISONERS OF LAW.—Each person who is or becomes a prisoner shall be provided with written and oral notices of the provisions of this subsection and the applicability of this subsection to the prisoner. Notwithstanding any other provision of this subsection, a fee under this section may not be assessed against, or collected from, such person—

"(A) until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with such notices; and

"(B) for services provided before the expiration of such period.

"(4) NOTICE TO PRISONERS OF STATE OR LOCAL IMPLEMENTATION.—The implementation of this subsection by the State or local government, and any amendment to that implementation, shall not take effect until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with written and oral notices of the provisions of that implementation (or amendment, as the case may be). A fee under this subsection may not be assessed against, or collected from, a prisoner pursuant to such implementation (or amendments, as the case may be) for services provided before the expiration of such period.

"(5) NOTICE BEFORE PUBLIC COMMENT PERIOD.—Before the beginning of any period a proposed implementation under this subsection is open to public comment, written and oral notice of the provisions of that proposed implementation shall be provided to groups that advocate on behalf of Federal prisoners and to each prisoner subject to such proposed implementation.

"(6) COMPREHENSIVE HIV/AIDS SERVICES REQUIRED.—Any State or local government assessing or collecting a fee under this subsection shall provide comprehensive coverage for services relating to human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) to each Federal prisoner in the custody of such State or local government when medically appropriate. The State or local government may not assess or collect a fee under this subsection for providing such coverage.".

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL JUDICIARY PROTECTION ACT OF 1999

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 731, S. 113.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 113) to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased to see the Federal Judiciary Protection Act finally being acted on by the Senate today. In the last Congress, I was pleased to cosponsor nearly identical legislation introduced by Senator Gordon SMITH, which unanimously passed the Senate Judiciary Committee and the Senate but was not acted upon by the House of Representatives. I commend the Senator from Oregon for his continued leadership in protecting our Federal judiciary.

Our bipartisan legislation would provide greater protection to Federal judges, law enforcement officers and their families. Specifically, our legislation would: increase the maximum prison term for forcible assaults, resistance, opposition, intimidation or interference with a Federal judge or law enforcement officer from 3 years imprisonment to 8 years; increase the maximum prison term for use of a deadly weapon or infliction of bodily injury against a Federal judge or law enforcement officer from 10 years imprisonment to 20 years; and increase the maximum prison term for threatening murder or kidnaping of a member of the immediate family of a Federal judge or law enforcement officer from 5 years imprisonment to 10 years. It has the support of the Department of Justice, the United States Judicial Conference, the United States Sentencing Commission and the United States Marshal Service.

It is most troubling that the greatest democracy in the world needs this legislation to protect the hard working men and women who serve in our Federal judiciary and other law enforcement agencies. But, unfortunately, we are seeing more violence and threats of violence against officials of our Federal government.

For example, a courtroom in Urbana, Illinois was firebombed last year, apparently by a disgruntled litigant. This follows the horrible tragedy of the bombing of the federal office building in Oklahoma City in 1995. In my home state during the summer of 1997, a Vermont border patrol officer, John Pfeiffer, was seriously wounded by Carl Drega, during a shootout with Vermont and New Hampshire law enforcement officers in which Drega lost his life. Earlier that day, Drega shot and killed two state troopers and a local judge in New Hampshire. Apparently, Drega was bent on settling a grudge against the judge who had ruled against him in a land dispute.

I had a chance to visit John Pfeiffer in the hospital and met his wife and young daughter. Thankfully, Agent Pfeiffer has returned to work along the Vermont border. As a federal law enforcement officer, Agent Pfeiffer and his family will receive greater protection under our bill.

There is, of course, no excuse or justification for someone taking the law into their own hands and attacking or threatening a judge or law enforcement officer. Still, the U.S. Marshal Service is concerned with more and more threats of harm to our judges and law enforcement officers.

The extreme rhetoric that some have used in the past to attack the judiciary only feeds into this hysteria. For example, one of the Republican leaders in the House of Representatives has been quoted as saying: "The judges need to be intimidated," and if they do not behave, "we're going to go after them in a big way." I know that this official did not intend to encourage violence against any Federal official, but this extreme rhetoric only serves to degrade Federal judges in the eyes of the public.

Let none of us in the Congress contribute to the atmosphere of hate and violence. Let us treat the judicial branch and those who serve within it with the respect that is essential to preserving its public standing.

We have the greatest judicial system in the world, the envy of people around the globe who are struggling for freedom. It is the independence of our third, co-equal branch of government that gives it the ability to act fairly and impartially. It is our judiciary that has for so long protected our fundamental rights and freedoms and served as a necessary check on overreaching by the other two branches, those more susceptible to the gusts of the political winds of the moment.

We are fortunate to have dedicated women and men throughout the Federal Judiciary and law enforcement in this country who do a tremendous job under difficult circumstances. They are examples of the hard-working public servants that make up the federal government, who are too often maligned and unfairly disparaged. It is unfortunate that it takes acts or threats of violence to put a human face on the Federal Judiciary and other law enforcement officials, to remind everyone that these are people with children and parents and cousins and friends. They deserve our respect and our protection.

I urge the House of Representatives to pass the Federal Judiciary Protection Act and look forward to its swift enactment into law.

Mr. GRAMS. Mr. President, I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 113) was read the third time and passed, as follows:

S. 113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Judiciary Protection Act of 1999".

SEC. 2. ASSAULTING, RESISTING, OR IMPEDING CERTAIN OFFICERS OR EMPLOYEES.

Section 111 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "three" and inserting "8"; and

(2) in subsection (b), by striking "ten" and inserting "20".

SEC. 3. INFLUENCING, IMPEDING, OR RETALIATING AGAINST A FEDERAL OFFICIAL BY THREATENING OR INJURING A FAMILY MEMBER.

Section 115(b)(4) of title 18, United States Code, is amended—

(1) by striking "five" and inserting "10"; and

(2) by striking "three" and inserting "6".

SEC. 4. MAILING THREATENING COMMUNICATIONS.

Section 876 of title 18, United States Code, is amended—

(1) by designating the first 4 undesignated paragraphs as subsections (a) through (d), respectively;

(2) in subsection (c), as so designated, by adding at the end the following: "If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both."; and

(3) in subsection (d), as so designated, by adding at the end the following: "If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.".

SEC. 5. AMENDMENT OF THE SENTENCING GUIDELINES FOR ASSAULTS AND THREATS AGAINST FEDERAL JUDGES AND CERTAIN OTHER FEDERAL OFFICIALS AND EMPLOYEES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the commission, if appropriate, to provide an appropriate sentencing enhancement for offenses involving influencing, assaulting, resisting, impeding, retaliating against, or threatening a Federal judge, magistrate judge, or any other official described in section 111 or 115 of title 18, United States Code.

(b) FACTORS FOR CONSIDERATION.—In carrying out this section, the United States Sentencing Commission shall consider, with respect to each offense described in subsection (a)—

(1) any expression of congressional intent regarding the appropriate penalties for the offense;

(2) the range of conduct covered by the offense;

(3) the existing sentences for the offense;

(4) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offense;

(5) the extent to which Federal sentencing guideline sentences for the offense have been constrained by statutory maximum penalties;

(6) the extent to which Federal sentencing guidelines for the offense adequately achieve

the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

(7) the relationship of Federal sentencing guidelines for the offense to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(8) any other factors that the Commission considers to be appropriate.

COMMENDING THE LATE ERNEST BURGESS, MD, FOR HIS SERVICE TO THE NATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 363, submitted earlier today by Senator KERREY of Nebraska.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read a follows:

A resolution (S. Res. 363) commending the late Ernest Burgess, MD, for his service to the Nation and the international community, and expressing the condolences of the Senate to his family on his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRAMS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 363) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 363

Whereas Dr. Ernest Burgess practiced medicine for over 50 years;

Whereas Dr. Burgess was a pioneer in the field of prosthetic medicine, spearheading groundbreaking advances in hip replacement surgery and new techniques in amputation surgery;

Whereas in 1964, recognizing his work in prosthetic medicine, the United States Veterans' Administration chose Dr. Burgess to establish the Prosthetic Research Study, a leading center for postoperative amputee treatment;

Whereas Dr. Burgess was the recipient of the 1985 United States Veterans' Administration Olin E. League Award and honored as the United States Veterans' Administration Distinguished Physician;

Whereas Dr. Burgess' work on behalf of disabled veterans has allowed thousands of veterans to lead full and healthy lives;

Whereas Dr. Burgess was internationally recognized for his humanitarian work;

Whereas Dr. Burgess established the Prosthetics Outreach Foundation, which since 1988, has enabled over 10,000 children and adults in the developing world to receive quality prostheses;

Whereas Dr. Burgess' lifelong commitment to humanitarian causes led him to establish a demonstration clinic in Vietnam to provide free limbs to thousands of amputees;

Whereas Dr. Burgess received numerous professional and educational distinctions recognizing his efforts on behalf of those in need of care;

Whereas Dr. Burgess' exceptional service and his unfailing dedication to improving the lives of thousands of individuals merit high esteem and admiration; and

Whereas the Senate learned with sorrow of the death of Dr. Burgess on September 26, 2000: Now, therefore, be it

Resolved, That the Senate—

(1) extends its deepest condolences to the family of Ernest Burgess, M.D.;

(2) commends and expresses its gratitude to Ernest Burgess, M.D. and his family for a life devoted to providing care and service to his fellow man; and

(3) directs the Secretary of the Senate to communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

NATIONAL LAW ENFORCEMENT MUSEUM ACT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 664, S. 1438.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1438) to establish the National Law Enforcement Museum on Federal lands in the District of Columbia.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Law Enforcement Museum Act".

SEC. 2. FINDING.

Congress finds that there should be established a National Law Enforcement Museum to honor and commemorate the service and sacrifice of law enforcement officers in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) MEMORIAL FUND.—The term "Memorial Fund" means the National Law Enforcement Officers Memorial Fund, Inc.

(2) MUSEUM.—The term "Museum" means the National Law Enforcement Museum established under section 4(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. NATIONAL LAW ENFORCEMENT MUSEUM.

(a) ESTABLISHMENT.—The Memorial Fund may construct a National Law Enforcement Museum on Federal land located on United States Reservation #7, on the property directly south of the National Law Enforcement Officers Memorial, bounded by—

(1) E Street, NW., on the north;

(2) 5th Street, NW., on the west;

(3) 4th Street, NW., on the east; and

(4) Indiana Avenue, NW., on the south.

(b) DESIGN AND PLANS.—

(1) IN GENERAL.—In carrying out subsection (a), the Memorial Fund shall be responsible for preparation of the design and plans for the Museum.

(2) APPROVAL.—The design and plans for the Museum shall be subject to the approval of—

(A) the Secretary;

(B) the Commission of Fine Arts; and

(C) the National Capital Planning Commission.

(3) DESIGN REQUIREMENT.—The Museum shall be designed so that not more than 35 percent of the volume of the structure is above the floor elevation at the north rear entry of Court Building D, also known as "Old City Hall".

(c) OPERATION.—The Memorial Fund shall own, operate, and maintain the Museum after completion of construction.

(d) FEDERAL SHARE.—The United States shall pay no expense incurred in the establishment or construction of the Museum.

(e) FUNDING VERIFICATION.—The Secretary shall not permit construction of the Museum to begin unless the Secretary determines that sufficient amounts are available to complete construction of the Museum in accordance with the design and plans approved under subsection (b).

(f) FAILURE TO CONSTRUCT.—If the Memorial Fund fails to begin construction on the Museum by the date that is 10 years after the date of enactment of this Act, the authority to construct the Museum shall terminate on that date.

Mr. CAMPBELL. Mr. President, I am pleased that the Senate is about to consider and pass S. 1438, the National Law Enforcement Museum Act of 1999. This legislation will authorize the construction of a National Law Enforcement Museum to be built here in our Nation's Capital.

As a former deputy sheriff, I know first-hand the risks peace officers face in enforcing our laws. Throughout our nation's history, nearly 15,000 federal, state, and local law enforcement officers have lost their lives in the line of duty. Based on FBI statistics, nearly 63,000 officers are assaulted each year in this country, resulting in more than 21,000 injuries. On average, one police officer is killed somewhere in America every 54 hours. Approximately 740,000 law enforcement professionals are continuing to put their lives on the line for the safety and protection of others.

We owe all of those officers a huge debt of gratitude, and it is only fitting that we properly commemorate this outstanding record of service and sacrifice.

My legislation seeks to achieve this important goal by authorizing the National Law Enforcement Officers Memorial Fund, a nonprofit organization, to establish a comprehensive law enforcement museum and research repository on federal land in the District of Columbia. The Fund is the same group that so ably carried out the congressional mandate of 1984 to establish the National Law Enforcement Officers Memorial, which was dedicated in 1991 just a few blocks from the Capitol. Clearly, their record of achievement speaks volumes about their ability to meet this important challenge.

Since 1993, the Fund has efficiently operated a small-scale version of the National Law Enforcement Museum at a site located about two blocks from the Memorial. The time has come to broaden the scope of this museum and move it in closer proximity to the National Law Enforcement Officers Memorial.

This museum would serve as a repository of information for researchers, practitioners, and the general public. The museum will become the premiere source of information on issues related to law enforcement history and safety, and obviously a popular tourist attraction in Washington, DC, as well.

The ideal location for this museum is directly across from the National Law Enforcement Officers Memorial on a parcel of federal-owned property that now functions as a parking lot.

I introduced this legislation on July 27, 1999, and after committee hearings and extensive testimony, the Senate Committee on Energy and Natural Resources reported the bill in July of this year. Although the bill was pending on the Senate calendar awaiting final action by the Senate, I was pleased to work with my colleagues, Senator THOMPSON, Chairman of the Government Affairs Committee, and Senator DURBIN, the Ranking Member of the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, on a compromise amendment.

After over two months of negotiations, the National Law Enforcement Officers Memorial Fund and the District of Columbia Courts reached an agreement to clarify that the building of this museum will in no way conflict with court expansion and renovation plans. As a result of this agreement, Senators THOMPSON and DURBIN have offered an amendment with my support to reflect this agreement with the courts.

Under my legislation, no federal dollars are being proposed to build this museum. Rather, the Fund would raise all of the money necessary to construct the museum through private donations. The legislation places the responsibility of operating the museum in the hands of the Fund.

Finally, let me add that this legislation is supported by 15 national law enforcement organizations: the Concerns of Police Survivors; the Federal Law Enforcement Officers Association; the Fraternal Order of Police; the Fraternal Order of Police Auxiliary; the International Association of Chiefs of Police; the International Brotherhood of Police Officers; the International Union of Police Associations/AFL–CIO; the National Association of Police Organizations; the National Black Police Association; the National Organization of Black Law Enforcement Executives; the National Sheriffs Association; the National Troopers Coalition; the Police Executive Research Forum; the Police Foundation; the United Federation of Police; and the National Law Enforcement Council. Together, these organizations represent virtually every law enforcement officer, family member and police survivor in the United States.

As we remember the sacrifices made by our brave officers, I strongly urge my colleagues to support passage of this legislation. I also call on our colleagues in the House to pass this important bill before the Congress adjourns for the year.

AMENDMENT NO. 4279

(Purpose: To provide a complete substitute)

Mr. GRAMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. GRAMS], for Mr. THOMPSON, proposes an amendment numbered 4279.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Law Enforcement Museum Act".

SEC. 2. FINDING.

Congress finds that there should be established a National Law Enforcement Museum to honor and commemorate the service and sacrifice of law enforcement officers in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) MEMORIAL FUND.—The term "Memorial Fund" means the National Law Enforcement Officers Memorial Fund, Inc.

(2) MUSEUM.—The term "Museum" means the National Law Enforcement Museum established under section 4(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. NATIONAL LAW ENFORCEMENT MUSEUM.

(a) CONSTRUCTION.—

(1) IN GENERAL.—The Memorial Fund may construct a National Law Enforcement Museum on Federal land located on United States Reservation #7, on the property bounded by—

(A) the National Law Enforcement Officers Memorial on the north;

(B) the United States Court of Appeals for the Armed Forces on the west;

(C) Court Building C on the east; and

(D) Old City Hall on the south.

(2) UNDERGROUND FACILITY.—The Memorial Fund shall be permitted to construct part of the Museum underground below E Street, NW.

(3) CONSULTATION.—The Museum Fund shall consult with and coordinate with the Joint Committee on Administration of the District of Columbia courts in the planning, design, and construction of the Museum.

(b) DESIGN AND PLANS.—

(1) IN GENERAL.—In carrying out subsection (a), the Memorial Fund shall be responsible for preparation of the design and plans for the Museum.

(2) APPROVAL.—The design and plans for the Museum shall be subject to the approval of—

(A) the Secretary;

(B) the Commission of Fine Arts; and

(C) the National Capital Planning Commission.

(3) DESIGN REQUIREMENTS.—The Museum shall be designed so that—

(A) there is available for underground planned use by the courts of the District of Columbia for renovation and expansion of Old City Hall—

(i) an area extending to a line that is at least 57 feet, 6 inches, north of the northernmost facade of Old City Hall and parallel to that facade; plus

(ii) an area extending beyond that line and comprising a part of a circle with a radius of 40 feet measured from a point that is 59 feet, 9 inches, from the center of that facade;

(B) the underground portion of the Museum has a footprint of not less than 23,665 square feet;

(C) above ground, there is a no-build zone of 90 feet out from the northernmost face of the north portico of the existing Old City Hall running east to west parallel to Old City Hall;

(D) the aboveground portion of the Museum consists of 2 entrance pavilions totaling a maximum of 10,000 square feet, neither of which shall exceed 6,000 square feet and the height of neither of which shall exceed 25 feet, as measured from the curb of the westernmost pavilion; and

(E) no portion of the aboveground portion of the Museum is located within the 100-foot-wide area centered on the north-south axis of the Old City Hall.

(4) PARKING.—The courts of the District of Columbia and the United States Court of Appeals for the Armed Forces may construct an underground parking structure in the southwest quadrant of United States Reservation #7.

(c) OPERATION AND USE.—The Memorial Fund shall own, operate, and maintain the Museum after completion of construction.

(d) FEDERAL SHARE.—The United States shall pay no expense incurred in the establishment or construction of the Museum.

(e) FUNDING VERIFICATION.—The Secretary shall not permit construction of the Museum to begin unless the Secretary determines that sufficient amounts are available to complete construction of the Museum in accordance with the design and plans approved under subsection (b).

(f) FAILURE TO CONSTRUCT.—If the Memorial Fund fails to begin construction of the Museum by the date that is 10 years after the date of enactment of this Act, the authority to construct the Museum shall terminate on that date.

Mr. GRAMS. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4279) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1438), as amended, was read the third time, and passed.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 858, H.R. 4115.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4115) to authorize appropriations for a United States Holocaust Memorial Museum, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4115) was read the third time and passed.

MEASURE READ THE FIRST TIME—H.R. 5272

Mr. GRAMS. Mr. President, I understand that H.R. 5272 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 5272) to provide for a United States response in the event of a unilateral declaration of a Palestinian state.

Mr. GRAMS. Mr. President, I ask for its second reading, and object to my own request.

The PRESIDING OFFICER. The bill will receive its second reading on the next legislative day.

MEASURE READ THE FIRST TIME—S. 3137

Mr. GRAMS. Mr. President, I understand that S. 3137 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 3137) to establish a commission to commemorate the 258th anniversary of the birth of James Madison.

Mr. GRAMS. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. The bill will receive its second reading on the next legislative day.

AUTHORITY TO FILE LEGISLATIVE OR EXECUTIVE MATTERS

Mr. GRAMS. Mr. President, I ask unanimous consent that notwithstanding a recess or adjournment, Senate committees have from 10 a.m. until 12 p.m. on Friday, September 29, in order to file legislative or executive matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, OCTOBER 2, 2000

Mr. GRAMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 12 noon on Monday, October, 2. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 2 p.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator BYRD, or his designee, 60 minutes; Senator THOMAS, or his designee, 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRAMS. For the information of all Senators, the Senate will be in a period of morning business until 2 p.m. on Monday. Following morning business, the Senate will resume consideration of the motion to proceed to S. 2557, the bill regarding America's dependency on foreign oil. No votes will occur prior to 5:30 p.m. on Monday. However, at 5:30 p.m., the Senate will proceed to a vote on the conference report to accompany the energy and water appropriations bill.

RECESS UNTIL MONDAY, OCTOBER 2, 2000

Mr. GRAMS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:18 p.m., recessed until Monday, October 2, 2000, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 28, 2000:

DEPARTMENT OF COMMERCE

ROBERT S. LARUSSA, OF MARYLAND, TO BE UNDER SECRETARY COMMERCE FOR INTERNATIONAL TRADE, VICE DAVID L. AARON, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL HOUSING FINANCE BOARD

FRANZ S. LEICHTER, OF NEW YORK, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2006, VICE DANIEL F. EVANS, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF TRANSPORTATION

FRANCISCO J. SANCHEZ, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE CHARLES A. HUNNICUTT, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

SUE BAILEY, OF MARYLAND, TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, VICE RICARDO MARTINEZ, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXECUTIVE OFFICE OF THE PRESIDENT

GEORGE T. FRAMPTON, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY, VICE KATHLEEN A. MCGINTY, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ENVIRONMENTAL PROTECTION AGENCY

W. MICHAEL MCCABE, OF PENNSYLVANIA, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE FREDERIC JAMES HANSEN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF COMMERCE

ARTHUR C. CAMPBELL, OF TENNESSEE, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

APPALACHIAN REGIONAL COMMISSION

ELLA WONG-RUSINKO, OF VIRGINIA, TO BE ALTERNATE FEDERAL COCHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION, VICE HILDA GAY LEGG, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF STATE

JOHN DAVID HOLUM, OF MARYLAND, TO BE UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY, DEPARTMENT OF STATE (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ROBIN CHANDLER DUKE, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CARL SPIELVOGEL, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SLOVAK REPUBLIC, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JAMES M. DALEY, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ST. KITTS AND NEVIS AND TO SAINT LUCIA, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXECUTIVE OFFICE OF THE PRESIDENT

SALLY KATZEN, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE G. EDWARD DESEVE, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

UNITED STATES INSTITUTE OF PEACE

SHIBLEY TELHAMI, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001, VICE THOMAS E. HARVEY, TERM EXPIRED.

SHIBLEY TELHAMI, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005. (REAPPOINTMENT)

BARBARA W. SNELLING, OF VERMONT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005. (REAPPOINTMENT)

HOLLY J. BURKHALTER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005. (REAPPOINTMENT)

FEDERAL MINE SAFETY AND HEALTH ADMINISTRATION

JAMES CHARLES RILEY, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING AUGUST 30, 2006 (REAPPOINTMENT), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

DONALD L. ROBINSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2002, VICE GARY N. SUDDITH.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ISABEL CARTER STEWART, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE DAVID FINN, TERM EXPIRED.

DEPARTMENT OF JUSTICE

BILL LANN LEE, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE DEVAL L. PATRICK, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

STATE JUSTICE INSTITUTE

ARTHUR A. MCGIVERIN, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2003. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

STEVEN CLAYTON STAFFORD, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE STEPHEN SIMPSON GREGG, RESIGNED.

DAVID W. OGDEN, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE FRANK HUNGER, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

RANDOLPH D. MOSS, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE WALTER DELLINGER, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

STATE JUSTICE INSTITUTE

ROBERT A. MILLER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2003. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT AS PERMANENT PROFESSORS, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

To be colonel

DOUGLAS N. BARLOW, 2595
GREGORY E. SEELY, 5165

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To Be Major General

BRIG. GEN. BRUCE B. BINGHAM, 6793

EXTENSIONS OF REMARKS

CONGRATULATING MONTGOMERY JUNIOR COLLEGE ON ITS 50TH ANNIVERSARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mrs. MORELLA. Mr. Speaker, I would like to extend my sincere congratulations to Montgomery Junior College as you celebrate the 50th anniversary of the Takoma Park Campus. Since the summer of 1950, MC has continued to uphold its original purpose of providing a quality education to anyone with a desire to learn. MC has maintained this commitment to both its students and faculty for 50 years. For this, I applaud your institution.

The success of the Takoma Park campus is evident in the constantly expanding curricula. Some of the more notable programs include the one-year Bliss program designed for electricians, a medical technician curriculum, and the nursing program. Each of these allow the students of MC to be competitive and skilled in the workforce.

MC is a source of pride not only in Montgomery County but also in the surrounding community. Through projects such as the Spitz Company Planetarium and the currently developing community health clinic, MC provides unique experiences and services to all. The planetarium has introduced hundreds of school children and residents to the basics of astronomy, allowing imaginations to soar. The community health clinic, as part of a new Health Sciences Building, will give hands-on experience to students while providing a comfortable environment for residents in need of medical attention.

MC's commitment and vision are the backbone of your reputation. With more than 4,000 students of all ages and backgrounds and a dedicated faculty, there is no doubt that the next 50 years will be equally rewarding. Again, congratulations to everyone at Montgomery Junior College for your educational excellence. I wish you the best as you continue to expand and serve.

PROTECTION OF THE AMERICAN DREAM ACT

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. HANSEN. Mr. Speaker, for far too long, the Federal Government has required FHA loan holders to pay millions in mortgage insurance even after the risk of loss to the the government had passed. The reason I introduced the Protection of the American Dream act is that insuring people for a risk they do not have is just wrong."

Since the passage of the Home Owners Protection Act two years ago, which provided for the cancellation of private mortgage insurance once a conventional loan reached an 80% loan to value, many FHA borrowers began to ask why this law did not apply to their loans. After looking into the matter, I came to agree with these Americans, that like private lenders, there is no reason for FHA to charge mortgage insurance for the entire life of that loan. One of the reasons for this is that according to a Price Waterhouse Actuarial Review, less than one percent of consumers who reach an 80% loan to value default on their loan. Moreover, when a consumer with an 80% loan to value does default, in most cases no loss is incurred by the FHA or any other home loan lender.

The Protection of the American Dream Act is a pretty basic bill. I merely amends the Homeowners Protection Act to include loans made by HUD for single family homes. By doing this, FHA borrowers would not only be able to cancel their Mutual Mortgage Insurance once they reach an 80% loan to value, but HUD would also be required to disclose what mutual mortgage insurance was and whom it insures.

Mr. Speaker, insurance should only be required when the risk warrants its purchase. in the case of the FHA's Mutual Mortgage Insurance Program, FHA is forcing the people who can least afford it, to pay for insurance when there is almost no risk. The only thing we are risking is keeping people from grasping the American dream of home ownership.

PERSONAL EXPLANATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. RUSH. Mr. Speaker, on September 27, I was unavoidably detained in a Commerce Committee hearing. However, had I been present I would have voted "yes" on rollcall No. 496 (H.R. 4365) the Children's Health Act of 2000.

TRIBUTE TO STEVEN P. AUSTIN AND EILEEN DOYLE FOR THEIR SERVICE TO THE CITIZENS OF DELAWARE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. CASTLE. Mr. Speaker, during my service as a Member of the House of Representatives, it has been my honor and privilege to rise and pay tribute to organizations and people who really make a difference in the Delaware community. Today, I rise to recognize Steve Austin, president of the Delaware Volunteer Firemen's Association (DVFA) and Eileen Doyle, president of the Ladies Auxiliary of the DVFA.

Mr. Speaker, on behalf of my fellow Delawareans I would like to honor these two outstanding individuals, not only for their tireless efforts on behalf of the citizens of the First State, but for their tremendous contributions to the DVFA and the Ladies Auxiliary of the DVFA.

Volunteer fire departments are the cornerstone of our Nation's emergency response capability. Each year, fire kills over 6,000 people, injures about 28,000 more, and destroys more than $7 billion in property. Volunteer firefighters are among the most dedicated public servants. They are willing to put the safety and property of their neighbors ahead of their own on a daily basis. All too often, these brave men and women do not receive the recognition they deserve. Without the services of institutions, such as the DVFA and the Ladies Auxiliary, the number of fatalities would be even greater and the threat of fire and destruction to our communities could be even more devastating. In addition to battling fires, Delaware volunteer firefighters are involved in fire protection and safety as well as providing first aid and emergency resources in the event of major disasters. This type of dedication is rare.

Steve Austin is a life member of the Aetna Hose and Ladder Company in Newark, DE. As a fire service advisor of the Congressional Fire Services Institute, Steve has worked tirelessly in these very halls on legislative issues that would improve training and emergency medical services for volunteer fire organizations throughout our country. Through his leadership, fire and emergency medical services have remained a vital and integral part of our community. For all of these national and local accomplishments, I was not at all surprised that the Congressional Fire Service Institute chose him as the Fire Service Person of the Year in 1996.

Eileen Doyle has also played a critical role in keeping our communities safe. Whether it is as a member of the Brandywine Fire Company working on innovative and creative fundraising ventures or providing much needed assistance and comfort to those individuals devastated by the effects of Hurricane Floyd, Eileen Doyle's dedication to the fire service and our community shines as a bright beacon every day. The Ladies Auxiliary has a long and rich history and their dedication to the community is to be commended. I salute Steve Austin and Eileen Doyle for their efforts to keep the Volunteer Fire Association and Ladies Auxiliary a strong and vital part of Delaware.

This week, the DVFA and the Ladies Auxiliary of the DVFA will gather at their 2000 Annual Conference to celebrate the anniversaries

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of safety and first aid to the people of Delaware. As a former Governor, I know first hand the important role that these dedicated and vital organizations play in recruiting and retaining young men and women in the public service arena. Mr. Speaker, I am proud to have this privilege to extend my warmest wishes for a successful conference. I salute and thank them for their unwavering commitment to excellence and the example they set for all of us. Their efforts are deeply appreciated.

A TRIBUTE TO REVEREND VERTANES KALAYJIAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. PALLONE. Mr. Speaker, I am honored today to recognize the achievements and spiritual leadership of the Rev. Fr. Archpriest Vertanes Kalayjian, pastor of St. Mary's Armenian Church in Washington, DC. On October 1, the Washington-Baltimore Armenian community will be honoring this most outstanding religious and community leader among Armenian-Americans in the United States. On this date, parishioners and many others will recognize the 40th anniversary of Rev. Kalayjian's ordination into the priesthood.

Those who gather from across the country and the world on October 1 will also recognize the 25th anniversary of the service to St. Mary's of Rev. Kalayjian and Yeretzgin Anahid Kalayjian, his wife of 31 years.

Mr. Speaker, as the cochairman of the Congressional Caucus on Armenian Issues, I am acutely aware of the many extraordinary contributions Father Kalayjian and Mrs. Kalayjian have made to the Armenian community in the United States. Over the years, his outstanding missionary and humanitarian efforts have also been of immeasurable help to the struggling families and youth of Armenia, as well as Armenian families spread throughout Eastern Europe and the world.

In his important assignment as the head of the pastorate in Washington, DC, he has played a crucial role representing the diocese in the Congress, the State and Justice Departments and the Brookings Institute. Every year, Father Kalayjian briefs the Appeal of Conscience Conferences, the State Department's Foreign Service Institute, on the status of the Armenian communities in Eastern Europe and in the former Soviet Union republics.

Father Kalayjian was born in Aleppo, Syria, and was ordained on February 7, 1960, at the St. James Seminary of Jerusalem Armenian Patriarchate. He came to the United States in December 1964 and was assigned to the St. George Parish in Waukegan, IL. In addition to his pastoral work, he did Christian Education; Biblical Studies and Public Administration at Lake Forest, Carthage College and Southeastern University.

In subsequent years, he served the parishes of Holy Cross, Union City, NJ; and St. Mary's Church in Elberon, NJ (now St. Stephanos and in my congressional district.)

In 1976, he assumed the pastorate here in Washington, where he serves the St. Mary's community, including nearby Baltimore city and the neighboring towns.

During most of this career as a servant of God, Mrs. Kalayjian has been a partner, colleague and spiritual supporter to her husband's ministry. She has contributed invaluably to the growth and spiritual well-being of St. Mary's Parish. She has been surrogate mother, nurse, chaplain, Armenian Cultural Program director and advisor to successive camp directors and committees at the Armenian General Benevolent Union's Camp Nubar in the Catskills in New York. The AGBU promotes philanthropy, human rights land education throughout the world.

Her services to the Armenian people have included numerous other missionary and humanitarian initiatives in Armenia, including missionary outreach in the aftermath of the earthquake. Her early training and work as a pediatric nurse and nursing supervisor only added to the invaluable contributions she has made to families in need here and in Armenia.

Mr. Speaker, I am proud to call these tireless and devoted humanitarians my friends. I wish them both a most deserved and joyous celebration on October 1.

DRUG PROFITS DISTORTING HOW DOCTORS PRESCRIBE?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. STARK. Mr. Speaker, in the September 19th CONGRESSIONAL RECORD, I provided some documentation of how profits from prescribing drugs may be causing some doctors to over-prescribe or change their prescribing patters, not on the basis of medical need, but simply for the sake of money.

The enormous profits available to many doctors on the "spread" between what Medicare and other payers reimburse for a drug (the average wholesale price), and what that drug is really available for 'on the street' may be one of the most serious ethical issues in American medicine today.

I submit into the CONGRESSIONAL RECORD a letter I've sent to the Agency for Healthcare Research and Quality on why this is a problem which must be investigated as soon as possible and a memo in reference to physician prescribing practices in Japan.

The Justice Department and the HHS Inspector General have, I believe, documents which show how drug companies have manipulated the AWP to move doctors to prescribe various drugs. These documents raise the most serious questions about the integrity of health care delivery.

The letters follow:

COMMITTEE ON WAYS AND MEANS,
SUBCOMMITTEE ON HEALTH,
Washington, DC, August 18, 2000.

DR. JOHN EISENBERG,
Administrator, Agency for Healthcare Research and Quality, Washington, DC.

DEAR JOHN: Nice Norman Rockwell exhibit at the National Gallery—and nice paintings of doctors the way we want them to be: grandfatherly figures we can totally trust our lives with.

But the data in various areas of health care show that physicians are just like the rest of us mortals: they are economic animals; they respond to financial incentives. We see this economic influence in the fact that for-profit hospitals do more Caesarian sections than not-for-profit hospitals, because the fees and profits are higher for a C-section. We see this in the extensive literature that physicians who own or invest in a downstream service (such as a lab or MRI) tend to order many more tests (and more expensive tests) than doctors who do not invest in such facilities. We see this in foreign countries where physician income is much lower than it is in the United States on average, but physicians are allowed to make money on each prescription that they write. As a result in Japan (and in the past Italy) the patients get many more pills than Americans do. Doctors in those countries make money by pushing medicines on their unsuspecting patients.

I fear the same thing may be happening here in the United States on certain drugs, and I would like to request AHRQ's help in determining whether Medicare's Average Wholesale Price system of paying doctors for certain medicines may have caused some distortions in prescribing practice.

As you know, after years of work, the Justice Department and the HHS OIG have finally persuaded Medicare and Medicaid to use a more realistic set of data for purposes of paying doctors 95% of the AWP. The use of the more accurate AWP data will save taxpayers and patients hundreds of millions of dollars a year. Of course, the physicians the savings are coming from are lobbying furiously to block the cuts, saying that they have used the profits from the difference between 95% of the AWP and the real purchase price to run their offices. HCFA is investigating whether the practice expense (PE) payment to doctors needs to be adjusted to pay more accurately for the cost of administering the drugs. If the PE payment is inadequate, we certainly should adjust it.

But we should not, I believe, pay more for the drug than the cost to the doctor of purchasing the drug. Otherwise, if these other domestic and foreign examples apply, we will see a misuse of the drug.

To determine whether there has been misuse, would it be possible for AHRQ to examine the use of chemotherapy drugs in settings where there is no financial incentive to either over use or not use (e.g., Kaiser, VA, DoD, etc.) versus chemotherapy drug use in private, for profit, physician-run oncology practices? Adjusting for severity of illness, are the outcomes (remission, deaths, etc.) similar in these settings? Is more or less chemotherapy medicine used? for patients who die, is chemotherapy administered longer in one setting versus another? is chemotherapy administered beyond a point where the patient might be considered terminal?

Thank you for your help in understanding whether there are different patterns of chemotherapy drug use, depending on whether one profits from the drugs' use, and if so, whether there is any better outcome and quality as a result of additional chemotherapy usage.

Sincerely,

PETE STARK,
Ranking Member.

In Japan, where physicians and hospitals are allowed to make money on each prescription they write, there are high levels of drug utilization and incentives for drug overperscribing. For example—

Health Affairs (Healthcare Reform in Japan), found that pharmaceutical dispensing is more profitable for doctors since physicians dispense drugs directly and profit by buying from wholesalers at a discount and selling at the fee-schedule price. Japan has the highest per capita drug consumption in the world.

According to Asahi News Service, the cost of prescription drugs represents 30% of all medical expenses in Japan. And according to Financial Times, this is the highest proportion in the EOCD and far higher than the 11% in the US and 16% in the UK.

Like physicians, hospitals in Japan also can make a profit on the sale of medicines to their patients. The Asahi News Service found that "medications of dubious value are used carelessly because information about their effects is not made public . . . and that the more prescriptions hospitals issue, the greater their profits will be, because of the huge gap between the government-designated base prices and the market price."

The Nikkei Weekly reported that in April of 1997, the Japanese government proposed revision of the ". . . drug-payment system, which has been criticized for enabling doctors to line their pockets and causing overprescription."

Based on these facts, it is highly likely that Medicare's Average Wholesale Price (AWP) system of paying doctors for certain medicines causes distortions in prescribing practices.

European countries, in contrast, have, in the last ten years, instituted practices to curb overutilization by eliminating some financial incentives. Italy, Germany, Sweden, Denmark and the Netherlands have introduced "reference pricing" as a financial disincentive for patients to accept and doctors to prescribe non-reference drugs. These countries are probably not the best examples of countries with overutilization. Japan is the best in this regard (we are still trying to find another clear cut case, like Japan).

It's interesting to note that, on the flip side, reimbursements for surgery are low in Japan and, as a consequence, one third as much surgery is done in Japan as the U.S.

COMMEMORATING THE THIRTIETH ANNIVERSARY OF AIR STATION CAPE COD

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. DELAHUNT. Mr. Speaker, I rise today to recognize the thirtieth anniversary of U.S. Coast Guard Air Station Cape Cod. For all of us who go to the sea, for pleasure or by profession, the Air Station has been an enormously reassuring presence all these years.

Since its commissioning in 1970, Air Station Cape Cod has performed more than 10,000 search-and-rescue missions, saved 3,500 lives and saved more than $450 million in property—all this while safeguarding our natural resources and seizing shipments of illegal drugs bound for our shores. It's all in a long day's work—and often a long night's work as well—for the personnel of the U.S. Coast Guard.

While the breathtaking heroics of the men and women of the Air Station have recently been made famous by recent feature films, perhaps the most fitting tribute comes from the grateful communities served by the men and women of the Air Station. I am pleased to enter in today's CONGRESSIONAL RECORD the following words of appreciation from a recent edition of the Cape Cod Times newspaper.

[From the Cape Cod Times, Aug. 30, 2000]

AIR STATION CAPE COD TURNS 30

(By Kevin Dennehy)

AIR STATION CAPE COD—Ed Greiner won't soon forget the week last summer he moved his family to Cape Cod to assume his duty as executive officer at the local Coast Guard installation.

That same weekend, John F. Kennedy Jr.'s airplane dove into the Atlantic Ocean. And within hours, the tragedy sparked one of the largest Coast Guard searches ever undertaken off Cape shores, and a media swarm that enveloped the Upper Cape air station for several days.

But then, it was not that much different than what the Coast Guard does on a regular basis, Greiner says.

"Sure, it was hectic," he said yesterday. "But it was a large version of what we're trained to do, and do everyday."

They've been doing what they do at Air Station Cape Cod since August 1970. Yesterday, the Coast Guard marked its 30th anniversary with a quiet ceremony at one of the station's hangars.

It's been a busy three decades. Since 1970, pilots and crews have responded to more than 9,500 calls—nearly one search-and-rescue mission per day during that time. As of yesterday, they'd saved 3,312 lives and prevented the loss of $455 million worth of property.

"For recreational boaters and those who use the water to make a living, it adds a measure of safety," Greiner said. "If folks get into trouble, we're always standing ready to assist."

One of the busiest of America's 24 air stations, Air Station Cape Cod started operating when Air Station Salem and Air Detachment Quonset Point, R.I., were consolidated in 1970.

About 400 employees work at the station, including 250 active-duty members.

And with more than 2,000 people—including those from other military branches—living in the nearly 700 units of Coast Guard housing, it's the largest continuous presence on the base.

These days, the Coast Guard uses four Jayhawks and four HU-25 Falcon jets to conduct nearly 300 rescue missions each year.

The Coast Guard also assists in law enforcement and fishing zone enforcement; is involved in drug interdiction; and repairs navigational aids throughout the northern Atlantic.

"It's a great job," said Lt. Bill Bellatty, who flies a HH-60 Jayhawk helicopter at the station. "It's always great when you save lives. It's when it's nasty out that it's terrible. That's when we earn our money."

FIFTIETH BIRTHDAY OF LINDA FAYE SOFFER

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. DICKEY. Mr. Speaker, I want to recognize one of my constituents, Linda Faye Soffer (nee Cook) of White Hall, Arkansas, who will be celebrating her 50th birthday on October 15, 2000. Linda was born on October 15, 1950 in Memphis, Tennessee to William Allen Cook and Dorothy Annice Cook (nee McGill) of Earle, Arkansas. I want to join Stu Soffer, her husband, in wishing her a Happy Birthday with best wishes for the upcoming year.

HONORING CHRIST LUTHERAN CHURCH FOR ITS 200TH YEAR OF SERVICE

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. GOODLING. Mr. Speaker, I rise today to honor Christ Lutheran Church, Filey's Parish, for its 200th year of service to the Gospel in their community.

Christ Lutheran Church is a small country church in a growing area of Dillsburg, Pennsylvania. It was founded in 1800 by the New German community, and in 1811 a building was erected for worship and it also served as a school. In 1938 Jacob Filey donated the land on which the church is presently located. Today, the congregation is made up of 90 people that attend weekly services. The church houses a daycare, with a nursery school located nearby, named Filey's Nursery School.

I ask my colleagues to join me in recognizing the congregation of the Christ Lutheran Church for their 200th year of outstanding service to the community. I wish them continued strength and unity as their parish continues to grow and thrive.

IN HONOR OF MICHAEL ZONE, MARY ZONE, AND THE ZONE FAMILY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to acknowledge the Neighborhood Social Club and Archives' posthumous recognition of former City of Cleveland Councilman Michael Zone and his surviving wife, former City Councilwoman Mary Zone for their contributions to the Italian American neighborhood that is part of the Mount Carmel West neighborhood. The organization will present the Giuseppe T. Focca Award to the Zone family on October 1.

Michael Zone, whose family immigrated from the region of Campania near the City of Caserta, was among the early Italian families to settle in this westside neighborhood. Michael was instrumental in the early development of the current Our Lady of Mount Carmel Church and School and the development of Villa Mercedes, a senior citizen assisted highrise.

As a councilman, Michael Zone worked hard for the Italian American residents he represented. He helped many gain meaningful employment and assisted them with immigration and government services. He put his constituents first, and demonstrated that public service is a higher calling.

The Neighborhood Social Club and Archives was founded by Rose A. Zitiello in 1993 to preserve the Italian American history of the neighborhood. Association President Sherri Scarcipina DeLeva has presided over the last three annual award presentations to Joseph T. Fiocca, Yolanda Craciun, and Father Vincent Caruso, who served as the parish's first pastor in 1926.

Mr. Speaker, I ask my fellow colleagues in the U.S. House of Representatives to join me in honoring Michael Zone, Mary Zone, and the Zone family who have contributed so much to Cleveland's Mount Carmel West neighborhood and the city as a whole. Please also join me in acknowledging the contribution that the Neighborhood Social Club and Archives is making toward preserving the great heritage that the Zones and the Italian American community of Cleveland has made and continues to make.

DRUG COMPANY ABUSE OF AVERAGE WHOLESALE PRICE SYSTEM: PUBLIC DESERVES RETURN OF BILLIONS OF DOLLARS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. STARK. Mr. Speaker, I have today sent the following letter to the Pharmaceutical Research Manufacturers of America (PhRMA), the chief trade association representing U.S. pharmaceutical companies.

The letter details what I believe to be the bilking of the Medicare system by a number of large, powerful drug companies. The evidence I have been provided shows that certain drug companies are making enormous profits available to many doctors on the "spread" between what Medicare and other payers reimburse for a drug (the average wholesale price), and what that drug is really available for.

These companies have increased their sales by abusing the public trust and exploiting America's seniors and disabled. It is my firm belief that these practices must stop and that these companies must return the money to the public that is owed because of their abusive practices.

The letter follows:

COMMITTEE ON WAYS AND MEANS,
SUBCOMMITTEE ON HEALTH,
Washington, DC, September 28, 2000.

ALAN F. HOLMER,
President, Pharmaceutical Research and Manufacturers of America, Washington, DC.

DEAR MR. HOLMER. I am writing to share with you evidence and concerns I have, that certain PhRMA members, are employing false and fraudulent marketing schemes and other deceptive business practices in order to manipulate and inflate the prices of their drugs. Drug company deception costs federal and state governments, private insurers and others billions of dollars per year in excessive drug costs. This corruptive scheme is perverting the financial integrity of the Medicare program and harming beneficiaries who are required to pay 20% of Medicare's current limited drug benefit. Furthermore, these deceptive, unlawful practices have a devastating financial impact upon the states' Medicaid Program.

As you may be aware, some state Medicaid administrators have been placed in the unenviable position of having to ration needed health care services to the poor due to a lack of funds. For example, major newspapers such as the Washington Post reported that the Administration abandoned its effort to extend Medicaid coverage for AIDS therapies due to the high cost of drugs needed to treat HIV patients (December 5, 1997).

The national media continues to report on the staggering cost of prescription drugs in the United States. By way of example, the shared Federal/State cost of providing a California Medicaid prescription drug benefit alone is now approximately $2.4 billion dollars a year and that cost has risen by approximately 100% in the past four years. Through a Congressional subpoena, I have recently obtained internal drug company documents, together with documents from an industry insider, that explicitly expose the deliberate fraud that some of your PhRMA members are perpetrating on our nation's health care delivery system.

The evidence I have obtained indicates that at least some of your members have knowingly and deliberately falsely inflated their representations of the average wholesale price ("AWP"), wholesaler acquisition cost ("WAC") and direct price ("DP") which are utilized by the Medicare and Medicaid programs in establishing drug reimbursements to providers. The evidence clearly establishes and exposes the drug manufacturers themselves that were the direct and sometimes indirect sources of the fraudulent misrepresentation of prices. Moreover, this unscrupulous "cartel" of companies has gone to extreme lengths to "mask" their drugs' true prices and their fraudulent conduct from federal and state authorities. I have learned that the difference between the falsely inflated representations of AWP and WAC verses the true prices providers are paying is regularly referred to in your industry as "the spread". The fraudulently manipulated discrepancies are staggering—for example in 1997 Pharmacia & Upjohn reported an AWP for its chemotherapy drug Vincasar of $741.50, when in truth, its list price was $593.20 (Exhibit #1 PHARMACIA 000867).

Exhibit #2 is a chart provided by an industry insider that lists a number of Medicare covered drugs where the Medicare beneficiaries' 20% co-payment exceeds the entire costs of the drug. These rogue drug companies then market their drugs to physicians and pharmacies based on this windfall profit which in reality is nothing more than a government funded kick-back to the provider.

The evidence is overwhelming that this "spread" did not occur accidentally but is the product of conscious and fully informed business decisions by certain PhRMA members. The following examples excerpted from the subpoenaed documents clearly indicate the companies' fraudulent efforts to manipulate Medicare and Medicaid reimbursements as contained in Composite Exhibit #3.

Pharmacia: "Some of the drugs on the multi-source list offer you savings of over 75% below list price of the drug. For a drug like Adriamycin, the reduced pricing offers AOR a reimbursement of over $8,000,000 profit when reimbursed at AWP. The spread from acquisition cost to reimbursement on the multisource products offered on the contract give AOR a wide margin for profit." (000025)

Bayer: "Chris, if Baxter has increased their AWP then we must do the same. Many of the Homecare companies are paid based on a discount from AWP. If we are lowed [sic] than Baxter then the return will be lower to the HHC. It is a very simple process to increase our AWP, and can be done overnight". (BAY003101)

Alpha: "Pharmacy billing and management services can bill for product based on the published AWP and thereby net incremental margin with Venoglobulin S usage. Margin for the pharmacy is the difference between AWP and acquisition cost. ($76.15/g-$30.00/g=$46.15/g margin)." (AA000529)

Fujisawa: "Many thanks to Rick and Bruce for adjusting the AWP on the five gram Vanco. This should lead to more business . . . I would have liked to see us match Abbott's AWP for our complete Vanco, and Cefazolin line. I will settle for the five gram at $1 below Abbott but that means that we will still have to compete at the other end of the equation. For example, if Abbott's AWP is $163 and their contract is $30 and if our AWP is 162 we will have to be at least $29 to have the same spread. Follow?" (F13206 & F13207)

Baxter: "Increasing AWP's was a large part of our negotiations with the large homecare companies" (0003153)

And the implications of the fraudulent manipulation of prices were clearly recognized by your member manufacturers who participated in this false pricing scheme. A series of memos from a pricing committee concerned with Glaxo's antiemetic, Zofran, show the committee's development of an enhanced spread for Zofran through increases in AWP and decreases in net purchase price (Exhibit #4).

Glaxo: "If Glaxo chooses to increase the NWP and AWP for Zofran in order to increase the amount of Medicaid reimbursement for clinical oncology practices, we must prepare for the potential of a negative reaction from a number of quarters . . . If we choose to explain the price increase by explaining the pricing strategy, which we have not done before, then we risk further charges that we are cost shifting to government in an attempt to retain market share. Congress has paid a good deal of attention to pharmaceutical industry pricing practices and is likely to continue doing so in the next session. How do we explain to Congress an 8% increase in the NWP between January and November of 1994, if this policy is implemented this year? How do we explain a single 9% increase in the AWP? What arguments can we make to explain to congressional watchdogs that we are cost-shifting at the expense of government? How will this new pricing structure compare with costs in other countries? Is the [pharmaceutical] industry helping to moderate healthcare costs when it implements policies that increase the cost of pharmaceuticals to government?" (GWIG/7:00014 & 00015)

Internal documents from a contractor of SmithKline, (Glaxo's competitor) likewise reveal its recognition of the inflationary effect on government reimbursement of these pricing practices and the potential for an adverse counter-offensive (Exhibit #5):

". . . highlighting the difference between the actual acquisition cost and the published AWP may not only increase attention to Glaxo's pricing practices, but may provide the impetus for HCFA to implement a system that could impact not only reimbursement of anti-emetics, but all pharmaceutical and biological products. The ramifications could extend well past Medicare to include Medicaid programs . . ." (SB01915)

Perhaps the most striking example of the manufacturers' recognition of the spread and the companies' fraudulent abuse it represents is found in a revealing exchange of correspondence between corporate counsel from Glaxo and SmithKline Beecham in which each accuse the other's company of Medicaid fraud and abuse (Exhibit #6).

Glaxo: ". . . In addition, a significant number of these pieces (see Exhibits F–J) contain direct statements or make references as to how institutions can increase their "profits" from Medicare through the use of Kytril. Some even go so far as to recommend that the medical professional use one vial of Kytril for two patients (see Exhibit F) but charge Medicaid for three vials. This raises significant fraud and abuse issues which I am sure you will want to investigate." (SB04075)

And SmithKline's response was (Exhibit #7):

SmithKline: "In an apparent effort to increase reimbursement to physicians and clinics, effective 1/10/95, Glaxo increased AWP for Zofran by 8.5%, while simultaneously fully discounting this increase to physicians. The latter was accomplished by a 14% rebate . . . The net effect of these adjustments is to increase the amount of reimbursement available to physicians from Medicare and other third party payors whose reimbursement is based on AWP. Since the net price paid to Glaxo for the non-hospital sales of the Zofran multi-dose vial is actually lower, it does not appear that the increase in AWP was designed to increase revenue per unit to Glaxo. Absent any other tenable explanation, this adjustment appears to reflect an intent to induce physicians to purchase Zofran based on the opportunity to receive increased reimbursement from Medicare and other third party payors." (SB044277) (In fact, we have had numerous verbal reports from the field concerning Glaxo representatives who are now selling Zofran based on the opportunity for physicians to receive a higher reimbursement from Medicare and other third-party payors while the cost to the physician of Zofran has not changed.)

Some drug companies have also utilized a large array of other impermissible inducements to stimulate sales of their drugs. These inducements, including bogus "educational grants", volume discounts, rebates or free goods, were designed to result in a lower net cost to the purchaser while concealing the actual cost price beneath a high invoice price. A product invoiced at $100 for ten units of a drug item might really only cost the purchaser half that amount. Given, for instance, a subsequent shipment of an additional ten units at no charge, or a "grant", "rebate" or "credit memo" in the amount of $50, the transaction would truly cost a net of only $5.00 per unit. Through all these "off-invoice" means, drug purchasers were provided the substantial discounts that induced their patronage while maintaining the fiction of a higher invoice price—the price that corresponded to reported AWP's and inflated reimbursement from the government composite Exhibit #8.

Bayer: "I have been told that our present Kogennate price, $.66, is the highest price that Quantum is paying for recombinant factor VIII. In order to sell the additional 12mm/u we will need a lower price. I suggest a price of $.60 to $.62 to secure this volume. From Quantum's stand point, a price off invoice, is the most desirable. We could calculate our offer in the form of a marketing grant, a special educational grant, payment for specific data gathering regarding Hemophilia treatment, or anything else that will produce the same dollar benefit to Quantum Health Resources." (BAY005241)

Baxter: "The attached notice from Quantum Headquarters was sent on April 10th to all their centers regarding the reduction of Recombinate pricing. Please note that they want to continue to be invoiced at the $.81 price. They have requested that we send them free product every quarter calculated by looking at the number of units purchased in that quarter and the $.13 reduction in price . . . free product given to achieve overall price reduction." (0003632)

Gensia: "Hospital—Concentrate field reps on the top 40 AIDS hospitals using a $54.00 price in conjunction with a 10% free goods program to mask the final price. Provides the account with an effective price of $48.60 per vial." (G00888)

Gensia: "FSS—Establish a price of $52.00/vial for Q1 and Q2."

The above document is particularly disturbing as it indicates that at least one purpose of "masking" the final price with free goods is so that it falsely appears that the Federal Supply Schedule ("FSS") is less than that of the Hospital Price.

This insidious behavior by some PhRMA members has a profound and dangerous additional effect by influencing some medical practitioners' judgements. This is acknowledged by Bristol-Myers Squibb ("BMS") who developed a second generation etoposide, namely, Etopophos (Composite Exhibit #9).

BMS. "The Etopohos product profile is significantly superior to that of etoposide for injection . . ." (BMS: 3: 000013)

"Currently, physician practices can take advantage of the growing disparity between VePesid's list price (and, subsequently, the Average Wholesale Price [AWP]) and the actual acquisition cost when obtaining reimbursement for etoposide purchase. If the acquisition price of Etopophos is close to the list price, the physicians' financial incentive for selecting the brand is largely diminished." (BMS: 3: 000014)

This influence is further demonstrated by SmithKline Beecham and TAP:

SmithKline: "In the clinic setting however, since Medicare reimbursement is based on AWP, product selection is largely based upon the spread between acquisition cost and AWP. . . . Therefore, the spread between the AWP and clinic cost represents a profit to the clinic of $50.27 for the medication alone. . . . From this analysis, there seems to be no other reason, other than profitability, to explain uptake differentials between the hospital and clinic settings, therefore explaining why physicians are willing to use more expensive drug regimens." (SB00878)

TAP: "As we have also discussed, Northwest Iowa Urology is very upset about the allowable not going up. I personally met with the doctors to discuss the issue 4/17. The physicians have started using Zoladex but would stop if the allowable issue was taken care of. NWI Urology has 180 patients on Lupron". (TAP-BLI0036469)

The documents further expose the fact that certain of your members deliberately concealed and misrepresented the source of AWP's:

In a 1996 Barron's article entitled "Hooked On Drugs", the following quote from Immunex appeared (Composite Exhibit #11):

Immunex: "But Immunex, with a thriving generic cancer-drug business, says its average wholesale prices aren't its own" "The drug manufacturers have no control over the AWPs published . . . " says spokeswoman, Valerie Dowell. (IMNX003079)

However, Immunex's own internal documents indisputably establish the knowledge of the origin of their AWPs and their active concealment:

Letter from Red Book to Immunex:

"Kathleen Stamm, Immunex Corporation . . .

"Dear Kathleen: This letter is a confirmation letter that we have received and entered your latest AWP price changes in our system. The price changes that were effective January 3, 1996 were posted in our system on January 5, 1996. I have enclosed an updated copy of your Red Book listing for your files. If there is anything else I could help you with do not hesitate to call.

"Sincerely, Lisa Brandt, Red Book Data Analyst." (IMNX 002262)

These examples of deception appear to be "only the tip of the iceberg" as demonstrated by the evidence contained in Composite Exhibit #12. Exhibit #12 contains the following:

1. Copy of advertisement sent to the insider from Oncology Therapeutics Network ("OTN") representing the true wholesale prices to the industry insider for Anzemet.

2. A copy of a fax sent to a Florida Medicaid pharmacy official by Hoechst containing Hoechst representations of its prices.

The following chart represents a comparison of Hoechst's fraudulent price representations for its injectable form of the drug versus the truthful prices paid by the industry insider. It is also compares Hoescht's price representations for the tablet form of Anzemet and the insider's true prices. It is extremely interesting that Hoescht did not create a spread for its tablet form of Anzemet but only the injectable form. This is because Medicare reimburses Doctors for the injectable form of this drug and by giving them a profit, can influence prescribing. The tablet form is dispensed by pharmacists, who accept the Doctor's order. And this underscores the frustration that federal and state regulators have experienced in their attempts to estimate the truthful prices being paid by providers in the marketplace for prescription drugs and underscores the fact that, if we cannot rely upon the drug companies to make honest and truthful representations of their prices, Congress will be left with no alternative other than to legislate price controls.

	NDC NO.	Unit size/type	Quantity	Net price as represented to Florida Medicaid	True wholesale price	Variance
Price Representations for:						
Anzemet injection	0088-1206-32	100 mg/5ml injectable	1	$124.90	$70.00	Represented price 78% higher than true wholesale price.
Anzemet tablets	0088-1203-05	100 mg tablets	5	275.00	289.75	Represented price 5% less than true wholesale price.

Hoescht thus falsely inflated the reported price of its Anzemet to create an improper financial incentive and thus capture market share. The following excerpt from an internal Glaxo document reveals that Hoescht directly benefitted from this diversion of tax dollars:

(Exhibit #13) Glaxo: "There is a decline in Zofran usage at Louisiana Oncology in Baton Rouge, Louisiana. Kevin Turner (H1JCO2) has seen a drastic decline in Zofran usage at this clinic over the last few months. The reason for this decline is strictly a reimbursement issue. This clinic has started using Anzemet because it is more profitable. Kevin has learned that this clinic is buying Anzemet for $58.00 for a 100mg vial, which gives them a $84.29 profit from Medicare. They are buying a 40mg vial of Zofran for $145.28. If they use 32 mg of Zofran, which is $3.63 per mg. this will net this clinic $69.60 from Medicare reimbursement. Clearly Anzemet has a reimbursement advantage over Zofran. . . ." (GWZ 085003)

The above evidence leads to some shocking conclusions.

First—Certain drug manufacturers have abused their position of privilege in the United States by reporting falsely inflated drug prices in order to create a de facto improper kick-back for their customers.

Second—Certain drug manufacturers have routinely acted with impunity in arranging improper financial inducements for their physician and other healthcare provider customers.

Third—Certain drug manufacturers engage in fraudulent price manipulation for the express purpose of causing federally funded healthcare programs to expend scarce tax dollars in order to arrange de facto kickbacks for the drug manufacturers' customers at a cost of billions of dollars.

Fourth—Certain drug manufacturers arrange kick-backs to improperly influence physicians' medical decisions and judgments notwithstanding the severely destructive affect upon the physician/patient relationship and the exercise of independent medical judgement.

Fifth—Certain drug manufacturers engage in illegal price manipulation in order to increase the utilization of their drugs beyond that which is necessary and appropriate based on the exercise of independent medical judgment not affected by improper financial incentives.

As the principal association representing the pharmaceutical manufacturing industry, I believe you owe it to the citizens of the United States to advise Congress as to whether the above evidence reflects the standards of the pharmaceutical industry in this country. If it does, then explicit price regulation will clearly be necessary to counter your industry's inability to report prices will integrity and its propensity to engage in price manipulation. If, on the other hand, the above evidence does not reflect the standards in the pharmaceutical industry, then your association owes it to the American people to support and assist with the efforts of the federal and state enforcement authorities, including the U.S. Department of Justice, to correct the actions of the drug manufacturers engaging in this conduct and to require them to compensate Medicare, Medicaid and other federally funded programs for the damages they have caused.

Sincerely,

PETE STARK,
Ranking Member,
Subcommittee on Health.

RECOGNIZING IRONWORKERS LOCAL #395

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate some of the most dedicated and skilled workers in Northwest Indiana. On September 30, 2000, the Ironworkers Local #395, of Hammond, Indiana, will honor their newly retired members as well as their members with fifty, forty, thirty-five and twenty-five years of continued service. These individuals, in addition to the other Local #395 members who have served Northwest Indiana so diligently throughout the years, are a testament to the American worker: loyal, dedicated, and hardworking.

The men and women of Local #395 are a fine representation of America's working families. I am proud to represent such dedicated men and women in Congress. Those members who recently retired from Ironworkers #395 include: Anthony Bobrowski, Steve Bodak, Bruce Brown, Jack Bullard, Howard Cassidy, Jimmy Chandler, Nicholas Danko, Stanley Downs, LeRoy Garmany, Frank Hall, Richard Haynes, James Hendon, Harvey Hollifield, Peter Leon, Jr., Robert Morton, Harold Mowry, William Rathjen, Joe Rumble, Jacob Stoyakovich, Fred Strayer, George Ward, Dallas Woodall, and Austin Yale. The members who will be honored for fifty years of service include: Glen Bacon, Norman Barnhouse, Robert Bird, Alfred Bruce, Charles Coleman, Paul Condry, Joe Demo, Harold Eason, Floyd Evans, Herbert Goodrich, Wilbur Kissinger, Willard Lail, George Rosich, Russell Thomas, and Van Walker. Those members who will be recognized for their forty years of service include: Gerald Black, John Bowman, Howard Cassidy, Jimmy Chandler, Nicholas Danko, Jr., Donald Eagen, Arthur Erickson, Jr., Wayne Fiscus, Lowell T. Hannah, James P. Harrison, Richard Haynes, Donald Hendrix, Robert Jackson, Edgar Johnson, Karl Langbeen, Jerry Lee, William Libich, Roger Long, Gerald McBride, Robert C. McDonald, William McNorton, Richard Ogle, John Peyton, Joseph Quaglia, Ace Robertson, Richard Samplawski, Larry J. Sausman, Charles Schwartz, Louis D. Sewell, John Spicer, Larry M. Strayer, Joseph Sullivan, Robert D. Swanson, Ned Toneff, Gerald Trimble, Donald Vick, Lawrence D. Watson, Frank Wheeler, and Gerald Wilson. The members who will be honored for thirty-five years of service include: Thomas Anderson, Tony Bobrowski, Michael Cary, Ed Corrie, Joseph Dado, James E. Davis, James Eagen, Terry Evans, Arthur Gass, Jr., Arthur Gaynor, Franklin Gerwing, Donald E. Goodrich, Kenneth Hamilton, John Haugh, Dennis Hummel, Dennis Hutchens, Richard Jemenko, Barney Kerr, Michael Klaker, Kenneth Kollasch, Max Korte, Charles Langston, Robert Langston, Eugene Lemons, William Lundy, William Okeley, Jr., James Penix, Ronald Penix, Wilbert Risch, Terry D. Sausman, Tim Skertich, Daniel Stevens, Gerald Vasko, John Ward, William Weigus, Gerald Wheeler, David Wilmeth, Dallas Woodall. The members who will be honored for their twenty-five years of dedicated service include: Henry Abegg, Donald Barringer, Paul Beck, Robert Brunner, Jr., Lenard Campbell, Everett Cleveland, Jr., James A. Curry, Clint Denault, John Grube, James Guzikowski, John Hillier, Timothy Jones, Sr., Thomas Kintz, Gary Komacko, Jack Kramarzewski, Dennis Quinn, William Robertson, John Schuljak, Stanley Siwinski, Douglas Splitgerber, John Williams. I would also like to congratulate those individuals that graduated from the apprenticeship program. These individuals include: James Anderson, John Anderson, Eric Blevins, Robert Brazeal, Jeremy Camplan, Steven Elliott, Thomas Franciski, Jr., Geno George, Anthony Gutierrez, Michael Hamilton, Anthony Hammerstein, Benjamin Lauper, David Maday, George Martinez, Brian McClain, David Ross, John Sechrest, Brian Swisher, Robert Thomas, Timothy Tinsley, Corey Weiland, and James Wilkie.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these admirable and outstanding members of the Ironworkers Local #395 for their efforts in fulfilling the American ideal of success through hard work and determination. I offer my heartfelt congratulations to these individuals, as they have worked arduously to make this dream possible for others. They have proven themselves to be distinguished advocates for the labor movement, and they have made Northwest Indiana a better place to live, work, and raise a family.

HONORING A DEDICATED HUSBAND, FATHER, GRANDFATHER, VETERAN AND PHYSICIAN—JOHN CHARLES LUNGREN, M.D. (APRIL 27, 1916–FEBRUARY 28, 2000)

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. ROGAN. Mr. Speaker, today, it is my distinct honor to pay tribute to an American who gave of himself during his 83 years of life—John Charles Lungren, M.D.

Dr. Lungren was born in Sioux City, Iowa on April 27, 1916. He attended the University of Notre Dame, graduating with a Bachelor's Degree in Science in 1938. Dr. Lungren subsequently received his Medical Degree in 1942 from the University of Pennsylvania.

During World War II, Dr. Lungren served with the United States as a Battalion Surgeon and Captain, 30th Infantry Division receiving four Battle Stars and a Purple Heart. This included participating in the pivotal battles of St. Lo and Mortain and in the Normandy Invasion in June of 1944.

After World War II, Dr. Lungren returned to his wife, Lorain Kathleen Lungren and, at that time, their first child. He settled in Long Beach, California specializing in internal medicine and cardiology which included various positions in the medical profession, including chief of staff for Long Beach Memorial Medical Center, member of the California State Board of Medical Quality Assurance and an emeritus associate clinical professor of medicine, UCLA School of Medicine, 1960–1977.

Dr. Lungren's dedication with and contributions to the University of Notre Dame were many. From 1966–1973, Dr. Lungren served as a member of the National Alumni Association's Board of Directors and President of the Alumni Association. In 1971, he was honored as "Man of the Year."

In 1969, President Nixon appointed Dr. Lungren as the medical consultant to the President of the United States; a member of the National Advisory Committee, Selective Service System and the National Health Resources Advisory Committee.

After President Nixon's resignation over Watergate in August of 1974, Dr. Lungren is credited with saving Nixon's life. Nixon had developed phlebitis, a swelling of the leg that threatened the former President's life with blood clots. After surgery to prevent a blood clot from traveling to his lung and brain. Nixon suffered post-traumatic shock and nearly died. During the last few years of his life, Dr. Lungren completed a manuscript on his more than 40-year relationship with President Nixon, titled Anguish and Redemption: The Final Peace of Richard Nixon.

Dr. Lungren is survived by his wife, Lorain Kathleen Lungren, their seven children, John, Jr., Daniel, Christine, Loretta, Brian, Patricia and Elizabeth and 16 grandchildren.

Mr. Speaker, as his eldest son, John, Jr. offered during his eulogy for his father, Dad is blessed for moral honor, spiritual dignity and purity of heart which leads us on the royal road that El Camino Real of a life committed in Christ, I ask my colleagues here today to join me in honoring an American who gave of himself to his country, family, medicine and community at large. Dr. Lungren spoke little of his heroic acts, albeit during World War II, raising his children or consoling a patient, hence, Dr. Lungren was a humble man. It seems that unknown to Dr. Lungren, as one his physicians who cared for him expressed to John, Jr., Your dad is in a special class, his reputation precedes him.

Lastly, my fellow colleagues, as we gather together today, allow me to paraphrase Dr. Lungren's personal physician, colleague and dear friend, Dr. Winnie Waider, who whispered, as Dr. Lungren drew his last breath, How often do you see a complete life completed, a consummate life consummated? How poignant and thought provoking as we pay our deepest respects to an honorable man, Dr. John Charles Lungren.

HONORING THE SURVIVORS OF THE BATTLE OF MALMADY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. GEKAS. Mr. Speaker, today I rise to honor a group of men that survived a massacre over 50 years ago. It was a cold December day when the gentlemen we honor today were caught up in the confusion that would eventually be called the Battle of the Bulge. They were members of Battery B, 285th Field Artillery Observation Battalion, a unit with many Central Pennsylvanians in its ranks.

Attacked by an SS Panzer Division, nearly half the battery was compelled to surrender. Although dazed and depressed about the prospect of spending Christmas as prisoners of war, few expected the nightmare about to be unleashed by their Nazi captors.

Completely unprovoked, the guards fired systematically into the group of defenseless prisoners, killing or wounding most of them. Many of those still living, suffering from exposure and wounds, were murdered by prowling SS guards.

A handful of soldiers escaped by either playing dead or hiding in buildings close by. They lived to tell the tale of one of the most brutal crimes inflicted on U.S. troops during the war in Europe. Some were given aid by friendly Belgians, others were rescued by Colonel Pegrin, commander of the 291st Engineer Battalion. Some were lucky enough to limp back to American lines.

The story of these men is a story of valor and sacrifice. Each of them gave selflessly of themselves to liberate a continent from Nazi tyranny. When their nation called, they went, regardless of danger and personal loss. They saw their friends die at the hands of SS thugs and wondered helplessly whether they were next. By escaping that bloody field, these men gave their comrades and their families at home a rallying cry which helped carry America to final victory over Hitler's Nazi empire.

I know that the entire United States House of Representatives joins me in saluting the survivors and the fallen for their courage and perseverance that overcame the greatest menace to freedom the world has ever known. Their sacrifice remains an inspiration to our entire nation.

ON PRESIDENT CLINTON'S CHINA LEGACY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. WOLF. Mr. Speaker, in reference to President Clinton's foreign policy towards China, last Wednesday's front page of the Washington Post Business section had the headline: "Score One for the Legacy" because of passage in the Senate of Permanent Normal Trade Relations (PNTR) with China.

While it lies in the future to determine the success or failure of PNTR upon improving China's horrible human rights record or in bringing about effective change in China's communist regime, we do know certain facts that have to be calculated into the picture that will be President Clinton's legacy on China.

We know that on this Administration's watch, more people are in prison because of their faith than at any time in recent memory.

There are thousands of Muslim Uighurs in prison because of their faith.

The Chinese government is pillaging Tibet, while the Clinton Administration remains silent and obsequious. Thousands of Tibetan Buddhist monks, nuns, and believers are in Chinese prisons because of their faith. The Chinese government has repressed, oppressed, and persecuted the Tibetans with impunity. There is no doubt, things have gotten worse in Tibet during the Clinton years. With certainty, President Clinton's actions and lack of action have to be figured into a formulation of his legacy on China.

The 1999 State Department Human Rights Report on China states numerous aspects of how the situation in China has deteriorated during President Clinton's tenure and ought to be included in determining his legacy on China:

Government interference in daily personal and family life continues to decline for the average person;

The Government increased monitoring of the Internet during the year, and placed restrictions on information available on the Internet;

The Government continued to implement comprehensive and often intrusive family planning policies;

The [Communist] Party and Government continue to control many—and, on occasion, all—print and broadcast media tightly and use them to propagate the current ideological line; and

The Government intensified efforts to suppress dissent, particularly organized dissent. By years end, almost all of the key leaders of the China Democracy Party were serving long prison terms or were in custody without formal charges, and only a handful of dissidents nationwide dared to remain active publicly.

We know that the State Department's 2000 Report on International Religious Freedom says that the Chinese ". . . . Government's respect for religious freedom deteriorated markedly . . ."

We know from this report that ". . . unregistered groups, including Protestant and Catholic groups, continued to experience varying degrees of official interference, harassment, and repression." We know from this report that "The Government's efforts to maintain a strong degree of control over religion, and its crackdown on groups that it perceived to pose a threat, continued."

We know that the Chinese regime continues to persecute, arrest, and imprison 80 year-old Roman Catholic bishops and priests. According to an article in the September 18, 2000 New York Times, while the Senate was preparing to vote on passage of PNTR, the Chinese government was busy sending back to prison 81 year-old Roman Catholic Bishop Zeng Jingmu. Bishop Zeng had already spent close to 30 years in Chinese prisons and prison labor camps, just because of his faith.

There are some 13 Roman Catholic Bishops suffering in Chinese prisons and prison through labor camps because of their faith. Their languishing in prison is part of President Clinton's China legacy. That President Clinton was silent, that he bent over backwards to placate a regime that persecutes old and frail people of faith—this has to be factored into compiling President Clinton's China legacy.

That there are hundreds of Protestant House Church leaders in prison or prison through labor camps because of their faith has to be included in assessing President Clinton's legacy.

President Clinton used tough words about China to help get himself elected in 1992, criticizing President Bush's policy of engagement with China. It is too bad that President Clinton did not live up to his campaign rhetoric and campaign promises about China. Now with the passing of PNTR, with all of this talk about Clinton's China legacy being shaped by the passage of PNTR, it is imperative to focus on the truth and history.

History will show, that Clinton's China legacy is that the U.S. government kowtowed to a Chinese regime that worsened in its persecution and oppression of its own people. Clinton's China legacy will be that more people of faith and lovers of freedom in China languish in forced labor camps and bear the scars of torture and imprisonment because of their beliefs.

TRIBUTE TO MR. DONALD HAMILTON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to pay tribute to an outstanding resident of Indiana's First Congressional District, Mr. Donald Hamilton. On September 29, 2000, Mr. Hamilton, along with his friends and family, will be honored for his 32 years of dedicated service to the Laborer's International Union Local #41, at a dinner to be held at the International Union of Operating Engineers Local #150, in Merrillville, Indiana. Mr. Hamilton's distinguished career in the labor movement has contributed to the safety and security of workers in his community and improved the quality of life for laborers throughout Northwest Indiana.

Mr. Hamilton has devoted his entire working career toward the expansion of labor ideals and fair standards for all working people. For more than 30 years, Mr. Hamilton has been a member of Local #41, and has held several positions throughout his tenure. His peers were sorry to see him retire from perhaps his most important role at Local #41, that of Business Agent, on August 1, 2000. Don served admirably as Business Agent for Local #41 since his election 18 years ago. While this was his longest held position, and the one for which his co-workers at Local #41 will always remember him, he never limited his dedication to that one position. Mr. Hamilton served as vice-president of the Indiana State District Council of Laborers and HOD Carriers for eight years, sat on the executive board for six years, and served as auditor for three years. For five years, Don served as president of the Northwest Indiana Building and Construction Trades Council, two years as its vice president and three years as its secretary-treasurer.

Don's contributions are not limited to labor causes. He regularly finds time to serve his community as well. He is the past president of the Lake County Planning Commission and was a board member for eight years. He has also spent two years as a board member of the Lake County Association for Retarded of Northwest Indiana. Don Hamilton has dedicated much of his life to efforts that benefit his fellow union members and advance the prosperity and strength of his community of Northwest Indiana and the entire state.

On this special day, I offer my heartfelt congratulations to Don Hamilton. His large circle of family and friends can be proud of the contributions this prominent individual has made. His work in the labor movement provided union workers in Northwest Indiana with opportunities they certainly would not have otherwise enjoyed. Mr. Hamilton's leadership kept the region's labor force strong and helped keep Americans working. Those who have worked with him in the labor movement and in his community will surely miss Mr. Hamilton's dedication and sincerity. I hope my distinguished colleagues will join me in wishing Don Hamilton a long, happy, and productive retirement.

HONORING GRANDMASTER DAE WOONG CHUNG

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I honor Grandmaster Dae Woong Chung, who has been teaching the traditions of Taekwondo to the citizens of Pomona and the surrounding area for over 35 years. Grandmaster Chung has a 9th degree black belt.

Eighteen years ago, Grandmaster Chung started a program of teaching high school students at Pomona Unified School District at no cost to them. He also has instructors teaching at many local churches and service organizations, such as Boys' and Girls' Clubs and YMCA's.

Grandmaster Chung is currently the Director of the Saehan Bank, which has four locations in the counties of Los Angeles and Orange. In fact, the newest location opens today, in the my district, in the city of Rowland Heights.

Grandmaster Chung was the first Taekwondo master to teach Taekwondo in California, starting back in 1965, and has since dedicated his life to teaching the martial art of his mother country to the citizens in the Pomona Valley.

Mr. Speaker, I ask that this House please join me in recognizing, honoring and commending Grandmaster Chung for his 35 years of commitment and outstanding service to our community.

HONORING OLYMPIAN GARRETT LOWNEY

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. GREEN of Wisconsin. Mr. Speaker, today I offer a brief tribute to a young man from my district, Garrett Lowney, who this week was awarded the Bronze Medal at the Summer Olympic Games in Sydney, Australia.

Garrett, a U.S. Olympian competing in Greco-Roman wrestling, overcame injury and adversity to bring the Bronze Medal home to the United States in a sport typically dominated by other nations. I know all of us back in northeastern Wisconsin are very proud of his achievements, and folks across America should share that pride. For Garrett's medal is as much an achievement for our nation as it is for Garrett himself.

To win his victory, Garrett defeated a two-time champion Silver Medal winner, a five-time world champion, and another two-time world champion, among others. Despite a neck injury and being forced to battle through overtime in four of his matches, Garrett managed to win every match except one—and became the youngest American ever to win a wrestling medal in the Olympic games.

So today, I say thank you, Garrett Lowney. Thank you for making us proud. Thank you for devoting so much of yourself, your time, and your talents to excellence and to our Nation.

PERSONAL EXPLANATION

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. EWING. Mr. Speaker, on September 26 and 27, 2000, I was attending to business in my district, and as a result, missed 6 rollcall votes. The votes I missed are rollcalls: Nos. 494, 495, 496, 497, 498, and 499. Had I been present, I would have voted "aye" on all six rollcall votes.

CONGRATULATING PURDUE UNIVERSITY CALUMET

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I rise before you to congratulate Purdue University Calumet as it holds its Chancellor's Gala and Hall of Fame Reception tonight, September 28, 2000, at the Center for Visual and Performing Arts in Munster, Indiana.

Part of the internationally renowned Purdue University system, Purdue University Calumet, located in Hammond, Indiana, is a comprehensive regional university with some 9,300 students and 80 academic programs focused on the educational needs of the people in Northwest Indiana. Tonight's dinner will be in recognition of the people who helped make Purdue Calumet what it is today. As part of the gala event, Purdue Calumet Chancellor James Yackel and new Purdue University President Martin Jischke have the honor and privilege to induct this year's honorees into Purdue Calumet's Hall of Fame. The Purdue University Calumet Hall of Fame was founded in 1996 in honor of Purdue Calumet's 50th Anniversary. It is awarded to alumni and friends of Purdue Calumet who have made significant accomplishments and have displayed a lifelong dedication to the university, the community, and the world. This year's honorees include Steven C. Beering, the recently retired Purdue University President, Adam Benjamin, Jr., the late Northwest Indiana Congressman, and the Northern Indiana Public Service Company.

Steven C. Beering, Purdue University President Emeritus, will receive the Chancellor's Award for Dedication to Higher Education and Extraordinary Public Service, and will be inducted into the Purdue University Calumet Hall of Fame for his long-time support of the Purdue Calumet campus. He served as president of Purdue University for 17 years before his retirement last month. During his tenure, the Purdue system experienced significant growth in both enrollment and facilities. Clear examples of his commitment to expanding facilities and services at Purdue Calumet can be seen in the development of the Donald S. Powers Computer Education Building, the Classroom Office Building, the Charlotte R. Riley Child Center, the Challenger Learning Center of Northwest Indiana, and Purdue Calumet's newest facility, the Center at Purdue University Calumet, a conference and special events facility. His colleagues at Purdue Calumet will sincerely miss President Beering and his commitment to educational and administrative excellence.

The Chancellor's Award for Extraordinary Public Service will be presented posthumously to Congressman Adam Benjamin, Jr. Congressman Benjamin represented Indiana's First Congressional District from 1976 until his death in 1982. Prior to his election to Congress, Benjamin served as the zoning administrator and the executive secretary to the mayor in Gary, Indiana. He was elected to the Indiana State House in 1966 and to the Indiana State Senate in 1970. The late Congressman Benjamin tirelessly devoted himself to advancing the interests of his constituents in Northwest Indiana. He was characterized by many as a dedicated and effective public servant, sharing the hopes and dreams of the people he served and the community he represented.

Northern Indiana Public Service Company (NIPSCO) will receive the Carl H. Elliott Award for exceptional Philanthropy for its extensive support of non-profit organizations in Northwest Indiana. Notably, NIPSCO has established an endowed scholarship at Purdue Calumet, and has provided start-up funding for the University's Resource Center and Entrepreneurship Center. The company's investment in the educational opportunities of those in its community has earned it the acclaim of students, educators, and administrators at Purdue Calumet.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Purdue University Calumet and this year's Hall of Fame inductees for their lifetime dedication not only to the university, but to all of Northwest Indiana.

A TRIBUTE TO COMMANDER TEMPLE L. ALLEN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. HUNTER. Mr. Speaker, today I rise to recognize the outstanding service and dedication of my friend from San Diego, Lieutenant Commander Temple L. Allen. His career in the United States Navy spans three decades and has earned many awards and recognitions, including Navy Commendation Medal presented to him by the Secretary of the Navy. I would like to take a moment a commend Temple's exceptional service to our country.

Temple began half a century ago in Ontario, California where he enlisted, and upon finishing submarine school was assigned to the U.S.S. *Catfish.* Since then, Temple went on to provide expert organizational guidance and leadership that was required to effectively repair many submarines at the NEREUS facility. He was recognized by his peers for his outstanding responsiveness in the NEREUS repair department and the high quality of work that was directly attributed to him. Throughout his tenure in the Navy, Temple inspired leadership, professionalism, and devotion to duty to those he served with and has continually conducted himself with the highest traditions of the United States Navy.

Mr. Speaker, in an era when the U.S. military is often not given sufficient recognition, outstanding leaders, such as Temple, exemplify the commitment our armed forces has to superior performance. As a veteran and Chairman of the House Subcommittee on Military Procurement, I would like to commend Commander Temple L. Allen for all of his efforts and years of service and to the United States Navy and our country.

TRIBUTE TO "ANGELS IN ADOPTION" KEVIN AND EILEEN GILLIGAN

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. WALSH. Mr. Speaker, each year in an effort to improve adoption policy and practice, the Congressional Coalition on Adoption holds a national award ceremony honoring "Angels in Adoption." The purpose of the "Angels in Adoption" campaign is to help raise public awareness of the many different ways committed individuals in our country can help children and families through adoption. This crusade is an opportunity to recognize these unsung heroes who make a difference for needy children all across the world.

Today, I would like to recognize two of this year's "Angels in Adoption" from my congressional district, Kevin and Eileen Gilligan of LaFayette, New York. As a couple, the Gilligans epitomize the loving, caring commitment found in all adoptive parents. In June of 1999, Kevin Gilligan wrote a journal for his new and youngest son, Louis, chronicling their trip to the Russia Republic to adopt him, which became front-page stories in the Syracuse Newspapers. Previously, the Gilligans adopted their daughter, Addie, who is now 13 years old, and their son, Min, who is 11 years old, from Korea.

I want to commend the Gilligans for the warmth and compassion they have extended to children in need. When Kevin and Eileen met Louis for the first time, he did not even know how to express the most simple of affections, a kiss. As a family, they welcomed him and their two other children into their home and showed them how to love and be loved.

I use this opportunity to recognize Central New York's "Angels in Adoption," Kevin and Eileen Gilligan, and salute all adopted families in our nation.

IN RECOGNITION OF STATE SENATOR M. ADELA "DELL" EADS' OUTSTANDING SERVICE TO THE PEOPLE OF CONNECTICUT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to mark the end of an era in the government of my home state of Connecticut. With the retirement of State Senator M. Adela "Dell" Eads, the Connecticut Legislature is losing more than just a valued and respected member, it is losing a woman who represents the best that Connecticut has to offer, the epitome of the finest tradition of public service.

With over 24 years of service in the Connecticut State Legislature, Dell has left her mark on countless pieces of landmark legislation. From her work to establish the Connecticut Office of the Child Advocate to her leadership on welfare reform, Dell always championed the cause of Connecticut's children and families and acted to protect their interests.

But while Dell's legislative accomplishments are too numerous to mention, the one quality she will be remembered for is clear: leadership. Whether it was as leader of the Republican caucus or as President Pro Tem of the Senate, Dell commanded the respect of adversaries and allies alike. Her career in the legislature is a testament to the fact that civility, intelligence, integrity and strength are qualities that can be found in one individual. Such a public servant is a gift to be treasured in a democracy.

Connecticut and our country are the beneficiaries of the outstanding service provided by M. Adela Eads. I have been privileged to serve with her and to enjoy her friendship as well. I wish her all the best for a happy, healthy and productive retirement.

TRIBUTE TO THE HISPANIC PARADE COMMITTEE, INC.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. SERRANO. Mr. Speaker, it is with great joy that I today pay tribute to the Hispanic Parade Committee, Inc. on its 36th Grand Parade. The parade will be held on October 8, 2000, in New York City.

In 1965 the Hispanic Societies met in New York for the purpose of celebrating the discovery of America by Christopher Columbus on October 12, 1492. This was to be accomplished through a parade, which would celebrate the heritage and spirit of the children of the Hispanic American union with a message from Spain and the Latin American nations, representing each country's culture, traditions and folklore.

Mr. Speaker, this project came to fruition in August of 1965 when the Hispanic Societies agreed to celebrate with a true Fiesta in the Latin American spirit that every year in the city of New York on the Sunday closest to the 12th of October. From that year on, the Hispanic Parade Committee has organized the memorable annual event now known as "Desfile de la Hispanidad" with the participation of Spain and all Hispanic American nations, to commemorate and celebrate Hispanic culture, races, language, religion, and traditions through colorful presentations of each country's costumes, folklore, and music, marching up Fifth Avenue from 44th Street to 72nd Street.

The Hispanic Parade Committee is made up of 50 organizations and a board of 27 representatives who spend a whole year preparing and organizing this complex multinational public event, with numerous cultural and entertainment activities. Among the many activities are the Spring Dance in honor of the reigning Queen of the Parade and her Court of Honor; the Salute to the Americas, which are series of conferences and lectures given by important authorities of the Hispanic world; the Art Exhibits where Latin American artists are invited to exhibit their art; the Sports Championships, which include soccer and softball competitions; the election of the Queen of the Hispanic Parade; a Catholic Mass of the Hispanic Parade, which is celebrated in St. Patrick's Cathedral and dedicated to a Patron Saint of a participating country; and the Great Gala Banquet to celebrate and recognize outstanding individuals of the Hispanic world.

The Hispanic Parade Committee has been growing every year. Fifty organizations belonging to the twenty-one Hispanic-American countries are now affiliated in the Parade, there will be a band, 40 allegorical carriages, and 30 folkloric groups representing these organizations.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in recognizing the Hispanic Parade Committee, Inc. and in wishing them continued success on October 8 and in the future.

HONORING THE 50TH ANNIVERSARY OF THE RAVENNA CHURCH OF THE NAZARENE

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. FLETCHER. Mr. Speaker, it is my honor to recognize the Ravenna Church of the Nazarene during its 50th Anniversary celebration. This quaint church, nestled in Central Kentucky, has served the community and its members in many different ways over the past 50 years—now they come together to reflect on the many memories and years of fellowship.

Located on Main Street in Ravenna, Kentucky, the Church of the Nazarene holds services in the same building that was dedicated in November of 1956. Now, 50 years later, the Church still stands on a strong foundation, rich with faith and a strong desire to serve its congregation and the surrounding community. It's an active congregation, with weekly services and children's groups. Each year, the congregation comes together for the annual homecoming, where stories are shared and many past years are revisited with joy.

It is a pleasure to recognize the Ravenna Church of the Nazarene on the House floor today, during its 50th Anniversary celebration. I wish this church and its members the very best for many, many years to come.

THE COLORADO COALITION FOR NEW ENERGY TECHNOLOGIES

HON. MATT SALMON

OF ARIZONA

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. SALMON. Mr. Speaker, though my colleague, Mr. UDALL of Colorado, and I are from different states and opposite political parties, we join together today in saluting the Colorado Coalition for New Energy Technologies. This coalition, established early this year, brings together Colorado businesses and non-profit groups in support of environmentally responsible economic growth through the efficient use of Colorado's abundant and clean sources of energy.

This new coalition has already accomplished several successes in its short tenure, but perhaps one of the most notable was to help key members of the Colorado state legislature establish the Colorado Renewables and Energy Efficiency Caucus. Modeled on the U.S. House Renewables and Energy Efficiency Caucus, of which we are co-chairs, this state caucus was founded in March 2000 by seven state Senators and Representatives of both parties. Within two months of its founding, this caucus more than doubled in size to 17 state legislators before the 2000 Colorado General Assembly adjourned. Like the U.S. House Caucus, the primary goal of the Colorado caucus is to educate legislators about cutting-edge advances in renewable energy and efficiency technologies, many of which are developed in Colorado at the National Renewable Energy Laboratory in Golden.

Throughout its activities, the Colorado Coalition for New Energy Technologies seeks to emphasize how investment in new energy technologies helps sustain the economic prosperity of Colorado and of the United States. In its short existence, it has proven to be a resource for its members, as well as to Colorado state legislators seeking timely and accurate information on new energy technologies.

We salute the Colorado Coalition for New Energy Technologies, its members and its leadership for the valuable contribution it is making to the formation of energy policy in Colorado.

ANNUAL BANKING FEE SURVEY EXTENSION ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. LAFALCE. Mr. Speaker, I am today introducing legislation to extend and expand provisions in current law that require the Federal Reserve Board to report annually to Congress on the cost and availability of retail banking services. These annual bank fee studies have been an invaluable source of information about banking costs and trends that have benefitted consumers and assisted the Banking Committee's oversight of financial activities. The Federal Reserve Board acted last year, under existing law, to terminate all future bank fee reporting. My legislation would amend current law to continue these reports and expand them to reflect broader market activity. The House has passed broader legislation reauthorizing a number of important consumer reports, including the bank fee report in its current form, but that bill is currently awaiting Senate action.

In 1989, Congress directed the Federal Reserve Board, as part of the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA), to study and report annually on discernible changes in the cost and availability of certain retail banking services. The purpose was to determine whether banks would pass on the expense of higher deposit insurance costs resulting from the savings and loan crisis to consumers. These annual studies were expanded, under the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, to include more detailed state-by-state reporting on discernible changes in the cost and availability of retail banking services resulting from the lifting of bank interstate branching restrictions.

Last year, the Federal Reserve Board determined that its annual banking fee surveys and reports were no longer needed. Responding to provisions of the 1995 Federal Reports Elimination and Sunset Act that permit federal agencies to eliminate outdated or unnecessary reports, the Board included the annual bank fees surveys among a number of Congressionally mandated reports that it proposed to eliminate. The Board's rationale was that the original intent of the reports, determining whether the added costs of deposit insurance were being passed on to consumers, was no longer relevant since banks are now paying minimal premiums for FDIC deposit insurance, and consumers now have broader access to bank fee information over the Internet.

While concerns with higher banking costs arising from the S&L crisis have certainly subsided, the annual service fee reports have taken on increased importance in recent years with the passage of interstate branching and increased consolidation within the banking industry. Passage of the landmark Financial Service Modernization Act last year also creates a continuing imperative to understand how increased integration and cross marketing of services among banks, investment firms and insurance companies will affect the cost and availability of basic financial services.

Consumer groups have raised very credible arguments that the annual bank fee reports are more necessary now than at any time in the past to determine what effect more rapid consolidation among financial services providers is having on consumers—whether the costs of mergers and acquisition are being passed on to consumers and whether consumers realize any of the promised cost benefits of financial modernization.

I have also found the Federal Reserve's annual fee reports to be the only official source of information documenting several extremely important changes within the retail banking sector. In recent years, non-interest income from fees and services has replaced interest income as the major contributor to the record levels of bank profits. In the past three years alone, bank non-interest income has increased on average by 18 percent, with interest income growing by roughly 4 percent annually. Non-interest income has quickly replaced traditional interest charges as the major contributor to bank earnings. As a result, banks of all sizes have sought out new sources of fee income to maintain earnings as greater competition among lenders has shrunk bank lending margins.

These changes have prompted banks and thrift institutions to institute a pay-for-service approach to basic banking and a "penalty pricing" approach to credit cards and ATMs that have generated significant new revenue for banks while antagonizing increasing numbers of consumers. The Federal Reserve Board's annual reports have documented these changes, showing significant and steady growth in over 20 categories of banking service fees. The report has also shown substantially higher average growth in fees among larger multi-state banks and thrifts than among smaller local institutions. This has provided important comparison shopping information for consumers and may help explain why many of the nation's largest banking institutions support the Board's decision to eliminate these reports.

Given the changing financial marketplace and the marked changes in retail banking services, the information provided in the bank fee reports is more important now than at any time in the past decade. It should be Congress, not the Federal Reserve Board, that determines when the information provided in these annual reports is no longer needed by Congress or relevant to consumers.

My legislation, the "Annual Banking Fee Survey Extension Act," proposes two changes in current law to assure that the Federal Reserve Board continues reporting annually to Congress on the cost and availability of retail banking services until such time that Congress determines it is no longer relevant or necessary. First, it amends the Federal Reports Elimination and Sunset Act of 19956 to exempt the annual bank fee reports from the discretionary authority provided the Federal Reserve Board to discontinue outdated or unnecessary reporting requirements. Second, it amends the 1994 Riegle-Neal Interstate Branching Act to repeal a provision that would sunset aspects of the fee study requirement in late 2001.

In addition, the bill expands the mandate for annual fee reporting to include the fees for retail services charged by credit unions. Past surveys and reports have included only the fees charged by bank and thrift institutions. A large and growing segment of our population currently obtains checking and other financial services from credit unions. Inclusion of credit union fees would make the annual reports more broadly representative of the broader consumer marketplace. It would also document differences in costs between banks, thrifts and credit unions that will enhance competition and benefit consumers.

My legislation also expands the focus of the annual fee studies to include various fees and charges associated with credit cards. Past fee reports have included data only on basic checking and savings account services and only those additional fees specifically requested by statute, such as fees associated with ATM transactions. Institutions that offer credit cards now impose a large and growing array of charges and penalties, such as late payment fees, annual fees, over-the-limit fees, cash advance fees, convenience check fees, foreign currency conversion fees, and many more. I have received more complaints from my constituents about credit card fees than all other banking fees combined. Credit cards, in general, are one of the foremost concerns among consumers in my district and, I believe, among consumers in all parts of the country. The fees and penalties charged in connection with credit cards clearly should be incorporated in any future study of retail banking costs.

Mr. Speaker, the financial marketplace has changed dramatically over the past half decade and will continue to change in response to the landmark financial modernization legislation we enacted last year. It is imperative that Congress have all the information necessary to assess whether these changes will enhance the services available to consumers or only benefits financial institutions at the expense of consumers. My legislation merely extends Congress' prior request for annual reporting on banking fees and costs. This is reasonable and responsible legislation that Congress should enact before adjournment this year.

HONG KONG TRANSITION TASK FORCE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. BEREUTER. Mr. Speaker, following his visit to Hong Kong in April 1997, Speaker Gingrich tasked this Member with the responsibility of creating the Speaker's Task Force on the Hong Kong Transition and of observing and reporting on Hong Kong's status following its return to the People's Republic of China. The Task Force is bipartisan in nature and all members of it have been drawn from the Subcommittee on Asia and the Pacific, of which this Member is the Chairman.

On behalf of the Task Force, this Member would like to inform his colleagues that the eighth report of the Speaker's Task Force on the Hong Kong Transition has been filed. In summary, the Task Force continues to believe that the transition has progressed satisfactorily, although concerns remain in areas such as press self-censorship and controls, export controls and most notably, rule of law. The recent controversial remarks by Chinese officials warning against press coverage of issues regarding Taiwan and of business support for Taiwan independence have been a concern, as has the issue of judicial independence and the rule of law as a result of the "right of abode" case. These issues will need to be watched closely.

Hong Kong's political system continues to evolve, although progress towards further democratization has not been as rapid as many would like. The Hong Kong press remains free and continues to comment critically on the People's Republic of China (PRC), although threatening remarks by PRC officials in reference to press coverage related to Taiwan is worrisome. Public demonstrations continue to be held. Indeed, there is a vigorous public debate on the issues of democracy and law. The legislature and free press have used their roles to increase government accountability and transparency.

Mr. Speaker, a copy of the Task Force's eighth report is available on the internet website of the Subcommittee on Asia and the Pacific: www.house.gov/international_relations/ap/ap.htm. It is also available in hardcopy from the Subcommittee office.

REPUBLIC OF CHINA'S NATIONAL DAY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. KING. Mr. Speaker, as President Chen Shui-bian, Vice President Annette Lu and the people of the Republic of China prepare to celebrate their National Day on October 10, 2000, I wish to extend to them my congratulations.

The Republic of China on Taiwan has a lot to be proud of. Taiwan's economy is very strong. For instance, export orders reached US $74 billion from January to June, up 21 percent from the same period last year. In June of this year, exports and imports enjoyed almost 25 percent growth from the year-earlier period. It is the government's policy to continue to develop Taiwan's new economy based on information and high technologies. Furthermore, Taiwan's citizens enjoy one of the highest living standards in the world. Politically, Taiwan is a true democracy with free island-wide elections, press independence and political pluralism.

Mr. Speaker, Taiwan is a model of success for many countries in the world, and we need to give Taiwan our approbation and support.

ADDRESSING ALCOHOL AND THE COLLEGE CAMPUS

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to discuss a serious problem facing our society today—the misuse of beverage alcohol on our nation's college and university campuses. This problem negatively impacts students, universities and industry as well as our communities. Therefore, it is essential that these entities work together to solve this national problem. Mr. Speaker I would like to draw the attention of my colleagues to the creative solutions being pursued by community-based partnerships across America.

On October 23rd to 25th in Washington, D.C., a number of colleges and universities, along with the Distilled Spirits Council of the United States, will convene a national conference to discuss best practices, create new partnerships and share information on solutions to this complex problem. During this weekend, students, retailers, community leaders, manufacturers, university administrators, law enforcement officials and parents will come together in partnership to discuss solutions to this challenge.

I commend these institutions of higher education and the distilled spirits industry for their leadership on this issue. As is the case with many societal problems, solutions are most effective when everyone works together.

Mr. Speaker, I know I speak for many of my colleagues in saying we eagerly await the action-oriented plans this conference will produce. I wish all the participants, supporters and planning partners the best as they work together toward a common goal.

92ND DIVISION REUNION

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. COYNE. Mr. Speaker, I rise today to call the House's attention to a reunion that will take place in my congressional district on October 6th through 8th. The U.S. Army's 92nd Infantry Division, the "Buffalo Division," will be holding a reunion at the Wyndham Garden Hotel in Pittsburgh.

The 92nd Infantry Division was an Army division composed of African American soldiers which saw action in both World War I and World War II. The 92nd Infantry Division served in the Meuse-Argonne region and Lorraine in World War I, and it participated in the hard fighting up the Italian peninsula during World War II. The Division saw action in World War II in the North Apennines and the Po Valley. It participated in the crossing of the Arno River, the occupation of Lucca, and the penetration of the Gothic Line, as well as an advance north along the Ligurian coast. The 92nd Division's actions demonstrated the bravery and dedication of African Americans to their country.

Until this year, the 92nd Infantry Division's annual reunions had always been held in Washington, D.C., but thanks to the initiative of the Reverend James Tillman, a veteran of the 92nd Infantry Division, the unit's 58th reunion will be held in Pittsburgh. Reverend Tillman and retired Army Lieutenant Colonel Patricia Tucker are co-chairing this reunion. The decision to hold this reunion in Pittsburgh reflects the fact that Alleghany County is home to roughly 100 of these "Buffalo Soldiers," but it also provides an excellent opportunity for raising the awareness of the region's residents about the combat service of patriotic African Americans in the U.S. Army at a time when it was operating under the shadow of racism, segregation, and discrimination. Mr. Speaker, I am proud that the veterans of the 92nd Infantry Division have chosen Pittsburgh for their annual reunion. I want to thank them for their herioc service to their country, and I want to extend a warm welcome to all of the reunion participants on behalf of the people of Pennsylvania's 14th Congressional District.

VIOLENCE AGAINST WOMEN ACT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Ms. LEE. Mr. Speaker, I am pleased that the House passed H.R. 1248, the Violence Against Women Act (VAWA) of 1999 by a vote of 415–3. H.R. 1248 will reauthorize the act for 5 years and expand preventive measures against violence against women.

This measure will maintain and expand battered women's shelter programs, rape prevention programs as well as provide assistance to the growing number of victims.

While I was a state senator in California, I introduced similar legislation because I believed then, as I do now, that this issue is extremely important to the lives of women and their children. It has been ignored for too long.

In the past, domestic violence was not considered a crime. Today, however, police officers are getting trained to understand these crimes as well improve their ability to enforce the law.

VAWA has provided critical services to thousands of battered women. Since VAWA passed, the Department of Justice and Health and Human Services have awarded over $1.6 billion in grants nationwide to support the work of prosecutors, law enforcement officials, the courts, victims' advocates, health care and social service professionals, and intervention and prevention programs.

In addition, VAWA established a domestic violence hotline, which has received over half a million calls.

Unfortunately, domestic violence still devastates the lives of many women and children. Nearly 900,000 women experience violence at the hands of an intimate partner every year. Close to one-third of women murdered each year are killed by their husbands or significant other; and domestic violence accounts for over 20% of all violent crimes against women.

Children should not have to watch their mothers get beaten. Unfortunately, some of these children grow up to continue the cycle of abuse. And, they end up in prison.

Again, I am pleased with the passage of the VAWA because it has helped to save numerous lives of women and their children. This law has provided battered women and their children, a safe haven, and the support necessary for their physical and emotional security.

VAWA has given a second chance to these women as well as saved many of their lives.

Violence against women should not be tolerated. This legislation provides greater protections to all the women who have been victimized and abused.

AMERICAN INTERESTS IN THE MIDDLE EAST PEACE PROCESS

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. DINGELL. Mr. Speaker, yesterday, the House passed H.R. 5272, the inappropriately named "Peace Through Negotiations Act of 2000." This legislation is unnecessary, ill timed and not in the best interest of our country or the Middle East peace process. I believe, like the Administration, that the Palestinian Authority should not unilaterally declare statehood outside the framework of a negotiated peace settlement. Unilateral actions by either the Palestinians or Israelis can erode, disrupt, and possibly derail a peace process that we all support and want to see to conclusion in order for future generations to be able to live a normal and stable life.

For starters, this legislation was wholly unnecessary given President Arafat's recent decision not to unilaterally declare a state because it would jeopardize the peace process. Instead of acknowledging the fact that the Palestinian Authority acted with considerable restraint in making this decision, which I will note was not popular among the Palestinian people, we have unfairly and unnecessarily condemned the Palestinian Authority at the very time discussion between Arafat and Prime Minister Barak were underway.

I ask my colleagues, have you read this legislation known as the "Peace Through Negotiations Act?" I have and that is why I am concerned, because while the message sent by H.R. 5272 was bad, its substance is worse.

In particular, I am concerned that Section 4a(1) of the legislation supercedes a portion of the Middle East Peace Facilitation Act and reverses a presidential determination on the national security of the United States. Reversing a standing law that has successfully guided our policy in the Middle East peace process should only be done after serious deliberations. Reversing a Presidential action that he determines is in the national security of the United States is even more serious. Both these actions are done by this legislation without a single hearing or public request for the President's views. Members of the International Relations Committee were given less than twenty-four hours notice of the mark-up of this legislation. The bill passed the Committee on Tuesday with barely half the Members present and voting. The full House passed it on Wednesday under restrictive procedures denying anyone the opportunity to amend it. This legislation is too important to be acted upon in such a rushed fashion. To have done so does not speak highly of the Republican leadership of the House of Representatives.

Moreover, the legislation is flawed because it does not address unilateral actions of all parties. In my view, the unwillingness of the legislation to address unilateral actions of both sides puts our Middle East peace process negotiators in a terrible position. We in Congress should not take actions that make the efforts of American peacemakers more difficult.

My hope is that our colleagues in the Senate do not follow the House's sad example and rush to action without sufficient consideration of all of the ramifications of this legislation.

HONORING U.S. REPRESENTATIVE SOLOMON P. ORTIZ IN RECOGNITION OF THE PORT OF CORPUS CHRISTI'S DEDICATION OF ITS WATERFRONT DEVELOPMENT AS THE CONGRESSMAN SOLOMON P. ORTIZ INTERNATIONAL CENTER

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mrs. NAPOLITANO. Mr. Speaker, the Members of the Congressional Hispanic Caucus rise today to honor a respected colleague, an extraordinary Texan and effective public servant, Congressman SOLOMON P. ORTIZ. Since 1982, Congressman ORTIZ has served as a strong advocate for his constituents in the 27th Congressional District of Texas. During his 18 years of service, he has fought tirelessly to bring jobs and enhance the quality of life for residents of the Bay of Corpus Christi to the international border with Mexico.

In recognition of Congressman ORTIZ's lifetime of remarkable leadership and his work on behalf of the Port of Corpus Christi in the area of economic development and trade, Members from the Congressional Hispanic Caucus will join South Texans in Corpus Christi on September 29, 2000 to dedicate the Port of Corpus Christi's new international meeting facility and cruise terminal as "The Congressman Solomon P. Ortiz International Center."

According to William Dodge III, Port Commission Chairman, Congressman ORTIZ ". . . is a strong advocate for the Port of Corpus Christi. He continues to be a leader on international trade issues that significantly impact the Port and the South Texas region. The Congressman recognizes the importance of the Port to the region and always works to ensure that the Port has the necessary resources to help fulfill the mission of diversification. Naming the waterfront development in his honor is a tribute to his contributions and support of the Port."

Working with Congressman ORTIZ in the U.S. House of Representatives, and knowing first-hand of his endless passion and dedication to public service, we, the Members of the Congressional Hispanic Caucus applaud and endorse the actions of the citizens of South Texas in naming the International Center in his honor. Congressman ORTIZ will continue his significant work to support and strengthen the Port of Corpus Christi, promote international commerce, and ensure that global trade benefits his constituents and the people of the United States.

We urge all our colleagues to join us today in recognition of his 18 remarkable years of service and offer our personal congratulations on the occasion of the dedication of the Port of Corpus Christi's waterfront development as "The Congressman Solomon P. Ortiz International Center."

INTRODUCTION OF THE HOME HEALTH CARE PROTECTION ACT OF 2000

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. MARKEY. Mr. Speaker, this week I introduced the Home Health Care Protection Act of 2000, H.R. 5303, the companion bill to the Senate version introduced by Senator JEFFORDS. This bill will clarify the definition of "homebound" and improve the lives of millions of Americans who are confined to the home as well as their caregivers.

In my own family, my mother who was afflicted with Alzheimer's Disease was confined to the home for over eight years. My father was her caregiver. I was awed by his utter devotion and dedication to her care, day in and day out. Taking care of an Alzheimer's patient is grueling. It's a 24 hour a day job, 7 days a week. For many caregivers the only break in attending to the needs of the Alzheimer's patient is through adult day care services. Adult day care not only provides therapy for the Alzheimer's patient but a desperately needed break for the caregiver.

But, Mr. Speaker, the unfortunate truth is that Medicare beneficiaries are unable to attend adult day care without losing their home health benefits because of a narrow interpretation of the Medicare law. Alzheimer's patients may not attend adult day care without losing their home health benefits even though we know that adult day care services are a complement to home health benefits, relieve caregiver burdens and delay nursing home placement—all at zero cost to the Medicare program.

However, yesterday in the Commerce Committee we took a step toward correcting this situation—a victory was won for Alzheimer's patients and their caregivers. The BBA giveback package which was passed out of Committee unanimously by voice vote included language clarifying the "homebound" definition in the law allowing for Medicare beneficiaries with Alzheimer's disease who are confined to the home to attend adult day care services without losing their home health benefits.

While we took a step in addressing this important issue with respect to Alzheimer's patient's broader language to encompass ALL beneficiaries who are confined to the home was not included by the Chairman's mark. Furthermore, this language will not allow any beneficiaries who are confined to the home to attend religious services, or to take a slow, arduous walk around the block, or to attend once in a lifetime events like a granddaughter's graduation, or a grandson's wedding.

Mr. Speaker, this isn't right.

However, H.R. 5303, The Home Health Care Protection Act of 2000, is designed to correct this flaw. H.R. 5303, is the companion bill to the Senate version introduced by Senator JEFFORDS. It further clarifies the "homebound" definition to allow for those who have had the misfortune of an illness which confines them to the home, to attend a graduation, to go to their place of worship and to attend adult day care services.

It's time we clarify the definition of "homebound" in the Medicare law. Homebound beneficiaries should be free to leave the home under special circumstances without fear of losing their home health benefits. It's only right, Mr. Speaker. Americans who are confined to their homes deserve better. We can and should do more for them. Making the Home Health Care Protection Act of 2000 the law of the land will do just that.

COLLEAGUES PRAISE CHAIRMAN SHUSTER'S LEADERSHIP AT TRANSPORTATION COMMITTEE HELM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. DUNCAN. Mr. Speaker, I rise today to pay tribute to one of the greatest committee chairmen we have seen during the past few years in the House. He has served in the House of Representatives for 28 years, 6 of those as Chairman of the Transportation and Infrastructure Committee, the largest and most productive committee in the Congress.

Following the committee's final full committee meeting Wednesday of this week, my colleagues and I surprised Chairman SHUSTER with the presentation of a plaque to him commemorating his achievements as Chairman.

During that presentation and speaking on behalf of Committee Democrats, Ranking Member JIM OBERSTAR (D–MN) said:

> Mr. Chairman, a few short moments ago we passed a bill designating a courthouse for President Theodore Roosevelt.
>
> I quote Roosevelt's "The Man in the Arena" speech:
>
> "It is not the critic who counts, not the man who points out how other strong men stumbled or how the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes up short again, and again, because there is no effort without some error or shortcoming, but who knows the great enthusiasm, the great devotion, who, spends himself for a worthy cause: who at best, knows in the end the triumph of the high achievement, and who, at the worst, if he fails, at least he fails while daring greatly so that his place shall never be with those cold and timid souls who know neither victory nor defeat."

Mr. Chairman, you are a man in the arena—and your achievements as Chairman speak for themselves. Everyone in this room knows the enormous accomplishments of TEA 21, AIR 21, and trust fund firewalls. Some may not know the "smaller" accomplishments that do not get the headlines—such as reauthorization of the Economic Development Administration and the Appalachian Regional Commission—"little" programs that make a real difference in the lives of our people. We all serve on this Committee because we believe that its transportation, infrastructure, and environmental programs make a real difference in our constituents', and all American's lives.

Mr. Chairman, part of the joy of serving on this Committee is the way in which we work together to develop bipartisan bills. In this Congress, the Committee has: Held 114 hearings; reported 98 bills, 30 percent of bills reported by all Committees in the House (325); passed 92 bills, 22 percent of all bills passed by the House (427); and 30 Transportation Committee bills have become law, 11 percent of all public laws enacted in the 106th Congress (269).

And that is the record only so far—I can say with confidence that many more Transportation Committee bills will become law before the 106th Congress adjourns.

Mr. Chairman, we, as a Committee, have worked extraordinarily well over the last 6 years under your leadership. We do not know what the elections hold this November and I am not here to predict. However, under current House Rules, you will be unable to chair the Committee in the 107th Congress. I did not want this opportunity to pass without recognizing your effective bipartisan leadership of this Committee.

On behalf of our Committee's Democrats and particularly myself, I present you with a plaque to commemorate your chairmanship. For the 104th and 105th Congresses, it lists the number of hearings held, Committee bills passed by the House of Representatives, and bills that have become law. It has a spot for the 106th Congress; we will fill that in when we have completed our work.

It also has a gavel—a gavel that you have wielded so well for these 6 years. Congratulations, Mr. Chairman.

In addition to Mr. OBERSTAR, Mr. THOMAS PETRI (R-WI), Chairman of the Ground Transportation Subcommittee, said, "Chairman SHUSTER's historic leadership deservedly has been recognized by the prestigious Congressional Quarterly which named him one of the five top 'Legislative Drivers' in the Congress, (the other four being U.S. Senators), and the National Journal recently reported that 'SHUSTER has chalked up a remarkable record. Not surprisingly, his colleagues regard him as one of the last great chairmen on Capitol Hill.' We all salute Chairman SHUSTER for his extraordinary accomplishments. This has been the 6 most productive years in the Committee's history."

I have said many times that if a young Member of Congress wanted to see how to get things accomplished in the Congress, he should follow Chairman BUD SHUSTER for awhile.

Chairman SHUSTER is respected by everyone, on both sides of the aisle, and staff as well as Members.

Chairman SHUSTER has spent his career building America. The fruits of his work can be seen all over this Nation, and improvements that he started will be going on for many years.

Our economy is much stronger, and, more importantly, lives are being saved because of projects which owe their genesis in major part to BUD SHUSTER.

I personally appreciate the kindness shown to me by Chairman SHUSTER. I could not have been the Chairman of the Aviation Subcommittee, the highlight of my service in the Congress, if it had not been for BUD SHUSTER.

I owe him a great personal debt, but I believe our country does as well. I believe that this Nation is a much better place today because of Chairman BUD SHUSTER, and I am very proud to call him my friend and my leader.

HOUSE OF REPRESENTATIVES—*Friday, September 29, 2000*

The House met at 12 noon and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 29, 2000.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of truth, You are our salvation. Ready us in our defense whenever we are called to account for placing all our trust in You. Our defense will be modest and all our ways clothed with reverence if we keep our conscience clear.

By Your spirit, You will so guide the conduct of this Nation that those who malign us will themselves be put to shame. For we place our trust in You, O Lord.

Since it is better to suffer for doing good than to suffer for doing evil, if it be Your holy will, give us the power to embrace sacrificial suffering, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The Speaker pro tempore (Mr. THORNBERRY) led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 363

Whereas Dr. Ernest Burgess practiced medicine for over 50 years;

Whereas Dr. Burgess was a pioneer in the field of prosthetic medicine, spearheading groundbreaking advances in hip replacement surgery and new techniques in amputation surgery;

Whereas in 1964, recognizing his work in prosthetic medicine, the United States Veterans' Administration chose Dr. Burgess to establish the Prosthetic Research Study, a leading center for postoperative amputee treatment;

Whereas Dr. Burgess was the recipient of the 1985 United States Veterans' Administration Olin E. League Award and honored as the United States Veterans' Administration Distinguished Physician;

Whereas Dr. Burgess' work on behalf of disabled veterans has allowed thousands of veterans to lead full and healthy lives;

Whereas Dr. Burgess was internationally recognized for his humanitarian work;

Whereas Dr. Burgess established the Prosthetics Outreach Foundation, which since 1988, has enabled over 10,000 children and adults in the developing world to receive quality prostheses;

Whereas Dr. Burgess' lifelong commitment to humanitarian causes led him to establish a demonstration clinic in Vietnam to provide free limbs to thousands of amputees;

Whereas Dr. Burgess received numerous professional and educational distinctions recognizing his efforts on behalf of those in need of care;

Whereas Dr. Burgess' exceptional service and his unfailing dedication to improving the lives of thousands of individuals merit high esteem and admiration; and

Whereas the Senate learned with sorrow of the death of Dr. Burgess on September 26, 2000: Now, therefore, be it

Resolved, That the Senate—

(1) extends its deepest condolences to the family of Ernest Burgess, M.D.;

(2) commends and expresses its gratitude to Ernest Burgess, M.D. and his family for a life devoted to providing care and service to his fellow man; and

(3) directs the Secretary of the Senate to communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

The message also announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3363. An act for the relief of Akal Security, Incorporated.

H.R. 4115. An act to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes.

H.R. 4931. An act to provide for the training or orientation of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes.

H.R. 5193. An act to amend the National Housing Act to temporarily extend the applicability of the downpayment simplification provisions for the FHA single family housing mortgage insurance program.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 704) "An Act to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs.".

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3646. An act for the relief of certain Persian Gulf evacuees.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 11. An act for the relief of Wei Jingsheng.

S. 113. An act to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

S. 150. An act for the relief of Marina Khalina and her son, Albert Miftakhov.

S. 451. An act for the relief of Saeed Rezai.

S. 785. An act for the relief of Francis Schochenmaier and Mary Hudson.

S. 869. An act for the relief of Mina Vahedi Notash.

S. 893. An act to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels.

S. 1078. An act for the relief of Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey.

S. 1438. An act to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

S. 1513. An act for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas.

S. 1534. An act to reauthorize the Coastal Zone Management Act, and for other purposes.

S. 2000. An act for the relief of Guy Taylor.

S. 2002. An act for the relief of Tony Lara.

S. 2019. An act for the relief of Malia Miller.

S. 2289. An act for the relief of Jose Guadalupe Tellez Pinales.

S. 2487. An act to authorize appropriations for Fiscal Year 2001 for certain maritime programs of the Department of Transportation.

S. Con. Res. 139. Concurrent resolution authorizing the use of the Capitol grounds for the dedication of the Japanese-American Memorial to Patriotism.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONFERENCE REPORT ON H.R. 4578, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

CONFERENCE REPORT (H. REPT. 106–914)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4578) "making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $709,733,000, to remain available until expended, of which $3,898,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2001 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $34,328,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $709,733,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, research, emergency rehabilitation and hazardous fuels reduction by the Department of the Interior, $425,513,000, to remain available until expended, of which not to exceed $30,000,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That unobligated balances of amounts previously appropriated to the "Fire Protection" and "Emergency Department of the Interior Firefighting Fund" may be transferred and merged with this appropriation: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation.

For an additional amount for "Wildland Fire Management", $200,000,000, to remain available until expended, for emergency rehabilitation and wildfire suppression activities: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $16,860,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $150,000,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $31,100,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $104,267,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or *rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.*

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $776,595,000, to remain available until September 30, 2002, except as otherwise provided herein, of which not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided, That not less than $1,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended: Provided further, That not to exceed $6,355,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)): Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on his certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $63,015,000, to remain available until expended: Provided, That, notwithstanding any provision of law or regulation, funds appropriated in Public Law 106–113 for exhibits at the J.N. Ding Darling National Wildlife Refuge Education Center in Florida shall be transferred immediately to the Ding Darling Wildlife Society for the purpose of constructing the exhibits.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $62,800,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $26,925,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $11,439,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $20,000,000, to remain available until expended.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For necessary expenses of the Wildlife Conservation and Appreciation Fund, $797,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), and the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), $2,500,000, to remain available until expended: Provided, That funds made available under this Act and Public Law 105–277 for rhinoceros, tiger, and Asian elephant conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 79 passenger motor vehicles, of which 72 are for replacement only (including 41 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, $1,389,144,000, of which $9,227,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $7,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100–203: Provided, That the only funds in this account which may be made available to support United States Park Police operations are those needed to continue services at the same level as was provided in fiscal year 2000 at the Statue of Liberty and Gateway National Recreation Area, and those funds approved for emergency law and order incidents pursuant to established National Park Service procedures and those funds needed to maintain and repair United States Park Police administrative facilities.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,043,000, of which $1,607,000 for security enhancements in the Washington, DC area shall remain available until expended.

NATIONAL RECREATION AND PRESERVATION

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $58,359,000: Provided, That $1,595,000 appropriated in Public Law 105–277 for the acquisition of interests in Ferry Farm, George Washington's Boyhood Home, shall be transferred to this account and shall be available until expended for a cooperative agreement *for management of George Washington's Boyhood Home, Ferry Farm, as authorized in Public Law 105–355.*

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $10,000,000, to remain available until expended.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $79,347,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2002, of which $7,177,000 pursuant to section 507 of Public Law 104–333 shall remain available until expended: Provided, That of the total amount provided, $35,000,000 shall be for Save America's Treasures for priority preservation projects, including preservation of intellectual and cultural artifacts, preservation of historic structures and sites, and buildings to house cultural and historic resources and to provide educational opportunities: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior: Provided further, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $242,174,000, to remain available until expended: Provided, That $650,000 for Lake Champlain National Historic Landmarks, $300,000 for the Kendall County Courthouse, and $365,000 for the U.S. Grant Boyhood Home National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2001 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $110,540,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $40,500,000 is for the State assistance program including $1,500,000 to administer the State assistance program, and of which $12,000,000 may be for State grants for land acquisition in the State of Florida: Provided, That the Secretary may provide Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: Provided further, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: Provided further, That none of the funds provided for the State Assistance program may be used to establish a contingency fund: Provided further, That not to exceed $50,000,000 derived from unexpended balances previously appropriated in Public Laws 106–113 and 103–211 for land acquisition assistance to the State of Florida shall be available until expended for project modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 340 passenger motor vehicles, of which 273 shall be for replacement only, including not to exceed 319 for police-type use, 12 buses, and 9 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $862,046,000, of which $62,879,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $1,525,000 shall remain available until expended for ongoing development of a mineral and geologic data base; and of which $32,822,000 shall be available until September 30, 2002 for the operation and maintenance of facilities and deferred maintenance; and of which $157,923,000 shall be available until September 30, 2002 for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $133,410,000, of which $86,257,000, shall be available for royalty management activities; and an amount not to exceed $107,410,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $107,410,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $107,410,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2002: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 *shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That MMS may under the royalty-in-kind pilot program use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.*

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $100,801,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2001 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $202,438,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,600,000 per State in fiscal year 2001: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,741,212,000, to remain available until September 30, 2002 except as otherwise provided herein, of which not to exceed $93,225,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $125,485,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2001, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $5,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $423,056,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2001, and shall remain available until September 30, 2002; and of which not to exceed $60,194,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program; and of which not to exceed $108,000 shall be for payment to the United Sioux Tribes of South Dakota Development Corporation for the purpose of providing employment assistance to Indian clients of the Corporation, including employment counseling, follow-up services, housing services, community services, day care services, and subsistence to help Indian clients become fully employed members of society: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,160,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2002, may be transferred during fiscal year 2003 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2003.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $357,404,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2001, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $37,526,000, to remain available until expended; of which $25,225,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $8,000,000 shall be available for

Tribal compact administration, economic development and future water supplies facilities under Public Law 106–163; of which $2,127,000 shall be available pursuant to Public Laws 99-264, 100–383, 100–580 and 103–402; and of which $2,000,000 shall be available for the consent decree entered by the U.S. District Court, Western District of Michigan in United States v. Michigan, Case No. 2:73 CV 26.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $59,682,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $488,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"). Not later than June 15, 2001, the Secretary of the Interior shall evaluate the effectiveness of Bureau-funded schools sharing facilities with charter schools in the manner described in the preceding sentence and prepare and submit a report on the finding of that evaluation to the Committees on Appropriations of the Senate and of the House.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $75,471,000, of which: (1) $71,076,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,395,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, not to exceed $300,000 may be made available for transfer to the Disaster Assistance Direct Loan Program Account of the Federal Emergency Management Agency for the purpose of covering the cost of forgiving a portion of the obligation of the Government of the Virgin Islands to pay interest which has accrued on Community Disaster Loan 841 during fiscal year 2000, as required by section 504 of the Congressional Budget Act of 1974, as amended (2 U.S.C. 661c): Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That of the amounts provided for technical assistance, the amount of $700,000 shall be made available to the Prior Service Benefits Trust Fund for its program of benefit payments to individuals: Provided further, That none of this amount shall be used for administrative expenses of the Prior Service Benefits Trust Fund: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,745,000, to remain available until expended, as authorized by Public Law 99-239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $64,319,000, of which not to exceed $8,500 may be for official reception and representation expenses, of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines, and of which $300,000 shall be for a grant to Alaska Pacific University for the development of an ANILCA training curriculum.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $40,196,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $27,846,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $82,628,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs "Operation of Indian Programs" account and to the Departmental Management "Salaries and Expenses" account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2001, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION

For implementation of a program for consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands by direct expenditure or cooperative agreement, $9,000,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management, of which not to exceed $1,000,000 shall be available for administrative expenses: Provided, That the Secretary may enter into a cooperative agreement, which shall not be subject to Public Law 93–638, as amended, with a tribe having jurisdiction over the reservation to implement the program to acquire fractional interests on behalf of such tribe: Provided further, That the Secretary may develop a reservation-wide system for establishing the fair market value of various types of lands and improvements to govern the amounts offered for acquisition of fractional interests: Provided further, That acquisitions shall be limited to one or more reservations as determined by the Secretary: Provided further, That funds shall be available for acquisition of fractional interests in trust or restricted lands with the consent of its owners and at fair market value, and the Secretary shall hold in trust for such tribe all interests acquired pursuant to this program: Provided further, That all proceeds from any lease, resource sale contract, right-of-way or other transaction derived from the fractional interests shall be credited to this appropriation, and remain available until expended, until the purchase price paid by the Secretary under this appropriation has been recovered from such proceeds: Provided further, That once the purchase price has been recovered, all subsequent proceeds shall be managed by the Secretary for the benefit of the applicable tribe or paid directly to the tribe.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,403,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within thirty days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 113. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of the Interior's charge card programs, hereafter may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 43 U.S.C. 1467 and used to fund management initiatives of general benefit to the Department of the Interior's bureaus and offices as determined by the Secretary or his designee.

SEC. 114. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 115. Notwithstanding any provision of law, hereafter the Secretary of the Interior is authorized to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity for all or part of the property within Fort Baker administered by the Secretary as part of Golden Gate National Recreation Area. The proceeds of the agreements or leases shall be retained by the Secretary and such proceeds shall be available, without future appropriation, for the preservation, restoration, operation, maintenance and interpretation and related expenses incurred with respect to Fort Baker properties.

SEC. 116. A grazing permit or lease that expires (or is transferred) during fiscal year 2001 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority.

SEC. 117. Notwithstanding any other provision of law,. for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 118. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2001. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 119. None of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin that is inconsistent with the United States Army Corps of Engineers' efforts to control flooding and siltation in that area. Written certification of consistency shall be submitted to the House and Senate Committees on Appropriations prior to refuge establishment.

SEC. 120. The Great Marsh Trail at the Mason Neck National Wildlife Refuge in Virginia is hereby named for Joseph V. Gartlan, Jr. and shall hereafter be referred to in any law, document, or records of the United States as the "Joseph V. Gartlan, Jr. Great Marsh Trail".

SEC. 121. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2001 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 122. (a) Notwithstanding any other provision of law, with respect to amounts made available for tribal priority allocations in Alaska, such amounts shall only be provided to tribes the membership of which on June 1, 2000 is composed of at least 25 individuals who are Natives (as such term is defined in section 3(b) of the Alaska Native Claims Settlement Act) who reside in the area generally known as the village for such tribe.

(b) Amounts that would have been made available for tribal priority allocations in Alaska but for the limitation contained in subsection (a) shall be provided to the respective Alaska Native regional nonprofit corporation (as listed in section 103(a)(2) of Public Law 104–193, 110 Stat. 2159) for the respective region in which a tribe subject to subsection (a) is located, notwithstanding any resolution authorized under federal law to the contrary.

SEC. 123. (a) In this section—

(1) the term "Huron Cemetery" means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas, as described in subsection (b)(3); and

(2) the term "Secretary" means the Secretary of the Interior.

(b)(1) The Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (3)) are used only in accordance with this subsection.

(2) The lands of the Huron Cemetery shall be used only—

(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

(3) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW quarter of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

"Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

"Thence South 28 poles to the 'true point of beginning';

"Thence South 71 degrees East 10 poles and 18 links;

"Thence South 18 degrees and 30 minutes West 28 poles;

"Thence West 11 and one-half poles;

"Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the 'true point of beginning', containing 2 acres or more.".

SEC. 124. None of the Funds provided in this Act shall be available to the Bureau of Indian Affairs or the Department of the Interior to transfer land into trust status for the Shoalwater Bay Indian Tribe in Clark County, Washington, unless and until the tribe and the county reach a legally enforceable agreement that addresses the financial impact of new development on the county, school district, fire district, and other local governments and the impact on zoning and development.

SEC. 125. None of the funds provided in this Act may be used by the Department of the Interior to implement the provisions of Principle 3(C)ii and Appendix section 3(B)(4) in Secretarial Order 3206, entitled "American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act".

SEC. 126. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 127. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 128. Section 112 of Public Law 103–138 (107 Stat. 1399) is amended by striking "permit LP–GLBA005–93" and inserting "permit LP–GLBA005–93 and in connection with a corporate reorganization plan, the entity that, after the corporate reorganization, holds entry permit CP–GLBA004–00 each".

SEC. 129. Notwithstanding any other provision of law, the Secretary of the Interior shall designate Anchorage, Alaska, as a port of entry for the purpose of section 9(f)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1538(f)(1)).

SEC. 130. (a) The first section of Public Law 92–501 (86 Stat. 904) is amended by inserting after the first sentence "The park shall also include the land as generally depicted on the map entitled 'subdivision of a portion of U.S. Survey 407, Tract B, dated May 12, 2000'".

(b) Section 3 of Public Law 92–501 is amended to read as follows: "There are authorized to be appropriated such sums as are necessary to carry out the terms of this Act.".

SEC. 131. (a) All proceeds, including bonuses, rents, and royalties, of Oil and Gas Lease sale 991, held by the Bureau of Land Management on May 5, 1999, or subsequent lease sales in the National Petroleum Reserve—Alaska (hereafter "proceeds") attributable to the area subject to withdrawal for Kuukpik Corporation's selection under section 22(j)(2) of the Alaska Native Claims Settlement Act, Public Law 92–203 (85 Stat. 688), shall be deposited into a separate fund of the Treasury (hereafter "fund").

(b) Within 120 days after the date of enactment of this Act, the Secretary of the Treasury shall transfer from the General Fund to the fund an amount determined by the Secretary of

the Treasury, in consultation with the Secretary of the Interior, to be equal to the amount of interest income that would have been credited in the fund between May 5, 1999 and the date of enactment of this Act. For the purposes of this subsection (b), the Secretary of the Treasury shall calculate the interest income using a yield for a 52-week Treasury bill issued on or about May 5, 1999.

(c) On the date of the enactment of this Act, the Secretary of the Interior shall request the Secretary of the Treasury to invest such portion of the fund as is not, in the Secretary of the Interior's judgment, required to meet current payment requirements from the fund as determined under subsection (d). Such investments shall be made by the Secretary of the Treasury in public debt securities with maturities suitable to the needs of the fund, as determined by the Secretary of the Interior, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

(d) Hereafter, amounts in the fund shall be available to the Secretary of the Interior, without fiscal year limitation, and the Secretary of the Interior shall pay to Arctic Slope Regional Corporation and the State of Alaska the amount of their entitlement when determined in accordance with applicable law, together with interest, as calculated by the Secretary of the Interior, from the date of receipt of the proceeds by the United States to the date of payment on the proportionate share of the fund distributed. Any remainder shall revert to the General Fund of the Treasury.

SEC. 132. Notwithstanding any other provision of law, the Secretary of the Interior shall convey to Harvey R. Redmond of Girdwood, Alaska, at no cost, all right, title, and interest of the United States in and to United States Survey No. 12192, Alaska, consisting of 49.96 acres located in the vicinity of T. 9N., R., 3E., Seward Meridian, Alaska.

SEC. 133. CLARIFICATION OF TERMS OF CONVEYANCE TO NYE COUNTY, NEVADA. Section 132(b)(3) of the Department of the Interior and Related Agencies Appropriations Act, 2000 (113 Stat. 1535, 1501A–165), is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

"(B) LEASE.—Notwithstanding any provision of the Act of June 14, 1926 (commonly known as the 'Recreation and Public Purposes Act') (43 U.S.C. 869 et seq.), the county may enter into a long-term lease of any of the parcels described in paragraph (2) with a nonprofit organization under which the nonprofit organization would own and operate the Nevada Science and Technology Center for public, non-commercial purposes.".

SEC. 134. MISSISSIPPI RIVER ISLAND NO. 228, IOWA, LAND EXCHANGE. (a) IDENTIFICATION OF LAND TO BE RECEIVED IN EXCHANGE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (referred to in this section as the "Secretary"), shall provide Dubuque Barge & Fleeting Services, Inc. (referred to in this section as "Dubuque"), a notice that identifies parcels of land or interests in land—

(1) that are of a value that is approximately equal to the value of a parcel comprising a 150-foot wide strip of land on the west side of the northern half of Mississippi River Island No. 228, as determined through an appraisal conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisition; and

(2) that the Secretary would consider acceptable in exchange for all right, title, and interest of the United States in and to that parcel.

(b) LAND FOR WILDLIFE AND FISH REFUGE.—Land or interests in land that the Secretary may consider acceptable for the purposes of subsection (a) include land or interests in land that would be suitable for inclusion in the Upper Mississippi River Wildlife and Fish Refuge.

(c) EXCHANGE.—Not later than 180 days after Dubuque offers land or interests in land identified in the notice under subsection (a), the Secretary shall convey all right, title, and interest of the United States in and to the parcel described in subsection (a) in exchange for the land or interests in land offered by Dubuque, and shall permanently discontinue barge fleeting at the Mississippi River island, Tract JO–4, Parcel A, in the W/2 SE/4, Section 30, T.29N., R.2W., Jo Daviess County, Illinois, located between miles #578 and #579, commonly known as Pearl Island.

SEC. 135. (a) FINDINGS.—The Senate makes the following findings—

(1) in 1990, pursuant to the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 450 et seq., a class action lawsuit was filed by Indian tribal contractors and tribal consortia against the United States, the Secretary of the Interior and others seeking money damages, injunctive relief, and declaratory relief for alleged violations of the ISDEAA (Ramah Navajo Chapter v. Lujan, 112 F.3d 1455 (10th Cir. 1997));

(2) the parties negotiated a partial settlement of the claim totaling $76,200,000, plus applicable interest, which was approved by the court on May 14, 1999;

(3) the partial settlement was paid by the United States in September 1999, in the amount of $82,000,000;

(4) the Judgment Fund was established to pay for legal judgments awarded to plaintiffs who have filed suit against the United States;

(5) the Contract Disputes Act of 1978 requires that the Judgment Fund be reimbursed by the responsible agency following the payment of an award from the Fund; and

(6) the shortfall in contract support payments found by the Court of Appeals for the 10th Circuit in Ramah resulted primarily from the nonpayment or underpayment of indirect costs by agencies other than the Bureau of Indian Affairs and the Indian Health Service.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) repayment of the Judgment Fund for the partial settlement in Ramah from the accounts of the Bureau of Indian Affairs and Indian Health Service would significantly reduce funds appropriated to benefit tribes and individual Native Americans; and

(2) the Secretary of the Interior should work with the Director of the Office of Management and Budget to secure funding for repayment of the judgment in Ramah within the budgets of the agencies that did not pay indirect costs to plaintiffs during the period 1988 to 1993 or paid indirect costs at less than rates provided under the Indian Self-Determination Act during such period.

SEC. 136. In fiscal year 2001 and thereafter and notwithstanding any other provision of law, the United States Fish and Wildlife Service shall establish and implement a fee schedule to permit a return to the Service for forensic laboratory services provided to non-Department of the Interior entities. Fees shall be collected as determined appropriate by the Director of the Fish and Wildlife Service and shall be credited to this appropriation and be available for expenditure without further appropriation until expended.

SEC. 137. BOUNDARY ADJUSTMENT TO EXCLUDE PRIVATE LAND AND ACCESS ROAD, ARGUS RANGE WILDERNESS, CALIFORNIA DESERT CONSERVATION AREA. (a) BOUNDARY ADJUSTMENT.—The boundary of the Argus Range Wilderness in the California Desert Conservation Area, as designated by section 102(a)(1) of the California Desert Protection Act of 1994 (Public Law 103-433; 16 U.S.C. 1132 note) is adjusted to exclude from the area encompassed by the wilderness—

(1) a parcel of private property located in the southwest quarter of the northeast quarter of section 35, township 21 south, range 42 east, Mount Diablo meridian, Inyo County, California; and

(2) the roadway described in subsection (b) that is used to access the private property.

(b) DESCRIPTION OF ROADWAY.—The roadway referred to in subsection (a) means—

(1) the main stem of the road running east and west through sections 35 and 36, township 21 south, range 42 east, and section 31, township 21 south, range 43 east, Mount Diablo meridian, to the point where the main stem first divides into two branches to provide access to the parcel of private property described in subsection (a) from the east and the north; and

(2) each of the two branches of that road, as described in paragraph (1).

(c) LEGAL DESCRIPTION OF EXCLUDED AREA.—The exact acreage and legal description of the area to be excluded from the wilderness area pursuant to subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary. In connection with the main stem of the roadway described in subsection (b)(1), the Secretary shall exclude, at a minimum, all lands within 30 feet of the center line of the roadway.

SEC. 138. (a) Pursuant to the provisions of section 4(a)(3) of the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd(a)(3)), the Secretary of the Interior is directed to remove from the Columbia National Wildlife Refuge all right, title and interest of the United States in and to the following described properties:

Lots 1 and 2 of Block 144, in Othello Land Company's First Addition to Othello according to the recorded plat thereof, together with all lands presently or formerly occupied by public thoroughfares or rights of way abutting or adjoining the above described land, in the County of Adams, State of Washington, T.16 N., R.29E., W.M.

and to transfer said property without compensation to the City of Othello, Washington.

(b) The property conveyed under this section shall be used for public housing or other public purpose, and all right, title and interest in and to such property shall revert to the United States if it is used for any other purpose.

(c) The City of Othello shall hold the United States harmless, and shall indemnify the United States, for all claims, costs, damages, and judgements arising out of any act or omission relating to the property conveyed under this section.

SEC. 139. Section 412(b) of the National Parks Omnibus Management Act of 1998, as amended (16 U.S.C. 5961) is amended by striking "2000" and inserting "2001".

SEC. 140. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 141. The building housing the visitors center within the boundaries of the Chincoteague National Wildlife Refuge on Assateague Island, Virginia, shall be known and designated as the "Herbert H. Bateman Educational and Administrative Center" and shall hereafter be referred to in any law, map, regulation, document, paper, or other record of *the United States as the "Herbert H. Bateman Educational and Administrative Center".*

SEC. 142. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2000, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 143. Public Law 105–83 (111 Stat. 1556) is amended as follows: Under the heading "Operation of Indian Programs" in the Bureau of Indian Affairs strike "non-Federal" in the last proviso and insert in lieu thereof "non-Department of the Interior".

SEC. 144. (a) Notwithstanding any other provision of law, and subject to subsections (b) and (c), all conveyances to the city of Valley City, a municipal corporation of Barnes County, North Dakota, of lands described in subsection (b), heretofore or hereafter made directly by The Burlington Northern and Santa Fe Railway Company or its successors, are hereby validated to the extent that the conveyances would be legal and valid if all right, title, and interest of the United States, except minerals, were held by The Burlington Northern and Santa Fe Railway Company.

(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are the land that formed part of the railroad right-of-way granted to the Northern Pacific Railroad Company, a predecessor to The Burlington Northern and Santa Fe Railway Company, by an Act of Congress on July 2, 1864, specifically a 400-foot wide right-of-way, being 200 feet wide on each side of the centerline of the rail track as originally located and constructed between milepost 69.05 and milepost 61.10 within Barnes County, North Dakota, as shown and described on the map entitled "City of Valley City—Railroad Parcels" dated September 1, 2000. Such map shall be placed on file and available for inspection in the offices of the Director of the Bureau of Land Management.

(c) ACCESS AND MINERAL RIGHTS.—

(1) PRESERVATION OF RIGHTS OF ACCESS.—Nothing in this section shall impair any rights of access in favor of the public or any owner of adjacent lands over, under, or across the lands described in section 2.

(2) MINERALS.—The United States reserves any federally owned mineral rights in the lands described in subsection (b), except that the United States disclaims any and all right of surface entry to the mineral estate of such lands.

SEC. 145. (a) SHORT TITLE.—This section may be cited as the "First Ladies National Historic Site Act of 2000".

(b) FIRST LADIES NATIONAL HISTORIC SITE.—

(1) FINDINGS.—The Congress finds the following:

(A) Throughout the history of the United States, First Ladies have had an important impact on our Nation's history.

(B) Little attention has been paid to the role of First Ladies and their impact on our Nation's history.

(C) Establishment of the First Ladies National Historic Site will provide unique opportunities for education and study into the impact of First Ladies on our history.

(2) PURPOSES.—The purposes of this section are the following:

(A) To preserve and interpret the role and history of First Ladies for the benefit, inspiration, and education of the people of the United States.

(B) To interpret the impact of First Ladies on the history of the United States.

(C) To provide to school children and scholars access to information about the contributions of First Ladies through both a physical educational facility and an electronic virtual library.

(D) To establish the First Ladies National Historic Site in Canton, Ohio, the home of First Lady Ida Saxton McKinley.

(E) To create a public-private partnership between the National Park Service and the National First Ladies Library.

(3) ESTABLISHMENT OF FIRST LADIES NATIONAL HISTORIC SITE.—

(A) ESTABLISHMENT.—There is established in Canton, Ohio, the First Ladies National Historic Site.

(B) DESCRIPTION.—The historic site shall consist of—

(i) the land and improvements comprising the National Park Service property located at 331 Market Avenue South in Canton, Ohio, known as the Ida Saxton McKinley House; and

(ii) if acquired under subsection (b)(4), National Park Service property located at 205 Market Avenue South in Canton, Ohio, known as the City National Bank Building.

(4) ACQUISITION OF CITY NATIONAL BANK BUILDING.—The Secretary may acquire by donation, for inclusion in the historic site, the property located at 205 Market Avenue South in Canton, Ohio, known as the City National Bank Building.

(5) ADMINISTRATION OF THE HISTORIC SITE.—

(A) IN GENERAL.—The Secretary shall administer the historic site in accordance with this section and the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

(B) COOPERATIVE AGREEMENTS.—

(i) To further the purposes of this section, the Secretary may enter into a cooperative agreement with the National First Ladies Library (a nonprofit corporation established under the laws of the District of Columbia) under which the National First Ladies Library may operate and maintain the site.

(ii) To further the purposes of this section, the Secretary may enter into cooperative agreements with other public and private organizations.

(C) ASSISTANCE.—The Secretary may provide to the National First Ladies Library—

(i) technical assistance for the preservation of historic structures of, the maintenance of the cultural landscape of, and local preservation planning for, the historic site; and

(ii) subject to the availability of appropriations, financial assistance for the operation and maintenance of the historic site.

(D) ADMISSION FEES.—The Secretary may authorize the National First Ladies Library to—

(i) charge fees for admission to the historic site; and

(ii) retain and use for the historic site amounts paid as such fees.

(E) MANAGEMENT OF PROPERTY.—The Secretary may authorize the National First Ladies Library—

(i) to manage any property within the historic site;

(ii) to lease to other public or private entities any property managed under subparagraph (i) by the National First Ladies Library; and

(iii) to retain and use for the historic site amounts received under such leases.

(6) GENERAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than the last day of the third full fiscal year beginning after the date of enactment of this Act, the Secretary shall, in consultation with the officials described in paragraph (B), prepare a general management plan for the historic site.

(B) CONSULTATION.—In preparing the general management plan, the Secretary shall consult with an appropriate official of—

(i) the National First Ladies Library; and

(ii) appropriate political subdivisions of the State of Ohio that have jurisdiction over the area where the historic site is located.

(C) SUBMISSION OF PLAN TO CONGRESS.—Upon the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(7) DEFINITIONS.—In this section:

(A) HISTORIC SITE.—The term "historic site" means the First Ladies National Historic Site established by subsection (b)(3).

(B) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 146. (a) CONTRIBUTIONS TOWARD ESTABLISHMENT OF ABRAHAM LINCOLN INTERPRETIVE CENTER.—

(1) GRANTS AUTHORIZED.—Subject to subsections (a)(2) and (a)(3), the Secretary of the Interior shall make grants to contribute funds for the establishment in Springfield, Illinois, of an interpretive center to preserve and make available to the public materials related to the life of President Abraham Lincoln and to provide interpretive and educational services which communicate the meaning of the life of Abraham Lincoln.

(2) PLAN AND DESIGN.—

(A) SUBMISSION.—Not later than 18 months after the date of the enactment of this Act, the entity selected by the Secretary of the Interior to receive grants under subsection (a)(1) shall submit to the Secretary a plan and design for the interpretive center, including a description of the following:

(i) The design of the facility and site.

(ii) The method of acquisition.

(iii) The estimated cost of acquisition, construction, operation, and maintenance.

(iv) The manner and extent to which non-Federal entities will participate in the acquisition, construction, operation, and maintenance of the center.

(B) CONSULTATION AND COOPERATION.—The plan and design for the interpretive center shall be prepared in consultation with the Secretary of the Interior and the Governor of Illinois and in cooperation with such other public, municipal, and private entities as the Secretary considers appropriate.

(3) CONDITIONS ON GRANT.—

(A) MATCHING REQUIREMENT.—A grant under subsection (a)(1) may not be made until such time as the entity selected to receive the grant certifies to the Secretary of the Interior that funds have been contributed by the State of Illinois or raised from non-Federal sources for use to establish the interpretive center in an amount equal to at least double the amount of that grant.

(B) RELATION TO OTHER LINCOLN-RELATED SITES AND MUSEUMS.—The Secretary of the Interior shall further condition the grant under subsection (a)(1) on the agreement of the grant recipient to operate the resulting interpretive center in cooperation with other Federal and non-Federal historic sites, parks, and museums that represent significant locations or events in the life of Abraham Lincoln. Cooperative efforts to promote and interpret the life of Abraham Lincoln may include the use of cooperative agreements, cross references, cross promotion, and shared exhibits.

(4) PROHIBITION ON CONTRIBUTION OF OPERATING FUNDS.—Grant amounts may not be used for the maintenance or operation of the interpretive center.

(5) NON-FEDERAL OPERATION.—The Secretary of the Interior shall have no involvement in the actual operation of the interpretive center, except at the request of the non-Federal entity responsible for the operation of the center.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the

Secretary of the Interior a total of $50,000,000 to make grants under subsection (a)(1). Amounts so appropriated shall remain available for expenditure through fiscal year 2006.

SEC. 147. (a) SHORT TITLE.—This section may be cited as the "Palace of the Governors Annex Act".

(b) CONSTRUCTION OF PALACE OF THE GOVERNORS ANNEX, SANTA FE, NEW MEXICO.—

(1) FINDINGS.—Congress finds that—

(A) the United States has a rich legacy of Hispanic influence in politics, government, economic development, and cultural expression;

(B) the Palace of the Governors—

(i) has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610;

(ii) is the oldest continuously occupied public building in the continental United States, having been occupied for 390 years; and

(iii) has been designated as a National Historic Landmark;

(C) since its creation, the Museum of New Mexico has worked to protect and promote Southwestern, Hispanic, and Native American arts and crafts;

(D) the Palace of the Governors houses the history division of the Museum of New Mexico;

(E) the Museum has an extensive, priceless, and irreplaceable collection of—

(i) Spanish Colonial paintings (including the Segesser Hide Paintings, paintings on buffalo hide dating back to 1706);

(ii) pre-Columbian Art; and

(iii) historic artifacts, including—

(I) helmets and armor worn by the Don Juan de Oñate expedition conquistadors who established the first capital in the territory that is now the United States, San Juan de los Caballeros, in July 1598;

(II) the Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico;

(III) the Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa's raid began;

(IV) the field desk of Brigadier General Stephen Watts Kearny, who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California; and

(V) more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts;

(F) the Palace of the Governors and its contents are included in the Mary C. Skaggs Centennial Collection of America's Treasures;

(G) the Palace of the Governors and the Segesser Hide paintings have been declared national treasures by the National Trust for Historic Preservation; and

(H) time is of the essence in the construction of an annex to the Palace of the Governors for the exhibition and storing of the collection described in paragraph (E), because—

(i) the existing facilities for exhibiting and storing the collection are so inadequate and unsuitable that existence of the collection is endangered and its preservation is in jeopardy; and

(ii) 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors and is an appropriate date for ensuring the continued viability of the collection.

(2) DEFINITIONS.—In this section:

(A) ANNEX.—The term "Annex" means the annex for the Palace of the Governors of the Museum of New Mexico, to be constructed behind the Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

(B) OFFICE.—The term "Office" means the State Office of Cultural Affairs.

(C) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(D) STATE.—The term "State" means the State of New Mexico.

(3) GRANT.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to the Office to pay 50 percent of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex.

(B) REQUIREMENTS.—Subject to the availability of appropriations, to receive a grant under this paragraph (A), the Office shall—

(i) submit to the Secretary a copy of the architectural blueprints for the Annex; and

(ii) enter into a memorandum of understanding with the Secretary under subsection (b)(4).

(4) MEMORANDUM OF UNDERSTANDING.—At the request of the Office, the Secretary shall enter into a memorandum of understanding with the Office that—

(A) requires that the Office award the contract for construction of the Annex after a competitive bidding process and in accordance with the New Mexico Procurement Code; and

(B) specifies a date for completion of the Annex.

(5) NON-FEDERAL SHARE.—The non-Federal share of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex—

(A) may be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services; and

(B) shall include any contribution received by the State (including contributions from the New Mexico Foundation and other endowment funds) for, and any expenditure made by the State for, the Palace of the Governors or the Annex, including—

(i) design;

(ii) land acquisition (including the land at 110 Lincoln Avenue, Santa Fe, New Mexico);

(iii) acquisitions for and renovation of the library;

(iv) conservation of the Palace of the Governors;

(v) construction, management, inspection, furnishing, and equipping of the Annex; and

(vi) donations of art collections and artifacts to the Museum of New Mexico on or after the date of enactment of this section.

(6) USE OF FUNDS.—The funds received under a grant awarded under subsection (b)(3) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(7) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Subject to paragraph (B), subject to the availability of appropriations, there is authorized to be appropriated to the Secretary to carry out this section $15,000,000, to remain available until expended.

(B) CONDITION.—Paragraph (A) authorizes sums to be appropriated on the condition that—

(i) after the date of enactment of this section and before January 1, 2010, the State appropriate at least $8,000,000 to pay the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex; and

(ii) other non-Federal sources provide sufficient funds to pay the remainder of the 50 percent non-Federal share of those costs.

SEC. 148. (a) Section 104 of the Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (Public Law 100–698) is amended—

(1) in the flush material at the end of subsection (a), by striking "10 years" and inserting "20 years"; and

(2) in subsection (e), by striking "10 years" and inserting "20 years".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 105 of the Act entitled "An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes", approved November 19, 1988 (Public Law 100–698) is amended by inserting "for each of fiscal years 2001 through 2010" after "$3,000,000".

(c) EFFECTIVE DATE.—The amendment made by section 1 shall be deemed to have taken effect on November 18, 1998.

SEC. 149. REDESIGNATION OF CUYAHOGA VALLEY NATIONAL RECREATION AREA AS CUYAHOGA VALLEY NATIONAL PARK. (a) REDESIGNATION.—The Cuyahoga Valley National Recreation Area is redesignated as Cuyahoga Valley National Park.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Cuyahoga Valley National Recreation Area is deemed to be a reference to Cuyahoga Valley National Park.

(c) CONFORMING AMENDMENTS.—The Act entitled "An Act to provide for the establishment of the Cuyahoga Valley National Recreation Area" (Public Law 93–555; 16 U.S.C. 460ff et seq.), approved December 27, 1974, is amended—

(1) in section 1 by striking "National Recreation Area" and inserting "National Park"; and

(2) by striking "recreation area" each place it appears and inserting "park".

(d) CLERICAL AMENDMENTS.—Section 5 of such Act (16 U.S.C. 460ff–4) is repealed, and section 6 of such Act (16 U.S.C. 460ff–5) is redesignated as section 5.

Sec. 150. (a) SHORT TITLE.—This section may be cited as the "National Underground Railroad Freedom Center Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) the National Underground Railroad Freedom Center (hereinafter "Freedom Center") is a nonprofit organization incorporated under the laws of the State of Ohio in 1995;

(B) the objectives of the Freedom Center are to interpret the history of the Underground Railroad through development of a national cultural institution in Cincinnati, Ohio, that will house an interpretive center, including museum, educational, and research facilities, all dedicated to communicating to the public the importance of the quest for human freedom which provided the foundation for the historic and inspiring story of the Underground Railroad;

(C) the city of Cincinnati has granted exclusive development rights for a prime riverfront location to the Freedom Center;

(D) the Freedom Center will be a national center linked through state-of-the-art technology to Underground Railroad sites and facilities throughout the United States and to a constituency that reaches across the United States, Canada, Mexico, the Caribbean and beyond; and

(E) the Freedom Center has reached an agreement with the National Park Service to pursue a range of historical and educational cooperative activities related to the Underground Railroad, including but not limited to assisting the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act.

(2) PURPOSES.—The purposes of this section are—

(A) to promote preservation and public awareness of the history of the Underground Railroad;

(B) to assist the Freedom Center in the development of its programs and facilities in Cincinnati, Ohio; and

(C) to assist the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act (112 Stat. 679; 16 U.S.C. 469l and following).

(c) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) PROJECT BUDGET.—The term "project budget" means the total amount of funds expended by the Freedom Center on construction of its facility, development of its programs and exhibits, research, collection of informative and educational activities related to the history of the Underground Railroad, and any administrative activities necessary to the operation of the Freedom Center, prior to the opening of the Freedom Center facility in Cincinnati, Ohio.

(3) FEDERAL SHARE.—The term "Federal share" means an amount not to exceed 20 percent of the project budget and shall include all amounts received from the Federal Government under this legislation and any other Federal programs.

(4) NON-FEDERAL SHARE.—The term "non-Federal share" means all amounts obtained by the Freedom Center for the implementation of its facilities and programs from any source other than the Federal Government, and shall not be less than 80 percent of the project budget.

(5) THE FREEDOM CENTER FACILITY.—The term "the Freedom Center facility" means the facility, including the building and surrounding site, which will house the museum and research institute to be constructed and developed in Cincinnati, Ohio, on the site described in subsection (d)(3).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROGRAM AUTHORIZED.—From sums appropriated pursuant to the authority of subsection (d)(4) in any fiscal year, the Secretary is authorized and directed to provide financial assistance to the Freedom Center, in order to pay the Federal share of the cost of authorized activities described in subsection (e).

(2) EXPENDITURE ON NON-FEDERAL PROPERTY.—The Secretary is authorized to expend appropriated funds under subsection (d)(1) of this section to assist in the construction of the Freedom Center facility and the development of programs and exhibits for that facility which will be funded primarily through private and non-Federal funds, on property owned by the city of Cincinnati, Hamilton County, and the State of Ohio.

(3) DESCRIPTION OF THE FREEDOM CENTER FACILITY SITE.—The facility referred to in subsections (d)(1) and (d)(2) will be located on a site described as follows: a 2-block area south of new South Second, west of Walnut Street, north of relocated Theodore M. Berry Way, and east of Vine Street in Cincinnati, Ohio.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $16,000,000 for the 4 fiscal year period beginning October 1, 1999. Funds not to exceed that total amount may be appropriated in 1 or more of such fiscal years. Funds shall not be disbursed until the Freedom Center has commitments for a minimum of 50 percent of the non-Federal share.

(5) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, funds appropriated to carry out the provisions of this section shall remain available for obligation and expenditure until the end of the fiscal year succeeding the fiscal year for which the funds were appropriated.

(6) OTHER PROVISIONS.—Any grant made under this section shall provide that—

(A) no change or alteration may be made in the Freedom Center facility except with the agreement of the property owner and the Secretary;

(B) the Secretary shall have the right of access at reasonable times to the public portions of the Freedom Center facility for interpretive and other purposes; and

(C) conversion, use, or disposal of the Freedom Center facility for purposes contrary to the purposes of this section, as determined by the Secretary, shall result in a right of the United States to compensation equal to the greater of—

(i) all Federal funds made available to the grantee under this section; or

(ii) the proportion of the increased value of the Freedom Center facility attributable to such funds, as determined at the time of such conversion, use, or disposal.

(e) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Freedom Center may engage in any activity related to its objectives addressed in subsection (b)(1), including, but not limited to, construction of the Freedom Center facility, development of programs and exhibits related to the history of the Underground Railroad, research, collection of information and artifacts and educational activities related to the history of the Underground Railroad, and any administrative activities necessary to the operation of the Freedom Center.

(2) PRIORITIES.—The Freedom Center shall give priority to—

(A) construction of the Freedom Center facility;

(B) development of programs and exhibits to be presented in or from the Freedom Center facility; and

(C) providing assistance to the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act (16 U.S.C. 469l).

(f) APPLICATION.—

(1) IN GENERAL.—The Freedom Center shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each application shall—

(A) describe the activities for which assistance is sought;

(B) provide assurances that the non-Federal share of the cost of activities of the Freedom Center shall be paid from non-Federal sources, together with an accounting of costs expended by the Freedom Center to date, a budget of costs to be incurred prior to the opening of the Freedom Center facility, an accounting of funds raised to date, both Federal and non-Federal, and a projection of funds to be raised through the completion of the Freedom Center facility.

(2) APPROVAL.—The Secretary shall approve the application submitted pursuant to subsection (f)(1) unless such application fails to comply with the provisions of this section.

(g) REPORTS.—The Freedom Center shall submit an annual report to the appropriate committees of the Congress not later than January 31, 2000, and each succeeding year thereafter for any fiscal year in which Federal funds are expended pursuant to this section. The report shall—

(1) include a financial statement addressing the Freedom Center's costs incurred to date and projected costs, and funds raised to date and projected fundraising goals;

(2) include a comprehensive and detailed description of the Freedom Center's activities for the preceding and succeeding fiscal years; and

(3) include a description of the activities taken to assure compliance with this section.

(h) AMENDMENT TO THE NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM ACT OF 1998.—The National Underground Railroad Network to Freedom Act of 1998 (112 Stat. 679; 16 U.S.C. 469l and following) is amended by adding at the end the following:

"SEC. 4. PRESERVATION OF HISTORIC SITES OR STRUCTURES.

"(a) AUTHORITY TO MAKE GRANTS.—The Secretary of the Interior may make grants in accordance with this section for the preservation and restoration of historic buildings or structures associated with the Underground Railroad, and for related research and documentation to sites, programs, or facilities that have been included in the national network.

"(b) GRANT CONDITIONS.—Any grant made under this section shall provide that—

"(1) no change or alteration may be made in property for which the grant is used except with the agreement of the property owner and the Secretary;

"(2) the Secretary shall have the right of access at reasonable times to the public portions of such property for interpretive and other purposes; and

"(3) conversion, use, or disposal of such property for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to compensation equal to all Federal funds made available to the grantee under this Act.

"(c) MATCHING REQUIREMENT.—The Secretary may obligate funds made available for a grant under this section only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal to or greater than the grant. The Secretary may waive the requirement of the preceding sentence with respect to a grant if the Secretary determines that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.

"(d) FUNDING.—There are authorized to be appropriated to the Secretary for purposes of this section $2,500,000 for fiscal year 2001 and each subsequent fiscal year. Amounts authorized but not appropriated in a fiscal year shall be available for appropriation in subsequent fiscal years.".

SEC. 151. PRIORITY ABANDONED MINE AND ACID MINE REMEDIATION. For expenses necessary to reclaim abandoned coal mine sites and for acid mine drainage remediation caused by past coal mining practices in the anthracite region of Pennsylvania and other purposes consistent with title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, to be granted to the Commonwealth of Pennsylvania in addition to the amount granted under sections 402(g)(1) and 402(g)(5) of the Surface Mining Control and Reclamation Act, $12,600,000, to be derived from funds pursuant to section 402(g)(2) of the Surface Mining Control and Reclamation Act, to remain available until expended: Provided, That of these funds, $600,000 will be specifically used to continue a demonstration project funded in Public Law 106–113, in accordance with section 401(c)(6) of the Act to determine the efficacy of improving water quality by removing metals from eligible waters polluted by acid mine drainage.

SEC. 152. Notwithstanding any other provision of law, from the unobligated balances derived from the Land and Water Conservation Fund appropriated in fiscal year 2000 for acquisition of land at Nisqually National Wildlife Refuge (Black River), $850,000, together with other sums as may become available, is for the Nisqually Indian Tribe to acquire the fee title to the Kenneth W. Braget farm under the terms and conditions of the existing Purchase and Sale Agreement. The Nisqually Indian Tribe shall enter into a 25 year cooperative agreement/renewable lease with the U.S. Fish and Wildlife Service to manage those lands within the approved refuge boundary as part of the Nisqually National Wildlife Refuge. Such lands within the approved refuge boundary shall be managed in perpetuity for refuge purposes.

SEC. 153. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:

(1) CONSTRUCTION.—The term "construction", with respect to a tribally controlled school, includes the construction or renovation of that school.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) SECRETARY.—The term "secretary" means the Secretary of the Interior.

(4) TRIBALLY CONTROLLED SCHOOL.—The term "tribally controlled school" has the meaning given that term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

(5) DEPARTMENT.—The term "Department" means the Department of the Interior.

(6) DEMONSTRATION PROGRAM.—The term "demonstration program" means the Tribal School Construction Demonstration Program.

(b) IN GENERAL.—The Secretary shall carry out a demonstration program to provide grants to Indian tribes for the construction of tribally controlled schools.

(1) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an eligible Indian tribe currently on the Department's priority list for constructing of replacement educational facilities receives the highest priority for a grant under this section.

(2) GRANT APPLICATIONS.—An application for a grant under the section shall—

(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and

(B) be in such form as the Secretary determines appropriate.

(3) GRANT AGREEMENT.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

(A) the costs of construction under the grant;

(B) that the Indian tribe shall be required to contribute towards the cost of the construction a tribal share equal to 50 percent of the costs; and

(C) any other term or condition that the Secretary determines to be appropriate.

(4) ELIGIBILITY.—Grants awarded under the demonstration program shall only be for construction on replacement tribally controlled schools.

(c) EFFECT OF GRANT.—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 154. WHITE RIVER OIL SHALE MINE, UTAH. (a) SALE.—The Administrator of General Services (referred to in this section as the "Administrator") shall sell all right, title, and interest of the United States in and to the improvements and equipment described in subsection (b) that are situated on the land described in subsection (c) (referred to in this section as the "Mine").

(b) DESCRIPTION OF IMPROVEMENTS AND EQUIPMENT.— The improvements and equipment referred to in subsection (a) are the following improvements and equipment associated with the Mine:

(1) Mine Service Building.

(2) Sewage Treatment Building.

(3) Electrical Switchgear Building.

(4) Water Treatment Building/Plant.

(5) Ventilation/Fan Building.

(6) Water Storage Tanks.

(7) Mine Hoist Cage and Headframe.

(8) Miscellaneous Mine-related equipment.

(c) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the land located in Uintah County, Utah, known as the "White River Oil Shale Mine" and described as follows:

(1) T. 10 S., R 24 E., Salt Lake Meridian, sections 12 through 14, 19 through 30, 33, and 34.

(2) T. 10 S., R. 25 E., Salt Lake Meridian, sections 18 and 19.

(d) USE OF PROCEEDS.—The proceeds of the sale under subsection (a)—

(1) shall be deposited in a special account in the Treasury of the United States; and

(2) shall be available until expended, without further Act of appropriation—

(A) first, to reimburse the Administrator for the direct costs of the sale; and

(B) second, to reimburse the Bureau of Land Management Utah State Office for the costs of closing and rehabilitating the Mine.

(e) MINE CLOSURE AND REHABILITATION.—The closing and rehabilitation of the Mine (including closing of the mine shafts, site grading, and surface revegetation) shall be conducted in accordance with—

(1) the regulatory requirements of the State of Utah, the Mine Safety and Health Administration, and the Occupational Safety and Health Administration; and

(2) other applicable law.

SEC. 155. BLUE RIDGE PARKWAY. (a) The Blue Ridge Parkway headquarters building located at 199 Hemphill Knob in Asheville, North Carolina, shall be known and designated as the "Gary E. Everhardt Headquarters Building".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the headquarters building referred to in subsection (a) shall be deemed to be a reference to the "Gary E. Everhardt Headquarters Building".

SEC. 156. None of the funds in this Act or any other Act shall be used, by the Secretary of the Interior to promulgate final rules to revise 43 C.F.R. subpart 3809, except that the Secretary, following the public comment period required by section 3002 of Public Law 106–31, may issue final rules to amend 43 C.F.R. subpart 3809 which are not inconsistent with the recommendations contained in the National Research Council report entitled "Hardrock Mining on Federal Lands" so long as these regulations are also not inconsistent with existing statutory authorities. Nothing in this section shall be construed to expand the existing statutory authority of the Secretary.

SEC. 157. (a) SHORT TITLE.—This section may be cited as the "Wheeling National Heritage Area Act of 2000".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds that—

(A) the area in an around Wheeling, West Virginia, possesses important historical, cultural, and natural resources, representing major heritage themes of transportation, commerce and industry, and Victorian culture in the United States;

(B) the City of Wheeling has played an important part in the settlement of this country by serving as—

(i) the western terminus of the National Road of the early 1800's;

(ii) the "Crossroads of America" throughout the nineteenth century;

(iii) one of the few major inland ports in the nineteenth century; and

(iv) the site for the establishment of the Restored State of Virginia, and later the State of West Virginia, during the Civil War and as the first capital of the new State of West Virginia;

(C) the City of Wheeling has also played an important role in the industrial and commercial heritage of the United States, through the development and maintenance of many industries crucial to the Nation's expansion, including iron and steel, textile manufacturing, boat building, glass manufacturing, and stogie and chewing tobacco manufacturing facilities, many of which are industries that continue to play an important role in the national economy;

(D) the city of Wheeling has retained its national heritage themes with the designations of the old custom house (now Independence Hall) and the historic suspension bridge as National Historic Landmarks; with five historic districts; and many individual properties in the Wheeling area listed or eligible for nomination to the National Register of Historic Places;

(E) the heritage themes and number and diversity of Wheeling's remaining resources should be appropriately retained, enhanced, and interpreted for the education, benefit, and inspiration of the people of the United States; and

(F) in 1992 a comprehensive plan for the development and administration of the Wheeling National Heritage Area was completed for the National Park Service, the City of Wheeling, and the Wheeling National Task Force, including—

(i) an inventory of the national and cultural resources in the City of Wheeling;

(ii) criteria for preserving and interpreting significant natural and historic resources;

(iii) a strategy for the conservation, preservation, and reuse of the historical and cultural resources in the City of Wheeling and the surrounding region; and

(iv) an implementation agenda by which the State of West Virginia and local governments can coordinate their resources as well as a complete description of the management entity responsible for implementing the comprehensive plan.

(2) PURPOSES.—The purposes of this section are—

(A) to recognize the special importance of the history and development of the Wheeling area in the cultural heritage of the Nation;

(B) to provide a framework to assist the City of Wheeling and other public and private entities and individuals in the appropriate preservation, enhancement, and interpretation of significant resources in the Wheeling area emblematic of Wheeling's contributions to the Nation's cultural heritage;

(C) to allow for limited Federal, State and local capital contributions for planning and infrastructure investments to complete the Wheeling National Heritage Area, in partnership with the State of West Virginia, the City of Wheeling, and other appropriate public and private entities; and

(D) to provide for an economically self-sustaining National Heritage Area not dependent on Federal financial assistance beyond the initial years necessary to establish the heritage area.

(c) DEFINITIONS.—As used in this section—

(1) the term "city" means the City of Wheeling;

(2) the term "heritage area" means the Wheeling National Heritage Area established in subsection (d);

(3) the term "plan" means the "Plan for the Wheeling National Heritage Area" dated August, 1992;

(4) the term "Secretary" means the Secretary of the Interior; and

(5) the term "State" means the State of West Virginia.

(d) WHEELING NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—In furtherance of the purposes of this section, there is established in the State of West Virginia the Wheeling National Heritage Area, as generally depicted on

the map entitled "Boundary Map, Wheeling National Heritage Area, Wheeling, West Virginia" and dated March, 1994. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) MANAGEMENT ENTITY.—

(A) The management entity for the heritage area shall be the Wheeling National Heritage Corporation, a non-profit corporation chartered in the State of West Virginia.

(B) To the extent consistent with this section, the management entity shall manage the heritage area in accordance with the plan.

(e) DUTIES OF THE MANAGEMENT ENTITY.—

(1) MISSION.—

(A) The primary mission of the management entity shall be—

(i) to implement and coordinate the recommendations contained in the plan;

(ii) ensure integrated operation of the heritage area; and

(iii) conserve and interpret the historic and cultural resources of the heritage area.

(B) The management entity shall also direct and coordinate the diverse conservation, development, programming, educational, and interpretive activities within the heritage area.

(2) RECOGNITION OF PLAN.—The management entity shall work with the State of West Virginia and local governments to ensure that the plan is formally adopted by the City and recognized by the State.

(3) IMPLEMENTATION.—To the extent practicable, the management entity shall—

(A) implement the recommendations contained in the plan in a timely manner pursuant to the schedule identified in the plan;

(B) coordinate its activities with the City, the State, and the Secretary;

(C) ensure the conservation and interpretation of the heritage area's historical, cultural, and natural resources, including—

(i) assisting the City and the State in the preservation of sites, buildings, and objects within the heritage area which are listed or eligible for listing on the National Register of Historic Places;

(ii) assisting the City, the State, or a nonprofit organization in the restoration of any historic building in the heritage area;

(iii) increasing public awareness of and appreciation for the natural, cultural, and historic resources of the heritage area;

(iv) assisting the State or City in designing, establishing, and maintaining appropriate interpretive facilities and exhibits in the heritage area;

(v) assisting in the enhancement of public awareness and appreciation for the historical, archaeological, and geologic resources and sites in the heritage area; and

(vi) encouraging the City and other local governments to adopt land use policies consistent with the goals of the plan, and to take actions to implement those policies;

(D) encourage intergovernmental cooperation in the achievement of these objectives;

(E) develop recommendations for design standards within the heritage area; and

(F) seek to create public-private partnerships to finance projects and initiatives within the heritage area.

(4) AUTHORITIES.—The management entity may, for the purposes of implementing the plan, use Federal funds made available by this section to—

(A) make grants to the State, City, or other appropriate public or private organizations, entities, or persons;

(B) enter into cooperative agreements with, or provide technical assistance to Federal agencies, the State, City or other appropriate public or private organizations, entities, or persons;

(C) hire and compensate such staff as the management entity deems necessary;

(D) obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money;

(E) spend funds on promotion and marketing consistent with the resources and associated values of the heritage area in order to promote increased visitation; and

(F) contract for goods and services.

(5) ACQUISITION OF REAL PROPERTY.—

(A) Except as provided in paragraph (B), the management entity may not acquire any real property or interest therein within the heritage area, other than the leasing of facilities.

(B)(i) Subject to subparagraph (ii), the management entity may acquire real property, or an interest therein, within the heritage area by gift or devise, or by purchase from a willing seller with money which was donated, bequeathed, appropriated, or otherwise made available to the management entity on the condition that such money be used to purchase real property, or interest therein, within the heritage area.

(ii) Any real property or interest therein acquired by the management entity pursuant to this paragraph shall be conveyed in perpetuity by the management entity to an appropriate public or private entity, as determined by the management entity. Any such conveyance shall be made as soon as practicable after acquisition, without consideration, and on the condition that the real property or interest therein so conveyed shall be used for public purposes.

(6) REVISION OF PLAN.—Within 18 months after the date of enactment, the management entity shall submit to the Secretary a revised plan. Such revision shall include, but not be limited to—

(A) a review of the implementation agenda for the heritage area;

(B) projected capital costs; and

(C) plans for partnership initiatives and expansion of community support.

(f) DUTIES OF THE SECRETARY.—

(1) INTERPRETIVE SUPPORT.—The Secretary may, upon request of the management entity, provide appropriate interpretive, planning, educational, staffing, exhibits, and other material or support for the heritage area, consistent with the plan and as appropriate to the resources and associated values of the heritage area.

(2) TECHNICAL ASSISTANCE.—The Secretary may upon request of the management entity and consistent with the plan, provide technical assistance to the management entity.

(3) COOPERATIVE AGREEMENTS AND GRANTS.—The Secretary may, in consultation with the management entity and consistent with the management plan, make grants to, and enter into cooperative agreements with the management entity, the State, City, non-profit organization or any person.

(4) PLAN AMENDMENTS.—No amendments to the plan may be made unless approved by the Secretary. The Secretary shall consult with the management entity in reviewing any proposed amendments.

(g) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal department, agency, or other entity conducting or supporting activities directly affecting the heritage area shall—

(1) consult with the Secretary and the management entity with respect to such activities.

(2) cooperate with the Secretary and the management entity in carrying out their duties under this Act, and to the extent practicable, coordinate such activities directly with the duties of the Secretary and the management entity.

(3) to the extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the heritage area.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this section for any fiscal year.

(2) MATCHING FUNDS.—Federal funding provided under this section shall be matched at least 25 percent by other funds or in-kind services.

(i) SUNSET.—The Secretary may not make any grant or provide any assistance under this section after September 30, 2015.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $229,616,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $238,455,000, to remain available until expended, as authorized by law: Provided, That none of the funds made available by this Act shall be used for the urban resources partnership program.

For an additional amount to cover necessary expenses for emergency pest management and forest health activities on Federal, State and private lands, $12,500,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,280,693,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l-6a(i)), of which not less than an additional $500,000 shall be available for use for law enforcement purposes in the national forest that, during calendar year 2000, had both the greatest number of methamphetamine dumps and the greatest number of methamphetamine laboratory law enforcement actions in the National Forest System, and of which not less than an additional $500,000 shall be available for law enforcement purposes on the Pisgah and Nantahala National Forests, and of which for the purpose of implementing the Valles Caldera Preservation Act, $990,000, to remain available until expended, shall be available to the Secretary for the management of the Valles Caldera National Preserve: Provided, That any remaining balances available for implementing the Valles Caldera Preservation Act be provided to the Valles Caldera Trust upon its assumption of the management of the Preserve: Provided further, That notwithstanding the limitations of 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106-248), for fiscal years 2001 and 2002, the members of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including *travel time) that they are engaged in the performance of the functions of the Board. Compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by them in the performance of their duties. Members of the Board who are officers or employees of the United States shall not receive any additional compensation by reason of service on the Board: Provided further, That unobligated balances available at the start of fiscal year 2001 shall be displayed by extended budget line item in the fiscal year 2002 budget justification: Provided further, That of the amount available for vegetation and watershed management, the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands: Provided further, That $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That of the funds provided for Forest Products, $700,000 shall be provided to the State of Alaska for monitoring activities at Forest Service log transfer facilities, in the form of an advance, direct lump sum payment.*

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $839,129,000, to remain available until expended: Provided, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2000 shall be transferred, as repayment for post advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, up to $8,600,000 of funds appropriated under this appropriation may be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest Service and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research.

For an additional amount to cover necessary expenses for emergency rehabilitation, presuppression due to emergencies, and wildfire suppression activities of the Forest Service, $426,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $468,568,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That any unobligated balances of amounts previously appropriated to the Forest Service "Construction", "Reconstruction and Construction", or "Reconstruction and Maintenance" accounts as well as any unobligated balances remaining in the "National Forest System" account for the facility maintenance and trail maintenance extended budget line items may be transferred to and merged with the "Capital Improvement and Maintenance" account.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $102,205,000 to be derived from the Land and Water Conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,500,000, to remain available until expended.

SOUTHEAST ALASKA ECONOMIC DISASTER FUND

For purposes of the Southeast Alaska Economic Disaster Fund as set forth in section 101(c) of Public Law 104–314, the direct grants provided from the Fund shall be considered direct payments for purposes of all applicable law except that these direct grants may not be used for lobbying activities: Provided, That a total of $5,000,000 is hereby appropriated and shall be deposited into the Southeast Alaska Economic Disaster Fund established pursuant to Public Law 104–134, as amended, without further appropriation or fiscal year limitation. The Secretary of Agriculture shall distribute these funds to the City of Craig in fiscal year 2001.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 132 passenger motor vehicles of which 13 will be used primarily for law enforcement purposes and of which 129 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed six for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 192 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, including the Oscoda-Wurtsmith land exchange in Michigan, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming *procedures contained in House Report No. 105–163.*

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: Provided further, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Capital Improvement and Maintenance" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: Provided, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: Provided further, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

The Forest Service shall fund indirect expenses, that is expenses not directly related to specific programs or to the accomplishment of specific work on-the-ground, from any funds available to the Forest Service: Provided, That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105–277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: Provided further, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: Provided, That during fiscal year 2001 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund. Obligations in excess of 20 percent which would otherwise be charged to the above funds may be charged to appropriated funds available to the Forest Service subject to notification of the Committees on Appropriations of the House and Senate.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $750,000.

Section 551 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460lll–61) is amended by adding at the end the following new subsection:

"(c) TRANSITION.—Until September 30, 2002, the Secretary of Agriculture may expend amounts appropriated or otherwise made available to carry out this title in a manner consistent with the authorities exercised by the Tennessee Valley Authority, before the transfer of the Recreation Area to the administrative jurisdiction of the Secretary, regarding procurement of property, services, supplies, and equipment.".

The Secretary of Agriculture shall pay $4,449 from available funds to Joyce Liverca as reimbursement for various expenses incurred as a Federal employee in connection with certain high priority duties performed for the Forest Service.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $67,000,000 shall not be available until October 1, 2001: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the

Albany Research Center in Oregon $540,653,000, to remain available until expended, of which $12,000,000 for oil technology research shall be derived by transfer from funds appropriated in prior years under the heading "Strategic Petroleum Reserve, SPR Petroleum Account" and of which $95,000,000 shall be derived by transfer from funds appropriated in prior years under the heading "Clean Coal Technology", such funds to be available for a general request for proposals for the commercial scale demonstration of technologies to assure the reliability of the Nation's energy supply from existing and new electric generating facilities for which the Department of Energy upon review may provide financial assistance awards: Provided, That the request for proposals shall be issued no later than one hundred and twenty days following enactment of this Act, proposals shall be submitted no later than ninety days after the issuance of the request for proposals, and the Department of Energy shall make project selections no later than one hundred and sixty days after the receipt of proposals: Provided further, That no funds are to be obligated for selected proposals prior to September 30, 2001: Provided further, That funds provided shall be expended only in accordance with the provisions governing the use of funds contained under the heading under which they were originally appropriated: Provided further, That provisions for repayment of government contributions to individual projects shall be identical to those included in the Program Opportunity Notice (Solicitation Number DE–PS01–89FE 61825), issued by the Department of Energy on May 1, 1989, except that repayments from sale or licensing of technologies shall be from both domestic and foreign transactions: Provided further, That such repayments shall be deposited in this account to be retained for future projects: Provided further, That any project approved under this program shall be considered a Clean Coal Technology Demonstration Project, for the purposes of Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

ALTERNATIVE FUELS PRODUCTION

(RESCISSION)

Of the unobligated balances under this heading, $1,000,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out engineering studies to determine the cost of development, the predicted rate and quantity of petroleum recovery, the methodology, and the equipment specifications for development of Shannon Formation at Naval Petroleum Reserve Numbered 3 (NPR–3), utilizing a below-the-reservoir production method, $1,600,000, to remain available until expended: Provided, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 2001 and any fiscal year thereafter: Provided further, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2001 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out energy conservation activities, $816,940,000, to remain available until expended, of which $2,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: Provided, That $191,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $153,000,000 for weatherization assistance grants and $38,000,000 for State energy conservation grants: Provided further, That notwithstanding any other provision of law, the Secretary of Energy may waive up to fifty percent of the cost-sharing requirement for weatherization assistance provided for by Public Law 106–113 for a State which he finds to be experiencing fiscal hardship or major changes in energy markets or suppliers or other temporary limitations on its ability to provide matching funds, provided that the State is demonstrably engaged in continuing activities to secure nonfederal resources and that such waiver is limited to one fiscal year and that no state may be granted such waiver more than twice: Provided further, That, hereafter, Indian tribal direct grantees of weatherization assistance shall not be required to provide matching funds.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $2,000,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $165,000,000, to remain available until expended, of which $4,000,000 shall be derived by transfer of unobligated balances of funds previously appropriated under the heading "SPR Petroleum Account", and of which $8,000,000 shall be available for maintenance of a Northeast Home Heating Oil Reserve.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $75,675,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,240,658,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $15,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $431,756,000 for contract medical care shall remain available for obligation until September 30, 2002: Provided further, That of the funds provided, up to $22,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health

Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2002: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $248,781,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2001, of which not to exceed $10,000,000 may be used for such costs associated with new and expanded contracts, grants, self-governance compacts or annual funding agreements: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $363,904,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to start a priority project for the acquisition of land, planning, design and construction of 79 staff quarters at Bethel, Alaska, subject to a negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That notwithstanding any provision of law governing Federal construction, $2,240,000 of the funds provided herein shall be provided to the Hopi Tribe to reduce the debt incurred by the Tribe in providing staff quarters to meet the housing needs associated with the new Hopi Health Center: Provided further, That $5,000,000 shall remain available until expended for the purpose of funding joint venture health care facility projects authorized under the Indian Health Care Improvement Act, as amended: Provided further, That priority, by rank order, shall be given to tribes with outpatient projects on the existing Indian Health Services priority list that have Service-approved planning documents, and can demonstrate by March 1, 2001, the financial capability necessary to provide an appropriate facility: Provided further, That joint venture funds unallocated after March 1, 2001, shall be made available for joint venture projects on a competitive basis giving priority to tribes that currently have no existing Federally-owned health care facility, have planning documents meeting Indian Health Service requirements prepared for approval by the Service and can demonstrate the financial capability needed to provide an appropriate facility: Provided further, That the Indian Health Service shall request additional staffing, operation and maintenance funds for these facilities in future budget requests: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: Provided further, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94–437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: Provided further, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended: Provided further, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $15,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $4,125,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $387,755,000, of which not to exceed $47,088,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $57,600,000, to remain available until expended, of which $7,600,000 is provided for repair, rehabilitation and alteration of facilities at the National Zoological Park: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $9,500,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

The Smithsonian Institution shall not use Federal funds in excess of the amount specified in Public Law 101–185 for the construction of the National Museum of the American Indian.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $64,781,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $10,871,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $14,000,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $20,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $7,310,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $98,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $104,604,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $15,656,000, to remain available until expended, of which $11,656,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $24,907,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

CHALLENGE AMERICA ARTS FUND

CHALLENGE AMERICA GRANTS

For necessary expenses as authorized by Public Law 89–209, as amended, $7,000,000 for support for arts education and public outreach activities to be administered by the National Endowment for the Arts, to remain available until expended.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,078,000: Provided, That the Commission is authorized to charge fees to cover the full *costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.*

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,189,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $6,500,000: Provided, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended, $34,439,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $23,400,000 shall be available to the Presidio Trust, to remain available until expended. The Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Act, in an amount not to exceed $10,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 307. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2000.

SEC. 308. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 309. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: Provided, That if no funds are provided for the AmeriCorps program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 310. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 311. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2001, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 312. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, and 106–113 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2000 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 313. Notwithstanding any other provision of law, for fiscal year 2001 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" component of the President's Forest Plan for the Pacific Northwest or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 314. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor .center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds $500,000.

SEC. 315. All interests created under leases, concessions, permits and other agreements associated with the properties administered by the Presidio Trust, hereafter shall be exempt from all taxes and special assessments of every kind by the State of California and its political subdivisions.

SEC. 316. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 317. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 318. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 319. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 320. ADVISORY COMMITTEE ON FOREST COUNTIES PAYMENTS.

(a) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Forest Counties Payments Committee established by this section.

(2) COMMITTEES OF JURISDICTION.—The term "committees of jurisdiction" means the Committee on Agriculture, the Committee on Resources, and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate.

(3) ELIGIBLE COUNTY.—The term "eligible county" means a county that, for one or more of the fiscal years 1986 through 1999, received—

(A) a payment under title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), or the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.); or

(B) a portion of an eligible State's payment, as described in paragraph (4).

(4) ELIGIBLE STATE.—The term "eligible State" means a State that, for one or more of the fiscal years 1986 through 1999, received a payment under the sixth paragraph under the heading of "FOREST SERVICE" in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), or section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(5) FEDERAL LANDS.—The term "Federal lands" means the following:

(A) Lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)), exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012).

(B) Such portions of the Oregon and California Railroad grant lands revested in the United States by the Act of June 9, 1916 (chapter 137; 39 Stat. 218), and the Coos Bay Wagon Road grant lands reconveyed to the United States by the Act of February 26, 1919 (chapter 47; 40 Stat. 1179), as are or may hereafter come under the jurisdiction of the Secretary of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

(6) SUSTAINABLE FORESTRY.—The term "sustainable forestry" means the practice of meeting the forest resource needs and values of the present without compromising the similar capability of future generations.

(b) ESTABLISHMENT OF ADVISORY COMMITTEE.—

(1) ESTABLISHMENT REQUIRED.—There is hereby established an advisory committee, to be known as the Forest Counties Payments Committee, to develop recommendations, consistent with sustainable forestry, regarding methods to ensure that States and counties in which Federal lands are situated receive adequate Federal payments to be used for the benefit of public education and other public purposes.

(2) MEMBERS.—The Advisory Committee shall be composed of the following members:

(A) The Chief of the Forest Service, or a designee of the Chief who has significant expertise in sustainable forestry.

(B) The Director of the Bureau of Land Management, or a designee of the Director who has significant expertise in sustainable forestry.

(C) The Director of the Office of Management and Budget, or the Director's designee.

(D) Two members who are elected members of the governing branches of eligible counties; one such member to be appointed by the President pro tempore of the Senate (in consultation with the chairmen and ranking members of the committees of jurisdiction of the Senate) and one such member to be appointed by the Speaker of the House of Representatives (in consultation with the chairmen and ranking members of the committees of jurisdiction of the House of Representatives) within 60 days of the date of the enactment of this Act.

(E) Two members who are elected members of school boards for, superintendents from, or teachers employed by, school districts in eligible counties; one such member to be appointed by the President pro tempore of the Senate (in consultation with the chairmen and ranking members of the committees of jurisdiction of the Senate) and one such member to be appointed by the Speaker of the House of Representatives (in consultation with the chairmen and ranking members of the committees of jurisdiction of the House of Representatives) within 60 days of the date of the enactment of this Act.

(3) GEOGRAPHIC REPRESENTATION.—In making appointments under subparagraphs (D) and (E) of paragraph (2), the President pro tempore of the Senate and the Speaker of the House of Representatives shall seek to ensure that the Advisory Committee members are selected from geographically diverse locations.

(4) ORGANIZATION OF ADVISORY COMMITTEE.—

(A) CHAIRPERSON.—The Chairperson of the Advisory Committee shall be selected from among the members appointed pursuant to subparagraphs (D) and (E) of paragraph (2).

(B) VACANCIES.—Any vacancy in the membership of the Advisory Committee shall be filled in the same manner as required by paragraph (2). A vacancy shall not impair the authority of the remaining members to perform the functions of the Advisory Committee under this section.

(C) COMPENSATION.—The members of the Advisory Committee who are not officers or employees of the United States, while attending meetings or other events held by the Advisory Committee or at which the members serve as representatives of the Advisory Committee or while otherwise serving at the request of the Chairperson of the Advisory Committee, shall each be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS–15, as provided in the General Schedule, including traveltime, and while away from their homes or regular places of business, shall each be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(5) STAFF AND RULES.—

(A) EXECUTIVE DIRECTOR.—The Advisory Committee shall have an Executive Director, who shall be appointed by the Advisory Committee and serve at the pleasure of the Advisory Committee. The Executive Director shall report to the Advisory Committee and assume such duties as the Advisory Committee may assign. The Executive Director shall be paid at a rate not in excess of the maximum rate of pay for grade GS–15, as provided in the General Schedule.

(B) OTHER STAFF.—In addition to authority to appoint personnel subject to the provisions of title 5, United States Code, governing appointments to the competitive service, and to pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, the Advisory Committee shall have authority to enter into contracts with private or public organizations which may furnish the Advisory Committee with such administrative and technical personnel as may be necessary to carry out the functions of the Advisory Committee under this section. To the extent practicable, such administrative and technical personnel, and other necessary support services, shall be provided for the Advisory Committee by the Chief of the Forest Service and the Director of the Bureau of Land Management.

(C) COMMITTEE RULES.—The Advisory Committee may establish such procedural and administrative rules as are necessary for the performance of its functions under this section.

(6) FEDERAL AGENCY COOPERATION.—The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Advisory Committee in the performance of its functions under this section and should furnish, as practicable, to the Advisory Committee information which the Advisory Committee deems necessary to carry out such functions.

(c) FUNCTIONS OF ADVISORY COMMITTEE.—

(1) DEVELOPMENT OF RECOMMENDATIONS.—

(A) IN GENERAL.—The Advisory Committee shall develop recommendations for policy or legislative initiatives (or both) regarding alternatives for, or substitutes to, the payments required to be made to eligible States and eligible counties under the provisions of law referred to in paragraphs (3) and (4) of subsection (a) in order to provide a long-term method to generate annual payments to eligible States and eligible counties.

(B) REPORTING REQUIREMENTS.—Not later than 18 months after the date of the enactment of this Act, the Advisory Committee shall submit to the committees of jurisdiction a final report containing the recommendations developed under this subsection. The Advisory Committee shall submit semiannual progress reports on its activities and expenditures to the committees of jurisdiction until the final report has been submitted.

(2) GUIDANCE FOR COMMITTEE.—In developing the recommendations required by paragraph (1), the Advisory Committee shall—

(A) evaluate the method by which payments are made to eligible States and eligible counties under the provisions of law referred to in paragraphs (3) and (4) of subsection (a), and related laws, and the use of such payments;

(B) consider the impact on eligible States and eligible counties of revenues derived from the historic multiple use of the Federal lands.

(C) evaluate the economic, environmental, and social benefits which accrue to counties containing Federal lands, including recreation, natural resources industries, and the value of environmental services that result from Federal lands; and

(D) evaluate the expenditures by counties on activities on Federal lands which are Federal responsibilities.

(3) MONITORING AND RELATED REPORTING ACTIVITIES.—The Advisory Committee shall monitor the payments made to eligible States and eligible counties under the provisions of law referred to in paragraphs (3) and (4) of subsection (a), and related laws, and submit to the committees of jurisdiction an annual report describing the amounts and sources of such payments and containing such comments as the Advisory Committee may have regarding such payments.

(4) TESTIMONY.—The Advisory Committee shall make itself available for testimony or comments on the reports required to be submitted by the Advisory Committee and on any legislation or regulations to implement any recommendations made in such reports in any congressional hearings or any rulemaking or other administrative decision process.

(d) FEDERAL ADVISORY COMMITTEE ACT REQUIREMENTS.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Advisory Committee.

(e) TERMINATION OF ADVISORY COMMITTEE.—The Advisory Committee shall terminate three years after the date of the enactment of this Act.

(f) FUNDING SOURCE.—At the request of the Executive Director of the Advisory Committee, the Secretary of Agriculture shall provide funds from any account available to the Secretary, not to exceed $200,000 in fiscal year 2001, for the work of the Advisory Committee necessary to meet the requirements of this section.

SEC. 321. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 322. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 323. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers or the President's Council on Sustainable Development.

SEC. 324. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 325. Amounts deposited during fiscal year 2000 in the roads and trails fund provided for in the fourteenth paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The Secretary shall commence the projects during fiscal year 2001, but the projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 326. None of the funds provided in this or previous appropriations Acts for the agencies funded by this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be transferred to and used to fund personnel, training, or other administrative activities of the Council on Environmental Quality or other offices in the Executive Office of the President for purposes related to the American Heritage Rivers program.

SEC. 327. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 328. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar: Provided, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar may be advertised upon receipt of a written request by a prospective, informed bidder, who has the opportunity to review the Forest Service's cruise and harvest cost estimate for that timber. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2001, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2001, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 329. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 330. In fiscal years 2001 through 2005, the Secretaries of the Interior and Agriculture may pilot test agency-wide joint permitting and leasing programs, subject to annual review of Congress, and promulgate special rules as needed to test the feasibility of issuing unified permits, applications, and leases. The Secretaries of the Interior and Agriculture may make reciprocal delegations of their respective authorities, duties and responsibilities in support of the "Service First" initiative agency-wide to promote customer service and efficiency. Nothing herein shall alter, expand or limit the applicability of any public law or regulation to lands administered by the Bureau of Land Management or the Forest Service.

SEC. 331. FEDERAL AND STATE COOPERATIVE WATERSHED RESTORATION AND PROTECTION IN COLORADO. (a) USE OF COLORADO STATE FOREST SERVICE.—Until September 30, 2004, the Secretary of Agriculture, via cooperative agreement or contract (including sole source contract) as appropriate, may permit the Colorado State Forest Service to perform watershed restoration and protection services on National Forest System lands in the State of Colorado when similar and complementary watershed restoration and protection services are being performed by the State Forest Service on adjacent State or private lands. The types of services that may be extended to National Forest System lands include treatment of insect infected trees, reduction of hazardous fuels, and other activities to restore or improve watersheds or fish and wildlife habitat across ownership boundaries.

(b) STATE AS AGENT.—Except as provided in subsection (c), a cooperative agreement or contract under subsection (a) may authorize the State Forester of Colorado to serve as the agent for the Forest Service in providing all services necessary to facilitate the performance of watershed restoration and protection services under subsection (a). The services to be performed by the Colorado State Forest Service may be conducted with subcontracts utilizing State contract procedures. Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract under subsection (a).

(c) RETENTION OF NEPA RESPONSIBILITIES.—With respect to any watershed restoration and protection services on National Forest System lands proposed for performance by the Colorado State Forest Service under subsection (a), any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) may not be delegated to the State Forester of Colorado or any other officer or employee of the Colorado State Forest Service.

SEC. 332. None of the funds appropriated or otherwise made available by this Act may be used to issue a record of decision implementing the Interior Columbia Basin Ecosystem Management Project until the Secretaries of Agriculture and the Interior submit to Congress a report evaluating, for the area to be covered by the project, both the effect of the year 2000 wildfires and the President's initiative for managing the impact of wildfires on communities and the environment.

SEC. 333. The Forest Service, in consultation with the Department of Labor, shall review Forest Service campground concessions policy to determine if modifications can be made to Forest Service contracts for campgrounds so that such concessions fall within the regulatory exemption of 29 CFR 4.122(b). The Forest Service shall offer in fiscal year 2001 such concession prospectuses under the regulatory exemption, except that, any prospectus that does not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 41 U.S.C. 351–358.

SEC. 334. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 335. Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)(iii)) is amended by striking "$750,000" and inserting "$10,000,000".

SEC. 336. In section 315(f) of title III of section 101(c) of Public Law 104–134 (16 U.S.C. 460l–6a note), as amended, strike "September 30, 2001" and insert "September 30, 2002", and strike "September 30, 2004" and insert "September 30, 2005".

SEC. 337. None of the funds in this Act may be used by the Secretary of the Interior to issue a prospecting permit for hardrock mineral exploration on Mark Twain National Forest land in the Current River/Jack's Fork River—Eleven Point Watershed (not including Mark Twain National Forest land in Townships 31N and 32N, Range 2 and Range 3 West, on which mining activities are taking place as of the date of the enactment of this Act): Provided, That none of the funds in this Act may be used by the Secretary of the Interior to segregate or withdraw land in the Mark Twain National Forest, Missouri under section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714).

SEC. 338. The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105–825 is hereby expanded to authorize the Forest Service to enter into an additional 28 contracts subject to the same terms and conditions as provided in that section: Provided, That of the additional contracts authorized by this section at least 9 shall be allocated to Region 1 and at least 3 to Region 6.

SEC. 339. Any regulations or policies promulgated or adopted by the Departments of Agriculture or the Interior regarding recovery of costs for processing authorizations to occupy and use Federal lands under their control shall adhere to and incorporate the following principle arising from Office of Management and Budget Circular, A–25; no charge should be made for a service when the identification of the specific beneficiary is obscure, and the service can be considered primarily as benefiting broadly the general public.

SEC. 340. None of the funds made available in this Act may be used by the Secretary of the Interior or the Secretary of Agriculture to implement a final rule for estimating fair market value land use rental fees for fiberoptic communications rights-of-way on Federal lands that amends or replaces the linear right-of-way rental fee schedule published on July 8, 1987 (43 CFR 2803.1–2(c)(1)(I)). In determining rental fees for fiberoptic rights-of-way, the Secretaries shall use the rates contained in the linear right-of-way rental fee schedules in place on May 1, 2000.

SEC. 341. Notwithstanding any other provision of law, for fiscal year 2001, the Secretary of Agriculture is authorized to limit competition for fire and fuel treatment and watershed restoration contracts in the Giant Sequoia National Monument and the Sequoia National Forest. Preference for employment shall be given to dislocated and displaced workers in Tulare, Kern and Fresno Counties, California, for work associated with the establishment of the Giant Sequoia National Monument.

SEC. 344. From funds previously appropriated under the heading "DEPARTMENT OF ENERGY, FOSSIL ENERGY RESEARCH AND DEVELOPMENT", $4,000,000 is available for computational services at the National Energy Technology Laboratory.

SEC. 345. BACKCOUNTRY LANDING STRIP ACCESS. (a) IN GENERAL.—Funds made available by this Act shall not be used to permanently close aircraft landing strips, officially recognized by State or Federal aviation officials, without public notice, consultation with cognizant State and Federal aviation officials and the consent of the Federal Aviation Administration.

(b) AIRCRAFT LANDING STRIPS.—An aircraft landing strip referred to in subsection (a) is a landing strip on Federal land administered by the Secretary of the Interior or the Secretary of Agriculture that is commonly known, and is consistently used for aircraft landing and departure activities.

(c) PERMANENT CLOSURE.—For the purposes of subsection (a), an aircraft landing strip shall be considered to be closed permanently if the intended duration of the closure is more than 180 days in any calendar year.

SEC. 346. COLUMBIA RIVER GORGE NATIONAL SCENIC AREA. (a) LAND ACQUISITION.—Section 9 of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544g) is amended:

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

"(e) APPRAISALS.—

"(1) DEFINITION OF LANDOWNER.—In this subsection, the term 'landowner' means the owner of legal or equitable title as of September 1, 2000.

"(2) APPRAISAL STANDARDS.—Except as provided in paragraph (3), land acquired or conveyed by purchase or exchange under this section shall be appraised in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions.

"(3) SPECIAL MANAGEMENT AREAS.—

"(A) BEFORE APRIL 1, 2001.—Land within a special management area for which the landowner, before April 1, 2001, makes a written bona fide offer to convey to the Secretary for fair market value shall be appraised—

"(i) without regard to the effect of any zoning or land use restriction made in response to this Act; but

"(ii) subject to any other current zoning or land use restriction imposed by the State or locality in which the land is located on the date of the offer.

"(B) ON OR AFTER APRIL 1, 2001.—Land within a special management area for which the landowner, on or after April 1, 2001, makes a written bona fide offer to convey to the Secretary for fair market value shall be appraised subject to—

"(i) any zoning or land use restriction made in response to this Act; and

"(ii) any other current zoning or land use restriction that applies to the land on the date of the offer.

"(f) AUTHORIZATION FOR CERTAIN LAND EXCHANGES.—

"(1) IN GENERAL.—To facilitate priority land exchanges through which land within the boundaries of the White Salmon Wild and Scenic River or within the scenic area is conveyed to the United States, the Secretary may accept title to such land as the Secretary determines to be appropriate within the States, regardless of the State in which the land conveyed by the Secretary in exchange is located, in accordance with land exchange authorities available to the Secretary under applicable law.

"(2) SPECIAL RULE FOR LAND CERTAIN EXCHANGES.—Notwithstanding any other provision of law—

"(A) any exchange described in paragraph (1) for which an agreement to initiate has been executed as of September 30, 2000, shall continue; and

"(B) any timber stumpage proceeds collected under the exchange shall be retained by the Forest Service to complete the exchange.".

(b) ADMINISTRATION OF SPECIAL MANAGEMENT AREAS.—Section 8(o) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544f) is amended—

(1) by striking "Any ordinance" and inserting the following:

"(1) IN GENERAL.—Any ordinance";

(2) in the first sentence, by striking "the Uniform Appraisal Standards for Federal Land Acquisitions (Interagency Land Acquisition Conference, 1973)." and inserting "section 9(e)."; and

(3) by adding at the end the following:

"(2) APPLICABILITY.—This subsection shall not apply to any land offered to the Secretary for acquisition after March 31, 2001.".

(c) PUBLICATION OF NOTICE.—

(1) Not later than November 1, 2000, the Secretary of Agriculture shall provide notice of the provisions contained in the amendments made by subsections (a) and (b) through—

(A) publication of a notice in the Federal Register and in newspapers of general circulation in the counties in the Columbia River Gorge National Scenic Area; and

(B) posting of a notice in each facility of the United States Postal Service located in those counties.

(2) If the counties wherein special management areas are located provide the Forest Service administrator of the Columbia River Gorge National Scenic Area lists of the names and addresses of landowners within the special management areas as of September 1, 2000, the Forest Service shall send to such names and addresses by certified first class mail notice of the provisions contained in the amendments made by subsections (a) and (b);

(A) The mailing shall occur within twenty working days of the receipt of the list; and

(B) The mailing shall constitute constructive notice to landowners, and proof of receipt by the addressee shall not be required.

(d) DESIGNATION OF SPECIAL MANAGEMENT AREAS.—Section 4(b)(2) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544b(b)(2)) is amended—

(1) in paragraph (2), by striking "in this section" and inserting "by paragraph (1)"; and

(2) by adding at the end the following:

"(3) MODIFICATION OF BOUNDARIES.—The boundaries of the special management areas are modified as depicted on a map dated September 20, 2000, which shall be on file and available for public inspection in the office of the Chief of the Forest Service in Washington, District of Columbia, and copies shall be available in the office of the Commission, and the headquarters of the scenic area.".

(e) PAYMENTS TO LOCAL GOVERNMENTS.—Section 14(c)(3) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544l(c)(3)) is amended—

(1) by striking "(3) No payment" and inserting the following:

"(3) LIMITATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no payment";

(2) by striking "fifth" and inserting "eighth"; and

(3) by adding at the end the following:

"(B) CONTINUATION OF CERTAIN PAYMENTS.—For any land or interest in land for which the Secretary is making a payment in fiscal year 2000, such payment shall be continued for a total of eight fiscal years.".

SEC. 347. (a) EXCHANGE REQUIRED.—In exchange for the non-Federal lands and the additional consideration described in subsection (b), the Secretary of Agriculture shall convey to Kern County, California, all right, title, and interest of the United States in and to four parcels of land under the jurisdiction of the Forest Service in Kern County, as follows:

(1) Approximately 70 acres known as Camp Owen as depicted on the map entitled "Camp Owen", dated June 15, 2000.

(2) Approximately 4 acres known as Wofford Heights Park as depicted on the map entitled "Wofford Heights Park", dated June 15, 2000.

(3) Approximately 4 acres known as the French Gulch maintenance yard as depicted on the map entitled "French Gulch Maintenance Yard", dated June 15, 2000.

(4) Approximately 14 acres known as the Kernville Fish Hatchery as depicted on the map entitled "Kernville Fish Hatchery", dated June 15, 2000.

(b) CONSIDERATION.—

(1) CONVEYANCE OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in subsection (a), Kern County shall convey to the Secretary a parcel of land for fair market value consisting of approximately 52 acres as depicted on the map entitled "Greenhorn Mountain Park", located in Kern County, California, dated June 18, 2000.

(2) REPLACEMENT FACILITY.—As additional consideration for the conveyance of the storage facility located at the maintenance yard referred to in subsection (a)(3), Kern County shall provide a replacement storage facility of comparable size and condition, as acceptable to the Secretary, at the Greenhorn Ranger District Lake Isabella Maintenance Yard property.

(3) CASH EQUALIZATION PAYMENT.—As additional consideration for the conveyance of the Federal lands referred to in subsection (a), Kern County shall tender a cash equalization payment specified by the Secretary. The cash equalization payment shall be based upon an appraisal performed at the option of the Forest Service pursuant to section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(c) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal lands to be conveyed under this section must be acceptable to the Secretary, and the conveyance shall be subject to valid existing rights of record. The non-Federal lands shall conform with the title approval standards applicable to Federal land acquisitions.

(d) TIME FOR CONVEYANCE.—Subject to subsection (c), the Secretary shall complete the conveyance of the Federal lands under subsection (a) within 3 months after Kern County tenders to the Secretary the consideration required by subsection (b).

(e) STATUS OF ACQUIRED LANDS.—Upon approval and acceptance of title by the Secretary, the non-Federal lands conveyed to the United States under this section shall become part of Sequoia National Forest, and the boundaries of the national forest shall be adjusted to include the acquired lands. The Secretary shall manage the acquired lands for recreational purposes in accordance with the laws and regulations pertaining to the National Forest System. For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the national forest, as adjusted pursuant to this section, shall be considered to be the boundaries of the national forest as of January 1, 1965.

(f) RELATIONSHIP TO ENVIRONMENTAL LIABILITY.—In connection with the conveyances under this section, the Secretary may require such additional terms and conditions related to environmental liability as the Secretary considers appropriate to protect the interests of the United States.

(g) LEGAL DESCRIPTIONS.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by a survey or surveys satisfactory to the Secretary. The costs of any such survey, as well as other administrative costs incurred to execute the land exchange (other than costs incurred by Kern County to comply with subsection (h)), shall be divided equally between the Secretary and Kern County.

(h) TREATMENT OF EXISTING UTILITY LINES AT CAMP OWEN.—Upon receipt of the Federal lands described in subsection (a)(1), Kern County shall grant an easement, and record the easement in the appropriate office, for permitted or licensed uses of those lands that are unrecorded as of the date of the conveyance.

(i) APPLICABLE LAW.—Except as otherwise provided in this section, any exchange of National Forest System land under this section shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

SEC. 348. (a) ESTABLISHMENT.—Not later than March 1, 2001, the Secretary shall cause to be established an advisory group to provide continuing expert advice and counsel to the Director of the National Energy Technology Laboratory (NETL) with respect to the research and development activities NETL conducts and manages.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of—

(i) representatives of academia;

(ii) representatives of industry;

(iii) representatives of non-governmental organizations; and

(iv) representatives of energy regulatory agencies;

(B) a representative of the DOE's Office of Fossil Energy;

(C) a representative of the DOE's Office of Energy Efficiency and Renewable Energy;

(D) a representative of the DOE's Office of Science; and

(E) others, as appropriate.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Director—

(1) on management and strategic issues affecting the laboratory; and

(2) on the scientific and technical direction of the laboratory's R&D program;

(d) COMPENSATION; SUPPORT; PROCEDURES.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The NETL shall furnish to the advisory group clerical and administrative support.

(3) PROCEDURES AND REQUIREMENTS.—In carrying out its functions, the advisory group shall comply with the procedures and requirements that apply to similar groups providing advice and counsel to entities operating other Department of Energy laboratories rather than the procedures and requirements that apply to such a group providing advice directly to a Federal entity.

SEC. 349. (a) In furtherance of the purposes of the Umpqua Land Exchange Project (ULEP) and previous Congressional appropriations therefor, there is hereby appropriated the sum of $4,300,000 to be derived from the Land and Water Conservation Fund. Such amount shall be available to the Foundation for Voluntary Land Exchanges ("Foundation") working in conjunction with the Secretary of the Interior, and with the U.S. Bureau of Land Management as the lead Federal agency, to complete a Final Land Ownership Adjustment Plan ("Plan") for the area ("Basin"), comprising approximately 675,000 acres, as generally depicted on a map entitled "Coast Range-Umpqua River Basin," dated August 2000. No more than 15 percent of this appropriation shall be used by the agency for defraying administrative overhead.

(b) In preparing the Plan, the Secretary shall identify, no later than March 31, 2001, those lands or interests in land with willing sellers which merit emergency purchase by the United States due to critical environmental values or possibility of imminent development. For lands

or interests in land so identified, the Secretary and the Foundation shall arrange with landowners to complete appraisals and purchase clearances required by law so that the Secretary may thereafter consummate purchases as soon as funds therefor are appropriated by the Congress.

(c) Pursuant to the funding and direction of subsection (a), the Secretary shall, in cooperation with the Foundation, no later than December 31, 2002, complete the Plan utilizing the Multi-Resource Land Allocation Model ("Model") developed for the ULEP. The Plan shall identify: (1) non-Federal Lands or interests in land in the Basin which, with the concurrence of willing non-Federal landowners, are recommended for acquisition or exchange by the United States; (2) Federal lands or interests in land in the Basin recommended for disposal into non-Federal ownership in exchange for the acquired lands of equal value; and (3) specific land exchanges or purchases to implement the Plan. In addition, no later than December 31, 2002, the Secretary, in cooperation with the Foundation, shall complete a draft Habitat Conservation Plan ("HCP") covering the lands to be disposed of by the United States and consistent with the Plan, a comprehensive Final Environmental Impact Statement covering the Plan, and a comprehensive Biological Opinion analyzing the net impacts of the Plan at Plan scale over time in 5 year increments, taking into consideration all expected benefits to be achieved by the Plan and HCP, and any consistency determinations or amendments to any applicable Federal land management plans. The HCP shall cover all species analyzed in the Model (including species under the jurisdiction of the Secretary of Commerce).

(d) No later than March 31, 2002, the Secretary and the Foundation shall submit to the Committee on Resources of the U.S. House of Representatives, Committee on Energy and Natural Resources of the United States Senate, and the House and Senate Committees on Appropriations, a joint report summarizing the Plan and the land exchanges or purchases identified to implement the Plan, and outlining: (1) any Fiscal Year 2003 funding needed for land purchases; (2) any recommendations for actions to expedite or facilitate the specific land exchanges or purchases identified to implement the Plan, or the HCP; and (3) an action Plan for making the Model publicly available for additional land exchanges or other purposes upon completion of the exchanges.

(e) No later than June 15, 2003: (1) the Secretary with the Foundation and the financial participation and commitment of willing private landowners shall complete appraisals and other land purchase or exchange clearances required by law, including those pertaining to cultural and historic resources and hazardous materials and (2) the Secretary shall consummate with willing non-Federal landowners the specific land exchanges previously identified in subsection (c) to implement the Plan, and together with the Secretary of Commerce, shall issue the HCP.

SEC. 350. Notwithstanding section 351 of section 101(e) of division A, Public Law 105–277, the Indian Health Service is authorized to provide additional contract health service funds to Ketchikan Indian Corporation's recurring budget for hospital-related services for patients of Ketchikan Indian Corporation and the Organized Village of Saxman.

SEC. 351. (a) SHORT TITLE.—This section may be cited as the "Boise Laboratory Replacement Act of 2000".

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) the existing facilities of the Rocky Mountain Research Station Boise laboratory are outdated and no longer serve as a modern research facility;

(B) the Boise laboratory site is in the heart of a Boise city redevelopment zone, and the existing laboratory facilities detract from community improvement efforts;

(C) it is desirable to colocate the Boise laboratory with 1 of the State institutions of higher learning in the Boise metropolitan area—

(i) to facilitate communications and sharing of research data between the agency and the Idaho scientific community;

(ii) to facilitate development and maintenance of the Boise laboratory as a modern, high quality research facility; and

(iii) to reduce costs, better use assets, and better serve the public; and

(D) it is desirable to make the Boise laboratory site available for inclusion in a planned facility that is being developed on adjacent property by the University of Idaho or the University of Idaho Foundation, a not-for-profit corporation acting on behalf of the University of Idaho, as a multiagency research and education facility to serve various agencies and educational institutions of the United States and the State.

(2) PURPOSE.—The purpose of this section is to authorize the Secretary—

(A) to sell or exchange the land and improvements currently occupied by the Boise laboratory site; and

(B) to acquire land, facilities, or interests in land and facilities, including condominium interests, to colocate the Rocky Mountain Research Station Boise laboratory with 1 of the State institutions of higher learning in the Boise metropolitan area, using—

(i) funds derived from sale or exchange of the existing Boise laboratory site; and

(ii) to the extent the funds received are insufficient to carry out the acquisition of replacement research facilities, funds subsequently made available by appropriation for the acquisition, construction, or improvement of the Rocky Mountain Research Station Boise laboratory.

(c) DEFINITIONS.—In this section:

(1) BOISE LABORATORY SITE.—The term "Boise laboratory site" means the approximately 3.26 acres of land and all improvements in section 10, T. 3 N., R. 2 E., Boise Meridian, as depicted on that Plat of Park View Addition to Boise, Ada County, Idaho, labeled "Boise Lab Site—May 22, 2000", located at 316 East Myrtle Street, Boise, Idaho.

(2) CONDOMINIUM INTEREST.—The term "condominium interest" means an estate in land consisting of (in accordance with law of the State)—

(A) an undivided interest in common of a portion of a parcel of real property; and

(B) a separate fee simple interest in another portion of the parcel.

(3) FAIR MARKET VALUE.—The term "fair market value" means the cash value of land on a specific date, as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(5) STATE.—The term "State" means the State of Idaho.

(d) SALE OR EXCHANGE OF BOISE LABORATORY SITE.—

(1) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe and subject to valid existing rights, sell or exchange any or all right, title, and interest of the United States in and to the Boise laboratory site.

(2) RIGHT OF FIRST REFUSAL.—

(A) IN GENERAL.—After a determination of fair market value of the Boise laboratory site is approved by the Secretary, the University of Idaho or the University of Idaho Foundation, a not-for-profit organization acting on behalf of the University of Idaho, shall be allowed 210 days from the effective date of value to exercise a right of first refusal to purchase the Boise laboratory site at fair market value.

(B) COOPERATIVE DEVELOPMENT.—If the University of Idaho or the University of Idaho Foundation exercises the right of first refusal under paragraph (A), to accomplish the purpose described in section (b)(2)(B), the Secretary shall, to the maximum extent practicable, cooperate with the University of Idaho in the development of a multiagency research and education facility on the Boise laboratory site and adjacent property.

(3) SOLICITATION OF OFFERS.—If the right of first refusal described in subsection (d)(2) is not exercised, the Secretary may solicit offers for purchase through sale or competitive exchange of any and all right, title, and interest of the United States in and to the Boise laboratory site.

(4) CONSIDERATION.—Consideration for sale or exchange of land under this subsection—

(A) shall be at least equal to the fair market value of the Boise laboratory site; and

(B) may include land, existing improvements, or improvements to be constructed to the specifications of the Secretary, including condominium interests, and cash, notwithstanding section 206(b) of Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(5) REJECTION OF OFFERS.—The Secretary may reject any offer made under this subsection if the Secretary determines that the offer is not adequate or not in the public interest.

(e) DISPOSITION OF FUNDS.—

(1) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under subsection (d) in the fund established under Public Law 90-171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(2) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(A) the acquisition of or interest in land, or the acquisition of or construction of facilities, including condominium interests—

(i) to colocate the Boise laboratory with 1 of the State institutions of higher learning in the Boise metropolitan area; and

(ii) to replace other functions of the Boise laboratory; and

(B) to the extent the funds are not necessary to carry out paragraph (A), the acquisition of other land or interests in land in the State.

TITLE IV—WILDLAND FIRE EMERGENCY APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire suppression operations, burned areas rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $353,740,000 to remain available until expended, of which $21,829,000 is for hazardous fuels reduction, $120,300,000 is for removal of hazardous fuels to alleviate immediate emergency threats to urban wildland interface areas as defined by the Secretary of Interior, $116,611,000 is for wildfire suppression, $85,000,000 is for burned areas rehabilitation, and $10,000,000 is for rural fire assistance: Provided, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land *for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: Provided further, That funds in this account are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That unobligated balances of amounts previously appropriated to the "Fire Protection" and "Emergency Department of the Interior Firefighting Fund" may be transferred and merged with this appropriation: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., Protection of United States Property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That the entire amount appropriated is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be made available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.*

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount to cover necessary expenses for emergency rehabilitation, hazard reduction activities in the urban-wildland interface, support to federal emergency response, repaying firefighting funds borrowed from programs, and wildfire suppression activities of the Forest Service, $619,274,000, to remain available until expended, of which $179,000,000 is for wildfire suppression, $120,000,000 is for removal of hazardous fuels to alleviate immediate emergency threats to urban wildland interface areas as defined by the Secretary of Agriculture, $142,000,000 is for emergency rehabilitation, $44,000,000 is for capital improvement and maintenance of fire facilities, $16,000,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $50,494,000 is for state fire assistance, $8,280,000 is for volunteer fire assistance, $12,000,000 is for forest health activities on state, private, and federal lands, $12,500,000 is for economic action programs, and $35,000,000 is for assistance to non-federal entities most affected by fire using all existing authorities under the State and Private Forestry appropriation; and of which $320,274,000 may be transferred to the "State and Private Forestry", "National Forest System", "Forest and Rangeland Research", and "Capital Improvement and Maintenance" accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, trails and facilities maintenance and restoration: Provided, That transfers of any amounts in excess of those authorized in this title, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: Provided further, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: Provided further, That the entire amount appropriated is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be made available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress: Provided further, That:

(1) In expending the funds provided with respect to this title for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts. Notwithstanding Federal government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments on Federal lands using grants and cooperative agreements. Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local and nonprofit youth groups;

(C) small or micro-businesses; or

(D) other entities that will hire or train a significant percentage of local people to complete such contracts. The authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated.

(2) Within 60 days after enactment, the Secretary of Agriculture and the Secretary of the Interior shall, after consultation with State and local fire-fighting agencies, jointly publish in the Federal Register a list of all urban wildland interface communities, as defined by the Secretaries, within the vicinity of Federal lands that are at high risk from wildfire, as defined by the Secretaries. This list shall include:

(A) an identification of communities around which hazardous fuel reduction treatments are ongoing; and

(B) an identification of communities around which the Secretaries are preparing to begin treatments in fiscal year 2001.

(3) Prior to May 1, 2001, the Secretary of Agriculture and the Secretary of the Interior shall jointly publish in the Federal Register a list of all urban wildland interface communities, as defined by the Secretaries, within the vicinity of Federal lands and at high risk from wildfire that are included in the list published pursuant to paragraph (2) but that are not included in subparagraphs (A) and (B) of paragraph (2), along with an identification of reasons, including but not limited to lack of available funds, why there are no treatments ongoing or being prepared for these communities.

(4) Within 30 days after enactment of this Act, the Secretary of Agriculture shall publish in the Federal Register the Forest Service's Cohesive Strategy for Protecting People and Sustaining Resources in Fire-Adapted Ecosystems. The documentation required by section 102(2)(C) of the National Environmental Policy Act accompanying the proposed regulations revising the National Forest System transportation policy; proposed roadless area protection regulation; and proposed Interior Columbia Basin Project; and the Sierra Nevada Framework/Sierra Nevada Forest Plan shall contain an analysis and explanation of any differences between the Cohesive Strategy and the policies and rule-making listed in this paragraph. Nothing in this title is intended or should require a delay in the rulemakings listed in this paragraph.

(5)(A) Funds provided to the Secretary of Agriculture by this title and to the Secretary of the Interior, the Secretary of Commerce, and the Council on Environmental Quality by this Act and any other applicable act appropriating funds for fiscal year 2001 shall be used as necessary to establish and implement the expedited procedures set forth in this paragraph for decisions to conduct hazardous fuel reduction treatments pursuant to paragraphs (1) and (2), and any post-burn treatments within the perimeters of areas burned by wildfire, on federal lands.

(B) The Secretary of Agriculture, the Secretary of the Interior, the Secretary of Commerce, and the Chairman of the Council on Environmental Quality shall use such funds specified in subparagraph (A) as necessary to evaluate the need for revised or expedited environmental compliance procedures including expedited procedures for the preparation of documentation required by section 102(2) of the National Environmental Policy Act (42 U.S.C. 4332(2)) for treatment decisions referred to in subparagraph (A). The Secretary of Agriculture, the Secretary of the Interior, the Chairman of the Council on Environmental Quality shall report to the relevant congressional committee of jurisdiction within 60 days of enactment of this Act to apprise the Congress of the decision to develop any expedited procedures or adopt or recommend any other measures. Each Secretary may employ any expedited procedures developed pursuant to this subsection for a treatment decision when the Secretary determines the procedures to be appropriate for the decision. These procedures shall ensure that the period of preparation for environmental documentation be expedited to the maximum extent practicable. Each Secretary and the Council shall effect any modifications to existing regulations and guidance as may be necessary to provide for the expedited procedures within 180 days of the date of enactment of this Act.

(C) With the funds specified in subparagraph (A), the Secretary, as defined in section 3(15) of

the Endangered Species Act of 1973 (16 U.S.C. 1532(15)), may accord priority as appropriate to consultation or conferencing under section 7 of such Act (16 U.S.C. 1536) concerning any treatment decision referred to in subparagraph (A) for which consultation or conferencing is required.

(D) With the funds specified in subparagraph (A), administrative review of any treatment decision referred to in subparagraph (A) shall be conducted as expeditiously as possible but under no circumstances shall exceed any statutory deadline applicable to such review.

(E) No provision in this title shall be construed to override any existing environmental law.

TITLE V—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of Lands and Resources", $17,172,000 to remain available until expended, of which $15,687,000 shall be used to address restoration needs caused by wildland fires and $1,485,000 shall be used for the treatment of grasshopper and Mormon Cricket infestations on lands managed by the Bureau of Land Management: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management", $1,500,000, to remain available until expended, for support of the preparation and implementation of plans, programs, or agreements, identified by the State of Idaho, that address habitat for freshwater aquatic species on non-federal lands in the State voluntarily enrolled in such plans, programs, or agreements, of which $200,000 shall be made available to the Boise, Idaho field office to participate in the preparation and implementation of the plans, programs, or agreements, of which $300,000 shall be made available to the State of Idaho for preparation of the plans, programs, or agreements, including data collection and other activities associated with such preparation, and of which $1,000,000 shall be made available to the State of Idaho to fund habitat enhancement, maintenance, or restoration projects consistent with such plans, programs, or agreements: Provided, That the entire amount made available under this paragraph is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for salmon restoration and conservation efforts in the State of Maine, $5,000,000, to remain available until expended, which amount shall be made available to the National Fish and Wildlife Foundation to carry out a competitively awarded grant program for State, local, or other organizations in Maine to fund on-the-ground projects to further Atlantic salmon conservation or restoration efforts in coordination with the State of Maine and the Maine Atlantic Salmon Conservation Plan, including projects to: (1) assist in land acquisition and conservation easements to benefit Atlantic salmon; (2) develop irrigation and water use management measures to minimize any adverse effects on salmon habitat; and (3) develop and phase in enhanced aquaculture cages to minimize escape of Atlantic salmon: Provided, That, of the amounts appropriated under this paragraph, $2,000,000 shall be made available to the Atlantic Salmon Commission for salmon restoration and conservation activities, including installing and upgrading weirs and fish collection facilities, conducting risk assessments, fish marking, and salmon genetics studies and testing, and developing and phasing in enhanced aquaculture cages to minimize escape of Atlantic salmon, and $500,000 shall be made available to the National Academy of Sciences to conduct a study of Atlantic salmon: Provided further, That amounts made available under this paragraph shall be provided to the National Fish and Wildlife Foundation not later than 15 days after the date of enactment of this Act: Provided further, That the entire amount made available under this paragraph is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $8,500,000, to remain available until expended, to repair or replace buildings, equipment, roads, bridges, and water control structures damaged by natural disasters and conduct critical habitat restoration directly necessitated by natural disasters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $5,300,000, to remain available until expended, to repair or replace visitor facilities, equipment, roads and trails, and cultural sites and artifacts at national park units damaged by natural disasters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $2,700,000, to remain available until expended, to repair or replace stream monitoring equipment and associated facilities damaged by natural disasters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $1,200,000, to remain available until expended, for repair of the portions of the Yakama Nation's Signal Peak Road that have the most severe damage: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For an additional amount for "Federal Trust Programs" for unanticipated trust reform projects and costs related to the ongoing Cobell litigation, $27,600,000, to remain available until expended: Provided, That funds provided herein for trust management improvements and litigation support may, as needed, be transferred to or merged with the "Operations of Indian Programs" account in the Bureau of Indian Affairs, the "Salaries and Expenses" account in the Office of the Solicitor, the "Salaries and Expenses" account in Departmental Management, the "Royalty and Offshore Minerals Management" account in the Minerals Management Service, and the "Management of Lands and Resources" account in the Bureau of Land Management: Provided further, That the entire amount provided under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for the Forest Service, notwithstanding any other provision of law, $9,294,000 for the Alaska Railroad for:

(1) safety related track repair, damage, and control costs from avalanches, hurricane force winds, and severe winter storms, and

(2) oil spill clean-up, recovery, and remediation arising out of the related train derailments during the period of winter blizzards beginning December 21, 1999 for which the President declared a disaster on February 17, 2000 pursuant to the Stafford Act, as amended, (FEMA DR-1316–AK) as a direct lump sum payment and an additional $2,000,000 for an avalanche prevention program in the Chugach National Forest, Kenai National Park, Kenai National Wildlife Refuge and nearby public lands to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL FOREST SYSTEM

For an additional amount for emergency expenses resulting from damage from windstorms, $7,249,000 to become available upon enactment of this Act, and to remain available until expended: Provided, That the entire amount shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE VI—USER FEES UNDER FOREST SYSTEM RECREATION RESIDENCE PROGRAM

SEC. 601. SHORT TITLE.

This title may be cited as the "Cabin User Fee Fairness Act of 2000".

SEC. 602. FINDINGS.

Congress finds that—

(1) cabins located on forest land have provided a unique recreation experience to a large number of cabin owners, their families, and guests each year since Congress authorized the recreation residence program in 1915; and

(2) the fact that current appraisal procedures have, in certain circumstances, been inconsistently applied in determining fair market values for residential lots demonstrates that problems exist in accurately reflecting market values.

SEC. 603. PURPOSES.

The purposes of this title are—

(1) to ensure, to the maximum extent practicable, that the National Forest System recreation residence program is managed to preserve the opportunity for individual and family-oriented recreation; and

(2) to develop and implement a more consistent procedure for determining cabin user fees, taking into consideration the limitations of an authorization and other relevant market factors.

SEC. 604. DEFINITIONS.

In this title:

(1) AGENCY.—The term "agency" means the Forest Service.

(2) AUTHORIZATION.—The term "authorization" means a special use permit for the use and occupancy of National Forest System land by a cabin owner under the authority of the program.

(3) BASE CABIN USER FEE.—The term "base cabin user fee" means the fee for an authorization that results from the appraisal of a lot as determined in accordance with sections 606 and 607.

(4) CABIN.—The term "cabin" means a privately built and owned recreation residence that is authorized for use and occupancy on National Forest System land.

(5) CABIN OWNER.—The term "cabin owner" means—

(A) a person authorized by the agency to use and to occupy a cabin on National Forest System land; and

(B) an heir or assign of such a person.

(6) CABIN USER FEE.—The term "cabin user fee" means a special use fee paid annually by a cabin owner to the Secretary in accordance with this title.

(7) CARETAKER CABIN.—The term "caretaker cabin" means a caretaker residence occupied in limited cases in which caretaker services are necessary to maintain the security of a tract.

(8) CURRENT CABIN USER FEE.—The term "current cabin user fee" means the most recent cabin user fee that results from an annual adjustment to the base cabin user fee in accordance with section 608.

(9) LOT.—The term "lot" means a parcel of land in the National Forest System—

(A) on which a cabin owner is authorized to build, use, occupy, and maintain a cabin and related improvements; and

(B) that is considered to be in its natural, native state at the time at which a use of the lot described in subparagraph (A) is first permitted by the Secretary.

(10) NATURAL, NATIVE STATE.—The term "natural, native state" means the condition of a lot or site, free of any improvements, at the time at which the lot or site is first authorized for recreation residence use by the agency.

(11) PROGRAM.—The term "program" means the recreation residence program established under the authority of the last paragraph under the heading "FOREST SERVICE" in the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497).

(12) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(13) TRACT.—The term "tract" means an established location within a National Forest containing 1 or more cabins authorized in accordance with the program.

(14) TRACT ASSOCIATION.—The term "tract association" means a cabin owner association in which all cabin owners within a tract are eligible for membership.

(15) TYPICAL LOT.—The term "typical lot" means a cabin lot, or a group of cabin lots, in a tract that is selected for use in an appraisal as being representative of, and that has similar value characteristics as, other lots or groups of lots within the tract.

SEC. 605. ADMINISTRATION OF RECREATION RESIDENCE PROGRAM.

The Secretary shall ensure, to the maximum extent practicable, that the basis and procedure for calculating cabin user fees results in a fee for an authorization that reflects, in accordance with this title—

(1) the market value of a lot; and

(2) regional and local economic influences.

SEC. 606. APPRAISALS.

(a) REQUIREMENTS FOR CONDUCTING APPRAISALS.—In implementing and conducting an appraisal process for determining cabin user fees, the Secretary shall—

(1) complete an inventory of improvements that were paid for by—

(A) the agency;

(B) third parties; or

(C) cabin owners (or predecessors of cabin owners);

during the completion of which the Secretary shall presume that a cabin owner, or a predecessor of the owner, has paid for the capital costs of any utility, access, or facility serving the lot being appraised, unless the Forest Service produces evidence that the agency or a third party has paid for the capital costs;

(2) establish an appraisal process to determine the market value of the fee simple estate of a typical lot or lots considered to be in a natural, native state, subject to subsection (b)(4)(A);

(3) enter into a contract with an appropriate professional appraisal organization to manage the development of specific appraisal guidelines in accordance with subsection (b), subject to public comment and congressional review;

(4) require that an appraisal be performed by a State-certified general real estate appraiser, selected by the Secretary and licensed to practice in the State in which the lot is located;

(5) provide the appraiser with appraisal guidelines developed in accordance with this title;

(6) notwithstanding any other provision of law, require the appraiser to coordinate the appraisal closely with affected parties by seeking information, cooperation, and advice from cabin owners and tract associations;

(7) require that the appraiser perform the appraisal in compliance with—

(A) the most current edition of the Uniform Standards of Professional Appraisal Practice in effect on the date of the appraisal;

(B) the most current edition of the Uniform Appraisal Standards for Federal Land Acquisitions that is in effect on the date of the appraisal; and

(C) the specific appraisal guidelines developed in accordance with this title;

(8) require that the appraisal report—

(A) be a full narrative report, in compliance with the reporting standards of the Uniform Standards of Professional Appraisal Practice; and

(B) comply with the reporting guidelines established by the Uniform Appraisal Standards for Federal Land Acquisitions; and

(9) before accepting any appraisal, conduct a review of the appraisal to ensure that the guidelines made available to the appraiser have been followed and that the appraised values are properly supported.

(b) SPECIFIC APPRAISAL GUIDELINES.—In the development of specific appraisal guidelines in accordance with subsection (a)(3), the instructions to an appraiser shall require, at a minimum, the following:

(1) APPRAISAL OF A TYPICAL LOT.—

(A) IN GENERAL.—In conducting an appraisal under this section, the appraiser—

(i) shall not appraise each individual lot;

(ii) shall appraise a typical lot or lots, selected by the cabin owners and the agency in a manner consistent with the policy of the program; and

(iii) shall be provided, and give appropriate consideration to, any information contained in the inventory of improvements relating to the lot being appraised.

(B) ESTIMATE OF MARKET VALUE OF TYPICAL LOT.—

(i) IN GENERAL.—The appraiser shall estimate the market value of a typical lot in accordance with this title.

(ii) EQUIVALENCE TO LEGALLY SUBDIVIDED LOT.—In selecting a comparable sale under this title, the appraiser shall recognize that the typical lot will not usually be equivalent to a legally subdivided lot.

(2) EXCEPTION FOR CERTAIN SALES OF LAND.—In conducting an appraisal under this title, the appraiser—

(A) shall not select sales of comparable land that are sales of land within developed urban areas; and

(B) should not, in most circumstances, select a sale of comparable land that includes land that is encumbered by a conservation or recreational easement that is held by a government or institution, except land that is limited to use as a site for 1 home.

(3) ADJUSTMENTS FOR TYPICAL VALUE INFLUENCES.—

(A) IN GENERAL.—The appraiser shall consider, and adjust as appropriate, the price of sales of comparable land for all typical value influences described in subparagraph (B).

(B) VALUE INFLUENCES.—The typical value influences referred to in subparagraph (A) include—

(i) differences in the locations of the parcels;

(ii) accessibility, including limitations on access attributable to—

(I) weather;

(II) the condition of roads or trails;

(III) restrictions imposed by the agency; or

(IV) other factors;

(iii) the presence of marketable timber;

(iv) limitations on, or the absence of, services such as law enforcement, fire control, road maintenance, or snow plowing;

(v) the condition and regulatory compliance of any site improvements; and

(vi) any other typical value influences described in standard appraisal literature.

(4) ADJUSTMENTS TO SALES OF COMPARABLE PARCELS.—

(A) UTILITIES, ACCESS, OR FACILITIES.—

(i) AGENCY.—Utilities, access, or facilities serving a lot that are provided by the agency shall be included as features of the lot being appraised.

(ii) CABIN OWNERS.—Utilities, access, or facilities serving a lot that are provided by the cabin owner (or a predecessor of the cabin owner) shall not be included as a feature of the lot being appraised.

(iii) THIRD PARTIES.—Utilities, access, or facilities serving a lot that are provided by a third party shall not be included as a feature of the lot being appraised unless, in accordance with subsection (a)(1), the agency determines that the capital costs have not been or are not being paid by the cabin owner (or a predecessor of the cabin owner).

(iv) WITHDRAWAL OF UTILITY OR ACCESS BY AGENCY.—If, during the term of an authorization, the agency or an act of God creates a substantial and materially adverse change in—

(I) the provision or maintenance of any utility or access; or

(II) a qualitative feature of the lot or immediate surroundings;

the cabin owner shall have the right to request, and, at the discretion of the Secretary, obtain a new determination of the base cabin user fee at the expense of the agency.

(B) ADJUSTMENT FOR EXCLUSION.—In a case in which any comparable sale includes utilities, access, or facilities that are to be excluded in the appraisal of the subject lot, the price of the comparable sale shall be adjusted, as appropriate.

(C) ADJUSTMENT PROCESS.—

(i) IN GENERAL.—The appraiser shall consider and adjust, as appropriate, the price of each sale of a comparable parcel for all nonnatural features referred to in subparagraph (A)(ii) that—

(I)(aa) are present at, or add value to, the comparable parcel; but

(bb) are not present at the lot being appraised; or

(II) are not included in the appraisal as described in subparagraph (A).

(ii) Adjustments.—

(I) In general.—In a case in which the price of a parcel sold is to be adjusted in accordance with subparagraph (B), the adjustment may be based on an analysis of market or cost information or both.

(II) Cost information.—If cost information is used as the basis of an adjustment under subclause (I), the cost information shall be supported by direct market evidence.

(iii) Analysis of cost information.—An analysis of cost information under clause (ii)(I) should include allowances, as appropriate, if the allowances are consistent with—

(I) the Uniform Standards of Professional Appraisal Practice in effect on the date of the analysis; and

(II) the Uniform Appraisal Standards for Federal Land Acquisition.

(D) Reappraisal for and recalculation of base cabin user fee.—Periodically, but not less often than once every 10 years, the Secretary shall recalculate the base cabin user fee (including conducting any reappraisal required to recalculate the base cabin user fee).

SEC. 607. CABIN USER FEES.

(a) In General.—The Secretary shall establish the cabin user fee as the amount that is equal to 5 percent of the market value of the lot, as determined in accordance with section 606, reflecting an adjustment to the typical market rate of return due to restrictions imposed by the permit, including—

(1) the limited term of the authorization;

(2) the absence of significant property rights normally attached to fee simple ownership; and

(3) the public right of access to, and use of, any open portion of the lot on which the cabin or other enclosed improvements are not located.

(b) Fee for Caretaker Cabin.—The base cabin user fee for a lot on which a caretaker cabin is located shall not be greater than the base cabin user fee charged for the authorized use of a similar typical lot in the tract.

(c) Annual Cabin User Fee in the Event of Determination Not To Reissue Authorization.—If the Secretary determines that an authorization should not be reissued at the end of a term, the Secretary shall—

(1) establish as the new base cabin user fee for the remaining term of the authorization the amount charged as the cabin user fee in the year that was 10 years before the year in which the authorization expires; and

(2) calculate the current cabin user fee for each of the remaining 9 years of the term of the authorization by multiplying—

(A) $\frac{1}{10}$ *of the new base cabin user fee; by*

(B) the number of years remaining in the term of the authorization after the year for which the cabin user fee is being calculated.

(d) Annual Cabin User Fee in Event of Changed Conditions.—If a review of a decision to convert a lot to an alternative public use indicates that the continuation of the authorization for use and occupancy of the cabin by the cabin owner is warranted, and the decision is subsequently reversed, the Secretary may require the cabin owner to pay any portion of annual cabin user fees that were forgone as a result of the expectation of termination of use and occupancy of the cabin by the cabin owner.

(e) Termination of Fee Obligation in Loss Resulting From Acts of God or Catastrophic Events.—On a determination by the agency that, because of an act of God or a catastrophic event, a lot cannot be safely occupied and the authorization for the lot should accordingly be terminated, the fee obligation of the cabin owner shall terminate effective on the date of the occurrence of the act or event.

SEC. 608. ANNUAL ADJUSTMENT OF CABIN USER FEE.

(a) In General.—The Secretary shall adjust the cabin user fee annually, using a rolling 5-year average of a published price index in accordance with subsection (b) or (c) that reports changes in rural or similar land values in the State, county, or market area in which the lot is located.

(b) Initial Index.—

(1) In general.—For the period of 10 years beginning on the date of enactment of this title, the Secretary shall use changes in agricultural land prices in the appropriate State or county, as reported in the Index of Agricultural Land Prices published by the Department of Agriculture, to determine the annual adjustment to the cabin user fee in accordance with subsections (a) and (d).

(2) Statewide changes.—In determining the annual adjustment to the cabin user fee for an authorization located in a county in which agricultural land prices are influenced by the value influences described in section 606(b)(3), the Secretary shall use average statewide changes in the State in which the lot is located.

(c) New Index.—

(1) In general.—Not later than 10 years after the date of enactment of this title, the Secretary may select and use an index other than the method of adjustment of a cabin user fee described in subsection (b)(2) to adjust a cabin user fee if the Secretary determines that a different index better reflects change in the value of a lot over time.

(2) Selection process.—Before selecting a new index, the Secretary shall—

(A) solicit and consider comments from the public; and

(B) not later than 60 days before the date on which the Secretary makes a final index selection, submit any proposed selection of a new index to—

(i) the Committee on Resources of the House of Representatives; and

(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) Limitation.—In calculating an annual adjustment to the base cabin user fee as determined by the initial index described in section (b), the Secretary shall—

(1) limit any annual fee adjustment to an amount that is not more than 5 percent per year when the change in agricultural land values exceeds 5 percent in any 1 year; and

(2) apply the amount of any adjustment that exceeds 5 percent to the annual fee payment for the next year in which the change in the index factor is less than 5 percent.

SEC. 609. PAYMENT OF CABIN USER FEES.

(a) Due Date for Payment of Fees.—A cabin user fee shall be prepaid annually by the cabin owner.

(b) Payment of Equal or Lesser Fee.—If, in accordance with section 607, the Secretary determines that the amount of a new base cabin user fee is equal to or less than the amount of the current base cabin user fee, the Secretary shall require payment of the new base cabin user fee by the cabin owner in accordance with subsection (a).

(c) Payment of Greater Fee.—If, in accordance with section 607, the Secretary determines that the amount of a new base cabin user fee is greater than the amount of the current base cabin user fee, the Secretary shall—

(1) require full payment of the new base cabin user fee in the first year following completion of the fee determination procedure if the increase in the amount of the new base cabin user fee is not more than 100 percent of the current base cabin user fee; or

(2) phase in the increase over the current base cabin user fee in approximately equal increments over 3 years if the increase in the amount of the new base cabin user fee is more than 100 percent of the current base cabin user fee.

SEC. 610. RIGHT OF SECOND APPRAISAL.

(a) Right of Second Appraisal.—On receipt of notice from the Secretary of the determination of a new base cabin user fee, the cabin owner—

(1) not later than 60 days after the date on which the notice is received, may notify the Secretary of the intent of the cabin owner to obtain a second appraisal; and

(2) may obtain, within 1 year following the date of receipt of the notice under this subsection, at the expense of the cabin owner, a second appraisal of the typical lot on which the initial appraisal was conducted.

(b) Conduct of Second Appraisal.—In conducting a second appraisal, the appraiser selected by the cabin owner shall—

(1) have qualifications equivalent to the appraiser that conducted the initial appraisal in accordance with section 606(a)(4);

(2) use the appraisal guidelines used in the initial appraisal in accordance with section 606(a)(5);

(3) consider all relevant factors in accordance with this title (including guidelines developed under section 606(a)(3)); and

(4) notify the Secretary of any material differences of fact or opinion between the initial appraisal conducted by the agency and the second appraisal.

(c) Request for Reconsideration of Base Cabin User Fee.—A cabin owner shall submit to the Secretary any request for reconsideration of the base cabin user fee, based on the results of the second appraisal, not later than 60 days after the receipt of the report for the second appraisal.

(d) Reconsideration of Base Cabin User Fee.—On receipt of a request from the cabin owner under subsection (c) for reconsideration of a base cabin user fee, not later than 60 days after the date of receipt of the request, the Secretary shall—

(1) review the initial appraisal of the agency;

(2) review the results and commentary from the second appraisal;

(3) determine a new base cabin user fee in an amount that is—

(A) equal to the base cabin user fee determined by the initial or the second appraisal; or

(B) within the range of values, if any, between the initial and second appraisals; and

(4) notify the cabin owner of the amount of the new base cabin user fee.

SEC. 611. RIGHT OF APPEAL AND JUDICIAL REVIEW.

(a) Right of Appeal.—Notwithstanding any action of a cabin owner to exercise rights in accordance with section 610, the Secretary shall by regulation grant the cabin owner the right to an administrative appeal of the determination of a new base cabin user fee.

(b) Judicial Review.—A cabin owner that is adversely affected by a final decision of the Secretary under this title may bring a civil action in United States district court.

SEC. 612. CONSISTENCY WITH OTHER LAW AND RIGHTS.

(a) Consistency With Rights of the United States.—Nothing in this title limits or restricts any right, title, or interest of the United States in or to any land or resource.

(b) Special Rule for Alaska.—In determining a cabin user fee in the State of Alaska, the Secretary shall not establish or impose a cabin user fee or a condition affecting a cabin user fee that is inconsistent with 1303(d) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3193(d)).

SEC. 613. REGULATIONS.

Not later than 2 years after the date of enactment of this title, the Secretary shall promulgate regulations to carry out this title.

SEC. 614. TRANSITION PROVISIONS.

(a) Assessment of Annual Fees.—For the period of time determined under subsection (b), the Secretary shall charge each cabin owner an annual fee as follows:

(1) LOTS NOT APPRAISED SINCE SEPTEMBER 30, 1995.—For a lot that has not been appraised since September 30, 1995, the annual fee shall be equal to the amount of the annual fee in effect on the date of enactment of this title, adjusted annually to reflect changes in the Implicit Price Deflator-Gross National Product Index.

(2) LOTS APPRAISED ON OR AFTER SEPTEMBER 30, 1995.—

(A) IN GENERAL.—Except as provided in subparagraph (B), for a lot that has been appraised on or after September 30, 1995, the annual fee shall be equal to the amount of the fee in effect on the date of enactment of this title, adjusted annually to reflect changes in the Implicit Price Deflator-Gross National Product Index.

(B) APPRAISALS RESULTING IN BASE FEE INCREASE.—

(i) IN GENERAL.—Except as provided in clause (ii), for a lot that has been appraised on or after September 30, 1995, for which the appraisal resulted in an increase of the base fee by an amount greater than $3,000, the annual fee shall be equal to the sum of $3,000 plus the amount of the annual fee in effect on October 1, 1996, adjusted annually to reflect the percentage change in the Implicit Price Deflator-Gross National Product Index.

(ii) FEES PAID AFTER REQUEST OF NEW APPRAISAL OR PEER REVIEW.—If—

(I) the cabin owner of a lot described in clause (i) requests a new appraisal or peer review under subsection (c); and

(II) the base cabin user fee established as a result of the appraisal or peer review is determined to be an amount that is 90 percent or more of the fee in effect for the lot as determined by an appraisal conducted on or after September 30, 1995;

the Secretary shall charge the cabin owner, in addition to the annual fee that would otherwise have been due under section 609, the difference between the base cabin user fee determined through the conduct of the new appraisal or peer review and the annual fee that would otherwise have been due under section 609, to be assessed retroactively for each year beginning with the year in which the previous appraisal was conducted, and to be paid in 3 equal annual installments.

(b) TERM.—

(1) LOTS NOT APPRAISED SINCE SEPTEMBER 30, 1995.—For a lot that has not been appraised since September 30, 1995, the Secretary shall charge fees in accordance with subsection (a)(2)(A) until—

(A) a base cabin user fee is determined in accordance with—

(i) this title; or

(ii) regulations and policies in effect on the date of enactment of this title; and

(B) the right of the cabin owner to a second appraisal under section 610 is exhausted.

(2) LOTS APPRAISED ON OR AFTER SEPTEMBER 30, 1995.—For a lot that has been appraised on or after September 30, 1995, the Secretary shall charge fees under subsection (a)(2) until—

(A) the cabin owner requests a new appraisal or peer review, and a base cabin user fee is established, under subsection (c); or

(B) in the absence of a request for a peer review or a new appraisal under subsection (c), the date that is 2 years after the date on which the Forest Service promulgates regulations and policies and develops appraisal guidelines under this title.

(c) REQUEST FOR NEW APPRAISAL UNDER NEW LAW.—

(1) IN GENERAL.—Not later than 2 years after the promulgation of final regulations and policies and the development of appraisal guidelines in accordance with section 606(a)(5), cabin owners that are subject to appraisals completed after September 30, 1995, but before the date of promulgation of final regulations under section 613, may request, in accordance with paragraph (2), that the Secretary—

(A) conduct a new appraisal and determine a new base cabin user fee in accordance with this title; or

(B) commission a peer review of the existing appraisals in accordance with paragraph (4).

(2) APPRAISAL GROUPINGS BY TYPICAL LOT.—A request for a new appraisal or for a peer review of existing appraisals under paragraph (1) shall be made by a majority of the cabin owners in a group of cabins represented in the appraisal process by a typical lot.

(3) CONDUCT OF NEW APPRAISAL.—On receipt of a request for an appraisal and fee determination in accordance with paragraph (2), the Secretary shall conduct the new appraisal and fee determination in accordance with this title.

(4) PEER REVIEW OF EXISTING APPRAISALS.—

(A) IN GENERAL.—On receipt of a request for peer review in accordance with paragraph (2), the Secretary shall obtain from an independent professional appraisal organization a review of the appraisal (including any report on the appraisal) that was used to establish the estimated fee simple value of the lots within the subject grouping.

(B) INCONSISTENCY.—If peer review described in subparagraph (A) results in a determination that an appraisal or appraisal report includes provisions or procedures that were implemented or conducted in a manner inconsistent with this title, the Secretary shall, as appropriate and in accordance with this title—

(i) revise an existing base cabin user fee; or

(ii) subject to an agreement with the cabin owners, conduct a new appraisal and fee determination.

(5) PAYMENT OF COSTS.—Cabin owners and the Secretary shall share, in equal proportion, the payment of all reasonable costs of any new appraisal or peer review.

(d) ASSUMPTION OF NEW BASE CABIN USER FEE.—In the absence of a request under subsection (c) for a new appraisal and fee determination from a cabin owner whose cabin user fee was determined as a result of an appraisal conducted after September 30, 1995, but before the date of promulgation of final regulations under section 613, the Secretary may consider the base cabin user fee resulting from the appraisal conducted between September 30, 1995 and the date of promulgation of the final regulations under section 613 to be the base cabin user fee that complies with this section.

TITLE VII—TREATMENT OF CERTAIN FUNDS FOR MINER BENEFITS

SEC. 701. (a) REALLOCATION OF INTEREST.—Notwithstanding any other provision of law, interest credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) for fiscal years 1992 through 1995 not transferred to the Combined Fund identified in section 402(h)(2) of such Act prior to the date of enactment of this Act shall be transferred to such Combined Fund—

(1) in such amounts as estimated by the trustees of such Fund to offset the amount of any deficit in net assets in the Combined Fund through August 31, 2001;

(2) in the amount of $2,200,000 for the purpose of the Combined Fund providing a refund of any premium (as described in section 9704(a) of the Internal Revenue Code of 1988), on a proportional basis, to those signatory operators or any related persons to such operators (as defined in section 9701(c) of the Internal Revenue Code of 1988) who have been denied such refunds as the result of final judgments or settlements if prior to the date of enactment of this Act such signatory operator (or any related persons to such operator)—

(A) had all of its beneficiary assignments made under section 9706 of the Internal Revenue Code of 1986 voided by the Commissioner of the Social Security Administration;

(B) was subject to a final judgment or final settlement of litigation adverse to a claim by such operator that the assignment of beneficiaries under section 9706 of the Internal Revenue Code of 1986 was unconstitutional as applied to it; and

(C) paid to the Combined Fund any premium amount that had not been refunded; and

(3) in such amounts as necessary for the purpose of the Combined Fund providing a monthly refund of any premium (as described in section 9704(a) of the Internal Revenue Code of 1986) paid by an assigned operator (as defined by section 9701(c)(5) of the Internal Revenue Code of 1986) commencing with the first monthly premium due date after the date of enactment of this Act and ending August 31, 2001, if according to the records of the Combined Fund such operator (or any related persons of such operator)—

(A) was not a signatory to the 1981 or later National Bituminous Coal Wage Agreement or any "me too" agreement related to such Coal Wage Agreement;

(B) reported credit hours to the UMWA 1974 Pension Plan on fewer than ten classified mine workers in every month during its last year of operations under the National Bituminous Coal Wage Agreement of 1978 or any "me too" agreement related to such Coal Wage Agreement;

(C) has had not more than 60 beneficiaries, including eligible dependents of retired miners, assigned to it under section 9706 of the Internal Revenue Code of 1986 not including beneficiary assignments relieved by the Social Security Administration;

(D) was assessed premiums by the Combined Fund in October 1999, made payments pursuant to that assessment and has no delinquency as of September 30, 2000; and

(E) is not directly engaged in the production or sale of coal and has no related person engaged in the production of coal as of September 30, 2000.

(b) SEPARABILITY CLAUSE.—If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of the title and the application of such provision to other persons or circumstances shall not be affected thereby.

TITLE VIII—LAND CONSERVATION, PRESERVATION AND INFRASTRUCTURE IMPROVEMENT

For activities authorized by law for the acquisition, conservation, and maintenance of Federal and non-Federal lands and resources, and for Payments in Lieu of Taxes, in addition to the amounts provided under previous titles of this Act, $686,000,000, to remain available until expended, of which $179,000,000 is for the acquisition of lands or interests in lands; and of which $50,000,000 is for "National Park Service, Land Acquisition and State Assistance" for the state assistance program; and of which $20,000,000 is for "Forest Service, National Forest System" for inventory and monitoring activities and planning; and of which $78,000,000 is for "United States Fish and Wildlife Service, Cooperative Endangered Species Fund"; and of which $20,000,000 is for "United States Fish and Wildlife Service, North American Wetlands Conservation Fund"; and of which $20,000,000 is for "United States Geological Survey, Surveys, Investigations, and Research" for science and cooperative programs; and of which $30,000,000 is for "Forest Service, State and Private Forestry" for the Forest Legacy program; and of which $50,000,000 is for "United States Fish and Wildlife Service, State Wildlife Grants"; and of which $20,000,000 is for "National Park Service, *Urban Park and Recreation Fund"; and of which $15,000,000 is for "National Park Service, Historic Preservation Fund" for grants to states and Indian tribes; and of which $4,000,000 is for "Forest Service, State and Private Forestry" for urban and community forestry programs; and of which $50,000,000 is for "Bureau of Land Management, Payments in Lieu of Taxes"; and of which $150,000,000 is for "Federal Infrastructure Improvement" for the deferred maintenance needs of the Federal land management agencies: Provided, That of the funds provided under this heading for the acquisition of lands or interests in lands, $130,000,000 shall be available to the Department of the Interior and $49,000,000 shall be available to the Department of Agriculture, Forest Service: Provided further, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the House Committee on Appropriations and the Senate Committee on Appropriations provide to the Secretaries, in writing, a list of specific acquisitions to be undertaken with such funds: Provided further, That of the funds provided under this heading for "Federal Infrastructure Improvement" for the deferred maintenance needs of the Federal land management agencies, $25,000,000 shall be for the Bureau of Land Management, $25,000,000 shall be for the United States Fish and Wildlife Service, $50,000,000 shall be for the National Park Service and $50,000,000 shall be for the Forest Service.*

SEC. 801. (a) CATEGORIES.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended—

(1) in paragraph (6), by—

(A) in subparagraph (B), by striking "and" after the semicolon;

(B) in subparagraph (C), by inserting "and" after the semicolon; and

(C) adding at the end the following:

"(D) for the conservation spending category: $1,760,000,000, in new budget authority and $1,232,000,000 in outlays;";

(2) in paragraph (7), by—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) in subparagraph (B), by striking the period and inserting "; and"; and

(C) adding at the end the following:

"(C) for the conservation spending category: $1,920,000,000, in new budget authority and $1,872,000,000 in outlays;"; and

(3) by inserting after paragraph (7) the following:

"(8) with respect to fiscal year 2004 for the conservation spending category: $2,080,000,000, in new budget authority and $2,032,000,000 in outlays;

"(9) with respect to fiscal year 2005 for the conservation spending category: $2,240,000,000, in new budget authority and $2,192,000,000 in outlays;

"(10) with respect to fiscal year 2006 for the conservation spending category: $2,400,000,000, in new budget authority and $2,352,000,000 in outlays;

"(11) with respect to each fiscal year 2002 through 2006 for the Federal and State Land and Water Conservation Fund sub-category of the conservation spending category: $540,000,000 in new budget authority and the outlays flowing therefrom;

"(12) with respect to each fiscal year 2002 through 2006 for the State and Other Conservation sub-category of the conservation spending category: $300,000,000 in new budget authority and the outlays flowing therefrom;

"(13) with respect to each fiscal year 2002 through 2006 for the Urban and Historic Preservation sub-category of the conservation spending category: $160,000,000 in new budget authority and the outlays flowing therefrom;

"(14) with respect to each fiscal year 2002 through 2006 for the Payments in Lieu of Taxes sub-category of the conservation spending category: $50,000,000 in new budget authority and the outlays flowing therefrom;

"(15) with respect to each fiscal year 2002 through 2006 for the Federal Deferred Maintenance sub-category of the conservation spending category: $150,000,000 in new budget authority and the outlays flowing therefrom;

"(16) with respect to fiscal year 2002 for the Coastal Assistance sub-category of the conservation spending category: $440,000,000 in new budget authority and the outlays flowing therefrom; with respect to fiscal year 2003 for the Coastal Assistance sub-category of the conservation spending category: $480,000,000 in new budget authority and the outlays flowing therefrom; with respect to fiscal year 2004 for the Coastal Assistance sub-category of the conservation spending category: $520,000,000 in new budget authority and the outlays flowing therefrom; with respect to fiscal year 2005 for the Coastal Assistance sub-category of the conservation spending category: $560,000,000 in new budget authority and the outlays flowing therefrom; and with respect to fiscal year 2006 for the Coastal Assistance sub-category of the conservation spending category: $600,000,000 in new budget authority and the outlays flowing therefrom;".

(b) ADDITION TO DISCRETIONARY SPENDING LIMITS.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended by adding at the end the following:

"(H) CONSERVATION SPENDING.—(i) If a bill or resolution making appropriations for any fiscal year appropriates an amount for the conservation spending category that is less than the limit for the conservation spending category as specified in subsection (c), then the adjustment for new budget authority and outlays for the following fiscal year for that category shall be the amount of new budget authority and outlays that equals the difference between the amount appropriated and the amount of that category specified in subsection (c).

"(ii) If a bill or resolution making appropriations for any fiscal year appropriates an amount for any conservation spending sub-category that is less than the limit for that conservation spending sub-category as specified in subsections (c)(11)–(c)(16), then the adjustment for new budget authority for the following fiscal year for that sub-category shall be the amount of new budget authority that equals the difference between the amount appropriated and the amount of that sub-category specified in subsection (c)(11)–(c)(16).

"(iii) The total amount provided for any conservation activity within the conservation spending category may not exceed any authorized ceiling for that activity.".

(c) CATEGORIES DEFINED.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(4)) is amended by adding at the end the following:

"(E) The term 'conservation spending category' means discretionary appropriations for conservation activities in the following budget accounts or portions thereof providing appropriations to preserve and protect lands, habitat, wildlife, and other natural resources, to provide recreational opportunities, and for related purposes:

"(i) 14–5033 Bureau of Land Management Land Acquisition.

"(ii) 14–5020 Fish and Wildlife Service Land Acquisition.

"(iii) 14–5035 National Park Service Land Acquisition and State Assistance.

"(iv) 12–9923 Forest Service Land Acquisition.

"(v) 14–5143 Fish and Wildlife Service Cooperative Endangered Species Conservation Fund.

"(vi) 14–5241 Fish and Wildlife Service North American Wetlands Conservation Fund.

"(vii) 14–1694 Fish and Wildlife Service State Wildlife Grants.

"(viii) 14–0804 United States Geological Survey Surveys, Investigations, and Research, the State Planning Partnership programs: Community/Federal Information Partnership, Urban Dynamics, and Decision Support for Resource Management.

"(ix) 12–1105 Forest Service State and Private Forestry, the Forest Legacy Program, Urban and Community Forestry, and Smart Growth Partnerships.

"(x) 14–1031 National Park Service Urban Park and Recreation Recovery program.

"(xi) 14–5140 National Park Service Historic Preservation Fund.

"(xii) Youth Conservation Corps.

"(xiii) 14–1114 Bureau of Land Management Payments in Lieu of Taxes.

"(xiv) Federal Infrastructure Improvement (as established in title VIII of the Department of the Interior and Related Agencies Appropriations Act, 2001).

"(xv) 13–1460 NOAA Procurement Acquisition and Construction, the National Marine Sanctuaries and the National Estuarine Research Reserve Systems.

"(xvi) 13–1450 NOAA Operations, Research, and Facilities, the Coastal Zone Management Act programs, the National Marine Sanctuaries, the National Estuarine Research Reserve Systems, and Coral Restoration programs.

"(xvii) 13–1451 NOAA Pacific Coastal Salmon Recovery.

"(F) The term 'Federal and State Land and Water Conservation Fund sub-category' means discretionary appropriations for activities in the accounts described in (E)(i)–(E)(iv) or portions thereof.

"(G) The term 'State and Other Conservation sub-category' means discretionary appropriations for activities in the accounts described in (E)(v)–(E)(ix), with the exception of Urban and Community Forestry as described in (E)(ix), or portions thereof.

"(H) The term 'Urban and Historic Preservation sub-category' means discretionary appropriations for activities in the accounts described in (E)(ix)–(E)(xii), with the exception of Forest Legacy and Smart Growth Partnerships as described in (E)(ix), or portions thereof.

"(I) The term 'Payments in Lieu of Taxes sub-category' means discretionary appropriations for activities in the account described in (E)(xiii) or portions thereof.

"(J) The term 'Federal Deferred Maintenance sub-category' means discretionary appropriations for activities in the account described in (E)(xiv) or portions thereof.

"(K) The term 'Coastal Assistance sub-category' means discretionary appropriations for activities in the accounts described in (E)(xv)–(E)(xvii) or portions thereof.".

TITLE IX

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $5,000,000,000.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2001".

And the Senate agree to the same.

RALPH REGULA,
JIM KOLBE,
JOE SKEEN,
CHARLES H. TAYLOR,

George R. Nethercutt,
Jr.,
Zack Wamp,
Jack Kingston,
John E. Peterson,
Bill Young,
Norman Dicks,
John P. Murtha,
James P. Moran,
Bud Cramer,
Maurice D. Hinchey,
David R. Obey,
Managers on the part of the House.
Slade Gorton,
Ted Stevens,
Thad Cochran,
Pete V. Domenici,
Conrad Burns,
Robert F. Bennett,
Judd Gregg,
Ben Nighthorse
Campbell,
Robert C. Byrd,
Patrick Leahy,
Fritz Hollings,
Harry Reid,
Byron L. Dorgan,
Herb Kohl,
Dianne Feinstein,
Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4578), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 2001, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 4578 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 106-646 or Senate Report 106-312 that are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides $709,733,000 for management of lands and resources instead of $670,571,000 as proposed by the House and $689,133,000 as proposed by the Senate.

Increases above the House for land resources include $1,500,000 for noxious weeds, $500,000 for the national laboratory grazing study, $500,000 for Montana State University weed program, $750,000 for Idaho weed control, $50,000 for petroglyphs protection and $4,000,000 for the horse and burro program.

Increases above the House for wildlife and fisheries include $900,000 for Yukon River salmon and $500,000 for the National Fish and Wildlife Foundation.

Increases above the House for threatened and endangered species include $2,000,000 for the sagebrush and prairie grasslands.

Increases above the House for recreation management include $1,000,000 for Missouri River activities associated with the Lewis and Clark Bicentennial celebration, $500,000 for the Missouri River undaunted stewardship program and $8,000,000 for public land treasures.

The managers have provided an additional $8,000,000 for public land treasures under recreation resources management, of which $5,000,000 is for National conservation areas and $3,000,000 is for National historic trails and scenic rivers. These funds should be allocated to the appropriate activities and subactivities as proposed in the Bureau's budget request.

Increases above the House for energy and minerals include $1,000,000 for the minerals at risk program, $700,000 for the development of a mining claim information system in Alaska, and $500,000 for a coalbed methane EIS in Montana.

Increases above the House for realty and ownership management include $847,000 for uncontrollable costs, $145,000 for rights of way backlog, $650,000 for the Montana cadastral project, $300,000 for the Utah geographic reference project, and $2,400,000 for Alaska conveyance.

Increases above the House for resources protection and maintenance include $130,000 for additional personnel, $10,000,000 for updating land management plans, and a $750,000 addition to the base program.

Increases above the House level for transportation and facilities maintenance include an increase of $1,540,000 for deferred maintenance.

Increases above the House level for mining law administration include $799,000 for uncontrollable costs and $163,000 for program delivery.

The managers have provided a total increase of $19,000,000 for land use planning. At the request of the Bureau, the managers have agreed to place the entire amount in the land use planning subactivity instead of distributing these funds across numerous subactivities as was presented in the budget request. This should allow for a simpler accounting, fund distribution, and management of these funds within the Bureau. However, the managers expect the Bureau to inform the House and Senate Committees on Appropriations prior to making any significant changes from the land use priorities presented in the budget request. It is expected that these funds will be allocated primarily to those plans at greatest risk of legal challenge.

Instead of $500,000 within available funds for the Montana Bureau of Mines and Geology, Montana Tech University to perform an assessment of coal bed methane (CBM) development on water resources in the Powder River Basin as proposed by the Senate, the managers have included an additional $500,000 to prepare an EIS for future CBM and conventional oil and gas development in the Montana portion of the Powder River Basin. The managers expect that this EIS will address the impacts of CBM development on water resources in the Basin and that the agency will contract with entities such as Montana Tech University who have existing agreements with the agency for work of this nature.

The managers have provided $500,000 for the Undaunted Stewardship program, which will allow for local input and participation in grants to protect historic sites along the Lewis and Clark Trail. This program is designed to provide educational courses, develop best management practices, and establish conservation easements. This program is to be cooperatively administered by the Bureau and Montana State University.

The managers have provided an additional $9,000,000 for the implementation of the Bureau's new horse and burro strategy to achieve appropriate management levels of wild horse and burro populations on all herd management areas by 2005. This is the first time the Bureau has developed a scientific strategy with detailed program cost analysis based on extensive use of a wild horse and burro population model. This population model has been validated by the university community and the Biological Resources Division of the U.S. Geological Survey. The Managers direct that as part of the Bureau's annual budget request to the Congress, the Bureau provide an annual report on its progress towards achieving appropriate management levels.

The managers have clarified language contained in House report 106-646 dealing with wilderness reinventory efforts by the Bureau. The House language was meant to apply only to the State of Utah where the Bureau has already completed its wilderness reinventory. The managers urge the Bureau to brief the Congress, as appropriate, prior to commencing any new large-scale wilderness inventory in Utah.

The managers are pleased with the work the land managing agencies are doing in the area of bat conservation. The managers understand that the North American Strategic Plan for Bat Conservation is on the verge of completion. The managers recommend that the land management agencies cooperatively review this plan and are encouraged to develop implementation strategies when it is finalized. In addition, the agencies should continue to develop and implement cooperative cost-sharing bat conservation efforts with the States, Mexico and Canada, as well as non-governmental partners. Lastly, the agencies are encouraged to fund jointly a Federal bat coordinator position to help oversee the vast array of Federal and non-Federal bat conservation projects.

The managers encourage the Bureau to work with the Waste Management Education and Research Consortium (WERC) at New Mexico State University in addressing the problem of abandoned mine sites in the western United States. WERC can assist the Bureau by helping to establish a science-based inventory of abandoned mine sites and recommend priorities for remediation.

The managers encourage the BLM to conduct a full investigation, including review of documents and evidence provided by the Voisin family to determine if the government transferred the ownership of Last Island, Louisiana while the property was owned by ancestors of the Voisin family. Should the BLM determine that the property was transferred inappropriately, the report shall include recommendations for the resolution of this issue.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $625,513,000 for wildland fire management instead of $292,197,000 as proposed by the House and $292,679,000 as proposed by the Senate.

Changes to the House included increases of $132,834,000 for preparedness and $482,000 for an Alaska rural fire suppression program. The managers have also included a contingent emergency appropriation of $200,000,000 as an emergency contingency reserve to ensure adequate funding is available to fund critical fire programs in fiscal year 2001.

The managers recognize that the severity of the 2000 fire season is attributable to a variety of factors including unusual weather conditions and accumulated wildland fuels that overwhelmed available Federal agency resources. To prepare better for fires in 2001 and beyond, the managers propose significant improvements to preparedness, fuels treatments, and other aspects of fire management. For the Department of the Interior, the managers provide a total of $979,253,000 in both emergency and non-emergency funds for: the Department's revised calculation for normal year readiness and certain one-time improvements to preparedness capability; a greatly expanded fuels treatment program that places primary emphasis on community protection; stabilization and rehabilitation of burned areas; and community assistance programs that may be used to develop local capability and homeowner education. The following discussion includes instructions pertaining to both the title I wildfire funds as well as title IV wildfire funds.

The managers have provided $625,513,000 in Title I for wildland fire management, of which $315,406,000 in non-emergency funds for preparedness, an increase of $133,316,000 over the budget request. The conference agreement includes a $200,000,000 emergency contingency reserve, to ensure that adequate funds are immediately available to fund these critical programs in FY 2001. The managers have included in title IV for wildland fire management an emergency appropriation of $353,740,000 which includes $116,611,000 for wildfire suppression, $142,129,000 for hazardous fuels, $85,000,000 for emergency stabilization and rehabilitation, and $10,000,000 for a new rural fire assistance program. The managers strongly believe that this FY 2001 funding will only be of value in increasing the Nation's firefighting capability and ability to protect communities if it is sustained in future years.

The managers direct the Departments of the Interior and Agriculture to continue to work together to formulate complementary budget requests that reflect the same principles and budget organization. In addition, the managers expect the agencies to seek the advice of governors and local and tribal government representatives in setting priorities for fuels treatments, burned area rehabilitation, and public outreach and education.

WILDLAND FIRE PREPAREDNESS

For wildland fire preparedness, the managers provide $315,406,000 as a non-emergency appropriation in title I. $132,834,000 above the Senate, including: $254,838,000 for readiness and program management, $8,000,000 for fire sciences, $30,000,000 for deferred maintenance and capital improvement, $22,086,000 for one-time capital investments, and $482,000 for a rural Alaska fire suppression program.

The managers understand that the increased scope and intensity of the 1999 and 2000 fire seasons, as well as the increased frequency and severity of fires over the preceding decade, have led Federal fire managers to reassess the assumptions underlying an average fire season. Based on actual experience, especially over the past two years, Federal fire managers have concluded that the variables used to determine the optimal level of preparedness need to be revised. Numerous variables, including changing assumptions about fire personnel, deployment strategies and other factors affecting cost calculations underlie the recommendations in the agencies' recent report to the President. For example, the duration of the average fire season has steadily increased—by two to three months—over the past several years. The expanded fire season increases the duration of the season for which fire employees are paid and results in increased personnel costs.

The managers support the conclusions of wildfire managers that initial attack capability should be increased to address the number and severity of wildfires that have burned the landscape over the past few years. To address this revised assumption, the managers support full funding for: eight new hotshot crews that will be used for both initial attack on small fires and extended attack on larger fires; twenty new smokejumpers that serve as the primary initial attack force in remote areas; and additional air resources.

Recent experience dictates the need to increase staffing for engines from the current level of five days a week to seven days a week to combat the increasingly volatile fire season. Fire managers have also concluded that more of the firefighting workforce should be permanent seasonal, an employment status that entitles workers to benefits not earned by temporary employees. The managers support the recommendation to convert more than 1,000 positions to permanent seasonal status, as a retention incentive to ensure that a sustained cadre of professional firefighters is available when needed. This increase in overall readiness costs should prove beneficial in the long run to the government's ability to address fire readiness, overall program management, and reduce overall costs by putting out wildfires when they are small.

It is the managers' understanding that readiness and program management cost calculations have increased due to changes in resource objectives such as protection of newly discovered cultural artifacts and new land ownership patterns. In recent years costs associated with human settlement into the urban-wildland interface have risen faster than models could accurately describe and are underrepresented in average cost calculations. The managers also understand that additional wildfire management personnel will require additional equipment and appropriate work environments, and that work conditions must emphasize firefighter and public safety. Therefore, the managers have included within the preparedness activity sufficient resources to provide the equipment, office, and storage space necessary to provide safe and efficient operations. Additional funds provided under this appropriation for facilities are to be used to fund the highest priority health and safety needs, as identified in the Department's five-year plan for deferred maintenance and capital improvements.

The managers support an acceleration of research activities and expanded emphasis for the Joint Fire Science Program and have provided an additional $4,000,000 respectively to the Departments of the Interior and Agriculture to support the recommendations regarding scientific support for fuels treatments and other science needs beyond hazardous fuels. These funds are in addition to the $4,000,000 provided for each agency as part of the Administration's original budget request. Additional funds should be used for such efforts as increased rapid response projects to ensure necessary resources are available for testing and evaluation of post-fire rehabilitation, assessment of post-fire and fire behavior effects, use of aircraft-based remote sensing operations, implementation of protocols for evaluating post-fire stabilization and rehabilitation, and the development of effective means for collecting and disseminating information about treatment techniques. The managers expect the increased funds to be made available to the Joint Fire Science activities of the Departments for the direct benefit of fire management programs, including burned area rehabilitation.

One means of directly benefiting wildfire management programs is to address locally and regionally important science and technology needs associated with wildfire management and suppression, fuels management, and post-fire rehabilitation without requiring national-level requests for proposals. Thus, the managers expect the Joint Fire Sciences Governing Board to make a significant portion of the increased funds directly available to the fire management programs of the Agriculture and Interior Departments to fund projects that directly address locally and regionally important science and technology needs associated with fire management and suppression, fuels management, and post-fire rehabilitation. The managers further expect the Departments to ensure that these programs are implemented within existing structures without new program management or other overhead activities that might reduce the direct benefit of funds provided.

The January 1998 Joint Fire Science Plan developed by the two Departments and submitted to the Congress included provisions for a Stakeholder Advisory Group of technical experts from land management organizations, private industry, academia, other Federal agencies, and the public to formulate recommendations for program priorities and advise the Joint Fire Science Program Governing Board. This Group is to be established under the provisions of the Federal Advisory Committee Act. The managers are concerned that nearly three years have passed without establishment of this group. The managers direct the Secretaries to establish the group by December 31, 2000.

WILDLAND FIRE OPERATIONS

For wildland fire operations, the managers provide $468,847,000 of which $353,740,000 is funded in title IV as an emergency appropriation. This funding level includes $153,447,000 to cover costs of the ten-year average of suppression, $195,400,000 for hazardous fuels reduction, and $85,000,000 for rehabilitation of burned areas.

The managers encourage continued emphasis on safety as a priority in the suppression program. Funding provided under this appropriation is expected to provide for the most efficient and safe strategy for the protection of life, property, and resources. Funding is included to cover the projected 10-year average of suppression expenditures for the Department.

The managers have provided $195,000,000 for hazardous fuels management activities. These funds are to support activities on Federal lands and adjacent non-Federal lands, which reduce the risks and consequences of wildfire, both in and around communities and in wildland areas. Treatment methods include application of prescribed fire, mechanical removal, mulching, and application of chemicals. In many areas a combination of these methods will be necessary over a period of several years to reduce risks and to maintain healthy and viable forests and rangelands. The increased funding included in this appropriation will expand the existing fuels management program to reduce risks to communities and risks to natural resources in high-risk areas. As proposed by the Senate, the managers have included $120,300,000 for the Department of the Interior to accelerate treatments, planning efforts, and collaborative projects with non-Federal partners in the wildland-urban interface. This funding is provided as part of the

Department's ongoing fuels treatment program, but must be dedicated to projects within the urban-wildland interface.

The managers understand that fuels treatment accomplishments have been constrained by a lack of funding to conduct planning, assessments, clearances, consultation, and environmental analyses necessary for the land management and regulatory agencies to ensure that fuels treatments are accomplished quickly and in an environmentally sound manner. The managers agree that additional funding should be made available from this appropriation to conduct such assessments and clearances, in the interests of expediting fuels treatments in an environmentally sound manner. Funds may be used directly by the Bureau of Land Management, or on a reimbursable basis with National Park Service, Fish and Wildlife Service, Bureau of Indian Affairs, or National Marine Fisheries Service, to provide for appropriate planning and clearances. Funding will also be available for supporting community-based efforts to address defensible space and fuels management issues and to support outreach and education efforts associated with fuels management and risk reduction activities. In conducting treatments, local contract personnel are to be used wherever possible. The managers expect the Department to show planned and actual funding and accomplishments for fuels management activities in future budget requests to Congress. The managers understand that actual amounts may differ from planned levels and agree that the agencies have the ability to fund additional projects and amounts based on actual needs.

Within the amounts provided for wildland-urban treatments, $8,800,000 is to be made available to the Ecological Restoration Institute (ERI) of Northern Arizona University, through a cooperative agreement with the Bureau of Land Management, to support new and existing ecologically-based forest restoration activities in ponderosa pine forests. The managers' goal is to develop a scientifically based model that will promote restoration of the ecological health of forests in the southwest, while reducing the threat of wildfire to forest communities. Under this agreement, the managers expect that ERI will: (1) research, develop, monitor, and conduct fuels treatments in partnership with all Federal, Tribal, State, and private landowners to demonstrate the feasibility of restoration-based fuels treatments on a community-level; (2) conduct an adaptive ecosystem analysis of ponderosa pine and related forests as a prototype for larger ecosystem analyses, and to fill the gap between project or district/forest level analyses and regional analyses to support future operational scale treatments; (3) develop options and recommendations for developing markets for by-products of fuels treatment activities; (4) hold community workshops to design suitable treatments, training and information transfer to land managers, and information development and transfer to inform the public and land managers about ecologically-based treatments. Recognizing the importance of cooperative agreements, the managers request that the Bureau place a priority on timely negotiation and implementation of this agreement to ensure the prompt availability of funding pursuant to it, and that the Bureau conduct negotiations at the national level. The agreement shall not include funding for facilities or capital equipment like buildings and vehicles.

Included within the amounts for wildland fire operations is increased funding for burned area rehabilitation to address short term and long-term detrimental consequences of wildfires. The managers note that wildland fires burning under the right conditions, are beneficial and even essential to the health of forests and rangelands. However, some severe wildfires can trigger a wide array of detrimental impacts, ranging from short term floods, debris flow, and loss of water quality to longer term invasion by non-native species and loss of productivity of the land. The increased funding for burned area rehabilitation is designed to prevent further degradation of resources following wildland fire through (1) short-term stabilization activities to protect life and property, protect municipal watersheds, and prevent unacceptable degradation of critical natural and cultural resources, and (2) longer-term rehabilitation activities to repair and improve lands unlikely to recover naturally from severe fire damage. The managers direct the agencies to develop a long-term program to manage and supply native plant materials for use in various Federal land management restoration and rehabilitation needs. The managers recommend that the interagency native plant conservation initiative lead this effort.

It is essential to monitor over the long-term various wildfire operations and rehabilitation activities and use this evaluation to alter future activities where indicated. The managers expect that funding for burned area rehabilitation will be available from this appropriation for only a limited period of time, after which ongoing site maintenance must be funded from the land management bureaus' appropriate operating accounts. In conducting stabilization and rehabilitation treatments, local contract personnel should be used wherever possible. The managers expect the Department to show planned and actual funding and accomplishments for stabilization and rehabilitation activities in future budget requests to Congress. The managers understand that actual amounts may differ from planned levels, and agree that the agencies have the ability to fund additional projects and amounts based on actual needs.

The managers direct the Departments of the Interior and Agriculture to report to the Appropriations Committees, by December 1, 2000, on criteria for rehabilitation projects to be funded from this appropriation.

Rural fire assistance

For rural fire assistance, the managers provide $10,000,000 for the Department of the Interior in a pilot effort to enhance the fire protection capability of rural fire districts. Training, equipment purchase, and prevention activities are to be conducted on a cost-shared basis. The managers recognize that safe and effective protection in the urban-wildland interface demands close coordination between local, State, Tribal, and Federal firefighting resources. When large Interior landholdings are present, the managers support an expanded relationship between the Interior Department and other governments for purposes of developing local fire prevention capability on a cost-shared basis.

CENTRAL HAZARDOUS MATERIALS FUND

The conference agreement provides $10,000,000 for the central hazardous materials fund as proposed by the House and Senate.

CONSTRUCTION

The conference agreement provides $16,860,000 for construction instead of $5,300,000 as proposed by the House and $15,360,000 as proposed by the Senate.

Increases Above the House by Project

Project	*Cost*
Rock Springs admin. Building	$3,000,000
Caliente admin. Building	1,605,000
Susie Creek bridge	295,000
Hult Pond dam	400,000
Margie's Cove trail	95,000
Muskrat Springs water system	70,000
Dutch Joe road	235,000
Escalante science center	1,000,000
Coldfoot visitor center	3,760,000
Fort Benton visitor center	400,000
California Trail interpretive center	200,000
Blackwell Island facility	500,000

The managers encourage the Bureau to work with the town of Escalante and Garfield County, UT to ensure that the construction of the science center is consistent with the Escalante Center master plan.

PAYMENTS IN LIEU OF TAXES

The conference agreement provides $150,000,000 for payments in lieu of taxes instead of $144,385,000 as proposed by the House and $148,000,000 as proposed by the Senate.

LAND ACQUISITION

The conference agreement provides $31,100,000 for land acquisition instead of $19,000,000 as proposed by the House and $10,600,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Cerbat Foothills (AZ)	$750,000
El Dorado County (native plant preserve) (CA)	5,000,000
Gunnison Basin ACEC (CO)	2,000,000
Lower Salmon River ACEC (ID)	2,000,000
North Platte River (WY)	250,000
Organ Mtns. (NM)	2,000,000
Otay Mountain/Kuchamaa HCP (CA)	1,000,000
Potomac River (MD)	1,000,000
Potrero Creek (CA)	2,000,000
San Pedro Ecosystem (easements only) (AZ)	3,000,000
Sandy River (OR)	750,000
Santa Rosa Mtns. NSA (CA)	1,000,000
Snake River Birds of Prey NCA (ID)	500,000
Upper Crab Creek (WA)	2,000,000
Upper Snake/S. Fork Snake R. (ID)	2,000,000
West Eugene Wetlands (OR)	1,350,000
Subtotal	26,600,000
Emergency/hardship/inholding	1,500,000
Acquisition management	3,000,000
Total	31,100,000

The amounts provided for the Santa Rosa Mountains and the Potomac River complete the Federal investment in these areas.

The managers have included $2,000,000 for acquisition of the Potrero Creek property in Southern California. These funds may not be expended until the BLM has completed an appraisal using accepted and standard government land appraisal techniques. The managers direct the BLM to begin work on the appraisal within 30 days of enactment of this Act.

OREGON AND CALIFORNIA GRANT LANDS

The conference agreement provides $104,267,000 for Oregon and California grant lands as proposed by the Senate instead of $100,467,000 as proposed by the House.

Increases above the House include $350,000 for uncontrollable costs, $3,000,000 for survey and manage, and $350,000 for annual maintenance.

RANGE IMPROVEMENTS

The conference agreement provides an indefinite appropriation for range improvements of not less than $10,000,000 as proposed by the House and Senate.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The conference agreement provides an indefinite appropriation for service charges, deposits, and forfeitures which is estimated to be $7,500,000 as proposed by the House and Senate.

MISCELLANEOUS TRUST FUNDS

The conference agreement provides an indefinite appropriation of $7,700,000 for miscellaneous trust funds as proposed by the House and Senate.

UNITED STATES FISH AND WILDIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides $776,595,000 for resource management instead of $731,400,000 as proposed by the House and $763,442,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In the endangered species listing program, there is a decrease of $40,000 for the borderlands program. In consultation, there are increases of $18,000 for forest planning, $2,000 for Everglades, $1,500,000 for cold water fish in Montana and Idaho, $270,000 for the California/Nevada desert resource initiative, $1,000,000 for Central Valley and Southern California habitat conservation planning, $500,000 for bighorn sheep conservation in Nevada and a general increase of $1,000,000 for other consultations.

Increases in the recovery program include $5,000,000 for matching grants for Pacific salmon conservation and restoration in Washington, $100,000 for the Citizens' Management Committee as defined by alternative one of the final EIS for grizzly bear recovery in the Bitterroot ecosystem, $288,000 for wolf recovery in Idaho, $100,000 for wolf monitoring by the Nez Perce tribe, $600,000 for eider research at the Alaska SeaLife Center, $600,000 for Lahontan cutthroat trout restoration and $500,000 for the black capped vireo in Texas. Decreases in the recovery program include $498,000 for the Bruneau Hot Springs snail and $398,000 for the Prebles meadow jumping mouse.

In habitat conservation, increases include $1,400,000 for Washington salmon enhancement, $4,000 for bull trout recovery in Washington, $500,000 for private lands conservation efforts in Hawaii, $50,000 for rehabilitation of the White River in Indiana in response to a recent fish kill, $252,000 in project planning for the Middle Rio Grande Bosque program and $350,000 for Long Live the Kings and Hood Canal Salmon Enhancement Group.

In the environmental contaminants program, there is an increase of $400,000 for baseline data on subsistence foods in Alaska.

Changes in refuge operations and maintenance include a general increase of $314,000 for refuge operations and a decrease of $445,000 for the borderlands program.

In migratory bird management, increases include $575,000 to reduce sea bird by-catch in Alaska, $2,050,000 for joint ventures, subject to the distribution described below, and a general increase of $1,000,000.

Law enforcement operations increases include $7,000,000 to fill vacancies and to train and equip new personnel and $360,000 for staffing and operations associated with the new port of entry designation in Anchorage, Alaska.

Increases in hatchery operations and maintenance include $5,000,000 for the Washington Hatchery Improvement Project, $184,000 for marking of hatchery salmon in Washington and $400,000 for the hatchery restoration/recovery program proposed in the budget request. In fish and wildlife management, there are increases of $8,000 for whirling disease research to be distributed as proposed by the Senate, $50,000 for the Regional Mark Processing Center, $11,051,000 for the Alaska subsistence program, $750,000 for the Klamath River flow study, $500,000 for Trinity River restoration, $200,000 for Yukon River fisheries management studies and $100,000 for Yukon River Salmon Treaty education efforts.

The $5,000,000 proposed by the Senate as an emergency appropriation for Atlantic salmon restoration is addressed in the emergency title of the conference agreement.

In general administration, increases include $100,000 in international affairs for the tundra to tropics program, $500,000 for the National Fish and Wildlife Foundation and $2,000,000 for Pingree Forest non-development easements in Maine to be handled through the National Fish and Wildlife Foundation.

Bill Language.—The conference agreement earmarks $1,000,000 for the Youth Conservation Corps as proposed by the House instead of $2,000,000 as proposed by the Senate. The earmark for endangered species listing programs is $6,355,000 as proposed by the Senate rather than $6,395,000 as proposed by the House. The Senate proposal to provide $5,000,000 in emergency funding for Atlantic salmon restoration in Maine has been modified to require a cost share and included in the emergency appropriations title.

The managers agree to the following:

1. The increase provided in consultation for cold water fish in Montana and Idaho are for preparation and implementation of plans, programs, or agreements identified by the States of Idaho and Montana that will address habitat for freshwater aquatic species on non-Federal lands. These funds will supplement funds that have already been allocated by the States and will only be expended for landowners that are voluntarily enrolled in such plans, programs, or agreements. The amount provided is to be split equally between Montana and Idaho.

2. While there is no specific earmark for the Prebles meadow jumping mouse in the recovery program, the managers expect the Service to continue work in this area.

3. The increase proposed by the Senate in habitat conservation for an Alaska Village Initiative for a commercial management program is not included in this account but is addressed under the Bureau of Indian Affairs.

4. While there is no specific increase for alien species control in the refuge operations and maintenance account, the Service is encouraged to place a priority on these activities in the refuge operating needs system.

5. The Service, within its fixed cost increases should ensure that a base increase is provided to cover the recently hired maintenance worker at the Ohio River Islands NWR, WV. The cost for fiscal year 2001 is estimated to be $45,000. The Service should ensure that the annualized costs for new personnel are adequately reflected in its fixed cost increase budget estimates each year.

6. Any future funding for the Klamath River flow study and the Trinity River restoration study will only be considered after the Administration has clearly identified the full estimated costs for these programs and the appropriate amounts to be budgeted by the various agencies involved for each year. The fiscal year 2002 budget justification should include an interagency crosscut table for each of these programs.

7. The managers have not agreed to the Senate language requiring "conclusive evidence" that the recovery zone can support grizzly bears prior to their relocation in Idaho and Montana. The managers, however, agree that no funds appropriated in this Act should be spent on the physical relocation of grizzly bears into the Selway-Bitterroot Ecosystem in Idaho and Montana prior to the completion of a peer review of the habitat study, and a conclusion based upon the best available scientific data that the recovery zone can adequately support the proposed grizzly population.

8. The managers have not agreed to the Senate language requiring that wolves that stray into Oregon be removed. The managers, however, expect the Service to learn from the mistakes made in the New Mexico wolf introduction program and to coordinate extensively with the public at every stage of the wolf reintroduction and recovery program. The protocols to be followed should be developed in close consultation with the public.

9. The managers are concerned by the Service's failure to conduct population estimation, population reassessment, and desert tortoise monitoring as described in the 1994 Desert Tortoise Recovery Plan. The managers expect the Service to undertake such work in fiscal year 2001. The methodology to be used in conducting the monitoring should be designed to permit correlation with the data gathered between 1980 and 2000.

10. General increases have been provided for refuge operations and maintenance. These increases should be distributed in accordance with the priorities set forth in the refuge operating needs system and the maintenance management system.

11. The increase provided in the environmental contaminants program is to develop baseline data on contaminants identified by the Arctic Council as threats in wildlife that are subsistence foods in Alaska. The funding also may be used to sample, in partnership with scientists employed by local governments, wildlife remains found in sudden, unexpected die-offs.

12. The projects proposed by the Senate for the Canaan Valley NWR, WV, and the Kealia Pond NWR, HI are addressed in the construction account.

13. The Service should follow the direction in the Senate report with respect to the release of prokelisia to control Spartina grass in conjunction with mowing and spraying.

14. The September 1, 2000 reprogramming request submitted by the Service to address administrative cost realignments, rental cost increases and increased administrative costs is approved. The Service should ensure that all necessary base adjustments are made in the 2002 budget within the fixed cost category to reflect correctly these "uncontrollable" costs.

15. The managers have recently become aware of a General Accounting Office review of procedures in the Carlsbad, CA, ecological services office. In particular, the managers are concerned by reports from GAO that automated systems are inadequate. The fiscal year 2002 budget request should address this problem.

Joint Ventures.—Funds for joint venture programs are to be distributed in fiscal year

2001 as shown in the following table. In addition, the managers expect the Service to phase in additional funding over the next three years to achieve the levels specified in the table for fiscal year 2004. To the extent that the funding specified for 2004 is insufficient, the managers do not object to a proposal for higher funding levels for joint ventures. The Service is urged to re-evaluate all their "optimal" funding calculations and, in particular, the sea duck joint venture calculation and report to the House and Senate Committees on Appropriations if any of those amounts should be raised. The managers note that the joint venture programs have leveraged a small amount of Federal funding many times over to accomplish much needed habitat improvements throughout the country.

JOINT VENTURES FUNDING

	Fiscal year 2001	Target level fiscal year 2004
Atlantic Coast	$380,000	$800,000
Lower Mississippi	502,000	750,000
Upper Mississippi	240,000	650,000
Prairie Pothole	1,185,000	1,400,000
Gulf Coast	340,000	700,000
Playa Lakes	225,000	700,000
Rainwater Basin	225,000	400,000
Intermountain West	240,000	1,000,000
Central Valley	360,000	550,000
Pacific Coast	240,000	700,000
San Francisco Bay	225,000	370,000
Sonoran	225,000	400,000
Arctic Goose	140,000	370,000
Black Duck	110,000	370,000
Sea Duck	250,000	550,000
Administration	599,000	750,000
Total	5,486,000	10,460,000

CONSTRUCTION

The conference agreement provides $63,015,000 for construction instead of $48,395,000 as proposed by the House and $54,803,000 as proposed by the Senate.

Funds are to be distributed as follows:

Project	Description	Amount
Alaska Maritime NWR, AK	Headquarters/Visitor Center	$593,000
Alchesay/Williams Creek NFH, AZ.	Environmental Pollution Control—Phase II (c).	927,000
Anahuac NWR, TX	Bridge Rehab/Replacement—Phase I (p/d/ic).	673,000
Bear River NWR, UT	Water management facilities (c).	500,000
Bear River NWR, UT	Education Center (c)	3,600,000
Blackwater NWR, MD	Carpentry/Auto Shop	300,000
Bozeman FTC, MT	Laboratory/Administration Building—Phase II (c).	1,600,000
Bridge Safety Inspection		495,000
Cabo Rojo NWR, PR	Replace Office Building (Seismic)—Phase I (p/d).	500,000
Canaan Valley NWR, WV	Heavy equipment replacement.	350,000
Chincoteague NWR, VA	Headquarters & Visitor Center—Phase II (c).	3,500,000
Clarks River NWR, KY	Garage and visitor access	500,000
Coleman NFH, CA	Seismic Safety Rehab of 3 buildings—Phase I (p/d).	301,000
Dam Safety Inspection		570,000
Ennis NFH, MT	Raceway Enclosure—Phase II (c).	1,000,000
Great Dismal Swamp NWR, VA.	Planning and public use	250,000
Hagerman NWR, TX	Bridge Rehabilitation—Phase I (p/d).	368,000
Jackson NFH, WY	Seismic Safety Rehab of 2 Buildings—Phase I (p/d).	373,000
John Heinz NWR, PA	Administrative wing	800,000
Kealia Pond NWR, HI	Water control structures	700,000
Kodiak NWR, AK	Visitor Center/planning	180,000
Lake Thibadeau NWR, MT	Lake Thibadeau Diversion Dam—Phase II (c).	450,000
Leavenworth NFH, WA	Nada Dam—Phase II SEED Study.	300,000
Mason Neck NWR, VA	ADA accessibility (c)	130,000
Mason Neck NWR, VA	Non-motorized trail	600,000
Nat'l Eagle Repository, CO	Relocation of National Eagle Repository—Phase II (d/c).	400,000
Nat'l Wildlife Repository, CO	Renovation of National Wildlife Property Repository—Phase II (d/c).	950,000
Nat'l Conservation Training Ctr, WV.	Fourth Dormitory (p/d/c)	12,750,000
NFW Forensics Lab, OR	Forensics Laboratory Expansion—Phase II (d/ic).	1,838,000
Noxubee NWR, MS	Visitor Center (c)	2,000,000
Parker River NWR, MA	Headquarters Complex (c)	1,230,000
Pittsford NFH, VT	Planning and design/hatchery rehabilitation.	300,000
San Pablo Bay NWR, CA	Renovate Office—Phase I (p/d).	275,000
Seatuck & Sayville NWRs, NY	Visitor facilities	115,000
Silvio O. Conte NWR, VT	Education Center	1,512,000
Six NFHs	Water Treatment Improvement—Phase II (c).	2,500,000
Sonny Bono Salton Sea NWR, CA.	Seismic Safety Rehab of 1 Building—Phase I (p/d).	55,000
Tern Island NWR, HI	Rehabilitate Seawall—Phase III (c).	8,600,000
Tishomingo NFH, OK	Pennington Creek Foot Bridge—Phase II (c).	229,000
White River NWR, AR	Visitor Center construction	1,100,000
White Sulphur Springs NFH, WV.	Holding and propagation	350,000
White Sulphur Springs NFH, WV.	Office renovations	20,000
Subtotal: Line item Construction.		53,784,000
Nationwide Engineering Services:		
Demolition Fund		1,389,000
Env. Compliance		1,860,000
Seismic Safety Program		200,000
Other Engineering Services.		5,782,000
Subtotal: Engineering Services.		9,231,000
Grant total		63,015,000

The managers agree to the following:

1. Funds for the Clarks River NWR, KY, garage and visitor contact station complete the project.

2. The Downeast Heritage Center, ME, project proposed by the Senate is addressed in the National Park Service.

3. The administrative wing at the John Heinz NWR, PA, will eliminate the need for rent associated with temporary office space. The managers note that the John Heinz refuge has done an admirable job in raising private funds for visitors' center construction.

4. The Service should pursue cost-sharing opportunities for the Kealia Pond NWR, HI, water control structure project.

5. The total cost for the Kodiak NWR, AK, Administrative and Visitors' Center should not exceed $10 million of which the Fish and Wildlife Service maximum share is $7 million and the cost share is $3 million.

6. The funding provided for a fourth dormitory at the National Conservation Training Center, WV, will complete the dormitory project and fully fund the connection of the facility to the city water supply.

7. Funds for the Noxubee NWR, MS, Administrative and Visitors' Center will complete the Fish and Wildlife Service commitment to the project.

8. The Service should, as soon as possible, notify the House and Senate Committees on Appropriations, of the total estimated cost for the Pittsford NFH, VT, hatchery rehabilitation project.

9. Funds for the Silvio O. Conte NWR, VT, Education Center will complete the Fish and Wildlife Service commitment to the project. Any additional funding requirements should be accommodated with non-Department of the Interior funds.

10. No funds are included for the Waccamaw NWR, SC, Visitors' Center. This refuge has not yet been opened. The managers urge the Service to include this project, as appropriate, in their priority system for future consideration.

11. Funds for the White River NWR, AR, Administrative and Visitors' Center, in combination with previously appropriated funds, will complete the Fish and Wildlife Service commitment to the project. The remaining $600,000 required for the visitors' center portion of the project should be accommodated with non-Department of Interior funds.

12. Funds for the holding and propagation facility at the White Sulphur Springs NFH, WV, will complete the project.

Bill Language.—The conference agreement includes bill language directing the release of previously appropriated funds for exhibits at the Ding Darling NWR, FL.

LAND ACQUISITION

The conference agreement provides $62,800,000 for land acquisition instead of $30,000,000 as proposed by the House and $46,100,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Archie Carr NWR (FL)	$2,000,000
Back Bay NWR (VA)	500,000
Balcones Canyonlands NWR (TX)	1,750,000
Big Muddy NWR (MO)	1,000,000
Bon Secour NWR (AL)	1,000,000
Buenos Aires NWR (AZ)	1,000,000
Canaan Valley NWR (WV)	500,000
Cat Island NWR (LA)	1,500,000
Centennial Valley NWR (MT)	1,750,000
Clarks River NWR (KY)	500,000
Dakota Tallgrass Prairie Project (SD)	2,100,000
Edwin B. Forsythe NWR (NJ)	1,000,000
Grand Bay NWR (AL)	1,150,000
Great Meadows Complex (MA)	1,000,000
Hakalau Forest NWR (HI)	1,000,000
Lake Umbagog NWR (NH)	1,500,000
Leslie Canyon NWR (AZ)	2,000,000
Louisiana Black Bear NWR (LA)	1,000,000
Lower Rio Grande Valley NWR (TX)	500,000
Minnesota Valley NWR (MN)	500,000
Montezuma NWR (NY)	2,000,000
Neal Smith NWR (IA)	600,000
North Dakota Prairie Project (ND)	800,000
Northern Tallgrass NWR (MN)	1,000,000
Ohio River Islands NWR (WV)	500,000
Palmyra Atoll/Kingman Reef (HI)	1,000,000
Patoka River NWR (IN)	800,000
Pelican Island NWR (Lear tract) (FL)	3,200,000
Prime Hook NWR (DE)	1,300,000
Rachel Carson NWR (ME)	1,000,000
Rappahannock River NWR (VA)	1,000,000
Rhode Island NWR Complex (RI)	1,500,000
San Diego NWR (CA)	3,000,000
Silvio O. Conte NWR (CT/MA/NH/VT)	750,000
Stewart B. McKinney NWR (CT)	1,500,000
Waccamaw NWR (SC)	1,000,000
Walkill River NWR (NJ)	1,000,000
Wertheim NWR (NY)	2,000,000
Western Montana Project (MT)	1,000,000
Whittlesey Creek NWR (WI)	500,000
Willapa NWR (WA)	2,000,000
Subtotal	50,700,000
Emergencies/Hardships	750,000
Exchanges	850,000
Inholdings	1,000,000
Acquisition Management	9,500,000
Total	$62,800,000

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The conference agreement provides $26,925,000 for the cooperative endangered species conservation fund as proposed by the Senate instead of $23,000,000 as proposed by the House. The increase above the House is for habitat conservation planning land acquisition.

NATIONAL WILDLIFE REFUGE FUND

The conference agreement provides $11,439,000 for the National wildlife refuge fund instead of $10,439,000 as proposed by the House and $10,000,000 as proposed by the Senate. The managers urge the Service to request increased funds for this account in future budget requests commensurate with increases in land acquisition.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The conference agreement provides $20,000,000 for the North American wetlands conservation fund instead of $15,499,000 as proposed by the House and $16,500,000 as proposed by the Senate. Within this amount, $19,200,000 is for wetlands conservation and $800,000 is for administration.

WILDLIFE CONSERVATION AND APPRECIATION FUND

The conference agreement provides $797,000 for the wildlife conservation and appreciation fund as proposed by both the House and the Senate.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides $2,500,000 for the multinational species conservation fund as proposed by the Senate instead of $2,391,000 as proposed by the House.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides $1,389,144,000 for the operation of the National park system instead of $1,426,476,000 as proposed by the House and $1,367,554,000 as proposed by the Senate (excluding U.S. Park Police funding, which is included in a new appropriations account). The agreement provides $283,465,000 for Resource Stewardship instead of $275,124,000 as proposed by the House and $279,375,000 as proposed by the Senate. Changes to the House level include $900,000 for Learning Centers, $1,107,000 for native and exotic species management, $1,034,000 for Alaska subsistence fisheries, $1,750,000 for vegetation mapping, $825,000 for water resources restoration and protection, $1,275,000 for water quality monitoring, $500,000 for the Everglades Task Force, $250,000 for museum management, $400,000 for Vanishing Treasures and $300,000 for the ongoing Civil War Soldiers and Sailors Partnership. These funds are not intended to be used to initiate any portion of the proposed digitization initiative in the budget.

The conference agreement provides $279,871,000 for Visitor Services as proposed by the Senate. Changes to the House level include $1,000,000 for the 2001 Presidential Inaugural and $235,000 for Regional office park support.

The conference agreement provides $78,048,000 for the U.S. Park Police in a new appropriations account that follows this account.

The conference agreement provides $469,703,000 for maintenance instead of $446,661,000 as proposed by the House and $449,203,000 as proposed by the Senate. Increases to the House level include $20,000,000 for additional maintenance and operational needs of the Service. Following enactment of the Bill, the National Park Service should make the necessary adjustments to align these additional funds for the purposes approved by the House and Senate Committees on Appropriations with the proper budget subactivity. Two specific needs provided for in this increase are $975,000 for the 9 National Trails and a $2,300,000 base increase for Harpers Ferry Design Center.

In addition, the managers have provided increases of $42,000 for regional office park support, $2,000,000 for facility management software and $1,000,000 for condition assessments. The conference agreement does not include the general increase for maintenance as proposed by the House. Although the managers have provided funds for the maintenance management system and building condition assessments, the managers remain concerned that the improvements provided by these efforts will take too long to implement and may still not fully document the complete maintenance backlog of the Service, as required by the House and Senate Committees on Appropriations and by statute, within the next few years. Therefore, by April 2001, a report is to be provided to the Committees that describes how and when the Service will provide a park by park comprehensive listing, with cost estimates, of deferred maintenance affecting all facilities in the National Park Service, including buildings, historic structures, roads, trails, utility systems, campgrounds, picnic areas and all other items requiring maintenance and repair. The Service should also address the issue raised by the Committees concerning why large parks cannot conduct their own condition assessment internally and without additional funds.

Within in the amounts provided for repair and rehabilitation, the managers earmark the following projects: $350,000 to repair the lighthouse at Fire Island NS (this amount is not intended to initiate planning for a new visitor center), $75,000 to repair the Ocean Beach Pavilion at Fire Island, NS, $309,000 for repairs of the Bachlott House and $100,000 for the Alberty House which are both located at Cumberland Island NS, and $500,000 for maintenance projects at the Ozark National Scenic Riverways Park.

The conference agreement provides $259,178,000 for Park Support instead of $254,628,000 as proposed by the House and $262,178,000 as proposed by the Senate. Changes to the House level include $500,000 for regional office park support, $750,000 for mid-level management intake training program, $100,000 for Wild and Scenic Rivers (existing partnership rivers), $200,000 for a wilderness study at Apostle Islands NL and $3,000,000 for the Challenge cost share program for activities related to the anniversary of the Lewis and Clark expedition. The amount provided for Lewis and Clark related activities are for the purposes described in the Senate report, but include $2,000,000 for a major national traveling exhibition that will include more than 200 Lewis and Clark original artifacts, artworks and manuscripts. This funding must be matched by private sources.

The conference agreement provides $96,927,000 for External Administrative Costs as proposed by the Senate. Changes to the House include $2,000,000 for GSA rental space needs. The conference agreement does not include the $66,500,000 general increase proposed by the House.

Through a combination of appropriated funds, recreational fee demonstration project revenues, partnerships, and other sources, the National Park system has unprecedented levels of funding available to it to address critical resource protection and visitor service requirements. The managers emphasize the importance of applying prudent and sound financial management practices to ensure the integrity of these funding sources, particularly with regard to tracking for accountability purposes. Consistent with Comptroller General opinions, appropriations are not to be augmented with other funding sources. Projects that are identified to be completed for an identified amount of funding, regardless of fund source, are to be completed as proposed. Any additional resources to be applied to a project constitute a reprogramming and are subject to the established guidelines. The managers are particularly concerned about construction projects for which bids come in above estimates, and the proposed solution is to defer exhibits and to fund the remaining elements at a later date using a different fund source, such as fees. This is not an appropriate use of the fee program.

The managers direct that the National Park Service make sufficient funds available to assure that signs marking the Lewis and Clark route in the State of North Dakota are adequate to meet National Park Service standards.

The managers support the decision of the Ozark National Scenic Riverways to retain the carpentry and maintenance positions. The managers recognize the urgent needs at ONSR for key carpentry and maintenance personnel who have specialized skills in properly maintaining park facilities. The managers expect that these positions will be retained at ONSR.

The managers are aware of a recommendation by the National Park Service's National Leadership Council to consolidate funding for all aspects of the ongoing intake program into a centralized program. Currently, the salary costs are paid by the parks, regions, and program offices participating in the program. The managers have no objection to the internal reprogramming necessary (not to exceed $1,106,000) to allow for centralized funding for this important program. This approach results in no net change in costs and should allow for greater participation in the program by more parks throughout the system.

The managers are aware that the EPA, through cooperative agreements with the National Park Service, has maintained a long-term environmental and air quality monitoring site in the Great Smoky Mountains National Park through the demonstration intensive site project and sites in wilderness areas of the Nantahala National Forest and Pisgah National Forest. The managers are concerned, however, by reports that the EPA may be considering terminating funding support for these monitoring sites. Because of the wealth of information provided to Federal, State and local stakeholders by the sites, the managers expect the EPA to continue its monitoring partnerships with the Great Smoky Mountains NP and both national forests. The managers are also aware of the vital role played by the Southern Appalachian Mountains Initiative (SAMI), through the EPA, in studying the effects of air pollutants on the Great Smoky Mountains NP and nearby forests.

The managers wish to reiterate the concern expressed by the Senate with respect to the lack of adequate ambulance service at the Hawaii Volcanoes National Park Systems. The managers therefore direct that, within the amounts provided for operation of the National Park System, the Service shall provide the necessary funds, not to exceed $350,000, for the Federal share of the cooperative effort to provide emergency medical services in the Hawaii Volcanoes National Park. This support should be in addition to the Park's base operating funds.

The managers are aware that legislation currently under consideration would authorize the inclusion of the Wills House within Gettysburg National Military Park. Should such legislation be enacted, the managers encourage the Service to initiate rehabilitation of the House within available repair and rehabilitation funds.

The managers expect that funding for the First Ladies National Historic Site will be included in the fiscal year 2002 Park Service request and in all future budget requests.

UNITED STATES PARK POLICE

The conference agreement provides $78,048,000 for the United States Park Police as a new appropriations account instead of $75,641,000 as proposed by the House and $76,441,000 as proposed by the Senate under the operation of the National park system account.

The increases to the budget request are associated only with the Washington Monument and several other nationally recognized park sites in Washington, D.C. and in certain cases represent one time only costs. The increases include $235,000 for design costs associated with a visitor screening facility and x-ray machine at the Washington Monument, $275,000 for design of a parkwide key system, $997,000 to design and install closed circuit television and alarm systems at five specific monuments and $100,000 for planning for a parkwide communication system. Plans for any of these items that require additional appropriations should be carefully reviewed by the leadership of the National Park Service as well as the Development Advisory Board to ensure that the scope and costs are carefully and frugally estimated. The managers have also included $800,000 for the 2001 Presidential Inaugural.

The managers note that funds available for U.S. Park Police (USPP) operations have grown at a rate well above nearly every account in the Interior appropriations bill. Since fiscal year 1987, the USPP operating account has increased nearly 80 percent above inflation. By comparison, over the same period, the operating accounts for several large national parks grew by lesser amounts. The entire operation of the national park system account grew by 50 percent during this period, while accommodating the requirements of 43 new park areas. Despite the growth during this period, the House and Senate Committees on Appropriations have continued to receive requests for items that have been funded in prior years, such as anti- and counter-terrorism, drug enforcement, recruit classes, and equipment replacement. The recommendations which follow are intended to improve accountability and oversight of the USPP budget.

To strengthen fund controls that apply to the USPP, the managers have established a separate appropriation account for USPP activities. The only extent to which USPP will be able to draw on the operation of the national park system account is limited to the funds contained in that appropriation account for ongoing USPP activities at the Statue of Liberty and Gateway National Recreation Area and the purposes identified below. Bill language is included in the Operations account. The establishment of this separate appropriations account, to be managed as discussed below, will preclude funds from being transferred from the USPP to other park purposes, and vice versa.

This account covers the operational costs of the United States Park Police, including those costs for uniformed and civilian staff assigned to the USPP, supplies, materials, utilities, equipment, and pension costs for retired officers. The USPP may receive additional funds on a reimbursable basis from non-NPS entities. No other funds are to be used to augment the USPP operational budget.

As stated above, the funding recommended for this appropriation activity in fiscal year 2001 is $78,048,000, which represents the budget request and additional funds to cover the four specific items detailed above. The only other funds which may be allocated to the park police are for those USPP costs assumed in the ONPS budget as continuing in the park bases of the Statue of Liberty and Gateway National Recreation Area, to respond to approved emergency law and order incidents and to maintain and repair USPP administrative facilities. When the Director has determined the appropriate amounts of the funding of these two units that should be devoted to USPP purposes, and the level of service that the USPP must continue to provide with those resources, the House and Senate Committees on Appropriations should be informed. In developing the fiscal year 2002 budget, the Service should make the necessary adjustments to show these funding increments entirely in the USPP appropriation account.

The managers are concerned about the ongoing reports of financial shortfalls and funding discrepancies involving the USPP budget. The managers expect the USPP to prepare a detailed financial plan on the proposed use of the fiscal year 2001 funds appropriated in the separate account as well as to be made available from ONPS, within 30 days of enactment of this Act. The financial plan should include information such as existing and planned staffing levels, pay and benefits, overtime pay, recruitment classes, planned expenditures for equipment, and complete object class data for each USPP program. Once the financial plan has been reviewed and approved by the regional director for the National Capital Region, the National Park Service's comptroller, and the National Academy of Public Administration, it is to be followed.

The budget function for the USPP is to be carefully controlled by the regional director's office. Any proposed deviation from the financial plan must be approved in advance by the regional director, and if it constitutes a reprogramming pursuant to the reprogramming guidelines, must come before the House and Senate Committees on Appropriations for approval. The USPP is directed to manage its expenditures using the same financial management system as the rest of the National Park Service, and should cease use of other systems immediately. The managers expect the USPP to engage in the same budget formulation, execution, and reporting practices as the rest of the Service.

With regard to recruitment classes, the funding level recommended by the managers continues the $2,361,000 provided in fiscal year 2000 for the conduct of two recruit classes (each with a class size of 24 recruits). These funds cover salary costs for the 48 recruits as well as their training costs, travel, lodging, initial uniform, equipment, applicant physicals, and background checks. At the end of training, these recruits will fill existing funded vacancies. It is the managers' expectation that two recruit classes will be conducted in fiscal year 2001. This assumption should be reflected in the financial plan; any proposed reallocation of funds from recruit classes to other operating expenses is considered a reprogramming and must be approved by the House and Senate Committees on Appropriations.

In addition to the financial controls imposed above, the managers also expect the USPP to identify the necessary funds to pay for an independent review of the structure and financial plan of the USPP. This funding should be reflected in the financial plan. The managers direct the National Park Service to contract with the National Academy of Public Administration for this assessment within 30 days of enactment of this Act. The assessment should include: (1) an evaluation of the mission and goals of the USPP in accordance with statutory and regulatory requirements, (2) an assessment of the USPP mission vis-a-vis other Federal agencies and law enforcement entities, including a review of the extent to which the USPP is involved in supporting law enforcement functions which go beyond the mission of the National Park Service, including estimated costs associated with these activities, (3) an evaluation of current and future staffing requirements to meet mission and goals, and an examination of the methodology used by the USPP to determine staffing needs, and (4) an analysis of the spending patterns of the USPP over the last three fiscal years, with particular regard to the extent to which actual expenditures tracked against approved financial plans, the adequacy of budget projections for items such as overtime and special deployments versus actual expenses, the extent to which the USPP assessed the costs of new activities before committing personnel, a review of the operating costs for the helicopters for NPS purposes versus other jurisdictions, and an assessment of the expenditures for equipment replacement against an identified plan.

NATIONAL RECREATION AND PRESERVATION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $58,359,000 for National recreation and preservation instead of $47,956,000 as proposed by the House and $61,249,000 as proposed by the Senate (excluding urban parks funding, which is included in a separate appropriations account). The agreement provides $542,000 for recreation programs as proposed by the House and Senate. The agreement provides $10,805,000 for natural programs instead of $11,205,000 proposed by the House and $10,505,000 as proposed by the Senate. This includes increases of $300,000 for the Rivers and Trails program and $300,000 for hydro relicensing. While the managers have not earmarked the River and Trails program, consideration should be given to groups involved in hiking and biking trails in southeastern Michigan and the Service is encouraged to work cooperatively with groups in this area.

The conference agreement includes $20,753,000 for cultural programs instead of $19,853,000 as proposed by the House and $20,253,000 as proposed by the Senate. This includes $250,000 for the ongoing Revolutionary War/War of 1812 study, and increases of $100,000 for Gettysburg NMP technical assistance, $250,000 for the National Center for Preservation Technology and $300,000 for Heritage Preservation, Inc.

The managers are aware of efforts to commemorate and interpret underground railroad sites in Wilmington, Delaware, and the surrounding area, and encourage the National Park Service to provide technical assistance and such other support for these efforts as is consistent with the National Underground Railroad Network to Freedom Act and other appropriate Service programs.

The conference agreement includes $10,307,000 for Heritage Partnership Programs instead of $9,420,000 as proposed by the House and $9,787,000 as proposed by the Senate. Funds are to be distributed as follows:

America's Agricultural Heritage Partnership	$500,000
Augusta Canal National Heritage Area	700,000
Automobile National Heritage Area	338,000
Cache La Poudre River Corridor	50,000
Cane River National Heritage Area	400,000
Delaware and Lehigh National Heritage Corridor	600,000
Essex National Heritage Area	1,000,000
Hudson River Valley National Heritage Area	902,000
Illinois and Michigan Canal National Heritage Corridor	240,000
John H. Chafee Blackstone River Valley National Heritage Corridor	600,000
Lackawanna Heritage Area	500,000
National Coal Heritage	245,000
Ohio and Erie Canal National Heritage Center ...	1,000,000
Quinebaug and Shetucket Rivers Valley National Heritage Corridor	515,000
Rivers of Steel National Heritage Area	1,000,000
Schuylkill National Heritage Center	200,000
Shenandoah Valley Battlefields National Historic District	400,000
South Carolina National Heritage Corridor	1,000,000
Project total	10,190,000
Overhead/fixed costs	117,000
Total	$10,307,000

The managers have reallocated the technical assistance funds requested in the budget to the individual heritage areas, which are in a better position to decide their needs. These funds are for technical assistance to local governments and partner organizations to help implement locally supported projects consistent with the overall plans for these designated areas. These funds may be used to contract for government or private sector services to respond to local requests for assistance. Within the total provided, the managers have included $17,000 for fixed costs and $100,000 for administrative overhead.

The managers direct that implementation funds for the Hudson River Valley National Heritage Area are contingent upon National Park Service approval of the management and interpretive plans that are currently being developed.

The conference agreement provides $12,296,000 for Statutory or Contractual Aid instead of $3,280,000 as proposed by the House and $16,506,000 as proposed by the Senate. The funds are to be distributed as follows:

Alaska Native Cultural Center	$742,000
Aleutian World War II National Historic Area	100,000
Brown Foundation	101,000
Chesapeake Bay Gateways	2,300,000
Dayton Aviation Heritage Commission	300,000
Four Corners Interpretive Center	2,250,000
Ice Age National Scientific Reserve	798,000
Johnstown Area Heritage Association	49,000
Lamprey River	500,000
Mandan On-a-Slant Village	500,000
Martin Luther King, Jr. Center	529,000
National First Ladies Library	500,000
Native Hawaiian culture and arts program	742,000
New Orleans Jazz Commission	66,000
Roosevelt Campobello International Park Commission	730,000
Route 66 National Historic Highway	500,000
Sewall-Belmont House	495,000
Vancouver National Historic Reserve	400,000
Wheeling National Heritage Area	594,000
Women's Progress Commission	100,000

The managers have provided $2,300,000 for the Chesapeake Bay Gateway program. Within this amount is $800,000 for grants and technical assistance and $1,500,000 for the purchase of the Holly Farm Beach property requested in the President's budget. The acquisition dollars are subject to at least an equal match by State or private funds. Should the $1,500,000 not be expended for the purchase of the Holly Farm Beach property, the Service should submit a reprogramming for other needs within the National Park Service. These funds will not be made available in addition to the $800,000 provided for the base program. The managers have not provided $2,000,000 for the Urban Parks Program in the account as proposed by the House and Senate. A total of $10 million is provided in a separate account.

The managers have included language in the bill providing for the transfer to this account of $1,595,000 previously appropriated for the acquisition of Ferry Farm, George Washington's Boyhood Home. Since an easement on this property has been acquired at the appraised fair market value, these funds are not required for further acquisition. The transferred funds are to be provided as a grant to the George Washington's Fredericksburg Foundation for the conduct of archaeological investigations at the site, research into the life of George Washington's family at Ferry Farm, development of interactive education programs, development of visitor programs, and other activities that complement the National Park Service's programs and mission in the Fredericksburg area.

URBAN PARK AND RECREATION FUND

The conference agreement provides $10,000,000 for the urban park and recreation fund instead of the $2,000,000 proposed by the House and Senate as part of the National recreation and preservation account.

HISTORIC PRESERVATION FUND

The conference agreement provides $79,347,000 for the historic preservation fund instead of $41,347,000 as proposed by the House and $44,347,000 as proposed by the Senate. Changes to the House level include $3,000,000 for State Historic Preservation Offices as proposed by the Senate.

The managers have also provided $35,000,000 for Save America's Treasures. These funds are subject to a fifty percent cost share, and no single project may receive more than one grant from this program. The funds are to be distributed as follows:

Alexandria Academy, VA ..	$200,000
Arlington House, VA	150,000
Ashland Depot, WI	500,000
Athens State Founders Hall, AL	100,000
Belle of Louisville, KY	500,000
Berman Museum, PA	250,000
Bodie Lighthouse, NC	200,000
Boston Symphony Hall, MA	200,000
Darwin Martin House, NY	1,000,000
Delf Norona Museum, WV	500,000
Durst-Taylor House, TX	275,000
First Avenue National Register District (Fairbanks), AK	300,000
Grays Harbor County Courthouse, WA	500,000
Barre Heritage Museum, VT	950,000
Hopewell Museum, KY	250,000
Huntsville Depot, AL	75,000
Old Danforth Street Bridge, MA	500,000
Lewes Maritime Park, DE	1,000,000
Liberty Theater, OR	400,000
Lincoln Pond/Colonial Theatre, FL	837,000
Loudoun House, KY	750,000
Marine Science Center Historic site, WA	150,000
Mark Twain House (annex), Hartford, CT	1,000,000
Mary O'Keefe Cultural Center for Arts and Education, MS	300,000
Monitor Barns project, VT	200,000
Museo de las Americas, CO	110,000
New Bedford Whaling NHP (Corson Building), MA	150,000
Ochre Court, RI	300,000
Ohio Company of Associations papers, OH	200,000
Old Dutch Church National Historic Site, NY	300,000
Osceola Courthouse, FL	500,000
Point Retreat Lighthouse, AK	300,000
Pond Spring, AL	363,000
Princess Theater, AL	125,000
Rice Museum (Brown's Ferry), SC	250,000
Rosa Parks Museum, AL ...	405,000
Rowan Oak, MS	300,000
Shaker Village Museum, NY	750,000
Southside Sportsman Club, NY	400,000
Titan Missile Museum, AZ	200,000
Truman Memorial, MO	250,000
Voting Rights Museum, GA	250,000
Vulcan statue, AL	1,500,000
Wausau Grand Theater, WI	400,000
Wheeler Block Building, VT	175,000
Woodward Opera House, OH	900,000
Yokut Tribe Heritage Center, CA	275,000
York Farmers' Market, PA	260,000
Subtotal	20,000,000
Undistributed	15,000,000
Total	35,000,000

Additional project recommendations for funding shall be subject to formal approval of the House and Senate Committees on Appropriations prior to any distribution of funds. Within the undistributed funds provided, the managers have no objection to the project identified in the budget request.

CONSTRUCTION

The conference agreement provides $242,174,000 for construction instead of $141,004,000 as proposed by the House and $204,450,000 as proposed by the Senate. The funds are to be distributed as follows:

[Dollars in thousands]

Project	Planning	Construction
Antietam NB, MD (stabilize/restore battlefield structures)		500
Apostle Islands NL, WI (erosion control)		1,360
Apostle Islands NL, WI (rehab Outer Island lighthouse)		600
Arches NP, UT (visitor center)	514	
Big Bend NP, TX (rehabilitate water system)		770
Canaveral NS, FL (Seminole Rest)	300	300
Cape Cod NS, MA (rehabilitate visitor center)		2,753
Castillo San Marcos NM, FL (stabilize and restore fort)		828
Chiricahua NM, AZ (replace water system)		1,128
Colonial NHP, VA (erosion control)		3,064
Corinth NB, MS (construct visitor center)		4,000
Cumberland Island NS, GA (St. Mary's visitor center)	779	
Cuyahoga NRA, OH (stabilize riverbank)		3,000
Dayton Aviation NHP, OH (east exhibits)		1,300
Delaware Water Gap NRA, PA/NJ (Depew site)	114	
Down East Heritage Center, ME	350	
Dry Tortugas NP, FL (stabilize and restore fort)		500
Edison NHS, NJ (preserve historic buildings and museum collections)	129	1,175
Everglades NP, FL (modified water delivery system)		9,000
Fire Island NS, NY (rehabilitate and protect beach facilities, dunes, wetlands)		1,933
Ft. Stanwix NM, NY (completes rehabilitation)		1,500
Ft. Washington Park, MD (repair masonry wall)	386	
Gateway NRA, NY/NJ (preservation of artifacts at Sandy Hook unit)	300	
George Washington Memorial Parkway, MD/VA (rehabilitate Glen Echo facilities)		2,200
George Washington Memorial Parkway, MD/VA (Belle Haven)	100	
George Washington Memorial Parkway, MD/VA (Mt. Vernon trail)		300
Gettysburg NMP, PA (install fire suppression)		1,323
Glacier NP, MT (rehabilitate sewage treatment system)		4,544
Grand Portage NM, MN (heritage center)	511	
Harpers Ferry NHP, WV (rehabilitate maintenance building)	153	1,086
Hispanic Cultural Center, NM (construct cultural center)		1,500
Hot Springs NP, AR (rehabilitation)		3,000
Independence NHP, PA (rehabilitate Merchant's Exchange building)		7,250
John H. Chafee Blackstone River Valley NHC, RI/MA		2,500
Kenai Fjords NP, AK (completes interagency visitor center design)	795	
Kendall Courthouse, IL (restoration)		300
Keweenaw NHP, MI (restore historic Calumett, Hecla and Union building)	400	
Lake Champlain NHLs, VT (including Mt. Independence)		650
Lincoln Library, IL		10,000
Lincoln Home NHS, IL (restore historic structures)	290	
Longfellow NHS, MA (carriage barn)		487
Maggie Walker NHS, VA (stabilize and restore historic structures)		1,867
Mammoth Cave NP, KY (resolve OSHA violations/resource deterioration)		3,650
Manzanar NHS, CA (establish interpretive center and headquarters)		5,124
Minute Man NHP, MA (restore Battle Road Trail historic structures)		818
Missouri Recreation River Research & Education Center, NE (Ponca State Park)	193	2,350
Morristown NHP, NJ	500	
Morris Thompson Visitor and Cultural Center, AK (planning)	500	
Mt. Rainier NP, WA (exhibit planning and film)	150	
National Capital Parks—Central, DC (preserve Jefferson Memorial)		936
National Constitution Center, PA (Federal contribution)		10,000
National Underground RR Freedom Center, OH		6,000
New Jersey Coastal Heritage Trail, NJ (exhibits, signage)		338
New River Gorge NR, WV (repair retaining wall, visitor facilities, technical support)	445	800
North Cascades NP, WA (stabilize and repair visitor center)		2,370
Olympic NP, WA (removal of Elwha dam & related facilities; water protection facilities)		15,000
Palace of the Governors, NM (build museum)		10,000
Palo Alto Battlefield NHS, TX (completes visitor center)	203	1,614
Petersburg NB, VA (preserve historic earthen forts)		666
Redwood NP, CA (remove failing roads)		713
Salem Maritime NHP, MA (rehabilitate historic Polish Club)		1,002
Santa Monica Mountains NRA, CA (rehabilitate unsafe facilities)		1,345
Sequoia NP, CA (remove facilities and restore Giant Forest)		8,381
Shiloh NMP, TN (erosion control)		1,000
Southwest Pennsylvania Heritage, PA (rehabilitation)		3,000
St. Croix NSR, WI (planning for VC/headquarters; rehabilitate river launch site)	240	330
St. Gaudens NHS, NH (collections building, fire suppression)	20	445
Statue of Liberty and Ellis Island, NY/NJ (ferry terminal utilities)	340	2,000
Tuskegee Airmen NHS, AL (stabilization planning)	500	
U.S. Grant Boyhood Home, OH (rehabilitation)		365
Vancouver NHR, WA (exhibits, rehabilitation)		2,000
Vicksburg NMP, MS (various)	739	550
Washita Battlefield NHS, OK (visitor center planning)	788	
Wheeling Heritage Area, WV		4,000
Wilson's Creek NB, MO (complete library)		38
Wright Brothers NM, NC (planning for visitor center restoration)	200	
Yellowstone NP, WY (replace water and wastewater treatment facilities)		5,077
Subtotal	9,939	160,630
Line-item projects (from above)		160,630
Emergency or Unscheduled Projects		3,500
Housing replacement		5,000
Dam safety		1,440
Equipment replacement		18,000
Construction planning (PB 10,840 plus amounts from above for add-ons)		20,779
Pre-design and supplementary services		4,500
Construction program management and operations		17,100
General management planning		11,225
Total, NPS Construction		242,174

The managers have provided $1,500,000 to complete the Federal investment at Fort Stanwix NM in New York.

The managers expect the Service to provide the necessary funds, within the amounts provided for Equipment Replacement, to replace the landing craft at Cumberland Island NS and replace the airplane at Glen Canyon National Recreation Area.

Within the amounts provided for special resource studies are funds to initiate a Lincoln Highway Study ($300,000), to initiate a study to define the cultural significance and value to the Nation of the Congaree Creek site in Lexington County, SC, as part of the Congaree National Swamp Monument, and a study for a national heritage area in the Upper Housatonic Valley in Northwest Connecticut. These three studies are subject to separate authorizations.

The managers support continuation of research activities initiated as part of the Women's Rights (NHP) trail study and direct the Service to continue this effort throughout fiscal year 2001. It is the managers' understanding that prior to any discussions about implementation of the plan, this project must be authorized by the appropriate House and Senate legislative committees.

The managers are aware that the Service is in the process of drafting a new management plan for the Niobrara National Scenic

River. The managers firmly believe that this plan should embody a strong and central role for a local management council as envisioned in the Niobrara Scenic River Designation Act of 1991, and as recommended by the Niobrara Scenic River Advisory Commission established pursuant to the Act. The Council should be a full partner with the National Park Service in managing the Niobrara National Scenic River, and this relationship should be reflected in the General Management Plan.

The managers are aware of a proposal by the National Park Service regarding the use of $2.6 million in unobligated funds remaining for the visitor transportation system at Grand Canyon National Park. Approximately $7.4 million was appropriated in recent years for improvements to the existing visitor transportation system at Grand Canyon. The funds were provided to meet equipment needs to expand the loop system available to South Rim visitors; to retrofit buses to natural gas; to purchase both electric and natural gas buses; and to conduct planning associated with the proposed new visitor transit system from outside the park. The managers have no objections to the use of the balance of the funds to purchase new bus trailer units as well as to install a permanent natural gas fueling station.

The managers are aware of serious information technology requirements facing the Service, and urge the Service to prioritize the necessary investments in order to foster improved management of information and business practices across the Service. Towards that end, the managers have no objection to the recommendation of the National Leadership Council that the IT equipment replacement funds appropriated herein ($1,985,000) be used to address information infrastructure costs associated with the new network design. In addition, $2,700,000 of the $20,000,000 added by the managers in the ONPS account for maintenance should be used for this purpose. Improvements to the NPS bandwidth capability should improve the ability of parks, however remote, to use systems such as the Project Management Information System, ParkNet, the Operations Formulation System, the Interior Department Electronic Acquisition System, and the Project Management Development System.

As part of the Memorandum of Understanding (MOU) directed in last year's conference agreement, the managers urge the City of Port Angeles and the Park Service to agree on the water supply facilities necessary to mitigate the impact of Elwha River dam removal. If the City and Park Service cannot agree on the type and scope of new water supply facilities by March 1, 2001 (or within a reasonable time prior to designing the facilities), the managers direct that the water supply facilities included in the MOU minimally meet the water quality standards mandated by, and be acceptable to, the Washington State Department of Health.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The conference agreement rescinds the contract authority provided for fiscal year 2001 by 16 U.S.C. 4601-10a as proposed by both the House and the Senate.

LAND ACQUISITION AND STATE ASSISTANCE

The conference agreement provides $110,540,000 for land acquisition and State assistance instead of $104,000,000 as proposed by the House and $87,140,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Apostle Islands NL (WI)	$200,000
Appalachian NST (Ovoka Farm) (VA)	1,200,000
Black Canyon of the Gunnison NP/Curecanti NRA (CO)	1,300,000
Brandywine Battlefield (PA)	1,000,000
Cape Cod NS (MA)	500,000
Chickamauga/Chattanooga NMP (TN)	1,200,000
Cumberland Gap NHP-Tunnel (TN)	40,000
Cuyahoga Valley NRA (OH)	1,500,000
Delaware Water Gap NRA (PA)	1,000,000
Ebey's Landing NHR (WA)	3,250,000
Everglades—Grant to the State of Florida	12,000,000
Fredericksburg/Spotsylvania NMP (VA)	2,500,000
Gettysburg NMP (PA)	2,000,000
Gulf Islands NS (Cat Island) (MS)	2,000,000
Harpers Ferry NHP (WV) ...	2,000,000
Homestead NHS (NE)	400,000
Ice Age NST (Wilke Tract) (WI)	2,000,000
Indiana Dunes NL (IN)	2,000,000
Mississippi National River RA (Lower Phalen Creek) (MN)	1,300,000
Manassas NB (VA)	1,000,000
Petroglyph NM (NM)	2,700,000
Piscataway Park (MD)	200,000
Saguaro NP (AZ)	2,200,000
Santa Monica Mountains NRA (CA)	2,000,000
Shenendoah NHA (VA)	1,000,000
Sitka NHP (Sheldon Jackson College) (AK)	1,300,000
Sleeping Bear Dunes NL (MI)	1,100,000
Stones River NB (TN)	1,500,000
Vicksburg NMP (MS)	150,000
Wrangell-St. Elias NP & Pres. (AK)	1,500,000
Subtotal	52,040,000
Emergency & Hardship	4,000,000
Inholdings & Exchanges	2,500,000
Acquisition Management ..	11,500,000
Stateside Grants	39,000,000
Administrative Assistance to States	1,500,000
Total	110,540,000

The managers have not included additional funds for acquisition at Big Cypress National Preserve, Florida due to a prior year unobligated balance of $11,000,000. The managers understand that these funds cannot be obligated in fiscal year 2001 due to a lack of willing sellers.

The conference agreement provides $1,300,000 for the Black Canyon of the Gunnison National Park and for the Curecanti National Recreation Area, located in Colorado. The managers direct the Service to use the funds to complete the acquisition project in the Black Canyon of the Gunnison NP and to purchase the Fitti parcel in the Curecanti NRA.

The $1.2 million identified for the purchase of a portion of the Ovoka Farm for inclusion within the Appalachian National Scenic Trail shall not be expended until an agreement with the United States is signed for the purchase of four tracts containing 75.14 acres within the current boundary of the Appalachian NST and owned by Phillip S. Thomas. The price to be paid by the National Park Service for these tracts and for the portion of Ovoka farm shall not exceed the approved appraised value as established by the National Park Service. The acquisition of these tracts and a portion of Ovoka Farm shall be subject only to restrictions the Park Service finds acceptable.

The $2 million identified for the purchase of Cat Island, MS, is subject to authorization.

The $1,000,000 included for the Shenandoah Valley Battlefields National Historic District is contingent upon the final approval by the Secretary of the Interior of the Commission plan and the establishment of the management entity to manage and administer the district as authorized by Public Law 104-333. The funds are to be used only for land acquisitions as authorized in Public Law 104-333.

The $1,100,000 included for the Sleeping Bear Dunes National Lakeshore are for the following parcels: #34-127 (160 acres), and #34-169 (31 acres). Seven acres of parcel #34-169 as negotiated are to remain with the current owner.

In fiscal year 2000, Congress provided $1,500,000 for land acquisition at the Hawaii Volcanoes National Park. The managers are aware that the negotiations have stalled with the seller of the Great Crack property, which was the Service's intended purchase with these funds. The managers are also aware of the Park's long standing interest in acquiring the Kahuku Ranch, which is contiguous to the Park and that the owners of the Kahuku Ranch have offered the ranch for sale. The managers, therefore, direct that the $1,500,000 provided in fiscal year 2000 be used toward the purchase of the Kahuku Ranch for an addition to Hawaii Volcanoes National Park. The current authorizing language, however, puts a restriction on lands added to "round out" the park. The restriction only allows these additions to the Park through donation of land or purchase with donated funds. As such, the above direction is subject to the removal of this restriction from the authorizing language. The managers further direct the Service to conduct a full review and public scoping process with respect to adding Kahuku Ranch to Hawaii Volcanoes National Park prior to expending any of these funds for purchase of the Kahuku property.

The managers have provided $1.5 million for the intended purchase of patented mining claims in Wrangell-St. Elias National Park by the National Park Service. The managers note that the Director of the National Park Service recently announced that an appraisal on certain patented claims will commence in October, 2000. It is the express intent of the managers that the National Park Service works with the holders of mining claims in Wrangell-St. Elias National Park in order to reach a purchase price that is objectively fair and equitable, both to the citizens of the United States and to the affected claim owners. To that end, and in order to facilitate the acquisition process, the managers instruct the National Park Service to consult with claim owners to attempt to select property appraisers who will be mutually agreeable. Upon completion of any appraisal in anticipation of the acquisition of the mining claims in Wrangell-St. Elias National Park, the National Park Service is further instructed to negotiate with the claim owners in a good faith effort to arrive at a price for the purchase of the claims that is acceptable to all parties.

Language is included in the bill which allows $50,000,000, in unexpended Everglades land acquisition funds appropriated in fiscal years 1994 and 2000, to be used for the implementation of the Modified Water Deliveries project, including implementation of the Recommended Plan for the 8.5 square mile area component of the project. The managers also agree to the Department's proposal to redirect $3,796,000 in unexpended land acquisition funds appropriated originally for the construction of the Modified Water Deliveries project, but later transferred for land acquisition projects pursuant to discretionary authority granted to the Secretary in Public Law 103–219, for the Modified Water Deliveries Project. The Modified Water Deliveries Project provides a base upon which further hydrologic improvements for the park will be made in the form of the proper quantity, quality, timing, and distribution of water to the park as anticipated under the Comprehensive Everglades Restoration Plan.

Language is also included in the bill, as proposed by the Senate which prohibits Stateside land and water funds from being used to establish a reserve or contingency fund.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $862,046,000 for surveys, investigations, and research instead of $816,676,000 as proposed by the House and $848,396,000 as proposed by the Senate.

Changes to the House funding level for the national mapping program include increases of $2,096,000 for uncontrollable costs, $500,000 for the national atlas, and $3,400,000 for Landsat operations, and a decrease of $100,000 for hyperspectral remote sensing.

Increases above the House for geologic hazards, resources and processes include $4,296,000 for uncontrollable costs, $1,000,000 for earthquake hazards, $250,000 for the Hawaiian volcano program, $1,525,000 for minerals at risk, $475,000 for Yukon Flats geology surveys, $1,200,000 for the Nevada gold study, $500,000 for geologic mapping, and $300,000 for Lake Mead/Mojave research.

Changes to the House level for water resources include increases of $5,292,000 for uncontrollable costs, $1,370,000 for real time hazards, $300,000 for the Lake Champlain toxic study, $450,000 for Hawaiian water monitoring, $2,000,000 for the ground water program, and $300,000 for the Southern Maryland aquifer study, and a decrease of $500,000 from the Molokai well project.

Increases above the House for biological research include $3,177,000 for uncontrollable costs, $400,000 for the cooperative research units, $180,000 for a Yukon River chum salmon study, $8,000,000 for science center funding, $500,000 for ballast water research, $500,000 for sea otter research for the Fish and Wildlife Service, $4,000,000 for the National Biological Information Infrastructure and $750,000 for the continuation of the Mark Twain National Forest mining study to be accomplished in cooperation with the water resources division and the Forest Service.

The managers recognize the importance of the National Biological Information Infrastructure (NBII), which can provide valuable information to assist private and governmental entities in developing cost-effective responses to problems of environmental pollution, natural disasters, and many other issues. Therefore, the managers have provided $4,000,000 to create NBII "nodes" to work in conjunction with private and public partners to provide increased access to and organization of information to address these and other challenges. These funds are to be used to create a nationwide network covering the following regions: Pacific Basin, Hawaii, $350,000; Southwest, Texas, $1,000,000; Southern Appalachian, Tennessee, $1,000,000; Pacific Northwest, Washington, $200,000; Central Region, Ohio, $250,000; North American Avian Conservation, Maryland, $200,000; Network Standards and Technology, Colorado, $250,000; Fisheries Node, Virginia and Pennsylvania, $400,000; California/Southwest Ecosystems Node, California, $200,000; Greater Yellowstone Ecosystem Node, Montana, $150,000.

Increases above the House for science support include $1,791,000 for uncontrollable costs. Increases above the House for facilities include $1,418,000 for uncontrollable costs.

The managers have provided $500,000 to the Western Fisheries Research Center to conduct a pilot project on the pre- and post-treatment of ballast water for biological activity. The center should develop a protocol for the sampling/monitoring of discharge of exchanged ballast water; develop an attainable standard for treated ballast water that can be effectively monitored; evaluate the treatment effectiveness; and develop and publish a report of the project results.

The managers have included an additional $500,000 for the continued development of the National Geologic Map Data Base as authorized by the National Geologic Mapping Act. With the development of the prototype data base, the managers expect the Survey to work with State geological surveys in converting maps to digital format.

The managers direct that within available funds, the Leetown Science Center should begin to conduct drug efficiency research. In addition, of the $920,000 earmarked in Senate report 106–312 for the Leetown Science Center, $300,000 is for engineering and design and $620,000 is for the repair and rehabilitation of heating, ventilation, and air conditioning and other activities outlined in the budget request.

Within the funds provided for the Biological Research Division, the managers have earmarked $3,400,000 for mission-critical science support for the Fish and Wildlife Service (FWS). The managers reiterate that these funds are for research needs solely identified by FWS and, as such, are provided to establish a parallel program similar to the Natural Resources Preservation program in the National Park Service.

The managers support the expansion of the Gateway to the Earth program to other organizations across the country as provided in House report 106–646. Further, the managers encourage the Ohio View consortium to provide leadership and expertise to the new program participants.

The managers have maintained funding for light distancing and ranging (LIDAR) technology to assist with recovery of Chinook Salmon and Summer Chum Salmon under the Endangered Species Act. These funds should be used in Mason County, WA, to contract for the continued mapping of drainage systems and stream systems, and to identify potentially unstable slopes.

The managers commend the progress the Survey has made to date in increasing the use of private sector services in the conduct of its work, as well as developing ongoing dialogue with the private sector. The managers continue to encourage that, where appropriate, the Survey make use of private sector services in all areas including scientific research, technical support, and administrative activities, to achieve an appropriate balance to best meet the mission of the Survey.

The managers endorse the concept that the Department of the Interior, as primary steward of the Nation's public lands, is the appropriate agency to manage the Landsat program in partnership with the National Aeronautics and Space Administration. As such the managers have provided an additional $3,400,000 for Landsat 7 operations.

With respect to USGS at-cost pricing of Landsat 7 products, as called for by the Land Remote Sensing Policy Act of 1992, the managers realize that this creates a perception of competition with private sector operators of remote-sensing satellites. Therefore, the managers are pleased to learn that the Survey has taken steps at the highest levels to improve communication with the private sector and to work toward mutually beneficial partnerships wherever feasible. The managers urge the Survey to increase and sustain such efforts.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The conference agreement provides $133,410,000 for royalty and offshore minerals management instead of $127,200,000 as proposed by the House and $134,010,000 as proposed by the Senate. The total amount available for this account is $240,820,000, which includes $107,410,000 in offsetting receipts, which offset partially the 2001 funding requirements for the royalty and offshore minerals management program.

Changes to the House include an increase of $6,620,000 for uncontrollable costs. In addition, the managers have agreed to an increase in offsetting receipts of $410,000 as proposed by the Senate.

The managers have modified language proposed by the House for the continuation of the royalty-in-kind pilot programs. The modification allows the Service to pay transportation not only to wholesale market centers but also to upstream pooling points.

The managers have again provided $1,400,000 to the Offshore Technology Research Center (OTRC) for research in support of the Bureau's offshore minerals program. The managers expect the full amount to be spent on the OTRC in College Station, TX. The managers note that this research effort is to be a cooperative one in which OTRC and MMS work together to develop projects that meet the Bureau's critical research needs, and the new technical, safety, and environmental challenges the nation faces as offshore drilling moves into deeper water. As such, OTRC is expected to work closely with MMS to develop an appropriate list of projects that meet the Bureau's critical research needs.

Within the funds provided for royalty and offshore minerals management, the managers have included $600,000 for the Center for Marine Resources and Environmental Technology.

OIL SPILL RESEARCH

The conference agreement provides $6,118,000 for oil spill research as proposed by both the House and the Senate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

The conference agreement provides $100,801,000 for regulation and technology as proposed by the Senate instead of $97,478,000 as proposed by the House. Funding for the activities should follow the Senate recommendation. An additional $275,000 is estimated to be available for use from performance bond forfeitures.

ABANDONED MINE RECLAMATION FUND

The conference agreement provides $202,438,000 for the abandoned mine reclamation fund instead of $197,873,000 as proposed by the House and $201,438,000 as proposed by the Senate. Funding for technology development, financial management and executive direction should follow the Senate recommended levels. The managers have also included the Senate recommended funding level for the Appalachian Clean Streams Initiative which increases the cap to $10,000,000. The managers have also included the Senate proposed bill language for minimum program States and bill language included in previous years dealing with certain aspects of the State of Maryland program. The conference agreement does not provide the Senate recommended funding in this appropriation for a reforestation demonstration in Kentucky although funding for this activity is included in the Forest Service, State and Private forestry appropriation. The managers have also provided separate funding for the House recommended program on priority abandoned mine reclamation and acid mine remediation in the anthracite region of Pennsylvania in the Title I general provisions.

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

The conference agreement provides $1,741,212,000 for the operation of Indian programs instead of $1,657,446,000 as proposed by the House and $1,704,620,000 as proposed by the Senate.

Increases above the House for tribal priority allocations include $11,175,000 for uncontrollable costs, $5,000,000 for the Indian self determination fund, $11,000,000 for the housing improvement program $1,600,000 for general trust revenues, $2,571,000 for real estate services, and $1,089,000 for real estate appraisals.

Increases above the House for other recurring programs include $10,910,000 for uncontrollable costs, $3,575,000 for the FACE program, $2,925,000 for the model, therapeutic residential $1,000,000 for administrative cost grants, $500,000 for Alaska subsistence, $176,000 for the Reindeer Herders Association, and $1,891,000 for the tribally controlled community colleges.

Increases above the above the House for non recurring programs include $555,000 for uncontrollable costs, $2,300,000 for real estates services, $1,000,000 for a distance learning, telemedicine, fiber optic pilot program in Montana, $146,000 for Alaska legal services, $200,000 for forest inventory for the Uintah and Ouray tribes, and $300,000 for a tribal guiding program in Alaska.

Increases above the House for central office operations include $727,000 for uncontrollable costs and $500,000 for trust services.

Increases above the House for regional office operations include $899,000 for uncontrollable costs $1,400,000 for general trust services, $2,500,000 for real estate services, $1,040,000 for land title records, $1,000,000 for land record improvements, and $500,000 for general trust services.

Increases above the House for special programs and pooled overhead include $7,637,000 for uncontrollable costs, $9,000,000 for the law enforcement initiative, and $650,000 for the Crownpoint Institute.

The managers continue to support the Tribally Controlled Community Colleges (TCCC) and the technical schools of United Tribes Technical College (UTTC) and the Crownpoint Institute of Technology (CIT). To understand better how the House and Senate Committees on Appropriations can further assist the TCCCs and technical schools, the managers direct the TCCCs, UTTC, and CIT to provide a report that describes the programs and services of each institution. The report will also include all sources of funding that support each institution's operations and facilities, and the amount of funding by source for the school's most recent fiscal year, the past fiscal year, and any proposed program expansion or changes in operations for the budget year. This report should be submitted to the Bureau of Indian Affairs by December 31st each year. The Bureau is directed to provide a consolidated summary of the reports in conjunction with its annual budget submission to the Congress.

The managers have provided $1,000,000 for the distance learning project on the Crow, Fort Peck, and Northern Cheyenne reservations. These funds are for a fiber optic system to benefit these communities in a broad array of areas from health care to education and will eventually provide many new opportunities for reservation residents. The Rocky Mountain Technology Foundation will oversee the expenditure of these funds and is expected to provide a cost share to the project using in-kind or monetary donations from private and public sources. The Foundation is directed to provide an annual report to the House and Senate Committees on Appropriations through the Bureau of Indian Affairs. The report will describe the complete proposal for this Distance Learning Project, its relationship to other similar projects, and what has been accomplished to date with these funds.

The managers have been informed that severe seepage may occur when the Shoshone and Arapaho tribes complete the first fill protocols on the reservation's newly renovated Washaki Dam next spring. The managers direct the Bureau to assess the condition of the dam by February 1, 2001, and determine whether funds are needed to pro-actively address the situation. If it is determined that funds are needed, the Bureau should submit a reprogramming request if funds are available.

A number of concerns have been raised concerning whether tribes have been complying with the Single Audit Act. To address this potentially serious issue, the managers direct the Department to report back to the House and Senate Committees on Appropriations detailing to what extent tribes in the lower 48 States, as well as those tribes in Alaska, have been in compliance with the requirements of this Act. If it is found that the tribes are not conforming with these audit requirements, the Secretary shall provide recommendations to the Committees that could be put in place to ensure that tribes comply with the Single Audit Act.

The managers have restored funding for the housing improvement program as proposed by the Senate. The managers direct the Bureau to maintain the current distribution of funds between repair and rehabilitation and construction of new housing stock.

CONSTRUCTION

The conference agreement provides $357,404,000 for construction instead of $184,404,000 as proposed by the House and $341,004,000 as proposed by the Senate.

Increases above the House for education construction include $395,000 for uncontrollable costs, $79,690,000 for replacement school construction, $7,000,000 for a new tribal school construction demonstration program as discussed below, $5,000,000 for advance planning and design, $593,000 for employee housing, and $80,109,000 for facilities improvement and repair.

Changes to the House for public safety and justice include an increase of $4,000 for uncontrollable costs.

Changes to the House for resources management include an increase of $72,000 for uncontrollable costs.

Changes to the House for general administration include an increase of $137,000 for uncontrollable costs.

The Administration's request for replacement school construction assumed full funding for all school replacement construction projects in the budget year based on guidance from the Office of Management and Budget. The managers note that the Lummi Tribal school was short funded by $8,400,000 in the President's budget. The managers have corrected this error. The conference agreement provides full funding for the next six schools on the BIA priority list.

As mentioned above, the managers provide an additional $7,000,000 to establish a new tribal school construction demonstration program. This new program will allow tribes to cost share 50 percent of the cost for replacement schools. Under this new demonstration program the Secretary is directed to give priority consideration to those tribes that are on the BIA priority list for construction of a replacement school.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The conference agreement provides $37,526,000 for Indian land and water claim settlements and miscellaneous payments to Indians instead of $34,026,000 as proposed by the House and $35,276,000 as proposed by the Senate.

Increases above the House include $1,250,000 for Aleutian Pribilof church repairs, which completes this program as authorized, $50,000 for Walker River (Weber Dam), $200,000 for Pyramid Lake and $2,000,000 for the Great Lakes Fishing Settlement.

The managers understand that an agreement has finally been reached between the tribes, the State of Michigan and the Federal government in United States v. Michigan, Case No. 2:73 CV 26. Pursuant to the consent agreement entered by the Court in this case, the managers provide $2,000,000 as part of the Federal government's obligation. The managers direct the Bureau to include the Great Lakes Fisheries settlement agreement in its fiscal year 2002 budget request. The managers intend to address the remaining Federal government obligations under the consent agreement in the fiscal year 2002 appropriation.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides $4,988,000 for the Indian guaranteed loan program account as proposed by the Senate instead of $4,985,000 as proposed by the House.

ADMINISTRATIVE PROVISIONS

The managers have agreed to a technical change in language relating to charter schools as proposed by the Senate.

Departmental Offices

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The conference agreement provides $75,471,000 for assistance to territories, instead of $69,471,000 proposed by the House and $68,471,000 as proposed by the Senate. The managers have agreed to follow the funding levels proposed by the House for the activities except additional funds which have been provided for compact input in the technical assistance activity. The managers have also included bill language recommended by the House directing a $300,000 payment to the Virgin Islands for disaster assistance loans and $700,000 for the Prior Service Benefits Fund. The managers direct that funding for the Close-Up Foundation activities should be maintained at least at the fiscal year 1999 level. The managers have added compact impact assistance funding of $5,000,000 for Guam and $1,000,000 for the Commonwealth of the Northern Marian Islands.

In fiscal year 1999, language was included in the conference agreement concerning the withholding of American Samoa construction funds in the amount of $2,000,000. These funds were to be withheld until issues associated with unpaid island medical bills were resolved. The managers understand that the American Samoa government has taken significant steps to address this problem and, therefore, direct the Department to release these funds.

COMPACT OF FREE ASSOCIATION

The conference agreement provides $20,745,000 for the Compact of Free Association as proposed by the House instead of $20,545,000 as proposed by the Senate.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides $64,319,000 for salaries and expenses for departmental management, instead of $62,406,000 as proposed by the House and $64,019,000 as proposed by the Senate. Funds should be distributed as follows:

Departmental direction	$12,241,000
Management and coordination	23,798,000
Hearings and appeals	8,288,000
Central services	19,104,000
Bureau of Mines workers compensation/unemployment	888,000
Total	$64,319,000

Language is included in the bill directing that funds be provided to Alaska Pacific University for development of an ANILCA training curriculum as described in section 347 of the Senate bill. Within the total for Departmental direction, $300,000 is included to implement this provision.

One of the highest priorities of the Department and the managers has been reducing the backlog of maintenance needs in the Department. Congress and the Department have worked together to institute an aggressive Safe Visits to Public Lands Initiative and thereby improve management and accountability for the Department's infrastructure, and focus maintenance and construction funding on the highest priority health and safety and resource protection needs.

The managers are pleased that the National Park Service has made progress in developing a comprehensive maintenance management system that will provide consistent and reliable maintenance information tools for local staff to carry out day-to-day maintenance of public assets efficiently as well as to provide information to managers and Congress. To that end, the managers have provided the requested funds to continue this initiative.

In addition, the Secretary is directed to work with the Bureau of Land Management, the U.S. Geological Survey, and the Fish and Wildlife Service to evaluate the adoption and implementation of the core system used by NPS. The Managers believe that it is critical that the Department coordinate the development and use of consistent facilities management and condition assessment systems Department-wide.

Office of the Solicitor

SALARIES AND EXPENSES

The conference agreement provides $40,196,000 for salaries and expenses of the Office of the Solicitor as proposed by the House instead of $39,206,000 as proposed by the Senate. Funds should be distributed as follows:

Legal services	$33,630,000
General administration	6,566,000
Total	40,196,000

Office of Inspector General

SALARIES AND EXPENSES

The conference agreement provides $27,846,000 for salaries and expenses of the Office of Inspector General as proposed by the Senate instead of $26,086,000 as proposed by the House. Funds should be distributed as follows:

Audit	$15,809,000
Investigations	5,566,000
Administration	6,471,000
Total	27,846,000

Office of Special Trustee for American Indians

FEDERAL TRUST PROGRAMS

The conference agreement provides $82,628,000 for Federal trust programs as proposed by the Senate instead of $82,428,000 as proposed by the House.

The managers have provided $27,600,000 in emergency appropriations (in title V) to address trust fund reform issues that could not be anticipated prior to the submission of the fiscal year 2001 budget request. These funds will: support work to address the breaches of trust identified in the recent District Court decision; allow the government to begin preparation for the second trial relating to an accounting for Individual Indian Money Accounts (IIM); and address critical trust fund reform shortfalls.

The Department of the Interior has announced its intention to explore the use of sampling as the best, most cost effective approach to provide an accounting for IIM beneficiaries. While the Indian Trust Fund Reform Act contemplated that such an accounting would sometime occur, the managers have been concerned for years about the potential cost and effectiveness of any approach that might be used. After investing $20 million over five years in a tribal account reconciliation process, there has been no resolution of issues surrounding tribal accounts. The cost of a similar accounting for the approximately three hundred thousand IIM account holders could conceivably cost hundreds of millions of dollars.

Therefore while approving the request to begin an IIM sampling approach, the managers direct the Department to develop a detailed plan for the sampling methodology it adopts, its costs and benefits, and the degree of confidence that can be placed on the likely results. This plan must be provided to the House and Senate Committees on Appropriations prior to commencing a full sampling project. Finally, the determination of the use of funds for sampling or any other approach for reconciling a historical IIM accounting must be done within the limits of funds made available by the Congress for such purposes.

Ultimately, the managers believe that resolution of the long standing issues of the performance of the Department of the Interior's management of Indian trusts is best worked out through a negotiation and settlement process, and not by spending millions of dollars for accountants to reconcile relatively small sums of funds over decades. If the sampling approach provides a reasonable basis for settlement of these claims or can provide a basis for a greater level of confidence on the part of beneficiaries about the past, this investment will be useful. Given the tremendous needs in Indian country for public services from education to health care, the managers will be extremely judicious in allocating funds for an historical accounting or sampling study.

INDIAN LAND CONSOLIDATION

The conference agreement provides $9,000,000 for Indian land consolidation programs instead of $5,000,000 as proposed by the House and $10,000,000 as proposed by the Senate.

Natural Resource Damage Assessment and Restoration

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides $5,403,000 for the natural resource damage assessment fund as proposed by the Senate instead of $5,374,000 as proposed by the House.

General Provisions, Department of the Interior

The conference agreement includes sections 101 through 112 and section 117 which were identical in both the House and the Senate bills. These sections continue provisions carried in past years.

Section 113 retains the text of section 113 as proposed by the House which makes permanent a provision permitting the retention of rebates from credit card services for deposit to the Department Working Capital Fund. Section 113 proposed by the Senate continued the provision carried last year providing the exemption for one year.

Section 114 modifies the text of section 114 as proposed by both the House and the Senate to make a technical correction for funds transfer authority.

Section 115 retains the text of section 115 as proposed by the House which makes permanent a provision permitting the retention of proceeds from agreements and leases at Fort Baker, Golden Gate National Recreation Area. Section 115 proposed by the Senate continued the provision carried last year providing the exemption for one year.

Section 116 retains the language included in last year's Interior Appropriations Act regarding grazing permit extensions as proposed by the Senate. The House had identical language with the exception of the use of the word "may" in the House bill versus "shall" in the Senate bill.

Section 118 retains the text of section 118 as proposed by the House which permits the redistribution of Tribal Priority Allocation and tribal base funds to alleviate funding inequities. The Senate had no similar provision.

Section 119 retains the text of section 119 as proposed by the House which requires a written certification of consistency from the Corps of Engineers prior to establishment of a Kankakee National Wildlife Refuge in Indiana and Illinois. This language is identical to that included in last year's Interior Appropriations Act. The Senate language on this issue required submission of a plan consistent with an April 16, 1999 partnership agreement between the Service and the Corps prior to refuge establishment.

Section 120 retains the text of section 120 as proposed by the House which renames the Great Marsh Trail at the Mason Neck National Wildlife Refuge in Virginia the "Joseph V. Gartlan, Jr. Great Marsh Trail." The Senate had no similar provision.

Section 121 retains the text of section 121 as proposed by the House and section 124 as proposed by the Senate which continues a provision carried last year requiring the allocation of Bureau of Indian Affairs postsecondary schools funds consistent with unmet needs.

Section 122 modifies the text of section 118 as proposed by the Senate which prohibits distribution of Tribal Priority Allocation (TPA) funds to tribes in the State of Alaska with memberships of less than 25 individuals living in the village and provides for the redistribution of funds that would have been provided to such tribes. The modification adds the requirement that at least 25 members reside in the service area of any tribe which remains eligible to receive TPA funding directly.

Section 123 retains the text of section 120 as proposed by the Senate which continues a provision carried last year protecting lands at Huron Cemetery in Kansas for religious and cultural uses and as a burial ground. The House had no similar provision.

Section 124 retains the text of section 121 as proposed by the Senate which continues a provision carried last year prohibiting the use of funds to transfer land into trust status for the Shoalwater Bay Indian Tribe in Clark County, Washington, until the tribe and the county reach agreement on development issues. The House had no similar provision.

Section 125 retains the text of section 122 as proposed by the Senate, which continues a provision from last year's Interior Appropriations Act with regard to two provisions in Secretarial Order 3206 regarding Indian tribes and the Endangered Species Act. The House had no similar provision.

Section 126 retains the text of section 123 as proposed by the Senate which continues a provision carried last year prohibiting studies or implementation of a plan to drain Lake Powell in Arizona and Utah. The House had no similar provision.

Section 127 retains the text of section 126 as proposed by the Senate which permits the Secretary of the Interior to retain and use land and other forms of reimbursement associated with the previously authorized conveyance of the Twin Cities Research Center for the benefit of the National Wildlife Refuge System in Minnesota. The House had no similar provision. This is a repetition of language included in last year's Interior Appropriations Act.

Section 128 retains the text of section 127 as proposed by the Senate which protects historic rights associated with pre-ANILCA entry permits. The House had no similar provision.

Section 129 retains the text of section 128 as proposed by the Senate which designates Anchorage, Alaska, as a port of entry for purposes of the Endangered Species Act. The House had no similar provision. Funding for operation of this port of entry is included under the Fish and Wildlife Service resource management account.

Section 130 retains the text of section 129 as proposed by the Senate which adjusts the boundaries of Sitka National Historic Park in Alaska. The House had no similar provision.

Section 131 makes technical changes to language proposed by the Senate in section 130 regarding the treatment of proceeds from certain lease sales in the National Petroleum Reserve-Alaska. The House had no similar provision.

Section 132 retains the text of section 131 as proposed by the Senate which conveys land in Alaska to Harvey R. Redmond. The House had no similar provision.

Section 133 modifies the text of section 132 as proposed by the Senate, which clarifies the terms and conditions of a land conveyance to Nye County, Nevada, which was authorized in the FY 2000 Interior and Related Agencies Appropriations Act. This section allows the County, notwithstanding any provision of the Recreation and Public Purposes Act, to lease the land to a non-profit organization, so that the organization could then construct, own, and operate the Nevada Science and Technology Center. The County would retain title to the conveyed lands and the organization would own the facilities, but could only build facilities for public, non-commercial purposes. In effect, the lands would still be used for a public function, consistent with the purposes of the Recreation and Public Purposes Act, but the County would be contracting this function out to the non-profit organization.

Section 134 modifies the text of section 133 as proposed by the Senate which requires a land exchange regarding the Mississippi River Wildlife and Fish Refuge. The House had no similar provision. The modification extends the time period by 60 days and specifies that the area in question is a 150 foot wide strip.

Section 135 retains the text of section 134 as proposed by the Senate which expresses the sense of the Senate regarding repayment of Indian judgment claims. The House had no similar provision.

Section 136 provides authority for the Fish and Wildlife Service to charge fees including, as appropriate, fees to foreign countries for forensics services provided by the National Fish and Wildlife Forensics Laboratory in Oregon. These fees are to be retained for operational expenses of the lab.

Section 137 adjusts the boundaries of the Argus Wilderness Area in California.

Section 138 authorizes a land exchange in Washington between the Fish and Wildlife Service and the Othello Housing Authority.

Section 139 continues a provision carried last year providing contract authority regarding transportation at Zion National Park in Utah.

Section 140 authorizes the National Park Service to enter into a cooperative agreement with the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

Section 141 names the visitor's center and administrative building at the Chincoteague National Wildlife Refuge in Virginia the "Herbert H. Bateman Educational and Administrative Center".

Section 142 allows the Bureau of Land Management to retain revenues derived from the sale of surplus seedlings.

Section 143 makes a technical change to P.L. 105-83 to allow the completion of construction of the Cibecue Community School in Arizona.

Section 144 clarifies title conveyances of land transfers related to abandoned railroad rights-of-way in Valley City, ND.

Section 145 authorizes the establishment of the First Ladies National Historic Site in Canton, Ohio, to provide unique opportunities for education and study into the impact of first ladies on our nation's history.

Section 146 authorizes the establishment of an interpretive center in Springfield, Illinois, to preserve and make available to the public materials related to the life of President Abraham Lincoln.

Section 147 authorizes the Palace of the Governors in New Mexico.

Section 148 authorizes the Southwestern Pennsylvania Heritage Preservation Commission, which provides the region with the ability to tell its nationally significant stories to a broad audience.

Section 149 renames the Cuyahoga Valley National Recreation Area in Ohio the Cuyahoga Valley National Park.

Section 150 authorizes the establishment of the National Underground Railroad Freedom Center in Cincinnati, Ohio, that will house an interpretive center, museum, educational and research facilities all dedicated to communicating the importance of the quest for human freedom which provided the foundation of the Underground Railroad.

Section 151 provides for priority abandoned mine reclamation and acid mine remediation activities. Funding of $12,000,000 is provided to the Commonwealth of Pennsylvania for its large backlog in the anthracite region. Projects should use the standard cost-sharing mechanisms of the Surface Mining Control and Reclamation Act of 1977, as amended. These funds are derived from the portion of AML fees allocated to the RAMP program and will not affect other normal State allocations for abandoned mine reclamation. The provision also provides $600,000 to continue a priority demonstration project in Pennsylvania to determine the efficacy of improving water quality by removing metals from waters polluted by acid mine drainage.

Section 152 provides for the use of previously appropriated funds for the Nisqually Indian Tribe to acquire land for the Nisqually NWR, WA, and to manage those lands for refuge purposes.

Section 153 establishes a cost-shared tribal school construction program. This item is discussed in more detail under the Bureau of Indian Affairs construction account.

Section 154 permits the sale of improvements and equipment at the White River Oil Shale Mine in Utah, and the retention and use of those funds by the Bureau of Land Management and the General Services Administration.

Section 155 names the Blue Ridge Parkway headquarters building the "Gary E. Everhardt Headquarters Building".

Section 156 allows the Bureau of Land Management to promulgate new hardrock mining regulations that are not inconsistent with the National Research Council Report entitled "Hardrock Mining on Federal Lands." This provision reinstates a requirement that was included in Public Law 106-113. In that Act, Congress authorized changes to the hardrock mining regulations that are "not inconsistent with" the Report. The statutory requirement was based on a consensus reached among Committee Members and the Administration. On December 8, 1999, the Interior Solicitor wrote an opinion concluding that this requirement applies only to a few lines of the Report, and that it imposes no significant restrictions on the Bureau's rulemaking authority. The Committee does not agree with the solicitor's opinion, and does not intend the language in this section to constitute any ratification of or agreement with that opinion.

Section 157 authorizes the Wheeling National Heritage Area in West Virginia.

The conference agreement does not include language proposed by the House in section 122 regarding National Park Service construction in Florida and in section 123 regarding limitations in Title III general provisions, and by the Senate in section 125 regarding Caspian Tern nesting at Rice Island. The managers however, note that they agree with the House and Senate report language regarding Caspian terns.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

The conference agreement provides $229,616,000 for forest and rangeland research instead of $224,966,000 as proposed by the House or $221,966,000 as proposed by the Senate. The managers have agreed to the Senate proposal to direct $1,400,000 to the Northeast ecosystem research cooperative program and $250,000 to the University of Washington silviculture effort at the Olympic Natural Resource Center. The managers have also agreed with Senate direction concerning funding levels for the wood utilization laboratory in Sitka, AK, and for operations of the Forest Research Laboratories located in Princeton, Parsons, and Morgantown, WV, and funds for the CROP study on the Colville National Forest, WA. The managers have provided funding for the U.S. Geological Survey to study hydrological and biological impacts of lead and zinc mining on the Mark Twain National Forest, MO, rather than the Forest Service as was proposed by the Senate. The managers have not agreed to the Senate proposals to reduce funding for fixed costs or for a general program reduction. The managers have included $3,000,000 in funding for small diameter tree and low-value resource research. The managers would support the Forest Service looking for other additional funding for this latter effort. The managers have not agreed to the Senate proposal to increase funding in this account for the Forest Inventory and Analysis program; however the managers have agreed to the House proposal to provide $5,000,000 in new funding for this program within the State and private forestry program. The managers expect that given the additional money provided in the State and private forestry account on a matching basis the research program will attempt to adjust, to the extent practicable, its funding allocations to address the needs of States which are unable to meet this matching requirement. The managers direct the Forest Service to provide total operational funding of $750,000 to the Rapid City, SD, lab; the funds and the funding increase above the fiscal year 2000 level should come out of the national allocation and should be used to hire a range scientist to work on invasive plants and other range ecology and management issues. The conference agreement does not include a special allocation recommended by the Senate for small diameter research at the Princeton, WV, lab nor are new funds provided for the Northern Forest Research Cooperative, although the managers would support both of these efforts if additional funding became available. The managers direct the Forest Service to provide $502,000 in appropriated funds for the Wind River canopy crane, WA.

STATE AND PRIVATE FORESTRY

The conference agreement provides $250,955,000 for State and private forestry instead of $197,337,000 as proposed by the House and $226,266,000 as proposed by the Senate. These funds include $12,500,000 as contingent emergency funds for priority pest management on Federal, State and private lands. These funds were not included in the House or Senate bills, nor in the Administration request. These funds should assist efforts to combat a variety of pests, including southern pine beetle, gypsy moth, bark beetle, Douglas-fir tussock moth, and several fungal pests.

The agreement provides non-emergency funding of $41,383,000 for Federal lands forest health management and $22,561,000 for cooperative lands forest health management. The managers have agreed to the House proposal on Asian long-horn beetle work in urban areas and the Senate proposal for the Vermont forest cooperative. The managers direct the Forest Service to keep the insect and disease maps up-to-date and publicly available, such as on the agency web-site, and submit them to the House and Senate Committees on Appropriations annually.

The conference agreement includes $25,000,000 for State fire assistance as recommended by the House. Additional priority emergency funds for State and volunteer assistance are included in title IV. The managers have agreed to redirect the Senate proposal for Kenai Peninsula Borough, AK, assistance to the emergency wildfire management provisions included in title IV. The managers have not included the Senate proposal for a special allocation for Kentucky though the additional funds provided in title IV may assist these needs. The conference agreement includes $5,000,000 for volunteer fire assistance as recommended by both the House and the Senate; this is more than double the administration request. The managers do not agree to the Senate report language concerning volunteer fire assistance allocations and fuel loads.

The conference agreement includes $32,854,000 for forest stewardship instead of $31,454,000 as proposed by the House and $30,454,000 as proposed by the Senate. This funding includes the House proposed funding for the New York City watershed and the Senate proposed funding for Utah technical education and State of Washington stewardship activities. The managers have also added an additional $750,000 for an update of the cooperative study on the New York-New Jersey highlands area.

The conference agreement includes $30,000,000 for the forest legacy program as proposed by the Senate instead of $10,000,000 proposed by the House. The managers agree to the Senate proposal of directing $1,400,000 to the Ossippee Mountain conservation, easement NH, and also to direct no less than $2,000,000 to the Great Mountain, CT, easement, and no less than $2,000,000 for the West Branch, ME, project. The managers also acknowledge the importance of forest protection in South Carolina and encourage the Forest Service to work with the appropriate State agencies to ensure continuation of these much needed protections.

The conference agreement includes $31,721,000 for the urban and community forestry program instead of $31,521,000 proposed by the House and $31,021,000 proposed by the Senate. The managers agree to the House proposal for the NE Pennsylvania forestry program and the Senate proposal for the Chicago, IL, wilderness program. In addition, the managers agree to provide $500,000 for cooperative activities in Forest Park in St. Louis, MO, and to a general reduction below the House proposed level of $1,000,000. The managers do not agree to the Senate direction concerning the funding allocation process or State funding limits for the urban and community forestry program. The managers have modified bill language proposed by the House concerning the urban resources partnership. The conference agreement maintains a one-year moratorium on funding this program, but the managers encourage funding of inner-city activities through the normal urban and forestry competitive grants program. The managers await communication from the Inspector General's office regarding any progress in this area and hope that the Forest Service can rectify the many concerns published by the Inspector General.

The conference agreement includes the following distribution of funds for the economic action programs:

Economic Action Programs	*Conference*
Project:	
Economic recovery base program	$3,642,000
Rural development base program	2,192,000
NE & Midwest allocation	2,500,000
Forest Prod. Cons. & Recycling	1,080,000
Wood in transportation	922,000
Special Projects:	
4 Corners forestry	1,000,000
Graham County, NC econ. Plan	10,000
Hawaii training	200,000
NY City watershed rural development	300,000
NY City watershed enhancement	500,000
Brevard College, NC Cradle of Forestry	300,000
Mosier beach, Col. Riv Gorge NSA	500,000
Lake Tahoe erosion grants (CA, NV)	2,000,000
Univ. of WA landscape ecology	300,000
Travelers' Rest-Lewis & Clark Trail, MT	500,000
Grand Canyon Forests Foundation, AZ	0
Wind River-Skamania County, WA	200,000
Ketchikan Wood Tech Center et al, AK	750,000
Envi Sci-Public Policy Research Inst, ID	0
Michigan St. Univ. Victor Center	150,000
Kiln facilities, AK	2,000,000
Sealaska Corp ethanol biomass, AK	2,000,000
Wood educ. & resource center (WV)	2,500,000
Little Applegate river, OR	500,000
State of KY reforestation on mine lands	1,000,000
NC recreational lake economic study	40,000
United Fisherman of AK ed prog.	250,000
Kake land exchange, AK	5,000,000
Total	30,336,000

The conference agreement provides $250,000 in a direct lump sum payment for the United Fisherman of Alaska to implement an educational program to deal with subsistence management and other fisheries issues; these funds may not be used for any lobbying activities affecting Federal or State regulations or legislation. While the managers have fully funded the base operating budget for the Wood Education and Resource Center, the managers encourage the Center's efforts to generate income and hope that such income can be used to offset operating expenses in the near future. The managers have also included $5,000,000 to assist a land transfer for Kake, AK; these funds are contingent upon an authorization bill being enacted. The conference agreement also includes $2,000,000 to cost-share kiln-drying facilities in southeast and south-central Alaska. The managers expect that the funds provided for reforestation on abandoned mine lands in Kentucky are to be matched with funds provided in this bill to the Department of Energy for carbon sequestration research, as well as other non-federal funds.

The conference agreement includes $9,600,000 for Pacific Northwest Assistance instead of $6,822,000 proposed by the House and $9,880,000 proposed by the Senate. This funding includes Senate-proposed allocations of $900,000 for the University of Washington and Washington State University extension forestry effort and $1,878,000 for Columbia River Gorge economic development in the States of Washington and Oregon. The agreement does not include funding proposed by the Senate concerning payments for counties in the Columbia River Gorge because the managers understand that there are significant unobligated balances available for this purpose which are more than enough to meet the needs for this fiscal year. The managers expect to be informed if additional funds are necessary.

The conference agreement includes $5,000,000 for forest resource information and analysis as proposed by the House; the Senate had no similar provision. This funding should aid the forest inventory and analysis program as directed by the House by enhancing cooperation with the States. The conference agreement also includes $5,000,000 for the International program as proposed by the Senate instead of $4,500,000 proposed by the House.

NATIONAL FOREST SYSTEM

The conference agreement provides $1,280,693,000 for the National forest system instead of $1,207,545,000 as proposed by the House and $1,232,814,000 as proposed by the Senate. Funds should be distributed as follows:

Land Management Planning	$68,907,000
Inventory and Monitoring	163,852,000
Vegetation & watershed management	182,034,000
Wildlife & Fish habitat Management	129,028,000
Recreation, Heritage & wilderness	230,270,000
Forest Products	255,844,000
Grazing Management	33,856,000
Landownership Management	86,609,000
Minerals and Geology Management	47,945,000
Law Enforcement Operations	74,358,000
Quincy Library Group, CA	2,000,000
Valles Caldera, NM operations	990,000
Tongass timber pipeline, AK	5,000,000
Total	1,280,693,000

The managers have modified language contained in the Senate report regarding limiting the size of the land management planning and inventory and monitoring expenditures in the Washington Office as well as language specific to the Natural Resource Information System. The managers concur that funds used for National Commitments and other headquarters expenditures are excessive. The managers expect priority for funding allocations in these budget line items to emphasize field efforts to revise, maintain, and amend forest plans and for conducting appropriate inventory and monitoring activities at the field level in order to assure multiple use management on national forest lands. Technology investments that support these activities should be pursued over a timeframe that minimizes impacts on accomplishing field level work. The managers note the potential benefits of the Natural Resource Information system and encourage its continued development and implementation. The managers expect a thorough agency review to assure this system is consistent with strategic objectives. This review should assess the effectiveness of implementation that results in efficient management of information through the use of standardized methods of collecting and using data to evaluate natural resource conditions on National Forest System lands.

The conference agreement includes the following congressional priorities in the vegetation and watershed management activity: $300,000 for the CROP project on the Colville NF, WA; $1,000,000 for acid mine clean-up on the Wayne NF, OH; $360,000 for the Rubio Canyon waterline analysis on the Angeles NF, CA; $1,500,000 increase for aquatic restoration in Washington and Oregon; $1,250,000 increase for Lake Tahoe watershed protection; and $300,000 for invasive weed programs on the Okanogan NF and other eastern Washington national forests with no more than five percent of these funds to be assessed as indirect costs. The wildlife and fisheries habitat funding includes $200,000 proposed by the Senate for the Batten Kill River, VT, project; the Alaska State payment proposed by the Senate is not funded and the funding for the Little Applegate project, OR is included in the State and private forestry account. The recreation, heritage and wilderness activity includes: $700,000 for operations of the Continental Divide trail; $100,000 for the Monongahela Institute effort at Seneca Rocks, WV; $120,000 for the Monongahela NF, Cheat Mountain assessment, WV; $100,000 for cooperative recreational site planning on the Wayne NF, OH; $100,000 for cooperative efforts regarding radios for use at Tuckerman's Ravine on the White Mountain NF, NH; and $68,000 for the Talimena scenic byway which the Senate had included in the vegetation management activity. The managers direct the Forest Service to conduct a feasibility study on constructing a recreational lake on the Bienville NF in Smith County, MS. The managers agree to the House report direction concerning national scenic and historic trails and Region 5 grazing monitoring. The managers do not agree to the Senate report direction concerning allocation of funds for the Washington office and national commitments in the inventory and monitoring activity or the land management planning activity. The forest products activity includes $700,000 proposed by the Senate for the State of Alaska to monitor log transfer facilities as well as the $790,000 proposed by the Senate for forestry treatments on the Apache-Sitgreaves NF, AZ. The House proposal for $250,000 for a Pacific Crest trail lands team is funded. The managers have added $500,000 to the law enforcement activity for the special needs caused by methamphetamine dumps and $500,000 for special needs on the Pisgah and Nantahala NFs. The conference agreement also includes additional funds for Senate proposals of $2,000,000 for the Quincy Library Group project, CA, $5,000,000 for Tongass NF, AK, timber pipeline, and $990,000 for Valles Caldera, NM, management.

The managers have provided $255,844,000, an increase of $10,700,000 above the House and $10,000,000 above the Senate for the forest products activity. The total funds provided for the timber sales program in combination with the increase provided for engineering support within the capital improvement and maintenance appropriation should be more than sufficient to attain the 3.6 billion board foot offer level using the agency's own unit cost estimates. Accordingly, the managers urge the agency to offer no less than 3.6 billion board feet for sale in fiscal year 2001. The conference agreement does not include bill language proposed by the Senate concerning mandatory reprogramming of funds to attain the Congressionally directed sale offer level.

The managers have included an additional $500,000 in the minerals and geology management activity to support necessary administrative duties related to the Kensington Mine in southeast Alaska, including completion of a supplemental environmental impact statement.

The managers are generally pleased with the Land Between the Lakes National Recreation Area management transition from the Tennessee Valley Authority to the Forest Service. The managers direct the administration to use the environmental education trust fund established in the authorization of this area strictly for the authorized purposes and not for general operations of the NRA.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $1,265,129,000 for wildland fire management instead of $618,343,000 as proposed by the House and $767,629,000 as proposed by the Senate. The managers note that this funding total includes $426,000,000 in contingent emergency appropriations which will repay previously advanced sums as well as establish an available contingency fund for future emergencies. This emergency contingency funding includes the $150,000,000 in the Senate passed bill as well as $276,000,000 recommended in the Administration's wildfire report. The managers have also addressed other priority wildfire needs in title IV where an additional $619,274,000 for the Forest Service is provided for a variety of emergency needs. The managers have not included additional funds above the request for acquisition of a high band radio system at the Monogahela NF, WV, as proposed by the Senate because funds for this project were included in the request.

The following discussion includes instructions pertaining both to the title II funds as well the Title IV funds provided for the Forest Service.

The managers recognize that the severity of the 2000 fire season is attributable to a combination of unusual weather conditions and accumulated wildland fuels that overwhelmed available Federal agency resources. To prepare better for fires in 2001 and beyond, the managers propose significant improvements to preparedness, fuels treatments, and other aspects of fire management. The managers expect the agencies to work closely with States and local communities to maximize benefits to the environment and to local communities.

The conference agreement has responded to special needs and the Administration's recent wildfire report with additional funding here and in title IV for additional emergency funds. The conference agreement includes funding for all of the Administration's supplemental request as well as strategic enhancements for certain priority activities. Overall, for the Forest Service, the managers provide $1,884,403,000 to fund: repayment of previously advanced funds, additional wildfire suppression activities; the agency's revised calculation for normal year readiness; certain one-time improvements to preparedness capability; an expanded fuels treatment program that places primary emphasis on community protection; stabilization, rehabilitation, and restoration of burned areas; assistance to State and local governments for enhanced protection of communities; control and eradication of invasive species;

development of new technologies and businesses to economically harvest small diameter forest products; and community assistance programs that may be used to develop local capability and homeowner education. The managers have funded $1,045,274,000 as "emergency", including $426,000,000 in title II to ensure that adequate funds are immediately available if needed to fund suppression activities in fiscal year 2001, and to repay funds borrowed from agency trust funds during the fiscal year 2000 season. The remaining $619,274,000 in emergency funding is included in title IV for a variety of items needed to protect lands and communities.

The managers strongly believe this FY 2001 funding will only be of value in increasing the Nation's firefighting capability and ability to protect communities if it is sustained in future years. Accordingly, the House and Senate Committees on Appropriations expect that the fiscal year 2002 budget request will continue initiatives begun under this appropriation that ensure a significant commitment to these programs. The managers also direct the Departments of the Interior and Agriculture to continue to work together to formulate complementary budget requests that reflect the same principles and budget organization. In addition, the managers expect the agencies to seek the advice of governors, and local and tribal government representatives in setting priorities for fuels treatments, burned area rehabilitation, and public outreach and education.

FIRE PREPAREDNESS

For fire preparedness, the managers provide $612,490,000, $208,147,000 above the initial request and $204,147,000 above the House passed level. This funding includes $574,890,000 to enhance wildfire readiness by attaining a most efficient level of 100 percent, $4,000,000 for joint fire sciences, $12,000,000 for the development of new systems and technology, and $17,000,000 to restructure the agency workforce to respond better to future fire preparedness, operations, and suppression needs. In addition, $600,000 is provided for cooperative research and technology development between Federal fire research and fire management agencies and the University of Montana National Center for Landscape Fire Analysis. These activities should be funded through normal Joint Fire Science Program peer review procedures and focus on developing remote sensing and other landscape scale applications for fire management in areas of fuel mapping, fire and smoke monitoring, and fire modeling and prediction in order to support and enhance existing efforts in these areas by the Forest Service, Department of the Interior, National Aeronautics and Space Administration, universities, and other agency researchers and collaborators.

The managers understand that the increased scope and intensity of the 1999 and 2000 fire seasons, as well as the increased frequency and severity of fires over the preceding decade, have led Federal fire managers to reassess the assumptions underlying an average fire season. Variables, addressed in the Administration's Report on Managing Impacts of Wildfires on Communities and the Environment, including changing assumptions about fire personnel, deployment strategies, duration of the average fire season, needs for new technologies for rapid response, coordinated response needs with State and local agencies, and other factors, will require a major adjustment in funding strategies for the preparedness program. The managers expect future budget requests for this line item will reflect this new level of agency preparedness.

The managers concur that initial attack capability should be increased to address the number and severity of fires that have burned the landscape over the past few years and have included full funding for approximately: 2,800 additional firefighters, 412 engines, and other resources necessary to achieve a 100 percent most efficient level.

Within the funds provided is $17,000,000 to facilitate restructuring of the agency's firefighting workforce. The managers concur with recommendations for conversion of temporary seasonal employees to permanent seasonal status in order to encourage workforce retention. The managers expect the Departments to devote resources necessary to increase staffing for engines from the current level of five days a week to seven days a week to combat increasingly volatile fire seasons. Additionally the managers support agency plans to increase potentially permanent staffing by approximately 500 to respond to projected retirements and other changes in the workforce.

The managers support an acceleration of research activities and expanded emphasis for the Joint Fire Science Program and have provided an additional $4,000,000, respectively, to the Departments of the Interior and Agriculture to support the recommendations regarding scientific support for fuels treatments and other programs contained in the report to the President. These funds are in addition to the $4,000,000 provided for each agency as part of the Administration's original budget request. The funds provided are to be used for such efforts as increased rapid response projects to assure necessary resources are available for testing and evaluation of post-fire rehabilitation, assessment of post-fire and fire behavior effects, use of aircraft-based remote sensing operations, implementation of protocols for evaluating post-fire stabilization and rehabilitation, and the development of effective means for collecting and disseminating information about treatment techniques. The managers expect the increased funds to be made available to the Joint Fire Science activities of the Departments for the direct benefit of fire management programs, including burned area rehabilitation.

The managers expect the Joint Fire Sciences Governing Board to make a significant portion of the increased funds directly available to the fire management programs of the Agriculture and Interior Departments to fund projects that directly address locally and regionally important science and technology needs associated with fire management and suppression, fuels management, and post-fire rehabilitation. The managers further expect the Departments to assure that these programs are implemented within existing structures with a minimum of new program management or other overhead activities that might reduce the direct benefit of funds provided. The January 1998 Joint Fire Science Plan developed by the two Departments and submitted to the Congress included provisions for a Stakeholder Advisory Group of technical experts from land management organizations, private industry, academia, other Federal agencies, and the public to formulate recommendations for program priorities and advise the Joint Fire Science Program Governing Board. This Group is to be established under the provisions of the Federal Advisory Committee Act. The managers are concerned that nearly three years have passed without establishment of this group. The managers direct the Secretaries to establish the group by December 31, 2000.

In addition to funds provided for the Joint Fire Sciences Program, $12,000,000 is provided for development of systems to support financial and logistic support to fire operations and technologies to support such activities as fire management planning, additional research for measurement, technology transfer, and remote sensing, and funds for improving and validating models for fire weather, fire hazard, behavior, emissions and smoke dispersion.

Fire operations

The conference agreement provides $226,639,000 for fire operations in the normal title II non-emergency program, which is $16,639,000 above the House passed level and $10,610,000 above the original Administration request. This funding includes $141,029,000 for wildfire suppression activities and $85,610,000 for the non-emergency hazardous fuels program. The conference agreement provides for the following Congressional priorities within the hazardous fuels program: $263,000 for Apache-Sitgreaves NF, AZ, urban interface; $1,000,000 for the Quincy Library Group project, CA; $6,947,000 for windstorm damage in Minnesota; $1,500,000 for the Lake Tahoe basin; and $2,400,000 for work on the Giant Sequoia National Monument and Sequoia National Forests. The managers have also provided $426,000,000 in title II as an emergency contingent appropriation for future emergency fire suppression needs and for repayment of funds borrowed from agency trust funds in fiscal year 2000.

The conference agreement also provides $619,274,000 in emergency funds for wildfire operations in title IV for a variety of needs including: $179,000,000 in additional funds to cover annual suppression costs based on the ten-year average; $120,000,000 in additional funds for hazardous fuels reduction; $142,000,000 for rehabilitation and restoration of burned areas; $16,000,000 to support wildfire related research and development; $44,000,000 for immediate reconstruction of severely deficient wildfire facilities; $50,494,000 for State fire assistance to support State and local fire readiness and fuel treatment activities; $8,280,000 in additional funds for priority volunteer fire assistance; $12,000,000 in additional funds for forest health treatments to help control and eradicate invasive species; $12,500,000 in additional funds for priority projects and incentives for economic use of small diameter forest products; and $35,000,000 for community and private land fire assistance.

The funding included in title IV, fire operations for hazardous fuels management activities is $25,000,000 above the level included in the Administration's wildfire report; the total includes $11,500,000 for analysis, monitoring and planning activities. The managers direct that the increased funding provided be dedicated to projects within the wildland-urban interface on Federal lands or adjacent non-Federal lands. These funds are to support activities necessary to reduce the risks and consequences of wildfire, both in and around communities and in wildland areas. Treatment methods include application of prescribed fire, mechanical removal, mulching, and application of chemicals. In many areas a combination of these methods will be necessary over a period of several years to reduce risks and to maintain healthy and viable forests and rangelands. The increased funding included in this appropriation will expand the existing fuels management program to reduce risks to communities and natural resources in high-risk areas. The managers understand that fuels treatment accomplishments have been constrained by lack of funding to conduct planning, assessments, clearances, consultation, and environmental analyses necessary for the land management and regulatory agencies to ensure that fuels treatments are accomplished quickly and in an environmentally sound manner. In conducting treatments, local contract personnel are to be used wherever possible. The managers expect the agency to show planned and actual funding and accomplishments for fuels management activities in future budget requests to Congress. The managers understand that actual amounts may differ from planned levels. The managers expect the agencies to work closely with States and local communities in implementing this program in an effective and efficient manner.

The managers intend that $15 million of the additional funding provided for fuels reduction in title IV be used to carry out and implement the Quincy Library Group plan. This will be in addition to other funding appropriated in title II.

The managers have included $142,000,000 within wildfire operations for rehabilitation and restoration; this is $97,000,000 above the total in the Administration's wildfire report. These funds are needed for priority burned area rehabilitation and restoration to address short term and longer term detrimental consequences of wildfires. The managers are disturbed that the Administration failed to propose sufficient funding for this activity in view of the catastrophic damage which occurred in burned areas. Accordingly, a total of $142,000,000 for restoration activities is provided. The managers note that wildland fires burning at the right times and places, and under the right burning conditions, are beneficial or even essential to the health of forests and rangelands. However, some severe wildfires can trigger a wide array of detrimental impacts, ranging from short-term floods, debris flow, and loss of water quality to longer-term invasion by non-native species and loss of productivity of the land. The increased funding for burned area rehabilitation and restoration is designed to prevent further degradation of resources following wildland fire through (1) short-term stabilization and rehabilitation activities to protect life and property, protect municipal watersheds, and prevent unacceptable degradation of critical natural and cultural resources, and (2) longer-term restoration activities to repair and improve lands unlikely to recover naturally from severe fire damage. The managers direct the agencies to develop a long-term program to manage and supply native plant materials for use in various Federal land management restoration and rehabilitation needs. The managers recommend that the interagency native plant conservation initiative lead this effort.

Long-term monitoring of treatment effectiveness and dissemination of results are essential components of successful restoration in order to develop better treatment plans for future fires. Longer-term projects may include replacement and repair of facilities or reforestation activities if such facilities or reforestation is part of a previously approved land management plan. The managers expect that funding for these activities will be available from this appropriation only concurrent with this emergency situation and in the future will be requested within the agency's existing budget structure. In conducting rehabilitation and restoration activities, local contract personnel should be used wherever possible. The managers expect the agency to show planned and actual funding and accomplishments for stabilization and rehabilitation activities in future budget requests to Congress. The managers understand that actual amounts may differ from planned levels, and agree that the agencies have the ability to fund additional projects and amounts based on actual needs. The managers direct the Departments of the Interior and Agriculture to report to the House and Senate Appropriations Committees, by December 1, 2000, on criteria for restoration projects to be funded from this appropriation.

The managers have provided funds for emergency reconstruction and maintenance of the agency's rapidly deteriorating fire facilities. The managers note that the Administration failed to request adequate funding to support these critical infrastructure needs. Accordingly, the managers have included on a one-time basis, $44,000,000 for this purpose. Included in the amount is $12,000,000 for reconstruction and repair of air tanker bases and $32,000,000 for reconstruction and repair of additional fire related facilities. The managers direct that the fiscal year 2002 budget justification contain an exhibit which shows project specific information on the accomplishments with these funds. The managers have provided funding for these activities from this appropriation only concurrent with this emergency situation. In the future the managers expect the agency to request such funds within the agency's existing budget structure.

Within the title IV funding for fire operations, the managers have included $16,000,000 to support basic and applied wildfire related research and development. Funding is provided for such activities as developing new strategies to reduce fuels in wildland urban interface areas, improve capability to monitor, predict, prevent and decrease invasive species in burned areas, study impacts of alternative fire regimes and management activities, and study the interactions between fire, land management treatments and other disturbances. The managers have provided funding for these activities from this appropriation only concurrent with this emergency situation. In the future the managers expect the agency to request such funds within the agency's existing budget structure.

The managers have provided $118,274,000 within title IV for emergency activities consistent with the authorizations the agency has to support State and private forestry programs. The managers have provided funding for these activities from this appropriation only concurrent with this emergency situation and in the future expect the agency to request such funds within the agency's existing budget structure.

The managers concur that effective management of fire related issues in the wildland urban interface requires strong commitment and resources from State, tribal, and local governments. Fire readiness capability must be on an equal par between State, local and Federal organizations, including availability of resources, adequacy of planning, and commitment to training. Of the amount provided for State and private related activities, $50,494,000 is designated for State fire assistance, including support for the FIREWISE program and the use of cost share incentives. The managers expect cost sharing incentives to use one-to-one cost sharing, not three-to-one Federal to State as recommended by the Administration. Of the State fire assistance funding, $7,500,000 is a direct lump sum payment to the Kenai Peninsula Borough to complete the activities outlined in the spruce bark beetle task force action plan. Ten percent of these funds shall be made available to the Cook Inlet Tribal Council for reforestation on Native inholdings and Federal lands identified by the task force. In order to improve the ability of rural volunteer fire fighting departments to respond to wildfire, the managers have provided $8,280,000 within funds designated for State and private type activities to improve the capability and readiness of these critical front line firefighting resources. The managers note that this funding, coupled with the $5,000,000 provided for volunteer fire assistance in title II, equals the Administration's request for these activities.

The managers have included $59,500,000 in title IV within funds provided for other State and private type activities; this includes $12,000,000 for the management and control of invasive species in cooperation with State and tribal governments; $12,500,000 to provide technical and financial assistance through the development and expansion of markets for traditionally underutilized wood products to enhance utilization of materials removed during hazardous fuels management activities; and $35,000,000 for community and private land fire assistance.

The community and private land fire assistance funds are provided because the managers recognize the serious impacts of wildfires on State and private lands. These funds are additional funds beyond the Administration's request for programs which assist State and private groups in addressing damage caused by fire. This additional $35,000,000 for community and private land fire assistance should be allocated primarily to Western States such as Montana and Idaho which have had the most severe fire damage. The managers are particularly concerned that many miles of fencing in Montana were burned and the Departments of Agriculture and of the Interior have generally only reimbursed persons who have constructed these fences the depreciated value, even though authority exists to provide replacement value. The managers direct that up to $9,000,000 be made available to reimburse affected parties at replacement value. The managers expect that the allocation of some of these funds for longer term restoration of facilities such as roads and trails should take into account the severe impacts of fire in particular States such as Idaho and Montana which sustained serious damage to miles of roads and trails and other similar facilities.

Furthermore, the managers are especially concerned about the potential impacts of invasive species and insects on Federal, State, and private lands that have been severely burned. The managers understand that in some States suffering the most severe fire damage, such as Montana, that the spread of pine beetle infestations has increased as much as threefold. With the funds provided for cooperative forestry health management the managers encourage the agency to work through the use of cooperative agreements with State and private groups which can enhance accomplishments on the ground in the efforts to combat the spread of invasive species and insect and disease problems. In Western States severely impacted by fire such as Idaho and Montana, the managers are particularly concerned that highly rural, dispersed populations may lack adequately equipped volunteer fire departments and State firefighting resources which may have contributed to the severity of fires and resulting damage. Accordingly, the managers direct the agency to consider these factors in making allocations to the States for State fire assistance and for volunteer fire assistance.

CAPITAL IMPROVEMENT AND MAINTENANCE

The conference agreement provides $468,568,000 for capital improvement and maintenance instead of $434,466,000 as proposed by the House and $448,312,000 as proposed by the Senate. The conference agreement provides for the following distribution of funds:

Project	*Conference*
Facilities:	
Maintenance	$73,306,000
Capital Improvement requested program	74,535,000
Allegheny NF Marienville RS (PA)	1,000,000
Allegheny NF visitor services (PA)	500,000
Angeles NF water & sewer rehab (CA)	900,000
Big Bear Lake center, phase II (CA)	1,300,000
Cedar Lake rec area (OK)	740,000
Coweeta research rehab (NC)	110,000
Cradle of Forestry projects (NC)	380,000
Franklin County Lake project (MS)	2,000,000
Gladie Creek center (KY)	1,250,000
Grey Towers NHS site rehab (PA)	500,000
Hardwood research center plan (IN)	300,000
Hubbard Brook (NH)	600,000
Indian Boundary cmp rehab, (TN)	350,000
Inst. of Pacific Island Forestry (HI)	2,000,000
Lake Sherwood rec area (WV)	150,000
Mount Tabor Work Center (VT)	175,000
Mt Baker Snoqualmie NF cmpgrnd	2,000,000
Nantahala NF Fontana Lake (NC)	600,000
Ocoee River sites and cons. Center (TN)	800,000
Ouachita NF Albert rec area (AR)	600,000
Ouachita NF Camp Clearfolk (AR)	400,000
Uwharrie NF Badin Lake (NC)	400,000
Uwharrie NF Kings Mtn Pt (NC)	900,000
Waldo Lake rehab (OR)	500,000
Total facilities	$166,296,000
Roads:	
Maintenance	130,000,000
Lake Tahoe Basin (CA-NV)	1,500,000
Beartooth Highway snow removal	0
Capital improvement requested prog	103,447,000
Highland Scenic Hiway (WV)	600,000
Total roads	$235,547,000
Trails:	
Maintenance	31,000,000
Capital improvement requested prog	34,025,000
FL National scenic trail	500,000
Virginia Creeper Trail	200,000
Continental Divide Trail line	1,000,000
Total trails	$66,725,000
Total Cap Improvement and Maintenance	468,568,000

The conference agreement does not include funding proposed by the Senate for snow removal and repairs on the Beartooth Highway near Yellowstone National Park; existing funding is not rescinded as was proposed by the Senate. The managers expect the Forest Service to follow Senate directions concerning the roads program. The managers emphasize the need for a cost-share for the Grey Towers, PA, funding; the Forest Service is encouraged to work with Tulare County, CA, on plans for recreational facilities. The conference agreement includes $2,000,000 for the Forest Service to develop a campground in the Middle Fork Snoqualmie Valley in the Mt. Baker-Snoqualmie National Forest, WA. The managers expect that the preliminary planning, environmental and ecological analysis necessary to design and locate the campground will occur in conjunction with the reconstruction of King County's Lake Dorothy Highway and Forest Service Road 56. The managers understand that the new road will terminate at mile post 12 at the Taylor River Bridge and an existing trailhead parking lot. The managers expect that the campground will be located adjacent to these existing facilities.

LAND ACQUISITION

The conference agreement provides $102,205,000 for land acquisition instead of $52,000,000 as proposed by the House and $76,320,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Angeles NF (CA)	$2,000,000
Arapaho NF (Beaver Brook Watershed) (CO)	2,000,000
Black Hills NF (Spearfish Canyon) (SD)	1,000,000
Bonneville Shoreline Trail (UT)	2,500,000
Chattooga WSR (GA/NC/SC)	2,000,000
Chugach NF (Seward multi-agency ctr.) (AK)	1,630,000
Coconino NF (Bar T Bar Ranch) (AZ)	3,200,000
Coconino NF (Sedona Red Rock) (AZ)	3,000,000
Daniel Boone NF (KY)	2,000,000
DeSoto NF (U. of Mississippi) (MS)	10,800,000
Dry Lake (AZ)	750,000
Florida National Scenic Trail (FL)	5,000,000
Francis Marion NF (Tibwin Forests & Waterways) (SC)	2,000,000
Green Mountain NF (VT)	2,000,000
Hoosier NF (Unique Areas) (IN)	1,000,000
I–90/Plum Creek escrow lands (WA)	8,600,000
Lake Tahoe Ecosystem (CA/NV)	4,000,000
Lewis and Clark Historic Trail (ID/MT)	2,000,000
Los Padres NF (Big Sur Ecosystem) (CA)	3,000,000
Mark Twain NF (Ozark Mt. Streams & Rivers) (MO)	1,500,000
Monongahela NF (WV)	925,000
Mountains to Sound (WA)	5,000,000
Pacific Crest Trail (CA/OR/WA)	3,000,000
Pacific Northwest Streams (OR/WA)	1,500,000
Pisgah NF (Lake James) (NC)	4,000,000
Rye Creek (MT)	2,800,000
San Bernardino NF (CA)	2,500,000
Sawtooth NF (Sawtooth NRA) (ID)	2,000,000
Wayne NF (Sunday Creek) (OH)	4,000,000
White Mountain NF (NH)	2,000,000
Wisconsin Wild Waterways (WI)	2,500,000
Subtotal	90,205,000
Forest Inholdings	1,500,000
Wilderness Protection	500,000
Cash Equalization	1,500,000
Acquisition Management	8,500,000
Total	$102,205,000

The managers have provided $2,000,000 to purchase non-development scenic easements in Pingree Forest, ME, in cooperation with the National Fish and Wildlife Foundation under the resource management account in the U.S. Fish and Wildlife Service.

The managers are concerned with the urban lot purchase program at the Lake Tahoe Basin Management Unit. The role of the Forest Service in acquiring, administering and maintaining the urban lots appears inappropriate and often ineffective. Considering the mission of the Forest Service and limited operating funds, opportunities should be explored to transfer the urban lots currently administered by the Forest Service to State and local governments for their management and protection.

None of the funding provided for Federal land acquisition shall be used to acquire additional lots. Acquisition of larger resource lands adjacent to National Forest System land to protect watershed values and provide recreation opportunities should be the focus of the Forest Service land acquisition program at Lake Tahoe.

The managers direct the Forest Service to provide a report to the House and Senate Committees on Appropriations by April 30, 2001. The report should provide a detailed view of past Federal and State acquisitions at the Lake Tahoe Basin Management Unit, the costs and challenges of managing these fragmented properties, and legislative options for the Federal government to turn over this program to State and local authorities.

The managers note that the conference agreement has provided substantial resources in other activities to help protect Lake Tahoe. This funding includes $2,000,000 for cooperative erosion grants in State and private forestry, $1,250,000 for the NFS vegetation and watershed activity to enhance restoration of sensitive watersheds, $1,500,000 in capital improvement and maintenance to help fix the ailing road system, and $1,500,000 in wildfire management funding to enhance forest health by reducing hazardous fuel.

The Forest Service should acquire land in Spearfish Canyon, SD, but it should have flexibility and responsibility to make selections that would provide the highest and best beneficial public use for the expenditure.

The managers have not provided specific funding in land acquisition for the Craig, AK, and Kake, AK, projects as was proposed by the Senate. Funding for the Kake, AK, land transfer is included in State and private forestry, contingent upon authorization, and funding for Craig, AK, is provided in the southeast Alaska economic disaster fund. Bill language and funding for the Umpqua land exchange project is included in title III.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

The conference agreement provides $1,069,000 for the acquisition of lands for national forests special acts, an increase of $1,000 above the House and the Senate proposals.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

The conference agreement provides an indefinite appropriation estimated to be $234,000 for the acquisition of lands to complete land exchanges as proposed by both the House and the Senate.

RANGE BETTERMENT FUND

The conference agreement provides an indefinite appropriation estimated to be $3,300,000 for the range betterment fund as proposed by both the House and the Senate.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

The conference agreement provides $92,000 for gifts, donations and bequests for forest and rangeland research as proposed by both the House and the Senate.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

The conference agreement provides $5,500,000 for management of national forest system lands for subsistence uses in Alaska as proposed by the Senate. No funding was proposed by the House. The managers do not agree to the Senate proposal to transfer a portion of these funds to the State of Alaska for this program. Funds are provided in State and private forestry for educational efforts of the United Fishermen proposed by the Senate.

SOUTHEAST ALASKA ECONOMIC DISASTER FUND

The conference agreement provides $5,000,000 for the Southeast Alaska Economic Disaster fund; this was not included in the Senate or House proposals. These funds should be used for Craig, AK, to assist with economic development.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The managers have included bill language proposed by the Senate concerning the National Forest Foundation and the National Fish and Wildlife Foundation. The conference agreement includes: the Senate proposal to increase the limit on funding advances for law enforcement emergencies; the House language providing certain contracting procedures during the transition phase at the Land Between the Lakes NRA; the Senate proposal to reimburse a former employee for certain expenses; the Senate proposal to allow certain activities on the Green Mountain National Forest, VT, concerning the sale of excess buildings; and technical changes to language concerning definitions of indirect costs. The Forest Service is encouraged to give priority to projects for the Alaska jobs-in-the-woods program that enhance the southeast Alaska economy, such as the Southeast Alaska Intertie.

The managers are concerned about reports that certain Forest Service officials have spent large sums when purchasing new vehicles to get them painted to the agency standard green color. The managers expect the agency to acquire its vehicles in the most cost effective manner possible. The managers direct the agency to change its policy to prevent such expensive purchases. The managers have not included section 501 of the House passed bill which legislatively required all vehicles purchased to be white. With the exception of specific vehicles, such as are used for law enforcement and fire prevention, where a specific color is an essential element of agency recognition and public safety, the managers expect vehicle paint standards to emphasize economical acquisitions.

The managers remain extremely concerned about the size of the headquarters office and emphasize the need to get funding to field units. The managers expect full adherence, as was directed by both the House and the Senate, to the National Academy of Public Administration report dealing with staffing size limits for the Chief Financial Officer. If the workload proves too pressing for the existing staff, the managers encourage the use of contractors to accomplish short term efforts. The Congress has provided substantial resources and many technical reforms, such as the major simplification of the budget structure in this Act, which aid the financial management reform effort. The managers expect to continue to receive regular updates on progress in agency accountability and financial management.

DEPARTMENT OF ENERGY

The managers encourage the Department to work with State and Federal environmental and energy organizations to integrate energy and environmental policies, programs and regulations. In particular strategies should be developed to reduce multiple pollutants, improve energy efficiency and enhance reliability. The Department should work with the Environmental Protection Agency, the Environmental Council of the States, The State and Territorial Air Pollution Prevention Administrators/Association of Local Air Pollution Control Officials, The National Association of State Energy Officials and the National Association of Regulatory Utility Commissioners. This effort should be directed at avoiding contradictory programs, duplicative activities and related problems.

CLEAN COAL TECHNOLOGY

(DEFERRAL)

The conference agreement provides for the deferral of $67,000,000 in previously appropriated funds for the clean coal technology program as proposed by the Senate instead of a deferral of $89,000,000 as proposed by the House. The managers also have agreed, under the fossil energy research and development account, to transfer $95,000,000 in previously appropriated clean coal technology funding to the fossil energy research and development account for a power plant improvement initiative. This initiative is particularly timely, given the current electricity shortages in certain parts of the country and the changing make-up of the industry as electric power deregulation is implemented.

The managers agree that a report required by the Senate dealing with a potential new round of clean coal technology projects is not necessary. This issue should be addressed in the context of the power plant improvement initiative funded under the fossil energy research and development account.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides a total of $540,653,000 for fossil energy research and development instead of $365,439,000 as proposed by the House and $401,338,000 as proposed by the Senate. Of the amount provided, $433,653,000 is new budget authority, $95,000,000 is derived by transfer from previously appropriated funds from the clean coal technology account for a power plant improvement initiative and $12,000,000 is derived by transfer from the SPR petroleum account in the Strategic Petroleum Reserve. The numerical changes described below are to the House recommended level.

In central, systems increases include $1,000,000 for the international clean energy initiative, $1,000,000 for a study of the use of clean coal alternatives for replacement of the Capitol power plant and $2,000,000 for electro-catalytic oxidation technology.

In the indirect fired cycle program there is a decrease of $1,000,000. In the turbine program there is an increase of $3,000,000 for ramgen technology. In the fuel cell program a one-time increase of $2,000,000 is provided for a demonstration of solid oxide technology in Nuiqsut, Alaska, and there is an increase of $8,000,000 for the solid state energy conversion alliance. In the innovative concepts program there is a decrease of $1,500,000, which leaves an increase above fiscal year 2000 of $2,000,000 for multi-layer ceramic technology. In the transportation fuels and chemicals program there is an increase of $500,000 for the international clean energy initiative.

In advanced fuels research there are increases of $839,000 for hydrogen enabling science, $1,000,000 for advanced concepts/Vision 21 and $1,000,000 for advanced separation technology and decreases of $650,000 for molecular modeling and catalyst development and $489,000 for C–1 chemistry. In the technology crosscut program there is an increase of $30,000 for the National Energy Technology Laboratory center of excellence for computational energy science.

In natural gas programs there is an increase of $7,000,000 for the methane hydrates program.

For oil exploration and production research there is an increase of $1,000,000 for sonication technology for oil recovery and a decrease of $500,000 for analysis and planning. For emerging processing technology applications there is an increase of $2,600,000 for biodesulfurization of diesel fuel. There is also a decrease of $12,000,000, which reflects the use of previously appropriated Strategic Petroleum Reserve funds from the SPR petroleum account.

In other programs there is an increase of $700,000 for cooperative research and development; $951,000 for headquarters program direction fixed costs; $3,833,000 for fixed costs at energy technology centers, including $1,933,000 for salaries and benefits and $1,900,000 for contractor services; $1,900,000 for general plant projects, of which $1,300,000 is for National Energy Technology Center renovation projects; and $45,000,000, which reverses a general reduction adopted in House floor action.

The managers agree to the following:

1. The materials research program under the central systems activity should focus on hazardous air pollutants in general and mercury in particular.

2. Future funding for the Capitol power plant is the responsibility of the Architect of the Capitol and the $1,000,000 provided for a study of clean coal alternatives completes the funding commitment through Interior and Related Agencies appropriations.

3. Emphasis in the indirect fired cycle program should be placed on co-production, novel hybrid cycles and systems integration to complement the Vision 21 program. In fiscal year 2001 the program should move towards hybrid gasification/combustion technology.

4. The Department should continue and expand the advanced separation technology initiative in its fiscal year 2002 and later budget requests.

5. Within the methane hydrates program, the Department is strongly encouraged to consider the expertise of the Gulf of Mexico Hydrate Research Consortium, as well as the expertise of the Center for Marine Resources and Environmental Technology in gas hydrate research related to geohazard and sea floor stability in the Gulf of Mexico.

6. The ultra clean fuels initiative should not exclude coal-based fuels.

7. The report required by the House dealing with financial incentives for reducing emissions from existing coal-fired plants is not necessary. This issue should be addressed in the context of the power plant improvement initiative.

8. Research on the biodesulfurization of gasoline should be continued within this account and coordinated with programs in this area in the petroleum industries of the future program in the energy conservation account.

Power plant improvement initiative.—In the coming years, the surge in U.S. demand for electric power shows no signs of abating. Yet, in many regions, our expanding 21st century economy is being powered by an out-of-date and undersized electric power system. The result has been an increasing frequency of power supply disruptions and sharp increases in the electric bills of many Americans. For the sick and the elderly, access to reliable electricity can be a matter of life and death. Without reliable and affordable electric power, commercial and industrial businesses can grind to a halt. We risk short-circuiting the continued expansion of digital commerce and e-business that are integral to economic prosperity.

More than half of our nation's electricity is currently supplied by coal, and for decades into the future, plentiful American coal will continue to provide low cost and reliable electricity. Coal-fired electric power is fundamental to the U.S. economy and domestic energy security. As the U.S. electric industry transitions to a new and competitive business structure, the demands on the existing fleet of coal-based electric generating facilities are changing. Power plants must operate in a fashion that reduces environmental impacts, achieves greater efficiency in operation, reduces carbon dioxide and other emissions, remains cost-competitive, and responds quickly to changing customer demand. By achieving greater efficiency, these generating plants will be capable of supplying more electricity, which is needed in today's economy and for the future.

The managers have agreed to fund a power plant improvement initiative that will demonstrate advanced coal-based technologies applicable to existing and new power plants including co-production plants, for example, plants that produce heat, electric power and liquid fuels, and new technologies such as the introduction of coal fines into fuel streams at power plants. The managers expect that there will be at least a 50 percent industry cost share for each of these projects and that the program will focus on technology that can be commercialized over the next few years. Such demonstrations must advance the efficiency, environmental controls and cost-competitiveness of coal-fired capacity well beyond that which is in operation now or has been demonstrated to date.

The managers have included bill language that provides for a request for proposals 120 days after enactment of this Act. The Department should circulate a draft for comment and receive input from outside groups and industry before issuing the final request for proposals. The language provides for obligation of funds after September 30, 2001, and incorporates the governing provisions of previous demonstration programs for the expenditure of funds, including repayment of government contributions that are to be retained for future demonstration projects.

The managers expect the Department of Energy to use the draft solicitation and public review process to specify the criteria for the technical and financial evaluation of projects. The criteria should include as a minimum: (1) the approximate size of a commercial scale project to ensure a commercially viable demonstration and, if intended for existing facilities, applicability to a large portion of existing capacity and (2) the increase in performance factors, such as efficiency, cost-competitiveness, and/or emissions removal required for both existing and new facilities.

Bill Language.—The conference agreement includes language, as proposed by the Senate, transferring $12,000,000 from the SPR petroleum account to offset partially fossil energy research and development funding requirements for fiscal year 2001. Language also is included transferring $95,000,000 from the clean coal technology account for a power plant improvement initiative. The conference agreement also includes Senate proposed language permitting the use of up to 4 percent of National Energy Technology Center program direction funds to support other Department of Energy activities. Language also is included under title III—General Provisions requiring the National Energy Technology Laboratory to establish an advisory group under the same terms and conditions as such groups at other National Laboratories.

ALTERNATIVE FUELS PRODUCTION

(RESCISSION)

The conference agreement provides for the rescission of $1,000,000 in unobligated balances from the alternative fuels production account as proposed by both the House and the Senate.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides $1,600,000 in new funding for the Naval petroleum and oil shale reserves for an advanced oil recovery program at Naval Petroleum Reserve Number 3. No funds are provided, as proposed by both the House and the Senate, for ongoing operations at the Reserves because unobligated balances from previous fiscal years should be sufficient to continue necessary operations in fiscal year 2001. The $7,000,000 rescission proposed by the Senate is not agreed to. The $1,600,000 is for engineering studies to determine project scope, cost, revenue projections and a timetable for demonstration of technology that has the potential to increase significantly oil production at NPR–3, extend the life of the field and increase revenues to the Federal government. If the results of the engineering studies are acceptable to the Department, it may enter into an agreement with a non-Federal entity to develop a cost shared demonstration project for below-the-reservoir production at NPR–3.

ELK HILLS SCHOOL LANDS FUND

The conference agreement provides $36,000,000 for the third payment from the Elk Hills school lands fund as proposed by both the House and the Senate. The managers have agreed to delay this payment until October 1, 2001, and expect the payment to be made on that date or as soon thereafter as possible.

ENERGY CONSERVATION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $816,940,000 for energy conservation instead of $649,672,000 as proposed by the House and $763,937,000 as proposed by the Senate, including $2,000,000 to be derived by transfer from the biomass energy development account. The numerical changes described below are to the House recommended level.

In technology roadmaps and competitive research and development for buildings there is an increase of $762,000 for roadmaps and a decrease of $500,000 for competitive R&D. Increases in residential buildings integration include $750,000 for Building America and $100,000 for residential building codes. In commercial buildings integration there are increases of $600,000 for research and development and $100,000 for commercial building energy codes.

In equipment, materials and tools there are increases of $300,000 for lighting research and development to increase the base budget for the hybrid lighting partnership, $1,645,000 for residential absorption heat pumps, $3,000,000 for desiccants and chillers, $1,000,000 for refrigeration, $1,950,000 for co-generation/fuel cells, $500,000 for appliances and emerging technology research and development, $500,000 for windows research and $1,000,000 for lighting and appliance standards.

There are also increases of $13,000,000 for the weatherization assistance program and $1,000,000 for the State energy conservation program.

In the Federal energy management program increases include $1,000,000 for program activities and $300,000 for program direction. The managers expect the Department to incorporate the use of distributed generation into the Federal energy management program. Onsite power options should be considered for all Federal facility power needs based on a balance between economic and environmental considerations. Distributed generation technologies can provide improved reliability, quality of power, total cost of ownership, environmental benefits and remote power needed to achieve Federal missions. The Department of Energy should set the example immediately in its own facilities and report to the House and Senate Committees on Appropriations within 90 days of enactment of this Act with a plan for doing so at DOE sites in fiscal year 2001 and throughout the Federal government in fiscal year 2001 and beyond.

For industries of the future (specific) programs increases include $178,000 for aluminum, $30,000 for glass, $250,000 for mining, $2,000,000 for agriculture and $1,800,000 for supporting industries. In industries of the future (crosscutting) there are increases of $450,000 for inventions and innovations and $3,000,000 for distributed generation and a decrease of $450,000 for the National Competitiveness through Energy, Environment and Economics grants program. In management and planning for industry sector programs there is an increase of $590,000 for fixed costs in program direction and a decrease of $390,000 in evaluation and planning.

In transportation hybrid systems increases include $4,000,000 for high power energy storage and $4,000,000 for heavy vehicle propulsion. For fuel cell programs there are increases of $1,600,000 for systems work and $4,500,000 for fuel processor/storage work. In the advanced combustion engine program increases include $3,000,000 for combustion and after treatment, $1,000,000 for heavy truck engine research, and $1,000,000 for health impacts of fuels. Other vehicle technology research and development increases include $1,500,000 for cooperative automotive research for advanced technologies, $500,000 for heavy vehicles/truck safety and $1,000,000 for a cost shared program on engine boosting technology for light trucks and sport utility vehicles.

In fuels utilization there are increases of $500,000 for petroleum based fuels and, in the alternative fuels program, $500,000 for medium trucks, $500,000 for heavy trucks and $500,000 for environmental impacts. There is also a decrease of $1,000,000 for health impacts of fuels because this program has been funded in the vehicle technology/advanced combustion engine activity.

Other changes in transportation programs include increases of $2,900,000 in materials technology for heavy vehicle high strength weight reduction, $2,300,000 for the clean cities program in technology deployment and $126,500,000, which reverses the House floor action that eliminated funding for the Partnership for a New Generation of Vehicles program.

There is also a decrease of $21,500,000, which reverses a general increase adopted in House floor action. That increase has been spread across various programs.

Finally, in policy and management there are increases of $225,000 for the working capital fund and $278,000 for the Golden, CO, field office and a decrease of $1,000,000 for the one-time cost associated with the National Academy of Sciences study funded in last year's Act.

The managers agree to the following:

1. The recently approved reorganization to separate distributed generation functions into a new office should be appropriately shown in future budget requests as should the realignment of management support services.

2. The Department should evaluate ambient temperature cure glass technology for air conditioning, which has the potential to reduce energy use for air conditioning, and incorporate that technology, as appropriate, in the Federal Energy Management Program.

3. Given the increases provided in the conference agreement, projects at the Northwest Alliance for Transportation Technologies should be funded at substantially higher levels than previous years.

4. Work with and at the National Transportation Research Center should also be continued and expanded.

5. The report required by the House dealing with engine boosting technology is not necessary. This issue should be addressed in the new program on this subject which is funded in the vehicle technology research and development activity.

6. With respect to the House direction on Postal Service vehicles, no funds should be used for electric vehicle purchases. Such purchases are the responsibility of the Postal Service and the cooperating States.

7. The managers are aware of recent technological advances that may increase opportunities for the application of homogenous charge combustion ignition technologies in mobile systems. This technology has the potential to reduce dramatically NO_X and particulate emissions. The managers direct the Office of Energy Efficiency to submit a report that outlines recent developments in this technology, describes related research being performed with Federal support, and discusses potential future directions for research and development. This report should be submitted by April 1, 2001. The managers further urge the Department to work with the National Research Council to address the potential of homogenous charge combustion ignition technology in its next annual review of the PNGV program.

8. Research on the biodesulfurization of gasoline should be continued in the petroleum industries of the future program and coordinated with programs in this area in Fossil Energy.

Bill Language.—The conference agreement earmarks a total of $191,000,000 for energy conservation programs of which $153,000,000 is earmarked for weatherization assistance grants and $38,000,000 is earmarked for State energy conservation grants. The conference agreement modifies language proposed by the Senate permitting the waiver of cost sharing for weatherization assistance grants. Such waivers can be granted no more than twice. The modification specifies that such waivers can be granted for no more than 50 percent of the required cost share. In addition, the cost-sharing requirement for direct grants for weatherization assistance to Indian tribes is permanently waived.

ECONOMIC REGULATION

The conference agreement provides $2,000,000 for economic regulation as proposed by the Senate instead of $1,992,000 as proposed by the House.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides a total of $165,000,000 for the strategic petroleum reserve, including the transfer of $4,000,000 from the SPR petroleum account. The increase above the House is $8,000,000 for the maintenance of a Northeast Home Heating Oil Reserve. The House did not include the transfer from the SPR petroleum account. The Senate proposed a transfer of $3,000,000 from the SPR petroleum account and a $1,000,000 transfer from the Naval petroleum and oil shale reserves account to pay for the Northeast Home Heating Oil Reserve.

ENERGY INFORMATION ADMINISTRATION

The conference agreement provides $75,675,000 for the Energy Information Administration instead of $70,368,000 as proposed by the House and $74,000,000 as proposed by the Senate. The increase above the House level includes $4,632,000 to continue core programs and $675,000 for petroleum data improvements, of which $150,000 is for an outlet level sampling frame for gasoline and diesel fuels, $125,000 is to expand the current gasoline sample to allow the weekly publication of gasoline prices for key States and cities, $100,000 is to upgrade the weekly petroleum information system to improve the reliability and accuracy of the data and $300,000 is to institute a biweekly survey of companies during the heating season to monitor interruptible natural gas contracts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The conference agreement provides $2,240,658,000 for Indian health services instead of $2,106,178,000 as proposed by the House and $2,184,421,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In hospital and clinic programs there are increases of $32,106,000 for pay costs, $8,100,000 for staffing of new facilities, $30,000,000 for the Indian health care improvement fund, $225,000 for the Shoalwater Bay infant mortality prevention program, $500,000 for technology improvements and AIDS research at epidemiology centers, $5,000,000 for loan repayment with emphasis on critical shortage specialties such as pharmacists, dentists and podiatrists, $220,000 for the pharmacy residents program, $1,000,000 for emergency medical services, $1,000,000 to hire podiatrists and $3,000,000 for technology upgrades.

For dental health programs, increases include $2,365,000 for pay costs, $792,000 for staffing of new facilities and $8,000,000 for increased dental services. Increases in mental health programs include $1,488,000 for pay costs and $384,000 for staffing of new facilities. There is an increase of $3,717,000 for pay costs associated with alcohol and substance abuse programs and a program increase of $40,000,000 for contract health services. Increases of $1,099,000 for pay costs and $643,000 for staffing of new facilities are provided for public health nursing.

Health education programs are increased by $326,000 for pay costs and $134,000 for staffing of new facilities. The community health representative program is increased by $1,787,000 for pay costs. Increases for the Alaska immunization program include $70,000 for pay costs and $2,000 for additional immunizations.

Increases for urban health programs include $1,096,000 for pay costs and $1,000,000 to incorporate the Southwest Indian Polytechnic Institute dental program into the urban Indian health program in the Albuquerque, NM, area. The urban program for that area is funded pursuant to title V of the Indian Health Care Improvement Act and run by First Nations Community HealthSources. With these additional funds, dental services will be available for the large urban Indian population in the Albuquerque, NM, area.

Other pay cost increases include $62,000 for Indian health professions, $2,075,000 for direct operations and $294,000 for self-governance. Contract support costs increases include up to $10,000,000 for new and expanded contracts and $10,000,000 for existing contracts.

Finally, there are decreases of $10,005,000 for staffing of new facilities because these costs have been spread among the appropriate accounts and $22,000,000, which was a general increase in House floor action that has been spread among various accounts in the conference agreement.

The managers agree to the following:

1. The Service needs to do a better job of estimating costs, including the distribution of pay cost increases. These numbers should not be a "moving target" that changes substantially and continuously after the budget submission as was the case this year.

2. The Service should distribute the Indian health care improvement fund in accordance with the level of need methodology to ensure that the most underfunded tribes are funded at more equitable levels. There should be no set-aside of a portion of these funds to be distributed under an alternative methodology. The managers recognize that the LNF methodology may need some improvements and the Service should continue to make the necessary refinements.

3. The Service should report to the House and Senate Committees on Appropriations prior to finalizing any policy on the distribution of the Indian health care improvement fund for fiscal year 2001. The managers urge the Service to establish a minimum level of funds to be provided to individual service units. The Service also should provide a report on how the fiscal year 2000 funds were

used to improve services to Indians and Alaska Natives.

4. Despite the reprimand in the House report, the Service has still not provided the required plan of action to augment and strengthen its podiatric care program. Because of the pressing need in this area, the managers have taken actions in this conference report to address the problem. The report is still required as requested last year, and the managers expect that the directed consultation with outside groups will be fully and clearly explained in that report.

5. The Service should accept the offer from the American Podiatric Medical Association to assist in the recruitment and screening of candidates to fill podiatry positions in the Service. The APMA deserves credit for pursuing much needed improvements in the podiatry programs at IHS and has an excellent record with respect to prevention of diabetic amputations. The Service should consult with APMA on both the use of the $1,000,000 increase provided to hire additional podiatrists and the use of the loan repayment program for podiatrists.

6. The Senate-required report on the proposed distribution of the general funding increase is not necessary because the increase has been distributed across the various programs in the conference agreement.

7. The Senate requirement to investigate possible inequities in funding allocations applies not only to the Ponca and the Salish and Kootenai tribes but to all tribes. The House has received several complaints from Oklahoma tribes. This investigation should be done in the context of the Indian Health Care Improvement Fund and the level of need methodology and does not require a separate report.

8. Within the funding provided for contract health services, the Indian Health Service should allocate an increase to the Ketchikan Indian Corporation's (KIC) recurring budget for hospital-related services for patients of KIC and the Organized Village of Saxman (OVS) to help implement the agreement reached by the Indian Health Service, KIC, OVS and the Southeast Alaska Regional Health Corporation on September 12, 2000. The additional funding will enable KIC to purchase additional related services at the local Ketchikan General Hospital. The managers remain concerned that the viability of Alaska Native regional entities must be preserved. The accommodation by the managers of the September 12, 2000 agreement in no way is intended to imply that similar requests for similar arrangements will be encouraged or supported elsewhere in Alaska.

Bill Language.—The conference agreement does not include language proposed by the Senate preventing contract health payments in excess of Medicare and Medicaid rates. The Secretary of Health and Human Services has authority to address this issue through the regulatory process. The conference agreement does not include language proposed by the Senate giving tribes access to prime vendor rates that are available to the Service. This authority was enacted earlier this year. Language is included raising the amount for the Catastrophic Health Emergency Fund from $12,000,000 to $15,000,000 and raising the cap for the loan repayment program from $17,000,000 to $22,000,000.

The conference agreement includes language proposed by the Senate providing up to $10,000,000 for contract support costs associated with new and expanded self-determination contracts and self-governance compacts. The managers note that, unlike the Bureau of Indian Affairs, that funds all contract support cost requirements at the same rate, the Service has a varying scale. The managers urge the Office of Management and Budget to work with the BIA and the IHS to address discrepancies between the two bureaus with respect to the calculation and distribution of contract support costs. At present, the IHS pays many more categories of costs than does BIA, and the rate of contract support cost payments relative to the level of need is higher in IHS than in BIA. These discrepancies should be addressed, and the managers suggest that the Office of Management and Budget is the appropriate organization to do so.

INDIAN HEALTH FACILITIES

The conference agreement provides $363,904,000 for Indian health facilities instead of $336,423,000 as proposed by the House and $349,350,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In maintenance and improvement, increases include $2,000,000 to address the maintenance backlog and $1,000,000 for the Northwest Portland area AMEX program with the understanding that AMEX includes cost sharing in excess of 50 percent and there will be no increase for base funding requirements for these projects. Increases for sanitation facilities include $206,000 for pay costs and a program increase of $1,500,000.

For hospital and clinic construction, there are increases of $118,000 for the Parker, AZ, clinic, $5,000,000 for small ambulatory facilities with the understanding that there will be no additional operating funds associated with these projects, $5,000,000 for staff quarters in Bethel, AK, $5,000,000 for joint ventures and $2,000,000 for Hopi, AZ, staff quarters.

For facilities and environmental health support, increases include $3,657,000 for pay costs and $1,665,000 for staffing of new facilities. There is also an increase of $2,000,000 for equipment to raise the total annual funding available for equipment at tribally built facilities from $3 million to $5 million and a decrease of $1,665,000 for staffing of new facilities because this amount has been included in the facilities and environmental health support activity.

The managers agree to the following:

1. The Service is urged to package together several staff quarters projects whenever possible to attract more bidders for construction projects and to lower costs. The various projects on the priority list for Navajo and other tribes in the area should be reviewed as potential candidates for packaging as should staff quarters projects in other areas where such projects can be combined to attract additional interest and achieve savings.

2. For the joint venture program, up to 3 projects may be funded, at least 2 of which are replacement facilities.

3. Any funds not needed for completion of individual construction projects should be reported to the House and Senate Committees on Appropriations as soon as identified. These funds should subsequently be used to offset requirements for other projects on the priority list. To the extent that such funds become available in fiscal year 2001, they may be used for clinic design for the next three facilities on the outpatient priority list.

Bill Language.—The conference agreement includes language, as proposed by the Senate, directing funds to the Yukon-Kuskokwim Health Corporation for construction of the Bethel, AK, staff quarters and earmarking $5,000,000 for the joint venture program with specific instructions on program implementation. The House had no similar provisions. Language also is included increasing the earmark for funds to be provided to the Hopi Tribe from $240,000 to $2,240,000 to reduce the debt incurred by the Tribe in providing staff quarters associated with the new Hopi Health Center. Language also is included permitting the use of contracts for small ambulatory facilities.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

The conference agreement provides $15,000,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of $8,000,000 as proposed by the House.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

The conference agreement provides $4,125,000 for payment to the institute as proposed by the Senate instead of zero funding as proposed by the House.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

The conference agreement provides $387,755,000 for salaries and expenses of the Smithsonian Institution as proposed by the Senate instead of $375,230,000 as proposed by the House.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

The conference agreement provides $57,600,000 for repair, restoration and alteration of facilities as proposed by the Senate instead of $47,900,000 as proposed by the House. Of this amount, $50,000,000 is provided to address repair and rehabilitation work required throughout the Smithsonian complex and $7,600,000 is provided for similar activities at the National Zoo. In addition, the managers instruct the Zoo to dedicate the remainder of funds previously designated for an aquatics exhibit to higher priority safety and security work referred to in the fiscal year 2001 budget estimate.

In 1995, the Smithsonian's Commission on the Future issued a report indicating that an amount of $50,000,000 annually, applied to repair and renovation work over the next decade, would eliminate the Institution's $500,000,000 maintenance backlog. In the five fiscal years following the issuance of that report, Congress appropriated approximately $200,000,000 for repair and rehabilitation.

In recent months, as Smithsonian officials have brought renewed attention to the poor physical condition of their buildings, the managers have been concerned by statements that still point to a $500,000,000 maintenance backlog despite an increased appropriation. Further, the agency has now pointed to the need for a funding level in the neighborhood of $100 million annually—approximately twice the current amount—although the House and Senate Committees on Appropriations have received no additional documentation to substantiate this request. The managers do not doubt that there is a considerable maintenance backlog at the Smithsonian and have made a significant effort to assist the Institution in this area. However, the apparent lack of progress, the large unobligated carryover balances in past years, a commitment of funds to projects of lower priority, the absense of a detailed plan for implementation of a coordinated maintenance program and grossly underestimated projects such as the Patent Office Building, which has tripled in cost, all are issues that should be explained prior to any substantial increase in funding.

In light of the above, the managers direct the Smithsonian to contract with the National Academy of Public Administration (NAPA) in order to provide the House and Senate Committees on Appropriations with a better understanding of the expenditure of Federal funds to date, the strides that have been made since 1996 and the task that lies ahead. In addition, the Academy is directed to review carefully any future plan submitted by the Smithsonian to the House and Senate Committees on Appropriations for additional dollars for critical maintenance backlog. This should be done on a building-by-building basis for the needed facilities improvements during the next eight to ten years. Any planned expenditures for building maintenance in conjunction with the National Museum of the American Indian, the Patent Office Building and the extension of the Air and Space Museum should also be reviewed by the Academy.

CONSTRUCTION

The conference agreement provides $9,500,000 for construction instead of $4,500,000 as proposed by the Senate and no funding as proposed by the House. Within the amount recommended, $4,500,000 is provided for construction of the Smithsonian Astrophysical Observatory's facility at Hilo, Hawaii and $5,000,000 is provided for construction of an American Agriculture exhibit at the National Zoo. This exhibit has been in the planning stages for several years. The Hilo funds are subject to authorization.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

The conference agreement provides $64,781,000 for salaries and expenses of the National Gallery of Art as proposed by the Senate instead of $61,279,000 as proposed by the House. The managers agree that the government-wide reduction in fiscal year 2000 should be spread appropriately across the various Gallery programs in future budget submissions.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

The conference agreement provides $10,871,000 for repair, restoration and renovation of buildings as proposed by the Senate instead of $8,903,000 as proposed by the House.

John F. Kennedy Center for the Performing Arts

OPERATIONS AND MAINTENANCE

The conference agreement provides $14,000,000 for operations and maintenance of the Kennedy Center as proposed by the Senate instead of $13,947,000 as proposed by the House.

CONSTRUCTION

The conference agreement provides $20,000,000 for construction as proposed by the Senate instead of $19,924,000 as proposed by the House.

Woodrow Wilson International Center for Scholars

SALARIES AND EXPENSES

The conference agreement provides $7,310,000 for salaries and expenses of the Woodrow Wilson International Center for Scholars as proposed by the Senate instead of $6,763,000 as proposed by the House. Funds should be distributed as follows:

Fellowship program	$1,169,000
Scholar support	643,000
Public service	2,217,000
General administration	1,522,000
Smithsonian fee	135,000
Conference planning	1,459,000
Space	165,000
Total	7,310,000

National Foundation on the Arts and the Humanities

National Endowment for the Arts

GRANTS AND ADMINISTRATION

The conference agreement includes $98,000,000 for grants and administration of the National Endowment for the Arts as proposed by the House instead of $105,000,000 as proposed by the Senate.

National Endowment for the Humanities

GRANTS AND ADMINISTRATION

The conference agreement provides $104,604,000 for grants and administration as proposed by the Senate instead of $100,604,000 as proposed by the House.

MATCHING GRANTS

The conference agreement provides $15,656,000 for matching grants as proposed by the Senate instead of $14,656,000 as proposed by the House.

Institute of Museum and Library Services

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

The conference agreement provides $24,907,000 for grants and administration of the Office of Museum Services as proposed by the Senate instead of $24,307,000 as proposed by the House.

Challenge America Arts Fund

CHALLENGE AMERICA GRANTS

The conference agreement includes $7,000,000 for the Challenge America Arts Fund, a new account, to provide additional funding for arts education and outreach activities for rural and underserved areas. These funds should be used for matching grants that expand service to more of the Nation and enhance arts education and community activities. This account will be administered by the National Endowment for the Arts following all previous authorized requirements including prohibitions on obscenity and restrictions on grants to individuals, subgrants and grants for seasonal support. The managers direct the NEA to provide a detailed report to the House and Senate Committees on Appropriations describing the use of these funds.

The managers note that in recent years the Congress has instituted several reforms concerning arts funding for obscene materials. The managers emphasize that the reforms to the NEA established by Congress are retained in title III of the bill. In addition to underscoring the need to serve rural and underserved communities, these reforms include restrictions on grants to individuals, subgrants and grants for seasonal support; a cap on the funds provided to any one State in a given year; an emphasis on grants that encourage public knowledge, education, understanding and appreciation of the arts; the appointment of six Members of Congress to the National Council on the Arts; and a provision allowing the NEA to solicit and invest private funds for arts support.

Commission of Fine Arts

SALARIES AND EXPENSES

The conference agreement provides $1,078,000 for salaries and expenses of the Commission of Fine Arts as proposed by the Senate instead of $1,021,000 as proposed by the House.

National Capital Arts and Cultural Affairs

The conference agreement provides $7,000,000 for National Capital Arts and Cultural Affairs as proposed by the Senate instead of $6,973,000 as proposed by the House.

Advisory Council on Historic Preservation

SALARIES AND EXPENSES

The conference agreement provides $3,189,000 for salaries and expenses of the Advisory Council on Historic Preservation as proposed by the Senate instead of $2,989,000 as proposed by the House.

National Capital Planning Commission

SALARIES AND EXPENSES

The conference agreement provides $6,500,000 for salaries and expenses of the National Capital Planning Commission as proposed by the Senate instead of $6,288,000 as proposed by the House.

United States Holocaust Memorial Council

HOLOCAUST MEMORIAL COUNCIL

The conference agreement provides $34,439,000 for the Holocaust Memorial Council as proposed by the Senate instead of $33,161,000 as proposed by the House.

Presidio Trust

PRESIDIO TRUST FUND

The conference agreement provides $33,400,000 for the Presidio Trust Fund as proposed by both the House and the Senate.

TITLE III—GENERAL PROVISIONS

The conference agreement includes sections 301 through 306 that were identical in both the House and the Senate bills. These sections continue provisions carried in past years.

The conference agreement does not include language proposed by the House in section 307 concerning compliance with "Buy American" procedures. This provision was made permanent in the fiscal year 2000 Interior Appropriations Act.

The conference agreement includes sections 307 through 310, 314, 316 through 319, 321 through 327, and 329 as proposed by the Senate. Identical language was proposed by the House in sections 308 through 311, 315, 317 through 320, 322 through 328, and 330. These sections continue provisions carried in past years.

Section 311 retains the text of section 312 as proposed by the House, which continues the mining patent moratorium provision carried last year. The text of section 311 as proposed by the Senate differed only in the use of capitalization.

Section 312 retains the text of section 313 as proposed by the House which continues a provision carried last year limiting BIA and IHS liability for prior year contract support costs through 2000. Section 312 proposed by the Senate continued this provision through 2001.

Section 313 modifies the text of section 313 as proposed by the Senate and section 314 as proposed by the House which continues a provision carried last year concerning the Jobs-in-the-Woods program. The modified text encourages the agencies to consider various factors when awarding contracts.

Section 315 retains the text of section 316 as proposed by the House, which makes permanent a provision exempting the Presidio Trust from State and local taxes and assessments. Section 315 proposed by the Senate continued the provision for one year.

Section 320 establishes an advisory commission to provide recommendations concerning payments to counties having Federal forest lands. This section was in neither the House or Senate passed bills. The commission will have 18 months after enactment to provide to the Congress recommendations concerning long-term funding for forest counties and other matters. The commission will terminate three years after enactment.

Section 328 retains the text of section 328 as proposed by the Senate, which continues a provision carried last year regulating the export of Western red cedar from National Forest System lands in Alaska. The text of section 329 as proposed by the House differed only in the numbering convention used.

Section 330 modifies the text of section 332 as proposed by the House which allows the Forest Service and the Bureau of Land Management to pilot test the "Service First" initiative. The Senate had no similar provision. The managers are encouraged by these interdepartmental efforts and expect that this provision will assist the expansion of these efforts in many more areas of the agencies involved. The managers have clarified the language proposed by the House to make it clear that this authority may be used agency-wide.

Section 331 retains the text of section 333 as proposed by the House establishing a four-year program between the Forest Service and the State of Colorado for cooperative watershed protection and restoration. The Senate had no similar provision. The managers will watch the implementation of this program carefully to determine if this authority provides enhanced coordination and cooperation between Federal and State interests. A cooperative effort will greatly enhance efforts to reduce fuel loadings and provide greater safety to communities in the wildland urban interface.

Section 332 modifies the text of section 334 as proposed by the House addressing the Interior Columbia Basin Ecosystem Management Project. The managers instruct the agencies to review the environmental analyses and documents regarding the Interior Columbia Basin Ecosystem Management Project and bring this analysis and documentation into full conformance with the requirements of the National Environmental Policy Act requirements when new information or conditions arise, including procedures when there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. Such analysis and documentation should include the summer 2000 wildfires and the President's initiative for managing the impact of wildfires on communities and the environment. None of the funds appropriated or otherwise made available by this Act may be used to issue a record of decision for the Interior Columbia Basin Ecosystem Management Plan until this analysis is completed and included in a report submitted to the House and Senate Committees on Appropriations.

Section 333 retains the text of section 330 as proposed by the Senate allowing the Forest Service, in consultation with the Department of Labor, to modify concession contracts for campgrounds. The House had no similar provision.

Section 334 retains the text of section 331 as proposed by the Senate prohibiting the Forest Service from using the recreation fee demonstration program to supplant existing recreation concessions.

Section 335 retains the text of section 332 as proposed by the Senate raising the reporting threshold for energy savings performance contracts through the Department of Energy's Federal Energy Management Program. The House had no similar provision.

Section 336 retains the text of section 334 as proposed by the Senate extending the Recreation Fee Demonstration Program for one additional year. The managers are greatly encouraged by the progress being made in this effort and expect the four land management agencies to continue emphasis on this program. The House had no similar provision.

Section 337 retains the text of section 335 as proposed by the Senate which continues a provision carried last year limiting mining and prospecting on the Mark Twain National Forest in Missouri. The House had no similar provision.

Section 338 retains the text of section 336 as proposed by the Senate authorizing the Forest Service to enter into additional stewardship contracts in Regions 1 and 6. The House had no similar provision.

Section 339 retains the text of section 337 as proposed by the Senate which limits cost recovery for special use permits issued by the Bureau of Land Management and the Forest Service. The House had no similar provision.

Section 340 modifies the text of section 339 as proposed by the Senate prohibiting fee increases for fiberoptic cable rights-of-way. The House had no similar provision. The managers are concerned that the Forest Service needs to work closely with the Department of the Interior to establish common practices concerning the determination of rental fees for fiberoptic cable rights-of-way uses on Federal lands. The conference agreement stops the Forest Service from implementing rental fee direction in a letter issued on May 2, 2000, which, in some cases, resulted in large increases in rental fees by using a case-by-case appraisal process. The conference agreement prevents the issuance of a final rule during fiscal year 2001 although the managers expect the Secretaries to continue their work on a common, updated rental fee schedule and procedure. The managers encourage the two departments to issue common regulations using the accepted rule-making process. This will ensure full opportunity for public comment and allow time for appropriate Congressional attention to this important issue.

Section 341 includes the text of section 340 as proposed by the Senate limiting competition for fire and fuel treatment and watershed restoration contracts in California. The House had no similar provision.

Section 344 retains the text of section 345 as proposed by the Senate, which makes available $4 million in prior year funding for the National Energy Technology Laboratory. The House had no similar provision.

Section 345 modifies the text of section 348 as proposed by the Senate prohibiting the closure of backcountry landing strips. The House had no similar provision. The managers have modified the Senate proposed language so that public notice and consent of the Federal Aviation Administration, in consultation with appropriate State and Federal aviation officials, is made before permanently closing aircraft landing strips. Landing strips, which are deemed hazardous for use by general aviation, may be closed temporarily until repairs are made; landing strips which are known to contribute to illegal activities may be closed temporarily as deemed necessary to support law enforcement efforts; landing strips damaging soil and water resources or impeding agency compliance with existing laws and/or regulations may be closed following appropriate public notice, consultation and consent. Short-term closures are not affected by this provision.

Section 346 amends the Columbia River Gorge National Scenic Area Act (CRGNSA) to expedite the acquisition of critical lands within the NSA. The purpose of this section is to address the land appraisal assumptions utilized by the Forest Service to acquire land within the Columbia River Gorge National Scenic Area. Among other things, Public Law 99-663 authorized the Forest Service to acquire land within the CRGNSA for the fair market value of the land as determined by an appraisal. In the CRGNSA, the application of zoning to the determination of value has led to local anomalies in the Federal appraisal process.

The practical effect of this section is that privately-held property in the CRGNSA offered for Federal acquisition after March 31, 2001, will be appraised taking into account all zoning and other land use restrictions in the affected States and counties. For lands offered for sale to the Forest Service on or before March 31, 2001, fair market value will be appraised as set out in section 9(e)(2) by not considering the impacts on value of zoning enacted pursuant to Public Law 99-663. This will take into account land use restrictions that would be in effect but for the passage of the scenic area act, including but not limited to land use restrictions resulting from the Washington State Growth Management Act or Oregon statewide land use program.

The language used in this section is prospective only and intended to address explicitly the question of appraisal procedures to be used for future CRGNSA land acquisitions by the Forest Service in a way that provides an administrative framework for important land acquisitions to occur. Given the managers' intent, this language should not be construed to apply generally to Federal land acquisitions elsewhere in the Nation, nor change the intent and interpretation of the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (Public Law 91-646).

The section also modifies the application of section 8(o) of Public Law 99-663 which provides, in part, for landowners to offer their land for purchase by the Forest Service and the nonapplicability of certain zoning restrictions if the land is not purchased after three years. As modified by this section, persons who own land as of September 1, 2000, may offer to sell their land to the Forest Service by March 31, 2001, and still be afforded the rights under section 8(o). The Secretary should continue the practice to treat all landowners' written offers to sell as bona fide and, therefore, as efforts to initiate the three-year period for Forest Service acquisition unless a landowner refuses to cooperate with the Forest Service. Examples of refusing to cooperate would be withholding permission for Forest Service staff to access the offered property or rejecting a purchase for fair market value. Another example would be an attempt by a landowner to revoke a previously provided written offer to initiate the three-year section 8(o) process.

Nothing in this section is intended to modify the basic structure or operation of the land use regime established with the 1986 enactment of Public Law 99-663, nor is anything intended to affect any exposure of the Federal, State or local governments to claims arising under the Fifth Amendment of the Constitution for the taking of private property for public purposes. The managers believe that the Gorge Commission and the Secretary should exercise their administrative authorities in a manner which reduces the possibility of taking claims including modifications of the management plan if necessary.

Subsection (c) of this section provides for the Forest Service to provide notice to the communities and landowners of the amendments to the CRGNSA Act contained in this section. Specifically, the Forest Service will contact private landowners in the Special Management Areas by first-class mail based on ownership records provided by the counties located in the CRGNSA. The counties are urged to provide such records to the Forest Service as soon as possible. Such cooperation will provide private landowners the opportunity to consider the acquisition opportunities made available by these amendments. The mailing by the Forest Service to those landowners listed by the counties will provide constructive notice to landowners, but the Forest Service is not required to provide proof of receipt by addressee.

The managers expect a considerable, but temporary, increase in the workload of the Columbia River Gorge National Scenic Area office of the Forest Service as a result of this amendment. The managers expect the Secretary to dedicate the requisite level of resources to this office to process section 8(o) offers. Further, the managers understand the Secretary has adequate appropriated funds to clear the current backlog of properties ready for acquisition in FY 2001. The managers are aware, however, that the demand for appropriations for acquisitions may increase on a temporary basis over the next three years to respond to offers made under the auspices of this section.

Section 347 authorizes a land exchange, which conveys Forest Service property in Kern County in California in exchange for county lands suitable for inclusion in the Sequoia National Forest.

Section 348 requires the Department of Energy to establish an advisory committee for the National Energy Technology Laboratory under the same terms and conditions as such groups at other National laboratories.

Section 349 provides the framework for the development of an Environmental Impact Statement and Habitat Conservation Plan for the Umpqua Land Exchange Project, comprising 675,000 acres in the Coast Range-Umpqua Basin in Douglas County, Oregon. The project will be managed by the Voluntary Land Exchanges Foundation in cooperation with the Bureau of Land Management. The conference agreement provides $4,300,000 for the development of the EIS and HCP, and the managers expect the private landowners to bear their full cost of any future supplemental EIS.

Section 350 provides authority for contract health services funding increases in the Indian Health Service for the Ketchikan Indian Corporation and the Organized Village of Saxman in Alaska.

Section 351 permits the sale of the Forest Service Boise, ID, laboratory site, occupied by the Rocky Mountain Research Station, and the use of the proceeds to purchase interests in a multi-agency facility at the University of Idaho.

The conference agreement does not include language proposed by the House in section 331 prohibiting new or expanded Indian self-determination contracts or self-governance compacts, nor does it include section 335 as proposed by the House concerning national monuments (superseded by House section 123). The Senate had no similar provisions.

The conference agreement does not include language proposed by the Senate in section 320 restricting National Forest planning, in section 333 rescinding funding for the Beartooth Highway in Montana, in section 338 exempting residents in the White Mountain National Forest in New Hampshire from the recreation fee demonstration program, in section 341 concerning the White River National Forest in Colorado, in section 342 concerning roadless area in the White Mountain National Forest in New Hampshire, in section 343 concerning the release of funds appropriated in fiscal year 1999 for the Department of Energy, in section 344 concerning funding for tribally controlled community colleges, in section 346 concerning Indian gaming procedures, in section 347 concerning providing a grant to Alaska Pacific University, and in section 349 prohibiting the use of certain pesticides by the Department of the Interior. The House had no similar provisions.

The conference agreement does not include language proposed by the House in section 501 regarding the color of Forest Service vehicles, in section 502 concerning the Federal wildland fire policy and controlled burns, and in section 503 concerning national monuments. The Senate had no similar provisions. The painting issue is addressed in detail under the Forest Service Administrative Provisions heading. The wildland fire policy is discussed in detail, along with other urgent hazardous fuels management issues, in title IV.

TITLE IV—WILDLAND FIRE EMERGENCY APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

The conference agreement provides $353,740,000 for wildland fire management instead of $120,300,000 as proposed by the Senate. Detailed instructions for these funds are provided below under the Forest Service heading and also under the title I heading for this account.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

The conference agreement provides $619,274,000 for wildland fire management instead of $120,000,000 as proposed by the Senate. Detailed instructions for these funds are provided below and also under the title II heading for this account.

General instructions.—The following instructions apply to both the Department of the Interior and the Forest Service. The managers are providing substantial resources for priority emergency needs. The Administration has submitted a report including requests for an additional $1,578,376,000 for activities at both the Forest Service and the Department of the Interior. The conference agreement includes $1,803,116,000 responding to these needs by protecting communities and lands.

The following table summarizes the funding provided under this Title. Additional funds are provided under title I and title II.

Summary of Allocations for Wildland Fire

	Conference action
BLM title IV emergency operations:	
Wildfire suppression	$116,611,000
Hazardous fuels	142,129,000
Rehabilitation	85,000,000
Rural fire assistance	10,000,000
BLM emergency title IV subtotal	353,740,000
Forest Service title IV emergency operations:	
Wildfire suppression	179,000,000
Hazardous fuels	120,000,000
Rehabilitation	142,000,000
Fire facilities backlog	44,000,000
Research & development	16,000,000
State fire assistance	50,494,000
Volunteer fire assistance	8,280,000
Forest health	12,000,000
Economic action	12,500,000
Community and private land fire assistance	35,000,000
FS title IV subtotal	619,274,000
Total wildland fire emergency in title IV	973,014,000
Other wildfire emergency funds added to Title I, II	626,000,000
Wildfire preparedness funds added to titles I, II	341,463,000
Grand total	1,940,477,000

The managers have included detailed instructions for the allocations and activities for these funds within the statement of the managers text for wildland fire management accounts for the Department of the Interior and the Forest Service. The managers encourage the Secretaries to recognize the need to maximize the use of streamlined administrative procedures and systems in recognition of the exigent circumstances, and direct the Departments to ensure that all procedures available on a government-wide basis for acquisition and employment in emergency situations are utilized to assure prompt action without burden of additional, unnecessary internal requirements.

The managers responded to the emergency situation using the best available data. The managers recognize that additional fire, State and community assistance may still be needed. The managers direct the Secretaries to work with Governors of the affected States to submit a report summarizing additional needs, if warranted. The Secretaries should also work with the Governors on a long-term strategy to deal with the wildland fire and hazardous fuels situation, as well as needs for habitat restoration and rehabilitation in the Nation. The managers expect that a collaborative structure, with the States and local governments as full partners, will be the most efficient and effective way of implementing a long term program.

The managers are very concerned that the agencies need to work closely with the affected States, including Governors, county officials and other citizens. Successful implementation of this program will require close collaboration among citizens and governments at all levels. The managers direct the Secretaries to engage Governors in a collaborative structure to cooperatively develop a coordinated, National ten-year comprehensive strategy with the States as full partners in the planning, decision making, and implementation of the plan. Key decisions should be made at local levels.

The managers have agreed to modified language from the Senate bill relating to hazardous fuels reduction in the urban wildland interface. This provision has been altered to make clear that the contracting authorities provided to the Secretary of the Interior and the Secretary of Agriculture are those associated with hazardous fuels reduction activities. Other significant modifications have also been made. Waivers from government procurement and contracting laws provided in paragraph (1) which were permanent in the Senate proposal are now available only until the sums for hazardous fuels reduction in this title have been obligated. The managers expect that, in expending these funds, the Secretaries shall recognize the needs in certain States that have been most impacted by fires, such as those states in Regions 1, 3, and 4 of the Forest Service.

The purpose of paragraph (1) is to provide the Secretaries with the flexibility to provide employment and training opportunities to people in rural communities. The managers direct the Secretaries to give preference to local workers and youth groups such as the Youth Conservation Corps, in developing projects under this section to the maximum extent feasible consistent with funding limitations. The provisions of this section are not intended to expand the number of stewardship contracts authorized by section 347 of the FY 1999 Interior and Related Agencies Appropriations Act, (Public Law 105-277, section 347).

Consistent with paragraph (3) and accompanying Senate instruction, the managers direct the Secretary of Agriculture, within 60 days after enactment of this Act, to publish in the Federal Register the Forest Service's cohesive strategy for protecting fire-adapted ecosystems and an explanation of any differences between the strategy and other related ongoing policymaking activities including: revising regulations for the national forest system transportation policy; roadless area protection; the Interior Columbia Basin Draft Supplemental Environmental Impact Statement; and the Sierra Nevada Framework/Sierra Nevada Forest Plan Draft Environmental Impact Statement. The Secretary shall also provide 30 days for public comment on the cohesive strategy and accompanying explanation. The managers expect that, as appropriate, input received will be considered in other appropriate ongoing policymaking activities in the related rulemakings listed in this section.

The managers expect the Secretaries to report jointly to Congress, by May 1, 2001, with recommendations for additional funding needs; an inventory of communities at risk that require hazardous fuel reduction treatments; and additional authorities needed, if any, to increase the amount of fuel reduction treatments in high fire risk urban wildland interface areas.

Paragraph (4) modifies language in the original Senate bill concerning publication of the Forest Service's Cohesive Strategy for Protecting People and Sustaining Resources in Fire-Adapted Ecosystems, and explaining any differences between this strategy and certain rulemaking and planning efforts of the agency. The language as modified by the conference agreement provides that documentation required by section 102(2)(C) of the National Environmental Policy Act which accompanies the rulemakings and planning activities identified in paragraph (4) must contain an analysis of any differences between the Cohesive Strategy and the policies and rulemaking listed in this paragraph.

Paragraph (5) has been added to the original Senate proposal. It requires the Secretaries of Commerce, the Interior and Agriculture and the Chairman of the Council on Environmental Quality, to evaluate the need for revised or expected environmental compliance procedures. These officials must then report to Congress within 60 days of enactment to apprise the Congress of their decision whether to develop any expedited procedures, or to adapt or recommend any other measures. Paragraph (5) also provides discretionary authority for priority to be given to consultations or conferencing under the Endangered Species Act for hazardous fuels reduction projects. The managers emphasize that nothing in paragraph (5) is intended to override any existing environmental laws.

The managers are also especially concerned that the agencies perform. Accordingly, the managers provide the following instructions to facilitate effective and efficient use of these resources. The managers direct that not more than 20 percent of the total funds appropriated by this section may be spent on indirect costs as defined in this Act for the Forest Service and in Department of the Interior directives. Furthermore, the managers direct that all funds appropriated in this section are to be used only for the purposes outlined in the detailed discussions included in the title I and title II wildland fire management accounts. None of these funds may be diverted to other uses, including but not limited to, roadless area policy formulation, national monument designation, or other agency rulemakings not directly related to the purposes for which these funds are appropriated. The managers encourage the Secretaries to use all expedited NEPA procedures allowed under current law or regulation in order to ensure that projects funded by these appropriations are completed in the most timely fashion possible. The managers expect that as much of this work as possible will be completed with the use of local contractors. The managers also stress that they expect the normal, every-day programs of these agencies will also be implemented.

Accountability.—In order to ensure accountability for the funds appropriated under this title, the managers require that the Secretary of the Interior and Agriculture provide the House and Senate Committees on Appropriations and the Resources Committee of the House and the Energy and Natural Resources Committee in the Senate, within 90 days of enactment, a financial plan and an action plan as follows:

Financial Plan.—Not more than 90 days from the enactment of this act, the Secretaries shall deliver a financial plan showing how they intend to spend all of the funds included under this title. It is essential that the Congress and the public be informed and consulted as implementation proceeds. None of the funds should be retained by either Secretary's office. The Financial Plan shall include the following information separately for each Program Component described in the above table as follows:

Total funds allocated to each Agency within each Department;

Within each Agency, total funds retained by the National or Headquarters Office and total funds to be used to repay accounts used to cover suppression costs during the 2000 fire season, by account;

Within each Agency, total funds allocated to each administrative level of each Agency. For the Forest Service, this will include allocations to each region, national forest, research station, area, and State. For the Interior Department, this will include each Regional and State Office.

Action Plan.—Within ninety days of enactment, the Secretaries shall deliver an action plan describing in detail the work proposed to be accomplished with each of the various funding allocations described in the table. This Action Plan will include at a minimum the following items:

Preparedness.—Estimates of the number of personnel to be hired; description of any equipment to be purchased or leased; description of services to be contracted; descriptions of research projects funded, by research work unit.

Operations/Fuels Management.—Estimated number of acres to be treated, by treatment type (prescribed fire alone, mechanical treatment alone, mechanical plus fire, and other); and which portions of those treatments are considered to be in the wildland urban interface.

Operations/Burned Area Rehabilitation.—Estimated number of acres previously burned to be treated, by type of treatment; and which portions of those treatments are considered to be in the wildland urban interface.

State and Volunteer Assistance (FS only).—Estimated acres to be treated on State and private lands, by State. The Secretaries should acquire these data from the affected States.

Rural Fire Assistance (DOI only).—Estimated number of rural fire communities assisted and the distribution of funds by State.

Forest Health Management (FS only).—Estimated number of acres which will be treated to manage and control invasive species and which portions of those treatments are considered to be in the wildland urban interface.

Economic Action Program (FS only).—A summary of anticipated projects by State.

In addition, the managers direct the Secretaries to provide a performance report not more than 90 days following the end of the fiscal year covered by this appropriation for all activities covered by this title. The performance report shall include:

An updated financial report following the same format as the financial plan described above showing final expenditures for each item included in the original financial plan, plus any additional expenditures for items not included in the financial plan, by the same administrative and program component categories.

2. An updated action report following the same format as the action plan described above showing final accomplishments for each item included in the original financial plan, with maps for each national forest and for each State showing where hazardous fuel treatments were accomplished, plus any additional accomplishments for items not included in the action plan, by the same administrative and program component categories.

TITLE V—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides $17,172,000 for management of lands and resources, of which $15,687,000 is to address the consequences of the 1999 fire season on the lands managed by the Bureau. These funds are provided to restore damaged biotic resources and infrastructure to prevent a decline in fish and wildlife habitat. Accordingly, the managers provide these funds for restoration activities, including but not limited to, fence replacement, wild horse removal, tree and shrub seedling purchase and planting, and cheatgrass control. The managers also recognize the severity of the grasshopper and Mormon cricket infestation on lands managed by the Bureau and have provided $1,485,000 to address this problem. The managers expect coordination with

State, local and other Federal entities in addressing these efforts.

United States Fish and Wildlife Service

RESOURCE MANAGEMENT

The conference agreement provides $6,500,000 for resource management, of which $1,500,000 are to be expended for the preparation and implementation of plans, programs, or agreements identified by the State of Idaho that will address habitat for freshwater aquatic species on non-Federal lands in the State. These funds will supplement funds that have already been allocated by the State and will only be expended for landowners that are voluntarily enrolled in such plans, programs, or agreements. The remaining $5,000,000 is for the conservation and restoration of Atlantic salmon in the Gulf of Maine.

The condition of the Atlantic salmon population is at a critical point, and the decision regarding the listing of the Atlantic salmon under the Endangered Species Act appears imminent. Therefore, the funds are needed to assist in the prevention of the listing of the Atlantic salmon. The funds will support efforts to acquire lands and conservation easements to benefit Atlantic salmon, to address adverse effects on salmon habitat, and to develop and phase in enhanced aquaculture cages to minimize escape of salmon. The funds provided for the Atlantic Salmon Commission for salmon restoration and conservation will support the installation and upgrading of weirs and fish collection facilities, the conduct of risk assessments, fish marking, salmon genetics studies and testing, and the development of enhanced aquaculture cages. Funds are also provided for the National Academy of Sciences study on Atlantic salmon. Funds administered by the National Fish and Wildlife Foundation are subject to cost sharing.

CONSTRUCTION

The conference agreement provides $8,500,000 for construction to repair Service facilities damaged by hurricanes and winter storms. The managers understand that these funds will used for repairs to Service property in the States of Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, and Washington.

National Park Service

CONSTRUCTION

The conference agreement provides $5,300,000 for construction to repair or replace visitor facilities, equipment, roads and trails, visitor facilities, and cultural sites and artifacts at national park units damaged by hurricanes, tropical storms, ice storms, lightning, and floods.

United States Geological Survey

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $2,700,000 for surveys, investigations, and research, to repair or replace stream monitoring equipment and facilities damaged by storms, floods, and hurricanes. Within this amount, the managers have provided $900,000 to repair the storm damaged roof at the EROS Data Center. The managers understand that the remaining funds will be used for repairs in Alaska, Colorado, Connecticut, Florida, Georgia, Kansas, Maryland-Delaware-Washington, D.C., Massachusetts-Rhode Island, Nevada, New Hampshire-Vermont, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, South Carolina, South Dakota, and Virginia.

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

The conference agreement provides $1,200,000 for the operation of Indian programs to repair portions of the Yakama Nation's Signal Peak Road. The Yakama Nation shall provide $645,750 towards completion of road repairs, of which $100,000 have already been spent by the tribe. These funds are necessary to repair portions of the road that were significantly damaged in the past year due to a massive increase in traffic resulting from efforts to combat a spruce budworm infestation and to salvage timber in the infested area.

Office of Special Trustee for American Indians

FEDERAL TRUST PROGRAMS

The conference agreement provides $27,600,000 for Federal trust programs to address trust fund reform efforts that were unanticipated prior to the submission of the Administration's budget request. Of this amount, $2,900,000 is provided to address breaches of trust, $10,000,000 is to begin the process of providing an accounting of Individual Indian Money accounts, $4,000,000 is provided for trial preparation, and $10,700,000 is provided for trust fund reform program shortfalls.

Related Agency

Department of Agriculture

Forest Service

STATE AND PRIVATE FORESTRY

The conference agreement provides $11,294,000 for State and private forestry for emergency needs of the Alaska Railroad caused by avalanches in the Chugach National Forest. The managers are aware that at least 19 avalanches occurred in the national forest and other public lands which caused train derailments resulting in a serious oil spill and the death of an Alaska Railroad employee. The President declared the area a disaster on February 17, 2000, pursuant to the Stafford Act, but no funds are available under that declaration to clean up the oil spill to prevent contamination of the Susitna River watershed. Of these funds, $2,000,000 is directed to the Forest Service, State and private forestry, to establish an avalanche prevention program in the Chugach National Forest and nearby public lands.

NATIONAL FOREST SYSTEM

The conference agreement provides $7,249,000 to the National forest system for damage caused by severe windstorms in the States of Minnesota and Wisconsin. The fallen timber caused by these storms in the National forests has caused serious environmental and other damage which must be addressed as soon as possible.

TITLE VI

User Fees Under Forest System Recreation Residence Program

The conference agreement includes the "Cabin User Fee Fairness Act of 2000".

TITLE VII

Treatment of Certain Funds for Miner Benefits

Title VII provides for transfers of certain interest earned by the Abandoned Mine Reclamation Fund to the United Mine Workers of America Combined Benefit Fund for the purpose of supplementing the amount of interest transferred under existing law in such amounts as the trustees of the Combined Benefit Fund estimate are necessary to pay the amount of any deficit in net assets in the Combined Fund through August 31, 2001. The managers note that the transfers may take place at any time between October 1, 2000 and August 31, 2001. The provision also provides for two other relatively minor transfers of interest to the Combined Benefit Fund for the purpose of making certain refunds.

As a general manager, the managers note that it has been the practice for the amount of the annual interest transfers under current law to be based on a calculation which multiplies the number of unassigned beneficiaries by that year's per beneficiary premium rate established by the Social Security Administration (SSA) with adjustments made later (normally two years after the initial transfer) to reflect the Combined Benefit Fund's actual expenditures for unassigned beneficiaries. This practice has an adverse effect on the Combined Benefit Fund's cash flow and is contributing to its financial difficulties. Further, there is no basis in the Coal Industry Retiree Health Benefit Act of 1992 for the annual transfer to be based on the SSA established beneficiary premium rate. The managers believe that the interest transfer at the beginning of each fiscal year should be based on the Combined Benefit Fund trustee's estimate of the year's expenditures for unassigned beneficiaries which may be adjusted to the actual amount of those expenditures at a later time if the initial transfer provides to be either too high or too low. This approach is completely consistent with the underlying statutory provision found in section 402(h) of the Surface Mining Control and Reclamation Act of 1977 which provides that the amount of interest transferred "shall not exceed the amount of expenditures that the trustees of the Combined Fund *estimate* will be debited against the unassigned beneficiaries premium account. * * *" [emphasis added].

The managers are extremely frustrated that the issue of the long term solvency of the Combined Benefit Fund has not been addressed by the Committees of jurisdiction over the past year as the managers had requested in the fiscal year 2000 conference report (106–479). The managers reiterate that it is not the responsibility of the Committees on Appropriations to provide health care benefits to the retired mine workers, their spouses and dependents through an annual transfer of interest from the Abandoned Mine Reclamation Fund. The managers are providing this funding to the Combined Benefit Fund with the full expectation that this is the final time the Interior will provide funds to the Combined Benefit Fund. The managers strongly urge all of the parties associated with the Combined Benefit Fund, including the so-called "super reach back" companies, the "reach back" companies, the United Mine Workers of America and the Bituminous Coal Operators Association to work together to rectify this situation.

The managers note that the Office of Surface Mining estimates that over $3 billion worth of priorities one and two reclamation program needs remain in the inventory of abandoned mined land problems nationwide. The Abandoned Mine Reclamation Fund should be conserved, to the extent possible, in order to fund these necessary projects as well as other authorized uses of interest earned by this fund.

TITLE VIII

Land Conservation, Preservation and Infrastructure Improvement

The conference agreement inserts a new title to the bill creating a six-year Land Conservation, Preservation and Infrastructure Improvement program within the Federal budget and provides increased funding for the first year of this program, fiscal year

2001. This action recognizes land conservation and related activities as critical National priorities and provides a mechanism to guarantee significantly increased funding for critical land acquisition and other land protection programs. The program is not mandatory and does not guarantee annual appropriations. The House and Senate Committees on Appropriations have discretion in the amounts to be appropriated each year, subject to certain maximum amounts as described herein. The program is authorized for a period of six years. Extension beyond six years is a decision that is left to future Congresses.

The new program created by this title, in addition to augmenting funding for land conservation and preservation tools, also recognizes the need to address critical maintenance problems on our Federal lands and permits the use of a portion of fiscal year 2001 funding and future years' funding for the most critical problems in our parks, refuges, forests and other public lands. Likewise, a portion of funding for payments in lieu of taxes are permitted and these funds are in addition to base funding under the Bureau of Land Management in title I.

The managers believe that, when acquiring new lands, the Federal government has a responsibility to provide funding for the maintenance of those lands and for payments in lieu of taxes to the local communities where those lands are located. The funds for maintenance and payments in lieu of taxes, provided by the Land Conservation, Preservation and Infrastructure Improvement program are in addition to baseline funding for maintenance and payments in lieu of taxes provided in the operational accounts of the land management agencies funded in this Act.

Part A: Fiscal year 2001 funding.—The conference agreement provides for total maximum funding of $1,600,000,000 for the first year of the six-year Land Conservation, Preservation and Infrastructure Improvement program. It includes appropriations totaling $1,200,000,000 for fiscal year 2001 for programs in the Departments of the Interior and Agriculture. The $1,200,000,000 is approximately triple the historic funding for such activities. This includes $686,000,000 for activities in this title to augment the $514,000,000 for such activities provided in other titles of the Interior bill.

The remaining $400,000,000, which is authorized herein, is for programs under the jurisdiction of the Commerce-Justice-State Appropriations Subcommittee, including the Pacific Coastal Salmon Recovery program, and will be considered in that bill.

The specific amounts provided for the Departments of the Interior and Agriculture for these programs in fiscal year 2001 are as follows:

Program category	This title	Other titles	Total this bill
Federal and State LWCF programs	$229 million	$311 million	$540 million.
State and other conservation programs	$218 million	$82 million	$300 million.
Urban & historic preservation programs	$39 million	$121 million	$160 million.
Additional funding for maintenance	$150 million	NA	+$150 million.
Additional funding for payments in lieu of taxes	$50 million	NA	+$50 million.
Coastal programs (NOAA)	NA	NA	Commerce/State/Justice bill.
Total	$686 million	$514 million	$1.2 billion.

The distribution of the funds for fiscal year 2001 among the land management agencies and the U.S. Geological Survey is specified in the bill. The managers have not, however, mandated a distribution of individual land acquisition projects or Forest Service Forest legacy funds. These decisions are left to the Committees on Appropriations in consultation with the land management agencies. The final distribution will be based on programmatic needs and will be determined by the Committees during fiscal year 2001.

In making funding distributions for maintenance projects, the managers expect the agencies to address critical maintenance backlogs. These additional funds are for repair and rehabilitation of existing facilities or roads and may not be used for new and expanded facilities or roads.

The managers expect the U.S. Fish and Wildlife Service to develop a cost-shared, competitively-awarded, project-based program for the use of State wildlife grant funding and to present their proposal to the House and Senate Committees on Appropriations for review and approval prior to the use of any funds for these grants. The funds should not be distributed on a formula basis and every effort should be made to leverage Federal funding to the maximum extent possible. The managers point to the joint venture program as a good model to pursue.

The managers expect the U.S. Fish and Wildlife Service to work with the States to develop wildlife conservation plans. The managers do not object to the use of a portion of the funds provided for State wildlife grants for such required plans, subject to cost sharing by the States. Each State plan should meet requirements that are eastblished by the Service. Each plan should provide for the conservation of the State's full array of wildlife and their habitats, with emphasis placed on those species conservation efforts that are most underfunded and have the greatest conservation need. The Service shall not provide a grant to any State unless the State has, or commits to develop by a mutually agreed date certain, the required plan.

The specific amounts for programs within each category for the Departments of the Interior and Agriculture are shown in the following table:

LAND CONSERVATION, PRESERVATION AND INFRASTRUCTURE PROGRAM

[Dollars in thousands]

Program categories	This title	Other titles	Total in this bill
Dept. of the Interior Land Acquisition	$130,000	$163,940	$293,940
US Forest Service Land Acquisition	49,000	106,505	155,505
State Land Acquisition and Assistance	50,000	40,500	90,500
Federal and State LWCF	229,000	310,945	539,945
FWS—Cooperative Endangered Species Fund	78,000	26,925	104,925
FWS—State Wildlife Grants	50,000	0	50,000
FWS—N. American Wetlands Conservation	20,000	20,000	40,000
USGS—Science Programs	20,000	5,000	25,000
FS—Forest Legacy	30,000	30,000	60,000
FS—additional planning/inventory/monitoring	20,000	NA	20,000
State and Other Conservation Programs	218,000	81,925	299,925
NPS—Urban Parks Restoration and Recovery	20,000	10,000	30,000
NPS—Historic Preservation	15,000	73,347	88,347
FS—Urban & Community Forestry	4,000	31,721	35,721
Youth Conservation Corps	0	6,000	6,000
Urban and Historic Preservation	39,000	121,068	160,068
Additional funding for Maintenance	150,000	NA	150,000
Additional funding—Payments in Lieu of Taxes	50,000	NA	50,000
Coastal Programs (NOAA programs to be addressed in Commerce-State-Justice bill)	NA	NA	(1)
Total	$686,000	$513,938	$1,199,938

[1] C/J/S Bill.

The $78,000,000 provided for the cooperative endangered species conservation fund includes $28,000,000 for grants to the States and $50,000,000 for habitat conservation planning land acquisition.

The $20,000,000 provided in this title for science programs in the U.S. Geological Survey includes $7,000,000 for national mapping of which $5,000,000 is for national cooperative geologic mapping and $2,000,000 is for earth science information management and delivery, $5,000,000 for water resources/stream gauges, $3,000,000 for biological research of which $2,000,000 is to initiate aquatic GAP analysis and $1,000,000 is to accelerate GAP analysis in the contiguous 48 States, and $5,000,000 for science support/accessible data transfer.

The additional $20,000,000 for Forest Service planning, inventory and monitoring should be used to address high priority needs for these activities within the National Forest System.

The $15,000,000 provided in this title for historic preservation includes $12,000,000 for State historic preservation offices and $3,000,000 for tribal grants.

The additional $150,000,000 provided in this title for maintenance includes $25,000,000 for the Bureau of Land Management, $25,000,000 for the U.S. Fish and Wildlife service, $50,000,000 for the National Park Service and $50,000,000 for the Forest Service.

Part B: Land Conservation, Preservation and Infrastructure Improvement Trust Fund.—Part B of this title establishes the Land Conservation, Preservation and Infrastructure Improvement program budget mechanism which provides a six-year funding priority within the Federal budget for land conservation activities by setting aside funds each year over and above the amounts available under Congressional Budget Resolutions for all other discretionary activities of the government. The amounts for each year are as follows:

Fiscal year:	
2001	$1,600,000,000
2002	1,760,000,000
2003	1,920,000,000
2004	2,080,000,000
2005	2,240,000,000
2006	2,400,000,000

These amounts are set aside and automatically available under the Budget Resolution each year for Land Conservation, Preservation and Infrastructure Improvement programs but are subject to annual appropriations. The exact amount and the distribution among programs will be set in annual appropriation bills based on need and program performance. The language provides a "fencing" mechanism, however, so that funds are only available for the specific set of budget activities and accounts listed in the Land Conservation, Preservation and Infrastructure Improvement program. The text of the language in Part B follows the model established in 1995 for the Violent Crime Trust Fund.

There are six identified program categories for each year. Each category has an identified "fenced cap" for each fiscal year. The amount of each cap does not assure appropriations for that amount but does assure that funds from within one category are not shifted to another category. The caps by category are shown in the following table:

Program category	*Fenced cap*
Federal and State LWCF ...	$540,000,000
State and other conservation programs	300,000,000
Urban and historic preservation programs	160,000,000
Additional funding for maintenance	150,000,000
Additional funding for payments in lieu of taxes	50,000,000
Coastal programs (Department of Commerce/NOAA	400,000,000
Total	1,600,000,000

Any funds not appropriated within the caps will be available in the next fiscal year for appropriation for activities within the same program category. In addition, each year, the total amount available for appropriation is increased by $160,000,000 for the Land Conservation, Preservation and Infrastructure Improvement Program. That increase is not subject to the "fenced caps", but is available for the eligible programs herein, in addition to the capped amounts. The House and Senate Committees on Appropriations have the discretion to determine the extent to which these funds will be appropriated. The additional, "unfenced" amount available will be $160,000,000 in fiscal year 2002, $320,000,000 in fiscal year 2003, $480,000,000 in fiscal year 2004, $640,000,000 in fiscal year 2005 and $800,000,000 in fiscal year 2006.

Eligible programs include:

Federal land acquisition
State land and water conservation grants
Urban Park and Recreation Recovery Program
Backlog maintenance (land management agencies)
Payments in Lieu of Taxes
Historic Preservation
Youth Conservation Corps
U.S. Geological Survey's State Planning Partnership programs, Community/Federal Information Partnership, Urban Dynamics, and Decision Support for Resource Management
U.S. Fish and Wildlife Service's North American Wetlands Conservation Fund, Cooperative Endangered Species Conservation Fund, and State Wildlife Grants
Forest Service's State and Private Forestry, Forest Legacy Program, Urban and Community Forestry, Smart Growth Partnerships and additional funding for planning, inventory and monitoring
Department of Commerce/NOAA's Pacific Coastal Salmon Recovery, NOAA Operations, Research, and Facilities, the Coastal Zone Management Act programs, the National Marine Sanctuaries, the National Estuarine Research Reserve Systems, Coral Restoration programs, Coastal Impact Assistance and the Pacific Coastal Salmon Recovery Program

TITLE IX

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

The conference agreement provides $5 billion to be used to reduce the amount of debt held by the public.

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Management of Lands and Resources				
Land Resources				
Soil, water and air management	33,130	39,011	35,057	+1,927
Range management	66,515	72,777	68,944	+2,429
Forestry management	6,932	7,132	7,132	+200
Riparian management	21,896	24,032	22,504	+608
Cultural resources management	13,394	18,053	13,838	+444
Wild horse and burro management	19,873	29,447	29,447	+9,574
Subtotal, Land Resources	161,740	190,452	176,922	+15,182
Wildlife and Fisheries				
Wildlife management	23,794	26,653	24,988	+1,194
Fisheries management	12,579	14,059	12,881	+302
Subtotal, Wildlife and Fisheries	36,373	40,712	37,869	+1,496
Threatened and endangered species	18,811	23,672	21,352	+2,541
Recreation Management				
Wilderness management	16,211	19,269	16,679	+468
Recreation resources management	33,636	41,944	44,754	+11,118
Recreation operations (fees)	1,306	1,306	1,306	---
Subtotal, Recreation Management	51,153	62,519	62,739	+11,586
Energy and Minerals				
Oil and gas	57,793	62,181	59,881	+2,088
Coal management	7,341	8,257	7,557	+216
Other mineral resources	9,182	9,451	9,451	+269
Subtotal, Energy and Minerals	74,316	79,889	76,889	+2,573
Alaska minerals	2,136	2,198	3,898	+1,762
Realty and Ownership Management				
Alaska conveyance	33,640	34,487	34,487	+847
Cadastral survey	13,253	13,674	14,624	+1,371
Land and realty management	30,801	31,834	31,834	+1,033
Subtotal, Realty and Ownership Management	77,694	79,995	80,945	+3,251
Resource Protection and Maintenance				
Resource management planning	6,581	10,771	25,901	+19,320
Resource protection and law enforcement	11,052	11,501	11,371	+319
Hazardous materials management	15,998	16,603	16,468	+470
Subtotal, Resource Protection and Maintenance	33,631	38,875	53,740	+20,109
Transportation and Facilities Maintenance				
Operations	6,120	6,297	6,297	+177
Annual maintenance	28,367	31,632	29,592	+1,225
Deferred maintenance	11,464	12,464	13,004	+1,540
Subtotal, Transportation/Facilities Maintenance	45,951	50,393	48,893	+2,942
Land and resources information systems	19,037	19,586	19,586	+549
Mining Law Administration				
Administration	33,366	34,328	34,328	+962
Offsetting fees	-33,366	-34,328	-34,328	-962
Subtotal, Mining Law Administration	---	---	---	---
Workforce and Organizational Support				
Information systems operations	15,758	16,213	16,213	+455
Administrative support	47,748	49,104	49,104	+1,356
Bureauwide fixed costs	59,786	61,583	61,583	+1,797
Subtotal, Workforce and Organizational Support	123,292	126,900	126,900	+3,608
Total, Management of Lands and Resources	644,134	715,191	709,733	+65,599

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted	
Wildland Fire Management					
Wildland fire preparedness	175,850	182,090	315,406	+139,556	
Wildland fire operations	115,107	115,107	110,107	-5,000	
Contingent emergency appropriations	---	---	200,000	+200,000	
Total, Wildland Fire Management	290,957	297,197	625,513	+334,556	
Central Hazardous Materials Fund					
Bureau of Land Management	9,955	10,000	10,000	+45	
Construction					
Construction	11,196	11,200	16,860	+5,664	
Payments in Lieu of Taxes					
Payments to local governments	134,385	135,000	150,000	+15,615	
Land Acquisition					
Land Acquisition					
Acquisitions	12,000	56,900	26,600	+14,600	
Emergencies and hardships	500	1,000	1,500	+1,000	
Acquisition management	3,000	3,000	3,000	---	
Total, Land Acquisition	15,500	60,900	31,100	+15,600	
Oregon and California Grant Lands					
Western Oregon resources management	80,514	85,157	85,157	+4,643	
Western Oregon information and resource data systems	2,149	2,192	2,192	+43	
Western Oregon transportation & facilities maintenance	10,139	10,824	10,824	+685	
Western Oregon construction and acquisition	284	290	290	+6	
Jobs in the woods	5,689	5,804	5,804	+115	
Total, Oregon and California Grant Lands	98,775	104,267	104,267	+5,492	
Range Improvements					
Improvements to public lands	8,361	8,361	8,361	---	M
Farm Tenant Act lands	1,039	1,039	1,039	---	M
Administrative expenses	600	600	600	---	M
Total, Range Improvements	10,000	10,000	10,000	---	
Service Charges, Deposits, and Forfeitures					
Rights-of-way processing	4,200	3,400	3,400	-800	
Adopt-a-horse program	950	950	950	---	
Repair of damaged lands	1,250	1,250	1,250	---	
Cost recoverable realty cases	420	420	420	---	
Timber purchaser expenses	180	180	180	---	
Copy fees	1,800	1,300	1,300	-500	
Total, Service Charges, Deposits & Forfeitures	8,800	7,500	7,500	-1,300	
Miscellaneous Trust Funds					
Current appropriations	7,700	7,700	7,700	---	M
TOTAL, BUREAU OF LAND MANAGEMENT	1,231,402	1,358,955	1,672,673	+441,271	

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted
UNITED STATES FISH AND WILDLIFE SERVICE				
Resource Management				
Ecological Services				
Endangered species				
Candidate conservation	7,388	8,447	7,144	-244
Listing	6,208	7,195	6,355	+147
Consultation	32,342	39,400	43,496	+11,154
Recovery	57,363	55,297	60,954	+3,591
ESA landowner incentive program	4,981	4,981	4,981	---
Subtotal, Endangered species	108,282	115,320	122,930	+14,648
Habitat conservation	71,452	73,558	77,277	+5,825
Environmental contaminants	10,005	10,314	10,713	+708
Subtotal, Ecological Services	189,739	199,192	210,920	+21,181
Refuges and Wildlife				
Refuge operations and maintenance	261,059	280,970	281,420	+20,361
Salton Sea recovery	996	996	996	---
Migratory bird management	21,798	22,839	25,876	+4,078
Law enforcement operations	39,405	52,029	47,692	+8,287
Subtotal, Refuges and Wildlife	323,258	356,834	355,984	+32,726
Fisheries				
Hatchery operations and maintenance	44,654	43,108	48,292	+3,638
Lower Snake River compensation fund	11,656	---	---	-11,656
Fish and wildlife management	28,961	39,542	39,737	+10,776
Subtotal, Fisheries	85,271	82,650	88,029	+2,758
General Administration				
Central office administration	14,857	15,391	15,391	+534
Regional office administration	23,933	24,701	24,701	+768
Servicewide administrative support	47,715	49,760	48,760	+1,045
National Fish and Wildlife Foundation	6,724	6,724	7,224	+500
National Conservation Training Center	15,070	15,327	15,327	+257
International affairs	7,976	11,359	8,259	+283
Pingree Forest, ME non-development easements	---	---	2,000	+2,000
Subtotal, General Administration	116,275	123,262	121,662	+5,387
Total, Resource Management	714,543	761,938	776,595	+62,052
Construction				
Construction and rehabilitation				
Line item construction	46,091	36,000	53,784	+7,693
Nationwide engineering services	7,437	8,231	9,231	+1,794
Total, Construction	53,528	44,231	63,015	+9,487
Land Acquisition				
Fish and Wildlife Service				
Acquisitions - Federal refuge lands	39,513	94,485	50,700	+11,187
Inholdings	750	4,000	1,000	+250
Emergencies and hardships	1,000	2,000	750	-250
Acquisition management	8,500	10,147	9,500	+1,000
Exchanges	750	1,000	850	+100
Total, Land Acquisition	50,513	111,632	62,800	+12,287
Cooperative Endangered Species Conservation Fund				
Grants to States	7,520	41,048	7,520	---
HCP land acquisition	15,000	21,125	18,925	+3,925
Conservation planning assistance	---	1,625	---	---
Administration	480	1,202	480	---
Total, Cooperative Endangered Species Fund	23,000	65,000	26,925	+3,925
National Wildlife Refuge Fund				
Payments in lieu of taxes	10,739	10,000	11,439	+700

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted
North American Wetlands Conservation Fund				
Wetlands conservation	14,359	28,800	19,200	+4,841
Administration	598	1,200	800	+202
Total, North American Wetlands Conservation Fund	14,957	30,000	20,000	+5,043
Wildlife Conservation and Appreciation Fund				
Wildlife conservation and appreciation fund	797	800	797	---
Multinational Species Conservation Fund				
African elephant conservation	996	1,000	1,000	+4
Rhinoceros and tiger conservation	697	1,000	750	+53
Asian elephant conservation	698	1,000	750	+52
Total, Multinational Species Conservation Fund	2,391	3,000	2,500	+109
Commercial salmon fishery capacity reduction	4,625	---	---	-4,625
State non-game wildlife grant funds	---	100,000	---	---
TOTAL, U.S. FISH AND WILDLIFE SERVICE	875,093	1,126,601	964,071	+88,978
NATIONAL PARK SERVICE				
Operation of the National Park System				
Park Management				
Resource stewardship	254,003	287,820	283,465	+29,462
Visitor services	318,636	280,593	279,871	-38,765
Maintenance	432,556	449,746	469,703	+37,147
Park support	247,499	261,855	259,178	+11,679
Subtotal, Park Management	1,252,694	1,280,014	1,292,217	+39,523
External administrative costs	111,070	97,643	96,927	-14,143
Total, Operation of the National Park System	1,363,764	1,377,657	1,389,144	+25,380
United States Park Police				
Park Police	(72,105)	76,441	78,048	+78,048
National Recreation and Preservation				
Recreation programs	528	542	542	+14
Natural programs	9,993	11,205	10,805	+812
Cultural programs	19,425	19,853	20,753	+1,328
International park affairs	1,683	1,706	1,706	+23
Environmental and compliance review	369	393	393	+24
Grant administration	1,801	1,557	1,557	-244
Heritage Partnership Programs				
Commissions and grants	5,942	8,025	10,307	+4,365
Technical support	878	895	---	-878
Subtotal, Heritage Partnership Programs	6,820	8,920	10,307	+3,487
Statutory or Contractual Aid				
Alaska Native culture center	742	---	742	---
Aleutian World War II Historic Area	792	---	100	-692
Automobile Heritage Area	297	---	---	-297
Brown Foundation	101	101	101	---
Chesapeake Bay Gateway	594	1,250	2,300	+1,706
Dayton Aviation Heritage Commission	47	47	300	+253
Delaware and Lehigh Navigation Canal	445	---	---	-445
Four Corners Interpretive Center	---	---	2,250	+2,250
Ice Age National Scientific Reserve	798	798	798	---
Illinois and Michigan Canal National Heritage Corridor Commission	240	---	---	-240
John H. Chafee Blackstone River Corridor	445	---	---	-445
Johnstown Area Heritage Association	49	49	49	---
Lackawanna Heritage	445	---	---	-445
Lamprey River	---	200	500	+500
Mandan On-a-Slant Village	396	---	500	+104
Martin Luther King, Jr. Center	529	529	529	---
National Constitution Center, PA	495	---	---	-495
National First Ladies Library	297	---	500	+203

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted
Native Hawaiian culture and arts program	742	742	742	---
New Orleans Jazz Commission	66	66	66	---
Oklahoma City National Memorial	857	---	---	-857
Quinebaug-Shetucket National Heritage Preservation Commission	248	---	---	-248
Roosevelt Campobello International Park Commission	670	690	730	+60
Route 66 National Historic Highway	---	---	500	+500
Sewall-Belmont House	495	---	495	---
Vancouver National Historic reserve	396	---	400	+4
Wheeling National Heritage Area	594	---	594	---
Women's Progress Commission	---	---	100	+100
Subtotal, Statutory or Contractual Aid	10,780	4,472	12,296	+1,516
Total, National Recreation and Preservation	51,399	48,648	58,359	+6,960
Urban Park and Recreation Fund				
Urban park grants	2,000	20,000	10,000	+8,000
Historic Preservation Fund				
State historic preservation offices	31,598	31,598	34,598	+3,000
Tribal grants	2,572	2,572	2,572	---
Historically Black colleges	10,623	7,901	7,177	-3,446
Grants for millennium initiative	30,000	30,000	35,000	+5,000
Total, Historic Preservation Fund	74,793	72,071	79,347	+4,554
Construction				
Emergency and unscheduled	3,500	3,500	3,500	---
Housing	---	5,000	5,000	+5,000
Equipment replacement	18,000	16,250	18,000	---
Planning, construction	15,940	10,840	20,779	+4,839
General management plans	9,225	12,975	11,225	+2,000
Line item construction and maintenance	151,486	108,395	160,630	+9,144
Pre-planning and supplementary services	4,500	4,500	4,500	---
Construction program management	17,100	17,100	17,100	---
Dam safety	1,440	1,440	1,440	---
Total, Construction	221,191	180,000	242,174	+20,983
Land and Water Conservation Fund				
(Rescission of contract authority)	-30,000	-30,000	-30,000	---
Land Acquisition and State Assistance				
Assistance to States				
State conservation grants	20,000	145,000	39,000	+19,000
Administrative expenses	1,000	5,000	1,500	+500
Total, Assistance to States	21,000	150,000	40,500	+19,500
National Park Service				
Acquisitions	84,700	127,560	52,040	-32,660
Emergencies and hardships	3,000	4,000	4,000	+1,000
Acquisition management	10,000	11,908	11,500	+1,500
Inholdings	2,000	4,000	2,500	+500
Total, National Park Service	99,700	147,468	70,040	-29,660
Total, Land Acquisition and State Assistance	120,700	297,468	110,540	-10,160
TOTAL, NATIONAL PARK SERVICE	1,803,847	2,042,285	1,937,612	+133,765

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted
UNITED STATES GEOLOGICAL SURVEY				
Surveys, Investigations, and Research				
National Mapping Program				
National data collection and integration	56,330	67,327	56,558	+228
Earth science information management and delivery	34,270	36,911	35,411	+1,141
Geographic research and applications	36,117	51,044	36,744	+627
Subtotal, National Mapping Program	126,717	155,282	128,713	+1,996
Geologic Hazards, Resource and Processes				
Geologic hazards assessments	69,111	73,236	72,886	+3,775
Geologic landscape and coastal assessments	65,435	77,189	69,539	+4,104
Geologic resource assessments	76,676	74,384	78,393	+1,717
Subtotal, Geologic Hazards, Resource & Processes	211,222	224,809	220,818	+9,596
Water Resources Investigations				
Water resources assessment and research	91,037	90,355	95,049	+4,012
Water data collection and management	29,167	39,275	33,766	+4,599
Federal-State program	60,553	62,879	62,879	+2,326
Water resources research institutes	5,062	5,067	5,467	+405
Subtotal, Water Resources Investigations	185,819	197,576	197,161	+11,342
Biological Research				
Biological research and monitoring	113,232	123,430	129,072	+15,840
Biological information management and delivery	10,484	21,243	14,743	+4,259
Cooperative research units	13,180	14,108	14,108	+928
Subtotal, Biological Research	136,896	158,781	157,923	+21,027
Science support	67,104	70,895	68,895	+1,791
Facilities	85,618	88,036	88,536	+2,918
TOTAL, UNITED STATES GEOLOGICAL SURVEY	813,376	895,379	862,046	+48,670
MINERALS MANAGEMENT SERVICE				
Royalty and Offshore Minerals Management				
OCS Lands				
Leasing and environmental program	35,889	36,544	36,544	+655
Resource evaluation	22,901	23,824	23,606	+705
Regulatory program	42,214	43,181	43,181	+967
Information management program	14,507	14,777	14,777	+270
Subtotal, OCS Lands	115,511	118,326	118,108	+2,597
Royalty Management				
Valuation and operations	39,303	40,102	40,102	+799
Compliance	42,336	43,365	43,365	+1,029
Indian allottee refunds	15	15	15	---
Program services office	2,708	2,775	2,775	+67
Subtotal, Royalty Management	84,362	86,257	86,257	+1,895
General Administration				
Executive direction	1,921	1,984	1,984	+63
Policy and management improvement	3,860	4,488	3,988	+128
Administrative operations	13,601	14,190	14,190	+589
General support services	14,945	16,293	16,293	+1,348
Subtotal, General Administration	34,327	36,955	36,455	+2,128
Use of receipts	-124,000	-107,410	-107,410	+16,590
Total, Royalty and Offshore Minerals Management	110,200	134,128	133,410	+23,210
Oil Spill Research				
Oil spill research	6,118	6,118	6,118	---
TOTAL, MINERALS MANAGEMENT SERVICE	116,318	140,246	139,528	+23,210

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Regulation and Technology				
Environmental restoration	150	157	157	+7
Environmental protection	72,049	73,442	76,442	+4,393
Technology development and transfer	11,491	11,846	11,846	+355
Financial management	521	537	537	+16
Executive direction	11,374	11,819	11,819	+445
Subtotal, Regulation and Technology	95,585	97,801	100,801	+5,216
Civil penalties	275	275	275	---
Total, Regulation and Technology	95,860	98,076	101,076	+5,216
Abandoned Mine Reclamation Fund				
Environmental restoration	181,019	195,785	187,109	+6,090
Technology development and transfer	3,536	3,599	3,599	+63
Financial management	5,205	5,414	5,414	+209
Executive direction	6,113	6,360	6,316	+203
Total, Abandoned Mine Reclamation Fund	195,873	211,158	202,438	+6,565
TOTAL, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT	291,733	309,234	303,514	+11,781
BUREAU OF INDIAN AFFAIRS				
Operation of Indian Programs				
Tribal Budget System				
Tribal Priority Allocations				
Tribal government	352,899	374,634	370,087	+17,188
Human services	149,511	165,964	152,820	+3,309
Education	50,867	52,662	49,794	-1,073
Public safety and justice	1,384	1,364	1,364	-20
Community development	39,698	43,963	38,913	-785
Resources management	54,595	55,321	55,321	+726
Trust services	28,605	43,723	42,794	+14,189
General administration	23,164	23,549	23,549	+385
Subtotal, Tribal Priority Allocations	700,723	761,180	734,642	+33,919
Other Recurring Programs				
Education				
School operations				
Forward-funded	401,010	439,132	423,056	+22,046
Other school operations	65,895	67,439	66,439	+544
Subtotal, School operations	466,905	506,571	489,495	+22,590
Continuing education	35,311	38,202	38,202	+2,891
Subtotal, Education	502,216	544,773	527,697	+25,481
Resources management	39,830	37,184	40,408	+578
Subtotal, Other Recurring Programs	542,046	581,957	568,105	+26,059
Non-Recurring Programs				
Tribal government	249	257	257	+8
Community development	---	2,000	1,300	+1,300
Resources management	31,710	31,428	31,728	+18
Trust services	32,272	37,720	36,866	+4,594
Subtotal, Non-Recurring Programs	64,231	71,405	70,151	+5,920
Total, Tribal Budget System	1,307,000	1,414,542	1,372,898	+65,898

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted
BIA Operations				
Central Office Operations				
Tribal government	3,068	2,607	2,607	-461
Human services	1,289	1,299	1,299	+10
Community development	849	868	868	+19
Resources management	3,371	3,427	3,427	+56
Trust services	2,105	2,642	2,642	+537
General administration				
Education program management	2,338	2,392	2,392	+54
Other general administration	39,617	44,629	44,629	+5,012
Subtotal, General administration	41,955	47,021	47,021	+5,066
Subtotal, Central Office Operations	52,637	57,864	57,864	+5,227
Regional Office Operations				
Tribal government	1,424	1,365	1,365	-59
Human services	2,997	3,023	3,023	+26
Community development	829	823	823	-6
Resources management	3,225	3,307	3,307	+82
Trust services	9,568	23,543	22,183	+12,615
General administration	24,198	24,733	24,733	+535
Subtotal, Regional Office Operations	42,241	56,794	55,434	+13,193
Special Programs and Pooled Overhead				
Education	15,298	15,598	15,598	+300
Public safety and justice	141,165	160,104	152,989	+11,824
Community development	4,142	5,053	4,874	+732
Resources management	1,314	1,314	1,314	---
General administration	75,738	83,741	80,241	+4,503
Subtotal, Special Programs and Pooled Overhead	237,657	265,810	255,016	+17,359
Total, BIA Operations	332,535	380,468	368,314	+35,779
Total, Operation of Indian Programs	1,639,535	1,795,010	1,741,212	+101,677
BIA SPLITS				
Natural resources	(134,045)	(131,981)	(135,505)	(+1,460)
Forward-funding	(401,010)	(439,132)	(423,056)	(+22,046)
Education	(169,709)	(176,293)	(172,425)	(+2,716)
Community development	(934,771)	(1,047,604)	(1,010,226)	(+75,465)
Total, BIA splits	(1,639,535)	(1,795,010)	(1,741,212)	(+101,677)
Construction				
Education	133,199	300,499	292,986	+159,787
Public safety and justice	5,537	5,541	5,541	+4
Resources management	50,573	50,645	50,645	+72
General administration	2,165	2,171	2,171	+6
Construction management	5,930	7,056	6,061	+131
Total, Construction	197,404	365,912	357,404	+160,000
Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians				
White Earth Land Settlement Act (Admin)	622	626	626	+4
Hoopa-Yurok settlement fund	245	251	251	+6
Pyramid Lake water rights settlement	30	30	230	+200
Truckee River operating agreement	229	112	112	-117
Ute Indian water rights settlement	24,883	24,883	24,883	---
Aleutian-Pribilof (repairs)	995	---	1,250	+255
Weber Dam	124	124	174	+50
Rocky Boy's	---	8,000	8,000	+8,000
Great Lakes fishing settlement	---	---	2,000	+2,000
Total, Miscellaneous Payments to Indians	27,128	34,026	37,526	+10,398
Indian Guaranteed Loan Program Account				
Indian guaranteed loan program account	4,985	6,008	4,988	+3
TOTAL, BUREAU OF INDIAN AFFAIRS	1,869,052	2,200,956	2,141,130	+272,078

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted	
DEPARTMENTAL OFFICES					
Insular Affairs					
Assistance to Territories					
Territorial Assistance					
Office of Insular Affairs	4,095	4,395	4,395	+300	
Technical assistance	8,661	6,661	13,661	+5,000	
Maintenance assistance fund	2,300	2,300	2,300	---	
Brown tree snake	2,350	2,350	2,350	---	
Insular management controls	1,491	1,491	1,491	---	
Coral reef initiative	500	500	500	---	
Subtotal, Territorial Assistance	19,397	17,697	24,697	+5,300	
American Samoa					
Operations grants	23,054	23,054	23,054	---	
Northern Marianas					
Covenant grants	27,720	33,140	27,720	---	M
Total, Assistance to Territories	70,171	73,891	75,471	+5,300	
Compact of Free Association					
Compact of Free Association - Federal services	7,120	7,354	7,354	+234	
Mandatory payments - program grant assistance	12,000	12,000	12,000	---	M
Enewetak support	1,191	1,191	1,391	+200	
Total, Compact of Free Association	20,311	20,545	20,745	+434	
Total, Insular Affairs	90,482	94,436	96,216	+5,734	
Departmental Management					
Departmental direction	11,607	11,941	12,241	+634	
Management and coordination	22,668	24,248	23,798	+1,130	
Hearings and appeals	8,007	8,288	8,288	+281	
Central services	19,579	19,104	19,104	-475	
Bureau of Mines workers compensation/unemployment	845	888	888	+43	
Total, Departmental Management	62,706	64,469	64,319	+1,613	
Office of the Solicitor					
Legal services	33,630	37,159	33,630	---	
General administration	6,566	6,793	6,566	---	
Total, Office of the Solicitor	40,196	43,952	40,196	---	
Office of Inspector General					
Audit	15,201	16,427	15,809	+608	
Investigations	5,113	5,961	5,566	+453	
Administration	5,772	6,471	6,471	+699	
Total, Office of Inspector General	26,086	28,859	27,846	+1,760	
Office of Special Trustee for American Indians					
Federal Trust Programs					
Program operations, support, and improvements	88,362	80,436	80,436	-7,926	
Executive direction	1,663	2,192	2,192	+529	
Subtotal, Federal Trust programs	90,025	82,628	82,628	-7,397	
Indian Land Consolidation Program					
Indian land consolidation	5,000	12,501	9,000	+4,000	
Total, Office of Special Trustee for American Indians	95,025	95,129	91,628	-3,397	
Natural Resource Damage Assessment Fund					
Damage assessments	4,125	4,125	4,125	---	
Program management	1,249	1,278	1,278	+29	
Total, Natural Resource Damage Assessment Fund	5,374	5,403	5,403	+29	
TOTAL, DEPARTMENTAL OFFICES	319,869	332,248	325,608	+5,739	

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted
GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR				
Abandoned mine/acid mine drainage (PA)	---	---	12,600	+12,600
TOTAL, TITLE I, DEPARTMENT OF THE INTERIOR	7,320,690	8,405,904	8,358,782	+1,038,092
TITLE II - RELATED AGENCIES				
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
Forest and Rangeland Research				
Forest and rangeland research	217,694	231,008	229,616	+11,922
State and Private Forestry				
Forest Health Management				
Federal lands forest health management	40,303	41,724	41,383	+1,080
Cooperative lands forest health management	21,772	21,118	22,561	+789
Pest management (contingent emergency appropriations)	---	---	12,500	+12,500
Subtotal, Forest Health Management	62,075	62,842	76,444	+14,369
Cooperative Fire Assistance				
State fire assistance	23,929	30,006	25,000	+1,071
Volunteer fire assistance	3,240	2,498	5,000	+1,760
Subtotal, Cooperative Fire Assistance	27,169	32,504	30,000	+2,831
Cooperative Forestry				
Forest stewardship	29,833	29,407	32,854	+3,021
Stewardship incentives program	---	3,250	---	---
Forest legacy program	24,933	59,768	30,000	+5,067
Urban and community forestry	30,896	39,471	31,721	+825
Economic action programs	20,198	17,267	30,336	+10,138
Pacific Northwest assistance programs	7,856	6,822	9,600	+1,744
Forest resource information and analysis	---	---	5,000	+5,000
Subtotal, Cooperative Forestry	113,716	155,985	139,511	+25,795
International forestry	(3,500)	10,000	5,000	+5,000
Total, State and Private Forestry	202,960	261,331	250,955	+47,995
National Forest System				
Land management planning	50,167	77,957	68,907	+18,740
Inventory and monitoring	138,326	193,002	163,852	+25,526
Recreation, Heritage and Wilderness				
Recreation management	156,922	197,204	---	-156,922
Wilderness management	31,803	37,507	---	-31,803
Heritage resources	15,139	14,637	---	-15,139
Recreation, heritage and wilderness	---	---	230,270	+230,270
Subtotal, Recreation, Heritage and Wilderness	203,864	249,348	230,270	+26,406
Wildlife and Fish Habitat Management				
Wildlife habitat management	36,097	42,043	---	-36,097
Inland fish habitat management	23,343	27,290	---	-23,343
Anadromous fish habitat management	25,416	29,844	---	-25,416
TE&S species habitat management	30,001	36,365	---	-30,001
Wildlife and fish habitat management	---	---	129,028	+129,028
Subtotal, Wildlife and Fish Habitat Management	114,857	135,542	129,028	+14,171
Rangeland Management				
Grazing management	32,831	32,892	---	-32,831
Rangeland vegetation management	32,263	39,602	---	-32,263
Subtotal, Rangeland Management	65,094	72,494	---	-65,094
Grazing management	---	---	33,856	+33,856

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted
Forestland Management				
Timber sales management	237,891	220,417	---	-237,891
Forestland vegetation management	68,183	62,406	---	-68,183
Forest health stewardship	---	10,000	---	---
Subtotal, Forestland Management	306,074	292,823	---	-306,074
Forest products	---	---	255,844	+255,844
Soil, Water and Air Management				
Soil, water and air operations	30,102	29,223	---	-30,102
Watershed improvements	35,454	40,148	---	-35,454
Subtotal, Soil, Water and Air Management	65,556	69,371	---	-65,556
Vegetation and watershed management	---	---	182,034	+182,034
Minerals and geology management	46,172	49,899	47,945	+1,773
Landownership Management				
Real estate management	62,713	53,245	---	-62,713
Landline location	19,852	20,052	---	-19,852
Landownership management	---	---	86,609	+86,609
Subtotal, Landownership Management	82,565	73,297	86,609	+4,044
Law enforcement operations	69,911	72,838	74,358	+4,447
Quincy Library	---	---	2,000	+2,000
Tongas timber pipeline	---	---	5,000	+5,000
Valles Caldera National Preserve	---	---	990	+990
Land Between the Lakes NRA	5,365	---	---	-5,365
Ecosystem assessment and planning	---	(270,959)	---	---
Ecosystem conservation	---	(482,147)	---	---
Public services and uses	---	(533,465)	---	---
Total, National Forest System	1,147,951	1,286,571	1,280,693	+132,742
Wildland Fire Management				
Preparedness	408,768	404,343	612,490	+203,722
Fire operations	208,888	216,029	226,639	+17,751
Contingent emergency appropriations	90,000	150,000	426,000	+336,000
Land Between the Lakes NRA	300	---	---	-300
Total, Wildland Fire Management	707,956	770,372	1,265,129	+557,173
Reconstruction and Maintenance				
Reconstruction and Construction				
Facilities	81,456	---	---	-81,456
Roads	102,752	---	---	-102,752
Trails	32,242	---	---	-32,242
Subtotal, Reconstruction and maintenance	216,450	---	---	-216,450
Maintenance				
Facilities	72,192	---	---	-72,192
Roads	116,882	---	---	-116,882
Trails	30,119	---	---	-30,119
Subtotal, Maintenance	219,193	---	---	-219,193
Land Between the Lakes NRA	1,200	---	---	-1,200
Total, Reconstruction and maintenance	436,843	---	---	-436,843
Capital Improvement and Maintenance				
Facilities	(153,648)	144,797	166,296	+166,296
Roads	(219,634)	217,853	235,547	+235,547
Trails	(62,361)	62,264	66,725	+66,725
Total, Capital Improvement and Maintenance	---	424,914	468,568	+468,568
Land Acquisition				
Forest Service				
Acquisitions	67,510	118,000	90,205	+22,695
Acquisition management	8,825	8,265	8,500	-325
Cash equalization	1,500	1,500	1,500	---
Forest inholdings	1,500	1,500	1,500	---
Wildnerness inholdings	500	1,000	500	---
Total, Land Acquisition	79,835	130,265	102,205	+22,370

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted
Acquisition of lands for national forests, special acts	1,068	---	1,069	+1
Acquisition of lands to complete land exchanges	234	---	234	---
Range betterment fund	3,300	---	3,300	---
Gifts, donations and bequests for forest and rangeland research	92	92	92	---
Management of national forest lands for subsistence uses	---	5,500	5,500	+5,500
Southeast Alaska economic disaster fund	22,000	---	5,000	-17,000
TOTAL, FOREST SERVICE	2,819,933	3,110,053	3,612,361	+792,428
DEPARTMENT OF ENERGY				
Clean Coal Technology				
Rescission	-38	-105,000	---	+38
Deferral	-156,000	-221,000	-67,000	+89,000
Fossil Energy Research and Development				
Coal and Power Systems				
Central Systems				
Innovations for existing plants	14,646	18,200	20,146	+5,500
Advanced Systems				
Low-emission boiler systems	2,000	---	---	-2,000
Indirect fired cycle	7,010	2,000	6,010	-1,000
Integrated gasification combined cycle	35,211	31,979	35,211	---
Pressurized fluidized bed systems	12,202	11,185	12,202	---
Turbines	44,188	26,000	29,000	-15,188
Subtotal, Advanced Systems	100,611	71,164	82,423	-18,188
Power plant improvement initiative (tranfser from Clean Coal)	---	---	95,000	+95,000
Subtotal, Central Systems	115,257	89,364	197,569	+82,312
Distributed Generation Systems - Fuel Cells				
Advanced research	1,200	2,800	2,800	+1,600
Systems development	36,263	21,000	31,000	-5,263
Vision 21-hybrids	5,136	15,000	15,000	+9,864
Innovative concepts	1,900	3,400	3,900	+2,000
Subtotal, Distributed Generation Systems - Fuel Cells	44,499	42,200	52,700	+8,201
Sequestration R&D				
Greenhouse gas control	9,217	19,500	18,787	+9,570
Fuels				
Transportation fuels and chemicals	7,075	9,000	7,575	+500
Solid fuels and feedstocks	4,300	4,500	4,300	---
Advanced fuels research	2,200	2,200	3,900	+1,700
Steelmaking feedstock	6,700	---	6,700	---
Subtotal, Fuels	20,275	15,700	22,475	+2,200
Advanced Research				
Coal utilization science	6,250	5,250	6,250	---
Materials	7,000	7,350	7,000	---
Technology crosscut	5,945	10,421	8,945	+3,000
University coal research	3,000	3,000	3,000	---
HBCUs, education and training	1,000	1,000	1,000	---
Subtotal, Advanced Research	23,195	27,021	26,195	+3,000
Subtotal, Coal and Power Systems	212,443	193,785	317,726	+105,283
Gas				
Natural Gas Technologies				
Exploration and production	14,252	12,430	14,252	---
Gas hydrates	2,960	2,000	9,960	+7,000
Infrastructure	1,000	13,200	8,128	+7,128
Emerging processing technology applications	10,168	8,500	10,168	---
Effective environmental protection	3,217	2,620	2,620	-597
Subtotal, Gas	31,597	38,750	45,128	+13,531

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted
Petroleum - Oil Technology				
Exploration and production supporting research	28,408	20,800	28,908	+500
Reservoir life extension/management	14,694	11,066	14,694	---
Effective environmental protection	10,820	10,703	10,820	---
Emerging processing technology applications	3,330	---	3,600	+270
Ultra clean fuels	---	10,000	10,000	+10,000
Use of SPR petroleum account	---	---	-12,000	-12,000
Subtotal, Petroleum - Oil Technology	57,252	52,569	56,022	-1,230
Black liquor gasification	13,500	---	---	-13,500
Cooperative R&D	7,389	5,836	8,089	+700
Fossil energy environmental restoration	10,000	9,041	10,000	---
Import/export authorization	2,173	2,300	2,300	+127
Headquarters program direction	16,016	16,967	16,967	+951
Energy Technology Center program direction	59,463	58,097	63,296	+3,833
General plant projects	2,600	2,000	3,900	+1,300
Advanced Metallurgical Processes				
Advanced metallurgical processes	5,000	5,225	5,225	+225
Use of Biomass Energy Development funds	-24,000	---	---	+24,000
Use of previously appropriated Clean Coal funds	---	---	-95,000	-95,000
Use of prior year balances	---	-9,000	---	---
Total, Fossil Energy Research and Development	393,433	375,570	433,653	+40,220
Alternative Fuels Production				
Transfer to Treasury	---	-1,000	-1,000	-1,000
Naval Petroleum and Oil Shale Reserves				
Oil Reserves				
Naval petroleum reserves Nos. 1 & 2	6,900	4,835	4,835	-2,065
Naval petroleum reserve No. 3	8,340	7,900	9,500	+1,160
Program direction (headquarters)	6,000	8,040	8,040	+2,040
Use of prior year funds	-21,240	-20,775	-20,775	+465
Total, Naval Petroleum and Oil Shale Reserves	---	---	1,600	+1,600
Elk Hills School Lands Fund				
Elk Hills School lands fund (advance appropriation)	36,000	36,000	36,000	---
Energy Conservation				
Building Technology, State and Community Sector				
Building research and standards				
Technology roadmaps and competitive R&D	6,885	11,000	6,885	---
Residential buildings integration	11,948	13,480	12,798	+850
Commercial buildings integration	4,244	6,460	4,944	+700
Equipment, materials and tools	52,331	69,160	62,026	+9,695
Subtotal, Building research and standards	75,408	100,100	86,653	+11,245
Building Technology Assistance				
Weatherization assistance program	135,000	154,000	153,000	+18,000
State energy program	33,500	37,000	38,000	+4,500
Community partnerships	18,235	27,500	18,235	---
Energy star program	2,724	6,500	2,224	-500
Subtotal, Building technology assistance	189,459	225,000	211,459	+22,000
Cooperative programs with States	2,000	---	2,000	---
Energy efficiency science initiative	3,900	---	3,900	---
Management and planning	13,231	14,659	13,231	---
Subtotal, Building Technology, State and Community Sector	283,998	339,759	317,243	+33,245
Federal Energy Management Program				
Program activities	21,718	25,968	22,718	+1,000
Program direction	2,200	3,500	3,000	+800
Subtotal, Federal Energy Management Program	23,918	29,468	25,718	+1,800

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted
Industry Sector				
Industries of the future (specific)	66,000	83,900	72,550	+6,550
Industries of the future (crosscutting)	80,900	90,826	87,100	+6,200
Cooperative programs with States	2,000	---	2,000	---
Energy efficiency science initiative	3,900	---	3,900	---
Management and planning	8,900	9,300	9,100	+200
Subtotal, Industry Sector	161,700	184,026	174,650	+12,950
Transportation				
Vehicle technology R&D	141,400	161,220	160,300	+18,900
Fuels utilization R&D	21,600	24,500	23,600	+2,000
Materials technologies	42,500	38,500	42,500	---
Technology deployment	12,840	17,000	15,140	+2,300
Cooperative programs with States	2,000	---	2,000	---
Energy efficiency science initiative	3,900	---	3,900	---
Management and planning	8,520	9,650	8,520	---
Subtotal, Transportation	232,760	250,870	255,960	+23,200
Policy and management	42,866	46,377	43,369	+503
Use of Biomass Energy Development funds	-25,000	-2,000	-2,000	+23,000
Total, Energy Conservation	720,242	848,500	814,940	+94,698
Economic Regulation				
Office of Hearings and Appeals	1,992	2,000	2,000	+8
Strategic Petroleum Reserve				
Storage facilities development and operations	143,396	141,000	149,000	+5,604
Management	15,000	17,000	16,000	+1,000
Use of SPR Petroleum account	---	---	-4,000	-4,000
Total, Strategic Petroleum Reserve	158,396	158,000	161,000	+2,604
SPR Petroleum Account				
Petroleum acquisition and transport (rescission)	---	-7,000	---	---
Energy Information Administration				
National Energy Information System	72,368	75,000	75,675	+3,307
TOTAL, DEPARTMENT OF ENERGY	1,226,393	1,161,070	1,456,868	+230,475
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
INDIAN HEALTH SERVICE				
Indian Health Services				
Clinical Services				
IHS and tribal health delivery				
Hospital and health clinic programs	1,005,412	1,084,190	1,086,563	+81,151
Dental health program	80,062	88,258	91,219	+11,157
Mental health program	43,245	49,405	45,117	+1,872
Alcohol and substance abuse program	96,824	99,636	100,541	+3,717
Contract care	406,756	447,672	446,756	+40,000
Subtotal, Clinical Services	1,632,299	1,769,161	1,770,196	+137,897
Preventive Health				
Public health nursing	34,452	39,772	36,194	+1,742
Health education	9,625	11,030	10,085	+460
Community health representatives program	46,380	51,105	48,167	+1,787
Immunization (Alaska)	1,402	1,457	1,474	+72
Subtotal, Preventive Health	91,859	103,364	95,920	+4,061
Urban health projects	27,813	30,834	29,909	+2,096
Indian health professions	30,491	32,779	30,553	+62
Tribal management	2,411	2,413	2,411	---
Direct operations	50,988	54,119	53,063	+2,075

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted
Self-governance	9,531	9,604	9,825	+294
Contract support costs	228,781	268,781	248,781	+20,000
Medicare/Medicaid Reimbursements				
Hospital and clinic accreditation (Est. collecting)	(375,386)	(404,590)	(404,590)	(+29,204)
Total, Indian Health Services	2,074,173	2,271,055	2,240,658	+166,485
Indian Health Facilities				
Maintenance and improvement	43,433	45,407	46,433	+3,000
Sanitation facilities	92,117	96,651	93,823	+1,706
Construction facilities	50,393	65,237	85,714	+35,321
Facilities and environmental health support	116,282	129,850	121,604	+5,322
Equipment	14,330	12,229	16,330	+2,000
Total, Indian Health Facilities	316,555	349,374	363,904	+47,349
TOTAL, INDIAN HEALTH SERVICE	2,390,728	2,620,429	2,604,562	+213,834
OTHER RELATED AGENCIES				
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION				
Salaries and expenses	8,000	15,000	15,000	+7,000
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT				
Payment to the Institute	2,125	4,250	4,125	+2,000
SMITHSONIAN INSTITUTION				
Salaries and Expenses				
Museum and Research Institutes				
Anacostia Museum and Center for African American History and Culture	1,875	1,922	1,922	+47
Archives of American Art	1,680	1,736	1,736	+56
Arthur M. Sackler Gallery/Freer Gallery of Art	6,059	6,250	6,250	+191
Center for Folklife and Cultural Heritage	1,750	1,798	1,798	+48
Cooper-Hewitt, National Design Museum	2,866	2,970	2,970	+104
Hirshhorn Museum and Sculpture Garden	4,615	4,766	4,766	+151
National Air and Space Museum	13,228	16,317	16,317	+3,089
National Museum of African Art	4,253	4,365	4,365	+112
National Museum of American Art	8,624	8,929	8,929	+305
National Museum of American History	20,560	21,390	23,390	+2,830
National Museum of the American Indian	22,090	31,175	27,480	+5,390
National Museum of Natural History	45,218	43,603	43,603	-1,615
National Portrait Gallery	5,626	5,835	5,835	+209
National Zoological Park	20,453	21,175	21,175	+722
Astrophysical Observatory	19,885	20,578	20,578	+693
Center for Materials Research and Education	3,165	3,265	3,265	+100
Environmental Research Center	3,206	3,310	3,310	+104
Tropical Research Institute	9,930	10,545	10,545	+615
Subtoal, Museums and Research Institutes	195,083	209,929	208,234	+13,151
Program Support and Outreach				
Communications and educational programs	5,379	5,533	5,533	+154
Institution-wide programs	5,693	8,693	5,693	---
Office of Exhibits Central	2,319	2,414	2,414	+95
Major scientific instrumentation	7,244	7,244	7,244	---
Museum Support Center	4,491	3,562	3,562	-929
Smithsonian Institution Archives	1,493	1,559	1,559	+66
Smithsonian Institution Libraries	7,273	7,489	7,489	+216
Traveling exhibition service	3,047	3,149	3,149	+102
Subtotal, Program Support and Outreach	36,939	39,643	36,643	-296
Administration	34,616	35,874	35,874	+1,258

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted
Facilities Services				
Office of Protection Services	33,554	36,889	35,539	+1,985
Office of Physical Plant	71,038	74,465	74,465	+3,427
Subtotal, Facilities Services	104,592	111,354	110,004	+5,412
Pay cost decrease	---	---	-3,000	-3,000
Total, Salaries and Expenses	371,230	396,800	387,755	+16,525
Repair, Restoration and Alteration of Facilities				
Base program	47,900	62,200	57,600	+9,700
Construction				
National Museum of the American Indian	19,000	---	---	-19,000
National Zoological Park Water Exhibit	---	1,000	---	---
National Zoological Park American Farm Exhibit	---	---	5,000	+5,000
Smithsonian Astrophysical Observatory Hilo Base Building	---	2,000	4,500	+4,500
Smithsonian Environmental Research Center Infrastructure	---	1,000	---	---
Total, Construction	19,000	4,000	9,500	-9,500
TOTAL, SMITHSONIAN INSTITUTION	438,130	463,000	454,855	+16,725
NATIONAL GALLERY OF ART				
Salaries and Expenses				
Care and utilization of art collections	23,923	24,876	25,068	+1,145
Operation and maintenance of buildings and grounds	13,626	14,442	14,442	+816
Protection of buildings, grounds and contents	13,721	14,574	14,574	+853
General administration	10,268	10,956	10,956	+688
Government-wide reduction	-259	---	-259	---
Total, Salaries and Expenses	61,279	64,848	64,781	+3,502
Repair, Restoration and Renovation of Buildings				
Base program	6,311	14,101	10,871	+4,560
TOTAL, NATIONAL GALLERY OF ART	67,590	78,949	75,652	+8,062
JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS				
Operations and maintenance	13,947	14,000	14,000	+53
Construction	19,924	20,000	20,000	+76
TOTAL, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS	33,871	34,000	34,000	+129
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS				
Salaries and Expenses				
Fellowship program	983	1,169	1,169	+186
Scholar support	705	643	643	-62
Public service	1,897	2,217	2,217	+320
General administration	1,769	1,522	1,522	-247
Smithsonian fee	135	135	135	---
Conference planning	1,109	1,459	1,459	+350
Space	165	165	165	---
TOTAL, WOODROW WILSON CENTER	6,763	7,310	7,310	+547

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted
NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES				
National Endowment for the Arts				
Grants and Administration				
Grants				
Direct grants	34,781	47,914	47,932	+13,151
Challenge America	---	29,381	---	---
State partnerships				
State and regional	25,001	25,097	25,173	+172
Underserved set-aside	6,820	6,846	6,820	---
Challenge America	---	19,587	---	---
Subtotal, State partnerships	31,821	51,530	31,993	+172
Subtotal, Grants	66,602	128,825	79,925	+13,323
Program support	1,157	1,475	1,157	---
Administration	16,918	19,700	16,918	---
Total, Grants and Administration	84,677	150,000	98,000	+13,323
Matching Grants				
Matching grants	12,951	---	---	-12,951
Total, Arts	97,628	150,000	98,000	+372
National Endowment for the Humanities				
Grants and Administration				
Grants				
Federal/State partnership	29,160	38,320	30,660	+1,500
Office of Preservation	18,328	23,400	18,328	---
Public and enterprise	11,588	14,150	12,588	+1,000
Research and education	23,649	28,400	24,649	+1,000
Program development	398	3,500	398	---
Subtotal, Grants	83,123	107,770	86,623	+3,500
Administrative Areas				
Administration	17,481	21,700	17,981	+500
Total, Grants and Administration	100,604	129,470	104,604	+4,000
Matching Grants				
Treasury funds	4,000	4,000	4,000	---
Challenge grants	10,259	12,530	10,459	+200
Regional humanities centers	397	4,000	1,197	+800
Total, Matching Grants	14,656	20,530	15,656	+1,000
Total, Humanities	115,260	150,000	120,260	+5,000
Institute of Museum and Library Services/ Office of Museum Services				
Grants to Museums				
Support for operations	15,967	15,983	15,967	---
Support for conservation	3,130	3,130	3,130	---
National leadership grants	3,050	11,635	3,550	+500
Subtotal, Grants to Museums	22,147	30,748	22,647	+500
Program administration	2,160	2,630	2,260	+100
Total, Institute of Museum and Library Services	24,307	33,378	24,907	+600
Challenge America Arts Fund				
Challenge America grants	---	---	7,000	+7,000
TOTAL, NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES	237,195	333,378	250,167	+12,972

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted
COMMISSION OF FINE ARTS				
Salaries and expenses	1,021	1,078	1,078	+57
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS				
Grants	6,973	7,000	7,000	+27
D.C. ARTS EDUCATION GRANTS				
Grants	---	1,000	---	---
ADVISORY COUNCIL ON HISTORIC PRESERVATION				
Salaries and expenses	2,989	3,189	3,189	+200
NATIONAL CAPITAL PLANNING COMMISSION				
Salaries and expenses	6,288	6,198	6,500	+212
UNITED STATES HOLOCAUST MEMORIAL COUNCIL				
Holocaust Memorial Council	33,161	34,564	34,439	+1,278
PRESIDIO TRUST				
Operations	24,300	23,400	23,400	-900
Loan authority	20,000	10,000	10,000	-10,000
Total, Presidio Trust	44,300	33,400	33,400	-10,900
TOTAL, TITLE II, RELATED AGENCIES	7,325,460	7,913,868	8,600,506	+1,275,046
TITLE III - GENERAL PROVISIONS				
Foundation for Voluntary Land Exchanges, Umpqua Project	---	---	4,300	+4,300
TITLE IV - EMERGENCY SUPPLEMENTAL APPROPRIATIONS				
Emergency Fire and Hazardous Fuels Reduction				
Bureau of Land Management (contingent emergency appropriations)	---	---	353,740	+353,740
Forest Service (contingent emergency appropriations)	---	---	619,274	+619,274
TOTAL, TITLE IV, FY 2001	---	---	973,014	+973,014
TITLE V - EMERGENCY SUPPLEMENTAL APPROPRIATIONS				
Bureau of Land Management				
Management of lands and resources (emergency appropriations)	---	---	17,172	+17,172
United States Fish and Wildlife Service				
Resource managment (emergency appropriations)	---	---	6,500	+6,500
Construction (emergency appropriations)	---	---	8,500	+8,500
National Park Service				
Construction (emergency appropriations)	---	---	5,300	+5,300
United States Geological Survey				
Surveys, investigations, and research (emergency appropriations)	---	---	2,700	+2,700
Bureau of Indian Affairs				
Operation of Indian programs (emergency appropriations)	---	---	1,200	+1,200
Office of Special Trustee for American Indians				
Federal trust programs (emergency appropriations)	---	---	27,600	+27,600

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted
Forest Service				
State and private forestry, Alaska railroad (emergency appropriations)	---	---	11,294	+11,294
National forest system (emergency appropriations)	---	---	7,249	+7,249
United Mine Workers of America combined benefit fund (emergency appropriations)	68,000	---	---	-68,000
TOTAL, TITLE V, FY 2001	68,000	---	87,515	+19,515
TITLE VI				
Priority land acquisitions and exchanges	197,500	---	---	-197,500
TITLE VII				
United Mine Workers of America combined benefits fund.	---	---	58,000	+58,000
TITLE VIII				
Land conservation, preservation and infrastructure improvement	---	---	686,000	+686,000
TITLE I - DEPARTMENT OF THE INTERIOR				
Bureau of Land Management	1,231,402	1,358,955	1,672,673	+441,271
U.S. Fish and Wildlife Service	875,093	1,126,601	964,071	+88,978
National Park Service	1,803,847	2,042,285	1,937,612	+133,765
United States Geological Survey	813,376	895,379	862,046	+48,670
Minerals Management Service	116,318	140,246	139,528	+23,210
Office of Surface Mining Reclamation and Enforcement	291,733	309,234	303,514	+11,781
Bureau of Indian Affairs	1,869,052	2,200,956	2,141,130	+272,078
Departmental Offices	319,869	332,248	325,608	+5,739
General Provisions	---	---	12,600	+12,600
Total, Title I - Department of the Interior	7,320,690	8,405,904	8,358,782	+1,038,092
TITLE II - RELATED AGENCIES				
Forest Service	2,819,933	3,110,053	3,612,361	+792,428
Department of Energy	(1,226,393)	(1,161,070)	(1,456,868)	(+230,475)
Clean Coal Technology	-156,000	-221,000	-67,000	+89,000
Energy Resource, Supply and Efficiency	720,242	848,500	814,940	+94,698
Alternative Fuels Production	---	-1,000	-1,000	-1,000
Economic Regulation	1,992	2,000	2,000	+8
Strategic Petroleum Reserve	158,396	158,000	161,000	+2,604
Energy Information Administration	72,368	75,000	75,675	+3,307
Indian Health Service	2,390,728	2,620,429	2,604,562	+213,834
Office of Navajo and Hopi Indian Relocation	8,000	15,000	15,000	+7,000
Institute of American Indian and Alaska Native Culture and Arts Development	2,125	4,250	4,125	+2,000
Smithsonian Institution	438,130	463,000	454,855	+16,725
National Gallery of Art	67,590	78,949	75,652	+8,062
John F. Kennedy Center for the Performing Arts	33,871	34,000	34,000	+129
Woodrow Wilson International Center for Scholars	6,763	7,310	7,310	+547
National Endowment for the Arts	97,628	150,000	98,000	+372
National Endowment for the Humanities	115,260	150,000	120,260	+5,000
Institute of Museum and Library Services	24,307	33,378	24,907	+600
Challenge America Arts Fund	---	---	7,000	+7,000
Commission of Fine Arts	1,021	1,078	1,078	+57
National Capital Arts and Cultural Affairs	6,973	7,000	7,000	+27
D.C. Arts Education Grants	---	1,000	---	---
Advisory Council on Historic Preservation	2,989	3,189	3,189	+200
National Capital Planning Commission	6,288	6,198	6,500	+212
Holocaust Memorial Council	33,161	34,564	34,439	+1,278
Presidio Trust	44,300	33,400	33,400	-10,900
Total, Title II - Related Agencies	7,325,460	7,913,868	8,600,506	+1,275,046
TITLE III - GENERAL PROVISIONS				
Foundation for Voluntary Land Exchanges, Umpqua Project	---	---	4,300	+4,300

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2000 Enacted	FY 2001 Request	Conference	Conference vs. Enacted
TITLE IV - EMERGENCY SUPPLEMENTAL APPROPRIATIONS				
Bureau of Land Management (contingent emergency appropriations)	---	---	353,740	+353,740
Forest Service (contingent emergency appropriations)	---	---	619,274	+619,274
TOTAL, TITLE IV, EMERGENCY APPROPRIATIONS	---	---	973,014	+973,014
TITLE V				
United Mine Workers of America combined benefit fund (emergency appropriations)	68,000	---	---	-68,000
Emergency appropriations	---	---	87,515	+87,515
TITLE VI				
Priority land acquisitions and exchanges	197,500	---	---	-197,500
TITLE VII				
United Mine Workers of America combined benefits fund.	---	---	58,000	+58,000
TITLE VIII				
Land conservation, preservation and infrastructure improvement	---	---	686,000	+686,000
GRAND TOTAL, FY 2001	14,911,650	16,319,772	18,768,117	+3,856,467

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2000	$14,911,650
Budget estimates of new (obligational) authority, fiscal year 2001	16,319,772
House bill, fiscal year 2001	14,959,420
Senate bill, fiscal year 2001	15,772,342
Conference agreement, fiscal year 2001	18,768,117
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2000	+3,856,467
Budget estimates of new (obligational) authority, fiscal year 2001	+2,448,345
House bill, fiscal year 2001	+3,808,697
Senate bill, fiscal year 2001	+2,995,775

RALPH REGULA,
JIM KOLBE,
JOE SKEEN,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, Jr.,
ZACH WAMP,
JACK KINGSTON,
JOHN E. PETERSON,
BILL YOUNG,
NORMAN DICKS,
JOHN P. MURTHA,
JAMES P. MORAN,
BUD CRAMER,
MAURICE D. HINCHEY,
DAVID R. OBEY,
Managers on the part of the House.

SLADE GORTON,
TED STEVENS,
THAD COCHRAN,
PETE V. DOMENICI,
CONRAD BURNS,
ROBERT F. BENNETT,
JUDD GREGG,
BEN NIGHTHORSE CAMPBELL,
ROBERT C. BYRD,
PATRICK LEAHY,
FRITZ HOLLINGS,
HARRY REID,
BYRON L. DORGAN,
HERB KOHL,
DIANNE FEINSTEIN,
Managers on the part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. YOUNG of Florida) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, October 3 and 4.

Mr. BILIRAKIS, for 5 minutes, October 4.

SENATE BILLS AND A CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 11. An act for the relief of Wei Jingsheng; to the Committee on the Judiciary.

S. 113. An act to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes; to the Committee on the Judiciary.

S. 150. An act for the relief of Marina Khalina and her son, Albert Miftakhov; to the Committee on the Judiciary.

S. 785. An act for the relief of Francis Schochenmaier and Mary Hudson; to the Committee on the Judiciary.

S. 869. An act for the relief of Mina Vahedi Notash; to the Committee on the Judiciary.

S. 893. An act to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels; to the Committee on the Judiciary and Transportation and Infrastructure.

S. 1078. An act for the relief of Mrs. Elizabeth Eka Bassey, Emanuel O. Paul Bassey, and Mary Idongesit Paul Bassey; to the Committee on the Judiciary.

S. 1513. An act for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas; to the Committee on the Judiciary.

S. 2000. An act for the relief of Guy Taylor; to the Committee on the Judiciary.

S. 2002. An act for the relief of Tony Lara; to the Committee on the Judiciary.

S. 2019. An act for the relief of Malia Miller; to the Committee on the Judiciary.

S. 2289. An act for the relief of Jose Guadalupe Tellez Pinales; to the Committee on the Judiciary.

S. Con. Res. 139. Concurrent resolution authorizing the use of the Capitol grounds for the dedication of the Japanese-American Memorial to Patriotism; to the Committee on Transportation and Infrastructure.

ADJOURNMENT

Mr. YOUNG of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 06 minutes p.m.), under its previous order, the House adjourned until Monday, October 2, 2000, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10374. A letter from the Administrator, RMA, Department of Agriculture, transmitting the Department's final rule—Common Crop Insurance Regulations; Rice Crop Insurance Provisions—received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10375. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading [Docket No. PY–00–002] (RIN: 0581–AB89) received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10376. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Triallate, (S–2,3,3-trichloroallyl diisopropylthiocarbamate); Pesticide Tolerance [OPP–301063; FRL–6744–8] (RIN: 2070–AB78) received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10377. A letter from the Chairmen, Board of Governors of the Federal Reserve System and Securities and Exchange Commission, transmitting a report on the Markets for Small Business and Commercial Mortgage-Related Securities; to the Committee on Banking and Financial Services.

10378. A letter from the Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which multiple flood insurance claim payments have been made, and for other purposes; to the Committee on Banking and Financial Services.

10379. A letter from the Director, Office of Equal Opportunity Programs, Agency for International Development, transmitting the Agency's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance—received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10380. A letter from the Assistant Secretary, Indian Affairs, Department of the Interior, transmitting the Department's "Major" final rule—Southwestern Indian Polytechnic Institute Personnel System (RIN: 1076–AE02) received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10381. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Workforce Investment Act (RIN: 1205–AB20) received September 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10382. A letter from the Director, Office of Small Business and Civil Rights, Nuclear Regulatory Commission, transmitting the Commission's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance—received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10383. A letter from the Director, Lieutenant General, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 00–68), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10384. A letter from the Director, Lieutenant General, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 00–70), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10385. A letter from the Director, Lieutenant General, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 00-71), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10386. A letter from the Director, Lieutenant General, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Singapore for defense articles and services (Transmittal No. 00-72), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10387. A letter from the Director, Lieutenant General, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 00-77), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10388. A letter from the Director, USAF, Department of Defense, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Italy for defense articles and services (Transmittal No. 00-76), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10389. A letter from the Director, USAF, Department of Defense, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services(Transmittal No. 00-69), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10390. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the Netherlands [Transmittal No. DTC 138-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10391. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the redesignation of Burma, China, Iran, Iraq and Sudan as "countries of particular concern" for having engaged in or tolerated particulary severe violations of religious freedom; to the Committee on International Relations.

10392. A letter from the Assistant Administrator for Fisheries Services, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—An Emergency Interim Rule to Amend the Regulations Implementing the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan (FMP)—Revision to the FMP Objective to be Achieved—by the Annual Specifications for the 2001 Summer Flounder Fishery—received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10393. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in; First-out Inventories [Rev. Rul. 2000-46] received September 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10394. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the Fiscal Year 1996 Low Income Home Energy Assistance Program; jointly to the Committees on Commerce and Education and the Workforce.

10395. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation entitled the "National Aeronautics and Space Administration Federal Employment Reduction Assistance Act Amendments"; jointly to the Committees on Science and Government Reform.

10396. A letter from the Secretary of Health and Human Services, transmitting a draft bill entitled, "Nursing Home Staffing and Quality Improvement Act of 2000"; jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REGULA: Committee of Conference. Conference report on H.R. 4578. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-914). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4503. A bill to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities; with an amendment (Rept. 106-915). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3118. A bill to direct the Secretary of the Interior to issue regulations under the Migratory Bird Treaty Act that authorize States to establish hunting seasons for double-crested cormorants (Rept. 106-916). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4126. A bill to authorize funding for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest, and for other purposes (Rept. 106-917). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2710. A bill to establish the National Law Enforcement Museum on Federal land in the District of Columbia; with an amendment (Rept. 106-918). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. H.R. 4049. A bill to establish the Commission for the Comprehensive Study of Privacy Protection; with an amendment (Rept. 106-919). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on the Judiciary discharged. H.R. 4419 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than October 6, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CUNNINGHAM (for himself, Mr. Markey, Mr. Bilbray, Mr. Lewis of California, Mr. Farr of California, and Mr. Hunter):

H.R. 5345. A bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 5346. A bill to provide for demolition, environmental cleanup, and reversion of the Department of Veterans Affairs medical center in Allen Park, Michigan; to the Committee on Veterans' Affairs, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS:

H.R. 5347. A bill to direct the Secretary of Transportation to issue regulations relating to the transfer of airline tickets and to amend title 49, United States Code, relating to air carrier ticket pricing policies; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 5348. A bill to amend title XVIII of the Social Security Act to limit the application of the one-year lag in the intern and resident-to-bed ration and the rolling average for the number of residents for which payments to hospitals are made under the Medicare Program for the indirect costs of graduate medical education to residents in the fields of allopathic and osteopathic medicine; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANFORD (for himself, Mr. Bachus, Mr. Baldacci, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mrs. Biggert, Mr. Bilbray, Mr. Boucher, Mr. Bryant, Mr. Burton of Indiana, Mr. Campbell, Mrs. Capps, Mr. Clement, Mr. Coburn, Mr. Condit, Mr. Crane, Mr. Cunningham, Mr. Deal of Georgia, Mr. Delahunt, Mr. DeMint, Mr. Dickey, Mr. Doyle, Mr. Duncan, Ms. Eshoo, Mr. Everett, Mr. Ewing, Mr. Gordon, Mr. Graham, Mr. Green of Texas, Mr. Green of Wisconsin, Mr. Hall of Texas, Mr. Hayworth, Mr. Herger, Mr. Hill of Indiana, Mr. Hoekstra, Ms. Hooley of Oregon, Mr. Hostettler, Mr. Hutchinson, Mr. John, Mr. Jones of North Carolina, Mr. Kingston, Mr. Largent, Mr. LaTourette, Mr. Lewis of Kentucky, Mr. Linder, Mr. Manzullo, Ms. McCarthy of Missouri, Mr.

McIntosh, Mr. McCrery, Mr. Metcalf, Mr. Mica, Mr. Gary Miller of California, Mr. Minge, Mr. Moran of Virginia, Mrs. Myrick, Mr. Ortiz, Mr. Paul, Mr. Pickering, Mr. Pitts, Mr. Portman, Mr. Riley, Mr. Royce, Mr. Ryun of Kansas, Mr. Salmon, Mr. Sandlin, Mr. Schaffer, Mr. Sessions, Mr. Shadegg, Mr. Smith of Texas, Mr. Smith of Michigan, Mr. Souder, Mr. Stenholm, Mr. Tancredo, Mr. Terry, Mr. Thompson of California, Mr. Toomey, Mr. Udall of Colorado, Mr. Vitter, Mr. Wamp, Mr. Watkins, Mr. Weldon of Florida, and Mr. Wicker):

H.R. 5349. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate $3 or more on their income tax returns to be used to reduce the public debt; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 207: Mr. Udall of New Mexico.

H.R. 2512: Mrs. Roukema.

H.R. 2562: Ms. Schakowsky.

H.R. 4239: Mr. Baca and Mr. Klink.

H.R. 4538: Ms. McCarthy of Missouri.

H.R. 5328: Mr. Baird.

H.J. Res. 107: Mr. Waxman.

H. Con. Res. 376: Mr. Wise and Mr. Stump.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

114. The SPEAKER presented a petition of American Bar Association & Federal Bar Association, relative to Documentation providing proof of the existence and text of the constitution established and ordained for the Washington republic, the member of the union of the several United States of America; to the Committee on the Judiciary.

115. Also, a petition of the City Commission of the City of Hollywood, Florida, relative to Resolution No. R-2000-301 petitioning the United States Senate and House of Representatives to support "The Restoration of the Everglades, An American Legacy Act"; jointly to the Committees on Transportation and Infrastructure and Resources.

EXTENSIONS OF REMARKS

CONGRATULATIONS TO JOSEPH CULLMAN

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2000

Mr. SAXTON. Mr. Speaker, it is my privilege to recognize Joseph F. Cullman III, a hero of the global environmental conservation movement, a successful businessman, generous philanthropist and Honorary Director of the World Wildlife Fund. In more than 26 years of leadership at WWF, Mr. Cullman has enthusiastically and unwaveringly worked to sustain the quality and vibrancy of our natural world.

An alumnus of Yale, Mr. Cullman is director emeritus and chairman emeritus of Philip Morris Companies, Inc., where he served as president, chairman of the board and chief executive officer. His service on numerous corporative boards, including IBM, Ford Motor Company, Levi Strauss and Company and Walt Disney Company, attests to his business acumen and stature.

His travels around the world, particularly in Africa, instilled in him a deep commitment to protecting wildlife, their habitats and the people who live in harmony with them and led him to place conservation among his highest priorities. He untiringly has applied his considerable talents, energy and resources to the cause of saving life on Earth.

As Mr. Cullman and his wife Joan Cullman are honored by World Wildlife Fund on October 3 in New York, it is fitting to reflect on the quality of his commitment and the results of his crusade for conservation. He has helped to save African elephants by working to secure and maintain a ban on the trade in elephant ivory. And he has worked with communities in Kenya and Tanzania to stop poaching of elephants, rhinos, and other large animals and to provide alternative livelihoods for local people. His concern for the plight of the world's fisheries has caused him to focus on saving species in crisis including tunas, swordfish, and his favorite Atlantic salmon.

All along the way, he has persuaded dozens of friends and colleagues to join him in the cause of conservation. Joseph Cullman's example of conservation leadership sends a call to action, reminding each of us that we can and must take up the urgent cause of protecting our living planet for future generations.

HONORING THE LATE DOROTHY LUND OF PACIFIC GROVE, CALIFORNIA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2000

Mr. FARR of California. Mr. Speaker, today I honor the life of an exceptional woman, Ms. Dorothy Lund of Pacific Grove, California. Dorothy was a much loved teacher and political activist. The community mourns her death, Dorothy passed on September 2, 2000.

Born January 18, 1924 in Champaign, Illinois, Dorothy Lund graduated from the University of North Carolina at Chapel Hill, where she earned a degree in journalism. She also earned credentials in speech and language at St. Cloud State University before serving in the Women's Army Corps during the Korean War. During her time of service, she was awarded a regular Army commission after graduating with honors from Officer Candidate School.

On returning to civilian life, Ms. Lund taught in communities across this country, in Columbus, Georgia, later in Oakland, California, and eventually in Salinas, California, where she taught for 27 years. Dorothy grew to reflect the voices of this exciting region, serving as an outspoken member of the California Teachers Association at the local, state and national level. She became an advocate for the needs of children in schools that were changing demographically, that are overcrowded, and under-served. She was also involved with organizations such as the Episcopal Homes Foundation, the League of Women Voters, the Democratic Women's Club of Monterey County, and the Monterey County Democratic Central Committee, serving on their boards of directors. She was also a member of the Daughters of the American Revolution, the Clan McKenzie Society, and Phi Delta Kappa.

A dynamic force in Monterey County, California, and beyond, Dorothy will be sorely missed by her two daughters, Annabel of Juneau, Alaska, and Christina of Washington, DC, as well as countless teachers, students and other community members who were touched by her life.

TRIBUTE TO THE WOMEN'S OLYMPIC SOFTBALL TEAM

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2000

Mr. CAMP. Mr. Speaker, I pay tribute to the Women's Olympic Softball Team for winning the gold medal at the 2000 Olympics in Sydney.

The U.S. team beat Japan to win the gold medal for the second straight Olympics. In a remarkable comeback, the U.S. won four consecutive games to advanced to the gold medal round. They did that over the past three days, winning the last two victories in a ten hour span. Beating the Japanese team was quite a challenge. This goal medal represents more than just great athleticism, it is a tribute to hard work, determination and positive thinking. Facing adversity, the U.S. Women's team regrouped after unexpected losses and again established themselves as the World's premier softball team.

I would also like to take this opportunity to recognize Margo Jonker, who serves as an assistant coach for the USA softball team. In addition to her duties as an Olympic softball coach, Margo also coaches softball for Central Michigan University. Entering her 21st season at the helm of the Chippewa program, Margo is one of the most successful coaches in college softball. She has a career record of 697 wins to 380 losses. Coach Jonker has led Central Michigan to eight Mid-American Conference (MAC) titles, nine NCAA regional appearances and a spot in the 1987 College World Series.

Mr. Speaker, the competition associated with the Olympic games tests the body, mind and soul of individuals. The Women's Softball Team and Coach Jonker met the challenge head on and emerged victorious. I want to commend the U.S. Softball Team for winning Olympic gold. But, I would also like to personally thank Coach Jonker, for the pride that she has brought this Nation at the Olympics and for her wonderful service to Central Michigan University and the Fourth District.

INTRODUCTION OF THE ENERGY EFFICIENT BUILDINGS INCENTIVES ACT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2000

Mr. CUNNINGHAM. Mr. Speaker, today I introduce the Energy Efficient Buildings Incentives Act. I am joined in this effort by a substantial and diverse coalition of my colleagues including Mr. MARKEY of Massachusetts, Mr. BILBRAY of California, Mr. LEWIS of California, and Mr. FARR of California, as well as Mr. SMITH of New Hampshire in the Senate, and many others. This bill is supported by a strong coalition of industries and organizations. I have submitted a list of supporters below.

My constituents in San Diego have been suffering from outrageously high-energy prices for the entire summer. Our citizens and city have been forced into a crisis by the State legislature's deregulation of the electricity market. While I and my colleagues from San

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Diego are seeking solutions to this terrible crisis, I am introducing this bill in an effort to formulate a long-term energy plan.

The Energy Efficient Buildings Incentives Act will provide tax incentives for the construction of energy efficient buildings. Structures of this nature could potentially cut energy usage by as much as 50 percent. This would result in a nearly 6 percent reduction in air emissions over the next 10 years—equivalent to taking 40 percent of the automobiles off the road.

The bill will offer tax incentives to encourage the production and sale of technologically advanced, energy-efficient buildings and equipment. The legislation is structured to promote the creation of competitive markets for new technologies and designs that are not widely available today, but have the possibility of being cost effective to the consumer in the future. The incentives will apply to:

Efficient new residential buildings that save 30% to 50% in energy costs compared to national model codes, including a higher incentive for higher savings. Efficient heating, cooling, and water heating equipment that reduce emissions and peak electric loads by about 20% (lower incentives) and 30%–50% (higher incentives) compared to national standards. Efficient commercial buildings with 50% energy and power cost savings. Residential-scale solar hot water and photovoltaic equipment.

The design and administration for these energy efficient structures is based on the track record of successful state programs over the past decade. Buildings account for some 35% of air pollution emissions nationwide, and cost their owners over $250 billion a year in energy costs. They also contribute to well over half of peak electric power demand. If enacted promptly the incentives in this bill will begin to mitigate electric peak reliability problems by the summer of 2001.

This bill will help both families and businesses reduce annual energy costs, saving over $80 billion in present value over the next decade. Energy costs of businesses are tax deductible under current law, so reductions in energy costs means billions of dollars in saving to the Federal government.

Please join me in supporting the Energy Efficient Buildings Incentives Act which will provide for a cleaner environment and help reduce energy needs, thus postponing the need for building new power plants as well as helping to save our environment.

SUPPORTERS OF S. 2718—THE ENERGY EFFICIENT BUILDINGS INCENTIVES ACT

Natural Resources Defense Council
Environmental Defense
Consumer's Choice Council
U.S. PIRG
World Wildlife Federation
Defenders of Wildlife
American Oceans Campaign
Environmental and Energy Study Institute
American Council for an Energy-Efficient Economy
Legal Environmental Assistance Foundation, Inc
Michigan Environmental Council Minnesotans for an Energy Efficient Economy
League of Conservation Voters
Union of Concerned Scientists
National Wildlife Federation
Sierra Club
The Wilderness Society
National Environmental Trust
Physicians for Social Responsibility
Global Green USA
Friends of the Earth
Alliance to Save Energy
ENRON
Pacific Gas and Electric Company
Sacramento Municipal Utility District
Pacific Corp
Massachusetts Electric
Southern California Edison
Montana Power
American Portland Cement Alliance
Air Conditioning Contractors of America
Foamed Polystyrene Alliance
North American Insulation Manufacturers Association
Polyisocyanurate Insulation Manufacturers Association
American Energy Technologies
American Solar Energy
Siemens Solar Industries
TRANE
National Association of State Energy Officials
Home Builders Association of Central Vermont, Inc.
Insulation Contractors Association of America
California Building Industry Association
California Association of Building Energy Consultants
National Council of the Housing Industry
National Insulation Association
California Energy Commission
Florida Solar Energy Center
California Air Resources Board
National Association of State Energy Officials

(These are some of the businesses which the trade associations represent but have not necessarily specifically signed on.)

Honeywell Inc.
Evanite Fiber Corp
Fibrex Insulation, Inc
Johns Manville Corp
MFS, Inc.
OCHT
Roxul, Inc
Thermafiber LLC
Western Fiberglass Group
Akzo Nobel
BASF Corp
C.K. Witco Corp
Dow Chemical USA
Exxon Chemical Co.
Goldschmidt Chemical Co.
Hunter Panels
Huntsman Polyurethane
Johns Manville Corp
Laroche Industries Inc.
Old American Products
Phillips 66 Co.
Solvay Fluorides, Inc.
Vulcan Materials
Certain Teed Corp
Isolatik International
Knauf Fiber Glass
Owens Corning
Rock Wool Manufacturing Co.
Sloss Industries Corp
USG Interiors Inc.
Air Products & Chemicals, Inc.
Atlas Roofing Corp
Bayer
Carlisle Syntec, Inc.
Elf Atochem North America, Inc
Firestone Building Products Co.
Honeywell International
Huntsman Corp
IKO Industries, Ltd
KoSa
OAF
Petrocel S.A.
Rmax, Inc.
Stephen Co.

VIOLENCE AGAINST WOMEN ACT OF 2000

SPEECH OF

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. QUINN. Mr. Speaker, every day, at least one child will die as a result of domestic violence. Every few minutes, approximately nine women are abused around the nation. For this reason, we must reaffirm our commitment to combating domestic violence by reauthorizing the Violence Against Women Act.

H.R. 1248, the Violence Against Women Act, provides women and their local law enforcement offices the necessary resources to escape domestic violence. The reauthorization of this Act would preserve funding for abused women, grants for training police forces, a national domestic violence hotline, and grants for victim services and prevention programs.

Women seeking to escape abusive relationships require legal assistance to be free from such abuse, including assistance in obtaining a divorce, custody of their children, or even to obtain a change of address or social security number for safety. Since 1994, The Violence Against Women Act has provided over $1.5 billion in grants that have been used to encourage arrests, train police, prosecutors and judges, as well as provide critical victim services.

Reauthorization of this Act includes new support for transitional housing, allowing up to $30 million over four years to assist domestic violence survivors move beyond shelters into safe permanent housing. The new Act would expand the reach of the program to support groups such as elderly, disabled and Native American women. Furthermore, the reauthorization of the Violence Against Women Act would allow states and local communities to engage in long-range planning without continually fearing that funds will be lost in the next fiscal year.

There is much evidence of the success the Violence Against Women Act has had in providing assistance to women at risk of abuse. Calls to the National Domestic Violence Hotline have doubled in the last six months, to a rate of 13,000 calls per month, and use of battered women's shelters has been steadily increasing, all since the inception of the Violence Against Women Act. These programs need to be funded at the highest possible levels so that families in need of safety and protection have full and adequate access to such assistance.

The passage of H.R. 1248 is necessary to confirm congressional commitment to fighting violence against women for the next five years. We must do what we can to protect and assist women and children who are the unfortunate victims of domestic violence.

A TRIBUTE TO THE 2000 "SPIRIT OF ACHIEVEMENT AWARD" WINNERS

HON. WILLIAM O. LIPINSKI

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2000

Mr. LIPINSKI. Mr. Speaker, I rise today to congratulate the participants of my 2000 Spirit of Achievement Award program. In 1982, when the current citizens of the 3rd District of Illinois elected me to represent them in the United States Congress, I introduced this very successful program. Since then, every middle school in the 23rd Ward of Chicago annually selects a graduating 8th grade boy and girl who they feel represents overall outstanding academic achievement, community service and extracurricular activities. Today, it gives me great pleasure to recognize the hard work of 28 young achievers and future leaders from the 23rd Ward of Chicago.

St. Jane De Chantal School: Nora Krause and Christopher Paluch
Our Lady of Snows School: Amanda Hartman and Jeffrey Mikula
St. Camillus School: Amanda Kurmpel and Kevin Jasionowski
St. Bruno School: David Szwajnos
St. Rene Elementary School: Anthony Garcia and Catherine O'Connell
St. Daniel the Prophet School: Deanna Maida and Paul Bruton
St. Richards School: Monika Dlugopolski and Christopher Dyrdak
Gloria Dei School: Faith Krasowski and Jeremiah Jurevis
Hale Elementary School: Emily Fisher and Xavier Hernandez
Peck Elementary School: Maribel Pantoja and Anthony Naranjo
Dore Elementary School: Robert Bradel and Jennifer Collins
Kinzie Elementary School: Victoria Okrzesik and Patrick Forbes
Byrne Elementary School: Jennifer Turner and Ryan Nabor
Twain Elementary School: Sebastian Gawenda
Edwards Elementary School: Mustafaa Saleh and Lisa Matteson

These students are all credit to their families and the Chicago community. I wish them tremendous success in their continuing education and future aspirations. Furthermore, I charge all of them to use their strength and leadership in service to this great nation. Mr. Speaker, I am again pleased to offer my sincere congratulations the winners of my 2000 Spirit of Achievement Award program.

HMONG VETERANS' NATURALIZATION ACT AMENDMENT OF 2000

SPEECH OF

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. KUYKENDALL. Mr. Speaker, earlier this week we passed H.R. 5234, a bill to correct a technical problem with the Hmong Veterans' Naturalization Act of 2000, which was passed by Congress and signed into law earlier this year. Unfortunately, I was unable to speak during general debate. I would however, like to add these remarks to the record to say thank you, and to further honor a little known group of individuals who routinely went above and beyond the call of duty to help American servicemen during the Viet Nam war.

Many Americans are unaware that Hmong veterans, operating out of Laos, collected critical intelligence, provided protection to remote American outposts, and routinely rescued downed American airmen. As a result of American forces in Viet Nam, these men and their families lived in constant danger of retaliation by Communist forces. Predictably, when America withdrew from Viet Nam, many Hmong families suffered and died at the hands of the Communist North Vietnamese and Laotian forces.

I was glad to cosponsor and support the Hmong people on May 2, 2000 when the House passed H.R. 371, the Hmong Veterans' Naturalization Act of 2000. This bill was subsequently signed into law on May 26, 2000. The law waives the English language requirement and provides special consideration for the civics requirement with respect to the naturalization of eligible Hmong veterans and their immediate families. I am equally glad that this Congress was able to resolve so quickly to correct a technical problem that was discovered in the law, which prevented some deserving Hmong individuals from gaining the citizenship that they fought so valiantly to preserve.

I am thankful that the House passed this bill unanimously under suspension of the rules, and appreciate this opportunity to raise America's awareness of these courageous people.

ITALIAN AMERICANS OF LUZERNE COUNTY HONOR CHARLES GIUNTA AS PERSON OF YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Charles A. Giunta, who has been chosen by the Italian American Association of Luzerne County as their 2000 Person of the Year. The association will honor him at their annual dinner on Oct. 8.

The officers of this fine organization are Herman Castellani, president; Judy Russo, vice president; Michael Delconte, secretary; and Leonard Cumbo, treasurer. Charlie has been a member of the association for the past six years, having served on the board of directors and other various committees.

Charles is a graduate of Pittston High School and Wilkes-Barre Business College and attended Wilkes College. He served in the U.S. Army during World War II from 1942 to 1946, a year after the war ended. He was recalled to active duty during the Korean War with the rank of captain to command the 487th Transportation Truck Company.

In addition to serving his country and the cause of freedom, he has also served his community well. He was past president of the Columbus League of Luzerne County and was an active member of the committee responsible for obtaining and erecting the statue of Christopher Columbus that now stands in Pittston.

Charles has been an active member of the Wilkes-Barre chapter of UNICO for the past 40 years and is a past president, secretary and treasurer of the organization, in addition to having served on several of its committees.

He has also served St. Anthony's Church of Exeter as a volunteer worker in the rectory and currently serves as chairman of the church's finance committee.

Charles resides in Exeter with his wife of 55 years, the former Nancy Berto. They have three sons, Joseph, of Dallas; Samuel, of North Wales; and Charles, of State College; as well as two grandchildren, Joseph and Bridget Giunta.

Mr. Speaker, I salute Charles Giunta on the occasion of this honor, and I am pleased to call his long service to the attention of the House of Representatives.

END HEALTH DISPARITIES IN MEDICARE BASED ON RACE AND ETHNICITY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2000

Mr. STARK. Mr. Speaker, there is a large body of literature that shows people of color disproportionately lack access to health care, vital treatments, and preventive screening measures. Several of us on Ways and Means have called for a hearing to discuss differences in medical care due to race and ethnicity. Although ensuring a fair and equitable quality health care system for all Americans is extremely important, Congress has failed to address existing disparities.

Our country is becoming increasingly diverse. Currently, people of color represent an estimated 18% of our nation's residents, and will comprise more than 25% in 2050. In a state such as California, "minority" populations have already become the majority.

Among those of Medicare age, racial and ethnic minorities currently represent 16% of the population; however, by 2050, that percentage will increase to 36% at the same time that the number of elderly is expected to increase by 250%.

The growing populations of minorities, however, have not been able to eliminate the vestiges of racism—conscious and unconscious—that still remains in our society and in our institutions. The health care system is no exception. A Century Foundation Report entitled, "Vulnerable Populations and Medicare Services" by Marian Gornick contributes more strong evidence that disparities continue to exist even when individuals have similar health insurance coverage.

For example, Medicare covers influenza vaccines for beneficiaries on an annual basis at no cost. Coverage and financial costs are not barriers, but African Americans are only half as likely to receive flu shots even though influenza, a forerunner to pneumonia, is responsible for excess hospitalizations among elderly with heart and pulmonary disease.

Among those Medicare beneficiaries with coronary artery disease, African Americans are less than half as likely to receive coronary artery bypass graft or percutaneous transluminal coronary angioplasty, two common procedures for treating the disease.

The following statistics illustrate numerous additional examples of the disparities that persist in medical care and treatment. In order to truly be an inclusive society, we must continue to attack conscious and unconscious racism in all its forms and work towards an equitable and just health care system. I hope everyone in Congress can join in continuing our efforts in this area.

EXAMPLES OF HEALTH DISPARITIES

[From Vulnerable Populations and Medicare Services]

(By Marian E. Gornick)

African Americans have 20% less physician visits, and 23% less specialist visits, despite greater rates of certain chronic diseases, limitations in activities of daily living, and reporting of health as fair or poor. But, they receive 38% more hospital inpatient visits and 40% more emergency room visits.

African Americans have 11% less ophthalmology visits even though the prevalence of eye disease is greater.

African Americans are half as likely to receive flu shots even though the vaccines prevent influenza, a forerunner to pneumonia responsible for excess hospitalizations among elderly with heart and pulmonary disease. There is no cost-sharing for this service so financial barriers are not a cause.

African American women are 21% less likely to receive a mammography even though they are more likely to have later-stage breast cancer at diagnosis and lower survival rates.

The rate of sigmoidoscopies and colonoscopies among African Americans is 39% and 12% less although the rate of late-stage colon cancer and death rate of colon cancer is greater.

A sonography was performed at a 24% lower rate among African Americans than whites, possibly contributing to their higher rate of strokes.

African Americans are more than half as likely to not receive a coronary artery bypass graft or percutaneous transluminal coronary angioplasty, common elective procedures for treating coronary artery disease.

Thromboendarterectomy, a procedure to treat blocked carotid arteries, was performed at a rate 67% lower among African Americans than whites.

African Americans are 28% less likely to receive cataract removal/lens insertion to improve vision, but they are 56% more likely to have more severe vision problems that require treatment.

African Americans are more than 3 times as likely to receive amputations, partly due to diabetes being 1.7 times more prevalent, but also partly due to poor outcomes.

Arteriovenostomy procedures are more than 4 times as frequent for African Americans, reflecting the greater prevalence of end stage renal disease.

African Americans are 2.5 times more likely to receive excisional debridement, a procedure for infection and skin breakdown, outcomes associated with quality of care.

INTRODUCTION OF THE ENERGY EFFICIENT BUILDINGS INCENTIVES ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 29, 2000

Mr. MARKEY. Mr. Speaker, I am pleased to join with the gentleman from California (Mr. CUNNINGHAM) and a bipartisan coalition of other Members in introducing the "Energy Efficient Buildings Incentives Act".

Energy use in buildings in this country accounts for approximately 35% of polluting air emissions nationwide—about twice as much as the pollution from cars. It costs the average American $1500 to heat and cool their homes every year, which amounts to an annual cost of $150 billion nationwide. Commercial buildings and schools incur $100 billion in annual utility bills. And yet, the tax code fails to provide sufficient incentives to reduce wasteful and unnecessary energy use. This is bad policy, and it must be changed. In these times of "brown outs" and "black outs" in communities across this nation and in times of rising fuel prices, we should be looking for ways to ensure that energy is never wasted.

That is why we have introduced the "Energy Efficient Buildings Incentives Act." Our bill would spur use of energy efficient technologies, such as super-efficient air conditioning units, which could result in a substantial drop in peak electricity demand of at least 20,000 megawatts—the equivalent of the output of 40 large power plants. At a time when many communities are currently facing electricity supply shortages, and the local political issues involved with siting and building new power plants are difficult and contentious, our bill provides tax incentives for:

Efficient residential buildings, saving 30% or 50% of energy cost to the homeowner compared to national model codes, with a higher incentive for the higher savings.

Efficient heating, cooling, and water heating equipment that reduces consumer energy costs, and, for air conditioners, reduces peak electric power demand, by about 20% (lower incentives) and 30%–50% (higher incentives) compared to national standards.

New and existing commercial buildings with 50% reductions in energy costs to the owner or tenant, and

Solar hot water and photovoltaic systems.

If only 50% of new buildings reach the energy efficiency goals of this legislation, air pollution emissions in this country could be reduced by over 3% in the next decade, and decrease even more dramatically over time. In that same ten-year period, this legislation could result in direct economic savings of $40 billion to consumers and businesses. For example, a family that installs an energy efficient water heater can get $250 to $500 back from the tax code changes and an additional $50 to $200 every year in reduced utility bills. Or a family that purchases a new home that meets the standards in this bill can get as much as $2,000 returned to them by the tax incentives, in addition to the $300 or more in continuing energy savings.

I urge other Members to join us in saving American consumers money, improving the air we breathe and the water we drink, increasing the competitiveness of American industries, and eliminating inefficiencies in the tax code by encouraging energy efficiency in our schools and our commercial and residential buildings.

SENATE—*Monday, October 2, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 12 noon, on the expiration of the recess, when called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, source of enabling strength, we thank You that You have promised, "As your days, so shall your strength be."

As we begin a new week, it is a source of both comfort and courage that You will be with us to provide the power to finish the work to be accomplished before the recess. Help us to trust You each step of the way, hour by hour, issue after issue. Free us to live each moment to the fullest. We commit to Your care any personal worries that might cripple our effectiveness. Bless the negotiations on the budget. We ask that agreement may be reached.

Father, be with the Senators. Replace rivalry with resilience, party prejudice with patriotism, weariness with well-being, anxiety with assurance, and caution with courage. Reclaim that magnificent promise through Isaiah, "But those who wait on the Lord shall renew their strength; they shall mount up with wings like eagles; they shall run and not be weary; they shall walk and not faint." Is. 40:31. May it be so for the Senators all through this week. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The honorable JEFF SESSIONS, a Senator from the State of Alabama, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

Mr. LOTT. I thank the Chair.

THE PRESIDENT PRO TEMPORE

Mr. LOTT. Mr. President, we note with great pleasure that the distinguished President pro tempore, Senator THURMOND of South Carolina, is present and accounted for, as always. We are truly blessed and thankful for the indomitable spirit and the magnificent personality and the leadership of Senator THURMOND. It is good to see him here looking great this morning.

Mr. THURMOND. Thank you very much.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business until 2 p.m. with Senators THOMAS and BYRD in control of the time.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 2557, the bill regarding America's dependency on foreign oil. At 5:30 p.m. the Senate will proceed to a vote on the conference report accompanying the energy and water appropriations bill unless some other agreement is reached. As a reminder, on Tuesday morning the Senate will begin final debate on the H–1B visa bill with a vote scheduled to occur at 10 a.m. Therefore, Senators can expect votes at 5:30 p.m. this evening and 10 a.m. tomorrow.

I thank my colleagues for their attention.

I might also note that we could have a vote or votes on the Executive Calendar this afternoon. So there could be at least two votes beginning sometime around 5:30, maybe as many as three. And then, of course, there will be the other vote at 10 a.m.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from West Virginia is recognized now for 60 minutes.

Mr. BYRD. I do not expect to take 60 minutes, but I thank our floor staff for arranging for me to use that time.

A CATSKILL EAGLE

Mr. BYRD. Mr. President, on a cold winter afternoon in 1941, a young boy of fourteen went about his daily business, engaged in his humble profession. I can imagine that to many of the pedestrians who made their way down Central Park West that day, this youngster perhaps was nothing extraordinary, just another shoeshine boy. However, this was not just another winter day; it was December 7, 1941. It marked the beginning of America's active participation in the greatest struggle of the twentieth century, a war that would take this boy and make him a man. And it was, perhaps, the last time DANIEL PATRICK MOYNIHAN was left standing on the sidelines as the controversies and events that would affect our Nation unfolded. So this was not just another boy. Today, I honor this man and commemorate his transformation from a humble shoeshine boy to the senior Senator from the State of New York. It is with a heavy heart, a heart that is filled with admiration, that I bid Senator MOYNIHAN farewell and thank him for his ceaseless efforts on behalf of the people of New York and this Nation.

He will not be leaving this afternoon or tomorrow or the next day, but this is his final year, by his own choice, in which he will serve the Nation and his State of New York from his position in this Chamber.

Raised by a journalist and a bar-keep in Manhattan's melting pot, Senator MOYNIHAN climbed the ladder of academia with the callused hands of a blue-collar day laborer to become a man of accomplishment and great learning, the embodiment of the American Dream. He once arrived for an examination at City College of New York with a dockworker's loading hook tucked into his back pocket next to his pencils, as if it were a study in contrasting worlds.

It was this unrelenting desire, this hunger, this thirst for knowledge that led this former shoeshine boy from the sidewalks of New York, that led this longshoreman who had worked out in the cold with the swirling snow and the wintry winds about him, to his improbable destiny in the life of our Nation.

Having served honorably in the U.S. Navy during World War II as a gunnery officer aboard the U.S.S. *Quirinus*, he earned a doctorate from the Fletcher School of Law and Diplomacy in 1961. He taught briefly at both Harvard University and Tufts University and then worked in a series of high positions in the Kennedy, Johnson, Nixon, and Ford administrations. Now get that, high positions in four administrations—the Kennedy, the Johnson, the Nixon, and the Ford administrations. He became the first and only man ever to serve in the Cabinets or subcabinets of four successive Presidents.

What an outstanding career. What an outstanding man for that career. However, this was only the beginning, for this great thinker among politicians. He was also to become one of the finest politicians among thinkers.

A true visionary, Senator MOYNIHAN is the kind of philosopher-politician

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

who the Founding Fathers had fervently hoped would populate the Senate. Men, who, like Socrates' philosopher-kings described in Plato's Republic, "are awake rather than dreaming"—men who have broken the bonds of ignorance and have sought the truth of fine and just and good things, not simply the shapes and the half-defined shadows of the unthinking world; men who have shared the light of their learning, illuminating the path for others—some of whom always seem to be left in the dark.

If there is, in fact, one man among those of us in the Senate who truly epitomizes Socrates' philosopher-king, it is surely, indubitably, and without question, the senior Senator from the State of New York, Mr. MOYNIHAN.

With a pragmatic eye and a unique talent for seeing the issues that face our Nation on a larger scale—on a grand scale—Senator MOYNIHAN has spent most of his life breaking through the partisan politics inside this beltway. He possesses both a startling ability to foresee future problems, far beyond the ken of most men, and the courage to address these problems before they become apparent to common men. Issues that few others tackle with insight, such as Social Security, health care, and welfare reform, he has passionately addressed for many years—crossing party lines, challenging every administration—and all without personal concern for political backlash. Simply put, Senator MOYNIHAN states facts, the cold, hard truths that many others in high places refuse to face and that some are unable to see. His conscience is his compass, and his heart is steadied by his unfaltering belief in the power of knowledge and the possibilities of government.

As Senator MOYNIHAN steps away from his desk on the Senate floor for the final time—he will never step away from it in my memory. I will always see him at that desk. I will always see his face—that unkempt hair, the bow tie, the spectacles which he frequently readjusts. I can hear him say: "sir; sir."

As he steps away from his desk on the Senate floor for the final time, he will walk away with his head held high, with his legacy intact, and with a distinguished and singular place in our Nation's history well secured. He will always be looked to as a leader of men, as an author of many books—more books than most Senators have read—and as a compassionate intellectual who has no peer in this Senate, who has used his considerable talents to become one of the principal architects of our Nation's foreign policy and our Nation's social security safety net. He will be remembered thusly, for these and more.

U.S. Permanent Representative to the United Nations, author of the Welfare Reform Act of 1988 and the Intermodal Surface Transportation Efficiency Act of 1991, chairman of the Senate Committee on the Environment and Public Works from 1992 to 1993, chairman of the Senate Committee on Finance from 1993 to 1994, DANIEL PATRICK MOYNIHAN has left his indelible mark on this country.

He served as the chairman of that Finance Committee, one of the oldest of the few committees that sprang into being early, I believe it was in 1816. It was from that Committee on Finance that the Appropriations Committee was carved in 1867, a half century later. In the beginning, the Finance Committee handled both the finance and the appropriations business of the Senate. The Finance Committee was well led when DANIEL PATRICK MOYNIHAN sat in the chair.

I certainly will never forget the role that Senator MOYNIHAN played in our battle against the line-item veto. Like Socrates' quoting the shade of the dead Achilles in Homer's epic, the "Odyssey," Senator MOYNIHAN would rather, "'work the Earth as a serf to another, one without possessions,' and go through any sufferings, than share their opinions and live as they do."

Incapable of indifference and unable to sit by as others were paralyzed by ignorance, Senator MOYNIHAN rose up and fought the good fight—the just fight—and he won, sir. He won.

In the 24 years that Senator MOYNIHAN has walked the marble halls of the Capitol, he has graced us all with intellectual vigor and a stellar level of scholarship. He has helped us all to ascend the path of true knowledge and reach for wisdom. Each of us, Democrat and Republican alike, recognizes that when Senator MOYNIHAN speaks, we should listen for we may learn something that could fundamentally shift our thinking on a given matter. Senator MOYNIHAN has been a guiding light, a sage of sages, the best of colleagues, and always, always a gentleman—always a gentleman.

On this day, when I state this encomium in my feeble way—feeble because I cannot meet the challenge, strive though I must, I cannot meet the challenge to gropingly find the appropriate words to express my true and deep abiding admiration and love. I cannot find it for this man.

I have served with many men and women in this Senate. Everyone here knows of my great admiration for some of those men—I say "men" because, for the most part, of these more than two centuries, only men served in this body. Every colleague of mine knows of my deep admiration for certain former Senators—Senator Richard Russell, Senator Russell Long, Senator Lister Hill, Senator Everett Dirksen, and others—and yet Senator MOYNIHAN is uniquely unique. He is not the keeper of the rules as was Senator Russell. He is not the great orator that was Senator Dirksen, but this man is unique in his knowledge, in his grasp of great issues, in his ability to foresee the future and to point the way, always unassuming, always courteous, always a gentleman. Ah, that we could all be like this man!

I wish I could have been so fortunate as to sit in Senator MOYNIHAN's classes at Harvard or, to paraphrase Garfield, on a log in the West Virginia hills with PAT MOYNIHAN on one end and me on the other. That is the picture I have of one to whom I look up, one whom I admire and at whose feet I would gladly sit to learn the lessons, the philosophy, the chemistry of the times.

Erma and I offer our best wishes to his lovely and gracious wife Elizabeth as our esteemed colleague, Senator MOYNIHAN, embarks on yet another adventure—retirement. I thank him for being this special man, always a philosopher-Senator. He will be sorely missed here. Whence cometh another like him?

Herman Melville, in his classic work, Moby Dick, said this:

> There is a Catskill Eagle in some souls that can alike dive down into the blackest gorges and soar out of them again and become invisible in the sunny spaces. And even if he forever flies within the gorge, that gorge is in the mountains; so that even in his lowest swoop, the Mountain Eagle is still higher than the other birds upon the plain, even though they soar.

Many who have passed through these halls have soared, but very, very few could ever truly be likened to a Catskill Eagle.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. When I arrived at the Senate near 25 years ago, it was very clear to me that I would look to ROBERT C. BYRD as my mentor; and he has been. I have sat at the foot of this Gamaliel for a quarter century. As I leave, sir, he is my mentor still. I am profoundly grateful.

If I have met with your approval, sir, it is all I have hoped for. I thank you beyond words. And I thank you for your kind remarks about Elizabeth. And my great respect and regard to Erma.

Thank you, Mr. President.

Mr. BYRD. Mr. President, I thank the Senator.

REMEMBERING CARL ROWAN

Mr. BYRD. Mr. President, recently, a great voice was silenced when Carl Thomas Rowan passed away. As a newspaper columnist, he articulated the problems and predicaments of working Americans. As a Presidential advisor, Mr. Rowan spoke for the rights not only of minorities but also for all Americans who were getting the short end of the stick, as we say back in the West Virginia hills.

Carl Rowan and I came from similar backgrounds. We both grew up in poor coal-mining communities and we never forgot our roots. Carl often talked about growing up without running water, without electricity, without those basic amenities that so many people take for granted today. As they did for me, those humble beginnings provided Carl Rowan with the burning desire to make a difference in his community and in his country. And make a difference he did.

The only thing stronger than Carl Rowan's voice was his conviction. He stood for basic principles—equality and freedom—and those principles guided him at every step in his life. Earlier this year, Carl Rowan wrote:

> Men and women do not live only by what is attainable; they are driven more by what they dream of and aspire to that which might be forever beyond their grasp.

That ideal resonated not only in his columns but also in his life. Instead of simply bemoaning the fact that a college education was too expensive for many underprivileged children, Mr. Rowan in 1987 created the Project Excellence Foundation, which has made nearly $80 million available to students for academic scholarships. Instead of allowing the amputation of part of his right leg to slow him down, Mr. Rowan walked—and even danced; even danced—faster than doctors expected, and he then pushed for greater opportunities for the disabled. When others saw obstacles, Carl Rowan saw challenges. When others saw impossibilities, Carl Rowan saw opportunities. Instead of cursing the darkness, Carl Rowan lighted the candles.

Mr. Rowan wrote:

> Wise people will remember that the Declaration of Independence and the Preamble to our Constitution are mostly unattainable wishful thinking or make-believe assertions that were horizons beyond the reality of life at the time they were written.

Carl Rowan always reached beyond the horizon—he always went beyond the horizon—and he helped others to aspire to do the same. With the passing of Carl Rowan, journalism has lost one of its best, the underprivileged have lost a friend, and the Nation has lost a part of its social conscience.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOSEPH A. BALL

Mr. SPECTER. Mr. President, I have sought recognition to comment upon the death of one of America's great lawyers, Joseph A. Ball. On Saturday, the New York Times carried an extensive account of his background and history and accomplishments. I ask unanimous consent that at the conclusion of my remarks the copy of the New York Times article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. The Times article details the specifics on the positions held by Mr. Ball in the lawyers associations, his professorial associations as a teacher, his experience as a criminal lawyer, and his experience, most pointedly, as one of the senior counsel to the Warren Commission, the President's commission which investigated the assassination of President Kennedy. It was on the Warren Commission staff that I came to know Joe Ball.

The original complexion of the Warren Commission on staffing was that there were six senior counsel who were appointed and six junior counsel. That distinction was replaced by putting all of the lawyers under the category of assistant counsel. But if there was a senior counsel, it was Joe Ball.

Then, in his early sixties, he was a tower of strength for the younger lawyers. When the commission began its work, I was 33. Most of the junior lawyers were about the same age. We looked to Joe Ball for his experience and for his guidance. He had a special relationship with Chief Justice Earl Warren, which was also helpful because Joe Ball could find out what Chief Justice Warren had in mind in his capacity as chairman and provide some valuable insights that some of the younger lawyers were unable to attain.

Joe Ball worked on what was called area two, along with the very distinguished younger lawyer, David Belin from Des Moines, IA. Area two was the area which was structured to identify the assassin. Although the initial reports had identified Lee Harvey Oswald as the assassin, and on television, on November 24, America saw Jack Ruby walk into the Dallas police station, put a gun in Oswald's stomach and kill him, the Warren Commission started off its investigation without any presumptions but looking at the evidence to make that determination as to who the assassin was.

My area was area one, which involved the activities of the President on November 22, 1963. There was substantial interaction between the work that Joe Ball and Dave Belin did and the work which was assigned to me and Francis W.H. Adams, who was senior counsel on area one.

Frank Adams had been New York City police commissioner and had been asked to join the Warren Commission staff when Mayor Wagner sat next to Chief Justice Warren at the funeral of former Governor and former Senator, Herbert Lehman. Mayor Wagner told Chief Justice Warren that Frank Adams, the police commissioner, knew a lot about Presidential protection and had designed protection for motorcades in New York City, with dangers from tall buildings, which was an analogy to what happened to President Kennedy.

There was question as to how we would coordinate our work, and it was sort of decided that Joe Ball and Dave Belin would investigate matters when the bullet left the rifle of the assassin in flight, which was no man's land, and when it struck the President. That came into area one, which was my area: the bullet wounds on President Kennedy, the bullet wounds on Governor Connally, what happened with the doctors at Parkland Hospital, what happened with the autopsy, all matters related to what had happened with President Kennedy.

We had scheduled the autopsy surgeons for a Monday in early March. They were Lieutenant Commander Boswell, Lieutenant Commander Humes and Lieutenant Colonel Pierre Finck. The autopsy was done at Bethesda, where President Kennedy was taken, because of the family's preference that he go to a naval installation because he was a Navy man, so to speak, who had served in the Navy.

The testimony was to be taken on this Monday in March. There was quite a debate going on with the Warren Commission staff as to whether we should talk to witnesses in advance. It seemed to many of us that we should talk to witnesses in advance so we would have an idea as to what they would testify to so we could have an orderly presentation, which is the way any lawyer talks to a witness whom he is about to call. The distinguished Presiding Officer has been a trial lawyer and knows very well to what I am referring. There was a segment on the Warren Commission staff which thought we should not talk to any witnesses in advance, lest there be some overtone of influencing their testimony. Finally, this debate had to come to a head, and it came to a head the week before the autopsy searchers were to testify.

And on Friday afternoon, Joe Ball and I went out to Bethesda to talk to the autopsy surgeons. It was a Friday afternoon, much like a Friday afternoon in the Senate. Nobody else was around. It was my area, but I was looking for some company, so I asked Joe Ball to accompany me—the autopsy surgeons falling in my area. We took the ride out to Bethesda and met the commanding admiral and introduced ourselves. We didn't have any credentials. The only thing we had to identify ourselves as working on the Warren Commission was a building pass for the VFW. My building pass had my name typed crooked on the line, obviously having been typed in after it was signed. They sign them all and then type them in. It didn't look very official at all.

So when Commander Humes and Commander Bozwell came down to be interviewed, Commander Humes was very leery about talking to anybody. He had gone through some travail with having burned his notes and having been subjected to a lot of comment and criticism about what happened at the autopsy, and there were FBI agents present when the autopsy was conducted. A report had come out that the bullet that had entered the base of the President's neck had been dislodged during the autopsy by massage. It had fallen out backward as opposed to having gone through the President's body, which was what the medical evidence had shown.

That FBI report that the bullet had entered partially into the President's body and then been forced out had caused a lot of controversy before the whole facts were known. Later, it was determined that the first shot which hit the President—he was hit by two bullets—well, the second shot, which hit him in the base of the skull, was fatal, entering the base of the skull and exiting at the top at 13 centimeters, 5 inches—the fatal wound. The first bullet which hit the President passed between two large strap muscles, sliced the pleural cavity, hit nothing solid and came out, and Governor Connally was seated right in front of the President and the bullet would have to have hit either Governor Connally or someone in the limousine.

After extensive tests were conducted, it was concluded that the bullet hit Governor Connally. There has been a lot of controversy about the single bullet theory, but time has shown that it is correct. A lot of tests were conducted on the muzzle velocity of the Oswald rifle. It was identified as having been Oswald's, purchased from a Chicago mail order store. He came into the building with a large package which could have contained the rifle. He said they were curtain rods for an apartment which already had curtains. The muzzle velocity was about 2,200 feet per second, and the velocity after traveling about 275 feet was about 1,900 feet per second.

At any rate, as Joe Ball and I went through it with the autopsy surgeons, we found for the first time—because we had only seen the FBI reports—that the bullet did go through President Kennedy and decreased very little in velocity. It was at that moment when we talked to Dr. Humes and Dr. Finck that we came to hypothesize that that bullet might have gone through Governor Connally. We didn't come to a conclusion on that until we had reviewed very extensive additional notes, but it was on that occasion that Joe Ball and I had interviewed the autopsy surgeons. It was a marvel to watch Joe Ball work with his extensive experience as a lawyer and as a fact finder.

He lived to the ripe old age of 97. The New York Times obituary had very extensive compliments about a great deal of his work and focused on his contribution to the Warren Commission, where he had written an extensive portion of the Warren Report, as he was assigned to area two which compiled a fair amount of the report.

America has lost a great patriot in Joe Ball, a great citizen, a great lawyer, and a great contributor. I had the pleasure of knowing him and working with him on the Warren Commission staff and have had occasion to reminisce with him about his work. I noted that on his office wall in California is his elegantly framed building pass.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

EXHIBIT 1

[From the New York Times, Sept. 30]

J.A. BALL, 97, COUNSEL TO WARREN COMMISSION

(By Eric Pace)

Joseph A. Ball, a California trial attorney who was a senior counsel to the Warren Commission, which investigated the assassination of President John F. Kennedy, died on Sept. 21 in Long Beach, Calif. He was 97 and a longtime resident of Long Beach.

At his death, Mr. Ball was a partner in the Los Angeles office of the Hawaii-based law firm Carlsmith Ball. He had been a partner in that firm and its predecessor in Los Angeles for five decades.

Mr. Ball, who wrote crucial portions of the commission's report, was selected for the commission by United States Chief Justice Earl Warren, who had come to know him in California's political world.

At that time, Mr. Ball was 61, a leading criminal lawyer, a member of the Supreme Court's Advisory Committee on the Federal Rules of Criminal Procedure and a professor at the University of Southern California Law School.

In January 1964, he was appointed as one of six senior lawyers who, each assisted by a younger colleague, were to handle one of six broad areas of inquiry.

Mr. Ball and David W. Belin, a lawyer from Des Moines who was chosen to assist him, concentrated on the area they called "the determination of who was the assassin of President Kennedy."

"About 10,000 pieces of paper were then rolled into my office; the written reports of various investigative agencies, including the F.B.I., the Dallas Police and the Central Intelligence Agency," Mr. Ball wrote in 1993. "During the first month of the investigation, we classified the information found in the reports by means of a card index system. This permitted the immediate retrieval of this information." Witnesses were also questioned during the inquiry.

Mr. Belin wrote in 1971, after the Commission's report had been criticized, that "despite the success of the assassination sensationalists in deceiving a large body of world opinion, the Warren Commission Report will stand the test of history for one simple reason: The ultimate truth beyond a reasonable doubt is that Lee Harvey Oswald killed both John F. Kennedy and J.D. Tippit on that tragic afternoon of Nov. 22, 1963."

Office Tippit was a Dallas police officer whom Oswald shot shortly before shooting Kennedy.

The commission's final report was sent to President Lyndon B. Johnson in September 1964.

Mr. Ball was a president of the American College of Trial Lawyers and of the State Bar of California.

The Joseph A. Ball Fund to benefit American Bar Association programs of public service and education and to honor excellent attorneys was named in his honor.

He was born in Stuart, Iowa, and received a bachelor's decree in 1925 from Creighton University in Nebraska and his law degree in 1927 from the University of Southern California.

He married Elinor Thon in 1931. After her death, he remarried. He also outlived his second wife, Sybil.

He is survived by a daughter JoEllen; two grandchildren; and two great-grandchildren.

Mr. Ball recalled in 1993: "In 1965, I called Chief Justice Warren on the telephone. I said, 'Chief, these critics of the report are guilty of misrepresentation and dishonest reporting.' He replied, 'Be patient; history will prove that we are right.' "

The PRESIDING OFFICER (Mr. KYL). The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRUG FIGHTING AGENCIES

Mr. GRASSLEY. Mr. President, I am often critical of this Administration's happy-go-lucky ways when it comes to drug policy. The administration is like the grasshopper in the old fable. It's out there fiddling around when it ought to be working. That said, I do not mean this criticism to detract from the fine work done by the many men and women in our law enforcement agencies. These fine people risk their lives every day to do important and difficult work on behalf of the public.

I want to take a moment to highlight some of the achievements and invaluable service provided to this nation by the men and women of the Drug Enforcement Administration (DEA), the U.S. Customs Service, and the U.S. Coast Guard. As chairman of the Senate Caucus on International Narcotics Control, I would like to express my thanks and make known the tremendous pride that I think we should all have in the good people in these agencies.

The men and women of the DEA, Customs, and the Coast Guard are dedicated to the protection of the United States and to ensuring the safety of our children and our lives from the devastating effects of the drug trade. They are called on daily to place their lives in harm's way in an effort to keep our nation secure. When they are boarding smugglers' vessels on the seas. When they stop terrorists at the border. When they investigate narcotics trafficking organizations around the globe. When they dismantle clandestine methamphetamine labs, engage in undercover operations, safeguard our ports of entry, or shut down ecstasy peddling night clubs, these fine people risk their lives and well being for all of us.

DEA efforts this year include Operation Mountain Express, which arrested 140 individuals in 8 cities, seized $8 million and 10 metric tons of pseudoephedrine tablets, which could have produced approximately 18,000 pounds of methamphetamine. In addition, DEA's Operation Tar Pit, in cooperation with the FBI, resulted in nearly 200 arrests in 12 cities and the seizure of 41 pounds of heroin. The heroin ring they busted was peddling dope to kids, many of whom died. DEA, in conjunction with State and local law enforcement, has also aggressively dismantled hundreds of clandestine methamphetamine labs that poison our urban streets and rural communities.

The United States Customs Service has seized over 9,000,000 Ecstasy tablets in the last 10 months. Ecstasy is an emerging problem that affects not only our large cities but many rural areas, including my home State of Iowa. In addition, their Miami River operations have resulted in the seizure of 18 vessels, mostly arriving from Haiti, and over 7,000 pounds of cocaine—a small portion of the over 122,000 pounds of cocaine seized this fiscal year. Finally, the Customs Service has seized over 1 million pounds of marijuana and over 2,000 pounds of heroin as well, often in very risky situations.

Coast Guard successes this year include a record-breaking seizure total of over 123,000 pounds of cocaine, including many major cases in the Eastern Pacific. This effort went forward even while still interdicting over 4,000 illegal alien migrants bound for U.S. shores. In addition, the deployment of two specially equipped interdiction helicopters in Operation New Frontier had an unprecedented success rate of six seized go-fast vessels in six attempts.

Finally, as announced last month, a joint DEA and Customs investigation—supported by the Coast Guard and Department of Defense—concluded a 2 year multinational case against a Colombian drug transportation organization. The result was the arrest of 43 suspects and the seizure of nearly 25 tons of cocaine, with a retail street value of $1 billion. Operation Journey targeted an organization that used large commercial vessels to haul multi-ton loads of cocaine. This organization may have shipped a total of 68 tons of cocaine to 12 countries in Europe and North America.

I believe we should all be proud of the jobs these folks do on our behalf.

FAST PITCH IS FOUL BALL

Mr. GRASSLEY. Mr. President, the administration is at it again. Late last month, it issued its findings from the latest Household Survey on drug use in America. You would have to look fast to find anything about it. As usual, the administration chose to release the information when no one was looking. And as usual, they did this hoping no one would notice. Given that the majority of the press did not bother to do more than rephrase the press release from the Department of Health and Human Services, it would be hard to figure out just what the 300-odd page report actually said anyway. But neither the press release nor the news accounts do justice to what is not happening. What is not happening is the fact that the drug use picture is not getting any better.

When it comes to drugs, the administration just can't say it straight.

It continues the trend of its incumbency of labeling bad news or good news and counting on the press to not look beyond the hype. In releasing the latest data, Secretary Shalala says that the report shows the continuing downward trend in drug use. She remarked at the press conference that, "We've not only turned the corner—we're heading for home plate."—suggesting that the report shows that the administration has hit a home run.

I'm not sure at which game Secretary Shalala is playing, but the most generous interpretation is that she clearly is not reading her own reports or her staff is not telling her what's in them. She needs new glasses or new staff. Despite this happy talk, even HHS's own press release notes that, "Illicit drug use among the overall population 12 and older remained flat." That may be a home run down at HHS but in plain English that means "no change." In my book, "flat" does not mean continuing a downward trend.

I suppose in an election year "no change" in how many people are using drugs is a sign of success. Least ways, that's how this administration sees it. Or, wants you and me to see it. But when you actually get down into the numbers, this "success" is not all it appears to be. It shares something with the Cheshire cat—it disappears when you look at it. In true Alice in Wonderland logic, down is not always not up. To follow Shalala's analogy with baseball, what we have here is not a home run but the runner rounding the bases on a foul ball.

Before I get to actual numbers, let me say something on background about this year's report. The thing to note is that the administration has changed the methodology for how it collects data for the report. Why is that important? Here's what the report says: "Because of the differences in methodology and impact of the new survey design on data collection, only limited comparisons can be made between data from the 1999 survey and data from surveys prior to 1999."

Now, in those years since 1993, that data show dramatic increases in drug use on this administration's watch. During each of those years, however, the administration tried to put a "spin" on the information, calling bad news good news. Instead of doing that any more, they have decided to play hide and seek with the information. Don't like the results? Well . . . Change the way you figure them and declare success. As with the Cheshire cat, pretty soon all you're left with is the smile. Even this little bit of sleight of hand, however, does not wholly work.

It's really very simple. There has been no significant change for the better in the rate of past month drug use on this administration's watch. More seniors graduating from high school today report using drugs than in any year since 1975. Almost 55 percent of high school seniors now report using an illegal drug before graduation.

Use of heroin among young people is on the rise. We are in the midst of a methamphetamine epidemic. If reports are accurate, we are awash in Ecstasy and its use among the young is accelerating. The rate of illicit drug use has increased in six out of the last seven years.

The administration tries to hide this fact by reporting on a decline of use among 12-17-year-olds in hopes no one will notice an increase among 18-25-year-olds. But this is a statistical game. Although there is an unfortunate trend in the onset of drug use at earlier ages, onset begins most typically among 15-18-year-olds. By including the earlier years in the count, you disguise the true rate of increase.

Even allowing for the moment that the administration spin is true, however, does not change the fact that youthful use of drugs continues spiraling upwards.

Today's use levels are 70 percent higher than when this administration took office. The numbers are not getting better. Yet, we have another report and another press release touting victory. This is shameful and to call it anything else is a sham.

And just as bad, fewer kids are reporting that using illicit drugs is dangerous—a sure sign of future problems. Especially at a time when we have a well-monied, aggressive legalization campaign that this administration has done little to counter. And this despite a $200 million-a-year ad campaign aimed at exactly these age groups that this administration touts as a success. The most optimistic thing a recent GAO report had to say about this much-troubled effort is the hope that it might do better.

The administration also continues the game of trying to hide its record by lumping the increasing use figures on its watch with the decreasing use figures in earlier administrations. I have complained repeatedly about this gimmick. This is just plain deception.

Mr. President, I am often critical of this administration's happy-go-lucky ways when it comes to drug policy. The administration is like the grasshopper in the old fable. It's out there fiddling around when it ought to be working. That said, I do not mean this criticism to detract from the fine work done by the many men and women in our law enforcement agencies. These fine people risk their lives every day to do important and difficult work on behalf of the public.

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Mr. SESSIONS. Will the Senator yield for a comment on his previous remarks?

Mr. GRASSLEY. I am happy to yield to the Senator.

Mr. SESSIONS. I thank Senator GRASSLEY for speaking forthrightly and with integrity. He chairs our drug caucus in the Senate. He personally travels his State and has led efforts against methamphetamines, Ecstacy, and other drugs. He understands those issues clearly.

He is correct; there is too much spin. These drugs do not justify the positive spin being put on them. During the administrations of Presidents Bush and Reagan, I served as a Federal prosecutor. According to the University of Michigan Authoritative Study of Drug Use Among High School Students, drug use fell every single year for 12 consecutive years; it jumped after this administration took office. They have, in fact, made a number of mistakes that have undermined the progress made.

I appreciate serving with Senator GRASSLEY on the drug caucus and in the Judiciary Committee where we have discussed these issues.

Mr. GRASSLEY. I thank the Senator from Alabama for the support he has given to the drug caucus. Most importantly, he is a regular attender of our meetings and hearings. His support and interest in this issue, particularly coming from his background as a U.S. attorney, have been very helpful to the work of the drug caucus as well. I thank him for that.

ENERGY POLICY

Mr. GRASSLEY. Mr. President, I indicate to my colleagues I will take a few minutes to speak about the administration's energy policy; however, as I think about it, it is better to entitle it the administration's "no energy" policy.

Mr. President, I rise today to express my frustration and anger with the Clinton/Gore administration's lack of an energy policy.

Each weekend I travel back to my home state of Iowa. In recent weeks I have spent many hours explaining to my constituents why fuel prices are so high, and unfortunately, explaining why prices will likely rise past current levels. I've continually had the displeasure of looking truckers and farmers in the eye and telling them there is no relief in sight.

In my home state we are experiencing price levels not seen in a decade, but all I can tell my farmers and truckers is that it is likely going to get worse.

In recent weeks, the price of crude oil reached more than $37 a barrel, the highest price in 10 years. Natural gas is $5.10 per million Btu's, double over a year ago. Heating oil in Iowa is around $1.25 a gallon, up 40 cents from this time last year. And propane, a critical fuel which farmers use to dry grain, is up 55 percent since last year.

These increases are simply unacceptable. Iowans and the rest of the nation should not have been subjected to these price spikes.

Unfortunately, it is the Clinton/Gore administration's lack of an energy policy over the past 7½ years that have directly led to the situation we are facing today. Mr. President, two weeks ago, Vice President GORE stated, and I quote: "I will work toward the day when we are free forever from the dominance of big oil and foreign oil."

Yet, since 1992, U.S. oil production is down 18 percent—the lowest level since 1954. At the same time, U.S. oil consumption has risen 14 percent.

The result: U.S. dependence on foreign oil under the Clinton/Gore administration has increased 34 percent. We now depend on foreign oil cartels for 58 percent of our crude oil, compared to just 36 percent during the Arab oil embargo of 1973.

Some may be wondering how we got here. The answer is clear. This administration is opposed to the use of coal. Opposed to nuclear energy production. Opposed to hydroelectric dams. Opposed to new oil refineries; 36 have been closed, but none has been built in the past eight years. And, this administration is opposed to domestic oil and gas exploration and production.

This administration opposes nearly every form of domestic energy production.

They do, however, support the use of clean, efficient, and domestically produced natural gas. Currently, 50 percent of American homes are heated with natural gas. In addition, 15 percent of our nation's electric power is generated by natural gas. And while demand for natural gas is expected to increase by 30 percent over the next decade, the administration has not provided the land access necessary to increase supply.

As this map demonstrates, federal lands in the Rocky Mountains and the Gulf of Mexico, along with offshore areas in the Atlantic and the Pacific, contain over 200 trillion cubic feet of natural gas. Access to this land could provide the resources necessary to meet current demand for nearly ten years.

Unfortunately, this land and millions of acres of forest are either closed to exploration or effectively off limits. Simply put, our nation's producers can't meet demand without greater access to the resources God gave us.

I am a strong supporter of alternative and renewable energy. I have been a leader in the Senate in promoting alternative energy sources as a way of protecting our environment and increasing our energy independence.

My support for expanding the production of ethanol, wind and biomass energy has directly led to the increased use of these abundant renewable energy resources. But right now, these are only part of the solution, and President Clinton and Vice President GORE know that.

The administration does not have a plan to deal with our current energy needs. I believe the solution is clear.

It is time to support and encourage responsible resource development—using our best technology to protect our environment—to increase domestic energy production. It is time to make use of the vast resources this great country has to offer. Only then will we be free from so much dependence on foreign sources of energy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I express my appreciation to Senator GRASSLEY for his wise remarks about our energy policy. Certainly natural gas is the cleanest burning of our fossil fuels. We will need it more and more because every electric powerplant that is being built is a natural gas plant. The Senator makes an outstanding and valuable point that we have to do a better job of producing more.

(The remarks of Mr. SESSIONS and Mr. HUTCHINSON pertaining to the introduction of S. 3143 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Arkansas.

AN ATTACK ANSWERED

Mr. HUTCHINSON. Mr. President, when I was elected to the House of Representatives back in 1992, I spent 2 years serving in the minority—2 years: in 1993 and 1994—before the Republican victories in the 1994 elections brought about the first Republican majority in the House of Representatives in 40 years.

Having now been on the majority side for 5½ years, I am very appreciative of the 2 years I served in the minority. Having had the experience of knowing what it is to be in the minority, to have the agenda set by the majority side, to have the frustration of having vote after vote in which you come up on the short end, is important. I think it helps me in understanding the frustrations the other side has experienced. It also helps me understand now, being in the majority, how hard it is to lead and to govern.

I remember in those first 2 years, we were pretty organized in lobbing criticisms and lobbing objections and in presenting our agenda to the American people. We didn't have to worry about legislating. We didn't have to worry about passing anything. We didn't have the votes to do that. But we could do a lot in framing the debate.

As we approach the end of this session, it is much easier to criticize in the minority than to govern in the majority. It is easy to say no; it is easy to find even the slightest flaw with a legislative proposal as a rationale for opposing it and blocking it. When you are in the majority, the job of calling up tough bills, debating the very tough issues, taking the very tough votes, that is what governing is about.

That is why I have come to the floor this afternoon. I believe an attack unanswered is an attack assumed.

Last week, Senator BYRD, for whom I have the greatest admiration, came to the floor and noted that few Members in this body have ever witnessed how the Senate is really supposed to function. I concur with that; I agree entirely. I believe it takes a commitment, a commitment from both sides of the aisle to complete our appropriations obligations in a timely fashion and to ensure the Senate is governing and functioning the way it is supposed to.

The fact is, there are a number of Senators who don't seem to want bills signed into law but who want issues. Why? Because it is easier to demagogue an issue than it is to legislate an issue. So who gets left holding the buck? Who gets the blame if legislation, for any reason, does not pass? It is clearly the majority in the Congress who will get blamed if the Government shuts down, as we have already found out. It is those who are in the majority in Congress, clearly, who get the blame.

In terms of another Government shutdown, I assure the American people and my colleagues that despite any dispute over issues pending, the Government will not shut down if we have anything to say about it or anything to do about it, if it can be prevented in any way. Social Security checks will be delivered, health care services under Medicare will be funded, and our Nation's veterans will not be left out in the cold.

That being said, we still have 11 appropriations bills unsigned and multiple unrelated issues on the table. The education of our kids, prescription drugs, and a Patients' Bill of Rights are all there, still on the table. Since these unrelated issues seem to get tossed around a great deal, let me talk about them plainly for a few minutes and why the minority continues to insist on their passage by holding up our Nation's spending bills.

First of all, in the area of education, the other side maintains that we are not having a debate on education in the 106th Congress. I suggest that the other side of the aisle doesn't really want a bill; they want an issue. They say that unless we vote for their few education proposals, which, by the way, would concentrate even more power in the Department of Education, we are not having a debate on education. I think that is not fair, and it is not accurate.

During the 106th Congress, we have already voted six times on the class size reduction initiative. Six times we have all been called upon to cast our vote, to go on the record, even though that has been misconstrued and misrepresented to the American people. We have been willing to debate it. We have been willing to cast votes a half dozen times during this Congress alone.

As my distinguished colleague from Alabama pointed out, the Department of Education has failed to pass an audit for 3 years in a row. They can't even account for how the money is being spent currently. So it is not unreasonable that many of us have reservations in giving them more power and more authority in the area of school construction and the hiring of 100,000 new teachers.

According to the Congressional Daily Monitor, a press conference was held recently with Treasury Secretary Larry Summers and Education Secretary Dick Riley, "demanding that Republicans accept their positions." So after voting six times against the class size reduction initiative in the Senate, you would think the attitude would not be their way is the only way. Our side of the aisle has been more than accommodating in providing funding that was reserved for class size reduction. In the fiscal year 2001 Labor-HHS appropriations bill, Republicans have appropriated the $1.3 billion for class size reduction in the title VI State grant so that schools who want to use the funding for this initiative are able to do so. But schools that have already achieved the goal of class size reduction or have more pressing problems can use the funding for other priority items such as professional development or new textbooks.

One would think that is a reasonable, acceptable compromise, a middle ground. But instead, we hear the other side saying: It is our way or no way. We are going to block the appropriations bills unless you do it exactly the way we want it. They contend, again, unless we are voting for class size reduction, we are avoiding the issue of education, even though we have already voted on class size reduction six times in this Congress.

The Democrats considered bringing this issue up again in the HELP Committee just last week as an amendment to a bipartisan bill to fully fund the IDEA program. If a debate on education is what the other side really wants, then why did they object to multiple unanimous consent requests on the reauthorization of the Elementary and Secondary Education Act to keep the debate on education?

The ESEA debate was moving along very well on the Senate floor. There was a consensus that only a few amendments should be offered and they should be germane. They should relate to education. But then on the other side of the aisle there were those who objected to those agreements to keep the debate limited to education. I know that I and my colleagues on this side of aisle would be more than willing to return to S. 2, the reauthorization of this critical elementary and secondary education bill, to debate education, if we would simply have that agreement to limit the amendments not to everything under the sun, not to prescription drugs and a Patients' Bill of Rights and minimum wage and everything else, but to limit that debate to education.

I am not going to allow Members on the other side of the aisle to have it both ways. You claim that we are not dealing with education and then object to agreements to keep education debates on education bills. I suggest you are looking for an issue, not the passage of legislation.

Then on the issue of prescription drugs, my distinguished colleague from Illinois, Senator DURBIN, last week—I had the opportunity to preside as he made this speech, but I want to quote him—said:

> On the other side, they make a proposal which sounds good but just will not work. Under Governor Bush's proposal on prescription drugs, he asserts for 4 years we will let the States handle it. There are fewer than 20 States that have any drug benefits. Illinois is one of them, I might say. His home State of Texas has none. But he says let the States handle it for 4 years. Let them work it out. In my home State of Illinois, I am glad we have it, but it certainly is not a system that one would recommend for the country. Our system of helping to pay for prescription drugs for seniors applies to certain illnesses and certain drugs. If you happen to be an unfortunate person without that kind of coverage and protection, you are on your own.

The PRESIDING OFFICER (Mr. BUNNING). The Senator's time has expired.

Mr. HUTCHINSON. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. I know Senator MCCAIN is waiting. I appreciate very much his graciousness.

The fact is, while Senator DURBIN made that comment, every State does have a Medicaid program that offers prescription drugs today. In addition, they have State employee drug programs already in existence. These programs are separate from the State pharmaceutical assistance programs, of which 25 currently exist. So Senator DURBIN's argument is unfair and unjustified because the money given to the States is not required to be used to only start a new pharmaceutical assistance program.

They can be used to expand the existing Medicaid drug programs. So Governor Bush's helping hand drug plan provides greater assistance to low-income seniors, and provides it now, while Vice President GORE's plan requires an 8-year phase-in for those drug benefits. So I suggest that we are getting a lot of demagogy.

The Patients' Bill of Rights is the final issue I wanted to talk about, but I will reserve that for another time. I will say this, and say it clearly: We have an active conference that has been working, and working hard. We had numerous votes on the Patients' Bill of Rights. We had endless amendments in the committee on the Patients' Bill of Rights. To suggest this isn't a deliberative body, as the Democratic leader suggested last week, is unfair. This issue has been debated, and debated thoroughly. It is the Democrats who stifled the debate by walking out on the conference in the spring. We can still have a Patients' Bill of Rights enacted if we have cooperation. There are two sides to every story, and both should be told. Let's not allow two competing agendas to prevent us from getting our work done on the spending bills. They are too important.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTOR VEHICLE AND MOTOR VEHICLE EQUIPMENT DEFECT NOTIFICATION IMPROVEMENT ACT

Mr. MCCAIN. Mr. President, first I want to discuss an issue that is of sometimes importance, the Motor Vehicle and Motor Vehicle Equipment Defect Notification Improvement Act.

Last week, the Commerce Committee reported S. 3059, the Motor Vehicle and Motor Vehicle Equipment Defect Notification Improvement Act. The bill is in response to the systemic failure of the National Highway Traffic Safety Administration and the motor vehicle industry to share information that could have prevented the fatalities that resulted in the recent recall of millions of Bridgestone/Firestone tires.

The key provisions of the bill would insure that NHTSA has the information that it needs from manufacturers to make sound decisions, including information about recalls in foreign countries. This legislation would increase penalties to deter manufacturers from withholding valuable information about recalls and establish appropriate penalties for the most egregious actions that place consumers in danger. It would also require NHTSA to upgrade the Federal motor vehicle safety standard for tires, which has not been updated since its adoption more than 30 years ago.

It is my understanding that a few Members have placed holds on this bill for various reasons—I think there are two—including opposition to the inclusion of criminal penalties for violating motor vehicle safety standards. Clearly, each member is entitled to place a hold on measures to which they object, but I hope that members can understand the importance of acting on the key provisions of this bill before Congress adjourns.

The criminal penalties provision in this bill have been the subject of much discussion. The provision is intended to allow for the assessment of criminal penalties in instances where a manufacturer's conduct is so egregious as to render civil penalties meaningless. An article in this week's Business Week, addresses the application of criminal penalties to such conduct. It reports that "prosecutors have been waking up to the fact that criminal sanctions may be a more effective deterrent and punishment than the worst civil penalties." Furthermore, a criminal penalties provision is not a novel inclusion. Multiple agencies are authorized to assess criminal penalties, including, among others, the Department of Labor, the Consumer Product Safety Commission, and the Environmental Protection Agency.

Already, NHTSA has linked more than 100 deaths to these tire failures.

Last week, NHTSA announced that other models of Bridgestone/Firestone tires may be defective as well. We must act quickly to correct the problems that could lead to further loss of life. As I have repeated throughout the process, I am willing to work with my colleagues to address their concerns so that this vital legislation may be passed prior to the adjournment of this Congress.

In summary, more than 100 people have died. It is clear that we need this legislation. It is supported by the administration and by every consumer group in America. It passed through the Commerce Committee unanimously. I intend to come to the floor and ask that we consider this piece of legislation.

I expect those who are putting a hold on this bill to come forward and give their reasons for putting a hold on this very important safety bill. We are talking about the lives of our citizens. This is a serious issue. That is why I intend to come to the floor again and ask that we move the bill. I hope those Senators who object will come forward and state their objections or remove their so-called holds on the bill.

CONFERENCE REPORT FOR ENERGY AND WATER APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. McCAIN. Mr. President, this year's energy and water appropriations bill is very critical, particularly at a time when our Nation is facing rising gas and energy prices, national security disasters at federal facilities, and massive backlogs to complete multimillion projects for water infrastructure. That is why I am utterly disappointed that the final agreement for this bill blatantly disregards these national priorities in favor of special interests giveaways.

Mr. President, approving the annual budget is among our most serious responsibilities. We are the trustees of billions of taxpayer dollars, and we should evaluate every spending decision with great deliberation and without prejudice.

Unfortunately, each year, I am constantly amazed how the appropriators find new ways to violate budget policy. Appropriators have employed every sidestepping method in the book to circumvent Senate rules and common budget principles that are supposed to strictly guide the appropriations process. The excessive fodder and trickery have never been greater, resulting in the shameless waste of millions of taxpayer dollars. This final report is no exception.

This year's final agreement for the energy and water appropriations bill is only a minor reflection of the previous Senate-passed bill.

A grand total of $1.2 billion is added in pork-barrel spending, a figure that is three times the amount from the Senate-passed bill and about $400 million more than the amount of last year's total. I have twenty-one pages of pork-barrel spending found in this report.

An additional $214 million is provided for designated "emergency" spending.

The latest epidemic here as we approach the appropriations issue, in order to avoid any budget restraints that may be remaining—and there are few—is the designation of "emergency spending."

Explicit directives are included for favorable consideration of special interest projects; and more than 30 policy riders are added in to conveniently sidestep a fair and deliberative legislative review.

I rise today to tell my colleagues that I object.

I object to the $1.2 billion in directed earmarks for special interest projects in this bill. I object to sidestepping the legislative process by attaching erroneous riders to an appropriations bill. I object to speeding through appropriations bills without adequate review by all Members. I object to the callous fashion which we disregard our national interests in favor of pet projects.

Some of my colleagues have said that the pork doesn't really matter much in these spending bills because it's not a lot of money. But, Mr. President, adding billions more in pork barrel spending is a lot of money to me and to the millions of American taxpayers who are footing the bill for this spending free-for-all.

While America's attention has been focused on the Olympic games in Sydney, Australia, our constituents back home may be interested to know that a gold medal performance is taking place in their own government. If gold medals were awarded for pork-barrel spending, then the budget negotiators would all be gleaming in gold from their award-winning spending spree.

However, I doubt many Americans would be appreciative if they knew that this spending spree will be at their expense with money that should be set aside to provide tax relief to American families, shore up Social Security and Medicare, or pay down the federal debt.

The figures speak for themselves. Again, this year's grand pork total is close to $400 million more than the amount from last year's bill and more than three times the amount included in the recent Senate passed bill.

Unless I am grievously mistaken, I was under the distinct and very clear understanding that the purpose of Senate-House appropriations conferences are to resolve differences only between the two versions and make tough decisions to determine what stays in the final agreement. As a rule, no new spending could be added.

The rules are flung out the window once again. The overall total budget for this year's conference agreement has been fattened up by as much as $2 billion more than the House bill, and about a billion more than both the amount included in the Senate-passed bill and the amount requested by the administration.

Let me give this to you straight. You have a certain amount passed by the Senate and a certain amount by the House. They are supposed to go to conference and reconcile their differences. Instead of that, we add billions of dollars in conference, and neither Senate nor House Members, nor members of the Appropriations Committee have a voice or a vote. That is disgraceful—disgraceful.

Each year, appropriators employ new spending tricks to avoid sticking to allocations in the budget resolution. It has become quite clear that these closed-door conferences, which no other Member can participate in or have any voting privileges, is simply another opportunity for members to take another trip to the trough to add in millions previously unconsidered for individual member projects.

What was described earlier in the Senate this year as a "modest" bill has now become a largesse take-home prize for many Members. Numerous earmarks are provided for such projects that, while on its own merit may not be objectionable, were not included in the budget request or tacked on without any review by either the Senate or the House.

For example, within this final agreement, nearly 250 earmarks are added for individual Army Corps projects which are clearly not included in the budget request, and, more than 150 Army Corps projects were given additional amounts about the budget request.

The inconsistency between the administration's request, which is responsible for carrying out these projects, and the views of the appropriators on just how much funding should be dedicated to a project, is troubling. As a result, various other projects that may be equally deserving or higher in priority do not receive an appropriate amount of funding, or none at all.

This year's budget for Army Corps has been inflated to $4.5 billion in funding for local projects. Yet, we have no way of knowing whether, at best, all or part of this $4.5 billion should have been spent on different projects with greater national need or, at worst, should not have been spent at all. There's no doubt we should end the practice of earmarking projects for funding based on political clout and focus our resources in a more practical way, instead, on those areas with the greatest need nation-wide.

Other earmarks are rampant in this bill that appear that are clearly demonstrative of wasteful spending at the expense of taxpayers:

An earmark of $20 million was added in during conference, without previous consideration by either the House or Senate, for an unauthorized project in California, the CALFED Bay-Delta restoration project. Certainly, I have no objections to restoring the ecological health of the Bay Delta area, however, any amount of funding for unauthorized projects flies in the face of comments by the managers who pledged not to fund unauthorized projects.

Also, $400,000 is earmarked for aquatic weed control in Lake Champlain, Vermont. This particular earmark has resurfaced in appropriations bills for at least the past three years and it appears a bit preposterous that we continually fund a project such as this on an annual basis which has nebulous impacts on our nation's energy and security needs.

An earmark of $800,000 is provided to continue work on "a detailed project report" for a project in Buchanan County, Virginia. Government spending is truly getting out of control if nearly a million dollars is necessary simply to compile a report.

Another earmark of $250,000 is included for a 'study' of drainage problems in the Winchester, Kentucky area. Granted, I do not object to trying to fix any water problems facing any local community, but is a quarter of a million really necessary to only study the problem and not fix it?

More padded spending includes $150,000 to determine what the "federal interest" is for a project in southeastern Pennsylvania. Why is $150,000 necessary to determine if the federal government should care about a specific project? Dozens of earmarks like this one, in the hundreds of thousands each, are riddled throughout this conference report without any explanation as to why such high amounts of funding are justifiable.

Among the worst pork in this bill are earmarks that will benefit the ethanol industry, a fiscal boondoggle industry that already reaps substantial benefits from existing federal subsidies at the expense of taxpayers. It is a blatant insult to taxpayers to ask them to supplement the ethanol industry even more by spending $600,000 for ethanol production at the University of Louisville, and $2,000,000 for the design and construction of a demonstration facility for regional biomass ethanol manufacturing in southeast Alaska.

My colleagues will note that each of these earmarks have a specific geographic location or institution associated with them. Is there another organization besides the one proposed in southeast Alaska that could design and construct a demonstration facility for regional biomass ethanol manufacturing?

A similar earmark of $2 million is included for this specific Alaskan ethanol manufacturing facility in the Interior appropriations bill this year. So they have $4 million for one specific spot without any authorization and without any discussion.

There is $4.5 million for the removal of aquatic growth in Florida, which is about $1.2 million higher than the budget request;

An additional $250,000 for the Texas Investigations Program, for which no explanation is provided as to what constitutes an "investigations" program;

$2,000,000 for the multi-year demonstration of an underground mining locomotive and an earth loader powered by hydrogen in Nevada;

And, $3,000,000 to establish a program the University of Nevada-Las Vegas for Department-wide management of electronic records.

Get this, all of my colleageus who have a college or university in their State: $3 million at the University of Nevada Las Vegas for department-wide management of electronic records;

$2,000,000 for the Discovery Science Center in Orange County, California;

$2,000,000 for the Livingston Digital Millennium Center at Tulane University; and

$2,000,000 for modernization upgrades at the University of South Carolina.

How are any of these earmarks directly related to the national security and energy interests of our nation?

Also, the tactic of using the "emergency funding" stigma returns strongly in this bill. I am very disappointed to see that the Appalachian Regional Commission will not only be funded again this year, but it is also the recipient of an "emergency appropriation" of $11 million.

My dear friends, the Appalachian Commission was established as a temporary commission in 1965. Somehow this year it needs to be the recipient of $11 million for "emergency appropriations." My curiosity is aroused as to what the emergency is at the Appalachian Regional Commission. This commission was established as a temporary commission in 1965, but has managed to hook itself into the annual appropriations spending spree to extend its so-called temporary life to 35 years. This program singles out one region for special economic development grants when the rest of the nation has to rely on their share of community development block grant and loans.

Certainly, the Appalachian region does not have a monopoly on poor, depressed communities in need of assistance. I know that in my own state, despite the high standard of living enjoyed in many areas, some communities are extremely poor and have long been without running water or sanitation. It would be more cost-beneficial to provide direct assistance to impacted communities, again based on national priority, rather than spending millions each year for a commission which may have outlived its purpose.

Again, I remind my colleagues that I do not object to these projects based on their merit nor do I intend to belittle the importance of specific projects to local communities. However, it is no surprise that many of these earmarks are included for political glamour rather than practical purposes. Members can go back to their districts to rally in public parades, trying to win favor by bringing home the bacon.

The House of Representatives passed this conference report last Friday by a majority margin, despite the fact that most of the voting Members did not have adequate time, if any at all, to review the contents of this report. This is another appalling demonstration to the American public of the egregious violation of one of our most sacred duties—ensuring the proper use of taxpayer dollars. How can we make sound policy and budget decisions with this type of budget steam-rolling?

I know I speak for many hardworking Americans when I express my hope for reform in the way the Congress conducts the business of the people so that we might reclaim the faith and confidence of those we are sworn to serve. Yet, we are mired in another yearly ritual of budget chaos. Sadly, the only message that we send to the American public is that our budgetary process is at an all-time low.

Unfortunately, this may be only a foreboding of what is to come at this end of year final budget negotiations. The end-of-year rush to complete the fiscal year 2001 budget is outpaced only by the rush to drain the taxpayers' pockets and deplete the budget surplus.

At the end of the day, special interests win and the taxpayers lose. It's a broken record that the American people are tired of listening to.

I will vote against this bill and any other appropriations bill that so flagrantly disregards our fiscal responsibility and violates the trust of the American people.

Today's Wall Street Journal article by David Rogers is a very enlightening one, in case some of my colleagues and friends have not read it.

> In the scramble to wrap up budget negotiations, Congress could overshoot the Republicans' spending target for this fiscal year by $35 billion to $45 billion.
>
> The willingness to spend reflects a new synergy between President Clinton, eager to cement his legacy, and the GOP leadership, increasingly worried about losing seats in November and more disposed to use government dollars to shore up candidates. While the largest increases are in areas popular with voters—education, medical and science research, land conservation, veterans' care and the military—the bargaining invites pork-barrel politics on a grand scale, with top Republicans leading the way.
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> Just this weekend, for example, a bidding war escalated over highway and transit projects that are part of the transportation budget to be negotiated this week. House Speaker Dennis Hastert of Illinois opened the door by asking to add legislative language to expedite the distribution of about $850 million for Chicago-area transit projects. While the Hastert amendment

wouldn't add directly to next year's costs, it became an excuse for others to pile on.

The Virginia delegation jumped in early, winning the promise of $600 million to help pay for a bridge over the Potomac River. By late Friday night, dozens of projects for both political parties were being added. House Transportation Committee Chairman Bud Shuster laid claim to millions for his home state of Pennsylvania. Mississippi, home of Senate Majority Leader Trent Lott, is in the running for funds in the range of $100 million. In all, the price tag for the extras tops $1.6 billion.

The whole enterprise, which could yet collapse under its own weight, dramatizes a breakdown in discipline in these last weeks before the November elections. In the spring, the GOP set a spending cap of $600 billion for the fiscal year that began yesterday—a number that was never considered realistic politically.

After devoting long summer nights to debating cuts from Mr. Clinton's $626 billion budget, Republicans will end up appropriating significantly more than that. If total appropriations rise to between $635 billion and $645 billion or even higher, as the numbers indicate, the ripple effect will pare surplus estimates by hundreds of billions of dollars over the next 10 years.

I cannot overemphasize the importance of this. We have the rosy scenario of a multitrillion dollar surplus in the years ahead, and if we keep spending this kind of money, everybody knows that the surplus will disappear. There is an open and honest debate as to whether we should have tax cuts or whether we should save Social Security, Medicare, or pay down the debt. We are not going to be able to do any of it if we are spending this kind of money. I was told by a Member not long ago that if we agree to what is presently the overspending in this budget, it could mean as much as $430 billion out of the surplus in the next few years.

Both an $18.9 billion natural-resources bill and a $23.6 billion measure that funds energy and water programs are expected to be sent to the White House, and the transportation bill soon could follow. The Republican leadership believes it has reached a compromise to free up the measure funding the Treasury and the operations of the White House and Capitol.

That still leaves the heart of the domestic budget—massive bills funding education, health, housing and environmental programs. Negotiations on those bills are hovering near or even above the president's spending requests.

The natural-resources bill agreed to last week illustrates the steady cost escalation: The $18.9 billion price tag is about $4 billion over the bill passed by the House in June.

In a landmark commitment to conservation, the legislation would devote as much as $12 billion during the next six years, mainly to buy lands and wildlife habitat threatened by development. As the annual commitment grows from $1.6 billion to $2.4 billion in 2006, more and more dollars would go for sorely needed maintenance work in the nation's parks.

Regarding the national parks, that is something with which I don't disagree.

I have suggested from time to time when my colleagues say there is nothing we can do because the President has the leverage over us in order to shut down the Government for which we would get the blame, if just once, with one appropriations bill, just one, we could send to the President a bill that doesn't have a single earmark, have a single legislative rider on it, then we would go into negotiations of the issue with the President with clean hands. When we add billions in pork barrel spending on our appropriations bills and then go into negotiations with the President, there is no difference except in priorities. It is wrong.

I have been spending a lot of time campaigning around the country for candidates for the House and for the Senate, and for our candidate for President, my party's candidate for President and Vice President of the United States. I can tell my colleagues, clearly the American people have it figured out. They don't like it. They want this practice to stop. They want us to fulfill a promise we made in 1994 when we asked them and they gave us the majorities in both Houses of Congress.

Mr. President, this appropriations pork barreling has got to stop. I intend to come to the floor with every bill, and if it keeps on, I will then take additional measures. We all know what is coming up: The train wreck. If it is as much as $45 billion more then our original $600 billion spending cap, I am not sure how such action is justified.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. The clerk will report the motion to proceed.

The assistant legislative clerk read as follows:

A bill (S. 2557) to protect the energy security of the United States and decrease America's dependence on the foreign oil source to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Has there been a time agreement on the legislation just proposed?

The PRESIDING OFFICER. We have until 5:30 when we have a scheduled vote on another matter.

Mr. CRAIG. Mr. President, I will consume up to 15 minutes of time in relation to the energy issue.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CRAIG. Mr. President, I came to the floor to speak on this important issue before the Senate and to talk once again to my colleagues about what I believe to be the dark cloud of a national emergency. The American consumer has begun to detect a problem because the price of gasoline at the pump has gone up 25 or 30 percent in the last year. When they begin to pay their home heating bills this winter, I think they will recognize where the problem lies.

We have had the President and the Vice President trying to position themselves politically over the last month and a half on energy because of the spike in prices, but frankly they have articulated little. Now just in the last week we have had the Vice President present an energy policy for the country, and we have had Governor George Bush talking about an energy policy that he would propose.

Here is why these things are happening. Finally, I hope, the American people are beginning to focus on the very critical state of the availability of energy in this country, to run the economy, to make the country work, turn the lights on, move our cars, and do all that it takes to run an economy based on a heavy use of energy.

We are now importing between 56 to 58 percent of our crude oil needs. Some will remember that during the era of the oil embargo of the mid-1970s we were only importing 35 percent of our needs. Even at that time there were gas lines and fighting at the gas pumps because American consumers were frustrated over the cost of gas. What I am saying, America, is we no longer control our energy availability, our energy supplies, our energy needs.

Is it any wonder why prices have more than tripled in the last 2 years from a low of about $11 per barrel of crude oil to a high late last month of $38? The reason is somebody else is setting the price by creating either a scarcity of supply or by the appearance that there would be a scarcity of supply. It is not American producers controlling prices and supply, it is foreign producer countries.

The items we do control in the marketplace are demand and supplies we might be able to produce from our own resources. Natural was selling for $2 per 1,000 cubic feet last year, just a year ago, and on Friday of last week natural gas was selling for $5.20 for every 1,000 cubic feet. That is better than a doubling of that price.

As winter approaches, Americans likely will face the highest energy prices ever. Let me say that again. As the winter approaches, Americans are going to awaken to the highest energy prices they have ever paid. If the winter is colder than usual, energy prices will be even higher.

Electricity prices will move right along with gas and oil because many of the electrical-generating facilities of our country are fueled by natural gas. While petroleum and natural gas supplies appear to be adequate, no one can doubt that the supply and demand for crude oil, natural gas, and other energy sources is very tight, resulting in increased prices for these commodities. While many observers believe supplies of oil and natural gas will be sufficient to meet our needs in the coming months, I am concerned these important resources will likely remain in very short supply and, therefore, will be very costly to the American consumer.

I believe, and I mean this most sincerely, as a member of the Senate Energy Committee who for the last 10 years has tried to move policy and has seen this administration either say "no" by the veto or "no" by the budget, I sincerely believe the Clinton-Gore administration, by its failure to produce a national energy policy, is risking a slowdown, perhaps even a downturn, in this economy.

Some expect energy prices to remain high throughout the first quarter of 2001, above $30 a barrel for oil and as high as $4 per thousand cubic feet for natural gas. If this is true and that cost ripples through the economy, then they—and by "they" I mean the Clinton administration—are truly risking a slowdown in the economy. This means Americans will be paying more than $1.50 per gallon of gas and perhaps twice as much as they paid for residential natural gas use last year. Driving, heating homes, providing services and manufacturing goods will be much, much more expensive under this new high-cost energy economy.

It is not only the price at the pump you worry about anymore; it is the plastics; it is the supply of goods; it is everything within our economy that is made of the hydrocarbons that will go up in price. Since energy costs are factored into the cost of all goods and services, we can expect food, appliances, clothing—essentially everything—to become more expensive. As these costs rise, the amount of capital available for investment automatically begins to decline, pulling the economy down along with it. As we devote more of our money to the daily need for energy, we have less to spend on the goods and services that we need, the goods and services that have fired our economy. As budgets shrink, consumers will be forced to make hard choices. If we have to spend 10 or 15 percent more of our income to fill up the tank or to buy the services and goods that are energy intensive, then, of course, we will have less money to spend elsewhere.

We are in this undesirable position not because we are short on energy resources such as oil, natural gas, or coal; we are here because this administration, in my opinion, has deliberately tried to drive us away from these energy sources. Look at their budgets and look at their policy over the last 8 years. AL GORE himself has spoken openly about how much he hates fossil fuels, how he wants to force the U.S. off fossil fuels no matter the cost. He has proposed many times to do so. Twice in the last 8 years the Clinton-Gore administration has tried to drive up the cost of conventional fuels. Isn't that interesting? Just in the last few weeks they have been trying to drive down the costs by releasing crude oil from the Strategic Petroleum Reserve into our market, but for the last 8 years it has been quite the opposite. America, are you listening? Are you observing? Why this change of heart? Why this change of personality?

First, Clinton and GORE proposed a Btu tax, which the Republican Congress defeated. They had to settle for a 4.3-cent gas tax. The Republicans in every way tried to resolve that and to eliminate it, but that was how they spread it into the market. They took that and said: We are not going to use it for highway transportation as we have historically done. We want it for deficit reduction.

During debate on the Btu tax, the administration admitted that its intent was to encourage conservation, or discourage use, and therefore cause us to move more toward renewable energy sources by dramatically increasing the cost of conventional fuels. In other words, tax America away from gasoline and oil.

Next, the Clinton-Gore administration designed the Kyoto Protocol. We all know about that. That is the great international agreement that will cool the country, cool the world down because the Administration asserts that the world is warming due to the use of fossil fuels. They said it is necessary that we do it, critically important that we do it. But if implemented, it would substantially penalize the nations that use fossil fuels by forcing reductions in fossil fuel usage. The Vice President has publicly taken credit for negotiating this document.

I don't think you hear him talking much about it today. He is a bit of a born-again gas and oil user of in last couple of weeks. But clearly for the last 8 years that is all he has talked about, his Kyoto Protocol, penalizing the user nations to try to get them to use less energy, all in the name of the environment. The protocol could result in a cost of nearly $240 per ton of carbon emissions reduction.

What does that mean to the average consumer out there who might be listening? This results in a higher cost of oil and gas and coal. What would it mean? About a 4-percent reduction in the gross domestic product of this country. If we raise the cost of those three items—oil, gas, and coal then we will drive down the economy 4-percent. Simply translated, that means thousands and thousands of U.S. jobs would be lost and our strong economy weakened. Yet the Vice President takes credit for flying to Tokyo and getting directly involved in the negotiations of the Kyoto Protocol. This is AL GORE's document. Yet he talks very little bit about it today.

Why is this administration so wholeheartedly committed to forcing us to stop using fossil fuels at almost any cost? Because they buy into the notion that our economic success has been at the expense of the world's environment. I do not buy into that argument. I think quite the opposite is true. I believe our success has benefited the world. Our technology is the technology that the rest of the world wants today to clean up their environment, to make their air cleaner, to make their water more pure. It is not in spite of us; it is because of us that the world has an opportunity today, through the use of our technology, to make the world a cleaner place to live.

The challenge now is to ensure we go on in the production of these technologies through the growth and the strength of our economy so we can pass these technologies through to developing nations so they can use them, whether it be for their energy resources or whether it is simply to create greater levels of efficiency, and a cleaner economy for their people.

The message to Vice President GORE is don't shut us down. Let us work. Let us develop. Let us use the technologies we have and expand upon them. You don't do that through the absence of energy. You don't do that with 2,300 windmills spread across the Rocky Mountain front. You do that by the use of what you have, to be used wisely and hopefully efficiently at the least cost to provide the greatest amount of energy that you can to the economy.

To ensure that we all succeed, we must pay attention to our strengths. The United States has an abundant supply of oil, natural gas, and coal, and we must, if we wish to have an influence on the price of these commodities, develop our own resources in an intelligent, responsible, and environmentally sound way.

Were we to produce oil from the Arctic National Wildlife Refuge, we could produce up to 1.5 million barrels of oil a day. Some say that will destroy the refuge. Envision the refuge in your mind as a spot on a map, and compare it to putting a pencil point down on the map of the United States. The impact of that pencil point on the map of the United States is the same impact as drilling for oil in the Arctic National Wildlife Refuge.

Shame on you, Mr. President, for vetoing that legislation a few years ago. If you had not, we might have 1.5

million barrels of additional crude oil a day flowing into our markets for 30-some years. We would not have to beg at the throne of OPEC. We would not have to go to them with our tin cup, saying: Would you please give us a little more oil? Your high prices are hurting our economy.

The President was not listening in 1995 when he vetoed that legislation. Other oil and gas resources can come from production from the Federal Outer Continental Shelf and from onshore Federal lands in the Rocky Mountain front. The abundance of our crude oil and the abundance of our gas is phenomenal. Yet, a year ago, in the northeastern part of the United States in New Hampshire, AL GORE, now a candidate for President of the United States, said he would stop all drilling. He does not want us to drill anywhere, and he would do it in the name of the environment.

These resources can be obtained today, under the new technologies we have, with little to no environmental impact. When we have finished, if any damage has occurred, we clean it up, we rehabilitate it, and the footprint that was made at the time of development is hardly noticeable. That is what we can do today.

There is no question that the road to less reliance on oil, natural gas, and coal is a responsible one, but it is a long one. You do not shut it off overnight without damaging an economy and frustrating a people.

We have these resources, and they are in abundance. We ought to be producing them at relatively inexpensive cost to the American consumer while we are investing in better photovoltaic and solar technologies and biomass, wind, and all of the other things that can help in the total package for energy.

The problem is simply this: This administration stopped us from producing additional energy supplies at a time of unprecedented growth in our economy. Of course, that economy has been based on the abundance and relatively low costs of energy.

Creating punitive regulatory demands, such as the Btu tax and the Kyoto Protocol, is not the way to go if you want an economy to prosper and you want the opportunities of that economy to be affordable and benefit all of our citizens. Such policies create—the policies of which I have spoken, Btu tax and Kyoto Protocol—winners and losers. The great tragedy is that the American consumer ultimately becomes the loser.

The path to stable energy prices is through a free market that rewards efficiency and productivity and does not punish economies for favoring one form of energy over another. The American consumer will make that decision ultimately if he or she has an adequate number of choices in the marketplace.

The Vice President, in his recent speech on energy, simply repeated the tired, old rhetoric of the Carter administration and every Democrat candidate in past presidential elections. Each placed reliance on solar, wind, and other renewables and on energy conservation—all admirable goals that Presidents Reagan and Bush also encouraged, but Presidents Reagan and Bush supported renewables with the clear understanding that renewables could not be relied upon to replace fossil-fuel-fired electrical generating capacity that currently supplies our baseload of electricity. And that baseload demand will continue to rise as our economy grows.

Presidents Reagan and Bush also recognized that somehow the automobile was not just going to disappear overnight and that it was not going to be replaced by electric cars within the near future. They understood that. They rewarded production and encouraged production. For 8 years now, domestic oil and gas production has been discouraged and restricted, and the American consumer is paying the price at the pump. This winter the American consumer will also pay a dramatic price as their furnaces turn on.

Can it be turned around overnight? Absolutely not. We must begin to invest in the business of producing, whether it be electricity or whether it be oil from domestic reserves or gas. It is there. It awaits us. We simply have to reward the marketplace, and the marketplace will produce. We cannot continue to squeeze it, penalize it, and refuse access to the supplies the American consumer needs.

It is a simple message but a complicated one, especially complicated by an administration that says: No, no, no, let the wind and the Sun make up the difference. Probably not in my lifetime or in the lifetime of any of the youngest people listening today can and will that be possible. But a combination of all of those elements of energy coming together—hydro, nuclear, or the production of crude oil and gas from our own reserves, supplies from abroad, and renewables and conservation—will be necessary to carry us through a crisis that clearly could spell a major hit to our economy.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. THOMAS. I understand the order of business is the energy bill.

The PRESIDING OFFICER. The Senator is correct. We are on the motion to proceed.

Mr. THOMAS. I thank the Chair.

As I have said before, energy is terribly important to all of us. It is particularly important to those of us who come from producer States. But perhaps if you come from a part of the country where there is no production and the cost continues to go up, you are even more concerned. In New England, that is pretty much the case.

In any event, we do have a problem in energy and we have to find solutions. We have two very different points of view in terms of what our needs are and how we meet them.

Many wonder, of course, why gas and diesel prices are so high. Heating oil will be very expensive. I come from a production State, and it wasn't long ago that oil in our oil fields was bringing less than $10 a barrel. Now, of course, in the world price, we are up in the thirties. Part of that, of course—I think the major part—is that we have relatively little impact on the price. We have allowed ourselves, over a period of time, to become dependent upon importation of oil. We have not had, in my view, an energy policy. We have had 8 years of an administration that really has not wanted to deal with the idea of having a policy in terms of where we are going.

I have become more and more convinced—it is not a brand new idea, but I think it doesn't often get applied—that we have to set policies and goals for where we need to be over a period of time. And then, as we work toward that, we can measure the various things we do with respect to attaining that goal. If our goal is—and I think it should be—that we become less dependent upon imported oil, then we have to make some arrangements to be there. That has not been the case.

This administration, on the other hand, has basically gone the other way and has indicated that we ought to reduce our domestic production. In fact, our consumption requirements have gone up substantially over the last couple of years—about 14 percent. During the same period of time, domestic production has gone down approximately 17 percent.

In 1990, U.S. jobs in exploring and producing oil and gas were about 400,000 or 500,000 people. In 1999, the number of people doing the same thing was about 293,000—a 27-percent decline.

Why is this? Part of it is because we haven't really had this goal of how we were going to meet our energy demands and then measure some of the things that have brought us to where we are. On the contrary, the policy pursued from this administration has been one that has made domestic production even more difficult than it was in the beginning—and more difficult than it needs to be, as a matter of fact.

So I guess you can talk about releasing oil from our strategic storage. I don't make as big a thing out of it as some, but that is not a long-term answer. It is a relatively small amount of oil compared to our usage—about a day and a half's usage—and it is not going to make a big difference in terms and no difference to where we are in being able to have domestic production in the future. I set that aside. I only warn that that can't be offered as a solution to the energy problem. That seems to be about all this administration is prepared to do.

On the contrary, going back over some time, in 1993 the first Btu tax increased the cost of a gallon of gas about 8 cents. The compromise was about 3 cents, with the Vice President casting the deciding vote. Now, of course, the effort is to manipulate the price of the storage oil, but it won't do that. As I said, it is only about 1 and a half day's supply.

We find our refineries now producing at about 95-percent capacity, partly because of some of the restrictions placed on these facilities. Some have gone out of business, and practically none has been built. We find natural gas, of course, becoming increasingly important. Fifty percent of U.S. homes and 56 million people rely on natural gas for heating. It provides 15 percent of our power. It will provide more in that this administration has also moved basically against the use of coal, which is our largest producer of electric energy, instead of finding ways to make coal more acceptable. The coal industry has been working hard on that. We have low-sulfur coal in my State. This administration has pushed against that, and we have therefore had less use than we had before.

So what do we do? I think certainly there are a number of things we can do. There does need to be a policy. A policy is being talked about by George Bush, which is supported generally here in the Senate—that would be No. 1—to help low-income households with their energy bills and put some more money in as a short-term solution to help with the low-income energy assistance program. We can do that. We can direct a portion of all the gas royalty payments to that program and offset some of the costs over time. We are always going to have the need, it seems to me, regardless of the price, for low-income assistance. We can do that. And we can establish a Northeast management home heating reserve to make sure home heating is available for the Northeast. We should use the Strategic Petroleum Reserve only in times of real crises—not price, but crises such as the wars of several years ago.

We need to make energy security a priority of U.S. foreign policy. We can do a great deal with Canada and Mexico. It seems we ought to be able to exercise a little more influence with the Middle East. Certainly, we have had a lot to do with those countries in the past—being helpful there. I think we can make more of an impact in Venezuela than we have. I think we can support meetings of the G-8 energy ministers, or their equivalent, more often.

Maybe most importantly, we have lots of resources domestically, and instead of making them more difficult to reach, we ought to make it easier. I come from a State that is 50-percent owned by the Federal Government. Of course, there are places such as Yellowstone Park and Teton Park where you are never going to do minerals and should not. Much of that land is Bureau of Land Management land that is not set aside for any particular purpose. It was there when the homestead stopped and was simply residual and became public land. It is more multiple use. We can protect the environment and continue to use it—whether it is for hiking, hunting, grazing, or whether indeed for mineral exploration and production, as we now do.

This administration has made it difficult to do that. We can improve the regulatory process. I not only serve on the Energy Committee, but on the Environment and Public Works Committee. Constantly we are faced with new regulations that make it more difficult, particularly for small refineries, to live within the rules. Many times they just give it up and close those. We can change that. It depends on what we want to do with the policy. It depends on our goals and what we want to do with domestic production and whether or not these kinds of things contribute to the attainment of those goals. It is pretty clear that they don't.

I think we can find ways to establish clear rules to have some nuclear plants that are safe, so they indeed can operate. They are very efficient. We talk about the environment. They are friendly to the environment. We need to do something. Of course, if we are going to do that, as they do in France and the Scandinavian countries, we can recycle the waste, or at least after a number of years we can have a waste storage at Yucca Mountain, NV. This administration has resisted that entirely, as have many Members on the other side of the aisle.

So these are all things that could be done and are being talked about. We are talking about breaching dams. I think everybody wants to look for alternative sources. We ought to use wind and solar. But the fact is that those really generate now about 2 percent of the total usage that we have. Maybe they will do more one of these days. I hope they do. We have some of that in my State as well. As a matter of fact, my business built a building about 20 years ago, and we fixed it up with solar power. I have to admit it didn't work very well. It works better now, and we can continue to make it work better, but it is not the short-term answer to our energy problems.

We can do something with ANWR. I have gone up to the North Slope of Alaska. You can see how they do the very careful extraction. You have to get the caribou out of the way. But you can see what is going on. That can be done. I am confident it can be done.

Those are some of the things that are suggested and which I think ought to have real consideration. It is difficult sometimes to try to reconcile environmental issues. I don't know of anyone who doesn't want to do that. Environmental protection has to be considered, but it doesn't mean you have to do away with access.

Quite frankly, one of the real problems we have in some States is how to use open spaces. We are doing something in my State about protecting the environment and protecting public land. Too many people say you just shouldn't use it for anything at all. When some States, such as Nevada and others, are up as high as 85 percent in Federal ownership, I can tell you it is impossible to have an economy in those States and take that attitude. On the other hand, I am persuaded that we can have reasonable kinds of programs that allow multiple use and at the same time protect the future use of those lands. It seems to me those are the kinds of things we ought to be doing.

It is very difficult. It is certainly easy to set energy policy back, particularly when the price has gone up as it has. I think all of us remember a year or so ago when the price at the gas pump was down as low as 86 cents a gallon. Now in my State it is as high as $1.60. You think about it a lot more when it is $1.60 than when it is 86 cents. We didn't complain much about the producers then. But now we are pretty critical. We need a policy.

That is the opportunity we have in this Congress—to really establish some of the byways and roadways to help us achieve a reduction on our dependency on foreign oil. We need to move toward changes in consumption and in the way we travel. I have no objection to that. The fact is, that is going to take time. The economy, the prosperity, and the security of this country depends a great deal on an ample and available energy source. It requires an energy policy. It requires the administration to step up to the plate and work with this Congress to continue to work to establish an energy policy.

That is our task. That is our challenge. I think it is a necessary movement in order to continue to have freedom and economic prosperity.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. DASCHLE. Madam President, we are about to cast a vote at 5:30. I think in many ways this is a very difficult situation. I come to the floor this afternoon expressing my gratitude to the distinguished chair of the Energy and Water Subcommittee and certainly to the ranking member, the Senator from Nevada, our extraordinary assistant Democratic leader, for the great work they have done in responding to many of the issues and concerns that our colleagues have raised. I think in large measure it is a very balanced bill.

Unfortunately, we were unable to resolve what is a very significant matter relating to the Missouri River and the precedent that it sets for all rivers. The Corps of Engineers must, from time to time, update the master manual for the rivers that it manages. Unfortunately, some of our colleagues on the other side of the aisle have indicated that they were unwilling to compromise with regard to finding a way they could address their concerns without calling a complete halt to a multiyear process that has been underway to revise and update a master manual that is now over 40 years old. That is the issue: a manual that affects thousands of miles of river, hundreds of thousands, if not billions, of dollars of revenue generated from hydroelectric power, navigation, irrigation, municipal water, and bank stabilization.

There is perhaps no more complicated management challenge than the one affecting the Missouri and, for that matter, the Mississippi Rivers.

So our challenge has been to address the concerns of the two Senators from Missouri in a way that recognizes their legitimate questions regarding the Corps' intent on management, and also to recognize that there are stretches of the river both affecting the Mississippi in downstream States as well as all of the upstream States that also must be addressed, that also have to be worked out, that have to be recognized and achieved in some way.

We have gone to our distinguished colleagues on the other side on a number of occasions indicating a willingness to compromise, indicating a willingness to sit down to try to find a way to resolve this matter. I must say, we have been rebuffed at every one of those efforts. So we are left today with no choice.

What I hope will happen is that we can vote in opposition to the bill in numbers sufficient enough to indicate our ability to sustain a veto; the President will then veto this legislation, as he has now noted publicly and privately on several occasions; and that we come down together to the White House, or anywhere else, work out a compromise, work out some suitable solution that accommodates the Senators from Missouri as well as all other Senators on the river. That is all we are asking.

It is unfortunate that it has to come to this, to a veto. I warned that it would if we were not able to resolve it. I am disappointed we are now at a point where that appears to be the only option available to us.

Before he came to the floor, I publicly commended the chair of the Energy and Water Subcommittee for his work. And I will say so privately to my colleagues that what he has done and what the ranking member has done is laudable and ought to be supported. But the overriding concern is a concern that has been addressed now on several occasions. It was my hope that it was a concern that could have been addressed in a way that would have avoided the need for a veto. Unfortunately, that is not the case. So we are left with no choice, Madam President. I regret that fact.

I hope that my colleagues will understand that this legislation is important. I hope after the veto, after it is sustained—if that is required—we can go back, get to work, and find the compromise that I have been seeking now for weeks, and find a way with which to move this legislation along.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Could I make a parliamentary inquiry?

Are we scheduled by unanimous consent to vote at 5:30 on the conference report?

The PRESIDING OFFICER. The Senator is correct.

Mr. DASCHLE. Madam President, will the Senator from New Mexico yield?

Mr. DOMENICI. I am pleased to yield.

Mr. DASCHLE. As I understand it, the senior Senator from Montana would like a minute or two to talk on this subject. Perhaps it would be better for him to do it now, and then you could close the debate, if that would be appropriate.

Mr. DOMENICI. I was just going to ask. I saw him on the floor and he mentioned he might want to speak. I need about 6 minutes, so could you take the intervening time before the 6 minutes?

Mr. BAUCUS. I say to my colleague, I need only 5 or 6 minutes.

Mr. DOMENICI. I only need about 6 minutes. I will yield the rest to the Senator.

Mr. BAUCUS. I inquire of the minority leader and the Senator from New Mexico if we could get perhaps an extra 5 minutes before the vote.

Mr. DASCHLE. Madam President, it appears we have 10 minutes remaining before the vote.

I ask unanimous consent that the vote occur at 5:32 and the time be equally divided.

Mr. DOMENICI. Thank you.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I strongly urge my colleagues to vote against adoption of the Conference Report for the Energy and Water Appropriations. Section 103 is an anti-environmental rider that prevents the sound management of the Missouri River.

As my colleagues will recall, during Senate consideration of this bill last month, Senator DASCHLE and I proposed to delete this provision. Unfortunately we were not successful.

Now, rather than attempting to work out a compromise, the conferees have included the very same language in the conference report before us tonight.

I will not repeat all of the arguments made in the earlier debate about why this amendment is bad for the river and the people of my state. The important point is, nothing has changed from that debate and the need to remove this rider remains as true today as it did then.

First, the Army Corps of Engineers is managing the Missouri River on the basis of a master manual that was written in 1960 and hasn't changed much since then.

Today, conditions are much different. Priorities are different.

Under the current master manual—40 years old—water levels in Ft. Peck lake are often drawn down in the summer months, largely to support barge traffic downstream, which is an industry that is dying and, according to the Corps' own analysis, has much less economic value than the recreation value upstream.

These drawdowns have occurred time and time again. Their effect is devastating: Moving ramps to put boats in the lake a mile away, severely curtail boating and fishing that are enjoyed by thousands of Montanans and tourists alike. They also reduce the numbers of walleye, sturgeon, and other fish.

The drawdowns are the big reason why eastern Montana has been getting an economic raw deal for years. More balanced management of the Missouri River, which takes better account of upstream economic benefits, is absolutely critical to reviving the economy in that part of our State.

Now there has been some talk that the proposed split season will affect hydropower production. While detailed studies are not yet complete, in fact, the Corps estimates that the split season will have "essentially no impact to the total hydropower benefits." So there really should be no doubt. The split season is a better deal for Montana. It is a better deal for the whole river.

Of course, this rider is about more than just Ft. Peck.

It also prevents the Corps of Engineers from obeying the law of the land. Specifically, the Endangered Species Act.

If we create a loophole here, there will be pressure to create another loophole somewhere else. And then another. Before you know it, the law will be shredded into tatters.

We all know the Endangered Species Act is not perfect. I believe we need to reform it so it will work better for landowners and for species.

We are working hard to pass returns, but those reforms haven't passed. So the Endangered Species Act remains the law of the land, and we have to respect it. And so should the Corps.

Forget about the species for a minute. Think about basic fairness. We require private landowners to comply with the Endangered Species Act.

Why should the Federal Government get a free pass?

The answer is, they should not. The Army Corps of Engineers should be held to the same standard as everybody else, and the Corps agrees.

We have a public process in place, to carefully revise the master manual. It's been underway for 10 years.

Now, at the last minute, when the end is in sight, a rider in an appropriations bill would derail the process by taking one of the alternatives right off the table.

That's not fair. It's not right. It's not the way we ought to make this decision.

Instead, we should give the open process that we began ten years ago a chance to work.

We should give people an opportunity to comment on the biological opinion and the environmental impact statement.

So the final decision will not be made in a vacuum.

But this rider makes a mockery of that process. The rider allows for an extensive period for public comment. But then it prohibits the public agencies from acting on those comments.

A better way is to allow the agencies and the affected parties to continue to work together to strike a balance to manage this mighty and beautiful river: for upstream states, for downstream states, and for the protection of endangered species: that is, for all of us.

Mrs. BOXER. Madam President, along with many of my colleagues, I voted in support of an amendment to the energy and water appropriations bill when it moved through the Senate to strike an anti-environment rider from that bill. Unfortunately, that amendment failed and the rider remains in the conference report we consider today.

For that reason, I must vote against this legislation. I understand that the President has indicated that he will veto this legislation because of this antienvironment provision.

The antienvironment rider included in this bill stops changes in the management of the Missouri River called for by existing law. Those changes would ensure that the river is managed not only for navigation, but also for the benefit of the fish and wildlife that depend on the river for survival.

It is critical that those changes go into effect promptly because without them several endangered species may become extinct.

The Missouri River management changes that this antienvironment rider blocks are called for by a 600-page Fish and Wildlife Service study. The study is itself based upon hundreds of published peer-reviewed studies, and would modify the 40-year-old Corps of Engineers policy of managing the flows of the Missouri River primarily to benefit a $7 million downstream barge industry.

That old Corps policy is largely responsible for the endangerment of three species—the piping plover, the least interior tern, and the pallid sturgeon—that depend upon the river for survival. Two other fish species are also headed toward extinction.

It is very unfortunate that this provision was included in a bill that otherwise has much to commend it.

I appreciate the conferees' hard work in crafting a bill that funds several important California priorities. The Hamilton Wetlands Project funded in this bill would restore approximately 1,000 acres to wetlands and wildlife habitat at Hamilton Army Airfield. The American River Common Elements funded in this bill would result in 24 miles of levee improvements along the American River and 12 miles of improvements along the Sacramento River levees, flood gauges upstream of Folsom Dam, and improvements to the flood warning system along the lower American River. Finally, the Solana Beach-Encinitas Shoreline Feasibility Study funded in this bill would assist both cities in their efforts to battle beach erosion, and would provide needed data for the restoration of these beaches. Projects such as these are extremely important to California.

Because of these and the other benefits of this bill for California, I find it unfortunate that I must vote against this legislation. I do so, however, because a vote for this bill is a vote to support an antienvironment rider that may well lead to the irreversible damage of causing the extinction of several endangered species.

I expect that this legislation will be taken up by the Senate without this rider in the next few weeks, and that we will move forward with important energy and water projects without doing irreversible damage to our environment.

Mr. L. CHAFEE. Madam President, the FY 2001 Energy and Water Appropriations conference report includes $24 billion in funding for the Department of Energy, civil projects of the Army Corps of Engineers, the Department of Interior's Bureau of Reclamation, and a number of independent agencies. I understand the difficulty of reaching a consensus on such a comprehensive bill. I would like to thank the Managers of the legislation for all their hard work in reaching this consensus.

I am particularly pleased with the nearly $4 million in funding included in the bill for a number of important Rhode Island coastal restoration and water development projects. The bill contains $1.95 million in funding for authorized repairs to the Fox Point Hurricane Barrier. Since its construction in 1966, the barrier has provided critical flood protection to the City of Providence. The bill contains $191,000 for Rhode Island Ecosystem Restoration to assist the Army Corps of Engineers and the Rhode Island Department of Environmental Management to restore degraded salt marshes and freshwater wetlands, improve overall fish and wildlife habitats, and restore anadramous fisheries. The bill also contains $54,000 for South Coast Erosion to complete feasibility study work on potential coastal protection projects along the southern coastline of Rhode Island.

Additionally, the bill contains $584,000 in funding for the final Environmental Impact Statement and design work associated with maintenance dredging of the Providence River and Harbor federal navigation channel. The proposed maintenance dredging project involves the removal of approximately four million cubic yards of material from the Providence River and Harbor. The Environmental Impact Statement process will allow for full and open debate on the placement of dredge spoils from the project. We certainly cannot overlook the importance of protecting and minimizing the impact on our environment, especially the impact on our fisheries.

As we move into the heating season, funding Environmental Impact Statements for Providence Harbor dredging projects cannot be overstated. Specifically, until dredging Providence Harbor is completed, deep draft vessels carrying precious heating oil to Rhode Island and other points in the Northeast will have to continue the dangerous and inefficient practice of offloading their cargoes into small barges, in the middle of Narragansett Bay, for delivery to the pierside terminals in Providence Harbor. Anyone who has experienced the fury of winter wind, ice, and rough waters on the Narragansett recognizes this practice is an accident waiting to happen—one with disastrous consequences.

While I voted in support of the conference report last night, I was disappointed to find that the Missouri River provision I objected to during Senate consideration of the bill was not removed during conference. I firmly object to this provision which would block funding for consideration of one of the alternatives to the Missouri River Master Water Control Manual. The targeted alternative would require seasonal river flow changes along the Missouri River in order to recover three endangered species including the pallid sturgeon, interior least tern, and piping plover. During my past year in the Senate, I have voted to remove environmental riders such as this one from appropriations bills. In my view, the Missouri River provision inappropriately transfers the decision regarding endangered species protection along the Missouri River from the Army Corps of Engineers and the authorizing committees to the Senate and House Appropriations Committees.

I was one of two Republican Senators that voted in favor of an amendment offered by Senator DASCHLE and Senator BAUCUS to strike this provision during Senate consideration of the FY 2001 Energy and Water Development Appropriations bill. When the vote failed, however, I voted in favor of the legislation because of its important funding for Rhode Island. The FY 2001 Energy and Water Development Appropriations bill, and the Missouri River provision contained within, passed overwhelmingly in the Senate by a vote of 93 to 1.

The legislation still has a probable Presidential veto. I am hopeful we will be able to revisit the Missouri River provision before the end of this session, and ensure its elimination from the legislation.

Mr. MCCAIN. Madam President, during a statement I made on the Senate floor today regarding various pork-barrel spending in the final conference report for the FY 2001 energy and water appropriations, I incorrectly referred to a $20 million earmark for the CALFED Bay-Delta restoration project. I was informed by the Senate Energy and Natural Resources Committee that the conference agreement does not include any funding for this specific California project. I wanted to state for the RECORD that I will correct my statement that will be included on my Senate web page and remove this reference to the CALFED project.

Mr. ROBB. Madam President, I intend to vote against the energy and water appropriations conference report this afternoon. I support the vast majority of the bill, in fact, there are a number of projects I have worked for years to have included. But, once again, in addition to those projects, an anti-environmental rider was also attached to this legislation.

The President has announced his intention to veto this bill because of that anti-environmental rider. So we will be back here in the next few days considering this legislation again. And I have been assured that when we take up this legislation again, our Virginia projects will be included, since they are not the subject of the dispute. I hope that in the intervening period, we can remove the rider which would prevent the Corps of Engineers from reviewing its procedures to protect the Missouri river and its environment.

Mr. HARKIN. Madam President, I rise today in continuing concern over the National Ignition Facility, a massive stockpile stewardship facility being built at the Department of Energy's Lawrence Livermore Labs in California. This program has been beset by cost overruns, delays, and poor management. The House in its Energy & Water bill included $74.1 million for construction of NIF. The Senate adopted an amendment I offered that capped spending at the same level, and also requested an independent review of the project from the National Academy of Sciences.

I know the Chairman and Ranking Member of the Subcommittee each have their own concerns about NIF, and I greatly appreciate their efforts to bring this program under control. But frankly I am disappointed in what has come out of conference. The funding for NIF construction has risen from $74 million to $199 million. $74 million in the House, $74 million in the Senate, and $199 million out of conference.

That is a lot of money to spend on a program that is out of control. Projected costs of constructing this facility have almost doubled in the last year. We don't know if the optics will work. We don't know how to design the target. Even if the technical problems are solved, we don't know if the National Ignition Facility will achieve ignition. We don't even know if this facility is needed. DOE's recent "rebaselining" specified massive budget increases for NIF for several years, but, despite Congressional requests, did not say where this money would come from or what impact it would have on the stockpile stewardship program.

This is the time to slow down, conduct some independent studies, reconsider how we can best maintain the nuclear weapons stockpile and whether this risky program really is critical to that effort. Instead we are saying full steam ahead.

It is true that part of the money, $69 million, is held back until DOE arranges for studies of some of these issues and certifies that the program is on schedule and on budget. These issues are critical to future Congressional action on NIF. Unfortunately, the bill does not clearly specify who will conduct those studies.

I wish we could entrust DOE with these reviews, but history suggests they have not earned our trust. A recent article in the journal Nature describes ten years of failed peer review on this project: so-called "independent" reports that were not independent, that were written by stacked panels with conflicts of interest, that even were edited by project officials. A recent GAO report notes that reviews "did not discover and report on NIF's fundamental project and engineering problems, bringing into question their comprehensiveness and independence." DOE is currently under threat of a second lawsuit regarding violations of the Federal Advisory Committee Act in NIF studies.

We need a truly independent review. I am pleased that the Chairman and Ranking Member agreed to join me in a colloquy on this concern, and hope the studies mandated in this bill will be fully independent and credible. Otherwise, I fear that the $199 million we are appropriating will be poured down a bottomless pit with the $800 million already spent. We've seen this happen too many times, with the Superconducting Supercollider, the Clinch River Breeder Reactor, the Space Station, and on and on. I will continue to strive to protect our taxpayers, keep our nuclear stockpile safe, and end wasteful spending on NIF before more billions are spent.

Mr. ASHCROFT. Madam President, I rise today in support of the conference report on the energy and water appropriations bill. This is a very important bill, for it contains a provision that will protect the citizens of Missouri from a risky Administration scheme to flood the Missouri River Basin. Section 103 of this bill is a provision that is necessary for the millions of Americans who live and work along the Missouri and Mississippi Rivers. This is the section of the bill that was subject to an amendment to strike when the Senate considered this legislation on September 7, 2000. The Senate defeated the attempt to strike at that time, and I want to thank the subcommittee chairman, Senator DOMENICI, for maintaining Section 103 in the conference report now before us.

Madam President, as you know, the use of the Missouri River is governed by what is known as the Missouri River Master Manual. Right now, there is an effort underway to update that manual. The specific issue that is at the crux of the debate over Section 103 is what is called a spring rise. A spring rise, in this case, is a release of huge amounts of water from above Gavins Point Dam on the Nebraska-South Dakota border during the flood-prone spring months.

In an effort to protect the habitat of the pallid sturgeon, the least tern, and the piping plover, the U.S. Fish and Wildlife Service issued an ultimatum to the Army Corps of Engineers insisting that the Corps immediately agree to its demand for a spring rise. The

Corps was given one week to respond to the request of Fish and Wildlife for immediate implementation of a spring rise. The Corps' response was a rejection of the spring rise proposal, and they called for further study of the effect of the spring rise.

The language in section 103 will allow for the studies the Corps recommends. Section 103, inserted in the bill during the subcommittee markup, is a commonsense provision that states in its entirety:

> None of the funds made available in this act may be used to revise the Missouri River Master Water Control Manual if such provisions provide for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

This policy—this exact language—has been included in the last four energy and water appropriations bills, all of which the President signed without opposition. Let's look at the support that the Energy and Water appropriations bills, with the exact same language, have enjoyed in the past.

In October, 1995, the Senate agreed to the energy and water appropriations conference report by a bipartisan vote of 89-6.

In September, 1996, the Senate agreed to the energy and water appropriations conference report by a bipartisan vote of 92-8.

In September, 1998, the Senate agreed to the energy and water appropriations conference report by unanimous consent.

In September, 1999, the Senate agreed to the energy and water appropriations conference report by a bipartisan vote of 96-3.

In addition, this year, the Senate voted 93-1 in favor of final passage of the energy and water appropriations bill on September 7, 2000, following the defeat of the amendment to strike Section 103.

This lengthy record of support is part of the reason I am shocked and astounded to report that last week, the President's Chief of Staff, John Podesta, sent a letter to the Energy and Water Appropriations Subcommittee chairman stating that the President would veto this bill if section 103 is included. In other words, the Clinton-Gore administration is threatening to veto the entire energy and water appropriations bill if it contains language to protect the lives and property of all citizens living and working along the lower Missouri and Mississippi Rivers.

If the President follows through with a veto of the bill, after having signed this provision four times previously, he will be sending a very clear message to the citizens of the Midwest. It is very easy to understand. Unfortunately, it would be very hard to digest and accommodate. But the message would be this: The Clinton-Gore administration is willing to flood downstream communities as part of an unscientific, risky scheme that will hurt, not help, the endangered species it seeks to protect. If that is the message, I wouldn't want to be the messenger.

The President's Chief of Staff, Mr. Podesta, made a number of interesting, yet untrue, claims in his veto threat letter. We have corrected and clarified these points before, but allow me to do so again, in the hope that the administration will reconsider its position when confronted with the real facts on this issue.

First, the administration claims in its veto letter that section 103 would, "prevent the Corps from carrying out a necessary element of any reasonable and prudent alternative to avoid jeopardizing the continued existence of the endangered least tern, pallid sturgeon, and the piping plover." This statement is false.

Under section 103, alternatives can be studied and all alternatives can be implemented—with the exception of a spring rise.

What is ironic is that spring flooding could hurt the wildlife more than it will protect them. And it will do so in a way that will increase the risks of downstream flooding and interferes with the shipment of cargo on our nation's highways.

Dr. Joe Engeln, assistant director of the Missouri Department of Natural Resources, stated in a June 24 letter that there are several major problems with the Fish and Wildlife Service's proposed plan that may have the perverse effect of harming the targeted species rather than helping them.

In his letter, he writes that, "the higher reservoir levels [that would result from a spring rise] would also reduce the habitat for the terns and plovers that nest along the shorelines of the reservoirs."

Dr. Engeln also points out that because the plan calls for a significant drop in flow during the summer, predators will be able to reach the islands upon which the terns and plovers nest, giving them access to the young still in the nests.

Second, the administration claims that the Missouri Master Manual is outdated and, "does not provide and appropriate balance among the competing interests, both commercial and recreational, of the many people who seek to use this great American river." This, also, is untrue.

This administration's plan for "controlled flood" or spring rise places every citizen who lives or works downstream from the point of release in jeopardy by disturbing the balance at a time when downstream citizens are most vulnerable to flooding.

Section 103 protects citizens of Missouri and other states from dangerous flooding while allowing for cost efficient transportation of grain and cargo.

Section 103 is supported by bipartisan group representing farmers, manufacturers, labor unions, shippers, citizens and port authorities from 15 Midwest states.

Also supporting Section 103 are major national organizations including the American Farm Bureau, American Waterways associations, National Grange, and the National Soybean Association.

The strong support for Section 103 and against the spring rise undermines the administration's claim that the Master Manual must be immediately changed.

In addition to the illusory argument that the spring rise is necessary to protect endangered species, some advocates of the spring rise claim that this plan is a return to more "natural flow conditions" and that the river should be returned to its condition at the time of the Lewis and Clark expedition.

Not only is this unrealistic because the Midwest was barely habitable because of the erratic flooding conditions at that time, according to Dr. Engeln of the Missouri DNR, the proposal would benefit artificial reservoirs at the expense of the river and create flow conditions that have never existed along the river in Iowa, Nebraska, Kansas, and Missouri.

Over 90 organizations representing farmers, shippers, cities, labor unions, and port authorities recently sent a letter to Congress saying: "The spring rise demanded by the Fish and Wildlife Service is based on the premise that we should 'replicate the natural hydrograph' that was responsible for devastating and deadly floods as well as summertime droughts and even dustbowls."

I think it is pretty clear that there is not sound science to support some protection of these species. There is a clear disagreement among scientists, and a strong argument that the implementation of this plan would, in fact, damage the capacity of some of these species to continue.

I urge the Senate to support this conference report. I ask the President to rethink his threatened veto and side with the bipartisan consensus to protect the citizens living and working in the lower Missouri River Basin from the Fish and Wildlife Service's plan to flood the region.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I rise to tell the Senate this is a good bill. I hope we will pass it.

The Senate passed this bill 97-1. It went to conference. Obviously, there were some changes made in conference but clearly not significant enough to have somebody vote against this bill.

When the call of the roll occurs, we are going to hear that a number of Senators on the other side of the aisle are going to vote against the bill. I hope everybody understands that most of them have asked for things in this bill, and they have been granted things in this bill their States desperately need. I don't know how all that will work out, but they are being asked to vote against this because the President of the United States, after signing similar language regarding the Missouri River four different times, has suggested that this year, if it is in this bill, he will veto it.

This bill has taken much work on the defense side; that is, for the nuclear deterrent, nuclear weapons activities of America, and those activities related to it that have to do with nonproliferation. We have done an excellent job in increasing some of the very important work of these National Laboratories and our nuclear defense deterrent, people, equipment, and facilities. Sooner or later many more Senators are going to have to recognize the significance of that part of this bill.

The second part of it has to do with nondefense discretionary appropriations; that is, mostly water and water projects across this great land. Many of them are in here for Senators on the Democrat side of the aisle. We were pleased to work with them on that.

I hope the bill will get sent to the President and we will be able to work something out with reference to the Missouri River. The President indicates now that he doesn't want that paragraph, that provision, so-called section 103, in this bill. I am not going to argue as eloquently as KIT BOND, the Senator from Missouri, did with reference to why that provision should be in the bill. But I can say that a compelling majority of Senators agreed with him when we had a vote on it, and then agreed to vote on final passage which included that.

To make sure everybody understands a little bit about where we have been and where we are going, I will not talk much about this chart, except I will ask that we take a quick look at the orange part of this chart. You see how big that keeps growing while people worry about this bill, and legitimately so. Senator McCAIN argues that perhaps there are some things in this bill that should not be in it. He may be right.

Let me tell my colleagues, when you have to put something together for a whole House and a whole Senate, sometimes you have to do some things that maybe one Senator wouldn't want done.

This orange shows what is happening to the American budget of late. This is the 2000 estimate, the orange part of the entitlements and interest we pay in our budget for the people. See how it continues to grow. The yellow is the Defense Department. If you will focus for a moment on this purple piece, that number, $319 billion out of a budget of $1.8 trillion, is the 11 appropriations bills that have not yet been passed.

May I point it out again. This is the entitlements plus the interest. This is defense, which has been passed. And this, which you can see from this year to this year to this year, not very big changes compared to the other parts of the budget, this is what the 11 appropriations bills will amount to more or less, including this one.

It means that one-sixth of the Federal budget is at issue when we discuss the 11 appropriations bills that remain. Two of them were defense, and they belong in this portion of the budget. But if you look out, as we try to project 2005 and beyond, to see what keeps growing even though we are paying down the national debt, the entitlement programs keep growing. And the difference in this part, the purple part, is rather insignificant in terms of growth.

This bill is slightly over the President's budget in the nuclear deterrent, nuclear laboratory, nuclear weapons activities, and is slightly over the President on all of the water projects. I failed to mention the science projects that are in this bill, which are nondefense projects. They go on at all of the laboratories, and they are the cutting edge of real science across America—in this bill we are talking about. All of these, this and 11 others, belong in this small amount. Even for those who think it is growing too much, our projections beyond the year 2005 are that it still will be a very small portion of our Federal budget with a very large amount going to entitlements.

I wish I had one more I could predict, the surpluses along here, because I don't believe you need to worry about having adequate surpluses to take care of priorities in the future, to take care of Medicare, prescription drugs, and Medicare reform. Nor do I think there will be a shortage of money, some of which we should give back to the American people before we spend it.

My closing remarks have to do with what should we do with the great surplus the American people are giving us by way of taxes, which they have never paid so much of in the past. I look to the person who had most to do with our great thriving economy, Dr. Alan Greenspan. He mentions three things to us: First, you should put as much of it as you can on the national debt. The second thing is, you should give the people back some of it by way of taxes. That is the second best thing. He comments, "If you are going to look at the big picture, the worst thing you can do with the surplus for the future of our children and grandchildren is to spend it on new programs."

So I suggest we all ought to be worried about the future. But today we ought to get an appropriation bill passed. I hope our people will understand that in spite of the plea from the minority leader that you vote against it because of the Missouri language, we can pass it today and see if in the next few days we can work something out with the President if he remains dedicated to vetoing this bill over the one issue of which the Senator from Montana spoke.

Mr. BAUCUS. Madam President, I very much admire the work and the effort the Senator from New Mexico has put into this bill, and I hope after the President vetoes this bill, and it is sustained, we can work out this one problem so we can get the bill passed.

Mr. DOMENICI. I thank the Senator.

Madam President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. DOMENICI. Madam President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah, (Mr. HATCH) and the Senator from Minnesota (Mr. GRAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote "yea."

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 37, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—57

Abraham
Allard
Ashcroft
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Edwards
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lincoln
Lott
Lugar
Mack
McConnell
Miller
Murkowski
Murray
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—37

Akaka
Baucus
Bayh
Biden
Boxer
Breaux
Bryan
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Graham
Harkin
Hollings
Inouye

Johnson
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
McCain
Mikulski
Moynihan
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone

NOT VOTING—6

Feinstein
Grams
Hatch
Kennedy
Lieberman
Wyden

The conference report was agreed to.

Mr. DOMENICI. Madam President, I move to reconsider the vote.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, we have been working on a number of issues. I want to enter one, and then we will have another quorum call while we conclude some other agreements. The first has to do with the intelligence authorization bill. Obviously, this is very important legislation. It has been agreed to on both sides.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 654, S. 2507.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2507) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Select Committee on Intelligence with amendments to omit the parts in black brackets and insert the parts printed in italic.

S. 2507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Prohibition on unauthorized disclosure of classified information.
Sec. 304. POW/MIA analytic capability within the intelligence community.
Sec. 305. Applicability to lawful United States intelligence activities of Federal laws implementing international treaties and agreements.
Sec. 306. Limitation on handling, retention, and storage of certain classified materials by the Department of State.
Sec. 307. Clarification of standing of United States citizens to challenge certain blocking of assets.
Sec. 308. Availability of certain funds for administrative costs of Counterdrug Intelligence Executive Secretariat.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Expansion of Inspector General actions requiring a report to Congress.
Sec. 402. Subpoena authority of the Inspector General.
Sec. 403. Improvement and extension of central services program.
Sec. 404. Details of employees to the National Reconnaissance Office.
Sec. 405. Transfers of funds to other agencies for acquisition of land.
Sec. 406. Eligibility of additional employees for reimbursement for professional liability insurance.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

[Sec. 501. Two-year extension of authority to engage in commercial activities as security for intelligence collection activities.
[Sec. 502. Nuclear test monitoring equipment.
[Sec. 503. Experimental personnel management program for technical personnel for certain elements of the intelligence community.]
Sec. 501. Prohibition on transfer of imagery analysts from General Defense Intelligence Program to National Imagery and Mapping Agency Program.
Sec. 502. Prohibition on transfer of collection management personnel from General Defense Intelligence Program to Community Management Account.
Sec. 503. Authorized personnel ceiling for General Defense Intelligence Program.
Sec. 504. Measurement and signature intelligence.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.—Funds are hereby authorized to be appropriated for fiscal year 2001 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The National Reconnaissance Office.

(6) The National Imagery and Mapping Agency.

(7) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Federal Bureau of Investigation.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN ELEMENTS FOR FISCAL YEARS 2002 THROUGH 2005.—Funds are hereby authorized to be appropriated for each of fiscal years 2002 through 2005 for the conduct in each such fiscal year of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Defense Intelligence Agency.

(3) The National Security Agency.

(4) The National Reconnaissance Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2001, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill of the One Hundred Sixth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2001 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2001 the sum of $232,051,000.

(2) AVAILABILITY FOR ADVANCED RESEARCH AND DEVELOPMENT COMMITTEE.—Within the amount authorized to be appropriated in paragraph (1), amounts identified in the classified Schedule of Authorizations referred to

in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2002.

(b) Authorized Personnel Levels.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 618 full-time personnel as of September 30, 2001. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) Classified Authorizations.—

(1) Authorization of appropriations.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 2001 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) Authorization of personnel.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2001, there is hereby authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(d) Reimbursement.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2001, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) National Drug Intelligence Center.—

(1) In general.—Of the amount authorized to be appropriated in subsection (a), $27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2002, and funds provided for procurement purposes shall remain available until September 30, 2003.

(2) Transfer of funds.—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for activities of the National Drug Intelligence Center.

(3) Limitation.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(1)).

(4) Authority.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2001 the sum of $216,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. PROHIBITION ON UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.

(a) In General.—Chapter 37 of title 18, United States Code, is amended—

(1) by redesignating section 798A as section 798B; and

(2) by inserting after section 798 the following new section 798A:

"§ 798A. Unauthorized disclosure of classified information

"(a) Prohibition.—Whoever, being an officer or employee of the United States, a former or retired officer or employee of the United States, any other person with authorized access to classified information, or any other person formerly with authorized access to classified information, knowingly and willfully discloses, or attempts to disclose, any classified information to a person who is not both an officer or employee of the United States and who is not authorized access to the classified information shall be fined not more than $10,000, imprisoned not more than 3 years, or both.

"(b) Construction of Prohibition.—Nothing in this section shall be construed to establish criminal liability for disclosure of classified information in accordance with applicable law to the following:

"(1) Any justice or judge of a court of the United States established pursuant to article III of the Constitution of the United States.

"(2) The Senate or House of Representatives, or any committee or subcommittee thereof, or joint committee thereof, or any member of Congress.

"(c) Definitions.—In this section:

"(1) The term 'authorized', in the case of access to classified information, means having authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information, an order of any United States court, or a provision of any Resolution of the Senate or Rule of the House of Representatives which governs release of classified information by the such House of Congress.

"(2) The term 'classified information' means information or material designated and clearly marked or represented, or that the person knows or has reason to believe has been determined by appropriate authorities, pursuant to the provisions of a statute or Executive Order, as requiring protection against unauthorized disclosure for reasons of national security.

"(3) The term 'officer or employee of the United States' means the following:

"(A) An officer or employee (as those terms are defined in sections 2104 and 2105 of title 5).

"(B) An officer or enlisted member of the Armed Forces (as those terms are defined in section 101(b) of title 10).".

(b) Clerical Amendment.—The table of sections at the beginning of that chapter is amended by striking the item relating to section 798A and inserting the following new items:

"798A. Unauthorized disclosure of classified information.
"798B. Temporary extension of section 794.".

SEC. 304. POW/MIA ANALYTIC CAPABILITY WITHIN THE INTELLIGENCE COMMUNITY.

Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following:

"POW/MIA ANALYTIC CAPABILITY

"Sec. 115. (a) Requirement.—(1) The Director of Central Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of the United States relating to prisoners of war and missing persons (as that term is defined in section 1513(1) of title 10, United States Code).

"(2) The analytic capability maintained under paragraph (1) shall be known as the 'POW/MIA analytic capability of the intelligence community'.

"(b) Scope of Responsibility.—The responsibilities of the analytic capability maintained under subsection (a) shall—

"(1) extend to any activities of the Federal Government with respect to prisoners of war and missing persons after December 31, 1990; and

"(2) include support for any department or agency of the Federal Government engaged in such activities.".

SEC. 305. APPLICABILITY TO LAWFUL UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following:

"TITLE X—MISCELLANEOUS

"APPLICABILITY TO UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS

"Sec. 1001. (a) In General.—No Federal law enacted on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2001 that implements a treaty or other international agreement shall be construed as making unlawful an otherwise lawful and authorized intelligence activity of the United States Government or its employees, or any other person acting at their direction to the extent such other person is carrying out such activity on behalf of the United States, unless such Federal law specifically addresses such intelligence activity.

"(b) Authorized Activities.—An activity shall be treated as authorized for purposes of subsection (a) if the activity is authorized by an appropriate official of the United States Government, acting within the scope of the official duties of that official and in compliance with Federal law and any applicable Presidential directive.".

SEC. 306. LIMITATION ON HANDLING, RETENTION, AND STORAGE OF CERTAIN CLASSIFIED MATERIALS BY THE DEPARTMENT OF STATE.

(a) Certification Regarding Full Compliance With Requirements.—The Director of Central Intelligence shall certify to the appropriate committees of Congress whether or not each covered element of the Department of State is in full compliance with all applicable directives of the Director of Central Intelligence, and all applicable Executive Orders, relating to the handling, retention, or storage of covered classified materials.

(b) Limitation on Certification.—The Director of Central Intelligence may not certify a covered element of the Department of State as being in full compliance with the directives and Executive Orders referred to in subsection (a) if the covered element is currently subject to a waiver of compliance with respect to any such directive or Executive Order.

(c) Report on Noncompliance.—Whenever the Director of Central Intelligence determines that a covered element of the Department of State is not in full compliance with any directive or Executive Order referred to in subsection (a), the Director shall promptly notify the appropriate committees of Congress of such determination.

(d) Effects of Certification of Non-Full Compliance.—(1)(A) Effective as of January 1, 2001, no funds authorized to be appropriated by this Act may be obligated or expended by the Bureau of Intelligence and Research of the Department of State unless the Director of Central Intelligence has certified under subsection (a) as of such date that each covered element of the Department of State is in full compliance with the directives and Executive Orders referred to in subsection (a).

(B) If the prohibition in subparagraph (A) takes effect in accordance with that subparagraph, the prohibition shall remain in effect until the date on which the Director certifies under subsection (a) that each covered element of the Department of State is in full compliance with the directives and Executive Orders referred to in that subsection.

(2)(A) Subject to subsection (e), effective as of January 1, 2001, a covered element of the Department of State may not retain or store covered classified information unless the Director has certified under subsection (a) as of such date that the covered element is in full compliance with the directives and Executive Orders referred to in subsection (a).

(B) If the prohibition in subparagraph (A) takes effect in accordance with that subparagraph, the prohibition shall remain in effect until the date on which the Director certifies under subsection (a) that the covered element involved is in full compliance with the directives and Executive Orders referred to in that subsection.

(e) Presidential Waiver.—(1) The President may waive the applicability of the prohibition in subsection (d)(2) to an element of the Department of State otherwise covered by such prohibition if the President determines that the waiver is in the national security interests of the United States.

(2) The President shall submit to appropriate committees of Congress a report on each exercise of the waiver authority in paragraph (1).

(3) Each report under paragraph (2) with respect to the exercise of authority under paragraph (1) shall set forth the following:

(A) The covered element of the Department of State addressed by the waiver.

(B) The reasons for the waiver.

(C) The actions taken by the President to protect any covered classified material to be handled, retained, or stored by such element.

(f) Definitions.—In this section:

(1) The term "appropriate committees of Congress" means the following:

(A) The Select Committee on Intelligence and the Committee on Foreign Relations of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on International Relations of the House of Representatives.

(2) The term "covered classified material" means any material classified at the Sensitive Compartmented Information (SCI) level.

(3) The term "covered element of the Department of State" means each element of the Department of State that handles, retains, or stores covered classified material.

(4) The term "material" means any data, regardless of physical form or characteristic, including written or printed matter, automated information systems storage media, maps, charts, paintings, drawings, films, photographs, engravings, sketches, working notes, papers, reproductions of any such things by any means or process, and sound, voice, magnetic, or electronic recordings.

(5) The term "Sensitive Compartmented Information (SCI) level", in the case of classified material, means a level of classification for information in such material concerning or derived from intelligence sources, methods, or analytical processes that requires such information to be handled within formal access control systems established by the Director of Central Intelligence.

SEC. 307. CLARIFICATION OF STANDING OF UNITED STATES CITIZENS TO CHALLENGE CERTAIN BLOCKING OF ASSETS.

The Foreign Narcotics Kingpin Designation Act (title VIII of Public Law 106–120; 113 Stat. 1626; 21 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

"SEC. 811. STANDING OF UNITED STATES CITIZENS TO CHALLENGE BLOCKING OF ASSETS.

"No provision of this title shall be construed to prohibit a United States citizen from raising any challenge otherwise available to the United States citizen under subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly referred to as the Administrative Procedure Act), or any other provision of law, with respect to the blocking of assets by the United States under this title.".

SEC. 308. AVAILABILITY OF CERTAIN FUNDS FOR ADMINISTRATIVE COSTS OF COUNTERDRUG INTELLIGENCE EXECUTIVE SECRETARIAT.

Notwithstanding section 1346 of title 31, United States Code, or section 610 of the Treasury and General Government Appropriations Act, 2000 (Public Law 106–58; 113 Stat. 467), funds made available for fiscal year 2000 for any department or agency of the Federal Government with authority to conduct counterdrug intelligence activities, including counterdrug law enforcement information-gathering activities, may be available to finance an appropriate share of the administrative costs incurred by the Department of Justice for the Counterdrug Intelligence Executive Secretariat authorized by the General Counterdrug Intelligence Plan of February 12, 2000.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. EXPANSION OF INSPECTOR GENERAL ACTIONS REQUIRING A REPORT TO CONGRESS.

Section 17(d)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)) is amended by striking all that follows after subparagraph (A) and inserting the following:

"(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Agency official who—

"(i) holds or held a position in the Agency that is subject to appointment by the President, by and with the advise and consent of the Senate, including such a position held on an acting basis; or

"(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

"(I) Executive Director;

"(II) Deputy Director for Operations;

"(III) Deputy Director for Intelligence;

"(IV) Deputy Director for Administration; or

"(V) Deputy Director for Science and Technology;

"(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former Agency official described or referred to in subparagraph (B);

"(D) the Inspector General becomes aware of the possible criminal conduct of a current or former Agency official described or referred to in subparagraph (B) through a means other than an investigation, inspection, or audit and such conduct is not referred to the Department of Justice; or

"(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately submit a report on such matter to the intelligence committees.".

SEC. 402. SUBPOENA AUTHORITY OF THE INSPECTOR GENERAL.

(a) Clarification Regarding Reports on Exercise of Authority.—Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (d)(1), by striking subparagraph (E) and inserting the following new subparagraph (E):

"(E) a description of the exercise of the subpoena authority under subsection (e)(5) by the Inspector General during the reporting period; and"; and

(2) in subsection (e)(5), by striking subparagraph (E).

(b) Scope of Authority.—Subsection (e)(5)(B) of that section is amended by striking "Government" and inserting "Federal".

SEC. 403. IMPROVEMENT AND EXTENSION OF CENTRAL SERVICES PROGRAM.

(a) Deposits in Central Services Working Capital Fund.—Subsection (c)(2) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended—

(1) by redesignating subparagraph (F) as subparagraph (H); and

(2) by inserting after subparagraph (E) the following new subparagraphs:

"(F) Receipts from individuals in reimbursement for utility services and meals provided under the program.

"(G) Receipts from individuals for the rental of property and equipment under the program.".

(b) Clarification of Costs Recoverable Under Program.—Subsection (e)(1) of that section is amended in the second sentence by inserting "other than structures owned by the Agency" after "depreciation of plant and equipment".

(c) Financial Statements of Program.—Subsection (g)(2) of that section is amended in the first sentence by striking "annual audits under paragraph (1)" and inserting the following: "financial statements to be prepared with respect to the program. Office of Management and Budget guidance shall also determine the procedures for conducting annual audits under paragraph (1).".

(d) EXTENSION OF PROGRAM.—Subsection (h)(1) of that section is amended by striking "March 31, 2002" and inserting "March 31, 2005".

SEC. 404. DETAILS OF EMPLOYEES TO THE NATIONAL RECONNAISSANCE OFFICE.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

"DETAILS OF EMPLOYEES

"SEC. 22. The Director may—

"(1) detail any personnel of the Agency on a reimbursable basis indefinitely to the National Reconnaissance Office without regard to any limitation under law on the duration of details of Federal government personnel; and

"(2) hire personnel for the purpose of details under paragraph (1).".

SEC. 405. TRANSFERS OF FUNDS TO OTHER AGENCIES FOR ACQUISITION OF LAND.

(a) IN GENERAL.—Section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j) is amended by adding at the end the following new subsection:

"(c) TRANSFERS FOR ACQUISITION OF LAND.—(1) Sums appropriated or otherwise made available to the Agency for the acquisition of land that are transferred to another department or agency for that purpose shall remain available for 3 years.

"(2) The Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives an annual report on the transfers of sums described in paragraph (1).".

(b) CONFORMING STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (a), by inserting "IN GENERAL.—" after "(a)"; and

(2) in subsection (b), by inserting "SCOPE OF AUTHORITY FOR EXPENDITURE.—" after "(b)".

(c) APPLICABILITY.—Subsection (c) of section 8 of the Central Intelligence Agency Act of 1949, as added by subsection (a) of this section, shall apply with respect to amounts appropriated or otherwise made available for the Central Intelligence Agency for fiscal years after fiscal year 2000.

SEC. 406. ELIGIBILITY OF ADDITIONAL EMPLOYEES FOR REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE.

(a) IN GENERAL.—Notwithstanding any provision of section 363 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note), the Director of Central Intelligence may—

(1) designate as qualified employees within the meaning of subsection (b) of that section appropriate categories of employees not otherwise covered by that subsection; and

(2) use appropriated funds available to the Director to reimburse employees within categories so designated for one-half of the costs incurred by such employees for professional liability insurance in accordance with subsection (a) of that section.

(b) REPORTS.—The Director of Central Intelligence shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee of Intelligence of the House of Representatives a report on each designation of a category of employees under paragraph (1) of subsection (a), including the approximate number of employees covered by such designation and an estimate of the amount to be expended on reimbursement of such employees under paragraph (2) of that subsection.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

[SEC. 501. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

[Section 431(a) of title 10, United States Code, is amended in the second sentence by striking "December 31, 2000" and inserting "December 31, 2002".

[SEC. 502. NUCLEAR TEST MONITORING EQUIPMENT.

[(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

["§ 2350l. Nuclear test monitoring equipment

["(a) AUTHORITY TO CONVEY OR PROVIDE.—Subject to subsection (b), the Secretary of Defense may, for purposes of satisfying nuclear test explosion monitoring requirements applicable to the United States—

["(1) convey or otherwise provide to a foreign government monitoring and associated equipment for nuclear test explosion monitoring purposes; and

["(2) install such equipment on foreign territory or in international waters as part of such conveyance or provision.

["(b) AGREEMENT REQUIRED.—Nuclear test explosion monitoring equipment may be conveyed or otherwise provided under the authority in subsection (a) only pursuant to the terms of an agreement in which the foreign government receiving such equipment agrees as follows:

["(1) To provide the Secretary of Defense timely access to the data produced, collected, or generated by such equipment.

["(2) To permit the Secretary of Defense to take such measures as the Secretary considers necessary to inspect, test, maintain, repair, or replace such equipment, including access for purposes of such measures.

["(c) DELEGATION OF RESPONSIBILITIES.—(1) The Secretary of Defense may delegate any or all of the responsibilities of that Secretary under subsection (b) to the Secretary of the Air Force.

["(2) The Secretary of the Air Force may delegate any or all of the responsibilities delegated to that Secretary under paragraph (1).".

[(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by inserting after the item relating to section 2350k the following new item:

["2350l. Nuclear test monitoring equipment.".

[SEC. 503. EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR TECHNICAL PERSONNEL FOR CERTAIN ELEMENTS OF THE INTELLIGENCE COMMUNITY.

[(a) PROGRAM AUTHORIZED.—During the 5-year period beginning on the date of the enactment of this Act, the Director of Central Intelligence may carry out a program of experimental use of the special personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for research and development projects administered by the elements of the intelligence community specified in subsection (c).

[(b) SPECIAL PERSONNEL MANAGEMENT AUTHORITY.—Under the program, the Director of Central Intelligence may—

[(1) within the limitations specified in subsection (c), appoint scientists and engineers from outside the civil service and uniformed services (as such terms are defined in section 2101 of title 5, United States Code) to not more than 39 scientific and engineering positions in the elements of the intelligence community, specified in that subsection without regard to any provision of title 5, United States Code, governing the appointment of employees in the civil service;

[(2) prescribe the rates of basic pay for positions to which employees are appointed under paragraph (1) at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of title 5, United States Code, notwithstanding any provision of such title governing the rates of pay or classification of employees in the executive branch; and

[(3) pay any employee appointed under paragraph (1) payments in addition to basic pay within the limit applicable to the employee under subsection (e)(1).

[(c) SPECIFIED ELEMENTS AND LIMITATIONS.—The elements of the intelligence community in which individuals may be appointed under the program, and the maximum number of positions for which individuals may be appointed in each such element, are as follows:

[(1) The National Imagery and Mapping Agency (NIMA), 15 positions.

[(2) The National Security Agency (NSA), 12 positions.

[(3) The National Reconnaissance Office (NRO), 6 positions.

[(4) The Defense Intelligence Agency (DIA), 6 positions.

[(d) LIMITATION ON TERM OF APPOINTMENT.—(1) Except as provided in paragraph (2), the service of an employee under an appointment under subsection (b)(1) may not exceed 4 years.

[(2) The Director of Central Intelligence may, in the case of a particular employee, extend the period to which service is limited under paragraph (1) by up to 2 years if the Director determines that such action is necessary to promote the efficiency of the element of the intelligence community concerned.

[(e) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1) The total amount of the additional payments paid to an employee under subsection (b)(3) for any 12-month period may not exceed the least of the following amounts:

[(A) $25,000.

[(B) The amount equal to 25 percent of the employee's annual rate of basic pay.

[(C) The amount of the limitation that is applicable for a calendar year under section 5307(a)(1) of title 5, United States Code.

[(2) An employee appointed under subsection (b)(1) is not eligible for any bonus, monetary award, or other monetary incentive for service except for payments authorized under subsection (b)(3).

[(f) PERIOD OF PROGRAM.—(1) The program authorized under this section shall terminate at the end of the 5-year period referred to in subsection (a).

[(2) After the termination of the program—

[(A) no appointment may be made under paragraph (1) of subsection (b);

[(B) a rate of basic pay prescribed under paragraph (2) of that subsection may not take effect for a position; and

[(C) no period of service may be extended under subsection (d)(2).

[(g) SAVINGS PROVISIONS.—In the case of an employee who, on the day before the termination of the program, is serving in a position pursuant to an appointment under subsection (b)(1)—

[(1) the termination of the program does not terminate the employee's employment in that position before the expiration of the lesser of—

[(A) the period for which the employee was appointed; or

[(B) the period to which the employee's service is limited under subsection (d), including any extension made under paragraph (2) of that subsection before the termination of the program; and

[(2) the rate of basic pay prescribed for the position under subsection (b)(2) may not be reduced for so long (within the period applicable to the employee under paragraph (1)) as the employee continues to serve in the position without a break in service.

[(h) ANNUAL REPORT.—(1) Not later than October 15 of each year, beginning in 2001 and ending in the year in which the service of employees under the program concludes (including service, if any, that concludes under subsection (g)), the Director of Central Intelligence shall submit a report on the program to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

[(2) The report submitted in a year shall cover the 12-month period ending on the day before the anniversary, in that year, of the date of the enactment of this Act.

[(3) The annual report shall contain, for the period covered by the report, the following:

[(A) A detailed discussion of the exercise of authority under this section.

[(B) The sources from which individuals appointed under subsection (b)(1) were recruited.

[(C) The methodology used for identifying and selecting such individuals.

[(D) Any additional information that the Director considers helpful for assessing the utility of the authority under this section.]

SEC. 501. PROHIBITION ON TRANSFER OF IMAGERY ANALYSTS FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO NATIONAL IMAGERY AND MAPPING AGENCY PROGRAM.

(a) PROHIBITION ON USE OF FUNDS FOR TRANSFER.—No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program for purposes of transferring imagery analysis personnel from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program.

(b) ROLE OF DIRECTOR OF NIMA AS FUNCTIONAL MANAGER FOR IMAGERY AND GEOSPACIAL PROGRAMS.—(1) The Secretary of Defense shall, in consultation with the Director of Central Intelligence, review options for strengthening the role of the Director of the National Imagery and Mapping Agency as the functional manager for United States imagery and geospacial programs.

(2) Not later than March 15, 2001, the Secretary shall submit to the appropriate committees of Congress a report on the review required by subsection (b). The report shall include any recommendations regarding modifications in the role and duties of the Director of the National Imagery and Mapping Agency that the Secretary considers appropriate in light of the review.

(3) In this subsection, the term "appropriate committees of Congress" means the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 502. PROHIBITION ON TRANSFER OF COLLECTION MANAGEMENT PERSONNEL FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO COMMUNITY MANAGEMENT ACCOUNT.

No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the Community Management Account for purposes of transferring intelligence collection management personnel.

SEC. 503. AUTHORIZED PERSONNEL CEILING FOR GENERAL DEFENSE INTELLIGENCE PROGRAM.

The authorized personnel ceiling for the General Defense Intelligence Program specified in the classified Schedule of Authorizations referred to in section 102 is hereby increased by 2,152 positions.

SEC. 504. MEASUREMENT AND SIGNATURE INTELLIGENCE.

(a) STUDY OF OPTIONS.—The Director of Central Intelligence shall, in coordination with the Secretary of Defense, conduct a study of the utility and feasibility of various options for improving the management and organization of measurement and signature intelligence, including the option of establishing a centralized tasking, processing, exploitation, and dissemination facility for measurement and signature intelligence.

(b) REPORT.—Not later than April 1, 2001, the Director and the Secretary shall jointly submit to the appropriate committees of Congress a report on their findings as a result of the study required by subsection (a). The report shall set forth any recommendations that the Director and the Secretary consider appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

The committee amendments were agreed to.

AMENDMENTS NOS. 4280 THROUGH 4285, EN BLOC

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the following amendments which are at the desk: Warner amendment No. 4280, Specter amendment No. 4281, Feinstein amendment No. 4282, Moynihan amendment No. 4283, Kerrey amendment No. 4284, and the Shelby-Bryan amendment No. 4285. I further ask unanimous consent that the amendments be agreed to and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 4280 through 4285) were agreed to, en bloc, as follows:

AMENDMENT NO. 4280

(Purpose: To modify the provisions relating to Department of Defense intelligence activities)

On page 27, strike line 3 and all that follows through page 37, line 3, and insert the following:

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended in the second sentence by striking "December 31, 2000" and inserting "December 31, 2002".

SEC. 502. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN EXPERIMENTAL PERSONNEL PROGRAM FOR CERTAIN SCIENTIFIC AND TECHNICAL PERSONNEL.

If the Director of Central Intelligence requests that the Secretary of Defense exercise any authority available to the Secretary under section 1101(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note) to carry out a program of special personnel management authority at the National Imagery and Mapping Agency and the National Security Agency in order to facilitate recruitment of eminent experts in science and engineering at such agencies, the Secretary shall respond to such request not later than 30 days after the date of such request.

SEC. 503. PROHIBITION ON TRANSFER OF IMAGERY ANALYSTS FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO NATIONAL IMAGERY AND MAPPING AGENCY PROGRAM.

(a) PROHIBITION ON USE OF FUNDS FOR TRANSFER.—No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program for purposes of transferring imagery analysis personnel from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program.

(b) ROLE OF DIRECTOR OF NIMA AS FUNCTIONAL MANAGER FOR IMAGERY AND GEOSPACIAL PROGRAMS.—(1) The Secretary of Defense shall, in consultation with the Director of Central Intelligence, review options for strengthening the role of the Director of the National Imagery and Mapping Agency as the functional manager for United States imagery and geospacial programs.

(2) Not later than March 15, 2001, the Secretary shall submit to the appropriate committees of Congress a report on the review required by subsection (b). The report shall include any recommendations regarding modifications in the role and duties of the Director of the National Imagery and Mapping Agency that the Secretary considers appropriate in light of the review.

(3) In this subsection, the term "appropriate committees of Congress" means the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 504. PROHIBITION ON TRANSFER OF COLLECTION MANAGEMENT PERSONNEL FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO COMMUNITY MANAGEMENT ACCOUNT.

No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the Community Management Account for purposes of transferring intelligence collection management personnel.

SEC. 505. AUTHORIZED PERSONNEL CEILING FOR GENERAL DEFENSE INTELLIGENCE PROGRAM.

The authorized personnel ceiling for the General Defense Intelligence Program specified in the classified Schedule of Authorizations referred to in section 102 is hereby increased by 2,152 positions.

SEC. 506. MEASUREMENT AND SIGNATURE INTELLIGENCE.

(a) STUDY OF OPTIONS.—The Director of Central Intelligence shall, in coordination with the Secretary of Defense, conduct a study of the utility and feasibility of various options for improving the management and organization of measurement and signature intelligence, including—

(1) the option of establishing a centralized tasking, processing, exploitation, and dissemination facility for measurement and signature intelligence;

(2) options for recapitalizing and reconfiguring the current systems for measurement and signature intelligence; and

(3) the operation and maintenance costs of the various options.

(b) REPORT.—Not later than April 1, 2001, the Director and the Secretary shall jointly submit to the appropriate committees of Congress a report on their findings as a result of the study required by subsection (a). The report shall set forth any recommendations that the Director and the Secretary consider appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

AMENDMENT NO. 4281

(Purpose: To modify procedures under the Foreign Intelligence Surveillance Act of 1978 relating to orders for surveillance and searches for foreign intelligence purposes.)

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 4282

(Purpose: To require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters)

On page 37, after line 3, add the following:

TITLE VI—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL ARMY

SEC. 601. SHORT TITLE.

This title may be cited as the "Japanese Imperial Army Disclosure Act".

SEC. 602. ESTABLISHMENT OF JAPANESE IMPERIAL ARMY RECORDS INTERAGENCY WORKING GROUP.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term "agency" has the meaning given such term under section 551 of title 5, United States Code.

(2) INTERAGENCY GROUP.—The term "Interagency Group" means the Japanese Imperial Army Records Interagency Working Group established under subsection (b).

(3) JAPANESE IMPERIAL ARMY RECORDS.—The term "Japanese Imperial Army records" means classified records or portions of records that pertain to any person with respect to whom the United States Government, in its sole discretion, has grounds to believe ordered, incited, assisted, or otherwise participated in the experimentation and persecution of any person because of race, religion, national origin, or political option, during the period beginning September 18, 1931, and ending on December 31, 1948, under the direction of, or in association with—

(A) the Japanese Imperial Army;

(B) any government in any area occupied by the military forces of the Japanese Imperial Army;

(C) any government established with the assistance or cooperation of the Japanese Imperial Army; or

(D) any government which was an ally of the Imperial Army of Japan.

(4) RECORD.—The term "record" means a Japanese Imperial Army record.

(b) ESTABLISHMENT OF INTERAGENCY GROUP.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall establish the Japanese Imperial Army Records Interagency Working Group, which shall remain in existence for 3 years after the date the Interagency Group is established.

(2) MEMBERSHIP.—The President shall appoint to the Interagency Group individuals whom the President determines will most completely and effectively carry out the functions of the Interagency Group within the time limitations provided in this section, including the Historian of the Department of State, the Archivist of the United States, the head of any other agency the President considers appropriate, and no more than 3 other persons. The head of an agency appointed by the President may designate an appropriate officer to serve on the Interagency Group in lieu of the head of such agency.

(3) INITIAL MEETING.—Not later than 90 days after the date of the enactment of this Act, the Interagency Group shall hold an initial meeting and begin the functions required under this section.

(c) FUNCTIONS.—Not later than 1 year after the date of the enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 603—

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Japanese Imperial Army records of the United States;

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress, including the Committee on Government Reform and Oversight of the House of Representatives, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary of the Senate, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

(d) FUNDING.—There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this title.

SEC. 603. REQUIREMENT OF DISCLOSURE OF RECORDS.

(a) RELEASE OF RECORDS.—Subject to subsections (b), (c), and (d), the Japanese Imperial Army Records Interagency Working Group shall release in their entirety Japanese Imperial Army records.

(b) EXCEPTION FOR PRIVACY.—An agency head may exempt from release under subsection (a) specific information, that would—

(1) constitute a clearly unwarranted invasion of personal privacy;

(2) reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States;

(3) reveal information that would assist in the development or use of weapons of mass destruction;.

(4) reveal information that would impair United States cryptologic systems or activities;

(5) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(6) reveal actual United States military war plans that remain in effect;

(7) reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;

(8) reveal information that would clearly, and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services are authorized in the interest of national security;

(9) reveal information that would seriously and demonstrably impair current national security emergency preparedness plans; or

(10) violate a treaty or other international agreement.

(c) APPLICATIONS OF EXEMPTIONS.—

(1) IN GENERAL.—In applying the exemptions provided in paragraphs (2) through (10) of subsection (b), there shall be a presumption that the public interest will be served by disclosure and release of the records of the Japanese Imperial Army. The exemption may be asserted only when the head of the agency that maintains the records determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on Government Reform and Oversight and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) APPLICATION OF TITLE 5.—A determination by an agency head to apply an exemption provided in paragraphs (2) through (9) of subsection (b) shall be subject to the same standard of review that applies in the case of records withheld under section 552(b)(1) of title 5, United States Code.

(d) LIMITATION ON EXEMPTIONS.—

(1) IN GENERAL.—The exemptions set forth in subsection (b) shall constitute the only grounds pursuant to which an agency head may exempt records otherwise subject to release under subsection (a).

(2) RECORDS RELATED TO INVESTIGATION OR PROSECUTIONS.—This section shall not apply to records—

(A) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(B) solely in the possession, custody, or control of the Office of Special Investigations.

SEC. 604. EXPEDITED PROCESSING OF FOIA REQUESTS FOR JAPANESE IMPERIAL ARMY RECORDS.

For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any person who was persecuted in the manner described in section 602(a)(3) and who requests a Japanese Imperial Army record shall be deemed to have a compelling need for such record.

SEC. 605. EFFECTIVE DATE.

The provisions of this title shall take effect on the date that is 90 days after the date of the enactment of this Act.

AMENDMENT NO. 4283

(Purpose: To improve the identification, collection, and review for declassification of records and materials that are of archival value or extraordinary public interest to the people of the United States)

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 4284

(Purpose: To honor the outstanding contributions of Senator Daniel Patrick Moynihan toward the redevelopment of Pennsylvania Avenue, Washington, DC)

At the end of title III, add the following:

SEC. 3 . DESIGNATION OF DANIEL PATRICK MOYNIHAN PLACE.

(a) FINDINGS.—Congress finds that—

(1) during the second half of the twentieth century, Senator Daniel Patrick Moynihan promoted the importance of architecture and urban planning in the Nation's Capital, particularly with respect to the portion of Pennsylvania Avenue between the White House and the United States Capitol (referred to in this subsection as the "Avenue");

(2) Senator Moynihan has stressed the unique significance of the Avenue as conceived by Pierre Charles L'Enfant to be the "grand axis" of the Nation's Capital as well as a symbolic representation of the separate yet unified branches of the United States Government;

(3) through his service to the Ad Hoc Committee on Federal Office Space (1961–1962), as a member of the President's Council on Pennsylvania Avenue (1962–1964), and as vice-chairman of the President's Temporary Commission on Pennsylvania Avenue (1965–1969), and in his various capacities in the executive and legislative branches, Senator Moynihan has consistently and creatively sought to fulfill President Kennedy's recommendation of June 1, 1962, that the Avenue not become a "solid phalanx of public and private office buildings which close down completely at night and on weekends," but that it be "lively, friendly, and inviting, as well as dignified and impressive";

(4)(A) Senator Moynihan helped draft a Federal architectural policy, known as the "Guiding Principles for Federal Architecture," that recommends a choice of designs that are "efficient and economical" and that provide "visual testimony to the dignity, enterprise, vigor, and stability" of the United States Government; and

(B) the Guiding Principles for Federal Architecture further state that the "development of an official style must be avoided. Design must flow from the architectural profession to the Government, and not vice versa.";

(5) Senator Moynihan has encouraged—

(A) the construction of new buildings along the Avenue, such as the Ronald Reagan Building and International Trade Center; and

(B) the establishment of an academic institution along the Avenue, namely the Woodrow Wilson International Center for Scholars, a living memorial to President Wilson; and

(6) as Senator Moynihan's service in the Senate concludes, it is appropriate to commemorate his legacy of public service and his commitment to thoughtful urban design in the Nation's Capital.

(b) DESIGNATION.—The parcel of land located in the northwest quadrant of Washington, District of Columbia, and described in subsection (c) shall be known and designated as "Daniel Patrick Moynihan Place".

(c) BOUNDARIES.—The parcel of land described in this subsection is the portion of Woodrow Wilson Plaza (as designated by Public Law 103–284 (108 Stat. 1448)) that is bounded—

(1) on the west by the eastern facade of the Ronald Reagan Building and International Trade Center;

(2) on the east by the western facade of the Ariel Rios Building;

(3) on the north by the southern edge of the sidewalk abutting Pennsylvania Avenue; and

(4) on the south by the line that, bisecting the atrium of the Ronald Reagan Building and International Trade Center, continues east to bisect the western hemicycle of the Ariel Rios Building.

(d) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the parcel of land described in subsection (c) shall be deemed to be a reference to Daniel Patrick Moynihan Place.

AMENDMENT NO. 4285

On page 10, strike line 11 and all that follows through page 12, line 2, and insert the following:

"(a) PROHIBITION.—Whoever, being an officer or employee of the United States, a former or retired officer or employee of the United States, any other person with authorized access to classified information, or any other person formerly with authorized access to classified information, knowingly and willfully discloses, or attempts to disclose, any classified information acquired as a result of such person's authorized access to classified information to a person (other than an officer or employee of the United States) who is not authorized access to such classified information, knowing that the person is not authorized access to such classified information, shall be fined under this title, imprisoned not more than 3 years, or both.

"(b) CONSTRUCTION OF PROHIBITION.—Nothing in this section shall be construed to establish criminal liability for disclosure of classified information in accordance with applicable law to the following:

"(1) Any justice or judge of a court of the United States established pursuant to article III of the Constitution of the United States.

"(2) The Senate or House of Representatives, or any committee or subcommittee thereof, or joint committee thereof, or any member of Congress.

"(3) A person or persons acting on behalf of a foreign power (including an international organization) if the disclosure—

"(A) is made by an officer or employee of the United States who has been authorized to make the disclosure; and

"(B) is within the scope of such officer's or employee's duties.

"(4) Any other person authorized to receive the classified information.

"(c) DEFINITIONS.—In this section:

"(1) The term 'authorized', in the case of access to classified information, means having authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information, an order of any United States court, or a provision of any Resolution of the Senate or Rule of the House of Representatives which governs release of classified information by such House of Congress.

"(2) The term 'classified information' means information or material properly classified and clearly marked or represented, or that the person knows or has reason to believe has been properly classified by appropriate authorities, pursuant to the provisions of a statute or Executive Order, as requiring protection against unauthorized disclosure for reasons of national security.

On page 12, strike line 21 and all that follows through page 13, line 16, and insert the following:

"SEC. 115. (a) REQUIREMENT.—(1) The Director of Central Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of the United States relating to unaccounted for United States personnel.

"(2) The analytic capability maintained under paragraph (1) shall be known as the 'POW/MIA analytic capability of the intelligence community'.

"(b) SCOPE OF RESPONSIBILITY.—The responsibilities of the analytic capability maintained under subsection (a) shall—

"(1) extend to any activities of the Federal Government with respect to unaccounted for United States personnel after December 31, 1999; and

"(2) include support for any department or agency of the Federal Government engaged in such activities.

"(c) UNACCOUNTED FOR UNITED STATES PERSONNEL DEFINED.—In this section, the term 'unaccounted for United States personnel' means the following:

"(1) Any missing person (as that term is defined in section 1513(1) of title 10, United States Code).

"(2) Any United States national who was killed while engaged in activities on behalf of the United States Government and whose remains have not been repatriated to the United States.".

On page 14, beginning on line 11, strike "acting at their direction".

On page 14, line 13, insert ", and at the direction of," after "on behalf of".

On page 14, line 16, strike "AUTHORIZED ACTIVITIES.—An activity" and insert "AUTHORIZED INTELLIGENCE ACTIVITIES.—An intelligence activity".

On page 14, line 18, insert "intelligence" before "activity".

On page 15, beginning on line 9, strike ", and all applicable Executive Orders,".

On page 15, line 11, strike "materials" and insert "material".

On page 15, line 15, strike "and Executive Orders".

On page 15, line 18, strike "or Executive Order".

On page 15, line 22, strike "or Executive Order".

On page 15, strike line 25 and all that follows through page 16, line 16, and insert the following:

(d) EFFECTS OF CERTIFICATION OF NON-FULL COMPLIANCE.—(1) Subject to subsection (e), effective as of January 1, 2001, a covered element of the Department of State

On page 16, line 20, strike "and Executive Orders".

On page 16, strike lines 22 and 23 and insert the following:

(2) If the prohibition in paragraph (1) takes effect in accordance with that paragraph, the prohibition

On page 17, beginning on line 1, strike "and Executive Orders".

On page 17, strike line 3 and insert the following:

(e) WAIVER BY DIRECTOR OF CENTRAL INTELLIGENCE.—(1) The Director of Central Intelligence may

On page 17, beginning on line 4, strike "subsection (d)(2)" and insert "subsection (d)".

On page 17, line 6, strike "the President" and insert "the Director".

On page 17, line 9, strike "The President" and insert "The Director".

On page 17, between lines 17 and 18, insert the following:

(C) The actions, if any, that will be taken to bring such element into full compliance with the directives referred to in subsection (a), including a schedule for completion of such actions.

On page 17, line 18, strike "(C) The actions taken by the President" and insert "(D) The actions taken by the Director".

On page 17, line 20, insert before the period the following: "pending achievement of full compliance of such element with such directives".

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read the third time and the Senate proceed to the consideration of H.R. 4392. Further, I ask unanimous consent that all after the enacting clause be stricken and the text of S. 2507, as amended, be inserted in lieu thereof, the bill be read the third time and passed, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate. Finally, I ask unanimous consent that S. 2507 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2507), as amended, was read the third time.

The bill (H.R. 4392), as amended, was read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4392) entitled "An Act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Prohibition on unauthorized disclosure of classified information.
Sec. 304. POW/MIA analytic capability within the intelligence community.
Sec. 305. Applicability to lawful United States intelligence activities of Federal laws implementing international treaties and agreements.
Sec. 306. Limitation on handling, retention, and storage of certain classified materials by the Department of State.
Sec. 307. Clarification of standing of United States citizens to challenge certain blocking of assets.
Sec. 308. Availability of certain funds for administrative costs of Counterdrug Intelligence Executive Secretariat.
Sec. 309. Designation of Daniel Patrick Moynihan Place.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Expansion of Inspector General actions requiring a report to Congress.
Sec. 402. Subpoena authority of the Inspector General.
Sec. 403. Improvement and extension of central services program.
Sec. 404. Details of employees to the National Reconnaissance Office.
Sec. 405. Transfers of funds to other agencies for acquisition of land.
Sec. 406. Eligibility of additional employees for reimbursement for professional liability insurance.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Two-year extension of authority to engage in commercial activities as security for intelligence collection activities.
Sec. 502. Role of Director of Central Intelligence in experimental personnel program for certain scientific and technical personnel.
Sec. 503. Prohibition on transfer of imagery analysts from General Defense Intelligence Program to National Imagery and Mapping Agency Program.
Sec. 504. Prohibition on transfer of collection management personnel from General Defense Intelligence Program to Community Management Account.
Sec. 505. Authorized personnel ceiling for General Defense Intelligence Program.
Sec. 506. Measurement and signature intelligence.

TITLE VI—COUNTERINTELLIGENCE MATTERS

Sec. 601. Short title.
Sec. 602. Orders for electronic surveillance under the Foreign Intelligence Surveillance Act of 1978.
Sec. 603. Orders for physical searches under the Foreign Intelligence Surveillance Act of 1978.
Sec. 604. Disclosure of information acquired under the Foreign Intelligence Surveillance Act of 1978 for law enforcement purposes.
Sec. 605. Coordination of counterintelligence with the Federal Bureau of Investigation.
Sec. 606. Enhancing protection of national security at the Department of Justice.
Sec. 607. Coordination requirements relating to the prosecution of cases involving classified information.
Sec. 608. Severability.

TITLE VII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL ARMY

Sec. 701. Short title.
Sec. 702. Establishment of Japanese Imperial Army Records Interagency Working Group.
Sec. 703. Requirement of disclosure of records.
Sec. 704. Expedited processing of FOIA requests for Japanese Imperial Army records.
Sec. 705. Effective date.

TITLE VIII—DECLASSIFICATION OF INFORMATION

Sec. 801. Short title.
Sec. 802. Findings.
Sec. 803. Public Interest Declassification Board.
Sec. 804. Identification, collection, and review for declassification of information of archival value or extraordinary public interest.
Sec. 805. Protection of national security information and other information.
Sec. 806. Standards and procedures.
Sec. 807. Judicial review.
Sec. 808. Funding.
Sec. 809. Definitions.
Sec. 810. Sunset.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.—Funds are hereby authorized to be appropriated for fiscal year 2001 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The National Reconnaissance Office.
(6) The National Imagery and Mapping Agency.
(7) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(8) The Department of State.
(9) The Department of the Treasury.
(10) The Department of Energy.
(11) The Federal Bureau of Investigation.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN ELEMENTS FOR FISCAL YEARS 2002 THROUGH 2005.—Funds are hereby authorized to be appropriated for each of fiscal years 2002 through 2005 for the conduct in each such fiscal year of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Defense Intelligence Agency.
(3) The National Security Agency.
(4) The National Reconnaissance Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2001, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill of the One Hundred Sixth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian

personnel in excess of the number authorized for fiscal year 2001 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2001 the sum of $232,051,000.

(2) AVAILABILITY FOR ADVANCED RESEARCH AND DEVELOPMENT COMMITTEE.—Within the amount authorized to be appropriated in paragraph (1), amounts identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2002.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 618 full-time personnel as of September 30, 2001. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 2001 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2001, there is hereby authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2001, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), $27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2002, and funds provided for procurement purposes shall remain available until September 30, 2003.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2001 the sum of $216,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. PROHIBITION ON UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.

(a) IN GENERAL.—Chapter 37 of title 18, United States Code, is amended—

(1) by redesignating section 798A as section 798B; and

(2) by inserting after section 798 the following new section 798A:

"§ 798A. Unauthorized disclosure of classified information

"(a) PROHIBITION.—Whoever, being an officer or employee of the United States, a former or retired officer or employee of the United States, any other person with authorized access to classified information, or any other person formerly with authorized access to classified information, knowingly and willfully discloses, or attempts to disclose, any classified information acquired as a result of such person's authorized access to classified information to a person (other than an officer or employee of the United States) who is not authorized access to such classified information, knowing that the person is not authorized access to such classified information, shall be fined under this title, imprisoned not more than 3 years, or both.

"(b) CONSTRUCTION OF PROHIBITION.—Nothing in this section shall be construed to establish criminal liability for disclosure of classified information in accordance with applicable law to the following:

"(1) Any justice or judge of a court of the United States established pursuant to article III of the Constitution of the United States.

"(2) The Senate or House of Representatives, or any committee or subcommittee thereof, or joint committee thereof, or any member of Congress.

"(3) A person or persons acting on behalf of a foreign power (including an international organization) if the disclosure—

"(A) is made by an officer or employee of the United States who has been authorized to make the disclosure; and

"(B) is within the scope of such officer's or employee's duties.

"(4) Any other person authorized to receive the classified information.

"(c) DEFINITIONS.—In this section:

"(1) The term 'authorized', in the case of access to classified information, means having authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information, an order of any United States court, or a provision of any Resolution of the Senate or Rule of the House of Representatives which governs release of classified information by such House of Congress.

"(2) The term 'classified information' means information or material properly classified and clearly marked or represented, or that the person knows or has reason to believe has been properly classified by appropriate authorities, pursuant to the provisions of a statute or Executive Order, as requiring protection against unauthorized disclosure for reasons of national security.

"(3) The term 'officer or employee of the United States' means the following:

"(A) An officer or employee (as those terms are defined in sections 2104 and 2105 of title 5).

"(B) An officer or enlisted member of the Armed Forces (as those terms are defined in section 101(b) of title 10).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by striking the item relating to section 798A and inserting the following new items:

"798A. Unauthorized disclosure of classified information.

"798B. Temporary extension of section 794.".

SEC. 304. POW/MIA ANALYTIC CAPABILITY WITHIN THE INTELLIGENCE COMMUNITY.

Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following:

"POW/MIA ANALYTIC CAPABILITY

"SEC. 115. (a) REQUIREMENT.—(1) The Director of Central Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of the United States relating to unaccounted for United States personnel.

"(2) The analytic capability maintained under paragraph (1) shall be known as the 'POW/MIA analytic capability of the intelligence community'.

"(b) SCOPE OF RESPONSIBILITY.—The responsibilities of the analytic capability maintained under subsection (a) shall—

"(1) extend to any activities of the Federal Government with respect to unaccounted for United States personnel after December 31, 1999; and

"(2) include support for any department or agency of the Federal Government engaged in such activities.

"(c) UNACCOUNTED FOR UNITED STATES PERSONNEL DEFINED.—In this section, the term 'unaccounted for United States personnel' means the following:

"(1) Any missing person (as that term is defined in section 1513(1) of title 10, United States Code).

"(2) Any United States national who was killed while engaged in activities on behalf of the United States Government and whose remains have not been repatriated to the United States.".

SEC. 305. APPLICABILITY TO LAWFUL UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following:

"TITLE X—MISCELLANEOUS

"APPLICABILITY TO UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS

"SEC. 1001. (a) IN GENERAL.—No Federal law enacted on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2001 that implements a treaty or other international agreement shall be construed as making unlawful an otherwise lawful and authorized intelligence activity of the United States Government or its employees, or any other person to the extent such other person is carrying out such activity on behalf of, and at the direction of, the United States, unless such Federal law specifically addresses such intelligence activity.

"(b) AUTHORIZED INTELLIGENCE ACTIVITIES.—An intelligence activity shall be treated as authorized for purposes of subsection (a) if the intelligence activity is authorized by an appropriate official of the United States Government, acting within the scope of the official duties of that official and in compliance with Federal law and any applicable Presidential directive.".

SEC. 306. LIMITATION ON HANDLING, RETENTION, AND STORAGE OF CERTAIN CLASSIFIED MATERIALS BY THE DEPARTMENT OF STATE.

(a) CERTIFICATION REGARDING FULL COMPLIANCE WITH REQUIREMENTS.—The Director of Central Intelligence shall certify to the appropriate committees of Congress whether or not each covered element of the Department of State is in full compliance with all applicable directives of the Director of Central Intelligence relating to the handling, retention, or storage of covered classified material.

(b) LIMITATION ON CERTIFICATION.—The Director of Central Intelligence may not certify a covered element of the Department of State as being in full compliance with the directives referred to in subsection (a) if the covered element is currently subject to a waiver of compliance with respect to any such directive.

(c) REPORT ON NONCOMPLIANCE.—Whenever the Director of Central Intelligence determines that a covered element of the Department of State is not in full compliance with any directive referred to in subsection (a), the Director shall promptly notify the appropriate committees of Congress of such determination.

(d) EFFECTS OF CERTIFICATION OF NON-FULL COMPLIANCE.—(1) Subject to subsection (e), effective as of January 1, 2001, a covered element of the Department of State may not retain or store covered classified information unless the Director has certified under subsection (a) as of such date that the covered element is in full compliance with the directives referred to in subsection (a).

(2) If the prohibition in paragraph (1) takes effect in accordance with that paragraph, the prohibition shall remain in effect until the date on which the Director certifies under subsection (a) that the covered element involved is in full compliance with the directives referred to in that subsection.

(e) WAIVER BY DIRECTOR OF CENTRAL INTELLIGENCE.—(1) The Director of Central Intelligence may waive the applicability of the prohibition in subsection (d) to an element of the Department of State otherwise covered by such prohibition if the Director determines that the waiver is in the national security interests of the United States.

(2) The Director shall submit to appropriate committees of Congress a report on each exercise of the waiver authority in paragraph (1).

(3) Each report under paragraph (2) with respect to the exercise of authority under paragraph (1) shall set forth the following:

(A) The covered element of the Department of State addressed by the waiver.

(B) The reasons for the waiver.

(C) The actions, if any, that will be taken to bring such element into full compliance with the directives referred to in subsection (a), including a schedule for completion of such actions.

(D) The actions taken by the Director to protect any covered classified material to be handled, retained, or stored by such element pending achievement of full compliance of such element with such directives.

(f) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means the following:

(A) The Select Committee on Intelligence and the Committee on Foreign Relations of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on International Relations of the House of Representatives.

(2) The term "covered classified material" means any material classified at the Sensitive Compartmented Information (SCI) level.

(3) The term "covered element of the Department of State" means each element of the Department of State that handles, retains, or stores covered classified material.

(4) The term "material" means any data, regardless of physical form or characteristic, including written or printed matter, automated information systems storage media, maps, charts, paintings, drawings, films, photographs, engravings, sketches, working notes, papers, reproductions of any such things by any means or process, and sound, voice, magnetic, or electronic recordings.

(5) The term "Sensitive Compartmented Information (SCI) level", in the case of classified material, means a level of classification for information in such material concerning or derived from intelligence sources, methods, or analytical processes that requires such information to be handled within formal access control systems established by the Director of Central Intelligence.

SEC. 307. CLARIFICATION OF STANDING OF UNITED STATES CITIZENS TO CHALLENGE CERTAIN BLOCKING OF ASSETS.

The Foreign Narcotics Kingpin Designation Act (title VIII of Public Law 106–120; 113 Stat. 1626; 21 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

"SEC. 811. STANDING OF UNITED STATES CITIZENS TO CHALLENGE BLOCKING OF ASSETS.

"No provision of this title shall be construed to prohibit a United States citizen from raising any challenge otherwise available to the United States citizen under subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly referred to as the Administrative Procedure Act), or any other provision of law, with respect to the blocking of assets by the United States under this title.".

SEC. 308. AVAILABILITY OF CERTAIN FUNDS FOR ADMINISTRATIVE COSTS OF COUNTERDRUG INTELLIGENCE EXECUTIVE SECRETARIAT.

Notwithstanding section 1346 of title 31, United States Code, or section 610 of the Treasury and General Government Appropriations Act, 2000 (Public Law 106–58; 113 Stat. 467), funds made available for fiscal year 2000 for any department or agency of the Federal Government with authority to conduct counterdrug intelligence activities, including counterdrug law enforcement information-gathering activities, may be available to finance an appropriate share of the administrative costs incurred by the Department of Justice for the Counterdrug Intelligence Executive Secretariat authorized by the General Counterdrug Intelligence Plan of February 12, 2000.

SEC. 309. DESIGNATION OF DANIEL PATRICK MOYNIHAN PLACE.

(a) FINDINGS.—Congress finds that—

(1) during the second half of the twentieth century, Senator Daniel Patrick Moynihan promoted the importance of architecture and urban planning in the Nation's Capital, particularly with respect to the portion of Pennsylvania Avenue between the White House and the United States Capitol (referred to in this subsection as the "Avenue");

(2) Senator Moynihan has stressed the unique significance of the Avenue as conceived by Pierre Charles L'Enfant to be the "grand axis" of the Nation's Capital as well as a symbolic representation of the separate yet unified branches of the United States Government;

(3) through his service to the Ad Hoc Committee on Federal Office Space (1961–1962), as a member of the President's Council on Pennsylvania Avenue (1962–1964), and as vice-chairman of the President's Temporary Commission on Pennsylvania Avenue (1965–1969), and in his various capacities in the executive and legislative branches, Senator Moynihan has consistently and creatively sought to fulfill President Kennedy's recommendation of June 1, 1962, that the Avenue not become a "solid phalanx of public and private office buildings which close down completely at night and on weekends," but that it be "lively, friendly, and inviting, as well as dignified and impressive";

(4)(A) Senator Moynihan helped draft a Federal architectural policy, known as the "Guiding Principles for Federal Architecture," that recommends a choice of designs that are "efficient and economical" and that provide "visual testimony to the dignity, enterprise, vigor, and stability" of the United States Government; and

(B) the Guiding Principles for Federal Architecture further state that the "development of an official style must be avoided. Design must flow from the architectural profession to the Government, and not vice versa.";

(5) Senator Moynihan has encouraged—

(A) the construction of new buildings along the Avenue, such as the Ronald Reagan Building and International Trade Center; and

(B) the establishment of an academic institution along the Avenue, namely the Woodrow Wilson International Center for Scholars, a living memorial to President Wilson; and

(6) as Senator Moynihan's service in the Senate concludes, it is appropriate to commemorate his legacy of public service and his commitment to thoughtful urban design in the Nation's Capital.

(b) DESIGNATION.—The parcel of land located in the northwest quadrant of Washington, District of Columbia, and described in subsection (c) shall be known and designated as "Daniel Patrick Moynihan Place".

(c) BOUNDARIES.—The parcel of land described in this subsection is the portion of Woodrow Wilson Plaza (as designated by Public Law 103–284 (108 Stat. 1448)) that is bounded—

(1) on the west by the eastern facade of the Ronald Reagan Building and International Trade Center;

(2) on the east by the western facade of the Ariel Rios Building;

(3) on the north by the southern edge of the sidewalk abutting Pennsylvania Avenue; and

(4) on the south by the line that, bisecting the atrium of the Ronald Reagan Building and International Trade Center, continues east to bisect the western hemicycle of the Ariel Rios Building.

(d) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other

record of the United States to the parcel of land described in subsection (c) shall be deemed to be a reference to Daniel Patrick Moynihan Place.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. EXPANSION OF INSPECTOR GENERAL ACTIONS REQUIRING A REPORT TO CONGRESS.

Section 17(d)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)) is amended by striking all that follows after subparagraph (A) and inserting the following:

"(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Agency official who—

"(i) holds or held a position in the Agency that is subject to appointment by the President, by and with the advise and consent of the Senate, including such a position held on an acting basis; or

"(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

"(I) Executive Director;

"(II) Deputy Director for Operations;

"(III) Deputy Director for Intelligence;

"(IV) Deputy Director for Administration; or

"(V) Deputy Director for Science and Technology;

"(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former Agency official described or referred to in subparagraph (B);

"(D) the Inspector General becomes aware of the possible criminal conduct of a current or former Agency official described or referred to in subparagraph (B) through a means other than an investigation, inspection, or audit and such conduct is not referred to the Department of Justice; or

"(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately submit a report on such matter to the intelligence committees.".

SEC. 402. SUBPOENA AUTHORITY OF THE INSPECTOR GENERAL.

(a) CLARIFICATION REGARDING REPORTS ON EXERCISE OF AUTHORITY.—Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (d)(1), by striking subparagraph (E) and inserting the following new subparagraph (E):

"(E) a description of the exercise of the subpoena authority under subsection (e)(5) by the Inspector General during the reporting period; and"; and

(2) in subsection (e)(5), by striking subparagraph (E).

(b) SCOPE OF AUTHORITY.—Subsection (e)(5)(B) of that section is amended by striking "Government" and inserting "Federal".

SEC. 403. IMPROVEMENT AND EXTENSION OF CENTRAL SERVICES PROGRAM.

(a) DEPOSITS IN CENTRAL SERVICES WORKING CAPITAL FUND.—Subsection (c)(2) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended—

(1) by redesignating subparagraph (F) as subparagraph (H); and

(2) by inserting after subparagraph (E) the following new subparagraphs:

"(F) Receipts from individuals in reimbursement for utility services and meals provided under the program.

"(G) Receipts from individuals for the rental of property and equipment under the program.".

(b) CLARIFICATION OF COSTS RECOVERABLE UNDER PROGRAM.—Subsection (e)(1) of that section is amended in the second sentence by inserting "other than structures owned by the Agency" after "depreciation of plant and equipment".

(c) FINANCIAL STATEMENTS OF PROGRAM.—Subsection (g)(2) of that section is amended in the first sentence by striking "annual audits under paragraph (1)" and inserting the following: "financial statements to be prepared with respect to the program. Office of Management and Budget guidance shall also determine the procedures for conducting annual audits under paragraph (1).".

(d) EXTENSION OF PROGRAM.—Subsection (h)(1) of that section is amended by striking "March 31, 2002" and inserting "March 31, 2005".

SEC. 404. DETAILS OF EMPLOYEES TO THE NATIONAL RECONNAISSANCE OFFICE.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

"DETAILS OF EMPLOYEES

"SEC. 22. The Director may—

"(1) detail any personnel of the Agency on a reimbursable basis indefinitely to the National Reconnaissance Office without regard to any limitation under law on the duration of details of Federal government personnel; and

"(2) hire personnel for the purpose of details under paragraph (1).".

SEC. 405. TRANSFERS OF FUNDS TO OTHER AGENCIES FOR ACQUISITION OF LAND.

(a) IN GENERAL.—Section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j) is amended by adding at the end the following new subsection:

"(c) TRANSFERS FOR ACQUISITION OF LAND.—(1) Sums appropriated or otherwise made available to the Agency for the acquisition of land that are transferred to another department or agency for that purpose shall remain available for 3 years.

"(2) The Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives an annual report on the transfers of sums described in paragraph (1).".

(b) CONFORMING STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (a), by inserting "IN GENERAL.—" after "(a)"; and

(2) in subsection (b), by inserting "SCOPE OF AUTHORITY FOR EXPENDITURE.—" after "(b)".

(c) APPLICABILITY.—Subsection (c) of section 8 of the Central Intelligence Agency Act of 1949, as added by subsection (a) of this section, shall apply with respect to amounts appropriated or otherwise made available for the Central Intelligence Agency for fiscal years after fiscal year 2000.

SEC. 406. ELIGIBILITY OF ADDITIONAL EMPLOYEES FOR REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE.

(a) IN GENERAL.—Notwithstanding any provision of section 363 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note), the Director of Central Intelligence may—

(1) designate as qualified employees within the meaning of subsection (b) of that section appropriate categories of employees not otherwise covered by that subsection; and

(2) use appropriated funds available to the Director to reimburse employees within categories so designated for one-half of the costs incurred by such employees for professional liability insurance in accordance with subsection (a) of that section.

(b) REPORTS.—The Director of Central Intelligence shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee of Intelligence of the House of Representatives a report on each designation of a category of employees under paragraph (1) of subsection (a), including the approximate number of employees covered by such designation and an estimate of the amount to be expended on reimbursement of such employees under paragraph (2) of that subsection.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended in the second sentence by striking "December 31, 2000" and inserting "December 31, 2002".

SEC. 502. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN EXPERIMENTAL PERSONNEL PROGRAM FOR CERTAIN SCIENTIFIC AND TECHNICAL PERSONNEL.

If the Director of Central Intelligence requests that the Secretary of Defense exercise any authority available to the Secretary under section 1101(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note) to carry out a program of special personnel management authority at the National Imagery and Mapping Agency and the National Security Agency in order to facilitate recruitment of eminent experts in science and engineering at such agencies, the Secretary shall respond to such request not later than 30 days after the date of such request.

SEC. 503. PROHIBITION ON TRANSFER OF IMAGERY ANALYSTS FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO NATIONAL IMAGERY AND MAPPING AGENCY PROGRAM.

(a) PROHIBITION ON USE OF FUNDS FOR TRANSFER.—No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program for purposes of transferring imagery analysis personnel from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program.

(b) ROLE OF DIRECTOR OF NIMA AS FUNCTIONAL MANAGER FOR IMAGERY AND GEOSPACIAL PROGRAMS.—(1) The Secretary of Defense shall, in consultation with the Director of Central Intelligence, review options for strengthening the role of the Director of the National Imagery and Mapping Agency as the functional manager for United States imagery and geospacial programs.

(2) Not later than March 15, 2001, the Secretary shall submit to the appropriate committees of Congress a report on the review required by subsection (b). The report shall include any recommendations regarding modifications in the role and duties of the Director of the National Imagery and Mapping Agency that the Secretary considers appropriate in light of the review.

(3) In this subsection, the term "appropriate committees of Congress" means the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 504. PROHIBITION ON TRANSFER OF COLLECTION MANAGEMENT PERSONNEL FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO COMMUNITY MANAGEMENT ACCOUNT.

No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the Community Management Account for purposes of transferring intelligence collection management personnel.

SEC. 505. AUTHORIZED PERSONNEL CEILING FOR GENERAL DEFENSE INTELLIGENCE PROGRAM.

The authorized personnel ceiling for the General Defense Intelligence Program specified in the classified Schedule of Authorizations referred to in section 102 is hereby increased by 2,152 positions.

SEC. 506. MEASUREMENT AND SIGNATURE INTELLIGENCE.

(a) Study of Options.—The Director of Central Intelligence shall, in coordination with the Secretary of Defense, conduct a study of the utility and feasibility of various options for improving the management and organization of measurement and signature intelligence, including—

(1) the option of establishing a centralized tasking, processing, exploitation, and dissemination facility for measurement and signature intelligence;

(2) options for recapitalizing and reconfiguring the current systems for measurement and signature intelligence; and

(3) the operation and maintenance costs of the various options.

(b) Report.—Not later than April 1, 2001, the Director and the Secretary shall jointly submit to the appropriate committees of Congress a report on their findings as a result of the study required by subsection (a). The report shall set forth any recommendations that the Director and the Secretary consider appropriate.

(c) Appropriate Committees of Congress Defined.—In this section, the term "appropriate committees of Congress" means the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE VI—COUNTERINTELLIGENCE MATTERS

SEC. 601. SHORT TITLE.

This title may be cited as the "Counterintelligence Reform Act of 2000".

SEC. 602. ORDERS FOR ELECTRONIC SURVEILLANCE UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) Requirements Regarding Certain Applications.—Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended by adding at the end the following new subsection:

"(e)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

"(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

"(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

"(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

"(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

"(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.".

(b) Probable Cause.—Section 105 of that Act (50 U.S.C. 1805) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

"(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target."; and

(3) in subsection (d), as redesignated by paragraph (1), by striking "subsection (b)(1)" and inserting "subsection (c)(1)".

SEC. 603. ORDERS FOR PHYSICAL SEARCHES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) Requirements Regarding Certain Applications.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended by adding at the end the following new subsection:

"(d)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

"(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

"(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

"(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

"(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

"(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.".

(b) Probable Cause.—Section 304 of that Act (50 U.S.C. 1824) is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target.".

SEC. 604. DISCLOSURE OF INFORMATION ACQUIRED UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 FOR LAW ENFORCEMENT PURPOSES.

(a) Inclusion of Information on Disclosure in Semiannual Oversight Report.—Section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) Each report under the first sentence of paragraph (1) shall include a description of—

"(A) each criminal case in which information acquired under this Act has been passed for law enforcement purposes during the period covered by such report; and

"(B) each criminal case in which information acquired under this Act has been authorized for use at trial during such reporting period.".

(b) Report on Mechanisms for Determinations of Disclosure of Information for Law Enforcement Purposes.—(1) The Attorney General shall submit to the appropriate committees of Congress a report on the authorities and procedures utilized by the Department of Justice for determining whether or not to disclose information acquired under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for law enforcement purposes.

(2) In this subsection, the term "appropriate committees of Congress" means the following:

(A) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

SEC. 605. COORDINATION OF COUNTERINTELLIGENCE WITH THE FEDERAL BUREAU OF INVESTIGATION.

(a) TREATMENT OF CERTAIN SUBJECTS OF INVESTIGATION.—Subsection (c) of section 811 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 402a) is amended—

(1) in paragraphs (1) and (2), by striking "paragraph (3)" and inserting "paragraph (5)";

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (5), (6), (7), and (8), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) The Director of the Federal Bureau of Investigation shall submit to the head of the department or agency concerned a written assessment of the potential impact of the actions of the department or agency on a counterintelligence investigation.

"(B) The head of the department or agency concerned shall—

"(i) use an assessment under subparagraph (A) as an aid in determining whether, and under what circumstances, the subject of an investigation under paragraph (1) should be left in place for investigative purposes; and

"(ii) notify in writing the Director of the Federal Bureau of Investigation of such determination.

"(C) The Director of the Federal Bureau of Investigation and the head of the department or agency concerned shall continue to consult, as appropriate, to review the status of an investigation covered by this paragraph and to reassess, as appropriate, a determination of the head of the department or agency concerned to leave a subject in place for investigative purposes."; and

(4) in paragraph (5), as so redesignated, by striking "paragraph (1) or (2)" and inserting "paragraph (1), (2), or (3)".

(b) TIMELY PROVISION OF INFORMATION AND CONSULTATION ON ESPIONAGE INVESTIGATIONS.—Paragraph (2) of that subsection is further amended—

(1) by inserting "in a timely manner" after "through appropriate channels"; and

(2) by inserting "in a timely manner" after "are consulted".

(c) INTERFERENCE WITH FULL FIELD ESPIONAGE INVESTIGATIONS.—That subsection is further amended by inserting after paragraph (3), as amended by subsection (a) of this section, the following new paragraph (4):

"(4)(A) The Federal Bureau of Investigation shall notify appropriate officials within the executive branch, including the head of the department or agency concerned, of the commencement of a full field espionage investigation with respect to an employee within the executive branch.

"(B)(i) A department or agency may not conduct a polygraph examination, interrogate, or otherwise take any action that is likely to alert an employee covered by a notice under subparagraph (A) of an investigation described in that subparagraph without prior coordination with the Federal Bureau of Investigation.

"(ii) Any examination, interrogation, or other action taken under clause (i) shall be taken in consultation with the Federal Bureau of Investigation.".

SEC. 606. ENHANCING PROTECTION OF NATIONAL SECURITY AT THE DEPARTMENT OF JUSTICE.

(a) AUTHORIZATION FOR INCREASED RESOURCES TO FULFILL NATIONAL SECURITY MISSION OF THE DEPARTMENT OF JUSTICE.—There are authorized to be appropriated to the Department of Justice for the activities of the Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counter-espionage investigations, provide policy analysis on national security issues, and enhance secure computer and telecommunications facilities—

(1) $7,000,000 for fiscal year 2001;

(2) $7,500,000 for fiscal year 2002; and

(3) $8,000,000 for fiscal year 2003.

(b) AVAILABILITY OF FUNDS.—(1) No funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review may be obligated or expended until the later of the dates on which the Attorney General submits the reports required by paragraphs (2) and (3).

(2)(A) The Attorney General shall submit to the committees of Congress specified in subparagraph (B) a report on the manner in which the funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review will be used by that Office—

(i) to improve and strengthen its oversight of Federal Bureau of Investigation field offices in the implementation of orders under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); and

(ii) to streamline and increase the efficiency of the application process under that Act.

(B) The committees of Congress referred to in this subparagraph are the following:

(i) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(ii) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(3) In addition to the report required by paragraph (2), the Attorney General shall also submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report that addresses the issues identified in the semiannual report of the Attorney General to such committees under section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) that was submitted in April 2000, including any corrective actions with regard to such issues. The report under this paragraph shall be submitted in classified form.

(4) Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

(c) REPORT ON COORDINATING NATIONAL SECURITY AND INTELLIGENCE FUNCTIONS WITHIN THE DEPARTMENT OF JUSTICE.—The Attorney General shall report to the Select Committee on Intelligence and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives within 120 days on actions that have been or will be taken by the Department to—

(1) promote quick and efficient responses to national security issues;

(2) centralize a point-of-contact within the Department on national security matters for external entities and agencies; and

(3) coordinate the dissemination of intelligence information within the appropriate components of the Department and the formulation of policy on national security issues.

SEC. 607. COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION.

The Classified Information Procedures Act (18 U.S.C. App.) is amended by inserting after section 9 the following new section:

"COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION

"SEC. 9A. (a) BRIEFINGS REQUIRED.—The Assistant Attorney General for the Criminal Division and the appropriate United States Attorney, or the designees of such officials, shall provide briefings to the senior agency official, or the designee of such official, with respect to any case involving classified information that originated in the agency of such senior agency official.

"(b) TIMING OF BRIEFINGS.—Briefings under subsection (a) with respect to a case shall occur—

"(1) as soon as practicable after the Department of Justice and the United States Attorney concerned determine that a prosecution or potential prosecution could result; and

"(2) at such other times thereafter as are necessary to keep the senior agency official concerned fully and currently informed of the status of the prosecution.

"(c) SENIOR AGENCY OFFICIAL DEFINED.—In this section, the term 'senior agency official' has the meaning given that term in section 1.1 of Executive Order No. 12958.".

SEC. 608. SEVERABILITY.

If any provision of this title (including an amendment made by this title), or the application thereof, to any person or circumstance, is held invalid, the remainder of this title (including the amendments made by this title), and the application thereof, to other persons or circumstances shall not be affected thereby.

TITLE VII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL ARMY

SEC. 701. SHORT TITLE.

This title may be cited as the "Japanese Imperial Army Disclosure Act".

SEC. 702. ESTABLISHMENT OF JAPANESE IMPERIAL ARMY RECORDS INTERAGENCY WORKING GROUP.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term "agency" has the meaning given such term under section 551 of title 5, United States Code.

(2) INTERAGENCY GROUP.—The term "Interagency Group" means the Japanese Imperial Army Records Interagency Working Group established under subsection (b).

(3) JAPANESE IMPERIAL ARMY RECORDS.—The term "Japanese Imperial Army records" means classified records or portions of records that pertain to any person with respect to whom the United States Government, in its sole discretion, has grounds to believe ordered, incited, assisted, or otherwise participated in the experimentation and persecution of any person because of race, religion, national origin, or political option, during the period beginning September 18, 1931, and ending on December 31, 1948, under the direction of, or in association with—

(A) the Japanese Imperial Army;

(B) any government in any area occupied by the military forces of the Japanese Imperial Army;

(C) any government established with the assistance or cooperation of the Japanese Imperial Army; or

(D) any government which was an ally of the Imperial Army of Japan.

(4) RECORD.—The term "record" means a Japanese Imperial Army record.

(b) ESTABLISHMENT OF INTERAGENCY GROUP.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall establish the Japanese Imperial Army Records Interagency Working Group, which shall remain in existence for 3 years after the date the Interagency Group is established.

(2) MEMBERSHIP.—The President shall appoint to the Interagency Group individuals whom the

President determines will most completely and effectively carry out the functions of the Interagency Group within the time limitations provided in this section, including the Historian of the Department of State, the Archivist of the United States, the head of any other agency the President considers appropriate, and no more than 3 other persons. The head of an agency appointed by the President may designate an appropriate officer to serve on the Interagency Group in lieu of the head of such agency.

(3) Initial Meeting.—Not later than 90 days after the date of the enactment of this Act, the Interagency Group shall hold an initial meeting and begin the functions required under this section.

(c) Functions.—Not later than 1 year after the date of the enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 703—

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Japanese Imperial Army records of the United States;

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress, including the Committee on Government Reform and Oversight of the House of Representatives, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary of the Senate, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

(d) Funding.—There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this title.

SEC. 703. REQUIREMENT OF DISCLOSURE OF RECORDS.

(a) Release of Records.—Subject to subsections (b), (c), and (d), the Japanese Imperial Army Records Interagency Working Group shall release in their entirety Japanese Imperial Army records.

(b) Exception for Privacy.—An agency head may exempt from release under subsection (a) specific information, that would—

(1) constitute a clearly unwarranted invasion of personal privacy;

(2) reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States;

(3) reveal information that would assist in the development or use of weapons of mass destruction;

(4) reveal information that would impair United States cryptologic systems or activities;

(5) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(6) reveal actual United States military war plans that remain in effect;

(7) reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;

(8) reveal information that would clearly, and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services are authorized in the interest of national security;

(9) reveal information that would seriously and demonstrably impair current national security emergency preparedness plans; or

(10) violate a treaty or other international agreement.

(c) Applications of Exemptions.—

(1) In General.—In applying the exemptions provided in paragraphs (2) through (10) of subsection (b), there shall be a presumption that the public interest will be served by disclosure and release of the records of the Japanese Imperial Army. The exemption may be asserted only when the head of the agency that maintains the records determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on Government Reform and Oversight and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) Application of Title 5.—A determination by an agency head to apply an exemption provided in paragraphs (2) through (9) of subsection (b) shall be subject to the same standard of review that applies in the case of records withheld under section 552(b)(1) of title 5, United States Code.

(d) Limitation on Exemptions.—

(1) In General.—The exemptions set forth in subsection (b) shall constitute the only grounds pursuant to which an agency head may exempt records otherwise subject to release under subsection (a).

(2) Records Related to Investigation or Prosecutions.—This section shall not apply to records—

(A) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(B) solely in the possession, custody, or control of the Office of Special Investigations.

SEC. 704. EXPEDITED PROCESSING OF FOIA REQUESTS FOR JAPANESE IMPERIAL ARMY RECORDS.

For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any person who was persecuted in the manner described in section 702(a)(3) and who requests a Japanese Imperial Army record shall be deemed to have a compelling need for such record.

SEC. 705. EFFECTIVE DATE.

The provisions of this title shall take effect on the date that is 90 days after the date of the enactment of this Act.

TITLE VIII—DECLASSIFICATION OF INFORMATION

SEC. 801. SHORT TITLE.

This title may be cited as the "Public Interest Declassification Act of 2000".

SEC. 802. FINDINGS.

Congress makes the following findings:

(1) It is in the national interest to establish an effective, coordinated, and cost-effective means by which records on specific subjects of extraordinary public interest that do not undermine the national security interests of the United States may be collected, retained, reviewed, and disseminated to Congress, policymakers in the executive branch, and the public.

(2) Ensuring, through such measures, public access to information that does not require continued protection to maintain the national security interests of the United States is a key to striking the balance between secrecy essential to national security and the openness that is central to the proper functioning of the political institutions of the United States.

SEC. 803. PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) Establishment.—There is established within the executive branch of the United States a board to be known as the "Public Interest Declassification Board" (in this title referred to as the "Board").

(b) Purposes.—The purposes of the Board are as follows:

(1) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on the systematic, thorough, coordinated, and comprehensive identification, collection, review for declassification, and release to Congress, interested agencies, and the public of declassified records and materials (including donated historical materials) that are of archival value, including records and materials of extraordinary public interest.

(2) To promote the fullest possible public access to a thorough, accurate, and reliable documentary record of significant United States national security decisions and significant United States national security activities in order to—

(A) support the oversight and legislative functions of Congress;

(B) support the policymaking role of the executive branch;

(C) respond to the interest of the public in national security matters; and

(D) promote reliable historical analysis and new avenues of historical study in national security matters.

(3) To provide recommendations to the President for the identification, collection, and review for declassification of information of extraordinary public interest that does not undermine the national security of the United States, to be undertaken in accordance with a declassification program that has been established or may be established by the President by Executive Order.

(4) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on policies deriving from the issuance by the President of Executive Orders regarding the classification and declassification of national security information.

(c) Membership.—(1) The Board shall be composed of nine individuals appointed from among citizens of the United States who are preeminent in the fields of history, national security, foreign policy, intelligence policy, social science, law, or archives, including individuals who have served in Congress or otherwise in the Federal Government or have otherwise engaged in research, scholarship, or publication in such fields on matters relating to the national security of the United States, of whom—

(A) five shall be appointed by the President;

(B) one shall be appointed by the Majority Leader of the Senate;

(C) one shall be appointed by the Minority Leader of the Senate;

(D) one shall be appointed by the Speaker of the House of Representatives; and

(E) one shall be appointed by the Minority Leader of the House of Representatives.

(2)(A) Of the members initially appointed to the Board, three shall be appointed for a term of four years, three shall be appointed for a term of three years, and three shall be appointed for a term of two years.

(B) Any subsequent appointment to the Board shall be for a term of three years.

(3) A vacancy in the Board shall be filled in the same manner as the original appointment. A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term.

(4) A member of the Board may be appointed to a new term on the Board upon the expiration

of the member's term on the Board, except that no member may serve more than three full terms on the Board.

(d) CHAIRPERSON; EXECUTIVE SECRETARY.—(1)(A) The President shall designate one of the members of the Board as the Chairperson of the Board.

(B) The term of service as Chairperson of the Board shall be two years.

(C) A member serving as Chairperson of the Board may be re-designated as Chairperson of the Board upon the expiration of the member's term as Chairperson of the Board, except that no member shall serve as Chairperson of the Board for more than six years.

(2) The Director of the Information Security Oversight Office shall serve as the Executive Secretary of the Board.

(e) MEETINGS.—The Board shall meet as needed to accomplish its mission, consistent with the availability of funds. A majority of the members of the Board shall constitute a quorum.

(f) STAFF.—Any employee of the Federal Government may be detailed to the Board, with the agreement of and without reimbursement to the detailing agency, and such detail shall be without interruption or loss of civil, military, or foreign service status or privilege.

(g) SECURITY.—(1) The members and staff of the Board shall, as a condition of appointment to or employment with the Board, hold appropriate security clearances for access to the classified records and materials to be reviewed by the Board or its staff, and shall follow the guidance and practices on security under applicable Executive Orders and agency directives.

(2) The head of an agency shall, as a condition of granting access to a member of the Board, the Executive Secretary of the Board, or a member of the staff of the Board to classified records or materials of the agency under this title, require the member, the Executive Secretary, or the member of the staff, as the case may be, to—

(A) execute an agreement regarding the security of such records or materials that is approved by the head of the agency; and

(B) hold an appropriate security clearance granted or recognized under the standard procedures and eligibility criteria of the agency, including any special access approval required for access to such records or materials.

(3) The members of the Board, the Executive Secretary of the Board, and the members of the staff of the Board may not use any information acquired in the course of their official activities on the Board for nonofficial purposes.

(4) For purposes of any law or regulation governing access to classified information that pertains to the national security of the United States, and subject to any limitations on access arising under section 806(b), and to facilitate the advisory functions of the Board under this title, a member of the Board seeking access to a record or material under this title shall be deemed for purposes of this subsection to have a need to know the contents of the record or material.

(h) COMPENSATION.—(1) Each member of the Board shall receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay payable for positions at ES–1 of the Senior Executive Service under section 5382 of title 5, United States Code, for each day such member is engaged in the actual performance of duties of the Board.

(2) Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of the duties of the Board.

(i) GUIDANCE; ANNUAL BUDGET.—(1) On behalf of the President, the Assistant to the President for National Security Affairs shall provide guidance on policy to the Board.

(2) The Executive Secretary of the Board, under the direction of the Chairperson of the Board and the Board, and acting in consultation with the Archivist of the United States, the Assistant to the President for National Security Affairs, and the Director of the Office of Management and Budget, shall prepare the annual budget of the Board.

(j) SUPPORT.—The Information Security Oversight Office may support the activities of the Board under this title. Such support shall be provided on a reimbursable basis.

(k) PUBLIC AVAILABILITY OF RECORDS AND REPORTS.—(1) The Board shall make available for public inspection records of its proceedings and reports prepared in the course of its activities under this title to the extent such records and reports are not classified and would not be exempt from release under the provisions of section 552 of title 5, United States Code.

(2) In making records and reports available under paragraph (1), the Board shall coordinate the release of such records and reports with appropriate officials from agencies with expertise in classified information in order to ensure that such records and reports do not inadvertently contain classified information.

(l) APPLICABILITY OF CERTAIN ADMINISTRATIVE LAWS.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board under this title. However, the records of the Board shall be governed by the provisions of the Federal Records Act of 1950.

SEC. 804. IDENTIFICATION, COLLECTION, AND REVIEW FOR DECLASSIFICATION OF INFORMATION OF ARCHIVAL VALUE OR EXTRAORDINARY PUBLIC INTEREST.

(a) BRIEFINGS ON AGENCY DECLASSIFICATION PROGRAMS.—(1) As requested by the Board, or by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, the head of any agency with the authority under an Executive Order to classify information shall provide to the Board, the Select Committee on Intelligence of the Senate, or the Permanent Select Committee on Intelligence of the House of Representatives, on an annual basis, a summary briefing and report on such agency's progress and plans in the declassification of national security information. Such briefing shall cover the declassification goals set by statute, regulation, or policy, the agency's progress with respect to such goals, and the agency's planned goals and priorities for its declassification activities over the next two fiscal years. Agency briefings and reports shall give particular attention to progress on the declassification of records and materials that are of archival value or extraordinary public interest to the people of the United States.

(2)(A) The annual briefing and report under paragraph (1) for agencies within the Department of Defense, including the military departments, and the elements of the intelligence community shall be provided on a consolidated basis.

(B) In this paragraph, the term "elements of the intelligence community" means the elements of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(b) RECOMMENDATIONS ON AGENCY DECLASSIFICATION PROGRAMS.—(1) Upon reviewing and discussing declassification plans and progress with an agency, the Board shall provide to the head of the agency the written recommendations of the Board as to how the agency's declassification program could be improved. A copy of each recommendation shall also be submitted to the Assistant to the President for National Security Affairs and the Director of the Office of Management and Budget.

(2) Consistent with the provisions of section 803(k), the Board's recommendations to the head of an agency under paragraph (1) shall become public 60 days after such recommendations are sent to the head of the agency under that paragraph.

(c) RECOMMENDATIONS ON SPECIAL SEARCHES FOR RECORDS OF EXTRAORDINARY PUBLIC INTEREST.—(1) The Board shall also make recommendations to the President regarding proposed initiatives to identify, collect, and review for declassification classified records and materials of extraordinary public interest.

(2) In making recommendations under paragraph (1), the Board shall consider the following:

(A) The opinions and requests of Members of Congress, including opinions and requests expressed or embodied in letters or legislative proposals.

(B) The opinions and requests of the National Security Council, the Director of Central Intelligence, and the heads of other agencies.

(C) The opinions of United States citizens.

(D) The opinions of members of the Board.

(E) The impact of special searches on systematic and all other on-going declassification programs.

(F) The costs (including budgetary costs) and the impact that complying with the recommendations would have on agency budgets, programs, and operations.

(G) The benefits of the recommendations.

(H) The impact of compliance with the recommendations on the national security of the United States.

(d) PRESIDENT'S DECLASSIFICATION PRIORITIES.—(1) Concurrent with the submission to Congress of the budget of the President each fiscal year under section 1105 of title 31, United States Code, the Director of the Office of Management and Budget shall publish a description of the President's declassification program and priorities, together with a listing of the funds requested to implement that program.

(2) Nothing in this title shall be construed to substitute or supersede, or establish a funding process for, any declassification program that has been established or may be established by the President by Executive Order.

SEC. 805. PROTECTION OF NATIONAL SECURITY INFORMATION AND OTHER INFORMATION.

(a) IN GENERAL.—Nothing in this title shall be construed to limit the authority of the head of an agency to classify information or to continue the classification of information previously classified by an agency.

(b) SPECIAL ACCESS PROGRAMS.—Nothing in this title shall be construed to limit the authority of the head of an agency to grant or deny access to a special access program.

(c) AUTHORITIES OF DIRECTOR OF CENTRAL INTELLIGENCE.—Nothing in this title shall be construed to limit the authorities of the Director of Central Intelligence as the head of the intelligence community, including the Director's responsibility to protect intelligence sources and methods from unauthorized disclosure as required by section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(6)).

(d) EXEMPTIONS TO RELEASE OF INFORMATION.—Nothing in this title shall be construed to limit any exemption or exception to the release to the public under this title of information that is protected under section 552(b) of title 5, United States Code (commonly referred to as the "Freedom of Information Act"), or section 552a of title 5, United States Code (commonly referred to as the "Privacy Act").

(e) WITHHOLDING INFORMATION FROM CONGRESS.—Nothing in this title shall be construed to authorize the withholding of information from Congress.

SEC. 806. STANDARDS AND PROCEDURES.

(a) Liaison.—(1) The head of each agency with the authority under an Executive Order to classify information and the head of each Federal Presidential library shall designate an employee of such agency or library, as the case may be, to act as liaison to the Board for purposes of this title.

(2) The Board may establish liaison and otherwise consult with such other historical and advisory committees as the Board considers appropriate for purposes of this title.

(b) Limitations on Access.—(1)(A) Except as provided in paragraph (2), if the head of an agency or the head of a Federal Presidential library determines it necessary to deny or restrict access of the Board, or of the agency or library liaison to the Board, to information contained in a record or material, in whole or in part, the head of the agency or the head of the library, as the case may be, shall promptly notify the Board in writing of such determination.

(B) Each notice to the Board under subparagraph (A) shall include a description of the nature of the records or materials, and a justification for the determination, covered by such notice.

(2) In the case of a determination referred to in paragraph (1) with respect to a special access program created by the Secretary of Defense, the Director of Central Intelligence, or the head of any other agency, the notification of denial of access under paragraph (1), including a description of the nature of the Board's request for access, shall be submitted to the Assistant to the President for National Security Affairs rather than to the Board.

(c) Discretion to Disclose.—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the public's interest in the disclosure of records or materials of the agency covered by such review, and still properly classified, outweighs the Government's need to protect such records or materials, and may release such records or materials in accordance with the provisions of Executive Order 12958 or any successor order to such Executive Order.

(d) Discretion To Protect.—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the interest of the agency in the protection of records or materials of the agency covered by such review, and still properly classified, outweigh's the public's need for access to such records or materials, and may deny release of such records or materials in accordance with the provisions of Executive Order 12958 or any successor order to such Executive Order.

(e) Reports.—(1)(A) Except as provided in paragraph (2), the Board shall annually submit to the appropriate congressional committees a report on the activities of the Board under this title, including summary information regarding any denials by the head of an agency or the head of a Federal Presidential library of access of the Board to records or materials under this title.

(B) In this paragraph, the term "appropriate congressional committees" means the Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate and the Permanent Select Committee on Intelligence and the Committee on Government Reform and Oversight of the House of Representatives.

(2) Notwithstanding paragraph (1), notice that the Board has been denied access to records and materials, and a justification for the determination in support of the denial, shall be submitted by the agency denying the access as follows:

(A) In the case of the denial of access to a special access program created by the Secretary of Defense, to the Committees on Armed Services and Appropriations of the Senate and to the Committees on Armed Services and Appropriations of the House of Representatives.

(B) In the case of the denial of access to a special access program created by the Director of Central Intelligence, or by the head of any other agency (including the Department of Defense) if the special access program pertains to intelligence activities, or of access to any information and materials relating to intelligence sources and methods, to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(C) In the case of the denial of access to a special access program created by the Secretary of Energy or the Administrator for Nuclear Security, to the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate and to the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 807. JUDICIAL REVIEW.

Nothing in this title limits the protection afforded to any information under any other provision of law. This title is not intended and may not be construed to create any right or benefit, substantive or procedural, enforceable at law against the United States, its agencies, its officers, or its employees. This title does not modify in any way the substantive criteria or procedures for the classification of information, nor does this title create any right or benefit subject to judicial review.

SEC. 808. FUNDING.

(a) Authorization of Appropriations.—There is hereby authorized to be appropriated to carry out the provisions of this title amounts as follows:

(1) For fiscal year 2001, $650,000.

(2) For each fiscal year after fiscal year 2001, such sums as may be necessary for such fiscal year.

(b) Funding Requests.—The President shall include in the budget submitted to Congress for each fiscal year under section 1105 of title 31, United States Code, a request for amounts for the activities of the Board under this title during such fiscal year.

SEC. 809. DEFINITIONS.

In this title:

(1) Agency.—(A) Except as provided in subparagraph (B), the term "agency" means the following:

(i) An executive agency, as that term is defined in section 105 of title 5, United States Code.

(ii) A military department, as that term is defined in section 102 of such title.

(iii) Any other entity in the executive branch that comes into the possession of classified information.

(B) The term does not include the Board.

(2) Classified Material or Record.—The terms "classified material" and "classified record" include any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine readable records, and other documentary material, regardless of physical form or characteristics, that has been determined pursuant to Executive Order to require protection against unauthorized disclosure in the interests of the national security of the United States.

(3) Declassification.—The term "declassification" means the process by which records or materials that have been classified are determined no longer to require protection from unauthorized disclosure to protect the national security of the United States.

(4) Donated Historical Material.—The term "donated historical material" means collections of personal papers donated or given to a Federal Presidential library or other archival repository under a deed of gift or otherwise.

(5) Federal Presidential Library.—The term "Federal Presidential library" means a library operated and maintained by the United States Government through the National Archives and Records Administration under the applicable provisions of chapter 21 of title 44, United States Code.

(6) National Security.—The term "national security" means the national defense or foreign relations of the United States.

(7) Records or Materials of Extraordinary Public Interest.—The term "records or materials of extraordinary public interest" means records or materials that—

(A) demonstrate and record the national security policies, actions, and decisions of the United States, including—

(i) policies, events, actions, and decisions which led to significant national security outcomes; and

(ii) the development and evolution of significant United States national security policies, actions, and decisions;

(B) will provide a significantly different perspective in general from records and materials publicly available in other historical sources; and

(C) would need to be addressed through ad hoc record searches outside any systematic declassification program established under Executive Order.

(8) Records of Archival Value.—The term "records of archival value" means records that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government.

SEC. 810. SUNSET.

The provisions of this title shall expire four years after the date of the enactment of this Act, unless reauthorized by statute.

The PRESIDING OFFICER (Mr. Fitzgerald) appointed Mr. Shelby, Mr. Lugar, Mr. Kyl, Mr. Inhofe, Mr. Hatch, Mr. Roberts, Mr. Allard, Mr. Mack, Mr. Warner, Mr. Bryan, Mr. Graham, Mr. Kerry, Mr. Baucus, Mr. Robb, Mr. Lautenberg, and Mr. Levin conferees on the part of the Senate.

Mr. LOTT. Mr. President, I yield to Senator Bryan.

Mr. BRYAN. Mr. President, I thank the leader. I specifically thank the chairman, Senator Shelby. We have worked to put this authorization bill together. It could not have happened but for his cooperation and the cooperation of a number of others of our colleagues on the Intelligence Committee. I thank them for their cooperation, the chairman in particular. I thank the majority leader and Senator Daschle as well. Again, I acknowledge the leadership of my chairman. He has been most helpful in working through this bill. I thank him, the majority leader, and our colleagues.

My remarks will echo many of the points made by the distinguished chairman of the Intelligence Committee, Senator Shelby. Those who are not familiar with the workings of the Intelligence Committee may find it odd that members from different parties have such agreement on the substance of this legislation. Most of my colleagues, however, know that the committee has a long tradition of bipartisanship and I am proud to say that under Senator SHELBY's leadership we have upheld that tradition. We have confronted difficult policy issues and budget choices, and the chairman has gone out of his way to ensure that the committee addressed these in a fair and nonpartisan way. I appreciate the courtesies he has shown me as vice chairman. I think we have produced a good bill that focuses on several critical areas of intelligence policy.

This important legislation authorizes the activities of the U.S. intelligence community and seeks to ensure that this critical function will continue to serve our national security interests into the 21st century. The community faces momentous challenges from both the proliferation of threats facing America and from the rapid pace of technological change occurring throughout society. How we respond to these challenges today will affect our ability to protect American interests in the years ahead.

Some have argued that the end of the cold war should have significantly reduced our need for a robust intelligence collection capability. In fact, the opposite is true. The bipolar world of the Soviet-United States confrontation provided a certain stability with a clear threat and a single principal adversary on which to focus. We now face a world with growing transnational threats of weapons proliferation, terrorism, and international crime and narcotics trafficking, and multiple regional conflicts which create instability and threaten U.S. interests. While we, of course, must continue to closely monitor Russia, which still possesses the singular capability to destroy our country, these emerging threats demand increasing attention and resources.

A decade after the collapse of Soviet communism, the intelligence community continues its difficult transition, from an organization which confronted one threat to one which now must focus on a variety of threats, each unique in its potential to harm the United States. At the same time, the community has been buffeted by the information revolution, which provides tremendous opportunity for intelligence collection, but threatens to overwhelm our ability to process and disseminate information. These twin challenges—new and qualitatively different threats, coupled with an information and technological explosion—threaten the community's ability to serve as an early warning system for our country and a force multiplier for our armed services.

Unfortunately, the intelligence community has often been too slow to confront these challenge and to adapt to these new realities. To make this transition will require the following:

First, the intelligence community must get its budget in order. Although I believe the community probably needs additional resources, the Congress first must be convinced that existing resources are being used effectively.

Second, the various intelligence agencies must begin to function ore corporately—as a community, rather than as separate entities, all with different and often conflicting priorities. This has been a topic of debate for some time. And yet, the passage of time does not seem to have brought us much closer to this objective.

Third, the intelligence community must do a better job of setting priorities. That means making hard decisions about what it will not do. Resources are stretched thin, often because community leadership has been unable to say no. The result is that agencies like the National Security Agency are starved for recapitalization funds necessary to keep pace with technological changes.

Fourth, the community must streamline its bureaucracy, eliminating unnecessary layers of management, particularly those that separate the collector of intelligence from the analyzer of that intelligence.

Finally, the community must revamp its information technology backbone so that agencies can easily and effectively communicate with one another.

These steps will not be easy but are essential if the intelligence community is to stay relevant in today's world. Good intelligence is more important than ever. As we deal with calls for military intervention in far flung locales, intelligence becomes a force multiplier. We rely on the intelligence community to keep us informed of developing crises, to describe the situation prior to any U.S. intervention, to help with force protection when U.S. personnel are on the ground, and to analyze foreign leadership intentions. Solid intelligence allows U.S. policymakers and military commanders to make and implement informed decisions.

Maintaining our intelligence capability is difficult and sometimes expensive but absolutely essential to national security. The committee has identified a few areas that we think are priorities that need additional attention. One area of particular concern is the need to recapitalize the National Security Agency to assure our ability to collect signals intelligence. Collecting and deciphering the communications of America's adversaries provides senior policymakers with a unique source of sensitive information. In 1998, and again this year, the committee asked a group of highly qualified technical experts to review NSA operations. The Technical Advisory Group's conclusions were unsettling. They identified significant shortcomings which have resulted from the sustained budget decline of the past decade. With limited available resources the NSA has maintained its day-to-day readiness but has not invested in needed modernization. Consequently, NSA's technological infrastructure and human resources are struggling to meet emerging challenges.

The NSA historically has led the way in development and use of cutting edge technology. This innovative spirit has helped keep the United States a step ahead of those whose interests are hostile to our own. Unfortunately, rather than leading the way, the NSA now struggles to keep pace with communications and computing advances.

There is, however, some reason for optimism. The current Director of NSA, General Hayden, has developed a strategy for recovery. He has undertaken an aggressive and ambitious modernization effort, including dramatic organizational changes and innovative business practices. These changes and the rebuilding of NSA's infrastructure will, however, require significant additional resources. The committee decided that this situation demands immediate attention, but the intelligence budget faces the same constrained fiscal situation as other areas of the Federal budget. We have, therefore, realigned priorities within existing resources in order to reverse this downward trend. This was not an easy process and we were forced to make some painful tradeoffs, but ensuring the future of the NSA is the committee's top priority. We cannot stand by and allow the United States to lose this capability. We have taken prudent steps in this legislation to make sure NSA will continue to be the premier signals intelligence organization in the world.

The bill also attempts to address an imbalance that has concerned the committee for some time. We have argued that our ability to collect intelligence far exceeds our ability to analyze and disseminate finished intelligence to the end user. We spend a tremendous amount of the budget developing and fielding satellites, unmanned aerial vehicles and all manner of other senors and collection platforms. These programs are important but too often new sensors are put into place without sufficient thought to how we will process and distribute the additional data. No matter how good a satellite is at collecting raw intelligence, it is useless if that intelligence never makes it into the hands of a competent analyst and then on to an end user.

This imbalance has been particularly acute at the National Imagery and Mapping Agency. At the request of Congress, NIMA has identified projected processing shortfalls associated with its future sensor acquisition plans. NIMA also outlined a three phase modernization to address these shortfalls. Unfortunately, the future year funding profile creates a situation that will force the intelligence community to either cut deeply into other programs or abandon the modernization. The committee has rejected that approach and has realigned priorities in order to avoid this budgetary squeeze in the out years. It makes no sense to purchase expensive collection platforms when the rest of the system cannot handle the amount of intelligence produced.

Beyond the questions of resource allocation, this legislation also address several policy issues, including the problem of serious security breakdowns at the State Department. Over the course of the last 2½ years the Department has been beset by seemingly inexplicable security compromises, the latest being the disappearance of a laptop computer in January of this year. This incident, still unexplained, follows closely on the heels of the discovery of a Russian listening device planted in a seventh floor conference room. Subsequently we learned that there was no escort requirement for foreign visitors, including Russians, to the State Department. Finally, I must mention the 1998 tweed jacket incident. In this case an unidentified man wearing a tweed jacket entered the Secretary of State's office suite unchallenged by State Department employees and removed classified documents. No one knows who he was.

The only conclusion that I can draw is that the State Department culture does not place a priority on security. Despite Secretary Albright's efforts to correct procedural deficiencies and to emphasize the need for better security, we have not seen much progress. The authorization bill contains a provision requiring all elements of the State Department to be certified as in compliance with regulations for the handling of Sensitive Compartmented Information. This is the most highly classified information and is controlled by the Director of Central Intelligence. If a component of the State Department is not in compliance with the applicable regulations, then that office will no longer be allowed to retain or store this sensitive information. It is unfortunate that this provision is necessary, but we must make it clear to individuals who handle classified material that we are serious about enforcing security rules.

A broader but related area of concern is the ability of the U.S. Intelligence community to meet the counterintelligence threats of the 21st Century with current structures and programs. We can no longer worry only about the intelligence services of adversaries such as the old Soviet Union, North Korea, or Cuba. We must deal with ever more sophisticated terrorist organizations and international crime syndicates capable of launching their own intelligence and counterintelligence efforts. We also face challenges from friendly states seeking access to economic data and advanced U.S. technology.

All of these changes argue for a major retooling of a U.S. counterintelligence apparatus designed for the cold war. The Director of Central Intelligence, the Director of the FBI, and the Deputy Secretary of Defense have undertaken an effort, referred to as CI–21, to design the structures and policies that we will need to cope with cutting edge technology and with the emergence of threats from nontraditional sources. I have been encouraged by the early progress made on the CI–21 effort. We have chosen not to include legislative provisions in the bill with the hope that the agencies involved will reach agreement and finalize the CI–21 plan. The report accompanying the bill strongly encourages them to do so and I reiterate that encouragement.

One provision in the bill that has created a bit of controversy is the section that closes a gap in existing law related to the unauthorized disclosure of classified material. This provision will make it a felony for a U.S. government official to knowingly pass classified material to someone who is not authorized to receive it. I say that this provision closes a gap because many categories of classified information are covered by existing statutes. This includes nuclear weapons data and defense information. Unfortunately much sensitive intelligence information does not fall into one of the existing definitions. Disclosure of this information could compromise sensitive sources and in some cases endanger peoples lives. The provision in the bill has been carefully crafted to avoid first amendment concerns and the chairman and I will offer a technical amendment incorporating suggestions made by the Attorney General. It is my understanding that she supports the provision as amended.

Another provision which merits further explanation is the section dealing with treaty implementing legislation. This language provides that future criminal laws enacted to implement treaties will not apply to intelligence activities unless those activities are specifically named in the legislation. On its face this could be interpreted as exempting our intelligence community from the law regardless of the nature of the activity. In fact, this only applies to activities which are otherwise lawful and authorized. Intelligence activities are subject to an extensive set of statutes, regulations and presidential directives. These rules try to balance our need for intelligence to protect our national security with the American sense of values and ethical behavior.

Intelligence gathering—spying—is an inherently deceitful activity. To protect our military forces, thwart terrorist acts, or dismantle drug trafficking organizations, we gather information through surreptitious means. We either convince people to betray their country or cause, or we use intrusive technical means to find out what people are doing or saying. This may make some people uncomfortable, but it is absolutely essential to protecting American interests. Treaties that proscribe certain kinds of behavior should not inadvertently restrict these intelligence activities. If the Congress intends to apply treaty implementing legislation to intelligence activities, then we should say so explicitly. We want to be precise and ensure that intelligence operatives in the field understand what we expect of them. Ambiguity and uncertainty are more likely to create problems. This provision will put the burden on Congress to make the determination of which treaty restrictions we want to apply to intelligence activities.

I have served on the Intelligence Committee for almost 8 years now and I have had the privilege of serving as vice chairman since January. During that time I have made a few observations that I would like to share. Since I am leaving the committee and the Senate at the end of this year, I have no vested interest other than my continuing belief in the importance of the committee's work conducting oversight of the intelligence community.

My experience leads me to the conclusion that excessive turnover is seriously hampering the effectiveness of the Intelligence Committee—a committee the Senate relies upon and points to in reassuring the American people that the intelligence community is being appropriately monitored by their elected representatives. Because of the 8-year limitation, member turn-over can be, and often is dramatic. For example, when the 107th Congress convenes next January, 5 of the 7 currently serving Democrats will have departed the committee. At the end of the 107th Congress, 5 of the 8 currently serving Republicans will leave the committee.

Over time, this brain drain diminishes the committee's ability to discharge its responsibilities. For example, in 1994 the committee dealt with the Aldrich Ames espionage case, arguably the most devastating counterintelligence failure of the cold war. The committee produced a report extremely critical of the CIA in this case and of the way the CIA and FBI dealt with counterintelligence in general. The Ames debacle led to a major restructuring of our national counterintelligence system with significant legislative input. Yet today, there is only one member on the majority side who served on the committee during that period, and at the end of this year there will be no members on the Democratic side. This lack of corporate memory greatly reduces the committee's effectiveness.

This committee deals with sensitive and complex issues, and much of the committee's business involves the technical agencies such as the National Security Agency and the National Reconnaissance Office. To understand these issues a Senator must invest significant time to committee briefings and hearings. There is no outside source to go to stay abreast of developments in the intelligence community. Just about the time members are beginning to understand these issues they are forced to rotate off the committee. This makes no sense.

The rationale behind the term limits was two fold. First, it was feared that the intelligence community could over time co-opt permanently serving members. In fact, new members who have little experience with the workings of the intelligence community are more dependent on information provided by the intelligence agencies. SSCI members are no more likely to be co-opted by the intelligence community than the members of other authorizing committees are likely to be co-opted by the Departments and agencies they oversee. The second reason term limits were enacted stemmed from the understandable view that the SSCI would benefit from a flow of fresh ideas that new members would bring. But because of naturally occurring turnover, new members have regularly joined the committee, irrespective of term limits. Since the SSCI was created 24 years ago, approximately sixty Senators have served on the committee. Members have served an average of just over 5 years—and approximately 60 percent of committee members have served on the committee less than 8 years. This historical record confirms that vacancies will continue to occur regularly on the SSCI, thus allowing the new faces and fresh ideas. At the same time, however, members who have a long-term interest in the area of intelligence should continue to serve and develop expertise.

My second observation relates to the committee's authority but also to a larger issue that is the question of declassifying the top line number for the intelligence budget. It is difficult to conduct a thorough and rationale debate concerning intelligence policy without mentioning how much money we spend on our intelligence system. Declassifying the top line budget would allow for a healthy debate within the Congress about the priority we place on intelligence. I would provide greater visibility and openness to average Americans, whose tax dollars fund these programs. Disclosure of the overall budget would provide these benefits without damaging U.S. national security. DCI Tenet declassified the budget numbers for top past budgets with no adverse effects, but has declined to continue this practice. I hope that the Congress and the next administration will revisit this issue and left this unnecessary veil of secrecy.

Finally, Mr. President, I want to thank the staff of the Intelligence Committee for the work they do and for the support they have given me as vice chairman. The committee is staffed by professionals dedicated to ensuring that the intelligence community enhances U.S. national security and does so in strict compliance with the intent of Congress. The staff is unique in the Senate in that the vast majority are nonpartisan and go about their business without regard to any political agenda. The four members of the staff with partisan affiliations, the staff directors and their deputies, approach their work with same spirit of bipartisanship that always has been a hallmark of the committee. Let me single our Bill Duhnke and Joan Grimson, the majority staff director and deputy for their excellent cooperation and the courtesy they have extended this year. I should note that Joan is not here today because she is off on maternity leave. I extend my congratulations to her and her husband on the birth of their first child, Jacqueline Anna. I also thank Melvin Dubee, my deputy minority staff director. Melvin brings a wealth of experience to the job, and it has been reflected in the sound advice I have come to depend on him to provide. Vicki Divoll, who joined the committee staff as counsel in January, also has been invaluable to me during the preparation of this legislation and in dealing with other legal issues.

Finally, I would have been lost as vice chairman without the guidance and advice of Al Cumming, the minority staff director. Al kept me well informed and helped me focus on issues that will have a lasting impact on the functioning of the intelligence community. The staff has done superb work on this legislation.

Mr. LOTT. Mr. President, I thank Senator BRYAN for his comments. Obviously, as I said, this is very important legislation. The Intelligence Committee does good work, important work for our committee. It has been partially delayed by misunderstandings which we have worked out. I think everybody is satisfied with this. I thank the chairman for his persistence. I yield to the chairman of the committee.

Mr. SHELBY. Mr. President, I want to take a minute or two and talk about my colleague from Nevada, Senator BRYAN. He is going to be leaving the Senate soon. As the vice chairman of the committee—a long-term and long-time member of the Senate Intelligence Committee—he has been a delight to work with most of the time. Seriously. He puts a lot of effort into what we do on the Senate Intelligence Committee.

I would be remiss if I did not bring that up as we pass this bill tonight. We have a conference to go to. We will be spending a lot of time together in the waning days of this Congress. DICK BRYAN served this country well, first as a State legislator, as the attorney general of his State, as the Governor of his State, and in two terms in the U.S. Senate. I have worked with him on a lot of issues, and I can say this: He is a hard worker, he is smart, he is going to be prepared, he is going to be tough, and he is going to put the Nation first.

Mr. BRYAN. Mr. President, if I may respond to the excessively generous comments of my chairman, my colleague, and my friend, the reality is that working with him has been a pleasure. Without his cooperation and, obviously, trying to work in a bipartisan way to process this piece of legislation and other things we have done since the two of us have been privileged to serve as chairman and vice chairman, we would not be here today with this bill.

I acknowledge his leadership. The good citizens of Alabama have a fine Member here and a person with whom I have been privileged to work for the last 12 years I have been in the Senate, and most especially this last year when we have served in our respective roles on the Intelligence Committee. I thank him publicly.

Mr. SPECTER. Mr. President, I have sought recognition to discuss legislation arising from the investigation by the Senate Judiciary Subcommittee on Administrative Oversight and the Courts, which has been conducting oversight on the way the Department of Justice and the Federal Bureau of Investigation have responded to allegations of espionage in the Department of Defense and the Department of Energy. This bipartisan proposal will improve the counterintelligence procedures used to detect and defeat efforts by foreign governments to gain unlawful access to our top national security information by improving the way that allegations of espionage are investigated and, where appropriate, prosecuted.

Together with Senators TORRICELLI, GRASSLEY, THURMOND, SESSIONS, SCHUMER, FEINGOLD, BIDEN, HELMS and LEAHY, I introduced the Counterintelligence Reform Act on February 24 of this year. The Judiciary Committee unanimously reported the bill on May 18, and it was referred to the Senate Select Committee on Intelligence which also deals with espionage matters.

The Senate Intelligence Committee unanimously reported the bill on July 20, and has included the measure as an amendment to the Intelligence Authorization bill which passed the Senate today.

Few tasks are more important than protecting our national security, so building and maintaining bipartisan support for this legislation to correct the problems we identified during the course of our oversight was my top priority. The reforms contained in this legislation will ensure that the problems we found are fixed, and that the national security is better protected in the future.

To understand why this legislation is necessary, I would like to review two of the cases that the subcommittee looked at—the Wen Ho Lee case and the Peter Lee case. Former Los Alamos scientist Dr. Wen Ho Lee was arrested on December 10, 1999, and charged with 59 counts of violating the Atomic Energy Act of 1954 and unlawful gathering and retention of national defense information. In a stunning reversal on September 13, the government accepted a deal in which Dr. Lee would plead guilty to one count of unlawfully retaining national defense information and would be sentenced to time served, in exchange for telling what he had done with the tapes. There remains a question as to whether Department of Justice officials tried to make up for their blunders in this case by throwing the book at Dr. Lee. The Judiciary Subcommittee on Department of Justice Oversight will continue to hold hearings on this matter, but it has been clear from the beginning that the Department of Justice bungled the investigation of Dr. Lee.

The critical turning point in this case came on August 12, 1997, when the Department of Justice's Office of Intelligence Policy and Review (OIPR) turned down an FBI application for an electronic surveillance warrant under the Foreign Intelligence Surveillance Act, or FISA. OIPR believed that the application was deficient because it did not show sufficient probable cause, and therefore decided not to let the application go forward to the special FISA court.

In making this determination, the DoJ made several key errors. The Department of Justice used an unreasonably high standard for determining probable cause, a standard that is inconsistent with Supreme Court rulings on this issue. For example, one of the concerns raised by OIPR attorney Allan Kornblum was that the FBI had not shown that the Lees were the ones who passed the W-88 information to the PRC, to the exclusion of all the other possible suspects identified by the DoE Administrative Inquiry. That is the standard for establishing guilt at a trial, not for establishing probable cause to issue a search warrant.

DoJ was also wrong when Mr. Kornblum concluded that there was not enough to show that the Lees were "presently engaged in clandestine intelligence activities." The information provided by the FBI made it clear that Dr. Lee's relevant activities continued from the 1980s to 1992, 1994 and 1997, yet that was deemed to be too stale, and the DoJ refused to send the FBI's surveillance request to the FISA court.

When FBI Assistant Director John Lewis raised the FISA problem with the Attorney General on August 20, 1997, she delegated a review of the matter to Mr. Dan Seikaly, who had virtually no experience in FISA issues. It is not surprising then, that Mr. Seikaly again applied the wrong standard for probable cause. He used the criminal standard, which requires that the facility in question be used in the commission of an offense, and with which he was more familiar, rather than the relevant FISA standard which simply requires that the facility "is being used, or is about to be used, by a foreign power or an agent of a foreign power."

The importance of DoJ's erroneous interpretation of the law as it applied to probable cause in this case should not be underestimated. Had the warrant been issued, and had the FBI been permitted to conduct electronic surveillance on Dr. Lee, the Government would probably not be in the position—as it is now—of trying to ascertain what really happened to the information that Dr. Lee downloaded. There should be no doubt that transferring classified information to an unclassified computer system and making unauthorized tape copies of that information—seven of which contain highly classified information and remain unaccounted for—created a substantial opportunity for foreign intelligence services to access our most important nuclear secrets.

The FISA warrant could have and should have been issued at several points, some before and some after it was rejected in 1997. Each key event where the FISA warrant was not requested and issued represents another lost opportunity to protect the national security. For example, Dr. Lee was identified by the Department of Energy's Network Anomaly Detection and Intrusion Recording system (NADIR) in 1993 for having downloaded a huge volume of files.

As the name of the system implies, it is designed to detect unusual computer activity and look out for possible intruders into the computer. Individuals who monitored the lab's computers knew that Dr. Lee's activities had generated a report from the NADIR system, but didn't do anything about it. They didn't even talk to him. An opportunity to correct a problem, to protect national security, just slipped away.

In 1994, Lee's massive downloading would have again showed up on NADIR, but DoE security people never took action. Now, we're told, they can't even find records of what happened. Yet another missed opportunity to protect the national security by looking into what was going on.

When Wen Ho Lee took a polygraph in December 1998, DoE misrepresented the results of this test to the FBI. DoE told the FBI that Dr. Lee passed this polygraph when, in fact, he had failed. This error sent the FBI off the trail for two months.

When Wen Ho Lee failed a polygraph on February 10, 1999, the FISA warrant should have been immediately requested and granted. It wasn't.

The need for legislation to address these problems is obvious. The unclassified information on this case shows clearly that it was mishandled. The classified files make that point even more clear. Last year the Attorney General asked an Assistant U.S. Attorney with substantial experience in prosecuting espionage cases to review the Wen Ho Lee matter. That prosecutor, Mr. Randy Bellows, conducted a thorough review of the case and confirmed all of our major findings: the case was badly mishandled, the FISA request should have gone forward to the court. The list goes on. Our counter-intelligence system failed in this case, and the information at risk is too important to let this dismal state of affairs continue.

The Counterintelligence Reform Act of 2000 will help to ensure that future investigations are conducted in a more thorough and effective manner. Among the key provisions in this legislation is one that amends the Foreign Intelligence Surveillance Act, FISA, by requiring that, upon the request of the Director of the FBI, the Secretary of State, the Secretary of Defense or the Director of Central Intelligence, the Attorney General shall personally review a FISA application. If the Attorney General decides not to forward the application to the FISA court, that decision must be communicated in writing to the requesting official, with recommendations for improving the showing of probable cause, or whatever defect OIPR is concerned with.

Under this legislation, when a senior official who is authorized to make FISA requests goes to the Attorney General for a personal review, that senior official must personally supervise the implementation of the recommendations. This provision will ensure that when the national security is at stake, and where there is a serious disagreement over how to proceed, the Attorney General and other senior officials are the ones who work together to resolve disputes, and that the matter is not delegated to attorneys who have never worked with FISA before.

The Counterintelligence Reform Act also addresses the matter of whether an individual is "presently engaged" in a particular activity to ensure that genuine acts of espionage which are belatedly discovered are not improperly eliminated from consideration. As FISA is currently worded, it is possible for someone like Mr. Kornblum to conclude that actions as recent as a couple of years ago or even a few months are too stale to contribute to a finding of probable cause. Although I do not agree with Mr. Kornblum's interpretation of the law, I am confident that the changes contained in the Counterintelligence Reform Act will make it clear that activities within a reasonable period of time can be considered in determining probable cause.

The investigation of Dr. Lee was also mishandled in the field, where the FBI and the Department of Energy often failed to communicate. For example, after OIPR rejected the FBI's 1997 FISA application, the FBI told the Department of Energy that there was no longer an investigative reason to leave Dr. Lee in place, and that the DoE should do whatever was necessary to protect the national security. Unfortunately, no action was taken by DoE until December 1998, some 14 months after the FBI had said it was no longer necessary to have him in place for investigative reasons.

To address this problem, and to ensure that there is no misunderstanding about when the subject of an espionage investigation should be removed from classified access, the Counterintelligence Reform Act requires that decisions of this nature be communicated in writing. The bill requires the Director of the FBI to submit to the head of the department or agency concerned a written assessment of the potential impact of the actions of the department or agency on a counterintelligence investigation. The head of the affected agency will be required to respond in writing to the recommendation of the FBI. This requirement with ensure that what happened in the Wen Ho Lee case—where the FBI said he could be removed from access but the Energy Department didn't pull his clearance for another 14 months—won't happen again.

To avoid the kind of problems that happened when the DoE ordered a Wackenhut polygraph in December 1998, this legislation prohibits agencies from interfering in FBI espionage investigations.

The provisions of this bill will make an important contribution to improving the way counter-intelligence investigations are conducted. The subcommittee's investigation of the Wen Ho Lee case has made it abundantly clear that improvements in these procedures are necessary, and the reforms outlined in this legislation are specifically tailored to provide real solutions to real problems.

The subcommittee also looked at the espionage case of Dr. Peter Lee, who pleaded guilty in 1997 to passing classified nuclear secrets to the Chinese in 1985. According to a 17 February 1998 "Impact Statement" prepared by experts from the Department of Energy,

> The ICF data provided by Dr. [Peter] Lee was of significant material assistance to the PRC in their nuclear weapons development program. . . . For that reason, this analysis indicates that Dr. Lee's activities have directly enhanced the PRC nuclear weapons program to the detriment of U.S. national security.

Dr. Peter Lee also confessed to giving the Chinese classified anti-submarine warfare information on two occasions in 1997. Under the terms of the plea agreement the Department of Justice offered to Peter Lee, however, he got no jail time. He served one year in a half-way house, did 3,000 hours of community service and paid a $20,000 fine. Considering the magnitude of his offenses and his failure to comply with the terms of the plea agreement—which required his complete cooperation—the interests of the United States were not served by this outcome.

The subcommittee's review of the Peter Lee case led to the inevitable conclusion that better coordination between the Department of Justice, the investigating agency—which is normally the FBI—and the victim agency is necessary to ensure that the process works to protect the national security. One of the problems we saw in this case was the reluctance of the Department of the Navy to support the prosecution of Dr. Peter Lee. A Navy official, Mr. John Schuster, produced a memo that seriously undermined the Department of Justice's efforts to prosecute the case. This memorandum was based on incomplete information and did not reflect the full scope of what Dr. Peter Lee confessed to having revealed. As a consequence of the breakdown of communications between the Navy and the prosecution team, the 1997 revelations were not included as part of the plea agreement.

This legislation contains a provision that will ensure better coordination in espionage cases by requiring the Department of Justice to conduct briefings so that the affected agency will understand what is happening with the case, and will understand how the Classified Information Procedures Act, or CIPA, can be used to protect classified information even while carrying out a prosecution. In these briefings Department of Justice lawyers will be required to explain the right of the government to make in camera presentations to the judge and to make interlocutory appeals of the judge's rulings. These procedures are unique to CIPA, and the affected agency needs to understand that taking the case to trial won't necessarily mean revealing classified information. The Navy's position, as stated in the Schuster memo, that "bringing attention to our sensitivity concerning this subject in a public forum could cause more damage to the national security that the original disclosure," was simply wrong. It was based on incomplete information and a misunderstanding of how the case could have been taken to trial without endangering national security. The provisions of this legislation which require the Department of Justice to keep the victim agency fully and currently informed of the status of the prosecution, and to explain how CIPA can be used to take espionage cases to trial without damaging the national security, will ensure that the mistakes of the Peter Lee case are not repeated.

I appreciate the efforts of my colleagues on the Judiciary Committee and the Senate Select Committee on Intelligence who have worked with me and the cosponsors of this bill. I am confident that the reforms we are about to pass will significantly improve the way espionage cases are investigated and, if necessary, prosecuted.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that following the vote relative to the H-1B bill and the visa waiver bill on Tuesday, the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar, en bloc: No. 652, Michael Reagan; No. 654, Susan Bolton; and No. 655, Mary Murguia.

I further ask unanimous consent that following the en bloc consideration, the following Senators be recognized to speak for the allotted timeframes. They are: Senator HATCH for 20 minutes; Senator KYL for 20 minutes; Senator LOTT or designee for 20 minutes; Senator LEVIN for 20 minutes; Senator ROBB for 10 minutes; Senator HARKIN for 30 minutes; Senator LEAHY for 20 minutes; and Senator DURBIN for 10 minutes.

I further ask unanimous consent that following the use or yielding back of time, the nominations be temporarily set aside.

I also ask unanimous consent that following that debate, the Senate then proceed to the nomination of Calendar No. 656, James Teilborg, and there be up to 1 hour each for Senators HATCH, KYL, and LEAHY, and up to 3 hours for Senator HARKIN or his designee, and following the use or yielding back of the time, the Senate proceed to vote in relation to that nominee, without any intervening action or debate, to be followed immediately by a vote en bloc in relation to the three previously debated nominations. I further ask consent that the vote count as three separate votes on each of the nominations.

Finally, I ask consent that following the confirmation votes, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, I ask the distinguished majority leader, in good faith, if he would modify his unanimous consent request to discharge the Judiciary Committee on further consideration of the nomination of Bonnie Campbell, the nominee for the Eighth Circuit Court, and that her nomination be considered by the Senate under the same terms and at the same time as the nominees included in the majority leader's request?

I ask the majority leader if he would modify his request.

Mr. LOTT. Mr. President, I understand the Senator's interest in that additional nomination. I do not think I have ever moved to discharge the Judiciary Committee on a single nomination or a judge. There are other judges presumably that will also need to be considered. I do appreciate the agreement that has been reached here. I know that it has been difficult for the Senator from Iowa to even agree to this. But in view of the fact that the committee has not acted, I could not agree to that at this time, so I would have to object.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, further reserving the right to object for just one more, again, I just want to say to the majority leader that on some of these nominees—I think maybe three of them were nominated, got their hearings and were reported out of committee all within one week in July. Yet Bonnie Campbell from Iowa was nominated early this year. She has had her hearing, and has been sitting there now for four months without being reported out. I just find this rather odd. I haven't heard of any objections to bringing her nomination out on the floor.

I just ask the majority leader whether or not we can expect to have at least some disposition of Bonnie Campbell before we get out of here.

Mr. LOTT. I respond, Mr. President, that I do not get into the background of all the nominees when they are before the committee. I do not know all of the background on these nominees. As majority leader, when nominations reach the calendar, I try to get them cleared. I do think the fact that we had not been able to clear these four, even though they were already on the calendar, has maybe had a negative impact on other nominations being reported on the assumption that, well, if we could not move these, which were, I think, unanimously cleared quickly without any reservations, that that had become an impediment. I do not know that this will remove that impediment, but it looks to me as if it is a positive step.

Mr. HARKIN. I just say to the leader, it seems odd we have a nominee that is supported by both of the Senators from her home State, on both sides of the aisle, on the Republican and Democratic side; and I think she is not getting her due process here in this body. I just want to make that point. I appreciate that.

Mr. LOTT. I say for the RECORD—and you know that it is true because I believe you were with me when he spoke to me—Senator GRASSLEY has indicated more than once his support for the nominee. So he has made it clear he does support her. I do not know all of the problems or if there are any. But perhaps further consideration could occur. I am sure you won't relent.

Mr. HARKIN. I plan to be here every day. I thank the leader.

The PRESIDING OFFICER. Is there objection to the majority leader's original request?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. KYL. Mr. President, I ask unanimous consent, on behalf of the leader, that the Senate now be in a period of morning business with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO REAR ADMIRAL LOUIS M. SMITH, CIVIL ENGINEER CORPS, U.S. NAVY

Mr. LOTT. Mr. President, it is with great pleasure that I rise to take this opportunity to recognize the exemplary service and career of an outstanding naval officer, Rear Admiral Louis M. Smith, upon his retirement from the Navy at the conclusion of more than 33 years of honorable and distinguished service. Throughout his exemplary career, he has truly epitomized the Navy core values of honor, courage, and commitment and demonstrated an exceptional ability to advance the Navy's facilities requirements within the Department of Defense and the Congress. It is my privilege to commend him for a superb career of service to the Navy, our great Nation, and my home State of Mississippi.

Since September 1998, Rear Admiral Smith has served as the Commander, Naval Facilities Engineering Command, and Chief of Civil Engineers. As the senior civil engineer in the Navy, he is responsible for the planning, design, construction and maintenance of naval facilities around the globe. On Capital Hill, he is best known for his quick wit, entertaining and informative testimony, and ability to communicate the Navy's facilities requirements in addition to his role in developing and executing the Navy's Military Construction, Base Realignment and Closure and Environmental programs. He often testified before congressional committees and ensured that Members of Congress and their staffs fully understood the Navy's shore infrastructure requirements. In this capacity, Rear Admiral Smith was second to none.

Previously, he served as the Director, Facilities and Engineering Division for the Chief of Naval Operations where he had a hand in shaping the Navy's readiness ashore, as well as numerous quality-of-life initiatives to improve the lives of Sailors and Marines. A true shore facilities expert, his previous public works assignments included Assistant Public Works Officer, Naval Air Station, Brunswick, Maine; Public Works Officer, Naval Air Station, Keflavik, Iceland; and Commanding Officer, Public Works Center, San Diego, California.

As an acquisition professional, he has had numerous contracting assignments, including Officer-in-Charge of Construction, Mid Pacific, Pearl Harbor, Hawaii and Head of Acquisition and Vice Commander of Western Division, San Bruno, California. He embarked on his brilliant naval career as the Officer in Charge of Seabee Team 5301, making three deployments to Vietnam and earning the Bronze Star and Combat Action Ribbon.

The Navy will best remember Rear Admiral Smith for his mastery of the Navy's financial system and his prowess in effectively navigating the political waters within the Beltway. His eight tours in the Nation's Capital began with duty in the office of the Chief of Naval Operations as Facilities Engineer, Security Assistance Division (OP-63). After an exchange tour on the Strategic Air Command staff, he then served as the Director of the Chief of Naval Operations' Shore Activities Planning and Programming Division (OP-44), followed by a tour in the Office of the Comptroller of the Navy. Later, he served in the offices of the NAVFAC Comptroller and the Director of Programs and Comptroller, NAVFAC. After his Command tour in San Diego, he returned to NAVFAC Headquarters as Vice Commander and Deputy Chief of Civil Engineers. Rear Admiral Smith's knowledge of the Fleet, coupled with his unparalleled planning and financial acumen, was absolutely vital to successfully charting the Navy's course through both the 1980s build-up and the post-Cold War draw-down.

Rear Admiral Smith is a native of Milwaukee, Wisconsin, and a graduate of Marquette University where he received his Bachelor of Science in Civil Engineering. He later attended Purdue University where he earned his Master of Science in Civil Engineering. Married to the former Susan Clare Kaufmann of Milwaukee, he and Susan have two sons, Brian and Michael.

My home State of Mississippi has benefitted greatly from the contributions of Rear Admiral Smith's visionary leadership, consummate professionalism, uncommon dedication, and enduring personality. For the State of Mississippi, he was there to assist in the disaster recovery from Hurricane George; he was there to provide outstanding facilities support for U.S. Navy bases in Mississippi; and he was there to assist my staff in providing the highest levels of facilities support for our Navy. On January 1, 2001, he will enter retirement and the Navy will wish him fair winds and following seas. On behalf of the Congress, I congratulate Rear Admiral Louis Martin Smith on the completion of an outstanding and successful career with very best wishes for even greater successes in the future.

ANGELS IN ADOPTION AWARD

Mr. ROCKEFELLER. Mr. President, as a member of the Congressional Coalition on Adoption, I would like to commend Senators MARY LANDRIEU and LARRY CRAIG for their leadership in creating the Angels in Adoption program. I am happy to join in this initiative to honor the special families that open their hearts and homes when they adopt a child. This year I want to recognize a special family from Falling Waters, West Virginia as our very own angels in adoption. The Merryman family has been nominated for the Angels in Adoption Award by Steve Wiseman, Executive Director of West Virginia Developmental Disability Council, for being outstanding examples of adoptive parents.

Scott and Faith Merryman have been happily married for 32 years and live in Berkeley County, West Virginia. They both work in the disability field, Scott as a supervisory mentor at the Autism Center and Faith at the West Virginia Parent Training Information Center, a resource center for parents of children with special needs.

They have 6 children, 8 grandchildren, and one great-grandchild. Two of their children, Richard and Hope, are adopted and they are in the process of adopting another foster child, Charity Megan.

Richard, who has cerebral palsy, is 26 years old, and now lives in his own apartment. Richard is a member of the West Virginia Team of the President's Committee on Mental Retardation and attended the International Academy in 1999. He is also a member of the West Virginia Developmental Disabilities Council and a self-directed activist on accessibility and other disability issues.

Hope was adopted at 13 days old because her birth parents were unable to take care of her. She is now 19 years old and enjoys working as an Assistant Manager in a local restaurant as well as spending time with her family.

Charity Megan came to the Merryman family when she was 14 months old from an institution. She is now 17 years old, and has severe disabilities including facial deformities, stunted growth, mental retardation, and a seizure disorder.

Despite the long hours of care and trips to the doctor, Scott and Faith say that they have learned a lot about the kind of things money can't buy—like love and laughter.

I am proud to honor the Merrymans for the love that they show their family, and to the commitment they share in promoting adoption. In my own state of West Virginia, we have had a 51 percent increase in the number of adoptions since 1995 because of caring families like the Merrymans.

We as a Nation need to continue to offer our support to these special families. As a member of Congress I will continue to introduce legislation that will build on the foundation of the 1997 Adoption and Safe Families Act to ensure our children a safe and stable home.

VICTIMS OF GUN VIOLENCE

Mr. BYRD. Mr. President, it has been more than a year since the Columbine tragedy, but still this Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 2, 1999:
Dian Bailey, 29, Detroit, MI;
Charles L. Coron, 52, New Orleans, LA;
Joanel Facouloute, 46, Miami-Dade County, FL;
Filiberto Gamez, 21, Chicago, IL;
Lucretia Henderson, 13, Kansas City, MO;
Kenneth Holland, 39, Louisville, KY;
Leroy L. Lee, 31, Chicago, IL;
George Morris, 24, Washington, DC;
Hugo Najero, 15, San Antonio, TX;
Majid Radee, 30, Detroit, MI;
Edison Robinson, 25, Detroit, MI;
Harold Swan, 37, Louisville, KY;
Richard Thomas, 30, Philadelphia, PA;
Ruben Trevino, Jr., 46, Houston, TX;
Unidentified male, 17, Portland, OR.

One of the victims of gun violence I mentioned, 13-year-old Lucretia Henderson of Kansas City, Missouri, was shot and killed while riding in a car with her cousin and two friends. Lucretia was killed when her two friends in the backseat began playing with a handgun.

Following are the names of some of the people who were killed by gunfire one year ago on Friday, Saturday and Sunday.

September 29, 1999:
Jeffrey Dowell, 38, Philadelphia, PA;
Jose Escalante, 19, Philadelphia, PA;
Louis Grant, 17, Baltimore, MD;
James Heyden, 23, Detroit, MI;
Jose Martinez, 16, Houston, TX;
Tracey Massey, 25, Charlotte, NC;
Ismael Mena, 45, Denver, CO;
Antoine Moffett, 19, Chicago, IL;
Michael Rivera, 24, Philadelphia, PA;
Alexander Williams, 30, St. Louis, MO;
Christopher Worsley, 46, Atlanta, GA.

September 30, 1999:
William C. Benton, 46, Memphis, TN;
Ziyad Brown, 22, Baltimore, MD;
Carl D. Budenski, 84, New Orleans, LA;
John Cowling, 27, Detroit, MI;
Jason Curtis, 17, San Antonio, TX;
Ellen Davis, 74, Houston, TX;
Benacio Ortiz, 31, Chicago, IL;
Rovell Young, 35, Detroit, MI.

October 1, 1999:
Giles E. Anderson, 35, Hollywood, FL;
Terry Tyrone Dooley, 40, New Orleans, LA;
Vernon Hill, 62, Denver, CO;
Leroy Kranford, 67, Detroit, MI;
Michael Pendergraft, 43, Oklahoma City, OK;
Michael Preddy, 32, Minneapolis, MN;
Carmen Silayan, Daly City, CA;
James Stokes, 27, Washington, DC;
Joanne Suttons, 35, Detroit, MI.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation.

THE JAMES MADISON COMMEMORATION COMMISSION ACT

Mr. WARNER. Mr. President, it is unfortunate that James Madison's legacy is sometimes overshadowed by other prominent Virginians who were also founding fathers of the United States. Most Americans can readily recite the accomplishments of George Washington and Thomas Jefferson. And while most people can identify James Madison as an important figure in American history, his exact accomplishments are sometimes less well known than some of his contemporaries. As we approach the 250th anniversary of James Madison's birth, I wish to bring to your attention the outstanding contributions he made to the fledgling United States.

During the course of his life, James Madison exhibited all the best qualities of a politician and a scholar. As a politician, he served as a member of the Virginia House of Delegates, a member of the U.S. House of Representatives, U.S. Secretary of State, and two-term President of the United States. As a scholar, he is associated with three of the most important documents in American history: the U.S. Constitution, the Federalist Papers, and the Bill of Rights. In Virginia, we have paid tribute to James Madison by naming one of our fine state universities after him—James Madison University in Harrisonburg, Virginia.

More than any other American, Madison can be credited with creating the system of Federalism that has served the United States so well to this day. Madison's indelible imprint can be seen in the delicate balance struck in the Constitution between the executive and legislative branches and between the states and the Federal government. In addition to his contributions to the Constitution and the structure of American government, Madison kept the most accurate record of the Constitutional Convention in Philadelphia of any of the participants. Madison's notes from the Convention are a gift for which historians and students of government will forever owe a debt of gratitude.

After the Constitutional Convention, Madison worked toward ratification of the Constitution in two of the states most crucial for the new government: Virginia and New York. He narrowly secured Virginia's ratification of the Constitution over the objections of such prominent Virginians as George Mason and Patrick Henry. He assisted in the New York ratification effort through his contributions to the Federalist Papers.

The Federalist Papers, written by James Madison, Alexander Hamilton, and John Jay are used to this day to interpret the Constitution and explain American political philosophy. Federalist Number 10, written by Madison, is the most quoted of all the Federalist Papers.

As a member of the U.S. House of Representatives, Madison became the primary author of the first twelve proposed amendments to the Constitution. Ten of these were adopted and became known as the Bill of Rights.

James Madison presided over the Louisiana Purchase as Secretary of State under President Jefferson and prosecuted the War of 1812 as President. He was a named party in Marbury vs. Madison, the famous court case in which the Supreme Court defined its role as arbiter of the Constitution by asserting it had the authority to declare acts of Congress unconstitutional.

James Madison was born March 16, 1751, in Orange County, Virginia. Accordingly, I urge your support of the James Madison Commemoration Commission Act, legislation that will recognize the life and accomplishments of James Madison on the 250th anniversary of his birth.

PROPOSED MERGER OF UNITED AIRLINES AND US AIRWAYS

Mr. McCAIN. Mr. President, the Commerce Committee recently approved S. Res. 344, which expresses the Sense of the Senate that a merger of United Airlines and US Airways would hurt consumers' interests. A.G. Newmyer, managing director of U.S. Fiduciary Advisors, similarly addressed the public interest perspective in a guest editorial printed in The Washington Post. I ask unanimous consent that the piece be reprinted in the RECORD in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 20, 2000]

UNITED WE STAND, IN LINE

(By A.G. Newmeyer)

Chicago was created, as the old joke goes, for New Yorkers who like the crime and traffic but wanted colder winters. And now, it seems, Chicago—like other United Airlines hubs—was created for travelers willing to spend their summer vacations waiting in lines at the airport. If United's proposed takeover of US airways goes through, Washington may have been created for Chicagoans who wanted to spend their days in lines at a smaller airport.

Given the size of US Airway's operations in our region (particularly its share of traffic at Reagan National Airport), as well as United's proposed rule in operations of the new DC Air frequent fliers worry that the Clinton administration and Congress might actually permit United's expansion.

United we stand; in line. Divided, we fly . . . at least, some of us.

Federal Aviation Administrator Jane Garvery recently pointed to myriad factors in explaining this summer's air travel debacle: a system operating at peak capacity in a booming economy, weather, labor, issues and so on. United's senior management, at least until its recent apologies seemed happy to point the finger anywhere but in the mirror.

Many of the excuses don't stand up to scrutiny. News reports, for example, have noted that United is quicker than other airlines to blame weather for cancellations. Seldom is it mentioned that a carrier's obligation to pay for hotel rooms and otherwise take care of passengers vanishes when nature is the culprit. Similarly, even if pilots are unwilling to fly their customary schedules, customer service agents at the counters and on the phones could be augmented to take care of the obvious resultant crush. Waiting times make a mockery of such customer-friendly tactics, particularly for passengers finding our exactly how inconvenient the convenience of ticket-less travel is.

Common sense would suggest that United management has a very full plate trying to fly its current fleet. Only the luckiest occasional traveler on United could conclude that the airline has been operating in the public interest this year. Interestingly, the federal government's review of the proposed merger may pay scant attention to common sense.

The government's review focuses largely on antitrust and competitive considerations, not on the broader public interest. Although the Department of Transportation has a role to play, responsibility for the willingness to treat customers like human beings may get short shrift in a review process that is both legal and laughable.

In the long term, business courses are likely to include discussion of how United's management ruined a world-class, respected brand, Labor's ownership role and board seats at United may cause other companies to wonder about the efficacy of such arrangements.

In the short term, the United mess deserves a more thorough governmental review before its management expands its chokehold on passengers to include US Airways and DC Air. Although time is short in this election year, Congress would find vast voter sympathy in reviewing whether applicable merger statutes are appropriate. And before President Clinton finds himself joining the rest of us on commercial flights, he should direct his administration to just say no to a broader role for United in today's unfriendly skies.

COASTAL ZONE MANAGEMENT ACT OF 2000

Mr. KERRY. Mr. President, I rise to make a few remarks on the Coastal Zone Management Act of 2000, legislation to reauthorize the Coastal Zone Management Act. This bill, S. 1534, was passed last Thursday evening by unanimous consent.

To begin, I want to thank Senator SNOWE, our chairman on the Oceans and Fisheries Subcommittee on the Commerce Committee, for putting this legislation on the Committee agenda this Congress and working for its enactment

When Congress enacted the Coastal Zone Management Act in 1972, it made the critical finding that, "Important ecological, cultural, historic, and esthetic values in the coastal zone are being irretrievably damaged or lost." As we deliberated CZMA's reauthorization this session, I measured our progress against that almost 30-year-old congressional finding. And, I concluded that while we have made tremendous gains in coastal environmental protection, the increasing challenges have made this congressional finding is as true today as it was then.

At our oversight hearing on this legislation, Dr. Sylvia Earle testified on the current and future state of our coastal areas. Dr. Earle has dedicated her career to understanding the coastal and marine environment, and knows as much about it as anyone. She warned us that, "We are now paying for the loss of wetlands, marshes, mangroves, forests barrier beaches, natural dunes and other systems with increasing costs of dealing somehow with the services these systems once provided—excessive storm damage, benign recycling of wastes, natural filtration and cleansing of water, production of oxygen back to the atmosphere, natural absorption of carbon dioxide, stabilization of soil, and much more. Future generations will continue to pay, and pay and pay unless we can take measures now to reverse those costly trends."

The Coastal States Organization, represented by their chair, Sarah Cooksey, told the Committee that, "In both economic and human terms, our coastal challenges were dramatically demonstrated in 1998, by numerous fishkills associated with the outbreaks of harmful algal blooms, the expansion of the dead zone of the Gulf coast, and the extensive damage resulting from the record number of coastal hurricanes and el Nino events. Although there has been significant progress in protecting and restoring coastal resources since the CZMA and Clean Water Acts were passed in 1972, many shell fish beds remain closed, fish advisories continue to be issued, and swimming at bathing beaches across the country is too often restricted to protect public health."

It is clear from the evidence presented to the Committee in our oversight process and from other input that I have received, that a great need exists for the federal government to increase its support for states and local communities that are working to protect and preserve our coastal zone. To accomplish that goal, the Committee has reported a bill that substantially increases annual authorizations for the CZMA program and targets funding at controlling coastal polluted runoff, one the more difficult challenges we face in the coastal environment.

S. 1534 would provide a significant increase to the CZMA Program. Total authorization levels would increase to $136.5 million in FY2001. For grants under Section 306, 306A, and 309, the bill would authorize $70 million beginning in FY00 and increasing to $90.5 million in FY04. For grants under section 309A, the bill would authorize $25 million in FY00, increasing to $29 million in FY 04; of this amount, $10 million or 35 percent, whichever is less, would be dedicated to approved coastal nonpoint pollution control strategies and measures. For the NERRS, the bill would provide $12 million annually for construction projects, and for operation costs, $12 million in FY 2001, increasing to $15 million in FY04. Finally, the bill would provide $6.5 million for CZMA administration.

This reauthorization also tackles the problem of coastal runoff pollution. This is one of the great environmental and economic challenges we face in the coastal zone. At the same time that pollution from industrial, commercial and residential sources has increased in the coastal zone, the destruction of wetlands, marshes, mangroves and other natural systems has reduced the capacity of these systems to filter pollution. Together, these two trends have resulted in environmental and economic damage to our coastal areas. These effects include beach closures around the nation, the discovery of a recurring "Dead Zone" covering more than 6,000 square miles in the Gulf of Mexico, the outbreak of Pfiesteria on the Mid-Atlantic, the clogging of shipping channels in the Great Lakes, and harm to the Florida Bay and Keys ecosystems. In Massachusetts, we've faced a dramatic rise in shell fish beds closures, which have put many of our fishermen out of work.

To tackle this problem, the Coastal Zone Management Act of 2000 targets up $10 million annually to, "assist coastal communities to coordinate and implement approved coastal nonpoint pollution control strategies and measures that reduce the causes and impacts of polluted runoff on coastal waters and habitats." This is an important amendment. For the first time, we have elevated the local management of runoff as national priority within the context of the CZMA program. Runoff is not a state-by-state problem; the marine environment is far too dynamic. States share the same coastlines and border large bodies of waters, such as the Gulf of Mexico, the Chesapeake Bay or the Long Island Sound, so that pollutants from one state can detrimentally affect the quality of the marine environment in other states. We are seeing the effects of polluted runoff both in our coastal communities and on our nation's living marine resources and habitats. I'm pleased that we've included the runoff provision in S. 1534. It's an important step forward and I believe we will see the benefits in our coastal environment and economy.

The Coastal Zone Management Act of 2000, Mr. President, has been endorsed by the 35 coastal states and territories through the Coastal State Organization. It also has the endorsement of the Great Lakes Commission, American Oceans Campaign, Coast Alliance, Center for Marine Conservation, Sierra Club, Environmental Defense, California CoastKeeper and many other groups. It's a long list. I will ask unanimous consent to have printed into the RECORD a letter from support organizations. I add that S. 1534 passed the Senate Commerce Committee, with its regionally diverse membership, unanimously.

I want to thank some of those assisted my staff with this legislation, and helping us pass it in the Senate. They include the Massachusetts Coastal Zone Program office and its Director, Tom Skinner, who provided technical assistance on the program, as well as the Center for Marine Conservation, Natural Resources Defense Council, American Ocean Campaign, the Coastal States Organization and the Coast Alliance. And I thank my colleagues on the Commerce Committee.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 18, 2000.

Hon. TRENT LOTT
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: On behalf of the following organizations, we are writing to urge you to schedule S. 1534, the Coastal Zone Management Act of 2000, for floor consideration as soon as possible. Sponsored by Senators SNOWE and KERRY, S. 1534 has been reported out of the Commerce Committee with unanimous bipartisan support.

Since its enactment in 1972, the Coastal Zone Management Act (CZMA) has helped protect and improve the quality of life along the coast by providing incentives to states to develop comprehensive programs to meet the challenges facing coastal communities reducing their vulnerability to storms and erosion, the effects of pollution on shellfish beds and bathing water quality, and loss of habitat, to name a few.

The CZMA has proven to be a model statute for promoting national, state and local objectives for balancing the many uses along the coasts. There is no better testament to the success of the state/federal partnership forged by the CZMA than the fact that 34 of 35 eligible coastal states, commonwealths and territories have chosen to participate in the program. Federal assistance provided under the Act is matched by states dollar for dollar. Each state can point to significant benefits resulting from the Act, such as improved coastal ecosystem health; revitalized waterfront communities; coastal habitat conservation and restoration; increased maritime trade, recreation, and tourism; and the establishment of estuarine research reserves which serve as living laboratories and classrooms.

The lands and waters of our coastal zone are subject to increasingly intensive and competing uses. More than half of the Nation's expanding population is located near the coast. S. 1534 will improve the Act by authorizing "Coastal Community Grants" to assist states in enabling communities to develop strategies for accommodating growth in a manner which protects the resources and uses which contribute to the quality of life in coastal communities. The bill will help build community capacity for growth management and resource protection; dedicate funding for communities to reduce the causes and impacts of polluted runoff on coastal waters and habitats; and reduce the pressure on natural resources caused by sprawl by targeting areas for revitalization.

As a measure of the support the CZMA has enjoyed, it is worth noting that in 1996, the CZMA reauthorization bill passed by a unanimous vote in the House, and passed the Senate by voice vote. We hope that passage of S. 1534 will form part of the legacy of significant accomplishments of the 106th Congress.

Sincerely,

Anthony B. MacDonald, Coastal States Organization.

Jeanne Christie, Association of State Wetlands managers.

Barbara Jean Polo, American Oceans Campaign.

Jacqueline Savitz, Coastal Alliance.

Dr. Michael Donahue, Great Lakes Commission.

David Hoskins, Center for Marine Conservation.

Cyn Sarthou, Gulf Restoration Network.

Tim Williams, Water Environment Federation.

Ed Hopkins, Sierra Club.

Richard Caplan, U.S. Public Interest Research Group.

Howard Page, Sierra Club—Gulf Coast Group, Mississippi Chapter.

Cindy Dunn, Salem Sound 2000.

Diane van DeHei, American Metropolitan Water Agencies.

Joseph E. Payne, Friends of Casco Bay.

Gay Gillespie, Westport River Watershed Alliance.

James Gomes, Environmental League of Massachusetts.

Judith Pederson, Ph.D., MIT Sea Grant College Program.

Bill Stanton, North & South Rivers Watershed Association.

Robert W. Howarth, Ph.D., Environmental Defense.

Michelle C. Kremer, Surfrider Foundation.

Enid Siskin, Gulf Coast Environmental Defense.

Elizabeth Sturcken, Coastal Advocacy Network.

Polly Bradley, SWIM.

Ken Kirk, Association of Metropolitan Sewerage Agencies.

Denise Washko, California CoastKeeper.

Roger Stern, Marine Studies Consortium.

Victor D'Amato, North Carolina Chapter Sierra Club.

Nina Bell, J.D., Northwest Environmental Advocates.

Donald L. Larson, Kitsap Diving Association.

Cliff McCreedy, Oceanwatch.

Richard Delaney, Urban Harbors Institute, Univ. of Massachusetts, Boston.

Dee Von Quirolo, Executive Director, Reef Relief, Key West, Florida.

CONGRESSMAN JAMES D. "MIKE" McKEVITT

Mr. HAGEL. Mr. President, few individuals ever touch the lives of people like the late Mike McKevitt did. Former Congressman and Assistant U.S. Attorney General James D. "Mike" McKevitt passed away last week here in Washington, DC. He was a remarkable man, a selfless public servant, and a loyal friend. He was always working on behalf of others to make the world better.

His positive attitude, personal warmth and absolute sense of fair play were most unique in a far too often cynical, and mean-spirited town called Washington, DC. For 30 years, he rose above the pettiness, nonsense and nastiness that often dominates the environment of the world's most powerful city. He made it more fun to be here. He made it all seem more noble than most of it is.

We will all miss Mike McKevitt. We are all better because of him. Our prayers and thoughts go out to his wonderful wife Judy and his daughters and grandchildren.

I ask unanimous consent that the attached obituary from The Washington Post on Congressman McKevitt be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 30, 2000]

CONGRESSMAN JAMES D. "MIKE" MCKEVITT, 71, DIES]

James D. "Mike" McKevitt, 71, a partner in the Washington government affairs firm of McKevitt & Schneier who was a former congressman and U.S. assistant attorney general, died Sept. 28 at Sibley Memorial Hospital after a heart attach. He lived in McLean.

Mr. McKevitt served in the House as a Colorado Republican for one term before losing a reelection bid in 1972. During his years in the House, he served on the Judiciary, Interior and Small Business committees.

In 1973, he served as assistant attorney general for legislative affairs, then in 1973 and 1974 was counsel to the White House Energy Policy Office.

From 1974 to 1986, he was federal legislation director of the National Federation of Independent Business. He then practiced law before founding the McKevitt & Schneier government affairs firm in 1986.

Mr. McKevitt was a founding member of the Korean War Veterans Memorial Board. In 1987, the former representative of Colorado's 1st District was honored by Sen. William Armstrong (R-Colo.) as a moving force in the enactment of legislation creating the memorial.

Over the years, he also had served on the board of the USO, the U.S. Capitol Historical Society and the International Consortium for Research on the Health Effects of Radiation. He was a past president of the University Club of Washington, parliamentarian of the 1986 White House Conference on Small Business and a member of the Bowen Commission on Medicare. His hobbies included sailing the Chesapeake Bay.

Mr. McKevitt, who was born in Spokane, Wash., was a 1951 graduate of the University of Idaho and a 1956 graduate of the University of Denver law school. During the Korean War, he served as an Air Force combat intelligence officer in Korea.

He was admitted to the Colorado Bar in 1956 and practiced law in Boulder before serving as an assistant attorney general of Colorado from 1958 to 1967. He then served as district attorney for the city and county of Denver until entering Congress in 1971.

Mr. McKevitt was a member of St. John's Episcopal Church at Lafayette Square in Washington.

His first wife, Doris L. McKevitt, died in 1994. Survivors include his wife, Judith Woolley McKevitt of McLean; two daughters from his first marriage, Kate McLagan of Austin and Julia Graf of Park City, Utah; and four grandchildren.

THE GOVERNMENT LAUNCHES WWW.FIRSTGOV.GOV

Mr. DORGAN. Mr. President, the Administration recently launched a new website, www.firstgov.gov. That website is the first all-government portal and will offer one stop information from over 20,000 separate federal websites. This promises to be a great tool. Throughout the country people will be able to download tax forms, read up on the status of legislation, better understand the Social Security system. But Mr. President, meaningful access to all of the important information depends on what side of the Digital Divide you find yourself. To benefit from websites like firstgov, you must have a computer and understand how to use it, and you must have an Internet connection with speeds fast enough to search databases, view graphics and download documents.

As the demand for high speed Internet access grows, numerous companies are responding in areas of dense population. While urban America is quickly gaining high speed access, rural America is being left behind. Ensuring that all Americans have the technological capability is essential in this digital age. It is not only an issue of fairness, but it is also an issue of economic survival.

To remedy the information gap between urban and rural America, I along with Senator DASCHLE introduced S. 2307, the Rural Broadband Enhancement Act, which gives new authority to the Rural Utilities Service to make low interest loans to companies that are deploying broadband technology to rural America.

The Rural Utilities Service has helped before; it can help again. When we were faced with electrifying all of the country, we enacted the Rural Electrification Act. When telephone service was only being provided to well-populated communities, we expanded the Rural Electrification Act and created the Rural Utilities Service to oversee rural telephone deployment. The equitable deployment of broadband services is only the next step in keeping American connected, and our legislation would ensure that.

If we fail to act, rural America will be left behind once again. As the economy moves further and further towards online transactions and communications, rural America must be able to participate. They must be able to start their own online business if they so desire and access information about government services efficiently.

I look forward to working with my colleagues in the Senate to address this problem and to bring meaningful data access to all parts of this country.

THE MARITIME ADMINISTRATION AUTHORIZATION ACT

Mr. McCAIN. Mr. President, last Thursday, the Senate passed S. 2487, the Maritime Administration Authorization Act for Fiscal Year 2001. Passage of this measure will help to ensure our nation's maritime industry has the support and guidance it needs to continue to compete in the world market.

The bill authorizes appropriations for the Maritime Administration [MarAd] for fiscal year 2001. It covers operations and training and the loan guarantee program authorized by title XI of the Merchant Marine Act 1936. The House Committee on Armed Services, which has jurisdiction of maritime matters in that body, has chosen to include provisions relating to these authorizations in the House-passed version of H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001. Further, the House conferees on that measure have refused to fully accept S. 2487 as the Senate position as part of the ongoing House-Senate conference deliberations in part, due to the Senate's slow action on the measure. I hope by passing S. 2487 we will change that course.

In addition to the authorizations for operations and training and the loan guarantee program, S. 2487 amends Title IX of the Merchant Marine Act of 1936 to provide a wavier to eliminate the three year period that bulk and breakbulk vessels newly registered under the U.S. flag must wait in order to carry government-impelled cargo. The bill also provides a one year window of opportunity for vessels newly registered under the U.S.-flag to enter into the cargo preference trade without waiting the traditional three year period.

The bill also would amend the National Maritime Heritage Act of 1994 and allow the Secretary to scrap obsolete vessels in both domestic and international market. It would further convey ownership of the National Defense Reserve Fleet Vessel, *Glacier* to the Glacier Society for use as museum and require the Maritime Administration to including the source and intended use of all funding in reports to Congress. Finally, it amends Public Law 101-115 to recognize National Maritime Enhancement Institutes as if they were University Transportation Centers for purposes of the award of research funds for maritime and intermodal research and requires the Secretary of Transportation to review the funding of maritime research in relation to other modes of transportation.

I want to thank the cosponsors of this measure, Senator HOLLINGS and Senator INOUYE for the assistance in moving this measure forward. I hope my colleagues in the House will join us in supporting passage of this legislation so we can move it on to the President for his signature.

THE LATINO IMMIGRATION FAIRNESS ACT

Ms. LANDRIEU. Mr. President, last week, the Senate majority blocked efforts to bring the Latino Immigration Fairness Act to the floor. This bill embodies the essence of America: providing safe haven to the persecuted and down trodden, supporting equal opportunity for the disadvantaged, and promoting family values to our country's residents.

Many of my Senate colleagues perceive this provision to be a necessary addition to the H-1B Visa bill, which extends temporary residence to 195,000 foreign workers each year for the next two years. The Latino Immigration Fairness Act legitimates certain workers who have been living in the U.S. for over five years, and are ready, willing, and able to permanently contribute to our workforce and communities.

Unfortunately, the Majority's leadership has used parliamentary procedures to block this bill from coming to the floor. I am disappointed that too few Republican leaders support this meaningful legislation becoming law. I am convinced that the Latino Immigration Fairness bill has been proposed in the best interests of our country and in accordance with our obligations to promoting democracy and freedom in our hemisphere.

My support for this legislation is based on four fundamental reasons: First, this bill would provide Central American immigrants previously excluded under the Nicaraguan and Central American Relief Act, NACARA, the opportunity to legalize their status; it would allow immigrants applying for permanent residency to remain in the U.S. with their families instead of forcing them to return to their country of origin to apply (a process that can take months to years to complete); and it would change the registry cutoff date to 1986, which would resolve the 14-year bureaucratic limbo that has denied amnesty to qualified immigrants who sought to adjust their status under the 1986 Immigration Reform and Control Act. Finally, this bill would resolve the status of so many valuable members of American society. There are an estimated 6 million immigrants in the United States who are not yet citizens. A majority of these immigrants have been here for many years and are working hard, paying taxes, buying homes, opening businesses and raising families.

For years, U.S. immigration policy has provided refuge to tens of thousands of these Nicaraguans, Cubans, Salvadorans, Guatemalans, Hondurans, and Haitians fleeing civil war and social unrest in their own countries. In 1997 the Nicaraguan Adjustment and Central American Relief Act was signed into law. This statute protects Cuban and Nicaraguan nationals from deportation from the United States. Those residents who have been in the U.S. since December 1995 can now adjust to permanent resident status. But Salvadorans, Guatemalans, Hondurans, and Haitians are still not as fully protected.

In the last decade, Louisiana has provided refuge to thousands of Hondurans seeking relief from natural and human disasters. Displaced by storms, floods, war, and social unrest, many of these people have found warm and comforting homes for their families in the American Bayou.

My State, particularly in New Orleans, boasts a proud tradition of cultural diversity. The Honduran community was originally brought to Louisiana through a thriving banana trade between the Port of Louisiana and Gulf of Honduras in the early twentieth century. As the community grew, Louisiana's Honduran population became the largest outside of Honduras. For this reason, Louisiana seemed the most logical destination for Hondurans fleeing instability during the 1980s and 1990s. Once again, my state, like many others, opened her doors to our desperate Central American brothers.

The Latino Immigration Fairness Act will help fulfill a promise this government has made to these refugees, and attempt to finish the work of Presidents Reagan and Clinton. Under the Reagan Administration, the Immigration and Naturalization Service set up special asylum programs for these people to reside legally in the U.S.

Since then, they have greatly contributed to American society—raising children, paying taxes, and establishing successful businesses throughout our country—as well as contributed direct support to their relatives left behind in their homelands.

In a democracy such as ours, we must be consistent in the principles we uphold for our Latin neighbors seeking asylum. These people have fled political instability and social upheaval in their native lands.

As the guardian of Democratic ideals and chief opponent of repression in the Western Hemisphere, we must ensure that these residents adjust their status to legal resident under the same procedure permitted for Cubans and Nicaraguans.

In sum, I urge my colleagues to consider the United States' historic commitment to fair immigration policies. Our country has been built and continues to be sustained by immigrants.

In her poem, The Colossus, Emma Lazarus named our country the "Mother of Exiles." Personified by the Statue of Liberty, the United States of America continues to shine her torch on refugees from instability and strife—We have opened our doors to people of all races and nationalities, and have prospered from their valuable contributions to labor, community, and culture.

Now, failure to pass Fairness legislation will take away our promise of freedom to so many deserving residents, and deny us the gifts they have imparted to our shores.

Contrary to what our critics say, supporting this bill does not condone illegal entry into this country. I am proud of our historic value of the rule of law and territorial integrity. At the same time, I am equally concerned that once certain people have resided in this country for years and contributed to our country's prosperity, some would have us uproot such valuable members of our society.

Let us not eject Honduran, Haitian, Guatemalan, and Salvadoran nationals, who have, for so long, woven into the American fabric, making American families, paying American taxes, building American homes and businesses, and working for American labor.

Let us not revoke the American promise of freedom, and help deport so many valuable members of our society. Let us vote for passage of this very American legislation, the Latino Immigration Fairness Act.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 29, 2000, the Federal debt stood at $5,674,178,209,886.86, five trillion, six hundred seventy-four billion, one hundred seventy-eight million, two hundred nine thousand, eight hundred eighty-six dollars and eighty-six cents.

One year ago, September 29, 1999, the Federal debt stood at $5,645,399,000,000, five trillion, six hundred forty-five billion, three hundred ninety-nine million.

Five years ago, September 29, 1995, the Federal debt stood at $4,973,983,000,000, four trillion, nine hundred seventy-three billion, nine hundred eighty-three million.

Twenty-five years ago, September 29, 1975, the Federal debt stood at $552,824,000,000, five hundred fifty-two billion, eight hundred twenty-four million which reflects a debt increase of more than $5 trillion—$5,121,354,209,886.86, five trillion, one hundred twenty-one billion, three hundred fifty-four million, two hundred nine thousand, eight hundred eighty-six dollars and eighty-six cents during the past 25 years.

ADDITIONAL STATEMENTS

NEVADA'S OLYMPIC ATHLETES

• Mr. REID. Mr. President, the 27th Olympiad is now finished, and the United States of America should be very proud of our participants. They showed the world that Americans put their hearts and souls into everything that they do. Part of the reason that I support the Olympic tradition is that these special games are a reflection of the diversity, brotherhood, and spirit that the United States celebrates everyday. I am especially proud of my state and the Olympic participants we sent to Sydney, Australia.

Lori Harrigan, Tasha Schwikert, and Charlene Tagaloa were three Nevadan athletes who gave wholly to the U.S. team in their respective sports.

Lori Harrigan, a pitcher for the champion U.S. softball team, helped her team bring home a second gold medal in as many Olympic Games. Lori has had an amazing softball career for many years now, and since she graduated from UNLV, Lori has won 13 international medals for the United States. Lori will be remembered in Olympic history as the first softball player to pitch a complete no-hitter game, which she accomplished this summer in the opening round game. This summer she lived up to the legacy that she blazed as a UNLV Runnin' Rebel, and her softball accomplishments are properly hallmarked by her retired jersey that UNLV has proudly displayed since 1998.

Las Vegan Tasha Schwikert has been the sweet surprise of the Olympic Games. She was not one of the original members of the U.S. gymnastics team. However, she was later chosen as a second alternate. An unfortunate injury to another gymnast gave Tasha the chance that she deserved for an Olympic appearance. Although Tasha didn't medal, she still showed the world a strong performance. And because of her youth and newly developed international experience, we can expect to see Tasha as a leader in future gymnastic competitions.

The United States women's volleyball team was the underdog of the Olympic indoor volleyball competition, and many did not even expect the team to contend for a medal in Sydney. With the help of Las Vegan, Charlene Tagaloa, the women's volleyball team played in the bronze medal math.

Nevada demonstrated its miulticulturalism during the Olympic Games, because six other current or former UNLV Runnin' Rebels competed for their native countries. These unique individuals include four swimmers and two track runners. These athletes are as follows: swimmers Mike Mintenko of Canada, Jacint Simon of Hungary, Andrew Livingston of Puerto Rico, Lorena Diaconescu of Romania, and sprinters, Ayanna Hutchinson and Alicia Tyson, of Trinidad and Tobago.

Nevada's contribution to the Olympic Games does not end with the efforts of its athletes.

Karen Dennis is not only the head of the UNLV women's track team, but she was chosen to be the U.S. women's track coach. Her talent and expertise undoubtedly contributed to the multiple medals and stellar performances we saw from the U.S. track team this Olympics.

Las Vegan Jim Lykins was chosen to be one of the two umpires from the United States to referee women's softball. He gleefully did not umpire the championship game, because Olympic rules prevent umpires from working any games played by their home country. Not being able to umpire the championship match was a worthwhile sacrifice for the gold medal that we won in the fast pitch softball competition.

We should all remember the character of the 2000 Olympic Games, both the smile evoking and heartbreaking moments, and continue to support the Nevadan and American athletes who have the integrity, dedication, and ability to represent our nation, now and in the future. Congratulations to all of our Olympic participants.•

HONORING THE KARNES ON THEIR 50TH WEDDING ANNIVERSARY

• Mr. ASHCROFT. Mr. President, families are the cornerstone of America. Individuals from strong families contribute greatly to society. I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Dorothy and Eddie Karnes, who on October 7, 2000, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Karnes' commitment to the principles and values of their marriage deserves to be saluted and recognized.•

PRIVATE RELIEF BILL FOR FRANCES SCHOCHENMAIER

• Mr. JOHNSON.. Mr. President, on September 28, 2000, the United States Senate unanimously approved legislation to provide private relief for Frances Schochenmaier of Bonesteel, South Dakota. Frances' case clearly warrants action by the United States Congress to correct an injustice inflicted upon her family over 50 years ago. I am pleased that the Senate has taken this important step by passing the Private Relief Bill for Frances Schochenmaier, which I was proud to have introduced and was cosponsored by my friend and colleague from South Dakota Senator TOM DASCHLE. I will continue to work diligently with Members of the House of Representatives to ensure the legislation is passed before the end of this Congressional session and signed by the President.

Frances' husband, Hermann Schochenmaier, was one of the thousands of young men who valiantly answered his country's call to duty during World War II. While serving in Europe, Hermann was wounded—shot in the arm in what medical personnel referred to as a through-and-through" wound. Upon returning home, the Department of Veterans Affairs awarded Hermann a 10 percent disability rating. For 50 years, Hermann received disability compensation for the injury he received during his service in the United States military. Then, in 1995, the Department of Veterans Affairs acknowledged that it was "clearly and unmistakably erroneous" in rating Hermann's injury too low. Instead of a 10 percent rating, Hermann's injuries during World War II were consistent with a 30 percent disability rating.

Over these 50 years, Hermann received approximately $10,000, when he should have actually received closer to $70,000. Unfortunately, only one week prior to the Department of Veterans Affairs correcting this problem, Hermann Schochenmaier passed away. To further complicate matters, the Department of Veterans Affairs refused to give Hermann's family the disability benefits he rightfully earned.

For the past five years, I have worked with Frances to exhaust every avenue within the Department of Veterans Affairs. The answer was always the same: the law does not allow for veterans' widows to receive these lost benefits. So, I decided that it must take an act of Congress—literally—to ensure that a veteran's widow from Bonesteel received the benefits her husband earned, but was denied from receiving in his lifetime.

Thanks to the perseverance from members of my office, the continued faith of Frances and her family, and some bipartisanship among members of Congress, we were able to pass this important legislation in the Senate and put it on a track to be signed into law by the President before the end of this year.

My wife, Barbara, and I are parents of a son who serves our country in the Army, and we know the sacrifices families make when their loved-ones travel overseas in the military. I am sorry that fate denied Hermann the opportunity to see justice done with the correction of his disability rating. I am thankful that fate and old-fashioned elbow-grease over these past five years has given our country the opportunity to make things right with Frances and the Schochenmaier family.•

RECOGNITION OF THE WELLPINIT SCHOOL DISTRICT

• Mr. GORTON. Mr. President, I take the floor of the Senate today to tell you about the hard working teachers, faculty and parents of the Wellpinit School District and their efforts to improve their children's education by bringing technology to the classroom. For their dedication, I am delighted to present the Wellpinit School District with one of my "Innovation in Education" Awards.

The Wellpinit School District is located on the Spokane Indian Reservation in Eastern Washington and educates 440 students of which 95 percent are of Native American descent. The K–12 school has already far exceeded any other rural school in Washington state with its efforts to boost the use of technology in the classroom. Under the direction of Wellpinit's Board of Directors and Superintendent Reid Reidlinger, Wellpinit implemented an innovative program that includes increasing student access to computers and improving students' use of the internet and intranet.

Wellpinit reconfigured its curriculum, integrating it with a computer program that allows students from both elementary and secondary grades to access an individualized instructional program for any core subject. The computerized curriculum has been highly effective in increasing national test scores. In fact, Wellpinit was named the highest achieving Indian Reservation school based on the Iowa Test of Basic Skills. Wellpinit has also been selected as one of America's Top 100 Wired Schools by the editors of Family PC Magazine.

Earlier this year, I awarded Quillayute Valley School District one of my "Innovation in Education" Awards for developing the Washington Virtual Classroom Consortium (WVCC), which links rural schools together via the Internet in order to pool resources and expand learning opportunities for students and staff. Wellpinit has joined the WVCC to further enhance the educational opportunities for all students.

Superintendent Reid Reidlinger told me, "Wellpinit has been a model for other schools. Federal grants have helped with bringing technology to our district, and as a result, we have very advanced students."

I commend all those who have contributed to Wellpinit's technology plan and ask that the Senate join me in recognizing the hard work and commitment of the students, teachers and faculty at the Wellpinit School District.•

IN RECOGNITION OF TOM WILKENS

• Mr. TORRICELLI. Mr. President, I rise today to recognize one of the truly gifted athletes of the state of New Jersey. It gives me great pleasure to extend my congratulations to Tom Wilkens on winning the bronze medal in the men's 2000 meter individual medley event at the XXVIIth Olympic Games in Sydney, Australia.

Despite having asthma and a severe allergy to chlorine, Tom Wilkens has consistently performed as a champion. At the 1999 Pan Pacific Championships, he won a medal of each color, gold in the 200 meter individual medley, silver in the 200 meter breaststroke, and bronze in the 400 meter individual medley. To this impressive collection, he adds a bronze from the Games of the XXVIIth Olympiad.

Tom Wilkens represents the best of New Jersey's athletes. His outstanding representation of New Jersey and the United States at these Olympic Games is a testament to the dedication that has afforded him success in the face of diversity.

Through his efforts, Tom Wilkens has been able to achieve athletic greatness. His commitment to excellence serves as an inspiration and it is an honor for me to be able to recognize his accomplishments.•

TRIBUTE TO MRS. PATTY LEWIS

• Mr. WARNER. Mr. President, I would like to recognize the professional dedication, vision and public service of Mrs. Patty Lewis who will be leaving the staff of the Senate Armed Services Committee at the end of this year to return to the Department of Defense to serve in the Office of the Assistant Secretary of Defense for Health Affairs. It has been a privilege for me to work with Mrs. Lewis and it is an honor to recognize her many outstanding accomplishments.

I asked Mrs. Lewis to join the staff of the Armed Services Committee last October to assist me and the other Members of the Committee deal with the complex issues of improving the Military Health Care System, TRICARE, and providing health care to Medicare-eligible retired military personnel and their families. She is superbly competent and demonstrated a level of professionalism which far exceeded that of many of her contemporaries. Mrs. Lewis is an expert at cutting through the red tape of the military health care bureaucracy and never losing sight of the fact that taking care of the individual is paramount. Her focus was always on doing the right thing for our service members and their families.

Mrs. Lewis has earned a reputation as someone on whom we could rely to provide fresh ideas, detailed research, and practical solutions to complex problems. Her professional abilities and expertise have earned her the respect and trust of her colleagues on both sides of the aisle and in both Houses of the Congress. Mrs. Lewis' ability to clearly see a viable alternative when others could only see the fog of confusion contributed to the success of the Committee on Armed Services in developing the legislation that will, for the first time in history, definitively entitle retired military personnel to the lifetime of health care that they were promised when they were recruited and reenlisted. With Mrs. Lewis' help, we are finally able to fulfill that commitment.

Mr. President, initiative, caring service and professionalism are the terms used to describe Mrs. Lewis. Patty Lewis is a great credit to the Senate and the Nation. As she now departs to share her experience and expertise with the Department of Defense I call upon my colleagues on both sides of the aisle to recognize her service to the Senate and wish her well in her new assignment.•

HONORING INDUCTEES INTO THE HALL OF VALOR

• Mr. SANTORUM. Mr. President, I rise to day to honor the veterans who will be inducted into the Hall of Valor at Soldiers' & Sailors' Memorial Hall. On October 14, 2000, 15 veterans, all of whom served in World War II, will be inducted in the Hall of Valor. All the veterans being recognized have received either the Silver Star or the distinguished Flying Cross and are residents of Allegheny County and other areas of Pennsylvania.

Each inductee has distinguished himself through gallantry and courage at the risk of his own life, above and beyond the call of duty. This nation values their service and has recognized these acts of heroism and bravery and those of other servicemen and women. Today, I would like to remember and acknowledge the extraordinary valor each inductee displayed in the name of freedom.

Induction in the Hall of Valor is one way we can bear witness to and acknowledge the service of each inductee. I wish to extend my sincere gratitude for their sacrifice and dedication in the U.S. Armed Forces. All of the heroes we honor today—both those present and those who have gone before us—deserve the highest esteem and admiration. I ask my Senate colleagues to join me in recognizing a few of our nation's veterans as they are inducted into the Hall of Valor at Soldiers' & Sailors' Memorial Hall in Pittsburgh, PA.

In recognition of their actions, Joseph Burdis, Jr., Samuel L. Collier, James J. Fisher, James W. Regan, John A. Somma, William G. Stampahar, Leonard R. Tabish, and Arthur R. Kiefer, Jr. will be inducted in the Hall of Valor. The following veterans will be posthumously inducted: Richard Ascenzi, William John Beynon, Thomas J. Korenich, John Lipovsik, Jr., Joseph Anthony Papst, Michael J. Popko, and Sigmund J. Zelczak.•

TRIBUTE TO DAVID VILLOTTI

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to David Villotti of Amherst, NH, on being nominated for the "Angels in Adoption" award. David has worked tirelessly to improve the lives of many children throughout New Hampshire.

David's mission is to provide care and support to the neediest children and families in New Hampshire. David has worked to reunite "his" children at the Nashua Children's Home to their biological families or, if necessary, have them placed in foster care or adopted into loving families. Some of these children have experienced a tremendous amount of emotional and physical trauma. David creates an environment that is safe for these children to grow while they await word on their family situation.

When David first began working at the Nashua Children's Home 15 years ago, there were 18 children in residence. Today there are 46. David and his staff continue to provide support to families while allowing children the environment that they need to grow and mature into well-adjusted teenagers and adults. I am proud to have nominated David for the "Angels in Adoption" award for the state of New Hampshire.

David, it is an honor to serve you in the U.S. Senate. I wish you all the best in your future endeavors. May you always continue to inspire those around you.•

TRIBUTE TO DR. WENDELL WEART

• Mr. DOMENICI. Mr. President, I rise to commend a fellow New Mexican, Dr. Wendell Weart. He is a remarkable scientist, an international authority on radioactive waste management, and the Senior Fellow at Sandia National Laboratories in Albuquerque, New Mexico. After his distinguished career, he is retiring in October. His outstanding abilities have been crucial to the success of the world's first deep geologic repository for radioactive waste. It is highly appropriate that we recognize his contributions to that project and to the nation.

The Waste Isolation Pilot Plant in New Mexico began receiving defense-program radioactive wastes in 1999. The process that led to its opening was long and difficult, requiring the solution of innumerable technical and social problems. Although many people contributed to the solution of those problems, Dr. Weart's role was paramount throughout.

He led Sandia's technical support for the project from its beginnings in the early 1970s. In the early years his efforts were essential to the exploratory investigations and the final selection of the repository site. He then led the project through the conceptual design of the repository, through the formulation and implementation of the investigations that demonstrated the site's suitability, and through the arduous process of obtaining regulatory approvals. The rigorous scientific basis finally achieved for the repository was due in no small part to Dr. Weart's own scientific expertise and to his unmatched leadership.

At least as important as these highly technical contributions was Dr. Weart's ability to instill confidence among the scientific community and the public. His skill in explaining complex issues, his truthfulness in all controversies, and his tireless patience in dealing with questions and frustrations for more than twenty-five years—all were indispensable contributions to the project. Without the trust Dr. Weart engendered, the Waste Isolation Pilot Plant, though scientifically well grounded, might still have failed to obtain scientific, regulatory, and social approval:

The permanent disposal of radioactive wastes has proved intractable in many countries. Thanks largely to Wendell Weart, the United States now has an operating repository. Congress and the American taxpayers owe him our most sincere thanks and our best wishes.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on September 29, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House disagrees to the amendment of the Senate to the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon. That Mr. SKEEN, Mr. WALSH, Mr. DICKEY, Mr. KINGSTON, Mr. NETHERCUTT, Mr. BONILLA, Mr. LATHAM, Mrs. EMERSON, Mr. YOUNG of Florida, Ms. KAPTUR, Ms. DeLAURO, Mr. HINCHEY, Mr. FARR, Mr. BOYD, and Mr. OBEY be the managers of the conference on the part of the House.

ENROLLED BILL PRESENTED DURING RECESS

The Secretary of the Senate reported that during the recess of the Senate, on September 29, 2000, he had presented to the President of the United States, the following enrolled bill:

S. 1295. An act to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the "Lance Corporal Harold Gomez Post Office."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2829: A bill to provide for an investigation and audit at the Department of Education (Rept. No. 106–448).

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

S. 1840: A bill to provide for the transfer of public lands to certain California Indian Tribes (Rept. No. 106–449).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2400: A bill to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District (Rept. No. 106–450).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 2757: A bill to provide for the transfer or other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington (Rept. No. 106–451).

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

S. 2872: A bill to improve the cause of action for misrepresentation of Indian arts and crafts (Rept. No. 106–452).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2873: A bill to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States (Rept. No. 106–453).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment and an amendment to the title:

S. 2877: A bill to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin , Oregon (Rept. No. 106–454).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2977: A bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles (Rept. No. 106–455).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 2885: A bill to establish the Jamestown 400th Commemoration Commission, and for other purposes (Rept. No. 106–456).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 2496: A bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994 (Rept. No. 106–457).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with amendments:

H.R. 3069: A bill to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia (Rept. No. 106–458).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, with amendments:

H.R. 3292: A bill to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana (Rept. No. 106–459).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 4275: A bill to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes (Rept. No. 106–460).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 4286: A bill to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama (Rept. No. 106–461).

H.R. 4318: A bill to establish the Red River National Wildlife Refuge (Rept. No. 106–462).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 4579: A bill to provide for the exchange of certain lands within the State of Utah (Rept. No. 106–463).

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

H.R. 1460: A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe (Rept. No. 106–464).

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals" (Rept. No. 106–465).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

H.R. 4002: A bill to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 3076: A bill to establish an undergraduate grant program of the Department of State to assist students of limited financial means from the United States to pursue studies abroad.

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 3144: An original bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committee were submitted during the recess on Friday, September 29, 2000:

By Mr. HELMS for the Committee on Foreign Relations.

Treaty Doc. 106–39 Treaty With Mexico on Delimitation of Continental Shelf (Exec. Report No. 106–19).

Text of Committee Recommended Resolution of Advice and Consent

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the United Mexican States on the Delimitation of the Continental Shelf in the Western Gulf of Mexico Beyond 200 Nautical Miles, signed at Washington on June 9, 2000 (Treaty Doc. 106–39), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

Treaty interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) Provisio.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

Supremacy of the constitution.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–43 Protocol Amending the 1950 Consular Convention with Ireland (Exec. Report No. 106–20)

Text of Committee Recommended Resolution of Advice and Consent

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the 1950 Consular Convention Between the United States of America and Ireland, signed at Washington on June 16, 1998 (Treaty Doc. 106–43), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed forces in Europe, approved by the Senate on May 14, 1997.

(b) Proviso.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

Supremacy of the Constitution.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 104–35 Inter-American Convention on Serving Criminal Sentences Abroad (Exec. Report No. 106–21)

Text of Committee Recommended Resolution of Advice and Consent

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Inter-American Convention on Serving Criminal Sentences Abroad, done in Managua, Nicaragua, on June 9, 1993, signed on behalf of the United States at the Organization of American States Headquarters in Washington on January 10, 1995 (Treaty Doc. 104–35), subject to the conditions of subsections (a) and (b).

(a) The advice and consent of the Senate is subject to the following conditions, which shall be included in the instrument of ratification of the Convention:

(1) RESERVATION.—With respect to Article V, paragraph 7, the United States of America will require that whenever one of its nationals is to be returned to the United States, the sentencing state provide the United States with the documents specified in that paragraph in the English language, as well as the language of the sentencing state. The United States undertakes to furnish a translation of those documents into the language of the requesting state in like circumstances.

(2) UNDERSTANDING.—The United States of America understands that the consent requirements in Articles III, IV, V and VI are cumulative; that is, that each transfer of a sentenced person under this Convention shall require the concurrence of the sentencing state, the receiving state, and the prisoner, and that in the circumstances specified in Article V, paragraph 3, the approval of the state or province concerned shall also be required.

(b) The advice and consent of the Senate is subject to the following conditions, which are binding upon the President but not required to be included in the instrument of ratification of the Convention:

(1) DECLARATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997

(2) PROVISO.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105-54 Treaty With Belize for the Return of Stolen Vehicles (Exec. Report No. 106-22)

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Belize for the Return of Stolen Vehicles, with Annexes and Protocol, signed at Belmopan on October 3, 1996 (Treaty Doc. 105-54), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUMMARY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-40 Treaty With Costa Rica on Return of Vehicles and Aircraft (Exec. Report No. 106-22)

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Costa Rica for the Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft, with Annexes and a related exchange of notes, signed at San Jose on July 2, 1999 (Treaty Doc. 106-40), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-7 Treaty With Dominican Republic for the Return of Stolen or Embezzled Vehicles (Exec. Report No. 106-22)

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Dominican Republic for the Return of Stolen or Embezzled Vehicles, with Annexes, signed at Santo Domingo on April 30, 1996 (Treaty Doc. 106-7), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105-58 Treaty With Guatemala for the Return of Stolen or Robbed, Embezzled or Appropriated Vehicles and Aircraft (Exec. Report No. 106-22)

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Guatemala for the Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft, with Annexes and a Related Exchange of Notes, signed at Guatemala City on October 6, 1997 (Treaty Doc. 105-58), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-44 Treaty With Panama on Return of Vehicles and Aircraft (Exec. Report No. 106-22)

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Panama for the Return of Stolen, Robbed, or Converted Vehicles and Aircraft, with Annexes, signed at Panama on June 6, 2000, and a related exchange of notes of July 25, 2000 (Treaty Doc. 106-44), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) Proviso.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

Supremacy of the Constitution.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 3141. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of annual screening pap smear and screening pelvic exams; to the Committee on Finance.

By Mr. WARNER:

S. 3142. A bill to expand the boundary of the George Washington Birthplace National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS (for himself, Mr. Jeffords, Mr. Brownback, Ms. Collins, Mr. Hutchinson, and Mr. Stevens):

S. 3143. A bill to improve the integrity of the Federal student loan programs under title IV of the Higher Education Act of 1965 with respect to students at foreign institutions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THOMPSON:

S. 3144. An original bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers; from the Committee on Governmental Affairs; placed on the calendar.

By Mr. BREAUX:

S. 3145. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment under the tax-exempt bond rules of prepayments for certain commodities; to the Committee on Finance.

By Mr. CAMPBELL:

S. 3146. A bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands; read the first time.

By Mr. ROBB (for himself, Mr. Sarbanes, Ms. Mikulski, Mr. Warner, Mr. Levin, Mr. DeWine, and Mr. Jeffords):

S. 3147. A bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself and Mr. Kennedy):

S. 3148. A bill to provide children with better access to books and other reading materials and resources from birth to adulthood, including opportunities to own books; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER:

S. 3142. A bill to expand the boundary of the George Washington Birthplace National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT

Mr. WARNER. Mr. President, today, I am introducing legislation to expand the boundary of the George Washington Birthplace National Monument in Westmoreland County, Virginia by allowing the U.S. Park Service to acquire portions of the surrounding property from willing sellers. Previously, on September 28, 2000, I offered S. 3132 to allow the Park Service to acquire one acre of property adjacent to the park. The bill I introduce today will allow the Park Service to acquire 115 acres from willing sellers, including the one acre referenced in S. 3132. I urge my colleagues to support the preservation of George Washington's birthplace. I ask unanimous consent that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT BOUNDARIES ADJUSTED.

(a) Short Title.—This Act may be cited as the "George Washington Birthplace National Monument Boundary Adjustment Act of 2000".

(b) Boundary of George Washington Birthplace National Monument.—The boundary of the George Washington Birthplace National Monument (hereinafter referred to as the "monument") is modified to include the area comprising approximately 115 acres, as generally depicted on the map entitled "George Washington Birthplace National Monument Boundary Map Westmoreland County Virginia", numbered 332/80,011B, and dated July 2000. The map shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

(c) Acquisition of Lands.—The Secretary of the Interior may acquire land or interests in land described in subsection (b) by donation, purchase from willing sellers with donated or appropriated funds, or exchange.

(d) Administration of Lands.—Lands added to the monument pursuant to subsection (b) shall be administered by the Secretary of the Interior as part of the monument in accordance with the laws and regulations applicable hereto.

By Mr. SESSIONS (for himself, Mr. Jeffords, Mr. Brownback, Ms. Collins, Mr. Hutchinson, and Mr. Stevens):

S. 3143. A bill to improve the integrity of the Federal student loan programs under title IV of the Higher Education Act of 1965 with respect to students at foreign institutions; to the Committee on Health, Education, Labor, and Pensions.

FEDERAL STUDENT LOAN PROGRAMS IMPROVEMENTS ACT

Mr. SESSIONS. Mr. President, I am concerned that we as a Congress have not been effective enough in oversight; that is, looking at the Federal agencies and Departments of this Government to make sure they are operating effectively.

We ooh and ah and make complaints and express concern, but we do not often follow through. I know fundamentally it is the responsibility of the administration to run the executive branch, but Congress does fund that branch and has every right to insist that branch does its duty effectively, expeditiously, and economically with minimum waste, fraud, and abuse.

I had the pleasure about a year ago to have a conversation with a wonderful lady, Melanie DeMayo, who used to work with Senator Proxmire and was involved in his "Golden Fleece Award" presentations. She convinced me I could play a role in helping to make sure, when a dollar is extracted from a hard-working American citizen and is brought to this Senate, this Government, to be spent, that it is spent wisely and not wasted or abused or ineffectively utilized to carry out whatever worthwhile program was intended. I appreciate her insight and help in thinking this through.

I have developed what I call Integrity Watch. I spent a number of years as a Federal prosecutor. I believe we can do a better job of maintaining integrity in this Government. When we are spending $1.7 trillion a year, it is incumbent upon us to make sure there is oversight over these programs.

I have come to realize that we have a very large student loan program, and there are some problems with it. Today I am offering legislation to create a 12-month fraud control pilot program to reduce the incidence of fraud in the Federal Family Education Loan Program and other programs under title IV.

In recent years, there have been a number of cases of so-called students falsely claiming they are attending foreign schools, directing that their student loan checks be paid directly to them and not to the school, and then taking the money and spending it on themselves and not attending the foreign school. This fraud has been documented with many examples listed in a 1997 Department of Education inspector general's report.

In addition, the report contains recommendations on tightening controls for the program. Too often these reports are dry, detailed, and complicated. Nobody in this body even reads them, much less acts on them. Certainly, I doubt the President, who says he wants to increase foreign student loans, has read the report. We certainly have not seen any request from the administration to improve this. I believe we can and should do it in Congress.

It is time, I believe, for this Congress to close the loopholes which allow these phantom students to defraud the Government.

On April 19, 2000, President Clinton and Secretary of Education Riley declared that international education is a priority with them. They want to encourage more students to study abroad. In fact, the President issued a memorandum to the heads of executive departments and agencies stating that the United States is committed to promoting study abroad by U.S. students. He stated:

> The Secretaries of State and Education shall support the efforts of schools and colleges to improve access to high-quality international educational experiences by increasing the number and diversity of students who study and intern abroad, encouraging students and institutions to choose nontraditional study-abroad locations, and helping under-represented United States institutions offer and promote study-abroad opportunities for their students.

Study abroad can be a wonderful experience for a student, and I do not oppose some form of student loan aid to students who want to take advantage of that. It can be an extraordinarily enriching experience. We do need to ensure that the program involves study and not a European vacation at the expense of hard-working American taxpayers for whom a visit to the ball park is often beyond their budget.

This new initiative by the administration will increase the risk of fraud unless we institute sound controls immediately. I am not referring to U.S. universities that have foreign programs or cooperative programs with foreign universities. I am talking about mainly the unsupervised foreign-based institutions. Some of these institutions have already been criticized by General Accounting Office studies. Often these marginal schools are the very schools the so-called students use in their fraud scam. Their fraud is committed when they state they are registering in these schools and then simply pocket the money with no one the wiser.

Since 1995, there have been 25 felony convictions of students who fraudulently claimed they were attending a foreign school, and then they just cashed their Government loan check and simply did not attend class. In the United States, the check is made out to the school and the student, but with regard to foreign schools, the check is made out simply to the students. These are only the students who were caught doing their fraudulent activity. I have no doubt there are many more who have not been apprehended. That is why we ought to take action. We must prevent cases such as this one.

Mr. Conrad Cortez claimed to be such a student, and he applied for student loans. In March of 2000, he admitted to charges of submitting 19 fraudulent student loan applications over a 3-year period. He pled guilty before a U.S. district court judge to numerous accounts of mail fraud, bank fraud, and Social Security account number fraud in the State of Massachusetts. The prosecutor told the court in that case that Cortez was responsible for dozens of other loans filed outside Massachusetts—in Florida and Texas.

The absolute disregard for the American taxpayers was epitomized by Conrad Cortez. Mr. Cortez was living high at the expense of American taxpayers and in violation of law by filing false documents to receive loan money from the Government.

During the period from 1996 through 1999, he bought gifts for his friends, including jewelry and cars, paid for private tennis lessons, made a downpayment on a house, sent some money back to his native Colombia, ate in the best restaurants, and even paid restitution for a previous charge of defrauding the Government, and he did this all with the American taxpayers' money.

Mr. Cortez' fraud only ended when he was turned in by his sister's boyfriend, who claimed that Mr. Cortez had used his identity to obtain additional loans. In fact, Mr. Cortez was about to help himself to $800,000 that you and I pay in income taxes. He had filed 37 false claims in all, spending the money as fast as it came in to him.

The inspector general's office of the Department of Education, with the FBI, and the attorney general's office in Boston combined forces to apprehend him before he could get all the money that was coming to him through those false loans. He did, however, pocket about $300,000 before he was caught.

This is not an isolated case. In 1994, the General Accounting Office found that the Department of Education had approved student loans to hundreds of students attending 91 foreign medical schools. Frankly, I am not sure there are 91 medical schools out there in this world, outside the United States, for which we ought to be funding education. If somebody comes to this country expecting to be a doctor, we need to know they have met certain quality education standards. But, at any rate, that is what we hear.

In applying its standards, the Department of Education relies exclusively on information submitted by those foreign schools as to their viability. Enforcement and oversight problems at the Department still abound. Who is to say how many students have fraudulently applied for loans? There isn't a report on that. Those are unknown unknowns, as they say in management. We cannot measure what we do not know.

Most likely, the greatest abuse of the system occurs when the student, for various reasons, just pockets the money and never goes to class. Under the present system, who will know? We do know that the system is broken. This legislation is one step toward fixing it.

Another abuse occurs when a foreign school is actually paid the tuition but does not insist that the student attend class and provides no real education to the student. I guess a foreign school could simply be glad to get the American money, the American check, and at that point it is up to the student whether or not he or she actually attends class or learns anything. I think we need to have the Department of Education look into that and make sure students are actually attending class and not taking a European vacation.

Mr. Cortez demonstrated a perfect example of why this program is high risk. There simply is not enough oversight. Currently, the methodology for approving and releasing student loan funds is vulnerable. Current law states that the student may request a check be issued directly to him or her, when claiming they are attending a foreign school, and a check will be sent directly to them, without the requirement of a cosignature by the school.

The Office of Inspector General at the Department of Education identified weaknesses and deficiencies in the following areas of the foreign school attendance programs: Verification of enrollment, the disbursement process, the determination of the borrowers' eligibility, standards of administrative and financial capability on the part of the foreign school, and general oversight of foreign schools.

The same Office of Inspector General report—that is the Department of Education's own inspector general's office within that Department—stated that the number of students claiming to attend foreign schools and applying for loans increased each academic year from 1993 to 1997 and went from 4,594 students to 10,715 students. Later figures show the number continues to increase. Indeed, in 1998–1999 there were 12,000 foreign loans.

My legislation will require the Secretary of Education to initiate a 12-month fraud control pilot program involving guaranty agencies—those are the people who put up the loan money guaranteed by the Federal Government—lenders, and a representative group of foreign schools to reduce the incidence of fraud in the student loan program. I believe the Secretary should look into a number of solutions.

Maybe the guaranty agencies should confirm that the student is enrolled in the foreign school before the loan is actually disbursed. After the money has been disbursed to the student, maybe the guaranty agencies should confirm that the student remains registered.

The Secretary should also determine whether it would be advantageous to require a loan check to be endorsed by both the student and the foreign institution. I am inclined to think it is. But we shall see. Maybe this evaluation period can help us determine that.

The question then becomes, Why are we paying for students to go to foreign schools? These are American taxpayers' dollars flowing to foreign economies where the standards of education may not be as high as ours. I have checked with the higher education systems in my State. They certainly are not at full capacity and certainly can handle more students.

Perhaps there should be some limit on the number of years of study abroad. How many? Five? Six? Seven? Is that limited today? No, it is not. Maybe we ought to limit the number of years that the taxpayers will fund foreign education. Today there is no limit. Students can complete their entire education abroad, supported by the taxpayers, sometimes not in good institutions. Perhaps the quality of the institution should be verified, among other things. But this will not be an issue raised by our legislation today.

Our legislation will simply go to the question of whether or not we can improve the way we guard against actual fraud in these loans. It will begin the process of erasing the fraudulent behavior of "students" claiming they are attending foreign schools and then pocketing the money for their personal lifestyle.

So I introduce this legislation today and hope my colleagues will quickly support such a measure as this because I believe it will reduce the fraud that has been plainly demonstrated in a critical report by the Office of Inspector General of the U.S. Department of Education.

In the course of working on this, I would like to express my appreciation to a number of people who have played an important role in this. I thank the cosponsors of this legislation, including Senator JEFFORDS, who chairs the Health, Education, Labor, and Pensions Committee; Senator TIM HUTCHINSON of Arkansas, who is here, who has been a supporter and has had a great interest in this as a cosponsor; along with Senators BROWNBACK and COLLINS.

I also express my appreciation to Scott Giles of Senator JEFFORDS's office; to Melanie DeMayo, who has done such a tremendous job helping us identify and research this problem; and Anthony Leigh of my staff, who is with me now, who has helped me work on this.

We believe this is perhaps not a glamorous issue but an important issue, an important step we can take to eliminate plain fraud that is clearly occurring around this country to a substantial degree, defrauding the taxpayers of the money they have sent to Washington.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I commend the distinguished Senator from Alabama for his work in this area. I am glad I am cosponsoring the bill. Senator SESSIONS has been one of the tireless leaders in education and in rooting out fraud and abuse in the Department of Education.

I also mention, with Senator SESSIONS' help on the Education Committee, we recently sent a bill out that I sponsored on the Senate side, that passed the House of Representatives, which would require a fraud audit of the Department of Education be performed by the General Accounting Office within 6 months.

While the Senator is dealing with one specific area of fraud that is very serious, for which this legislation needs to be enacted, there are other examples of fraud, mismanagement, and abuse within the Department of Education that have come to light in recent days.

We are hopeful that legislation can move before this session ends. It is ironic that there are those who want the Department of Education to have even more power, such as in the hiring of 100,000 teachers or in school construction projects, when it is clearly a troubled agency that has had a real problem in even having a clean audit of their books.

So I commend the Senator heartily and appreciate the work he is doing.

By Mr. ROBB (for himself, Mr. SARBANES, Ms. MIKULSKI, Mr. WARNER, Mr. LEVIN, Mr. DEWINE, and Mr. JEFFORDS):

S. 3147. A bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass; to the Committee on Energy and Natural Resources.

FREDERICK DOUGLASS MEMORIAL

Mr. ROBB. Mr. President, I rise to introduce legislation to authorize a memorial and gardens in honor and commemoration of Frederick Douglass. Frederick Douglass was a renowned abolitionist and civil rights leader. As a powerful orator, Douglass spoke out against slavery. As an advisor to President Abraham Lincoln, Douglass advocated for equal voting rights for African Americans. Frederick Douglass spent over 20 years living in the Anacostia region of Washington, D.C. and it is appropriate that we dedicate the National Memorial and Gardens to his memory in the community where he lived. As companion legislation gains momentum in the House, it is important that we pledge our support to this worthy endeavor.

Mr. DODD (for himself and Mr. KENNEDY):

S. 3148. A bill to provide children with better access to books and other reading materials and resources from birth to adulthood, including opportunities to own books; to the Committee on Health, Education, Labor, and Pensions.

ACCESS TO BOOKS FOR CHILDREN ACT

Mr. DODD. Mr. President, I rise today to offer a bill to enhance our efforts to provide children with opportunities to develop literacy skills and a love of reading through access to and ownership of books. I am pleased to be joined in this effort by Senator JEFFORDS, Senator KENNEDY, and Senator MURRAY.

This bill would continue the good work of the Inexpensive Book Distribution program which we know as Reading is Fundamental (RIF), and would authorize two new programs to support public/private partnerships with the mission of making books and reading an integral part of childhood and of providing books to children who may have no books of their own. Books opened a new world for me as a child and I want to make sure that all children have that same opportunity.

Books are almost magical in their power. They inspire children to dream, to imagine infinite possibilities and ultimately to work to make some of those possibilities real. But for too many children, the power of books is unrealized because of their own inability to read and because of limited access to books in their homes and communities. In 1998, 38 percent of fourth graders in America ranked below the basic level of reading according to the National Assessment of Educational Progress. Sixty-four percent of African American and 60 percent of Hispanic American fourth graders read below the basic level of reading.

These children are at high risk of never learning to read at an advanced level. When children do not learn to read in the early years of elementary school, it is virtually impossible to catch up in later years. Research shows that if a child cannot read well by third grade, the prospect of later success is significantly diminished. Seventy-five percent of students who score below grade level in reading in third grade will be behind grade level in high school.

But the foundation on which literacy is built, begins much earlier. Reading to babies teaches them the rhythms and sounds of language. As early as pre-school, children can recognize specific books, can understand how to handle them, and can listen to stories for in books. The National Research Council's 1998 landmark study, "Preventing Reading Difficulties in Young Children," makes clear that to become good readers, children need to learn letters and sounds, they need to learn to read for meaning, and they must practice reading with many types of books to gain the speed and fluency that makes reading rewarding.

We know that children who live in print-rich environments and are read to in their early years are much more likely to learn to read on schedule. However, parents of children living in poverty often lack the resources to buy books, rarely have easy access to children's books, and may face reading difficulties of their own. For many families, where the choice is between buying books to read at home and buying food or clothes, federal programs that support book donations and literacy can change lives.

This legislation creates what I call the Access to Books for Children program (or ABC). It provides children with better access to books and resources from birth to adulthood, including opportunities to own books. The success of the Inexpensive Book Distribution Program is well-known. This program has enabled Reading Is Fundamental, Inc. (RIF) to put books in the hands and homes of America's neediest and most at-risk children. RIF is the nation's largest children's and family literacy organization. Through a contract with the U.S. Department of Education, RIF provides federal matching funds to thousands of school and community based organizations that sponsor local RIF projects. Some 240,000 parents, educators, care givers, and community volunteers run RIF programs at more than 16,500 sites that reach out to serve 3.5 million kids nationwide. This bill would continue the good work of the Inexpensive Book Distribution Program and increase the authorization for this program to $25 million.

This legislation also supports two new public/private partnerships to reach children with books and literacy services. The Local Partnerships for Books programs is funded not to support a new literacy project, but to support the ones that already exist with low cost or donated books. The program would support local partnerships that link with grassroots organizations to provide them with low-cost or donated books for at-risk, low income children. Local Partnerships for Books is organized around the principle that the private sector should be a major player in this effort to put books in the hands of our Nation's children through donations and partnerships.

This legislation would also support Partnerships for Infants and Young Children—a program that makes early literacy part of pediatric primary care. This program would support linking literacy and a healthy childhood. Visits to a pediatrician are a regular part of early childhood and offer an excellent opportunity to empower parents to build the foundations for literacy. This initiative is modeled on Reach Out and Read (ROR) which utilizes a comprehensive approach—including volunteer readers in waiting rooms, physician training in literacy, and providing each child with an age appropriate book during each visit—to support parents in developing literacy in their children. An evaluation of this program found that parents are ten times more likely to read to their children if they received a book from their pediatrician.

Mr. President, this legislation is just one piece of the larger puzzle we must confront as we struggle to improve our children's literacy skills—but it is a piece that cannot be overlooked. To learn to read, kids need books to read; it is as simple as that. This legislation will harness the energies and commitment of volunteers, corporate America, local literacy programs, doctors and teachers to make books, and book ownership, a reality for every child.

I ask unanimous consent that the bill and an endorsement be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 3148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Access to Books for Children Act'' or the ``ABC Act''.

SEC. 2. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Part E of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8131 et seq.) is amended to read as follows:

“PART E—ACCESS TO BOOKS FOR CHILDREN (ABC)

“SEC. 10500. PURPOSE.

``It is the purpose of this part to provide children with better access to books and other reading materials and resources from birth to adulthood, including opportunities to own books.

“Subpart 1—Inexpensive Book Distribution Program

“SEC. 10501. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

``(a) Authorization.—The Secretary is authorized to enter into a contract with Reading is Fundamental (RIF) (hereafter in this section referred to as `the contractor') to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.

``(b) Requirements of Contract.—Any contract entered into under subsection (a) shall—

``(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations, or with public agencies, under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift, to the extent feasible, or loan, to children from birth through secondary school age, including those in family literacy programs;

``(2) provide that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs;

``(3) provide that in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as—

``(A) low-income children, particularly in high-poverty areas;

``(B) children at risk of school failure;

``(C) children with disabilities;

``(D) foster children;

``(E) homeless children;

``(F) migrant children;

``(G) children without access to libraries;

``(H) institutionalized or incarcerated children; and

``(I) children whose parents are institutionalized or incarcerated;

``(4) provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section;

``(5) provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3); and

``(6) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

``(c) Restriction on Payments.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

``(d) Definition of `Federal Share'.—For the purpose of this section, the term `Federal share' means, with respect to the cost to a subcontractor of purchasing books to be paid under this section, 75 percent of such costs to the subcontractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the subcontractor.

``(e) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.

“Subpart 2—Local Partnerships for Books

“SEC. 10511. LOCAL PARTNERSHIPS FOR BOOKS.

``(a) Authorization.—The Secretary is authorized to enter into a contract with a national organization (referred to in this section as the `contractor') to support and promote programs that—

``(1) pay the Federal share of the cost of distributing at no cost new books to disadvantaged children and families primarily through tutoring, mentoring, and family literacy programs; and

``(2) promote the growth and strengthening of local partnerships with the goal of leveraging the Federal book distribution efforts and building upon the work of community programs to enhance reading motivation for at-risk children.

``(b) Requirements of Contract.—Any contract entered into under subsection (a) shall—

``(1) provide that the contractor will provide technical support and initial resources to local partnerships to support efforts to provide new books to those tutoring, mentoring, and family literacy programs reaching disadvantaged children;

``(2) provide that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs;

"(3) provide that the contractor, working in cooperation with the local partnerships, will give priority to those tutoring, mentoring, and family literacy programs that serve children and families with special needs, predominantly those children from economically disadvantaged families and those children and families without access to libraries;

"(4) provide that the contractor will annually report to the Secretary regarding the number of books distributed, the number of local partnerships created and supported, the number of community tutoring, mentoring, and family literacy programs receiving books for children, and the number of children provided with books; and

"(5) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of the program.

"(c) RESTRICTION ON PAYMENTS.—The Secretary shall require the contractor to ensure that the discounts provided by publishers and distributors for the new books purchased under this section is at least as favorable as discounts that are customarily given by such publishers or distributors for book purchases made under similar circumstances in the absence of Federal assistance.

"(d) DEFINITION OF FEDERAL SHARE.—For the purpose of this section, the term 'Federal share' means, with respect to the cost of purchasing books under this section, 50 percent of the cost to the contractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the contractor.

"(e) MATCHING REQUIREMENT.—The contractor shall provide for programs under this section, either directly or through private contributions, in cash or in-kind, non-Federal matching funds equal to not less than 50 percent of the amount provided to the contractor under this section.

"(f) AUTHORIZATION OF APPROPRIATION.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for the fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"Subpart 3—Partnerships for Infants and Young Children

"SEC. 10521. PARTNERSHIPS FOR INFANTS AND YOUNG CHILDREN.

"(a) PROGRAMS AUTHORIZED.—The Secretary is authorized to enter into a contract with a national organization (referred to in this section as the 'contractor') to support and promote programs that—

"(1) include the distribution of free books to children 5 years of age and younger, including providing guidance from pediatric clinicians to parents and guardians with respect to reading aloud with their young children; and

"(2) help build the reading readiness skills the children need to learn to read once the children enter school.

"(b) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (a) shall—

"(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations or with public agencies under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books by gift, to the extent feasible, or loan to children from birth through 5 years of age, including those children in family literacy programs;

"(2) provide that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs;

"(3) provide that in selecting subcontractors for initial funding under this section, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as—

"(A) low-income children, particularly low-income children in high-poverty areas;

"(B) children with disabilities;

"(C) foster children;

"(D) homeless children;

"(E) migrant children;

"(F) children without access to libraries;

"(G) children without adequate medical insurance; and

"(H) children enrolled in a State medicaid program under title XIX of the Social Security Act;

"(4) provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out this section;

"(5) provide that the contractor will annually report to the Secretary on the effectiveness of the national program and the effectiveness of the local programs funded under this section, including a description of the national program and of each of the local programs; and

"(6) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

"(c) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

"(d) DEFINITION OF FEDERAL SHARE.—In this section with respect to the cost to a subcontractor of purchasing books to be paid under this section, the term 'Federal share' means 50 percent of such costs to the subcontractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the subcontractor.

"(e) MATCHING REQUIREMENT.—The contractor shall provide for programs under this section, either directly or through private contributions, in cash or in-kind, non-Federal matching funds equal to not less than 50 percent of the amount provided to the contractor under this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"Subpart 4—Evaluation

"SEC. 10531. EVALUATION.

"(a) IN GENERAL.—The Secretary shall annually conduct an evaluation of—

"(1) programs carried out under this part to assess the effectiveness of such programs in meeting the purpose of this part and the goals of each subpart; and

"(2) the effectiveness of local literacy programs conducted under this part that link children with book ownership and mentoring in literacy.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated $500,000 for fiscal year 2001, and such sums as may be necessary in each of the 4 succeeding fiscal years.".

REACH OUT AND READ
NATIONAL CENTER,
Boston, MA, June 23, 2000.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I enthusiastically welcome the "Access to Books for Children Act" that you, along with Senators JEFFORDS and DODD, are introducing before the U.S. Senate in the coming days.

In my years as a pediatrician, I have witnessed the wide-ranging impact of poverty on thousands of families, particularly as it relates to the healthy development of children. One particularly troublesome manifestation of poverty is the barrier that it erects to having books in the home.

We know that early brain development requires environmental stimulation, and we also know that book sharing assures the language stimulation essential for neuronal complexity and maturation. None of this will happen without books nearby—books in the home.

Making sure that all children have the opportunity to grow up with books requires the participation of all professionals that care for young children. Through the more than 740 Reach Out and Read sites across the country, we are mobilizing the pediatric community to do our part in meeting this challenge. We are delighted by the prospect of support for our efforts through this legislation.

I thank you for the leadership you continue to show in supporting parents in their efforts to help their children grow up healthy. We look forward to helping in any way we can.

Sincerely,

BARRY ZUCKERMAN, MD,
Chairman.

Mr. KENNEDY. Mr. President, I am proud to be a co-sponsor of the Access to Books for Children Act, the "ABC" Act. I commend Senator JEFFORDS, Senator DODD, and Senator MURRAY for their leadership on this legislation.

Many successful programs are helping children learn to read well. But too often, the best programs are not available to all children. As a result, large numbers of children are denied the opportunity to learn to read well. 40 percent of 4th grade students do not reach the basic reading level, and 70 percent of 4th graders are not proficient in reading.

Children who fail to acquire basic reading skills early in life are at a disadvantage throughout their education and later careers. They are more likely to drop out of school, and to be unemployed. This important grant will help many more children learn to read well—and learn to read well early—so that they have a greater chance for successful lives and careers.

The programs authorized in the ABC Act complement the work already under way in Massachusetts and other states under the Reading Excellence Act and under the America Reads program. In 1996, President Clinton and the First Lady initiated a new effort to achieve greater national progress on child literacy by proposing their "America Read Challenge." This worthwhile initiative encourages colleges and universities to use a portion of their Work-Study funds to support college students who serve as literacy tutors. Institutions of higher education across Massachusetts are already creating strong relationships with their surrounding communities, and participation in this initiative enhances those relationships. Today, over 1,400 colleges and universities are committed to the President's "America Reads Work Study Program," and 74 of these institutions are in Massachusetts.

The Reading Excellence Act was enacted in 1999 to provide competitive reading and literacy grants to states. States that receive funding then award competitive subgrants to school districts to support local reading improvement programs. The lowest-achieving and poorest schools will benefit the most. The program will help children learn to read in their early childhood years and through the 3rd grade using effective classroom instruction, high-quality family literacy programs, and early literacy intervention for children who have reading difficulties. Massachusetts is one of 17 states to receive funding under this competitive program.

In addition to good instruction, children need to have reading materials outside of school—and even before they start school. They also need adults to read with them, so that they can develop a love of reading early in life.

The ABC Act authorizes three programs to provide children from birth through high school age with low-cost or no-cost books. The programs complement one another by reaching different communities through different means, so that every child can have a book to read.

The act reauthorizes $25 million for the successful Reading Is Fundamental Program, which distributes books to school-age children. This program has been especially effective in Massachusetts. It is helping over 45,000 children at 70 sites across the state obtain access to books. As a teacher from Methuen said, "RIF continues to excite our students by providing them with books they can call their own, exposing them to a variety of literature, and offering these children worlds unknown."

Founded in 1966, Reading Is Fundamental serves more than 3.5 million children annually at 17,000 sites in all 50 states, the District of Columbia, and U.S. territories. Over two-thirds of the children served have economic or learning needs that put them at risk of failing to achieve basic educational goals. By the end of 2000, it will have placed 200 million books in the hands and homes of America's children.

The act also authorizes $10 million for the Secretary of Education to award grants to organizations that provide low-cost or no-cost books for local tutoring, mentoring, and family literacy programs. Programs such as First Book have been very successful in encouraging reading. In 1998, First Book was able to distribute more than 2.4 million new books to children living below the poverty line throughout the United States. First book originally committed to distribute two million new books to children over 3 years and add 100 additional First Book communities. Through the extraordinary efforts of its Local Advisory Boards and national partners, First Book has met and far exceeded its book distribution pledge of 2 million books, and has met its expansion goals. We should continue to support programs like First Book that involve businesses and community resources in programs to help ensure that all children have access to books.

The ABC Act also authorizes $10 million for the Secretary of Education to award grants to the organizations that provide free books to children under age 5 in pediatric clinics. Programs like Reach Out and Read in Boston are shining examples of how to provide children with access to books and prereading skills through health checkups with their pediatricians.

For the past 10 years, through private funding, Reach Out and Read has been helping young children ages 0–5 get the early reading skills they need to become successful readers. Reach Out and Read currently serves 930,000 children in 556 local sites in 48 states. Evaluations of the program show that Reach Out and Read increases parents' understanding of reading and their attitude towards reading—especially to their children. Parents are ten times more likely to read to their children if they have received a book from a pediatrician. Children's brain activity is stimulated by reading, enhancing their intellectual and language development. In addition, the program is cost-effective—on average, the cost is only $5 per child.

Holyoke Reach Out and Read is run by Holyoke Pediatric Associates, a large medical practice serving 30,000 clients from Holyoke and surrounding communities in Massachusetts. Sixty percent of the clients are low-income or medicaid eligible families. The program distributed over 3,000 books to children in 1999.

It may seem unusual to talk about literacy in a hospital, but it makes perfect sense. To see that children learn to read, everyone needs to lend a hand. Physicians can be a major part of being of the effort. They can help children and parents understand that reading will enhance the well-being of every child, just as milk and vitamins do. A good book may turn out to be the most important thing a doctor prescribes for a child.

Reach Out and Read is making it possible for many more young children to have access to books and take the first steps toward learning to read and toward becoming good readers in their early years. It is bringing books and the love of reading to many new children every day.

Reading is the foundation of learning and the golden door to opportunity. But for too many children, it becomes a senseless obstacle to the future. Children need and deserve programs like Reading Is Fundamental, First Book, and Reach Out and Read. None of us should rest until every child across the nation has the opportunity to own a book, enjoy a book, and read a book. The nation's future depends on it.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIRST BOOK,
Washington, DC, June 29, 2000.

Hon. PATTY MURRAY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MURRAY: On behalf of First Book's Board of Directors, national volunteer network, and the children and families we serve, I congratulate you and the other co-sponsors of The Access to Books for Children Act. This legislation will change the lives of millions of low-income children by providing these children with personal libraries of their very own. Yours is a piece of legislation whose time has come.

As you know, First Book is a national nonprofit organization with a single mission: to provide an ongoing supply of free, new books to economically disadvantaged children and families participating in community-based tutoring, mentoring, and family literacy programs nationwide, as well as those children without access to libraries. Through our Local Advisory Board network, First Book effectively promotes the growth and strengthening of local partnerships with the goal of leveraging federal book distribution efforts and building upon the work of existing community programs designed to enhance reading motivation for at-risk children.

First Book Local Advisory Boards develop these local partnerships by identifying local resources and securing donations to meet the needs of community-based literacy programs serving low-income children by providing them with access to free books. I look forward to working with the Secretary to support and promote these local programs in order to consistently reach the children who need our help the most.

First Book is deeply grateful, Senator Murray, for your continual support of our mission as well as your commitment to the education of all children. Since we began our work together in 1997, First Book Local Advisory Boards in Washington state have distributed more than 250,000 new books to 48,000 children in 250 local programs. I am also proud to announce that there are currently 15 Local Advisory Boards leveraging the power of community-based partnerships in your home state. As you know, First Book is active nationally in hundreds of communities providing millions of new books to hundreds of thousands of disadvantaged children. Because of your efforts, the ABC Act will enable First Book to build upon this great success in Washington state and across the country.

I also salute the co-sponsors of the ABC Act. Senators James Jeffords, Edward Kennedy, and Chris Dodd have each strongly supported First Book at both the national and local levels in our constant efforts to reach additional children. Through their own volunteer efforts working with low-income children, Senators Jeffords, Kennedy, and Dodd have served as inspiring examples in Washington, D.C. and nationally. In the same way, you and your co-sponsors have provided essential leadership to promote the education of children across the country and have also directly supported First Book, most notably through the First Book National Book Bank initiative launched last June on the grounds of the Capital.

In closing, I would like to share a quote from a letter I received this morning from an Even Start teacher who incorporates First Book books into home visits in which she teaches low-income parents how to read with their children. "It has been very rewarding to be able to give the books to the children at the home visits. Before First Book, we took a book to share with the family and then had to take the book away with us. Many times there were screams of protest from young children. [After First Book] we find that the families are thrilled with the books and look forward to receiving them."

Simply put, it shouldn't take "screams of protest" from young children to remind us of what we need to do. Thankfully, you and the other co-sponsors are aware of the many challenges facing these young children and you have developed a thoughtful and effective plan to meet their needs and strengthen on-going efforts at the community level. The Access to Books for Children Act will provide millions of new books to low-income children lacking books of their own. I look forward to working with you to bring the magic of book ownership to these many children still waiting for our help.

Sincerely,

KYLE ZIMMER,
President.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 198

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 198, a bill to amend the Public Health Service Act to provide for the training of health professions students with respect to the identification and referral of victims of domestic violence.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 662

At the request of Ms. SNOWE, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 670

At the request of Mr. JEFFORDS, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 670, a bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 786

At the request of Ms. MIKULSKI, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 786, a bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes.

S. 1322

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 2390

At the request of Mr. HATCH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2390, a bill to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

S. 2505

At the request of Mr. JEFFORDS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2505, a bill to amend title XVIII of the Social Security Act to provide increased assess to health care for medical beneficiaries through telemedicine.

S. 2591

At the request of Mr. JEFFORDS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2591, a bill to amend the Internal Revenue Code of 1986 to allow tax credits for alternative fuel vehicles and retail sale of alternative fuels, and for other purposes.

S. 2601

At the request of Mr. ASHCROFT, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2601, a bill to amend the Internal Revenue Code of 1986 to exclude from the gross income of an employee any employer provided home computer and Internet access.

S. 2698

At the request of Mr. MOYNIHAN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2718

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2725

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2725, supra.

S. 2841

At the request of Mr. ROBB, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2841, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 2953

At the request of Mr. TORRICELLI, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2953, a bill to amend title 38, United States Code, to improve outreach programs carried out by the Department of Veterans Affairs to provide for more fully informing veterans of benefits available to them under laws administered by the Secretary of Veterans Affairs.

S. 2954

At the request of Mr. HOLLINGS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2954, a bill to establish the Dr. Nancy Foster Marine Biology Scholarship Program.

S. 2986

At the request of Mr. HUTCHINSON, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2986, a bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes.

S. 3012

At the request of Mr. LEAHY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3012, a bill to amend title 18, United States Code, to impose criminal and civil penalties for false statements and failure to file reports concerning defects in foreign motor vehicle products, and to require the timely provision of notice of such defects, and for other purposes.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3088

At the request of Mr. LEVIN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 3088, a bill to require the Secretary of Health and Human Services to promulgate regulations regarding allowable costs under the medicaid program for school based services provided to children with disabilities.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial

S. 3101

At the request of Mr. ASHCROFT, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 3101, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States.

S. 3105

At the request of Mr. BREAUX, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3105, a bill to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit in the case of missing children, and for other purposes.

S. 3115

At the request of Mr. SARBANES, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3115, a bill to extend the term of the Chesapeake and Ohio Canal National Historic Park Commission.

S. 3137

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 3137, a bill to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

At the request of Mr. SESSIONS, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 3137, supra.

S. CON. RES. 111

At the request of Mr. NICKLES, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. Con. Res. 111, a concurrent resolution expressing the sense of the Congress regarding ensuring a competitive North American market for softwood lumber.

S. CON. RES. 140

At the request of Mr. LOTT, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. Con. Res. 140, a concurrent resolution expressing the sense of Congress regarding high-level visits by Taiwanese officials to the United States.

S. RES. 292

At the request of Mr. CLELAND, the names of the Senator from Nebraska (Mr. KERREY), the Senator from Wisconsin (Mr. KOHL), the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Res. 292, a resolution recognizing the 20th century as the "Century of Women in the United States."

S. RES. 359

At the request of Mr. SCHUMER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Res. 359, a resolution designating October 16, 2000, to October 20, 2000 as "National Teach For America Week."

AMENDMENTS SUBMITTED

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

WARNER AMENDMENT NO. 4280

Mr. LOTT (for Mr. WARNER) proposed an amendment to the bill (S. 2507) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

On page 27, strike line 3 and all that follows through page 37, line 3, and insert the following:

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended in the second sentence by striking "December 31, 2000" and inserting "December 31, 2002".

SEC. 502. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN EXPERIMENTAL PERSONNEL PROGRAM FOR CERTAIN SCIENTIFIC AND TECHNICAL PERSONNEL.

If the Director of Central Intelligence requests that the Secretary of Defense exercise any authority available to the Secretary under section 1101(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 5 U.S.C. 3104 note) to carry out a program of special personnel management authority at the National Imagery and Mapping Agency and the National Security Agency in order to facilitate recruitment of eminent experts in science and engineering at such agencies, the Secretary shall respond to such request not later than 30 days after the date of such request.

SEC. 503. PROHIBITION ON TRANSFER OF IMAGERY ANALYSTS FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO NATIONAL IMAGERY AND MAPPING AGENCY PROGRAM.

(a) PROHIBITION ON USE OF FUNDS FOR TRANSFER.—No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program for purposes of transferring imagery analysis personnel from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program.

(b) ROLE OF DIRECTOR OF NIMA AS FUNCTIONAL MANAGER FOR IMAGERY AND GEOSPACIAL PROGRAMS.—(1) The Secretary of Defense shall, in consultation with the Director of Central Intelligence, review options for strengthening the role of the Director of the National Imagery and Mapping Agency as the functional manager for United States imagery and geospacial programs.

(2) Not later than March 15, 2001, the Secretary shall submit to the appropriate committees of Congress a report on the review required by subsection (b). The report shall include any recommendations regarding modifications in the role and duties of the Director of the National Imagery and Mapping Agency that the Secretary considers appropriate in light of the review.

(3) In this subsection, the term "appropriate committees of Congress" means the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 504. PROHIBITION ON TRANSFER OF COLLECTION MANAGEMENT PERSONNEL FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO COMMUNITY MANAGEMENT ACCOUNT.

No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the Community Management Account for purposes of transferring intelligence collection management personnel.

SEC. 505. AUTHORIZED PERSONNEL CEILING FOR GENERAL DEFENSE INTELLIGENCE PROGRAM.

The authorized personnel ceiling for the General Defense Intelligence Program specified in the classified Schedule of Authorizations referred to in section 102 is hereby increased by 2,152 positions.

SEC. 506. MEASUREMENT AND SIGNATURE INTELLIGENCE.

(a) Study of Options.—The Director of Central Intelligence shall, in coordination with the Secretary of Defense, conduct a study of the utility and feasibility of various options for improving the management and organization of measurement and signature intelligence, including—

(1) the option of establishing a centralized tasking, processing, exploitation, and dissemination facility for measurement and signature intelligence;

(2) options for recapitalizing and reconfiguring the current systems for measurement and signature intelligence; and

(3) the operation and maintenance costs of the various options.

(b) Report.—Not later than April 1, 2001, the Director and the Secretary shall jointly submit to the appropriate committees of Congress a report on their findings as a result of the study required by subsection (a). The report shall set forth any recommendations that the Director and the Secretary consider appropriate.

(c) Appropriate Committees of Congress Defined.—In this section, the term "appropriate committees of Congress" means the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SPECTER AMENDMENT NO. 4281

Mr. LOTT (for Mr. Specter) proposed an amendment to the bill (S. 2507) supra; as follows:

At the end of the bill, add the following:

TITLE VI—COUNTERINTELLIGENCE MATTERS

SEC. 601. SHORT TITLE.

This title may be cited as the "Counterintelligence Reform Act of 2000".

SEC. 602. ORDERS FOR ELECTRONIC SURVEILLANCE UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) Requirements Regarding Certain Applications.—Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended by adding at the end the following new subsection:

"(e)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

"(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

"(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

"(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

"(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

"(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.".

(b) Probable Cause.—Section 105 of that Act (50 U.S.C. 1805) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

"(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target."; and

(3) in subsection (d), as redesignated by paragraph (1), by striking "subsection (b)(1)" and inserting "subsection (c)(1)".

SEC. 603. ORDERS FOR PHYSICAL SEARCHES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) Requirements Regarding Certain Applications.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended by adding at the end the following new subsection:

"(d)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

"(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

"(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

"(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

"(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

"(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.".

(b) Probable Cause.—Section 304 of that Act (50 U.S.C. 1824) is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target.".

SEC. 604. DISCLOSURE OF INFORMATION ACQUIRED UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 FOR LAW ENFORCEMENT PURPOSES.

(a) Inclusion of Information on Disclosure in Semiannual Oversight Report.—Section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) Each report under the first sentence of paragraph (1) shall include a description of—

"(A) each criminal case in which information acquired under this Act has been passed for law enforcement purposes during the period covered by such report; and

"(B) each criminal case in which information acquired under this Act has been authorized for use at trial during such reporting period.".

(b) Report on Mechanisms for Determinations of Disclosure of Information for Law Enforcement Purposes.—(1) The Attorney General shall submit to the appropriate committees of Congress a report on the authorities and procedures utilized by the Department of Justice for determining whether or not to disclose information acquired under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for law enforcement purposes.

(2) In this subsection, the term "appropriate committees of Congress" means the following:

(A) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

SEC. 605. COORDINATION OF COUNTERINTELLIGENCE WITH THE FEDERAL BUREAU OF INVESTIGATION.

(a) Treatment of Certain Subjects of Investigation.—Subsection (c) of section 811 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 402a) is amended—

(1) in paragraphs (1) and (2), by striking "paragraph (3)" and inserting "paragraph (5)";

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (5), (6), (7), and (8), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) The Director of the Federal Bureau of Investigation shall submit to the head of the department or agency concerned a written assessment of the potential impact of the actions of the department or agency on a counterintelligence investigation.

"(B) The head of the department or agency concerned shall—

"(i) use an assessment under subparagraph (A) as an aid in determining whether, and under what circumstances, the subject of an investigation under paragraph (1) should be left in place for investigative purposes; and

"(ii) notify in writing the Director of the Federal Bureau of Investigation of such determination.

"(C) The Director of the Federal Bureau of Investigation and the head of the department or agency concerned shall continue to consult, as appropriate, to review the status of an investigation covered by this paragraph and to reassess, as appropriate, a determination of the head of the department or agency concerned to leave a subject in place for investigative purposes."; and

(4) in paragraph (5), as so redesignated, by striking "paragraph (1) or (2)" and inserting "paragraph (1), (2), or (3)".

(b) Timely Provision of Information and Consultation on Espionage Investigations.—Paragraph (2) of that subsection is further amended—

(1) by inserting "in a timely manner" after "through appropriate channels"; and

(2) by inserting "in a timely manner" after "are consulted".

(c) Interference With Full Field Espionage Investigations.—That subsection is further amended by inserting after paragraph (3), as amended by subsection (a) of this section, the following new paragraph (4):

"(4)(A) The Federal Bureau of Investigation shall notify appropriate officials within the executive branch, including the head of the department or agency concerned, of the commencement of a full field espionage investigation with respect to an employee within the executive branch.

"(B)(i) A department or agency may not conduct a polygraph examination, interrogate, or otherwise take any action that is likely to alert an employee covered by a notice under subparagraph (A) of an investigation described in that subparagraph without prior coordination with the Federal Bureau of Investigation.

"(ii) Any examination, interrogation, or other action taken under clause (i) shall be taken in consultation with the Federal Bureau of Investigation.".

SEC. 606. ENHANCING PROTECTION OF NATIONAL SECURITY AT THE DEPARTMENT OF JUSTICE.

(a) Authorization for Increased Resources To Fulfill National Security Mission of the Department of Justice.—There are authorized to be appropriated to the Department of Justice for the activities of the Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counter-espionage investigations, provide policy analysis on national security issues, and enhance secure computer and telecommunications facilities—

(1) $7,000,000 for fiscal year 2001;

(2) $7,500,000 for fiscal year 2002; and

(3) $8,000,000 for fiscal year 2003.

(b) Availability of Funds.—(1) No funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review may be obligated or expended until the later of the dates on which the Attorney General submits the reports required by paragraphs (2) and (3).

(2)(A) The Attorney General shall submit to the committees of Congress specified in subparagraph (B) a report on the manner in which the funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review will be used by that Office—

(i) to improve and strengthen its oversight of Federal Bureau of Investigation field offices in the implementation of orders under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); and

(ii) to streamline and increase the efficiency of the application process under that Act.

(B) The committees of Congress referred to in this subparagraph are the following:

(i) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(ii) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(3) In addition to the report required by paragraph (2), the Attorney General shall also submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report that addresses the issues identified in the semiannual report of the Attorney General to such committees under section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) that was submitted in April 2000, including any corrective actions with regard to such issues. The report under this paragraph shall be submitted in classified form.

(4) Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

(c) Report on Coordinating National Security and Intelligence Functions Within the Department of Justice.—The Attorney General shall report to the Select Committee on Intelligence and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives within 120 days on actions that have been or will be taken by the Department to—

(1) promote quick and efficient responses to national security issues;

(2) centralize a point-of-contact within the Department on national security matters for external entities and agencies; and

(3) coordinate the dissemination of intelligence information within the appropriate components of the Department and the formulation of policy on national security issues.

SEC. 607. COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION.

The Classified Information Procedures Act (18 U.S.C. App.) is amended by inserting after section 9 the following new section:

"COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION

"Sec. 9A. (a) Briefings Required.—The Assistant Attorney General for the Criminal Division and the appropriate United States Attorney, or the designees of such officials, shall provide briefings to the senior agency official, or the designee of such official, with respect to any case involving classified information that originated in the agency of such senior agency official.

"(b) Timing of Briefings.—Briefings under subsection (a) with respect to a case shall occur—

"(1) as soon as practicable after the Department of Justice and the United States Attorney concerned determine that a prosecution or potential prosecution could result; and

"(2) at such other times thereafter as are necessary to keep the senior agency official concerned fully and currently informed of the status of the prosecution.

"(c) Senior Agency Official Defined.—In this section, the term 'senior agency official' has the meaning given that term in section 1.1 of Executive Order No. 12958.".

SEC. 608. SEVERABILITY.

If any provision of this title (including an amendment made by this title), or the application thereof, to any person or circumstance, is held invalid, the remainder of this title (including the amendments made by this title), and the application thereof, to other persons or circumstances shall not be affected thereby.

FEINSTEIN AMENDMENT NO. 4282

Mr. BRYAN (for Mrs. Feinstein) proposed an amendment to the bill, S. 2507, supra; as follows:

On page 37, after line 3, add the following:

TITLE VI—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL ARMY

SEC. 601. SHORT TITLE.

This title may be cited as the "Japanese Imperial Army Disclosure Act".

SEC. 602. ESTABLISHMENT OF JAPANESE IMPERIAL ARMY RECORDS INTERAGENCY WORKING GROUP.

(a) Definitions.—In this section:

(1) Agency.—The term "agency" has the meaning given such term under section 551 of title 5, United States Code.

(2) Interagency group.—The term "Interagency Group" means the Japanese Imperial Army Records Interagency Working Group established under subsection (b).

(3) Japanese imperial army records.—The term "Japanese Imperial Army records" means classified records or portions of records that pertain to any person with respect to whom the United States Government, in its sole discretion, has grounds to believe ordered, incited, assisted, or otherwise participated in the experimentation and persecution of any person because of race, religion, national origin, or political option, during the period beginning September 18, 1931, and ending on December 31, 1948, under the direction of, or in association with—

(A) the Japanese Imperial Army;

(B) any government in any area occupied by the military forces of the Japanese Imperial Army;

(C) any government established with the assistance or cooperation of the Japanese Imperial Army; or

(D) any government which was an ally of the Imperial Army of Japan.

(4) Record.—The term "record" means a Japanese Imperial Army record.

(b) Establishment of Interagency Group.—

(1) In general.—Not later than 60 days after the date of the enactment of this Act, the President shall establish the Japanese Imperial Army Records Interagency Working Group, which shall remain in existence for 3 years after the date the Interagency Group is established.

(2) Membership.—The President shall appoint to the Interagency Group individuals whom the President determines will most completely and effectively carry out the functions of the Interagency Group within the time limitations provided in this section, including the Historian of the Department of State, the Archivist of the United States, the head of any other agency the President considers appropriate, and no more than 3 other persons. The head of an agency appointed by the President may designate an appropriate officer to serve on the Interagency Group in lieu of the head of such agency.

(3) Initial meeting.—Not later than 90 days after the date of the enactment of this Act, the Interagency Group shall hold an initial meeting and begin the functions required under this section.

(c) Functions.—Not later than 1 year after the date of the enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 603—

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Japanese Imperial Army records of the United States;

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress, including the Committee on Government Reform and Oversight of the House of Representatives, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary of the Senate, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

(d) Funding.—There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this title.

SEC. 603. REQUIREMENT OF DISCLOSURE OF RECORDS.

(a) Release of Records.—Subject to subsections (b), (c), and (d), the Japanese Imperial Army Records Interagency Working Group shall release in their entirety Japanese Imperial Army records.

(b) Exception for Privacy.—An agency head may exempt from release under subsection (a) specific information, that would—

(1) constitute a clearly unwarranted invasion of personal privacy;

(2) reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States;

(3) reveal information that would assist in the development or use of weapons of mass destruction;

(4) reveal information that would impair United States cryptologic systems or activities;

(5) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(6) reveal actual United States military war plans that remain in effect;

(7) reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;

(8) reveal information that would clearly, and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services are authorized in the interest of national security;

(9) reveal information that would seriously and demonstrably impair current national security emergency preparedness plans; or

(10) violate a treaty or other international agreement.

(c) Applications of Exemptions.—

(1) In general.—In applying the exemptions provided in paragraphs (2) through (10) of subsection (b), there shall be a presumption that the public interest will be served by disclosure and release of the records of the Japanese Imperial Army. The exemption may be asserted only when the head of the agency that maintains the records determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on Government Reform and Oversight and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) Application of title 5.—A determination by an agency head to apply an exemption provided in paragraphs (2) through (9) of subsection (b) shall be subject to the same standard of review that applies in the case of records withheld under section 552(b)(1) of title 5, United States Code.

(d) Limitation on Exemptions.—

(1) In general.—The exemptions set forth in subsection (b) shall constitute the only grounds pursuant to which an agency head may exempt records otherwise subject to release under subsection (a).

(2) Records related to investigation or prosecutions.—This section shall not apply to records—

(A) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(B) solely in the possession, custody, or control of the Office of Special Investigations.

SEC. 604. EXPEDITED PROCESSING OF FOIA REQUESTS FOR JAPANESE IMPERIAL ARMY RECORDS.

For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any person who was persecuted in the manner described in section 602(a)(3) and who requests a Japanese Imperial Army record shall be deemed to have a compelling need for such record.

SEC. 605. EFFECTIVE DATE.

The provisions of this title shall take effect on the date that is 90 days after the date of the enactment of this Act.

MOYNIHAN AMENDMENT NO. 4283

Mr. BRYAN (for Mr. Moynihan) proposed an amendment to the bill (S. 2507) supra; as follows:

On page 37, after line 3, add the following:

TITLE VI—DECLASSIFICATION OF INFORMATION

SEC. 601. SHORT TITLE.

This title may be cited as the "Public Interest Declassification Act of 2000".

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) It is in the national interest to establish an effective, coordinated, and cost-effective means by which records on specific subjects of extraordinary public interest that do not undermine the national security interests of the United States may be collected, retained, reviewed, and disseminated to Congress, policymakers in the executive branch, and the public.

(2) Ensuring, through such measures, public access to information that does not require continued protection to maintain the national security interests of the United States is a key to striking the balance between secrecy essential to national security and the openness that is central to the proper functioning of the political institutions of the United States.

SEC. 603. PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) Establishment.—There is established within the executive branch of the United States a board to be known as the "Public Interest Declassification Board" (in this title referred to as the "Board").

(b) Purposes.—The purposes of the Board are as follows:

(1) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on the systematic, thorough, coordinated, and comprehensive identification, collection, review for declassification, and release to Congress, interested agencies, and the public of declassified records and materials (including donated historical materials) that are of archival value, including records and materials of extraordinary public interest.

(2) To promote the fullest possible public access to a thorough, accurate, and reliable documentary record of significant United States national security decisions and significant United States national security activities in order to—

(A) support the oversight and legislative functions of Congress;

(B) support the policymaking role of the executive branch;

(C) respond to the interest of the public in national security matters; and

(D) promote reliable historical analysis and new avenues of historical study in national security matters.

(3) To provide recommendations to the President for the identification, collection, and review for declassification of information of extraordinary public interest that does not undermine the national security of the United States, to be undertaken in accordance with a declassification program that has been established or may be established by the President by Executive Order.

(4) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on policies deriving from the issuance by the President of Executive Orders regarding the classification and declassification of national security information.

(c) Membership.—(1) The Board shall be composed of nine individuals appointed from among citizens of the United States who are preeminent in the fields of history, national security, foreign policy, intelligence policy, social science, law, or archives, including individuals who have served in Congress or otherwise in the Federal Government or have otherwise engaged in research, scholarship, or publication in such fields on matters relating to the national security of the United States, of whom—

(A) five shall be appointed by the President;

(B) one shall be appointed by the Majority Leader of the Senate;

(C) one shall be appointed by the Minority Leader of the Senate;

(D) one shall be appointed by the Speaker of the House of Representatives; and

(E) one shall be appointed by the Minority Leader of the House of Representatives.

(2)(A) Of the members initially appointed to the Board, three shall be appointed for a term of four years, three shall be appointed for a term of three years, and three shall be appointed for a term of two years.

(B) Any subsequent appointment to the Board shall be for a term of three years.

(3) A vacancy in the Board shall be filled in the same manner as the original appointment. A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term.

(4) A member of the Board may be appointed to a new term on the Board upon the expiration of the member's term on the Board, except that no member may serve more than three full terms on the Board.

(d) Chairperson; Executive Secretary.—(1)(A) The President shall designate one of the members of the Board as the Chairperson of the Board.

(B) The term of service as Chairperson of the Board shall be two years.

(C) A member serving as Chairperson of the Board may be re-designated as Chairperson of the Board upon the expiration of the member's term as Chairperson of the Board, except that no member shall serve as Chairperson of the Board for more than six years.

(2) The Director of the Information Security Oversight Office shall serve as the Executive Secretary of the Board.

(e) Meetings.—The Board shall meet as needed to accomplish its mission, consistent with the availability of funds. A majority of the members of the Board shall constitute a quorum.

(f) Staff.—Any employee of the Federal Government may be detailed to the Board, with the agreement of and without reimbursement to the detailing agency, and such detail shall be without interruption or loss of civil, military, or foreign service status or privilege.

(g) Security.—(1) The members and staff of the Board shall, as a condition of appointment to or employment with the Board, hold appropriate security clearances for access to the classified records and materials to be reviewed by the Board or its staff, and shall follow the guidance and practices on security under applicable Executive Orders and agency directives.

(2) The head of an agency shall, as a condition of granting access to a member of the Board, the Executive Secretary of the Board, or a member of the staff of the Board to classified records or materials of the agency under this title, require the member, the Executive Secretary, or the member of the staff, as the case may be, to—

(A) execute an agreement regarding the security of such records or materials that is approved by the head of the agency; and

(B) hold an appropriate security clearance granted or recognized under the standard procedures and eligibility criteria of the agency, including any special access approval required for access to such records or materials.

(3) The members of the Board, the Executive Secretary of the Board, and the members of the staff of the Board may not use any information acquired in the course of their official activities on the Board for nonofficial purposes.

(4) For purposes of any law or regulation governing access to classified information that pertains to the national security of the United States, and subject to any limitations on access arising under section 606(b), and to facilitate the advisory functions of the Board under this title, a member of the Board seeking access to a record or material under this title shall be deemed for purposes of this subsection to have a need to know the contents of the record or material.

(h) Compensation.—(1) Each member of the Board shall receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay payable for positions at ES-1 of the Senior Executive Service under section 5382 of title 5, United States Code, for each day such member is engaged in the actual performance of duties of the Board.

(2) Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of the duties of the Board.

(i) Guidance; Annual Budget.—(1) On behalf of the President, the Assistant to the President for National Security Affairs shall provide guidance on policy to the Board.

(2) The Executive Secretary of the Board, under the direction of the Chairperson of the Board and the Board, and acting in consultation with the Archivist of the United States, the Assistant to the President for National Security Affairs, and the Director of the Office of Management and Budget, shall prepare the annual budget of the Board.

(j) Support.—The Information Security Oversight Office may support the activities of the Board under this title. Such support shall be provided on a reimbursable basis.

(k) Public Availability of Records and Reports.—(1) The Board shall make available for public inspection records of its proceedings and reports prepared in the course of its activities under this title to the extent such records and reports are not classified and would not be exempt from release under the provisions of section 552 of title 5, United States Code.

(2) In making records and reports available under paragraph (1), the Board shall coordinate the release of such records and reports with appropriate officials from agencies with expertise in classified information in order to ensure that such records and reports do not inadvertently contain classified information.

(l) Applicability of Certain Administrative Laws.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board under this title. However, the records of the Board shall be governed by the provisions of the Federal Records Act of 1950.

SEC. 604. IDENTIFICATION, COLLECTION, AND REVIEW FOR DECLASSIFICATION OF INFORMATION OF ARCHIVAL VALUE OR EXTRAORDINARY PUBLIC INTEREST.

(a) Briefings on Agency Declassification Programs.—(1) As requested by the Board, or by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, the head of any agency with the authority under an Executive Order to classify information shall provide to the Board, the Select Committee on Intelligence of the Senate, or the Permanent Select Committee on Intelligence of the House of Representatives, on an annual basis, a summary briefing and report on such agency's progress and plans in the declassification of national security information. Such briefing shall cover the declassification goals set by statute, regulation, or policy, the agency's progress with respect to such goals, and the agency's planned goals and priorities for its declassification activities over the next two fiscal years. Agency briefings and reports shall give particular attention to progress on the declassification of records and materials that are of archival value or extraordinary public interest to the people of the United States.

(2)(A) The annual briefing and report under paragraph (1) for agencies within the Department of Defense, including the military departments, and the elements of the intelligence community shall be provided on a consolidated basis.

(B) In this paragraph, the term "elements of the intelligence community" means the elements of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(b) Recommendations on Agency Declassification Programs.—(1) Upon reviewing and discussing declassification plans and progress with an agency, the Board shall provide to the head of the agency the written recommendations of the Board as to how the agency's declassification program could be improved. A copy of each recommendation shall also be submitted to the Assistant to the President for National Security Affairs and the Director of the Office of Management and Budget.

(2) Consistent with the provisions of section 603(k), the Board's recommendations to the head of an agency under paragraph (1) shall become public 60 days after such recommendations are sent to the head of the agency under that paragraph.

(c) Recommendations on Special Searches for Records of Extraordinary Public Interest.—(1) The Board shall also make recommendations to the President regarding proposed initiatives to identify, collect, and review for declassification classified records and materials of extraordinary public interest.

(2) In making recommendations under paragraph (1), the Board shall consider the following:

(A) The opinions and requests of Members of Congress, including opinions and requests expressed or embodied in letters or legislative proposals.

(B) The opinions and requests of the National Security Council, the Director of Central Intelligence, and the heads of other agencies.

(C) The opinions of United States citizens.

(D) The opinions of members of the Board.

(E) The impact of special searches on systematic and all other on-going declassification programs.

(F) The costs (including budgetary costs) and the impact that complying with the recommendations would have on agency budgets, programs, and operations.

(G) The benefits of the recommendations.

(H) The impact of compliance with the recommendations on the national security of the United States.

(d) President's Declassification Priorities.—(1) Concurrent with the submission to Congress of the budget of the President each fiscal year under section 1105 of title 31, United States Code, the Director of the Office of Management and Budget shall publish a description of the President's declassification program and priorities, together with a listing of the funds requested to implement that program.

(2) Nothing in this title shall be construed to substitute or supersede, or establish a funding process for, any declassification program that has been established or may be established by the President by Executive Order.

SEC. 605. PROTECTION OF NATIONAL SECURITY INFORMATION AND OTHER INFORMATION.

(a) In General.—Nothing in this title shall be construed to limit the authority of the head of an agency to classify information or to continue the classification of information previously classified by an agency.

(b) Special Access Programs.—Nothing in this title shall be construed to limit the authority of the head of an agency to grant or deny access to a special access program.

(c) Authorities of Director of Central Intelligence.—Nothing in this title shall be construed to limit the authorities of the Director of Central Intelligence as the head of the intelligence community, including the Director's responsibility to protect intelligence sources and methods from unauthorized disclosure as required by section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6)).

(d) Exemptions to Release of Information.—Nothing in this title shall be construed to limit any exemption or exception to the release to the public under this title of information that is protected under section 552(b) of title 5, United States Code (commonly referred to as the "Freedom of Information Act"), or section 552a of title 5, United States Code (commonly referred to as the "Privacy Act").

(e) Withholding Information From Congress.—Nothing in this title shall be construed to authorize the withholding of information from Congress.

SEC. 606. STANDARDS AND PROCEDURES.

(a) Liaison.—(1) The head of each agency with the authority under an Executive Order to classify information and the head of each Federal Presidential library shall designate an employee of such agency or library, as the case may be, to act as liaison to the Board for purposes of this title.

(2) The Board may establish liaison and otherwise consult with such other historical and advisory committees as the Board considers appropriate for purposes of this title.

(b) Limitations on Access.—(1)(A) Except as provided in paragraph (2), if the head of an agency or the head of a Federal Presidential library determines it necessary to deny or restrict access of the Board, or of the agency or library liaison to the Board, to information contained in a record or material, in whole or in part, the head of the agency or the head of the library, as the case may be, shall promptly notify the Board in writing of such determination.

(B) Each notice to the Board under subparagraph (A) shall include a description of the nature of the records or materials, and a justification for the determination, covered by such notice.

(2) In the case of a determination referred to in paragraph (1) with respect to a special access program created by the Secretary of Defense, the Director of Central Intelligence, or the head of any other agency, the notification of denial of access under paragraph (1), including a description of the nature of the Board's request for access, shall be submitted to the Assistant to the President for National Security Affairs rather than to the Board.

(c) Discretion to Disclose.—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the public's interest in the disclosure of records or materials of the agency covered by such review, and still properly classified, outweighs the Government's need to protect such records or materials, and may release such records or materials in accordance with the provisions of Executive Order 12958 or any successor order to such Executive Order.

(d) Discretion To Protect.—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the interest of the agency in the protection of records or materials of the agency covered by such review, and still properly classified, outweigh's the public's need for access to such records or materials, and may deny release of such records or materials in accordance with the provisions of Executive Order 12958 or any successor order to such Executive Order.

(e) Reports.—(1)(A) Except as provided in paragraph (2), the Board shall annually submit to the appropriate congressional committees a report on the activities of the Board under this title, including summary information regarding any denials by the head of an agency or the head of a Federal Presidential library of access of the Board to records or materials under this title.

(B) In this paragraph, the term "appropriate congressional committees" means the Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate and the Permanent Select Committee on Intelligence and the Committee on Government Reform and Oversight of the House of Representatives.

(2) Notwithstanding paragraph (1), notice that the Board has been denied access to records and materials, and a justification for the determination in support of the denial, shall be submitted by the agency denying the access as follows:

(A) In the case of the denial of access to a special access program created by the Secretary of Defense, to the Committees on Armed Services and Appropriations of the Senate and to the Committees on Armed Services and Appropriations of the House of Representatives.

(B) In the case of the denial of access to a special access program created by the Director of Central Intelligence, or by the head of any other agency (including the Department of Defense) if the special access program pertains to intelligence activities, or of access to any information and materials relating to intelligence sources and methods, to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(C) In the case of the denial of access to a special access program created by the Secretary of Energy or the Administrator for Nuclear Security, to the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate and to the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 607. JUDICIAL REVIEW.

Nothing in this title limits the protection afforded to any information under any other provision of law. This title is not intended and may not be construed to create any right or benefit, substantive or procedural, enforceable at law against the United States, its agencies, its officers, or its employees. This title does not modify in any way the substantive criteria or procedures for the classification of information, nor does this title create any right or benefit subject to judicial review.

SEC. 608. FUNDING.

(a) Authorization of Appropriations.—There is hereby authorized to be appropriated to carry out the provisions of this title amounts as follows:

(1) For fiscal year 2001, $650,000.

(2) For each fiscal year after fiscal year 2001, such sums as may be necessary for such fiscal year.

(b) Funding Requests.—The President shall include in the budget submitted to Congress for each fiscal year under section 1105 of title 31, United States Code, a request for amounts for the activities of the Board under this title during such fiscal year.

SEC. 609. DEFINITIONS.

In this title:

(1) Agency.—(A) Except as provided in subparagraph (B), the term "agency" means the following:

(i) An executive agency, as that term is defined in section 105 of title 5, United States Code.

(ii) A military department, as that term is defined in section 102 of such title.

(iii) Any other entity in the executive branch that comes into the possession of classified information.

(B) The term does not include the Board.

(2) CLASSIFIED MATERIAL OR RECORD.—The terms "classified material" and "classified record" include any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine readable records, and other documentary material, regardless of physical form or characteristics, that has been determined pursuant to Executive Order to require protection against unauthorized disclosure in the interests of the national security of the United States.

(3) DECLASSIFICATION.—The term "declassification" means the process by which records or materials that have been classified are determined no longer to require protection from unauthorized disclosure to protect the national security of the United States.

(4) DONATED HISTORICAL MATERIAL.—The term "donated historical material" means collections of personal papers donated or given to a Federal Presidential library or other archival repository under a deed of gift or otherwise.

(5) FEDERAL PRESIDENTIAL LIBRARY.—The term "Federal Presidential library" means a library operated and maintained by the United States Government through the National Archives and Records Administration under the applicable provisions of chapter 21 of title 44, United States Code.

(6) NATIONAL SECURITY.—The term "national security" means the national defense or foreign relations of the United States.

(7) RECORDS OR MATERIALS OF EXTRAORDINARY PUBLIC INTEREST.—The term "records or materials of extraordinary public interest" means records or materials that—

(A) demonstrate and record the national security policies, actions, and decisions of the United States, including—

(i) policies, events, actions, and decisions which led to significant national security outcomes; and

(ii) the development and evolution of significant United States national security policies, actions, and decisions;

(B) will provide a significantly different perspective in general from records and materials publicly available in other historical sources; and

(C) would need to be addressed through ad hoc record searches outside any systematic declassification program established under Executive Order.

(8) RECORDS OF ARCHIVAL VALUE.—The term "records of archival value" means records that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government.

SEC. 610. SUNSET.

The provisions of this title shall expire four years after the date of the enactment of this Act, unless reauthorized by statute.

KERREY AMENDMENT NO. 4284

Mr. BRYAN (for Mr. KERREY) proposed an amendment to the bill, S. 2507, supra; as follows:

At the end of title III, add the following:

SEC. 3 . DESIGNATION OF DANIEL PATRICK MOYNIHAN PLACE.

(a) FINDINGS.—Congress finds that—

(1) during the second half of the twentieth century, Senator Daniel Patrick Moynihan promoted the importance of architecture and urban planning in the Nation's Capital, particularly with respect to the portion of Pennsylvania Avenue between the White House and the United States Capitol (referred to in this subsection as the "Avenue");

(2) Senator Moynihan has stressed the unique significance of the Avenue as conceived by Pierre Charles L'Enfant to be the "grand axis" of the Nation's Capital as well as a symbolic representation of the separate yet unified branches of the United States Government;

(3) through his service to the Ad Hoc Committee on Federal Office Space (1961-1962), as a member of the President's Council on Pennsylvania Avenue (1962–1964), and as vice-chairman of the President's Temporary Commission on Pennsylvania Avenue (1965–1969), and in his various capacities in the executive and legislative branches, Senator Moynihan has consistently and creatively sought to fulfill President Kennedy's recommendation of June 1, 1962, that the Avenue not become a "solid phalanx of public and private office buildings which close down completely at night and on weekends," but that it be "lively, friendly, and inviting, as well as dignified and impressive";

(4)(A) Senator Moynihan helped draft a Federal architectural policy, known as the "Guiding Principles for Federal Architecture," that recommends a choice of designs that are "efficient and economical" and that provide "visual testimony to the dignity, enterprise, vigor, and stability" of the United States Government; and

(B) the Guiding Principles for Federal Architecture further state that the "development of an official style must be avoided. Design must flow from the architectural profession to the Government, and not vice versa.";

(5) Senator Moynihan has encouraged—

(A) the construction of new buildings along the Avenue, such as the Ronald Reagan Building and International Trade Center; and

(B) the establishment of an academic institution along the Avenue, namely the Woodrow Wilson International Center for Scholars, a living memorial to President Wilson; and

(6) as Senator Moynihan's service in the Senate concludes, it is appropriate to commemorate his legacy of public service and his commitment to thoughtful urban design in the Nation's Capital.

(b) DESIGNATION.—The parcel of land located in the northwest quadrant of Washington, District of Columbia, and described in subsection (c) shall be known and designated as "Daniel Patrick Moynihan Place".

(c) BOUNDARIES.—The parcel of land described in this subsection is the portion of Woodrow Wilson Plaza (as designated by Public Law 103–284 (108 Stat. 1448)) that is bounded—

(1) on the west by the eastern facade of the Ronald Reagan Building and International Trade Center;

(2) on the east by the western facade of the Ariel Rios Building;

(3) on the north by the southern edge of the sidewalk abutting Pennsylvania Avenue; and

(4) on the south by the line that, bisecting the atrium of the Ronald Reagan Building and International Trade Center, continues east to bisect the western hemicycle of the Ariel Rios Building.

(d) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the parcel of land described in subsection (c) shall be deemed to be a reference to Daniel Patrick Moynihan Place.

SHELBY AMENDMENT NO. 4285

Mr. LOTT (for Mr. SHELBY) proposed an amendment to the bill, S. 2507, supra; as follows:

On page 10, strike line 11 and all that follows through page 12, line 2, and insert the following:

"(a) PROHIBITION.—Whoever, being an officer or employee of the United States, a former or retired officer or employee of the United States, any other person with authorized access to classified information, or any other person formerly with authorized access to classified information, knowingly and willfully discloses, or attempts to disclose, any classified information acquired as a result of such person's authorized access to classified information to a person (other than an officer or employee of the United States) who is not authorized access to such classified information, knowing that the person is not authorized access to such classified information, shall be fined under this title, imprisoned not more than 3 years, or both.

"(b) CONSTRUCTION OF PROHIBITION.—Nothing in this section shall be construed to establish criminal liability for disclosure of classified information in accordance with applicable law to the following:

"(1) Any justice or judge of a court of article III of the Constitution of the United States.

"(2) The Senate or House of Representatives, or any committee or subcommittee thereof, or joint committee thereof, or any member of Congress.

"(3) A person or persons acting on behalf of a foreign power (including an international organization) if the disclosure—

"(A) is made by an officer or employee of the United States who has been authorized to make the disclosure; and

"(B) is within the scope of such officer's or employee's duties.

"(4) Any other person authorized to receive the classified information.

"(c) DEFINITIONS.—In this section:

"(1) The term 'authorized', in the case of access to classified information, means having authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information, an order of any United States court, or a provision of any Resolution of the Senate or Rule of the House of Representatives which governs release of classified information by such House of Congress.

"(2) The term 'classified information' means information or material properly classified and clearly marked or represented, or that the person knows or has reason to believe has been properly classified by appropriate authorities, pursuant to the provisions of a statute or Executive Order, as requiring protection against unauthorized disclosure for reasons of national security.

On page 12, strike line 21 and all that follows through page 13, line 16, and insert the following:

"SEC. 115. (a) REQUIREMENT.—(1) The Director of Central Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of the United States relating to unaccounted for United States personnel.

"(2) The analytic capability maintained under paragraph (1) shall be known as the 'POW/MIA analytic capability of the intelligence community'.

"(b) SCOPE OF RESPONSIBILITY.—The responsibilities of the analytic capability maintained under subsection (a) shall—

"(1) extend to any activities of the Federal Government with respect to unaccounted for United States personnel after December 31, 1999; and

"(2) include support for any department or agency of the Federal Government engaged in such activities.

"(c) UNACCOUNTED FOR UNITED STATES PERSONNEL DEFINED.—In this section, the term 'unaccounted for United States personnel' means the following:

"(1) Any missing person (as that term is defined in section 1513(1) of title 10, United States Code).

"(2) Any United States national who was killed while engaged in activities on behalf of the United States Government and whose remains have not been repatriated to the United States.".

On page 14, beginning on line 11, strike "acting at their direction".

On page 14, line 13, insert ", and at the direction of," after "on behalf of".

On page 14, line 16, strike "AUTHORIZED ACTIVITIES.—An activity" and insert "AUTHORIZED INTELLIGENCE ACTIVITIES.—An intelligence activity".

On page 14, line 18, insert "intelligence" before "activity".

On page 15, beginning on line 9, strike ", and all applicable Executive Orders,".

On page 15, line 11, strike "materials" and insert "material".

On page 15, line 15, strike "and Executive Orders".

On page 15, line 18, strike "or Executive Order".

On page 15, line 22, strike "or Executive Order".

On page 15, strike line 25 and all that follows through page 16, line 16, and insert the following:

(d) EFFECTS OF CERTIFICATION OF NON-FULL COMPLIANCE.—(1) Subject to subsection (e), effective as of January 1, 2001, a covered element of the Department of State

On page 16, line 20, strike "and Executive Orders".

On page 16, strike lines 22 and 23 and insert the following:

(2) If the prohibition in paragraph (1) takes effect in accordance with that paragraph, the prohibition

On page 17, beginning on line 1, strike "and Executive Orders".

On page 17, strike line 3 and insert the following:

(e) WAIVER BY DIRECTOR OF CENTRAL INTELLIGENCE.—(1) The Director of Central Intelligence may

On page 17, beginning on line 4, strike "subsection (d)(2)" and insert "subsection (d)".

On page 17, line 6, strike "the President" and insert "the Director".

On page 17, line 9, strike "The President" and insert "The Director".

On page 17, between lines 17 and 18, insert the following:

(C) The actions, if any, that will be taken to bring such element into full compliance with the directives referred to in subsection (a), including a schedule for completion of such actions.

On page 17, line 18, strike "(C) The actions taken by the President" and insert "(D) The actions taken by the Director".

On page 17, line 20, insert before the period the following: "pending achievement of full compliance of such element with such directives".

SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 2000

BOND (AND KERRY) AMENDMENT NO. 4286

Mr. KYL (for Mr. BOND (for himself and Mr. KERRY)) proposed an amendment to the House amendment to the Senate amendment to the bill (H.R. 2392) to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Reauthorization Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Extension of SBIR program.
Sec. 104. Annual report.
Sec. 105. Third phase assistance.
Sec. 106. Report on programs for annual performance plan.
Sec. 107. Output and outcome data.
Sec. 108. National Research Council reports.
Sec. 109. Federal agency expenditures for the SBIR program.
Sec. 110. Policy directive modifications.
Sec. 111. Federal and State technology partnership program.
Sec. 112. Mentoring networks.
Sec. 113. Simplified reporting requirements.
Sec. 114. Rural outreach program extension.

TITLE II—GENERAL BUSINESS LOAN PROGRAM

Sec. 201. Short title.
Sec. 202. Levels of participation.
Sec. 203. Loan amounts.
Sec. 204. Interest on defaulted loans.
Sec. 205. Prepayment of loans.
Sec. 206. Guarantee fees.
Sec. 207. Lease terms.
Sec. 208. Microloan program.

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

Sec. 301. Short title.
Sec. 302. Women-owned businesses.
Sec. 303. Maximum debenture size.
Sec. 304. Fees.
Sec. 305. Premier certified lenders program.
Sec. 306. Sale of certain defaulted loans.
Sec. 307. Loan liquidation.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Investment in small business investment companies.
Sec. 404. Subsidy fees.
Sec. 405. Distributions.
Sec. 406. Conforming amendment.

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

Sec. 501. Short title.
Sec. 502. Reauthorization of small business programs.
Sec. 503. Additional reauthorizations.
Sec. 504. Cosponsorship.

TITLE VI—HUBZONE PROGRAM

Subtitle A—HUBZones in Native America

Sec. 601. Short title.
Sec. 602. HUBZone small business concern.
Sec. 603. Qualified HUBZone small business concern.
Sec. 604. Other definitions.

Subtitle B—Other HUBZone Provisions

Sec. 611. Definitions.
Sec. 612. Eligible contracts.
Sec. 613. HUBZone redesignated areas.
Sec. 614. Community development.
Sec. 615. Reference corrections.

TITLE VII—NATIONAL WOMEN'S BUSINESS COUNCIL REAUTHORIZATION

Sec. 701. Short title.
Sec. 702. Duties of the Council.
Sec. 703. Membership of the Council.
Sec. 704. Repeal of procurement project; State and local economic networks.
Sec. 705. Studies and other research.
Sec. 706. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Loan application processing.
Sec. 802. Application of ownership requirements.
Sec. 803. Subcontracting preference for veterans.
Sec. 804. Small business development center program funding.
Sec. 805. Surety bonds.
Sec. 806. Size standards.
Sec. 807. Native American small business development centers.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

SECTION 101. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the "Small Business Innovation Research Program Reauthorization Act of 2000".

SEC. 102. FINDINGS.

Congress finds that—

(1) the small business innovation research program established under the Small Business Innovation Development Act of 1982, and reauthorized by the Small Business Research and Development Enhancement Act of 1992 (in this Act referred to as the "SBIR program") is highly successful in involving small businesses in federally funded research and development;

(2) the SBIR program made the cost-effective and unique research and development capabilities possessed by the small businesses of the Nation available to Federal agencies and departments;

(3) the innovative goods and services developed by small businesses that participated in the SBIR program have produced innovations of critical importance in a wide variety of high-technology fields, including biology, medicine, education, and defense;

(4) the SBIR program is a catalyst in the promotion of research and development, the commercialization of innovative technology, the development of new products and services, and the continued excellence of this Nation's high-technology industries; and

(5) the continuation of the SBIR program will provide expanded opportunities for one of the Nation's vital resources, its small businesses, will foster invention, research, and technology, will create jobs, and will increase this Nation's competitiveness in international markets.

SEC. 103. EXTENSION OF SBIR PROGRAM.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

"(m) TERMINATION.—The authorization to carry out the Small Business Innovation Research Program established under this section shall terminate on September 30, 2008.".

SEC. 104. ANNUAL REPORT.

Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking "and the Committee on Small Business of the House of Representatives" and inserting ", and to the Committee on Science and the Committee on Small Business of the House of Representatives,".

SEC. 105. THIRD PHASE ASSISTANCE.

Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking "; and" and inserting "; or".

SEC. 106. REPORT ON PROGRAMS FOR ANNUAL PERFORMANCE PLAN.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(9) include, as part of its annual performance plan as required by subsections (a) and (b) of section 1115 of title 31, United States Code, a section on its SBIR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives; and".

SEC. 107. OUTPUT AND OUTCOME DATA.

(a) COLLECTION.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by section 106 of this Act, is further amended by adding at the end the following:

"(10) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k).".

(b) REPORT TO CONGRESS.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)), as amended by section 104 of this Act, is further amended by inserting before the period at the end ", including the data on output and outcomes collected pursuant to subsections (g)(10) and (o)(9), and a description of the extent to which Federal agencies are providing in a timely manner information needed to maintain the database described in subsection (k)".

(c) DATABASE.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended to read as follows:

"(k) DATABASE.—

"(1) PUBLIC DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall develop, maintain, and make available to the public a searchable, up-to-date, electronic database that includes—

"(A) the name, size, location, and an identifying number assigned by the Administrator, of each small business concern that has received a first phase or second phase SBIR award from a Federal agency;

"(B) a description of each first phase or second phase SBIR award received by that small business concern, including—

"(i) an abstract of the project funded by the award, excluding any proprietary information so identified by the small business concern;

"(ii) the Federal agency making the award; and

"(iii) the date and amount of the award;

"(C) an identification of any business concern or subsidiary established for the commercial application of a product or service for which an SBIR award is made; and

"(D) information regarding mentors and Mentoring Networks, as required by section 35(d).

"(2) GOVERNMENT DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator, in consultation with Federal agencies required to have an SBIR program pursuant to subsection (f)(1), shall develop and maintain a database to be used solely for SBIR program evaluation that—

"(A) contains for each second phase award made by a Federal agency—

"(i) information collected in accordance with paragraph (3) on revenue from the sale of new products or services resulting from the research conducted under the award;

"(ii) information collected in accordance with paragraph (3) on additional investment from any source, other than first phase or second phase SBIR or STTR awards, to further the research and development conducted under the award; and

"(iii) any other information received in connection with the award that the Administrator, in conjunction with the SBIR program managers of Federal agencies, considers relevant and appropriate;

"(B) includes any narrative information that a small business concern receiving a second phase award voluntarily submits to further describe the outputs and outcomes of its awards;

"(C) includes for each applicant for a first phase or second phase award that does not receive such an award—

"(i) the name, size, and location, and an identifying number assigned by the Administration;

"(ii) an abstract of the project; and

"(iii) the Federal agency to which the application was made;

"(D) includes any other data collected by or available to any Federal agency that such agency considers may be useful for SBIR program evaluation; and

"(E) is available for use solely for program evaluation purposes by the Federal Government or, in accordance with policy directives issued by the Administration, by other authorized persons who are subject to a use and nondisclosure agreement with the Federal Government covering the use of the database.

"(3) UPDATING INFORMATION FOR DATABASE.—

"(A) IN GENERAL.—A small business concern applying for a second phase award under this section shall be required to update information in the database established under this subsection for any prior second phase award received by that small business concern. In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

"(B) ANNUAL UPDATES UPON TERMINATION.—A small business concern receiving a second phase award under this section shall—

"(i) update information in the database concerning that award at the termination of the award period; and

"(ii) be requested to voluntarily update such information annually thereafter for a period of 5 years.

"(4) PROTECTION OF INFORMATION.—Information provided under paragraph (2) shall be considered privileged and confidential and not subject to disclosure pursuant to section 552 of title 5, United States Code.

"(5) RULE OF CONSTRUCTION.—Inclusion of information in the database under this subsection shall not be considered to be publication for purposes of subsection (a) or (b) of section 102 of title 35, United States Code.".

SEC. 108. NATIONAL RESEARCH COUNCIL REPORTS.

(a) STUDY AND RECOMMENDATIONS.—The head of each agency with a budget of more than $50,000,000 for its SBIR program for fiscal year 1999, in consultation with the Small Business Administration, shall, not later than 6 months after the date of enactment of this Act, cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to—

(1) conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs, including—

(A) a review of the value to the Federal research agencies of the research projects being conducted under the SBIR program, and of the quality of research being conducted by small businesses participating under the program, including a comparison of the value of projects conducted under the SBIR program to those funded by other Federal research and development expenditures;

(B) to the extent practicable, an evaluation of the economic benefits achieved by the SBIR program, including the economic rate of return, and a comparison of the economic benefits, including the economic rate of return, achieved by the SBIR program with the economic benefits, including the economic rate of return, of other Federal research and development expenditures;

(C) an evaluation of the noneconomic benefits achieved by the SBIR program over the life of the program;

(D) a comparison of the allocation for fiscal year 2000 of Federal research and development funds to small businesses with such allocation for fiscal year 1983, and an analysis of the factors that have contributed to such allocation; and

(E) an analysis of whether Federal agencies, in fulfilling their procurement needs, are making sufficient effort to use small businesses that have completed a second phase award under the SBIR program; and

(2) make recommendations with respect to—

(A) measures of outcomes for strategic plans submitted under section 306 of title 5, United States Code, and performance plans submitted under section 1115 of title 31, United States Code, of each Federal agency participating in the SBIR program;

(B) whether companies who can demonstrate project feasibility, but who have not received a first phase award, should be eligible for second phase awards, and the potential impact of such awards on the competitive selection process of the program;

(C) whether the Federal Government should be permitted to recoup some or all of its expenses if a controlling interest in a company receiving an SBIR award is sold to a foreign company or to a company that is not a small business concern;

(D) how to increase the use by the Federal Government in its programs and procurements of technology-oriented small businesses; and

(E) improvements to the SBIR program, if any are considered appropriate.

(b) Participation by Small Business.—

(1) In general.—In a manner consistent with law and with National Research Council study guidelines and procedures, knowledgeable individuals from the small business community with experience in the SBIR program shall be included—

(A) in any panel established by the National Research Council for the purpose of performing the study conducted under this section; and

(B) among those who are asked by the National Research Council to peer review the study.

(2) Consultation.—To ensure that the concerns of small business are appropriately considered under this subsection, the National Research Council shall consult with and consider the views of the Office of Technology and the Office of Advocacy of the Small Business Administration and other interested parties, including entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns.

(c) Progress Reports.—The National Research Council shall provide semiannual progress reports on the study conducted under this section to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate.

(d) Report.—The National Research Council shall transmit to the heads of agencies entering into an agreement under this section and to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate—

(1) not later than 3 years after the date of enactment of this Act, a report including the results of the study conducted under subsection (a)(1) and recommendations made under subsection (a)(2); and

(2) not later than 6 years after that date of enactment, an update of such report.

SEC. 109. FEDERAL AGENCY EXPENDITURES FOR THE SBIR PROGRAM.

Section 9(i) of the Small Business Act (15 U.S.C. 638(i)) is amended—

(1) by striking "(i) Each Federal" and inserting the following:

"(i) Annual Reporting.—

"(1) In general.—Each Federal"; and

(2) by adding at the end the following:

"(2) Calculation of extramural budget.—

"(A) Methodology.—Not later than 4 months after the date of enactment of each appropriations Act for a Federal agency required by this section to have an SBIR program, the Federal agency shall submit to the Administrator a report, which shall include a description of the methodology used for calculating the amount of the extramural budget of that Federal agency.

"(B) Administrator's analysis.—The Administrator shall include an analysis of the methodology received from each Federal agency referred to in subparagraph (A) in the report required by subsection (b)(7).".

SEC. 110. POLICY DIRECTIVE MODIFICATIONS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

"(3) Additional modifications.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall modify the policy directives issued pursuant to this subsection—

"(A) to clarify that the rights provided for under paragraph (2)(A) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(4)(A)), the second phase (as described in subsection (e)(4)(B)), and the third phase (as described in subsection (e)(4)(C));

"(B) to provide for the requirement of a succinct commercialization plan with each application for a second phase award that is moving toward commercialization;

"(C) to require agencies to report to the Administration, not less frequently than annually, all instances in which an agency pursued research, development, or production of a technology developed by a small business concern using an award made under the SBIR program of that agency, and determined that it was not practicable to enter into a follow-on non-SBIR program funding agreement with the small business concern, which report shall include, at a minimum—

"(i) the reasons why the follow-on funding agreement with the small business concern was not practicable;

"(ii) the identity of the entity with which the agency contracted to perform the research, development, or production; and

"(iii) a description of the type of funding agreement under which the research, development, or production was obtained; and

"(D) to implement subsection (v), including establishing standardized procedures for the provision of information pursuant to subsection (k)(3).".

SEC. 111. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

(a) Findings.—Congress finds that—

(1) programs to foster economic development among small high-technology firms vary widely among the States;

(2) States that do not aggressively support the development of small high-technology firms, including participation by small business concerns in the SBIR program, are at a competitive disadvantage in establishing a business climate that is conducive to technology development; and

(3) building stronger national, State, and local support for science and technology research in these disadvantaged States will expand economic opportunities in the United States, create jobs, and increase the competitiveness of the United States in the world market.

(b) Federal and State Technology Partnership Program.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 34 as section 37; and

(2) by inserting after section 33 the following:

"SEC. 34. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

"(a) Definitions.—In this section and section 35, the following definitions apply:

"(1) Applicant.—The term 'applicant' means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this section.

"(2) Business advice and counseling.—The term 'business advice and counseling' means providing advice and assistance on matters described in section 35(c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

"(3) FAST program.—The term 'FAST program' means the Federal and State Technology Partnership Program established under this section.

"(4) Mentor.—The term 'mentor' means an individual described in section 35(c)(2).

"(5) Mentoring network.—The term 'Mentoring Network' means an association, organization, coalition, or other entity (including an individual) that meets the requirements of section 35(c).

"(6) Recipient.—The term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this section.

"(7) SBIR program.—The term 'SBIR program' has the same meaning as in section 9(e)(4).

"(8) State.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(9) STTR program.—The term 'STTR program' has the same meaning as in section 9(e)(6).

"(b) Establishment of Program.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

"(c) Grants and Cooperative Agreements.—

"(1) Joint review.—In carrying out the FAST program under this section, the Administrator and the SBIR program managers at the National Science Foundation and the Department of Defense shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this section based on the factors for consideration set forth in paragraph (2), in order to enhance or develop in a State—

"(A) technology research and development by small business concerns;

"(B) technology transfer from university research to technology-based small business concerns;

"(C) technology deployment and diffusion benefiting small business concerns;

"(D) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

"(i) State and local development agencies and entities;

"(ii) representatives of technology-based small business concerns;

"(iii) industries and emerging companies;

"(iv) universities; and

"(v) small business development centers; and

"(E) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program, including initiatives—

"(i) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR proposals;

"(ii) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 35;

“(iii) to create or participate in a training program for individuals providing SBIR outreach and assistance at the State and local levels; and

“(iv) to encourage the commercialization of technology developed through SBIR program funding.

“(2) Selection considerations.—In making awards or entering into cooperative agreements under this section, the Administrator and the SBIR program managers referred to in paragraph (1)—

“(A) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this section to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program; and

“(B) shall consider, at a minimum—

“(i) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

“(ii) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State, as measured by the number of first phase and second phase SBIR awards that have historically been received by small business concerns in the State;

“(iii) whether the projected costs of the proposed activities are reasonable;

“(iv) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State; and

“(v) the manner in which the applicant will measure the results of the activities to be conducted.

“(3) Proposal limit.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this section to provide services in any one State in any 1 fiscal year.

“(4) Process.—Proposals and applications for assistance under this section shall be in such form and subject to such procedures as the Administrator shall establish.

“(d) Cooperation and Coordination.—In carrying out the FAST program under this section, the Administrator shall cooperate and coordinate with—

“(1) Federal agencies required by section 9 to have an SBIR program; and

“(2) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

“(A) State and local development agencies and entities;

“(B) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

“(C) State science and technology councils; and

“(D) representatives of technology-based small business concerns.

“(e) Administrative Requirements.—

“(1) Competitive basis.—Awards and cooperative agreements under this section shall be made or entered into, as applicable, on a competitive basis.

“(2) Matching requirements.—

“(A) In general.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—

“(i) 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 18 States receiving the fewest SBIR first phase awards (as described in section 9(e)(4)(A));

“(ii) except as provided in subparagraph (B), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 16 States receiving the greatest number of such SBIR first phase awards; and

“(iii) except as provided in subparagraph (B), 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) or (ii) that is receiving such SBIR first phase awards.

“(B) Low-income areas.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 50 cents for each Federal dollar that will be directly allocated by a recipient described in subparagraph (A) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of subparagraph (A).

“(C) Types of funding.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

“(D) Rankings.—For purposes of subparagraph (A), the Administrator shall reevaluate the ranking of a State once every 2 fiscal years, beginning with fiscal year 2001, based on the most recent statistics compiled by the Administrator.

“(3) Duration.—Awards may be made or cooperative agreements entered into under this section for multiple years, not to exceed 5 years in total.

“(f) Reports.—

“(1) Initial report.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall prepare and submit to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives a report, which shall include, with respect to the FAST program, including Mentoring Networks—

“(A) a description of the structure and procedures of the program;

“(B) a management plan for the program; and

“(C) a description of the merit-based review process to be used in the program.

“(2) Annual reports.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

“(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

“(B) a list of recipients under this section, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

“(C) the Mentoring Networks and the mentoring database, as provided for under section 35, including—

“(i) the status of the inclusion of mentoring information in the database required by section 9(k); and

“(ii) the status of the implementation and description of the usage of the Mentoring Networks.

“(g) Reviews by Inspector General.—

“(1) In general.—The Inspector General of the Administration shall conduct a review of—

“(A) the extent to which recipients under the FAST program are measuring the performance of the activities being conducted and the results of such measurements; and

“(B) the overall management and effectiveness of the FAST program.

“(2) Report.—During the first quarter of fiscal year 2004, the Inspector General of the Administration shall submit a report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives on the review conducted under paragraph (1).

“(h) Program Levels.—

“(1) In general.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this section and section 35, $10,000,000 for each of fiscal years 2001 through 2005.

“(2) Mentoring database.—Of the total amount made available under paragraph (1) for fiscal years 2001 through 2005, a reasonable amount, not to exceed a total of $500,000, may be used by the Administration to carry out section 35(d).

“(i) Termination.—The authority to carry out the FAST program under this section shall terminate on September 30, 2005.”.

(c) Coordination of Technology Development Programs.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(u) Coordination of Technology Development Programs.—

“(1) Definition of technology development program.—In this subsection, the term ‘technology development program’ means—

“(A) the Experimental Program to Stimulate Competitive Research of the National Science Foundation, as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

“(B) the Defense Experimental Program to Stimulate Competitive Research of the Department of Defense;

“(C) the Experimental Program to Stimulate Competitive Research of the Department of Energy;

“(D) the Experimental Program to Stimulate Competitive Research of the Environmental Protection Agency;

“(E) the Experimental Program to Stimulate Competitive Research of the National Aeronautics and Space Administration;

“(F) the Institutional Development Award Program of the National Institutes of Health; and

“(G) the National Research Initiative Competitive Grants Program of the Department of Agriculture.

“(2) Coordination requirements.—Each Federal agency that is subject to subsection (f) and that has established a technology development program may, in each fiscal year, review for funding under that technology development program—

“(A) any proposal to provide outreach and assistance to 1 or more small business concerns interested in participating in the SBIR program, including any proposal to make a grant or loan to a company to pay a portion or all of the cost of developing an SBIR proposal, from an entity, organization, or individual located in—

"(i) a State that is eligible to participate in that program; or

"(ii) a State described in paragraph (3); or

"(B) any proposal for the first phase of the SBIR program, if the proposal, though meritorious, is not funded through the SBIR program for that fiscal year due to funding restraints, from a small business concern located in—

"(i) a State that is eligible to participate in a technology development program; or

"(ii) a State described in paragraph (3).

"(3) ADDITIONALLY ELIGIBLE STATE.—A State referred to in subparagraph (A)(ii) or (B)(ii) of paragraph (2) is a State in which the total value of contracts awarded to small business concerns under all SBIR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2000, based on the most recent statistics compiled by the Administrator.".

SEC. 112. MENTORING NETWORKS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 34, as added by section 111(b)(2) of this Act, the following:

"SEC. 35. MENTORING NETWORKS.

"(a) FINDINGS.—Congress finds that—

"(1) the SBIR and STTR programs create jobs, increase capacity for technological innovation, and boost international competitiveness;

"(2) increasing the quantity of applications from all States to the SBIR and STTR programs would enhance competition for such awards and the quality of the completed projects; and

"(3) mentoring is a natural complement to the FAST program of reaching out to new companies regarding the SBIR and STTR programs as an effective and low-cost way to improve the likelihood that such companies will succeed in such programs in developing and commercializing their research.

"(b) AUTHORIZATION FOR MENTORING NETWORKS.—The recipient of an award or participant in a cooperative agreement under section 34 may use a reasonable amount of such assistance for the establishment of a Mentoring Network under this section.

"(c) CRITERIA FOR MENTORING NETWORKS.—A Mentoring Network established using assistance under section 34 shall—

"(1) provide business advice and counseling to high technology small business concerns located in the State or region served by the Mentoring Network and identified under section 34(c)(1)(E)(ii) as potential candidates for the SBIR or STTR programs;

"(2) identify volunteer mentors who—

"(A) are persons associated with a small business concern that has successfully completed one or more SBIR or STTR funding agreements; and

"(B) have agreed to guide small business concerns through all stages of the SBIR or STTR program process, including providing assistance relating to—

"(i) proposal writing;

"(ii) marketing;

"(iii) Government accounting;

"(iv) Government audits;

"(v) project facilities and equipment;

"(vi) human resources;

"(vii) third phase partners;

"(viii) commercialization;

"(ix) venture capital networking; and

"(x) other matters relevant to the SBIR and STTR programs;

"(3) have experience working with small business concerns participating in the SBIR and STTR programs;

"(4) contribute information to the national database referred to in subsection (d); and

"(5) agree to reimburse volunteer mentors for out-of-pocket expenses related to service as a mentor under this section.

"(d) MENTORING DATABASE.—The Administrator shall—

"(1) include in the database required by section 9(k)(1), in cooperation with the SBIR, STTR, and FAST programs, information on Mentoring Networks and mentors participating under this section, including a description of their areas of expertise;

"(2) work cooperatively with Mentoring Networks to maintain and update the database;

"(3) take such action as may be necessary to aggressively promote Mentoring Networks under this section; and

"(4) fulfill the requirements of this subsection either directly or by contract.".

SEC. 113. SIMPLIFIED REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is further amended by adding at the end the following:

"(v) SIMPLIFIED REPORTING REQUIREMENTS.—The Administrator shall work with the Federal agencies required by this section to have an SBIR program to standardize reporting requirements for the collection of data from SBIR applicants and awardees, including data for inclusion in the database under subsection (k), taking into consideration the unique needs of each agency, and to the extent possible, permitting the updating of previously reported information by electronic means. Such requirements shall be designed to minimize the burden on small businesses.".

SEC. 114. RURAL OUTREACH PROGRAM EXTENSION.

(a) EXTENSION OF TERMINATION DATE.—Section 501(b)(2) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 638 note; 111 Stat. 2622) is amended by striking "2001" and inserting "2005".

(b) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 9(s)(2) of the Small Business Act (15 U.S.C. 638(s)(2)) is amended by striking "for fiscal year 1998, 1999, 2000, or 2001" and inserting "for each of the fiscal years 2000 through 2005,".

TITLE II—GENERAL BUSINESS LOAN PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the "Small Business General Business Loan Improvement Act of 2000".

SEC. 202. LEVELS OF PARTICIPATION.

Section 7(a)(2)(A) of the Small Business Act (15 U.S.C. 636(a)(2)(A)) is amended—

(1) in paragraph (i) by striking "$100,000" and inserting "$150,000"; and

(2) in paragraph (ii)—

(A) by striking "80 percent" and inserting "85 percent"; and

(B) by striking "$100,000" and inserting "$150,000".

SEC. 203. LOAN AMOUNTS.

Section 7(a)(3)(A) of the Small Business Act (15 U.S.C. 636(a)(3)(A)) is amended by striking "$750,000," and inserting, "$1,000;000 (or if the gross loan amount would exceed $2,000,000),".

SEC. 204. INTEREST ON DEFAULTED LOANS.

Section 7(a)(4)(B) of the Small Business Act (15 U.S.C. 636(a)(4)(B)) is amended by adding at the end the following:

"(iii) APPLICABILITY.—Clauses (i) and (ii) shall not apply to loans made on or after October 1, 2000.".

SEC. 205. PREPAYMENT OF LOANS.

Section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is further amended—

(1) by striking "(4) INTEREST RATES AND FEES.—" and inserting "(4) INTEREST RATES AND PREPAYMENT CHARGES.—"; and

(2) by adding at the end the following:

"(C) PREPAYMENT CHARGES.—

"(i) IN GENERAL.—A borrower who prepays any loan guaranteed under this subsection shall remit to the Administration a subsidy recoupment fee calculated in accordance with clause (ii) if—

"(I) the loan is for a term of not less than 15 years;

"(II) the prepayment is voluntary;

"(III) the amount of prepayment in any calendar year is more than 25 percent of the outstanding balance of the loan; and

"(IV) the prepayment is made within the first 3 years after disbursement of the loan proceeds.

"(ii) SUBSIDY RECOUPMENT FEE.—The subsidy recoupment fee charged under clause (i) shall be—

"(I) 5 percent of the amount of prepayment, if the borrower prepays during the first year after disbursement;

"(II) 3 percent of the amount of prepayment, if the borrower prepays during the second year after disbursement; and

"(III) 1 percent of the amount of prepayment, if the borrower prepays during the third year after disbursement.".

SEC. 206. GUARANTEE FEES.

Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended to read as follows:

"(18) GUARANTEE FEES.—

"(A) IN GENERAL.—With respect to each loan guaranteed under this subsection (other than a loan that is repayable in 1 year or less), the Administration shall collect a guarantee fee, which shall be payable by the participating lender, and may be charged to the borrower, as follows:

"(i) A guarantee fee equal to 2 percent of the deferred participation share of a total loan amount that is not more than $150,000.

"(ii) A guarantee fee equal to 3 percent of the deferred participation share of a total loan amount that is more than $150,000, but less than $700,000.

"(iii) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than $700,000.

"(B) RETENTION OF CERTAIN FEES.—Lenders participating in the programs established under this subsection may retain not more than 25 percent of a fee collected under subparagraph (A)(i).".

SEC. 207. LEASE TERMS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is further amended by adding at the end the following:

"(28) LEASING.—In addition to such other lease arrangements as may be authorized by the Administration, a borrower may permanently lease to one or more tenants not more than 20 percent of any property constructed with the proceeds of a loan guaranteed under this subsection, if the borrower permanently occupies and uses not less than 60 percent of the total business space in the property.".

SEC. 208. MICROLOAN PROGRAM.

(a) IN GENERAL.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraphs (1)(B)(iii) and (3)(E), by striking "$25,000" each place it appears and inserting "$35,000";

(2) in paragraphs (1)(A)(iii)(I), (3)(A)(ii), and (4)(C)(i)(II), by striking "$7,500" each place it appears and inserting "$10,000";

(3) in paragraph (1)(B)(i), by striking "short-term,";

(4) in paragraph (2)(B), by inserting before the period ", or equivalent experience, as determined by the Administration";

(5) in paragraph (3)(E), by striking "$15,000" and inserting "$20,000";

(6) in paragraph (4)(E)—

(A) by striking clause (i) and inserting the following:

"(i) In General.—Each intermediary may expend the grant funds received under the program authorized by this subsection to provide or arrange for loan technical assistance to small business concerns that are borrowers or prospective borrowers under this subsection."; and

(B) in clause (ii), by striking "25" and inserting "35";

(7) in paragraph (5)(A)—

(A) by striking "25 grants" and inserting "55 grants"; and

(B) by striking "$125,000" and inserting "$200,000";

(8) in paragraph (6)(B), by striking "$10,000" and inserting "$15,000";

(9) in paragraph (7), by striking subparagraph (A) and inserting the following:

"(A) Number of Participants.—Under the program authorized by this subsection, the Administration may fund, on a competitive basis, not more than—

"(i) 250 intermediaries in fiscal year 2001;

"(ii) 300 intermediaries in fiscal year 2002; and

"(iii) 350 intermediaries in fiscal year 2003."; and

(10) in paragraph (9), by adding at the end the following:

"(D) Peer-to-Peer Capacity Building and Training.—The Administrator may use not more than $1,000,000 of the annual appropriation to the Administration for technical assistance grants to subcontract with 1 or more national trade associations of eligible intermediaries under this subsection to provide peer-to-peer capacity building and training to lenders under this subsection and organizations seeking to become lenders under this subsection.".

(b) Conforming Amendments.—Section 7(n)(11)(B) of the Small Business Act (15 U.S.C. 636(n)(11)(B)) is amended—

(1) by striking "$25,000" and inserting "$35,000"; and

(2) by striking "short-term,".

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the "Certified Development Company Program Improvements Act of 2000".

SEC. 302. WOMEN-OWNED BUSINESSES.

Section 501(d)(3)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma "or women-owned business development".

SEC. 303. MAXIMUM DEBENTURE SIZE.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

"(2) Loans made by the Administration under this section shall be limited to $1,000,000 for each such identifiable small business concern, except loans meeting the criteria specified in section 501(d)(3), which shall be limited to $1,300,000 for each such identifiable small business concern.".

SEC. 304. FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended to read as follows:

"(f) Effective Date.—The fees authorized by subsections (b) and (d) shall apply to financings approved by the Administration on or after October 1, 1996, but shall not apply to financings approved by the Administration on or after October 1, 2003.".

SEC. 305. PREMIER CERTIFIED LENDERS PROGRAM.

Section 217(b) of the Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103-403, 15 U.S.C. 697 note) (relating to section 508 of the Small Business Investment Act of 1958) is repealed.

SEC. 306. SALE OF CERTAIN DEFAULTED LOANS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking "On a pilot program basis, the" and inserting "The";

(2) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(3) in subsection (f) (as redesignated by paragraph (2)), by striking "subsection (f)" and inserting "subsection (g)";

(4) in subsection (h) (as redesignated by paragraph (2)), by striking "subsection (f)" and inserting "subsection (g)"; and

(5) by inserting after subsection (c) the following:

"(d) Sale of Certain Defaulted Loans.—

"(1) Notice.—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financings, it shall give prior notice thereof to any certified development company which has a contingent liability under this section. The notice shall be given to the company as soon as possible after the financing is identified, but not less than 90 days before the date the Administration first makes any records on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

"(2) Limitations.—The Administration shall not offer any loan described in paragraph (1) as part of a bulk sale unless it—

"(A) provides prospective purchasers with the opportunity to examine the Administration's records with respect to such loan; and

"(B) provides the notice required by paragraph (1).".

SEC. 307. LOAN LIQUIDATION.

(a) Liquidation and Foreclosure.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

"SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

"(a) Delegation of Authority.—In accordance with this section, the Administration shall delegate to any qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administration under section 503.

"(b) Eligibility for Delegation.—

"(1) Requirements.—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

"(A) the company—

"(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before promulgation of final regulations by the Administration implementing this section;

"(ii) is participating in the Premier Certified Lenders Program under section 508; or

"(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not less than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

"(B) the company—

"(i) has one or more employees—

"(I) with not less than 2 years of substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

"(II) who have completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this paragraph; or

"(ii) submits to the Administration documentation demonstrating that the company has contracted with a qualified third-party to perform any liquidation activities and secures the approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

"(2) Confirmation.—On request the Administration shall examine the qualifications of any company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

"(c) Scope of Delegated Authority.—

"(1) In General.—Each qualified State or local development company to which the Administration delegates authority under section (a) may with respect to any loan described in subsection (a)—

"(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administration under paragraph (2)(A);

"(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may—

"(i) defend or bring any claim if—

"(I) the outcome of the litigation may adversely affect the Administration's management of the loan program established under section 502; or

"(II) the Administration is entitled to legal remedies not available to a qualified State or local development company and such remedies will benefit either the Administration or the qualified State or local development company; or

"(ii) oversee the conduct of any such litigation; and

"(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosures, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administration under paragraph (2)(C).

"(2) Administration Approval.—

"(A) Liquidation Plan.—

"(i) In general.—Before carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a proposed liquidation plan.

"(ii) Administration action on plan.—

"(I) Timing.—Not later than 15 business days after a liquidation plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

"(II) Notice of no decision.—With respect to any plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

"(iii) Routine actions.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may undertake routine actions not addressed in a liquidation plan without obtaining additional approval from the Administration.

"(B) Purchase of indebtedness.—

"(i) In general.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a request for written approval before committing the Administration to the purchase of any other indebtedness secured by the property securing a defaulted loan.

"(ii) Administration action on request.—

"(I) Timing.—Not later than 15 business days after receiving a request under clause (i), the Administration shall approve or deny the request.

"(II) Notice of no decision.—With respect to any request that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the request.

"(C) Workout plan.—

"(i) In general.—In carrying out functions described in paragraph (1)(C), a qualified State or local development company shall submit to the Administration a proposed workout plan.

"(ii) Administration action on plan.—

"(I) Timing.—Not later than 15 business days after a workout plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

"(II) Notice of no decision.—With respect to any workout plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

"(D) Compromise of indebtedness.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may—

"(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

"(ii) pursuant to such an offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administration.

"(E) Contents of notice of no decision.—Any notice provided by the Administration under subparagraphs (A)(ii)(II), (B)(ii)(II), or (C)(ii)(II)—

"(i) shall be in writing;

"(ii) shall state the specific reason for the Administration's inability to act on a plan or request;

"(iii) shall include an estimate of the additional time required by the Administration to act on the plan or request; and

"(iv) if the Administration cannot act because insufficient information or documentation was provided by the company submitting the plan or request, shall specify the nature of such additional information or documentation.

"(3) Conflict of interest.—In carrying out functions described in paragraph (1), a qualified State or local development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third party lender, associate of a third party lender, or any other person participating in a liquidation, foreclosure, or loss mitigation action.

"(d) Suspension or Revocation of Authority.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company, if the Administration determines that the company—

"(1) does not meet the requirements of subsection (b)(1);

"(2) has violated any applicable rule or regulation of the Administration or any other applicable law; or

"(3) fails to comply with any reporting requirement that may be established by the Administration relating to carrying out of functions described in paragraph (1).

"(e) Report.—

"(1) In general.—Based on information provided by qualified State and local development companies and the Administration, the Administration shall annually submit to the Committees on Small Business of the House of Representatives and of the Senate a report on the results of delegation of authority under this section.

"(2) Contents.—Each report submitted under paragraph (1) shall include the following information:

"(A) With respect to each loan foreclosed or liquidated by a qualified State or local development company under this section, or for which losses were otherwise mitigated by the company pursuant to a workout plan under this section—

"(i) the total cost of the project financed with the loan;

"(ii) the total original dollar amount guaranteed by the Administration;

"(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

"(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

"(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed.

"(B) With respect to each qualified State or local development company to which authority is delegated under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

"(C) With respect to all loans subject to foreclosure, liquidation, or mitigation under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

"(D) A comparison between—

"(i) the information provided under subparagraph (C) with respect to the 12-month period preceding the date on which the report is submitted; and

"(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administration during the same period.

"(E) The number of times that the Administration has failed to approve or reject a liquidation plan in accordance with subparagraph (A)(i), a workout plan in accordance with subparagraph (C)(i), or to approve or deny a request for purchase of indebtedness under subparagraph (B)(i), including specific information regarding the reasons for the Administration's failure and any delays that resulted.".

(b) Regulations.—

(1) In general.—Not later than 150 days after the date of enactment of this Act, the Administrator shall issue such regulations as may be necessary to carry out section 510 of the Small Business Investment Act of 1958, as added by subsection (a) of this section.

(2) Termination of pilot program.—Beginning on the date on which final regulations are issued under paragraph (1), section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note) shall cease to have effect.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

SEC. 401. SHORT TITLE.

This title may be cited as the "Small Business Investment Corrections Act of 2000".

SEC. 402. DEFINITIONS.

(a) Small Business Concern.—Section 103(5)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)(A)(i)) is amended by inserting before the semicolon at the end the following: "regardless of the allocation of control during the investment period under any investment agreement between the business concern and the entity making the investment".

(b) Long Term.—Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended—

(1) in paragraph (15), by striking "and" at the end;

(2) in paragraph (16), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(17) the term 'long term', when used in connection with equity capital or loan funds invested in any small business concern or smaller enterprise, means any period of time not less than 1 year.".

SEC. 403. INVESTMENT IN SMALL BUSINESS INVESTMENT COMPANIES.

Section 302(b) of the Small Business Investment Act of 1958 (15 U.S.C. 682(b)) is amended—

(1) by striking "(b) Notwithstanding" and inserting the following:

"(b) Financial Institution Investments.—

"(1) Certain banks.—Notwithstanding"; and

(2) by adding at the end the following:

"(2) Certain savings associations.—Notwithstanding any other provision of law, any Federal savings association may invest in any 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies, except that in no event may the total amount of such investments by any such Federal savings association exceed 5 percent of the capital and surplus of the Federal savings association.".

SEC. 404. SUBSIDY FEES.

(a) Debentures.—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended by striking "plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration" and inserting "plus, for debentures issued after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section

502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing debentures under this Act, which shall be paid to and retained by the Administration”.

(b) Participating Securities.—Section 303(g)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(2)) is amended by striking “plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration” and inserting “plus, for participating securities issued after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing participating securities under this Act, which shall be paid to and retained by the Administration”.

SEC. 405. DISTRIBUTIONS.

Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended—

(1) by striking “subchapter s corporation” and inserting “subchapter S corporation”;

(2) by striking “the end of any calendar quarter based on a quarterly” and inserting “any time during any calendar quarter based on an”; and

(3) by striking “quarterly distributions for a calendar year,” and inserting “interim distributions for a calendar year,”.

SEC. 406. CONFORMING AMENDMENT.

Section 310(c)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(c)(4)) is amended by striking “five years” and inserting “1 year”.

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

SEC. 501. SHORT TITLE.

This title may be cited as the “Small Business Programs Reauthorization Act of 2000”.

SEC. 502. REAUTHORIZATION OF SMALL BUSINESS PROGRAMS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

“(g) Fiscal Year 2001.—

“(1) Program levels.—The following program levels are authorized for fiscal year 2001:

“(A) For the programs authorized by this Act, the Administration is authorized to make—

“(i) $45,000,000 in technical assistance grants as provided in section 7(m); and

“(ii) $60,000,000 in direct loans, as provided in 7(m).

“(B) For the programs authorized by this Act, the Administration is authorized to make $19,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(i) $14,500,000,000 in general business loans as provided in section 7(a);

“(ii) $4,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

“(iii) $500,000,000 in loans as provided in section 7(a)(21); and

“(iv) $50,000,000 in loans as provided in section 7(m).

“(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

“(i) $2,500,000,000 in purchases of participating securities; and

“(ii) $1,500,000,000 in guarantees of debentures.

“(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $4,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

“(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $5,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

“(2) Additional authorizations.—

“(A) There are authorized to be appropriated to the Administration for fiscal year 2001 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

“(B) Notwithstanding any other provision of this paragraph, for fiscal year 2001—

“(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

“(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

“(h) Fiscal Year 2002.—

“(1) Program levels.—The following program levels are authorized for fiscal year 2002:

“(A) For the programs authorized by this Act, the Administration is authorized to make—

“(i) $60,000,000 in technical assistance grants as provided in section 7(m); and

“(ii) $80,000,000 in direct loans, as provided in 7(m).

“(B) For the programs authorized by this Act, the Administration is authorized to make $20,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(i) $15,000,000,000 in general business loans as provided in section 7(a);

“(ii) $4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

“(iii) $500,000,000 in loans as provided in section 7(a)(21); and

“(iv) $50,000,000 in loans as provided in section 7(m).

“(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

“(i) $3,500,000,000 in purchases of participating securities; and

“(ii) $2,500,000,000 in guarantees of debentures.

“(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $5,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

“(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $6,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

“(2) Additional authorizations.—

“(A) There are authorized to be appropriated to the Administration for fiscal year 2002 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

“(B) Notwithstanding any other provision of this paragraph, for fiscal year 2002—

“(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

“(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

“(i) Fiscal Year 2003.—

“(1) Program levels.—The following program levels are authorized for fiscal year 2003:

“(A) For the programs authorized by this Act, the Administration is authorized to make—

“(i) $70,000,000 in technical assistance grants as provided in section 7(m); and

“(ii) $100,000,000 in direct loans, as provided in 7(m).

“(B) For the programs authorized by this Act, the Administration is authorized to make $21,550,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(i) $16,000,000,000 in general business loans as provided in section 7(a);

“(ii) $5,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

“(iii) $500,000,000 in loans as provided in section 7(a)(21); and

“(iv) $50,000,000 in loans as provided in section 7(m).

“(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

“(i) $4,000,000,000 in purchases of participating securities; and

“(ii) $3,000,000,000 in guarantees of debentures.

“(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $6,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

“(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of $7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

“(2) Additional authorizations.—

“(A) There are authorized to be appropriated to the Administration for fiscal year 2003 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding any other provision of this paragraph, for fiscal year 2003—

"(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.".

SEC. 503. ADDITIONAL REAUTHORIZATIONS.

(a) DRUG-FREE WORKPLACE PROGRAM.—Section 27 of the Small Business Act (15 U.S.C. 654) is amended—

(1) in the section heading, by striking "**DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM**" and inserting "**PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM**"; and

(2) in subsection (g)(1), by striking "$10,000,000 for fiscal years 1999 and 2000" and inserting "$5,000,000 for each of fiscal years 2001 through 2003".

(b) HUBZONE PROGRAM.—Section 31 of the Small Business Act (15 U.S.C. 657a) is amended by adding at the end the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program established by this section $10,000,000 for each of fiscal years 2001 through 2003.".

(c) WOMEN'S BUSINESS ENTERPRISE DEVELOPMENT PROGRAMS.—Section 411 of the Women's Business Ownership Act (Public Law 105–135; 15 U.S.C. 631 note) is amended by striking "$600,000, for each of fiscal years 1998 through 2000," and inserting "$1,000,000 for each of fiscal years 2001 through 2003,".

(d) VERY SMALL BUSINESS CONCERNS PROGRAM.—Section 304(i) of the Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103–403; 15 U.S.C. 644 note) is amended by striking "September 30, 2000" and inserting "September 30, 2003".

(e) SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESSES PROGRAM.—Section 7102(c) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 15 U.S.C. 644 note) is amended by striking "September 30, 2000" and inserting "September 30, 2003".

(f) SBDC SERVICES.—Section 21(c)(3)(T) of the Small Business Act (15 U.S.C. 648(c)(3)(T)) is amended by striking "2000" and inserting "2003".

SEC. 504. COSPONSORSHIP.

(a) IN GENERAL.—Section 8(b)(1)(A) of the Small Business Act (15 U.S.C. 637(b)(1)(A)) is amended to read as follows:

"(1)(A) to provide—

"(i) technical, managerial, and informational aids to small business concerns—

"(I) by advising and counseling on matters in connection with Government procurement and policies, principles, and practices of good management;

"(II) by cooperating and advising with—

"(aa) voluntary business, professional, educational, and other nonprofit organizations, associations, and institutions (except that the Administration shall take such actions as it determines necessary to ensure that such cooperation does not constitute or imply an endorsement by the Administration of the organization or its products or services, and shall ensure that it receives appropriate recognition in all printed materials); and

"(bb) other Federal and State agencies;

"(III) by maintaining a clearinghouse for information on managing, financing, and operating small business enterprises; and

"(IV) by disseminating such information, including through recognition events, and by other activities that the Administration determines to be appropriate; and

"(ii) through cooperation with a profit-making concern (referred to in this paragraph as a 'cosponsor'), training, information, and education to small business concerns, except that the Administration shall—

"(I) take such actions as it determines to be appropriate to ensure that—

"(aa) the Administration receives appropriate recognition and publicity;

"(bb) the cooperation does not constitute or imply an endorsement by the Administration of any product or service of the cosponsor;

"(cc) unnecessary promotion of the products or services of the cosponsor is avoided; and

"(dd) utilization of any 1 cosponsor in a marketing area is minimized; and

"(II) develop an agreement, executed on behalf of the Administration by an employee of the Administration in Washington, the District of Columbia, that provides, at a minimum, that—

"(aa) any printed material to announce the cosponsorship or to be distributed at the cosponsored activity, shall be approved in advance by the Administration;

"(bb) the terms and conditions of the cooperation shall be specified;

"(cc) only minimal charges may be imposed on any small business concern to cover the direct costs of providing the assistance;

"(dd) the Administration may provide to the cosponsorship mailing labels, but not lists of names and addresses of small business concerns compiled by the Administration;

"(ee) all printed materials containing the names of both the Administration and the cosponsor shall include a prominent disclaimer that the cooperation does not constitute or imply an endorsement by the Administration of any product or service of the cosponsor; and

"(ff) the Administration shall ensure that it receives appropriate recognition in all cosponsorship printed materials.".

(b) EXTENSION OF COSPONSORSHIP AUTHORITY.—Section 401(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 637 note) is amended by striking "September 30, 2000" and inserting "September 30, 2003".

TITLE VI—HUBZONE PROGRAM

Subtitle A—HUBZones in Native America

SEC. 601. SHORT TITLE.

This subtitle may be cited as the "HUBZones in Native America Act of 2000".

SEC. 602. HUBZONE SMALL BUSINESS CONCERN.

Section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)) is amended to read as follows:

"(3) HUBZONE SMALL BUSINESS CONCERN.—The term 'HUBZone small business concern' means—

"(A) a small business concern that is owned and controlled by 1 or more persons, each of whom is a United States citizen;

"(B) a small business concern that is—

"(i) an Alaska Native Corporation owned and controlled by Natives (as determined pursuant to section 29(e)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(1))); or

"(ii) a direct or indirect subsidiary corporation, joint venture, or partnership of an Alaska Native Corporation qualifying pursuant to section 29(e)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(1)), if that subsidiary, joint venture, or partnership is owned and controlled by Natives (as determined pursuant to section 29(e)(2)) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(2))); or

"(C) a small business concern—

"(i) that is wholly owned by 1 or more Indian tribal governments, or by a corporation that is wholly owned by 1 or more Indian tribal governments; or

"(ii) that is owned in part by 1 or more Indian tribal governments, or by a corporation that is wholly owned by 1 or more Indian tribal governments, if all other owners are either United States citizens or small business concerns.".

SEC. 603. QUALIFIED HUBZONE SMALL BUSINESS CONCERN.

(a) IN GENERAL.—Section 3(p)(5)(A)(i) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)) is amended by striking subclauses (I) and (II) and inserting the following:

"(I) it is a HUBZone small business concern—

"(aa) pursuant to subparagraph (A) or (B) of paragraph (3), and that its principal office is located in a HUBZone and not fewer than 35 percent of its employees reside in a HUBZone; or

"(bb) pursuant to paragraph (3)(C), and not fewer than 35 percent of its employees engaged in performing a contract awarded to the small business concern on the basis of a preference provided under section 31(b) reside within any Indian reservation governed by 1 or more of the tribal government owners, or reside within any HUBZone adjoining any such Indian reservation;

"(II) the small business concern will attempt to maintain the applicable employment percentage under subclause (I) during the performance of any contract awarded to the small business concern on the basis of a preference provided under section 31(b); and".

(b) HUBZONE PILOT PROGRAM FOR SPARSELY POPULATED AREAS.—Section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) is amended by adding at the end the following:

"(E) HUBZONE PILOT PROGRAM FOR SPARSELY POPULATED AREAS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A)(i)(I)(aa), during the period beginning on the date of enactment of the Small Business Reauthorization Act of 2000 and ending on September 30, 2003, a small business concern, the principal office of which is located in the State of Alaska, an Alaska Native Corporation under paragraph (3)(B)(i), or a direct or indirect subsidiary, joint venture, or partnership under paragraph (3)(B)(ii) shall be considered to be a qualified HUBZone small business concern if—

"(I) its principal office is located within a HUBZone within the State of Alaska;

"(II) not fewer than 35 percent of its employees who will be engaged in performing a contract awarded to it on the basis of a preference provided under section 31(b) will perform their work in any HUBZone located within the State of Alaska; or

"(III) not fewer than 35 percent of its employees reside in a HUBZone located within the State of Alaska or in any Alaska Native Village within the State of Alaska.

"(ii) EXCEPTION.—

"(I) IN GENERAL.—Clause (i) shall not apply in any fiscal year following a fiscal year in which the total amount of contract dollars awarded in furtherance of the contracting goals established under section 15(g)(1) to small business concerns located within the State of Alaska is equal to more than 2 percent of the total amount of such contract dollars awarded to all small business concerns nationally, based on data from the Federal Procurement Data System.

"(II) LIMITATION.—Subclause (I) shall not be construed to disqualify a HUBZone small business concern from performing a contract awarded to it on the basis of a preference provided under section 31(b), if such concern was qualified under clause (i) at the time at which the contract was awarded.".

(c) CLARIFYING AMENDMENT.—Section 3(p)(5)(D)(i) of the Small Business Act (15 U.S.C. 632(p)(5)(D)(i)) is amended by inserting "once the Administrator has made the certification required by subparagraph (A)(i) regarding a qualified HUBZone small business concern and has determined that subparagraph (A)(ii) does not apply to that concern," before "include".

SEC. 604. OTHER DEFINITIONS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended by adding at the end the following:

"(6) NATIVE AMERICAN SMALL BUSINESS CONCERNS.—

"(A) ALASKA NATIVE CORPORATION.—The term 'Alaska Native Corporation' has the same meaning as the term 'Native Corporation' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

"(B) ALASKA NATIVE VILLAGE.—The term 'Alaska Native Village' has the same meaning as the term 'Native village' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

"(C) INDIAN RESERVATION.—The term 'Indian reservation'—

"(i) has the same meaning as the term 'Indian country' in section 1151 of title 18, United States Code, except that such term does not include—

"(I) any lands that are located within a State in which a tribe did not exercise governmental jurisdiction on the date of enactment of this paragraph, unless that tribe is recognized after that date of enactment by either an Act of Congress or pursuant to regulations of the Secretary of the Interior for the administrative recognition that an Indian group exists as an Indian tribe (part 83 of title 25, Code of Federal Regulations); and

"(II) lands taken into trust or acquired by an Indian tribe after the date of enactment of this paragraph if such lands are not located within the external boundaries of an Indian reservation or former reservation or are not contiguous to the lands held in trust or restricted status on that date of enactment; and

"(ii) in the State of Oklahoma, means lands that—

"(I) are within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

"(II) are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).".

Subtitle B—Other HUBZone Provisions

SEC. 611. DEFINITIONS.

(a) QUALIFIED CENSUS TRACT.—Section 3(p)(4)(A) of the Small Business Act (15 U.S.C. 632(p)(4)(A)) is amended by striking "(I)".

(b) QUALIFIED NONMETROPOLITAN COUNTY.—Section 3(p)(4) of the Small Business Act (15 U.S.C. 632(p)(4)) is amended by striking subparagraph (B) and inserting the following:

"(B) QUALIFIED NONMETROPOLITAN COUNTY.—The term 'qualified nonmetropolitan county' means any county—

"(i) that was not located in a metropolitan statistical area (as defined in section 143(k)(2)(B) of the Internal Revenue Code of 1986) at the time of the most recent census taken for purposes of selecting qualified census tracts under section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986; and

"(ii) in which—

"(I) the median household income is less than 80 percent of the nonmetropolitan State median household income, based on the most recent data available from the Bureau of the Census of the Department of Commerce; or

"(II) the unemployment rate is not less than 140 percent of the Statewide average unemployment rate for the State in which the county is located, based on the most recent data available from the Secretary of Labor.".

SEC. 612. ELIGIBLE CONTRACTS.

(a) COMMODITIES CONTRACTS.—Section 31(b) of the Small Business Act (15 U.S.C. 657a(b)) is amended—

(1) in paragraph (3)—

(A) by striking "In any" and inserting the following:

"(A) IN GENERAL.—Subject to subparagraph (B), in any"; and

(B) by adding at the end the following:

"(B) PROCUREMENT OF COMMODITIES.—For purchases by the Secretary of Agriculture of agricultural commodities, the price evaluation preference shall be—

"(i) 10 percent, for the portion of a contract to be awarded that is not greater than 25 percent of the total volume being procured for each commodity in a single invitation;

"(ii) 5 percent, for the portion of a contract to be awarded that is greater than 25 percent, but not greater than 40 percent, of the total volume being procured for each commodity in a single invitation; and

"(iii) zero, for the portion of a contract to be awarded that is greater than 40 percent of the total volume being procured for each commodity in a single invitation."; and

(2) in paragraph (4), by striking "paragraph (2) or (3)" and inserting "this subsection".

(b) DEFINITIONS.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act, is amended—

(1) in paragraph (5)(A)(i)(III)—

(A) in item (aa), by striking "and" at the end; and

(B) by adding at the end the following:

"(cc) in the case of a contract for the procurement by the Secretary of Agriculture of agricultural commodities, none of the commodity being procured will be obtained by the prime contractor through a subcontract for the purchase of the commodity in substantially the final form in which it is to be supplied to the Government; and"; and

(2) by adding at the end the following:

"(7) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' has the same meaning as in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).".

SEC. 613. HUBZONE REDESIGNATED AREAS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(D) redesignated areas."; and

(2) in paragraph (4), by adding at the end the following:

"(C) REDESIGNATED AREA.—The term 'redesignated area' means any census tract that ceases to be qualified under subparagraph (A) and any nonmetropolitan county that ceases to be qualified under subparagraph (B), except that a census tract or a nonmetropolitan county may be a 'redesignated area' only for the 3-year period following the date on which the census tract or nonmetropolitan county ceased to be so qualified.".

SEC. 614. COMMUNITY DEVELOPMENT.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act, is amended—

(1) in paragraph (3)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(D) a small business concern that is—

"(i) wholly owned by a community development corporation that has received financial assistance under Part 1 of Subchapter A of the Community Economic Development Act of 1981 (42 U.S.C. 9805 et seq.); or

"(ii) owned in part by 1 or more community development corporations, if all other owners are either United States citizens or small business concerns."; and

(2) in paragraph (5)(A)(i)(I)(aa), by striking "subparagraph (A) or (B)" and inserting "subparagraph (A), (B), or (D)".

SEC. 615. REFERENCE CORRECTIONS.

(a) SECTION 3.—Section 3(p)(5)(C) of the Small Business Act (15 U.S.C. 632(p)(5)(C)) is amended by striking "subclause (IV) and (V) of subparagraph (A)(i)" and inserting "items (aa) and (bb) of subparagraph (A)(i)(III)".

(b) SECTION 8.—Section 8(d)(4)(D) of the Small Business Act (15 U.S.C. 637(d)(4)(D)) is amended by inserting "qualified HUBZone small business concerns," after "small business concerns,".

TITLE VII—NATIONAL WOMEN'S BUSINESS COUNCIL REAUTHORIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the "National Women's Business Council Reauthorization Act of 2000".

SEC. 702. DUTIES OF THE COUNCIL.

Section 406 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 406. DUTIES OF THE COUNCIL.

"(a) IN GENERAL.—The Council shall—

"(1) provide advice and counsel to the President and to the Congress on economic matters of importance to women business owners;

"(2) promote initiatives designed to increase access to capital and to markets, training and technical assistance, research, resources, and leadership opportunities for and about women business owners;

"(3) provide a source of information and a catalyst for action to support women's business development;

"(4) promote the implementation of the policy agenda, initiatives and recommendations issued at Summit '98, the National Women's Economic Forum;

"(5) review, coordinate, and monitor plans and programs developed in the public and private sectors that affect the ability of women-owned small business concerns to obtain capital and credit;

"(6) work with—

"(A) the Federal agencies for the purpose of assisting them in meeting the 5 percent women's procurement goal established under section 15(g) of the Small Business Act; and

"(B) the private sector in increasing contracting opportunities for women-owned small business concerns;

"(7) promote and assist in the development of a women's business census and other statistical surveys of women-owned small business concerns;

"(8) support new and ongoing research on women-owned small business concerns;

"(9) monitor and promote the plans, programs, and operations of the departments and agencies of the Federal Government that may contribute to the establishment and growth of women's business enterprise;

"(10) develop and promote new initiatives, policies, programs, and plans designed to foster women's business enterprise; and

"(11) advise and consult with State and local leaders to develop and implement programs and policies that promote women's business ownership.

"(b) Interaction With the Interagency Committee on Women's Business Enterprise.—The Council shall—

"(1) advise the Interagency Committee on Women's Business Enterprise (in this section referred to as the 'Committee') on matters relating to the activities, functions, and policies of the Committee, as provided in this title; and

"(2) meet jointly with the Committee at the discretion of the chairperson of the Council and the chairperson of the Committee, but not less frequently than biannually.

"(c) Meetings.—The Council shall meet separately at such times as the Council deems necessary. A majority of the members of the Council shall constitute a quorum for the approval of recommendations or reports issued pursuant to this section.

"(d) Recommendations and Reports .—

"(1) In general.—Not later than 90 days after the last day of each fiscal year, the Council shall—

"(A) make recommendations for consideration by the Committee; and

"(B) submit a report to the President, the Committee, the Administrator, the Committee on Small Business of the Senate, and the Committee on Small Business of the House of Representatives, as described in paragraph (2).

"(2) Contents of reports.—The reports required by paragraph (1) shall contain—

"(A) a detailed description of the activities of the Council during the preceding fiscal year, including a status report on the progress of the Council toward meeting its duties under subsections (a);

"(B) the findings, conclusions, and recommendations of the Council; and

"(C) the recommendations of the Council for such legislation and administrative actions as the Council considers to be appropriate to promote the development of small business concerns owned and controlled by women.

"(e) Separate Submissions.—The Administrator shall submit any additional, concurring, or dissenting views or recommendations to the President, the Committee, and the Congress separately from any recommendations or report submitted by the Council under this section.".

SEC. 703. MEMBERSHIP OF THE COUNCIL.

Section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a), by striking "Not later" and all that follows through "the President" and inserting "The President";

(2) in subsection (b)—

(A) by striking "Not later" and all that follows through "the Administrator" and inserting "The Administrator"; and

(B) by striking "the Assistant Administrator of the Office of Women's Business Ownership and";

(3) in subsection (d), by striking ", except that" and all that follows through the end of the subsection and inserting a period; and

(4) in subsection (h), by striking "Not later" and all that follows through "the Administrator" and inserting "The Administrator".

SEC. 704. REPEAL OF PROCUREMENT PROJECT; STATE AND LOCAL ECONOMIC NETWORKS.

Section 409 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 409. STATE AND LOCAL ECONOMIC NETWORKS.

"The Council shall work with State and local officials and business leaders to develop the infrastructure for women's business enterprise for the purpose of increasing women's effectiveness in shaping the economic agendas of their States and communities.".

SEC. 705. STUDIES AND OTHER RESEARCH.

Section 410 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 410. STUDIES, OTHER RESEARCH, AND ISSUE INITIATIVES.

"(a) In General.—

"(1) Authority.—The Council may, as it determines to be appropriate, conduct such studies, research, and issue initiatives relating to—

"(A) the award of Federal, State, local, and private sector prime contracts and subcontracts to women-owned businesses; and

"(B) access to credit and investment capital by women entrepreneurs and business development assistance programs, including the identification of best practices.

"(2) Purposes.—Studies, research, and issue initiatives may be conducted under paragraph (1) for purposes including—

"(A) identification of several focused outreach initiatives in nontraditional industry sectors for the purpose of increasing contract awards to women in those areas;

"(B) supporting the growth and proliferation of programs designed to prepare women to successfully access the equity capital markets;

"(C) continuing to identify and report on financial best practices that have worked to increase credit and capital availability to women business owners; and

"(D) working with Women's Business Centers to develop programs and coordinate activities.

"(b) Contract Authority.—In conducting any study or other research under this section, the Council may contract with 1 or more public or private entities.".

SEC. 706. AUTHORIZATION OF APPROPRIATIONS.

Section 411 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 411. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There is authorized to be appropriated to carry out this title $1,000,000, for each of fiscal years 2001 through 2003, of which $550,000 shall be available in each such fiscal year to carry out sections 409 and 410.

"(b) Budget Review.—No amount made available under this section for any fiscal year may be obligated or expended by the Council before the date on which the Council reviews and approves the operating budget of the Council to carry out the responsibilities of the Council for that fiscal year.".

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. LOAN APPLICATION PROCESSING.

(a) Study.—The Administrator of the Small Business Administration shall conduct a study to determine the average time that the Administration requires to process an application for each type of loan or loan guarantee made under the Small Business Act (15 U.S.C. 631 et seq.).

(b) Transmittal.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress the results of the study conducted under subsection (a).

SEC. 802. APPLICATION OF OWNERSHIP REQUIREMENTS.

(a) Small Business Act.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(29) Ownership requirements.—Ownership requirements to determine the eligibility of a small business concern that applies for assistance under any credit program under this Act shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.".

(b) Small Business Investment Act of 1958.—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding at the end the following:

"(6) Ownership requirements.—Ownership requirements to determine the eligibility of a small business concern that applies for assistance under any credit program under this title shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.".

SEC. 803. SUBCONTRACTING PREFERENCE FOR VETERANS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1), by inserting "small business concerns owned and controlled by veterans," after "small business concerns," the first place that term appears in each of the first and second sentences;

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting "small business concerns owned and controlled by service-disabled veterans," after "small business concerns owned and controlled by veterans," in each of the first and second sentences; and

(B) in subparagraph (F), by inserting "small business concern owned and controlled by service-disabled veterans," after "small business concern owned and controlled by veterans,"; and

(3) in each of paragraphs (4)(D), (4)(E), (6)(A), (6)(C), (6)(F), and (10)(B), by inserting "small business concerns owned and controlled by service-disabled veterans," after "small business concerns owned and controlled by veterans,".

SEC. 804. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM FUNDING.

(a) Authorization.—

(1) In general.—Section 20(a)(1) of the Small Business Act (15 U.S.C. 631 note) is

amended by striking "For fiscal year 1985" and all that follows through "expended." and inserting the following: "For fiscal year 2000 and each fiscal year thereafter, there are authorized to be appropriated such sums as may be necessary and appropriate, to remain available until expended, and to be available solely—

"(A) to carry out the Small Business Development Center Program under section 21, but not to exceed the annual funding level, as specified in section 21(a);

"(B) to pay the expenses of the National Small Business Development Center' Advisory Board, as provided in section 21(i);

"(C) to pay the expenses of the information sharing system, as provided in section 21(c)(8);

"(D) to pay the expenses of the association referred to in section 21(a)(3)(A) for conducting the certification program, as provided in section 21(k)(2); and

"(E) to pay the expenses of the Administration, including salaries of examiners, for conducting examinations as part of the certification program conducted by the association referred to in section 21(a)(3)(A).".

(2) Technical Amendment.—Section 20(a) of the Small Business Act (15 U.S.C. 631 note) is amended by moving the margins of paragraphs (3) and (4), including subparagraphs (A) and (B) of paragraph (4), 2 ems to the left.

(b) Funding Formula.—Section 21(a)(4)(C) of the Small Business Act (15 U.S.C. 648(a)(4)(C)) is amended to read as follows:

"(C) Funding formula.—

"(i) In general.—Subject to clause (iii), the amount of a formula grant received by a State under this subparagraph shall be equal to an amount determined in accordance with the following formula:

"(I) The annual amount made available under section 20(a) for the Small Business Development Center Program, less any reductions made for expenses authorized by clause (v) of this subparagraph, shall be divided on a pro rata basis, based on the percentage of the population of each State, as compared to the population of the United States.

"(II) If the pro rata amount calculated under subclause (I) for any State is less than the minimum funding level under clause (iii), the Administration shall determine the aggregate amount necessary to achieve that minimum funding level for each such State.

"(III) The aggregate amount calculated under subclause (II) shall be deducted from the amount calculated under subclause (I) for States eligible to receive more than the minimum funding level. The deductions shall be made on a pro rata basis, based on the population of each such State, as compared to the total population of all such States.

"(IV) The aggregate amount deducted under subclause (III) shall be added to the grants of those States that are not eligible to receive more than the minimum funding level in order to achieve the minimum funding level for each such State, except that the eligible amount of a grant to any State shall not be reduced to an amount below the minimum funding level.

"(ii) Grant determination.—The amount of a grant that a State is eligible to apply for under this subparagraph shall be the amount determined under clause (i), subject to any modifications required under clause (iii), and shall be based on the amount available for the fiscal year in which performance of the grant commences, but not including amounts distributed in accordance with clause (iv). The amount of a grant received by a State under any provision of this subparagraph shall not exceed the amount of matching funds from sources other than the Federal Government, as required under subparagraph (A).

"(iii) Minimum funding level.—The amount of the minimum funding level for each State shall be determined for each fiscal year based on the amount made available for that fiscal year to carry out this section, as follows:

"(I) If the amount made available is not less than $81,500,000 and not more than $90,000,000, the minimum funding level shall be $500,000.

"(II) If the amount made available is less than $81,500,000, the minimum funding level shall be the remainder of $500,000 minus a percentage of $500,000 equal to the percentage amount by which the amount made available is less than $81,500,000.

"(III) If the amount made available is more than $90,000,000, the minimum funding level shall be the sum of $500,000 plus a percentage of $500,000 equal to the percentage amount by which the amount made available exceeds $90,000,000.

"(iv) Distributions.—Subject to clause (iii), if any State does not apply for, or use, its full funding eligibility for a fiscal year, the Administration shall distribute the remaining funds as follows:

"(I) If the grant to any State is less than the amount received by that State in fiscal year 2000, the Administration shall distribute such remaining funds, on a pro rata basis, based on the percentage of shortage of each such State, as compared to the total amount of such remaining funds available, to the extent necessary in order to increase the amount of the grant to the amount received by that State in fiscal year 2000, or until such funds are exhausted, whichever first occurs.

"(II) If any funds remain after the application of subclause (I), the remaining amount may be distributed as supplemental grants to any State, as the Administration determines, in its discretion, to be appropriate, after consultation with the association referred to in subsection (a)(3)(A).

"(v) Use of amounts.—

"(I) In general.—Of the amounts made available in any fiscal year to carry out this section—

"(aa) not more than $500,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1); and

"(bb) not more than $500,000 may be used by the Administration to pay the examination expenses enumerated in section 20(a)(1)(E).

"(II) Limitation.—No funds described in subclause (I) may be used for examination expenses under section 20(a)(1)(E) if the usage would reduce the amount of grants made available under clause (i)(I) of this subparagraph to less than $85,000,000 (after excluding any amounts provided in appropriations Acts for specific institutions or for purposes other than the general small business development center program) or would further reduce the amount of such grants below such amount.

"(vi) Exclusions.—Grants provided to a State by the Administration or another Federal agency to carry out subsection (a)(6) or (c)(3)(G), or for supplemental grants set forth in clause (iv)(II) of this subparagraph, shall not be included in the calculation of maximum funding for a State under clause (ii) of this subparagraph.

"(vii) Authorization of appropriations.—There is authorized to be appropriated to carry out this subparagraph $125,000,000 for each of fiscal years 2001, 2002, and 2003.

"(viii) State defined.—In this subparagraph, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.".

SEC. 805. SURETY BONDS.

(a) Contract Amounts.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) in subsection (a)(1), by striking "$1,250,000" and inserting "$2,000,000"; and

(2) in subsection (e)(2), by striking "$1,250,000" and inserting "$2,000,000".

(b) Extension of Certain Authority.—Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking "2000" and inserting "2003".

SEC. 806. SIZE STANDARDS.

(a) Industry Classifications.—Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended in the eighth sentence, by striking "four-digit standard" and all that follows through "published" and inserting "definition of a 'United States industry' under the North American Industry Classification System, as established".

(b) Annual Receipts.—Section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1)) is amended by striking "$500,000" and inserting "$750,000".

(c) Certain Packing Houses.—

(1) In general.—Section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1)) is amended by inserting before the period the following: "and, in the case of an enterprise that is a fresh fruit and vegetable packing house, has not more than 200 employees".

(2) Effective date.—The amendment made by paragraph (1) shall apply to any application to the Small Business Administration for emergency or disaster loan assistance that was pending on or after April 1, 1999.

SEC. 807. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT CENTERS.

(a) In General.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 21A the following:

"SEC. 21B. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT CENTER NETWORK.

"(a) Definitions.—In this section—

"(1) the term 'Alaska Native' means a Native (as such term is defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)));

"(2) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

"(3) the terms 'Native American Small Business Development Center Network' and 'Network' mean 1 lead center small business development center with satellite locations located on Alaska Native, Indian, or Native Hawaiian lands;

"(4) the terms 'Native Hawaiian' and 'Native Hawaiian Organization' have the same meanings as in paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912) and section 8(a)(15) of this Act;

"(5) the term 'Indian lands' includes lands within the definition of—

"(A) the term 'Indian country', as defined in section 1151 of title 18, United States Code; and

"(B) the term 'reservation', as defined in—

"(i) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), except that such section shall be applied by treating the term 'former Indian reservations in Oklahoma' as including only lands that are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of the Interior) and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations, as in effect on the date of enactment of this section; and

"(ii) section 4(10) of the Indian Child Welfare Act (25 U.S.C. 1903(10));

"(6) the term 'Tribal Business Information Center' means a business information center established by the Administration and a tribal organization on Alaska Native, Indian, or Native Hawaiian lands, as authorized by this section;

"(7) the terms 'Tribal Electronic Commerce Small Business Resource Center' and 'Resource Center' mean an information sharing system and resource center providing research and resources to the Network, as authorized by this section; and

"(8) the term 'tribal organization' has the same meaning as in section 4(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1)), except for the proviso contained in that paragraph, and includes Native Hawaiian Organizations and organizations of Alaska Natives.

"(b) AUTHORITY FOR NETWORK.—

"(1) IN GENERAL.—The Administration may establish a Native American Small Business Development Center Network and a Tribal Electronic Commerce Small Business Resource Center.

"(2) PURPOSE.—The purpose of the Network shall be to stimulate Alaska Native, Indian, and Native Hawaiian economies through the creation and expansion of small businesses.

"(3) ESTABLISHMENT.—The Administration may provide 1 or more contracts, grants, and cooperative agreements to any established tribal organization to establish the Network and the Resource Center. Awards made under this section may be subgranted.

"(c) USES OF ASSISTANCE.—Services provided by the Network shall include—

"(1) providing current business management and technical assistance in a cost-effective and culturally tailored manner that primarily serves Alaska Natives, members of Indian tribes, or Native Hawaiians;

"(2) providing Tribal Business Information Centers with current electronic commerce information, training, and other forms of technical assistance;

"(3) supporting the Resource Center; and

"(4) providing any of the services that a small business development center may provide under section 21.

"(d) GRANT AND COOPERATIVE AGREEMENT MATCHING REQUIREMENT.—

"(1) IN GENERAL.—As a condition for receiving a contract, grant, or cooperative agreement authorized by this section, the recipient organization shall agree to obtain, after its application has been approved and notice of award has been issued, cash or in kind contributions from non-Federal sources as follows:

"(A) One non-Federal dollar for each 4 Federal dollars in the first and second years of the term of the assistance.

"(B) One non-Federal dollar for each 3 Federal dollars in the third and fourth years of the term of the assistance.

"(C) One non-Federal dollar for each Federal dollar in the fifth and succeeding years of the term of the assistance.

"(2) WAIVER.—The Administration may waive or reduce the matching funds requirements in paragraph (1) with respect to a recipient organization if the Administration determines that such action is consistent with the purposes of this section and in the best interests of the program authorized by this section.

"(3) EXCEPTION.—The matching funds requirement of paragraph (1) does not apply to contracts, grants, or cooperative agreements made to a tribal organization for the Resource Center.

"(e) AUTHORIZATION.—There is authorized to be appropriated—

"(1) to carry out this section, $3,000,000 for fiscal year 2001 and each subsequent fiscal year; and

"(2) to fund the establishment and implementation of one Resource Center under the authority of this section, $500,000 for fiscal year 2001 and each subsequent fiscal year.".

(b) NATIVE HAWAIIAN ORGANIZATIONS UNDER SECTION 8(a).—Section 8(a)(15)(A) of the Small Business Act (15 U.S.C. 637(a)(15)(A)) is amended to read as follows:

"(A) is a nonprofit corporation that has filed articles of incorporation with the director (or the designee thereof) of the Hawaii Department of Commerce and Consumer Affairs, or any successor agency,".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, October 4, 2000, at 9:30 a.m. in room 366 of the Dirksen Senate Building to conduct an oversight hearing on alcohol and law enforcement in Alaska.

Those wishing additional information may contact committee staff at 202/224–2251.

MEASURE READ THE FIRST TIME—S. 3146

Mr. KYL. Mr. President, I understand that S. 3146 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3146) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

Mr. KYL. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM AUTHORIZATION ACT OF 2000

Mr. KYL. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on the bill, H.R. 2392, an act to amend the Small Business Act to extend the authorization for the Small Business Innovation Research program, and for other purposes.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2392) entitled "An Act to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes," with the following amendment:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Extension of SBIR program.
Sec. 104. Annual report.
Sec. 105. Third phase assistance.
Sec. 106. Report on programs for annual performance plan.
Sec. 107. Output and outcome data.
Sec. 108. National Research Council reports.
Sec. 109. Federal agency expenditures for the SBIR program.
Sec. 110. Policy directive modifications.
Sec. 111. Federal and State technology partnership program.
Sec. 112. Mentoring networks.
Sec. 113. Simplified reporting requirements.
Sec. 114. Rural outreach program extension.

TITLE II—GENERAL BUSINESS LOAN PROGRAM

Sec. 201. Short title.
Sec. 202. Levels of participation.
Sec. 203. Loan amounts.
Sec. 204. Interest on defaulted loans.
Sec. 205. Prepayment of loans.
Sec. 206. Guarantee fees.
Sec. 207. Lease terms.

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

Sec. 301. Short title.
Sec. 302. Women-owned businesses.
Sec. 303. Maximum debenture size.
Sec. 304. Fees.
Sec. 305. Premier certified lenders program.
Sec. 306. Sale of certain defaulted loans.
Sec. 307. Loan liquidation.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Investment in small business investment companies.
Sec. 404. Subsidy fees.
Sec. 405. Distributions.
Sec. 406. Conforming amendment.

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

Sec. 501. Short title.
Sec. 502. Reauthorization of small business programs.
Sec. 503. Additional reauthorizations.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Loan application processing.
Sec. 602. Application of ownership requirements.
Sec. 603. Eligibility for HUBZone program.
Sec. 604. Subcontracting preference for veterans.
Sec. 605. Small business development center program funding.
Sec. 606. Surety bonds.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

SEC. 101. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the "Small Business Innovation Research Program Reauthorization Act of 2000".

SEC. 102. FINDINGS.

Congress finds that—

(1) the small business innovation research program established under the Small Business Innovation Development Act of 1982, and reauthorized by the Small Business Research and Development Enhancement Act of 1992 (in this Act referred to as the "SBIR program") is highly successful in involving small businesses in federally funded research and development;

(2) the SBIR program made the cost-effective and unique research and development capabilities possessed by the small businesses of the Nation available to Federal agencies and departments;

(3) the innovative goods and services developed by small businesses that participated in the SBIR program have produced innovations of critical importance in a wide variety of high-technology fields, including biology, medicine, education, and defense;

(4) the SBIR program is a catalyst in the promotion of research and development, the commercialization of innovative technology, the development of new products and services, and the continued excellence of this Nation's high-technology industries; and

(5) the continuation of the SBIR program will provide expanded opportunities for one of the Nation's vital resources, its small businesses, will foster invention, research, and technology, will create jobs, and will increase this Nation's competitiveness in international markets.

SEC. 103. EXTENSION OF SBIR PROGRAM.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

"(m) Termination.—The authorization to carry out the Small Business Innovation Research Program established under this section shall terminate on September 30, 2008.".

SEC. 104. ANNUAL REPORT.

Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking "and the Committee on Small Business of the House of Representatives" and inserting ", and to the Committee on Science and the Committee on Small Business of the House of Representatives,".

SEC. 105. THIRD PHASE ASSISTANCE.

Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking "; and" and inserting "; or".

SEC. 106. REPORT ON PROGRAMS FOR ANNUAL PERFORMANCE PLAN.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

"(9) include, as part of its annual performance plan as required by subsections (a) and (b) of section 1115 of title 31, United States Code, a section on its SBIR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives; and".

SEC. 107. OUTPUT AND OUTCOME DATA.

(a) Collection.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by section 106 of this Act, is further amended by adding at the end the following new paragraph:

"(10) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k).".

(b) Report to Congress.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)), as amended by section 104 of this Act, is further amended by inserting before the period at the end ", including the data on output and outcomes collected pursuant to subsections (g)(10) and (o)(9), and a description of the extent to which Federal agencies are providing in a timely manner information needed to maintain the database described in subsection (k)".

(c) Database.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended to read as follows:

"(k) Database.—

"(1) Public database.—Not later than 180 days after the date of the enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall develop, maintain, and make available to the public a searchable, up-to-date, electronic database that includes—

"(A) the name, size, location, and an identifying number assigned by the Administrator, of each small business concern that has received a first phase or second phase SBIR award from a Federal agency;

"(B) a description of each first phase or second phase SBIR award received by that small business concern, including—

"(i) an abstract of the project funded by the award, excluding any proprietary information so identified by the small business concern;

"(ii) the Federal agency making the award; and

"(iii) the date and amount of the award;

"(C) an identification of any business concern or subsidiary established for the commercial application of a product or service for which an SBIR award is made; and

"(D) information regarding mentors and Mentoring Networks, as required by section 35(d).

"(2) Government database.—Not later than 180 days after the date of the enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator, in consultation with Federal agencies required to have an SBIR program pursuant to subsection (f)(1), shall develop and maintain a database to be used solely for SBIR program evaluation that—

"(A) contains for each second phase award made by a Federal agency—

"(i) information collected in accordance with paragraph (3) on revenue from the sale of new products or services resulting from the research conducted under the award;

"(ii) information collected in accordance with paragraph (3) on additional investment from any source, other than first phase or second phase SBIR or STTR awards, to further the research and development conducted under the award; and

"(iii) any other information received in connection with the award that the Administrator, in conjunction with the SBIR program managers of Federal agencies, considers relevant and appropriate;

"(B) includes any narrative information that a small business concern receiving a second phase award voluntarily submits to further describe the outputs and outcomes of its awards;

"(C) includes for each applicant for a first phase or second phase award that does not receive such an award—

"(i) the name, size, and location, and an identifying number assigned by the Administration;

"(ii) an abstract of the project; and

"(iii) the Federal agency to which the application was made;

"(D) includes any other data collected by or available to any Federal agency that such agency considers may be useful for SBIR program evaluation; and

"(E) is available for use solely for program evaluation purposes by the Federal Government or, in accordance with policy directives issued by the Administration, by other authorized persons who are subject to a use and nondisclosure agreement with the Federal Government covering the use of the database.

"(3) Updating information for database.—

"(A) In general.—A small business concern applying for a second phase award under this section shall be required to update information in the database established under this subsection for any prior second phase award received by that small business concern. In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

"(B) Annual updates upon termination.—A small business concern receiving a second phase award under this section shall—

"(i) update information in the database concerning that award at the termination of the award period; and

"(ii) be requested to voluntarily update such information annually thereafter for a period of 5 years.

"(4) Protection of information.—Information provided under paragraph (2) shall be considered privileged and confidential and not subject to disclosure pursuant to section 552 of title 5, United States Code.

"(5) Rule of construction.—Inclusion of information in the database under this subsection shall not be considered to be publication for purposes of subsection (a) or (b) of section 102 of title 35, United States Code.".

SEC. 108. NATIONAL RESEARCH COUNCIL REPORTS.

(a) Study and Recommendations.—The head of each agency with a budget of more than $50,000,000 for its SBIR program for fiscal year 1999, in consultation with the Small Business Administration, shall, not later than 6 months after the date of the enactment of this Act, cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to—

(1) conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs, including—

(A) a review of the value to the Federal research agencies of the research projects being conducted under the SBIR program, and of the quality of research being conducted by small businesses participating under the program, including a comparison of the value of projects conducted under the SBIR program to those funded by other Federal research and development expenditures;

(B) to the extent practicable, an evaluation of the economic benefits achieved by the SBIR program, including the economic rate of return, and a comparison of the economic benefits, including the economic rate of return, achieved by the SBIR program with the economic benefits, including the economic rate of return, of other Federal research and development expenditures;

(C) an evaluation of the noneconomic benefits achieved by the SBIR program over the life of the program;

(D) a comparison of the allocation for fiscal year 2000 of Federal research and development funds to small businesses with such allocation for fiscal year 1983, and an analysis of the factors that have contributed to such allocation; and

(E) an analysis of whether Federal agencies, in fulfilling their procurement needs, are making sufficient effort to use small businesses that have completed a second phase award under the SBIR program; and

(2) make recommendations with respect to—

(A) measures of outcomes for strategic plans submitted under section 306 of title 5, United

States Code, and performance plans submitted under section 1115 of title 31, United States Code, of each Federal agency participating in the SBIR program;

(B) whether companies who can demonstrate project feasibility, but who have not received a first phase award, should be eligible for second phase awards, and the potential impact of such awards on the competitive selection process of the program;

(C) whether the Federal Government should be permitted to recoup some or all of its expenses if a controlling interest in a company receiving an SBIR award is sold to a foreign company or to a company that is not a small business concern;

(D) how to increase the use by the Federal Government in its programs and procurements of technology-oriented small businesses; and

(E) improvements to the SBIR program, if any are considered appropriate.

(b) Participation by Small Business.—

(1) In general.—In a manner consistent with law and with National Research Council study guidelines and procedures, knowledgeable individuals from the small business community with experience in the SBIR program shall be included—

(A) in any panel established by the National Research Council for the purpose of performing the study conducted under this section; and

(B) among those who are asked by the National Research Council to peer review the study.

(2) Consultation.—To ensure that the concerns of small business are appropriately considered under this subsection, the National Research Council shall consult with and consider the views of the Office of Technology and the Office of Advocacy of the Small Business Administration and other interested parties, including entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns.

(c) Progress Reports.—The National Research Council shall provide semiannual progress reports on the study conducted under this section to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate.

(d) Report.—The National Research Council shall transmit to the heads of agencies entering into an agreement under this section and to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate—

(1) not later than 3 years after the date of the enactment of this Act, a report including the results of the study conducted under subsection (a)(1) and recommendations made under subsection (a)(2); and

(2) not later than 6 years after that date of the enactment, an update of such report.

SEC. 109. FEDERAL AGENCY EXPENDITURES FOR THE SBIR PROGRAM.

Section 9(i) of the Small Business Act (15 U.S.C. 638(i)) is amended—

(1) by striking "(i) Each Federal" and inserting the following:

"(i) Annual Reporting.—

"(1) In general.—Each Federal"; and

(2) by adding at the end the following:

"(2) Calculation of extramural budget.—

"(A) Methodology.—Not later than 4 months after the date of the enactment of each appropriations Act for a Federal agency required by this section to have an SBIR program, the Federal agency shall submit to the Administrator a report, which shall include a description of the methodology used for calculating the amount of the extramural budget of that Federal agency.

"(B) Administrator's analysis.—The Administrator shall include an analysis of the methodology received from each Federal agency referred to in subparagraph (A) in the report required by subsection (b)(7).".

SEC. 110. POLICY DIRECTIVE MODIFICATIONS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

"(3) Additional modifications.—Not later than 120 days after the date of the enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall modify the policy directives issued pursuant to this subsection—

"(A) to clarify that the rights provided for under paragraph (2)(A) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(4)(A)), the second phase (as described in subsection (e)(4)(B)), and the third phase (as described in subsection (e)(4)(C));

"(B) to provide for the requirement of a succinct commercialization plan with each application for a second phase award that is moving toward commercialization;

"(C) to require agencies to report to the Administration, not less frequently than annually, all instances in which an agency pursued research, development, or production of a technology developed by a small business concern using an award made under the SBIR program of that agency, and determined that it was not practicable to enter into a follow-on non-SBIR program funding agreement with the small business concern, which report shall include, at a minimum—

"(i) the reasons why the follow-on funding agreement with the small business concern was not practicable;

"(ii) the identity of the entity with which the agency contracted to perform the research, development, or production; and

"(iii) a description of the type of funding agreement under which the research, development, or production was obtained; and

"(D) to implement subsection (v), including establishing standardized procedures for the provision of information pursuant to subsection (k)(3).".

SEC. 111. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

(a) Findings.—Congress finds that—

(1) programs to foster economic development among small high-technology firms vary widely among the States;

(2) States that do not aggressively support the development of small high-technology firms, including participation by small business concerns in the SBIR program, are at a competitive disadvantage in establishing a business climate that is conducive to technology development; and

(3) building stronger national, State, and local support for science and technology research in these disadvantaged States will expand economic opportunities in the United States, create jobs, and increase the competitiveness of the United States in the world market.

(b) Federal and State Technology Partnership Program.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 34 as section 36; and

(2) by inserting after section 33 the following new section:

"SEC. 34. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

"(a) Definitions.—In this section and section 35, the following definitions apply:

"(1) Applicant.—The term 'applicant' means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this section.

"(2) Business advice and counseling.—The term 'business advice and counseling' means providing advice and assistance on matters described in section 35(c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

"(3) FAST program.—The term 'FAST program' means the Federal and State Technology Partnership Program established under this section.

"(4) Mentor.—The term 'mentor' means an individual described in section 35(c)(2).

"(5) Mentoring network.—The term 'Mentoring Network' means an association, organization, coalition, or other entity (including an individual) that meets the requirements of section 35(c).

"(6) Recipient.—The term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this section.

"(7) SBIR program.—The term 'SBIR program' has the same meaning as in section 9(e)(4).

"(8) State.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(9) STTR program.—The term 'STTR program' has the same meaning as in section 9(e)(6).

"(b) Establishment of Program.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

"(c) Grants and Cooperative Agreements.—

"(1) Joint review.—In carrying out the FAST program under this section, the Administrator and the SBIR program managers at the National Science Foundation and the Department of Defense shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this section based on the factors for consideration set forth in paragraph (2), in order to enhance or develop in a State—

"(A) technology research and development by small business concerns;

"(B) technology transfer from university research to technology-based small business concerns;

"(C) technology deployment and diffusion benefiting small business concerns;

"(D) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

"(i) State and local development agencies and entities;

"(ii) representatives of technology-based small business concerns;

"(iii) industries and emerging companies;

"(iv) universities; and

"(v) small business development centers; and

"(E) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program, including initiatives—

"(i) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR proposals;

"(ii) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good

candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 35;

"(iii) to create or participate in a training program for individuals providing SBIR outreach and assistance at the State and local levels; and

"(iv) to encourage the commercialization of technology developed through SBIR program funding.

"(2) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this section, the Administrator and the SBIR program managers referred to in paragraph (1)—

"(A) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this section to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program; and

"(B) shall consider, at a minimum—

"(i) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

"(ii) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State, as measured by the number of first phase and second phase SBIR awards that have historically been received by small business concerns in the State;

"(iii) whether the projected costs of the proposed activities are reasonable;

"(iv) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State; and

"(v) the manner in which the applicant will measure the results of the activities to be conducted.

"(3) PROPOSAL LIMIT.—Not more than one proposal may be submitted for inclusion in the FAST program under this section to provide services in any one State in any 1 fiscal year.

"(4) PROCESS.—Proposals and applications for assistance under this section shall be in such form and subject to such procedures as the Administrator shall establish.

"(d) COOPERATION AND COORDINATION.—In carrying out the FAST program under this section, the Administrator shall cooperate and coordinate with—

"(1) Federal agencies required by section 9 to have an SBIR program; and

"(2) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

"(A) State and local development agencies and entities;

"(B) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

"(C) State science and technology councils; and

"(D) representatives of technology-based small business concerns.

"(e) ADMINISTRATIVE REQUIREMENTS.—

"(1) COMPETITIVE BASIS.—Awards and cooperative agreements under this section shall be made or entered into, as applicable, on a competitive basis.

"(2) MATCHING REQUIREMENTS.—

"(A) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—

"(i) 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 18 States receiving the fewest SBIR first phase awards (as described in section 9(e)(4)(A));

"(ii) except as provided in subparagraph (B), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 16 States receiving the greatest number of such SBIR first phase awards; and

"(iii) except as provided in subparagraph (B), 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) or (ii) that is receiving such SBIR first phase awards.

"(B) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 50 cents for each Federal dollar that will be directly allocated by a recipient described in subparagraph (A) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of subparagraph (A).

"(C) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

"(D) RANKINGS.—For purposes of subparagraph (A), the Administrator shall reevaluate the ranking of a State once every 2 fiscal years, beginning with fiscal year 2001, based on the most recent statistics compiled by the Administrator.

"(3) DURATION.—Awards may be made or cooperative agreements entered into under this section for multiple years, not to exceed 5 years in total.

"(f) REPORTS.—

"(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall prepare and submit to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives a report, which shall include, with respect to the FAST program, including Mentoring Networks—

"(A) a description of the structure and procedures of the program;

"(B) a management plan for the program; and

"(C) a description of the merit-based review process to be used in the program.

"(2) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

"(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

"(B) a list of recipients under this section, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

"(C) the Mentoring Networks and the mentoring database, as provided for under section 35, including—

"(i) the status of the inclusion of mentoring information in the database required by section 9(k); and

"(ii) the status of the implementation and description of the usage of the Mentoring Networks.

"(g) REVIEWS BY INSPECTOR GENERAL.—

"(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

"(A) the extent to which recipients under the FAST program are measuring the performance of the activities being conducted and the results of such measurements; and

"(B) the overall management and effectiveness of the FAST program.

"(2) REPORT.—During the first quarter of fiscal year 2004, the Inspector General of the Administration shall submit a report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives on the review conducted under paragraph (1).

"(h) PROGRAM LEVELS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this section and section 35, $10,000,000 for each of fiscal years 2001 through 2005.

"(2) MENTORING DATABASE.—Of the total amount made available under paragraph (1) for fiscal years 2001 through 2005, a reasonable amount, not to exceed a total of $500,000, may be used by the Administration to carry out section 35(d).

"(i) TERMINATION.—The authority to carry out the FAST program under this section shall terminate on September 30, 2005.".

(c) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(u) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—

"(1) DEFINITION OF TECHNOLOGY DEVELOPMENT PROGRAM.—In this subsection, the term 'technology development program' means—

"(A) the Experimental Program to Stimulate Competitive Research of the National Science Foundation, as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

"(B) the Defense Experimental Program to Stimulate Competitive Research of the Department of Defense;

"(C) the Experimental Program to Stimulate Competitive Research of the Department of Energy;

"(D) the Experimental Program to Stimulate Competitive Research of the Environmental Protection Agency;

"(E) the Experimental Program to Stimulate Competitive Research of the National Aeronautics and Space Administration;

"(F) the Institutional Development Award Program of the National Institutes of Health; and

"(G) the National Research Initiative Competitive Grants Program of the Department of Agriculture.

"(2) COORDINATION REQUIREMENTS.—Each Federal agency that is subject to subsection (f) and that has established a technology development program may, in each fiscal year, review for funding under that technology development program—

"(A) any proposal to provide outreach and assistance to one or more small business concerns interested in participating in the SBIR program, including any proposal to make a grant or loan to a company to pay a portion or all of the cost of developing an SBIR proposal, from an entity, organization, or individual located in—

"(i) a State that is eligible to participate in that program; or

"(ii) a State described in paragraph (3); or

"(B) any proposal for the first phase of the SBIR program, if the proposal, though meritorious, is not funded through the SBIR program for that fiscal year due to funding restraints, from a small business concern located in—

"(i) a State that is eligible to participate in a technology development program; or

"(ii) a State described in paragraph (3).

"(3) ADDITIONALLY ELIGIBLE STATE.—A State referred to in subparagraph (A)(ii) or (B)(ii) of paragraph (2) is a State in which the total value of contracts awarded to small business concerns under all SBIR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2000, based on the most recent statistics compiled by the Administrator.".

SEC. 112. MENTORING NETWORKS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 34, as added by section 111(b)(2) of this Act, the following new section:

"SEC. 35. MENTORING NETWORKS.

"(a) FINDINGS.—Congress finds that—

"(1) the SBIR and STTR programs create jobs, increase capacity for technological innovation, and boost international competitiveness;

"(2) increasing the quantity of applications from all States to the SBIR and STTR programs would enhance competition for such awards and the quality of the completed projects; and

"(3) mentoring is a natural complement to the FAST program of reaching out to new companies regarding the SBIR and STTR programs as an effective and low-cost way to improve the likelihood that such companies will succeed in such programs in developing and commercializing their research.

"(b) AUTHORIZATION FOR MENTORING NETWORKS.—The recipient of an award or participant in a cooperative agreement under section 34 may use a reasonable amount of such assistance for the establishment of a Mentoring Network under this section.

"(c) CRITERIA FOR MENTORING NETWORKS.—A Mentoring Network established using assistance under section 34 shall—

"(1) provide business advice and counseling to high technology small business concerns located in the State or region served by the Mentoring Network and identified under section 34(c)(1)(E)(ii) as potential candidates for the SBIR or STTR programs;

"(2) identify volunteer mentors who—

"(A) are persons associated with a small business concern that has successfully completed one or more SBIR or STTR funding agreements; and

"(B) have agreed to guide small business concerns through all stages of the SBIR or STTR program process, including providing assistance relating to—

"(i) proposal writing;

"(ii) marketing;

"(iii) Government accounting;

"(iv) Government audits;

"(v) project facilities and equipment;

"(vi) human resources;

"(vii) third phase partners;

"(viii) commercialization;

"(ix) venture capital networking; and

"(x) other matters relevant to the SBIR and STTR programs;

"(3) have experience working with small business concerns participating in the SBIR and STTR programs;

"(4) contribute information to the national database referred to in subsection (d); and

"(5) agree to reimburse volunteer mentors for out-of-pocket expenses related to service as a mentor under this section.

"(d) MENTORING DATABASE.—The Administrator shall—

"(1) include in the database required by section 9(k)(1), in cooperation with the SBIR, STTR, and FAST programs, information on Mentoring Networks and mentors participating under this section, including a description of their areas of expertise;

"(2) work cooperatively with Mentoring Networks to maintain and update the database;

"(3) take such action as may be necessary to aggressively promote Mentoring Networks under this section; and

"(4) fulfill the requirements of this subsection either directly or by contract.".

SEC. 113. SIMPLIFIED REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is further amended by adding at the end the following new subsection:

"(v) SIMPLIFIED REPORTING REQUIREMENTS.—The Administrator shall work with the Federal agencies required by this section to have an SBIR program to standardize reporting requirements for the collection of data from SBIR applicants and awardees, including data for inclusion in the database under subsection (k), taking into consideration the unique needs of each agency, and to the extent possible, permitting the updating of previously reported information by electronic means. Such requirements shall be designed to minimize the burden on small businesses.".

SEC. 114. RURAL OUTREACH PROGRAM EXTENSION.

(a) EXTENSION OF TERMINATION DATE.—Section 501(b)(2) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 638 note; 111 Stat. 2622) is amended by striking "2001" and inserting "2005".

(b) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 9(s)(2) of the Small Business Act (15 U.S.C. 638(s)(2)) is amended by striking "for fiscal year 1998, 1999, 2000, or 2001" and inserting "for each of the fiscal years 2000 through 2005,".

TITLE II—GENERAL BUSINESS LOAN PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the "Small Business General Business Loan Improvement Act of 2000".

SEC. 202. LEVELS OF PARTICIPATION.

Section 7(a)(2)(A) of the Small Business Act (15 U.S.C. 636(a)(2)(A)) is amended—

(1) in paragraph (i) by striking "$100,000" and inserting "$150,000"; and

(2) in paragraph (ii)—

(A) by striking "80 percent" and inserting "85 percent"; and

(B) by striking "$100,000" and inserting "$150,000".

SEC. 203. LOAN AMOUNTS.

Section 7(a)(3)(A) of the Small Business Act (15 U.S.C. 636(a)(3)(A)) is amended by striking "$750,000," and inserting, "$1,000,000 (or if the gross loan amount would exceed $2,000,000),".

SEC. 204. INTEREST ON DEFAULTED LOANS.

Subparagraph (B) of section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is amended by adding at the end the following:

"(iii) APPLICABILITY.—Clauses (i) and (ii) shall not apply to loans made on or after October 1, 2000.".

SEC. 205. PREPAYMENT OF LOANS.

Section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is further amended—

(1) by striking "(4) INTEREST RATES AND FEES.—" and inserting "(4) INTEREST RATES AND PREPAYMENT CHARGES.—"; and

(2) by adding at the end the following:

"(C) PREPAYMENT CHARGES.—

"(i) IN GENERAL.—A borrower who prepays any loan guaranteed under this subsection shall remit to the Administration a subsidy recoupment fee calculated in accordance with clause (ii) if—

"(I) the loan is for a term of not less than 15 years;

"(II) the prepayment is voluntary;

"(III) the amount of prepayment in any calendar year is more than 25 percent of the outstanding balance of the loan; and

"(IV) the prepayment is made within the first 3 years after disbursement of the loan proceeds.

"(ii) SUBSIDY RECOUPMENT FEE.—The subsidy recoupment fee charged under clause (i) shall be—

"(I) 5 percent of the amount of prepayment, if the borrower prepays during the first year after disbursement;

"(II) 3 percent of the amount of prepayment, if the borrower prepays during the second year after disbursement; and

"(III) 1 percent of the amount of prepayment, if the borrower prepays during the third year after disbursement.".

SEC. 206. GUARANTEE FEES.

Section 7(a)(18)(B) of the Small Business Act (15 U.S.C. 636(a)(18)(B)) is amended to read as follows:

"(B) EXCEPTION FOR CERTAIN LOANS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), if the total deferred participation share of a loan guaranteed under this subsection is less than or equal to $150,000, the guarantee fee collected under subparagraph (A) shall be in an amount equal to 2 percent of the total deferred participation share of the loan.

"(ii) RETENTION OF FEES.—Lenders participating in the programs established under this subsection may retain not more than 25 percent of the fee collected in accordance with this subparagraph with respect to any loan not exceeding $150,000 in gross loan amount.".

SEC. 207. LEASE TERMS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is further amended by adding at the end the following:

"(28) LEASING.—In addition to such other lease arrangements as may be authorized by the Administration, a borrower may permanently lease to one or more tenants not more than 20 percent of any property constructed with the proceeds of a loan guaranteed under this subsection, if the borrower permanently occupies and uses not less than 60 percent of the total business space in the property.".

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the "Certified Development Company Program Improvements Act of 2000".

SEC. 302. WOMEN-OWNED BUSINESSES.

Section 501(d)(3)(C) of the Small Business Investment Act (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma "or women-owned business development".

SEC. 303. MAXIMUM DEBENTURE SIZE.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

"(2) Loans made by the Administration under this section shall be limited to $1,000,000 for each such identifiable small business concern, except loans meeting the criteria specified in section 501(d)(3), which shall be limited to $1,300,000 for each such identifiable small business concern.".

SEC. 304. FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended to read as follows:

"(f) EFFECTIVE DATE.—The fees authorized by subsections (b) and (d) shall apply to financings approved by the Administration on or after October 1, 1996, but shall not apply to financings approved by the Administration on or after October 1, 2003.".

SEC. 305. PREMIER CERTIFIED LENDERS PROGRAM.

Section 217(b) of the Small Business Reauthorization and Amendments Act of 1994 (relating to section 508 of the Small Business Investment Act) is repealed.

SEC. 306. SALE OF CERTAIN DEFAULTED LOANS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking "On a pilot program basis, the" and inserting "The";

(2) by redesignating subsections (d) though (i) as subsections (e) though (j), respectively;

(3) in subsection (f) (as redesignated by paragraph (2)), by striking "subsection (f)" and inserting "subsection (g)";

(4) in subsection (h) (as redesignated by paragraph (2)), by striking "subsection (f)" and inserting "subsection (g)"; and

(5) by inserting after subsection (c) the following:

"(d) SALE OF CERTAIN DEFAULTED LOANS.—

"(1) NOTICE.—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financings, it shall give prior notice thereof to any certified development company which has a contingent liability under this section. The notice shall be given to the company as soon as possible after the financing is identified, but not less than 90 days before the date the Administration first makes any records on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

"(2) LIMITATIONS.—The Administration shall not offer any loan described in paragraph (1) as part of a bulk sale unless it—

"(A) provides prospective purchasers with the opportunity to examine the Administration's records with respect to such loan; and

"(B) provides the notice required by paragraph (1).".

SEC. 307. LOAN LIQUIDATION.

(a) LIQUIDATION AND FORECLOSURE.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

"SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

"(a) DELEGATION OF AUTHORITY.—In accordance with this section, the Administration shall delegate to any qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administration under section 503.

"(b) ELIGIBILITY FOR DELEGATION.—

"(1) REQUIREMENTS.—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

"(A) the company—

"(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before promulgation of final regulations by the Administration implementing this section;

"(ii) is participating in the Premier Certified Lenders Program under section 508; or

"(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not less than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

"(B) the company—

"(i) has one or more employees—

"(I) with not less than 2 years of substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

"(II) who have completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this paragraph; or

"(ii) submits to the Administration documentation demonstrating that the company has contracted with a qualified third-party to perform any liquidation activities and secures the approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

"(2) CONFIRMATION.—On request the Administration shall examine the qualifications of any company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

"(c) SCOPE OF DELEGATED AUTHORITY.—

"(1) IN GENERAL.—Each qualified State or local development company to which the Administration delegates authority under section (a) may with respect to any loan described in subsection (a)—

"(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administration under paragraph (2)(A);

"(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may—

"(i) defend or bring any claim if—

"(I) the outcome of the litigation may adversely affect the Administration's management of the loan program established under section 502; or

"(II) the Administration is entitled to legal remedies not available to a qualified State or local development company and such remedies will benefit either the Administration or the qualified State or local development company; or

"(ii) oversee the conduct of any such litigation; and

"(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosures, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administration under paragraph (2)(C).

"(2) ADMINISTRATION APPROVAL.—

"(A) LIQUIDATION PLAN.—

"(i) IN GENERAL.—Before carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a proposed liquidation plan.

"(ii) ADMINISTRATION ACTION ON PLAN.—

"(I) TIMING.—Not later than 15 business days after a liquidation plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

"(II) NOTICE OF NO DECISION.—With respect to any plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

"(iii) ROUTINE ACTIONS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may undertake routine actions not addressed in a liquidation plan without obtaining additional approval from the Administration.

"(B) PURCHASE OF INDEBTEDNESS.—

"(i) IN GENERAL.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a request for written approval before committing the Administration to the purchase of any other indebtedness secured by the property securing a defaulted loan.

"(ii) ADMINISTRATION ACTION ON REQUEST.—

"(I) TIMING.—Not later than 15 business days after receiving a request under clause (i), the Administration shall approve or deny the request.

"(II) NOTICE OF NO DECISION.—With respect to any request that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the request.

"(C) WORKOUT PLAN.—

"(i) IN GENERAL.—In carrying out functions described in paragraph (1)(C), a qualified State or local development company shall submit to the Administration a proposed workout plan.

"(ii) ADMINISTRATION ACTION ON PLAN.—

"(I) TIMING.—Not later than 15 business days after a workout plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

"(II) NOTICE OF NO DECISION.—With respect to any workout plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

"(D) COMPROMISE OF INDEBTEDNESS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may—

"(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

"(ii) pursuant to such an offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administration.

"(E) CONTENTS OF NOTICE OF NO DECISION.—Any notice provided by the Administration under subparagraphs (A)(ii)(II), (B)(ii)(II), or (C)(ii)(II)—

"(i) shall be in writing;

"(ii) shall state the specific reason for the Administration's inability to act on a plan or request;

"(iii) shall include an estimate of the additional time required by the Administration to act on the plan or request; and

"(iv) if the Administration cannot act because insufficient information or documentation was provided by the company submitting the plan or request, shall specify the nature of such additional information or documentation.

"(3) CONFLICT OF INTEREST.—In carrying out functions described in paragraph (1), a qualified State or local development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third party lender, associate of a third party lender, or any other person participating in a liquidation, foreclosure, or loss mitigation action.

"(d) SUSPENSION OR REVOCATION OF AUTHORITY.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company, if the Administration determines that the company—

"(1) does not meet the requirements of subsection (b)(1);

"(2) has violated any applicable rule or regulation of the Administration or any other applicable law; or

"(3) fails to comply with any reporting requirement that may be established by the Administration relating to carrying out of functions described in paragraph (1).

"(e) Report.—

"(1) In general.—Based on information provided by qualified State and local development companies and the Administration, the Administration shall annually submit to the Committees on Small Business of the House of Representatives and of the Senate a report on the results of delegation of authority under this section.

"(2) Contents.—Each report submitted under paragraph (1) shall include the following information:

"(A) With respect to each loan foreclosed or liquidated by a qualified State or local development company under this section, or for which losses were otherwise mitigated by the company pursuant to a workout plan under this section—

"(i) the total cost of the project financed with the loan;

"(ii) the total original dollar amount guaranteed by the Administration;

"(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

"(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

"(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed.

"(B) With respect to each qualified State or local development company to which authority is delegated under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

"(C) With respect to all loans subject to foreclosure, liquidation, or mitigation under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

"(D) A comparison between—

"(i) the information provided under subparagraph (C) with respect to the 12-month period preceding the date on which the report is submitted; and

"(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administration during the same period.

"(E) The number of times that the Administration has failed to approve or reject a liquidation plan in accordance with subparagraph (A)(i), a workout plan in accordance with subparagraph (C)(i), or to approve or deny a request for purchase of indebtedness under subparagraph (B)(i), including specific information regarding the reasons for the Administration's failure and any delays that resulted.".

(b) Regulations.—

(1) In general.—Not later than 150 days after the date of the enactment of this Act, the Administrator shall issue such regulations as may be necessary to carry out section 510 of the Small Business Investment Act of 1958, as added by subsection (a) of this section.

(2) Termination of pilot program.—Beginning on the date which the final regulations are issued under paragraph (1), section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note) shall cease to have effect.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

SEC. 401. SHORT TITLE.

This title may be cited as the "Small Business Investment Corrections Act of 2000".

SEC. 402. DEFINITIONS.

(a) Small Business Concern.—Section 103(5)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)(A)(i)) is amended by inserting "regardless of the allocation of control during the investment period under any investment agreement between the business concern and the entity making the investment" before the semicolon at the end.

(b) Long Term.—Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended—

(1) in paragraph (15), by striking "and" at the end;

(2) in paragraph (16), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(17) the term 'long term', when used in connection with equity capital or loan funds invested in any small business concern or smaller enterprise, means any period of time not less than 1 year.".

SEC. 403. INVESTMENT IN SMALL BUSINESS INVESTMENT COMPANIES.

Section 302(b) of the Small Business Investment Act of 1958 (15 U.S.C. 682(b)) is amended—

(1) by striking "(b) Notwithstanding" and inserting the following:

"(b) Financial Institution Investments.—

"(1) Certain banks.—Notwithstanding"; and

(2) by adding at the end the following:

"(2) Certain savings associations.—Notwithstanding any other provision of law, any Federal savings association may invest in any one or more small business investment companies, or in any entity established to invest solely in small business investment companies, except that in no event may the total amount of such investments by any such Federal savings association exceed 5 percent of the capital and surplus of the Federal savings association.".

SEC. 404. SUBSIDY FEES.

(a) Debentures.—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended by striking "plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration" and inserting "plus, for debentures issued after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing debentures under this Act, which shall be paid to and retained by the Administration".

(b) Participating Securities.—Section 303(g)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(2)) is amended by striking "plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration" and inserting "plus, for participating securities issued after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing participating securities under this Act, which shall be paid to and retained by the Administration".

SEC. 405. DISTRIBUTIONS.

Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended—

(1) by striking "subchapter s corporation" and inserting "subchapter S corporation";

(2) by striking "the end of any calendar quarter based on a quarterly" and inserting "any time during any calendar quarter based on an"; and

(3) by striking "quarterly distributions for a calendar year," and inserting "interim distributions for a calendar year,".

SEC. 406. CONFORMING AMENDMENT.

Section 310(c)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(c)(4)) is amended by striking "five years" and inserting "1 year".

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

SEC. 501. SHORT TITLE.

This title may be cited as the "Small Business Reauthorization Act of 2000".

SEC. 502. REAUTHORIZATION OF SMALL BUSINESS PROGRAMS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

"(g) Fiscal Year 2001.—

"(1) Program levels.—The following program levels are authorized for fiscal year 2001:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $45,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $60,000,000 in direct loans, as provided in 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $19,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $14,500,000,000 in general business loans as provided in section 7(a);

"(ii) $4,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $500,000,000 in loans as provided in section 7(a)(21); and

"(iv) $50,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $2,500,000,000 in purchases of participating securities; and

"(ii) $1,500,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $4,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $5,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

"(2) Additional authorizations.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2001 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding any other provision of this paragraph, for fiscal year 2001—

"(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(h) Fiscal Year 2002.—

"(1) Program levels.—The following program levels are authorized for fiscal year 2002:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $60,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $80,000,000 in direct loans, as provided in 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $20,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $15,000,000,000 in general business loans as provided in section 7(a);

"(ii) $4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;.

"(iii) $500,000,000 in loans as provided in section 7(a)(21); and

"(iv) $50,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $3,500,000,000 in purchases of participating securities; and

"(ii) $2,500,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $5,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $6,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2002 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding any other provision of this paragraph, for fiscal year 2002—

"(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(i) FISCAL YEAR 2003.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2003:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $70,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $100,000,000 in direct loans, as provided in 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $21,550,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $16,000,000,000 in general business loans as provided in section 7(a);

"(ii) $5,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $500,000,000 in loans as provided in section 7(a)(21); and

"(iv) $50,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $4,000,000,000 in purchases of participating securities; and

"(ii) $3,000,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $6,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of $7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2003 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding any other provision of this paragraph, for fiscal year 2003—

"(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.".

SEC. 503. ADDITIONAL REAUTHORIZATIONS.

(a) SMALL BUSINESS DEVELOPMENT CENTERS PROGRAM.—Section 21(a)(4)(C)(iii)(III) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(iii)(III)) is amended by striking "$95,000,000" and inserting "$125,000,000".

(b) DRUG-FREE WORKPLACE PROGRAM.—Section 27 of the Small Business Act (15 U.S.C. 654) is amended—

(1) in the section heading, by striking "**DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM**" *and inserting* "**PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM**"*; and*

(2) in subsection (g)(1), by striking "$10,000,000 for fiscal years 1999 and 2000" and inserting "$5,000,000 for each of fiscal years 2001 through 2003".

(c) HUBZONE PROGRAM.—Section 31 of the Small Business Act (15 U.S.C. 657a) is amended by adding at the end the following new subsection:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program established by this section $10,000,000 for each of fiscal years 2001 through 2003.".

(d) WOMEN'S BUSINESS ENTERPRISE DEVELOPMENT PROGRAMS.—Section 411 of the Women's Business Ownership Act (Public Law 105–135; 15 U.S.C. 631 note) is amended by striking "$600,000, for each of fiscal years 1998 through 2000," and inserting "$1,000,000 for each of fiscal years 2001 through 2003.".

(e) VERY SMALL BUSINESS CONCERNS PROGRAM.—Section 304(i) of the Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103–403; 15 U.S.C. 644 note) is amended by striking "September 30, 2000" and inserting "September 30, 2003".

(f) SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESSES PROGRAM.—Section 7102(c) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 15 U.S.C. 644 note) is amended by striking "September 30, 2000" and inserting "September 30, 2003".

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. LOAN APPLICATION PROCESSING.

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study to determine the average time that the Administration requires to process an application for each type of loan or loan guarantee made under the Small Business Act (15 U.S.C. 631 et seq.).

(b) TRANSMITTAL.—Not later than 1 year after the date of the enactment of this title, the Administrator shall transmit to Congress the results of the study conducted under subsection (a).

SEC. 602. APPLICATION OF OWNERSHIP REQUIREMENTS.

Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following new subsection:

"(k) APPLICATION OF OWNERSHIP REQUIREMENTS.—Each ownership requirement established under this Act or the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) shall be applied without regard to any possible future ownership interest of a spouse arising from the application of any State community property law established for the purpose of determining marital interest.".

SEC. 603. ELIGIBILITY FOR HUBZONE PROGRAM.

Section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) is amended by adding at the end the following new subparagraph:

"(E) EXTENSION OF ELIGIBILITY.—If a geographic area that qualified as a HUBZone under this subsection ceases to qualify as a result of a change in official government data or boundary designations, each small business concern certified as HUBZone small business concern in connection with such geographic area shall remain certified as such for a period of 1 year after the effective date of the change in HUBZone status, if the small business concern continues to meet each of the other qualifications applicable to a HUBZone small business concern.".

SEC. 604. SUBCONTRACTING PREFERENCE FOR VETERANS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1), by inserting "small business concerns owned and controlled by veterans," after "small business concerns," the first place that term appears in each of the first and second sentences;

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting "small business concerns owned and controlled by service-disabled veterans," after "small business concerns owned and controlled by veterans," in each of the first and second sentences; and

(B) in subparagraph (F), by inserting "small business concern owned and controlled by service-disabled veterans," after "small business concern owned and controlled by veterans,"; and

(3) in each of paragraphs (4)(D), (4)(E), (6)(A), (6)(C), (6)(F), and (10)(B), by inserting "small business concern owned and controlled by service-disabled veterans," after "small business concerns owned and controlled by veterans,".

SEC. 605. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM FUNDING.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Section 20(a)(1) of the Small Business Act (15 U.S.C. 631 note) is amended by striking "For fiscal year 1985" and all that follows through "expended." and inserting the following: "For fiscal year 2000 and each fiscal year thereafter, there are authorized to be appropriated such sums as may be necessary and appropriate, to remain available until expended, and to be available solely—

"(A) to carry out the Small Business Development Center Program under section 21, but not to exceed the annual funding level, as specified in section 21(a);

"(B) to pay the expenses of the National Small Business Development Center Advisory Board, as provided in section 21(i);

"(C) to pay the expenses of the information sharing system, as provided in section 21(c)(8);

"(D) to pay the expenses of the association referred to in section 21(a)(3)(A) for conducting the certification program, as provided in section 21(k)(2); and

"(E) to pay the expenses of the Administration, including salaries of examiners, for conducting examinations as part of the certification program conducted by the association referred to in section 21(a)(3)(A).".

(2) TECHNICAL AMENDMENT.—Section 20(a) of the Small Business Act (15 U.S.C. 631 note) is further amended by moving paragraphs (3) and (4), including subparagraphs (A) and (B) of paragraph (4), 2 ems to the left.

(b) FUNDING FORMULA.—Section 21(a)(4)(C) of the Small Business Act (15 U.S.C. 648(a)(4)(C)) is amended to read as follows:

"(C) FUNDING FORMULA.—

"(i) IN GENERAL.—Subject to clause (iii), the amount of a formula grant received by a State under this subparagraph shall be equal to an amount determined in accordance with the following formula:

"(I) The annual amount made available under section 20(a) for the Small Business Development Center Program, less any reductions made for expenses authorized by clause (v) of this subparagraph, shall be divided on a pro rata basis, based on the percentage of the population of each State, as compared to the population of the United States.

"(II) If the pro rata amount calculated under subclause (I) for any State is less than the minimum funding level under clause (iii), the Administration shall determine the aggregate amount necessary to achieve that minimum funding level for each such State.

"(III) The aggregate amount calculated under subclause (II) shall be deducted from the amount calculated under subclause (I) for States eligible to receive more than the minimum funding level. The deductions shall be made on a pro rata basis, based on the population of each such State, as compared to the total population of all such States.

"(IV) The aggregate amount deducted under subclause (III) shall be added to the grants of those States that are not eligible to receive more than the minimum funding level in order to achieve the minimum funding level for each such State, except that the eligible amount of a grant to any State shall not be reduced to an amount below the minimum funding level.

"(ii) GRANT DETERMINATION.—The amount of a grant that a State is eligible to apply for under this subparagraph shall be the amount determined under clause (i), subject to any modifications required under clause (iii), and shall be based on the amount available for the fiscal year in which performance of the grant commences, but not including amounts distributed in accordance with clause (iv). The amount of a grant received by a State under any provision of this subparagraph shall not exceed the amount of matching funds from sources other than the Federal Government, as required under subparagraph (A).

"(iii) MINIMUM FUNDING LEVEL.—The amount of the minimum funding level for each State shall be determined for each fiscal year based on the amount made available for that fiscal year to carry out this section, as follows:

"(I) If the amount made available is not less than $81,500,000 and not more than $90,000,000, the minimum funding level shall be $500,000.

"(II) If the amount made available is less than $81,500,000, the minimum funding level shall be the remainder of $500,000 minus a percentage of $500,000 equal to the percentage amount by which the amount made available is less than $81,500,000.

"(III) If the amount made available is more than $90,000,000, the minimum funding level shall be the sum of $500,000 plus a percentage of $500,000 equal to the percentage amount by which the amount made available exceeds $90,000,000.

"(iv) DISTRIBUTIONS.—Subject to clause (iii), if any State does not apply for, or use, its full funding eligibility for a fiscal year, the Administration shall distribute the remaining funds as follows:

"(I) If the grant to any State is less than the amount received by that State in fiscal year 2000, the Administration shall distribute such remaining funds, on a pro rata basis, based on the percentage of shortage of each such State, as compared to the total amount of such remaining funds available, to the extent necessary in order to increase the amount of the grant to the amount received by that State in 2000, or until such funds are exhausted, whichever first occurs.

"(II) If any funds remain after the application of subclause (I), the remaining amount may be distributed as supplemental grants to any State, as the Administration determines, in its discretion, to be appropriate, after consultation with the association referred to in subsection (a)(3)(A).

"(v) USE OF AMOUNTS.—

"(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section—

"(aa) not more than $500,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1); and

"(bb) not more than $500,000 may be used by the Administration to pay the examination expenses enumerated in section 20(a)(1)(E).

"(II) LIMITATION.—No funds described in subclause (I) may be used for examination expenses under section 20(a)(1)(E) if the usage would reduce the amount of grants made available under clause (i)(I) to less than $85,000,000 (after excluding any amounts provided in appropriations Acts for specific institutions or for purposes other than the general small business development center program) or would further reduce the amount of such grants below such amount.

"(vi) EXCLUSIONS.—Grants provided to a State by the Administration or another Federal agency to carry out subsection (c)(3)(G) or (a)(6) or supplemental grants set forth in clause (iv)(II) of this subparagraph, shall not be included in the calculation of maximum funding for a State under clause (ii) of this subparagraph.

"(vii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $125,000,000 for each of fiscal years 2001, 2002, and 2003.

"(viii) STATE DEFINED.—In this subparagraph, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.".

SEC. 606. SURETY BONDS.

(a) CONTRACT AMOUNTS.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) in subsection (a)(1), by striking "$1,250,000" and inserting "$2,000,000"; and

(2) in subsection (e)(2), by striking "$1,250,000" and inserting "$2,000,000".

(b) EXTENSION OF CERTAIN AUTHORITY.—Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking "2000" and inserting "2003".

AMENDMENT NO. 4286

(Purpose: To provide for a complete substitute)

Mr. KYL. I ask unanimous consent that the Senate concur in the amendment of the House, with a further amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4286) was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BOND. Mr. President, I rise today in support of important legislation to re-authorize the Small Business Innovation and Research (SBIR) program and other essential programs at the Small Business Administration (SBA). On Monday, September 25, 2000, the House of Representatives amended the Senate-passed version of H.R. 2392, the Small Business Innovation Research Program Reauthorization Act of 2000, by adding the following bills to this legislation: H.R. 2614 (The Certified Development Company Program Improvement Act of 2000), H.R. 2615, (to make improvements to the 7(a) guaranteed business loan program), H.R. 3843, (the Small Business Reauthorization Act of 2000), and H.R. 3845, (the Small Business Investment Corrections Act of 2000).

While the House-passed bill includes many important programs to help small businesses, there are some serious omissions. Although I strongly support H.R. 2392 as amended by the House, Senator JOHN KERRY and I are offering an amendment in the nature of a substitute to restore some of the most serious omissions to H.R. 2392. Our amendment adds to, but does not remove, any provisions from the House-passed bill.

The House-passed version of H.R. 2392 failed to include some very key provisions that are critical to the mission of SBA in Fiscal Year 2001. The House bill did include the Senate-passed bill to improve and extend the SBIR program for eight years, and it did adopt authorization levels for SBA programs included in the Senate version of the Small Business Reauthorization Act of 2000. However, the House bill failed to include many key provisions that were approved by the Senate Committee on Small Business earlier this year. Our Substitute Amendment will restore some of the most important omitted provisions.

The following is a list of the program amendments that were excluded from the House bill that we have included in the Bond-Kerry substitute amendment: Senator KERRY's Microloan program amendments that make extensive improvements in this key small business credit program; re-authorization of the National Women's Business Council, an amendment sponsored by Senator LANDRIEU during the committee markup; a change in the small business size standard system proposed by Senator FEINSTEIN that will help small fresh fruit and vegetable packing houses to qualify for Federal disaster relief; comprehensive amendments that I sponsored to improve the HUBZone program, which is designed to create jobs and investments in economically distressed inner cities and rural counties; the Native American Small Business Development Center Network; and 7(a) guarantee business loan guarantee fee simplification plan.

The Senate Committee on Small Business has approved the provisions being added to this legislation. In the case of the SBIR Reauthorization Act, the full Senate has also passed separate legislation. Most of the provisions included in the Bond-Kerry substitute amendment to H.R. 2392 are discussed at length in the following committee reports that have been filed in the Senate: Senate Report 106-289, Small Business Innovation Research Program Reauthorization Act of 2000; and Senate Report 106-422, Small Business Reauthorization Act of 2000.

There are two major provisions that were included in S. 3121, the Small Business Reauthorization Act of 2000, which was reported favorably from the Senate Committee on Small Business, but which have not been included in the Bond-Kerry substitute amendment. I have withdrawn the two provisions in order to expedite congressional passage and the enactment of this important SBA and SBIR re-authorization legislation. It is my intention to make passage of these provisions a high priority in the next Congress.

Earlier this year, the Committee on Small Business approved an important provision that would reverse a serious problem caused by the SBA in its implementation of the HUBZone Program, which the Congress enacted in 1997 as part of the Small Business Reauthorization Act. As many of my colleagues in the Senate know, the HUBZone Program directs a portion of the Federal contracting dollars into economically distressed areas of the country that have been out of the economic mainstream for far too long.

HUBZone areas, which include qualified census tracts, rural counties, and Indian reservations, often are relatively out-of-the-way places that the stream of commerce often by-passe. They tend to be low-traffic areas that do not have a reliable customer base to support business development. As a result, business has been reluctant to move into these areas. It simply has not been profitable absent a customer base to keep them operating.

The HUBZone Act seeks to overcome this problem by making it possible for the Federal government to become a customer for small businesses that locate in HUBZones. While a small business works to establish its regular customer base, a Federal contract can help it stabilize its revenues and its profitability. This program provides small business a chance to gain an economic foothold and to provide jobs to these areas. New businesses, more investments and new job opportunities mean new life and new hope for these communities.

When Congress enacted the HUBZone program in 1997, a lot of people were concerned about how the HUBZone program would interact with the 8(a) minority enterprise program. We in Congress agreed at that time to protect the 8(a) program by saying the two programs would have parity—neither one would have an automatic preference over the other in getting Federal government contracts.

Notwithstanding the 1997 Act, SBA has decided to disregard the instructions of the Congress and put 8(a) ahead of HUBZones in every case. Even if the Government is failing to reach its HUBZone goal and is meeting its Small Disadvantaged Business goal (of which 8(a) is a part), SBA insists that the 8(a) program still has a priority over the HUBZone Program.

SBA has abandoned the protection Congress included in the 1997 law when it enacted the HUBZone Program. Contrary to the law, SBA is setting up the two programs in competition with each other, which is precisely what Congress sought to prevent. Putting either program in competition with the other is a prescription for one of the programs to fail.

SBA's position does real harm to minority communities as well. The 8(a) program has a role to play in ensuring minority communities own assets in the economy. It ensures minority business owners get the opportunity to be self-supporting, independent citizens with a full stake in our economy. It's important that all Americans have a piece of the economic pie.

HUBZones and 8(a) are two prongs of the same fork. They both have a vital role to play in ensuring opportunity. That's why it's important to correct SBA's current position and to keep the two programs from competing with each other. The remedial language that I have withdrawn from the Substitute Amendment would have reversed the SBA position and restore the equal footing Congress established when it created the HUBZone program three years ago. I intend to pursue a comprehensive remedy to this problem early next year.

On November 5, 1999, the Senate approved unanimously S. 1346, a bill I introduced to make the SBA Office of Advocacy a stronger, more effective advocate for all small businesses throughout the United States. This bill was referred to the House Committee on Small Business on November 8, 1999, and it has failed since then to take action on this important legislation that has the strong support of almost every segment of the small business community.

Consequently, when the Senate Small Business Committee marked up the S. 3121, the Small Business Reauthorization Act of 2000, it incorporated the entire text of S. 1346 as a separate title. It was the committee's intention that this action might spur the House committee to take action on this bill. Unfortunately, the Houses remains adamant in its opposition. Both Chairman JIM TALENT and Ranking Democrat, NYDIA VELÁZQUEZ from the House Small Business Committee have insisted that the title to strengthen SBA's Office of Advocacy be stricken from the bill. Therefore, I am withdrawing S. 1346 in order to clear the way for swift passage by the Senate and House of Representatives of H.R. 2392 with the Bond/Kerry substitute amendment.

Senator KERRY and I have taken some very dramatic steps to insure that the Small Business Reauthorization Act of 2000 is enacted as soon as possible. It is critical that the Senate act quickly to adopt the substitute amendment to H.R. 2392. Our substitute amendment will have a positive impact on nearly every SBA program, from guaranteed business loans, to equity investments, to management and technical assistance for small businesses and budding entrepreneurs. Now is not the time to turn our backs on the critical role played by small businesses in our vibrant economy. We need to enact this comprehensive legislation now so that small businesses and their employees can receive the full benefit of these programs.

I urge my colleagues in the Senate to vote in favor of this much needed bill.

Mr. KERRY. Mr. President, let me say a few words about the Small Business Reauthorization Act of 2000 and the managers' amendment that the Senate is considering today. While I applaud the House for their action to ensure the continuation of important Small Business Administration (SBA) programs, the managers' amendment offered by Chairman BOND and myself includes key provisions extending and improving important SBA programs. This bill, with the inclusion of the managers' amendment, is comprehensive. It reauthorizes all of the SBA's programs, setting the funding levels for the credit and business development programs, and making improvements where needed. Without this legislation, the 504 loan program would shut down; the venture capital debenture program would shut down; and funding to the states for their small business development centers would be in jeopardy. The list goes on. I just can't emphasize enough how important this legislation is.

The SBA's contribution is significant. In the past eight years, the SBA has helped almost 375,000 small businesses get more than $80 billion in loans. That's double what it has loaned in the preceding 40 years since the agency's creation. The SBA is better run than ever before, with four straight years of clean financial audits; it has a quarter less staff, but makes twice as many loans; and its credit and finance programs are a bargain. For a relatively small investment, taxpayers are leveraging their money to help thousands of small businesses every year and fuel the economy.

Let me just give you one example. In the 7(a) program, taxpayers spend $1.24 for every $100 loaned to small business owners. Well known successes like Winnebago and Ben & Jerry's are clear examples of the program's effectiveness.

Overall, I agree with the program levels in the three-year reauthorization bill. As I said during the Small Business Committee's hearing on SBA's budget earlier in the year, I believe the program levels are realistic and appropriate based on the growing demand for the programs and the prosperity of the country. I also think they are adequate should the economy slow down and lenders have less cash to invest. Consistent with SBA's mission, in good times or bad, we need to make sure that small businesses have access to credit and capital so that our economy benefits from the services, products and jobs they provide. As First Lady Hillary Rodham Clinton says, we don't want good ideas dying in the parking lot of banks. We also want a safety net when our states are hit hard by a natural disaster. There are many members of this Chamber, and their constituents, who know all too well the value of SBA disaster loans after floods, fires and tornadoes.

I will only take a short time to talk about some of important the provisions of this bill and our managers' amendment.

I am pleased that we are considering legislation to extend the Small Business Innovation Research (SBIR) program for 8 more years as part of this comprehensive SBA reauthorization bill. As many of my colleagues may know, this program is set to expire on September 30, along with many other important programs critical to our nation's small businesses. While I am sorry the process has taken this long, in no way should it imply that there is not strong support for the SBIR program, the Small Business Administration, or our nation's innovative small businesses.

The SBIR program is of vital importance to the high-technology sector throughout the country. For the past decade, growth in the high-technology field has been a major source of the resurgence of the American economy we now enjoy. While many Americans know of the success of Microsoft, Oracle, and many of the dot.com companies, few realize that it is America's small businesses that are working in industries like software, hardware, medical research, aerospace technologies, and bio-technology that are helping to fuel this resurgence—and that it is the SBIR program that makes much of this possible. By setting aside Federal research and development dollars specifically for small high-tech businesses, SBIR is making important contributions to our economy.

These companies have helped launch the space shuttle; found a vaccine for Hepatitis C; and made B-2 Bomber missions safer and more effective.

Since the start of the SBIR program in 1983, more than 17,600 firms have received over $9.8 billion in assistance. In 1999 alone, nearly $1.1 billion was awarded to small high-tech firms through the SBIR program, assisting more than 4,500 firms.

The SBIR program has been, and remains, an excellent example of how government and small business can work together to advance the cause of both science and our economy. Access to risk capital is vital to the growth of small high technology companies, which accounted for over 40 percent of all jobs in the high technology sector of our economy in 1998. The SBIR program gives these companies access to Federal research and development money and encourages those who do the research to commercialize their results. Because research is crucial to ensuring that our nation is the leader in knowledge-based industries, which will generate the largest job growth in the next century, the SBIR program is a good investment for the future.

I am proud of the many SBIR successes that have come from my state of Massachusetts. Companies like Advanced Magnetics of Cambridge, Massachusetts, illustrate that success. Advanced Magnetics used SBIR funding to develop a drug making it easier for hospitals to find tumors in patients. The development of this drug increased company sales and allowed Advanced Magnetics to hire additional employees. This is exactly the kind of economic growth we need in this nation, because jobs in the high-technology field pay well and raise everyone's standard of living. That is why I am such a strong supporter and proponent of the SBIR program and fully support its reauthorization.

This legislation also includes H.R. 2614, which reauthorizes SBA's 504 loan program, which passed the Senate on June 14, 2000. The bill and our managers' amendment make common-sense changes to this critical economic development tool. These changes will greatly increase the opportunity for small business owners to build a facility, buy more equipment, or acquire a new building. In turn, small business owners will be able to expand their companies and hire new workers, ultimately resulting in an improved local economy.

Since 1980, over 25,000 businesses have received more than $20 billion in fixed-asset financing through the 504 program. In my home state of Massachusetts, over the last decade small businesses have received $318 million in 504 loans that created more than 10,000 jobs. The stories behind those numbers say a lot about how SBA's 504 loans help business owners and communities. For instance, in Fall River, Massachusetts, owners Patricia Ladino and Russell Young developed a custom packing plant for scallops and shrimp that has grown from ten to 30 employees in just two short years and is in the process of another expansion that will add as many as 25 new jobs.

Under this reauthorization bill, the maximum debenture size for Section 504 loans has been increased from $750,000 to $1 million. For loans that meet special public policy goals, the maximum debenture size has been increased from $1 million to $1.3 million. It has been a decade since we increased the maximum guarantee amount. If we were to change it to keep pace with inflation, the maximum guarantee would be approximately $1.25 million instead of $1 million. Instead of implementing such a sharp increase, we are striking a balance between rising costs and increasing the government's exposure and only seeking to increase the cap to $1 million.

I am pleased to say that this legislation also includes a provision assisting women-owned businesses, which I first introduced in 1998 as part of S. 2448, the Small Business Loan Enhancement Act. This provision adds women-owned businesses to the current list of businesses eligible for the larger public policy loans. As the role of women-owned businesses in our economy continues to increase, we would be remiss if we did not encourage their growth and success by adding them to this list.

The 504 loan program gets results. It expands the opportunities of small businesses, creates jobs and betters communities. It is crucial that it be reauthorized, and that is what this legislation does.

Another important program reauthorized under this legislation and strengthened by the managers' amendment is the Microloan program. I have long been a believer in microloans and their power to help people gain economic independence while improving the communities in which they live. This bill authorizes lower levels for the microloan program than the Administration requested. Of course, I would prefer to have full funding because I believe it is important to expand the program so that it is available everywhere. But, compromise is part of the legislative process, and a moderate increase is better than none at all. Nevertheless, I will be monitoring usage of microloan technical assistance and have told Chairman BOND that the Senate Committee on Small Business should revisit the issue before the end of the three-year reauthorization period if the level authorized is inadequate to meet program needs.

In addition to funding, our managers' amendment also makes important changes to the microloan program. We have heard from intermediaries and economic development activists around the country that with some administrative and legislative changes, this program could have a greater impact. This bill takes some important steps in the right direction. Right now we have 156 microlending intermediaries. This bill will permit the program to grow to 250 in FY 2001; to 300 in FY 2002, and to 350 in FY 2003. It also increases loan levels and technical assistance levels over three years. With more technical assistance, we will be able to increase the number of intermediaries, and therefore reach more borrowers in rural areas or large states. I also support the provision to raise the cap on microloans from $25,000 to $35,000, making it adequate to help micro-entrepreneurs in states and urban areas where operating costs are more expensive. Senator SNOWE's provision to establish $1 million for peer-to-peer training for microlenders is also included. I strongly support this concept because it will help the program grow while maintaining its high quality and low loss rates.

Small Business Development Centers (SBDC) are also reauthorized under this legislation. SBDCs serve tens of thousands of small business owners and prospective owners every year. This bill takes a giant step to retool the formula that determines how much funding each state receives. This is an important program for all of our states and we want no confusion about its funding. Without this change, some states would have suffered sharp decreases in funding, disproportionate to their needs. I appreciate and am glad that the SBA and the Association of Small Business Development Centers worked with me to develop an acceptable formula so that small businesses continue to be adequately served.

This legislation also reauthorized the National Women's Business Council. For such a tiny office, with minimal funding and staff, it has managed to make a significant contribution to our understanding of the impact of women-owned businesses in our economy. It has also done pioneer work in raising awareness of business practices that work against women-owned business, such as some in the area of Federal procurement. Recently, they completed two studies that documented the world of Federal procurement and its impact on women-owned businesses.

According to the National Foundation for Women Business Owners, over the past decade, the number of women-owned businesses in this country has grown by 103 percent to an estimated 9.1 million firms. These firms generate almost $3.6 trillion in sales annually and employ more than 27.5 million workers. With the impact of women-owned businesses on our economy increasing at an unprecedented rate, Congress relies on the Council to serve as its eyes and ears as it anticipates the needs of this burgeoning entrepreneurial sector. Since it was established in 1988, the bipartisan Council has provided important unbiased advice and counsel to Congress.

This Act recognizes the Council's work and reauthorizes it for three years, from FY 2001 to 2003. It also increases the annual appropriation from $600,000 to $1 million. The increase in funding will allow the council to: support new and ongoing research; produce and distribute reports and recommendations prepared by the Council; and create an infrastructure to assist states develop women's business advisory councils, coordinate summits and establish an interstate communication network.

The Historically Underutilized Business Zone, or "HUBZone" program, which passed this Committee in 1997, has tremendous potential to create economic prosperity and development in those areas of our Nation that have not seen great rewards, even in this time of unprecedented economic health and stability. This program is similar to my New Markets legislation in that it creates an incentive to hire from, and perform work in, areas of this country that need assistance the most. This bill would authorize the HUBZone program at $10 million for the next 3 years, which is $5 million above the Administration's request.

Additionally, the managers' amendment included very important provisions to include those areas which were inadvertently missed when this legislation was crafted—namely, Indian tribal lands. I appreciate the willingness of the Committee on Indian Affairs to work with our Committee to create HUBZone opportunities in the states of Alaska and Hawaii, and in other Indian tribal lands.

The HUBZone section does not contain any provision addressing the interaction of the HUBZone and 8(a) minority contracting programs. I believe that the 8(a) program is an important and necessary tool to help minority small businesses receive access to government contracts. The Chairman and I agree that there is a need to enhance the participation of both 8(a) and HUBZone companies in Federal procurement. It is my intention that the Senate Committee on Small Business consider the issue of enhancing small business procurement in the next Congress.

The Senate managers' amendment also includes a provision relating to SBA's cosponsorship authority. This authority allows SBA and its programs to cosponsor events and activities with private sector entities, thus leveraging the Agency's limited resources. The managers' amendment extends the authority for three additional years. This provision also adds "information and education" to the types of assistance that can be provided to small businesses by public and private sector organizations working with the SBA. This provision was recommended by the SBA as an effective change to training programs that are jointly run by the SBA and partner organizations.

Mr. President, let me conclude by reminding my colleagues that all of our states benefit from the success and abundance of small businesses. This legislation makes their jobs a little easier. I ask my colleagues for their support of this important legislation.

REFERRAL OF S. 1840

Mr. KYL. Mr. President, I ask unanimous consent that when the Committee on Indian Affairs reports S. 1840, a bill to provide for the transfer of public lands to certain California Indian tribes, it then be referred to the Energy Committee for a period not to exceed 7 calendar days. I further ask consent that if S. 1840 is not reported prior to the 7 days, the bill then be discharged from the Energy Committee and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, OCTOBER 3, 2000

Mr. KYL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Tuesday, October 3. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin final remarks on the H-1B visa legislation under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I further ask unanimous consent that the Senate stand in recess for the weekly party conferences to meet from 12:30 to 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KYL. For the information of all Senators, the Senate will begin closing remarks on the H-1B visa bill at 9:30 a.m. Following 30 minutes of debate, the Senate will proceed to vote on the bill. The Senate will then proceed to executive session with several hours of debate on judges and up to four votes could occur after 2 p.m.

RECESS UNTIL TUESDAY, OCTOBER 3, 2000

Mr. KYL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:32 p.m., recessed until Tuesday, October 3, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 2, 2000:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

RANDOLPH J. AGLEY, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF ONE YEAR. (NEW POSITION)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

REGINALD EARL JONES, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2005. (REAPPOINTMENT)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

HSIN-MING FUNG, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2006, VICE SPEIGHT JENKINS, TERM EXPIRED.

UNITED STATES PAROLE COMMISSION

EDWARD F. REILLY, JR., OF KANSAS, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE JOHN R. SIMPSON, TERM EXPIRED.

SOCIAL SECURITY ADVISORY BOARD

MARK A. WEINBERGER, OF MARYLAND, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2006, VICE HARLAN MATHEWS, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 2114:

TO BE CAPTAIN

JOHN B. STETSON, 2500
CHRISTINE E. THOLEN, 6242

HOUSE OF REPRESENTATIVES—*Monday, October 2, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. STEARNS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 2, 2000.

I hereby appoint the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Throughout our religious history and the story of this Nation, You have tried to teach us, O Lord. In Jesus, in the prophets and even in our own times, You tell us: "the just suffer for the unjust to lead us closer to You."

If we read the stories with the eyes of faith, we come to see that even suffering has a purpose.

Any difficulty or period of trial can bring us closer to You, O Lord.

In the ancient story of Noah or in early patriotic stories of this Nation, You teach us that people cannot only come through periods of testing safely, they can, in their suffering, discover Your holy presence as never before.

As we listen to the stories of victims who become survivors, we marvel at the strength they find in You, O Lord. Their witness becomes our call to be renewed in faith.

Your faithfulness remains now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. LATOURETTE) come forward and lead the House in the Pledge of Allegiance.

Mr. LATOURETTE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PAY THE NATION'S BILLS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, when I was getting ready to come to Washington today, I put on this suit which I had not worn in quite a while; and when I reached into my pocket, I found, much to my surprise, a $10 bill.

I pulled it out and said to my wife, Dawn, "Look, honey, $10." It was kind of like having free money.

But she quickly reminded me and shook her head, took the $10, and told me that we still had bills to pay.

It reminded me of the budget battle that we are facing today here in this House. And since our Democrats like our Nation's surplus, think of it as free money, but it is not.

My colleagues, we still have a big bill to pay of our Nation's public debt. And the surplus would not have been possible without the common sense policies of this Republican Congress. And now we must exercise the same responsibility with the surplus and reject the Democrats' big spending plans.

We can pay down the national debt and meet this Nation's most pressing needs, like enacting prescription drug plans that offer seniors real choice. But we must commit 90 percent of the surplus to paying our bills to wiping out our public debt, because no one is going to reach into the pocket of an old suit and pull out $6.5 trillion.

SALUTING 100TH ANNIVERSARY OF BELLWOOD, ILLINOIS

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, today I rise to salute the village of Bellwood, Illinois, which is celebrating its 100th year anniversary. It is a quiet, quaint little village made up of some of the finest people in this country.

One of the ways that they decided to celebrate their 100th year anniversary was to give away 100 appreciation slips to individuals who had performed acts of kindness. And so, anybody who wanted to submit a person who performed an act of kindness in the village of Bellwood, all they had to do was submit to the mayor.

So I commend Mayor Donald T. Lemm, all of the members of the board of trustees, and wish them another great 100 years.

STAR WITNESS IN PAN AM 103 TRIAL IS CIA INFORMANT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the star witness in the Pan Am 103 trial turns out to be a paid CIA informant who lied through his teeth. Reports say his testimony was so phoney his nose is still growing.

Beam me up, Mr. Speaker.

The families of the victims deserve the truth.

An original Mossad report said that Iran hired Ahmed Jibrial and all this attention on Malta is simply to cover up a drug run from Frankfurt to New York by an operative who was close to the CIA that embarrasses the CIA.

It is time to investigate the truth.

I yield back the fact that, if these two Libyans were responsible for blowing up Pan Am 103, they have already choked on a chicken bone in a jail cell of Qadhafi's.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such record votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 6 p.m. today.

LARRY SMALL POST OFFICE BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4315) to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the "Larry Small Post Office Building."

The Clerk read as follows:

H.R. 4315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LARRY SMALL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, shall be known and designated as the "Larry Small Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Larry Small Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4315.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4315.

Mr. Speaker, today I ask my colleagues to support H.R. 4315, which will designate the post office located at 3695 Green Road in Beachwood, Ohio, as the "Larry Small Post Office Building."

I can really think of no person more deserving of this honor than Larry Small. My colleagues would be hard pressed, Mr. Speaker, to find a person who cares for, about, or has done more for the city of Beachwood, Ohio, a thriving Cleveland suburb. I am pleased that all 19 members of the Ohio delegation are supporting this measure, as required by the rules of our subcommittee.

Mr. Speaker, Larry Small, at the young age of 82, decided to retire last year after 32 years serving on the Beachwood City Council and numerous civic organizations. He prides himself on being a voice of the people and is just as accessible and helpful to the common man as those in loftier positions. He counts among his friends my good friend and colleague, the gentlewoman from Ohio (Mrs. JONES).

The gentlewoman from Ohio (Mrs. JONES) and I have the honor of splitting in this world of gerrymandering the city of Beachwood, Ohio; and she is a cosponsor of this legislation.

I would note, for the RECORD, that travel difficulties make it impossible for her to be here at this hour; and even though I have asked for general leave, Mr. Speaker, I specifically ask unanimous consent that the gentlewoman from Ohio (Mrs. JONES) have the opportunity to supplement the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, Mr. Small also counts among his friends former Congressman Ed Feighan and also worked with George Stephanopolous when he was a staffer for Congressman Feighan.

Larry Small has witnessed the tremendous transformation and growth of Beachwood over the last four decades.

In 1960, when Beachwood first attained city status, it had a population of just over 6,000 residents. Today there are more than 2,900 homes, more than 21 apartments and condominiums, and the population exceeds 12,000. The city covers just six square miles.

When Larry Small was first elected to the Beachwood Council, the city has had a tax duplicate of less than $50 million. Today it is more than half a billion dollars.

Larry is credited with developing a full-time fire department and bringing parademics to the city's safety forces. He has been a loyal friend to the police and fire departments over the years. He is also responsible for enacting a city ordinance making gun owners responsible for the safe and secure handling and storage of their firearms.

Mr. Speaker, Larry Small was also behind the creation of the city's human services department. And let me tell my colleagues that that department is certainly responsive to the residents' needs, particularly those of the elderly.

For example, the department has joined forces with Beachwood High School to offer free driveway apron and walkway snow shoveling to the residents in the city over the age of 60. And I want to tell my colleagues that this is no small undertaking, as the city of Beachwood lies within the snowbelt in Cleveland.

In this unique program, members of the high school's freshman class have volunteered their time to shovel so the lives of the city's elderly population are made easier. All the older residents have to do is call up the high school, the human services department and the student will come to their home and shovel at their earliest convenience.

Larry Small also deserves credit for overseeing the development of most of the great recreational facilities in Beachwood, including the Beachwood pool. As a matter of fact, rumor has it that Larry carried around the blueprints of the swimming pool in the trunk of his car for 8 months after the pool was completed. He has been dubbed the "Father of the Beachwood Pool" by the local newspaper.

Larry Small, Mr. Speaker, is not just a wonderful guardian of the city of Beachwood but also anyone in need. When he was on the council, he personally responded to about a thousand calls from residents each year.

Now, though formally retired from the city council, Larry Small still gets up each day at 5:30 in the morning, heads to his day job as a seniors affair specialist for the county. He is always there to help other seniors or point them in the right direction. He is a champion of senior rights.

Mr. Speaker, the city of Beachwood, Ohio, honored Larry Small by designating December 20, 1999, as "Larry Small Day." It is now time for the Congress to honor him as well and name the post office on Green Road in Beachwood the "Larry Small Post Office Building."

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Subcommittee on the Postal Service, I am pleased to join with my subcommittee chairman, the gentleman from Ohio (Mr. LATOURETTE), in the consideration of H.R. 4315, a bill to designate a facility of the U.S. Postal Service after Larry Small.

H.R. 4315 was introduced by the gentleman from Ohio (Mr. LATOURETTE) on April 13, 2000, and originally cosponsored by the gentlewoman from Ohio (Mrs. JONES).

I am pleased to note that H.R. 4315 enjoys the support and cosponsorship of the entire Ohio congressional delegation.

Mr. Small, a young man of 82 years, has been recognized for his untiring efforts to serve his community of Beachwood, Ohio. He recently retired after serving 32 years as a member of the Beachwood City Council.

Anybody who would serve 32 years on a city council deserves all of the recognition and honor that they can get any time no matter which city they are from but certainly, from Beachwood. He is indeed deserving of the honor. Currently he serves as a senior affairs specialist for the county.

As an active member of the city council, Mr. Small was responsible for establishing a paramedic unit, creating a human resources department, and for ensuring the enactment of a city ordinance making gun owners responsible for the safe and secure handling of their firearms. And for that he should not just be honored, he should receive a badge of merit.

Mr. Speaker, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from Ohio (Mrs. JONES) are to be commended for seeking to honor such an individual, a man of wisdom whose commitment and vision are an inspiration to all of those who have known him. And so, accordingly, I would urge the swift consideration of this bill.

Mr. Speaker, I commend the gentleman from Ohio (Mr. LATOURETTE) on the selection of an outstanding individual to be honored.

Mr. Speaker, seeing that I have no further requests for time, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to thank my distinguished colleague, the gentleman from Illinois (Mr. DAVIS) for his comments.

I urge our colleagues to support the bill.

Ms. JONES of Ohio. Mr. Speaker, it gives me great pleasure to speak on support of this legislation. I can think of no one more deserving of this tribute.

Larry Small served with distinction on the Beachwood City Council for 32 years, retiring just recently at the age of 82. Mr. Small is so well thought of by his neighbors that they paid tribute to him by declaring December 20, 1999 "Larry Small Day."

Larry Small is an exceedingly modest man never seeks to bring attention to his many accomplishments and contributions. So let me do it for him:

Over the years, Mr. Small has done many things, great and small, to improve his community and to enhance the lives of his neighbors. For example, he brought paramedics to the city's safety forces and vigorously supported the police and fire departments. He is also responsible for enacting a city ordinance making gun owners responsible for the safe and secure handling and storage of their firearms. He also created Beachwood's Human Services Department, a department that responds to residents' needs, particularly the elderly.

Retirement from City Council doesn't mean that Larry Small has retired from his commitment to his community. In fact, he continues at full pace to brighten the lives of others. Mr. Small still gets up at 5:30 a.m. and heads to his day job as a seniors affairs specialist for the county.

When we look back on these times, it won't be the great names and famous faces that we most remember, but those quiet, humble, yet so effective public servants like Larry Small who will stand out in our hearts and memories. We all owe a debt of gratitude to Larry Small and those like him who walk humbly and serve others. For this reason, I am so pleased that we can thank Mr. Small for all he has done for us by naming the post office in his beloved city of Beachwood after him.

So it gives me great pleasure to have a chance to support this piece of legislation. I stand wholeheartedly in support of this bill and congratulate my colleagues in moving to passing this legislation to rename the post office in Beachwood, Ohio after our great friend, Larry Small.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4315.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1415

CELEBRATING THE BIRTH OF JAMES MADISON

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 396) celebrating the birth of James Madison and his contributions to the Nation.

The Clerk read as follows:

H. CON. RES. 396

Whereas March 16, 2001, is the 250th anniversary of the birth of James Madison, Father of the United States Constitution and fourth President of the United States;

Whereas the ideals of James Madison, as expressed in the Constitution he conceived for the American Nation and in the principles of freedom he established in the Bill of Rights, are the foundations of American Government and life;

Whereas James Madison's lifetime of public service, as a member of the Virginia House of Delegates, as a delegate to the Continental Congress during the American Revolution, as a delegate to the Constitutional Convention in 1787, as a leader in the House of Representatives, as Secretary of State, and as the Nation's fourth President, are an inspiration to all men, women, and children in the conduct of their personal and private lives; and

Whereas the ideals and inspiring example of James Madison are of utmost importance to the future of the American Nation as it enters a new millennium: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the historical significance of James Madison's birth, as well as his contributions to the Nation during his lifetime;

(2) urges all American patriotic and civil associations, labor organizations, schools, universities, historical societies, and communities of learning and worship, together with citizens throughout the United States, to develop appropriate programs and educational activities to recognize and celebrate the life and achievements of James Madison; and

(3) requests that the President issue a proclamation recognizing the 250th anniversary of the birth of James Madison and calling upon the people of the United States to observe the life and legacy of James Madison with appropriate ceremonies and activities.

The SPEAKER pro tempore (Mr. Pease). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 396.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

I am pleased today to rise in support of H. Con. Res. 396, which celebrates the 250th anniversary of James Madison's birth and his contributions to this great Nation.

This resolution recognizes the historical significance of Madison's birth and his many contributions to the United States during his lifetime. It also encourages American patriotic and civic associations, historical societies, schools, universities, and other organizations to develop appropriate programs and educational activities to recognize and celebrate the life of this remarkable man.

Finally, Mr. Speaker, the resolution asks that the President issue an appropriate resolution to recognize the importance of his birth and call upon the people of the United States to observe Madison's life and legacy with appropriate ceremonies and activities.

Mr. Speaker, it is impossible to do justice to James Madison's achievements and the importance of his life and thought to America in the brief time allotted to us today. His was truly one of the most consequential lives in American history. His biography is also a history of the founding of this great Nation.

Let me today simply attempt to sketch some aspects of his life. Madison was born in 1751 and was raised in Orange County, Virginia. He attended what is now Princeton University; and he became well read in history, government, and the law. He participated in the framing of the Virginia constitution in 1776, served in the Continental

Congress, and was an important figure in the Virginia Assembly. He was also, of course, Thomas Jefferson's Secretary of State and the fourth President of the United States.

Madison's greatest contribution, however, may have been his role in framing the Constitution of the United States. As a delegate to the Constitutional Convention at Philadelphia, Madison was a leading participant in the debates of that body. Along with John Jay and Alexander Hamilton, Madison also contributed to securing the ratification of the Constitution by authoring parts of the Federalist Papers. Not only were the Federalist Papers important in persuading his contemporaries to ratify the Constitution, they are consulted to this day by judges, lawyers, political scientists and others who seek an understanding of the framers' intent.

Madison's "Notes on the Constitutional Convention" are also our primary source of information on the debates at the Constitutional Convention. As a Member of Congress, Madison was instrumental in framing the Bill of Rights. Madison's contributions to the drafting and ratification of the Constitution were so great, Mr. Speaker, that he is often referred to as "the father of the Constitution."

Mr. Speaker, there is much more to say about James Madison and his continuing importance to all Americans, much more than can be covered here today. I encourage all Americans to learn about this man whose ideals and principles are, as the resolution recognizes, "the foundations of American government and life." As the resolution states, the "ideals and inspiring example of James Madison are of utmost importance to the future of the American Nation as it enters a new millennium."

That is why I urge all Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

I first of all want to thank the gentleman from Virginia (Mr. BLILEY) for this resolution. I want to thank the gentleman from Ohio (Mr. LATOURETTE), and I want to associate myself with his words that were just spoken.

Mr. Speaker, James Madison, a young aristocrat who began his public career in public service at age 23, would become indelibly linked to three great works of American democracy: the Constitution, the Federalist Papers, and the Bill of Rights.

In 1776, Madison was a member of the Virginia constitutional committee, a body that drafted Virginia's first constitution and a bill of rights which later would become a model for the Bill of Rights appended to the United States Constitution. When Madison was elected to the United States House of Representatives, he became the primary author of the first 12 proposed amendments to the Constitution. Ten of these, the Bill of Rights, were adopted.

At the Constitutional Convention, which opened on May 25, 1787, Madison set the tone by introducing a document he authored called "The Virginia Plan." The plan called for a strong central government consisting of a supreme legislature, executive and judiciary. It provided for a national legislature consisting of two houses, one elected by the people and the other appointed by the first from a body of nominees submitted by State legislatures. Representation in these bodies would be based on the population of the States. It provided for an executive to be elected by this national legislature. The plan also defined a national judiciary and a council of revision charged with reviewing the constitutionality of legislation.

As the driving force in the formation of the Constitution, James Madison organized the convention, set the agenda, and worked through many obstacles that threatened the process. The notes he took throughout the convention constitute this country's best and most complete record of the 1787 Constitutional Convention. Madison's notes, which comprise a third of the Federalist Papers, were published in the 1830s.

As we honor James Madison today, we remember his role in the great debate on slavery. He openly acknowledged that slavery was a great evil, was a member of an antislavery society, and even authored a plan for the emancipation of slaves. Nevertheless, history documents that he continued to regard and hold slaves as property until his death. In fact, he himself said that slaves remain such in spite of the declarations that all men are born equally free.

As I reflect on this serious dichotomy, I am mindful of a quote from Madison's 1810 State of the Union address that is applicable to our modern society.

He stated that "American citizens are instrumental in carrying on a traffic in enslaved Africans, equally in violation of the laws of humanity and in defiance of those of their own country. The same just and benevolent motives which produced interdiction in force against this criminal conduct will doubtless be felt by Congress in devising further means of suppressing the evil."

It is my hope that 190 years later, this Congress heeds these words and makes a strong commitment to suppressing the evil of racism and prejudice against minorities that exists today.

As this Congress labors through this week to complete its work on the many pending appropriations bills, I urge my colleagues to keep one of Madison's messages on public leadership in mind. Mr. Speaker, he said, "The aim of every political constitution is, or ought to be, first to obtain for rulers men and women who possess most wisdom to discern, and most virtue to pursue, the common good of the society."

I believe that all of us who are elected, Mr. Speaker, to serve in the Congress come to serve the common good and hope that when we conclude this session it is reflected in the work we have done.

Mr. Speaker, I urge my colleagues to vote in favor of this very important and significant resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Virginia (Mr. BLILEY), the author of the resolution and the distinguished chairman of the Committee on Commerce.

Mr. BLILEY. I thank the gentleman for yielding me this time.

Mr. Speaker, as the proud holder of the congressional seat first held by James Madison, I introduce House Concurrent Resolution 396 in order to celebrate the 250th anniversary of his birth. I am hopeful that passage of this resolution will encourage our schools, museums, historical societies, and citizens to rediscover the important role James Madison played in founding this Nation.

While the actual anniversary is not until March 16, 2001, quick passage of this resolution will give these interested groups the time to plan events, exhibitions, and lessons in his honor. We can use this anniversary to highlight Madison's tireless service on behalf of the Commonwealth of Virginia and this country.

While many remember James Madison as our Nation's fourth President, he also served as a member of the Virginia House of Delegates, as a delegate to the Continental Congress during the American Revolution, as a delegate to the Constitutional Convention in 1787, as a leader in the House of Representatives, and as Secretary of State. For his many years in public service, we are a grateful Nation. The anniversary also affords us the opportunity to fully appreciate Madison's role as one of the Founding Fathers.

The United States has become a thriving, powerful Nation largely because of the sound principles established by our Founding Fathers in the Constitution. These principles have endured despite the passage of many years and having guided this Nation through challenging times.

As Members of this deliberative body, we have from time to time disagreed on the details of various legislative proposals. However, we remain steadfast in our support for the fundamental principles which serve as the foundation of our government.

James Madison, commonly referred to as the Father of the Constitution, ensured the inclusion of these principles in the Constitution and therefore deserves due credit. I would also like to point out that we hear a lot of talk these days and have in the past few years about term limits. That matter was on the floor of the Constitutional Convention in 1787. Mr. Madison said, and I think quite rightly, the answer is not term limits; the answer is frequent elections so that the public can choose between experience and somebody new.

The contributions he made during his lifetime of public service are his enduring legacy and should be commemorated. I thank the gentleman from Maryland for his kind words.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first associate myself with the distinguished gentleman from Virginia's comments. I just want to quote a letter to W.T. Barry from President Madison dated August 4, 1822. It is one of my favorite quotes, Mr. Speaker, and I will end with this. He said:

"A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps both. Knowledge will forever govern ignorance and a people who mean to be their own governors must arm themselves with the power which knowledge gives."

He goes on to say, "Learned institutions ought to be favorite objects with every free people. They throw that light over the public mind which is the best security against crafty and dangerous encroachments on the public liberty."

Mr. Speaker, I again thank everybody who had anything to do with bringing this resolution to this floor today. I urge all of my colleagues to vote in favor of it.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of my time. I want to commend the gentleman from Virginia (Mr. BLILEY) for not only introducing this resolution but also pushing so hard to make sure that it was brought to the floor today. I also want to thank the gentleman from Florida (Mr. SCARBOROUGH), who is the chairman of the Subcommittee on Civil Service of the Committee on Government Reform, and the gentleman from Maryland (Mr. CUMMINGS), who is the ranking member. Also thanks go out to the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN), the chairman and ranking member, for their support as well.

Mr. Speaker, this is a good resolution. I urge the House to support it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 396.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CLIFFORD P. HANSEN FEDERAL COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1794) to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the "Clifford P. Hansen Federal Courthouse".

The Clerk read as follows:

S. 1794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF CLIFFORD P. HANSEN FEDERAL COURTHOUSE.

The Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, shall be known and designated as the "Clifford P. Hansen Federal Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal courthouse referred to in section 1 shall be deemed to be a reference to the Clifford P. Hansen Federal Courthouse.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1794 designates the Federal courthouse in Jackson, Wyoming, as the Clifford P. Hansen Federal Courthouse.

Senator Hansen was born in Zenith, Wyoming, in 1912. He attended the University of Wyoming where he would later serve on the university's board of trustees for over 2 decades. Shortly after graduating, he became a member of his local school board and began his lengthy and distinguished career as a public servant.

In 1963, he was elected governor of Wyoming and after completing his term was elected to serve Wyoming in the United States Senate. During his two terms as Senator, he was a crusader for the interests of the citizens of Wyoming and a guardian of private land ownership.

□ 1430

Upon completing his second term, Senator Hansen remained in his native State, continuing to serve the people of Wyoming in various capacities. The naming of this courthouse is a fitting tribute to a highly respected public servant. I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1794 is a bill to designate the Federal Courthouse in Jackson, Wyoming, after one of Wyoming's most illustrious native sons, Clifford Hansen. Cliff Hansen was the Senator from Wyoming from 1967 until 1978. Prior to coming to the Senate, he served as the State's Governor from 1963 to 1966. His public career spans four decades of service to the citizens of Wyoming.

Beginning in the mid-1940s, Cliff Hansen worked to preserve the State's role in determining grazing issues, as well as tax issues associated with the creation of public lands. He was an advocate of mine safety and became a leader in determining the national energy policy.

Senator Hansen was vigilant in protecting Wyoming's fair share of royalties from oil and gas exploration. During his tenure in the Senate he worked with Senator Ribicoff to redefine the Tax Code to provide for equitable treatment of estate taxes for family-owned businesses.

It is fitting and proper to honor the former Governor and Senator, Cliff Hansen, by designating the Federal Courthouse in Jackson, Wyoming, in his honor, and I am pleased to join in doing so.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I rise today to honor one of Wyoming's most prized possessions and most precious assets, former United States Senator and Wyoming Governor Clifford P. Hansen.

Today I join my colleagues and the people of Wyoming to honor Cliff Hansen by designating the Jackson, Wyoming, Federal Courthouse in his name. Senator Hansen is a true Wyoming statesman. He has helped make our State special and our people proud of him and of our own heritage and who we are.

Senator Hansen and his wife, Martha, recently celebrated their 65th wedding anniversary. With their children, their grandchildren, and even great grandchildren, the Hansen family is a colorful thread in the fabric that makes Jackson Hole, Wyoming, and the surrounding areas and Wyoming itself unique.

Cliff Hansen lives in Jackson Hole at the foot of the famed Tetons. His achievements as both a United States Senator and a person are as majestic as those towering peaks. Our goal as fellow public servants should be to aspire to climb to the same personal heights that Senator Hansen achieved.

Senator Hansen has been a respected figure of public service in Wyoming and the American landscape for more than 40 years. He began at the local school board, was elected a Teton County Commissioner, moved on to the State House in Cheyenne as Wyoming's 26th Governor, and finally came here to Washington as a distinguished Member of the United States Senate.

Senator Hansen was so well regarded and his leadership so clear that President Ronald Reagan asked him to be Secretary of the Interior not once, but twice. With his experience and his expertise regarding our public lands and the environment, there is no doubt he would have done an excellent job had he accepted.

He is quick to care, astutely understanding, and finds the best solutions to fit the need placed before him. Next to my own father, Senator Cliff Hansen is the man that I admire most. He and his loving wife, Martha, are wise, dear and trusted friends. Senator Cliff Hansen's remarkable accomplishments and distinguished record have made for an admirable career.

Wyoming has enjoyed a rich history of outstanding leaders and strong individuals. These men and women have sought the best for our small towns with big expectations. They have exemplified what it means to be a community leader.

Gracing the Federal Courthouse in Jackson Hole, Wyoming, with the great name of Clifford P. Hansen, considering that great legacy, is an appropriate symbol for what he and Wyoming stand for.

I ask my colleagues for their support of this legislation.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 1794.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

THEODORE ROOSEVELT UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5267) to designate the United States courthouse located at 100 Federal Plaza in Central Islip, New York, as the "Theodore Roosevelt United States Courthouse."

The Clerk read as follows:

H.R. 5267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 100 Federal Plaza in Central Islip, New York, shall be known and designated as the "Theodore Roosevelt United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Theodore Roosevelt United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5267 designates the United States Courthouse in Central Islip, New York, as the Theodore Roosevelt United States Courthouse.

Theodore Roosevelt was born in New York City in 1858. He attended Harvard University, where he was elected Phi Beta Kappa and graduated in 1880. At the age of 23, he became a Member of the New York State Assembly. He served in the Assembly until 1884, when President Benjamin Harrison appointed him to the United States Civil Service Commission.

In 1897, President William McKinley appointed him Assistant Secretary of the Navy. During the Spanish-American War he resigned as Assistant Secretary and organized the First Regiment, United States Volunteer Cavalry, known as Roosevelt's Rough Riders. In 1899, he was elected Governor of New York and served for 1 year before being elected Vice President of the United States on the Republican ticket headed by President McKinley.

In September 1901, President McKinley was shot and died 3 days later in Buffalo, New York. On September 14, 1901, President Roosevelt took the oath of office and became President of the United States at the tender age of 42.

President Roosevelt championed reform legislation such as the Pure Food and Drug Act, the Meat Inspection Act and the Hepburn Act, which empowered the government to set railroad rates. During Roosevelt's Presidency the government initiated 30 major irrigation projects, added 125 million acres to the national forest reserves, and doubled the number of national parks.

Upon leaving office, President Roosevelt settled in Oyster Bay in Nassau County, New York, and engaged in literary pursuits. He passed away in 1919.

This designation is a fitting tribute to the 26th President of the United States. President Roosevelt was a Nobel Peace Prize recipient and well regarded for his conservation efforts.

I support this measure and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support H.R. 5267, a bill to designate the United States Courthouse in Central Islip, New York, in honor of Theodore Roosevelt, the 26th President of the United States.

When Mr. Roosevelt became President, at not quite the age of 43, he became the youngest President in our Nation's history. With his youth and vigor he brought new excitement and vision to the Presidency as he led the country and the Congress and the executive branch toward progressive reforms and a strong foreign policy.

His civic career began as a 23-year-old person, when he was elected to the New York Assembly. He served also as the Police Commissioner for his birthplace, the City of New York, as Assistant Secretary for the U.S. Navy, and as Governor of New York.

During the Spanish-American War, he was a lieutenant colonel in the Rough Rider Regiment and became one of the war's most conspicuous heroes.

As President, Roosevelt viewed his role as "steward" for the American public. He believed he should take any necessary action for the public welfare, unless expressly forbidden by the Constitution or by law.

He strongly believed and endorsed a central role for the government, especially in arbitrating conflict between capital and labor. He was a "trust buster" par excellence. He ensured the construction of the Panama Canal to strengthen America's strategic position

He was a leader in conservation, and many of his accomplishments are with us today, for example, the Grand Canyon, Muirs Woods and Devils Tower. We are thankful to him for establishing the Park Service and the National Park System. He was a champion of reserving open land for public use, and fostered irrigation projects as well as preserving land for game and bird sanctuaries. He received the Nobel Peace Prize for negotiating peace in the Russo-Japanese War. An inspiring speaker, he advocated a strenuous outdoor life.

Roosevelt holds a revered place in American history, and this designation is a fitting honor to the extraordinary life of this great President.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5267.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

OWEN B. PICKETT UNITED STATES CUSTOMHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5284) to designate the United States customhouse located at 101 East Main Street in Norfolk, Virginia, as the "Owen B. Pickett United States Customhouse".

The Clerk read as follows:

H.R. 5284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States customhouse located at 101 East Main Street in Norfolk, Virginia, shall be known and designated as the "Owen B. Pickett United States Customhouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States customhouse referred to in section 1 shall be deemed to be a reference to the "Owen B. Pickett United States Customhouse".

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on January 3, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5284 designates the United States customhouse, in Norfolk, Virginia, as the Owen B. Pickett United States Customhouse.

Congressman PICKETT was born in Richmond, Virginia, and attended public schools. He is a graduate of Virginia Tech and the University of Richmond School of Law. In addition to being admitted to the Virginia and District of Columbia bar, he is also a certified public accountant.

Congressman PICKETT began his distinguished career in public service in 1972, when he was elected to the Virginia House of Delegates. While he was in the House of Delegates, Congressman PICKETT served on numerous boards and committees within the local community.

After 14 years in the House of Delegates, Congressman PICKETT was elected to the United States House of Representatives in 1986. Representing Virginia's Second District, which consists of the Nation's largest military complex of facilities serving commands of the Navy, Army, Coast Guard and the NATO Atlantic Command, Congressman PICKETT has been an ardent supporter of our Nation's military. Accordingly, he sits on the Committee on Armed Services and is the ranking member of the Subcommittee on Military Research and Development.

Congressman PICKETT is also a member of the Congressional Study Group on Germany, as well as the Congressional Study Groups on Japan and the Duma-Congress. He participated in the first Congress-Bundestag-Japanese Diet Trilateral seminar.

OWEN PICKETT is retiring from his lengthy and productive career in this body at the conclusion of this 106th Congress. While we will be losing a valuable Member, this legislation is a fitting gesture of our appreciation of his fine service.

I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 5284 as a fitting tribute to OWEN PICKETT. His service to the citizens not only of the second district of Virginia, but also to the citizens of this Nation, is exemplary. We owe a debt of gratitude to Congressman PICKETT for his diligence in pursuing military matters in particular.

Since he was first elected to Congress in 1986, OWEN PICKETT has devoted himself to ensuring that the United States military is technologically ready and superior to any other military force. He supported veterans programs, and a strong U.S. flag merchant fleet.

In addition to being a dedicated public servant, OWEN PICKETT is a lawyer and a certified public accountant. He is a devoted husband, father and grandfather to seven grandchildren. Mr. PICKETT is known as tenacious, but also as a gentleman, a willing listener and a consensus builder.

Mr. Speaker, this bill has broad bipartisan support, and every member of the Virginia delegation supports the bill. It is a most fitting to honor Mr. PICKETT with this designation.

Mr. SCOTT. Mr. Speaker, it is my pleasure to speak in support of the bill H.R. 5284, to name the U.S. Customhouse in Norfolk, Virginia, after our colleague, OWEN PICKETT, who will be retiring at the end of this session.

Mr. Speaker, the Members of the Virginia Congressional Delegation pride ourselves on our ability to work together for the common good of all who reside within the Commonwealth of Virginia. The fact that the Customhouse continues to serve its role in Hampton Roads is a perfect example of that, because while this building is physically located in the Third Congressional District, which I represent, OWEN interceded in the effort to preserve this 141 year old structure, which has been symbolic of the history of Norfolk and all of Hampton Roads.

The American flag was first raised over this building during the Civil War, and it has seen numerous renovations in its history.

Norfolk was one of the first ports in the Nation to have a customs office, and the Customhouse in Norfolk remains the first Federal building constructed in Virginia for business operations. It has been designated as one of the 12 most outstanding buildings constructed in Virginia since the Revolutionary War, and it is listed on the National Register of Historic Places.

Notwithstanding that history, when the new Federal Building in Norfolk was completed, employees of the Customs Service were moved out of the Customhouse and it was contemplated that the building would be turned into a restaurant or museum. But OWEN PICKETT demonstrated the leadership that makes things happen. He brought together the interested parties within the City of Norfolk, the General Services Administration and the U.S. Customs Service and secured the necessary funding for the renovation. On September 19 of this year, I was proud to participate, along with OWEN, in a ceremony to reopen the newly refurbished Customhouse in Norfolk.

Mr. Speaker, this is but one example of OWEN's record of public service. For nearly 29 years, he has worked tirelessly for the residents of his district and the Nation. He served 15 years in the Virginia General Assembly, and almost 14 years now he has represented the Second Congressional District of Virginia in the House of Representatives.

Prior to our service in Congress, OWEN PICKETT and I both served in the Virginia House of Delegates, where he was known as a conscientious and dedicated public servant. This reputation has continued with his service in Congress.

Representative PICKETT serves on the Committee on Armed Services. He is the ranking member on the Subcommittee on Military Research and Development, and he serves on the Subcommittee on Readiness. Throughout his career he has been a staunch advocate of our military and has championed the quality of life issues affecting military families. The Hampton Roads community has a significant military presence, including Oceana Naval Air Station and the Norfolk Naval Base, and I know our military community will miss OWEN and his steadfast advocacy on their behalf.

In addition to ensuring that our country is prepared to overcome any threats to our national security, OWEN has been on the front line of protecting our Nation's environment. As a member of the Committee on Resources, he has fought hard to remind his colleagues in Congress of the importance of a balanced approach to the protection of our natural resources and the environment.

As we head into the final weeks of this legislative session, Congressman PICKETT will no doubt continue to demonstrate his leadership in the House. By passing the bill, H.R. 5284, the Owen B. Pickett U.S. Customhouse will serve as a lasting reminder of his leadership and his dedication to the Second District of Virginia and to our Nation.

□ 2000

Mr. WELDON of Pennsylvania. Will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. I thank my friend for yielding to me.

Mr. Speaker, I want to add to the gentleman's comments. I could not agree more with everything that the gentleman from Virginia said. I have had the pleasure of serving as the chairman of the Subcommittee on Military Research and Development and the gentleman from Virginia (Mr. PICKETT) is the ranking member. There is probably no finer gentleman in this Congress in either party someone who is dedicated, hard-working, conscientious and someone who I have the highest respect for.

Mr. Speaker, I just wanted to add my comments to that of the gentleman from Virginia (Mr. SCOTT) and will associate everything that he said about the gentleman from Virginia (Mr. PICKETT), applaud him for his positive note of the leadership of the gentleman from Virginia (Mr. PICKETT), and hope that our colleagues on both sides of the aisle will join in supporting the legislation the gentleman referred to.

Mr. ORTIZ. Mr. Speaker, I rise in support of H.R. 5284, designating the Owen B. Pickett U.S. Customhouse.

I want to commend the House for considering this legislation today because our colleague who is retiring shortly is indeed worthy of such an honor. I have worked with OWEN for the entire time I have served in the U.S. House of Representatives and he is a man who epitomizes the sort of public servant whose service is dedicated to his community.

I have traveled all over the world with OWEN in the pursuit of understanding the evolving needs of our uniformed military service members. You learn much about your colleagues when you travel together.

In Washington, OWEN is a hard-working member of the House Armed Services Committee and the Resources Committee. When you see him on the House floor, you might never know that this easy-going guy is wild at heart. He is a Harley-rider. He is also a surfer. None of these pastimes seemed even remotely consistent with the things I knew about OWEN from our work together in the House.

Also, for the last Congress, OWEN has been my across-the-hall neighbor in the Rayburn building. He is a generous host for me when I seek a change of scenery and we visit in his office until we get interrupted.

Designating a customhouse for OWEN PICKETT is a fitting tribute for a man who understands the importance of international trade to the economic development and well-being of his Tidewater constituents in Virginia.

If there is one thing that I would want to make sure everyone knows about OWEN, it is this: he is a tireless advocate for the constituents in his congressional district and for the men and women who serve the United States in our military's uniform.

Mr. Speaker, I commend the House for considering this legislation, and I urge its passage.

Mr. DAVIS of Virginia. Mr. Speaker, it is my privilege to rise today to honor our colleague, OWEN PICKETT of Virginia's 2nd Congressional District. After 29 years of serving the citizens of Virginia Beach and Norfolk, as well as the entire Commonwealth of Virginia, Mr. PICKETT has decided to retire from the United States House of Representatives.

My colleague, Mr. PICKETT, is a member of the Armed Services Committee and is the ranking member of the Subcommittee on Military Research and Development and serves on the Readiness Subcommittee and the MWR Panel. The 2nd Congressional District is heavily dependent on the massive concentration of naval installations, shipbuilders and shipping firms in the Hampton Roads harbor area, which ranks first in export tonnage among the nation's Atlantic ports.

The United States Navy Atlantic Fleet berthed in its home port of Norfolk is one of the greatest awe-inspiring sights in America, or anywhere. The aggregation of destructive power in the line of towering gray ships is probably greater than that of any single port in history. Over 100 ships are based here, with some 100,000 sailors and Marines, some $2 billion in annual spending. For these reasons, Congressman PICKETT has been an outspoken advocate for a strong, technologically superior military and has been tenacious in supporting military bases in his district. Mr. PICKETT, together with Senator JOHN WARNER and the late Congressman Herbert H. Bateman, have provided tremendous leadership on behalf of Virginia. Other issues on which he has taken a strong position are the U.S.-flag merchant fleet, private property rights, public education, veterans programs and a balanced Federal budget.

Mr. PICKETT was born in Hanover County, Virginia, outside Richmond on August 31, 1930 and was the youngest of three children. He attended the public school system and is a graduate of Virginia Tech and the University of Richmond School of Law. He was first elected to the United States Congress in 1986. With old Virginia roots, he was elected to the Virginia House of Delegates in 1971, at the age of 41, where he was known as a fiscal conservative and for his hard work restructuring the state retirement system.

By the time Mr. PICKETT won the Congressional seat vacated by retiring Republican G. William Whitehurst in 1986, Mr. PICKETT had already served as chairman of the state Democratic Party, headed a Democratic presidential campaign in Virginia and served long enough in the state House of Delegates to be a senior member of the Appropriations Committee.

In the House, Mr. PICKETT showed his political acumen by getting a new seat created for him on the National Security Committee and getting a seat on the old Merchant Marine Committee as well—two crucial spots for any Norfolk congressman. Much of Mr. PICKETT's work has been in supporting Hampton Roads military bases and defense contractors, and revitalizing the shipbuilding industry and merchant marine. That work has been successful. Newport News Shipbuilding and Drydock has been building three *Nimitz*-class aircraft carriers in the 1990s, and has effectively ensured that there is no industry monopoly on building nuclear submarines. The Norfolk Navy Shipyard under Mr. PICKETT's guidance has survived four rounds of base-closings and calls for privatization.

Mr. Speaker, I join with my fellow Virginian colleagues in thanking Congressman OWEN PICKETT for his service to the Commonwealth and to our nation.

Mr. BLILEY. Mr. Speaker, I rise today in support of this legislation naming a U.S. customhouse in Norfolk in honor of my good friend and colleague OWEN PICKETT.

During his 14 years in Congress, OWEN has been an outspoken advocate of a strong military and his commitment to military personnel and their families will leave a lasting mark on this nation for years to come.

His expertise on these matters will always be remembered by a grateful nation.

Along with his commitment to military readiness, OWEN has been an avid proponent for veterans, better public schools and a balanced federal budget.

He has been a tireless advocate in supporting Hampton Roads military bases and revitalizing the shipbuilding industry and merchant marine.

Upon his retirement, this nation and this Congress will lose a conscientious and very able legislator.

I would like to thank Mr. SCOTT for introducing this fitting tribute to a true gentleman and friend.

I wish OWEN all the best in his retirement.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of H.R. 5284, which would name the United States Customhouse in Norfolk, Virginia, after our retiring colleague and friend, OWEN PICKETT. I want to commend Mr. SCOTT for introducing this bill and working with both sides to bring it to the floor today.

Let me just say at the outset how appropriate it is that this particular federal building should bear the name of OWEN PICKETT. As the other speakers have said, OWEN was extremely instrumental in securing the needed funding for the renovation of the Customhouse.

He worked hard, as he always does, to bring together the General Services Administration (GSA), the Customs Service and other interested parties to work out the details of this project. It is in large part because of his hard work that the renovation of this historic building was completed earlier this year. OWEN's work on the project constitutes a victory for historic preservation in Virginia.

Beyond this particular project, I want to say what an honor it has been to serve with OWEN PICKETT during the past ten years. Mr. PICKETT is a true gentleman. Throughout his service, OWEN has worked tirelessly and effectively not only for people not only in southern Virginia, but for our entire Nation. He has championed the interests of our Nation's military, and the men and women who wear the uniform of the United States. He has been a particularly strong advocate for the Navy and for our commercial maritime interests.

OWEN is also uncompromising in his insistence that government be fiscally disciplined, a trait which he probably acquired during his long service in the Virginia House of Delegates. The fact that he is retiring at a time of record surpluses is somehow fitting. It certainly wasn't that way when he came to the House in 1987.

Mr. Speaker, all of us in the House will certainly miss the service and dedication of OWEN PICKETT. I commend the leadership for bringing this bill to the floor in such an expeditious manner.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5284.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1794, H.R. 5267 and H.R. 5284, the bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1445

PRIVACY COMMISSION ACT

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4049) to establish the Commission for the Comprehensive Study of Privacy Protection, as amended.

The Clerk read as follows:

H.R. 4049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Privacy Commission Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Americans are increasingly concerned about their civil liberties and the security and use of their personal information, including medical records, educational records, library records, magazine subscription records, records of purchases of goods and other payments, and driver's license numbers.

(2) Commercial entities are increasingly aware that consumers expect them to adopt privacy policies and take all appropriate steps to protect the personal information of consumers.

(3) There is a growing concern about the confidentiality of medical records, because there are inadequate Federal guidelines and a patchwork of confusing State and local rules regarding privacy protection for individually identifiable patient information.

(4) In light of recent changes in financial services laws allowing for increased sharing of information between traditional financial institutions and insurance entities, a coordinated and comprehensive review is necessary regarding the protections of personal data compiled by the health care, insurance, and financial services industries.

(5) The use of Social Security numbers has expanded beyond the uses originally intended.

(6) Use of the Internet has increased at astounding rates, with approximately 5 million current Internet sites and 64 million regular Internet users each month in the United States alone.

(7) Financial transactions over the Internet have increased at an astounding rate, with 17 million American households spending $20 billion shopping on the Internet last year.

(8) Use of the Internet as a medium for commercial activities will continue to grow, and it is estimated that by the end of 2000, 56 percent of the companies in the United States will sell their products on the Internet.

(9) There have been reports of surreptitious collection of consumer data by Internet marketers and questionable distribution of personal information by on-line companies.

(10) In 1999, the Federal Trade Commission found that 87 percent of Internet sites provided some form of privacy notice, which represented an increase from 15 percent in 1998.

(11) The United States is the leading economic and social force in the global information economy, largely because of a favorable regulatory climate and the free flow of information. It is important for the United States to continue that leadership. As nations and governing bodies around the world begin to establish privacy standards, these standards will directly affect the United States.

(12) The shift from an industry-focused economy to an information-focused economy calls for a reassessment of the most effective way to balance personal privacy and information use, keeping in mind the potential for unintended effects on technology development, innovation, the marketplace, and privacy needs.

(13) This Act shall not be construed to prohibit the enactment of legislation on privacy issues by the Congress during the existence of the Commission. It is the responsibility of the Congress to act to protect the privacy of individuals, including individuals' medical and financial information. Various committees of the Congress are currently reviewing legislation in the area of medical and financial privacy. Further study by the Commission established by this Act should not be considered a prerequisite for further consideration or enactment of financial or medical privacy legislation by the Congress.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the "Commission for the Comprehensive Study of Privacy Protection" (in this Act referred to as the "Commission").

SEC. 4. DUTIES OF COMMISSION.

(a) STUDY.—The Commission shall conduct a study of issues relating to protection of individual privacy and the appropriate balance to be achieved between protecting individual privacy and allowing appropriate uses of information, including the following:

(1) The monitoring, collection, and distribution of personal information by Federal, State, and local governments, including personal information collected for a decennial census, and such personal information as a driver's license number.

(2) Current efforts to address the monitoring, collection, and distribution of personal information by Federal and State governments, individuals, or entities, including—

(A) existing statutes and regulations relating to the protection of individual privacy, such as section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974) and section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(B) legislation pending before the Congress;

(C) privacy protection efforts undertaken by the Federal Government, State governments, foreign governments, and international governing bodies;

(D) privacy protection efforts undertaken by the private sector; and

(E) self-regulatory efforts initiated by the private sector to respond to privacy issues.

(3) The monitoring, collection, and distribution of personal information by individuals or entities, including access to and use of medical records, financial records (including credit cards, automated teller machine cards, bank accounts, and Internet transactions), personal information provided to on-line sites accessible through the Internet, Social Security numbers, insurance records, education records, and driver's license numbers.

(4) Employer practices and policies with respect to the financial and health information of employees, including—

(A) whether employers use or disclose employee financial or health information for marketing, employment, or insurance underwriting purposes;

(B) what restrictions employers place on disclosure or use of employee financial or health information;

(C) employee rights to access, copy, and amend their own health records and financial information;

(D) what type of notice employers provide to employees regarding employer practices with respect to employee financial and health information; and

(E) practices of employer medical departments with respect to disclosing employee health information to administrative or other personnel of the employer.

(5) The extent to which individuals in the United States can obtain redress for privacy violations.

(6) The extent to which older individuals and disabled individuals are subject to exploitation involving the disclosure or use of their financial information.

(b) FIELD HEARINGS.—

(1) IN GENERAL.—The Commission shall conduct at least 2 field hearings in each of the 5 geographical regions of the United States.

(2) BOUNDARIES.—For purposes of this subsection, the Commission may determine the boundaries of the five geographical regions of the United States.

(c) REPORT.—

(1) IN GENERAL.—Not later than 18 months after appointment of all members of the Commission—

(A) a majority of the members of the Commission shall approve a report; and

(B) the Commission shall submit the approved report to the Congress and the President.

(2) CONTENTS.—The report shall include a detailed statement of findings, conclusions, and recommendations, including the following:

(A) Findings on potential threats posed to individual privacy.

(B) Analysis of purposes for which sharing of information is appropriate and beneficial to consumers.

(C) Analysis of the effectiveness of existing statutes, regulations, private sector self-regulatory efforts, technology advances, and market forces in protecting individual privacy.

(D) Recommendations on whether additional legislation is necessary, and if so, specific suggestions on proposals to reform or augment current laws and regulations relating to individual privacy.

(E) Analysis of purposes for which additional regulations may impose undue costs or burdens, or cause unintended consequences in other policy areas, such as security, law enforcement, medical research, or critical infrastructure protection.

(F) Cost analysis of legislative or regulatory changes proposed in the report.

(G) Analysis of the impact of altering existing protections for individual privacy on the overall operation and functionality of the Internet, including the impact on the private sector.

(H) Recommendations on non-legislative solutions to individual privacy concerns, including education, market-based measures, industry best practices, and new technology.

(I) Review of the effectiveness and utility of third-party verification of privacy statements, including specifically with respect to existing private sector self-regulatory efforts.

(d) ADDITIONAL REPORT.—Together with the report under subsection (c), the Commission shall submit to the Congress and the President any additional report of dissenting opinions or minority views by a member or members of the Commission.

(e) INTERIM REPORT.—The Commission may submit to the Congress and the President an interim report approved by a majority of the members of the Commission.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 17 members appointed as follows:

(1) 4 members appointed by the President.

(2) 4 members appointed by the majority leader of the Senate.

(3) 2 members appointed by the minority leader of the Senate.

(4) 4 members appointed by the Speaker of the House of Representatives.

(5) 2 members appointed by the minority leader of the House of Representatives.

(6) 1 member, who shall serve as Chairperson of the Commission, appointed jointly by the President, the majority leader of the Senate, and the Speaker of the House of Representatives.

(b) DIVERSITY OF VIEWS.—The appointing authorities under subsection (a) shall seek to ensure that the membership of the Commission has a diversity of views and experiences on the issues to be studied by the Commission, such as views and experiences of Federal, State, and local governments, the media, the academic community, consumer groups, public policy groups and other advocacy organizations, business and industry (including small business), the medical community, civil liberties experts, and the financial services industry.

(c) DATE OF APPOINTMENT.—The appointment of the members of the Commission shall be made not later than 30 days after the date of the enactment of this Act.

(d) TERMS.—Each member of the Commission shall be appointed for the life of the Commission.

(e) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(f) COMPENSATION; TRAVEL EXPENSES.—Members of the Commission shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(h) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chairperson or a majority of its members.

(2) INITIAL MEETING.—Not later than 45 days after the date of the enactment of this Act, the Commission shall hold its initial meeting.

SEC. 6. DIRECTOR; STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—

(1) IN GENERAL.—Not later than 30 days after the appointment of the Chairperson of the Commission, the Chairperson of the Commission shall appoint a Director without regard to the provisions of title 5, United States Code, governing appointments to the competitive service.

(2) PAY.—The Director shall be paid at the rate payable for level III of the Executive Schedule established under section 5314 of such title.

(b) STAFF.—The Director may appoint staff as the Director determines appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—

(1) IN GENERAL.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) PAY.—The staff of the Commission shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for grade GS-15 of the General Schedule under section 5332 of that title.

(d) EXPERTS AND CONSULTANTS.—The Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—

(1) IN GENERAL.—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out this Act.

(2) NOTIFICATION.—Before making a request under this subsection, the Director shall give notice of the request to each member of the Commission.

SEC. 7. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), if the Chairperson of the Commission submits a request to a Federal department or agency for information necessary to enable the Commission to carry out this Act, the head of that department or agency shall furnish that information to the Commission.

(2) EXCEPTION FOR NATIONAL SECURITY.—If the head of that department or agency determines that it is necessary to guard that information from disclosure to protect the national security interests of the United States, the head shall not furnish that information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Director, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out this Act.

(f) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this Act, but only to the extent or in the amounts provided in advance in appropriation Acts.

(g) CONTRACTS.—The Commission may contract with and compensate persons and government agencies for supplies and services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(h) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter that the Commission is empowered to investigate by section 4. The attendance of witnesses and the production of evidence may be required by such subpoena from any place within the United States and at any specified place of hearing within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a

United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(i) RULES.—The Commission shall adopt other rules as necessary for its operation.

SEC. 8. TERMINATION.

The Commission shall terminate 30 days after submitting a report under section 4(c).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Commission $5,000,000 to carry out this Act.

(b) AVAILABILITY.—Any sums appropriated pursuant to the authorization in subsection (a) shall remain available until expended.

SEC. 10. BUDGET ACT COMPLIANCE.

Any new contract authority authorized by this Act shall be effective only to the extent or in the amounts provided in advance in appropriation Acts.

SEC. 11. PRIVACY PROTECTIONS.

(a) DESTRUCTION OR RETURN OF INFORMATION REQUIRED.—Upon the conclusion of the matter or need for which individually identifiable information was disclosed to the Commission, the Commission shall either destroy the individually identifiable information or return it to the person or entity from which it was obtained, unless the individual that is the subject of the individually identifiable information has authorized its disclosure.

(b) DISCLOSURE OF INFORMATION PROHIBITED.—The Commission—

(1) shall protect individually identifiable information from improper use; and

(2) may not disclose such information to any person, including the Congress or the President, unless the individual that is the subject of the information has authorized such a disclosure.

(c) PROPRIETARY BUSINESS INFORMATION AND FINANCIAL INFORMATION.—The Commission shall protect from improper use, and may not disclose to any person, proprietary business information and proprietary financial information that may be viewed or obtained by the Commission in the course of carrying out its duties under this Act.

(d) INDIVIDUALLY IDENTIFIABLE INFORMATION DEFINED.—For the purposes of this Act, the term "individually identifiable information" means any information, whether oral or recorded in any form or medium, that identifies an individual, or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4049, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4049 would establish a commission to engage in one of the Nation's most comprehensive examinations of privacy protection issues in more than 20 years.

A few key strokes on a computer can yield a quantity of information that was unimaginable 26 years ago when the privacy act of 1974 became law. From e-mail and e-commerce to e-government, technology has changed the way people communicate, shop, and pay their bills.

The downside of these advances is that a vast amount of personal information, such as credit cards and Social Security numbers, flows freely from home computers to commercial and government Web sites. Today, everything from medical records to income tax returns is being maintained in an electronic form and is often transmitted over the Internet.

Growing concern over protecting the privacy of those records has led to the proposal of approximately 7,000 State and local laws, and more than 50 Federal laws. This bill before the House today will provide a most important function in this debate. The commission will examine privacy policies and laws throughout the Nation.

The commission's work will help determine the extent to which the Nation's privacy laws and policies may need to be revised for today's information technology.

Mr. Speaker, H.R. 4049 was introduced on March 21, 2000, by the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. MORAN), a true bipartisan bill.

The Committee on Government Reform's Subcommittee on Government Management Information and Technology held 3 days of legislative hearings on the issue, including a day of hearings at the behest of the subcommittee's minority members. The subcommittee approved the bill on June 14, 2000; and the full committee finalized its work on the bill on June 29, 2000.

During the full committee's consideration, a number of amendments offered by the minority were adopted, and the bill was favorably reported to the full House.

Mr. Speaker, I yield such time as he may consume to the honorable gentleman from Arkansas (Mr. HUTCHINSON), the chief author of the bill, for further discussion.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman from California (Mr. HORN) for yielding the time to me.

Mr. Speaker, I certainly rise in support of this legislation, the Privacy Commission Act, and I want to thank the gentleman from California (Mr. HORN) for his leadership and cooperation on this.

I want to thank the Democrat gentleman from Texas (Mr. TURNER) for his coauthorship of it.

I want to thank the gentleman from California (Mr. WAXMAN), the ranking member of the full committee, for his participation through this process, his very constructive criticisms and suggestions that he has offered. I think because of the gentleman's participation we have certainly made this a better product that has moved to the floor today.

I certainly also want to thank the gentleman from the State of Virginia (Mr. MORAN), my cosponsor, who from the very beginning has helped make this a bipartisan product which we have presented to this body.

If we look back over the issue of privacy, the last comprehensive look at privacy that we have had in our Nation was 25 years ago in 1974, and the report after that privacy study commission was privacy in the information age. Certainly that has changed in 25 years. But even that last commission gave us the hallmark of our privacy legislation today, the foundation of privacy here in the Federal Government.

That was 1974. Basically, it is time that we need to do it again, and I do believe that Congress understands the issue of privacy and the importance of this issue to the American people. The NBC-Wall Street Journal poll indicated that the number one issue of Americans as they enter the next century is the concern about loss of personal privacy, and so Congress understands that.

If we look at the issue of video rental records, we understand the public, and we do not want our video rental records disclosed to third parties, and we passed a law that prohibited that.

We understand that driver's license information should not be passed along and sold to commercial enterprises. We passed a law that restricted that.

When you look at cable stations and the knowledge as to what an individual, a consumer, clicks his channels and where he goes, we do not want that information passed along; and we pass a law that restricted it.

Tax returns, we passed a law obviously that restricts the transfer of information from a tax return. So we deal with privacy, but Congress should not end its work with what we have done thus far.

How about medical records? How about State law protection dealing with medical records; is that sufficient? Do we need a new Federal standard? How about the financial records? What do we need to do to further protect the transfer of financial information? And the answer is that regardless of what we can agree upon now, and I have sponsored various portions of privacy legislation and have moved forward, but regardless of what we agree upon now, we cannot end here.

We need to build a consensus; and this bill, this privacy study commission, is designed to build this consensus that we have not been able to form yet. I think it will help us to enhance personal privacy and do the work that Congress should do.

Let me go to some of the particulars of this legislation. Obviously, the commission will consist of 17 members appointed by the President, the majority leader, minorities leader, Speaker of the House. So it certainly is bipartisan in the way that it is formulated, but it is tasked with numerous responsibilities from studying the current state of laws on individual privacy, to conducting field hearings across the country, listening to the people, as well as privacy experts.

We are to submit a report to Congress, this commission will, within a timely fashion; and even though 18 months is a drop-dead date, hopefully they will come back sooner, and they have specifically the right to come back sooner if they can reach that consensus.

The Committee on Commerce has stepped in and suggested some very important changes but are not dramatic in its impact. One of them is that the commission should look at the impact on the Internet and its functionality. Certainly we want to do that. It says that any commissioner or group of commissioners may dissent and submit a record, so there is nothing dramatic about those changes; but those have been some suggested improvements from the Committee on Commerce.

I want to talk for a second about the processes as the gentleman from California (Mr. HORN) just indicated. We have gone through 3 days of hearings. We have gone through markup in subcommittee and full committee, and it was during that time that I think we really improved this legislation. One of the suggestions that came from the Democrat side was suggested by the gentleman from California (Mr. WAXMAN), the ranking member, who said that we should make it clear that this legislation in no way should impede the passage of individual privacy legislation. The language that was suggested by the gentleman from California (Mr. WAXMAN) was included.

The gentlewoman from New York (Mrs. MALONEY) suggested very appropriately that the commission should look at the extent that older individuals are subject to exploitation involving the disclosure of use of their financial information. That was adopted in subcommittee.

Then the third-party verification efforts, an amendment sponsored as well by the gentlewoman from New York (Mrs. MALONEY) was adopted.

The importance of having civil liberties represented on the commission was accepted as well, and so there was tremendous improvement through this process. We have really followed the regular order as we have come to this full House.

This is a very important commission that I believe will do good work. It is important that we have a good vote today, that will send it on its way in a bipartisan way; and I think that when it comes back with a report, hopefully, and I see the gentleman from Massachusetts (Mr. MARKEY) joining us, that we can continue to work on individual privacy legislation between now and the end of this year and into next Congress.

In the meantime, regardless of what else happens, we need to have this commission that will continue to recommend and supplement what we are doing in this body and to assist in our efforts, and I urge my colleagues to support this common sense approach to privacy.

Mr. HORN. Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, I want to compliment the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. MORAN) for their efforts to focus attention on the important issue of privacy. I believe that H.R. 4049 is a well-intentioned bill. The authors' sincerity in their motivation to improve privacy protections is a real one.

I strongly object, however, to the decision to bring up this bill as a suspension bill. Until today, we have had no opportunity to consider fundamental privacy legislation that matters to millions of Americans. And now that we have a bill, we are only provided with 20 minutes of debate time and no chance for amendments. And I think that is wrong.

Mr. Speaker, the gentleman from Arkansas (Mr. HUTCHINSON) said that his bill could go forward and other legislation on the subject of privacy could be considered at the same time. Well, the reality is that other legislation on privacy is not being considered at all. For example, the gentlewoman from New York (Ms. SLAUGHTER) has introduced genetic nondiscrimination and privacy legislation that has broad support; yet there has not even been a hearing on it.

The gentleman from California (Mr. CONDIT) introduced legislation with the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Michigan (Mr. DINGELL), myself and many other colleagues to provide comprehensive medical privacy protections for American consumers. That bill, which is in the subcommittee of the gentleman from California (Mr. HORN), has not even been given a hearing.

The gentleman from New York (Mr. LAFALCE) and the gentleman from Massachusetts (Mr. MARKEY) have introduced comprehensive financial privacy protections; yet there has not even been a hearing on their bills.

Today, with consideration of H.R. 4049, the leadership is finally taking up a bill concerning privacy, but the leadership has brought the bill up under suspension of the rules. This procedure blocks the gentleman from California (Mr. CONDIT), the gentleman from New York (Mr. LAFALCE), the gentleman from Massachusetts (Mr. MARKEY), the gentlewoman from New York (Ms. SLAUGHTER), and others from bringing up measures to provide privacy protections for American consumers.

We should not waste this opportunity to consider meaningful privacy protections. The Privacy Commission Act should be brought to the floor under regular order so that Members have an opportunity to discuss whether substantive privacy protections or other improvements should be added to the bill through amendment.

One of the main issues that has been raised about privacy, about the privacy commission bill, is whether its practical effect would be to delay the enactment of privacy protections.

People who advocate privacy protections have expressed concern about the potential for delay. For example, the Consumer Federation of America Consumers Union and U.S. PIRG have stated that "the creation of a commission would delay efforts to put meaningful privacy protections on the book."

People who oppose privacy protections have been happy that this bill could delay privacy initiatives. On April 17, 2000, there was an editorial in the National Underwriter magazine that urged insurance companies to support this measure, because the presence of such a commission will provide a strong argument for Congress and the State legislatures to wait for the results before enacting, as they put it, highly restrictive privacy legislation.

Under the right circumstances, establishing a privacy commission could be a helpful step in addressing privacy concerns. If Congress concurrently took action on enacting privacy legislation or at least made a binding commitment to take such action, American consumers could be confident that they would complement, rather than delay, this legislation.

Mr. Speaker, I want to emphasize this point and urge my colleagues to oppose this suspension.

Mr. Speaker, I reserve the balance of my time.

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Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I looked at the evolution of this legislation, every bill or an amendment that the Democratic minority gave us we accepted, and what we are going to have here is just on and on and on, and nothing is going to happen.

Five years ago when the gentleman from California (Mr. CONDIT) was in my position as chair of the subcommittee on Government Management, Information, and Technology, we had legislation that he submitted, a very fine bill.

We have had others. We have Senator LEAHY come over. He has a very fine bill. So it goes. Nobody can pull all the pieces together.

In the closing weeks of Congress, there is absolutely no way to have the floor time to start having amendments all over the place. I would love to have floor time and have a 3-day debate. It is going to be a 3-day debate, at least.

It has been a bipartisan proposal all the way, and I would hope we would get something done where it could be pulled together and we might look at it as a base bill, which does not preclude the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Connecticut (Mr. SHAYS). We have a whole bunch of people here who want to have a privacy bill. I am not against that. I just want to get something done in a practical sense.

I would hope, Mr. Speaker, that my colleagues would support this and not have to go through the—we have the votes, I am sure, on the majority, but we ought to get this movement going.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to point out that if we are going to be serious about doing something on privacy legislation, we should have had hearings in the Horn subcommittee, that is how we organize a consensus, not wait for one to happen. We ought to have hearings. We ought to have had leadership to develop legislation. We have not had that leadership to develop legislation.

Secondly, not every one of our amendments was adopted in committee. We wanted a deadline for action by the Commission and an opportunity for privacy protections to be put into place.

Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), a very important member of our committee.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, normally bills to study serious problems are like apple pie and motherhood, but I will tell the Members, this one deserves the serious reservations of Members of this body in light of mounting concerns among the public about medical privacy and Internet privacy.

When I chaired the Women's Caucus last term, one of the bills at that time Democratic and the Republican women were able to get some kind of consensus on was a bill involving genetic privacy.

The notion that we are here talking about studying privacy at the end of yet another term pains me to even hear. This issue is at the top of the agenda of the American public. The concern of the public is so loud and so real, and has been there for so long after so many hearings about various aspects of this problem, that the expectation has been that we would do something about it at least by now.

Let us take medical privacy. That one is so long overdue, particularly with respect to genetic information. We now know the genetic code. That thing is traveling against us at such a speed. We are here talking about studying it with no time limit? People are thinking, will I lose my job if I go to the company doctor or to any doctor to talk about my condition? And all doctors use the Internet now.

Do we know where the public is on this? They are clamoring on the doors of this Congress, saying, "Protect me."

My own recent experience makes me come to the floor. I needed something, a fancy new telephone. Somebody found out that I could order it and get it in 24 hours over the Internet. I said, over my dead body. I have a recognizable name. I am not going to put the name of Eleanor Holmes Norton on the Internet, because at least in this region somebody might decide that that is the name to use.

Do Members know how many people have lost their identity fooling with the Internet? I am not going to lose what little identity I have left. That is one of the things people write again more and more. Yet, we say, here is our answer, we will study that for you. We are making people think we are doing something about something they have clamored for us to do something about for almost 10 years now.

This bill says that this commission is going to make recommendations on whether additional legislation is necessary? Give me a break. Tell that to the public, that we are trying to find out if it is necessary.

Or listen to what the FCC has just said: "Legislation is now needed to ensure consumers online privacy is adequately protected." It is necessary. This bill does nothing about that necessity. It is very hard for me to advocate support of this bill. I do not do so.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to answer the ranking member of the full committee on hearings. We had a full hearing on April 12, 2000. We had a full hearing on May 15. That is two major hearings on a rather simple bill, but it is the only way we are going to get something done.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. TURNER), the ranking member on the subcommittee.

Mr. TURNER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I appreciate the good work that the gentleman from California (Mr. HORN) has put in on this bill. It is clear to all of us that the American people are demanding action and that their privacy be protected by this Congress. I think it perhaps is one of the most critical issues and one of the most difficult issues we face.

I think we also understand that there are very complex issues surrounding the discussion of privacy, and there are many opinions that have been voiced to us in the course of proceedings on this bill and others that indicate that the Congress must carefully consider legislation in this area.

H.R. 4049 is a bipartisan measure which would establish a commission charged with studying issues relating to the protection of individual privacy and the balance to be achieved between protecting privacy and allowing appropriate uses of information.

The commission would submit a report to Congress and the President within 18 months after its appointment. As a cosponsor of the bill, I commend my colleagues, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. MORAN) for their leadership on a topic of this importance.

I commend the ranking member, the gentleman from California (Mr. WAXMAN), on his willingness to work with us on the issue. I agree with him, that there are bills pending in this Congress that can be acted upon and should be acted upon prior to the final report of this commission.

The Subcommittee on Government Management, Information, and Technology of the Committee on Government Reform held 3 days of legislative hearings on this bill, heard from a number of witnesses, hearing various points of view. The witnesses testified regarding the commission's scope, the relationship of ongoing and past privacy efforts, the composition of the commission, and other issues.

I want to commend the gentleman from Arkansas (Mr. HUTCHINSON) for his willingness to accept an amendment, a manager's amendment, at the full committee level which clarified that the intent of this bill is not to delay or obstruct any pending, ongoing privacy initiatives in this Congress.

It has been more than 20 years since a privacy commission studied this issue. It is clear to me that we need a comprehensive reevaluation of the subject; that legislation that is pending can be considered and passed while we are studying this issue, but there are enough problems in the area of privacy regulation, privacy protection, to justify a commission with the expertise that is laid out in the bill as far as the creation of a commission and its membership.

I believe Congress should strictly adhere to the intent of the bill, which calls for the commission to be used as a supplement to and a sounding board for ongoing legislative privacy initiatives rather than any means of delay.

Again, I commend the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr.

MORAN) for their good work, and I urge the House to adopt this bipartisan measure.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding to the gentleman from Massachusetts (Mr. MARKEY), who is one of the champions on privacy questions in this Congress, I want to point out that the Horn subcommittee held three hearings, two at our request. They were all on the issue of this commission. There was not a single hearing on the medical privacy issue or the Internet privacy, which is also the jurisdiction of that committee.

I regret that, because it seems to me we could be much further down the road in directly enacting legislation if we had that leadership.

Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. MARKEY), who has raised the privacy issue in a number of different spheres and has been such an enormous champion in trying to get legislation, and shown such leadership in trying to get that legislation.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this is a very important debate. I think it is important for everyone who is listening to the debate to understand what we are debating and what we are not debating.

We are debating a privacy commission. In fact, that is how it is described by the proponents. But for those that want real privacy, we are debating a privacy omission. That is what this debate is really all about.

We have bills before Congress. They have been sitting there for years. The gentleman was the chair of this subcommittee and did not have any hearings on the subject. The Committee on Banking and Financial Services, no hearings; the Committee on Commerce, no hearings.

Everyone understands what the problem is. The Internet industry understands, the banking industry understands, the health industry understands the issues. What frightens them most greatly is that the public understands them, as well.

These are not complicated issues. We over the years have made many decisions with regard to the privacy of the American public. It is not something that requires a lot of study.

We make it a requirement that a driver of an automobile have to opt in before any license information, driver's license information, can be transferred. If we rent a video cassette at a video rental store, they have to get our permission before they transfer that information. If we are watching cable TV and late at night we might flick over to one of those pay per view channels that maybe we don't want the rest of the family, much less everyone else in the neighborhood, understanding that we might have watched, the cable industry cannot tell anyone that we did that. They have to get our permission before they do so. If we call anyone on our phones, the phone company cannot tell anybody who we called without our permission.

If a child goes online to a commercial site for children and they are under the age of 13, that site cannot transfer that information to anyone else without the express permission of parents. But if the child is 13, if the child is 14, if the child is 15, there are no restrictions.

Do Members think this Congress could figure out that maybe we should protect 13- and 14- and 15-year-olds? We are told by the committee that they cannot figure that out. It is too hard for them to know whether or not a 13-year-old or a 14-year-old or a 15-year-old's information should be transferred. They need to get an expert panel of industry officials, primarily, I am going to bet that is the case, to tell us whether or not those children should be protected.

Mr. Speaker, that is why we run for office. People in this country know whether or not they want their health care records protected or not. They know whether or not they want their financial records protected. We do not need a Commission to study this. This is not beyond the ability of this Congress to deal with.

What the bill is really all about is punting for another 2 years, 18 months, for the commission to study it. It means it is right before the next Congress ends, in the year 2002, which is exactly what the industry wants. We do not have to be a genius to figure out what to do to protect children, to protect the medical record of Americans, to make sure that somebody cannot take all of our checks or all of our brokerage accounts, all of the medical exams we might have to take for an insurance policy, and then sell it as though it is a product.

Do we really have to study that? I don't think so. This is just a commission to make sure that this Congress can say that it did something; that is, put a fig leaf over this issue.

So Mr. Speaker, yes, we need a new economy, but we need a new economy with old values. We need commerce with a conscience. This Congress, by passing this bill, demonstrates that it is unwilling to grasp this moral issue of what corporate America is doing in taking the private, most sensitive information of American families and turning it into a product which is sold around the country and around the world.

So if Members want privacy and they want it to happen, vote no on this bill and force them to bring out the bills over this next week that ensure that on the Internet, on financial records, on the health care data of every American family, we give them the protections which they deserve.

Otherwise, this bill is going to guarantee that there will be no action in the next Congress either, because the report does not come back until 2 years from now, at the end of the next Congress.

□ 1515

So I think that, while they may have had all the hearings on their commission bill, that, without question, whether or not we are going to ensure that the new technology ennobles and enables Americans rather than degrades and debases, whether or not we come to grips with the fact that there is a sinister side of cyberspace and that we understand it and that we demonstrate to the American people that we do understand it, and that we become the privacy keepers as were our local bankers when we were younger, our doctors and nurses when we were younger, and that we identify with those privacy keepers rather than the privacy peepers and the information reapers which these new data banks are able to make possible, creating products out of the family information of each one of us in the United States. I do not believe that there is an issue more central to the integrity and the well-being of a family in the United States than whether or not we give them the rights today to protect that information from being turned into a product.

To say that we do not have the ability to understand it says that we do not understand cyberspace, we do not understand the world in which everyone is living, and we do not understand that 85 percent of the American public in every single poll are demanding us to give them the right to protect this information. Vote no on this commission.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to the gentleman from Virginia (Mr. MORAN), the co-author of this legislation, I want to say that the gentleman from Massachusetts (Mr. MARKEY) is always very eloquent. Did he beat on the door of the chairman of the Committee on Commerce? Did he beat on the door of the chairman of the Committee on Judiciary? I did not hear him beating on my door.

But we knew the gentleman from Massachusetts and five others were out there, and we would have been glad to give them a hearing. But there are a lot of other committees around here that have the jurisdiction. I am not aware of the gentleman from Massachusetts ever going before any of those committees. But he always is eloquent, no question about it.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. HORN. Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts (Mr. MARKEY) to answer how many doors did he knock on. When I have a bill out, I am knocking on doors.

Mr. MARKEY. Mr. Speaker, I was given an ironclad commitment by the other side when we were debating the financial services bill last November that they would have hearings all this year in the Committee on Banking and Financial Services on financial services and health care privacy. They had no hearings on this issue. That side over there did not, in fact, fulfill its commitment.

Mr. HORN. Mr. Speaker, I yield 4½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I want to start by thanking the distinguished gentleman from California (Mr. HORN). He made it clear from the outset that he wanted bipartisan constructive legislation, that he wanted hearings, and he wanted to do what we could do given the information that we had available to us.

I also want to thank the gentleman from Arkansas (Mr. HUTCHINSON). He has worked, again, in a constructive manner, listening to everyone that wanted to have input into this legislation, has never behaved, to my knowledge, in this context in any partisan fashion. He wanted this to be a bipartisan bill. So I was very pleased to work with him.

I thank the gentleman from Texas (Mr. TURNER), the ranking member of the subcommittee. Again, all they wanted to do was work in a constructive bipartisan manner.

Now, I also want to thank the gentleman from California (Mr. WAXMAN) whose leadership has been outstanding. In fact, I agree with the gentleman's emphasis on the need for privacy legislation and with the gentleman from Massachusetts (Mr. MARKEY).

I think that we ought to have privacy legislation right now, particularly with regard to the protection of medical records. No question. Let us do it. We will vote for it. I know that the gentleman from California (Mr. HORN) and the gentleman from Arkansas (Mr. HUTCHINSON) will and the gentleman from Texas (Mr. TURNER) will as well.

So I would say to the gentleman from Massachusetts (Mr. MARKEY), my very good friend, I wished that I had had the same rhetoric teachers as my colleague, but I did go to the Jesuits, and I remember some of this, and it is very effective and impressive.

But let me say to the gentleman from Massachusetts just do it. If he wants privacy legislation, do it. As the gentleman from California (Mr. HORN) suggested, the gentleman from Massachusetts is on the Committee on Commerce.

The reality is that it is not going to get done. This is all we have. We have made it clear, every speaker has made it clear this does not preclude any other privacy legislation. It is meant to compliment it. We do not have to take 18 months. We can do it in 6 months.

The problem is, while the gentleman from Massachusetts (Mr. MARKEY), my good friend, may have all the answers, I do not. I am not sure what to do. Given the fact that there are 7,000 privacy bills introduced in State legislatures, one out of every 5 legislative bills introduced around the country this year had to do with privacy, we have got dozens of bills pending before our committees on privacy, which one of them works? Which ones will create a consistency? I am not sure. I do not have those answers.

I am not even sure how we protect the consumer choice that is very important to many people while ensuring that we protect people's basic privacy which is a fundamental American right and freedom. I do not have those answers. I am not sure this Congress has those answers. Perhaps some of us do; and if they do, just do it. Come up with the legislation, and we will vote for it.

In the meantime, we want to get the experts together to bring out all the factors that need to be considered so that we can have the most thoughtful, the best considered legislation possible.

This is critically important. It is critically important to our economy and to our society. It is a basic American freedom, individual privacy. But let us not mess it up.

I know that privacy is off the charts on every poll we take. I know that all the voters want us to do something about privacy. But if we are going to do it, we ought to do it right. We ought to do it in a bipartisan way. We ought not politicize it. It ought to be good, public policy that is sustainable. That is what this legislation does. That is all it does.

We have worked on this. We have listened to everyone. I know the gentleman from California (Mr. WAXMAN), my friend and the distinguished leader will recall that, in fact, when we had hearings, the gentleman from Massachusetts (Mr. MARKEY) testified about medical records, about financial records.

I am not sure I got an answer about the question how do we make consistent privacy regulations on medical records, on financial records, on the children's privacy protection act that was just passed. How do we bring all these together and have a consistent Federal policy? How do we get consistency among the States without preempting their right to protect their citizens? I do not know. Let us ask the experts, and that is what this commission does.

Mr. Speaker, I rise today in strong support of H.R. 4049. I would like to thank my colleague ASA HUTCHINSON and JIM TURNER, the ranking member of the subcommittee, for their leadership and bipartisan efforts in introducing this bill.

This legislation has been criticized by some as a proposal to slow down other privacy legislation. On the other hand, the idea of a privacy commission has been criticized by at least some in the business community out of a concern that it may lead to the enactment of overbearing legislation.

Unfortunately, this way of thinking and operating has become a familiar pattern with a familiar result. Congress winds up doing nothing. That is really what we are talking about today. Do we engage in the same old partisan gridlock and do nothing or do we get serious about moving forward on some of the most important issues in this nation and pass this legislation.

I respect and appreciate much of the work that colleagues and friends like ED MARKEY and JOHN LAFALCE have done on privacy issues. I agree with them that there are some privacy issues, like the protection of medical records, that Congress should immediately move to protect.

That is why we purposely did not include any moratorium or preemption language that would prevent Congress or the states from enacting privacy legislation that may be needed before the work of this commission is done. But the reality is that there is not going to be any other privacy legislation passed this term. In the meantime, we can be doing something constructive.

Let me repeat that: Nothing in this bill precludes Congress or the states from moving forward on privacy legislation.

I do believe, however, that the work of the Privacy Commission will lead to better overall decisions about privacy, particularly as it relates to the Internet and electronic commerce.

Privacy has become a major public policy issue. Last year, the state legislatures considered over 7,000 privacy bills. Approximately one out of every five bills introduced in the state legislatures was a privacy bill. The Congress currently has before it dozens of privacy bills. The federal regulatory agencies are busy on numerous privacy initiatives.

And yet, it has been more than twenty years since the Privacy Protection Study Commission issued its landmark report in 1977. Since then, the personal computer and the Internet have transformed our economy. At the same time, they have raised and continue to raise new privacy issues that the 1977 study could not have envisioned. It is time to revisit the issues from the 1977 report as well as the broader new issues raised by the information economy. The Privacy Commission Act creates an opportunity to do just that.

Everyone agrees that getting privacy policy right will go a long way towards fully developing the potential of the Internet and e-commerce. The extent to which this exciting new medium will continue its incredible expansion depends in large measure on balancing legitimate consumer privacy rights with basic marketplace economics. An open and supportive legal environment has helped encourage the rapid development of the Internet. Companies and consumers alike realize that Internet privacy is the one issue that must be done right.

Americans are rightly concerned about their lack of privacy. We know and appreciate that the public worries about cookies; worries about the capture of information regarding browsing behavior; and worries about profiling. But, we don't know what the dimensions are of the real privacy threats posed by these activities and what the economic payoffs are of these activities. We certainly don't know very much yet about the impact of recently enacted privacy protection legislation, such as the Children's Online Privacy Protection Act or the privacy protections in Title V of Gramm-Leach-Bliley.

There is a lack of consensus about whether the U.S. should move toward the establishment of some type of national privacy regulatory agency or whether the existing combination of courts, consumer protection authorities, Attorney Generals and various federal agencies provide a more than adequate privacy regulatory presence.

There is also the troubling question of preemption. In an electronic environment where information moves across local, state, and national borders in nanoseconds, does it really make any sense to allow the location of data, sometimes the momentary location of data, to dictate the rules that apply?

The stakes are high. As a nation, we must find a way to protect information privacy and to give our citizens confidence that they can engage in e-commerce and provide access to their personal information, knowing that the information will be used appropriately and in ways that are consistent with their understanding of the transaction.

At the same time, we must preserve the ability of the business community to use personal information effectively to promote consumer convenience and to drive down the cost and improve the quality of goods and services; and to personalize the marketplace—in a very real sense, revolutionize the marketplace—to spur growth and to give consumers information about the goods and services which consumers wish to receive.

The Privacy Commission created by H.R. 4049 will not answer every question to everyone's satisfaction. But, there is every reason to believe that this is exactly the right time for a Privacy Commission to look at these questions, as well as the profound changes in the underlying technology and the underlying business models that have ignited the current privacy debate. This will allow us to get to our destination with fewer mistakes and in a way that encourages the effective use of personal information while protecting privacy.

The Privacy Commission Act is supported by The Information Technology Industry Council, The Center for Democracy and Technology, The American Electronics Association, The Information Technology Association of America, and The Association for Competitive Technology.

I would like to thank ASA for his leadership on this issue and I urge my colleagues to support the serious study of these important issues and to vote for this important legislation.

Mr. WAXMAN. Mr. Speaker, may I inquire how much time each side has remaining.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from California (Mr. WAXMAN) has 6½ minutes remaining; The gentleman from California (Mr. HORN) has 50 seconds remaining.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, I thank the gentleman from California (Mr. WAXMAN) very much for yielding me this time.

Mr. Speaker, I rise in opposition to this legislation. Let me explain quickly why. First, it is important to know that this body has legislated for the past 30 years on privacy concerns. There are at least a dozen or so privacy bills that already have been passed by this body, some recently dealing with children online, some recently dealing with financial services, issues, or medical records. We continue to examine those before the Committee on Commerce and other committees of this body.

Recently, the Chamber of Commerce put on an extraordinary function at Lansdowne, Virginia where we brought in private sector individuals and learned a great deal more about the issue. The staff, as we speak, of the Committee on Commerce is working with my staff to see if we cannot have one additional hearing before we leave Congress this year as we prepare for what the Committee on Commerce expects to do in this area next year. But the last thing we need to do, in my opinion, is to give this issue to some commission to make decisions about these critical issues.

Let me tell my colleagues about a report that GAO just did at the request of the gentleman from Texas (Mr. ARMEY) and I. The gentleman from Texas (Mr. ARMEY) and I asked GAO to look at Federal Web sites to see how well they protected privacy and to use the FTC standard to find out which among our Federal sites were out of line.

Do my colleagues know how many sites on the Federal Web complied with the FTC guidelines? Three percent. Fourteen percent of them had cookies. Everyone of them was gathering personal information. Only 23 percent met the test for security, which means those Web sites are open to hackers every day.

The bottom line is the Federal Government itself does not have its act in order. Our own Federal Web sites, 3 percent only comply with the FTC. Yet, we are going to appoint a commission to tell us how the private sector should be adopting rules on privacy. No, I think that is our responsibility. I think our responsibility is, number one, number one, to get the Federal Web sites in line so that, on the Federal site where one has to give up information to the government, that information is protected properly; and then, two, for the Committee on Commerce and the legislature to come up with some good legislation for the private sector.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, along the lines of the argument just made by the gentleman from Louisiana (Mr. TAUZIN), I want to point out that a number of privacy experts, including individuals from the Electronic Privacy Information Center, Consumer Action, Privacy Times, the Privacy Rights Clearinghouse, the Free Congress Foundation, Junk Busters and others, they said: "We oppose this bill because it is unlikely to advance privacy protections in the United States. To the contrary, if adopted, it would likely retard the progress of legislation that would result in meaningful protections for Americans.

"Enacting this bill would give the appearance that Congress was finally doing something about protecting Americans' right to privacy when, in fact, it was not. Such a result would be unfair to the American people."

I agree with the argument that the gentleman from Louisiana (Mr. TAUZIN) and others have made, and I would urge my colleagues to oppose this legislation.

Mr. Speaker, I am glad to yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, let me give my colleagues an illustration of the problem that we have right now. The gentleman from Iowa (Mr. LEACH), Republican, passed a bill earlier out of his committee that would have given additional opt-in protections for medical information. It passed out of the Committee on Banking and Financial Services 26 to 14. That was back on June 29 of this year. The bill has not been heard from since.

It just sits over there with the leadership on the Republican side holding onto this bill even though, on a bipartisan basis, Democrats and Republicans have already come to an agreement that the financial records that include sensitive medical information should be protected with this extra level of an opt-in protection.

In addition, I mean, we can go down the litany, the gentleman from California already went down earlier the litany of bills which have been introduced in this Congress which are still awaiting hearings, still awaiting deliberation. But it is hard for Members of Congress to reach that bipartisan consensus if no hearings are being held by the Republican leadership on these very sensitive subjects.

And to basically subcontract out our responsibility to a commission when the American public expects us to be making those decisions ourselves, and we have the capacity to do so, while we feign ignorance, we are basically saying there is an invincible ignorance on our part, when we cannot understand these issues, when in fact the reality is that, when we act on these issues, when we move, the Republican leadership then blocks them from coming out here on the floor because the industries that are affected do not want the American people to have any additional privacy.

That is the core issue that we are talking about here, whether or not we are going to take on those large industries who basically have a commercial stake in compromising the privacy of every single American.

At this point in time, if we look down the litany of bills that have been before the Congress over the past year, we can say that, without question, that there can only be a zero which is given to the Republican leadership in dealing with this issue of American privacy.

Mr. WAXMAN. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the very distinguished gentleman from California for yielding me this time.

Mr. Speaker, I would ask my colleague if he is aware, I was the author of the opt-in requirement on licensing and registration of automobile vehicles, and it is working. But it was done in a bipartisan way if the gentleman will recall and we had adequate information.

I would suggest to my colleague that if he has legislation that can pass that the authors of this bill would be more than happy to sign on to that legislation and support it.

□ 1530

We just want to get something done that will work, that is constructive, and that is sustainable.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume to point out that the predecessor of the gentleman from California (Mr. HORN) of the committee that has the jurisdiction over privacy legislation, the gentleman from California (Mr. CONDIT), worked for many years on the issue of medical privacy; and, as a result, the gentleman from California (Mr. CONDIT) introduced a bill that had conservatives to liberals in the House on his legislation.

Rather than build on that legislation and move it forward, the Republican leadership let it languish. Rather than work to resolve the issues of financial privacy, the Republican leadership in the Congress has not brought that to the floor. What the Republican leadership in the Congress has suggested we do about privacy is set up another commission. And many of us fear that setting up another commission is an excuse not to move forward. That is why, when this commission legislation was brought before the committee, we wanted a mandatory deadline to force actual action to protect people's privacy, not simply to continually study it.

So I regret we do not have legislation on the subject, and that is why I would urge that we do not agree to this bill on suspension. I urge my colleagues to vote "no."

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Obviously, this is the only thing that is going to happen, and it sounds like a lot of bipartisanship that we pride ourselves on in our subcommittee, with the gentleman Texas (Mr. TURNER) and the gentlewoman from New York (Mrs. MALONEY) over the years, is somehow missing here.

I am very sorry that the ranking Democrat on the full committee cannot go along on this. If the gentleman knew he was going to kill it, why did he not say it when we had it before the full committee instead of playing games here when we are getting near an election?

Mr. Speaker, I yield the balance of my time to the gentleman from Arkansas (Mr. HUTCHINSON), who spent a lot of hours and weeks and months on this legislation.

Mr. HUTCHINSON. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Arkansas (Mr. HUTCHINSON) has 30 seconds.

Mr. HUTCHINSON. Mr. Speaker, one thing I believe we agree on is that we want to go in the same direction in protecting privacy. The bottom line here is that, for whatever reason, the bill of the gentleman from Massachusetts (Mr. MARKEY) is not moving through the Committee on Commerce.

Please do not disappoint people who want to do something about privacy by saying we are not going to do anything this year. This is our only opportunity. I hope we can come back and do something in the Committee on Commerce, but I also hope this bill can pass this year, and I ask for my colleagues' support.

Mr. STARK. Mr. Speaker, enactment of federal legislation to protect the medical privacy of Americans has been a subject of congressional debate for years. More recently, with passage of the financial modernization legislation last year, financial privacy has been on the minds of millions, and electronic privacy concerns are becoming a major source of friction for dot.com companies and consumers.

Legislative solutions in these areas are not simple. Inevitably, the rules that will do the most to protect consumers cause affected businesses to object that they would be burdensome and costly. But reasonable solutions are needed, or the fears that many harbor now—that public and private entities they know nothing about are somehow gaining access without their knowledge to intimate (and sometimes damaging and embarrassing) information about them—will increasingly cause privacy-protective consumers to take extreme measures to avoid releasing as much personal information as possible. Or, they may simply decide to lie.

Already, surveys tell us that some consumers are deciding not to seek certain medical treatments—genetic tests in particular—because they fear that the results could render them uninsurable. On the other hand, insurers insist that they have a right to seek and demand as much information as possible in order to accurately determine risk and premiums.

Legislation is urgently needed to set boundaries and rules that are fair, reasonable, broad and balanced. There are many such bills that are pending in this Congress that would do much to advance the privacy agenda. Regrettably, they have been bottled up in committee. Among these bills are:

H.R. 4380, a bill developed by the administration and introduced by Representative JOHN LAFALCE (D–NY). The legislation would inform and empower consumers in the area of financial privacy by giving them the choice of saying "yes" or "no" before any disclosure of their medical information that is gathered by financial institutions (which include insurers). It would also allow consumers who chose to take the initiative to stop the transfer of other personal financial information that would otherwise take place.

H.R. 4585, introduced by Representative JIM LEACH (R–Iowa) would also enhance financial privacy protections by giving consumers an affirmative "opt in" choice before their medical information could be shared by financial institutions. The bill also features a federal private right of action. It was marked up by the House Banking Committee on June 29, where it was approved 26–14.

H.R. 1941, introduced by Representative GARY CONDIT (D–Calif.) would give consumers control over the use and disclosure of their medical records, and private health plans, physicians, insurers, employers, and others clear rules for how medical records should be handled. Consumers whose privacy was violated would have legal redress through a private right of action.

H.R. 4611, introduced by Representative EDWARD MARKEY (D–Mass.) features the administration's proposals to strengthen privacy protections for use of Social Security numbers.

H.R. 3321, introduced by Representative MARKEY and Representative BILL LUTHER (D–Minn.) would provide comprehensive privacy protections on the Internet.

H.R. 4857, introduced by Representative CLAY SHAW (R–Fla.) and JERRY KLECZKA (D–Wisc.) was approved last week by the House Ways and Means Committee, and aims to curb identity theft with new rules restricting abuse of Social Security numbers. No floor action on the bill has yet been scheduled.

By comparison, the bill on today's suspension calendar, the Privacy Commission Act (H.R. 4049) offers no solutions. Instead, it calls for a 17-member commission to spend 18 months and $5 million to figure out what to do. There is nothing inherently wrong with studying privacy. But the majority party, in putting only this legislation on the floor during the 106th Congress, misses the main point, which is that we need to be legislating—not sitting on our hands and waiting for input from a commission that may or may not provide additional worthwhile insights on crafting sound privacy policy in 2002.

Nor do we need a commission to second-guess the medical privacy regulations that will soon be issued by the Department of Health and Human Services. There are some in the health industry who are hoping a commission will call for further delay in the date on when the HHS regulations take effect, and who will use the commission to raise hypothetical concerns about their workability and cost. Yet the regulations are already subject to a 2-year implementation timeline, giving stakeholders a long lead-time to prepare and put in place some initial necessary safeguards to protect consumers' medical records from misuse and abuse.

I urge my colleagues to raise their voices in support of real privacy legislation that will provide comprehensive medical, financial, and Internet protections for all Americans.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 4049, the Privacy Commission Act. I am proud to be an original sponsor of this bill, which would be a significant step forward toward creating a comprehensive framework for the protection of personal privacy.

The Privacy Commission would be unique in Congress because of its comprehensive approach to dealing with the growing concern Americans have regarding the protection of their personal privacy—whether that be online privacy, identity theft, or the protection of health, medical, financial, and governmental records. The Commission would be charged with investigating the problem of protecting personal privacy in a broad-based fashion, across-the-industry spectrum. After an extensive 18 month investigation, the commission will then be required to recommend whether additional legislation is necessary, what specific proposals would be effective, and proposals for non-governmental privacy protection efforts as well.

This bipartisan commission would be comprised of 17 members representing experts of various industries and organizations whose work impacts individual's personal privacy. Specifically, the commission would be representing federal, state, and local governments; business and industry groups; academics; consumer groups; financial services groups; public policy and advocacy groups; medical groups; civil liberties experts; and the media, though it is not limited to just these areas.

Mr. Speaker, in these times of rapidly changing technology, people are uncertain and fearful about who has access to their personal information and how that information is being used. The Privacy Commission would examine the entire spectrum of privacy issues and find solutions that will aggressively protect these growing concerns. I urge all my colleagues to vote in support of the Privacy Commission Act.

Ms. SLAUGHTER. Mr. Speaker, I rise in opposition to H.R. 4049, the Privacy Commission Act.

As my colleagues know, this legislation would establish a commission to study various aspects of privacy—financial, medical, electronic, and so on—and make recommendations to Congress. The 15 commission members would have 18 months to complete their work.

My objections to this bill have little to do with its actual substance. If the majority prefers to study an issue rather than act upon it, they are welcome to do so. I am deeply disturbed, however, that they would deny those of us who wish to act the opportunity to offer amendments.

In many cases, we know privacy does not exist, and we know how to provide the protections that American consumers are demanding. Just last week, the Institute for Health Freedom released a Gallup survey finding that 78 percent of those polled considered it very important that their medical records be kept confidential. Individuals are particularly concerned about their genetic privacy. Genetic information is perhaps the most personal information that can be learned about an individual, and can have enormous ramifications for their future. As a result, Americans are especially worried that their genetic information could fall into the wrong hands and be used to undermine, rather than advance, their best interests.

I am proud to sponsor H.R. 2457, the Genetic Nondiscrimination in Health Insurance and Employment Act. As its title states, this legislation would prevent insurers and employers from using genetic information to discriminate against individuals. The bill has the support of dozens of organizations, as well as over 130 bipartisan cosponsors. It was developed with the review and input of all the stakeholders, including consumers, health care professionals, and providers. H.R. 2457 has been enthusiastically endorsed by the administration, and the President has called repeatedly for its passage.

Nevertheless, this legislation languishes in committee without so much as a hearing. The majority has buried this reasonable, responsible, timely legislation in favor of establishing a commission that will, in this case, simply tell us what we already know.

I have traveled all over the nation to discuss genetic discrimination issues. At every turn, I am approached by individuals who tell me that they would like to take a genetic test, but have decided not to do so because they are afraid the results will be obtained by their insurer or employer. I am contacted by doctors who say that their relationships with their patients are being damaged because patients are afraid to have notes about a genetic disorder in their medical records. I receive calls and letters from researchers who tell me that it is getting more difficult every year to recruit participants in genetic research.

Congress has already waited too long to act on this issue. We cannot waste any more time by deferring to a commission that will not report for a year and a half. I urge my colleagues to vote against H.R. 4049, and to call for its consideration under regular order.

Mr. DINGELL. Mr. Speaker, I rise in opposition to H.R. 4049, the "Privacy Commission Act."

We don't need a commission to study consumer privacy rights. Consumers either have the right to determine how personal information they gave others will be used, or they don't. In my view, consumers deserve this right. Spending 18 months studying privacy and $5 million of the taxpayers money will not bring us any closer to deciding this fundamental issue. Only Members of the Congress, not members of a study commission, can decide whether to protect consumer privacy.

What consumers are demanding is a simple and clear statement from Congress that banks, insurance companies, securities firms, HMO's, and other entities cannot disseminate or use personal information in ways the consumer has not approved. That's not a complicated concept, although many who don't want to protect consumer privacy will maintain that it is. One hundred and thirty-eight of our colleagues are cosponsors of one such bill that we should have the opportunity to consider either as an amendment to the bill before us or on its own.

That legislation, H.R. 2457, is sponsored by our colleague, Mrs. SLAUGHTER, and prohibits genetic discrimination in determining eligibility for health insurance and employment. Polls show that more than 80 percent of those surveyed are afraid that genetic information could be used against them. One hundred and seventy-eight of our colleagues have signed a discharge petition to bring this matter to the floor for a vote. Outside medical professional groups, including the Director of the National Human Genome Research Institute, support the bill. The administration strongly support it, and the platforms of both major national parties include planks that call for legislation like H.R. 2457.

Clearly, Members are ready to act on genetic privacy, yet the Republican House leadership says we can't. The chairman of the Commerce Committee has repeatedly rejected requests from Democratic Members to let the committee act on this important legislation. In fact, Republican leadership won't even permit an amendment prohibiting genetic discrimination to be offered to the matter before us.

That's just plain wrong, and the Republican majority should not be allowed to cite passage of this meaningless commission bill as evidence that they have concerns for consumer privacy. If they truly were concerned about consumer privacy we'd be considering Mrs. SLAUGHTER's bill, or others like it that are intended to legally protect consumer privacy, not just study it. At the very least, Members should have the right to amend this bill with proposals that provide consumers real and needed protection.

Mr. Speaker, I urge my colleagues to vote "no" on H.R. 4049.

Mr. WATTS of Oklahoma. Mr. Speaker today I rise in support of H.R. 4049, the Privacy Commission Act. I commend the gentleman from Arkansas, Mr. HUTCHINSON, on this fine piece of legislation.

Mr. Speaker, as we enter into this new millennium, the Internet has taken the American economy to unseen levels of prosperity. The Internet has contributed to a stock market which has reached unimaginable highs.

However, with this amazing new medium, we must be cautious of the privacy of individuals. The Internet, this storehouse of financial, personal and medical information can be easily abused and unjustly destroy people's credit, reputation and security. America's families have a right to be concerned." This Congress must take steps to assure families that their privacy will be protected in the modern age.

This piece of legislation will create a bipartisan committee to study privacy and its protection. Mr. Speaker this legislation will take monumental steps in protecting individual privacy in the 21st Century. This commission will spend 18 months discussing the question of privacy, and find the answers to these questions.

Mr. Speaker, I support this important piece of legislation and urge my colleagues to vote yes on H.R. 4049, the Privacy Commission Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 4049, as amended.

The question was taken.

Mr. WAXMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ENHANCED FEDERAL SECURITY ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4827) to amend title 18, United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enhanced Federal Security Act of 2000".

SEC. 2. ENTRY BY FALSE PRETENSES TO ANY REAL PROPERTY, VESSEL, OR AIRCRAFT OF THE UNITED STATES, OR SECURE AREA OF AIRPORT.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport

"(a) Whoever, by any fraud or false pretense, enters or attempts to enter—

"(1) any real property belonging in whole or in part to, or leased by, the United States;

"(2) any vessel or aircraft belonging in whole or in part to, or leased by, the United States; or

"(3) any secure area of any airport;

shall be punished as provided in subsection (b) of this section.

"(b) The punishment for an offense under subsection (a) of this section is—

"(1) a fine under this title or imprisonment for not more than five years, or both, if the offense is committed with the intent to commit a felony; or

"(2) a fine under this title or imprisonment for not more than six months, or both, in any other case.

"(c) As used in this section—

"(1) the term 'secure area' means an area access to which is restricted by the airport authority or a public agency; and

"(2) the term 'airport' has the meaning given such term in section 47102 of title 49.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

"1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport.".

SEC. 3. POLICE BADGES.

(a) IN GENERAL.—Chapter 33 of title 18, United States Code, is amended by adding at the end the following:

"§ 716. Police badges

"(a) Whoever—

"(1) knowingly transfers, transports, or receives, in interstate or foreign commerce, a counterfeit police badge;

"(2) knowingly transfers, in interstate or foreign commerce, a genuine police badge to an individual, knowing that such individual is not authorized to possess it under the law of the place in which the badge is the official badge of the police;

"(3) knowingly receives a genuine police badge in a transfer prohibited by paragraph (2); or

"(4) being a person not authorized to possess a genuine police badge under the law of the place in which the badge is the official badge of the police, knowingly transports that badge in interstate or foreign commerce;

shall be fined under this title or imprisoned not more than six months, or both.

"(b) It is a defense to a prosecution under this section that the badge is used or is intended to be used exclusively—

"(1) as a memento, or in a collection or exhibit;

"(2) for decorative purposes;

"(3) for a dramatic presentation, such as a theatrical, film, or television production; or

"(4) for any other recreational purpose.

"(c) As used in this section—

"(1) the term 'genuine police badge' means an official badge issued by public authority to identify an individual as a law enforcement officer having police powers; and

"(2) the term 'counterfeit police badge' means an item that so resembles a police badge that it would deceive an ordinary individual into believing it was a genuine police badge.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 18, United States Code, is amended by adding at the end the following new item:

"716. Police badges.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4827, the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4827, the Enhanced Federal Security Act of 2000. H.R. 4827 will help make our Federal buildings and airports more secure by making it a Federal crime to enter or attempt to enter Federal property under false pretenses. Additionally, the bill will prohibit the trafficking in genuine and counterfeit police badges, which can be used by criminals, terrorists, and foreign intelligence agents to obtain unauthorized access to these secure facilities or to commit other crimes.

The gentleman from California (Mr. HORN) introduced H.R. 4827 in July, and it was reported by voice vote from the Committee on the Judiciary on September 20. The gentleman from California drafted this bill in response to the findings of an oversight investigation conducted by the Subcommittee on Crime, made public at a hearing on May 25 of this year, which revealed serious breaches of security at Federal buildings and airports.

At that hearing, GAO special agents testified that, while posing as plainclothes law enforcement officers, they targeted and penetrated 19 secure Federal buildings and two airports using fake police badges and credentials. In every case, these agents were able to enter agency buildings and secure airport areas while claiming to be armed and carrying briefcases, which were never searched, and were big enough to be packed with large quantities of explosives, chemical or biological agents. The agencies penetrated included the CIA, the Defense Department, the Pentagon, the FBI, the Justice Department, the State Department, and the Department of Energy.

To address the serious threat to our national security posed by individuals carrying fake badges and credentials, H.R. 4827 would do two things. First, it would make it a Federal crime to enter or attempt to enter Federal property or the secure area of an airport under false pretenses. A person entering such property under false pretenses would be subject to a fine and up to 6 months in prison. Additionally, a person entering such property under false pretenses, with the intent to commit a felony, would be subject to a fine and up to 5 years in prison.

H.R. 4827 would also prohibit trafficking in genuine and counterfeit police badges in interstate or foreign commerce. A person trafficking in police badges would be subject to a fine and up to 6 months in prison.

The bill creates a defense to prosecution to protect those who possess a badge as a memento, in a collection or exhibit, for decorative purposes, for dramatic presentation, or for recreational purposes.

Mr. Speaker, I want to thank the gentleman from California (Mr. HORN) for introducing this bill and the gentleman from Virginia (Mr. SCOTT) for working with us to improve it in the Committee on the Judiciary. This bill is an important step towards closing a major gap in security that currently exists at our Nation's most secure buildings and airports. We live in a time that some people call the age of terrorism. It is a time that calls for heightened vigilance and security. We must do all we can to thwart and punish those who would threaten our public safety and national security.

Mr. Speaker, I urge all my colleagues to support this important piece of legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, H.R. 4827, as the gentleman noted, seeks to prohibit those who abuse forms of false identification, including the law enforcement badge, from committing crimes against innocent people.

This legislation prohibits entry under false pretense to Federal Government buildings and the secure area of any airport, but it also bans the interstate and foreign trafficking of counterfeit and genuine police badges among those not authorized to possess such a badge. There is no attempt to harm collectors in any way. These are just people that are crooks and are rapists, and there are a whole series of these.

There is currently no Federal law dealing with counterfeit badges of State and local law enforcement agencies. Existing law only prohibits the unauthorized sale or possession of a Federal Government badge. H.R. 4827 complements existing law by prohibiting the misuse of State and local law enforcement agency badges.

This problem first came to my attention when David Singer, police chief of Signal Hill, a wonderful little community in my district, informed me how easy it is to obtain police badges. The local Fox television affiliate in Los Angeles conducted an undercover investigation in which the undercover reporter easily bought a fake Los Angeles Police Department badge, a California Highway Patrol badge, and a Signal Hill Police Department badge for relatively low cost.

Earlier this year, at the request of the gentleman from Florida (Mr. MCCOLLUM), chairman of the Subcommittee on Crime of the Committee on the Judiciary, the General Accounting Office, as we all heard, conducted an undercover investigation of security in Federal Government buildings. This investigation revealed critical lapses in policy, and the gentleman from Florida (Mr. CANADY) has covered that.

These undercover agents flashed fake law enforcement badges, which were easily obtained through the Internet, to penetrate secure areas in 19 government offices and two major airports. The General Accounting Office agents acquired the fake badges from public sources. Counterfeit law enforcement identification was created using commercially available information downloaded from the Internet. The ease with which the General Accounting Office agents were able to penetrate security suggests that the same opportunity exists for criminals to assume false identities and engage in criminal behavior.

Fake badges are especially dangerous when used to commit crimes against innocent individuals who trust in the authority of law enforcement officials. In two separate incidents in Tampa, Florida, an unidentified man attempted to abduct a young boy by using a fake police badge. In Chicago, Illinois, police recently arrested a suspect who used a fake police badge to commit a series of home invasion and sexual assaults against women. Just last week a Newark man was charged with illegal weapons possession and impersonating an officer. After his arrest for drunken driving, an investigation revealed that he was using a fake Newark police badge to avoid arrest and mislead his family and friends.

Although the bill is focused on curbing the criminal activity associated with misuse of the badge, concern has been voiced, as I noted earlier, by legitimate badge collectors, and we have met their concerns. H.R. 4827 includes exceptions for cases where the badge is used exclusively in a collection or exhibit, for decorative purposes, or for a dramatic presentation such as a theater film or television production.

H.R. 4827 has bipartisan support as well as the support of the Fraternal Order of Police, the International Brotherhood of Police Officers, the California Peace Officers Association, and the California Narcotics Officers Association. Mr. Speaker, I urge my colleagues to support and pass H.R. 4827.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the Enhanced Federal Security Act of 2000, which addresses in part the vulnerabilities of Federal agencies, which were exposed by the May 2000 GAO investigatory report referred to by the gentleman from Florida (Mr. CANADY).

In its original form, this bill would make it a Federal crime to enter or attempt to enter Federal property or a secure area of an airport under false pretenses. The person who enters Federal property under false pretenses is subject to a fine of up to 2 years in prison. If such an entry were done with the intent to commit a crime, the person would be punished with a fine and up to 5 years in prison.

The bill would also prohibit trafficking in police badges, whether real or counterfeit. A person trafficking in badges would be subject to a fine and up to 6 months in prison. A person is, however, permitted to possess a badge or badges in a collection or exhibit, for decorative purposes, or for dramatic presentations such as a theatrical film or television production.

Mr. Speaker, at the Subcommittee on Crime's mark of this legislation, I indicated that, while I support the purpose of the bill, I had concerns regarding certain provisions. Following discussions between our staffs, the chairman of the subcommittee, the gentleman from Florida (Mr. MCCOLLUM), offered an amendment at the full committee which addressed my concerns and which were ultimately adopted by the Committee on the Judiciary.

Specifically, the amendment reduced the possible term of imprisonment for simple trespass from 2 years to 6 months, a term which is consistent with other Federal criminal trespass provisions. Further, the amendment provides that the felony provisions under the law require entry by false pretenses with the intent to commit a felony, as opposed to any crime, which the original bill provided.

Finally, the amendment makes it clear that transferring, transporting, or receiving a replica of a police badge as a memento or for recreational purposes, such as a toy, would not constitute a criminal offense under the bill.

Mr. Speaker, with those changes, I believe that H.R. 4827 addresses the vulnerabilities of Federal agencies which were exposed in May of 2000 without sacrificing individual liberties or imposing penalties out of proportion with the underlying crime. I, therefore, commend the gentleman from California (Mr. HORN), the chairman of the subcommittee, the gentleman from Florida (Mr. MCCOLLUM), and the gentleman from Florida (Mr. CANADY) for their work on this matter; and I urge my colleagues to support the legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary, for all of his work, and the work of the entire committee for their work on this bill. I would also like to thank the gentleman from California (Mr. HORN) for his leadership in writing and drafting this bill. It is really about the safety of our citizens, and I believe he should be duly recognized for his efforts.

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On June 29, the gentleman from California (Mr. HORN) brought H.R. 4827 before the Speaker's Advisory Group on Corrections. The Corrections Group is a bipartisan group that seeks to fix, update or repeal outdated or unnecessary laws, rules or regulations. This bill received unanimous support from the Corrections Advisory Group.

Earlier this year, agents of the General Accounting Office were able to enter Government buildings with ease by flashing fake badges and pretending to be law enforcement officers. These agents used badges purchased over the Internet. The agents passed through security at two airports without going through the regular security measures. Agents were also able to enter the Justice Department, State Department, FBI Headquarters, and the Pentagon.

H.R. 4827 would prohibit the transfer, transport or receiving in interstate or foreign commerce of a counterfeit or a genuine police badge to an individual not authorized to possess such a badge. The bill would also make it a crime to enter a Government building under false pretenses.

I am proud as chairman of the Advisory Group and as a cosponsor to be here today speaking in favor of H.R. 4827 and would urge support of this measure.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join in congratulating the gentleman from California (Mr. HORN) for his leadership. I would like to again thank the gentleman from Virginia (Mr. SCOTT) for his cooperation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the light that has been shed on the Breaches of Security at Federal Agencies and Airports by the General Accounting Office's (GAO), Office of Special Investigation (OSI) is extremely disturbing to me. The GAO's security test of federal agencies resulted in the OSI being able to breach security at each of the nineteen federal agencies it visited, and two airports.

Mr. Speaker, the Judiciary committee's investigation has highlighted the practicing of selling stolen and counterfeit police badges on the internet and other sources, and the potential to use these items for illegal purposes including breaching the security at through the vessels of our Nation's security is very alarming, to put it mildly, and has led us to hold very informative oversight hearings on these breaches.

GAO agents testified that they breached the offices of several of the Administration's cabinet heads including the Pentagon, Department of Treasury and Department of Commerce. In each of these cases, the agents testified that after producing false badges purchased over the internet, they were waved through check points with their weapons and bags that could have contained explosive devices. In fact, the agents testified that on several occasions they were left unescorted as they wandered through the personal offices of several cabinet heads.

Under the bill, anyone who enters federal property or a secure airport by posing as a police officer would be subject to a fine and up to 6 months in prison. If that person intends to commit a felony, the felony would be a fine and up to 5 years in prison.

H.R. 4827 also prohibits transfer, transport or receipt of a counterfeit police badge through interstate or foreign commerce and provides a penalty of a fine and up to 6 months in prison for doing so. This prohibition also applies to individuals who transfer a real police badge to someone who is not authorized to have it.

Mr. Speaker, I support this legislation and urge my colleagues to pass this commonsense bill. We must not delay to act when the security of our Nation's fortress is in question.

Mr. CANADY of Florida. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4827, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4640) to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "DNA Analysis Backlog Elimination Act of 2000".

SEC. 2. AUTHORIZATION OF GRANTS.

(a) AUTHORIZATION OF GRANTS.—The Attorney General may make grants to eligible States for use by the State for the following purposes:

(1) To carry out, for inclusion in the Combined DNA Index System of the Federal Bureau of Investigation, DNA analyses of samples taken from individuals convicted of a qualifying State offense (as determined under subsection (b)(3)).

(2) To carry out, for inclusion in such Combined DNA Index System, DNA analyses of samples from crime scenes.

(3) To increase the capacity of laboratories owned by the State or by units of local government within the State to carry out DNA analyses of samples specified in paragraph (2).

(b) ELIGIBILITY.—For a State to be eligible to receive a grant under this section, the chief executive officer of the State shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require. The application shall—

(1) provide assurances that the State has implemented, or will implement not later than 120 days after the date of such application, a comprehensive plan for the expeditious DNA analysis of samples in accordance with this section;

(2) include a certification that each DNA analysis carried out under the plan shall be maintained pursuant to the privacy requirements described in section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3));

(3) include a certification that the State has determined, by statute, rule, or regulation, those offenses under State law that shall be treated for purposes of this section as qualifying State offenses;

(4) specify the allocation that the State shall make, in using grant amounts to carry out DNA analyses of samples, as between samples specified in subsection (a)(1) and samples specified in subsection (a)(2); and

(5) specify that portion of grant amounts that the State shall use for the purpose specified in subsection (a)(3).

(c) CRIMES WITHOUT SUSPECTS.—A State that proposes to allocate grant amounts under paragraph (4) or (5) of subsection (b) for the purposes specified in paragraph (2) or (3) of subsection (a) shall use such allocated amounts to conduct or facilitate DNA analyses of those samples that relate to crimes in connection with which there are no suspects.

(d) ANALYSIS OF SAMPLES.—

(1) IN GENERAL.—The plan shall require that, except as provided in paragraph (3), each DNA analysis be carried out in a laboratory that satisfies quality assurance standards and is—

(A) operated by the State or a unit of local government within the State; or

(B) operated by a private entity pursuant to a contract with the State or a unit of local government within the State.

(2) QUALITY ASSURANCE STANDARDS.—(A) The Director of the Federal Bureau of Investigation shall maintain and make available to States a description of quality assurance protocols and practices that the Director considers adequate to assure the quality of a forensic laboratory.

(B) For purposes of this section, a laboratory satisfies quality assurance standards if the laboratory satisfies the quality control requirements described in paragraphs (1) and (2) of section 210304(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)).

(3) USE OF VOUCHERS FOR CERTAIN PURPOSES.—A grant for the purposes specified in paragraph (1) or (2) of subsection (a) may be made in the form of a voucher for laboratory services, which may be redeemed at a laboratory operated by a private entity approved by the Attorney General that satisfies quality assurance standards. The Attorney General may make payment to such a laboratory for the analysis of DNA samples using amounts authorized for those purposes under subsection (j).

(e) RESTRICTIONS ON USE OF FUNDS.—

(1) NONSUPPLANTING.—Funds made available pursuant to this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources for the purposes of this Act.

(2) Administrative costs.—A State may not use more than three percent of the funds it receives from this section for administrative expenses.

(f) Reports to the Attorney General.—Each State which receives a grant under this section shall submit to the Attorney General, for each year in which funds from a grant received under this section is expended, a report at such time and in such manner as the Attorney General may reasonably require, which contains—

(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application; and

(2) such other information as the Attorney General may require.

(g) Reports to Congress.—Not later than 90 days after the end of each fiscal year for which grants are made under this section, the Attorney General shall submit to the Congress a report that includes—

(1) the aggregate amount of grants made under this section to each State for such fiscal year; and

(2) a summary of the information provided by States receiving grants under this section.

(h) Expenditure Records.—

(1) In general.—Each State which receives a grant under this section shall keep records as the Attorney General may require to facilitate an effective audit of the receipt and use of grant funds received under this section.

(2) Access.—Each State which receives a grant under this section shall make available, for the purpose of audit and examination, such records as are related to the receipt or use of any such grant.

(i) Definition.—For purposes of this section, the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(j) Authorization of Appropriations.—Amounts are authorized to be appropriated to the Attorney General for grants under subsection (a) as follows:

(1) For grants for the purposes specified in paragraph (1) of such subsection—

(A) $15,000,000 for fiscal year 2001;

(B) $15,000,000 for fiscal year 2002; and

(C) $15,000,000 for fiscal year 2003.

(2) For grants for the purposes specified in paragraphs (2) and (3) of such subsection—

(A) $25,000,000 for fiscal year 2001;

(B) $50,000,000 for fiscal year 2002;

(C) $25,000,000 for fiscal year 2003; and

(D) $25,000,000 for fiscal year 2004.

SEC. 3. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM CERTAIN FEDERAL OFFENDERS.

(a) Collection of DNA Samples.—

(1) From individuals in custody.—The Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who is, or has been, convicted of a qualifying Federal offense (as determined under subsection (d)) or a qualifying military offense, as determined under section 1565 of title 10, United States Code.

(2) From individuals on release, parole, or probation.—The probation office responsible for the supervision under Federal law of an individual on probation, parole, or supervised release shall collect a DNA sample from each such individual who is, or has been, convicted of a qualifying Federal offense (as determined under subsection (d)) or a qualifying military offense, as determined under section 1565 of title 10, United States Code.

(3) Individuals already in codis.—For each individual described in paragraph (1) or (2), if the Combined DNA Index System (in this section referred to as "CODIS") of the Federal Bureau of Investigation contains a DNA analysis with respect to that individual, or if a DNA sample has been collected from that individual under section 1565 of title 10, United States Code, the Director of the Bureau of Prisons or the probation office responsible (as applicable) may (but need not) collect a DNA sample from that individual.

(4) Collection procedures.—(A) The Director of the Bureau of Prisons or the probation office responsible (as applicable) may use or authorize the use of such means as are reasonably necessary to detain, restrain, and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

(B) The Director of the Bureau of Prisons or the probation office, as appropriate, may enter into agreements with units of State or local government or with private entities to provide for the collection of the samples described in paragraph (1) or (2).

(5) Criminal penalty.—An individual from whom the collection of a DNA sample is authorized under this subsection who fails to cooperate in the collection of that sample shall be—

(A) guilty of a class A misdemeanor; and

(B) punished in accordance with title 18, United States Code.

(b) Analysis and Use of Samples.—The Director of the Bureau of Prisons or the probation office responsible (as applicable) shall furnish each DNA sample collected under subsection (a) to the Director of the Federal Bureau of Investigation, who shall carry out a DNA analysis on each such DNA sample and include the results in CODIS.

(c) Definitions.—In this section:

(1) The term "DNA sample" means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

(2) The term "DNA analysis" means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

(d) Qualifying Federal Offenses.—(1) The offenses that shall be treated for purposes of this section as qualifying Federal offenses are the following offenses under title 18, United States Code, as determined by the Attorney General:

(A) Murder (as described in section 1111 of such title), voluntary manslaughter (as described in section 1112 of such title), or other offense relating to homicide (as described in chapter 51 of such title, sections 1113, 1114, 1116, 1118, 1119, 1120, and 1121).

(B) An offense relating to sexual abuse (as described in chapter 109A of such title, sections 2241 through 2245), to sexual exploitation or other abuse of children (as described in chapter 110 of such title, sections 2251 through 2252), or to transportation for illegal sexual activity (as described in chapter 117 of such title, sections 2421, 2422, 2423, and 2425).

(C) An offense relating to peonage and slavery (as described in chapter 77 of such title).

(D) Kidnapping (as defined in section 3559(c)(2)(E) of such title).

(E) An offense involving robbery or burglary (as described in chapter 103 of such title, sections 2111 through 2114, 2116, and 2118 through 2119).

(F) Any violation of section 1153 involving murder, manslaughter, kidnapping, maiming, a felony offense relating to sexual abuse (as described in chapter 109A), incest, arson, burglary, or robbery.

(G) Any attempt or conspiracy to commit any of the above offenses.

(2) The initial determination of qualifying Federal offenses shall be made not later than 120 days after the date of the enactment of this Act.

(e) Regulations.—

(1) In general.—Except as provided in paragraph (2), this section shall be carried out under regulations prescribed by the Attorney General.

(2) Probation officers.—The Director of the Administrative Office of the United States Courts shall make available model procedures for the activities of probation officers in carrying out this section.

(f) Commencement of Collection.—Collection of DNA samples under subsection (a) shall, subject to the availability of appropriations, commence not later than the date that is 180 days after the date of the enactment of this Act.

SEC. 4. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM CERTAIN DISTRICT OF COLUMBIA OFFENDERS.

(a) Collection of DNA Samples.—

(1) From individuals in custody.—The Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who is, or has been, convicted of a qualifying District of Columbia offense (as determined under subsection (d)).

(2) From individuals on release, parole, or probation.—The Director of the Court Services and Offender Supervision Agency for the District of Columbia shall collect a DNA sample from each individual under the supervision of the Agency who is on supervised release, parole, or probation who is, or has been, convicted of a qualifying District of Columbia offense (as determined under subsection (d)).

(3) Individuals already in codis.—For each individual described in paragraph (1) or (2), if the Combined DNA Index System (in this section referred to as "CODIS") of the Federal Bureau of Investigation contains a DNA analysis with respect to that individual, the Director of the Bureau of Prisons or Agency (as applicable) may (but need not) collect a DNA sample from that individual.

(4) Collection procedures.—(A) The Director of the Bureau of Prisons or Agency (as applicable) may use or authorize the use of such means as are reasonably necessary to detain, restrain, and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

(B) The Director of the Bureau of Prisons or Agency, as appropriate, may enter into agreements with units of State or local government or with private entities to provide for the collection of the samples described in paragraph (1) or (2).

(5) Criminal penalty.—An individual from whom the collection of a DNA sample is authorized under this subsection who fails to cooperate in the collection of that sample shall be—

(A) guilty of a class A misdemeanor; and

(B) punished in accordance with title 18, United States Code.

(b) Analysis and Use of Samples.—The Director of the Bureau of Prisons or Agency (as applicable) shall furnish each DNA sample collected under subsection (a) to the Director of the Federal Bureau of Investigation, who shall carry out a DNA analysis on each such DNA sample and include the results in CODIS.

(c) DEFINITIONS.—In this section:

(1) The term "DNA sample" means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

(2) The term "DNA analysis" means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

(d) QUALIFYING DISTRICT OF COLUMBIA OFFENSES.—The Government of the District of Columbia may determine those offenses under the District of Columbia Code that shall be treated for purposes of this section as qualifying District of Columbia offenses.

(e) COMMENCEMENT OF COLLECTION.—Collection of DNA samples under subsection (a) shall, subject to the availability of appropriations, commence not later than the date that is 180 days after the date of the enactment of this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Court Services and Offender Supervision Agency for the District of Columbia to carry out this section such sums as may be necessary for each of fiscal years 2001 through 2005.

SEC. 5. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM CERTAIN OFFENDERS IN THE ARMED FORCES.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1565. DNA identification information: collection from certain offenders; use

"(a) COLLECTION OF DNA SAMPLES.—(1) The Secretary concerned shall collect a DNA sample from each member of the armed forces under the Secretary's jurisdiction who is, or has been, convicted of a qualifying military offense (as determined under subsection (d)).

"(2) For each member described in paragraph (1), if the Combined DNA Index System (in this section referred to as 'CODIS') of the Federal Bureau of Investigation contains a DNA analysis with respect to that member, or if a DNA sample has been or is to be collected from that member under section 3(a) of the DNA Analysis Backlog Elimination Act of 2000, the Secretary concerned may (but need not) collect a DNA sample from that member.

"(3) The Secretary concerned may enter into agreements with other Federal agencies, units of State or local government, or private entities to provide for the collection of samples described in paragraph (1).

"(b) ANALYSIS AND USE OF SAMPLES.—The Secretary concerned shall furnish each DNA sample collected under subsection (a) to the Secretary of Defense. The Secretary of Defense shall—

(1) carry out a DNA analysis on each such DNA sample in a manner that complies with the requirements for inclusion of that analysis in CODIS; and

(2) furnish the results of each such analysis to the Director of the Federal Bureau of Investigation for inclusion in CODIS.

"(c) DEFINITIONS.—In this section:

"(1) The term 'DNA sample' means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

"(2) The term 'DNA analysis' means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

"(d) QUALIFYING MILITARY OFFENSES.—(1) Subject to paragraph (2), the Secretary of Defense, in consultation with the Attorney General, shall determine those felony or sexual offenses under the Uniform Code of Military Justice that shall be treated for purposes of this section as qualifying military offenses.

"(2) An offense under the Uniform Code of Military Justice that is comparable to a qualifying Federal offense (as determined under section 3(d) of the DNA Analysis Backlog Elimination Act of 2000), as determined by the Secretary in consultation with the Attorney General, shall be treated for purposes of this section as a qualifying military offense.

"(e) EXPUNGEMENT.—(1) The Secretary of Defense shall promptly expunge, from the index described in subsection (a) of section 210304 of the Violent Crime Control and Law Enforcement Act of 1994, the DNA analysis of a person included in the index on the basis of a qualifying military offense if the Secretary receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned.

"(2) For purposes of paragraph (1), the term 'qualifying offense' means any of the following offenses:

"(A) A qualifying Federal offense, as determined under section 3 of the DNA Analysis Backlog Elimination Act of 2000.

"(B) A qualifying District of Columbia offense, as determined under section 4 of the DNA Analysis Backlog Elimination Act of 2000.

"(C) A qualifying military offense.

"(3) For purposes of paragraph (1), a court order is not 'final' if time remains for an appeal or application for discretionary review with respect to the order.

"(f) REGULATIONS.—This section shall be carried out under regulations prescribed by the Secretary of Defense, in consultation with the Secretary of Transportation and the Attorney General. Those regulations shall apply, to the extent practicable, uniformly throughout the armed forces.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1565. DNA identification information: collection from certain offenders; use.".

(b) INITIAL DETERMINATION OF QUALIFYING MILITARY OFFENSES.—The initial determination of qualifying military offenses under section 1565(d) of title 10, United States Code, as added by subsection (a)(1), shall be made not later than 120 days after the date of the enactment of this Act.

(c) COMMENCEMENT OF COLLECTION.—Collection of DNA samples under section 1565(a) of such title, as added by subsection (a)(1), shall, subject to the availability of appropriations, commence not later than the date that is 60 days after the date of the initial determination referred to in subsection (b).

SEC. 6. EXPANSION OF DNA IDENTIFICATION INDEX.

(a) USE OF CERTAIN FUNDS.—Section 811(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 note) is amended to read as follows:

"(2) the Director of the Federal Bureau of Investigation shall expand the combined DNA Identification System (CODIS) to include analyses of DNA samples collected from—

"(A) individuals convicted of a qualifying Federal offense, as determined under section 3(d) of the DNA Analysis Backlog Elimination Act of 2000;

"(B) individuals convicted of a qualifying District of Columbia offense, as determined under section 4(d) of the DNA Analysis Backlog Elimination Act of 2000; and

"(C) members of the Armed Forces convicted of a qualifying military offense, as determined under section 1565(d) of title 10, United States Code.".

(b) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (b)(1), by inserting after "criminal justice agency" the following: "(or the Secretary of Defense in accordance with section 1565 of title 10, United States Code)";

(2) in subsection (b)(2), by striking ", at regular intervals of not to exceed 180 days," and inserting "semiannual";

(3) in subsection (b)(3), by inserting after "criminal justice agencies" in the matter preceding subparagraph (A) the following: "(or the Secretary of Defense in accordance with section 1565 of title 10, United States Code)"; and

(4) by adding at the end the following new subsection:

"(d) EXPUNGEMENT OF RECORDS.—

"(1) BY DIRECTOR.—(A) The Director of the Federal Bureau of Investigation shall promptly expunge from the index described in subsection (a) the DNA analysis of a person included in the index on the basis of a qualifying Federal offense or a qualifying District of Columbia offense (as determined under section 3 and 4 of the DNA Analysis Backlog Elimination Act of 2000, respectively) if the Director receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned.

"(B) For purposes of subparagraph (A), the term 'qualifying offense' means any of the following offenses:

"(i) A qualifying Federal offense, as determined under section 3 of the DNA Analysis Backlog Elimination Act of 2000.

"(ii) A qualifying District of Columbia offense, as determined under section 4 of the DNA Analysis Backlog Elimination Act of 2000.

"(iii) A qualifying military offense, as determined under section 1565 of title 10, United States Code.

"(C) For purposes of subparagraph (A), a court order is not 'final' if time remains for an appeal or application for discretionary review with respect to the order.

"(2) BY STATES.—(A) As a condition of access to the index described in subsection (a), a State shall promptly expunge from that index the DNA analysis of a person included in the index by that State if the responsible agency or official of that State receives, for each conviction of the person of an offense on the basis of which that analysis was or could have been included in the index, a certified copy of a final court order establishing that such conviction has been overturned.

"(B) For purposes of subparagraph (A), a court order is not 'final' if time remains for an appeal or application for discretionary review with respect to the order.".

SEC. 7. CONDITIONS OF RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (8) the following:

"(9) that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000.".

(b) CONDITIONS OF SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting before "The court shall also order" the following: "The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000.".

(c) CONDITIONS OF PAROLE.—Section 4209 of title 18, United States Code, insofar as such section remains in effect with respect to certain individuals, is amended by inserting before "In every case, the Commission shall also impose" the following: "In every case, the Commission shall impose as a condition of parole that the parolee cooperate in the collection of a DNA sample from the parolee, if the collection of such a sample is authorized pursuant to section 3 or section 4 of the DNA Analysis Backlog Elimination Act of 2000 or section 1565 of title 10.".

(d) CONDITIONS OF RELEASE GENERALLY.—If the collection of a DNA sample from an individual on probation, parole, or supervised release is authorized pursuant to section 3 or 4 of this Act or section 1565 of title 10, United States Code, the individual shall cooperate in the collection of a DNA sample as a condition of that probation, parole, or supervised release.

SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANTS.—Section 503(a)(12)(C) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(12)(C)) is amended by striking ", at regular intervals of not to exceed 180 days," and inserting "semiannual".

(b) DNA IDENTIFICATION GRANTS.—Section 2403(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk-2(3)) is amended by striking ", at regular intervals not exceeding 180 days," and inserting "semiannual".

(c) FEDERAL BUREAU OF INVESTIGATION.—Section 210305(a)(1)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14133(a)(1)(A)) is amended by striking ", at regular intervals of not to exceed 180 days," and inserting "semiannual".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General to carry out this Act (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such Act, as determined by the Attorney General) such sums as may be necessary.

SEC. 10. PRIVACY PROTECTION STANDARDS.

(a) IN GENERAL.—Except as provided in subsection (b), any sample collected under, or any result of any analysis carried out under, section 2, 3, or 4 may be used only for a purpose specified in such section.

(b) PERMISSIVE USES.—A sample or result described in subsection (a) may be disclosed under the circumstances under which disclosure of information included in the Combined DNA Index System is allowed, as specified in subparagraphs (A) through (D) of section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3)).

(c) CRIMINAL PENALTY.—A person who knowingly—

(1) discloses a sample or result described in subsection (a) in any manner to any person not authorized to receive it; or

(2) obtains, without authorization, a sample or result described in subsection (a),

shall be fined not more than $100,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4640.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4640, the DNA Analysis Backlog Elimination Act, was introduced by the gentleman from Florida (Mr. MCCOLLUM) together with the gentleman from Virginia (Mr. SCOTT) the ranking minority member, the gentleman from Ohio (Mr. CHABOT), the gentleman from New York (Mr. WEINER), and the gentleman from New York (Mr. GILMAN) to address an important problem, the massive backlog of biological samples awaiting DNA analysis in the States.

According to the Justice Department's Bureau of Justice Statistics, approximately 69 percent of publicly operated forensic crime labs across the country have a backlog of unprocessed samples awaiting DNA analysis. While we do not have solid numbers for the total of crime scene and victim samples awaiting analysis, some estimates run into the tens of thousands.

We do know that the backlog of unprocessed samples taken from convicted offenders is nearing 300,000. Even the FBI's own crime lab in Washington has a backlog of samples awaiting DNA analysis.

Our bill addresses this problem by authorizing funding to eliminate the backlog. States seeking funding under the program created by the bill will be required to make application for this funding through the Justice Department's Office of Justice Programs. States seeking these funds will be required to develop and submit to that office a comprehensive plan to eliminate any backlog of samples awaiting DNA analysis.

Many of the samples analyzed will be loaded into the FBI's Combined DNA Index System, known as "CODIS," a national compute database authorized by Congress in 1994. The purpose of this database is to match DNA samples from crime scenes where there are no suspects with the DNA of convicted offenders.

Clearly, the more samples we have in the system, the greater the likelihood we will come up with matches and solve cases.

One glaring omission in the law that authorized CODIS is that it did not authorize the taking of DNA samples from persons convicted of Federal offenses, District of Columbia offences, and offenses under the Uniform Code of Military Justice. H.R. 4640 will correct that omission. The offenses triggering the sample requirement for Federal and military offenders are specified in the bill and consistent of a number of felony crimes, most involving violence or sex offenses.

The bill leaves it to the District of Columbia government to determine those offenses that will trigger the sample requirement under District of Columbia law. Also, as amended, the bill requires that samples of offenders whose convictions are overturned be removed from the CODIS database. This will be the requirement regardless of whether the offender was convicted of a Federal or State crime.

H.R. 4640 is similar to three bills introduced by the gentleman from Rhode Island (Mr. KENNEDY), the gentleman from New York (Mr. WEINER) and the gentleman from New York (Mr. GILMAN), all three of which were the subject of a hearing before the Subcommittee on Crime on March 23, 2000. The bill before us today builds on the foundation laid by those bills, and I am pleased that the sponsors of those bills are original cosponsors of H.R. 4640.

As this bill has moved through the committee, it has been approved by amendments on both sides. The result is a very good bill, and I am pleased that this bill is the product of that bipartisan cooperation.

I am also pleased to inform my colleagues that H.R. 4640 is supported by the administration, the Federal Law Enforcement Officers Association, and the Fraternal Order of Police.

I want to particularly acknowledge the leadership of the gentleman from Florida (Mr. MCCOLLUM) the chairman of the Subcommittee on Crime, on this important legislation. He has really made it possible for us to bring this legislation forward here today.

I also want to particularly thank the gentleman from Virginia (Mr. SCOTT) the ranking member of the Subcommittee on Crime, for all of his help in crafting the legislation and for being an original cosponsor of the bill which is before the House now.

I urge all of my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the DNA Analysis Backlog Elimination

Act of 2000. This bill represents a compilation of the fine effort by several of our colleagues to address the DNA analysis backlog that has accumulated at laboratories all over the country.

Earlier we conducted in the Subcommittee on Crime hearings on three DNA backlog elimination bills introduced by the gentleman from New York (Mr. GILMAN), the gentleman from Michigan (Mr. STUPAK), the gentleman from Rhode Island (Mr. KENNEDY) and members of the Committee on the Judiciary, the gentleman from New York (Mr. WEINER) and the gentleman from Ohio (Mr. CHABOT).

Elimination of the DNA analysis backlog would be a significant step forward in having our criminal justice system more accurately dispense justice. Not only will it greatly enhance the efficiency and effectiveness of our criminal justice systems throughout the country, but it would also save lives by allowing apprehension and detention of dangerous individuals while eliminating the prospects that innocent individuals would be wrongly held for crimes that they did not commit.

At the same time, I think it is important to recognize that with this expansion comes the increased likelihood that DNA samples and analyses may be misused. We must be ever mindful of our responsibility to protect the privacy of this DNA information, ensuring that it be used only for law enforcement purposes.

To that end, I was pleased that the Committee on the Judiciary agreed to an amendment that would impose criminal penalties for anyone who uses DNA samples or analyses for purposes not designated by the law enforcement officials.

I am also grateful that the majority provided for the expungement of DNA information on individuals whose convictions have been overturned on appeal.

In addition to the criminal penalties for misuse of DNA, I believe that we should encourage each State to develop a specific security protocol to prevent misuse of such samples, since the DNA does include sensitive personal information. This approach will be the only way to ensure that DNA analysis will not be used for unlawful purposes.

This legislation is a positive step for law enforcement, but I am disappointed that it does not include any requirement on States to provide access to DNA testing to convicted persons who did not have the opportunity for DNA testing at the time of their trial. I am hoping that the next Congress will consider additional legislation which would ensure that funds provided for H.R. 4640 might be made available to provide persons who want to prove that they were wrongfully convicted.

Nevertheless, Mr. Speaker, I am very aware of the benefits of this legislation. In fact, through his outstanding work in Virginia, Dr. Paul B. Ferrara, Virginia's Director of the Division of Forensic Sciences, has led efforts in this country on the use of DNA for criminal justice purposes. That is why I am pleased to be a cosponsor of this legislation and urge my colleagues to support the bill.

Mr. STUPAK. Mr. Speaker, I am pleased that the U.S. House is today taking up the DNA Analysis Backlog Elimination Act of 2000 bill. I originally introduced a bill addressing the DNA backlog problem with my colleagues Mr. GILMAN and Mr. RAMSTAD in November 1999. I am so pleased to support this bill on suspension today, as this body acts to bring desperately needed help to our law enforcement during these waning days of the 106th Congress.

This help does not come a moment too soon.

I would like to thank Mr. McCOLLUM, Mr. SCOTT, Mr. CHADOT, Mr. WEINER and Mr. KENNEDY and all the other Judiciary Committee members who devoted their time and energy to move this important issue to the forefront. This bill would not be on the floor today without the hard work of these members, who held hearings and worked to craft this joint legislation.

This bill helps states and the FBI take a giant step in the fight against crime by eliminating the national backlog of DNA records. Federal, state and local law enforcement will be more connected, and better able to work together to solve crimes. It also closes significant loopholes that currently exist whereby the DNA samples of federal, military and District of Columbia serious offenders are not being collected. Lastly, it contains important privacy and expungement provisions, so that the rights of individual are protected as well.

Right now, state and local police departments cannot deal with the number of DNA samples from convicted offenders and unsolved crimes. These states simply do not have enough time, money, or resources to test and record these samples.

According to the Detroit Free Press, as of May 2000, Michigan has collected 15,000 blood samples from sex offenders since 1991, but state police have so far only run DNA analysis on 500 of them! This is truly frightening.

Unanalyzed and unrecorded DNA samples are useless to law enforcement and to criminal investigations. Let me illustrate why we need these samples tested and recorded, why we need this bill.

John Doe is a convicted offender serving time for a sexual assault. By law, his DNA has been collected, but because of the backlog, it has not been tested and is not in the law enforcement database. John Doe gets out of jail, he commits another sexual assault, and gets away, unidentified by the victim.

Even if the police collect his DNA from the subsequent crime scene, he will not be caught, and his DNA will not be matched up, because his previous DNA sample is sitting on a shelf, still waiting to be tested. In Michigan, his sample would be sitting with the almost 15,000 other samples—untested and therefore useless.

John Doe will stay on the streets, and he will commit more crimes.

This bill does not come a moment too soon, every day that goes by, a real John Doe is out there, committing more rapes, robberies, murders, when he could have been stopped.

This bill also ensures that the DNA samples of federal, District of Columbia, and military offenders are analyzed. The broader the database police have to work with, the better their ability to solve unsolved crimes and prevent future ones.

Because of this bill, you will see the number of unsolved cases go down, and you might see some people freed from jail, exonerated by the new DNA records available. It opens a door to better all around law enforcement and criminal investigation.

We are answering the call for help by police, communities, and victims, and it will save lives. This bill finally strikes back at criminals that until now have been able to strike and strike again and again at our society without being caught.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank, Mr. McCOLLUM, Mr. SCOTT, and the other Members of the Judiciary Committee for their hard work on this important crime issue.

In September of last year, I introduced, along with Congressman CHABOT and Congressman VISCLOSKY, The Violent Offender DNA Identification Act of 1999, H.R. 2810.

This bipartisan measure is the predecessor bill to H.R. 4640, which I also was proud to cosponsor.

These bills will put more criminals behind bars by correcting practical and legal obstacles that leave crucial DNA evidence unused and too many violent crimes unsolved.

Every week we hear stories about DNA evidence. Whether it is a prisoner on death row for a crime he didn't commit who is released by DNA evidence or a criminal suspect finally brought to justice using DNA evidence, DNA is making headlines.

Currently, all 50 states require DNA samples to be obtained from certain convicted offenders, and these samples can be shared through a national data base known as CODIS.

The data base is installed in over ninety laboratories and nearly five hundred thousand samples are classified and stored in it.

To date, the FBI has recorded hundreds of matches through DNA data bases, helping solve numerous crimes. As valuable as this system is, it is not being utilized effectively. The problems with the current system include backlog and jurisdiction.

The FBI estimates that there are several hundred thousand DNA samples that have been collected, but still need to be analyzed.

In my State of Rhode Island, the DNA collection began only a year and one half ago, but already there is a backlog of a hundred samples.

Today's bipartisan bill, which was crafted with input from organizations including the FBI and the ACLU, would address this backlog problem and ensure that more crimes will be solved through the matching of DNA evidence.

The bill does two critical things. First, it provides one hundred and seventy million dollars in grants to eliminate the backlog to states to increase their capability to perform DNA analysis. Second, the bill allows Federal, Military and District of Columbia law enforcement agencies to collect DNA evidence.

Under current law, Federal Courts and the local courts of the District of Columbia do not have this ability.

The Federal Courts and the District of Columbia have indicated their support for the ability to conduct testing as states do.

From my home State of Rhode Island, I have heard from lab experts and local law enforcement leaders on the need for this legislation.

It is clear that law enforcement supports legislation in this area. And it is our job in Congress to balance this law enforcement need with the privacy needs of our citizens.

Recently, Congress has been very active on the DNA backlog issue.

I strongly feel that H.R. 4640, however, is the most effective piece of legislation on this topic because it has several provisions to guarantee civil liberties, excludes juveniles from this database and provides for the automatic right to expungement of a sample if a conviction is overturned.

The main sponsors of H.R. 4640, particularly the Ranking Member of the Crime Subcommittee, Mr. SCOTT, worked extensively with the ACLU to address many of their concerns, while taking our underlying model for the bill from the FBIs recommendations.

I feel strongly, that there are several areas of H.R. 4640 that could have been improved upon—including the clear prohibition on the use of funds for arrestee testing, and more specific requirements on States to provide DNA testing to convicted persons who did not have access at the time of their trial.

But, overall this bill has been crafted with the careful and attentive work of both sides of the aisle, in the hopes that it may be further improved during a conference with the other body.

In a bipartisan fashion, we attended to many civil liberty concerns and, therefore, narrowed the types of crimes covered, mandated stricter protocols for the use of DNA, and excluded juvenile offenders.

In this process, we came up with a bill that all members of the House can support.

Violent criminals should not be able to evade arrest simply because a state didn't analyze its DNA samples or because an inexcusable loophole leaves Federal and D.C. offenders out of the DNA data base.

We have the technology to revolutionize law enforcement and forensic science and the key to unlock the door of unsolved crimes—we must use this capacity and make these goals a reality.

Lastly, I want to recognize the hard work of several staffers who were integral in bringing this bill to the floor, most notably. Mr. Bobby Vassar, Minority Counsel for the Judiciary Committee, Mr. Glenn Schmitt with the Majority staff, and Ms. Elizabeth Treanor, Counsel for Mr. Chabot.

I urge all of my colleagues to support the "DNA Analysis Backlog Elimination Act."

Mr. GILMAN. Mr. Speaker, I would like to express my gratitude to Chairman MCCOLLUM for his dedication and diligence in bringing H.R. 4640, the DNA Analysis Backlog Elimination Act, to the floor today, and am pleased that this legislation reflects many of the provisions outlined in my measure, H.R. 3375, the Convicted Offender DNA Index System Support Act. I've had the pleasure of working closely with him, Ranking Member SCOTT, and Representatives RAMSTAD, STUPAK, KENNEDY, WEINER, and CHABOT, in developing this legislation, which will meet the needs of prosecutors, law enforcement, and victims throughout our Nation.

Mr. Speaker, in 1994, the Congress passed the DNA Identification Act, which authorized the construction of the Combined DNA Index System, or CODIS, to assist our Federal, State and local law enforcement agencies in fighting violent crime throughout the Nation. CODIS is a master database for all law enforcement agencies to submit and retrieve DNA samples of convicted violent offenders. Since beginning its operation in 1998, the system has worked extremely well in assisting law enforcement by matching DNA evidence with possible suspects and has accounted for the capture of over 200 suspects in unsolved violent crimes.

However, because of the high volume of convicted offender samples needed to be analyzed, a nationwide backlog of approximately 600,000 unanalyzed convicted offender DNA samples has formed. Furthermore, because the program has been so vital in assisting crime fighting and prevention efforts, our States are expanding their collection efforts. Recently, New York State Governor George Pataki enacted legislation to expand N.Y. State's collection of DNA samples to require all violent felons and a number of non-violent felony offenders, and, earlier this year, the use of the expanded system resulted in charges being filed in a 20-year-old Westchester County murder.

State forensic laboratories have also accumulated a backlog of evidence for cases for which there are no suspects. These are evidence "kits" for unsolved violent crimes which are stored away because our State forensic laboratories do not have the support necessary to analyze them and compare the evidence to our nationwide data bank. Presently, there are approximately 12,000 rape cases in New York City alone, and, it is estimated, approximately 180,000 rape cases nationwide, which are unsolved and unanalyzed. This number represents a dismal future for the success for CODIS and reflects the growing problem facing our law enforcement community. The DNA Analysis Backlog Elimination Act will provide States with the support necessary to combat these growing backlogs. The successful elimination of both the convicted violent offender backlog and the unsolved casework backlog will play a major role in the future of out State's crime prevention and law enforcement efforts.

The DNA Analysis Backlog Elimination Act will also provide funding to the Federal Bureau of Investigation to eliminate their unsolved casework backlog and close a loophole created by the original legislation. Although all 50 states require DNA collection from designated convicted offenders, for some inexplicable reason, convicted Federal, District of Columbia and Military offenders are exempt. H.R. 4640 closes that loophole by requiring the collection of samples from any Federal, Military, or D.C. offender convicted of a violent crime.

Mr. Speaker, as you are aware, our Nation's fight against crime is never over. Every day, the use of DNA evidence is becoming a more important tool to our nation's law enforcement in solving crimes, convicting the guilty and exonerating the innocent. The Justice Department estimates that erasing the convicted offender backlog nationwide could resolve at least 600 cases. The true amount of unsolved cases, both State and Federal, which may be concluded through the elimination of the both backlogs is unknown. However, if one more case is solved and one more violent offender is detained because of our efforts, we have succeeded.

In conclusion, we must ensure that our nation's law enforcement has the equipment and support necessary to fight violent crime and protect our communities. The DNA Analysis Backlog Elimination Act will assist our local, State and Federal law enforcement personnel by ensuring that crucial resources are provided to our DNA data-banks and crime laboratories.

Mr. THOMPSON of California. Mr. Speaker, I rise in strong support of H.R. 4640, which would assist the states in reducing the backlog of DNA samples that have been collected from convicted offenders and crime scenes.

Recent reports indicate that in my own home state of California there are more than 100,000 unprocessed DNA samples. Even using the state's most optimistic projections, it will take two years to clear that backlog.

Many states are similarly situated. Mired with both funding and collection problems, the U.S. solves far fewer crimes with DNA. But, the potential for improvement is great. While the U.S. may never match Great Britain, which has a long-established DNA database and is reported to crack 300 to 500 cases a week, reducing the backlog of DNA samples will provide both law enforcement with an increasingly important investigative and prosecutorial tool.

H.R. 4640 addresses the backlog by providing a series of grants to assist the states in processing DNA samples collected from violent offenders and samples collected from crime scenes and victims of crime. Specifically, the bill authorizes $15 million a year in grants for the next three years to process convicted offender DNA samples. In addition, it provides $25 million to reduce the backlog of crime scene samples, an intrinsically more expensive processing, by both expanding state laboratory facilities and allowing states to contract with private labs.

As important, the bill closes a loophole that has existed with respect to individuals convicted of violent federal crimes and held in federal facilities. Currently, there is no requirement that DNA samples be taken from persons convicted of certain federal crimes. H.R. 4640 fixes this oversight. Of particular interest to me is the bill's requirement that DNA be collected from individuals convicted of violent and sexual offenses under the Uniform Code of Military Justice (UCMJ).

I authored a similar provision in the House-passed FY01 National Defense Authorization Act (H.R. 4205). That language required the Department of Defense to collect, process and analyze DNA identification information from violent and sexual offenders and to provide that information to the Combined DNA Index

System (CODIS), national registry of DNA samples. Currently, the Department is not required to collect DNA samples from individuals convicted of qualifying UCMJ offenses.

There is clearly a need to close this loophole. In calendar year 1999, the total number of prisoners under confinement within the Department of Defense correctional facilities for terms other than life or a sentence of death was 963. Of those, 51.5% were confined because of violent and sexual offenses, the kind of offenses for which both H.R. 4640 and H.R. 4205 would require the DoD to collect DNA samples. Under both bills, the DoD would collect, process and analyze DNA samples and provide them to the CODIS database.

Several statistics about the characteristics of the civilian prison population underscore the importance of closing this loophole.

While the number of veterans in the prison facilities nationwide declined as a percentage of the total prison population between 1985 and 1998, the absolute number rose 46%, from 154,600 to 225,700. According to the most recent data available (1997), a majority (55%) of veterans was sentenced for a violent offense (compared to 46% for non-veterans). And, veterans were twice as likely as non-veterans to be sentenced for a sexual assault, including rape (18% versus 7%).

The data do not answer precisely the question of how many veterans have a prior conviction as a member of the Armed Forces before a subsequent contact with the federal, state or local criminal justice system. However, the data show that 13.8% of the veterans in local jails, 17.4% of veterans in state prison, and 14.9% of veterans in federal prison were not honorably discharged. Many of these veterans had more serious criminal histories than those incarcerated veterans who had been honorably discharged. In fact, 43% of veterans not honorably discharged had at least three prior sentences, compared to 36% of those honorably discharged.

These data support the argument for imposing on the Department of Defense the requirement to collect DNA samples from service members convicted of a qualifying violent or sexual offense. By requiring the collection of DNA, it is likely that service members convicted of a qualifying UCMJ offense may be more readily identified, and quite possibly cleared, should they be suspected of perpetrating a violent crime as a civilian.

I strongly support H.R. 4640. It makes major strides in assisting the states in reducing the DNA backlog and in closing a loophole by which DNA samples from certain federal prisoners was not collected nor added to the national DNA database.

I urge passage of the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to extend my gratitude to my colleagues who are interested in providing the fairest possible procedures in the application of the death penalty, the most serious punishment in the criminal justice system.

Much progress has been made since the recent mark-up session regarding this bill. In general, H.R. 4640 provides for the collection and use of DNA identification information from individuals convicted of a qualifying violent or sexual offense under the Federal code, UCMJ, or District of Columbia Code.

DNA (deoxyribonucleic acid), a high tech genetic fingerprint, was first introduced into evidence in a United States court in 1986. After surviving many court challenges, DNA evidence is now admitted in all United States jurisdictions. In fact, it has become the predominant forensic technique for identifying criminals when biological issues are left at a crime scene.

In the Violent Crime Control and Law Act of 1994 (1994 Crime Bill), Congress authorized the FBI to create a national index of DNA samples taken from convicted offenders, crime scenes and victims, and unidentified human remains. This was a crucial step forward because DNA has played such a significant role in our criminal justice system.

In response, the FBI established the Combined DNA index System (CODIS). CODIS allows State and local forensic laboratories to exchange and compare DNA profiles electronically in an attempt to link evidence from crime scenes for which there are no suspects to DNA samples on file in the system. Today, CODIS is well established across the nation.

All fifty states have enacted statutes requiring certain convicted offenders to provide DNA samples for analysis and entry into the CODIS system. Nevertheless, it is important to point out that samples from persons convicted of federal crimes, crimes under the District of Columbia code, or offenses under the Uniform Code of Military Justice (UCMJ), are not presently being taken because there is no statutory authority to do so.

In addition, the Department of Justice's Bureau of Statistics (BJA) reports that as of December 1997, approximately 60 percent of the publicly operated forensic crime labs across the country reported a DNA backlog totaling 6,800 unprocessed DNA case samples and an additional 287,000 unprocessed convicted offender samples. While I am encouraged that forensic labs have responded by hiring additional staff and increasing overtime, Congress has merely appropriated $30 million toward solving the problem. Like some of my colleagues, I am concerned that the backlog continues to grow without adequate resources.

To qualify for funding under this legislation, a state must develop a plan to eliminate any backlog of samples and federal funding under the program may be awarded for up to 75 percent of the cost of the states plan. This is an important step forward in the use of DNA evidence in our federal courts.

I also believe that this legislation would ensure the collection and use of DNA identification information in CODIS from persons convicted of a qualifying violent or sexual offense under the federal code, UCMJ, or District of Columbia Code. Indeed, technical revisions have been made to the preliminary legislation that only strengthen the bill's application several offenses.

It is crucial for defendants to have access to the CODIS system in circumstances that possibly establish innocence. This is particularly important, for instance, in the growing number of capital cases where DNA identification information make a crucial difference.

Reducing the backlog regarding DNA identification information in federal courts is very important for our criminal justice system. To the extent that this legislation helps to eliminate the backlog through these grants, we can work towards establishing a more reliable justice system.

Mrs. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4640, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

STOP MATERIAL UNSUITABLE FOR TEENS ACT

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4147) to amend title 18, United States Code, to increase the age of persons considered to be minors for the purposes of the prohibition on transporting obscene materials to minors.

The Clerk read as follows:

H.R. 4147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Material Unsuitable for Teens Act".

SEC. 2. AGE INCREASE.

Section 1470 of title 18, United States Code, is amended by striking "16" each place it appears and inserting "18".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4147.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of H.R. 4147, the Stop Material Unsuitable for Teens Act.

In 1998, the Congress passed and the President signed into law the Protection of Children from Sexual Predators Act. This legislation sought to address many practices carried out to the detriment of our youth. This included halting child pornography online to cracking down on violent offenders.

H.R. 4147 would simply include those children under the age of 18 to the list of those who should be protected from harmful and potentially damaging material.

The Protection of Children from Sexual Predators Act also contained new language which provided for enhanced penalties for individuals who knowingly transfer obscene materials to juveniles whether through the mail or interstate commerce. These enhanced penalties carry the weight of up to 10 years incarceration, and/or applicable fines, compared with previous federal statutes under Title 18 of the United States Code that only carried a penalty of 5 years.

The bill is important for it builds upon the efforts of this body to regulate and stem the flood of obscene material throughout this country.

H.R. 4147 would build upon the efforts taken in 1998 to increase penalties against transferring obscene materials to juveniles under 16 years of age. It would raise the age limit for enhanced penalties for transfer to juveniles to 18 years of age and close the loophole left in the law by not protecting youth between the ages of 16 and 18.

If this body is going to act on behalf of our children and concerned parents in limiting exposure to obscene materials, then we should act accordingly and across the board for all juveniles.

The bill would not limit any material that is protected by the First Amendment. It would only limit the material which is defined as obscene.

The Supreme Court has gone on record several times as saying that obscene material is not protected by the First Amendment. Additionally, the Supreme Court has defined "obscenity" on several other occasions.

The bill in no way will prohibit the exchange of protected material and is designed solely to protect all children from what is clearly inappropriate material. More than 32 years ago, the Court recognized the harm to minors from pornography and the need to protect minor children from pornography in the case of Ginsberg v. New York. The Court ruled that protecting children from exposure to pornography is a "transcendent interest" of government because it concerns "the health, safety, welfare and morals of its community by barring the distribution to children of books recognized to be suitable for adults."

Furthermore, obscene material is an effective tool in the hands of predators. Pedophiles use the material as part of the seduction process of children. It is used to engage children and lure them into activities that pedophiles find acceptable and the rest of us find deplorable.

This bill, in short, would extend protection from pedophiles to those under the age of 18.

□ 1600

I would ask all my colleagues to support our children and support this bill. We should make sure that those who would seek to spread this filth knowingly to our children be ready to pay the price of up to 10 years behind bars. I believe strongly that it is the role of this body to protect children across the Nation from both direct violent harm and also from the type of harm that comes from being confronted with this kind of material at such a young age.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this came to our attention late Friday afternoon that it would be on suspension and not available for amendment or any discussion. So I have been having a little trouble getting the details on it. We have contacted the sentencing commission that indicated a problem with the bill and, that is, there are certain sentencing inconsistencies. For example, if an 18-year-old were to have consensual sex with a 17-year-old, that would not be a Federal crime nor a crime in most States. However, if they shared dirty pictures, then that would be a Federal crime. Perhaps the sponsor of the bill or someone on the other side could explain to me what the probable effect of this legislation would be for the 18-year-old sharing pictures with a 17-year-old, what the effect of this legislation would be.

Mr. TANCREDO. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Colorado.

Mr. TANCREDO. Mr. Speaker, the bill sets out the parameters very specifically, referring only to materials unsolicited, and in a case where someone is transferring that kind of material using the interstate, transferring that kind of material, unsolicited to anybody, they would be affected by the measures in this bill.

Mr. SCOTT. If the gentleman would respond, what would be the difference in sentencing? If the two went from Washington, D.C. to Northern Virginia and had consensual sex and shared dirty pictures, what would be the effect of this bill? It is already illegal to share those dirty pictures right now. It would be a Federal offense. What would be the impact of this bill on that Federal crime?

Mr. TANCREDO. If the gentleman will yield further, I do not know that there would be any impact of this bill on the particular situation that the gentleman identifies. Two people engaged in consensual sex, of course, that has nothing to do with this piece of legislation. Sharing materials at that point in time has nothing to do with this legislation. Quote, "dirty pictures," as the gentleman characterizes it, I do not know that that has anything to do with this legislation because, of course, the Supreme Court has already determined that you can distinguish between certain materials that some people would find objectionable to the kind of materials that this covers, which are strictly pornographic. It is the transfer of that material, unsolicited transfer of that material, from one person to another underage that this deals with. So I do not think, unless I mistook the gentleman's characterization of this particular action, that it would have any impact.

Mr. SCOTT. Mr. Speaker, in all due respect, I did not get an answer to my question. The bill would have an impact. I have not been able to determine exactly what that impact would be. But the point of the consensual sex was that they could be in bed not committing an offense and as soon as the 18-year-old showed some obscene pictures to the 17-year-old, then you would have a Federal crime. That is the present law. You cannot distribute obscene material. My question was, what would the impact of this bill have on that situation, because apparently there would be an enhanced punishment. I have not been able to ascertain what the enhancement would be.

Mr. TANCREDO. Once again, the bill is very specific about the method of transfer of the material we are talking about. In what you describe, there is no effect from this particular piece of legislation. It has got nothing to do with it.

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Florida.

Mr. CANADY of Florida. This is a very simple bill. It amends a statutory provision, which I will read. It is short enough for us to read right here and see what is being amended. The prohibition is this:

"Whoever using the mail or any facility or means of interstate or foreign commerce knowingly transfers obscene matter to another individual who has not attained the age of 16 years, that is currently in the statute, the bill raises that to 18 years, knowing that such other individual has not attained the age of, raised from 16 years to 18 years, or attempts to do so shall be fined under this title, imprisoned not more than 10 years, or both."

But it requires the use of the mail or other facilities or means of interstate or foreign commerce.

Mr. SCOTT. If the gentleman would respond, that would include e-mail or any other interstate commerce, could mean you could take it across the State line from Washington, D.C. to Northern Virginia.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to voice concerns regarding H.R. 4147, the Stop Material Unsuitable for Teens Act, which is before the House today under suspension. This bill should it become law would raise the age of minors to whom adults could be penalized for giving obscene materials from age 16 to age 18.

I would hope that this measure would offer some additional protection to children from those who would do them harm, but it appears that this bill will be going over ground that has already been covered by the passage into law of the Protection of Children From Sexual Predators Act (PL 105–314).

This law would amend the Protection of Children From Sexual Predators Act which prohibits transferring obscene material through the Internet or mail to children under 16 years of age. Violators under current law are subject to a mandatory prison sentence of 10 years.

Should the effort to pass this legislation be successful, I would hope that in keeping with the spirit of this change in the law I would hope that the definition of adult would also be amended. Because I believe that it would be judicially unproductive should an 18-year-old be found in violation of this law by providing inappropriate material to another 18-year-old and made to endure the full penalty that this bill provides for.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4147.

The question was taken.

Mr. CANADY of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL POLICE ATHLETIC LEAGUE YOUTH ENRICHMENT ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3235) to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours, as amended.

The Clerk read as follows:

H.R. 3235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Police Athletic League Youth Enrichment Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The goals of the Police Athletic League are to—

(A) increase the academic success of youth participants in PAL programs;

(B) promote a safe, healthy environment for youth under the supervision of law enforcement personnel where mutual trust and respect can be built;

(C) increase school attendance by providing alternatives to suspensions and expulsions;

(D) reduce the juvenile crime rate in participating designated communities and the number of police calls involving juveniles during nonschool hours;

(E) provide youths with alternatives to drugs, alcohol, tobacco, and gang activity;

(F) create positive communications and interaction between youth and law enforcement personnel; and

(G) prepare youth for the workplace.

(2) The Police Athletic League, during its 55-year history as a national organization, has proven to be a positive force in the communities it serves.

(3) The Police Athletic League is a network of 1,700 facilities serving over 3,000 communities. There are 320 PAL chapters throughout the United States, the Virgin Islands, and the Commonwealth of Puerto Rico, serving 1,500,000 youths, ages 5 to 18, nationwide.

(4) Based on PAL chapter demographics, approximately 82 percent of the youths who benefit from PAL programs live in inner cities and urban areas.

(5) PAL chapters are locally operated, volunteer-driven organizations. Although most PAL chapters are sponsored by a law enforcement agency, PAL chapters receive no direct funding from law enforcement agencies and are dependent in large part on support from the private sector, such as individuals, business leaders, corporations, and foundations. PAL chapters have been exceptionally successful in balancing public funds with private sector donations and maximizing community involvement.

(6) Today's youth face far greater risks than did their parents and grandparents. Law enforcement statistics demonstrate that youth between the ages of 12 and 17 are at risk of committing violent acts and being victims of violent acts between the hours of 3 p.m. and 8 p.m.

(7) Greater numbers of students are dropping out of school and failing in school, even though the consequences of academic failure are more dire in 1999 than ever before.

(8) Many distressed areas in the United States are still underserved by PAL chapters.

SEC. 3. PURPOSE.

The purpose of this Act is to provide adequate resources in the form of—

(1) assistance for the 320 established PAL chapters to increase of services to the communities they are serving; and

(2) seed money for the establishment of 250 (50 per year over a 5-year period) additional local PAL chapters in public housing projects and other distressed areas, including distressed areas with a majority population of Native Americans, by not later than fiscal year 2006.

SEC. 4. DEFINITIONS.

In this Act:

(1) ASSISTANT ATTORNEY GENERAL.—The term "Assistant Attorney General" means the Assistant Attorney General for the Office of Justice Programs of the Department of Justice.

(2) DISTRESSED AREA.—The term "distressed area" means an urban, suburban, or rural area with a high percentage of high-risk youth, as defined in section 509A of the Public Health Service Act (42 U.S.C. 290aa–8(f)).

(3) PAL CHAPTER.—The term "PAL chapter" means a chapter of a Police or Sheriff's Athletic/Activities League.

(4) POLICE ATHLETIC LEAGUE.—The term "Police Athletic League" means the private, nonprofit, national representative organization for 320 Police or Sheriff's Athletic/Activities Leagues throughout the United States (including the Virgin Islands and the Commonwealth of Puerto Rico).

(5) PUBLIC HOUSING; PROJECT.—The terms "public housing" and "project" have the meanings given those terms in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

SEC. 5. GRANTS AUTHORIZED.

(a) IN GENERAL.—Subject to appropriations, for each of fiscal years 2001 through 2005, the Assistant Attorney General shall award a grant to the Police Athletic League for the purpose of establishing PAL chapters to serve public housing projects and other distressed areas, and expanding existing PAL chapters to serve additional youths.

(b) APPLICATION.—

(1) SUBMISSION.—In order to be eligible to receive a grant under this section, the Police Athletic League shall submit to the Assistant Attorney General an application, which shall include—

(A) a long-term strategy to establish 250 additional PAL chapters and detailed summary of those areas in which new PAL chapters will be established, or in which existing chapters will be expanded to serve additional youths, during the next fiscal year;

(B) a plan to ensure that there are a total of not less than 570 PAL chapters in operation before January 1, 2004;

(C) a certification that there will be appropriate coordination with those communities where new PAL chapters will be located; and

(D) an explanation of the manner in which new PAL chapters will operate without additional, direct Federal financial assistance once assistance under this Act is discontinued.

(2) REVIEW.—The Assistant Attorney General shall review and take action on an application submitted under paragraph (1) not later than 120 days after the date of such submission.

SEC. 6. USE OF FUNDS.

(a) IN GENERAL.—

(1) ASSISTANCE FOR NEW AND EXPANDED CHAPTERS.—Amounts made available under a grant awarded under this Act shall be used by the Police Athletic League to provide funding for the establishment of PAL chapters serving public housing projects and other distressed areas, or the expansion of existing PAL chapters.

(2) PROGRAM REQUIREMENTS.—Each new or expanded PAL chapter assisted under paragraph (1) shall carry out not less than 4 programs during nonschool hours, of which—

(A) not less than 2 programs shall provide—

(i) mentoring assistance;

(ii) academic assistance;

(iii) recreational and athletic activities; or

(iv) technology training; and

(B) any remaining programs shall provide—

(i) drug, alcohol, and gang prevention activities;

(ii) health and nutrition counseling;

(iii) cultural and social programs;

(iv) conflict resolution training, anger management, and peer pressure training;

(v) job skill preparation activities; or

(vi) Youth Police Athletic League Conferences or Youth Forums.

(b) ADDITIONAL REQUIREMENTS.—In carrying out the programs under subsection (a), a PAL chapter shall, to the maximum extent practicable—

(1) use volunteers from businesses, academic communities, social organizations, and law enforcement organizations to serve as mentors or to assist in other ways;

(2) ensure that youth in the local community participate in designing the after-school activities;

(3) develop creative methods of conducting outreach to youth in the community;

(4) request donations of computer equipment and other materials and equipment; and

(5) work with State and local park and recreation agencies so that activities funded with amounts made available under a grant under this Act will not duplicate activities funded from other sources in the community served.

SEC. 7. REPORTS.

(a) REPORT TO ASSISTANT ATTORNEY GENERAL.—For each fiscal year for which a grant is awarded under this Act, the Police Athletic League shall submit to the Assistant Attorney General a report on the use of amounts made available under the grant.

(b) REPORT TO CONGRESS.—Not later than May 1 of each fiscal year for which amounts are made available to carry out this Act, the Assistant Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that details the progress made under this Act in establishing and expanding PAL chapters in public housing projects and other distressed areas, and the effectiveness of the PAL programs in reducing drug abuse, school dropouts, and juvenile crime.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $16,000,000 for each of fiscal years 2001 through 2005.

(b) FUNDING FOR PROGRAM ADMINISTRATION.—Of the amount made available to carry out this Act in each fiscal year—

(1) not less than 2 percent shall be used for research and evaluation of the grant program under this Act;

(2) not less than 1 percent shall be used for technical assistance related to the use of amounts made available under grants awarded under this Act; and

(3) not less than 1 percent shall be used for the management and administration of the grant program under this Act, except that the total amount made available under this paragraph for administration of that program shall not exceed 6 percent.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3235, the National Police Athletic League Youth Enrichment Act of 2000. The gentleman from Wisconsin (Mr. BARRETT) introduced H.R. 3235 last November and the Committee on the Judiciary reported the bill by voice vote on July 25 of this year.

The bill would direct the Office of Justice Programs of the Department of Justice to award a grant to the Police Athletic League for the purposes of establishing Police Athletic League chapters to serve public housing projects and other distressed areas and expanding existing chapters to serve additional youth. The bill was modeled on legislation enacted in 1997 to increase the number of Boys and Girls Clubs serving low-income areas.

The Police Athletic League was founded by police officers in New York City in 1914; and its goal is to offer an alternative to crime, drugs, and violence for our Nation's most at-risk youth. Since 1914, the Police Athletic League, also known as PAL, has grown into one of the largest youth crime prevention programs in the Nation, with a network of 320 local chapters and 1,700 facilities that serve more than 3,000 communities and 1.5 million children. Local chapters are volunteer-driven and receive most of their funding from private sources. In partnership with local law enforcement agencies, PAL chapters help to narrow the gap in trust between children and police, especially in low-income and high-crime neighborhoods. PAL offers after-school athletic, recreational, and educational programs designed to give children an alternative to gangs, drugs, and crime and to reinforce the values of responsibility, hard work, and community. These programs are geared to the after-school hours of 3 o'clock to 8 p.m., the peak hours for juvenile crime and other antisocial behavior.

H.R. 3235 would authorize the appropriation of $16 million a year for 5 years beginning with fiscal year 2001. The money would be used to enhance the services provided by the 320 established PAL chapters and provide seed money for the establishment of 250, 50 per year over a 5-year period, additional PAL chapters in public housing projects and other distressed areas, including distressed areas with a majority population of Native Americans.

In order to be eligible to receive a grant, the bill would require PAL to submit to the Assistant Attorney General an application which includes, one, a long-term strategy to establish 250 additional chapters; two, a plan to ensure that there is a total of not less than 570 chapters in operation before January 1, 2004; three, a certification that there will be appropriate coordination with those communities where new chapters will be located; and, four, an explanation of the manner in which new chapters will operate without additional direct Federal financial assistance once assistance under this act is discontinued.

Mr. Speaker, this is a very worthwhile piece of legislation. I urge all my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3235, the National Police Athletic League Youth Enrichment Act of 2000. I am a cosponsor of this bill. Although we have not had hearings on it and I generally do not support consideration of legislation without hearings, I believe that the congressional record in this Congress sufficiently supports the passage of this legislation and to have its passage take place expeditiously.

H.R. 3235 would award grant moneys to the Police Athletic League to assist the establishment of Police Athletic League chapters in high-crime and low-income areas as well as enhance existing services provided by the Police Athletic League. They offer young people opportunities to engage in constructive activities, including recreational programming and activities in creative and performing arts. I am pleased to note that research on these programs shows that communities with this program show a decrease in juvenile crime. In a survey of the California Police Athletic League, for example, preliminary data shows that communities served by the program reported a 34 percent decrease in juvenile arrests, a 58 percent decrease in aggravated assaults committed by juveniles and a 47 percent drop in the number of armed robberies by juveniles.

In short, Mr. Speaker, the record reflects that prevention and early intervention as compared to other approaches to reducing juvenile crime and delinquency are the most effective. In March 1999, for example, the Committee on Education and the Workforce held a hearing on H.R. 1150, the Juvenile Crime Control and Delinquency Prevention Act. During that hearing, the Administrator of the Office of Juvenile Justice and Delinquency Prevention identified promoting prevention as the most cost-effective approach to reducing delinquency.

At the same hearing, the Commissioner at the Administration on Children, Youth and Families at Health and Human Services also summarized what should be our priorities and said the following:

> The early years are critical. We know that and we must continue to invest in early childhood. But we must also stick with kids as they grow older. Children are like gardens. It is critical that we prepare the soil and plant the seeds. But if that is all we do, we should not be surprised if they do not flourish. We have to pay attention to them on an ongoing basis. Just as one would fertilize a garden, we must stimulate growth in young people. Just as one would weed a garden, we must root out the negative influences, peer pressure and self-doubt that threaten to stunt the positive development of our children. Especially during preadolescence and adolescence, we must have continued youth development activities to provide something to which the young people can say yes instead of just asking them to say no to risky behaviors.

Mr. Speaker, as a result of hearings such as these, the Subcommittee on Early Childhood, Youth and Families of the Committee on Education and the Workforce passed in this Congress H.R. 1150, the Juvenile Crime Control and

Delinquency Prevention Act of 1999, which highlighted the importance of prevention and early intervention as the means of addressing juvenile crime. That passed out of the Committee on Education and the Workforce subcommittee with support from all of the subcommittee members. Similarly, the Subcommittee on Crime unanimously passed the first version of H.R. 1501, which provided for flexible accountability and early intervention approaches for juveniles before the court system with cosponsorship of the entire subcommittee.

Additionally, many of us had the opportunity to participate in a bipartisan task force to examine youth violence. The task force reviewed the research on the problem of youth violence and heard testimony from witnesses from academia, law enforcement, the judicial system, and advocacy groups.

□ 1615

I quote from the final report:

> Overall, the need for prevention and early intervention programs at every step is paramount. Since the most important contributing factor to youth violence is the absence of a nurturing and supportive home environment, we know that youth can be steered away from crime. Building strong relationships between children and their parents and communities are the best way to ensure their health and well-being.

Mr. Speaker, experts who met with the bipartisan task force essentially agreed that early intervention and prevention efforts are essential to reducing youth violence. Furthermore, the task force concluded that such prevention efforts also require coordination and partnership with community organizations.

In sum, the record shows that we know how to reduce juvenile crime and delinquency. We must focus on prevention and early intervention, and we must seek help from community organizations such as police athletic leagues.

Mr. Speaker, H.R. 3235, the National Police Athletic League Youth Enrichment Act of 1999, would foster much-needed community partnerships and help to accomplish our goal of reducing juvenile crime. I therefore support the legislation and urge my colleagues to support the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. BARRETT), the chief sponsor of the legislation.

Mr. BARRETT of Wisconsin. Mr. Speaker, I am pleased to rise today in support of H.R. 3235, a bill I introduced to make the programs of the Police Athletic League available to more kids across the country.

I would like to thank the gentleman from Florida (Chairman McCOLLUM) and the gentleman from Virginia (Mr. SCOTT) of the Subcommittee on Crime for their work in moving this bill through committee and on to the floor before the House adjourns for this year.

I would also like to thank the gentleman from Florida (Mr. CANADY) for his support in helping move this bill. Since this is sort of the waning days of the gentleman's days in Congress, I want to publicly thank him for his service to the people of Florida and his country, and wish him and his young family the best of luck as he returns to life as a normal person.

I also would like to applaud Ron Exley, a board member of the National Police Athletic League, for his tireless efforts in promoting this bill.

Mr. Speaker, since you are going to be going back to Indiana, I want to thank you for the opportunity to serve with you as well. This is sort of a bittersweet time of year for many of us. Both of you have really done a great job for the people you represent.

The Police Athletic League is a network of more than 320 chapters in 42 states serving over 1.5 million kids each year. Individual chapters are volunteer-driven and receive most of their funding from private sources. In partnership with local law enforcement activities, PAL chapters help to narrow the gap in trust that exists between kids and the police, especially in low-income and high-crime neighborhoods.

PAL offers after-school athletic and recreation programs designed to give kids an alternative to gangs, drugs and crime, and to reinforce in them the values of responsibility, hard work and community.

Just last week I was reminded of what PAL means for our kids when I attended the ground breaking for the Milwaukee chapter's new facility. This event was the perfect illustration of what we are trying to accomplish with this legislation. The new facility will be located in a neighborhood plagued by high crime and poverty, bringing these valuable programs and activities to the kids who need them.

The National Police Athletic League Youth Enrichment Act is modeled after legislation enacted in 1997 to increase the number of Boys and Girls Clubs serving low-income areas. Similarly, this bill calls for the establishment of 250 new PAL chapters over 5 years in public housing projects in other distressed areas and would provide additional resources to help existing chapters expand and enhance their services in underserved areas.

In addition to recreational activities, the new PAL chapters would be required to offer mentoring and academic assistance, technology training and drug and alcohol counseling. The bill would also direct the chapters to seek volunteers and donations from the business, academic and law enforcement communities.

Mr. Speaker, one of the strengths of this program is that it allows young kids, who many times encounter police only in stressful situations, to encounter police in a meaningful, friendly situation. I think that is a huge plus for the young kids.

It is also a plus for the police officers, who many times encounter these young kids again in stressful situations, and for the police officers to see these young people in athletic settings and learning how to run computers I think is very important, positive.

I have always said I would much rather have kids shooting basketballs than shooting each other, and I would much rather have them pushing computer keys than pushing drugs, and this bill will go a long way in trying to provide young people with alternatives to crime.

I am a strong believer in giving kids an alternative to the temptations of the street. The Police Athletic League has established an impressive track record of providing such an alternative in America's cities. But there are many kids out there who do not have access to help and deserve our attention. I urge my colleagues to help these kids by supporting this bill.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again want to congratulate the gentleman from Wisconsin (Mr. BARRETT) for his outstanding leadership on this important legislation and to acknowledge the gentleman from Florida (Mr. McCOLLUM) and the gentleman from Virginia (Mr. SCOTT) for helping move us to the point where this bill is considered by the House today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 3235, the "National Police Athletic League Youth Enrichment Act of 1999." I commend my colleagues on the Judiciary Committee for reporting the bill by voice vote. As a cosponsor of this legislation, I am delighted that it enjoys bipartisan support. I does so for a good reason.

It helps our children find alternatives to crime through a sensible grant program administered by the Department of Justice. America urgently needs such legislation to allow children, especially at-risk youth, to obtain greater exposure through such legislative solutions. Our children need the right kind of incentives that allow them to learn in a welcoming environment without the threat of violence.

The Police Athletic League (PAL) was founded by police officers in New York city in 1914. Its goal is to offer an alternative to crime, drugs, and violence for at-risk youths. PAL offers after school numerous school athletic, prevention programs in the nation, with a network of 320 local chapters and 1,700 facilities that serve more than 3,000 communities and 1.5 million children. Local chapters are volunteer driven and receive most of their funding from private sources. That is certainly a record to be proud of.

H.R. 3235 would authorize the appropriation of $16 million a year for 5 years beginning with this fiscal year. The funds would be used to enhance services provided by the present chapters, and provide seed money for the establishment of 250 additional chapters in public housing projects and other distressed areas. This could make an enormous difference to the life of so many children that need a fighting chance.

To be eligible to receive a grant, PAL would have to submit an application to DOJ with a few important requirements. First, a long-term strategy on how and where the 250 new chapters will be established and maintained, along with how the present 320 chapters will be maintained. Second, a certification that there will be coordination with the communities in which the new chapters are established. Third, an explanation of how the new chapters will continue to exist when the full federal funding stops.

Mr. Speaker, I believe these are very reasonable procedures to help find alternative steps to violence. These are reasonable and necessary incentives for communities to come together on behalf of our children.

Children need these after school athletic, recreational, and educational programs to improve their lives. As cosponsor of this important legislation, I urge my colleagues to embrace this measure in the widest bipartisan manner possible.

Mr. HORN. Mr. Speaker, I strongly support H.R. 3235. In California, the PAL programs play an integral role in our communities. PAL programs provide positive activities for youth to participate in as an alternative to gangs and violence. They instill family values, teach teamwork, honesty, and personal accountability. PAL programs keep our communities safe and our youth out of danger.

In Long Beach, California, a city I proudly represent, PAL programs have served thousands of youth in the area throughout the past ten years. Not only are young people enjoying recreational activities, they are receiving help with homework, learning to use computers, and positively influencing their peers to participate. This invaluable program has helped so many youngsters that would have otherwise been at risk of getting involved in criminal activity, gang violence or drug abuse.

Every community should be as fortunate to have a preventive program like the PAL program to help reduce juvenile crime. I commend the Long Beach chapter for their excellent work on behalf of our community and the lives of every youth that PAL has touched. I also look forward to hearing about more success stories from PAL programs across the country.

As a cosponsor and strong supporter of H.R. 3235, I encourage all of my colleagues to support and pass this bill. Our nation's youth deserves this commitment of resources.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 3235, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

VICTIMS OF RAPE HEALTH PROTECTION ACT

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3088) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional protections to victims of rape.

The Clerk read as follows:

H.R. 3088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Victims of Rape Health Protection Act".

SEC. 2. BYRNE GRANT REDUCTION FOR NONCOMPLIANCE.

(a) GRANT REDUCTION FOR NONCOMPLIANCE.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended by adding at the end the following:

"(g) LAWS OF REGULATIONS.—

"(1) IN GENERAL.—The funds available under this subpart for a State shall be reduced by 10 percent and redistributed under paragraph (2) unless the State demonstrates to the satisfaction of the Director that the law or regulations of the State with respect to a defendant against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, the State requires as follows:

"(A) That the defendant be tested for HIV disease if—

"(i) the nature of the alleged crime is such that the sexual activity would have placed the victim at risk of becoming infected with HIV; or

"(ii) the victim requests that the defendant be so tested.

"(B) That if the conditions specified in subparagraph (A) are met, the defendant undergo the test not later than 48 hours after the date on which the information or indictment is presented, and that as soon thereafter as is practicable the results of the test be made available to the victim; the defendant (or if the defendant is a minor, to the legal guardian of the defendant); the attorneys of the victim; the attorneys of the defendant; the prosecuting attorneys; and the judge presiding at the trial, if any.

"(C) That if the defendant has been tested pursuant to subparagraph (B), the defendant, upon request of the victim, undergo such follow-up tests for HIV as may be medically appropriate, and that as soon as is practicable after each such test the results of the test be made available in accordance with subparagraph (B) (except that this subparagraph applies only to the extent that the individual involved continues to be a defendant in the judicial proceedings involved, or is convicted in the proceedings).

"(D) That, if the results of a test conducted pursuant to subparagraph (B) or (C) indicate that the defendant has HIV disease, such fact may, as relevant, be considered in the judicial proceedings conducted with respect to the alleged crime.

"(2) REDISTRIBUTION.—Any funds available for redistribution shall be redistributed to participating States that comply with the requirements of paragraph (1).

"(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).".

(b) CONFORMING AMENDMENT.—Section 506(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "subsection (f)," and inserting "subsections (f) and (g),".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of each fiscal year succeeding the first fiscal year beginning 2 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3088.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. WELDON), the sponsor of this legislation.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in the summer of 1996, a 7-year-old girl was brutally raped by a 57-year-old deranged man. The little girl and her 5-year-old brother had been lured to a secluded abandoned building. The man raped and sodomized this little girl. After the man's arrest, the accused refused to be tested for HIV. His refusal to take the test was permitted and protected under the State law. The man later admitted to police that he was infected with HIV.

The bill before us would ensure that families like this one, and numerous others, are not forced to endure torture beyond the assault that has already been inflicted upon their child.

I urge my colleagues to vote for passage of H.R. 3088, the Victims of Rape Health Protection Act. This bill will save the lives of victims of sexual assault. This bill ensures that the victims of sexual assault or their parents know as quickly as possible the HIV status of the perpetrator of the crime.

Sexual assault, sadly, occurs too often in our society. These victims suffer unimaginable cruelties and physical and emotional scars that usually last a lifetime. Furthermore, with the increased incidence of HIV infection in the population, these victims are often forced to wait months or years to know whether or not they were exposed to the HIV virus.

This bill puts an end to further torture of the victims and their families.

This bill ensures that the victims of sexual assault can require that the accused be tested as soon as an indictment or an information is filed against the person. No longer will a victim have to wait months or years for such a test of the accused. No longer will the perpetrators of these crimes be allowed to bargain for lighter sentences in exchange for undergoing HIV testing. This bill puts the rights of victims ahead of that of the sexual predators.

Why is it critical that the victim know as soon as possible if they were exposed? The new England Journal of Medicine published a study in April of 1997 finding that treatment with HIV drugs can prevent HIV infection, provided that the treatment is started within hours. The study reviews the treatment of health care workers with occupational exposure. That study found a 79 percent drop, almost 80 percent, drop in HIV infection with those individuals who are exposed to HIV and were started on treatment within hours of the initial exposure.

Furthermore, the study goes on to report the rate of transmission from needlestick injuries is similar to that of sexual exposure. Clearly, getting information to the victims of sexual assault as quickly as possible is critical in saving the lives of those if they have been exposed.

Some might suggest that all victims of sexual assault be given anti-HIV drugs as a precautionary measure. As a medical doctor myself who has administered these drugs many times in the past, I know firsthand that there can be serious side effects. Additionally, I will point out that a 4-week cost of these drugs can run anywhere from $500 to $800, an exposure that no person would want to needlessly be exposed to.

As a physician, I am particularly interested in seeing that we take steps that can ensure that the victims of sexual assault are given every available opportunity to protect themselves against HIV, a sentence of death, that could and has resulted from sexual assaults.

Many States already have this provision in law. H.R. 3088 builds on that. Let us approve this bill and place the rights of victims of crimes above those of the perpetrators of crime. Let us ensure the greatest protection possible for the victims of sexual assault.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill has not gone through committee. The issue being addressed is being addressed in the Violence Against Women Act, where we can have committee hearings and actually come up with a decent bill. There are several States that have already addressed this issue in different ways. But the way it has come to us today, it has not gone through the Committee on the Judiciary. It sounds like it does a good job, but there are a number of problems with the legislation. Frankly, there has been no attempt to fashion the bill to accomplish its worthy alleged goal by any constructive manner.

For example, there has been no opportunity for anybody to review the bill, there is no opportunity for amendments and there is no opportunity for any interested parties to comment. It was just sprung on us Friday afternoon, and here it is. Six weeks before an election, I guess it is important to pass the bill without any hearings and without the opportunity to be heard, so I guess this is the way we are going to have to legislate the last few weeks.

First of all, there are a number of problems with the bill. It requires a person to be subjected to an AIDS test, even if they are innocent, even if they can prove their innocence beyond a reasonable doubt.

Now, some people that may actually have AIDS, may actually be innocent, and maybe they want to keep that fact a secret, and here you are, notwithstanding the fact that they can show by clear and convincing evidence that they were hundreds of miles away at the time of the alleged offense, that it was not them. They do not have an opportunity to be heard. They get tested, and there is nothing in the bill for confidentiality. This information just goes all over the place.

It requires that the test be given, even though in some circumstances there is zero risk of transmission. It says a person, if requested by the victim, even though there is no chance of transmission, the tests can be given.

There is no protocol, as I indicated, about confidentiality. You may have a situation where the victim actually has AIDS and wants to keep it a secret, and, all of a sudden, whether or not the perpetrator had AIDS or not, you have her subjected to the possibility of this information getting out.

It is a shocking process that we are here on; no opportunity to comment, no opportunity to require any due process, no opportunity to conform this to what many of the other States have done. Six weeks before an election, here we are with legislation with a good title, and no opportunity to constructively deal with it.

We asked the patron for 24 hours so we could consider some of these issues, and, no, here it is on suspension; no opportunity to review, no opportunity to amend, no opportunity for interested groups to comment. Here we are, vote it up or down.

Mr. Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for again yielding me time.

Mr. Speaker, I would like to respond to some of the concerns raised by my good friend, the gentleman from Virginia. First of all, regarding the issue of a probable cause hearing that the gentleman brought up, I believe that the language in my bill sufficiently addresses that issue, in that a charge has to be made, an information or an indictment.

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That typically involves going before a grand jury, a jury of your peers, and those processes do not bring, in most instances, trivial incidents of somebody who was hundreds of miles away at the time of the alleged crime. Typically, there has been an arrest, for example, followed by an arraignment.

The reason this is so imperative, a lot of these crimes happen on Friday night, and if we have to insert in the process a probable cause hearing, we are going to get beyond a 72-hour window. And if we really look at the pathophysiology of how this virus is transmitted, the current recommendations are that if we cannot go on antiretroviral within 72 hours, then we might as well not even do it.

Mr. Speaker, while certainly respecting rights is something that I am very concerned about, we are talking about life and death here, a potential death sentence to somebody who has contracted AIDS. Yes, there are case reports in the medical literature of people contracting AIDS through rape; so we know that it happens. We know that the transmission rate is very, very similar to the rate on needlestick injuries.

We know if we institute antiretroviral therapy within 72 hours of a needlestick injury, we can lower the transmission rate of AIDS by almost 80 percent. It is for that reason that I feel that a probable cause hearing would lead to unnecessary and inappropriate delay.

We are balancing the life of the other person against the rights of the perpetrators of these crimes.

Mr. Speaker, I would like to additionally point out that several of the other bills that we have taken up today did not go before the committee. The committee frequently waives jurisdiction in a case where they feel that a piece of legislation is so inherently appropriate that it needs to move forward, and I think that is the case, the committee's acknowledgment in this particular piece of legislation.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, I would ask the gentleman from Florida, in an indictment, does a defendant have any opportunity to be heard?

Mr. WELDON of Florida. Reclaiming my time, Mr. Speaker, certainly I am well aware of the fact that the gentleman from Virginia points out something that is correct, the defendant does not have any right to be heard; but the defendant has a period before a jury of his peers, a grand jury; and I believe that in that situation, a probable cause hearing would make unnecessary delay.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just point out, as the gentleman commented, that in an indictment a person has no opportunity to be heard. If we can prove that it is a case of false identification, we never have an opportunity to bring compelling proof beyond a reasonable doubt that it could not have possibly been you; and, yet, you are subjected to the AIDS test.

The legislation before us also includes a provision that a person must be subjected to the AIDS test, even though there is no likelihood at all of a transmission taking place. The legislation talks about not rape, but sexual activity. That could be fondling. If requested by the defendant, the person could be subjected to an AIDS test.

Mr. WELDON of Florida. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker, as the gentleman knows, being very familiar with the law, and, of course, I bring to this debate my experience as a physician having taken care of a lot of AIDS patients, most reputable prosecutors will look at exonerating information before they would bring an indictment before a grand jury; and those pieces of information are not totally excluded.

My concern with the gentleman's issue, the probable cause issue is that it would lead to sufficient level of delay that people would not be treated within the 72-hour window; and then, therefore, people would unnecessarily contract AIDS, and that the better good is to allow this provision to go forward; and that the rights of the accused would be sufficiently protected through the indictment process.

Mr. SCOTT. Reclaiming my time, Mr. Speaker, I would ask the gentleman to advise us as to how much time after an offense an indictment is normally obtained.

Mr. WELDON of Florida. If the gentleman would continue to yield, it is my understanding that frequently in cases where the information is compelling, that it can be brought within 72 hours.

Mr. SCOTT. Reclaiming my time, Mr. Speaker, an indictment 72 hours after the offense, including the investigation and the arrest and the convening of a grand jury is frequently done within 72 hours. Is that the information that we are going to base our consideration of this bill on?

I know the gentleman is a physician and not a lawyer, and perhaps if it had gone through the Committee on the Judiciary, we would find that a lot of these cases the indictment comes months after the offense.

Mr. WELDON of Florida. If the gentleman would continue to yield, I realize that all those things occurring within 72 hours can occur, but it is unusual, and that very often it takes longer. But I am also aware that we can place a patient on antiretroviral therapy while that process is working through, and that if we do run into problems with side effects from the drugs or if there are some serious concerns regarding the costs of the drugs, that, if at a later time, we are able to get an HIV test that comes back negative, we can discontinue the drugs. Whereas under current State law in some States, we wait months or years sometimes before you learn the HIV status.

Mr. Speaker, what I find even more egregious is some of these perpetrators engage in plea bargaining, trying to reduce a rape charge to an assault charge in exchange for an HIV test, which I think is reprehensible and should not be permissible by any State law, and that is why I decided to move forward with this legislation.

Mr. SCOTT. Reclaiming my time, Mr. Speaker, can the gentleman advise why it is necessary or what compelling reason there is if the activity would place the victim at no risk of becoming infected with AIDS, why the AIDS test ought to be required?

Mr. WELDON of Florida. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker, I am confused by the gentleman's question.

Mr. SCOTT. Mr. Speaker, reclaiming my time, on page 2, lines 12 through 19, it says that the State shall require the following: an AIDS test if the nature of the activity would have placed the victim at risk of becoming infected or the victim requested the defendants to be so tested.

So if the victim requested the defendant to be so tested, even though there is no chance of a transmission, then the test goes forward anyway.

My question is, why do we have the provision that the defendant be tested even though there is no chance of them being infected?

Mr. WELDON of Florida. Will the gentleman continue to yield?

Mr. SCOTT. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker, I believe that there is a component of this that is necessary to put people's minds at ease in these cases. While it may be a scientific fact that HIV transmission is unlikely to occur from certain other types of exchange of bodily fluids and that the risk is quite low, the victims of these crimes have zero tolerance for risk.

And while it may be easy for the gentleman as a lawyer or for me as a doctor to say, oh, do not worry, what that perpetrator did to you puts you at virtually no risk, that is not acceptable to them; they want to know. They want zero risk, and that is why I put that provision in the bill.

Certainly, as this piece of legislation moves forward through the Senate and goes to a conference, there may be some opportunity to adjust this language to put some further provisions in there that may make the gentleman more comfortable with the legislation, but that is why I included that language in there.

Mr. SCOTT. Reclaiming my time, Mr. Speaker, that is why we asked for 24 hours so that we could work out some of these provisions including, perhaps, some kind of confidentiality, because the results of the AIDS test are being made available to at least six, and possibly unlimited numbers of, people.

Mr. Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield 6 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I say to my associate, the gentleman from Virginia (Mr. SCOTT), that I would like to address three or four questions. Number one is, one of the bases of his arguments is that there is no integrity in the testing system in terms of confidentiality; that has been proven totally false, the basis of that claim.

We as a medical community, as a public health community have not allowed leaks; that is exactly the same argument that was stated when children are born to mothers with HIV that they would not come in and get tested because somebody would find out.

In fact, what has happened is we have even more women coming in and getting tested because all women are interested in their children.

Mr. Speaker, the assumption that there is not integrity in the testing process and somebody outside who absolutely needs to know will violate that person's right is an erroneous assumption, and it is one that is continually used in the HIV epidemic.

The other point that I would make, so that the gentleman would surely know this, is that out of the 1.2 million people who have been infected with HIV thus far in our country, 600,000 of them still do not know they have HIV; they still do not know if they have HIV.

So whether or not an HIV test is appropriate or a non-HIV test is appropriate, there is enough behavior in our country that is not malicious that is associated with HIV infection that nobody knows who is HIV infected and who is not, because they all look the same. HIV is not a regarder of persons of color or sex or life-style. It does not care. It does infect.

The other question that I would ask from the gentleman is, this is really a question of squaring off of rights. The gentleman from Virginia (Mr. SCOTT) has a great record of protecting individual's rights, and I think that is very important, that we could not ignore it.

I want to read through a few sets of stories and tell me whether or not we ought to be protecting the rights of the rapist or the accused rapist or the accused molester or those that were, in fact, victims of it. 41-year-old Alabama man raped a 4-year-old girl, infecting her with HIV which later claimed her life, 1996.

Had we known at the time his HIV status, the little girl would be alive. As a matter of fact, what we know now is if, in fact, we treat early, multiple times, we eliminate the infection, even if there was positive HIV there.

That knowledge within a 72-hour frame will give us an opportunity to have at least one aspect of an assault reversed.

A 35-year-old man in Iowa raped a 15-year-old girl and her 69-year-old grandmother. He was infected with HIV. No access to know. They did not know it until after the fact, until somebody became positive.

In New Jersey, 3 boys gang raped a 10-year-old mentally retarded girl. The girl's family demanded that the boys be HIV tested. Three years after the girl was raped and the boys were convicted, the family was still fighting to learn the HIV status of the attackers.

I believe that our law is based on balance, balance of both sets of rights and the claim that we cannot know. As a matter of fact, let me just change direction. We would not even be having this discussion today if we handled HIV like the infectious disease that it should be. That fact, if we had proper partner notification, proper follow-up, proper exposure follow-up, this would not even be a question on the House floor, but because we did the politically correct thing at the wrong time and did not treat it like the disease it is, we now have 600,000 Americans that have died from it.

I think the question is, are we for the rapists or are we for the molesters? Are we for those people who take advantage of others in terms of life beyond the attempt to harm someone, or are we for the victims?

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So the real test of this vote this evening in the Chamber is people are going to line up. They are either going to be for rapists and molesters, or they are going to be for the victims. That is certainly somewhat of an oversimplification, but we would not be here if we did not have the same rationalization that the gentleman put forward before, that we cannot test people and hold that confidential.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, I appreciate the gentleman yielding.

Frankly, we would not be having the discussion if we had 24 hours notice in which to discuss the bill. I think it could have been worked out.

Mr. COBURN. Reclaiming my time, Mr. Speaker, the gentleman knows that I have nothing to do with that. That is not changing the fact that we are here to discuss the facts of this bill.

Mr. SCOTT. When I was in the State Senate of Virginia, we dealt with the issue and gave the defendant an opportunty to be heard so that we are not imposing this test on innocent individuals.

The gentleman mentioned that there is confidentiality within the medical situation of the results of the test. The fact of the matter is that in the bill, the information is divulged not just to medical personnel but to the victim, the defendant, the attorneys for the victim, the atorneys for the defendant, the prosecuting attorneys, and the judge presiding at the trial.

The SPEAKER pro tempore (Mr. PEASE). The time of the gentleman from Oklahoma (Mr. COBURN) has expired.

Mr. SCOTT. Mr. Speaker. I yield myself such time as I may consume.

Mr. Speaker, the information is also given to the judge presiding at the trial, and it provides that if the results are positive, such facts may, as relevant, be considered in the judicial proceedings conducted with respect to the alleged crime, by means that it virtually has to become public information in the public trial.

Mr. COBURN. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Oklahoma.

Mr. COBURN. Right. And today we do the exact same thing on syphilis.

Let me put forward to the gentleman that, number one, do we serve society's greater good if in fact we limit the spread of the disease; number two, do we serve the victim's greater good; and, number three, if in fact all those individuals that the gentleman mentioned are professional, they can be held in conduct claims against their own professionalism if in fact they divulge it.

The final point I would make in terms of the gentleman's argument is that it should be exposed. If somebody, in law, has violated somebody else and has given them a disease, one of the things we do when one is convicted of a felony is they lose certain rights.

Mr. SCOTT. Reclaiming my time, Mr. Speaker, there has been no opportunity for the defendant to express himself or show conclusive evidence he is innocent of the underlying charge. The fact that they may have AIDS becomes public during the trial, before they have had an opportunity to be heard.

The reason we are discussing this is the fact that before this information is spread all over the world, before they can say, "It was not me, I was 100 miles away, and can prove it," it is all over the world. We would not be having this discussion if we could work this out so we could have meaningful confidentiality, some meaningful opportunity to be heard. There would not have been this discussion. It was less than one business day, no opportunity to be heard, no opportunity to comment.

I will continue to read.

Mr. COBURN. Mr. Speaker, I would just ask the gentleman to think, if one of his family members——

Mr. SCOTT. Reclaiming my time, when I was a member of the State Senate, I worked on legislation just like this to give the victim the ability as soon as practicable to get the information. This does not have that.

The gentleman is talking about an innocent person who is having their private affairs exposed to the world. What good does that do?

Mr. COBURN. If the gentleman will yield, they are not exposed to the world, they are only exposed to the world if in fact it comes to trial. What is exposed today is those people who are plea bargaining to get out of the rape charge by granting testing for HIV.

Mr. SCOTT. Does the gentleman acknowledge that somebody could be factually innocent and could prove it by conclusive evidence, but does the gentleman disagree or will he acknowledge that that would become public?

Mr. COBURN. No, I will not acknowledge.

Mr. SCOTT. I ask the gentleman, how do they keep it private if the victim gets information, the defendant gets information, the attorneys for the victim, the attorneys for the defendant, the prosecuting attorneys, the judge, and the information can get used in a public trial? Then how does the gentleman keep that information private until the person can say, "I was 100 miles away from the alleged incident, it was not me, and I can prove it?"

Mr. COBURN. If the gentleman will continue to yield, is the gentleman saying that people are not held accountable for confidentiality otherwise?

Mr. SCOTT. If the gentleman reads the bill, it requires the information to become public.

Mr. COBURN. I do not know Virginia, but other States, if you have the information of public health knowledge that is considered confidential, then there is no right to distribute that information.

Mr. SCOTT. If the gentleman would read the bill, it is not in there.

Mr. COBURN. I have read the bill.

Mr. SCOTT. This is the bill. The bill requires the disclosure of information.

Mr. COBURN. At what time?

Mr. SCOTT. During the trial, before the defendant ever has an opportunity to respond.

Mr. COBURN. Right.

Mr. SCOTT. To show that he was not there, he was not within 100 miles, and the fact that he has AIDS becomes a matter of public information.

Mr. COBURN. If the gentleman will continue to yield, the gentleman's contention is that for those people today presently infected by HIV, it is more important to maintain their confidentiality than to treat and keep somebody else from getting HIV? That is what the gentleman just said. That is exactly how we have handled this epidemic. That is what is wrong with it.

Mr. SCOTT. If the gentleman would think back to what I had said, if the person is innocent of the charge and can prove it, then I see no compelling interest to expose the fact that they have AIDS. If they are in fact guilty, then the fact that they might have an opportunity to be heard would not slow things down one iota.

Mr. Speaker, basically if the other side had offered us 24 hours, even, to discuss the bill, I think it could have been done in the same form that Virginia did it, that gives an expedited opportunity to be heard and a right to be tested so everyone's rights are protected.

This provides no such rights. If someone has AIDS and wants to keep that information private, they have essentially, under this bill, no opportunity to do it because that information would be part of a public trial. Then, after the fact that they have AIDS has been made public, then they get to present their evidence showing that they were 300 miles away and could not have possibly been the one who is accused of the crime.

Mr. Speaker, this requires testing even though there is no risk of becoming infected. There is no confidentiality of the information. It is spread to a minimum of six, possibly dozens of others, even possibly more. It says attorneys for the victim, attorneys for the defendant, and that could be an entire law firm. There is no telling how many people would get the information. None of them are physicians.

This bill should have gone through committee. I am sure we could have worked out legislation, just like we did in Virginia when I was in the State Senate, we worked out legislation like this. We could have done it with the Violence Against Women Act, where the law presently deals with this issue.

But no, 6 weeks before the election here we come, vote it up or down. We do not have to consider any of this, we do not have to be able to review it, we do not have to be able to amend it or give people the opportunity to be heard, we just have to be able to vote it up or down.

That is not the way we ought to be legislating. This bill is unfair and unreasonable. It could have been fixed with some minor amendments, but we do not have the opportunity because it is right before an election and we have to take it up or down, take it or leave it.

Mr. Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of the time to the gentleman from Florida (Mr. WELDON), the sponsor of the legislation.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

Of course, I have the utmost respect for my colleague, the gentleman from Virginia, and his experience on this issue in the Virginia legislature. I will point out that it did occur prior to the development of a stronger body of knowledge on how to prevent HIV infection.

The article that I cited that this legislation is based on was published in 1997 prior to the Virginia statute being implemented, and the authors of this article appropriately point out that for HIV prophylaxis to occur, it needs to be initiated within 72 hours.

I also would point out that many States currently already comply with the provisions in this law, including my home State of Florida, and there have not been problems with release of information to the public.

I would also like to point out that any inappropriate distribution of information on HIV testing that was to be given by any legal professionals, then those people would be subject to the standard disciplinary actions that currently are in place.

Therefore, I feel that this is clearly a case of balancing the greater good. I believe the greater good is to protect the right of victims in this case because of the potential to save life. I urge all my colleagues on both sides of the aisle to support this legislation.

Mr. WAXMAN. Mr. Speaker, I rise to express my concerns over H.R. 3088, the Victims of Rape Health Protection Act of 2000. While I fully sympathize with the intent of this legislation, I am afraid that it lacks important safeguards with would allow for the full protection of victims' rights. I have no doubt that the absence of these crucial details can be attributed to the bill's hasty discharge from the committee of jurisdiction, and the complete absence of any deliberation by the Committee on Judiciary.

It is important that we understand current law as it applies to the rights of victims of sexual assault. According to the National Victim Center, 44 states have laws for the mandatory testing of sexual offenders. Of these states, 16 require mandatory testing before conviction, 33 require testing after conviction, and six require testing both before and after testing.

Under Federal law, HIV testing of convicted sexual offenders is a mandatory condition of States' receipt of certain prison grants. Under the Crime Control Act of 1994, Congress allowed victims of sexual assault to obtain a court order requiring the defendant to submit to testing.

Under current law, such an order may be obtained provided that probable cause has been determined, the victim seeks testing of the defendant after appropriate counseling, and the court determines both that test would provide information necessary to the victim's health and that the defendant's alleged conduct created a risk of transmission.

In contrast, this bill requires that States enact mandatory HIV testing laws where the alleged crime "placed the victim at risk of becoming infected with HIV" or if "the victim requests that the defendant be so tested."

For a bill that purports to protect the rights of victims of sexual offenses, I am troubled by its lack of important and fundamental considerations.

First, under this bill, it is possible that testing of the defendant would occur and the results of that testing be widely distributed—despite the express wishes of the victim. In other words, in cases of sexual assault with a resulting risk of HIV infection, this bill seeks to have States enact laws to compel testing—even if the victim did not request such testing.

This is not just a theoretical possibility. Victims may justly be concerned about the disclosure of test results. Despite our best efforts, there remains a stigma associated with HIV/AIDS. According to a recent Department of Justice report, New Directions from the Field: Victims' Rights and Services for the 21st Century, "Advocates still report problems with insurance companies that, upon learning of the victim's HIV test or results, raise health insurance premiums or cancel the victim's policy altogether." This is clearly unconscionable, yet could easily result from this bill.

Second, we should be concerned with the converse situation, where only the victim's request will trigger testing of the defendant. Under this bill, testing must occur if a victim desires it, even in situations where one cannot reasonably believe the test is needed. I strongly support retaining the standard under current Federal law of having the court determine whether the test provides information necessary to the victim's health and whether the defendant's conduct may have created a risk of transmission.

Third, this bill fails to truly account for the interests of the victim. There is no provision of counseling, referrals or services for the victim. If we are going to expend scarce resources on timely testing of the defendant, we must ensure that their victims have complete access to counseling, testing and to health services—services which should include immediate, aggressive treatment. Nor is there any question that victims of sexual offenses should be entitled to testing for other very serious sexually—transmitted diseases, not just HIV/AIDS.

As the Department of Justice's report states, "Although testing the offender may be important to the victim, it should be emphasized that testing the offender does not replace focusing on the victim's medical and emotional needs." Indeed, many states require counseling for victims prior or in conjunction with the mandatory testing, as does current Federal law. But that would not be the case under this bill.

Finally, in another counterproductive departure from current law, the bill needlessly requires distribution of HIV test results—which are highly sensitive health information—to a large number of parties, some of whom in some situations may not require or even desire the information. Again, in contrast, states like Wisconsin have been sensitive to these legitimate victim's concerns, specifying that test results shall not become part of a person's permanent medical records.

I am troubled by these obvious deficiencies of H.R. 3088, and regret that neither the Committee on Judiciary nor the Members of this House were afforded an opportunity to correct them.

Mr. STARK. Mr. Speaker, I rise today to oppose H.R. 3088, the Victims of Rape Health Protection Act.

This bill places the wrong emphasis in dealing with the very important crime of rape by violating law-biding citizen's constitutional privacy rights and due process rights.

This bill inappropriately focuses on the defendant rather than helping the victim of rape. If the Congress really wants to aid the health of a rape victim, then this bill should include referrals or direct assistance for health services to rape victims. These health services should include making available the rapid testing for HIV and other sexually-transmitted diseases in order to allow the rape victim to take advantage of an aggressive treatment regimen that needs to begin within 48–72 hours after infection.

This legislation illegally encourages the violation of the due process rights of people who may well be innocent law-biding citizens. The bill threatens states with the partial loss of their drug control grants if they do not test individuals accused of rape for HIV. These individuals have not been convicted of a crime therefore it is not right to subject them to a mandatory health test. This action is a violation of these individuals' due process rights that are afforded to them during a search and seizure.

This bill violates the privacy of United States citizens. The law requires states to provide health information of individuals' accused—not convicted—of rape to court officials and to the prosecutor. This information is private medical documentation that this law encourages States to make public. The release of this information to the public could adversely affect innocent law biding individuals who are found not guilty. With the public misconceptions and lack of understanding surrounding the HIV virus, these individuals could experience job discrimination and social exclusion if these records become public.

Moreover, this legislation unfairly targets individuals with HIV and gives the implication that having HIV as being a crime rather than a medical condition. It is time that this Congress began treating diseases such as HIV as a medical condition and not a crime.

It is disgraceful that the majority has decided to put such a controversial bill on the suspension calendar. This bill has not had a hearing or a mark-up in committee and it only has eleven Republican cosponsors. This is another example of the Majority trying to score election year points rather than passing thoughtful legislation that improves the health and respects the rights of all United States citizens.

Mrs. FOWLER. Mr. Speaker, today I rise in support of H.R. 3088. I believe that we in Congress must do everything possible to insure the emotional, mental and physical health of the victims of violent crime.

In recent years Congress has worked very hard to elevate the status of the victim in the criminal court process—by recognizing the need for victims' rights and writing those rights into law.

Now we have the opportunity to expand upon doing the right thing for the victims of violent crime. HIV testing of those charged with violent crimes is a step in the right direction. The second step—making it legal to tell the victims the medical test results—is essential for their emotional, mental and physical health. And, of course, timeliness of testing and notification of the victim is of the essence.

We will never be able to undo the harm that has been done to the victim, but we can take steps to control its long-term effects. I urge my colleagues on both sides of the aisle to take a stand on victims' rights. Vote yes on H.R. 3088.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 3088.

The question was taken.

Mr. WELDON of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 4 o'clock and 56 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4049, by the yeas and nays;

H.R. 4147, by the yeas and nays; and

H.R. 3088, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

PRIVACY COMMISSION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4049, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 4049, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 146, not voting 37, as follows:

[Roll No. 503]

YEAS—250

Aderholt
Allen
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Collins
Combest
Cooksey
Costello
Cramer
Crane
Crowley
Cunningham
Davis (FL)
Davis (VA)
DeFazio
DeGette
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Ewing
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilman
Gonzalez
Goode
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kildee
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Ose
Oxley
Packard
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps

Pitts
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stabenow
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—146

Abercrombie
Ackerman
Baca
Baldwin
Barr
Barton
Becerra
Berman
Bonior
Borski
Boucher
Brady (PA)
Brown (OH)
Bryant
Burr
Capuano
Cardin
Clayton
Clyburn
Coburn
Condit
Conyers
Cox
Coyne
Cubin
Cummings
Danner
Davis (IL)
Deal
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Doyle
Ehrlich
Engel
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gillmor
Goodlatte
Green (TX)
Gutierrez
Hall (OH)
Hefley
Hilliard
Hinchey
Hinojosa
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kucinich
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Murtha
Nadler
Napolitano
Norwood
Oberstar
Obey
Olver
Ortiz
Pallone
Payne
Pelosi
Pickering
Pickett
Pombo
Pomeroy
Rahall
Rangel
Reyes
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Schakowsky
Scott
Sherman
Shows
Skelton
Slaughter
Snyder
Stark
Stenholm
Strickland
Stupak
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (NM)
Upton
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wynn

NOT VOTING—37

Andrews
Baldacci
Blagojevich
Brown (FL)
Campbell
Carson
Clay
Cook
Eshoo
Everett
Fletcher
Franks (NJ)
Gilchrest
Goodling
Hastings (FL)
Hilleary
Hoeffel
Houghton
Jefferson
King (NY)
Klink
Lazio
Martinez
McCollum
McIntosh
Neal
Owens
Paul
Portman
Riley
Serrano
Spence
Taylor (MS)
Towns
Vento
Wise
Woolsey

□ 1826

Messrs. JACKSON of Illinois, VISCLOSKY, BRYANT, PICKERING, POMBO, NORWOOD, BURR of North Carolina, GOODLATTE, EHRLICH, ROHRABACHER, BERMAN, BECERRA, and Ms. SANCHEZ and Ms. DANNER changed their vote from "yea" to "nay."

Mr. KLECZKA and Mrs. CAPPS changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaTourette). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

STOP MATERIAL UNSUITABLE FOR TEENS ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4147.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. Canady) that the House suspend the rules and pass the bill, H.R. 4147, on which the yeas and nays were ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 2, not voting 34, as follows:

[Roll No. 504]

YEAS—397

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)

Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Scott
Watt (NC)

NOT VOTING—34

Blagojevich
Brown (FL)
Campbell
Carson
Clay
Cook
Eshoo
Everett
Fletcher
Frank (MA)
Franks (NJ)
Gilchrest
Goodling
Hastings (FL)
Hilleary
Houghton
Hutchinson
Jefferson
King (NY)
Klink
Lazio
Martinez
McCollum
McIntosh
Neal
Owens
Paul
Portman
Riley
Spence
Towns
Vento
Wise
Woolsey

☐ 1836

Mrs. JONES of Ohio and Mr. JACKSON of Illinois changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VICTIMS OF RAPE HEALTH PROTECTION ACT

The SPEAKER pro tempore (Mr. LATOURETTE). The pending business is the question of suspending the rules and passing the bill, H.R. 3088.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 3088, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 19, not voting 34, as follows:

[Roll No. 505]

YEAS—380

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Capuano
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Lee
Lewis (GA)
McDermott
Miller, George
Nadler
Payne
Pelosi
Roybal-Allard
Sanders
Sanford
Scott
Stark
Waters
Watt (NC)
Waxman

NOT VOTING—34

Blagojevich
Bliley
Brown (FL)
Campbell
Carson
Clay
Conyers
Cook
Eshoo
Everett
Fletcher
Franks (NJ)
Gilchrest
Goodling
Hastings (FL)
Hilleary
Houghton
King (NY)
Klink
Lazio
Martinez
McCollum
McIntosh
Neal
Owens
Paul
Portman
Riley
Spence
Towns
Vento
Wexler
Wise
Woolsey

☐ 1845

Ms. PELOSI changed her vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FLETCHER. Mr. Speaker, due to my wife's illness and emergency surgery, I was not present for rollcoll votes No. 503, No. 504, and No. 505. Had I been present, I would have voted as follows: H.R. 4049—Privacy Commission Act—"yea"; H.R. 4147—Stop Material Unsuitable for Teens Act—"yea"; and H.R. 3088—Victims of Rape Health Protection Act—"yea".

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4578, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–924) on the resolution (H. Res. 603) waiving points of order against the conference report to accompany the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 110, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–925) on the resolution (H. Res. 604) providing for consideration of the joint resolution (H.J. Res. 110) making further continuing appropriations for the fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONGRATULATING THE REPUBLIC OF HUNGARY ON THE MILLENNIUM OF ITS FOUNDATION AS A STATE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 400) congratulating the Republic of Hungary on the millennium of its foundation as a state, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from New York?

Mr. LANTOS. Mr. Speaker, reserving the right to object, and I will not object, I would like to commend the authors of this resolution as well as all of my colleagues who, along with me, are cosponsors of this legislation. I think it is appropriate to pay tribute to a country 1,000 years old which at long last has decided to join the community of democratic and freedom loving nations.

It was my great pleasure to accompany our Secretary of State and the foreign ministers of Hungary, the Czech Republic and Poland to Independence, Missouri for the signing of the document that has made Hungary a part of NATO. I earnestly hope that Hungary, before long, will be able to join the European Union.

As we celebrate this momentous occasion, it is important, however, to hoist a flag of caution. Democracy in Hungary is functioning, but certainly not without its imperfections. There are still periodic outbursts of ethnic and racial harassment which the government needs to do more to put an end to. There are periodic attempts to destroy and desecrate Jewish cemeteries.

At soccer games, hooligans of the far right are engaging in racial and religious intimidation. There are indications that the television medium is not as objective and open as it needs to be in a free and democratic society.

So while I join my fellow sponsors of this legislation and congratulate Hungary for having put an end to its fascist and communist past and having joined the family of democratic and freedom loving nations, I call on all Hungarians to meticulously observe the rules of political democracy and pluralism without which a promising future certainly will not be there for the 10 million people who deserve a good future. I want to congratulate my colleagues.

Mr. GILMAN. Mr. Speaker, will the gentleman yield.

Mr. LANTOS. I am happy to yield to the distinguished gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, I support the adoption of House Concurrent Resolution 400. It is interesting to note, as this resolution does, that this year marks not just the 1,000th anniversary of the crowning of Hungarian King Stephen, Saint Stephen, by Pope Sylvester II, but also the tenth anniversary of Hungary's first postcommunist, free and democratic elections.

Just as King Stephen anchored Hungary in Europe and the Western civilization, the leadership of post-communist Hungary has begun to anchor Hungary in Pan-European and trans-Atlantic institutions once again through that country's admission into the NATO alliance and its application to enter the European Union.

While congratulating Hungary on the 1,000th anniversary of the foundation of the Kingdom of Hungary, this resolution makes it clear that we in the United States commend Hungary's efforts to rejoin the Pan-European and trans-Atlantic community of democratic states and its efforts to move beyond the dark days of communist dictatorship to create a lasting, peaceful and prosperous democracy.

Mr. Speaker, I urge my colleagues to join in supporting the adoption of this important resolution.

Mr. LANTOS. Mr. Speaker, under my reservation, I am delighted to yield to the distinguished gentleman from New Jersey (Mr. PALLONE), one of the principal authors of this resolution.

Mr. PALLONE. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding to me, and I appreciate all his support in bringing this resolution to the floor.

Mr. Speaker, several months ago, I introduced this bipartisan resolution congratulating the Republic of Hungary on the millennium of its founding as a nation, and I am pleased that this bipartisan resolution has reached the House floor. The bill currently has more than 30 cosponsors from both parties, and of course the House Committee on International Relations has approved it.

As a Member of Congress representing one of the largest Hungarian-American constituencies in this country, I am particularly proud to have introduced this measure with the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from California (Mr. LANTOS) and others and to have it reach the floor. I hope it will be signed into law shortly.

More than 20,000 people of Hungarian descent reside in my congressional district in New Jersey with New Brunswick being a major center of Hungarian-American cultural life.

Located in the very heart of Europe, Hungary has been at the center of most of the epic historical events that have swept through the continent. Throughout the last thousand years, and particularly during the turbulent 20th century, Hungary has undergone wars, invasions and foreign occupations. Nevertheless, the Hungarian people have maintained their strong sense of nationhood and have preserved their unique language and culture. While the roots of the Hungarian nation lie in the East, in the last 1,000 years Hungary has been firmly attached to the West, an attachment that 45 years of Soviet domination could not break.

Today, Hungary is a crucial part of the Western alliance. Indeed, in 1990, Hungary became the first of the captive nations of the Warsaw Pact to hold free and fair elections. Now, as the gentleman from California (Mr. LANTOS) mentioned, it has become a member of NATO, too.

The celebration of 1,000 years of nationhood intends to look back at Hungary's past, remembering Hungarian intellectual and cultural values that enriched European culture in the past centuries, while also looking towards the future. Thus, during this year when Hungary and its people mark 1,000 years of its history, they also celebrate a decade of democracy.

Lastly, while paying tribute to our friend and ally in Central Europe, we should also honor the hundreds of thousands of Americans of Hungarian descent who have contributed their talents and hard work to this nation.

If I could just mention to my colleagues, many of the Hungarian-Americans in my district came here after the uprising in the mid-1950s, and of course their descendents are still there and contributing to our culture and our economy in central New Jersey.

But I assure my colleagues that, for those people who left after the 1956 uprising, there was nothing that they enjoyed more than seeing Hungary become a democracy and a part of NATO and to be able to increase every year their alliance with the West and to our democratic values.

Mr. LANTOS. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for his eloquent and appropriate comments.

Mr. Speaker, under my reservation, I am delighted to yield to the distinguished gentleman from Oklahoma (Mr. ISTOOK), one of the principle authors of this legislation.

Mr. ISTOOK. Mr. Speaker, I thank the gentleman from California for yielding to me. I thank the gentleman from New York (Mr. GILMAN) for bringing this legislation up.

Mr. Speaker, as a principle sponsor, I think it is good that we talk about what it means for a nation, for Hungary, to celebrate 1,000 years as a Nation. Many of us recall when the United States of America celebrated its bicentennial in 1976. That was for 200 years. We have not yet made it quite to 225 or 250 or 500, much less 1,000 years that Hungary is celebrating.

When one looks at the history when they came into the Carpathian Basin and they decided that they wanted to establish permanency, and they wanted to be a key part of Europe, and they had the crowning of Saint Stephen as the first king of Hungary, and founded the state that has endured despite the Nazi occupations, the Soviet occupations. We, who have visited Hungary both before and after the Iron Curtain came down, see the marvelous resiliency of a people who could not be suppressed, who retained everything that they could, that made an example before the world in 1956 as the first nation to try to throw off the yoke of Communist oppression and domination.

The Freedom Fighters of Hungary earned a special place in the hearts of the American people. I am proud of the fact that Hungary was the first country under communist domination to break out by holding free elections. As the gentleman from New Jersey (Mr. PALLONE) mentioned, in 1990, when Hungary did that, that really started the collapse of the Iron Curtain.

Now this is especially important to me, not just because I visited this beautiful land, but this is the land from which my grandparents came to the United States of America. My father's parents were immigrants from Hungary. My grandfather came here just before the first world war. He became an American citizen. Just after that war, he went back and married my grandmother. James and Rozalia Istook became U.S. citizens.

If one has a chance to see the difference, Hungarians as well as so many people from throughout the land gathered to the United States of America and made this the melting pot. Because of that, we feel special kinship and ties to those who remained as well as those who came having had a chance to visit with family that we still have in Hungary before, and to rejoice with them in knowing that they have opportunities because they would not give up. They would not surrender their hearts and their minds and their souls to the communist yoke.

☐ 1900

In fact, when we were visiting in Hungary before the fall of the Iron Curtain, it was fascinating to us that because of the 1956 revolution and the resistance that they constantly had to the Soviet regime, they were allowed certain economic opportunities and freedoms that other nations in the Communist block did not have, and we found that people there often referred to Hungary as the "Little USA." This was what they were saying among themselves, because they had that same yearning for freedom and for opportunity, economic as well as political.

There is a great sharing between our Nation and Hungary, and to know that Hungary has set an example of endurance of a thousand years, I think, is a great challenge for the United States of America. I would love to see the day when the parliament in Hungary is passing a resolution commending the United States of America on 1,000 years as a nation. Anyone who has never had a chance to visit Hungary and Budapest, this is one of the most beautiful spots in the entire world there on the Danube River where the Hungarian parliament is located. So as well as commemorating Hungary, we urge Americans to visit this great land.

Mr. Speaker, I thank the gentleman from California (Mr. LANTOS); and of course, for him, it is not just a matter of his ancestors but himself who was born there, and he sets the example, as I mentioned, of being part of the melting pot: E Pluribus Unum, out of many nations has come one, the United States. And we want to remember this special land of Hungary and congratulate them on their millennium.

Mr. LANTOS. Mr. Speaker, reclaiming my time, I want to thank my colleague and friend for his most eloquent remarks.

Mr. Speaker, in conclusion, may I just say that as one of Hungarian heritage, who is immensely proud of his heritage, it is important for us to realize that this small nation of 10 million people has been a leader globally in science, in music, in art, in sports, in almost every field of human endeavor. In the Sidney Olympics just concluded, again the Hungarian Olympic team acquitted itself with remarkable success. There is a tremendous list of Nobel laureates from Hungary, testifying to the scientific and educational and academic achievements of this small country.

I strongly urge all of my colleagues to support this resolution and, more importantly, to work along with those of us who have special interests in Hungary to continue building ties of business and culture and academic exchange and good fellowship with the people of Hungary.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I just want to thank the gentleman from California (Mr. LANTOS), the gentleman from Oklahoma (Mr. ISTOOK), and the gentleman from New Jersey (Mr. PALLONE) for their work on this measure and for their supporting statements. This is an important resolution, and I just want to urge my colleagues to fully support the measure.

Mr. LANTOS. Reclaiming my time, Mr. Speaker, I thank the distinguished chairman of the committee for his words.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. DICKEY). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 400

Whereas the ancestors of the Hungarian nation, 7 tribes excelling in horsemanship and handicrafts, settled in the Carpathian basin around the end of the 9th century;

Whereas during the next century this tribal association had accommodated itself to a permanently settled status;

Whereas the ruler of the nation at the end of the first millennium, Prince Stephen, realized with great foresight that the survival of his nation depends on its adapting itself to its surroundings by becoming a Christian kingdom and linking its future to Western civilization;

Whereas in 1000 A.D. Stephen, later canonized as Saint Stephen, adopted the Christian faith and was crowned with a crown which he requested from Pope Sylvester II of Rome;

Whereas, by those acts, Saint Stephen, King of Hungary, established his domain as 1 of the 7 Christian kingdoms of Europe of the time and anchored his nation in Western civilization forever;

Whereas during the past 1,000 years, in spite of residing on the traditional crossroads of invaders from the East and the West, the Hungarian nation showed great vitality in preserving its unique identity, language, culture, and traditions;

Whereas in his written legacy, Saint Stephen called for tolerance and hospitality toward settlers migrating to the land from other cultures;

Whereas through the ensuing centuries other tribes and ethnic and religious groups moved to Hungary and gained acceptance into the nation, enriching its heritage;

Whereas since the 16th century a vibrant Protestant community has contributed to the vitality and diversity of the Hungarian nation;

Whereas, particularly after their emancipation in the second half of the 19th century, Hungarians of the Jewish faith have made an enormous contribution to the economic, cultural, artistic, and scientific life of the Hungarian nation, contributing more than half of the nation's Nobel Prize winners;

Whereas the United States has benefitted immensely from the hard work, dedication, scientific knowledge, and cultural gifts of hundreds of thousands of immigrants from Hungary; and

Whereas in this year Hungary also celebrates the 10th anniversary of its first post-communist free and democratic elections, the first such elections within the former Warsaw Pact: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the Republic of Hungary, and Hungarians everywhere, on the one thousandth anniversary of the founding of the Kingdom of Hungary by Saint Stephen; and

(2) commends the Republic of Hungary for the great determination, skill, and sense of purpose it demonstrated in its recent transition to a democratic state dedicated to upholding universal rights and liberties, a free

market economy, and integration into European and transatlantic institutions.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 400, the matter just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PASS THE VIOLENCE AGAINST WOMEN ACT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, over 900,000 women suffer violence each year at the hands of an intimate partner. We need the Violence Against Women Act to be reauthorized. It has provided over $1.6 billion in Federal grants to prosecutors, to law enforcement officials, and to victim assistance programs; yet it was allowed to expire this past weekend.

Last week, this body passed it overwhelmingly. There is deep support in the Senate, with over 70 co-sponsors. Yet the Senate is holding this important piece of legislation up. Meanwhile, women fleeing domestic violence and children who live in violent situations wait and wait and wait.

I urge the other body to pass this bill immediately. Women and children around this Nation are counting on us. We should have passed it in the other body last week. We should not have allowed it to expire.

VITAL LEGISLATION NEEDS ADDRESSING BEFORE CONGRESS ADJOURNS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to offer my support for moving along the Violence Against Women Act. I believe that we have more than an important responsibility to deal with this legislation. As Chair of the Congressional Children's Caucus, I can tell my colleagues of the terrible and horrific results that come from a child that has experienced violence in the home.

In addition, Mr. Speaker, I think it is vital that we spend these last waning hours to address the question of a patients' bill of rights to address the question of a guaranteed Medicare drug prescription benefit for seniors. Having come from my district, I know what people are crying out for.

I also believe, Mr. Speaker, that as we have seen three recent votes on the floor of the House this evening, it is imperative when we look at serious issues dealing with privacy and violence against women that we have hearings and the opportunity to deliberate and add amendments to the bill so we can put forward to the American people important and vital and serious and valuable legislation.

Mr. Speaker, I think that the American people are not expecting us to be the "do-nothing" Congress. They, frankly, want us to do our jobs.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WIND FOR ELECTRICITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I represent San Diego, California, which is undergoing a tremendous crisis in terms of the price that we pay for electricity. In the last 3 months, prices have doubled and tripled. And while we have a short-term cap on those prices, we are looking to Congress to bring down the wholesale price of electricity and bring down the rates to consumers and small businesses.

Tonight, I want to speak about the long-range issue of energy and how that affects San Diego and the rest of our Nation. We all know that oil, natural gas, and home heating fuel prices are at a 10-year high. American consumers are facing record increases in domestic energy costs. This past summer households have been hit by soaring electricity rates in California, and motorists have faced astronomical gasoline price hikes. Now, in the coming winter months, high energy prices will affect households throughout the country.

The economic consequences are all too evident to individual consumers both at home and overseas. In Europe we see gasoline shortages, panic buying, and massive protests over rising prices. Furthermore, the impact does not stop with the individual consumer; the whole Nation bears the consequences. A surge in the price of energy can derail the economic expansion that we have worked so hard to achieve and maintain.

I think we know that energy supplies and prices are indeed cyclical. We have been lulled into inaction by the long downside half of that cycle. Oil and gas have been in adequate supply and the moderate energy prices have made us forget the upside of that cycle. The energy crises of the 1970s and 1980s are forgotten history. Consequently, we have failed to implement policies to increase our energy supplies and to promote stable prices. We have steadily grown more dependent on conventional and imported energy. Congress has done very little to protect the Nation from the inevitable upswing in that cycle.

In particular, we have failed to support the development of alternative energy resources. In terms of domestic resource potential, wind energy is the most overlooked fuel source in this Nation. This resource is available in almost every State and can be utilized for electric generation more quickly than any other energy resource. Although California has been a leader, other States, such as Wyoming, Wisconsin, Vermont, Texas, Pennsylvania, Oregon, New York, Minnesota and Iowa, are beginning to utilize their wind energy resources. The use of wind power for electric generation is slowly growing.

Compared with the tax incentives for conventional nuclear energy, Federal tax support for renewable energy resources, such as wind, is relatively small. Aside from accelerated depreciation, which is shared by other fast-evolving technologies, wind facilities now qualify only for a temporary Federal production tax credit. This credit helps provide a price floor, but if the price of wind-generated electricity rises above a certain benchmark, the tax credit phases out and this credit took effect in 1994.

It was originally decided to sunset this credit in June of 1999. But several years after the credit was enacted, Congress considered repealing it when energy prices were at an all-time low. Fortunately, Congress retained the credit and later extended it until 2002. Despite waivering congressional policy, the credit has promoted use of domestic wind energy resources and has promoted technological development.

An uncertain credit and a temporary extension, however, does not support long-term planning, development and construction of electric generation projects. The experience with another credit program proves my point. Between 1986 and 1992, when the section 48 solar and geothermal credit was finally made permanent, Congress extended this credit in 1-, 2-, and 3-year increments. Sizable projects could not be undertaken because of the short eligibility period; and small short-term projects that were attempted had to be rushed to completion at great cost to meet the qualification deadline. For both policy and practical reasons, the wind production credit should be made permanent, like the credit for solar and geothermal resources.

Our long-time reliance on conventional fuels has created a mindset which ignores alternatives. Mr. Speaker, the resulting institutional practices resist the use of nonconventional energy resources. Power management, transmission, and pricing practices need to adjust to the requirement of utilizing a new alternative resource. With the threat of another energy crisis looming in the future, Congress needs to reassess and redirect our national energy programs.

To spur that analysis and redirection, I have introduced today the Wind for Electricity Act to specifically promote the development of wind energy resources in this Nation. I know that San Diego is looking to this Congress for short-term relief from the high prices of electricity and to long-term alternative energy resources. I hope we all act soon.

RESPONSE TO PREVIOUS SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I have had the pleasure of serving in this body for 14 years. And during the 14 years, one of the things that I have learned about our colleagues is that we all have a feeling of high regard for each other. If someone is going to say something about another Member, the protocol usually has been that the Member be told about it in advance.

This past Thursday that did not happen, as the gentleman from California (Mr. WAXMAN) got up after everyone left Washington, late Thursday, and did a special order for 1 hour; a tirade mentioning a number of Members of Congress. Now, I will not do to him what he did to our colleagues. He only mentioned me briefly, but I told the gentleman from California (Mr. WAXMAN) this morning that I would come here personally and respond to the things he said regarding me.

The gentleman from California (Mr. WAXMAN) said that we were too harsh in criticizing the administration for the possibility of having the administration transfer technology to China in return for campaign dollars. He went on to make two specific charges: number one, that the Cox Committee, which I served on, in fact totally exonerated the administration on those allegations; and, number two, that the Justice Department said there was no reason to believe there was any need to further investigate the transfer of campaign dollars for technology to China.

Well, let us look at the facts, Mr. Speaker. The fact is that this gentleman, the largest single contributor in the history of American politics, Mr. Bernard Schwartz, from 1995 to 2000, contributed personally $2,255,000 to Democratic national candidates, DNC, the Democratic Senatorial Committee and the Democratic Congressional Committee.

□ 1915

The allegation was in 1998 when he contributed $655,000 to those candidates that there was a potential quid pro quo because Bernard Schwartz had been lobbying for a permit waiver to transfer satellite technology to China.

Now, the Justice Department has said on the record they opposed that the President intervene to a make a waiver decision, but the President went ahead on his own.

Now, in fact, our Cox committee did not even look at this issue. In fact, if the gentleman from California (Mr. WAXMAN) would have bothered to read the Cox committee report, in the appendix under the scope of the investigation it says, we did not even consider the political contribution aspect of this because other committees were looking at it and because we could not get people to testify because they pled the fifth amendment or they left the country.

But let us look at what the Justice Department said. Here is what the Justice Department said in the LaBella memo, which I would encourage our colleague, the gentleman from California (Mr. WAXMAN), and every citizen in America to request from their Member of Congress:

"It is not a leap to conclude that having been the beneficiary of Schwartz's generosity in connection with the media campaign, the administration would do anything to help Bernie Schwartz and Loral if the need arose."

This was written not by a Republican. This was written by Charles LaBella, Justice Department special investigator to Louis Freeh, which went to Janet Reno.

They further said this, Mr. Speaker: "As suggested throughout this memo, there are many as yet unanswered questions. However, the information suggests these questions are more than sufficient to commence a criminal investigation."

Who would that criminal investigation have been against? It would have been against four people: Bill Clinton, Hillary Clinton, Al Gore, and Harold Ickes, who is Hillary's campaign manager in New York. It would have been against the Loral Corporation and Bernard Schwartz.

So here we have it, Mr. Speaker. The two allegations made by the gentleman from California (Mr. WAXMAN) are totally false. He owes an apology to the American people. Because, number one, the Cox Committee never looked at these facts. And he should know that unless he cannot read very well. It is right here in the text. Number two, he claims the Justice Department dismissed these allegations out of hand.

Well, I trust the American people. I would urge all of our colleagues to have this report available to every constituent across America, the LaBella memo. It is 94 pages. It is redacted, but they can read for themselves and they can see what this Justice Department, what FBI Director Louis Freeh, what handpicked Janet Reno Investigator Charles LaBella said about the need for a criminal investigation.

They name the four people in this document, and the four people are those four I mentioned along with Bernard Schwartz and the possibility of a quid pro quo for the $655,000 and all this money being transferred.

In fact, Mr. Speaker, when I get more time, I will go through the specific findings in the LaBella memo where they raised the issue of the request coming in to the President and specifically on February 18, 1998, the President signed the waiver after the Justice Department advised him not to sign it.

On January 21 of that same year, Schwartz donated $30,000 to the DNC. On March 2 he donated $25,000. All through that year, he donated $655,000 dollars. And that is why Louis Freeh and that is why Charles LaBella said there needs to be a further investigation for criminal activities involving the transfer of campaign dollars to the Democratic party, to the President and the Vice President and the First Lady and Harold Ickes based on the technology transfer to China, especially through the waiver that Bernie Schwartz got even though the Justice Department advised the President not to grant that waiver.

Mr. Speaker, the gentleman from California (Mr. WAXMAN) owes this Congress an apology.

Mr. Speaker, I include for the RECORD the following documents that I just referenced:

H. Res. 463 also authorized the Select Committee to investigate PRC attempts to influence technology transfers through campaign contributions or other illegal means. In light of the fact that two other committees of the Congress have been engaged in the same inquiry and had begun their efforts long before the Select Committee's formation, the Select Committee did not undertake a duplicative review of these same issues. The Select Committee did, however, contact key witnesses who could have provided new evidence concerning such issues.

The Select Committee's efforts to obtain testimony from these witnesses were unsuccessful, however, because the witnesses either declined to testify on Fifth Amendment grounds or were outside the United States. Because the Select Committee was unable to pursue questions of illegal campaign contributions anew, no significance should be attributed, one way or the other, to the fact that the Select Committee has not made any findings on this subject. The same is true with respect to other topics as to which time constraints or other obstacles precluded systematic inquiry.

Much of the information gathered by the Select Committee is extremely sensitive, highly classified, or proprietary in nature. In addition, the Select Committee granted immunity to, and took immunized testimony from, several key witnesses. Pursuant to an agreement reached with the Justice Department, this testimony must be protected from broad dissemination in order to avoid undermining any potential criminal proceedings by the Justice Department.

There are two documents which could form a basis upon which to predicate a federal criminal investigation. The first is a February 13, 1998, letter from Thomas Ross, Vice President of Government Relations for Loral, to Samuel Berger, Assistant to the President for National Security Affairs. It could be argued from this letter that Schwartz intended to advocate for a quick decision on the waiver issue by the President. In the letter, annexed as Tab 47, Ross wrote: "Bernard Schwartz had intended to raise this issue (the waiver) with you (Berger) at the Blair dinner, but missed you in the crowd. In any event, we would greatly appreciate your help in getting a prompt decision for us."

In the letter Ross also outlined for Berger how a delay in granting the waiver may result in a loss of the contract and, if the decision is not forthcoming in the next day or so, Loral stood to "lose substantial amounts of money with each passing day." The President signed the waiver on February 18, 1998. On January 21, 1998, Schwartz had donated $30,000 to the DNC; on March 2, 1998, he donated an additional $25,000.

The second document is a memo from Ickes to the President dated September 20, 1994, in which Ickes wrote:

> "In order to raise an additional $3,000,000 to permit the Democratic National Committee ("DNC") to produce and air generic tv/radio spots as soon as Congress adjourns (which may be as early as 7 October), I request that you telephone Vernon Jordan, Senator Rockefeller and Bernard Schwartz either today or tomorrow. You should ask them if they will call ten to twelve CEO/business people who are very supportive of the Administration and who have had very good relationships with the Administration to have breakfast with you, as well as with Messrs. Jordan, Rockefeller and Schwartz, very late this week or very early next week.
>
> "The purpose of the breakfast would be for you to express your appreciation for all they have done to support the Administration, to impress them with the need to raise $3,000,000 within the next two weeks for generic media for the DNC and to ask them if they, in turn, would undertake to raise that amount of money.
>
> * * * * *
>
> "There has been no preliminary discussion with Messrs. Jordan, Rockefeller or Schwartz as to whether they would agree to do this, although, I am sure Vernon would do it, and I have it on very good authority that Mr. Schwartz is prepared to do anything he can for the Administration." See Tab 12 (emphasis in original).

From this memo one could argue that Ickes and the President viewed Schwartz as someone who would do anything for the Administration—including raising millions of dollars in a short period of time to help the media campaign. We now know not only that the media campaign was managed by Ickes from the White House, but also that it played a critical role in the reelection effort. Consequently it is not a leap to conclude that having been the beneficiary of Schwartz' generosity in connection with the media campaign, the Administration would do anything it could to help Bernie Schwartz (and Loral) if the need arose.

If in fact there is anything to investigate involving the Loral "allegations," it is—as set out in the Task Force's draft investigative plan—an investigation of the President. The President is the one who signed the waiver, the President is the one who has the relationship with Schwartz; and it was the President's media campaign that was the beneficiary of Schwartz' largess by virtue of his own substantial contributions and those which he was able to solicit. We do not yet know the extent of Schwartz solicitation efforts in connection with the media fund. However, if the matter is sufficiently serious to commence a criminal investigation, it is sufficiently serious to commence a preliminary inquiry under the ICA since it is the President who is at the center of the investigation.

For all these reasons, the Loral matter is something which, if it is to be investigated, should be handled pursuant to the provisions of the ICA.

CONCLUSION

We have been reviewing the facts and the evidence for the last ten months. During that time we have gained a familiarity with the cases, the documents and the characters sufficient to draw some solid conclusions. It seems that everyone has been waiting for that single document, witness, or event that will establish, with clarity, action by a covered person (or someone within the discretionary provision) that is violative of a federal law. Everyone can understand the implications of a smoking gun. However, these cases have not presented a single event, document or witness. Rather, there are bits of information (and evidence) which must be pieced together in order to put seemingly innocent actions in perspective. While this may take more work to accomplish, in our view it is no less compelling than the proverbial smoking gun in the end. As is evident from the items detailed above, when that is done, there is much information (and evidence) that is specific and from credible sources. Indeed, were this quantum of information amassed during a preliminary inquiry under the ICA, we would have to conclude that there are reasonable grounds to believe that further investigation is warranted. As suggested throughout this memo, there are many as yet unanswered questions. However, the information suggesting these questions is more than sufficient to commence a criminal investigation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DICKEY). Members are reminded not to make personal references toward the President or Vice President of the United States.

BREAST CANCER AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, this month is National Breast Cancer Awareness Month. This month is devoted to increasing the awareness of breast cancer and to promote a nationwide education effort for the love of life.

Breast cancer is a tragedy that we must fight to eliminate. A pink ribbon that I am wearing and many other individuals will be wearing this month means more than awareness. It stands for the love of your wife, your sister, your mother, your grandmother, your daughter, and your colleagues.

We must do everything to stop this disease. About 182,000 new cases of breast cancer will be diagnosed in the United States this year alone, not to mention how many currently have breast cancer now or how many have died because of breast cancer.

Breast cancer prevention and treatment is an issue fought in the State legislature. It is one that I fought and I carried the legislation for the breast cancer stamp, the license plate for treatment and prevention. We must raise the awareness that the best protection is early detection and action.

There are measures women and their doctors can take to catch this disease early, including clinical exam, self-examination, and mammograms. During this month, I encourage all Members to spread the message about the importance of prevention and treatment. I encourage the Members to speak to their friends, co-workers, their families, and their communities. Some of the locations that we can speak at are hospitals, mammography centers, the health centers, and breast cancer awareness presentations.

This week I spoke at Loma Linda on behalf of a nonprofit organization named the Candlelight Research for Children that received treatment for cancer. And just this last week alone I spoke at Fontana Kaiser Permanente where they actually had the pink ribbon highlighted at the hospital for many individuals to see.

Congress should continue to support legislation such as H.R. 4386, the Breast Cancer and Cervical Cancer Treatment Act. This bill, supported by a bipartisan majority of Congress, would provide the treatment to low-income women who currently receive screening under the Federal program.

We should also support legislation pending in Congress to extend the Federal breast cancer stamp which would fund breast cancer research. We must also fund Federal agency research efforts, such as the Department of Defense peer-reviewed breast cancer research program.

We must not stop. We must not quit. We must continue to fight. This is an important national priority. We need to encourage everyone to be aware of this issue and encourage them to pass information on to those that they love. It just might save their life or the life of someone they love.

To touch a life is to save a life.

AMERICA DEMANDS STRONG ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, recently Governor Bush proposed a comprehensive energy policy which I believe will go a long way towards increasing our Nation's energy self-sufficiency and strikes the proper balance between energy production and protecting the environment.

Last week, the Subcommittee on Energy and Power, on which I serve, held a hearing to examine the United States' energy concerns. Most of the hearing focused on the President's decision to release 30 million barrels of oil from the Strategic Petroleum Reserve to supposedly help Americans in the Northeast who may face a dwindling supply of home heating oil for the upcoming winter.

While no one would argue that we must ensure that Americans' heating needs are met, I seriously question the motivation and the reason for releasing this oil.

First, the key word here is "strategic." The reserve was created in the wake of the 1973 oil embargo, and Presidential authority to draw down the reserve is contingent only upon the finding of a severe energy supply disruption. In fact, the Energy Information Administration, in a letter to the chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY), in February, stated: "The SPR is intended for release only in the event of a major oil supply disruption, not for trying to manage the world market of nearly 74 million barrels per day."

Last month, Treasury Secretary Summers and the Federal Reserve Chairman Alan Greenspan sent a memo to the President opposing the release of oil from the reserve based in part "it would be seen as a radical departure from past practice and as an attempt to manipulate prices."

Furthermore, Vice President Gore himself opposed the release of oil from the SPR earlier this year but suddenly had a change of heart with both winter and the elections looming ahead.

Upon announcing the release of 30 million barrels from the SPR, the President also announced the release of $400 million of taxpayers' money in low-income home energy assistance program funding. However, these funds will have to be replaced by Congress, most likely through emergency supplemental appropriations, and the oil will have to be replaced, hopefully, when oil is at a lower price per barrel.

Mr. Speaker, this action is indicative of the administration's lack of leadership, I believe, on energy policy. This 30-million-barrel release amounts to only about a 36-hour supply. Instead of tackling our energy problems head-on with a coherent policy, the administration chooses to run in a circle throwing money at the problem or proposing politically expedient policies which fail to address the long-term solution.

Since the Clinton-Gore administration took office, America's oil consumption has increased by 14 percent, while domestic production has decreased by 18 percent. America is the world's only superpower, and we are 56 percent dependent on foreign countries for our main energy needs.

In contrast, during the crippling 1973 oil embargo, the United States was only 36 percent dependent on foreign oil. And to add insult to injury, Iraq has now become the fastest growing oil supplier to the United States.

Another fact that I found troubling is that the Strategic Petroleum Reserve is made up of predominantly foreign oil. For crude oil received up to 1995 for the SPR, only 8 percent came from domestic producers.

I find it ironic that we developed the SPR so as to never again be at the whim of foreign nations in terms of oil supply and yet we fill our reserve with foreign oil.

I would also like to point out that Americans also use a large amount of natural gas for home heating. However, I have heard of no cry from the Clinton-Gore administration to help these Americans.

The demand in price of natural gas is skyrocketing, while natural gas production has been virtually flat over the past few years, primarily because domestic exploration has been hindered by this administration's severe environmental policies.

At last week's hearings, witnesses testified that we do in fact have a type of natural gas reserve, but because of the lengthy permit process and access restrictions enforced by this administration, we are unable to adequately tap these reserves.

Mr. Speaker, our country's demand for both oil and natural gas will increase dramatically over the next 10 to 20 years. It is time for a real energy policy and not a Band-Aid policy.

RECOGNITION OF THE URBAN LEAGUE ON ITS 89TH BIRTHDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise this evening to give special recognition to a premier social service and civil rights organization that has fought the relentless fight for African Americans in the achievement of social and economic equality.

Historically, this organization has built bridges over the obstructions that impede the social freedom of citizens. Time and time again, this organization has been in the vanguard, providing guidance and instruction to millions.

As a principal shepherd, this organization has been a conduit that has negotiated on behalf of the voiceless and neglected. But most of all, this organization has contributed enormously towards inoculating the disease of institutionalized racism which continues to negatively impact many in America.

The organization of which I speak is the National Urban League as it prepares to celebrate its 89th birthday.

From the moment of its inception in 1911, the National Urban League has been in the forefront of promoting social change, promoting black conscientiousness and racial pride.

Furthermore, the National Urban League has been contributing to the transformation of American social, cultural, and political life.

□ 1930

The National Urban League consistently has been on the front line to gauge pressure, temper ills and provide solutions over adverse forces that permeate all sectors in our society.

During the Great Migration, the National Urban League created successful social action programs aimed towards improving employment opportunities for African Americans who migrated northward to escape the endless cycle of poverty that held their lives hostage. The National Urban League successfully helped these citizens by working through local affiliates to help them adjust to urban life. These affiliates taught citizens the basic skills necessary to secure employment. In addition, the National Urban League sponsored community centers, clinics, kindergartens, day care, summer camps, as well as a host of other programs tailored to meet the specific needs of black newcomers. In essence, these social programs provided a comprehensive social support system that enabled African Americans to thrive and compete in mainstream society. Thus, the National Urban League firmly established itself as a lead organization for reform in America.

Under Lester B. Granger's mentorship, the National Urban League reached unprecedented new levels during the Great Depression. By focusing its reform efforts on coercing the Federal Government to develop equitable policies dedicated towards inclusion for blacks, the National Urban League lobbied government to end discrimination and open its doors of opportunity. As a result of direct pressure, President Franklin Roosevelt issued an executive order ending discrimination in defense industries and Federal agencies.

While the face of America was transforming in the turbulent 1960s, the National Urban League stood strong and helped organize extensively to help African Americans take an active role in the political process. Under the direction of Whitney Young, Jr., the National Urban League launched vigorous voter registration drives. Mr. Young's vision of political empowerment for blacks did not end there. To complement efforts to increase blacks' access to the polling booth, the National Urban League sponsored leadership development and voter registration projects. As a result of these and other initiatives, African Americans as a unit began to wield their newly developed, fine-tuned political prowess far more effectively in the political process.

Today, the National Urban League continues to promote social, economic, and political empowerment. By using tools of advocacy, research, and program service as its main approach, the National Urban League has expanded its programs to help African Americans meet anticipated challenges in the new century.

Under the direction of Hugh Price, the National Urban League has worked to provide information and technical assistance to thousands of small businesses as they compete in the technological and global economy. In addition, the National Urban League is helping to tackle the sprouting problems that seize our Nation's failed schools. Mr. Price is committed to closing the digital divide that has a crippling effect on our Nation's youth.

Furthermore, the National Urban League continues to lead African Americans to new opportunities that will help them attain economic self-sufficiency and is helping to fight racial profiling and police brutality. Through its various programs, the National Urban League is helping to move America into a new era with vigor and vitality.

I could not mention the work of the Urban League without mentioning the tremendous work done by the Chicago Urban League under the leadership of its president and chief executive officer, James Compton, who is noted as one of Chicago's most outstanding leaders. Prior to the advent of Jim Compton, the Chicago League was led by William "Bill" Berry who was voted as one of the most effective leaders of his day. His wit, charm, and personality helped to move many situations.

IN OPPOSITION TO INTERIOR APPROPRIATIONS CONFERENCE REPORT

The SPEAKER pro tempore (Mr. DICKEY). Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I rise tonight to oppose the Interior appropriations bill that is likely to come upon us, at least in the form that we have been hearing about. It is pumping millions of dollars into the appropriations process but guts CARA, the Conservation and Reinvestment Act, that three-quarters of this House voted to support. CARA has a trust fund. When we talk about the Medicare and Social Security trust funds being restored, we also have an obligation to put the money into other trust funds before we engage in disbursing it into various appropriations accounts. We have a number of smaller trust funds but they are nonetheless trust funds where we take fees from people and tell them they are going to be used for an intended purpose and then divert it, here in the case of many people who hunt or fish or pay different fees and have had their fund diverted into the general budget.

Secondly, by gutting CARA, this will hurt our efforts to increase oil drilling and compensate for that oil drilling through additional environmental resources in the States where the drilling is done. This was a delicately crafted compromise. Alaska, California, and Louisiana are States that are going to be most directly affected by the oil drilling. I may not represent one of those States, but I represent a State right now where we desperately need more oil and gas so we can keep our energy prices down for home heating oil in the winter and for also the fact that in our district we make pickups, we make RVs, we make boats, we make lots of things that we sell to the rest of America that use gas. It is only fair if we drill for additional gas in these States and work out an agreement that funds for other environmentally-sensitive projects in those States are spent in those States.

Thirdly, CARA is one of the only ways that States like Indiana can get any Federal funds for wildlife and conservation efforts. We do not have national parks like in the West. In my district, Pokagon and Chain O'Lakes State Parks have received funds from this reservoir that in the past previously had been funded by this Congress but as of late has received minimal funding, Dallas Lake County Park in LaGrange County, and city parks in Decatur and Columbia City. CARA is one of the only ways that funds get equitably distributed around the country rather than just go to the appropriators' favorite projects or people where they already have big national parks.

The proposed Interior bill has many important projects in it, but it has the purpose and the practical impact of gutting CARA, a bill that three-quarters of us supported. So those who favor CARA, which is most of this body, would be wise to vote against this bill for environmental reasons; but as I pointed out last Thursday on this floor, those who have moral concerns should also vote against this bill.

First off, while they have not directly funded these programs, NEA in the last few years, National Endowment for the Arts, has funded in-your-face theater programs like, for example, the Woolly Mammoth Theatre. The Woolly Mammoth Theatre in its description of its purposes says it produces plays that are questioning of mainstream American values, such as "My Queer Body," where a man describes what it is like on stage to have sex with another man, then climbs naked into the lap of a spectator and attempts to arouse himself sexually in full view of the audience. They received a grant this year, by the way, Woolly Mammoth, yet another grant.

Or how about blaspheming Jesus Christ? We did not fund "Corpus Christi," but we fund the Manhattan Theatre prior to this being done. We funded it with two grants this year, where Jesus Christ is portrayed as having a homosexual relationship with the apostle Peter and all the apostles. We complain about Hollywood, then what are we doing funding these theaters?

Thirdly, there is "The Pope and the Witch," written by an Italian Communist against the Catholic Church there where the Pope, and it is performed by the Theatre for the New City which once again received a grant this year in spite of doing this offensive play where the Pope goes to the Vatican Square, there are 100,000 children, he decides it is a plot by the condo manufacturers to embarrass the Catholic Church. Fortunately, a little nun, or actually not a nun, it is a witch disguised as a nun, comes up and injects heroin into the Pope's veins. The Pope then gets addicted to drugs, to heroin. Then he sees the enlightenment, to enlighten the world by going around preaching free condom distribution, free heroin needles for drug addicts and free legalization of drugs throughout the world.

Is this what we want to do with taxpayer dollars, to fund theaters that perform this? By the way, there is another interesting little play in this book called "The First Miracle of the Boy Jesus," a mockery of Christ from the very beginning.

I think it is time that this Congress stop pointing the finger everywhere else, and instead we have to clean up the funding that we are doing here. We asked for a simple compromise with the Senate and with the President that says no obscenity or blasphemy will be funded; that there will be a small reduction in the direct NEA funding and we would put the additional funds, up to $9 million, $7 million and if we take $2 million additional out of NEA, $9 million into a special fund for rural areas where we have not had this.

I understand they can get around that, but it is like a Good Housekeeping seal. If the National Endowment for the Arts says a theater that does "The Pope and the Witch" is deserving of government funding, it is a Good Housekeeping seal from the Federal Government. It is time we stop that, stop criticizing Hollywood and clean up our own house first.

ARMENIAN GENOCIDE RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, tomorrow in the House Committee on International Relations a very important debate will take place. The members of that committee will determine if this House of Representatives is able to vote on a resolution that would finally pay tribute to the victims of one of history's worst crimes against humanity, the Armenian Genocide of 1915 through 1923.

The Armenian Genocide was the systematic extermination of 1.5 million Armenian men, women, and children during the final years of the Ottoman Turkish Empire. This was the first genocide of the 20th century, but sadly not the last.

Yet, Mr. Speaker, I regret to say that the United States still does not officially recognize the Armenian Genocide. Bowing to strong pressure from Turkey, the U.S. State Department has for more than 15 years shied away from referring to the tragic events of 1915 to 1923 by using the word "genocide." President Clinton and his recent predecessors have annually issued proclamations on the anniversary of the Genocide, expressing sorrow for the massacres and solidarity with the victims and survivors, but always stopping short of using the word "genocide," thus minimizing and not accurately conveying what really happened beginning 83 years ago.

In an effort to address this shameful lapse in our own Nation's record as a champion of human rights, a bipartisan coalition of Members of Congress has been working to enact legislation affirming the U.S. record on the Armenian Genocide. I want to applaud the work of the gentleman from California (Mr. RADANOVICH) and the gentleman from Michigan (Mr. BONIOR), our Democratic whip, for their strong leadership in creating this legislation.

Many countries, as well as States and provinces and local governments, have adopted resolutions or taken other steps to officially recognize the Armenian Genocide. From Europe to Australia, to many States in the United States, elected governments are going on record on the side of the truth. Regrettably, the Republic of Turkey and their various agents of influence in this country and in other countries have fought tooth and nail to block these efforts.

Mr. Speaker, it is nothing short of a crime against memory and human decency that the Republic of Turkey denies that the genocide ever took place and has even mounted an aggressive effort to try and present an alternative and false version of history, using its extensive financial and lobbying resources in this country.

Mr. Speaker, there is a lot of sympathy and moral support for Armenia in the Congress, in this administration, among State legislators around the country, and among the American people in general. But we should not kid ourselves. We are up against very strong forces, in the State Department and the Pentagon, those who believe we must continue to appease Turkey, and among U.S. and international business interests whose concerns with exploiting the oil resources off Azerbaijan in the Caspian Sea far outweigh their concerns for the people of Armenia.

It is my hope, Mr. Speaker, that the Committee on International Relations tomorrow will quickly approve this resolution and finally bring it to the floor in this House in the coming weeks so that we can finally recognize this horrible crime.

GUAM'S ENVIRONMENTAL PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I rise today to express some concerns about environmental conditions on Guam as a result of problems with PCBs and as a result of some recently discovered mustard gas vials left over from the military. I am very concerned about the safety of my constituents in light of these recent discoveries of chemical weapons testing kits containing measurable amounts of mustard gas and other toxic chemicals on Guam. Given the public health dangers associated with exposure to these substances, I have requested the Department of Defense to perform a historical record survey to determine the final disposition of chemical weaponry that was brought to Guam. This survey should be comprehensive and include identifying former military dump sites as well as other potential disposal sites used by the military.

Guam has been a significant area for U.S. military activity for more than 50 years. First used as a major staging area during World War II, the military presence in Guam increased correspondingly with the Korean and Vietnam Wars.

□ 1945

Its full value as an area to forward deploy American military forces continues to be strong, even in today's post-Cold War era. At the time, Guam was home to a fully operational Naval Base, Naval Air Station, Naval Communications, Submarine Base, Air Force Strategic Air Command and Naval Weapons Depot, and today still has the largest weapons storage area in the entire Pacific.

But over these many years it has become clear that it was military activities during World War II that posed the greatest threat to the people of Guam. During World War II, Guam was used as a staging area for the invasion of the Philippines, Iwo Jima, Okinawa, and eventually, as contemplated, the invasion of the Japanese homeland.

Over time, several instances of mustard gas have been discovered; and a few months ago, officials from the University of Guam presented documents to military officials that a huge shipment of mustard gas was brought to Guam in 1945. But there has been no documentation of these weapons leaving the island.

In a September 5, 2000, Pacific Daily News article, a spokesman for the Army Corps of Engineers surmised that the shipment had been likely dumped at sea. It is illogical, because the shipment was brought to Guam. How could it be taken off and dumped at sea? He went on to say that lacking evidence of a definitive area that should be searched, the Army Corps could not conduct a comprehensive search. "Otherwise, it is almost like a needle in a haystack."

However, just last week, additional chemical weapon cannisters were found with a pile of unexploded ordnance at Anderson Air Force Base, and these cannisters resemble the testing kits that had been earlier found in the central part of Guam, in Mongmong, an area that used to be a military base. With these two discoveries of toxic chemicals in less than 2 years, I believe that we have in fact found just the beginning of countless needles in the haystack.

I would have hoped that the first discovery of mustard gas would have spurred the Department of Defense to engage in this exhaustive survey, historical survey, of what chemical weapons and what general ordnance was stored on Guam left over from World War II.

In addition, this is combined with another issue concerning the environmental condition of Guam, and that is the inability to take PCBs out of Guam. Guam and other territories are outside the customs zone, and as laws regarding the disposal of PCBs, PCBs can be brought to Guam from the U.S. mainland, but they cannot be brought back into the U.S. mainland for proper disposal. I remain in strong conversation with EPA officials and have received a strong commitment to resolve this problem administratively in the upcoming months.

However, in a neighboring island to the north, Saipan, there were recently discovered PCB materials, but the EPA has already issued an administrative order releasing those PCB items to be moved back into the U.S. mainland. I think it is a situation that cries out for solution and fair and balanced treatment for all the territories.

It is important to understand that the Toxic Substances Control Act prohibits Guam from importing PCBs inside the U.S. customs zone, even though the PCBs originated inside the U.S. customs zone. The U.S. Court of Appeals Ninth Circuit's 1997 ruling of Sierra Club v. EPA overturned an attempt by EPA to solve this problem administratively, which would have dealt with PCBs in a more rational manner.

Parenthetically, PCBs that are on military bases are easily moved back into the U.S. This disparate treatment between military bases and the civilian community of Guam, composed of U.S. citizens, just like everywhere else, is simply intolerable and must be resolved by EPA.

In general, we have a very difficult situation with PCBs and their disposal in Guam. We have this issue with chemical toxic weapons. I certainly call upon the Army Corps of Engineers and the Department of Defense to conduct an exhaustive search. We first called for this exhaustive search in July of 1999. We continue to press the issue, and certainly I hope that the Department of Defense will see fit to finally review all of the weapons which have been brought into Guam and through which two or three generations of people from Guam have been raised in the shadow of these weapons.

THE VETERANS ORAL HISTORY PROJECT

The SPEAKER pro tempore (Mr. DICKEY). Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, earlier this year, in April, as a matter of fact, this Congress declared the American GI the Person of the Century. I believe it was entirely proper and fitting that we did so. But I also believe it is appropriate that those men and women whose contributions were recognized as the single-most significant force affecting the course of the 20th century have an opportunity to share their unique experience so that future generations might better understand the sacrifices made for the cause of democracy. Now, we have the technology to do so, Mr. Speaker.

That is why I, along with my friend, the gentleman from New York (Mr. HOUGHTON), introduced a couple of weeks ago H.R. 5212, the Veterans Oral History Project. What the bill would do is direct the Library of Congress to establish a national archives for the collection and preservation of videotaped oral histories of our veterans, as well as the copying of letters that they wrote during their time in service, diaries that they may have kept, so there is a national repository of this very important part of our Nation's history.

We also believe that time is of the essence with this oral history project, given that we have roughly 19 million veterans still with us in this country today, 6 million of whom fought during the Second World War, roughly 3,500 still exist from the First World War, but we are losing approximately 1,500 of those veterans a day. With them go their memories. That is why we feel this project and this legislation has a sense of urgency attached to it.

Abraham Lincoln during his Gettysburg Address I think underestimated his oratorical skills when he stated, "The world will little note nor long remember what we say here, but we must never forget what they did here."

That is exactly the concept behind this oral history project. It will require the cooperation of people across the country, not only the veterans to come forward to offer their videotaped stories, but also their family members to do the videotaping, or friends or neighbors, with VFW and American Legion halls across the country participating in it.

I envision class projects centering on students going out and interviewing these veterans and preserving those videotapes for local history purposes, but to send a copy to the Library of Congress so that the library can digitize it, index it, and make it available, not only for today's historians and generation, but for future generations.

I envision students, young people in the 22nd, even the 23rd century, being able to pop up on the Internet the videotaped testimonies of their great-great-great-great-grandfather or grandmother and learn firsthand from their grandparents' own words what it was like to serve during the Second World War, Korea, Vietnam or the Gulf War. What an incredibly powerful learning opportunity that will be for future generations.

Every year I organize, on Veterans' Day, kind of a class field trip. I bring student groups into the VFW and American Legion halls, and I connect them to the veterans in our local communities and the veterans share their stories of the Second World War, Korea, Vietnam, for instance, and the students are silent with attention, absorbing every last syllable that these veterans enunciate during that time.

It is an incredible event that goes on, not only the veterans sharing of the stories, many of them for the very first time since they served their country, but for the students to learn on this firsthand account what it was like with the sacrifice and the courage that our men and women in uniform provided our country at the time of need.

That is what is behind this Veterans Oral History Project. Last year we had some veterans that went into the American Legion Post 52 back in La Crosse that remind me of the purpose of this legislation. Ed Wojahn, a veteran of the Second World War; Jim Millin, also a veteran of the Second World War; Ralph Busler, who served three different tours of duty in Vietnam, all of whom came out and spoke to these student groups at the American Legion in La Crosse, Wisconsin, in my congressional district.

I can recall as if it happened yesterday, Ed Wojahn telling his story and breaking down as he recounted visiting last summer in Belgium the grave site of a World War II comrade in arms who fell during the opening days of the Battle of the Bulge.

Mr. Wojahn is 77 years old, and he told the students he was a 22-year-old Army combat engineer when he was captured by German forces in Belgium on his birthday, on December 18, 1944. His unit was without food, without ammunition, and was surrounded by German soldiers for 2 days before his captain finally surrendered. He stated, "There was no way to go. You went forward, you went backwards, sideways, there were Germans everywhere." It was an incredible story that he told along with the other veterans on that day.

Mr. Speaker, that is why I ask my colleagues, 250 of whom are original cosponsors, to move this legislation forward as quickly as possible since time is of the essence.

THE FUTURE OF RURAL AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 60 minutes as the designee of the majority leader.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I and a group here rise tonight to talk about rural America, the heartland of this country. The last few years we have had the most fantastic economic boom in this country in our history, but the question many ask is why has so much of rural America been left behind. Why has rural America struggled for its economic life when suburban America is flourishing and enjoying unparalleled prosperity?

We believe that a lack of leadership is very much a part of that. Rural America has not fared well under the Clinton-Gore policies. We are also very concerned that rural America will not fare well under a Gore administration.

Agriculture, at a time when this country has expanded its ability to grow products, wonderful products, better, better yields, better quality, our farmers are fighting for their economic life. World markets have not been opened because of inappropriate public policies.

Mr. Speaker, public land, America owns a third of our land; and when we have Federal public policy changes, it impacts rural America, not urban-suburban America. It impacts rural America, because that is the land we own. We are a country rich in natural resources, and many people claim that our strength and our great past was because we had those natural resources.

Have we had appropriate policies for energy, for mining that allowed us to enjoy the fruit of what was here? Many think not.

Defense, the number one issue in the Federal Government, would it be strong under a Gore administration? Rural education, as we have the debate now going on education, how has rural America fared? Most rural districts receive 1 percent to 2 percent of their money from the Federal Government when the Federal Government's claiming that they are funding 7 percent.

The complicated urban-type formulas are stacked against rural America in many people's opinions. Rural health care fighting for its economic life, rural hospitals fighting to stay open. Rural America sometimes gets paid half as much under the current policies and formulas devised by HCFA that has been managed by the Gore-Clinton administration.

Timber, good forestry, a country rich in soft woods in the West and hard woods in the East, we are now importing, I am told, about half of our soft woods. Because of policies similar to oil we are now importing 60 percent from foreign countries.

Endangered Species Act needing to be changed, positively, to save endangered species; but it has been used by radical groups to push their will on the American citizens and supported by the Gore-Clinton administration.

Regulatory process, something Americans do not think enough about, because, in my view, an overzealous bureaucracy that regulates you, they are regulating instead of legislating. When we legislate, we debate. We debate the facts. We make decisions. We cast votes, but when the regulators have too much power, and I think everyone agrees that the Clinton-Gore administration has been far too zealous in their regulatory powers. The courts have been turning over many of their regulations.

So as we go through these issues and a few others tonight, the first person I want to call on is my good friend, the gentleman from Oklahoma (Mr. WATKINS), of the third district who is interested in agriculture in Oklahoman agriculture and energy, and how it affects Oklahoma and how it affects rural America.

Mr. WATKINS. First, let me thank my colleague from Pennsylvania (Mr. PETERSON) for his concern and for his time tonight for us to talk about some of this inappropriateness and lack of action by this Gore-Clinton administration.

Mr. Speaker, I would like first for my colleagues to know that I stand tonight not for political reasons, but because of an emotional concern, a lifelong emotional concern about small towns and rural areas of this country, yes, our farms and our agriculture interests also throughout this Nation.

Let me share with my colleagues, I loved agriculture to the point in small town rural America, but even to the point that I majored in agriculture when I went off to college, I got a couple of degrees in agriculture, so I stand with this emotional concern not just political concern.

Back when I served as State president of the Oklahoma Future Farmers of America, I would stand and I shared 16 percent of our people were in production of agriculture in the United States. 4 years later, when I received the Outstanding Agriculture Student Award at Oklahoma State University, I stood up and said there is only 12½ percent of us in the production of agriculture in the United States.

Tonight as I stand before my colleagues, I say there is only 1.5 percent of people in the production of agriculture; that is the erosion that has taken place in rural America. There is no other way I can paint the picture any better.

Not too long ago, earlier this year, I was invited to speak on agriculture before the Farm Credit Association in Oklahoma. They wanted to know the title of my speech. I usually do not have a title, but I said if you need to have a title, you can state it is "American Agriculture changing from the PTO to the WTO."

Now, PTO stands for the power takeoff on the tractors which allowed us to get bigger farms and bigger units and allowed us to produce the food and fiber for this country. We can produce. Our big problem is being able to sell and now we have the World Trade Organization that we must be able to market through, 135 countries around this world; and we cannot forfeit those markets.

Let me share with my colleagues something on an inappropriate activity that took place in the Uruguay Rounds back in 1993 under this administration's United States trade representative. At the Uruguay Rounds, they basically had resolved all of the various disagreements in trade, and it came down to agriculture and they could not agree on settling their difference in agriculture. They established a peace clause. Now that sounds good, a peace clause. However, what did it do?

Actually, the peace clause of the Uruguay Rounds, the GATT talks, established and grandfathered in over $7 billion of subsidies for the European Union. We only have about $100 million, and there is a lot of differences in $100 million and $7 billion of subsidies which allows the European Union to grab our markets, preventing us from being able to sell around the world in many cases. I can go on and on and talk about agriculture, but I had to make that point.

But I stand with a sadness tonight, because I see what is happening is just pure politics concerning the energy industry. The Vice President attacks the fossil fuel industry; but I would like to point out to the American people and to my colleagues, he has no alternatives, he has no other options, except to attack, that would endanger us even more.

One of our colleagues earlier from Florida stated the fact that we now import about 56 percent of our energy from oil from foreign sources compared to that or less than 40 percent back there in the oil barrel embargo. We are becoming more dependent.

Let me say, I submit to my colleagues, I submit to the American people that today we are more dependent than we ever have been at a time when we think we are independent. We are more dependent on a viable source of oil supply for this country, and the fact remains under the 8 years of the Gore-Clinton administration, they have not developed a national energy policy for the protection of this country.

We have not moved forward to try to make sure we secure the energy and develop the energy for this Nation, the fossil fuel, as well as the renewable energy. We still have today more fossil fuel reserves in the ground than we have mined or drilled and taken from the ground. It is a matter of us having a policy that will allow us to move forward.

So the people of this Nation need to know our national security is at stake. Yes, we have a volatile energy policy it appears, to say the least, when it goes from $20 down to $8 which not only disturbed the energy patch. It literally took nearly 100,000 of employees out of the rural areas of this country that were producing the energy for our Nation.

It is hurting the consumers. I have suggested that we reached out in a bipartisan way and we come together and we develop a national energy policy that would stabilize fuel prices in an amount we can all work with and live with and let us produce the Nation's needed energy. To do no less is making us subject to blackmail. We have seen this go overseas to OPEC and get on bended knee and beg, that is un-American.

Let me say it hurts not only the consumers in the urban centers of this country, but devastates rural America.

I hope and I pray that we will move forward, and I hope and pray that we do quickly because the future of our children and our grandchildren are at stake and the future of our country is at stake.

I say to the gentleman from Pennsylvania (Mr. PETERSON), I think the gentleman is lifting an issue of rural America and the lack of support, the lack of effort being made in the energy and agriculture and other areas that our people of this Nation need to know that under 8 years of the Gore-Clinton administration they have done nothing, zilch, zero in trying to move us towards some kind of independence in the field of energy.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. WATKINS).

I am not minimizing the importance of agriculture, because it is vital, what do we do in rural America. We farm. We mine. We drill for oil. We cut timber. We manufacture, all under attack, in my view, through the regulatory process of this administration. And it is where rural jobs come from, and it is why urban areas are becoming crowded and rural America is becoming more sparsely populated, because the jobs have been forced out of rural America.

We have become as a country dependent on the rest of the world instead of strong and independent because of our own natural resources.

Mr. Speaker, next I will yield to the gentleman from Nevada (Mr. GIBBONS), who is going to talk about mining and the interest he feels passionately about.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. PETERSON), my colleague and good friend, for inviting me to join him in this dialogue this evening and on a very important issue about the future of rural America and its importance to this great country.

As the gentleman has just said, our rural economies and our rural areas are so valuable to the natural resources of this Nation. Mining, of course, like the gentleman before us from Oklahoma (Mr. WATKINS), who spoke about the oil industry and the fact that we are becoming so dependent upon industries outside of the borders of this country for our economy and for our well-being and for the quality of life that we have. Mining also fits into that very same category.

Mining is endangered at this very point, because of the policies of this administration and as well as I can imagine under any type of administration from a Gore administration would be as well.

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How are they doing that? They are taking the control of the public lands upon which most mining occurs. They are regulating through the administration these businesses out of business. Secondly, they are taking away the utility of our natural resources and our ability to produce them and keep the economy of this great country going.

In doing so, what their ultimate choice is is to endanger both the economy and the national security of this great Nation.

Let us look at how they control vast areas of this country. As the gentleman has said, approximately 800,000 square miles of the United States, the western part of the United States, a size equal to most of the leading industrialized world combined, including Japan, Germany, Great Britain, France, and Italy, plus Ireland, and Denmark, Switzerland, the Netherlands, Belgium, as well as a few Luxumbourgs thrown in for good measure, 815,000 square miles of public land is regulated by the administration.

Upon those lands are where we gain much of our natural resources, including mining. Mining is indeed part of our everyday lives, and as we know, most individuals, every man, woman, and child in this great country consumes about 44,000 pounds of mined materials in one form or another every year. That is 44,000 pounds of mined materials, whether it is coal, fuel, the electricity plant that generates the energy for our daily living, or whether it is metal mined for a vehicle to drive us to and from work, that we use in our jobs, or even the jewelry that we wear is part of our everyday life.

And especially when we start thinking about medical apparati, medical technology, the mining industry has indeed provided us with the quality of health care that we have today that is indeed pushing out new frontiers and keeping America alive, making our own lives longer, and giving us a better quality of life due to mining.

Well, with that 815,000 square miles, and this administration seemingly hell-bent on acquiring more land and using administrative procedures to push the public off the public land to push mining companies off of land and force them overseas, we are growing into a new dependence, for all the strategic minerals and metals that we need for our armed forces and for everyday living, on countries where they can go mine and have the opportunity to do so. Therefore, like oil, we are soon to become dependent for these metals and materials.

We are left with two very critical choices. Mr. Speaker, we are left with a choice of whether we develop our own resources and keep our children, our sons and daughters, home, or do we go ahead and allow for mining activity to move overseas at the insistence of the Gore administration, and following up by sending our sons and our daughters over there to defend the national security when those vital critical elements to our economy are cut off at some point? So we have those very delicate balancing choices we need to make.

I am really concerned about what this administration is doing through the United Nations as well. I heard recently that many of the leaders of the United Nations have tried to enlist 25 specified international agreements to establish a legal framework of international governance, a body of binding rules that would also affect how we operate in this country and make it even more difficult for mining to succeed.

Such conventions and protocols are the primary interest of environmental programs which have been on a campaign to make new world environmental organizations the deciding factor in what we do at home.

Let me say just one quick analogy here. If resources were the measure of a country's wealth, the United States would not be the number one economy in the world, Russia would be. Russia has more oil, gas, more timber, more mined minerals than any other Nation. But because Russia could not develop those natural resources, because Russia had to depend upon outside sources, Russia is not the number one economy in this world, the United States is, because the United States learned long ago how to develop its own natural resources, whether it is timber, whether it is mining, whether it is farming and agriculture, developing the land and making those resources work for us.

I am interested in what these candidates stand for and how an administration is going to critically hurt our rural America. I looked at the vice president's book, Earth in the Balance. The vice president himself argued that some new arm of the U.N. should be empowered to act on environmental concerns in the fashion of a Security Council, and in other matters. There should be global constraints and legally valid penalties for noncompliance.

Well, most mining companies today have a very strong, very hard dependent environmental quality that they use in their operations every day around this world. I will be the first to admit that there are some historically bad practices out there in the past that have given mining a bad image, but today's practice is environmentally sound. We have most mining companies, they are shareholder-owned, citizen-owned. They have a responsibility to their shareholders, a fiduciary responsibility, and they are going to keep our country and our resources in this world I think used with the highest priority and safety, environmental safety, that we have.

Let me also say that the administration under Vice President Gore has proposed a new tax on the mining industry, a tax that amounts to a royalty on mined minerals that would amount to about $200 million a year over a 10-year period. That is a $2 billion new tax. At a time when our government is flush with surplus tax revenues, they want a $2 billion tax increase.

Do Members know what they plan to do with that money? I think they plan to acquire more public land, kicking the public off.

Nevada is one of those States where I think it has the highest percentage of land in its borders that is managed and owned by the Federal government, at about 89 percent. That leaves us with about 11 percent for our real estate tax base developed property. It takes away a lot of the area that mines could go and work with private individuals.

So buying up more land only excludes the public from this land. It excludes our mining industries, again forcing them overseas, so buying up that land is not in the best interests of rural America. It puts people out of jobs. It puts communities on the brink of disaster and failure and financial bankruptcy. All of this makes those rural communities become more and more dependent upon urban communities for their support. I am sure America does not want that.

I am also worried that the next president must understand mining, and our president must make great strides in becoming a responsible steward of the land. He must understand that mining is a responsible steward of the land. I would hope that he understands that mining is as important to our urban communities as mining is to our rural communities, not just for the jobs but for the direct result of what they produce and put out for consumption to the American public.

We need an administration that will invite all interested parties to the table. When it comes to establishing public policy, this administration has not. It has relied solely on extremist environmental groups to make those decisions. They have dictated mining out of existence.

It is not my nature to stand here and join with my colleague and be so political, but I believe this election is going to be particularly important to America. It is going to be particularly important to rural America. It is going to be pivotal to the future of this country. It will be pivotal to determining the future of mining.

Because there is an old saying: Mining works for Nevada, but if it works for the rest of the Nation as well, then it is a good product. It is a good organization. It is a good industry to have.

There is one final saying that I want to leave my colleagues with here today about mining. That is, in mining, you have to remember that if it isn't grown, it has to be mined.

I want to thank my colleague, the gentleman from Pennsylvania, for allowing me to stand here and give a little bit of introduction on the value of mining. I just want everybody to remember the 44,000 pounds we each consume every year of mined minerals. It is critical to the future of this country and to the quality of life each and every one of us have.

I thank the gentleman for allowing me to be here.

Mr. PETERSON of Pennsylvania. If we are not mining it from our own lands, we will be buying it from some foreign country.

Mr. GIBBONS. If the gentleman will continue to yield, as the gentleman says, our oil right now, we are 60 percent dependent upon international deliveries of oil. When we reach the point where mining is overseas and our metals and strategic metals are now produced overseas, we will then become dependent upon those countries, as well, and we will end up making the choice, do we send our sons and daughters over there to defend the vital national interests of those strategic minerals to the United States?

Mr. PETERSON of Pennsylvania. I thank the gentleman. Most of us tonight that will be speaking have large rural districts, some of the West but some from the East. I have the largest district east of the Mississippi in Pennsylvania, but our next speaker, Mr. SHERWOOD, who joined us in 1998, 2 short years ago, comes from a district almost as large as mine, a gentleman who was a very successful businessman and had not served in government per se except for the school board, local government; I should not say except for local government. That is the most important government we have, local government.

He served very well there, has been a very successful businessman, and has transitioned into a very successful Congressman. He brings so much knowledge and experience of the community with him.

Mr. Speaker, I yield to my friend, the gentleman from the eastern part of Pennsylvania (Mr. SHERWOOD), who will share with us the perspective of his rural district.

Mr. SHERWOOD. Mr. Speaker, I thank the gentleman for yielding me.

Mr. Speaker, I ran for Congress because it had been my observation that in northeastern and north central Pennsylvania, we exported our milk and our stone and our timber and our manufactured goods, but we had also for a couple generations been exporting our children.

The reason we exported our children is they would grow up in these good families and get an education and go somewhere else to find a job, because we did not have enough good jobs at home. I have worked very hard to get more good jobs in northeastern Pennsylvania. We have been pretty successful at that. But the first rule if we want a good economy in our own districts is to protect the jobs we have.

What do we historically do in the country? When I was a young man growing up in Nicholson, we had three feed mills, or excuse me, five feed mills, two car dealerships, three creameries. If we go through that town today, there are not any of those.

Why did that happen? That happened because we lost our agricultural base. In the country, there are a few things we do for a living. We farm, we timber, we quarry stone. Those are all very important revenue producers and sources of employment and sources of good, stable family life in my district.

I am concerned that we have policies in this country that are making those industries less and less viable. I am concerned that we are looking at an election coming up right away for president where one of the candidates does not believe in any of those industries, does not really seem to believe in a rural way of life.

We talk about the environment and we talk about rural jobs and resource jobs as if they were exclusive. With a well-run country, they are not mutually exclusive. We can have a good economy and a pristine environment if we continue to manage it carefully.

In Pennsylvania, we have the sustainable forestry initiative. We have the Chesapeake Bay initiative. Both are programs that have taught our forest industry people when they can timber, when they can't timber, when they have to be worried about degrading the water supply. They have taught our farmers nutrient management, and that everything we do runs downhill and eventually ends up in the Chesapeake.

We have learned a lot in the last 20 years. We have learned a lot about how we are good stewards of our environment and the people that are downstream.

Yet, we have an EPA now that wants to make all farming operations point source polluters, all forestry operations point source polluters, when these two issues have been very capably dealt with by our Pennsylvania DCNR.

That would be an unprecedented power grab by the EPA that would federalize all these small business practices, all these landowners that are farming on their land or harvesting their timber. It would be an unnecessary escalation of the authority of the Federal government, and it would be very cumbersome, very hard to manage.

So that is why I am concerned, as some of my colleagues are concerned, about the direction the country might take when we have our election in November.

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We need a rural economy that stays strong. We need to protect those jobs, protect those families, protect the small towns that live off the forest products industry, the mining industry, and agriculture. We need sustainable agriculture. We do not need it all concentrated in just a couple areas of the country.

If one has small dairy farms dispersed around the country, that is a very environmentally friendly way to raise our milk and our food and our fiber. When one has huge concentrations of animals in one area, one gets problems like we saw in the Tar River and the floods of a year ago.

So we want policies that will keep our farmers operating in the Northeast. To do that, we have to have a good energy policy. And we have to understand what we have to work with, that we need to work on our domestic supply, and that we have to understand the industry.

I am not afraid of the internal combustion engine, and neither is rural America.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from the eastern part of Pennsylvania (Mr. SHERWOOD). Rural America does not go very far without it. We do not accomplish very much agriculture without it. So I thank the gentleman from the eastern part of the State.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. WELDON), another Pennsylvanian, to share with us something that he shared with me earlier tonight that a large number of our Armed Forces of our recruits come from rural America. He is going to talk about rural America's concern about our defense.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman for this special order on rural America. Let me talk briefly about two categories of our defense. The first is our domestic defense. Our domestic defense relies on the 32,000 organized departments that are in every rural town in America. In fact, as my colleague knows, Pennsylvania has 2,600 of these rural fire and EMS departments. They are in every small town in every county in this Nation, in Montana, in Idaho, in Alabama, in Arkansas, in Hawaii, in New York, California. They are there. And 1.2 million men and women, 32,000 departments, 85 percent of them are volunteers. In fact, they are the oldest volunteers in the history of the country, older than America itself.

Now, the important thing is, what has this administration done to these people who are serving America, who are responding to floods, tornadoes, earthquakes, hazmat incidents, and fires? Well, they have cut the only program for rural fire departments which has been authorized at about $20 million a year. This administration cut it last year to this year from $3.5 million to $2.5 million. What a disgrace. The President sneezes and spends more than $2.5 million a year. Yet, this administration has done nothing for rural fire departments.

Now, why should they? Well, these people lose 100 of their colleagues every year that are killed. Name me one other volunteer group from America where 100 of their members are killed in the line of duty. They have ordinary jobs, but they are killed protecting their towns and their communities.

But this administration, they claim they are for volunteers. We saw them develop the AmeriCorps program. Is that not amazing, a $500 million program supposedly designed to help create volunteers. But guess what, the volunteer fire service cannot apply because it is not politically correct to fight fires and respond to disasters. So here we have an administration that is so insensitive to our domestic defenders that they created a half-a-billion-dollar program, giving scholarships, incentives for people to volunteer, but they cannot volunteer in their communities, especially the rural communities where they so desperately need people to man those trucks and their ambulances. This administration just does not get it.

Now, Harris Wofford, the head of that program, just called me today, and they now want to do something after the program has been in existence for about 6 years because they realize how insensitive they have been.

The gentleman from Pennsylvania (Mr. PETERSON) talked about our international defenders, our military. He is right. The gentleman from Pennsylvania is often right, and he is right. The bulk of our military personnel are from the farms. They are from rural America. They are patriotic. They are dedicated. They will go any place that America sends them, and they will perform any task.

But do my colleagues know something? Look at what has happened to them. We have had three simultaneous things occur under this administration: the largest decrease in defense spending, the largest increase in the use of our military around the world, and the absolute ignorance when it comes to arms control and the proliferation that has been occurring by China and Russia to rogue states, which further harms our Americans.

In fact, it was rural Pennsylvanians, 15 of them that came home in body bags in 1992 because this administration and other administrations had not done enough to build missile defense systems to stop that Scud missile when it hit the barracks in Saudi Arabia.

This administration has not done well by our military. The best evidence of that is our retention rate right now for pilots in the Air Force and the Navy is 15 percent. People are getting out because they are fed up with all of these deployments.

None of the Services over the past 3 years have been able to meet their recruitment quotas except for the Marine Corps because young people are saying, I do not want to join. Those farmers are saying, in the past, we have gone in the military, but I am fed up now because you are sending me from one deployment to the other.

Our once proud Navy which went from 585 ships to 317 ships now have to take people off of one aircraft carrier and move them to another, and they are still 600 sailors short on every aircraft carrier deployed in harm's way today.

What this administration has done to our military and has done to those brave Americans, many and oftentimes most of whom are from our rural areas, is absolutely outrageous. In fact, I think it is going to go down in history, the past 8 years, as our worst period of time in our history in undermining America's security.

If we look at the history records of World War II, the Vietnam War, World War I, the conflict Desert Storm, our volunteers from the heartland of America are always the first to come and volunteer for this country. But, again, we have not done well by them.

Those veterans out there across America have not been taken care of by this administration. This Congress had to fight to give our veterans and our military personnel cost of living increases because this administration thought it was more important to give an IRS agent an increase in their cost of living than they did to men and women who were serving and our veterans who have served.

We have got to change that. We need a President that will lead a Congress in proud support of our international defenders and in proud support of our domestic defenders. AL GORE just does not cut that.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield to the gentleman from California (Mr. RADANOVICH) who is going to talk about the war on the West.

Mr. RADANOVICH. Mr. Speaker, I thank very much the gentleman from Pennsylvania (Mr. PETERSON) noting that I will be talking about the "War on the West". I just want to make sure he knows I define the West as anything west of the East Coast.

So I appreciate this time to be able to talk on this subject, mainly about rural America and I think this administration's assault on rural America. While the "War on the West" might be a tired slogan, it is not nearly as tired as the people who continue to fight their own government to preserve their way of life.

As President Clinton's reign over western lands draws to a close, the war has been renewed with fresh vigor. New regulations sprout like kudzu, an unstoppable creeping vine, it strangles the jobs and life out of many western and rural communities.

During the past 8 years, the Federal Government has been a tough opponent. Few small businesses and landowners can withstand the due diligence of government lawyers who have unlimited funds and unlimited time.

For the victims, bureaucratic time is like Chinese water torture, slowly eroding the small business owner's ability to meet payroll and pay the bills. The waiting game is the government's most powerful weapon against individuals.

Delays and uncertainty can destroy any small business. But it is only in the West and in rural America where the Federal Government controls over half of the land, where our economy is dependent on natural resources, that a little bureaucratic red tape puts entire counties out of work.

Ask somebody who comes from rural Oregon or ask somebody who comes from rural California.

An example, in 1997, the Bureau of Land Management decided to carry out environmental assessments on every single grazing permit renewal. These can be very time consuming and expensive. It was a choice only a bureaucrat with government time and money would make.

Over 5,000 permits expired in 1999, nearly a fourth of the total number. Everybody knew that the BLM lacked the manpower to complete all the reviews in time. The ranchers faced enormous uncertainty, they feared they would have no place to put their cows and no extra feed available.

The Clinton-Gore administration showed all the concern that we would expect from Federal agents. They did not show much concern about the ranchers without permits who would go out of business. Maybe, Mr. Speaker, that was the point.

It took Congress to step in and temporarily renew the permits until the environmental reviews were completed. That move was labeled as an antienvironmental rider that "offered a perverse incentive for the BLM to delay environmental analysis."

One thing people do not get is that when one puts ranchers out of business, they sell the ranch. The people who work there lose their jobs. The suppliers in the town lose their jobs. The people who buy the ranch, they build subdivisions.

This destruction of America's rural jobs is the unavoidable side effect of the Clinton-Gore public land policies. Politics has driven their systemic effort to demonize people who live on the land. They equate producers with destroyers.

They claim to save nature from man, and in the process, they gain political favor in the cities where people do not understand our rural culture, nor do they understand environmental stewardship.

Another example, President Clinton's Northwest Forest Plan virtually eliminated timber harvesting from almost 21 acres of forests in Washington and Oregon. Since 1990, almost 20,000 forests and mill workers in those two States have lost their jobs.

It is estimated that those industries supported another 40,000 to 60,000 service jobs. This all happened in small communities where unemployment is already over 15 percent.

This pattern has been repeated across the West. Thousands of mining, trucking and refining jobs have been lost by preventing the expansion or opening of new mines. The government has starved and destroyed countless small oil and gas producers and drillers by delaying regulatory permits.

The Clinton administration is now taking the final step by restricting recreational access as to Federal lands, a move that will erode the very tourism jobs they promised would sustain rural America after they eliminated the resource jobs.

What is most disturbing is that these unfortunate rural victims seem to be expendable casualties in the game of Presidential politics.

The chairman of the Democratic Congressional Campaign Committee, the gentleman from Rhode Island (Mr. KENNEDY) recently said that Democrats have basically written off the rural areas. That statement alone sheds light on the rural cleansing machine at work.

In 1996, the year of the Clinton-Gore reelection campaign, President Clinton designated 1.8 million-acre of Grand Staircase Escalante Monument in Utah. Initially, the Presidential advisor Katie McGinty, chairman of Council on Environmental Quality, expressed concern about abusing the Antiquities Act and stated that these lands are not really endangered.

But she later changed her position, apparently convinced of the political value in making such a designation. The process was pushed forward in spite of statewide outrage, and the Nation lost access to 62 billion tons of clean coal, 3 to 5 billion barrels of oil and 2 to 4 trillion cubic feet of clean-burning natural gas. The children of Utah lost billions of dollars in future royalties to pay for their schools.

Fast forward to the year 2000. In this Presidential election year, President Clinton has named 10 new national monuments to the delight of hundreds of important urban activists.

One of the most recent, the Sequoia National Monument, was in my California congressional district. In spite of an existing ban on logging within the sequoia groves, and in spite of scientific recommendations that logging provides critical fire control around the groves, the administration decided to clear 330,000 acres off limits to anybody.

They immediately put 220 people in Dinuba; California out of work. This tragic result has been compounded by the fact that these families not only lost their primary income, but they also lost their employer-provided health insurance.

Possibly the worst effect of the Sequoia Monument, however, is that it has left the Sequoia Monument in the same position as the Bandelier Monument in Los Alamos, New Mexico. There is a virtual timber box of a forest, and prescribed burns are now the only way to control it. Just this year, 75,000 acres burned right next door in the Manter Fire.

So today, at the end of the Clinton administration's sovereignty over western lands, we find we are still fighting a war on the West.

City folk might be tired of hearing about this, but, Mr. Speaker, believe me, the people in rural America are exhausted after 8 years of living with it.

I thank the gentleman from Pennsylvania (Mr. PETERSON) for yielding me this time and also for bringing up this most important issue to my constituents and I think for the country; and that is this administration's attack on rural life in America.

Mr. PETERSON of Pennsylvania. Mr. Speaker, it is hard to hear any speech given that they do not talk about urban sprawl today. But one of the greatest causes of urban sprawl has been the slow methodical destruction of rural America. The economies, whether it is agriculture, whether it is mining, whether it is timbering, whether it is manufacturing, all those things we do in rural America, as they have been squeezed, and they have been, and made more difficult to accomplish, young people leave, move to the urban areas, and we have urban sprawl. Yet, in rural America, the quality of life is unparalleled, but it is not a quality of life if one cannot have an income.

□ 2045

So next I am going to call on my other friend from California who is going to talk about the fires, another failed policy of this administration.

Mr. HERGER. Mr. Speaker, I thank my good friend, the gentleman from Pennsylvania (Mr. PETERSON), for leading us in this special hour today talking about the challenges that we have in rural America, and particularly the challenges that have been brought about and magnified because of, regrettably, some of the misguided policies of the Clinton-Gore administration.

Let me begin by just giving a little background on the district that I am blessed and honored to represent in northeastern California. It is some 36,000 square miles, almost 20 percent of the land area of the State of California on the Nevada-Oregon border, just directly north of Lake Tahoe; north of Sacramento. There are some parts or all of 11 national forests within this area: Mount Shasta, Mount Lassen, the Trinity Alps. Again, some of the most beautiful mountain terrain and beautiful forests anyplace in the world are located in this area that I represent. Yet we see a tragedy taking place, a tragedy that began taking place because, I am afraid, of an ignorance within the United States, and certainly with this administration, on what is happening in our national forests.

For example, about the turn of the century and beginning in a major way around 1930, we began eliminating forest fires from our western forests. And of course our forests in the West are very different than those on the East Coast because it rains all summer long here. Fire is not something that people really understand that much on the East Coast. But on the West Coast we are basically a desert in the summertime. We have lightning strikes, and fire has historically been a natural phenomenon. It would be considered a positive phenomenon as well. But what happened, again in early 1900s, as people began living in these forest areas, they began preventing all forest fires. Then what happened is that our forests began to become much denser than they were historically.

As a matter of fact, the Forest Service has estimated that since 1928, our forests in the West are anywhere from two to four times denser than they were historically because, again, we have prevented the natural fires that would burn along and thin out the forests, burn out the smaller trees, and then we would have larger trees which would get larger. As a matter of fact, it was estimated that prior to the arrival of Europeans, there were approximately 25 large trees per acre in our forests. Today, we literally have hundreds of trees per acre.

Now, what happens today? Today, we see when we have a fire, either by lightning strike or accidental fire, we see what they call a catastrophic fire, where the fire begins in the brush area, it moves up and becomes what is referred to as a fire ladder, where it moves up into the smaller trees and then up into the very crowns of the big trees, which historically have lived for hundreds of years, and now we see the entire forest burn. We actually see where these fires get so hot, so intense, that the soil itself, the minerals within, are singed for two to three inches and nothing can grow for several years later. A catastrophic fire.

Now, what is the Clinton-Gore administration doing about it? Well, regrettably, not only are we not going in, as has been suggested by many, that we go in and begin thinning out our forests; that we begin removing this brush and thinning it out and restoring it more to its historic level so that we can again have the more normal restorative fires. By the way, the Native Americans, we know, would set fires. Again, it was a positive thing. But not today.

We have seen this year one of the worst fire seasons ever. The Government Accounting Office has estimated that there is some 39 million acres of national forest within the interior West that are at high risk of catastrophic fire. They also mention in this same report that it has been estimated that there is a window of only 10 to 25 years that is available for taking effective action before there is widespread, long-term damage from large-scale fires. That is a direct quote from the GAO report.

Again, what do we see happening? Nothing. We see nothing happening. This administration is following what some within the, regrettably, the extreme environmental community are dictating. For example, the Sierra Club came out 2 years ago in their public policy stating not a single tree should be removed from the Federal forest, not even a dead or dying tree. And, again, we see insect infestations. This is a normal thing to happen, and it is something that unless we go in and take out these diseased trees when it is first starting, we will see healthy trees and an entire forest destroyed. Not even a single tree, even if it is dead and dying, can be removed so as to remove this incredible catastrophic fire hazard, according to some within the extreme environmental community.

Regrettably, and the real tragedy is, that it seems very likely that were the Vice President, Mr. GORE, to become the President, he would continue this same policy that we have seen now for 7½ years into the next administration, the next 4 years; and we would see more trees burning.

How many trees have we seen burn? Well, last year some 5.6 million acres burned across the United States. This year it is already, as of the first of September, 6.8 million acres have burned. The cost of this has been $626 million that has been spent; not to restore our forests to their historic level, but just to fight these catastrophic fires.

And I might mention that the biggest fire was in New Mexico. And, guess what. The Federal Government set this fire itself. This is what they called "a prescribed burn." Well, prescribed burn might have been great if we were a Native American back in the 1800s when there were only 25 trees per acre. But now, when we have a prescribed burn and we have these fire ladders, we can see what happens. Again, this was a tragedy in New Mexico, with hundreds of homes being burned and many hundreds of homes more threatening to be burned; people's lives being destroyed.

In my own district of Lewiston, a town last year, we had 120 homes burn. The entire community of Lewiston, it was in the national news for several weeks, was threatened to be burned. That was also a prescribed burn. Again, I want to mention that prescribed burns might be fine if we have gone in and restored these forests as they should, but not certainly as we see them today.

Is there something we can do? Yes. We passed legislation just this last year, legislation which I authored. I did not write it, but I authored it here. It was called the Quincy Library Plan. The reason it was called Quincy Library is because environmentalists and wood products people and elected officials and community leaders from within the community of Quincy in northern California, a small town of about 1,200, got together and they thought, well, the only place they would not yell at each other was in the library. So it was called the Quincy Library Plan. They came up with a plan using the latest scientific data, along with all the current laws, put it all together in a plan specific for their forest.

They came up with this plan, it was voted out of this House virtually unanimously, passed out of the Senate virtually unanimously, and the President signed it. This administration refuses to implement it. We have already been 1 year into it, and this plan has not been implemented. It was a 5-year pilot program, and they are eating up the time. This plan, by the way, does not cost taxpayers money. It brings in $3 of revenue for every $1 that is spent. Maybe this would help some of the 43 mills that were closed in my district alone in my 10 rural counties, not because we are short of trees, but because of Federal legislation that would not allow us to go in and thin out.

Again, there is a tragedy happening in our national forests and to our environment. No spotted owls can live where a catastrophic fire has taken place. We need to do something different. I am very pleased with Governor George W. Bush and his intent to work with us on this.

I thank the gentleman from Pennsylvania for yielding to me.

Mr. PETERSON of Pennsylvania. We have been joined, Mr. Speaker, by the majority leader, such a delight, and I would like to yield to him now.

Mr. ARMEY. Mr. Speaker, I thank the gentleman; and I see the he has more speakers, perhaps a wealth of speakers here, so I will not take but just a minute or two.

I want to thank the gentleman from Pennsylvania for taking this special order on a very important subject, and I would like to make three points that have come to me while I have listened to all of these speakers. The basic question we are asking here is how do we as a Nation preserve, utilize, conserve, and develop our resources to achieve the wealth of a Nation in the lives of our children. It seems to me it takes a balanced and informed relationship between real people, who naturally will love their land more than anybody could when they make their living off it and they live on it, and a government.

I have to say, Mr. Speaker, sometimes the government can do some downright silly things. Driving through Georgia just a week ago, looking at the beautiful landscape of Georgia, seeing the damage that was done by what I call the kudzu government. A lot of my colleagues may not be familiar with kudzu, but if they were to go to south, southeast America they will see kudzu. My colleagues who are uninformed might say, my goodness, that is pretty. But what is kudzu? Kudzu is something introduced in rural America, in the southeast, ostensibly to control soil erosion. And what it does is it grows over and smothers all the natural foliage of the region.

So if anyone has been fortunate enough to have been given kudzu, a gift from the government, and it has been in their neighborhood for very long, they know that it has killed everything, even what they wanted to keep. That is so like the government: comes and shows up and says, "I am Mr. Kudzu, I am from the government, I am here to help you." And before we know it, they have smothered and destroyed everything that is dear to our native regions.

A look at mining reclamation. I wish everybody in America would go out to our great mining States and see what they are doing in mining in America today; to see how quickly they take the ore, the coal, out, extract it, clean up, replace and refill. It is not unusual to see the mine operating very productively, producing the minerals and the ores and the energy that we want, and within hundreds of feet we will see the natural wildlife of the region grazing on what had been, and is today again, the natural foliage of the region.

Once again, the government of the United States might have been helpful and encouraging in that. But today it says we are so extreme, as they did in the Grand Escalante, we will not allow the mining, we will not allow the reclamation. We will deny the Nation the resources.

One of the great philosophical questions of our lifetime is, If a tree falls in the forest and nobody is there, will anybody hear it? Well, if AL GORE becomes President, we might ask the greater question, and the one that has greater relevance to our life, If a tree falls in the forest, will anybody clear it? And we just heard a discourse on that.

There is a place in Idaho, in the district of the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE), where you can stand and see that the environmental extremists allowed an experiment. They allowed somebody to do the natural, normal, sensible thing that we would all do as we cleaned up our own backyards and take the fallen trees, the underbrush, the fire hazard, and clear it. And there is a section right across the road where that was disallowed. The fire came, and it is not difficult to see where the fire's devastation ended. It ended where people did the sensible thing with their land and cleared the fallen trees and stopped the fire hazard.

□ 2100

There are many things that we can see in rural America in our wonderful countryside, resources, wealth, that should be unlocked from rigid, inflexible, dogmatic Government controls that are naive in their understanding, innocent of their awareness, and arbitrary in their implementation.

Let America be what America has been and has built itself from, a free Nation of real people making a living and living on their own land.

I think we should return to this subject again soon.

EXPANDING TECHNOLOGY IN RURAL AMERICA

The SPEAKER pro tempore (Mr. ISTOOK). Under a previous order of the House, the gentleman from Utah (Mr. CANNON) is recognized for 5 minutes.

Mr. CANNON. Mr. Speaker, I want to thank my friend and colleague the gentleman from Pennsylvania (Mr. PETERSON) for the opportunity to speak on his special order and for his effort in putting this together.

Tonight we have heard about many of the blessings that we get from rural America. We get timber and paper products. The gentleman from Pennsylvania spoke about that. We have oil and gas. The gentleman from Oklahoma spoke about that. We have minerals extraction. The gentleman from Nevada spoke about that. And the gentleman from Pennsylvania (Mr. SHERWOOD) spoke about exporting kids.

Also, the gentleman from Pennsylvania (Mr. WELDON) spoke about the number of children, the young people, from rural America who get involved in the military. So we have these great, great resources that we have been exporting.

But on the other hand, there now is a turnaround and we are getting more and more people back in or at least more and more people want to come back to rural America, and technology is allowing that to happen.

I would like to talk for just a couple minutes about technology and education in rural America and why that is so compelling and why that is going to change the nature of what we do in America so that people can go back to where they came from where they enjoy life, where they have clean air and they have beautiful scenery and they have good friends and where they can leave their cars unlocked when they go to church.

We have a number of things that are happening in technology that are happening at a breathtaking rate. And, frankly, we do not see them. We have had so much change that these new developments are coming faster than we can really understand. But on the cutting edge of technology today, we have two or three different things that are going on.

In the first place, we have all seen the plummeting prices and the decrease in the size of computer equipment. That is going on at an increasing rate. And we are going to see a time within the next year or so when you can take a little small computer that has all the power of a major computer and it will operate off of radio frequency and it will do so at a very rapid rate, so that every kid in the world in the next 4 or 5 years is going to have the opportunity to be educated at a very high level.

I would like to think that in the next few years we will see a time when we will have advertisements instead of send $15 to feed a child for a month, we will see ads to send $15 to educate a child for a month and every child in the world will have the opportunity to get a post-doctoral education off the Internet. That is partly because of the devices that are coming onto the market.

In addition to those devices, we have this great new technology with radio frequency and the ability to communicate a signal sometimes through multiple repeaters, so that we should be able to take satellite signals and get those down to every child and every person on Earth; and that certainly includes everyone in rural America.

And finally, we are seeing terrific growth in the ability to compress data so that we can do much, much more with a smaller band width.

So, for instance, in my State of Utah, Emery County, a little rural county in the State of Utah, every person in that county, because of the foresight of the local telecommunications company, now has access to DSL broad band telecommunications That DSL is going to be a big enough pipeline to do almost anything that anyone could imagine they would want to do. And that takes the jobs into rural Utah and raises the life-style there.

Now, I would just like to wrap up by talking about the difference in perspective here. We have a battle going on. It is a cultural war. We see that battle going on with the Boy Scouts of America and the attempt to revoke their charter. We see that battle in many other places. But the battle really comes down to a battle between urban America and rural America.

The Democrats have taken a very clear position. The Democratic Congressional Campaign Committee chairman, the gentleman from Rhode Island (Mr. KENNEDY), in referring to the 2000 elections, said on June 21, 1999, as reported in the Providence Journal, "We have written off the rural areas." "We have written off the rural areas."

Now, the following day the minority leader said he did not mean to say that. He did not say he did not mean what he said. He said he did not mean to say that. Because that gave away the strategy of the Democratic party.

And it was probably unthoughtful. But it has never been recanted, as far as I know, by any leader of the Democratic National party. No one has said, we are actually going to court the rural vote.

And in fact, everything they have done has been shown to be a movement away from rural. They tax rural people the same they do everywhere else, but they move the programs into the urban areas under the Democratic regime. That is not right.

There is a digital divide today and that digital divide can be healed and overcome between rural and urban America if we let the free market work. But if we tax everyone in America and move that money to the urban areas, then we lose the opportunity to bring back to the rural areas the basis for jobs and economic growth that make the rural part of America so great.

EDUCATION IS AT THE CENTER OF AMERICA'S FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Wisconsin (Mr. OBEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. OBEY. Mr. Speaker, before I proceed to the remarks that I had intended to make tonight, as a Member of this House who represents rural America, or at least a significantly rural district, I would simply note a few facts.

In 1979, the last year of the Carter administration, agriculture programs cost the taxpayer less than $4 billion in direct payments to farmers and prices paid to farmers at the marketplace were considerably higher than they are today.

This year, under Freedom to Farm, better known in rural America as freedom to fail at farming, which was rammed through this House by the Republican leadership a number of years ago, the cost to taxpayers has risen to well above $20 billion a year, almost 30 if we count all costs, and the prices paid to farmers have fallen through the floor.

I think most farmers, at least in my area, recognize that rural America cannot thrive unless family farmers get a decent price for their product and until the so-called Freedom to Farm Act is radically changed, rural America will continue to decay. Both parties need to face up to that fact. Major elements of my party have begun to. I wish I could say the same for major elements on the part of the other party.

But who knows, time may produce miracles. I hope that they will realize that they must undo what they did if farmers are to really have a decent shot at making a decent living through the marketplace.

Having said that, I would now like to turn to the subject that I wanted to talk about tonight, which is education. Because more than any other subject, education and what we do about it and what this entire country does about it lies at the center of the question of how well we will prepare for our country's future.

This is going to be a fairly dull speech. It will be filled with exactly what political consultants say we should not have in our speeches. It will be filled with numbers and facts. It will not be exciting. It is not meant to be. It is meant simply to state in a clear way who has tried to do what to education over the last 5 years.

We will undoubtedly hear in the Presidential debates tomorrow night; and we will have certainly seen across the Nation, Republican candidates giving speeches and running ads pretending to be friends of education. Those speeches fly in the face of the historical record of the past 6 years. That record demonstrates that education has been one of the central targets of House Republican efforts to cut Federal investments in programs essential for building America's future in order to provide large tax cuts that they have been promising their constituents for years.

Six years ago, in their drive to take control of the House of Representatives, the Republican leaders, then led by Newt Gingrich, produced the so-called Contract with America, which they claimed would balance the budget while at the same time making room for huge tax cuts.

They indicated that one of the ways that they would do so was by abolishing four departments. Eliminating the Department of Education was their new number one goal. They also wanted to eliminate the Departments of Energy, Commerce and HUD.

Immediately upon taking over the Congress in 1995, they proposed cuts below existing appropriations, not just below the President's request, but below previous appropriations in a rescission bill H.R. 1158. That bill passed the House on March 16, 1995, reducing Federal expenditures by nearly $12 billion.

Education programs accounted for only 1.6 percent of the Federal expenditures in fiscal year 1995. But they made up 14 percent of the spending reductions in the House Republican package. That package was adopted with all but six House Republicans voting in favor of cuts totaling $1.8 billion.

Next, H.R. 1883 was introduced, which called for "eliminating the Department of Education and redefining Federal role in education."

The legislation was cosponsored by more than half of all House Republicans, including as original cosponsors the gentleman from Illinois (Mr. HASTERT), the current Speaker; the gentleman from Texas (Mr. ARMEY), the majority leader; and the gentleman from Texas (Mr. DELAY), the majority whip.

The desire to eliminate the Department of Education was stated explicitly in both the report that accompanied the Republican budget resolution passed by the House and in the conference report on the budget that accompanied the final product agreed to by both the House and Senate Republicans.

That conference report, a sized-up copy of which I have here, for House Concurrent Resolution 76, the fiscal year 1996 budget resolution, states flatly: "In the area of education, the House assumes the termination of the Department of Education."

That is what they voted for. The fiscal 1996 budget resolution not only proposed the adoption of legislation to terminate the Department organizationally, but it put in place a spending plan to eliminate funding for a major portion of the Department's activities and programs in hopes of partially achieving the goal of elimination even if the President refused to sign a formal termination for the Department.

The conference agreement adopted on June 29 proposed cuts in funding for Function 500, the area of the budget containing all Federal education programs, of $17.6 billion, or 30 percent below the amount needed to keep pace with inflation over the 6-year period starting in fiscal 1996.

The House passed resolution had proposed even larger cuts. Every House Republican but one voted for both the House resolution and the conference report.

Then the budget resolution established a framework for passage of the 13 appropriations bills. The Labor, HHS education appropriation bill, which contained the vast majority of funds that go to local school districts, was the hardest hit by that resolution.

□ 2115

The fiscal 1996 appropriations bill for Labor, Health and Education was adopted by the House on August 4 of 1995. It slashed funding from the $25 billion level that had been originally approved for the Department in fiscal 1995 to $20.8 billion for the coming year. That $4.2 billion, or 17 percent cut below the prior year's levels, was even larger when inflation was considered and was passed in the face of information indicating that total school enrollment in the United States was increasing by about three-quarters of a million students a year.

The programs affected by those cuts included: title I for disadvantaged children, reduced by $1.1 billion below the prior year; teacher training reduced by $251 million; vocational education reduced by $273 million; safe and drug-free schools cut by $241 million; and Goals 2000 to raise student performance reduced by $361 million. Republicans in this House voted in favor of that bill 213-18. The bill was opposed by virtually every national organization representing parents, teachers, school administrators, and local school boards.

The Republican leadership of the House was so determined to force the President to sign the legislation and other similar appropriations that they were willing to see the government shut down twice to, in the words of one Republican leader, "force the President to his knees." Speaker Gingrich said, "On October 1 if we don't appropriate, there is no money. You can veto whatever you want to but as of October 1, there is no government. We're going to go over the liberal Democratic part of the government and say to them, we could last 60 days, 90 days, 120 days, 5 years, a century. There's a lot of stuff we don't care if it's ever funded."

It is clear that the Labor, Health and Education bill and the education funding in particular in that bill was at the heart of the controversy that resulted in those government shutdowns. Cutting education was an issue that Republicans felt so strongly about that they literally were willing to see the government shut down in an attempt to achieve this goal. Speaker Gingrich said, "I don't care what the price is, I don't care if we have no executive offices and no bonds for 60 days, not this time."

House Republican whip Mr. DeLay said, "We are going to fund only those programs we want to fund. We're in charge. We don't have to negotiate with the Senate. We don't have to negotiate with the Democrats."

When the government shut down, the public reacted strongly against the Republican House leadership's hardheadedness and that led to the eventual signing of the conference agreement on Labor, Health and Education funding as part of an omnibus appropriations package on April 26, 1996, more than halfway through the fiscal year. That action came after nine continuing resolutions and those two government shutdowns. That agreement restored about half of the cuts below prior year's funding that had been pushed through by the Republican majority, raising the original House Republican figure of $20.8 billion for education to $22.8 billion.

So on that occasion, as you can see, pressure from the Democratic side of the aisle forced restoration of about $2 billion in education spending.

Later in 1996, the Republican House caucus organized another attempt to cut education funding below prior year's levels in the fiscal 1997 Labor-Health-Education bill. On July 12, 1996, the House adopted the bill with the Republicans voting 209-22 in favor of passage. Incidentally, I will not read it into the record at this point but my submitted remarks will cite all of the rollcalls, dates and pages if anyone wants to check them. The bill cut education by $54 million below the levels agreed to for fiscal 1996 and $2.8 billion below the President's request. During the debate on that bill, Republicans also voted 227-2 to kill an amendment specifically aimed at restoring $1.2 billion in education funding.

As the fall and election of 1996 began to approach, the Republican commitment to cut education began to be overshadowed by their desire to adjourn Congress and go home to campaign. As a result, the President and Democrats in Congress forced them to accept an education package that was more than $3.6 billion above House-passed levels.

1997 brought a 1-year respite from Republican efforts to squeeze education. For 1 year a welcomed bipartisan approach was followed and the appropriation that passed the House and the final conference agreement were extremely close to the amounts requested by the President and the Department of Education.

Conflict between the two parties over education funding erupted again in 1998 when the President requested $31.2 billion for the Department for fiscal 1999. In July, the House Appropriations Committee reported on a party line vote a Labor-Health-Education bill that cut the President's education budget by more than $600 million; but the bill remained in legislative limbo after the beginning of the next fiscal year. Then on October 2, 1998, the Republicans voted with only six dissenting votes to bring the bill to the floor. The leadership then reversed itself on its desire to call up the bill and refused to bring it to the floor. The House Republican leadership finally grudgingly agreed to negotiate higher levels for education so they could return home and campaign. The White House and the Democrats in Congress had been able to force them to accept a funding level for education that was $2.6 billion above their original House bill.

Last year, in 1999, the House Republican leaders again directed their appropriators to report a Labor-Health-Education appropriation bill that cut education spending below the President's request and below the level of the prior year. The fiscal 2000 bill reported to the Committee on Appropriations on a straight party line vote funded education programs at nearly $200 million below the 1999 level. The bill was almost $1.4 billion below the President's request.

Included in the cuts below requested levels were reductions in title I grants to local school districts for education of disadvantaged students, $264 million below; after-school programs were taken $300 million below the President's request; education reform and accountability efforts, $491 million below; and improvement of education technology resources, $301 million below. Because inadequate funding threatened their ability to pass the bill, House Republican leaders never brought it to the House floor. After weeks of pressure from House Democrats, they ordered a separate bill that had been agreed to with Senate Republican leaders to be brought to the House floor. That bill contained significantly more education funding than the original House bill but still cut the President's request for class size reduction by $200 million, after-school programs cut by $300 million, title I by almost $200 million, and teacher quality programs by $35 million.

The bill was opposed by the Committee for Education Funding which represents 97 national organizations interested in education, including parent and teacher groups, school boards and school administrators. It was adopted by a vote of 218-211 with House Republicans voting 214-7 in favor. After further negotiations, they agreed on November 18 to add nearly $700 million more, which we were requesting, to those education programs.

Now, this year. This year the President proposed a $4.5 billion increase for education programs in the fiscal 2001 budget. The bill reported by House Republicans cut the President's request by $2.9 billion. Cuts below the budget request included $400 million cut from title I, $400 million from after-school programs, $1 billion for improving teacher quality and $1.3 billion for repair of dilapidated school buildings. It was adopted by a vote of 217-214 with House Republicans voting 213-7 in favor. When the fiscal 2001 Labor, Health and Education bill was sent to conference, a motion to instruct the conferees to go to the higher Senate levels for education and other programs was offered. It also instructed conferees to permit language ensuring that funds provided for reduced class size and repairing school buildings was used for those purposes. It was defeated 207-212 with Republicans voting 208-4 in opposition.

In summary, and I will supply tables for the record, the record clearly shows that over the past 6 years, House Republicans set the elimination of the Department of Education as the primary goal. Failing that, they attempted to reduce education funding to the maximum extent possible. Failing that, they attempted to reduce education funding to the maximum extent possible. In every year since they have had control of the House, they have attempted to cut the President's request for education funding.

Appropriation bills passed by House Republicans would have cut a total of $14.6 billion from presidential requests for education funding. I repeat. Appropriation bills passed by House Republicans would have cut a total of $14.6 billion from presidential requests for education funding. In 3 of the 6 years that they have controlled the House, they have actually attempted to cut education funding below prior year levels despite steady increases in school enrollment, in the annual increase in cost to local school districts of providing quality classroom instruction.

Now, these education budget cuts have not been directed at Washington bureaucrats as some Republicans have tried to argue but mainly at programs that send money directly to local school districts to hire teachers and improve curriculum. Programs such as title I, after-school, safe and drug-free schools, class size reduction, educational technology assistance, all send well over 95 percent of their funds directly to local school districts. While zealots in the Republican conference drove much of this agenda, it is clear that they could not have succeeded without the repeated assistance from dozens of Republican moderates who attempt now to portray themselves as friends of education. They may have been in their hearts, but they were not when the votes came.

The one redeeming aspect of the Republican record on education over the last 6 years is that in most of those years, they failed to achieve the cuts that they spent most of the year fighting to impose. When a coalition between Democrats in Congress and in some cases members of the Republican Party in the Senate and Democrats in the Senate, when a coalition between them and the Democrats in this House and the President made it clear that the bills containing those cuts would be vetoed and that House Republicans by themselves could not override the vetoes, legislation that was far more favorable to education was finally adopted. For Republican Members now to attempt to take credit for that fact is in effect bragging about their own political ineptitude.

The question that concerned Americans must ask is this: What will happen if the Republicans find a future opportunity to deliver on their 6-year agenda for education? They may eventually become more skillful in their efforts to cut education. They may at some point have a larger majority in one or both houses, or they may serve under a President who will be more amenable to their education agenda. All of those prospects should be very troubling to those who feel that local school districts cannot do the job that the country needs without greater assistance from the Federal Government.

Now, this is not an issue of local versus Federal control. Almost 93 percent of the money spent for elementary and secondary education at the local level is spent in accordance with the wishes of State and local governments. But there are national implications to failing schools in any part of the country. The Federal Government has an obligation to try to help disseminate information about what does and does not work in educating children, and it has an obligation to respond to critical needs by defining and focusing on national priorities. That is what the other 7 percent of educational funding in this country does. Education is indeed primarily a local responsibility, but it must be a top priority at all levels, Federal, State and local; or we will not get the job done.

In summary, as the tables will show in the remarks that I am making tonight, the House Republican candidates now shout loudly that they can be trusted to support education, but their record over the last 6 years speaks louder than their words.

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The records show that in 3 of the last 6 years, House Republicans tried to cut education $5.5 billion below previous levels and $13 billion below Presidential requests, $14.5 billion if you count their first rescission effort in 1995. It shows that more than $15.6 billion that has been restored came only after Democrats in the Congress and in the White House demanded restoration.

That is the record that must be understood by those concerned about education's future, and that is the record that will be demonstrated by the three charts that I am inserting in the RECORD at this point.

THE HISTORY OF HOUSE REPUBLICAN EFFORTS TO ATTACK EDUCATION—1994 THROUGH 2000

Across the nation Republican Congressional Candidates are giving speeches and running ads pretending to be friends of education. Those speeches and ads fly in the face of the historical record of the past six years. That record demonstrates that education has been one of the central targets of House Republican efforts to cut federal investments in programs essential for building America's future in order to provide large tax cuts they have been promising their constituents.

Six years ago in their drive to take control of the House of Representatives, the Republican Leaders led by Newt Gingrich produced a so-called "Contract with America" which they claimed would balance the budget while at the same time making room for huge tax cuts. They indicated that one of the ways they would do so was by abolishing four departments of the federal government. Eliminating the U.S. Department of Education was their number one goal. They also wanted they said to eliminate the Departments of Energy, Commerce and HUD.

Immediately upon taking over the Congress in 1995 they proposed cuts below existing appropriations in a rescission bill, HR 1158. That bill passed the House on March 16, 1995 reducing federal expenditures by nearly $12 billion. Education programs accounted for $1.7 billion of the total. While the budget of the Department of Education totaled only 1.6% of federal expenditures in fiscal 1995, it contributed 14% to the spending reductions in the House Republican package. The package was adopted with all but six House Republicans voting in favor. (See Roll Call #251 for the 104th Congress, 1st session—Congressional Record, March 16, 1995, page H3302)

Next, legislation (HR 1883) was introduced which called for "eliminating the Department of Education and redefining the federal role in education." The legislation was cosponsored by more than half of all House Republicans including as original cosponsors, current Speaker Dennis Hastert, Majority Leader Dick Armey, and Majority Whip Tom Delay. (See Attachment A)

The desire to eliminate the Department of Education was stated explicitly in both the Report that accompanied the Republican Budget Resolution passed by the House and in the Conference Report on the Budget that accompanied the final product agreed to by both House and Senate Republicans. The Conference Report for H. Con. Res. 76 (the FY 1996 Budget Resolution) states flatly, "In the area of education, the House assumes the termination of the Department of Education."

That FY96 Budget Resolution not only proposed the adoption of legislation to terminate the Department organizationally, but put in place a spending plan to eliminate funding for a major portion of the Department's activities and programs in hopes of partially achieving the goal of elimination even if the President refused to sign a formal termination for the Department. The Conference Agreement adopted on June 29, 1995 proposed cuts in funding for Function 500, the area of the budget containing all federal education programs or $17.6 billion or 34% below the amount needed to keep even with inflation over the six-year period starting in Fiscal 1996. The House passed Resolution had proposed even larger cuts. Every House Republican except one voted for both the House Resolution and the Conference Report. (See Roll Calls #345 and 458 for the 104th Congress, 1st session—CONGRESSIONAL RECORD, May 18, 1995, page H5309 and June 29, 1995, page H6594)

That Budget Resolution established a framework for passage of the 13 appropriation bills. The Labor-HHS-Education appropriations bill, which contains the vast majority of funds that go to local school districts, was the hardest hit by that resolution. The Fiscal 1996 appropriations bill for labor, health, and education was adopted by the House on August 4th 1995. It slashed funding from the $25 billion level that had been originally approved for the Department in fiscal 1995 to $20.8 billion for the coming year. This $4.2 billion or 17% cut below prior year levels was even larger when inflation was considered and was passed in the face of information indicating that total school enrollment in the United States was increasing by about three quarters of a million students a year. The programs affected by these cuts included Title I for disadvantaged children (reduced by $1.1 billion below the prior year,) teacher training, (reduced by $251 million,) vocational education (reduced by $273 million,) Safe and Drug Free Schools (reduced by $241,) and Goals 2000 to raise student performance (reduced by $361 million). Republicans voted in favor of the bill, 213 to 18. (See Roll Call #626 for the 104th Congress, 1st session—CONGRESSIONAL RECORD, August 4, 1995, page H8420) The bill was opposed by virtually every national organization representing parents, teachers, school administrators, and local school boards.

The Republican Leadership of the House was so determined to force the President to sign that legislation and other similar appropriations that they were willing to see the government shut down twice to, in the words of one Republican Leader, "force the President to his knees." Speaker Gingrich said, "On October 1, if we don't appropriate, there is no money. . . You can veto whatever you want to. But as of October 1, there is no government. . . We're going to go over the liberal Democratic part of the government and then say to them: 'We could last 60 days, 90 days, 120 days, five years, a century.' There's a lot of stuff we don't care if it's ever funded." (Rocky Mountain News, June 3, 1995) It is clear that the Labor-HHS-Education bill, and education funding in particular, was at the heart of the controversy that resulted in those government shutdowns. Cutting education was an issue that Republicans felt so strongly about that they literally were willing to see the government shut down in an attempt to achieve this goal. Speaker Gingrich said, "I don't care what the price is. I don't care if we have no executive offices, and no bonds for 60 days—not this time." (Washington Post, September 22, 1995) House Republican Whip Tom DeLay said, "We are going to fund only those programs we want to fund. . . We're in charge. We don't have to negotiate with the Senate; we don't have to negotiate with the Democrats." (Baltimore Sun, January 8, 1996)

When the government shut down, the public reacted strongly against Republican House Leadership hard-headedness and that led to the eventual signing of the Conference Agreement on Labor-HHS-Education funding as part of an omnibus appropriations package on April 26 of 1996, more than halfway through the fiscal year. That action came after 9 continuing resolutions and those two government shutdowns. That agreement restored about half of the cuts below prior year funding that had been pushed through by the Republican Majority, raising the original House Republican figure of $20.8 billion for education to $22.8 billion.

Later in 1996 the Republican House Caucus organized another attempt to cut education funding below prior year levels in the fiscal 1997 Labor-HHS-Education bill. On July 12, 1996 the House adopted the bill with Republicans voting 209 to 22 in favor or passage (See Roll Call #313, CONGRESSIONAL RECORD, July 11, 1996, page H7373.) The bill cut Education by $54 million below the levels agreed to for fiscal 1996 and $2.8 billion below the President's request. During the debate on that bill Republicans also voted (227-2) to kill an amendment specifically aimed at restoring $1.2 billion in education funding (See Roll Call #303, CONGESSIONAL RECORD, July 11, 1996, page H7330).

As the fall and election of 1996 began to approach, the Republican commitment to cut education began to be overshadowed by their desire to adjourn Congress and go home to campaign. As a result, the President and Democrats in Congress forced them to accept an education package that was more than $3.6 billion above House passed levels.

1997 brought a one-year respite from Republican efforts to squeeze education. For one year, a welcome bipartisan approach was followed and the appropriation that passed the House and the final conference agreement were extremely close to the amounts requested by the President and the Department of Education.

Conflict between the two parties over education funding erupted again in 1998 when the President requested $31.2 billion for the Department for fiscal 1999. In July, the House Appropriations Committee reported on a party line vote a Labor-HHS-Education bill that cut the President's education budget by more than $660 million. But the bill remained in legislative limbo until after the beginning of the next fiscal year. Then on October 2, 1998 Republicans voted with only six dissenting votes to bring the bill to the floor. (See Roll Call #476, CONGRESSIONAL RECORD, October 2, 1998, page H9314). The leadership then reversed itself on its desire to call up the bill and refused to bring it to the floor. The House Republican Leadership finally grudgingly agreed to negotiate higher levels for education so they could return home and campaign. The White House and Democrats in Congress were able to force them to accept a funding level for education that was $2.6 billion above the House bill.

Last year, in 1999, House Republican Leaders again directed their Appropriators to report a Labor-HHS-Education Appropriation bill that cut education spending below the President's request and below the level of the prior year. The FY2000 bill reported by the Appropriations Committee on a straight party line vote funded education programs at nearly $200 million below the FY 1999 level. The bill was almost $1.4 billion below the President's request. Included in the cuts below requested levels were reductions in Title I grants to local school districts for education of disadvantaged students ($264 million,) after school programs ($300 million,) education reform and accountability efforts ($491 million) and improvement of educational technology resources ($301 million.) Because inadequate funding threatened their ability to pass the bill, House Republican Leaders never brought it to the House floor. After weeks of pressure from House Democrats they ordered a separate bill that had been agreed to with Senate Republican Leaders to be brought to the House floor. The bill contained significantly more education funding than the original House bill but still cut the President's request for class size reduction by $200 million, after-school programs by $300 million, title I by almost $200 million and teacher quality programs by $35 million. The bill was opposed by the Committee for Education Funding which represents 97 national organizations interested in education including parent and teacher groups, school boards, and school administrators. It was adopted by a vote of 218 to 211 with House Republicans voting 214 to 7 in favor. (See Roll Call 549, CONGRESSIONAL RECORD, October 28, 1999, page H11120) It was also promptly vetoed by the President. After further negotiations, they agreed on November 18th to add nearly $700 million more, which we were requesting to educational programs.

This year the President proposed a $4.5 billion increase for education programs in the FY2001 budget. The bill reported by House Republicans cut the President's request by $2.9 billion. Cuts below the request included $400 million from Title I, $400 million from after school programs, $1 billion for improving teacher quality and $1.3 billion for repair of dilapidated school buildings. It was adopted by a vote of 217-214 with House Republicans voting 213 to 7 in favor. (See Roll Call #273, CONGRESSIONAL RECORD, June 14, 2000, page H4436)

When the FY2001 Labor-HHS-Education bill was sent to conference a motion to instruct Conferees to go to the higher Senate levels for education and other programs was offered. It also instructed conferees to permit language insuring that funds provided or reducing class size and repairing school buildings was used for those purposes. It was defeated 207 to 212 with Republicans voting 208 to 4 in opposition. (See Roll Call 415, CONGRESSIONAL RECORD, July 19, 2000, page H6563)

In summary, the record clearly shows that over the past six years House Republicans set the elimination of the Department of Education as a primary goal. Failing that, they attempted to reduce education funding to the maximum extent possible. In every year since they have had control of the House of Representatives they have attempted to cut the President's request for education funding. Appropriations bills passed by House Republicans would have cut a total of $14.6 million from presidential request for education funding. In three of the six years that they have controlled the House, they have actually attempted to cut education funding below prior year levels despite steady increases in school enrollment and the annual increase in costs to local school districts of proving quality class room instruction.

The education budget cuts have not been directed at Washington bureaucrats as some Republicans have tried to argue but mainly at programs that send money directly to local school districts to hire teachers and improve curriculum. Programs such as Title I, After School, Safe and Drug Free Schools, Class Size Reduction, and Educational Technology Assistance all send well over 95% of their funds directly to local school districts. While zealots in the Republican Conference drove much of this agenda it is clear that they could not have succeeded without the repeated assistance from dozens of Republicans moderates who attempt to portray themselves as friends of education.

The one redeeming aspect of the Republican record on education over the last six years is that in most years they failed to achieve the cuts that they spent most of each year fighting to impose. When a coalition between the Democrats in Congress and the President made it clear that the bills containing these cuts would be vetoed and that the Republicans by themselves could not override the vetoes, legislation that was far more favorable to education was finally adopted. For Republican members to attempt to take credit for that fact is in effect bragging on their own political ineptitude. The question concerned Americans must ask is: What will happen if the Republican find a future opportunity to deliver on their six-year agenda? They may eventually become more skillful in their efforts. They may at some point have a larger majority in one or both Houses or they may serve under a President that will be more amenable to their agenda. All of these prospects should be very troubling to those who feel that local school districts can not do the job that the country needs without great assistance from the federal government.

This is not an issue of local versus federal control. Almost 93% of the money spent for elementary and secondary education at the local level is spent in accordance with the wishes of state and local governments. But there are national implications to failing schools in any part of the country. The federal government has an obligation to try to help disseminate information about what does and does not work in educating children, and it has an obligation to respond to critical needs by defining and focusing on national priorities. And that is what the other 7% of educational funding in this country does. Education is indeed primarily a local responsibility, but it must be a top priority at all levels—federal, state, and local—or we will not get the job done.

The House Republican candidates now shout loudly that they can be trusted to support education, but their record over the six years speaks louder than their words. Their record shows that in three of the last six years, House Republicans tried to cut education $5.5 billion below previous levels and $14.6 billion presidential requests. It shows that the more than $15.6 billion that has been restored came only after Democrats in Congress and in the White House demanded restoration. That is the record that must be understood by those concerned about education's future.

DEPARTMENT OF EDUCATION—GOP EDUCATION APPROPRIATION CUTS COMPARED TO PREVIOUS YEAR

[Millions of dollars]

	Prior year	House level	House cut
FY 95 Rescission	25,074	23,440	−1,635
FY 96 Labor-HHS-Education	25,074	20,797	−4,277
FY 97 Labor-HHS-Education	22,810	22,756	−54
FY 00 Labor-HHS-Education	33,520	33,321	−199

Discretionary Funding, Minority Staff, House Appropriations Committee.

DEPARTMENT OF EDUCATION—GOP EDUCATION CUTS BELOW PRESIDENT'S REQUEST

[Millions of dollars]

	Request	House level	House cut	Percent cut
FY 96 Labor-HHS-Education	25,804	20,797	−5,007	−19
FY 97 Labor-HHS-Education	25,561	22,756	−2,805	−11
FY 98 Labor-HHS-Education	29,522	29,331	−191	−1
FY 99 Labor-HHS-Education	31,185	30,523	−662	−2
FY 00 Labor-HHS-Education	34,712	33,321	−1,391	−4
FY 01 Labor-HHS-Education	40,095	37,142	−2,953	−7
Total FY96 to FY01	186,879	173,870	−13,009	−7

Discretionary Funding, Minority Staff, House Appropriations Committee.

DEPARTMENT OF EDUCATION—EDUCATION FUNDING RESTORED BY DEMOCRATS

[Millions of dollars]

	House level	Conf agreement	Restoration	Percent increase
FY 95 Rescission	23,440	24,497	1,057	5
FY 96 Labor-HHS-Education	20,797	22,810	2,013	10
FY 97 Labor-HHS-Education	22,756	26,324	3,568	16
FY 98 Labor-HHS-Education	29,331	29,741	410	1
FY 99 Labor-HHS-Education	30,523	33,149	2,626	9
FY 00 Labor-HHS-Education	33,321	35,703	2,382	7
FY 01 Labor-HHS-Education	37,142	40,751	3,609	10
Total FY95 to FY01	197,310	212,975	15,665	8

Discretionary Funding, Minority Staff, House Appropriations Committee.

NIGHTSIDE CHAT

The SPEAKER pro tempore (Mr. HAYWORTH). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

OVERVIEW OF SPEECH

Mr. MCINNIS. Mr. Speaker, good evening. It is time for another nightside chat.

This evening I want to cover a couple of areas with my colleagues here. First of all, a couple comments about the Olympics, and then I would like to move on.

I had a discussion last week and in fact over the weekend I talked with a good close friend of mine, his name is Al, and we discussed a little about the situation with Wen Ho Lee, who is the spy, or the fellow who was accused of spying, but the gentleman in New Mexico, and I kind of need to retract my words there, I will not exactly call him a "gentleman" from my point of view, you will see. I think the facts are going to be very interesting.

Last week, as my friend Al and I discussed, I laid out what I thought was a very strong case that makes it very clear that this fellow in New Mexico, who has been accused of a crime, and, by the way, who is a convicted felon, in fact is not a hero. He is not a martyr. He is not somebody who has been victimized. He is not a victim of racial profiling. He is not a victim of the race card. I want to discuss that case in a little more depth, in fact in a great deal of depth tonight. So I am looking forward to that discussion.

DISRESPECT SHOWN BY AMERICAN OLYMPIC ATHLETES

First of all, let us talk about the Olympics. That is an exciting event. All of us had an opportunity, I am sure, to watch the events, and we are very proud of our athletes and the sports people that we send over to participate in these events and the medals. I mean, of course, in the West we are absolutely thrilled about the wrestler out of Wyoming who beat that Russian wrestler. To me, that was probably the highlight of the Olympics.

But let me say, first of all, I consider our athletes obviously very, very capable young people who I am proud to have represent the United States, in most cases. These athletes, in my opinion, while I would not call them heroes, you certainly would call them celebrities. They have spent a lot of hard years to represent the United States.

But what I saw over the weekend dismayed me, and I want to be very specific about it, because it applies only to maybe four, maybe five at least, not the whole bunch. But, unfortunately, it kind of casts a shadow over all of our U.S. Olympic athletes, and that is those Olympic athletes representing the United States who thought it was kind of entertaining to show a lack of respect as they were receiving their medals and the Star Spangled Banner was played.

Perhaps it would be good for my colleagues to continue to remind our constituents just exactly what that song, the Star Spangled Banner, our National anthem, what it means and where it came from and what it represents.

Look, this is not some song by Metallica out there or some other group that is used for entertainment. This was a song that was written on sacrifice. This was a song written with the idea of patriotism. This was a song that was written in recognition of the many Americans who fought to preserve this country. They did not fight in Olympic games, they did not fight on a relay team to get the gold medal, they fought on a battlefield, and a lot of them gave their lives.

I will tell you, to every veteran in this country, in fact, to every citizen in this country, those athletes, who in my opinion embarrassed the United States of America with their behavior, owe an apology to every citizen in this country, and they especially owe an apology to those veterans who really went out and fought the wars, who really have represented this country since its conception.

Mr. Speaker, we all have an obligation, whether the moment is an exciting moment or whether the moment is at a funeral, or whether the moment is at the beginning of a basketball game or a football game, we have an obligation to citizens of this country to respect the history of the Star Spangled Banner.

While we do not stand there and recite the history of the Star Spangled Banner, we as Americans have that song to kind of be a symbol to the world, and even as a reminder to ourselves, about what this great country is all about and to see that some of our outstanding young people in this country who have been given the privilege, and, by the way, it is not in reverse, it is not what the country could do, so-to-speak, for those athletes, it is what those athletes can do to represent our country, and they do not represent our country when they stand there and make the kind of mockery or the kind of little professional side show they thought was entertaining for the cameras.

I hope those individuals out there who give sponsorships and commercial contracts keep in mind what these particular individuals did, how they embarrassed, in my opinion, the rest of the Olympic team, and how they embarrassed our country, and, most of all, how they embarrassed the heritage of this country there during our National anthem.

We have every right to be proud. Boy, one does not have to go very far on our streets to find people who would tell you just how proud they are of this country, what kind of opportunity this country offered. I am sorry to say that we saw that on national TV. In fact, the entire world saw it on TV, and it did nothing at all, it did nothing at all, to exemplify the fine athletes that we had over there representing our country. I think it is very unfortunate that that is what occurred.

THE WEN HO LEE CASE: WHO IS THE VICTIM?

Let me completely shift gears. Over the last several weeks I have about had it with what I am reading in some of the national media on a public relations campaign put forward, in my opinion, by some defense attorneys on an individual named Wen Ho Lee.

As you may recall, Wen Ho Lee was the fellow who was arrested and held by the FBI on 59 counts involving some of the highest, most sensitive secrets this Nation has ever held, that is the secrets on our thermo-nuclear weapons.

I used to practice law, and I learned a long time ago, although I did not do criminal law, I was acquainted with criminal law. I used to be a police officer, and there are a couple of things I want to point out at the beginning of my comments about observations I made when I was a police officer and when I practiced law.

Let me start, first of all, when I was a police officer. When I was an officer and I would arrive at the scene of an accident, a lot of people would have a lot of different stories. What I learned time and time and time again as a police officer is what you see when you first get there a lot of times is not really what you come up with after you have been there for a while. So what seems obvious to you when you pull up to the scene of an incident is oftentimes not as obvious as you thought it was.

In other words, you may pull up to the scene of an accident and you may say, well, this is easy; that car crossed over that line and hit that car, so it is driver A's fault, because driver A hit B going the wrong way in the traffic. You may find out after further investigation that in fact driver B was in the wrong lane of traffic, spun out of control, had a collision, and the vehicles, by momentum, put themselves into the position that they were in. Point number one.

Point number two that I think is important, that I learned in the practice of law, is that defense attorneys really have a few standards by which to defend their client. The easiest way to defend your client who has been accused of a crime is the facts. If the facts are on your side, obviously the easiest fact is your client did not do it. If your client did not do it, you focus your case on the basis of the facts; my client did not do it.

If you do not have those facts on behalf of your client, then what you try and do is you try and attack the prosecution's witnesses. So you try and divert attention away from the fact that maybe your client did it, and you try and attack the credibility of the people who saw him do it or otherwise would testify to some type of circumstantial evidence that this individual is guilty of the crime alleged.

If you cannot defend your client on the facts, and if you are not too successful attacking the credibility and the character of the prosecution, then you adopt what seems to be the most popular item of defense for the last 20 years, your client is a victim. Oh, my client, I know he went out and robbed a bank, but he was victimized; he had an abused childhood; or, you know, the police did not treat him right. Anything you can use as a defense attorney to make your client seem like a victim being picked on by society or being picked on by the FBI or being picked on by the cops or being picked on by his parents, or et cetera, et cetera, et cetera. You get the idea. You know where I am going.

Well, what we have seen in the last several weeks is a massive public relations effort on an individual named Wen Ho Lee, trying to play this individual as a victim; trying to divert attention away from what this individual did.

Some of the facts or defenses they are using for Wen Ho Lee are almost laughable. One, well, he was just resume building. He wanted to build his resume, so he wanted to accumulate a library of the most sensitive thermonuclear secrets ever held in the history of the world. He just wanted to have a resume. He said, I have a library with that.

Two, this was just a coincidence. It was really accidental. He did not intend to copy over 400,000 pages of the most sensitive thermo-nuclear material ever held by any person in the history of mankind. It was just an accident that he happened to get his hands on that and started transferring it around.

One of the other defenses that in some cases have some merit and have some bearing is the race card. When you take a look the facts as I am going to present them to you, the other side of the story, you are going to find, I think, as I find, forget the race card. Throw that one out. This is not a race case. This case is based on hard, verifiable evidence. This case is based on the fact that the party is a convicted felon. This case is based on the fact that the secrets were found in his custody.

So I want to present, and I think the first thing is at the beginning of my discussion that we ask the question, and this is what I ask you to think about this evening when I go through the facts of this case, this is kind of like one of those new detective shows on TV or some kind of criminal mystery. Let us try and solve the mystery. Let us look at the basic question: Who is the victim? That is what we want to determine tonight, because we have seen this massive effort, and, frankly, it is amazing to me, the national publications that have adopted the public relations effort of these defense attorneys to point Wen Ho Lee as the victim, instead of the United States of America and its citizens.

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That is the question we are going to ask tonight. Who is the victim? Is it Wen Ho Lee, or is it the United States of America? That is the question we want to look at this evening.

By the way, if my colleagues see my quote marks, this is testimony taken from the hearing that was given over in the Senate side; however, it is important to keep in mind that this is not an ordinary criminal matter. However, it is important to keep in mind that this is not an ordinary criminal matter. It never was. This is a national security matter of paramount importance.

This is a national security matter of paramount importance. At least seven and possibly 14 or more tapes containing vast amounts of our Nation's nuclear secrets remain unaccounted for. This is not rhetoric. It is simple frightening fact.

Mr. Speaker, let us all go back, kind of place ourselves in the laboratory in New Mexico. Let us get kind of an outlay of what that laboratory does. This is one of the most highly classified top secret locations for the United States. We have two labs that have this kind of classification. This lab in New Mexico contains within its computers not only the research, but the elements to put together thermonuclear weapons.

This lab contains the elements so that you could compose and construct a weapon, the only real weapon known to mankind that one military could use against the military of the United States of America and successfully engage it and successfully destroy it. In other words, I cannot overstress the sensitivity of the material that is contained within those laboratory walls down there in New Mexico, nor can I overstress the responsibility, the high respect of these individuals who are given the utmost trust by the citizens of the United States of America to work in that laboratory.

These citizens, they know exactly what they are dealing with. These scientists, these experts, these professionals, and every one of them is a professional. They know it. Of all 250 million or 300 million people in the United States and of all the hundreds of millions of people in the world, they alone down there have their hands on what is considered the most destructive weapons in the history of mankind.

They alone down there, while they are in that laboratory, many of them have access that is entrusted to no other citizens in the United States outside of a handful, like the President of the United States, certain Members of Congress, certain Members of the Senate and so on and so forth. In other words, what we are dealing with is our entire design plan of our thermonuclear weapons. This is not what you call a missile-light or a criminal-light matter.

During my career, I am not sure in my career of Congress I have ever witnessed a crime that I think is more of a threat to the national security of the United States but also a threat to the entire world. I want to point to my colleagues I am not sure I have ever witnessed a more clever defense design to take an individual who the facts will reveal intentionally and very methodically transferred these nuclear secrets.

It is amazing to me that that kind of individual can get the kind of spin by our national media to play this situation into pointing it out like he is the victim, like somehow he innocently transferred these; that, in fact, all he was trying to do was build up his resume.

He thought it would be impressive to have a library of the world's most sensitive thermonuclear weapons. Let us go through some of the facts. Wen Ho Lee worked for the X Division at the Los Alamos National Laboratory. The X Division, and that is important to remember, this is the top secret division, the X Division is responsible for the research, design and development of thermonuclear weapons; and it requires the highest level of security of any division at Los Alamos.

This week I intend to go into even more depth in this case with the gentleman from Georgia (Mr. BARR), who used to be, by the way, a U.S. Attorney. He is an expert I think in prosecution, and it will be interesting to have his comments in regards to the Los Alamos lab and what level we can consider this breach of security.

The X Division scientists, and that is what Wen Ho Lee was, he is an X Division scientist. Now the scientist most familiar with the downloaded information would have testified that Wen Ho Lee took every, not some, not a little here, not a little there, every significant piece of information to which a nuclear designer would want access. It gets worse.

Before Wen Ho Lee created these tapes, only two sites in the world held this complete design portfolio, the secure computer inside the highest security division at Los Alamos and the secure computer system inside the highest security division in another one of our national laboratories. Now, this is what one of the defenses they are using is that, look, accidents happen, poor Wen Ho Lee was in there working on his computer. He was a computer buff, kind of a computer geek; and as he is working it by accident he happens to transfer a couple hundred thousand pages, pretty soon 300,000, pretty soon 400,000 pages of thermonuclear weapons from a classified position to a nonclassified position, from a nonclassified position to the computer at his desk.

I will walk through those steps, and we will see why it takes a methodical and well thought out process to complete what Wen Ho Lee did to do what he did. Let us go on. It is not a simple task for Wen Ho Lee to move files from the closed to the open system. The CFS tracking system reveals that Wen Ho Lee spent hours unsuccessfully trying to move the classified files into unclassified space; eventually, Wen Ho Lee worked his way around what was designed to be a cumbersome process.

In other words, here is what is going on. The computer with the thermonuclear secrets accounts is here, and contained within that computer are documents which are an entire library on thermonuclear weapons; and when I say our entire library, it is the research. It is the construction. It is the impact, et cetera, et cetera, et cetera.

In order for one to move a document from this top secret computer, you have to declassify it, because if the document is classified top secret, you cannot move it from that computer to a nonclassified computer. So the first step that you need to take is you need to take these documents that are classified top secret, and you need to declassify them to a declassified document. And what this is saying right here is that in order to do that, we wanted to make sure we had a fail-safe system. In a fail-safe system, we wanted to make the process very cumbersome. In other words, it took a lot of study; it took a lot of processes to get through it.

It had several what you might call barriers built into the computer programming, so that you could not automatically or by accident hit a button and classify a document from classified to nonclassified or from secret to nonsecret.

So when Wen Ho Lee went through this, it took him hours to figure out the system, how do I move it from classified to nonclassified. He studied it and eventually he mastered it. And that is what he did. He first moved it from the top secret computer, changed the classification of the documents; then moved the documents to his other computer at his desk, because they can move his unclassified documents and put them on to his personal computer and who knows where those secrets are today. Although, there are many suspicions of where those secrets are today.

Let us go on. Wen Ho Lee worked to command the computer to declassify the files when he was well aware that the files contained some of the most sensitive information at Los Alamos, and this process over here just kind of tells us what was necessary. First, you had to have an input deck, file information. Now this information was a blueprint of the exact dimensions and the geometry of the Nation's nuclear weapons, including our most successful modern warheads.

The data files included nuclear bomb testing protocol, nuclear weapons bomb test problems, information related to physical and radioactive properties. And the source codes included data used for determination by simulation the validity of nuclear weapon designs. So the information that Wen Ho Lee worked with on his computer, he knew, he knew how secret that information was. He knew exactly what keys that information provided for somebody who wanted to get their hands on it to build their own nuclear arsenal. Yet, he continued over a period of time, and I am going to show us some of the interesting facts about that period of time. He went over a period of time and continued to declassify top secret material for the sole purpose of transferring it out of that computer into his own computer and copying it into his own personal library, which now he has. We do not know where those documents are.

Before we go further, let me point out that it has been very easy to criticize the Federal Bureau of Investigation. They were the lead investigator here. The Department of Justice, Janet Reno, as I said, in fact, in my discussions with AL this weekend, my constituent that I visited with, in my discussions, he reminded me of how critical I had been of the Federal Bureau of Investigation with Ruby Ridge.

I think Ruby Ridge and the conduct by the Federal Bureau of Investigation was a shame. I think it was shameful. They know it was shameful. I think it was unfortunate that some of the people who were involved with the FBI who did wrong ended up with promotions.

I have had disagreements with Janet Reno, the Attorney General. Although I am an ex-police officer, I am not coming in here with a bias in favor of the FBI. I am not coming in here with a basis in favor of Janet Reno. I am coming in here, I believe, well studied in the facts; and I am telling my colleagues do not let them divert Wen Ho Lee's activity and his behavior by putting the blame on Louis Freeh, the director of the Federal Bureau of Investigation. Do not let them divert from the facts what Wen Ho Lee did by bringing Janet Reno into the equation and saying for some reason she misbehaved.

The facts are clear in this case. I am going to present some more to you.

Let us go on further. It is critical to understand it; and I think this is so important, so important, for us to pay attention to. It is so critical to understand that Wen Ho Lee's conduct was not inadvertent. It was not careless, and it was not innocent. Over a period of years, Lee used an elaborate scheme to move the equivalent of 400,000 pages of extremely sensitive nuclear weapons files from a secure part of the Los Alamos computer system to an unclassified, unsecure part of the system, which could be accessed from outside of Los Alamos, indeed, from anywhere in the world.

In fact, at one point Lee attempted to access that from overseas. He could not quite get the connection down, so he contacted the computer help system, which had a tracer on it, and in asking for help on the computer, how do I do this, I am not being successful in transferring in this country. I believe he was over in Taiwan.

In order to achieve his ends, Wen Ho Lee had to override default mechanisms that were designed to prevent any accidental or inadvertent movement of these files. His downloading process consumed approximately 40 hours of 70 different days. Do not let people tell you he did it by accident. There are default mechanisms built into this computer program. You have to go around it. You have to go under it. You have to go above it. You have to go sideways.

There are a lot of computer safeguards placed in there, so somebody who is handling this sensitive material cannot inadvertently send it to a computer system where it can be accessed around the world. His behavior was not inadvertent. It was not careless, and it was not innocent.

Let us go on. Nor was this all. Wen Ho Lee carefully and methodically removed classification markings from documents.

□ 2200

He attempted repeatedly to enter secure areas of Los Alamos after his access had been revoked, including one attempt at 3:30 in the morning on Christmas Eve.

Think about that, how many people would attempt to get into a top secret part of a lab at 3:30 in the morning on Christmas Eve; in the morning, a.m., 3:30 a.m. on Christmas Eve? Oh, what a coincidence, he just happened to stumble down to the top secret portion of the lab and try to gain access through a starewell.

He deleted files in an attempt to cover his tracks before he was caught. As soon as he found out the FBI was on him, as soon as he failed a lie detector test, as soon as he figured out that the computer was tracking him, he began immediately to delete files. He tried to cover his tracks, not by an accidental push of the button, of the keyboard, but by an intentional, well-designed method to delete not only his current files, but delete any record of those files ever being made at all.

Wen Ho Lee created his own secret, portable electronic library of this Nation's nuclear weapons secrets. So first he took them out of the top secret computer, moves them to a nonclassified computer, where he can then access them from his own computer. In fact, anyone in the world could access those secrets.

He stood before a Federal court judge, admitted his wrongdoing, and pleaded guilty to a felony. Contrary to some reports, there is nothing minor or insignificant about that crime. The restricted data that Wen Ho Lee downloaded into 10 portable computer tapes included, and keep this in mind, it included the electronic blueprint of the exact dimensions and geometry of this Nation's nuclear weapons.

These are just some of the steps that are required to access, for him to go in there.

First of all, he has to log into a secure computer system by entering a password, and not only enter a password, you have to put a Z number in behind it. Then you have to access data in red partition, then type save, then you go CL–LU, classified level included unclassified. So look at the steps we already have so far.

Then you have to access C machine and type commands to download partition from secure partition to open Rho machine. Then you have to access that machine. Then you have to log into a colleague's computer outside of the x division. Then you have to access the open directory and copy the files.

My point in all of that is that there were numerous steps that Wen Ho Lee took to obtain from all of us, from all of the citizens of the United States, to obtain our highest secrets, in dereliction, not only dereliction of his duty, that is too light, but in my sense, a betrayal. I do not think I am using too strong a word.

Anybody that would go in with those kinds of secrets, with those kinds of weapons, and would intentionally transfer the information of those weapons so that it can be accessed elsewhere, and we do not know where most of those tapes are, by the way, Mr. Lee has not cooperated, he has not told us where those are the tapes are, tell me that is not a betrayal in the highest form. I think it is. I think it is disgraceful.

Let us go through this. Make no mistake about the scope of this offense and the danger that it presents to our Nation's security. Make no mistake about the scope of this offense and the danger it presents to our society.

As an expert from Los Alamos testified in this case, the material that was downloaded and copied by Wen Ho Lee represented the complete nuclear weapons design capability of Los Alamos at that time, approximately 50 years of nuclear development.

Mr. Speaker, for those who have been kind of coming in and out, following me a little here and there, this will bring Members entirely up to speed, this one paragraph. And make no mistake about it, the scope of this offense and the danger it presents to our Nation's security, as an expert from Los Alamos testified in this case, the material downloaded and copied by Wen Ho Lee represented the complete nuclear weapons design capability of Los Alamos at that time, approximately 50 years of nuclear development.

They had an expert come in and testify, a Dr. Younger, and tell us exactly what he thought was the extent of the material that Wen Ho Lee transferred. Please, please, Mr. Speaker, I ask my colleagues to listen very carefully to this.

"These codes and their associated databases and the input file, combined with someone that knew how to use them, could, in my opinion, in the wrong hands, change the global strategic balance."

In other words, if these get into the wrong hands, and we know they are out there now, we know that the secrecy has been broken by Wen Ho Lee, that in betrayal to his country he has copied those and moved those out into that world, and that if somebody gets those who knows what they are doing, it could change the global strategic balance.

"They enable the possessor to design the only objects," "They enable the possessor to design the only objects that could result in the military defeat of America's conventional weapons;" the only threat, for example, to our carrier battle groups. "They represent the gravest possible security risk to the United States," what the President and most other presidents have described as the supreme national interest of the United States.

Look at that sentence, Mr. Speaker. Just look at that. "They represent the gravest possible security risk to the United States." They represent the gravest possible security risk to our country, to our constituents. In fact, if it is a security risk to the United States, it is a security risk to our friends throughout the world.

One individual, one individual, has done this much damage. Yet, our national media, some of our media, portrays him as a picked-upon victim. Some of our national media decides to focus on the FBI or on Janet Reno and kind of shove it aside, just brush it aside, as if it is a minor traffic ticket, what Wen Ho Lee has done to this country? Where is the justice here?

Now, some will say, okay, you made some pretty strong statements, Congressman. Really, what do you have to point out? Show us a little more detail. Let me give kind of a chronological chart. I think at the end of this chart Members will be very amazed, very interested in the innocence of Wen Ho Lee.

A chronological events or a calendar of events between December 23, 1998, and February 10, 1999. Let us take a look at these. This is on December 23rd, 1998, on Wednesday.

At 2:18, they completed the polygraph of Wen Ho Lee. At 5 o'clock, approximately 5 o'clock, Wen Ho Lee is advised that his access to the secure areas of the X division, remembering that the X division is the top secret area, and to both his secure and open X division computer accounts has been suspended.

So about 5 o'clock they told Wen Ho Lee, "Your privileges, your permission, your ability to go into any of these secret areas is hereby suspended." So there should be no question that Wen Ho Lee knew that he was attempting to get into areas he was not supposed to be into, that he was specifically prohibited from entering.

At 9:36 that night, and by the way, way past his shift, Lee makes four attempts to enter the secure area of X division through a stairwell, up through stairwell number 2, and makes four attempts to get into the secure area.

At 9:39, approximately 3 minutes later, he tries another access point through the south elevator and attempts to enter the secure area.

On December 24, at 3:31 in the morning, he is back again, once again through the south stairwell number 2, which by the way, as you know, Christmas Eve, he attempts to enter the secure area of the X division.

On January 4, on Monday at 9:42, Lee succeeds in having his open computer account reactivated, and deletes three computer files.

On January 12, 1999, he deletes one computer file.

On January 17, 1999, between 1 and 5, they interview Lee at his residence. The very next day Lee, in an attempt to cover his tracks, deletes 47 computer files. The following day Lee goes to the computer desk and asks for help, why he is not able to successfully delete these files to hide his tracks.

At 10:46, he attempts to enter the secure area again, this time through stairwell number 3.

On January 30 at 2:54, Los Alamos officials deactivate Lee's open computer account and secure area of X division after discovering that it has been improperly reactivated. So they deactivate it and oh, what a coincidence, here is Wen Ho Lee attempting on several times to go through, to go up through a stairwell or elevators to gain access to an area that he had been specifically and openly and he acknowledged having no right to go into.

The next thing you know, they also say, we are also taking your computer access away. Somehow, just like he was able to move classified documents to nonclassified documents, somehow he is now able to reactivate his computer access to the top secret area, so they deactivate it.

At 4:52, not long after they detected his computer has all of a sudden been reactivated, at 4:52 he attempts to enter the secure area, this time through a south door.

On February 2 at 9:42 in the morning he attempts to enter the secure area of X division through the south door. A little after 1 o'clock he attempts again through the south door. About 2 o'clock he makes four attempts to enter the X division, again through the south door.

On February 8, they contacted him and asked to meet with him to discuss conducting interview and a polygraphs. Shortly thereafter, he once again attempts to enter the secret division, this time through stairwell number 2. Between 4 and 6 they meet with him. They arrange to have the polygraph. Shortly after he arranges to have another polygraph with the FBI, he once again attempts through the south door to enter into the access of the X division.

On February 9, Lee deletes approximately 93 computer files. The FBI interviews him at 1 o'clock that day and they obtain his permission to undergo a polygraph. At 9:03 that night he is back again at the lab and once again he is trying to access through the south door.

On February 10, he undergoes the polygraph. Immediately after the polygraph, he deletes 310 computer files. Once again later that evening he attempts to enter the secure area of the X division through the south door.

Mr. Speaker, these are hard facts. It is simple to figure out what is going on here. It would be an injustice to our citizens, it would be an injustice to the national security of our country, it would be an injustice to the global strategic balance of this world, to just look the other way and dismiss this as a minor altercation by a scientist who wants to build his resume.

There is a lot to look at here. For gosh sakes, do not take for granted what this individual was attempting to do. Do not ignore the fact, despite the fact that there are many national publications that want to play this off as a race card, want to play it off as an innocent mistake, want to play it off as kind of an accidental scientist who kind of bumbles around, doesn't have a lot of common sense, and wanted to build his own library for his personal enjoyment, the fact is we have suffered a major loss in this country.

We know who is responsible for this major loss. Every newspaper and every critic of the FBI and every critic of Janet Reno has an obligation to stand up.

That is not to say they should not criticize our law enforcement agencies if they misbehave, but it is to say that in that criticism, do not let it overshadow or in such a way divert them away from what has occurred and the victims of what has occurred.

Wen Ho Lee is not the victim in this case, it is us, the citizens of the United States. It is those thermonuclear secrets. Where are they today? Mr. Wen Ho Lee had many opportunities to cooperate with the FBI. He makes it sound like he was really cooperating. He did not cooperate. For months he would not say anything. He lied to the FBI until they showed him the evidence. Then he changed his stories. He and his defense attorneys did not know the kind of evidence that the FBI had. Now all of a sudden these tapes, he just lost them. He is not sure what happened to them.

He is a convicted felon now, and part of the agreement is he has to disclose. But do we think we can trust him?

Let me point out one other thing that I found of some interest. In some of the newspaper articles that I saw, I noted that they said Wen Ho Lee was taken like a prisoner of war in some Third World country and he was isolated, put in shackles. He was not allowed to see people. He was abused.

Even the President of the United States, in a comment of his policy, questioned whether or not, is this guy a victim? Come on.

□ 2015

Let us take a look at his imprisonment. I got this out. We would like to emphasize, we sought to be responsive to complaints brought to our attention by Wen Ho Lee's attorneys concerning the conditions of his confinement. I want to go ahead and get this out. This is not an issue. Let us just look at it and throw it out.

For example, we arranged a Mandarin language speaking FBI agent to be present so Wen Ho Lee could speak to his family in that language. Similarly, we made special food arrangements for Wen Ho Lee. We arranged for exercise on weekends, and we built at significant government expense a special secure facility in the courthouse where he could consult with his lawyers and where, in fact, he spent up to 6 hours per day on over 90 days of his incarceration. In numerous respects, then, Wen Ho Lee was treated better than others who were held in an administrative segregation at this facility.

This is Director Freeh. Let me be clear about some misconceptions. Wen Ho Lee was held in solitary while in the facility; but as I have noted, in fact, he spent a good part of over 90 days outside the facility with his lawyer. He was not shackled in his cell but only when he was transported or otherwise outside his cell, as were others in similar circumstances.

So this picture they are trying to give us of some individual who was shackled and put in isolation, one, he was in isolation, but he had access to his family, he had access to his attorneys. Sure his outside communication was confined because he will not tell us where the tapes are. He will not tell us who he has communicated to. He will not tell us if he has given those thermonuclear secrets to the Chinese, for God's sakes.

Well, of course we are going to treat him with some concern. But the only time he had shackles on is when, like any other prisoner, he was transferred from location to location. As the Director of the FBI noted, he even got special treatment. He had a special facility built for him. During the first 90 days of his incarceration, he spent 6 hours a day with his lawyers. And it goes on.

To claim that a light was kept on in his cell, that is another claim. They said, well, he had a light over his cell that was never turned off. We would like to point out that this claim first surfaced, so far as we are aware, after the plea. To the best of our knowledge, no complaint was made to us through Wen Ho Lee's lawyers about the lighting condition in his cell.

Significantly, we informed Wen Ho Lee's attorneys that we would respond to any reasonable request regarding the conditions of his confinement. So this light deal, about him being in a cell with just a single light he could not turn off, that did not even arise as a complaint until after he plea bargained, when the public relations effort began by the defense attorneys, when the public relations effort began by this, I guess, this individual's friends.

Some of the coverage I have seen, it made me think, oh, my gosh, maybe we ought to put background music on, tie a yellow ribbon around that tree. You know, one feels sorry. He has done his time. He is coming home.

Let me tell my colleagues something, this could not be the furthest from that. This man has transferred the most sensitive secrets in the history of this country. And for our national media, not all our national media, but for some of our national media to treat this as if he is the victim, as if our authority, as if our government is somehow overstepping its bounds to come down on an individual who has taken these types of secrets with the kind of evidence that we have, and obviously he has now acknowledged it, is in itself an injustice.

So it comes back to the basic question. My colleagues heard the facts tonight, the facts as given by sworn testimony, by the Director of the FBI, by Janet Reno. The evidence is hard evidence. This is not circumstantial evidence. This is not evidence that is imagined. This is evidence that, in fact, Wen Ho Lee himself admitted to some of it when he plead guilty to this felony.

Now, some people said, well, gosh, there were 59 charges. Why did they drop 58 of them? It is pretty simple why they dropped 58, because in order to pursue the 58 charges, they had to make further disclosure of national secrets.

So it was the opinion of the FBI and of the Department of Justice and the other individuals involved that it was better to get him on one charge than have to disclose any more secrets, especially since we do not know to what extent Wen Ho Lee allowed other individuals to put their hands on the material that he had taken from our secret labs.

So the question comes back, who is the victim? I hope that, after my discussion with my colleagues this evening, that on the answer to that question, this is not even considered as one of your multiple choices; that the only multiple choice you have, and you volunteer to take it, is that it was the United States of America who was the victim in this case, that it is the citizens of the United States of America who are the victims in this case, that it is the future generations of this country who have become the victim of one individual who absconded with American secrets, who, held in the highest level of trust by his fellow citizens in this country, betrayed his citizens, who went in and in a methodical process transferred, first of all, changed "top secret" classification to "nonsecret" classification, and then put it out to his own computer.

This is an individual who was evasive, who did not tell the truth on occasion, who, through his attorneys, tried to mislead the FBI, who went out on his own and went into the computer and tried to cover his tracks, who on numerous occasions, as I went over, tried to get back into an area of the lab, the secure part of the lab where he knew he was denied, he was not allowed those privileges anymore. And you tell me who is the victim.

It is clear to me, and it ought to be clear to my colleagues, and I am pretty sure it is going to be clear to their constituents that the victim here is us. So keep that in mind as my colleagues hear further information on Wen Ho Lee.

In conclusion of these remarks, let me say that later this week I hope I have the opportunity to sit down with BOB BARR. I have asked BOB BARR, and BOB and I had a lengthy discussion about this, about the policies and what a U.S. attorney looks at, what kind of evidence the government looks for, and why the government, I am going to be very interested in what Mr. BARR has to say, about why the government at times is not allowed to pursue charges because they would have to reveal secrets, and the pluses and the minuses and what kind of thought process goes into that.

Mr. Speaker, I think it is a responsibility of ours when we go on this recess to go out to our constituents and be fully informed on this case. This case obviously has had devastating impacts so far, and it could be much, much more severe. We need to know what we are talking about. We need to have the facts at hand.

So I think the subsequent discussions that I have with Mr. BARR on this floor will also be of some benefit to my colleagues as they go out and visit with their constituents as to what occurred and what did not occur with Wen Ho Lee at the Los Alamos labs.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today and October 3 on account of personal business.

Mr. HILLEARY (at the request of Mr. ARMEY) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCOTT) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. STEARNS, for 5 minutes, today.

Mr. CAMPBELL, for 5 minutes, October 3.

Mr. SOUDER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CANNON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SCOTT on H.R. 5284.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On September 28, 2000:

H.J. Res. 72. Granting the consent of the Congress to the Red River Boundary Compact.

H.R. 999. To amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

H.R. 4700. To grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.J. Res. 109. Making continuing appropriations for the fiscal year 2001, and for other purposes.

H.R. 2647. To amend the Act entitled "An Act relating to the water rights of the Ak-Chin Indian Community" to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

ADJOURNMENT

Mr. McINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 3, 2000, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10397. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced from Grapes Grown in California; Decreased Assessment Rate [Docket No. FV00-989-5 IFR] received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10398. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting a report on initiating a cost comparison of Multiple Support Functions at Randolph Air Force Base, Texas; to the Committee on Armed Services.

10399. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Truth in Lending [Regualtion Z; Docket No. R-1070] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10400. A letter from the Deputy Assistant, Department of Defense, transmitting the Department's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activites Receiving Federal Financial Assistance —received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10401. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule— Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving Federal Financial Assistance—received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10402. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10403. A letter from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services [PR Docket No. 92-235] received September 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10404. A letter from the Assistant Bureau Chief, International Bureau Telecommunication Division, Federal Communications Commission, transmitting the Commission's final rule—Rules and Policies on Foreign Participation in the U.S. Telecommunications Market [IB Docket No. 97-142] received September 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10405. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Italy (Transmittal No. 09-00), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

10406. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom [Transmittal No. DTC 133-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10407. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Belgium [Transmittal No. DTC 139-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10408. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 137-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10409. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece [Transmittal No. DTC 116-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10410. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel [Transmittal No. DTC 136-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10411. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 122-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10412. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Australia [Transmittal No. DTC 123-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10413. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Taiwan [Transmittal No. DTC 104-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10414. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed Technical Assistance Agreement with Germany and Italy [Transmittal No. DTC 070-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10415. A letter from the Assistant Secretary for Policy and Planning, Department of Veterans, transmitting a report in accordance with Public Law 105-270, on the inventory of commercial activities which are currently being performed by Federal employees; to the Committee on Government Reform.

10416. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting a report on the revised Strategic Plan for the Occupational Safety and Health Review Commission; to the Committee on Government Reform.

10417. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal entitled "Federal Employees' Overtime Pay Limitation Amendments Act of 2000"; to the Committee on Government Reform.

10418. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule— Final Compatibility Regulations Pursuant to the National Wildlife Refuge System Improvement Act of 1997 (RIN: 1018-AE98) received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10419. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled the "Human Rights Abusers Act of 2000"; to the Committee on the Judiciary.

10420. A letter from the Corporate Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2000, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

10421. A letter from the Secretary, Judicial Conference of the United States, transmitting a draft bill entitled, "Federal Judgeship Act of 2000"; jointly to the Committees on the Judiciary and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McCOLLUM: Committee on the Judiciary. H.R. 3484. A bill to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes (Rept. 106-920). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 5267. A bill to designate the United States courthouse located at 100 Federal Plaza in Central Islip, New York, as the "Theodore Roosevelt United States Courthouse" (Rept. 106-921). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 5284. A bill to designate the United States courhouse located at 101 East Main Street in Norfolk, Virginia, as the "Owen B. Pickett United States Customhouse" (Rept. 106-922). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4187. A bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles (Rept. 106–923). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 603. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4578) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–924). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 604. Resolution providing for consideration of the joint resolution (H.J. Res. 110) making further continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106–925). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself and Mr. RYAN of Wisconsin):

H.R. 5350. A bill to exempt agreements relating to voluntary guidelines governing telecast material, movies, video games, Internet content, and music lyrics from the applicability of the antitrust laws; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 5351. A bill to amend title 10, United States Code, to authorize military recreational facilities to be used by any veteran with a compensable service-connected disability; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 5352. A bill to amend the Internal Revenue Code of 1986 to promote the development of domestic wind energy resources, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEPHARDT (for himself, Mr. THOMPSON of Mississippi, and Mr. RILEY):

H.R. 5353. A bill to amend the Tariff Act of 1930 with respect to the marking of door hinges; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island:

H.R. 5354. A bill to designate the facility of the United States Postal Service located at 7 Commercial Street in Newport, Rhode Island, as the "Bruce F. Cotta Post Office Building"; to the Committee on Government Reform.

By Mr. KENNEDY of Rhode Island:

H.R. 5355. A bill to designate the facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, as the "Alphonse F. Auclair Post Office Building"; to the Committee on Government Reform.

By Mr. KLINK (for himself, Mr. MCHUGH, Mr. HOLDEN, and Mr. OBERSTAR):

H.R. 5356. A bill to establish the Dairy Farmer Viability Commission; to the Committee on Agriculture.

By Mr. LEWIS of Georgia (for himself, Mr. BARR of Georgia, Mr. BISHOP, Mr. CHAMBLISS, Mr. COLLINS, Mr. DEAL of Georgia, Mr. ISAKSON, Mr. KINGSTON, Mr. LINDER, Ms. MCKINNEY, and Mr. NORWOOD):

H.R. 5357. A bill to designate the Peace Corps World Wise Schools Program, an innovative education program that seeks to engage learners in an inquiry about the world, themselves, and others, as the "Paul D. COVERDELL World Wise Schools Program"; to the Committee on International Relations.

By Mrs. MALONEY of New York (for herself, Mr. RANGEL, Mr. GONZALEZ, and Mr. FALEOMAVAEGA):

H.R. 5358. A bill to amend title 13, United States Code, to provide that the term of office of the Director of the Census shall be 5 years, to require that such Director report directly to the Secretary of Commerce, and for other purposes; to the Committee on Government Reform.

By Mr. SKEEN:

H.R. 5359. A bill to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico; to the Committee on Resources.

By Mr. YOUNG of Florida:

H.J. Res. 110. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. KNOLLENBERG (for himself and Mr. OSE):

H. Con. Res. 415. Concurrent resolution expressing the sense of the Congress that there should be established a National Children's Memorial Day; to the Committee on Government Reform.

By Mrs. WILSON (for herself, Mr. LAMPSON, Mr. BARTON of Texas, Mr. FROST, Mr. OXLEY, Mr. SAM JOHNSON of Texas, Mr. SHIMKUS, Mr. FOLEY, Mr. GREENWOOD, and Mr. VISCLOSKY):

H. Res. 605. A resolution expressing the sense of the House of Representatives that communities should implement the Amber Plan to expedite the recovery of abducted children; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 284: Mr. MCINTYRE, Mr. KLINK, Mr. MILLER of Florida, Mr. MEEHAN, Mr. SANDLIN, Mr. HASTINGS of Florida, and Mr. STRICKLAND.

H.R. 372: Mr. MANZULLO.

H.R. 488: Mr. GREENWOOD.

H.R. 582: Mr. ALLEN.

H.R. 601: Mr. GORDON.

H.R. 783: Ms. SANCHEZ.

H.R. 908: Mr. SANDERS and Mr. FILNER.

H.R. 1115: Mr. BACA.

H.R. 1122: Mr. GORDON, Mr. ROMERO-BARCELO, and Mr. PETERSON of Pennsylvania.

H.R. 1187: Mr. FLETCHER.

H.R. 1310: Mr. BARRETT of Wisconsin, Mr. SMITH of New Jersey, and Mr. WOLF.

H.R. 1311: Mr. BARRETT of Wisconsin and Mr. DOYLE.

H.R. 1465: Mr. CUNNINGHAM.

H.R. 1503: Mr. GORDON.

H.R. 1515: Mr. HOLT.

H.R. 2138: Mr. KLINK.

H.R. 2241: Ms. MCCARTHY of Missouri.

H.R. 2431: Ms. MCCARTHY of Missouri.

H.R. 2457: Mr. CLAY and Mr. BACA.

H.R. 2620: Mr. SHAW.

H.R. 2774: Mr. TURNER.

H.R. 2814: Ms. HOOLEY of Oregon.

H.R. 2906: Mr. MENENDEZ.

H.R. 3003: Mr. WU.

H.R. 3083: Mr. BACA.

H.R. 3144: Mr. BACA.

H.R. 3161: Ms. JACKSON-LEE of Texas.

H.R. 3275: Ms. KILPATRICK, Mr. FRANKS of New Jersey, Ms. PELOSI, Mrs. LOWEY, and Ms. WOOLSEY.

H.R. 3308: Mr. HOLDEN.

H.R. 3309: Mr. ENGLISH.

H.R. 3463: Mr. KLINK.

H.R. 3473: Mr. WU.

H.R. 3514: Mr. CAMPBELL, Mr. OWENS, and Mr. ETHERIDGE.

H.R. 3633: Mr. BONIOR, Mr. BARRETT of Wisconsin, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mr. CUMMINGS, Mr. FATTAH, Mr. JEFFERSON, Ms. KILPATRICK, Mr. KLINK, Mr. HOLT, and Mr. ROTHMAN.

H.R. 3667: Mr. BROWN of Ohio.

H.R. 3872: Mr. PETERSON of Minnesota, Ms. DEGETTE, Mr. DOYLE, Mr. BARCIA, and Mr. BACA.

H.R. 4025: Mrs. ROUKEMA.

H.R. 4106: Ms. KAPTUR.

H.R. 4274: Mr. COYNE.

H.R. 4277: Mr. DEFAZIO and Mr. OBERSTAR.

H.R. 4338: Mr. KENNEDY of Rhode Island.

H.R. 4627: Mr. KINGSTON.

H.R. 4634: Ms. KILPATRICK, Mrs. THURMAN, Mr. FROST, and Ms. PELOSI.

H.R. 4649: Mr. HOLT, Mr. GOODLING, and Ms. SCHAKOWSKY.

H.R. 4677: Mr. FROST.

H.R. 4701: Mr. BURR of North Carolina and Ms. KAPTUR.

H.R. 4736: Mr. MCNULTY.

H.R. 4740: Mr. KLINK.

H.R. 4926: Mr. GOODLING, Mrs. CHRISTENSEN, Ms. KILPATRICK, and Mr. FORD.

H.R. 4964: Ms. KILPATRICK, Mr. ABERCROMBIE, and Mr. EVANS.

H.R. 5040: Mr. GORDON.

H.R. 5054: Mr. DOYLE.

H.R. 5122: Ms. SCHAKOWSKY.

H.R. 5146: Mr. SCHAFFER.

H.R. 5151: Mr. STUMP.

H.R. 5158: Mr. WYNN and Mr. MEEKS of New York.

H.R. 5163: Mr. HAYES, Mr. PAYNE, Mr. KANJORSKI, Mr. THOMPSON of California, Ms. CARSON, and Mr. EVANS.

H.R. 5164: Mrs. THURMAN, Mr. TERRY, Mrs. ROUKEMA, and Mr. MOORE.

H.R. 5178: Mr. HINCHEY, Mr. ETHERIDGE, Mr. HINOJOSA, Mrs. CHRISTENSEN, Mr. FORD, Mrs. JOHNSON of Connecticut, Mr. EHRLICH, Mr. DOYLE, Mr. THOMPSON of California, Ms. BERKLEY, Mr. WELDON of Pennsylvania, Ms. PRYCE of Ohio, and Mr. GIBBONS.

H.R. 5180: Mr. GREEN of Texas, Mr. SAXTON, and Mr. ENGLISH.

H.R. 5200: Mr. SHAW, Mr. VITTER, and Mr. SAXTON.

H.R. 5204: Mr. STARK and Mr. KOLBE.

H.R. 5220: Mr. BONILLA, Mr. COMBEST, Mr. ORTIZ, and Mr. TURNER.

H.R. 5229: Ms. MCKINNEY.

H.R. 5241: Mr. GEKAS.

H.R. 5261: Mr. CAPUANO and Mr. HINOJOSA.

H.R. 5271: Mr. STENHOLM, Mr. FILNER, Mr. SANDERS, Ms. MCKINNEY, Mr. RAHALL, and Mr. REYES.

H.R. 5277: Mr. JEFFERSON, Mr. HALL of Ohio, Mrs. LOWEY, Ms. KILPATRICK, Mr. COYNE, Mr. WU, Mr. BACA, Mrs. CAPPS, Mr. MCGOVERN, Ms. HOOLEY of Oregon, Mr. LAFALCE, Mr. OBERSTAR, and Mr. WAXMAN.

H.R. 5288: Mr. KANJORSKI.

H.R. 5308: Mr. KILDEE.

H.R. 5324: Mr. RAHALL, Mr. PASTOR, Mr. BISHOP, Mr. FILNER, Mr. WEXLER, Ms. CARSON, Mr. WISE, and Mr. FROST.

H.R. 5331: Mr. WATT of North Carolina, Ms. SCHAKOWSKY, Mr. GILCHREST, Mr. SANDLIN, and Mr. BORSKI.

H.R. 5345: Mr. PACKARD and Mr. WAXMAN.

H. Con. Res. 64: Ms. PRYCE of Ohio.

H. Con. Res. 308: Mr. ACKERMAN.

H. Con. Res. 341: Mr. SHADEGG and Mr. WELDON of Florida.

H. Con. Res. 357: Mr. GEORGE MILLER of California.

H. Con. Res. 382: Mr. HASTINGS of Florida and Mr. SALMON.

H. Con. Res. 392: Mr. PASCRELL.

H. Con. Res. 398: Ms. SCHAKOWSKY.

H. Con. Res. 406: Mr. BOYD.

H. Con. Res. 408: Mr. SMITH of New Jersey, Mr. FILNER, and Ms. MILLENDER-MCDONALD.

H. Con. Res. 414: Mr. PORTER.

H. Res. 398: Mr. SHAW and Ms. ROS-LEHTINEN.

EXTENSIONS OF REMARKS

HONORING MARK PEARSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to honor the considerable achievements of Mark Pearson. Mark recently received recognition at Wilderness 2000, a conference on wilderness issues, honoring him for his dedicated work in the wilderness field.

Mark began the work that he is now well known for when he attended the University of Colorado at Boulder, where he was an active member of the CU Wilderness Study Group. This group studied public lands issues in Colorado, examining particularly important areas and then forming copious data into field reports. The reports that were done under Mark's supervision were so thorough and so well done that they soon became a guide of sorts for wilderness enthusiasts. Upon graduating from CU, Mark went on to attend Colorado State University where he graduated with a masters degree in Public Land Management. His undergraduate and masters work enabled him to become the well-respected wilderness expert that he is today.

Before working with the Colorado Wilderness Network, Mark worked with a number of different environmental groups. He has been an active member of the Colorado Environmental Coalition, the Sierra Club, as well as working for the Wilderness Land Trust. His expertise in Forestry and public land management soon landed him a job with Senator BEN NIGHTHORSE CAMPBELL as a public lands staffer. His knowledge of and leadership on wilderness issues is now being utilized by San Juan Citizens Alliance, where he is currently employed.

Mark has been a leading member of the wilderness community for over two decades. Mr. Speaker, on behalf of the State of Colorado and the U.S. Congress, I would like to congratulate Mark on his well-deserved award.

HONORING CARRIE NEWTON AS THE ELEMENTARY SCHOOL TEACHER OF THE YEAR FOR FAYETTE COUNTY

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. FLETCHER. Mr. Speaker, it is my honor to recognize an outstanding educator in the Central Kentucky educational community. For twenty-nine years, Carrie Newton has been a tireless advocate for learning, especially in the area of literacy, who has inspired countless young students just beginning their academic careers. A fourth grade teacher at Lansdown Elementary School, Ms. Newton demonstrates all the qualities of an exceptional educator.

Ms. Newton has recently been named Elementary School Teacher of the Year for Fayette County. Carrie Newton has worked hard to ensure that elementary school students develop a first-rate academic foundation that will lead them to realize their full potential in their future endeavors.

I join our community in recognizing an outstanding teacher who has contributed years of dedicated teaching at Lansdown Elementary. Ms. Newton is the kind of teacher that every parent and child wishes for—an educator who knows how to engage her students and motivate them to learn. It is a pleasure to recognize Ms. Newton on the House floor today for her superior work in education which has earned her the Teacher of the Year Award.

TRIBUTE TO THE CLEVELAND ORCHESTRA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. KUCINICH. Mr. Speaker, I wish to recognize the remarkable Cleveland Orchestra that was recently featured in the Wall Street Journal article titled "In Cleveland, Music for Connoisseurs."

The Cleveland Orchestra was founded in 1918 under the outstanding direction of Russian-American conductor Nikolai Sokoloff. The renowned Sokoloff initiated an extensive domestic touring schedule, educational concerts, commercial recordings and radio broadcasts. This rich tradition continued under the distinguished Artur Rodzinski, who served as music director from 1933–43. His claim to fame was the presentation of 15 fully-staged operas at Severance Hall. After a short reign by Erich Leinsdorf, the orchestra went through a period of revolutionary change and growth under the incredible leadership of George Szell beginning in 1946. Both the number of Orchestra members and the length of the season increased, and the Orchestra started touring outside the United States. The famous Cleveland Orchestra Chorus was also established during this time. When Szell passed away in 1970, he was temporarily replaced by Pierre Boulez and later by Lorin Maazel during the 1972–73 season. Maazel not only lived up to the standards set by his predecessors, but he also left his own mark on the Orchestra by expanding their repertoire to include more 20th century compositions. Christoph von Dohnanyi succeeded Maazel as music director in 1982, and he continues to hold the position today. During von Dohnanyi's tenure, the Cleveland Orchestra has soared to rank among the best of the world's symphonic ensembles.

However, it is not simply the wonderful direction that makes the Cleveland Orchestra so amazing. The true power and inspiration of the Orchestra stems from its outstanding and marvelously talented collection of musicians. From the violins to the flutes to the horns to the trombones, each section has its own magical sound but still blends modestly with the whole of the Orchestra.

A discussion of the grandeur of the Cleveland Orchestra is hardly complete without mention of its magnificent home, Severance Hall. The beautiful, ornate concert hall has just undergone a two-year, $36 million renovation and expansion. The goal of the project was to preserve Severance Hall's grace and architectural integrity. Thus, the original detailing of the Hall has been restored, and its legendary acoustics have been retained and enhanced.

Mr. Speaker, I ask my fellow colleagues to join me in recognizing the extraordinary achievements of the Cleveland Orchestra. I hope that the Orchestra continues bringing joy to the city of Cleveland and the rest of the world for many years to come, and I submit the aforementioned article into the RECORD.

IN CLEVELAND, MUSIC FOR CONNOISSEURS

WHILE ITS ARTISTIC PREEMINENCE IS UNQUESTIONED, THIS ORCHESTRA MAY FALL SHY OF FAME'S PEAK

By Greg Sandow

When Ellen dePasquale joined the Cleveland Orchestra two years ago, she'd had just two years of professional violin experience. And yet here she was, a member of the most disciplined orchestra in America, and possibly the world. Scarier still, she was leading it. She'd been hired as associate concertmaster, which made her second in command of the musicians. But the week she began, the main concertmaster, William Preucil, was playing in front of the orchestra as a soloist, leaving Ms. dePasquale in charge. I was overwhelmed," she told me.

"We tortured her!" Mr. Preucil laughed, chatting with her and me and two other Cleveland Orchestra musicians. "We broke her fingers," deadpanned Robert Vernon, the principal violist. But these were jokes. The surprising reality, as Ralph Curry, a member of the cello section, explained it, was utterly simple: "She sat down and people followed her." Leading an orchestra, Ms. dePasquale said, suddenly was "easier than it ever had been."

This is one way to start a special story, about the culture of the Cleveland Orchestra, whose musical preeminence is taken for granted by professionals. That's been true ever since the '50s, when George Szell was music director and conducted—as we can hear on his recordings, still available from Sony Classical—with clarity, forceful intellect and decisive grace.

He set a standard that's still in force. I've heard three Cleveland recordings of Beethoven's Ninth, one with Szell conducting, another with Loren Maazel, music director from 1972 to 1982, and the third with Cleveland's current music director, Christoph von Dohnanyi. Szell's performance is both the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

strongest and the subtlest, Mr. Maazel's the most blatant and Mr. von Dohnanyi's the simplest, despite its force, and the most understated. But in all three, no matter what approach the conductor takes (and Mr. Maazel's case, maybe in spite of it), the musicians play every note with radiant care. Robert Vernon and Ralph Curry both played under Szell; both say they were taught the tradition when they arrived and that they passed it on to those who came in after them.

They haven't changed what they look for, they said, when new players audition. "A beautiful sound," Robert Vernon summarizes, "not the flashiest playing." "Someone who listens," William Preucil offered. "Our character," Mr. Vernon said, "is to sacrifice our own position to be with the other person"—something I noticed

These musicians, orchestra staff members said, play their best on matter where they are. And I heard that myself when some of them gave a concert in the gym of a local elementary school. This was part of a new program called Learning Through Music, which (though Cleveland is hardly the first orchestra to do this) not only puts musicians in the schools, but makes them part of the schools' curriculum. The gym was packed with kids and their working-class parents. The program ranged from standard classical repertoire—a movement, for instance, from the Berlioz "Symphonie Fantastique," cannily arranged for 10 or so players—to rock and jazz and the sharp contemporary rhythm of Steve Reich's "Clapping Music" (played after a minute of silence, during which the kids were encouraged to hear the sounds that rustled and stirred around them). And while it's hardly a secret that orchestras don't always care about performance for children, in this one the musicians spoke to the kids with all the flair of accomplished entertainers and played with the same arresting certainty you'd hear on their records with Mr. von Dohnanyi. The audience was on its feet screaming; I've never seen an orchestra make so many friends so quickly.

But, then, the culture of the Cleveland Orchestra goes deeper than music. "There's a sense of community you don't find many other places, and a can-do spirit," said Richard Kessler, director of the American Music Center, who got to know many orchestras from the inside when he worked as a consultant on orchestral education programs (including Cleveland's). "I've never been in an institution that had less internal tension," said Patricia Wahlen, the orchestra's veteran director of development, after I'd watched her conduct a meeting. "Talent I know I can find," said Thomas W. Morris, the executive director, talking about how he hires new staff. "So I look for imagination."

"The personality is the main thing, finally," Mr. Dohnanyi told me, describing what he looks for in new musicians. I spoke to four people on the board of directors, and none of them mentioned what his day job was until I asked. All four were powers in the Cleveland business world; they'd have to be, since the board raised $25 million toward the recent $116 million

"We have a passion for the music, for the musicians," said the board president, Richard J. Bogomolny (himself an accomplished violinist who plays chamber music with members of the orchestra, though, characteristically, it wasn't he who let me know that), John D. Ong, one of two co-chairmen of the board, describing the orchestra's position in the city, told me, "George Szell lived in Cleveland and was seen doing the normal things that people do." One of Mr. Von Dohnanyi's sons just graduated from Case Western Reserve University here, and many people mentioned the city itself as one reason for the orchestra's success. Philanthropically, Mr. Ong told me, Cleveland is "extraordinarily generous."

To learn more, I called Ohio Sen. George Voinovich, who'd earlier been Cleveland's mayor, and John Grabowski, assistant professor of history at Case Western Reserve and director of research at the Western Reserve Historical Society. Mr. Grabowski talked about Cleveland's "climate of service" and how loyal Cleveland workers are to their jobs. But what struck me most was that both men had their own connection with the orchestra.

For many years, nearly every school-child in Cleveland was bused to Severance Hall; Mr. Grabowski heard concerts that way, while Senator Voinovich's mother took him to performances. "I really miss that part of my life," the senator said, almost wistfully. "As the mayor of the city, one of the nice things was to go to Severance Hall and be known by some of the musicians."

The renovated hall is breathtaking—an art deco palace, red and gold with silver and faux-Egyptian highlights, more playful than you might expect, but also simpler and more serious. Inside it, the orchestra plays wonderfully serious concerts, with soloists chosen for their connoisseur's appeal ("We don't hire big names just because they're names," Edward Yim, the orchestra's artistic administrator, very quietly declared), and programs carefully constructed, with a constant presence of contemporary scores.

Are there problems? The only one I might have found was an apparent disagreement over incoming music director Franz Wälser-Möst, who'll succeed Mr. von Dohnanyi two years from now; the board, I think, adores him, but the musicians only said (as musicians often will).

"Let's wait and see."

I started asking everybody what difficulties there might be; Thomas Morris answered "complacency"—not now, but maybe in the future. I'll raise his bet and offer "smugness." Mr. Morris isn't smug (I was amazed to find that his institution seemed even stronger than he says it is), but it's tricky being sure that you're the best. The musicians made comparisons with other orchestras that can't easily be quoted; they're surely true, but baldly written down they might not seem plausible. And there's a curious artistic challenge, which springs from a problem of perception. The Cleveland Orchestra, as I've said, is musically preeminent, but ever since George Szell, this largely has been preeminence for connoisseurs. What's missing, at least from the orchestra's image, is the expectation of simpler musical virtues, especially direct emotional expression. Mr. von Dohnanyi ("not an obvious choice," said Mr. Ong, "but perfect for us" understands musical integrity; he allows great sonic explosions, for example, only at climactic moments.

At Carnegie Hall, at the start of Charles Ives's "The Unanswered Question," he evoked the softest orchestral sound I've ever heard, a kind of wordless aural poetry just a breath away from silence. but even though he might surprise you in romantic music—try his wrenching, limpid Tchaikovsky "Pathétique" on Telarc—he's most strikingly emotional in unpopular atonal works by Berg and Schoenberg. Mr. Wälser-Möst, of course, will have his own story to tell. But Mr. von Dohnanyi's version of Cleveland's impeccable tradition almost guarantees that the orchestra can't be wildly popular. It may not want to be; it's surely aiming higher. But still it's true that other orchestras remain more famous—the Vienna Philharmonic, for example, whose very name seems synonymous with classical music. Cleveland might be a better orchestra, but because it's not flashy, the final peaks of fame may so far have eluded it.

CELEBRATING THE ASSOCIATION FOR THE ADVANCEMENT OF MEXICAN AMERICANS' 30TH YEAR OF SERVICE TO THE HISPANIC COMMUNITY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. GREEN of Texas. Mr. Speaker, on October 20, 2000, the Association for the Advancement of Mexican Americans (AAMA) will be celebrating the 30th year of service to the Hispanic community. This is a tremendous achievement, and I wish them continued success.

Founded in 1970 in Houston, Texas, AAMA is the largest Hispanic nonprofit service provider in Texas. This community organization was founded to advance the needs of Hispanic families that are coping and struggling to beat back the grip of poverty, poor health and family planning, and low educational attainment. Today, AAMA provides services in Houston and across South Texas.

In my congressional district, AAMA operates the George I. Sanchez Charter High School, which provides at-risk Hispanic youth with an alternative educational environment. Today, the school is one of the largest and most successful charter schools in Texas.

In addition to these education services, AAMA also operates many social service programs, including three gang intervention programs, two HIV and AIDS counseling programs and several drug and alcohol abuse programs throughout Texas. With these programs in place, it is easy to see why AAMA is the largest social service provider in Texas.

AAMA is also involved in community development. The AAMA Community Development Corporation is dedicated to the revitalization of Houston's inner-city through the development of affordable and decent housing. The AAMA Community Development Corporation recently completed and leased a new 84-unit affordable living center in Houston's East End.

I am proud of everyone associated with AAMA. They work tirelessly on behalf of our communities. I ask every Member of the House of Representatives to join me in celebrating AAMA's 30th year of service and in wishing them continued success.

HONORING GEORGE MANZANARES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this time to honor a remarkable human being, George Manzanares. George was a recent recipient of the Daily Point of Light Award. This award is given to individuals and groups that "make a positive and lasting difference in the lives of others". The Daily Point of Light Foundation presents one award each day of the year and George is one of only four Coloradans to receive this prestigious and well deserved award.

George is being honored with this award for his work with George's Independent Boxing Club, which he has run off and on for almost two decades. He founded the organization in Durango, his hometown, as a way to provide children with an alternative way to focus their extracurricular activities. The original club was shut down in 1981, but because of George's tremendous efforts, he was able to open another club in Ignacio, Colorado in 1994, where it now has 17 active members.

George has always focused his energies in bettering his community. His work as the Executive Director of the Southern Ute Community Action Program is just one of the many organizations he has been a part of. Through George's hard work and determination he has helped the lives of hundreds of children by teaching them healthy lifestyle alternatives.

George Manzanares' work, through his boxing club and other activities in the community, have ensured that Southern Colorado's youth will have an active and successful future. Mr. Speaker, on behalf of the State of Colorado and the US Congress I would like to congratulate Mr. Manzanares on this outstanding accomplishment as well as thank him for his commitment to America's youth.

HONORING HOBERT HURT AS THE MIDDLE SCHOOL TEACHER OF THE YEAR FOR FAYETTE COUNTY

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. FLETCHER. Mr. Speaker, today I acknowledge an outstanding educator in the Central Kentucky community. Mr. Hobert Hurt has dedicated twenty-six years to teaching technology at Leestown Math, Science, and Technology Middle School. Known as one of the founders of the math, science, and technology magnet program, Mr. Hurt has touched and improved the lives of so many throughout his years of dedicated service to our community.

Recently, Mr. Hurt was honored as Middle School Teacher of the Year for Fayette County. It is obvious that Mr. Hurt has worked hard to produce a positive change. His goal to ensure that middle school students have the opportunity to develop and hone their technological skills has been realized, as countless students are equipped to handle our increasingly technological society by attending the school he helped to develop.

It is a pleasure to recognize Hobert Hurt on the House floor today for his superior work in the field of education. As Middle School Teacher of the Year, our community salutes Mr. Hurt for his many years of dedicated teaching.

SUDAN'S POLICIES

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. WOLF. Mr. Speaker, today I express my profound disappointment with the Clinton Administration's policies toward Sudan. To be sure, there are many good people who have tried to implement worthy and thoughtful policies regarding Sudan during the tenure of this Administration. The problem with this Administration's Sudan policy, is that more often than not, the voices that should have been heard, have not carried the day.

I have been to Sudan three times since 1989 and have seen the conditions on the ground first-hand.

Since 1983, the government of Sudan has been waging a brutal war against factions in the south who are fighting for self-determination and religious freedom. Most people have died in Sudan than in Kosovo, Bosnia, Somalia and Rwanda combined with the civil war resulting in over 2 million deaths. Most of the dead are civilians—women and children—who died from starvation and disease that has resulted from the dislocation caused by war.

The government of Sudan routinely attacks civilian targets—such as hospitals, churches and feeding centers—and uses aerial bombings to intimidate and kill the southern population. In the past few months, several hospitals and schools in the south have been bombed by the government, killing numerous innocent men, women, and children.

I wrote Secretary of State Madeleine Albright and National Security Adviser Samuel Berger on March 22, 2000, about the Government of Sudan's intentional bombings of a hospital in the south, enclosing an op-ed piece from the Wall Street Journal by Franklin Graham. Franklin Graham is the head of a non-governmental organization called Samaritan's Purse that operates a hospital in Southern Sudan that has been repeatedly bombed by the Government of Sudan. Mr. Graham wrote:

"The governments of the world could help the southern Sudanese through international trade sanctions, military action, and public condemnation. Despite empty, halfhearted rebukes, the international community has taken no meaningful action to condemn the Sudanese government. . . ."

But that wasn't the first time I've written this Administration about Sudan. Because of the millions of deaths and because of the atrocities that have been committed by the government of Sudan, soon after this Administration took office in 1993, I wrote to President Clinton asking him to appoint a special envoy to Sudan, explaining that:

"The appointment of a special envoy is especially timely since the State Department has recently declassified powerful new information detailing widespread human rights atrocities being committed by the military of Sudan. Most appalling among these abuses is the Sudanese government's practice of kidnapping and slavery of women and children from southern Sudan."

The Administration did appoint a special envoy in May 1994, but Melissa Wells held the position for only a short time. After some time had elapsed without a special envoy for Sudan, I wrote the Administration at least seven more times about the importance of filling

To date, though, their efforts have not led to a peace. To bring about peace, the situation in Sudan needs the attention of and investment of time from the President, comparable to the efforts President Clinton has made in Northern Ireland and in the Middle East. While President Clinton has remained silent, hundreds of thousands of people have died.

This Administration knows that slavery, the selling of its own people, is in the government of Sudan's portfolio. The Sudanese government has done nothing to stop the slavery. Slave traders from the north sweep down into southern villages recently destabilized by fighting, and kidnap women and children who are then sold for use as domestic servants, concubines or other purposes. This is real-life chattel slavery. It exists today—at the threshold of the 21st century.

A de-classified U.S. State Department cable describes this administration's knowledge of this slavery since at least 1993. This cable, dated April 1993, which I include for the RECORD, states:

"Credible sources say GOS [Government of Sudan] forces, especially in the PDF, routinely steal women and children in the Bahr El Ghazal. Some women and girls are kept as wives; the others are shipped north where they perform forced labor on Kordofan farms or are exported, notably to Libya. Many Dinka are reported to be performing forced labor in the areas of Meiram and Abyei. Others are said to be on farms throughout Kordofan.

"There are also credible reports of kidnappings in Kordofan. In March 1993 hundreds of Nuer displaced reached northern Kordofan, saying that Arab militias between Abyei and Muglad had taken children by force, killing the adults who resisted. The town of Hamarat el Sheikh, northwest of Sodiri in north Kordofan, is reported to be a transit point for Dinka and Nuba children who are then trucked to Libya."

I wrote President Clinton about slavery in Sudan on September 9, 1997, saying, "Mr. President, women and children are being sold into slavery—real life slavery in Sudan . . . And the United States response? Talk tough but take no action."

On December 3, 1997, I again wrote President Clinton about this atrocity, saying that America has to stand up to the government in Khartoum.

The government of Sudan has been on the U.S. State Department's list of countries that sponsor terrorism since 1993. One can fly into Khartoum and find terrorist groups fully functioning there. The government of Sudan was implicated in the assassination attempt on Egyptian President Hosni Mubarak.

On September 9, 1997, after hearing that the Administration was considering re-staffing the U.S. Embassy in Sudan, I wrote to President Clinton, reminding him that,

"there has been absolutely no progress on terrorism, human rights or religious persecution . . . The government [of Sudan] is harboring terrorists and has done nothing to deal with this issue. You say you are tough on terrorism. What kind of signal does this send.

. . . Actions like these further erode my confidence in the administration's true willingness to stand up for human rights and against terrorism. It's time to do more than talk."

It has been widely reported from numerous sources that the war is estimated to cost the government of Sudan $1 million a day. This Administration's failure to prevent the listing of PetroChina on the New York Stock Exchange (NYSE)—a subsidiary of the Chinese National Petroleum Company (CNPC)—will allow the Sudanese government unprecedented revenue to conduct its war with the south because of Sudan's Greater Nile Project. It is estimated that CNPC has invested at least $1–2 billion in this project, and the Chinese government has also committed to invest some $15 billion in other infrastructure projects in Sudan, ensuring a long-term relationship between the countries.

On September 30, 1999, I wrote Arthur Levitt, chairman of the Securities and Exchange Commission, that:

"Oil revenue will . . . allow the government of Sudan to buy still more weapons. The government of Sudan has announced publicly that it will use the oil revenue to increase the momentum and lethality of the war . . . Allowing the CNPC to raise capital in the U.S. would exacerbate the already tragic situation in Sudan. It would also make it easier for Americans to invest, perhaps unknowingly, in a company that is propping up a regime engaged in slavery, genocide and terrorism . . . ."

On November 4, 1999, I voiced similar concern about the proposed listing of CNPC/PetroChina to Secretary of the Treasury Lawrence Summers and Secretary of State Madeleine Albright urging her to do what she could to prevent the listing of CNPC/PetroChina on the NYSE. This Administration, though refused to prevent PetroChina's listing on the NYSE.

Just recently, the government of Sudan's repeated bombings of international relief agencies operating under the umbrella of the United Nations forced the shut down of most food aid delivery in Southern Sudan. These bombings have been reported in numerous press accounts.

On this Administration's watch, particularly President Clinton's silence and refusal to speak out and to take the initiative in promoting a just peace in the Sudan, there have been more killings and more deaths in southern Sudan.

This Administration's record on preventing the importation of gum arabic from Sudan has been spotty. I wrote twelve letters to the Administration in which I asked the Administration to maintain the gum arabic sanctions against Sudan.

While an embargo on gum arabic has been in effect by Executive Order since November 1997, just this year the Administration allowed an exemption of a shipment of gum arabic from Sudan. Now, the Administration seems to be giving Lukewarm opposition to lifting this embargo in response to a technical corrections trade bill that included a section that would lift the embargo on gum arabic from Sudan. This language was buried in H.R. 4868 (the "Miscellaneous Trade and Technical Corrections Act 2000") and very few Members of Congress were aware of its presence in the bill. I think the verdict is still out on whether this Administration will uphold the embargo on gum arabic from Sudan, but I received a response to my August 4, 2000 letter from Ambassador Holbrooke, in which Ambassador Holbrooke wrote:

"The Administration agrees with you that the sanctions on the government of Sudan has not made progress in rectifying the human rights abuses for which those sanctions were imposed, and we should not consider permanently lifting sanctions until satisfactory progress has been made."

Recently I have seen a glimmer of hope in what appears to be an effort by the Administration to prevent Sudan from becoming a member of the Security Council at the United Nations. Only time will tell if the Administration will be vigorous on this issue and ultimately successful in keeping Sudan off of the U.N. Security Council.

Now there are troubling reports of a Chinese military presence bolstering the government of Sudan's grip on the oil fields, yet the Clinton Administration has done nothing to slow or prevent China's large role in the country of Sudan. An article from United Press International dated August 30 describes the varied reports on Chinese troop levels in Sudan and outlines the likely Chinese military presence in Sudan:

". . . [a State Department] official conceded that China has a substantial economic interest and a large military sales program in Sudan and that Chinese troops have been deployed in the north African country . . . an intelligence official following the issue said classified reports gathered from spies indicate China may indeed be planning to deploy large numbers of troops to Sudan . . ."

I wrote President Clinton on February 15, 2000, about how I think history will judge his record particularly on Sudan, unless he shows significantly more interest in his remaining months in office, saying,

"Many people have contacted you over the years as President about the long ongoing tragedy in Sudan. You have done little or nothing in response to the killing and slavery that has ended or devastated millions of lives, women and children included . . . I implore you to use some of your remaining time and energy on the critical plight of the people of Sudan and especially those in the south who are daily subject to bombing, starvation, sickness, relocation, slavery, and death. History will not judge you well on this because you have not even personally shown any interest in this."

The legacy of this Administration will not be that it took decisive and bold action to stop atrocities in Africa and in other parts of the world. When history is written about this Administration, I think historians will say that they failed to act when action would have made a difference and saved hundreds of thousands of lives. Even for something as benign and universal as promoting religious freedom, this Administration did little, to nothing, to outright opposition to the International Religious Freedom Act of 1998.

President Clinton has traveled more than almost any other President. He has had first hand experiences throughout Africa, more experience and actual time in Africa than any other President. But all of his time only amounted to photo opportunities and handshakes, amounting to substance-free public relations.

Because of his time in Africa, he should have and could have done so much more. The death, suffering, and destruction that has occurred over the past eight years needed more than a touch down by Air Force One.

CONFERENCE REPORT ON H.R. 4733, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. DINGELL. Mr. Speaker, I cannot support the Energy and Water Appropriations conference report.

As Ranking Member of the Commerce Committee and its former Chairman, I have generally opposed attempts to legislate on these bills, regardless of the substance of the matter or the party affiliation of the Member proposing such provisions. However, the continued failure of this Congress to reauthorize the President's authority to operate the Strategic Petroleum Reserve prompted me to reluctantly support the efforts of House Appropriations Democrats to attach a simple reauthorization of the Reserve to the Energy and Water Appropriations bill. I also did not object to bipartisan efforts to attach legislative language providing the President the means to establish and operate a northeast heating oil reserve. Both these legislative priorities, which had passed the House overwhelmingly with the support of the Commerce Committee had been and continue to be held up in the Senate, so we attached these provisions to the appropriations bill as a last attempt to ensure their enactment into law.

But the Republican conferees dropped these provisions that were strongly supported by the American people and, so it seemed, by not only Democrats, but also Republicans in the House of Representatives.

Nonetheless, these same conferees found a way to retain a legislative provision in the bill that benefitted a few companies in the nuclear industry. Chairman BLILEY and I along with Representative TAUZIN, BILIRAKIS, and OXLEY sent a letter to the Speaker objecting to the inclusion of this and other provisions relating to reauthorization of the Nuclear Regulatory Commission (NRC) in the conference report. Currently, there are not one, but two bills pending before the House that would address this issue, and our letter indicated our support for having the House consider immediately NRC reauthorization under regular order. There was no reason to avoid regular order and there is no excuse for retaining a provision that benefits one special interest while dropping provisions like the petroleum reserve authorization which benefits the whole nation.

Finally, I would like to point to three provisions in this bill that amend the Department of Energy Organization Act, a statute primarily within the jurisdiction of the Commerce Committee, in order to make changes relating to the Nuclear National Security Administration (NNSA). These three provisions were also included in the Senate's version of the Defense Authorization Act and were part of the reason, Chairman BLILEY, Representative BARTON, and I were appointed as conferees on that legislation. In good faith we negotiated a compromise with our colleagues on both the House and Senate Armed Services Committees that saw two of these provisions, relating to "dual-hatting" of DOE employees and the term of the first NNSA Administrator, remain in the legislation. The third provision, circumscribing the Secretary of Energy's longstanding authority to reorganize parts of the Department, was dropped by mutual consent. However, this legislation does not honor the agreements reached by the committees of jurisdiction: it contains all three of the provisions that were the subject of the Defense bill negotiations. If those in charge of this institution can neither honor agreements in good faith, nor ensure that legislation is considered under regular order and rules, then it will be impossible to do the work of the American people.

For all these reasons, I oppose the conference report.

HONORING DAN AGUILAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. McINNIS. Mr. Speaker, it is with great honor that I rise to pay tribute to a true American hero, Dan Aguilar of Vail, Colorado. Dan has been awarded the Silver Plaque International Alpine Solidarity Award, given to individuals who have risked their lives to save others in dangerous mountain accidents. Dan is a well-known mountain rescuer who deserves both the admiration and praise of this body.

Dan grew up in Dallas, Texas, where he resided for 18 years. After graduating from Crozier Tech High School, he served in the US Army in Vietnam for four years. Upon returning to the United States, he moved to Vail where he began his now renowned career in mountain rescue. Dan's love for the mountains has seen him travel the globe and conquer the most dangerous alpine trails in the world. What's more, his mountain climbing adventures have taken him to Mexico, Ecuador, Alaska and Argentina. But it is not his accomplishments as a climber or mountain biker that have earned him this prestigious award, but rather it is his courage as a mountain rescuer.

In the early 1980's, Dan suffered the crushing loss of a dear friend that completely changed his view of climbing. For some time he was unable to even fathom climbing again, but this experience eventually drove him to the line of work that has made him a living legend. He has been a member of the Vail Mountain Rescue Group in the nearly two decades since.

For Dan, saving the life of another seems to come naturally. In fact, this most recent award is not the first time he has received recognition for his devotion to helping others. Last year he was awarded the Mountain Rescue Association's Outstanding Individual Service Award. In all, it is estimated that Dan has been involved in around 500 different rescue missions, since his involvement with Mountain Rescue. His advanced rescue skills have also been utilized in rescues on Mt. Rainier in Washington, the Premiers in Russia, and the Aconcogua in South America.

Dan's dedication and incredible compassion to help others have earned him a legendary reputation and the admiration of people around the world. According to Tim Cochrane, a fellow member of Mountain Rescue, in a recent article in The Vail Daily by Tamara Miller: "Aguilar is the first volunteer rescuer in North America to win the award."

Mr. Speaker, on behalf of the State of Colorado and the US Congress I congratulate Dan on this distinguished and well-deserved award. He is a great American who deserves our gratitude and praise.

Dan, your community, State, and Nation are proud of you!

HONORING REBECCA WOOD AS THE HIGH SCHOOL TEACHER OF THE YEAR FOR FAYETTE COUNTY

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. FLETCHER. Mr. Speaker, I am honored to recognize an outstanding educator in the Central Kentucky community. As a mathematics teacher at Tates Creek High School, Rebecca Wood has inspired countless students to succeed through her patience and dedication.

Recently, Ms. Wood was named High School Teacher of the Year for Fayette County. Rebecca Wood has worked hard to equip her students with the math skills they will need for both daily living and higher education. For the past twenty-five years, Ms. Wood has been a leader throughout the educational community. She has served with the local and national Councils of Math Teachers and is continually working to remain on the cutting edge of math education.

Today, I join our community in recognizing an outstanding teacher who has given years of dedicated teaching to the youth of Central Kentucky. It is a pleasure to recognize Ms. Wood on the House floor today for her superior work in education which has earned her the Teacher of the Year Award.

TRIBUTE TO BOAZ SIEGEL

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. LEVIN. Mr. Speaker, on October 20, 2000, Pipefitters Local 636 of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry in southeastern Michigan will dedicate its new hall and honor a distinguished attorney and its longtime friend, Boaz Siegel.

It represents a fitting testament to the decades of service of Boaz Siegel to the thousands of rank and file members of Pipefitters Local 636 and their families. As has been true in a number of vital areas within the construction industry in Michigan, Boaz Siegel was a pioneer in crafting, on a cooperative basis with labor and management, a series of trust funds covering the health, pension, vacation and employment security needs of countless numbers of hardworking families. He has faithfully helped these funds to grow and prosper during a remarkable nearly fifty years as legal counsel and adviser.

During three of these decades, Boaz Siegel was a professor at the law school of Wayne State University, providing stimulating and rigorous teaching and training in the fields of labor, administrative and contract law to thousands of students who have become vital links in the legal profession throughout Michigan and the nation.

His intellectual brilliance combined with high integrity and the ability to see various sides of an argument led to service in many fields of public service. He used his insights as a lawyer who had represented key sectors of the labor movement to help fashion, with other labor and management appointees of Governor George Romney on a Special Commission, a report leading to long overdue reforms of the workers' compensation laws of Michigan in the mid-sixties. Earlier he had served on the Wayne County Board of Supervisors and was appointed by the U.S. Secretary of Labor as a public member of the National Council on Employee Welfare and Pension Benefit Plans.

I fully hope, as one who benefitted from Boaz Siegel's professional talents and rigor in law practice and as a long-time friend of his and his wife Bess, to be present at the building dedication on October 20. It will be a real privilege and pleasure for all of us assembled for this happy and worthy event for a truly worthy human being.

RONALD McDONALD HOUSE CHARITIES—TOP-RANKED CORPORATE CITIZEN FOR THE HISPANIC COMMUNITY

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. REYES. Mr. Speaker, I rise to recognize the Ronald McDonald House Charities (RMHC), McDonald's owner/operators, and the McDonald's Hispanic Operators Association for their commitment to Hispanic American higher education. Their generous ongoing support of the RMHC/Hispanic American Commitment to Educational Resources Scholarship Program (HACER) has just earned them an award from the Hispanic Scholarship Fund as one of the "top ten . . . corporate citizens for the Hispanic community."

The RMHC/(HACER) provides scholarship assistance to promising Hispanic American college-bound students. Since its establishment in 1985, it has awarded over $7 million in scholarships to approximately 7,000 Hispanic American high school seniors. It is the largest high school-to-college program for Hispanic students in the country.

This pioneering diversity effort was initiated by Richard Castro, a McDonald's owner/operator in my home district, El Paso, Texas. RMHC/HACER now comprises 33 local programs, including a thriving El Paso program. All are jointly supported by RMHC, its local affiliates, and McDonald's owner/operators.

RMHC/HACER addresses the very real need to increase the Hispanic high school graduation rate and Hispanic participation in our colleges and universities. Hispanic youth drop out of high school at a higher rate than any other major RMHC/population group. They also lag far behind their peers in college attendance and graduation. HACER provides Hispanic youth an incentive and a means to change these trends.

RMHC/HACER is one of many ways that Ronald McDonald House Charities, with support from the McDonald's system, fosters and supports the educational aspirations of America's youth. The Hispanic Scholarship Fund award is a fitting recognition of an organization that truly gives back to the community and our nation.

HONORING MORLEY BALLANTINE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize a woman who has exemplified extraordinary dedication to philanthropic work, my friend, Morley C. Ballantine who currently serves as editor and chairman of the Durango Herald. Recently, Morley was awarded the high honor of being named Colorado's "Outstanding Philanthropist" by the Governor's Commission on National Community Service and the Association for Healthcare Philanthropy, in recognition of her support for a whole array of charitable and humanitarian based institutions. Morley's robust efforts to make her community, state and nation a better place make her more than deserving of this distinction.

Morley was chosen for the prestigious award out of over 100 nominations. Morley was nominated by four different individuals for this distinguished honor and was selected as the winner by a committee of 50.

The reasons Morley was chosen are many. Over the years, Morley has not only consistently given of her financial resources, but she has also actively participated in a host of activities geared toward helping her community and fellow man. In 1987, she helped start the Women's Resource Center in Durango, and is also a founding member of the Colorado Women's Foundation. In addition, she served on the state commission on the Status of Women, local and state League of Women's Voters' boards, local arts and library boards, the state Anti-Discrimination Commission, the Colorado Land Use Commission and the state National Historic Preservation.

This, friends and colleagues, is a truly remarkable legacy of service. It's a legacy that Morley should be proud of. Morley's dedication and devotion to philanthropic causes both great and small is truly worthy of our praise. Mr. Speaker, on behalf of the State of Colorado and the U.S. Congress, I would like to thank Morley for her incredible efforts to benefit her community, and congratulate her on the much deserved award.

We are proud of Morley and grateful for her service.

COMMENDING THE BOYS AND GIRLS CLUB OF PITTSFIELD

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. OLVER. Mr. Speaker, it gives me great pleasure to commend the Boys and Girls Club of Pittsfield on its 100th Anniversary. It is one of only 13 Boys and Girls clubs in the country to reach its 100th Anniversary, and over the years it has provided an invaluable service to thousands of boys and girls throughout the region.

The national Boys and Girls Club movement was born in 1860, when a group of women in Hartford decided to provide local boys with an alternative to roaming the streets. In 1906, several Boys Clubs decided to affiliate. The Federated Boys Clubs in Boston was formed with 53 member organizations. In 1956, Boys Clubs of America received a Congressional Charter. In 1990, the name was changed to the Boys and Girls Club of America. The Boys' and Girls' Club of Pittsfield was formed in the early days of the organization and remains special and unique in our community.

The Pittsfield facility was established on June 28, 1900 as a club for boys in Pittsfield with an $800 donation by local philanthropist Zenas Crane. It soon embarked upon a tradition of service and community involvement catering to several generations of Pittsfield youth. With an initial membership of 320, the club held its first meetings on the second floor of the Renne Block on Renne Avenue with the intent of preventing idleness and instilling healthy work and home values in its membership. Providing an array of recreational and educational opportunities for countless youth under the auspices of its first superintendent, Prentice Jordan, the club soon expanded beyond its original quarters. In 1906, when its membership grew to over 800, Crane funded a move to a more specious residence on Melville Street. Currently, the membership of the club exceeds 5000, making it the largest single-unit organization affiliated with the Boys and Girls Club of America.

The Boys and Girls Club of Pittsfield continues to inspire and enable thousands of young people to realize their full potential as productive, responsible and caring citizens. I am proud to stand and honor them today and appreciate the opportunity to recognize them before the United States Congress.

RECOGNIZING DR. FRANK S. FOLK—68 YEARS YOUNG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Dr. Frank S. Folk, a resident of Brooklyn, and to celebrate his 68th birthday. I ask my colleagues assembled here today to please join me in acknowledging Dr. Folk's remarkable life.

On this day, October 2nd, in 1932, Frank Folk was born in Vonville, South Carolina. As a young boy, Frank possessed excellence, greatness, the favor of God, love and honor, the law of kindness in tongue, morality and character. As a personal friend of Dr. Folk, I know that I can speak for his many friends and neighbors in commending him on his many years practicing medicine in Brooklyn. While Dr. Folk's professional accomplishments are too numerous to mention, I do want to point out that he has served on the Board of Directors of the New York City Health and Hospital Corporation and on Kingsbrook Hospital Executive Board—two of New York's most important health organizations.

As Chair of my Health Committee since 1991, Dr. Folk has demonstrated his commitment to working to improve the health and well-being of all members of our community. He also has been honored by the American Medical Society, which has bestowed the Hektoen Gold Medal and the Hektoen Bronze Medal upon Dr. Folk. As further evidence of his accomplishments, I need only mention that Dr. Folk is certified by the American Board of Surgery, the New York State Medical Board, and the National Board of Medical Examiners. Finally, Dr. Folk serves his community and his Nation as a Colonel with the New York State Army National Guard.

Mr. Speaker, my good friend, Dr. Frank Folk, is more than worthy of receiving our birthday wishes today, and I hope that all of my colleagues will join me today in honoring this truly remarkable man.

ALLIANCE FOR JUSTICE AND PHYSICIANS FOR SOCIAL RESPONSIBILITY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Ms. SCHAKOWSKY. Mr. Speaker, today I would like to recognize and congratulate Alliance for Justice and Physicians for Social Responsibility and the more than 200 organizations, including the Illinois Council Against Handgun Violence, North Suburban Chicago Million Mom March, and the Interfaith Initiative Against Gun Violence for their leadership of the First Monday 2000: Unite to End Gun Violence campaign. In my district, I'd like to recognize Northwestern University, the University of Illinois at Chicago, John Marshall Law and Chicago Kent College of Law for their hosting of First Monday 2000 events.

Today, in more than 350 communities across this nation, students, parents, doctors, lawyers, social workers, nurses, civic leaders, community members and elected officials will rally support for the passage of common sense gun safety legislation. These activities will include the showing of a short documentary film, "America: Up in Arms" by award-winning filmmakers Liz Garbus and Rory Kennedy. The film is a powerful presentation of the epidemic of gun violence and how it has irrevocably changed the lives of three families in America.

Gun violence is all around us. We see it every day on our television screens and read about it in our newspapers. Rarely does a night go by without our local news reporting another shooting or the morning newspapers writing about the latest victims of gun violence. Even in my hometown of Evanston, we experienced three shootings in one night. It doesn't matter if you're in Chicago or small town USA, guns are everywhere—in the schools, on the trains and in the workplace. Numbers don't lie—over 30,000 people, including 4,000 children, die each year from gun violence. We are all affected and we must all take responsibility for ensuring that our children and our communities are safe from gun violence.

With First Monday, we will add to our numbers and mobilize young men and women in communities across the country to bring even more energy to our cause. I am proud to be a part of this effort. We are energized, empowered and ready and with this unprecedented campaign we will succeed at ending gun violence.

HONORING MIKE CHESNICK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. McINNIS. Mr. Speaker, it is with immense sadness that I take this moment to honor the remarkable life of Mike Chesnick. For two decades, Mike served the community of Grand Junction, Colorado with valor and distinction, retiring as Chief of Police in 1974. He was a role model for his community and an example of what a police officer can and should strive to be. As family, friends, and fellow officers remember this great American, I would like to take this time to honor this truly remarkable human being.

Chief Chesnick began his distinguished career of service to America when he joined the 10th Mountain Division in 1946, where he served in Italy and Austria during WWII. After returning a proud veteran and serving his county well, he began his illustrious career in law enforcement. In 1954 he joined the Grand Junction Police Department as a patrolman. His remarkable intellect and outstanding leadership abilities rapidly shot him up the ranks of the department. In 1961, he was promoted to Sergeant ano in 1966 he began his role as Chief.

Chief Chesnick's leadership was well respected and inspired other officers under his leadership to serve with dedication, dignity and integrity. Beyond his widely regarded efforts as a police officer, Mike also worked with a number of other community based organizations, including the local Elk's Lodge where he was a lifetime member.

Chief Chesnick served his community, State, and Nation admirably and he his service at home and abroad was an inspiration to us all. Mr. Speaker, as a former police officer, I ask that we take this time to honor an individual that has set the standard for excellence as a member of the law enforcement community. On behalf of the State of Colorado and the US Congress, I would like to thank Chief Chesnick for his immeasurable service to his community. His leadership and compassion went far beyond the line of duty and his memory will long live in the hearts of all that knew him.

Mike Chesnick will be greatly missed.

RECOGNITION OF JAMES G. MILLS, NEWLY ELECTED CHAIRMAN OF THE BOARD FOR THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. SOUDER. Mr. Speaker, today I would like to recognize James G. Mills of Fort Wayne, Indiana in my district for his recent election as chairman of the board for the National Association of Federal Credit Unions. Mr. Mills was elected on June 17, 2000 and officially took over in late July.

In 1985, Mr. Mills joined Three Rivers Federal Credit Union as president and chief executive officer. Three Rivers provides important options for my constituents and as such has been an asset to Northeast Indiana. Between 1985 and 1995, the number of branches increased from one to eight with the umber of membership soared from 15,000 to 65,000 plus.

Along the way, Mr. Mills worked to promote the growth of the community as well as the Credit Union. In 1995, Three Rivers FCU was able to secure Indiana's first Community Development Credit Union Expansion Charter to open the filed of membership and provide financial services to less served parts of the community. This innovation was the result of his near two-years of work with local city officials, the economic development offices of Fort Wayne, and the National Credit Union Administration. Most recently, Mr. Mills facilitate an initiative in the areas of inner city financial literacy training for an under-served group that also happens to be a new part of the FCU's field of membership. I strongly commend him for his efforts to empower those who are less economically advantaged through knowledge and the hroadening of financial services.

In the role of Chairman of NAFCU, Mr. Mills will be lending the trade association that represent federal credit unions. I look forward to working with him and America's credit unions as we work to benefit families and communities, and congratulate him on this national recognition.

IN HONOR OF COLETTE KOVE NEWLY ELECTED SUPREME PRESIDENT OF THE WOMEN'S AUXILIARY TO THE MILITARY ORDER OF THE COOTIE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. BONIOR. Mr. Speaker, today I rise to recognize the accomplishments of one of my district's favorite daughters. Colette Kove is a graduate of Utica High School, wife of William Kove, mother of five, grandmother of thirteen, and great-grandmother of six. On Saturday, September 30th, her friends and family gathered to honor her dedication to our veterans—especially her leadership in the Women's Auxiliary of the VFW and the Military Order of the Cootie (MOCA).

Colette first joined the Ladies Auxiliary of the VFW in 1960, but left to spend the next 18 years traveling with her children in the Drum and Bugle Corps. She returned in 1980 to the Ladies Auxiliary VFW Post #1146 in St. Clair Shores. She took the group by storm serving as Auxiliary President, County Council President, 5th District President, and has served as Secretary of the Auxiliary for the past 18 years.

In 1981, she joined the Womens' Auxiliary to the Military Order of the Cootie #35. Since then, she has held the position of President ten times and has served in all offices in the Grand of Michigan (state) MOCA. In 1995, at the MCOA National Convention in Arizona, Colette was elected Supreme Guard, and has served all offices leading to President. Just this past August, she was elected to that highest position and today serves as the Supreme President of the MOCA for the entire United States.

I am honored to be asked to participate in this program. Supreme President Kove has worked hard all her life for the benefit of others. As a small business owner, volunteer at the John Dingel VA Medical Center in Detroit and nursing home visitor, she has always been there to service the needs of others. Her rise through the ranks of both the Ladies Auxiliary of the VFW and the MOCA shows her remarkable sense of dedication and the great amount of respect others have for her.

Please join me in congratulating Colette Kove on her election as Supreme President of the Women's Auxiliary to the Military Order of the Cootie.

THOMASENA AND EUGENE GRIGSBY ART GALLERY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. CLAY. Mr. Speaker, I wish to take this opportunity to express my sincerest congratulations to Dr. and Mrs. J. Eugene Grigsby on the occasion of the dedication of the Thomasena and Eugene Grigsby Art Gallery in Phoenix, Arizona.

This is an honor which Thomasena and Eugene richly deserve for they have been lifelong supporters and contributors to the field of art. Together they have made innumerable contributions to the arts community. I am pleased that under the sponsorship of the George Washington Carver Museum Dr. Grigsby's first art studio in Phoenix, Arizona has been dedicated in their honor. The Grigsby Art Gallery will serve as a permanent facility for the exhibit of creative works, by present and future artists.

Among their many projects, the Grigsbys helped to establish the Hewitt collection of African American art. I recently had the opportunity to view this collection on exhibit in St. Louis. It is a marvelous collection which I highly recommend and which I was happy to find includes some of Gene Grigsby's own works of art.

I commend Dr. and Mrs. Grigsby for their many years of devotion to artistic endeavors. Their contributions will benefit and inspire future generations of artists. My heartfelt best wishes to Gene and Tommy on this momentous occasion.

HONORING CONGRESSMAN MIKE McKEVITT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. McINNIS. Mr. Speaker, it is with great sadness that I rise to honor the life of the Honorable James D. "Mike" McKevitt. Congressman McKevitt recently passed away after a sudden heart attack at the age of 71. His devotion to helping others was remarkable and he will be greatly missed. As family, friends, and colleagues mourn the loss of this remarkable statesman, I would like to pay honor to his service to this great nation.

Congressman McKevitt spent his youth in Spokane, Washington, before deciding to attend the University of Idaho. When it came time for young Americans to serve their nation in battle, Congressman McKevitt did just that, serving admirably and with distinction in the Korean War with the United States Air Force. After graduating from the University of Denver with a Law Degree, Congressman McKevitt began his distinguished political career as Denver District Attorney in 1967. He went on to win reelection the following year and served two more years before running for Congress. In 1970 he was elected to represent the 1st Congressional District of Colorado in the United States House of Representatives. Although Congressman McKevitt only served one term in Congress, his career in public service was far from over.

In 1973, he became Assistant Attorney General for Legislative Affairs, under President Nixon. He soon moved on to becoming Council to the Energy Policy Office in the White House. After serving his country in these important capacities, he moved on to the private sector where he became head of the Washington Office of the National Federation of Independent Business, where he worked for over a decade.

While serving our country in many different ways, Congressman McKevitt experienced a number of successes. But his greatest accomplishment is one that he held very dear to his heart: the Korean War Memorial. Congressman McKevitt is credited with being one of the driving forces behind getting the legislation passed in order for the memorial to be constructed. His devotion to this project was so evident that it soon caught the attention of President Reagan, who acted quickly and appointed the Congressman to a position on the Advisory Board.

Congressman McKevitt served his community, State and Country admirably. His dedication and devotion to serving his fellow citizens was truly remarkable. He was a truly great American and his many accomplishments will live on in the hearts of all who knew him.

Mr. Speaker, on behalf of the State of Colorado and the US Congress, I ask that we now pay tribute to this remarkable human being. He may be gone, but his spirit of service and sacrifice will live on for years to come.

THE UNITED/US AIRWAYS MERGER: A MATTER OF SURVIVAL

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. SHUSTER. Mr. Speaker, America's aviation system has been hurtling toward gridlock and potential catastrophes in the skies. Flight delays, cancellations, high fares, and complaints about customer service have been all too common. The problem is an aviation system that has not expanded to keep up with demand.

Fortunately, help is on the way. Taking effect in October, the recently enacted Aviation Investment and Reform Act for the 21st Century (AIR 21) will provide over the next 3 years $40 billion primarily from the Aviation Trust Fund for new runways, gates, and terminals to promote expanded competition and meet the demands of the next century; it will also accelerate efforts to modernize our antiquated air traffic control system. The result will be safer travel, lower fares, and better service. But these changes won't come overnight. The problem caused by underinvestment have been festering for decades and will take years to fix. In fact, air service may get worse before it gets better.

It is against this background of an overburdened aviation system that the proposed merger of United and US Airways would appear to some as further hurting consumers. However, the opposite is true. It is the status quo that will hurt consumers. And the merger will help them, not hurt them. Let me explain why.

In June, the U.S. House of Representatives Committee on Transportation and Infrastructure, which I chair, held 2 days of hearings on the proposed merger. We heard from the chairmen of United, US Airways, and the new D.C. Air as well as the U.S. Departments of Justice and Transportation, plus several opponents of the merger. These hearings and our subsequent review have yielded much information.

Should this merger not go forward, consumers will almost certainly suffer under the status quo. US Airways is headed for financial trouble in the next few years. It will be unable to support its current system. There will be no alternative but to downsize. Retrenchment probably won't be enough. Bankruptcy is the most likely outcome, with its devastating impact on consumers and service.

Consider these facts: US Airways' labor cost of 14 cents per available seat mile is 40 percent higher than the 9.0 to 9.5 cent cost for other major carriers and almost double the 7.5 cent cost of low-cost carriers like Southwest. At a time when other airlines have been making record profits, US Airways has been hemorrhaging losses. Prior to the second quarter of this year, it lost about $370 million over a 9-month period. During the 1990's, US Airways has lost almost $1 billion. All of the other mid-sized, mature-cost carriers like US Airways have either gone out of business (e.g., Eastern, Pan Am) or have gone through multiple bankruptcies (e.g., Continental, TWA).

US Airways has a growing list of unprofitable routes and is losing passengers at its hubs. During the latest calendar year, only 46 percent of its routes were profitable, down from 69 percent and 62 percent in the two previous years. And while other airline hubs were growing, US Airways' three hubs in Pittsburgh, Philadelphia, and Charlotte were among only seven major airports that lost passengers in 1999.

Should the merger be approved, on the other hand, consumers will likely realize significant benefits. First, consumers would have for the first time single-carrier access to all corners of the country. Airline service will be improved by combining United's primarily east-west flight network with US Airway's north-south network. United also plans to improve service by offering 64 new non-stop domestic flights and 29 non-stop international flights a day, as well as by creating 560 new city-to-city routes. And their frequent flyer programs will be merged. United is committed to doing all of this while continuing to serve all cities currently served and capping fares for the next two years.

Second, smaller cities, particularly those served by US Airways, will benefit from the greater international access they will receive through United, improving their opportunities to compete for business and tourism overseas. These communities will benefit from the new passenger demand that will be stimulated by the combined network. For example, United has projected that demand for service to Pittsburgh will increase by 33 percent from Allentown, 10 percent from Harrisburg, 16 percent from Albany, and 10 percent from Syracuse. This increased yield will make short haul routes to smaller communities more profitable and easier to continue.

Third, with the merger, a new low-cost carrier will be established, based in the Washington, DC, area. This carrier will receive slots at Ronald Reagan National Airport, and be able to compete against United and the other carriers.

That is why the proposed United/US Airways merger is so important. In the best case, the merger will provide tremendous opportunities for growth and improved service. But even if not all of these opportunities materialize, consumers will still be far better off than they otherwise would have been under a retrenched or bankrupt US Airways.

One final point: United's recent labor woes should not be a factor in evaluating the merger. These problems—similar to problems experienced by American and Continental in the past—are not unusual in the aviation industry and are transitory in nature.

In conclusion, we need to be realistic about the prospects for US Airways. Consumers will be better off hitching their wagon to a big and strong United Airlines than a financially endangered US Airways.

ALTERNATIVES TO OIL SHOULD BE PURSUED

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the September 24, 2000, Lincoln Journal Star. The editorial expresses concern about some of the proposals which have been offered to address rising oil costs. As the editorial emphasizes, the U.S. should encourage alternatives to oil such as wind energy and other renewable sources. Clearly, ethanol provides an attractive alternative which helps the rural economy while helping to meet energy needs.

[From the Lincoln Journal Star, Sept. 24, 2000]

OIL PRICES GENERATING BAD IDEAS

More than a quarter century has passed since Americans waited in lines to buy high priced gasoline.

There was plenty to time to find new energy efficiencies and develop diversified energy resources. Now we're paying the price for letting things slide.

You'd think the view of the future should have been a little better from those high seats in gas-guzzling SUV's.

Gas prices have spiked to their highest level in the past 10 years. A barrel of crude has tripled in price to almost $40 in the past two years. American concern might not have reached the emotional levels in Europe, where truckers blocked roads in protest, but it won't take much for panic to spread.

Before oil price hysteria takes away good judgment, a few bad ideas need to be spiked.

Too bad it's already too late to block Vice President Al Gore's proposal to dip into the Strategic Oil Reserve. That should have been recognized immediately as a blatant political ploy to smooth things over until after the election. Even Clinton's own Treasury Secretary Lawrence Summers said using the petroleum reserve would be "a major and substantial policy mistake."

As Sen. Chuck Hagel noted in a speech on energy this week, the 570 million gallons in the reserve were set aside for acute disruptions in the oil supply caused by war or other national emergencies.

An election is not a national emergency. Things could get worse quickly. Already Iraq's Saddam Hussein has starting making threatening noises. His hand is on the spigot of 2.3 million barrels of oil a day in the International market.

The motivation to protect fixed-income Americans from surging prices for home heating is understandable, but relief from high winter heating bills should be provided under existing programs to provide assistance based on need. Tapping the petroleum reserve provides price relief to well-to-do Americans who should be able to absorb the price hikes on their own.

Another short-sighted idea pushed in the United States since prices began rising is to drop taxes on gasoline. The problem with that approach is that it would remove the primary source of funding for highway construction. What good is cheaper gas if the roads are falling apart?

Still another bad idea (endorsed by Hagel, we note with dismay) is to permit oil development in the coastal plains of the Arctic Wildlife Refuge. That development, for only an estimated 16 billion barrels of oil, would disrupt caribou calving grounds and migratory patterns that have existed for centuries.

A better approach to high oil prices than jeopardizing fragile environmental areas is to encourage alternatives to fossil fuels. Already available in the market, for example, are BMWs that run on hydrogen. Even in Lincoln consumers can purchase hybrid autos from Honda and Toyota that run on both gasoline and electricity.

Just this week Gov. Mike Johanns pointed out that Nebraska ranks sixth in the nation in terms of wind energy resources. "We are the Saudi Arabia of wind," Johanns boasted. The cost of producing electricity by wind turbine has dropped from 40 cents a kilowatt-hour in 1979 to 4 to 5 per kilowatt-hour.

Retired Iowa farmer Chuck Goodman will earn more than $8,000 this year for the turbines he has on an acre of land. This harvest season, he said, that same acre would earn him only $100 to $200.

Development of a coherent national energy policy is long overdue, as Hagel pointed out in several venues last week. It's important, however, that perspective not be limited to the current obsession with oil prices. Government interference to force cheaper prices is not the answer. The best long-term government response is to work within the framework of the free market to encourage development of new energy sources.

IN HONOR OF CARA L. DETRING, RESIDENT OF MISSOURI AND FIRST WOMAN PRESIDENT OF THE AMERICAN LAND TITLE ASSOCIATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mrs. EMERSON. Mr. Speaker, on behalf of Representative BLUNT, Representative CLAY, Representative DANNER, Representative GEPHARDT, Representative HULSHOF, Representative MCCARTHY, Representative SKELTON, Representative TALENT and me, I submit the following in the CONGRESSIONAL RECORD in honor of a Missourian whose career deserve recognition. Cara L. Detring is about to become the first woman president of the American Land Title Association, and this distinction merits notice in the RECORD for the 106th Congress. The American Land Title Association membership is composed of 2,000 title insurance companies, their agents, independent abstracters and attorneys who search, examine, and insure land titles to protect owners and mortgage lenders against losses from defects in titles. Many of these companies also provide additional real estate information services, such as tax search, flood certification, tax filing, and credit reporting services. These firms and individuals employ nearly 100,000 individuals and operate in every county in he country.

Cara's rise does not surprise me or others who know her. A former municipal judge for the city of Farmington for eight years, Mrs. Detring has never shrunk from leadership. As a second-generation title person and a third generation attorney from both sides of her family, Cara currently is President of Preferred Land Title Company, one of the premier title insurance agencies in Missouri with six offices in Farmington, Cape Girardeau, Potosi, Fredericktown, Desloge, and Perryville. Cara is also chairman of the Board of Directors for Metro Title, Inc., President of Preferred Escrow Company, and she still maintains her private law practice focusing on estate planning and real estate law. Cara Detring is a member of the Legal Education Committee of the Missouri Bar Association and was a director on the Board of Meramec Legal Aid Corporation for eight years. And as an example to women, she was named Woman of the Year, 1990, by Women of Today. In 1991, Cara received the "Title Person of the Year" award from the Missouri Land Title Association.

As a title agent, Cara's responsibilities include assurance through diligent searches of the public record that properties consumers buy come with all ownership rights intact; in other words, come with "clean" title. When purchasing a home or other real estate, one actually doesn't receive the land itself. What is acquired is "title" to the property—which may be limited by rights and claims asserted by others.

Problems with title can limit one's use and enjoyment of real estate, as well as bring financial loss. Title trouble also can threaten the security interest your mortgage lender holds in the property. Protection against hazards of title is available through a unique coverage known as title insurance. Unlike other kinds of insurance that focus on possible future events and charge an annual premium, the insurance is purchased for a one-time payment and is a safeguard against loss arising from hazards and defects already existing in the title. Some examples of instruments that can present concerns include: deeds, wills and trusts that contain improper vesting and incorrect names; outstanding mortgages, judgments and tax liens; and easements or incorrect notary acknowledgments.

In spite of all the expertise and dedication that go into a search and examination, hidden hazards can emerge after completion of a real estate purchase, causing an unpleasant and costly surprise. Some examples include a forged deed that transfers no title to real estate; previously undisclosed heirs with claims against the property; and mistakes in the public records. Title insurance offers financial protection against these and other hidden hazards through negotiation by the title insurer with third parties, payment for defending against an attack on title as insured, and payment of claims.

As President-elect of ALTA, Cara wants to continue to build the educational, legislative and networking success already achieved by the association. In education, Mrs. Detring wants to make more education and information available at their website, www.alta.org. Legislatively, Cara wants to build on the relationships between title professionals and members of Congress and the agencies. And with respect to networking, Cara wants to make sure that the association has relevant meetings, where vendors and customers can interact and find out the latest way to provide high quality, low cost goods and services in the title insurance and settlement services industries. Cara will rely in part on her experience as president of the Missouri Land Title Association from 1987 until 1988.

Not only is Cara president-elect of ALTA, but she also is a member of its Government Affairs Committee, the Finance and Nomination Committees. Cara chairs the Committee on Committees and the Planning Committee. For eight years Cara chaired ALTA's Education Committee.

Ms. Detring is a regular speaker and panelist at national and state trade associations, and for 21 years she has served as an instructor at Missouri Land Title Institute (for which she contributed as author of Course I and Course II correspondence courses). Cara is a trustee and member of the Executive Committee for Mineral Area College Foundation, and she instructed Mineral Area College in short courses. Cara's own education included a B.A. in 1972 from the University of Missouri and a J.D. in 1976 from that same school's law school.

Apart from ALTA, Cara is involved in the medical field. She is a trustee on the Board of Trustees of Mineral Area Regional Medical Center. Cara received the Excellence in Governance Award in 1999 from the Missouri Hospital Association. She is a Director of Mineral Area Regional Medical Center Foundation Board, member of the MARMC Home Health Board of Directors, and Chairman of the Board and President of HospiceCare, Inc. She served as chairman of the Board of Presbyterian Children's Services. Cara's deep involvement in a wide variety of endeavors testifies to her spirit of charity. In fact, in 1992, Cara received the Good Neighbor Award given by the Farmington Chamber of Commerce.

Ms. Detring is married to Terry Detring, an accountant, and they have two children ages 23 and 15. They live on a 320 acre farm in Farmington.

I am pleased to submit this statement for the CONGRESSIONAL RECORD, and I wish Ms. Detring good luck during her term as ALTA President and beyond.

HONORING THE 100TH ANNIVERSARY OF FAMILY SERVICES OF MONTGOMERY COUNTY, PENNSYLVANIA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, I am pleased to congratulate Family Services of Montgomery County for its century of accomplishment to be celebrated on Tuesday, October 3, 2000. Family Services' mission is to strengthen the quality of life for individuals, families, and our community, by providing preventive intervention and essential support during times of need. Family Services of Montgomery County and all of the wonderful people associated with this fine organization are dedicated to enhancing the quality of life for people in our community through an innovative and comprehensive range of human services.

Family Services reached its present form when three smaller Montgomery County nonprofit organizations merged—Family Service of Pottstown, the Lower Montgomery County Service Society, and the Main Line neighborhood (with the earliest beginning in 1900). Currently they have a central office in Norristown, three major branch offices, and several satellite facilities.

Family Services' formalized programs include: Foster Grandparent Program, Meals on Wheels, Professional Counseling, Project HEARTH (helping elderly adults remain in their homes), Retired Senior Volunteer Program (RSVP), Project HOPE (HIV–AIDS prevention and support services, Families and Schools Together (FAST), Plays for Living, Parent-to-Parent Internet Support Group, Employee Assistance Programs, Student Training, Project Yes, and Safe Kids. The services have also included helping people to access housing, fuel and other material needs, linkage to medicare, identifying peer support systems, and locating resources to prevent future problems.

Throughout the last one hundred years, Family Services and their predecessor organizations have been on the "cutting edge" of social services in our community. They have consistently led the way in helping people who are experiencing a crisis in their lives to help themselves.

Family Services continues to provide innovative and timely programs in response to community requests. Examples of recent additions to their services are the "Parent-to-Parent Internet Support Group," "Project Yes" in Rolling Hills, "Safe Kids" in the Lower Merion area, and the "New Beginnings" prison ministry. They have also recently experienced expansion of the "FAST" program to the Abington and Methacton School Districts, staffed new locations in Pottstown, Phoenixville, and Royersford with the "Foster Grandparent" program, acquired a van for additional efficiency in their "Meals on Wheels" program, and more than quadrupled the size of their HIV/AIDS "Peer Prevention and Education" program.

There is no doubt that many people will face difficulties during their lives. At those times, responsible assistance coupled with sensitive caring go a long way to help ease problems. Mark Lieberman, Executive Director of Family Services, and all of the wonderful people associated with this fine organization can take pride in all that they have done, and all that they continue to do each and every day.

The continued need for Family Services is determined by the challenges that individuals, families and our community face. They are moving into their second hundred years of service by building upon community partnerships that will develop and provide essential services for people who need preventive intervention and essential support in order to enhance the quality of their lives.

Mr. Speaker, I urge you and all of our colleagues to join me in wishing Family Services of Montgomery County a most joyous 100th anniversary celebration and our appreciation for a job well done.

SMALL BUSINESS LIABILITY RELIEF ACT

SPEECH OF

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. OXLEY. Mr. Speaker, a number of comments have been made about the process of producing H.R. 5175, the Small Business Liability Relief Act by opponents of the legislation. I find these comments unfair and misleading. The following timeline should help set the record straight. Contrary to the impression that some Members imply in their statements, Minority staff on the Transportation and Commerce Committees have been aware of the basic proposal behind H.R. 5175 for months.

First, during the 103d, 104th, 105th, and early 106th Congresses, the Commerce and Transportation Committees held dozens of hearings with hundreds of witnesses outlining the tremendous problems with the badly broken Superfund program. Dozens of hearings outline that Superfund is an unjust litigation nightmare and has a devastating impact on small businesses. The Committees held hearings on a number of Superfund bills during this time which have provisions that would provide significant relief for small businesses.

On August 5, 1999, H.R. 1300, a comprehensive bill to reform Superfund, passed the Transportation Committee by a vote of 69–2. The bill contains a de micromis exemption, an exemption for small businesses that provide ordinary garbage, and the de minimis and ability to pay settlement policy—generally, all components of the later, H.R. 5175. The Clinton-Gore Administration opposes the bill even though it now has 149 cosponsors, including 69 Democrats.

On October 13, 1999, H.R. 2580 passed in Commerce Committee by a vote of 30 to 21. The bill includes the same legislative language as H.R. 1300 providing a de micromis exemption, an exemption for small businesses that provide ordinary garbage, and the de minimis and ability to pay settlement policy.

In early November 1999, the National Federation of Independent Businesses (NFIB) showed both Majority and Minority staff of the Commerce and Transportation Committee a draft small business liability relief bill which they claimed was the product of two weeks of discussions with the Environmental Protection Agency. The draft clearly had been faxed to NFIB staff from the Office of the Administrator at EPA. NFIB states that this version and earlier versions of the draft bill had been produced at EPA and provided to them through their discussions. NFIB further claims that Administrator Browner was both fully aware of the draft and found the draft bill to be acceptable to EPA.

In June through July of this year, Majority staff of the Commerce and Transportation Committees gave the NFIB–EPA draft fill to legislative counsel to put into proper legislative drafting form. This text was provided to Minority staff. Majority and Minority staff met to discuss this and other Superfund issues.

On August 18, 2000, EPA sent a letter in response to the request of Representative DINGELL about the NFIB–EPA discussion draft bill. EPA noted one problem concerning the prospective application of the de micromis exemption.

On September 14, 2000, a bipartisan group of cosponsors introduced H.R. 5175, the Small Business Liability Relief Act which largely reflects the NFIB–EPA 1999 draft bill and addresses the issue raised by EPA in August 2000. The most significant change between the bill and the NFIB–EPA discussion draft was to address the issue raised by EPA in its August 2000 letter.

On September 19, 2000, NFIB staff met with EPA and Department of Justice (DOJ) staff to review H.R. 5175. NFIB states that EPA and DOJ staff provided line by line comments on technical concerns within the legislation. These comments were relayed to Commerce and Transportation Majority staff.

On September 21, 2000, Majority and Minority staff of the Commerce and Transportation Committees and representatives from EPA and the Department of Justice met to discuss comments on H.R. 5175.

On September 24, 2000, a draft with minor revisions was delivered to EPA and Minority staff offices to address a number of the concerns raised at the meetings of September 19 and 21.

On September 25, 2000, Majority staff invited EPA and Minority staff to meet or to provide any written comments on the revised bill. Neither EPA nor Minority staff accepted the invitation.

On September 26, 2000, H.R. 5175, revised to address certain Minority and Administration concerns, was brought up for a vote.

The small business liability relief issue has had extensive process going back years. The basic NFIB–EPA discussion draft bill had been provided to Minority staff as far back as November 1999. Mr. DINGELL received responses from EPA to his questions concerning the draft in August 2000. The substantive arguments being made by certain Members against the bill—such as those concerning the burden of proof or the size definition of small businesses—are arguments over language that is in these early drafts. There was more than enough time to provide specific written comments to improve the bill.

BORN-ALIVE INFANTS PROTECTION ACT OF 2000

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Ms. KILPATRICK. Mr. Speaker, under current law, infants who have been born, and are alive, are indeed persons. Therefore, these infants have the same rights as all humans, including receiving the best of care, comfort, food, and shelter. No one on either side of the aisle would dispute this fact. This is why I find it odd that Representatives HYDE and CANADY feel it is necessary to introduce a bill which appears only to restate the current law.

I question the motives behind the introduction of this bill. Of course I will vote for any legislation that I believe will help our children, but I am afraid that the motives for introducing this bill are based more on politics than on how to best serve our children. I think it is an underhanded attempt to trick pro-choice Members. This bill was brought before the Judiciary Committee as one that would serve to protect infants and ensure that they receive the best care possible. Based on this, all but one Member of the Committee voted in favor of the bill. The fact that pro-choice Members supported this bill, forced the bill sponsors to declare their intention to offer a Manager's Amendment. This amendment would have attacked the Supreme Court's rulings on abortion and mischaracterized the current state of abortion rights law. The inclusion of this amendment would have forced pro-choice Members to vote against the bill. In turn, this would have given our colleagues on the other side of this issue the opportunity to say that the pro-choice Members did not support a bill that protects infants, when in reality we would have been forced to vote against such a bill due to its attack on the reproductive rights of women.

I must give credit to my colleague from North Carolina, Representative WATT, for raising the issue of how fast this bill was rushed through the Judiciary Committee. This bill will amend the U.S. Code by defining the terms "person," "human being," "child," and "individual" to include "every infant member of the species homo sapiens who is born alive at any stage of development." According to the Congressional Research Service, these terms appear in more than 72,000 sections of the U.S. Code and the Code of Federal Regulations alone. While I would hope that the sponsors of this bill would not have included this change in the language if it would cause a change in the law or in the way the law would be interpreted by the Supreme Court, since the bill was presented as one that did not change current law, I am not totally convinced. As Representative WATT said in the Committee Report on H.R. 4292, this change in language opens the door for many unintended interpretations of the law.

I know that there are many neonatologists who fear that this bill would affect the decisions made by doctors and parents when treating newborns. They are confused, as am I, as to whether this bill would mandate that doctors provide care beyond what they would normally deem to be appropriate for newborns who have no possibility of survival. Doctors are currently obligated to perform procedures that will help a baby to live if there is any chance for survival. Sadly, there are babies who are born with no hope of surviving past the first few moments of live. Doctors should not be forced to perform procedures that will only prove to be futile in prolonging the life of a child. Rather, the rights of the infant should be protected by allowing the infant to spend his few precious moments of life in the arms of his parents.

The Committee Report states that "H.R. 4292 would not mandate medical treatment where none is currently indicated" and "would not affect the applicable standard of care." Once again, I am concerned that this bill will open up current law to be interpreted in an unintended manner. Therefore, I think we should spend more time addressing how this bill will affect the current law with respect to doctors, women, and children.

There is already a common law "born alive" rule that mandates the prosecution of anyone who harms a person who has been "born" and was "alive" at the time of the harmful act. In addition, thirty-seven states have already passed explicit statutory laws relating to the treatment of infants who are "born alive," and perhaps most relevant, there is a federal statue known as the "Baby Doe Law" that requires appropriate care be provided to a newborn. Therefore, why is this bill necessary? What is the true intent of this proposed legislation? If in fact the true intent is to restate the law which protects our infants, then I will support it. However, if it is being used as a vehicle to attack the Supreme Court's rulings on the reproductive rights of women, I will have to oppose it.

PEACE BY PEACE

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to honor and recognize several local organizations for their involvement in the fight against domestic violence. In recognition of Domestic Violence Awareness Month, a coalition of local service agencies has launched Peace by Peace, a campaign to increase awareness of this terrible crime.

Peace by Peace is a cooperative project of: Beach Cities Health District, 1736 Family Crisis Center, Little Company of Mary Health Services, Redondo Beach Police Department's Domestic Violence Advocacy Program, National Network to End Domestic Violence, Jo-Ann etc., and the NCADD/South Bay Men's Domestic Violence Treatment Program.

Domestic violence can no longer be ignored. Programs like Peace by Peace bring this issue to the forefront. Through the various workshops that will be held this month, South Bay residents will be able to learn more about domestic violence. It is because of organizations like the Beach Cities Health District and the Little Company of Mary Health Services that the women of the South Bay have access to quality health services in time of need.

I commend these agencies in their fight against domestic violence. The support that they provide is unparalleled. I appreciate their work and the services they provide. They have touched the lives of many throughout the South Bay.

A TRIBUTE TO CHARLES R. TRIMBLE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Ms. LOFGREN. Mr. Speaker, today I rise to recognize the achievements of Charles R. Trimble, the founder of Trimble Navigation Limited and Chairman of the United States Global Positioning System Industry Council. Mr. Trimble is this year's recipient of the American Electronics Association's Medal of Achievement. Recipients of this award are recognized for their significant contributions to the high-tech industry and for distinguished service to the community, the industry and humankind.

Charles Trimble has shown vision and dedication in managing one of America's premier technology companies; his leadership by example has helped mold the success of the U.S. technology industry. Under Mr. Trimble's careful direction, Trimble Navigation Limited grew from a startup housed in a reconstructed theater to the first publicly held company engaged solely in providing GPS solutions. Trimble now has 23 offices in 15 countries; its products are distributed in 150 countries worldwide.

Charles Trimble holds four patents in signal processing and several in GPS. He was a member of the Vice President's Space Policy Advisory Board's task group on the future of U.S. Space Industrial Base for the National Space Council. In 1991, he received INC Magazine's "Entrepreneur of the Year" award. Throughout his career, he has published articles in the field of signal processing, electronics, and GPS; he has contributed to a number of technology initiatives in the San Francisco Bay Area, the Silicon Valley, and Washington, D.C.

His interests and influence reach far beyond the scope of the high-tech industry. Charles Trimble was a Member of the Board of Governors for the National Center for Asia-Pacific Economic Cooperation (APEC) and a Member of the Council on Foreign Relations. In 1999 he was elected to the National Academy of Engineering.

I wish to thank Charles Trimble for his dedicated leadership in the high-tech industry and commend him on his admirable accomplishments. I offer my warmest congratulations on being awarded the American Electronics Association's 2000 Medal of Achievement. Furthermore, he has my personal thanks for his many courtesies to me—from sharing his in-depth knowledge of science and technology to stepping forward to advocate intelligent science and technology policies. Charles Trimble is not only a great scientist and industrialist; he is a great human being. My life is richer for having had the chance to know him.

THOUGHTS ON THE APPROPRIATIONS

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. SANFORD. Mr. Speaker, I rise today to share the thoughts of Mr. Roy Parker of Goose Creek, South Carolina. He sent me a letter to the editor he wrote for The Post & Courier in my hometown in Charleston. Mr. Parker raises a good point that we should think about as we consider the appropriations bills in this election year.

I submit the following article for the RECORD:

HOGS AND ROOTERS

"Root hog or die" was a frequently used expression during the Great Depression. These words had a very literal meaning, which was that you had to do more than be present to survive.

Now, when you think of hogs and rooters you instinctively think of members of Congress. They pride themselves on rooting out pork and giving it where they think it will do the most good.

This practice has become so commonplace that even some of our respected politicians still defend this practice. In fact, some are so addicted to pork that they are willing to cross party lines to satisfy their addiction.

Beware of politicians bearing gifts—our hard-earned tax money. Beware of politicians who become super conservative prior to election and, if elected, will go to Congress and raise your taxes and vote with the liberals.

* * *

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 3, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 4

9:30 a.m.
Small Business
To hold hearings on U.S. Forest Service issues relating to small business.
SR-428A
Health, Education, Labor, and Pensions
To hold hearings to examine health care coverage issues.
SD-430
Commerce, Science, and Transportation
To hold oversight hearings to review the findings and recommendations of the Interagency Commission on Crime and Security in U.S. Seaports.
SR-253
Indian Affairs
To hold hearings to examine alcohol and law enforcement in Alaska.
SD-366

2:30 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH-219

OCTOBER 5

9 a.m.
Judiciary
Business meeting to consider S. 2448, to enhance the protections of the Internet and the critical infrastructure of the United States; and S. 1020, to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.
SD-226

9:30 a.m.
Energy and Natural Resources
Energy Research, Development, Production and Regulation Subcommittee
To hold hearings to examine the electricity challenges facing the Northwest.
SD-366
Commerce, Science, and Transportation
To hold hearings on tobacco related issues, focusing on how certain States are spending tobacco revenues from the settlement.
SR-253

11 a.m.
Foreign Relations
European Affairs Subcommittee
Near Eastern and South Asian Affairs Subcommittee
To hold joint hearings to examine Russian connections with Iranian weapons programs.
SD-419
Finance
International Trade Subcommittee
To hold hearings to examine trade policy challenges in 2001.
SD-215

OCTOBER 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine the status of Gulf War illnesses.
SD-124

SENATE—*Tuesday, October 3, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of hope, You have shown us that authentic hope is rooted in Your faithfulness in keeping Your promises. We hear Your assurance, "Be not afraid, I am with you." We place our hope in Your problem-solving power, Your conflict-resolving presence, and Your anxiety-dissolving peace.

Lord, You have helped us discover the liberating power of an unreserved commitment to You. When we commit to You our lives and each of the challenges we face, we are not only released from the tension of living on our own limited resources, but we begin to experience the mysterious movement of Your providence. The company of heaven plus people and circumstances begin to rally to our aid. Unexpected resources are released; unexplainable good things start happening. We claim the promise of Psalm 37, "Commit your way to the Lord, trust also in Him, and He shall bring it to pass."—vs 5,7. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS, a Senator from the State of Wyoming, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, today the Senate will begin final action on the H-1B visa bill, with a vote on final passage scheduled to occur at 10 a.m.

Following the vote, the Senate will proceed to executive session to debate four nominations on the Executive Calendar. Under the previous order, there will be several hours of debate, with votes expected on the nominations during this afternoon's session. The Senate may also consider any appropriations conference reports available for action.

I thank my colleagues for their attention.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. Mr. President, it is my understanding that we are now in the time equally divided on the H-1B matter to be voted on at 10 o'clock.

The PRESIDENT pro tempore. The Senator is correct.

Mr. REID. Mr. President, H-1B originated in our immigration laws in the 1950's so that trained professionals could work for a limited time in the U.S. In 1990, a cap was set on the category for the first time of 65,000.

Employers in every industry and sector of our economy, including manufacturing, higher education, health care, research, finance and others, have used it.

Employers from major multinational companies to small businesses seeking individuals with specific skills needed to grow their companies have used it.

It became wildly popular in the mid to late 90s following the Internet boom, when hundreds of hungry tech startups across the country began using it to recruit high tech workers from information technology jobs, mostly from India, China, Canada, and Britain. Some 420,000 are here today.

Those individuals have filled a critical shortage of high-tech workers in this country, which in fact, still exists today.

The American Competitiveness in the Twenty-first Century Act of 2000 proposes to raise the caps for the number of H-1B workers that employers can bring into the United States for the next 3 years.

When Congress set the 65,000 cap on H-1Bs in 1990, it was not based on any economic data or scientific study of the need.

And, this limitation was not challenged until 1997 when for the first time the cap was reached at the end of the fiscal year.

The following year the cap was again reached, but this time by May 1998. The cap has been reached earlier in each successive year.

In response to the increased demand, language was incorporated into the Omnibus Appropriations Act of 1998 to raise the cap on H-1B visas to 115,000 in fiscal year 1999; and 115,000 in fiscal year 2000; and 107,500 in fiscal year 2001.

Under the Omnibus Act of 1998 the cap would return to its original level of 65,000 after fiscal year 2001.

Despite the increases, continuing economic growth has led many in the technology sector particularly, to call for a further increase in the caps.

In fiscal year 1999 the INS reached the H-1B cap in June and stated that there my have been more than 20,000 additional visas issued over and above the ceiling.

The higher demand for H-1B visas has continued in fiscal year 2000.

In March of this year, the INS stopped accepting new H-1B applications, having enough cases in its pipeline to reach the cap.

In order to compensate for the demand, the INS began processing petitions in August 2000 for workers who are set to begin working fiscal year 2001.

Based on past years' filling patterns, the INS may have as many as 60,000 cases already pending to count against the 107,500 visas now available.

Most employers predict that the current visa allotment will expire before January.

There is no question we need to raise the cap for H-1B professionals.

I have always been in support of H-1B, as many of my colleagues have been.

But I have also been in support of the Latino Immigrant and Fairness Act, which I am a cosponsor and which I continue to strongly support.

But supporting one does not rule out supporting the other.

American industry's explosive demand for skilled and highly skilled workers is being stifled by the current federal quota on H-1B visas for foreign-born highly skilled workers.

The quota is hampering output, especially in high-technology sectors, and forcing companies to consider moving production offshore. Some companies already have.

The number of H-1B visas was unlimited before 1990, when it was capped at 65,000 a year.

In 1998 the annual cap was raised to 115,000 for 1999 and 2000 and currently there is a need once more to raise that cap.

The shortage shows no sign of abating.

Demand for core information technology workers in the United States is expected to grow by 150,000 a year for the next 8 years, a rate of growth that cannot be met by the domestic labor supply alone.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

H–1B workers create jobs for Americans by enabling the creation of new products and spurring innovation.

High-tech industry executives estimate that a new H–1B engineer will typically create demand for an additional 3–5 American workers.

T.J. Rodgers of Cypress Semiconductor testified last year before Congress that for every H–1B professional he hires, he creates at least 5 more U.S. jobs to develop, manufacture, package, sell and distribute the products created.

H–1B workers are not driving down wages for native workers, in fact, wages are rising fastest and unemployment rates are lowest in industries in which H–1B workers are most prevalent.

High tech wages have risen 27 percent in the last decade, compared to 5 percent for the rest of the private sector.

The current unemployment rate for electrical engineers is 1.4 percent, 1.7 percent for systems analysts and 2.3 percent for computer programmers.

The vast majority of H–1B workers are being paid the legally required prevailing wage or more, undercutting charges that they are driving down wages.

The H–1B program mandates that these individuals be paid the higher of the average wage paid to workers in an area, or what the employer pays their U.S. workforce whichever is higher.

H–1B workers in many cases, because of their unique or highly demanded skills, earn more than U.S. workers.

For the reasons mentioned I am happy to support the American Competitiveness in the Twenty-first Century Act of 2000.

The ability to fill gaps in the workforce with qualified foreign national professionals rapidly, helps American business stay strong.

Mr. President, I am happy to support H–1B. It is good legislation that is very important. I am disappointed that we are not voting at the same time on the Latino and Immigrant Fairness Act, which we debated extensively last week, and I am sorry to say that on a straight party line vote we were prevented from voting up or down on this issue. That is a disappointment to me and to many millions of people in this country. I think the majority made a terrible mistake in that regard. But that does not take away from the need for the H–1B legislation we are going to pass today.

I yield the floor.

The PRESIDENT pro tempore. Who yields time?

The Senator from Michigan is recognized.

Mr. ABRAHAM. The chairman of the Judiciary Committee is not here. I believe he would approve of my yielding myself such time as I may need to speak this morning.

Mr. President, the H–1B visa program, which we will be addressing today when we vote on the American Competitiveness in the Twenty-first Century Act, is the subject of much interesting debate in our country today. One thing everybody agrees on is we face a serious worker shortage with respect to high-tech employment and skilled labor in America today. Most of the recent studies that have been produced on this subject indicate there are perhaps as many as 1 million unfilled positions in information technology today. The projections are that we will be creating somewhere between 150,000 and 200,000 new positions in these areas in each of the next 10 years. Yet in spite of the very lucrative and, I think, substantive nature of these jobs, our training programs, our college programs, our high school programs are not producing enough American workers to fill these posts today.

This presents us with a short-term problem and a long-term challenge. The short-term problem is how to fill these key positions immediately so that we don't lose opportunities to foreign competitors, or so that we don't force American businesses to move offshore to where skilled workers might live. The long-term problem is to determine what we can do to make certain that in the future we have a sufficient workforce of trained Americans to fill these jobs, because it is quite clear to me that immigration can only be a stopgap, short-term solution to these problems.

I am pleased we have reached an agreement on this legislation across the aisle with our colleagues because we need to act today. The legislation before us will allow a short-term increase in the number of skilled professionals allowed to work in this country on H–1B temporary visas and will help and encourage more disadvantaged young people to pursue studies related to high-tech. It will assure those young people of good jobs and good wages far into the future, and I believe it will also provide resources for the training and retraining of people in the workforce today, so they can begin to fill more of these positions as well.

To help young people, this bill will provide, we estimate, over 60,000 scholarships for American students in the math and science fields. Scholarships like this have already been available as a result of the American Competitiveness Act, which we passed in 1998—legislation that began the process of diverting application fees connected to the H–1B visas into scholarship and retraining funds.

The bill's training provisions will provide over 150,000 U.S. workers with access to training to help prepare them for the high-tech jobs of today and tomorrow. Interestingly, Mr. President, there is overwhelming unanimity that we must act in this fashion if we are to keep our economy strong. The support from across the political spectrum for this H–1B visa increase is strong, ranging from the White House—not just the current occupant and staff but such people as former chief economic adviser to President Clinton, Laura D'Andrea, Federal Reserve Chairman Alan Greenspan, and legislative leaders on both sides of the aisle.

Indeed, in hearings we have conducted in the Immigration Subcommittee, we have heard from people throughout industry in America, not just the high-tech companies we think of when we think about these workers but people who employ high-tech workers in other phases and forms of manufacturing across the board; they have all indicated that the need to fill these provisions is significant and immediate. Indeed, we received countless pieces of information that led to a pretty clear indication that if we don't allow these technically skilled workers to come here, companies will be forced to move product lines, divisions perhaps, and whole operations overseas.

That won't help Americans. That will cost Americans jobs. Of course, there are those who have criticized this program over the years—people who are protectionist in their views on these sorts of issues. But it is important to make sure the record is clear that we can build in protections for American workers to make certain that they cannot be taken advantage of through the high-tech H–1B program.

Indeed, in 1998 we addressed many, if not all, of the issues which were raised with respect to H–1B visas and the possible displacement of Americans workers.

In 1988, the bill wrote into law three types of lay-off protections for American workers. And we have also, of course, included in the H–1B program requirements that the prevailing wage be paid to people who come in under this program so companies cannot game the system and somehow or another in any way pay foreign workers less and thus deprive American workers of opportunities. But, as I said, whether it is the Silicon Valley or the Research Triangle or the traditionally well-known high-tech sectors or whether it is in my State of Michigan, the need for these workers is extraordinarily strong.

For instance, the Michigan Economic Development Corporation is spending $2.7 million on an ad campaign and a revamped web site to attract knowledgeable workers to our State. The head of our economic development division says we are the only State to fully redirect our resources to recruiting businesses for recruiting workers to Michigan. Indeed, in one county alone—Oakland County—the estimate is that we currently need 10,000 engineers just to fill the positions that are projected to be needed today and in the immediate future. If we can't find those people, those companies and the jobs that are connected to those engineering jobs will go elsewhere. It is a challenge that we must address.

Let me just say that in the short term the only appropriate way we are going to be able to deal with this is through an increase in the H-1B visa program. But the long-term solution cannot be based on immigration alone. Indeed, this program is only a 3-year increase.

I think it is clear that the world now is competing. Virtually any country that wants to be competitive is working hard to attract the most talented and skilled people to their country and to their businesses to create strength in their economies. Thus, America must, in addition to the passage of today's legislation, focus even more of our resources and more of our attention on the important need of both encouraging young people to pursue careers in math, science, engineering, computer sciences, and so on but also in retraining workers to try to fill more of these positions because I predict that in the very near future immigration will not even come close to meeting our employment needs with respect to these high-tech positions.

For those reasons, the provisions which were launched in the 1998 American Competitiveness Act, and which are strengthened even in this legislation, I hope by the time we finish this process, will provide even more resources for education and training which are key to the long-term needs that we have in this country.

They alone will not be enough because it is pretty obvious that to generate the kind of skilled workforce in the 21st century needed to fill the sorts of technology positions that are going to be created, whether they are positions in the research area or manufacturing area or anywhere else, requires us to go well beyond even what we will have in this legislation.

I am very dedicated to working to make sure that we provide the Federal support necessary to make it possible for those kinds of technology positions to be filled by American workers. But it is going to take a comprehensive effort—an effort that is not just a Federal program but one that incorporates the private sector as well as the public sector, the corporate sector, and the government sector at all levels, and to involve our education system at all levels or we will find ourselves seeing foreign competitors gaining ground on America when it comes to leading the world with respect to advanced technologies.

This means that not only must we make sure that the students today get the training they need but that the college programs be expanded and the retraining programs be generated. It also means that we must address so many other issues—whether it is passing our Millennium Classrooms Act which will provide more computer courses for the classrooms of America, especially those in the economically disadvantaged areas or whether it means working together in a collaborative effort with the private sector to ensure that there are more resources directed at education and the training of workers who are in the workforce today, it is all part of what we must address or we will find that in the global economy of the 21st century our competitive edge is going to be somewhat reduced. We certainly don't want that to happen.

I compliment Senator HATCH for his ongoing leadership on this issue. We have worked together since 1998 when we passed the American Competitiveness Act. He has been a leader on these issues for many years. His leadership in the passage of this legislation, and his willingness to come to the floor and work over a very long period of time to make sure this bill, which we passed out of the Judiciary Committee by an overwhelming vote many months ago, finally, today, gets the consideration it deserves. I think he deserves all of our thanks. Hopefully, this process will now move quickly towards completion, and we will be able to provide the additional workers needed to make sure the key positions in technology in our country will be filled.

I say also to those who have raised some of the other immigration-related issues that as chairman of the subcommittee, I remain anxious to continue to work with people—whether it is on the H-2A visa program, the agricultural workers issues, or Latino fairness issues, and so on. It is unfortunate that we couldn't come to an agreement on this legislation some months ago when we were trying to work out an agreement. But certainly the subcommittee intends to continue to focus on these issues into the future. I look forward to working with my colleagues on all of these.

In conclusion, I thank Senator HATCH for working with me on this. I appreciate his leadership very much.

I yield the floor.

Mr. McCAIN. Mr. President, I rise today to express my strong support for S. 2045, the American Competitiveness in the Twenty-First Century Act. Although it deals ostensibly with the visa cap on foreign-born high-tech workers, its effect would be far more profound—to enhance the dynamism of the American economy at a time when U.S. companies, if given access to the necessary resources, are poised to dominate the Information Age for decades to come. As the representatives of the American people, we in Congress should do all we can to contribute to their potential for success in the global economy.

I am convinced that the best thing government can often do to advance the fortunes of the private sector is to stay out of its way. I support this bill because it makes progress toward that end, by improving companies' flexibility to hire the talent they need, while providing for the regulatory framework and new educational opportunities to protect and promote American workers. By raising the arbitrary cap on temporary immigrant visas for skilled foreign workers—a cap set in 1990 and insufficiently increased in 1998—this legislation gets government out of the way of American companies, universities, and research labs which simply cannot hire the skilled professionals they need in the domestic labor market because of an arbitrary, anachronistic cap on H-1B visas that does not reflect the forces of supply and demand in the American economy today.

T.J. Rodgers, president and CEO of Cypress Semiconductor Corporation, captures best the logic of the H-1B program when he says, "It takes two percent of Americans to feed us all, and five percent to make everything we need. Everything else will be service and information technology, and in that world humans and brains will be the key variable. Any country that would limit its brain power to a single select group from that country alone is going to self-destruct."

The American Competitiveness Act of 1998, which I co-sponsored, raised the annual cap on H-1B visas for skilled professionals from 65,000 in Fiscal Year 1998 to 115,000 in both FY 1999 and FY 2000, and to 107,500 in FY 2001. Nonetheless, even the higher number of H-1B admissions authorized by Congress for FY 1999 was reached only eight months into that fiscal year, and the FY 2000 cap was reached in March 2000, or only six months into the current fiscal year.

S. 2045 authorizes an increase in the annual H-1B cap to 195,000 through FY 2002. All evidence indicates an increase is warranted. However, there is little evidence supporting the specific figure of 195,000. In fact, industry estimates of the number of unfilled high-tech jobs range from 300,000–800,000.

The original H-1B visa ceiling of 65,000, enacted in 1990, did not adequately foresee American companies' need for high-tech foreign workers. As this year's Judiciary Committee report accompanying S. 2045 states, by 1998 "access [to skilled foreign personnel] was being curbed by a cap on H-1B visas put in place almost a decade earlier, in 1990, when no one understood the scope of the information revolution that was about to hit." Yet, our important 1998 legislation raising the H-1B caps similarly missed the mark by understating domestic demand for highly trained professionals. As the 2000 Committee report states, "In fact, in 1998, the error Congress made was in underestimating the workforce needs of the United States in the year 2000. . . . As a result, the 1998 bill has proven to be insufficient to meet the current demand for skilled professionals."

While I strongly support passage of this legislation to increase H-1B visa admissions, I also wonder: given Congress' shortsightedness each time we have attempted to forecast the private sector's demand for highly skilled workers, how are we to know this time that we have struck the right balance? To resolve this dilemma, I introduced legislation on October 27, 1999, that would lift the H–1B ceiling while focusing more heavily on the underlying problem resulting in a shortage of skilled American workers. My bill, S. 1804, the 21st Century Technology Resources and Commercial Leadership Act, addresses the need to improve Americans' skills in math, science, engineering, and technology in order to maintain our world leadership in high-tech fields. Several other bills before Congress would raise the H–1B visa cap, but focus less on the long-term goal of educating and training Americans to fill available high-tech jobs.

S. 1804 would encourage innovation in improving elementary and secondary education in math, science, and engineering, as well as provide powerful incentives to retrain American workers who lack the skills to compete in the high-tech economy. In the interim, to provide for the requisite number of highly skilled professionals until we have educated and trained a sufficient number of Americans to fill these jobs, the bill would lift the cap on H–1B visas through 2006. All current information indicates that the supply of American professionals in the math, science, engineering, and technology fields will not meet the demand of American industries through at least that date.

Specifically, S. 1804 provides for grants to be awarded under the supervision of the Secretary of Commerce in consultation with the Office of Technology Policy and the National Science Foundation, on a competitive basis, for implementing programs that will improve the math, science, engineering, and technology skills of American students and professionals. The types of programs to be awarded grants are not specified so that Congress does not unintentionally foreclose new and more innovative ideas from surfacing. The grants would be funded from current H–1B visa application fees and could be awarded to companies, organizations, schools, school districts, teachers, and institutions of higher learning.

My legislation would use H–1B visa fees to encourage innovation in our schools, to teach American students the skills they will need to succeed in the 21st century economy, and in our companies, to train and retain American workers in the high-tech skills American businesses rely upon. The legislation would support corporate partnerships with schools or school districts to improve math and science curricula; scholarships for students willing to study advanced engineering or technology fields, and for those who agree to teach math or science for a period of time after graduating college; and innovative worker training and retraining programs within American companies. It leaves open grant support for any proposal that promises to improve the American talent pool in high-tech fields.

Although I regret that the Congress chose not to take this approach in favor of that proposed by S. 2045, I commend the sponsor of the pending legislation for incorporating provisions involving public-private education partnerships in K–12 math, science, and technology through National Science foundation grants, as my legislation originally proposed. Inclusion of these provisions drawn from S. 1804 significantly strengthens the final bill we are voting on today. As originally introduced, S. 2045 did not contain these components, and I am pleased that the sponsors were able to incorporate them.

Ultimately, the answer to the shortage of highly skilled workers must be found at home, in the form of a new generation of Americans educated in the skills demanded by our knowledge-based economy in this ear of globalization. In the meantime, raising the H–1B cap is the right thing to do. S. 2045, by increasing high-tech visa admissions while devoting new resources to the education and training of American students and workers, represents the way forward for the United States as we seek to sustain our leadership in the Information Age. I commend its swift passage to my colleagues on both sides of the aisle.

Mr. BROWNBACK. Mr. President, I stand in support of the American Competitiveness in the Twenty-First Century Act (S. 2045) which I have co-sponsored with Senators ORRIN HATCH and SPENCER ABRAHAM. This legislation would increase the number of H–1B visas for skilled labor available to U.S. employers from 115,000 to 195,000 slots, starting next fiscal year, among other measures.

This is direly needed legislation. Alarmingly, this year's allotment of H–1B visas ran out very early this year, in March. As a result, hundreds of thousands of highly skilled positions have gone unfilled throughout America.

America is currently riding a very high wave of record economic growth, unmatched in our generation. With that expansion, the number of available jobs which have gone unfilled has increased dramatically. Unfortunately, we have begun to place a cap on this extraordinary economic expansion by limiting the pool of skilled laborers that companies can draw upon by the present limited visa allotment.

The hardest hit sector is the computer industry. This industry functions in six months cycles, with new products being developed and marketed within this short period of time. The computer industry suffers a severe lack of qualified information technicians. Less workers means a longer development period which means a loss of competitive edge. This ultimately results in a loss of market, business and jobs. In this scenario, everyone loses, including the economy, American consumers, companies and workers.

To avoid this wasteful and unnecessary result, we must adopt this legislation and expand the visa slots so that American companies can continue to grow. This is an urgent problem which cannot wait until next year. If we fail to pass this legislation, we could significantly jeopardize our notable competitive edge in a fierce global market.

Some falsely charge that this legislation gives away our most lucrative jobs, while skipping over American workers. This is not true. Clearly, American employers would rather select American workers first over foreign guest workers who must be processed through a burdensome immigration bureaucracy involving significant time delays and complications. This visa process is costly and cumbersome for employers, and can easily be avoided by hiring American workers. However, American businesses cannot fill these positions with only American workers anymore and are forced to search overseas for badly needed talent. Our economy has expanded that significantly and these workers are needed that badly.

If we do not allow American-based businesses to meet this skilled labor need, some may move their operations to other countries which will gladly accommodate them. Why would we encourage this unfortunate result when we can attain just the opposite, that of attracting new and vibrant businesses, by expanding our labor pool?

In addition to the new visa allotments, this legislation creates 20,000 new college scholarships to train American workers in greater numbers. This encourages more degrees among Americans in math, computer science, and engineering—all areas of expertise presently suffering a shortage. Thus, this bill addresses both present and future worker needs.

On October 1st the new fiscal year began, and the Immigration and Naturalization Service estimates that we will use up the entire allotment of H–1B visas before the end of this December. In other words, the H–1B visa allotment will be used up in three months. That leaves the balance for nine months of no additional visas for desperate American computer companies, among other businesses, which will suffer this serious lack of workers.

That's bad business and bad politics, which can be corrected with this bill. Americans continue to dream bigger and create greater innovations, generating an unmatched prosperity which we should encourage, not discourage.

That's why we should support the American Competitiveness in the Twenty-First Century Act of 2000.

Mr. CONRAD. Mr. President, today the Senate will complete action on one of the most important bills in the 106th Congress, S. 2045, the American Competitiveness in the 21st Century Act, legislation that will help ensure our nation's continued growth and leadership in information technology (IT). S. 2045 will authorize visas for 195,000 high-tech professionals to work in the U.S. to meet the growing demand for skilled IT workers throughout our economy. The legislation also authorizes long term initiatives to ensure that Americans of all ages are trained to fill critical IT positions in our Information Age economy. I am pleased to strongly support this legislation.

Senate action to increase the ceiling on H1B visas for the next three years, however, is also a warning that we are not providing sufficient incentives or education opportunities to encourage our young people, as well as individuals of all ages, to consider careers or retraining in information technology. In 1998, Congress passed legislation to increase the number of H1B visas for skilled workers to enter the U.S. At that time, the Department of Commerce reported a shortage of 600,000 skilled IT workers in the U.S. Since 1998, the demand for skilled workers has increased dramatically.

Earlier this year, the Information Technology Association released its most recent report, "Bridging the Gap", on the demand for skilled IT workers in the U.S. That report estimated a shortage of more than 843,000 skilled workers. Moreover, the Department of Labor projected that the U.S. economy will require more than 130,000 new IT workers every year for the next ten years. Clearly, with our rapidly expanding economy, and the critical need to maintain our leadership in information technology, we face an extraordinary challenge from this shortage of skilled high-tech workers. As economies throughout the world recover, particularly in Asia, we cannot continue to assume that we will meet our demand for high-tech workers by increasing the cap on HIB visa every few years.

Throughout this debate on the IT worker shortage since 1998, I have recommended incentives to encourage IT worker training and partnerships between businesses and the education community. Earlier in the 106th Congress, I introduced legislation, S. 456, to authorize a tax credit of up to $6,000 for employers who provide IT worker training. Unfortunately, the Senate has not yet adopted this legislation. I am, however, very pleased that Vice President GORE has recognized the importance of this IT worker training incentive and included this proposal as a priority on his information technology agenda.

More recently, I also introduced S. 2347, the Information Technology Act of 2000, to encourage IT training partnerships between universities or colleges and the information technology community through a program of matching Federal grants. I urged that these partnerships focus on training for Americans that have traditionally not participated in the growth in information technology—women, veterans, Native Americans, dislocated workers, seniors, and students who have not completed their high school diploma. I am especially pleased to have had such strong endorsements for this proposal from groups including the Disabled Veterans of America, National Education Association, American Association of University Women, Green Thumb and the Computing Technology Industry Association.

Mr. President, while I regret that we have not been able to authorize tax incentives for businesses who provide IT training for workers, I am very pleased that S. 2045 authorizes funding for high-tech partnerships, as I proposed in S. 2347, through the Department of Labor. Funding for the training would come from the fees collected under the H–1B visa program. S. 2045 also expands K–12 training for educators in IT through the National Science Foundation, including the professional development of math and science teachers in the use of technology in the classroom. Expanding opportunities for IT training for educators was another important objective in S. 2347. S. 2045 also helps our educational and research communities by exempting them from the cap on recruiting skilled academic professionals.

Finally, I would like to express particular appreciation to the managers of the bill for accepting my amendment regarding J–1 visa waivers. My amendment will improve underserved communities' access to physician services by ensuring the Conrad State 20 J–1 visa waivers do not count against the H–1B visa cap.

Mr. President, the shortage of skilled high-tech workers will continue to be a major issue during the 107th Congress, and I believe it will be necessary for us to provide additional training incentives in the coming years to meet the growing domestic demand for IT workers. As I noted earlier, as economies throughout the world continue to expand, and countries including Singapore, China, and Malaysia develop their own high tech corridors, it will be difficult to recruit high-tech workers from these Asian countries to fill positions in the U.S.

In my view, rather than continue our dependence on H1B visa holders to meet our skilled worker demand, we must expand our efforts to encourage young people to consider careers in information technology and to train current workers to enter the IT field. This will continue to be a top priority for me during the 107th Congress, and I look forward to working with my colleagues and the information technology community on this critical issue. I commend my colleagues on the Senate Judiciary Committee for reporting a measure that provides important incentives for IT training as well as expanded education and training opportunities for teachers through the National Science Foundation.

Mr. HATCH. Mr. President, I reserve the remainder of our time.

Mr. LEAHY. Mr. President, how much time is remaining on this side of the aisle?

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Vermont has 10 minutes. The Senator from Utah has 1 minute 2 seconds.

Mr. LEAHY. Mr. President, I am very pleased the Senate is poised to pass legislation to increase the number of H–1B visas. The bill that we will pass today is the result of long negotiations. It is significantly improved from the version reported from the Judiciary Committee earlier this year.

This is an important step that will allow American employers to compensate for the current shortage in highly skilled employees by hiring such employees from abroad.

Thanks to the efforts of Senators KENNEDY, LIEBERMAN, FEINSTEIN, and others, this bill also includes strong education and worker training components. That is going to help American workers and students to erase the skills shortage.

No one on this side of the aisle sees H–1B visas as a permanent solution. It is a stopgap until our renewed commitment to education and training pays dividends. I would like to thank all of those in the corporate world who have supported our efforts on education and training.

Although I am happy about the passage of this bill, I am somewhat disappointed in the severe way in which debate on this bill was restricted.

I had hoped that our consideration of this bill would allow us to achieve other crucially important immigration goals that have been neglected by the majority throughout this Congress.

I had hoped that the Republican majority could agree to at least vote on, if not vote for, limited proposals designed to protect Latino families and other immigrant families.

I had hoped that the majority would consider proposals to restore the due process that was taken away from immigrants by the immigration legislation that Congress passed in 1996.

I thought we could work together to restore some of America's lost luster on immigration issues. That did not happen.

Still, we did have a vote on the Latino and Immigrant Fairness Act that showed where the Senate stood on issues of extreme importance to the Hispanic community, Eastern Europeans, and the Liberians. On that vote, regrettably, every Republican voted no. They refused to even consider the amendment. We should have had a vote. Senators should have the political courage to either vote for it, or vote against it.

I hope my Republican colleagues have the chance to reevaluate their position. The President has said he wants Congress to address these issues before we adjourn. Many Democratic Members of Congress and I join him in that view, and we will continue to work to see that this Congress addresses the real needs of real people, whether they be native-born or immigrant.

Both my mother and my wife are first-generation Americans. I think if Congress had taken some of the attitudes toward immigration that some take today when their families were seeking to enter the United States, neither might be in this country.

I agree that we need to increase the number of H–1B visas. The stunning economic growth we have experienced in the past eight years has led to worker shortages in certain key areas of our economy, and I have been involved in promoting efforts to ease those shortages. Last year, I cosponsored the HITEC Act, S. 1645, legislation that Senator ROBB has introduced that would create a new visa that would be available to companies looking to hire recent foreign graduates of U.S. master's and doctoral programs in math, science, engineering, or computer science.

Although S. 2045 uses a broader approach, the goals are similar. Allowing workers with specialized skills to come to the U.S. and work for 6-year periods, as the H–1B visa does, helps to alleviate worker shortage. In the recently ended fiscal year, 115,000 such visas were available, and they ran out well before the fiscal year ended. That is why we have to change the law now.

If we do not change the law, there will actually be fewer visas available in fiscal year 2001, as the cap drops to 107,500. This will simply be insufficient to allow America's employers—particularly in the information technology industry—to maintain their current rates of growth. As such, I think that we need to increase the number of available visas dramatically. The bill we will vote on today accomplishes that goal, increasing the number of visas to 195,000 for FY 2001. It also contains a provision that will allow educational institutions to use H–1B visas without counting against the cap, which will greatly help our colleges and universities, which are often on a different hiring schedule than our nation's other employers and have been shut out in the past from obtaining needed visas.

Of course, H–1B visas are not a long-term answer to the current mismatch between the demands of the high-tech industry and the supply of workers with technical skills. Although I believe that there is a labor shortage in certain areas of our economy, I do not believe that we should accept that circumstance as an unchangeable fact of life. We need to make a greater effort to give our children the education they need to compete in an increasingly technology-oriented economy, and offer adults the training they need to refashion their careers to suit the changes in our economy. This bill takes significant steps to improve our education and training programs. Since employers pay a $500 fee for a visa, increasing the number of visas will lead to an increase in revenue generated for worker training programs, scholarships for disadvantaged students, and funding for public-private partnerships to improve science and technology education.

I also want to note that the legislation extends current law's attestation requirements. These requirements force employers to certify that they were unable to find qualified Americans to do a job that they have hired a visa recipient to fill. The Labor Department also retains authority under S. 2045 to investigate possible H–1B violations.

I continue to believe that we could have passed this legislation many months ago. The Judiciary Committee reported S. 2045 more than six months ago, with my support. During this long stretch of inactivity, it has often appeared that the Republican majority has been more interested in gaining partisan advantage from a delay than in actually making this bill law. The Democratic Leader said repeatedly that he wanted to pass a bill, and that although Democratic members did want the opportunity to offer amendments, he was ready to agree to limit debate on those amendments so that we could conclude all work on this bill in a single day. Those offers were rebuffed again and again by the majority.

Months went by in which the Republican majority made no attempt to negotiate with us, time which many members of the majority instead spent trying to blame Democrats for the delay in their bringing this legislation to the floor. At many times, it seemed that the majority was more interested in casting blame upon Democrats than in actually passing legislation. Instead of working in good faith with the minority to bring this bill to the floor, the majority spent its time trying to convince leaders in the information technology industry that the Democratic Party was hostile to this bill, which was always false. Considering that three-quarters of the Democrats on the Judiciary Committee voted for this bill, and that the bill has numerous Democratic cosponsors, including Senator LIEBERMAN, this partisan appeal was not only inappropriate but absurd on its face.

I do regret that we have not made more progress on the longstanding proposals that have been combined now under the Latino and Immigrant Fairness Act. These provisions had been proposed throughout this Congress, and in some cases in previous Congresses. They are solid, pro-family proposals that would reward immigrants who are working and paying taxes in the United States. But the Republican majority—as has been shown repeatedly on the Senate floor over the past week—refused even to consider these proposals, instead branding them as rewards for illegal immigrants.

Thankfully, the President has taken action to provide temporary protection for the Liberians who faced imminent return to their conflicted nation, and who would have been protected by the LIFA legislation. It is shameful that the Congress has not taken action on the Liberians' behalf, despite the dogged and dedicated efforts of Senator JACK REED.

I am worried about the things we have not done on immigration issues in this Congress. It is a disturbing but increasingly undeniable fact that the interest of the business community has become a prerequisite for immigration bills to receive attention on the Senate floor. In fact, we are in the final days of the Congress, and this is the first immigration bill to be debated on the floor. Even humanitarian bills with bipartisan backing have been ignored in this Congress, both in the Judiciary Committee and on the floor of the Senate.

The majority has shown a similar lack of concern for proposals by Senators to restore the due process protections were removed by the passage of the Antiterrorism Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act 4 years ago.

There are still many aspects of those laws that merit our careful review and rethinking, including the inhumane use of expedited removal, which would be sharply reformed by S. 1940, the Refugee Protection Act, which I have introduced with Senator BROWNBACK and our 10 cosponsors.

But the Refugee Protection Act has not even received a hearing in the Judiciary Committee, despite my requests as ranking member. This is quite unusual, because every committee I have served upon has honored such requests on the part of the ranking member. When I was chairman, any request made by a ranking member was honored. Indeed, I have never seen anything like this, especially on a bill that has such bipartisan support.

The bill addresses the issue of expedited removal, a process under which aliens arriving in the United States can be returned immediately to their native land at the say-so of low-level INS officers. Expedited removal was the subject of a major debate in this Chamber in 1996. The Senate voted to use it only during immigration emergencies. The Senate-passed restriction was removed at probably the most partisan conference committee I have ever witnessed. The Refugee Protection Act is modeled closely on the 1996 amendment. I hope someday we can pass it. We should.

As a result of the adoption of expedited removal, we now have a system of removing people arriving here either without proper documentation or with valid documents that INS officers suspect are invalid. This policy ignores the fact that somebody who is fleeing a despotic regime is quite often unable to go in and get a passport from the same regime they are trying to flee, either because of religious persecution or some other type of persecution. The only way to get out of there is with a forged passport.

In the limited time that expedited removal has been in operation, we already have numerous stories of valid asylum seekers who were kicked out of country without the opportunity to convince an immigration judge that they faced persecution in their native lands. To provide just one example, a Kosovo Albanian was summarily removed from the United States after the civil war in Kosovo had already made the front pages of America's newspapers. Imagine what happens to such people when they are forced to return to their native lands.

I also urge the Senate to take up S. 3120, the Immigrant Fairness Restoration Act, which was introduced by Senators KENNEDY and BOB GRAHAM. This bill would go a long way toward undoing the damage done to due process by the 1996 immigration laws, and the House has already passed related, bipartisan legislation. Among other things, S. 3120 would eliminate the retroactive features of those laws, which have led to the deportation of legal permanent residents who committed relatively minor crimes decades ago. I have sponsored legislation that would at the very least provide due process to those who have served in our Armed Forces, the Fairness for Immigrant Veterans Act, S. 871. This legislation has been endorsed by the American Legion, the Vietnam Veterans of America, and other veterans' groups. The Republican majority has refused to consider even this narrow reform.

As important as H-1B visas are for our economy and our nation's employers, this is not the only immigration issue that faces our nation. Although the legislation we are concerned with today is good legislation, it does not test our commitment to the ideals of opportunity and freedom that America has represented at its best. Those tests will apparently be left for another day, or another Congress.

In closing, I commend our leaders in this matter: Senator DASCHLE, Senator HARRY REID, Senator KENNEDY, and their able staffs. In particular, I would like to thank Andrea LaRue with Senator DASCHLE, Eddie Ayoob with Senator REID, Esther Olavarria and Melody Barnes with Senator KENNEDY and the Democratic staff of the Immigration Subcommittee, and Tim Lynch with my Judiciary Committee staff. I have not heard thanks from the other side. I thank Senator ABRAHAM and his staff for cooperation in improving the bill and Senator HATCH for allowing the matter finally to proceed to conclusion. I also thank Lee Otis and Stuart Anderson with Senator ABRAHAM and Sharon Prost with Senator HATCH for their hard work on this legislation.

VISA WAIVER PERMANENT PROGRAM ACT

In addition to passing S. 2045, the Senate has also agreed to pass H.R. 3767, legislation to make the visa waiver pilot program permanent. We pass this legislation only because Senator DASCHLE worked with Senator KENNEDY and me to make sure that the majority agreed to release its hold on the bill as part of our broader agreement on H-1B legislation. I hope that Senator DASCHLE's commitment to this bill is appreciated by the thousands of American travelers who benefit from it.

This legislation will achieve the important goal of making our visa waiver program permanent. We have had a visa waiver pilot project for more than a decade, and it has been a tremendous success in allowing American citizens to travel to some of our most important allies for up to 90 days without obtaining a visa, and in allowing citizens of those countries to travel here under the same terms. Countries must meet a number of requirements to participate in the program, including having very low rates of visa refusals. Of course, the visa waiver does not affect the need for international travelers to carry valid passports.

Despite having expressed no substantive objection to this bill, the majority refused to allow this legislation to go forward for months. I note for the record that every single Democratic Senator said they would vote for this bill. Those from the business community and elsewhere who asked about the bill were assured by Senator DASCHLE, Senator REID and I that every single Democratic Senator supported this.

Even though the travel industry and the State Department urged Republicans to allow this legislation to pass, and even though the visa waiver pilot program had expired April 30, the majority refused to let this bill go forward. They apparently held the bill to use as leverage to promote unrelated legislation, just a chit to be used whenever it seemed to fix a whim. I am glad they finally have reversed course.

The House passed legislation months ago to make this program permanent, heeding the calls of American tourists and business people who are able to travel to almost 30 other nations with only a passport because of the program. By playing political games, the Senate jeopardized our relationships with the other nations who take part in the program. Thankfully, we have finally moved beyond these games and are set to send this legislation back to the House for final approval.

I would like briefly to note the inclusion of an amendment in the visa waiver bill that is of major importance to my State of Vermont and many other States. This provision extends the EB-5 immigrant investor pilot program, which allows foreign investors to obtain resident status in return for substantial investments in regions that are not sharing in the general American prosperity. In my State, this program is starting to bear fruit—I am happy that we are extending it for an additional three years so that we can ensure that its potential is realized.

In conclusion, I would like to thank Senator KENNEDY for all of his work on immigration issues, from H-1B to visa waiver to the countless proposals he has initiated and supported to help immigrant families. He has consistently worked across the aisle with Senators HATCH and ABRAHAM to achieve the best possible solutions to our immigration problems. Immigrants in America should understand they have a devoted ally in the senior Senator from Massachusetts, Mr. KENNEDY. And I thank our Democratic Leader TOM DASCHLE for his commitment to getting this matter concluded without additional unnecessary delay. They and their staffs, along with the staff of our Republican counterparts, were instrumental in moving this matter to passage.

I thank all on both sides.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. This is a very important bill. This is a bill that both sides have said they wanted for a long time. I have to say it is pitiful that we had to go through three cloture votes because it was filibustered three times. Even the motion to proceed was filibustered by colleagues on the other side. They have tried to make this into a political brouhaha which it doesn't deserve. Further, when they also brought up a bill that they did not even file until July 25 of this year, the Latino and Immigrant Fairness Act, which is anything but fair. They brought that up and asked, without hearings, without 1 minute of consultation, that we have a rolling amnesty for up to 2 million illegal aliens—perhaps even more than that; certainly they admit to at least 500,000. It shows the length to which politics can go in this body.

I am glad we are at this point. It took continual effort by our leader to push this bill through. There were many times when we thought we might have to pull it down because of the opposition from the other side.

But today, I look forward to an overwhelming vote this morning on this important, bipartisan bill and hope that by week's end, the House of Representatives will have acted favorably and with dispatch as well.

One of our greatest priorities, Mr. President, is and ought to be keeping our economy vibrant, and expanding educational opportunities for America's children and its workers. That is my priority for this country and for my own State of Utah.

I am proud of the growth and development in my own State that has made Utah one of the leaders of the country and the world in our high tech economy.

In Utah and elsewhere, however, our continued economic growth, and our competitive edge in the world economy requires an adequate supply of highly skilled high tech workers. This remains one of our great challenges in the 21st century, requiring both short and long term solutions. The legislation we will pass today, S. 2405, addresses both of these challenges.

Specifically, a tight labor market, increasing globalization, and a burgeoning economy have combined to increase demand for skilled workers well beyond what was forecast when Congress last addressed the issue of temporary visas for highly skilled workers in 1998. Therefore, this legislation once again increases the annual cap for this year and the next three years.

But increasing the number of H-1B visas is nothing more than a short term solution to the workforce needs in my State and the country. The long term solution lies with our own children and our own workers. Our continued success in this global economy depends on our ability to ensure that education and training for our current and future workforce matches the demands in our high tech 21st century global economy. Working with my colleagues, I have included in this bill strong, effective, and forward looking provisions directing the several hundred million dollars in fees expected to be generated by the visas toward the education and retraining of our children and our workforce. Those provisions are included in the substitute which is before us today.

Mr. President there are many to whom I want to express my gratitude this morning. This legislation had, from the beginning, an effective group of Senators at the forefront. That included Senator ABRAHAM, a leader on this issue for many years, as well as Senator GRAMM from Texas. On the other side of the aisle, we were joined early on by Senators GRAHAM, FEINSTEIN, and LIEBERMAN, and all have continued their commitment to the continued improvement of our bill. And finally, Mr. President, I want to thank Senator KENNEDY for his hard work and his tireless dedication to ensuring effective training provisions in this bill for American workers. I would be remiss were I not to also mention Senator PAT LEAHY—the committee's ranking member. He approached this bill in the spirit of bipartisanship and facilitated its consideration both here on the floor and in committee.

Mr. President. I look forward to working with my colleagues in the other body in the coming days to see that this bill becomes law.

I hope we can get this done for American workers and children and for our continued economic expansion.

Finally, Mr. President, I want to thank all of the dedicated staffers here in the Senate whose talent and hard work have helped get this bill passed. First, I'd like to thank my own committee staff, including Chief Counsel and Staff Director Manus Cooney, Deputy Chief Counsel Sharon Prost, and Press Secretary Jeanne Lopatto. The conventional wisdom in Washington a few months ago was that this bill was not going to pass. But they kept fighting for its passage. I want to particularly commend Sharon Prost for her tireless efforts.

I also want to thank Lee Otis and Stuart Anderson, of the Subcommittee on Immigration for their invaluable technical and legal assistance and Esther Olivarria of Senator KENNEDY's staff. My thanks also go to Michael Simmons, of Senator GRAMM's staff, Caroline Berver, with Senator GRAHAM, James Thurston, with Senator LIEBERMAN, and Lavita Strickland with Senator FEINSTEIN. I would also like to thank Jim Hecht of Senator LOTT's staff for his efforts. Finally, I want to thank Bruce Cohen and Tim Lynch of Senator LEAHY's committee staff.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I note that each of the component parts of the Latino and Immigrant Fairness Act were filed long before July 25. Democratic Senators repeatedly asked for hearings on this proposal, and those requests were repeatedly denied.

It is not fair to say that this legislation is neither "Latino" nor "fair." If anybody wants to know whether it is something that the Latino community wants and whether the Latino community thinks it is fair, just ask them. They will tell you the Latino fairness bill is supported by the Latino community and it is a fair bill.

I do thank my chairman, my close friend, that we are getting this through.

Mr. HATCH. Mr. President, let me just take a minute to respond to some of the comments of my colleague, Senator LEAHY. The so-called Latino Fairness Act has little to do with fairness for immigrants. This is no limited measure to undo a previous wrong to a limited class of immigrants who otherwise might have been eligible for amnesty under the 1986 act. In fact, it is a major new amnesty program with a price tag of almost $1.4 billion. That has major implications for our national policy on immigration.

The bill purports to be about "immigrant fairness," but it does nothing to increase or preserve the categories of legal immigrants allowed in this country annually. It does nothing to shorten the long waiting period or remove the hurdles for persons who have waited years to legally enter this country. This so-called Latino fairness is no fairness at all to the millions of immigrants who have and will continue to play by the rules.

Moreover, the bill does not even fix a date for the registry. Rather it allows a rolling amnesty. What kind of signal does this send? Our government spends millions each year to combat illegal immigrant and deports thousands of persons each year. With the rolling amnesty, however, if an illegal alien can manage to escape law enforcement for long enough we reward that person with citizenship, or at least permanent resident status.

Finally, it should be noted that all of these dramatic changes were proposed in July of this year with no hearings and with no assessment of competing costs and benefits. The Senate appropriately refused to consider this bill because its many consequences were not addressed by its proponents.

We are proud of the fine bipartisan work that went into the H-1B visa bill and welcome its passage.

The PRESIDING OFFICER (Mr. Crapo). Under the previous order, the hour of 10 o'clock having arrived, the Senate will now vote on the passage of S. 2045. The question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Hollings

NOT VOTING—3

Feinstein
Kennedy
Lieberman

The bill (S. 2045), as amended, was passed, as follows:

S. 2045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY

SEC. 101. SHORT TITLE.

This title may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

SEC. 102. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) Fiscal Years 2001–2003.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vii); and

(2) by striking clause (iv) and inserting the following:

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002;

"(vi) 195,000 in fiscal year 2003; and".

(b) Additional Visas for Fiscal Years 1999 and 2000.—

(1) In general.—(A) Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(B) In the case of any alien on behalf of whom a petition for status under section 101(a)(15)(H)(I)(b) is filed before September 1, 2000, and is subsequently approved, that alien shall be counted toward the numerical ceiling for fiscal year 2000 notwithstanding the date of the approval of the petition. Notwithstanding section 214(g)(1)(A)(iii) of the Immigration and Nationality Act, the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 2000 is increased by a number equal to the number of aliens who may be issued visas or otherwise provided nonimmigrant status who filed a petition during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(iii) is reached and ending on August 31, 2000.

(2) Effective date.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 103. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who is employed (or has received an offer of employment) at—

"(A) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(B) a nonprofit research organization or a governmental research organization.

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

SEC. 104. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) Special Rules.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) Rules for employment-based immigrants.—

"(A) Employment-based immigrants not subject to per country limitation if additional visas available.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) Limiting fall across for certain countries subject to subsection (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) Conforming Amendments.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) One-Time Protection Under Per Country Ceiling.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) is eligible to be granted that status but for application of the per country limitations applicable to immigrants under those paragraphs,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 105. INCREASED PORTABILITY OF H–1B STATUS.

(a) In General.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 106. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) Exemption From Limitation.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section

204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1-B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

(c) INCREASED JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS.—

(1) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

"(j) JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS TO PERMANENT RESIDENCE.—A petition under subsection (a)(1)(D) for an individual whose application for adjustment of status pursuant to section 245 has been filed and remained unadjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the petition was filed.".

(2) Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following new clause:

"(iv) LONG DELAYED ADJUSTMENT APPLICANTS.—A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.".

(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in paragraph (2). Visas made available under this subsection shall only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act.

(2) NUMBER AVAILABLE.—

(A) IN GENERAL.—Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal year 1999 and 2000 and the number of such visas that were actually used in such fiscal years.

(B) REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas actually used under paragraph (1) for previous fiscal years.

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term "employment-based visa" means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

SEC. 107. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2003".

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking "September 30, 2001" and inserting "September 30, 2003".

SEC. 108. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

SEC. 109. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 110. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "56.3 percent" and inserting "55 percent";

(2) in paragraph (3), by striking "28.2 percent" and inserting "23.5 percent";

(3) by amending paragraph (4) to read as follows:

"(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

"(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

"(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the use of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).";

(4) in paragraph (6), by striking "6 percent" and inserting "5 percent"; and

(5) in paragraph (6), by striking "3 percent" each place it appears and inserting "2.5 percent".

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking "$2,500 per year." and inserting "$3,125 per year. The Director may renew scholarships for up to 4 years.".

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

"(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

"(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

"(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

"(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.".

SEC. 111. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

"(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

"(1) IN GENERAL.—

"(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

"(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. The need for the training shall be justified through reliable regional, State, or local data.

"(2) GRANTS.—

"(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H-1B Nonimmigrant Petitioner Account, award—

"(i) 75 percent of the grants to a local workforce investment board established under section 116(b) or section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

"(I) one workforce investment board;

"(II) one community-based organization or higher education institution or labor union; and

"(III) one business or business-related nonprofit organization such as a trade association: *Provided*, That the activities of such local or regional public-private partnership described in this subsection shall be conducted in coordination with the activities of the relevant local workforce investment board or boards established under the Workforce Investment Act of 1998 (29 U.S.C. 2832); and

"(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any single specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) START-UP FUNDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) TRAINING OUTCOMES.—

"(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured;

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness; and

"(iii) in the case of an application for a grant under subsection (c)(2)(A)(ii), explain what barriers prevent the strategy from being implemented through a grant made under subsection (c)(2)(A)(i).

"(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

SEC. 112. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the "Kids 2000 Act".

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local

boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 113. USE OF FEES FOR DUTIES RELATING TO PETITIONS.

(a) Section 286(s)(5) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(5)) is amended to read as follows: "4 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Attorney General until expended to carry out duties under paragraphs (1) and (9) of section 214(c) related to petitions made for nonimmigrants described in section 101(a)(15)(H)(i)(b), under paragraph (1) (C) or (D) of section 204 related to petitions for immigrants described in section 203(b).".

(b) Notwithstanding any other provision of this Act, the figure on page 14, line 16 is deemed to be "22 percent"; the figure on page 16, line 14 is deemed to be "4 percent"; and the figure on page 16, line 16 is deemed to be "2 percent".

SEC. 114. EXCLUSION OF CERTAIN "J" NONIMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICABLE TO "H-1B" NONIMMMIGRANTS.

The numerical limitations contained in section 102 of this title shall not apply to any nonimmigrant alien granted a waiver that is subject to the limitation contained in paragraph (1)(B) of the first section 214(l) of the Immigration and Nationality Act (relating to restrictions on waivers).

SEC. 115. STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The Secretary of Commerce shall conduct a review of existing public and private high-tech workforce training programs in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Commerce shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 116. SEVERABILITY.

If any provision of this title (or any amendment made by this title) or the application thereof to any person or circumstance is held invalid, the remainder of the title (and the amendments made by this title) and the application of such provision to any other person or circumstance shall not be affected thereby. This section be enacted 2 days after effective date.

TITLE II—IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Immigration Services and Infrastructure Improvements Act of 2000".

SEC. 202. PURPOSES.

(a) PURPOSES.—The purposes of this title are to—

(1) provide the Immigration and Naturalization Service with the mechanisms it needs to eliminate the current backlog in the processing of immigration benefit applications within 1 year after enactment of this Act and to maintain the elimination of the backlog in future years; and

(2) provide for regular congressional oversight of the performance of the Immigration and Naturalization Service in eliminating the backlog and processing delays in immigration benefits adjudications.

(b) POLICY.—It is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application, except that a petition for a nonimmigrant visa under section 214(c) of the Immigration and Nationality Act should be processed not later than 30 days after the filing of the petition.

SEC. 203. DEFINITIONS.

In this title:

(1) BACKLOG.—The term "backlog" means, with respect to an immigration benefit application, the period of time in excess of 180 days that such application has been pending before the Immigration and Naturalization Service.

(2) IMMIGRATION BENEFIT APPLICATION.—The term "immigration benefit application" means any application or petition to confer, certify, change, adjust, or extend any status granted under the Immigration and Nationality Act.

SEC. 204. IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENT ACCOUNT.

(a) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General shall take such measures as may be necessary to—

(1) reduce the backlog in the processing of immigration benefit applications, with the objective of the total elimination of the backlog not later than one year after the date of enactment of this Act;

(2) make such other improvements in the processing of immigration benefit applications as may be necessary to ensure that a backlog does not develop after such date; and

(3) make such improvements in infrastructure as may be necessary to effectively provide immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of Justice from time to time such sums as may be necessary for the Attorney General to carry out subsection (a).

(2) DESIGNATION OF ACCOUNT IN TREASURY.—Amounts appropriated pursuant to paragraph (1) may be referred to as the "Immigration Services and Infrastructure Improvements Account".

(3) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(4) LIMITATION ON EXPENDITURES.—None of the funds appropriated pursuant to paragraph (1) may be expended until the report described in section 205(a) has been submitted to Congress.

SEC. 205. REPORTS TO CONGRESS.

(a) BACKLOG ELIMINATION PLAN.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning—

(A) the backlogs in immigration benefit applications in existence as of the date of enactment of this title; and

(B) the Attorney General's plan for eliminating such backlogs.

(2) REPORT ELEMENTS.—The report shall include—

(A) an assessment of the data systems used in adjudicating and reporting on the status of immigration benefit applications, including—

(i) a description of the adequacy of existing computer hardware, computer software, and other mechanisms to comply with the adjudications and reporting requirements of this title; and

(ii) a plan for implementing improvements to existing data systems to accomplish the purpose of this title, as described in section 202(a);

(B) a description of the quality controls to be put into force to ensure timely, fair, accurate, and complete processing and adjudication of such applications;

(C) the elements specified in subsection (b)(2);

(D) an estimate of the amount of appropriated funds that would be necessary in order to eliminate the backlogs in each category of immigration benefit applications described in subsection (b)(2); and

(E) a detailed plan on how the Attorney General will use any funds in the Immigration Services and Infrastructure Improvements Account to comply with the purposes of this title.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Beginning 90 days after the end of the first fiscal year for which any appropriation authorized by section 204(b) is made, and 90 days after the end of each fiscal year thereafter, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning the status of—

(A) the Immigration Services and Infrastructure Improvements Account including any unobligated balances of appropriations in the Account; and

(B) the Attorney General's efforts to eliminate backlogs in any immigration benefit application described in paragraph (2).

(2) REPORT ELEMENTS.—The report shall include—

(A) State-by-State data on—

(i) the number of naturalization cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for naturalization applications;

(iii) the number of naturalization applications pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) estimated processing times adjudicating newly submitted naturalization applications;

(v) an analysis of the appropriate processing times for naturalization applications; and

(vi) the additional resources and process changes needed to eliminate the backlog for naturalization adjudications;

(B) the status of applications or, where applicable, petitions described in subparagraph (C), by Immigration and Naturalization Service district, including—

(i) the number of cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for such applications or petitions;

(iii) the number of applications or petitions pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) the estimated processing times adjudicating newly submitted applications or petitions;

(v) an analysis of the appropriate processing times for applications or petitions; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications; and

(C) a status report on—

(i) applications for adjustments of status to that of an alien lawfully admitted for permanent residence;

(ii) petitions for nonimmigrant visas under section 214 of the Immigration and Nationality Act;

(iii) petitions filed under section 204 of such Act to classify aliens as immediate relatives or preference immigrants under section 203 of such Act;

(iv) applications for asylum under section 208 of such Act;

(v) registrations for Temporary Protected Status under section 244 of such Act; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications.

(3) ABSENCE OF APPROPRIATED FUNDS.—In the event that no funds are appropriated subject to section 204(b) in the fiscal year in which this Act is enacted, the Attorney General shall submit a report to Congress not later than 90 days after the end of such fiscal year, and each fiscal year thereafter, containing the elements described in paragraph (2).

Mr. HATCH. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, I rise to congratulate all those who have worked so hard for so long on the H-1B bill. Senators LEAHY, HATCH, KENNEDY, ABRAHAM, FEINSTEIN, LIEBERMAN and BIDEN have all done an admirable job at putting together a good bipartisan bill that will strengthen our economy and increase the resources that go to technology education and training.

I would also like to thank the Majority Leader for his efforts. While we have disagreements about how the process, here in the Senate, should work, on this bill, we have shared a commitment that the Senate must act to ensure the stability of the H-1B program in the years to come.

Mr. President, as you know, this legislation responds to the pressing need many American companies are facing for highly-skilled workers. The bill increases the annual ceiling for the admission of H-1B non-immigrants to 195,000 for fiscal years 2001, 2002 and 2003. It also includes an important provision to exempt H-1B visa applicants employed by higher education institutions and other non-profits from the yearly numerical limits.

This visa increase could not come at a more important time. With unemployment rates currently at or near historic lows, the H-1B program has become an increasingly important source of skilled labor for U.S. employers. U.S. employers are expected to need roughly 1.6 million information technology workers in the next year. Unfortunately, the demand far exceeds the supply of qualified individuals. This shortage not only threatens the competitiveness of U.S. high technology companies but it also threatens our economy, which owes much of its success to the technology sector.

These labor shortfalls are not just felt in Silicon Valley, Northern Virginia and other high tech clusters—they are felt nationwide. In fact, 35 percent of the unfilled jobs in the information technology sector are in the Midwest. In a study done by the Bureau of Labor Statistics, the state of South Dakota had the greatest high-technology employment growth in the early 1990's—a whopping 172 percent increase. And South Dakota companies, like those in other states, are struggling to find the workers they need to continue to grow.

That said, the H-1B visa program is only a short-term solution to the skills shortage being experienced by American companies. Accordingly, I am proud of the work that was done, largely at the behest of Democratic Senators, to ensure that this bill begins to address our long-term challenge—ensuring that in the future there are enough Americans with the necessary skills to fill these jobs. Indeed, as Senator MIKULSKI reminded us during this debate, America is facing a skills shortage, rather than a worker shortage. It is our job to reverse that trend.

This bill is a step in the right direction. It dedicates over half of the H-1B fees collected to the worker training primarily in the fields of high technology, information technology and biotechnology skills. By increasing the H-1B visa fee modestly, this bill will triple the money going to these important training programs enabling 45,000 workers a year to take advantage of these new training opportunities. In addition, the bill also triples the money dedicated to providing meaningful educational scholarships for students, particularly minority students, who are enrolled in a mathematics, engineering or computer science degree program and for improving science, mathematics and technology education in the K-12 system.

There are millions of Americans who yearn for the opportunity to participate in our new economy and all its rewards. And they need only one thing to do just that—skills training and education.

It is our duty to help these Americans realize their dreams. This bill is an important down-payment in that effort. Thus, I look forward to this bill becoming law in the near future. Both U.S. workers and U.S. companies stand to benefit.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD)

• Mrs. FEINSTEIN. Mr. President, as a cosponsor of S. 2045, "American Competitiveness in the Twenty-first Century Act of 2000," I am pleased to see this important legislation pass the Senate today.

One of my most sobering experiences as a U.S. Senator occurred a few years ago when several CEOs of California's leading high-tech companies told me our schools were not producing enough skilled graduates and asked me to support an increase in the number of H-1B temporary visas for skilled foreign workers.

Initially, I did not believe this. But subsequently the problem became very clear at a Senate Judiciary Committee hearing on the subject. California's high-tech sector has fueled our record economic expansion, providing more than 784,000 high-tech jobs in our state alone. But that continued growth is threatened if California cannot produce an adequate number of well-educated workers. Clearly our education system needs major reform.

I asked TechNet, a network of the nation's leading high-tech CEOs, to help me develop a program to reduce our reliance on H-1B workers. The discussions led to a public-private plan, which Senator SPENCER ABRAHAM, R-Mich., and I offered as an amendment to the H-1B visa bill. It was approved by the Judiciary Committee in March.

From the funds collected for H-1B fees over the next three years, the amendment would allocate 15 percent of the H-1B fees, or roughly $23 million for National Science Foundation kindergarten through 12th grade math and science education and skills-development programs. The technology industry will match these funds and then some. This is an incredible commitment by the industry to help develop a pipeline of American students who are better prepared for the workplace of tomorrow.

Additionally, $35 million will be designated for post-secondary school scholarships for 16,000 to 18,000 low-income students to obtain degrees in science, math or other technology-related disciplines so that they can compete for the cutting-edge jobs in the high-tech sector. At the same time, our amendment provides 23.5 percent, or more than $35 million per year in funding—in addition to that already being provided—for scholarships so that American students and workers can also enjoy the opportunity to work in the high tech and other industries demanding a highly skilled workforce.

Another $83 million, or 55 percent of the H–1B fee revenue, as a result of an amendment by Senator Kennedy, would be allocated to workforce training programs and demonstration projects to provide technical skills training for U.S. workers. I am hopeful that, in the end, we can work in a provision to increase the H–1B visa fee from $500 to $1,000. This will double the amount of funding for these important education and training programs.

I support lifting the H–1B visa cap, but clearly it is only a short-term solution to a long-term problem. The technology industry recognizes this and has already made significant financial contributions to education training programs. These amendments represent an additional industry commitment to educating America's workforce.

Recent research indicates that the number of bachelor of science degrees awarded in computer science and math fell 29 percent from 1985 to 1995. Engineering degrees fell 16 percent from 1985 to 1997; computer and information sciences experience a 42 percent drop. Yet it is expertise in these very areas that businesses, especially high-technology companies, need in order to stay globally competitive.

Our society is undergoing a dramatic technological transformation. Information technology has changed every aspect of our society, from telephone and banking services to commerce and education. Given this, the demand for highly skilled professionals has exploded. Even excluding the biotechnology industry, the high-tech explosion has created over 4.8 million jobs in the United States since 1993 and produced an industry unemployment rate of 1.4 percent.

Despite the billions of dollars that companies spend annually on training, a gap still exists between professionals available in the U.S. workforce and the needs of employers. We need to raise the H–1B cap for the next few years because often employers' needs are immediate; they cannot afford to wait for workforce training or retraining while positions remain unfilled. I look forward to the day when it is not necessary to bring in workers from abroad for these positions because California's schools are producing students who can match the best and brightest from anywhere across the globe.

I am also pleased that the Senate has adopted as an amendment to the H–1B legislation, the provisions of S. 2586, the "Immigration Services and Infrastructure Improvement Act of 2000," which I introduced earlier this year. As we seek to address the needs of the high tech industry by increasing the number of H–1B visas, I am pleased that we are also taking an active role in addressing the unacceptably long backlogs in processing other immigration applications.

We have all heard the horror stories of the long processing delays associated with the Immigration and Naturalization Service (INS). What was once a 6-month process has now become a three- to four-year ordeal. When I first introduced S. 2586, the INS had roughly 2.3 million cases pending. Out of this number, California had 600,000 naturalization and adjustment of status cases pending.

While the INS has made some improvements in reducing processing times for some applications, the INS's overall record keeping and computer systems still suffer from serious flaws. Many forms filed during the application process have been lost, automatically disqualifying immigrants from an immigrant visa or naturalization because they missed their INS appointments.

It is unacceptable that millions of people who have followed our nation's laws, made outstanding contributions to our nation, and paid the requisite fees have had to wait months, and even years, to obtain the immigration services they need. These processing delays have had a negative impact on businesses seeking to employ or retain essential workers.

Faced with a shortage of highly skilled workers in the U.S., many of our nation's businesses, including those in the high tech industry, must increasing rely on the INS to help provide them with access to highly skilled foreign professionals. However, long delays and inconsistencies in INS processing are causing many companies to postpone or cancel major projects that support their fiscal growth.

I believe the backlog reduction provisions included in this bill will send a clear signal to the INS that it is time to change the way they do business. The provisions would require the INS to process H–1B applications and other non-immigrant visa applications within 30 days, and naturalization applications, permanent employment visas, and other immigration visa applications within six months. In addition, the provisions would establish a separate account with the INS to fund backlog reduction efforts.

This account would permit the INS to fund across several fiscal years infrastructure improvements, including additional staff, computer records management, fingerprinting, and nationwide computer integration. Finally, the provisions would require the INS to put together a plan on how it intends to eliminate existing backlogs and report on this plan before it could obtain any appropriated funds.

The backlog reduction provisions are intended to provide the INS with direction and accountability, and would enable millions of law-abiding residents, immigrants, and businesses, who have paid substantial fees to the INS, to have their applications processed in a timely manner. I believe enactment of these provisions as part of the H–1B legislation will send a strong Congressional directive to the INS that timely and efficient service is not merely a goal, but a mandate.

Our nation has undergone a dramatic technological transformation. The U.S. economy has enjoyed unprecedented expansion, in large part because of the high tech industry. In California alone, this growth in technology has made our State number one in high tech employment by creating almost 800,000 jobs and comprising 61 percent of California's exports. I am convinced that the economy of California as well as the rest of the nation could run out of steam if the driving engine—that is, the high tech industry—does not have the resources it needs to continue its unprecedented growth.

Certainly, it is in our interest to ensure that these industries, which are located in the U.S. and help drive our economy, can continue to obtain qualified, highly skilled employees. This bill meets the needs of the industry by providing additional temporary visas for exceptional professional personnel. Despite the billions of dollars that companies spend annually to train their work force, a gap still exists between professionals available in the U.S. work force and the needs of employers. Often employers' needs are immediate; they cannot afford to wait for work force training or retraining while positions remain unfilled.

I look forward to the day when it is not necessary to bring in workers from abroad for these positions because California's schools are producing students who can match the best and brightest from anywhere across the globe.●

Mr. LEVIN. Mr. President, the Senate has now approved an increase in the total number of H–1B nonimmigrant visas made available to skilled foreign workers.

I supported that increase because I believe it will help meet this country's growing demand for people with high skills, particularly in fast growing industries such as the high technology industry. However, I want to make clear that I understand this bill to be a short-term fix for the needs of our economy and not a long-term solution.

If Congress is going to deal with the workforce needs in this country we can not simply rely on the H-1B program. The national skill shortage problem must be resolved by expanding training programs for American workers and increasing educational opportunities for our young people.

Section 10 of this bill provides significant new resources for funding new innovative activities in K-12 math and science across the nation. It also represents a major boost beyond what was provided in the H-1B legislation in 1998. Under the 1998 H-1B bill, the amount of funding for the National Science Foundation (NSF) K-12 activities was fairly small—less than $6 million in FY 2000. Thanks to the leadership of Senator FEINSTEIN and Senator KENNEDY, this legislation would more than double that amount to $15 million.

We can make further progress in our education and training needs by increasing the fee that sponsors pay for H-1B visas. Hopefully, the Conference Committee will increase the fee to $1000 more than tripling the amount made available for job training grants, low income scholarships and NSF enrichment courses—opportunities, which in the long-term, will produce a better trained American workforce. The bill before us today does not increase the fee because the Senate can not originate a revenue measure. However, I supported the bill because of a commitment made by both Republicans and Democrats on the Judiciary Committee to increase the fee to $1000 when the bill goes to conference with the House.

The focus on technology training for teachers addresses a critical need, one that I've fought for in my home state of Michigan. That is why I'm happy to note that we've included language in this bill, which I proposed, with the support of Senator CONRAD, specifying that the NSF should make teacher training in the integration of technology into the math and science curriculum a priority in funding projects from resources provided under this legislation. My office will be working with the National Science Foundation as they develop programs to be funded under this legislation so that investments in such professional development will lead the list of funding initiatives.

This provision is essential if we are going to realize the full potential of our investment in new technology in the classroom. So few of our school districts have been able to offer state-of-the-art training, or any training at all for that matter, to their teaching staff. Last year, a report by Education Week's National Survey of Teachers' Use of Digital Content revealed some startling findings relative to the lack of teacher training in integrating technology into the curriculum. In a national poll of over 1,400 teachers, 36 percent of teachers responded that they received absolutely no training in integrating technology in the curriculum; another 36 percent said they had only received 1 to 5 hours of such training; 14 percent received 6 to 10 hours of such training; and only 7 percent received between 11-20 hours.

This bill is an important step towards addressing this problem, a step that I hope is followed by many others. We are fortunate in my state and across this country to find in the ranks of teachers men and women who are deeply committed to helping America's children learn. I believe we have to match their commitment to our children with our own commitment to helping them acquire the skills they seek to be effective educators in the digital age.

I also supported this bill because it guarantees that H-1B visas will be made available to those working at educational institutions, non-profit organizations, and non-profit or governmental research organizations. Currently, these institutions, who recruit scholars and researchers with the highest possible credentials, are forced to compete with for profit companies for the limited number of visas available, and have had difficulties obtaining H-1B visas for their prospective employees.

Some of those visa holders are people like Thomas Hofweber, a first-year assistant professor in the Philosophy Department at the University of Michigan, who has conducted research in the areas of metaphysics and epistemology and is believed to be among the most talented young metaphysicians in the world. Another H-1B visa holder at Michigan State University's Department of Agricultural Economics is a researcher and teacher in Agribusiness Management and brings an outstanding background in the economics of horticultural enterprises and the management of their labor forces.

It is of great benefit for Michigan students to be able to study with these scholars. I am pleased that universities and research institutions will be able to obtain more needed visas under this bill.

VISA WAIVER PERMANENT PROGRAM ACT

The PRESIDING OFFICER. Under the previous order, H.R. 3767, as amended, is passed.

EXECUTIVE SESSION

NOMINATIONS OF MICHAEL J. REAGAN, OF ILLINOIS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS; SUSAN RITCHIE BOLTON, OF ARIZONA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA; MARY H. MURGUIA, OF ARIZONA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration en bloc of Executive Calendar Nos. 652, 654, and 655, which the clerk will report.

The assistant legislative clerk read the nominations of Michael J. Reagan, of Illinois, to be U.S. District Judge for the Southern District of Illinois;

Susan Ritchie Bolton, of Arizona, to be U.S. District Judge for the District of Arizona;

Mary H. Murguia, of Arizona, to be U.S. District Judge for the District of Arizona.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, we are here today in the crunch of end-of-session business to debate and take time on four noncontroversial judicial nominees. This debate today was demanded by Senate Democrats who, ironically, have stood in the way of these nominations made by President Clinton, their own President. These are Clinton nominees the Democrats are holding up, Clinton nominees whom Democrats are insisting we take precious time to debate.

For the past few years, Senate Democrats have threatened shutdowns, claimed the existence of a so-called judicial vacancy crisis, and complained of race and sex bias in order to push through President Clinton's judicial nominees. These allegations are false.

First, there is and has been no judicial vacancy crisis, consider, for example, the Clinton administration's statements on this issue. At the end of the 1994 Senate session, the Clinton administration in a press release entitled "Record Number of Federal Judges Confirmed" took credit for having achieved a low vacancy rate. At that time, there were 63 vacancies and a 7.4 percent vacancy rate. The Clinton administration's press release declared: "This is equivalent to 'full employment' in the . . . federal judiciary." Today, there are 67 vacancies—after the votes today there will be only 63 vacancies, the same as in the 1994. Instead of declaring the judiciary fully employed as they did in 1994. Democrats claim that there is a vacancy crisis.

In fact, the Senate has confirmed President Clinton's nominees at almost the same rate as it confirmed those of Presidents Reagan and Bush. President Reagan appointed 382 Article III judges. Thus far, the Senate has confirmed 373 of President Clinton's nominees and, after the votes today, will have confirmed four more. During President Reagan's two terms, the Senate confirmed an average of 191 judges. During President Bush's one term, the Senate confirmed 193 judges. After these four judges are confirmed today, the Senate will have confirmed an average of 189 judges during each of President Clinton's two terms.

Second, there has not been a confirmation slowdown this year. Comparing like to like, this year should be compared to prior election years during times of divided government. In 1988, the Democrat-controlled Senate confirmed 41 Reagan judicial nominees. After these four nominees are confirmed today, the Republican Senate this year will have confirmed 39 of President Clinton's nominees—a nearly identical number.

In May, at a Judiciary Committee hearing, Senator BIDEN, the former chairman of the Judiciary Committee, said: "I have told everyone, and I want to tell the press, if the Republican Party lets through more than 30 judges this year, I will buy you all dinner." When he said this, Senator BIDEN apparently believed that the confirmation this year of more than 30 judges would be fair. Well Senator BIDEN owes some people some dinners, maybe everybody in the press. After the votes today, the Senate this year will have confirmed 39 judicial nominees.

The 1992 election year requires a bit more analysis.

The Democrat-controlled Senate did confirm 64 Bush nominees that year, but this high number was due to the fact that Congress had recently created 85 new judgeships. Examining the percentage of nominees confirmed shows that compared to 1992, there is no slowdown this year. In 1992, the Democrat-controlled Senate confirmed 33 of 73 individuals nominated that year—or 45 percent. This year, the Senate will confirm 25 of 44 individuals nominated in 2000—or 57 percent. Those who cite the 1992 high of 64 confirmations as evidence of an election-year slowdown do not mention these details. Nor do they mention that despite those 64 confirmations, the Democrat-controlled Senate left vacant 115 judgeships when President Bush left office—nearly double the current number of vacancies.

Senate Democrats often cite Chief Justice Rehnquist's 1997 remarks as evidence of a Republican slowdown. Referring to the 82 vacancies then existing, the Chief Justice said: "Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal Judiciary." Senators who cite this statement, however, do not also cite the Chief Justice's similar statement in 1993, when the Democrats controlled both the White House and the Senate: "There is perhaps no issue more important to the judiciary right now than this serious judicial vacancy problem." As the head of the judicial branch, the Chief Justice has continued to maintain pressure on the President and Senate to speedily confirm judges. He has not singled out the Republican Senate, however. Selective use of his statements to imply that he has is inappropriate.

The Chief Justice made additional comments in 1997, which also undermine the claim of a vacancy crisis. After calling attention to the existing vacancies, he wrote: "Fortunately for the Judiciary, a dependable corps of senior judges has contributed significantly to easing the impact of unfilled judgeships." The 67 current vacancies, in other words, are not truly vacant. There are 363 senior judges presently serving in the federal judiciary. Although these judges' seats are technically counted as vacant, they continue to hear cases at reduced workload. Assuming that they maintain a 25 percent workload (the minimum required by law), the true number of vacancies is less than zero.

Third, allegations of race or sex bias in the confirmation process are absolutely false. Just this month, for example, President Clinton issued a statement alleging bias by the Senate. He said: "The quality of justice suffers when highly qualified women and minority candidates are denied an opportunity to serve in the judiciary." The White House, though, also issued a statement boasting of the high number of women and minorities that Clinton has appointed to the federal courts: "The President's record of appointing women and minority judges is unmatched by any President in history. Almost half of President Clinton's judicial appointees have been women or minorities." The Senate, obviously, confirmed this record number of women and minorities. That is hardly evidence of systemic bias—or any bias at all.

Last November, Senator JOSEPH BIDEN, former chairman of the Judiciary Committee, stated:

> There has been argumentation occasionally made . . . that [the Judiciary] Committee . . . has been reluctant to move on certain people based upon gender or ethnicity or race. . . . [T]here is absolutely no distinction made [on these grounds]. . . . [W]hether or not [a nominee moves] has not single thing to do with gender or race. . . . I realize I will get political heat for saying that, but it happens to be true.

I personally appreciated Senator BIDEN's comments on that, while others were trying to play politics with these issues. He knows how difficult it is under the circumstances to please both sides on these matters. The chairman takes pain from both sides on these matters. There is no question there are some on our side who have wanted to slow down this process, and others on the other side have wanted to speed up the process. The important thing is that we do a good process. That is what we have tried to do.

The statistics confirm Senator BIDEN's position. Data comparing the median time required for Senate action on male versus female and minority versus non-minority nominees shows only minor differences. During President Bush's final two years in office, the Democrat-controlled Senate took 16 days longer to confirm female nominees compared with males. This differential decreased to only 4 days when Republicans gained control of the Senate in 1994. During the subsequent 105th and 106th Congresses, it increased.

The data concerning minority nominees likewise shows no clear trend. When Republicans gained control in 1994, it took 28 days longer to confirm minority nominees as compared to non-minority nominees. This difference decreased markedly during the 105th Congress so that minorities were confirmed 10 days faster than non-minorities. The present 106th Congress is taking only 11 days longer to confirm a minority nominees than it is to confirm non-minority nominees.

These minor differences are a matter of happenstance. They show no clear trend. And even if there were actual differences, a differential of a week or two is insignificant compared to the average time that it takes to select and confirm a nominee. On average, the Clinton White House spends an average of 315 days to select a nominee while the Senate requires an average of 144 days to confirm.

Under my stewardship, the Judiciary Committee has considered President Clinton's judicial nominees more carefully than the Democratic Senate did in 1993 and 1994. Some individuals confirmed by the Senate then likely would not clear the committee today. The Senate's power of advice and consent, after all, is not a rubber stamp.

But there is no evidence of bias or of a confirmation slowdown. Senate Democrats claim that Republicans have politicized the confirmation process. Republicans, though, have not levied false charges or used petty parliamentary games.

In conclusion, it always is the case that some nominations die at the end of the Congress. In 1992, when Democrats controlled the Senate, Congress adjourned without having acted on 53 Bush nominations. Currently there are only 38 Clinton nominations that are pending before the Judiciary Committee.

It is not the end of the line for nominees that do not get confirmed this year. Republican nominees who failed to get confirmed have bone on to great careers, both in public service and the private sector. Senator JEFF SESSIONS, Governor Frank Keating, Washington attorney John Roberts, and law professor Lillian BeVier are just a few examples. Lillian BeVier and a number of other women are prime examples of those who were denied the opportunity of being on the court for one reason or another back in those days.

I bitterly resent anybody trying to play politics with this issue. I stand ready to defend our position on the Judiciary Committee, and I look forward to confirming these last four nominees today. And, of course, once we have done that, we will have matched what was done back in 1994, when the President said we had a full judiciary, with a vacancy of 7.4 percent.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. It is my understanding that under the unanimous consent request, I have 10 minutes to speak.

The PRESIDING OFFICER. Correct.

Mr. DURBIN. Mr. President, I have spoken with the staff of Senator LEAHY and, if I go beyond 10 minutes, I ask that the additional time be taken from that allocated to Senator LEAHY.

I thank Senator HATCH for his leadership and friendship on the Senate Judiciary Committee. We have our differences. When I served on the committee, we had some profound differences, but I respect him very much, and I respect the job he does.

I thank Senator HATCH personally for the kind attention which he has given to the vacancies in my home State of Illinois. I am happy to report that with the nomination and confirmation of Michael Reagan, we will have a full complement of Federal judges in our State, which will make the workload more manageable all across the State. So I thank Senator HATCH and also Senator FITZGERALD. We have been working for the last 2 years, on a very bipartisan basis, toward approving these nominees to have come before the Senate.

Before I address the nomination of Michael Reagan, I would like to address a larger issue which involves not only the Senate Judiciary Committee but the entire Senate, the Congress, and the people of this country because this week marks the opening of the Supreme Court's new term. It is a good moment to reflect on the role of the Supreme Court, its past, and its future.

This brief statement that I present to you represents some of the concerns I have about the Supreme Court, the role it is playing, and the impact of the Presidential election on the future of that Court.

One of the most interesting books ever written about America was written by a French tourist by the name of Alexis de Tocqueville. He came to the United States 165 years ago, traveling around different cities and making observations about this American character. This was a brand new nation. De Tocqueville wrote in his famous work his observations and took them back to Europe.

One might think that a book such as that would be lost in history. It turns out that de Tocqueville's observations were so impressive that 165 years later we still turn to this book, and I think it is nothing short of amazing that his observations turn out to be valid today. De Tocqueville made an observation about America and about all of the important political questions in our country which sooner or later turn out to be judicial questions. This wasn't a criticism. Quite the contrary. De Tocqueville admired the innovations in the American judiciary that granted the courts the independence and clarity of function that were found nowhere else in the world. De Tocqueville believed these observations would mean that America's judicial system would hear, and act on, the most important issues of the day. He couldn't have been more correct.

Think about the "big issues". The issues that the American people have cared about—argued about—most deeply. The issues that spark the most debate—and the most passion. Sooner or later, the battle over these issues comes before the highest court in the land. Slavery. Child labor. Worker safety. Monopolies. Unionization. Freedom of the press. Capital punishment. Segregation. Environmental protection. Voting rights. A woman's right to choose.

The battle always comes to the Supreme Court; always comes before the nine justices who are Constitutionally granted enormous responsibilities, and enormous power.

In just the past year, the Supreme Court has offered important rulings on abortion, school prayer, gay rights, aid to parochial schools, pornography, Miranda rights, violence against women, parental rights—just to name a few. Not all of these decisions have turned out as I would have hoped.

For instance, take the case of U.S. vs. Morrison. The Supreme Court struck down a provision of the Violence Against Women Act that gave victims of rape and domestic violence the right to sue their attackers in federal court. Congress passed this law to give women an additional means of pursuing justice when they are the victims of assault. We passed this law because the States themselves did not always adequately pursue rapists and assailants. And the States acknowledged this!

Thirty-six States had entered this suit on behalf of the woman who had been victimized. They wanted victims of violence against women to retain the right to bring their attackers to court. But the Supreme Court, in a narrow vote, decided otherwise. The vote . . . five to four.

But this close margin is not unusual on our highest court—it is becoming commonplace. Rarely has the Supreme Court been so narrowly divided for such a long period of time. The replacement of just one judge could drastically change the dynamic of the Court for decades to come.

Chief Justice Rehnquist and Justices Scalia and Thomas—the Court's most conservative members—tend to vote together on hot button social and political issues such as affirmative action and school prayer. Centrist conservatives, Justices O'Connor and Kennedy, usually join them. The dissent is often written by the more liberal justices—Stevens, Souter, Ginsberg and Breyer. Both Ginsberg and Breyer are Clinton appointments.

Many of the Supreme Courts decisions have been made on the basis of a single vote. Partial birth abortion—five to four. Age discrimination—five to four. Gay rights—five to four. Warantless police searches—five to four. The federal role in death penalty cases—five to four.

These are not mere academic cases. These are decisions that change people's lives. We all hope that the Supreme Court will act wisely and fairly. But we also all know—history and human nature tell us so—that this is not always the case.

We learned in school about the Dred Scott case. Mr. Scott had lived in my home state of Illinois—where slavery was banned—and sued for his freedom on the basis that he had already lived as a free man, and had the right to continue to do so. The Supreme Court infamously disagreed, finding that Mr. Scott was nothing more than property—"to be Used in Subserviency to the Interests, the Convenience, or the Will, of His Owner", a man "Without Social, Civil, or Political Rights." The decisions of the Supreme Court—and at times, the opinion of just one Justice—can make the difference between having, or losing, a cherished right.

Perhaps that is the reason that my colleague, the senior Senator from Utah, is of the opinion that a President's power to make nominations to the Supreme Court and to the federal bench is—and this is a quote—". . .the single most important issue of this next election."

I think he's right. The next President may have the opportunity to make two or three appointments to the Supreme Court. He may even appoint the next Chief Justice.

In the first two hundred years since the signing of the Constitution, the Supreme Court invalidated 128 laws that had been passed by Congress. About one law every two years, on average. Since 1995, however, the Court has struck down 21 laws, more than four per year. This is an unprecedented assertion of judicial power.

Will the next President try to use the appointment process to further shift the balance of power between the branches of government?

Will the next President of the United States use a litmus test to "pack" the Supreme Court with Justices—Justices whose minds were already made up on important issues?

That is what the far right, members of the Federalist Society, want. They want to turn back the hands of the clock.

So I'm inclined to agree with the distinguished Senator from Utah. This is, indeed, one of the most important issues of the Presidential campaign.

Imagine a Supreme Court with three Antonin Scalia's—three Clarence Thomases—three radically conservative Justices bent on greatly restricting the authority of the federal government. The philosophical balance of the Court would shift dramatically. One by one the protections that have been built up over the past thirty five years could fall.

If you read the history of the Supreme Court, you will note that up until the time Franklin Roosevelt was President, it was an extremely conservative and somewhat lackluster Court. The Court started to change during Roosevelt's Presidency, and beyond. Republican and Democratic Presidents thereafter appointed more activist judges who looked at the problems facing America. One by one, the protections which we built up over that period of time would be in jeopardy.

Protection of the rights of minorities, women, and the handicapped; protection of voting rights, civil rights, worker rights, reproductive rights; protection of the environment; protection from gun violence; and protection of our fundamental freedoms as Americans. One by one, a different court could challenge each of these protections.

No longer could the federal government require background checks for gun purchases, rein in polluters, or protect the persecuted.

I hope all Americans will give some thought to the type of Supreme Court they feel can best serve the American people. I hope they give it some thought before they go out and vote in November.

In addition to who will be appointed, it's also critical to realize who is not being appointed.

More than any previous president, President Clinton has succeeded in diversifying the bench. Nevertheless, women and minorities are still underrepresented in our Federal courts. It isn't as if some Members of Congress have not tried to address this disparity. But as hard as we try to diversify the bench, we have not been able to produce the record of success that we would like to show.

I wonder how one of the great Justices ever to serve on the Supreme Court, Justice Thurgood Marshall, would have reflected on the treatment of a nominee, Ronnie White for the Federal District Court in Missouri. He is a member of Missouri Supreme Court. He is African American. He was judged qualified and reported by the Senate Judiciary Committee. Then he was rejected on the Senate floor by a party-line vote. Some labeled him a "judicial activist." They produced some excuses or reasons for not confirming him, and he was defeated—one of the few times in modern memory that a judge made it to the floor and lost on a recorded vote.

I wonder how Justice Thurgood Marshall, the first black Justice appointed to the Supreme Court 33 years ago, would observe and reflect on what happened to Ronnie White.

I think Justice Marshall would have viewed the current state of judicial nominations differently than the Federalist Society. This conservative group has over 25,000 members plus scores of affiliates, including former Independent Counsel Kenneth Starr; Supreme Court Justices Thomas and Scalia; and University of Chicago's Richard Epstein and Frank Easterbrook, also a federal appellate judge.

And their numbers are growing. The Federalist Society has chapters in 140 out of the 182 accredited law schools. The campus chapter at the University of Illinois College of Law is very active.

I don't have to tell you about the Society's "originalist" approach to the Constitution. Justice Scalia's and Justice Thomas's opinions clearly reflect their point of view.

I don't have to tell you the Federalist Society has been instrumental in influencing the law. They have helped to weaken or rolled back statutes on civil rights and affirmative action; voting rights; women's right's and abortion rights; workers' rights; prisoners' rights; and the rights of consumers, the handicapped and the elderly.

Martin Luther King., Jr., once said, "The moment is always right to do what is right."

I think the moment is right to hold the tobacco industry responsible for the costs incurred by the federal government for the medical treatment of individuals made ill by their deadly products.

I think the moment is right to hold the gun industry accountable for the irresponsible design, manufacture, distribution and marketing of their lethal weapons.

The moment is right to ensure that HMOs and health insurance companies can be held accountable for their wrongdoing that results in the injury or death of American citizens.

The moment may be right to elect a President who will appoint Justices who reflect that point of view and will protect our civil liberties.

I think the moment is right to remove barriers to the bench so that every citizen—whether man, woman, or whatever ethnic, racial, or religious background—can be adequately represented on our court.

I will say a word on behalf of my nominee who is before the Senate, Michael Reagan, the judicial nominee for the U.S. District Court for the Southern District of Illinois. Senator FITZGERALD and I reached an agreement about the selection of these nominees. Michael Reagan is the product of this agreement.

Michael Reagan possesses all the qualities necessary to make a tremendous contribution to the federal bench.

He has strong bipartisan support, as well as, the support of several respected judges, leaders, and organizations including: the National Sheriffs' Association; the Honorable Moses Harrison II, Chief Justice, Illinois Supreme Court; The Most Reverend Wilton D. Gregory, Bishop of the Diocese of Belleville; the Illinois Federation of Teachers; and the Illinois Pharmacists Association.

They have all written letters supporting Michael Reagan's nomination to fill the Southern District of Illinois' judicial vacancy.

Michael Reagan is a full-time public servant who wears several hats. In addition to his private practice, Mr. Reagan serves as a Commissioner of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois. Mr. Reagan has held this position since 1995 and is responsible for supervising the attorney registration and disciplinary system in Illinois, a very important assignment.

In addition, Mr. Reagan serves as Assistant Public Defender in St. Clair County, Illinois. In this capacity, he represents indigent criminal defendants charged with major felonies. Mr. Reagan has served as an Assistant Public Defender since 1996.

Mr. Reagan also serves as an Honorary Deputy Sheriff in St. Clair, a fully commissioned law enforcement position that he has held for the past three years. His background as a police officer certainly qualified him in that capacity. As an Honorary Deputy Sheriff, Mr. Reagan has full arrest powers and is subject to be called to duty in the event of an emergency.

Mr. Reagan began his career in public service as a police officer after graduating with a Bachelor's of Science degree from Bradley University in 1976, his law degree from St. Louis University in 1980.

Although Mr. Reagan holds many notable positions, the most important roles he plays are that of husband and father. Mr. Reagan has been married to Elaine Catherine Edgar since 1976. They have four boys. I have met them all; they are great kids.

The Reagans will soon be celebrating their 25th anniversary. It is a great family.

I am pleased that the Senate will have this opportunity to vote for Michael Reagan. He possesses a rare combination of intelligence, practical experience, temperament, and devotion to public service that makes for a great Federal judge. I look forward to his service on the Federal bench.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I join my distinguished colleagues to express my outrage at the treatment of judicial nominees this year. I do so with the same preface as my distinguished friend from Illinois, in saying that I have a good working and personal relationship with the chairman of the committee, but the failure to confirm the nominees at this time is an outrage.

I would like to focus my remarks on our efforts to fill one of the vacancies on the Fourth Circuit Court of Appeals.

The Fourth Circuit Court of Appeals has fifteen seats. Five of those seats are currently vacant.

We have one seat on the Fourth Circuit Court of Appeals that has been vacant for a decade—longer than any other vacancy in the nation.

Filling this vacancy has been deemed a "judicial emergency" by the U.S. Judicial Conference.

On June 30, the President of the United States nominated Roger Gregory, a distinguished lawyer from Virginia, to fill this vacancy. Mr. Gregory graduated summa cum laude from Virginia State University and received his J.D. from the University of Michigan. He has an extensive federal practice, is an accomplished attorney, and was described by Commonwealth Magazine as one of Virginia's "Top 25 Best and Brightest." And he has bipartisan support. Senators JOHN WARNER and ARLEN SPECTER have also written to the Judiciary Committee to seek a hearing for Mr. Gregory.

Despite the well-documented need for another judge on this court, and despite Mr. Gregory's stellar qualifications, the Judiciary Committee has stubbornly refused to even grant Mr. Gregory the courtesy of a hearing. In failing to provide Mr. Gregory with a hearing, the Judiciary Committee is abdicating its Constitutional responsibility and is effectively standing in the courthouse door to block this nomination.

Article II of the United States Constitution makes clear that the President is to nominate and the Senate is to provide advice and consent on the nomination. It is difficult for the Senate to provide advice or give its consent if it won't even allow the nominee to be heard. Many excuses have been offered for why this nominee won't be granted a hearing. One convenient excuse is that this is a presidential election year.

There is nothing in Article II of the United States Constitution, however, that suspends its provisions every four years. We have a constitutional obligation to render our advice and, if appropriate, grant our consent or, if not appropriate, decline to grant our consent. But we cannot just throw up our hands and declare that this provision of the Constitution is rendered meaningless during presidential election years.

The supposed logic that underlies this excuse is that the nominee may not reflect the judicial philosophy of the next Administration. But how can we even question the nominee's judicial philosophy if we never hear from him. So even this excuse argues in favor of granting the nominee a hearing.

The most recent excuse for failing to act on Mr. Gregory's nomination is that five years ago a gentleman from North Carolina was nominated for this seat, and so the argument goes this seat now "belongs" to North Carolina. But five years before that, when this seat and three others were created, a Virginian was arguably nominated to fill this seat—but the Senate only acted to fill the other three seats and this one has been vacant ever since.

More importantly, however, seats on Courts of Appeal don't "belong" to any state. As I have already noted, there are only ten judges currently sitting in the Fourth Circuit. Four of these ten judges are filling seats that were previously filled by a candidate judge and then from another state. Finally, it's a little hard for the senior Senator from North Carolina to complain that the seat belongs to North Carolina when he is the one who has been blocking a North Carolinian from filling the seat.

Rather than hide behind excuses, the Senate Judiciary Committee ought to seize the opportunity to right a historical wrong. The Fourth Circuit Court of Appeals has the largest percentage of African-Americans in the nation. Yet, the Fourth Circuit has never been integrated. In fact, it is the only Circuit in the country that has never in history had minority representation. If we were to confirm Roger Gregory—who is African-American—we could knock down yet another barrier that has existed for far too long.

In my view, courts should better reflect the people over whom they pass judgment. We still have time, if only we have the will to act. In 1992, when there was a Republican in the White House and the Democrats ran the Senate, we confirmed 6 Circuit Court judges later than July: 3 in August 2, in September 1, in October. In fact, its instructive to look at the one nominee who was confirmed in October of 1992. Timothy K. Lewis was nominated to the Third Circuit Court of Appeals on September 17. The Judiciary Committee gave him a hearing on September 24. He was reported out of the Judiciary Committee on October 7, and confirmed by the Senate on October 8.

Roger Gregory is an outstanding nominee. Rather than standing in the courthouse door, we ought to throw the door open and desegregate the Fourth Circuit. We ought to end this judicial and moral emergency and we ought to do it now.

Mr. President, I yield the floor and reserve any time remaining for those covered under the unanimous consent order.

The PRESIDING OFFICER (Mr. ENZI). The Chair, in his capacity as a Senator from Wyoming, suggests the absence of a quorum with time to be allocated equally between the sides.

Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the Senate today will vote on the confirmation of a number of judicial nominees. I not only have no problem with that, I very much favor it. These nominees deserve a vote. The districts in which they will serve surely deserve to have their nominations acted upon. I believe the Nation, as a whole, deserves to have these nominees, and other nominees awaiting hearings and votes acted on by this Senate as well.

The Judiciary Committee held hearings for three of the nominees and approved those nominations less than a week after the nominations were received. Other nominees wait in vain for years just for a hearing. That strikes me as being an arbitrary and inexplicable system, unfair to nominees awaiting hearings, awaiting votes, and unfair to the districts or the circuits in which they would serve if confirmed. I believe it is also unfair—perhaps this is most important of all—to the people who await justice in their courts.

Two Michigan nominees to the Sixth Circuit have been waiting unsuccessfully for a hearing for more than 3½ years and 1 year respectively. Two women, highly qualified, nominated from Michigan for the Sixth Circuit where there is a severe shortage of judges and an enormous caseload that sits there pending, while they have been waiting for more than 3½ years and 1 year respectively.

Judge Helene White, who is a court of appeals judge in Michigan, was first nominated in January of 1997. Her nomination to the Sixth Circuit Court of Appeals has never been acted upon. She has never been granted a hearing.

Kathleen McCree Lewis was nominated to the Sixth Circuit over a year ago. It has been pending before the Judiciary Committee for over a year. No hearing, no action.

These are two judicial nominees from my home State of Michigan. Despite there being no objection that I know of to their nominations, and in the absence of any explanation whatsoever, they have been kept in limbo without even a hearing for 3½ years and 1 year respectively. I believe that is truly unconscionable. In the history of the Senate, no nominee has waited as long as Judge White for a confirmation hearing. The seat that she has been nominated for has been vacant for 5½ years. It is considered a "judicial emergency" by the Judicial Conference of the United States.

There is no apparent reason for the denial of hearings for these two nominees. No one has questioned their qualifications for the bench. No one that I know of objects to their candidacies. It is well known Judge White and Ms. Lewis are both talented, hardworking nominees.

Each are highly respected for their records which show them to be women of integrity and fairness. Judge White has had a distinguished career. She was a trial judge for 10 years on the Wayne County Circuit Court bench and in 1992 was elected to the Michigan Court of Appeals where she has served ever since. She also serves on the board of directors of the Michigan Legal Services and the board of governors of the American Jewish Committee.

Kathleen McCree Lewis is a distinguished appellate practitioner at the Detroit law firm of Dykema Gossett, one of the most prestigious law firms in our State. She also served as a commissioner on the Detroit Civil Service Commission and on the Civic Center Commission. She has argued dozens of cases and is a respected appellate lawyer in the very circuit to which she has been nominated. She also happens to be the daughter of the late Wade McCree, a highly respected judge who served on the Sixth Circuit, and was a former Solicitor General of the United States. If confirmed, Kathleen McCree Lewis will be the first African American woman ever to serve on the Sixth Circuit.

Gov. George Bush has said that the Senate should act on nominees within 60 days. That deadline passed years ago for Judge White and for Kathleen McCree Lewis. According to Governor Bush:

> The Constitution empowers the President to nominate officers of the United States, with the advice and consent of the Senate.

Then he said:

> That is clear-cut, straightforward language. It does not empower anyone to turn the process into a protracted ordeal of unreasonable delay and unrelenting investigation.

To keep these nominees pending for so long without hearings is unfair to the nominees, particularly where there is no known objection and where there is no explanation for the refusal to grant hearings.

Even more important, it is unfair to the citizens served by the court. There is a large backlog of cases in the Sixth Circuit which is a serious concern for not just Michigan but for all the States that are served by that court. Over one-fourth of the judgeships on the Sixth Circuit are currently vacant, and that is among the highest vacancy rate of any circuit court in the country.

Judge Gilbert Merritt, who recently served as chief judge of the Sixth Circuit, wrote in a March 20 letter to Chairman HATCH: The court is "hurting badly and will not be able to keep up with its workload due to the fact that the Senate Judiciary Committee has acted on none of the nominations to our court."

Judge Merritt went on to say the following—and this is the former chief judge who still sits on the court. This is what Judge Merritt said:

> Our court should not be treated in this fashion. The public's business should not be treated this way. The litigants in the Federal courts should not be treated this way. The remaining judges on a court should not be treated this way. The situation in our court is rapidly deteriorating due to the fact that 25 percent of the judgeships are vacant. Each active judge of our court is now participating in deciding more than 550 cases a year—a caseload that is excessive by any standard. In addition, we will have almost 200 death penalty cases that will be facing us before the end of the next year.
>
> The Founding Fathers certainly intended the Senate "advise" as to judicial nominations, i.e., consider, debate and vote up or down. They surely did not intend that the Senate, for partisan or factional reasons, would remain silent and simply refuse to give any advice or consider any vote at all, thereby leaving the courts in limbo, understaffed and unable to properly carry out their responsibilities for years.

That is Judge Merritt's letter. In addition to that, the Judiciary Committee chairman, Senator HATCH, received a letter from 14 former presidents of the State bar of Michigan. These include, by the way, Democrats and Republicans. That letter pleads for action relative to the situation on the Sixth Circuit.

The Michigan bar presidents wrote in their letter to Senator HATCH that the state of affairs on the Sixth Circuit has "serious adverse effects on the bar and the administration of justice for our clients. We urge you to promptly schedule hearings for, and to pass to the Senate floor for a vote, the nominations of Judge Helene White and Kathleen McCree Lewis."

In the last few months, there have also been several articles and editorials in papers around Michigan calling on the Senate to confirm the court of appeals nominees for Michigan.

An editorial in the Detroit Free Press said:

> The Senate's delay in considering President Clinton's nominations to the [Sixth Circuit] court is unfair to Michigan, to the nominees, and to anyone whose future might be affected by a decision of this court.

An editorial in the Observer and Eccentric newspapers urged the Judiciary Committee and its members to "give two thoughtful and well-respected Michigan lawyers the courtesy of timely hearings on their nominations to the Federal judiciary that is currently hamstrung in carrying out its work."

An editorial in the Detroit News described the failure to act on Sixth Circuit nominees as "the sort of die-hard intransigence that should be out of bounds."

And a Jewish News editorial called the stall a "travesty of justice."

If Senators have concerns about something in the records of these Michigan candidates—and no one has raised anything to that effect—then Senators should air their concerns in a committee hearing and then let the committee vote. It is unfair to Michigan, it is unfair to the citizens who use this court to keep these judicial nominees endlessly in limbo, despite the absence of any objection that I know of to their nominations and with no explanation forthcoming whatsoever.

A number of us have spent many hours over the last few years trying to get hearings for these Sixth Circuit Court of Appeals nominees from Michigan, and yet two well-qualified candidates, each deserving a hearing and a Senate vote, have been left in limbo with no explanation, no stated objection.

What we are doing today in approving these four nominees, it seems to me, is surely our function, totally appropriate, and I believe and hope the nominees will be confirmed.

As we do this, we should also focus on nominees pending in the Judiciary Committee, awaiting hearings or awaiting a vote by the committee after a hearing, who are left there no matter how long they have been waiting, sometimes, again, years in the case of Helene White and Barry Goode. We have others who have been waiting since April of last year, June of last year, August of last year, September of last year. I think we can do better than that. We should rise above that kind of nonaction on the part of our Judiciary Committee.

No plea from me or from others who have worked with me on these nominations has produced hearings, despite the editorials, despite the letters from the bar associations and from Judge Merritt. Despite all these efforts, we have received just silence and statements about waiting a little longer or "we'll see" or "we'll try."

We should be better than that. The Constitution wants us to be better than that. I will vote to confirm these nominees whose nominations, in many cases, were sent to the Senate, heard by the Judiciary Committee, and approved by the Judiciary Committee in less than a week. At the same time, I will be thinking of the vacancies that exist on the Sixth Circuit Court of Appeals that have remained unfilled for years, where there is a judicial emergency, an enormous backlog, and where, despite all the pleas from the bar association, the Sixth Circuit, from indeed the Chief Justice of the United States, to vote on confirmations, we have these two well-qualified women from Michigan sitting there, awaiting a hearing, endlessly in limbo, nothing but silence, no explanation as to why their hearings are refused, no objection being noted or stated to their nominations, only two well-qualified women left in limbo and in silence.

We can do better. We should do better. I hope we find a way some day to do better.

I ask unanimous consent to print in the RECORD the following letters and editorials.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

U.S. COURT OF APPEALS
FOR THE SIXTH CIRCUIT,
Nashville, TN, March 20, 2000.

Re: Vacancies on the Sixth Circuit Court of Appeals

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: Several years ago during the period that I was Chairman of the Executive Committee of the United States Judicial Conference, we met from time to time, and you were always concerned that the Senate Judiciary Committee do its duty in filling the vacancies on the various Courts of Appeals. I write now to you to request that the Judiciary Committee bring up for a hearing and a vote nominations to the Sixth Circuit Court of Appeals.

I was taken aback to see an alleged statement of Senator Mike DeWine from Ohio that no vote would be taken for a nomination to fill the vacancy currently existing from Ohio. Senator DeWine was quoted as saying that due to partisan considerations there would be no more hearings or votes on vacancies for the Sixth Circuit Court of Appeals. I hope that this was not an accurate quote.

The Sixth Circuit Court of Appeals now has four vacancies. Twenty-five per cent of the seats on the Sixth Circuit are vacant. The Court is hurting badly and will not be able to keep up with its work load due to the fact that the Senate Judiciary Committee has acted on none of the nominations to our Court. One of the vacancies is five years old and no vote has ever been taken. One is two years old. We have lost many years of judge time because of the vacancies.

By the time the next President is inaugurated, there will be six vacancies on the Court of Appeals. Almost half of the Court will be vacant and will remain so for most of 2001 due to the exigencies of the nomination process. Although the President has nominated candidates, the Senate has refused to take a vote on any of them.

Our Court should not be treated in this fashion. The public's business should not be treated this way. The litigants in the federal courts should not be treated this way. The remaining judges on a court should not be treated this way. The situation in our Court is rapidly deteriorating due to the fact that 25% of the judgeships are vacant. Each active judge of our Court is now participating in deciding more than 550 cases a year—a case load that is excessive by any standard. In addition, we have almost 200 death penalty cases that will be facing us before the end of next year. I presently have six pending before me right now and many more in the pipeline. Although the death cases are very time consuming (the records often run to 5000 pages), we are under very short deadlines imposed by Congress for acting on these cases. Under present circumstances, we will be unable to meet these deadlines. Unlike the Supreme Court, we have no discretionary jurisdiction and must hear every case.

The Founding Fathers certainly intended that the Senate "advise" as to judicial nominations, i.e., consider, debate and vote up or down. They surely did not intend that the Senate, for partisan or factional reasons, would remain silent and simply refuse to give any advice or consider and vote at all, thereby leaving the courts in limbo, understaffed and unable properly to carry out their responsibilities for years.

You and other members of the Senate have appeared before the Judicial Conference and other judges' groups many times and said that you care about the federal courts. I hope that you will now act to help us on the Sixth Circuit Court of Appeals. We need your help and the help of the two Senators from Ohio, the two Senators from Tennessee, the two Senators from Kentucky, and the Senators from Michigan.

Sincerely,

GILBERT S. MERRITT.

JULY 7, 2000.

Re: Vacancies on the Sixth Circuit Court of Appeals.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.
Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATORS HATCH AND LEAHY: Recently, the former and current presidents of the Ohio State Bar wrote Senators DeWine and Voinovich a letter expressing their deep concern over the present situation in the Court of Appeals for the Sixth Circuit. With four of the sixteen seats vacant, the circuit is in a state of judiciary emergency. Former Chief Judge Gilbert Merritt has said:

"Our Court should not be treated in this fashion. The public's business should not be treated this way. The litigants in the federal courts should not be treated this way. The remaining judges on a court should not be treated this way.

* * * * *

"The Founding Fathers certainly intended that the Senate "advise" as to judicial nominations, i.e., consider, debate and vote up or down. They surely did not intend that the Senate, for partisan or factional reasons, would remain silent and simply refuse to give any advice or consider and vote at all, thereby leaving the courts in limbo, understaffed and unable to properly to carry out their responsibilities for years."

Chief Justice Rehnquist has expressed the same sentiments.

Presently three Michigan seats remain open. The President has made two nominations. Judge Helene White was nominated in January 1997, and is the longest pending nominee without a hearing by over a year; Kathleen McCree Lewis was nominated in September, 1999. Senator Abraham returned the "blue slips" for the nominees in April. Joe Davis, a spokesman for Senator Abraham, was quoted as saying that Senator Abraham wants hearings for these nominees to take place. Still, no hearings have been scheduled.

As former Michigan Bar Presidents, we agree with our Ohio colleagues that the situation has serious adverse affects on the bar and the administration of justice for our clients. We urge you to promptly schedule hearings for, and to pass to the Senate floor for a vote, the nominations of Judge Helene White and Kathleen McCree Lewis.

Respectfully,

Honorable Victoria A. Roberts (1996–1997); Honorable Dennis W. Archer (1984–1985); John A. Krsul (1982–1983); George T. Roumell, Jr. (1918–1986); William G. Reamon (1976–1977); Joseph L. Hardig, Jr. (1977–1978); Eugene D. Mossner (1987–1988); Donald Reisig (1988–1989); Robert B. Webster (1989–1990); Fred L. Woodworth (1991–1992); George A. Googasian (1992–1993); Jon R. Muth (1994–1995); Thomas G. Kienbaum (1995–1996); and Edmund M. Brady, Jr. (1997–1998).

[From the Detroit Free Press, May 2, 2000]

JUDGES ON HOLD: SENATE HURTS JUSTICE BY DELAYING CONFIRMATIONS

The 6th Circuit Court of Appeals now has four vacancies. Twenty-five percent of the seats . . . are vacant. The court is hurting badly and will not be able to keep up with its workload due to the fact that the Senate Judiciary Committee has acted on none of the nominations to our court."

Those were the words of Judge Gilbert Merritt, former chief judge of the Cincinnati-based circuit, in a letter last month to Senate Judiciary Chairman Orrin Hatch, R-Utah, and eight other senators—including Senates Carl Levin and Spencer Abraham of Michigan, one of eight states covered by the circuit.

Merritt should not be alone in his outrage. The Senate's delay in considering President Bill Clinton's nominations to the court is unfair to Michigan, to the nominees, and to anyone whose future might be affected by a decision of this court.

The judicial confirmation process has bogged down in mean-spirited, petty partisan wrangling between Democrat Clinton and the Republican-controlled Senate, which seems determined to wait out the lame duck and let his nominations wither.

It's not just the 6th Circuit, either. According to the Senate Judiciary Committee, there are 78 vacancies and 10 future vacancies in the federal judiciary. Only seven judges have been confirmed this year. Six nominees are pending on the Senate floor, 39 in committee, one nominee has withdrawn.

The 6th Circuit vacancies are for seats vacated by Judges Damon J. Keith and Cornelia Kennedy. Michigan Appeals Court Judge Helene White was nominated in January 1997 to fill the Keith vacancy. She has never had even a hearing. Nominee Kathleen McCree Lewis has been waiting since September 1999.

This is a disgrace that did not have to happen. Abraham sits on the Judiciary Committee and could move these along. Instead, he stalled consideration for three years, claiming the Clinton administration blindsided him with the White nomination.

It's hard to fathom what that has to do with the efficient, effective administration of justice in reasonable time, with the best interests of citizens in Michigan.

The federal court system should not be treated this way. Neither should the judges who seek to serve it, nor the citizens it is supposed to serve.

[From the Michigan Press, June 25, 2000]

IS THE GOP PLAYING POLITICS WITH JUDICIAL APPOINTMENTS?

(By Phil Power)

"The presidential appointments process now verges on complete collapse." So concludes Paul C. Light, of the Brookings Institution (usually a liberal Washington think tank) and Virginia L. Thomas, of the Heritage Foundation (usually conservative) in a study of the experiences of 435 cabinet and sub-cabinet officials who served in the Reagan, Bush and Clinton administrations.

Some found treatment by the White House appointments people "an ordeal."

Others—35 percent of Reagan administration appointees and 57 percent of Clinton's nominees—were held hostage to the politics of the U.S. Senate in waiting for confirmation hearings.

That's one reason a lot of talented people are not about to consider appointment to top government positions.

A perfect instance of this general problem concerns the nominations of two Michigan lawyers to fill vacancies on the U.S. Sixth Circuit Court of Appeals that have been twisting slowly in the wind of the U.S. Senate for far too long.

Helene White is presently a member of the Michigan Court of Appeals; nominated by President Clinton in January 1997, Judge White has yet to receive a hearing from the Senate Judiciary Committee. Kathleen McCree Lewis, the daughter of former U.S. Solicitor General Wade McCree, is a partner in the Dykema Gossett law firm in Detroit; her nomination has been pending before the Judiciary Committee since September, 1999.

The Sixth Circuit is authorized to have 16 judges. Currently, the Court has four vacancies, one of which goes back for five years. For the Court to operate at 75 percent efficiency means long delays to the litigants and enormous workloads for the remaining judges (each of whom now has a caseload of 550 cases each year). Authorities now consider the number of vacancies in the federal court system to constitute a "judicial emergency."

What's going on here?

Michigan's Senator Carl Levin, a Democrat and a minority member of the Judiciary Committee, says it's because Republicans in the Senate, hoping to win the presidency this fall, have decided to hold up judicial nominations from the Clinton White House.

As evidence, he produces a table showing that while the Democrats controlled the Senate during the Bush Administration, a total of 66 federal judges were confirmed.

However, when the GOP ran the Senate during the first term of the Clinton Administration, 17 judges were confirmed.

So far in Clinton's second term, the Senate has confirmed only seven judges, with a total of 33 judicial nominees hanging fire before the Judiciary Committee without any hearings scheduled on their nominations. There are at present 81 vacancies in the federal judiciary.

Michigan's other Senator, Spencer Abraham, is also a member of the Judiciary Committee, but as a Republican his party controls the committee.

I asked Joe Davis, a spokesman for Senator Abraham, how come it's taken three and a half years (in the case of Judge White) and eight months (in the case of lawyer Lewis) just to get the committee to hold hearings on their nominations.

According to Davis, "Senator Abraham does not know whether or when hearings will take place. He wants them to take place, though."

That's nice. Frankly, I suspect if Senator Abraham really wanted the Judiciary Committee to hold hearings on these nominations, he'd find a way to do it PDQ.

A member of the Sixth Circuit, Judge Gilbert S. Merit, wrote in March a letter to Senate Judiciary Chairman Orrin Hatch: "The Founding Fathers certainly intended that the Senate 'advise' as to judicial nominations, i.e., consider, debate and vote up or down.

They surely did not intend that the Senate, for partisan or factional reasons, would remain silent and simply refuse to give any advice or consider and vote at all, thereby leaving the courts in limbo, under-staffed and unable properly to carry out their responsibilities for years."

Senator Abraham is running for reelection this fall.

He is stressing his performance as an effective senator in his campaign. Somebody should ask him why he can't get his committee to give two able, thoughtful and well respected Michigan lawyers the courtesy of timely hearings on their nominations to the federal judiciary that is currently hamstrung in carrying out its work.

[From the Detroit News, August 13, 2000]

GET JUDGES OUT OF LIMBO

Michigan Court of Appeals Judge Helene White got the welcome word that she had been appointed to the federal bench in January 1997.

That was 43 months, or more than 1,300 days ago. She is still waiting to be approved by the U.S. Senate and take her seat with the Sixth Circuit appeals court in Cincinnati, which covers Michigan and several other states. She now has the distinction of being the longest-delayed judicial nominee in American history.

Judge White has been caught in the crossfire between President Bill Clinton and the Republican Senate leadership. So has Detroit attorney Kathleen McRee Lewis, whose nomination to the same court has been held up for nine months.

The Senate is angry, and justifiably so, at the president for deliberately bypassing the confirmation process and appointing Bill Lann Lee head of the civil rights division of the Justice Department. President Clinton knew that Mr. Lee did not stand a chance of being confirmed because of the his record in backing racial quotas.

Mr. Clinton got around it by the semi-devious route of making a recess appointment. This has infuriated Senate Majority Leader Trent Lott. In retaliation, he is holding up 37 judicial appointments.

This is exactly the sort of bitter political obstruction that Texas Gov. George W. Bush pledged to end in his convention acceptance speech last week.

"I don't have enemies to fight," he said. "I want to change the tone in Washington to one of civility and respect."

Senate Republicans should listen to their party's nominee. While their anger is understandable. It is the courts, and by extension those who use the federal courts, who are punished because of the resulting shortage of judges.

Sen. Lott hasn't even scheduled hearings for these nominations. And the clock is ticking. If no action is taken by Oct. 6, when the Senate adjourns, the nominations will die.

U.S. Sen. Spencer Abraham, the Michigan Republican, initially supported the stall by withholding his approval of the nominations on the grounds that he was not properly consulted by the White House. But he has since been mollified, and he has given his go-ahead. His staff says, however, that he will not push for hearings, which would be within his power as a member of the Judiciary Committee. That is for the Democratic nominators to do, his staff argues.

Every nominee deserves, at the least, a hearing within a reasonable time frame. Mr. Bush has specifically suggested 60 days.

Certainly, there is ample room for disagreement when the legislative and executive branches of government are in the hands of different parties. But Mr. Lott's pique has outlived any reasonable purpose. [It is the sort of die-hard intransigence that should be out of bounds.]

Mr. LEVIN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the time will be equally divided. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, parliamentary inquiry: I understand this Senator has 30 minutes?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. I thank the Chair.

Mr. President, I will support consideration by the Senate of these nominations to fill district judge vacancies in Arizona and Illinois because we are entering a critical stage in the rising number of judicial vacancies in our Federal courts. However, in addition to the district vacancies, there are 22 vacancies in our Federal appeals courts, and pending before the Judiciary Committee are several appeals court nominations who are more than qualified to fill those positions. That, of course, includes a constituent of mine, Bonnie J. Campbell, former attorney general of the State of Iowa and presently the head of the Department of Justice Office of Violence Against Women. Her nomination is for the Eighth Circuit U.S. Court of Appeals.

These positions should be filled with qualified individuals as soon as possible. I urge the Republican leadership to take the steps necessary to allow the full Senate to vote up or down on these important nominations.

Basically what I have been hearing from the other side of the aisle, the Republican leadership, is: This is an election year. Why allow circuit nominees a vote on the floor? Hold it up. Maybe Governor Bush will win the election and we will control the Senate and the House, and we can have a whole new batch of appointees next year.

That attitude led me to take a look at the history of our judicial nominations. Let's go back to a time when there was a mirror image of what we have here, when there was a Republican President in the White House and a Democratic majority in the Senate. That year would be 1992. That year, then-President George Bush nominated fourteen circuit court judges. From July through October, the Democrat-controlled Senate confirmed nine of those judges. This year, a Democratic President nominated seven circuit court judges but with a Republican-controlled Senate, only one of these nominees has been confirmed. We have several pending, but we see no action. Time is running out. Basically what I have been told is, it is over with. They are not going to report any more of these nominees out for circuit courts.

I have also heard the argument that Bonnie Campbell was not nominated until this year so we shouldn't expect this nominee to go through. Let's take a look at what I am talking about with these charts. This is kind of a busy looking chart, but these are the circuit judges nominated in 1992 by then-President George Bush. These were all nominated in 1992. There were 14 nominated. There were 9 who had hearings, 9 who were referred, and 9 who were confirmed, 9 out of 14 who were nominated that year.

There was one nominee—Timothy Lewis—who was nominated in September of 1992, had his hearing in September of 1992, was referred in October of 1992, and confirmed in October of 1992. If the attitude that prevails among the Republican leadership today had prevailed in the Democrat-controlled Senate in 1992, we would not have confirmed anyone after July. This year, we have had none since July.

In 1992, we had two in September, two in August, and one in October, despite the fact that it too was late in an election year. This year we have only had one.

It is clear who is playing politics with judgeships. The Republican leadership of the Senate is playing the most baldfaced politics. It is not alleged that these nominees are not qualified. It is simply that they were nominated by a Democratic President. That is all. I have not heard one person on the Republican side tell me that Bonnie Campbell is not qualified to be a circuit court judge.

Some people on the other side may have some differences with her on some of her views. I understand that. I have had differences of view with judges I have voted to confirm. Why? Because I thought they were qualified.

I thought that if the President nominated them, they had a fair hearing, and they were reported out, my only decision was whether or not they were qualified—not whether they were ideologically opposed to me or to how I feel or what I believe. It has been my observation over the last quarter century that oftentimes when judges who have more of a liberal bent get appointed to the court, in many cases they come down on the more conservative side of cases. And I have seen conservative judges appointed to the court come down on the liberal side of cases. You never really know how this will come out, but you know whether or not people are legitimately qualified to serve on the bench.

So the arguments made that Bonnie Campbell wasn't nominated until this year—well, as I said, in 1992, we had nine circuit court judges confirmed that were nominated in that year. A couple of these were quite controversial. This year, we have had one confirmed. We have six more pending for the circuit courts. I know my colleague from Vermont, who is ranking member on the Judiciary Committee, stated this last week that when a majority in the Senate starts playing these kinds of games, the result is that when the other side becomes the majority they will do the same thing. That is too bad for our democratic system of government, too bad for the judgeships, and for our third branch of Government to have that happen.

I am not naive enough not to know that there are always politics involved in how judges are nominated. I understand that. That is the system in which we live. But there comes a point where politics ends and responsibility begins. When you have people who have had a hearing, who are qualified, yet they won't be reported out for a vote on the Senate floor, that is pure politics and that is the height of irresponsibility. The Republican leadership is being totally irresponsible.

Of the judges nominated in 1992, every judge who got a hearing—every single judge who had a hearing in a Democrat-controlled Congress, when a Democrat was the Chair of the Judiciary Committee, when the Democrats controlled the Judiciary Committee, every person who got a hearing was confirmed. Every single one. That is not the case today. Too many political games are being played, I am afraid, on the Judiciary Committee and on the other side.

I would like to mention one other judicial example from 1992. Michael Melloy was nominated for the district court in April of that year. He was a Bush nominee, supported by Senator GRASSLEY. As my colleagues know, Senator GRASSLEY and I have a longstanding commitment to support the nominations of individuals from Iowa to our courts. Mr. Melloy is an example of this. He was nominated April 9, 1992, received his hearing on August 4, 1992, reported out of committee on August 12, 1992, and confirmed by the Senate that very same day in 1992.

Again, I may have been ideologically opposed to Mr. Melloy. There may have been some things he believed in that I didn't, but there was no question in my mind that Mr. Melloy was fully qualified to be a Federal judge. As long as he was qualified and supported by Senator GRASSLEY and the administration, I supported that nominee, even though it was in the closing days of 1992.

Let's look at the current nominees that we have. Three of the four we are going to be voting on today were nominated, got hearings, and were reported out of the committee within one week. Mr. James Teilborg was nominated on July 21, 2000, got his hearing on July 25, and was reported out of the committee on July 27. Now he stands to be confirmed today. On the other hand, Bonnie Campbell received a hearing by the Judiciary Committee in May—more than 2 months before Mr. Teilborg. Yet she is not here on the floor. Why is it that Mr. Teilborg can come out on the floor today and not Bonnie Campbell? Politics, the rankest form of politics.

The majority is being very inconsistent in their arguments. They say, well, Bonnie Campbell was nominated this year, so it is too late. Mr. Teilborg was nominated this year—nominated, had a hearing, and was reported out all in the same week, and he will be confirmed today. If this year was too late for Bonnie Campbell, why wasn't it too late for James Teilborg?

As I said, nobody has come up and said Bonnie Campbell is not qualified. I challenge someone to come on the floor and say that. Again, if people want to vote against Bonnie Campbell to be a circuit court judge, that is the right of each Senator—not only a right, but an obligation—if they believe someone is unqualified. We can't do that as long as she is bottled up in the committee.

The Senator from Utah has the power on that committee to report her out. I say to my good friend from Utah, who just appeared on the floor, the Senator from Utah can report Bonnie Campbell's name out here to the floor and we can have a vote on this nominee. That is the way it should be done. Nobody has come up to me to say she is not qualified. She is a former attorney general of the State of Iowa. Since 1995, she has led the implementation of the Violence Against Women Act as the head of that office under the Justice Department. She has broad support on both sides of the aisle. This is a case where a judicial nominee has the support of both the Republican Senator from Iowa, Mr. GRASSLEY, and the Democratic Senator from Iowa, me. Yet she has not been reported out of the Judiciary Committee. I say report her out. If people want to vote against her or say something about her qualifications, let them.

I can stand here today and talk about the qualifications of James Teilborg, or the other people; but, quite frankly, I am convinced they are qualified. I may be opposed to the way they think once in a while, but they are qualified. Is the reason Bonnie Campbell is not being reported out because somebody on the other side of the aisle doesn't like the way she thinks, or because she may have a view on an issue contrary to theirs? The rankest form of politics is holding up Bonnie Campbell's nomination. We have a backlog of nominees and we should vote on her.

The Violence Against Women Act expires this year. The Office of Violence Against Women in the Department of Justice has had only one person head it since this bill was first implemented in 1995, and that is Bonnie J. Campbell. The reauthorization of the Violence Against Women Act was voted on in the House of Representatives last week. If I am not mistaken, I think the vote was 415-3. So 415 Members of the House voted to reauthorize the Violence Against Women Act. Now, if the only person to ever head that office had done a bad job in enforcing that law, had not acted responsibly, had not brought honor and acclaim to that office and the administration of that law, do you think that 415 Members of the House would have voted to reauthorize it? No. They would have been on their feet over there, one after the other, talking about how terrible this office has been run and how the person operating that office had done such a bad job in enforcing the law. Not one Member of the House took the floor to so speak.

The one person to head that office is Bonnie J. Campbell. Not one person I have ever run across has said she has done anything less than an exemplary job in running that office. Yet the Senate Judiciary Committee will not report her name out for action by the full Senate. Yet we will get the Violence Against Women Act here and Senator after Senator will rush up to speak about how great this law is. I will bet you won't hear one Senator get up and say how badly this law has been administered by the Office of Violence Against Women in the Department of Justice.

That tells you what an outstanding job Bonnie Campbell has done in that office.

If that is the case, why won't the Senate Judiciary Committee report her name out? Politics; pure rank politics. That is what is going on in the Judiciary Committee today. I hope it won't be that way if the Democrats take charge of the Senate. I am not on the Judiciary Committee, but we tend to get in what I call a "cesspool spiral," like a whirlpool. One side takes over the majority and begins to stall nominations, and then the other side takes over, we keep spiraling down further and further to the point where any nominee for a Federal court will be held up months and perhaps even years while we await the next election. Then our third branch of Government truly becomes a political football.

I hope the Judiciary Committee and the leadership on that side—I say to my friend from Utah—will listen to the words of Texas Governor George Bush. He said he would call for a 60-day deadline for judges—once they are nominated, the Senate will have 60 days to hold a hearing, to report out of committee and vote on the Senate floor.

Bonnie Campbell has been there a lot longer than 60 days and so have some of the other judges.

I say to my friends on the Republican side—you are supporting George Bush for President. If he said he would call for a 60-day deadline, I ask my friends on the Republican side: Why don't we act accordingly?

In this Congress, the judicial nominees who have been confirmed had to wait on average 211 days. Governor Bush said they should not wait longer than 60 days. This is not getting better; it is getting worse around here. It is really a shame.

Let's look at the percentages. I am told: This is the same today as it was before—blah, blah, blah, blah. I hear this all the time—nothing has changed.

It has changed dramatically. For example, in the Reagan years, during the 98th Congress, the Republicans were in the majority. They had a Republican President. We received 22 circuit court nominations, and 14 were confirmed. This is a Republican President and a Republican Senate—22 received, and 14 confirmed, for a 63.6-percent confirmation rate.

Let's look at the 100th Congress. President Reagan was still President, but there was a Democratic Senate. Twenty-six circuit court judge nominations were received; 17 were confirmed, for a 65.4-percent confirmation rate.

Think about that. Democrats had a higher confirmation rate under President Reagan—a very conservative President. We had a higher confirmation rate when the Democrats were in charge of the Senate than when the Republicans were in charge. We didn't block things when the Democrats were in charge.

Next, the 102d Congress, 1991-1992. President Bush was the Republican making nominations and the Democrats were in charge in the Senate. We received 31 circuit court nominations. Twenty were confirmed, again, for a 64.5-percent confirmation rate—Republican President and a Democratic Senate.

Now we move to the 104th Congress. We had a Democratic President, President Clinton, and we had a Republican Senate. Twenty circuit court nominations were received; 11 were confirmed. That was a 55-percent confirmation rate.

Now we are in the 106th Congress. We have a Democratic President and a Republican Senate. Thirty-one circuit court of appeals nominations have been received; 15 have been confirmed, for a 48.4-percent confirmation rate.

I ask my friend—and he is my friend—the chairman of the Judiciary Committee: How can we live with something like that? How can the Judiciary Committee come to this Senate with a straight face and say that a 48-percent confirmation rate is what we did in the past, when the record is clear? The record is in the 60-percent confirmation rate when we had Republican Presidents and a Democratic Senate. Yet today we are faced with a 48-percent confirmation rate.

I have heard from many judges. I have gotten letters from them saying that it is time we filled the bench. Cases are backing up. We need to get judges on the bench. But I suppose we first have to pay attention to the elections.

This one nominee, Bonnie J. Campbell, should be reported out if for no other reason than we need people on the bench who are sensitive to what is happening in domestic abuse cases and violence against women.

In 1998, American women were the victims of 876,000 acts of domestic violence. In 5 years—1993 to 1998—domestic violence accounted for 22 percent of the violent crimes against women. During those same years, children under the age of 12 lived in 43 percent of the households where this violence occurred. It is generational. The kids see it, they grow up, and they become abusive parents themselves.

In Iowa, and all across America, prosecutors, victim service organizations, and law enforcement officers are fighting. But they need help. We need to reauthorize the Violence Against Women Act. But there is more we can do to make sure that we have judges who know what is happening from firsthand experience and who can make sure that the law is applied fairly and upheld in courts around the country.

That is why we need someone like Bonnie Campbell on the circuit court of appeals. As I said, she is widely supported. She is supported by me and by Senator GRASSLEY. She has the support of judges, police organizations, women, and domestic violence coalitions. She has strong support in the State of Iowa and on both sides of the aisle.

I ask the chairman of the committee: Why aren't we reporting out Bonnie Campbell? Why? Just one simple question: Why? Is there a member of the majority who thinks she is not qualified? Let them so state. Have specific objections been raised as to her qualifications? If so, we ought to know that so they can be addressed. But all we hear is a deafening silence from the other side. We are left to assume that the reason Bonnie Campbell is being held up is because they are hoping their nominee wins the election. That is their right to hope that. They can work as hard as they can for him. I don't blame them for that. But to hold up a qualified person like Bonnie Campbell who had her hearing 2 months before Mr. Teilborg had his; yet she is being locked up in the committee—all the paperwork is done. Yet politics is holding her up.

Mr. President, I ask unanimous consent the text of an article that appeared in the Des Moines Register the other day regarding the Bonnie Campbell nomination and the text of two editorials, one in the Cedar Rapids Gazette and one in the Des Moines Register, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Des Moines Register, Oct. 1, 2000]

CAMPBELL ISSUE AIDS DEMOCRATS' POLITICS

(By Jane Norman)

If Iowa Democrats needed any more reason to be excited and energized about this year's presidential race in the state, they probably have found it in the controversy swirling around the stalled nomination of Iowan Bonnie Campbell in the Republican-controlled U.S. Senate. George W. Bush, hello?

Campbell, the director of the Violence Against Women office for the U.S. Justice Department, was nominated in March to be Iowa's new appeals-court judge for the 8th Circuit based in St. Louis. She had a spectacularly sedate hearing before the Senate Judiciary Committee in May, but then the nomination process ground to a halt. She's one of 42 judicial nominees pending in the Senate.

Campbell has had the support not just of Senator Tom Harkin, but also Senator Charles Grassley, even though it must stick in Grassley's craw. Campbell, who ran for governor of Iowa in 1994 and lost, made remarks during her race about Christian conservatives that riled conservative activists, who appealed to Grassley to kill her bid for the bench. That's fair; whatever you think of the merits of their arguments, it's their right to protest something as significant as a lifetime judicial appointment.

Grassley declined to side with his traditional conservative allies and supported Campbell, saying Democrats did not stand in the way he wanted judicial appointments during the waning days of the Bush presidency. While Grassley predicted that Campbell would fall victim to election-year politics, there's no evidence that he has tried to sabotage her behind the scenes.

Campbell's nomination hung around all summer, gaining the support of the bar association and the Iowa Police Association. When Congress returned to work in September, Harkin started turning up the heat. During the past week, he has taken to the floor repeatedly to lambaste majority Republicans for holding up the nomination, and he holds forth at length on the Campbell nomination with Iowa reporters.

This has been a masterful strategy by Harkin, who's become such a surrogate for Vice President Al Gore that Harkin was paired with GOP vice-presidential nominee Dick Cheney on a Fox News show. Campbell's woes only assist Harkin in making the case for a Democratic presidency, over and over again in media outlets across Iowa.

On Tuesday night, Harkin enlisted the help of Senator Joe Biden, the Delaware Democrat and Judiciary Committee member who's a friend of Campbell. Harkin and Biden formed a mutual admiration society on the floor to praise Campbell, and Biden recalled that he recommended that Campbell be made director of the Violence Against Women office when it was launched.

Biden insisted it was "flat malarkey" that Democrats have held up Republican appointments during the last days of Republican presidencies, and said he pushed through a flock of qualified Texas judges for Senator Phil Gramm in late 1992. "To be fair about it there were three members of our caucus who ripped me a new ear in the caucus for doing this," said Biden.

Harkin said no Republican has ever come to him and explained their opposition to the nomination. "In fact, Republicans in Iowa ask me why she is being held up," said Harkin. "Mainstream Republicans are asking me that."

Biden said it is a "terrible precedent," and that it is hard on Harkin to see someone so "shabbily treated" from his home state. You hoped there was a box of tissues close at hand.

Then, on Thursday, Harkin revealed to reporters that he had been told by Senate Judiciary Committee Chairman Orrin Hatch "in no uncertain terms" that the Republican caucus won't budge on the nomination. Harkin said there's not much he can do now other than fume on the floor and ponder holding up Republican priorities.

All of this cater-wauling gives Harkin, and Iowa Democrats, a huge opportunity to seize a way to criticize Republicans on the selection of judges, an issue where the GOP is somewhat vulnerable, particularly among women and undecided voters.

Texas Governor Bush does not sit in the Senate, and he is not the one holding up the stop sign. But his party is doing it, ostensibly for his benefit. Is it really wise to have the confirmation of a woman as a judge become a major fuss in a supposedly battleground state in the last month before the presidential election?

On top of that, many Iowa Democrats are still angry at how Campbell was treated during her race for governor. The prospect that women such as Campbell will be shut out for another four years if Bush is elected president is like a booster shot for get-out-the-vote efforts.

Harkin said Thursday that he 'absolutely' would push Campbell to be nominated again if Gore wins the presidency. For the time being, she serves Democrats' purposes just as well if she never dons black robes.

[From the Cedar Rapids Gazette, Sept. 26, 2000]

STOP STALLING ON JUDICIAL CANDIDATE

In three weeks or less, Congress will adjourn before the 2000 elections, and increasingly it appears it will do so before the U.S. Senate brings the nomination of Bonnie Campbell to the U.S. Court of Appeals for the Eighth Circuit up for a vote.

It's not as if Campbell, the former attorney general of Iowa, is trying to get in at the last minute—unless you consider a six-month wait the last minute. Campbell was nominated to the job by the Clinton Administration in March. She had a hearing in May.

What's taking so long?

It seems apparent the Republican-controlled Senate Judiciary Committee is growing content to hold onto this nomination until after the session—and, not coincidentally—until after the November election, when they hope to win the White House. That would mean a Republican would more than likely be appointed to the job.

It is not unusual for political parties to try to run out the clock on nominations in the hope the next election will bring them to power. That does not make it right, and in this case it makes no sense to sit on the Campbell nomination.

U.S. Sen. Tom Harkin, D-Iowa, is her sponsor and he pointed out a week ago there are 22 vacancies on the federal appeals court. Campbell has the backing of the American Bar Association and the Iowa State Police Association. She also has the backing of U.S. Sen. Charles Grassley, R-Iowa, who is also a member of the Judiciary Committee. Traditionally, Grassley and Harkin have backed the other's nominees, and if Campbell's nomination fails, we would hate to see that understanding damaged.

Frustrated proponents of the Campbell nomination—as well as several other nominations—have been arguing recently that over the last three years, women and minority candidates have had to wait longer to get through the confirmation process than their white male counterparts.

The chairman of the Judiciary Committee, U.S. Sen. Orrin Hatch, R-Utah, has denied women and minorities are being treated differently in the committee than their white male counterparts. Still, of the 21 candidates for the federal bench who are women or minorities, nine have been waiting for more than a year for a hearing.

Campbell has a lengthy record in private legal practice. Elected in 1990, she was the first woman to serve as Iowa Attorney General. She was appointed in 1995 to be the director of the Violence Against Women Office in the U.S. Justice Department. Her hearing revealed no good reason why she should be denied this position.

The Senate leadership should do the right thing in the waning days of this session and let the full Senate vote on Campbell. It should set aside whatever reason it has for stalling and move forward. Let the process work and bring this nomination to the floor for a vote.

Mr. HARKIN. I see the distinguished chairman of the Judiciary Committee on the floor. He is a good man. He and I have fought many battles together. I like him personally and I respect him. If he would like to engage in colloquy, I will. He knows how strongly I feel about this nominee, about her qualifications and about the kind of job she has done at the Department of Justice. I am sure he knows I will do everything that is humanly and senatorially possible to try to get her name here. I believe I have a right and an obligation to do that. I will, within the confines of what is right and proper in the Senate, not violating any rules, do everything I can to try to get her name out.

We will be here this week and we will be here next week. I ask my friend from Utah, will we be allowed to have a vote on Bonnie Campbell for the Eighth Circuit Court of Appeals?

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I will submit a resolution, and after these remarks I will spend some time answering my two dear colleagues, Senator ROBB of Virginia and Senator HARKIN from Iowa, to the best of my ability.

(The remarks of Mr. HATCH pertaining to the submission of S. Res. 364 are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. HATCH. Mr. President, I must respond to the remarks of Senator ROBB and Senator HARKIN.

With regard to the nomination of Roger L. Gregory, the position for which Mr. Gregory has been nominated has been vacant since it was created in 1990. Before nominating Mr. Gregory, the President had not even submitted a name to the Senate for this position in almost 5 years. Despite the long-standing vacancy of this judgeship, the work of the Fourth Circuit has not been adversely affected.

Moreover, when the President did submit a name to the Senate for disposition almost 5 years ago, he submitted the name of a resident of North Carolina, J. Rich Leonard. In doing so, the President effectively agreed that this seat should be filled by a North Carolinian.

The PRESIDING OFFICER. Without objection, the Senator's previous time consumed on the Olympics will not count against his 7 minutes.

Mr. HATCH. I ask unanimous consent I be able to speak for another 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. The President effectively agreed this seat should be filled by a North Carolinian. By nominating Roger Gregory, a Virginian, for the seat instead of a North Carolinian, the President sought to avoid the traditional practice of seeking the "advice and consent" of the Senators from the State where the judgeship is located about which local lawyer should be nominated.

It is very late in the session to be considering a circuit court nomination. Some nominations can move through the confirmation process quickly, but only where the White House has dealt with the Senate on nominations in good faith. The Arizona nominations we are debating today moved through the confirmation process quickly because the White House did work closely with Senator KYL and negotiated in good faith over which Arizonans should get these lifetime appointments.

In contrast, the White House has not dealt with the Senate on nominations in good faith. During our August recess, the President determined to recess appoint several executive branch officials over the express objections of numerous Senators. Furthermore, Democrats stood in the way of these four nominees we are debating today, the President's nominees, and they threatened to shut down the work of the Senate. This is hardly good faith. In fact, it was a Democrat hold—a Democrat hold by the minority leader on these four judges who are put forth by this President in accordance with an agreement worked out—that really caused a lot of angst on our side, plus the fact that these recess appointments that were made without consultation caused a lot of difficulty. Then we have virtually every bill filibustered, even on the motion to proceed. As a matter of fact, the H-1B bill, which just passed 96-1, had three filibusters on it, from the motion to proceed right on up through final passage of 96-1.

I must respond to some of the things Senator ROBB said here this morning. He used some pretty incendiary language to imply that the Senate majority is biased against Mr. Gregory because he is an African American. Senator ROBB said we "are standing in the courthouse door" and are refusing to "integrate" the Fourth Circuit. These allegations of racial bias are beneath the dignity of a Senator in the U.S. Senate, and they are offensive and politically motivated. When Democrats blocked the nomination of Lillian BeVier to the Fourth Circuit—which is what they did—the first female nominee to the Fourth Circuit, no one on our side accused them of gender bias.

I am sure Roger Gregory is a fine man. I have no doubt about that. I have been told that by a number of friends of mine, including former Secretary Coleman. But I have informed my colleagues that because of the atmosphere that has resulted from the President's refusal to consult with the Senators from North Carolina, because of the President's recent recess appointments and disregard of commitments he had made up here, and disregard of the advice and consent because of the petty parliamentary games in which our friends on the other side have engaged, Mr. Gregory's nomination is not going to move forward. And because this is a North Carolina seat. We would have to have somebody nuts, from North Carolina, who would not stand up for a North Carolinian in this seat. There is just no question about it. The President knew that, having nominated a North Carolinian before.

I would like to respond to Senator LEVIN for a few minutes. I don't want to go beyond that. There are other things I could say. But I bitterly resent anybody trying to play racial politics with judges, especially after what we went through in prior administrations.

It had always been my intention as chairman of the Judiciary Committee to hold a hearing on judicial nominations during the month of September. I planned on doing that. At that hearing I was fully prepared to consider the nomination of some of these people, and perhaps even Helene White or Kathleen McCree Lewis to the U.S. Court of Appeals for the Sixth Circuit. A number of my colleagues were pressing very strongly for that. I wanted to try to resolve that if I could.

However, events conspired to prevent that from happening. First, during the August recess, the President determined to recess appoint several executive branch nominees over the express objection of numerous Senators. He did so notwithstanding the agreement to clear such recess appointments with the relevant Senators. We do not have much power around here in some ways against a President of the United States, but we can demand that he consult with us. These Senators are very aggrieved by the way they were treated on these appointments—I think rightly so.

Second, Democrat Senators determined to place holds on the four nominations we are debating today and threatened shutdowns of the Senate's committee work, going as far as to invoke the 2-hour rule and forcing the postponement of scheduled committee hearings, including the Wen Ho Lee hearing, which is an important hearing, a bipartisan hearing, for both sides to look at.

Helene White and Kathleen McCree Lewis have only the White House and Senate Democrats to blame for the current situation, I might add, because of some of these petty procedural games we have been going through around here with filibusters of almost everything that comes up, or a threat to bring up all kinds of extraneous amendments if we do happen to bring a bill up that needs to be passed.

It is very late in the session to be considering a circuit court nomination. Some nominations can move through the confirmation process quickly, but only where the White House has dealt with the Senate, on nominations, in good faith. The Arizona nominations we are debating today moved through the confirmation process quickly because the White House worked closely with Senator KYL and others, and myself, and negotiated in good faith over which Arizonans should get these lifetime appointments.

Everybody knows there is a tremendous need along the southern border in Arizona to have these judges. There is a tremendous court docket there that needs these judges. Yet they have been delayed for 2 solid months almost.

In contrast, the White House and Senate Democrats have not dealt in good faith, given the President's recess appointments in August of several executive branch nominees over the express objection of numerous Senators and Senate Democrats' efforts to hold up these nominees and hold up the work of the Senate.

With regard to the nomination of Bonnie J. Campbell, in March, Bonnie Campbell was nominated to the U.S. Court of Appeals for the Eighth Circuit. At the urging of Senator GRASSLEY, the Judiciary Committee held a hearing for Ms. Campbell in May. It had always been my intention for the Judiciary Committee to report Ms. Campbell's nomination. However, events conspired to prevent that from happening.

First, during the August recess, as I have explained, the President determined to recess appoint several executive branch nominees over the express objection of numerous Senators. He did so notwithstanding his agreement to clear such recess appointments with the relevant Senators. By the way, this type of an agreement arose out of Senator BYRD's objections in earlier Congresses. His objections were followed here on the part of people on our side of the aisle, and the President agreed to it and then violated that agreement.

Second, after the August recess, Democrat Senators determined to place holds on the four nominations we are debating today, even though everybody admits—I think everybody admits—that they are important nominations and this arrangement that has been worked out has been fair.

Again, they threatened to shut down the Senate's committee work, going as far as to invoke the 2-hour rule and enforce the postponement of scheduled committee hearings. And we went through that because of pique. For these reasons, Bonnie Campbell's nomination has stalled. Ms. Campbell has only the White House and Senate Democrats to blame for the current situation.

I might add, it did not help at all on our side for these petty filibusters on everything. It used to be when I got here, there might be one or two or three filibusters a year at the very most, and then they were on monumental issues that involved a wide disparity of belief. It was not every little motion to proceed, every little bill we were going to pass, like the one we just passed 96-1. To go through three filibuster cloture votes on that bill was beyond belief. But that irritated a lot of people. It made it more difficult to get these judges through.

Mr. HARKIN, the Senator from Iowa, claimed that his review of history led him to believe we are "playing politics with the judges." I strongly disagree. In President Reagan's last year, the Democrat-controlled Senate confirmed 41 nominees. After the votes today, the Senate this year will have confirmed 39 nominees. And there have been some indications there might be some games played with one of the four judges here today. If that is the case, boy, Katie bar the door, after what we have been trying to do here.

The committee worked sincerely to try to get these nominations out, and they have been here for quite a while. Finally, few nominees are confirmed when the White House and Senate are controlled by different political parties. From 1987 to 1992, the Democrat-controlled Senate confirmed an average of 46 Reagan and Bush nominees per year. Things changed when President Clinton was elected. In 1994, the Democrat-controlled Senate pushed through 100 Clinton nominees. They could not have done that without cooperation from Republicans, but they did that.

In 1992, at the end of the Bush administration when Democrats controlled the Senate, the vacancy rate stood at 11.5 percent. Now at the end of the Clinton administration the vacancy rate after the votes today will stand at just 7.4 percent.

Also in 1992, Congress adjourned without having acted on 53 Bush nominations, or should I say nominees who were sitting there waiting to be confirmed. After the votes today, there will be only 38 Clinton nominations that are pending.

Under both Democrats and Republicans, the Senate historically confirms 65 to 70 percent of the President's nominees. In his last 2 years, President Bush made 176 nominations, and the Democrat-controlled Senate confirmed 122 of them, yielding a confirmation rate of 69 percent. During the last 2 years, President Clinton made 112 nominations, and after today's votes, the Senate will have confirmed 73 of them. He has a confirmation rate of almost the same, 65 percent.

In May, at a Judiciary Committee hearing, Senator BIDEN indicated he did not believe we would do even 30 judges this year. He is wrong. We will have now done, at the end of the day, 39 judicial nominees confirmed by the Senate.

There has been much debate today about everything but the four nominees we ostensibly are debating. I fully support these nominees and want to say a few words about them. They are supported by their home State Senators—Senators KYL, MCCAIN, FITZGERALD, and DURBIN.

The nominees we are supposedly debating today are as follows: Susan Ritchie Bolton from Arizona: Ms. Bolton has served as judge in the Maricopa County Superior Court since 1989. Before that, from 1977-89, she worked in private practice at a Phoenix law firm. From 1975-77, she clerked for the Hon. Laurance T. Wren of the Arizona Court of Appeals. Ms. Bolton received her law degree, with high distinction, from the University of Iowa Law School in 1975, and her undergraduate degree, with honors, from the University of Iowa in 1973.

Mary H. Murguia: Since 1998, Ms. Murguia has served in the Executive Office of U.S. Attorneys, first as Counsel and then as Director. Before that she served as an Assistant U.S. Attorney in the District of Arizona from 1990-98. From 1985-90, she was an Assistant District Attorney in Wyandotte Country, Kansas. She received her law degree from the University of Kansas Law School in 1985, and her undergraduate degree from the University of Kansas in 1982.

Michael J. Reagan: Mr. Reagan has worked in private practice since graduating from law school in 1980; since 1995, he has been a sole practitioner at the Law Office of Michael J. Reagan. In addition, he has served as an Assistant Public Defender (part time) since 1995. He received his law degree from St. Louis University Law School in 1980, and his undergraduate degree from Bradley University in 1976.

James A. Teilborg: Mr. Teilborg has been a partner at the Phoenix law firm of Teilborg Sanders & Parks since 1972; before that he was an associate at another Phoenix firm from 1967-72. He received his law degree from the University of Arizona School of Law in 1966.

Some have complained the Arizona nominations have moved more quickly while others have not. Some nominations can move through the confirmation process quickly, there is no question about that, but only where the White House has dealt with the Senate on nominations in good faith. The Arizona nominations we are debating today moved through the confirmation process quickly because the White House worked closely with Senator KYL and negotiated in good faith over which Arizonans should get these lifetime appointments.

All four are Democrats, all four are supported by the President, all four came through the appropriate committee—the Judiciary Committee—and all four will be voted on today, and I expect all four to be confirmed unanimously. If there are no politics played, they will be confirmed unanimously.

In contrast, the White House and Senate Democrats have not dealt in good faith, given the President's recess appointments in August of several executive branch nominees over the express objection of numerous Senators and Senate Democrats' efforts to hold up these nominees and obstruct the work of the Senate—the filibusters that have occurred on almost everything that comes up here and, of course, the holds that have been placed on these four nominees who are President Clinton's nominees. It does not take long until people on our side know there are too many games being played on judicial nominees.

We have done a good job. President Reagan had the all-time highest confirmation of judges during his 8 years. That was 382 judges. By the end of the day, when we confirm these 4, President Clinton will have the all-time second highest, as far as I know, and that is 377 judges, 5 fewer than President Reagan. Had we not had all these games played, I believe I could have held a hearing in September, which I no longer can hold, and we would have confirmed probably enough to draw President Clinton equal to President Reagan.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATCH. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have been scarcely able to hold back the tears listening to my good friend from

Utah. I am sure he did not mean to mislead the Senate, but those who might not know the numbers could be misled, not by any intent on the part of the senior Senator from Utah.

As he has said himself, we will have confirmed fewer than 40 judges in the last year of President Clinton's term in office. When the Democrats controlled the Senate, in the last year of President Bush's term in office, we confirmed 66. In fact, we were holding hearings right into September and voting on judges up to the last days of the session, confirming judges for President Bush.

The distinguished Senator from Utah feels perhaps some have suggested inappropriately that women, minorities, and others take longer going through this body. I point out that the ones who suggested that have been independent bipartisan groups outside the Senate.

I have stated over and over, I have never seen or heard a statement expressing—I wonder if the Senator from Utah can stay while I speak; I do not want to say this with him off the floor—I have never once heard him express either a racist or a sexist remark. He has been a close and dear friend of mine for over 20 years. Nor have I ever suggested that anybody on the Senate Judiciary Committee has taken a racist or sexist position, but I am troubled, as I hope he and others would be troubled, by the fact that women and minorities, if they are nominated for judgeships, have taken longer to go through this Republican-controlled Senate than others if they are allowed to go through at all.

We talk about Roger Gregory, nominated to the Fourth Circuit. It has been suggested this is a seat that is reserved to North Carolina. That is not so. As pointed out in the Wall Street Journal in a recent letter from the President's Counsel Beth Nolan, this is a vacant seat that has not been allocated to the State of North Carolina and is appropriate for an appointment from Virginia. The distinguished chairman of the committee has said that Senators should work with the White House. In this case, two of the most distinguished Members of the Senate—one a Republican, one a Democrat, JOHN WARNER and CHUCK ROBB—worked very closely with the White House on this Virginia nomination and both support the nomination of Roger Gregory.

Senator ROBB strongly urged the White House to appoint Roger Gregory, a highly distinguished African American. Senator WARNER supports him. He has the highest ratings possible from bar associations. But he cannot get confirmed by the Senate; he cannot even get a hearing.

I commend what Senator ROBB said on the floor today in support of Roger Gregory. I hope all of us will listen to him.

Likewise, I was struck by the remarks of Senator DURBIN of Illinois with respect to the Supreme Court and his support for Michael Reagan to a district court judgeship in Illinois. Senator DURBIN laid out what I have also heard from Republicans and Democrats who support Michael Reagan for that judgeship. Democrats and Republicans were at hearings for him. Democrats and Republicans, ranging across the political spectrum, have spoken to me in support of Michael Reagan. He is supported by both home state Senators, one a Republican and one a Democrat.

Senator CARL LEVIN, the distinguished senior Senator from Michigan, one of the most respected voices in this body, spoke of his support for Judge Helene White to the Sixth Circuit and Kathleen McCree Lewis to the Sixth Circuit and how he wished they would be considered. They have been held up and blocked by this Senate. Is the chairman saying that Judge Helene White and Kathleen McCree Lewis do not have the support of their two Senators from Michigan? If that is the case, we ought to know that. I understand that they both have that support. If they don't have the support of a home state Senator, then let's say that. Judge Helene White and Kathleen McCree Lewis are extraordinarily well-qualified women. I wish they would get confirmed.

Senator TOM HARKIN, was an extraordinary advocate for Bonnie Campbell. I can't add to what he has said. Senator HARKIN spoke extremely well about Bonnie Campbell and, of course, Bonnie Campbell should be confirmed. Again, going to the test: Did the President work with the Senators from that State. Are we saying that the two Senators from Iowa do not support Bonnie Campbell? My understanding is both of them support her. Why can't she get Committee consideration and a Senate vote?

The Senate will move forward on a number of nominees today: Michael Reagan, Susan Ritchie Bolton, Mary Helen Murguia, and James Teilborg. I recommend that all four be confirmed by the Senate. It is unfortunate that this Republican-controlled Senate, is not willing to do for President Bill Clinton what a Democratic-controlled Senate did for President George Bush, and move people forward. We can talk about the numbers that various Presidents have appointed. Recent Presidents have appointed more judges than George Washington did or Thomas Jefferson or Abraham Lincoln or Teddy Roosevelt. But we are also a much bigger country, and we have a lot more cases and need more judges. In fact, if we passed the judgeship bill the distinguished senior Senator from Utah and I have introduced, the vacancy rate would be well into the teens with over 130 vacancies.

We have waited 10 years to authorize new judges, even as this country has expanded over the years and caseloads have grown. The Judicial Conference is asking us to authorize 70 judges. In fact, I strongly urge we pass the judgeship bill before the Presidential election while no one knows who is going to be elected President, and we are looking at what is best for our court system.

I am glad to see the Senate moving forward on these three nominees. I expect they will be approved overwhelmingly. They are all well qualified for appointment to the federal courts.

Three judicial nominees on the Senate calendar have been cleared by Democrats for action for some time, including two from Arizona and one from Illinois who has been pending the longest of the four.

There were Senators who wanted to be heard and have a chance to debate the lack of hearings and the refusal to give hearings to qualified nominees. They have spoken eloquently on behalf of Roger Gregory, Bonnie Campbell and Judge Helene White. They are not seeking to filibuster these nominations and each has agreed to a reasonable time for debate before a vote.

The Senator from Arizona is right that there has been a problem with the nomination of James Teilborg, who happens to be a close personal friend of the Senator since their days together back at the University of Arizona Law School. Mr. Teilborg was nominated on July 21 and was afforded a hearing and was reported by the Judiciary Committee within a week.

The frustration that many Senators feel with the lack of attention the Committee has shown long-pending judicial nominees has recently boiled over. They wish to be heard; they seek parity and similar treatment for nominees they support. I understand their frustration and have been urging action for some time. This could all have been easily avoided if we were continuing to move judicial nominations like Democrats did in 1992, when we held hearings in September and confirmed 66 judges that presidential election year.

Michael Reagan, nominated to be a District Court Judge for the Southern District of Illinois, is a distinguished private attorney in Belleville, Illinois. He graduated from Bradley University in 1976, and St. Louis University Law School in 1980. He has been in private practice for over 20 years, and has been an adjunct professor of law at Belleville Area College and St. Louis University. He also presently serves as an Assistant Public Defender in St. Clair County, Illinois. He enjoys the support of both of his home state Senators. When other nominees to the Illinois federal courts were given hearings and confirmed in June, he was held back. He had likewise been nominated in early May. He was finally included in a hearing in late July and reported unanimously by the Judiciary Committee on July 27. He could have been confirmed before the August recess or at any time in September. I am glad that time has finally come.

Judge Susan Ritchie Bolton has presided in the Arizona Superior Court for Maricopa County since 1989. She received her undergraduate degree and law degree from the University of Iowa. Following law school she clerked for the Honorable Laurence T. Wren on the Arizona Court of Appeals. She then went into private practice at Shimmel, Hill, Bishop & Bruender. She enjoys the support of both of her home state Senators and received a well-qualified rating from the American Bar Association. She was nominated on July 21, participated in a confirmation hearing on July 25 and was unanimously reported by the Judiciary committee on July 27. She could have been confirmed before the August recess or at any time in September. I am glad the Senate is turning its attention to her nomination and am confident that she will be confirmed to fill the judicial emergency vacancy for which she was nominated.

Mary Murguia currently serves as Director of the Executive Office for U.S. Attorneys. She also serves as an Assistant U.S. Attorney for the District of Arizona. Prior to that, she served as an Assistant District Attorney for the Wyandotte County District Attorney's Office. She earned her undergraduate and law degrees from the University of Kansas. She enjoys the full support of both of her home state Senators. Like Judge Bolton, she was nominated on July 21, received a hearing on July 25 and was unanimously reported by the Judiciary Committee on July 27. She could have been confirmed before the August recess or at any time in September. I know that the Senate will now do the right thing and confirm her to fill the judicial emergency vacancy for which she was nominated.

I thank the Majority Leader and commend the Democratic Leader for scheduling the consideration of these judicial nominations. I wish there were many more being considered to fill the 67 current vacancies and eight on the horizon. I wish that we were making progress on the Hatch-Leahy Federal Judgeship Act of 2000, S. 3071, and authorizing the 70 judgeships affected by that legislation as requested by the Judicial Conference.

I heard Senator HATCH argue last week that the vacancies on the federal judiciary are "less than zero". While I marvel at the audacity of such argument, it moves us no closing to fulfilling our constitutional responsibilities to the federal judiciary. Likewise the notion that the refusal by some to waive the Senate's 2-hour rule in late September somehow preventing the Committee from holding additional confirmation hearings in early September or now is hardly compelling. I wish the Committee and the Senate would have followed the model established in 1992 and continued holding hearings and reporting judicial nominees in August and September. That simply did not happen and despite my requests no additional hearings were held. This year we held about half as many hearings as in 1992. Despite all of our efforts we have been unable to get the Judiciary Committee to consider the nominations of Bonnie Campbell or Allen Snyder or Fred Woocher following their hearings.

The debate on judicial nominations over the last several years has included too much delay with respect to too many nominations. The most prominent current examples of that treatment are Judge Helene White, Bonnie Campbell, Roger Gregory, and Enrique Moreno. With respect to these nominations, the Senate has for too long refused to do its constitutional duty and vote. Nominees deserve to be treated with dignity and dispatch—not delayed for two or three or four years. The nomination of Judge White has now been pending for over four years, the longest pending nomination without a hearing in Senate history.

Of course it is every Senator's right to vote as he or she sees fit on all matters. But I would hope that in the cases of these long-pending nominations, those who have opposed them will show them the courtesy of using this time to discuss with us any concerns they may have and to explain the basis for their anonymous holds and the Senate's refusals to act.

It was only a couple of years ago when the Chief Justice of the United States chastised this Senate for refusing to vote up or down on judicial nominations after a reasonable period for review.

This Senate continues to reject his wisdom and, in my view, our duty.

It is my hope the Senate will confirm all four district court nominees on the Senate calendar. I know there are Senators who want a chance to debate the lack of hearings and the refusal to give hearings to qualified nominees. I understand that frustration, and it is justifiable, especially as it is not the way the Democrats acted when they controlled the Senate with a Republican President.

The nominee from Illinois should have been confirmed some time ago. The nominees from Arizona have zipped through here faster than the Republican leadership has allowed most judges to go through. When Senators supporting nominations, received months and years before, see newer nominees zip through, they are, of course, frustrated.

The Judiciary Committee has reported only three nominees to the court of appeals all year. We have held hearings without even including a nominee to the court of appeals. We have denied a committee vote to two outstanding nominees who have succeeded in getting hearings; namely, Bonnie Campbell and Allen Snyder. You have to understand the frustration of Senators and those outside the Senate who know that Roger Gregory and Helene White and Bonnie Campbell and Kathleen McCree Lewis and others should have been considered by the Judiciary Committee and voted on by the Senate.

On September 14, Senators BARBARA MIKULSKI, BARBARA BOXER, BLANCHE LINCOLN, TOM HARKIN, and CARL LEVIN and Representative CAROLYN MALONEY from the other body, highlighted the Senate's failure to act on judicial nominations to the Federal bench. They called on the Senate leadership to consider qualified women before the Congress adjourned. They also discussed the problems of judicial emergencies, the length of time it takes women and people of color to be confirmed, and how the Federal courts do not currently reflect the diversity of our country. I do not recall them or anybody else ascribing motives to those who are holding up these people. Rather, they were saying in a diverse country such as ours, the Federal court should reflect the diversity of our country.

They focused on the following women who have been waiting more than 60 days for confirmation: Helene White, U.S. Court of Appeals for the Sixth Circuit, has been pending more than 1,360 days; Kathleen McCree Lewis, U.S. Court of Appeals for the Sixth Circuit, has been pending more than 370 days; Bonnie Campbell, U.S. Court of Appeals for the Eighth Circuit, has been pending more than 215 days; Elena Kagen, U.S. Court of Appeals for the District of Columbia, has been pending for more than 480 days; Lynette Norton, U.S. District Court for the Western District of Pennsylvania, has been pending more than 890 days; Patricia Coan, U.S. District Court for the District of Colorado, has been pending more than 500 days; Dolly Gee, U.S. District Court for the Central District of California, has been pending more than 495 days; Rhonda Fields, U.S. District Court for the District of Columbia, has been pending more than 325 days; and Linda Riegle, U.S. District Court for the District of Nevada, has been pending more than 165 days. That is why these Senators and this Member of Congress made the statement we did.

Mr. President, am I correct in understanding that under the previous order, we are to recess at 12:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Then I yield the floor and withhold the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. Mr. President, I believe I also have an hour under another part of the unanimous consent agreement.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I will withhold that and yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

EXECUTIVE SESSION—Continued

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, the Senator from Vermont has used one part of his time under the unanimous consent agreement, but I understand I have other time under the agreement. How much time is available to the Senator from Vermont?

The PRESIDING OFFICER. On the Teilborg nomination, 1 hour is available to the Senator from Vermont.

Mr. KYL. Mr. President, I suggest to my colleague that we complete the time on the three pending nominees. I could yield back the time that remains on them. Then I will be happy to allow Senator LEAHY to conclude his remarks on the time he has under the Teilborg nomination, and then I can comment with respect to that nomination.

I yield back all time remaining on the three judicial nominations.

NOMINATION OF JAMES A. TEILBORG, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The assistant legislative clerk read the nomination of James A. Teilborg, of Arizona, to be U.S. District Judge for the District of Arizona.

Mr. LEAHY. Mr. President, I understand that under the prior unanimous consent agreement the distinguished Senator from Utah, Mr. HATCH; the Senator from Arizona, Mr. KYL; and I each have 1 hour for the Teilborg nomination, and the distinguished Senator from Iowa, Mr. HARKIN, has up to 3 hours, unless time is yielded back, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be able to yield 5 minutes to the distinguished Senator from North Carolina, Mr. EDWARDS, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, I am pleased that today we are discussing some of the vacancies that exist in the Federal judiciary. There was a discussion this morning about an issue that is near and dear to my heart and important to the folks in North Carolina, which is the vacancies on the U.S. Court of Appeals for the Fourth Circuit.

Senator ROBB came down and discussed Judge Gregory's nomination. Chairman HATCH responded. I would like to say a few words about that discussion.

There are 15 authorized judgeships on the Fourth Circuit Court of Appeals. There are presently only 10 active judges on that court. By tradition, my State of North Carolina, which is the largest, most populous State in the Fourth Circuit, is allocated three of those judgeships. Out of those 10 judgeships —presently active judges on the Fourth Circuit—how many come from North Carolina? None.

We are the only State in the nation that is not represented on a Federal circuit court, along with Hawaii. We are the largest State in the circuit. We have the largest population in the circuit, and we don't have a judge representing our State on this court. That has been true since Judge Ervin died in 1999.

The people of North Carolina, who have cases regularly heard in the Fourth Circuit, have no one there representing them. In addition, to the extent the court is regularly interpreting matters of North Carolina law, which it is required to do in diversity cases, there is no judge in this court who is trained in North Carolina law. Now, this Congress recognized some time ago how important it was for States to be represented on their circuit courts of appeal by enacting a law—in fact, requiring that States have a judge on their Federal circuit court of appeals. We have none. As I indicated before, along with Hawaii, we are the only two States in the country that are not represented on our circuit court of appeals.

Now, Chairman HATCH had some discussion this morning about Judge Gregory and his nomination to the Fourth Circuit in the State of Virginia, and the fact that that was a slot traditionally allocated to my State of North Carolina.

My question to Chairman HATCH is: What are we doing about the nomination of Judge Wynn? Judge Wynn is a very well-respected, very moderate, centrist jurist from North Carolina, who has been nominated for over a year from my State to fill a vacancy that is traditionally allocated to North Carolina. There is no question that Judge Wynn would be approved by this body if he ever got a hearing and a vote on the floor.

Unfortunately, that has not happened. It is easy to understand why the Clinton administration believed they needed to take some action. That action has turned out to be to nominate Judge Gregory. I have to admit it was somewhat frustrating to me, representing North Carolina, to have Judge Gregory nominated for the slot he was nominated for because it was traditionally allocated to North Carolina. But, I do support Judge Gregory's nomination.

In addition to having no judge from North Carolina being on the Fourth Circuit Court of Appeals, our court does not presently have, nor has it ever had, an African American judge. The Fourth Circuit Court of Appeals has the largest African American population in the country and does not now have, nor has it ever had, an African American judge. Obviously, there is a huge part of our population in the Fourth Circuit that has never been represented on this court. They are entitled to representation by a well-qualified judge.

In fact, Judge Wynn who was nominated over a year ago—from my State that has no judge on the Fourth Circuit—is also an African American judge. I urge Chairman HATCH to grant Judge Wynn a hearing and to push forward his vote on the floor of this Senate where he will be approved.

The bottom line is that Judge Gregory is a well-respected and well-qualified African American lawyer from the State of Virginia who also deserves a hearing, and also deserves a vote in this body this year.

The argument that is made—and Chairman HATCH made it this morning—is we only need 10 judges on the Fourth Circuit, we don't really need the 15 that Congress in fact has authorized. The reason is that the chief judge of that circuit, Judge Wilkinson, says they do not need any more judges, they are operating perfectly efficiently.

I point out several things.

No. 1, the Fourth Circuit issues more one-sentence opinions than any Federal circuit court in the country. Litigants come before it and make their case. Instead of getting a reasoned decision about why they won or lost their case, they get one sentence. What does that tell them about how much attention in fact is being paid to their case?

This same argument was made when there were 13 judges on the court. Now we are down to 10.

Since when do we let the chief judge of the circuit court decide how many judges go on the court? That is a function we in Congress have responsibility for—not him.

You can certainly make an argument that this is a partisan decision that the chief judge has made—that he likes the present composition of the court. He was a Republican-nominated judge.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EDWARDS. I ask unanimous consent for another 3 minutes.

Mr. LEAHY. Mr. President, I yield another 3 minutes without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. EDWARDS. Mr. President, here we have the chief judge, who is a Republican-nominated judge, and a court that now has a majority of Republican judges. You can certainly make the argument that he likes the composition of the court the way it is; he never wants that to be changed.

That is so fundamentally wrong and so fundamentally different from the way our Constitution provides. We should be nominating judges. Whether it is a Democratic or a Republican administration, it shouldn't make any difference in nominating well-qualified judges. This body should act on the qualification of those men and women to serve on the court, not based upon the Republican or Democratic composition of the court. It is just that simple. This should be totally nonpartisan.

My State has no one representing them on the Fourth Circuit. There is not, nor has there ever been, an African American judge on this court.

The simple bottom line is that we have the responsibility of deciding how many judges should be authorized for that court. We have made that decision—15. It is now down to 10. Of those 10, North Carolina has none. The people of North Carolina are entitled to be represented on this court.

In addition to that, we should deal with the issue that there has never been an African American judge on this court.

We presently have pending the nomination of two well-respected and very well qualified African American jurists.

This is what I would say to the Chairman HATCH. Let us have a hearing on Judge Wynn. Let Judge Wynn have a vote on the floor of this Senate, and let the people of North Carolina have what, by law enacted by this body, they are entitled to, which is a judge representing them on their Federal court of appeals so that when my people go to the Fourth Circuit Court of Appeals to have their case heard, they have at least one judge representing them on that court. Aren't they entitled to that?

I yield the floor.

Mr. LEAHY. Mr. President, I commend the distinguished Senator from North Carolina for his comments. Senator EDWARDS has been a friend since he came to this body. I have, at the risk of embarrassing him, stated on a number of occasions on this floor that the Senate was enhanced by his presence here. As a lawyer, I must say that having him here because of his own experience as one of the most outstanding and most recognized trial lawyers in the country, to say nothing about his own State. I think Senators on both sides of the aisle should listen to what he said.

He is not a Senator who speaks in the abstract and who simply reads a statement on this. This is a Senator who has spent time in the courts of his State and of the region. He has had active practice in both State courts and Federal courts. He understands the judicial system.

He has argued cases at all levels. He has worked with lawyers who have been on his side of an issue and opposed to him. He knows, as does any lawyer who practices law, that no matter how much you might try a case at the trial level, at some point, especially if the stakes are high, that case is going to go up on appeal. It is going to go up on appeal whether you are the plaintiff or the defendant. Whoever loses that case, if it is of significance, will take it up on appeal.

I recall the statements made in court when I was trying cases. The judge in chambers would say: OK, we will take it to the jury and let justice be done. Usually the person who had the weaker case said: If that is the case, I will appeal, if justice is done.

But the fact of matter is cases become more and more complex and more and more significant to the litigants and to the issues of law. They go up on appeal, and you ought to have a good appellate court.

I commend the Senator for what he has said. I hope we will listen to what is needed in that appellate court.

We should also note, I suggest, that there is going to be a significant debate tonight in Boston between the two candidates of our two great parties—the Republican and Democratic Parties. Both parties have nominated those we consider to be our best choices. Obviously, I strongly support my friend of over 20 years, AL GORE. But I also know that the Republican Party has nominated a very distinguished Governor, George W. Bush.

I mention this because Governor Bush and I, while we disagree on some issues, have one very significant issue on which we agree. He gave a speech awhile back and criticized what has happened in the Senate where confirmations are held up not because somebody votes down a nominee but because they cannot ever get a vote. Governor Bush said: You have the nominee. Hold the hearing. Then, within 60 days, vote them up or vote them down. Don't leave them in limbo.

Frankly, that is what we are paid to do in this body. We are paid to vote either yes or no—not vote maybe.

When we hold a nominee up by not allowing them a vote and not taking any action one way or the other, we are not only voting "maybe" but we are doing a terrible disservice to the man or woman to whom we do this. They have to put their life on hold. They do not know what is going to happen: Are they going to be confirmed, or not? It is not like when any one of us runs for election; we know that on a certain day the election occurs. We either win or we lose. But we know that on that Tuesday, we are going to know our fate. We won or we lost.

These people come here and they never know what may happen. They don't know whether they will have a hearing. And if they have a hearing, they don't know if there will be a vote in committee. And if there is a vote in committee, they don't know whether they will come on the floor. And if they come on the floor, they don't know if they will have a vote because one person hiding in the Cloakroom will say: Don't allow it to come to a vote yet. So they may have 99 Senators voting for them but somebody mysteriously in the background says "Don't vote," and they don't vote.

Helene White of the U.S. Court of Appeals for the Sixth Circuit has been pending for 1,360 days. Governor Bush said we ought to have a vote up or down within 60 days. Let's have a vote on Helene White. She has been waiting not 60 days, not 600 days, but 1,360 days.

Kathleen McCree Lewis, who has been nominated for the U.S. Court of Appeals for the Sixth Circuit, an outstanding African American woman, who has one of highest ratings of anybody we have ever seen come before the Senate, has been waiting for 370 days. Not the 60 days we talked about, but more than six times the 60 days. Bonnie Campbell, for the U.S. Court of Appeals for the Eighth Circuit, has been spending for more than 215 days.

We are debating bringing up the Violence Against Women Act which has been stalled. The Violence Against Women Act has expired. Distinguished Senators on both sides of the aisle are working to bring it up and we cannot bring it up for a vote.

I see the distinguished Senator from Delaware and the distinguished Senator from Kansas, both of whom support it on the floor, and we cannot get that up for a vote.

We also can't get Bonnie Campbell up, even though she is the Director of the Violence Against Women Office. She supported, worked for and administered the Violence Against Women Act, an act that has seen a dramatic decrease in violence against women.

We ought to be standing and applauding Ms. Campbell. She is somebody who shows by her own experience that she can do the things necessary to bring down this scourge of violence against women in our country. Now that she has gone through the vetting process, and found out that she is one of the most qualified people to be a judge of anyone confirmed in the last 20 years, Republican or Democrat, we ought to at least let her have a vote instead of holding her in limbo.

Elena Kagan for the U.S. Court of Appeals for the District of Columbia has been pending for more than 480 days without a vote; Lynette Norton, for the U.S. District Court for the Western District of Pennsylvania, has been pending for more than 890 days; Patricia Coan, for the U.S. District Court for the District of Colorado, has been pending for more than 500 days; Dolly Gee, for the U.S. District Court for the Central District of California has been pending for more than 495 days; Rhonda C. Fields, for the U.S. District Court for the District of Columbia, has been pending for 325 days; Linda Riegle, for the U.S. District Court of Nevada, has been pending for more than 165 days.

Let them have a vote. These women are outstanding. They have demonstrated more than most people who get confirmed in this body, Republican or Democrat, how well qualified they are. At least let them have a vote. If people want to vote against them, vote against them.

I will state for the record that I will vote for every one of them. In checking with our side of the aisle, every single Democrat Senator will vote for every one of these women.

President Clinton, in remarks before the Michigan Bar Association, recently spoke about the Senate's failure to act upon his judicial nominees, noting his nominees have received more top American Bar Association ratings than those of any President in 40 years. President Clinton, to his credit, has nominated people who have received higher ratings than any President, Democrat or Republican, in 40 years and they still get held up. He said:

> These people are highly qualified, which leads to only one conclusion, that the appointments process has been politicized in the hope of getting appointees ultimately to the bench who will be more political. That is wrong. It is a denial of justice.

President Clinton is right. We should move forward with these nominees. Let them have a vote. Don't do this in the dark of the night holding people up.

We are going to have four nominees, three from Arizona which has a desperate situation, where they need Federal judges. My friend from Arizona, Senator KYL, has pointed out, quite rightly, that cases cannot be heard, several cases cannot be heard. He has had experiences as a civil lawyer. He knows how difficult that is.

I say as a former prosecutor, when that happens, the criminal cases can't be heard because you don't have enough people on the bench. When that happens, the prosecutor has to start plea bargaining down. He or she has to either get a lighter sentence or has to start dropping charges all over the place because they know they can't get a trial because the judges aren't there.

If we are going to be tough on law and order, we have to have the judges there. We cannot just say we are against crime. I am willing to concede that all 100 of us are against crime. But if we are going to fight crime, we have to have the men and women there to do it: the prosecutors, the defense attorneys, and the judges.

If we will move those judges through, I will vote for every one of them. But I also point out that they can move through very rapidly, all the judges from the time they were nominated, to the hearings, to the floor. A lot of the other judges discussed today are judicial nominees who have waited and waited and waited and waited and cannot get a vote.

It is not too late in the session to move on these nominations. We know that we can make quick progress when we want to do so. The group of nominees being considered tonight include nominations received on a Friday, who had a hearing the next Wednesday and were reported that Thursday, all within a week. In addition, there is the example of a hearing held last month by the Government Affairs Committee on two District of Columbia Superior Court judges, one who was nominated on May 1 and the other who was nominated on June 26. Another example of the ability of the Senate to act is the September 8 confirmation of James E. Baker to the U.S. Court of Appeals for the Armed Forces. In addition, there is the examples of Timothy Lewis who was confirmed in waning days of the 1992 session, the last year of a Republican presidential term with a Democratic majority in the Senate. Judge Lewis was confirmed to the Third Circuit on October 8, having only been nominated on September 17 of that year.

Of course, the Republican candidate for the presidency has said that nominations should be acted upon within 60 days. Of the 42 judicial nominations currently pending, 37 have been pending from 60 days to 4 years without final action.

Let us compare the lack of action this year to what a Democratic majority in the Senate accomplished in 1992 during the last year of a Republican presidential term. The Senate confirmed 11 Court of Appeals nominees during that Republican President's last year in office and a total of 66 judges for that year. This year the Senate is will not reach anywhere near 66 confirmations, not 60, not 50, not even 40. In 1992, the Committee held 15 hearings—twice as many as this Committee has found time to hold this year. In the last 10 weeks of the 1992 session, the Committee held four hearings and all of the nominees who had hearings then were confirmed before adjournment. In the last 10 weeks of the 1992 session, we confirmed 32 judicial nominations. In the last 10 weeks of this year we will be holding no hearings and confirming only four District Court nominees.

We still have pending without a hearing qualified nominees like Judge Helene White of Michigan. She has been held hostage for over 45 months without a hearing. She is the record holder for a judicial nominee who has had to wait the longest for a hearing and her wait continues without explanation to this day.

We still have pending before the Committee, the nomination of Bonnie Campbell to the Eighth Circuit. Ms Campbell had her hearing last May, but the Committee refuses to consider her nomination, vote her up or vote her down. Instead, there is the equivalent of an anonymous and unexplained secret hold. Bonnie Campbell is a distinguished lawyer, public servant and law enforcement officer. She was the Attorney General for the State of Iowa and the Director of the Violence Against Women Office at the United States Department of Justice. And she enjoys the support of both of her home State Senators, Senator HARKIN and Senator GRASSLEY. I understand and share Senator HARKIN's frustration and believe that the Senate's failure to act on this highly qualified nominee is without justification.

We still have pending without a hearing the nomination of Roger Gregory of Virginia and Judge James Wynn of North Carolina to the Fourth Circuit. Were either of these highly-qualified jurists confirmed by the Senate, we would be finally acting to allow a qualified African American to sit on that Court for the first time. Fifty years has passed since the confirmation of Judge Hastie to the Third Circuit and still there has never been an African-American on the Fourth Circuit in the history of that Circuit. The nomination of Judge James A. Beatty, Jr., was previously sent to us by President Clinton in 1995. That nomination was never considered by the Senate Judiciary Committee or the Senate and was returned to President Clinton without action at the end of 1998. It is time for the Senate to act on a qualified African-American nominee to the Fourth Circuit. It is also time for the Senate to act on the nomination of Kathleen McCree Lewis to be the first African American woman to serve on the Sixth Circuit. President Clinton spoke powerfully about these matters at the NAACP Convention. We should respond not be misunderstanding or mischaracterizing what he said but, instead, by taking action on these well-qualified nominees.

I commend Senators ROBB and WARNER, along with Representatives BOBBY SCOTT and JIM CLYBURN, for speaking out last Wednesday to draw attention to the Senate's failure to act upon the nomination of Roger Gregory to fill an emergency vacancy in the Fourth Circuit. As Senator ROBB pointed out, Mr. Gregory has been nominated to fill a vacancy that has existed on the Fourth Circuit for 10 years. While the Court is authorized to have 15 judges, it is operating with only 10 judges today. That means the Court has one-third of its positions vacant. Beth Nolan,. the Counsel to the President, recently wrote in the Wall Street Journal:

> [T]he seat for which Mr. Gregory was nominated has not been filed before, nor allocated to any particular state in the Fourth Circuit. Moreover, Roger Gregory has the strong support of both of his home-state senators (who were indeed consulted prior to nomination). Democratic Sen. Chuck Robb recommended Mr. Gregory to the president and has been working tirelessly on Mr. Gregory's behalf. Republican Sen. John Warner has joined Sen. Robb in requesting that Sen. Hatch give Mr. Gregory a hearing.

It is past time for the Judiciary Committee to consider Mr. Gregory's nomination.

We still have pending before the Committee the nomination of Enrique Moreno to the Fifth Circuit. He is the latest in a succession of outstanding Hispanic nominees by President Clinton to that Court, but he too is not being considered by the Committee or the Senate. Mr. Moreno succeeded to the nomination of Jorge Rangel on which the Senate refused to act last Congress. These are well-qualified nominees who will add to the capabilities and diversity of those courts. In fact, the Chief Judge of the Fifth Circuit declared that a judicial emergency exists on that court, caused by the number of judicial vacancies, the lack of Senate action on pending nominations, and the overwhelming workload.

I remain vigilant regarding the Senate's treatment of nominees who are women or minorities. I have said that I do not regard the Chairman as a biased person. I have also been outspoken in my concern about the manner in which we are failing to consider qualified minority and women nominees over the last several years. From Margaret Morrow, Margaret McKeown and Sonia Sotomayor, through Richard Paez and Marsha Berzon, and including Judge James Beatty, Jr., Judge James Wynn, Roger Gregory, Enrique Moreno and all the other qualified women and minority nominees who have been delayed and opposed over the last several years, I have spoken out.

The Senate will never remove the blot that occurred last October when the Republican Senators emerged from a Republican Caucus to vote lockstep against Justice Ronnie White to be a Federal District Court Judge in Missouri. At a Missouri Bar Association forum last week, Justice White expressed concern that the rejection of his nominations to a federal judgeship will have a "chilling effect" on the desire of young African American lawyers to seek to enter the judiciary. The Senate took the wrong action last October when the Republican caucus rejected Justice White's nomination.

At our last Executive Business Session in the Judiciary Committee, the Chairman used some of Senator BIDEN's remarks from a nominations hearing last November to make the point that he is neither racist nor sexist. And I agree. I do not believe that the Chairman is himself for or against a particular nominee based purely on race or gender, though I do understand that the Committee does keep track of such numbers for statistical purposes. But to paraphrase our former Chairman from later on in that Executive Business Session, it would be better for the current Chairman to explain to those of us on this side of the aisle and the public at large why he is not moving on particular nominations. I understand there may be outstanding FBI investigations that he is not at liberty to discuss, but I do not believe any such impediments exist that would prevent the Chairman from telling us why Helene White, Roger Gregory, and Enrique Moreno have not yet had a hearing.

There continue to be multiple vacancies on the Third, Fourth, Fifth, Sixth, Ninth, Tenth and District of Columbia Circuits. With 23 current vacancies, our appellate courts have nearly half of the total judicial emergency vacancies in the federal court system. I note that the vacancy rate for our Courts of Appeals is more than 11 percent nationwide. If we were to take into account the additional appellate judgeships included in the Hatch-Leahy Federal Judgeship Act of 2000, a bill that was requested by the Judicial Conference to handle their increased workloads, the vacancy rate would be 16 percent.

Also at our last executive business session, my friend from Utah, the distinguished chairman of the Judiciary Committee, said there is and has been no judicial vacancy crisis. That is a bold statement considering there are 67 current vacancies in courts and emergency situations, including the Fifth Circuit. If we pass the bill that has been requested by the nonpartisan judicial conference, we would have another 7 or more judicial vacancies, so we would have over 150 judicial vacancies.

The chairman went on to say that since 363 senior judges are now serving in the Federal judiciary the true number of vacancies is "less than zero." While it is true that there are 363 senior judges now serving, it is inaccurate to say that the true number of vacancies is less than zero.

I commend the large number of senior judges for coming in to help out and fill in. Some of them are well into their eighties. But that is not the way it should be. Surely, if we didn't have these senior judges, the courts would collapse under the weight of their own caseloads and the extended and extensive vacancies.

What we have is a situation where selfless public servants have made a conscious decision to hold off on the rewards of retiring from a job well done to help administer fair and proper justice in our country. Our senior judges should be thanked for their diligent work and dedication. Still, their service does not mean we have fewer vacancies. Indeed, the Judicial Conference has recommended 70 new judgeships in addition to the already existing 67 vacancies.

Let's not say the only way that can happen is if people, no matter how old they are, say: I will never retire; I will just keep on showing up and do the best I can. It is the lifeblood of our judiciary to have new judges come in.

I regret that the last confirmation hearing for Federal judges held by the Judiciary Committee was in July. In fact, that was the last time the Judiciary Committee reported any nominees to the full Senate. Throughout August, September, and now the first week in October, there have been no additional hearings held, or even noticed; no executive business meetings have included any judicial nominees on the agenda.

I mention that because in 1992, the last year of the Bush administration, we had a Republican President and a Democratic majority in the Senate. We held three confirmation hearings in August and September. We continued to work to confirm judges.

How late did we work, even though we have the so-called Thurmond rule which cuts off judicial nominations after about midyear? Do you know how long the Democrat-controlled Senate was confirming judges for a Republican President? Up to and including the very last day of the session; not up to and including 6 months before the session ended.

I know there is some frustration. Some Senators have objected to Senate committees continuing to meet on other matters while the Senate is in session. That is partly because the matter is so acute with regard to the numerous vacancies in our court of appeals and the qualified women and men who have been nominated and stalled.

The chairman says, and he holds the banner for his party, that Democrats have no grounds to complain. I remind the Senate of the hoops that Richard Paez and Marsha Berzon had to jump through in order to get a vote, including the extraordinary step of overcoming a motion to postpone indefinitely the vote on Marsha Berzon.

So I hope we will continue to meet our responsibility to all nominees—men, women, and minorities. As long as the Senate is in session, I am going to urge action. Highly qualified nominees should not be delayed. The Senate should join with the President to confirm well-qualified, diverse, and fair-minded nominees to fulfill the needs of the Federal courts around the country.

I see my friend from Arizona on the floor. I have spoken somewhat longer than I suggested to him that I would. I apologize for that, but I hope he will take some comfort from the fact that as I said at the beginning of my talk that I would vote for the nominees from his State, including one who has been a long-time friend of his. I am going to be urging Members on this side to do so. I can say with some certitude, all four will be confirmed.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate those remarks of the distinguished ranking member of the Judiciary Committee. It is probably a good segue for me to try to explain what has been going on here because colleagues who may be watching or people who are not in the Senate may be wondering what all of the discussion has been about when there are four specific nominees who President Clinton has nominated for Federal district judgeships and they are ostensibly being considered by the Senate and I have heard no discussion about the four. So I am going to discuss the four very briefly.

The problem, as you have heard, is that many on the other side of the aisle are unhappy with the fact that other nominees have not been considered this year. You have heard all the discussion about that. You have heard Senator HATCH on our side explain why that is so. But there has been great displeasure on the other side because, in their view, not all the nominees they would have liked to have considered were considered.

The four nominees who are before us today are the only four the Senate can consider. They are the only nominees who have gone all the way through the process from nomination, ABA clearance, FBI clearance, hearing before the Judiciary Committee, and then the Judiciary Committee having acted upon them to send them to the floor of the Senate. These are the only four on whom the Senate can act. I am pleased that, today, we will have the opportunity to do that.

All four of these nominees were pending in July. The majority leader made a request of the minority to consider the four nominees. That request was denied, however. So these four nominees had to be held over the August recess. Obviously, on our side we would have much preferred that the four confirmations could have occurred because of the need to fill these vacancies for the District in Arizona—which I will refer to in just a moment—but to which Senator LEAHY referred. He acknowledges we have a significant need in Arizona to fill these positions. But there was objection on his side to their consideration.

So when we came back in September, the majority leader again asked the minority leader for concurrence to bring these four nominees to the floor for a vote. Again, that was denied by the Democratic side.

People might ask: Why would Democrats be objecting to President Clinton's nominees? The reason has nothing to do with their merits. As Senator LEAHY pointed out, undoubtedly all four of these nominees will be confirmed because they are all four very well qualified. The reason has to do with the politics of this Chamber. Because some Democrats were concerned that not all of their people had been yet considered, they were going to hold up nominees they perceived to be important to me and to Senator FITZGERALD from Illinois, the home State of the four nominees here before us.

But the fact is, these people are needed to serve the people of the United States of America. They were nominees of President Clinton. So the bottom line is that it is now time for the nominations to be considered by the full Senate. We need to get over the politics. We need to get on with doing the people's business and confirm these four well-qualified individuals. I am pleased that both the majority and minority have now made that possible and that in a few minutes we will be able to vote for all of these candidates.

The first three candidates should have been discussed this morning. I know they were not. Instead, we had the discussion that you have heard. But those four nominees, as Senator HATCH mentioned, are Michael Reagan from Illinois, about whom you will hear a little more in a moment from Senator FITZGERALD; Mary Murguia, a very well qualified assistant U.S. attorney from Arizona who, by the way, if confirmed, will be the first Latina to serve as a Federal district court judge from Arizona; and the Honorable Susan Bolton, a very distinguished Superior Court judge in Arizona. All three of those candidates I deem to be well qualified. I chaired the hearing. I can certainly attest to the fact that the two from Arizona have the highest qualifications.

That leaves the fourth who is being considered separately here for reasons I will discuss in just a moment, but he is James Teilborg. Since I think it is appropriate when we are going to vote on somebody to actually have a little discussion about the individual, I am pleased to present a couple of minutes on his background here.

He was born and raised on a farm in southern Colorado and was State President of the Colorado Future Farmers of America. He married his wife, Connie, 37 years ago. They have two sons, Andy and Jay, and three granddaughters.

He and I attended the University of Arizona College of Law beginning in 1964. That is where I first met Jim Teilborg. I have known him ever since, and we have been close friends. So I can attest not only to his qualifications as a fine lawyer but also as a fine individual. He served in active duty U.S. Air Force to attend Navigator School. He is a retired colonel in the United States Air Force Reserve after 31 years in the National Guard and Reserve service. He was a member of the National Guard for 7 years, a navigator on the C–97 and KC–97 aircraft and, by the way, has been 23 years admissions counselor for the U.S. Air Force Academy. I would also note for the entire time I have been with the U.S. Congress, Jim Teilborg has chaired my service academy committee, a huge job of interviewing all the individuals who would like to attend one of our military service academies: interviewing them, making recommendations to me, and then for me to the academies. As a result of his exemplary service, I must say we have a much higher than average rate of acceptance by the service academies—because of Jim Teilborg's fine service.

He was a founder of the law firm of Teilborg, Sanders & Parks, the 12th largest law firm in Arizona. His practice focused on the areas of aviation, professional negligence, product liability, and complex tort litigation.

The Presiding Officer will appreciate, as a pilot himself, that, of course, Jim Teilborg is an accomplished pilot as well.

He is a 33-year veteran trial lawyer. He was President of the Maricopa County Bar Association, and was a member of the board of directors. He was the lawyer representative to the Ninth Circuit Judicial Conference, a distinguished position for a member of the bar, and has served as chairman of the Maricopa County Bar Association Medical/Legal Liaison Committee, and also served as chairman of the Special State Bar Disciplinary Administrative Defense Counsel.

He is a Member of the International Association of Defense Counsel board of directors and was its president in 1981; and, a very prestigious honor, a fellow of the American College of Trial Lawyers. This is the pinnacle for anybody who really wants to call himself a trial lawyer. In the latest edition of "The Best Lawyers of America," of course, he is included.

Jim Teilborg is one of those rare individuals who has practiced law for all of this time, made no enemies that I know of, but a lot of friends in the practice of law as a very competent litigator, a fine individual, and one who, as we found when we interviewed people in Arizona about his potential nomination, had unanimous support among judges and lawyers for service on the Federal district court.

I cannot think of anyone who would be more suited for the position because of his background, because of his judicial temperament, and because of his philosophy of always treating people fairly and his love for the law. It is personally a great honor for me and a pleasure to recommend James Teilborg to my colleagues.

That is probably the last you will hear about Jim Teilborg. Nobody is going to argue against him as an individual, I am sure. Of course, none has so far. I am hopeful that the political disagreement we have had over other nominees will not spill over into a negative vote on Jim Teilborg.

There is only one reason he has been set apart from the other nominees, and that is that he happens to be a Republican. Of course, I have supported nearly 97 percent of President Clinton's nominees during the time I have been in the Senate, and I daresay virtually all of them have been Democrats. One cannot base a vote on partisan reasons in this body.

I was very pleased to hear Senator LEAHY say he would urge the support for Jim Teilborg, as well as committing that support himself. While we on both sides of the aisle have voted against candidates for reasons having to do with the merits of that individual candidate, I do not know of any time I have seen a colleague vote against a nominee in protest of something someone else had done. That would be wrong. A protest vote having nothing to do with the individual would be wrong.

If the Senator from Vermont will still stay on the floor one more moment, I will quote him because I want him to know how much I agree with this important statement of his.

He said:

> We should be the conscience of the Nation. On some occasions, we have been, but we tarnish the conscience of this great Nation if we establish the precedents of partisanship and rancor that go against all precedents and set the Senate on a course of meanness and smallness.

The Senator from Vermont was, I think, very accurate not only in what he predicted would be the consequence of the precedent we would set if we acted in that degree of smallness, but also I think expressed the view all of us share that our decisions should be based upon the merits, however we see them—maybe differently—but never voting on an individual because of the actions of someone else, to make a protest about some other point.

I appreciate his comments, and I commend to all of his colleagues the statement he has made here with respect to Jim Teilborg.

Mr. LEAHY. Will the Senator yield?

Mr. KYL. I will be very happy to yield.

Mr. LEAHY. I appreciate what my friend from Arizona said. And he is my friend. It has been my experience on the committee, even on issues that start out appearing to be partisan, that the Senator from Arizona has worked hard to remove that sense of partisanship. He and I have joined together on a number of pieces of legislation. I do not think he would object to the description as a conservative Republican and myself as a liberal Democrat, but we have both been pragmatic Senators in getting some very good pieces of legislation through.

I mention that because he and I may well share a belief that there have been some times this year when it has become too partisan. I hope after the elections, no matter who is elected President and no matter what the numbers are in the House and the Senate, that a number of Senators who have had the experience of working together across the aisle will start off the year trying to find pieces of legislation we can do that will demonstrate to the country there are many Members of good will in both parties who do want what is best for this country. There will be issues, of course, where there are distinct party differences, but there are so many issues where there is far more unity. I hope we can do that.

I thank the Senator for his kind words. I yield the floor.

Mr. KYL. Mr. President, I thank the Senator. I will conclude. Some of the best things we have done have been in a bipartisan way—some of the things Senator LEAHY and Senator HATCH have worked on in particular, things that Senator FEINSTEIN and I have worked on in particular. I certainly look forward to getting together with Senator LEAHY after the election to see how we begin next year, assuming I am returned to this body.

I conclude with a quick comment about the need to fill this position in Arizona.

In 1999, Congress created nine new Federal district court judgeships—four for Florida, two for Nevada, and three for Arizona. The Nevada positions and three of four in Florida have been confirmed, but none has been confirmed yet for Arizona. That is why this is such an important matter as we conclude our business this year.

These nominees are needed to handle the ever-increasing caseload in Arizona, and here is an illustration of that caseload.

Our criminal felony caseload has increased 60 percent in the last 3 years. The district of Arizona ranks second in total weighted filings for a judge among the Nation's 94 districts, by the way, twice the national average—901 compared to the national average of 472. We are fourth in weighted felony filings per judgeship. Felony filings per judgeship weighted are 236 percent above the national average.

So you can see, Mr. President, why this burgeoning amount of work in Arizona requires that we fill these positions. We have 19 Indian reservations and 21 tribes which produces a steady stream of U.S. jurisdiction cases which are not found in most other States. Because we are on the border, we have a lot of illegal immigration and drug smuggling cases. And Arizona is one of the fastest growing States in terms of population. It is pretty easy to see how a State such as Arizona can get into a position where it has to fill these positions.

I am very pleased that at this point, just before the Senate concludes its business for the year, we are able to fill these three positions in Arizona, as well as the Illinois position. I am delighted my colleague from Vermont will be urging his colleagues on the Democratic side to support all four nominations. I have certainly done the same on our side of the aisle. I think it will send a very good signal of that very kind of bipartisanship Senator LEAHY was talking about if all of these nominees receive our unanimous support.

I reserve the remainder of whatever time is remaining on my side. Mr. President, it is my understanding that any quorum call time will be attributed to both sides equally; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KYL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator will have to make that request.

Mr. KYL. I ask unanimous consent that any time spent in a quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I rise to make some brief comments.

I was listening, while I was chairing the session, to the very distinguished Senator from Vermont talking about how many appointments and how many nominees should be acted upon. He was very passionate in his appeal to just have a vote: let's just vote up or down. He named nominee after nominee and how many days they have been under consideration.

I was tempted to go back and get the history as to some of the problems we are having with this administration and the fact that, yes, I am guilty of putting holds on judicial nominees and doing the same thing that, back in

1985, Senator BYRD did when Ronald Reagan was President of the United States.

But rather than go into that, I will only say this—I don't want to take much time; I want the Senator from Iowa to have his time—we have acted upon President Clinton's nominees. In fact, it is my understanding that he is only five short of having an all-time record of having nominees being confirmed in a period of time.

Even though the Senator from Vermont was quite eloquent in talking about all of the judicial nominees who were left without final action being taken, either to confirm or not confirm, if we quit right now and didn't confirm these four we are discussing today, at the end of President Clinton's term, that would leave a total of 67 vacancies. It is my understanding that 61 is considered to be a full bench.

Let's say 67 vacancies are there. Back when President Bush was President, when he left office at the end of 1992, there were 107 vacancies.

The bottom line there is the Democrat-controlled Senate at that time was able to stop or was stopping more of the nominations than the Republican-controlled Senate is today.

Seeing that the Senator from Iowa has left the Chamber and no one else is asking for time, I will go ahead at this point and proceed to the history behind this.

Back in 1985, when Ronald Reagan was President of the United States and the Senate was controlled by the Democrats, a lot of the conservative appointments—not just judicial nominations but others—by the President were not acted upon by the Democrat-controlled Senate. Consequently, President Reagan did something he should not have done back in 1985. He started making recess appointments, and he made many recess appointments. The majority leader at that time, the very distinguished Senator from West Virginia, Mr. BYRD, wrote a letter to President Reagan.

In this letter, he reminded him as to what the senatorial prerogative was in accordance with the Constitution. At that time he said: You have violated the Constitution with these recess appointments, and you have done so to avoid our confirmation or lack of confirmation. Therefore, if you have any more recess appointments, I will put a hold on all nominees, not just judicial nominations but all nominations.

Consequently, after a short period of time, President Reagan wrote a letter back to Senator BYRD and said: You are right; it was a violation of the Constitution. And he recited that the Constitution had a provision for recess appointments only in the cases when the appointment occurs during the time we are in recess and that that was not the case when he made his recess appointments.

Fifteen months ago, when we found out that President Clinton was making excessive recess appointments, I found the old letter that BOB BYRD had sent to President Reagan, and I sent that same letter to President Clinton, saying the same thing: If you continue to do recess appointments, we are going to put holds on all your nominees, except, I said, just judicial nominees. Consequently, President Clinton, after a period of 3 or 4 weeks, wrote a letter back and said that he would agree to the same terms Ronald Reagan had agreed to back in 1985. Then when President Clinton violated his word, I put holds on nominations. This was 15 months ago.

As we all know, there was a vote to override my holds after a few months, and that was successful. However, for all judicial nominations that have not gone through the process since President Clinton did have 17 recess appointments during the August recess, I have renewed that hold on all future judicial nominations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, for the benefit of Senators and staff, I initially had 3 hours of time on which to speak about the judicial nominees and, more specifically, the holdup that is happening on the Judiciary Committee with regard to the former attorney general of the State of Iowa, Bonnie J. Campbell, who has been nominated for a seat on the Eighth Circuit Court of Appeals.

In discussing this with several Senators, I can say that it is now my intention to speak for a few minutes and to yield back the remainder of my time. In discussions with our side, I understand there probably will be just voice votes on all of these nominees.

Just for planning purposes—I know how sometimes I get irritated when I don't really know what is happening when some people have a lot of time—I want Senators to know I am going to speak for a few minutes, yield back my time, and then move to the votes on the nominees.

Again, I want to respond a little bit to what my friend from Utah said this morning, the chairman of the Judiciary Committee, Senator HATCH. I am reading from the transcript of this morning's session. Senator HATCH said:

> It had always been my intention for the Judiciary Committee to report Ms. Campbell's nomination. However, events conspired to prevent that from happening.
>
> First, during the August recess, as I have explained, the President determined to recess appoint several executive branch nominees over the express objection of numerous Senators.
>
> He did so notwithstanding his agreement to clear such recess appointments with the relevant Senators. . . .
>
> Second, after their August recess, Democrat Senators determined to place holds on the four nominations we are debating today, even everybody admits—I think everybody admits—that they are important nominations and this arrangement that has been worked out has been fair.
>
> Again, they threatened to shut down the Senate's committee work, going as far as to invoke the 2-hour rule and forcing the postponement of scheduled committee hearings. . . . For these reasons, Bonnie Campbell's nomination has stalled. Ms. Campbell has only the White House and Senate Democrats to blame for the current situation.

I don't know what the Senator from Utah is talking about. Bonnie Campbell had nothing to do with whether the President made recess appointments or not. And the holds that were placed on the four nominations—they were saying, wait a minute, Bonnie Campbell had her hearing 2 months before some of the nominees that we are voting on today. Three of these nominees that will get their vote today were nominated, got their hearing and were reported out of Committee within one week in July of this year. Bonnie Campbell's hearing was in May.

So we are only saying: Why not take those who had their hearings first? Why take up those who had them later? Bonnie Campbell had her hearing, answered questions; they had more written questions that they sent her, and she responded to those. Yet there again, three of the four judges we are voting on here today went through the first three steps of the process within one week.

Ms. Campbell has only the White House and Senate Democrats to blame for the current situation? What is the Senator from Utah talking about? What is to blame are the pure rank politics of the Senate Judiciary Committee and the Senate Republicans for holding up Bonnie Campbell's nomination and keeping it bottled up in committee.

The Senator from Utah knows full well that this Senator from Iowa had every right to exercise his rights as a Senator on the floor, to bottle up a lot of things on this floor after the August recess. I did not do so because I was led to believe that, by acting in good faith, the Senate Judiciary Committee would act on Bonnie Campbell's nomination. Why? Because the Senator from Iowa, Mr. GRASSLEY—and if I am not mistaken, he is the second ranking member on the Judiciary Committee—supports Bonnie Campbell and has stated so publicly. So I figured, well, he is second ranking.

Now, Mr. KYL, the Senator from Arizona, is fourth ranking on the committee, but he gets his nominee through. He was nominated, had a hearing, and was reported out that week. Mr. KYL gets his nominee through.

Well, I figured if I acted in good faith—and I did so by not doing anything and letting the Judiciary Committee go from one week to the next, one week to the next, and I thought this week they didn't report her out, maybe they'll do it next week, or maybe the next week. Well, now, the time has run out and it is clear to me I was being strung along all this time with false promises that the Judiciary Committee would, indeed, act on Bonnie Campbell's nomination.

So now to say that it is the Senate Democrats who are to blame for the current situation with Bonnie Campbell is utter fabrication, total nonsense. The Senator from Utah knows as well as I do that there is one reason it is being held up, and it is called politics—pure rank politics. Then, again, Senator HATCH says that the reason it has been held up is because President Clinton had some recess appointments, and that we had a hold on these four nominees for a while. Well, why is he singling out one nominee? Why is he targeting Bonnie Campbell? Why is Bonnie Campbell the target? What about all the other judges? Why is he singling her out?

Is it because of her work to prevent domestic violence as the director of the Office of Violence Against Women at the Justice Department? The Senate Republicans have stalled passing the reauthorization of that law just as they have blocked Bonnie Campbell's nomination from getting a vote on the Senate floor.

Bonnie Campbell has done a superb job of focusing on the issue of violence against women, especially domestic violence. The Violence Against Women Act has expired. It expired on the last day of September of this year. This Republican Congress didn't even see fit to take it up and pass it.

So it is no surprise to me that in poll after poll after poll across this country women are saying no to Republican candidates because they see what has been happening here. This Republican Senate is holding up the one person who really knows what violence against women is about, who headed that office and has done a superb job; yet Senate Republicans aren't going to let her come out. How well has she done? Take a look at the House vote on reauthorization. The vote was 415 to 3. Do you really think this bill would have been reauthorized if the person who has headed the office to implement its provisions had done a bad job?

Well, I say to Senate Republicans, you better beware. The women of this country are watching what you do up here on the issues that are important to them. They want the Senate to reauthorize VAWA. They want judges who will enforce that law. Who better to do that than Bonnie Campbell? She is qualified, and no one has come to the Senate floor and said any differently since her hearing.

I can tell you, this Republican Senate that is holding up her nomination and the reauthorization of VAWA will have only themselves to blame if the women of this country vote overwhelmingly against their party in November. It pains me to say this, but I think that is what it has come down to. If they want to play politics with Bonnie Campbell and Violence Against Women, go right ahead, but it will bite them bad. Real bad.

You may think you are only holding up one person, only one judge, saying, well, she was from Iowa, not of any consequence. I say to my Republican friends, you are seriously mistaken. Bonnie Campbell did an outstanding job as attorney general for the State of Iowa. She was well known to women all over this country as a role model and someone they have looked to for leadership, someone who has brought honor to our State, honor to the legal profession, honor to this administration, and honor to what we are about as a nation in trying to provide more equality for women in this country.

I say to my friends on the Republican side, if you think you are playing smart politics by holding up Bonnie Campbell's nomination, I say to you that you are sadly mistaken.

But I guess it has come down to this. I am told that there is no use even talking about it anymore. They are not going to let Bonnie Campbell's nomination be reported out. I don't know about that. I say it is never over until it's over. And perhaps some cooler heads will prevail on the Republican side. They will see that they are only hurting their own cause. They are only hurting themselves and their candidates who are out there running by holding up Bonnie Campbell's nomination.

It is time we have more diversity on the Federal bench. Only 20 percent of the Federal judiciary are women. Of the 148 circuit judges, only 33 are women. It is time we have more—qualified women on the federal bench.

Last year, a report by the Task Force on Judicial Selection of Citizens for Independent Courts—an independent group—verified that the time to confirm female nominees is now significantly longer than that to confirm male nominees. There is a difference that has defied logical explanation. The fact is—it is true—to confirm female nominees takes a lot longer than men.

We have some men who are being voted on today. We have one man being voted on today who was nominated in July. He was passed out the same week. Bonnie Campbell has waited 215 days since she was nominated.

The standard bearer of the Republican Party this year—Gov. Bush of Texas—said there should be a deadline of 60 days from nomination through the process.

Evidently, the Republicans in the Senate and on the Judiciary Committee are not paying much heed to their standard bearer.

I am sorry to have to disagree with Mr. HATCH. But the White House is not to blame for this, and neither are the Senate Democrats.

Mr. HATCH has an argument with the White House on recess appointments. That is another matter entirely. It has nothing to do with judicial nominees.

Maybe he doesn't like what Mr. Clinton said at a press conference. Maybe Senator HATCH doesn't like a lot of things the President does. But does that give the Senator from Utah the right to hold up a judicial nominee because he doesn't like what the President did on some other matter?

I want to point out again that three out of the four nominees voted on today were nominated, a hearing was held, and they were reported out of the committee in 1 week in July. Yet Bonnie Campbell has been waiting 215 days, and they will not report her out of the committee.

One can only ask again why the Republicans are playing this political charade. I guess they figure, well, if they just hold on, maybe their guy will win and they can move ahead.

But, as I said earlier, I think the Republicans over there ought to be aware of this one. This one is going to bite hard.

Mr. President, I yield whatever time the Senator from Minnesota desires. I yield up to 10 minutes to the Senator from New York, Mr. SCHUMER, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I came to the floor to support my colleague, the Senator from Iowa, and to speak for a couple of minutes about Bonnie Campbell. I believe Bonnie Campbell would be the second woman to serve on the Eighth Circuit Court of Appeals. Dianne Murphy from Minnesota is the first. Bonnie Campbell has done a lot of good work, but most important is her record at the Justice Department in the violence against women office.

I come here to speak about this woman's magnificent work. Bonnie Campbell has probably more than any single individual made the most difference when it came to reducing violence and trying to end some of the violence in families; unfortunately, most of it directed against women and children. About every 13 seconds, a woman is battered in our country. A home should be a safe place. Somewhere between 3 million and 10 million witness this in their homes.

Bonnie Campbell has visited Minnesota. I have seen her speak with very quiet eloquence. I cannot say enough about the magnificent work she has done. As attorney general in Iowa, I think she passed the first anti-stalking law in the State. She is well known in Iowa. She is well known throughout the United States of America. She is a skillful lawyer. She would be a great judge. She is extremely important when it comes to being a voice for families in this country. She has done probably some of the best work that any individual could possibly do in this incredibly important area of reducing violence in this country. There is way too much violence—especially directed at women and children.

I cannot for the life of me understand why we have been waiting almost 7 months or thereabouts for this nomination to move through the Senate.

Minnesota is covered by the Eighth Circuit Court of Appeals. Dianne Murphy is from the State of Minnesota. She was the first woman to serve on this court. She is a great judge.

Bonnie Campbell would be a great judge. We need her on this court. We need a judge who understands the concerns and circumstances of too many women's lives and too many children's lives in this country. We need a judge such as Bonnie Campbell who has such a distinguished background and such a distinguished career. We need a judge on the Eighth Circuit Court of Appeals like Bonnie Campbell with such a proven record of public service. I can't find anything in her background, I can't find anything in her record, I can't find anything about her which would make her anything other than 100 percent eminently qualified to serve on this court of appeals.

I share in the indignation that my colleague from Iowa has expressed. There is no excuse to hold this nomination for one day longer. I think it is shameful that, in the Senate, really good people who have so much to offer, who could do such good—in this particular case, at the Eighth Circuit of Appeals—find themselves blocked for no good reason.

I heard Senator HARKIN say he thought this was going to come back to "bite." I hope it does. It is true; most of the people in the country are not so directly connected to this process of how we do confirmations of judicial appointments. We have had Senator LEAHY doing yeoman work, and there are other Senators who have spoken. Senator LEAHY provides the leadership. The more people learn about a person of the caliber of Bonnie Campbell—and as a man, I care a lot about how we can reduce this violence in families, how we can reduce the violence in homes—the more people hear about this, the more outraged they will be, and for good reason.

I know it is asking too much, but I want to see a little bit more fairness. I want to see an end to this blocking of good people who could do good work and could help so much. Bonnie Campbell is a perfect example. We shouldn't be delaying this nomination one day. But we are. I just want to express my support for Bonnie Campbell.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Before I get into the substance of my remarks dealing with honoraria for judges, I echo the words of my colleague from Minnesota, Senator WELLSTONE, as well as our leader on the Judiciary Committee, Senator LEAHY, about the holdup in judges. Senator LEAHY has laid it out quite carefully; that is, that we have not appointed as many judges, on a percentage basis, as when Democrats controlled the Senate during the Reagan and Bush years.

I particularly add my voice to those who are asking that Bonnie Campbell be added to the Eighth Circuit.

The reason I rise is not only as a member of the Judiciary Committee, not only as somebody who believes we ought to fill the vacancies in our courts—and I am appreciative that Senator HATCH has worked with me to fill those vacancies in New York. Neither the Second Circuit nor any of the New York district courts have vacancies, and we did manage to fill at least six judgeships this year. I thank the chairman for that. But that doesn't mean the rest of the country should have things unanswered.

I worked with Bonnie Campbell. I was the sponsor in the House of the Violence Against Women Act. It was authored originally by Senator BIDEN and Senator BOXER, when she was a House Member. She carried it between 1990 and 1992. When she was elected to the Senate, she asked me to take the reins, and we did. We passed the law. As somebody greatly interested in the Violence Against Women Act, of bringing that dirty little secret, the amount of violence in our families, out into the sunlight so we could deal with it, I believed very strongly the right person should be appointed to be in charge of the act.

Bonnie Campbell did a fabulous job on an issue of great concern to all Americans. I think it is just unfair to "reward her" by letting her sit there in limbo when she so deserves and could be such a great addition to the Eighth Circuit. I plead with my friend, the Senate majority leader, my friend, the chairman of the Judiciary Committee—who, as I say, has been fair and good to New York on this issue—to bring the names of all four judges before the Senate, or all the judges who are waiting in the wings—there are more than four—but particularly Bonnie Campbell.

On an issue related, as well, of debating a number of nominees to be Federal judges, I want to address an issue that affects the entire Federal judiciary: The ban on honoraria. Under current law, as we all know, Federal judges are not allowed to accept honoraria. That is how it should be. The framers of the Constitution designed article III to keep judges outside of politics and above influence. Read the Federalist Papers. One of the great debates was that Federal judges, in article III, achieve life appointment.

There was one reason for it: So they would be unfettered, so they would be uninfluenced; they could make their own decisions, knowing that no sanction could be taken against them for decisions they made, and, just as importantly, so the public would know it.

Because the judiciary has neither the power of the sword, as does the executive, nor the power of the purse, as does Congress, it is essential that the judiciary maintain its power—and it has, thank God—for these 211 years since the Constitution was written, through an untainted reputation for integrity and impartiality. The Federal judiciary has had it. It has frustrated us at times. It frustrated Franklin D. Roosevelt in the 1930s. It has frustrated some Members today on issues where we disagree with the majority. There is nothing we can do about it, thank God, because an independent judiciary is vital.

I believe the public, if the surveys I have seen are correct, believes the Federal judiciary is independent—far more, I might say, than State and local judiciaries where there are either elections or appointments of term so that judges believe they have to please either an individual or even the whole electorate to make up their minds.

Nothing could do more to undo the justified reputation so much wanted by the founders and sustained in this Republic as the provision that has been inserted into H.R. 4690 that would allow judges to accept honoraria. The repeal of the ban would create a significant loophole in the Ethics in Government Act of 1978 which bars high-ranking Federal officials of all branches of Government from receiving speaking fees for 11 years. This prohibition has limited real and perceived corruption. It has limited real corruption and, probably much more widespread, perceived corruption. The conflicts of interest among Members of Congress, Federal judges, and senior members of the executive branch have been limited, as well.

I, for one, opposed honoraria for Members of Congress. I don't believe in a standard for the judges and a different one for Members. While honoraria were allowed in the Congress for most of the years I served in the House, I refused to take them. I remember my first speech, right after I was elected. A leading financial institution in New York asked me to speak. I had just been appointed to the Banking Committee, which regulated a lot of their activities. After the speech, they handed me a check. I was sort of surprised; it sort of knocked my socks off. I looked at the check. I said: This is wrong; this is not a check for the "Reelect Schumer Committee"—which I would have believed would have been untoward to give me right after a speech anyway—but this is for me. They said: Yes, that is your honorarium.

I felt bad about it, returned the check, and vowed not to take any honoraria in the future.

It is even more important for judges because, as I said, they are not sanctioned to election; they are not supposed to be sanctioned to the whims of either the people or of special interest groups. It would simply lower the standard for the very officials for whom standards should be the highest.

Thousands of U.S. citizens go before Federal judges every year and expect impartial justice. That is why judges have, as I mentioned, life appointments. That is why the rules so assiduously guard against even the appearance of impropriety. And that is why we spend so much time debating the appointment of these judges. We know once they are appointed, that is it: they are in for life.

Lifting the ban will only leave litigants wondering whether the integrity of the judges has been undermined by speaking fees from groups that have a stake, or may have a stake, in the case before them.

The Federal judiciary, it is said, is underpaid. If you believe it, raise the pay; budget the money. But don't, please, allow judges to moonlight as talking heads.

That demeans our independent Federal judiciary. To simply give them leave to forage for speaking engagements is nothing less than an abdication of our responsibility. Moreover, exempting judges from the honorarium ban will give the biggest benefit to those who are in high demand for speaking engagements—likely the most famous, the most high ranking. Presumably inadequate compensation is a problem for all Federal judges, not just those who can garner the largest fees or even who are the most eloquent. We don't hire our judges, we don't appoint our judges, on the basis of eloquence.

Additionally, if judges are underpaid, then they may be more susceptible to influence from outside income—even more reason to maintain the honorarium ban.

In conclusion, the issue boils down to one simple, simple nugget: The faith of the people in their government. We have a great Republic. The more I am on Earth, the more I believe that the Founding Fathers were the greatest collection of practical geniuses history has ever known and the more I believe that our country is, as they put it, a noble experiment. It was when it started, and, God bless America, it still is today.

Honoraria for judges strike a dagger right in the heart of what the Founding Fathers wanted—a totally independent judiciary, perceived as independent as well as actually being independent. Inserting this nefarious provision into the thick of an appropriations bill in the dark of night ruins that image. Unfortunately, the sneaky addition of this provision matches the substantive effect of it. It will only enhance the public's perception that those in government should not be trusted.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I understand that the Senators from Iowa and Vermont are ready to yield back their time; is that correct?

Mr. REID. Yes. On behalf of the Democrats who have been allocated time, time is yielded back.

Mr. LOTT. With that in mind, we also yield back all our time on the majority side.

I ask for the yeas and nays on the nomination of James Teilborg.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. This vote will occur momentarily. However, for just a minute, I will suggest the absence of a quorum, and we will be ready to proceed almost immediately. I want Senators to know the vote is about to begin.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, we are ready for the recorded vote.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of James A. Teilborg, of Arizona, to be U.S. District Judge for the District of Arizona? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAMS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—95

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—5

Feinstein
Gregg
Kennedy
Lieberman
Lincoln

The nomination was confirmed.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is, Will the Senate advise and consent to the three nominations en bloc?

The nominations , were confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KYL. Mr. President, I rise to thank all of those responsible for helping in the steering of the confirmation of these four nominees—Senator HATCH and Senator LEAHY.

I also would like to make a quick comment about my colleague, Senator GRASSLEY, who observed earlier that even though I rank fifth on the Judiciary Committee and Senator GRASSLEY ranks second, I was able to secure these nominees; whereas, the nominee very important to Senator GRASSLEY and Senator HARKIN has not been considered.

I want to make it clear that seniority had nothing to do with it. Senator GRASSLEY has worked long and hard on behalf of the nominee that Senator HARKIN has spoken about, Bonnie Campbell, former attorney general of Iowa.

I worked very hard on behalf of these nominees. But to make it clear, the nominees from Arizona were President Clinton's nominees. I worked with my colleague in the House, ED PASTOR, a Democrat, in helping to ensure that these nominees could be considered in this session of the Congress; that we could have the Senate Judiciary Committee approve the nominations, and send them to the floor for consideration. It was still laid over over the August recess. Notwithstanding all of that, we were able to get it done.

But in the case of Bonnie Campbell, she is a circuit court nominee. I know Senator GRASSLEY and Senator HARKIN have an agreement that they will support each other's nominees when the other party is in power. In this case, the Democratic President makes a nominee, and Senator HARKIN is supportive and Senator GRASSLEY is also supportive. He certainly has been supportive.

I want the Record to be clear—I am sure Senator HARKIN would concur in this—that Senator GRASSLEY has been a very strong advocate for Bonnie Campbell.

I think the circumstances that permitted us to confirm these other four nominees—one from Illinois and three from Arizona —didn't have anything to do with the seniority on the committee or it wouldn't have been possible for the Arizona judges to have been confirmed by the Senate.

I thank the Chair.

Mr. HARKIN. Mr. President, I respond by saying I was not trying to imply one way or the other that seniority had something to do with who gets out of the Judiciary Committee. My main point was that three of the four nominees we voted on today have been pending a very short time. They were nominated in July, their hearing was in July, and they were reported out of Committee in July—all in the same week. And they were brought to the floor today. Bonnie Campbell has been sitting there for 215 days. She had her hearing in May. Yet they won't report her out of the Judiciary Committee.

This is unfair. It is unfair to her. It is unfair to the women of this country. It is unfair to the court which needs to fill this position. We recognize in Bonnie Campbell a champion, a champion of women, someone who has done an outstanding job in administering the office of violence against women. She is the only one who has held that office since the legislation was passed. The House last week voted 415–3 to reauthorize it. Now we will try to do something in the Senate. I think the women of this country understand the Republican-controlled Judiciary Committee and the Republican-controlled Senate are stopping the Senate from having a vote on Bonnie Campbell for pure political reasons.

I think it is wrong the way they are treating Bonnie Campbell in this nomination process. I will continue to point that out every day that we remain in session. It is unfair to her. It is unfair to the women of this country to have someone so qualified, someone who has done so much to reduce and prevent violence against women, to have the Senate Judiciary Committee bottle up her name and not even permit it to come on the floor for a vote.

I am still hopeful perhaps they will see the light and permit that to happen, although time is running out. I will take every day we are here to talk about it.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from South Carolina.

Mr. THURMOND. Mr. President, we have heard much debate today about Federal judges. One would think that President Clinton has fared very poorly in the judicial confirmation process, but this is simply not true. He has done quite well with the cooperation of the Republican-controlled Senate.

During the President's first term, the Senate confirmed nearly one-quarter of the entire Federal Judiciary. After today, the Senate will have confirmed 44 percent or 377 Clinton judges.

It is no secret that while I served as Chairman of the Judiciary Committee during the first six years of the Reagan Administration, I made the confirmation of judges a top priority of the Committee. I am proud of our accomplishments during those years.

Yet, with Republican control of the Congress, President Clinton's success rate is really no different. After today, the Senate will have confirmed only five more Article III judges for President Reagan than it has thus far for President Clinton.

Today, the vacancy rate is 7.9 percent, and the Clinton Administration has recognized a 7 percent vacancy rate as virtual full employment for the Judiciary. The vacancy rate at the end of the Bush Administration was 11.5 percent, but there was no talk then about a vacancy crisis. At the end of the Bush Administraton, the Congress adjourned without acting on 53 Bush nominations. Today, there are only 38 Clinton nominees pending in Committee.

The Fourth Circuit is a good example of the healthy status of the Judiciary. The court is operating very well and does not need more judges. In fact, today, it is the most efficient circuit. The Fourth Circuit takes less time than any other to decide a case on appeal. The truth is that, due to a lack of cases needing oral argument, the Fourth Circuit has cancelled at least one term of court for each of the past four years, and two terms of court for the past two years.

The Chief Judge of the Fourth Circuit has made clear that additional judges are not needed, and he should know better than us the needs of his court. There is no good reason to add judges to the most efficient circuit in the nation. Given that a circuit judgeship costs about one million dollars per year for the life of the judge, it would be a waste of taxpayer money to do so.

We also should not be misled by the fact that some vacancies are defined as a "judicial emergency." The term is defined so broadly that, with one exception, all current circuit court judgeships that have been vacant for 18 months are considered "emergencies."

The issue of judgeships in the Federal courts is not just about numbers and statistics. Much more is at stake. Each judgeship is a life-time appointment that yields great power but is basically accountable to no one.

The Senate has a Constitutional duty to review each nominee carefully and deliberately. We take this responsibility very seriously in the Judiciary Committee, as we must. We cannot be a rubber stamp for any Administration. The entire Nation loses when we allow judicial activists or judges who are soft on crime to be confirmed to these lifetime positions.

Under Senator HATCH's leadership, the Judiciary Committee has taken a fair and reasoned approach to the confirmation process. As a result, the Clinton Administration has done quite well regarding judicial confirmations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to Legislative Session.

MORNING BUSINESS

Mr. LOTT. Mr. President, we intended to proceed to an agreement to take up the Interior appropriations conference report, but it looks as if it will be a few minutes before we can work through an agreement that will allow that.

In the meantime, after Senator HARKIN completes his remarks, I will enter into consent for a period for morning business so Senators can speak on issues they desire, but within an hour we hope to get an agreement on how to proceed to the Interior appropriations bill conference report. We need to do that.

In view of the present situation, we will not have any more recorded votes tonight. We will try to get an agreement to kick in the Interior appropriations bill, and that would be considered tomorrow.

I ask unanimous consent the Senate be in a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

MICROENTERPRISE FOR SELF-RELIANCE AND INTERNATIONAL ANTI-CORRUPTION ACT OF 2000

Mr. DEWINE. Mr. President, I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of H.R. 1143, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1143) to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4287

Mr. DEWINE. Mr. President, Senator HELMS has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for Mr. HELMS, proposes an amendment numbered 4287.

Mr. DEWINE. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DEWINE. Mr. President, I am pleased the Senate is considering the "Microenterprise for Self-Reliance Act"—legislation that would ensure the continuation of international microenterprise grant and loan programs that are administered worldwide by the U.S. Agency for International Development (USAID). This is legislation that I introduced last year, along with Senators BINGAMAN, CHAFEE, DURBIN, KENNEDY, SCHUMER, TORRICELLI, BOXER, COLLINS, FEINSTEIN, MIKULSKI, and SNOWE. Representatives BEN GILMAN of New York and SAM GEJDENSON of Connecticut introduced a similar measure, which the House approved last year.

I thank the chairman of the Foreign Affairs Committee, Senator HELMS, and ranking member of the committee, Senator BIDEN, and the committee staff for their cooperation and insistence on this legislation. My staff and I have been working closely with these offices since last fall as well as with the administration and the Microenterprise Coalition. I thank Chairman GILMAN and the House International Relations Committee staff for their ongoing cooperation and support of this initiative.

We believe the investment in microenterprise programs that we are now investing will reduce the need for foreign assistance in the future. By passing the Microenterprise Self-Reliance Act, the Senate has a chance to ensure the future of these very successful programs and help provide a sense of hope and a future of possibilities for the poor in developing countries.

I thank my colleagues for their support of this legislation and I look forward to the continued success of the microenterprise programs.

I ask unanimous consent that the substitute amendment be agreed to, the bill be read the third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4287) was agreed to.

The bill (H.R. 1143), as amended, was read the third time and passed.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS

Mr. DEWINE. Mr. President, I rise this afternoon to talk about comments that have been made, both on the floor and off the floor, with regard to the job that the distinguished Senator from Utah, the chairman of the Judiciary Committee, Mr. HATCH, has been doing in regard to judicial nominations. I rise today to commend my colleague for the outstanding work he has done in regard to these nominations.

Make no mistake about it, this is tough work. No one who has not had the opportunity to watch this from a close point of view, to see it up close and personal, really has any idea what kind of effort Senator HATCH has made to make sure nominees who come to this floor have been examined very closely and very carefully. It is proper; it is correct that this be done. No one can do a better job at this than Senator ORRIN HATCH. I have watched him, day after day, in his examination and his staff's examination and work on people who have been nominated to the judicial bench. I must say he does a tremendous job.

Senate consideration of judicial nominations is always difficult. It is always contentious. That is just the nature of the business. Yet in this Congress, under the guidance of Chairman HATCH, the Senate has confirmed 69 Federal judicial nominations—69, for those who offer criticism. Mr. President, 35 of these nominees have been confirmed earlier this year, and we have just confirmed 4 more. Yet not only has the chairman been criticized for nominees who are still pending in the Judiciary Committee, he has even been criticized for nominees who have already been confirmed; that is, nominees who are now serving, today, this very day, as Federal judges. Chairman HATCH has been criticized for not moving those nominees fast enough. I strongly disagree. I believe the chairman has done an outstanding job, a fine job. I wanted to come to the floor this afternoon to say that.

I would like to talk about the confirmation process for a moment because, again, I think many times people really don't understand what this process entails—or at least what it entails when the chairman is doing a good job. I think an explanation of the process may help those who are listening to the debate today understand why some of the delays in confirmation of judicial nominees occur.

The President has very broad discretion, as we know, to nominate whomever he chooses for Federal judicial vacancies. The Senate, in its role, has a constitutional duty to offer its "advice and consent" on judicial nominations. Each Senator, of course, has his or her own criteria for offering this advice and this consent on these lifetime appointments.

The Judiciary Committee, though, is where many of the initial concerns about nominees are raised and arise. Often these concerns arise before a hearing is even scheduled. Judicial nominees are required to respond to a very lengthy and a very detailed questionnaire from the Judiciary Committee. They must submit copies of every document they have ever published, any writing they have ever published, and provide copies of every speech they have ever given. If they have previously served as a judge, they must provide information regarding opinions they authored.

There are various background checks conducted on each nominee. Sometimes outside individuals or organizations provide the committee with information about a nominee. Sometimes that information from outside groups comes very early in the process. But sometimes, quite candidly, it comes later on. Each time it comes in, the committee, committee staff, and ultimately the chairman must review that information.

All of this information is, of course, available to every member of the Judiciary Committee and must be thoroughly reviewed before the nominee is granted a hearing by the committee. If questions about a nominee's background or qualifications arise, further inquiry may be necessary. The chairman will schedule a hearing for a nominee only after thorough review of a nominee's preliminary information. At the hearing, a nominee has an opportunity to respond to any remaining concerns about his or her record. But even after a hearing, sometimes followup questions are necessary to properly examine issues regarding the nominee's qualifications. Obviously, this is a long process, as it should be—as it must be. After all, these are lifetime appointments. These judges will have a tremendous impact on how our laws are interpreted and enforced.

Some nominees, of course, have clear records of achievement and superb qualifications. These nominees often move through the committee and to the Senate floor very quickly. Other nominees have records that are really not quite so clear. These nominees take more time for additional investigation and careful consideration. If a nominee is nominated late in a Congress, and that nominee has questions raised about his or her background or qualifications, it is more likely that his nomination will not be considered by the Senate.

If nominees were only considered in the order they were nominated, the process would, of course, grind to a halt. We have heard some comments about that. Some people have argued this is a queuing up process; we just queue up whoever is next in line; they should go next on the Senate floor. But we know that cannot happen. If nominees were only considered in the order they were nominated, the process would grind to a halt as more qualified nominees would back up behind questionable nominees.

I believe, if it were not for ORRIN HATCH's efforts, there would have been far fewer judges confirmed during this session of the Congress. But I am also sure that if ORRIN HATCH had not been chairman, other questionable nominations would have been made. Because of this man's integrity, because of this man's honesty, because of this man's proven track record, and because he takes his job so seriously, I am convinced that certain nominations this White House might have considered making simply were never made and were never submitted.

I commend Senator HATCH for his efforts in moving the nominees along, but also for his efforts in doing a thorough and complete job. I am very proud to have ORRIN HATCH as chairman of this committee. We are very honored to have him serve in that capacity.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be able to proceed as in morning business for up to 7 minutes to discuss digital mammography.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL MAMMOGRAPHY DAY

Mr. BIDEN. Mr. President, we are now in the midst of National Breast Cancer Awareness Month, and the air has been filled with new and sometimes confusing statistics, new treatment, new research advances, and ever-present warnings about the seriousness of this dreaded disease.

One aspect of this issue that is close to my heart is National Mammography Day—a day to increase awareness of how routine periodic mammography and early diagnosis of breast cancer are responsible for huge increases in the numbers of long-term survivors of this disease.

I note parenthetically that my wife started an organization in my State to increase awareness—it is named after her, not me—called the BIDEN Breast Health Initiative, where she and her group of advisers bring oncology nurses and oncologists into the local high schools throughout the State to make young women in high school aware of breast health examinations and self-examination because the key to survival is early detection.

Breast cancer is now an illness not to be feared as a death sentence but to be conquered commonly and routinely. This year, National Mammography Day, which I sponsored years ago, will occur on Friday, October 20. As in previous years, the Senate has adopted a resolution that I introduced affirming this designation.

This year's National Mammography Day will see the beginning of a tremendous new advance in early detection of breast cancer—digital mammography. This new technique offers many advantages over standard film-based mammography. From the patient's point of view, the usual 40-minute examination time can be cut in half, and the exposure to radiation can be reduced in almost all instances.

For many women, the mammogram images with digital technology are considerably more precise. The digital technology makes it possible for the radiologist to manipulate the images and to zoom in on questionable areas, thus providing more accurate diagnosis in reducing the need for repeat examinations.

The digital technology does away with the cost and the disposal problems as well of x-ray film.

In addition, the retrieval of prior film for comparison with current images no longer require the time-consuming manual search through an x-ray room.

Finally, by switching to the digital approach, this new technique allows all future advances in digital computer technology to be applied directly to saving women from breast cancer.

It is impossible, in my view, to overstate the importance of this digital technique's adaptability to new technological advances. Those of us old enough to remember how the first personal computers were a huge advance over the slide rule are also aware of how the incredible subsequent advances in computer technology meant that those first PCs were now useful only as doorstops. I look forward to a similarly rapid advance in the new digital technology as it moves into the field of breast cancer diagnosis.

Digital mammography is a revolutionary technology that must be offered to seniors and disabled who obtain their medical care through Medicare. And it should be done as soon as possible. I strongly encourage the Health Care Financing Administration to evaluate this product expeditiously and to set appropriate payment rates under the Medicare program.

What I don't want to see happen—I realize this may seem somewhat premature—is that digital mammography is only available for those who are able to pay, while all those on Medicare or Medicaid, because the reimbursement cost is not sufficient to cover a digital mammography, will have to settle for what will prove to be an inferior test. The lives of many women who have yet to discover they have breast cancer may hang in the balance.

Therefore, I look forward to HCFA establishing a reasonable price at which reimbursement can be made under Medicare for those women on Medicare or Medicaid who seek a breast examination by use of digital mammography, the new emerging science, rather than one that is film based.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the conference report to accompany the Interior appropriations bill, and the conference report be considered as having been read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment and the Senate agree to the same, signed by all of the conferees on the part of both Houses.

There being no objection, the Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 29, 2000.)

Mr. LOTT. Mr. President, I say to those who are interested, we are going to the report, but there is no time agreement to run off. Nobody has given up their rights in that regard, but we are now going to be able to proceed to the conference report, and we will continue to work on the issues that are of interest to Senators.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now be in a period for morning business, with Senators permitted to speak for up to 10 minutes each.

In addition, I ask unanimous consent that the next 2 hours be under the control of Senators ROBERTS and CLELAND. I will be anxious to hear that presentation.

Mr. REID. Mr. President, I say to the leader, we are at a point now where people have spent literally months on the bill. It is good we are here. Senator LANDRIEU still has concerns. She wants to make sure everyone understands she may want to speak at least 2 hours and do some things with the legislation generally because of her unhappiness.

Mr. GORTON. Reserving the right to object, I ask the leader, does this mean we will start the actual debate on the Interior bill later today or will it be tomorrow?

Mr. LOTT. Mr. President, there is no time agreement, so we will not be running off agreed-to time. If Senators want to speak on the bill itself, he or she can. Since we do have 2 hours set aside now for Senator ROBERTS and Senator CLELAND, which will take us to 8 o'clock, I presume the decision will be that we will begin on the Interior bill first thing in the morning.

Mr. REID. Mr. President, I also say to the leader, we will all want to be getting our slippers on and pajamas ready for the big debate tonight.

Mr. LOTT. That is what I had in mind.

Mr. REID. By 8 o'clock.

Mr. LOTT. Did we get a clearance? Are the reservations withdrawn?

The PRESIDING OFFICER. Yes. Without objection, it is so ordered.

UNITED STATES PARK POLICE

Mr. THURMOND. Mr. President, I rise today to draw attention to a group of federal officers who carry out a vital mission and provide critical services, but are largely unknown to people not in the law enforcement community. I am referring to the men and women of the United States Park Police.

An agency within the Department of Interior, the United States Park Police traces its lineage back to 1791 when then President George Washington established a force of "Park Watchmen". In subsequent years, the authority of what has become the Park Police has been expanded so that today, that department is responsible for providing comprehensive police services in the National Capital Region. Furthermore, they have jurisdiction in all National Park Service Areas, as well as other designated Federal/State lands.

While you will find their officers in New York City and the Golden Gate National Recreation Area in San Francisco, the bulk of the officers and duties of the United States Park Police are right here in the National Capital Region. Park Police officers provide a multitude of services ranging from patrol to criminal investigation and from counter-terrorism to helping to protect the President. They are responsible for patrolling and providing police services in 22% of the geographic area of the District of Columbia, which includes all the national monuments; as well as, Rock Creek Park, National Parklands in the Capital Region, and 300 miles of parkways in the District of Columbia, Maryland, and Virginia.

The United States Park Police is a tremendous asset, but I am deeply concerned that due to a lack of adequate funding, it is an asset that is losing its edge. Make no mistake, I question not the leadership of the Park Police nor the brave men and women who serve selflessly as officers and support personnel in that agency. Chief Langston and his officers will do yeoman's work no matter how well or how poorly funded their agency is, they are professionals and committed to protecting the public. I am worried that the Department of Interior lacks a commitment to providing sufficient funds to the law enforcement operations that fall under the authority of the Secretary of the Interior. The Park Police is now 179 officers below its authorized strength of 806 officers. Furthermore, it is an agency that loses approximately 50 officers a year either through retirement or lateral transfers. It is understandable that it is difficult for some Park Police Officers to resist the higher pay of other agencies, especially when you consider that over a 30-year period, a United States Park Police Officer makes approximately $135,429 less than what the average salary is for officers at other agencies in this area. In addition to being shorthanded, equipment, from the officers' sidearms to the agency's radio equipment is antiquated and in need of replacement. The Park Police needs our help.

It is truly a shame that the Park Police is facing the challenges it is today and we are in a position to do something about it. The men and women who serve as Park Police Officers have not had a raise since 1990, and we should support legislation that will give them a much needed pay boost. In an era when it is harder and harder to attract qualified individuals into public service, let alone a life threatening profession such as law enforcement, it is vital we do something to reward those who already serve, as well as, to attract new officers to an agency that provides services that keep the Capital Region safe.

It might sound cliche, but the United States Park Police is there when they are needed. They are there when someone suffers an emergency in the waters around Great Falls, they are on the parkways when someone is in need of assistance, and they are on the Mall keeping visitors to Washington safe. They were there when the tragic shooting took place in this building, and they landed their helicopter on the plaza outside the Capitol in a valiant attempt to get a wounded United States Capitol Police Officer transported to a local trauma center as quickly as possible. Giving the officers of the United States Park Police a raise is not going to solve all of that agency's needs, but it will help recruit and retain personnel. More importantly, it is the right thing to do.

INTELLIGENCE AUTHORIZATION BILL

SECTION 303

Mr. BIDEN. Mr. President, section 303 of S. 2507, the Intelligence Authorization bill, as amended by the managers' amendment, establishes a new criminal offense for the unauthorized disclosure of properly classified information. Existing criminal statues generally require an intent to benefit a foreign power or are limited to disclosures of only some types of classified information. Administrative sanctions have constituted the penalty for most other leaks.

While I support the basic objective of this provision, we must ensure that it will not be used in a capricious manner or in a manner that harms our democratic institutions.

I see two respects in which some caution is merited. First, it could be applied to trivial cases. I believe that former Secretary of Defense Caspar Weinberger once said that he told everything to his wife. If his discussions with his wife included classified information, he surely would have violated the letter of this bill. But so-called "pillow talk" to one's spouse is common, and I don't think we mean to throw people in jail for incidental talk to a person who has no intent either to use the classified information, to pass it on to others, or to publish it.

Mr. SHELBY. The Senator from Delaware is correct. The Committee expects that the Justice Department will use its prosecutorial discretion wisely. In some cases, administrative remedies are clearly more appropriate. In each case however—as under all criminal laws—prosecutors will need to judge whether criminal charges are warranted.

Mr. BIDEN. My second concern is that section 303 not be used as a justification for investigations of journalists. Our republic depends upon a free press to inform the American people of significant issues, including issues relating to foreign policy and the national security. If a leak statute were to become a back door for bringing the investigate apparatus of the federal government to bear on the press, we would be sacrificing our democratic institutions for the sake of protecting a few secrets. Much as we are dedicated to the protection of classified information, that would be a terribly bad bargain.

Mr. SHELBY. I agree with the Senator from Delaware 100 percent, and I can assure this body that in passing section 303, no member of the Select Committee on Intelligence intended that it be used as an excuse for investigating the press. That is why the scope of this provision is limited to persons who disclose, or attempt to disclose, classified information acquired as a result of authorized access to such information. Such persons have a duty to protect classified information has no right to disclose that particular information to persons not authorized to receive it, persons, even if he or she should later become a journalist. By the same token, however, the statute is not intended to lead to investigation or prosecution of journalists who previously had authorized access to classified information and later, in their capacity as journalist, receive leaked information.

SECTION 305

Mr. BIDEN. Section 305 of S. 2507, the Intelligence Authorization bill, provides, in brief, that no future "Federal law . . . that implements a treaty or other international agreement shall be construed as making unlawful an otherwise lawful and authorized intelligence activity of the United States Government . . . unless such Federal law specifically addresses such intelligence activity." This provision is necessary, the Committee report explains, because "[t]here has been a concern that future legislation implementing international agreements could be interpreted, absent the enactment of section 305, as restricting intelligence activities that are otherwise entirely consistent with U.S. law and policy." The concern arises from an opinion issued in 1994 by the Office of Legal Counsel (OLC) of the Department of Justice. In that opinion, the Office interpreted the Aircraft Sabotage Act of 1984—a law implementing an international treaty on civil aviation safety—as applying to government personnel. Although the OLC opinion emphasized that its conclusions should "not be exaggerated" and also warned that its opinion "should not be understood to mean that other domestic criminal statutes apply to U[nited S[tates] G[overnment] personnel acting officially," the Central Intelligence Agency, out of an abundance of caution, wants to avoid cases in which legislation implementing a treaty might criminalize an authorized intelligence activity even though Congress did not so expressly provide. I understand the Agency's concern that clarity for its agents is important. At the same time, however, we should take care to specify how section 305 is intended to work.

One question is this: how do we tell when a Federal law actually "implements a treaty or other international agreement?" My working assumption, in supporting section 305, is that we will be able to tell whether a future law "implements a treaty or other international agreement" by reading the law and the committee reports that accompany its passage. If the text of that future law or of the committee reports accompanying that bill states that the statute is intended to implement a treaty or other international agreement, then section 305 is pertinent to that statute. If there is no mention of such intent in that future law or in its accompanying reports, however, then we may safely infer that section 305 does not apply. Is that the understanding of the Select Committee on Intelligence, as well?

Mr. SHELBY. That is certainly our intent. If a future law is to qualify under section 305 of this bill, we would expect its status as implementing legislation to be stated in the law, or some other contemporaneous legislative history.

Mr. BIDEN. another question is how to tell that a U.S. intelligence activity "is authorized by an appropriate official of the United States Government, acting within the scope of the official duties of that official and in compliance with Federal law and any applicable Presidential directive." I am concerned that this could be misinterpreted to mean that some intelligence bureaucrat could authorize some otherwise illegal activity with a wink and a nod. It is not the intent of the Select Committee on Intelligence that there be written authorization for a U.S. intelligence activity?

Mr. SHELBY. I understand the concerns of the Senator from Delaware. We expect that in almost all cases intelligence operations exempted from future treaty-implementing legislation will have been authorized in writing. I would note however, that many individual actions might be authorized through general written policies, rather than case-specific authorizations.

Neither would I rule oral authorization in exigent circumstances. The Committee believes that intelligence agencies would be well advised to make written records of such authorizations, so as to guard against lax management or later assertions that unrecorded authorization was given for a person's otherwise unlawful actions. Such written records will also protect the government employees from allegations that their actions were not authorized.

Mr. BIDEN. My final question to the chairman of the Select Committee on Intelligence relates to how other countries may view section 305. I interpret section 305 as governing only the interpretation of a certain set of U.S. criminal laws enacted in the future and whether those laws apply to government officials. Is that also the understanding of the chairman of the Select Committee on Intelligence?

Mr. SHELBY. Yes, it is. Section 305 deals solely with the application of U.S. law to U.S. Intelligence activities. It does not address the question of the lawfulness of such activities under the laws of foreign countries, and it is in no respect meant to suggest that a person violating the laws of the United States may claim the purported authorization of a foreign government to carry out those activities as justification or as a defense in a prosecution for violation of U.S. laws.

Mr. BIDEN. I thank the distinguished chairman.

SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	$600,351,000,000	$592,809,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	928,138,000,000	934,583,000,000
Adjustments:		
General purpose discretionary	+1,956,000,000	+905,000,000
Highways		
Mass transit		
Mandatory		
Total	+1,956,000,000	+905,000,000
Revised Allocation:		
General purpose discretionary	602,307,000,000	593,714,000,000
Highways		26,920,000,000
Mass transit		4,639,000,000
Mandatory	327,787,000,000	310,215,000,000
Total	930,094,000,000	935,488,000,000

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

	Budget authority	Outlays	Surplus
Current Allocation: Budget Resolution	$1,526,456,000,000	$1,491,530,000,000	$11,670,000,000
Adjustments: Emergencies	+1,956,000,000	+905,000,000	−905,000,000
Revised Allocation: Budget Resolution	1,528,412,000,000	1,492,435,000,000	10,765,000,000

THE ELECTION OF VINCENTE FOX

Mr. LEAHY. Mr. President, on July 2, 2000, the people of Mexico elected Vincente Fox, candidate of the National Action Party, to be their President. This election represents a dramatic change and a historic affirmation of democracy in Mexico. The inauguration of Mr. Fox later this year will end 71 years of PRI control of the Mexican Presidency.

I want to join other Members of congress in expressing my congratulations to Mr. Fox and the people of Mexico. I also want to commend President Zedillo, whose leadership helped to ensure the freest and fairest election in Mexico's history.

Mr. Fox's election has significance far beyond Mexico's borders. It represents an historic opportunity for our two countries to redefine, broaden and strengthen our relationship.

It is a relationship that has been burdened by history, and plagued by distrust, arrogance, and misunderstanding. There have been times when it seemed that on issues of hemispheric or international importance Mexico embraced whatever position was the opposite of the United States position, simply because we are the United States. At other times, our country has treated Mexico like a second-class cousin once or twice removed.

Problems that can only be solved through cooperation have too often been addressed with fences and sanctions, and self-serving assertions of sovereignty. It is time for a new approach. There is far too much at stake for us to continue down the road of missed opportunities.

Mexico is our neighbor, our friend, and our strategic partner. We share a 2,000-mile border. We have strong economic ties, with a two-way annual trade of $174 billion. We have a common interest in combating transnational problems, and we have strong cultural bonds, as more than 20 million people of Mexico descent now live in the United States.

At present, there are several issues between the two countries that deserve immediate attention:

After more than 6 years, the situation in Chipas remains unresolved. Many innocent lives have been lost and thousands of people are displaced and living in squalor. Tens of thousands of Mexican troops have surrounded the area, which could explode in renewed violence at any time. There is an urgent need to demilitarize the area and embark on an enlightened, sustained, good faith process to address the underlying social, economic, and political issues and resolve this conflict peacefully.

Since the implementation of NAFTA, trade between our countries has doubled. While NAFTA has been beneficial for both nations, reports of violations of labor and environmental laws must be more effectively addressed and outstanding trade disputes must be resolved.

The Mexican Government has made progress in combating illegal narcotics trafficking by undertaking a number of measures, including firing more than 1400 federal police officers for corruption, cooperating with the FBI last year on an investigation that occurred on Mexican soil, and increasing seizures of illegal narcotics. However, major problems remain and far more needs to be done to reduce narco-trafficking and official corruption in Mexico.

Illegal immigration continues to be a major concern for both countries. Although we must be sure that our immigration laws are effectively and fairly enforced, a long-term solution can only be achieved by improving the quality of life in Mexico where half the population—some 50 million people—struggles to survive on $2 per day.

With thousands of United States and Mexican citizens traveling back and forth across the border every day, the spread of HIV/AIDS, TB and other infectious diseases is inevitable. These health problems, and shared environmental problems, can only be effectively addressed if we work together.

Human rights is another issue of importance to the Mexican people, and to Americans. These are universal rights, and it is very disturbing to read reports by the State Department and respected human rights organizations of widespread torture by Mexican police. It is also unacceptable that American citizens, including priests, some of whom have lived and worked in Mexico for decades, have been summarily deported for as little as being present at a demonstration against excessive force by the Mexican Army. Even when the Inter-American Human Rights Commission rejected the Mexican Government's arguments in these cases, the Mexican Government has refused to change its policy.

On August 24, 2000, President-elect Fox came to the United States, where he met with President Clinton and Vice President GORE. During those meetings, Mr. Fox expressed a strong commitment to democracy, economic development, and human rights, and to cooperate with the United States to combat corruption, illicit drug trafficking, and other transnational threats.

This bodes well for our future relationship. I hope that we would soon invite President-elect Fox to address a joint session of Congress. This should happen as soon as possible after the 107th convenes in January. Congress has had a major role in shaping United States policy toward Mexico, and we would all benefit from hearing directly from Mr. Fox. It would also give him an opportunity to outline in more detail his proposals to address key issues that affect our relations.

Like many Americans I was very encouraged by Vincente Fox's election, and am confident that he will be a strong partner of the United States. I look forward to making the most of this opportunity to strengthen the United States-Mexico relationship.

AIR FORCE MEMORIAL

Mr. DOMENICI. Mr. President, I rise today in support of extending enabling legislation for the proposed Air Force Memorial. Much has already been accomplished by the Air Force Memorial Foundation in its effort to make the Memorial a reality. More time is necessary, however, to complete the work that is left to ensure that our Air Force heroes are properly recognized.

Despite decades of unflagging commitment to America's national security, the U.S. Air Force is the only branch of the armed services without a memorial in the Nation's Capitol The time has come to establish a site where the American people can honor their aviation heroes. Building the memorial will accomplish this by recognizing yesterday's aviation pioneers, serving as a tribute to those serving their country today, inspiring future generations to proudly serve in the Air Force in the future, and by preserving the airpower lessons of the 20th century.

American policymakers have long understood the importance of establishing air superiority during military crises. Time and again, the United States Air Force has answered the call of duty and performed with distinction. Mr. President, we owe these brave men and women the honor of their own memorial, and I urge my colleagues to support extension of this enabling legislation.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 3, 1999:

Jonos Baptiste, 21, Miami-Dade County, FL; Stephen Barnett, 39, Baltimore, MD; Brandon Brewer, 26, Nashville, TN; Frederick Darrington, 30, Kansas City, MO; Ernesto Galvan, 33, Dallas, TX; Charles Hart, 45, Detroit, MI; Lloyd Hilton, 24, Gary, IN; Herman M. Logan, 26, Chicago, IL; Pablo A. Martinez, 20, Oklahoma City, OK; Melvin B. McPhail, 51, Madison, WI; Arthur Michael, 50, San Antonio, TX; Joe Moore, 29, Fort Wayne, IN; Ryan Pearson, 22, Kansas City, MO; Michael J. Plancia, 18, Salt Lake City, UT; Miquel Rivas, 21, Houston, TX; William M. Smith, 52, Memphis, TN; Brandon A. Wakefield, 20, Longview, WA; Porsche Williams, 15, Miami-Dade County, FL; and unidentified male, 62, San Jose, CA.

One of the victims of gun violence I mentioned, 15-year-old Porsche Williams of Miami-Dade County, Florida, was a young mother. In addition to caring for her own three-year-old child, Porsche cared for her younger brothers and sisters after her mother died of cancer. Porsche's life ended tragically when her ex-boyfriend shot and killed her one year ago today. The 21-year-old gunman later shot and killed himself

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

NETWORKS FAILURE TO CARRY PRESIDENTIAL DEBATES

Mr. HOLLINGS. Mr. President, I rise today to express my displeasure and disappointment that two of the four major broadcast networks—NBC and Fox, have decided not to broadcast nationally, the presidential debate scheduled tonight between the Democratic and Republican candidates for President.

This election is likely to be among the closest national races in the last twenty years. In exchange for the use of spectrum without the imposition of a fee, broadcasters have to fulfill their public interest obligation. I do not believe it is too much to presume that showing vital news information such as a presidential debate is encompassed in a broadcaster's public interest obligation.

Instead of showing the debate, NBC is showing a divisional wildcard playoff baseball game, although they are apparently permitting their affiliates to broadcast the debate, if they so choose. Even more appalling, Fox is showing its new science fiction series produced by its own studio—Dark Angel—which I understand is particularly violent.

On Sunday, the Washington Post ran a story entitled—"Even Hits can Miss in TV's New Economy." That article outlined the enormous incentives the Networks have to air programs in which they possess a vested financial interest. I quote—

> Just as a supermarket might reserve its best shelf space for its house brands, the networks have begun to favor their in house programs over shows created by others, which are often less profitable in the long term.

There it is Mr. President. Money trumps the political process once again. Fox has likely spent millions of dollars to develop and promote its new series, and NBC likely spent a significant amount of money to acquire the rights to broadcast a baseball playoff game. But Mr. President, when networks choose their own programming or sports programming over an event as significant as tonight's debate, they fail to meet their public interest obligation. Having to reschedule a baseball game or the debut of a new series created by their studios does not justify NBC or Fox precluding the public from having access to the presidential debates. I understand that one network, ABC, decided to postpone the debut of one of its new shows "Gideon's Crossing" by one night so as to air tonight's debate. That is called honoring your public interest obligation. By choosing not to air the debates, these other networks have undermined the integrity of the political process and our democracy, and engaged in a disrespect of the American electorate.

The political process should be covered. The American people deserve such coverage. The grant of free spectrum worth billions of dollars to broadcasters comes with a public interest obligation that requires them to inform the public of issues of vital importance—not simply to do what is financially expedient.

OLDER AMERICANS ACT AMENDMENTS

Mr. BIDEN. Mr. President, I am pleased to be a cosponsor for the Older Americans Act Amendments of 1999, which would authorize and expand the programs first set up under the Older Americans Act of 1965.

The Older Americans Act authorizes a series of absolutely essential services for our country's seniors. Among others, the Act provides nutrition services, legal assistance, disease promotion, elder abuse prevention, employment assistance, and numerous informational programs, including the long-term care ombudsmen. There is hardly a senior in this country that is not touched, directly or indirectly, by one or more of the provisions of the Older Americans Act. These programs have become an integral part of the infrastructure that helps keep our most experienced citizens vital and constructive members of society.

I am particularly pleased that this bill includes a much-needed new service, the National Family Caregivers Program. The major medical advances of the past 50 years have led not only to an overall aging of the population but also to an increasing proportion of the elderly who are living with chronic diseases and disabilities. Many of these infirm elderly are cared for at home, putting a severe financial and emotional strain on family caregivers. This new program will provide such caregivers with a panoply of assistive services, including provision of information, assistance with access, counseling and training, respite care, and other supplemental services (home care, personal care, adult day care).

It is absolutely essential to assist caregivers as much as possible in order to allow our infirm seniors to maintain their autonomy and sense of self-worth, to permit them to live in the company of their loved ones and in the least restrictive environment compatible with their needs. This is what our seniors fervently desire and it is the right thing to do; the likelihood that such programs will save the government money in the long run is an added bonus.

There is little time left in this session of Congress, and there are many things that must be finished before adjournment. Yet as we struggle with our workload, I hope we can take a few minutes to find a way to pass the Older Americans Act Amendments this year, on behalf of all of our older loved ones.

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MEMPHIS POLICE DEPARTMENT AND AMERICA'S LAW ENFORCEMENT OFFICIALS

Mr. FRIST. Mr. President, two years ago this revered but relatively insulated complex we affectionately call Capitol Hill was rocked by a lone gunman who shot his way through two security checkpoints and, in a rampage, not only terrorized tourists and staff but took the lives of two dedicated U.S. Capitol Police officers who died defending them and the institution in which we all serve.

As a trauma surgeon, I am used to blood and death, but it is one thing to treat the result of violence in a hospital; quite another to walk straight into its midst in a place you'd never expect. That day brought home not only at what great risk these dedicated police officers serve, but also how much we take their service—and their courage—for granted.

But the U.S. Capitol Police are not the only ones who deserve our respect and support. Every officer, in every city and town across America, who walks a beat, patrols a street, intercepts a drug push, responds to the call of an angry neighbor or spouse, or even pulls over a speeding motorist, runs the same risk of death or serious injury from spontaneous violence that Officers Chestnut and Gibson faced that day. Each of those officers deserve our thanks and admiration, but most of all, they deserve our support.

That is why I have consistently fought for more Federal block grant funds for local police departments, as well as the flexibility to use those funds wherever they're needed most—not just to hire more police officers, but to purchase the equipment or training they need to protect not only the lives of our citizens—which they are more than willing to do—but their own lives as well.

Three weeks ago, I had the honor of meeting with the Board of the Memphis Police Association in Memphis, Tennessee—a hard-working group of law enforcement officials who represent the 1,800 police men and women who respond to over 800,000 calls annually, protecting lives and property in Tennessee's largest city.

As always, they offered many constructive suggestions about how Congress might address a variety of law enforcement issues, including the issues of recruitment and quality of life. As the people who man the front lines in the war against crime and see first-hand the challenge that faces all of us, their perspective is invaluable, and I hope to translate some of their ideas into legislation for the Senate's consideration next year.

One of the advantages of being a U.S. Senator is the opportunity to undergo extraordinary experiences one would otherwise never have. Getting to spend time with the men and women who have made law enforcement their life's work—the officers, the sheriffs, and others—is one such extraordinary experience, and it always humbles me to witness their courage and dedication up close. They work long hours away from their families, often at great personal risk, and endure low salaries and years of stress at work and at home to make our lives safer and easier. And I, for one, wish to acknowledge the men and women of the Memphis Police Department, and all law enforcement personnel in Tennessee and across America, for the selfless work they do.

We who work every day in this symbol of democracy are fortunate, because we get to know the men and women of the U.S. Capitol Police on a personal basis. We greet them every day, we witness their dedication to duty, they inquire after us and our families, they become our friends. Long after Officers Gibson and Chestnut were laid to rest, we remember still their warmth and their many kindnesses, their lives and their heroic sacrifice. Unfortunately, other officers with just as much courage and dedication to duty are not known by the people they protect. But that does not mean they should be appreciated any less.

And it is not just the people of their communities who should appreciate them. As the representatives of those people in Washington, we also must recognize America's police men and women for what they are—American heros—and do whatever we can to support their efforts on our behalf.

GLOBAL DISASTER INFORMATION NETWORK

Mr. AKAKA. Mr. President, I rise to commend employees of the many Federal departments and agencies responsible for the impressive preliminary work on establishing a Global Disaster Information Network, GDIN.

As a member of the Governmental Affairs Committee, which authorizes the Federal Emergency Management Agency, FEMA, I take a keen interest in the way in which institutions in the federal government respond to disasters. I am struck by the tremendous potential advanced technologies, including satellite imaging, the Worldwide Web, and computer data systems can play in improving our responsiveness to natural disasters.

Much of the credit is due to the visionary leadership of Vice President GORE for directing GDIN's development and for recognizing the potential for harnessing current day technologies in an unprecedented and innovative way.

GDIN represents a coordinated effort among the Nation's federal disaster agencies, intelligence agencies, the National Aeronautics and Space Administration, academia, and industry, and their international counterparts, to utilize existing and emerging information technology more effectively to provide key decision makers with information critical for reducing loss from natural disasters. As a result of GDIN, the availability of critical disaster response, recovery, mitigation and preparedness information is now greater than ever before.

Domestic disasters are estimated to cost an average of $54.3 billion, causing 510 deaths per year. International disasters kill more than 133,000 people and cost more than $440 billion in property damage. The added costs of widespread human suffering and political instability are incalculable.

The current capabilities of GDIN are impressive, but future capabilities and possibilities hold even greater promise. GDIN's development exemplifies the best international collaborative efforts between government and industry and illustrates the innovation possible only in this great technological age. Surprisingly, GDIN has received scant attention by the American public or the media.

Prior to GDIN, there was no common approach to accessing a single source for the broad range of information needed for natural disaster reduction or aids to help integrate information from many diverse sources. Relevant information was difficult to locate or use effectively. Disaster managers worldwide were consistently frustrated by poor telecommunications and inadequate infrastructure.

In February 1997, Vice President GORE wrote to key Federal departments and agencies requesting a feasibility study for establishing a global disaster information network, through the integration of the Internet and other emerging technologies, to improve preparedness and responsiveness to natural or environmental disasters. A Federal task force was formed to explore public/private partnerships to make the concept a reality. In April 2000, President Clinton issued Executive Order 13151, formally creating GDIN and setting operational objectives.

A key objective of GDIN is to promote the United States as an example and leader in the development and dissemination of disaster information, both domestically and abroad, and to seek cooperation with foreign governments and international organizations. Continued Federal leadership is essential to its continued success. The creation of a highly sophisticated and widely distributed knowledge base, encompassing common systems of measurements, methods of data visualization and exploitation, information analysis, event forecasting, knowledge modeling, and data and information management, remains key to successful future development.

For example, in 1997, the region of Grand Forks, North Dakota suffered losses greater than $400 million when the Red River rose. In order to predict flood areas accurately, we need a system that can overlay information not only on water levels and rates but also the surrounding infrastructure of levies and roads, which affect the flow of water.

A positive example of data integration was in the 1996 fire in Mendocino, California, in which data from the Landsat Thematic Mapper, Digital Elevation Models, infrared scanners, information from National Technical Means, and field reports were used to assess fire damage, as well as the potential for erosion and new growth. Additional information on rangeland, wildlife habitats, and recreational needs were included to build a comprehensive plan for re-vegetation resulting in a plan by the U.S. Forest Service, which is estimated to have saved $250 million by more efficient planting.

These are isolated examples. The program, both nationally and internationally, is still in its infancy. The information is there but the way to access it is still a work in progress. Unfortunately, on the domestic front there has been a lack of support in some circles for this program. Such lack of support is deplorable. The need to find more effective ways to respond to disasters in the United States must be above partisan politics.

We live in truly amazing times. Rapid improvements in communications, the Internet, space imagery, remote sensing, global positioning technologies, and early warning forecasting hold promise to continue to revolutionize disaster management and therefore save lives and reduce human suffering in very significant ways.

ORGANIZED LABOR AND PNTR—NOT A MONOLITHIC APPROACH

Mr. ABRAHAM. Mr. President, a week ago I met with a national workforce coalition of unions that came out in support of establishing Permanent Normal Trading Relations with China. I had encountered some of the labor leaders who belong to this coalition on several other occasions, including at the Republican National Convention in Philadelphia in August. I simply rise today to note for my colleagues that organized labor in this country is not monolithic in their views on such matters as trade and protectionism.

The members of the coalition I met with last week came primarily from the aerospace industry in the Pacific Northwest, building the jet airplanes, engines, and other aerospace subsystems that are competing globally with the likes of Europe's Airbus. However, I have previously met members of this coalition that extend beyond the aerospace industry and the Pacific Northwest. They represent such traditional manufacturing industries as steel, aluminum, diesel engines, farm equipment, and rail locomotives. They repesent a diverse array of the American workforce—everything from production workers on the line to engineers and scientists. And they are from across this great nation.

The message these union officials had was that they understood that China was a burgeoning market for U.S. exports. They understood that if the U.S. did not approve PNTR for China that we would not only lose the trade concessions they have made to us under this agreement, but we would also lose our ability to gain greater market access and share. And they understood that the largest beneficiary of such an outcome would be our trade competitors in the European Community, in the rest of Asia, and in South America. They understood that one of the best ways to guarantee that American firms remain in the United States—employing American workers and bolstering our economic growth—was to eliminate the existing trade barriers that have served to up until now to freeze out our products or force U.S. companies to move facilities over to China.

Without removing these barriers and liberalizing trade between the U.S. and China, American firms seeking to compete with their foreign competitors would have every incentive to move their factories and operations over to China. With PNTR and China's entry into the World Trading Organization we increase the likelihood that American companies will continue to remain located in the United States. And that is good news for the union workers and households in the state of Michigan which will continue to produce a wide array of goods that will be exported to China.

As I pointed out in a statement I made on the floor supporting PNTR, exports from Michigan to China increased 25 percent between 1993 and 1998, and they have undoubtedly grown significantly greater since 1998. Exports to China from businesses located in the Flint and Lansing areas grew by 84 percent during that period. Meanwhile, exports to China from Kalamazoo and Battle Creek grew by an extraordinary 353 percent! Not all of that business is going to union shops, but certainly a significant portion of it is, and that sort of expansion in trade with China is going to benefit all workers and businesses in Michigan—union and non-union.

Clearly the majority of unions and union members in this country opposed PNTR for China. I heard from and spoke with many, many such workers from Michigan—both back in Michigan and when the unions have come out to Washington, DC, to meet with their representatives in Congress. I come from a union background and grew up in a union household. I took their concerns very seriously in weighing the many issues that went into my ultimate decision to vote for PNTR. And I have pledged to hold China accountable for their future behavior and to fulfill their trade obligations under the WTO's rules and the agreement we have negotiated with them.

But there are indeed unions—rank-and-file members and leadership alike—who see the opportunity presented by PNTR and allowing China into the WTO as a tremendous opportunity for the United States to continue to lead the world in productivity and in our economic strength. They are prepared to answer the challenge posed by the global economy and the opening of China's markets, and they recognize the benefits which will result if we are leading the way into opening China to greater trade instead of sitting on the sidelines allowing our trade competitors to reap all the benefits.

We should not forget that the U.S. is a very diverse country and that no institution—including organized labor—is a monolithic force. There are folks on both sides of the issue, each feeling very strongly and very sincerely that they are doing what is best for them and their brethren.

Mr. EDWARDS. Mr. President, I rise today in support of Senator HATCH's resolution commemorating our Olympic athletes for the spirit, enthusiasm and patriotism they displayed in Sydney at the XXVII Summer Games. I am proud to represent a state that sent to Sydney two of the nation's most recognizable athletes, Marion Jones and Mia Hamm, as well as numerous other athletes who valiantly competed in these Olympic games.

The nation's eyes were on Marion Jones as she set out to win an unprecedented five gold medals in Sydney. While Marion didn't win five golds, she made us all proud with her commanding performance. She set a track and field record by winning more medals in a single Olympics than any other woman in history. Her three gold and two bronze medals have put Marion atop the track and field world. More important than winning her events, Marion accepted each of her medals with grace and style, epitomizing what Olympic competition is all about.

Mia Hamm has captivated children and adults alike with her charisma and passion for the game of soccer. Thousands of girls across North Carolina take to the soccer fields in hopes of being the next Mia Hamm. Watching Mia play in Sydney, I understand why. In the women's soccer semifinals against Brazil, Mia was pushed, shoved and thrown to the ground time and time again. She did not once complain, letting her actions speak louder than words by scoring the only goal of the match. The United States Women's Soccer team went on to claim the silver medal, led by other Tar Heels such as goal keeper Siri Mullinix of Greensboro and Carla Overbeck of Chapel Hill.

I am also extremely proud of other North Carolinians who competed in Sydney. While these athletes haven't received the attention Mia Hamm and Marion Jones have, they are equally important and should be commended for their accomplishments. Robert Costello of Southern Pines competed in equestrian events. Tim Montgomery and Jerome Young, both of Raleigh, Lynda Blutreich of Chapel Hill and Melissa Morrison of Kannapolis competed in track and field. Charlie Ogletree of Columbia competed in sailing. Rich DeSelm of Charlotte swam in Sydney. Calvin Brock of Charlotte represented the United States in boxing. George Hincapie and Fred Rodriguez both of Charlotte competed in cycling. Hunter Kemper of Charlotte competed in the triathlon and Henry Nuzum of Chapel Hill competed in rowing.

The United States should be proud of every athlete who competed in the Olympics. I am especially proud of the North Carolinians who represented the United States in Sydney, and I am pleased to support this resolution with them in mind.

NATIONAL CRIME PREVENTION MONTH

Mr. GRAMS. Mr. President, I rise today to express my support for the strong partnership between localities and the federal government in preventing crime across the United States. As my colleagues may know, October is recognized as "National Crime Prevention Month."

Earlier this year, the Federal Bureau of Investigation announced that serious crime had declined nationally for the eighth consecutive year. Although many reasons for this promising news can be cited, I believe the efforts of state and local governments have caused a reduction in crime rates. To ensure continued success, the federal government should not impose additional mandates upon local communities that will only prevent the development of effective crime prevention programs.

During this session of the 106th Congress, I am pleased to have worked with Minnesota's public safety officials on a number of crime and drug abuse prevention initiatives. Most importantly, I am pleased that the Fiscal Year 2001 Commerce, Justice, State Appropriations bill includes $4 million for the State of Minnesota to develop a statewide computer network that will provide judicial and law enforcement agencies with universal access to critical information about criminal offenders at the time of their arrest, prosecution, sentencing, and during other important proceedings. Information is the key to an effective and accountable criminal justice system. The Minnesota Legislature recently enacted legislation, known as "Katie's Law," that provides state funding for the development of this initiative.

I also believe it is essential that Congress do more to ensure that anti-drug resources reach the areas of our country where drug abuse and crime is on the rise and the anti-drug resources of state and local law enforcement have been seriously strained. That is the situation facing law enforcement agencies in my home state that have worked to combat methamphetamine production and trafficking throughout our communities—particularly in rural areas.

For more than a year, I have been working to address the rising methamphetamine drug epidemic in Minnesota by having Minnesota designated as a High Intensity Drug Trafficking Area, HIDTA. This designation will provide additional anti-meth resources to Minnesota and ensure better coordination of federal-state-local efforts at defeating this threat to public safety. I am pleased that the Fiscal Year 2001 Treasury-Legislative Branch Appropriations bill includes funding for new HIDTA designations, and a directive to the Office of National Drug Control Policy that Minnesota must be among the first states considered for HIDTA designation in the upcoming fiscal year.

My rural crime prevention agenda has included strong support for S. 3009, the "Rural Law Enforcement Assistance Act of 2000." The value of this legislation was brought to my attention by St. Cloud State University Professor John Campbell and several Minnesota police chiefs and sheriffs. I greatly appreciate having the benefit of their expertise. The Rural Law Enforcement Assistance Act would provide funding to the National Center for Rural Law Enforcement to expand the technical assistance and training available to rural law enforcement personnel. As a cosponsor of this bill, I am hopeful that rural Minnesota will soon establish a regional center that will bring the benefits of these programs to our state.

During National Crime Prevention Month, it is also important to note the impact the Violence Against Women Act, VAWA, has had upon the rate of domestic abuse, stalking, and sexual assault across the nation. Since its enactment, the VAWA has provided thousands of communities with assistance to develop innovative and effective programs that have contributed toward protecting individuals from sexual offenses and domestic abuse.

In Minnesota, domestic violence shelters and centers have improved their services to victims of sexual, emotional, and physical abuse through such important programs as the Rural Domestic Violence and Child Abuse Enforcement Grant program and funding to combat violence against women on university campuses. Additionally, many domestic abuse victims have benefited from the counseling and guidance provided through the National Domestic Violence Hotline established under the Violence Against Women Act. I am proud to be a cosponsor of legislation to reauthorize the Violence Against Women Act and expect that this legislation will be passed before the 106th Congress adjourns.

Finally, I commend the dozens of Minnesota cities that are active participants in the "National Night Out" program. These neighborhood residents have sent a strong message to criminals that our neighborhoods are organized and fighting back against the threat of crime. Similar to the TRIAD seniors crime prevention program, National Night Out encourages increased citizen interaction with law enforcement officers to prevent crime. I will continue to be a strong advocate in Congress for the National Night Out and TRIAD programs.

I am proud of the active involvement of our citizens in developing innovative crime prevention initiatives. Their commitment to ensuring safer streets and safer communities throughout our state has made Minnesota a better place to work and a better place to call home.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, October 2, 2000, the Federal debt stood at $5,661,548,045,674.53, five trillion, six hundred sixty-one billion, five hundred forty-eight million, forty-five thousand, six hundred seventy-four dollars and fifty-three cents.

Five years ago, October 2, 1995, the Federal debt stood at $4,987,587,000,000, four trillion, nine hundred eighty-seven billion, five hundred eighty-seven million.

Ten years ago, October 2, 1990, the Federal debt stood at $3,261,514,000,000, three trillion, two hundred sixty-one billion, five hundred fourteen million.

Fifteen years ago, October 2, 1985, the Federal debt stood at $1,823,105,000,000, one trillion, eight hundred twenty-three billion, one hundred five million.

Twenty-five years ago, October 2, 1975, the Federal debt stood at $553,269,000,000, five hundred fifty-three billion, two hundred sixty-nine million, which reflects a debt increase of more than $5 trillion—$5,108,279,045,674.53, five trillion, one hundred eight billion, two hundred seventy-nine million, forty-five thousand, six hundred seventy-four dollars and fifty-three cents during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO NATHANIEL COBB

• Ms. SNOWE. Mr. President, I rise today to recognize the extraordinary contributions of Nathaniel T. Cobb of Waterville, Maine, to this great Nation.

Nate Cobb is a veteran of World War II, where he served as a combat engineer in the South Pacific and participated in the planning of six invasions during his tenure in the Army. Like so many brave Americans, he came home after the war and continued to contribute to his country and community.

Over the years, Nate has generously and selflessly reached out to fellow veterans and their families in need, working to ensure that veterans receive the benefits they have earned and so richly deserve. To this end, Nate often devoted his weekends and evenings to helping veterans, even as he worked full time for the Waterville Morning Sentinel newspaper in Waterville, Maine for almost 40 years.

In the 1960's Nathaniel Cobb demonstrated impressive foresight in proposing the idea of a veterans cemetery to former Senator Margaret Chase Smith, who worked with him to establish—in Maine—the first state veterans cemetery in the entire country.

As State Adjutant of the American legion at the time, he presented the resolution calling for a veterans cemetery to the State legislature, which approved it unanimously. Not only that, but he worked tirelessly to secure funding for the cemetery, which was dedicated in 1970, and later helped establish a chapel there as well.

Nate's achievements also extend into the realm of the written word, having written two books about the Maine Veterans Memorial Cemetery in order to raise funds to preserve the ground for generations to come. To this day, the proceeds from the sale of this book are still generating support for the cemetery association. I am proud that a letter I wrote in support of his efforts appears in the second edition of his book.

Nathaniel Cobb also initiated the "Garden of Remembrance" at the cemetery to honor those Mainers whose remains were never found. He was Sate Adjutant for the American Legion twice, State Treasurer for 12 years, and State Chaplain for 6 years. He has served on the Maine Veterans Home Board and on the Veterans Loan Authority Board. It was an honor to work with him on the fight to preserve Maine's only veterans hospital—the Togus Veterans Administration Medical and Regional Office Center—as well as other fundamental needs of Maine's veterans.

I congratulate Nate today as well as express my profound appreciation as an American for the lifetime of service and sacrifice he has rendered. He is truly an effective and doggedly determined advocate for veterans.

I have nothing but the utmost respect for those, like Nathaniel Cobb, who have served with courage, honor and distinction when their country—and the world, no less—needed them so desperately. From World War II through Korea, Vietnam, the Persian Gulf, Bosnia, Kosovo, and numerous other conflicts, freedom and democracy have survived because when the call to duty came, our veterans were there to answer.

It is because of them that we enjoy lives unfettered by oppression, in a democracy that stands as a blueprint—and a beacon—for people the world over. It is because of them that we stand at the vanguard of human rights, human dignity, and personal opportunity.

And as long as America remains a beacon of hope, we must never forget it is a beacon that shines with the bright light of all those, like Nathaniel Cobb, who sacrificed for the principles for which America stands. We may hardly know where to begin in reconciling a debt to them that can never be fully repaid. but we know we can do no less than to try our very best.

In that light, it is truly an honor to congratulate Nate Cobb on a life of accomplishments and contributions to this country of which he should be rightfully proud. He is a credit to Maine and the Nation and a true American hero in every possible sense of the world. Thank you, Mr. President.•

WATERBURY CENTER'S VILLA TRAGARA

• Mr. LEAHY. Mr. President, one of the joys in living in a State as small as Vermont is that you get to know where all the treasures are. One such treasure is Villa Tragara in Waterbury Center. My family and I have gone there for so many years and have become friends of Tish and Tony DiRuocco. When my mother was alive, she knew that she could call Tony when the Italians won soccer matches and have someone she could speak with in her native tongue, while they both toasted Italy's victory.

Recently Debbie Salomon, Vermont's foremost chronicler of epicurean delights, wrote about the DiRuocco's Restaurant and I ask that the article from the Free Press be printed in the RECORD at this point.•

The article follows:

[From the Burlington Free Press, Sept. 12, 2000]

STRONG MARRIAGE IS SECRET INGREDIENT TO VILLA TRAGARA'S SUCCESS

(By Debbie Salomon)

Behind every great restaurant chef/owner stands a spouse. If the spouse is a woman, chances are she'll put on a nice outfit, slap on some makeup and stand in front taking reservations, dispatching servers, running credit cards, remembering names, smoothing ruffled feathers and smiling, smiling, smiling through aching feet, a throbbing head and sore back.

That's if the baby sitter shows up.

That's Tish DiRuocco. Tish and Tony DiRuoccco, owners of Villa Tragara in Waterbury Center, are old-timers in an industry where almost 75 percent of newcomers fail the first year. Villa Tragara recently celebrated its 20th anniversary; in June, Tony was named Restaurateur of the Year by Vermont Lodging & Restaurant Association.

Should have been "Restaurateurs . . ."

"Did you see (the Stanley Tucci film) 'Big Night?' Tish asks. "Tony's like the chef and the brother is me."

"They are a very strong family, a wonderful team," says Joan Simmons of Craftsbury, a 20-year devotee, who celebrates most family occasions at Villa Tragara, including her mother's 90th birthday.

Simmons describes their entrance: "You would have though Queen Victoria was arriving."

I thought of Tish as I watched Hadassah Lieberman's rave at the Democratic National Convention. The motto of these strong-willed spouse-partners seems to be Stand By Your Man and Help!

Perhaps Tish and Tony cling so tenaciously to each other and their business because getting there wasn't half the fun.

They met when 19-year-old Tish, a Montrealer, lived with a family in Switzerland to improve her French. The small Swiss town had only one nightspot. Tony—born and educated in Capri, Italy—was the showy bartender.

"He threw bottles into the air and caught them." Tish recalls, still misty-eyed at 48. "I had no money but he made me the perfect drink at the perfect price.

They fell in love. Tony followed her back to Montreal. They married in 1976.

Tish's family had a ski house in Vermont. Her dream was to live here, despite Tony's growing success in cosmopolitan Montreal. They scoped out the Italian restaurant scene in the Stowe vicinity and decided a market existed for Tony's painstakingly elegant (pasta, bread, desserts made in-house) Northern Italian preparations. They found a charming 1820 farmhouse on Vermont 100 in Waterbury Center, which became the restaurant. Tish's parents helped financially, but the complications of non-citizens opening a business in the United States would fill the phone book.

"We were young and naive," Tish admits.

Add "fanatically hard-working" The charming location proved less than ideal, since vacationers driving north to Stowe didn't want to drive back for dinner.

"We had to be creative the first 10 years, until word-of-mouth got around, "Tony says.

Finally, the Stowe Montrealers who had adored Tony's cuisine at home rediscovered him and oh, did he cater to their tastes. "They want it special, not off the menu," he says.

"Tony's so intent on pleasing that he's flexible to a fault," Tish adds.

But bumps along the way, including an exhausting foray into retail refrigerated pasta that Tish delivered to gourmet shops between caring for two children and running Villa Tragara, might have derailed a less-committed couple. The Stowe restaurant scene was exploding with competition. Attitudes toward food were changing. "We were a sinking ship but we were going down fighting," Tish admits. Once, things got so bad they closed the door and fled to Martha's Vineyard for a week.

Tony was forced to make changes, to lighten sauces with vegetable purees, to initiate cabarets, dinner theater, jazz, a moderately priced tapas menu and early-bird discounts. Redecoration turned the farmhouse—particularly the mountain-view solarium—into a lively, informal trattoria. Herbs grow along the path to the front door; zucchini clog the compost-enriched garden plot out back.

And, somehow, their marriage has not only survived, but flourished. How? "We drop the restaurant when we go home," Tish says. "If we have an argument, it keeps until the next day."

Watching them you fee the connection. "She is my partner, 120 percent," Tony affirms, touching Tish's shoulder. They have led student tours to Italy. They provide food for Odysesy of the Mind and March of Dimes events. On Christmas, Tony contributes lasagna (of all things) to a Christmas dinner at a Waterbury church and donates food to a retirement home.

No wonder, in March of 1999, Tony was one of 59 restaurateurs worldwide (nine in the U.S.) to receive the Insegna Del Ristornate Italiano, which honors chiefs who leave Italy but "keep the good name alive."

The award was presented by Italian president Oscar Scalfaro. The Pope recognized the honorees during a public audience.

Simmons was happy but not surprised at the recognition. "When you walk in that door you feel special. Tony and Tish are genuinely glad to have your business," she says. The Simmonses drive almost an hour once a month to eat at Villa Tragara. "I'm a schoolteacher, not a rich woman, but we would rather eat at a place we know is good."

Because, Simmons concludes, "Anything else is going out to get some food. This is going out to dinner."

What a nice story.●

WOLFE MIDDLE SCHOOL NAMED 1999-2000 BLUE RIBBON SCHOOL

● Mr. ABRAHAM. Mr. President, in 1982, the United States Department of Education initiated its Blue Ribbon Schools Program. In each year since, the Department has recognized schools throughout the country which excel in all areas of academic leadership, teaching and teacher development, and school curriculum. In other words, Blue Ribbon Schools are the finest public and private secondary schools our Nation has to offer. They are the schools that set the standard for which others strive. I am very proud to report that nine of the 198 Blue Ribbon Schools named by Secretary Richard W. Riley for 1999-2000 are located in the State of Michigan, and I rise today to recognize Wolfe Middle School, in Center Line, Michigan, one of these nine schools.

The hope of the Center Line Public School system is that their schools will become places where "every person will be a teacher, every teacher will be a leader and every student will be a success." To this end, Wolfe Middle School is a shining example. Its mission statement lays out the following goals: first, to teach students the knowledge and understanding embedded in the Michigan core curriculum; second, to help students explore their elective areas of interest; and, third, to help students as they make the transition from childhood to adolescence. Wolfe Middle School has been successful in these areas because of the teamwork that has developed, not only among faculty and administrators, but also between parents and community members.

This teamwork is best represented in planning teams, groups which involve staff, parents and community members. These teams meet regularly in a constant effort to evaluate, improve and enact goals and objectives which will continue to move Wolfe Middle School and its students in a positive direction. In addition to planning teams, daily teacher team meetings take place in which plans are devised for classroom instruction, grade level activities and professional development. There is an unwavering rule that guides both planning teams and teacher teams: all programs must be dedicated to helping Wolfe students develop academically, socially and emotionally.

In recent years, school improvement has focused largely around the premise that every student should leave Wolfe computer literate. The school has two computer labs, as well as a computer in every classroom. Laptop computers are available to take home from the new Media Center which allow students to do computer homework. In 1999, a Technology Education Laboratory was completed which boasts a robotics area, audio and video production studios, and a computer animation station, making it among the most advanced laboratories in the Midwest. It is important to note that providing students with the opportunity to work with computers is part of an overall plan to encourage their participation in other areas of education and social interaction—it is not an end in itself.

I applaud the students, parents, faculty and administration of Wolfe Middle School, for I believe this is an award which speaks more to the effort of a united community than it does to the work of a few individuals. With that having been said, I would like to recognize Ms. Sue Gripton, Principal of Wolfe Middle School, whose dedication to making her school one of the finest in our Nation has been instrumental in creating this community. On behalf of the entire United States Senate, I congratulate Wolfe Middle School on being named a Blue Ribbon School for 1999-2000, and wish the school continued success in the future.●

THE END OF AN ERA

● Mr. FEINGOLD. Mr. President, I was born in 1953, the same year that major league baseball made its way back to Milwaukee. I grew up with County Stadium and the countless memories it produced.

When the stadium and I were just six years old, Milwaukee County bore witness to one of the most dramatic games in baseball history. Pittsburgh's Harvey Haddix, pitched 12 perfect innings and lost both the no-hitter and the game to Milwaukee in the 13th.

When the stadium and I were eight years old, the legendary Warren Spahn had a spectacular year. He became the second oldest pitcher to throw a no-hitter and became only the 13th pitcher in history to win 300 games.

When the stadium and I reached 20, the Green Bay Packers won their very first Monday Night Football game. Wisconsinites never forget the last game the Packers played at county stadium nearly six years ago today.

On the year of our nation's bicentennial, when the stadium and I were 23, Hank Aaron hit his 775th and last career home run there. His home-run hitting presence and uncanny style added so much to County Stadium and the aura that surrounded him will never be forgotten.

When the stadium and I reached the age of 45, it was at County Stadium that Mark McGwire and Sammy Sosa both hit their 65th home runs.

And finally, at our ripe age of 47, we must say farewell. Fortunately, its great and storied past will always be in our memories. I look forward to sharing with my family and Brewer fans across the state, the many new thrilling baseball moments that await us at Miller Park.●

MONTANA OLYMPIANS

● Mr. BURNS. Mr. President, I would like to take this opportunity to recognize the achievements of two native Montanans, Mrs. Monica Joan Tranel-Michini, and Mrs. Jean Foster.

Mrs. Tranel-Michini is a Billings native who competed recently in the Sydney Olympics. She not only qualified for the finals of the women's single sculls, a rowing event, but she also placed sixth in the event. Six is a magic number for Monica, because she is the sixth of ten brothers and sisters. She and her family grew up on a cattle ranch just outside of the city limits of Billings, Montana. Before the age of twenty, this now established U.S. champion and Olympic finalist had not seen a body of water larger than her family's irrigation pond. It was not until this accomplished woman attended law school in Philadelphia that she gained the passion for rowing. I salute this young woman, for her proud representation of the sport of rowing, the country, and the state of Montana.

Mrs. Jean Foster is another young woman from Bozeman, Montana whom I want to recognize. Joan's career in shooting was paved a little better than Monica's. Jean is from a family with world championships in shooting under their belt, her mother being a world champion in rifle shooting, and her father a two-time Olympian and a USA hall of famer in shooting. Jean represented our state and our country with distinction in the 3-position rifle event. I congratulate Jean on the effort she put forth and on her and her family's commitment to the sport of shooting.•

S.C. AWARDED PAN AM GAMES FOR THE BLIND

• Mr. HOLLINGS. Mr. President, it is with great pleasure that I recognize Spartanburg, South Carolina and the South Carolina School for the Deaf and Blind as hosts of the 2001 Pan American Games for the Blind. This is not only a distinguished honor for Spartanburg and for the school, but also for our state and our nation. Three hundred blind and visually-impaired elite athletes from 22 countries will compete in the third Pan Am Games for the Blind May 29–June 3, 2001 in Spartanburg. It marks the first time that these Games have been held in the United States. Previous competitions took place in Buenos Aires and Mexico City.

Athletes will compete in track and field events, swimming and goal ball, a team sport developed specifically for the blind. Two students at the S.C. School for the Deaf and Blind, Royal Mitchell and Sonya Bell, will represent the United States in track and field events.

The International Blind Sports Association selected the S.C. School for the Deaf and Blind as the site for the 2001 Games because of its excellent facilities and the strong credentials of the athletic staff. Since its founding in 1849, the school has served South Carolina well and proven itself worthy of this latest distinction. I wish all the participants in the 2001 Pan American Games for the Blind much success.•

10TH ANNUAL CONVENTION OF THE AMERICAN FEDERATION OF MUSLIMS OF INDIAN ORIGIN

• Mr. ABRAHAM. Mr. President, I rise today to recognize the American Federation of Muslims of Indian Origin (AFMIO), which will hold its 10th Annual Convention on October 7–8, 2000 in Southfield, Michigan. The theme of the convention is "Information and Technology: The Digital Divide," providing members of the AFMIO with an opportunity to explore new ways to expand upon the many beneficial things the organization is already doing in this realm.

The AFMIO is an umbrella organization which represents various Indian Muslim Associations. It has chapters throughout the world, and a membership which includes academicians, professionals, entrepreneurs and social activists. The mission of the organization is the educational and economic upliftment of Indian Muslims by seeking cooperation among the American and Indian relief and educational organizations.

The AFMIO stands for a stable democratic, secular and progressive India, where the human rights of all citizens, regardless of caste, religion, language or region, are preserved. The organization works in close cooperation with others that believe in these same principles, and thus serves as a bridge between Indian intellectuals, public officials and business people, and Indian Americans, particularly Muslims.

The highest priority of the AFMIO continues to be the eradication of illiteracy among Indian Muslim children, a goal which goes hand in hand with bridging the digital divide. Access to a computer can upon up new worlds for children, and ensure that they are not only literate in the traditional sense, but culturally literate as well, which I think is equally important. In this regard, AFMIO has already done a great deal. Its grassroots mobilization and motivation program is termed as one of the most successful education programs in India.

AFMIO has also done much to aid Indian Muslims on other fronts. The organization has financed several projects which draw on the resources of local communities and aim for the economic upliftment of these communities by teaching citizens how to employ these resources. Through programs of political education and awareness, the organization has united forces that have similar beliefs of social justice and the upliftment of all people. Furthermore, it has been responsible for establishing several hospitals and orphanages, and has organized relief work at times of natural disasters.

I applaud the AFMIO for all of the wonderful work it has done to improve the living conditions of Indian Muslims. A large part of this success stems from educational programs which have been incredibly successful, and I am sure the discussion this weekend will focus upon how these programs can be even further adapted and improved in this Digital Age. On behalf of the entire United States Senate, I extend a much deserved thank you to the American Federation of Muslims of Indian Origin, and wish the organization continued success in the future.•

EULOGY FOR ELLEN GLESBY COHEN

• Mrs. BOXER. Mr. President, I come before you today to pay tribute to a staunch patient advocate whose dedication and commitment to biomedical research has changed the lives of all around her.

Ellen Glesby Cohen was the President and Founder of the Lymphoma Research Foundation of America (LRFA). Ellen founded this organization almost ten years ago after she was diagnosed with a slow growing form of non-Hodgkin's lymphoma (NHL).

Ellen, being the courageous person she was, decided to turn her experience into something positive by establishing the Lymphoma Research Foundation that is the nation's first and foremost organization dedicated to promoting and funding lymphoma-specific research.

Ms. Cohen's efforts on behalf of lymphoma-specific research has led to the Lymphoma Research Foundation awarding close to $3 million to support 92 lymphoma research projects at top universities and cancer centers throughout the nation.

The foundation Ms. Cohen founded has been active not only in funding research, but has helped educate the public about the high incidence rates of non-Hodgkin's lymphoma by spearheading such initiatives as the National Lymphoma Awareness Week during the second seek of October and an annual Lymphoma Advocacy Day on Capitol Hill.

I have been particularly impressed by Ms. Cohen's passion on behalf of lymphoma patients and, consequently, have supported increasing the funding for lymphoma research at the National Institutes of Health and the Centers for Disease Control and Prevention.

Ellen is survived by her husband Dr. Mitchell Cohen and her two children Hailey and Josh. While the last decade of Ellen Cohen's life was dedicated to lymphoma research, Ellen's accomplishments as a mother and a wife will forever be remembered even after the day comes that non-Hodgkin's lymphoma has been eliminated.

Although Ellen's work has already benefitted thousands across the country diagnosed with non-Hodgkin's lymphoma and other cancers, I know that she would like us all to continue her fight against this devastating disease by supporting such worthy organizations like the Lymphoma Research Foundation of America.

Despite the fact that Ellen is not here physically, her spirit will continue to live on through her family and friends. Thank you Ellen for what you gave to persons everywhere. You will truly be missed.●

NOVI HIGH SCHOOL NAMED BLUE RIBBON SCHOOL FOR 1999-2000

● Mr. ABRAHAM. Mr. President, in 1982, the United States Department of Education initiated its Blue Ribbon Schools Program. In each year since, the Department has recognized schools throughout the country which excel in all areas of academic leadership, teaching and teacher development, and school curriculum. In other words, Blue Ribbon Schools are the finest public and private secondary schools our Nation has to offer. They are the schools that set the standard for which others strive. I am very proud to report that 9 of the 198 Blue Ribbon Schools named by Secretary Richard W. Riley for 1999-2000 are located in the State of Michigan, and I rise today to recognize Novi High School in Novi, Michigan, one of these nine schools.

In the past 30 years, enrollment at Novi High School has grown from approximately 360 students to 1,577 students. This is representative of the changing shape of the City of Novi during this time period, as it has evolved from a rural crossroads to a thriving Detroit suburb. To deal with the influx of students, in 1996 Novi High School concluded a renovation which had lasted for 30 months and added over 40 percent to the original facility. The school now covers 382,000 feet on three levels, and includes state of the art instructional areas, science labs, a media center, physical education and fine art complexes, and telecommunications systems. All classrooms have e-mail and Internet access as well as voice communications and two-way interactive video within and between district buildings.

The administrators and faculty of Novi High School are committed to providing their students with a well-rounded educational program, including a rigorous academic schedule, a variety of extra-curricular and athletic programs, and an active student leadership program. This commitment led to a two-year, teacher-led initiative of research and review of outstanding international high schools. Following this process, Novi High School restructured into a four-block class schedule so that students would be allowed access to a broader range of curriculum and would also be able to take advantage of the new technology available for their use. Perhaps more importantly, the review and realignment of the curriculum led to a transformation of instructional strategies, from traditional lecture to interactive, higher-order thinking and application-assessment which have redefined the entire education program of Novi High School.

Novi High School has received many awards, including the "What Parents Want" award from SchoolMatch for seven consecutive years (1993-99), a Gold Medal District Rating by Expansion Management Magazine for three years (1996-98), and in 1999 U.S. News and World Report selected it as one of the top 96 "Outstanding American High Schools." Being named a Blue Ribbon School for 1999-2000 is reflective of a desire on the part of administration and faculty to continue to provide a better education to the students of Novi High School. The staff firmly believes that a quality education program is never static; rather, it continually needs to be adapted and improved as new resources and different methods of teaching become available. This willingness to adapt has been instrumental in the success of Novi High School, and I am sure will continue to be instrumental as the school leads other high schools, not only in the State of Michigan but throughout the country, into the future.

I applaud the students, parents, faculty and administration of Novi High School, for I believe this is an award which speaks more to the effort of a united community than it does to the work of a few individuals. With that having been said, I would like to recognize Dr. Jennifer Putnam Cheal, Principal of Novi High School, whose dedication to making her school one of the finest in our Nation has been instrumental in creating this community. On behalf of the entire United States Senate, I congratulate Novi High School on being named a Blue Ribbon School for 1999-2000, and wish the school continued success in the future.●

IN PRAISE OF FRED WILBER, BUCH SPIELER AND CYBERSELLING IN VERMONT

● Mr. LEAHY. Mr. President, I want to congratulate Fred Wilber from my hometown of Montpelier, Vermont on his cyberselling success.

For the last twenty-seven years, Fred Wilber has owned Buch Spieler, a music store in downtown Montpelier. Recently the New York Times reported on Buch Spieler's growing sales from its Internet site at http://www.bsmusic.com. Mr. President, I ask that the full text of the New York Times article of September 22, 2000, titled "The Opposite of Amazon.com," be printed in the Record at the end of my remarks.

The success of Fred Wilber is a shining example for all Vermont small business owners to follow. By taking advantage of the new markets offered by the Internet for its goods and services, Buch Spieler has increased overall sales by 10 percent and expanded its customer base by 20 percent in the last year and a half. For years we Vermonters have complained about not having access to a major market to sell our goods. Now through the Internet, we can sell our goods in the blink of an eye to anyone in the world as Fred Wilber and Buch Spieler have shown.

I commend Fred Wilber for being a cyberselling leader and tapping into the Internet's world markets.

The article follows:

[From the New York Times; Sept. 22, 2000]

The Opposite of Amazon.com

(By Leslie Kaufman)

For 27 years, Fred Wilber has run a quirky music store called Buch Spieler in downtown Montpelier, Vt., population of roughly 8,000. The store, which sells out-of-print movie soundtracks, among other goodies, has had its ups and downs, but in 1998, as Internet music distributors like CDNow and MP3.com exploded in popularity, Mr. Wilber began to worry that the Web would be his Waterloo.

His answer was to build his own Web site (www.bsmusic.com). Designed by his brother and lacking time-saving features like one-click shopping, it is hardly slick. But it has been successful.

In the year and a half since the site went into service, Mr. Wilber says overall sales have jumped 10 percent. Just as important, he estimates, the Internet has expanded his customer base by some 20 percent. It turns out that Mr. Wilber's peculiar tastes have been strengths on the Web. When the site was recently sent an e-mail message requesting the score from "Gordy! The Little Pig That Hit It Big!" a 1995 movie, he simply took it off the shelf and shipped it.

"It is not easy e-commerce," Mr. Wilber said of his Web site. "But we are not trying to compete with Amazon. We focus on our own niche."

To many experts, the advent of the Internet seemed to signal a grim future for mom-and-pop retailers. Increased competition and the availability of a diverse array of merchandise to populations that had been essentially captive audiences threatened to erode their customer base.

But a survey of more than 1,500 businesses in 16 downtown commercial districts nationwide, released earlier this month by the National Trust for Historic Preservation, indicates that the Internet can spur sales in storefront retail businesses. Just as they compete in the brick-and-mortar world against big-box enemies like Wal-Mart Stores and Home Depot, small retailers seem to do best in the virtual world by focusing on unusual products or aiming to give excellent, personalized customer service.

The National Trust is a nonprofit organization that develops programs to support and maintain historic downtown areas. And because the survey canvassed only merchants in towns where some revitalization of historic downtown areas in under way, the National Trust said its results probably overstate the positive impact of the Web on all small businesses. Even so, the news was surprisingly upbeat.

The trust's survey, one of the first in the nation to examine the impact of e-commerce on small retailers, found that some 16.4 percent of Main Street businesses it polled were already using the Internet to sell things. Further, the survey found, merchants that sell online—with most of them starting their Web sites only within the last 18 months—have experienced a 12.8 percent increase in overall sales. On average, 14.3 percent of their total sales are now attributable to the Internet.

Small, specialized businesses "are really starting to gravitate toward the Web," said Kennedy Smith, director of the National Trust's Main Street Center. "The thing that was a surprise was the extent to which it was helping them." For a struggling storefront operation, a 5 percent increase in sales can make the difference between shutting its doors or staying open, Ms. Smith said.

The news about small storefront retailers presents a stark contrast to larger, purely e-commerce retailers. Many experts once suggested that even individual entrepreneurs working out of homes and garages—selling everything from books to bow ties—would prosper on the Internet as barriers to entry were eliminated. But as it has turned out, while several of these pure e-retailers had jumps in sales initially, they are now struggling to make money as the challenges of marrying cyberspace and the real world have become clear. Hundreds of these operations are now cutting back or going out of business entirely.

Established name-brand retailers, so-called clicks-and-mortars, have also had their share of tribulations on the Internet. While many have recorded strong sales through their online arms, it has often come at enormous cost. To sustain the level of service associated with their stores, most big-name retailers have had to do everything from hire new workers to set up a separate warehouse operation to handle the orders.

There is no way to know exactly how many small storefront merchants do business over the Web, but their ranks are already in the tens of thousands and growing. As of May, some 29 percent of all American small businesses—from retailers to public relations firms—had Web sites, according to the Kelsey Group, a consulting firm specializing in local advertising and e-commerce. That is up from 23 percent in May of last year.

Of this Web-connected minority, almost half are selling goods over the Interent, according to the Kelsey Group, which gets its information from a survey of a national panel of 600 businesses with fewer than 100 employees.

The use of the Web by small retailers is likely to accelerate because many larger companies, hoping that small businesses could be revenue generators, have been intensifying efforts to bring mom-and-pop stores online over the course of the last year.

Last September, for example, Amazon.com started zShops, a service that allows small businesses to have a link to their products pop up when a visitor to Amazon clicks on a relevant book or compact disc. A seller of spice grinders, say, could arrange for a link to appear every time a person clicked on a book about Indian cooking.

Web developers of all sizes—from Microsoft to tiny outfits run by a couple of a guys in a college dorm—are offering small businesses access to a range of Web services, from Web site design to purchasing banner advertising. In fact, the business of providing Web services to small operators has already become competitive enough that many of the mom-and-pop retailers said their entry costs had been very reasonable.

James and Mary DeFore, for example, own a women and children's store called Unique Boutique in downtown Thomasville, Ga., a small city of about 20,000 people. They were doing a healthy side business in prom dresses, and decided that if they offered them on the Web they might attract rural customers who could not get into town. So last January, they hired a local service provider, who for a few hundred dollars designed a simple but colorful Web site with the catchy name Time for Prom (timeforprom.com).

The site went live in February, and by march the DeFores were getting up to 40,000 visitors to their Web site each month. By June, they had nearly 500 orders for dresses that cost $150 to $200. And requests came not just from rural areas in Georgia but also from Missouri and West Virginia and even Hawaii and Japan. "The biggest problem," Mr. DeFore said, "was fulfilling all the orders."

Despite not having a powerful brand name or being linked to a powerful portal like Yahoo or America Online, Time for Prom shows that small retailers need not get lost in the vast clutter on the Internet if they develop a clear, arrow identity.

In fact, another Thomasville retailer, Hi-Fi Sales and Service, which specializes in equipment for home theaters and live field recording, did $1.9 million in business over the Web last year, which represented a significant portion of its total sales, and now gets some 30 percent of its new customers online with no advertising.

The key to the success of Hi-Fi Sales is making sure it is visible. "We spend a lot of energy making sure we come up high in the search engines," said Jim Oade, one of the three brothers who co-own the business. Each search engine has different rules for deciding in what order to list businesses related to key words, he said. So one of the brothers, Doug Oade, devotes himself, among other things, to keeping current with the rules and making sure the company's Web site (www.oade.com) has enough of the right key words to pop up swiftly when a consumer wants audio products.

The Oade brothers' national customer base is still fairly unusual among mom-and-pop ventures. Most storefront retailers use the Internet mainly for defending and cementing the relationship with customers they already have—a relationship that is very much under siege by giant retailers.

Osborn Drugs in Miami (pronounced Mi-AM-a), Okal., has been a family drugstore for 29 years. Since it started its Web site in 1996, sales through the Interent have increased only about 5 percent a year, according to Bill Osborn, who runs the store with his father. But more than 90 percent of the traffic on the Web site comes from regular long-term Osborn customers who just like to e-mail their prescriptions in. "We view it as a way to service customers we already have," Bill Osborn said. "We are not trying to go public as osborndrug.com."•

TRIBUTE TO EDWIN L. COX

• Mrs. HUTCHISON. Mr. President, I would like to recognize a great Texan and great American, Mr. Edwin L. Cox and to call out his outstanding service to the nation through his support of the Library of Congress. On Thursday, October 5th, The Library of Congress will be celebrating its bicentennial and the 10th Anniversary of the James Madison Council. The Madison Council is the Library's private philanthropic organization and, along with Council Chairman John W. Kluge, Ed Cox helped found and build the Council from a handful of members in 1990 to more than one hundred committed supporters today.

Madison Council members have supported more than 200 Library projects since 1990. These gifts account for almost half of all private gifts to the Library. Ed served as the first Vice-Chairman of the Madison Council when it was founded in 1990, and became the first Chairman of the Council's Steering Committee in 1992. To support the Library in acquiring new and rare items, Ed and fellow Madison Council member Caroline Ahmanson formed the Acquisitions Committee, which has been instrumental in acquiring rare and historically significant items for the Library. Ed also established the Edwin L. Cox American Legacy Endowment, which makes possible the purchase of rare and important materials highlighting our history.

Ed Cox's long record of service to his country includes his duty in the United States Navy, where he earned the rank of lieutenant. He left to begin building one of America's great independent energy companies, Cox Oil and Gas. He has translated his success into a strong record of public activism, joining the boards of the Salvation Army, the American Red Cross, the Texas Cancer Society, and the Dallas Society for Crippled Children.

In 1978, recognizing his business acumen and boundless contributions to a better society, Southern Methodist University renamed its business school in his honor, and The Edwin L. Cox School of Business is recognized as one of America's best.

In this Bicentennial year of the Library, Ed continues to give of himself and to lead others in support of the Library. He chaired the Council's Bicentennial Committee and mobilized Council members to participate in the Library's Bicentennial programs. He has also been a key member of the Library's Trust Fund Board for the past 10 years.

James H. Billington, the Librarian of Congress, has called Ed "one of the Library's most valued friends." His dedication and service have made the Library's collections richer and its services to the Congress and the Nation more comprehensive than ever. All Americans are the beneficiaries of Edwin L. Cox's generosity in enriching one of our nation's greatest institutions.•

THE ASSOCIATION OF CHINESE AMERICANS CELEBRATES 28TH ANNIVERSARY

• Mr. ABRAHAM. Mr. President, I rise today to recognize the Association of Chinese Americans, Detroit Chapter of the National Organization of Chinese

Americans, which will celebrate its 28th Anniversary with an Awards Ceremony on October 7, 2000. The theme of the evening is Unity, Collaboration and Strength, three things the ACA has provided Michigan's Chinese American community since its inception in 1972.

The mission of the ACA is "to serve the Chinese American community in the Greater Detroit area, and to promote the overall presence of Chinese Americans." In order to do this effectively, members laid out six goals for their organization: provide community services to people of Chinese heritage; promote the Chinese presence locally and nationally through the political system; make sure the voice of the Chinese American is heard locally and nationally; promote academic excellence in Chinese American youth; promote Chinese heritage through the arts; and collaborate with other Chinese/Asian organizations.

In its effort to achieve above and beyond these goals, the ACA has become an active force within the Metropolitan Detroit community. It operates service and outreach centers in Detroit, Warren and Plymouth which provide assistance to Chinese Americans in immigration matters, language classes, citizenship preparation, and registering to vote. It sponsors a free health clinic and activities in Detroit Chinatown for the language and economically disadvantaged. In addition, the ACA sponsors many programs for the entire community, including the Feed the Homeless program, flood and emergency disaster relief, and a bone marrow drive.

The ACA provides young Chinese Americans with the opportunity to meet people of their own heritage, but also teaches them the benefits of a well-balanced routine. Each year the organization sponsors camping trips, dancing parties, and basketball games. At the same time, the organization has sponsored annual High School Achievement Awards since 1984. These awards recognize seniors who have achieved academic excellence as well as involvement and leadership in extracurricular activities. Scholarships funded by the ACA and private donors are also provided annually to Chinese Americans seeking higher education.

Promoting Chinese heritage has always been a fundamental goal of the ACA, as members strive not to let their proud ancestry be overlooked or forgotten. Events include celebrating Asian American Heritage Month, promoting the Chinese New Year Commemorative stamps, and sponsoring or cosponsoring a plethora of cultural events. Recently, the ACA held a reception for Chinese American author Helen Zia, and on September 9, 2000, the organization hosted the Michigan premiere of the documentary film, "We Served With Pride," which chronicles the effort of Chinese American soldiers during World War II.

I applaud the ACA on the wonderful work it has done in the metropolitan Detroit region. Since its founding in 1972, the organization has encouraged Michigan's Chinese Americans to celebrate both their Chinese heritage and the lives they have found in the United States. It has fought vehemently for the rights of Chinese Americans yet remains an inclusive group, offering assistance not only to Chinese Americans, but to all Americans. On behalf of the entire United States Senate, I congratulate the Association of Chinese Americans on 28 glorious years, and wish the organization continued success in the future.●

TRIBUTE TO ADMIRAL LEON A. EDNEY, U.S. NAVY, RETIRED

● Mr. WARNER. Mr. President, I rise today to pay tribute to an exceptional leader in recognition of a remarkable career of service to his country—Admiral Leon A. Edney, United States Navy, Retired.

Admiral "Bud" Edney has amassed a truly distinguished record, including 35 years of commissioned service in the U.S. Navy uniform, that merits special recognition on the occasion of his retirement as Chairman of the Board of Directors of the Retired Officers Association (TROA).

Born in Dedham, Massachusetts, he entered the Navy as an ensign in 1957, following his graduation from the United States Naval Academy, and culminated his distinguished naval service with tours of duty as Vice Chief of Naval Operations and as NATO's Supreme Allied Commander and Commander-in-Chief of the U.S. Atlantic Command. He retired from active duty in August 1992.

Admiral Edney has shown valor and leadership throughout his 35 years of dedicated military service to his country, and has been a positive role model for countless sailors in the process.

His dedication to service and excellence has not diminished since leaving active duty, serving as a trustee of the Naval Academy Foundation and the Association of Naval Aviation. For two years, he also held the distinguished Professor of Leadership chair at the U.S. Naval Academy.

Admiral Edney was elected to the board of directors of The Retired Officers Association in 1994. For the last two years, he served as TROA's chairman of the board, the position from which he is now retiring.

Through his stewardship, The Retired Officers Association continues to play a vital role as a staunch advocate of legislative initiatives to maintain readiness and improve the quality of life for all members of the uniformed service community—active, reserve, and retired, plus their families and survivors.

His tenure as chairman of TROA began simultaneously with my chairmanship of the Senate Armed Services Committee, and I am pleased to state that these two years have witnessed very substantial quality-of-life enhancements for active, reserve, and retired service members and their families.

Admiral Edney has been a strong supporter of the Senate Armed Services Committee's efforts toward improving long-term retention and readiness through a competitive compensation package for active and reserve forces, restoration of lifetime health care for retired personnel and their families, and enhancing protections for the survivors of deceased service members. Under his leadership, TROA has been an invaluable source of information that has proven of considerable utility in the committee's deliberations on a long list of compensation and benefits issues during this extraordinarily productive period.

Admiral Bud Edney has been, in every sense of the word, a leader in the military, TROA, and the entire retired community. Our very best wishes go with him for long life, well-earned happiness, and continued success in service to his nation and the uniformed service members whom he has so admirably led and served.

As a former Sailor and Marine, I offer Admiral Edney a grateful and heartfelt salute, and wish him "fair winds and following seas."●

FRANK "BUD" DANIELS

● Mr. BURNS. Mr. President, the agricultural community across Montana was saddened this month by the passing of Frank Daniels. He was known to all of us as "Bud".

He was born and raised on the northern high plains in eastern Montana. He gave up to cancer and was 72. His daughter wrote that he left us as quietly and gently as he walked across that newly cut stubble field to be with His Lord.

A life long devotion to improving the lives of rural Americans and keeping farmers on the land he loved, which he valued so highly, led him to countless areas of involvement and gained him the admiration of his peers. No man or woman ever gave so much to the Montana Farmers Union than did Bud Daniels.

He participated in the three-year Kellogg Extension Program at Montana State University which enabled him to visit far corners of the world and taking him to China in 1976. He believed in the fraternity of agriculture.

His interest in farming issues and programs was generated and groomed through the Montana Farmers Union. He was president of Montana Farmers Union and vice president of National Farmers Union. He also served on the Farmers Union Mutual Insurance Companies.

During his years of farming and serving, he founded the Rural Policy Institute, established a cooperative curriculum at Montana State University, and developed strong ties with farm groups in foreign countries. He had a passion for travel as it was his education and his way to reach out to the rest of the world that was crying for the technology and ways to feed a hungry world.

We in Montana will miss him as he was the inspiration of leadership. Did we always agree? No. That was not important but the dialog and communications that enabled us to help those in need that farm and ranch was important. He would say that we are the providers and there is no higher calling on God's Earth.

Bud is survived by 4 daughters, Amy, Becky, Rachel, and Karen. Also by their mother, Laura Daniels of Billings, Montana.•

COUSINO HIGH SCHOOL NAMED BLUE RIBBON SCHOOL FOR 1999–2000

• Mr. ABRAHAM. Mr. President, in 1982, the United States Department of Education initiated its Blue Ribbon Schools Program. In each year since, the Department has recognized schools throughout the country which excel in all areas of academic leadership, teaching and teacher development, and school curriculum. In other words, Blue Ribbon Schools are the finest public and private secondary schools our Nation has to offer. They are the schools that set the standard for which others strive. I am very proud to report that nine of the 198 Blue Ribbon Schools named by Secretary Richard W. Riley for 1999–2000 are located in the State of Michigan, and I rise today to recognize Cousino High School in Warren, Michigan, one of these nine schools.

Cousino High School is a contemporary American high school set amongst the "Big Three" members of the auto industry—General Motors, Ford Motor Company and DaimlerChrysler. Much of the instructional program at Cousino relies upon the same forces that drive these international automotive giants, a fact which can be attributed to the large participation of the Warren community in the affairs of Cousino High School. Teachers, administrators, and parents, along with nearly 300 leaders from local business and industry, are directly involved in shaping the educational program. This involvement has been instrumental in creating the high student achievement level that has become a trademark of Cousino High School.

A large part of this program is devoted to ensuring that students who graduate Cousino High School leave tecnologically competent. All Cousino classes use technology as a tool to facilitate learning. Multiple computer labs spread throughout the building and additional computers in the media center and classrooms allow students to easily access the Internet. In addition, Cousino's proximity to the General Motors Technical Center, the world's largest auto research institute, and the satellite automotive and technical businesses nearby, have provided students with an opportunity to see first-hand the many doors that their education will open for them. This focus on technology has complemented the core subjects of literature, humanitites, philosophy and the arts to provide students with a well-balanced educational foundation.

Of course, no school could be successful without students and parents who are willing to devote time and energy to see that their school is indeed successful. This dedication has occurred time and again at Cousino High School. Parents have consistently served on the Principal's Advisory Committee and School Improvement Plan committees, have volunteered in Booster Clubs and for other school activities, and helped to promote school spirit by promoting school events. This parental enthusiasm has rubbed off onto students of Cousino High. Over 80 percent of students participate in extracurricular activities, and students have led the way in aiding the community as a whole, working tirelessly for numerous charities.

I applaud the students, parents, faculty and administration of Cousino High School, for I believe this is an award which speaks more to the effort of a united community than it does to the work of a few individuals. With that having been said, I would like to recognize Mr. Joseph Sayers, Principal of Cousino High School, whose dedication to making his school one of the finest in our Nation has been instrumental in creating this community. On behalf of the entire United States Senate, I congratulate Cousino High School on being named a Blue Ribbon School for 1999–2000, and wish the school continued success in the future.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 302. An act for the relief of Kerantha Poole-Christian

S. 1794. An act to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the "Clifford P. Hansen Federal Courthouse."

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3088. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional protections to victims of rape.

H.R. 3235. An act to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive conducted by law enforcement personnel during non-school hours.

H.R. 4147. An act to amend title 18, United States Code, to increase the age of persons considered to be minors for the purposes of the prohibition on transporting obscene materials to minors.

H.R. 4315. An act to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the "Larry Small Post Office Building."

H.R. 4640. An act to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes.

H.R. 4827. An act to amend title 18, United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes.

H.R. 5267. An act to designate the United States courthouse located at 100 Federal Plaza in Central Islip, New York, as the "Theodore Roosevelt United States Courthouse."

H.R. 5284. An act to designate the United States customhouse located at 101 East Main Street in Norfolk, Virginia, as the "Owen B. Pickett United States Customhouse."

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 396. Concurrent resolution celebrating the birth of James Madison and his contributions to the Nation.

H. Con. Res. 400. Concurrent resolution congratulating the Republic of Hungary on the millennium of its foundation as a state.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 704. An act to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs.

H.R. 3363. An act for the relief of Akal Security, Incorporated.

H.R. 4115. An act to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes.

H.R. 4931. An act to provide for the training or orientation of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes.

H.R. 5193 An act to amend the National Housing Act to temporarily extend the applicability of the down payment simplification provisions for the FHA single family housing mortgage insurance program.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 3:07 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

At 4:04 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House had passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 110. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 4733. An act making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILL SIGNED

At 6:15 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the Speaker has signed the following bill:

S. 1794. An act to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the "Clifford P. Hansen Federal Courthouse."

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 5239. An act to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar on October 2, 2000:

H.R. 4904 A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, and for other purposes.

The following resolution was read and ordered placed on the calendar on today:

S.Res. 364. A resolution commending Sydney, New South Wales, Australia for its successful conduct of the 2000 Summer Olympic Games and congratulating the United States Olympic Team for its outstanding accomplishments at those Olympic Games.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 3, 2000, he had presented to the President of the United States the following enrolled bill:

S. 704. An act to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-10965. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Final Compatibility Regulations Pursuant to the National Wildlife Refuge System Improvement Act of 1997" (RIN1018–AE98) received on September 29, 2000; to the Committee on Environment and Public Works.

EC-10966. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cooperative Agreement: Seven Principles of Environmental Stewardship for U.S./Mexico Business and Trade Community" received on September 28, 2000; to the Committee on Environment and Public Works.

EC-10967. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "South Carolina: Final Authorization of State Hazardous Waste Management Program" (FRL #6879–3) received on September 28, 2000; to the Committee on Environment and Public Works.

EC-10968. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Washington" (FRL #6879–6) received on September 29, 2000; to the Committee on Environment and Public Works.

EC-10969. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the fiscal year 2000–2005 strategic plan; to the Committee on Environment and Public Works.

EC-10970. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report relative to the fiscal year 2000–2005 strategic plan; to the Committee on Environment and Public Works.

EC-10971. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Australia, Germany, the Government of Israel, Israel, Italy, Japan, South Korea, Taiwan, and the United Kingdom; to the Committee on Foreign Relations.

EC-10972. A communication from the Deputy Director of the Office of Equal Employment, Opportunity and Civil Rights, Department of State, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving Federal Financial Assistance" received on September 29, 2000; to the Committee on Foreign Relations.

EC-10973. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, a draft of proposed legislation entitled "Passport Procedures—Amendment to requirements for executing a passport application on behalf of a minor"; to the Committee on Foreign Relations.

EC-10974. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to "countries of particular concern"; to the Committee on Foreign Relations.

EC-10975. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notice of proposed issuance of letter of offer relative to Egypt; to the Committee on Foreign Relations.

EC-10976. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-10977. A communication from the Assistant Attorney General of the Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the "Office of Justice Programs Annual Report for Fiscal Year 1999"; to the Committee on the Judiciary.

REPORTS OF COMMITTEES RECEIVED DURING RECESS

Under the authority of the order of the Senate of September 28, 2000, the following reports of committees were submitted on September 29, 2000.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1848: A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project (Rept. No. 106–437).

S. 2195: A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the

Interior to participate in the design, planning, and construction of the Truckee watershed reclamation project for the reclamation and reuse of water (Rept. No. 106-438).

S. 2301: A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water (Rept. No. 106-439).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2345: A bill to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes (Rept. No. 106-440).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2749: A bill to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the setting of the western portion of the United States (Rept. No. 106-441).

S. 2865: A bill to designate certain land of the National Forest System located in the State of Virginia as wilderness (Rept. No. 106-442).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2959: A bill to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes (Rept. No. 106-443).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 1680: A bill to provide for the conveyance of Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest (Rept. No. 106-444).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2919: A bill to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio (Rept. No. 106-445).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments.

H.R. 4063: A bill to establish the Rosie the Riveter-World War II Home Front National Historical Park in the State of California, and for other purposes (Rept. No. 106-446).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 4285: A bill to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes (Rept. No. 106-447).

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

H.R. 2302: A bill to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the "James W. McCabe, Sr. Post Office Building".

H.R. 3030: A bill to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the "Matthew F. McHugh Post Office".

H.R. 3454: A bill to designate the United States post office located at 451 College Street in Macon, Georgia, as the "Henry McNeal Turner Post Office".

H.R. 3909:

H.R. 3985: A bill to designate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar City, Florida, as the "Vicki Coceano Post Office Building".

H.R. 4157: A bill to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the "Matthew 'Mack' Robinson Post Office Building".

H.R. 4169: A bill to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the "Barbara F. Vucanovich Post Office Building".

H.R. 4447: A bill to designate the facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, as the "Samuel H. Lacy, Sr. Post Office Building".

H.R. 4448: A bill to designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the "Judge Robert Bernard Watts, Sr. Post Office Building".

H.R. 4449: A bill to designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the "Dr. Flossie McClain Dedmond Post Office Building".

H.R. 4484: A bill to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the "Everett Alvarez, Jr. Post Office Building".

H.R. 4517: A bill to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the "Alan B. Shepard, Jr. Post Office Building".

H.R. 4534: A bill to designate the facility of the United States Postal Service located at 114 Ridge Street in Lenoir, North Carolina, as the "James T. Broyhill Post Office Building".

H.R. 4554: A bill to redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the "Joseph F. Smith Post Office Building".

H.R. 4615: A bill redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the "Reverend J.C. Wade Post Office".

H.R. 4658: A bill to designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the "J.L. Dawkins Post Office Building".

H.R. 4884: A bill redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the "William S. Broomfield Post Office Building".

S. 2804: A bill to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office".

The following reports of committees were submitted on today:

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

H.R. 4110: A bill to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005 (Rept. No. 106-466).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2688: A bill to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools, and for other purposes (Rept. No. 106-467).

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 2686: A bill to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes (Rept. No. 106-468).

S. 3062: A bill to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes. (Rept. No. 106-469).

By Mr. THOMPSON, from the Committee on Governmental Affairs:

Report to accompany S. 3144, An original bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers (Rept. No. 106-470).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, with amendments:

H.R. 34: A bill to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System (Rept. No. 106-471).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 4320: A bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes (Rept. No. 106-472).

H.R. 4435: A bill to clarify certain boundaries on the map relating to Unit NC01 of the Coastal Barrier Resources System (Rept. No. 106-473).

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

H.R. 4643: A bill to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes (Rept. No. 106-474).

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 4844: A bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries (Rept. No. 106-475).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2111: A bill to direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the San Bernardino National Forest, California, to KATY 101.3 FM, a California corporation (Rept. No. 106-476).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 2331: A bill to direct the Secretary of the Interior to recalculate the franchise fee owed by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument, South Carolina (Rept. No. 106-477).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2350: A bill to direct the Secretary of the Interior to convey certain water rights to Duchesne City, Utah (Rept. No. 106-478).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 2547: A bill to provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve in the State of Colorado, and for other purposes (Rept. No. 106-479).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 3022: A bill to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District (Rept. No. 106-480).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 3023: A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry (Rept. No. 106-481).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment and with a preamble:

H. Con. Res. 89: A concurrent resolution recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage (Rept. No. 106-482).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 870: A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspector General within Federal departments, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 3149. A bill to provide for the collection of information relating to nonimmigrant foreign students and other exchange program participants; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 3150. A bill to convey certain real property located in Tongass National Forest to Daniel J. Gross, Sr., and Douglas K. Gross, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TORRICELLI:

S. 3151. A bill to provide for the abatement of noise and other adverse effects of idling train engines, and for other purposes; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. GRASSLEY, Mr. BAUCUS, Mr. HATCH, Mr. ROCKEFELLER, Mr. MURKOWSKI, Mr. BREAUX, Mr. JEFFORDS, Mr. CONRAD, Mr. MACK, Mr. GRAHAM, Mr. THOMPSON, Mr. KERREY, Mr. ROBB, and Mr. BRYAN):

S. 3152. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes; read the first time.

By Mr. DOMENICI:

S. 3153. A bill to authorize the Secretary of the Air Force to convey certain excess personal property of the Air Force to Roosevelt General Hospital, Portales, New Mexico; to the Committee on Armed Services.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):

S. 3154. A bill to establish the Erie Canalway National Heritage Corridor in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG:

S. 3155. A bill to authorize the President to award a gold medal on behalf of the Congress to Oskar Schindler and Varian Fry in recognition of their contributions to the Nation and humanity; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. KENNEDY, Mr. WELLSTONE, Mr. DODD, Mr. MOYNIHAN, Mr. SCHUMER, Mr. KERRY, Mr. TORRICELLI, Mr. LEAHY, and Mr. REID):

S. 3156. A bill to amend the Endangered Species Act of 1973 to ensure the recovery of the declining biological diversity of the United States, to reaffirm and strengthen the commitment of the United States to protect wildlife, to safeguard the economic and ecological future of children of the United States, and to provide certainty to local governments, communities, and individuals in their planning and economic development efforts; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. BENNETT, Mr. STEVENS, Ms. LANDRIEU, Mr. BROWNBACK, Mr. KERRY, Mr. HELMS, Mr. BINGAMAN, Mr. CRAIG, Mr. DURBIN, Mr. L. CHAFEE, Mr. BRYAN, Mr. KERREY, Mr. LOTT, Mrs. HUTCHISON, Mr. KENNEDY, Mr. LEVIN, Mrs. BOXER, Mr. WARNER, Mr. ABRAHAM, Ms. COLLINS, Mr. EDWARDS, Mr. GRASSLEY, Mr. DOMENICI, Mr. SESSIONS, Mr. LUGAR, Mr. COCHRAN, Ms. SNOWE, and Mr. THOMAS):

S. Res. 364. A resolution commending Sydney, New South Wales, Australia for its successful conduct of the 2000 Summer Olympic Games and congratulating the United States Olympic Team for its outstanding accomplishments at those Olympic Games; placed on the calendar.

By Mr. VOINOVICH (for himself, Mr. BIDEN, Mr. LUGAR, Mr. HAGEL, Mr. SMITH of Oregon, Mr. LAUTENBERG, and Ms. LANDRIEU):

S. Res. 365. A resolution expressing the sense of the Senate regarding recent elections in the Federal Republic of Yugoslavia, and for other purposes; to the Committee on Foreign Relations.

By Mr. MCCONNELL:

S. Con. Res. 141. A concurrent resolution to authorize the printing of copies of the publication entitled "The United States Capitol" as a Senate document; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 3150. A bill to convey certain real property located in Tongass National Forest to Daniel J. Gross, Sr., and Douglas K. Gross, and for other purposes; to the Committee on Energy and Natural Resources.

THE HERITAGE LAND TRANSFER ACT OF 2000

Mr. MURKOWSKI. Mr. President, I rise today to introduce the Heritage Land Transfer Act of 2000. This legislation, while inconsequential when compared to many of the issues we deal with in the U.S. Congress, is extremely important to two of my oldest constituents, Douglas and Daniel Gross. These two brothers along with the other members of the Gross family are amongst Alaska's earliest pioneers. These two brothers have spent over 80 years drawing their existence out of the harsh Southeastern Alaskan environment. Through all these years, they managed to raise their families and contributed to building the great State that I have the privilege of representing. I would also point out that Douglas and Daniel Gross served our Nation during World War II at its time of greatest need—now these two veterans need our help to right a wrong that has been vested upon them through no fault of their own.

"The Heritage Land Transfer Act of 2000" directs the Forest Service to convey 160 acres to Daniel and Douglas Gross. This granting of clear title would fix a problem that has plagued the family for the past 20 years. The need for this action arises from the fact that no records remain to substantial the family's claim that they homesteaded on Greens Point in the 1930's. Family homesteading records were destroyed when the Gross home burned to the ground in 1935–1936 and to make matters worse, the Forest Service is unable to locate any documentation to substantiate the Gross family claim. With neither title nor documentation, Doug and Dan Gross are unable to produce any legal record of ownership to the land their parents homesteaded. The paper records, however, are the only things missing. The Forest Service willingly acknowledges that a large body of evidence exists that clearly establishes the fact that the family built a home on Greens Point in the 1930's, that they grew and sold vegetables from this farmstead, and that they were good neighbors to many people caught out in our famous Alaskan storms. While the family and the Forest Service have searched in vain for written records, there is one piece of physical evidence to substantiate the family claim. On September 11, 1989, Alaska State Senator Robin Taylor traveled to the Gross property on the Stikine River for the purpose of locating a witness tree which would provide objective proof to the Gross family claim of homestead. In a letter Senator Taylor sent to Richard Kohrt, Wrangell District Ranger, Tongass National Forest he wrote "I was present when Mr. Bungy, United States Forest Service specialist, sawed and chopped open the large spruce tree which the Gross

Brothers had identified from memory as being a witness tree. Mr. Bungy verified that the large blaze uncovered was of the exact age that coincided with the Gross claim. By counting the annual growth rings it coincided with the many affidavits and statements of witness about the Gross claim of homestead."

There is no question that the family settled on the Green Point property on the Stikine River in the 1930's. They raised all of their children on their property and were good friends to all who lived and worked throughout the region. I have in my possession many affidavits, each one testifying to the settlement of the Gross family along the Stikine River. I offer the following quotations typical of these testaments: "In the early 1930's I spent a lot of time up the Stikine River at the Gross Ranch. They had a large two story home and a huge garden . . ." "I stayed with Mr. and Mrs. Bill Gross in the middle thirties. Bessie Gross took care of my brother Gilbert and I while my mother and father were out fishing, they had a house and garden on the river which everyone knows as the Gross place even to this day . . ." "I stayed with Bessie Gross and Family during the late 1930's in their place up the river . . ." And another from Mr. Harry Sundberg, a gillnet fisherman, used to fish in "what was known locally as the Gross homestead." Mr. Sundberg goes on to say "While most people during that period did not file on the land they occupied, I distinctly recall that our conversations included the fact that they had applied for their application to own property similar to Captain Lee, who owned the property directly south of them on the mainland."

The Homestead Act requires residency for a minimum of 3 years. These affidavits, and many others, verify the Gross families life on this property since the early 1930's. In a letter from the Department of Agriculture to Senator STEVENS they write "Even though it's clear the Gross family homesteaded on the property, there is no evidence or record that they completed the process to obtain title." Another letter from the Department of Agriculture states "the Forest Service does not and has not refuted your claim that you and/or your family resided at Greens Point in the 1930's." An Alaska Magazine article written in 1984 references the "Gross place" along the Stikine River.

The Homestead Act authorized the transfer of 160 acre parcels of federal land to private owners. The Gross Homestead is 160.8 acres. A tree, both Daniel and Douglas Gross remember being used as a survey marker when they were boys, was examined in 1989 and found to have a flat face blazed into the wood approximately 50 years prior. This is not a coincidence. It is proof this land was surveyed when the family claims it was surveyed.

This family has lived on, and made use of this land for 70 years. It is time for them to be named the legal title holders, and to complete the already started process of shuffling paper.

By Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. GRASSLEY, Mr. BAUCUS, Mr. HATCH, Mr. ROCKEFELLER, Mr. MURKOWSKI, Mr. BREAUX, Mr. JEFFORDS, Mr. CONRAD, Mr. MACK, Mr. GRAHAM, Mr. THOMPSON, Mr. KERREY, Mr. ROBB, and Mr. BRYAN):

S. 3152. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes; read the first time.

COMMUNITY RENEWAL AND NEW MARKETS ACT OF 2000

Mr. ROTH. Mr. President, today I am, along with 14 cosponsors from the Finance Committee, introducing a Community Renewal tax reduction bill that will help all America benefit from today's economic boom.

As you know, the House bill embodies an agreement between the House and the Administration. Personally, I think that it would be wrong for the Senate to be silent in this process. It is important for this body to at least have a voice in crafting this legislation.

While I would have preferred that this legislation to have been reported from the Finance Committee, I believe my bill represents the Committee's will. It is largely composed of the Chairman's mark and amendments submitted by the Committee's members. Every Member of the Finance Committee had input into this bill. In the regular course of Finance Committee business, we would have reported this bill out of the Committee with an overwhelming vote in support. And the fact that 15 members on both sides of the aisle have joined me as original cosponsors, I believe, attests to the Finance Committee's approval of this legislation.

It goes without saying that America's communities are important. I believe that there are many ways in which we can extend help to them. I also feel that any time we can work together with the Administration to cut taxes we must try and see it to fruition.

While I listened to the concerns of every senator—both on and off the Finance committee—who approached me with a provision in which they were interested, I did not incorporate them all. I did not because I could not without the cost of the bill growing out of control. It is important that we not forget communities that may not have received as much as others from America's economic boom. However, it is also important that we consider the size of this bill in the context of other tax relief priorities that remain. These other priorities are marriage tax relief, retirement security, education, estate tax relief, small business tax relief, and other items. Community renewal tax relief must fit within the overall framework of the tax relief agenda.

This Finance Committee bill is fair and it is in line with the revenue loss of the package, proposed by Senators SANTORUM, ABRAHAM, and LIEBERMAN, which was considered earlier this year in the Senate. In designing this bill, members of the Finance Committee decided not to turn this bill into a grab bag of special interest provisions.

This Finance Committee bill includes a variety of proposals that will further the bill's goals of community renewal—rationalizing and simplifying what was and, was proposed to be, a hodge-podge of often conflicting provisions. It includes an immediate—let me emphasize immediate—increase in the volume caps for low-income housing tax credits and private activity bonds. It also addresses many, many important problems left out of the House and Administration proposal. Among other things, this package contains an energy and conservation component, a farm relief component, an Individual Development Account proposal, an extension of the adoption credit and the enhanced deduction for computer donations, a program to develop high speed rail around the country, and a broadband Internet incentive that will make sure that no one gets left on the wrong side of the digital divide.

One provision that I particularly want to talk about is the tax credit for renovating historic homes. This was one of Senator John Chafee's signature items and I am pleased to include it in the Finance Committee bill, not only because I support it, but as a tribute to our good friend. We all know that if he were here, he would have fought hard for this tax incentive.

In fact, Senator LINCOLN CHAFEE came to see me earlier this year. LINCOLN told that in his dad's last speech, John talked about the importance of the tax credit and said that it was something he wanted to get done before he left the Senate. Unfortunately, he is not with us today, but hopefully we can complete this unfinished business for him.

This is a fair package and a generous package. I believe it is one that this Senate should feel comfortable embracing. I hope each of you who has not done so, will do so.

Mr. MOYNIHAN. Mr. President, last week the Finance Committee was scheduled to mark up the "Community Renewal and New Markets Act of 2000," but the legislation became burdened by extraneous matters, and the Committee was unable to complete the mark-up. I rise today to join my good friend and Chairman of the Finance Committee, Senator ROTH, in introducing the "Community Renewal and

New Markets Act of 2000" as an original bill with 15 cosponsors from the Finance Committee.

Sir, we all should be grateful for Senator ROTH's leadership in this matter. Community renewal is an effort to rebuild American communities, which is based on an agreement reached between the President and the Speaker of the House that this is legislation we ought to have. The signals are clear: the legislation will be enacted this year with or without us. Today, Senator ROTH and I give a voice in this process to the Finance Committee and the Senate.

Mr. President, this bill represents the will of the Finance Committee. It incorporates the worthwhile ideas of its members, including the work of my good friend, Senator ROBB, who, along with Senator ROCKEFELLER, has worked tirelessly to provide meaningful incentives for investment in distressed communities.

I also take a moment of the Senate's time to echo Senator ROTH's tribute to Senator John Chafee. It is fitting that we should enact, in a bipartisan bill, the tax credit for renovating historic homes in honor of a great Senator.

Substantively, the Community Renewal legislation is significant in several respects. First, it provides a notable measure of tax simplification, even as it accomplishes a worthwhile goal—tax benefits for investment in poor communities. While the bill designates 30 new "Renewal Zones," it also conforms the tax incentives available to individuals and businesses investing in any of the zone designations, current or future. Our legislation smartly unifies these Empowerment and Renewal Zones and creates a common set of incentives. This is the right kind of legislation.

I also note, Mr. President, with some appreciation, two provisions that will make transportation and data transmission very quick indeed. The bill includes provisions to accelerate and expand access to high-technology infrastructure for all communities. First, it authorizes $10 billion of tax credit bonds for Amtrak to develop high-speed railways. High-speed railways have the potential to connect the very communities targeted by this legislation and provide them with greater access to information.

Second, the bill includes a proposal that I first introduced on June 8, 2000. That proposal, which now has 52 Senate supporters, provides graduated tax credits for deployment of high-speed communications—called "broadband"—to residential and rural communities. Current market forces are driving deployment of broadband technology almost exclusively to urban businesses and wealthy households. The proposal in the bill will encourage broadband providers to act quickly to deploy broadband to Americans in all communities.

Mr. President, if you will allow me one further observation, as I am compelled to compliment the bill in one other respect. Consistent with the purpose of this legislation, it includes a tax incentive for investment in labor in Puerto Rico. The provision does not accomplish all that I had hoped it would, but I believe it represents a positive step forward. It extends to Puerto Rico tax incentives for job creation similar to the ones in other areas of the bill, and it does so, quite simply, through an existing tax-code provision, the Puerto Rico economic activity credit.

Mr. President, I again applaud the leadership of our revered Chairman and proudly join him in introducing the Community Renewal and New Markets Act of 2000.

Mr. MACK. Mr. President, as a cosponsor of the Community Renewal and New Markets Act of 2000, I want to commend Chairman ROTH for his usual fine work in assembling a bill that garners the support of such a large number of our Finance Committee colleagues. I am pleased that a number of items in this bill are provisions that are extremely important to me, and I would like to speak briefly concerning them.

But I also want to draw attention to some provisions in this bill that I do not favor. As this bill stands in the place of what would have been a bill reported out of the Committee on Finance, it reflects the compromises that are inherent in the committee process. Unlike typical bills, of which it is reasonable to assume that every provision is supported by every co-sponsor, probably every co-sponsor of this bill can find provisions contained in it that he does not support. Of many, there are two that I find most troubling: the "new markets tax credit," and the "individual development accounts."

These two provisions are appropriations masquerading as tax cuts. Under the new markets tax credit, the Secretary of the Treasury would annually pay dividends to investors in "community development entities," which must be certified by the Treasury Department and which must have as their primary mission investing in low-income people or communities. This proposal is premised on the belief that an entity that lacks a profit-motive, under federal bureaucratic supervision, will be an attractive investment for people if dividends are guaranteed. It is the sort of scheme that could only be dreamed up by people who have spent their entire careers in government. A simpler way to direct capital to investment-starved pockets is by eliminating the tax on capital gains—this is the decentralized, market-oriented approach.

The "individual development accounts" would launder government-matching funds for low income savers through financial institutions. This new entitlement cannot be justified. It is true that, by some measures, the savings rate in the United States appears low. Simple logic dictates that the savings rate have been lowered due to federal tax policies, which impose several layers of taxation upon income that is saved. It is one thing to address this problem at the source, by removing the extra taxation on savings—a we do to the extent that people can make deductible contributions to traditional IRAs and contributions to Roth IRAs. But to give people money to reward them for saving is pure income redistribution, a misuse of the taxpayers' money.

Despite my disagreement with some of the provisions of this bill, I am pleased that the bill contains several initiatives that I have proposed over the past few Congresses. The Low Income Housing Tax Credit is boosted to make up for over a decade's worth of inflation, and is indexed to prevent this problem from reoccurring. The First-Time Homebuyer Tax Credit for the District of Columbia is extended and the marriage penalty in the credit is eliminated. Section 1706 of the Tax Reform Act of 1986, which discriminates against high technology workers and the companies that hire them, is repealed. Not-for-hire disaster insurance funds, in my state of Florida and several others, are made tax-exempt entities.

I am most encouraged by the extension of my zero percent capital gains tax rate proposal to businesses in the entire District of Columbia, and to businesses in all empowerment and renewal zones. Although I am concerned that the lengthy, five-year holding period is unwise and undermines the power of the proposal, I am nevertheless pleased that the idea is spreading and people are coming to see capitalism as the only true cure for poverty.

Mr. ROTH. Mr. President, along with Senator MOYNIHAN and the other members of the committee I ask unanimous consent that S. 3152, the Community Renewal and New Markets Act of 2000 be printed in the RECORD. I also ask unanimous consent that a technical explanation of S. 3152, which has been prepared by the Joint Committee on Taxation, be printed in the RECORD, at a cost of $4,290.00, immediately following the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Community Renewal and New Markets Act of 2000".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—INCENTIVES FOR DISTRESSED COMMUNITIES

Subtitle A—Designation and Treatment of Renewal Zones

Sec. 101. Designation and treatment of renewal zones.

Subtitle B—Modification of Incentives for Empowerment Zones

Sec. 111. Extension of empowerment zone treatment through 2009.
Sec. 112. 15 percent employment credit for all empowerment zones
Sec. 113. Increased expensing under section 179.
Sec. 114. Higher limits on tax-exempt empowerment zone facility bonds.
Sec. 115. Empowerment zone capital gain.
Sec. 116. Funding for Round II empowerment zones.

Subtitle C—Modification of Tax Incentives for DC Zone

Sec. 121. Extension of DC zone through 2006.
Sec. 122. Extension of DC zero percent capital gains rate.
Sec. 123. Gross income test for DC zone businesses.
Sec. 124. Expansion of DC homebuyer tax credit.

Subtitle D—New Markets Tax Credit

Sec. 131. New markets tax credit.

Subtitle E—Modification of Tax Incentives for Puerto Rico

Sec. 141. Modification of Puerto Rico economic activity tax credit.

Subtitle F—Individual Development Accounts

Sec. 151. Definitions.
Sec. 152. Structure and administration of qualified individual development account programs.
Sec. 153. Procedures for opening an individual development account and qualifying for matching funds.
Sec. 154. Contributions to individual development accounts.
Sec. 155. Deposits by qualified individual development account programs.
Sec. 156. Withdrawal procedures.
Sec. 157. Certification and termination of qualified individual development account programs.
Sec. 158. Reporting, monitoring, and evaluation.
Sec. 159. Account funds of program participants disregarded for purposes of certain means-tested Federal programs.
Sec. 160. Matching funds for individual development accounts provided through a tax credit for qualified financial institutions.
Sec. 161. Designation of earned income tax credit payments for deposit to individual development accounts.

Subtitle G—Additional Incentives

Sec. 171. Exclusion of certain amounts received under the National Health Service Corps Scholarship Program and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.
Sec. 172. Extension of enhanced deduction for corporate donations of computer technology.
Sec. 173. Extension of adoption tax credit.
Sec. 174. Tax treatment of Alaska Native Settlement Trusts.
Sec. 175. Treatment of Indian tribal governments under Federal Unemployment Tax Act.
Sec. 176. Increase in social services block grant for FY 2001.

TITLE II—TAX INCENTIVES FOR AFFORDABLE HOUSING

Subtitle A—Low-Income Housing Credit

Sec. 201. Modification of State ceiling on low-income housing credit.
Sec. 202. Modification to rules relating to basis of building which is eligible for credit.

Subtitle B—Historic Homes

Sec. 211. Tax credit for renovating historic homes.

Subtitle C—Forgiven Mortgage Obligations

Sec. 221. Exclusion from gross income for certain forgiven mortgage obligations.

Subtitle D—Mortgage Revenue Bonds

Sec. 231. Increase in purchase price limitation under mortgage subsidy bond rules based on median family income.
Sec. 232. Mortgage financing for residences located in presidentially declared disaster areas.

Subtitle E—Property and Casualty Insurance

Sec. 241. Exemption from income tax for State-created organizations providing property and casualty insurance for property for which such coverage is otherwise unavailable.

TITLE III—TAX INCENTIVES FOR URBAN AND RURAL INFRASTRUCTURE

Sec. 301. Increase in State ceiling on private activity bonds.
Sec. 302. Modifications to expensing of environmental remediation costs.
Sec. 303. Broadband internet access tax credit.
Sec. 304. Credit to holders of qualified Amtrak bonds.
Sec. 305. Clarification of contribution in aid of construction.
Sec. 306. Recovery period for depreciation of certain leasehold improvements.

TITLE IV—TAX RELIEF FOR FARMERS

Sec. 401. Farm, fishing, and ranch risk management accounts.
Sec. 402. Written agreement relating to exclusion of certain farm rental income from net earnings from self-employment.
Sec. 403. Treatment of conservation reserve program payments as rentals from real estate.
Sec. 404. Exemption of agricultural bonds from State volume cap.
Sec. 405. Modifications to section 512(b)(13).
Sec. 406. Charitable deduction for contributions of food inventory.
Sec. 407. Income averaging for farmers and fishermen not to increase alternative minimum tax liability.
Sec. 408. Cooperative marketing includes value-added processing through animals.
Sec. 409. Declaratory judgment relief for section 521 cooperatives.
Sec. 410. Small ethanol producer credit.
Sec. 411. Payment of dividends on stock of cooperatives without reducing patronage dividends.

TITLE V—TAX INCENTIVES FOR THE PRODUCTION OF ENERGY

Sec. 501. Election to expense geological and geophysical expenditures.
Sec. 502. Election to expense delay rental payments
Sec. 503. 5-year net operating loss carryback for losses attributable to operating mineral interests of independent oil and gas producers.
Sec. 504. Temporary suspension of percentage of depletion deduction limitation based on 65 percent of taxable income.
Sec. 505. Tax credit for marginal domestic oil and natural gas well production.
Sec. 506. Natural gas gathering lines treated as 7-year property.
Sec. 507. Clarification of treatment of pipeline transportation income.

TITLE VI—TAX INCENTIVES FOR CONSERVATION

Sec. 601. Exclusion of 50 percent of gain on sales of land or interests in land or water to eligible entities for conservation purposes.
Sec. 602. Expansion of estate tax exclusion for real property subject to qualified conservation easement.
Sec. 603. Tax exclusion for cost-sharing payments under partners for wildlife program.
Sec. 604. Incentive for certain energy efficient property used in business.
Sec. 605. Extension and modification of tax credit for electricity produced from biomass.
Sec. 606. Tax credit for certain energy efficient motor vehicles.

TITLE VII—ADDITIONAL TAX PROVISIONS

Sec. 701. Limitation on use of nonaccrual experience method of accounting.
Sec. 702. Repeal of section 530(d) of the Revenue Act of 1978.
Sec. 703. Expansion of exemption from personal holding company tax for lending or finance companies.
Sec. 704. Charitable contribution deduction for certain expenses incurred in support of Native Alaskan subsistence whaling.
Sec. 705. Imposition of excise tax on persons who acquire structured settlement payments in factoring transactions.

TITLE I—INCENTIVES FOR DISTRESSED COMMUNITIES

Subtitle A—Designation and Treatment of Renewal Zones

SEC. 101. DESIGNATION AND TREATMENT OF RENEWAL ZONES.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new subchapter:

"Subchapter X—Designation and Treatment of Renewal Zones

"Sec. 1400E. Designation and treatment of renewal zones.

"SEC. 1400E. DESIGNATION AND TREATMENT OF RENEWAL ZONES.

"(a) TREATMENT OF DESIGNATION.—For purposes of this title, any area designated as a renewal zone under this section shall be treated as an empowerment zone.

"(b) DESIGNATION.—

"(1) RENEWAL ZONE DEFINED.—For purposes of this title, the term 'renewal zone' means any area—

"(A) which is nominated by one or more local governments and the State or States in which it is located for designation as a renewal zone (hereafter in this section referred to as a 'nominated area'), and

"(B) which the appropriate Secretary designates as a renewal zone.

"(2) Number of designations.—

"(A) In general.—The appropriate Secretaries may designate not more than 30 nominated areas as renewal zones.

"(B) Minimum designation in rural areas.—Of the areas designated under subparagraph (A), at least 6 must be areas—

"(i) which are within a local government jurisdiction or jurisdictions with a population of less than 50,000, or

"(ii) which satisfy the requirements of section 1393(a)(2).

"(3) Areas designated based on degree of poverty, etc.—

"(A) In general.—Except as otherwise provided in this section, the nominated areas designated as renewal zones under this subsection shall be those nominated areas with the highest average ranking with respect to the criteria described in subparagraphs (B), (C), and (D) of subsection (d)(3). For purposes of the preceding sentence, an area shall be ranked within each such criterion on the basis of the amount by which the area exceeds such criterion, with the area which exceeds such criterion by the greatest amount given the highest ranking.

"(B) Exception where inadequate course of action, etc.—An area shall not be designated under subparagraph (A) if the appropriate Secretary determines that the course of action described in subsection (e)(2) with respect to such area is inadequate.

"(C) Priority for 1 nominated area in each State.—For purposes of this subchapter, 1 nominated area within each State without any area designated as an empowerment zone under section 1391 or 1400 shall be treated for purposes of this paragraph as having the highest average with respect to the criteria described in subparagraphs (B), (C), and (D) of subsection (d)(3).

"(4) Limitation on designations.—

"(A) Publication of regulations.—The Secretary of Housing and Urban Development shall prescribe by regulation not later than 4 months after the date of the enactment of this section, after consultation with the Secretary of Agriculture—

"(i) the procedures for nominating an area under paragraph (1)(A),

"(ii) the parameters relating to the size and population characteristics of a renewal zone, and

"(iii) the manner in which nominated areas will be evaluated based on the criteria specified in subsection (e).

"(B) Time limitations.—The appropriate Secretaries may designate nominated areas as renewal zones only during the period beginning on the first day of the first month following the month in which the regulations described in subparagraph (A) are prescribed and ending on December 31, 2001.

"(C) Procedural rules.—The appropriate Secretary shall not make any designation of a nominated area as a renewal zone under paragraph (2) unless—

"(i) the local governments and the States in which the nominated area is located have the authority—

"(I) to nominate such area for designation as a renewal zone,

"(II) to make the State and local commitments described in subsection (e), and

"(III) to provide assurances satisfactory to the appropriate Secretary that such commitments will be fulfilled,

"(ii) a nomination regarding such area is submitted in such a manner and in such form, and contains such information, as the appropriate Secretary shall by regulation prescribe, and

"(iii) the appropriate Secretary determines that any information furnished is reasonably accurate.

"(5) Nomination process for Indian reservations.—For purposes of this subchapter, in the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be treated as being both the State and local governments with respect to such area.

"(c) Period for Which Designation Is in Effect.—

"(1) In general.—Any designation of an area as a renewal zone shall remain in effect during the period beginning on January 1, 2002, and ending on the earliest of—

"(A) December 31, 2009,

"(B) the termination date designated by the State and local governments in their nomination, or

"(C) the date the appropriate Secretary revokes such designation.

"(2) Revocation of designation.—The appropriate Secretary may revoke the designation under this section of an area if such Secretary determines that the local government or the State in which the area is located—

"(A) has modified the boundaries of the area, or

"(B) is not complying substantially with, or fails to make progress in achieving, the State or local commitments, respectively, described in subsection (e).

"(d) Area and Eligibility Requirements.—

"(1) In general.—The appropriate Secretary may designate a nominated area as a renewal zone under subsection (b) only if the area meets the requirements of paragraphs (2) and (3) of this subsection.

"(2) Area requirements.—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of one or more local governments,

"(B) the boundary of the area is continuous, and

"(C) the area—

"(i) has a population of not more than 200,000 and at least—

"(I) 4,000 if any portion of such area (other than a rural area described in subsection (b)(2)(B)(i)) is located within a metropolitan statistical area (within the meaning of section 143(k)(2)(B)) which has a population of 50,000 or greater, or

"(II) 1,000 in any other case, or

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

"(3) Eligibility requirements.—A nominated area meets the requirements of this paragraph if the State and the local governments in which it is located certify in writing (and the appropriate Secretary, after such review of supporting data as such Secretary deems appropriate, accepts such certification) that—

"(A) the area is one of pervasive poverty, unemployment, and general distress,

"(B) the unemployment rate in the area, as determined by the most recent available data, was at least 1½ times the national unemployment rate for the period to which such data relate,

"(C) the poverty rate for each population census tract within the nominated area is at least 20 percent, and

"(D) in the case of an urban area, at least 70 percent of the households living in the area have incomes below 80 percent of the median income of households within the jurisdiction of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974).

"(4) Consideration of other factors.—The appropriate Secretary, in selecting any nominated area for designation as a renewal zone under this section—

"(A) shall take into account—

"(i) the extent to which such area has a high incidence of crime,

"(ii) if such area has census tracts identified in the May 12, 1998, report of the General Accounting Office regarding the identification of economically distressed areas, or

"(iii) if such area (or portion thereof) has previously been designated as an enterprise community under section 1391, and

"(B) with respect to 1 of the areas to be designated under subsection (b)(2)(B), may, in lieu of any criteria described in paragraph (3), take into account the existence of outmigration from the area.

"(e) Required State and Local Commitments.—

"(1) In general.—The appropriate Secretary may designate any nominated area as a renewal zone under subsection (b) only if the local government and the State in which the area is located agree in writing that, during any period during which the area is a renewal zone, such governments will follow a specified course of action which meets the requirements of paragraph (2) and is designed to reduce the various burdens borne by employers or employees in such area.

"(2) Course of action.—

"(A) In general.—A course of action meets the requirements of this paragraph if such course of action is a written document, signed by a State (or local government) and neighborhood organizations, which evidences a partnership between such State or government and community-based organizations and which commits each signatory to specific and measurable goals, actions, and timetables. Such course of action shall include at least 4 of the following:

"(i) A reduction of tax rates or fees applying within the renewal zone.

"(ii) An increase in the level of efficiency of local services within the renewal zone.

"(iii) Crime reduction strategies, such as crime prevention (including the provision of crime prevention services by nongovernmental entities).

"(iv) Actions to reduce, remove, simplify, or streamline governmental requirements applying within the renewal zone.

"(v) Involvement in the program by private entities, organizations, neighborhood organizations, and community groups, particularly those in the renewal zone, including a commitment from such private entities to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents from the renewal zone.

"(vi) The gift (or sale at below fair market value) of surplus real property (such as land, homes, and commercial or industrial structures) in the renewal zone to neighborhood organizations, community development corporations, or private companies.

"(B) Recognition of past efforts.—For purposes of this section, in evaluating the course of action agreed to by any State or local government, the appropriate Secretary shall take into account the past efforts of such State or local government in reducing the various burdens borne by employers and employees in the area involved.

"(f) Coordination With Treatment of Enterprise Communities.—For purposes of this title, the designation under section 1391 of any area as an enterprise community shall cease to be in effect as of the date that the designation of any portion of such area as a renewal zone takes effect.

"(g) Definitions and Special Rules.—For purposes of this subchapter—

"(1) Appropriate secretary.—The term 'appropriate Secretary' has the meaning given such term by section 1393(a)(1).

"(2) Governments.—If more than one government seeks to nominate an area as a renewal zone, any reference to, or requirement of, this section shall apply to all such governments.

"(3) Local government.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State, and

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the appropriate Secretary.

"(4) Application of rules relating to census tracts.—The rules of section 1392(b)(4) shall apply.

"(5) Census data.—Population and poverty rate shall be determined by using 1990 census data.".

(b) Audit and Report.—Not later than January 31 of 2004, 2007, and 2010, the Comptroller General of the United States shall, pursuant to an audit of the renewal zone program established under section 1400E of the Internal Revenue Code of 1986 (as added by subsection (a)), report to Congress on such program and its effect on poverty, unemployment, and economic growth within the designated renewal zones.

(c) Clerical Amendment.—The table of subchapters for chapter 1 is amended by adding at the end the following new item:

"Subchapter X. Designation and Treatment of Renewal Zones.".

Subtitle B—Modification of Incentives for Empowerment Zones

SEC. 111. EXTENSION OF EMPOWERMENT ZONE TREATMENT THROUGH 2009.

Subparagraph (A) of section 1391(d)(1) (relating to period for which designation is in effect) is amended to read as follows:

"(A)(i) in the case of an empowerment zone, December 31, 2009, or

"(ii) in the case of an enterprise community, the close of the 10th calendar year beginning on or after such date of designation,".

SEC. 112. 15 PERCENT EMPLOYMENT CREDIT FOR ALL EMPOWERMENT ZONES

(a) 15 Percent Credit.—Subsection (b) of section 1396 (relating to empowerment zone employment credit) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) In general.—Except as provided in paragraph (2), the applicable percentage is 15 percent.",

(2) by inserting "and thereafter" after "2005" in the table contained in paragraph (2), and

(3) by striking the items relating to calendar years 2006 and 2007 in such table.

(b) All Empowerment Zones Eligible for Credit.—Section 1396 is amended by striking subsection (e).

(c) Conforming Amendment.—Subsection (d) of section 1400 is amended to read as follows:

"(d) Special Rule for Application of Employment Credit.—With respect to the DC Zone, section 1396(d)(1)(B) (relating to empowerment zone employment credit) shall be applied by substituting 'the District of Columbia' for 'such empowerment zone'.".

(d) Effective Date.—The amendments made by this section shall apply to wages paid or incurred after December 31, 2001.

SEC. 113. INCREASED EXPENSING UNDER SECTION 179.

(a) In General.—Subparagraph (A) of section 1397A(a)(1) is amended by striking "$20,000" and inserting "$35,000".

(b) Expensing for Property Used in Developable Sites.—Section 1397A is amended by striking subsection (c).

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 114. HIGHER LIMITS ON TAX-EXEMPT EMPOWERMENT ZONE FACILITY BONDS.

(a) In General.—Paragraph (3) of section 1394(f) (relating to bonds for empowerment zones designated under section 1391(g)) is amended to read as follows:

"(3) Empowerment zone facility bond.—For purposes of this subsection, the term 'empowerment zone facility bond' means any bond which would be described in subsection (a) if—

"(A) in the case of obligations issued before January 1, 2002, only empowerment zones designated under section 1391(g) were taken into account under sections 1397C and 1397D, and

"(B) in the case of obligations issued after December 31, 2001, all empowerment zones (other than the District of Columbia) were taken into account under sections 1397C and 1397D.".

(b) Effective Date.—The amendments made by this section shall apply to obligations issued after December 31, 2001.

SEC. 115. EMPOWERMENT ZONE CAPITAL GAIN.

(a) In General.—Part III of subchapter U of chapter 1 is amended—

(1) by redesignating subpart C as subpart D;

(2) by redesignating sections 1397B and 1397C as sections 1397C and 1397D, respectively; and

(3) by inserting after subpart B the following new subpart:

"Subpart C—Empowerment Zone Capital Gain

"Sec. 1397B. Empowerment zone capital gain.

"SEC. 1397B. EMPOWERMENT ZONE CAPITAL GAIN.

"(a) General Rule.—Gross income shall not include qualified capital gain from the sale or exchange of any qualified empowerment zone asset held for more than 5 years.

"(b) Per Taxpayer Limitation.—

"(1) In general.—The amount of eligible gain which may be taken into account under subsection (a) for the taxable year with respect to any taxpayer shall not exceed $25,000,000, reduced by the aggregate amount of eligible gain taken into account under subsection (a) for prior taxable years with respect to such taxpayer.

"(2) Eligible gain.—For purposes of this subsection, 'eligible gain'' means any gain from the sale or exchange of a qualified empowerment zone asset held for more than 5 years.

"(3) Treatment of married individuals.—

"(A) Separate returns.—In the case of a separate return by a married individual, paragraph (1) shall be applied by substituting '$12,500,000' for '$25,000,000'.

"(B) Allocation of exclusion.—In the case of a joint return, the amount of gain taken into account under subsection (a) shall be allocated equally between the spouses for purposes of applying this subsection to subsequent taxable years.

"(C) Marital status.—For purposes of this subsection, marital status shall be determined under section 7703.

"(4) Treatment of corporate taxpayers.—For purposes of this subsection—

"(A) all corporations which are members of the same controlled group of corporations (within the meaning of section 52(a)) shall be treated as 1 taxpayer, and

"(B) any gain excluded under subsection (a) by a predecessor of any C corporation shall be treated as having been excluded by such C corporation.

"(c) Qualified Empowerment Zone Asset.—For purposes of this section—

"(1) In general.—The term 'qualified empowerment zone asset' means—

"(A) any qualified empowerment zone stock,

"(B) any qualified empowerment zone partnership interest, and

"(C) any qualified empowerment zone business property.

"(2) Qualified empowerment zone stock.—

"(A) In general.—Except as provided in subparagraph (B), the term 'qualified empowerment zone stock' means any stock in a domestic corporation if—

"(i) such stock is acquired by the taxpayer after the date of the enactment of this section (December 31, 2001, in the case of a renewal zone) and before January 1, 2010, at its original issue (directly or through an underwriter) from the corporation solely in exchange for cash,

"(ii) as of the time such stock was issued, such corporation was an enterprise zone business (or, in the case of a new corporation, such corporation was being organized for purposes of being an enterprise zone business), and

"(iii) during substantially all of the taxpayer's holding period for such stock, such corporation qualified as an enterprise zone business.

"(B) Redemptions.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this paragraph.

"(3) Qualified empowerment zone partnership interest.—The term 'qualified empowerment zone partnership interest' means any capital or profits interest in a domestic partnership if—

"(A) such interest is acquired by the taxpayer after the date of the enactment of this section (December 31, 2001, in the case of a renewal zone) and before January 1, 2010, from the partnership solely in exchange for cash,

"(B) as of the time such interest was acquired, such partnership was an enterprise zone business (or, in the case of a new partnership, such partnership was being organized for purposes of being an enterprise zone business), and

"(C) during substantially all of the taxpayer's holding period for such interest, such partnership qualified as an enterprise zone business.

A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this paragraph.

"(4) Qualified empowerment zone business property.—

"(A) In general.—The term 'qualified empowerment zone business property' means tangible property if—

"(i) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after the date of the enactment of this section (December 31, 2001, in the case of a renewal zone) and before January 1, 2010,

‘‘(ii) the original use of such property in the empowerment zone commences with the taxpayer, and

‘‘(iii) during substantially all of the taxpayer's holding period for such property, substantially all of the use of such property was in an enterprise zone business of the taxpayer.

‘‘(B) SPECIAL RULE FOR SUBSTANTIAL IMPROVEMENTS.—The requirements of clauses (i) and (ii) of subparagraph (A) shall be treated as satisfied with respect to—

‘‘(i) property which is substantially improved by the taxpayer before January 1, 2010, and

‘‘(ii) any land on which such property is located.

The determination of whether a property is substantially improved shall be made under clause (ii) of section 1400B(b)(4)(B), except that ‘the date of the enactment of this section’ shall be substituted for ‘December 31, 1997’ in such clause.

‘‘(c) QUALIFIED CAPITAL GAIN.—For purposes of this section—

‘‘(1) IN GENERAL.—Except as otherwise provided in this subsection, the term ‘qualified capital gain’ means any gain recognized on the sale or exchange of—

‘‘(A) a capital asset, or

‘‘(B) property used in the trade or business (as defined in section 1231(b)).

‘‘(2) GAIN BEFORE EFFECTIVE DATE OR AFTER 2014 NOT QUALIFIED.—The term ‘qualified capital gain’ shall not include any gain attributable to periods before the date of the enactment of this section (January 1, 2002, in the case of a renewal zone) or after December 31, 2014.

‘‘(3) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (3), (4), and (5) of section 1400B(e) shall apply for purposes of this subsection.

‘‘(d) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of paragraphs (5), (6), and (7) of subsection (b), and subsections (f) and (g), of section 1400B shall apply; except that for such purposes section 1400B(g)(2) shall be applied by substituting—

‘‘(1) ‘the day after the date of the enactment of section 1397B’ for ‘January 1, 1998’, and

‘‘(2) ‘December 31, 2014’ for ‘December 31, 2011’.

‘‘(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section, including regulations to prevent the avoidance of the purposes of this section.’’.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1394(b) is amended—

(A) by striking ‘‘section 1397C’’ and inserting ‘‘section 1397D’’; and

(B) by striking ‘‘section 1397C(a)(2)’’ and inserting ‘‘section 1397D(a)(2)’’.

(2) Paragraph (3) of section 1394(b) is amended—

(A) by striking ‘‘section 1397B’’ each place it appears and inserting ‘‘section 1397C’’; and

(B) by striking ‘‘section 1397B(d)’’ and inserting ‘‘section 1397C(d)’’.

(3) Sections 1400(e) and 1400B(c) are each amended by striking ‘‘section 1397B’’ each place it appears and inserting ‘‘section 1397C’’.

(4) The table of subparts for part III of subchapter U of chapter 1 is amended by striking the last item and inserting the following new items:

‘‘Subpart C. Empowerment zone capital gain.

‘‘Subpart D. General provisions.’’.

(5) The table of sections for subpart D of such part III is amended to read as follows:

‘‘Sec. 1397C. Enterprise zone business defined.

‘‘Sec. 1397D. Qualified zone property defined.’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified empowerment zone assets acquired after the date of the enactment of this Act.

SEC. 116. FUNDING FOR ROUND II EMPOWERMENT ZONES.

(a) ENTITLEMENT.—Section 2007(a)(1) of the Social Security Act (42 U.S.C. 1397f(a)(1)) is amended—

(1) in subparagraph (A), by striking ‘‘in the State; and’’ and inserting ‘‘that is in the State and is designated pursuant to section 1391(b) of the Internal Revenue Code of 1986;’’; and

(2) by adding after subparagraph (B) the following new subparagraphs:

‘‘(C)(i) 1 grant under this section for each qualified empowerment zone that is in an urban area in the State and is designated pursuant to section 1391(g) of such Code; and

‘‘(ii) 1 grant under this section for each qualified empowerment zone that is in a rural area in the State and is designated pursuant to section 1391(g) of such Code; and

‘‘(D) 1 grant under this section for each qualified enterprise community that is in the State, is designated pursuant to section 1391(b)(1) of such Code, and is in existence on the date of enactment of this subparagraph.’’.

(b) AMOUNT OF GRANTS.—Section 2007(a)(2) of the Social Security Act (42 U.S.C. 1397f(a)(2)) is amended—

(1) in the heading of subparagraph (A), by inserting ‘‘ORIGINAL’’ before ‘‘EMPOWERMENT’’;

(2) in subparagraph (A), in the matter preceding clause (i), by inserting ‘‘referred to in paragraph (1)(A)’’ after ‘‘empowerment zone’’;

(3) by redesignating subparagraph (C) as subparagraph (F); and

(4) by inserting after subparagraph (B) the following new subparagraphs:

‘‘(C) ADDITIONAL EMPOWERMENT GRANTS.—The amount of the grant to a State under this section for a qualified empowerment zone referred to in paragraph (1)(C) shall be—

‘‘(i) if the zone is in an urban area, $5,000,000 for fiscal year 2001; or

‘‘(ii) if the zone is in a rural area, $2,000,000 for fiscal year 2001.

‘‘(D) ADDITIONAL ENTERPRISE COMMUNITY GRANTS.—The amount of the grant to a State under this section for a qualified enterprise community referred to in paragraph (1)(D) shall be $250,000.’’.

(c) TIMING OF GRANTS.—Section 2007(a)(3) of the Social Security Act (42 U.S.C. 1397f(a)(3)) is amended—

(1) in the heading of subparagraph (A), by inserting ‘‘ORIGINAL’’ before ‘‘QUALIFIED’’;

(2) in subparagraph (A), in the matter preceding clause (i), by inserting ‘‘referred to in paragraph (1)(A)’’ after ‘‘empowerment zone’’; and

(3) by adding after subparagraph (B) the following new subparagraphs:

‘‘(C) ADDITIONAL QUALIFIED EMPOWERMENT ZONES.—With respect to each qualified empowerment zone referred to in paragraph (1)(C), the Secretary shall make 1 grant under this section to the State in which the zone lies, on January 1, 2002.

‘‘(D) ADDITIONAL QUALIFIED ENTERPRISE COMMUNITIES.—With respect to each qualified enterprise community referred to in paragraph (1)(D), the Secretary shall make 1 grant under this section to the State in which the community lies on January 1, 2002.’’.

(d) FUNDING.—Section 2007(a)(4) of the Social Security Act (42 U.S.C. 1397f(a)(4)) is amended—

(1) by striking ‘‘(4) FUNDING.—$1,000,000,000’’ and inserting the following:

‘‘(4) FUNDING.—

‘‘(A) ORIGINAL GRANTS.—$1,000,000,000’’;

(2) by inserting ‘‘for empowerment zones and enterprise communities described in subparagraphs (A) and (B) of paragraph (1)’’ before the period; and

(3) by adding after and below the end the following new subparagraphs:

‘‘(B) ADDITIONAL EMPOWERMENT ZONE GRANTS.—$85,000,000 shall be made available to the Secretary for grants under this section for empowerment zones referred to in paragraph (1)(C).

‘‘(C) ADDITIONAL ENTERPRISE COMMUNITY GRANTS.—$22,000,000 shall be made available to the Secretary for grants under this section for enterprise communities referred to in paragraph (1)(D).’’.

(e) DIRECT FUNDING FOR INDIAN TRIBES.—

(1) IN GENERAL.—Section 2007(a) of the Social Security Act (42 U.S.C. 1397f(a)) is amended by adding at the end the following new paragraph:

‘‘(5) DIRECT FUNDING FOR INDIAN TRIBES.—

‘‘(A) IN GENERAL.—The Secretary may make a grant under this section directly to the governing body of an Indian tribe if—

‘‘(i) the tribe is identified in the strategic plan of a qualified empowerment zone or qualified enterprise community as the entity that assumes sole or primary responsibility for carrying out activities and projects under the grant; and

‘‘(ii) the grant is to be used for activities and projects that are—

‘‘(I) included in the strategic plan of the qualified empowerment zone or qualified enterprise community, consistent with this section; and

‘‘(II) approved by the Secretary of Agriculture, in the case of a qualified empowerment zone or qualified enterprise community in a rural area, or the Secretary of Housing and Urban Development, in the case of a qualified empowerment zone or qualified enterprise community in an urban area.

‘‘(B) RULES OF INTERPRETATION.—

‘‘(i) If grant under this section is made directly to the governing body of an Indian tribe under subparagraph (A), the tribe shall be considered a State for purposes of this section.

‘‘(ii) This subparagraph shall not be construed as making applicable to this section the provisions of the Indian Self-Determination and Education Assistance Act.’’.

(2) DEFINITIONS.—Section 2007(f) of such Act (42 U.S.C. 1397f(f)) is amended by adding at the end the following new paragraph:

‘‘(7) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.’’.

Subtitle C—Modification of Tax Incentives for DC Zone

SEC. 121. EXTENSION OF DC ZONE THROUGH 2006.

(a) IN GENERAL.—The following provisions are amended by striking "2002" each place it appears and inserting "2006":

(1) Section 1400(f).

(2) Section 1400A(b).

(b) ZERO CAPITAL GAINS RATE.—Section 1400B (relating to zero percent capital gains rate) is amended—

(1) by striking "2003" each place it appears and inserting "2007", and

(2) by striking "2007" each place it appears and inserting "2011".

SEC. 122. EXTENSION OF DC ZERO PERCENT CAPITAL GAINS RATE.

(a) IN GENERAL.—Section 1400B (relating to zero percent capital gains rate) is amended by adding at the end the following new subsection:

"(h) EXTENSION TO ENTIRE DISTRICT OF COLUMBIA.—In applying this section to any stock or partnership interest which is originally issued after December 31, 2000, or any tangible property acquired by the taxpayer by purchase after December 31, 2000—

"(1) subsection (d) shall be applied without regard to paragraph (2) thereof, and

"(2) subsections (e)(2) and (g)(2) shall be applied by substituting 'January 1, 2001' for 'January 1, 1998'.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2001.

SEC. 123. GROSS INCOME TEST FOR DC ZONE BUSINESSES.

(a) IN GENERAL.—Section 1400B(c) (defining DC Zone business) is amended by adding "and" at the end of paragraph (1), by striking paragraph (2), and by redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to stock and partnership interests originally issued after, and property originally acquired by the taxpayer after, December 31, 2000.

SEC. 124. EXPANSION OF DC HOMEBUYER TAX CREDIT.

(a) EXTENSION.—Section 1400C(i) (relating to application of section) is amended by striking "2002" and inserting "2004".

(b) EXPANSION OF INCOME LIMITATION.—Section 1400C(b)(1) (relating to limitation based on modified adjusted gross income) is amended—

(1) by striking "$110,000" in subparagraph (A)(i) and inserting "$140,000", and

(2) by inserting "($40,000 in the case of a joint return)" after "$20,000" in subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

Subtitle D—New Markets Tax Credit

SEC. 131. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45D. NEW MARKETS TAX CREDIT.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—For purposes of section 38, in the case of a taxpayer who holds a qualified equity investment on a credit allowance date of such investment which occurs during the taxable year, the new markets tax credit determined under this section for such taxable year is an amount equal to the applicable percentage of the amount paid to the qualified community development entity for such investment at its original issue.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

"'(A) 5 percent with respect to the first three credit allowance dates, and

"(B) 6 percent with respect to the remainder of the credit allowance dates.

"(3) CREDIT ALLOWANCE DATE.—For purposes of paragraph (1), the term 'credit allowance date' means, with respect to any qualified equity investment—

"(A) the date on which such investment is initially made, and

"(B) each of the six anniversary dates of such date thereafter.

"(b) QUALIFIED EQUITY INVESTMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified equity investment' means any equity investment in a qualified community development entity if—

"(A) such investment is acquired by the taxpayer at its original issue (directly or through an underwriter) solely in exchange for cash,

"(B) substantially all of such cash is used by the qualified community development entity to make qualified low-income community investments, and

"(C) such investment is designated for purposes of this section by the qualified community development entity.

Such term shall not include any equity investment issued by a qualified community development entity more than 5 years after the date that such entity receives an allocation under subsection (f). Any allocation not used within such 5-year period may be reallocated by the Secretary under subsection (f).

"(2) LIMITATION.—The maximum amount of equity investments issued by a qualified community development entity which may be designated under paragraph (1)(C) by such entity shall not exceed the portion of the limitation amount allocated under subsection (f) to such entity.

"(3) SAFE HARBOR FOR DETERMINING USE OF CASH.—The requirement of paragraph (1)(B) shall be treated as met if at least 85 percent of the aggregate gross assets of the qualified community development entity are invested in qualified low-income community investments.

"(4) TREATMENT OF SUBSEQUENT PURCHASERS.—The term 'qualified equity investment' includes any equity investment which would (but for paragraph (1)(A)) be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder.

"(5) REDEMPTIONS.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this subsection.

"(6) EQUITY INVESTMENT.—The term 'equity investment' means—

"(A) any stock (other than nonqualified preferred stock as defined in section 351(g)(2)) in an entity which is a corporation, and

"(B) any capital interest in an entity which is a partnership.

"(c) QUALIFIED COMMUNITY DEVELOPMENT ENTITY.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified community development entity' means any domestic corporation or partnership if—

"(A) the primary mission of the entity is serving, or providing investment capital for, low-income communities or low-income persons,

"(B) the entity maintains accountability to residents of low-income communities through their representation on any governing board of the entity or on any advisory boards to the entity, and

"(C) the entity is certified by the Secretary for purposes of this section as being a qualified community development entity.

"(2) SPECIAL RULES FOR CERTAIN ORGANIZATIONS.—The requirements of paragraph (1) shall be treated as met by—

"(A) any specialized small business investment company (as defined in section 1044(c)(3)), and

"(B) any community development financial institution (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)).

"(d) QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified low-income community investment' means—

"(A) any capital or equity investment in, or loan to, any qualified active low-income community business,

"(B) the purchase from another community development entity of any loan made by such entity which is a qualified low-income community investment,

"(C) financial counseling and other services specified in regulations prescribed by the Secretary to businesses located in, and residents of, low-income communities, and

"(D) any equity investment in, or loan to, any qualified community development entity.

"(2) QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'qualified active low-income community business' means, with respect to any taxable year, any corporation (including a nonprofit corporation) or partnership if for such year—

"(i) at least 50 percent of the total gross income of such entity is derived from the active conduct of a qualified business within any low-income community,

"(ii) a substantial portion of the use of the tangible property of such entity (whether owned or leased) is within any low-income community,

"(iii) a substantial portion of the services performed for such entity by its employees are performed in any low-income community,

"(iv) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to collectibles (as defined in section 408(m)(2)) other than collectibles that are held primarily for sale to customers in the ordinary course of such business, and

"(v) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to nonqualified financial property (as defined in section 1397C(e)).

"(B) PROPRIETORSHIP.—Such term shall include any business carried on by an individual as a proprietor if such business would meet the requirements of subparagraph (A) were it incorporated.

"(C) PORTIONS OF BUSINESS MAY BE QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS.—The term 'qualified active low-income community business' includes any trades or businesses which would qualify as a qualified active low-income community business if such trades or businesses were separately incorporated.

"(3) QUALIFIED BUSINESS.—For purposes of this subsection, the term 'qualified business' has the meaning given to such term by section 1397C(d); except that—

"(A) in lieu of applying paragraph (2)(B) thereof, the rental to others of real property located in any low-income community shall be treated as a qualified business if there are substantial improvements located on such property, and

"(B) paragraph (3) thereof shall not apply.

"(e) Low-Income Community.—For purposes of this section—

"(1) In general.—The term 'low-income community' means any population census tract if—

"(A) the poverty rate for such tract is at least 20 percent, or

"(B)(i) in the case of a tract not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of statewide median family income, or

"(ii) in the case of a tract located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater of statewide median family income or the metropolitan area median family income.

"(2) Targeted areas.—The Secretary may designate any area within any census tract as a low-income community if—

"(A) the boundary of such area is continuous,

"(B) the area would satisfy the requirements of paragraph (1) if it were a census tract, and

"(C) an inadequate access to investment capital exists in such area.

"(3) Areas not within census tracts.—In the case of an area which is not tracted for population census tracts, the equivalent county divisions (as defined by the Bureau of the Census for purposes of defining poverty areas) shall be used for purposes of determining poverty rates and median family income.

"(f) National Limitation on Amount of Investments Designated.—

"(1) In general.—There is a new markets tax credit limitation for each calendar year. Such limitation is—

"(A) $1,000,000,000 for 2002, and

"(B) $1,500,000,000 for 2003, 2004, 2005, and 2006.

"(2) Allocation of limitation.—The limitation under paragraph (1) shall be allocated by the Secretary among qualified community development entities selected by the Secretary. In making allocations under the preceding sentence, the Secretary shall give priority to any entity—

"(A) with a record of having successfully provided capital or technical assistance to disadvantaged businesses or communities, or

"(B) which intends to satisfy the requirement under subsection (b)(1)(B) by making qualified low-income community investments in 1 or more businesses in which persons unrelated to such entity (within the meaning of section 267(b) or 707(b)(1)) hold the majority equity interest.

"(3) Carryover of unused limitation.—If the new markets tax credit limitation for any calendar year exceeds the aggregate amount allocated under paragraph (2) for such year, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2013.

"(g) Recapture of Credit In Certain Cases.—

"(1) In general.—If, at any time during the 7-year period beginning on the date of the original issue of a qualified equity investment in a qualified community development entity, there is a recapture event with respect to such investment, then the tax imposed by this chapter for the taxable year in which such event occurs shall be increased by the credit recapture amount.

"(2) Credit recapture amount.—For purposes of paragraph (1), the credit recapture amount is an amount equal to the sum of—

"(A) the aggregate decrease in the credits allowed to the taxpayer under section 38 for all prior taxable years which would have resulted if no credit had been determined under this section with respect to such investment, plus

"(B) interest at the underpayment rate established under section 6621 on the amount determined under subparagraph (A) for each prior taxable year for the period beginning on the due date for filing the return for the prior taxable year involved.

No deduction shall be allowed under this chapter for interest described in subparagraph (B).

"(3) Recapture event.—For purposes of paragraph (1), there is a recapture event with respect to an equity investment in a qualified community development entity if—

"(A) such entity ceases to be a qualified community development entity,

"(B) the proceeds of the investment cease to be used as required of subsection (b)(1)(B), or

"(C) such investment is redeemed by such entity.

"(4) Special rules.—

"(A) Tax benefit rule.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) No credits against tax.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.

"(h) Basis Reduction.—The basis of any qualified equity investment shall be reduced by the amount of any credit determined under this section with respect to such investment. This subsection shall not apply for purposes of sections 1202, 1397B, and 1400B.

"(i) Regulations.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations—

"(1) which limit the credit for investments which are directly or indirectly subsidized by other Federal tax benefits (including the credit under section 42 and the exclusion from gross income under section 103),

"(2) which prevent the abuse of the purposes of this section,

"(3) which provide rules for determining whether the requirement of subsection (b)(1)(B) is treated as met,

"(4) which impose appropriate reporting requirements, and

"(5) which apply the provisions of this section to newly formed entities.".

(b) Credit Made Part of General Business Credit.—

(1) In general.—Subsection (b) of section 38 is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following new paragraph:

"(13) the new markets tax credit determined under section 45D(a).".

(2) Limitation on carryback.—Subsection (d) of section 39 is amended by adding at the end the following new paragraph:

"(9) No carryback of new markets tax credit before January 1, 2002.—No portion of the unused business credit for any taxable year which is attributable to the credit under section 45D may be carried back to a taxable year ending before January 1, 2002.".

(c) Deduction for Unused Credit.—Subsection (c) of section 196 is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ", and", and by adding at the end the following new paragraph:

"(9) the new markets tax credit determined under section 45D(a).".

(d) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45D. New markets tax credit.".

(e) Effective Date.—The amendments made by this section shall apply to investments made after December 31, 2001.

(f) Regulations on Allocation of National Limitation.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Treasury or the Secretary's delegate shall prescribe regulations which specify—

(1) how entities shall apply for an allocation under section 45D(f)(2) of the Internal Revenue Code of 1986, as added by this section;

(2) the competitive procedure through which such allocations are made; and

(3) the actions that such Secretary or delegate shall take to ensure that such allocations are properly made to appropriate entities.

(g) Audit and Report.—Not later than January 31 of 2004 and 2007, the Comptroller General of the United States shall, pursuant to an audit of the new markets tax credit program established under section 45D of the Internal Revenue Code of 1986 (as added by subsection (a)), report to Congress on such program, including all qualified community development entities that receive an allocation under the new markets credit under such section.

Subtitle E—Modification of Tax Incentives for Puerto Rico

SEC. 141. MODIFICATION OF PUERTO RICO ECONOMIC ACTIVITY TAX CREDIT.

(a) Corporations Eligible To Claim Credit.—Section 30A(a)(2) (defining qualified domestic corporation) is amended to read as follows:

"(2) Qualified domestic corporation.—For purposes of paragraph (1)—

"(A) In general.—A domestic corporation shall be treated as a qualified domestic corporation for a taxable year if it is actively conducting within Puerto Rico during the taxable year—

"(i) a line of business with respect to which the domestic corporation is an existing credit claimant under section 936(j)(9), or

"(ii) with respect to taxable years ending after December 31, 2000, an eligible line of business not described in clause (i) with respect to which the domestic corporation is an existing credit claimant under section 936(j)(9) (determined without regard to subparagraph (B) thereof).

"(B) Limitation to lines of business.—A domestic corporation shall be treated as a qualified domestic corporation under subparagraph (A) only with respect to the lines of business described in subparagraph (A) which it is actively conducting in Puerto Rico during the taxable year.

"(C) Exception for corporations electing reduced credit.—A domestic corporation shall not be treated as a qualified domestic corporation if such corporation (or any predecessor) had an election in effect under section 936(a)(4)(B)(iii) for any taxable year beginning after December 31, 1996.".

(b) APPLICATION ON SEPARATE LINE OF BUSINESS BASIS; ELIGIBLE LINE OF BUSINESS.—Section 30A is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) APPLICATION ON LINE OF BUSINESS BASIS; ELIGIBLE LINES OF BUSINESS.—For purposes of this section—

"(1) APPLICATION TO SEPARATE LINE OF BUSINESS.—

"(A) IN GENERAL.—In determining the amount of the credit under subsection (a), this section shall be applied separately with respect to each substantial line of business of the qualified domestic corporation described in subsection (a)(2)(A)(ii).

"(B) ALLOCATION.—The Secretary shall prescribe rules necessary to carry out the purposes of this paragraph, including rules—

"(i) for the allocation of items of income, gain, deduction, and loss for purposes of determining taxable income under subsection (a), and

"(ii) for the allocation of wages, fringe benefit expenses, and depreciation allowances for purposes of applying the limitations under subsection (d).

"(2) ELIGIBLE LINE OF BUSINESS.—The term 'eligible line of business' means a substantial line of business established by a qualified domestic corporation described in subsection (a)(2)(A)(ii) after December 31, 2000.".

(c) MODIFICATION OF BASE PERIOD CAP FOR EXISTING CLAIMANTS.—The last sentence of section 30A(a)(1) (relating to allowance of credit) is amended—

(1) by striking "In" and inserting "With respect to any qualified domestic corporation described in paragraph (2)(A)(i), in",

(2) by inserting "the greater of" after "exceed", and

(3) by inserting ", or such income multiplied by the ratio of the average number of full-time employees of such taxpayers during the taxable year to the average number of such full-time employees in 1995 and 1996" after "section 936(j)".

(d) CREDIT TAKEN OVER 5-YEAR PERIOD.—Section 30A, as amended by subsection (b), is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) CREDIT TAKEN OVER 5-YEAR PERIOD.—In the case of any qualified domestic corporation described in paragraph (2)(A)(ii), the aggregate amount of the credit otherwise determined under subsection (a) for any taxable year shall be allowed ratably over the 5-taxable year period beginning with such taxable year.".

(e) CONFORMING AMENDMENTS.—

(1) Section 30A(a)(3) is amended by striking "an existing credit claimant" and inserting "a qualified domestic corporation".

(2) Section 30A(b) is amended by striking "within a possession" each place it appears and inserting "within Puerto Rico".

(3) Section 30A(d) is amended by striking "possession" each place it appears.

(4) Section 30A(f) is amended to read as follows:

"(f) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED INCOME TAXES.—The qualified income taxes for any taxable year allocable to nonsheltered income shall be determined in the same manner as under section 936(i)(3).

"(2) QUALIFIED WAGES.—The qualified wages for any taxable year shall be determined in the same manner as under section 936(i)(1).

"(3) OTHER TERMS.—Any term used in this section which is also used in section 936 shall have the same meaning given such term by section 936.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2000.

Subtitle F—Individual Development Accounts

SEC. 151. DEFINITIONS.

As used in this subtitle:

(1) ELIGIBLE INDIVIDUAL.—

(A) IN GENERAL.—The term "eligible individual" means an individual who—

(i) has attained the age of 18 years;

(ii) is a citizen or legal resident of the United States; and

(iii) is a member of a household—

(I) the gross income of which does not exceed 60 percent of the national median family income (as published by the Bureau of the Census), as adjusted for family size; and

(II) the net worth of which does not exceed $10,000.

(B) HOUSEHOLD.—The term "household" means all individuals who share use of a dwelling unit as primary quarters for living and eating separate from other individuals.

(C) DETERMINATION OF NET WORTH.—

(i) IN GENERAL.—For purposes of subparagraph (A)(iii)(II), the net worth of a household is the amount equal to—

(I) the aggregate fair market value of all assets that are owned in whole or in part by any member of a household, minus

(II) the obligations or debts of any member of the household.

(ii) CERTAIN ASSETS DISREGARDED.—For purposes of determining the net worth of a household, a household's assets shall not be considered to include—

(I) the primary dwelling unit;

(II) 1 motor vehicle owned by the household; and

(III) the sum of all contributions by an eligible individual (including earnings thereon) to any Individual Development Account, plus the matching deposits made on behalf of such individual (including earnings thereon) in any parallel account.

(2) INDIVIDUAL DEVELOPMENT ACCOUNT.—The term "Individual Development Account" means an account established for an eligible individual as part of a qualified individual development account program, but only if the written governing instrument creating the account meets the following requirements:

(A) The sole owner of the account is the eligible individual.

(B) No contribution will be accepted unless it is in cash, by check, by electronic fund transfer, or by electronic money order.

(C) The holder of the account is a qualified financial institution, a qualified nonprofit organization, or an Indian tribe.

(D) The assets of the account will not be commingled with other property except in a common trust fund or common investment fund.

(E) Except as provided in section 156(b), any amount in the account may be paid out only for the purpose of paying the qualified expenses of the eligible individual.

(3) PARALLEL ACCOUNT.—The term "parallel account" means a separate, parallel individual or pooled account for all matching funds and earnings dedicated to an eligible individual as part of a qualified individual development account program, the sole owner of which is a qualified financial institution, a qualified nonprofit organization, or an Indian tribe.

(4) QUALIFIED FINANCIAL INSTITUTION.—

(A) IN GENERAL.—The term "qualified financial institution" means any person authorized to be a trustee of any individual retirement account under section 408(a)(2).

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a person described in subparagraph (A) from collaborating with 1 or more contractual affiliates, qualified nonprofit organizations, or Indian tribes to carry out an individual development account program established under section 152.

(5) QUALIFIED NONPROFIT ORGANIZATION.—The term "qualified nonprofit organization" means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

(B) any community development financial institution certified by the Community Development Financial Institution Fund; or

(C) any credit union chartered under Federal or State law and certified by the National Credit Union Administration,

that meets standards for financial management and fiduciary responsibility as defined by the Secretary or an organization designated by the Secretary.

(6) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe as defined in section 4(12) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(12), and includes any tribal subsidiary, subdivision, or other wholly owned tribal entity.

(7) QUALIFIED INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAM.—The term "qualified individual development account program" means a program established under section 152 under which—

(A) Individual Development Accounts and parallel accounts are held by a qualified financial institution, a qualified nonprofit organization, or an Indian tribe; and

(B) additional activities determined by the Secretary, or an organization designated by the Secretary, as necessary to responsibly develop and administer accounts, including recruiting, providing financial education and other training to account holders, and regular program monitoring, are carried out by such qualified financial institution, qualified nonprofit organization, or Indian tribe.

(8) QUALIFIED EXPENSE DISTRIBUTION.—

(A) IN GENERAL.—The term "qualified expense distribution" means any amount paid (including through electronic payments) or distributed out of an Individual Development Account and a parallel account established for an eligible individual if such amount—

(i) is used exclusively to pay the qualified expenses of such individual or such individual's spouse or dependents;

(ii) is paid by the qualified financial institution, qualified nonprofit organization, or Indian tribe directly to the person to whom the amount is due or to another Individual Development Account; and

(iii) is paid after the holder of the Individual Development Account has completed a financial education course as required under section 153(b).

(B) QUALIFIED EXPENSES.—

(i) IN GENERAL.—The term "qualified expenses" means any of the following:

(I) Qualified higher education expenses.

(II) Qualified first-time homebuyer costs.

(III) Qualified business capitalization or expansion costs.

(IV) Qualified rollovers.

(ii) QUALIFIED HIGHER EDUCATION EXPENSES.—

(I) In general.—The term "qualified higher education expenses" has the meaning given such term by section 72(t)(7) of the Internal Revenue Code of 1986, determined by treating postsecondary vocational educational schools as eligible educational institutions.

(II) Postsecondary vocational education school.—The term "postsecondary vocational educational school" means an area vocational education school (as defined in subparagraph (C) or (D) of section 521(4) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(4))) which is in any State (as defined in section 521(33) of such Act), as such sections are in effect on the date of the enactment of this Act.

(III) Coordination with other benefits.—The amount of qualified higher education expenses for any taxable year shall be reduced as provided in section 25A(g)(2) of such Code and by the amount of such expenses for which a credit or exclusion is allowed under chapter 1 of such Code for such taxable year.

(iii) Qualified first-time homebuyer costs.—The term "qualified first-time homebuyer costs" means qualified acquisition costs (as defined in section 72(t)(8) of such Code without regard to subparagraph (B) thereof) with respect to a principal residence (within the meaning of section 121 of such Code) for a qualified first-time homebuyer (as defined in section 72(t)(8) of such Code).

(iv) Qualified business capitalization or expansion costs.—

(I) In general.—The term "qualified business capitalization or expansion costs" means qualified expenditures for the capitalization or expansion of a qualified business pursuant to a qualified business plan.

(II) Qualified expenditures.—The term "qualified expenditures" means expenditures included in a qualified business plan, including capital, plant, equipment, working capital, inventory expenses, attorney and accounting fees, and other costs normally associated with starting or expanding a business.

(III) Qualified business.—The term "qualified business" means any business that does not contravene any law.

(IV) Qualified business plan.—The term "qualified business plan" means a business plan which meets such requirements as the Secretary or an organization designated by the Secretary may specify.

(v) Qualified rollovers.—The term "qualified rollover" means, with respect to any distribution from an Individual Development Account, the payment, within 120 days of such distribution, of all or a portion of such distribution to such account or to another Individual Development Account established in another qualified financial institution, qualified nonprofit organization, or Indian tribe for the benefit of the eligible individual, or, if such individual is deceased, the spouse, any dependent, or other named beneficiary of the deceased. Rules similar to the rules of section 408(d)(3) of such Code (other than subparagraph (C) thereof) shall apply for purposes of this clause.

(9) Secretary.—The term "Secretary" means the Secretary of the Treasury.

SEC. 152. STRUCTURE AND ADMINISTRATION OF QUALIFIED INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS.

(a) Establishment of Qualified Individual Development Account Programs.—Any qualified financial institution, qualified nonprofit organization, or Indian tribe may establish 1 or more qualified individual development account programs which meet the requirements of this subtitle.

(b) Basic Program Structure.—

(1) In general.—All qualified individual development account programs shall consist of the following 2 components:

(A) An Individual Development Account to which an eligible individual may contribute money in accordance with section 154.

(B) A parallel account to which all matching funds shall be deposited in accordance with section 155.

(2) Tailored IDA programs.—A qualified financial institution, qualified nonprofit organization, or Indian tribe may tailor its qualified individual development account program to allow matching funds to be spent on 1 or more of the categories of qualified expenses.

(c) Tax Treatment of Accounts.—Any account described in subparagraph (B) of subsection (b)(1) is exempt from taxation under the Internal Revenue Code of 1986 unless such account has ceased to be such an account by reason of section 156(c) or the termination of the qualified individual development account program under section 157(b).

SEC. 153. PROCEDURES FOR OPENING AN INDIVIDUAL DEVELOPMENT ACCOUNT AND QUALIFYING FOR MATCHING FUNDS.

(a) Opening an Account.—An eligible individual must open an Individual Development Account with a qualified financial institution, qualified nonprofit organization, or Indian tribe and contribute money in accordance with section 154 to qualify for matching funds in a parallel account.

(b) Required Completion of Financial Education Course.—

(1) In general.—Before becoming eligible to withdraw matching funds to pay for qualified expenses, holders of Individual Development Accounts must complete a financial education course offered by a qualified financial institution, a qualified nonprofit organization, an Indian tribe, or a government entity.

(2) Standard and applicability of course.—The Secretary or an organization designated by the Secretary, in consultation with representatives of qualified individual development account programs and financial educators, shall establish minimum performance standards for financial education courses offered under paragraph (1) and a protocol to exempt eligible individuals from the requirement under paragraph (1) because of hardship or lack of need.

SEC. 154. CONTRIBUTIONS TO INDIVIDUAL DEVELOPMENT ACCOUNTS.

(a) In General.—Except in the case of a qualified rollover, individual contributions to an Individual Development Account will not be accepted for the taxable year in excess of the lesser of—

(1) $2,000; or

(2) an amount equal to the sum of—

(A) the compensation (as defined in section 219(f)(1) of the Internal Revenue Code of 1986) includible in the individual's gross income for such taxable year; and

(B) in the case of an eligible individual who has retired on disability (within the meaning of section 22 of the Internal Revenue Code of 1986) before the close of the taxable year, any amount received as a disability benefit and excluded from the individual's gross income for such taxable year.

(b) Proof of Compensation and Status as an Eligible Individual.—Federal W–2 forms and other forms specified by the Secretary proving the eligible individual's wages and other compensation (including amounts described in subsection (a)(2)(B)) and the status of the individual as an eligible individual shall be presented at the time of the establishment of the Individual Development Account and at least once annually thereafter.

(c) Deemed Withdrawals of Excess Contributions.—If the individual for whose benefit an Individual Development Account is established contributes an amount in excess of the amount allowed under subsection (a) and fails to withdraw the excess contribution plus the amount of net income attributable to such excess contribution on or before the day prescribed by law (including extensions of time) for filing such individual's return of tax for the taxable year, such excess contribution and net income shall be deemed to have been withdrawn on such day by such individual for purposes other than to pay qualified expenses.

(d) Cross Reference.—

For designation of earned income tax credit payments for deposit to an Individual Development Account, see section 32(o) of the Internal Revenue Code of 1986.

SEC. 155. DEPOSITS BY QUALIFIED INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS.

(a) Parallel Accounts.—The qualified financial institution, qualified nonprofit organization, or Indian tribe shall deposit all matching funds for each Individual Development Account into a parallel account at a qualified financial institution, qualified nonprofit organization, or Indian tribe.

(b) Regular Deposits of Matching Funds.—

(1) In general.—Subject to paragraph (2), the qualified financial institution, qualified nonprofit organization, or Indian tribe shall not less than annually (or upon a proper withdrawal request under section 156, if necessary) deposit into the parallel account with respect to each eligible individual the following:

(A) A dollar-for-dollar match for the first $300 contributed by the eligible individual into an Individual Development Account with respect to any taxable year.

(B) Any matching funds provided by State, local, or private sources in accordance to the matching ratio set by those sources.

(2) Cross reference.—

For allowance of tax credit for Individual Development Account subsidies, including matching funds, see section 30B of the Internal Revenue Code of 1986.

(c) Forfeiture of Matching Funds.—Matching funds that are forfeited under section 156(b) shall be used by the qualified financial institution, qualified nonprofit organization, or Indian tribe to pay matches for other Individual Development Account contributions by eligible individuals.

(d) Uniform Accounting Regulations.—To ensure proper recordkeeping and determination of the tax credit under section 30C of the Internal Revenue Code of 1986, the Secretary shall prescribe regulations with respect to accounting for matching funds from all possible sources in the parallel accounts.

(e) Regular Reporting of Accounts.—Any qualified financial institution, qualified nonprofit organization, or Indian tribe shall report the balances in any Individual Development Account and parallel account of an eligible individual on not less than an annual basis.

SEC. 156. WITHDRAWAL PROCEDURES.

(a) Withdrawals for Qualified Expenses.—To withdraw money from an eligible individual's Individual Development Account to pay qualified expenses of such individual or such individual's spouse or dependents, the qualified financial institution, qualified nonprofit organization, or Indian tribe shall directly transfer such funds from the Individual Development Account, and, if applicable, from the parallel account electronically to the vendor or other Individual Development Account. If the vendor is not equipped to receive funds electronically, the qualified financial institution, qualified nonprofit organization, or Indian tribe may issue such funds by paper check to the vendor.

(b) WITHDRAWALS FOR NONQUALIFIED EXPENSES.—An Individual Development Account holder may unilaterally withdraw funds from the Individual Development Account for purposes other than to pay qualified expenses, but shall forfeit the corresponding matching funds and interest earned on the matching funds by doing so, unless such withdrawn funds are recontributed to such Account by September 30 following the withdrawal.

(c) DEEMED WITHDRAWALS FROM ACCOUNTS OF NONELIGIBLE INDIVIDUALS.—If the individual for whose benefit an Individual Development Account is established ceases to be an eligible individual, such account shall cease to be an Individual Development Account as of the first day of the taxable year of such individual and any balance in such account shall be deemed to have been withdrawn on such first day by such individual for purposes other than to pay qualified expenses.

(d) TAX TREATMENT OF MATCHING FUNDS.—Any amount withdrawn from a parallel account shall not be includible in an eligible individual's gross income.

SEC. 157. CERTIFICATION AND TERMINATION OF QUALIFIED INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS.

(a) CERTIFICATION PROCEDURES.—Upon establishing a qualified individual development account program under section 152, a qualified financial institution, qualified nonprofit organization, or Indian tribe shall certify to the Secretary, or an organization designated by the Secretary, on forms prescribed by the Secretary or such organization and accompanied by any documentation required by the Secretary or such organization, that—

(1) the accounts described in subparagraphs (A) and (B) of section 152(b)(1) are operating pursuant to all the provisions of this subtitle; and

(2) the qualified financial institution, qualified nonprofit organization, or Indian tribe agrees to implement an information system necessary to monitor the cost and outcomes of the qualified individual development account program.

(b) AUTHORITY TO TERMINATE QUALIFIED IDA PROGRAM.—If the Secretary, or an organization designated by the Secretary, determines that a qualified financial institution, qualified nonprofit organization, or Indian tribe under this subtitle is not operating a qualified individual development account program in accordance with the requirements of this subtitle (and has not implemented any corrective recommendations directed by the Secretary or such organization), the Secretary or such organization shall terminate such institution's, nonprofit organization's, or Indian tribe's authority to conduct the program. If the Secretary, or an organization designated by the Secretary, is unable to identify a qualified financial institution, qualified nonprofit organization, or Indian tribe to assume the authority to conduct such program, then any account established for the benefit of any eligible individual under such program shall cease to be an Individual Development Account as of the first day of such termination and any balance in such account shall be deemed to have been withdrawn on such first day by such individual for purposes other than to pay qualified expenses.

SEC. 158. REPORTING, MONITORING, AND EVALUATION.

(a) RESPONSIBILITIES OF QUALIFIED FINANCIAL INSTITUTIONS, QUALIFIED NONPROFIT ORGANIZATIONS, AND INDIAN TRIBES.—Each qualified financial institution, qualified nonprofit organization, or Indian tribe that establishes a qualified individual development account program under section 152 shall report annually to the Secretary, directly or through an organization designated by the Secretary, within 90 days after the end of each calendar year on—

(1) the number of eligible individuals making contributions into Individual Development Accounts;

(2) the amounts contributed into Individual Development Accounts and deposited into parallel accounts for matching funds;

(3) the amounts withdrawn from Individual Development Accounts and parallel accounts, and the purposes for which such amounts were withdrawn;

(4) the balances remaining in Individual Development Accounts and parallel accounts; and

(5) such other information needed to help the Secretary, or an organization designated by the Secretary, monitor the cost and outcomes of the qualified individual development account program.

(b) RESPONSIBILITIES OF THE SECRETARY OR DESIGNATED ORGANIZATION.—

(1) MONITORING PROTOCOL.—Not later than 12 months after the date of the enactment of this Act, the Secretary, or an organization designated by the Secretary, shall develop and implement a protocol and process to monitor the cost and outcomes of the qualified individual development account programs established under section 152.

(2) ANNUAL REPORTS.—In each year after the date of the enactment of this Act, the Secretary, or an organization designated by the Secretary, shall submit a progress report to Congress on the status of such qualified individual development account programs. Such report shall include from a representative sample of qualified financial institutions, qualified nonprofit organizations, and Indian tribes a report on—

(A) the characteristics of participants, including age, gender, race or ethnicity, marital status, number of children, employment status, and monthly income;

(B) individual level data on deposits, withdrawals, balances, uses of Individual Development Accounts, and participant characteristics;

(C) the characteristics of qualified individual development account programs, including match rate, economic education requirements, permissible uses of accounts, staffing of programs in full time employees, and the total costs of programs; and

(D) process information on program implementation and administration, especially on problems encountered and how problems were solved.

SEC. 159. ACCOUNT FUNDS OF PROGRAM PARTICIPANTS DISREGARDED FOR PURPOSES OF CERTAIN MEANS-TESTED FEDERAL PROGRAMS.

Notwithstanding any other provision of Federal law that requires consideration of 1 or more financial circumstances of an individual, for the purposes of determining eligibility to receive, or the amount of, any assistance or benefit authorized by such provision to be provided to or for the benefit of such individual, an amount equal to the sum of—

(1) all contributions by an eligible individual (including earnings thereon) to any Individual Development Account; plus

(2) the matching deposits made on behalf of such individual (including earnings thereon) in any parallel account,

shall be disregarded for such purpose with respect to any period during which the individual participates in a qualified individual development account program established under section 152.

SEC. 160. MATCHING FUNDS FOR INDIVIDUAL DEVELOPMENT ACCOUNTS PROVIDED THROUGH A TAX CREDIT FOR QUALIFIED FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by inserting after section 30A the following new section:

"SEC. 30B. INDIVIDUAL DEVELOPMENT ACCOUNT INVESTMENT CREDIT FOR QUALIFIED FINANCIAL INSTITUTIONS.

"(a) DETERMINATION OF AMOUNT.—There shall be allowed as a credit against the applicable tax for the taxable year an amount equal to the individual development account investment provided by a qualified financial institution during the taxable year under an individual development account program established under section 152 of the Community Renewal and New Markets Act of 2000.

"(b) APPLICABLE TAX.—For the purposes of this section, the term 'applicable tax' means the excess (if any) of—

"(1) the tax imposed under this chapter (other than the taxes imposed under the provisions described in subparagraphs (C) through (Q) of section 26(b)(2)), over

"(2) the credits allowable under subpart B (other than this section) and subpart D of this part.

"(c) INDIVIDUAL DEVELOPMENT ACCOUNT INVESTMENT.—For purposes of this section, the term 'individual development account investment' means, with respect to an individual development account program of a qualified financial institution in any taxable year, an amount equal to the sum of—

"(1) 90 percent of the aggregate amount of dollar-for-dollar matches under such program by such institution under section 155(b)(1)(A) of the Community Renewal and New Markets Act of 2000 for such taxable year, plus

"(2) an amount equal to the sum of the costs incurred, directly or indirectly, with respect to each Individual Development Account opened after the date of the enactment of this section, not to exceed $100 per Account.

"(d) OTHER DEFINITIONS.—For purposes of this section, the terms 'Individual Development Account' and 'qualified financial institution' have the meanings given such terms by section 151 of the Community Renewal and New Markets Act of 2000.

"(e) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations providing for a recapture of the credit allowed under this section in cases where there is a forfeiture under section 156(b) of the Community Renewal and New Markets Act of 2000 in a subsequent taxable year of any amount which was taken into account in determining the amount of such credit.

"(f) TERMINATION.—This section shall not apply to any taxable year beginning after December 31, 2005.".

(b) Conforming Amendment.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30A the following new item:

"Sec. 30B. Individual development account investment credit for qualified financial institutions.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 161. DESIGNATION OF EARNED INCOME TAX CREDIT PAYMENTS FOR DEPOSIT TO INDIVIDUAL DEVELOPMENT ACCOUNTS.

(a) In General.—Section 32 (relating to earned income credit) is amended by adding at the end the following new subsection:

"(o) Designation of Credit for Deposit to Individual Development Account.—

"(1) In general.—With respect to the return of any eligible individual (as defined in section 151(1) of the Community Renewal and New Markets Act of 2000) for the taxable year of the tax imposed by this chapter, such individual may designate that a specified portion (not less than $1) of any overpayment of tax for such taxable year which is attributable to the credit allowed under this section shall be deposited by the Secretary into an Individual Development Account (as defined in section 151(2) of such Act) of such individual. The Secretary shall so deposit such portion designated under this paragraph.

"(2) Manner and time of designation.—A designation under paragraph (1) may be made with respect to any taxable year—

"(A) at the time of filing the return of the tax imposed by this chapter for such taxable year, or

"(B) at any other time (after the time of filing the return of the tax imposed by this chapter for such taxable year) specified in regulations prescribed by the Secretary.

Such designation shall be made in such manner as the Secretary prescribes by regulations.

"(3) Portion attributable to earned income tax credit.—For purposes of paragraph (1), an overpayment for any taxable year shall be treated as attributable to the credit allowed under this section for such taxable year to the extent that such overpayment does not exceed the credit so allowed.

"(4) Overpayments treated as refunded.—For purposes of this title, any portion of an overpayment of tax designated under paragraph (1) shall be treated as being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by this chapter (determined without regard to extensions) or, if later, the date the return is filed.

"(5) Termination.—This subsection shall not apply to any taxable year beginning after December 31, 2005.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

Subtitle G—Additional Incentives

SEC. 171. EXCLUSION OF CERTAIN AMOUNTS RECEIVED UNDER THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM AND THE F. EDWARD HEBERT ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) In General.—Section 117(c) (relating to the exclusion from gross income amounts received as a qualified scholarship) is amended—

(1) by striking "Subsections (a)" and inserting the following:

"(1) In general.—Except as provided in paragraph (2), subsections (a)", and

(2) by adding at the end the following new paragraph:

"(2) Exceptions.—Paragraph (1) shall not apply to any amount received by an individual under—

"(A) the National Health Service Corps Scholarship Program under section 338A(g)(1)(A) of the Public Health Service Act, or

"(B) the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of title 10, United States Code.".

(b) Effective Date.—The amendments made by subsection (a) shall apply to amounts received in taxable years beginning after December 31, 1993.

SEC. 172. EXTENSION OF ENHANCED DEDUCTION FOR CORPORATE DONATIONS OF COMPUTER TECHNOLOGY.

(a) Expansion of Computer Technology Donations to Public Libraries.—

(1) In general.—Paragraph (6) of section 170(e) (relating to special rule for contributions of computer technology and equipment for elementary or secondary school purposes) is amended by striking "qualified elementary or secondary educational contribution" each place it occurs in the headings and text and inserting "qualified computer contribution".

(2) Expansion of eligible donees.—Clause (i) of section 170(e)(6)(B) (relating to qualified elementary or secondary educational contribution) is amended by striking "or" at the end of subclause (I), by adding "or" at the end of subclause (II), and by inserting after subclause (II) the following new subclause:

"(III) a public library (within the meaning of section 213(2)(A) of the Library Services and Technology Act (20 U.S.C. 9122(2)(A)), as in effect on the date of the enactment of the Community Renewal and New Markets Act of 2000, established and maintained by an entity described in subsection (c)(1),".

(b) Conforming Amendments.—

(1) Section 170(e)(6)(B)(iv) is amended by striking "in any grades of the K–12".

(2) The heading of paragraph (6) of section 170(e) is amended by striking "ELEMENTARY OR SECONDARY SCHOOL PURPOSES" and inserting "EDUCATIONAL PURPOSES".

(c) Extension of Deduction.—Section 170(e)(6)(F) (relating to termination) is amended by striking "December 31, 2000" and inserting "December 31, 2003".

(d) Effective Date.—The amendments made by this section shall apply to contributions made on and after the date of the enactment of this Act.

SEC. 173. EXTENSION OF ADOPTION TAX CREDIT.

Section 23(d)(2)(B) (defining eligible child) is amended by striking "2001" and inserting "2003".

SEC. 174. TAX TREATMENT OF ALASKA NATIVE SETTLEMENT TRUSTS.

(a) Treatment of Alaska Native Settlement Trusts.—Subpart A of part I of subchapter J of chapter 1 (relating to general rules for taxation of trusts and estates) is amended by adding at the end the following new section:

"SEC. 646. TAX TREATMENT OF ALASKA NATIVE SETTLEMENT TRUSTS.

"(a) In General.—Except as otherwise provided in this section, the provisions of this subchapter and section 1(e) shall apply to all Settlement Trusts.

"(b) Taxation of Income of Trust.—Except as provided in subsection (f)(1)(B)(ii)—

"(1) In general.—The amount of tax imposed on an electing Settlement Trust under section 1(e) shall be determined using the rate of 15 percent.

"(2) Capital gain.—In the case of an electing Settlement Trust with a net capital gain for the taxable year, a tax is imposed on such gain at the rate of tax which would apply to such gain if the taxpayer were subject to a tax on ordinary income at a rate of 15 percent.

"(c) One Time Election.—

"(1) In general.—A Settlement Trust may elect to have the provisions of this section apply to the trust and its beneficiaries.

"(2) Time and method of election.—An election under paragraph (1) shall be made by the trustee of such trust—

"(A) on or before the due date (including extensions) for filing the Settlement Trust's return of tax for the first taxable year of such trust ending after the date of the enactment of this section, and

"(B) by attaching to such return of tax a statement specifically providing for such election.

"(3) Period election in effect.—Except as provided in subsection (f), an election under this subsection—

"(A) shall apply to the first taxable year described in paragraph (2)(A) and all subsequent taxable years, and

"(B) may not be revoked once it is made.

"(d) Contributions to Trust.—

"(1) Beneficiaries of electing trust not taxed on contributions.—In the case of an electing Settlement Trust, no amount shall be includible in gross income of a beneficiary of such trust by reason of a contribution to such trust made during the taxable year.

"(2) Earnings and profits.—The earnings and profits of the sponsoring Native Corporation of a Settlement Trust shall not be reduced on account of any contribution to such Settlement Trust.

"(e) Tax Treatment of Distributions to Beneficiaries.—Amounts distributed by an electing Settlement Trust during any taxable year shall be considered as having the following characteristics in the hands of the recipient beneficiary:

"(1) First, as amounts excludable from gross income for the taxable year to the extent of the taxable income of such trust for such taxable year (decreased by any income tax paid by the trust with respect to the income) plus any amount excluded from gross income of the trust under section 103.

"(2) Second, as amounts excludable from gross income to the extent of the amount described in paragraph (1) for all taxable years for which an election was in effect under subsection (c) with respect to the trust, and not previously taken into account under paragraph (1).

"(3) Third, for purposes of this title other than subsections (b) and (d) of section 301 and section 311(b), as amounts distributed by the sponsoring Native Corporation with respect to its stock (within the meaning of section 301(a)) during such taxable year and taxable to the recipient beneficiary as amounts described in section 301(c)(1), to the extent of current and accumulated earnings and profits of the sponsoring Native Corporation as of the close of such taxable year after proper adjustment is made for all distributions made by the sponsoring Native Corporation during such taxable year.

"(4) Fourth, as amounts distributed by the trust in excess of the distributable net income of such trust for such taxable year.

"(f) Special Rules Where Transfer Restrictions Modified.—

"(1) Transfer of beneficial interests.—If, at any time, a beneficial interest in an electing Settlement Trust may be disposed of to a person in a manner which would not be permitted by section 7(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)) if the interest were Settlement Common Stock—

"(A) no election may be made under subsection (c) with respect to such trust, and

"(B) if such an election is in effect as of such time—

"(i) such election shall cease to apply as of the first day of the taxable year in which such disposition is first permitted,

"(ii) the provisions of this section shall not apply to such trust for such taxable year and all taxable years thereafter, and

"(iii) the distributable net income of such trust shall be increased by the current and accumulated earnings and profits of the sponsoring Native Corporation as of the close of such taxable year after proper adjustment is made for all distributions made by the sponsoring Native Corporation during such taxable year.

In no event shall the increase under clause (iii) exceed the fair market value of the trust's assets as of the date the beneficial interest of the trust first becomes disposable. The earnings and profits of the sponsoring Native Corporation shall be adjusted as of the last day of such taxable year by the amount of earnings and profits so included in the distributable net income of the trust.

"(2) STOCK IN CORPORATION.—If—

"(A) the Settlement Common Stock in the sponsoring Native Corporation may be disposed of to a person in any manner not permitted by section 7(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)), and

"(B) at any time after such disposition of stock is first permitted, such corporation transfers assets to a Settlement Trust,

paragraph (1)(B) shall be applied to such trust on and after the date of the transfer in the same manner as if the trust permitted dispositions of beneficial interests in the trust in a manner not permitted by such section 7(h).

"(3) CERTAIN DISTRIBUTIONS.—For purposes of this section, the surrender of an interest in a Native Corporation or an electing Settlement Trust in order to accomplish the whole or partial redemption of the interest of a shareholder or beneficiary in such corporation or trust, or to accomplish the whole or partial liquidation of such corporation or trust, shall be deemed to be a disposition permitted by section 7(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)).

"(g) TAXABLE INCOME.— For purposes of this title, the taxable income of an electing Settlement Trust shall be determined under section 641(b) without regard to any deduction under section 651 or 661.

"(h) DEFINITIONS.—For purposes of this section—

"(1) ELECTING SETTLEMENT TRUST.—The term 'electing Settlement Trust' means a Settlement Trust which has made the election, effective for the taxable year, described in subsection (c).

"(2) NATIVE CORPORATION.—The term 'Native Corporation' has the meaning given such term by section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

"(3) SETTLEMENT COMMON STOCK.—The term 'Settlement Common Stock' has the meaning given such term by section 3(p) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(p)).

"(4) SETTLEMENT TRUST.—The term 'Settlement Trust' has the meaning given such term by section 3(t) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(t)).

"(5) SPONSORING NATIVE CORPORATION.—The term 'sponsoring Native Corporation' means the Native Corporation which transfers assets to an electing Settlement Trust.

"(i) CROSS REFERENCE.—

"For information required with respect to electing Settlement Trusts and sponsoring Native Corporations, see section 6039H."

(b) REPORTING.—Subpart A of part III of subchapter A of chapter 61 of subtitle F (relating to information concerning persons subject to special provisions) is amended by inserting after section 6039G the following new section:

"SEC. 6039H. INFORMATION WITH RESPECT TO ALASKA NATIVE SETTLEMENT TRUSTS AND SPONSORING NATIVE CORPORATIONS.

"(a) REQUIREMENT.—The fiduciary of an electing Settlement Trust (as defined in section 646(h)(1)) shall include with the return of income of the trust a statement containing the information required under subsection (c).

"(b) APPLICATION WITH OTHER REQUIREMENTS.—The filing of any statement under this section shall be in lieu of the reporting requirement under section 6034A to furnish any statement to a beneficiary regarding amounts distributed to such beneficiary (and such other reporting requirements as the Secretary deems appropriate).

"(c) REQUIRED INFORMATION.—The information required under this subsection shall include—

"(1) the amount of distributions made during the taxable year to each beneficiary,

"(2) the treatment of such distribution under the applicable provision of section 646, including the amount that is excludable from the recipient beneficiary's gross income under section 646, and

"(3) the amount (if any) of any distribution during such year that is deemed to have been made by the sponsoring Native Corporation (as defined in section 646(h)(5)).

"(d) SPONSORING NATIVE CORPORATION.—

"(1) IN GENERAL.—The electing Settlement Trust shall, on or before the date on which the statement under subsection (a) is required to be filed, furnish such statement to the sponsoring Native Corporation (as so defined).

"(2) DISTRIBUTEES.—The sponsoring Native Corporation shall furnish each recipient of a distribution described in section 646(e)(3) a statement containing the amount deemed to have been distributed to such recipient by such corporation for the taxable year.".

(c) CLERICAL AMENDMENT.—

(1) The table of sections for subpart A of part I of subchapter J of chapter 1 is amended by adding at the end the following new item:

"Sec. 646. Electing Alaska Native Settlement Trusts.".

(2) The table of sections for subpart A of part III of subchapter A of chapter 61 of subtitle F is amended by inserting after the item relating to section 6039G the following new item:

"Sec. 6039H. Information with respect to Alaska Native Settlement Trusts and sponsoring Native Corporations.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act and to contributions made to electing Settlement Trusts for such year or any subsequent year.

SEC. 175. TREATMENT OF INDIAN TRIBAL GOVERNMENTS UNDER FEDERAL UNEMPLOYMENT TAX ACT.

(a) IN GENERAL.—Section 3306(c)(7) (defining employment) is amended—

(1) by inserting "or in the employ of an Indian tribe," after "service performed in the employ of a State, or any political subdivision thereof,"; and

(2) by inserting "or Indian tribes" after "wholly owned by one or more States or political subdivisions".

(b) PAYMENTS IN LIEU OF CONTRIBUTIONS.—Section 3309 (relating to State law coverage of services performed for nonprofit organizations or governmental entities) is amended—

(1) in subsection (a)(2) by inserting ", including an Indian tribe," after "the State law shall provide that a governmental entity";

(2) in subsection (b)(3)(B) by inserting ", or of an Indian tribe" after "of a State or political subdivision thereof";

(3) in subsection (b)(3)(E) by inserting "or tribal" after "the State"; and

(4) in subsection (b)(5) by inserting "or of an Indian tribe" after "an agency of a State or political subdivision thereof".

(c) STATE LAW COVERAGE.—Section 3309 (relating to State law coverage of services performed for nonprofit organizations or governmental entities) is amended by adding at the end the following new subsection:

"(d) ELECTION BY INDIAN TRIBE.—The State law shall provide that an Indian tribe may make contributions for employment as if the employment is within the meaning of section 3306 or make payments in lieu of contributions under this section, and shall provide that an Indian tribe may make separate elections for itself and each subdivision, subsidiary, or business enterprise wholly owned by such Indian tribe. State law may require a tribe to post a payment bond or take other reasonable measures to assure the making of payments in lieu of contributions under this section. Notwithstanding the requirements of section 3306(a)(6), if, within 90 days of having received a notice of delinquency, a tribe fails to made contributions, payments in lieu of contributions, or payment of penalties or interest (at amounts or rates comparable to those applied to all other employers covered under the State law) assessed with respect to such failure, or if the tribe fails to post a required payment bond, then service for the tribe shall not be excepted from employment under section 3306(c)(7) until any such failure is corrected. This subsection shall apply to an Indian tribe within the meaning of section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).".

(d) DEFINITIONS.—Section 3306 (relating to definitions) is amended by adding at the end the following new subsection:

"(u) INDIAN TRIBE.—For purposes of this chapter, the term 'Indian tribe' has the meaning given to such term by section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), and includes any subdivision, subsidiary, or business enterprise wholly owned by such an Indian tribe.".

(e) EFFECTIVE DATE; TRANSITION RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to service performed on or after the date of the enactment of this Act.

(2) TRANSITION RULE.—For purposes of the Federal Unemployment Tax Act, service performed in the employ of an Indian tribe (as

defined in section 3306(u) of the Internal Revenue Code of 1986 (as added by this section)) shall not be treated as employment (within the meaning of section 3306 of such Code) if—

(A) it is service which is performed before the date of the enactment of this Act and with respect to which the tax imposed under the Federal Unemployment Tax Act has not been paid, and

(B) such Indian tribe reimburses a State unemployment fund for unemployment benefits paid for service attributable to such tribe for such period.

SEC. 176. INCREASE IN SOCIAL SERVICES BLOCK GRANT FOR FY 2001.

(a) In General.—Section 2003(c) of the Social Security Act (42 U.S.C. 1397b(c)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking "2001" and inserting "2002";

(3) by redesignating paragraph (11) (as so amended) as paragraph (12); and

(4) by inserting after paragraph (10), the following new paragraph:

"(11) $2,400,000,000 for the fiscal year 2001; and".

(b) Effective Date.—The amendments made by subsection (a) take effect October 1, 2000.

TITLE II—TAX INCENTIVES FOR AFFORDABLE HOUSING

Subtitle A—Low-Income Housing Credit

SEC. 201. MODIFICATION OF STATE CEILING ON LOW-INCOME HOUSING CREDIT.

(a) In General.—Clauses (i) and (ii) of section 42(h)(3)(C) (relating to State housing credit ceiling) are amended to read as follows:

"(i) the unused State housing credit ceiling (if any) of such State for the preceding calendar year,

"(ii) the greater of—

"(I) $1.75 multiplied by the State population, or

"(II) $2,000,000,".

(b) Adjustment of State Ceiling for Increases in Cost-of-Living.—Paragraph (3) of section 42(h) (relating to housing credit dollar amount for agencies) is amended by adding at the end the following new subparagraph:

"(H) Cost-of-living adjustment.—In the case of a calendar year after 2001, each of the dollar amounts contained in subparagraph (C)(ii) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of 5 cents ($5,000 in the case of the dollar amount in subparagraph (C)(ii)(II)), such increase shall be rounded to the nearest multiple thereof.".

(c) Conforming Amendments.—

(1) Section 42(h)(3)(C), as amended by subsection (a), is amended—

(A) by striking "clause (ii)" in the matter following clause (iv) and inserting "clause (i)", and

(B) by striking "clauses (i)" in the matter following clause (iv) and inserting "clauses (ii)".

(2) Section 42(h)(3)(D)(ii) is amended—

(A) by striking "subparagraph (C)(ii)" and inserting "subparagraph (C)(i)", and

(B) by striking "clauses (i)" in subclause (II) and inserting "clauses (ii)".

(d) Effective Date.—The amendments made by this section shall apply to calendar years after 2000.

SEC. 202. MODIFICATION TO RULES RELATING TO BASIS OF BUILDING WHICH IS ELIGIBLE FOR CREDIT.

(a) Certain Native American Housing Assistance Disregarded in Determining Whether Building Is Federally Subsidized for Purposes of the Low-Income Housing Credit.—Subparagraph (E) of section 42(i)(2) (relating to determination of whether building is federally subsidized) is amended—

(1) in clause (i), by inserting "or the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) (as in effect on October 1, 1997)" after "this subparagraph)", and

(2) in the subparagraph heading, by inserting "OR NATIVE AMERICAN HOUSING ASSISTANCE" after "HOME ASSISTANCE".

(b) Effective Date.—The amendments made by this section shall apply to—

(1) housing credit dollar amounts allocated after December 31, 2000, and

(2) buildings placed in service after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

Subtitle B—Historic Homes

SEC. 211. TAX CREDIT FOR RENOVATING HISTORIC HOMES.

(a) In General.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. HISTORIC HOMEOWNERSHIP REHABILITATION CREDIT.

"(a) General Rule.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 20 percent of the qualified rehabilitation expenditures made by the taxpayer with respect to a qualified historic home.

"(b) Dollar Limitation.—The credit allowed by subsection (a) with respect to any residence of a taxpayer shall not exceed $20,000 ($10,000 in the case of a married individual filing a separate return).

"(c) Carryforward of Credit Unused by Reason of Limitation Based on Tax Liability.—If the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year (but not for more than 10 taxable years succeeding the first taxable year in which the credit under this section is allowed to the taxpayer) and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(d) Qualified Rehabilitation Expenditure.—For purposes of this section—

"(1) In general.—The term 'qualified rehabilitation expenditure' means any amount properly chargeable to capital account—

"(A) in connection with the certified rehabilitation of a qualified historic home, and

"(B) for property for which depreciation would be allowable under section 168 if the qualified historic home were used in a trade or business.

"(2) Certain expenditures not included.—

"(A) Exterior.—Such term shall not include any expenditure in connection with the rehabilitation of a building unless at least 5 percent of the total expenditures made in the rehabilitation process are allocable to the rehabilitation of the exterior of such building.

"(B) Other rules to apply.—Rules similar to the rules of clauses (ii) and (iii) of section 47(c)(2)(B) shall apply.

"(3) Mixed use or multifamily building.—If only a portion of a building is used as the principal residence of the taxpayer, only qualified rehabilitation expenditures which are properly allocable to such portion shall be taken into account under this section.

"(e) Certified Rehabilitation.—For purposes of this section—

"(1) In general.—Except as otherwise provided in this subsection, the term 'certified rehabilitation' has the meaning given such term by section 47(c)(2)(C).

"(2) Factors to be considered in the case of targeted area residences, etc.—

"(A) In general.—For purposes of applying section 47(c)(2)(C) under this section with respect to the rehabilitation of a building to which this paragraph applies, consideration shall be given to—

"(i) the feasibility of preserving existing architectural and design elements of the interior of such building,

"(ii) the risk of further deterioration or demolition of such building in the event that certification is denied because of the failure to preserve such interior elements, and

"(iii) the effects of such deterioration or demolition on neighboring historic properties.

"(B) Buildings to which this paragraph applies.—This paragraph shall apply with respect to any building—

"(i) any part of which is a targeted area residence within the meaning of section 143(j)(1), or

"(ii) which is located within an enterprise community or empowerment zone as designated under section 1391,

but shall not apply with respect to any building which is listed in the National Register.

"(3) Approved state program.—The term 'certified rehabilitation' includes a certification made by—

"(A) a State Historic Preservation Officer who administers a State Historic Preservation Program approved by the Secretary of the Interior pursuant to section 101(b)(1) of the National Historic Preservation Act, as in effect on July 21, 1999, or

"(B) a local government, certified pursuant to section 101(c)(1) of the National Historic Preservation Act, as in effect on July 21, 1999, and authorized by a State Historic Preservation Officer, or the Secretary of the Interior where there is no approved State program),

subject to such terms and conditions as may be specified by the Secretary of the Interior for the rehabilitation of buildings within the jurisdiction of such officer (or local government) for purposes of this section.

"(f) Definitions and Special Rules.—For purposes of this section—

"(1) Qualified historic home.—The term 'qualified historic home' means a certified historic structure—

"(A) which has been substantially rehabilitated, and

"(B) which (or any portion of which)—

"(i) is owned by the taxpayer, and

"(ii) is used (or will, within a reasonable period, be used) by such taxpayer as his principal residence.

"(2) Substantially rehabilitated.—The term 'substantially rehabilitated' has the meaning given such term by section 47(c)(1)(C); except that, in the case of any building described in subsection (e)(2), clause (i)(I) thereof shall not apply.

“(3) Principal residence.—The term ‘principal residence’ has the same meaning as when used in section 121.

“(4) Certified historic structure.—

“(A) In general.—The term ‘certified historic structure’ means any building (and its structural components) which—

“(i) is listed in the National Register, or

“(ii) is located in a registered historic district (as defined in section 47(c)(3)(B)) within which only qualified census tracts (or portions thereof) are located, and is certified by the Secretary of the Interior to the Secretary as being of historic significance to the district.

“(B) Certain structures included.—Such term includes any building (and its structural components) which is designated as being of historic significance under a statute of a State or local government, if such statute is certified by the Secretary of the Interior to the Secretary as containing criteria which will substantially achieve the purpose of preserving and rehabilitating buildings of historic significance.

“(C) Qualified census tracts.—For purposes of subparagraph (A)(ii)—

“(i) In general.—The term ‘qualified census tract’ means a census tract in which the median family income is less than twice the statewide median family income.

“(ii) Data used.—The determination under clause (i) shall be made on the basis of the most recent decennial census for which data are available.

“(5) Rehabilitation not complete before certification.—A rehabilitation shall not be treated as complete before the date of the certification referred to in subsection (e).

“(6) Lessees.—A taxpayer who leases his principal residence shall, for purposes of this section, be treated as the owner thereof if the remaining term of the lease (as of the date determined under regulations prescribed by the Secretary) is not less than such minimum period as the regulations require.

“(7) Tenant-stockholder in cooperative housing corporation.—If the taxpayer holds stock as a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such stockholder shall be treated as owning the house or apartment which the taxpayer is entitled to occupy as such stockholder.

“(8) Allocation of expenditures relating to exterior of building containing cooperative or condominium units.—The percentage of the total expenditures made in the rehabilitation of a building containing cooperative or condominium residential units allocated to the rehabilitation of the exterior of the building shall be attributed proportionately to each cooperative or condominium residential unit in such building for which a credit under this section is claimed.

“(g) When Expenditures Taken Into Account.—In the case of a building other than a building to which subsection (h) applies, qualified rehabilitation expenditures shall be treated for purposes of this section as made on the date the rehabilitation is completed.

“(h) Allowance of Credit for Purchase of Rehabilitated Historic Home.—

“(1) In general.—In the case of a qualified purchased historic home, the taxpayer shall be treated as having made (on the date of purchase) the qualified rehabilitation expenditures made by the seller of such home. For purposes of the preceding sentence, expenditures made by the seller shall be deemed to be qualified rehabilitation expenditures if such expenditures, if made by the purchaser, would be qualified rehabilitation expenditures.

“(2) Qualified purchased historic home.—For purposes of this subsection, the term ‘qualified purchased historic home’ means any substantially rehabilitated certified historic structure purchased by the taxpayer if—

“(A) the taxpayer is the first purchaser of such structure after the date rehabilitation is completed, and the purchase occurs within 5 years after such date,

“(B) the structure (or a portion thereof) will, within a reasonable period, be the principal residence of the taxpayer,

“(C) no credit was allowed to the seller under this section or section 47 with respect to such rehabilitation, and

“(D) the taxpayer is furnished with such information as the Secretary determines is necessary to determine the credit under this subsection.

“(i) Historic Rehabilitation Mortgage Credit Certificate.—

“(1) In general.—The taxpayer may elect, in lieu of the credit otherwise allowable under this section, to receive a historic rehabilitation mortgage credit certificate. An election under this paragraph shall be made—

“(A) in the case of a building to which subsection (h) applies, at the time of purchase, or

“(B) in any other case, at the time rehabilitation is completed.

“(2) Historic rehabilitation mortgage credit certificate.—For purposes of this subsection, the term ‘historic rehabilitation mortgage credit certificate’ means a certificate—

“(A) issued to the taxpayer, in accordance with procedures prescribed by the Secretary, with respect to a certified rehabilitation,

“(B) the face amount of which shall be equal to the credit which would (but for this subsection) be allowable under subsection (a) to the taxpayer with respect to such rehabilitation,

“(C) which may only be transferred by the taxpayer to a lending institution (including a non-depository institution) in connection with a loan—

“(i) that is secured by the building with respect to which the credit relates, and

“(ii) the proceeds of which may not be used for any purpose other than the acquisition or rehabilitation of such building, and

“(D) in exchange for which such lending institution provides the taxpayer—

“(i) a reduction in the rate of interest on the loan which results in interest payment reductions which are substantially equivalent on a present value basis to the face amount of such certificate, or

“(ii) if the taxpayer so elects with respect to a specified amount of the face amount of such a certificate relating to a building—

“(I) which is a targeted area residence within the meaning of section 143(j)(1), or

“(II) which is located in an enterprise community or empowerment zone as designated under section 1391,

a payment which is substantially equivalent to such specified amount to be used to reduce the taxpayer's cost of purchasing the building (and only the remainder of such face amount shall be taken into account under clause (i)).

“(3) Method of discounting.—The present value under paragraph (2)(D)(i) shall be determined—

“(A) for a period equal to the term of the loan referred to in subparagraph (D)(i),

“(B) by using the convention that any payment on such loan in any taxable year within such period is deemed to have been made on the last day of such taxable year,

“(C) by using a discount rate equal to 65 percent of the average of the annual Federal mid-term rate and the annual Federal long-term rate applicable under section 1274(d)(1) to the month in which the taxpayer makes an election under paragraph (1) and compounded annually, and

“(D) by assuming that the credit allowable under this section for any year is received on the last day of such year.

“(4) Use of certificate by lender.—The amount of the credit specified in the certificate shall be allowed to the lender only to offset the regular tax (as defined in section 55(c)) of such lender. The lender may carry forward all unused amounts under this subsection until exhausted.

“(5) Historic rehabilitation mortgage credit certificate not treated as taxable income.—Notwithstanding any other provision of law, no benefit accruing to the taxpayer through the use of an historic rehabilitation mortgage credit certificate shall be treated as taxable income for purposes of this title.

“(j) Recapture.—

“(1) In general.—If, before the end of the 5-year period beginning on the date on which the rehabilitation of the building is completed (or, if subsection (h) applies, the date of purchase of such building by the taxpayer, or, if subsection (i) applies, the date of the loan)—

“(A) the taxpayer disposes of such taxpayer's interest in such building, or

“(B) such building ceases to be used as the principal residence of the taxpayer,

the taxpayer's tax imposed by this chapter for the taxable year in which such disposition or cessation occurs shall be increased by the recapture percentage of the credit allowed under this section for all prior taxable years with respect to such rehabilitation.

“(2) Recapture percentage.—For purposes of paragraph (1), the recapture percentage shall be determined in accordance with the following table:

“If the disposition or cessation occurs within—	**The recapture percentage is—**
(i) One full year after the taxpayer becomes entitled to the credit.	100
(ii) One full year after the close of the period described in clause (i).	80
(iii) One full year after the close of the period described in clause (ii).	60
(iv) One full year after the close of the period described in clause (iii).	40
(v) One full year after the close of the period described in clause (iv).	20.

“(k) Basis Adjustments.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property (including any purchase under subsection (h) and any transfer under subsection (i)), the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

“(l) Denial of Double Benefit.—No credit shall be allowed under this section for any amount for which credit is allowed under section 47.

“(m) Regulations.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section, including regulations where less than all of a building is used as a principal residence and where more than 1 taxpayer use the same dwelling unit as their principal residence.".

(b) Conforming Amendments.—

(1) Section 23(c) is amended by striking "section 1400C" and inserting "sections 25B and 1400C".

(2) Section 25(e)(1)(C) is amended by striking "23" and inserting "23, 25B,".

(3) Section 1016(a) is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ", and", and by adding at the end the following new item:

"(28) to the extent provided in section 25B(k).".

(4) Section 1400C(d) is amended by inserting "and section 25B" after "this section".

(c) Clerical Amendment.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Historic homeownership rehabilitation credit.".

(d) Effective Date.—The amendments made by this section shall apply to expenses paid or incurred in taxable years beginning after December 31, 2001.

Subtitle C—Forgiven Mortgage Obligations

SEC. 221. EXCLUSION FROM GROSS INCOME FOR CERTAIN FORGIVEN MORTGAGE OBLIGATIONS.

(a) In General.—Paragraph (1) of section 108(a) (relating to exclusion from gross income) is amended by striking "or" at the end of both subparagraphs (A) and (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by inserting after subparagraph (D) the following new subparagraph:

"(E) in the case of an individual, the indebtedness discharged is qualified residential indebtedness.".

(b) Qualified Residential Indebtedness Shortfall.—Section 108 (relating to discharge of indebtedness) is amended by adding at the end the following new subsection:

"(h) Qualified Residential Indebtedness.—

"(1) Limitations.—The amount excluded under subparagraph (E) of subsection (a)(1) with respect to any qualified residential indebtedness shall not exceed the excess (if any) of—

"(A) the outstanding principal amount of such indebtedness (immediately before the discharge), over

"(B) the sum of—

"(i) the amount realized from the sale of the real property securing such indebtedness reduced by the cost of such sale, and

"(ii) the outstanding principal amount of any other indebtedness secured by such property.

"(2) Qualified residential indebtedness.—

"(A) In general.—The term 'qualified residential indebtedness' means indebtedness which—

"(i) was incurred or assumed by the taxpayer in connection with real property used as the principal residence of the taxpayer (within the meaning of section 121) and is secured by such real property,

"(ii) is incurred or assumed to acquire, construct, reconstruct, or substantially improve such real property, and

"(iii) with respect to which such taxpayer makes an election to have this paragraph apply.

"(B) Refinanced indebtedness.—Such term shall include indebtedness resulting from the refinancing of indebtedness under subparagraph (A)(ii), but only to the extent the refinanced indebtedness does not exceed the amount of the indebtedness being refinanced.

"(C) Exceptions.—Such term shall not include qualified farm indebtedness or qualified real property business indebtedness.".

(c) Conforming Amendments.—

(1) Paragraph (2) of section 108(a) is amended—

(A) by striking "and (D)" in subparagraph (A) and inserting "(D), and (E)", and

(B) by amending subparagraph (B) to read as follows:

"(B) Insolvency exclusion takes precedence over qualified farm exclusion; qualified real property business exclusion; and qualified residential shortfall exclusion.—Subparagraphs (C), (D), and (E) of paragraph (1) shall not apply to a discharge to the extent the taxpayer is insolvent.".

(2) Paragraph (1) of section 108(b) is amended by striking "or (C)" and inserting "(C), or (E)".

(3) Subsection (c) of section 121 is amended by adding at the end the following new paragraph:

"(3) Special rule relating to discharge of indebtedness.—The amount of gain which (but for this paragraph) would be excluded from gross income under subsection (a) with respect to a principal residence shall be reduced by the amount excluded from gross income under section 108(a)(1)(E) with respect to such residence.".

(d) Effective Date.—The amendments made by this section shall apply to discharges after the date of the enactment of this Act.

Subtitle D—Mortgage Revenue Bonds

SEC. 231. INCREASE IN PURCHASE PRICE LIMITATION UNDER MORTGAGE SUBSIDY BOND RULES BASED ON MEDIAN FAMILY INCOME.

(a) In General.—Paragraph (1) of section 143(e) (relating to purchase price requirement) is amended to read as follows:

"(1) In general.—An issue meets the requirements of this subsection only if the acquisition cost of each residence the owner-financing of which is provided under the issue does not exceed the greater of—

"(A) 90 percent of the average area purchase price applicable to the residence, or

"(B) 3.5 times the applicable median family income (as defined in subsection (f)(4)).".

(b) Effective Date.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 232. MORTGAGE FINANCING FOR RESIDENCES LOCATED IN PRESIDENTIALLY DECLARED DISASTER AREAS.

(a) In General.—Paragraph (11) of section 143(k) of the Internal Revenue Code of 1986 is amended to read as follows:

"(11) Special rules for residences located in disaster areas.—

"(A) Home improvement loans for repairs.—In the case of financing provided by a qualified home improvement loan for the repair of damage to a residence located in a disaster area which was sustained as a result of the disaster—

"(i) the limitation under paragraph (4) shall be increased (but not above $100,000) to the extent such loan is for the repair of such damage, and

"(ii) subsection (f) (relating to income requirement) shall be applied as if such residence were a targeted area residence.

"(B) Purchase of replacement home.—In the case of financing provided to acquire a residence located in a disaster area by mortgagors whose prior residence was in such area and was destroyed or otherwise rendered uninhabitable as a result of the disaster—

"(i) subsection (d) (relating to 3-year requirement) shall not apply, and

"(ii) subsections (e) and (f) (relating to purchase price requirement and income requirement) shall be applied as if such residence were a targeted area residence.

"(C) Financing must be provided within 2 years after disaster declaration.—This paragraph shall apply only to financing provided within 2 years after the date of the disaster declaration.

"(D) Disaster area.—For purposes of this paragraph, the term 'disaster area' means an area determined by the President to warrant assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as in effect on the date of the enactment of the Taxpayer Relief Act of 1997) and with respect to which the Federal share of disaster payments exceeds 75 percent.

"(E) Application of paragraph.—This paragraph shall apply only with respect to bonds issued after December 31, 2000.".

(b) Effective Date.—The amendment made by this section shall apply to bonds issued after December 31, 2000.

Subtitle E—Property and Casualty Insurance

SEC. 241. EXEMPTION FROM INCOME TAX FOR STATE-CREATED ORGANIZATIONS PROVIDING PROPERTY AND CASUALTY INSURANCE FOR PROPERTY FOR WHICH SUCH COVERAGE IS OTHERWISE UNAVAILABLE.

(a) In General.—Subsection (c) of section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by adding at the end the following new paragraph:

"(28)(A) Any association created before January 1, 1999, by State law and organized and operated exclusively to provide property and casualty insurance coverage for property located within the State for which the State has determined that coverage in the authorized insurance market is limited or unavailable at reasonable rates, if—

"(i) no part of the net earnings of which inures to the benefit of any private shareholder or individual,

"(ii) except as provided in clause (v), no part of the assets of which may be used for, or diverted to, any purpose other than—

"(I) to satisfy, in whole or in part, the liability of the association for, or with respect to, claims made on policies written by the association,

"(II) to invest in investments authorized by applicable law,

"(III) to pay reasonable and necessary administration expenses in connection with the establishment and operation of the association and the processing of claims against the association, or

"(IV) to make remittances pursuant to State law to be used by the State to provide for the payment of claims on policies written by the association, purchase reinsurance covering losses under such policies, or to support governmental programs to prepare for or mitigate the effects of natural catastrophic events,

"(iii) the State law governing the association permits the association to levy assessments on insurance companies authorized to sell property and casualty insurance in the State, or on property and casualty insurance policyholders with insurable interests in property located in the State to fund deficits of the association, including the creation of reserves,

"(iv) the plan of operation of the association is subject to approval by the chief executive officer or other official of the State, by the State legislature, or both, and

"(v) the assets of the association revert upon dissolution to the State, the State's designee, or an entity designated by the State law governing the association, or State law does not permit the dissolution of the association.

"(B)(i) An entity described in clause (ii) shall be disregarded as a separate entity and treated as part of the association described in subparagraph (A) from which it receives remittances described in clause (ii) if an election is made within 30 days after the date that such association is determined to be exempt from tax.

"(ii) An entity is described in this clause if it is an entity or fund created before January 1, 1999, pursuant to State law and organized and operated exclusively to receive, hold, and invest remittances from an association described in subparagraph (A) and exempt from tax under subsection (a), to make disbursements to pay claims on insurance contracts issued by such association, and to make disbursements to support governmental programs to prepare for or mitigate the effects of natural catastrophic events.".

(b) Unrelated Business Taxable Income.—Subsection (a) of section 512 (relating to unrelated business taxable income) is amended by adding at the end the following new paragraph:

"(6) Special rule applicable to organizations described in section 501(c)(28).—In the case of an organization described in section 501(c)(28), the term 'unrelated business taxable income' means taxable income for a taxable year computed without the application of section 501(c)(28) if at the end of the immediately preceding taxable year the organization's net equity exceeded 15 percent of the total coverage in force under insurance contracts issued by the organization and outstanding at the end of such preceding year.".

(c) Transitional Rule.—No income or gain shall be recognized by an association as a result of a change in status to that of an association described by section 501(c)(28) of the Internal Revenue Code of 1986, as amended by subsection (a).

(d) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2000.

TITLE III—TAX INCENTIVES FOR URBAN AND RURAL INFRASTRUCTURE

SEC. 301. INCREASE IN STATE CEILING ON PRIVATE ACTIVITY BONDS.

(a) In General.—Paragraphs (1) and (2) of section 146(d) (relating to State ceiling) are amended to read as follows:

"(1) In general.—The State ceiling applicable to any State fcr any calendar year shall be the greater of—

"(A) an amount equal to $75 multiplied by the State population, or

"(B) $225,000,000.

"(2) Cost-of-living adjustment.—In the case of a calendar year after 2001, each of the dollar amounts contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $5 ($5,000 in the case of the dollar amount in paragraph (1)(B)), such increase shall be rounded to the nearest multiple thereof.".

(b) Effective Date.—The amendment made by this section shall apply to calendar years after 2000.

SEC. 302. MODIFICATIONS TO EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) Expensing Not Limited to Sites in Targeted Areas.—Subsection (c) of section 198 is amended to read as follows:

"(c) Qualified Contaminated Site.—For purposes of this section—

"(1) In general.—The term 'qualified contaminated site' means any area—

"(A) which is held by the taxpayer for use in a trade or business or for the production of income, or which is property described in section 1221(a)(1) in the hands of the taxpayer, and

"(B) at or on which there has been a release (or threat of release) or disposal of any hazardous substance.

"(2) National priorities listed sites not included.—Such term shall not include any site which is on, or proposed for, the national priorities list under section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as in effect on the date of the enactment of this section).

"(3) Taxpayer must receive statement from state environmental agency.—An area shall be treated as a qualified contaminated site with respect to expenditures paid or incurred during any taxable year only if the taxpayer receives a statement from the appropriate agency of the State in which such area is located that such area meets the requirement of paragraph (1)(B).

"(4) Appropriate state agency.—For purposes of paragraph (3), the chief executive officer of each State may, in consultation with the Administrator of the Environmental Protection Agency, designate the appropriate State environmental agency within 60 days of the date of the enactment of this section. If the chief executive officer of a State has not designated an appropriate environmental agency within such 60-day period, the appropriate environmental agency for such State shall be designated by the Administrator of the Environmental Protection Agency.".

(b) Extension of Termination Date.—Subsection (h) of section 198 is amended by striking "2001" and inserting "2003".

(c) Effective Date.—The amendments made by this section shall apply to expenditures paid or incurred after the date of the enactment of this Act.

SEC. 303. BROADBAND INTERNET ACCESS TAX CREDIT.

(a) In General.—Subpart E of part IV of chapter 1 (relating to rules for computing investment credit) is amended by inserting after section 48 the following new section:

"SEC. 48A. BROADBAND CREDIT.

"(a) General Rule.—For purposes of section 46, the broadband credit for any taxable year is the sum of—

"(1) the current generation broadband credit, plus

"(2) the next generation broadband credit.

"(b) Current Generation Broadband Credit; Next Generation Broadband Credit.—For purposes of this section—

"(1) Current generation broadband credit.—The current generation broadband credit for any taxable year is equal to 10 percent of the qualified expenditures incurred with respect to qualified equipment offering current generation broadband services to rural subscribers or underserved subscribers and taken into account with respect to such taxable year.

"(2) Next generation broadband credit.—The next generation broadband credit for any taxable year is equal to 20 percent of the qualified expenditures incurred with respect to qualified equipment offering next generation broadband services to all rural subscribers, all underserved subscribers, or any other residential subscribers and taken into account with respect to such taxable year.

"(c) When Expenditures Taken Into Account.—For purposes of this section—

"(1) In general.—Qualified expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which current generation broadband services or next generation broadband services are offered by the taxpayer through such equipment to subscribers.

"(2) Offer of services.—For purposes of paragraph (1), the offer of current generation broadband services or next generation broadband services through qualified equipment occurs when such class of service is purchased by and provided to at least 10 percent of the subscribers described in subsection (b) which such equipment is capable of serving through the legal or contractual area access rights or obligations of the taxpayer.

"(d) Special Allocation Rules.—

"(1) Current generation broadband services.—For purposes of determining the current generation broadband credit under subsection (a)(1), if the qualified equipment is capable of serving both the subscribers described under subsection (b)(1) and other subscribers, the qualified expenditures shall be multiplied by a fraction—

"(A) the numerator of which is the sum of the total potential subscriber populations within the rural areas and the underserved areas which the equipment is capable of serving, and

"(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving.

"(2) Next generation broadband services.—For purposes of determining the next generation broadband credit under subsection (a)(2), if the qualified equipment is capable of serving both the subscribers described under subsection (b)(2) and other subscribers, the qualified expenditures shall be multiplied by a fraction—

"(A) the numerator of which is the sum of—

"(i) the total potential subscriber populations within the rural areas and underserved areas, plus

"(ii) the total potential subscriber population of the area consisting only of residential subscribers not described in clause (i), which the equipment is capable of serving, and

"(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving.

"(e) Definitions.—For purposes of this section—

"(1) Antenna.—The term 'antenna' means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

"(2) Cable operator.—The term 'cable operator' has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

"(3) Commercial mobile service carrier.—The term 'commercial mobile service carrier' means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

"(4) CURRENT GENERATION BROADBAND SERVICE.—The term 'current generation broadband service' means the transmission of signals at a rate of at least 1,500,000 bits per second to the subscriber and at least 200,000 bits per second from the subscriber.

"(5) NEXT GENERATION BROADBAND SERVICE.—The term 'next generation broadband service' means the transmission of signals at a rate of at least 22,000,000 bits per second to the subscriber and at least 10,000,000 bits per second from the subscriber.

"(6) NONRESIDENTIAL SUBSCRIBER.—The term 'nonresidential subscriber' means a person or entity who purchases broadband services which are delivered to the permanent place of business of such person or entity.

"(7) OPEN VIDEO SYSTEM OPERATOR.—The term 'open video system operator' means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

"(8) OTHER WIRELESS CARRIER.—The term 'other wireless carrier' means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the radio transmission of energy.

"(9) PACKET SWITCHING.—The term 'packet switching' means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

"(10) QUALIFIED EQUIPMENT.—

"(A) IN GENERAL.—The term 'qualified equipment' means equipment capable of providing current generation broadband services or next generation broadband services at any time to each subscriber who is utilizing such services.

"(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C), equipment shall be taken into account under subparagraph (A) only to the extent it—

"(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier,

"(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

"(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

"(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

"(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and it is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

"(11) QUALIFIED EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified expenditure' means any amount—

"(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and

"(ii) incurred—

"(I) with respect to the provision of current generation broadband service, after December 31, 2000, and before January 1, 2004, and

"(II) with respect to the provision of next generation broadband service, after December 31, 2001, and before January 1, 2005.

"(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

"(12) RESIDENTIAL SUBSCRIBER.—The term 'residential subscriber' means an individual who purchases broadband services which are delivered to such individual's dwelling.

"(13) RURAL SUBSCRIBER.—

"(A) IN GENERAL.—The term 'rural subscriber' means a residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

"(B) RURAL AREA.—The term 'rural area' means any census tract which—

"(i) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

"(ii) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

"(14) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for point-to-multipoint distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such point-to-multipoint distribution.

"(15) SUBSCRIBER.—The term 'subscriber' means a person who purchases current generation broadband services or next generation broadband services.

"(16) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153 (44)), but—

"(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

"(B) does not include a commercial mobile service carrier.

"(17) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term 'total potential subscriber population' means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

"(18) UNDERSERVED SUBSCRIBER.—

"(A) IN GENERAL.—The term 'underserved subscriber' means a residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.

"(B) UNDERSERVED AREA.—The term 'underserved area' means any census tract—

"(i) the poverty level of which is at least 30 percent (based on the most recent census data),

"(ii) the median family income of which does not exceed—

"(I) in the case of a census tract located in a metropolitan statistical area, 70 percent of the greater of the metropolitan area median family income or the statewide median family income, and

"(II) in the case of a census tract located in a nonmetropolitan statistical area, 70 percent of the nonmetropolitan statewide median family income, or

"(iii) which is located in an empowerment zone or enterprise community designated under section 1391.

"(f) DESIGNATION OF CENSUS TRACTS.—The Secretary shall, not later than 90 days after the date of the enactment of this section, designate and publish those census tracts meeting the criteria described in paragraphs (13)(B) and (18)(B) of subsection (e), and such tracts shall remain so designated for the period ending with the applicable termination date described in subsection (e)(11)(A)(ii).".

(b) CREDIT TO BE PART OF INVESTMENT CREDIT.—Section 46 (relating to the amount of investment credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) the broadband credit.".

(c) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 501(c)(12)(B) (relating to list of exempt organizations) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following new clause:

"(v) from sources not described in subparagraph (A), but only to the extent such income does not in any year exceed an amount equal to the credit for qualified expenditures which would be determined under section 48A for such year if the mutual or cooperative telephone company was not exempt from taxation.".

(d) CONFORMING AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48 the following new item:

"Sec. 48A. Broadband credit.".

(e) REGULATORY MATTERS.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of confiscating any credit or portion thereof allowed under section 48A of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(f) STUDY AND REPORT.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that in order to maintain competitive neutrality, the credit allowed under section 48A of the Internal Revenue Code of 1986 (as added by this section) should be administered in such a manner so as to ensure that each class of provider receives the same level of financial incentive to deploy current generation broadband services and next generation broadband services.

(2) Study and report.—The Secretary of the Treasury shall, within 180 days after the effective date of this section, study the impact of the credit allowed under section 48A of the Internal Revenue Code of 1986 (as added by this section) on the relative competitiveness of potential classes of providers of current generation broadband services and next generation broadband services, and shall report to Congress the findings of such study, together with any legislative or regulatory proposals determined to be necessary to ensure that the purposes of such credit can be furthered without impacting competitive neutrality among such classes of providers.

(g) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to expenditures incurred after December 31, 2000.

(2) Special rule.—The amendments made by subsection (c) shall apply to amounts received after December 31, 2000.

SEC. 304. CREDIT TO HOLDERS OF QUALIFIED AMTRAK BONDS.

(a) In General.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

"Subpart H—Nonrefundable Credit for Holders of Qualified Amtrak Bonds

"Sec. 54. Credit to holders of qualified Amtrak bonds.

"SEC. 54. CREDIT TO HOLDERS OF QUALIFIED AMTRAK BONDS.

"(a) Allowance of Credit.—In the case of a taxpayer who holds a qualified Amtrak bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

"(b) Amount of Credit.—

"(1) In general.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified Amtrak bond is 25 percent of the annual credit determined with respect to such bond.

"(2) Annual credit.—The annual credit determined with respect to any qualified Amtrak bond is the product of—

"(A) the applicable credit rate, multiplied by

"(B) the outstanding face amount of the bond.

"(3) Applicable credit rate.—For purposes of paragraph (2), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of issuance of the issue) on outstanding long-term corporate debt obligations (determined under regulations prescribed by the Secretary).

"(4) Special rule for issuance and redemption.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

"(c) Limitation Based on Amount of Tax.—

"(1) In general.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this part (other than this subpart and subpart C).

"(2) Carryover of unused credit.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(d) Qualified Amtrak Bond.—For purposes of this part—

"(1) In general.—The term 'qualified Amtrak bond' means any bond issued as part of an issue if—

"(A) 95 percent or more of the proceeds of such issue are—

"(i) to be used for any qualified project, or

"(ii) to be pledged to secure payments and other obligations incurred by the National Railroad Passenger Corporation in connection with any qualified project,

"(B) the bond is issued by the National Railroad Passenger Corporation,

"(C) the issuer—

"(i) designates such bond for purposes of this section,

"(ii) certifies that it meets the State contribution requirement of paragraph (2) with respect to such project, and

"(iii) certifies that it has obtained the written approval of the Secretary of Transportation for such project,

"(D) the term of each bond which is part of such issue does not exceed 20 years, and

"(E) the payment of principal with respect to such bond is guaranteed by the National Railroad Passenger Corporation.

"(2) State contribution requirement.—

"(A) In general.—For purposes of paragraph (1)(C)(ii), the State contribution requirement of this paragraph is met with respect to any qualified project if the National Railroad Passenger Corporation has a written binding commitment from 1 or more States to make matching contributions not later than the date of issuance of the issue of not less than 20 percent of the cost of the qualified project.

"(B) Use of state matching contributions.—The matching contributions described in subparagraph (A) with respect to each qualified project shall be used—

"(i) in the case of an amount not to exceed 20 percent of the cost of such project, to redeem bonds which are a part of the issue with respect to such project, and

"(ii) in the case of any remaining amount, at the election of the National Railroad Passenger Corporation and the contributing State—

"(I) to fund the qualified project,

"(II) to redeem such bonds, or

"(III) for the purposes of subclauses (I) and (II).

"(C) State matching contributions may not include federal funds.—For purposes of this paragraph, State matching contributions shall not be derived, directly or indirectly, from Federal funds, including any transfers from the Highway Trust Fund under section 9503.

"(D) No state contribution requirement for certain qualified project.—With respect to the qualified project described in subsection (e)(2)(B), the State contribution requirement of this paragraph is zero.

"(3) Qualified project.—The term 'qualified project' means—

"(A) the acquisition, financing, or refinancing (as described in paragraph (1)(A)(ii)) of equipment, rolling stock, and other capital improvements for the northeast rail corridor between Washington, D.C. and Boston, Massachusetts (including the project described in subsection (e)(2)(B)),

"(B) the acquisition, financing, or refinancing (as so described) of equipment, rolling stock, and other capital improvements for the improvement of train speeds or safety (or both) on the high-speed rail corridors designated under section 104(d)(2) of title 23, United States Code, and

"(C) the acquisition, financing, or refinancing (as so described) of equipment, rolling stock, and other capital improvements for other intercity passenger rail corridors, including station rehabilitation or construction, track or signal improvements, or the elimination of grade crossings.

"(e) Limitations on Amount of Bonds Designated.—

"(1) In general.—There is a qualified Amtrak bond limitation for each fiscal year. Such limitation is—

"(A) $1,000,000,000 for each of the fiscal years 2001 through 2010, and

"(B) except as provided in paragraph (5), zero after fiscal year 2010.

"(2) Bonds for rail corridors.—

"(A) In general.—Not more than $3,000,000,000 of the limitation under paragraph (1) may be designated for any 1 rail corridor described in subparagraph (A) or (B) of subsection (d)(3).

"(B) Specific qualified project allocation.—Of the amount described in subparagraph (A), the Secretary of Transportation shall allocate $92,000,000 for the acquisition and installation of platform facilities, performance of railroad force account work necessary to complete improvements below street grade, and any other necessary improvements related to construction at the railroad station at the James A. Farley Post Office Building in New York City, New York.

"(3) Bonds for other projects.—Not more than 10 percent of the limitation under paragraph (1) for any fiscal year may be allocated to qualified projects described in subsection (d)(3)(C).

"(4) Bonds for Alaska railroad.—The Secretary of Transportation may allocate to the Alaska Railroad a portion of the qualified Amtrak limitation for any fiscal year in order to allow the Alaska Railroad to issue bonds which meet the requirements of this section for use in financing any project described in subsection (d)(3)(C). For purposes of this section, the Alaska Railroad shall be treated in the same manner as the National Passenger Railroad Corporation.

"(5) Carryover of unused limitation.—If for any fiscal year—

"(A) the limitation amount under paragraph (1), exceeds

"(B) the amount of bonds issued during such year which are designated under subsection (d)(1)(C)(i),

the limitation amount under paragraph (1) for the following fiscal year (through fiscal year 2014) shall be increased by the amount of such excess.

"(6) Preference for greater state participation.—In selecting qualified projects for allocation of the qualified Amtrak bond limitation under this subsection, the Secretary of Transportation shall give preference to any project with a State matching contribution rate exceeding 20 percent.

"(f) Other Definitions.—For purposes of this subpart—

"(1) Bond.—The term 'bond' includes any obligation.

"(2) Credit allowance date.—The term 'credit allowance date' means—

“(A) March 15,

“(B) June 15,

“(C) September 15, and

“(D) December 15.

Such term includes the last day on which the bond is outstanding.

“(3) State.—The term ‘State’ includes the District of Columbia.

“(g) Credit Included in Gross Income.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

“(h) Special Rules Relating to Arbitrage.—

“(1) In general.—A bond shall not be treated as failing to meet the requirements of subsection (d)(1) solely by reason of the fact that proceeds of the issue of which such bond is a part are invested for a temporary period (but not more than 36 months) until such proceeds are needed for the purpose for which such issue was issued.

“(2) Reasonable expectation and binding commitment requirements.—Paragraph (1) shall apply to an issue only if, as of the date of issuance, the issuer reasonably expects—

“(A) that at least 95 percent of the proceeds of the issue will be spent for 1 or more qualified projects within the 3-year period beginning on such date,

“(B) to incur a binding commitment with a third party to spend at least 10 percent of the proceeds of the issue, or to commence preliminary engineering or construction, with respect to such projects within the 6-month period beginning on such date, and

“(C) that the remaining proceeds of the issue will be spent with due diligence with respect to such projects.

“(3) Earnings on proceeds.—Any earnings on proceeds during the temporary period shall be treated as proceeds of the issue for purposes of applying subsection (d)(1) and paragraph (1) of this subsection.

“(i) Use of Trust Account.—

“(1) In general.—The amount of any matching contribution with respect to a qualified project described in subsection (d)(2)(B)(i) or (d)(2)(B)(ii)(II) and the temporary period investment earnings on proceeds of the issue with respect to such project described in subsection (h)(1), and any earnings thereon, shall be held in a trust account by a trustee independent of the National Railroad Passenger Corporation to be used to redeem bonds which are part of such issue.

“(2) Use of remaining funds in trust account.—Upón the repayment of the principal of all qualified Amtrak bonds issued under this section, any remaining funds in the trust account described in paragraph (1) shall be available to the trustee described in paragraph (1) to meet any remaining obligations under any guaranteed investment contract used to secure earnings sufficient to repay the principal of such bonds.

“(j) Other Special Rules.—

“(1) Partnership; S corporation; and other pass-thru entities.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

“(2) Bonds held by regulated investment companies.—If any qualified Amtrak bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

“(3) Credits may be stripped.—Under regulations prescribed by the Secretary—

“(A) In general.—There may be a separation (including at issuance) of the ownership of a qualified Amtrak bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

“(B) Certain rules to apply.—In the case of a separation described in subparagraph (A), the rules of section 1286 shall apply to the qualified Amtrak bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

“(4) Treatment for estimated tax purposes.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified Amtrak bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

“(5) Credit may be transferred.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit allowed by this section through sale and repurchase agreements.

“(6) Reporting.—Issuers of qualified Amtrak bonds shall submit reports similar to the reports required under section 149(e).”.

(b) Reporting.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

“(8) Reporting of credit on qualified Amtrak bonds.—

“(A) In general.—For purposes of subsection (a), the term ‘interest’ includes amounts includible in gross income under section 54(g) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(f)(2)).

“(B) Reporting to corporations, etc.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

“(C) Regulatory authority.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.”.

(c) Clerical Amendments.—

(1) The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

“Subpart H. Nonrefundable Credit for Holders of Qualified Amtrak Bonds.”.

(2) Section 6401(b)(1) is amended by striking “and G” and inserting “G, and H”.

(d) Effective Date.—The amendments made by this section shall apply to obligations issued after September 30, 2000.

(e) Multi-Year Capital Spending Plan and Oversight.—

(1) Amtrak capital spending plan.—

(A) In general.—The National Railroad Passenger Corporation shall annually submit to the President and Congress a multi-year capital spending plan, as approved by the Board of Directors of the Corporation.

(B) Contents of plan.—Such plan shall identify the capital investment needs of the Corporation over a period of not less than 5 years and the funding sources available to finance such needs and shall prioritize such needs according to corporate goals and strategies.

(C) Initial submission date.—The first plan shall be submitted before the issuance of any qualified Amtrak bonds pursuant to section 54 of the Internal Revenue Code of 1986 (as added by this section).

(2) Oversight of Amtrak trust account and qualified projects.—

(A) Trust account oversight.—The Secretary of the Treasury shall annually report to Congress as to whether the amount deposited in the trust account established by the National Passenger Railroad Corporation under section 54(i) of such Code (as so added) is sufficient to fully repay at maturity the principal of any outstanding qualified Amtrak bonds issued pursuant to section 54 of such Code (as so added).

(B) Project oversight.—The National Railroad Passenger Corporation shall contract for an annual independent assessment of the costs and benefits of the qualified projects financed by such qualified Amtrak bonds, including an assessment of the investment evaluation process of the Corporation. The annual assessment shall be included in the plan submitted under paragraph (1).

(f) Protection of Highway Trust Fund.—

(1) Certification by the Secretary of the Treasury.—The issuance of any qualified Amtrak bonds by the National Passenger Railroad Corporation pursuant to section 54 of the Internal Revenue Code of 1986 (as added by this section) is conditioned on certification by the Secretary of the Treasury, after consultation with the Secretary of Transportation, within 30 days of a request by the issuer, that with respect to funds of the Highway Trust Fund described under paragraph (2), the issuer either—

(A) has not received such funds during fiscal years commencing with fiscal year 2001 and ending before the fiscal year the bonds are issued, or

(B) has repaid to the Highway Trust Fund any such funds which were received during such fiscal years.

(2) Applicability.—This subsection shall apply to funds received directly or indirectly from the Highway Trust Fund established under section 9503 of the Internal Revenue Code of 1986, except for funds authorized to be expended under section 9503(c) of such Code, as in effect on the date of the enactment of this Act.

(3) No retroactive effect.—Nothing in this subsection shall adversely affect the entitlement of the holders of qualified Amtrak bonds to the tax credit allowed pursuant to section 54 of the Internal Revenue Code of 1986 (as so added) or to repayment of principal upon maturity.

SEC. 305. CLARIFICATION OF CONTRIBUTION IN AID OF CONSTRUCTION.

(a) In General.—Subparagraph (A) of section 118(c)(3) (relating to definitions) is amended to read as follows:

“(A) Contribution in aid of construction.—The term ‘contribution in aid of construction’ shall be defined by regulations prescribed by the Secretary, except that such term—

“(i) shall include amounts paid as customer connection fees (including amounts paid to connect the customer's line to or extend a main water or sewer line), and

“(ii) shall not include amounts paid as service charges for starting or stopping services.”.

(b) Effective Date.—The amendment made by subsection (a) shall apply to amounts received after the date of the enactment of this Act.

SEC. 306. RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN LEASEHOLD IMPROVEMENTS.

(a) 15-Year Recovery Period.—Subparagraph (E) of section 168(e)(3) (relating to 15-year property) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) any qualified leasehold improvement property.".

(b) Qualified Leasehold Improvement Property.—Subsection (e) of section 168 is amended by adding at the end the following new paragraph:

"(6) Qualified leasehold improvement property.—

"(A) In general.—The term 'qualified leasehold improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

"(I) by the lessee (or any sublessee) of such portion, or

"(II) by the lessor of such portion,

"(ii) the original use of such improvement begins with the lessee and after December 31, 2006,

"(iii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

"(iv) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) Certain improvements not included.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefiting a common area, and

"(iv) the internal structural framework of the building.

"(C) Definitions and special rules.—For purposes of this paragraph—

"(i) Commitment to lease treated as lease.—A commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively, if the lease is in effect at the time the property is placed in service.

"(ii) Related persons.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term 'related persons' means—

"(I) members of an affiliated group (as defined in section 1504), and

"(II) persons having a relationship described in subsection (b) of section 267(b) or 707(b)(1); except that, for purposes of this clause, the phrase '80 percent or more' shall be substituted for the phrase 'more than 50 percent' each place it appears in such subsections.".

(c) Requirement To Use Straight Line Method.—Paragraph (3) of section 168(b) is amended by adding at the end the following new subparagraph:

"(G) Qualified leasehold improvement property described in subsection (e)(6).".

(d) Effective Date.—The amendments made by this section shall apply to qualified leasehold improvement property placed in service after December 31, 2006.

TITLE IV—TAX RELIEF FOR FARMERS

SEC. 401. FARM, FISHING, AND RANCH RISK MANAGEMENT ACCOUNTS.

(a) In General.—Subpart C of part II of subchapter E of chapter 1 (relating to taxable year for which deductions taken) is amended by inserting after section 468B the following new section:

"SEC. 468C. FARM, FISHING, AND RANCH RISK MANAGEMENT ACCOUNTS.

"(a) Deduction Allowed.—In the case of an individual engaged in an eligible farming business or commercial fishing, there shall be allowed as a deduction for any taxable year the amount paid in cash by the taxpayer during the taxable year to a Farm, Fishing, and Ranch Risk Management Account (hereinafter referred to as the 'FFARRM Account').

"(b) Limitation.—

"(1) Contributions.—The amount which a taxpayer may pay into the FFARRM Account for any taxable year shall not exceed 20 percent of so much of the taxable income of the taxpayer (determined without regard to this section) which is attributable (determined in the manner applicable under section 1301) to any eligible farming business or commercial fishing.

"(2) Distributions.—Distributions from a FFARRM Account may not be used to purchase, lease, or finance any new fishing vessel, add capacity to any fishery, or otherwise contribute to the overcapitalization of any fishery. The Secretary of Commerce shall implement regulations to enforce this paragraph.

"(c) Eligible Businesses.—For purposes of this section—

"(1) Eligible farming business.—The term 'eligible farming business' means any farming business (as defined in section 263A(e)(4)) which is not a passive activity (within the meaning of section 469(c)) of the taxpayer.

"(2) Commercial Fishing.—The term 'commercial fishing' has the meaning given such term by section (3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) but only if such fishing is not a passive activity (within the meaning of section 469(c)) of the taxpayer.

"(d) FFARRM Account.—For purposes of this section—

"(1) In general.—The term 'FFARRM Account' means a trust created or organized in the United States for the exclusive benefit of the taxpayer, but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted for any taxable year in excess of the amount allowed as a deduction under subsection (a) for such year.

"(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with the requirements of this section.

"(C) The assets of the trust consist entirely of cash or of obligations which have adequate stated interest (as defined in section 1274(c)(2)) and which pay such interest not less often than annually.

"(D) All income of the trust is distributed currently to the grantor.

"(E) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(2) Account taxed as grantor trust.—The grantor of a FFARRM Account shall be treated for purposes of this title as the owner of such Account and shall be subject to tax thereon in accordance with subpart E of part I of subchapter J of this chapter (relating to grantors and others treated as substantial owners).

"(e) Inclusion of Amounts Distributed.—

"(1) In general.—Except as provided in paragraph (2), there shall be includible in the gross income of the taxpayer for any taxable year—

"(A) any amount distributed from a FFARRM Account of the taxpayer during such taxable year, and

"(B) any deemed distribution under—

"(i) subsection (f)(1) (relating to deposits not distributed within 5 years),

"(ii) subsection (f)(2) (relating to cessation in eligible farming business), and

"(iii) subparagraph (B) or (C) of subsection (f)(3) (relating to prohibited transactions and pledging account as security).

"(2) Exceptions.—Paragraph (1)(A) shall not apply to—

"(A) any distribution to the extent attributable to income of the Account, and

"(B) the distribution of any contribution paid during a taxable year to a FFARRM Account to the extent that such contribution exceeds the limitation applicable under subsection (b) if requirements similar to the requirements of section 408(d)(4) are met.

For purposes of subparagraph (A), distributions shall be treated as first attributable to income and then to other amounts.

"(f) Special Rules.—

"(1) Tax on deposits in account which are not distributed within 5 years.—

"(A) In general.—If, at the close of any taxable year, there is a nonqualified balance in any FFARRM Account—

"(i) there shall be deemed distributed from such Account during such taxable year an amount equal to such balance, and

"(ii) the taxpayer's tax imposed by this chapter for such taxable year shall be increased by 10 percent of such deemed distribution.

The preceding sentence shall not apply if an amount equal to such nonqualified balance is distributed from such Account to the taxpayer before the due date (including extensions) for filing the return of tax imposed by this chapter for such year (or, if earlier, the date the taxpayer files such return for such year).

"(B) Nonqualified balance.—For purposes of subparagraph (A), the term 'nonqualified balance' means any balance in the Account on the last day of the taxable year which is attributable to amounts deposited in such Account before the 4th preceding taxable year.

"(C) Ordering rule.—For purposes of this paragraph, distributions from a FFARRM Account (other than distributions of current income) shall be treated as made from deposits in the order in which such deposits were made, beginning with the earliest deposits.

"(2) Cessation in eligible business.—At the close of the first disqualification period after a period for which the taxpayer was engaged in an eligible farming business or commercial fishing, there shall be deemed distributed from the FFARRM Account of the taxpayer an amount equal to the balance in such Account (if any) at the close of such disqualification period. For purposes of the preceding sentence, the term 'disqualification period' means any period of 2 consecutive taxable years for which the taxpayer is not engaged in an eligible farming business or commercial fishing.

"(3) Certain rules to apply.—Rules similar to the following rules shall apply for purposes of this section:

"(A) Section 220(f)(8) (relating to treatment on death).

"(B) Section 408(e)(2) (relating to loss of exemption of account where individual engages in prohibited transaction).

"(C) Section 408(e)(4) (relating to effect of pledging account as security).

"(D) Section 408(g) (relating to community property laws).

"(E) Section 408(h) (relating to custodial accounts).

"(4) Time when payments deemed made.—For purposes of this section, a taxpayer shall be deemed to have made a payment to a FFARRM Account on the last day of a taxable year if such payment is made on account of such taxable year and is made on or before the due date (without regard to extensions) for filing the return of tax for such taxable year.

"(5) Individual.—For purposes of this section, the term 'individual' shall not include an estate or trust.

"(6) Deduction not allowed for self-employment tax.—The deduction allowable by reason of subsection (a) shall not be taken into account in determining an individual's net earnings from self-employment (within the meaning of section 1402(a)) for purposes of chapter 2.

"(g) Reports.—The trustee of a FFARRM Account shall make such reports regarding such Account to the Secretary and to the person for whose benefit the Account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such persons at such time and in such manner as may be required by such regulations.".

(b) Tax on Excess Contributions.—

(1) Subsection (a) of section 4973 (relating to tax on excess contributions to certain tax-favored accounts and annuities) is amended by striking "or" at the end of paragraph (3), by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following new paragraph:

"(4) a FFARRM Account (within the meaning of section 468C(d)), or".

(2) Section 4973 is amended by adding at the end the following new subsection:

"(g) Excess Contributions to FFARRM Accounts.—For purposes of this section, in the case of a FFARRM Account (within the meaning of section 468C(d)), the term 'excess contributions' means the amount by which the amount contributed for the taxable year to the Account exceeds the amount which may be contributed to the Account under section 468C(b) for such taxable year. For purposes of this subsection, any contribution which is distributed out of the FFARRM Account in a distribution to which section 468C(e)(2)(B) applies shall be treated as an amount not contributed.".

(3) The section heading for section 4973 is amended to read as follows:

"SEC. 4973. EXCESS CONTRIBUTIONS TO CERTAIN ACCOUNTS, ANNUITIES, ETC.".

(4) The table of sections for chapter 43 is amended by striking the item relating to section 4973 and inserting the following new item:

"Sec. 4973. Excess contributions to certain accounts, annuities, etc.".

(c) Tax on Prohibited Transactions.—

(1) Subsection (c) of section 4975 (relating to tax on prohibited transactions) is amended by adding at the end the following new paragraph:

"(6) Special rule for FFARRM accounts.—A person for whose benefit a FFARRM Account (within the meaning of section 468C(d)) is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a FFARRM Account by reason of the application of section 468C(f)(3)(A) to such account.".

(2) Paragraph (1) of section 4975(e) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

"(E) a FFARRM Account described in section 468C(d).".

(d) Failure To Provide Reports on FFARRM Accounts.—Paragraph (2) of section 6693(a) (relating to failure to provide reports on certain tax-favored accounts or annuities) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

"(C) section 468C(g) (relating to FFARRM Accounts).".

(e) Clerical Amendment.—The table of sections for subpart C of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 468B the following new item:

"Sec. 468C. Farm, Fishing and Ranch Risk Management Accounts.".

(f) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 402. WRITTEN AGREEMENT RELATING TO EXCLUSION OF CERTAIN FARM RENTAL INCOME FROM NET EARNINGS FROM SELF-EMPLOYMENT.

(a) Internal Revenue Code.—Section 1402(a)(1)(A) (relating to net earnings from self-employment) is amended by striking "an arrangement" and inserting "a lease agreement".

(b) Social Security Act.—Section 211(a)(1)(A) of the Social Security Act is amended by striking "an arrangement" and inserting "a lease agreement".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 403. TREATMENT OF CONSERVATION RESERVE PROGRAM PAYMENTS AS RENTALS FROM REAL ESTATE.

(a) In General.—Section 1402(a)(1) (defining net earnings from self-employment) is amended by inserting "and including payments under section 1233(2) of the Food Security Act of 1985 (16 U.S.C. 3833(2))" after "crop shares".

(b) Effective Date.—The amendment made by this section shall apply to payments made after December 31, 2000.

SEC. 404. EXEMPTION OF AGRICULTURAL BONDS FROM STATE VOLUME CAP.

(a) In General.—Section 146(g) (relating to exception for certain bonds) is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by inserting after paragraph (4) the following new paragraph:

"(5) any qualified small issue bond described in section 144(a)(12)(B)(ii).".

(b) Effective Date.—The amendments made by this section shall apply to bonds issued after December 31, 2000.

SEC. 405. MODIFICATIONS TO SECTION 512(b)(13).

(a) In General.—Paragraph (13) of section 512(b) is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new paragraph:

"(E) Paragraph to apply only to excess payments.—

"(i) In general.—Subparagraph (A) shall apply only to the portion of a specified payment received by the controlling organization that exceeds the amount which would have been paid if such payment met the requirements prescribed under section 482.

"(ii) Addition to tax for valuation misstatements.—The tax imposed by this chapter on the controlling organization shall be increased by an amount equal to 20 percent of such excess.".

(b) Effective Date.—

(1) In general.—The amendment made by this section shall apply to payments received or accrued after December 31, 2000.

(2) Payments subject to binding contract transition rule.—If the amendments made by section 1041 of the Taxpayer Relief Act of 1997 did not apply to any amount received or accrued in the first 2 taxable years beginning on or after the date of the enactment of this Act under any contract described in subsection (b)(2) of such section, such amendments also shall not apply to amounts received or accrued under such contract before January 1, 2001.

SEC. 406. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) In General.—Subsection (e) of section 170 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(7) Special rule for contributions of food inventory.—For purposes of this section—

"(A) Contributions by non-corporate taxpayers.—In the case of a charitable contribution of food by a taxpayer in a farming business (as defined in section 263A(e)(4)), paragraph (3)(A) shall be applied without regard to whether or not the contribution is made by a corporation.

"(B) Limit on reduction.—In the case of a charitable contribution of food which is a qualified contribution (within the meaning of paragraph (3)(A), as modified by subparagraph (A) of this paragraph)—

"(i) paragraph (3)(B) shall not apply, and

"(ii) the reduction under paragraph (1)(A) for such contribution shall be no greater than the amount (if any) by which the amount of such contribution exceeds twice the basis of such food.

"(C) Determination of basis.—For purposes of this paragraph, if a taxpayer uses the cash method of accounting, the basis of any qualified contribution of such taxpayer shall be deemed to be 50 percent of the fair market value of such contribution.

"(D) Determination of fair market value.—In the case of a charitable contribution of food which is a qualified contribution (within the meaning of paragraph (3), as modified by subparagraphs (A) and (B) of this paragraph) and which, solely by reason of internal standards of the taxpayer, lack of market, or similar circumstances, or which is produced by the taxpayer exclusively for the purposes of transferring the food to an organization described in paragraph (3)(A), cannot or will not be sold, the fair market value of such contribution shall be determined—

"(i) without regard to such internal standards, such lack of market, such circumstances, or such exclusive purpose, and

"(ii) if applicable, by taking into account the price at which the same or similar food items are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

"(E) Termination.—This paragraph shall not apply to any contribution made during any taxable year beginning after December 31, 2003.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2000.

SEC. 407. INCOME AVERAGING FOR FARMERS AND FISHERMEN NOT TO INCREASE ALTERNATIVE MINIMUM TAX LIABILITY.

(a) In General.—Section 55(c) (defining regular tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) Coordination with income averaging for farmers and fishermen.—Solely for purposes of this section, section 1301 (relating to averaging of farm and fishing income) shall not apply in computing the regular tax.".

(b) Allowing Income Averaging for Fishermen.—

(1) In general.—Section 1301(a) is amended by striking "farming business" and inserting "farming business or fishing business".

(2) Definition of elected farm income.—

(A) In general.—Clause (i) of section 1301(b)(1)(A) is amended by inserting "or fishing business" before the semicolon.

(B) Conforming amendment.—Subparagraph (B) of section 1301(b)(1) is amended by inserting "or fishing business" after "farming business" both places it occurs.

(3) Definition of fishing business.—Section 1301(b) is amended by adding at the end the following new paragraph:

"(4) Fishing business.—The term 'fishing business' means the conduct of commercial fishing as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 408. COOPERATIVE MARKETING INCLUDES VALUE-ADDED PROCESSING THROUGH ANIMALS.

(a) In General.—Section 1388 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

"(k) Cooperative Marketing Includes Value-Added Processing Through Animals.—For purposes of section 521 and this subchapter, the term 'marketing the products of members or other producers' includes feeding the products of members or other producers to cattle, hogs, fish, chickens, or other animals and selling the resulting animals or animal products.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 409. DECLARATORY JUDGMENT RELIEF FOR SECTION 521 COOPERATIVES.

(a) In General.—Section 7428(a)(1) (relating to declaratory judgments of tax exempt organizations) is amended by striking "or" at the end of subparagraph (B) and by adding at the end the following new subparagraph:

"(D) with respect to the initial qualification or continuing qualification of a cooperative as described in section 521(b) which is exempt from tax under section 521(a), or".

(b) Effective Date.—The amendments made by this section shall apply with respect to pleadings filed after the date of the enactment of this Act but only with respect to determinations (or requests for determinations) made after January 1, 2000.

SEC. 410. SMALL ETHANOL PRODUCER CREDIT.

(a) Allocation of Alcohol Fuels Credit to Patrons of a Cooperative.—Section 40(g) (relating to alcohol used as fuel) is amended by adding at the end the following new paragraph:

"(6) Allocation of small ethanol producer credit to patrons of cooperative.—

"(A) Election to allocate.—

"(i) In general.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year.

"(ii) Form and effect of election.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

"(B) Treatment of organizations and patrons.—The amount of the credit apportioned to patrons under subparagraph (A)—

"(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year,

"(ii) shall be included in the amount determined under subsection (a) for the taxable year of each patron for which the patronage dividends for the taxable year described in subparagraph (A) are included in gross income, and

"(iii) shall be included in gross income of such patrons for the taxable year in the manner and to the extent provided in section 87.

"(C) Special rules for decrease in credits for taxable year.—If the amount of the credit of a cooperative organization determined under subsection (a)(3) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

"(i) such reduction, over

"(ii) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this subpart or subpart A, B, E, or G.".

(b) Improvements to Small Ethanol Producer Credit.—

(1) Small ethanol producer credit not a passive activity credit.—Clause (i) of section 469(d)(2)(A) is amended by striking "subpart D" and inserting "subpart D, other than section 40(a)(3),".

(2) Allowing credit against minimum tax.—

(A) In general.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) Special rules for small ethanol producer credit.—

"(A) In general.—In the case of the small ethanol producer credit—

"(i) this section and section 39 shall be applied separately with respect to the credit, and

"(ii) in applying paragraph (1) to the credit—

"(I) subparagraphs (A) and (B) thereof shall not apply, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the small ethanol producer credit).

"(B) Small ethanol producer credit.—For purposes of this subsection, the term 'small ethanol producer credit' means the credit allowable under subsection (a) by reason of section 40(a)(3).".

(B) Conforming amendment.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by striking "(other" and all that follows through "credit)" and inserting "(other than the empowerment zone employment credit or the small ethanol producer credit)".

(3) Small ethanol producer credit not added back to income under section 87.—Section 87 (relating to income inclusion of alcohol fuel credit) is amended to read as follows:

"SEC. 87. ALCOHOL FUEL CREDIT.

"Gross income includes an amount equal to the sum of—

"(1) the amount of the alcohol mixture credit determined with respect to the taxpayer for the taxable year under section 40(a)(1), and

"(2) the alcohol credit determined with respect to the taxpayer for the taxable year under section 40(a)(2).".

(c) Conforming Amendment.—Section 1388 (relating to definitions and special rules for cooperative organizations), as amended by section 408, is amended by adding at the end the following new subsection:

"(l) Cross Reference.—For provisions relating to the apportionment of the alcohol fuels credit between cooperative organizations and their patrons, see section 40(g)(6).".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 411. PAYMENT OF DIVIDENDS ON STOCK OF COOPERATIVES WITHOUT REDUCING PATRONAGE DIVIDENDS.

(a) In General.—Subsection (a) of section 1388 (relating to patronage dividend defined) is amended by adding at the end the following new sentence: "For purposes of paragraph (3), net earnings shall not be reduced by amounts paid during the year as dividends on capital stock or other proprietary capital interests of the organization to the extent that the articles of incorporation or bylaws of such organization or other contract with patrons provide that such dividends are in addition to amounts otherwise payable to patrons which are derived from business done with or for patrons during the taxable year.".

(b) Effective Date.—The amendment made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

TITLE V—ENERGY PROVISIONS

SEC. 501. ELECTION TO EXPENSE GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) In General.—Section 263 (relating to capital expenditures) is amended by adding at the end the following new subsection:

"(j) Geological and Geophysical Expenditures for Domestic Oil and Gas Wells.—Notwithstanding subsection (a), a taxpayer may elect to treat geological and geophysical expenses incurred in connection with the exploration for, or development of, oil or gas within the United States (as defined in section 638) as expenses which are not chargeable to capital account. Any expenses so treated shall be allowed as a deduction in the taxable year in which paid or incurred.".

(b) Conforming Amendment.—Section 263A(c)(3) is amended by inserting "263(j)," after "263(i),".

(c) Effective Date.—The amendments made by this section shall apply to expenses paid or incurred in taxable years beginning after December 31, 2001.

SEC. 502. ELECTION TO EXPENSE DELAY RENTAL PAYMENTS

(a) IN GENERAL.—Section 263 (relating to capital expenditures), as amended by section 501(a), is amended by adding at the end the following new subsection:

"(k) DELAY RENTAL PAYMENTS FOR DOMESTIC OIL AND GAS WELLS.—

"(1) IN GENERAL.—Notwithstanding subsection (a), a taxpayer may elect to treat delay rental payments incurred in connection with the development of oil or gas within the United States (as defined in section 638) as payments which are not chargeable to capital account. Any payments so treated shall be allowed as a deduction in the taxable year in which paid or incurred.

"(2) DELAY RENTAL PAYMENTS.—For purposes of paragraph (1), the term 'delay rental payment' means an amount paid for the privilege of deferring development of an oil or gas well.".

(b) CONFORMING AMENDMENT.—Section 263A(c)(3), as amended by section 501(b), is amended by inserting "263(k)," after "263(j),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made or incurred in taxable years beginning after December 31, 2001.

SEC. 503. 5-YEAR NET OPERATING LOSS CARRYBACK FOR LOSSES ATTRIBUTABLE TO OPERATING MINERAL INTERESTS OF INDEPENDENT OIL AND GAS PRODUCERS.

(a) IN GENERAL.—Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph:

"(H) LOSSES ON OPERATING MINERAL INTERESTS OF INDEPENDENT OIL AND GAS PRODUCERS.—In the case of a taxpayer—

"(i) which has an eligible oil and gas loss (as defined in subsection (j)) for a taxable year, and

"(ii) which is not an integrated oil company (as defined in section 291(b)(4)),

such eligible oil and gas loss shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss.".

(b) ELIGIBLE OIL AND GAS LOSS.—Section 172 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) ELIGIBLE OIL AND GAS LOSS.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible oil and gas loss' means the lesser of—

"(A) the amount which would be the net operating loss for the taxable year if only income and deductions attributable to operating mineral interests (as defined in section 614(d)) in oil and gas wells are taken into account, or

"(B) the amount of the net operating loss for such taxable year.

"(2) COORDINATION WITH SUBSECTION (b)(2).—For purposes of applying subsection (b)(2), an eligible oil and gas loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated.

"(3) ELECTION.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(H) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(H).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to net operating losses for taxable years beginning after December 31, 2001.

SEC. 504. TEMPORARY SUSPENSION OF PERCENTAGE OF DEPLETION DEDUCTION LIMITATION BASED ON 65 PERCENT OF TAXABLE INCOME.

(a) IN GENERAL.—Section 613A(d)(1) (relating to limitation based on taxable income) is amended by adding at the end the following new sentence: "This paragraph shall not apply for taxable years beginning after December 31, 2000, and before January 1, 2004.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 505. TAX CREDIT FOR MARGINAL DOMESTIC OIL AND NATURAL GAS WELL PRODUCTION.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits), as amended by section 131(a), is amended by adding at the end the following new section:

"SEC. 45E. CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.

"(a) GENERAL RULE.—For purposes of section 38, the marginal well production credit for any taxable year is an amount equal to the product of—

"(1) the credit amount, and

"(2) the qualified crude oil production and the qualified natural gas production which is attributable to the taxpayer.

"(b) CREDIT AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The credit amount is—

"(A) $3 per barrel of qualified crude oil production, and

"(B) 50 cents per 1,000 cubic feet of qualified natural gas production.

"(2) REDUCTION AS OIL AND GAS PRICES INCREASE.—

"(A) IN GENERAL.—The $3 and 50 cents amounts under paragraph (1) shall each be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this paragraph) as—

"(i) the excess (if any) of the applicable reference price over $14 ($1.56 for qualified natural gas production), bears to

"(ii) $3 ($0.33 for qualified natural gas production).

The applicable reference price for a taxable year is the reference price for the calendar year preceding the calendar year in which the taxable year begins.

"(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2001, each of the dollar amounts contained in subparagraph (A) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting '2000' for '1990').

"(C) REFERENCE PRICE.—For purposes of this paragraph, the term 'reference price' means, with respect to any calendar year—

"(i) in the case of qualified crude oil production, the reference price determined under section 29(d)(2)(C), and

"(ii) in the case of qualified natural gas production, the Secretary's estimate of the annual average wellhead price per 1,000 cubic feet for all domestic natural gas.

"(c) QUALIFIED CRUDE OIL AND NATURAL GAS PRODUCTION.—For purposes of this section—

"(1) IN GENERAL.—The terms 'qualified crude oil production' and 'qualified natural gas production' mean domestic crude oil or natural gas which is produced from a marginal well.

"(2) LIMITATION ON AMOUNT OF PRODUCTION WHICH MAY QUALIFY.—

"(A) IN GENERAL.—Crude oil or natural gas produced during any taxable year from any well shall not be treated as qualified crude oil production or qualified natural gas production to the extent production from the well during the taxable year exceeds 1,095 barrels or barrel equivalents.

"(B) PROPORTIONATE REDUCTIONS.—

"(i) SHORT TAXABLE YEARS.—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days in such taxable year bears to 365.

"(ii) WELLS NOT IN PRODUCTION ENTIRE YEAR.—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which the number of days of production bears to the total number of days in the taxable year.

"(3) DEFINITIONS.—

"(A) MARGINAL WELL.—The term 'marginal well' means a domestic well—

"(i) the production from which during the taxable year is treated as marginal production under section 613A(c)(6), or

"(ii) which, during the taxable year—

"(I) has average daily production of not more than 25 barrel equivalents, and

"(II) produces water at a rate not less than 95 percent of total well effluent.

"(B) CRUDE OIL, ETC.—The terms 'crude oil', 'natural gas', 'domestic', and 'barrel' have the meanings given such terms by section 613A(e).

"(C) BARREL EQUIVALENT.—The term 'barrel equivalent' means, with respect to natural gas, a conversion ratio of 6,000 cubic feet of natural gas to 1 barrel of crude oil.

"(d) OTHER RULES.—

"(1) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a marginal well in which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer's revenue interest in the production bears to the aggregate of the revenue interests of all operating interest owners in the production.

"(2) OPERATING INTEREST REQUIRED.—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

"(3) PRODUCTION FROM NONCONVENTIONAL SOURCES EXCLUDED.—In the case of production from a marginal well which is eligible for the credit allowed under section 29 for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim credit under section 29 with respect to the well.".

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b), as amended by section 131(b)(1), is amended by striking "plus" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ", plus", and by adding at the end of the following new paragraph:

"(14) the marginal oil and gas well production credit determined under section 45E(a).".

(c) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax), as amended by section 410(b)(2)(A), is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) Special rules for marginal oil and gas well production credit.—

"(A) In general.—In the case of the marginal oil and gas well production credit—

"(i) this section and section 39 shall be applied separately with respect to the credit, and

"(ii) in applying paragraph (1) to the credit—

"(I) subparagraphs (A) and (B) thereof shall not apply, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the marginal oil and gas well production credit).

"(B) Marginal oil and gas well production credit.—For purposes of this subsection, the term 'marginal oil and gas well production credit' means the credit allowable under subsection (a) by reason of section 45E(a).".

(2) Conforming amendments.—

(A) Subclause (II) of section 38(c)(2)(A)(ii), as amended by section 410(b)(2)(B), is amended by striking "or the small ethanol producer credit" and inserting ", the small ethanol producer credit, or the marginal oil and gas well production credit".

(B) Subclause (II) of section 38(c)(3)(A)(ii), as added by section 410(b)(2)(A), is amended by inserting "or the marginal oil and gas well production credit" after "the small ethanol producer credit".

(d) Carryback.—Subsection (a) of section 39 (relating to carryback and carryforward of unused credits generally) is amended by adding at the end the following new paragraph—

"(3) 10-year carryback for marginal oil and gas well production credit.—In the case of the marginal oil and gas well production credit—

"(A) this section shall be applied separately from the business credit (other than the marginal oil and gas well production credit),

"(B) paragraph (1) shall be applied by substituting '10 taxable year' for '1 taxable year' in subparagraph (A) thereof, and

"(C) paragraph (2) shall be applied—

"(i) by substituting '31 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

"(ii) by substituting '30 taxable years' for '20 taxable years' in subparagraph (B) thereof.".

(e) Coordination With Section 29.—Section 29(a) is amended by striking "There" and inserting "At the election of the taxpayer, there".

(f) Clerical Amendment—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section 131(d), is amended by adding at the end the following item:

"Sec. 45E. Credit for producing oil and gas from marginal wells.".

(g) Effective Date.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 2000.

SEC. 506. NATURAL GAS GATHERING LINES TREATED AS 7-YEAR PROPERTY.

(a) In General.—Subparagraph (C) of section 168(e)(3) (relating to classification of certain property) is amended by redesignating clause (ii) as clause (iii) and by inserting after clause (i) the following new clause:

"(ii) any natural gas gathering line, and".

(b) Natural Gas Gathering Line.—Subsection (i) of section 168 is amended by adding at the end the following new paragraph:

"(15) Natural gas gathering line.—The term 'natural gas gathering line' means—

"(A) the pipe, equipment, and appurtenances determined to be a gathering line by the Federal Energy Regulatory Commission, or

"(B) the pipe, equipment, and appurtenances used to deliver natural gas from the wellhead or a common point to the point at which such gas first reaches—

"(i) a gas processing plant,

"(ii) an interconnection with a transmission pipeline certificated by the Federal Energy Regulatory Commission as an interstate transmission pipeline,

"(iii) an interconnection with an intrastate transmission pipeline, or

"(iv) a direct interconnection with a local distribution company, a gas storage facility, or an industrial consumer.".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service on or after the date of the enactment of this Act.

SEC. 507. CLARIFICATION OF TREATMENT OF PIPELINE TRANSPORTATION INCOME.

(a) In General.—Section 954(g)(1) (defining foreign base company oil related income) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) the pipeline transportation of oil or gas within such foreign country.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years of controlled foreign corporations beginning after December 31, 2001, and taxable years of United States shareholders with or within which such taxable years of controlled foreign corporations end.

TITLE VI—CONSERVATION PROVISIONS

SEC. 601. EXCLUSION OF 50 PERCENT OF GAIN ON SALES OF LAND OR INTERESTS IN LAND OR WATER TO ELIGIBLE ENTITIES FOR CONSERVATION PURPOSES.

(a) In General.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting after section 121 the following new section:

"SEC. 121A. 50-PERCENT EXCLUSION OF GAIN ON SALES OF LAND OR INTERESTS IN LAND OR WATER TO ELIGIBLE ENTITIES FOR CONSERVATION PURPOSES.

"(a) Exclusion.—Gross income shall not include 50 percent of any gain from the sale of land or an interest in land or water (determined without regard to any improvements) to an eligible entity if—

"(1) such land or interest in land or water was owned by the taxpayer or a member of the taxpayer's family (as defined in section 2032A(e)(2)) at all times during the 3-year period ending on the date of the sale, and

"(2) such land or interest in land or water is being acquired by an eligible entity which provides the taxpayer, at the time of acquisition, a written letter of intent which shall include the following statement: 'The purchaser's intent is that this acquisition will serve 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A).'

"(b) Eligible Entity.—For purposes of this section, the term 'eligible entity' means—

"(1) any agency of the United States or of any State or local government, or

"(2) any other organization that—

"(A) is organized and at all times operated principally for 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A), and

"(B) is described in section 170(h)(3).

"(c) Stock in Holding Corporations.—For purposes of this section, the term 'land or an interest in land or water' shall include stock in any corporation, if the fair market value of the corporation's land or interests in land or water equals or exceeds 90 percent of the fair market value of all of such corporation's assets at all times during the 3-year period ending on the date of the sale.".

(b) Clerical Amendment.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 121 the following new item:

"Sec. 121A. 50-percent exclusion of gain on sales of land or interests in land or water to eligible entities for conservation purposes.".

(c) Effective Date.—The amendments made by this section shall apply to sales occurring on or after December 31, 2003.

SEC. 602. EXPANSION OF ESTATE TAX EXCLUSION FOR REAL PROPERTY SUBJECT TO QUALIFIED CONSERVATION EASEMENT.

(a) Repeal of Certain Restrictions on Where Land Is Located.—Clause (i) of section 2031(c)(8)(A) (defining land subject to a qualified conservation easement) is amended to read as follows:

"(i) which is located in the United States or any possession of the United States,".

(b) Effective Date.—The amendments made by this section shall apply to estates of decedents dying after December 31, 2001.

SEC. 603. TAX EXCLUSION FOR COST-SHARING PAYMENTS UNDER PARTNERS FOR WILDLIFE PROGRAM.

(a) In General.—Section 126(a) (relating to certain cost-sharing payments) is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

"(10) The Partners for Fish and Wildlife Program authorized by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.).".

(b) Effective Date.—The amendments made by this section shall apply to payments received after the date of the enactment of this Act.

SEC. 604. INCENTIVE FOR CERTAIN ENERGY EFFICIENT PROPERTY USED IN BUSINESS.

(a) In General.—Part VI of subchapter B of chapter 1 is amended by adding at the end the following new section:

"SEC. 199. ENERGY PROPERTY DEDUCTION.

"(a) Deduction Allowed.—

"(1) In general.—There shall be allowed as a deduction for the taxable year an amount equal to the amount of energy efficient commercial building expenditures made by the taxpayer for the taxable year

"(2) Maximum amount of deduction.—The amount of energy efficient commercial building property expenditures taken into account under paragraph (1) shall not exceed an amount equal to the product of—

"(A) $2.25, and

"(B) the square footage of the building with respect to which the expenditures are made.

"(3) Year deduction allowed.—The deduction under paragraph (1) shall be allowed in the taxable year in which the construction of the building is completed.

"(b) Energy Efficient Commercial Building Property Expenditures.—For purposes of this section, the term 'energy efficient commercial building property expenditures' means an amount paid or incurred for energy efficient commercial building property installed on or in connection with new construction or reconstruction of property—

"(1) for which depreciation is allowable under section 167,

"(2) which is located in the United States, and

"(3) the construction or erection of which is completed by the taxpayer.

Such property includes all residential rental property, including low-rise multifamily structures and single family housing property which is not within the scope of Standard 90.1–1999 (as described in subsection (c)(1)). Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

"(c) Energy Efficient Commercial Building Property.—For purposes of subsection (b)—

"(1) In general.—The term 'energy efficient commercial building property' means any property which reduces total annual energy and power costs with respect to the lighting, heating, cooling, ventilation, and hot water supply systems of the building by 50 percent or more in comparison to a reference building which meets the requirements of Standard 90.1–1999 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America using methods of calculation under paragraph (2) and certified by qualified professionals as provided under subsection (f).

"(2) Methods of calculation.—The Secretary, in consultation with the Secretary of Energy, shall promulgate regulations which describe in detail methods for calculating and verifying energy and power consumption and cost, taking into consideration the provisions of the 1998 California Nonresidential ACM Manual. These procedures shall meet the following requirements:

"(A) In calculating tradeoffs and energy performance, the regulations shall prescribe the costs per unit of energy and power, such as kilowatt hour, kilowatt, gallon of fuel oil, and cubic foot or Btu of natural gas, which may be dependent on time of usage.

"(B) The calculational methodology shall require that compliance be demonstrated for a whole building. If some systems of the building, such as lighting, are designed later than other systems of the building, the method shall provide that either—

"(i) the expenses taken into account under subsection (a) shall not occur until the date designs for all energy-using systems of the building are completed,

"(ii) the energy performance of all systems and components not yet designed shall be assumed to comply minimally with the requirements of such Standard 90.1–1999, or

"(iii) the expenses taken into account under subsection (a) shall be a fraction of such expenses based on the performance of less than all energy-using systems in accordance with subparagraph (C).

"(C) The expenditures in connection with the design of subsystems in the building, such as the envelope, the heating, ventilation, air conditioning and water heating system, and the lighting system shall be allocated to the appropriate building subsystem based on system-specific energy cost savings targets in regulations promulgated by the Secretary of Energy which are equivalent, using the calculation methodology, to the whole building requirement of 50 percent savings.

"(D) The calculational methods under this paragraph need not comply fully with section 11 of such Standard 90.1–1999.

"(E) The calculational methods shall be fuel neutral, such that the same energy efficiency features shall qualify a building for the deduction under this subsection regardless of whether the heating source is a gas or oil furnace or an electric heat pump.

"(F) The calculational methods shall provide appropriate calculated energy savings for design methods and technologies not otherwise credited in either such Standard 90.1–1999 or in the 1998 California Nonresidential ACM Manual, including the following:

"(i) Natural ventilation.

"(ii) Evaporative cooling.

"(iii) Automatic lighting controls such as occupancy sensors, photocells, and timeclocks.

"(iv) Daylighting.

"(v) Designs utilizing semi-conditioned spaces that maintain adequate comfort conditions without air conditioning or without heating.

"(vi) Improved fan system efficiency, including reductions in static pressure.

"(vii) Advanced unloading mechanisms for mechanical cooling, such as multiple or variable speed compressors.

"(viii) The calculational methods may take into account the extent of commissioning in the building, and allow the taxpayer to take into account measured performance that exceeds typical performance.

"(3) Computer software.—

"(A) In general.—Any calculation under this subsection shall be prepared by qualified computer software.

"(B) Qualified computer software.—For purposes of this paragraph, the term 'qualified computer software' means software—

"(i) for which the software designer has certified that the software meets all procedures and detailed methods for calculating energy and power consumption and costs as required by the Secretary,

"(ii) which provides such forms as required to be filed by the Secretary in connection with energy efficiency of property and the deduction allowed under this section, and

"(iii) which provides a notice form which summarizes the energy efficiency features of the building and its projected annual energy costs.

"(d) Allocation of Deduction for Public Property.—In the case of energy efficient commercial building property installed on or in public property, the Secretary shall promulgate regulations to allow the allocation of the deduction to the person primarily responsible for designing the property in lieu of the public entity which is the owner of such property. Such person shall be treated as the taxpayer for purposes of this section.

"(e) Notice to Owner.—The qualified individual shall provide an explanation to the owner of the building regarding the energy efficiency features of the building and its projected annual energy costs as provided in the notice under subsection (c)(3)(B)(iii).

"(f) Certification.—

"(1) In general.—Except as provided in this subsection, the Secretary, in consultation with the Secretary of Energy, shall establish requirements for certification and compliance procedures after examining the requirements for energy consultants and home energy ratings providers specified by the Mortgage Industry National Accreditation Procedures for Home Energy Rating Systems.

"(2) Qualified individuals.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary for such purposes.

"(3) Proficiency of qualified individuals.—The Secretary shall consult with nonprofit organizations and State agencies with expertise in energy efficiency calculations and inspections to develop proficiency tests and training programs to qualify individuals to determine compliance.

"(g) Basis Reduction.—For purposes of this subtitle, if a deduction is allowed under this section with respect to any energy efficient commercial building property, the basis of such property shall be reduced by the amount of the deduction so allowed.

"(h) Termination.—This section shall not apply with respect to any taxable year beginning after December 31, 2003.".

(b) Conforming Amendment.—Section 1016(a), as amended by section 211(b), is amended by striking "and" at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting ", and", and by inserting the following new paragraph:

"(29) for amounts allowed as a deduction under section 199(a).".

(c) Clerical Amendment.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 199. Energy property deduction.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 605. EXTENSION AND MODIFICATION OF TAX CREDIT FOR ELECTRICITY PRODUCED FROM BIOMASS.

(a) Extension and Modification of Placed-in-Service Rules.—

(1) In general.—Section 45(c)(3) is amended by adding at the end the following new subparagraphs:

"(D) Biomass facility.—In the case of a facility using biomass (other than closed-loop biomass) to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service before January 1, 2002.

"(E) Landfill gas facility.—

"(i) In general.—In the case of a facility using landfill gas to produce electricity, the term 'qualified facility' means any facility of the taxpayer which is originally placed in service after December 31, 1999, and before January 1, 2002.

"(ii) Special rule.—In the case of a facility using landfill gas, such term shall include equipment and housing (not including wells and related systems required to collect and transmit gas to the production facility) required to generate electricity which are owned by the taxpayer and so placed in service.

"(F) Special rule.—In the case of a qualified facility described in subparagraph (D) or (E), the period referred to in subsection (a)(2)(A)(ii) shall be applied by substituting '3-year' for '10-year' and shall be treated as beginning no earlier than January 1, 2001.".

(2) Closed-loop biomass facility.—Section 45(c)(3)(B) (relating to closed-loop biomass facility) is amended by striking "owned by the taxpayer" and all that follows and inserting "owned by the taxpayer which is—"

"(i) originally placed in service after December 31, 1992, and before January 1, 2002, or

"(ii) originally placed in service before December 31, 1992, and modified to use closed-loop biomass to co-fire with coal after such date and before January 1, 2002.".

(b) Expansion of Qualified Energy Resources.—

(1) In general.—Section 45(c)(1) (defining qualified energy resources) is amended by striking "and" at the end of subparagraph

(B), by striking the period at the end of subparagraph (C) and inserting a comma, and by adding at the end the following new subparagraphs:

"(D) biomass (other than closed-loop biomass), and

"(E) landfill gas.".

(2) Definitions.—Section 45(c) is amended by adding at the end the following new paragraphs:

"(5) Biomass.—The term 'biomass' means any solid, nonhazardous, cellulosic waste material which is segregated from other waste materials and which is derived from—

"(A) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, but not including old-growth timber,

"(B) urban sources, including waste pallets, crates, and dunnage, manufacturing and construction wood wastes, and landscape or right-of-way tree trimmings, but not including unsegregated municipal solid waste (garbage), paper that is commonly recycled, or pressure treated, chemically treated, or lead painted wood wastes, or

"(C) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.

"(6) Landfill gas.—The term 'landfill gas' means gas from the decomposition of any household solid waste, commercial solid waste, and industrial solid waste disposed of in a municipal solid waste landfill unit (as such terms are defined in regulations promulgated under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.)).".

(c) Special Rules.—Section 45(d) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(8) Denial of double benefit.—No credit shall be allowed under this section with respect to a facility for any taxable year if the credit under section 29 is allowed in such year or has been allowed in any preceding taxable year with respect to any fuel produced from such facility.".

(d) Conforming Amendment.—Section 29(d) (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(9) Denial of double benefit.—No credit shall be allowed under this section with respect to any fuel produced from a facility for any taxable year if the credit under section 45 is allowed in such year or has been allowed in any preceding taxable year with respect to such facility.".

(e) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 606. TAX CREDIT FOR CERTAIN ENERGY EFFICIENT MOTOR VEHICLES.

(a) In General.—Subpart B of part IV of subchapter A of chapter 1, as amended by section 160(a), is amended by adding at the end the following new section:

"SEC. 30C. CREDIT FOR HYBRID VEHICLES.

"(a) Allowance of Credit.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts for each qualified hybrid vehicle placed in service during the taxable year.

"(b) Credit Amount.—For purposes of this section—

"(1) In general.—The credit amount for each qualified hybrid vehicle with a rechargeable energy storage system that provides the applicable percentage of the maximum available power shall be the amount specified in the following table:

"Applicable percentage	Credit amount
Not less than 5 percent but less than 10 percent	$500
Not less than 10 percent but less than 20 percent—	$1,000
Not less than 20 percent but less than 30 percent—	$1,500
Not less than 30 percent	$2,000.

"(2) Increase in credit amount for regenerative braking system.—In the case of a qualified hybrid vehicle that actively employs a regenerative braking system which supplies to the rechargeable energy storage system the applicable percentage of the energy available from braking in a typical 60 miles per hour to 0 miles per hour braking event, the credit amount determined under this section shall be increased by the amount specified in the following table:

"Applicable percentage	Credit amount
Not less than 20 percent but less than 40 percent	$250
Not less than 40 percent but less than 60 percent	$500
Not less than 60 percent	$1,000.

"(c) Definitions.—For purposes of this section—

"(1) Qualified hybrid vehicle.—The term 'qualified hybrid vehicle' means an automobile that meets all applicable regulatory requirements and that can draw propulsion energy from both of the following onboard sources of stored energy:

"(A) A consumable fuel.

"(B) A rechargeable energy storage system.

"(2) Maximum available power.—The term 'maximum available power' means the maximum value of the sum of the heat engine and electric drive system power or other nonheat energy conversion devices available for a driver's command for maximum acceleration at vehicle speeds under 75 miles per hour.

"(3) Automobile.—The term 'automobile' has the meaning given such term by section 4064(b)(1) (without regard to subparagraphs (B) and (C) thereof). A vehicle shall not fail to be treated as an automobile solely by reason of weight if such vehicle is rated at 8,500 pounds gross vehicle weight rating or less.

"(d) Application With Other Credits.—The credit allowed by subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

"(2) the tentative minimum tax for the taxable year.

"(e) Special Rules.—

"(1) Basis reduction.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (d)).

"(2) Recapture.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

"(3) Property used outside United States, etc., not qualified.—No credit shall be allowed under this section with respect to—

"(A) any property for which a credit is allowed under section 30,

"(B) any property referred to in section 50(b), or

"(C) any property taken into account under section 179 or 179A.

"(4) Election to not take credit.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

"(f) Regulations.—

"(1) Treasury.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.

"(2) Environmental protection agency.—The Administrator of the Environmental Protection Agency, in coordination with the Secretary of Transportation and consistent with the laws administered by such agency for automobiles, shall timely prescribe such regulations as may be necessary or appropriate solely for the purpose of specifying the testing and calculation procedures to determine whether a vehicle meets the qualifications for a credit under this section.

"(g) Application of Section.—This section shall apply to any qualified hybrid vehicles placed in service after December 31, 2003, and before January 1, 2005."

(b) Conforming Amendments.—

(1) Section 53(d)(1)(B)(iii) is amended by inserting "or not allowed under section 30C solely by reason of the application of section 30C(d)(2)" after "section 30(b)(3)(B)".

(2) Section 55(c)(2) is amended by inserting "30C(d)," after "30(b)(3),".

(3) Subsection (a) of section 1016, as amended by section 604(b), is amended by striking "and" at the end of paragraph (28), by striking the period at the end of paragraph (29) and inserting ", and", and by adding at the end the following new paragraph:

"(30) to the extent provided in section 30C(e)(i).".

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by section 160(b), is amended by adding at the end the following new item:

"Sec. 30C. Credit for hybrid vehicles.".

TITLE VII—ADDITIONAL TAX PROVISIONS

SEC. 701. LIMITATION ON USE OF NONACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) In General.—Section 448(d)(5) (relating to special rule for services) is amended—

(1) by inserting "in fields described in paragraph (2)(A)" after "services by such person", and

(2) by inserting "CERTAIN PERSONAL" before "SERVICES" in the heading.

(b) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) Change in method of accounting.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such first taxable year.

SEC. 702. REPEAL OF SECTION 530(d) OF THE REVENUE ACT OF 1978.

(a) In General.—Section 530(d) of the Revenue Act of 1978 (as added by section 1706 of the Tax Reform Act of 1986) is repealed.

(b) Effective Date.—The amendment made by subsection (a) shall apply to periods ending after the date of the enactment of this Act.

SEC. 703. EXPANSION OF EXEMPTION FROM PERSONAL HOLDING COMPANY TAX FOR LENDING OR FINANCE COMPANIES.

(a) In General.—Paragraph (6) of section 542(c) (defining personal holding company) is amended—

(1) by striking "rents," in subparagraph (B), and

(2) by adding "and" at the end of subparagraph (B),

(3) by striking subparagraph (C), and

(4) by redesignating subparagraph (D) as subparagraph (C).

(b) Exception for Lending or Finance Companies Determined on Affiliated Group Basis.—Subsection (d) of section 542 is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) Lending or finance business defined.— For purposes of subsection (c)(6), the term 'lending or finance business' means a business of—

"(A) making loans,

"(B) purchasing or discounting accounts receivable, notes, or installment obligations,

"(C) engaging in leasing (including entering into leases and purchasing, servicing, and disposing of leases and leased assets),

"(D) rendering services or making facilities available in the ordinary course of a lending or finance business,

"(E) rendering services or making facilities available in connection with activities described in subparagraphs (A), (B), and (C) carried on by the corporation rendering services or making facilities available, or

"(F) rendering services or making facilities available to another corporation which is engaged in the lending or finance business (within the meaning of this paragraph), if such services or facilities are related to the lending or finance business (within such meaning) of such other corporation and such other corporation and the corporation rendering services or making facilities available are members of the same affiliated group (as defined in section 1504).

"(2) Exception determined on an affiliated group basis.—In the case of a lending or finance company which is a member of an affiliated group (as defined in section 1504), such company shall be treated as meeting the requirements of subsection (c)(6) if such group (determined by taking into account only members of such group which are engaged in a lending or finance business) meets such requirements.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 704. CHARITABLE CONTRIBUTION DEDUCTION FOR CERTAIN EXPENSES INCURRED IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.

(a) In General.—Section 170 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Expenses Paid by Certain Whaling Captains in Support of Native Alaskan Subsistence Whaling.—

"(1) In general.—In the case of an individual who is recognized by the Alaska Eskimo Whaling Commission as a whaling captain charged with the responsibility of maintaining and carrying out sanctioned whaling activities and who engages in such activities during the taxable year, the amount described in paragraph (2) (to the extent such amount does not exceed $7,500 for the taxable year) shall be treated for purposes of this section as a charitable contribution.

"(2) Amount described.—

"(A) In general.—The amount described in this paragraph is the aggregate of the reasonable and necessary whaling expenses paid by the taxpayer during the taxable year in carrying out sanctioned whaling activities.

"(B) Whaling expenses.—For purposes of subparagraph (A), the term 'whaling expenses' includes expenses for—

"(i) the acquisition and maintenance of whaling boats, weapons, and gear used in sanctioned whaling activities,

"(ii) the supplying of food for the crew and other provisions for carrying out such activities, and

"(iii) storage and distribution of the catch from such activities.

"(3) Sanctioned whaling activities.—For purposes of this subsection, the term 'sanctioned whaling activities' means subsistence bowhead whale hunting activities conducted pursuant to the management plan of the Alaska Eskimo Whaling Commission.".

(b) Effective Date.—The amendments made by subsection (a) shall apply to taxable years ending after December 31, 2000.

SEC. 705. IMPOSITION OF EXCISE TAX ON PERSONS WHO ACQUIRE STRUCTURED SETTLEMENT PAYMENTS IN FACTORING TRANSACTIONS.

(a) In General.—Subtitle E is amended by adding at the end the following new chapter:

"CHAPTER 55—STRUCTURED SETTLEMENT FACTORING TRANSACTIONS

"Sec. 5891. Structured settlement factoring transactions.

"SEC. 5891. STRUCTURED SETTLEMENT FACTORING TRANSACTIONS.

"(a) Imposition of Tax.—There is hereby imposed on any person who acquires directly or indirectly structured settlement payment rights in a structured settlement factoring transaction a tax equal to 40 percent of the factoring discount as determined under subsection (c)(4) with respect to such factoring transaction.

"(b) Exception for Certain Approved Transactions.—

"(1) In general.—The tax under subsection (a) shall not apply in the case of a structured settlement factoring transaction in which the transfer of structured settlement payment rights is approved in advance in a qualified order.

"(2) Qualified order.—For purposes of this section, the term 'qualified order' means a final order, judgment, or decree which—

"(A) finds that the transfer described in paragraph (1)—

"(i) does not contravene any Federal or State statute or the order of any court or responsible administrative authority, and

"(ii) is in the best interest of the payee, taking into account the welfare and support of the payee's dependents, and

"(B) is issued—

"(i) under the authority of an applicable State statute by an applicable State court, or

"(ii) by the responsible administrative authority (if any) which has exclusive jurisdiction over the underlying action or proceeding which was resolved by means of the structured settlement.

"(3) Applicable state statute.—For purposes of this section, the term 'applicable State statute' means a statute providing for the entry of an order, judgment, or decree described in paragraph (2)(A) which is enacted by—

"(A) the State in which the payee of the structured settlement is domiciled, or

"(B) if there is no statute described in subparagraph (A), the State in which either the party to the structured settlement (including an assignee under a qualified assignment under section 130) or the person issuing the funding asset for the structured settlement is domiciled or has its principal place of business.

"(4) Applicable state court.—For purposes of this section—

"(A) In general.—The term 'applicable State court' means, with respect to any applicable State statute, a court of the State which enacted such statute.

"(B) Special rule.—In the case of an applicable State statute described in paragraph (3)(B), such term also includes a court of the State in which the payee of the structured settlement is domiciled.

"(5) Qualified order dispositive.—A qualified order shall be treated as dispositive for purposes of the exception under this subsection.

"(c) Definitions.—For purposes of this section—

"(1) Structured settlement.—The term 'structured settlement' means an arrangement—

"(A) which is established by—

"(i) suit or agreement for the periodic payment of damages excludable from the gross income of the recipient under section 104(a)(2), or

"(ii) agreement for the periodic payment of compensation under any workers' compensation act excludable from the gross income of the recipient under section 104(a)(1), and

"(B) under which the periodic payments are—

"(i) of the character described in subparagraphs (A) and (B) of section 130(c)(2), and

"(ii) payable by a person who is a party to the suit or agreement or to the workers' compensation claim or by a person who has assumed the liability for such periodic payments under a qualified assignment in accordance with section 130.

"(2) Structured settlement payment rights.—The term 'structured settlement payment rights' means rights to receive payments under a structured settlement.

"(3) Structured settlement factoring transaction.—

"(A) In general.—The term 'structured settlement factoring transaction' means a transfer of structured settlement payment rights (including portions of structured settlement payments) made for consideration by means of sale, assignment, pledge, or other form of encumbrance or alienation for consideration.

"(B) Exception.—Such term shall not include—

"(i) the creation or perfection of a security interest in structured settlement payment rights under a blanket security agreement entered into with an insured depository institution in the absence of any action to redirect the structured settlement payments to such institution (or agent or successor thereof) or otherwise to enforce such blanket security interest as against the structured settlement payment rights, or

"(ii) a subsequent transfer of structured settlement payment rights acquired in a structured settlement factoring transaction.

"(4) Factoring discount.—The term 'factoring discount' means an amount equal to the excess of—

"(A) the aggregate undiscounted amount of structured settlement payments being acquired in the structured settlement factoring transaction, over

"(B) the total amount actually paid by the acquirer to the person from whom such structured settlement payments are acquired.

"(5) RESPONSIBLE ADMINISTRATIVE AUTHORITY.—The term 'responsible administrative authority' means the administrative authority which had jurisdiction over the underlying action or proceeding which was resolved by means of the structured settlement.

"(6) STATE.—The term 'State' includes any possession of the United States.

"(d) COORDINATION WITH OTHER PROVISIONS.—

"(1) IN GENERAL.—If the applicable requirements of sections 72, 104(a) (1) and (2), 130, and 461(h) were satisfied at the time the structured settlement was entered into, the subsequent occurrence of a structured settlement factoring transaction shall not affect the application of the provisions of such sections to the parties to the structured settlement (including an assignee under a qualified assignment under section 130) in any taxable year.

"(2) NO WITHHOLDING OF TAX.—The provisions of section 3405 regarding withholding of tax shall not apply to the person making the payments in the event of a structured settlement factoring transaction.".

(b) CLERICAL AMENDMENTS.—The table of chapters for subtitle E is amended by adding at the end the following new item:

"CHAPTER 55. Structured settlement factoring transactions.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section (other than the provisions of section 5891(d) of the Internal Revenue Code of 1986, as added by this section) shall apply to structured settlement factoring transactions (as defined in section 5891(c) of such Code as adopted by this section) entered into on or after the 30th day following the date of the enactment of this Act.

(2) CLARIFICATION OF EXISTING LAW.—Section 5891(d) of such Code (as so added) shall apply to transactions entered into before, on, or after such 30th day.

(3) TRANSITION RULE.—In the case of a structured settlement factoring transaction entered into during the period beginning on the 30th day following the date of the enactment of this Act and ending on July 1, 2002, no tax shall be imposed under section 5891(a) of such Code if—

(A) the structured settlement payee is domiciled in a State (or possession of the United States) which has not enacted a statute providing that the structured settlement factoring transaction is ineffective unless the transaction has been approved by an order, judgment, or decree of a court (or where applicable, a responsible administrative authority) which finds that such transaction—

(i) does not contravene any Federal or State statute or the order of any court (or responsible administrative authority), and

(ii) is in the best interest of the structured settlement payee or is appropriate in light of a hardship faced by the payee, and

(B) the person acquiring the structured settlement payment rights discloses to the structured settlement payee in advance of the structured settlement factoring transaction the amounts and due dates of the payments to be transferred, the aggregate amount to be transferred, the consideration to be received by the structured settlement payee for the transferred payments, the discounted present value of the transferred payments including the present value as determined in the manner described in section 7520 of such Code, and the expenses required under the terms of the structured settlement factoring transaction to be paid by the structured settlement payee or deducted from the proceeds of such transaction.

TECHNICAL EXPLANATION OF S. 3152, THE "COMMUNITY RENEWAL AND NEW MARKETS ACT OF 2000"

INTRODUCTION

This document prepared by the staff of the Joint Committee on Taxation provides a technical explanation of S. 3152, the "Community Renewal and New Markets Act of 2000." The Community Renewal and New Markets Act of 2000 provides various tax incentives for distressed communities, affordable housing, urban and rural infrastructure, the production of energy, conservation, tax relief for farmers, and several additional tax provisions.

I. INCENTIVES FOR DISTRESSED AREAS

A. TAX INCENTIVES FOR RENEWAL ZONES AND EMPOWERMENT ZONES (SECS. 101 AND 111–115 OF THE BILL AND SECS. 1391, 1394, 1396, 1397A–D, AND NEW SEC. 1400E OF THE CODE)

PRESENT LAW

In recent years, provisions have been added to the Internal Revenue Code that target specific geographic areas for special Federal income tax treatment. As described in greater detail below, empowerment zones and enterprise communities generally provide tax incentives for businesses that locate within certain geographic areas designated by the Secretaries of Housing and Urban Development ("HUD") and Agriculture.

Round I empowerment zones

The Omnibus Budget Reconciliation Act of 1993 ("OBRA 1993") authorized the designation of nine empowerment zones ("Round I empowerment zones") to provide tax incentives for businesses to locate within targeted areas designated by the Secretaries of HUD and Agriculture. The Taxpayer Relief Act of 1997 ("1997 Act") authorized the designation of two additional Round I urban empowerment zones.

Businesses in the 11 Round I empowerment zones qualify for the following tax incentives: (1) a 20-percent wage credit for the first $15,000 of wages paid to a zone resident who works in the empowerment zone, (2) an additional $20,000 of section 179 expensing for qualifying zone property, and (3) tax-exempt financing for certain qualifying zone facilities. The tax incentives with respect to the empowerment zones designated by OBRA 1993 generally are available during the 10-year period of 1995 through 2004. The tax incentives with respect to the two additional Round I empowerment zones generally are available during the 10-year period of 2000 through 2009.

Round II empowerment zones

The 1997 Act also authorized the designation of 20 additional empowerment zones ("Round II empowerment zones"), of which 15 are located in urban areas and five are located in rural areas. Businesses in the Round II empowerment zones are not eligible for the wage credit, but are eligible to receive up to $20,000 of additional section 179 expensing. Businesses in the Round II empowerment zones also are eligible for more generous tax-exempt financing benefits than those available in the Round I empowerment zones. Specifically, the tax-exempt financing benefits for the Round II empowerment zones are not subject to the State private activity bond volume caps (but are subject to separate per-zone volume limitations), and the per-business size limitations that apply to the Round I empowerment zones and enterprise communities (i.e., $3 million for each qualified enterprise zone business with a maximum of $20 million for each principal user for all zones and communities) do not apply to qualifying bonds issued for Round II empowerment zones. The tax incentives with respect to the Round II empowerment zones generally are available during the 10-year period of 1999 through 2008.

EXPLANATION OF PROVISION

Overview

As described in detail below, the provision conforms the wage credit and tax-exempt bond incentives for the Round I and Round II empowerment zones and extends their designations through December 31, 2009. The provision also increases the incentives to existing empowerment zones by (1) increasing the additional section 179 deduction to $35,000, and (2) providing a zero-percent capital gain rate for qualifying assets held for more than five years.

In addition, the provision authorizes the Secretaries of HUD and Agriculture to designate 30 new "renewal zones" that have the same tax incentives as empowerment zones. The designations of the new renewal zones will take effect on January 1, 2002, and terminate on December 31, 2009.

Thus, once the 30 new renewal zones have been designated there will exist a total of 61 zones providing similar tax incentives for distressed areas, all of whose designations will terminate on December 31, 2009. The renewal zones are treated as empowerment zones for all purposes of the Code. After taking into account existing empowerment zones (and the designation of the new renewal zones), each State shall have at least one zone.

Existing zones

Conforming and enhancing incentives for Round I and Round II empowerment zones.—The provision extends the designation of empowerment zone status for Round I and II empowerment zones through December 31, 2009. In addition, a 15-percent wage credit is made available in all Round I and II empowerment zones, effective in 2002 (except in the case of the two additional Round I empowerment zones, for which the 15-percent wage credit takes effect in 2005 as scheduled under present law). For all the empowerment zones, the 15-percent wage credit expires on December 31, 2009.

In addition, $35,000 (rather than $20,000) of additional section 179 expensing is available for qualified zone property placed in service in taxable years beginning after December 31, 2001, by a qualified business in any of the empowerment zones.

Businesses located in Round I empowerment zones are eligible for the more generous tax-exempt bond rules that apply under present law to businesses in the Round II empowerment zones (sec. 1394(f)). The proposal applies to tax-exempt bonds issued after December 31, 2001. Bonds that have been issued by businesses in Round I zones before January 1, 2002, are not taken into account in applying the limitations on the amount of new empowerment zone facility bonds that can be issued under the provision.

Businesses located in any empowerment zone also qualify for a zero-percent capital gains rate for gain from the sale of a qualifying zone assets acquired after date of enactment and before January 1, 2010, and held for more than five years. Assets that would qualify for this incentive would be similar to the types of assets that qualify for the present-law zero percent capital gains rate for qualifying D.C. Zone assets. The zero-percent capital gains rate is limited to an aggregate amount not to exceed $25 million of gain per taxpayer. Gain attributable to the period before the date of enactment or after December 31, 2014, is not eligible for the zero-percent rate.

Renewal zones

Designation of 30 renewal zones.—The Secretaries of HUD and Agriculture are authorized to designate up to 30 renewal zones from areas nominated by States and local governments. At least six of the designated renewal zones must be in rural areas. The Secretary of HUD is required to publish (within four months after enactment) regulations describing the nomination and selection process. Designations of renewal zones must be made before January 1, 2002, and the designations are effective for the period beginning on January 1, 2002 through December 31, 2009.

Eligibility criteria.—To be designated as a renewal zone, a nominated area must meet the following criteria: (1) each census tract must have a poverty rate of at least 20 percent; (2) in the case of an urban area, at least 70 percent of the households have incomes below 80 percent of the median income of households within the local government jurisdiction; (3) the unemployment rate is at least 1.5 times the national unemployment rate; and (4) the area is one of pervasive poverty, unemployment, and general distress. In general, the areas with the highest average ranking of eligibility factors (1), (2) and (3), above will be designated as renewal zones. States without any empowerment zone would be given priority in the designation process. Moreover, the designations of renewal zones must result in (after tàking into account existing empowerment zones) each State having at least one zone designation (empowerment or renewal zone).

There are no geographic size limitations placed on renewal zones. Instead, the boundary of a renewal zone must be continuous. In addition, a renewal zone must have a minimum population of 4,000 if the area is located within a metropolitan statistical area (at least 1,000 in all other cases), and a maximum population of not more than 200,000. The population limitations do not apply to any renewal zone that is entirely within an Indian reservation.

Required State and local commitments.—In order for an area to be designated as a renewal zone, State and local governments are required to submit a written course of action in which the State and local governments promise to take at least four of the following governmental actions: (1) a reduction of tax rates or fees; (2) an increase in the level of efficiency of local services; (3) crime reduction strategies; (4) actions to remove or streamline governmental requirements; (5) involvement by private entities and community groups, such as to provide jobs and job training and financial assistance; and (6) the gift (or sale at below fair market value) of surplus realty by the State or local government to community organizations or private companies.

Enterprise community seeking designation as renewal zones.—An enterprise community can apply for designation as a renewal zone. In selecting a nominated area as a renewal zone, the Secretary shall take into account the status of a nominated area as an enterprise community. If a renewal zone designation is granted, then an area's designation as an enterprise community ceases as of the date the area's designation as a renewal zone takes effect.

Tax incentives for renewal zones.—Businesses in renewal zones will have the same tax incentives as businesses in existing empowerment zones (as modified by this provision), which will be available during the period beginning January 1, 2002 and ending December 31, 2009 (i.e., a zero percent capital gains rate for qualifying assets; a 15-percent wage credit for qualifying wages; $35,000 in additional 179 expensing for qualifying property; and the enhanced tax-exempt bond rules that currently apply to businesses in the Round II empowerment zones).

GAO report.—The General Accounting Office will audit and report to Congress every three years (beginning on January 31, 2004) on the renewal zone program and its effect on poverty, unemployment, and economic growth within the designated renewal zones.

EFFECTIVE DATE

The extension of the existing empowerment zone designations is effective after the date of enactment.

The additional section 179 expensing and the more generous tax-exempt bond rules for the existing empowerment zones is effective after December 31, 2001. The zero-percent capital gains rate applies to qualifying property purchased after the date of enactment (after December 31, 2001 in the case of renewal zones).

The 15-percent wage credit generally is effective for qualifying wages paid after December 31, 2001. With respect to the two additional Round I empowerment zones, however, the wage credit is effective for qualifying wages paid after December 31, 2004.

The 30 new renewal zones must be designated by January 1, 2002, and the resulting tax benefits will be available for the period beginning January 1, 2002, and ending December 31, 2009.

B. FUNDING FOR ROUND II EMPOWERMENT ZONES (SEC. 116 OF THE BILL)

The provision provides a one-time grant in fiscal year 2001 of $5,000,000 for each of the 15 urban empowerment zones designated pursuant to the Taxpayer Relief Act of 1997, and $2,000,000 for each of the 5 rural empowerment zones designated pursuant to the Taxpayer Relief Act of 1997.

The provision also provides a one-time grant $250,000 for each of the remaining Round I enterprise communities (i.e., those that have not become empowerment zones).

C. EXTENSION AND EXPANSION OF DISTRICT OF COLUMBIA ENTERPRISE ZONE ("D.C. ZONE")

1. Extension of D.C. Zone (Sec. 121 of the Bill and Secs. 1400 and 1400A of the Code)

PRESENT LAW

The 1997 Act designated certain economically depressed census tracts within the District of Columbia as the District of Columbia Enterprise Zone (the "D.C. Zone"), within which businesses and individual residents are eligible for special tax incentives. The D.C. Zone designation remains in effect for the period from January 1, 1998, through December 31, 2002. In addition to the tax incentives available with respect to a Round I empowerment zone (including a wage credit), the D.C. Zone also has a zero-percent capital gains rate that applies to gain from the sale of certain qualified D.C. Zone assets acquired after December 31, 1997 and held for more than five years.

With respect to the tax-exempt financing incentives, the D.C. Zone generally is treated like a Round I empowerment zone; therefore, the issuance of such bonds is subject to the District of Columbia's annual private activity bond volume limitation. However, the aggregate face amount of all outstanding qualified enterprise zone facility bonds per qualified D.C. Zone business may not exceed $15 million (rather than $3 million, as is the case for Round I empowerment zones).

EXPLANATION OF PROVISION

The provision extends the D.C. Zone designation through December 31, 2006. The provision also conforms the D.C. zone wage credit to the wage credit for existing empowerment zones, so that a 15-percent wage credit applies with respect to qualifying wages beginning in 2003 (and ending on December 31, 2006).

EFFECTIVE DATE

The provision extending the designation is effective after the date of enactment. For the D.C. Enterprise Zone, the 15-percent wage credit is effective for qualifying wages paid after December 31, 2002.

2. Extension of Zero-Percent Capital Gains Rate for D.C. Zone Assets (Sec. 122 of the Bill and Sec. 1400B of the Code)

PRESENT LAW

Present law provides a zero-percent capital gains rate for capital gains from the sale of certain qualified D.C. Zone assets held for more than five years. In general, a "D.C. Zone asset" means stock or partnership interests held in, or tangible assets held by, a D.C. Zone business. A D.C. Zone business generally refers to certain enterprise zone businesses within the D.C. Zone. For purposes of the zero-percent capital gains rate, the D.C. Zone is defined to include all census tracts within the District of Columbia where the poverty rate is not less than 10 percent as determined on the basis of the 1990 Census (sec. 1400B(d)).

EXPLANATION OF PROVISION

The provision eliminates the 10-percent poverty rate limitation for purposes of the zero-percent capital gains rate. Thus, the zero-percent capital gains rate applies to capital gains from the sale of assets held more than five years attributable to certain qualifying businesses located in the District of Columbia.

EFFECTIVE DATE

The provision is effective for D.C. Zone business stock and partnership interests originally issued after, and D.C. Zone business property assets originally acquired by the taxpayer after, December 31, 2000.

3. Gross Income Test for D.C. Zone Businesses (Sec. 123 of the Bill and Sec. 1400B of the Code)

PRESENT LAW

A zero-percent capital gains rate applies to gain from the sale of certain qualified D.C. zone assets. In general, a D.C. Zone asset means stock or partnership interests held in, or tangible property held by, a D.C. Zone business. A D.C. Zone business generally refers to certain enterprise zone businesses within the D.C. Zone, except that 80 percent of the total gross income of the entity must be derived from the active conduct of the business (sec. 1400B(c)(2)).

EXPLANATION OF PROVISION

The provision reduces the level of gross income needed to qualify as a D.C. Zone business to 50 percent.

EFFECTIVE DATE

The provision is effective for D.C. Zone business stock and partnership interest originally issued after, and D.C. Zone business property originally acquired by the taxpayer after, December 31, 2000.

4. Expansion of District of Columbia Homebuyer Tax Credit (Sec. 124 of the Bill and Sec. 1400C of the Code)

PRESENT LAW

First-time homebuyers of a principal residence in the District of Columbia are eligible for a nonrefundable tax credit of up to $5,000 of the amount of the purchase price. The $5,000 maximum credit applies both to individuals and married couples. Married individuals filing separately can claim a maximum credit of $2,500 each. The credit phases out for individual taxpayers with adjusted gross income between $70,000 and $90,000 ($110,000-$130,000 for joint filers). For purposes of eligibility, "first-time homebuyer" means any individual if such individual did not have a present ownership interest in a principal residence in the District of Columbia in the one year period ending on the date of the purchase of the residence to which the credit applies. The credit is scheduled to expire for residences purchased after December 31, 2001.

EXPLANATION OF PROVISION

The provision extends the first-time homebuyer credit for two years, through December 31, 2003. The provision also extends the phase-out range for married individuals filing a joint return so that it is twice that of individuals. Thus, under the provision, the District of Columbia homebuyer credit is phased out for joint filers with adjusted gross income between $140,000 and $180,000.

EFFECTIVE DATE

The provision is effective for taxable years beginning after December 31, 2000.

D. NEW MARKETS TAX CREDIT (SECTION 131 OF THE BILL AND NEW SEC. 45D OF THE CODE)

PRESENT LAW

Some tax incentives are available to taxpayers making investments and loans in low-income communities. For example, tax incentives are available to taxpayers that invest in specialized small business investment companies licensed by the Small Business Administration to make loans to, or equity investments in, small businesses owned by persons who are socially or economically disadvantaged.

EXPLANATION OF PROVISION

The provision creates a new tax credit for qualified equity investments made to acquire stock in a selected community development entity ("CDE"). The maximum annual amount of qualifying equity investments is capped as follows:

Calendar year	Maximum qualifying equity investment
2002	$1.0 billion
2003–2006	1.5 billion per year

The amount of the new tax credit to the investor (either the original purchaser or a subsequent holder) is (1) a five-percent credit for the year in which the equity interest is purchased from the CDE and the first two anniversary dates after the interest is purchased from the CDE, and (2) a six-percent credit on each anniversary date thereafter for the following four years. The taxpayer's basis in the investment is reduced by the amount of the credit (other than for purposes of calculating the zero-percent capital gains rules and section 1202). The credit is subject to the general business credit rules.

A CDE is any domestic corporation or partnership (1) whose primary mission is serving or providing investment capital for low-income communities or low-income persons, (2) that maintains accountability to residents of low-income communities through the representation of the residents on governing or advisory boards of the CDE, and (3) is certified by the Treasury Department as an eligible CDE. No later than 120 days after enactment, the Treasury Department will issue guidance that specifies objective criteria to be used by the Treasury to allocate the credits among eligible CDEs. In allocating the credits, the Treasury Department will give priority to entities with records of having successfully provided capital or technical assistance to disadvantaged businesses or communities, as well as to entities that intend to invest substantially all of the proceeds they receive from their investors in businesses in which persons unrelated to the CDE hold the majority equity interest.

If a CDE fails to sell equity interests to investors up to the amount authorized within five years of the authorization, then the remaining authorization is canceled. The Treasury Department can authorize another CDE to issue equity interests for the unused portion. No authorization can be made after 2013.

A "qualified equity investment" is defined as stock or a similar equity interest acquired directly from a CDE in exchange for cash. Substantially all of the investment proceeds must be used by the CDE to make "qualified low-income community investments." Qualified low-income community investments include: (1) capital or equity investments in, or loans to, qualified active businesses located in low-income communities, (2) certain financial counseling and other services specified in regulations to businesses and residents in low-income communities, (3) the purchase from another CDE of any loan made by such entity that is a qualified low income community investment, or (4) an equity investment in, or loans to, another CDE. Treasury Department regulations will provide guidance with respect to the "substantially all" standard.

The stock or equity interest cannot be redeemed (or otherwise cashed out) by the CDE for at least seven years. If the entity ceases to be a qualified CDE during the seven-year period following the taxpayer's investment, or if the equity interest is redeemed by the issuing CDE during that seven-year period, then any credits claimed with respect to the equity interest are recaptured (with interest) and no further credits are allowed.

A "low-income community" is defined as census tracts with: (1) poverty rates of at least 20 percent (based on the most recent census data), or (2) median family income which does not exceed 80 percent of the greater of metropolitan area income or statewide median family income (for a non-metropolitan census tract, 80 percent of non-metropolitan statewide median family income). The Secretary also may designate any area within any census tract as a "low income community" provided that (1) the boundary of the area is continuous, (2) the area (if it were a census tract) would satisfy the poverty rate or median income requirements set forth above within the targeted area, and (3) an inadequate access to investment capital exists in the area.

A "qualified active business" is defined as a business which satisfies the following requirements: (1) at least 50 percent of the total gross income of the business is derived from the active conduct of trade or business activities in low-income communities; (2) a substantial portion of the use of the tangible property of such business is used within low-income communities; (3) a substantial portion of the services performed for such business by its employees is performed in low-income communities; and (4) less than 5 percent of the average aggregate of unadjusted bases of the property of such business is attributable to certain financial property or to collectibles (other than collectibles held for sale to customers). There is no requirement that employees of the business be residents of the low income community.

Rental of improved commercial real estate located in a low-income community is a qualified active business, regardless of the characteristics of the commercial tenants of the property. The purchase and holding of unimproved real estate is not a qualified active business. In addition, a qualified active business does not include (a) any business consisting predominantly of the development or holding of intangibles for sale or license; or (b) operation of any facility described in sec. 144(c)(6)(B). A qualified active business can include an organization that is organized on a non-profit basis.

The General Accounting Office will audit and report to Congress by January 31, 2004 (and again by January 31, 2007) on the new markets program, including on all qualified community development entities that receive an allocation under the new markets tax credit.

EFFECTIVE DATE

The provision is effective for qualified investments made after December 31, 2001.

E. MODIFICATION OF PUERTO RICO ECONOMIC ACTIVITY TAX CREDIT (SEC. 141 OF THE BILL AND SEC. 30A OF THE CODE)

PRESENT LAW

The Small Business Job Protection Act of 1996 generally repealed the Puerto Rico and possession tax credit. However, certain domestic corporations that had active business operations in Puerto Rico or another U.S. possession on October 13, 1995, may continue to claim credits under section 936 or section 30A for a 10-year transition period. Such credits apply to possession business income, which is derived from the active conduct of a trade or business within a U.S. possession or from the sale or exchange of substantially all of the assets that were used in such a trade or business. In contrast to the foreign tax credit, the Puerto Rico and possession tax credit is granted whether or not the corporation pays income tax to the possession.

One of two alternative limitations is applicable to the amount of the credit attributable to possession business income. Under the economic activity limit, the amount of the credit with respect to such income cannot exceed the sum of a portion of the taxpayer's wage and fringe benefit expenses and depreciation allowances (plus, in certain cases, possession income taxes); beginning in 2002, the income eligible for the credit computed under this limit generally is subject to a cap based on the corporation's pre-1996 possession business income adjusted for inflation. Under the alternative limit, the amount of the credit is limited to the applicable percentage (40 percent for 1998 and thereafter) of the credit that would otherwise be allowable with respect to possession business income; beginning in 1998, the income eligible for the credit computed under this limit generally is subject to a cap based on the corporation's pre-1996 possession business income. Special rules apply in computing the credit with respect to operations in Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The credit expires for taxable years beginning after December 31, 2005.

EXPLANATION OF PROVISION

The bill modifies the credit computed under the economic activity limit with respect to operations in Puerto Rico only. First, the proposal expands the lines of business eligible under the credit to include new lines of business established in Puerto Rico after December 31, 2000, and before January 1, 2005 by existing credit claimants. These "new opportunity credit" claimants are eligible to claim credits in taxable years beginning before January 1, 2006. In addition, income eligible for the credit computed under the economic activity limitation is subject to the present-law income limitation. Also, these "new opportunity credit" claimants are required to calculate their credit in each taxable year, but claim that amount of credit over a five-year period (on a pro-rata basis) beginning the year in which the credit is earned.

In addition, for existing credit claimants, the present-law limitation on income eligible for the credit for any taxable year is increased by the ratio of the average number of full-time employees of the taxpayer during the taxable year to the average number of full-time employees of the taxpayer in 1995 and 1996.

EFFECTIVE DATE

The provision applies to taxable years beginning after December 31, 2000.

F. CREATION OF INDIVIDUAL DEVELOPMENT ACCOUNTS (SECS. 731-741 OF THE BILL AND NEW SEC. 530A OF THE CODE)

PRESENT LAW

There are no tax benefits to encourage financial institutions to match savings of low-income individuals.

EXPLANATION OF PROVISION

In general

The bill creates individual development accounts ("IDAs") to which eligible individuals can contribute, annually, the lesser of: (1) $2,000; or (2) the individual's taxable compensation for the year. An eligible individual is an individual who is: (1) at least 18 years of age; (2) a citizen or legal resident of the United States; and (3) a member of a household with family gross income of 60 percent or less of national median gross income and a net worth of $10,000 or less.

Contributions to an IDA by eligible individuals

Only eligible individuals are allowed to contribute to an IDA. Contributions to IDAs by individuals are not deductible, and earnings on such contributions are includible in income.

Matching contributions

The bill provides a maximum annual tax credit of $270 (90 percent of $300) to a financial institution that makes matching contributions to the IDAs of individuals. This credit is available in each year that a matching contribution is made. An additional $100 tax credit would be allowed for each account opened. The credit is for the costs incurred to open and maintain the account, as well as to provide financial education. The credits could be claimed by the financial institution or its contractual affiliates. It is anticipated that a financial institution may collaborate with one or more contractual affiliates, non-profits, or Indian tribes to carry out the IDA program. Contractual affiliates who provide matching funds should be eligible to receive the matching tax credit.

Matching contributions (and earnings thereon) are not includible in the gross income of the eligible individual.

If an individual withdraws his or her own IDA contributions (or earnings thereon) for a purpose other than a qualified purpose, then the matching contribution attributable to such individual contribution is forfeited. Matching contributions can be withdrawn only for the following qualified purposes: (1) certain educational expenses; (2) first-time homebuyer expenses; (3) business start-up or expansion purposes; and (4) qualified roll-overs.

Effect on means-tested programs

Any amounts in the IDA are not to be taken into account for certain Federal means-tested programs.

EFFECTIVE DATE

The tax credit provision is effective for contributions to IDAs and matching contributions made with respect to such IDAs after December 31, 2001, and before January 1, 2006.

G. ADDITIONAL INCENTIVES

1. Exclusion of certain amounts received under the National Health Service Corps Scholarship Program and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program (sec. 171 of the bill and sec. 117 of the Code)

PRESENT LAW

The National Health Service Corps Scholarship Program (the "NHSC Scholarship Program") and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program (the "Armed Forces Scholarship Program") provide education awards to participants on condition that the participants provide certain services. In the case of the NHSC Scholarship Program, the recipient of the scholarship is obligated to provide medical services in a geographic area (or to an underserved population group or designated facility) identified by the Public Health Service as having a shortage of health-care professionals. In the case of the Armed Forces Scholarship Program, the recipient of the scholarship is obligated to serve a certain number of years in the military at an armed forces medical facility. Because the recipients are required to perform services in exchange for the education awards, the awards used to pay higher education expenses are taxable income to the recipient.

Section 117 excludes from gross income amounts received as a qualified scholarship by an individual who is a candidate for a degree and used for tuition and fees required for the enrollment or attendance (or for fees, books, supplies, and equipment required for courses of instruction) at a primary, secondary, or post-secondary educational institution. The tax-free treatment provided by section 117 does not extend to scholarship amounts covering regular living expenses, such as room and board. In addition to the exclusion for qualified scholarships, section 117 provides an exclusion from gross income for qualified tuition reductions for certain education provided to employees (and their spouses and dependents) of certain educational organizations.

Section 117(c) specifically provides that the exclusion for qualified scholarships and qualified tuition reductions does not apply to any amount received by a student that represents payment for teaching, research, or other services by the student required as a condition for receiving the scholarship or tuition reduction.

Section 134 provides that any "qualified military benefit," which includes any allowance, is excluded from gross income if received by a member or former member of the uniformed services if such benefit was excludable from gross income on September 9, 1986.

EXPLANATION OF PROVISION

The provision provides that amounts received by an individual under the NHSC Scholarship Program or the Armed Forces Scholarship Program are eligible for tax-free treatment as qualified scholarships under section 117, without regard to any service obligation by the recipient.

EFFECTIVE DATE

The provision is effective for education awards received after December 31, 1993.

2. Extension and Modification of Enhanced Deduction for Corporate Donations of Computer Technology (Sec. 172 of the Bill and Sec. 170(e)(6) of the Code)

PRESENT LAW

The maximum charitable contribution deduction that may be claimed by a corporation for any one taxable year is limited to 10 percent of the corporation's taxable income for that year (disregarding charitable contributions and with certain other modifications) (sec. 170(b)(2)). Corporations also are subject to certain limitations based on the type of property contributed. In the case of a charitable contribution of short-term gain property, inventory, or other ordinary income property, the amount of the deduction generally is limited to the taxpayer's basis (generally, cost) in the property. However, special rules in the Code provide an augmented deduction for certain corporate contributions. Under these special rules, the amount of the augmented deduction is equal to the lesser of (1) the basis of the donated property plus one-half of the amount of ordinary income that would have been realized if the property had been sold, or (2) twice the basis of the donated property.

Section 170(e)(6) allows corporate taxpayers an augmented deduction for qualified contributions of computer technology and equipment (i.e., computer software, computer or peripheral equipment, and fiber optic cable related to computer use) to be used within the United States for educational purposes in grades K-12. Eligible donees are: (1) any educational organization that normally maintains a regular faculty and curriculum and has a regularly enrolled body of pupils in attendance at the place where its educational activities are regularly carried on; and (2) tax-exempt charitable organizations that are organized primarily for purposes of supporting elementary and secondary education. A private foundation also is an eligible donee, provided that, within 30 days after receipt of the contribution, the private foundation contributes the property to an eligible donee described above.

Qualified contributions are limited to gifts made no later than two years after the date the taxpayer acquired or substantially completed the construction of the donated property. In addition, the original use of the donated property must commence with the donor or the donee. Accordingly, qualified contributions generally are limited to property that is no more than two years old. Such donated property could be computer technology or equipment that is inventory or depreciable trade or business property in the hands of the donor.

Donee organizations are not permitted to transfer the donated property for money or services (e.g., a donee organization cannot sell the computers). However, a donee organization may transfer the donated property in furtherance of its exempt purposes and be reimbursed for shipping, installation, and transfer costs. For example, if a corporation contributes computers to a charity that subsequently distributes the computers to several elementary schools in a given area, the charity could be reimbursed by the elementary schools for shipping, transfer, and installation costs.

The special treatment applies only to donations made by C corporations. S corporations, personal holding companies, and service organizations are not eligible donors.

The provision is scheduled to expire for contributions made in taxable years beginning after December 31, 2000.

EXPLANATION OF PROVISION

The bill extends the current enhanced deduction for donations of computer technology and equipment through December 31, 2003. In addition, the enhanced deduction is expanded to include donations to public libraries.

EFFECTIVE DATE

The provision is effective upon the date of enactment.

3. Extension of the Adoption Tax Credit (Sec. 173 of the Bill and Sec. 23 of the Code)

PRESENT LAW

Taxpayers are entitled to a maximum nonrefundable credit against income tax liability of $5,000 per child for qualified adoption expenses paid or incurred by the taxpayer (sec. 23). In the case of a special needs adoption, the maximum credit amount is $6,000 ($5,000 in the case of a foreign special needs adoption). A special needs child is a child who the State has determined: (1) cannot or should not be returned to the home of the birth parents, and (2) has a specific factor or condition because of which the child cannot be placed with adoptive parents without adoption assistance. The adoption of a child who is not a citizen or a resident of the United States is a foreign adoption.

Qualified adoption expenses are reasonable and necessary adoption fees, court costs, attorneys' fees, and other expenses that are directly related to the legal adoption of an eligible child. All reasonable and necessary expenses required by a State as a condition of adoption are qualified adoption expenses. Otherwise qualified adoption expenses paid or incurred in one taxable year are not taken into account for purposes of the credit until the next taxable year unless the expenses are paid or incurred in the year the adoption becomes final.

An eligible child is an individual (1) who has not attained age 18 or (2) who is physically or mentally incapable of caring for himself or herself. After December 31, 2001, the credit will be available only for domestic special needs adoptions.

No credit is allowed for expenses incurred (1) in violation of State or Federal law, (2) in carrying out any surrogate parenting arrangement, (3) in connection with the adoption of a child of the taxpayer's spouse, (4) that are reimbursed under an employer adoption assistance program or otherwise, or (5) for a foreign adoption that is not finalized.

The credit is phased out ratably for taxpayers with modified AGI above $75,000, and is fully phased out at $115,000 of modified AGI. For these purposes modified AGI is computed by increasing the taxpayer's AGI by the amount otherwise excluded from gross income under Code sections 911, 931, or 933.

EXPLANATION OF PROVISION

The bill extends the adoption credit for the adoption of non-special needs children for two years through December 31, 2003.

EFFECTIVE DATE

The provision is effective on the date of enactment.

4. Tax treatment of Alaska Native Settlement Trusts (Sec. 174 of the Bill and New Secs. 646 and 6039H of the Code)

PRESENT LAW

An Alaska Native Settlement Corporation ("ANC") may establish a Settlement Trust ("Trust") under section 39 of the Alaska Native Claims Settlement Act ("ANCSA") and transfer money or other property to such Trust for the benefit of beneficiaries who constitute all or a class of the shareholders of the ANC, to promote the health, education and welfare of the beneficiaries and preserve the heritage and culture of Alaska Natives.

With certain exceptions, once an ANC has made a conveyance to a Trust, the assets conveyed shall not be subject to attachment, distraint, or sale or execution of judgment, except with respect to the lawful debts and obligations of the Trust.

The Internal Revenue Service has indicated that contributions to a Trust constitute distributions to the beneficiary-shareholders at the time of the contribution and are treated as dividends to the extent of earnings and profits as provided under section 301 of the Code. The Trust and its beneficiaries are taxed in accordance with trust rules.

EXPLANATION OF PROVISION

An Alaska Native Corporation may establish a Trust under section 39 of ANCSA and if the Trust makes an election for its first taxable year ending after the date of enactment of the proposal, no amount will be included in the gross income of a beneficiary of such Trust by reason of a contribution to the Trust. In addition, unless the electing Trust fails to meet the transferability requirements of the provision, income of the Trust, whether accumulated or distributed, will be taxed only to the Trust (and not to beneficiaries) at the lowest individual tax rates of 15 percent for ordinary income (and the capital gains rate applicable to individuals subject to such 15 percent rate), rather than at the higher rates generally applicable to trusts or to higher tax bracket beneficiaries.

The earnings and profits of the ANC will not be reduced by the amount of contributions to the electing Trust at the time of the contributions. However, the ANC earnings and profits will be reduced (up to the amount of the contributions) as distributions are thereafter made by the electing Trust that would exceed the Trusts's total undistributed net income (less taxes paid) plus tax-exempt income for all prior years during which an election is in effect plus for the current year, computed under Subchapter J. In addition, such distributions that exceed such amounts are to be reported and taxed to beneficiaries as if distributed by the ANC in the year of the distribution by the electing Trust, and will be treated as dividends to beneficiaries to the extent the ANC then has current or accumulated earnings and profits.

The fiduciary of an electing Trust must report to the IRS, with the Trust tax return, the amount of distributions to each beneficiary, and the tax treatment to the beneficiary of such distributions under the provision (either as exempt from tax to the beneficiary, or as a distribution deemed made by the ANC). The electing Trust must also furnish such information to the ANC.

In the case of distributions that are treated as if made by the ANC, as described above, the ANC must then report such amounts to the beneficiaries and must indicate whether they are dividends or not, in accordance with the earnings and profits of the ANC. The reporting thus required by an electing Trust will be in lieu of, and will satisfy, the reporting requirements of section 6034A (and such other reporting requirements as the Secretary of the Treasury may deem appropriate).

If the beneficial interests in the electing Trust or the shares of the ANC may be sold or exchanged to a person in a manner that would not be permitted under ANCSA if the interests were Settlement Common Stock (generally, to a person other than an Alaska Native), then all assets of the Trust that had not been distributed as of the beginning of that taxable year of the Trust are taxed to the extent they would be if they were distributed at that time. Thereafter, the Trust and its beneficiaries are generally subject to the rules of subchapter J and to the generally applicable trust income tax rates.

EFFECTIVE DATE

The provision is effective for taxable years of Settlement Trusts, their beneficiaries, and sponsoring Alaska Native Corporations ending after the date of enactment, and to contributions made to electing Settlement Trusts during such year and thereafter.

5. Treatment of Indian Tribes as Non-Profit Organizations and State or Local Governments for Purposes of the Federal Unemployment Tax ("FUTA") (Sec. 175 of the Bill and Sec. 3306 of the Code)

PRESENT LAW

Present law imposes a net tax on employers equal to 0.8 percent of the first $7,000 paid annually to each employee. The current gross FUTA tax is 6.2 percent, but employers in States meeting certain requirements and having no delinquent loans are eligible for a 5.4 percent credit making the net Federal tax rate 0.8 percent. Both non-profit organizations and State and local governments are not required to pay FUTA taxes. Instead they may elect to reimburse the unemployment compensation system for unemployment compensation benefits actually paid to their former employees. Generally, Indian tribes are not eligible for the reimbursement treatment allowable to non-profit organizations and State and local governments.

EXPLANATION OF PROVISION

The bill provides that an Indian tribe (including any subdivision, subsidiary, or business enterprise chartered and wholly owned by an Indian tribe) is treated like a non-profit organization or State or local government for FUTA purposes (i.e., given an election to choose the reimbursement treatment).

EFFECTIVE DATE

The provision generally is effective with respect to service performed beginning on or after the date of enactment. Under a transition rule, service performed in the employ of an Indian tribe is not treated as employment for FUTA purposes if: (1) it is service which is performed before the date of enactment and with respect to which FUTA tax has not been paid; and (2) such Indian tribe reimburses a State unemployment fund for unemployment benefits paid for service attributable to such tribe for such period.

6. Additional Funding for the Social Services Block Grant (Sec. 176 of the Bill)

The provision amends Section 2003(c) of Title XX of the Social Security Act and provides an additional one-time amount of $700,000,000 for fiscal year 2001.

II. TAX INCENTIVES FOR AFFORDABLE HOUSING

A. Increase Low-Income Housing Tax Credit Per Capita Amount (Secs. 201 and 202 of the Bill and Sec. 42 of the Code)

PRESENT LAW

In general, a maximum 70-percent present value tax credit, claimed over a 10-year period is allowed for the cost of rental housing occupied by tenants having incomes below specified levels. The credit percentage for newly constructed or substantially rehabilitated housing that is not Federally-subsidized is adjusted monthly by the Internal Revenue Service so that the 10 annual installments have a present value of 70 percent of the total qualified expenditures. The credit percentage for new substantially rehabilitated housing that is Federally subsidized and for existing housing that is substantially rehabilitated is calculated to have a present value of 30 percent of total qualified expenditures.

To claim low-income housing credits, project owners must receive an allocation of credit from a State or local housing credit agency. However, no allocation is required for buildings at least 50 percent financed with the proceeds of tax-exempt bonds that received an allocation pursuant to the private activity bond volume limitation of Code section 146. Such projects must, however, satisfy the requirements for allocation under the State's qualified allocation plan and meet other requirements.

A building generally must be placed in service during the calendar year in which it receives a credit allocation. However, a housing credit agency can make a binding commitment, not later than the year in which the building is placed in service, to allocate a specified credit dollar amount to such building beginning in a specified later year. In addition, a project can receive a "carryover allocation" if the taxpayer's basis in the project as of the close of the calendar year the allocation is made is more than 10 percent of the taxpayer's reasonably expected basis in the project, and the building is placed in service not later than the close of the second calendar year following the calendar year in which the allocation is made. For purposes of the 10-percent test, basis means the taxpayer's adjusted basis in land and depreciable real property, whether or not these amounts are includible in eligible basis. Finally, an allocation of credit for increases in qualified basis may occur in years subsequent to the year the project is placed in service.

Authority to allocate credits remains at the State (as opposed to local) government level unless State law provides otherwise. Generally, credits may be allocated only from volume authority arising during the calendar year in which the building is placed in service, except in the case of: (1) credits claimed on additions to qualified basis; (2) credits allocated in a later year pursuant to an earlier binding commitment made no later than the year in which the building is placed in service; and (3) carryover allocations.

Each State annually receives low-income housing credit authority equal to $1.25 per State resident for allocation to qualified low-income projects. In addition to this $1.25 per resident amount, each State's "housing credit ceiling" includes the following amounts: (1) the unused State housing credit ceiling (if any) of such State for the preceding calendar year; (2) the amount of the State housing credit ceiling (if any) returned in the calendar year; and (3) the amount of the national pool (if any) allocated to such State by the Treasury Department.

The national pool consists of States' unused housing credit carryovers. For each State, the unused housing credit carryover for a calendar year consists of the excess (if any) of the unused State housing credit ceiling for such year over the excess (if any) of the aggregate housing credit dollar amount allocated for such year over the sum of $1.25 per resident and the credit returns for such year. The amounts in the national pool are allocated only to a State which, with respect to the previous calendar year allocated its entire housing credit ceiling for the preceding calendar year, and requested a share in the national pool not later than May 1, of the calendar year. The national pool allocation to qualified States is made on a pro rata basis equivalent to the fraction that a State's population enjoys relative to the total population of all qualified States for that year.

The present-law stacking rule provides that a State is treated as using its annual allocation of credit authority ($1.25 per State resident) and any returns during the calendar year followed by any unused credits carried forward from the preceding year's credit ceiling and finally any applicable allocations from the National pool.

EXPLANATION OF PROVISION

The bill increases the annual State credit caps from $1.25 to $1.75 per resident beginning in 2001. Also beginning in 2001, the per capita cap is modified so that small population states are given a minimum of $2 million of annual credit cap. The $1.75 per capita credit cap and the $2 million amount are indexed for inflation beginning in calendar year 2002.

The bill also makes two programmatic changes to the credit. First, the bill modifies the stacking rule so that each State is treated as using its allocation of the unused State housing credit ceiling (if any) from the preceding calendar before the current year's allocation of credit (including any credits returned to the State) and then finally any National pool allocations. Second, the bill provides that assistance received under the Native American Housing Assistance and Self-Determination Act of 1986 is not taken into account in determining whether a building is Federally subsidized for purposes of the credit.

EFFECTIVE DATE

The provision is effective for calendar years beginning after December 31, 2000 and buildings placed-in-service after such date in the case of projects that also receive financing with proceeds of tax-exempt bonds which are issued after such date subject to the private activity bond volume limit.

B. Tax Credit for Renovating Historic Homes (Sec. 211 of the Bill and New Sec. 25B of the Code)

PRESENT LAW

Present law provides an income tax credit for certain expenditures incurred in rehabilitating certified historic structures and certain nonresidential buildings placed in service before 1936 (sec. 47). The amount of the credit is determined by multiplying the applicable rehabilitation percentage by the basis of the property that is attributable to qualified rehabilitation expenditures. The applicable rehabilitation percentage is 20 percent for certified historic structures and 10 percent for qualified rehabilitated buildings (other than certified historic structures) that were originally placed in service before 1936.

A nonresidential building is eligible for the 10-percent credit only if the building is substantially rehabilitated and a specific portion of the existing structure of the building is retained in place upon completion of the rehabilitation. A residential or nonresidential building is eligible for the 20-percent credit that applies to certified historic structures only if the building is substantially rehabilitated (as determined under the eligibility rules for the 10-percent credit). In addition, the building must be listed in the National Register or the building must be located in a registered historic district and must be certified by the Secretary of the Interior as being of historical significance to the district.

EXPLANATION OF PROVISION

The bill permits a taxpayer to claim a 20-percent credit for qualified rehabilitation expenditures made with respect to a qualified historic home which the taxpayer subsequently occupies as his or her principal residence for at least five years. The total credit which can be claimed by the taxpayer is limited to $20,000. Any eligible credit not claimed by the taxpayer in the year in which the qualified rehabilitation expenditures are made may be carried forward to each of the succeeding 10 years.

The bill applies to (1) structures listed in the National Register; (2) structures located in a registered national, State, or local historic district, and certified by the Secretary of the Interior as being of historic significance to the district, but only if the median income of the census tract within which the building is located is less than twice the State median income; (3) any structure designated as being of historic significance under a State or local statute, if such statute is certified by the Secretary of the Interior as achieving the purpose of preserving and rehabilitating buildings of historic significance.

A building generally is considered substantially rehabilitated if the qualified rehabilitation expenditures incurred during a 24-month measuring period exceed the greater of (1) the adjusted basis of the building as of the later of the first day of the 24-month period or the beginning of the taxpayer's holding period for the building, or (2) $5,000. Only the $5,000 expenditure requirement applies in the case of structures (1) in empowerment zones, (2) in enterprise communities, (3) in census tracts in which 70 percent of families have income which is 80 percent or less of the State median family income, and (4) in areas of chronic distress as designated by the State and approved by the Secretary of Housing and Urban Development. In addition, for all structures, at least five percent of the rehabilitation expenditures must to be allocable to the exterior of the structure.

To qualify for the credit, the rehabilitation must be certified by a State or local government subject to conditions specified by the Secretary of the Interior.

A taxpayer who purchases a structure on which qualified rehabilitation expenditures have been made may claim credit for such expenditures if the taxpayer is the first purchaser of the structure within five years of the date the rehabilitation was completed and if no credit was allowed to the seller with respect to the qualified expenditures. Alternatively, a taxpayer may elect to receive a historic rehabilitation mortgage credit certificate in lieu of the credit otherwise allowable. A historic rehabilitation mortgage credit certificate may be transferred to a lending institution in exchange for which the lending institution provides the taxpayer with a reduction in interest rate on a mortgage on a qualifying structure. The lending institution would then claim the allowable credits against its tax liability. In the case of a targeted area or enterprise community or empowerment zone, the taxpayer may elect to allocate all or a portion of the mortgage credit certificate to reduce the down payment required for purchase of the structure.

If a taxpayer ceases to maintain the structure as his or her personal residence within five years from the date of the rehabilitation, the credit would be recaptured on a pro rata basis.

EFFECTIVE DATE

The provision is effective for expenditures paid or incurred beginning after December 31, 2001.

C. EXCLUSION FROM GROSS INCOME FOR CERTAIN FORGIVEN MORTGAGE OBLIGATIONS (SEC. 221 OF THE BILL AND SEC. 108 OF THE CODE)

PRESENT LAW

Gross income includes all income from whatever source derived, including income from the discharge of indebtedness. However, gross income does not include discharge of indebtedness income if: (1) the discharge occurs in a Title 11 case; (2) the discharge occurs when the taxpayer is insolvent; (3) the indebtedness discharged is qualified farm indebtedness; or (4) except in the case of a C corporation, the indebtedness discharged is qualified real property business indebtedness. No exclusion is provided under present law for qualified residential indebtedness.

EXPLANATION OF PROVISION

In the case of an individual taxpayer, the bill provides an exclusion from discharge of indebtedness income to the extent such income is attributable to the sale of real property securing qualified residential indebtedness. Qualified residential indebtedness is defined as indebtedness incurred or assumed by the taxpayer for the acquisition, construction, reconstruction, or substantial improvement of the taxpayer's residence and which is secured by such residence. The taxpayer may elect to have this exclusion apply. The exclusion does not apply to qualified farm indebtedness or qualified real property business indebtedness.

EFFECTIVE DATE

The provision is effective for discharges of indebtedness after the date of enactment.

D. MORTGAGE REVENUE BONDS

1. Increase in Purchase Price Limitation Under Mortgage Subsidy Bond Rules Based on Median Family Income (Sec. 231 of the Bill and Sec. 143 of the Code)

PRESENT LAW

Qualified mortgage bonds (QMBs) are tax-exempt bonds, the proceeds of which generally must be used to make mortgage loans to first-time homebuyers. The recipients of QMB-financed loans must meet purchase price, income, and other restrictions. Generally, the purchase price of an assisted home may not exceed 90 percent (110 percent in targeted areas) of the average area purchase price.

EXPLANATION OF PROVISION

The bill modifies the purchase price rule for QMB financing. Specifically, QMB financing is allowable to qualified residences the purchase price of which does not exceed the greater of (1) 90 percent of the average area purchase price; or (2) 3.5 times the applicable median family income. The applicable median family income is defined as under the present-law QMB income restriction.

EFFECTIVE DATE

The provision is effective for bonds issued after the date of enactment.

2. Mortgage Financing for Residences Located in Presidentially Declared Disaster Areas (Sec. 232 of the Bill and Sec. 143 of the Code)

PRESENT LAW

Qualified mortgage bonds are private activity tax-exempt bonds issued by States and local governments acting as conduits to provide mortgage loans to first-time home buyers who satisfy specified income limits and who purchase homes that cost less than statutory maximums. The income and purchase price limits are increased for homes purchased in economically distressed areas, and a portion of loans made in such areas is exempt from some requirements.

Present law waives the three buyer targeting requirements (the first-time homebuyer, purchase price, and income limit requirements) for a portion of the loans made with proceeds of a qualified mortgage bond issue if the loans are made to finance homes in statutorily prescribed economically distressed areas.

For bonds issued during 1997 and 1998, a special exception exempted loans made in Presidentially declared disaster areas within two years of the declaration from the first-time homebuyer limit. In addition, the more liberal income and purchase price rules applicable to economically distressed areas applied to such loans. There was no requirement that the specially treated loans be made to repair or replace housing damaged or destroyed by the disaster.

EXPLANATION OF PROVISION

The bill reinstates, with modifications, the prior-law exception for certain qualified mortgage bond financed loans in Presidentially declared disaster areas. First, the bill: (1) allows loans for replacement housing for housing destroyed in the disaster without regard to the first-time homebuyer requirement; and (2) increases the borrower income and house purchase price requirements to those that apply in targeted areas of economic distress. Second, the bill increases the per-borrower "home improvement loan" maximum from $15,000 to $100,000 and extends the more liberal borrower income limits for targeted areas to loans for repair of housing damaged by the disaster. In both cases, the exception applies only to loans made during the two-year period after the area was declared a qualified disaster area. A qualified disaster area is defined as an area determined by the President (1) to warrant assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and (2) with respect to which the Federal share of disaster payments exceeds 75 percent.

EFFECTIVE DATE

The provision is effective for bonds issued after December 31, 2000.

E. PROVIDE TAX EXEMPTION FOR ORGANIZATIONS CREATED BY A STATE TO PROVIDE PROPERTY AND CASUALTY INSURANCE COVERAGE FOR PROPERTY FOR WHICH SUCH COVERAGE IS OTHERWISE UNAVAILABLE (SEC. 241 OF THE BILL AND NEW SEC. 501(C)(28) OF THE CODE)

PRESENT LAW

In general

A life insurance company is subject to tax on its life insurance company taxable income, which is its life insurance income reduced by life insurance deductions (sec. 801). Similarly, a property and casualty insurance company is subject to tax on its taxable income, which is determined as the sum of its underwriting income and investment income (as well as gains and other income items) (sec. 831). Present law provides that the term "corporation" includes an insurance company (sec. 7701(a)(3)).

In general, the Internal Revenue Service ("IRS") takes the position that organizations that provide insurance for their members or other individuals are not considered to be engaged in a tax-exempt activity. The IRS maintains that such insurance activity is either (1) a regular business of a kind ordinarily carried on for profit, or (2) an economy or convenience in the conduct of members' businesses because it relieves the members from obtaining insurance on an individual basis.

Certain insurance risk pools have qualified for tax exemption under Code section 501(c)(6). In general, these organizations (1) assign any insurance policies and administrative functions to their member organizations (although they may reimburse their members for amounts paid and expenses); (2) serve an important common business interest of their members; and (3) must be membership organizations financed, at least in part, by membership dues.

State insurance risk pools may also qualify for tax exempt status under section 501(c)(4) as a social welfare organization or under section 115 as serving an essential governmental function of a State. In seeking qualification under section 501(c)(4), insurance organizations generally are constrained by the restrictions on the provision of "commercial-type insurance" contained in section 501(m). Section 115 generally provides that gross income does not include income derived from the exercise of any essential governmental function or accruing to a State or any political subdivision thereof.

Certain specific provisions provide tax-exempt status to organizations meeting statutory requirements.

Health coverage for high-risk individuals

Section 501(c)(26) provides tax-exempt status to any membership organization that is established by a State exclusively to provide coverage for medical care on a nonprofit basis to certain high-risk individuals, provided certain criteria are satisfied. The organization may provide coverage for medical care either by issuing insurance itself or by entering into an arrangement with a health maintenance organization ("HMO").

High-risk individuals eligible to receive medical care coverage from the organization must be residents of the State who, due to a pre-existing medical condition, are unable to obtain health coverage for such condition through insurance or an HMO, or are able to acquire such coverage only at a rate that is substantially higher than the rate charged for such coverage by the organization. The State must determine the composition of membership in the organization. For example, a State could mandate that all organizations that are subject to insurance regulation by the State must be members of the organization.

The provision further requires the State or members of the organization to fund the liabilities of the organization to the extent that premiums charged to eligible individuals are insufficient to cover such liabilities. Finally, no part of the net earnings of the organization can inure to the benefit of any private shareholder or individual.

Workers' compensation reinsurance organizations

Section 501(c)(27)(A) provides tax-exempt status to any membership organization that is established by a State before June 1, 1996, exclusively to reimburse its members for workers' compensation insurance losses, and that satisfies certain other conditions. A State must require that the membership of the organization consist of all persons who issue insurance covering workers' compensation losses in such State, and all persons and governmental entities who self-insure against such losses. In addition, the organization must operate as a nonprofit organization by returning surplus income to members or to workers' compensation policyholders on a periodic basis and by reducing initial premiums in anticipation of investment income.

State workmen's compensation act companies

Section 501(c)(27)(B) provides tax-exempt status for any organization that is created by State law, and organized and operated exclusively to provide workmen's compensation insurance and related coverage that is incidental to workmen's compensation insurance, and that meets certain additional requirements. The workmen's compensation insurance must be required by State law, or be insurance with respect to which State law provides significant disincentives if it is not purchased by an employer (such as loss of exclusive remedy or forfeiture of affirmative defenses such as contributory negligence). The organization must provide workmen's compensation to any employer in the State (for employees in the State or temporarily assigned out-of-State) seeking such insurance and meeting other reasonable requirements. The State must either extend its full faith and credit to the initial debt of the organization or provide the initial operating capital of such organization. For this purpose, the initial operating capital can be provided by providing the proceeds of bonds issued by a State authority; the bonds may be repaid through exercise of the State's taxing authority, for example. For periods after the date of enactment, either the assets of the organization must revert to the State upon dissolution, or State law must not permit the dissolution of the organization absent an act of the State legislature. Should dissolution of the organization become permissible under applicable State law, then the requirement that the assets of the organization revert to the State upon dissolution applies. Finally, the majority of the board of directors (or comparable oversight body) of the organization must be appointed by an official of the executive branch of the State or by the State legislature, or by both.

EXPLANATION OF PROVISION

The provision provides tax-exempt status for any association created before January 1, 1999, by State law and organized and operated exclusively to provide property and casualty insurance coverage for property located within the State for which the State has determined that coverage in the authorized insurance market is limited or unavailable at reasonable rates, provided certain requirements are met.

Under the provision, no part of the net earnings of the association may inure to the benefit of any private shareholder or individual. Except as provided in the case of dissolution, no part of the assets of the association may be used for, or diverted to, any purpose other than: (1) to satisfy, in whole or in part, the liability of the association for, or with respect to, claims made on policies written by the association; (2) to invest in investments authorized by applicable law; (3) to pay reasonable and necessary administration expenses in connection with the establishment and operation of the association and the processing of claims against the association; or (4) to make remittances pursuant to State law to be used by the State to provide for the payment of claims on policies written by the association, purchase reinsurance covering losses under such policies, or to support governmental programs to prepare for or mitigate the effects of natural catastrophic events. The provision requires that the State law governing the association permit the association to levy assessments on insurance companies authorized to sell property and casualty insurance in the State, or on property and casualty insurance policyholders with insurable interests in property located in the State to fund deficits of the association, including the creation of reserves. The provision requires that the plan of operation of the association be subject to approval by the chief executive officer or other official of the State, by the State legislature, or both. In addition, the provision requires that the assets of the association revert upon dissolution to the State, the State's designee, or an entity designated by the State law governing the association, or that State law not permit the dissolution of the association.

The provision provides a special rule in the case of any entity or fund created before January 1, 1999, pursuant to State law and organized and operated exclusively to receive, hold, and invest remittances from an association exempt from tax under the provision, to make disbursements to pay claims on insurance contracts issued by the association, and to make disbursements to support governmental programs to prepare for or mitigate the effects of natural catastrophic events. The special rule provides that the entity or fund may elect to be disregarded as a separate entity and be treated as part of the association exempt from tax under the provision, from which it receives such remittances. The election is required to be made no later than 30 days following the date on which the association is determined to be exempt from tax under the provision, and would be effective as of the effective date of that determination.

An organization described in the provision is treated as having unrelated business taxable income in the amount of its taxable income (computed as if the organization were not exempt from tax under the proposal), if at the end of the immediately preceding taxable year, the organization's net equity exceeded 15 percent of the total coverage in force under insurance contracts issued by the organization and outstanding at the end of that preceding year.

Under the provision, no income or gain is recognized solely as a result of the change in status to that of an association exempt from tax under the provision.

EFFECTIVE DATE

The provision is effective for taxable years beginning after December 31, 2000. No inference is intended as to the tax status under present law of associations described in the provision.

III. TAX INCENTIVES FOR URBAN AND RURAL INFRASTRUCTURE

A. INCREASE STATE VOLUME LIMITS ON TAX-EXEMPT PRIVATE ACTIVITY BONDS (SEC. 301 OF THE BILL AND SEC. 146 OF THE CODE)

PRESENT LAW

Interest on bonds issued by States and local governments is excluded from income if the proceeds of the bonds are used to finance activities conducted and paid for by the governmental units (sec. 103). Interest on bonds issued by these governmental units to finance activities carried out and paid for by private persons ("private activity bonds") is taxable unless the activities are specified in the Internal Revenue Code. Private activity bonds on which interest may be tax-exempt include bonds for privately operated transportation facilities (airports, docks and wharves, mass transit, and high speed rail facilities), privately owned and/or provided municipal services (water, sewer, solid waste disposal, and certain electric and heating facilities), economic development (small manufacturing facilities and redevelopment in economically depressed areas), and certain social programs (low-income rental housing, qualified mortgage bonds, student loan bonds, and exempt activities of charitable organizations described in sec. 501(c)(3)).

The volume of tax-exempt private activity bonds that States and local governments may issue for most of these purposes in each calendar year is limited by State-wide volume limits. The current annual volume limits are $50 per resident of the State or $150 million if greater. The volume limits do not apply to private activity bonds to finance airports, docks and wharves, certain governmentally owned, but privately operated solid waste disposal facilities, certain high speed rail facilities, and to certain types of private activity tax-exempt bonds that are subject to other limits on their volume (qualified veterans' mortgage bonds and certain "new" empowerment zone and enterprise community bonds).

The current annual volume limits that apply to private activity tax-exempt bonds increase to $75 per resident of each State or $225 million, if greater, beginning in calendar year 2007. The increase is, ratably phased in, beginning with $55 per capita or $165 million, if greater, in calendar year 2003.

EXPLANATION OF PROVISION

The bill increases the present-law annual State private activity bond volume limits to $75 per resident of each State or $225 million (if greater) beginning in calendar year 2001. In addition, the $75 per resident and the $225 million State limit will be indexed for inflation beginning in calendar year 2002.

EFFECTIVE DATE

The provisions are effective for calendar years after December 31, 2000.

B. EXTENSION AND MODIFICATION TO EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS (SEC. 302 OF THE BILL AND SEC. 198 OF THE CODE)

PRESENT LAW

Taxpayers can elect to treat certain environmental remediation expenditures that would otherwise be chargeable to capital account as deductible in the year paid or incurred (sec. 198). The deduction applies for both regular and alternative minimum tax purposes. The expenditure must be incurred in connection with the abatement or control of hazardous substances at a qualified contaminated site.

A "qualified contaminated site" generally is any property that (1) is held for use in a trade or business, for the production of income, or as inventory; (2) is certified by the appropriate State environmental agency to be located within a targeted area; and (3) contains (or potentially contains) a hazardous substance (so-called "brownfields"). Targeted areas are defined as: (1) empowerment zones and enterprise communities as designated under present law; (2) sites announced before February 1997, as being subject to one of the 76 Environmental Protection Agency ("EPA") Brownfields Pilots; (3) any population census tract with a poverty rate of 20 percent or more; and (4) certain industrial and commercial areas that are adjacent to tracts described in (3) above. However, sites that are identified on the national priorities list under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 cannot qualify as targeted areas.

Eligible expenditures are those paid or incurred before January 1, 2002.

EXPLANATION OF PROVISION

The bill extends the expiration date for eligible expenditures to include those paid or incurred before January 1, 2004.

In addition, the bill eliminates the targeted area requirement, thereby, expanding eligible sites to include any site containing (or potentially containing) a hazardous substance that is certified by the appropriate State environmental agency. However, expenditures undertaken at sites that are identified on the national priorities list under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 would continue to not qualify as eligible expenditures.

EFFECTIVE DATE

The provision to extend the expiration date is effective upon the date of enactment. The provision to expand the class of eligible sites is effective for expenditures paid or incurred after the date of enactment.

C. BROADBAND INTERNET ACCESS TAX CREDIT (SEC. 303 OF THE BILL AND NEW SEC. 48A OF THE CODE)

PRESENT LAW

Present law does not provide a credit for investments in telecommunications infrastructure.

EXPLANATION OF PROVISION

The bill provides a 10 percent credit of the qualified expenditures incurred by the taxpayer with respect to qualified equipment with which the taxpayer offers "current generation" broadband services to subscribers in rural and underserved areas. In the addition, the bill provides a 20 percent credit of the qualified expenditures incurred by the taxpayer with respect to qualified equipment with which the taxpayer offers "next generation" broadband services to subscribers in rural areas, underserved areas, and to residential subscribers. Current generation broadband services is defined as the transmission of signals at a rate of at least 1.5 million bits per second to the subscriber and at a rate of at least 200,000 bits per second from the subscriber. Next generation broadband services is defined as the transmission of signals at a rate of at least 22 million bits per second to the subscriber and at a rate of at least 10 million bits per second from the subscriber.

Qualified expenditures are those amounts otherwise chargeable to the capital account with respect to the purchase and installation of qualified equipment for which depreciation is allowable under section 168. In the case of current generation broadband services, qualified expenditures are those that are incurred by the taxpayer after December 31, 2000, and before January 1, 2004. In the case of next generation broadband services, qualified expenditures are those that are incurred by the taxpayer after December 31, 2001, and before January 1, 2005. The expenditures are taken into account for purposes of claiming the credit in the first taxable year in which the taxpayer provides broadband service to at least 10 percent of the potential subscribers. In the case of a taxpayer who incurs expenditures for equipment capable of serving both subscribers in qualifying areas and other areas, qualifying expenditures are determined by multiplying otherwise qualifying expenditures by the ratio of the number of potential qualifying subscribers to all potential subscribers the qualifying equipment would be capable of serving.

Qualifying equipment must be capable of providing broadband services at any time to each subscriber who is utilizing such services. In the case of a telecommunications carrier, qualifying equipment is only that equipment that extends from the last point of switching to the outside of the building in which the subscriber is located. In the case of a commercial mobile service carrier, qualifying equipment is only that equipment that extends from the customer side of a mobile telephone switching office to a transmission/reception antenna (including the antenna) of the subscriber. In the case of a cable operator or open video system operator, qualifying equipment is only that equipment that extends from the customer side of the headend to the outside of the building in which the subscriber is located. In the case of a satellite carrier or other wireless carrier (other than a telecommunications carrier), qualifying equipment is only that equipment that extends from a transmission/reception antenna (including the antenna) to a transmission/reception antenna on the outside of the building used by the subscriber. In addition, any packet switching equipment deployed in connection with other qualifying equipment is qualifying equipment, regardless of location, provided that it is the last such equipment in a series as part of transmission of a signal to a subscriber or the first in a series in the transmission of a signal from a subscriber.

A rural area is any census tract which is not within 10 miles of any incorporated or census designated place with a population of more than 25,000 and which is not within a county with a population density of more than 500 people per square mile. An underserved area is any census tract which is located in an empowerment zone, enterprise community, renewal zone, or any census tract in which the poverty level is greater than or equal to 30 percent and in which the median family income is less than 70 percent of the greater of metropolitan area median family income or statewide median family income. A residential subscriber is any individual who purchases broadband service to be delivered to his or her dwelling.

EFFECTIVE DATE

The provision is effective for expenditures incurred after December 31, 2000.

D. TAX-CREDIT BONDS FOR THE NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK") AND THE ALASKA RAILROAD (SEC. 304 OF THE BILL AND NEW SEC. 54 OF THE CODE)

PRESENT LAW

Present law does not authorize the issuance by any private, for-profit corporation of bonds the interest on which is tax-exempt or eligible for an income tax credit. Tax-exempt bonds may be issued by States or local governments to finance their governmental activities or to finance certain capital expenditures of private businesses or loans to individuals. Additionally, States or local governments may issue tax-credit bonds to finance the operation of "qualified zone academies."

Tax-exempt bonds

Interest on bonds issued by States or local governments to finance direct activities of those governmental units is excluded from tax (sec. 103). In addition, interest on certain bonds ("private activity bonds") issued by States or local governments acting as conduits to provide financing for private businesses or individuals is excluded from income if the purpose of the borrowing is specifically approved in the Code (sec. 141). Examples of approved private activities for which States or local governments may provide tax-exempt financing include transportation facilities (airports, ports, mass commuting facilities, and certain high speed intercity rail facilities); public works facilities such as water, sewer, and solid waste disposal; and certain social welfare programs such as low-income rental housing, student loans, and mortgage loans to certain first-time homebuyers. High speed intercity rail facilities eligible for tax-exempt financing include land, rail, and stations (but not rolling stock) for fixed guideway rail transportation of passengers and their baggage using vehicles that are reasonably expected to operate at speeds in excess of 150 miles per hour between scheduled stops.

Issuance of most private activity bonds is subject to annual State volume limits of $50 per resident ($150 million if greater). These volume limits are scheduled to increase to $75 per resident ($225 million if greater) over the period 2003 through 2007.

Investment earnings on all tax-exempt bonds, including earnings on invested sinking funds associated with such bonds is restricted by the Code to prevent the issuance of bonds earlier or in a greater amount than necessary for the purpose of the borrowing. In general, all profits on investment of such proceeds must be rebated to the Federal Government. Interest on bonds associated with invested sinking funds is taxable.

Tax-credit bonds for qualified zone academies

As an alternative to traditional tax-exempt bonds, certain States or local governments are given authority to issue "qualified zone academy bonds." A total of $400 million of qualified zone academy bonds is authorized to be issued in each year of 1998 through 2001. The $400 million is allocated to States according to their respective populations of individuals below the poverty line.

Qualified zone academy bonds are taxable bonds with respect to which the investor receives an income tax credit equal to an assumed interest rate set by the Treasury Department to allow issuance of the bonds without discount and without interest cost to the issuer. The bonds may be used for renovating, providing equipment to, developing course materials for, or training teachers in eligible schools. Eligible schools are elementary and secondary schools with respect to which private entities make contributions equaling at least 10 percent of the bond proceeds.

Only financial institutions are eligible to claim the credits on qualified zone academy bonds. The amount of the credit is taken into income. The credit may be claimed against both regular income tax and AMT liability.

There are no arbitrage restrictions applicable to investment earnings on qualified zone academy bond proceeds.

EXPLANATION OF PROVISION

The provision authorizes the National Railroad Passenger Corporation ("Amtrak") and the Alaska Railroad to issue an aggregate amount of $10 billion of tax-credit bonds to finance its capital projects. Annual issuance of the bonds may not exceed $1 billion per year (plus any authorized amount that was not issued in previous years) during the ten Fiscal Year period, 2001–2010. Unused bond authority could be carried forward to succeeding years until used, subject to a limitation that no tax-credit bonds could be issued after fiscal year 2015.

Projects eligible for tax-credit bond financing are defined as the acquisition, construction of equipment, rolling stock, and other capital improvements for (1) the northeast rail corridor between Washington, D.C. and Boston, Massachusetts; (2) high-speed rail corridors designated under section 104(d)(2) of Title 23 of the United States Code; and (3) non-designated high-speed rail corridors, including station rehabilitation, track or signal improvements, or grade crossing elimination. The last purpose is limited to a maximum of 10 percent of the proceeds of any bond issue. At least 70 percent of the tax-credit bonds must be issued for projects described in (2) and (3).

As with qualified zone academy bonds, the interest rate on Amtrak/Alaska Railroad tax-credit bonds will be set to allow issuance of the bonds at par, i.e., without any interest cost to Amtrak or the Alaska Railroad. In general, proceeds of Amtrak/Alaska Railroad tax-credit bonds would have to be spent within 36 months after the bonds are issued. As of the date the bonds were issued, Amtrak or the Alaska Railroad must certify that it reasonably expects—

(1) to incur a binding obligation with a third party to spend at least 10 percent of the bond proceeds within six months (or in the case of self-constructed property, to have commenced construction within six months);

(2) to spend the bond proceeds with due diligence; and

(3) to spend at least 95 percent of the proceeds for qualifying capital costs within three years.

Amtrak/Alaska Railroad tax credit bonds may only be issued for projects that are approved by the Department of Transportation and with respect to which the issuing railroad has binding commitments from one or more States to make matching contributions of at least 20 percent of the project cost. Projects having State matching contributions in excess of 20 percent are given a preference. The State matching contributions, along with earnings on investment of the tax-credit bond proceeds must be invested in a trust account (i.e., an sinking fund) and used along with earnings on the trust account for repayment of the principal amount of the bonds.

Amtrak/Alaska Railroad tax-credit bonds can be owned (and income tax credits claimed) by any taxpayer. The amount of the credit will be included in the bondholder's income. Additionally, provisions are included in the proposal to allow the credits to be stripped and sold to different investors than the investors in the bond principal.

The required State matching contribution may not be derived from Federal monies. Any Federal Highway Trust Fund monies transferred to the States are treated as Federal monies for this purpose. During the period when tax-credit bonds are authorized, Amtrak is not allowed to receive any Highway Trust Fund monies other than those authorized on the date of the provision's enactment.

Amtrak is required annually to submit a five-year capital plan to Congress, and to satisfy independent oversight requirements with respect to the management of tax-credit-bond-financed projects. Finally, the Treasury Department is required to certify annually that funds deposited in the escrow accounts for repayment of tax-credit bonds (with actual and projected earnings thereon) are sufficient to ensure full repayment of the bond principal.

EFFECTIVE DATE

The provision is effective for tax credit bonds issued by Amtrak or the Alaska Railroad after September 30, 2000.

E. CLARIFICATION OF CONTRIBUTION IN AID OF CONSTRUCTION (SEC. 305 OF THE BILL AND SEC. 118 OF THE CODE)

PRESENT LAW

Section 118(a) provides that gross income of a corporation does not include a contribution to its capital. In general, section 118(b) provides that a contribution to the capital of a corporation does not include any contribution in aid of construction or any other contribution by a customer or potential customer. However, for any amount of money or property received by a regulated public utility that provides water or sewerage disposal services such amount shall be considered a contribution to capital (excludible from gross income) so long as such amount: (1) is a contribution in aid of construction, and (2) is not included in the taxpayer's rate base for rate-making purposes. If the contribution is in property other than water or sewerage disposal facilities, the amount is generally excludible from gross income only if the amount is expended to acquire or construct water or sewerage disposal facilities within a specified time period.

EXPLANATION OF PROVISION

The provision specifically defines contribution in aid of construction to include customer connection fees (including amounts paid to connect the customer's line to or extend a main water or sewer line). Thus, the provision permits customer connection fees received by a regulated public utility that provides water or sewerage disposal services to be treated as nontaxable contributions to capital (excludible from gross income). Amounts paid as a service charge for starting or stopping services to a customer continue to be includible in gross income of a taxpayer.

EFFECTIVE DATE

The provision is effective for amounts received after the date of enactment.

F. TREATMENT OF LEASEHOLD IMPROVEMENTS (SEC. 306 OF THE BILL AND SEC. 168 OF THE CODE)

PRESENT LAW

Depreciation of leasehold improvements

Depreciation allowances for property used in a trade or business generally are determined under the modified Accelerated Cost Recovery System ("MACRS") of section 168. Depreciation allowances for improvements made on leased property are determined under MACRS, even if the MACRS recovery period assigned to the property is longer than the term of the lease (sec. 168(i)(8)). This rule applies regardless whether the lessor or lessee places the leasehold improvements in service. If a leasehold improvement constitutes an addition or improvement to nonresidential real property already placed in service, the improvement is depreciated using the straight-line method over a 39-year recovery period, beginning in the month the addition or improvement was placed in service (secs. 168(b)(3), (c)(1), (d)(2), and (i)(6)).

Treatment of dispositions of leasehold improvements

A lessor of leased property that disposes of a leasehold improvement which was made by the lessor for the lessee of the property may take the adjusted basis of the improvement into account for purposes of determining gain or loss if the improvement is irrevocably disposed of or abandoned by the lessor at the termination of the lease. This rule conforms the treatment of lessors and lessees with respect to leasehold improvements disposed of at the end of a term of lease. For purposes of applying this rule, it is expected that a lessor must be able to separately account for the adjusted basis of the leasehold improvement that is irrevocably disposed of or abandoned. This rule does not apply to the extent section 280B applies to the demolition of a structure, a portion of which may include leasehold improvements.

EXPLANATION OF PROVISION

The provision provides that 15-year property for purposes of the depreciation rules of section 168 includes qualified leasehold improvement property. The straight line method is required to be used with respect to qualified leasehold improvement property.

Qualified leasehold improvement property is any improvement to an interior portion of a building that is nonresidential real property, provided certain requirements are met. The improvement must be made under or pursuant to a lease either by the lessee (or sublessee) of that portion of the building, or by the lessor of that portion of the building. That portion of the building is to be occupied exclusively by the lessee (or any sublessee). The original use of the qualified leasehold improvement property must begin with the lessee, and must begin after December 31, 2006. The improvement must be placed in service more than three years after the date the building was first placed in service.

Qualified leasehold improvement property does not include any improvement for which the expenditure is attributable to the enlargement of the building, any elevator or escalator, any structural component benefitting a common area, or the internal structural framework of the building.

No special rule is specified for the class life of qualified leasehold improvement property. Therefore, the general rule that the class life for nonresidential real and residential rental property is 40 years applies.

For purposes of the provision, a commitment to enter into a lease is treated as a lease, and the parties to the commitment are treated as lessor and lessee, provided the lease is in effect at the time the qualified leasehold improvement property is placed in service. A lease between related persons is not considered a lease for this purpose.

EFFECTIVE DATE

The provision is effective for qualified leasehold improvement property placed in service after December 31, 2006.

IV. TAX RELIEF FOR FARMERS

A. FARM, FISH, AND RANCH RISK MANAGEMENT ACCOUNTS ("FFARRM ACCOUNTS") (SEC. 401 OF THE BILL AND NEW SEC. 468C OF THE CODE)

PRESENT LAW

There is no provision in present law allowing the elective deferral of farm or fishing income.

EXPLANATION OF PROVISION

The bill allows taxpayers engaged in an eligible business to establish FFARRM accounts. An eligible business is any trade or business of farming in which the taxpayer actively participates, including the operation of a nursery or sod farm or the raising or harvesting of crop-bearing or ornamental trees. An eligible business also is the trade or business of commercial fishing as that term is defined under section (3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) and includes the trade or business of catching, taking or harvesting fish that are intended to enter commerce through sale, barter or trade.

Contributions to a FFARRM account are deductible and are limited to 20 percent of the taxable income that is attributable to the eligible business. The deduction is taken into account in determining adjusted gross income and reduces the income attributable to the eligible business for all income tax purposes other than the determination of the 20 percent of eligible income limitation on contributions to a FFARRM account. Contributions to a FFARRM account do not reduce earnings from self-employment. Accordingly, distributions are not included in self-employment income.

A FFARRM account is taxed as a grantor trust and any earnings are required to be distributed currently. Thus, any income earned in the FFARRM account is taxed currently to the farmer or fisherman who established the account. Amounts can remain on deposit in a FFARRM account for up to five years. Any amount that has not been distributed by the close of the fourth year following the year of deposit is deemed to be distributed and includible in the gross income of the account owner.

EFFECTIVE DATE

The provision is effective for taxable years beginning after December 31, 2000.

B. Exclusion of Rental Income From SECA Tax (Sec. 402 of the Bill and Sec. 1402 of the Code)

PRESENT LAW

Generally, SECA taxes are imposed on an individual's net earnings from self employment. Net earnings from self-employment generally means gross income (including the individual's net distributive share of partnership income) derived by an individual from any trade or business carried on by the individual less applicable deductions. One exclusion from net earnings from self employment involves certain real estate rentals. Under this rule, net earnings from self employment do not include income from the rental of real estate and from personal property leased with the real estate unless the rental income is received under an arrangement between an owner or tenant of land and another individual that provides: (1) such other individual shall produce agricultural or horticultural commodities on such land; and (2) there shall be material participation by the owner or tenant with respect to any such agricultural or horticultural commodities. Other rules apply to rental payments received by an individual in the course of the individual's trade or business as a real estate dealer.

EXPLANATION OF PROVISION

The bill provides that net earnings from self employment do not include income from the rental of real estate under a lease agreement (rather than an arrangement) between an owner or tenant of land and another individual which provides that: (1) such other individual shall produce agricultural or horticultural commodities on such land; and (2) there shall be material participation by the owner or tenant in the production or management of the production of such agricultural or horticultural commodities.

EFFECTIVE DATE

The provision is effective for taxable years beginning after December 31, 2000.

C. Exclusion of Conservation Reserve Program Payments From SECA Tax (Sec. 403 of the Bill and Sec. 1402 of the Code)

PRESENT LAW

Generally, SECA tax is imposed on an individual's self-employment income within the Social Security wage base. Net earnings from self-employment generally means gross income (including the individual's net distributive share of partnership income) derived by an individual from any trade or business carried on by the individual less applicable deductions. A recent court decision found that payments made under the conservation reserve program are includible in an individual's self-employment income for purposes of SECA tax.

EXPLANATION OF PROVISION

The bill provides that net earnings from self-employment do not include conservation reserve program payments for SECA.

EFFECTIVE DATE

The provision is effective for payments made after December 31, 2000.

D. Exemption of Agricultural Bonds From Private Activity Bond Volume Cap (Sec. 404 of the Bill and Sec. 146 of the Code)

PRESENT LAW

Interest on bonds issued by States and local governments is excluded from income if the proceeds of the bonds are used to finance activities conducted and paid for by the governmental units (sec. 103). Interest on bonds issued by these governmental units to finance activities carried out and paid for by private persons ("private activity bonds") is taxable unless the activities are specified in the Internal Revenue Code. Private activity bonds on which interest may be tax-exempt include bonds issued to finance loans to first-time farmers for the acquisition of land and certain equipment ("aggie bonds").

The volume of tax-exempt private activity bonds that States and local governments may issue in each calendar year (including aggie bonds) is limited by State-wide volume limits. The current annual volume limits are the greater of: (1) $50 per resident of the State; or (2) $150 million. The volume limits do not apply to private activity bonds to finance airports, docks and wharves, certain governmentally owned, but privately operated solid waste disposal facilities, certain high speed rail facilities, and to certain types of private activity tax-exempt bonds that are subject to other limits on their volume (qualified veterans' mortgage bonds and certain "new" empowerment zone and enterprise community bonds).

EXPLANATION OF PROVISION

The bill exempts "aggie bonds" from the State volume limits.

EFFECTIVE DATE

The provision applies to bonds issued after December 31, 2000.

E. Modifications to Section 512(b)(13) (Sec. 405 of the Bill and Sec. 512 of the Code)

PRESENT LAW

In general, interest, rents, royalties and annuities are excluded from the unrelated business income ("UBI") of tax-exempt organizations. However, section 512(b)(13) treats otherwise excluded rent, royalty, annuity, and interest income as UBI if such income is received from a taxable or tax-exempt subsidiary that is 50 percent controlled by the parent tax-exempt organization. In the case of a stock subsidiary, "control" means ownership by vote or value of more than 50 percent of the stock. In the case of a partnership or other entity, control means ownership of more than 50 percent of the profits, capital or beneficial interests. In addition, present law applies the constructive ownership rules of section 318 for purposes of section 512(b)(13). Thus, a parent exempt organization is deemed to control any subsidiary in which it holds more than 50 percent of the voting power or value, directly (as in the case of a first-tier subsidiary) or indirectly (as in the case of a second-tier subsidiary).

Under present law, interest, rent, annuity, or royalty payments made by a controlled entity to a tax-exempt organization are includible in the latter organization's UBI and are subject to the unrelated business income tax to the extent the payment reduces the net unrelated income (or increases any net unrelated loss) of the controlled entity.

The Taxpayer Relief Act of 1997 (the "1997 Act") made several modifications, as described above, to the control requirement of section 512(b)(13). In order to provide transitional relief, the changes made by the 1997 Act do not apply to any payment received or accrued during the first two taxable years beginning on or after the date of enactment of the 1997 Act (August 5, 1997) if such payment is received or accrued pursuant to a binding written contract in effect on June 8, 1997, and at all times thereafter before such payment (but not pursuant to any contract provision that permits optional accelerated payments).

EXPLANATION OF PROVISION

The bill provides that interest, rent, annuity, or royalty payments made by a controlled subsidiary to a tax-exempt parent is not Unrelated Business Income except to the extent that such payments exceed arm's length values, as determined under sec. 482 principles.

EFFECTIVE DATE

The provision generally is effective for payments received or accrued after December 31, 2000. The binding written contract exception contained in the 1997 Act will apply to any payment received or accrued under such contract prior to January 1, 2001.

F. Charitable Deduction for Contributions of Food Inventory (Sec. 406 of the Bill and Sec. 170 of the Code)

PRESENT LAW

The maximum charitable contribution deduction that may be claimed by a corporation for any one taxable year is limited to 10 percent of the corporation's taxable income for that year (disregarding charitable contributions and with certain other modifications) (sec. 170(b)(2)). Corporations also are subject to certain limitations based on the type of property contributed. In the case of a charitable contribution of short-term gain property, inventory, or other ordinary income property, the amount of the deduction generally is limited to the taxpayer's basis (generally, cost) in the property. However, special rules in the Code provide an augmented deduction for certain corporate contributions. Under these special rules, the amount of the augmented deduction is equal to the lesser of (1) the basis of the donated property plus one-half of the amount of ordinary income that would have been realized if the property had been sold, or (2) twice the basis of the donated property. To be eligible for the enhanced deduction, the taxpayer must establish that the fair market value of the donated item exceeds basis. The valuation of food inventory has been the subject of ongoing disputes between taxpayers and the IRS.

The special treatment applies only to donations made by C corporations. S corporations, personal holding companies, and service organizations are not eligible donors.

EXPLANATION OF PROVISION

The bill amends Code section 170 to expand the augmented deduction such that any taxpayer engaged in the trade or business of farming is eligible to claim an enhanced deduction for donations of food inventory under section 170(e)(3).

The value of the enhanced deduction can be no greater than twice the taxpayer's basis in the donated property. The bill provides that in the case of a cash method taxpayer, the taxpayer's basis in the donated food will equal half of the fair market value of the donated food.

The bill modifies and clarifies the determination of fair market value for the donation of food inventory. Under the bill, the fair market value of donated food which cannot or will not be sold solely due to internal standards of the taxpayer, lack of market, or similar circumstances is determined without regard to such factors and, if applicable, by taking into account the price at which the same or similar food items are sold by the taxpayer at the time of the contribution or in the recent past.

The bill does not apply for taxable years beginning after December 31, 2003.

EFFECTIVE DATE

The provision is effective for taxable years beginning after December 31, 2000.

G. Coordinate Farmers and Fisherman Income Averaging and the Alternative Minimum Tax (Sec. 407 of the Bill and Secs. 55 and 1301 of the Code)

PRESENT LAW

An individual taxpayer engaged in a farming business as defined by section 263A(e)(4) may elect to compute his or her current year tax liability by averaging, over the prior three-year period, all or portion of his or her taxable income from the trade or business of farming. The averaging election is not coordinated with the alternative minimum tax. Thus, some farmers may become subject to the alternative minimum tax solely as a result of the averaging election.

EXPLANATION OF PROVISION

The bill extends to individuals engaged in the trade or business of fishing the election that is available to individual farmers to use income averaging.

The bill also coordinates farmers and fishermen income averaging with the alternative minimum tax. Under the bill, a farmer will owe alternative minimum tax only to the extent he or she will owe alternative minimum tax had averaging not been elected. This result is achieved by excluding the impact of the election to average farm income from the calculation of both regular tax and tentative minimum tax, solely for the purpose of determining alternative minimum tax.

EFFECTIVE DATE

The provision is effective for taxable years beginning after December 31, 2000.

H. Cooperative Marketing to Include Value Added Processing Through Animals (Sec. 408 of the Bill and Sec. 1388 of the Code)

PRESENT LAW

Under present law, taxable cooperatives in essence are treated as pass-through entities in that the cooperative is not subject to corporate income tax to the extent the cooperative timely pays patronage dividends. Tax-exempt cooperatives (sec. 521) are cooperatives of farmers, fruit growers, and like organizations organized and operated on a cooperative basis for the purpose of marketing the products of members or other producers and turning back the proceeds of sales, less necessary marketing expenses on the basis of either the quantity or the value of products furnished by them.

The Internal Revenue Service takes the position that a cooperative is not marketing the products of members or other producers where the cooperative adds value through the use of animals (e.g., farmers sell corn to cooperative which is feed to chickens which produce eggs).

EXPLANATION OF PROVISION

The bill provides that marketing products of members or other producers includes feeding products of members or other producers to cattle, hogs, fish, chickens, or other animals and selling the resulting animals or animal products.

EFFECTIVE DATE

The provision is effective for taxable years beginning after the date of enactment.

I. Extend Declaratory Judgment Procedures to Farmers' Cooperative Organizations (Sec. 409 of the Bill and Sec. 7428 of the Code)

PRESENT LAW

Cooperatives may deduct from their taxable income amounts distributed to patrons in the form of patronage dividends, and certain other amounts paid or allocated to patrons, to the extent the net earnings of the cooperative from business done with or for patrons, provided that there is a pre-existing obligation to distribute such amounts (sec. 1382). Cooperatives that qualify as farmers' cooperatives under section 521 may claim additional deductions for dividends on capital stock and patronage-based distributions of nonpatronage income.

Under present law, there is limited access to judicial review of disputes regarding the initial or continuing qualification of a farmer's cooperative described in section 521. The only remedies available to such an organization are to file a petition in the U.S. Tax Court for relief following the issuance of a notice of deficiency or to pay tax and sue for a refund in a U.S. district court or the U.S. Court of Federal Claims.

In limited circumstances, declaratory judgment procedures are available, which generally permit a taxpayer to seek judicial review of an IRS determination prior to the issuance of a notice of deficiency and prior to payment of tax. Examples of declaratory judgment procedures which are available include disputes involving the status of a tax-exempt organization under section 501(c)(3), the qualification of retirement plans, the value of gifts, the status of certain governmental obligations, or eligibility of an estate to pay tax in installments under section 6166. In such cases, taxpayers may challenge adverse determinations by commencing a declaratory judgment action. For example, where the IRS denies an organization's application for recognition of exemption under section 501(c)(3) or fails to act on such application, or where the IRS informs a section 501(c)(3) organization that it is considering revoking or adversely modifying its tax-exempt status, present law authorizes the organization to seek a declaratory judgment regarding its tax exempt status.

Declaratory judgment procedures are not available under present law to a cooperative with respect to an IRS determination regarding its status as a farmers' cooperative under section 521.

EXPLANATION OF PROVISION

The bill extends the declaratory judgment procedures to cooperatives. Such a case may be commenced in the U.S. Tax Court, a U.S. district court, or the U.S. Court of Federal Claims, and such court has jurisdiction to determine a cooperative's initial or continuing qualification of a farmers' cooperative described in sec. 521.

EFFECTIVE DATE

The provision is effective with respect to pleadings filed after the date of enactment, but only with respect to determinations (or requests for determinations) made after January 1, 2000.

J. Small Ethanol Producer Credit (Sec. 410 of the Bill and Sec. 40 of the Code)

PRESENT LAW

"Small ethanol producers" are allowed a 10-cents-per-gallon production income tax credit on up to 15 million gallons of production annually. This credit is in addition to the 54-cents-per-gallon benefit available for ethanol generally.

Under present law, cooperatives in essence are treated as pass-through entities in that the cooperative is not subject to corporate income tax to the extent the cooperative timely pays patronage dividends. Under present law, the only credits that may be flowed-through to cooperative patrons are the rehabilitation credit (sec. 47), the energy property credit (sec. 48(a)), and the reforestation credit (sec. 48(b)), but not the small ethanol producer credit.

EXPLANATION OF PROVISION

The bill: (1) provides that the small producer credit is not a "passive credit"; (2) allows the credit to be claimed against the alternative minimum tax; and (3) repeals the present rule that the amount of the credit is included in income.

The bill also allows cooperatives to elect to pass-through small ethanol producer credits to its patrons. The credit allowed to a patron is that proportion of the credit the cooperative elects to pass-through for that year as the amount of patronage of that patron for that year bears to total patronage of all patrons for that year.

EFFECTIVE DATE

The provision is effective for taxable years beginning after date of enactment.

K. Payment of Dividends on Stock of Cooperatives Without Reducing Patronage Dividends (Sec. 411 of the Bill and Sec. 1388 of the Code)

PRESENT LAW

Cooperatives, including tax-exempt farmers' cooperatives, are treated like a conduit for Federal income tax purposes since a cooperative may deduct patronage dividends paid from its taxable income. In general, patronage dividends are amounts paid to patrons (1) on the basis of the quantity or value of business done with or for its patrons, (2) under a valid enforceable written obligation to the patron to pay such amount, which obligation existed before the cooperative received such amounts, and (3) which is determined by reference to the net earnings of the cooperative from business done with or for its patrons.

Treasury Regulations provide that net earnings are reduced by dividends paid on capital stock or other proprietary capital interests. The effect of this rule is to reduce the amount of earnings that the cooperative can treat as patronage earnings which reduces the amount that cooperative can deduct as patronage dividends.

EXPLANATION OF PROVISION

The bill allows cooperatives to pay dividends on capital stock without those dividends reducing excludable patronage-sourced income to the extent that the cooperative's organizational documents provide that the dividends do not reduce amounts owed to patrons.

EFFECTIVE DATE

The provision applies to distributions in taxable years beginning after the date of enactment.

V. TAX INCENTIVES FOR THE PRODUCTION OF ENERGY

A. ALLOW GEOLOGICAL AND GEOPHYSICAL COSTS TO BE DEDUCTED CURRENTLY (SEC. 501 OF THE BILL AND SEC. 263 OF THE CODE)

PRESENT LAW

In general

Under present law, current deductions are not allowed for any amount paid for new buildings or for permanent improvements or betterments made to increase the value of any property or estate (sec. 263(a)). Treasury Department regulations define capital amounts to include amounts paid or incurred (1) to add to the value, or substantially prolong the useful life, of property owned by the taxpayer or (2) to adapt property to a new or different use.

The proper income tax treatment of geological and geophysical costs ("G&G costs") associated with oil and gas production has been the subject of a number of court decisions and administrative rulings. G&G costs are incurred by the taxpayer for the purpose of obtaining and accumulating data that will serve as a basis for the acquisition and retention of oil or gas properties by taxpayers exploring for the minerals. Courts have ruled that such costs are capital in nature and are not deductible as ordinary and necessary business expenses. Accordingly, the costs attributable to such exploration are allocable to the cost of the property acquired or retained. The term "property" includes an economic interest in a tract or parcel of land notwithstanding that a mineral deposit has not been established or proven at the time the costs are incurred.

Revenue Ruling 77-188

In Revenue Ruling 77-188 (hereinafter referred to as the "1977 ruling"), the Internal Revenue Service ("IRS") provided guidance regarding the proper tax treatment of G&G costs. The ruling describes a typical geological and geophysical exploration program as containing the following elements:

> It is customary in the search for mineral producing properties for a taxpayer to conduct an exploration program in one or more identifiable project areas. Each project area encompasses a territory that the taxpayer determines can be explored advantageously in a single integrated operation. This determination is made after analyzing certain variables such as the size and topography of the project area to be explored, the existing information available with respect to the project area and nearby areas, and the quantity of equipment, the number of personnel, and the amount of money available to conduct a reasonable exploration program over the project area.
>
> The taxpayer selects a specific project area from which geological and geophysical data are desired and conducts a reconnaissance-type survey utilizing various geological and geophysical exploration techniques that are designed to yield data that will afford a basis for identifying specific geological features with sufficient mineral potential to merit further exploration.
>
> Each separable, noncontiguous portion of the original project area in which such a specific geological feature is identified is a separate "area of interest." The original project area is subdivided into as many small projects as there are areas of interest located and identified within the original project area. If the circumstances permit a detailed exploratory survey to be conducted without an initial reconnaissance-type survey, the project area and the area of interest will be coextensive.
>
> The taxpayer seeks to further define the geological features identified by the prior reconnaissance-type surveys by additional, more detailed, exploratory surveys conducted with respect to each area of interest. For this purpose, the taxpayer engages in more intensive geological and geophysical exploration employing methods that are designed to yield sufficiently accurate sub-surface data to afford a basis for a decision to acquire or retain properties within or adjacent to a particular area of interest or to abandon the entire area of interest as unworthy of development by mine or well.

The 1977 ruling provides that if, on the basis of data obtained from the preliminary geological and geophysical exploration operations, only one area of interest is located and identified within the original project area, then the entire expenditure for those exploratory operations is to be allocated to that one area of interest and thus capitalized into the depletable basis of that area of interest. On the other hand, if two or more areas of interest are located and identified within the original project area, the entire expenditure for the exploratory operations is to be allocated equally among the various areas of interest.

The 1977 ruling further provides that if, on the basis of data obtained from a detailed survey that does not relate exclusively to any particular property within a particular area of interest, an oil or gas property is acquired or retained within or adjacent to that area of interest, the entire G&G exploration expenditures, including those incurred prior to the identification of the particular area of interest but allocated thereto, are to be allocated to the property as a capital cost under section 263(a).

If, however, from the data obtained by the exploratory operations no areas of interest are located and identified by the taxpayer within the original project area, then the 1977 ruling states that the entire amount of the G&G costs related to the exploration is deductible as a loss under section 165 for the taxable year in which that particular project area is abandoned as a potential source of mineral production.

EXPLANATION OF PROVISION

The provision allows geological and geophysical costs incurred in connection with oil and gas exploration in the United States to be deducted currently.

EFFECTIVE DATE

The provision is effective for G&G costs incurred or paid in taxable years beginning after December 31, 2001.

B. ALLOW CERTAIN OIL AND GAS "DELAY RENTAL PAYMENTS" TO BE DEDUCTED CURRENTLY (SEC. 502 OF THE BILL AND SEC. 263 OF THE CODE)

PRESENT LAW

Present law generally requires costs associated with inventory and property held for resale to be capitalized rather than currently deducted as they are incurred. (sec. 2634). Oil and gas producers typically contract for mineral production in exchange for royalty payments. If mineral production is delayed, these contracts provide for "delay rental payments" as a condition of their extension. The Treasury Department has taken the position that the uniform capitalization rules of section 263A require delay rental payments to be capitalized.

EXPLANATION OF PROVISION

The provision allows delay rental payments to be deducted currently.

EFFECTIVE DATE

The provision applies to delay rental payments incurred in taxable years beginning after December 31, 2001.

No inference is intended from the proposal as to the proper treatment of pre-effective date delay rental payments.

C. ALLOW NET OPERATING LOSSES FROM OIL AND GAS PROPERTIES TO BE CARRIED BACK FOR UP TO FIVE YEARS (SEC. 503 OF THE BILL AND SEC. 172 OF THE CODE)

PRESENT LAW

A net operating loss ("NOL") generally is the amount by which business deductions of a taxpayer exceed business gross income. In general, an NOL may be carried back two years and carried forward 20 years to offset taxable income in such years. A carryback of an NOL results in the refund of Federal income tax for the carryback year. A carryforward of an NOL reduces Federal income tax for the carryforward year. Special NOL carryback rules apply to (1) casualty and theft losses of individual taxpayers, (2) Presidentially declared disasters for taxpayers engaged in a farming business or a small business, (3) real estate investment trusts, (4) specified liability losses, (5) excess interest losses, and (6) farm losses.

EXPLANATION OF PROVISION

The provision provides a special five-year carryback for certain eligible oil and gas losses of independent producers. The carryforward period remains 20 years. An "eligible oil and gas loss" is defined as the lesser of (1) the amount which would be the taxpayer's NOL for the taxable year if only income and deductions attributable to operating mineral interests in oil and gas wells were taken into account, or (2) the amount of such net operating loss for such taxable year. In calculating the amount of a taxpayer's NOL carrybacks, the portion of the NOL that is attributable to an eligible oil and gas loss is treated as a separate NOL and taken into account after the remaining portion of the NOL for the taxable year.

EFFECTIVE DATE

The proposal applies to NOLs arising in taxable years beginning after December 31, 2001.

D. TEMPORARY SUSPENSION OF PERCENTAGE OF DEPLETION DEDUCTION LIMITATION BASED ON 65 PERCENT OF TAXABLE INCOME (SEC. 504 OF THE BILL AND SEC. 613A OF THE CODE)

PRESENT LAW

Depletion, like depreciation, is a form of capital cost recovery. In both cases, the taxpayer is allowed a deduction in recognition of the fact that an asset—in the case of depletion for oil or gas interests, the mineral reserve itself—is being expended in order to produce income. Certain costs incurred prior to drilling an oil or gas property are recovered through the depletion deduction. These include costs of acquiring the lease or other interest in the property and geological and geophysical costs (in advance of actual drilling). Depletion is available to any person having an economic interest in a producing property.

Two methods of depletion currently are allowable under the Code: (1) the cost depletion method, and (2) the percentage depletion method (secs. 611-613). Under the cost depletion method, the taxpayer deducts that portion of the adjusted basis of the depletable property which is equal to the ratio of units sold from that property during the taxable year to the number of units remaining as of the end of taxable year plus the number of units sold during the taxable year. Thus, the amount recovered under cost depletion may never exceed the taxpayer's basis in the property.

Under the percentage depletion method, generally, 15 percent of the taxpayer's gross income from an oil- or gas-producing property is allowed as a deduction in each taxable year (sec. 613A(c)). The amount deducted generally may not exceed 100 percent of the net income from that property in any year (the "net-income limitation") (sec. 613(a)). Additionally, the percentage depletion deduction for all oil and gas properties may not exceed 65 percent of the taxpayer's overall taxable income (determined before such deduction and adjusted for certain loss carrybacks and trust distributions) (sec. 613A(d)(1)).

EXPLANATION OF PROVISION

The provision suspends the 65-percent-of-taxable-income limit for taxable years beginning after December 31, 2000 and before January 1, 2004.

EFFECTIVE DATE

The provision is effective for taxable years beginning after December 31, 2000.

E. TAX CREDIT FOR OIL AND GAS PRODUCTION FROM MARGINAL WELLS (SEC. 505 OF THE BILL AND SEC. 54A OF THE CODE)

PRESENT LAW

There is no income tax credit for oil or gas production from marginal wells generally. Present law does, however, provide a tax credit for production requiring the use of certain tertiary recovery methods (the "enhanced oil recovery credit") (sec. 43).

EXPLANATION OF PROVISION

The provision provides an income tax credit equal to $3 per barrel of qualified crude oil produced from a marginal well and 50 cents per 1,000 cubic feet of qualified natural gas production. Qualified production is defined as production up to 1,095 barrels per year (3 barrels per day).

The credit applies fully only when oil prices are below $14. The credit phases-out ratably when the price of oil is between $14 and $17 per barrel for oil (and equivalent amounts for natural gas).

The credit can be claimed against both the regular income tax and the alternative minimum tax.

EFFECTIVE DATE

The proposal applies to production in taxable years beginning after December 31, 2000.

F. NATURAL GAS GATHERING LINES TREATED AS 7-YEAR PROPERTY (SEC. 506 OF THE BILL AND SEC. 168(e)(3) OF THE CODE)

PRESENT LAW

The applicable recovery period for assets placed in service under the Modified Accelerated Cost Recovery System is based on the "class life of the property." The class lives of assets placed in service after 1986 are set forth in Revenue Procedure 87-56. Revenue Procedure 87-56 includes two asset classes that could describe natural gas gathering lines owned by non-producers of natural gas. Asset class 13.2, describing assets used in the exploration for and production of petroleum and natural gas deposits, provides a class life of 14 years and a depreciation recovery period of seven years. Asset class 46.0, describing pipeline transportation, provides a class life of 22 years and a recovery period of 15 years. The uncertainty regarding the appropriate recovery period has resulted in litigation between taxpayers and the IRS. Recently, the 10th Circuit Court of Appeals held that natural gas gathering lines owned by non-producers fall within the scope of Asset class 13.2 (i.e., seven-year recovery period).

EXPLANATION OF PROVISION

The bill establishes a statutory seven-year recovery period for all natural gas gathering lines. A natural gas gathering line would be defined to include pipe, equipment, and appurtenances that are (1) determined to be a gathering line by the Federal Energy Regulatory Commission, or (2) used to deliver natural gas from the wellhead or a common point to the point at which such gas first reaches (a) a gas processing plant, (b) an interconnection with an interstate transmission line, (c) an interconnection with an intrastate transmission line, or (d) a direct interconnection with a local distribution company, a gas storage facility, or an industrial consumer.

EFFECTIVE DATE

The provision is effective for property placed in service on or after the date of enactment. No inference would be intended as to the proper treatment of such property placed in service before the date of enactment.

G. CLARIFICATION OF TREATMENT OF PIPELINE TRANSPORTATION INCOME (SEC. 507 OF THE BILL AND SEC. 954 OF THE CODE)

PRESENT LAW

Under the subpart F rules, U.S. 10-percent shareholders of a controlled foreign corporation ("CFC") are subject to U.S. tax currently on their shares of certain income earned by the foreign corporation, whether or not such income is distributed to the shareholders (referred to as "subpart F income"). Subpart F income includes foreign base company income, which in turn includes five categories of income: foreign personal holding company income, foreign base company sales income, foreign base company services income, foreign base company shipping income, and foreign base company oil related income (sec. 954(a)).

Foreign base company oil related income is income derived outside the United States from the processing of minerals extracted from oil or gas wells into their primary products: the transportation, distribution, or sale of such minerals or primary products; the disposition of assets used by the taxpayer in a trade or business involving the foregoing; or the performance of any related services. However, foreign base company oil related income does not include income derived from a source within a foreign country in connection with: (1) oil or gas which was extracted from a well located in such foreign country or, (2), oil, gas, or a primary product of oil or gas which is sold by the CFC or a related person for use or consumption within such foreign country or is loaded in such country as fuel on a vessel or aircraft. An exclusion also is provided for income of a CFC that is a small producer (i.e., a corporation whose average daily oil and natural gas production, including production by related corporations, is less than 1,000 barrels).

EXPLANATION OF PROVISION

The bill provides an additional exception to the definition of foreign base company oil related income. Under the bill, foreign base company oil related income does not include income derived from a source within a foreign country in connection with the pipeline transportation of oil or gas within such foreign country. Thus, the exception applies whether or not the CFC that owns the pipeline also owns any interest in the oil or gas transported. In addition, the exception applies to income earned from the transportation of oil or gas by pipeline in a country in which the oil or gas was neither extracted nor consumed within such foreign country.

EFFECTIVE DATE

The provision is effective for taxable years of CFCs beginning after December 31, 2001, and taxable years of U.S. shareholders with or within which such taxable years of CFCs end.

TITLE VI. TAX INCENTIVES FOR CONSERVATION

A. EXCLUSION OF 50 PERCENT OF GAIN ON SALES OF LAND OR INTERESTS IN LAND OR WATER TO ELIGIBLE ENTITIES FOR CONSERVATION PURPOSES (SEC. 601 OF THE BILL AND NEW SEC. 121A OF THE CODE)

PRESENT LAW

Gain from the sale or exchange of land held more than one year generally is treated as long-term capital gain.

Generally the net capital gain of an individual (i.e., long-term capital gain less short-term capital loss) is subject to a maximum rate of 20 percent.

EXPLANATION OF PROVISION

The bill provides a 50-percent exclusion from a taxpayer's gross income for gain realized on the qualifying sale of land, or an interest in land or water, provided the land, or interest in land or water, has been held by the taxpayer or the taxpayer's family for at least three years prior to the date of sale. A qualifying sale is a sale to any agency of the Federal Government, a State government, or a local government, or a sale to 501(c)(3) organization that is organized and operated primarily to meet a qualified conservation purpose. In addition, to be a qualifying sale, the entity acquiring the land, or interest in land or water, must provide the taxpayer with a letter detailing that the intent of the purchase is to further a qualified conservation purpose. A qualified conservation purpose is (1) the preservation of land areas for outdoor recreation by, or the education of, the general public, (2) the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem, or (3) the preservation of open space (including farmland and forest land) where the preservation is for the scenic enjoyment of the general public or pursuant to a clearly delineated Federal, State or local governmental conservation policy that will yield a significant public benefit.

EFFECTIVE DATE

The provision is effective for sales after December 31, 2003.

B. EXPAND THE ESTATE TAX RULE FOR CONSERVATION EASEMENTS (SEC. 602 OF THE BILL AND SEC. 2031 OF THE CODE)

PRESENT LAW

An executor may elect to exclude from the taxable estate 40 percent of the value of any land subject to a qualified conservation easement, up to a maximum exclusion of $100,000 in 1998, $200,000 in 1999, $300,000 in 2000, $400,000 in 2001, and $500,000 in 2002 and thereafter (sec. 2031(c)). The exclusion percentage is reduced by 2 percentage points for each percentage point (or fraction thereof) by which the value of the qualified conservation easement is less than 30 percent of the value of the land (determined without regard to the value of such easement and reduced by the value of any retained development right).

A qualified conservation easement is one that meets the following requirements: (1) the land is located within 25 miles of a metropolitan area (as defined by the Office of Management and Budget) or a national park or wilderness area, or within 10 miles of an Urban National Forest (as designated by the Forest Service of the U.S. Department of Agriculture); (2) the land has been owned by the decedent or a member of the decedent's family at all times during the three-year period ending on the date of the decedent's death; and (3) a qualified conservation contribution (within the meaning of sec. 170(h)) of a qualified real property interest (as generally defined in sec. 170(h)(2)(C)) was granted by the decedent or a member of his or her family. For purposes of the provision, preservation of a historically important land area or a certified historic structure does not qualify as a conservation purpose.

In order to qualify for the exclusion, a qualifying easement must have been granted by the decedent, a member of the decedent's family, the executor of the decedent's estate, or the trustee of a trust holding the land, no later than the date of the election. To the extent that the value of such land is excluded from the taxable estate, the basis of such land acquired at death is a carryover basis (i.e., the basis is not stepped-up to its fair market value at death). Property financed with acquisition indebtedness is eligible for this provision only to the extent of the net equity in the property. The exclusion from estate taxes does not extend to the value of any development rights retained by the decedent or donor.

EXPLANATION OF PROVISION

The bill expands the availability of qualified conservation easements by eliminating the geographical boundary restrictions. Under the bill, the land qualifies without regard to the distance from which the land is situated from a metropolitan area, national park, wilderness area, or Urban National Forest.

EFFECTIVE DATE

The provision is effective for estates of decedents dying after December 31, 2001.

C. COST-SHARING PAYMENTS UNDER THE PARTNERS FOR WILDLIFE PROGRAM (SEC. 603 OF THE BILL AND SEC. 126 OF THE CODE)

PRESENT LAW

Under present law, gross income does not include the excludable portion of payments made to taxpayers by federal and state governments for a share of the cost of improvements to property under certain conservation programs. These programs include payments received under (1) the rural clean water program authorized by section 208(j) of the Federal Water Pollution Control Act, (2) the rural abandoned mine program authorized by section 406 of the Surface Mining Control and Reclamation Act of 1977, (3) the water bank program authorized by the Water Bank Act, (4) the emergency conservation measures program authorized by title IV of the Agricultural Credit Act of 1978, (5) the agriculture conservation program authorized by the Soil Conservation and Domestic Allotment Act, (6) the great plains conservation program authorized by section 16 of the Soil Conservation and Domestic Policy Act, (7) the resource conservation and development program authorized by the Bankhead-Jones Farm Tenant Act and by the Soil Conservation and Domestic Allotment Act, (8) the forestry incentives program authorized by section 4 of the Cooperative Forestry Assistance Act of 1978, (9) any small watershed program administered by the Secretary of Agriculture which is determined by the Secretary of the Treasury or his delegate to be substantially similar to the type of programs described in items (1) through (8), and (10) any program of a State, possession of the United States, a political subdivision of any of the foregoing, or the District of Columbia under which payments are made to individuals primarily for the purpose of conserving soil, protecting or restoring the environment, improving forests, or providing a habitat for wildlife.

EXPLANATION OF PROVISION

The provision expands the types of qualified cost-sharing payments to include payments under the Partners for Wildlife Program.

EFFECTIVE DATE

The provision applies to payments received after the date of enactment.

D. INCENTIVE FOR CERTAIN ENERGY EFFICIENT PROPERTY USED IN BUSINESS (SEC. 604 OF THE BILL AND NEW SEC. 199 OF THE CODE)

PRESENT LAW

No special deduction is currently provided for expenses incurred for energy efficient building property.

EXPLANATION OF PROVISION

The provision allows a deduction from income for expenses incurred for energy efficient commercial building property. Energy-efficient commercial building property is defined as property that reduces annual energy and power costs with respect to lighting, cooling, heating, ventilation, and hot water supply by 50 percent or more in comparison to a reference building. A reference building is defined as one which meets the requirements of Standard 90.1–1999 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America. The maximum deduction would be $2.25 per square foot. For all property eligible for the deduction, the depreciable basis of the property is reduced by the amount of the deduction. For public property, such as schools, the Secretary shall issue regulations to allow the deduction to be allocated to the person primarily responsible for designing the property in lieu of the public entity owner.

EFFECTIVE DATE

The deduction is effective for taxable years beginning after December 31, 2000, and before January 1, 2004.

E. EXTENSION AND MODIFICATION OF TAX CREDIT FOR ELECTRICITY PRODUCED FROM BIOMASS (SEC. 605 OF THE BILL AND SEC. 45 OF THE CODE)

PRESENT LAW

Section 45

An income tax credit is allowed for the production of electricity from either qualified wind energy facilities, qualified "closed-loop" biomass facilities, or qualified poultry waste facilities (sec. 45). The current value of the credit is 1.7 cents/kilowatt hour of electricity produced and the value of the credit is indexed for inflation. The credit applies to electricity produced by a qualified wind energy facility placed in service after December 31, 1993, and before January 1, 2002, to electricity produced by a qualified closed-loop biomass facility placed in service after December 31, 1992, and before January 1, 2002, and to a qualified poultry waste facility placed in service after December 31, 1999, and before January 1, 2002. The credit is allowable for production during the 10-year period after a facility is originally placed in service.

Closed-loop biomass is the use of plant matter, where the plants are grown for the sole purpose of being used to generate electricity. It does not include the use of waste materials (including, but not limited to, scrap wood, manure, and municipal or agricultural waste). The credit also is not available to taxpayers who use standing timber to produce electricity. In order to claim the credit, a taxpayer must own the facility and sell the electricity produced by the facility to an unrelated party.

Section 29

Certain fuels produced from "nonconventional sources" and sold to unrelated parties are eligible for an income tax credit equal to $3 (generally adjusted for inflation) per barrel or BTU oil barrel equivalent (sec. 29) (referred to as the "section 29 credit"). Qualified fuels must be produced within the United States. Qualified fuels include:

(1) oil produced from shale and tar sands;

(2) gas produced from geopressured brine, Devonian shale, coal seams, tight formations ("tight sands"), or biomass; and

(3) liquid, gaseous, or solid synthetic fuels produced from coal (including lignite).

In general, the credit is available only with respect to fuels produced from wells drilled or facilities placed in service after December 31, 1979, and before January 1, 1993. An exception extends the January 1, 1993 expiration date for facilities producing gas from biomass and synthetic fuel from coal if the facility producing the fuel is placed in service before July 1, 1998, pursuant to a binding contract entered into before January 1, 1997.

The credit may be claimed for qualified fuels produced and sold before January 1, 2003 (in the case of nonconventional sources subject to the January 1, 1993 expiration date) or January 1, 2008 (in the case of biomass gas and synthetic fuel facilities eligible for the extension period).

EXPLANATION OF PROVISION

The bill provides that the present-law tax credit for electricity produced by wind, closed-loop biomass, and poultry waste facilities is expanded to include electricity produced from certain other biomass (in addition to closed-loop biomass and poultry waste) and electricity produced from landfill gas. Taxpayers producing electricity from other biomass or landfill gas may claim credit for production of electricity for three years commencing on the later of January 1, 2001, or the date the facility is placed in service.

"Other biomass" is defined as solid nonhazardous, cellulose waste material which is segregated from other waste materials and which is derived from forest resources, but not including old growth timber. The term includes urban sources such as waste pallets, crates, manufacturing and construction wood waste, and tree trimmings, or agricultural sources (including orchard tree crops, grain, vineyard, legumes, sugar, and other crop by-products or residues). However, the term does not include unsegregated municipal solid waste, paper that is commonly recycled, or certain chemically treated wood wastes. Qualifying other biomass and landfill gas facilities are limited to facilities owned by the taxpayer.

A special rule modifies present-law definition of qualified closed-loop biomass facilities to include facilities in which electricity is produced from closed-loop biomass fuels co-fired with coal.

In the case of other biomass facilities, the credit applies to electricity produced after December 31, 2000 from facilities that are placed in service before January 1, 2002 (including facilities placed in service before the date of enactment of this provision). In the case of landfill gas facilities, the credit applies to electricity produced after December 31, 2000, from facilities placed in service after December 31, 1999, and before January 1, 2002. In the case of closed-loop biomass facilities in which closed-loop biomass fuel is co-fired with coal, the credit applies to electricity produced after December 31, 2000, from facilities that are placed in service before January 1, 2002 (including facilities placed in service before the date of enactment of this provision).

EFFECTIVE DATE

The provision is effective upon the date of enactment.

F. Credit for Certain Energy Efficient Motor Vehicles (Sec. 606 of the Bill and New Sec. 30B of the Code)

PRESENT LAW

Present law does not provide a credit for the purchase of hybrid vehicles. However, taxpayers may claim a credit of 10 percent of the cost of an electric vehicle up to a maximum credit of $4,000 (sec. 30). A qualified electric vehicle is a vehicle powered primarily by an electric motor drawing current from rechargeable batteries, fuel cells, or other portable sources of electrical current. The credit does not apply to property placed in service after December 31, 2004 and is reduced ratably between 2002 and 2004.

Taxpayers may claim an immediate deduction (expensing) for up to $2,000 of the cost of a qualified clean-fuel vehicle which is a car and up to $50,000 in the case of certain trucks or vans (sec. 179A). For the purpose of the deduction, gasoline and diesel fuel are not clean-burning fuels. The deduction expires after December 31, 2004, and is phased out ratably between 2002 and 2004.

EXPLANATION OF PROVISION

The bill provides a temporary tax credit for qualified hybrid vehicles, with a rechargeable energy system used in business and for personal use. For vehicles with a rechargeable energy system that provides five percent to less than 10 percent of the maximum available power, the credit amount is $500; for a system that provides 10 percent to less than 20 percent of maximum available power the credit is $1,000; for a system that provides 20 percent to less than 30 percent of maximum available power, the credit is $1,500; and for a system that provides 30 percent or greater of maximum available power, the credit is $2,000. The credit amount is increased for qualified hybrid vehicles that also actively employ a regenerative braking system that supplies energy to the rechargeable energy storage system. For a hybrid vehicle with a regenerative braking system that provides 20 percent to less than 40 percent of the energy available from braking in a typical 60 miles per hour to zero miles per hour braking event, the additional credit amount is $250, for 40 percent to less than 60 percent, the additional credit would be $500, and for 60 percent or greater, the additional credit is $1,000.

In addition, the sponsors note that this proposal is one portion of a package of proposals in the Alternative Fuels Incentives Act. The proposals in that legislation include a tax credit for alternative fuel vehicles, a tax credit for retail sales of alternative motor vehicle fuels, and an extension of the deduction for certain refueling property. The sponsors note the Committee has explored these incentives in a hearing and will continue to seek to address these proposals in appropriate legislation.

EFFECTIVE DATE

The credit is available for a hybrid vehicle placed in service after December 31, 2003, and before January 1, 2005.

VII. ADDITIONAL TAX PROVISIONS

A. Limitation on Use of Non-Accrual Experience Method of Accounting (Sec. 701 of the Bill and Sec. 448 of the Code)

PRESENT LAW

An accrual method taxpayer generally must recognize income when all the events have occurred that fix the right to receive the income and the amount of the income can be determined with reasonable accuracy. An accrual method taxpayer may deduct the amount of any receivable that was previously included in income that becomes worthless during the year.

Accrual method taxpayers are not required to include in income amounts to be received for the performance of services which, on the basis of experience, will not be collected (the "non-accrual experience method"). The availability of this method is conditioned on the taxpayer not charging interest or a penalty for failure to timely pay the amount charged.

A cash method taxpayer is not required to include an amount in income until it is received. A taxpayer generally may not use the cash method if purchase, production, or sale of merchandise is an income producing factor. Such taxpayers generally are required to keep inventories and use an accrual method of accounting. In addition, corporations (and partnerships with corporate partners) generally may not use the cash method of accounting if their average annual gross receipts exceed $5 million. An exception to this $5 million rule is provided for qualified personal service corporations. A qualified personal service corporation is a corporation (1) substantially all of whose activities involve the performance of services in the fields of health, law, engineering, architecture, accounting, actuarial science, performing arts or consulting and (2) substantially all of the stock of which is owned by current or former employees performing such services, their estates or heirs. Qualified personal service corporations are allowed to use the cash method without regard to whether their average annual gross receipts exceed $5 million.

EXPLANATION OF PROVISION

The provision provides that the non-accrual experience method of accounting will be available only for amounts to be received for the performance of qualified personal services. Amounts to be received for all other services will be subject to the general rule regarding inclusion in income. Qualified personal services are personal services in the fields of health, law, engineering, architecture, accounting, actuarial science, performing arts or consulting. As under present law, the availability of this method is conditioned on the taxpayer not charging interest or a penalty for failure to timely pay the amount charged.

It is believed that the formula contained in Temp. Reg. Section 1.448–2T does not clearly reflect the amount of income that, based on experience, will not be collected for many qualified personal services providers, especially for those where significant time elapses between the rendering of the service and a final determination that the account will not be collected. Providers of qualified personal services should not be subject to a formula that requires the payment of taxes on receivables that will not be collected. It is intended that the Secretary of the Treasury be directed to amend the temporary regulations to provide a more accurate determination for such qualified personal service providers of amounts to be excluded from income that, based on the taxpayer's experience, will not be collected. In amending such regulations, the Secretary of the Treasury should consider providing flexibility with respect to any formula used to compute the amount of the exclusion, to address the different factual situations of taxpayers.

EFFECTIVE DATE

The provision is effective for taxable years ending after date of enactment. Any change in the taxpayer's method of accounting necessitated as a result of the provision are treated as a voluntary change initiated by the taxpayer with the consent of the Secretary of the Treasury. Any required section 481(a) adjustment is to be taken into account over a period not to exceed four years under principles consistent with those in Rev. Proc. 98–60.

B. Repeal of Section 1706 of the Tax Reform Act of 1986 (Sec. 702 of the Bill)

PRESENT LAW

Under present law, determination of whether a worker is an employee or independent contractor is generally made under a common-law test. Section 530 of the Revenue Act of 1978 provides safe harbors under which a service recipient may treat a worker as an independent contractor for employment tax purposes (regardless of their status under the common-law test) if certain requirements are satisfied. One of the requirements of safe-harbor relief under section 530 is that the taxpayer (or a predecessor) must not have treated any worker holding a substantially similar position as an employee for purposes of employment taxes for any period after 1977. In determining whether workers hold substantially similar positions, one of the factors that is to be taken into account is the relationship of the parties, including the degree of supervision and control of the worker by the taxpayer.

Under section 1706 of the Tax Reform Act of 1986, section 530 safe-harbor relief does not apply to certain technical services personnel.

EXPLANATION OF PROVISION

The bill repeals section 1706 of the Tax Reform Act of 1986. Thus, section 530 safe-harbor relief is available with respect to workers covered by section 1706, if the requirements of the safe harbor are otherwise satisfied. The bill does not repeal the consistency requirement with respect to workers covered by section 1706.

EFFECTIVE DATE

The bill is effective for periods beginning after the date of enactment.

C. Expansion of Exemption From Personal Holding Company Tax for Lending or Finance Business Companies (Sec. 703 of the Bill and Section 542 of the Code)

PRESENT LAW

Personal holding companies ("PHC") are subject to a 39.6 percent tax on undistributed PHC income. This tax can be avoided by distributing the income to shareholders, who then pay shareholder level tax. PHCs are closely held companies with at least 60 percent "personal holding company income"

("PHCI"). This is generally passive income, including interest, dividends, and rents. Certain rent is excluded from the definition, if rent is at least 50 percent of the adjusted ordinary gross income of the company and other undistributed PHCI does not exceed 10 percent of the adjusted ordinary gross income.

In the case of a group of corporations filing a consolidated return, with certain exceptions, the application of the PHC tax to the group and any member thereof is generally determined on the basis of consolidated income and consolidated PHCI. If any member of the group is excluded from the definition of a PHC under certain provisions (including one for certain lending or finance businesses), then each other member of the group is tested separately for PHC status.

A special rule of present law excludes a lending or finance business from the definition of a PHC if certain requirements are met. At least 60 percent of its income must come from the active conduct of a lending or finance business, and no more than 20 percent of its adjusted gross income may be from certain other PHCI. A lending or finance business does not include a business of making loans longer than 144 months (12 years). Also, the deductions attributable to this active lending or finance business (but not including interest expense) must be at least 5 percent of income over $500,000 (plus 15 percent of income under that amount).

EXPLANATION OF PROVISION

The provision modifies the personal holding company exclusion for lending or finance companies to provide that, in determining whether a member of an affiliated group (as defined in section 1504(a)(1)) filing a consolidated return is a lending or finance company, only corporations engaged in a lending or finance business are taken into account, and all such companies are aggregated for purposes of this determination. The effect of this rule is to treat a corporation as a lending or finance company if all companies engaged in a lending or finance business in the affiliated group, in the aggregate, satisfy the requirements of the exclusion.

The provision also repeals the business expense requirement and the limitation on the maturity of loans made by a lending or finance business.

The provision also broadens the definition of a lending or finance business to include providing financial or investment advisory services, as well as engaging in leasing, including entering into leases and/or purchasing, servicing, and/or disposing of leases and leased assets.

Rents that are not derived from the active and regular conduct of a lending or finance business would continue to be treated under the present law personal holding company income rules.

EFFECTIVE DATE

The provision is effective for taxable years beginning after December 31, 2000.

D. CHARITABLE CONTRIBUTION DEDUCTION FOR CERTAIN EXPENSES INCURRED IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING (SEC. 704 OF THE BILL AND SEC. 170 OF THE CODE)

PRESENT LAW

In computing taxable income, individuals who do not elect the standard deduction may claim itemized deductions, including a deduction (subject to certain limitations) for charitable contributions or gifts made during the taxable year to a qualified charitable organization or governmental entity (sec. 170). Individuals who elect the standard deduction may not claim a deduction for charitable contributions made during the taxable year.

No charitable contribution deduction is allowed for a contribution of services. However, unreimbursed expenditures made incident to the rendition of services to an organization, contributions to which are deductible, may constitute a deductible contribution (Treas. Reg. sec. 1.170A-1(g)). Specifically, section 170(j) provides that no charitable contribution deduction is allowed for traveling expenses (including amounts expended for meals and lodging) while away from home, whether paid directly or by reimbursement, unless there is no significant element of personal pleasure, recreation, or vacation in such travel.

EXPLANATION OF PROVISION

The bill allows individuals to claim a deduction under section 170 not exceeding $7,500 per taxable year for certain expenses incurred in carrying out sanctioned whaling activities. The deduction is available only to an individual who is recognized by the Alaska Eskimo Whaling Commission as a whaling captain charged with the responsibility of maintaining and carrying out sanctioned whaling activities. The deduction is available for reasonable and necessary expenses paid by the taxpayer during the taxable year for (1) the acquisition and maintenance of whaling boats, weapons, and gear used in sanctioned whaling activities, (2) the supplying of food for the crew and other provisions for carrying out such activities, and (3) storage and distribution of the catch from such activities.

For purposes of the provision, the term "sanctioned whaling activities" means subsistence bowhead whale hunting activities conducted pursuant to the management plan of the Alaska Eskimo Whaling Commission.

EFFECTIVE DATE

The provision is effective for taxable years ending after December 31, 2000.

E. TREATMENT OF PURCHASE OF STRUCTURED SETTLEMENTS (SEC. 705 OF THE BILL AND NEW SEC. 5891 OF THE CODE)

PRESENT LAW

Present law provides tax-favored treatment for structured settlement arrangements for the payment of damages on account of personal injury or sickness.

Under present law, an exclusion from gross income is provided for amounts received for agreeing to a qualified assignment to the extent that the amount received does not exceed the aggregate cost of any qualified funding asset (sec. 130). A qualified assignment means any assignment of a liability to make periodic payments as damages (whether by suit or agreement) on account of a personal injury or sickness (in a case involving physical injury or physical sickness), provided the liability is assumed from a person who is a party to the suit or agreement, and the terms of the assignment satisfy certain requirements. Generally, these requirements are that (1) the periodic payments are fixed as to amount and time; (2) the payments cannot be accelerated, deferred, increased, or decreased by the recipient; (3) the assignee's obligation is no greater than that of the assignor; and (4) the payments are excludable by the recipient under section 104(a)(2) as damages on account of personal injuries or sickness.

A qualified funding asset means an annuity contract issued by an insurance company licensed in the U.S., or any obligation of the United States, provided the annuity contract or obligation meets statutory requirements. An annuity that is a qualified funding asset is not subject to the rule requiring current inclusion of the income on the contract which generally applies to annuity contract holders that are not natural persons (e.g., corporations) (sec. 72(u)(3)(C)). In addition, when the payments on the annuity are received by the structured settlement company and included in income, the company generally may deduct the corresponding payments to the injured person, who, in turn, excludes the payments from his or her income (sec. 104). Thus, neither the amount received for agreeing to the qualified assignment of the liability to pay damages, nor the income on the annuity that funds the liability to pay damages, generally is subject to tax.

The exclusion for recipients of the periodic payments received under a structured settlement arrangement as damages for personal physical injuries or physical sickness can be contrasted with the treatment of investment earnings that are not paid as damages. If a recipient of damages chooses to receive a lump sum payment (excludable from income under sec. 104), and then to invest it himself, generally the earnings on the investment are includable in income. For example, if the recipient uses the lump sum to purchase an annuity contract providing for periodic payments, then a portion of each payment under the annuity contract is includable in income, and the balance is excludable under present-law rules based on the ratio of the individual's investment in the contract to the expected return on the contract (sec. 72(b)).

Present law provides that the payments to the injured person under the qualified assignment cannot be accelerated, deferred, increased, or decreased by the recipient. Consistent with these requirements, it is understood that contracts under structured settlement arrangements generally contain anti-assignment clauses. It is understood, however, that injured persons may nonetheless be willing to accept discounted lump sum payments from certain "factoring" companies in exchange for their payment streams. The tax effect on the parties of these transactions may not be completely clear under present law.

EXPLANATION OF PROVISION

The provision generally imposes an excise tax on any person acquiring a payment stream under a structured settlement arrangement. The amount of the excise tax is 40 percent of the excess of (1) the undiscounted amount of the payment stream acquired, over (2) the total amount actually paid.

The 40 percent excise tax does not apply, however, if the transfer is approved in advance in a final court order (or order of the responsible administrative authority) that finds: (1) that the transaction does not contravene any Federal or State statute or the order of any court or responsible administrative authority; and (2) is in the best interest of the payee, taking into account the welfare and support of the payee's dependents. Rules are provided for determining the applicable State statute.

The provision also provides that the acquisition transaction does not affect the application of certain present-law rules, if those rules were satisfied at the time the structured settlement was entered into. The rules are section 130 (relating to an exclusion from gross income for personal injury liability assignments), section 72 (relating to annuities), sections 104(a)(1) and (2) (relating to an exclusion for amounts received under workers' compensation acts and for damages on account of personal physical injuries or physical sickness), and section 461(h) (relating to the time of economic performance in determining the taxable year of a deduction).

EFFECTIVE DATE

The provision generally is effective for acquisition transactions entered into on or after 30 days following enactment. A transition rule applies during the period from that date to July 1, 2002. If no applicable State law (relating to the best interest of the payee) applies to a transfer during that period, then the exception from the 40 percent excise tax is available without the otherwise required court (or administrative) order, provided certain disclosure requirements are met. Under the transition rule, the person acquiring the structured settlement payments is required to disclose in advance to the payee: (1) the amounts and due dates of the payments to be transferred; (2) the aggregate amount to be transferred; (3) the consideration to be received by the payee; (4) the discounted present value of the transferred payments; and (5) the expenses to be paid by the payee or deducted from the payee's proceeds.

The provision providing that the acquisition transaction does not affect the application of certain present-law rules is effective for transactions entered into before, on, or after the 30th day following enactment.

By Mr. DOMENICI:

S. 3153. A bill to authorize the Secretary of the Air force to convey certain excess personal property of the Air force to Roosevelt General Hospital, Portales, New Mexico; to the Committee on Armed Services.

CONVEYANCE OF AIR FORCE PROPERTY TO ROOSEVELT GENERAL HOSPITAL, PORTALES, NEW MEXICO

Mr. DOMENICI. Mr. President, I rise today to introduce legislation of importance to military members serving at Cannon Air Force Base and the community serving that Air Force Base. This bill would allow the Secretary of the Air Force to convey hospital equipment from a closed hospital facility at Cannon to a new public hospital in Portales, New Mexico.

This is another win-win possibility for the local Air Force personnel and the surrounding community. The hospital at Cannon Air Force Base was closed several years ago. However, the equipment remains at that facility and has been collecting dust since the facility's closure.

A new, state-of-the-art hospital is now being built to serve Roosevelt County citizens. While the County has taken tremendous strides towards establishing a first-rate hospital, excess equipment from the Air Force Base would help ameliorate immediate costs of fully equipping the new hospital. In addition, service members and their families who reside in Portales will certainly make use of the new hospital facility in their area.

The Wing Commander and Medical Commander at Cannon Air Force Base agree that this is a beneficial arrangement. They have met with local community leaders and civilian hospital administrators to carefully review what equipment from the closed Air Force facility should be transferred to the new community hospital. Everyone agrees that this is a positive action to strengthen relations and provide better medical care for both civilian and military community members.

Mr. President, the Air Force is striving to explore novel, beneficial arrangements with local civilian communities to provide medical care for its personnel. This bill, which is entirely discretionary, but would expedite the process, is an easy, common sense approach to achieving that goal. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF AIR FORCE PROPERTY TO ROOSEVELT GENERAL HOSPITAL, PORTALES, NEW MEXICO.

(a) AUTHORITY.—The Secretary of the Air Force is authorized to convey to the Roosevelt General Hospital, Portales, New Mexico, without consideration, and without regard to title II of the Federal Property and Administrative Services Act of 1949, all right, title, and interest of the United States in any personal property of the Air Force that the Secretary determines—

(1) is appropriate for use by the Roosevelt General Hospital in the operation of that hospital; and

(2) is excess to the needs of the Air Force.

(b) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with any conveyance under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

Mr. MOYNIHAN (for himself and Mr. SCHUMER):

S. 3154. A bill to establish the Erie Canalway National Heritage Corridor in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

ERIE CANAL NATIONAL HERITAGE CORRIDOR

Mr. MOYNIHAN. Mr. President, in April, 1808, Secretary of the Treasury Albert Gallatin proposed to the Senate a national system of roads and canals, an idea feasible because payment of the National debt was within reach. It was a time for thinking big. A canal between the Hudson River and Lake Erie was one of his recommendations. As assemblyman from Onondaga County, Joshua Forman, traveled to Washington to tell President Jefferson that New York was ready to proceed with a canal 350 miles through the wilderness. Jefferson said ". . . it is little short of madness to think of it at this day," and later wrote that New York had anticipated by a full century the means to build such a waterway.

New York proceeded on its own. Seventeen years and $7,143,789 later we had our canal, the Erie Canal. Towns sprang up along the way, often at the locks, and prospered. Lockport, Spencerport, Fairport, Macedon, Utica, Canajoharie, Scotia. Then the railroads came, and some could not maintain that prosperity. The canal was rebuilt and enlarged between 1835 and 1862 to accommodate larger vessels. At the turn of the 20th century much of the original channel was abandoned and a new one was created by greatly altering natural waterways. This canal system continued to support considerable freight traffic until the opening of the St. Lawrence Seaway in 1959.

Today many segments and fragments of the original canal still exist across the state, as do examples of the first expansion in the 1830s. Together they show us one of the first great public works projects in this country, the means by which many thousands of settlers moved west and many tons of food and raw materials moved east. The Erie Canal created the first effective means of interstate commerce in the nation and realigned the relationship among regions. In conjunction with the Hudson River it fueled the growth of New York City. Put simple, New York would not have become the Empire State without it.

The canal today is primarily a recreational resource. Thanks to the Great Lakes Water Quality Agreement of 1972, the water flowing out of Lake Erie is much cleaner than it once was, making boating and recreation along the canal much more enjoyable. Today my colleague Senator SCHUMER and I are introducing a bill that would establish the Erie Canalway National Heritage Corridor. The National Park Service conducted a special resource study and found that the canal system "contains resources and represents themes that are of national significance." Moreover, "no single unit (of the Park Service) now exists that can offer as complete a portrait of the development of the United States from the last part of the 18th through the early 20th centuries."

This designation would provide Park Service resources and some funding that would help improve education, historic preservation, open space protection, and trail development along the canal corridor. I believe it would be a great benefit for those cities, towns, and residents along the canal system. I also believe no other corridor deserves this designation as much. I ask my colleagues for their support, and I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Erie Canalway National Heritage Corridor Act of 2000".

(b) DEFINITIONS.—For the purposes of this Act, the following definitions shall apply:

(1) ERIE CANALWAY.—The term "Erie Canalway" shall mean the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga and Seneca, Oswego and Champlain canals, as well as, the historic alignments of these canals including the cities of Albany and Buffalo.

(2) CANALWAY PLAN.—The term "Canalway Plan" shall mean the comprehensive preservation and management plan for the Corridor required under section 6.

(3) COMMISSION.—The term "Commission" shall mean the Erie Canalway National Heritage Corridor Commission established under section 4.

(4) CORRIDOR.—The term "Corridor" shall mean the Erie Canalway National Heritage Corridor established under section 3.

(5) GOVERNOR.—The term "Governor" shall mean the Governor of the State of New York.

(6) SECRETARY.—The term "Secretary" shall mean the Secretary of the Interior.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the year 2000 marks the 175th Anniversary of New York State's creation and stewardship of the Erie Canalway for commerce, transportation and recreational purposes, establishing the network which made New York the "Empire State" and the Nation's premier commercial and financial center;

(2) the canals and adjacent areas that comprise the Erie Canalway are a nationally significant resource of historic and recreational value, which merit Federal recognition and assistance;

(3) the Erie Canalway was instrumental in the establishment of strong political and cultural ties between New England, upstate New York and the old Northwest and facilitated the movement of ideas and people ensuring that social reforms like the abolition of slavery and the women's rights movement spread across upstate New York to the rest of the country;

(4) the construction of the Erie Canalway was considered a supreme engineering feat, and most American canals were modeled after New York State's canal;

(5) at the time of construction, the Erie Canalway was the largest public works project ever undertaken by a state, resulting in the creation of critical transportation and commercial routes to transport passengers and goods;

(6) the Erie Canalway played a key role in turning New York City into a major port and New York State into the preeminent center for commerce, industry, and finance in North America and provided a permanent commercial link between the Port of New York and the cities of eastern Canada, a cornerstone of the peaceful relationship between the two countries;

(7) the Erie Canalway proved the depth and force of American ingenuity, solidified a national identity, and found an enduring place in American legend, song, and art;

(8) there is national interest in the preservation and interpretation of the Erie Canalway's important historical, natural, cultural, and scenic resources; and

(9) partnerships among Federal, State, and local governments and their regional entities, nonprofit organizations, and the private sector offer the most effective opportunities for the preservation and interpretation of the Erie Canalway.

(b) PURPOSES.—The purposes of this Act are—

(1) to designate the Erie Canalway National Heritage Corridor;

(2) to provide for and assist in the identification, preservation, promotion, maintenance and interpretation of the historical, natural, cultural, scenic, and recreational resources of the Erie Canalway in ways that reflect its national significance for the benefit of current and future generations;

(3) to promote and provide access to the Erie Canalway's historical, natural, cultural, scenic and recreational resources;

(4) to provide a framework to assist the State of New York, its units of local government, and the communities within the Erie Canalway in the development of integrated cultural, historical, recreational, economic, and community development programs in order to enhance and interpret the unique and nationally significant resources of the Erie Canalway; and

(5) to authorize Federal financial and technical assistance to the Commission to serve these purposes for the benefit of the people of the State of New York and the nation.

SEC. 3. THE ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—To carry out the purposes of this act there is established the Erie Canalway National Heritage Corridor in the State of New York.

(b) BOUNDARIES.—The boundaries of the Corridor shall include those lands generally depicted on a map entitled "Boundaries of Canalway Communities" numbered ERCA and dated . This map shall be on file and available for public inspection in the appropriate office of the National Park Service, the office of the Commission, and the office of the New York State Canal Corporation in Albany, New York.

(c) BOUNDARY REVISIONS.—The boundaries of the Corridor may be revised by an amendment to this Act pursuant to the request of the Secretary upon approval of the Commission.

(d) OWNERSHIP AND OPERATION OF THE NEW YORK STATE CANAL SYSTEM.—Nothing in this Act shall be construed to alter the ownership, operation, or management of the New York State Canal System.

SEC. 4. THE ERIE CANALWAY NATIONAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is established the Erie Canalway National Heritage Corridor Commission. The purpose of the Commission shall be—

(1) to work with Federal, State and local authorities to develop and implement the Canalway Plan; and

(2) to foster the integration of canal-related historical, cultural, recreational, scenic, economic and community development initiatives within the Corridor.

(b) MEMBERSHIP.—The Commission shall be composed of 27 members as follows:

(1) The Secretary of the Interior, ex-officio or his/her designee.

(2) Seven members, each of whom represents 1 of the following agencies or those agencies' successors: The New York State Secretary of State, the Commissioners of the New York State Department of Environmental Conservation, the New York State Office of Parks, Recreation and Historic Preservation, the New York State Department of Agriculture and Markets, the New York State Department of Transportation, and the Chairpersons of the New York State Canal Corporation, and the Empire State Development Corporation; or their respective designees.

(3) The remaining 19 members who reside within the Corridor and are geographically dispersed throughout the Corridor shall be from local governments and the private sector with knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resource management, conservation, recreation, and education or museum services. These members will be appointed by the Governor no later than 6 months after the date of enactment of this Act as follows:

(A) Ten members based on a recommendation from each member of the United States House of Representatives whose district shall encompass the Corridor. Each shall be a resident of the district from which they shall be recommended.

(B) Two members based on a recommendation from each United States Senator from New York State.

(C) Seven members who shall be residents of any county constituting the Corridor. One such member shall be a member of the Canal Recreationway Commission other than an ex-officio member.

(c) APPOINTMENTS AND VACANCIES.—Members of the Commission other than ex-officio members shall be appointed for terms of 3 years. Of the original appointments, six shall be for a term of one year, six shall be for a term of two years and seven shall be for a term of three years. Any member of the Commission appointed for a definite term may serve after expiration of the term until the successor of the member is appointed. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(d) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission. Members of the Commission, other than employees of the State and Canal Corporation, while away from their homes or regular places of business to perform services for the Commission, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in government service are allowed under section 5703 of title 5, United States Code.

(e) ELECTION OF OFFICES.—The Commission shall elect the chairperson and the vice chairperson on an annual basis. The vice chairperson shall serve as the chairperson in the absence of the chairperson.

(f) QUORUM AND VOTING.—Fourteen members of the Commission shall constitute a quorum but a lesser number may hold hearings. Any member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, however, any member voting by proxy shall not be considered present for purposes of establishing a quorum. For the transaction of any business or the exercise of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.

(g) MEETINGS.—The Commission shall meet at least quarterly at the call of the chairperson or 14 of its members. Notice of Commission meetings and agendas for the meetings shall be published in local newspapers throughout the Corridor. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

(h) POWERS OF THE COMMISSION.—To the extent that Federal funds are appropriated, the Commission is authorized—

(1) to procure temporary and intermittent services and administrative facilities at

rates determined to be reasonable by the Commission to carry out the responsibilities of the Commission;

(2) to request and accept the services of personnel detailed from the State of New York or any political subdivision, and to reimburse the State or political subdivision for such services;

(3) to request and accept the services of any Federal agency personnel, and to reimburse the Federal agency for such services;

(4) to appoint and fix the compensation of staff to carry out its duties;

(5) to enter into cooperative agreements with the State of New York, with any political subdivision of the State, or any person for the purposes of carrying out the duties of the Commission;

(6) to make grants to assist in the preparation and implementation of the Canalway Plan;

(7) to seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services, received from any source; ❙For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift to the Commission shall be deemed to be a gift to the United States.❙

(8) to assist others in developing educational, informational, and interpretive programs and facilities, and other such activities that may promote the implementation of the Canalway Plan;

(9) to hold hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may consider appropriate; ❙The Commission may not issue subpoenas or exercise any subpoena authority.❙

(10) to use the United States mails in the same manner as other departments or agencies of the United States;

(11) to request and receive from the Administrator of General Services, on a reimbursable basis, such administrative support services as the Commission may request; and

(12) to establish such advisory groups as the Commission deems necessary.

(i) Acquisition of Property.—Except as provided for leasing administrative facilities under subsection (h)(1), the Commission may not acquire any real property or interest in real property.

(j) Termination.—The Commission and this Act shall terminate on the day occurring 10 years after the date of the enactment of this Act.

SEC. 5. DUTIES OF THE COMMISSION.

(a) Preparation of Canalway Plan.—Not later than 3 years after the Commission receives Federal funding for this purpose, the Commission shall prepare and submit a comprehensive preservation and management Canalway Plan for the Corridor to the Secretary and the Governor for review and approval. In addition to the requirements outlined for the Canalway Plan in section 6, the Canalway Plan shall incorporate and integrate existing Federal, State, and local plans to the extent appropriate regarding historic preservation, conservation, education and interpretation, community development, and tourism-related economic development for the Corridor that are consistent with the purposes of this Act. The Commission shall solicit public comment on the development of the Canalway Plan.

(b) Implementation of Canalway Plan.—After the Commission receives Federal funding for this purpose, and after review and upon approval of the Canalway Plan by the Secretary and the Governor, the Commission shall—

(1) undertake actions to implement the Canalway Plan so as to assist the people of the State of New York in enhancing and interpreting the historical, cultural, educational, natural, scenic, and recreational potential of the Corridor identified in the Canalway Plan; and

(2) support public and private efforts in conservation and preservation of the Canalway's cultural and natural resources and economic revitalization consistent with the goals of the Canalway Plan.

(c) Priority Actions.—Priority actions which may be carried out by the Commission under subsection (b) may include—

(1) assisting in the appropriate preservation treatment of the remaining elements of the original Erie Canal;

(2) assisting the National Park Service, the State, and local governments, and nonprofit organizations in designing, establishing and maintaining visitor centers, museums, and other interpretive exhibits in the Corridor;

(3) assisting in the public awareness and appreciation for the historic, cultural, natural, scenic, and recreational resources and sites in the Corridor;

(4) assisting the State of New York, local governments, and nonprofit organizations in the preservation and restoration of any historic building, site, or district in the Corridor;

(5) encouraging, by appropriate means, enhanced economic development in the Corridor consistent with the goals of the Canalway Plan and the purposes of this Act; and

(6) ensuring that clear, consistent signs identifying access points and sites of interest are put in place in the Corridor.

(c) Annual Reports and Audits.—For any year in which Federal funds have been received under this Act, the Commission shall submit an annual report and shall make available an audit of all relevant records to the Governor and the Secretary identifying its expenses and any income, the entities to which any grants or technical assistance were made during the year for which the report was made, and contributions by other parties toward achieving Corridor purposes.

SEC. 6. CANALWAY PLAN.

(a) Canalway Plan Requirements.—The Canalway Plan shall—

(1) include a review of existing plans for the Corridor, including the Canal Recreationway Plan and Canal Revitalization Program, and incorporate them to the extent feasible to ensure consistency with local, regional and state planning efforts;

(2) provide a strategy for the thematic inventory, survey, and evaluation of historic properties that should be conserved, restored, developed, or maintained because of their natural, cultural, or historic significance within the Corridor in accordance with the regulations for the National Register of Historic Places;

(3) identify public and private-sector preservation goals and strategies for the Corridor;

(4) include a comprehensive interpretive plan that identifies, develops, supports, and enhances interpretation and education programs within the Corridor that may include—

(A) research related to the construction and history of the canals and the cultural heritage of the canal workers, their families, those that traveled along the canals, the associated farming activities, the landscape, and the communities;

(B) documentation of and methods to support the perpetuation of music, art, poetry, literature and folkways associated with the canals; and

(C) educational and interpretative programs related to the Erie Canalway developed in cooperation with State and local governments, educational institutions, and non-profit institutions;

(5) include a strategy to further the recreational development of the Corridor that will enable users to uniquely experience the canal system;

(6) propose programs to protect, interpret and promote the Corridor's historical, cultural, recreational, educational, scenic and natural resources;

(7) include a plan to inventory canal related natural, cultural and historic sites and resources located in the Area;

(8) recommend Federal, State, and local strategies and policies to support economic development, especially tourism-related development and recreation, consistent with the purposes of the Corridor;

(9) develop criteria and priorities for financial preservation assistance;

(10) identify and foster strong cooperative relationships between the National Park Service, the New York State Canal Corporation, other Federal and State agencies, and non-governmental organizations;

(11) recommend specific areas to the National Park Service for development of interpretive, educational, and technical assistance centers associated with the Corridor; and

(12) contain a program for implementation of the Canalway Plan by all necessary parties.

(b) Approval of the Canalway Plan.—The Secretary and the Governor shall approve or disapprove the Canalway Plan not later than 90 days after receiving the Canalway Plan.

(c) Disapproval of Canalway Plan.—If the Secretary or the Governor do not approve the Canalway Plan, the Secretary or the Governor shall advise the Commission in writing within 90 days the reasons therefor and shall indicate any recommendations for revisions. Following completion of any necessary revisions of the Canalway Plan, the Secretary and the Governor shall have 90 days to either approve or disapprove of the revised Canalway Plan.

(d) Amendments to Canalway Plan.—The Secretary and the Governor shall review substantial amendments to the Canalway Plan. Funds appropriated pursuant to this Act may not be expended to implement the changes made by such amendments until the Secretary and the Governor approves the amendments.

SEC. 7. DUTIES OF THE SECRETARY.

(a) In General.—The Secretary is authorized to assist the Commission in the preparation of the Canalway Plan with a focus on the comprehensive interpretive plan as required under section 6(a)(4).

(b) Technical Assistance.—Pursuant to an approved Canalway Plan, the Secretary is authorized to enter into cooperative agreements with, provide technical assistance to and award grants to the Commission to provide for the preservation and interpretation of the natural, cultural, historical, recreational, and scenic resources of the Corridor.

(c) Early Actions.—After the date of the enactment of this Act, but prior to approval of the Canalway Plan, with the approval of the Commission, the Secretary may provide technical and financial assistance for early actions that are important to the purposes of this Act and that protect and preserve resources and to undertake an educational and interpretive program of the story and history of the Erie Canalway.

(d) CANALWAY PLAN IMPLEMENTATION.—Upon approval of the Canalway Plan, the Secretary is authorized to implement those activities that the Canalway Plan has identified that are the responsibility of the Secretary or agent of the Secretary to undertake in the implementation of the Canalway Plan.

(e) DETAIL.—Each fiscal year during the existence of the Commission and upon the request of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties with regard to the preparation and approval of the Canalway Plan. Such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(f) REPORT.—Not later than 2 years after the approval of the Canalway Plan, the Secretary shall submit to Congress a report recommending whether the educational/interpretive sites identified by the Commission meet the criteria for designation as a unit of the National Park System as required by Public Law 105-391 (112 Stat. 3501; 16 U.S.C.1a-5 note).

SEC. 9. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting any activity directly affecting the Corridor, and any unit of government acting pursuant to a grant of Federal funds or a Federal permit or agreement conducting or supporting such activities, may—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this Act and coordinate such activities with the carrying out of such duties; and

(3) conduct or support such activities in a manner consistent with the Canalway Plan unless the Federal entity, after consultation with the Secretary and the Commission, determines there is no practicable alternative.

SEC. 10. SAVINGS PROVISIONS.

(a) AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to regulate any use of land as provided for by law or regulation.

(b) ZONING OR LAND.—Nothing in this Act shall be construed to grant powers of zoning or land use to the Commission.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY.—Nothing in this Act shall be construed to affect or to authorize the Commission to interfere with—

(1) the rights of any person with respect to private property;

(2) any local zoning ordinance or land use plan of the State of New York or political subdivision thereof; or

(3) any State or local canal related development plans including but not limited to the Canal Recreationway Plan and the Canal Revitalization Program.

(d) FISH AND WILDLIFE.—The designation of the Corridor shall not diminish the authority of the State of New York to manage fish and wildlife, including the regulation of fishing and hunting within the Corridor.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—

(1) CORRIDOR.—There is authorized to be appropriated for the Corridor not more than $1,000,000 for any fiscal year, to remain available until expended. Not more than a total of $10,000,000 may be appropriated for the Corridor under this Act.

(2) COMMISSION.—Additionally, there is authorized to be appropriated to the Commission not more than $250,000 annually to carry out the duties of the Commission.

(b) OTHER FUNDING.—In addition to the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary of the Interior such sums as are necessary for the Secretary to undertake interim actions the Secretary is authorized to undertake and that are necessary for the Secretary of the Interior to implement the responsibilities of the Department of the Interior outlined in the Canalway Plan.

By Mr. LAUTENBERG:

S. 3155. A bill to authorize the President to award a gold medal on behalf of the Congress to Oskar Schindler and Varian Fry in recognition of their contributions to the Nation and humanity; to the Committee on Banking, Housing, and Urban Affairs.

HONORING OSKAR SCHINDLER AND VARIAN FRY WITH CONGRESSIONAL GOLD MEDALS

Mr. LAUTENBERG. Mr. President, I am pleased to submit a resolution honoring Oskar Schindler and Varian Fry, two individuals to whom approximately 3,200 individuals owe their lives and the world owes a tremendous debt of gratitude.

The tragedy of the Holocaust, which claimed the lives of more than 13 million people, will forever stand as a painful reminder of the frailty and value of human life. During this dark hour of history, two remarkable individuals among many other heroes, Oskar Schindler and Varian Fry, overcame difficult and dangerous circumstances and risked their lives to save their fellow human beings.

The deeds of Oskar Schindler, a German factory owner immortalized by such authors as Thomas Keneally and film maker Steven Spielberg, have inspired millions of people around the world. During the Nazi occupation of Poland, Mr. Schindler put his life on the line and demonstrated that one person truly can make a world of difference. Mr. Schindler acquired an enamelware factory in Zablocie, on the outskirts of Krakow. The factory, which produced mess kits and field kitchenware for the Nazi army, was staffed by Jews drawn from the Krakow ghetto. When the Jews of Krakow were transferred to the Plaszow concentration camp, Schindler arranged for his workers to be housed at the factory. After the factory was disbanded and the workers sent to the camp, Schindler used his connections and personal fortune to secure their release and transfer.

Through his cunning and perseverance in the face of adversity, Oskar Schindler succeeded in saving the lives of over 1,200 Jews. One of the individuals whom Schindler saved was Abraham Zuckerman, a constituent of mine and a great American in his own right. Mr. Zuckerman knows perhaps better than anyone else what a heroic individual Oskar Schindler was. As a builder, Mr. Zuckerman, along with other Schindler survivors, have honored Oskar Schindler with over 20 Schindler Courts, Terraces and Plazas throughout New Jersey.

Oskar Schindler was named a "Righteous Gentile" by Yad Vashem, the Israeli Holocaust Remembrance Authority, on April 28, 1962. Today, over 6,000 descendants of the Jews saved by Schindler live in the United States and Europe. I think it is high time that the United States government officially recognize Oskar Schindler's incredible contribution to humanity. Awarding him the Congressional Gold Medal is a fitting way to pay tribute to a man who touched the lives of so many people from all over the world.

Another remarkable individual who overcame adversity and acted with extraordinary courage is Varian Fry, an American editor from New York. During World War II, Mr. Fry volunteered to travel to Nazi-occupied Marseilles, France, where he helped form the Emergency Rescue Committee. Working with a small group of associates, Mr. Fry offered assistance to Jews and antifascist refugees threatened with extradition to Nazi Germany under the "Surrender on Demand" clause of the Franco-German Armistice.

Varian Fry was instrumental in the rescue of approximately 2,000 individuals, including artists Marc Chaggal, Andre Breton and Max Ernst. Mr. Fry was the first American to be awarded the "Certificate of Honor" and the "Righteous among Nations" medal by Yad Vashem in 1996. The United States Holocaust Memorial Council honored Mr. Fry with its highest honor, the Eisenhower Liberation Medal in 1991. He has also been awarded France's top civilian honor, the "Croix de Chevalier de la Legion d'Honneur." Yet sadly, Varian Fry's heroism and bravery have yet to be officially recognized by the American government.

Mr. President, the Talmud states that, "Whoever saves a single life saves the world entire." As we are left to wonder and mourn what the world has lost in the lives of those who perished during the Holocaust, we rejoice in the company and contributions of their survivors. We are enriched not only by the presence of the survivors, but by the example that Oskar Schindler and Varian Fry set for all of Humanity. Their actions are a testament to the ability of all people to act righteously and courageously even under the worst of circumstances.

The heroic deeds of Oskar Schindler and Varian Fry are sterling examples of heroism and humanitarianism. It is time the United States government recognize and pay tribute to these men and the noble deeds they performed. Oskar Schindler and Varian Fry are highly deserving of the Congressional Gold Medal. I sincerely hope that the 106th Congress will take up and pass this resolution.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) More than 13,000,000 people were killed during the Holocaust, including Jews, Gypsies, Slavs (Poles, Ukrainians, and Belorussians), homosexuals, and the disabled—each exterminated because Adolf Hitler viewed them as "subhuman" to the Aryan race.

(2) Nazi persecution, arrests, and deportations were directed against all Jewish families, as well as many others, without concern for age. Innocent men, women, and children faced starvation, illness, brutal labor, and other indignities until they were consigned to the gas chambers.

(3) When Germany invaded Poland in 1939, destruction began immediately and in a merciless fashion. Jews were herded into crowded ghettos, randomly beaten, humiliated, and capriciously murdered. Jewish property and businesses were summarily destroyed, or appropriated by the SS, and sold to Nazi "investors", one of whom was Oskar Schindler.

(4) Oskar Schindler set up a business in an old enamel works factory in Poland. His workforce consisted of enslaved Jews from the Krakow Ghetto. Schindler learned of the horrible atrocities committed by Hitler's regime as he got to know some of the forced workers there. In response, he managed to convince the Nazis that his factory, and more importantly, its trained workers, were vital to the German war effort, thus preventing their deportation to death camps.

(5) Oskar Schindler used all of the means at his disposal to ensure the safety of those who worked in his factory. Even his wife Emilie's jewels were sold, to buy food, clothes, and medicine for the workers. A secret sanatorium was set up in the factory with medical equipment purchased on the black market. There, Emilie Schindler looked after the sick and wounded.

(6) Even though Oskar Schindler had a large mansion placed at his disposal close to the factory, he spent every night in his office so that he could intervene should the Gestapo pay a visit. He was detained by the Gestapo twice, but used his connections to get released.

(7) With his own life at stake, Schindler employed all his powers of persuasion. He bribed, fought, and begged to save Jewish men, women, and children from the gas chambers.

(8) Oskar Shindler saved the lives of 1,200 Jews from deportation to Nazi death camps.

(9) On April 28, 1962, Oskar Schindler was named a "Righteous Gentile" by Yad Vashem.

(10) Varian Fry, together with a small group of unlikely associates, succeeded in assisting nearly 2,000 artists, musicians, writers, scholars, politicians, labor leaders, and their families to leave hostile territories in France, either legally or illegally. This effort came to be called the "Emergency Rescue Committee".

(11) Varian Fry offered aid and advice to Jews and antifascist refugees who found themselves threatened with extradition to Nazi Germany under Article 19 of the Franco-German Armistice—the "Surrender on Demand clause".

(12) Though risking his personal security in the face of both Gestapo and Vichy officials, Fry did what was necessary to save as many of the refugees as possible.

(13) Varian Fry aided in the rescue of nearly 2,000 individuals, including artists Marc Chaggall, Andre Breton, and Max Ernst.

(14) The United States Holocaust Memorial Council awarded Varian Fry its highest honor, the Eisenhower Liberation Medal in 1991.

(15) In 1996, Yad Vashem posthumously honored Fry as the first American "Righteous Among the Nations", and the French government awarded him the Croix de Chevalier de la Legion d'Honneur.

(16) The actions of Oskar Schindler and Varian Fry serve as testimony to all people that even under the worst of circumstances, the most ordinary of us can act courageously.

(17) Oskar Schindler and Varian Fry are true heroes and humanitarians, deserving of honor by the United States Government.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized—

(1) to award to Oskar Schindler, posthumously, on behalf of Congress, a gold medal of appropriate design honoring Oskar Schindler in recognition of his contributions to the Nation; and

(2) to award to Varian Fry, posthumously, on behalf of Congress, a gold medal of appropriate design honoring Varian Fry in recognition of his contributions to the Nation.

(b) DESIGN AND STRIKING.—For purposes of the awards referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze, of the gold medals struck pursuant to section 2, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medals.

SEC. 4. STATUS AS NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. KENNEDY, Mr. WELLSTONE, Mr. DODD, Mr. MOYNIHAN, Mr. SCHUMER, Mr. KERRY, Mr. TORRICELLI, Mr. LEAHY, and Mr. REID):

S. 3156. A bill to amend the Endangered Species Act of 1973 to ensure the recovery of the declining biological diversity of the United States, to reaffirm and strengthen the commitment of the United States to protect wildlife, to safeguard the economic and ecological future of children of the United States, and to provide certainty to local governments, communities, and individuals in their planning and economic development efforts; to the Committee on Environment and Public Works.

ENDANGERED SPECIES RECOVERY ACT

Mr. LAUTENBERG. Mr. President, I rise to introduce the Endangered Species Recovery Act. The bill will update the original Endangered Species Act, provide tax and other incentives for landowners, and help increase the number of species that are recovered and taken off the protected list. The bill has been endorsed by the 380 conservation, religious, and scientific organizations that belong to the Endangered Species Coalition.

Public support for strong endangered species protection is high. Also, a majority of the nation's biologists are convinced that a mass extinction of plants and animals is underway. Some believe this loss of biological diversity will pose a major threat to humans in the coming century. At least one in 8 known plant species (which provide medical, commercial, and agricultural benefits) is threatened with extinction.

The bill I introduce today includes provisions that will help both landowners and the species themselves.

The bill incorporates tax proposals endorsed by both property-rights and conservation organizations. The bill establishes a tax exclusion for cost-sharing payments under the Partners for Fish and Wildlife Program, an enhanced deduction for the donation of a conservation easement, an exclusion from the estate tax for property subject to an Endangered Species Conservation Agreement, and an expansion of the estate tax exclusion for property subject to a conservation easement.

The bill significantly revises the Administration's current "No Surprises" policy, which allows private landowners to alter or destroy endangered species habitat under a long-term unmodifiable permit. The bill requires the best available science, invites more public participation, and requires adaptive management for development permit. The developer files a performance bond to cover the costs of all reasonably foreseeable circumstances (such as wildfires, plant diseases, and other natural events that can have devastating impacts on weakened populations of wildlife). Then a Habitat Conservation Plan Trust Fund is established to cover all other unforeseeable costs—a safety net for landowners and species—while allowing changes to the permit when needed to protect species.

The bill also encourages ecosystem planning on a regional basis, through multi-species, multi-landowner plans, which is essential since ecosystems do not run along political boundaries. The bill encourages cooperation between various levels of government and different jurisdictions, by allowing groups of private landowners to pool resources, and allowing local governments to administer habitat plans. The bill streamlines the permit process and establishes an Office of Technical Assistance. The bill also allows small landowners that have a minimal impact on endangered species to benefit from a quick and easy permit process and to receive planning assurances.

The bill clarifies the standards for approving federal actions that may impact endangered or threatened species. Under the existing law, pesticide application, river damming, forest clearcutting, and other habitat destruction are judged by their impact on the survival of imperiled wildlife. The bill requires that taxpayer-funded activities must not reduce the likelihood of recovery. In addition, the bill improves the chances for recovery by identifying specific management actions and biological criteria in recovery plans, placing deadlines on final recovery plans, and encouraging federal agencies to take preventative measures before a species becomes endangered.

The bill implements recommendations from the National Academy of Sciences on improving the scientific basis of important endangered species decisions. For unprotected species that means providing protection before population numbers are too low to recover. For listed species that means using independent scientists to peer review large-scale, multi-species habitat conservation plans. It also means asking biologists to set benchmarks and science-based conservation goals to better tell us what it will take to recover and eventually delist an imperiled species.

While federal actions already undergo review to ensure minimal impacts on endangered species, the bill requires that federal agencies also make efforts towards further recovery or to consider the cumulative impacts of their actions. The bill requires federal agencies to help plan for species recovery and then implement those plans within their jurisdictions. The bill also requires agencies to consider the impacts of their actions on imperiled species in other nations.

The bill expands public participation by requiring public notification when a federal activity may impact wildlife in a community. The bill also requires public participation in large-scale regional habitat planning. Local citizens may participate in the first steps of regional habitat planning, review relevant science, and work with developers to achieve the best possible plans. If those plans are not met, the bill allows citizens to require the government to take action.

The Endangered Species Recovery Act will protect the species and landowners alike. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES TO ENDANGERED SPECIES ACT OF 1973.

(a) SHORT TITLE.—This Act may be cited as the "Endangered Species Recovery Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references to Endangered Species Act of 1973.
Sec. 2. Findings.

TITLE I—ENDANGERED SPECIES RECOVERY

Sec. 101. Definitions.
Sec. 102. Designation of interim and critical habitat.
Sec. 103. Schedule for listing determinations.
Sec. 104. Contents of listing petitions.
Sec. 105. Recovery planning.
Sec. 106. Endangered species conservation agreements.
Sec. 107. Interagency cooperation.
Sec. 108. Permits and conservation plans.
Sec. 109. Citizen suits.
Sec. 110. Natural resource damage liability.
Sec. 111. Authorization of appropriations.

TITLE II—SPECIES CONSERVATION TAX INCENTIVES

Sec. 201. Tax exclusion for cost-sharing payments under Partners for Fish and Wildlife Program.
Sec. 202. Enhanced deduction for the donation of a conservation easement.
Sec. 203. Exclusion from estate tax for real property subject to endangered species conservation agreement.
Sec. 204. Expansion of estate tax exclusion for real property subject to qualified conservation easement.

(c) REFERENCES TO ENDANGERED SPECIES ACT OF 1973.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 2. FINDINGS.

Congress finds that—

(1) the American public recognizes the importance of protecting the natural environmental legacy of the United States;

(2) it is only through the protection of all species of plants and animals and the ecosystems on which the species depend that the people of the United States will conserve a world for our children with the spiritual, medicinal, agricultural, and economic benefits that plants and animals offer;

(3) we have a moral responsibility not to drive other species to extinction;

(4) we are rapidly proceeding in a manner that will deny to future generations a world of abundant, varied species;

(5) although the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) has prevented the extinction of many animal, plant, and fish species, many of those species have not fully recovered and that Act must ensure their long-term survival and recovery;

(6) Federal agencies and other persons should act to protect declining species before they need the full application of the Endangered Species Act of 1973;

(7) all members of the public have a right to be involved in the decisions made to protect biodiversity;

(8) to avoid extinction in the wild, habitats must be conserved by using the best available science;

(9) only by taking actions that implement the recovery goals of the Endangered Species Act of 1973 can we ensure that species will eventually be removed from the lists of endangered species and threatened species; and

(10) we can provide certainty for communities, local governments, and private landowners that will enable them to move forward with planning and economic development efforts while still protecting species.

TITLE I—ENDANGERED SPECIES RECOVERY

SEC. 101. DEFINITIONS.

Section 3 (16 U.S.C. 1532) is amended—

(1) by redesignating paragraphs (2) through (5), (6) through (9), (10), (12) through (14), and (15) through (21) as paragraphs (3) through (6), (9) through (12), (14), (20) through (22), and (24) through (30), respectively;

(2) by inserting after paragraph (1) the following:

"(2) CANDIDATE SPECIES.—The term 'candidate species' means any species—

"(A) that is not the subject of a proposed regulation under section 4(a)(1);

"(B) that the Secretary is considering for listing as an endangered species or threatened species; and

"(C) for which the Secretary has—

"(i) sufficient information to support a proposed regulation for that listing; or

"(ii) information indicating that proposing that listing may be appropriate, but for which further information is required to support such a proposed regulation.";

(3) by striking paragraph (6) (as so redesignated) and inserting the following:

"(6) CRITICAL HABITAT.—The term 'critical habitat' for an endangered species or threatened species or includes—

"(A) the specific areas within the geographic area occupied by the species, at the time the species is listed in accordance with section 4, on which are found physical or biological features that—

"(i) are essential to the conservation of the species; and

"(ii) may require special management considerations or protections; and

"(B) specific areas outside the geographical area occupied by the species, at the time the species is listed in accordance with section 4, on a determination by the Secretary that the areas are essential for the conservation of the species.";

(4) by inserting after paragraph (6) (as so redesignated) the following:

"(7) CUMULATIVE IMPACTS.—The term 'cumulative impacts' means the direct impacts and indirect impacts on a species or its habitat that result from the incremental impact of a proposed action when added to other past, present, and reasonably foreseeable future actions, regardless of which person undertakes such other actions.

"(8) DIRECT IMPACTS.—The term 'direct impacts' means impacts that are caused by a proposed action and that occur at the same time and place as the proposed action.";

(5) by inserting after paragraph (12) (as so redesignated) the following:

"(13) IMPACTS.—The term 'impacts' includes—

"(A) loss of individual members of a species;

"(B) diminishment of the habitat of the species, both qualitatively and quantitatively;

"(C) disruption of normal behavioral patterns, such as breeding, feeding, and sheltering; and

"(D) impairment of the ability of the species to withstand random fluctuations in environmental conditions.";

(6) by inserting after paragraph (14) (as so redesignated) the following:

"(15) INDIRECT IMPACTS.—The term 'indirect impacts' means impacts that are caused by a proposed action and that occur later in time than, or farther removed in distance from, the proposed action, but that are still reasonably foreseeable.

"(16) INTERIM HABITAT.—The term 'interim habitat' includes the habitat necessary to support current populations of a species or populations that are necessary to ensure survival, whichever is larger.

"(17) JEOPARDIZE THE CONTINUED EXISTENCE OF.—The term 'jeopardize the continued existence of' means to engage in an action that reasonably would be expected, directly, indirectly, or cumulatively, to reduce appreciably the likelihood of recovery in the wild of any foreign or domestic species included in a list published under section 4(c).

"(18) MINIMIZE.—The term 'minimize' means—

"(A) subject to subparagraph (B), to avoid to the extent possible, in designing and engaging in an activity, adverse impacts to an endangered species or threatened species or in the course of the activity; and

"(B) in the case of an activity for which it is determined, after consideration of a reasonable range of alternatives, that avoidance of adverse impacts to the species is impossible, to design and implement the activity in a manner that results in the lowest possible individual and cumulative adverse impacts on the species.

"(19) MITIGATE.—The term 'mitigate' means to redress adverse impacts to an endangered species or threatened species in connection with an action, by replacing the number of plants and animals in the wild, and the value to the species of the habitat, that were lost as a result of the adverse impacts.";

(7) by inserting after paragraph (22) (as so redesignated) the following:

"(23) RECOVERY.—The term 'recovery' means a condition in which—

"(A) the threats to a species, as determined under section 4(a), have been eliminated;

"(B) the species has achieved long-term viability; and

"(C) the protective measures under this Act are no longer needed.";

(8) by striking paragraph (25) (as so redesignated) and inserting the following:

"(25) SPECIES.—The term 'species' includes—

"(A) any subspecies of fish or wildlife or plant;

"(B) any distinct population segment of any species of vertebrate fish or wildlife that interbreeds when mature; and

"(C) the last remaining distinct population segment in the United States of any plant or invertebrate species."; and

(9) in paragraph (26) (as so redesignated), by striking "and the Trust Territory of the Pacific Islands" and inserting "the Freely Associated States, and (for the purposes of subsections (c) and (d) of section 6), any Indian tribe".

SEC. 102. DESIGNATION OF INTERIM AND CRITICAL HABITAT.

(a) IN GENERAL.—Section 4(a) (16 U.S.C. 1533(a)) is amended by striking paragraph (3) and inserting the following:

"(3) INTERIM AND CRITICAL HABITAT.—The Secretary, by regulation promulgated in accordance with subsection (b), shall—

"(A) subject to subparagraph (C), concurrently with making a determination under paragraph (1) that a species is an endangered species or threatened species, designate interim habitat of the species;

"(B) subject to subparagraph (C), concurrently with adoption of the final recovery plan for a species under subsection (f), designate critical habitat of the species;

"(C) in the case of a highly migratory marine species, designate interim habitat and critical habitat for the species to the maximum extent biologically determinable; and

"(D) from time to time thereafter as appropriate, revise a designation under this paragraph, if the Secretary determines that the revision would expedite or assist the recovery of the species.".

(b) BASIS FOR DETERMINATIONS.—Section 4(b) (16 U.S.C. 1533(b)) is amended by striking paragraph (2) and inserting the following:

"(2) INTERIM AND CRITICAL HABITAT.—

"(A) CRITICAL HABITAT.—The Secretary shall designate critical habitat, and make revisions to the designations, under subsection (a)(3)—

"(i) on the basis of the best scientific data available; and

"(ii) after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat.

"(B) INTERIM HABITAT.—In the case of interim habitat designated at the time of listing, the Secretary shall revise and finalize the habitat as critical habitat concurrently with the adoption of the final recovery plan.

"(C) EXCLUSION OF AREAS FROM CRITICAL HABITAT.—The Secretary may exclude any area from critical habitat on the basis that the benefits of the exclusion outweigh the benefits of specifying the area as part of the critical habitat, if the Secretary determines, based on the best scientific and commercial data available, that the failure to designate the area as critical habitat will not impair the recovery of the species.

"(D) DESIGNATION OF INTERIM HABITAT BASED ON BIOLOGICAL FACTORS.—The Secretary shall designate interim habitat of a species based only on biological factors, giving special consideration to habitat that is, at the time of the designation, occupied by the species.".

SEC. 103. SCHEDULE FOR LISTING DETERMINATIONS.

Section 4(b)(3)(C) (16 U.S.C. 1533(b)(3)(C)) is amended by adding at the end the following:

"(iv) SPECIES WITH EXISTING FINDING OF WARRANTED ACTION.—Not later than 1 year after the date of enactment of this clause, for each species for which a finding under subparagraph (B)(iii) was made before the date of enactment of this clause, the Secretary shall publish in the Federal Register—

"(I) a proposal to list the species as an endangered species or threatened species; or

"(II) a finding that the petitioned action is not warranted under subparagraph (B)(i).

"(v) SPECIES WITH NEW FINDING OF WARRANTED ACTION.—Not later than 4 years after the date on which a finding under subparagraph (B)(iii) is published for a species for which a finding under subparagraph (B)(iii) was made on or after the date of enactment of this clause, or a date on which such a species is otherwise designated by the Secretary as a candidate species, the Secretary shall publish in the Federal Register—

"(I) a proposal to list the species as an endangered species or threatened species; or

"(II) a finding that the petitioned action is not warranted under subparagraph (B)(i).".

SEC. 104. CONTENTS OF LISTING PETITIONS.

Section 4(b)(3) (16 U.S.C. 1533(b)(3)) is amended by adding at the end the following:

"(E) CONTENTS OF LISTING PETITIONS.—A petition referred to in subparagraph (A) shall, to the maximum extent practicable, contain—

"(i) a description of the current known and historic ranges of the species;

"(ii) a description of the most recent population estimates and trends, if available;

"(iii) a statement of the reason that the petitioned action is warranted, including a description of known or perceived threats to the species;

"(iv) a bibliography of scientific literature on the species, if any, in support of the petition; and

"(v) any other information that the petitioner determines is appropriate.".

SEC. 105. RECOVERY PLANNING.

Section 4(f) (16 U.S.C. 1533(f)) is amended—

(1) in paragraph (1)—

(A) in the first sentence—

(i) by striking "develop and implement plans" and inserting ", not later than 18 months after the date on which a species is added to a list under subsection (c), develop a draft plan and, not later than 30 months after that date, develop and begin implementation of a final plan";

(ii) by inserting "each" before "endangered"; and

(iii) by striking ", unless he finds that such a plan will not promote the conservation of the species"; and

(B) in the second sentence, by striking subparagraph (B) and inserting the following:

"(B) include in each plan specific provisions, including provisions required under subparagraph (C), that provide for the conservation in the recovery plan area of all species listed as endangered species or threatened species, candidate species, and species proposed for listing;

"(C) incorporate in each recovery plan for a species—

"(i) a description of such site-specific management actions, including identification of actions of the highest priority and greatest recovery potential, as may be necessary to achieve the goals of the plan for the recovery of the species;

"(ii) objective, measurable criteria, including habitat needs and population levels, that, when met, would result in a determination, in accordance with this section, that the species be removed from the list;

"(iii) estimates of the time required and the cost to carry out those measures needed to achieve the goals of the plan and to achieve intermediate steps toward each goal;

"(iv) a general description of the types of actions likely to violate the taking prohibition of section 9 or the jeopardy prohibition of section 7; and

"(v) a list of Federal agencies, States, tribes, and local government entities, significantly affected by the goals or management actions specified in the recovery plan, that should complete a recovery implementation plan pursuant to paragraph (5)(A); and

"(D) for the purposes of determining the criteria under subparagraph (C)(ii), select, in consultation with the National Academy of Sciences, independent scientists who—

"(i) through publication of peer-reviewed scientific literature, have demonstrated relevant scientific expertise in that species or a similar species; and

"(ii) do not have, nor represent anyone with, a significant economic interest in the recovery plan."; and

(2) by striking paragraph (5) and inserting the following:

"(5) RECOVERY IMPLEMENTATION PLANS.—

"(A) IN GENERAL.—Each Federal agency significantly affected by the goals or management actions specified in a final recovery plan shall develop and implement a plan (referred to in this paragraph as a 'recovery implementation plan'), after providing public notice and an opportunity for public review and comment on the recovery implementation plan.

"(B) CONTENTS.—Each recovery implementation plan shall—

"(i) identify the affirmative conservation duties and management responsibilities of the agency that will contribute to the achievement of recovery goals identified in the final recovery plan;

"(ii) specify specific agency actions, timetables, and funding required to achieve and monitor progress toward meeting recovery goals or management responsibilities;

"(iii) identify any land or water under the jurisdiction or ownership of the agency that provide or may provide suitable habitat for the species;

"(iv) identify any actions needed to acquire additional suitable habitat under section 5(a); and

"(v) describe management actions that the agency will take on land or water under the jurisdiction or ownership of the agency to contribute toward recovery of the species.

"(C) STATE COOPERATION.—Consistent with section 6, the Secretary shall cooperate, to the maximum extent practicable, with States, tribes, and local government entities, that are significantly affected by a final recovery plan, to develop State cooperative plans to achieve the goals and implement the management actions identified in the recovery plan.".

SEC. 106. ENDANGERED SPECIES CONSERVATION AGREEMENTS.

Section 5 (16 U.S.C. 1534) is amended by adding at the end the following:

"(c) ENDANGERED SPECIES CONSERVATION AGREEMENTS.—

"(1) IN GENERAL.—The Secretary may enter into an agreement in accordance with this subsection, to be known as an 'endangered species conservation agreement', with any person that is an owner or lessee of real property on which will be carried out conservation measures for any species described in paragraph (3) in accordance with the endangered species conservation agreement.

"(2) REQUIRED TERMS.—The Secretary shall include in an endangered species conservation agreement with a person under this subsection provisions that—

"(A) require the person—

"(i) to carry out on real property owned or leased by the person activities not otherwise required by law that contribute to the conservation of a species described in paragraph (3); or

"(ii) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the conservation of a species described in paragraph (3);

"(B) describe the real property referred to in clauses (i) and (ii) of subparagraph (A);

"(C) specify species conservation goals for the activities by the person, and measures for attaining the conservation goals of this subsection;

"(D) require the person to make measurable progress each year in achieving the goals;

"(E) specify actions to be taken by the Secretary or the person, or both, to monitor the effectiveness of the endangered species conservation agreement in attaining the goals;

"(F) require the person to notify the Secretary if—

"(i) any right or obligation of the person under the endangered species conservation agreement is assigned to any other person; or

"(ii) any term of the endangered species conservation agreement is breached by the person or any other person to whom is assigned a right or obligation of the person under the endangered species conservation agreement;

"(G) specify the date on which the endangered species conservation agreement takes effect; and

"(H) provide that the endangered species conservation agreement shall not be in effect on and after any date on which the Secretary publishes a certification under paragraph (5) that the person has not complied with the endangered species conservation agreement.

"(3) COVERED SPECIES.—A species referred to in clauses (i) and (ii) of paragraph (2)(A) is any species that is—

"(A) listed as an endangered species or threatened species under section 4;

"(B) proposed for such listing under section 4; or

"(C) identified by the Secretary as a candidate for such listing under section 4.

"(4) REVIEW AND APPROVAL OF PROPOSED ENDANGERED SPECIES CONSERVATION AGREEMENTS BY SECRETARY.—On submission by any person of a proposed endangered species conservation agreement under this subsection, the Secretary shall—

"(A) review the proposed endangered species conservation agreement and determine whether the endangered species conservation agreement complies with the requirements of this subsection; and

"(B) if the Secretary determines that the endangered species conservation agreement complies with the requirements of this subsection—

"(i) approve the endangered species conservation agreement and enter into the endangered species conservation agreement with the person; and

"(ii) promptly notify the Secretary of the Treasury that the endangered species conservation agreement has been entered into and specify the date on which the endangered species conservation agreement takes effect.

"(5) MONITORING IMPLEMENTATION OF ENDANGERED SPECIES CONSERVATION AGREEMENTS.—The Secretary shall—

"(A) periodically monitor the implementation of each endangered species conservation agreement entered into under this subsection; and

"(B) based on the information obtained from the monitoring, annually certify to the Secretary of the Treasury whether or not each person that has entered into an endangered species conservation agreement under this subsection has complied with the endangered species conservation agreement.

"(6) STATE COOPERATION.—The Secretary shall establish a technical assistance program in cooperation with the States to assist landowners in the development and implementation of endangered species conservation agreements.".

SEC. 107. INTERAGENCY COOPERATION.

(a) FEDERAL AGENCY ACTIONS AND CONSULTATIONS.—Section 7(a) (16 U.S.C. 1536(a)) is amended—

(1) in the second sentence of paragraph (1)—

(A) by striking "All other Federal agencies" and inserting "Each other Federal agency";

(B) by striking "their" and inserting "its"; and

(C) by inserting before the period the following: ", including recovery actions identified in recovery implementation plans of the agency";

(2) in the first sentence of paragraph (2), by inserting after "to be critical," the following: "in such a way as to diminish the value of that habitat for the recovery of the species,"; and

(3) by adding at the end the following:

"(5) CONSULTATION WITH SECRETARY CONCERNING CANDIDATE SPECIES.—

"(A) IN GENERAL.—Any Federal agency may consult with the Secretary regarding any action that may affect any candidate species or species proposed for listing under section 4(c).

"(B) ADDITIONAL CONSULTATION.—If consultation under this paragraph is completed before the listing of the species—

"(i) no additional consultation is required solely as a consequence of the subsequent listing of the species, if the Secretary determines that there have been no significant changes in the agency proposal and that there is no significant new information that was not considered in the original consultation; and

"(ii) the Secretary shall reinitiate consultation under paragraph (2), if the Secretary determines that there has been a significant change in the agency proposal or that there is significant new information that was not considered in the original consultation.

"(C) NOTIFICATION OF CHANGE OR NEW INFORMATION.—A Federal agency shall notify the Secretary of any significant change in, or significant new information regarding, any action regarding which the agency consulted with the Secretary under this paragraph.

"(6) MONITORING.—The head of each Federal agency shall monitor the status and trends of endangered species, threatened species, and candidate species that occur on land or in water under the jurisdiction or ownership of the agency.".

(b) OPINION OF SECRETARY.—Section 7(b) (16 U.S.C. 1536(b)) is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) STATEMENT OF OPINION OF SECRETARY.—

"(A) IN GENERAL.—Promptly after conclusion of consultation under paragraph (2), (3), or (5) of subsection (a), the Secretary shall provide to the Federal agency and the applicant, if any, a written statement setting forth the Secretary's opinion, and a summary of the information on which the opinion is based, detailing how the agency action affects the species or its critical habitat, including a description of the quantity of habitat and the number of members of the species that will be taken, and conservation actions to minimize and mitigate the impacts of any incidental taking that may result from the action.

"(B) ALTERNATIVES.—If jeopardy or adverse modification is found, the Secretary shall suggest those reasonable and prudent alternatives that the Secretary believes would not violate subsection (a)(2) and that can be taken by the Federal agency or applicant in implementing the agency action.";

(2) in paragraph (4)—

(A) in subparagraphs (A) and (B), by striking "violate such subsection" each place it appears and inserting "interfere with the timely achievement of recovery goals";

(B) in clause (ii), by inserting "and mitigate" after "minimize";

(C) in clause (iii), by striking "and" after the comma at the end;

(D) in clause (iv), by striking the period at the end and inserting ", and"; and

(E) by adding at the end the following:

"(v) directs the Federal agency to assess and report to the Secretary not later than 2 years after the date of issuance of the written statement and every 2 years thereafter for as long as any incidental taking continues, the quantity of the incidental taking that has occurred as a direct impact, indirect impact, or cumulative impact.

If an assessment under clause (v) indicates that the quantity of incidental taking authorized under the written statement has been exceeded, the Federal agency shall immediately reinitiate consultation with the Secretary pursuant to subsection (a)(2)."; and

(3) by adding at the end the following:

"(5) NOTICE OF CONSULTATION AND ACTION.—

"(A) IN GENERAL.—On receipt of a request to initiate consultation under paragraph (2), (3), or (5) of subsection (a), the Secretary shall promptly publish a notice in the Federal Register announcing that the consultation has been initiated and briefly describing the proposed agency action.

"(B) AVAILABILITY OF INFORMATION.—The Secretary shall make available on request any information in the possession or control of the Secretary concerning the consultation or the opinion prepared pursuant to this subsection with respect to the consultation.

"(6) INDEPENDENT SCIENTISTS.—In preparing an opinion pursuant to this subsection, the Secretary shall invite independent scientists described in section 4(f)(1)(D) with expertise on species that may be affected by the proposed agency action to provide input into the consultation or opinion.

"(7) PUBLICATION OF FINDINGS AND REASONS.—Not later than 30 days after the date on which the Secretary provides a written statement under paragraph (3) to the Federal agency and the applicant for a permit, if any, the Secretary shall publish in the Federal Register a description of the findings and reasons of the Secretary for making any determination under this subsection.".

(c) BIOLOGICAL ASSESSMENT.—Section 7(c)(1) (16 U.S.C. 1536(c)(1)) is amended in the last sentence by striking "Such assessment may be undertaken" and inserting "The assessment shall be made available to the public and may be undertaken".

(d) FOREIGN SPECIES.—Section 7 (16 U.S.C. 1536) is amended by adding at the end the following:

"(q) FOREIGN SPECIES.—This section shall apply to any agency action with respect to any endangered species, threatened species, species proposed to be added to a list under section 4(c), or candidate species carried out in whole or in part, in the United States, in a foreign country, or on the high seas.".

(e) STREAMLINING AND CONSOLIDATING INTERAGENCY COOPERATION.—Section 7 (16 U.S.C. 1536) (as amended by subsection (d)) is amended by adding at the end the following:

"(r) REGULATIONS TO ENSURE TIMELY CONCLUSION OF CONSULTATIONS.—

"(1) DEFINITION OF ECOSYSTEM.—In this subsection, the term 'ecosystem' means a dynamic complex of organisms and biological communities, and their associated nonliving environment, interacting together as an ecological unit.

"(2) REQUIREMENT.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in cooperation with the States, shall promulgate regulations to ensure timely conclusion of consultations under this section.

"(3) CONTENT.—Regulations under this subsection shall provide that—

"(A) consultations and conferences under this section between the Secretary and a Federal agency shall, to the maximum extent practicable and if approved by the Secretary, encompass a number of similar or related agency actions to be undertaken within a particular geographical range or ecosystem; and

"(B) the Secretary shall, to the maximum extent practicable, consolidate requests for consultations or conferences from various Federal agencies whose proposed actions may affect endangered species, threatened species, or candidate species that are dependent on the same ecosystem.".

SEC. 108. PERMITS AND CONSERVATION PLANS.

Section 10 (16 U.S.C. 1539) is amended by striking subsection (a) and inserting the following:

"(a) PERMITS.—

"(1) IN GENERAL.—The Secretary may permit, under the terms and conditions provided for in this section—

"(A) any act otherwise prohibited by section 9 for scientific purposes or to enhance the propagation or survival of the affected species, or the conservation of the species in the wild, such as acts necessary for the conservation, establishment, and maintenance of experimental populations pursuant to subsection (j); or

"(B) any taking otherwise prohibited by section 9(a)(1) if the taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

"(2) DURATION.—The Secretary shall limit the duration of a permit under paragraph (1), as necessary to ensure that changes in circumstances that could occur in the period covered by the permit and that would jeopardize the continued existence of the species are reasonably foreseeable.

"(3) CONSERVATION PLAN.—

"(A) IN GENERAL.—No permit may be issued by the Secretary authorizing any taking referred to in paragraph (1)(B) unless the applicant for the permit submits to the Secretary a conservation plan in accordance with this paragraph that is based on the best scientific and commercial information available.

"(B) CONTENTS.—A conservation plan under this paragraph shall provide a description and analysis of—

"(i) the specific activities sought to be authorized by the permit;

"(ii) a reasonable range of alternative actions to the taking of each species covered by the plan;

"(iii) the individual and cumulative impacts that may reasonably be anticipated to result from the permitted activities covered by the plan, including the impacts of modification or destruction of habitat of species authorized under the permit;

"(iv) objective, measurable biological goals to be achieved for each species covered by the plan;

"(v) the conservation measures that the applicant will implement to minimize and mitigate the impacts described in clause (iii), including—

"(I) the specific conservation measures for achieving the biological goals of the plan; and

"(II) any additional requirements or restrictions or other adaptive management provisions that are necessary to respond to all reasonably foreseeable changes in circumstances that would jeopardize the continued existence of any species covered by the plan, including new scientific information and changing environmental conditions, including natural disasters;

"(vi) the reasonably anticipated costs of the measures described in clause (v);

"(vii) the actions that the applicant will take to monitor—

"(I) the effectiveness of the plan's conservation measures in achieving the plan's biological goals; and

"(II) impacts on the recovery of each species;

"(viii) funding that will be available to the applicant, throughout the term of the plan, to implement the plan and the conservation measures specified in the plan; and

"(ix) such other matters as the Secretary determines are necessary or appropriate for the purposes of carrying out the plan.

"(C) FINDINGS.—The Secretary shall not issue a permit under paragraph (1)(B) for the taking of any species unless the Secretary finds, after opportunity for public comment with respect to a permit application and the related conservation plan, that—

"(i) the conservation plan submitted for the permit meets all of the requirements of this paragraph;

"(ii) the taking will be incidental;

"(iii) the applicant will minimize and mitigate the individual impacts and cumulative impacts of the taking;

"(iv) the activities authorized by the permit and conservation plan are consistent with the recovery of the species and will result in no net loss of the value to the species of the habitat occupied by the species;

"(v) the applicant has, in accordance with paragraph (9), filed a performance bond or other evidence of financial security to ensure adequate funding for each element of the conservation plan; and

"(vi) the permit contains—

"(I) such terms and conditions as are necessary or appropriate to carry out this paragraph and ensure implementation of the conservation plan by the applicant; and

"(II) such reporting and monitoring requirements as are necessary for determining whether the terms and conditions are being complied with.

"(D) REPORTS ON BIOLOGICAL STATUS AND GOALS.—

"(i) IN GENERAL.—Each permit shall require the permittee to provide to the Secretary, not later than 1 year after the date of issuance of the permit and at least once each year thereafter during the term of the permit, a complete report on—

"(I) the biological status of the species in the affected area;

"(II) the impacts of the habitat conservation plan and the permitted action on the species; and

"(III) whether the biological goals of the plan are being met.

"(ii) AVAILABILITY TO PUBLIC.—The Secretary shall make reports required under this subparagraph available to the public.

"(E) ADDITIONAL CONSERVATION MEASURES.—

"(i) IN GENERAL.—If necessary to ensure that the permitted action does not jeopardize the continued existence of any species affected by the permitted action, the Secretary shall require a permittee to implement conservation measures in addition to the conservation measures specified in the plan.

"(ii) COST SHARING.—The Secretary shall pay the costs of any additional conservation measures required under this subparagraph that are in excess of the reasonably anticipated costs specified in the plan.

"(4) REVIEW BY SECRETARY.—

"(A) IN GENERAL.—Every 3 years after the date of approval of a permit application and conservation plan under this section, the Secretary shall review and report on the progress toward implementation of the terms and conditions of the permit and plan and make recommendations on actions necessary to ensure that—

"(i) the terms and conditions do not jeopardize the continued existence of any species;

"(ii) progress is being made toward achieving the biological goals of the plan; and

"(iii) the requirements, goals, and purposes of this Act are being met.

"(B) AVAILABILITY TO PUBLIC.—The Secretary shall annually—

"(i) prepare and make publicly available a report on the status of all permits reviewed pursuant to this paragraph since the date of the last report; and

"(ii) publish in the Federal Register a notice of the availability of the most recent report.

"(5) PERMIT REVOCATION.—The Secretary shall revoke a permit issued under this section and issue an order suspending activities allowed under the permit that may be reasonably expected to cause a taking of any species covered by the permit, if—

"(A) the permittee is not in compliance with the terms and conditions of the permit, the requirements of this Act, and the regulations issued under this Act, including any failure by a permittee to substantially comply with the conservation plan required for a permit issued under paragraph (1)(B); or

"(B) the level of the taking authorized by the permit has been exceeded.

"(6) ACTIONS BY SECRETARY ON FAILURE BY PERMITTEE.—

"(A) IN GENERAL.—If a permittee defaults on any obligation of the permittee under a permit issued under paragraph (1)(B) or a conservation plan required for the permit, the Secretary shall undertake actions to conserve each species covered by the plan and permit.

"(B) FUNDING.—To carry out actions required under subparagraph (A) with respect to a default by a permittee, the Secretary may use—

"(i) the proceeds of the performance bond or other financial security under paragraph (9) provided by the permittee; and

"(ii) amounts in the Habitat Conservation Plan Fund established by paragraph (10).

"(7) LOW EFFECT, SMALL SCALE PLANS.—

"(A) IN GENERAL.—The Secretary shall develop and implement a streamlined application and approval procedure for a permit issued under paragraph (1)(B) and related conservation plan that the Secretary determines to be a low effect, small scale plan.

"(B) PREREQUISITES.—A permit and related conservation plan may be treated as a low effect, small scale permit and plan if—

"(i) the permitted action is expected to be of less than 5 years in duration;

"(ii) the conservation plan is applicable to an area of less than 5 acres;

"(iii) the affected acreage is not adjacent to other land that has been the subject of a permit issued under this section within the preceding 5 years to the same person, or as part of the same project;

"(iv) the permitted action is not part of a single larger project that will have additional impacts on the endangered species or threatened species;

"(v) the Secretary determines that the plan will have a negligible cumulative impact and individual impact on the recovery of the endangered species or threatened species; and

"(vi) the permitted action is not related to other actions that will have additional impacts on the endangered species or threatened species.

"(C) RELATED ACTIONS.—For the purposes of subparagraph (B)(vi), actions shall be considered related if they—

"(i) automatically trigger other actions that may affect endangered species or threatened species;

"(ii) cannot or will not proceed unless other actions are taken previously or simultaneously; or

"(iii) are interdependent on parts of a larger action and depend on the larger action for their justification.

"(D) MONITORING.—

"(i) IN GENERAL.—The Secretary shall monitor the implementation and results of low effect, small scale permits and conservation plans to ensure that the permits and plans do not jeopardize the continued existence of any endangered species or threatened species.

"(ii) ADDITIONAL REQUIREMENTS OR RESTRICTIONS.—If the Secretary determines that additional requirements or restrictions are required to ensure that actions authorized by a low effect, small scale conservation plan do not jeopardize the continued existence of any species determined to be an endangered species or threatened species after the plan was approved, the Secretary shall require appropriate modifications to the plan to implement those requirements or restrictions.

"(iii) COST SHARING.—The Secretary shall pay all costs of implementing additional requirements or restrictions required under clause (ii).

"(E) FINANCIAL SECURITY.—The permittee for which a low effect, small scale permit and conservation plan is approved under this paragraph shall not be required to provide a performance bond or other financial security under paragraph (9).

"(8) MONITORING.—The Secretary shall monitor the implementation and results of all conservation plans approved under this subsection to ensure that the plans do not jeopardize the continued existence of any endangered species or threatened species.

"(9) PERFORMANCE BONDS.—

"(A) IN GENERAL.—After the approval of an incidental taking permit under paragraph (1)(B) and associated conservation plan in accordance with this subsection, but before the permit is issued, the applicant shall—

"(i) file with the Secretary a performance bond payable to the United States, and conditional on faithful performance of all the requirements of the permit; or

"(ii) deposit another form of financial security, payable to the United States, in a form and manner approved by the Secretary, and conditional on such faithful performance, having a cash or market value, as applicable, equal to or greater than the amount of a performance bond otherwise required under clause (i).

"(B) AMOUNT.—The amount of the bond or deposit of other financial security required for each permit shall be—

"(i) determined by the Secretary;

"(ii) based on the mitigation requirements needed to meet the biological goals of the conservation plan; and

"(iii) sufficient to ensure the completion of all conservation measures to be implemented by the permittee under the conservation plan that are specified in the plan.

"(C) PHASED OR ADJUSTED BONDS OR DEPOSITS.—In the case of a bond or deposit of other financial security required for a large-scale conservation plan (as defined in paragraph (12)(A)), or a conservation plan for which the reasonably foreseeable costs may be prohibitive, the Secretary may authorize the use of—

"(i) phased bonds or deposits, by which the permittee may divide the area or actions covered by the conservation plan into discrete sections and execute a separate bond or deposit for each section before undertaking any action on that section; or

"(ii) adjusted bonds or deposits, through which the amount of the bond or deposits required and the terms of acceptance of a bond or deposits shall be adjusted by the Secretary from time to time as the extent of actions that affect endangered species or threatened species increases or decreases.

"(D) EXECUTION.—The bond or deposits shall be executed by the permittee and a corporate surety or depository, respectively.

"(E) RELEASE OF BOND OR DEPOSIT.—

"(i) IN GENERAL.—The permittee may file a request with the Secretary for the release of all or any part of a performance bond or deposit of any other financial security required under this paragraph.

"(ii) NOTICE AND COMMENT.—Not later than 30 days after any request for release has been filed with the Secretary, the Secretary shall—

"(I) file notice of the request in the Federal Register; and

"(II) provide opportunity for public comment before making a decision under clause (iii).

"(iii) REVIEW.—Not later than 30 days after receipt of the request, the Secretary shall conduct a review of the implementation of the conservation plan to determine whether—

"(I) the requirements of the plan have been fully implemented;

"(II) the plan has achieved its biological goals; and

"(III) no further action is needed to ensure that the permitted action is not jeopardizing the existence of the species covered by the plan.

"(iv) NOTICE OF DECISION.—Not later than 90 days after receipt of the request, the Secretary shall notify the permittee in writing of the decision of the Secretary to release or not to release all or part of the bond or deposit.

"(v) NOTICE OF REASONS FOR NO RELEASE.—If the Secretary does not release any portion of the bond or deposit, the Secretary shall notify the permittee in writing of the reasons that the portion was not released and recommended corrective actions necessary to secure that release.

"(10) HABITAT CONSERVATION PLAN FUND.—

"(A) ESTABLISHMENT.—There is established in the Treasury a separate account to be known as the 'Habitat Conservation Plan Fund' (referred to in this paragraph as the 'Fund').

"(B) CONTENTS.—The Fund shall consist of—

"(i) donations to the Fund;

"(ii) appropriations to the Fund;

"(iii) amounts received by the United States as fees charged for permits under this section;

"(iv) amounts received by the United States as natural resource damages under section 11(i); and

"(v) the proceeds of performance bonds and other deposits of financial security under paragraph (9).

"(C) Use.—Amounts in the Fund shall be available to the Secretary until expended, without further appropriation, to pay the cost of—

"(i) additional conservation measures required under paragraph (3)(E) and additional requirements and restrictions required under paragraph (7)(C)(iii) for recovery of a species;

"(ii) actions by the Secretary to conserve species under paragraph (6);

"(iii) permitting with respect to which fees are deposited in the Fund under subparagraph (B)(iii); and

"(iv) restoration or replacement of natural resources with respect to which natural resource damages are deposited in the Fund under subparagraph (B)(iv).

"(11) Multiple landowner, multispecies planning.—

"(A) In general.—The Secretary shall encourage the development of multiple landowner, multispecies conservation plans, that—

"(i) make a significant contribution to the recovery of an endangered species or threatened species;

"(ii) rely on the best available scientific information;

"(iii) rely, to the maximum extent practicable, on ecosystem planning; and

"(iv) maintain the well-being of other species located within the planning area.

"(B) Streamlining of permitting processes across jurisdictions.—

"(i) In general.—To encourage the development of the plans, the Secretary shall cooperate, to the maximum extent practicable, with States and local governments to streamline permitting processes across jurisdictions.

"(ii) Large-scale conservation plans.—The cooperation shall include issuing permits under paragraph (1)(B) to a State, local government, or group of local governments for large-scale conservation plans that involve more than 1 landowner.

"(C) Incidental taking certificates.—A permit under subparagraph (B)(ii) may authorize the State, local government, or group of local governments to issue incidental taking certificates to landowners that authorize takings under the authority of the permit within the jurisdiction of the State, local government, or group of local governments, if—

"(i) the State, local government, or group of local governments meets the performance bond or other financial security requirements under paragraph (9) with respect to all such certificates, or each certificate is effective only after the landowner to whom the certificate is issued has met those requirements with respect to the certificate;

"(ii) the State, local government, or group of local governments ensures that all incidental taking certificates issued under the permit are consistent with the permit and approved habitat conservation plan;

"(iii) the State, local government, or group of local governments provides adequate public notice and opportunity to comment on decisions to issue incidental taking certificates; and

"(iv) the Secretary and the State, local government, or group of local governments have adequate authority to enforce the terms and conditions of the incidental taking certificates.

"(D) Encouragement of plans.—The Secretary shall—

"(i) ensure the participation of a broad range of public and private interests in the development of the plan;

"(ii) provide technical assistance to the maximum extent practicable; and

"(iii) give the plans priority consideration for funding under section 6.

"(E) Pooled bonds or deposits.—The Secretary may approve the use of pooled bonds or deposits in order to meet the requirements of paragraph (9) for plans approved under this paragraph that—

"(i) do not meet the requirements of subparagraph (C); and

"(ii) involve more than 1 landowner.

"(12) Citizen participation; independent scientists.—

"(A) Definitions.—In this paragraph:

"(i) Agency involvement.—The term 'agency involvement' means any role played by the Secretary in the development of a conservation plan under paragraph (3).

"(ii) Independent scientist.—The term 'independent scientist' means a scientist that meets the criteria specified in section 4(f)(1)(D).

"(iii) Large-scale conservation plan.—The term 'large-scale conservation plan' means a conservation plan that covers a significant portion of the range of an endangered species, threatened species, candidate species, or species proposed for listing under section 4.

"(B) Notice and comment.—The Secretary may issue a permit under this section only after—

"(i) notice of the receipt of an application for the permit has been published in the Federal Register;

"(ii) at least a 60-day public comment period has been provided; and

"(iii) a notice of permit approval has been published in the Federal Register with agency responses to public comments.

"(C) Agency involvement.—

"(i) In general.—On receipt of request for involvement by an agency in the development of a large-scale conservation plan pursuant to paragraphs (3)(A) and (11), the Secretary shall promptly publish a notice in the Federal Register announcing the agency's involvement and briefly describing the activities that would be permitted under the plan.

"(ii) Availability of information.—The Secretary shall make available, on request, any information in the Secretary's possession or control concerning the planning efforts.

"(D) Public participation.—

"(i) In general.—The Secretary shall invite members of the public to participate in the development of large-scale conservation plans and multiple landowner, multispecies plans.

"(ii) Balanced development process.—The Secretary shall promulgate regulations establishing a development process under this paragraph that ensures an equitable balance of participation between—

"(I) citizens with a primary interest in carrying out economic development activities that may affect species conservation; and

"(II) citizens whose primary interest is in species conservation.

"(iii) Meetings.—A meeting of participants under this subparagraph shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.), but shall be open to the public.

"(E) Independent scientists.—On receipt of a request for involvement by an agency in the development of a large-scale conservation plan, the Secretary shall invite independent scientists with expertise on species that may be affected by the plan to provide input.

"(13) Community assistance program.—

"(A) Establishment.—The Secretary shall establish a community assistance program to provide timely and accurate information to local governments and property owners in accordance with subparagraph (B).

"(B) Field office employees.—Under the community assistance program, the Secretary shall assign to each field office of the United States Fish and Wildlife Service employees whose duties include—

"(i) providing accurate, timely information on local impacts of determinations that species are endangered species or threatened species, recovery planning efforts, and other actions under this Act;

"(ii) providing assistance on obtaining permits under this section and otherwise complying with this Act;

"(iii) serving as a focal point for questions, requests, complaints, and suggestions from property owners and local governments concerning the policies and activities of the United States Fish and Wildlife Service or other Federal agencies in the implementation of this Act; and

"(iv) training Federal personnel on public outreach efforts under this Act.".

SEC. 109. CITIZEN SUITS.

Section 11(g) (16 U.S.C. 1540(g)) is amended—

(1) in paragraph (1)(A), by striking "in violation" and all that follows through the end of the subparagraph and inserting "in violation of this Act, any regulation or permit issued under this Act, any statement provided by the Secretary under section 7(b)(3), or any agreement concluded under this Act;"; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by inserting before the semicolon at the end the following ", except that notwithstanding this clause such an action may be brought immediately after the notice in the case of an action against any person regarding an emergency posing a significant risk to any species of fish, wildlife, or plant included in a list under section 4(c) or proposed for inclusion in such a list"; and

(B) in subparagraph (B)(i), by inserting before the semicolon at the end the following: ", except that notwithstanding this clause such an action may be brought immediately after such notice in the case of an action under this section against any person regarding an emergency posing a significant risk to any species of fish, wildlife, or plant included in a list under section 4(c)".

SEC. 110. NATURAL RESOURCE DAMAGE LIABILITY.

Section 11 (16 U.S.C. 1540) is amended by adding at the end the following:

"(i) Natural Resource Damage Liability.—

"(1) In general.—Any person that, in violation of this Act, negligently damages any member or habitat of a species included in a list under section 4(c) shall be liable to—

"(A) the United States for the costs incurred by the United States in restoring or replacing the member or habitat, including reasonable costs of assessing the damage; and

"(B) a State for the costs incurred by the State in restoring or replacing the member or habitat under a management agreement with the Secretary under section 6(a) or a cooperative agreement with the Secretary under section 6(c), including reasonable costs of assessing the damage.

"(2) Deposit.—Amounts received by the United States under this subsection—

"(A) shall be deposited in the Habitat Conservation Plan Fund established by section 10(a)(10); and

"(B) may be obligated only for the acquisition or rehabilitation of damaged habitat or populations.

"(3) Civil actions by secretary.—The Secretary may commence a civil action on behalf of the United States under this subsection.

"(4) Notice.—No action may be commenced under this subsection by the Secretary or a State before the end of the 60-day period beginning on the date on which the Secretary or the State, respectively, provides written notice of the action to the person against whom the action is commenced.".

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

Section 15 (16 U.S.C. 1542) is amended to read as follows:

"SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated—

"(1) to the Secretary of the Interior for carrying out this Act—

"(A) $135,000,000 for fiscal year 2001;

"(B) $140,000,000 for fiscal year 2002;

"(C) $145,000,000 for fiscal year 2003;

"(D) $150,000,000 for fiscal year 2004; and

"(E) $155,000,000 for fiscal year 2005; and

"(2) to the Secretary of Commerce for carrying out this Act—

"(A) $35,000,000 for fiscal year 2001;

"(B) $40,000,000 for fiscal year 2002;

"(C) $45,000,000 for fiscal year 2003;

"(D) $50,000,000 for fiscal year 2004; and

"(E) $55,000,000 for fiscal year 2005.

"(b) Convention Implementation.—In addition to other amounts authorized by this section, there are authorized to be appropriated to the Secretary of the Interior for carrying out functions under section 8 relating to implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora—

"(1) $3,000,000 for fiscal year 2001; and

"(2) $4,000,000 for each of fiscal years 2002 and 2003.

"(c) Habitat Conservation Plan Fund.—In addition to other amounts authorized by this section, there is authorized to be appropriated to the Habitat Conservation Plan Fund established by section 10(a)(10) $20,000,000 for each of fiscal years 2001, 2002, and 2003.

"(d) Cooperative Agreement Funds.—In addition to other amounts authorized by this section, there are authorized to be appropriated—

"(1) to the Secretary of the Interior for entering into cooperative agreements under section 6 with States and Indian tribes, $20,000,000 for each of fiscal years 2001, 2002, and 2003; and

"(2) to the Secretary of Commerce for entering into cooperative agreements under section 6 with States and Indian tribes, $5,000,000 for each of fiscal years 2001, 2002, and 2003.".

TITLE II—SPECIES CONSERVATION TAX INCENTIVES

SEC. 201. TAX EXCLUSION FOR COST-SHARING PAYMENTS UNDER PARTNERS FOR FISH AND WILDLIFE PROGRAM.

(a) In General.—Section 126(a) of the Internal Revenue Code of 1986 (relating to certain cost-sharing payments) is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following:

"(10) The Partners for Fish and Wildlife Program authorized by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.).".

(b) Effective Date.—The amendments made by this section shall apply to payments received after the date of the enactment of this Act.

SEC. 202. ENHANCED DEDUCTION FOR THE DONATION OF A CONSERVATION EASEMENT.

(a) In General.—Subparagraph (A) of section 170(h)(4) of the Internal Revenue Code of 1986 (defining conservation purpose) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following:

"(v) the conservation of a species designated by the Secretary of the Interior or the Secretary of Commerce under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq) as endangered or threatened, proposed by such Secretary for designation as endangered or threatened, or identified by such Secretary as a candidate for such designation, provided the property is not required, as of the date of contribution, to be used for such purpose other than by reason of the terms of contribution.".

(b) Enhanced Deductions.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (defining qualified conservation contribution) is amended by adding at the end the following:

"(7) Special rules for contributions related to conservation of species.—In the case of a qualified conservation contribution by an individual for the conservation of endangered or threatened species, proposed species, or candidate species under subsection (h)(4)(v):

"(A) 50 percent limitation to apply.—Such a contribution shall be treated for the purposes of this section as described in subsection (b)(1)(A).

"(B) 20-year carry forward.—Subsection (d)(1) shall be applied by substituting '20 years' for '5 years' each place it appears and with appropriate adjustments in the application of subparagraph (A)(ii) thereof.

"(C) Unused deduction carryover allowed on taxpayer's last return.—If the taxpayer dies before the close of the last taxable year for which a deduction could have been allowed under subsection (d)(1), any portion of the deduction for such contribution which has not been allowed shall be allowed as a deduction under subsection (a) (without regard to subsection (b)) for the taxable year in which such death occurs or such portion may be used as a deduction against the gross estate of the taxpayer.".

(c) Effective Date.—The amendments made by this section shall apply to contributions made after the date of the enactment of this Act.

SEC. 203. EXCLUSION FROM ESTATE TAX FOR REAL PROPERTY SUBJECT TO ENDANGERED SPECIES CONSERVATION AGREEMENT.

(a) In General.—Part IV of subchapter A of chapter 11 of the Internal Revenue Code of 1986 (relating to taxable estate) is amended by adding at the end the following new section:

"SEC. 2058. CERTAIN REAL PROPERTY SUBJECT TO ENDANGERED SPECIES CONSERVATION AGREEMENT.

"(a) General Rule.—For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate an amount equal to lesser of—

"(1) the adjusted value of real property included in the gross estate which is subject to an endangered species conservation agreement, or

"(2) $10,000,000.

"(b) Property Subject to an Endangered Species Conservation Agreement.—For purposes of this section—

"(1) In general.—Real property shall be treated as subject to an endangered species conservation agreement if—

"(A) such property was owned by the decedent or a member of the decedent's family at all times during the 3-year period ending on the date of the decedent's death,

"(B) each person who has an interest in such property (whether or not in possession) has entered into—

"(i) an endangered species conservation agreement with respect to such property, and

"(ii) a written agreement with the Secretary consenting to the application of subsection (d), and

"(C) the executor of the decedent's estate—

"(i) elects the application of this section, and

"(ii) files with the Secretary such endangered species conservation agreement.

"(2) Adjusted value.—

"(A) In general.—The adjusted value of any real property shall be its value for purposes of this chapter, reduced by—

"(i) any amount deductible under section 2055(f) with respect to the property, and

"(ii) any acquisition indebtedness with respect to the property.

"(B) Acquisition indebtedness.—For purposes of this paragraph, the term 'acquisition indebtedness' means, with respect to any real property, the unpaid amount of—

"(i) the indebtedness incurred by the donor in acquiring such property,

"(ii) the indebtedness incurred before the acquisition of such property if such indebtedness would not have been incurred but for such acquisition,

"(iii) the indebtedness incurred after the acquisition of such property if such indebtedness would not have been incurred but for such acquisition and the incurrence of such indebtedness was reasonably foreseeable at the time of such acquisition, and

"(iv) the extension, renewal, or refinancing of an acquisition indebtedness.

"(c) Endangered Species Conservation Agreement.—For purposes of this section—

"(1) In general.—The term 'endangered species conservation agreement' means a written agreement entered into with the Secretary of the Interior or the Secretary of Commerce—

"(A) which commits each person who signed such agreement to carry out on the real property activities or practices not otherwise required by law or to refrain from carrying out on such property activities or practices that could otherwise be lawfully carried out and includes—

"(i) objective and measurable species of concern conservation goals,

"(ii) site-specific and other management measures necessary to achieve those goals, and

"(iii) objective and measurable criteria to monitor progress toward those goals,

"(B) which is certified by such Secretary as providing a major contribution to the conservation of a species of concern, and

"(C) which is for a term that such Secretary determines is sufficient to achieve the purposes of the agreement, but not less than 10 years beginning on the date of the decedent's death.

"(2) Species of concern.—The term 'species of concern' means any species designated by the Secretary of the Interior or the Secretary of Commerce under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq) as endangered or threatened, proposed by such Secretary for designation as endangered or threatened, or identified by such Secretary as a candidate for such designation.

"(3) ANNUAL CERTIFICATION TO THE SECRETARY BY THE SECRETARY OF THE INTERIOR OR THE SECRETARY OF COMMERCE OF THE STATUS OF ENDANGERED SPECIES CONSERVATION AGREEMENTS.—If the executor elects the application of this section, the executor shall promptly give written notice of such election to the Secretary of the Interior or the Secretary of Commerce. The Secretary of the Interior or the Secretary of Commerce shall thereafter annually certify to the Secretary that the endangered species conservation agreement applicable to any property for which such election has been made remains in effect and is being satisfactorily complied with.

"(d) RECAPTURE OF TAX BENEFIT IN CERTAIN CASES.—

"(1) DISPOSITION OF INTEREST OR MATERIAL BREACH.—

"(A) IN GENERAL.—An additional tax in the amount determined under subparagraph (B) shall be imposed on any person on the earlier of—

"(i) the disposition by such person of any interest in property subject to an endangered species conservation agreement (other than a disposition described in subparagraph (C)),

"(ii) a material breach by such person of the endangered species conservation agreement, or

"(iii) the termination of the endangered species conservation agreement.

"(B) AMOUNT OF ADDITIONAL TAX.—

"(i) IN GENERAL.—The amount of the additional tax imposed by subparagraph (A) with respect to any interest shall be an amount equal to the applicable percentage of the lesser of—

"(I) the adjusted tax difference attributable to such interest (within the meaning of section 2032A(c)(2)(B)), or

"(II) the excess of the amount realized with respect to the interest (or, in any case other than a sale or exchange at arm's length, the fair market value of the interest) over the value of the interest determined under subsection (a).

"(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage is determined in accordance with the following table:

'If, with respect to the date of the agreement, the date of the event described in subparagraph (A) occurs—	**The applicable percentage is—**
Before 10 years	100
After 9 years and before 20 years	75
After 19 years and before 30 years ...	50
After 29 years and before 40 years ...	25
After 39	0.

"(C) EXCEPTION IF CERTAIN HEIRS ASSUME OBLIGATIONS UPON THE DEATH OF A PERSON EXECUTING THE AGREEMENT.—Subparagraph (A)(i) shall not apply if—

"(i) upon the death of a person described in subsection (b)(1)(B) during the term of such agreement, the property subject to such agreement passes to a member of the person's family, and

"(ii) the member agrees—

"(I) to assume the obligations imposed on such person under the endangered species conservation agreement,

"(II) to assume personal liability for any tax imposed under subparagraph (A) with respect to any future event described in subparagraph (A), and

"(III) to notify the Secretary of the Treasury and the Secretary of the Interior or the Secretary of Commerce that the member has assumed such obligations and liability.

If a member of the person's family enters into an agreement described in subclauses (I), (II), and (III), such member shall be treated as signatory to the endangered species conservation agreement the person entered into.

"(2) DUE DATE OF ADDITIONAL TAX.—The additional tax imposed by paragraph (1) shall become due and payable on the day that is 6 months after the date of the disposition referred to in paragraph (1)(A)(i) or, in the case of an event described in clause (ii) or (iii) of paragraph (1)(A), on April 15 of the calendar year following any year in which the Secretary of the Interior or the Secretary of Commerce fails to provide the certification required under subsection (c)(3).

"(e) STATUTE OF LIMITATIONS.—If a taxpayer incurs a tax liability pursuant to subsection (d)(1)(A), then—

"(1) the statutory period for the assessment of any additional tax imposed by subsection (d)(1)(A) shall not expire before the expiration of 3 years from the date the Secretary is notified (in such manner as the Secretary may by regulation prescribe) of the incurring of such tax liability, and

"(2) such additional tax may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law that would otherwise prevent such assessment.

"(f) ELECTION AND FILING OF AGREEMENT.—The election under this section shall be made on the return of the tax imposed by section 2001. Such election, and the filing under subsection (b) of an endangered species conservation agreement, shall be made in such manner as the Secretary shall by regulation provide.

"(g) APPLICATION OF THIS SECTION TO INTERESTS IN PARTNERSHIPS, CORPORATIONS, AND TRUSTS.—This section shall apply to an interest in a partnership, corporation, or trust if at least 30 percent of the entity is owned (directly or indirectly) by the decedent, as determined under the rules described in section 2057(e)(3).

"(h) MEMBER OF FAMILY.—For purposes of this section, the term 'member of the family' means any member of the family (as defined in section 2032A(e)(2)) of the decedent.".

(b) CARRYOVER BASIS.—Section 1014(a)(4) of the Internal Revenue Code of 1986 (relating to basis of property acquired from a decedent) is amended by inserting "or 2058" after "section 2031(c)".

(c) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter A of chapter 11 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 2058. Certain real property subject to endangered species conservation agreement.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this Act.

SEC. 204. EXPANSION OF ESTATE TAX EXCLUSION FOR REAL PROPERTY SUBJECT TO QUALIFIED CONSERVATION EASEMENT.

(a) REPEAL OF CERTAIN RESTRICTIONS ON WHERE LAND IS LOCATED.—Clause (i) of section 2031(c)(8)(A) of the Internal Revenue Code of 1986 (defining land subject to a qualified conservation easement) is amended to read as follows:

"(i) which is located in the United States or any possession of the United States,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 482

At the request of Mr. ABRAHAM, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on the social security benefits.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Hawaii (Mr. AKAKA), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1768

At the request of Mr. ABRAHAM, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1768, a bill to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms.

S. 1902

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1902, a bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 1941

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1957

At the request of Mr. SCHUMER, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1957, a bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT-43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2225

At the request of Mr. GRASSLEY, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 2225, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 2330

At the request of Mr. ROTH, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2337

At the request of Mr. SANTORUM, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs.

S. 2505

At the request of Mr. JEFFORDS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2505, a bill to amend title XVIII of the Social Security Act to provide increased assess to health care for medical beneficiaries through telemedicine.

S. 2690

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2690, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2903

At the request of Mr. ABRAHAM, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2903, a bill to amend the Internal Revenue Code of 1986 to expand the child tax credit.

S. 2967

At the request of Mr. MURKOWSKI, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2967, a bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry.

S. 3018

At the request of Mr. TORRICELLI, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3018, a bill to amend the Federal Deposit Insurance Act with respect to municipal deposits.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3060

At the request of Mr. WELLSTONE, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 3060, a bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

S. 3095

At the request of Mr. KENNEDY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3095, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent resident status.

S. 3101

At the request of Mr. ASHCROFT, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3101, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States.

S. 3112

At the request of Mr. ABRAHAM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3112, a bill to amend title XVIII of the Social Security Act to ensure access to digital mammography through adequate payment under the medicare system.

S. 3114

At the request of Mr. BAUCUS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3114, a bill to provide loans for the improvement of telecommunications services on Indian reservations.

S. 3116

At the request of Mr. BREAUX, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 3116, a bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas.

S. 3133

At the request of Mr. BAUCUS, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from North Dakota (Mr. DORGAN), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 3133, a bill to provide compensation to producers for underestimation of wheat protein content.

S. 3146

At the request of Mr. CAMPBELL, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 3146, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 3147

At the request of Mr. ROBB, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Georgia (Mr. CLELAND), the Senator from Minnesota (Mr. GRAMS), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 3147, a bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. RES. 359

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. Res. 359, a resolution designating October 16, 2000, to October 20, 2000 as "National Teach For America Week."

AMENDMENT NO. 254

At the request of Mr. ABRAHAM, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 254 proposed to S. 557, an original bill to provide guidance for the designation of emergencies as a part of the budget process.

AMENDMENT NO. 255

At the request of Mr. ABRAHAM, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 255 proposed to S. 557, an original bill to provide guidance for the designation of emergencies as a part of the budget process.

SENATE CONCURRENT RESOLUTION 141—TO AUTHORIZE THE PRINTING OF COPIES OF THE PUBLICATION ENTITLED "THE UNITED STATES CAPITOL" AS A SENATE DOCUMENT

Mr. MCCONNELL submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 141

Resolved by the Senate (the House of Representatives concurring), That (a) a revised edition of the publication entitled "The United States Capitol" (referred to as "the pamphlet") shall be reprinted as a Senate document.

(b) There shall be printed a total of 2,850,000 copies of the pamphlet in English and seven other languages at a cost not to exceed $165,900 for distribution as follows:

(1)(A) 206,000 copies of the pamphlet in the English language for the use of the Senate with 2,000 copies distributed to each Member;

(B) 886,000 copies of the pamphlet in the English language for the use of the House of Representatives with 2,000 copies distributed to each Member; and

(C) 1,758,000 copies of the pamphlet for distribution to the Capitol Guide Service in the following languages:

(i) 908,000 copies in English;

(ii) 100,000 copies in each of the following seven languages: Spanish, German, French, Russian, Japanese, Italian, and Korean; and

(iii) 150,000 copies in Chinese.

(2) If the total printing and production costs of copies in paragraph (1) exceed $165,900, such number of copies of the pamphlet as does not exceed total printing and production costs of $165,900, shall be printed with distribution to be allocated in the same proportion as in paragraph (1) as it relates to numbers of copies in the English language.

SENATE RESOLUTION 364—COMMENDING SYDNEY, NEW SOUTH WALES, AUSTRALIA FOR ITS SUCCESSFUL CONDUCT OF THE 2000 SUMMER OLYMPIC GAMES AND CONGRATULATING THE UNITED STATES OLYMPIC TEAM FOR ITS OUTSTANDING ACCOMPLISHMENTS AT THOSE OLYMPIC GAMES

Mr. HATCH (for himself, Mr. BENNETT, Mr. STEVENS, Ms. LANDRIEU, Mr. BROWNBACK, Mr. KERRY, Mr. HELMS, Mr. BINGAMAN, Mr. CRAIG, Mr. DURBIN, Mr. L. CHAFEE, Mr. BRYAN, Mr. KERREY, Mr. LOTT, Mrs. HUTCHISON, Mr. KENNEDY, Mr. LEVIN, Mrs. BOXER, Mr. WARNER, Mr. ABRAHAM, Ms. COLLINS, Mr. EDWARDS, Mr. GRASSLEY, Mr. DOMENICI, Mr. SESSIONS, Mr. LUGAR, Mr. COCHRAN, Ms. SNOWE, and Mr. THOMAS) submitted the following resolution; which was ordered placed on the calendar:

S. RES. 364

Commending Sydney, New South Wales, Australia for its successful conduct of the 2000 Summer Olympic Games and congratulating the United States Olympic Team for its outstanding accomplishments at those Olympic Games.

Whereas the city of Sydney, New South Wales, Australia and its residents have hosted a notably successful 2000 Summer Olympic Games;

Whereas the country and citizens of Australia have warmly welcomed visitors and athletes from around the world;

Whereas the ideals of the Olympic movement to promote mutual understanding, friendship, and peace among nations through sport have been clearly displayed during the 2000 Summer Olympic Games;

Whereas the United States Olympic Team has represented the United States with sportsmanship, honor, courage, and excellence; and

Whereas the United States Olympic athletes have competed at the highest level of sport in the 2000 Summer Olympic Games, earning 39 gold medals, 25 silver medals, and 33 bronze medals: Now, therefore, be it

Resolved, That the Senate—

(1) commends the city of Sydney, New South Wales, Australia for its successful conduct of the 2000 Summer Olympic Games; and

(2) congratulates the United States Olympic Team for its outstanding accomplishments at the 2000 Summer Olympic Games.

SEC. 2. The Secretary of the Senate, shall transmit a copy of this resolution to the Mayor of Sydney, New South Wales, Australia, and to the United States Olympic Committee.

Mr. HATCH. Mr. President, I rise today to introduce a Senate resolution commending Sydney, Australia on the success of the 2000 Summer Olympic Games and congratulating the U.S. Olympic Team on their outstanding performance.

Once every two years, we have the great opportunity to witness the world's finest athletes display astonishing feats of speed, strength, flexibility and grace. There is no main event quite like the Olympics and the 2000 Summer Olympic Games in Sydney, Australia, left a remarkable impression on all of us over the past several weeks.

On behalf of the United States Senate, I express deep appreciation to the city and residents of Sydney, Australia, for being such superb hosts for the Summer Olympic Games. Planning and organizing such a two-week, multivenue event—which is immediately followed by the Paralympic Games—is a daunting and monumental task. The Australians can be extremely proud of their efforts, which, by all accounts, were extraordinary.

We in Salt Lake City will be striving to put on an Olympic Winter Games that equals Sydney in both efficiency and hospitality.

We can also be very proud of the U.S. Olympic Team's outstanding accomplishments. Our athletes turned in exciting and memorable performances. All together, the U.S. Team earned 39 gold medals, 25 silver medals, and 33 bronze medals—a total of 97 medals, which was the most of any country! This demonstrates extraordinary commitment to excellence. These athletes trained hard just to participate at this level of sport; many sacrificed other pursuits to attain the honor of competing in this premier sporting competition—the Olympic Games.

There were many "Olympic moments" during these Games. For instance, who will ever forget Rulon Gardner, the Greco-Roman wrestler from Wyoming, who realized his Olympic dream by defeating the one-time invincible, and still great, Aleksandr Karelin, of Russia. Following the match, Gardner said, "all I could do was do my best." Isn't that the beauty of the Olympic Games? Athletes all over the world giving it their all in competition against tremendous odds.

Who could forget Misty Hyman upsetting the world favorite Susie O'Neill in the 200 meter butterfly? Those of us watching on television could plainly sense the sheer surprise and joy of this achievement.

And, the athletes from other national teams captured our attention as well. Cathy Freeman of Australia, who stole the heart of her nation in the 400 meter race. China's Fu Mingxia, who made an amazing comeback to win gold in diving. And, Aleksei Nemov, who celebrated the birth of his child by winning a gold medal in gymnastics.

I am very proud of the athletes from my home state of Utah, who represented our state with dignity and honor during the Olympic Games.

Marcus Jensen and Doug Mientkiewicz, both of the Utah Buzz, were members of the U.S. baseball team that defeated the heavily favored Cuban baseball team—the first time in Olympic history that the Cuban team did not win the gold medal in baseball.

Natalie Williams, also of Utah and a key player for the Utah Starzz, led the U.S. women's basketball team with 15 points in the Olympic basketball final to help the U.S. win its fourth gold medal in women's basketball since women's basketball became an Olympic sport in 1976.

But, the Olympics is not only about winning medals. Logan Tom, from Salt Lake City who now attends Stanford University, led the U.S. Women's volleyball team to a terrific—and unexpected—fourth place finish. None of the sports handicappers gave this team much of a chance. Yet, they fought their way to the semifinals and through a tough five-set match with Russia.

Utah is proud to be the host of the upcoming 2002 Winter Olympic Games in Salt Lake City. We hope to follow the example of the 2000 Games in Sydney, Australia, with the same enthusiasm and excitement and the same devotion to the ideal of the Olympic movement, which is "a belief that sport can break down barriers of language, culture, nationality, age and sex and build bridges between people all over the world as a means of promoting world peace."

Some have derided the Olympic Games as nothing more than commercialism run amok. They say that the news coverage is too positive. They say that the media glosses over the negative elements of the Games—doping, for example. They claim that the only thing that drives athletes is the prospect of product endorsements or professional contracts.

Yes, Mr. President, these elements exist at the Games. It is sad that they do. There were displays of poor sportsmanship. There were cases of doping. There are, no doubt, those whose goals extend far beyond the Olympics just concluded.

But, Mr. President, we can look at such incidents and say they taint the Olympics as a whole endeavor. Or, we can brush them aside as few in number and unrepresentative of our athletes as a body. We can erase one embarrassing spectacle of bad manners with the sight of Dot Richardson embracing her Japanese opponent. We can remember Marion Jones graciously congratulating the winner of the women's long jump, although Marion Jones is world class in every way.

In conclusion, Mr. President, I strongly believe that the people of Sydney, New South Wales, Australia, deserve our official recognition. I know what a monumental effort this was. And, let us commend our U.S. Olympic Team for their successes on the field as well as for their fine representation of our country. I urge my colleagues to join me in supporting this Senate resolution.

Mr. President, I ask unanimous consent that the resolution be placed on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 365—EXPRESSING THE SENSE OF THE SENATE REGARDING RECENT ELECTIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA, AND FOR OTHER PURPOSES

Mr. VOINOVICH (for himself, Mr. BIDEN, Mr. LUGAR, Mr. HAGEL, Mr. SMITH of Oregon, Mr. LAUTENBERG, and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 365

Whereas the Federal Republic of Yugoslavia held municipal, parliamentary, and presidential elections on September 24, 2000;

Whereas Slobodan Milosevic, President of the Federal Republic of Yugoslavia, is an indicted war criminal;

Whereas Slobodan Milosevic is largely responsible for immeasurable bloodshed, human rights abuses, ethnic cleansing, refugees, property destruction, and environmental destruction that has devastated southeast Europe in recent years;

Whereas Slobodan Milosevic has arrested, intimidated, and harassed opposition figures;

Whereas Slobodan Milosevic has prevented the freedom of assembly;

Whereas Slobodan Milosevic has prevented the freedom and independence of the press through intimidation, arrests, fines, the destruction of property, and jamming;

Whereas Slobodan Milosevic and his supporters refused to allow independent international election monitors into the Federal Republic of Yugoslavia before the September 24, 2000 elections;

Whereas reliable reports indicate that Slobodan Milosevic and his supporters intentionally ignored internationally accepted standards for free and fair elections in order to control voting results and violated the Federal Republic of Yugoslavia's new election law in the tabulation of the vote;

Whereas reliable documented reports indicate that 74 percent of the eligible voters of the Federal Republic of Yugoslavia participated in the September 24, 2000 elections;

Whereas reliable documented reports based on official voting records indicate that Vojislav Kostunica, President, Democratic Party of Serbia, defeated Slobodan Milosevic with more than 50 percent of the vote; and

Whereas the people of Serbia, Kosovo, Bosnia, and Croatia have been the victims of wars initiated by the Milosevic regime: Now, therefore, be it

Resolved, That the Senate hereby—

(1) congratulates the people of the Federal Republic of Yugoslavia for the courage in participating in the September 24, 2000 elections;

(2) applauds the clear decision of the people of the Federal Republic of Yugoslavia to embrace democracy, the rule of law, and integration into the international community by rejecting dictatorship and isolationism;

(3) reasserts its strong desire to reestablish the historic friendship between the American and Serbian people;

(4) expresses its intention to support a comprehensive assistance program for the Federal Republic of Yugoslavia to speed its economic recovery and European integration once a democratic government that respects the rule of law, human rights, and a market economy is established; and

(5) expresses its support for full economic integration for the Federal Republic of Yugoslavia, including access to international financial institutions, once a democratic government that respects the rule of law, human rights, and a market economy is established.

Mr. VOINOVICH. Mr. President, I am pleased to introduce a sense-of-the-Senate resolution today to congratulate the people of the Federal Republic of Yugoslavia (FRY) for embracing democracy and the rule of law in the September 24, 2000 municipal, parliamentary and presidential elections. I am pleased to be joined by Senators BIDEN, LANDRIEU, LAUTENBERG, HAGEL, LUGAR, and GORDON SMITH in this bipartisan effort.

This resolution makes it clear that the Senate is eager to embrace a democratic government in Serbia that respects the rule of law, human rights, and a market economy. Milosevic's bloodletting, ethnic cleansing, and human rights violations have forced the international community, including the United States, to impose a number of crippling sanctions on the FRY. In the wake of the courageous September 24 vote, it is important to send a clear message to the Serbian people that the Senate intends to assist a democratic government and reintegrate it into the global marketplace. This resolution sends that message.

The historic friendship between the American and Serbian people have suffered for too long. I look forward to continuing to work with my colleagues in the Senate to reestablish this important relationship by assisting a new government in Serbia recover from the destruction of Milosevic's rule.

Mr. BIDEN. Mr. President, I rise today to join my friend from Ohio, Senator VOINOVICH, and other colleagues in co-sponsoring a Sense of the Senate Resolution regarding the recent elections in the Federal Republic of Yugoslavia (FRY), including advocating the resumption of economic assistance, once democracy is restored in that country.

The Voinovich-Biden resolution congratulates the people of the FRY for their courage in participating in the September 24, 2000 elections; applauds the clear decision of the people of the FRY to embrace democracy, the rule of law, and integration into the international community by rejecting dictatorship and isolationism; reasserts the strong desire of the Senate to reestablish the historic friendship between the American and Serbian peoples; and expresses its intention to support a comprehensive assistance program for the FRY to speed its economic recovery and European integration and access to international financial institutions, once a democratic government that respects the rule of law, human rights, and a market economy is established.

Slobodan Milosevic, one of the most despicable individuals I have ever met, is on the ropes. Even as we meet here today, tens of thousands of brave men and women are refusing to work and instead are demonstrating in the streets of cities throughout Yugoslavia for Milosevic to honor the results of last month's elections. The democratic opposition has called for people to stage a massive rally in Belgrade on Thursday, October 5, in a final push to drive Milosevic from power.

The Voinovich-Biden resolution, Mr. President, puts the United States Senate on record on the side of the people of Yugoslavia and its largest nationality, the Serbs, against Milosevic's tyranny.

As I have said several times on this floor, for the last decade our quarrel has never been with the Serbian people, who were allies of the United States in two world wars in the twentieth century. Vojislav Kostunica, whose victory in last month's elections Milosevic and his cronies tried to steal and are now trying to deny, is an honest man who should be given a chance to cooperate with the Western democracies.

The Voinovich-Biden resolution is a signal to all citizens of the Federal Republic of Yugoslavia that the path to their country's rejoining the international community, and thereby to restoring their shattered economy, is to honor the results of the elections by immediately and formally installing Mr. Kostunica as President.

AMENDMENTS SUBMITTED

MICROENTERPRISE FOR SELF-RELIANCE ACT OF 1999

HELMS AMENDMENT NO. 4287

Mr. DEWINE (for Mr. HELMS) proposed an amendment to bill (H.R. 1143) to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000

Sec. 101. Short title.
Sec. 102. Findings and declarations of policy.
Sec. 103. Purposes.
Sec. 104. Definitions.
Sec. 105. Microenterprise development grant assistance.
Sec. 106. Micro- and small enterprise development credits.
Sec. 107. United States Microfinance Loan Facility.
Sec. 108. Report relating to future development of microenterprise institutions.
Sec. 109. United States Agency for International Development as global leader and coordinator of bilateral and multilateral microenterprise assistance activities.
Sec. 110. Sense of Congress on consideration of Mexico as a key priority in microenterprise funding allocations.

TITLE II—INTERNATIONAL ANTI-CORRUPTION AND GOOD GOVERNANCE ACT OF 2000

Sec. 201. Short title.
Sec. 202. Findings and purpose.
Sec. 203. Development assistance policy.
Sec. 204. Department of the Treasury technical assistance program for developing countries.
Sec. 205. Authorization of good governance programs.

TITLE III—INTERNATIONAL ACADEMIC OPPORTUNITY ACT OF 2000

Sec. 301. Short title.
Sec. 302. Statement of purpose.
Sec. 303. Establishment of grant program for foreign study by American college students of limited financial means.
Sec. 304. Report to Congress.
Sec. 305. Authorization of appropriations.
Sec. 306. Effective date.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Support for Overseas Cooperative Development Act.
Sec. 402. Funding of certain environmental assistance activities of USAID.
Sec. 403. Processing of applications for transportation of humanitarian assistance abroad by the Department of Defense.
Sec. 404. Working capital fund.
Sec. 405. Increase in authorized number of employees and representatives of the United States mission to the United Nations provided living quarters in New York.
Sec. 406. Availability of VOA and Radio Marti multilingual computer readable text and voice recordings.
Sec. 407. Availability of certain materials of the Voice of America.
Sec. 408. Paul D.Coverdell Fellows Program Act of 2000.

TITLE I—MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000

SEC. 101. SHORT TITLE.

This title may be cited as the "Microenterprise for Self-Reliance Act of 2000".

SEC. 102. FINDINGS AND DECLARATIONS OF POLICY.

Congress makes the following findings and declarations:

(1) According to the World Bank, more than 1,200,000,000 people in the developing world, or one-fifth of the world's population, subsist on less than $1 a day.

(2) Over 32,000 of their children die each day from largely preventable malnutrition and disease.

(3)(A) Women in poverty generally have larger work loads and less access to educational and economic opportunities than their male counterparts.

(B) Directly aiding the poorest of the poor, especially women, in the developing world has a positive effect not only on family incomes, but also on child nutrition, health and education, as women in particular reinvest income in their families.

(4)(A) The poor in the developing world, particularly women, generally lack stable employment and social safety nets.

(B) Many turn to self-employment to generate a substantial portion of their livelihood. In Africa, over 80 percent of employment is generated in the informal sector of the self-employed poor.

(C) These poor entrepreneurs are often trapped in poverty because they cannot obtain credit at reasonable rates to build their asset base or expand their otherwise viable self-employment activities.

(D) Many of the poor are forced to pay interest rates as high as 10 percent per day to money lenders.

(5)(A) The poor are able to expand their incomes and their businesses dramatically when they can access loans at reasonable interest rates.

(B) Through the development of self-sustaining microfinance programs, poor people themselves can lead the fight against hunger and poverty.

(6)(A) On February 2–4, 1997, a global Microcredit Summit was held in Washington, District of Columbia, to launch a plan to expand access to credit for self-employment and other financial and business services to 100,000,000 of the world's poorest families, especially the women of those families, by 2005. While this scale of outreach may not be achievable in this short time-period, the realization of this goal could dramatically alter the face of global poverty.

(B) With an average family size of five, achieving this goal will mean that the benefits of microfinance will thereby reach nearly half of the world's more than 1,000,000,000 absolute poor people.

(7)(A) Nongovernmental organizations, such as those that comprise the Microenterprise Coalition (such as the Grameen Bank (Bangladesh,) K–REP (Kenya), and networks such as Accion International, the Foundation for International Community Assistance (FINCA), and the credit union movement) are successful in lending directly to the very poor.

(B) Microfinance institutions such as BRAC (Bangladesh), BancoSol (Bolivia), SEWA Bank (India), and ACEP (Senegal) are regulated financial institutions that can raise funds directly from the local and international capital markets.

(8)(A) Microenterprise institutions not only reduce poverty, but also reduce the dependency on foreign assistance.

(B) Interest income on the credit portfolio is used to pay recurring institutional costs, assuring the long-term sustainability of development assistance.

(9) Microfinance institutions leverage foreign assistance resources because loans are recycled, generating new benefits to program participants.

(10)(A) The development of sustainable microfinance institutions that provide credit and training, and mobilize domestic savings, is a critical component to a global strategy of poverty reduction and broad-based economic development.

(B) In the efforts of the United States to lead the development of a new global financial architecture, microenterprise should play a vital role. The recent shocks to international financial markets demonstrate how the financial sector can shape the destiny of nations. Microfinance can serve as a powerful tool for building a more inclusive financial sector which serves the broad majority of the world's population including the very poor and women and thus generate more social stability and prosperity.

(C) Over the last two decades, the United States has been a global leader in promoting the global microenterprise sector, primarily through its development assistance programs at the United States Agency for International Development. Additionally, the Department of the Treasury and the Department of State have used their authority to promote microenterprise in the development programs of international financial institutions and the United Nations.

(11)(A) In 1994, the United States Agency for International Development launched the "Microenterprise Initiative" in partnership with the Congress.

(B) The initiative committed to expanding funding for the microenterprise programs of the Agency, and set a goal that, by the end of fiscal year 1996, one-half of all microenterprise resources would support programs and institutions that provide credit to the poorest, with loans under $300.

(C) In order to achieve the goal of the microcredit summit, increased investment in microfinance institutions serving the poorest will be critical.

(12) Providing the United States share of the global investment needed to achieve the goal of the microcredit summit will require only a small increase in United States funding for international microcredit programs, with an increased focus on institutions serving the poorest.

(13)(A) In order to reach tens of millions of the poorest with microcredit, it is crucial to expand and replicate successful microfinance institutions.

(B) These institutions need assistance in developing their institutional capacity to expand their services and tap commercial sources of capital.

(14) Nongovernmental organizations have demonstrated competence in developing networks of local microfinance institutions and other assistance delivery mechanisms so that they reach large numbers of the very poor, and achieve financial sustainability.

(15) Recognizing that the United States Agency for International Development has developed very effective partnerships with nongovernmental organizations, and that the Agency will have fewer missions overseas to carry out its work, the Agency should place priority on investing in those nongovernmental network institutions that meet performance criteria through the central funding mechanisms of the Agency.

(16) By expanding and replicating successful microfinance institutions, it should be possible to create a global infrastructure to provide financial services to the world's poorest families.

(17)(A) The United States can provide leadership to other bilateral and multilateral development agencies as such agencies expand their support to the microenterprise sector.

(B) The United States should seek to improve coordination among G–7 countries in the support of the microenterprise sector in order to leverage the investment of the United States with that of other donor nations.

(18) Through increased support for microenterprise, especially credit for the poorest, the United States can continue to play a leadership role in the global effort to expand financial services and opportunity to 100,000,000 of the poorest families on the planet.

SEC. 103. PURPOSES.

The purposes of this title are—

(1) to make microenterprise development an important element of United States foreign economic policy and assistance;

(2) to provide for the continuation and expansion of the commitment of the United States Agency for International Development to the development of microenterprise institutions as outlined in its 1994 Microenterprise Initiative;

(3) to support and develop the capacity of United States and indigenous nongovernmental organization intermediaries to provide credit, savings, training, technical assistance, and business development services to microentrepreneurs;

(4) to emphasize financial services and substantially increase the amount of assistance devoted to both financial services and complementary business development services designed to reach the poorest people in developing countries, particularly women; and

(5) to encourage the United States Agency for International Development to coordinate microfinance policy, in consultation with the Department of the Treasury and the Department of State, and to provide global leadership among bilateral and multilateral donors in promoting microenterprise for the poorest of the poor.

SEC. 104. DEFINITIONS.

In this title:

(1) BUSINESS DEVELOPMENT SERVICES.—The term “business development services” means support for the growth of microenterprises through training, technical assistance, marketing assistance, improved production technologies, and other services.

(2) MICROENTERPRISE INSTITUTION.—The term “microenterprise institution” means an institution that provides services, including microfinance, training, or business development services, for microentrepreneurs.

(3) MICROFINANCE INSTITUTION.—The term “microfinance institution” means an institution that directly provides, or works to expand, the availability of credit, savings, and other financial services to microentrepreneurs.

(4) PRACTITIONER INSTITUTION.—The term “practitioner institution” means any institution that provides services, including microfinance, training, or business development services, for microentrepreneurs, or provides assistance to microenterprise institutions.

SEC. 105. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

“SEC. 131. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

“(a) FINDINGS AND POLICY.—Congress finds and declares that—

“(1) the development of microenterprise is a vital factor in the stable growth of developing countries and in the development of free, open, and equitable international economic systems;

“(2) it is therefore in the best interest of the United States to assist the development of microenterprises in developing countries; and

“(3) the support of microenterprise can be served by programs providing credit, savings, training, technical assistance, and business development services.

“(b) AUTHORIZATION.—

“(1) IN GENERAL.—In carrying out this part, the President is authorized to provide grant assistance for programs to increase the availability of credit and other services to microenterprises lacking full access to capital training, technical assistance, and business development services, through—

“(A) grants to microfinance institutions for the purpose of expanding the availability of credit, savings, and other financial services to microentrepreneurs;

“(B) grants to microenterprise institutions for the purpose of training, technical assistance, and business development services for microenterprises to enable them to make better use of credit, to better manage their enterprises, and to increase their income and build their assets;

“(C) capacity-building for microenterprise institutions in order to enable them to better meet the credit and training needs of microentrepreneurs; and

“(D) policy and regulatory programs at the country level that improve the environment for microentrepreneurs and microenterprise institutions that serve the poor and very poor.

“(2) IMPLEMENTATION.—Assistance authorized under paragraph (1) (A) and (B) shall be provided through organizations that have a capacity to develop and implement microenterprise programs, including particularly—

“(A) United States and indigenous private and voluntary organizations;

“(B) United States and indigenous credit unions and cooperative organizations; or

“(C) other indigenous governmental and nongovernmental organizations.

“(3) TARGETED ASSISTANCE.—In carrying out sustainable poverty-focused programs under paragraph (1), 50 percent of all microenterprise resources shall be targeted to very poor entrepreneurs, defined as those living in the bottom 50 percent below the poverty line as established by the national government of the country. Specifically, such resources shall be used for—

“(A) direct support of programs under this subsection through practitioner institutions that—

“(i) provide credit and other financial services to entrepreneurs who are very poor, with loans in 1995 United States dollars of—

“(I) $1,000 or less in the Europe and Eurasia region;

“(II) $400 or less in the Latin America region; and

“(III) $300 or less in the rest of the world; and

“(ii) can cover their costs in a reasonable time period; or

“(B) demand-driven business development programs that achieve reasonable cost recovery that are provided to clients holding poverty loans (as defined by the regional poverty loan limitations in subparagraph (A)(i)), whether they are provided by microfinance institutions or by specialized business development services providers.

“(4) SUPPORT FOR CENTRAL MECHANISMS.—The President should continue support for central mechanisms and missions, as appropriate, that—

“(A) provide technical support for field missions;

“(B) strengthen the institutional development of the intermediary organizations described in paragraph (2);

“(C) share information relating to the provision of assistance authorized under paragraph (1) between such field missions and intermediary organizations; and

“(D) support the development of nonprofit global microfinance networks, including credit union systems, that—

“(i) are able to deliver very small loans through a significant grassroots infrastructure based on market principles; and

“(ii) act as wholesale intermediaries providing a range of services to microfinance retail institutions, including financing, technical assistance, capacity-building, and safety and soundness accreditation.

“(5) LIMITATION.—Assistance provided under this subsection may only be used to support microenterprise programs and may not be used to support programs not directly related to the purposes described in paragraph (1).

“(c) MONITORING SYSTEM.—In order to maximize the sustainable development impact of the assistance authorized under subsection (b)(1), the Administrator of the agency primarily responsible for administering this part shall establish a monitoring system that—

"(1) establishes performance goals for such assistance and expresses such goals in an objective and quantifiable form, to the extent feasible;

"(2) establishes performance indicators to be used in measuring or assessing the achievement of the goals and objectives of such assistance;

"(3) provides a basis for recommendations for adjustments to such assistance to enhance the sustainable development impact of such assistance, particularly the impact of such assistance on the very poor, particularly poor women; and

"(4) provides a basis for recommendations for adjustments to measures for reaching the poorest of the poor, including proposed legislation containing amendments to enhance the sustainable development impact of such assistance, as described in paragraph (3).

"(d) Level of Assistance.—Of the funds made available under this part, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, including local currencies derived from such funds, there are authorized to be available $155,000,000 for each of the fiscal years 2001 and 2002, to carry out this section.

"(e) Definitions.—In this section:

"(1) Business development services.—The term 'business development services' means support for the growth of microenterprises through training, technical assistance, marketing assistance, improved production technologies, and other services.

"(2) Microenterprise institution.—The term 'microenterprise institution' means an institution that provides services, including microfinance, training, or business development services, for microentrepreneurs.

"(3) Microfinance institution.—The term 'microfinance institution' means an institution that directly provides, or works to expand, the availability of credit, savings, and other financial services to microentrepreneurs.

"(4) Practitioner institution.—The term 'practitioner institution' means any institution that provides services, including microfinance, training, or business development services, for microentrepreneurs, or provides assistance to microenterprise institutions.".

SEC. 106. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is amended to read as follows:

"SEC. 108. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

"(a) Findings and Policy.—Congress finds and declares that—

"(1) the development of micro- and small enterprises are a vital factor in the stable growth of developing countries and in the development and stability of a free, open, and equitable international economic system; and

"(2) it is, therefore, in the best interests of the United States to assist the development of the enterprises of the poor in developing countries and to engage the United States private sector in that process.

"(b) Program.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of credit to micro- and small enterprises lacking full access to credit, including through—

"(1) loans and guarantees to credit institutions for the purpose of expanding the availability of credit to micro- and small enterprises;

"(2) training programs for lenders in order to enable them to better meet the credit needs of microentrepreneurs; and

"(3) training programs for microentrepreneurs in order to enable them to make better use of credit and to better manage their enterprises.

"(c) Eligibility Criteria.—The Administrator of the agency primarily responsible for administering this part shall establish criteria for determining which credit institutions described in subsection (b)(1) are eligible to carry out activities, with respect to micro- and small enterprises, assisted under this section. Such criteria may include the following:

"(1) The extent to which the recipients of credit from the entity do not have access to the local formal financial sector.

"(2) The extent to which the recipients of credit from the entity are among the poorest people in the country.

"(3) The extent to which the entity is oriented toward working directly with poor women.

"(4) The extent to which the entity recovers its cost of lending.

"(5) The extent to which the entity implements a plan to become financially sustainable.

"(d) Additional Requirement.—Assistance provided under this section may only be used to support micro- and small enterprise programs and may not be used to support programs not directly related to the purposes described in subsection (b).

"(e) Procurement provision.—Assistance may be provided under this section without regard to section 604(a).

"(f) Availability of Funds.—

"(1) In general.—Of the amounts authorized to be available to carry out section 131, there are authorized to be available $1,500,000 for each of fiscal years 2001 and 2002 to carry out this section.

"(2) Coverage of subsidy costs.—Amounts authorized to be available under paragraph (1) shall be made available to cover the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, for activities under this section.".

SEC. 107. UNITED STATES MICROFINANCE LOAN FACILITY.

(a) In General.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), as amended by section 105 of this Act, is further amended by adding at the end the following new section:

"SEC. 132. UNITED STATES MICROFINANCE LOAN FACILITY.

"(a) Establishment.—The Administrator is authorized to establish a United States Microfinance Loan Facility (in this section referred to as the 'Facility') to pool and manage the risk from natural disasters, war or civil conflict, national financial crisis, or short-term financial movements that threaten the long-term development of United States-supported microfinance institutions.

"(b) Disbursements.—

"(1) In general.—The Administrator shall make disbursements from the Facility to United States-supported microfinance institutions to prevent the bankruptcy of such institutions caused by—

"(A) natural disasters;

"(B) national wars or civil conflict; or

"(C) national financial crisis or other short-term financial movements that threaten the long-term development of United States-supported microfinance institutions.

"(2) Form of assistance.—Assistance under this section shall be in the form of loans or loan guarantees for microfinance institutions that demonstrate the capacity to resume self-sustained operations within a reasonable time period.

"(3) Congressional notification procedures.—During each of the fiscal years 2001 and 2002, funds may not be made available from the Facility until 15 days after notification of the proposed availability of the funds has been provided to the congressional committees specified in section 634A in accordance with the procedures applicable to reprogramming notifications under that section.

"(c) General Provisions.—

"(1) Policy provisions.—In providing the credit assistance authorized by this section, the Administrator should apply, as appropriate, the policy provisions in this part that are applicable to development assistance activities.

"(2) Default and procurement provisions.—

"(A) Default provision.—The provisions of section 620(q), or any comparable provision of law, shall not be construed to prohibit assistance to a country in the event that a private sector recipient of assistance furnished under this section is in default in its payment to the United States for the period specified in such section.

"(B) Procurement provision.—Assistance may be provided under this section without regard to section 604(a).

"(3) Terms and conditions of credit assistance.—

"(A) In general.—Credit assistance provided under this section shall be offered on such terms and conditions, including fees charged, as the Administrator may determine.

"(B) Limitation on principal amount of financing.—The principal amount of loans made or guaranteed under this section in any fiscal year, with respect to any single event, may not exceed $30,000,000.

"(C) Exception.—No payment may be made under any guarantee issued under this section for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

"(4) Full faith and credit.—All guarantees issued under this section shall constitute obligations, in accordance with the terms of such guarantees, of the United States of America, and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations to the extent of the guarantee.

"(d) Funding.—

"(1) Allocation of funds.—Of the amounts made available to carry out this part for the fiscal year 2001, up to $5,000,000 may be made available for—

"(A) the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, to carry out this section; and

"(B) the administrative costs to carry out this section.

"(2) Relation to other funding.—Amounts made available under paragraph (1) are in addition to amounts available under any other provision of law to carry out this section.

"(e) Definitions.—In this section:

"(1) Administrator.—The term 'Administrator' means the Administrator of the agency primarily responsible for administering this part.

"(2) Appropriate congressional committees.—The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

"(3) United States-supported microfinance institution.—The term 'United

States-supported microfinance institution' means a financial intermediary that has received funds made available under part I of this Act for fiscal year 1980 or any subsequent fiscal year.".

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the policies, rules, and regulations of the United States Microfinance Loan Facility established under section 132 of the Foreign Assistance Act of 1961, as added by subsection (a).

SEC. 108. REPORT RELATING TO FUTURE DEVELOPMENT OF MICROENTERPRISE INSTITUTIONS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the most cost-effective methods and measurements for increasing the access of poor people overseas to credit, other financial services, and related training.

(b) CONTENTS.—The report described in subsection (a)—

(1) shall include how the President, in consultation with the Administrator of the United States Agency for International Development, the Secretary of State, and the Secretary of the Treasury, will develop a comprehensive strategy for advancing the global microenterprise sector in a way that maintains market principles while ensuring that the very poor overseas, particularly women, obtain access to financial services overseas;

(2) shall provide guidelines and recommendations for—

(A) instruments to assist microenterprise networks to develop multi-country and regional microlending programs;

(B) technical assistance to foreign governments, foreign central banks, and regulatory entities to improve the policy environment for microfinance institutions, and to strengthen the capacity of supervisory bodies to supervise microfinance institutions;

(C) the potential for Federal chartering of United States-based international microfinance network institutions, including proposed legislation;

(D) instruments to increase investor confidence in microfinance institutions which would strengthen the long-term financial position of the microfinance institutions and attract capital from private sector entities and individuals, such as a rating system for microfinance institutions and local credit bureaus;

(E) an agenda for integrating microfinance into United States foreign policy initiatives seeking to develop and strengthen the global finance sector; and

(F) innovative instruments to attract funds from the capital markets, such as instruments for leveraging funds from the local commercial banking sector, and the securitization of microloan portfolios; and

(3) shall include a section that assesses the need for a microenterprise accelerated growth fund and that includes—

(A) a description of the benefits of such a fund;

(B) an identification of which microenterprise institutions might become eligible for assistance from such fund;

(C) a description of how such a fund could be administered;

(D) a recommendation on which agency or agencies of the United States Government should administer the fund and within which such agency the fund should be located; and

(E) a recommendation on how soon it might be necessary to establish such a fund in order to provide the support necessary for microenterprise institutions involved in microenterprise development.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 109. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT AS GLOBAL LEADER AND COORDINATOR OF BILATERAL AND MULTILATERAL MICROENTERPRISE ASSISTANCE ACTIVITIES.

(a) FINDINGS AND POLICY.—Congress finds and declares that—

(1) the United States can provide leadership to other bilateral and multilateral development agencies as such agencies expand their support to the microenterprise sector; and

(2) the United States should seek to improve coordination among G–7 countries in the support of the microenterprise sector in order to leverage the investment of the United States with that of other donor nations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Administrator of the United States Agency for International Development and the Secretary of State should seek to support and strengthen the effectiveness of microfinance activities in United Nations agencies, such as the United Nations Development Program (UNDP), which have provided key leadership in developing the microenterprise sector; and

(2) the Secretary of the Treasury should instruct each United States Executive Director of the multilateral development banks (MDBs) to advocate the development of a coherent and coordinated strategy to support the microenterprise sector and an increase of multilateral resource flows for the purposes of building microenterprise retail and wholesale intermediaries.

SEC. 110. SENSE OF CONGRESS ON CONSIDERATION OF MEXICO AS A KEY PRIORITY IN MICROENTERPRISE FUNDING ALLOCATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) An estimated 45,000,000 of Mexico's 100,000,000 population currently lives below the poverty line, accounting for 20 percent of all poor in Latin America.

(2) Mexico cannot create enough salaried jobs to absorb new workers entering the labor force.

(3) While many poor families depend on microenterprise initiatives to generate a livelihood, the United States Agency for International Development currently has 2 microcredit projects in Mexico, receiving less than one percent of overall microenterprise funding in Latin America and the Caribbean during the last decade.

(4) Mexico's microenterprise activity has been constrained because its financial institutions cannot expand financial services to a larger clientele due to a lack of capital, inefficient financial and administrative management, and a lack of institutional support for microfinance institutions' particular needs.

(5) Mexican nongovernmental organizations, such as Compartamos, have demonstrated competence in developing local microfinance programs.

(6) On July 2, 2000, Vicente Fox Quesada of the Alliance for Change was elected President of the United Mexican States.

(7) The President-elect of Mexico has identified entrepreneurship and the start-up of new microcredit institutions as key economic priorities.

(8) Microenterprise and entrepreneurial initiatives have proven to be successful components of free market development and economic stability.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) providing Mexico's poor with economic opportunity and microfinance services is fundamental to Mexico's economic development;

(2) microenterprise can have a positive impact on Mexico's free market development; and

(3) the United States Agency for International Development should consider Mexico as a key priority in its microenterprise funding allocations.

TITLE II—INTERNATIONAL ANTI-CORRUPTION AND GOOD GOVERNANCE ACT OF 2000

SEC. 201. SHORT TITLE.

This title may be cited as the "International Anti-Corruption and Good Governance Act of 2000".

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Widespread corruption endangers the stability and security of societies, undermines democracy, and jeopardizes the social, political, and economic development of a society.

(2) Corruption facilitates criminal activities, such as money laundering, hinders economic development, inflates the costs of doing business, and undermines the legitimacy of the government and public trust.

(3) In January 1997 the United Nations General Assembly adopted a resolution urging member states to carefully consider the problems posed by the international aspects of corrupt practices and to study appropriate legislative and regulatory measures to ensure the transparency and integrity of financial systems.

(4) The United States was the first country to criminalize international bribery through the enactment of the Foreign Corrupt Practices Act of 1977 and United States leadership was instrumental in the passage of the Organization for Economic Cooperation and Development (OECD) Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions.

(5) The Vice President, at the Global Forum on Fighting Corruption in 1999, declared corruption to be a direct threat to the rule of law and the Secretary of State declared corruption to be a matter of profound political and social consequence for our efforts to strengthen democratic governments.

(6) The Secretary of State, at the Inter-American Development Bank's annual meeting in March 2000, declared that despite certain economic achievements, democracy is being threatened as citizens grow weary of the corruption and favoritism of their official institutions and that efforts must be made to improve governance if respect for democratic institutions is to be regained.

(7) In May 1996 the Organization of American States (OAS) adopted the Inter-American Convention Against Corruption requiring countries to provide various forms of international cooperation and assistance to facilitate the prevention, investigation, and prosecution of acts of corruption.

(8) Independent media, committed to fighting corruption and trained in investigative journalism techniques, can both educate the public on the costs of corruption and act as a deterrent against corrupt officials.

(9) Competent and independent judiciary, founded on a merit-based selection process and trained to enforce contracts and protect property rights, is critical for creating a predictable and consistent environment for transparency in legal procedures.

(10) Independent and accountable legislatures, responsive political parties, and transparent electoral processes, in conjunction with professional, accountable, and transparent financial management and procurement policies and procedures, are essential to the promotion of good governance and to the combat of corruption.

(11) Transparent business frameworks, including modern commercial codes and intellectual property rights, are vital to enhancing economic growth and decreasing corruption at all levels of society.

(12) The United States should attempt to improve accountability in foreign countries, including by—

(A) promoting transparency and accountability through support for independent media, promoting financial disclosure by public officials, political parties, and candidates for public office, open budgeting processes, adequate and effective internal control systems, suitable financial management systems, and financial and compliance reporting;

(B) supporting the establishment of audit offices, inspectors general offices, third party monitoring of government procurement processes, and anti-corruption agencies;

(C) promoting responsive, transparent, and accountable legislatures that ensure legislative oversight and whistle-blower protection;

(D) promoting judicial reforms that criminalize corruption and promoting law enforcement that prosecutes corruption;

(E) fostering business practices that promote transparent, ethical, and competitive behavior in the private sector through the development of an effective legal framework for commerce, including anti-bribery laws, commercial codes that incorporate international standards for business practices, and protection of intellectual property rights; and

(F) promoting free and fair national, state, and local elections.

(b) PURPOSE.—The purpose of this title is to ensure that United States assistance programs promote good governance by assisting other countries to combat corruption throughout society and to improve transparency and accountability at all levels of government and throughout the private sector.

SEC. 203. DEVELOPMENT ASSISTANCE POLICY.

(a) GENERAL POLICY.—Section 101(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(a)) is amended in the fifth sentence—

(1) by striking "four" and inserting "five";

(2) by striking "and" at the end of paragraph (3);

(3) in paragraph (4), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(5) the promotion of good governance through combating corruption and improving transparency and accountability.".

(b) DEVELOPMENT ASSISTANCE POLICY.—Section 102(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151-1(b)) is amended—

(1) in paragraph (4)—

(A) by striking "and" at the end of subparagraph (E);

(B) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(G) progress in combating corruption and improving transparency and accountability in the public and private sector."; and

(2) by adding at the end the following:

"(17) Economic reform and development of effective institutions of democratic governance are mutually reinforcing. The successful transition of a developing country is dependent upon the quality of its economic and governance institutions. Rule of law, mechanisms of accountability and transparency, security of person, property, and investments, are but a few of the critical governance and economic reforms that underpin the sustainability of broad-based economic growth. Programs in support of such reforms strengthen the capacity of people to hold their governments accountable and to create economic opportunity.".

SEC. 204. DEPARTMENT OF THE TREASURY TECHNICAL ASSISTANCE PROGRAM FOR DEVELOPING COUNTRIES.

Section 129(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151aa(b)) is amended by adding at the end the following:

"(3) EMPHASIS ON ANTI-CORRUPTION.—Such technical assistance shall include elements designed to combat anti-competitive, unethical, and corrupt activities, including protection against actions that may distort or inhibit transparency in market mechanisms and, to the extent applicable, privatization procedures.".

SEC. 205. AUTHORIZATION OF GOOD GOVERNANCE PROGRAMS.

(a) IN GENERAL.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), as amended by sections 105 and 107, is further amended by adding at the end the following:

"SEC. 133. PROGRAMS TO ENCOURAGE GOOD GOVERNANCE.

"(a) ESTABLISHMENT OF PROGRAMS.—

"(1) IN GENERAL.—The President is authorized to establish programs that combat corruption, improve transparency and accountability, and promote other forms of good governance in countries described in paragraph (2).

"(2) COUNTRIES DESCRIBED.—A country described in this paragraph is a country that is eligible to receive assistance under this part (including chapter 4 of part II of this Act) or the Support for East European Democracy (SEED) Act of 1989.

"(3) PRIORITY.—In carrying out paragraph (1), the President shall give priority to establishing programs in countries that received a significant amount of United States foreign assistance for the prior fiscal year, or in which the United States has a significant economic interest, and that continue to have the most persistent problems with public and private corruption. In determining which countries have the most persistent problems with public and private corruption under the preceding sentence, the President shall take into account criteria such as the Transparency International Annual Corruption Perceptions Index, standards and codes set forth by the International Bank for Reconstruction and Development and the International Monetary Fund, and other relevant criteria.

"(4) RELATION TO OTHER LAWS.—

"(A) IN GENERAL.—Assistance provided for countries under programs established pursuant to paragraph (1) may be made available notwithstanding any other provision of law that restricts assistance to foreign countries. Assistance provided under a program established pursuant to paragraph (1) for a country that would otherwise be restricted from receiving such assistance but for the preceding sentence may not be provided directly to the government of the country.

"(B) EXCEPTION.—Subparagraph (A) does not apply with respect to—

"(i) section 620A of this Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

"(ii) section 907 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992.

"(b) SPECIFIC PROJECTS AND ACTIVITIES.—The programs established pursuant to subsection (a) shall include, to the extent appropriate, projects and activities that—

"(1) support responsible independent media to promote oversight of public and private institutions;

"(2) implement financial disclosure among public officials, political parties, and candidates for public office, open budgeting processes, and transparent financial management systems;

"(3) support the establishment of audit offices, inspectors general offices, third party monitoring of government procurement processes, and anti-corruption agencies;

"(4) promote responsive, transparent, and accountable legislatures and local governments that ensure legislative and local oversight and whistle-blower protection;

"(5) promote legal and judicial reforms that criminalize corruption and law enforcement reforms and development that encourage prosecutions of criminal corruption;

"(6) assist in the development of a legal framework for commercial transactions that fosters business practices that promote transparent, ethical, and competitive behavior in the economic sector, such as commercial codes that incorporate international standards and protection of intellectual property rights;

"(7) promote free and fair national, state, and local elections;

"(8) foster public participation in the legislative process and public access to government information; and

"(9) engage civil society in the fight against corruption.

"(c) CONDUCT OF PROJECTS AND ACTIVITIES.—Projects and activities under the programs established pursuant to subsection (a) may include, among other things, training and technical assistance (including drafting of anti-corruption, privatization, and competitive statutory and administrative codes), drafting of anti-corruption, privatization, and competitive statutory and administrative codes, support for independent media and publications, financing of the program and operating costs of nongovernmental organizations that carry out such projects or activities, and assistance for travel of individuals to the United States and other countries for such projects and activities.

"(d) ANNUAL REPORT.—

"(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Commerce and the Administrator of the United States Agency for International Development, shall prepare and transmit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate an annual report on—

"(A) projects and activities carried out under programs established under subsection (a) for the prior year in priority countries identified pursuant to subsection (a)(3); and

"(B) projects and activities carried out under programs to combat corruption, improve transparency and accountability, and promote other forms of good governance established under other provisions of law for the prior year in such countries.

"(2) Required contents.—The report required by paragraph (1) shall contain the following information with respect to each country described in paragraph (1):

"(A) A description of all United States Government-funded programs and initiatives to combat corruption and improve transparency and accountability in the country.

"(B) A description of United States diplomatic efforts to combat corruption and improve transparency and accountability in the country.

"(C) An analysis of major actions taken by the government of the country to combat corruption and improve transparency and accountability in the country.

"(e) Funding.—Amounts made available to carry out the other provisions of this part (including chapter 4 of part II of this Act) and the Support for East European Democracy (SEED) Act of 1989 shall be made available to carry out this section.".

(b) Deadline for Initial Report.—The initial annual report required by section 133(d)(1) of the Foreign Assistance Act of 1961, as added by subsection (a), shall be transmitted not later than 180 days after the date of the enactment of this Act.

TITLE III—INTERNATIONAL ACADEMIC OPPORTUNITY ACT OF 2000

SEC. 301. SHORT TITLE.

This title may be cited as the "International Academic Opportunity Act of 2000".

SEC. 302. STATEMENT OF PURPOSE.

It is the purpose of this title to establish an undergraduate grant program for students of limited financial means from the United States to enable such students to study abroad. Such foreign study is intended to broaden the outlook and better prepare such students of demonstrated financial need to assume significant roles in the increasingly global economy.

SEC. 303. ESTABLISHMENT OF GRANT PROGRAM FOR FOREIGN STUDY BY AMERICAN COLLEGE STUDENTS OF LIMITED FINANCIAL MEANS.

(a) Establishment.—Subject to the availability of appropriations and under the authorities of the Mutual Educational and Cultural Exchange Act of 1961, the Secretary of State shall establish and carry out a program in each fiscal year to award grants of up to $5,000, to individuals who meet the requirements of subsection (b), toward the cost of up to one academic year of undergraduate study abroad. Grants under this Act shall be known as the "Benjamin A. Gilman International Scholarships".

(b) Eligibility.—An individual referred to in subsection (a) is an individual who—

(1) is a student in good standing at an institution of higher education in the United States (as defined in section 101(a) of the Higher Education Act of 1965);

(2) has been accepted for up to one academic year of study on a program of study abroad approved for credit by the student's home institution;

(3) is receiving any need-based student assistance under title IV of the Higher Education Act of 1965; and

(4) is a citizen or national of the United States.

(c) Application and Selection.—

(1) Grant application and selection shall be carried out through accredited institutions of higher education in the United States or a combination of such institutions under such procedures as are established by the Secretary of State.

(2) In considering applications for grants under this section—

(A) consideration of financial need shall include the increased costs of study abroad; and

(B) priority consideration shall be given to applicants who are receiving Federal Pell Grants under title IV of the Higher Education Act of 1965.

SEC. 304. REPORT TO CONGRESS.

The Secretary of State shall report annually to the Congress concerning the grant program established under this title. Each such report shall include the following information for the preceding year:

(1) The number of participants.

(2) The institutions of higher education in the United States that participants attended.

(3) The institutions of higher education outside the United States participants attended during their study abroad.

(4) The areas of study of participants.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,500,000 for each fiscal year to carry out this title.

SEC. 306. EFFECTIVE DATE.

This title shall take effect October 1, 2000.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. SUPPORT FOR OVERSEAS COOPERATIVE DEVELOPMENT ACT.

(a) Short Title.—This section may be cited as the "Support for Overseas Cooperative Development Act".

(b) Findings.—The Congress makes the following findings:

(1) It is in the mutual economic interest of the United States and peoples in developing and transitional countries to promote cooperatives and credit unions.

(2) Self-help institutions, including cooperatives and credit unions, provide enhanced opportunities for people to participate directly in democratic decision-making for their economic and social benefit through ownership and control of business enterprises and through the mobilization of local capital and savings and such organizations should be fully utilized in fostering free market principles and the adoption of self-help approaches to development.

(3) The United States seeks to encourage broad-based economic and social development by creating and supporting—

(A) agricultural cooperatives that provide a means to lift low income farmers and rural people out of poverty and to better integrate them into national economies;

(B) credit union networks that serve people of limited means through safe savings and by extending credit to families and microenterprises;

(C) electric and telephone cooperatives that provide rural customers with power and telecommunications services essential to economic development;

(D) housing and community-based cooperatives that provide low income shelter and work opportunities for the urban poor; and

(E) mutual and cooperative insurance companies that provide risk protection for life and property to under-served populations often through group policies.

(c) General Provisions.—

(1) Declarations of policy.—The Congress supports the development and expansion of economic assistance programs that fully utilize cooperatives and credit unions, particularly those programs committed to—

(A) international cooperative principles, democratic governance and involvement of women and ethnic minorities for economic and social development;

(B) self-help mobilization of member savings and equity and retention of profits in the community, except for those programs that are dependent on donor financing;

(C) market-oriented and value-added activities with the potential to reach large numbers of low income people and help them enter into the mainstream economy;

(D) strengthening the participation of rural and urban poor to contribute to their country's economic development; and

(E) utilization of technical assistance and training to better serve the member-owners.

(2) Development priorities.—Section 111 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151i) is amended by adding at the end the following: "In meeting the requirement of the preceding sentence, specific priority shall be given to the following:

"(1) Agriculture.—Technical assistance to low income farmers who form and develop member-owned cooperatives for farm supplies, marketing and value-added processing.

"(2) Financial systems.—The promotion of national credit union systems through credit union-to-credit union technical assistance that strengthens the ability of low income people and micro-entrepreneurs to save and to have access to credit for their own economic advancement.

"(3) Infrastructure.—The support of rural electric and telecommunication cooperatives for access for rural people and villages that lack reliable electric and telecommunications services.

"(4) Housing and community services.—The promotion of community-based cooperatives which provide employment opportunities and important services such as health clinics, self-help shelter, environmental improvements, group-owned businesses, and other activities.".

(d) Report.—Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate agencies, shall prepare and submit to Congress a report on the implementation of section 111 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151i), as amended by subsection (c).

SEC. 402. FUNDING OF CERTAIN ENVIRONMENTAL ASSISTANCE ACTIVITIES OF USAID.

(a) Allocation of Funds for Certain Environmental Activities.—Of the amounts authorized to be appropriated for the fiscal year 2001 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.; relating to development assistance), there is authorized to be available at least $60,200,000 to carry out activities of the type carried out by the Global Environment Center of the United States Agency for International Development during fiscal year 2000.

(b) Allocation for Water and Coastal Resources.—Of the amounts made available under subsection (a), at least $2,500,000 shall be available for water and coastal resources activities under the natural resources management function specified in that subsection.

SEC. 403. PROCESSING OF APPLICATIONS FOR TRANSPORTATION OF HUMANITARIAN ASSISTANCE ABROAD BY THE DEPARTMENT OF DEFENSE.

(a) Priority for Disaster Relief Assistance.—In processing applications for the transportation of humanitarian assistance abroad under section 402 of title 10, United

States Code, the Administrator of the United States Agency for International Development shall afford a priority to applications for the transportation of disaster relief assistance.

(b) MODIFICATION OF APPLICATIONS.—The Administrator of the United States Agency for International Development shall take all possible actions to assist applicants for the transportation of humanitarian assistance abroad under such section 402 in modifying or completing applications submitted under such section in order to meet applicable requirements under such section. The actions shall include efforts to contact such applicants for purposes of the modification or completion of such applications.

SEC. 404. WORKING CAPITAL FUND.

Section 635 of the Foreign Assistance Act of 1961 (22 U.S.C. 2395) is amended by adding at the end the following new subsection:

"(m)(1) There is established a working capital fund (in this subsection referred to as the 'fund') for the United States Agency for International Development (in this subsection referred to as the 'Agency') which shall be available without fiscal year limitation for the expenses of personal and nonpersonal services, equipment, and supplies for—

"(A) International Cooperative Administrative Support Services; and

"(B) rebates from the use of United States Government credit cards.

"(2) The capital of the fund shall consist of—

"(A) the fair and reasonable value of such supplies, equipment, and other assets pertaining to the functions of the fund as the Administrator determines,

"(B) rebates from the use of United States Government credit cards, and

"(C) any appropriations made available for the purpose of providing capital,

minus related liabilities.

"(3) The fund shall be reimbursed or credited with advance payments for services, equipment, or supplies provided from the fund from applicable appropriations and funds of the Agency, other Federal agencies and other sources authorized by section 607 at rates that will recover total expenses of operation, including accrual of annual leave and depreciation. Receipts from the disposal of, or payments for the loss or damage to, property held in the fund, rebates, reimbursements, refunds and other credits applicable to the operation of the fund may be deposited in the fund.

"(4) At the close of each fiscal year the Administrator of the Agency shall transfer out of the fund to the miscellaneous receipts account of the Treasury of the United States such amounts as the Administrator determines to be in excess of the needs of the fund.

"(5) The fund may be charged with the current value of supplies and equipment returned to the working capital of the fund by a post, activity, or agency, and the proceeds shall be credited to current applicable appropriations.".

SEC. 405. INCREASE IN AUTHORIZED NUMBER OF EMPLOYEES AND REPRESENTATIVES OF THE UNITED STATES MISSION TO THE UNITED NATIONS PROVIDED LIVING QUARTERS IN NEW YORK.

Section 9(2) of the United Nations Participation Act of 1945 (22 U.S.C. 287e–1(2)) is amended by striking "18" and inserting "30".

SEC. 406. AVAILABILITY OF VOA AND RADIO MARTI MULTILINGUAL COMPUTER READABLE TEXT AND VOICE RECORDINGS.

Section 1(b) of Public Law 104–269 (110 Stat. 3300) is amended by striking "5 years" and inserting "10 years".

SEC. 407. AVAILABILITY OF CERTAIN MATERIALS OF THE VOICE OF AMERICA.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to the provisions of this section, the Broadcasting Board of Governors (in this section referred to as the "Board") is authorized to make available to the Institute for Media Development (in this section referred to as the "Institute"), at the request of the Institute, previously broadcast audio and video materials produced by the Africa Division of the Voice of America.

(2) DEPOSIT OF MATERIALS.—Upon the request of the Institute and the approval of the Board, materials made available under paragraph (1) may be deposited with the University of California, Los Angeles, or such other appropriate institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) that is approved by the Board for such purpose.

(3) SUPERSEDES EXISTING LAW.—Materials made available under paragraph (1) may be provided notwithstanding section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) and section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a).

(b) LIMITATIONS.—

(1) AUTHORIZED PURPOSES.—Materials made available under this section shall be used only for academic and research purposes and may not be used for public or commercial broadcast purposes.

(2) PRIOR AGREEMENT REQUIRED.—Before making available materials under subsection (a)(1), the Board shall enter into an agreement with the Institute providing for—

(A) reimbursement of the Board for any expenses involved in making such materials available;

(B) the establishment of guidelines by the Institute for the archiving and use of the materials to ensure that copyrighted works contained in those materials will not be used in a manner that would violate the copyright laws of the United States (including international copyright conventions to which the United States is a party);

(C) the indemnification of the United States by the Institute in the event that any use of the materials results in violation of the copyright laws of the United States (including international copyright conventions to which the United States is a party);

(D) the authority of the Board to terminate the agreement if the provisions of paragraph (1) are violated; and

(E) any other terms and conditions relating to the materials that the Board considers appropriate.

(c) CREDITING OF REIMBURSEMENTS TO BOARD APPROPRIATIONS ACCOUNT.—Any reimbursement of the Board under subsection (b) shall be deposited as an offsetting collection to the currently applicable appropriation account of the Board.

(d) TERMINATION OF AUTHORITY.—The authority provided under this section shall cease to have effect on the date that is 5 years after the date of enactment of this Act.

SEC. 408. PAUL D. COVERDELL FELLOWS PROGRAM ACT OF 2000.

(a) SHORT TITLE.—This section may be cited as the "Paul D. Coverdell Fellows Program Act of 2000".

(b) FINDINGS.—Congress makes the following findings:

(1) Paul D. Coverdell was elected to the George State Senate in 1970 and later became Minority Leader of the Georgia State Senate, a post he held for 15 years.

(2) Paul D. Coverdell served with distinction as the 11th Director of the Peace Corps from 1989 to 1991, where he promoted a fellowship program that was composed of returning Peace Corps volunteers who agreed to work in underserved American communities while they pursued educational degrees.

(3) Paul D. Coverdell served in the United States Senate from the State of Georgia from 1993 until his sudden death on July 18, 2000.

(4) Senator Paul D. Coverdell was beloved by his colleagues for his civility, bipartisan efforts, and his dedication to public service.

(c) DESIGNATION OF PAUL D. COVERDELL FELLOWS PROGRAM.—

(1) IN GENERAL.—Effective on the date of enactment of this Act, the program under section 18 of the Peace Corps Act (22 U.S.C. 2517) referred to before such date as the "Peace Corps Fellows/USA Program" is redesignated as the "Paul D. Coverdell Fellows Program".

(2) REFERENCES.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the Peace Corps Fellows/USA Program shall, on and after such date, be considered to refer to the Paul D. Coverdell Fellows Program.

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 2000

MCCAIN AMENDMENT NO. 4288

Mr. ROBERTS (for Mr. MCCAIN) proposed an amendment to the bill (S. 2412) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years, 2000, 2001, 2002, and 2003, and for other purposes; as follows:

On page 3, line 1, insert "and technical" after "accident-related".

On page 3, line 2, insert "theory and" after "investigation".

On page 3, line 5, insert "goods," after "facilities,".

On page 5, between lines 2 and 3, insert the following:

"(3) LIMITATION ON TOTAL AMOUNT OF OVERTIME PAY.—The Board may not make overtime payments under paragraph (1) for work performed in any fiscal year in a total amount that exceeds 1.5 percent of the amount appropriated to carry out this chapter for that fiscal year.".

On page 5, line 3, strike "(3)" and insert "(4)".

On page 5, line 9, strike "(4)" and insert "(5)".

On page 5, line 10, strike "2001," and insert "2002,".

On page 5, line 16, strike "year." and insert "year, and the number of employees whose overtime pay under this subsection was limited in that fiscal year as a result of the 15 percent limit established by paragraph (2).".

On page 8, line 1, strike "1114(e)" and insert "1114(c)".

On page 9, line 10, strike "notified" and insert "notifies".

On page 10, beginning in line 19, strike "members, and submit" and insert "members which shall be approved by the Board and submitted".

On page 10, line 23, insert "together with" before "an".

On page 12, line 2, strike "Board" and insert "Board, in consultation with the Inspector General of the Department of Transportation,".

On page 12, line 19, strike "management and" and insert "management, property management, and".

On page 14, line 1, insert "and" after "2001,".

On page 14, beginning in line 2, strike "and $79,000,000 for fiscal year 2003,".

On page 14, after line 10, add the following:

SEC. 14. CREDITING OF LAW ENFORCEMENT FLIGHT TIME.

In determining whether an individual meets the aeronautical experience requirements imposed under section 44703 of title 49, United States Code, for an airman certificate or rating, the Secretary of Transportation shall take into account any time spent by that individual operating a public aircraft as defined in section 40102 of title 49, United States Code, if that aircraft is—

(1) identifiable by category and class; and

(2) used in law enforcement activities.

SEC. 15. TECHNICAL CORRECTION.

Section 46301(d)(2) of title 49, United States Code, is amended by striking "46302, 46303," and inserting "46301(b), 46302, 46303, 46318,".

SEC. 16. CONFIRMATION OF INTERIM FINAL RULE ISSUANCE UNDER SECTION 45301.

The publication, by the Department of Transportation, Federal Aviation Administration, in the Federal Register of June 6, 2000, (65 FR 36002) of an interim final rule concerning Fees for FAA Services for Certain Flights (Docket No. FAA-00-7018) is deemed to have been issued in accordance with the requirements of section 45301(b)(2) of title 49, United States Code.

SEC. 17. AERONAUTICAL CHARTING.

(a) IN GENERAL.—Section 44721 of title 49, United States Code, is amended—

(1) by striking paragraphs (3) and (4) of subsection (c); and

(2) by adding at the end of subsection (g)(1) the following:

"(D) CONTINUATION OF PRICES.—The price of any product created under subsection (d) may correspond to the price of a comparable product produced by a department of the United States government as that price was in effect on September 30, 2000, and may remain in effect until modified by regulation under section 9701 of title 31, United States Code."; and

(3) by adding at the end of subsection (g) the following:

(5) CREDITING AMOUNTS RECEIVED.—Notwithstanding any other provision of law, amounts received for the sale of products created and services performed under this section shall be fully credited to the account of the Federal Aviation Administration that funded the provision of the products or services and shall remain available until expended.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2000.

PRIVILEGE OF THE FLOOR

Mr. CLELAND. Mr. President, I ask unanimous consent that my military fellow, Tricia Heller, be granted the privilege of the floor during the presentation of the global role of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING AIR FORCE MEMORIAL FOUNDATION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 4583, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4583) to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

There being no objection, the Senate proceeded to consider the bill.

Mr. THOMAS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4583) was read the third time and passed.

Mr. THOMAS. Mr. President, I thank my colleagues for their support in passing H.R. 4583. This is legislation that will extend the authorization for the Air Force Memorial Foundation until December 2, 2005. I, along with my fellow marines, fully support the effort to recognize with an appropriate monument the selfless service and sacrifices of the many valiant veterans of the Air Force and its predecessor organizations.

I also note the Air Force Memorial Foundation has already begun the process of considering and selecting sites. In pursuing that effort, I encourage the foundation to identify a location that will suitably express an appropriate theme and do so in a manner that does not infringe upon or detract from other prominent memorials.

In this regard, I note the property known as the Arlington Naval Annex overlooking the Pentagon, the southeast portion of Arlington Cemetery, will soon be available. This location offers a suitable prominent setting for the memorial, and I hope it will be fully considered by the Air Force.

As this entire process moves forward, I request the Air Force carefully consider this property and report its findings to my Subcommittee on National Parks and the rest of the Senate Energy Committee.

I thank the Chair and yield the floor.

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 2000

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 762, S. 2412.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2412) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, the full Senate will now consider S. 2412, the National Transportation Safety Board Amendments Act of 2000.

The National Transportation Safety Board, NTSB, is one of our nation's most critical governmental agencies, charged with determining the probable cause of transportation accidents and promoting transportation safety. Among its many duties, the Board investigates accidents, conducts safety studies, and evaluates the effectiveness of other government agencies' programs for preventing transportation accidents. Since its inception in 1967, the NTSB has investigated more than 110,000 aviation accidents, at least 10,000 other accidents in the surface modes and issued more than 11,000 safety recommendations.

The Safety Board is currently experiencing a high level of major accident investigations, many of which are extremely complex. We must act to ensure the Board has the necessary personnel and resources to complete these challenging investigations and carry out its statutory mission.

Given the very limited time remaining during this Congress, the Commerce Committee has worked with the House Transportation and Infrastructure, T&I, Committee in an effort to develop legislation that both Chambers could accept without modification. Both of our Committees want to ensure the NTSB's authorizing legislation can be enacted as soon as possible.

I want to commend Senator HOLLINGS, the Ranking member of the Senate Commerce Committee and House T&I Chairman, BUD SHUSTER, and Ranking Member, JIM OBERSTAR for their assistance in developing the package I bring before the Senate today. The accompanying Manager's Amendment is the product of our joint discussions and resolves the differences in the House-passed and Commerce Committee-passed versions of the NTSB authorizing legislation.

S. 2412 authorizes funding for the Board through fiscal year 2003. The bill also includes a number of provisions requested in the Board's reauthorization submission. These statutory changes include: (1) clarification of NTSB's jurisdiction over accidents on the territorial seas to the twelve-mile limit and its investigative authority over accidents that may have been the subject of intentional acts of destruction; (2) permission to prescribe overtime pay rates for accident investigators; (3) authority to negotiate technical service agreements with foreign safety agencies or foreign governments; (4) authority to collect reasonable fees for the reproduction and distribution of Board products; and (5) permission to withhold voice and video recorder information from public disclosure.

In addition to the provisions requested by the Board, the legislation also includes a number of other provisions intended to improve fiscal accountability at the NTSB. For example, the legislation would statutorily establish a position of Chief Financial Officer, CFO, at the Board. The CFO would report directly to the Chairman of the Board on financial management matters and provide guidance on the implementation of asset management systems. It also directs the Board to develop and implement comprehensive internal audit controls for its financial programs to address shortcomings identified recently by the Department of Transportation Inspector General.

Further, the legislation includes a provision intended to curb what I and others view as excessive member travel expenditures. According to NTSB travel documents, only 15 percent of Board Member travel has been accident-related in the past five years. Non-accident domestic and foreign travel accounts for 85 percent of the total travel expenditures—with 51 percent for domestic travel and 34 percent for foreign travel. While I recognize a legitimate need may exist to participate in important seminars and to gain greater professional expertise that may necessitate travel, this is simply excessive. Therefore, the bill directs the Chairman of the NTSB to establish annual travel budgets, to be approved by the Board, to govern Board Member non-accident travel.

Finally, the bill authorizes the Department of Transportation Inspector General to review the business, financial, and property management of the NTSB. Currently, the Board has no standing Inspector General oversight. The bill ensures that necessary fiscal accountability oversight is provided, while prohibiting the Inspector General from becoming involved in NTSB investigations and investigation procedures.

The NTSB's authorization expired September 30, 1999. The NTSB faces budget difficulties as it seeks to cover the costs of major accident investigations. Therefore, I hope we can move this legislation expeditiously from the Floor and on to the House for its swift action, and then to the President's desk for signature.

AMENDMENT NO. 4288

Mr. ROBERTS. Mr. President, Senator McCAIN has an amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The Senator from Kansas [Mr. ROBERTS], for Mr. McCAIN, proposes an amendment numbered 4288.

The amendment is as follows:

(Purpose: To make minor and technical corrections in the bill as reported, and for other purposes)

On page 3, line 1, insert "and technical" after "accident-related".

On page 3, line 2, insert "theory and" after "investigation".

On page 3, line 5, insert "goods," after "facilities,".

On page 5, between lines 2 and 3, insert the following:

"(3) LIMITATION ON TOTAL AMOUNT OF OVERTIME PAY.—The Board may not make overtime payments under paragraph (1) for work performed in any fiscal year in a total amount that exceeds 1.5 percent of the amount appropriated to carry out this chapter for that fiscal year.".

On page 5, line 3, strike "(3)" and insert "(4)".

On page 5, line 9, strike "(4)" and insert "(5)".

On page 5, line 10, strike "2001," and insert "2002,".

On page 5, line 16, strike "year." and insert "year, and the number of employees whose overtime pay under this subsection was limited in that fiscal year as a result of the 15 percent limit established by paragraph (2).".

On page 8, line 1, strike "1114(e)" and insert "1114(c)".

On page 9, line 10, strike "notified" and insert "notifies".

On page 10, beginning in line 19, strike "members, and submit" and insert "members which shall be approved by the Board and submitted".

On page 10, line 23, insert "together with" before "an".

On page 12, line 2, strike "Board" and insert "Board, in consultation with the Inspector General of the Department of Transportation,".

On page 12, line 19, strike "management and" and insert "management, property management, and".

On page 14, line 1, insert "and" after "2001,".

On page 14, beginning in line 2, strike "and $79,000,000 for fiscal year 2003,".

On page 14, after line 10, add the following:

SEC. 14. CREDITING OF LAW ENFORCEMENT FLIGHT TIME.

In determining whether an individual meets the aeronautical experience requirements imposed under section 44703 of title 49, United States Code, for an airman certificate or rating, the Secretary of Transportation shall take into account any time spent by that individual operating a public aircraft as defined in section 40102 of title 49, United States Code, if that aircraft is—

(1) identifiable by category and class; and

(2) used in law enforcement activities.

SEC. 15. TECHNICAL CORRECTION.

Section 46301(d)(2) of title 49, United States Code, is amended by striking "46302, 46303," and inserting "46301(b), 46302, 46303, 46318,".

SEC. 16. CONFIRMATION OF INTERIM FINAL RULE ISSUANCE UNDER SECTION 45301.

The publication, by the Department of Transportation, Federal Aviation Administration, in the Federal Register of June 6, 2000, (65 FR 36002) of an interim final rule concerning Fees for FAA Services for Certain Flights (Docket No. FAA–00–7018) is deemed to have been issued in accordance with the requirements of section 45301(b)(2) of title 49, United States Code.

SEC. 17. AERONAUTICAL CHARTING.

(a) IN GENERAL.—Section 44721 of title 49, United States Code, is amended—

(1) by striking paragraphs (3) and (4) of subsection (c); and

(2) by adding at the end of subsection (g)(1) the following:

"(D) CONTINUATION OF PRICES.—The price of any product created under subsection (d) may correspond to the price of a comparable product produced by a department of the United States government as that price was in effect on September 30, 2000, and may remain in effect until modified by regulation under section 9701 of title 31, United States Code."; and

(3) by adding at the end of subsection (g) the following:

(5) CREDITING AMOUNTS RECEIVED.—Notwithstanding any other provision of law, amounts received for the sale of products created and services performed under this section shall be fully credited to the account of the Federal Aviation Administration that funded the provision of the products or services and shall remain available until expended.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2000.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4288) was agreed to.

Mr. ROBERTS. Mr. President, I ask unanimous consent the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2412), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

AMENDING THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 1800 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1800) to amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1800) was considered read the third time and passed.

AUTHORIZING PRINTING OF PUBLICATION "THE UNITED STATES CAPITOL"

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 141 submitted by Senator MCCONNELL.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 141) to authorize the printing of copies of the publication entitled "The United States Capitol" as a Senate document.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ROBERTS. Mr. President, I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 141) was agreed to, as follows:

S. CON. RES. 141

Resolved by the Senate (the House of Representatives concurring), That (a) a revised edition of the publication entitled "The United States Capitol" (referred to as "the pamphlet") shall be reprinted as a Senate document.

(b) There shall be printed a total of 2,850,000 copies of the pamphlet in English and seven other languages at a cost not to exceed $165,900 for distribution as follows:

(1)(A) 206,000 copies of the pamphlet in the English language for the use of the Senate with 2,000 copies distributed to each Member;

(B) 886,000 copies of the pamphlet in the English language for the use of the House of Representatives with 2,000 copies distributed to each Member; and

(C) 1,758,000 copies of the pamphlet for distribution to the Capitol Guide Service in the following languages:

(i) 908,000 copies in English;

(ii) 100,000 copies in each of the following seven languages: Spanish, German, French, Russian, Japanese, Italian, and Korean; and

(iii) 150,000 copies in Chinese.

(2) If the total printing and production costs of copies in paragraph (1) exceed $165,900, such number of copies of the pamphlet as does not exceed total printing and production costs of $165,900, shall be printed with distribution to be allocated in the same proportion as in paragraph (1) as it relates to numbers of copies in the English language.

AUTHORIZING THE PRINTING OF "WASHINGTON'S FAREWELL ADDRESS"—S. RES. 361

AUTHORIZING THE PRINTING OF REVISED SENATE RULES AND MANUAL—S. RES. 360

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Rules Committee be discharged from the further consideration of S. Res. 360 and S. Res. 361, and that the Senate then proceed en bloc to their immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolutions by title.

The legislative clerk read as follows:

A resolution (S. Res. 360) to authorize the printing of a document entitled "Washington's Farewell Address."

A resolution (S. Res. 361) to authorize the printing of a revised edition of the Senate Rules and Manual.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the resolutions be agreed to and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 360 and S. Res. 361) were agreed to, as follows:

S. RES. 360

Resolved,

SECTION 1. AUTHORIZATION.

The booklet entitled "Washington's Farewell Address", prepared by the Senate Historical Office under the direction of the Secretary of the Senate, shall be printed as a Senate document.

SEC. 2. FORMAT.

The Senate document described in section 1 shall include illustrations and shall be in the style, form, manner, and printing as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. COPIES.

In addition to the usual number of copies, there shall be printed 600 additional copies of the document specified in section 1 for the use of the Secretary of the Senate.

S. RES. 361

Resolved, That (a) the Committee on Rules and Administration shall prepare a revised edition of the Senate Rules and Manual for the use of the 106th Congress.

(b) The manual shall be printed as a Senate document.

(c) In addition to the usual number of documents, 1,400 additional copies of the manual shall be bound of which—

(1) 500 paperbound copies shall be for the use of the Senate; and

(2) 900 copies shall be bound (500 paperbound; 200 nontabbed black skiver; 200 tabbed black skiver) and delivered as may be directed by the Committee on Rules and Administration.

AIRPORT SECURITY IMPROVEMENT ACT OF 2000

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 764, S. 2440.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2440) to amend title 49, United States Code, to improve airport security.

There being no objection, the Senate proceeded to consider the bill, which was reported by the Committee on Commerce, with an amendment in the nature of a substitute.

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport Security Improvement Act of 2000".

SEC. 2. CRIMINAL HISTORY RECORD CHECKS.

(a) EXPANSION OF FAA ELECTRONIC PILOT PROGRAM.—Within 12 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall, in consultation with the Office of Personnel Management and the Federal Bureau of Investigation, develop the pilot program for individual criminal history record checks, known as the electronic fingerprint transmission pilot project, into an aviation industry-wide program.

(b) APPLICATION OF EXPANDED PROGRAM.—Beginning 1 year after the date of enactment of this Act, the Administrator shall utilize the program described in subsection (a) to carry out section 44936 of title 49, United States Code, for individuals described in subsection (a)(1)(A), (a)(1)(B)(i), or (a)(1)(B)(ii) of that section. If the Administrator determines that the program is not sufficiently operational 1 year after the date of enactment of this Act to permit its utilization in accordance with subsection (a), the Administrator shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure of the determination.

(c) CHANGES IN EXISTING REQUIREMENTS.—Section 44936(a)(1) of title 49, United States Code is amended—

(1) by striking "conducted, as the Administrator decides is necessary to ensure air transportation security, of" in subparagraph (A) and inserting "conducted of"; and

(2) by striking "subparagraph (C))" in subparagraph (B) and inserting "subparagraph (D))";

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E);

(4) by inserting after subparagraph (B) the following:

"(C) A criminal history record check shall be conducted for every individual who applies for a position described in subparagraph (A) or in subparagraph (B)(i) or (ii) after the date of enactment of the Airport Security Improvement Act of 2000. For the 12-month period beginning on the date of enactment of that Act, an individual described in the preceding sentence may be employed in such a position before the check is completed if the individual is subject to supervision except in a case described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (D). After that 12-month period, such an individual may not be so employed until the check is completed.";

(5) by striking "subparagraph (C)," in subparagraph (E), as redesignated, and inserting "subparagraph (D),"; and

(6) by striking "as a screener" in subparagraph (E), as redesignated, and inserting "in the position for which the individual applied".

(d) LIST OF OFFENSES BARRING EMPLOYMENT.—Section 44936(b)(1)(B) of title 49, United States Code, is amended—

(1) by inserting "(or found not guilty by reason of insanity)" after "convicted";

(2) by inserting "or felony unarmed" after "armed" in clause (xi);

(3) by striking "or" after the semicolon in clause (xii);

(4) by redesignating clause (xiii) as clause (xv) and inserting after clause (xii) the following:

"(xiii) felony involving a threat;

"(xiv) a felony involving—

"(I) willful destruction of property;

"(II) importation or manufacture of a controlled substance;

"(III) burglary;

"(IV) theft;

"(V) dishonesty, fraud, or misrepresentation;

"(VI) possession or distribution of stolen property;

"(VII) aggravated assault; or

"(VIII) bribery; or"; and

(5) by striking "clauses (i)–(xii) of this paragraph." in clause (xv), as redesignated, and inserting "clauses (i) through (xiv) of this subparagraph.".

SEC. 3. IMPROVED TRAINING.

(a) Completion of Rulemaking on Certification of Aviation Screening Companies.—

(1) Interim rule.—No later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue as an interim final rule the proposed rule on Certification of Screening Companies published in the Federal Register for January 5, 2000. For purposes of the interim final rule, the analyses and documentation prepared for the proposed rules are deemed to meet the requirements of chapter 5 of title 5, United States Code, applicable to rulemaking and any other procedural requirement imposed by law on rulemaking.

(2) Final rule.—No later than May 31, 2001, the Administrator shall issue a final rule on the Certification of Screening Companies, after taking into account any comments received on the proposed rule issued as an interim final rule under paragraph (1).

(b) Minimum Instructional Standards for Screeners.—Section 44935 of title 49, United States Code, is amended by adding at the end thereof the following:

"(e) Training Standards for Screeners.—

"(1) In general.—The Administrator shall prescribe minimum standards for training security screeners that include at least 40 hours of classroom instruction before an individual is qualified to provide security screening services under section 44901 of this title.

"(2) Classroom equivalency.—The successful completion of a program certified by the Administrator as a program that will train individuals to a level of proficiency meets the classroom instruction requirement of paragraph (1).

"(3) On-the-job training.—In addition to the requirements of paragraph (1), before an individual may exercise independent judgment as a security screener under section 44901 of this title the individual shall—

"(A) complete 40 hours of on-the-job training; and

"(B) successfully complete an on-the-job training examination prescribed by the Administrator.".

(c) Computer-Based Training Facilities.—Section 4935 of title 49, United States Code, as amended by subsection (b) is further amended by adding at the end thereof the following:

"(f) Accessibility of Computer-Based Training Facilities.—The Administrator shall work with air carriers and airports to ensure that computer-based training facilities intended for use by security screeners at an airport regularly serving an air carrier holding a certificate issued by the Secretary be conveniently located for that airport and easily accessible.".

SEC. 4. IMPROVING SECURED-AREA ACCESS CONTROL.

Section 44903 of title 49, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g); and

(2) by inserting after subsection (d) thereof the following:

"(e) Improvement of Secured-Area Access Control.—

"(1) Enforcement.—

"(A) Administrator to publish sanctions.—The Administrator shall publish in the Federal Register a list of sanctions for use as guidelines in the discipline of employees for infractions of airport access control requirements. The guidelines shall incorporate a progressive disciplinary approach that relates proposed sanctions to the severity or recurring nature of the infraction, and shall include, but are not limited to, measures such as remedial training, suspension from security-related duties, suspension from all duties without pay, and termination of employment.

"(B) Use of sanctions.—Each airport, air carrier, and security screening company shall include the list of sanctions published by the Administrator in its security program. The security program shall include a process for taking prompt disciplinary action against an employee who commits an infraction of airport access control requirements.

"(2) Improvements.—The Administrator shall—

"(A) work with airport operators and air carriers to implement and strengthen existing controls to eliminate access control weaknesses by September 30, 2000;

"(B) require airport operators and air carriers to develop and implement comprehensive and recurring training programs that teach employees their role in airport security, the importance of their participation, how their performance will be evaluated, and what action will be taken if they fail to perform;

"(C) require airport operators and air carriers—

"(i) to develop and implement programs that foster and reward compliance with access control requirements, and discourage and penalize noncompliance in accordance with guidelines issued by the Administrator to measure employee compliance; and

(ii) to enforce individual compliance requirements under Administration oversight;

"(D) assess and test for compliance with access control requirements, report findings, and assess penalties or take other appropriate enforcement actions when noncompliance is found;

"(E) improve and better administer the Administration security database to ensure its efficiency, reliability, and usefulness for identification of systemic problems and allocation of resources;

"(F) improve the execution of the Administration's quality control program by September 30, 2000; and

"(G) require airport operators and air carriers to strengthen access control points in secured areas (including air traffic control operations areas) to ensure the security of passengers and aircraft by September 30, 2000.".

SEC. 5. PHYSICAL SECURITY FOR ATC FACILITIES.

In order to ensure physical security at Federal Aviation Administration facilities that house air traffic control systems, the Administrator shall—

(1) correct identified physical security weaknesses at inspected facilities so these air traffic control facilities can be granted physical security accreditation as expeditiously as possible, but no later than April 30, 2001; and

(2) ensure that annual or triennial follow-up inspections are conducted, deficiencies are promptly corrected, and accreditation is kept current for all air traffic control facilities.

SEC. 6. EXPLOSIVES DETECTION EQUIPMENT.

The Administrator of the Federal Aviation Administration shall immediately begin to increase gradually the random selection factor embedded in the Administration's Commuter-Assisted Passenger Prescreening System at airports where bulk explosive detection equipment is being used.

SEC. 7. TECHNICAL AMENDMENT TO TITLE 49.

Section 106(p)(2) is amended by striking "15" and inserting "18".

Mr. McCAIN. Mr. President, I rise to express my strong support for the Airport Security Improvement Act of 2000, S. 2440. This bill was introduced in April by Senator HUTCHISON and cosponsored by several other Senators, including myself. In June, the Commerce Committee favorably reported S. 2440, which was crafted to address several serious concerns associated with aviation security in this country.

The bill was introduced in the wake of an Aviation Subcommittee hearing chaired by Senator HUTCHISON on the current state of aviation security. Prior to the hearing, the Federal Aviation Administration (FAA) and the General Accounting Office (GAO) conducted a closed briefing with respect to some of the more sensitive information in this area. Given concerns raised by the GAO and the Department of Transportation's Inspector General, a consensus developed that legislation was needed to address some of the more glaring deficiencies in the current system.

As reported by the committee, S. 2440 would do the following: require criminal history records checks for all baggage and security checkpoint screeners; expand the list of criminal convictions that disqualify an individual from being employed as a security screener; increase the amount of classroom and on-the-job training required of airline security screeners; require the FAA to work with air carriers and airport operators to strengthen procedures to prevent unauthorized access to aircraft; hold security personnel individually responsible for security lapses through progressive disciplinary measures; require the FAA to improve security at its own air traffic control facilities; and increase random screening of checked bags for explosives.

I believe these are all necessary steps for the improvement of aviation security. No system can ever be perfect, but we must continue to strive for an air transportation system that is as secure as reasonably possible. On the whole, security at U.S. airports appears to be good at this time. But, as I have said before, we cannot relax our efforts, especially given the significant growth in air travel. The threats to our nation remain real, and the airline industry unfortunately remains an attractive target.

In closing, I commend Senator HUTCHISON for her hard work on this bill. She has done a fine job of taking the lead on this legislation.

Mr. HOLLINGS. Mr. President, thank you for the opportunity to speak today about airport security, and in particular, S. 2440, the Airport Security Improvement Act of 2000.

Our aviation security system in the United States and abroad is of extreme importance in protecting the traveling public. Airport security is our first line of defense against terrorist attacks or other dangerous acts. We all know that our airport security personnel are underpaid and overworked.

Congress sets minimum security standards for the airports and airlines to meet, but implementing the standards is not a government function—that part is left to the airlines, airports and security personnel. We need to ensure, then, that the industry and security screeners are better prepared and that higher training standards are implemented. Security workers are characterized by a high rate of turnover. According to GAO's testimony in our April 6 hearing this year on aviation security, from May 1998 through April 1999, turnover averaged 126 percent among screeners at 19 large airports, and the average wage for screeners in the United States averages $5.75 per hour with minimal benefits. We can't expect security personnel who are receiving minimum-wage or near-minimum wage to realize just how important their jobs are to the overall security of the airport and to have a commitment to their jobs. On the other hand, security personnel also need to be held individually responsible for security lapses. Peoples' lives are at stake when there are security lapses. Employees who fail to follow procedures should be suspended or terminated.

S. 2440 directs the FAA Administrator to prescribe minimum standards for training security screeners that includes at least 40 hours of classroom instruction and at least 40 hours of practical training before an individual is qualified to provide security screening services at an airport. The FAA is committed to funding better, more effective equipment, but it was not going to finalize the regulation to improve training requirements for screeners and certification for screening companies until May 2001. With this legislation, improved training requirements will be implemented by September 30 of this year. S. 2440 also, among other things, requires airport operators and air carriers to develop comprehensive and recurring training programs that teach employees their role in airport security and how performance will be evaluated and treated.

Another major problem at airports is secured-area access control weaknesses. People are getting into secured areas by following airport employees through security doors. This can be solved by employees simply closing the door behind them after they enter a secured area. S. 2440 requires airport operators and air carriers to develop programs that foster and reward compliance with access control requirements, discourage and penalize noncompliance, and enforce individual compliance requirements under FAA oversight.

I believe this bill is a step in the right direction. Security personnel need to be aware of the importance of their job and they also need to be provided with the proper training to carry out their functions. Many of the areas covered by this bill consist of actions now being undertaken by the FAA. However, despite these actions, and consistent with the needs of the traveling public, a number of modifications will be debated with our House colleagues but I am confident we can put together a final bill and send it to the President for his signature.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee substitute be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2440), as amended, was read the third time and passed.

REQUESTING THAT THE U.S. POSTAL SERVICE ISSUE A COMMEMORATIVE STAMP HONORING NATIONAL VETERANS SERVICE ORGANIZATIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. Con. Res. 70, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the resolution by title.

A concurrent resolution (S. Con. Res. 70) requesting that the United States Postal Service issue a commemorative postage stamp honoring the national veterans service organizations of the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 70) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 70

Whereas United States service personnel have fought, bled, and died in every war, conflict, police action, and military intervention in which the United States has engaged during this century and throughout the Nation's history;

Whereas throughout history, veterans service organizations have ably represented the interests of veterans in Congress and State legislatures across the Nation, and established networks of trained service officers who, at no charge, have helped millions of veterans and their families secure the education, disability compensation, and health care benefits they are rightfully entitled to receive as a result of the military service performed by those veterans; and

Whereas veterans service organizations have been deeply involved in countless local community service projects and have been constant reminders of the American ideals of duty, honor, and national service: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress requests that—

(1) the United States Postal Service issue a series of commemorative postage stamps honoring the legacy and the continuing contributions of veterans service organizations to the United States; and

(2) the Citizens' Stamp Advisory Committee recommend to the Postmaster General that such a series of commemorative postage stamps be issued.

U.S.S. "WISCONSIN" COMMEMORATIVE POSTAGE STAMP

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. Con. Res. 60, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 60) expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 60) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 60

Whereas the Iowa Class Battleship, the U.S.S. *Wisconsin* (BB-64), is an honored warship in United States naval history, with 6 battle stars and 5 citations and medals during her 55 years of service;

Whereas the U.S.S. *Wisconsin* was launched on December 7, 1943, by the Philadelphia

Naval Shipyard; sponsored by Mrs. Walter S. Goodland, wife of then-Governor Goodland of Wisconsin; and commissioned at Philadelphia, Pennsylvania, on April 16, 1944, with Captain Earl E. Stone in command;

Whereas her first action for Admiral William "Bull" Halsey's Third Fleet was a strike by her task force against the Japanese facilities in Manila, thereby supporting the amphibious assault on the Island of Mindoro, which was a vital maneuver in the defeat of the Japanese forces in the Philippines;

Whereas the U.S.S. *Wisconsin* joined the Fifth Fleet to provide strategic cover for the assault on Iwo Jima by striking the Tokyo area;

Whereas the U.S.S. *Wisconsin* supplied crucial firepower for the invasion of Okinawa;

Whereas the U.S.S. *Wisconsin* served as a flagship for the Seventh Fleet during the Korean conflict;

Whereas the U.S.S. *Wisconsin* provided consistent naval gunfire support during the Korean conflict to the First Marine Division, the First Republic of Korea Corps, and United Nations forces;

Whereas the U.S.S. *Wisconsin* received 5 battle stars for World War II and one for the Korean conflict;

Whereas the U.S.S. *Wisconsin* returned to combat on January 17, 1991;

Whereas the U.S.S. *Wisconsin* served as Tomahawk strike warfare commander for the Persian Gulf, and directed the sequence of Tomahawk launches that initiated Operation Desert Storm; and

Whereas the U.S.S. *Wisconsin*, decommissioned on September 30, 1991, is berthed at Portsmouth, Virginia; and may soon be berthed at Nauticus, the National Maritime Museum in Norfolk, Virginia, where she would serve as a floating monument and an educational museum: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) a commemorative postage stamp should be issued by the United States Postal Service in honor of the U.S.S. *Wisconsin* and all those who served aboard her; and

(2) the Citizen's Stamp Advisory Committee should recommend to the Postmaster General that such a postage stamp be issued.

MEASURE READ THE FIRST TIME—S. 3152

Mr. ROBERTS. Mr. President, I understand that S. 3152 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3152) to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

Mr. ROBERTS. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read a second time on the next legislative day.

MEASURE PLACED ON THE CALENDAR—H.J. RES. 110

Mr. ROBERTS. Mr. President, I ask unanimous consent that H.J. Res. 110, the continuing resolution just received from the House, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING ESTABLISHMENT OF INTERPRETATIVE CENTER

WILD AND SCENIC RIVERS ACT

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate now proceed to the following bills en bloc: Calendar No. 828, H.R. 3084, and Calendar No. 711, H.R. 2773.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3084) to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln.

A bill (H.R. 2773) to amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiva Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system.

There being no objection, the Senate proceeded to consider the bills.

Mr. ROBERTS. Mr. President, I ask unanimous consent that any committee amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment to H.R. 3084 was agreed to, as follows:

H.R. 3084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTRIBUTIONS TOWARD ESTABLISHMENT OF ABRAHAM LINCOLN INTERPRETIVE CENTER.

(a) Grants Authorized.—Subject to subsections (b) and (c), the Secretary of the Interior shall make grants to contribute funds for the establishment in Springfield, Illinois, of an interpretive center to preserve and make available to the public materials related to the life of President Abraham Lincoln and to provide interpretive and educational services which communicate the meaning of the life of Abraham Lincoln.

(b) Plan and Design.—

(1) Submission.—Not later than 18 months after the date of the enactment of this Act, the entity selected by the Secretary of the Interior to receive grants under subsection (a) shall submit to the Secretary a plan and design for the interpretive center, including a description of the following:

(A) The design of the facility and site.

(B) The method of acquisition.

(C) The estimated cost of acquisition, construction, operation, and maintenance.

(D) The manner and extent to which non-Federal entities will participate in the acquisition, construction, operation, and maintenance of the center.

(2) Consultation and cooperation.—The plan and design for the interpretive center shall be prepared in consultation with the Secretary of the Interior and the Governor of Illinois and in cooperation with such other public, municipal, and private entities as the Secretary considers appropriate.

(c) Conditions on Grant.—

(1) Matching requirement.—A grant under subsection (a) may not be made until such time as the entity selected to receive the grant certifies to the Secretary of the Interior that funds have been contributed by the State of Illinois or raised from non-Federal sources for use to establish the interpretive center in an amount equal to at least double the amount of that grant.

(2) Relation to other Lincoln-related sites and museums.—The Secretary of the Interior shall further condition the grant under subsection (a) on the agreement of the grant recipient to operate the resulting interpretive center in cooperation with other Federal and non-Federal historic sites, parks, and museums that represent significant locations or events in the life of Abraham Lincoln. Cooperative efforts to promote and interpret the life of Abraham Lincoln may include the use of cooperative agreements, cross references, cross promotion, and shared exhibits.

(3) Competitive bidding guidelines.—As a condition of the receipt of a grant under subsection (a), the Secretary of the Interior shall require that the grant recipient comply with sections 303, 303A, and 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253–253b) as implemented by the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) in planning, designing, and constructing the interpretive center.

(d) Prohibition on Contribution of Operating Funds.—Grant amounts may not be used for the maintenance or operation of the interpretive center.

(e) Non-Federal Operation.—The Secretary of Interior shall have no involvement in the actual operation of the interpretive center, except at the request of the non-Federal entity responsible for the operation of the center.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior a total of $50,000,000 to make grants under subsection (a). Amounts so appropriated shall remain available for expenditure through fiscal year 2006.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the Record, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 3084, as amended, and H.R. 2773) were read the third time and passed.

SALE OF PUBLIC LAND IN LINCOLN COUNTY, NEVADA

EXCHANGE OF LANDS WITHIN THE STATE OF UTAH

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration en bloc of the following bills: Calendar No. 836, H.R. 2752, and Calendar No. 910, H.R. 4579.

The PRESIDING OFFICER. The clerk will state the bills by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 2752) to direct the Secretary of the Interior to sell certain public land in Lincoln County through a competitive process.
>
> A bill (H.R. 4579) to provide for the exchange of certain lands within the State of Utah.

There being no objection, the Senate proceeded to consider the bills.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 2752 and H.R. 4579) were read the third time and passed.

GLOBAL ROLE V: ROLES OF THE GOVERNMENT, THE PEOPLE, AND THE MILITARY IN WAR-MAKING

Mr. CLELAND. Mr. President, today, with my dear friend and wonderful colleague from Kansas, Senator ROBERTS, we come to the fifth and final in our series of floor discussions on the global role of the United States. We will begin with consideration of the key instruments of national security policy, and we will conclude this series with a presentation of what we have learned over the course of these dialogs.

The inspiration for the first of today's topics comes from a source we have often cited in this series: The great 19th century military thinker, Karl von Clausewitz, who wrote in his seminal work on war these words:

> Its dominant tendencies always make war a paradoxical trinity. The passions that are to be kindled in war must already be inherent in the people. The scope which the play of courage and talent will enjoy in the realm of probability and chance depends on the particular character of the commander and the army; but the political aims are the business of government alone.
>
> These three tendencies are like three different codes of law, deep rooted in their subject and yet variable in their relationship to one another. A theory that ignores any one of them or seeks to fix an arbitrary relationship between them would conflict with reality to such an extent that for this reason alone, it would be totally useless.
>
> Our task, therefore is to develop a theory that maintains a balance between these three tendencies, like an object suspended between three magnets.

Attempts to find the proper balance between the roles of the people, the military and the government when America goes to war have been a major feature of the last 35 years, from the Gulf of Tonkin Resolution, to Operation Desert Storm, to Operation Allied Force. In my opinion, it is an effort which has not been overly successful. Certainly in the case of Vietnam, there was no real attempt to mobilize the American public in support of the war effort, nor for the Executive Branch to seek or the Congress to demand that the Constitutional role of the Congress to legitimize the conduct of hostilities be exercised. But I would also contend that much the same pattern is evident in more recent American interventions in the Balkans, and to an only somewhat lesser extent in the Gulf War.

The fact that we have emerged from all of these military interventions without major harm—though the negative impact from Vietnam was far from negligible—is a tribute to the efforts of our servicemen and women, the capabilities of our weaponry, but also, I would suggest, the fact that our vital national interests were never threatened in these cases. Only the Cold War, which by and large was prosecuted effectively, both militarily and politically and on a bipartisan basis, and in which we achieved a decisive victory, posed such a threat in the last half century.

We have spent much of the time in previous dialogues in discussing the proper ends of American national security policy in the post-Cold War era, but if we don't fix the problems in this "holy trinity" of means—the roles of the public, the military and the government—we are going to be continually frustrated in our achievement of whatever objectives we set.

Let's start with the first of Clausewitz' trinity: the people.

The post-Cold War world is not only producing changes abroad—changes which we have spoken of at some length in our previous global role discussions—but also a number of alterations here at home. Over the past decade or so, we have seen a democratization in terms of our foreign and defense policies in the sense that the American public is less and less disposed to leave these matters to the "experts," and to trust the assurances of the "Establishment" with respect to the benefits of internationalism.

While there is certainly nothing wrong with such skepticism, and indeed a demand for accountability is a healthy and appropriate attitude for the public to take, whether on national security or any other public policy, this democratization of national security policy has been marked by widespread public disengagement from the details of that policy:

For example, a 1997 Wall Street Journal/NBC News survey found that foreign policy and defense ranked last, at 9 percent, among issues cited by the public as the most important matters facing the country.

A 1997 Washington Post/Kaiser Foundation/Harvard poll discovered that 64 percent of the American public thought that foreign aid was the largest component of the federal budget, when in fact it is one of the smallest at approximately 1 percent.

A 1999 Penn and Schoen survey discovered that nearly half—48 percent—of the American public felt that the U.S. was "too engaged" in international problems, while just 16 percent expressed the view that we are "not engaged enough."

A 1999 poll for the Program on International Policy Attitudes found that only 28 percent of the American people wanted the U.S. government to promote further globalization while 34 percent wanted our government to try to slow or reverse it, and another 33 percent preferred that we simply allow it to continue at its own pace, as we are doing now.

Related to these results, I personally believe that the end of the draft and the dramatic reductions in defense personnel levels in recent years—since FY85 the size of our armed forces decreased by 30 percent—has produced a growing disconnect between the American public and the American military, with fewer and fewer people having relatives or friends in the military, or living in communities in which a military base is a dominant feature of the local economy. This growing separation between the military and civilian worlds has produced a profound impact on the perspectives and performance of the U.S. government when it comes to the use of force, and I will return to this point later.

We can bemoan the public's skepticism and disengagement, and wish that it didn't exist, but it is a fact which impacts on all major foreign and defense policy issues facing the Congress. We saw it in the NAFTA debate, and in the debates on Iraq, NATO and the Balkans.

Now, I believe that the critics of foreign trade and foreign engagement raise important and legitimate concerns which need to be addressed. I do not believe we can stand behind platitudes that "foreign trade is always good," or "U.S. leadership is always essential." In my view, the burden is now on those who would urge engagement overseas, whether military, political or economic. As the just discussed public opinion data indicate, they have their work cut out for them, with widespread indifference, lack of knowledge and doubt about the value of such engagement. However, it is a debate worth having, and indeed is essential if we are to achieve the kind of national consensus we need in this post-Cold War era.

The second of the war-making trinity of Clausewitz is the military itself. Lets talk about the military. The subject of military reform is a fascinating and important one in its own right, but is somewhat beyond the scope of our dialogues on the U.S. global role. However, I would like to touch on a few areas in which the specific needs of our Armed Forces, and the perspectives of and about the American military have a direct bearing on our role as policymakers.

As perhaps the leading military analyst of the Vietnam War, Colonel Harry Summers, wrote in his excellent book On Strategy: The Vietnam War in Context:

> Prior to any future commitment of U.S. military forces our military leaders must insist that the civilian leadership provide tangible, obtainable political goals. The political objective cannot merely be a platitude but must be stated in concrete terms. While such objectives may very well change during the course of the war, it is essential that we begin with an understanding of where we intend to go. I couldn't have said it better. As Clausewitz said, we should not "take the first step without considering the last . . ." There is an inherent contradiction between the military and its civilian leaders on this issue. For both domestic and international political purposes the civilian leaders want maximum flexibility and maneuverability and are hesitant to fix on firm objectives. The military on the other hand need just such a firm objective as early as possible in order to plan and conduct military operations. That is according to Harry Summers.

Mr. President, I know all too well the kind of price that is paid by our men and women in uniform when our political leaders fail to lay out clear and specific objectives. More than thirty years ago, in Vietnam we lacked clear and specific objectives. We attempted to use our military to impose our will in a region far from our shores and, in my view, far from our vital national interests, and without ever fully engaging the Congress or the American people in the process. The result was a conflict where the politicians failed to provide clear political objectives and where our policy was never fully understood or fully supported by the American people. From what I have seen since I came to this distinguished body in 1997, we have made very little progress on any of these fronts in the years since that time when it comes to America going to war.

The trend discussed earlier of a growing disconnect between the military and civilians has been perhaps even more pronounced among national foreign and defense policy-makers. A groundbreaking recent study, organized by the North Carolina Triangle Institute for Security Studies and entitled "Project on the Gap Between Military and Civilian Society," made a number of major findings relevant to our discussion today. Let me quote from the Project's Digest of Findings and Studies:

> Americans in the national political elite are increasingly losing a personal connection to the military. For the first 75 years of the 20th Century, there was a significant "veteran's advantage" in American politics: always a higher percentage of veterans in Congress than in the comparable age cohort in the general population. This veteran's advantage has eroded over the past twenty-five years in both chambers of Congress and across both parties. Beginning in the mid-1990s, there has been a lower percentage of veterans in the Senate and the House of Representatives than in the comparable cohort in the population at large . . . Compared to historical trends, military veterans seem now to be under-represented in the national political elite.

This particular growing disconnection is having a major impact on the central topic of our global role dialogues. To quote again from the Triangle Institute report:

> The presence of veterans in the national political elite has a profound effect on the use of force in American foreign policy. At least since 1816, there has been a very durable pattern in U.S. behavior: the more veterans in the national political elite, the less likely the United States is to initiate the use of force in the international arena. The effect is statistically stronger than many other factors known to influence the use of force . . . The trend of a declining rate of veterans in the national political elite may suggest a continued high rate of military involvement in conflicts in the coming years.

I find that statistic astounding.

One part of the Triangle Institute study, titled "The Civilian-Military Gap and the American Use of Force 1816–1992," found:

> two broad clusters of opinion that track with military experience, yielding what we call civilian hawks and military doves.

Specifically, this particular survey discovered that civilian leaders are more willing to use force but more likely to want to impose restrictions on the level of force to be used, and more supportive of human rights objectives, while military leaders are more reluctant to use force but prefer fewer restrictions on what level of force to employ, and tend to support more traditional "Realpolitik" objectives for U.S. foreign policy. Fascinating. Interestingly, civilian leaders with prior military experience were found to hold views closer to the military rather than civilian leadership.

In other words, those who have seen the face of battle are more reticent about resorting to force than those who have not. This does not mean they—I should say we—are necessarily right in any particular case, but it should certainly give "civilian hawks" some pause in considering recourse to an instrument whose chief practitioners are wary of utilizing. Above all, as was the case with the government needing to engage the public far more effectively on questions of foreign policy, so must the military and the government—including the Congress—more effectively engage each other if we are ever going to achieve the kind of balance which Clausewitz wrote of.

This leads me to the third and final piece of the Clausewitz trinity: the government. As I noted earlier, Colonel Summers emphasized that military leaders must insist that the civilian leadership provide tangible, obtainable political goals. In this country, that duty rests squarely on the shoulders of the President and Congress when it comes to the business of war, as outlined by our Founding Fathers when they drafted our Constitution.

Under the Constitution, war powers are divided. Article I, Section 8, gives Congress the power to declare war and raise and support the armed forces, while Article II, Section 2 declares the President to be Commander in Chief. With this division of authority there has also been constant disagreement, not only between the executive and legislative branches, but between individual members of Congress as well, as we have seen in our most recent debates on authorizing the intervention in Kosovo and on the Byrd-Warner amendment concerning current funding of that very operation, dare I say war. Judging by the text of the Constitution and the debate that went into its drafting, however, members of Congress have a right, and I would say an obligation, to play a key role in the making of war and in determination of the proper use of our armed forces, which has brought Senator PAT ROBERTS and me to this floor, shoulder to shoulder, to see if we can't further articulate and work out a consensus on how do we commit American forces abroad.

It is generally agreed that the Commander in Chief role gives the President power to repel attacks against the United States and makes him responsible for leading the armed forces. During the Korean and Vietnam conflicts, however, this country found itself involved for many years in undeclared wars. Many members of Congress became concerned with the erosion of congressional authority to decide when the United States should become involved in a war or should use our armed forces in situations that might lead to war.

On November 7, 1973, the Congress passed the War Powers Resolution over the veto of President Nixon. As Dante Fascell, former Chairman of the House Committee on Foreign Affairs noted:

> The importance of this law cannot be discounted. Simply stated, the War Powers Resolution seeks to restore the balance created in the Constitution between the President and Congress on questions of peace and war. It stipulates the constitutional directions that the President and Congress should be partners in such vital questions—to act together, not in separate ways.

The War Powers Resolution has two key requirements. Section 4(a) requires the President to submit a report to Congress within forty-eight hours whenever troops are introduced into hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances. Section 5(b) then stipulates that if U.S. armed forces have been sent into situations of actual or imminent hostilities the President must remove the troops within sixty days—ninety days if he requests a delay—unless Congress declares war or otherwise authorizes the use of force. The resolution also provides that Congress can compel the

President to withdraw the troops at any time by passing a joint resolution. It is important to note, however, that since the adoption of the War Powers Resolution, every President has taken the position that it is an unconstitutional infringement by the Congress on the President's authority as Commander-in-Chief, and the courts have not directly addressed this vital question.

I would submit that although the Congress tried to reassert itself after the Vietnam War with the enactment of the War Powers Resolution, we have continued to be a timid, sometimes non-existent player in the government that Clausewitz emphasized must play a vital role in creating the balance necessary for an effective war-making effort. Since I came to the Senate, it has been my observation that the current system by which the Executive and Legislative Branches discharge their respective Constitutional duties in committing American servicemen and women into harm's way has become inadequate. Congress continually lacks sufficient and timely information as to policy objectives and means prior to the commitment of American forces. And then, in my opinion, Congress largely abdicates its responsibilities for declaring war and controlling the purse with inadequate and ill-timed consideration of operations.

Perhaps this failure has been a long time in the making. My dear friend and colleague Senator BYRD so eloquently stated in an earlier address to this body on the history of the Senate,

> We remember December 7, 1941, as a day of infamy. We mourn the hundreds of American servicemen who died at Pearl Harbor, and the thousands who gave their lives in the war that followed. We might also mourn the abrupt ending of the debate over American foreign policy. While history proved President Roosevelt and his followers more correct than their isolationist opponents, it also buried for decades the warnings of the isolationists that the United States should not aspire to police the world, nor should it intervene at will in the affairs of other nations in this hemisphere or elsewhere.

A very wise statement by Senator BYRD.

Reasons for the failure of the War Powers Resolution and for our current difficulties abound. I believe that part of our problem stems from the disputed and uncertain role of the War Powers Resolution of 1973 in governing the conduct of the President, as well as the Congress, with respect to the introduction of American forces into hostile situations. Once again, these disputes continue to resound between both the branches and individual members of the legislative branch.

In all honesty, however, the realities of our government highlight the fact that while the legislature can urge, request, and demand that the President consult with members of Congress on decisions to use force, it cannot compel him to follow any of the advice that it might care to offer. With that in mind, as an institution, Congress can do no more than give or withhold its permission to use force. And while this "use it or lose it" quality of congressional authorizations may make many members leery about acting on a crisis too soon, delays will virtually guarantee, as Senator Arthur Vandenberg once stated, that crises will "never reach Congress until they have developed to a point where congressional discretion is pathetically restricted."

What a great quote. I felt that certainly as I tried to vote properly in this Chamber months ago in regard to Milosevic and his intervention in Kosovo.

Mr. President, I believe that in view of our obligations to the national interest, to the Constitution and to the young American servicemen and women whose very lives are at stake whether it be a "contingency operation" or a full-scale war, neither the executive or legislative branches should be satisfied with the current situation which results in uncertain signals to the American people, to overseas friends and foes, and to our armed forces personnel. In making our decision to authorize military action, Congress should work to elicit all advice and information from the President on down to the battlefield commanders, make a sound decision based on this information, and then leave battlefield management in the hands of those competent and qualified to carry out such a task. Only then will the proper roles and balance of the triad Clausewitz spoke of be obtained. And only then will our decisions to commit troops be based on the principles we spoke of in our earlier dialogs: (1) a vital national interest, (2) with clear national policy and objectives, and (3) with a well-defined exit strategy. As Senator Mansfield once stressed,

> In moments of crisis, at least, the President and the Congress cannot be adversaries; they must be allies who together, must delineate the path to guide the nation's massive machinery of government in a fashion which serves the interests of the people and is acceptable to the people.

Beautifully said.

In light of the problems and issues just discussed, I would like to take a moment to discuss S. 2851, a bill I recently introduced with Senators ROBERTS and JEFFORDS, which seeks to find a more workable system for Presidential and congressional interaction on the commitment of American forces into combat situations. It is a bill derived from the current system for Presidential approval and reporting to Congress on covert operations, a system which was established by Public Law 102–88 in 1991. By most accounts, this system has been accepted by both branches and has worked very well with respect to covert operations, producing both better decisionmaking in the executive branch and improved congressional input and oversight with respect to these operations. Since overt troop deployments into hostilities almost certainly constitute a greater risk to American interests and to American lives, I believe such a system represents the very least we should do to improve the approval and oversight process with respect to overt military operations. It does not bind or limit the executive branch or military, but seeks to build upon the principles we have covered throughout our global roles dialog.

Precisely because the United States is a democracy, it is important that policy decisions be made democratically. As Michael Walzer observes in his article "Deterrence and Democracy": "The test of a democracy is not that the right side wins the political battle, but that there is a political battle." Policies that pass through public debate and inspection emerge all the stronger for it, because they enjoy greater respect both at home and abroad. Instead of seeing executive-legislative conflict over foreign policy as a cause for dismay, we should recognize that healthy democracies argue over the wisdom of policies. Debate is what, ultimately, produces better policy. And this is precisely the role of the government, both the President and Congress, in fulfilling our constitutional duties and achieving the proper balance of the Clausewitz trilogy.

I believe the case has clearly been made that the public, the military, and the government—the three underpinnings of successful national security policy—are not now in proper "balance," to use Clausewitz' term. Each part of this trinity is skeptical and increasingly disengaged from the other two, with a number of significant and negative effects on our national interest which we have discussed today and in previous dialogs: a widening divide between the aspirations of American foreign policy-makers and the Congress' and the public's willingness to finance the necessary means is one such point; a military and civilian leadership which sees America's role in the world and the means appropriate to secure those ends in vastly different terms; a national government which is deeply divided along partisan lines and between the executive and legislative branches.

I suggest the chief responsibility for fixing this dysfunctional system lies squarely with us in the government. As Clausewitz said, "the political aims are the business of government alone," and it is the political aims which drive, or at least should drive, both military requirements and the public's engagement, or disengagement, from American policy. We must find more and better ways of communicating with our constituents on the realities of our national interests and the real costs of securing them. We must find more and better ways to increase the exchange of experiences and ideas between the government and the military. And we must find more and better ways of ensuring that both the executive and legislative branches properly fulfill their constitutional responsibilities in the arena of national security policy.

Professor of Strategic Studies at Johns Hopkins University Eliot Cohen closed his paper on "The Unequal Dialogue: The Civil-Military Gap and the Use of Force," which is a very interesting series of case studies on effective, and ineffective, civilian and military interaction during wartime, with these observations, which are extremely relevant to our discussion today:

> (The lessons of serious conflict) are, above all, that political leaders must immerse themselves in the conduct of war no less than they do in great projects of domestic legislation; that they must master their military briefs as thoroughly as they do their civilian ones; that they must demand and expect from their military subordinates a candor as bruising as it is necessary; that both groups must expect a running conversation in which, although civilian opinion will not dictate, it must dominate; that that conversation will include not only ends and policies, but ways and means.

In other words, we in Government, the constitutionally established political leaders, must step up to the plate and do our jobs when it comes to national security policy—especially when it comes to making war—with great humility as to our own limitations, with great care and forethought, but with diligence and determination.

Mr. President, it is my honor and distinct personal privilege to yield to the distinguished Senator from Kansas, Mr. ROBERTS, for further remarks.

Mr. ROBERTS. Mr. President, before I begin, I would like to pay tribute and special thanks to Scott Kindsvater, who happens to come from my hometown of Dodge City, KS, who is a major in the U.S. Air Force and is a congressional fellow in my office. He is an F-15 pilot second to none. He is going to be assigned to the Pentagon. His tour of duty will end about the same time as the election. I thank him for all of his help, all of his homework, all of his study, and for gathering together the material that has been so helpful to me to take part in this foreign policy dialog.

I thank my good friend and colleague, Senator CLELAND. We again come to the floor of the Senate for what is our fifth dialog with regard to our Nation's role in global affairs and our vital national security interests. This effort has been prompted by our conviction, as the Senator has said, that such a dialog, such a process is absolutely necessary, if we are to arrive at a better bipartisan consensus on national security policy, a consensus our Nation deserves and needs but has been lacking since the end of the cold war.

Both Senator CLELAND and I have the privilege of serving together on the Senate Armed Services Committee. The distinguished Presiding Officer also serves on that committee and provides very valuable service. As a matter of fact, Senator CLELAND and I sit directly opposite one another. During hearing after hearing on the leading national security issues of the past 4 years, it became obvious that while we did not agree on each and every issue, we shared many similar views and concerns. I call it "the foreign policy and national security eyebrow syndrome"; that is to say, when MAX and I hear testimony we think is off the mark, a little puzzling, or downright silly, our eyebrows go up, and that is usually followed by a great deal of head shaking and commiserating.

The result has been a series of foreign policy dialogs: No. 1, what is the U.S. global role? No. 2, how do we define and defend U.S. vital national security interests? No. 3, what is the role of multilateral organizations in the world today and our role within them? No. 4, when and how should U.S. military forces be deployed?

Today Senator CLELAND has chosen a theme taken from the 19th century military strategist, Gen. Karl von Clausewitz, called "The Trinity of War Making," or the role of government, the military, and the public in conducting and implementing our national security policy.

Finally, in closing these dialogs for this session of Congress by Senator CLELAND, I have prepared a summary of agreed upon principles which we suggest to this body that both he and I believe represent a suggested roadmap for the next administration and the Congress.

With regard to two of the Clausewitz so-called trinities, the need for government to gain public support for national security policy, Senator CLELAND already summarized our purpose very well when he said:

> We must find more and better ways of communicating with our constituents on the realities of our national interests and the costs in securing them.

Senator CLELAND went on to say:

> We must find more and better ways to increase the exchange of experiences and ideas between our Government and our military.

Finally, MAX said:

> We must find more and better ways of ensuring that both the executive and our legislative branches properly fulfill their constitutional responsibilities in the arena of national security policy.

In this regard, I will comment on the first of Senator CLELAND's points, the fact that our political leadership must make sure that the public understands and supports the use of military force.

Former Joint Chief of Staff, Gen. Colin Powell asserted our troops must go into battle with the support and understanding of the American people. General Powell contended back in 1993 that the key to using force is to first match the political expectations to military means in a wholly realistic way and, second, to attain very decisive results. He said a decision to use force must be made with clear purpose in mind and added that if the purpose is too murky—and, goodness knows, we have had a lot of that in recent years—our political leadership will eventually have to find clarity.

As Senator CLELAND has pointed out already, unfortunately, today it seems that national security and foreign policy issues represent little more than a blip on the public's radar screen. Obviously, the public this evening will be tuned to either the baseball playoffs or the debate. He quoted news surveys and polls showing foreign policy and defense ranking last among issues cited by the public as most important that face the country. That is amazing to me.

A case in point: While we are all hopeful that the situation in the former Yugoslavia will result in the end of the Slobodan Milosevic regime and the possible transition to a more democratic government, U.S. and NATO military intervention and continued presence in the Balkans lacks a clearly defined policy goal or any realistic timetable for any conclusion. As a result, while most Americans may have really forgotten about or are not focused on Kosovo today, nevertheless, 6,000 American troops still remain there and could remain there for another decade. That is a difficult sell with regard to public understanding.

In that regard, as Senator CLELAND has pointed out, Congress bears part of that responsibility. It is easy to criticize, but we bear part of that responsibility. Unclear political objectives do not allow our military leaders to create clear, concise, and effective military strategies to accomplish any specific goal. Unclear political goals lead to wars and involvement with no exit strategy.

A brief examination of the chain of events leading up to the use of force in Kosovo certainly proves the point:

On March 23 of 1999, the Senate conducted minimal debate regarding the use of force in Yugoslavia after troops had already been deployed. S. Con. Res. 21 passed, authorizing the President to conduct military air operations.

On March 24, one day later, combat air operations did begin.

On March 26, the President notified Congress, consistent with the War Powers Resolution, that operations began on March 24.

On March 27, after the fact, the House considered the use of force and failed to pass S. Con. Res. 21 on March 28.

On April 30, 18 Members of the House, having serious objection to that policy, filed suit against the President for conducting military activities without any authorization.

Then on May 20, 1999, the emergency supplemental appropriations bill for fiscal year 1999 finally passed, and it provided funding for the ongoing U.S. Kosovo operations.

On May 25, the 60-day deadline passed following Presidential notification of military operations, and the President didn't seek a 30-day extension, noting instead that the War Powers Resolution is constitutionally defective.

Then on February 18, 2000, a Federal appeals court affirmed the district court decision that the House of Representatives Members lacked standing to sue the President relative to the April 30 suit of the previous year.

I might add at this juncture that Senators CLELAND and SNOWE, I, and others had all previously successfully amended various appropriations measures mandating the administration report to the Congress specific policy goals and military strategy objectives prior to the involvement of any U.S. troops.

Most, if not all, of those reports were late, were not specific or pertinent to the fast changing situation in the Balkans. We at least tried.

And, Mr. President, I remember well the briefing by members of the Administration with regard to why the ongoing military operation in Kosovo was in our vital national interest. I still have my notebook and the list:

The Balkans represent a strategic bridge to Europe and the Middle East.

The current conflict could spin into Albania and include Macedonia, Greece and Turkey. After all World War I started in the same region.

We should act to prevent a humanitarian disaster and massacre of thousands of refugees.

If we do not act, it will endanger our progress in Bosnia.

The leadership and credibility of NATO into the next century is at stake.

We must oppose Serb aggression.

With all due respect Mr. President, these arguments did not match the fast-changing conditions in the Balkans. 20-20 hindsight now tells us the incremental bombing campaign and publicly ruling out the use of ground troops exacerbated the refugee tragedy.

The present Presiding Officer serves with me on the Senate Intelligence Committee, and we had a hearing after part of these problems developed. Somehow intelligence reports predicting the law of unintended effects went unheeded or were ignored.

And, in the end, U.S. stated goals changed when the original goals fell short. We were assured we were fighting, not for our national interest but selflessly to save lives and promote democracy, fighting in behalf of humanity. Mr. President, in my view, neither the Senate, the House or the administration can square these goals with what has actually taken place and is taking place in the Balkans. I don't question the intent.

The most optimistic lien today is that Kosovo is liberated after the mighty efforts of the U.S. led NATO coalition. Well, as described by James Warren of the Chicago Tribune, it is a liberated total mess.

He quotes British academic and international relations analyst Timothy Garton Ash, a professor at St. Antony's College, Oxford, who reviewed six books on the conflict with unbiased perspective.

According to Warren, most Americans have forgotten about the war by now, so they don't care much about the fact the so called winners are totally unprepared for dealing with peace. Violence and chaos reign in Kosovo. The victims and the "good guys," the Kosovars have conducted reverse ethnic cleansing under the noses of U.S. and NATO troops.

We have, in fact, created a new Kosovo apartheid. Having failed to stop the killing, we are proving unable to win the peace or prevent revenge inspired reverse ethnic cleansing.

Moreover, since the Balkan war, badly fought and with no clear end game, other nations have increasingly been united in criticizing U.S. clout as we wield unparalleled power on the world stage and have reacted with what some refer to as a new arms race.

Since we can be sure there will be other calls for intervention in the world, it is incumbent on us to ask whether a more effective approach exists.

President Clinton has, in fact, proclaimed to the world, that if a state sought to wipe out large numbers of innocent civilians based on their race or religion, the United States should intervene in their behalf. Stated such, a public support can be garnered for such a policy.

But, as Kosovo has demonstrated, things are not that simple. As Adam Wolfson pointed out in his article within Commentary magazine;

Certainly the vast majority of Kosovars were subjected to harassment and much worse and their crisis was as President Clinton described, a humanitarian one. But, the Kosovars also had their political objectives and ambitions; an independent Kosovo ruled by themselves; a goal they press for today by political intimidation and violence.

The United States has, on the other hand, continued to oppose independence and has supported a multicultural society for Kosovo. Vice President GORE has said that in Kosovo there must be a genuine recognition and respect for difference and the creation of a tolerant and open society where everyone's rights are respected, regardless of ethnic or religious background and where all groups can participate in government, business, the arts and education.

These are fine and noble goals but they are "ours" not those of the Kosovars. We have two choices. First, we can accept the political ambitions for a mono-cultural and independent state purged of non Albanians or second, we can attempt to stay in Kosovo until we can somehow transform entrenched and long standing political and ethnic culture and teach the values of diversity and religious toleration. This is on small task and in my view, It may not sustainable over the long term both in terms of cost, benefit and public opinion.

Will the American people respond? Do they even care? In their book, "Misreading the Public, the Myth of a New Isolationism," Steven Kull and I.M. Destler of the Brookings Institution, make the case that the notion that public attitudes are typified today by new isolationism, greater parochialism and declining interest in the world is simply not true.

They argue most Americans do not believe we should disengage from the world and support international engagement and for the United States to remain involved but with greater emphasis on cooperative and multilateral involvement. They also argue that when presented with facts, reasonable goals and alternatives, that public support can be gained.

That is the point, Mr. President. We have to do a better job. Member of the Senate need to participate in the daily grind of overseeing Administration policies, passing judgment, and behaving as a co-equal branch. When a majority, if a majority can be found, feels a President oversteps constitutional barriers or threatens to do so, we should respond with statutory checks, not floor speeches and sense-of-the-Senate resolutions.

In this regard Senator CLELAND has done us a favor with his proposal derived from the current system for Presidential approval and reporting to Congress on covert operations. Senator CLELAND has candidly pointed out his bill does not represent a consensus view and his introduction of the legislation is to stimulate further discussion. Let the discussion begin.

Mr. President, having spoken to the role of government and the public with the specific example of Kosovo, let me turn to the third topic of the "Clausewitz Trinity", the military.

Mr. President, I am sure that no General throughout history, be he Clausewitz or Eisenhower would condone sending troops that are not ready into battle. In the not-mincing-any-words department, I am concerned and frustrated that our United States Military today is stressed, strained, and in too many cases hollow.

I often say in Kansas that our first obligation as Members of Congress is to make sure our national security capability is equal to our vital national security responsibilities. How do we do this?

One way is to do exactly what Senator CLELAND and I try to do and that is to personally visit our men and women in uniform stationed here at home and throughout the world. We, along with a majority of members of the Armed Services Committee, visit with and seek advice from the ranks: our enlisted, our non-commissioned officers, officers and commanders.

Mr. President, when doing that and when making remarks and observations before many military groups; active duty, reserve and guard units, I always acknowledge those in the military must operate and perform their duties within the chain of command. But, I also ask them for their candor and honesty.

And they have provide me and others that with spades.

Those in the Navy tell me the Navy cannot or soon will not be able to perform assigned duties with current force structure. The bottom line is there are not enough ships or submarines in the fleet and training and weapons inventories are inadequate.

Those in the Army tell me the training and doctrine command is almost broken and peacekeeping operations are taking their toll on combat readiness.

Those in the Air Force repeat what is common knowledge—pilot retention problems are legion. The Air Force is short about 1,200 pilots today. Strategic lift in both air and sea is inadequate.

The Marines tell this former marine they have significant problems in the operation and maintenance of their Harrier and helicopter fleet. They tell me they are meeting their recruiting and retention challenges but they are working harder and harder to achieve that goal.

Overall, those in command tell us—and the figures are plain to see—that operation and maintenance accounts have been robbed for eight years to pay for ever increasing peace keeping and now peace enforcement missions.

Spare parts are hard to come by, we are short of weapons both for practice and combat. Mission capable rates are consistently down. Recent press reports state 12 of 20 major Army training centers are rated C-4, the lowest readiness rating. A Navy Inspector General Report says Navy fliers are leaving port at a lower stage of readiness. The Air Force reports that its readiness rates for warplane squadrons continues to decline.

Many units are on frequent temporary duty assignments or are deployed most of the year on missions that many believe are of questionable value. When the troops come home, their training is shortchanged based on the lack of time available for training and lack of resources. Maintenance required for old equipment takes significant time away from other missions, from family and it is very costly.

There is another related problem and challenge, that of morale. There is a growing uneasiness with military men and women that their leadership either does not care or is out of touch with their problems. By leadership, I am including the Congress of the United States. Soldiers, sailors, airmen, marines tell me they are stressed out and dissatisfied and leaving.

This has been an anecdotal outpouring from military commanders in the field simply fed up with current quality of life and readiness stress. Pick up any service, military or defense publication or read any story in the press and what we have is equal opportunity frustration.

A February study by the Center for Strategic and International Studies warns us about "stress on personnel and families, problems with recruiting and retention, and for some, declining trust and confidence in the military institution and its leaders."

Half of the respondents in the survey said their unit did not have high morale and two thirds said stress was a problem. A recent Army study at Fort Leavenworth, the intellectual center of the Army, located in my homes state of Kansas, warned the number of lieutenants and captains leaving the Army is now over 60% compared to 48% a decade ago.

In a survey taken at Fort Benning, outgoing captains complained they were disillusioned with the Army mission and lifestyle, struggling to maintain a functional family life. The American soldier has gone from a homeland protector of vital national interests to nomadic peace keeper. His weapons, on the cutting edge, some complain are beginning to rust.

During this time there has been quite a transition period Mr. President. Stretching from the Reagan, Bush, and Clinton administrations, military personnel levels declined by 40 percent, spending dropped 35 percent and meanwhile the number of U.S. forces stationed abroad increased and remains high.

Under Secretary for Defense for Acquisition and Technology, Jacques Gansler recently stated:

> We are trapped in a death spiral. The requirement to maintain our aging equipment is costing us more each year in repair costs, down time and maintenance tempo. But, we must keep this equipment in repair to maintain readiness. It drains our resources—resources we should apply to modernization of the traditional systems and development of new systems.
>
> So we stretch out our replacement schedules to ridiculous lengths and reduce the quantities of new equipment we purchase, raising the cost and still durther delaying modernization.

I am very concerned if what I have described is even close to factual—and I am afraid it is based upon my own conversations with the men and women of our military, that we are headed in a very dangerous direction.

I realize the readiness of our military has become an issue in the current presidential campaign. And, it is not my intent to take sides in that debate during this policy forum. I might add I think in some ways this debate is long overdue.

Another way to determine our military readiness is to ask those in charge. And, Senator CLELAND and I, along with members of the Senate Armed Services Committee did just that last week. The joint chiefs of staff came before the committee. Not without some not so subtle advice from on high.

Prior to the joint chiefs testimony, Administration spokesman Kenneth Bacon said Defense Secretary Cohen told the Chiefs he expected them to play straight on the readiness issue, to give the facts, not to "beat the drum with a tin cup" but to talk honestly about the pressures they face from the operations their forces are undergoing.

Well, Mr. Bacon need not have worried. The Chiefs testified and shot pretty straight. On an annual basis the Marines said they needed approximately $1.5 billion to be the fully modernized 911 force in readiness we expect of them. The Air Force told us they needed $20 to $30 billion, the Navy some $17 billion and the Army $10 billion. That totaled up to somewhere between $48 to $60 billion more the Chiefs feel each service needs to perform its mission.

Those figures, by the way, compare with a recent estimate by the Congressional Budget Office regarding the cost the CBO deems necessary to enable the services to meet their mission obligations.

Lord knows what the Chiefs would have requested if they had beat the drum with a tin cup. And, I must admit I am disappointed by the suggestion in Mr. Bacon's warning that the chiefs would ever provide anything but their honest testimony before the Congress, after all each of the Chiefs swore to provide their honest, candid assessment during their nomination hearings.

I always assume they do just that.

With all of the pressures of the current political season, perhaps Mr. Bacon's concern was understandable, after all he is a spokesman.

I brought a tin cup to the hearings last week. The distinguished acting Presiding Officer looked with some shock and amazement as I had a tin cup and poured water into it. I described all the missions that the military had. Then I described what they had to work with. I said: Keep pouring the water and some water might come out. In other words, the services can't carry all the water they were intended to carry. Of course, what I didn't say was that I had drilled a hole in the cup. Of course, some of the water was coming out. But it made a good audiovisual tool.

I thank the distinguished Senator for his help. I didn't bring one here tonight. Don't worry. We are not going to get anybody wet.

To be fair, Mr. Bacon stated he believes our forces are well equipped, trained and led. I will acknowledge the "led" part. The point is too much attention has been placed on the tip of the spear of U.S. military might.

Mr. Bacon is correct, the Secretary of Defense is correct, and others are correct. I think we all agree that the tip of the spear is ready. It is tough and it is lethal.

But, just as important but not often discussed is the shaft of the spear. Range, sustainability, lethality, accuracy and the deterrence capacity of the spear as a weapon is greatly reduced if the shaft is weak or damaged.

What comprises the shaft of our military readiness spear?

Let us try the adequacy of critical air and sea lift to sustain the force or get the force to the fight in a timely manner.

Let us try the adequacy of the reserve of key repair parts and weapons inventory to sustain the battle.

Let us talk about the effectiveness and adequacy of training time and funding.

We should mention the impact of quality of life from pay to health care to housing on the warrior's willingness—and they are warriors—to commit to a career in the military.

We should mention the impact of the significant operational tèmpo of the military and the impact that has on the total military spear.

We should also mention the effect of mission quality and duration on readiness to fight and win the nation's wars; and

The services' preparation for the future, joint battlefield in an environment where asymmetric warfare will be the norm and the battlefield may be in an urban environment.

I do not mean to pick on Mr. Bacon, notwithstanding his comments, the primary purpose of our military as defined from Clausewitz to Colin Powell is the readiness of the force to carry out the National Strategy. I have grave concerns that if we look behind the tip of the spear of U.S. military readiness, our forces are not ready. And, if that is banging on our readiness capability with a tin cup, so be it.

The point is that we in the Congress have the obligation and responsibility to provide the resources our Armed Forces need to protect our vital national interests.

There is the real debate that should take place. Our former NATO allied commander, Wes Clark recently asked the real pertinent question. How should the armed services be used? If readiness is a priority, what is it we should be ready for? General Clark said it's high time we had this debate and settled the issue.

While I am not sure we will ever settle the issue, it is time for the debate and I have a suggestion, I even have a road map.

The Senator from Georgia has during our past dialogues referred to the Commission on America's National Interests and the Commission's valuable 1996 report. As a matter of fact, we have both referred to this report and we found it most helpful.

The good news is that the commission has updated its findings for the year 2000. I have it in my hand. It has set forth a clear and easy-to-understand list of recommendations that at least in part can answer the question posed by General Clark and many others: "Ready for what?"

Senator CLELAND referred to this challenge during his testimony with the Joint Chiefs last week. He pointed out, as I have tried to do in some respects, America is adrift, spending a great deal of time in what may be important interests we all agree with but ignoring matters of vital national interest.

The authors have summarized the national interest by saying that we have vital national interests: We have extremely important, we have important, and less important or secondary interests.

My dear friend knows we are spending an awful lot of time on important issues and less important or secondary issues—as far as I am concerned, not enough time with extremely important and vital.

I commend this report to the attention of my colleagues and all interested parties. The commission has identified six cardinal challenges for our next President and the next Congress more along the lines of the principles that we have agreed to and we will recommended in just a moment.

I ask unanimous consent the executive summary from the report by the Commission on America's National Interests, which is much shorter than the book, be printed in the RECORD following the conclusion of our remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ROBERTS. I yield to my distinguished friend.

Mr. CLELAND. I thank Senator ROBERTS for that wonderful presentation.

We have reached several conclusions in this year-long dialog regarding America's global role. Before I get to some of the conclusions, may I say a special thank-you to my key staff members. Mr. Bill Johnstone, who has been the absolute force behind my remarks and has helped my thought process for a number of years as we have discussed American foreign policy issues, a special thanks goes to him. A special thanks also to Tricia Heller of my staff, and Andy Vanlandingham; they have been invaluable in helping me form some of my conclusions about America's global role in the world.

I thank very much my dear friend from Kansas. It is an honor to be with him, continuing our dialog on America's role in the world in the 21st century, particularly in terms of military commitments, our footprint around the world, so to speak, and its rationale. It is a pleasure to stand shoulder to shoulder with him in a bipartisan way, to see if we can't find a consensus that might lead us well into the 21st century in terms of our foreign policy.

Mr. President, when Senator ROBERTS and I embarked on this series of Global Role Dialogues back in February, we set as our goal the initiation of a serious debate in this great institution of the United States Senate on the proper role of our country in the post-cold war world. We both believed—and continue to believe—that such a process is absolutely necessary if we are to arrive at the bipartisan consensus on national security policy which our Nation so badly needs, but has been lacking since the fall of the Soviet Union. While the vagaries of Senators' schedules have unfortunately limited somewhat our ability to involve more Senators in this process, I want to thank Senators HUTCHISON, HAGEL, LUGAR and LEVIN who all made important contributions to these discussions. Senator ROBERTS and I will be exploring ways in which we can broaden this dialogue in the next Congress.

When we began our discussions we also indicated that we had far more questions than definitive answers. And while we cannot claim to have found any magic solutions or panaceas for the challenges facing the United States on the global scene as we approach the end of the Twentieth Century, I believe I can speak for Senator ROBERTS when I say that we believe we have learned much from the writings and statements of many, many others, in this country and abroad, who have thoughtfully considered these questions we have been examining.

We have drawn heavily on the work of such entities as the Commission on America's National Interests—on which Senator ROBERTS serves with distinction—, the U.S. Commission on National Security/21st Century, and the ODC's America's National Interests in Multilateral Engagement: A Bipartisan Dialogue. We have consulted the work of a large number of academics, and governmental, military and opinion leaders from around the world. And, for myself, I have certainly learned a great deal from my friend and colleague, the distinguished Senator from Kansas.

While what we are about to say is far from complete and very much a work in progress, we believe it is only fair to provide the Senate—which has indulged us with many hours of floor time to pursue this project—and to those who have followed our efforts with interest and encouragement to lay out the lessons we have learned and some general principles which we believe should guide our national security policies in the years ahead.

At this point, I yield again to my partner in these dialogues, Senator PAT ROBERTS of Kansas, but first I want to thank him for all of his help in this undertaking. His experience, his good humor and his wisdom have made our dialogues both instructive and extremely enjoyable. I yield to Senator ROBERTS.

Mr. ROBERTS. Mr. President, with all those accolades, the Senator missed one—I had one other line in there.

I commend my good friend for his commonsense approach to our country's future. I thank him. I applaud him for his leadership. He has begun what I think is a trail-blazing initiative. This has been, as he has indicated, a year-long bipartisan foreign policy dialog endeavor. We thank staff and various folks on the floor for their patience. I learned a great deal from the distinguished Senator from Georgia. He said he learned from me. I learned from him.

As the Senator mentioned, we would now like to present our lessons learned from our year-long dialogs, these dialogs that we began because we both felt our foreign policy agenda had run aground. We wanted to start a series of these dialogs, these debates or colloquys, in order to arrive at a consensus concerning the future of our Nation's foreign and defense policies.

We condensed our five dialogs into seven foreign policy principles. These principles are not only a compilation of our dialogs, but also a summary of the lessons learned from the various discussions with colleagues, as the Senator has indicated, foreign policy elites, from academia and the government, and from several consultations with many military leaders. These seven foreign policy principles are simple. They are realistic. They are sustainable. We believe they would support and secure our national interests. We strongly believe the following principles are a step in the right direction.

We urge the next administration of Congress and all of our colleagues in the Congress to begin the process of trying to articulate a coherent national security strategy.

I again yield to the Senator from Georgia.

Mr. CLELAND. Mr. President, these are not the "seven deadly sins," but I think in many ways it is a sin if we violate these basic fundamental lessons that we have learned.

First and foremost, we believe as a nation—including government, media, academia, personalities, and other leaders—we need to engage in a serious and sustained national dialog to do several things: First, define our national interests and differentiate the level of interest involved, spell out what we should be prepared to do in defense of those interests; second, build a bipartisan consensus in support of the resulting set of interests and policies.

As a starting point, within the Senate, we would encourage the Foreign Relations Committee and our own Armed Services Committee upon which we both sit to hold hearings on the finished products of the Commission on America's National Interests, the U.S. Commission on National Security/21st Century and other relevant considerations of these critical topics.

I yield to the Senator from Kansas.

Mr. ROBERTS. Here is principle No. 2 that the distinguished Senator and I have agreed upon.

The President and the Congress need to, first, find more and better ways to increase communications with the American public. We both have talked about this at length in our previous discussion with the American public on the realities of our international interests and the costs of securing them.

I could go into a long speech on how I tried to convince the Kansas wheat farmer that first he must have security, then he must have stability, then he must have an economic future, then he may get $4 wheat at the country elevator, but it all starts with security.

Second, it finds more and better ways to increase the exchange of ideas and experiences between government and the military to avoid the broadening lack of military experience in the political elite. We must find more and better ways of ensuring that both the executive and legislative branches fulfill their constitutional responsibilities in national security policy concerning military operations other than declared war.

And, as a result of our second principle, Senator CLELAND sponsored the bill of which I was proud to cosponsor, S. 2851, requiring the President to report on certain information before deployments of armed forces. This bill basically requires the President to report information of overt operations very similar to the law requiring the President to report certain information prior to covert operations. It makes sense to me. I yield to the Senator from Georgia.

Mr. CLELAND. Third, the President and the Congress need to urgently address the mismatch between our foreign policy ends and means, and between commitments and forces by:

Determining the most appropriate instrument—diplomatic, military, or other—for securing policy objectives;

Reviewing carefully current American commitments—especially those involving troop deployments—including the clarity of objectives, and the presence of an exit strategy; and

Increasing the relatively small amount of resources devoted to the key instruments for securing our national interests—all of which can be supported by the American public, as detailed in "The Foreign Policy Gap: How Policymakers Misread the Public" from the University of Maryland's Center for International and Security Studies.

These include:

Armed Forces—which need to be reformed to meet the requirements of the 21st Century;

Diplomatic Forces;

Foreign Assistance;

United Nations Peacekeeping Operations—which also need to be reformed to become much more effective;

Key Regional Organizations—including NATO, the Organization of American States, the Organization for African Unity and the Association of South East Asian Nations.

I again yield to Senator ROBERTS.

Mr. ROBERTS. Let's try principle No. 4. We are the only global superpower, and in order to avoid stimulating the creation of a hostile coalition of other nations, the United States should, and can afford to, forego unilateralist actions, except where our vital national interests are involved.

The U.S. should pay international debt.

The U.S. must continue to respect and honor international commitments and not abdicate our global role leadership.

Finally, the U.S. must avoid unilateral economic and trade sanctions. Unilateral sanctions simply don't work as a foreign policy tool. They put American businesses, workers, and farmers at a huge competitive disadvantage. The U.S. needs to take a harder look at alternatives, such as multilateral pressure and more effective U.S. diplomacy.

I yield to the distinguished Senator from Georgia.

Mr. CLELAND. Fifth, with respect to multilateral organizations, the United States should:

More carefully consider NATO's new Strategic Concept, and the future direction of this, our most important international commitment; Press for reform of the UN's and Security Council's peacekeeping operations and decisionmaking processes; Fully support efforts to strengthen the capabilities of regional organizations including the European Union, the Organization of American States, the Organization for African Unity, and the Association of Southeast Asian Nations—to deal with threats to regional security; and

Promote a thorough debate, at the UN and elsewhere, on proposed standards for interventions within sovereign states.

I yield to the distinguished Senator from Kansas.

Mr. ROBERTS. Principle No. 6: In the post-cold-war world, the U.S. should adopt a policy of realistic restraint with respect to the use of U.S. military force in situations other than those involving the defense of vital national interests. In all other situations, we must: Insist on well-defined political objectives; determine whether non-military means will be effective, and if so, try them prior to any recourse to military force. We should remember the quote from General Shelton:

> The military is the hammer in our foreign policy toolbox but not every problem is a nail.

We should ascertain whether military means can achieve the political objectives.

We should determine whether the benefits outweigh the costs (political, financial, military), and that we are prepared to bear those costs.

We should determine the "last step" we are prepared to take if necessary to achieve the objectives.

I wonder what that last step would be. It is one thing to have a cause to fight for. It is another thing to have a cause that you are willing to die for. In too many cases today, it doesn't seem to me that we have the willingness to enter into a cause in which we are ready to die but it seems to me we are sure willing to risk the lives of others in regards to limited policy objectives. That's not part of the principle. That's just an observation in regard to the last step recommendation.

We should insist that we have a clear, concise exit strategy, including sufficient consideration of the subsequent role of the United States, regional parties, international organizations and other entities in securing the long-term success of the mission—Kosovo is a great example.

Finally, insist on Congressional approval of all deployments other than those involving responses to emergency situations.

The Senator referred to the amendment introduced by the distinguished chairman of the Armed Services Committee, Senator WARNER, and that of Senator BYRD. I voted for that. I do not think it was an abdication of our responsibilities.

Again, those of us in Congress, the majority, should approve all deployments other than those involving responses to emergency situations.

I yield to the Senator.

Mr. CLELAND. Beautifully said. I could not have said it better, nor concur more.

Finally, the United States can, and must, continue to exercise international leadership, while following a policy of realistic restraint in the use of military forces in particular, by:

Pursuing policies that promote a strong and growing economy, which is the essential underpinning of any nation's strength; maintaining superior, ready and mobile armed forces, capable of rapidly responding to threats to our national interests; strengthening the non-military tools discussed above for securing our national interests; and making a long-term commitment to promoting democracy abroad via a comprehensive, sustained program which makes a realistic assessment of the capabilities of such a program as described by Thomas Carothers in his excellent primer on "Aiding Democracy Abroad: The Learning Curve".

I hope it is very clear that Senator ROBERTS and I are not advocating a retreat from America's global leadership role, and are not advocating a new form of isolationism. We both believe our country has substantial and inescapable self-interests which necessitate our leadership. However, when it comes to the way we exercise that leadership, especially when it involves military force, we do believe that our national interests sometimes require that we use restraint. The alternatives—whether a unilateralism which imposes direct resource costs far beyond what the Congress or the American people have shown a willingness to finance or an isolationism which would fail to secure our national interests in this increasingly interconnected world—are, in our judgment, unacceptable.

Over the course of these dialogues, Senator ROBERTS and I have both turned to the following words from the editor of the publication National Interest, Owen Harries:

> I advocate restraint because every dominant power in the last four centuries that has not practiced it—that has been excessively intrusive and demanding—has ultimately been confronted by a hostile coalition of other powers. Americans may believe that their country, being exceptional, need have no worries in this respect. I do not agree. It is not what Americans think of the United States but what others think of it that will decide the matter.

On his desk at the Pentagon when he was Chairman of the Joint Chiefs of Staff, Colin Powell kept a quote from the great Athenian historian Thucydides:

> Of all manifestations of power, restraint impresses men most.

With great thanks to my distinguished colleague, Senator ROBERTS, and to the Senate, I conclude these dialogs on the global role of the United States. I yield the floor.

EXHIBIT 1

COMMISSION ON AMERICA'S NATIONAL INTERESTS—EXECUTIVE SUMMARY

This report of the Commission on America's National Interests focuses on one core issue: what are U.S. national interests today? The U.S. enters a new century as the world's most powerful nation, but too often seems uncertain of its direction. We hope to encourage serious debate about what must become an essential foundation for a successful American foreign policy: America's interests. We have sought to identify the central questions about American interests. Presuming no monopoly of wisdom, we nevertheless state our own best answers to these questions as clearly and precisely as we can—not abstractly or diplomatically. Clear assertions that some interests are more important than others will unavoidably give offense. We persist—with apologies—since our aim is to catalyze debate about the most important U.S. national interests. Our six principal conclusions are these:

America advantaged.—Today the U.S. has greater power and fewer adversaries than ever before in American history. Relative to any potential competitor, the U.S. is more powerful, more wealthy, and more influential than any nation since the Roman empire. With these extraordinary advantages, America today is uniquely positioned to shape the international system to promote international peace and prosperity for decades or even generations to come.

America adrift.—Great power implies great responsibility. But in the wake of the Cold War, the U.S. has lost focus. After four decades of unprecedented single-mindedness in containing Soviet Communist expansion, the United States has seen a decade of ad hoc fits and starts. A defining feature of American engagement in recent years has been confusion. The reasons why are not difficult to identify. From 1945 to 1989, containment of expansionist Soviet communism provided the fixed point for the compass of American engagement in the world. It concentrated minds in a deadly competition with the Soviet Union in every region of the world; motivated and sustained the build-up of large, standing military forces and nuclear arsenals with tens of thousands of weapons; and precluded the development of truly global systems and the possibility of cooperation to address global challenges from trade to environmental degradation. In 1989 the Cold War ended in a stunning, almost unimaginable victory that erased this fixed point from the globe. Most of the coordinates by which Americans gained their bearings in the world have now been consigned to history's dustbin: the Berlin Wall, a divided Germany, the Iron Curtain, captive nations of the Warsaw Pact, communism on the march, and, finally, the Soviet Union. Absent a compelling cause and understandable coordinates, America remains a superpower adrift.

Opportunities missed and threats emerging.—Because of the absence of coherent, consistent, purposive U.S. leadership in the years since the Cold War, the U.S. is missing one-time-only opportunities to advance American interests and values. Fitful engagement actually invites the emergence of new threats, from nuclear weapons-usable material unaccounted for in Russia and assertive Chinese risk-taking, to the proliferation of weapons of mass destruction (WMD) and the unexpectedly rapid emergence of ballistic missile threats.

The foundation for sustainable American foreign policy.—The only sound foundation for a sustainable American foreign policy is a clear sense of America's national interests. Only a foreign policy grounded in America's national interests can identify priorities for American engagement in the world. Only such a policy will allow America's leaders to explain persuasively how and why American citizens should support expenditures of American treasure or blood.

The hierarchy of American national interests.—Clarity about American national interests demands that the current generation of American leaders think harder about international affairs than they have ever been required to do. During the Cold War we had clearer, simpler answers to questions about American national interests. Today we must confront again the central questions: Which regions and issues should Americans care about—for example, Bosnia, Rwanda, Russia, Mexico, Africa, East Asia, or the Persian Gulf? Which issues matter most—for example, opening markets for trade, investment opportunities, weapons of mass destruction (WMD), international crime and drugs, the environment, or human rights? Why should Americans care? How much should citizens be prepared to pay to address these threats or seize these opportunities?

The Commission has identified a hierarchy of U.S. national interests: "vital interests," "extremely important interests," "important interests," and "less important or secondary interests." This Report states our own best judgment about which specific American national interests are vital, which are extremely important, and which are just important. Readers will note a sharp contrast between the expansive, vague assertions about vital interests in most discussion today, and the Commission's sparse list. While others have claimed that America has vital interests from the Balkans and the Baltics to pandemics and Taiwan, the Commission identifies only five vital U.S. national interests today. These are (1) to prevent, deter, and reduce the threat of nuclear, biological, and chemical weapons attacks on the United States or its military forces abroad; (2) to ensure U.S. allies' survival and their active cooperation with the U.S. in shaping an international system in which we can thrive; (3) to prevent the emergence of hostile major powers or failed states on U.S. borders; (4) to ensure the viability and stability of major global systems (trade, financial markets, supplies of energy, and the environment); and (5) to establish productive relations, consistent with American national interests, with nations that could become strategic adversaries, China and Russia.

Challenges for the decade ahead.—Developments around the world pose threats to U.S. interests and present opportunities for advancing Americans' well-being. Because the United States is so predominant in the economic, technical, and military realms, many politicians and pundits fall victim to a rhetoric of illusion. They imagine that as the sole superpower, the U.S. can simply instruct other nations to do this or stop that and expect them to do it. But consider how many American presidents have come and gone since President Kennedy consigned Fidel Castro to the dustbin of history. Students of history will recognize a story-line in which a powerful state emerges (even if accidentally), engenders resentment (even when it acts benevolently), succumbs to the arrogance of power, and thus provokes new threats, from individual acts of terrorism to hostile coalitions of states. Because America's resources are limited, U.S. foreign policy must be selective in choosing which issues to address seriously. The proper basis for making such judgments is a lean, hierarchical conception of what American national interests are and what they are not. Media attention to foreign affairs reflects access to vivid, compelling images on a screen, without much consideration of the importance of the U.S. interest threatened. Graphic international problems like Bosnia or Kosovo make consuming claims on American foreign policy to the neglect of issues of greater importance, like the rise of Chinese power, the unprecedented risks of nuclear proliferation, the opportunity to increase the openness of the international trading and financial systems, or the future of Mexico.

Based on its assessment of specific threats to and opportunities for U.S. national interests in the final years of the century, the Commission has identified six cardinal challenges for the next U.S. president:

Strengthen strategic partnerships with Japan and the European allies despite the absence of an overwhelming, immediate threat;

Facilitate China's entry onto the world stage without disruption;

Prevent loss of control of nuclear weapons and nuclear weapons-usable materials, and contain the proliferation of biological and chemical weapons;

Prevent Russia's reversion to authoritarianism or disintegration into chaos;

Maintain the United States' singular leadership, military, and intelligence capabilities, and its international credibility; and

Marshal unprecedented economic, technological, military, and political advantages to shape a twenty-first century global system that promotes freedom, peace, and prosperity for Americans, our allies, and the world.

For each of these challenges, and others, our stated hierarchy of U.S. national interests provides coordinates by which to navigate the uncertain, fast-changing international terrain in the decade ahead.

SUMMARY OF U.S. NATIONAL INTERESTS

Vital

Vital national interests are conditions that are strictly necessary to safeguard and enhance Americans' survival and well-being in a free and secure nation.

Vital U.S. national interests are to:

1. Prevent, deter, and reduce the threat of nuclear, biological, and chemical weapons attacks on the United States or its military forces abroad;
2. Ensure U.S. allies' survival and their active cooperation with the U.S. in shaping an international system in which we can thrive;
3. Prevent the emergence of hostile major powers or failed states on U.S. borders;
4. Ensure the viability and stability of major global systems (trade, financial markets, supplies of energy, and the environment); and
5. Establish productive relations, consistent with American national interests, with nations that could become strategic adversaries, China and Russia.

Instrumentally, these vital interests will be enhanced and protected by promoting singular U.S. leadership, military and intelligence capabilities, credibility (including a reputation for adherence to clear U.S. commitments and even-handedness in dealing with other states), and strengthening critical international institutions—particularly the U.S. alliance system around the world.

Extremely Important

Extremely important national interests are conditions that, if compromised, would severely prejudice but not strictly imperil the ability of the U.S. government to safeguard and enhance the well-being of Americans in a free and secure nation.

Extremely important U.S. national interests are to:

1. Prevent, deter, and reduce the threat of the use of nuclear, biological, or chemical weapons anywhere;
2. Prevent the regional proliferation of WMD and delivery systems;
3. Promote the acceptance of international rules of law and mechanisms for resolving or managing disputes peacefully;
4. Prevent the emergence of a regional hegemon in important regions, especially the Persian Gulf;
5. Promote the well-being of U.S. allies and friends and protect them from external aggression;
6. Promote democracy, prosperity, and stability in the Western Hemisphere;
7. Prevent, manage, and, if possible at reasonable cost, end major conflicts in important geographic regions;
8. Maintain a lead in key military-related and other strategic technologies, particularly information systems;
9. Prevent massive, uncontrolled immigration across U.S. borders;
10. Suppress terrorism (especially state-sponsored terrorism), transnational crime, and drug trafficking; and
11. Prevent genocide.

Important

Important national interests are conditions that, if compromised, would have major negative consequences for the ability of the U.S. government to safeguard and enhance the well-being of Americans in a free and secure nation.

Important U.S. national interests are to:

1. Discourage massive human rights violations in foreign countries;
2. Promote pluralism, freedom, and democracy in strategically important states as much as is feasible without destabilization;
3. Prevent and, if possible at low cost, end conflicts in strategically less significant geographic regions;
4. Protect the lives and well-being of American citizens who are targeted or taken hostage by terrorist organizations;
5. Reduce the economic gap between rich and poor nations;
6. Prevent the nationalization of U.S.-owned assets abroad;
7. Boost the domestic output of key strategic industries and sectors;
8. Maintain an edge in the international distribution of information to ensure that American values continue to positively influence the cultures of foreign nations;
9. Promote international environmental policies consistent with long-term ecological requirements; and
10. Maximize U.S.-GNP growth from international trade and investment.

Instrumentally, the important U.S. national interests are to maintain a strong UN and other regional and functional cooperative mechanisms.

Less Important or Secondary

Less important or secondary national interests are not unimportant. They are important and desirable conditions, but ones that have little direct impact on the ability of the U.S. government to safeguard and enhance the well-being of Americans in a free and secure nation.

Less important or secondary U.S. national interests include:

1. Balancing bilateral trade deficits;
2. Enlarging democracy everywhere for its own sake;
3. Preserving the territorial integrity or particular political constitution of other states everywhere; and
4. Enhancing exports of specific economic sectors.

The **PRESIDING OFFICER**. The distinguished Senator from Alabama is recognized.

Mr. **SESSIONS**. Mr. President, I have been fascinated and informed by the colloquy that has been ongoing between the Senator from Kansas and the Senator from Georgia. I have been honored to serve on the Armed Services Committee with the two of them. I know they take these issues seriously, and it is, indeed, appropriate we begin to think through clearly what the role of the United States is and what the role of Congress is in establishing U.S. policy.

I thank them for those observations. They are very valuable. I agree with them that we need to involve the American people in this. The great American experiment that has guided us so far has allowed the people to rule. We do not need to do it under the table without full and open debate.

I strongly believe we must not as a nation abdicate our ability to act unilaterally when our national interest is at stake, or else why have we invested so greatly to establish this magnificent military? We cannot rely on a majority vote of the U.N. We cannot rely on the fact that we may override or avoid a veto in the Security Council. We have to be prepared to take care of our own interests. I thank my colleagues for the dialog.

ENERGY

Mr. SESSIONS. Mr. President, energy prices are going up; gasoline prices are up. I doubt there are many families who do not spend $60 a month on gasoline. Those who commute, those who have children with vehicles, a husband and wife working may have two or three vehicles per family and not be wealthy. They may be paying $100 a month or more for gasoline. If they were paying $60 a month for gasoline 18 months ago, they are now paying over $90 a month. If they were paying $100 a month last year, they are probably paying over $150 a month this year.

That is $50 a month or $30 a month, perhaps more in some families, withdrawn from the usable income of that family, money with which they no longer can buy shoes, a new set of tires for their car, to go on a vacation with their children, take the kids to a ball game, buy shoes for them to play soccer or basketball, baseball, or volley ball. That is $50 a month extra of aftertax money that American citizens had 15, 18 months ago and no longer have today. That is because the price of energy has gone up.

In addition, businesses are facing those same increases. I traveled a couple of months ago with a full-time truck driver and his wife. I traveled from north of Birmingham to Clanton to Montgomery and discussed with them the problems they are facing. They are paying up to $800 to $1,000 a month extra to operate their truck. They try to pass it on, which increases the costs down the road, but they are not able to pass it all on and it is reducing their standard of living. They have, in fact, less money with which to go to the store and buy products.

What does that ultimately mean? It means there are going to be fewer widgets bought, there are going to be fewer shoes bought, there are going to be fewer new cars bought, fewer new houses bought and many other things we would like to purchase. We will not be able to purchase those items because OPEC, through its price-gouging cartel, has fixed the oil and gas prices and driven them up to an extraordinary degree. As a result, it is hurting us. We know this. We know the economy appears to have some slowing. We know that profit margins across the board have been shrinking significantly, and we know that higher energy costs are a big reason for that.

I say that because we are talking about some very big issues. If you do not have money to purchase, let's say you purchase 8 things this month instead of what you would normally purchase, 10, there is somebody who would have made those other 2 items, somebody who would have sold those other 2 items; they may not be able to continue to do that. What does that do to the producing business? It puts stress on them. It can cool off this robust economy with which we have been blessed for quite a number of years.

Kofi Annan, the Secretary General of the U.N., wrote an editorial recently which I was pleased to read. He pointed out how it hurts poor nations more than wealthy nations, but it hurts wealthy nations, too. Wealthy nations are hurt when poor nations do not have money to buy products from us. We sell all over the world. Whatever cools off the entire world economy cools off the American economy and jeopardizes jobs.

What caused us to come to this point? I say with confidence that it is the Clinton-Gore policies, primarily Vice President AL GORE's energy policies, that have been involved here. The simple fact is that those policies are driven by and motivated at the deepest level by his adoption of a radical, no-growth agenda that is playing in his book. He set it out some years ago. People are astounded when they read that book because he is deeply revealing of a philosophy that we ought to reduce spending on energy and that will somehow drive up costs and we will use less oil, less gas, we will ride bicycles and use solar cells, and that is how we are going to meet our national energy policy.

The trouble is that solar cells cost 4, 5, 10 times as much as fossil fuels do to produce energy. Who is going to pay for that? Working Americans are going to pay for that while some elite people think it is a cool idea and for which they are not paying the price. They can afford to pay it perhaps. We are into that mood now. This radical agenda is demonstrated by the policies that have been carried out systematically since this administration took office.

It has been steady, and it has been regular. They have not said our policy is to raise prices. They are too clever for that. They are not going to allow that spin to get about. What have they done against the consistent opposition of Members in this body who have warned over and over that reducing production of American fuels was going to lead us to a crisis? What have they done? They have opposed drilling in the ANWR region of Alaska which has huge reserves equal to 30 years of the production in Saudi Arabia. This one little area amounts to the size of Dulles Airport. It is a very small area with huge reserves. They vetoed legislation that would have allowed us to produce oil and gas to help meet our needs. Over vigorous debate in this Senate and a strong majority vote, it was vetoed by the Clinton-Gore administration.

What else? They steadfastly oppose nuclear power. France has gone from 60 percent of their power nuclear to 80 percent. Industrialized nations realize it is the cleanest, safest of all sources of energy with unlimited capacity to produce electricity, with no air pollution—virtually no air pollution, and only a small amount of waste that we can easily store in the Nevada desert. Oh, no, President Clinton and Vice President GORE vetoed the ability for us to store that waste in the Nevada desert, therefore, helping shut down our nuclear energy. We have not brought on a nuclear plant in over 20 years in this country.

We are denying ourselves that capacity to produce energy. There are huge reserves of natural gas in the Rocky Mountain areas. Natural gas is the cleanest burning of all our fossil fuels. All our electric-generating plants today are natural gas plants. We are hitting a crisis in the production of natural gas. They refuse to allow those Federal lands in the Rocky Mountain areas, almost all of it owned by the Federal Government, to produce natural gas, which isn't a dangerous fuel to produce. It doesn't pour oil all out on the ground; it is an evaporative gas. It is safe to produce. Certainly we could do that.

They are opposed to drilling offshore. In fact, Vice President GORE, during his campaigning in New Hampshire, promised not only to not approve any additional offshore drilling of natural gas but to consider rolling back existing leases that have already been issued.

How are we going to meet our energy needs for natural gas if we cannot produce it? There are many other areas where, through regulation, we basically shut off coal as a viable option for expanding our energy needs. In fact, even though we are much more efficient than we have ever been with electric energy, we need more. The projections are that we will have a substantial increase in demand even though we are improving our efficiency steadily. So that is the problem we are facing.

The problem is that when OPEC realized our demand was increasing, and the world demand was increasing, and our own domestic production was decreasing 14 percent, while demand was going up 18 to 20 percent, they were able to reduce production, force the price up to exorbitant levels, and make themselves rich. In fact, it was a political decision by governmental leaders to force up the price. It was not even a free market decision. It was a political decision by the leaders of these oil-producing nations because of our failure to produce energy and because we have become dependent on their oil. So they have been able to demand what they want to in price. Our politicians lost to their politicians. Their politicians beat our politicians.

And who is paying the price? The American citizen, when he goes to the gas pump, when he buys his heating oil, when he goes and buys a product. It is more expensive today to buy that product than it was before because of increased gasoline prices in the whole production system. That is what has happened. We have been taken to the cleaners. To me it is as if we put a tax on the gasoline, but instead of taxing gasoline 50, 60 cents a gallon extra where the revenue comes to Washington so it at least can be spent in the United States, it is, in effect, a 50-, 60-cent tax that goes to Saudi Arabia, Venezuela, and the Middle East. The OPEC cartel gets our tax. They are taxing our wealth and sending it abroad.

This has the capacity to kill the economic growth this Nation has been experiencing. It has the capacity to drain our wealth to the degree that this economy could slow down. It could even go into recession because we have done nothing to deal with it. We have done nothing. The only thing, in the long run, that we can do is to make sure we produce what we have.

We have virtually unlimited reserves of natural gas and oil in the United States—certainly for decades to come. There are myths that we do not have enough. We have large reserves. We should have been producing those more effectively. But the policies of this administration have been to reduce our production.

And as night follows day, the price is going to go up. It threatens not only the pocketbook of a mother who is trying to now get by—she was paying $100 a month for the family's gasoline; now she is paying $150 a month for the family's gasoline. She cannot buy things at the store she used to buy. And the producers of those products are now going to have to lay off workers because people are not buying those products at the rate they were previously buying them.

This is not an itty-bitty issue. This is a tremendous issue for our country. I hope it will be discussed tonight in the debate. I hope it will be made a part of this campaign. I believe, with an absolute conviction, that if we allow these international greedy producing nations to jerk us around, to take money from the average mother and father and working American when they go to the gas pump, having their money sent to those nations, they can hurt us badly. It hurts a lot of people.

I pumped gas a few months ago and washed people's windshields. I talked to them about the costs they were facing. I talked to a young lady in her early twenties. She was going to college 3 days a week. The college she attended was 30 miles up the road. She talked about how much her gas bill was. She was trying to save money for tuition. Her car was not a new car. She said she would like to have a new car, but she could not afford it. That extra cost was coming out of her pocket.

This is a real issue. It hurts our families. They have less money in their pocket and in the family budget because it has to be spent on gasoline. It is hurting businesses. Their profits are down. Home building is down.

What will happen in the future? I don't know. But if we do not get in this ballgame, if we do not challenge OPEC and figure out a way to break that cartel, and if we do not increase our own production of energy, we will have what we have had numerous times before; and that is, a recession driven by increased energy costs. What a tragedy that will be. It should not happen.

Our projections are and our needs as a nation are to continue this prosperity, to continue the surplus we have been able to generate in this Government, and to pay down our debt and to be able to do some things we wish we could have done before. This is a glorious time for us.

I believe we have to take strong action. I have been frustrated that this administration remains steadfast in blocking, time and again, any step to increase our production of energy. And that has no more consequence but one: When you reduce production, it will drive up costs.

I thank the Chair and, again, express my appreciation for his fine remarks on national defense.

Mr. President, I yield the floor.

ORDERS FOR WEDNESDAY, OCTOBER 4, 2000

Mr. ROBERTS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Wednesday, October 4. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the conference report to accompany H.R. 4578, the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERTS. Mr. President, for the information of all Senators, the Senate will immediately resume the Interior appropriations conference report at 9:30 a.m. tomorrow morning. The Senate will remain on the conference report until it is disposed of. It is hoped that a final vote will occur no later than tomorrow afternoon. The Senate could consider any other appropriations conference reports as well as the continuing resolution providing for the continued operations of the Federal Government until October 14, 2000.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. ROBERTS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:49 p.m., recessed until Wednesday, October 4, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 3, 2000:

DEPARTMENT OF STATE

RICHARD A. MESERVE, OF VIRGINIA, TO BE AN ALTERNATIVE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-FOURTH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

PHILLIP N. BREDESEN, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2005, VICE WALTER ANDERSON, TERM EXPIRED.

THE JUDICIARY

MELVIN C. HALL, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA VICE RALPH G. THOMPSON, RETIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 3, 2000:

THE JUDICIARY

MICHAEL J. REAGAN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS.

SUSAN RITCHIE BOLTON, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

MARY H. MURGUIA, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

JAMES A. TEILBORG, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

HOUSE OF REPRESENTATIVES—*Tuesday, October 3, 2000*

The House met at 9 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

TRIBUTE TO HON. WILLIAM GOODLING ON HIS RETIREMENT FROM CONGRESS

The SPEAKER. Under the Speaker's announced policy of January 19, 1999, the gentleman from Pennsylvania (Mr. MURTHA) is recognized during morning hour debates for 5 minutes.

Mr. MURTHA. Mr. Speaker, this morning I want to make some very complimentary remarks about the gentleman from Pennsylvania (Mr. GOODLING). He is certainly the type of individual, if I had been in his class or in his school, I would have known exactly where he stood. He defends the system of education. He supported education, and he supported the ideals of education: local control and strong discipline.

BILL GOODLING is one of the finest experts in education in the entire Nation. No individual has had more of an impact on educational systems in this Nation than BILL GOODLING. He sometimes gets in trouble because he says what he thinks. He believes very strongly about local control of education, and there are people who believe differently, and they disagree strongly with his opinion. But on the other hand, we know where he stands. I think in politics that is the thing that is absolutely imperative to our system, that somebody that knows what they are talking about, has had experience in the field, can work hard at those kinds of things.

Education obviously is one of the most important issues we take up in the House. Normally, I do not talk very long on issues of defense because we work things out. And I see the distinguished gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense Appropriations, here; and he and I do not take a lot of time on the floor. But it is hard not to speak for a long period of time for the gentleman from Pennsylvania (Mr. GOODLING).

He has been in the forefront of many, many battles; and he has won most of those battles. Even when he was in the minority, he worked hard for local control of schools, for adequate funding of schools to make sure that the Members of Congress understood the system from a classroom, from a superintendent, from a principal's standpoint, and from a Member of Congress' standpoint.

So we are going to miss BILL GOODLING. BILL GOODLING has had a phenomenal impact on our system itself.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. MURTHA) for yielding.

Mr. Speaker, it is a great honor to be here as we pay tribute to our retiring colleague, BILL GOODLING. The gentleman from Pennsylvania (Mr. MURTHA) did a great job in elaborating on how BILL GOODLING has been a leader in education fights in this House as chairman for the past 6 years, and serving on that committee for 20-plus years.

But I want to say that BILL GOODLING has done much more than that. He cares so deeply about all of his constituents. I have the privilege of being the only Pennsylvanian on the Committee on Agriculture. Agriculture is the number one industry in the Commonwealth of Pennsylvania and BILL GOODLING's district is rich with an agricultural history. I drive by it every week on my drive to Washington. BILL GOODLING has been a strong fighter for his agriculture constituents, whether it be for fairer dairy prices for his dairy farmers or whether it be the ability for all of our farmers to have access to crop insurance, because we have such diverse agriculture in Pennsylvania, or recently because of his fight against plum pox virus. So many of his fruit growers were affected by that disease and he fought long and hard to see that his fruit growers were protected.

Mr. Speaker, I urge all of my colleagues to come forth and pay tribute to our retiring Member who has done such an outstanding job, Mr. GOODLING.

Mr. MURTHA. Mr. Speaker, reclaiming my time, I do not mean to say that he was only interested in education, because the park that was in his district was absolutely essential to the district and he handled that, with a lot of divisions, he handled that so well. And the gentleman from Pennsylvania (Mr. GEKAS) knows that and I now yield to him.

Mr. GEKAS. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, Congressman GOODLING helped me in my first baby steps in the world of government and politics. In fact, Congressman GOODLING introduced President Eisenhower, then retired President, General Eisenhower, to me at a rally in Harrisburg. So I have always been grateful to Congressman GOODLING.

Mr. Speaker, I am talking about George Goodling. Now, George Goodling was a role model for our incumbent. Our incumbent took the best qualities of his own father and transferred them to Washington as he represented his constituents, as everyone in the world knows by now.

But one thing that is less known, except by the veterans on this floor like the gentleman from Pennsylvania (Mr. MURTHA), that he loved his dad. And he did, in a wonderful way, emulate some of the qualities of George Goodling.

I remember, for instance, that the first time I met the "Baby GOODLING," the one we are honoring today, was at one of the first picnics to which he went as a candidate. There everyone knew that they were going to vote for BILL GOODLING, not just because of his eminent qualifications as an educator but because of the educator, George Goodling, the Congressman who preceded BILL GOODLING.

We love BILL GOODLING.

Mr. MURTHA. Mr. Speaker, again reclaiming my time, I am pleased to yield to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. McCARTHY of New York. Mr. Speaker, I am probably one of the youngest Members that got to know the gentleman from Pennsylvania (Mr. GOODLING) 4 years ago when I first came on the Committee on Education and the Workforce. He and I would always be the first ones down there. If the meeting was at 9:30, he and I were there at 9:30.

This went on for a couple of committee hearings, and I finally said to Mr. GOODLING, "Mr. GOODLING, how come you and I are the only ones here, when you say that the committee hearings are going to be at 9:30?" He said, "Carolyn, around here we have congressional time and real time, and everyone comes late." And I said, "Why should you and I be punished on that?" Ever since then, at 9:30 that meeting starts and I appreciate that.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. GOODLING has a tremendous sense of humor, and I do not know if people know that. Probably I like it so much because it reminds me of my sense of humor. Sometimes it is dry. Sometimes he is throwing out a sense of humor, and people do not even know what the laugh line is, but we do.

Mr. Speaker, I want to say that my respect for him over the years has been tremendous. He has spent his whole entire life in public service. He was a school teacher. He was a principal. He was a superintendent. He was on the school board. He was in the PTA.

To me, that is public service. All of our teachers are in public service. But even though we sat on the committee and sometimes we disagreed, he was always a gentleman. Always a gentleman, and I have always appreciated that.

I do not want anyone to think that this guy is retiring. He is not. There is a lot of good years that he is going to be out there, and I am sure he is going to be knocking on our doors certainly advocating for what he wants to advocate. So this is not a retirement. It is not. It is another new journey for Mr. GOODLING, and we are going to miss him. I am going to miss him. And I thank him for everything that he taught me.

When I did not understand something, he continued to be a teacher because he explained things to me, and I will always appreciate that. Mr. Speaker, I wish the gentleman a good journey; and I know we are still going to see him around.

TO HONOR REPRESENTATIVE BILL GOODLING

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 19, 1999, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized during morning hour debates for 5 minutes.

Mr. SHUSTER. Mr. Speaker, it is with mixed feelings that I rise today to honor our dear colleague, the gentleman from Pennsylvania (Mr. GOODLING). Mixed feelings because it is a wonderful feeling to rise to honor him, but a sad feeling to realize he is no longer going to be a Member of this body.

When I came here as a freshman, there was a rather secretive place called the Botts committee. It was named the Botts committee after Herb Botts, who was the manager of that very secretive place called the House gymnasium. I went down there to see if it might be a good place to try to stay fit and get to know some of the Members, and there I bumped into a gentleman named George Goodling, BILL GOODLING's father.

He was in his late 60s, early 70s, perhaps, and they had a sissy game down there called paddleball. Now, I was a pretty serious handball player and, of course, a young whipper snapper compared to George Goodling, so he asked me if I would play. I, in a rather condescending way, said sure. I thought it would be nice to get to know the old gentleman, and so we played a game of paddleball.

Mr. Speaker, he beat me into the ground. He destroyed me. He humiliated me. He embarrassed me. That was my introduction to the Goodling family. Well, he retired, and I heard his son was going to come to Washington. I heard that, just as his father, he was an outstanding person. But I worried about whether he was as good an athlete as his dad. I heard he had been a football coach and an athlete himself, and I resolved right then that while I would do my best to become friends with BILL GOODLING, I would never under any circumstances play paddleball with him in the House gym. Mr. Speaker, I have kept that resolve over the years, and as a result, and perhaps hopefully for other reasons as well, we have remained good friends and neighbors in terms of parts of our district adjoining each other.

If anybody in this body deserves the title "Mr. Education," it is BILL GOODLING, because he has forgotten more about education in America than most of us will ever know. And, of course, by virtue of his service on the Committee on Education and the Workforce, his becoming chairman of the committee, he has been in a position to do so many good things for America, for Pennsylvania, and for his own congressional district.

It is a great honor to salute BILL. In his first election, he was elected with only 51 percent of the vote, a very, very tight election. But in his 13 straight terms, which I might emphasize is the longest tenure for the 19th district in this century, he typically now captures about 70 percent of the vote.

He served on the Committee on Education and the Workforce since his first term, becoming the ranking member in 1990, and chairman in 1994. He served with great distinction on the Committee on International Relations, as well as on the House Permanent Select Committee where I had the great privilege of serving as both a member and as the ranking member. He also served on the House Budget Committee.

Mr. Speaker, I think perhaps he and I feel the same about the Committee on the Budget. I had the privilege of serving on that committee as well, and it is sort of like the story about the two happiest days in a boat owner's life: the day he buys his boat and the day he sells his boat. It was a great privilege to serve on the Committee on the Budget and learn so much, but after being put through that wringer for 6 years, getting off of it was not exactly a negative experience.

BILL has been married to his wife, Hilda, forever. She's a wonderful lady. A wonderful lady. Two children, Todd, an architect, and Jennifer, who by the way which simply shows what athletic genes this family has, was a professional tennis player and is a phys. ed. instructor. In addition to all of his many talents, BILL enjoys singing and he is also a pianist, a tremendous sports enthusiast, and he raises horses.

Since I also have been in the business of racing horses, I learned that if one really wants to figure out how to get rid of what little money they have, the thing to do is buy a race horse. Now, I hope BILL has had better luck than I have, but anyway we have mended our ways in the Shuster family and now only have riding horses.

BILL is really a man for all seasons. He is an intellectual, an athlete, a good family man, an educator, a distinguished American. And so it is my great privilege and my honor to take the floor today to recognize my colleague and friend, BILL GOODLING.

TRIBUTES TO HON. BILL GOODLING UPON HIS RETIREMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Pennsylvania (Mr. BORSKI) is recognized during morning hour debates for 5 minutes.

Mr. BORSKI. Mr. Speaker, before I give my own tribute to my good friend, the gentleman from Pennsylvania (Mr. GOODLING), I yield to the gentleman from Michigan (Mr. KILDEE), who served for a number of years with Mr. GOODLING on the Committee on Education and the Workforce.

Mr. KILDEE. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. BORSKI) for yielding me this time.

Mr. Speaker, I have known BILL GOODLING for 24 years. When I arrived in Congress, he had already been here 2 years. We served together on the Committee on the Budget and the Education and Labor Committee, now the Committee on Education and the Workforce. I number him among my very, very best friends here in the Congress of the United States.

I have told this story many times but, BILL, I am going to tell it one more time. In November 1994, about 2 o'clock in the morning, I realized that I had survived the election, but I was a survivor in Cornwallis' army rather than Washington's army, and for the first time in 40 years the Republicans had taken control of the House of Representatives. I had been BILL GOODLING's chairman of a subcommittee for about 6 or 8 years, and I realized that now BILL GOODLING was going to be my Chairman, not of subcommittee, but of full committee.

So I felt I should call him. I called him at 7 o'clock in the morning the day after election. One should call no politician that early in the morning the day after election but he is a farmer and I knew he would be up. So I called him and did not identify myself. I merely said, "Mr. Chairman." And he responded, "How sweet it is."

Mr. Speaker, it has been sweet working with BILL. BILL really believes in education. He has educated me and the full committee that we should look for quality and results, and that has been his theme all the way through his time here.

On the Individuals with Disabilities Education Act, we have had no greater champion in this House than BILL GOODLING, both on Committee on the Budget and the Committee on Education and the Workforce. He finally put through this House a bill leading us to full funding of that 40 percent of extra cost of IDEA.

The gentleman from California (Mr. MCKEON) and I and BILL GOODLING, we worked together on I think the best higher education bill that we have ever passed. It was a bipartisan bill and passed this House, I think, around 418 to 1, and the Senate 95 to nothing. We have worked well together because we are really concerned about the fact that this House had to come together on those issues that really touched American children and young people.

BILL has always had that it is his belief that when we write education bills, we do not think Democrat, we do not think Republican, we think what is good for the children of this country. And the children in this country one better off because of BILL GOODLING: in their education, in their nutrition, in their approach to life.

BILL, thank you for what you have done. God bless you.

Mr. BORSKI. Mr. Speaker, reclaiming my time, let me say I became friends with BILL GOODLING as a freshman Member here. The Pennsylvania delegation would from time to time get together and have lunch. He was someone who I consider as a mentor.

We have all heard about his education background as a teacher, a coach, an administrator, and truly someone who knows the passion and speaks with the passion of education for all the kids in our country. Few know better than BILL GOODLING that a solid education will provide all workers with the necessary foundation to compete in a highly competitive workforce.

He is a good friend, from those early luncheons in the early days in the House to the time where we had offices just across the aisle from each other. He would wander into our office and pick up the Inquirer, look for the sporting results. I think particularly he was looking for the horse racing results. Would come in and talk with all the Members of our staff. He is just a first-class gentleman.

Mr. Speaker, I am proud to have served with him, proud to call him my friend, and I wish him the very best in his retirement years.

THE RETIREMENT OF HON. WILLIAM GOODLING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. LEWIS) is recognized during morning hour debates for 5 minutes.

Mr. LEWIS of California. Mr. Speaker, I could not help but notice as I walked in the Chambers that the gentleman from Pennsylvania (Mr. MURTHA) was speaking and he talked about our interest in national defense. He probably does not know that I entered public affairs some years ago as a member of a local school board, running for that school board largely because at the time I had four children in the public schools.

Mr. Speaker, I must say that the job that was being done for those kids and with those kids at a local public elementary school was truly just short of fantastic, and I ran for the school board in order to try to extend that kind of local education in my local community.

Over the years, all of us have seen some significant change in education and the way it works and sometimes does not work so well. Upon arriving in the Congress, that interest in education continued. The first thing I did was to look for leadership on my side of the aisle. The first person I looked to was BILL GOODLING.

So it is a great privilege for me to rise today and express my strong feelings of not just support, but the reality that the House will dearly miss his leadership in this very, very important field.

BILL has taught many of us many things. I remember in that first term, I was asking some of my colleagues about who provided the kind of leadership we needed in education, and I had a conversation with my friend, Dick Cheney, who was then a part of my freshman class, but he had been around Washington for a while. He pointed to BILL GOODLING as the guy to seek out if I wanted some counsel.

I wanted to share with BILL probably the most important lesson I think he has reminded me of during these years by way of a story that relates to my comments about Dick Cheney. Not very long ago in my home town of Redlands, Dick Cheney and his wife, Lynn, were present and they were involved in a panel in a classroom with about 90 people present, and of course the media is always there. But on the right-hand side there was this very interesting panel made up of two administrators, a Hispanic and an Anglo, a second grade teacher of Asian descent and a Hispanic mother.

The reason they were there is because they had recently participated in a program where for some weeks they went to Texas to look at what was going on in education there and they brought it back to Redlands to implement those programs in our schools. They described the fantastic result of this effort, making the point that BILL GOODLING has made for me that local schools run best when they are run by local people, and that we at the Federal level need to make sure we are careful about the way we spend those 10 cents on the dollar that we give to the schools and not try to dominate those schools from Washington, D.C.

Mr. Speaker, I thank BILL GOODLING for that and for all of his leadership for years in the Congress.

TRIBUTES TO CHAIRMAN BILL GOODLING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized during morning hour debates for 5 minutes.

Mr. HOEFFEL. Mr. Speaker, I yield to my colleague from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. HOEFFEL) for yielding.

Mr. Speaker, in a few days, or maybe a little longer, all of us will be heading home. Most of us will be flying. BILL will be driving. And for the first time in his more than 25 years in Congress, he will be going home without the expectation of returning for the long term. That will be sad for all of us who have worked with him.

He has provided lessons to us all in more ways than we can count. I want to concentrate on just one though. When most of us go home, we will go home by getting on airplanes. And at some point before that plane takes off, there will be a flight attendant who comes and stands before us and announces all of the emergency procedures and will say that in the unlikely event of an emergency, that oxygen masks will deploy from the compartment overhead. If we are traveling with children, they will tell us to put on our own oxygen mask first and then put on those for the children.

It seems kind of counterintuitive, those of us who care as deeply as all of us do about children. We do not think that that is the right thing to do. But in the end, it is, of course, the right thing to do, because we need to be in a position to take care of those children.

Mr. Speaker, BILL GOODLING has understood that in a way that has borne itself out in policy across this Congress throughout his 13 terms. One of his proudest accomplishments I am sure is the development of the Even Start program. When he was superintendent at Spring Grove area schools, BILL GOODLING noticed that the youngsters who were having the most difficulty in school were often the children of some former students who had also not performed well academically. Working with his best teachers, he developed a program which would provide focused literacy assistance to those children and to their parents at the same time, so that the parents could help reinforce the skills of the children.

When he came to Congress, he developed this into the Even Start program, which has been a model of what it means for parents to be their children's first and most important teacher by improving the academic skills of the parents themselves.

His work on the National Literacy Act, during a time when we were having enormous difficulty getting anything passed through this Congress, the National Literacy Act was the only education legislation that was enacted into law during that session of Congress.

Today, the Literacy Involves Family Together Act, the LIFT Act, will extend his literacy legacy into the 21st century and beyond.

The truth of the matter is that what the gentlewoman from New York (Mrs. MCCARTHY) implied is a vivid truth in the life of BILL GOODLING. If one has ever really been a teacher, they are always a teacher.

Mr. Speaker, I say to the gentleman, We are learning from you still, BILL.

Mr. HOEFFEL. Mr. Speaker, reclaiming my time, I thank the gentleman from Ohio for his eloquence.

Mr. Speaker, those of us in Pennsylvania are very proud of BILL GOODLING. I would simply like to add my best wishes to him and my congratulations to him for his long and illustrious career and note in particular with my support and gratitude, his dedication to the concept of local control of education.

Every time we try in Congress to deal with educational matters, we can be accused of trying to interfere somehow with the very valid principle of local control of education. I think that Mr. GOODLING has always held our feet to the fire as an institution to make sure we did not interfere with that. But he has supported notable legislation, like the Education Flexibility Act, which gives more flexibility locally, while also understanding that the Federal Government has a significant role to play in promoting public schools.

I think that BILL GOODLING got that balance just about right, and we will remember his leadership on that, and so many other educational issues, after he has left these halls, but certainly not left our memory. We will be grateful to him for many years to come.

BILL GOODLING, THE MAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Pennsylvania (Mr. PETERSON) is recognized during morning hour debates for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, today, I do not want to talk about the legislative accomplishments of the gentleman from Pennsylvania (Mr. GOODLING). I want to talk about the man.

Mr. Speaker, I had a 26-year business career. I met a lot of business leaders. I was fortunate to have 19 years in State government, and I know most of Pennsylvania's leaders of today. This is my fourth year here in Congress and I have gotten to know many of the fine Members of this body. But in my view, BILL GOODLING is a class act.

BILL GOODLING exemplifies what all Members of Congress ought to be. First, he came here with experiences in a multitude of fields. I think we are always served best by people who have succeeded in what I call the "real world" and then come to government and help us govern, because they have the wisdom and the knowledge from the fields they left.

He was in agriculture, Pennsylvania's leading industry. He was an educator, a top flight educator. BILL GOODLING is the kind of person we would like to have as a neighbor, as a business partner, as a personal friend. He not only is competent and qualified; he is a fine human being. He is an example we can hold up to our young people that this is how they ought to live their lives. Be successful in a field and then give back as he has given.

Mr. Speaker, I guess what has amazed me about the gentleman from Pennsylvania, and it is unfortunate he has to leave before we say these things, but he has been here 26 years. Today, in his final weeks, he still has the passion of his convictions. He still feels passionately about local education and the importance of keeping the decisions locally. He has been fighting tenaciously in his last weeks in Congress espousing things he has been espousing for a long time, but with no less gusto. Not many people do that.

I want the gentleman to know that I admire him. He is a person that I look up to. He is the kind of person that I believe exemplifies what we all ought to be, and we are going to miss him.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. PETERSON) for yielding.

Mr. Speaker, I would say first of all that I know that my colleague from Wisconsin and a long-time member of the committee, STEVE GUNDERSON, had wished that he could be here today as a Member of this body to participate in this occasion.

Mr. Speaker, it has been an honor and a privilege to learn about education at the knee of BILL GOODLING, a true expert who spent his life in the field. He will be sorely missed.

It is with immense pleasure and honor that I rise to express a few thoughts about my colleague and good friend, BILL GOODLING. I would like to say at the outset that I know that my former colleague from Wisconsin, Steve Gunderson, would very much like to be here today to participate in this occasion. He is a great admirer of Chairman GOODLING.

The Education and the Workforce Committee, formerly the Education and Labor Committee, was blessed the day BILL was first elected to Congress. Drawing on his experiences as a coach, a high school principal, and a Superintendent of schools, BILL has always approached the issue of education with the interests of America's children at heart. I can remember many conversations we have had, especially in the days when we had adjoining offices in Rayburn, discussing ways to more effectively educate the children of his nation.

Given all the work we still have to do in that regard, I hope and trust that those conversations will continue, for BILL's experience, insight, and thorough understanding of these issues are a priceless resource. Both as a member of the majority and of the minority, BILL has maintained his loyalty to our children, often in the face of fervid opposition by many who put their own special interests ahead of the well being of America's kids. His career in Congress is a monument and a tribute to a man of honor, integrity, courage, and vision.

I know there are several other Members here who would like some time to share their comments for Mr. GOODLING, so I won't go into the details of BILL's accomplishments as a Member of Congress. I'm not sure I could do it even if I had all forty minutes to speak! But I would like to say that many, many programs—not just the Literacy Involves Families Together Act, which we appropriately renamed a few weeks ago as the William F. Goodling Even Start Family Literacy Program—owe a debt of gratitude to Chairman GOODLING. These are programs near and dear to his heart, and they are a reflection of BILL's tireless efforts and passion for providing the children of this nation, all of them, with the best possible education.

It has been my pleasure and honor to have known Chairman GOODLING for 22 years, and he will be missed—as much as he misses his horses when he's here in Washington—when he retires at the end of this session.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, a couple of weeks ago, many of us traveled to southern Virginia to attend the funeral of a good friend and colleague, Herb Bateman, and many wonderful things were said about him at that time. I wish we had been able to have that kind of a meeting for Herb when he was with us.

I am really happy that we are able to stand today and say just a few good things about our good friend, BILL GOODLING.

When the gentlewoman from New York (Mrs. MCCARTHY) was talking earlier about him starting meetings at 9:30, and the gentleman from Michigan (Mr. KILDEE) remarked about him getting up early, being a farmer; when he started meetings at 9:30, he has already probably been up at 5 o'clock, fed the horses, done the things that he needed to do at the farm and then driven down here from Pennsylvania to start his day's activities in Congress. Or if he did not go home the night before and spent the night in his office, he had already been to the gym and done a good day's work before he started that meeting at 9:30.

It has been an honor and a privilege to serve with BILL GOODLING. It is ironic that now education seems to be the top issue in the country. He has been speaking about education as a voice in the wilderness for 26 years.

He is a man of integrity and passion. His passion includes many things: horses, music, and golf. And I have been able to participate in some of those things with him. But really his main passion is education and literacy. He truly cares about helping people through education. His work ethic is second to none. He is a strong Christian and stands tall for what he believes in.

A beloved king once told his people, "When you are in the service of your fellow man, you are only in the service of your God." I know of no one who has exemplified that better than BILL GOODLING. I am privileged to call him a friend.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. PETERSON) for yielding.

Mr. Speaker, let me join with my colleagues in thanking BILL GOODLING for having the honor to have served with him, in my case, for 10 years, but for his service in the House for 26 years.

BILL's background as an educator for 20 years, as we have heard, brought him to this Chamber with a wealth of experience. He had seen a lot of programs out of Washington, some that worked, many that did not, and brought that knowledge and that background in working with parents and teachers at the local level here to Washington. And over the 10 years that I have been here, I do not think there is any Member of Congress, not of the 435 that are here today, or the hundreds that have come and gone in just my short tenure, who have cared and delivered more on the issue of education than BILL GOODLING. It really is his passion.

And we have heard much about that this morning, but knowing BILL GOODLING for the years that I spent on the committee with him, what a lot of people do not realize is that his interest in music is far beyond superficial. Not only is he part of a singing group, and has been here in town for some 20 years-plus, but he is known for waking up his neighbors and keeping the janitorial staff awake at night as he is playing his piano that he keeps in his office.

Mr. Speaker, I think all of us here are going to regret his leaving and his decision to retire. I can say as someone who spent an awful lot of time with him in an awful lot of battles, I would want him on my side every time.

BILL GOODLING: DEDICATED CHAMPION OF EDUCATION POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Wisconsin (Mr. KIND) is recognized during morning hour debates for 5 minutes.

Mr. KIND. Mr. Speaker, as a Member of the Committee on Education and the Workforce, I also rise to pay tribute to an individual that is clearly one of the most dedicated champions of education policy in this country, our departing chairman, BILL GOODLING.

As a relatively new member of the Committee on Education and the Workforce, I can honestly say that Chairman GOODLING has been the best chairman it has been my pleasure to serve with, but also the worse because he has been the only chairman that I have had the chance to work with on the Committee.

Mr. Speaker, what has impressed me over the last 4 years, is an opportunity to sit there in front of him, to watch, listen, to learn, but also to watch how he runs the committee with such decency and fairness. Even though we had some heated discussions, disagreements at times over the best policy to pursue in regards to education, he was always eminently fair and decent in allowing Members to make their arguments during the course of debate.

But what also impressed me about the Chairman was that in the final analysis, everyone knew that for the chairman it always came down to one thing, and that was the kids. And for the chairman, it was really one word that we heard repeatedly during the course of committee work, and that was "quality, quality, quality." I especially appreciated, that emphasis given the fact that I sat right in front of him during committee, so I would be bombarded with quality, quality, quality, every day during the course of debates. Granted, some of that may have gone over my head, but a lot of it did sink in.

I appreciated the chance to work with the gentleman on a few very important education initiatives: the Education Flexibility Act, which will provide local school districts greater flexibility in the use of Federal funds for programs that are working for them at the local level.

The hard work that we put in on the Teacher Empowerment Act, again emphasizing quality. He knew that it does not matter what else goes on, but if we do not have quality teachers in the classroom, we are not going to see the type of student performance that all of us hope to see in the course of education reform.

And the chairman has been one of the strongest earliest proponents of early childhood literacy and family literacy programs. That is why a lot of Members have already paid tribute to him for the work he did with the gentleman from Michigan (Mr. KILDEE) on the Even Start program and now the LIFT Act that recently passed in this session of Congress.

These are things that I think we have a lot of hope and promise of building upon, realizing that ultimately it is going to take quality educational instruction to see the type of student achievement that all of us would like to see achieved in this country.

I do not know what the outcome of the November elections are going to be, and I do not know if I would hold much sway in a possible Bush administration if it comes to that, but I for one would be one of the first to recommend under a Bush administration for Secretary of Education, a person of the integrity and fairness and knowledge that Chairman GOODLING would bring to that postition. I wish him well in retirement and I hope he realizes his leadership will be missed on the committee and in this House.

Mr. Speaker, I yield to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. KIND) for yielding me this time. I want to join in this tribute to our chairman, BILL GOODLING.

Mr. Speaker, we have had our battles. They even got to the point one time where he threatened to hit me over the head with the gavel, and I thought the next committee meeting I would come wearing a helmet so that we could continue our amicable discussions.

But I think the gentleman from Wisconsin (Mr. KIND) has hit it on the head. There was a core principle there. And as much as we come from different parts of the ideological spectrum, I was amazed at how well we were able to work together, once I understood the code. The code was simply: You mean what you say and you say what you mean.

BILL GOODLING has held that principle all of the time that he has served on the Committee on Education and the Workforce. We came together to the Congress and served our entire careers on that committee. His focal point was the children and whether or not we really meant what we said. If we were going to have quality, then we were going to have quality and we were going to hold someone accountable for delivering that quality. And if they were not going to do that, we were not going to fund them or we were going to know why.

When we said we were going to fund the excess cost of special education, the 40 percent, in his time as chairman he has moved us further toward that goal than any other single individual. When they said that a diploma ought to mean something, he asked those questions and that is what teacher empowerment was about, whether or not a diploma would, in fact, mean something.

For schools of education where we are turning out our teachers of the future, if they did not know the subjects they were teaching, he wanted to know why, and has dramatically changed the manner in which schools of education will now educate the teachers of the future so they will be better equipped to provide that quality education that has always been at the core of all of his dealings on this committee.

He has not been much for the politics. He has not been much for the posturing. But he has certainly done a great deal for the education and the well-being of the children of this Nation, and we are going to miss him.

Mr. Speaker, it has been a pleasure to serve with the gentleman from Pennsylvania (Mr. GOODLING).

TRIBUTE TO CHAIRMAN GOODLING OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Pennsylvania (GREENWOOD) is recognized during morning hour debates for 4 minutes.

Mr. GREENWOOD. Mr. Speaker, my mother once said to me that no matter how important you think you are, remember that the number of people who come to your funeral will be primarily determined by the weather. It must be a good day today because Mr. GOODLING is blessed with too many speakers, and we will all have to be brief.

Mr. Speaker, I will miss Mr. GOODLING as a member of the Committee on Education and the Workforce and a fellow Pennsylvanian. The children and the teachers and the parents and the school board administrators will miss BILL GOODLING, because he is someone that has become a rarity in this town. He believes that politics belongs on the campaign trail, and here in Washington in the Nation's capital, because we are supposed to do the people's business, we are supposed to compromise. We are supposed to put politics second to people.

BILL GOODLING has done that every day for his 26-year career. It is an honor to serve with him and join in this tribute today.

Mr. Speaker, because time is limited, I will cut my remarks brief and I yield to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for yielding.

Mr. Speaker, like others today, I am here to recognize the tremendous contribution that Congressman GOODLING has made to this Congress, to this country, and particularly to education.

BILL GOODLING spent his entire career with a focus on education. As a teacher, as a coach, as a guidance counselor, as a school administrator, and when he was elected to Congress by the people from the 19th district in Pennsylvania, he chose to go on the committee that focused on education.

He became the chairman of that committee. He has been a tireless advocate for making public schools better through real reform. He has pursued full funding of IDEA, understanding that the Federal Government needs to first of all keep its word.

As a former college president, I particularly appreciate all the chairman has done to substantially increase the Pell Grant funding. And during his leadership of that committee, Pell Grant funding has increased in a way that it has never increased before.

There are really too many accomplishments to talk about all of them, certainly the signature piece of legislation, the William F. Goodling Child Nutrition Reauthorization Act. This legislation gives more flexibility to school districts as they try to meet the needs of children, as they try to do what is best for the children of America.

On behalf of America's students, on behalf of America's educators, as the cochairman of the Education Caucus here in the Congress, I just want to thank the chairman for his outstanding record of public service, for his commitment to education, for his great work for the people of Pennsylvania.

Mr. GREENWOOD. Mr. Speaker, I yield to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for yielding me this time.

Mr. Speaker, when I hear the name GOODLING, I immediately think of four different words. The first pair is "quality and accountability." We kept hearing that over and over in the committee. And those are very, very important words for us to hear. Will a proposal bring forth quality? Will it provide for accountability?

The second pair of words is "reading and literacy," obviously, very, very great needs in this country. I believe we should improve math and science education in this country, and but the gentleman from Pennsylvania (Mr. GOODLING) is totally dedicated to improving reading and literacy; I totally agree with that as well, because we need to do both.

It has been a pleasure to serve on the Committee on Education and the Workforce with Mr. GOODLING. He is an experienced teacher, administrator, and a Congressman. As an educator myself for 22 years, I was delighted to have a person heading that committee who had experience in education too, because there are many people in this world who think they know exactly what is wrong with the schools and how to fix it, but they do not have any experience at it. Mr. GOODLING has that experience, and I was delighted to have him as chairman.

Mr. GREENWOOD. Mr. Speaker, I yield to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I will be very brief in order to leave enough time for the chairman himself to speak, by simply saying this, most politicians put their careers first. BILL GOODLING has put children first. Most politicians will compromise at a time to move an inch. BILL GOODLING is patient, but he is always persistent.

He believes in quality education for our children, trained teachers for our children, and local control. America is better off and her children far better off for the service of BILL GOODLING.

HON. BILL GOODLING: A BRILLIANT CAREER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Pennsylvania (Mr. KANJORSKI) is recognized during morning hour debates for 4 minutes.

Mr. KANJORSKI. Mr. Speaker, no one could deny our colleague that we honor today, BILL GOODLING, has had a brilliant career in education in this Congress and is well known. But I can attest to the fact that he has more horse sense than any Member that ever served in the United States Congress, and that is saying something.

BILL is the type of guy that has a twinkle in his eye and love for what he does and for his colleagues that we are going to miss, because he is of the old tradition of the House. As I drive back to my district in Pennsylvania, I go through the gentleman's district. So many times, I have had the occasion to see him when we have stopped for coffee or something. I am going to miss those occasions.

Mr. Speaker, I would just suggest that the Members of the House today that have not had the opportunity to spend late evenings with BILL at dinner when we are in session and hear about his horses or hear about his violets, it is a great treat. Because here is a sensitive man who has dedicated his career to the 19th District of Pennsylvania that has not only served his district, but has served this Nation with honor and distinction.

As his colleagues have attested to today, he is probably known as "Mr. Education" in the House of Representatives. I am going to miss my good friend, BILL GOODLING. And as a member of the Pennsylvania delegation, I wish him well, he and Hilda, in their retirement. But I am sure we will hear from him in all of those special occasions.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, when one mentions improvements in education, they mention Chairman GOODLING. When one mentions advocating for America's children, they mention Chairman GOODLING. When one mentions good schools, they mention Chairman GOODLING. When one mentions enhanced curriculum, they mention Chairman GOODLING. When one mentions support for local school boards, they mention Chairman GOODLING.

When one mentions honor and accountability, they mention Chairman GOODLING. When one mentions great American leaders who have placed their fingerprints on America's future greatness, they mention Chairman GOODLING.

Chairman Goodling will be sorely missed. When we mention America, we have to mention the presence of Chairman GOODLING.

Mr. Speaker, I say to the gentleman, My best to you, Chairman. God bless you in your appointed rounds. You will be sorely missed.

QUALITY, NOT QUANTITY; RESULTS, NOT PROCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Pennsylvania (Mr. GOODLING) is recognized during morning hour debates for 5 minutes.

Mr. DREIER. Mr. Speaker, I would like to take this opportunity to offer my best wishes to our colleague Chairman BILL GOODLING as he returns to the private sector and express my thanks for his many years of service to the nation and to the people of Pennsylvania. I have had the privilege to serve with BILL GOODLING since I was elected to the House in 1980 and throughout that time I have been impressed with his strong commitment to putting people before politics.

BILL GOODLING's 22 years of experience as a public school teacher, coach and principal in York County, Pennsylvania were the perfect preparation for his service as Chairman of the Committee on Education and the Workforce. Throughout his tenure as Chairman, Congressman GOODLING has made a lasting impact on how we view the federal role in both education and the workforce. Chairman GOODLING has emphasized allowing decisions to be made on the local level and creating a federal system that works effectively and efficiently with local authorities.

Since Republicans came into the majority, BILL GOODLING has taken the primary leadership role on some of the most important legislation affecting Americans. He has been central to Congressional efforts to pass legislation to reform the welfare system and to eliminate waste in the Department of Education. Through bills like Dollars to the Classroom which would direct 90 percent of federal funding for education directly to the States and local school districts and allow no more than 10 percent to be used for administrative purposes and the EdFlex legislation which provide States with the flexibility to decide where federal funding is most needed without the typical red tape and regulations from Washington, he has been successful in forcing us to reexamine the role of the federal government in education.

Along with these accomplishments, his work to address the needs of the disabled in both our education system and the workforce will remain a strong legacy for BILL. Since it's enactment in 1975, he has shown a strong dedication to the Individuals with Disabilities Education Act (IDEA). IDEA has helped to ensure that students with disabilities receive the same access to a quality education as other children. he has been tireless in his work to improve the program and to push for the full federal funding requirement 40 percent which, under his leadership and commitment is expected to happen by 2004.

I would like to express my personal appreciation for Chairman GOODLING's help in my attempt to promote financial literacy education in our schools. With his support, the House passed my concurrent resolution encouraging the Secretary of Education to promote financial literacy programs in schools. As well as this resolution, he also supported my request for inclusion of language in the Elementary and Secondary Reauthorization Act that would provide grants to states and implement financial literacy programs in their schools.

While we will all miss BILL GOODLING's leadership and friendship, I know he will enjoy this next step in his life and I wish him and his wife Hilda all the best.

Mr. COYNE. Mr. Speaker, I want to pay tribute to one of our colleagues, BILL GOODLING, who is retiring this year after 26 years of service in the House of Representatives.

BILL GOODLING has served his constituents well in his time in Congress. He has honestly and consistently reflected their views, and he has worked hard to improve the economic health of Pennsylvania's 19th Congressional District. He also worked tirelessly and in a bipartisan fashion as a member of Pennsylvania's Congressional delegation to address problems facing the Commonwealth.

BILL GOODLING's public service is by no means limited to his time in the House of Representatives. Before being elected to Congress, he worked as a teacher, coach, principal, and school board president. His experience in education allowed him to bring a practitioner's knowledge and experience to his service on the House Education and Labor Committee—and eventually to his chairmanship of the House Committee on Education and the Workforce. His lifelong dedication to education is an outstanding example of a life spent in public service.

I am sorry to see BILL leave this body. I want to wish him and his family the best in the coming years.

Mr. GILMAN. Mr. Speaker, It is with a great deal of sadness that I join in bidding farewell to an outstanding Member of this chamber, one of the leading Members of Congress of the last quarter century, and a good and dear friend.

BILL GOODLING was initially elected to Congress to succeed his father, who represented the 19th District of Pennsylvania for 12 years. but BILL soon made it clear that his agenda of outstanding representation of his district coupled with sincerely held beliefs was his own. BILL brought his own distinct style to this chamber, and for this he is going to be sorely missed.

For the past six years, BILL GOODLING served as Chairman of the Committee on Education and the Workforce. In that position, he has been one of the more outstanding Members of our House leadership. BILL was never afraid to remind us that he who governs the least governs the best. He especially championed the right of local school boards to make their own decisions, free from the dictates of Washington bureaucrats.

BILL chose to retire this year, and his shoes are going t0 be extremely difficult to fill. To his wife, Hilda, and his two children, we state that while you are gaining a full time family member we in the House are losing an inspiration and role model.

Mr. Speaker, I invite all of our colleagues to join with me in wishing BILL GOODLING and his family all of the best in the future, and many happy healthy years to come.

Mr. BARRETT of Nebraska. Mr. Speaker, I want to join my colleagues in honor of Chairman BILL GOODLING. For the last ten years, I've had the privilege of working with BILL GOODLING on the Education and Workforce Committee to promote fairness in labor as well as education policy. Those that are closest to my heart are policies particularly affecting our nation's rural children. Our nation's children are fortunate to have had someone as dedicated and experienced at the helm of the committee charged with creating and refining education policy. Through his steadfast commitment to promoting children's issues like literacy, technology, quality teachers, and IDEA funding—BILL GOODLING has truly been a champion for children across this country.

At the end of this session, BILL GOODLING and I will both be stepping down and moving on to new challenges in private life. But no matter what the future has in store for BILL GOODLING, I know his commitment to our nation's children will continue and that our country is a better place because of his service.

Mr. THOMAS. Mr. Speaker, it is my pleasure to honor my good friend BILL GOODLING, who retires this year after a quarter-century of service to this country in this House, during which he has become one of the nation's foremost advocates on common-sense education policy.

Since becoming Chairman of the Education and the Workforce Committee, BILL GOODLING has fought tirelessly to send more control over our schools to local authorities. BILL'S leadership and success in education policy have created options for educators and students throughout the U.S. which were not previously available.

For the last quarter-century, BILL GOODLING has been a friend, mentor, and leader on education issues. Like many other Members, I have looked to him for guidance. I am proud to have been his colleague, and honored to call him a friend. The people of Adams, York, and Cumberland Counties are truly fortunate to have had BILL GOODLING represent them in Congress for all of these years. I thank him for his friendship and wish BILL and Hilda the very best for the years to come.

Mr. GOODLING. Mr. Speaker, first of all, I want to thank everyone for their overly generous comments that were made this morning. It has been a labor of love. We have done a lot of wonderful things together in a bipartisan fashion, always with the best interest of children in mind.

Mr. Speaker, I hope that when I leave here, the echoes will still be in the Chamber saying: Quality, not quantity. Results, not process.

But I want to leave three challenges to Members. First of all, this is the greatest institution in the world. It is the most important institution in the world. We do not do a very good job of making sure that everybody in this country understands that and everybody in the world understands.

I know how it is at home. They bad mouth this institution. They say disparaging remarks about some of our colleagues, and we let them get away with it because they will always say, Now, we are not talking about you. You are a good Member.

Well, I always tell them, I would like to see anyone get 435-plus members in any organization together to do as well as this group does, to be as honorable as this group, to be as dedicated as this group. And we just have to make sure that everybody understands that and we do not let them get away with making bad remarks.

Philosophically, we may have awful arguments and disagreements and so on. But man-to-man, woman-to-woman, man-to-woman, et cetera, in this institution, all of these people were very successful people before they ever came here, and I would hope that we would take that challenge and make sure that everybody understands everything we do, everything we say, not only affects our constituents but all over the country, all over the world. We are the greatest institution and the most important institution.

Secondly, I would hope that every vote is cast with the best interest, and particularly in the area of education, with children. I do not care about perception or anything else. What is it that we are doing that will assure a quality education for all of our children? Fifty percent of our children are not at the present time receiving a quality education, and I am sorry that I could not do more about bringing about that quality while we were here.

And then last, I worry about the young Members and their young families. In fact, they are in my prayers constantly. This is not a family-friendly institution. All I say to my colleagues is put that family first, always put the family first. And I am sure that they will reap great rewards by doing that.

Mr. Speaker, lastly let me say, we owe so much to our staffs. I am not going to recite all the staff members that I have. But my district staff, my staff on the committee, the staff in my office here, they are just wonderful, wonderful dedicated people giving hours and hours and hours of their time and sometimes not paid too well for doing it. And so my hat is off to the staff.

Again, I thank my colleagues for their generous comments. And always remember: quality, not quantity; results, not process.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 50 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Heavenly Father, You know the disobedient son and daughter as well as Your obedient children. Your loving attention may be even more focused on the disobedient who are in need of Your tender mercy.

Help all in this Nation to become better citizens of the world community. Take us beyond ourselves. Transform us by Your own spirit to be more concerned for the safety of others and a broad security that bears Your gift of peace to all.

You have called the Members of this assembly to be public servants. Their pledge of a good conscience empowers them to speak and act on behalf of their brothers and sisters everywhere. Grant them guidance in the monumental task before them. For You are living and present now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. HOLDEN) come forward and lead the House in the Pledge of Allegiance.

Mr. HOLDEN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Cheek, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 4392. An act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4392) "An Act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHELBY, Mr. LUGAR, Mr. KYL, Mr. INHOFE, Mr. HATCH, Mr. ROBERTS, Mr. ALLARD, Mr. MACK, Mr. WARNER, Mr. BRYAN, Mr. GRAHAM, Mr. KERRY, Mr. BAUCUS, Mr. ROBB, Mr. LAUTENBERG, and Mr. LEVIN, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4733) "An Act making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2392) "An Act to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes," with amendment.

PRIVATE CALENDER

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

LUIS A. LEON-MOLINA, LIGIA PADRON, JUAN LEON PADRON, RENDY LEON PADRON, MANUEL LEON PADRON, AND LUIS LEON PADRON

The Clerk called the bill (H.R. 3414) for the relief of Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron.

There being no objection, the Clerk read the bill as follows:

H.R. 3414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

(a) In General.—Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron shall each be held and considered to have been selected for a diversity immigrant visa for fiscal year 2001 as of the date of the enactment of this Act upon payment of the required visa fee.

(b) Adjustment of Status.—If Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, or Luis Leon Padron enters the United States before the date of the enactment of this Act, he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by 6 during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ZOHREH FARHANG GHAHFAROKHI

The Clerk called the bill (H.R. 3184) for the relief of Zohreh Farhang Ghahfarokhi.

There being no objection, the Clerk read the bill as follows:

H.R. 3184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR ZOHREH FARHANG GHAHFAROKHI.

(a) In General.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Zohreh Farhang Ghahfarokhi shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) Adjustment of Status.—If Zohreh Farhang Ghahfarokhi enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) Deadline for Application and Payment of Fees.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) Reduction of Immigrant Visa Numbers.—Upon the granting of an immigrant visa or permanent residence to Zohreh Farhang Ghahfarokhi, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SEPANDAN FARNIA AND FARBOD FARNIA

The Clerk called the bill (H.R. 848) for the relief of Sepandan Farnia and Farbod Farnia.

There being no objection, the Clerk read the bill as follows:

H.R. 848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR SEPANDAN FARNIA AND FARBOD FARNIA.

(a) In General.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Sepandan Farnia and Farbod Farnia shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) Adjustment of Status.—If Sepandan Farnia or Farbod Farnia enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) Deadline for Application and Payment of Fees.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) Reduction of Immigrant Visa Numbers.—Upon the granting of an immigrant visa or permanent residence to Sepandan Farnia and Farbod Farnia, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SAEED REZAI

The Clerk called the bill (H.R. 5266) for the relief of Saeed Rezai.

There being no objection, the Clerk read the bill as follows:

H.R. 5266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR SAEED REZAI.

(a) In General.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Saeed Rezai shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) Adjustment of Status.—If Saeed Rezai enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) Deadline for Application and Payment of Fees.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) Reduction of Immigrant Visa Numbers.—Upon the granting of an immigrant visa or permanent residence to Saeed Rezai, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) Denial of Preferential Immigration Treatment for Certain Relatives.—The natural parents, brothers, and sisters of Saeed Rezai shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KERANTHA POOLE-CHRISTIAN

The Clerk called the Senate bill (S. 302) for the relief of Karantha Poole-Christian.

There being no objection, the Clerk read the Senate bill as follows:

S. 302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLASSIFICATION AS A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—In the administration of the Immigration and Nationality Act, Kerantha Poole-Christian shall be classified as a child within the meaning of section 101(b)(1)(E) of such Act, upon approval of a petition filed on her behalf by Clifton or Linette Christian, citizens of the United States, pursuant to section 204 of such Act.

(b) LIMITATION.—No natural parent, brother, or sister, if any, of Kerantha Poole-Christian shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

THE 23 FUND KEEPING ALIVE THE MEMORY OF RAMIRO "TOTI" MENDEZ

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, baseball continues to be Americans' favorite pastime. Young boys who favor this sport dream of playing for their college teams.

This dream came true for Ramiro Mendez, warmly known as Toti to his teammates, his family and friends. He was number 23 for Florida International University's baseball team until the day he succumbed to a rare heart disease.

Little is known about this heart problem, which is oftentimes not found until it is too late. Toti's family is working to pass legislation in Florida that would make heart tests mandatory for student physical exams.

In an effort to keep his memory alive, Toti's family and friends have established the 23 Fund for tuition assistance for other student athletes at Florida International University.

On October 19, FIU and the AXA Foundation will raise scholarship funds to memorialize Toti and the hundreds of other athletes who have been affected by this heart ailment.

Toti will continue to live in the spirit of his family, his teammates and all of us who were privileged to know him.

TRIBUTE TO KRISTY KOWAL

(Mr. HOLDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLDEN. Mr. Speaker, I rise today to ask all of my colleagues in the House to join me in paying tribute to my constituent, Kristy Kowal. Kristy recently won the silver medal in the Woman's 200 Meter Breaststroke at the Olympic Games in Sydney, Australia.

Kristy, the daughter of two very proud parents, Edward and Donna Kowal, is a resident of Colony Park, Berks County, Pennsylvania, and is a graduate of Wilson High School.

She is a 21-year-old all-American from the University of Georgia and holds three American records in swimming.

As impressive as that may sound, Kristy says she is most proud of the fact that she is also an academic all-American. Her major is education, because her mother is a teacher, and like her mother, Kristy wants to be able to influence people and make a difference in their lives.

As Kristy traveled to Australia to compete in this year's Olympics, the many flags and banners displayed around the Colony Park community are a testament to the pride and support that Kristy has in the community.

To be specific, there were 365 flags and 30 banners displayed on homes, area businesses, and schools. We are also proud of her accomplishments at Sydney. Kristy, congratulations on a job well done.

BOLSTERING OUR MILITARY FORCES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the first responsibility of government is to protect and defend the American citizens from threats. To meet this responsibility, the United States must maintain a modern, highly skilled and well-trained military force.

As a veteran of both the Vietnam and Persian Gulf Wars, I am very proud of this Republican-led Congress that remains committed to rebuilding and strengthening our military and to treating our troops with the respect that they deserve.

In addition to bolstering America's military readiness, this Republican-led Congress is working to provide a better quality of life for our servicemen and women.

We are working to ensure sure that no U.S. serviceman or woman will ever have to rely on food stamps just to feed their family. Again, this Republican-led Congress is committed to providing our military members, both current and past, with quality health care service.

Mr. Speaker, I am proud of the accomplishments of this Republican-led Congress, and I am proud of all the men and women who have served and sacrificed for their country in our military service.

ISSUES ON CHINA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. It is a proven fact, China has missiles pointed at America. China bought submarines and attack aircraft from Russia. China has spied on America. China has illegally purchased American secrets, and China is now taking $100 billion a year in cash out of our economy in sweetheart trade deals. If that is not enough to smell the gun powder, a Chinese spokesman announced, and I quote, Cuba is our Communist ally and China will now embrace Castro.

Beam me up. Let me caution Members, China has more soldiers than America has citizens. I yield back both the treason of Janet Reno and the blindness of the Congress of the United States of America.

MEDIA TILTS LEFT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute).

Mr. SMITH of Texas. Mr. Speaker, the evidence is mounting that the media tilts left. In its recent poll, "Editor and Publisher" magazine found that two-thirds of newspaper readers feel that AL GORE receives preferential treatment. Most revealing, two-thirds of the newspaper readers who consider themselves independents also said there is bias favoring AL GORE.

It is no surprise that over half of George Bush's supporters says there is press bias, compared to less than a third of AL GORE's supporters.

Media bias is dangerous to our democracy. It prevents the American people from getting the facts, and if we do not have the facts, we cannot make good decisions. We should help the media remember that their job is to give us fair, objective, and impartial news reports.

No one should play games with the people's right to know the facts. The media should give us the news straight.

U.S. CUSTOMS SERVICE CYBERSMUGGLING CENTER

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Yesterday I participated in the ribbon-cutting ceremony for the new location of the U.S. Customs Service Cybersmuggling Center. Child pornography was a worldwide industry that was all but eradicated in the 1980s. And unfortunately, it has resurfaced with vengeance thanks to computer technology.

Although, I learned of the work of the U.S. Customs Service through the National Center for Missing and Exploited Children's leader, Ernie Allen, I was so impressed with the work of the Cybersmuggling Center and its agents that I introduced legislation that would authorize much needed funds specifically for the U.S. Customs Service, Child Pornography Enforcement Program.

The U.S. Customs Service has long been recognized by law enforcement and the international community for its knowledge and skill in investigating cases of child pornography and child exploitation. Proper funding of the Cybersmuggling Center will allow the Customs Service to continue its worldwide leadership in the prevention of the sexual exploitation and abuse of children in the United States and abroad. Congress got the message and now we can commend the work done by the men and women who spend their days and nights protecting our most vulnerable citizens, our children.

LET US LOOK AT THE FACTS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, let us look at the facts. Republicans have locked away 100 percent of the Social Security and Medicare surplus. Republicans have eliminated over $350 billion of our Nation's debt and will totally eliminate it by 2012.

We asked the Vice President to join us in dedicating another 90 percent or $240 billion of next year's surplus toward eliminating the debt. Unfortunately, the Vice President does not agree. You see he wants to spend over $1 trillion on increasing the size of our government.

Most Americans would agree the Vice President's plan to spend 1 trillion more dollars is shortsighted. We do not need a bigger government. Americans do not want, do not need and do not deserve a big government spending spree. They deserve a secure retirement and a debt-free America.

BEYOND CANCER: JOURNEYS OF THE HUMAN SPIRIT

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of Wisconsin. Mr. Speaker, Wes Scott, Josie Wisialowski, Linda Smith, Lyle Beres, Raksha Chand, Erik Oliverson, Pat Kaldor, Charlotte Lass, Val Banks, Tim Cleary, Marcia Boler, Barbara Kluth, these people are men and women, black and white, students and executives, community leaders, young and old. Despite their differences, these people all share one terrible reality, they have all had cancer. They also share one wonderful reality, they have all survived cancer.

Our guests today are a few of the survivors featured in the photographic exhibit Beyond Cancer: Journeys of the Human Spirit, on display through October 14th in the Rotunda of the Cannon House Office Building. The exhibit features pictures just like this one here showing the very human face of cancer in America and telling the very personal stories of the people who have fought and overcome this terrible disease. Beyond Cancer was developed by Milwaukee's St. Joseph Hospital and brought to Washington with the support of Abbott Labs. I am honored to have sponsored its display here on Capitol Hill.

Beyond Cancer is an inspiring tribute to the enduring strength of everyday Americans who decide that they will not allow cancer to define them, they will fight to survive, and that their life is beyond cancer.

Mr. Speaker, I ask that my colleagues join me in giving heartfelt thanks to these individuals, they offer examples of strength, faith, and perseverance to which we all might aspire.

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CHARLOTTE, NORTH CAROLINA, THE HORNET'S NEST

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, while Charlotte is proud of its professional basketball teams, the Hornets and the Sting, I would like to share with Members how the area first became known as the Hornet's Nest.

On October 3 of 1780, hungry British soldiers, coming off victories in South Carolina, were driven away by our local farmers. In the commotion, the soldiers knocked over the beehives at McIntyre's farm, and the insects, along with the Charlotteans, swarmed all over the fleeing Redcoats.

Four days later, frontiersmen from Georgia, Virginia, and both Carolinas destroyed the left wing of General Cornwallis's army in less than 1 hour of battle.

News of the victory revived hopes, and soon patriots like Thomas Sumter, Elijah Clarke, and Francis "the Swamp Fox" Marion stepped up their harassment of the British troops.

As they say, the rest is history. Cornwallis referred to Charlotte as a "hornet's nest of rebellion," and his stay lasted there only 16 days.

I encourage Members to join me and my fellow Carolinians in celebrating the 220th anniversary of both the Battle of the Bees and the Battle of Kings Mountain.

A MISSED DEADLINE TO REAUTHORIZE THE VIOLENCE AGAINST WOMEN ACT

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, 3 days ago the deadline passed for reauthorizing the Violence Against Women Act.

There was no good reason for the Congress not to pass this important bill. After all, it passed this House with an overwhelming majority, 415 to 3. Judges support this bill, police officers support this bill, prosecutors support the bill, victims, social workers, health care workers, men and women around the Nation support this bill. It protects women from violence, it protects children from witnessing violence, it stops the cycle of violence.

Unfortunately, some in Congress are talking about using this bill as a sweetener, adding it to other bills to help them pass. The Violence Against Women Act deserves to pass on its own, and adding it to another bill to sweeten it is an insult to the women of America. Let us get our work done. Let us pass the Violence Against Women Act.

REPUBLICAN-SPONSORED LEGISLATION TO HELP AMERICA'S SENIORS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, what is it like to be retired in the 1990s on a fixed income with rising health care costs, high prescription drugs, and expensive, long-term residential treatment?

It does not have to be this way, though. That is why this Congress, this Republican Congress, has worked to take social security money off-budget so that the social security trust fund will be secure and the money will not be taken out of that lockbox and used for roads and bridges or congressional salaries. We believe that is an important commitment to America's seniors.

That is why this Congress has passed the only prescription drug program, to make prescription drugs available and affordable to our seniors.

I might add that the other body across the hall has yet to act on this important piece of legislation. Neither has the White House. But we think it is important.

That is why this Congress has worked hard for cops on the streets and local law enforcement grants, to make sure that American seniors at home in their retirement will be safe and secure, so they can sit on their porch or walk down the street and not be worried about being a victim of crimes.

Mr. Speaker, it is our moms and dads we are talking about. They looked after us all these years. Let us not forget them.

TRIBUTE TO HON. WILLIAM GOODLING, CHAIRMAN OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE

(Mr. FATTAH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FATTAH. Mr. Speaker, I seek the opportunity to join my colleagues in saying a word for our party member, the retiring gentleman from Pennsylvania (Mr. GOODLING).

I have had the opportunity to serve with him for a number of terms as he has led the House Committee on Education and the Workforce. His work in regard to improving the life skills and life chances of millions of young people, and in particular his work in developing the Even Start Program and his support for additional resources to be provided in terms of special education, are of particular note.

I join with my colleagues from the State of Pennsylvania and many of us who served with him on the House Committee on Education and the Workforce in wishing the gentleman God speed in his retirement.

THE FIRST LADY SHOULD PUT TAXPAYERS' INTERESTS AHEAD OF PERSONAL AMBITION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, there appears to be a double standard at the White House. At last count, the First Lady's campaign for the U.S. Senate has cost the taxpayers well over $1 million. She is flying around the Empire State in grand style using military aircraft, full-time Secret Service protection, not only for herself but also for her campaign aides, and continues to drag her feet in reimbursing the taxpayers.

She has reimbursed the Treasury just over $6,000 for one 4-day campaign trip in August, but in reality, this trip cost about $60,000 as they flew around in an Air Force C–20. So far she has only reimbursed the taxpayers $185,000, about 5 percent of what she owes.

As First Lady, Mrs. Clinton should get the same security and security measures that previous First Ladies have had, but the taxpayers should not be footing the bill for a political campaign for public office.

The First Lady should put the American taxpayers' interests first above a personal desire for power.

ILLEGAL DIAMOND SALES SUPPORT BRUTAL REBEL GROUPS IN SIERRA LEONE

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I rise today to discuss a very serious situation in Africa, the situation in Sierra Leone.

Last week, under the leadership of the gentleman from California (Mr. ROYCE), who serves as chairman of the Subcommittee on Africa, we had a special meeting or hearing at which we heard from victims of the violence in Africa.

Just as an example, there were two 4-year-old children, both of whom had had an arm chopped off, when they were 2 years old, by the rebels. We also saw a student who had said, please, don't chop off my right hand; I am a student and I have to write with it. They chopped off his right hand. Another gentleman had both arms chopped off. This is the type of violence taking place.

But this is not a political revolution, this is a revolution of bandits who wanted to get control of the diamond mines, and in fact, they have achieved that. They are financing their war with the revenue from the mines.

These so-called "conflict diamonds," which I call bloody diamonds, are fueling the conflict over there, and many of those diamonds are being sold in the United States. We must stop the importation of those diamonds.

Our State Department has to enforce international law, and bring pressure on Charles Taylor of Liberia and others to stop their meddling in the affairs of Sierra Leone. Above all, we must end the conflict.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken later today.

CONVEYANCE OF CERTAIN REAL PROPERTY AT CARL VINSON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5139) to provide for the conveyance of certain real property at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia.

The Clerk read as follows:

H.R. 5139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF CERTAIN PROPERTY AT THE CARL VINSON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, DUBLIN, GEORGIA.

(a) CONVEYANCE TO STATE BOARD OF REGENTS.—The Secretary of Veterans Affairs shall convey, without consideration, to the Board of Regents of the State of Georgia all right, title, and interest of the United States in and to two tracts of real property, including any improvements thereon, at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia, consisting of 39 acres, more or less, in Laurens County, Georgia.

(b) CONVEYANCE TO COMMUNITY SERVICE BOARD OF MIDDLE GEORGIA.—The Secretary of Veterans Affairs shall convey, without consideration, to the Community Service Board of Middle Georgia all right, title, and interest of the United States in and to three tracts of real property, including any improvements thereon, at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia, consisting of 58 acres, more or less, in Laurens County, Georgia.

(c) CONDITIONS ON CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the real property conveyed under that subsection be used in perpetuity solely for education purposes. The conveyance under subsection (b) shall be subject to the condition that the real property conveyed under that subsection be used in perpetuity solely for education and health care purposes.

(d) SURVEY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey or surveys satisfactory to the Secretary of Veterans Affairs. The cost of any such survey shall not be borne by the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Veterans Affairs may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 5139.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5139 provides for the conveyance of certain real property at the Carl Vinson Department of Veterans Affairs Medical Center in Dublin, Georgia.

Due to changes in the way health care is delivered, the VA has consolidated its health care in the central part of this large campus in Dublin. However, it continues to spend hundreds of hours and tens of thousands of dollars each year to maintain vacant buildings and grounds on this campus.

The State of Georgia has identified two uses for part of this campus. One part would be used to expand the Middle Georgia College, a State-run institution of higher learning. The other would be used by the State to expand mental health services to residents in the Dublin area.

In addition to ridding itself of the annual maintenance costs, the VA would receive services for veterans and employees from these State-sponsored institutions.

I urge my colleagues to support the passage of H.R. 5139.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5139. The gentleman from Georgia (Mr. NORWOOD) has brought forth a measure that is a good deal for the VA, a good deal for veterans, and a great deal for the State of Georgia. It will allow the VA to gain the benefit from two parcels of land which are no longer needed.

The first parcel will be conveyed to the State Board of Regents to expand Middle Georgia College. The second will go to Middle Georgia's Community Service Board to provide mental health services.

In addition to helping the VA in the cost of maintaining unnecessary grounds and obsolete buildings, the State will also assume the cost of remediation of hazardous materials. In exchange, the VA will be able to provide veterans and its employees with some good new benefits.

Middle Georgia College will provide free tuition and fees to employees, their spouses, and dependents, and to any veteran receiving treatment at the Dublin VA Medical Center. It also offers the VA priority consideration to offer the Board of Regents maintenance and food services. This may allow the VA to develop new funding streams that will allow improved health care services for veterans.

I am pleased to lend my support for this measure, and ask my colleagues to join with me in giving it favorable consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. NORWOOD), the author of the bill, to provide further details on H.R. 5139.

Mr. NORWOOD. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I would like to begin my remarks today by thanking my colleagues who have been very helpful in bringing this bill to the floor on the suspension calendar.

The gentleman from Arizona (Chairman STUMP) and the ranking member, the gentleman from Illinois (Mr. EVANS), of the Committee on Veterans' Affairs, have been very helpful to us on this. I thank them and their staffs.

As has been pointed out, Mr. Speaker, this bill provides for the conveyance of property from the Carl Vinson VA Medical Center in Dublin, Georgia, to Middle Georgia College and the Community Service Board of Middle Georgia.

There are many benefits with this transfer of land. The VA obviously is going to be able to save on the cost of renovating several rundown old buildings, as well as the maintenance and upkeep costs on those buildings.

The VA Center employees and patients are going to receive free tuition and fees to the Middle Georgia College, and free mental health counseling at a mental health facility that will occupy one of these buildings that is being transferred.

Probably one of the most important features of this entire bill is that that property that will be transferred to the university system of the State of Georgia is going to be used to build a nursing treatment facility there.

Now, in Middle Georgia it is absolutely a wonderful quality of life, but it is rural Georgia, and they have a very hard time competing for nurses, for example, with the Medical College of Georgia in Augusta and Atlanta, Georgia. This is going to give us a nursing facility right next to the hospital, which is so desperately needed at this particular VA hospital.

In addition to that, and I am very pleased about this, this is a perfect example of the government and private citizens working together to improve the quality of life for all of our citizens.

Part of this property goes to the Community Services Board, and the private citizens of Lawrence County, Dublin, Georgia, have raised over half a million dollars already to renovate one of the buildings that will be used for mental health, which later, after it is finished and completed, will be used for our veterans or their employees. Any of them that need any of these facilities, it will be made available to them.

So I am proud of the people of Lawrence County because they are going to work to do their part to raise the private funds to restore these buildings that at the present time are frankly draining the VA Treasury, and are not helping one veteran in Dublin, Georgia.

This move is going to help a great number of veterans by increasing our nursing staff, by making facilities available to those veterans.

So again, let me thank the gentleman from Illinois (Mr. EVANS), the gentleman from Arizona (Mr. STUMP), and all who have been involved. I encourage each of my colleagues to let us please pass this and let these folks down in Dublin, Georgia, improve the VA Center and improve their mental health and improve their nursing facilities.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Illinois (Mr. EVANS) for his concurrence in considering this legislation in such a timely manner. I would also like to commend the gentleman from Georgia (Mr. NORWOOD) for all his work on this measure, and for pursuing a new and creative use of VA property to benefit both veterans and the low-income.

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This is a bipartisan measure, and I urge all Members to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 5139.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HONOR GUARD FOR VETERANS EMPOWERMENT ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 284) to amend title 38, United States Code, to require employers to give employees who are members of a reserve component a leave of absence for participation in honor guard for a funeral of a veteran, as amended.

The Clerk read as follows:

H.R. 284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Honor Guard for Veterans Empowerment Act".

SEC. 2. EMPLOYERS REQUIRED TO GRANT LEAVE OF ABSENCE FOR EMPLOYEES TO PARTICIPATE IN HONOR GUARDS FOR FUNERALS OF VETERANS.

(a) DEFINITION OF SERVICE IN THE UNIFORMED SERVICES.—Section 4303(13) of title 38, United States Code, is amended—

(1) by striking "and" after "National Guard duty"; and

(2) by inserting before the period at the end ", and a period for which a person is absent from employment for the purpose of performing funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.".

(b) REQUIRED LEAVE OF ABSENCE.—Section 4316 of such title is amended by adding at the end the following new subsection:

“(e)(1) An employer shall grant an employee who is a member of a reserve component an authorized leave of absence from a position of employment to allow that employee to perform funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.

“(2) For purposes of section 4312(e)(1) of this title, an employee who takes an authorized leave of absence under paragraph (1) is deemed to have notified the employer of the employee's intent to return to such position of employment.”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 284, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 284 would require employers to give employees who are a member of a reserve component a leave of absence for participation in an honor guard for the funeral of a veteran.

Mr. Speaker, there has been substantial progress made over the last several years towards making military honors available for funerals of veterans. The plan adopted recently by the Department of Defense envisions that reservists and guardsmen will perform a substantial part of this important funeral duty. Under existing law, a reservist is entitled to job protection for absences due to military obligations. This bill would simply clarify that performing funerals is treated like any other military obligation for purposes of the law which provide reservists job protection.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York (Mr. SWEENEY) for his leadership on this important legislation on behalf of the Nation's veterans and their family. As one of the House authors of the law that mandated standards for honor guard participation in the funerals of veterans, I believe this bill will help our Nation live up to its commitment to those veterans.

Mr. Speaker, the bill would amend title 38, U.S. Code, to require employers to give employees who are members of the ready reserve a leave of absence to participate in honor guard funerals for veterans.

It is sad when a veteran of the armed services dies. Often his or her family wants a simple honor guard to accompany that service. It is sadder still when no such honor guard can be provided.

This bill would make provisions for such an honor guard without requiring the Department of Defense to send active-duty personnel for the task. Members of the reserve components, veterans themselves, can volunteer to provide those honors.

Mr. Speaker, H.R. 284 is a bipartisan effort to honor our Nation's veterans and their families for their sacrifices. I strongly support H.R. 284, as amended, and urge my colleagues to approve this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY), the author of H.R. 284, for further explanation.

Mr. SWEENEY. Mr. Speaker, I thank the gentleman from Arizona (Chairman STUMP) for yielding me this time.

Mr. Speaker, I rise today to ask my colleagues to support H.R. 284, the Honor Guard for Veterans Empowerment Act.

First, I want to give my heartfelt thanks to the gentleman from Arizona (Chairman STUMP). I know it was his great efforts that got this bill to the floor today on suspension, and the gentleman from Illinois (Mr. EVANS), ranking member, for all of their work in assisting me to bring this legislation to the floor today.

Mr. Speaker, H.R. 284 codifies the performance of voluntary inactive-duty funeral honors by reserve component members as protected under title 38, chapter 43 of the United States Code.

H.R. 284 makes sense because it clarifies current law. It protects members of our reserve forces. It educates employers and requires no government spending. Finally, it supports our Nation's veterans.

Mr. Speaker, we know that our veteran population is growing older. We know that more of these heroes are beginning to pass away. The Department of Veterans Affairs expects the annual veteran death rate to peak at 614,000 in the year 2008. That averages out to about 1,700 veterans' funerals each day by the year 2008.

Mr. Speaker, with this trend comes increasing requests by veterans and their families for military honors at funerals. The Department of Defense estimates these funeral requests could reach anywhere from 270,000 to 465,000 per year by 2008.

Coupled with the increasing death rate, there has also been a shrinking of our active duty military forces. The active duty military has declined by 1.4 million today, a 35 percent decrease from 1989.

Active duty forces are just not available in sufficient quantity to perform the enormous number of military honor funerals which are being anticipated to occur over the next several years. That is why we introduced H.R. 284.

This year, the Department of Defense, as well, implemented new policies on military honor funerals, Mr. Speaker. At a minimum, the military now must send two service members, a flag, a recording of Taps to be played at each veterans funeral service. At least one of the two-member honor guard must be from the service of the deceased veteran.

The combination of an increased veteran death rate and reduction in active duty forces has placed us in a troubling situation. We have committed support to our veterans, yet appear not to have the active duty forces to provide adequate funeral honors for veterans who deserve it.

As a result, the Department of Defense is increasingly turning to its reserve component to assist with the performance of these honored burial duties. In fact, it is hard to imagine how the new burial policies would succeed without the enthusiastic support and participation of reservists.

Mr. Speaker, the ready reservists represent a quality force of nearly 1.3 million soldiers, sailors, and airmen who can assist with the performance of honor guard duty at a veteran's funeral.

The Department of Defense is developing a statistical program to track the number of funeral honors performed by the service. That information is currently unknown, but I can tell my colleagues those numbers will grow rapidly in the next several years.

Current defense policy allows reservists to receive a $50 stipend, one retirement point, and travel reimbursement for expenses if they travel over 50 miles from home during the performance of the funeral duties for a veteran.

These soldiers are placed on inactive duty status and perform a function on a voluntary basis without a full day's pay, primarily out of patriotism, Mr. Speaker, and respect for our veteran population.

The compensation they receive, I should point out, is hardly enough to risk losing a full-time civilian job should their employer balk at the prospect of the service member missing a day of work. H.R. 284 addresses that potential service member-employer situation.

H.R. 284 clarifies title 38, United States Code, chapter 43 regarding employment and reemployment rights of members of the uniformed services by ensuring reserve component members performing voluntary inactive-duty funeral honors duty are protected.

This bill provides an additional incentive for reserve component members to perform burial service duty and educates employers about the reservists' vital role in these funerals.

Before closing, let me briefly mention the amendments to the version of H.R. 248 which is before us today.

After substantial discussion with the Department of Defense and the Department of Labor, it was determined that two technical corrections were necessary to fine-tune this legislation. Based on the Department's recommendations, we have inserted the leave of absence language and specific duty authorization language into section 4303, subsection 13 of title 38, as well as section 4312. These changes help clarify title 38.

H.R. 284 makes sense, Mr. Speaker, because it clarifies current law, protects members of our reserve forces, educates employers, creates no new government spending, and supports our Nation's veterans. I ask my colleagues to support its passage.

Mr. Speaker, in closing, I again want to give my substantial thanks to the gentleman from Arizona (Chairman STUMP) and to the gentleman from Illinois (Mr. EVANS), ranking member, for assisting me in bringing this legislation to the floor. I would also like to thank the members of the committee for moving on this. Finally, I would like to thank the over 100 members who cosponsored this important legislation.

The Honor Guard for Veterans Empowerment Act is an important effort to protect the reserve component service members, educate and motivate employers, and support our veteran population.

Mr. EVANS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I cannot tell my colleagues how many times I have received a phone call to my office from somebody whose father or brother or sister are now deceased, who have been a veteran, and the phone call has usually been about trying to get an honor guard to the funeral.

Usually they are distraught because, of course, when we go through something like that, especially for someone who has served with honor in the military, and not to be able to have an honor guard at their funeral seems unjust. And, in fact, it is.

In the year 2000 Defense authorization bill, we actually wrote legislation, we wrote some words that talked about each and every veteran having an honor guard at their funeral. Well, that is because it is a promise that we made. It is something for our country to uphold.

But due to the large and aging population of World War II and Korean veterans, we anticipate about 600,000 funerals this year. What that means is, as we have cut back on our current service personnel, and as we send them around the world, we have fewer and fewer of them around to help with that duty at funerals. So we have begun to rely on our reservists to help with this. The more the reservists go out to conduct that, the more time actually they have to spend away from their employment.

So this is really a resolution to let employers know how important it is for our reservists to take the time to go and honor the commitment that this Nation has made. It is important for us to explain to employers. It is important for Americans to understand that we are trying to hold to that commitment. It is important that, when duty calls, reservists do not jeopardize their jobs.

This Nation and this Congress must stand behind our reservists. That is why I would ask my fellow colleagues to approve House Resolution 284, because it is a reaffirmation of great honor to those who have served with honor to our country. Congress reaffirms that; and when we do that, America reaffirms the work that these veterans have done.

I support this bill, and I urge my colleagues to support the bill also.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN), the chairman of our Subcommittee on Benefits.

Mr. QUINN. Mr. Speaker, I want to begin by thanking the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) for their normal bipartisan approach to this issue here this morning, as we always approach these issues in the Committee on Veterans Affairs in the Congress.

Also, besides thanking the gentleman from Arizona and the gentleman from Illinois, it is an opportunity for me to thank the gentleman from New York (Mr. SWEENEY) from the Saratoga region of New York, who just opened, by the way, a brand-new national cemetery in Saratoga, New York, Mr. Speaker, this past year, and understands clearly what it is about to pay tribute to veterans who have served their country.

So I join in support from the Subcommittee on Benefits' perspective to support H.R. 284 this morning, the Honor Guard for Veterans Empowerment Act, and also urge all of our colleagues later today to vote in the affirmative on this.

In the Subcommittee on Benefits, Mr. Speaker, we have had opportunity this past year or two to visit this whole discussion of burial for our veterans. It is interesting to me when we have an opportunity, and just last year a number of us traveled over to Arlington to view right here in D.C. and over in Arlington, Virginia, the situation for burials in the columbarium as well as full burial service.

It is interesting for us to see on the committee the support we get when we bring bills like this to the floor and the support that we need during the course of the year to make certain that we budget the kind of money, the kind of personnel that would be necessary to make certain when we have an opportunity that we treat our veterans the way they should be treated, with dignity and with honor.

☐ 1045

That is why the gentleman from New York (Mr. SWEENEY) has really hit the mark this morning with a common sense approach to this issue. He understands what that means, and we all owe him a debt of gratitude.

It is also an opportunity for me to just take a few brief moments this morning to talk about other work on the subcommittee. We, from time to time, debate here on the floor, and certainly back in our district, I know in Buffalo, New York and Saratoga, New York and Arizona and Illinois and other places have a chance to discuss whether or not we are meeting the needs of our veterans when it comes to health care, for example; when it comes to education benefits for our veterans; when it comes to housing benefits; or whether or not we are discussing the important issue of homelessness among our veterans.

Fully one-third of the homeless people in this country are veterans. So we will agree to disagree sometimes about whether or not we have full funding or adequate funding for health coverage, for education benefits, for housing benefits for the homeless veterans, but when it comes to burial, when it comes time, as the gentlewoman from California (Ms. SANCHEZ) just pointed out a few moments ago, to talk about the family that remains after a veteran passes on, we really need to step up to the plate and make certain that these veterans and their families are given the honor and dignity that they deserve.

The gentleman from New York (Mr. SWEENEY) brings us a bill this morning that does exactly that and, at the same time, makes certain that our reservists are also given the opportunities that they need to protect the job back home, and to make certain that they have done what they have done for their families at the right time and place.

H.R. 284, then, is that bipartisan approach that we talk about so often here in the House of Representatives. I am happy to join, and my colleague, the gentleman from California (Mr. FILNER), the ranking member on the Subcommittee on Benefits, joins me this morning and all others in supporting H.R. 284. This is common sense approach to making certain that dignity and honor is afforded to the veterans in our country.

Mr. Speaker, I want to thank the chairman of the committee, the gentleman from Arizona (Mr. STUMP), and the ranking member, the gentleman from Illinois (Mr. EVANS), as well as the gentleman from New York (Mr. SWEENEY).

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume, and I want to thank again the gentleman from Illinois (Mr. EVANS), the ranking member, and the gentleman from New York (Mr. QUINN), the chairman of the subcommittee, as well as the ranking member of that subcommittee for all their work in bringing this to the floor.

I also want to commend the gentleman from New York (Mr. SWEENEY) for all the hard work he has done and for sponsoring this bill, as the chief sponsor.

Mr. Speaker, this may be the last bill the Committee on Veterans' Affairs brings to the House floor under suspension, and I believe we can be very proud of the legislative achievements we have passed in the House during this last 106th Congress. From health care, to disability compensation and national cemetery issues, the House has maintained its bipartisan tradition. By working together, with the best interest of veterans in mind, and putting partisan politics aside, Congress has improved the lives of veterans and their families throughout the Nation.

I want to express my appreciation to the leadership of this House, to the members of the committee, and especially to the chairmen of the subcommittees and their ranking members. And I want to single out and offer a special note of thanks to the gentleman from Illinois (Mr. EVANS), the ranking Democrat of the Committee on Veterans' Affairs, for all his work and for the legislation that we have been able to enact. He and his staff have been truly great to work with this year, as well as previous years. He is thoroughly committed to improving the lives of veterans; and due to his contributions to the legislative process, we have improved our work products immensely.

I want to acknowledge the contribution of the majority staff for this committee's work. Staff plays a key role in getting bills enacted, and it is important to recognize the contribution they make to the legislative process, and I thank them all for the work that they have done this year. That said, Mr. Speaker, I urge my colleagues to support H.R. 284.

Mr. PICKERING. Mr. Speaker, I rise today, as a cosponsor of H.R. 284, to support this measure, the "Honor Guard for Veterans Empowerment Act." This bill does a tremendous service to the men and women who so honorably served our country to preserve the freedom and prosperity we enjoy today. There is no doubt that those women and men deserve to have an Honor Guard funeral on their burial day. The Honor Guard for Veterans Empowerment Act is a critical piece in fulfilling this countries obligation to our Veteran community.

As the member who represents Congressman Sonny Montgomery's district I am proud to continue his legacy as a defender of our Veterans' rights. I believe this legislation continues the work he left in defending and honoring those who served this country in the time of greatest need.

I strongly support the Defense Departments January 1st, 2000 decision, ensuring that all veterans desiring a military funeral will have the opportunity. This legislation makes that commitment viable. H.R. 284 responds to the 21% growth in request for an honor guard funeral. It is critical that we have the resources to provide the greatest generation with the honor they are due on the day they are laid to rest.

Mr. KUCINICH. Mr. Speaker, I strongly support H.R. 284, which will allow Reservists to serve at military funerals by granting them the necessary release of time from their civilian jobs. Active military personnel are shrinking in numbers and the number of funerals performed are rising each year. Add to this the new policy adopted by the Department of Defense ensuring that all veterans receive a proper military honor funeral, and we must call upon the Reservists to perform occasionally in this capacity. These people should be supported for their willingness to serve this function and this bill will protect them in regard to their civilian employers. For these reasons I urge passage of this important bill.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 284, the Honor Guard for Veterans Empowerment Act. I urge my colleagues to join in supporting this urgently needed legislation.

H.R. 284 sets in statute language protecting the performance of voluntary inactive-duty funeral honors by Reserve component members. This is an important development in light of the increase in military funerals over the past 2 years.

Last year the Congress passed legislation requiring the Department of Defense to provide personnel for military funerals whenever an eligible veteran's family made such a request. However, manpower shortages in our active duty forces have made fulfillment of this task problematic.

Moreover, the number of requests by veterans and their families for military honors at funerals is on the rise. During the first 6 months of 2000, the number of such requests was 21 percent higher over the same period in the previous year.

As a result of these two factors, the Department of Defense has had to place an increasing reliance on its Reserve components for the performance of their duties. Yet current regulations do not reflect this reality, offering small compensation to the Reservist in exchange for the possible loss of a full-time job.

H.R. 284 protects Reservists by ensuring the performance of voluntary inactive-duty funeral honors by Reserve component members is protected under title 38, United States Code, chapter 43. It also offers additional incentives to reservists for the performing of these duties, and educates employers about the vital role played by reservists in veterans funerals.

Mr. Speaker, since this legislation is desperately needed, I urge my colleagues to lend it their wholehearted support.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 284, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess for approximately 10 minutes.

Accordingly (at 10 o'clock and 53 minutes a.m.), the House stood in recess for approximately 10 minutes.

☐ 1101

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 11 o'clock and 1 minute a.m.

SENSE OF HOUSE REGARDING FIGHT AGAINST BREAST CANCER

Mr. COBURN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 278) expressing the sense of the House of Representatives regarding the importance of education, early detection and treatment, and other efforts in the fight against breast cancer.

The Clerk read as follows:

H. RES. 278

Whereas an estimated 175,000 women and 1,300 men will be diagnosed with breast cancer in 1999, and an estimated 43,300 women and 400 men will die of the disease;

Whereas breast cancer is the most common form of cancer among women, excluding skin cancers;

Whereas breast cancer is the second leading cause of cancer death among all women and the leading cause of cancer death among women between ages 40 and 55;

Whereas breast cancer can often be treated most successfully if detected early on;

Whereas education, regular clinical and self-examinations, regular mammograms, and biopsies (when appropriate) are critical to detecting and treating breast cancer in a timely manner;

Whereas the American Cancer Society recommends that all women aged 40 and over have annual screening mammograms and clinical breast examinations by health professionals, that women aged 20 to 39 have clinical examinations every three years, and that all women aged 20 and over perform a breast self-examination every month; and

Whereas the House of Representatives as an institution and Members of Congress as individuals are in unique positions to help raise public awareness about the detection and treatment of breast cancer and to support the fight against breast cancer: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) all Americans, and above all women, should take an active role in the fight against breast cancer by using all the means available to them, including regular clinical and self-examinations, regular mammograms, and biopsies (when appropriate);

(2) the role played by national and community organizations and health care providers in promoting awareness of the importance of regular clinical and self-examinations, regular mammograms, and biopsies (when appropriate), and in providing information, support, and access to services, should be recognized and applauded; and

(3) the Federal Government has a responsibility to—

(A) endeavor to raise awareness about the importance of the early detection of, and proper treatment for, breast cancer;

(B) continue to fund research so that the causes of, and improved treatment for, breast cancer may be discovered; and

(C) continue to consider ways to improve access to, and the quality of, health services for detecting and treating breast cancer.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. COBURN) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, October is National Breast Cancer Awareness Month. In our country this year, 175,000 women will be diagnosed with breast cancer. That is very personal to me in that my sister has been diagnosed with it, my sister-in-law, and a very close first cousin recently died of this disease.

The facts that face American women is one in eight women in this country will encounter this disease at some time in the future. Prevention is a key to diagnosis. And as a practicing physician that has diagnosed multiple women with breast cancer, I know the importance of improving awareness and improving the knowledge of women in our country and men as to the preventive measures that can take place.

I also think it is incumbent upon me to make sure that the American public is aware of the connection between the incidence of breast cancer and abortion.

There has now been, throughout the United States and Europe, 32 studies of which 29 absolutely connect a marked increase in the likelihood of breast cancer when one has had an abortion. That goes up if that abortion occurred before 18 or after 30, but nevertheless, the risk is twofold.

Unfortunately, many in our country do not want the benefits of that scientific data known, and that is unfortunate. Nevertheless, I think the key thing is that we want women to be aware of what they can do to protect themselves against breast cancer. We want to encourage the awareness on the part of women in our country for risk factors associated with that besides family members, smoking, as well as abortion.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 278, the importance of education, early detection and treatment, and other efforts in fighting breast cancer. I will be brief because I believe we will have a handful of speakers that want to talk on this.

As my friend the gentleman from Oklahoma (Mr. COBURN) said, October is National Breast Cancer Month. One out of eight women in this country will at some point in their lives be diagnosed with breast cancer.

Nothing is more important than early detection. Clearly, we know that nothing is more important than education and women doing everything from self-examination to mammograms to making sure that they make frequent visits to the doctor and especially examinations after the age of 40.

We founded in Ohio some time ago, about 6 or 7 years ago, the Northeast Ohio Breast Cancer Task Force. That task force has been especially active in working with local physicians and nurses and working with other providers and especially has been active in educating women of all ages throughout Northeast Ohio in terms of education and in terms of self-examination and all of that.

So, Mr. Speaker, this resolution is important for all of us. It is important for our daughters and for our wives and for our mothers and for our sisters and for our families.

Mr. Speaker, I reserve the balance of my time.

Mr. COBURN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I thank the distinguished gentleman from Oklahoma for yielding to me.

Mr. Speaker, I am pleased today to rise to ask my colleagues to support this breast cancer awareness resolution, a similar one I introduced last year, as well, which also passed.

This will indeed be the second consecutive Congress to pass such a resolution. I look forward to building on this work with my colleagues in future Congresses.

I also want to thank the House leadership and the gentleman from Virginia (Chairman BLILEY) and the gentleman from Florida (Mr. BILIRAKIS) and, of course, the gentlemen on both sides of the aisle here for their help and leadership on this issue, as well as the leadership of Members like the gentlewoman from California (Ms. DUNN) and the gentlewoman from New York (Mrs. KELLY) and the gentleman from Texas (Mr. BENTSEN) as well as over a hundred other Members of Congress who chose to cosponsor this resolution.

Mr. Speaker, the resolution outlines the devastating impact that breast cancer has on far too many women as well as men every single year. But it also notes the critical difference that education, early detection and effective treatment can make.

Moreover, it reminds each and every one of us of the role that we can play both as individual Members and as an institution in educating our constituents and raising awareness of breast cancer. And that is really the key to this resolution. The Congress can play a role in communicating an important message to the American people and that message and the effective communication of it may save countless lives over the next year.

Now, the last decade saw a leveling off of the incidence rate and an increase in the survival rate. But as we heard a minute ago, breast cancer continues to remain the most common form of cancer among women and the second leading cause of cancer deaths nationwide.

More than 180,000 women and some 1,400 men will be diagnosed with breast cancer this year; and nearly 41,000 women and 400 men will die of this disease.

Mr. Speaker, no woman, no man, no family should have to suffer all that comes with breast cancer. But each and every one of us must do everything we can to raise awareness of this disease and the importance and methods of early detection and treatment.

As was mentioned before, October is Breast Cancer Awareness Month; and National Mammography Day is on October 20. With this in mind, I urge my colleagues to pass this resolution today and to adhere to its call upon us all to fight this deadly disease.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a couple of comments.

The Congress is considering H. Res. 278, which it is late in the session, and this is a good thing. As I said, I support it. I am a cosponsor. It seems like if we look at this, virtually every Member of the House almost is a cosponsor. But this is a resolution that other than saying, we are against breast cancer, we are fighting against breast cancer, we as a body want to go on record saying we think breast cancer is a bad thing, encouraging women to do self-examination beginning at the age of 20, encouraging women between 20 and 40 to get every-three-year examinations from their doctor, encouraging women from 40 to get annual examinations especially if they have a family history, all of those things, and this Congress has not, Mr. Speaker, tackled the real issues in health care.

We still have not passed a prescription drug bill through this Congress. We still have not passed a Patients' Bill of Rights through this Congress. It is locked in conference committee. We still have not sent to the President the Ryan White bill. We still have not sent to the President the bill on health disparities. The real issues that we ought to be addressing we have simply shunted side.

We are passing this resolution. Again, I support this resolution. But we are passing resolutions that say nice things and tell us all to do good things, but we simply are not moving in the direction this Congress should move.

Mr. Speaker, I yield 2½ minutes to my friend, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding me the time and also recognize and commend the work of the gentleman from New Hampshire (Mr. BASS) for his leadership on this issue.

Mr. Speaker, breast cancer is the most common form of cancer in America excluding skin cancers and claims the lives of approximately 40,000 women in the United States each year. My friend, the gentleman from Oklahoma (Mr. COBURN), has brought this to our attention time and time again on health matters.

An estimated three million women in the United States are living with breast cancer. Another two million have been diagnosed. And an estimated one million do not yet know they have the disease.

One out of every eight women in the United States will develop breast cancer in her lifetime, a risk that was one out of 14 in 1960. So we are making progress. But it is not good enough.

This year a new case will be diagnosed every 3 minutes, and a woman will die from breast cancer every 12 minutes. Of all women diagnosed with breast cancer, 48 percent will die from it within 20 years.

This resolution recognizes the importance of education, early detection and treatment of breast cancer, which is critical to millions of women and men and their families across this country.

This resolution is especially timely because October is the month we recognize this horrible disease. All across America people are walking, spreading education materials, sponsoring free mammograms, and hosting charity walks to commemorate loved ones that are still fighting the battle against breast cancer.

As Members of Congress, we have a responsibility to follow the tenet laid out in this resolution. We must raise the profile of the significance, the importance of regular checkups, breast self-examinations, and early mammograms.

I encourage my colleagues to do the same and to promote and participate in Breast Cancer Awareness Month activities across this country. I commend those who brought it to this floor, and I am proud to be a cosponsor of this legislation. I salute Members on both sides of the aisle.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from New Hampshire (Mr. BASS) for his leadership on this resolution. It is important to note that in fact information is power and power leads to decisions that can save people's lives.

The other thing I would like to answer in direction to the gentleman from Ohio (Mr. BROWN) and his comments, we have the breast and cervical awareness bill that is being held up at this very time. The reason it is not coming out of conference is because there are people who do not want women to have information about cervical cancer.

The fact that they are objecting to the fact that women would be notified that human pappiloma virus, the number one sexually transmitted disease in the country that infects almost 40 million women today and 30 million men, is the number one cause 99 percent of the time that causes cervical cancer and we cannot get that bill that will help women of moderate and poor means the treatment that they need for breast and cervical cancer is because somebody does not want them to have that information.

And so, the people that do not want women to have that information are the people that do not want us to ever do anything despite the fact that condoms are not 100 percent effective protection, and in fact they are not protective at all according to the director of the NIH and the National Cancer Institute.

So, back to the subject at hand. This is an important bill. I am very thankful to the gentleman from New Hampshire (Mr. BASS), as is the whole Committee on Commerce, for his leadership in this.

Mr. Speaker, I reserve the balance of my time.

□ 1115

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I want to thank the gentleman from New Hampshire (Mr. BASS) for bringing this resolution to the floor today. Increased awareness is vital if we are, in fact, to empower women in the fight against breast cancer. I thank my colleague for drawing attention to this issue.

Over the past 10 years, we have made great strides in the fight against breast cancer through an increased investment in biomedical research at the National Institutes of Health. But sadly, for many women, the fight against breast cancer also means waging a battle with their HMO over the amount of time that they can stay in a hospital.

Studies have shown that the average hospital stay for breast cancer patients in Connecticut and across the Nation is decreasing. Despite the medical standard of 2 to 4 days to recuperate and gain physical and emotional strength, insurance companies regularly refuse to cover a hospital stay and women find themselves forced to leave the hospital only hours after surgery, still groggy from the anesthesia and in physical and emotional pain.

This is the reason I introduced the Breast Cancer Patient Protection Act, H.R. 116. The legislation ensures that women receive the care they need and deserve while recovering from breast cancer surgery by guaranteeing a minimum stay of 48 hours for a woman who is having a mastectomy and 24 hours for a woman undergoing a lymph node removal. It simply says that any decision in favor of a longer or shorter hospital stay will be made by a doctor and a patient, not an HMO.

The bill has the bipartisan support of over 220 cosponsors, more than enough, I might add, to be able to pass this House. Yet regrettably the leadership of this House has refused to allow the Breast Cancer Patient Protection Act to be considered on the floor. Resolutions and raising awareness are vital, and I wholeheartedly support this effort. It is through education and the awareness of this issue that, in fact, so much and so many of our resources have been directed at breast cancer. We also need to empower women as they struggle with breast cancer. I urge the leadership of this House to bring this bipartisan bill to the floor.

I have said on this floor many times in the past that I am a survivor of ovarian cancer. When I went home, I had a very loving family. They were not health care professionals but they cared deeply and took care of me. Having the additional stay in the hospital for someone who is facing a life-threatening illness is so critically important to both their physical well-being and survival as well as their emotional well-being and survival. We can pass a bill that has 220 cosponsors. It is a bipartisan bill. I hope that I can engage my colleagues in this effort to help us to bring this bill to the floor.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

In response, I would just say I would hope that the gentlewoman would help us provide the knowledge about human papilloma virus as she has on this because that causes 99 percent of the cervical cancer in this country and we have an attempt at covering up the pathogenesis and the significant penetration of that disease in this country. I thank the gentlewoman for her work.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. McCarthy).

Mrs. McCARTHY of New York. Mr. Speaker, I rise in support of this legislation because this disease is too close for comfort for so many women and their families. On Long Island, one in nine women have had to face the living nightmare of breast cancer.

October is Breast Cancer Awareness Month. I look forward to the day when we no longer have to dedicate a month to bring attention to this disease, because that will mean we have found a cure.

Mr. Speaker, as a nurse, I have seen firsthand the toll that this disease takes on everyone involved. In addition, my area has one of the highest incidences of breast cancer in the country. On Long Island, approximately 127 of every 100,000 women will be diagnosed with breast cancer compared with 100 of every 100,000 nationwide. Because of these frightening statistics, we must increase funding for research, we must find what the environmental causes are, we must raise awareness, and we must find a cure today, because time is running out for too many of our loved ones.

I urge all of my colleagues to pass this legislation and help find a cure today.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. Bentsen).

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of this legislation that would express the sense of the House of Representatives that all Americans should take an active role in the fight against breast cancer. As a cosponsor of this legislation, I believe it is vitally important that we raise awareness about this disease.

The statistics about breast cancer are alarming. In 1999, an estimated 175,000 Americans will be diagnosed with breast cancer. In addition, more than 45,000 Americans will die of this disease this year. Breast cancer is the leading cause of death among women aged 40 to 55. This legislation will help to educate more Americans about this disease and how early detection of breast cancer can save lives.

With early detection, many breast cancer patients can have successful outcomes. All Americans should use all of the diagnostic tools available to them to catch this disease in its earliest stages. If found, many breast cancers can be cured. However, late detection reduces the survival rates of these patients. Today, all Americans should get regular clinical breast exams as well as mammograms. All women should also be encouraged to conduct monthly self-examinations. These self-examinations can empower women to learn more about their bodies and to seek treatment if irregularities are found. Women should also get biopsies when appropriate to determine whether any cancer is present.

This legislation would also urge the House of Representatives to provide maximum Federal funding for breast cancer research. As a cochair of the Congressional Biomedical Caucus, I am strongly supporting efforts to provide this funding for such research. Earlier this year, we voted in the fiscal year 2001 Department of Defense appropriations bill to include $175 million in Federal funds for peer-reviewed breast cancer research.

I am also working to double the budget for the National Institutes of Health where much of our biomedical, basic clinical research is funded. For the past 2 years, we have successfully provided 15 percent more funding for the NIH. This year, the House is working to provide a $20 billion budget for the NIH, the third installment on our 5-year effort to double the NIH's budget. Today, only one-third of peer-reviewed, merit-based research grants are funded by the NIH. This additional investment will ensure that our Nation's scientists have the resources they need to find a cure for breast cancer and other ailments. The NIH budget has not been finalized, but I am hopeful that we can get this passed.

Mr. Speaker, I believe that we in Congress have a role in informing all Americans about breast cancer and the need for early detection. This legislation is an important first step in providing the information that Americans need to combat breast cancer while encouraging more Federal funding for finding a cure. I urge my colleagues to support the measure.

Mr. COBURN. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. Shaw).

Mr. SHAW. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this bill. I think the fact that we have Breast Cancer Awareness Month is a very positive step forward. There is technology out there that helps tremendously in early detection. I have a very special interest in this particular subject. My wife Emily lost both her sister and her mother to cancer, and they both had breast cancer. Obviously in my family, my daughters and my wife are very, very cautious to be sure that they have their regular mammograms and that they do what is necessary in order to find early detection should they be stricken with this terrible disease.

Also, I would like to point out the new technology, the digital technology out there that is just now coming online. The gentleman from Wisconsin (Mr. Kleczka) and I have cosponsored a bill along with others in order to fund the digital equipment and this new technology. I would urge all of my colleagues to vote in favor of this bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. Barrett).

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise in support of this resolution. This is an important resolution and one that I hope all Members of the House will support as well.

This is important for me personally. Today is my mother's birthday, and I want to wish my mother a happy birthday. But I also want to tell my fellow Members that it is equally important because she is a breast cancer survivor, and she is able to celebrate this birthday because of the treatment that she received. This is a disease that, if treated at its earliest stages, is certainly a curable disease; and I think the message that we have to get across to all women in this country is the importance of self-examinations and the importance of getting treatment at the earliest possible stage.

In honor of my mother, I would urge all my fellow Members to support this resolution.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution. Breast cancer, as the gentleman from Wisconsin said, is a formidable threat. Complacency is a luxury that we cannot afford, not when 180,000 women are diagnosed with breast cancer each year in this country, not when one in eight women will be diagnosed during their lifetime, not when 46,000 women die each year from this disease.

I am proud to be an original cosponsor of H. Res. 278 which underscores how important it is to combat breast cancer with every tool at our disposal. It means early detection, it means education and efforts to raise public awareness, it means research, it means access to treatment. It is going to take this momentum of what all the people around the country are doing and a commensurate response from the public sector to fight and win this battle.

It is also going to take a Congress which does its job, not just in reminding the public that education, that early detection, that prevention, all of those are important but it is also going to take a Congress which does its job by passing a prescription drug bill which this Congress has failed to do, by passing the Patients' Bill of Rights which the House-Senate conference committee has locked up, with passing the Ryan White bill, with passing other legislation that really matters in the fight against breast cancer.

Mr. Speaker, I yield back the balance of my time.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume. I want to relate a story about a woman by the name of Sharon Coburn Wetz. She was a scrub nurse RN for a surgeon in Midwest City, Oklahoma. The vast majority of her early career was spent in assisting on surgery of the breast. Ironically, in 1983 she developed breast cancer herself as a very young woman. This last year she died as a result of that disease. She spent the 15 years before she died doing nothing but helping other women in diagnosis, treatment and reaching for recovery as an expert in mammography, treatment medically and assistance in the breast cancer center at the University of Oklahoma. I think it is fitting that her name be mentioned at this time because in the true spirit of most women and most mothers, what she did was gave of herself.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS) for the concluding statements.

Mr. BASS. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank all of my colleagues in this body for supporting this significant resolution. As we have seen, there is probably no Member of Congress who cannot cite someone close to them who has had breast cancer. I will only relate one individual who is close to me who died of breast cancer some 28 years ago during a time when treatment for breast cancer was barbaric at best. She was 48 years old when she was diagnosed, and she died at the age of 51. That individual was my mother.

I want to commend this Congress for paying special attention to this significant disease, celebrating the progress that we have made in the last 20 years but understanding that there is enormous work yet to go, and we all must put our shoulders to the wheel to find a cure for this horrible disease.

GENERAL LEAVE

Mr. COBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EVERETT. Mr. Speaker, today, I lend my wholehearted support to H. Res. 278, the Importance of Education and Early Detection in Fighting Breast Cancer Act and thank my colleague, Representative CHARLIE BASS, for introducing this resolution.

Breast cancer strikes an estimated 180,000 women a year and kills over 46,000 annually. As we all know, the best defense against this dreaded disease is early preventative screenings and treatment. This is crucial.

If cancer is detected, it is extremely important to have access to reliable and understandable information on breast cancer. Sources of knowledge and assistance, such as the American Cancer Society, deserve our thanks and recognition for their continued good work.

Americans also need information on all of the treatment options available to them. Unfortunately, I have learned this from personal experience.

Last January, my wife received the life-altering news that she had breast cancer. Despite her annual check-ups and mammograms, our doctors told us that she faced undergoing a radical bilateral mastectomy. We felt extreme shock that the prognosis was so drastic.

However, after much research on the subject, she made the decision that this was indeed the best option for her. Her surgery was a complete success, and she has not even required any followup chemotherapy or medication.

So, I close with the same message—We must support and encourage the utilization of all of the modern-day prevention, detection and treatment options available. Our experience has shown us that this is essential in the battle against breast cancer.

Mr. POMEROY. Mr. Speaker, I rise in strong support of H. Res. 278 and in honor of the millions of women who have shown the strength and courage to fight back against breast cancer. Breast cancer is the most common form of cancer among women in the United States. This year, almost 182,800 new cases of breast cancer will be diagnosed and an estimated 40,800 women will die from this terrible disease.

Breast cancer touches not only the lives of those afflicted with the disease, but also their loved ones. Recently, my fellow North Dakotans came together to pray for a courageous woman, a woman who has dedicated her life to improving the health and welfare of others. Heidi Heitkamp, our state Attorney General, was diagnosed with breast cancer. Like so many afflicted with this disease, however, the strength, determination, and sheer will that Heidi has displayed through this most difficult of times has been an inspiration to her family, friends and all who know her.

Mr. Speaker, the story of Heidi Heitkamp, like that of so many other women, is also a story of hope. Each year, the number of deaths caused by breast cancer has slowly fallen. Increased education and increased technology has extended the life and increased the survival rate of those afflicted with this disease. The fight against breast cancer can be won. I call on my colleagues to join the fight by increasing funding for breast cancer research, increasing access to screening and treatment options, and increasing awareness. I call on my colleagues to fight for the lives of their mothers, sisters and other loved ones.

Mr. GILMAN. Mr. Speaker, I rise today in support of H. Res. 278, which expresses the sense of the House that all Americans, and above all women, should take an active role in the fight against breast cancer by using all the means available to them, including regular clinical and self-examinations, regular mammograms, and biopsies.

By calling for greater awareness and education for all women, may will benefit from early detection and by following up a screening with medical treatment, fewer women will succumb to this devastating disease.

Mr. Speaker, this issue is especially important to me and to my constituents, especially those in Rockland County. Recent studies have found that Rockland County has the highest rate of breast cancer in New York State and according to some studies, in the Nation. This legislation will help inform many of my constituents of how they can take an active role in the flight against breast cancer. Moreover, this resolution applauds and recognizes the role played by national and community organizations and health care providers in promoting awareness of the importance of regular clinical and self-examinations, regular mammograms, and biopsies and in providing information, support, and access to services. I strongly support this legislation and urge my colleagues to fund support this measure.

Mr. COBURN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. COBURN) that the House suspend the rules and agree to the resolution, House Resolution 278.

The question was taken.

Mr. BASS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CERVICAL CANCER PUBLIC AWARENESS RESOLUTION

Mr. COBURN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 64) recognizing the severity of the issue of cervical health, and for other purposes.

The Clerk read as follows:

H. CON. RES. 64

Whereas cervical cancer annually strikes an estimated 15,000 women in the United States;

Whereas during an average woman's lifetime cervical cancer strikes one out of every 50 American women;

Whereas it is estimated that during this decade more than 150,000 women will be diagnosed with cervical cancer in the United States;

Whereas according to the Surveillance, Epidemiology, and End Results Program of the National Cancer Institute, when cervical cancer is detected at an early stage, the five-year survival rate is 91 percent;

Whereas in most cases cervical cancer is a preventable disease yet is one of the leading causes of death among women worldwide;

Whereas according to the Centers for Disease Control and Prevention, the mortality rate among American women with cervical cancer declined during the period 1960 through 1997, but now has begun to rise;

Whereas clinical studies have confirmed that the human papillomavirus (HPV) is a major cause of cervical cancer and unknown precursor lesions; and

Whereas cervical cancer survivors have shown tremendous courage and determination in the face of adversity: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Cervical Cancer Public Awareness Resolution".

SEC. 2. RECOGNIZING THE SEVERITY OF CERVICAL CANCER.

The Congress—

(1) recognizes the severity of the issue of cervical health;

(2) calls on the United States as a whole to support both the individuals with cervical cancer as well as the family and loved ones of individuals with cervical cancer through public awareness and education;

(3) calls on the people of the United States to take this opportunity to learn about cervical cancer and the improved detection methods available;

(4) recognizes through education and early detection, women can lower their likelihood for developing cervical cancer;

(5) recognizes the importance of federally funded programs that provide cervical cancer screenings and follow-up services to medically underserved individuals; and

(6) encourages all women to have regular Pap smear tests.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. COBURN) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

□ 1130

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, prior to coming to Congress, I had a full-time practice in obstetrics and family medicine; and it was not uncommon that 50 to 200 times a year I would diagnose cervical cancer, and over the 15 years in practice prior to coming here, what I saw was an ever-increasing number of people who were being diagnosed with either cancer or pre-cancer of their cervix.

What we have come to know on the science of this is this is all caused by one virus, different strains of the same virus. Squamous carcinoma of the cervix is rarely caused by anything other than human papilloma virus. What we have today is a bill to make awareness of this issue for women in our country.

I want to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her work in this area, and also in the area of HIV and her care for those most affected by this. Raising the awareness of the high risk of cervical cancer is important not just to the more mature women in our country, but also to the young women in our country.

Along with that comes the very sad fact that our institutions that we should be trusting in this area have failed us. The Center for Disease Control has failed, because the full name of the Center for Disease Control is the Center for Disease Control and Prevention. The NIH has released a statement, as well as NCI, and on their Web site you can find that this disease is caused by human papilloma virus and that a condom fails to protect. We are so sold on this concept of "safe sex" in this country that we refuse to accept the etiology and pathogenesis of this disease, and we refuse to be honest with the American public in that a condom cannot protect them from this.

The thing that is exciting to me about this resolution coming up is it perhaps will have some honesty coming out of the institutions that are funded with the taxpayers' money in this country, both the NIH and the NCI, as well as the CDC.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is tragic that this year alone 15,000 women will be diagnosed with cervical cancer. More than 4,500 women will lose their lives to it. It is tragic that cervical cancer remains such a virulent killer when it is within our power to prevent it. In my own State of Ohio, over 200 deaths each year are attributable to cervical cancer.

Experts believe that cervical cancer deaths can be virtually eliminated through behavioral changes, early detection, and timely access to treatment, all of which hinge on public awareness.

The public needs to know that safe behaviors and proper screening can reduce cervical cancer death rates dramatically. The public needs the facts about screening test accuracy, new detection methods and about treatment breakthroughs so that all of us can play an active role in prevention and in treatment decisions.

The public needs to know about initiatives like the CDC's breast and cervical cancer early detection program, which has reached millions of uninsured women with free screening tests. Public awareness can help us garner the resources needed for CDC and its State and local partners to do more than scratch the surface of this problem.

As currently funded, the CDC program can only reach 15 percent of uninsured women. Unfortunately, because of congressional inaction, we make the early detection almost a cruel hoax on uninsured women, because we have not funded well enough the treatment for these women if early detection actually shows cervical cancer. We can do much better than that.

Mr. Speaker, knowledge fuels advocacy, and in the case of cervical cancer, advocacy can save countless lives. I am proud to be a cosponsor of the resolution offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD) affirming that principle. I thank my colleague from California for her excellent work on this issue.

Mr. Speaker, I would add that I would hope that Congress, while passing this resolution, would do its job and move forward on other health care legislation that has the force of law, that sends money where it is needed, that changes laws where they are needed, that can help with prescription drugs, that can help with the Patients' Bill of Rights, that can help with Ryan White, that can do all the things that this Congress in the health care areas all too unfortunately bottled up.

Mr. Speaker, I reserve the balance of my time.

Mr. COBURN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me time. I would like to say the gentleman is certainly going to be missed next year. I wish he were coming back.

Mr. Speaker, today I rise in strong support of H. Con. Res. 64, the Cervical Cancer Public Awareness Resolution. Educating women of all ages on risk factors associated with cervical cancer and the importance of early diagnosis is imperative in reducing the number of women who are diagnosed and die of the disease each year.

I have been a long-standing supporter of efforts to raise the public's awareness of cervical cancer, and I strongly believe education is a critical first step in our fight against this dreadful disease that strikes one out of every 50 American women.

A real tragedy exists, because in many cases, cervical cancer is a disease that, if detected in its initial stage, can be successfully treated. We have a proven and effective screening tool in the Pap test, and we have the medical advances necessary to treat and save women's lives. Yet, unfortunately, cervical cancer remains a leading cause of death among women.

Increasing public awareness about cervical cancer will help educate women about the need to seek preventive care. It is a vital part of our fight against this disease.

Also vital to our fight is to make certain that women have access to and coverage for appropriate preventive care that will reduce cervical cancer deaths. That is why I, along with my colleague, the gentlewoman from Florida (Mrs. THURMAN), have introduced the Providing Annual Pap Test to Save Women's Lives Act of 2000, which would require Medicare to cover Pap tests and pelvic exams.

Medicare generally only covers Pap tests for women every 3 years. Since the Pap test's introduction shortly after World War II, death rates from cervical cancer have decreased 70 percent in the United States. However, despite the Pap test's unparalleled record of success, studies show of those women who die of cervical cancer, 80 percent had not had a Pap test in 5 years preceding their death. A January 1999 report on cervical cancer by the

Agency for Health Care Research and Quality showed that cancer deaths and cancer cases are reduced with annual screening.

Fighting cervical cancer should be a national priority. Without question, we need to promote public awareness about the severity of cervical cancer and the risk factors associated with the disease. At the same time, we must promote a health care policy that allows women to be routinely covered for screening Pap tests. Therefore, Mr. Speaker, I urge my colleagues to take this important step in the battle against cervical cancer and support H. Con. Res. 64.

I look forward to continuing to work to improve coverage policies so that women across this country can get the life-saving care that they need and they deserve.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD), the sponsor of the resolution.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to thank all of those Members, the gentleman from Oklahoma (Mr. COBURN) for his leadership in helping me with this resolution and the input for the language, as well the ranking member and the chairman.

Mr. Speaker, I am proud to sponsor the Cervical Cancer Public Awareness Resolution with the gentleman from Oklahoma (Mr. COBURN). Together we have worked to raise awareness of cervical cancer throughout the past 2 years. Our work began with the Committee on Commerce, which held an eye-opening hearing on cervical cancer in early 1999.

I appreciate all of the support the gentleman from Virginia (Chairman BLILEY), the ranking member, the gentleman from Michigan (Mr. DINGELL), the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Ohio (Mr. BROWN) have given to this cause, and especially the gentleman from Ohio (Mr. BROWN). He has been most helpful.

More than 50 years ago, Dr. George Papanicolaou developed what is considered the most effective cancer screen in the history of medicine, the Pap smear test. This test is still one of the most effective tools in saving lives and preventing invasive cervical cancer.

When cervical cancer is detected at an early stage, the 5-year survival rate is 91 percent, according to the National Cancer Institute. The CDC reports that the mortality rate among American women with cervical cancer declined from 1960 to 1997 in large part because of the extensive use of the Pap smear test.

However, in 1997, the number of women with cervical cancer began to rise. An estimated 15,000 women in the United States develop cervical cancer each year, and far too many of these women do not get annual screenings.

In October of 1997, a Gallup survey found that almost 87 percent of the women surveyed know they should have a Pap smear every year. Nearly 40 percent of these same women failed to do so in the previous year. One in four of the women who had not had an annual Pap smear test said they did not have the time. Other reasons include the belief that they are too old, feel embarrassed, are afraid of the results, or think it is too expensive. While all of these reasons are valid, they are not acceptable, when one considers that 80 percent of the women who die of cervical cancer have not had a Pap smear test in the past 5 years or more.

Women must understand what cervical cancer is, what steps they can take to reduce the likelihood of getting cervical cancer, how it can be detected early, and what all of their treatment options are when facing this disease.

While it is encouraging that women seem to know of the Pap smear test, many women do not understand just how life-saving this annual screening can be. That is why I sponsored this resolution, Mr. Speaker, with the gentleman from Oklahoma (Mr. COBURN).

Our resolution is part of a national campaign to raise awareness and increase annual screenings among women. I want to end the confusion, discomfort, and misunderstanding that form an unnecessary barrier to too many women, and particularly low-income and minority women. One out of every three Hispanic women reported in an HHS study that they failed to get a Pap smear test in the preceding 3 years, compared with about one-quarter of all American women. In addition, another survey by HHS found that 87 percent of employed women had a recent Pap test within the past three years, while 73 percent of women who were not in the labor force had done so.

More disturbing than the gap in lack of screening is that more women of color are dying from this disease. The rate of mortality for African American women is nearly twice that of Caucasian women, according to HHS. Equally disturbing is the high rate of STD transmission within this community. The World Health Organization and the National Institutes of Health report that the principal cause of cervical cancer is HPV infection, which is also the most common STD.

In my own district of South-Central Los Angeles, including Watts, the County Health Department reports that the rates of STD among African Americans are up to 20 percent higher than among Caucasians. The main reason is lack of information on how to prevent this transmission, which undetected years later, can lead to cervical cancer.

Although the risk factors for cervical cancer can vary, the cultural, financial and even geographical areas that complicate the fluid delivery of quality health care linger as a dangerous indication of the need for more dialogue on this issue.

Mr. Speaker, let me thank my colleagues, the gentleman from Oklahoma (Mr. COBURN) first for his leadership in joining me on this resolution and all of the national effort in raising the awareness of this deadly disease. I applaud the thousands of persons who are out there helping to make this awareness possible.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to read some literature from experts at the National Cancer Institute and the American Cancer Society, their published statements, and I will include them for the record. This is a quote from the National Cancer Institute:

"Condoms are ineffective against human papilloma virus because the virus is present not only in the mucosal tissue, but also on dry skin of the surrounding abdomen and groin, and it can migrate from those areas into other areas into the vagina and the cervix. Additional research efforts by NCI on the effectiveness of virus transmission are not warranted."

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The American Cancer Society recent research shows that condoms cannot protect against infection with HPV. The absence of visible signs of this disease cannot be used to decide whether caution is warranted since this disease can be passed on to another person when there are no visible signs of the disease externally. That is the American Cancer Society and the National Institutes of Health.

National Institutes of Health, April 3, 1996, the data on the use of barrier methods of contraception condoms to prevent the spread of human papilloma virus is controversial but does not support it as an effective method of prevention.

I include for the RECORD the following information:

DO CONDOMS PROTECT AGAINST HPV INFECTION?—ACCORDING TO THE SCIENTIFIC EXPERTS, THE ANSWER IS A RESOUNDING AND CONCLUSIVE "NO".

NATIONAL CANCER INSTITUTE

"Condoms are ineffective against HPV because the virus is prevalent not only in mucosal tissue (genitalia) but also on dry skin of the surrounding abdomen and groin, and it can migrate from those areas into the vagina and the cervix. Additional research efforts by NCI on the effectiveness of condoms in preventing HPV transmission are not warranted."—Excerpt from a February 19, 1999 letter to House Commerce Committee Chairman Tom Bliley from Dr. Richard D. Klausner, Director of the National Cancer Institute at the National Institutes of Health.

AMERICAN CANCER SOCIETY

"Recent research shows that condoms ("rubbers") cannot protect against infection with HPV. This is because HPV can be passed from person to person with any skin-to-skin contact with any HPV-infected area of the body, such as skin of the genital or anal area not covered by the condom. The absence of visible warts cannot be used to decide whether caution is warranted, since HPV can be passed on to another person even when there are no visible warts or other symptoms. HPV can be present for years with no symptoms."—Excerpt from the American Cancer Society website (www.cancer.org).

NATIONAL INSTITUTES OF HEALTH

"The data on the use of barrier methods of contraception to prevent the spread of HPV is controversial but does not support this as an effective method of prevention. . . . Reducing the rate of HPV infection by encouraging changes in the sexual behavior of young people and/or through developing an effective HPV vaccine would reduce the incidence of this disease."—National Institutes of Health Consensus Development Conference Statement on Cervical Cancer, April 1–3, 1996.

Mr. Speaker, the reason that is important is we have a breast and cervical cancer treatment bill by the gentleman from New York (Mr. LAZIO) and the gentlewoman from North Carolina (Mrs. MYRICK) that is being held up at this time on the basis of the Senate conferees not wanting to agree to the language in that in regards to HPV and cervical cancer.

Mr. Speaker, I would like to ask the body that they would put pressure on their fellow Senators that they might accede to this. The fact is, the reason we have this awareness up is we want women to get treated. This is a disease that is absolutely curable. It is not like breast cancer; we cannot always cure breast cancer.

This disease, if diagnosed properly and treated, is 100 percent curable. Knowledge and the fact that we are allowing a safe sex message of condoms preventing this disease to continue will do nothing but harm women. It will not undermine anybody's position on sexuality or abortion or any other issue. The fact is, it is harmful to women to let that lie continue.

Mr. Speaker, I would ask that as we support this, that we remember what we are really talking about is our sisters, our nieces and our daughters in the future that they would be given the knowledge with which to make great decisions, and the knowledge is that a condom does not prevent transmission of this disease. And until young women know that and know that certainly so that they can make a different choice, at least allow the young women in this country the ability to make an informed choice.

Mr. Speaker, I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask for support of this resolution, and I also ask that Congress move on the conference committee on the breast and cervical cancer bill. Public health officials want us to move on the Senate version of the bill. We should not bog this legislation down in this argument that we heard today. We should move forward, pass this legislation, and also move forward and pass the Millender-McDonald resolution

Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion offered by the gentleman from Oklahoma (Mr. COBURN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 64.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 64.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

WAIVING POINTS OF ORDER ON CONFERENCE REPORT ON H.R. 4578, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 603 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 603

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 603 is a rule waiving all points of order against the conference report to accompany H.R. 4578, the Department of Interior and Related Agencies Appropriations Act of 2001, and against its consideration. The rule provides that the conference report shall be considered as read.

The Interior conference report appropriates $18.8 billion in new fiscal year 2001 budget authority, which is $3.9 billion more than the House passed and $2.5 billion above the President's request. Approximately half of this funding, $8.4 billion finances Interior Department programs to manage and study the Nation's animal, plant and mineral resources and to support Indian programs.

Among the Interior agencies receiving increases in this conference report are the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management, the Minerals Management Service and the U.S. Geological Survey.

The balance of the measure's funds support other non-Interior agencies that carry out related functions. These include the Forest Service in the Department of Agriculture, conservation and fossil programs run by the Department of Energy as well as the Smithsonian Institution and similar cultural organizations.

Notably, the bill includes increased funding $300 million above the President's request, for wildfire readiness, wildfire suppression and the rehabilitation of areas damaged by wildfires this summer.

Finally, I am particularly pleased that the bill appropriates $5 million to be used solely for the reduction of the national debt. Mr. Speaker, although many Members, myself included, have concerns about certain sections of the bill, overall this is a responsible and balanced conference agreement. Accordingly, I urge my colleagues to support both the rule and the Interior conference report itself.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such as time as I may consume and I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes.

Mr. Speaker, the conference report has come after extensive negotiations to produce a bill that the President can sign. The underlying bill will provide $18.8 billion for fiscal year 2001, $3.9 billion more than the current fiscal year.

The measure will establish a new land legacy trust program which will provide $12 billion over 6 years for land conservation, preservation and maintenance and provides $1.8 billion for efforts to fight forest fires. Moreover, $8 million is slated for the Northeast for the heating oil reserve, a program of critical importance to the Northeast.

I am especially pleased that the conferees provided $105 million for the National Endowment for the Arts, a $7 million increase over fiscal year 2000 and the first increase since fiscal year

1992. We still lack the funding levels that truly reflect the importance of arts to the American people. My colleagues may recall, Mr. Speaker, our earlier efforts to secure the funding increase. I was proud to lead the fight on the House floor and hope that this modest increase sparks a trend for increased funding in the years ahead.

Mr. Speaker, the arts enhance so many facets of our lives from the educational development of our children to the economic growth of our towns and cities. We learn more every day about the ways in which the arts contribute to our children's learning. One recent study showed that children with 4 years of instruction in the arts scored 59 points higher on the verbal portion and 44 points higher on the math portion of the SATs than did students with no art classes.

New research in the area of human brain development shows a strong link between the arts and early childhood development. Obviously, arts education pays great dividends in a wide range of fields, and no other Federal program yields such great rewards on such a small investment.

The investment that we make contributes to a return of $3.4 billion to the Federal Treasury. The arts support 1.3 million jobs all over the country and has revitalized small cities such as Providence, Rhode Island; Rock Hill, South Carolina; and Peekskill, New York.

The conference report also funds the new Women's Progress Commemoration Commission, the provision that I strongly endorse. I sponsored the legislation, established a commission, and was recently elected commission chair. The funding will allow us to fulfill our mandate to identify national sites significant to women's history that we may be in danger of losing due to lack of privatization or other factors.

We will make recommendations to the Secretary of Interior for action to preserve endangered sites. The long-term goal is to further educate the public regarding significant contributions of women in America.

Mr. Speaker, there are still other things that are important in this bill, but I was disappointed to see that the conference report contains language that will undermine the passage of the CARA act, a measure I long supported. The CARA would provide more than $3 billion each year for important conservation and recommend recreation projects. But the conference report contemplates less than half of the funding and at levels similar to recent years. Moreover, CARA would dedicate funds for specific programs each year while the conference report provides no such guarantees.

For more than 30 years, the Committee on Appropriations has failed to provide funds and live up to the promise of existing conservation and recreation programs. Unfortunately, this report provides more of the same.

With those reservations, Mr. Speaker, I want to thank my colleagues on the conference committee for their hard work, particularly for their efforts in regards to the NEA.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG), distinguished chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Speaker, of course, I rise to oppose the rule, not because the rule is structured incorrectly, because it did not include CARA, as the gentlewoman from New York (Ms. SLAUGHTER) mentioned. Most of my colleagues are aware that this House passed my Conservation Reinvestment Act 315 to 100 some odd votes. That is what the public wants. 5,285 organizations support that legislation.

Unfortunately, the Committee on Interior tried to have "CARA-lite" passed, but I again stressed the point that for those that are listening to this program and those on the floor understand this is not CARA. It is, in fact, a system set forth that for each part of our CARA bill, historical preservation, urban parks, fish and wildlife restoration, native lands reclamation, land purchasing, all of it has to come back to the appropriating committee.

For those listening to this, this is not CARA. I will say this to the Committee on Appropriations, I think that my biggest concern is, my colleagues have asked us to authorize, and when we authorize, unfortunately, my colleagues have decided our authorization is not correct, and my colleagues are going to do the authorization. So the rule recognizes my colleagues' role to authorize legislation and that is inappropriate and I think it is against the House rules. That is one reason why I am voting against this rule.

And for the leadership of this House on my side of the aisle, I have never voted against a rule before that my colleagues asked me to vote for, and it is unfortunate my colleagues have not asked me to vote for this rule, in fact, my colleagues have not communicated with me on this issue.

This issue is not going to go away I say to the appropriating committee. I will be here long after my colleagues are gone. I will win this battle to preserve our wildlife, because my colleagues do not do it in this bill. My colleagues have given a great authority to fish and wildlife but do not say how it shall be spent. My colleagues do not recognize the importance of fish and wildlife; and for those sportsmen, I hope they understand what the appropriating committee has done.

This is a battle that is not over. We have a long ways to go, and I will win this battle for the people of America. My colleagues owe us $13 billion dollars and have not spent it. We will not spend it in the future. My colleagues will spend it for land acquisition with no property rights. Oh, my colleagues will do that, but will not protect the people of this Nation and provide them for the spaces that they need, because my colleagues did not do it in the past and will not do it in the future.

My colleagues can say all they want about how great you have done in this bill, I say this out of friendship, my colleagues have actually put forth something that is hollow, something to appease the voters. When they do not read this bill, they will say what a great job. But when they find out, I will be back. I will be able to prevail.

I am going to make sure that the space is there for our young people, to have the hunting and fishing and recreation is required and the urbans parts are put in place and the past is preserved for us. My colleagues do not do it in this bill. It is a hollow promise.

Ms. SLAUGHTER. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin (Mr. OBEY).

□ 1200

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, it is very true, this is not CARA. This is not an entitlement. In my view, we should add no new entitlements to the Federal budget until we first declare that every American has an entitlement to basic health care. That is the first new entitlement that I want to see added. After that happens, I will be happy to look at adding others, but not before.

But this bill is an amazing victory for those who care about preserving our precious natural resources, who care about preserving our outdoor resources, who care about setting aside crucial pieces of land for enjoyment by future generations.

This bill, for the programs included in it, takes what would otherwise be a $4 billion appropriation level over the next 6 years and expands it to $12 billion. That is a huge advance forward, and has been described so by a variety of environmental organizations, and by, for instance, the Council on Environmental Quality at the White House and others.

This bill essentially says that, for this year, we will set aside $1.6 billion for these activities, and those funds will rise each year for the next 5 years until we hit $2.4 billion. That money is fenced. It is not an entitlement, but if it is not spent on these programs, it cannot be spent on any others.

It is modeled precisely after the violent crime trust account which we established a number of years ago, the same duration, 6 years, and the same principle. That virtually guarantees, for anybody who wants to look at legislative reality, that these funds will go for the purposes that they are supposed to go for; namely, these conservation and environment programs.

I would say to our friends from coastal States who feel that they have not been given a big enough break in this bill, we take the appropriation for their States from a little over $100 million a year to about $400 million. That is not bad. That is not hay. That is taxpayers' dollars put to a good and worthy purpose. For people to make or to claim that that is a defeat requires a new definition of that word for Webster's dictionary.

I would also say to those conservation groups who are not happy that this is not CARA, there are lots of times in life when we have to settle for a little bit less than what we regard as perfect. But I am reminded of old Ben Reihle, the fellow who used to represent rural Marathon County, my home county, in the legislature.

He was talking to education groups one night who were unhappy because he had not voted for exactly the amount of money that they wanted in the State budget that year for education. He had voted for an increase, but it was not a big enough increase.

Old Ben looked at them and said, "Folks, I ask you to remember one thing. I may not have voted for every dime you ever asked for, but I voted for every dime you ever got."

If we think about it, there is a lesson in that for every single person interested in preserving wildlife, in preserving land, in preserving pristine coastal areas. This is a terrific bill for all of the purposes laid out in this legislation.

Members will hear from the gentleman from Washington (Mr. DICKS) and others what the bill contains in more detail, but I want to congratulate him. I want to congratulate everyone who had anything to do with putting this package together. I certainly want to congratulate the White House for recognizing a good deal when they saw one. I want to congratulate the gentleman from Ohio (Mr. REGULA) and the staff.

No, this is not CARA, but CARA was dead as a dodo bird in the Senate, and this bill resurrected the effort to put aside important pieces of land for future generations. It creates new State programs for their protection, and this rule should be supported, and so should the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 7 minutes to the gentleman from Ohio (Mr. REGULA), the subcommittee chairman for the Committee on Appropriations.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding time to me.

This is a bipartisan bill. It is a good bill. It is fair. As the gentleman from Wisconsin said, it does not give everybody everything they want, but I think it does a remarkable job of balancing the challenges to those of us wanting to preserve the good things in our natural heritage, along with meeting the needs immediately of the American public.

I would urge all of the Members to vote for this rule. If they look at the facts, I am sure they will be convinced that this is a bill that meets the needs of the Nation in a good way. I think that is evident by the fact that every member of the conference, both parties, both Houses, every member, signed the conference report. This is the first time that I can remember that happening, and certainly since I have been chairman. I think it is evidence of the fact that there is strong bipartisan support for the bill.

The White House has indicated the President will sign the bill. I think all of America will be benefited by that set of circumstances.

I want to specifically address the wildlife conservation issue. There have been some facts bandied around about wildlife conservation which perhaps do not give the full picture. I just want to give Members the accurate facts on it.

This bill contains $540 million for Federal and State programs under the Land and Water Conservation Fund. This number represents an increase of $93 million over fiscal year 2000, 21 percent. Keep in mind that the fiscal year 2000 bill had the Baca Ranch land acquisition in it, which increased that number considerably. Without that purchase, it would have been much greater in terms of an increase this year.

The conference report provides $300 million for State and other conservation programs. That is an increase of $232 million over the fiscal year 2000 bill. Particularly, it has a new $50 million State wildlife grant program, $50 million to the States. All of this is a 293 percent increase. That is not bad, 293 percent to the States for their programs.

We have heard from a few States that said, well, you may submit a plan. For shame. Submit a plan? We have a responsibility for accountability.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, is the gentleman saying, there have to be competitive bids for wildlife. Who makes the decision what it will be, the Federal government or the States?

Mr. REGULA. Is the gentleman saying as to the allocation between Federal and State?

Mr. YOUNG of Alaska. The Federal government makes the decision, whether it is correct or not, is that correct?

Mr. REGULA. The people who administer the funds make the decision.

Mr. YOUNG of Alaska. So the States do not have the say-so? If the Federal Government does not agree, they do not get the money?

Mr. REGULA. That is not necessarily true. They have to submit a plan.

Mr. YOUNG of Alaska. If they do not agree, they do not get the money?

Mr. REGULA. States have to be accountable.

Mr. YOUNG of Alaska. If the States submit a plan for rehabilitation of wildlife in a certain area and if the Federal government does not want to do that, they do not get the money, under the gentleman's program?

Mr. REGULA. There has to be accountability.

Mr. YOUNG of Alaska. But the gentleman is letting the Federal government do it and not the States. That was the whole idea of CARA. CARA had an idea how to spend the money on the ground. The gentleman likes big government.

Mr. REGULA. This is not CARA. The gentleman makes his point very clearly. This is not CARA. It requires accountability on the part of the States.

I think if we are disbursing Federal dollars that we collect from the taxpayers throughout the Nation, then we have a right to ask for accountability for that money. That is what we have said.

Nevertheless, there is a 293 percent increase for the State Wildlife Grant programs, $50 million for the new program, and an additional amount for the existing programs.

It provides $66 million for urban parks and forests, an increase of $33 million, a 100 percent increase over last year, recognizing that it is important in the urban areas to have the development of parks, because this is where the compression of people exists, in our urban areas, and they need open spaces. For that reason we expand that program by 100 percent.

Of course, it has been pointed out that there will be 12 billion additional dollars over the next 6 years to be spent on land programs and the acquisition of open spaces in the jurisdictions under this Nation. Certainly, this I think is a remarkable step forward in providing all of these funds.

On the more practical side, we have $2.9 billion to deal with fires. We all recognize what has happened in the west, so we have a large amount of money, a very substantial increase.

We have increased PILT by $65 million. There is a lot of concern on the part of Westerners that there be additional money spent on PILT. We have increased that very substantially.

In the Northeast, we have doubled the funding for home heating oil from $4 million to $8 million. We have a substantial amount for backlogged maintenance. We have had testimony in our committee that there is over $12 billion in backlogged maintenance. We are addressing that problem.

We have increased many of the other areas. In the energy field, we are providing for new technology, to recognize the need to meet our energy challenges: fuel cells, weatherization, the development of an 80-mile per gallon automobile. So again, these are important things to the people of America.

One that I think reflects the compassion of this bill is Indian health care. We have increased Indian health care $214 million. I am pleased that the committee has supported this funding, because there is a great need. We had some testimony from the American Dental Association that only 25 percent of Native Americans have dental care. That should be 100 percent; if Members can imagine, going without dental care. So we put a large increase in the Indian health care.

Parks funding is up. We took care of the south Florida area. As it was mentioned earlier on coastal funding, we have put in $400 million, an increase from $100 million, to deal with the challenges of our coastal States. This will be managed by NOAA. Obviously, NOAA is a Federal agency, but these are Federal dollars. Therefore, we want to give this responsibility to an agency that has experience in dealing with coastal areas.

I just think on balance this is a very bipartisan bill. It is very well balanced in meeting all of the needs. I certainly urge my colleagues to support this rule and support the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise in opposition to this rule. I do so not because this is a bad bill, I do so not because this bill has failed to dramatically increase the monies for the various environmental accounts. In many ways, this is the most environmentally friendly bill we have had out of this subcommittee in a number of years.

I do so because I have strongly believed there was another way to redeem the promise that was made to the American people about the use of offshore oil royalties. I believed that the method by which that should have been done was in CARA, H.R. 701.

It has been said several times that this appropriations bill is not CARA. Nobody is more aware of that than the gentleman from Alaska and myself. This approach is not CARA. This was devised within the Committee on Appropriations in responding to CARA and the grass roots support that was lobbying on behalf of CARA. They chose to do it in a Washington fashion.

CARA was the outgrowth of grass roots organizations, over 5,000 organizations from across the country, that looked at what the Congress had done over the last 20 years and decided there had to be another way. There had to be certainty for communities to be able to plan for the protection of their environmental assets, whether that was open space or whether that was trails or whether that was trying to solve endangered species problems.

There clearly had to be a way to help those States that have suffered the impacts of offshore oil.

Also, there had to be a commitment established so we could go out and try to secure private financing, fundraising from foundations, from corporations, and from individuals over the long term to help pay for land acquisitions. That is why the certainty of funding was a key feature of CARA occurs, so it is not a start-again, stop-again operation.

We believed that was important, and 315 Members of this House believed that was important, the biggest bipartisan vote I think we have had on any controversial legislation in this Congress.

We sent it to the Senate. Unfortunately, there it started to stall out. We ask our colleagues to oppose this rule so we can have a chance to pass CARA and not undermine it with the actions of the Committee on Appropriations. We hoped that the same kind of bipartisan support could be resurrected in the Senate to see this bill through to the desk of the President, who has promised to sign it.

□ 1215

I have to admit that I am a little disappointed in the signals from the Senate leadership about the improbability of scheduling the CARA legislation this year. But I believe the underlying proposition of CARA is the correct way for the Congress to deal with these issues, because local governments and park agencies and fish and wildlife agencies are struggling every day where the people and the species and the open space and the lands and the assets meet on a daily basis.

What they need is a diversity of funding, and a certainty of funding; and they need a level of funding that will let them attack those problems in a manner that they understand best.

I believe that that is what the CARA legislation did. It is unfortunate, that we will not be able to complete acton on that legislation in the Congress if the current indications from the Senate continue to hold true, because we believe that legislation, supported by a bipartisan coalition would have truly redeemed the promise that this Congress made to the American people about taking the monies from exploitation of nonrenewable resources and putting them into a permanent fund to protect renewable resources.

While it is very clear to anybody who reads this legislation that this is clearly the most dramatic increase in the environmental accounts that we have seen in 25 years, I would have hoped that we would have been able to include the CARA program that would have guaranteed to local communities the kind of certainty they need to support private and public partnerships at the local level for the protection of these assets.

It is for that reason that I will ask Members to vote against this rule.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members it is inappropriate to cast reflections on the actions or inactions of the United States Senate, collectively or individually.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, let me point out that, as I looked at this and finally got the inspired version of what was in it, I would have to say there are awfully good things in it. People have worked very hard on this bill. I have the greatest respect for the gentleman from Ohio (Mr. REGULA), the gentleman from Washington (Mr. DICKS), the gentleman from Wisconsin (Mr. OBEY), the gentleman from Alaska (Mr. YOUNG), and others who have worked on it. I know they had to probably tear their hair out a lot to come up with this.

Just last Friday or Thursday, I got a lecture from the appropriators saying there are certain things they could not put in the bill. Well, why cannot we put it in the bill? Well, it has not gone through the procedure of this House. We cannot do it that way, because on the House floor we do different things. We look at the rules, and the rules do not let us do that.

So I pick this up now; and as one of the authorizers with the gentleman from Alaska (Mr. YOUNG) over here, I can count maybe 20 things in here that were never authorized. Now, how come last Thursday I get a lecture and say we cannot do these things like San Rafael Swell and other areas, but we can put these 20 in it when we are behind closed doors somewhere? That kind of bothers me a little bit, Mr. Speaker. I thought if it was good for one deal, it was good for all of us.

So I know there is some good things in here. I compliment the gentleman from Washington (Mr. DICKS) and the gentleman from Ohio (Mr. REGULA), two very, very fine legislators. However, in good conscience, I really feel, as chairman of the Subcommittee on National Parks and Public Lands, there are things in here, in this list and this list, that just blow my mind. I do not know where we can come up with these things.

There is $12 billion over the next 6 years; $12 billion is an awful lot of money. My little State of Utah, the entire budget is only $6 billion. They are going to spend $12 billion here.

There is no protection for property rights. Who is going to be the wise all-knowing guru who is going to say this is right and wrong with some of this stuff? I wish somebody would tell me this. So a blank check goes to somebody.

Even though there are some awfully good things in this bill, I very reluctantly have to vote against the bill and the rule. I say that feeling bad in a way because it has got the genesis of being a fine piece of legislation. But where we are now I think we are taking the American people down the primrose path.

I honestly urge my colleagues to vote against this and hope we can come up with something a little better and hope we can authorize from now on.

Ms. SLAUGHTER. Mr. Speaker, I yield 7 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, first of all, I rise in very strong support of this rule. I think it is a very good rule, a very fair rule. I want to compliment the gentlewoman from New York (Ms. SLAUGHTER), who worked with me on the floor of the House and has been one of the advocates for increasing the funding for the National Endowment for the Arts.

We were able to add $7 million in this bill for the endowment. Also a program that is very important to the gentlewoman from New York is the home heating oil provision, $8 million, which will help every Northeasterner in this country.

I am here today to talk to my colleagues a little bit about this superior appropriations bill and the land conservation preservation and infrastructure improvement program. The gentleman from Wisconsin (Mr. OBEY) and I worked on this. We offered it in the conference. The gentleman from Ohio (Mr. REGULA), Mr. GORTON, and Mr. BYRD, they all agreed to this.

I think it is a day we should be here celebrating. I would say to my friends who worked so hard on CARA, and I realize 4 years of effort on CARA, but I want my colleagues to understand something. I believe that that work was translated into this legislation. This is a blend between the President's Land Legacy Program and CARA.

We have the most dramatic increase in conservation spending in the history of this country. Last year, we spent about $782 million. This year, for the same programs, it goes up to $1.6 billion. Then in increments of $160 million a year, it goes up to $2.4 billion in the year 2006. These are some of the most popular programs in our country for protecting precious lands in both the Federal and State categories, for urban parks, for historic preservation, for restoring our salmon runs. There is also $400 million that goes through the State, Justice and Commerce appropriations for coastal programs, including the Pacific salmon recovery program. This is the most dramatic increase in conservation spending in the history of the country.

Let me just read to my colleagues a few quotations from people who have looked at this program. A good friend of mine, a fellow University of Washington graduate, Roger Schlickeisen, president of the nonprofit Defenders of Wildlife Society called it "probably the best conservation funding bill in our lifetime." Then George Frampton, chairman of the White House Council on Environmental Quality. "This represents a historic breakthrough in conservation funding," said Frampton. "It is a fantastic step forward."

Today, the New York Times in an editorial, lead editorial said "Congressional Dos and Don'ts. Land conservation. The White House and Congressional negotiators reached agreement last Friday on a plan to set aside some $12 billion over 6 years for a range of Federal and State land conservation programs. It is the most important land conservation bill in many years and deserves prompt approval on the House and Senate floors. Budget purists are annoyed that the money will be fenced off in a special conservation account similar to the Highway Trust Fund. But open space has been shortchanged for years, and this is a way to make restitution."

Then finally, the White House, the President supports this bill. He also, in his statement of administration policy, it says, "By doubling our investment next year in land and water conservation, and guaranteeing even more funding in the years ahead, this agreement is a major step toward ensuring communities the resources they need to protect the most precious lands, from neighborhood parks to threatened farmland to pristine coastal areas."

Mr. Speaker, this is, as the Washington Post said, landmark legislation. This is legislation that this Congress can be proud of. I am proud of the fact that this amendment was adopted in a bipartisan spirit. It will be the most important step forward in conservation spending probably in our lifetime.

I would urge my colleagues who support CARA to think about this. We have moved dramatically in the direction that they laid out in their legislation. No, it is not an entitlement. This money is in a special account. The money must be spent for the purpose, or it remains in the account.

If we look at the precedent of the Violent Crime trust fund, all of that money is spent because these are important programs to the American people.

As the ranking Democrat, I want to tell my colleagues that it is my intent that this money gets spent for all the people. I would say to the gentleman from Alaska (Mr. YOUNG) this bill has so much money. This bill has so much for the great State of Alaska. This is one of the greatest funding bills in Alaska's history. I would hope that the gentleman, after he has his vote on the rule, would think about all of that money for all of those Alaskan programs and that he would be with me on final passage on the bill.

I would say to the gentleman from Alaska, I want to correct one thing that was in his letter. The money for the State games is not just for nongame. It is for game and nongame.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. DICKS. Yes, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, that shows my colleagues how deeply I believe that CARA was the right way to go when I can take and sacrifice the great work that has been done for the State of Alaska that I worked on for the benefit of the Nation as a whole.

Mr. DICKS. Also, Mr. Speaker, I think it is because the gentleman from Alaska knows that the chairman of the appropriations committee in the other body is going to make sure that the money remains in there.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. OBEY). I appreciate his hard work and his guidance and his effort on this legislation.

Mr. OBEY. Mr. Speaker, I would just like to say that some of the environmental groups who think they are getting a bad deal remind me of what some of the senior citizen groups did when Social Security was passed in the 1930s. They opposed Social Security, which is a compromise with the Townsend plan. Some of those senior citizen groups opposed the creation of Social Security because they wanted the Townsend plan to pass, which was a straight $100 a month check to seniors with no contributions or anything else. So they savaged Members who voted for the compromise.

This is a similar compromise. Five years from now they will be out to ring the neck of anybody who tries to cut this program.

Mr. DICKS. Mr. Speaker, I would like to read, by the way, the names of the conservation groups that are supporting this rule and the bill: the American Oceans Campaign, Center for Marine Conservation, Defenders of Wildlife, Environmental Defense, Friends of the Earth, National Audubon Society, National Parks Conservation Association, the National Trust for Historic Preservation, the Natural Resource Defense Council, Scenic America, the Wilderness Society, and the Worldwide Fund. I mean, this is an amazing group of people supporting this. The President supports it.

I want my colleagues to know, I believe that this is one of the most important things on a bipartisan basis done in this Congress. So we should be celebrating today. We should be happy with this work product. Let us get on with it. Let us vote for the rule and pass this excellent conference report.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members it is not in order during debate to characterize the legislative positions of the Senate or individual Senators.

Mr. HASTINGS of Washington. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) has 16 minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 10 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, let there be no mistake about it, CARA is not in this bill. CARA is not in this bill. Everybody should know that.

I want to speak especially to the 102 Members of this body who voted against CARA. If my colleagues will examine their conscience, they will have to admit with me that most of them voted against CARA because they did not think there was enough property rights protection in a bill that was going to authorize an enormous amount of land acquisition in this country.

Some of my colleagues are from western States where the government already owns 60, 70, 80 percent of the property in their State. They were concerned about the government acquiring some more land without real strong private property protections.

Well, guess what we are going to vote on today when we vote on this Interior appropriations bill. We are going to vote on $540 million of new land acquisitions in this country with no private property protections. CARA had 21 separate provisions in it protecting private property. That is not in this bill. There is no provision saying one can only buy from a willing seller.

In other words, under this bill, one can spend $540 million of acquiring property from people who do not want to sell their land. That is called expropriation. When we vote for this bill without CARA, that is what we will be getting. Keep in mind that CARA guaranteed for the first time a distribution of funds to the coastal States of America.

What kind of distribution was that all about? It was simply to try to give coastal States some contribution for the minerals produced offshore in some kind of way commensurate with the money that America automatically mandates is provided to interior States for minerals produced on Federal lands in interior States.

The law currently mandates 50 percent of all Federal royalties on interior States' federally owned property goes to the States. Committee on Appropriations does not spend it. No yielding of appropriations. It is a mandate to the interior States. This bill would have provided 27 percent to be shared among all coastal States. That is gone. There is no guarantee for coastal money. There is just a lot of Federal land acquisition with no private property rights. That is not the deal that CARA would have offered us.

□ 1230

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I express my thanks to the distinguished gentlewoman for yielding me this time, and I want to commend and compliment my good friends from the Committee on Appropriations. They have "done good." The problem is, they have not done good enough.

I want to express my respect and affection for the distinguished gentleman from Wisconsin (Mr. OBEY) and the gentleman from Washington (Mr. DICKS) and also the gentleman from Ohio (Mr. REGULA). They are good Members, and I do not want them to take anything I say here today as being hostile to them. However, they have chosen to legislate without hearings; without opportunity to perfect.

What those of us who oppose the rule want the House to do is to allow us to vote the rule down so that we may come up with a better piece of legislation, one which was approved by the House by an overwhelming vote. I refer to CARA, H.R. 701. It passed the House by a very heavy margin, 315 to 102. It is interesting to note that this was one of the most bipartisan bills that I have ever seen, but also certainly the single most bipartisan piece of legislation that has passed this Congress.

Those of us who led that effort to pass CARA share a common passion, providing a meaningful and dedicated and continuing source of conservation funding for fish, for wildlife, for lands and waters, for recreation and open spaces, and to meet the concerns that confront so many of our States and our communities. Remember, we will not have many opportunities to pass a piece of legislation like this. This is an opportunity that will probably come once in a lifetime. In all the years that I have served in this body, never once have I seen an opportunity of this magnitude to do good for Americans, for conservation, for fish and wildlife that matched this. And never once have I seen anything which did so much to realize the hopes and the ideals of those of us who love the out-of-doors.

Now, I have no doubt that the language contained in the Interior appropriation bill and this land conservation program was drafted with the best of intentions. It is again, I note, an effort by my good friends on the Committee on Appropriations to legislate well. And part of that legislating well is preserving the jurisdiction of that committee and part of it is in sidetracking CARA, something which that committee found to be highly offensive, as we had this legislation on the floor at an earlier time, because it did take away from the Committee on Appropriations the ability to function by whim and caprice, to deny new conservation money and, in effect, to supplant the efforts of the legislative committees around here which are strongly and deeply and sincerely conversed in this.

The premise of CARA was to take Federal resource revenues from the Outer Continental Shelf to reinvest them for conservation purposes. And it was originally intended, when the Congress passed the Land and Water Conservation Fund in the 1960s, that this would be done. Since that time, the Committee on Appropriations has had the opportunity to do the kinds of things we are talking about today. Without the pressure of CARA, they never would have done them.

So I say let us assist our good friends on the Committee on Appropriations. Let us help them. Let us see to it that we have an opportunity, if we are going to legislate, to legislate well. Vote the rule down. A new rule can be brought back, and we can have a full opportunity then to address all of the important questions that exist with regard to conservation, and with regard to spending proper levels of funds to save and protect open spaces and the conservation and environmental values that are so important to this country.

The language of the conference report is quite clear. It says the program is not mandatory and does not guarantee annual appropriations. If Members need a reason to vote against this rule so that they can vote for something which is of more lasting and permanent character, this is the reason right here. This is what the Committee on Appropriations is saying to us. This is not permanent. I am sure that they have the best of intentions at this time, but within a year there will be new pressures upon the Committee on Appropriations which will tell the Committee on Appropriations that they should perhaps cavil just a little bit on the commitment that they make today and come forward with less money.

Now, they will tell us about the violent crime reduction trust fund. That expired the other day, and it was never fully funded. They have always told us what a great thing it was. And it was great, and I commend them for it. But it did not come through a legislative committee and it did not have the supervision and the care and the attention that goes to it. And it also was not as fully honored as it could have been and should have been. Certainly we are going to meet the same situation, where the Committee on Appropriations will shave conservation values just is a little here and just a little there, because it is easy to do when the pressures are on to expend monies for other purposes.

Again, I announce my respect for my good friends, the gentleman from Wisconsin (Mr. OBEY), the gentleman from Washington (Mr. DICKS), the gentleman from Ohio (Mr. REGULA), and my colleagues on the Committee on Appropriations; but they are not meeting the real challenges of greatness. They are passing aside an opportunity. They are urging this body to reject something which is perhaps the greatest piece of conservation legislation we can pass in this Congress or indeed in any other.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, I thank the gentleman for yielding me this time.

Today, we have an opportunity to reward an agency which has completely turned itself around. For the first time in over 8 years, we have the chance to give the National Endowment for the Arts a small increase. It should be noted that this increase is dedicated to grants such as Challenge America.

Challenge America is an opportunity to serve smaller communities around the United States. Sixty percent of Challenge America grants will be distributed to communities under 200,000 in population in all 50 States. The intent of this program is to reach previously unserved communities in the same way that ArtsREACH programs work.

My colleagues may recall that in the first 2 years of ArtsREACH grants were made to the 123 mostly new communities, including places like Ft. Washakie, Wyoming; Deadwood, South Dakota; and Hattiesburg, Mississippi.

The remaining 40 percent of the Challenge America grants will be passed through the 56 State and Territorial arts agencies in keeping with the congressional practice of splitting NEA funds between State and national programs.

These new grant initiatives are part of a new NEA which supports projects in over 4,000 locations in the country. Today, NEA is doing more for communities in need than ever before, and I urge my colleagues to pass this bill which gives NEA a minimal but monumental increase.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in opposition to this conference report. With all due respect to the gentleman from Wisconsin and the gentleman from Washington, my friends on this side of the aisle and the other side of the aisle, who have done a pretty good job putting a piece of legislation that is controversial year to year on the floor before us, we have heard other speakers before me say that this is not CARA and I can tell my colleagues that this is not CARA.

The energy behind the Conservation and Reinvestment Act, H.R. 701, is about one thing, it is about permanency. It is about making sure that they can plan for the future. Coastal programs, ball parks, conservation, wildlife management programs, they can all function if they know that they are going to have a revenue stream that is certain from year to year. That is the energy behind CARA and why 3,000 groups supported this piece of legislation and 300 Members of the House voted for it.

Let me remind my colleagues that it is not CARA, if I take just an excerpt of the conference report of the Interior bill that we are voting on today in the rule, and see where it says this program is not mandatory and does not guarantee annual appropriations. That is obviously what they have meant because they put it in black and white. Well, that undermines, I believe, and unravels the energy and the excitement behind a piece of legislation that is, I believe, one of the greatest pieces of legislation that we have had.

We have a wonderful opportunity here. The year is 2000. We have surpluses that we are dealing with. We have the greatest opportunity, I believe, in our lifetime to put in permanent funding for building ball parks, to save our coastline in Louisiana. We talk about an energy policy and the suspect of time that we are entering into with oil and gas prices. Well, Louisiana, which produces 80 percent of that, is eroding.

I firmly believe that we still have time for CARA. Let us not go forward with the rule that halfway gets us to where we need to go. I urge my colleagues to oppose the rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am happy to stand in favor of this rule and stand in favor of this Interior Conference Report. As a member of the Subcommittee on Interior of the Committee on Appropriations, I have been proud to work with the Democrats and Republicans. Certainly my chairman, the gentleman from Ohio (Mr. REGULA), has done a masterful job of being sensitive to all sides of these issues of conservation and reinvestment and fire protection and all the things that go into the Interior Appropriation Bill.

One thing is certain about this business: Nobody is ever satisfied. We cannot ever get perfection, but the conference committee, Democrats and Republicans alike, struggled over this bill to try to make it right, to get it the best we could for everybody concerned. People in my part of the State of Washington are very concerned about CARA and the mandatory spending requirement. Whether it is needed or not, it is mandatory.

I think our system of appropriations and discretionary spending in the years ahead is going to be better to have the Committee on Appropriations and the Congress as a whole making these judgments about conservation lands on an annual basis rather than forcing a mandatory spending program whether it is needed or not.

So I have great respect for the gentleman from Alaska (Mr. YOUNG). But I think he has to have great respect for the gentleman from Washington (Mr. DICKS) and the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Ohio (Mr. REGULA), as well as myself and others who worked so hard to craft this compromise to make sure that it meets the White House's needs and the Republicans and the Democrats needs, and that is fair under the circumstances.

If we vote against this bill, we are voting against National Park Service operations; against fire remedies that occurred this summer in the West; we will be voting against Indian Health Service. That is critically important in my part of the country and across this Nation, as Indian populations have increased in their health needs. We will be voting against the weatherization grants if we vote against this bill.

The bottom line for me is this is a fair compromise. It puts the conservation decision-making right where it ought to be, on Congress, making its best judgments on an annual basis, and I hope the membership will approve it.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of the rule and, indeed, the underlying measure, the conference report on the fiscal year 2001 interior appropriation bill.

Contained in this legislation is up to $94.5 million to bolster the financially ailing, congressionally mandated program that provides health care to certain retired coal miners and their dependents. If this funding is not forthcoming, some 60,000 beneficiaries, whose average age is 78 years old, will see their health care cut. So I ask that my colleagues who represent coal field communities, whether they be in Appalachia, in the Midwest or the western States, not turn their backs on these retirees. They were made a promise, a promise endorsed by the Federal Government, of lifetime health care. This legislation keeps faith with that promise.

Mr. Speaker, we are currently dealing with a situation where what is known as the Combined Benefit Fund (CBF) is facing financial insolvency. In this regard, Senator ROBERT C. BYRD championed a provision in the pending legislation that would transfer up to $94.5 million to the CBF to insure that health care benefits are not curtailed or halted in the immediate future. This provision is modeled after legislation I sponsored in the House, H.R. 4144, known as the CARE 21 bill.

By way of background, the CBF was created in the Coal Act of 1992 to provide health care benefits for retired United Mine Workers of America coal miners who were eligible to receive benefits as of July 20, 1992, under one of two prior multi-employer funds. Under the terms of the Coal Act, companies which signed past National Coal Wage Agreements with the union are responsible for paying premiums for retired miners assigned as being their responsibility. For those retirees where there is no responsible company can be identified, the Coal Act provides for an annual transfer to the CBF of a portion of the interest which accrues to the unspent balance of the Abandoned Mine Reclamation Fund to pay premiums for these unassigned beneficiaries.

Today, however, the CBF is facing funding shortfalls primarily due to a rash of litigation brought by companies on a variety of fronts. First, under the Eastern case, the Supreme Court relieved what are called the "super reachback" companies from responsibility to their former employees thereby adding some 8,000 retirees to the unassigned beneficiary roles. These companies had at one time been signatories to the National Coal Wage Agreement, but were not parties to the 1978 Agreement which included what is known as the "evergreen clause" in which companies committed to a continuing payment obligation. Litigation has also been brought in what are called the Dixie Fuel cases where companies challenge the validity of assignments made to them. And a third round of major litigation is taking place challenging beneficiary premium rates under what is known as the Chater decision.

This litigation is chipping away at the financial solvency of the CBF and it should be noted these cases are being brought by companies that are both current signatories to the National Coal Wage Agreement as well as what are called "reachback" operators who were parties to the 1978 Agreement but not to the current agreement. In effect, and there is no way to get around this fact, these companies are seeking to reduce or walk away from their past collectively bargained obligations to provide lifetime health care coverage for their former employees. This creates a certain dilemma for the Congress as it is the Congress which created the CBF and I believe we have a moral obligation to these retirees despite the actions being taken by their former employers. However, at the same time, I do not believe it is prudent to use General Fund revenues for this purpose. Instead, the provision in the pending legislation would tap additional amounts of interest in the reclamation fund to provide for the cash infusion into the CBF. This is an important consideration because it is the coal industry itself which pays a fee that finances the Abandoned Mine Reclamation Fund. It is, as such, the coal industry which is still paying for the health care benefits of these retirees under the provision contained in this legislation.

There is no doubt in anyone's mind involved with this issue that a long term solution must be devised. My CARE 21 legislation would have done just that. Unfortunately, it has not been brought to the House floor and its counterpart has not been considered in the other body. Indeed, there is still a level of greed among certain entities involved in this issue as reflected in the litigation they are bringing against the CBF that is stymieing legislative efforts in this matter. This is going to have to change because the current impasse on devising a long term solution has in my view no benefit. It certainly does not benefit the many thousands of elderly retired coal miners and their widows who are being held hostage to this situation.

Mr. Speaker, I urge adoption of this rule, and I commend the ranking minority member, the gentleman from Washington (Mr. DICKS); the gentleman from Wisconsin (Mr. OBEY); the gentleman from Ohio (Mr. REGULA); and the gentleman from Alaska (Mr. YOUNG) for their help in including this provision in the legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let me first say that I certainly sympathize with the appropriators, and I sympathize with the authorizers as well.

☐ 1245

We are always faced as to whether or not we are going to be able to come along with a rider, whether or not this time it is okay, or this time it is not okay. But in this particular case I think the House's will is not being taken into consideration.

When we passed the CARA legislation through the House with 315 votes, I think that is a pretty good expression of what this House of Representatives wants us to do. When the chairmen of the authorizing committees come to the chairmen of the appropriation committees and say we want you to put this rider on here, then we are faced with a different situation, Mr. Speaker. We are in a dilemma.

I am going to vote for the rule today, but I disagree with the fact that we are not given the opportunity to bring forth the will of the House somewhere during this process. If it were possible to recommit this to the Committee on Rules, then I would recommit it and ask the Committee on Rules to give us an opportunity to amend the rule so we could bring forth an amendment which could be set back. Maybe there will be an opportunity of recommittal, maybe we will have a voice, but I think that those of us that are interested in CARA have been shortchanged.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I would just say to my colleagues, this is an indication of where the money will go under the amendment that I and the gentleman from Wisconsin (Mr. OBEY) offered. First of all there would be $550 million for the Federal and State Land and Water Conservation Fund. State and other conservation programs would get $300 million. Urban parks and historic preservation, $150 million; $150 million for the maintenance backlog; and $50 million for PILT.

This is not guaranteed, but this money is prioritized in the budget allocation and Congress is going to spend this money as we have spent the money on the Violent Crimes trust fund. So it is not a guarantee, but it is about as close as we are going to get to one and still let the Congress have some oversight over these programs. This is a tremendous increase. The President supports it. Most of the outside conservation groups support it. It is a chance for us to triple the amount of funding spent on these programs.

Now, it is not CARA; but I actually think it is better than CARA because it is a blend between the President's land legacy and the CARA program.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, there has been a lot said about George Frampton supporting it. That is probably the biggest reason to vote against the rule.

The second thing is that every governor in the country now has blasted this agreement. Every governor. The mayors, the legislative bodies have blasted this so-called Interior appropriations.

So do not give everybody how much they support it. In reality, the governors know right now we are back to square one. We have got to go back to the appropriators and grovel, hold our hand out and beg at the end of the session.

By the way, Mr. Speaker, this has happened to us now for 6 years, 8 years, 10 years. Wait until the last moment, the Senate does not do anything, they hold it; and then the appropriators get together in the back room, and the cardinals decide what legislation is going to pass and not pass. The natives are getting restless, buddy. I am going to suggest respectfully, that is not the way this Congress was set up. It is not good legislation; it is wrong and against the House rules, but we are ready to go home, so everybody wants to vote for this thing.

I am voting no and I am going to ask for a vote on the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, what we hear today is that there are four oil-producing coastal States who this year get $100 million and who under CARA want to get $1 billion, and they are unhappy because we only gave them $400 million. That is the truth. We spread the money around more fairly among all the States, and we make no apology for it.

The fact is this is a historic bill. It is the best conservation funding bill that we have seen in a generation. This raises conservation funding from $4 billion to $12 billion over a 6-year period, and that money if it is not spent on these conservation programs cannot be spent on any other item. That is as close to a guarantee as we can get. It is a phenomenal victory for the environmental movement and a phenomenal victory for those who want to protect our outdoor resources.

The rule should be supported. The bill should be supported. This is something we can all go home and be proud of.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to support this rule so we can get on with this process.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. YOUNG of Alaska. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 354, nays 65, not voting 15, as follows:

[Roll No. 506]

YEAS—354

Aderholt
Allen
Archer
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Castle
Chabot
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kilpatrick
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (FL)

NAYS—65

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Blagojevich
Bono
Brown (OH)
Callahan
Cardin
Carson
Chambliss
Clay
Conyers
Crane
Danner
DeFazio
DeGette
Delahunt
Deutsch
Dingell
Gilchrest
Gonzalez
Hansen
Hill (IN)
Hilliard
Holt
Isakson
Jefferson
John
Jones (NC)
Kildee
Kind (WI)
Lee
Levin
Lewis (GA)
Luther
McCarthy (MO)
McDermott
McKinney
Meeks (NY)
Miller, George
Mink
Moore
Norwood
Oberstar
Ortiz
Peterson (MN)
Phelps
Rivers
Roemer
Sanchez
Sanders
Sandlin
Saxton
Shuster
Souder
Stark
Stupak
Tauscher
Thompson (CA)
Watt (NC)
Waxman
Woolsey
Young (AK)

NOT VOTING—15

Dunn
Eshoo
Franks (NJ)
Hastings (FL)
Hefley
King (NY)
Klink
Lazio
McCollum
McIntosh
Napolitano
Paul
Riley
Vento
Wexler

☐ 1310

Mr. VITTER and Mr. HINOJOSA changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 506, the Rule for Interior Appropriations Conference Report, I was unavoidably detained in a business meeting. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on the conference report to accompany H.R. 4578.

The SPEAKER pro tempore (Mr. LaHOOD). Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONFERENCE REPORT ON H.R. 4578, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. REGULA. Mr. Speaker, pursuant to House Resolution 603, I call up the conference report on the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 603, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 29, 2000, at page H8472.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

□ 1315

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I want to thank those that supported the rule; and to all Members, I believe that this bill today is something we can point to with pride in supporting it.

I know there are differences on how we approached it, but this bill provides for the future of this Nation in terms of our assets, our land and our unique ecology; and I hope that all of my colleagues will look carefully at all the things that are in this bill, to realize what it means, not only to your district, but to the Nation.

As my term as chairman of the Subcommittee on Interior Appropriations nears an end with this conference agreement, I would especially like to take the opportunity to thank the Members of the subcommittee. I might say that this conference was unique. For the first time in my 6 years on this subcommittee, the conference report was signed by every member of the conference committee from both parties in both Houses, and it will be supported by the administration.

I thank the Members for their support as we did work together to produce this agreement. Especially I extend my appreciation to the gentleman from Washington (Mr. DICKS) and the gentleman from Wisconsin (Mr. OBEY) for their hard work during our conference and throughout the year.

Finally, I want to express my appreciation to the excellent staff on the subcommittee who have dedicated hours, numerous hours on this bill. And I wanted to also make a comment here, and that is that this bill is in the true tradition of Sid Yates, who was the previous chairman of this subcommittee. I think Sid would be very proud of what is in this bill. In his many years as chairing the subcommittee, much of what we have done are things that he cherished and worked for. And I say to you, Sid, if you are watching, that we thank you for all of your good service. This bill today perhaps is an accumulation of some of the things that you were pushing for for years and years as you chaired the committee.

This is a good bill, I say to my colleagues, one that all of us should support. It provides $18.8 billion in the funding for the Department of the Interior and related agencies. It includes wildfire funding, a recognition that the fires are a problem on our 200 million acres of forest land. It has $2.9 billion and of that amount, $1.6 billion is emergency funding. And for those of my colleagues who noticed the size of this bill, keep in mind that we had to address not only fire emergencies, but we also had to address other emergencies that were overlooked in the supplemental appropriations bill.

While it is a large number, it does represent a number of dollars that were meant to address the interests of many Members in the House. The conference report includes a new land conservation, preservation and infrastructure improvement title which makes available $12 billion over the next 6 years for programs such as Federal and State land acquisition, urban parks, State and wildlife conservation, PILT and backlog maintenance. State and other conservation programs receive $300 million, $300 million to the States, including a new $50 million State wildlife grant program.

We do ask for accountability, and I think that is our responsibility to the taxpayers to say to the States we want you to be accountable in the expenditures of these monies.

Also in this report, there is $200 million for PILT, that is $65 million more than what was in the bill that passed the House. And again I think it is a recognition that we have to support these local governments, the schools and local government agencies with some type of substitute for the losses that they have because of the Federal lands, and so I am pleased that we have a very substantial amount in PILT.

We have initiated several new funding provisions to prepare for wildfires, wildfires that have swept across the West. There is $128 billion for State and rural fire and economic assistance. We recognize, and I know many of my colleagues watched the shows that the people were coming even from offshore to help fight the wildfires, and, of course, the States and local communities were very instrumental in this effort.

We have $377 million to increase wildfire readiness, $422 million for additional wildfire suppression and $277 million for hazardous fuel reduction work. To address the impact of the current fire season, we have also provided $227 million to rehabilitate areas damaged by fires and $351 million to reimburse firefighting costs already incurred.

And I say one of the good features is that we try to clean up forests through the readiness programs and through the suppression programs, so that when we get lightning strikes, they do not burn with such intensity, because as you have fuel buildup by failure to thin and so on, you obviously add to the intensity of any blazes.

I am especially pleased that we have addressed the numerous operational and maintenance shortfalls. We have $1.4 billion for the operation of the national parks, $25 million more than last year. We have $1.6 billion for the BLM which includes a $66 million increase overall, and $18 million for revision of the Bureau's land management plans, and $356 million for national wildlife refuges.

Funding has been included within these operational accounts to address maintenance priorities. This is something I have always been interested in, probably harped on it a little bit, that we must take care of what we have; We recognize this need with an additional amount of funding. We put in $12 billion, a portion of that has to be used for maintenance, because we recognize that while it is nice to build new buildings and buy more land, it is also just as important to take care of what you have.

Funding for urban parks has increased to $30 million and funding for State and private forestry is increased by $48 million to $251 million. I think particularly in the case of the urban parks, there is a recognition that as our populations become more urbanized, it is important for the quality of life in urban areas to have parks, install pocket parks, to have trees planted, to enhance the overall quality of the programs and the communities in which our urban population lives.

The conference agreement contains funding for a number of important environmental efforts, including South Florida Ecosystem Restoration Initiative, the North American Wetlands Conservation Fund, a public-private program which is funded at $40 million for wildlife, habitat projects, and $187 million for environmental restoration through the Abandoned Mine Reclamation Fund, which provides funding for cleanup of abandoned mine lands.

I wish that number could be more, because I think it really is kind of a sad commentary on what we have done to some of our lands by virtue of mining without any form of reclamation, but we have to do what we can to restore these areas.

Up to $10 million of the Abandoned Mine Reclamation Fund may be used for the Appalachian Clean Streams Initiative, because obviously abandoned mines have an impact on streams through acid mine drainage and other types of pollutants that get into the streams.

Further, through funding for the U.S. Geological Survey, scientists can assist our land management agencies in making informed, environmentally sound decisions in natural resources that may not sound like a lot. But that is very important, because it means that these agencies work together.

Sometimes I am struck by the fact that agencies almost sound like they serve two different countries, and I am delighted that the USGS will be working with parks and forests and other agencies to use their scientific knowledge which is for the betterment of America.

We are pleased to report increases for funding American Indian health care services and education. Funding for the Indian Health Service is $214 million more than fiscal year 2000, for a total of $2.6 billion. I know we are all troubled by what happens in Indian health, and we are recognizing that by substantially increasing this program.

Likewise in education, we provided funding for the construction of six new Indian schools from the Bureau of Indian Affairs priority list.

We have increased funding for important energy research and conservation programs to address the needs of consumers as we approach what is anticipated to be a difficult winter heating season. Funding for energy conservation is $815 million; and of that, $153 million is provided for weatherization grants that are distributed through local communities.

I might say fuel cells show a lot of promise. We are making progress in automobiles and making them more energy efficient. All of those things will help us deal with the crisis, which I think is probably here to stay, over the long period of time; we, therefore, need to be prepared for that.

The managers included increases for the several cultural agencies in the bill, including the National Gallery of Art, the U.S. Memorial Holocaust Museum, the Kennedy Center, and the Smithsonian. Further we have provided $98 million to the National Endowment for the Arts and $7 million for the Challenge America Arts Fund to provide art education funding to rural America and other underserved areas.

Let me emphasize that the additional money in the arts is $7 million; it is in a separate account. It will be administered by the NEA, but it is directed to rural America and to underserved areas. We want this to be widespread, small grants.

There are a couple of stories in my local paper this week about a small grant of something like $20,000 and what a difference it made in a school program.

Funding for the National Endowment for the Humanities is increased to $120.3 million.

Mr. Speaker, through this bill, we will be able to accomplish a number of high priority projects for many people across this great Nation, especially in the area of land conservation and habitat restoration. The conference agreement strikes a delicate balance between those in this House who would urge us to go further and provide larger sums and those who believe that in the area of Federal land acquisition, the Federal Government already owns enough.

We have a dichotomy among our Members on this subject, but let me say I think we have tried to strike a balance in the way we have handled the funding, and we have made it subject to appropriations. I wanted to say, on the basis of my experience of 28 years in the House, that I have a lot of confidence in the Congress. I mean we have our differences and sometimes we may come to a problem in a different way, but on balance, I have been impressed by the dedication of Members over these years.

And I am pleased, frankly, that in the disbursement of the $12 billion for State and Federal land acquisition, the responsibility for appropriating this money rests with the Members of this House. We are elected by the people to make policy decisions, and I believe that in this bill we recognize the importance of that role.

I have great confidence that in the years ahead those who have that responsibility will exercise it wisely.

Finally, Mr. Speaker, I have two technical changes to the conference report that I ask unanimous consent be printed in the RECORD at this time.

First on page 177, the increase of $4 million for heavy vehicle propulsion is an error. The $4 million increase is for advanced power electronics.

Secondly, page 135, the Lincoln Pond/Colonial Theater should be Lincoln Road Colony Theater.

The SPEAKER pro tempore (Mr. LAHOOD). Let the Chair just clarify for the gentleman from Ohio. Those corrections, the gentleman needs to make those in the RECORD. The gentleman cannot correct the conference report or joint statement by asking unanimous consent.

So the gentleman knows, they will show up in the RECORD; the RECORD will reflect congressional intent. But the Chair does not want the gentleman to be left with the impression that it was done by asking unanimous consent, to correct the joint statement that cannot be done.

Mr. REGULA. Mr. Speaker, one last comment, I urge all the Members to look at the press release, and my colleagues will see what all is in this bill. I think we will be proud to say I voted for it.

Mr. Speaker, I reserve the balance of my time.

□ 1330

Mr. DICKS. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I rise in support of the fiscal year 2001 appropriations conference report. I wish to commend my colleague, the gentleman from Ohio (Mr. REGULA), who I think brings us today a historic bill to the floor of the House of Representatives.

I want to compliment him and his staff, led by the very able Debbie Weatherly. I also want to thank my staff, Mike Stephens and Lesley Turner, for the outstanding work and the work of all the staff members on the Committee on the Interior.

I have been impressed over the 24 years that I have served on this committee, and the last 2 years as the ranking Democratic member, about the bipartisan nature of our effort. I am particularly pleased about this bill. This is an historic measure.

I know there was some debate on the rule, but I want to thank all of the Members who voted for the rule from both parties. I think this is a good rule and it gives us a chance to consider this legislation today.

I think the reason this is historic is because we will, with the enactment of this legislation, in the first year double the amount of conservation spending that we have done in this country from $782 million up to $1.6 billion, and $400 million of that goes to coastal programs under State, Justice, and Commerce; $1.2 billion goes to the Interior appropriations bill.

I appreciate the fact that the conference was willing to accept the amendment that I offered, with the able help of the gentleman from Wisconsin (Mr. OBEY), who had many good suggestions, and helped advocate for this in the conference. He was a prime sponsor of this amendment with me.

I just hope we can bring the House together now, because this is such a good bill. This should be a day of celebration. This should be a day of celebration, because the President is going to sign this bill. The administration, George Frampton, said many very positive things about this legislation.

Also, the outside environmental groups, and I want to particularly thank my friend, Roger Schlickeisen of Defenders of Wildlife, and the 12 environmental groups who endorsed this legislation, and recommended that the House vote for the rule and vote for the bill, and who recognize the historic nature of this bill.

I think we can do many, many positive things from this legislation for land acquisition, both for the Federal and State. We can do work on endangered species. I see that the gentleman from California is here, who has been one of the great advocates for urban parks, which is included.

I just want to say to the gentleman from California, I know that for 4 years he and his group worked for CARA. What we tried to do is do the best we can on the Committee on Appropriations, following as much of it as we could. I hope we can work together in the future to expand upon this legislation and to make it even better.

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his remarks on behalf of CARA, which I am very proud of. I think we did put together an incredible coalition.

I also thank him for mentioning the UPARR program on urban parks and recreation. As the gentleman has said, for the last 4 years I have tried to resurrect the funding for the urban parks initiative, and in this legislation, clearly the committee has done that. The appropriation of $30 million will allow us to rehabilitate some of those recreational spaces, including sports facilities at public schools or regional centers available for all young people in this country that have fallen into disrepair for a whole host of reasons. We ought not to abandon them. We ought to reclaim them. We ought to give those children the recreational opportunities so many of us have had.

I want to thank the committee for that effort to put that money into the urban parks legislation.

I want to say this, that yes, we have had our differences over CARA. We have had our differences from time to time over this bill. But this committee did a remarkable job with this bill this year. What they have done in the various environmental accounts will give us an opportunity in a whole range of areas in this country, whether they are urban, suburban, or rural areas, to deal with some of the problems we are confronting in trying to hold onto agricultural land, to try to solve endangered species areas, to save the wetlands, to create the urban park space and recreational opportunities for our children, and for something that I know the gentleman from Ohio (Mr. REGULA) has been a very outspoken person on, and that is maintenance of the Federal effort in our national parks. We can wear these parks out if we do not take care of them with the visitors that we have gotten. I appreciate the committee addressing this.

I have had my tussles with this committee, but I have always tried to say every year that this committee has had far more demands on it than resources; that they have been able to meet the demands of the Members. I think what has been done here with $12 billion over the next 6 years, the manner in which it has been capped and fenced and reserved for resource programs is a magnificent start on that effort.

We know the backlog. We know the troubles our communities face. But I think we would be remiss if we did not understand that this may be the single greatest increase for the protection of the environment in this country, certainly of the natural resources in this country, in the last 25 years. Members of Congress ought to be very proud of that.

Does that mean that others and myself will not continue to fight for CARA? Of course we will. We will continue that effort, but we should not lose sight of what is happening here today with the passage of this legislation and what it means.

Finally, I just want to say to a great guy, the gentleman from Ohio (Mr. REGULA), as much as we have battled, I must say, I have never had more respect for an individual, because day in and day out he has tried to do the right thing with the limited resources that he has had available to him.

He has been a tough guy. He has been kind of a tough guy on the street. He understands, I think, the Federal role. We have argued about that from time to time.

I just want to say, Mr. Chairman, it has been a pleasure working with you. I am sorry that the gentleman's side chose term limits, because I think the gentleman's continued role on this committee would have been good for the country.

I want to thank the gentleman from Washington (Mr. DICKS) and the gentleman from Wisconsin (Mr. OBEY) for all their effort on behalf of this particular bill, and the final result brought about on behalf of the environment in this country.

Mr. DICKS. Mr. Speaker, I thank the gentleman.

I want to also commend the gentleman from Ohio (Chairman REGULA) for his leadership on this committee.

I have served with two great chairman, Sid Yates and the gentleman from Ohio (Chairman REGULA), and the gentleman from Ohio has done a fantastic job, and been fair to everybody. He has worked hard to do a better job on maintenance on our national parks. He pushed through the historic fee demonstration program, which will allow parks to raise money all over the country to make the parks better.

I just want to commend him for his 6 years as chairman of this committee. I have really enjoyed personally working with the gentleman. We all will see what happens next year, but I hope that the gentleman from Ohio and I can still work together on these important issues.

I want to say how much I appreciate his willingness to adopt the amendment that the gentleman from Wisconsin (Mr. OBEY) and I presented. I felt it was crucial to getting the bill enacted. I thought it moved in the direction of some of the ideas of CARA. I think it is, frankly, a better bill than CARA, in my own judgment.

But the gentleman from Ohio (Mr. REGULA) was a gentleman and advocated for the House, and has been a great person to work with. I just want to say to him, I thank him for a job well done. The American people will never fully appreciate what the gentleman has done to improve our parks, our recreation areas, and to make this a better country, but we in the House understand that. We want to compliment the gentleman for his great leadership.

Mr. Speaker, I reserve the balance of my time.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, and a gentleman who has given this committee great leadership this year.

The House has moved its bills expeditiously, and a lot of this is thanks to the chairman of the Committee and the way in which he has handled the responsibilities of leadership.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me the time.

I take the time to support the bill and to urge a very strong vote for the bill. But I wanted primarily to applaud the chairman, the gentleman from Ohio (Mr. REGULA), for having led this subcommittee through some very difficult times, and also the ranking member, the gentleman from Washington (Mr. DICKS), and my counterpart on the minority side, the gentleman from Wisconsin (Mr. OBEY).

When we listen to the debate and understand that this is a very good bipartisan bill, it just proves what can be accomplished when we work together and try to resolve the differences.

I would say that when we listen to the debate, some might think this bill breezed through the conference committee with no trouble at all. But Mr. Speaker, this bill had all kinds of problems in conference. The debates were vigorous, the arguments were pretty powerful at times, but cooler heads prevailed. The issues were resolved in a most positive way.

So I really want to applaud especially the chairman, who led this effort. I certainly would be one who would be regretting strongly if in fact he had to step down as chairman because of the term limits requirements, but that will be whatever it will be.

The managers have done a really good job. They have brought to us today a bill that we can all support and that we can all go home and brag about, if Members feel like bragging, because this is a good bill. It does a good job for the people, and it is one the Congress can be very proud of.

Mr. DICKS. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as the Members of this House know, it is my view that many of the appropriation bills which passed this House were pretty pitiful. This is not one of them. This is one of those times when the House has been able to come together and to produce a bill which will really mark a significant turning point in Congress' dealing with our trust over public lands and our wildlife resources.

It could not have happened if we had not had some very tough fights. We are supposed to come here and fight for what we believe in, and fight for what will enhance the country's future. Sometimes that means having some very tense moments. But out of that has come a product which has been unanimously supported by the committee.

That is what we are supposed to do, we are supposed to fight like the devil for what we believe in, and then resolve our differences in a constructive way, which moves the country forward. That is exactly what has happened on this bill.

As has been said, the chairman of the subcommittee is the best advertisement I know for the idiocy of term limits. He has done a fine job, and it makes no sense to have to say that, if his party stays in the majority, he would not return as chair. He has done a fine job.

Certainly the gentleman from Washington (Mr. DICKS) has performed yeoman's service in moving forward this entire question that we have wrestled with for 2 years about how to expand public support and congressional support for preserving our outdoor resources without creating a new entitlement that raises one group of people above everybody else. This will deliver the goods without putting Congress in a procedural straightjacket.

One of the new things we do is to create a new State wildlife protection program. I know some of the State DNRs are unhappy that we did not just turn that into a simple revenue-sharing program. Frankly, I did not come here to be a tax collector for my DNR. I came here to try to protect the resources, and preserve our ability to oversee the protection of those resources at the same time.

In addition to what we do on the outdoor resource front, which is a magnificent achievement, we expand the weatherization program to deal with the needs of low-income people, now that we are having rising energy prices. We increase research into energy efficiency. We strengthen the clear water action plan. We have the first funding increase for the National Endowment for the Arts since 1996.

There are some things that I am concerned about. I would warn the Park Service that I do think that they need to recognize that there still needs to be a compromise with respect to the question of snowmobile use in our national parks. There needs to be a compromise on that. This committee did not have the jurisdiction to deal with that issue, but the Park Service needs to be flexible on that.

I also want to thank the White House, because they were teriffic in seeing to it that the egregious anti-environmental riders attached to this bill were stripped out or worked into a fashion where we could grudgingly accept a couple of them. But they did wonderful work on behalf of the public that they represent. This is a great victory for them and for all of us who believe in the preservation of our outdoor resources.

I want say that this is one of those times when this institution has produced something which will move the country forward, and as I said earlier, it may not be seen as all the money that some people wanted, but any time that we can say that over a 6-year period we have tripled the amount of funding for a worthy national goal from $4 billion to $12 billion, we have done a good day's work.

□ 1345

We have a right to be proud of the work that we have done. I congratulate everyone, staff and Members, who had anything to do with it. I only wish that some of the other appropriation bills that are being produced could represent the same quality that this does. This is one of the truly finest chapters of this session of Congress.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the gentleman from Ohio (Chairman REGULA) for yielding me this time.

Mr. Speaker, the Subcommittee on Interior has really done fine work in supporting two very important innovations in my part of the country, south Florida. One is natural, and the other is man-made.

As the country knows, America's Everglades is an important part of our natural environmental heritage. People often speak about it in the same breath as the Grand Canyon, Old Faithful, Yosemite, or Redwood Forest.

I have introduced legislation which passed the other Chamber last week by a vote of 85 to 1, and that is to enact a comprehensive plan to restore the Everglades. But pending that authorization bill, the appropriations for Interior dedicates $75.9 million towards ongoing Everglades restoration, including $17 million for land acquisition, which is a vital step forward for the coming year.

I thank the gentleman from Ohio (Chairman REGULA) and the Subcommittee on Interior staffers, especially Debbie Weatherly, for making sure that the National Park Service has enough money, $9.23 million, to continue the science research, construction, and land accession necessary for the environmental restoration of the Everglades National Park. I also want to thank the gentleman from Washington (Mr. DICKS), ranking member.

In the NPS construction account, the conference report allocates $242 million, including $9 million for water delivery modifications in south Florida for a total of $75 million, a part of which is allocated to the Everglades restoration projects.

Turning now to one of the man-made cultural legacies in south Florida, the 465-seat art deco Colony Theater is a former movie house that anchors the western end of Lincoln Road Pedestrian Mall in Miami Beach and is listed on the National Register of Historic Places.

Originally built in 1934, the theater's art deco architecture is a local landmark and has been a vital part of the economic and social fabric of Miami Beach since the years following the stock market crash of 1929, when the winter season tourist economy developed and the modestly sized art deco hotels and theaters were built. The theater has also served as a primary entertainment location for many of the 500,000 United States troops who trained in Miami Beach between 1942 and 1945.

I might also add that this was a favorite movie theater for my wife and I when we were dating when we were back in high school.

The Colony Theater Restoration Project, which has already raised $1.8 million in State, local, and private funds, will certainly benefit from the Federal matching of $837,000 contained in this conference report.

Again, I thank the gentleman from Ohio (Chairman REGULA) and the gentleman from Washington (Mr. DICKS) and the entire subcommittee and the full committee for working so hard on behalf of the people I represent in south Florida.

Mr. DICKS. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from West Virginia (Mr. RAHALL), in order to enter into a colloquy.

Mr. RAHALL. Mr. Speaker, I thank the distinguished gentleman from Washington for yielding me this time.

Mr. Speaker, I rise to make note of the fact that the pending legislation once again carries a rider relating to the BLM's proposal to strengthen the regulations governing hardrock mining on lands under its jurisdiction. This is the fifth appropriations bill rider on this matter.

However, unlike some of the past riders, this one does not appear to hinder the ability of the BLM to finalize its proposed rule. In fact, I have before me letters from both the National Mining Association and the Mineral Policy Center, groups which are normally opposed to each other, both supporting the pending legislation. In this regard, I would ask the gentleman from Washington (Mr. DICKS), the distinguished ranking member of the Subcommittee on Interior, to engage in this colloquy.

It is my understanding that the hardrock mining provision of the conference report does not impede the BLM's ability to prevent undue degradation of public lands with a new and stronger rule so long as that rule is not inconsistent with the recommendations contained within a National Research Council's report on the adequacy of existing mining regulations. Is this understanding correct?

Mr. Speaker, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I would say to the gentleman from West Virginia, that is correct.

Mr. RAHALL. Mr. Speaker, does not one of those recommendations direct the BLM to clarify the agency's authority to protect valuable resources not protected by other laws?

Mr. DICKS. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. RAHALL. Mr. Speaker, so under the provision of the conference report, it would not be inconsistent with the Research Council report for the BLM to issue a rule that would allow the disapproval of a mine proposal if it would cause undue environmental degradation of public lands, even if the proposal complied with all other regulations.

Mr. Speaker, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, my understanding is the same as the gentleman's, and I appreciate his bringing this to our attention.

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Washington (Mr. DICKS), and I commend him for his work on the pending legislation, as well as the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman from Ohio (Chairman REGULA) for yielding me this time.

Mr. Speaker, I rise in support of this bill, and I want to thank the gentleman from Ohio (Chairman REGULA), and I also want to thank the gentleman from Washington (Mr. DICKS), ranking member, for their sensitivity to issues that are very important to my State of Montana in this conference report.

As everybody I think in the Congress knows, in the month of August and early September, we had over a million acres in Montana destroyed by wildfire. This, as my colleagues know, Mr. Speaker, was a man-made disaster. The administration's neglect in preparation for this fire season and its neglect in managing the risk of wildfire on our public lands greatly increased the hazard these fires created.

In this bill, Congress finally addressed this issue, recognizing the growing threat of wildfire and providing very necessary funds for us to manage these risks in the future.

I particularly want to compliment the gentleman for the funds for the fire fighting effort that took place as well as additional funds to recover those areas that were badly impacted by these fires.

I also want to compliment the gentleman from Ohio (Chairman REGULA) for funds to implement restoration forestry so that we can manage the 40 million to 80 million acres that the General Accounting Office has identified as at-risk forests in the West so that we can restore the health of these forests, we can reduce the wildfire risks, and we can eliminate the prospects of ecological and economic disasters.

I want to compliment them both for the increase in PILT funding. The Federal Government is a neighbor to us. It owns about a third of the State of Montana, and they provide for or help pay for local services through what we call PILT, payment in lieu of taxes. This bill has a 50 percent increase in PILT funding for rural Montana and rural communities.

I have seven reservations, and Indian health increases which we passed on this floor when we debated this bill is very important to the increasing population on those reservations.

I want to thank the gentleman for including the provision to fund the Travelers Rest acquisition, a national historic site where Lewis and Clark and the Corps of Discovery camped twice, and where, for 10,000 years, Native Americans camped in western Montana.

The dollars for park maintenance. Montana shares with Wyoming and Idaho Yellow Stone Park, and it is home to Glacier Park. I have advocated for a long time to increase funding to deal with the backlogs of needs in our national parks, and these parks will benefit from those funds.

It is very important the funds for threatened and endangered species management at the State level. In my State, we are struggling with the impacts, budgetary and economic, of grizzly bear recovery and gray wolf recovery, and more recently east slope cutthroat trout recovery. These dollars to help these States manage these endangered and threatened species is very important.

I want to thank particularly the gentleman from Washington (Mr. DICKS) for coming to a compromise with us on the Interior Columbia Basin management plan issue, which my colleagues will recall was a very controversial issue on the floor when we debated this bill. It is a matter of great importance to those of us in the West. The fact that we are able to take measures that will ensure that any future decision on Interior Columbia Basin will work for the recovery of the forests and to benefit our economy, and that is very important.

There are many other important provisions. I just want to urge my colleagues to support the bill.

Mr. DICKS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York (Mr. HINCHEY), who is also a valued member of our subcommittee.

Mr. HINCHEY. Mr. Speaker, this has been unquestionably a very contentious and hard fought process; but the results of it will be welcomed, I think, by every person in the country who cares about America's natural resources.

There are a lot of people that made major contributions, including the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Alaska (Mr. YOUNG), that built the foundation upon which this bill is constructed.

The gentleman from Florida (Mr. YOUNG), the chairman of our full committee, we need to thank him, particularly, for his thoughtful and gentlemanly leadership. I thank the gentleman from Ohio (Mr. REGULA), who has been an outstanding chairman of the Subcommittee on Interior and has done an outstanding job in virtually every aspect of his responsibilities. I think of the Everglades and a whole host of other areas where he has made a very lasting and substantial contribution that will be a very important legacy for him and for all of Americans.

I want to also thank the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Washington (Mr. DICKS) on our side who made an outstanding contribution to the final provisions of this bill. I think both of these leaders on the Democratic side of the aisle made a major contribution to the preservation of America's natural resources here, and I express my appreciation to them.

The bill provides a historic level of funding to protect our parks and natural resources, $3.9 billion more than the current fiscal year. The National Park Service is funded at $1.4 billion. That is $25 million more than the current year. National wildlife refuges are increased by $33 million over last year. Even the National Endowment for the Arts gets a small increase, $7 million over the current fiscal year. Both the National Endowment for the Humanities and Office of Museums and Library Services will receive modest increases. Obviously we must do more in these areas, and we will in the future.

The bill also provides $8 million for the Northeast Home Heating Oil Reserve, and people are going to be very grateful for that because the cost of heating homes, offices, and businesses this winter will be less expensive as a result of that provision in this bill, Mr. Speaker.

The administration and the House Senate negotiators eliminated the most egregious antienvironmental riders, and they scaled back those that remain in the bill.

The Land Conservation Preservation and Infrastructure Improvement Program provides a historic $12 billion over 6 years for high-priority Federal and State conservation and preservation programs, a wonderful contribution.

This proposal actually improves on CARA by getting rid of the environmentally harmful provisions that would have encouraged new offshore drilling, would have allowed coastal funding to be used for environmentally damaging activities, and impose burdensome new restrictions on Federal land acquisitions. All that has been taken out in this terrific piece of legislation.

Twelve distinguished environmental conservation and historic preservation groups recognize the importance of this bill when they said as follows: "This important and historic conservation initiative represents a major contribution to the effort to protect what remains of our irreplaceable natural heritage before it is lost."

Mr. Speaker, I want to say to my colleagues that, in the 6 years that the gentleman from Ohio (Mr. REGULA) has chaired this subcommittee, he has done an outstanding job. I can only thank him for that on behalf of my constituents and all the people of this country. I only regret that his party put in place these term limitations because the kind of leadership that he has provided has been absolutely outstanding, and he is going to be a great loss. I know he is going to continue to be on the committee, I certainly hope so; and we will have the benefit of his wisdom in that sense. I thank the gentleman from Ohio.

I thank the gentleman from Washington (Mr. DICKS), our ranking member on the subcommittee, for the outstanding work that he has done, for the hard-fought contentious battles that he was engaged in to make certain that this bill is the kind of bill that every Member of this House can be proud of and every American citizen can be grateful for.

Mr. DICKS. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Ohio (Mr. REGULA) has 9½ minutes remaining. The gentleman from Washington (Mr. DICKS) has 11½ minutes remaining.

Mr. REGULA. Mr. Speaker, I reserve the balance of my time.

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. FARR), a member of the Committee on Appropriations and a person who cares deeply about natural resource issues in our country.

Mr. FARR of California. Mr. Speaker, I thank the gentleman from Washington (Mr. DICKS) for yielding me this time. I thank the gentleman from Ohio (Mr. REGULA) for bringing this bill to the floor.

Many of us came to Washington, came to this House hoping that we could better use the national resources, the national treasure that we have to help preserve local initiatives in trying to build more livable communities.

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In thinking about it, I am sure my colleagues will agree that the most beautiful communities in the United States are usually the most economically successful. So economic development goes hand-in-hand with environmental protection or land stewardship, and this is the bill for the first time in history that allows this relationship to truly work.

I am here to applaud, to thank and praise my colleagues. For the first time since the inception of the Land and Water Conservation Fund in 1965, these funds are now earmarked for the purpose they were originally intended. That means they cannot be used for other purposes. Historically, in Congress, every time we had another problem, we would dip into that pot and use those funds. This committee changed that, and I thank them.

The people that will really thank this committee and this Congress is every county in the United States, every State in the United States, every community that now has a lot of passion about trying to work in environmental stewardship because they now have a new partner, and that partner will be the Federal Government, in a lot of different programs. Certainly every employee of the BLM, and people who follow the Bureau of Land Management; every employee of the U.S. Forest Service, of the United States Park Service, of the U.S. Wildlife Service, and the refuges that they help protect will benefit.

I just want to conclude, Mr. Speaker, by thanking the gentleman from Ohio (Mr. REGULA). I have served in the Congress with him and know him very well, and he is truly one of the leaders that people have talked about. Things do not get done in politics unless there is leadership. I want to thank all my colleagues, all the names that have been mentioned here today, because all America benefits. It takes leadership to lift the political tide, and those Members have lifted that political tide forever.

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER), one of the strongest supporters of the Interior appropriation bill, and in particular the National Endowment for the Arts.

Mr. NADLER. Mr. Speaker, I rise in support of this bill, and I want to join my colleagues in applauding the role played by the outgoing chairman of the subcommittee, the gentleman from Ohio (Mr. REGULA) and also the role played by the gentleman from Washington (Mr. DICKS) and the gentleman from Wisconsin (Mr. OBEY), as well as the others in producing this bill.

This bill, Mr. Speaker, is far better than the version this House passed last June and is free of the most objectionable provisions of that bill. I am disappointed it does not contain the Conservation and Reinvestment Act as it was passed by the House, but I understand the reasons for it. This bill does greatly increase protections for open spaces, but I hope we will revisit the CARA, which would provide even greater protections.

At the same time, I strongly support the modest increase provided to the arts and humanities in this bill. Most notably, at long last, the National Endowment for the Arts will receive a well-deserved and much-needed increase.

The modest increase included in this bill would not ordinarily be cause for celebration, but when its comes to the NEA, it is historic. Given the unfortunate record this Congress has produced over the last 6 years and the parliamentary chicanery we witnessed earlier this year, it is a major victory for supporters of the arts and humanities. With this increase, we have turned a corner in our debate on the arts.

Just a few years ago, we were debating whether the NEA should be allowed to continue to exist; whether it was the proper role of government to subsidize the arts. But this increase is an acknowledgment that those of us who support government subsidy to the arts have won that fight.

The American people believe the Federal Government has a role in cultivating the arts and humanities and that we must increase our commitment in this area. With this increase, the NEA will be able to continue its mission to reach those parts of the country that have not historically received grants.

The appropriators should be hailed for increasing our commitment to arts education and community activity programs. They have also increased our support for the humanities and many cultural institutions. This is truly a victory for the cultural community.

But we cannot be satisfied with this victory. While this increase is a significant step forward, we must do more. The arts can flourish throughout this country, but only if we make a significant investment. With enormous budget surpluses projected for years to come, we clearly have the money to make this a reality. The question is will we have the will to follow up on this fine step forward.

Again, Mr. Speaker, I thank the people involved in this bill.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I can say it in shorter words; I am in awe of what the chairman, the gentleman from Ohio (Mr. REGULA) and the ranking member, the gentleman from Washington (Mr. DICKS), have done in this legislation. This is landmark legislation that Members seek for years and years to accomplish. Its impact is monumental.

To think that in the next 6 years there will be $12 billion for land acquisition. $2.4 of that for coastal management, is extraordinary. There will be unbelievable benefit for years because of this legislation.

I want to specifically thank both the chairman, and the ranking member, for honoring and recognizing my predecessor Stewart McKinney for what he attempted to do before he passed away—establish the McKinney Wildlife Refuge, off the coast of Connecticut.

Ninety-seven percent of the Connecticut shoreline has been developed, and 10 percent of the population of the United States lives in the immediate vicinity of Long Island Sound. We need to protect our islands and coastal wetlands.

I thank my colleagues for setting aside $1.5 million in appropriations for the acquisition of Calves Island for the McKinney Refuge. This is a continual process $2.5 million has already been appropriated, of the $6 million final purchase price, leaving only a $2 million balance for the 26 acre island off the coast of Greenwich.

I know my colleague, the gentlewoman from Connecticut (Ms. DELAURO) also appreciates what the committee has done for Calves Island and in the past for the Stratford Salt Marsh. We have worked on a bipartisan basis for that.

So I am here to acknowledge the good work the committee has done and to say that I am in awe of what the committee has accomplished. I thank them.

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume, and I would just conclude by saying that I think this is a great bill. I want to thank everyone who voted for the rule. I think we should pass this bill with an overwhelming vote. I would love to see it unanimous, though I doubt it will be.

Again, I want to commend our chairman and the staff. This is truly bipartisan legislation. I want to thank the White House, the President for his commitment to conservation. I want to thank George Frampton, head of the Council on Environmental Qualities, Jack Lu, Wesley Warren, Sylvia Matthews, Martha Foley, all the people from the White House who helped us through the negotiation process.

And I also want to thank the outside environmental groups who, when they evaluated our bill, came down almost unanimously on the side that it truly was what we told the American people it was: Historic legislation that will do much to improve our outdoor environment and protect it and protect endangered species. And out there in the great Northwest the money under this bill will be used to help restore our salmon runs and to restore our forests and do watershed restoration, all of these important things.

It also supports the arts. Also, out in the West, very importantly, $2.9 billion to deal with these wildfires. This is a huge problem throughout the West. I think there is much work that we need to do as a Congress, working with the Forest Service and the BLM and the other land agencies, in order to make sure that we have taken care of those forests so that they are not susceptible to catastrophic fire. All of that is done in this bill.

So again, Mr. Speaker, I appreciate the leadership of the gentleman from Ohio. I have enjoyed working with him on this bill. I urge all Members of the House to support this conference report.

Mr. Speaker, I yield back the balance of my time.

Mr. REGULA. Mr. Speaker, I thank the gentleman for his comments.

I think, as the gentleman from Wisconsin (Mr. OBEY) said earlier, this conference was a great example of a lot of give and take, some of it a little testy at times, but in the final analysis I think we have a product that is good for the future of these United States.

I would like to close and just quote one section from the conference report. Section 141: The building housing the visitors center within the boundaries of the Chincoteague National Wildlife Refuge on Assateague Island, Virginia, shall be known and designated as the Herbert H. Bateman Educational and Administrative Center, and shall hereafter be referred to in any law, map, regulation, document, paper, or other record of the United States, as the Herbert H. Bateman Educational and Administrative Center.

I think our beloved colleague would be proud to have a building that is an educational and administrative center bear his name, and I am pleased that we could do that in our bill.

Mr. Speaker, I urge all our colleagues to vote for this landmark gift to the American people.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in strong support for the $7 million increase in funding for the National Endowment for the Arts (NEA) over the FY2000 budget. This much needed funding is included in the FY2001 Interior Appropriations bill before us today which I support.

These additional funds will enable art education programs to flourish and continue to reduce youth violence and enhance youth development. If we are serious about curtailing youth violence, we must continue funding projects that achieve positive results. One such project, YouthArts, is a collaboration between the NEA, the Department of Justice and national and local arts agencies. This project is located in Portland, OR, Atlanta, GA and San Antonio, TX and has been successful in positive behavior change for the at risk youth participants. These adolescents have demonstrated improved communication, self-discipline, and intrapersonal skills, as well as a decreased frequency of delinquent behavior. For example, in Portland, communications skills in the YouthArts participants shot up from 43% at the beginning of the program to a full 100% by the end of the twelve weeks. Equally impressive, in San Antonio, 16.4% of participants had a decrease in delinquent behavior compared with 3.4% of their peers in a control group. It's obvious that the NEA and this program have the potential to inspire millions of America's youth across America to explore positive alternatives in their lives.

In my district, NEA has successfully cofunded the Ailey Camp in Kansas City. Alvin Ailey is a national dance troupe which conducts a six week dance camp now in its eleventh year which has provided opportunities for more than 1,000 urban, disadvantaged middle schoolers in Kansas City. This camp provides a vehicle, through art, for children to acquire self esteem and enjoy the experience of success. In addition to dance, the camp also has creative writing, personal development, antiviolence and drug abuse programs. Statistics confirm the success of this program through improved behavior and learning by these at risk children.

Art and music education programs extend back to the ancient Greeks who applied music when teaching math, for example. Current studies reaffirm that when music such as jazz is introduced by teachers into the classrooms, learning comes alive and improves math and verbal scores. A 1999 national report by the College Entrance Examination Board found that high school students with coursework in music performance and appreciation scored higher on SAT; 55 points higher on the verbal section and 40 points higher on the math section.

The NEA also funds several programs at the American Jazz Museum in Kansas City, the only museum of its kind in the country. Throughout the 1930's, Kansas City was known for its celebrated jazz music, and hosted music luminaries such as Count Basie and Charlie "Bird" Parker. NEA funding enables the museum to preserve and present jazz so that people from all over the city, the country, and the world may appreciate one of the first original American art forms.

Mr. Speaker, I urge my colleagues to join me in full support for increased funding for the National Endowment for the Arts. This support sends a message that art and music in the classroom and in the public sphere are valued and vital to a more creative and enriched future for all Americans.

Mr. UNDERWOOD. Mr. Speaker, I rise in support of H.R. 4578, a bill making appropriations to the Department of Interior and Related Agencies for FY 2001. I would also like to take this opportunity to thank Chairman BILL YOUNG and Ranking Member Mr. DAVID OBEY of the Committee on Appropriations, and Chairman RALPH REGULA and Ranking Member Mr. NORMAN DICKS of the Subcommittee on Interior Appropriations for their work on this important bill and for their support on issues affecting the territories.

I thank the members of the appropriations committee and the subcommittee for their work to ensure that Guam received $10 million for Compact Impact Aid in this year's interior appropriations bill given Guam's continuing economic recovery from the Asian financial crisis and our unprecedented 15.3 percent unemployment rate. Increasing Compact Aid for Guam has been a priority as the responsibility of supporting an unfunded federal mandate has placed a heavy financial burden on the people of Guam.

Also included in this legislation is the Lands Legacy Trust Fund which will provide $12 billion over the next six years to pay for land conservation, preservation and maintenance. This is an important program that will assist the territories conserve and preserve scarce lands and natural resources for future generations. While I am appreciative of the work the members have put into this legislation, I encourage them to continue to be mindful of the needs of the territories when funding for this important program is allocated.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of this legislation, and particularly in support of the additional funding to combat invasive species and to provide arts education in rural and underserved communities.

Although I am disappointed that this legislation does not include all of the provisions included in the Conservation and Reinvestment Act, a bill that certainly has strong bipartisan support in both chambers, I am pleased that this bill funds a number of important national environmental priorities. I am also excited that we have finally given additional funding to the Challenge America Arts programs, the National Endowment for the Humanities and the Office of Museum Services.

The NEA has been working hard to support quality arts projects across the country. I strongly believe that these programs help all of America's communities develop critically important cultural resources.

Through NEA grants to local communities, support is provided for more than 7,400 K–12 arts educational programs in more than 2,600 communities all across this great Nation.

The additional investment in the Challenge America Arts Fund will target additional resources to rural and underserved communities around the country. I am pleased that we have taken this positive step to ensure that every community in America has the opportunity to enjoy local arts programming and activities.

Research has consistently shown that children who are exposed to the arts do better in school and have higher self-esteem. This extra funding will help bring these benefits with children in rural and urban communities that need it most.

I would also like to commend the additional funding included in this legislation to help eradicate invasive species. In New York, we have been forced to deal with the Asian Longhorned Beetle, which has already destroyed more than 2,600 trees. Earlier this year, these beetles were found again in New York City. This legislation will provide additional resources to fight the beetle and specifically includes $12 million in additional funds for forest health treatments to help control and eradicate invasive species.

I commend the conferees for including these additional resources, and I urge all of my colleagues to support this legislation.

Mr. LARSON. Mr. Speaker, I rise today to commend my colleagues on the Interior Appropriations Committee for including $8 million in this Conference Report on HR 4578, the Department of the Interior Appropriations Act for FY2001, specifically for the maintenance of a Home Heating Oil Reserve in the Northeast.

I have fought to see this reserve created for most of the last year. I was an original cosponsor of HR 3608, the Home Heating Oil Price Stability Act, which directs the Secretary of Energy to create a fuel oil reserve containing a total of 6.7 million barrels of heating oil. Under this legislation two million barrels of heating oil would be stored in leased storage facilities in the New York Harbor Area, and 4.7 million would be stored in one of the four existing Strategic Petroleum Reserve caverns in the Gulf Coast. The bill would give the President the authority to immediately release home heating oil to the Northeast when fuel oil prices in the United States rise sharply, during a fuel oil shortage, or during periods of extreme winter weather. I was pleased that the provisions of HR 3608 were ultimately included in HR 2884, the Strategic Petroleum Reserve Reauthorization bill, which passed the House on April 12, 2000. However, this bill has seen no further action in Congress' other legislative body.

During the initial debate on this bill, we put forth an amendment on June 15, 2000, that would have provided $10 million to actually create the Home Heating Oil Reserve. That amendments was defeated by a vote of 193–195. However, we were later successful in passing an amendment on June 27, 2000, authorizing a new regional home heating oil reserve in the Northeast during consideration of HR 4733, the Department of Energy Appropriation Act for Fiscal Year 2001. Unfortunately, the Conferees on the FY01 Department of Energy Appropriation bill saw fit to eliminate that authorization from the final Conference Report, the main reason I opposed final of that bill.

However, despite this Congress' inability to reauthorize the Strategic Petroleum Reserve and authorize the creation of a Home Heating Oil Reserve, the President has decided to move forward and create the Home Heating Oil Reserve in the Northeast under his executive authority. It is my understanding that the Department of Energy has already contracted to store one million barrels of home heating oil as part of this reserve in my home state of Connecticut. I am pleased that the members of the Interior Appropriations Subcommittee have included funding to ensure that the Reserve will be ready before the long New England winter has settled in.

This is a simple bread and butter, kitchen table issue that the people of this country should expect their government to address. There is no reason that people should have to choose between putting food on their table and heating their homes. I want to thank the members of the Committee for working to ensure that we have one more tool to combat the rising price of oil and protect our constituents from winter supply shortages.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his strong support for H.R. 4578, the conference report on the Interior appropriations bills. This Member would like to especially thank the distinguished gentleman from Ohio (Mr. REGULA), the Chairman of the Interior appropriations Subcommittee and the distinguished gentleman from Washington (Mr. DICKS), the Ranking Member of the Subcommittee for their hard work on this important bill.

This Member greatly appreciates the inclusion of funding for the Homestead National Monument of America near Beatrice, Nebraska, to begin implementing the recommendations of the recently completed General Management Plan. This bill provides $400,000 for land acquisition for a new visitors center.

Homestead National Monument of America commemorates the lives and accomplishments of all pioneers and the changes to the land and the people as a result of the Homestead Act of 1862, which is recognized as one of the most important laws in U.S. history. This Monument was authorized by legislation enacted in 1936. At the initiative of this Member, the FY96 Interior Appropriations legislation directed the National Park Service to complete a General Management Plan to begin planning for the General Management Plan, which was completed earlier this year, made recommendations for improvements that are needed to help ensure that Homestead is able to reach its full potential as a place where Americans can more effectively appreciate the Homestead Act and its effects upon the nation.

The General Management Plan calls for the creation of a new "Homestead Heritage Center," a 28,000-square-foot energy-efficient facility which will house the Monument's collections, interpretive exhibits, public research facilities, and administrative offices. The focal point of the Center will be the Palmer-Epard Cabin, which will provide visitors with a realistic setting in which to learn about the life of homesteaders.

It is important to note that the current visitor center complex is located within a 100-year floodplain, which exposes the Monument's facilities as well as valuable artifacts and supporting materials to the threat of flood damage. The new "Homestead Heritage Center" would be located outside of the 100-year floodplain and offer protection for the Monument's historic and prehistoric collections, archives and museum galleries.

Homestead National Monument of America is truly a unique historical and interpretative treasure among the National Park Service jewels. The authorizing legislation makes it clear that Homestead was intended to have a special place among Park Service units. According to the original legislation:

"It shall be the duty of the Secretary of the Interior to lay out said land in a suitable and enduring manner so that the same may be maintained as an appropriate monument to retain for posterity a proper memorial emblematic of the hardships and the pioneer life through which the early settlers passed in settlement, cultivation, and civilization of the great West. It shall be his duty to erect suitable buildings to be used as a museum in which shall be preserved literature applying to such settlement and agricultural implements used in bringing the western plains to its present state of high civilization, and to use the said tract of land for such other objects and purposes as in his judgment may perpetuate the history of this country mainly developed by the homestead law."

Clearly, this authorizing legislation sets some lofty goals. I believe that the establishment of the "Homestead Heritage Center" would begin the process of realizing these goals.

In closing, Mr. Speaker, this Member urges his colleagues to support passage of the conference report on H.R. 4578.

Mr. JONES of North Carolina. Mr. Speaker, I rise today to protest the funding levels for the National Endowment for the Arts.

Last week my colleague from Indiana stood in this well to discuss the play called "Corpus Christi" a play that depicts all the Apostles as the homosexual lovers of Christ.

While the Government did not directly fund the play, the American taxpayer funded the theater through the National Endowment for the Arts. Last year, this theater received two grants, $50,000 apiece.

Many of us in this Chamber believe that Jesus Christ is our Lord and Savior. It is immoral and reprehensible to us that we must fund a theater that would stage this depraved production that some government bureaucrat considered art.

In the name of art, many on the other side of the aisle will suggest this issue be about freedom of speech. But, once again the National Endowment for the Arts has shown it has little responsibility or accountability to the taxpayers.

Does freedom of speech not come with a modicum of responsibility? Not if you're the National Endowment for the Arts. The NEA has developed a pattern, continuing to this day, of throwing dollars to organizations so that they may promote religious bigotry and pornography.

Now, I'm not against the arts. I believe there is an important role for arts in society. But let's have a standard for what should be publicly funded.

This chamber agreed to a freeze, to cap the funds for the National endowment for the Arts. But again, I see we're increasing funding for this program with little or no accountability to the taxpayer to the tune of $105 million next year. I'm a music lover but this tune sounds flat to me.

I am offended that this program allows obscene, pornographic, immoral and blasphemous theaters to be funded with our tax dollars. Let the theater or the production company find the funding for that. From someplace other than the American taxpayer.

Mr. REGULA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The Chair will reduce to 5 minutes the time for any electronic vote on the motion to suspend the rules on which the yeas and nays were postponed earlier today.

The vote was taken by electronic device, and there were—yeas 348, nays 69, not voting 16, as follows:

[Roll No. 507]

YEAS—348

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coble
Collins
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (WA)
Hayes
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Phelps
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Sununu
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—69

Archer
Barr
Barton
Berry
Blunt
Brady (TX)
Bryant
Burr
Burton
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Combest
Cox
Crane
DeMint
Duncan
Emerson
Gibbons
Goode
Graham
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hayworth
Hoekstra
Hostettler
Hulshof
Hutchinson
Istook
Jefferson
John
Johnson, Sam
Jones (NC)
Largent
Metcalf
Miller, Gary
Myrick
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Ramstad
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Stearns
Stupak
Talent
Tancredo
Tauzin
Thornberry
Tiahrt
Toomey
Vitter
Young (AK)

NOT VOTING—16

Baca
Dunn
Eshoo
Franks (NJ)
Hastings (FL)
Hefley
King (NY)
Lazio
Martinez
McCollum
McIntosh
Paul
Riley
Souder
Vento
Wexler

□ 1431

Messrs. METCALF, HUTCHINSON, SCARBOROUGH, PETRI, BURTON of Indiana, TANCREDO and PICKERING changed their vote from "yea" to "nay."

Ms. SCHAKOWSKY and Mr. FOSSELLA changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENSE OF HOUSE REGARDING FIGHT AGAINST BREAST CANCER

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 278.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. COBURN) that the House suspend the rules and agree to the resolution, H. Res. 278, on which the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 14, as follows:

[Roll No. 508]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Coburn
Dunn
Eshoo
Franks (NJ)
Hastings (FL)
Hefley
King (NY)
Lazio
McCollum
McIntosh
Paul
Riley
Vento
Wexler

□ 1441

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 110, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 604 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 604

Resolved, That upon adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 110) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 604 is a closed rule providing for consideration of H.J. Res. 110, a resolution making further continuing appropriations for fiscal year 2001.

H. Res. 604 provides for one hour of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. Finally, the rule provides one motion to recommit, as is the right of the minority.

□ 1445

Mr. Speaker, as my colleagues know, the current continuing resolution expires at the end of the day on Friday, and a further continuing resolution is necessary to keep the government operating while Congress completes consideration of the remaining appropriations bills. H.J. Res. 110 is a clean continuing resolution that simply extends the provisions included in the H.J. Res. 109 through October 14.

Mr. Speaker, it takes a lot of hard work and tough decision-making to fund the Federal Government. We have been working hard to overcome the hurdles in our path and complete the appropriations process as soon as possible. However, honest disagreement exists between the majority and the minority on many of the appropriations bills. This fair, clean, continuing resolution will give us the time we need to resolve these differences and complete the remaining fiscal year 2001 appropriations bills.

This rule was unanimously approved by the Committee on Rules yesterday, and I urge my colleagues to support it so we may proceed with the general debate and consideration of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague, the gentleman from Georgia (Mr. LINDER) for yielding me the customary half hour.

Mr. Speaker, this is the second continuing resolution and it should come as no surprise to anyone. The 1974 Budget Act requires us to finish 13 appropriation bills before October 1, so this is really nothing new.

But at the beginning of the session, my Republican colleagues said they planned to have all this work finished on time, but a few months ago, my Republican colleagues passed a budget containing $1 trillion in tax cuts, mostly for the rich. Their budget left no money for middle-class tax cuts, Social Security preservation, school construction, Medicare prescription drug benefits.

Now, it is October 3, Mr. Speaker, and my Republican colleagues' unrealistic budget has left them very much behind on the appropriation process.

So to make matters worse, Mr. Speaker, most of last week we spent our time voting on noncontroversial suspension bills. Today, 2 days into the new fiscal year, 11 out of 13 appropriation bills have yet to be signed into law. The Senate has yet to pass VA-HUD, the Commerce-Justice, and they have not even reported Treasury-Postal.

The House has just to pass Agriculture, Transportation, and our Labor, Health and Human Services conference reports. The Senate has not passed either the legislative branch of the Interior conference reports. President Clinton has vowed to veto the Energy and Water conference report.

Mr. Speaker, Foreign Operations, and the District of Columbia have not even been sent to conference. Mr. Speaker, in order to keep the Federal Government open for business, Congress must either pass 11 more appropriation bills that the President can sign by Friday or pass this continuing resolution. So this continuing resolution will keep the Federal Government open until October 14, despite the unfinished bills.

Mr. Speaker, I urge my Republican colleagues to finish the work to pass the bills that President Clinton will sign and to fulfill their responsibility to the American people.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 110 and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LaHood). Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 604, I call up the joint resolution (H.J. Res. 110) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 110 is as follows:

H.J. Res. 110

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106-275 is amended by striking "October 6, 2000" in section 106(c) and inserting in lieu thereof "October 14, 2000".

The SPEAKER pro tempore. Pursuant to House Resolution 604, the gentleman from Florida (Mr. Young) and the gentleman from Wisconsin (Mr. Obey) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. Young).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the second CR which is before us today merely extends the date of the original CR from October 6, 2000 through October 14, 2000. We need to do this because, although the House has passed all 13 bills, and as of a few minutes ago we now passed 6 of the conference reports, there are several that still have not passed, and we need to get those done.

We are moving along fairly well. We finished the conference report on the Transportation bill this morning. We will file that this afternoon and hopefully have it on the floor tomorrow.

Also we are scheduled to meet in conference on the Agricultural appropriations bill this afternoon, and we would hope that we can finish that tonight and have it ready for consideration by the House before the week is over.

We are moving, but there are still a few outstanding issues that need to be resolved, most of which, by the way, Mr. Speaker, are not really appropriations items, but they have to do with other items that have been placed upon these bills.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, again, there is nothing new with what we are doing here today. We have in the past had Congresses that have failed to get their appropriations work done on time and so they have required continuing resolutions; that is not the issue. The issue is why we are here on this occasion still in this same crunch, and when you answer that question, you see why this session is different from so many others in the history of the Congress.

It is different, because in past years when the Congress failed to get its appropriations work done on time, it was usually because there were honest fights which were occurring over funding levels for programs all the way through, and you had honest fights between honest pieces of legislation. And it was clear what each side in those controversies were trying to do.

This year has been different. This year we have seen bill after bill after bill come to the floor initially and each time those bills came to the floor, we were told by the majority leadership, well, we know the bill does not make sense at this point, but this is only the first inning, we will fix it up along the way.

Basically, the reason that we are stuck here today and the problem we face today does not have so much to do with what people are now doing or not doing to bring this session to a close, what we are really faced with is the consequences of what was not done in the first 10 months of this session. What was not done was to bring bills to the floor which were a genuine reflection of the intention of the majority party and which were a genuine reflection of what we really in the end expected the Congress to produce in each of the 13 appropriation categories.

Those bills essentially were political press releases put out so that the majority party could continue to pretend that there was room in the budget to fund their huge tax packages, the large majority of the breaks in those packages being directed to the most well-off among us in this society. They wanted to continue the fiction they could afford those huge tax packages, also at the same time provide a pay down of debt, a huge increase in the military budget of some $20 billion, although not nearly as much of it went to readiness as the President asked for.

In order to maintain those fictions, they maintained the pretense that this Congress is going to spend about $40 billion less than, in fact, it will wind up now spending. So now we are stuck here seeing this institution having great difficulty finding the off button so that people can go home.

As I said many times, that is not the fault of the majority on the Committee on Appropriations, they are practical realists. They have tried time and time again to demonstrate what kind of legislation could be passed. And when you deal with legislation straightforwardly and forthrightly and produce legislation which honestly reflects the priorities of the House, then you can pass it with a bipartisan majority on both sides; that was just demonstrated on the previous appropriations bill that we passed today.

The problem we have is now after pretending to be fiscal tightwads for almost 9 months, the majority party is now in its rush to go home, now trying to jam a lot of money into a lot of bills in a very short period of time in order to get out of here. But they were still refusing to recognize that of the new money being put on the table, a good piece of that needs to be put in the bill that funds the education, health, social service and worker protection programs in the Federal budget.

They are refusing to put money in that bill, but they put billions more in the energy and water bill, and they will put billions more in other appropriation bills as they move through this place. Some of those decisions will be responsible, a good many of them, in my view, will not be. So this Congress has no choice but to vote for this continuing resolution in order to keep the government open.

The reason we are in this situation is simply because the product that the Committee on Appropriations was forced by the majority leadership to produce was not a genuine product in the first place. The committee knew that on the majority side of the aisle. The committee knew that on the minority side of the aisle. I think everyone knew that on both sides of the aisle on and off the committee, but for the sake of pretense, this charade has gone on for 10 months, and only now are the real choices being faced and wrestled with.

Mr. Speaker, I regret the fact that my friend, the gentleman from Florida (Mr. YOUNG), has to bring another continuing resolution before us. He has no institutional choice, we have no institutional choice but to vote for it if we are to be responsible. But I regret very much the 9-month charade that has preceded what we are now trying to do in the last inning days of the session.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I have no further requests for time, except to close, and I reserve the balance of my time.

Mr. OBEY. I yield 4 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Texas for yielding me the time.

Mr. Speaker, I rise in support of the CR today and take no quarrel with the gentleman from Florida (Chairman YOUNG) for his handling of this bill and any other bill that he has been handling.

I am somewhat disappointed by, as the gentleman from Wisconsin (Mr. OBEY) has been talking about, the process to the extent that we have taken action on appropriation bills. We have been increasing spending appropriations in bills above the amounts requested by the President, without any indication how all the increased spending we have passed will fit within a fiscally responsible budget.

Mr. Speaker, I think people need to understand how this game is being played today, because the majority, the leadership I might say, has said that we are going to put our priorities and we are going to take out the President's priorities, and then any increase that is going to be on increased spending we are going to blame on him. That is not the way it ought to work.

This place ought to work if we are interested in keeping a fiscally responsible budget. If there is a plan on how we can continue to pass appropriation bills which spend more than the President has requested, plus all the tax cut items and other spending items and fit them into the new budgetary framework, I wish someone would explain it to me, and I think I speak for the majority on both sides of the aisle.

□ 1500

According to recent press accounts, the congressional leadership intends to quietly raise the discretionary spending limits for 2001 in the first omnibus appropriation bill.

I do not object to raising the caps for 2001. Everybody realizes the spending caps set in the Balanced Budget Act of 1997 were unrealistic. But if we are going to raise the spending cap for 2001, we should be looking at setting new, realistic discretionary spending caps for 2002, 2003, 2004, 2005, and 2006.

The existing caps for fiscal year 2002 are even more unrealistic than they are for next year. Unless we set new, realistic caps, we will face the same problem next year with discretionary caps that are ignored and no discipline on discretionary spending, and the finger of blame being pointed on both sides of the aisle.

More importantly, the discretionary spending caps expire after 2002, leaving no discipline on discretionary spending at all.

If the Republican leadership is truly interested in controlling spending, I would encourage them to again consider the Blue Dog proposal to set new discretionary caps for the next 5 years now, while we have an opportunity.

We are suddenly hearing a lot of rhetoric from the other side regarding the 90/10 plan and the majority's commitment to debt reduction. I would have preferred that the leadership had been as enthusiastic about that position 6 months ago when we offered the same budget, which would have made debt reduction the top priority for the surplus, instead of pursuing tax cuts that would consume all the surplus.

But I am glad we have come around to our way of thinking. Unfortunately, the substance of the 90/10 plan falls short of the recent rhetoric coming from the other side about debt reduction. If we have a moral obligation to pay off the debt as soon as possible, as the leadership has said, then why does the Republican leadership's debt reduction plan only apply to next year? Why can we not take action now to extend the plan to set aside surpluses for debt reduction until we have eliminated the entire national debt?

The 90/10 plan being touted by my Republican colleagues would leave Congress free to abandon our moral obligation to debt reduction and return to fiscally irresponsible proposals to use the entire surplus for tax cuts and increased spending next year.

Instead of continuing an ad hoc process without any real plan, we need to reach agreement between Congress and the President on an overall budget framework that ensures that we have enough resources to meet our various tax cut and spending priorities and pay down the debt, and then extend the discipline by setting new discretionary caps and agreeing on a plan to eliminate the national debt.

There are some on this side of the aisle that would like very much to join in that endeavor.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON), who sadly has no vote on this floor, but happily, at least, has a voice.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time to me, especially given the very special circumstance in which I find myself.

This process has to be as frustrating for my Republican colleagues as for Democrats. After all, we are stuck here with the overwhelming number of our appropriations unresolved this late, and into a new fiscal year.

I do believe I have a right to be more frustrated than most because mine is not a case of delay in funding Federal agencies. It is more complicated than that. You are asking me to put an entire city of half a million people on hold, the city that I represent.

It is important for the House to be aware of what happens when we put a city on hold. In this high-crime big city, 175 new police officers now cannot be hired; 88 new firefighters, to help fill out the depletion that occurred when the District was in financial crisis in the 1990s, cannot be hired.

We have five new charter schools, and that is what this Congress has most wanted. They are now in operation. We have the largest number of charter schools in the United States, but there is no money for these new charter schools, making their start very shaky, because they are already in operation. School has begun.

There is $4.5 million for school recreation centers to get our kids off the streets during the busy crime hours between 3 and 6; that is on hold.

To the public, this seems like games we play with ourselves. Games or not, it is far more serious for the District of Columbia than for any other place in the United States. The District got its work done on time. We have submitted a balanced budget with a surplus. Because the Congress has not done its work, the District cannot begin to spend its own money, raised in the District of Columbia from its own taxpayers.

We cannot continue to treat this city this way. We need a new process, Mr. Speaker.

I have just called the Mayor to say to our new Mayor, the mayor who has received so much in lip service compliments for the work that he has done already in the District, to say "Mr. Mayor, your city is on hold for CR number 2."

We have a new Mayor. We have a new council exercising excellent oversight. They have done what the Congress said they should do. Everything in the District is new. Painstaking reforms are occurring. There is a new government in the throes of wholesale reform. The very least this body should do is to let that government take care of itself and begin to spend its own money.

The only thing that is not new about the District of Columbia is the process that the Congress forces upon it in order for the city to spend its own money. I ask that we look closely at this process, and I ask Members to help me next year to change this process and free D.C.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the distinguished ranking member for yielding time to me, and again I rise, as the gentleman from Texas (Mr. STENHOLM) rose, to say to my distinguished chairman and friend, who does a great service for this institution of the House and a great service for the Committee on Appropriations, and it is a better committee for his service, but unfortunately, he was given a no-win task at the beginning of this year.

Mr. Speaker, let me quote: "Nobody has ever done this many this quick in less time." Some may recall that that was the self-congratulatory statement in July of the majority leader, the gentleman from Texas (Mr. ARMEY), regarding this body's passage of all 13 appropriation bills through the House.

Even, frankly, the New York Times could not contain itself. The headline over a story earlier this year cried out, "GOP passes spending bills at record clip." But oh, what a difference a few months makes, and, I might say, a dose of reality. We had passed in July and sent to the President two of 13 appropriation bills that were signed into law. August came and went. September came and went. We have two bills signed by the President of the United States and 11 still pending.

Now, we have passed the energy and water, and the President says he is going to veto that. So the two out of 13 was the same as we had in July, and despite the fact that both chambers have since passed the energy and water spending bill, the President vowed again just the other day to veto it.

In addition to the haste, I might say, that we passed these bills in, there was a great deal of hubris, too, on the part of the leadership, which acted as if we could disregard the views of the minority and the fact that it only held a six-seat margin.

My friends on the other side of the aisle have said that that makes it difficult. I agree. The only way it can be done is for us to come together and work together, realizing that the American people have elected 435 folks who have differences of opinion, 100 members of the Senate who have differences of opinion, and, as Speaker Gingrich pointed out and I referenced last week when we passed the CR, a president of the United States who does not agree with some of us.

Apparently it just never occurred to the Republican leadership that it needed to or should reach out to Democrats and to the President and try to strike a bipartisan budget resolution last April. That is why we are here, because the budget resolution passed on a partisan vote was not reasonable, was not acceptable, and could not be implemented, no matter how talented the gentleman from Florida (Mr. YOUNG) or the subcommittee chairmen were on the Committee on Appropriations. Everybody knew that and said it in April. That is why we are here.

Instead, they forged ahead, and I do not mean the chairman. He was directed to do that. They forged ahead with a budget plan that even many of my Republican friends knew was unrealistic and could not be implemented.

Were we really going to eliminate Head Start for more than 40,000 children to make room for big tax cuts? Were we really going to cut more than 600 FBI agents and 500 DEA agents? Were we really going to provide Pell grants to 316,000 less young people to go to college? Of course not. Neither that side of the aisle nor this side of the aisle thought that was going to occur.

So in failing to come up with a reasonable budget resolution, and I want to tell the Members, I voted for a couple. I particularly voted for the one that the gentleman from Texas (Mr. STENHOLM) offered which said, let us do 50 percent debt reduction, 25 percent for investment and 25 percent for targeted tax cuts. That made sense. Even if we did one-third and one-third and one-third, that would have made sense.

Now, however, because of our failure to enact a reasonable budget resolution, we are operating in an unrestrained, unidentified budget context without parameters. I do not think that is what anybody wants to do. It is certainly not what I want to do.

Yesterday my good friend, the gentleman from Alabama (Mr. CALLAHAN), a Republican leader in this House, a man of great wisdom, in my opinion, and great integrity, he is a member of the Committee on Appropriations whom I respect and who understands the necessity of legislative consensus, he was quoted in Roll Call: "We knew all along we would appear to be losing when we broke these limits in the budget resolution."

So this was predictable. The day of reckoning was as foreseeable as the beginning of the new school year, the turning of leaves, and the start of the football season.

The responsibility for this logjam lies with those who thought this budget resolution was reasonable.

Mr. Chairman, I urge my colleagues, however, obviously, to vote for this continuing resolution. It is not the Chairman's fault that this continuing resolution is here. We have not finished our business. Who is responsible for that? All of us. We understand that.

But I speak not so much in a partisan vein but for this institution, because if we come together, whether it is next year or the year after or whatever, in an attempt to pass appropriation bills that we can send to the President in a timely fashion, then we will not lose the leverage as a legislature, and forget about Republicans, Democrats, or who is president, but as a legislative body.

But every week that goes by, we lose leverage. That is not good for the institution of the Congress. I argued that when we were in control, and I will argue it when they are in control. Let us work together to approve the remaining spending bills. I just voted for one. I was glad to see it passed. I hope the President signs it. That is what we should have been doing all along.

I want to tell my friends, I think that 90 percent of the Republicans on the Committee on Appropriations knew that to be the case and wanted to do that. I hope we can do that, Mr. Chairman, as we conclude this session, and I hope we certainly can do it next year, whatever the outcome of the election.

Again, in closing, let me congratulate the chairman. Let me congratulate the ranking member. I do not know anybody in this body who works harder, who is more conscientious, who is more courageous in standing up for his beliefs and the beliefs of his party than the gentleman from Wisconsin (Mr. OBEY).

But I very frankly think that the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) are working together in a way in which America can be proud and can place its trust in. I am just sorry that they could not get the rest of us perhaps to go along in as bipartisan a fashion as they most of the time have the opportunity to do.

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the problem we face, as was described by the gentleman from Texas (Mr. STENHOLM), is that we essentially have no idea what the limits are. We had a phony limit that was produced in the original budget resolution in the spring, and the House pretended that it was going to live with the spending limit or discretionary funds laid out in that resolution.

□ 1515

But we all know that, for the third year in a row, that understated the reality by about $40 billion in terms of what the Congress would eventually do.

Now, following that pretense, for a long period of time this year, we now have been given a new construct by the majority party leadership. They have said, well, under our new 90/10 arrangement for use of our surplus, $28 billion will be available plus $13 billion because they are recomputing the base from which they were operating. That gives us about $40 billion on the table which can be used for tax actions or for spending actions or for entitlement actions.

The problem is that that is outlays. We measure the deficit in outlays. But because we do not spend all of the money that we appropriate in any given year, there is a difference between what the committee actually appropriates and what is actually outlaid in any given fiscal year.

So because of that difference, what is really on the table is up to $80 billion in additional spending. The problem is no one knows what the plans are for using that huge amount of money. So we are asked to approve a bill at a time. I voted against the Energy-Water bill because I did not know whether we ought to be providing that much money in that bill when we still did not know what the other bills were going to look like.

So we are drifting along with no idea of what the limits are, no context, no limits, no discipline, someone in the leadership office having some idea of what the game plan is. That changes from day to day. But we do not know so we cannot tell our constituents, and the press certainly does not know.

So in the end, we will do what about six anonymous people in the leadership office tells us will be done, but that is not the way we ought to run a railroad or a legislative body. We ought to be able to know what the limits are so that we can choose within those limits. That is not a privilege which is being afforded us. There is not much we can do about that on the minority side of the aisle. But it is an irresponsible way to run what is supposed to be the greatest legislative body in the world.

Mr. Speaker, is the gentleman from Florida (Mr. YOUNG) going to yield back?

Mr. YOUNG of Florida. Mr. Speaker, I will yield back after I make a closing statement.

Mr. OBEY. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the indication of support for the CR. The gentleman from Wisconsin (Mr. OBEY) is exactly right. We have to do this from the institutional standpoint. So we are going to pass this CR today.

I listened to the gentleman from Maryland (Mr. HOYER), one of the more articulate members of this Congress. I would have to say that I agree with an awful lot of what he said. Our budget process is less than perfect. But I want to make sure that everybody understands that the budget process is just one piece of the process. The appropriations process is something entirely different, although it might seem to some that they are both one and the same; but they are not.

But, unfortunately, the appropriations process becomes captive to the budget process on occasion, and we are not the masters of our own destiny sometimes when it comes to the appropriations process.

But we have done a good job in the House. The House can be proud of the fact that, yes, in fact we did pass all of our bills, and we passed them fairly early. In fact, all 13 bills were passed before the end of July, except for D.C., The D.C. bill was actually on the floor in July but was pulled off the floor for some other measure that apparently had more importance at one point or another.

Also, we have passed, in terms of conference reports, through the House the Defense conference report, the Military Construction conference report, the Energy and Water conference report, the Treasury-Postal conference report, the Legislative Branch conference report, and the Interior conference report, which we passed just a short time ago today.

We have completed the conference on the Transportation appropriations bill this morning. At 4 o'clock this afternoon, we will convene a conference meeting on the Agricultural appropriations bill.

So we are moving on our responsibility, but we, in the House, are only one-third of the players. The other body is a player and the President of the United States is a player. When it gets to the point that bills are sent to the President, and we do not know what he is going to do on some of these bills, he becomes as powerful as two-thirds of this House and two-thirds of the Senate. Because if he vetoes one of our bills, it takes two-thirds of both Houses to override the veto.

So we try to work together. I think what we saw earlier today on the Interior appropriations bill was an indication of how, if we work together, both sides, the majority, the minority, understanding that there are strong differences, to resolve those differences, it is amazing what we can accomplish. I am really proud of the House for the strong vote that we received for the Interior bill just a short time ago.

So Mr. Speaker, it is essential that we pass this CR today, and I again appreciate those statements from the minority, from the gentleman from Wisconsin (Mr. OBEY), recognizing that it is important to pass the CR today that would keep the government operating to the 14th of October. Hopefully by then we will have much more positive and constructive news to report.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate is expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 604, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 415, nays 1, not voting 17, as follows:

[Roll No. 509]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner

Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

DeFazio

NOT VOTING—17

Ballenger
Dunn
Eshoo
Franks (NJ)
Hastings (FL)
Hefley
Hinojosa
Houghton
King (NY)
Lazio
McCollum
McIntosh
Meehan
Paul
Riley
Vento
Wexler

□ 1543

Mr. CONDIT changed his vote from "nay" to "yea."

So the joint resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 506, H. Res. 603, waiving Points of Order against the Conference Report on H.R. 4578. Had I been present I would have voted "yea." Mr. Speaker, I was unavoidably detained for rollcall No. 507, H.R. 4578, the Interior Appropriations Conference Report for Fiscal Year 2001. Had I been present I would have voted "yea." Mr. Speaker, I was unavoidably detained for rollcall No. 508, H.J. Res. 278, expressing the sense of the House of Representatives regarding the importance of education, early detection and treatment, and other efforts in the fight against breast cancer. Had I been present I would have voted "yea." Furthermore, Mr. Speaker, I was unavoidably detained for rollcall No. 509, H.J. Res. 110, making further appropriations for fiscal year 2001. Had I been present I would have voted "yea."

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3767. An act to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2045. An act to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

□ 1545

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MORELLA). Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on the remaining motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AN AMENDMENT IN SENATE AMENDMENTS TO H.R. 707, DISASTER MITIGATION ACT OF 2000

Mrs. FOWLER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 607) providing for the concurrence by the House with an amendment in the Senate amendments to H.R. 707.

The Clerk read as follows:

H. RES. 607

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 707, with the amendment of the Senate thereto, and to have concurred in the amendment of the Senate to the text with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Disaster Mitigation Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.
Sec. 102. Predisaster hazard mitigation.
Sec. 103. Interagency task force.
Sec. 104. Mitigation planning; minimum standards for public and private structures.

TITLE II—STREAMLINING AND COST REDUCTION

Sec. 201. Technical amendments.
Sec. 202. Management costs.
Sec. 203. Public notice, comment, and consultation requirements.
Sec. 204. State administration of hazard mitigation grant program.
Sec. 205. Assistance to repair, restore, reconstruct, or replace damaged facilities.
Sec. 206. Federal assistance to individuals and households.
Sec. 207. Community disaster loans.
Sec. 208. Report on State management of small disasters initiative.
Sec. 209. Study regarding cost reduction.

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.
Sec. 302. Definitions.
Sec. 303. Fire management assistance.
Sec. 304. President's Council on Domestic Terrorism Preparedness.
Sec. 305. Disaster grant closeout procedures.

Sec. 306. Public safety officer benefits for certain Federal and State employees.
Sec. 307. Buy American.
Sec. 308. Treatment of certain real property.
Sec. 309. Study of participation by Indian tribes in emergency management.

TITLE I—PREDISASTER HAZARD MITIGATION

SEC. 101. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes, flooding, and wildfires, pose great danger to human life and to property throughout the United States;

(2) greater emphasis needs to be placed on—

(A) identifying and assessing the risks to States and local governments (including Indian tribes) from natural disasters;

(B) implementing adequate measures to reduce losses from natural disasters; and

(C) ensuring that the critical services and facilities of communities will continue to function after a natural disaster;

(3) expenditures for postdisaster assistance are increasing without commensurate reductions in the likelihood of future losses from natural disasters;

(4) in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), high priority should be given to mitigation of hazards at the local level; and

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local governments (including Indian tribes) will be able to—

(A) form effective community-based partnerships for hazard mitigation purposes;

(B) implement effective hazard mitigation measures that reduce the potential damage from natural disasters;

(C) ensure continued functionality of critical services;

(D) leverage additional non-Federal resources in meeting natural disaster resistance goals; and

(E) make commitments to long-term hazard mitigation efforts to be applied to new and existing structures.

(b) Purpose.—The purpose of this title is to establish a national disaster hazard mitigation program—

(1) to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters; and

(2) to provide a source of predisaster hazard mitigation funding that will assist States and local governments (including Indian tribes) in implementing effective hazard mitigation measures that are designed to ensure the continued functionality of critical services and facilities after a natural disaster.

SEC. 102. PREDISASTER HAZARD MITIGATION.

(a) In General.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

"SEC. 203. PREDISASTER HAZARD MITIGATION.

"(a) Definition of Small Impoverished Community.—In this section, the term 'small impoverished community' means a community of 3,000 or fewer individuals that is economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.

"(b) Establishment of Program.—The President may establish a program to provide technical and financial assistance to States and local governments to assist in the implementation of predisaster hazard mitigation measures that are cost-effective and are designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical services and facilities under the jurisdiction of the States or local governments.

"(c) Approval by President.—If the President determines that a State or local government has identified natural disaster hazards in areas under its jurisdiction and has demonstrated the ability to form effective public-private natural disaster hazard mitigation partnerships, the President, using amounts in the National Predisaster Mitigation Fund established under subsection (i) (referred to in this section as the 'Fund'), may provide technical and financial assistance to the State or local government to be used in accordance with subsection (e).

"(d) State Recommendations.—

"(1) In general.—

"(A) Recommendations.—The Governor of each State may recommend to the President not fewer than 5 local governments to receive assistance under this section.

"(B) Deadline for submission.—The recommendations under subparagraph (A) shall be submitted to the President not later than October 1, 2001, and each October 1st thereafter or such later date in the year as the President may establish.

"(C) Criteria.—In making recommendations under subparagraph (A), a Governor shall consider the criteria specified in subsection (g).

"(2) Use.—

"(A) In general.—Except as provided in subparagraph (B), in providing assistance to local governments under this section, the President shall select from local governments recommended by the Governors under this subsection.

"(B) Extraordinary circumstances.—In providing assistance to local governments under this section, the President may select a local government that has not been recommended by a Governor under this subsection if the President determines that extraordinary circumstances justify the selection and that making the selection will further the purpose of this section.

"(3) Effect of failure to nominate.—If a Governor of a State fails to submit recommendations under this subsection in a timely manner, the President may select, subject to the criteria specified in subsection (g), any local governments of the State to receive assistance under this section.

"(e) Uses of Technical and Financial Assistance.—

"(1) In general.—Technical and financial assistance provided under this section—

"(A) shall be used by States and local governments principally to implement predisaster hazard mitigation measures that are cost-effective and are described in proposals approved by the President under this section; and

"(B) may be used—

"(i) to support effective public-private natural disaster hazard mitigation partnerships;

"(ii) to improve the assessment of a community's vulnerability to natural hazards; or

"(iii) to establish hazard mitigation priorities, and an appropriate hazard mitigation plan, for a community.

"(2) Dissemination.—A State or local government may use not more than 10 percent of the financial assistance received by the State or local government under this section for a fiscal year to fund activities to disseminate information regarding cost-effective mitigation technologies.

"(f) Allocation of Funds.—The amount of financial assistance made available to a State (including amounts made available to local governments of the State) under this section for a fiscal year—

"(1) shall be not less than the lesser of—

"(A) $500,000; or

"(B) the amount that is equal to 1.0 percent of the total funds appropriated to carry out this section for the fiscal year;

"(2) shall not exceed 15 percent of the total funds described in paragraph (1)(B); and

"(3) shall be subject to the criteria specified in subsection (g).

"(g) Criteria for Assistance Awards.—In determining whether to provide technical and financial assistance to a State or local government under this section, the President shall take into account—

"(1) the extent and nature of the hazards to be mitigated;

"(2) the degree of commitment of the State or local government to reduce damages from future natural disasters;

"(3) the degree of commitment by the State or local government to support ongoing non-Federal support for the hazard mitigation measures to be carried out using the technical and financial assistance;

"(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State;

"(5) the extent to which the technical and financial assistance is consistent with other assistance provided under this Act;

"(6) the extent to which prioritized, cost-effective mitigation activities that produce meaningful and definable outcomes are clearly identified;

"(7) if the State or local government has submitted a mitigation plan under section 322, the extent to which the activities identified under paragraph (6) are consistent with the mitigation plan;

"(8) the opportunity to fund activities that maximize net benefits to society;

"(9) the extent to which assistance will fund mitigation activities in small impoverished communities; and

"(10) such other criteria as the President establishes in consultation with State and local governments.

"(h) Federal Share.—

"(1) In general.—Financial assistance provided under this section may contribute up to 75 percent of the total cost of mitigation activities approved by the President.

"(2) Small impoverished communities.—Notwithstanding paragraph (1), the President may contribute up to 90 percent of the total cost of a mitigation activity carried out in a small impoverished community.

"(i) National Predisaster Mitigation Fund.—

"(1) Establishment.—The President may establish in the Treasury of the United States a fund to be known as the 'National Predisaster Mitigation Fund', to be used in carrying out this section.

"(2) Transfers to fund.—There shall be deposited in the Fund—

"(A) amounts appropriated to carry out this section, which shall remain available until expended; and

"(B) sums available from gifts, bequests, or donations of services or property received by the President for the purpose of predisaster hazard mitigation.

"(3) EXPENDITURES FROM FUND.—Upon request by the President, the Secretary of the Treasury shall transfer from the Fund to the President such amounts as the President determines are necessary to provide technical and financial assistance under this section.

"(4) INVESTMENT OF AMOUNTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

"(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

"(i) on original issue at the issue price; or

"(ii) by purchase of outstanding obligations at the market price.

"(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

"(D) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

"(E) TRANSFERS OF AMOUNTS.—

"(i) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

"(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(j) LIMITATION ON TOTAL AMOUNT OF FINANCIAL ASSISTANCE.—The President shall not provide financial assistance under this section in an amount greater than the amount available in the Fund.

"(k) MULTIHAZARD ADVISORY MAPS.—

"(1) DEFINITION OF MULTIHAZARD ADVISORY MAP.—In this subsection, the term 'multihazard advisory map' means a map on which hazard data concerning each type of natural disaster is identified simultaneously for the purpose of showing areas of hazard overlap.

"(2) DEVELOPMENT OF MAPS.—In consultation with States, local governments, and appropriate Federal agencies, the President shall develop multihazard advisory maps for areas, in not fewer than 5 States, that are subject to commonly recurring natural hazards (including flooding, hurricanes and severe winds, and seismic events).

"(3) USE OF TECHNOLOGY.—In developing multihazard advisory maps under this subsection, the President shall use, to the maximum extent practicable, the most cost-effective and efficient technology available.

"(4) USE OF MAPS.—

"(A) ADVISORY NATURE.—The multihazard advisory maps shall be considered to be advisory and shall not require the development of any new policy by, or impose any new policy on, any government or private entity.

"(B) AVAILABILITY OF MAPS.—The multihazard advisory maps shall be made available to the appropriate State and local governments for the purposes of—

"(i) informing the general public about the risks of natural hazards in the areas described in paragraph (2);

"(ii) supporting the activities described in subsection (e); and

"(iii) other public uses.

"(l) REPORT ON FEDERAL AND STATE ADMINISTRATION.—Not later than 18 months after the date of enactment of this section, the President, in consultation with State and local governments, shall submit to Congress a report evaluating efforts to implement this section and recommending a process for transferring greater authority and responsibility for administering the assistance program established under this section to capable States.

"(m) TERMINATION OF AUTHORITY.—The authority provided by this section terminates December 31, 2003.".

(b) CONFORMING AMENDMENT.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

"TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE".

SEC. 103. INTERAGENCY TASK FORCE.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as amended by section 102(a)) is amended by adding at the end the following:

"SEC. 204. INTERAGENCY TASK FORCE.

"(a) IN GENERAL.—The President shall establish a Federal interagency task force for the purpose of coordinating the implementation of predisaster hazard mitigation programs administered by the Federal Government.

"(b) CHAIRPERSON.—The Director of the Federal Emergency Management Agency shall serve as the chairperson of the task force.

"(c) MEMBERSHIP.—The membership of the task force shall include representatives of—

"(1) relevant Federal agencies;

"(2) State and local government organizations (including Indian tribes); and

"(3) the American Red Cross.".

SEC. 104. MITIGATION PLANNING; MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

"SEC. 322. MITIGATION PLANNING.

"(a) REQUIREMENT OF MITIGATION PLAN.—As a condition of receipt of an increased Federal share for hazard mitigation measures under subsection (e), a State, local, or tribal government shall develop and submit for approval to the President a mitigation plan that outlines processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government.

"(b) LOCAL AND TRIBAL PLANS.—Each mitigation plan developed by a local or tribal government shall—

"(1) describe actions to mitigate hazards, risks, and vulnerabilities identified under the plan; and

"(2) establish a strategy to implement those actions.

"(c) STATE PLANS.—The State process of development of a mitigation plan under this section shall—

"(1) identify the natural hazards, risks, and vulnerabilities of areas in the State;

"(2) support development of local mitigation plans;

"(3) provide for technical assistance to local and tribal governments for mitigation planning; and

"(4) identify and prioritize mitigation actions that the State will support, as resources become available.

"(d) FUNDING.—

"(1) IN GENERAL.—Federal contributions under section 404 may be used to fund the development and updating of mitigation plans under this section.

"(2) MAXIMUM FEDERAL CONTRIBUTION.—With respect to any mitigation plan, a State, local, or tribal government may use an amount of Federal contributions under section 404 not to exceed 7 percent of the amount of such contributions available to the government as of a date determined by the government.

"(e) INCREASED FEDERAL SHARE FOR HAZARD MITIGATION MEASURES.—

"(1) IN GENERAL.—If, at the time of the declaration of a major disaster, a State has in effect an approved mitigation plan under this section, the President may increase to 20 percent, with respect to the major disaster, the maximum percentage specified in the last sentence of section 404(a).

"(2) FACTORS FOR CONSIDERATION.—In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established—

"(A) eligibility criteria for property acquisition and other types of mitigation measures;

"(B) requirements for cost effectiveness that are related to the eligibility criteria;

"(C) a system of priorities that is related to the eligibility criteria; and

"(D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete.

"SEC. 323. MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

"(a) IN GENERAL.—As a condition of receipt of a disaster loan or grant under this Act—

"(1) the recipient shall carry out any repair or construction to be financed with the loan or grant in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards; and

"(2) the President may require safe land use and construction practices, after adequate consultation with appropriate State and local government officials.

"(b) EVIDENCE OF COMPLIANCE.—A recipient of a disaster loan or grant under this Act shall provide such evidence of compliance with this section as the President may require by regulation.".

(b) LOSSES FROM STRAIGHT LINE WINDS.—The President shall increase the maximum percentage specified in the last sentence of section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) from 15 percent to 20 percent with respect to any major disaster that is in the State of Minnesota and for which assistance is being provided as of the date of enactment of this Act, except that additional assistance provided under this subsection shall not exceed $6,000,000. The mitigation measures assisted under this subsection shall be related to losses in the State of Minnesota from straight line winds.

(c) CONFORMING AMENDMENTS.—

(1) Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended—

(A) in the second sentence, by striking "section 409" and inserting "section 322"; and

(B) in the third sentence, by striking "The total" and inserting "Subject to section 322, the total".

(2) Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5176) is repealed.

TITLE II—STREAMLINING AND COST REDUCTION

SEC. 201. TECHNICAL AMENDMENTS.

Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154) is amended in subsections (a)(1), (b), and (c) by striking "section 803 of the Public Works and Economic Development Act of 1965" each place it appears and inserting "section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2))".

SEC. 202. MANAGEMENT COSTS.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 104(a)) is amended by adding at the end the following:

"SEC. 324. MANAGEMENT COSTS.

"(a) DEFINITION OF MANAGEMENT COST.—In this section, the term 'management cost' includes any indirect cost, any administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or disaster preparedness or mitigation activity or measure.

"(b) ESTABLISHMENT OF MANAGEMENT COST RATES.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall by regulation establish management cost rates, for grantees and subgrantees, that shall be used to determine contributions under this Act for management costs.

"(c) REVIEW.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.".

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) of section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)) shall apply to major disasters declared under that Act on or after the date of enactment of this Act.

(2) INTERIM AUTHORITY.—Until the date on which the President establishes the management cost rates under section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)), section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) (as in effect on the day before the date of enactment of this Act) shall be used to establish management cost rates.

SEC. 203. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 202(a)) is amended by adding at the end the following:

"SEC. 325. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

"(a) PUBLIC NOTICE AND COMMENT CONCERNING NEW OR MODIFIED POLICIES.—

"(1) IN GENERAL.—The President shall provide for public notice and opportunity for comment before adopting any new or modified policy that—

"(A) governs implementation of the public assistance program administered by the Federal Emergency Management Agency under this Act; and

"(B) could result in a significant reduction of assistance under the program.

"(2) APPLICATION.—Any policy adopted under paragraph (1) shall apply only to a major disaster or emergency declared on or after the date on which the policy is adopted.

"(b) CONSULTATION CONCERNING INTERIM POLICIES.—

"(1) IN GENERAL.—Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this Act, the President, to the maximum extent practicable, shall solicit the views and recommendations of grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely—

"(A) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or

"(B) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency.

"(2) NO LEGAL RIGHT OF ACTION.—Nothing in this subsection confers a legal right of action on any party.

"(c) PUBLIC ACCESS.—The President shall promote public access to policies governing the implementation of the public assistance program.".

SEC. 204. STATE ADMINISTRATION OF HAZARD MITIGATION GRANT PROGRAM.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

"(c) PROGRAM ADMINISTRATION BY STATES.—

"(1) IN GENERAL.—A State desiring to administer the hazard mitigation grant program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of the authority to administer the program.

"(2) CRITERIA.—The President, in consultation and coordination with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum—

"(A) the demonstrated ability of the State to manage the grant program under this section;

"(B) there being in effect an approved mitigation plan under section 322; and

"(C) a demonstrated commitment to mitigation activities.

"(3) APPROVAL.—The President shall approve an application submitted under paragraph (1) that meets the criteria established under paragraph (2).

"(4) WITHDRAWAL OF APPROVAL.—If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation grant program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

"(5) AUDITS.—The President shall provide for periodic audits of the hazard mitigation grant programs administered by States under this subsection.".

SEC. 205. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (a) and inserting the following:

"(a) CONTRIBUTIONS.—

"(1) IN GENERAL.—The President may make contributions—

"(A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the government; and

"(B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person.

"(2) ASSOCIATED EXPENSES.—For the purposes of this section, associated expenses shall include—

"(A) the costs of mobilizing and employing the National Guard for performance of eligible work;

"(B) the costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging; and

"(C) base and overtime wages for the employees and extra hires of a State, local government, or person described in paragraph (1) that perform eligible work, plus fringe benefits on such wages to the extent that such benefits were being paid before the major disaster.

"(3) CONDITIONS FOR ASSISTANCE TO PRIVATE NONPROFIT FACILITIES.—

"(A) IN GENERAL.—The President may make contributions to a private nonprofit facility under paragraph (1)(B) only if—

"(i) the facility provides critical services (as defined by the President) in the event of a major disaster; or

"(ii) the owner or operator of the facility—

"(I) has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

"(II)(aa) has been determined to be ineligible for such a loan; or

"(bb) has obtained such a loan in the maximum amount for which the Small Business Administration determines the facility is eligible.

"(B) DEFINITION OF CRITICAL SERVICES.—In this paragraph, the term 'critical services' includes power, water (including water provided by an irrigation organization or facility), sewer, wastewater treatment, communications, and emergency medical care.

"(4) NOTIFICATION TO CONGRESS.—Before making any contribution under this section in an amount greater than $20,000,000, the President shall notify—

"(A) the Committee on Environment and Public Works of the Senate;

"(B) the Committee on Transportation and Infrastructure of the House of Representatives;

"(C) the Committee on Appropriations of the Senate; and

"(D) the Committee on Appropriations of the House of Representatives.".

(b) FEDERAL SHARE.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (b) and inserting the following:

"(b) FEDERAL SHARE.—

"(1) MINIMUM FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

"(2) REDUCED FEDERAL SHARE.—The President shall promulgate regulations to reduce the Federal share of assistance under this section to not less than 25 percent in the case of the repair, restoration, reconstruction, or replacement of any eligible public facility or private nonprofit facility following an event associated with a major disaster—

"(A) that has been damaged, on more than 1 occasion within the preceding 10-year period, by the same type of event; and

"(B) the owner of which has failed to implement appropriate mitigation measures to address the hazard that caused the damage to the facility.".

(c) Large In-Lieu Contributions.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (c) and inserting the following:

"(c) Large In-Lieu Contributions.—

"(1) For public facilities.—

"(A) In general.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

"(B) Areas with unstable soil.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government because soil instability in the disaster area makes repair, restoration, reconstruction, or replacement infeasible, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 90 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

"(C) Use of funds.—Funds contributed to a State or local government under this paragraph may be used—

"(i) to repair, restore, or expand other selected public facilities;

"(ii) to construct new facilities; or

"(iii) to fund hazard mitigation measures that the State or local government determines to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

"(D) Limitations.—Funds made available to a State or local government under this paragraph may not be used for—

"(i) any public facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

"(ii) any uninsured public facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

"(2) For private nonprofit facilities.—

"(A) In general.—In any case in which a person that owns or operates a private nonprofit facility determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing the facility, the person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

"(B) Use of funds.—Funds contributed to a person under this paragraph may be used—

"(i) to repair, restore, or expand other selected private nonprofit facilities owned or operated by the person;

"(ii) to construct new private nonprofit facilities to be owned or operated by the person; or

"(iii) to fund hazard mitigation measures that the person determines to be necessary to meet a need for the person's services and functions in the area affected by the major disaster.

"(C) Limitations.—Funds made available to a person under this paragraph may not be used for—

"(i) any private nonprofit facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

"(ii) any uninsured private nonprofit facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).".

(d) Eligible Cost.—

(1) In general.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (e) and inserting the following:

"(e) Eligible Cost.—

"(1) Determination.—

"(A) In general.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

"(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

"(ii) in conformity with codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) applicable at the time at which the disaster occurred.

"(B) Cost estimation procedures.—

"(i) In general.—Subject to paragraph (2), the President shall use the cost estimation procedures established under paragraph (3) to determine the eligible cost under this subsection.

"(ii) Applicability.—The procedures specified in this paragraph and paragraph (2) shall apply only to projects the eligible cost of which is equal to or greater than the amount specified in section 422.

"(2) Modification of eligible cost.—

"(A) Actual cost greater than ceiling percentage of estimated cost.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is greater than the ceiling percentage established under paragraph (3) of the cost estimated under paragraph (1), the President may determine that the eligible cost includes a portion of the actual cost of the repair, restoration, reconstruction, or replacement that exceeds the cost estimated under paragraph (1).

"(B) Actual cost less than estimated cost.—

"(i) Greater than or equal to floor percentage of estimated cost.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent of the cost estimated under paragraph (1), but is greater than or equal to the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving funds under this section shall use the excess funds to carry out cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster.

"(ii) Less than floor percentage of estimated cost.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving assistance under this section shall reimburse the President in the amount of the difference.

"(C) No effect on appeals process.—Nothing in this paragraph affects any right of appeal under section 423.

"(3) Expert panel.—

"(A) Establishment.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry and State and local government.

"(B) Duties.—The expert panel shall develop recommendations concerning—

"(i) procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices; and

"(ii) the ceiling and floor percentages referred to in paragraph (2).

"(C) Regulations.—Taking into account the recommendations of the expert panel under subparagraph (B), the President shall promulgate regulations that establish—

"(i) cost estimation procedures described in subparagraph (B)(i); and

"(ii) the ceiling and floor percentages referred to in paragraph (2).

"(D) Review by President.—Not later than 2 years after the date of promulgation of regulations under subparagraph (C) and periodically thereafter, the President shall review the cost estimation procedures and the ceiling and floor percentages established under this paragraph.

"(E) Report to Congress.—Not later than 1 year after the date of promulgation of regulations under subparagraph (C), 3 years after that date, and at the end of each 2-year period thereafter, the expert panel shall submit to Congress a report on the appropriateness of the cost estimation procedures.

"(4) Special rule.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.".

(2) Effective date.—The amendment made by paragraph (1) takes effect on the date of enactment of this Act and applies to funds appropriated after the date of enactment of this Act, except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1)) takes effect on the date on which the cost estimation procedures established under paragraph (3) of that section take effect.

(e) Conforming Amendment.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (f).

SEC. 206. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

(a) IN GENERAL.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended to read as follows:

“SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

“(a) IN GENERAL.—

“(1) PROVISION OF ASSISTANCE.—In accordance with this section, the President, in consultation with the Governor of a State, may provide financial assistance, and, if necessary, direct services, to individuals and households in the State who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to meet such expenses or needs through other means.

“(2) RELATIONSHIP TO OTHER ASSISTANCE.—Under paragraph (1), an individual or household shall not be denied assistance under paragraph (1), (3), or (4) of subsection (c) solely on the basis that the individual or household has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

“(b) HOUSING ASSISTANCE.—

“(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to individuals and households to respond to the disaster-related housing needs of individuals and households who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

“(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—

“(A) IN GENERAL.—The President shall determine appropriate types of housing assistance to be provided under this section to individuals and households described in subsection (a)(1) based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors as the President may consider appropriate.

“(B) MULTIPLE TYPES OF ASSISTANCE.—One or more types of housing assistance may be made available under this section, based on the suitability and availability of the types of assistance, to meet the needs of individuals and households in the particular disaster situation.

“(c) TYPES OF HOUSING ASSISTANCE.—

“(1) TEMPORARY HOUSING.—

“(A) FINANCIAL ASSISTANCE.—

“(i) IN GENERAL.—The President may provide financial assistance to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

“(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the fair market rent for the accommodation provided plus the cost of any transportation, utility hookups, or unit installation not provided directly by the President.

“(B) DIRECT ASSISTANCE.—

“(i) IN GENERAL.—The President may provide temporary housing units, acquired by purchase or lease, directly to individuals or households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

“(ii) PERIOD OF ASSISTANCE.—The President may not provide direct assistance under clause (i) with respect to a major disaster after the end of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.

“(iii) COLLECTION OF RENTAL CHARGES.—After the end of the 18-month period referred to in clause (ii), the President may charge fair market rent for each temporary housing unit provided.

“(2) REPAIRS.—

“(A) IN GENERAL.—The President may provide financial assistance for—

“(i) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster to a safe and sanitary living or functioning condition; and

“(ii) eligible hazard mitigation measures that reduce the likelihood of future damage to such residences, utilities, or infrastructure.

“(B) RELATIONSHIP TO OTHER ASSISTANCE.—A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.

“(C) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

“(3) REPLACEMENT.—

“(A) IN GENERAL.—The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster.

“(B) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed $10,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

“(C) APPLICABILITY OF FLOOD INSURANCE REQUIREMENT.—With respect to assistance provided under this paragraph, the President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition of the receipt of Federal disaster assistance.

“(4) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance to individuals or households to construct permanent housing in insular areas outside the continental United States and in other remote locations in cases in which—

“(A) no alternative housing resources are available; and

“(B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost-effective.

“(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

“(1) SITES.—

“(A) IN GENERAL.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

“(i) is complete with utilities; and

“(ii) is provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

“(B) SITES PROVIDED BY THE PRESIDENT.—A readily fabricated dwelling may be located on a site provided by the President if the President determines that such a site would be more economical or accessible.

“(2) DISPOSAL OF UNITS.—

“(A) SALE TO OCCUPANTS.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household lacks permanent housing.

“(ii) SALE PRICE.—A sale of a temporary housing unit under clause (i) shall be at a price that is fair and equitable.

“(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited in the appropriate Disaster Relief Fund account.

“(iv) HAZARD AND FLOOD INSURANCE.—A sale of a temporary housing unit under clause (i) shall be made on the condition that the individual or household purchasing the housing unit agrees to obtain and maintain hazard and flood insurance on the housing unit.

“(v) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

“(B) OTHER METHODS OF DISPOSAL.—If not disposed of under subparagraph (A), a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims—

“(i) may be sold to any person; or

“(ii) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees—

“(I) to comply with the nondiscrimination provisions of section 308; and

“(II) to obtain and maintain hazard and flood insurance on the housing unit.

“(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

“(1) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household in the State who is adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

“(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

“(f) STATE ROLE.—

“(1) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

“(A) GRANT TO STATE.—Subject to subsection (g), a Governor may request a grant from the President to provide financial assistance to individuals and households in the State under subsection (e).

“(B) ADMINISTRATIVE COSTS.—A State that receives a grant under subparagraph (A) may expend not more than 5 percent of the amount of the grant for the administrative costs of providing financial assistance to individuals and households in the State under subsection (e).

“(2) ACCESS TO RECORDS.—In providing assistance to individuals and households under this section, the President shall provide for the substantial and ongoing involvement of the States in which the individuals and households are located, including by providing to the States access to the electronic records of individuals and households receiving assistance under this section in order for the States to make available any additional State and local assistance to the individuals and households.

"(g) Cost Sharing.—

"(1) Federal share.—Except as provided in paragraph (2), the Federal share of the costs eligible to be paid using assistance provided under this section shall be 100 percent.

"(2) Financial assistance to address other needs.—In the case of financial assistance provided under subsection (e)—

"(A) the Federal share shall be 75 percent; and

"(B) the non-Federal share shall be paid from funds made available by the State.

"(h) Maximum Amount of Assistance.—

"(1) In general.—No individual or household shall receive financial assistance greater than $25,000 under this section with respect to a single major disaster.

"(2) Adjustment of limit.—The limit established under paragraph (1) shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(i) Rules and Regulations.—The President shall prescribe rules and regulations to carry out this section, including criteria, standards, and procedures for determining eligibility for assistance.".

(b) Conforming Amendment.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is amended by striking "temporary housing".

(c) Elimination of Individual and Family Grant Programs.—Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is repealed.

(d) Effective Date.—The amendments made by this section take effect 18 months after the date of enactment of this Act.

SEC. 207. COMMUNITY DISASTER LOANS.

Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) is amended—

(1) by striking "(a) The President" and inserting the following:

"(a) In General.—The President";

(2) by striking "The amount" and inserting the following:

"(b) Amount.—The amount";

(3) by striking "Repayment" and inserting the following:

"(c) Repayment.—

"(1) Cancellation.—Repayment";

(4) by striking "(b) Any loans" and inserting the following:

"(d) Effect on Other Assistance.—Any loans";

(5) in subsection (b) (as designated by paragraph (2))—

(A) by striking "and shall" and inserting "shall"; and

(B) by inserting before the period at the end the following: ", and shall not exceed $5,000,000"; and

(6) in subsection (c) (as designated by paragraph (3)), by adding at the end the following:

"(2) Condition on continuing eligibility.—A local government shall not be eligible for further assistance under this section during any period in which the local government is in arrears with respect to a required repayment of a loan under this section.".

SEC. 208. REPORT ON STATE MANAGEMENT OF SMALL DISASTERS INITIATIVE.

Not later than 3 years after the date of enactment of this Act, the President shall submit to Congress a report describing the results of the State Management of Small Disasters Initiative, including—

(1) identification of any administrative or financial benefits of the initiative; and

(2) recommendations concerning the conditions, if any, under which States should be allowed the option to administer parts of the assistance program under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

SEC. 209. STUDY REGARDING COST REDUCTION.

Not later than 3 years after the date of enactment of this Act, the Director of the Congressional Budget Office shall complete a study estimating the reduction in Federal disaster assistance that has resulted and is likely to result from the enactment of this Act.

TITLE III—MISCELLANEOUS

SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.

The first section of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 note) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Robert T. Stafford Disaster Relief and Emergency Assistance Act'.".

SEC. 302. DEFINITIONS.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) in each of paragraphs (3) and (4), by striking "the Northern" and all that follows through "Pacific Islands" and inserting "and the Commonwealth of the Northern Mariana Islands";

(2) by striking paragraph (6) and inserting the following:

"(6) Local government.—The term 'local government' means—

"(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

"(B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and

"(C) a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State."; and

(3) in paragraph (9), by inserting "irrigation," after "utility,".

SEC. 303. FIRE MANAGEMENT ASSISTANCE.

(a) In General.—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) is amended to read as follows:

"SEC. 420. FIRE MANAGEMENT ASSISTANCE.

"(a) In General.—The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

"(b) Coordination With State and Tribal Departments of Forestry.—In providing assistance under this section, the President shall coordinate with State and tribal departments of forestry.

"(c) Essential Assistance.—In providing assistance under this section, the President may use the authority provided under section 403.

"(d) Rules and Regulations.—The President shall prescribe such rules and regulations as are necessary to carry out this section.".

(b) Effective Date.—The amendment made by subsection (a) takes effect 1 year after the date of enactment of this Act.

SEC. 304. PRESIDENT'S COUNCIL ON DOMESTIC TERRORISM PREPAREDNESS.

Title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.) is amended by adding at the end the following:

"Subtitle C—President's Council on Domestic Terrorism Preparedness

"SEC. 651. ESTABLISHMENT OF COUNCIL.

"(a) In General.—There is established a council to be known as the President's Council on Domestic Terrorism Preparedness (in this subtitle referred to as the 'Council').

"(b) Membership.—The Council shall be composed of the following members:

"(1) The President.

"(2) The Director of the Federal Emergency Management Agency.

"(3) The Attorney General.

"(4) The Secretary of Defense.

"(5) The Director of the Office of Management and Budget.

"(6) The Assistant to the President for National Security Affairs.

"(7) Any additional members appointed by the President.

"(c) Chairman.—

"(1) In general.—The President shall serve as the chairman of the Council.

"(2) Executive chairman.—The President may appoint an Executive Chairman of the Council (in this subtitle referred to as the 'Executive Chairman'). The Executive Chairman shall represent the President as chairman of the Council, including in communications with Congress and State Governors.

"(3) Senate confirmation.—An individual selected to be the Executive Chairman under paragraph (2) shall be appointed by and with the advice and consent of the Senate, except that Senate confirmation shall not be required if, on the date of appointment, the individual holds a position for which Senate confirmation was required.

"(d) First Meeting.—The first meeting of the Council shall be held not later than 90 days after the date of the enactment of this Act.

"SEC. 652. DUTIES OF COUNCIL.

"The Council shall carry out the following duties:

"(1) Establish the policies, objectives, and priorities of the Federal Government for enhancing the capabilities of State and local emergency preparedness and response personnel in early detection and warning of and response to all domestic terrorist attacks, including attacks involving weapons of mass destruction.

"(2) Publish a Domestic Terrorism Preparedness Plan and an annual strategy for carrying out the plan in accordance with section 653, including the end state of preparedness for emergency responders established under section 653(b)(1)(D).

"(3) To the extent practicable, rely on existing resources (including planning documents, equipment lists, and program inventories) in the execution of its duties.

"(4) Consult with and utilize existing interagency boards and committees, existing governmental entities, and non-governmental organizations in the execution of its duties.

"(5) Ensure that a biennial review of the terrorist attack preparedness programs of

State and local governmental entities is conducted and provide recommendations to the entities based on the reviews.

"(6) Provide for the creation of a State and local advisory group for the Council, to be composed of individuals involved in State and local emergency preparedness and response to terrorist attacks.

"(7) Provide for the establishment by the Council's State and local advisory group of voluntary guidelines for the terrorist attack preparedness programs of State and local governmental entities in accordance with section 655.

"(8) Designate a Federal entity to consult with, and serve as a contact for, State and local governmental entities implementing terrorist attack preparedness programs.

"(9) Coordinate and oversee the implementation by Federal departments and agencies of the policies, objectives, and priorities established under paragraph (1) and the fulfillment of the responsibilities of such departments and agencies under the Domestic Terrorism Preparedness Plan.

"(10) Make recommendations to the heads of appropriate Federal departments and agencies regarding—

"(A) changes in the organization, management, and resource allocations of the departments and agencies; and

"(B) the allocation of personnel to and within the departments and agencies,

to implement the Domestic Terrorism Preparedness Plan.

"(11) Assess all Federal terrorism preparedness programs and ensure that each program complies with the Domestic Terrorism Preparedness Plan.

"(12) Identify duplication, fragmentation, and overlap within Federal terrorism preparedness programs and eliminate such duplication, fragmentation and overlap.

"(13) Evaluate Federal emergency response assets and make recommendations regarding the organization, need, and geographic location of such assets.

"(14) Establish general policies regarding financial assistance to States based on potential risk and threat, response capabilities, and ability to achieve the end state of preparedness for emergency responders established under section 653(b)(1)(D).

"(15) Notify a Federal department or agency in writing if the Council finds that its policies are not in compliance with its responsibilities under the Domestic Terrorism Preparedness Plan.

"SEC. 653. DOMESTIC TERRORISM PREPAREDNESS PLAN AND ANNUAL STRATEGY.

"(a) DEVELOPMENT OF PLAN.—Not later than 180 days after the date of the first meeting of the Council, the Council shall develop a Domestic Terrorism Preparedness Plan and transmit a copy of the plan to Congress.

"(b) CONTENTS.—

"(1) IN GENERAL.—The Domestic Terrorism Preparedness Plan shall include the following:

"(A) A statement of the policies, objectives, and priorities established by the Council under section 652(1).

"(B) A plan for implementing such policies, objectives, and priorities that is based on a threat, risk, and capability assessment and includes measurable objectives to be achieved in each of the following 5 years for enhancing domestic preparedness against a terrorist attack.

"(C) A description of the specific role of each Federal department and agency, and the roles of State and local governmental entities, under the plan developed under subparagraph (B).

"(D) A definition of an end state of preparedness for emergency responders that sets forth measurable, minimum standards of acceptability for preparedness.

"(2) EVALUATION OF FEDERAL RESPONSE TEAMS.—In preparing the description under paragraph (1)(C), the Council shall evaluate each Federal response team and the assistance that the team offers to State and local emergency personnel when responding to a terrorist attack. The evaluation shall include an assessment of how the Federal response team will assist State and local emergency personnel after the personnel has achieved the end state of preparedness for emergency responders established under paragraph (1)(D).

"(c) ANNUAL STRATEGY.—

"(1) IN GENERAL.—The Council, shall develop and transmit to Congress, on the date of transmittal of the Domestic Terrorism Preparedness Plan and, in each of the succeeding 4 fiscal years, on the date that the President submits an annual budget to Congress in accordance with section 1105(a) of title 31, United States Code, an annual strategy for carrying out the Domestic Terrorism Preparedness Plan in the fiscal year following the fiscal year in which the strategy is submitted.

"(2) CONTENTS.—The annual strategy for a fiscal year shall include the following:

"(A) An inventory of Federal training and exercise programs, response teams, grant programs, and other programs and activities related to domestic preparedness against a terrorist attack conducted in the preceding fiscal year and a determination as to whether any of such programs or activities may be duplicative. The inventory shall consist of a complete description of each such program and activity, including the funding level and purpose of and goal to be achieved by the program or activity.

"(B) If the Council determines under subparagraph (A) that certain programs and activities are duplicative, a detailed plan for consolidating, eliminating, or modifying the programs and activities.

"(C) An inventory of Federal training and exercise programs, grant programs, response teams, and other programs and activities to be conducted in such fiscal year under the Domestic Terrorism Preparedness Plan and measurable objectives to be achieved in such fiscal year for enhancing domestic preparedness against a terrorist attack. The inventory shall provide for implementation of any plan developed under subparagraph (B), relating to duplicative programs and activities.

"(D) A complete assessment of how resource allocation recommendations developed under section 654(a) are intended to implement the annual strategy.

"(d) CONSULTATION.—

"(1) IN GENERAL.—In developing the Domestic Terrorism Preparedness Plan and each annual strategy for carrying out the plan, the Council shall consult with—

"(A) the head of each Federal department and agency that will have responsibilities under the Domestic Terrorism Preparedness Plan or annual strategy;

"(B) Congress;

"(C) State and local officials;

"(D) congressionally authorized panels; and

"(E) emergency preparedness organizations with memberships that include State and local emergency responders.

"(2) REPORTS.—As part of the Domestic Terrorism Preparedness Plan and each annual strategy for carrying out the plan, the Council shall include a written statement indicating the persons consulted under this subsection and the recommendations made by such persons.

"(e) TRANSMISSION OF CLASSIFIED INFORMATION.—Any part of the Domestic Terrorism Preparedness Plan or an annual strategy for carrying out the plan that involves information properly classified under criteria established by an Executive order shall be presented to Congress separately.

"(f) RISK OF TERRORIST ATTACKS AGAINST TRANSPORTATION FACILITIES.—

"(1) IN GENERAL.—In developing the plan and risk assessment under subsection (b), the Council shall designate an entity to assess the risk of terrorist attacks against transportation facilities, personnel, and passengers.

"(2) CONTENTS.—In developing the plan and risk assessment under subsection (b), the Council shall ensure that the following three tasks are accomplished:

"(A) An examination of the extent to which transportation facilities, personnel, and passengers have been the target of terrorist attacks and the extent to which such facilities, personnel, and passengers are vulnerable to such attacks.

"(B) An evaluation of Federal laws that can be used to combat terrorist attacks against transportation facilities, personnel, and passengers, and the extent to which such laws are enforced. The evaluation may also include a review of applicable State laws.

"(C) An evaluation of available technologies and practices to determine the best means of protecting transportation facilities, personnel, and passengers against terrorist attacks.

"(3) CONSULTATION.—In developing the plan and risk assessment under subsection (b), the Council shall consult with the Secretary of Transportation, representatives of persons providing transportation, and representatives of employees of such persons.

"(g) MONITORING.—The Council, with the assistance of the Inspector General of the relevant Federal department or agency as needed, shall monitor the implementation of the Domestic Terrorism Preparedness Plan, including conducting program and performance audits and evaluations.

"SEC. 654. NATIONAL DOMESTIC PREPAREDNESS BUDGET.

"(a) RECOMMENDATIONS REGARDING RESOURCE ALLOCATIONS.—

"(1) TRANSMITTAL TO COUNCIL.—Each Federal Government program manager, agency head, and department head with responsibilities under the Domestic Terrorism Preparedness Plan shall transmit to the Council for each fiscal year recommended resource allocations for programs and activities relating to such responsibilities on or before the earlier of—

"(A) the 45th day before the date of the budget submission of the department or agency to the Director of the Office of Management and Budget for the fiscal year; or

"(B) August 15 of the fiscal year preceding the fiscal year for which the recommendations are being made.

"(2) TRANSMITTAL TO THE OFFICE OF MANAGEMENT AND BUDGET.—The Council shall develop for each fiscal year recommendations regarding resource allocations for each program and activity identified in the annual strategy completed under section 653 for the fiscal year. Such recommendations shall be submitted to the relevant departments and agencies and to the Director of the Office of Management and Budget. The Director of the Office of Management and Budget shall consider such recommendations in formulating the annual budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, and shall provide to the Council a written explanation in any case in which the Director does not accept such a recommendation.

"(3) RECORDS.—The Council shall maintain records regarding recommendations made and written explanations received under paragraph (2) and shall provide such records to Congress upon request. The Council may not fulfill such a request before the date of submission of the relevant annual budget of the President to Congress under section 1105(a) of title 31, United States Code.

"(4) NEW PROGRAMS OR REALLOCATION OF RESOURCES.—The head of a Federal department or agency shall consult with the Council before acting to enhance the capabilities of State and local emergency preparedness and response personnel with respect to terrorist attacks by—

"(A) establishing a new program or office; or

"(B) reallocating resources, including Federal response teams.

"SEC. 655. VOLUNTARY GUIDELINES FOR STATE AND LOCAL PROGRAMS.

"The Council shall provide for the establishment of voluntary guidelines for the terrorist attack preparedness programs of State and local governmental entities for the purpose of providing guidance in the development and implementation of such programs. The guidelines shall address equipment, exercises, and training and shall establish a desired threshold level of preparedness for State and local emergency responders.

"SEC. 656. POWERS OF COUNCIL.

"In carrying out this subtitle, the Council may—

"(1) direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency;

"(2) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

"(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code;

"(4) accept and use donations of property from Federal, State, and local government agencies;

"(5) use the mails in the same manner as any other department or agency of the executive branch; and

"(6) request the assistance of the Inspector General of a Federal department or agency in conducting audits and evaluations under section 653(g).

"SEC. 657. ROLE OF COUNCIL IN NATIONAL SECURITY COUNCIL EFFORTS.

"The Council may, in the Council's role as principal adviser to the National Security Council on Federal efforts to assist State and local governmental entities in domestic terrorist attack preparedness matters, and subject to the direction of the President, attend and participate in meetings of the National Security Council. The Council may, subject to the direction of the President, participate in the National Security Council's working group structure.

"SEC. 658. EXECUTIVE DIRECTOR AND STAFF OF COUNCIL.

"(a) EXECUTIVE DIRECTOR.—The Council shall have an Executive Director who shall be appointed by the President.

"(b) STAFF.—The Executive Director may appoint such personnel as the Executive Director considers appropriate. Such personnel shall be assigned to the Council on a full-time basis and shall report to the Executive Director.

"(c) ADMINISTRATIVE SUPPORT SERVICES.—The Executive Office of the President shall provide to the Council, on a reimbursable basis, such administrative support services, including office space, as the Council may request.

"SEC. 659. COORDINATION WITH EXECUTIVE BRANCH DEPARTMENTS AND AGENCIES.

"(a) REQUESTS FOR ASSISTANCE.—The head of each Federal department and agency with responsibilities under the Domestic Terrorism Preparedness Plan shall cooperate with the Council and, subject to laws governing disclosure of information, provide such assistance, information, and advice as the Council may request.

"(b) CERTIFICATION OF POLICY CHANGES BY COUNCIL.—

"(1) IN GENERAL.—The head of each Federal department and agency with responsibilities under the Domestic Terrorism Preparedness Plan shall, unless exigent circumstances require otherwise, notify the Council in writing regarding any proposed change in policies relating to the activities of such department or agency under the Domestic Terrorism Preparedness Plan prior to implementation of such change. The Council shall promptly review such proposed change and certify to the department or agency head in writing whether such change is consistent with the Domestic Terrorism Preparedness Plan.

"(2) NOTICE IN EXIGENT CIRCUMSTANCES.—If prior notice of a proposed change under paragraph (1) is not possible, the department or agency head shall notify the Council as soon as practicable. The Council shall review such change and certify to the department or agency head in writing whether such change is consistent with the Domestic Terrorism Preparedness Plan.

"SEC. 660. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subtitle $9,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005. Such sums shall remain available until expended.".

SEC. 305. DISASTER GRANT CLOSEOUT PROCEDURES.

Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following:

"SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.

"(a) STATUTE OF LIMITATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no administrative action to recover any payment made to a State or local government for disaster or emergency assistance under this Act shall be initiated in any forum after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency.

"(2) FRAUD EXCEPTION.—The limitation under paragraph (1) shall apply unless there is evidence of civil or criminal fraud.

"(b) REBUTTAL OF PRESUMPTION OF RECORD MAINTENANCE.—

"(1) IN GENERAL.—In any dispute arising under this section after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency, there shall be a presumption that accounting records were maintained that adequately identify the source and application of funds provided for financially assisted activities.

"(2) AFFIRMATIVE EVIDENCE.—The presumption described in paragraph (1) may be rebutted only on production of affirmative evidence that the State or local government did not maintain documentation described in that paragraph.

"(3) INABILITY TO PRODUCE DOCUMENTATION.—The inability of the Federal, State, or local government to produce source documentation supporting expenditure reports later than 3 years after the date of transmission of the final expenditure report shall not constitute evidence to rebut the presumption described in paragraph (1).

"(4) RIGHT OF ACCESS.—The period during which the Federal, State, or local government has the right to access source documentation shall not be limited to the required 3-year retention period referred to in paragraph (3), but shall last as long as the records are maintained.

"(c) BINDING NATURE OF GRANT REQUIREMENTS.—A State or local government shall not be liable for reimbursement or any other penalty for any payment made under this Act if—

"(1) the payment was authorized by an approved agreement specifying the costs;

"(2) the costs were reasonable; and

"(3) the purpose of the grant was accomplished.".

SEC. 306. PUBLIC SAFETY OFFICER BENEFITS FOR CERTAIN FEDERAL AND STATE EMPLOYEES.

(a) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended by striking paragraph (7) and inserting the following:

"(7) 'public safety officer' means—

"(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew;

"(B) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

"(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

"(ii) are determined by the Director of the Federal Emergency Management Agency to be hazardous duties; or

"(C) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

"(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

"(ii) are determined by the head of the agency to be hazardous duties.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies only to employees described in subparagraphs (B) and (C) of section 1204(7) of the Omnibus Crime

Control and Safe Streets Act of 1968 (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of enactment of this Act.

SEC. 307. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized to be appropriated under this Act or any amendment made by this Act may be expended by an entity unless the entity, in expending the funds, complies with the Buy American Act (41 U.S.C. 10a et seq.).

(b) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—

(1) IN GENERAL.—If the Director of the Federal Emergency Management Agency determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Director shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) DEFINITION OF DEBAR.—In this subsection, the term "debar" has the meaning given the term in section 2393(c) of title 10, United States Code.

SEC. 308. TREATMENT OF CERTAIN REAL PROPERTY.

(a) IN GENERAL.—Notwithstanding the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.), or any other provision of law, or any flood risk zone identified, delineated, or established under any such law (by flood insurance rate map or otherwise), the real property described in subsection (b) shall not be considered to be, or to have been, located in any area having special flood hazards (including any floodway or floodplain).

(b) REAL PROPERTY.—The real property described in this subsection is all land and improvements on the land located in the Maple Terrace Subdivisions in the city of Sycamore, DeKalb County, Illinois, including—

(1) Maple Terrace Phase I;
(2) Maple Terrace Phase II;
(3) Maple Terrace Phase III Unit 1;
(4) Maple Terrace Phase III Unit 2;
(5) Maple Terrace Phase III Unit 3;
(6) Maple Terrace Phase IV Unit 1;
(7) Maple Terrace Phase IV Unit 2; and
(8) Maple Terrace Phase IV Unit 3.

(c) REVISION OF FLOOD INSURANCE RATE LOT MAPS.—As soon as practicable after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the appropriate flood insurance rate lot maps of the agency to reflect the treatment under subsection (a) of the real property described in subsection (b).

SEC. 309. STUDY OF PARTICIPATION BY INDIAN TRIBES IN EMERGENCY MANAGEMENT.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) STUDY.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall conduct a study of participation by Indian tribes in emergency management.

(2) REQUIRED ELEMENTS.—The study shall—

(A) survey participation by Indian tribes in training, predisaster and postdisaster mitigation, disaster preparedness, and disaster recovery programs at the Federal and State levels; and

(B) review and assess the capacity of Indian tribes to participate in cost-shared emergency management programs and to participate in the management of the programs.

(3) CONSULTATION.—In conducting the study, the Director shall consult with Indian tribes.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall submit a report on the study under subsection (b) to—

(1) the Committee on Environment and Public Works of the Senate;
(2) the Committee on Transportation and Infrastructure of the House of Representatives;
(3) the Committee on Appropriations of the Senate; and
(4) the Committee on Appropriations of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Mrs. FOWLER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Madam Speaker, I yield myself such time as I may consume.

In 1998, the State of Florida endured one of the most tragic natural disasters, wildfires. Over 2,000 wildfires burned Statewide and every county in Florida felt the impact. When the smoke cleared, over half a million acres had been burned, numerous businesses were wiped out and over 300 homes were significantly damaged or completely destroyed.

Three hundred homes. It is hard to imagine what that means unless one of those homes is yours. I would like to relate a story about one of my constituents who lived in one of those houses.

Greg Westin is a resident of Flagler County and a deputy sheriff. In July of 1998, Deputy Westin left his home for work at 7 a.m. to help county officials and firefighters battle the ongoing fires. Throughout the day, Deputy Westin stayed in close contact with his wife and two children to give them updates on the fires. Then eventually he had to tell his own family to evacuate. But despite his own home being in peril, Deputy Westin did not give up. He continued to fight the fires on the opposite side of the county. In fact, he was working side by side with firefighters in the southern part of Flagler County when his own home caught fire and burned to the ground.

I applaud Deputy Westin's heroic dedication and efforts. But more than that, I want to help him and all of the other people who suffer the devastation of and who respond to these emergencies.

This resolution will send to the other body a bill that could have spared the State, my district and people like Greg Westin from some of this devastation.

The House originally passed H.R. 707 by an overwhelming vote on March 5, 1999. The other body passed an amended version this past July. This resolution reflects provisions negotiated with the other body over the last few months.

The resulting language addresses two separate needs: First, it increases spending authority for projects that help prevent damage from disasters, like elevating structures in the flood plain or conducting preventive burns in fire hazard areas so that we focus on protecting American lives and homes.

Second, it adopts measures that would modify and streamline the current postdisaster assistance program so that we will reduce Federal disaster assistance costs without adversely affecting disaster victims.

There is one section of this bill, section 304, that we did not have time to come to complete agreement on with the other body. This section establishes the President's Council on Domestic Terrorism Preparedness in the Executive Office of the President. This section is identical to section 9 of H.R. 4210 which passed the House by a unanimous vote on July 25, 2000.

This is an important provision. We now live in a world where a small group of individuals can kill or injure hundreds, even thousands of people with such weapons as anthrax, nerve gas, or a truckload of readily available explosives. This section will coordinate the hundreds of terrorism preparedness programs currently run by over 40 agencies in the Federal Government.

The council is not an operational entity. Rather, the council will set out and oversee the implementation of a coherent governmentwide policy. Last week, a congressionally commissioned bipartisan panel, the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, known as the Gilmore-Bremer Commission, unanimously recommended that a single White House level office be established to coordinate terrorism preparedness efforts. That is precisely what section 304 will do.

I would like to thank the ranking member of the full committee the gentleman from Minnesota (Mr. OBERSTAR) for his continued counsel and support. He has really taken the time to listen to these issues, to learn the details when it was necessary and to really work with me on this very important, crucial issue to all Americans. I would also like to thank the chairman of the committee the gentleman from Pennsylvania (Mr. SHUSTER) for his advice and support. As the record shows, in the last 6 years the gentleman from Pennsylvania has been an extraordinarily effective and successful legislator. I thank him, also, for his support regarding this bill.

This legislation will help alleviate the pain and suffering and property damage not only of Floridians but of all Americans. It also has the added benefit of reducing our Federal disaster costs. In addition, this resolution will make an important step toward organizing the Federal programs designed to prepare our emergency responders to face the consequences of terrorist attacks.

Madam Speaker, I urge support for this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 707, the Disaster Mitigation Act of 2000, the second time that we have had to take up this legislation in this body. This legislation represents tireless work on the part of the gentlewoman from Florida who has given exhausting hours of her time to fashion a bill that will be effective and that will respond to the concerns that she has already laid out so well, not only in Florida but elsewhere around this country. The cooperative work that she has undertaken with our ranking member, the gentleman from Ohio (Mr. TRAFICANT), has been exemplary; and I appreciate the many visits that we have had about this and about the terrorism commission legislation which I will address in a moment.

The benefits of the disaster mitigation bill are that first of all it establishes a predisaster mitigation program based on the very effective Project Impact initiative. This is the first time that we will be attempting at the Federal level to address problems before they occur. I think properly so, because if we address problems that we have learned cause increased losses, we can avoid those losses in future disasters that we know are likely to occur. These initiatives, rather modest in this bill, will translate into millions of dollars of savings.

There is, however, one concern I have about the legislation, and, that is, both House and Senate bills require nonprofit entities to seek loans from the Small Business Administration as a precondition, a normal requirement of disaster legislation. But these nonprofits are singled out not for what they do but for who they are. They should not be discriminated against in this fashion. We ought to treat them as we do other entities. Certain facilities such as custodial care for aged or disabled, homeless shelters, senior citizens centers, community centers, museums, and libraries are less eligible for direct Federal assistance while private utilities and irrigation districts have a different standing. It is not a fatal flaw in the bill, not one that would cause me to oppose it but one that I hope can be revisited and substantially fixed in the future.

The second portion that the gentlewoman has added to this legislation is the establishment of a President's Council on Domestic Terrorism and Preparedness within the Executive Office of the President. The gentlewoman has, as I said, again devoted tireless hours and very deep personal conviction, which I greatly respect and I want this body to understand and I want the other body to understand this as well. This is not something that she has undertaken as a gesture but as a matter of very deep conviction. I have been greatly persuaded by her activism, by her profound self-assurance based on case studies, careful analysis of the situation and the failure of the existing system to perform as we intended.

I do support the initiative of the President's council. I have worked to mediate between the subcommittee and the Office of Management and Budget and White House staff. I think under the circumstances this is a sound, reasonable, responsible initiative. As the gentlewoman has said to me in years to come after she enters retirement, she does not want to look back on a tragedy and say, "That could have been prevented. I could have done something while I was in Congress." She is doing something, Madam Speaker. She is doing something of great substance and of lasting value. I hope that the other body will concur in this initiative.

Madam Speaker, I reserve the balance of my time.

Mrs. FOWLER. Madam Speaker, I yield myself such time as I may consume, and I yield to the gentleman from Minnesota (Mr. OBERSTAR) for the purpose of a colloquy.

Mr. OBERSTAR. Madam Speaker, I thank the gentlewoman for yielding.

The amendment adopted by this resolution would change the definition of "private nonprofit facility" and "critical services" regarding irrigation facilities. I would like the gentlewoman to explain the intention of these changes.

Mrs. FOWLER. Reclaiming my time, the intention of the amendment is to eliminate confusion over the current law. Irrigation facilities should be eligible for Federal assistance to the extent that they provide water for essential services of a governmental nature to the general public. This is water for other than agriculture, such as fire suppression, generating and supplying electricity and drinking water supply.

Facilities providing essential services such as these could be fully eligible for assistance. However, since facilities exclusively providing agricultural water supply are not eligible for assistance, where facilities provide both types of service, eligibility for assistance should be determined on a prorated basis. An irrigation facility, like all private nonprofit facilities eligible for assistance, should not be considered ineligible for assistance simply because it is located on private property.

Mr. OBERSTAR. I thank the gentlewoman for her clarification and explanation.

Mrs. FOWLER. Madam Speaker, I wish to extend my thanks to all the committee and subcommittee personnel on both the majority and minority side who have spent so much time and effort in working this resolution out.

Madam Speaker, I include the following statement of Virginia Governor, James Gilmore, on behalf of the congressionally authorized bipartisan Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction for the RECORD:

NATIONAL TERRORISM PANEL CALLS FOR WHITE HOUSE TERRORISM MANAGEMENT OFFICE

GOVERNOR GILMORE PANEL, CALL FOR "SWEEPING CHANGES" TO ADDRESS NATIONAL TERRORISM PREPAREDNESS

RICHMOND, VA.—Governor Jim Gilmore, chairman of a national panel that is assessing U.S. preparedness for a terrorist attack inside U.S. borders, today announced the panel's consensus that a single federal entity within the White House be given overall authority for the planning and coordination of the nation's preparedness for the consequences of a domestic terrorist strike.

"The issue of who-is-in-charge at the federal level is one of the key questions that must be addressed in order to develop a sensible, comprehensive national policy on how we can best respond to, and recover from, a terrorist attack inside our borders. Today, the panel agreed that at the forefront of sweeping changes to the way America prevents as well as deals with a terrorist attack on U.S. soil is the establishment of a White House-level Office of Domestic Preparedness for Terrorism Management," said Governor Gilmore.

Governor Gilmore is chairman of the commission known as the Congressional Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction. The panel is in the process of recommending a federal, state and local response and recovery strategy to be submitted to the President and Congress in two final reports, the first due December 15, 2000. The panel will offer its final report in December 2001. A copy of the first report can be found at www.rand.org/organization/nard/terrpanel.

The panel began two days of meetings in Richmond today. Governor Gilmore was appointed chairman in April 1999 of the panel.

As it did in the first report, the panel's December 2000 report is expected to further reiterate its call for a clear, comprehensive national strategy, especially one that takes into account the broad range of disaster-response experience of state and local first-responders—fire, police, health and medical, emergency managers.

"Integrating the nation's ability to effectively and simultaneously conduct concurrent law enforcement and consequence management operations is a key element of national preparedness. Terrorism events require these two distinct elements be integrated with multiple disciplines, including the military, and levels of government into a single response structure."

"It is critical that we be able to 'operate as one,' within different levels of responsibility.

ranging from the emergency first-response community to elected officials, whether at the local, state or federal levels," governor Gilmore said, "Currently, we do not have such a focused, coordinated mechanism. Some federal agencies have good plans and operational strategies, but there is little or no strategic guidance because there is no one agency or entity in charge. That needs to change, and quickly."

Members of the Panel include retired Lt. Gen. James Clapper, Jr., former Director, Defense Intelligence Agency; L. Paul Bremer III, former State Department ambassador-at-large for counter-terrorism; Dr. Richard Falkenrath, Harvard University Kennedy School of Government; James Greenleaf, former Assistant Director, FBI; retired Maj. Gen. William Garrison, former commander, U.S. Army Special Operations; Dr. Ken Shine, President, National Institute of Medicine; John O. Marsh, former Secretary of the Army, and other state, local and nationally recognized experts in emergency management, law enforcement, fire and rescue operations, and public health.

Panel activities for 2000 will focus on a survey of local and state emergency management and response officials; a thorough review of federal programs; interviews with federal, state, and local officials, including elected leaders, on their concerns and recommendations; case studies, and an analysis of training standards, equipment, notification procedures, communications; and planning.

Mrs. FOWLER. Madam Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Madam Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Mrs. FOWLER) that the House suspend the rules and agree to the resolution, House Resolution 607.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1600

GENERAL LEAVE

Mrs. FOWLER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 607.

The SPEAKER pro tempore (Mrs. MORELLA). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

NEEDLESTICK SAFETY AND PREVENTION ACT

Mr. BALLENGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5178) to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970, as amended.

The Clerk read as follows:

H.R. 5178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Needlestick Safety and Prevention Act."

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Numerous workers who are occupationally exposed to bloodborne pathogens have contracted fatal and other serious viruses and diseases, including the human immunodeficiency virus (HIV), hepatitis B, and hepatitis C from exposure to blood and other potentially infectious materials in their workplace.

(2) In 1991 the Occupational Safety and Health Administration issued a standard regulating occupational exposure to bloodborne pathogens, including the human immunodeficiency virus, (HIV), the hepatitis B virus (HBV), and the hepatitis C virus (HCV).

(3) Compliance with the bloodborne pathogens standard has significantly reduced the risk that workers will contract a bloodborne disease in the course of their work.

(4) Nevertheless, occupational exposure to bloodborne pathogens from accidental sharps injuries in health care settings continues to be a serious problem. In March 2000, the Centers for Disease Control and Prevention estimated that more than 380,000 percutaneous injuries from contaminated sharps occur annually among health care workers in United States hospital settings. Estimates for all health care settings are that 600,000 to 800,000 needlestick and other percutaneous injuries occur among health care workers annually. Such injuries can involve needles or other sharps contaminated with bloodborne pathogens, such as HIV, HBV, or HCV.

(5) Since publication of the bloodborne pathogens standard in 1991 there has been a substantial increase in the number and assortment of effective engineering controls available to employers. There is now a large body of research and data concerning the effectiveness of newer engineering controls, including safer medical devices.

(6) 396 interested parties responded to a Request for Information (in this section referred to as the "RFI") conducted by the Occupational Safety and Health Administration in 1998 on engineering and work practice controls used to eliminate or minimize the risk of occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps. Comments were provided by health care facilities, groups representing healthcare workers, researchers, educational institutions, professional and industry associations, and manufacturers of medical devices.

(7) Numerous studies have demonstrated that the use of safer medical devices, such as needleless systems and sharps with engineered sharps injury protections, when they are part of an overall bloodborne pathogens risk-reduction program, can be extremely effective in reducing accidental sharps injuries.

(8) In March 2000, the Centers for Disease Control and Prevention estimated that, depending on the type of device used and the procedure involved, 62 to 88 percent of sharps injuries can potentially be prevented by the use of safer medical devices.

(9) The OSHA 200 Log, as it is currently maintained, does not sufficiently reflect injuries that may involve exposure to bloodborne pathogens in healthcare facilities. More than 98 percent of healthcare facilities responding to the RFI have adopted surveillance systems in addition to the OSHA 200 Log. Information gathered through these surveillance systems is commonly used for hazard identification and evaluation of program and device effectiveness.

(10) Training and education in the use of safer medical devices and safer work practices are significant elements in the prevention of percutaneous exposure incidents. Staff involvement in the device selection and evaluation process is also an important element to achieving a reduction in sharps injuries, particularly as new safer devices are introduced into the work setting.

(11) Modification of the bloodborne pathogens standard is appropriate to set forth in greater detail its requirement that employers identify, evaluate, and make use of effective safer medical devices.

SEC. 3. BLOODBORNE PATHOGENS STANDARD.

The bloodborne pathogens standard published at 29 C.F.R. 1910.1030 shall be revised as follows:

(1) The definition of "Engineering Controls" (at 29 C.F.R. 1910.1030(b)) shall include as additional examples of controls the following: "safer medical devices, such as sharps with engineered sharps injury protections and needleless systems".

(2) The term "Sharps with Engineered Sharps Injury Protections" shall be added to the definitions (at 29 C.F.R. 1910.1030(b)) and defined as "a nonneedle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident".

(3) The term "Needleless Systems" shall be added to the definitions (at 29 C.F.R. 1910.1030(b)) and defined as "a device that does not use needles for (A) the collection of bodily fluids or withdrawal of body fluids after initial venous or arterial access is established, (B) the administration of medication or fluids, or (C) any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps".

(4) In addition to the existing requirements concerning exposure control plans (29 C.F.R. 1910.1030(c)(1)(iv)), the review and update of such plans shall be required to also—

(A) "reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens"; and

(B) "document annually consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure".

(5) The following additional recordkeeping requirement shall be added to the bloodborne pathogens standard at 29 C.F.R. 1910.1030(h): "The employer shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the sharps injury log shall be recorded and maintained in such manner as to protect the confidentiality of the injured employee. The sharps injury log shall contain, at a minimum—

"(A) the type and brand of device involved in the incident,

"(B) the department or work area where the exposure incident occurred, and

"(C) an explanation of how the incident occurred.".

The requirement for such sharps injury log shall not apply to any employer who is not required to maintain a log of occupational injuries and illnesses under 29 C.F.R. 1904 and the sharps injury log shall be maintained for the period required by 29 C.F.R. 1904.6.

(6) The following new section shall be added to the bloodborne pathogens standard: "An employer, who is required to establish an Exposure Control Plan shall solicit input from non-managerial employees responsible for direct patient care who are potentially exposed to injuries from contaminated sharps in the identification, evaluation, and selection of effective engineering and work practice controls and shall document the solicitation in the Exposure Control Plan.".

SEC. 4. EFFECT OF MODIFICATIONS.

The modifications under section 3 shall be in force until superseded in whole or in part by regulations promulgated by the Secretary of Labor under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) and shall be enforced in the same manner and to the same extent as any rule or regulation promulgated under section 6(b).

SEC. 5. PROCEDURE AND EFFECTIVE DATE.

(a) PROCEDURE.—The modifications of the bloodborne pathogens standard prescribed by section 3 shall take effect without regard to the procedural requirements applicable to regulations promulgated under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) or the procedural requirements of chapter 5 of title 5, United States Code.

(b) EFFECTIVE DATE.—The modifications to the bloodborne pathogens standard required by section 3 shall—

(1) within 6 months of the date of enactment of this Act, be made and published in the Federal Register by the Secretary of Labor acting through the Occupational Safety and Health Administration; and

(2) at the end of 90 days after such publication, take effect.

The SPEAKER pro tempore (Mr. ROGAN). Pursuant to the rule, the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BALLENGER).

GENERAL LEAVE

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5178.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BALLENGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to have the opportunity today to talk about H.R. 5178, the Needlestick Safety and Prevention Act, a bill that I introduced last week.

A tremendous amount of bipartisan discussion and effort has gone into this bill. Since its introduction last month, many Members, from both sides of the aisle, have joined as cosponsors, including many members of our full committee. I am especially pleased to have worked with my colleague from the Subcommittee on Workforce Protection, the gentleman from New York (Mr. OWENS), on this bill, and thank him for his support and sponsorship.

This bill represents the consensus agreement of many groups, from hospitals to nurses to health care workers to industry. I know there are compromises that have gone into this effort. I want to commend all those who have been involved in this work and who helped bring us here today.

I want to thank the gentleman from Pennsylvania (Chairman GOODLING) for his support of this bill, and also take another opportunity to acknowledge his distinguished service as chairman of our committee and for his leadership on so many workforce issues.

I also want to acknowledge my colleagues from the other body, Senators JEFFORDS, ENZI, KENNEDY and REID, for their work on this important workplace safety issue. On matters related to the Occupational Safety and Health Administration, it is not often that I find myself in such company. However, as we have all learned of the important basic public health issue at the heart of this bill, it was apparent the opportunity to work together and advance this legislation was at hand.

This legislation is the product of a hearing held this past June by the Subcommittee on Workforce Protection on the public health concern about accidental needlestick injuries to health care workers. Even more than that, this legislation will help to ensure that our Nation's nearly 8 million health care workers will not have to risk their own health, and perhaps their own lives, when providing care for all of us.

Our knowledge about needlestick and other "sharps" injuries and what can be done about them has greatly increased over the past decade. One estimate is that more than 600,000 needlestick and other sharps injuries occur in health care settings in the United States each year. The very consequences of such injuries to health care workers can mean exposure to serious viruses and diseases, including the HIV virus, hepatitis B and hepatitis C.

At the same time as our knowledge about the risks and consequences of needlestick injuries has increased, the technology of devices used in health care settings which can protect against these injuries has also advanced. Today, our knowledge about the effectiveness of such "safer medical devices" such as needleless systems, is also better known. H.R. 5178 will assure that safer medical devices will be used, and the lives of health care workers will be made better for it.

H.R. 5178 builds on the work of an OSHA guidance document, a compliance directive, issued last fall. Quite simply, H.R. 5178 amends the OSHA Bloodborne Pathogens Standard. It makes clear in the standard itself the direction already provided by OSHA in its compliance directive, that is, that employers who have employees with occupational exposure to bloodborne pathogens must consider, and where appropriate, use effective engineering controls, including safer medical devices, in order to reduce the risk of injury from needlesticks and from other sharp medical instruments. This legislation requires employers to use safer medical devices only where the devices are appropriate, commercially available, and effective at reducing or eliminating sharps injuries.

Under no circumstances, either through this legislation or through the underlying Bloodborne Pathogen Standard, are employers required to use a safer medical device or engineering control where such a device jeopardizes a patient's safety and an employee's safety, or where such a device is medically contraindicated. All affirmative defenses are available to an employer and are kept intact in this legislation.

H.R. 5178 amends the OSHA standard in two additional ways. First, in considering and selecting safer medical devices, employers would be required to solicit input from the frontline health care workers who would actually use the devices. Testimony at our hearing in June indicated the importance of this requirement. Because there are so many new devices on the market and because each health care setting is different, careful evaluation of devices by the professionals who will use them is necessary to know what works and what does not in particular settings.

Second, this legislation requires employers to maintain a sharps injury log. Now, I am certainly not one to favor increased paperwork for employers. In this situation, however, I understand the importance of such a law as a tool to track high-risk areas for injury and also as a means to evaluate the effectiveness of particular devices. This legislation ensures that such a log will protect the confidentiality of the insured employee.

While it does all that, this legislation also provides employers with the needed flexibility to determine the best technology to use in particular circumstances. It is careful not to favor the use of a specific device. In fact, this legislation is crafted not to impede, but to encourage, technological development by encouraging the use of new technologies. It is left to the employer to evaluate the effectiveness of these available devices, and I would like to emphasize this to any Senator who may be listening to this: it is careful not to favor the use of a specific device. In fact, this legislation is crafted not to impede, but to encourage technological development, by encouraging the use of new technologies; and it is left to the employer to evaluate the effectiveness of the available devices.

H.R. 5178 will help resolve an important public health worker safety issue.

Mr. Speaker, this legislation has broad-based support from both employer and employee communities. The American Hospital Association; the American Nurses Association; Premier, the leading group health purchasing organization; the Service Employees International Union; AFSCME; the American Federation of Teachers; the Firefighters; and many manufacturers, are all supporters. And it certainly has the support of one nurse from Massachusetts, Karen Daley, who told us at our hearing in June of her personal experience with a needlestick injury and who so generously asked that we take this action; not to help her, for it was too late, but to make a difference in working lives of the Nation's nearly 8 million health care workers.

Mr. Speaker, at this time I am offering a substitute to the version of H.R. 5178 that passed the Subcommittee on Workforce Protection. This substitute makes a technical correction to clarify that the documentation of the consideration and implementation of safer medical devices is to be done annually.

Along with my distinguished colleague, the gentleman from New York (Mr. OWENS), I am offering a joint statement of legislative intent.

I would like to go out of my way now to thank Vickie Lipnic and Greg Maurer for the time and effort in resolving the many problems that arose in this effort. I want to thank all of my colleagues who have joined together in bringing this issue forward, and I urge its support in the full House.

Mr. Speaker, I include for the RECORD the joint statement of legislative intent on H.R. 5178.

H.R. 5178—NEEDLESTICK SAFETY AND PREVENTION ACT: JOINT STATEMENT OF LEGISLATIVE INTENT ON SUBSTITUTE BY HON. CASS BALLENGER OF NORTH CAROLINA AND HON. MAJOR OWENS OF NEW YORK IN THE HOUSE OF REPRESENTATIVES, TUESDAY, OCTOBER 3, 2000

Mr. Speaker, I am joined today by the ranking member of the Subcommittee on Workforce Protections of the Committee on Education and the Workforce, the Honorable Major Owens, in discussing the Needlestick Safety and Prevention Act. I am pleased to offer this bipartisan legislation which addresses an important public health issue confronting our nation's health care workers.

At this time, pending is a substitute to the version of H.R. 5178 which passed the Workforce Protections Subcommittee. I am pleased to be joined by Mr. Owens in offering the substitute. What follows is both the text of the substitute to H.R. 5178 and a statement of legislative intent which I offer on behalf of myself and Mr. Owens.

JOINT STATEMENT OF LEGISLATIVE INTENT ON SUBSTITUTE TO H.R. 5178

This legislation follows a hearing held by the Workforce Protections Subcommittee in late June of this year. The legislation derives from the convergence of two critical circumstances which have a profound effect on the safety of health care workers in the United States.

The first circumstance is the increased concern over accidental needlestick injuries suffered by health care workers each year in health care settings. "Needlesticks" is a term used broadly, as health care workers can suffer injuries from a broad array of "sharps" used in health care settings, from needles to IV catheters to lancets. The second circumstance is the technological advancements made over the past decade in the many types of "safer medical devices" that can be used in health care settings to help protect health care workers against sharps injuries. Because of the convergence of these two circumstances—and because of increasing concern over the public health issue related to the spread of hepatitis C, it is appropriate to take this action at this time.

Section 1 of the Bill provides the title the "Needlestick Safety and Prevention Act." Section 2 of the bill provides the Congressional findings.

Section 3 of the bill directly modifies the Bloodborne Pathogens Standard, 29 C.F.R. 1910.1030, one of the health and safety standards promulgated by the Department of Labor's Occupational Safety and Health Administration (OSHA). The legislation builds on the most recent action taken by OSHA related to the Bloodborne Pathogens Standard—the revision in November 1999 to OSHA's Compliance Directive on Enforcement Procedures for the Occupational Exposure to Bloodborne Pathogens ("Compliance Directive").

In modifying the Bloodborne Pathogens Standard ("BBP standard") this bill makes narrowly-tailored changes to the BBP standard. It makes clear in the BBP standard the direction already provided by OSHA in its Compliance Directive: namely, that employers who have employees with occupational exposure to bloodborne pathogens must consider and, where appropriate, use effective engineering controls, including safer medical devices, in order to reduce the risk of injury from needlesticks and from other sharp medical instruments ("sharps").

The bill accomplishes this in several ways. First, the BBP standard is modified so that the definition of "engineering controls" at 29 C.F.R. 1910.1030(b) includes as additional examples of such controls, "safer medical devices, such as sharps with engineering sharps injury protections and needleless systems." Following that step, the BBP standard is amended so that both "sharps with engineered sharps injury protections" and "needleless systems" are added to the definitions of the standard.

While sharps with engineered sharps injury protections and needleless systems are examples of safer medical devices, it is not the intent of this legislation to limit engineering controls or, for that matter, safer medical devices, to the examples cited in this legislation. Nor should the citing of these examples be considered an endorsement or preference of a specific product or assurance of a specific product's effectiveness.

Rather, it is the intent of this legislation to reflect innovation and evolving technology in the marketplace. It is also the intent of this legislation that any devices that have been considered or determined to be engineering controls by OSHA shall continue to be considered as such. This legislation anticipates that hospitals and other employers, in crafting their Exposure Control Plans, will adopt procedures and use devices that have been proven to reduce the risk of needlestick injuries.

Employers use their Exposure Control Plans to evaluate appropriate practices and devices for reducing occupational exposure. To focus attention on the need for employees to look at changes in technology, this legislation further modifies the BBP standard by adding to the existing requirements concerning Exposure Control Plans at 29 C.F.R. 1910.1030(c)(1)(iv). Through these modifications, employers will be required to demonstrate in the review and update of their Exposure Control Plans that their Exposure Control Plans reflect changes in technology and also that they document annually the consideration and implementation of appropriate, commercially available and effective safer medical devices. The clarification that documentation of such devices is to be done "annually" is the only difference between the substitute bill described here and the bill as reported by the Subcommittee on Workforce Protections.

It is through an employers' Exposure Control Plan that engineering controls and safer devices are considered and deployed in the workplace. To the extent that specific types of devices, such as catheter securement devices or needle destruction devices can reduce the risk of needlestick injuries, such devices could be appropriate components of an employer's comprehensive exposure control plan. Nevertheless, it is impossible for this legislation to recommend any one type of engineering control. Perhaps better stated it is not the intent of this legislation to disturb the underlying flexible, performance-oriented nature of the Bloodborne Pathogens Standard, whereby the employer must evaluate the circumstances of the workplace and assess what is effective and what is not in that particular work setting.

It is important to note also that the requirement in this legislation for the consideration and implementation of safer medical devices is hinged upon the "appropriateness" and the "commercial availability" of such devices. Finally, while this may be stating the obvious, it is not the intent of this legislation, nor for that matter of the current Bloodborne Pathogens Standard, for employers to implement use of any engineering control, including a safer medical device, in any situation where it may jeopardize a patient's safety, an employee's safety or where it may be medically contraindicated. We do not expect an OSHA inspector to substitute his judgment for that of the professional clinical and medical judgment of health care professionals responsible for patient safety. Moreover, all of the affirmative defenses available to an employer under the current Bloodborne Pathogens Standard remain intact with this legislation.

Section 3 of the bill amends the BBP standard in two additional ways. First, it adds a requirement that in addition to the recordkeeping requirements already found in the BBP standard, employers must record percutaneous injuries from contaminated sharps in a sharps injury log. The legislation sets out the minimum information to be included in such a log, namely the type of device used, an explanation of the incident, and where the injury occurred. Employers are free to include other information should they find it helpful. However, this legislation does require that in recording the information and maintaining the log, the confidentiality of the injured employee is to be protected.

The requirement for a sharps injury log is consistent with current OSHA recordkeeping in two specific ways. First, the sharps injury log requirement does not apply to any employer who is not already required to maintain a log of occupational injuries and illnesses under 29 C.F.R. 1904. Second, employers are not required to maintain the logs for a period of time beyond that currently required for the OSHA 200 logs.

It is the sole intent of the sharps injury log requirement that it be used as a tool only for employers so that they may determine their high risk areas for sharps injuries and use it as a means to evaluate particular devices that may or may not be effective in reducing sharps injuries. At a Subcommittee on Workforce Protection hearings in June, representatives of the American Hospital Association testified that many health care settings, particularly hospitals, already have in place some type of "surveillance system" for tracking needlestick and other sharps injuries. The AHA witness noted that hospitals have found this to be an effective tool to provide necessary information to help reduce such injuries.

The second way in which Section 3 amends the BBP standard is by specifying that employers must solicit input from non-managerial employees responsible for direct patient care who are potentially exposed to injuries from contaminated sharps in the identification, evaluation and selection of effective engineering and work practice controls. Employers are also to document this in the Exposure Control Plans. The intent of this section is simple—to involve those workers who will actually be using the new devices in their selection. It is not the intent of this legislation to force a particular technology on employers or employees without some careful consideration and evaluation of the technology's effectiveness.

Section 4 of the legislation explains that the modifications as delineated by Section 3 of the bill can be changed by a future rulemaking by OSHA on the Bloodborne Pathogens Standards.

Finally, Section 5 of the bill directs that the modifications to the BBP standards are to be made without regard to the standard OSHA rulemaking requirements or the requirements of the Administrative Procedures Act. Admittedly, preemption of the OSHA rulemaking procedures is not an action to be undertaken lightly. Indeed, the requirements of this bill are driven by the unique circumstances surrounding this narrow and particular public health issue. Although there is no such thing as binding precedent for Congress, it is not the intent of this legislation, through the process used here, to diminish the carefully constructed requirements and procedures for OSHA rulemaking.

The legislation does prescribe, however, that the changes to the BBP standard are to be made by the Secretary of Labor and published in the Federal Register within six months of enactment and that the changes will take effect 90 days after such publication.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is not exaggerating to say this is legislation that will save lives. I rise in support of H.R. 5178. This legislation will significantly improve the health and safety of health care workers by reducing accidental needlesticks and other sharps injuries.

It is estimated that there are between 600,000 and 800,000 incidences of accidental needlestick injuries among health care workers every year. As a direct result, more than 1,000 of these workers will contract a serious potentially life-threatening disease such as HIV or hepatitis C. Studies have shown that as many as 80 percent of these accidental needlesticks can be avoided through the use of available safer medical devices.

The Occupational Safety and Health Administration, OSHA, has already taken action to reduce accidental needlestick injuries. In November 1999, OSHA issued a revised compliance directive on enforcement procedures for occupational exposure to bloodborne pathogens. The principal purpose of the new directive is to emphasize the requirement that health care employers identify, evaluate, and make use of effective, safer medical devices. H.R. 5178 builds upon OSHA's efforts.

Specifically, H.R. 5178 amends OSHA's 1991 Bloodborne Pathogen Standard to clarify and reiterate the requirement to use "appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure to bloodborne pathogens." H.R. 5178 provides definitions of "engineering controls," "sharps with engineered sharps injury protections," and "needleless systems" in order to provide greater clarity of the requirements of the standard.

The legislation ensures that employers regularly monitor and assess the development of appropriate commercially available and effective safer medical devices. It ensures that health care workers who must use the equipment will have a voice in its selection and will be properly trained in its use. Finally, the legislation promotes greater awareness and more active vigilance through the use of a sharps injury log.

The primary intent of H.R. 5178 is to protect the safety and health of health care workers. One of the principal ways the legislation accomplishes this is by encouraging the development of safer medical devices. Under the bill, it is the responsibility of health care employers, in consultation with their workers and subject to oversight by OSHA, to determine for themselves what are the safest devices on the market that meet their individual needs.

As newer safer devices come to the market, employers are required to consider and implement appropriate and effective safer medical devices. Since the bill anticipates and encourages technological development, the bill intentionally does not define any specific medical device as a safer medical device per se. To do so would be self-defeating.

While reinforcing the requirement that safer medical devices be used where they are commercially available, this legislation does not mandate the use of engineered controls where such controls are not commercially available. Neither this legislation, nor the underlying standard it amends, requires anyone to use any engineering control, including a safer medical device, where such use may jeopardize a patient's safety, an employee's safety, or where it may be medically contraindicated.

This legislation leaves intact all of the affirmative defenses available to employers related to the use of engineered controls under the Bloodborne Pathogen Standard.

Mr. Speaker, this is good legislation. This is life-saving legislation. It is supported by health care employers, including the American Hospital Association and Kaiser Permanente. It is supported by medical equipment manufacturers, including Becton-Dickinson and Retractable Technologies, Inc.; and it is supported by the unions that represent health care workers, including the American Nurses Association, the Service Employees, AFSCME, AFT, AFGE, and the Firefighters.

I commend the gentleman from North Carolina (Chairman BALLENGER) for his leadership on this issue, and I urge my colleagues to support H.R. 5178.

Mr. Speaker, I reserve the balance of my time.

Mr. BALLENGER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I want to encourage everyone to vote for that legislation, but particularly I want to thank our subcommittee Chair, the gentleman from North Carolina (Mr. BALLENGER), because if I were a betting person several months ago and they said this legislation was going to come to the floor of the House, I would have said I doubt that.

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I did not think you could get the employees and the employers together on the issue, but the gentleman from North Carolina (Chairman BALLENGER) and his cunning ways overwhelmed them and brought that about, and what that means is an awful lot of people will not risk the danger of some horrible disease, and not only that, the expense of trying to prevent that disease from happening after the needlestick.

Again, I compliment the gentleman from North Carolina (Mr. BALLENGER), our subcommittee chair, the gentleman has done an outstanding job.

Mr. Speaker, I rise in support of H.R. 5178, the Needlestick Safety and Prevention Act. I want to congratulate Congressman BALLENGER for his leadership in forging a consensus between the employer and the employee communities on this once contentious issue. Congressman BALLENGER's work on this issue is indicative of his excellent service as Chairman of the Subcommittee on Workforce Protections for the past six years.

More than 600,000 times a year, healthcare workers are accidentally stuck by needles and other devices in the course of their work. With every accidental needlestick, health care workers risk contracting fatal diseases such as AIDs and Hepatitis C. H.R. 5178 will help prevent many of these accidental needlesticks.

Even in the fortunate majority of these cases when no diseases are transmitted, employers incur thousands of dollars in expenses for blood tests and preventative medications.

Fortunately, rapidly improving technology offers workers and employers safer medical devices that reduce the risk of needlestick injuries. H.R. 5178 requires employers to consider using safer medical devices. When such devices are appropriate, commercially available and effective, employers must implement safer devices in the workplace.

H.R. 5178's flexible approach to safer medical devices puts the decision-making in the hands of employers rather than distant Washington bureaucrats.

Employers, with input from frontline health care employees, have the flexibility and the responsibility to choose practices and devices that will help protect their workers in their workplaces.

By embracing a flexible, decentralized solution, H.R. 5178 enables employer and employee representatives to unite behind legislation that will help make work safer for health care workers. As a result, both the American Hospital Association and the American Nurses Association have enthusiastically endorsed H.R. 5178. I encourage my colleagues to vote for H.R. 5178.

Mr. OWENS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. McCARTHY).

Mrs. McCARTHY of New York. Mr. Speaker, before I make my remarks on this legislation, I also would like to compliment the gentleman from North Carolina (Chairman BALLENGER) for the work and how swiftly we have gotten this through the committee, and I appreciate that. I thank my colleague from New York (Mr. OWENS) again for his work to protect our health care workers, that is what it comes down to.

Mr. Speaker, I have spent over 30 years of nursing before I came here; and I certainly can tell my colleagues how many times I have gotten stuck with a needle. And I was probably very lucky, because many years ago, we did not face the diseases that we are facing today. Today, we are facing TB, Hepatitis B, Hepatitis C, HIV, AIDS, and these are the things we have to be concerned about. What people have to realize, it is not that nurses or health care workers are not being careful; but when we are dealing with life-threatening situations of taking care of a patient, we are concerned about giving the patient certainly the medications they need fast, starting IVs and everything else goes out of their minds.

This legislation is going to protect health care workers across this Nation. We heard that 600,000 to 800,000 healthcare workers are stuck every single year. We know that when a health care worker is stuck, they have to go down for a test. They have to be followed through. It can cost, for each person that is stuck, $3,000. We are not even talking about those that, unfortunately, do get fatal diseases from these injuries.

Mr. Speaker, I commend certainly the committee and the hard work that has been done on this and how fast it has gone, because now we know we have legislation that is out there that is going to protect our health care workers, and more than that, this is legislation that can save lives.

I am very proud to be here to encourage all of my colleagues, all of my colleagues to support this overwhelmingly. This is good legislation, and it should pass unanimously. I thank all my colleagues for their work.

Mr. BALLENGER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I certainly thank the gentleman from North Carolina (Mr. BALLENGER), our subcommittee chairman, but I think we are here today to say in a very real and definite and substantial way that Congress, when it sets public policy, it should put health and safety first. And as such, the safety of our health care workers and their patients are of paramount concern in this legislation.

I will tell my colleagues, we have safer medical devices that are being added to OSHA, as we amend OSHA in this legislation today, but in addition, employers are required to consider and implement the use of such safe medical devices in their facilities. It is certainly because of the leadership of the gentleman from North Carolina (Mr. BALLENGER), the gentleman from New York (Mr. OWENS), and the gentleman from Pennsylvania (Chairman GOODLING) on this subject. It was mentioned earlier nobody thought we could get this kind of a compromise in this kind of a leadership in such a short period of time.

Mr. Speaker, I will not go into all the statistics that have already been noted here today, but they are alarming statistics about the health and the safety, not only of the workers, but also the spread of terrible diseases, because of the breakdown of these safety devices, to the patients in our hospitals.

These numbers are alarming as they have already been stated, but especially alarming since we already know that the technology exists that could prevent these injuries and this spread of infection.

The least we can do is see that the medical professionals have the latest in safety precautions available to them. We cannot prevent all the hospitals and doctor office accidents, but certainly we can with today's safety needles provide the lifesaving support for those that need it.

I would like to point out, too, that while the statistics are alarming, I must also say that we should put health and safety first, not only health and safety first, but the bottom line, we are saving money.

Mr. Speaker, I do want to finally commend again the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS) for their leadership, but also we must remember the forward thinking companies like Becton-Dickinson in Bergen County, New Jersey for their contribution to the development of these safe technologies.

Mr. Speaker I rise in strong support of H.R. 5178, the Needlestick Safety and Prevention Act. When we in Congress set public policy, we must always put health and safety first. As such, the safety of health care workers and their patients are of a paramount concern.

H.R. 5178, the Needlestick Safety and Prevention Act, takes an important step in helping to reduce the risks of occupational exposure to bloodborne pathogens. The bill requires the Occupational Safety and Health Administrative (OSHA) to amend the Bloodborne Pathogens Standard to include the definition of "safer medical devices." In addition, employers are required to consider and implement the use of such safer medical devices in their facilities. I would like to thank Mr. BALLENGER and Mr. OWENS and Committee Chairman GOODLING for leading the charge to bring this bipartisan legislation to the floor.

It is currently estimated that there are between 800,000 and 1 million needlesticks and other sharps injuries to healthcare workers in the United states each year. An average hospital incurs approximately 30 worker needlestick injuries per 100 beds per year. These numbers are alarming, especially since the technology exists to prevent these injuries.

Many of these accidents are instant tragedies, infecting dedicated medical workers with blood-borne diseases, sometimes even the incurable AIDS virus. And ALL of these needlesticks leave the victim frightened of the consequences until a blood test can be done to determine whether they have been infected.

The least we can do is see that medical professionals have the latest in safety precautions available to them. We cannot prevent all hospital and doctor's office accidents, but we should prevent those we can. Today's safety needles are lifesavers for those trying to save lives. We need to encourage the use of safe needles and devices to improve healthcare worker safety in the workplace.

Numerous studies have demonstrated that the use of safe-needle devices, when they are part of an "overall" bloodborne pathogens risk-reduction program, are extremely effective in reducing accidental needlesticks. In fact, the Centers for Disease Control and Prevention estimates that 76 percent of needlestick injuries could be eliminated immediately if health care institutions switched to safe needles and similar devices. We should be doing everything possible to encourage the use of safe technology.

Not only does the use of safe technology save lives—it also saves money. For example, it is estimated that for a 300 bed hospital to convert to safe technology, it would cost $70,000 a year. When you compare that amount to the estimated $500,000 in testing and drug regimens for just one needlestick injury, it becomes clear—needlestick prevention makes practical and fiscal sense. And this does not begin to include the emotional toll of the injured worker or the countless lawsuits filed.

The use of safe technology should be viewed as an insurance policy: an insurance policy for workers and patients and an insurance policy for hospitals.

Mr. Speaker, I commend Mr. BALLENGER and Mr. OWENS for their leadership on this important issue. I also would like to commend forward-thinking companies like Becton-Dickinson of Bergen County, New Jersey, for their contribution to the development of this safe technology.

I strongly urge my colleagues to vote in favor of this important legislation.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend, the gentleman from New York (Mr. OWENS), for yielding me the time.

Mr. Speaker, I rise in support of this legislation. I want to congratulate the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS), my friend, for their intelligence in bringing this to the floor.

There are a lot of competing interests in this legislation, union and management, health care providers and product providers, and it was a substantial task to bring all of those parties together. The gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS) took the lead in doing that, and I thank them and commend them for it.

The gentleman from New York (Mr. OWENS) said in his remarks that it is not an overstatement to say that this legislation will save peoples' lives; he is right. There are instances where people are injured and sometimes fatally injured as a result of injuries on the job that will be prevented as a result of passing this legislation.

This is what we are here to do, to bring the two parties together and both sides of the bargaining table to make this happen. I know the gentleman from New York (Mr. OWENS) in particular has been tenacious in pursuing this legislation for many numbers of years, and on behalf of my constituents, I thank him for it.

I also thank the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) for their leadership of the full committee in bringing us here.

I first heard about this legislation when members of the health care team, nurses, mainly, at the Camden County Health Services Center in my district visited me in my office here, they are members of the AFSCME union, and they had called it to the attention of their employer to voluntarily adopt a standard like this, which the employer, to its credit, did. That was then followed up here at the national level by any number of groups and interests to make sure that we could codify this effort by OSHA to balance the concerns of union and management, to balance all concerns and to write a good bill. I believe that we have done that.

I also appreciate the way that this bill incorporates technological changes and does not wed itself to any particular technology. I applaud that, because I believe that it will permit the development and evolution of even greater technologies as time goes by.

Mr. Speaker, I also applaud the fact that the bill reflects my own understanding that a device that does not use needles for the securement of devices for administration of medication or fluids and thereby diminishes or eliminates exposure to bloodborne pathogens clearly falls within the definition of a device that does not use needles for any other procedure involving the potential for occupational exposure to bloodborne pathogens due to the injuries from contaminated sharps.

I think I followed that, not being a medical professional. In other words, that OSHA can find the very best technology available in any given time in the future to protect workers, that is what we are here to do.

Mr. Speaker, I again thank the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS). I rise in enthusiastic support of the legislation and urge its unanimous approval.

Mr. BALLENGER. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman from North Carolina (Mr. BALLENGER) for yielding me this time, and I compliment him as well, the job that he did in bringing this bill to the floor.

And I certainly am pleased to join with my colleagues in total support of H.R. 5178, the Needlestick Safety and Prevention Act. I think this is one of the major public health issues facing the health care community today, and I think it certainly deserves the attention of the Congress.

According to the Department of Labor, as has already been mentioned, there are an estimated 800,000 needlestick injuries which occur in the United States each year, and this puts thousands of health care workers including nurses and doctors and CNAs and even custodians at the risk of accidental exposure to more than 20 pathogens, including HIV and Hepatitis B and C. In addition to protecting health care workers, Congress should be concerned about protecting every patient admitted to a hospital or treated at a clinic, because patients are also at risk of an accidental needlestick injury.

A very crucial component of the comprehensive prevention program is the use of the so-called safe needles. These are needles designed to retract into the body of the syringe once it is used so it can then be disposed of with a much lower chance of an accidental needlestick. A company in my district, Becton-Dickinson is a leading manufacturer of these devices, and I am pleased that a company with Nebraska ties can play a role in addressing this very important public health concern.

For the safety of health care workers and patients, this very important public health issue should not be overlooked. And I certainly extend my full support to the bill and urge its passage.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I rise in strong support of this measure. I would like to thank the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS) for bringing this important bill to the floor today for this vote.

H.R. 5178 is an important bill that I believe will truly make a difference in the lives of health care workers, patients and the families of both throughout this Nation. As was pointed out earlier, there is an estimated 800,000 needlesticks per year across this country. The potential for needlesticks put health care workers and patients at risk of contracting diseases, like Hepatitis C and B and HIV.

In California, the results of legislation that I authored when in the State Senate found that most needlesticks could be prevented by using better designed safer needles and following stricter disposal protocols.

This bill and these findings helped to lead to a 1998 mandate for safer needles in California. In addition to saving lives, it is estimated that in California, we will save over $100 million per year as a result of these safer needles. The savings are calculated by using the costs of disability payments, testing and treatment, lost wages, and liability costs.

H.R. 5178 will require the use of safer needles, require more consistent documentation of needlestick injuries, and it establishes the stronger Federal uniform standard for the disposal and the usage of needles. It will save lives. It will save money, and it deserves the support of every Member of Congress.

Mr. BALLENGER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I want to commend the gentleman from North Carolina (Mr. BALLENGER) for this bill, H.R. 5178, and commend him for his hard work in bringing it to the floor today.

I also want to thank the gentleman from New York (Mr. OWENS). I share their commitment to reducing the risk of exposure from men and women whose occupation places them in close proximity to bloodborne pathogens in the workplace.

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H.R. 5178 amends the OSHA standards on blood-borne pathogens to include the definition of safer medical devices. I especially want to thank both gentlemen today for including that in their manager's statement of legislative intent, clarifying that it is not the intent of the legislation to limit in any way any engineering controls or safer medical devices to the few examples that are cited in the legislation.

The statement offered today clearly expresses the intent of the bill's crafters to provide for innovative and evolving technology in our efforts to minimize risk.

As the gentleman from North Carolina knows, I am particularly concerned about a device that is manufactured not surprisingly in my district by a fellow named Joe Adkins through his company, Safeguard Medical Devices. The product they have developed is roughly the size of a pocket pager, and is intended to be carried by all personnel who may encounter unsafe used syringes. It is designed to blunt and seal the end of the needle with a "BB" type ball that seals the syringe hub, further reducing the risk of downstream infection.

The language thankfully included in the manager's statement leaves no doubt that products that minimize the risks of exposures to blood-borne pathogens, like the one developed by Safeguard Medical Devices, are intended to be covered by the broad language of section 3 in the bill referring to safer medical devices, and that the examples cited in the bill were intended to be illustrative, rather than exhaustive.

For that, I thank the chairman and thank the gentleman from New York (Mr. OWENS).

Mr. OWENS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I will enter into the RECORD a letter by Mr. Charles Loveless, director of legislation for the Association of Federal, State, County and Municipal Employees, the AFL-CIO.

AFSCME, AFL-CIO,
Washington, DC, October 2, 2000.

DEAR REPRESENTATIVE: On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), I urge you to support the Needlestick Safety and Prevention Act (H.R. 5178), introduced by Representatives Cass Ballenger and Major Owens.

H.R. 5178 would amend the Occupational Safety and Health Administration's (OSHA) Bloodborne Pathogens Standard to require that employers use safety-designed needles and sharps in order to reduce needlestick injuries and the transmission of serious diseases from patients to nurses and other workers. This important legislation codifies and refines a compliance directive issued by OSHA late last year, after seeking public input on the use of safer devices.

Needlestick injuries are a serious, but preventable, public health problem. Despite the availability of safer devices, the vast majority of needles and sharps in use today are old-style devices that lack integrated safety features. As a consequence, 600,000 to 800,000 needlestick injuries occur each year in the health care workplace. Among those who sustain such an injury, an estimated 1,000 contract a serious disease, including Hepatitis C and HIV.

H.R. 5178 is an important measure that will save lives. We endorse this bipartisan bill and urge you to approve it.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

Madam Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. BALLENGER. Madam Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Madam Speaker, I rise in strong support of H.R. 5178, the Needle Stick Safety and Prevention Act.

I do want to thank the gentleman from North Carolina (Mr. BALLENGER) for bringing this bill to the floor. I want to thank the ranking member, the gentleman from New York (Mr. OWENS), for his role and leadership in bringing this bill before us. I am proud to be a cosponsor.

This bipartisan legislation is designed to protect health care workers from needle stick injuries by updating the Occupational, Safety, and Health Administration's standards in order to address advances in safer medical devices such as needleless systems and needles that are specifically engineered for injury protection.

Passage of H.R. 5178 would reduce the risk of HIV, hepatitis B, hepatitis C, that are caused by accidental needle sticks. This year, the Centers for Disease Control and Prevention estimated that more than 380,000 needle stick injuries from contaminated needles occur annually among health care workers in our U.S. hospitals.

The total number of needle stick and other skin-puncturing injuries in all health care settings is, as Members have heard before, 600,000 to 800,000 annually.

The CDC has also estimated that, depending on the type of device used and the procedure involved, that 62 to 82 percent of needle stick injuries can potentially be prevented by the use of safer medical devices.

One particular needleless system has been developed by Calypte Biomedical Corporation of Rockville, Maryland. Long concerned about the risk of HIV transmission through accidental needle stick injuries, Calypte Biomedical manufactures FDA-approved, urine-based HIV diagnostic tests which would dramatically reduce needle stick accidents.

This legislation is supported by the American Hospital Association, the American Nurses Association, a number of other agencies and organizations. It ensures that hospitals and other medical employers will have the flexibility to best protect their workers. I urge my colleagues to support it.

Mr. BALLENGER. Madam Speaker, I yield 2 minutes to the gentleman from Georgia, (Mr. ISAKSON).

Mr. ISAKSON. Madam Speaker, I thank the gentleman for yielding time to me, and commend him on this important issue, as well as the gentleman from New York (Mr. OWENS) and his support.

Madam Speaker, the transfer of blood-borne pathogens in this country is a problem in our hospitals and facilities, and it does threaten our health care leaders.

Our chairman and author of this bill, the gentleman from North Carolina (Mr. BALLENGER), has done a great job in holding hearings to bring about that information.

I associate myself with the remarks of the gentleman from Ohio (Mr. LATOURETTE), the gentlewoman from Maryland (Mrs. MORELLA), and others who have understood the leadership that has been shown in this by not issuing a franchise to one single producer of a product that destroys needles, but rather, to acknowledge that every hospital and health care facility should select those products that are best for them, to have a clear and direct policy to minimize and we hope eliminate needle stick injuries and the transfer of possible dangerous germs and disease in their facility.

The leadership the gentleman from North Carolina (Mr. BALLENGER) has shown Americans and assured health care workers that the hospitals and medical workplaces of America will be safer. It has also ensured that incentive remains for the private sector to produce new and modern products that are safer and more efficient than those in the past, so hospitals can develop the very best possible policy to meet OSHA's, what I would add, very thoughtful rule in terms of developing these plans for every hospital in America.

Mr. GILMAN. Madam Speaker, I rise today in support of H.R. 5178, the Needlestick Safety and Prevention Act. I applaud my colleague from North Carolina, Mr. BALLENGER for his leadership on this issue and as a cosponsor of this legislation, I urge my colleagues to support this much needed bill.

H.R. 5178 directs employers to consider, and where appropriate, use such safer medical devices to reduce the risk of needlesticks and other injuries from sharps. Employers with employees who may be exposed to bloodborne pathogens are required to use safer medical devices only where such devices are appropriate, effective and commercially available. I have met with various nurses' groups over the years who have been pushing for the use of safer needles in hospitals and doctors' officers throughout the country. Although these safe needles tend to cost more than the average needle that is currently used, the safe needles protect health care professionals by featuring one of a number of new innovations such as a retractable needle.

Moreover, H.R. 5178 calls for employers to maintain a sharps injury log to record sharps injuries and to call upon frontline health care workers who would actually use the devices in the selection of the devices. This will ensure that the people actually using the new needles will be comfortable with all aspects of the safe device.

Accordingly, I urge my colleagues to protect our Nation's health care professionals and support this legislation.

Mr. STARK. Madam Speaker, I am pleased to speak in support of H.R. 5178, The Needlestick Safety and Prevention Act and urge all of my colleagues to join me in voting to protect nurses, doctors, and other health care workers from accidental needlestick injuries in the workplace.

This legislation is long overdue. Health care workers across our country are put in danger each and every day because safe needle technologies that exist and are proven to reduce the risk of workplace needlestick injuries are still not widely used in our nation's health facilities.

Through accidental needlesticks, health care workers are exposed to the spread of deadly bloodborne diseases such as AIDS and Hepatitis B and C. Estimates are that some 600,000 to one million needlesticks occur each year. While the vast majority of those injuries do not result in the spread of a bloodborne pathogen, those that do can prove debilitating and even fatal. Health care workers simply should not be forced to risk their lives while trying to save ours.

Enactment of H.R. 5178 will dramatically lower the occurrence of accidental needlestick injuries by requiring the use of safer needle technology in our nation's health care system. This bill, like the legislation I co-authored with Representative ROUKEMA (H.R. 1899), will dramatically improve needlestick protections for health care workers by: clarifying the bloodborne pathogens requirements regarding the use of safer needle devices, improving existing reporting requirements, and ensuring that health care workers are involved in the selection of appropriate safety devices.

I have been working on this issue for many years. My first bill to protect health care workers from preventable needlestick injuries was introduced in 1993. In the last Congress, similar legislation gained the support of more than 100 of my colleagues. H.R. 1899, which Representative ROUKEMA and I introduced together in this Congress, now has the bipartisan support of more than 185 of our colleagues.

States have also begun focussing attention on this important issue. My home state of California was the first state to pass comprehensive legislation requiring the use of safe needle devices in 1998. Since then, more than a dozen states have followed course and passed legislation protecting health care workers their own borders.

But, this is a national problem that deserves a national solution. That is why I am so pleased to join Representative BALLENGER and Representative OWENS in support of H.R. 5178 on the House floor today. I would also like to congratulate both of them for stepping into leadership roles on this vitally important safety issue for health care workers across the country.

While I fully support the bill before us today, our work to protect health care workers from these injuries will not be complete even with passage of this important legislation. We need to go further. OSHA applies mainly to the private sector and therefore H.R. 5178 leaves health care workers in public hospitals in approximately 27 states without the same protections. We need to extend equivalent protections to these workers and I pledge to work with my colleagues to achieve this goal as well.

Passage of H.R. 5178 will take us a long way toward minimizing the danger of needlestick injuries and potential infection by deadly diseases for the millions of health care workers across our country. Put simply, a yes vote for H.R. 5178 will save lives. I urge all of my colleagues to join me in voting yes.

Mr. KUCINICH. Madam Speaker, I rise in strong support for H.R. 5178, the Needlestick Safety and Prevention Act. There are an estimated 600,000 to 800,000 needlestick injuries each year. Over 80 percent of these injuries could have easily been prevented with the use of safer needle devices. Hospital nurses are the most frequently injured, followed by physicians, nursing assistants and housekeepers.

A resident of Cleveland, Ohio, Mr. Stanley McKee, testified before the Ohio Senate regarding his needlestick injury. Mr. McKee works at a hospital in the environmental services department. He was disposing of the trash from the intensive care unit when he felt an object stick him in the leg. When he checked the bag he saw the used needle protruding out. For months, Mr. McKee was forced to undergo a series of shots until it could be determined whether he had indeed contracted an illness. The costly medical care he required and the severe mental anguish he experienced while awaiting news of his test results could have easily been prevented with safety devices as required in The Health Care Worker Needlestick Prevention Act, H.R. 5178. The average cost to test and treat a worker following an accidental stick where an infection does not occur is about $500. The costs to treat an employee who is infected from an accidental stick can total up to one million dollars over a person's life. However, these injuries can be prevented with safer needles that cost less than a postage stamp.

This bill will save lives by drastically reducing the threat of contracting infectious diseases including hepatitis and the HIV virus through accidental needlesticks. Healthcare professionals dedicate their lives to caring for others. Let us show our appreciation and respect by working to pass this important legislation to ensure the safety of members of the healthcare community.

I would like to thank Chairman BALLENGER for leading the Subcommittee on Workplace Protections of the Committee on Education and the Workforce to report H.R. 5178 to the whole House of Representatives. I would also like to praise Rep. FORTNEY PETE STARK, whose many yeas of advocacy for needlestick safety laid the groundwork for today's bill. I urge a YES vote.

Mr. BALLENGER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from North Carolina (Mr. BALLENGER) that the House suspend the rules and pass the bill, H.R. 5178, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CUSTOMIZED TRAINING FLEXIBILITY ACT

Mr. McKEON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4216) to amend the Workforce Investment Act of 1998 to authorize reimbursement to employers for portable skills training, as amended.

The Clerk read as follows:

H.R. 4216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Customized Training Flexibility Act".

SEC. 2. FLEXIBILITY IN CUSTOMIZED TRAINING REQUIREMENT UNDER THE WORKFORCE INVESTMENT ACT OF 1998.

Section 101(8) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(8)) is amended—

(1) in subparagraph (A), by striking "(including a group of employers)" and inserting "or a group of employers within the same industry";

(2) in subparagraph (B), by striking "the employer" and inserting "any such employer"; and

(3) in subparagraph (C), by striking "for not less than 50 percent" and inserting "a portion".

SEC. 3. OTHER AMENDMENTS TO THE WORKFORCE INVESTMENT ACT OF 1998.

(a) DEFINITION OF ELIGIBLE YOUTH.—Section 101(13)(B) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(13)(B)) is amended to read as follows:

"(B)(i) is a low-income individual; or

"(ii) has been determined to meet the eligibility requirements for free meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et. seq.) during the most recent school year; and".

(b) USE OF FUNDS FOR ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(d)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)(4)) is amended by adding at the end the following:

"(H) COORDINATION WITH UNEMPLOYMENT COMPENSATION.—An eligible adult or dislocated worker participating in training (except for on-the-job training) shall be deemed to be in training with the approval of the State agency in the same manner as provided under section 314(f)(2) of the Job Training Partnership Act (29 U.S.C. 1661c(f)(2)) (as such section was in effect on the day before the date of the enactment of this Act).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. McKEON) and the gentleman from New Jersey (Mr. ANDREWS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. McKEON).

GENERAL LEAVE

Mr. McKEON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4216.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McKEON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 4216, to increase the flexibility of customized training programs available under the Workforce Investment Act.

First, I want to commend the gentleman from California (Mr. RADANOVICH) for his leadership in pushing this important legislation forward. The economy is in good shape nationally, but that prosperity has not been felt in all of our districts.

For example, unemployment stands at 15 percent in the district of the gentleman from California (Mr. RADANOVICH), and he is doing something with this legislation to help solve that problem for his constituents.

Two years ago we were successful in enacting the law, the Workforce Investment Act. In addition to streamlining multiple Federal job training programs and empowering individuals to choose their own training, this act increased the role of employers to ensure that the training provided under these programs is relevant to job opportunities in their areas.

The ability for local programs to provide customized training is just one example of how training can be guaranteed to meet the needs of local employers. This type of training has three basic characteristics:

First, it is designed to meet the special requirements of an employer or group of employers.

Second, it is provided with a commitment by the employer to hire the participant upon successful completion of training.

Third, it provides employers with a reimbursement to offset a portion of the costs associated with the training.

Under the Workforce Investment Act, we limited this reimbursement to just 50 percent. However, we have since learned that many employers are hesitant to participate in these programs because of this cap.

This legislation before us today lifts this cap and allows local programs to negotiate a reasonable reimbursement for the training provided by employers. However, it maintains the requirement that at least a portion of the cost continue to be covered by the employer.

The benefits of these programs are numerous. Not only do they provide employers with skilled workers, they also enhance the employability of the training participants, who come into these programs because they are unemployed or on welfare or underemployed.

At a time when we are considering expanding the number of foreign workers into this Nation in order to fill high-paying high-skilled jobs, we must work to promote efforts such as customized training. By providing more local flexibility in carrying out such training, this legislation accomplishes that goal.

In addition to changes made to customized training, this legislation makes two additional technical corrections to the Workforce Investment Act.

The first allows youth seeking to participate in training programs to satisfy the low-income criteria by providing proof that they are eligible for free meals under the National School Lunch Act. This change relieves local programs of the burden of collecting additional income information from these youth.

In addition, this legislation maintains a provision from the prior Job Training Partnership Act which inadvertently dropped during the consideration of the Workforce Investment Act. This provision simply ensures the continued coordination of job training provided under the Workforce Investment Act with the unemployment compensation system.

Finally, I urge all Members to support the passage of this legislation.

Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. RADANOVICH), the author of the bill.

Mr. RADANOVICH. Madam Speaker, I want to thank the gentleman from Pennsylvania, chairman of the Committee on Education and the Workforce, and my colleague, the gentleman from California (Mr. McKEON), for his assistance in bringing H.R. 4216 to the floor.

Madam Speaker, I represent the 19th District of California. This region has an agricultural-based economy which brings with it high unemployment rates and an unskilled labor force.

While the nationwide job market is the strongest it has been in decades, my district struggles with an unemployment rate that averages from between 12 to 17 percent. I know of small pockets in my district whose unemployment rates have recently been as high as 44 percent.

To compound this problem, labor demands are difficult to meet since potential workers in our region have few if any labor skills. With such drastic conditions, we need our local businesses to have the incentive to train and hire people.

There used to be programs in my district through which employers would train unskilled laborers and then hire them. This training comes at a cost that local work force development boards used to cover under the Job Training Partnership Act. However, the Workforce Investment Act now only allows a maximum reimbursement of 50 percent through what is known as the customized training program.

Employers in my district cannot afford to train unskilled workers if they can only recover up to 50 percent of their costs. If we do not change this law, these valuable programs will cease to exist, both in my district and in areas throughout the country.

H.R. 4216 changes the Workforce Investment Act so that it does not limit reimbursement of customized training to only 50 percent. My bill allows the local work force development board to determine the appropriate amount that an employer should contribute to customized training on a case-by-case basis.

This change will salvage a form of job training that has been highly effective in adding to the labor force, ending government dependence, and strengthening our economy.

Madam Speaker, I encourage my colleagues to support H.R. 4216. It is good for business, it is good for the noticed, and it is good for the economy.

Mr. ANDREWS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first of all, I want to congratulate the gentleman from California (Mr. RADANOVICH) for his attention to this issue. Members of Congress very often self-limit themselves according to what committees they serve on. The gentleman from California (Mr. RADANOVICH) is not a member of our committee, but he took an interest in this issue and is addressing a series of problems that I think need to be addressed, and we thank him for that.

We thank the gentleman from California (Mr. McKEON) for his interest in bringing the legislation to this point, and we obviously thank the gentleman from Pennsylvania (Chairman GOODLING) and the ranking member, the gentleman from Missouri (Mr. CLAY) on our side.

We are concerned about dealing with the problems of a couple of people that would be relevant to this legislation. Then, frankly, we have some concerns about what is in the legislation. I want to note each of those three points for the RECORD.

First of all, we commend the fact that this legislation will help the young person who is in school, who wants to get job training while he or she is in school so they can take the first step up that career ladder.

□ 1645

Right now the process of qualifying for that job training requires that the individual prove his or her income. That can be a burdensome, time-consuming, bureaucratic process.

What this bill says is that, if, the young person in question is eligible for a free school lunch, they should automatically be eligible for the job training. That makes sense, because it says that, once one filled out one set of forms with one's income tax return or one's parents' income tax return, and once one has gone through one bureaucratic thicket to qualify for a school lunch, since the criteria are substantially identical to qualify for the job training, one ought to be able to do it anyway. That makes perfect sense. The Department of Labor supports that, and so do we. We are glad that it is in the legislation.

The second issue is to understand the person who has been caught in the switches of this changing economy. It is indisputably true that, if one is a network analyst or a software engineer, these are great times to be coming out in the job market. People are getting signing bonuses and getting recruited by firms, and they are doing very, very well.

It is not such a great time if one is working at a steel mill or manufacturing plant or a coal mine or in other manufacturing segments of our economy. In many areas of the country, in many industries, those industries have been shrinking. Many people find themselves in the middle of their lives, in the middle of their careers, in the middle of their mortgages, in the middle of raising their children without a secure source of income, without a job.

These are people who most need the skills to make the jump from the old economy to the new one, who most need the skills to upgrade themselves within the old economy so they can be part of that shrunken workforce at a higher level of productivity and higher wages.

Very often that person's plan is to be on unemployment benefits for a while and then go to school at the same time, go to some kind of job training program at the same time, stretch their bills during the period of time they are on unemployment, get their training, and then get a new job that pays higher with health benefits, and get their family back on their feet. That is the way people do it.

An anomaly in the Workforce Investment Act of 1998 has made it difficult for people to do that because there is a question that gets raised as to whether or not that person can still receive his or her unemployment benefits while they are getting their job training. We think the answer ought to be yes: that if someone has a little bit of a supplemental income from their unemployment compensation and they are going to school and working very hard to upgrade their skills so they can move back into the workforce at a higher wage, that is what they are supposed to be doing. Those are the rules of the game.

It is very important that what this bill does is to clarify that that answer should, in most cases, be yes; that, in most cases, the participation of a worker in a Workforce Investment Act training program does not automatically disqualify him or her from receiving unemployment benefits from the State. There may be other factors that do, but the mere participation in this program does not disqualify someone for unemployment benefits.

What this really does is provide a lifeline of relief to someone at a very difficult time in his or her life and career. It is a very good idea. The Department of Labor supports it. We are glad it is in the bill, and we support it as well.

Let me raise one area of concern that we do carry forward as this bill is negotiated between the two Chambers and as it reaches the executive branch, and that is the question of the employer's responsibility to match or contribute to funds for job training that are provided by the Federal Government.

We certainly understand that there should be flexibility for employers, that employers that are modest in size and have very little cash in the bank ought not to be excluded from custom training because of that situation. Very often those are the employers that are producing most of the new jobs in the economy.

It is important to us, however, that we spread these job training dollars to as many people as possible. In other words, we believe that, if there is a choice between using 100 percent of the money to train three people or 100 percent of the money to train one person, we should always err on the side of training three people rather than one.

We do have some concerns about the way the bill is drafted at this point that we believe might permit an undue concentration of job training funds on one person and not require the level of employer contribution that ought to be contributed. The AFL/CIO, for example, has expressed this concern, and I would echo it, and I would urge the majority to work with us and with the Department of Labor and those in the other body who are interested to try to reconcile this difference as we go forward. But we shall, indeed, go forward.

I would commend both of my gentlemen from California, Mr. MCKEON and Mr. RADANOVICH. I guess the author of this bill is proving that we are putting new wine in new bottles, given his background as a vintner. I must say I speak as the brother-in-law of a fellow vintner, so I immediately appreciated the work of the gentleman from California (Mr. RADANOVICH). I salute the efforts of the gentleman from California (Mr. MCKEON).

So having duly noted the concerns of the overconcentration of resources on a few people, I would commend the positive aspects of this bill. I thank the Department of Labor for its input.

Madam Speaker, since I have no further speakers, I yield back the balance of my time.

Mr. MCHUGH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 4216, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to amend the Workforce Investment Act of 1998 to expand the flexibility of customized training, and for other purposes.".

A motion to reconsider was laid on the table.

INDEPENDENT TELECOMMUNICATIONS CONSUMER ENHANCEMENT ACT OF 2000

Mrs. CUBIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3850) to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the Nation by relieving unnecessary burdens on the Nation's two percent local exchange telecommunications carriers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Telecommunications Consumer Enhancement Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The Telecommunications Act of 1996 was enacted to foster the rapid deployment of advanced telecommunications and information technologies and services to all Americans by promoting competition and reducing regulation in telecommunications markets nationwide.

(2) The Telecommunications Act of 1996 specifically recognized the unique abilities and circumstances of local exchange carriers with fewer than two percent of the Nation's

subscriber lines installed in the aggregate nationwide.

(3) Given the markets two percent carriers typically serve, such carriers are uniquely positioned to accelerate the deployment of advanced services and competitive initiatives for the benefit of consumers in less densely populated regions of the Nation.

(4) Existing regulations are typically tailored to the circumstances of larger carriers and therefore often impose disproportionate burdens on two percent carriers, impeding such carriers' deployment of advanced telecommunications services and competitive initiatives to consumers in less densely populated regions of the Nation.

(5) Reducing regulatory burdens on two percent carriers will enable such carriers to devote additional resources to the deployment of advanced services and to competitive initiatives to benefit consumers in less densely populated regions of the Nation.

(6) Reducing regulatory burdens on two percent carriers will increase such carriers' ability to respond to marketplace conditions, allowing them to accelerate deployment of advanced services and competitive initiatives to benefit consumers in less densely populated regions of the Nation.

(b) PURPOSES.—The purposes of this Act are—

(1) to accelerate the deployment of advanced services and the development of competition in the telecommunications industry for the benefit of consumers in all regions of the Nation, consistent with the Telecommunications Act of 1996, by reducing regulatory burdens on local exchange carriers with fewer than two percent of the Nation's subscriber lines installed in the aggregate nationwide;

(2) to improve such carriers' flexibility to undertake such initiatives; and

(3) to allow such carriers to redirect resources from paying the costs of such regulatory burdens to increasing investment in such initiatives.

SEC. 3. DEFINITION.

Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended—

(1) by redesignating paragraphs (51) and (52) as paragraphs (52) and (53), respectively; and

(2) by inserting after paragraph (50) the following:

"(51) TWO PERCENT CARRIER.—The term 'two percent carrier' means an incumbent local exchange carrier within the meaning of section 251(h) that has fewer than two percent of the Nation's subscriber lines installed in the aggregate nationwide.".

SEC. 4. REGULATORY RELIEF FOR TWO PERCENT CARRIERS.

Title II of the Communications Act of 1934 is amended by adding at the end thereof a new part IV as follows:

"PART IV—PROVISIONS CONCERNING TWO PERCENT CARRIERS

"SEC. 281. REDUCED REGULATORY REQUIREMENTS FOR TWO PERCENT CARRIERS.

"(a) COMMISSION TO TAKE INTO ACCOUNT DIFFERENCES.—In adopting rules that apply to incumbent local exchange carriers (within the meaning of section 251(h)), the Commission shall separately evaluate the burden that any proposed regulatory, compliance, or reporting requirements would have on two percent carriers.

"(b) EFFECT OF RECONSIDERATION OR WAIVER.—If the Commission adopts a rule that applies to incumbent local exchange carriers and fails to separately evaluate the burden that any proposed regulatory, compliance, or reporting requirement would have on two percent carriers, the Commission shall not enforce the rule against two percent carriers unless and until the Commission performs such separate evaluation.

"(c) ADDITIONAL REVIEW NOT REQUIRED.—Nothing in this section shall be construed to require the Commission to conduct a separate evaluation under subsection (a) if the rules adopted do not apply to two percent carriers, or such carriers are exempted from such rules.

"(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to prohibit any size-based differentiation among carriers mandated by this Act, chapter 6 of title 5, United States Code, the Commission's rules, or any other provision of law.

"(e) EFFECTIVE DATE.—The provisions of this section shall apply with respect to any rule adopted on or after the date of enactment of this section.

"SEC. 282. LIMITATION OF REPORTING REQUIREMENTS.

"(a) LIMITATION.—The Commission shall not require a two percent carrier—

"(1) to file cost allocation manuals or to have such manuals audited, but a two percent carrier that qualifies as a class A carrier shall annually certify to the Commission that the two percent carrier's cost allocation complies with the rules of the Commission; or

"(2) to file Automated Reporting and Management Information Systems (ARMIS) reports.

"(b) PRESERVATION OF AUTHORITY.—Except as provided in subsection (a), nothing in this Act limits the authority of the Commission to obtain access to information under sections 211, 213, 215, 218, and 220 with respect to two percent carriers.

"SEC. 283. INTEGRATED OPERATION OF TWO PERCENT CARRIERS.

"The Commission shall not require any two percent carrier to establish or maintain a separate affiliate to provide any common carrier or noncommon carrier services, including local and interexchange services, commercial mobile radio services, advanced services (within the meaning of section 706 of the Telecommunications Act of 1996), paging, Internet, information services or other enhanced services, or other services. The Commission shall not require any two percent carrier and its affiliates to maintain separate officers, directors, or other personnel, network facilities, buildings, research and development departments, books of account, financing, marketing, provisioning, or other operations.

"SEC. 284. PARTICIPATION IN TARIFF POOLS AND PRICE CAP REGULATION.

"(a) NECA POOL.—The participation or withdrawal from participation by a two percent carrier of one or more study areas in the common line tariff administered and filed by the National Exchange Carrier Association or any successor tariff or administrator shall not obligate such carrier to participate or withdraw from participation in such tariff for any other study area.

"(b) PRICE CAP REGULATION.—A two percent carrier may elect to be regulated by the Commission under price cap rate regulation, or elect to withdraw from such regulation, for one or more of its study areas at any time. The Commission shall not require a carrier making an election under this paragraph with respect to any study area or areas to make the same election for any other study area.

"SEC. 285. DEPLOYMENT OF NEW TELECOMMUNICATIONS SERVICES BY TWO PERCENT COMPANIES.

"The Commission shall permit two percent carriers to introduce new interstate telecommunications services by filing a tariff on one day's notice showing the charges, classifications, regulations and practices therefor, without obtaining a waiver, or make any other showing before the Commission in advance of the tariff filing. The Commission shall not have authority to approve or disapprove the rate structure for such services shown in such tariff.

"SEC. 286. ENTRY OF COMPETING CARRIER.

"(a) PRICING FLEXIBILITY.—Notwithstanding any other provision of this Act, any two percent carrier shall be permitted to deaverage its interstate switched or special access rates, file tariffs on one day's notice, and file contract-based tariffs for interstate switched or special access services immediately upon certifying to the Commission that a telecommunications carrier unaffiliated with such carrier is engaged in facilities-based entry within such carrier's service area.

"(b) PRICING DEREGULATION.—Notwithstanding any other provision of this Act, upon receipt by the Commission of a certification by a two percent carrier that a local exchange carrier that is not a two percent carrier is engaged in facilities-based entry within the two percent carrier's service area, the Commission shall regulate such two percent carrier as non-dominant, and therefore shall not require the tariffing of the interstate service offerings of such two percent carrier.

"(c) PARTICIPATION IN EXCHANGE CARRIER ASSOCIATION TARIFF.—A two percent carrier that meets the requirements of subsection (a) or (b) of this section with respect to one or more study areas shall be permitted to participate in the common line tariff administered and filed by the National Exchange Carrier Association or any successor tariff or administrator, by electing to include one or more of its study areas in such tariff.

"(d) DEFINITIONS.—For purposes of this section:

"(1) FACILITIES-BASED ENTRY.—The term 'facilities-based entry' means, within the service area of a two percent carrier—

"(A) the provision or procurement of local telephone exchange switching capability; and

"(B) the provision of local exchange service to at least one unaffiliated customer.

"(2) CONTRACT-BASED TARIFF.—The term 'contract-based tariff' shall mean a tariff based on a service contract entered into between a two percent carrier and one or more customers of such carrier. Such tariff shall include—

"(A) the term of the contract, including any renewal options;

"(B) a brief description of each of the services provided under the contract;

"(C) minimum volume commitments for each service, if any;

"(D) the contract price for each service or services at the volume levels committed to by the customer or customers;

"(E) a brief description of any volume discounts built into the contract rate structure; and

"(F) a general description of any other classifications, practices, and regulations affecting the contract rate.

"(3) SERVICE AREA.—The term 'service area' has the same meaning as in section 214(e)(5).

"SEC. 287. SAVINGS PROVISIONS.

"(a) COMMISSION AUTHORITY.—Nothing in this part shall be construed to restrict the authority of the Commission under sections 201 through 205 and 208.

"(b) Rural Telephone Company Rights.—Nothing in this part shall be construed to diminish the rights of rural telephone companies otherwise accorded by this Act, or the rules, policies, procedures, guidelines, and standards of the Commission as of the date of enactment of this section.".

SEC. 5. LIMITATION ON MERGER REVIEW

(a) Amendment.—Section 310 of the Communications Act of 1934 (47 U.S.C. 310) is amended by adding at the end the following:

"(f) Deadline for Making Public Interest Determination.—

"(1) Time limit.—In connection with any merger between two percent carriers, or the acquisition, directly or indirectly, by a two percent carrier or its affiliate of the securities or assets of another two percent carrier or its affiliate, the Commission shall make any determination required by subsection (d) of this section or section 214 not later than 60 days after the date an application with respect to such merger is submitted to the Commission.

"(2) Approval absent action.—If the Commission does not approve or deny an application as described in paragraph (1) by the end of the period specified, the application shall be deemed approved on the day after the end of such period. Any such application deemed approved under this subsection shall be deemed approved without conditions.".

(b) Effective Date.—The provisions of this section shall apply with respect to any application that is submitted to the Commission on or after the date of enactment of this Act. Applications pending with the Commission on the date of enactment of this Act shall be subject to the requirements of this section as if they had been filed with the Commission on the date of enactment of this Act.

SEC. 6. TIME LIMITS FOR ACTION ON PETITIONS FOR RECONSIDERATION OR WAIVER.

(a) Amendment.—Section 405 of the Communications Act of 1934 (47 U.S.C. 405) is amended by adding to the end the following:

"(c) Expedited Action Required.—

"(1) Time limit.—Within 90 days after receiving from a two percent carrier a petition for reconsideration filed under this section or a petition for waiver of a rule, policy, or other Commission requirement, the Commission shall issue an order granting or denying such petition. If the Commission fails to act on a petition for waiver subject to the requirements of this section within this 90-day period, the relief sought in such petition shall be deemed granted. If the Commission fails to act on a petition for reconsideration subject to the requirements of this section within this 90 day period, the Commission's enforcement of any rule the reconsideration of which was specifically sought by the petitioning party shall be stayed with respect to that party until the Commission issues an order granting or denying such petition.

"(2) Finality of action.—Any order issued under paragraph (1), or any grant of a petition for waiver that is deemed to occur as a result of the Commission's failure to act under paragraph (1), shall be a final order and may be appealed.".

(b) Effective Date.—The provisions of this section shall apply with respect to any petition for reconsideration or petition for waiver that is submitted to the Commission on or after the date of enactment of this Act. Pending petitions for reconsideration or petitions for waiver shall be subject to the requirements of this section as if they had been filed on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. Cubin) and the gentleman from Tennessee (Mr. Gordon) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. Cubin).

GENERAL LEAVE

Mrs. CUBIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3850, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

Mrs. CUBIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I introduced H.R. 3850 to lessen the burdens on small and mid-size telephone companies and to allow them to shift more of their resources to deploying advanced telecommunications services to consumers in all areas of the country.

Small and mid-size companies are truly that. While the more than 1,200 small and mid-size companies serve less than 10 percent of the Nation's lines, they cover a much larger percentage of rural markets and are located in or near most major markets in the country.

Some of these telephone companies are mom and pop operations, typically serving rural areas of the country where most other carriers fear to tread, in high cost places where it is much less profitable than in more populated areas.

In 1996, Congress passed historic legislation in the form of the Telecommunications Act.

Section 706 of the act sent a clear message to the American people and to the Federal Communications Commission that the deployment of new telecommunications services in rural areas around the country must happen quickly and without delay.

Unfortunately, the FCC has not made it any easier for small telephone companies to deploy advanced services in rural areas. In some cases, they have actually made it more difficult. The reason is that the FCC, more often than not, uses a one-size-fits-all model in regulating Incumbent Local Exchange Carriers.

This type of model may be fine for the big companies that have the ability to hire legions of attorneys and staff to interpret and ensure compliance with Federal rules. However, I for one would rather see the small and mid-size companies use their resources to deploy new services and make investment in their telecommunications infrastructure.

Two examples of these burdensome FCC requirements are CAM and ARMIS reports. These reports separately cost about $500,000 to compile and would equate to a small telephone company installing a DSLAM or other facilities to provide high-speed Internet services to customers in rural areas.

Just to give my colleagues an example of how burdensome these reports are, the commission's instructions for filing the reports are over 900 pages long. More often than not, the FCC, according to their own testimony, does not refer to these reports and, in some cases, simply ignores the data filed by the mid-size companies.

Let me be very clear, because this is very important. The bill does nothing to restrict the commission's authority to request this or any other data that it sees fit.

I want to be fair. The FCC should be commended for their efforts to bring some of these reporting requirements down to a reasonable level. They have made advances in their area. In fact, during our hearing on this legislation, the FCC told the Committee on Telecommunications, Trade and Consumer Protection that it may be issuing a notice of proposed rulemaking on the reporting requirements for 2 percent companies sometime this fall.

The problem, though, is that the agency's time frame on issuing these proposed rules has changed like the Wyoming winds. It is time that those obligations are met, and this legislation would solidify what the FCC has already promised to do for a long time.

In addition, I want everyone to know that we have bent over backwards to accommodate many of the initial concerns that some Members had with this legislation and have incorporated a majority of their helpful suggestions. And for their suggestions, I am very grateful because I think that the legislation has been improved.

Some of the changes that were adopted during the Committee on Commerce's consideration of the bill took into account several technical provisions that will continue to allow the FCC to do its job but in a way that still ensures that small and mid-size companies are treated differently than the huge companies.

In closing, Madam Speaker, I want to state for the record what this legislation does and what it does not do. Number one, the bill does not re-open the 1996 act. It does not fully deregulate 2 percent carriers. It does not impact regulations dealing with large local carriers. It would, however, be the first freestanding legislation that would modernize regulations of 2 percent carriers. It would accelerate competition in many small to mid-size markets, accelerate the deployment of new advanced telecommunications services in rural areas, and benefit consumers by allowing 2 percent carriers to redirect their resources to network investment and to new services.

Madam Speaker, this legislation is critical for rural areas across the country where these small telephone companies operate. Without this bill, these 2 percent companies will continue to be burdened with this one-size-fits-all regulatory approach that has kept them from providing rural areas with what they need most, and that is a piece of the new economy based on telecommunications.

Madam Speaker, I want to thank very sincerely the members of the Committee on Commerce, the staff, and my own staff for their help in moving this bill. I ask my colleagues to support this important piece of legislation.

Madam Speaker, I reserve the balance of my time.

□ 1700

Mr. GORDON. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of legislation of which I am an original cosponsor, H.R. 3850, the Independent Telecommunications Consumer Enhancement Act. It is this type of legislation that represents what can be accomplished by working with Members on both sides of the aisle to find consensus. Working together with my colleague, the gentlewoman from Wyoming (Mrs. CUBIN), we were able to craft this bipartisan bill which I believe is a practical step that we can take this year to address the growing digital divide in our Nation's rural areas.

H.R. 3850 provides targeted regulatory relief to small and midsized independent telephone companies that serve fewer than 2 percent of the Nation's phone lines. Allowing such companies to devote more resources to deploying high speed data services to their customers, these carriers are uniquely positioned to play a large role in the development of advanced services to consumers in rural and small communities. Unfortunately, they are wasting resources complying with one-size-fits-all regulations originally intended for the larger carriers.

H.R. 3850 would eliminate unnecessary reporting requirements, make it easier for small and midsized companies to introduce new advanced services and give them the flexibility to lower prices in response to competition from larger companies. Finally, it would ensure that FCC take into account the burden on smaller businesses when it implements Federal Rules in the future.

Instead of spending money on complying with useless regulations, this bill will allow companies to devote more of their resources to rolling out new advanced services to rural communities.

H.R. 3850 is a common sense step we can take to close the digital divide in rural areas, and I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mrs. CUBIN. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Madam Speaker, I thank the gentlewoman for yielding me this time.

In the 1996 Telecommunications Act, one of the purposes, and the primary purpose, was to deregulate the issue of telecommunications in this country, but we have not deregulated the regulators. I commend the gentlewoman for bringing this bill because it attempts to take one further step in the direction of dealing with the monopolistic system that we have now said the barriers must be removed from.

As long as regulations are in place with a one-size-fits-all approach, these smaller providers, in this case those with 2 percent or less of the providing capacity in this country, are faced with regulations that really make their operations sometimes prohibitive. I commend the gentlewoman for offering this bill to remove these regulatory restraints because many of these small 2 percent or less of the carrier providers are located in States like hers and in rural areas of a State like mine. They are the ones who need to devote their funding and their resources to an infrastructure development, because without that they cannot be competitive with the bigger competitors in the marketplace.

So I support this legislation, and I again thank the gentlewoman for yielding me this time.

Mr. GORDON. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. BARRETT), a cosponsor of this legislation.

Mr. BARRETT of Wisconsin. Madam Speaker, I am pleased to join my colleagues from the Committee on Commerce in support of the Independent Telecommunications Consumer Enhancement Act.

Along with the gentleman from Tennessee (Mr. GORDON) and the gentleman from Mississippi (Mr. PICKERING), I am an original cosponsor of the bill that was introduced by the gentlewoman from Wyoming (Mrs. CUBIN) last year. This bipartisan bill, which was approved in committee on a voice vote, would relax some of the FCC's one-size-fits-all regulations for our Nation's small and midsized local telephone companies; those with less than 2 percent of the Nation's phone lines.

These companies serve communities across the country and are poised to offer broadband and other advanced services to customers who are often outside the scope of the larger companies. This bill will reduce paperwork for the smaller companies, increase their pricing flexibility, and allow them to bundle services on one bill all without reopening the 1996 Telecommunications Act.

In my State of Wisconsin, 81 of 83 companies providing local phone service are classified as 2 percent companies. By freeing these companies from portions of a regulatory system designed with much larger companies in mind, we will be taking an important first step toward bridging the digital divide by allowing for increasing investment in Internet facilities in rural and suburban areas. I urge all Members to support this common sense legislation.

Mrs. CUBIN. Madam Speaker, I yield myself such time as I may consume and just close by saying that I sincerely appreciate the efforts of the Committee on Commerce staff, both the majority and the minority, and the original cosponsors, the gentleman from Tennessee (Mr. GORDON), the gentleman from Wisconsin (Mr. BARRETT), and the gentleman from Mississippi (Mr. PICKERING) for their work on this bill.

Also, I wish to extend my thanks to the gentleman from Massachusetts (Mr. MARKEY) and his staff, who have been very cooperative and have helped us make changes to the legislation that make it better legislation.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON. Madam Speaker, I yield myself such time as I may consume and will just quickly conclude by saying that I concur with the accolades of the gentlewoman from Wyoming (Mrs. CUBIN), and would also again thank her for her initiative in this area.

Mr. MARKEY. Madam Speaker, I want to start off by thanking Mrs. CUBIN, Mr. GORDON, Chairman TAUZIN, Mr. DINGELL, and Chairman BLILEY for being responsive to many of the concerns that have been raised about the underlying bill.

The bill being offered today contains many helpful clarifications and changes embodied in it that were in response to concerns I have raised about the measure. I believe that in its current form it will clarify the ability of the Commission to protect consumers and safeguard competitive gains in many of its provisions.

I would like to focus my remarks on a couple of areas that I suggest need additional refinement and that I hope can be dealt with prior to sending this bill to the President.

The first has to do with the pricing flexibility and pricing deregulation provision of the bill. The substitute will continue to allow pricing deregulation upon the advent of facilities-based competition in a given service area. The facilities-based competitor however is only required to have at least one—I repeat, one sole customer. Hopefully they will have more but the point is that competition may arrive, but may not be robust or effective in constraining prices.

This concern, I suggest, is heightened in those areas where a company may still be subject to rate-of-return regulation rather than price cap regulation. Regardless of what level of competition triggers pricing flexibility we must be cognizant of the serious repercussions that may result in situations where a carrier remains rate of return regulated.

In other words, consumers in those areas that are not subject to effective competition and receive service from a rate-of-return company run the risk of price increases. There's no guarantee that prices may go up but there is certainly a risk.

The FCC testimony with respect to this legislation highlighted this risk. The FCC testimony the Telecommunications Subcommittee was given is as follows:

> [A] grant of pricing flexibility to rate-of-return carriers without the implementation of protections comparable to those adopted by the FCC with regard to price cap carriers could be particularly problematic. Rate-of-return regulation would allow such carriers to raise rates on other customers sufficiently to maintain the authorized level of return while they lower prices for contract customers.

This pricing deregulation is not going to affect directly any consumer in my congressional district, but I would suggest to the rural members of the House that they may want to take another look at this pricing deregulation and refine it further because I believe—and the FCC clearly believes—that it runs the risk of allowing unnecessary and unjustified price hikes.

The second issue I want to highlight is the merger review section. This section states that any review involving a so-called 2 percent carrier must be approved or denied by the condition within 60 days. I understand that the companies do not want merger reviews to drag on for years, but I would suggest that 60 days is too short and unrealistic.

While I believe the Commission is itself streamlining its process, if the majority is insistent on having a merger review "shot clock" I would suggest giving the Commission a greater period of time. In addition, at our merger review hearing Commissioner Powell made what I thought was a reasonable suggestion. He noted that often companies will amend their initial applications, often late in a review and after public comment. He suggested some flexibility for the FCC to extend the review.

I would suggest, therefore, something that would allow a one-time extension if a majority of the Commission voted to extend the review—of if the filing company itself requested an extension. I think this is a more reasonable way to proceed because in my view 60 days is frankly too short a time and does not sufficiently protect the public interest.

I hope we can continue our dialogue about these issues and others and make additional changes as we proceed on this bill in the future. Thank you.

Mr. GORDON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 3850, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING SEVERITY OF DISEASE OF COLON CANCER

Mrs. CUBIN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 133) recognizing the severity of the disease of colon cancer, the preventable nature of the disease, and the need for education in the areas of prevention and early detection, and for other purposes.

The Clerk read as follows:

H. CON. RES. 133

Whereas colorectal cancer is the second leading cause of cancer deaths in the United States for men and women combined;

Whereas it is estimated that in 1999, 129,400 new cases of colorectal cancer will be diagnosed in men and women in the United States;

Whereas the disease is expected to kill 56,600 individuals in this country in 1999;

Whereas adopting a healthy diet at a young age can significantly reduce the risk of developing colorectal cancer;

Whereas research has shown that a high fiber, low fat diet, with minimal amounts of red meat and maximum amounts of fruits and vegetables, can significantly reduce the risk of developing colorectal cancer;

Whereas colorectal cancer is increasingly diagnosed in individuals below age 50;

Whereas regular screenings can save large numbers of lives;

Whereas the Centers for Disease Control and Prevention, the Health Care Financing Administration, and the National Cancer Institute have initiated the Screen for Life Campaign, targeted at individuals age 50 and older, to spread the message of the importance of colorectal cancer screening tests; and

Whereas education can help inform the public of methods of prevention and symptoms of early detection: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes—

(A) the severity of the issue of colorectal cancer;

(B) the preventable nature of the disease;

(C) the importance of the Screen for Life Campaign; and

(2) calls on health educators, elected officials, and the people of the United States—

(A) to broaden the message of the Screen for Life Campaign to reach all individuals; and

(B) to learn about colorectal cancer and its preventive nature, and learn to recognize the risk factors and symptoms which enable early detection and treatment.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

GENERAL LEAVE

Mrs. CUBIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 133, now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

Mrs. CUBIN. Madam Speaker, I yield myself such times as I may consume.

Madam Speaker, I rise in support of House Concurrent Resolution 133, which recognizes the importance of preventing deaths from colorectal cancer. Colorectal cancer is the second most common cause of cancer deaths in the United States. About 56,500 people die from colorectal cancer each year in the United States. The chance of cure is clearly related to the stage of the disease. Early cancers have an excellent prognosis, while advanced cancers have a poor prognosis.

Often, colorectal cancer does not give any symptoms until rather late in the disease. I have been touched personally by this disease, having lost a dear friend to the disease, when had it been diagnosed earlier, surely it would have been curable. By screening for colorectal cancer, cancers can be detected at a very early stage, when they are clearly curable.

Several studies have shown that screening for colorectal cancer by checking for blood in the stools reduces death in these cancer patients by 15 to 30 percent. Screening for colorectal cancer is now recommended in the United States for all people over 50 years or older without any symptoms of colorectal disease and no other risk factors.

Colorectal cancer screening is an area in which the House Committee on Commerce has been very active. Under changes made in 1997, the Medicare program authorized coverage of and established frequency limits for colorectal cancer screening tests. As a part of our work with the House leadership in coming up with a Medicare package we can all be proud of, the Committee on Commerce reported out provisions in H.R. 5291, the Beneficiary Improvement and Protection Act, that would give consumers more choices and control in the kind of colorectal cancer screening services they can choose. The provision would permit an individual to elect to receive a screening colonoscopy, which is more expensive but more thorough, instead of a screening sigmoidoscopy.

There are many other fine provisions in H.R. 5291 that would go a long way to improving the life for those Americans on Medicare facing an uncertain future of colorectal cancer.

Madam Speaker, I thank the cosponsors of House Concurrent Resolution 133 for their leadership on this issue and in cancer awareness in general, and I urge my colleagues to pass this resolution on the floor today.

Madam Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, colon and rectal cancers are the second leading cause of cancer-related deaths in the United States. This year alone, more than 130,000 Americans will be diagnosed with colon cancer and colorectal cancer. Ninety percent of these cancers occur in people over the age of 50. Six percent of people age 75 to 80 have had colorectal cancer at some point in their life; one out of 16.

The good news is that the odds of beating colorectal cancer go up significantly with early detection. With that in mind, the American Cancer Society recently updated its screening guidelines to increase early detection. In addition, Medicare has expanded coverage of screening tests.

It is hoped these changes, along with new screening methods being tested, will prompt more people to talk with their doctor about screening. These are positive steps, but we clearly have more to do. In many ways we are just starting to spread the word about colon cancer.

Madam Speaker, I fully support passage of this resolution. I thank the gentleman from Virginia (Mr. MORAN) for his good work on this resolution, and this resolution affirms our commitment to fight this disease until we eliminate it.

At the same time, while this Congress again today passes a resolution exhorting people to get tested, exhorting early detection and education and all the things that we need to do, this Congress has again failed to pass prescription drug legislation; it has again failed to pass Ryan White; it has again failed to pass a Patient's Bill of Rights, and failed to provide funding for breast and cervical treatment, precancer treatment, which is a cruel hoax on those without insurance who have been tested and screened for breast and cervical cancer and, where it has been detected that they actually have cancer, there is no money for the actual treatment.

Madam Speaker, I support H. Con. Res. 133; and I urge its adoption.

Madam Speaker, I reserve the balance of my time.

Mrs. CUBIN. Madam Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Madam Speaker, we use a lot of figures; we talk about millions of people, we talk about a half million people dying. I want to talk about a city of 100,000 people. In a city of 100,000 people, 50 people this year will develop colorectal cancer. Now, of those people, most all of them, if not all of them, have precancerous growths or polyps, and those polyps are in their rectum or colon, what we used to call the large bowel, for some time. Many years. In fact, I was examined and they found a polyp and they removed the polyp.

Now, there are screening tests available today where these precancerous growths can be found. They are very simple tests. One is an occult blood test, which finds microscopic blood, and they can easily be found. And if an individual is screened, and if these polyps are found, they can easily be removed and it reduces the chances of getting colorectal cancer by 90 percent. The national polyp study showed that.

So our first defense against this disease that costs so many lives is simply that people over the age of 50, all our citizens, should go in and discuss with their doctors screening.

□ 1715

Their chances will be reduced immediately by 90 percent of even developing a small tumor. But let us just suppose that these 50 out of 100,000 people that would have developed cancer do not go in. If they do not go in and they do develop a small tumor, still when they begin having symptoms, and let me stress that in the early stages, there are no symptoms that are detectable. So you cannot rely on waiting around for symptoms to develop. That is why we need screening, and that is why everyone over the age of 50 ought to have screening.

But suppose that they are not screened. Suppose they develop a small tumor. Then there are two things that happen. They have a discharge of blood, and it can be something that can be seen but oftentimes it is microscopic. They also have a change in their bowel movements or their bowel habits, diarrhea, constipation, change in frequency, change in size. These are early warning signs. Unfortunately in this country even when people detect blood in their stool, even when they have a change of bowel habits, they often do not do anything. They are not screened.

Now, let us suppose that they immediately respond; they go to their doctor, and there is a small growth there. They quickly go in. If they are fortunate to have caught it in that stage and responded immediately and it is still a small growth, their chances of surviving are still above 90 percent. But, sadly, all too often even when there are all sorts of signs, people do not do that. And in the second stage, their chances of survival are only 75 percent. And in the later stages only 5 percent. It is so important that we receive screening to prevent even the development of cancer as in my case, or the early treatment. Unfortunately, people that wait too long, even those that survive, often have a change in their bowel or their bladder functions or in their sexual functions by simply waiting too long, or by failing to have these simple tests that cost very little and can be performed in a doctor's office.

I commend those who brought this resolution. I am glad to join as a cosponsor. I simply say to Americans out there over the age of 50, you are at risk for developing colorectal cancer; but it can be prevented, and it can be treated. It just depends on every person and every family's commitment to responding, to taking these tests which are available. And it was so important that this Congress made available to our citizens the right to protect their health and to protect their bodies and to preserve their health by providing this service.

Mr. BROWN of Ohio. Madam Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Speaker, I want to thank my colleague and friend, the gentleman from Ohio (Mr. BROWN), and the gentlewoman from Wyoming (Mrs. CUBIN) and my cosponsor of the resolution, the gentleman from Alabama (Mr. BACHUS), and the other cosponsors as well. I also want to thank the gentleman from Virginia (Mr. BLILEY) for letting this come up on the floor today.

H. Con. Res. 133 recognizes the severity of the disease of colon cancer, the preventable nature of the disease and the need for education in the areas of prevention and early detection. The consideration of this resolution comes in time for a very special event which will occur this Sunday, October 8, on the mall in Washington. I am speaking of the first-ever 5K WebMD Rock 'n Race to Fight Colon Cancer. Katie Couric, who suffered the loss of her husband to this disease, is the founder of this event. This walk will bring together people from across the country who want to show their support for victims, survivors, family members, and friends who have been touched by colon cancer.

Colon cancer is the number two cause of cancer death for both men and women combined. However, it is also one of the most preventable of cancers. In fact, when detected early, colon cancer is 90 percent curable. In the United States, as the gentleman from Alabama (Mr. BACHUS) said, more than 130,000 new cases of colorectal cancer are expected to be diagnosed and about 56,300 people will die from the disease this year. I guess that was the gentleman from Ohio (Mr. BROWN) that shared those statistics with us and those are absolutely accurate.

Many people are not aware of the prevalence and seriousness of colorectal cancer in men and women because the issue has not been freely discussed. Colorectal cancer is highly preventable through primary prevention strategies, such as diet, nutrition and exercise. In fact, adopting a healthy diet at a young age can significantly reduce the risk of even developing colorectal cancer at any point in your life. Research has shown that a high-fiber, low-fat diet with minimal amounts of red meat and maximum amounts of fruits and vegetables can significantly reduce the risk of developing colorectal cancer.

In addition to a healthy diet, regular screenings can save many of these lives. The Centers for Disease Control and Prevention, the Health Care Financing Administration, the National Cancer Institute, have initiated a Screen for Life campaign targeted at individuals age 50 and older to spread the message of the importance of colorectal cancer screening tests. We need to broaden the message of this Screen for Life campaign to reach all individuals and to save many of their lives.

As of today, 41 bipartisan Members have cosponsored this resolution which seeks to raise awareness of colorectal cancer. Colon cancer is a preventable disease. Colon cancer is a treatable disease. We need to at least do our part in spreading this message by passing this resolution.

I thank my colleagues for the opportunity to consider H. Con. Res. 133. I urge my colleagues to support this bipartisan resolution and to join their constituents who will be coming to Washington this weekend for the WebMD Rock 'n Race.

Mr. BROWN of Ohio. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CUBIN. Madam Speaker, I yield myself such time as I may consume.

The subject that H. Con. Res. 133 addresses is not a pleasant issue to discuss, but something that is much, much, much less pleasant, which is horrible, in fact, is to be notified that someone you love has colorectal cancer and had they been diagnosed earlier, had they gone in earlier, it would have been curable but now it is not.

I think generally men have a harder time dealing with issues like this, and so I would like to really express my thanks to the gentlemen here today who have brought this issue up and have spoken on behalf of it, because it is a disease that is curable in most cases. I truly thank the gentleman from Ohio (Mr. BROWN), the gentleman from Virginia (Mr. MORAN), and the gentleman from Alabama (Mr. BACHUS) for their leadership on behalf of men and women as well.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 133.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MOTOR VEHICLE FRANCHISE CONTRACT ARBITRATION FAIRNESS ACT OF 2000

Mrs. BONO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 534) to amend chapter 1 of title 9 of the United States Code to permit each party to certain contracts to accept or reject arbitration as a means of settling disputes under the contracts, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Motor Vehicle Franchise Contract Arbitration Fairness Act of 2000".

SEC. 2. ELECTION OF ARBITRATION.

(a) MOTOR VEHICLE FRANCHISE CONTRACTS.—Chapter 1 of title 9, United States Code, is amended by adding at the end the following:

"§ 17. Motor vehicle franchise contracts

"(a) For purposes of this section, the term—

"(1) 'motor vehicle' has the meaning given such term under section 30102(6) of title 49; and

"(2) 'motor vehicle franchise contract' means a contract under which a motor vehicle manufacturer, importer, or distributor sells motor vehicles to any other person for resale to an ultimate purchaser and authorizes such other person to repair and service the manufacturer's motor vehicles.

"(b) Whenever a motor vehicle franchise contract provides for the use of arbitration to resolve a controversy arising out of or relating to the contract, arbitration may be used to settle such controversy only if after such controversy arises both parties consent in writing to use arbitration to settle such controversy.

"(c) Whenever arbitration is elected to settle a dispute under a motor vehicle franchise contract, the arbitrator shall provide the parties to the contract with a written explanation of the factual and legal basis for the award.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 9, United States Code, is amended by adding at the end the following:

"17. Motor vehicle franchise contracts.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to contracts entered into, amended, altered, modified, renewed, or extended after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. BONO) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California (Mrs. BONO).

GENERAL LEAVE

Mrs. BONO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. BONO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of my legislation that will correct unfair auto dealer franchise agreements that are purposefully written in favor of the manufacturer. With over 250 cosponsors, this Congress has realized that America's community auto dealers are in a unique position in franchise law and that relief is needed.

In 1925, Secretary of Commerce Herbert Hoover said of the Federal Arbitration Act that was recently passed by Congress, "If the bill proves to have some defects, and we know most legislative measures do, it might well, by reason of the emergency, be passed and amended later in the light of further experience." It is the result of "further experience" that brings us to amend the Federal Arbitration Act today.

Current business practice is that both the auto dealer and the manufacturer go through a process of mandatory binding arbitration in the case of a legal dispute. Unlike other forms of legal resolution, the auto dealer arbitration process has no jury, no rules of evidence or appeals process. H.R. 534, however, would simply make this mandatory binding arbitration in motor vehicle franchise contracts voluntary.

It is our turn to amend the Federal Arbitration Act and return some of the power back to the States. In my home State of California, there are numerous State laws that cover motor vehicle franchise contracts and sufficient State forums to hear the legal disputes that may arise from these agreements.

However, California's efforts to preserve the right of its auto franchisees to obtain a fair hearing for claims brought under the California franchise investment law have been preempted by Federal law. Because State laws to provide auto dealer protections are currently prohibited, it is now appropriate to revisit this issue.

Madam Speaker, many vehicle manufacturers already have inserted mandatory binding arbitration clauses in their standard dealer agreements. With broad power to unilaterally amend their dealer agreements without dealer input at any point, every manufacturer could force mandatory binding arbitration on its dealers tomorrow.

Madam Speaker, I would like to thank the gentleman from Illinois (Mr. HYDE) for his leadership and the gentleman from Massachusetts (Mr. DELAHUNT) for his dedication to see this legislation passed into law. It has been with his hard work and bipartisan spirit that this bill has made it to the floor of the House today. I would also like to take this opportunity to thank the gentleman from Pennsylvania (Mr. GEKAS), the subcommittee chairman, for his effort and leadership on this issue. The gentleman from Pennsylvania has been a true leader in the Subcommittee on Commercial and Administrative Law since I have been a Member, and I have appreciated his counsel and friendship in my 2 years on this committee.

I would like to thank Jim Hall on my staff and Chris Katopis and Ray Smietanka on the Judiciary staff as well.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this very important measure which would amend the Federal Arbitration Act to permit parties to automobile manufacturers and automobile dealer agreements to accept or reject arbitration of disputes. Essentially, H.R. 534 prohibits binding arbitration in contracts between automobile manufacturers and automobile dealers.

This legislation deals with an increasing problem of motor vehicle manufacturers forcing small business automobile and truck dealers into non-negotiated agreements containing mandatory binding arbitration clauses. As a result of these clauses, binding arbitration becomes the sole remedy for resolving disputes between the manufacturer and the dealer. Although arbitration is a valuable form of alternative dispute resolution, when its use is forced upon automobile dealers, they are denied use of courts and other state forums otherwise available to resolve such disputes. Such restrictive contractual terms are frequently proffered to the dealer on a "take it or leave it" basis with the threat of loss of manufacturer support for the dealer.

H.R. 534 responds to this problem by allowing the use of arbitration as a method to settle contract controversies if both parties consent in writing. This would ensure that dealers are not forced to give up their legal rights to obtain or maintain their business. In addition, this legislation will send a strong message regarding the inequitableness of mandatory binding arbitration and will act as an incentive for broader legislation that prohibits mandatory arbitration contract clauses for consumers as well.

Requiring dealers to agree to mandatory binding arbitration as a condition of obtaining, renewing, or maintaining their dealership is contrary to fundamental fairness. The intent of this proposed legislation is to make arbitration of disputes between dealers and manufacturers absolutely voluntary and I support it wholeheartedly.

Madam Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. I thank the gentleman for yielding me this time.

Madam Speaker, I rise in support of H.R. 534. I particularly want to commend my friend and colleague, the gentlewoman from California, for her authorship and her fine work on this very significant bill before us. This bill is about fairness, the most American of virtues, if you will. It is really, truly about preserving local businesses that are a cornerstone in our communities.

□ 1730

For small business, arbitration is often an effective alternative to going to court to settle disputes, and where arbitration is in their interests, sensible business people will generally agree to do that. But they do not need to be coerced. Chances are that when coercion is involved, it is because the party with greater leverage stands to gain from a procedure that deprives the other party of its rights and remedies under State law, laws that were enacted to protect the less powerful from predatory practices.

By passing H.R. 534, we can level the playing field, so that both the manufacturer and the dealer are free to negotiate dispute resolution procedures that are truly voluntary and truly in their mutual interest. Some have charged that this interferes with freedom of contract. Nothing could be further from the truth, unless you define "freedom of contract" as the freedom of giant multinational auto makers to impose one-sided, take-it-or-leave-it contracts on small, locally owned dealerships.

Let us pause and remember who these local dealers are. They are the people who sustain our local economies, who offer valuable goods and services to consumers and provide jobs, and they pay taxes. They are the people who contribute to their communities in ways that cannot be measured in terms of dollars and cents.

It is the local dealer who sponsors the little league team; it is the local auto dealer who funds the after-school programs, and church picnics, and food banks, and domestic violence shelters. It is the local auto dealer who is often the president of the local chamber of commerce and also the chairman of the United Way.

The people we are talking about are an integral part of the fabric of our communities. They are truly a mainstay of the American way of life, and they are slowly, inexorably being squeezed out by economic forces that they cannot control, but by forces we can control.

We have heard a lot about globalization lately, and many of us are frustrated by our inability to temper its negative effects on the health of our communities. The use by large corporations of unfair, unbalanced franchise agreements is only one of those effects; but it is one that we can address, and we do it with this bill.

Some have complained that the bill does not go far enough, that consumers and other segments of the small business community deserve comparable attention. Well, they are right, but that is not an argument against this bill. It is an argument, in fact, in favor of it. But by passing H.R. 534 we will be raising the bar for what constitutes fair dealing in all commercial relationships and setting a precedent that will ultimately lead to greater fairness and greater freedom for all.

Again, I conclude by thanking the sponsor of this bill for her outstanding work, and urge its enactment.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise today in strong support of H.R. 534, the Fairness and Voluntary Arbitration Act. I am proud to be one of the 252 cosponsors this bill introduced by the gentlewoman from California (Mrs. BONO), and I congratulate her for taking the leadership on this issue.

H.R. 534 would correct what many of us see as a serious problem. When disputes arise between automobile manufacturers and dealers, the manufacturers are able to enforce mandatory arbitration provisions in their contracts. Quite simply, this bill would specify that binding arbitration is an option only if both sides agree to go in that direction.

The relationship between automobile manufacturers and dealers has often been one-sided over the years, with manufacturers enjoying substantial bargaining advantages over dealers, many of whom are small businesses. Dealers often have no choice but to sign a contract that includes mandatory binding arbitration, further eroding their rights.

This is an issue of fairness for small businesses, who should not be forced into binding arbitration against their will. I urge my colleagues to pass this bill.

Mr. GEKAS. Mr. Speaker, the Judiciary Committee has reported H.R. 534, a bill that allows parties who have signed motor vehicle franchise contracts containing arbitration clauses to accept or reject arbitration as a means of settling their contractual disputes.

Arbitration is an increasingly common form of dispute settlement where parties submit their contractual claims for resolution by a neutral arbitrator. Arbitration and other forms of alternative dispute resolution have greatly reduced formal litigation costs while providing parties with a fair, efficient, and timely venue to resolve their disputes.

Some parties, however, claim that arbitration may be burdensome and unfair. Motor vehicle dealers in particular have complained that manufacturers use superior bargaining power to require that they accept nonnegotiable franchise contracts containing binding arbitration clauses. These mandatory arbitration clauses place dealers in the position of having to forego state legal protections designed to remedy the bargaining imbalance between dealers and manufacturers. H.R. 534

addresses this concern by allowing dealers or manufacturers to reject arbitration and seek legal relief for breach of contract.

Since passage of the Federal Arbitration Act in 1925, the Congress has unequivocally encouraged alternative dispute resolution. We will continue to do so. However, we must also periodically examine the efficacy of binding arbitration clauses in exceptional circumstances to ensure that arbitration continues to serve as a fair and efficient alternative to formal litigation. H.R. 534 addresses one such exceptional circumstance, and I urge your support of the bill.

Mr. PASCRELL. Mr. Speaker, I am pleased to rise today in support of H.R. 534.

This legislation is designed to specifically help automobile dealers, but it is also legislation that will help consumers and our communities at large.

There are 700 new automobile retail businesses throughout New Jersey. Dealerships are located on every highway, and in almost every downtown area throughout the state. I know driving down Route 46, and Route 23, and on other roads, I see dozens of these businesses that are contributing to the betterment of Northern New Jersey.

These small businesses serve as important parts of the community. You can see their names on the backs of youth sports league jerseys and they always provide funds to civic events and fundraising drives.

It is time we in Congress give back on behalf of our communities, and do something to resolve an inequity and promote fairness in the automobile industry.

H.R. 534 merely makes binding arbitration in dealer/manufacturer disputes a voluntary option. This is needed legislation to help a segment of the small business community that needs our help.

We must pass this legislation for not only business owners, but for their employees as well.

Automotive retailing in New Jersey accounts for the direct employment of almost 45 thousand workers. There are also 24 thousand workers who indirectly owe their jobs to these businesses in the Garden State. That is 67 thousand workers who will see the benefits this legislation provides.

This legislation is also of great benefit to the consumer, who as we all know, is always looking to get the best possible deal on a car. H.R. 534 promotes competition in an already very competitive industry, yielding the best prices for dealers, and these deals can be passed onto the consumer.

As a member of the House Small Business Committee, I am always looking to help small businesses succeed and grow. Small business is the engine that has brought our economy to where it is today.

This legislation will help one group of small businesses in their pursuit of economic success. I am pleased to be a cosponsor of this bill and support it on the floor.

Mr. NADLER. Mr. Speaker, today we consider legislation intended to protect automobile dealers against binding arbitration clauses in contracts with manufacturers and franchisers. Although it was narrowed in Subcommittee to cover only one industry, it is an important and necessary step, one for which the testimony we received in the Judiciary Committee certainly makes the case.

Too often, these businesses are presented with contracts on a take-it-or-leave-it basis. If they do not accept the contract, with the binding arbitration clause, they risk losing their franchise and with it years of investment, both financial and the hard work they and their families have put into the business. That is a pretty coercive situation and one which most members of this House rightly view as contracts of adhesion.

Moreoever, binding arbitration often deprives these businesses of their rights under State law, and their due process rights in court. Under certain circumstances, binding arbitration even threatens some contractual protections.

Prohibiting this kind of unconscionable coercion is appropriate and I plan to support it.

In addition to leaving other businesses exposed, this bill fails to protect individual consumers who also suffer violations of their rights under binding arbitration clauses in service agreements with sellers, and in credit agreements. During our hearing one witness for the auto dealers did admit that some dealers use these clauses in their contracts with their customers.

Clearly this is a situation which also needs to be remedied. Now that the House has endorsed this fundamental protection for automobile dealers, I hope that the same concern which animates the bipartisan support for this legislation will help bring that bill into law as well.

So while I do not believe this legislation goes far enough, it is an important step to protect small businesses and I urge its passage.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. BONO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentlewoman from California (Mrs. BONO) that the House suspend the rules and pass the bill, H.R. 534, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.".

A motion to reconsider was laid on the table.

STRENGTHENING ABUSE AND NEGLECT COURTS ACT OF 2000

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2272) to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

The Clerk read as follows:

S. 2272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Abuse and Neglect Courts Act of 2000".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Under both Federal and State law, the courts play a crucial and essential role in the Nation's child welfare system and in ensuring safety, stability, and permanence for abused and neglected children under the supervision of that system.

(2) The Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) establishes explicitly for the first time in Federal law that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the Nation's child welfare system.

(3) The Adoption and Safe Families Act of 1997 promotes stability and permanence for abused and neglected children by requiring timely decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes or other permanent family arrangements outside the foster care system.

(4) To avoid unnecessary and lengthy stays in the foster care system, the Adoption and Safe Families Act of 1997 specifically requires, among other things, that States move to terminate the parental rights of the parents of those children who have been in foster care for 15 of the last 22 months.

(5) While essential to protect children and to carry out the general purposes of the Adoption and Safe Families Act of 1997, the accelerated timelines for the termination of parental rights and the other requirements imposed under that Act increase the pressure on the Nation's already overburdened abuse and neglect courts.

(6) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be substantially improved by the acquisition and implementation of computerized case-tracking systems to identify and eliminate existing backlogs, to move abuse and neglect caseloads forward in a timely manner, and to move children into safe and stable families. Such systems could also be used to evaluate the effectiveness of such courts in meeting the purposes of the amendments made by, and provisions of, the Adoption and Safe Families Act of 1997.

(7) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would also be improved by the identification and implementation of projects designed to eliminate the backlog of abuse and neglect cases, including the temporary hiring of additional judges, extension of court hours, and other projects designed to reduce existing caseloads.

(8) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be further strengthened by improving the quality and availability of training for judges, court personnel, agency attorneys, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and attorneys who represent the children and the parents of children in abuse and neglect proceedings.

(9) While recognizing that abuse and neglect courts in this country are already committed to the quality administration of justice, the performance of such courts would

be even further enhanced by the development of models and educational opportunities that reinforce court projects that have already been developed, including models for case-flow procedures, case management, representation of children, automated interagency interfaces, and "best practices" standards.

(10) Judges, magistrates, commissioners, and other judicial officers play a central and vital role in ensuring that proceedings in our Nation's abuse and neglect courts are run efficiently and effectively. The performance of those individuals in such courts can only be further enhanced by training, seminars, and an ongoing opportunity to exchange ideas with their peers.

(11) Volunteers who participate in court-appointed special advocate (CASA) programs play a vital role as the eyes and ears of abuse and neglect courts in proceedings conducted by, or under the supervision of, such courts and also bring increased public scrutiny of the abuse and neglect court system. The Nation's abuse and neglect courts would benefit from an expansion of this program to currently underserved communities.

(12) Improved computerized case-tracking systems, comprehensive training, and development of, and education on, model abuse and neglect court systems, particularly with respect to underserved areas, would significantly further the purposes of the Adoption and Safe Families Act of 1997 by reducing the average length of an abused and neglected child's stay in foster care, improving the quality of decision-making and court services provided to children and families, and increasing the number of adoptions.

SEC. 3. DEFINITIONS.

In this Act:

(a) ABUSE AND NEGLECT COURTS.—The term "abuse and neglect courts" means the State and local courts that carry out State or local laws requiring proceedings (conducted by or under the supervision of the courts)—

(1) that implement part B and part E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) (including preliminary disposition of such proceedings);

(2) that determine whether a child was abused or neglected;

(3) that determine the advisability or appropriateness of placement in a family foster home, group home, or a special residential care facility; or

(4) that determine any other legal disposition of a child in the abuse and neglect court system.

(b) AGENCY ATTORNEY.—The term "agency attorney" means an attorney or other individual, including any government attorney, district attorney, attorney general, State attorney, county attorney, city solicitor or attorney, corporation counsel, or privately retained special prosecutor, who represents the State or local agency administrating the programs under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) in a proceeding conducted by, or under the supervision of, an abuse and neglect court, including a proceeding for termination of parental rights.

SEC. 4. GRANTS TO STATE COURTS AND LOCAL COURTS TO AUTOMATE THE DATA COLLECTION AND TRACKING OF PROCEEDINGS IN ABUSE AND NEGLECT COURTS.

(a) AUTHORITY TO AWARD GRANTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(A) enabling such courts to develop and implement automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court;

(B) encouraging the replication of such systems in abuse and neglect courts in other jurisdictions; and

(C) requiring the use of such systems to evaluate a court's performance in implementing the requirements of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(2) LIMITATIONS.—

(A) NUMBER OF GRANTS.—Not less than 20 nor more than 50 grants may be awarded under this section.

(B) PER STATE LIMITATION.—Not more than 2 grants authorized under this section may be awarded per State.

(C) USE OF GRANTS.—Funds provided under a grant made under this section may only be used for the purpose of developing, implementing, or enhancing automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court.

(b) APPLICATION.—

(1) IN GENERAL.—A State court or local court may submit an application for a grant authorized under this section at such time and in such manner as the Attorney General may determine.

(2) INFORMATION REQUIRED.—An application for a grant authorized under this section shall contain the following:

(A) A description of a proposed plan for the development, implementation, and maintenance of an automated data collection and case-tracking system for proceedings conducted by, or under the supervision of, an abuse and neglect court, including a proposed budget for the plan and a request for a specific funding amount.

(B) A description of the extent to which such plan and system are able to be replicated in abuse and neglect courts of other jurisdictions that specifies the common case-tracking data elements of the proposed system, including, at a minimum—

(i) identification of relevant judges, court, and agency personnel;

(ii) records of all court proceedings with regard to the abuse and neglect case, including all court findings and orders (oral and written); and

(iii) relevant information about the subject child, including family information and the reason for court supervision.

(C) In the case of an application submitted by a local court, a description of how the plan to implement the proposed system was developed in consultation with related State courts, particularly with regard to a State court improvement plan funded under section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) if there is such a plan in the State.

(D) In the case of an application that is submitted by a State court, a description of how the proposed system will integrate with a State court improvement plan funded under section 13712 of such Act if there is such a plan in the State.

(E) After consultation with the State agency responsible for the administration of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.)—

(i) a description of the coordination of the proposed system with other child welfare data collection systems, including the State-wide automated child welfare information system (SACWIS) and the adoption and foster care analysis and reporting system (AFCARS) established pursuant to section 479 of the Social Security Act (42 U.S.C. 679); and

(ii) an assurance that such coordination will be implemented and maintained.

(F) Identification of an independent third party that will conduct ongoing evaluations of the feasibility and implementation of the plan and system and a description of the plan for conducting such evaluations.

(G) A description or identification of a proposed funding source for completion of the plan (if applicable) and maintenance of the system after the conclusion of the period for which the grant is to be awarded.

(H) An assurance that any contract entered into between the State court or local court and any other entity that is to provide services for the development, implementation, or maintenance of the system under the proposed plan will require the entity to agree to allow for replication of the services provided, the plan, and the system, and to refrain from asserting any proprietary interest in such services for purposes of allowing the plan and system to be replicated in another jurisdiction.

(I) An assurance that the system established under the plan will provide data that allows for evaluation (at least on an annual basis) of the following information:

(i) The total number of cases that are filed in the abuse and neglect court.

(ii) The number of cases assigned to each judge who presides over the abuse and neglect court.

(iii) The average length of stay of children in foster care.

(iv) With respect to each child under the jurisdiction of the court—

(I) the number of episodes of placement in foster care;

(II) the number of days placed in foster care and the type of placement (foster family home, group home, or special residential care facility);

(III) the number of days of in-home supervision; and

(IV) the number of separate foster care placements.

(v) The number of adoptions, guardianships, or other permanent dispositions finalized.

(vi) The number of terminations of parental rights.

(vii) The number of child abuse and neglect proceedings closed that had been pending for 2 or more years.

(viii) With respect to each proceeding conducted by, or under the supervision of, an abuse and neglect court—

(I) the timeliness of each stage of the proceeding from initial filing through legal finalization of a permanency plan (for both contested and uncontested hearings);

(II) the number of adjournments, delays, and continuances occurring during the proceeding, including identification of the party requesting each adjournment, delay, or continuance and the reasons given for the request;

(III) the number of courts that conduct or supervise the proceeding for the duration of the abuse and neglect case;

(IV) the number of judges assigned to the proceeding for the duration of the abuse and neglect case; and

(V) the number of agency attorneys, children's attorneys, parent's attorneys, guardians ad litem, and volunteers participating in a court-appointed special advocate (CASA) program assigned to the proceeding during the duration of the abuse and neglect case.

(J) A description of how the proposed system will reduce the need for paper files and ensure prompt action so that cases are appropriately listed with national and regional adoption exchanges, and public and private adoption services.

(K) An assurance that the data collected in accordance with subparagraph (I) will be made available to relevant Federal, State, and local government agencies and to the public.

(L) An assurance that the proposed system is consistent with other civil and criminal information requirements of the Federal government.

(M) An assurance that the proposed system will provide notice of timeframes required under the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115) for individual cases to ensure prompt attention and compliance with such requirements.

(c) Conditions for Approval of Applications.—

(1) Matching requirement.—

(A) In general.—A State court or local court awarded a grant under this section shall expend $1 for every $3 awarded under the grant to carry out the development, implementation, and maintenance of the automated data collection and case-tracking system under the proposed plan.

(B) Waiver for hardship.—The Attorney General may waive or modify the matching requirement described in subparagraph (A) in the case of any State court or local court that the Attorney General determines would suffer undue hardship as a result of being subject to the requirement.

(C) Non-federal expenditures.—

(i) Cash or in kind.—State court or local court expenditures required under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(ii) No credit for pre-award expenditures.—Only State court or local court expenditures made after a grant has been awarded under this section may be counted for purposes of determining whether the State court or local court has satisfied the matching expenditure requirement under subparagraph (A).

(2) Notification to state or appropriate child welfare agency.—No application for a grant authorized under this section may be approved unless the State court or local court submitting the application demonstrates to the satisfaction of the Attorney General that the court has provided the State, in the case of a State court, or the appropriate child welfare agency, in the case of a local court, with notice of the contents and submission of the application.

(3) Considerations.—In evaluating an application for a grant under this section the Attorney General shall consider the following:

(A) The extent to which the system proposed in the application may be replicated in other jurisdictions.

(B) The extent to which the proposed system is consistent with the provisions of, and amendments made by, the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115), and parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(C) The extent to which the proposed system is feasible and likely to achieve the purposes described in subsection (a)(1).

(4) Diversity of awards.—The Attorney General shall award grants under this section in a manner that results in a reasonable balance among grants awarded to State courts and grants awarded to local courts, grants awarded to courts located in urban areas and courts located in rural areas, and grants awarded in diverse geographical locations.

(d) Length of Awards.—No grant may be awarded under this section for a period of more than 5 years.

(e) Availability of Funds.—Funds provided to a State court or local court under a grant awarded under this section shall remain available until expended without fiscal year limitation.

(f) Reports.—

(1) Annual report from grantees.—Each State court or local court that is awarded a grant under this section shall submit an annual report to the Attorney General that contains—

(A) a description of the ongoing results of the independent evaluation of the plan for, and implementation of, the automated data collection and case-tracking system funded under the grant; and

(B) the information described in subsection (b)(2)(I).

(2) Interim and final reports from attorney general.—

(A) Interim reports.—Beginning 2 years after the date of enactment of this Act, and biannually thereafter until a final report is submitted in accordance with subparagraph (B), the Attorney General shall submit to Congress interim reports on the grants made under this section.

(B) Final report.—Not later than 90 days after the termination of all grants awarded under this section, the Attorney General shall submit to Congress a final report evaluating the automated data collection and case-tracking systems funded under such grants and identifying successful models of such systems that are suitable for replication in other jurisdictions. The Attorney General shall ensure that a copy of such final report is transmitted to the highest State court in each State.

(g) Authorization of Appropriations:—There is authorized to be appropriated to carry out this section, $10,000,000 for the period of fiscal years 2001 through 2005.

SEC. 5. GRANTS TO REDUCE PENDING BACKLOGS OF ABUSE AND NEGLECT CASES TO PROMOTE PERMANENCY FOR ABUSED AND NEGLECTED CHILDREN.

(a) Authority to Award Grants.—The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs and in collaboration with the Secretary of Health and Human Services, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(1) promoting the permanency goals established in the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115); and

(2) enabling such courts to reduce existing backlogs of cases pending in abuse and neglect courts, especially with respect to cases to terminate parental rights and cases in which parental rights to a child have been terminated but an adoption of the child has not yet been finalized.

(b) Application.—A State court or local court shall submit an application for a grant under this section, in such form and manner as the Attorney General shall require, that contains a description of the following:

(1) The barriers to achieving the permanency goals established in the Adoption and Safe Families Act of 1997 that have been identified.

(2) The size and nature of the backlogs of children awaiting termination of parental rights or finalization of adoption.

(3) The strategies the State court or local court proposes to use to reduce such backlogs and the plan and timetable for doing so.

(4) How the grant funds requested will be used to assist the implementation of the strategies described in paragraph (3).

(c) Use of Funds.—Funds provided under a grant awarded under this section may be used for any purpose that the Attorney General determines is likely to successfully achieve the purposes described in subsection (a), including temporarily—

(1) establishing night court sessions for abuse and neglect courts;

(2) hiring additional judges, magistrates, commissioners, hearing officers, referees, special masters, and other judicial personnel for such courts;

(3) hiring personnel such as clerks, administrative support staff, case managers, mediators, and attorneys for such courts; or

(4) extending the operating hours of such courts.

(d) Number of Grants.—Not less than 15 nor more than 20 grants shall be awarded under this section.

(e) Availability of Funds.—Funds awarded under a grant made under this section shall remain available for expenditure by a grantee for a period not to exceed 3 years from the date of the grant award.

(f) Report on Use of Funds.—Not later than the date that is halfway through the period for which a grant is awarded under this section, and 90 days after the end of such period, a State court or local court awarded a grant under this section shall submit a report to the Attorney General that includes the following:

(1) The barriers to the permanency goals established in the Adoption and Safe Families Act of 1997 that are or have been addressed with grant funds.

(2) The nature of the backlogs of children that were pursued with grant funds.

(3) The specific strategies used to reduce such backlogs.

(4) The progress that has been made in reducing such backlogs, including the number of children in such backlogs—

(A) whose parental rights have been terminated; and

(B) whose adoptions have been finalized.

(5) Any additional information that the Attorney General determines would assist jurisdictions in achieving the permanency goals established in the Adoption and Safe Families Act of 1997.

(g) Authorization of Appropriation.—There are authorized to be appropriated for the period of fiscal years 2001 and 2002 $10,000,000 for the purpose of making grants under this section.

SEC. 6. GRANTS TO EXPAND THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM IN UNDERSERVED AREAS.

(a) Grants To Expand CASA Programs in Underserved Areas.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall make a grant to the National Court-Appointed Special Advocate Association for the purposes of—

(1) expanding the recruitment of, and building the capacity of, court-appointed special advocate programs located in the 15 largest urban areas;

(2) developing regional, multijurisdictional court-appointed special advocate programs serving rural areas; and

(3) providing training and supervision of volunteers in court-appointed special advocate programs.

(b) Limitation on Administrative Expenditures.—Not more than 5 percent of the grant made under this subsection may be used for administrative expenditures.

(c) DETERMINATION OF URBAN AND RURAL AREAS.—For purposes of administering the grant authorized under this subsection, the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall determine whether an area is one of the 15 largest urban areas or a rural area in accordance with the practices of, and statistical information compiled by, the Bureau of the Census.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to make the grant authorized under this section, $5,000,000 for the period of fiscal years 2001 and 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2272.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2272, the Strengthening Abuse and Neglect Courts Act of 2000, provides grants to allow States to improve the administrative efficiency and effectiveness of child abuse and neglect courts throughout the Nation. The bill gives the Attorney General the authority to award grants to State and local courts; to provide computerized case tracking and technical assistance; promote innovative strategies to reduce case loads; and provide additional court-appointed special advocates to assist in supporting children and courts.

Every child should have the opportunity to be whatever it is they want to be, and it is our responsibility as a community and as parents to provide them a nurturing environment so that every child can fulfill their great promise.

The act of child abuse is incomprehensible to all of us. Child abuse steals the innocence from our coming generation. The victims of child abuse are not allowed to be children; they become adults all too soon. We must give the States the tools to assist them in protecting our children.

Child welfare is an example where State law is generally paramount. The Federal Government supports State action by providing funds to States for child welfare activities. Grants to States have been used to expand and strengthen child welfare services. This bill is finely tuned to assist States in this regard.

We must come together as a Nation to restore what has been stolen from this generation. We must come together as a Nation to prevent and stop the cycle of this terrible abuse.

I want to thank Senator DEWINE of Ohio for bringing this important bill forward, and I hope everyone will support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, while we seem to be making some progress reducing the overall crime rate in this country, crimes against children, particularly reports of child abuse and neglect, have grown by 41 percent over the last 10 years. In 1997, Congress passed the Adoption and Safe Families Act to begin the process for accelerating time lines and making other improvements designed to speed up the process of securing safe, permanent, caring families for abused and neglected children.

Unfortunately, in passing the law, Congress failed to recognize the additional burdens of these time lines and other improvements would exact on the already overburdened family and domestic relations courts. Courts nationwide are struggling to meet the accelerated time lines and other requirements of that legislation and, as a result, there are substantial backlogs in processing of these cases.

This bill, which is supported by the Conference of Chief Justices and the Conference of State Court Administrators, will help to further the goals of the Adoption and Safe Families Act by authorizing $10 million over 5 years to assist State and local courts in developing and implementing automated case tracking systems for abused and neglect proceedings. It also authorizes an additional $10 million to reduce existing backlogs of abuse and neglect cases and $5 million to expand the Court-Appointed Special Advocate, CASA, program into underserved areas.

Mr. Speaker, I am familiar with this program. They have several programs in Virginia. CASA volunteers do an excellent job in assisting children in the court system, and I am delighted we are expanding this system in the legislation.

In sum, this bill authorizes a total of $25 million to address this pressing problem. I acknowledge that this is just a drop in the bucket of what is necessary. However, it will help to alleviate an overburdened family court system. And I encourage my colleagues not to stop here.

The research tells us that children who experience abuse are four times more likely to be involved in delinquent and criminal activity than a child who has not been abused. Furthermore, those children are more likely to be arrested 1 year earlier, commit twice as many offenses and be arrested more frequently than youths who are not abused or neglected.

But the statistic that should most concern us is that nearly 70 percent of youths arrested have a prior history of abuse and neglect, which means that we already have the ability to identify those children at risk of delinquency through child protection and child welfare systems. By identifying those children and providing them with appropriate intervention programs and services, we can drastically decrease juvenile delinquency.

As the ranking member on the Subcommittee on Crime, I must express my regret that this Congress has not made these improvements in proven crime prevention initiatives a priority. H.R. 1501, the Consequences for Juvenile Offenders Act, and H.R. 1150, which reauthorizes the Juvenile Justice and Delinquency Prevention Act as originally introduced in the House, would have provided increased funding for juvenile crime prevention programs and services for at-risk youth.

These bills were loaded down in the House with slogans and sound bites posing as amendments and then buried in a conference committee that has not met for a year. It is unfortunate that this Congress chose to play politics instead of choosing to address the problem of at-risk youth in this country and to reduce juvenile crime.

In the end, Mr. Speaker, I urge my colleagues to support the passage of the measure before us today. It is a good start and will provide family courts with resources they need to enhance their tracking systems and to begin reducing backlogs.

I look forward to working with my friends across the aisle next year on juvenile justice legislation that builds upon the foundation started today.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I am very pleased to yield such time as she may consume to the distinguished gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I thank the honorable and distinguished chairman for yielding me time and for his assistance in this measure.

Mr. Speaker, I rise in strong support of this measure, the Strengthening Abuse and Neglect Courts Act, or SANCA. There is nothing more tragic than the thought of a child who has been abused or neglected, and nothing happier than a child finding the warmth and love of a permanent adoptive family. Unfortunately, the period of time between these two points during which a child's case is pending before the courts can be a period of interminable delays, bureaucratic snags, and a less-than-thorough accurate review of the child's case, all of which can have a lasting negative effect on the child.

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Mr. Speaker, for those children who reach adulthood without permanent placement and transition out of the foster care system, they begin their adult lives with no sense of family, low self-esteem and little direction for the future. Children are being removed from abusive homes only to be abused once again by the system.

Healing can only begin for these children when they are in a safe and permanent environment. But all too often these children languish in the foster care system in a state of emotional limbo.

According to the National Center for Juvenile Justice, between 1991 and 1997, in my own home district of Franklin County, Ohio, 38 percent of the children who are waiting permanent adoption because parental rights have been severed have been in the system over 4 years. And nationally, according to the Department of Health and Human Services, children who are adopted from foster care leave the system between 3.5 and 5.5 years later.

This is simply too long for these children to wait for the love and warmth of a permanent family. This is a good part of a childhood.

Congress began to address this situation in 1997 with the Adoption and Safe Families Act. Without a doubt this is one of our crowning achievements of the last session. But while ASFA's accelerated timelines are essential to promoting stability and permanence for abused and neglected children, these timelines, along with grossly insufficient funding, have resulted in continued prolonged stays for abused and neglected children in the foster care system and increased pressure on our Nation's already overburdened abuse and neglect courts.

SANCA addresses the shortfalls of the Adoption and Safe Families Act by making Federal funding available to State and local courts to reduce case backlogs and to develop and implement automated case tracking systems for abuse and neglect proceedings.

SANCA also provides funding for start-up grants to appoint the Court Appointed Special Advocate for CASA, programs in underserved areas.

The foster care system cannot help abused and neglected children without properly functioning State and local courts. The relatively small amount of funding provided by SANCA will have a dramatic impact on the lives of abused and neglected children.

SANCA is backed by the American Bar Association, the Conference of Chief Justices, the National Council of Juvenile and Family Court Judges, among others. Clearly, this legislation is of vital importance to abused and neglected children who need nothing more than the stability and love that comes with the safe and permanent home. Mr. Speaker, I urge my colleagues' support.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill will have the short-term effect of reducing backlogs but will have the long-term effect of improving the lives of many children. I want to thank the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on the Judiciary for bringing the bill to the floor and thank the gentlewoman from Ohio (Ms. PRYCE) for her advocacy in this issue. She is a former judge and is very knowledgeable on this issue. I thank her for her advocacy on behalf of children.

Mrs. JOHNSON of Connecticut. Mr. Speaker, the strengthening Abuse and neglect Courts Act of 2000 will build on the success of the Adoption and Safe Families Act of 1997 (ASFA) which required states to shorten the length of time that children remain in foster care by filing termination of parental rights petitions at 15 months.

Implementation of ASFA has resulted in an unprecedented 64 percent increase in adoptions out of foster care since 1996.

As a direct result of ASFA, developed by the Committee on Ways and means, new pressures have been put on state courts to hold permanency hearings, implement permanency plans, make judicial findings and finalize adoptions cases involving abused and neglected children in a timely fashion.

The Strengthening Abuse and Neglect Courts Act of 2000 will increase the efficiency and capacity of the nation's abuse and neglect courts by providing funds to state courts to computerize a data collection and case tracking system. This system will allow judges to track the number of children under judicial care to monitor how these children are faring. A case tracking system will allow judges to keep a running account of the number and type of services offered to the family and the results of these interventions. This information is critical to keeping children safe and promoting permanency.

This Act will enable state and local courts to reduce existing backlogs of children awaiting termination of parental rights or finalization of adoption. According to the Department of Health and Human Services there were over 103,000 children awaiting adoption in 1998. Grants provided to state courts under this Act will allow courts to hire additional judges to hear these cases and to establish night court sessions for hearing these cases.

The Strengthening Abuse and Neglect Courts Act of 2000 is a logical next step to the Adoption and Safe Families Act of 1997. We need courts that work to reduce delays and keep children safe and in loving families. This legislation does that and I wholeheartedly support it.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the Senate bill, S. 2272.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

AMENDING IMMIGRATION AND NATIONALITY ACT WITH REGARD TO BRINGING IN AND HARBORING CERTAIN ALIENS

Mr. ROGAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 238) to amend section 274 of the Immigration and Nationality Act to impose mandatory minimum sentences, and increase certain sentences, for bringing in and harboring certain aliens, and to amend title 18, United States Code, to provide enhanced penalties for persons committing such offenses while armed, as amended.

The Clerk read as follows:

H.R. 238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASED PERSONNEL FOR INVESTIGATING AND COMBATING ALIEN SMUGGLING.

The Attorney General in each of the fiscal years 2001, 2002, 2003, 2004, and 2005 shall increase the number of positions for full-time, active duty investigators or other enforcement personnel within the Immigration and Naturalization Service who are assigned to combating alien smuggling by not less than 50 positions above the number of such positions for which funds were allotted for the preceding fiscal year.

SEC. 2. INCREASING CRIMINAL SENTENCES AND FINES FOR ALIEN SMUGGLING.

(a) IN GENERAL.—Subject to subsection (b), pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for smuggling, transporting, harboring, or inducing aliens under sections 274(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)) so as to—

(1) double the minimum term of imprisonment under that section for offenses involving the smuggling, transporting, harboring, or inducing of—

(A) 1 to 5 aliens from 10 months to 20 months;

(B) 6 to 24 aliens from 18 months to 36 months;

(C) 25 to 100 aliens from 27 months to 54 months; and

(D) 101 aliens or more from 37 months to 74 months;

(2) increase the minimum level of fines for each of the offenses described in subparagraphs (A) through (D) of paragraph (1) to the greater of the current minimum level or twice the amount the defendant received or expected to receive as compensation for the illegal activity; and

(3) increase by at least 2 offense levels above the applicable enhancement in effect on the date of enactment of this Act the sentencing enhancements for intentionally or recklessly creating a substantial risk of serious bodily injury or causing bodily injury, serious injury, permanent or life threatening injury, or death.

(b) EXCEPTIONS.—Subsection (a) shall not apply to an offense that—

(1) was committed other than for profit; or

(2) involved the smuggling, transporting, or harboring only of the defendant's spouse or child (or both the defendant's spouse and child).

SEC. 3. ELIMINATION OF PENALTY ON PERSONS RENDERING EMERGENCY ASSISTANCE.

(a) IN GENERAL.—Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)) is amended by adding at the end the following:

"(C) In no case may any penalty for a violation of subparagraph (A) be imposed on any person based on actions taken by the person to render emergency assistance to an alien found physically present in the United States in life threatening circumstances.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act, and shall apply to offenses committed after the termination of such 90-day period.

SEC. 4. AMENDMENTS TO SENTENCING GUIDELINES REGARDING THE EFFECT OF PROSECUTORIAL POLICIES.

In the exercise of its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to include the following:

"§5H1.14. Plea bargaining and other prosecutorial policies.

"Plea bargaining and other prosecutorial policies, and differences in those policies among different districts, are not a ground for imposing a sentence outside the applicable guidelines range.".

SEC. 5. ENHANCED PENALTIES FOR PERSONS COMMITTING OFFENSES WHILE ARMED.

(a) IN GENERAL.—Section 924(c)(1) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting after "device)" the following: "or any violation of section 274(a)(1)(A) of the Immigration and Nationality Act"; and

(B) by striking "or drug trafficking crime—" and inserting ", drug trafficking crime, or violation of section 274(a)(1)(A) of the Immigration and Nationality Act—"; and

(2) in subparagraph (D)(ii), by striking "or drug trafficking crime" and inserting ", drug trafficking crime, or violation of section 274(a)(1)(A) of the Immigration and Nationality Act".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 90 days after the date of the enactment of this Act, and shall apply to offenses committed after the termination of such 90-day period.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to funds otherwise available for such purpose, there are authorized to be appropriated to the Immigration and Naturalization Service of the Department of Justice such sums as may be necessary to carry out section 1 and to cover the operating expenses of the Service and the Department in conducting undercover investigations of alien smuggling activities and in prosecuting violations of section 274(a)(1)(A) of the Immigration and Nationality Act (relating to alien smuggling), resulting from the increase in personnel under section 1.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

SEC. 7. ALIEN SMUGGLING DEFINED.

In sections 1 and 6, the term "alien smuggling" means any act prohibited by paragraph (1) or (2) of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROGAN) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROGAN).

GENERAL LEAVE

Mr. ROGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 238, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to offer legislation that will curb the inhuman trafficking in human lives known as alien smuggling. In areas like my home State of California, the impact of alien smuggling is felt at all levels. With the passage of this bill we can take a major step toward eliminating this despicable trade.

The problem of alien smuggling is widespread. From each of our southern border States to the northern border States and along the ports of the East and West Coast, aliens are traded like commodities often with deadly consequences. Stories of aliens packed like produce into shipping containers and moving vans abound, as do reports of corpses found throughout the desert as aliens are abandoned by their smugglers.

What was once a trickle of aliens transported by smugglers has today grown into an international trade ring, comparable in size and scope to the drug trade, generating vast revenue and crowning new kings of crime. Making the trade more deadly is the toll in human lives. Media reports describe in gruesome detail how aliens paid the large sums to be transported across our southern border, only to be abandoned in the desert, where many are robbed, raped, and sometimes murdered.

Sadly, current law permits minimal penalties for convicted smugglers. To criminals who generate millions of dollars in revenue each year from this trade, a small fine is the equivalent of paying for a parking ticket. This is wrong.

Mr. Speaker, this bill, H.R. 238, will strengthen the punishment for smugglers convicted in our courts. As amended, it will double the minimum sentence recommended by the sentencing commission for alien smuggling crimes and increase sentences for those who cause serious bodily injury or threaten a life. Specifically, the Alien Smuggler Enforcement Act, as amended, puts in place five key changes to current law.

First, the bill will add an additional 50 officers per year for 5 years to enforce our antismuggling laws.

Second, the legislation will double criminal sentences for alien smugglers through direction to the Federal sentencing commission. An increase in sentences will act as an additional deterrent. It also will guarantee that those who traffic in human lives are severely punished for this unjust crime.

Third, the bill will increase fines for those convicted of smuggling aliens to twice the amount the smuggler received for the original crime. The current minimum fine of $3,000 is deceptively small, considering the frequency of the crime and the amount of money generated in smuggling fees.

Fourth, the legislation will authorize additional funds to expand undercover investigation and enforcement programs through the Immigration and Naturalization Service.

Finally, H.R. 238 will add alien smuggling to the list of Federal crimes that receive an increased sentence if a firearm is involved, putting this crime on par with drug smuggling and other violent crimes. Our bill would add 5 additional years to a sentence and will keep smugglers off the streets.

Mr. Speaker, the focus of this legislation is professional alien smugglers and those who knowingly aid and abet professional alien smuggling for commercial or financial gain. The legislation is not designed against the unwitting employers of illegal aliens.

Mr. Speaker, our country is strengthened by the diversity of its people; our heritage of immigration is what makes us whole. However, alien smuggling chips away at both the rule of law and at human dignity. We owe it to the families of the countless victims of smugglers to enact serious penalties for this serious offense. We also owe it to the legal residents of this country to enforce strict laws against illegal immigration.

We can meet both needs by passing this bill.

Finally, Mr. Speaker, I want to thank Jim Willen, our very distinguished attorney on the House Committee on the Judiciary for his work on this. And I also especially want to thank Grayson Wolfe, an attorney on my staff, who has done just a yeoman's job in working on this bill over the many months that it has been proceeding.

I want to thank the gentleman from Michigan (Mr. CONYERS), the ranking member of the committee, and the minority members of the committee for their valuable input which has helped to shape this bill. I thank my colleagues for their consideration on this.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a mandatory minimum sentences bill for bringing in and harboring certain aliens, and the bill to me does not pass muster because experience and numerous studies have shown that mandatory minimum sentences which are spread throughout our Federal statutes or blindly increasing sentences, as the managers amendment does, creates an unfairness and requires judicial and correctional expenditures that are disproportionate to any deterrent or rehabilitative effect that they might have.

Studies have also highlighted the very high costs of the unnecessary incarceration resulting from mandatory minimums and increased sentences. In fact, scientific study has found that no empirical evidence linking increased sentences to reductions in crime. No empirical evidence linking increased sentences to reductions in crime have been found by scientific studies. Instead, we know that they distort the sentencing process, discriminate against minorities in their application and waste money.

A Rand commission study has concluded that mandatory minimum sentences were less effective than either discretionary sentencing or drug treatment in reducing drug-related crime and far more costly than either.

Mr. Speaker, and for the twelfth time, the Judicial Conference of the United States has once again reiterated its opposition to mandatory minimum sentencing. Many conservatives have joined us in recognizing the policy problems caused by mandatory minimums and increased sentences. Thus, for example, after realizing the damage and ineffectiveness of mandatory minimums at reducing crime, Democrats and Republicans, in a bipartisan effort repealed Federal mandatory minimum sentencing in 1970.

Similarly, Chief Justice Rehnquist, who is not known to be lenient on criminals, has observed that mandatory minimums are frequently the result of floor amendments to demonstrate emphatically that legislators want to get tough on crime. Just as frequently, they do not involve any careful consideration of the effect that they might have on sentencing guidelines as a whole.

Proliferation of harsh sentencing policies has inhibited the ability of the courts to sentence offenders in a way that permits a more problem-solving approach to crime.

By limiting consideration of factors contributing to crime or to a range of responses, as the measure H.R. 238 does, such sentencing policies fail to provide justice for either victims or offenders. In light of these concerns, a less Draconian approach than H.R. 238 would be to enact a legislative directive to the United States Sentencing Commission to revise their existing sentencing guidelines to increase sentences for alien smuggling offenses. This would at least permit more informed consideration of aggravating and mitigating circumstances.

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Whatever the political benefits of increased sentences, they simply do not do what they purport to do. They do not deter criminal behavior by guaranteeing that a particular penalty will be imposed for a particular crime. Instead, they impose unfair and harsh results and unnecessarily increase the prison costs to all of us.

Mr. Speaker, I am happy to yield such time as she may consume to the distinguished gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I thank the gentleman from Michigan for yielding time to me.

Mr. Speaker, I support the bill before us. While I certainly respect our ranking member, the gentleman from Michigan (Mr. CONYERS), and the ranking member on the Subcommittee on Crime, the gentleman from Virginia (Mr. SCOTT), I do not always share their viewpoint on mandatory minimums, but I do respect their thinking.

I do believe that even if one concurs in their overall approach on the issue of mandatory minimums, this is an exception to that general rule.

Smuggling of aliens is a very serious and I would add very dangerous thing to do. It is something that criminals are making vast fortunes doing, and we know that the body count in the desert between the United States and Mexico is rising as the coyotes are taking more money but also abandoning people in the desert.

A fine for a coyote is just part of the cost of doing business. It is like a license. I think the only way to add to the cost of doing business in a way that will be meaningful to people who would abuse helpless people in this way is to have an actual strong sentence that puts that abusive person out of business and behind bars for a deterrent period of time.

I would also like to note that the gentleman from California (Mr. ROGAN) in committee did agree to several amendments that make this bill targeted towards what it is aimed at. For example, family members were excluded from the bill. Good samaritans who might become involved in saving people who were abandoned were excluded.

Finally, we excluded people who were not involved in anything such as this, for example, people in the sanctuary movement who were not profiting or in the business of being a coyote, because the idea is to make a real constraint on those who are smuggling in aliens and who are endangering so many men, women, and even small children as they do it.

So I respect very much my colleague, the gentleman from Michigan, and his comments, but I do think this bill is worth voting for. I enthusiastically support it and plan to vote for it.

I thank the gentleman for his great courtesy in recognizing me.

Mr. ROGAN. Mr. Speaker, I yield myself such time as I may consume.

First, I want to thank my friend and colleague, the gentlewoman from California, for her statement, and also for her valuable input, both in committee and as this bill has been progressing, as we have amended it.

Once again, I want to publicly thank her for her support of the measure.

Mr. Speaker, I am pleased to yield such time as he may consume to our good friend, the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of H.R. 238, sponsored by my good friend, the distinguished gentleman from California.

The Alien Smuggling Prevention and Enforcement Act addresses the serious and growing problem of professional smugglers who violate our Nation's borders carrying not illegal drugs or bootleg alcohol, but human cargo. These alien smugglers are active throughout our country, not just in the border States, but in my home State of Utah and many others.

We have tightened our Nation's borders in recent years, making it more difficult for people to enter the United States illegally. The demand for entry, however, has not decreased because of tighter border controls, but the desperation of those seeking to get in has increased. Worldwide, people yearning to be free are willing to pay a tremendous price to gain entry to this great country by whatever means necessary.

The situation has produced a new, contemptible breed of predatory smuggler who specializes in taking advantage of people in exchange for the promise to get to America. Those people who put their hopes for new life in America into the hands of an alien smuggler often find their fondest dreams have turned to their worst nightmare.

Inhumane conditions are the norm as aliens find themselves packed into cargo containers for days or weeks, abandoned in the desert without basic supplies, or dumped in the sea miles from shore. Some media reports have produced a portrait of conditions which sometimes rival those imposed by slave traders during the "middle passage" two centuries ago.

For this misery, aliens pay smugglers exorbitant fees, whether they are successful or not. Some of those who are successful in entering America must pay off their admission through years of indentured servitude in sweatshops, or are forced to live lives of crimes or prostitution.

Many find themselves robbed, raped, brutalized, or even murdered by the smugglers to whom they have entrusted their lives without ever reaching our shores. This legislation today is not aimed at the poor, tired huddled masses of aliens seeking freedom, but at those who take advantage of those same aliens by preying upon their misery. The bill increases enforcement efforts against alien smugglers, and increases penalties for those who are caught.

Today's vote can help bring some truly despicable criminals to justice. I thank my friend, again, the gentleman from California (Mr. ROGAN), for taking the lead on yet another important issue and working hard to move it to completion. He is truly a tremendous asset to this body.

I urge my colleagues to support this fine effort to address a serious problem and vote for this bill.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia (Mr. Scott), a member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I recognize the seriousness of this offense, but I must oppose the bill because Congress should not be dictating and mandating sentences to the Sentencing Commission.

As we know, the Sentencing Commission was established to determine the appropriate sentencing guidelines based on the severity of the offense and after giving consideration to all other relevant factors, including the proportionality of the sentence to other offenses.

The review needs to be thorough and thoughtful. But this review, however, has not been thorough and thoughtful, because without the Sentencing Commission, crimes are considered out of context, and as a result, we have sentencing disparities.

For example, this bill provides for a sentence of 1½ to 3 years for getting caught smuggling 24 aliens, while Congress has required a 5-year mandatory minimum sentence for possession of a weekend's worth of crack cocaine.

It seems to me that an enterprise involved in smuggling 24 aliens is far more serious than an offense of smoking crack at home, but we would be better served with the Sentencing Commission considering all of those offenses in context and avoid such disparities.

The bill before us takes that responsibility from the Sentencing Commission and simply mandates that the sentences be doubled, a process which was neither thoughtful nor thorough. If Congress must dictate to the Sentencing Commission, we must at least assess the full effect of the sentencing changes Congress has already directed the Sentencing Commission to implement.

In the 1996 Illegal Immigration Reform and Immigration Responsibility Act, Congress required the United States Sentencing Commission to substantially increase the sentences for alien smuggling. The revised sentencing guidelines have resulted in a 300 percent increase in the median sentence for immigrant smuggling from 1997 to 1998.

Without taking the time to evaluate the impact of such an increase in sentencing for immigrant smuggling, Congress cannot know whether doubling the sentence is appropriate.

In addition to doubling the base offense level for alien smuggling, the bill includes mandatory minimums if the defendant used a firearm. Unfortunately, here we are again with Congress' favorite solution to crime: the mandatory minimum sentence. This is despite the fact that research has shown that mandatory minimum sentences are both ineffective and unduly harsh.

A 1997 study by the Rand Corporation on drug sentencing found that in all cases, conventional enforcement is more cost-effective than mandatory minimums, and treatment is more than twice as cost-effective as mandatory minimums.

Furthermore, in March of this year in a letter to the gentleman from Illinois (Chairman HYDE), the Judicial Conference of the United States set forth the problems with mandatory minimums as follows:

"The reason for our opposition is manifest: Mandatory minimums severely distort and damage the Federal sentencing system. . .. Far from fostering certainty in punishment, mandatory minimums result in unwarranted sentencing disparity. Mandatories also treat dissimilar offenders in a similar manner, offenders who can be quite different with respect to the seriousness of their conduct or their danger to society. Mandatories require the sentencing court to impose the same sentence on offenders when sound policy and common sense call for reasonable differences in punishment."

Based on these facts, it is clear that we should not be expanding mandatory minimums. The better approach would be directing the Sentencing Commission to review and to rationally consider increasing the offense level for alien smuggling to reflect the seriousness of the offense.

To this end, I offered an amendment to H.R. 238 which would have referred the issue to the Sentencing Commission for further consideration in light of the seriousness of the offense. Unfortunately, the amendment was not adopted. As a result, we are here today preventing the Sentencing Commission from doing its job.

I therefore must oppose this legislation, because we are dictating new sentences out of context of other crimes 6 weeks before an election.

I urge my colleagues to vote no on H.R. 238.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROGAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROGAN) that the House suspend the rules and pass the bill, H.R. 238, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to improve the prevention and punishment of criminal smuggling, transporting, and harboring of aliens, and for other purposes.".

A motion to reconsider was laid on the table.

CHILD SEX CRIMES WIRETAPPING ACT OF 2000

Mr. HUTCHINSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3484) to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Sex Crimes Wiretapping Act of 2000".

SEC. 2. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.

(a) CHILD PORNOGRAPHY.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 2252A (relating to material constituting or containing child pornography)," after "2252 (sexual exploitation of children),".

(b) TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY.—Section 2516(1) of title 18, United States Code, as amended by section 3 of this Act, is amended—

(1) by striking "or" at the end of paragraph (o);

(2) by inserting after paragraph (o) the following:

"(p) a violation of section 2422 (relating to coercion and enticement) or section 2423 (relating to transportation of minors) of this title, if, in connection with that violation, the sexual activity for which a person may be charged with a criminal offense would constitute a felony offense under chapter 109A or 110, if that activity took place within the special maritime and territorial jurisdiction of the United States; or"; and

(3) by redesignating paragraph (p) as paragraph (q).

SEC. 3. TECHNICAL AMENDMENT ELIMINATING DUPLICATIVE PROVISION.

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking the first paragraph (p); and

(2) by inserting "or" at the end of paragraph (o).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

GENERAL LEAVE

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3484, which was introduced by the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, together with the gentlewoman from Connecticut (Mrs. JOHNSON).

This bill is intended to assist Federal law enforcement agencies to better investigate crimes against children. The Committee on the Judiciary reported the bill favorably by voice vote.

Under current law, law enforcement agencies may only seek court authority to use a wiretap to investigate a limited number of crimes commonly called "wiretap predicates." While many crimes involving the sexual exploitation of children are already wiretap predicates, a few are not. With the rise of the Internet, sexual predators often attempt to lure their child victims by engaging in conversations with them in a chat room, then traveling to meet the child or asking the child to travel to them.

Oftentimes, the predators will send child pornography to the child in order to lower the child's natural defense to the sexual advances of adults. Fortunately, all of these acts are crimes under Federal law, and law enforcement agencies have been using these statutes with increasing frequency in order to catch and punish these predators before they inflict physical harm on a child.

But even when law enforcement agencies obtain a court order to monitor the predator's Internet conversation with the child, they do not have the authority under current law to monitor the predator's telephone conversations with the child or with potential co-conspirators. Of course, many times some part of the predator's attempt at seduction of the child will occur over the telephone. If law enforcement officials cannot monitor the calls, they may be unable to act to stop him before he physically harms the child. For that reason, this legislation is necessary.

This bill would address this shortcoming in the law by adding three title 18 crimes as new wiretap predicates. I point out to my colleagues that nothing in the bill would change the requirement in current law that a judge must approve each wiretap request before the wiretap is activated.

Mr. Speaker, there is nothing more precious and worthy of protection than a child. I believe we should do everything in our power to catch sexual predators before they harm our children. This bill, H.R. 3484, will ensure that our law enforcement agencies have the tools to do that.

The Department of Justice and the Department of the Treasury both support this bill.

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Mr. Speaker, I urge all of my colleagues to support it as well.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in opposition to H.R. 3484, which would add to the already lengthy list of predicate offenses for which wiretap may be issued. While I am prepared to support some extension of Federal wiretap authority in these kinds of cases, I believe the present bill goes too far in extending law enforcement's authority to use a tool recognized to be so invasive of the rights of citizens in a free society that it can only be made available for use under circumstances specifically approved by Congress.

Currently, congressionally approved wiretap authority dates back to the 1968 crime bill. The primary intent of the provision was to permit a limited use of electronic surveillance of organized crime and gambling groups, and it was envisioned as a tool of last resort even under those circumstances.

The limited approach to authorizing wiretap authority was appropriate because what we are talking about is permitting law enforcement officials to engage in the unseemly acts of secretly eavesdropping on our phone conversations, conversations which include primarily private content, most of which will have nothing to do with criminal activity. Unfortunately, since 1968, the act has been amended over a dozen times and now includes over 50 predicate crimes for which wiretap may be obtained.

Regrettably, a number of those predicates involve rather minor offenses such as false statements on a passport application. In justifying further expansion of wiretap authority, the argument now goes, if we amended the wiretap authority to add "X," we should certainly amend it to add "Y," which is a much more serious offense. As a result, wiretaps are becoming routine, rather than an extraordinary procedure to be used only as a last resort. Given the level of effectiveness of today's technology, wiretaps have the potential of being even more invasive.

At issue today is whether we should add three new crimes to the wiretap predicate offensive list: Criminal Code Section 2252A, relating to material constituting or containing child pornography; section 2422, relating to coercion and enticement; and section 2423, relating to transportation of minors.

Now, while I certainly support enforcement of these provisions, I do not believe that they should all be predicate offenses for wiretaps. The way the bill is presented to us, it is all or nothing.

First, it is clear from the list of already existing sex crime offenses that much of the more serious activity for which proponents of the legislation are seeking to justify wiretap extension are already covered by wiretap authority or other confiscation authority and investigatory techniques. For example, sexual exploitation of children is already a crime that is a wiretap predicate.

While I appreciate the majority's willingness to limit sections 2422 and 2423 to sexual activity which would constitute a Federal felony, the bill still includes the overly broad provisions contained in sections 2252A and 2423(b) as predicate offenses.

Section 2252A includes, among other things, computer-generated depictions of child pornography. Now, the suspicion that someone may be generating filthy depictions on a home computer should not justify listening in to their private phone conversations. Now section 2423(b) makes it an offense to travel with the intent or thought of committing any sex crime.

Thus pursuant to H.R. 3484, the bill before us, law enforcement would be able to get a wiretap where it learns that an 18-year-old is traveling from Washington, D.C. to Northern Virginia to have sex with his 17-year-old girlfriend. Now, I do not think that we have a compelling need to authorize government officials to listen into personal phone conversations when they suspect that such activity may be planned.

Mr. Speaker, as I have indicated earlier, wiretap authority is so invasive of the rights of citizens in a free society that it must be made available only as a last resort. The more serious criminal activity for which proponents of the legislation are seeking to justify wiretap extension are mostly covered by wiretap authority or other confiscation authority and investigatory techniques already.

Further, certain provisions of the bill are overly broad or simply involve conduct not serious enough to warrant the extraordinary invasion of privacy involved in wiretap authority.

As a result, I must oppose this legislation and urge my colleagues to vote no on H.R. 3484.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Virginia (Mr. SCOTT) for his work on this. It has been a pleasure in the Subcommittee on Crime to serve with him. I did want to respond, simply as a Federal prosecutor, I have had experience in requests for wiretap authority. All I can say is that the Department of Justice, from my experience, uses it very, very rarely.

One of the reasons is that, in order to have wiretap permission, one has to get authorization at a very, very high level in the Department of Justice. So there are a number of tools to screen the overuse of wiretap authority. Then, secondly, there are numerous protections in it, such as one has to go to a Federal judge. For those reasons, it is not something that is a routine law enforcement tool, as it should not be.

I think that the gentleman from Virginia is absolutely correct. This should be a tool that should be reserved for the very difficult cases and not just used in a routine fashion. That is something that we certainly share, and I hope that the Department of Justice will always maintain that view of wiretap authority.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), who has really been the pusher behind this legislation, an extraordinary advocate for children.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Arkansas (Mr. HUTCHINSON) and also the gentleman from Florida (Mr. MCCOLLUM) for their leadership and help in bringing this issue and this bill to the floor.

As I learned from meetings with Customs Service agents, students, parents and teachers, predators lurk no longer just around the playground. They lurk in every computer. I was born and raised in Chicago, not in the suburbs, but in Chicago. I played in the streets and in the alleys of my neighborhood. Yet, I felt safe. I felt safe because I was taught that, if I did not go certain places, I would be safe. We were taught by our parents, do not go here. Do not go there. Stay within these parameters. Because we were taught about the dangers around us, we were safe.

Now we have to teach our kids about the dangers that lurk on the Internet so they too can enjoy the wonderful resources the Internet can make available to them but enjoy those resources in safety.

Twenty-five million kids ages 10 to 17 use the Internet. The risks are very high, and protections for our children need to be even higher.

During one visit to Connecticut, a Customs agent entered a chat room camouflaged as a teenage girl and within minutes was solicited by no less than five individuals seeking information about what she looked like, where she lived, what she liked to do, all under the guise of being her friend.

Such contacts have led to agreements between children and adults to meet, to meet the new friend. They have led to sexual abuse. But, fortunately, in Connecticut so far, none of these encounters have led to abduction and murder.

The National Center for Missing and Exploited Children estimates that there are over 10,000 Web sites maintained by pedophiles. There are even more child pornography sites with as much as 80 percent of it coming from other countries.

One of the chat rooms I was shown was named, this was just on the list, named "infant rape and torture." Times have changed. The dangers are all around us. We must change our laws to arm our investigators with the power they need to protect our children.

This legislation would create several new predicate offenses for which a Federal agent can seek permission to wiretap a suspect. While I respect the concerns that have been raised on the floor here, our bill is essential if these kids are to be protected from those in the Internet who would seek them out, befriend them, and arrange to meet them in places through which they can sexually assault them or, as has happened, and will happen more and more often, lead to their harm and sometimes to their murder.

Our bill simply modernizes the statute. The officers would still have to present their case to a judge. So I urge support of this important legislation.

Mr. CONYERS. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. HUTCHINSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 3484, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2045) to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens, as amended.

The Clerk read as follows:

S. 2045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

In addition to the number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(15)(H)(i)(b)), the following number of aliens may be issued such visas or otherwise provided such status for each of the following fiscal years:

(1) 80,000 for fiscal year 2000;

(2) 87,500 for fiscal year 2001; and

(3) 130,000 for fiscal year 2002.

SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), be counted toward the numerical limitations contained in paragraph (1)(A) the first time the alien is employed by an employer other than one described in paragraph (5)(A).".

SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

"(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended

by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) One-Time Protection Under Per Country Ceiling.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act, any alien who—

(1) is the beneficiary of a petition filed under section 204(a) for a preference status under paragraph (1), (2), or (3) of section 203(b); and

(2) would be subject to the per country limitations applicable to immigrants under those paragraphs but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) In General.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, employment authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous application for new employment or extension of status before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization in the United States before or during the pendency of such petition for new employment.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 6. EXTENSION OF AUTHORIZED STAY IN CASES OF LENGTHY ADJUDICATIONS.

(a) Exemption From Limitation.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act on whose behalf a petition under section 204(b) to accord the alien immigrant status under section 203(b), or an application for adjustment of status under section 245 to accord the alien status under section 203(b), has been filed, if 365 days or more have elapsed since the filing of a labor certification application on the alien's behalf, if such certification is required for the alien to obtain status under section 203(b), or if 365 days or more have elapsed since the filing of the petition under section 204(b).

(b) Extension of H1-B Worker Status.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) Attestation Requirements.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

(b) Fee Requirements.—Section 214(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A)) is amended in the text above clause (i) by striking "October 1, 2001" and inserting "October 1, 2002".

(c) Department of Labor Investigative Authorities.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking "September 30, 2001" and inserting "September 30, 2002".

SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) Study.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) Allocation of Funds.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "56.3 percent" and inserting "36.2 percent";

(2) in paragraph (3), by striking "28.2 percent" and inserting "30.7 percent"; and

(3) in paragraph (4)(A), by striking "4 percent" and inserting "2.5 percent".

(b) Low-Income Scholarship Program.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking "2,500 per year." and inserting "3,125 per year. The Director may renew scholarships for up to 4 years.".

(c) National Science Foundation Grant Program.—Section 286(s)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended to read as follows:

"(B) National Science Foundation Competitive Grant Program for K–12 Math, Science and Technology Education.—(i) 25.8 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct and/or matching grant program to support private-public partnerships in K–12 education.

"(ii) Types of Programs Covered.—The Director shall award grants to such programs, including, those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology; involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; and college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology.".

(d) Reporting Requirements.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

"(e) The Secretary of the Department of Labor and the Director of the National Science Foundation shall—

"(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

"(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

"(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.".

SEC. 11. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) Short Title.—This section may be cited as the "Kids 2000 Act".

(b) Findings.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the

skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

Amend the title to read as follows: "A bill to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens, and to establish a crime prevention and computer education initiative.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2045, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased today to rise in support of this legislation. I am pleased that we are moving forward on this vital issue for our economy.

America is ascendant. We have a strong, consumer-driven, innovative economy that is continuing to grow. We have more high-tech products available to our citizens than any other country in the world. Low-cost, high-speed access to the Internet is becoming a reality for every person in America. The latest employment numbers show that this high technology-driven economy has created 340,000 new jobs and the unemployment rate is at 3.9 percent, a 30-year low.

The legislation before us today will help this economic prosperity continue by meeting the critical need for skilled workers, workers we cannot get enough of. A key but little known fact about this booming high-tech economy is that it is dependent upon skilled workers. We need those. That is like lifeblood for us.

We cannot produce enough of these highly skilled workers quickly enough from our own education system to keep pace with the demand. For years we have had a special immigration program, the H-1B visa, which allows highly skilled workers to come to this country temporarily to work for American companies in order to meet critical shortages of skilled personnel.

Unfortunately, the current program still does not provide enough visas to meet the growing demands and the growing shortfall of domestically educated high-tech workers. The current ceiling of 115,000 visas per year was reached in March, less than halfway through the current fiscal year.

All the world wants to come to this land of opportunity to develop and market their ideas. We want them to come. We want everyone to be able to follow his or her dreams and enrich themselves and enrich this country. The fact that the best and the brightest from the rest of the world want to come here and work and learn, to invent and build businesses is the ultimate compliment to our system. We should welcome them with open arms. This is how America spreads democracy and the rule of law. The people will make our country and our economy better while they are here and will take our concept of freedom back to their homes and initiate change there.

We have worked hard on this H-1B legislation to open the doors wide to educated people, so that they can come to the United States and give us the benefits as they develop their ideas. This is the American dream. It should be available to everyone everywhere.

The American Competitiveness in the 21st Century Act of 2000 will feed the high-tech economy with these vital workers by providing 195,000 H-1B visas in fiscal 2000, and that is 80,000 in addition to the 115,000 we currently have; 195,000 for the fiscal year 2001, and 195,000 for fiscal 2002.

Our opponents complain that a greater focus on education of American workers is the answer. But this long-term solution cannot meet today's critical need.

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American companies will always want to recruit the top professionals they can find, but there is no reason why they should have to choose between hiring the most qualified employees now to meet their immediate needs and support long-term excellence in our schools in the high-tech workforce. They can do both. We can do both.

The supporters of this legislation read like a who's who of the most innovative, fastest-growing companies in America, the companies who drive this economy forward: Microsoft, Intel, Sysco Systems, Sun Microsystems, Hewlett Packard, and Texas Instruments. Their demands are infinitely reasonable. The only shame in all this is that we have to spend a year working with Congress to allow them to hire people and create more jobs.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I plan to support this bill before us, even though it got out of the Senate only hours ago; yesterday sometime.

The legislation before us today would adjust the H-1B visa cap to meet the immediate and critical needs of our high-technology economy. To tell the truth, the bill is a significant improvement to the committee-passed bill in the Judiciary, which would have imposed significant new restrictions that would have made it far more difficult for American employers to utilize the H-1B program.

This enormous success of our American economy has, in large part, been driven by our information technology industry. As a matter of fact, the Department of Commerce estimates that more than 1.3 million technology workers will be needed over the next decade. Where are we going to get them? Ensuring that the United States has sufficient, qualified, high-technology personnel will be a critical determinant of the success of our national economy over the years to come. So I believe it is imperative that we add some temporary visas, that we provide for greater permanent visas, and that we attempt to educate our own citizens so that we can meet these needs.

But I must point out that there are some concerns that I have with the manner that this legislation came to the floor. First off, we are taking up the Senate-passed bill under suspension of the rules; there is only one copy in this room, and it is at the Speaker's desk. There is no opportunity for amendment by anyone in the Congress. In this respect, I would note that the bill before us does not contain the increase in visa fees provided under the Lofgren-Dreier bill. This is not a good occasion. By contrast, that bill would have increased fees by $500 and then allocated 90 percent of the additional revenue to the existing math, computer science, engineering and science related enrichment and regional skills alliances designed to train current workers.

In other words, our measure would have allowed us to begin to prepare qualified high-tech workers inside the United States. The Clinton administration likewise has some excellent proposals in the fee area, and I hope that this language will be added to some other piece of legislation before we adjourn.

Number two, the bill fails to contain any of the Latino Fairness provisions that those of us in the House, particularly the Congressional Hispanic Caucus, led by the gentlewoman from California (Ms. ROYBAL-ALLARD), and specifically worked on by our distinguished colleague, the gentleman from Illinois (Mr. GUTIERREZ) and other Members in the House and Senate who have been pushing these provisions urged by the Congressional Hispanic Caucus and by the Congressional Black Caucus. These provisions would provide immigration parity for Central Americans and Haitians, would grant late amnesty to individuals unfairly denied relief under the 1986 law, and restore section 245(i) relief to persons seeking to adjust their immigration status in the United States.

In my view, if we are going to open our borders to hundreds of thousands of foreign nationals who do not live here to fill employment needs under the H-1B program, the very least we can do is address the existing inequities faced by persons who already live and work here and have family ties in this country.

Yet the majority continues to ignore these very reasonable proposals. They have refused to give us a hearing in the Committee on the Judiciary; and, thus, we have not had a markup. Today we do not even have the opportunity of offering an amendment so that we can vote our conscience on the House floor.

In terms of the immigration parity provisions, relief is needed to correct unfair and discriminatory provisions enacted by the majority in the last two Congresses. In 1996, this Congress made it almost impossible for deserving immigrants to obtain suspension or deportation relief. In 1997, they compounded the problem by offering relief from the 1996 law to Cubans and Nicaraguans but not other Central Americans or Haitians.

I want to quickly add that our Cuban American Members of Congress joined us in supporting a modification that would include Central Americans and Haitians, and I compliment them for that.

The individuals we want to protect came to our shores fleeing persecution at home. They have jobs and families and roots in this country. They deserve the same consideration we have given other groups of immigrants.

As for the late amnesty provisions, there is a need to restore fairness to those immigrants who were eligible to apply for legalization in the mid-1980s but were not able to do so because the Immigration and Naturalization Service misinterpreted the law that the Congress passed. Had their application been timely processed, most of these immigrants would already be citizens.

In 1996, the majority compounded the problem once again by stripping the courts of their authority to grant relief for the wronged legalization applicants. Updating the registry date to 1986 will avoid all of these problems.

So I support the bill with these reservations. It is a marked improvement over our committee product, but I pledge today that our work should not be considered yet done on immigration in this Congress. We must increase the fees, otherwise we will be giving our children and workers the short shrift in terms of education funding. We have people here that can and deserve to be high-tech workers in the computer industry, and we must provide some equity to Latino and Haitian immigrants who are already here.

Please, members of this committee, as a nation of immigrants, we cannot shut our doors and hearts to these individuals.

Mr. Speaker, I reserve the balance of my time.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Michigan (Mr. CONYERS) for his limited support of this bill. It is an important bill.

I would just point out that the Senate version has been around for a very long time. There are at least two copies; the Speaker has a copy and my staff has a copy here. So the issue has been around for a while and it is a very important issue that we need to move forward with under the current circumstances.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Immigration and Claims.

Mr. SMITH of Texas. Mr. Speaker, I want to recognize two Members on the House floor tonight. The gentleman from California (Mr. DREIER), who is chairman of the House Committee on Rules, has been a tireless advocate on behalf of the high-tech industry. I do not know of anyone who has worked harder, invested more time and energy, or is more responsible for the bill that we are considering tonight being on the House floor, and I would like to congratulate him in advance on the expected passage of this bill.

Second of all, the gentleman from Utah (Mr. CANNON), who just yielded me the time, is an active member of the Subcommittee on Immigration and Claims, and he too has been a steadfast advocate of the high-tech industry. The gentleman from Utah himself is an entrepreneur and he understands firsthand the needs of the high-tech industry.

Mr. Speaker, although there is still no objective credible study that documents the shortage of American high-tech workers, the INS said recently that the demand for highly skilled foreign workers is running at least 50,000 ahead of last year. Such a demand can indicate an actual shortage of American workers, a spot shortage, a preference for cheap labor or replacement workers, or something else. But because of the importance of the high-tech industry to our economy, I think we should give the industry the benefit of the doubt.

But giving high-tech companies the benefit of the doubt is not without risk, unless we safeguard American workers. We need to recognize the opposition of the American people to an H-1B visa increase, Mr. Speaker. Two major polls demonstrate that the vast majority of Americans do not want to see the number of high-tech visas increased so much and worry that it will hurt American workers.

A Peter Hart poll conducted in March found that 73 percent of Americans do not want to see immigration law changed to allow the entry of more foreign high-tech workers. Only 20 percent wanted more foreign workers.

A Harris poll, released in September 1998, found that 82 percent of Americans do not want to see the H-1B quota increased. The poll found that 77 percent of Americans believe that an increase in H-1B visas reduces employment opportunities for American workers. And 86 percent of Americans believe that U.S. companies should train U.S. workers to perform jobs in technical fields, even if it is faster and less expensive to fill the jobs with foreign workers.

To satisfy the concerns of the American people, we need to protect American workers from being undercut by foreign workers in the H-1B program. S.2045 contains no significant provisions to protect these American workers. It does not require most companies to make a good-faith effort to recruit U.S. workers before hiring foreign workers. It allows all but a small handful of firms to lay off American workers and replace the American workers with foreign workers.

Why would anyone oppose these common sense safeguards? What amazes me is that in all the discussions I have had with representatives of high-tech companies, not a single one has expressed any concern about the impact of this legislation on American workers. How could anyone oppose a safeguard that says American workers could not be fired and replaced by a foreign worker? How could anyone not agree to advertise for American workers before hiring from abroad? How could anyone oppose paying foreign workers what the average beginning salary is for American college graduates, unless they want to undercut American wages?

The Committee on the Judiciary passed a bill, H.R. 4227, that contains an additional crucial safeguard for American workers. The Committee on the Judiciary passed a bill that set a floor on wages for these workers; $40,000 per year. This wage is a good starting point for any high-tech professional. It is a salary that American students fresh out of college are making. This crucial safeguard would prevent U.S. companies from hiring foreign workers to undercut the wages of American workers.

Strong anti-fraud measures are also necessary to address known abuses. An article in last Thursday's "San Francisco Chronicle" says it all: "Federal authorities have started nationwide investigations into the hiring of foreign high-tech workers, including charges of visa fraud and allegations that the practice is riddled with abuse." The Chronicle quotes Bill Yates of the INS as stating, "But are we catching most of the fraud? The truthful answer is that we are not. If it is the intention of the employee or the employer to defraud the government, you may not be able to ferret it out."

A just-released Government Accounting Office report states, "There is not sufficient assurance that INS reviews are adequate for detecting program noncompliance or abuse. The program is vulnerable to abuse, both by employers who do not have bona fide jobs to fill or do not meet required labor conditions, and by potential workers who present false credentials.

□ 1845

"The goals of preventing abuse of the program and providing efficient services to employers and workers are not being achieved. Evidence suggests that program noncompliance or abuse by employers may be more prevalent than under other laws."

Mr. Speaker, any H-1B bill should contain effective antifraud measures as are contained in the Committee on the Judiciary-passed H.R. 4227. S. 2045 contains no such antifraud measures.

Mr. Speaker, in return for giving high-tech companies hundreds of thousands of more foreign workers, all we ask on behalf of American workers is some minimal, basic, common sense safeguards to ensure that businesses do not want to hire cheap foreign workers at the expense of American workers. While this bill has taken significant steps to alleviate the presumed shortage with more training for American workers, such provisions will not yield benefits for many years.

Supplying future workers is a different issue altogether from shielding today's American workers from the consequences of admitting so many workers from other countries.

Mr. Speaker, Congress should not turn its back on American workers.

Again I appreciate and recognize the work done by the gentleman from California (Mr. DREIER) and by the gentleman from Utah (Mr. CANNON) and congratulate them.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN), who worked harder on this measure than any other member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Speaker, this is a very good bill that should become law. I am a little bit surprised that we are standing here tonight. We did not realize that the bill would be brought up this evening and actually when I learned that it would be, I was standing in line buying a new computer to replace my computer which had its memory burned out in a power surge recently. I was glad I was able to get into the car pool lanes and get here in time to talk about why this bill deserves our support.

It was about a year ago that I began drafting some of the measures that ultimately found their way into the bill passed by the Senate last night. But I was not the only one on our side of the aisle who worked on this bill. A core group, including the gentleman from California (Mr. DOOLEY), the gentleman from Virginia (Mr. MORAN), the gentlewoman from California (Ms. ESHOO), and the gentleman from Washington (Mr. SMITH) really put in the extra effort as a drafting committee and certainly the gentleman from Michigan (Mr. CONYERS), the ranking member, has been a leader in moving this forward along with the gentleman from California (Mr. MATSUI), and finally our hero in this on our side of the aisle, the gentleman from Missouri (Mr. GEPHARDT), the minority leader, who has been stalwart in his efforts to make sure that we would get a bill such as this passed.

Mr. Speaker, I have to give the Senate credit. This bill is better than any of the other bills that have been put together, including the one we drafted, because it takes the best of so many measures and includes them all. It does things that are important in reforming the permanent side of the immigration system which is almost broken because of bureaucratic delay. It allows for portability of H-1B status as well as portability of I-140s and labor certifications. It does something about the per-country limits that would, absent a remedy, mean that scientists from certain Asian countries would be disadvantaged versus scientists from European countries. This fixes that problem. There is lots of good news in this bill, and we should all support it.

There are, however, two things that are not in the bill that I think we need to fix. The first has been mentioned by the gentleman from Michigan (Mr. CONYERS) and that has to do with the Central American refugee issue as well as the legalization era from the Reagan administration. We hoped that those two measures would become law this year as part of the Commerce-State-Justice bill. The President has threatened to veto the bill if these Latino fairness issues are not included, and 152 Democrats last week wrote a letter to the President saying he would sustain his veto if Latino fairness issues are not included in the Commerce-State-Justice bill. So we are sure that that is going to happen.

The second issue is the fee issue that has already been mentioned. The Senate parliamentarian correctly ruled that the fee in the Senate bill was a revenue increase and therefore could not be initiated on the Senate side. I do not believe we should stop this process of moving the bill forward. We should pass this bill just as it is so we do not have to conference it. But that means we are going to have to include a fee in another measure, probably an appropriations bill that is moving forward. I am sure that we will get the support of our colleagues across the aisle to make sure that happens because there was broad bipartisan support for a fee that would fund education and training programs.

I think that we have cleared the deck for approval of this bill. It is the best bill that has been considered yet. I would urge all of us to vote for it and to vote for it with some great degree of enthusiasm. As Alan Greenspan has pointed out, much of our economic prosperity is very much related to the Ph.D's who have come in from all around the world to come and be Americans with us. We are the better for that.

Mr. CANNON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition to this legislation. This legislation is nothing more than a betrayal of American working people. Why should we bring in 240,000 foreigners in order to depress the wages in the United States of America? That is exactly what we are talking about here.

There are enough Americans to do these jobs. The only thing that is lacking is the pay levels and the training. So instead of requiring our companies to train people to do these high-tech jobs who are unemployed now, like laid-off aerospace industries, or to pay a little bit more money to attract our kids coming out of school, no, instead we are going to bring in 240,000 foreigners to keep wages low. In times of prosperity if you believe in free enterprise, that is when wages are supposed to go up. But if we bring in 240,000 foreigners to take these good, high-paying tech jobs, those high-paying jobs which are now $60,000 that should go to 70 or $80,000 will stay at that level.

What this bill does is, number one, betray our own people who are out of work who need that training, need those jobs, that are 50 years old; but the Bill Gates billionaires of the world would rather bring in foreigners and not have to pay for the training and not have to pay perhaps for the health benefits of someone who is a lot younger. We should not be subsidizing these billionaire high-tech companies and these billionaires who have made money up in the Silicon Valley. They should pay their workers more money, they should train them and, yes, let us have an incentive for more of our young people to go into these high-tech companies and high-tech skill areas. If we keep wages low, our students are not going to be attracted to these high-tech areas. But if we let wages increase as the market would suggest, we will have our students go in that direction to try to get those jobs.

For someone who believes in the market and supposedly the Republicans believe in the market, this bill is a betrayal of our principles but a betrayal of America's working people. Let us not bring in 240,000 foreigners to take jobs that could be done by Americans if they had the training and the pay levels to get those jobs.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I want to thank the distinguished ranking member from Michigan, the gentleman from California (Mr. DREIER), the gentlewoman from California (Ms. LOFGREN). A number of other of our colleagues have worked very hard on this legislation. It is good legislation. It is essential legislation. It benefits a great many industries critical to the health of our economy.

But foremost among those sectors benefited is the high technology industry. The reason for that is that in the next few years the demand for skilled technology workers will mushroom worldwide. In the United States alone we will need 1.4 million more computer programmers, computer scientists and engineers by the year 2003. Today, 2.5 million workers work directly in the high technology industry; and while American firms dominate information technology markets worldwide, there are some 350,000 unfilled high technology jobs in the United States alone. To keep pace with demand each year for the next 10 years, the United States will have to train and hire an additional 130,000 computer scientists, engineers, and systems analysts.

And unlike many of those countries that are falling behind us, our strength is in our openness, openness to the flow of goods and services and capital and people. The warnings from the left and particularly from the right that more trade and immigration would throw native-born Americans out of work, destroy jobs and drive down wages have proven to be spectacularly wrong. I am looking for my friend from California, because our economic expansion has continued at the highest pace ever. That was the gentleman from California (Mr. ROHRABACHER), certainly not the gentlewoman from California (Ms. LOFGREN), who obviously understands the need.

In the last decade trade and investment with and in the United States economy has reached record levels while the influx of legal immigrants has averaged close to a million per year. And yet contrary to all the isolationists' dire predictions, unemployment has fallen to a 30-year low, 22 million new jobs have been created, real wages have been rising all across the income scale, and the current economic expansion has just set a record as the longest in United States history.

Until workforce training catches up to workforce demand, it is incumbent upon us to ensure that our employers have the ability to fill gaps in their workforce with qualified foreign national professionals. By allowing and encouraging the best and the brightest from around the globe to bring their knowledge and skills to the United States, and we are a Nation of immigrants, that is one of the reasons it is working so well, we can preserve our high-tech advantage over other countries while at the same time making sure that those same jobs do not move overseas. This is preventing those jobs from moving overseas.

As we have heard, this legislation if enacted will ensure that Americans have the education skills and training to take these jobs if they choose to pursue the training opportunities that this bill will provide. The dedicated fees generated by this bill will ensure that current American workers can be retrained for high-tech, new economy jobs. That is why we need to support it.

I thank the White House and the Democratic and Republican leadership. It is a fair and productive matter. Let us vote for it.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, the process is a betrayal. The process by which this important legislation has been brought to the floor is a betrayal of all of the reasonable Members of this House who are ready to move to meet an emergency. We understand that there is a great need for more workers to be brought in. We understand that there is a shortage, those figures are not rigged, that there is a shortage and it is mushrooming. We understand that we are going into a cyber-civilization and brain power is very important and we cannot hesitate and slow down the process. We understand the need to do something.

But why have it brought to the floor in the form of a suspension bill and not have it debated on the floor of the House fully and not allow amendments to be introduced which would be very useful for this process? What we are doing here is steamrolling through a cap. We will have a cap which amounts to almost 600,000 people over a 3-year period. 600,000 people are going to be brought in without any further discussion of the process of creating brain power. We are going to let nations like India and China, et cetera, create or let their school systems fill this need for us because we are not willing to debate and really come to grips with the process that is needed to generate and develop this kind of brain power in our own country.

We have a $230 billion surplus this year and all of the proposals for education have been milquetoast proposals. We are not coming to grips with the fact that we need to invest very heavily in infrastructure, very heavily in computers and equipment. In the area of immigration alone, we are overlooking a supply of manpower that is already here. There are large numbers of young people who come out of our high schools, they are undocumented, they come out of the high schools because they are allowed to go to public schools, but they cannot go to college and receive scholarships because they are undocumented. They have the brain power. I wanted to offer an amendment where they would be allowed special status, also. There are numerous amendments that were waiting to be attached to this bill to make it better, and we have violated the trust of the people who wanted to make this happen.

□ 1900

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just had a phone call from the president and CEO of Intel, Mr. Craig Barrett, whose view of this is that we can either import workers, or export jobs. I think that is really what this comes down to.

Part of the criticism of this bill has come from people who believe that bringing in new workers would keep wages low. As a practical matter, these people that are coming in with high skills and high education are making the pie bigger. They are making us all wealthier. That is just the fundamental distinction between the sides here.

I would like to speak for a moment about this new economy and what is going on here. We talk about the new economy, the Internet economy, the e-economy, and yet is there any part of our economy that is not affected by this?

Consider, for instance, trucking. The first company in the country that adopted global satellite positioning for its trucks was from my district in Utah, England Trucking. Their profitability skyrocketed initially when they did that, but now every other trucking company in the country is using that technology. And what has happened? The cost of trucking has plummeted because of that technology. Their greatest problem is getting enough drivers these days.

If you look at every other element of our economy, take farming, for instance. The price of a bushel of corn today is the same as it was essentially in 1950, unadjusted for inflation. That is because our farmers have been at the very cutting edge of technology.

What we are doing with this bill is bringing in the people that will actually accelerate the rate at which we grow our economy and which we develop new technologies. The amazing thing is that the rate at which we are absorbing new technology is accelerating, and the rate at which we have opportunities to expand technology are accelerating.

For instance, the Proteon project now, which is the application of the knowledge we have developed through the human genome project, is mammoth; and the opportunities for human health and other development from just that one issue alone are tremendous.

So we do not have a dearth of jobs; we have a dearth of people to carry these great opportunities forward.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in central Texas, workforce development is the number one, overriding high-tech issue. From the work that my office does with one technology company after another in helping get H–1B visas processed, I know that such visas represent one short-term answer to our needs.

One reason that Austin, Texas prospers is by living the lyrics of that great Texan Lyle Lovett, who sings, "Oh no, you're not from Texas, but Texas wants you anyway." We have attracted the best and brightest people from all over the world in part, through this H–1B program, to sustain our high-tech industries.

A high-tech leader in Austin, only a couple of months ago, was telling me that his situation in not being able to get qualified people to do the jobs that needed to be filled yesterday is not unlike a steel mill that cannot get an adequate supply of iron ore.

Because we have such a serious problem, with unemployment at an all-time low, in being able to get needed workers, I joined with a bipartisan coalition back in March to increase the supply of visas and to reform the process by which they are provided. The gentlewoman from California (Ms. LOFGREN) has been entirely too modest tonight. Without her determined leadership in forging a bipartisan coalition, we would not have secured H–1B legislation this year. My regret is that it is here in this fashion, and that so little has been done to address the other critical needs such as for modernizing immigration services with on-line filing and monitoring.

I am here not because I think this is a good bill, but because it is the only bill that the House leadership will permit us to consider on this issue. To schedule this debate 3 hours after Members were told they could leave the Capitol because there would be no further votes, to schedule it in a way that limits the debate time to a few minutes, to deny all perfecting amendments, is all too typical of the way this House has operated this year under the Republican leadership. But after months of inaction on much a critical high tech issue, this unfortunate approach shortchanges both this House and our high-tech industry.

In what will hopefully be a much better Congress next year, I will continue seeking more comprehensive legislation to reform the visa process and to create a separate "tech visa." At the same time we must also make much more effective use of visa fee revenue to develop the skills of young Americans to fill future tech job openings so that even more of our neighbors can share our economic success.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Speaker, I rise in support of this bill. I particularly want to thank the gentlewoman from California (Ms. LOFGREN) for her outstanding leadership on this issue. She has been working a long time at it and has done a tremendous job, and this is very important to the future of our economy.

I too regret a little bit the way this bill has come to the floor, but it is still a critical issue if we are going to move forward with the high-tech economy and keep our economy moving.

We all know that the long-term solution to the skills gap we have in this country is not going to be immigrants from other countries. The long-term solution definitely involves improving our education system, and we are working to do that and we must work to do that. But in the short-term it is to our country's advantage to go out and take the best and brightest from the rest of the world and bring them to the U.S. to help grow our economy.

I guess the strongest disagreement I have with the opponents of this legislation is their claim that it is going to cost us jobs. It is going to create jobs. In the Seattle-Puget Sound corridor, every high-tech job has an incredible multiplier effect. It creates jobs. Bringing in people who can fill these jobs is going to allow not just the Microsofts and the Boeings, but hundreds, if not thousands, of small companies in my district and my region to grow, by getting the skilled workers they need to enable them to continue to compete in our global economy and grow and actually create jobs.

It is in our best interest to bring the best and the brightest from the rest of the world here to help our economy. That is the competitive and wise thing to do.

This bill moves us in the right direction. There are many other immigration issues that need to be addressed. The gentlewoman from California (Ms. LOFGREN) once again has been an outstanding leader on all of those issues. We should address them, and we will work on them. But expanding the number of skilled workers that our businesses in this country have access to is the most critical issue facing business.

Every business I go to, when I ask them what issues are most important to them, they always tell me the same thing: workforce. "We can't get the people we need to grow to the level that we could be growing if we had those employees."

This is a critical issue. I urge this House to pass this. It is not a perfect process. Nobody ever said Congress was a perfect process. But it is a good bill that we should support.

Mr. CANNON. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. DREIER) to close. Let me point out that the gentleman from California (Mr. DREIER) has been the fire and the work behind the bill in getting it to this point.

The SPEAKER pro tempore (Mr. OSE). The gentleman from California is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, in less than 2 hours millions of Americans are going to be watching what will certainly be a very exciting and stimulating debate that will take place between Governor Bush and Vice President GORE. It is going to be a very partisan debate, and that is why I am happy that we in the House of Representatives just 2 hours before that debate are able to participate in a very important bipartisan effort here. It is one, as my friend, the gentlewoman from California (Ms. LOFGREN), said, that began over a year ago. And, yes, it was about a year ago that we began working together on this issue.

I want to say, first of all, that the chairman of the Subcommittee on Immigration and Claims (Mr. SMITH), has been extremely helpful in moving this process ahead, and there are a litany of people on our side who have always worked very hard on this: the gentleman from Utah (Mr. CANNON), who is managing this bill now; the gentleman from California (Mr. COX); the gentleman from Virginia (Mr. DAVIS); the gentleman from Virginia (Mr. GOODLATTE); and the gentleman from Michigan (Mr. EHLERS), who has the very important component which really has not been mentioned a lot, and that is the issue of education, his focus on math and science education, which will create a scenario where we do not have to rely on H-1B visas for these jobs to be filled in the United States.

That is the long-term solution. I should say that is why my colleague, the gentleman from Massachusetts (Mr. MOAKLEY), the ranking minority member of the Committee on Rules, and I have joined just a little while ago in introducing H.R. 5362, which takes the very important component in our legislation which is designed to increase the fee from $500 to $1,000. Why? So that we can have the resources necessary to address these very important issues which the gentleman from Michigan (Mr. EHLERS) has focused on.

Now, let me say that, again, this has been a bipartisan effort, and I want to express my appreciation to the gentlewoman from California (Ms. LOFGREN). We have gone through some bumpy times on this issue; but we have come, again, to accept this very, very great piece of legislation that our colleagues in the Senate by a vote of 96 to 1 have passed.

Also there are other people on the other side of the aisle who have worked hard on this, including the gentleman from Virginia (Mr. MORAN); my colleague, the gentleman from California (Mr. DOOLEY); and the gentleman from Washington (Mr. SMITH), who just spoke very eloquently about the fact that we will be creating jobs right here in the United States by increasing the number of H-1B visas.

Today there are about 300,000 jobs that need to be filled, and those jobs have not been filled. Why? Because we do not have the expertise here in the United States to do that. Now, what is it that can allow us to fill them? To make sure that we break down barriers and allow that expertise, regardless of where it is in the world, to be right here in the United States.

The gentleman from Utah (Mr. CANNON) just quoted the chairman of Intel, Craig Barrett, who said very appropriately that we can either choose to import workers, or export jobs. The fact is there are countries in the world today that would very much like us to see not only the jobs, but actually the bases for these operations, the headquarters, to move to Singapore, Ireland or other spots in the world. We need to do everything we can to break down government barriers, so that we can make sure that that expertise is here.

Now, a number of people have mentioned the fact that we have seen tremendous strides in the area of biotechnology. The gentleman from Utah (Mr. CANNON) just spoke eloquently about the genome project. When you look at the fact that we want to cure a wide range of diseases that are out there, Alzheimer's, Parkinson's, cancer, heart disease, we need to make sure that we continue with innovation. That is why the pharmaceutical industry, which I know has been criticized in this presidential debate, is very key. They have to have the expertise available to do this. Also in the technology sector, again, that ripple effect which the gentleman from Washington (Mr. SMITH) mentioned is so key, because jobs will be created right here.

What we have is a situation where we are relying on people and brain power, not steel and machines. That is the wave of the future. So for us to break down a governmental barrier is the best thing for us. That is why, Mr. Speaker, I am very proud that we are going to move forward in doing the right thing.

The gentleman from Illinois (Speaker HASTERT) and the gentleman from Texas (Mr. ARMEY), our majority leader, have worked long and hard and have been very supportive of this. I am pleased that having gone through this challenging time, that we have come together in a bipartisan way.

I hope that we can overwhelmingly pass this, take this language, send it down to the President for his signature, and improve the quality of life for the people in the United States and around the world, and increase the number of American jobs right here for Americans.

Mr. DAVIS of Virginia. Mr. Speaker, I rise to support S. 2045, the American Competitiveness in the Twenty-First Century Act of 2000.

In the summer of 1999, the House Judiciary Subcommittee on Immigration and Claims held hearings to investigate the workforce shortage affecting America's high-tech industry. The high-tech industry's explosion in the U.S. has created over 1 million jobs since 1993 and has produced an industry unemployment rate of 1.4 percent. As a result, our nation's economy has soared and the American people are enjoying the highest standard of living in history.

However, the United States' computer and information technology industry does not have access to growing numbers of highly skilled personnel. Lack of skilled workers threatens our nation's ability to maintain robust economic growth and expanding opportunities. The H–1B visa program allows foreign professionals to enter and work "temporarily" in the U.S. There are currently over 364,000 unfilled positions in the high-tech industry. In Northern Virginia alone, there are 28,000 openings. The Department of Labor projects that this deficit will increase by 1 million workers in the next decade. At the present time, the annual limit for granting H–1B visas is 115,000, which was reached in March, 2000.

America needs to sustain its position as the world leader in the information technology industry. The critical need for highly-skilled information technology workers demands that we take action now to ensure our continued strength in light of today's global economy. There is no question that we need to educate our children and retrain our current workers to fulfill the demands of an IT workplace. But these are long-term challenges that we are attempting to address in this legislation and through education programs and IT training tax incentives, among others.

We must ease the short-term skilled worker shortage that is a function of a booming industry that has increased employment and contributed to a growing budget surplus. And we need to do so by increasing American companies' access to the best-educated and best-trained minds if we are to maintain our position as the leader of the Information Age. Indeed, many of these workers are trained in American universities. Yet we send them back home to use those skills on behalf of our competitors. Let us keep these minds within America's borders for the benefit of American citizens.

There have been concerns expressed that companies want foreign skilled workers in order to avoid paying American citizens' higher wages to do the same job. However, temporary employees are not paid any less than their counterparts. In fact, I find it difficult to believe that a company would endure the time-consuming process and cost of attracting a foreign worker instead of hiring home-grown talent.

As an original sponsor of the Dreier-Lofgren HI–TECH Act, I am very pleased that we are moving quickly to pass the H–1B legislation approved by the other body. I am a firm believer in the market system. Here, the information technology industry is experiencing a shortage of highly-trained and skilled workers, forcing them to look abroad for such trained professionals. With this legislation, we can be certain that as we shift the focus of our early educational efforts to fulfilling the demands of an Information Economy, that in the meantime, the best and brightest minds will guide America into the new millennium. For these reasons, I urge all of my colleagues to vote in favor of S. 2045.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the Senate bill, S. 2045, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

TRUTH IN REGULATING ACT OF 2000

Mr. RYAN of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1198) to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

The Clerk read as follows:

S. 1198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Regulating Act of 2000".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) increase the transparency of important regulatory decisions;

(2) promote effective congressional oversight to ensure that agency rules fulfill statutory requirements in an efficient, effective, and fair manner; and

(3) increase the accountability of Congress and the agencies to the people they serve.

SEC. 3. DEFINITIONS.

In this Act, the term—

(1) "agency" has the meaning given such term under section 551(1) of title 5, United States Code;

(2) "economically significant rule" means any proposed or final rule, including an interim or direct final rule, that may have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; and

(3) "independent evaluation" means a substantive evaluation of the agency's data, methodology, and assumptions used in developing the economically significant rule, including—

(A) an explanation of how any strengths or weaknesses in those data, methodology, and assumptions support or detract from conclusions reached by the agency; and

(B) the implications, if any, of those strengths or weaknesses for the rulemaking.

SEC. 4. PILOT PROJECT FOR REPORT ON RULES.

(a) In General.—

(1) Request for review.—When an agency publishes an economically significant rule, a chairman or ranking member of a committee of jurisdiction of either House of Congress may request the Comptroller General of the United States to review the rule.

(2) Report.—The Comptroller General shall submit a report on each economically significant rule selected under paragraph (4) to the committees of jurisdiction in each House of Congress not later than 180 calendar days after a committee request is received. The report shall include an independent evaluation of the economically significant rule by the Comptroller General.

(3) Independent evaluation.—The independent evaluation of the economically significant rule by the Comptroller General under paragraph (2) shall include—

(A) an evaluation of the agency's analysis of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to receive the benefits;

(B) an evaluation of the agency's analysis of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to bear the costs;

(C) an evaluation of the agency's analysis of alternative approaches set forth in the notice of proposed rulemaking and in the rulemaking record, as well as of any regulatory impact analysis, federalism assessment, or other analysis or assessment prepared by the agency or required for the economically significant rule; and

(D) a summary of the results of the evaluation of the Comptroller General and the implications of those results.

(4) Procedures for priorities of requests.—The Comptroller General shall have discretion to develop procedures for determining the priority and number of requests for review under paragraph (1) for which a report will be submitted under paragraph (2).

(b) Authority of Comptroller General.—Each agency shall promptly cooperate with the Comptroller General in carrying out this Act. Nothing in this Act is intended to expand or limit the authority of the General Accounting Office.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the General Accounting Office to carry out this Act $5,200,000 for each of fiscal years 2000 through 2002.

SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT PROJECT.

(a) Effective Date.—This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

(b) Duration of Pilot Project.—The pilot project under this Act shall continue for a period of 3 years, if in each fiscal year, or portion thereof included in that period, a specific annual appropriation not less than $5,200,000 or the pro-rated equivalent thereof shall have been made for the pilot project.

(c) Report.—Before the conclusion of the 3-year period, the Comptroller General shall submit to Congress a report reviewing the effectiveness of the pilot project and recommending whether or not Congress should permanently authorize the pilot project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Ohio (Mr. KUCINICH) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

GENERAL LEAVE

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1198.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

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Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1198 is Truth in Regulating Act of 2000. It is a bipartisan good government bill. It establishes a regulatory analysis function with the General Accounting Office. This function is intended to enhance congressional responsibility for regulatory decisions developed under the laws Congress enacts. It is the product of the leadership over the past few years of the gentlewoman from New York (Mrs. KELLY), the chairwoman of the Subcommittee on Regulatory Reform and Paperwork Reduction, who will be joining us here in a few minutes.

The most basic reason for supporting this bill is constitutional, as Congress needs a Congressional Budget Office to check and balance the executive branch in the budget office, so too does it need an analytic capability to check and balance the executive branch in the regulatory process. GAO is a logical location since it already has some regulatory review responsibilities under the Congressional Review Act.

Mr. Speaker, article 1, section 1 of the U.S. Constitution vests all legislative powers in the U.S. Congress. While Congress may not delegate its legislative functions, it routinely authorizes executive branch agencies to issue rules that implement laws passed by Congress. Congress has become increasingly concerned about its responsibility to oversee agency rulemaking, especially due to the extensive costs and impacts of Federal Rules.

During the 105th Congress, the House Government Reform Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs chaired by the gentleman from Indiana (Mr. MCINTOSH) held a hearing on the earlier Kelly regulatory analysis bill, H.R. 1704. This bill sought to establish a new, freestanding congressional agency. The subcommittee then marked up and reported her bill, H.R. 1704, and called for the establishment of a new legislative branch, Congressional Office of Regulatory Analysis commonly referred to as CORA, to analyze all major rules and report to Congress on potential costs, benefits, and alternative approaches that could achieve the same regulatory goals at lower costs.

This agency was intended to aid Congress in analyzing Federal regulations. The committee report stated Congress needs the expertise that CORA would provide to carry out its duty under the CRA. Currently Congress does not have the information it needs to carefully evaluate regulations. The only analyses it has to rely on are those provided by the agencies which promulgate the rules.

There is no official, third-party analysis of new regulations. Unfortunately, CORA supporters in the 105th Congress could not overcome the resistance of the defenders of the regulatory status quo. Opponents argued that creating a new congressional agency would be fiscally irresponsible. But by this logic, Congress ought to abolish CBO, as an even more heroic demonstration of fiscal conservatism in action. Of course, most of us recognize that disbanding the CBO, however, penny-wise would be pound foolish.

In this Congress, 106th Congress, the chairman of the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, the gentleman from Indiana (Chairman MCINTOSH), and myself, as vice chairman, and the gentlewoman from New York (Mrs. KELLY), chairwoman of Subcommittee on Regulatory Reform and Paperwork Reduction, seeking to accommodate the prejudice against a freestanding agency, introduced separate bills, H.R. 3021 and H.R. 3669 respectively, to establish a CORA function within the GAO, which is an existing legislative branch agency capable of performing such functions.

The MacIntosh and Kelly bills were introduced in January and February. On May 9, the Senate passed its own regulatory analysis legislation, S. 1198, which we are now considering by unanimous consent, I might add.

Like the McIntosh and Kelly bills, the Senate legislation would also establish a regulatory analysis function within the GAO.

During the 106th Congress, the Committee on Government Reform did not hold a hearing specifically on one of the CORA bills. However, the subcommittee did hold a June 14 hearing entitled, does Congress delegate too much power to agencies and what should be done about it?

Witnesses testified that Congress needs its own, in-house, regulatory analysis capability so that Members could especially provide timely comment on proposed rules, while there is still an opportunity to influence the costs, the scope, and the content of final agency action.

On June 26, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Indiana (Mr. MCINTOSH) introduced H.R. 4744, which included several needed improvements to S. 1198, along the lines suggested by the witnesses at this June 14th hearing. For example, whereas S. 1198 merely permits GAO to assist Congress in submitting timely comments on proposed regulations during the public comment period, H.R. 4744 would require GAO to provide such assistance. This is a critical improvement, because it is only by commenting on proposed rules during the public comment period that Congress has any real opportunity to influence the costs, the scope and the content of regulation.

In addition, unlike S. 1198, H.R. 4744 would require GAO to review not only the agency's data but also the public's data to assure a more balanced evaluation, analyze not only rules costing $100 million or more, but also rules with a significant impact on small businesses, and examine whether alternatives not considered by the agencies might achieve the same goal in a more cost-effective manner or with greater net benefits.

On June 29, the Committee on Government Reform favorably reported H.R. 4744 with a very thorough discussion of issues in its accompanying report, but on June 24, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Indiana (Chairman MCINTOSH), along with the gentleman from California (Mr. CONDIT) and the gentleman from Texas (Mr. TURNER) introduced H.R. 4924.

This bill included only a few of H.R. 4744's improvements to S. 1198, the inclusion within the scope of GAO's purview of agency rules with a significant impact on small businesses, a directive to GAO to submit its independent evaluation of proposed rules within the public comment period, albeit only when doing so is practicable. House Report 106-772 explains the basis for these improvements.

Mr. Speaker, H.R. 4924 was, in my judgment, inferior to H.R. 4744, which in itself is a watered-down version of the complete reform that is needed to implement Congress' Constitutional responsibility for regulatory oversight, but it was a step in the right direction.

On June 29, the House passed H.R. 4924. Unfortunately, the Senate has not yet considered H.R. 4924. Since we are at the close of the 106th Congress, we now, however, urge the House's favorable consideration of S. 1198.

Mr. Speaker, S. 1198 does not require or expect GAO to conduct any new regulatory impact analyses or cost benefit analyses, or other impact analyses. However, GAO's independent evaluation should lead the agencies to prepare any missing cost/benefit analysis, small business impact, federalism impact, or any other missing analysis. For example, after the MacIntosh subcommittee insisted that the Department of Labor prepare a missing RIA for its "Baby UI" rule, Labor finally prepared one.

Here is basically in a nutshell, Mr. Speaker, how S. 1198 works. A chairman or a ranking member of a committee of jurisdiction may request that GAO submit an independent evaluation to the committee of a major proposed or final rule within 180 days. GAO's analysis shall include an evaluation of the potential benefits of the rule, potential costs of the rule, alternative approaches in the rulemaking record, and various impact analyses.

Congress currently has two opportunities to review agency regulatory actions. Under the Administrative Procedures Act, Congress can comment on an agency proposed and interim rules during the public comment period. The APA's fairness provisions require that all members of the public, including Congress, be given an equal opportunity to comment. Late congressional comments cannot be considered by an agency unless all other late comments are equally considered. Agencies can ignore comments filed by Congress after the end of the public comment period, as the Department of Labor did during its Baby UI period in its rule. Therefore, since GAO cannot be given more time than other members of the public to comment, GAO should complete its review of agency regulatory proposals during the public comment period.

Under the CRA, Congress can disapprove an agency final rule after it is promulgated but before it is effective. Unfortunately, Congress has been unable to carry out its responsibility under the CRA because it neither has had all of the information it needs to carefully evaluate agency regulatory proposals nor sufficient staff for this function.

In fact, since the March 1996 enactment of the CRA, there has been no completed congressional resolutions of disapproval. To assume oversight responsibility for Federal regulations, Congress needs to be armed with an independent evaluation, that is why we are doing this.

What is needed is an analysis of legislative history to see if there is a nondelegation problem, such as in the Food and Drug Administration's proposed rule to regulate tobacco products, which was struck by the Supreme Court in FDA v. Brown & Williamson, or backdoor legislating, such as in the Department of Labor's Baby UI rule, which provides paid family leave to small business employees, even though Congress in the Family and Medical Leave Act said no to paid family leave and any coverage of small businesses.

Sometimes the quickest or the only way to find that an agency has ignored a congressional intent or failed to consider less costly or nonregulatory alternatives, is to examine nonagency or public data and analysis. It is for that reason that, under H.R. 4744, GAO would be required to consult the public's data in the course of evaluating agency's rules. Although S.1198 does not require GAO to review public data, it does not forbid it. And I bring this up, because some hope that S.1198 implicitly contains a gag order, forbidding GAO to consult any analyses of data except those supplied by the agency. That is an incorrect reading, however, and the purpose and hope of this bill is to enable Congress to comment knowledgeably about agency rules from the standpoint of a truly independent evaluation of those rules, including the consumption and evaluation of public outside data.

Instructed by GAO's independent evaluations, Congress then will be better equipped to review final agency rules under the CRA. More importantly, Congress will be better equipped to submit timely and knowledgeable comments on proposed rules during the public period. Some CORA foes hope that all GAO analyses of proposed rules will be untimely and, therefore, have no effect on the substance of rules, which I am confident that GAO will want to please, rather than annoy its customers, those of us serving in Congress and will help submit timely regulatory analysis.

Thus, even though this bill is a far cry from the original Kelly idea of a CORA legislation, this legislation, S.1198, will increase the transparency of important regulatory decisions. It will promote effective congressional oversight, and it will increase the accountability of Congress.

The best government is a government that is accountable to the people. For America to have an accountable regulatory system, the peoples elected representatives must participate in and take responsibility for the rules promulgated under the laws Congress passes and by the executive branch agencies, that is why I urge my colleagues to support this meaningful step.

Mr. Speaker, I went through this exhaustive legislative history on this bill because I think it is important that those who are researching and realizing the debate here in Congress know the intent as we pass this bill.

S. 1198, the "Truth in Regulating Act of 2000," is a bi-partisan, good government bill. It establishes a regulatory analysis function within the General Accounting Office (GAO). This function is intended to enhance Congressional responsibility for regulatory decisions developed under the laws Congress enacts. It is the product of the leadership over the last few years of Small Business Subcommittee Chairwoman on Regulatory Reform and Paperwork Reduction, SUE KELLY.

The most basic reason for supporting this bill is Constitutional: Just as Congress needs a Congressional Budget Office (CBO) to check and balance the Executive Branch in the budget process, so it needs an analytic capability to check and balance the Executive Branch in the regulatory process. GAO is a logical location since it already has some regulatory review responsibilities under the Congressional Review Act (CRA).

Article I, Section 1 of the U.S. Constitution vests all legislative powers in the U.S. Congress. While Congress may not delegate its legislative functions, it routinely authorizes Executive Branch agencies to issue rules that implement laws pass by Congress. Congress has become increasingly concerned about its responsibility to oversee agency rulemaking, especially due to the extensive costs and impacts of Federal rules.

During the 105th Congress, the House Government Reform Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, chaired by DAVID MCINTOSH, held a hearing on Mrs. KELLY's earlier regulatory analysis bill (H.R. 1704), which would sought to establish a new, freestanding Congressional agency. The Subcommittee then marked up and reported her bill (H. Rept. 105–441, Part 2). H.R. 1704 called for the establishment of a new Legislative Branch Congressional Office of Regulatory Analysis (CORA) to analyze all major rules and report to Congress on potential costs, benefits, and alternative approaches that could achieve the same regulatory goals at lower costs. This agency was intended to aid Congress in analyzing Federal regulations. The Committee Report stated, "Congress needs the expertise that CORA would provide to carry out its duty under the CRA. Currently, Congress does not have the information it needs to carefully evaluate regulations. The only analyses it has to rely on are those provided by the agencies which promulgate the rules. There is no official, third-party analysis of new regulations" (p. 5).

Unfortunately, CORA supporters in the 105th Congress could not overcome the resistance of the defenders of the regulatory status quo. Opponents argued that creating a new Congressional agency would be fiscally irresponsible. By this logic, Congress ought to abolish CBO, as an even more heroic demonstration of fiscal conservatism in action. Of course, most of us recognize that dismantling CBO, however penny wise, would be pound foolish.

In the 106th Congress, Government Reform Subcommittee Chairman DAVID MCINTOSH and Small Business Subcommittee Chairwoman SUE KELLY, seeking to accommodate the prejudice against a freestanding agency, introduced bills (H.R. 3521 and H.R. 3669, respectively) to establish a CORA function within GAO, which is an existing Legislative Branch agency. McIntosh and Kelly introduced their bills in January and February 2000. On May 9th, the Senate passed its own regulatory analysis legislation, S. 1198, by unanimous consent. Like the McIntosh and Kelly bills, the Senate legislation would also establish a regulatory analysis function within GAO.

During the 106th Congress, the Government Reform Committee did not hold a hearing specifically on one of the CORA bills. However, the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs did hold a June 14th hearing, entitled "Does Congress Delegate Too Much Power to Agencies and What Should be Done About It?" Witnesses at the hearing included Senator SAM BROWNBACK, Representative J.D. HAYWORTH, former Administrator of the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs Dr. Wendy Lee Gramm, former OMB General Counsel Alan Raul, and New York Law School Professor David Schoenbrod.

Witnesses stressed that Congress needs its own, in-house, regulatory analysis capability so that Members could especially provide timely comment on proposed rules, while there is still an opportunity to influence the cost, scope and content of the final agency action. Witnesses stated that a regulatory analysis function should: (a) take into account Congressional legislative intent; (b) examine other, less costly regulatory and nonregulatory alternative approaches besides those in an agency proposal; and (c) identify additional, non-agency sources of data on benefits, costs, and impacts of an agency's proposal.

Dr. Gramm testified that, "there's clearly a need for more and better analysis that is independent of the agency writing the regulation . . . In my view, Congress cannot carry out its responsibilities effectively without such analysis." She continued by recommending, "a shadow OIRA . . . to perform independent, high-quality analysis of agency regulations at the proposal stage . . . whether or not the agency has considered the different alternatives, what might be other alternatives . . . I would suggest that all this analysis be done at the proposal stage so that this information can be put into the rulemaking record."

On June 26th, Chairwoman KELLY and Chairman MCINTOSH introduced H.R. 4744, which included several needed improvements to S. 1198, along the lines suggested by the witnesses at the June 14th hearing. For example, whereas S. 1198 merely permits GAO to assist Congress in submitting timely comments on proposed regulations during the public comment period, H.R. 4744 would require GAO to provide such assistance. This was a critical improvement, because it is only by commenting on proposed rules during the public comment period that Congress has any real opportunity to influence the cost, scope, and content of regulation. In addition, unlike S. 1198, H.R. 4744 would require GAO to review not only the agency's data but also the public's data to assure a more balanced evaluation, analyze not only rules costing $100 million or more but also rules with a significant impact on small businesses, and examine whether alternatives not considered by the agencies might achieve the same goal in a more cost-effective manner or with greater net benefits.

On June 29th, the Government Reform Committee favorably reported H.R. 4744, with a thorough discussion of issues in its accompanying report (H. Rept. 106–772).

On July 24th, Chairmen KELLY and MCINTOSH with Messrs. CONDIT and TURNER introduced H.R. 4924. This bill included only a few of H.R. 4744's improvements to S. 1198: (a) inclusion, within the scope of GAO's purview, of agency rules with a significant impact on small businesses; and (b) a directive to GAO to submit its independent evaluation of proposed rules within the public comment period, albeit only when doing so is "practicable." House Report 106–772 explains the basis for these improvements. H.R. 4924 was, in my judgment, inferior to H.R. 4744, which was itself a watered down version of the complete reform needed to implement Congress' Constitutional responsibility for regulatory oversight. But, it was a step in the right direction.

On July 29th, the House passed H.R. 4924. Unfortunately, the Senate has not yet considered H.R. 4924. Since we are at the close of the 106th Congress, we now urge the House's favorable consideration of S. 1198.

S. 1198 does not require or expect GAO to conduct any new Regulatory Impact Analyses (RIAs), cost-benefit analyses, or other impact analyses. However, GAO's independent evaluation should lead the agencies to prepare any missing cost/benefit, small business impact, federalism impact, or any other missing analysis. For example, after the McIntosh Subcommittee insisted that the Department of Labor prepare a missing RIA for its Birth and Adoption Unemployment Compensation ("Baby UI") proposed rule, Labor finally prepared one.

Here's how S. 1198 works. The Chairman or Ranking Member of a Committee of jurisdiction may request that GAO submit an independent evaluation to the Committee of a major proposed or final rule within 180 days. GAO's analysis shall include an evaluation of the potential benefits of the rule, the potential costs of the rule, alternative approaches in the rulemaking record, and the various impact analyses.

Congress currently has two opportunities to review agency regulatory actions. Under the Administrative Procedure Act (APA), Congress can comment on agency proposed and interim rules during the public comment period. The APA's fairness provisions require that all members of the public, including Congress, be given an equal opportunity to comment. Late Congressional comments cannot be considered by the agency unless all other late public comments are equally considered. Agencies can ignore comments filed by Congress after the end of the public comment period, as the Department of Labor did after its proposed "Baby UI" rule. Therefore, since GAO cannot be given more time than other members of the public to comment, GAO should complete its review of agency regulatory proposals during the public comment period.

Under the CRA, Congress can disapprove an agency final rule after it is promulgated but before it is effective. Unfortunately, Congress has been unable to fully carry out its responsibility under the CRA because it has neither all of the information it needs to carefully evaluate agency regulatory proposals nor sufficient staff for this function. In fact, since the March 1996 enactment of the CRA, there has been no completed Congressional resolutions of disapproval.

In recent years, various statutes (such as the Unfunded Mandates Reform Act of 1995 and the Small Business Regulatory Enforcement Fairness Act of 1996) and executive orders (such as President Reagan's 1981 Executive Order 12291, "Federal Regulation," and President Clinton's 1993 Executive Order 12866, "Regulatory Planning and Review") have mandated that Executive Branch agencies conduct extensive regulatory analyses, especially for economically significant rules having a $100 million-or-more effect on the economy or a significant impact on small businesses. Congress, however, does not have the analytical capability to independently and fairly evaluate these analyses.

To assume oversight responsibility for Federal regulations, Congress needs to be armed with an independent evaluation. What is needed is an analysis of legislative history to see if there is a non-delegation problem, such as in Food and Drug Administration's proposed rule to regulate tobacco products, which was struck down by the Supreme Court in *FDA* v. *Brown & Williamson*, or backdoor legislating, such as in the Department of Labor's "Baby UI" rule, which provides paid family leave to small business employees, even though Congress in the Family and Medical Leave Act said no to paid family leave and any coverage of small businesses.

Sometimes the quickest (or only) way to find out that an agency has ignored Congressional intent or failed to consider less costly or non-regularly alternatives, is to examine non-agency (i.e., "public") data and analyses. It is for that reason that, under H.R. 4744, GAO would be required to consult the public's data in the course of evaluating agency rules. Although S. 1198 does not require GAO to review public data, neither does it forbid or preclude GAO from doing so. I bring this up, because some hope that S. 1198 implicitly contains a gag order, forbidding GAO to consult any analyses or data except those supplied by the agency to be reviewed. This reading of S. 1198 would defeat a key purpose of the bill, which is to enable Congress to comment knowledgeably about agency rules from the standpoint of a truly independent evaluation of those rules.

Instructed by GAO's independent evaluations, Congress will be better equipped to review final agency rules under the CRA. More importantly, Congress will be better equipped to submit timely and knowledgeable comments on proposed rules during the public comment period. Some CORA foes hope that all GAO analyses of proposed rules will be untimely and, therefore, have no effect on the substance of rules. I am confident that GAO will want to please rather than annoy its customers, and will not fail to help Members of Congress submit timely comments on regulatory proposals.

Thus, even though a far cry from the original idea of an independent CORA agency, and although inferior to the Kelly-McIntosh bill reported by the Government Reform Committee, S. 1198 will increase the transparency of important regulatory decision, promote effective Congressional oversight, and increase the accountability of Congress. The best government is a government accountable to the people. For America to have an accountable regulatory system, the people's elected representatives must participate in, and take responsibility for, the rules promulgated under the laws Congress passes. S. 1198 is a meaningful step towards Congress' meeting its regulatory oversight responsibility.

Mr. Speaker, I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. RYAN) for taking the time to review the legislative history and also thank the gentlewoman from New York (Mrs. KELLY) for the work that she has done on this issue over the years, and to thank the gentleman from Indiana (Mr. MCINTOSH) for his efforts.

Mr. Speaker, I am pleased to speak in support of S.1198. S.1198 was passed by unanimous consent in the Senate on May 9, 2000 without opposition from the Government Accounting Office, public interest groups or industry representatives. The gentleman from California (Mr. CONDIT) introduced the text of S.1198 in the House as H.R. 4763.

However, the House Committee on Government Reform did not consider H.R. 4763. Instead, it considered its own version of the bill, H.R. 4744. Unfortunately, H.R. 4744 did not enjoy the same support that S.1198 did.

The GAO expressed serious concerns about the scope of the analyses, the timing provided for conducting the reviews and the certainty of funding; also public interest groups expressed concerns and opposed passage. Therefore, the gentleman from California (Mr. WAXMAN) and I offered the text of the Senate bill, S. 1198, which addressed these concerns, as an amendment to H.R. 4744.

Our amendment, unfortunately, was rejected by the committee on a party-line vote. I am pleased to see that we worked all of these things out, and the House now has the opportunity to vote on this proposal. It is nice to be able to come here before the Congress and show how at long last we have an opportunity to work together on something.

Furthermore, on July 25, 2000, the House passed H.R. 4924 under suspension of the rules, that bill was substantially similar to S.1198. Now, S.1198 creates a 3-year pilot project in which, at the request of a committee of jurisdiction, GAO, the General Accounting Office, would analyze economically significant proposed and final rules.

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GAO would evaluate the agency's analyses of costs, benefits, alternatives, regulatory impact, federalism impact, and any other analysis prepared by the agency or required to be prepared by the agency. All of this analysis would be completed within 180 days of the committee's request.

Under this bill, GAO would retain its traditional role as auditor and evaluate only the agencies' work. It would not be required to conduct its own independent analyses. Furthermore, it would not require the agency to conduct any new analysis. It only requires GAO review of agency analyses that are required by separate statute or executive order.

In conclusion, Mr. Speaker, I support S. 1198 because it sheds light on the adequacy and usefulness of the agencies' analyses. Yet, it ensures that the GAO has adequate time and resources to fulfill its new responsibilities, and it preserves GAO's traditional role as auditor.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. KELLY), the champion of small business, the chairman of the Subcommittee on Regulatory Reform and Paperwork Reduction, and the champion of CORA.

Mrs. KELLY. Mr. Speaker, the Truth in Regulating Act represents the culmination of nearly 4 years of hard work and an effort that will provide Congress with a new resource for reviewing new government regulations before they take effect.

I first introduced this legislation during the 105th Congress, Mr. Speaker, with the goal of giving Congress the tools it needs to oversee the steady stream of new and often costly regulations coming from the Federal government.

Government regulations have an impact on every American. We see an average of close to 4,000 new regulations promulgated every year.

In most cases, regulations speak to a noble purpose, and can often be viewed as a measure of the value that we place in protecting such things as human health, workplace safety, or the environment. Yet, too often the government oversteps its bounds in its attempt to achieve these goals, and we all pay the price as a consequence.

The price of regulations poses a particularly heavy burden on small businesses and manufacturers. They drive our economy forward. They need our help.

Estimates vary on the annual cost of government regulations from a range of $300 billion a year to $700 billion every year. Congress has a special entity, the Congressional Budget Office, or CBO, to help it grapple with our enormous Federal budget. There is growing sentiment that a similar office is needed within the legislative branch to review and analyze the numerous government regulations that are developed and issued every year.

To address this need, in 1997 I first introduced legislation to create the Congressional Office of Regulatory Analysis, or CORA. Today's legislation is the culmination of that effort.

As the vice chairman of the Committee on Small Business and the Chairwoman of the Subcommittee on Regulatory Reform and Paperwork Reduction, and as a small businesswoman myself, I know that small business owners are very familiar with the burdens that Federal regulations place on them.

Some studies have shown that for small employers, the cost of complying with Federal regulations is more than double what it cost their larger counterparts. Mr. Speaker, we do not need any study to reach that conclusion. Common sense says that if a regulation costs a company with a $5 billion revenue stream the same as it does a company with a $5 million revenue stream, the overall impact on the smaller company will be significantly more on a per unit basis.

S. 1198 creates an office within GAO that would focus solely on conducting independent regulatory evaluations of regulations to help determine whether the agencies have complied with the law and executive orders. The fact is, Congress cannot obtain unbiased information from the participants in the rulemaking because each participant, including the Federal agency, has a particular viewpoint and bias.

This legislation will fill the information gap and assist Members in Congress in determining whether action is warranted. The purpose of the bill is to ensure Congress exercises its legislative powers in the most informed manner possible. Ultimately, this will lead to better and more finely tuned legislation, as well as more effective agency regulations.

The office will provide Congress with reliable, non-partisan information, levelling the playing field with the executive branch and improving Congress' ability to understand the burdens that are placed on small businesses and the economy by excessive regulation.

Mr. Speaker, I would like to thank the gentleman from Wisconsin (Mr. RYAN) for his work on this issue, the gentleman from Indiana (Mr. MCINTOSH) for his strong support, as well as the gentleman from Michigan (Mr. BARCIA) and the gentleman from California (Mr. CONDIT) for their longstanding support for this legislation.

I would also like to thank the ranking member of the Committee on Government Reform, the gentleman from California (Mr. WAXMAN), as well as the gentleman from Ohio (Mr. KUCINICH), for their support in moving this legislation forward.

Finally, I would like to thank especially the gentleman from Indiana (Mr. BURTON) for moving this legislation quickly to the floor today, and for his leadership on this issue. I strongly urge my colleagues to join me in supporting this effort.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to echo the gentlewoman's remarks with respect to the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN).

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also just want to thank everybody who put a lot of hard work into this bill. I think we have a good bipartisan compromise.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Wisconsin (Mr. RYAN) that the House suspend the rules and pass the Senate bill, S. 1198.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

TRANSFERRING CERTAIN LANDS IN UTAH TO THE UNITED STATES

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4721) to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States, as amended.

The Clerk read as follows:

H.R. 4721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION OF CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH.

(a) IN GENERAL.—Notwithstanding any other provision of law, effective 30 days after the date of the enactment of this Act, all right, title, and interest in and to, and the right to immediate possession of, the 1,516 acres of real property owned by the Environmental Land Technology, Ltd. (ELT) within the Red Cliffs Reserve in Washington County, Utah, and the 34 acres of real property owned by ELT which is adjacent to the land within the Reserve but is landlocked as a result of the creation of the Reserve, is hereby vested in the United States.

(b) COMPENSATION FOR PROPERTY.—Subject to section 309(f) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), the United States shall pay just compensation to the owner of any real property taken pursuant to this section, determined as of the date of the enactment of this Act. An initial payment of $15,000,000 shall be made to the owner of such real property not later than 30 days after the date of taking. The full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be in the amount of—

(1) the appraised value of such real property as agreed to by the land owner and the United States, plus interest from the date of the enactment of this Act; or

(2) the valuation of such real property awarded by judgment, plus interest from the date of the enactment of this Act, reasonable costs and expenses of holding such property from February 1990 to the date of final payment, including damages, if any, and reasonable costs and attorneys fees, as determined by the court. Payment shall be made from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code, or from another appropriate Federal Government fund. Interest under this subsection shall be compounded in the same manner as provided for in section 1(b)(2)(B) of the Act of April 17, 1954, (Chapter 153; 16 U.S.C. 429b(b)(2)(B)) except that the reference in that provision to "the date of the enactment of the Manassas National Battlefield Park Amendments of 1988" shall be deemed to be a reference to the date of the enactment of this Act.

(c) DETERMINATION BY COURT IN LIEU OF NEGOTIATED SETTLEMENT.—In the absence of a negotiated settlement, or an action by the owner, the Secretary of the Interior shall initiate within 90 days after the date of the enactment of this section a proceeding in the United States Federal District Court for the District of Utah, seeking a determination, subject to section 309(f) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), of the value of the real property, reasonable costs and expenses of holding such property from February 1990 to the date of final payment, including damages, if any, and reasonable costs and attorneys fees.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill was brought about by the 1973 Endangered Species Act. When that was passed, they found in southern Utah the desert tortoise. Out of finding the desert tortoise, we then had to find a place for the habitat for the desert tortoise, which basically really is not endangered, but I will not get into that.

Finding it there, they found a situation where 33 different people had to give up ground to get it. We have taken care of all of those people for a critical habitat because they had that ground and they could not put their foot on it, all they could do was pay taxes.

We have one person left, the biggest one. We are trying to get it resolved in this particular bill.

During the hearing on this bill, several concerns were raised by the administration and the minority. At committee, my amendment in the nature of a substitute was adopted which addressed those concerns.

This amendment accomplishes the following four things:

First, the acreage will be vested in the United States 30 days after enactment.

Second, just compensation shall be paid, with an initial payment of $15 million, which will prevent the property from reverting to creditors during litigation. According to the BLM's lowest estimate, the property is worth at least $35 million.

Third, the court may consider the damages, costs, and attorneys' fees, as the court determines appropriate.

Lastly, the values as determined by the court, not Congress or the BLM, will be paid out of the permanent judgment fund..

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from Utah (Mr. HANSEN), the chief sponsor of this legislation.

We have no opposition to this legislation, Mr. Speaker, but there are some concerns on this side of the aisle concerning the provisions of the bill.

Mr. Speaker, this is an extraordinary procedure taken on this bill. It is an authorization, it is an appropriation, and also an implementation of condemnation of land rolled into one. Only a few times in the past quarter century has a legislative taking been used by the Congress. Furthermore, the language of this legislation is substantially different from that used in other cases.

There is also considerable controversy associated with the land identified by this legislation. Several news articles from the State of Utah have called into question actions by the landowner with regard to this property. Title has been clouded to this land, and it is unclear what interests the landowner has and what interests other parties have to the property in question.

Mr. Speaker, the BLM has attempted to negotiate with the landowner. These negotiations have been hampered by the landowner's insistence on using appraisal assumptions that are not consistent with Federal standards and that were not used in other transactions, including those done previously with the landowner.

The bill also seeks to open the door to payments to the landowner dating back to February, 1990. This raises several issues. First, the Desert Tortoise Reserve was not even established until 1996. It was only after this that attempts were made to acquire the property. Even until 1996, the landowner was involved in litigation on the property and could not present clear title. Settlement of the litigation and other subsequent actions have made other unnamed parties a beneficiary of this legislation.

Like I said, Mr. Speaker, I do not oppose this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4721, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HISTORICALLY WOMEN'S PUBLIC COLLEGES OR UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4503) to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities, as amended.

The Clerk read as follows:

H.R. 4503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Historically Women's Public Colleges or Universities Historic Building Restoration and Preservation Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) HISTORICALLY WOMEN'S PUBLIC COLLEGE OR UNIVERSITY.—The term "historically women's public college or university" means a public institution of higher education created in the United States between 1836 and 1908 to provide industrial education for women, including the institutions listed in clauses (i) though (viii) of section 3(d)(2)(A).

(2) HISTORIC BUILDING OR STRUCTURE.—The term "historic building or structure" means a building or structure listed (or eligible to be listed) on the National Register of Historic Places, designated as a National Historic Landmark, or located within a designated historic district.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. PRESERVATION AND RESTORATION GRANTS FOR HISTORIC BUILDINGS AND STRUCTURES AT HISTORICALLY WOMEN'S PUBLIC COLLEGES OR UNIVERSITIES.

(a) AUTHORITY TO MAKE GRANTS.—

(1) IN GENERAL.—From amounts made available under paragraph (2), the Secretary shall award grants in accordance with this section to historically women's public colleges or universities for the preservation and restoration of historic buildings and structures on their campuses.

(2) SOURCE OF FUNDING.—Grants under paragraph (1) shall be awarded from amounts appropriated to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.) for fiscal years 2001 through 2005.

(b) GRANT CONDITIONS.—Grants made under subsection (a) shall be subject to the condition that the grantee agree, for the period of time specified by the Secretary, that—

(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and

(2) reasonable public access to the property for which the grant is made will be permitted by the grantee for interpretive and educational purposes.

(c) MATCHING REQUIREMENT FOR BUILDINGS AND STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.—

(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary may obligate funds made available under this section for a grant with respect to a building or structure listed on the National Register of Historic Places, designated as a National Historic Landmark, or located within a designated historic district, only if the grantee agrees to provide for activities under the grant, from funds derived from non-Federal sources, an amount equal to 50 percent of the costs of the program to be funded under the grant with the Secretary providing 50 percent of such costs under the grant.

(2) IN-KIND CONTRIBUTIONS.—In addition to cash outlays and payments, in-kind contributions of property or personnel services by non-Federal interests may be used for the non-Federal share of costs required by paragraph (1).

(d) FUNDING PROVISIONS.—

(1) AMOUNTS TO BE MADE AVAILABLE.—Not more than $16,000,000 for each of the fiscal years 2001 through 2005 may be made available under this section.

(2) ALLOCATIONS FOR FISCAL YEAR 2001.—

(A) IN GENERAL.—Of the amounts made available under this section for fiscal year 2001, there shall be available only for grants under subsection (a) $2,000,000 for each of the following:

(i) Mississippi University for Women in Colombus, Mississippi.

(ii) Georgia College and State University in Milledgeville, Georgia.

(iii) University of North Carolina in Greensboro, North Carolina.

(iv) Winthrop University in Rock Hill, South Carolina.

(v) University of Montevallo in Montevallo, Alabama.

(vi) Texas Woman's University in Denton, Texas.

(vii) University of Science and Arts of Oklahoma in Chickasha, Oklahoma.

(viii) Wesleyan College in Macon, Georgia.

(B) LESS THAN $16,000,000 AVAILABLE.—If less than $16,000,000 is made available under this section for fiscal year 2001, then the amount made available to each of the institutions listed in subparagraph (A) shall be reduced by the same amount.

(3) ALLOCATIONS FOR FISCAL YEARS 2002–2005.—Any funds which are made available during fiscal years 2002 through 2005 under subsection (a)(2) shall be distributed by the Secretary in accordance with the provisions of subparagraphs (A) and (B) of paragraph (2) to those grantees named in paragraph (2)(A) which remain eligible and desire to participate, on a uniform basis, in such fiscal years.

(e) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4503, introduced by the gentleman from Mississippi (Mr. PICKERING), authorizes the Secretary of the Interior to provide restoration and preservation grants for historic buildings and structures at seven historically women's public colleges or universities.

The gentleman from Mississippi (Mr. PICKERING) is to be commended for his hard work on this bill, which serves an important part of preserving our cultural history.

H.R. 4503 directs the Secretary to award $14 million annually from fiscal year 2001 to 2005 to the seven academic institutions. These institutions are located in seven separate States, mainly in the Southeastern United States.

Despite their continued use, many of the structures located on these campuses are facing destruction or closure because preservation funds are not available. H.R. 4503 would enable these buildings to be preserved and maintained. Funds would be awarded from the National Historic Preservation Fund, subject to a 50 percent matching requirement from non-Federal sources. The bill also assures that the in-kind contributions will count toward the non-Federal share of the match.

Mr. Speaker, I have an additional amendment I would like to add. It has come to my attention that there is an older women's academic institution in Georgia than the ones identified in this bill.

In this light, the amendment adds Wesleyan College in Macon, Georgia, to the schools eligible for the grants, and adds $2 million to the authorized grant accounts.

Mr. Speaker, I urge my colleagues to support H.R. 4503, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to again commend the gentleman from Mississippi (Mr. PICKERING) for introducing this legislation.

Mr. Speaker, I will not oppose this piece of legislation. I too, however, would like to share with my colleagues some observations and concerns concerning the provisions of this bill.

As introduced, H.R. 4503 earmarks up to $70 million over 5 years from the Historic Preservation Fund for grants to seven public colleges and universities, most located in the Southeastern region, and that were originally founded to serve women.

The grantees will be required to provide a 50 percent match, and the funds could be used to restore historic buildings and structures. The schools would divide the money equally.

Apparently we are actually amending the bill before us today to add another school, this one located in the State of Georgia. This raises the small number of schools which would benefit from this legislation to eight schools, and raises the cost of the bill to $80 million over 5 years.

Mr. Speaker, we fully support historic preservation in general, and could even agree with the specific goal of this legislation to aid historically women's colleges, universities, in preserving historic structures on their campuses.

However, we have serious concerns regarding the approach taken on this bill. Under current law, the Secretary of the Interior is authorized to make grants from the Historic Preservation Fund based on statutory criteria to States or local governments to preserve the precise sites or buildings that would receive funding under this legislation.

Since these sites are eligible under current law, the effect of this bill is to single out eight of these specific schools, all located in a particular part of our Nation, and move them up to the front of the line by fencing off $16 million a year that must bypass the Secretary of the Interior and go directly to these schools.

The bill sets out no criteria for why these schools needed these funds, and makes no distinction between the schools themselves.

Furthermore, Mr. Speaker, while we are considering legislation to earmark $16 million for these schools from the Historic Preservation Fund, the conference report in the FY 2001 Interior appropriations bill just adopted on this floor contained just $79 million total for historic preservation.

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If this funding level were to become law, these eight schools would receive more than 20 percent of all historic preservation funds nationwide.

Mr. Speaker, this legislation includes no standards, which explains how these eight schools were selected. There are currently 78 women's colleges and universities in the United States today. Why are these eight deserving of this funding and the other 70 are not? We are told that these schools are selected because they represent a unique subset of women's colleges and universities in America. However, the last minute addition of yet another school to the bill raises serious questions about the selection process included in the provisions of this bill.

If historic sites on these campuses are deserving of historic preservation funding, the relevant State or locality should apply for such funding under the current system. The kind of earmarks contained in this legislation, Mr. Speaker, I honestly believe undermines our historic preservation efforts and work to benefit a small group of schools unfairly.

Again, Mr. Speaker, I remind my colleagues there are currently 78 women's colleges and universities in our Nation today. Yet we are providing special funding for only eight of these colleges and universities.

So, Mr. Speaker, let us proceed to pass the bill. But let us hope that, in the future, this legislation or this kind of proposed program will not come back to haunt us.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Mississippi (Mr. PICKERING), the author of this legislation.

Mr. PICKERING. Mr. Speaker, I am very pleased to be on the floor this evening in support of my bill, H.R. 4503, the Historically Women's Public Colleges or Universities Historic Building Restoration and Preservation Act.

I want to commend the gentleman from Utah (Chairman HANSEN) for his commitment to women and minorities education and thank him for his work to see that this important authorization reaches the floor. I also thank the gentleman from Alaska (Chairman YOUNG) for his similar commitment and work.

I would also like to address some of the concerns raised by the gentleman from American Samoa (Mr. FALEOMAVAEGA), our friend on the other side, and talk about why this is so important as we go into the 21st century that we look to the institutions who educated and trained the women, beginning in my home State of Mississippi in 1884.

If we look at the subset of the universities that we picked out, why should they receive priority? They are the oldest public women's colleges in the country. We may talk about the 78 other women's colleges, but these are the oldest of the women's colleges in the country. They happen to reside in my region. But if we are looking at historic preservation, it seems to me that we look at the oldest first, and that should receive the priority.

If we are looking at continuing their mission into the 21st century, Mississippi University for Women has a great legacy, not only going back into the late 1800s, the 1900s; but today, in 2000, they received U.S. News and World Report's ranking of the best in the South as a liberal arts college. They are educating, not only women today and minorities, but also male students.

If we are to continue the rich history and the legacy of what they have done over their history over their time and to continue the mission into the 21st century, then the buildings that house their students where the teachers train the students of tomorrow, we must preserve those buildings that house the places where we are now providing the education for women and minorities across the South.

I introduced H.R. 4503 to advance what I think is the most important priority for funding in this Congress, and that is education. The bipartisan cosponsorship and support for this effort affirms the principle that if we are to continue to progress as a society, if we are to continue to lead the world in science, medicine, law and many other fields, we must educate all Americans.

The historically women's public institutions, which are the subject of this bill, were founded in the United States between 1836 and 1908. This was a time when women, particularly poor women, were unable to attain a higher education in public schools; the opportunity simply did not exist.

In recognition of this injustice and unfair circumstance for women, there was introduced into the United States Senate a resolution in the late 1800s which sought the establishment and endowment of schools of science and technics for the education of females in appropriate branches of science and the useful arts, upon a plan similar in its principles to that upon which agricultural and mechanical colleges have been aided by the United States. This need expressed in this resolution, introduced over 100 years ago, continues today.

As I mentioned earlier, in my home State of Mississippi the State legislature worked and established the Mississippi Industrial Institute and College of Girls to provide for women, particularly those without the means, a public education which would empower them to lift themselves out of their circumstance. Over 100 years later, I know that the W, and the other colleges prioritized in this bill, continue to be crucial educational institutions for women, minorities, and all students.

With buildings in some of these colleges and universities well over 150 years old still in use, their disrepair now endangers their ability to continue their critical role in educating women and minorities. Due to advanced age of these buildings, the upkeep costs are more than most budgets can allow. Since most of these universities were built in the early 1900s, most of today's basic needs are not provided for in their facilities.

This Congress can and should reaffirm its commitment to the education of women, the underprivileged, and minorities. Education cannot take place without adequate facilities. We must, therefore, contribute to the rehabilitation of these facilities. Funding for restoration of these historic buildings, much as we did for the historically black colleges across our region, is and should be a sound investment.

I want to thank again the gentleman from Utah (Mr. HANSEN), the subcommittee chairman, and all those who have cosponsored this legislation. It is the place where my mother received her education and where many of the women who were trained and educated in my home State who then became leaders and teachers and those who have raised the next generations of leaders have received their education. It is a special place for my family and for me, and I want to thank all those who have made this authorization possible.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the gentleman from Mississippi (Mr. PICKERING) for his excellent presentation in defense of the provisions of the bill that he has introduced.

Mr. MASCARA. Mr. Speaker, I rise to support the bill and to show appreciation for the contributions of these seven institutions. I would also like to mention the educational contributions of a coed liberal arts institution in my district, Washington and Jefferson College, which was founded in 1781 and has the historical McIlvaine building which was the site of the Washington Women's Seminary from 1897 to 1939. This fine building is currently under renovation and is recognized in Western Pennsylvania for its gracious federal architecture designed by three women and eventually absorbed on to the Washington and Jefferson campus which became coeducational in 1970.

Mr. FALEOMAVAEGA. Mr. Speaker, I do not have any further speakers, so I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4503, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY IRRIGATION WORKS OWNERSHIP

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2820) to provide for the ownership and operation of the irrigation works on the Salt River Pima-Maricopa Indian Community's reservation in Maricopa County, Arizona, by the Salt River Pima-Maricopa Indian Community, as amended.

The Clerk read as follows:

H.R. 2820

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds and declares that—

(1) it is the policy of the United States, in fulfillment of its trust responsibility to Indian tribes, to promote Indian self-determination and economic self-sufficiency;

(2) the Salt River Pima-Maricopa Indian Community (hereinafter referred to as the "Community") has operated the irrigation works within the Community's reservation since November 1997 and is capable of fully managing the operation of these irrigation works;

(3) considering that the irrigation works, which are comprised primarily of canals, ditches, irrigation wells, storage reservoirs, and sump ponds located exclusively on lands held in trust for the Community and allottees, have been operated generally the same for over 100 years, the irrigation works will continue to be used for the distribution and delivery of water;

(4) considering that the operational management of the irrigation works has been carried out by the Community as indicated in paragraph (2), the conveyance of ownership of such works to the Community is viewed as an administrative action;

(5) the Community's laws and regulations are in compliance with section 2(b); and

(6) in light of the foregoing and in order to—

(A) promote Indian self-determination, economic self-sufficiency, and self-governance;

(B) enable the Community in its development of a diverse, efficient reservation economy; and

(C) enable the Community to better serve the water needs of the water users within the Community,

it is appropriate in this instance that the United States convey to the Community the ownership of the irrigation works.

SEC. 2. CONVEYANCE AND OPERATION OF IRRIGATION WORKS

(a) CONVEYANCE.—The Secretary of the Interior, as soon as is practicable after the date of enactment of this Act, and in accordance with the provisions of this Act and all other applicable law, shall convey to the

Community any or all rights and interests of the United States in and to the irrigation works on the Community's reservation which were formerly operated by the Bureau of Indian Affairs. Notwithstanding the provisions of sections 1 and 3 of the Act of April 4, 1910 (25 U.S.C. 385) and sections 1, 2, and 3 of the Act of August 7, 1946 (25 U.S.C. 385a, 385b, and 385c) and any implementing regulations, during the period between the date of the enactment of this Act and the conveyance of the irrigation works by the United States to the Community, the Community shall operate the irrigation works under the provisions set forth in this Act and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including retaining and expending operations and maintenance collections for irrigation works purposes. Effective upon the date of conveyance of the irrigation works, the Community shall have the full ownership of and operating authority over the irrigation works in accordance with the provisions of this Act.

(b) FULFILLMENT OF FEDERAL TRUST RESPONSIBILITIES.—To assure compliance with the Federal trust responsibilities of the United States to Indian tribes, individual Indians and Indians with trust allotments, including such trust responsibilities contained in Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988 (Public Law 100–512), the Community shall operate the irrigation works consistent with this Act and under uniform laws and regulations adopted by the Community for the management, regulation, and control of water resources on the reservation so as to assure fairness in the delivery of water to water users. Such Community laws and regulations include currently and shall continue to include provisions to maintain the following requirements and standards which shall be published and made available to the Secretary and the Community at large:

(1) PROCESS.—A process by which members of the Community, including Indian allottees, shall be provided a system of distribution, allocation, control, pricing and regulation of water that will provide a just and equitable distribution of water so as to achieve the maximum beneficial use and conservation of water in recognition of the demand on the water resource, the changing uses of land and water and the varying annual quantity of available Community water.

(2) DUE PROCESS.—A due process system for the consideration and determination of any request by an Indian or Indian allottee for distribution of water for use on his or her land, including a process for appeal and adjudication of denied or disputed distributions and for resolution of contested administrative decisions.

(c) SUBSEQUENT MODIFICATION OF LAWS AND REGULATIONS.—If the provisions of the Community's laws and regulations implementing subsection (b) only are to be modified subsequent to the date of enactment of this Act by the Community, such proposed modifications shall be published and made available to the Secretary at least 120 days prior to their effective date and any modification that could significantly adversely affect the rights of allottees shall only become effective upon the concurrence of both the Community and the Secretary.

(d) LIMITATIONS OF LIABILITY.—Effective upon the date of enactment of this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on the Community's ownership or operation of the irrigation works, except for damages caused by acts of negligence committed by the United States prior to the date of enactment of this Act. Nothing in this section shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act (28 U.S.C. 2671 et seq.).

(e) CANCELLATION OF CHARGES.—Effective upon the date of conveyance of the irrigation works under this section, any charges for construction of the irrigation works on the reservation of the Community that have been deferred pursuant to the Act of July 1, 1932 (25 U.S.C. 386a) are hereby canceled.

(f) PROJECT NO LONGER A BIA PROJECT.—Effective upon the date of conveyance of the irrigation works under this section, the irrigation works shall no longer be considered a Bureau of Indian Affairs irrigation project and the facilities will not be eligible for Federal benefits based solely on the fact that the irrigation works were formerly a Bureau of Indian Affairs irrigation project. Nothing in this Act shall be construed to limit or reduce in any way the service, contracts, or funds the Community may be eligible to receive under other applicable Federal law.

SEC. 3. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act shall be construed to diminish the trust responsibility of the United States under applicable law to the Salt River Pima-Maricopa Indian Community, to individual Indians, or to Indians with trust allotments within the Community's reservation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2820 transfers the ownership of the irrigation works currently operated by the Salt River Pima-Maricopa Indian Community.

Over the last several years, the subcommittee has moved legislation that has defederalized several Bureau of Reclamation facilities in the western United States. This bill proposes to transfer all rights and interest to the irrigation works from the Bureau of Indian Affairs to the Pima-Maricopa Indian Community. Management of the facilities has been under the jurisdiction of the tribe for several years.

Mr. Speaker, I urge an "aye" vote on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly would like to commend and compliment the gentleman from Arizona (Mr. HAYWORTH) for his sponsorship of this legislation. This legislation has bipartisan support. The gentleman from Arizona (Mr. PASTOR) is also a very strong supporter of this legislation.

Mr. Speaker, H.R. 2820 would direct the Secretary of Interior to transfer to the Salt River Pima-Maricopa Indian Community any remaining authority and responsibility held by the Secretary for the irrigation works on their reservation. I congratulate the gentleman from Arizona (Mr. PASTOR) and also the gentleman from Arizona (Mr. HAYWORTH) for their contributions to this bill.

Under the bill, the Pima-Maricopa Indian Community would have full operating authority over the irrigation works within the community to deliver their water to their lands. I believe it is appropriate that the project facilities be transferred to the community, and I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Arizona (Mr. HAYWORTH), the author of this legislation.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA), and I echo and reinforce their comments.

Mr. Speaker, I would also like to take time to thank the gentleman from Arizona (Mr. PASTOR), who worked with me to draft this bipartisan, common sense piece of legislation.

The gentleman from American Samoa just a few years ago had a chance to join me on the Salt River Pima-Maricopa Indian Community for a good visit about housing. So he has had a chance firsthand to see the area we are talking about.

Again, to echo the previous comments, this legislation would transfer ownership and operation of the irrigation works there from the Bureau of Indian Affairs to the tribe.

H.R. 2820 was intended as a way to jump-start talks between the tribe and the Bureau of Indian Affairs to transfer ownership of the irrigation canals to the tribe. This final legislative product is the culmination of intense negotiations and is agreeable to the tribe, the Bureau of Indian Affairs, the Interior Department, and, as has been mentioned on the floor tonight, both Republicans and Democratic Members of the Committee on Resources. In fact, Mr. Speaker, I do not know of anyone who stands in opposition to this legislation.

Mr. Speaker, H.R. 2820 is a win-win for the tribe, the BIA, the government-to-government relationship between the Federal Government and the tribes, and obviously it is also a win for the taxpayers. As the BIA has allowed the tribe to operate the irrigation works since November of 1997, it is important to note there would be no disruption in service.

It is important to note also something interesting and perhaps unique to Arizona and certainly the portion of

Arizona that is part of the Sonoran Desert environment. Water is so critically important there. We have a variation of the saying in the Old West: "Whiskey's for drinking, water's for fighting." I am glad we are not going to be fighting about this when we see the common sense of transferring ownership of these canals to the tribe. It would allow the tribe to make desperately needed improvements to the canals.

Mr. Speaker, some of these canals are nearly a century old; and by offering these improvements, we can save precious water supplies. Sadly, though it is unintended, under the current situation, improvements to the canals were impeded and complicated by the Bureau of Indian Affairs' control of those canals.

With ownership transferred to the tribe, the tribe would be able to line the canals with concrete and make substantial improvements to save water and enhance agricultural opportunities for the tribe and its members.

Now, as the gentleman from American Samoa (Mr. FALEOMAVAEGA) will attest based on his personal visit, the community is located in the shadow of suburban Scottsdale, but it is worth noting that this Native American community is largely an agricultural community dependent on cotton and other crops to generate revenue for the tribe and its members. Improved canals would bring more surface water to use for crops and eventually increase revenue because of the additional water that will not be lost to the aforementioned poorly maintained canals.

Transferring the control of the irrigation canals from the BIA to the tribe would also give local BIA employees the freedom and flexibility to work on other worthwhile projects. In addition, it would strengthen the unique government-to-government relationship between the tribe and the Federal Government by allowing the community to move a step closer to self-sufficiency and independence from the Federal Government.

Again, to restate the win for American taxpayers, the victory for all Americans comes with enactment of this legislation because the costs allocated for maintenance and operation of the irrigation canals to the BIA will no longer be necessary.

Mr. Speaker, while we look at the calendar and note that this is, indeed, the political season, and while we rejoice at the fact that we can have deeply held philosophical differences, this is one occasion far from the interest of the Fourth Estate and many around the country where we are able to enact a common sense policy, not because it is the trademark of either major party, not because it is the intellectual creation of one particular Member of Congress. No, Mr. Speaker, this stands as a classic common sense, good government piece of legislation. In that spirit of consensus and bipartisanship, even as we note this particular date on the political calendar, I am pleased to join with my friends, Republicans and Democrats alike, in urging the House to pass this legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in that spirit also, I would be remiss if I do not express my sense of appreciation to the gentleman from Arizona (Mr. HAYWORTH). Yes, I have visited the State of Arizona, and I would gladly give him some of the 200 inches of rain that my district of American Samoa could give to the State Arizona if it were possible.

But I do want to also compliment the gentleman for his leadership, outstanding leadership role that he has played as a cochairman of our National Native American Congressional Caucus. He has played a very effective role in helping our American community. I thank the gentleman for that.

BACKGROUND

Mr. YOUNG of Alaska. Mr. Speaker, the purpose of this legislation is to convey to the Salt River Pima Maricopa Indian Community (SRPMIC) the ownership of the irrigation works composed primarily of ditches, laterals, sump ponds and several wells on Reservation lands formerly operated by the Bureau of Indiana Affairs. Because the irrigation works is entirely on Reservation land and because the operational control of the irrigation works was transferred to the SRPMIC in 1997, this proposed legislative conveyance is anticipated to be a relatively straight-forward administrative transfer that should be carried out in keeping with the underlying goals of Indian self-determination, self-governance and economic self-sufficiency.

As early as August 1993, the SRPMIC held discussions in the Community concerning the potential transfer of the irrigation works. The Bureau of Indian Affairs (BIA), the Salt River Agency (the local BIA office), and the Branch of Land Operations and P.L. 93–638 Contract administration met at that time to explore this conveyance.

According to the Community, these consultations resulted in efforts by the SRPMIC toward assuming management and operation of the irrigation delivery system by: (1) its approval of SRPMIC Ordinance No. 199–95 Surface Water management (Ordinance) approved on May 3, 1995; (2) the partial completion of P.L. 93–368 Contract No. CTH55T61517—Water Resources Program (Contract) awarded on August 10, 1993 through the final submission in August 1995 by SFC Engineering Co. report titled "Irrigation System Evaluation and Rehabilitation Study for Lands South of the Arizona Canal," (3) the request by the SRPMIC for financial records of the project; (4) the establishment of monthly meetings between the SRPMIC and the Salt River Agency and its Branch of Land Operations to review the status, coordinate activities and share information; (5) the origination by SRPMIC of a report entitled "SRPMIC Irrigation Project—Transfer of Operation and Maintenance from the BIA to the SRPMIC Community" dated January 10, 1996.

The irrigation works over the past 20 years or so unfortunately did not receive sufficient funding. As a result, the project facilities deteriorated, and if this deterioration were allowed to continue, the allotted landowners would receive less rent for a less efficient system. Even while the BIA operated the project, it was the Community which obtained non-BIA funds to line the main Evergreen Canal and some lateral mileage. Also, the Community is in the midst of a refurbishment program at a cost up to approximately $1.25 million over five years from the USDA/EQIP program. The cost to the Community above and beyond the amount collected currently from water users is approximately $200,000 per year. The original construction costs carried by the BIA are $3,313,192, which have long since been amortized to zero since the project dates back 84 years to 1916. It is important to note that the Pima people and their ancestors used gravity-fed irrigation for hundreds of years prior to federal involvement.

Today, the Irrigation Works employees are no longer BIA employees as they were prior to 1997. They are employees of the Community. The equipment and buildings that were used in BIA's operation were transferred from the BIA to SRPMIC which now provides irrigation services for landowners and water users.

The SRPMIC Water Resources Division manages this Irrigation Works Project. Based upon testimony from the Community, the irrigation system is managed with a staff of 12 full time employees including a division manager, an engineer, an agricultural engineer and other irrigation staff. It operates under a budget based on incoming water sales. About 8,000 acres of farmland are irrigated with the following system: (1) Evergreen Canal (main canal) 4.5 miles with 6 main check structures and 16 primary headgates; (2) 23.5 miles of lateral pipelines with 15 miles of lateral canals and 25 canal turnout structures; (3) 44 miles of drainage channels with service roads; (4) 12 irrigation wells (only 4 are useable); (5) 2 storage reservoirs and 2 sump ponds with 3 capable of pumping.

Since June 1999, the SRPMIC and its representatives have had numerous discussions, consultations and negotiations with the Department of the Interior to reach a common understanding and agreement on legislative language to transfer the ownership of the irrigation works to the SRPMIC, as well as any remaining authority and responsibility that the Secretary has regarding the administration of such works, except for the Secretary's trust responsibilities.

H.R. 2820 with the proposed amended text changes to be considered by the House fairly balances the interests of the Department of the Interior and the Salt River Pima-Maricopa Indian Community.

The SRPMIC Water Code provides a detailed method of distributing and using this limited and sometimes scarce resource. Combined with the irrigation regulations and assessment schedule adopted by the SRPMIC tribal council, they appear to provide for fair treatment, equitable allocation and sensitive use of this important resource.

The Community contends that the rights of allotted landowners will be enhanced by the operation of the system by the SRPMIC. And, while it appears that is the case, the legislation includes ample safeguards to help insure that allottee rights are protected.

The SRPMIC has been operating the irrigation works project for nearly three years. By doing so, as well as by its operating other businesses, it has demonstrated its ability to manage and operate the system. Its reputation is one that instills confidence that the Community is clearly capable of operating, and is expected to operate, the irrigation works efficiently, effectively, and equitably.

For the Community to operate this former BIA project and make it relevant in this millennium, the SRPMIC should have full responsibility and ownership of the irrigation works. The United States trust responsibility will continue unimpaired to the SRPMIC, to individual Indians, and to Indian allottees, as provided for in the legislation even as the Community assumes full ownership of and operations for the irrigation works.

In furtherance of the United States policies of self-governance, self-determination and economic self-sufficiency with respect to American Indians, H.R. 2820, as amended, should be passed by the Congress of the United States and sent to the President, who is expected to sign the bill into law based upon the attached Departmental letter report supporting the bill.

BILL SUMMARY

Section 1. Findings. The findings section sets forth the underlying considerations that are the backdrop for the enactment of this legislation. At its core, the bill recognizes the federal policies of Indian self-determination, economic self-sufficiency and self-governance and that the conveyance of the irrigation works is in furtherance of those policies. The findings also recognize and adhere to the trust responsibilities of the United States to Indian tribes. They recognize that the irrigation works are primarily a system of canals, ditches, wells, storage reservoirs and sump ponds on Reservation land. They convey too that, considering the community has been operating the works since 1997, the conveyance is viewed by Congress as an administrative action. The findings take cognizance of the fact that the Community's amended Water Code is currently in compliance with Section 2b. of the legislation.

Section 2. Conveyance and Operation of Irrigation Works. (a) Conveyance: The Secretary is directed to convey the irrigation works to the Community in accordance with the legislation and other applicable law. The intent of this provision is to ensure that, while applicable law is to be fully adhered to, it is contemplated that the process involved should be a straightforward, relatively uncomplicated, and inexpensive administrative procedure. This is especially so given the nature of the facilities being conveyed and that the Community has been operating the irrigation works for the past three years.

The bill language provides for the Community to continue as it is doing currently and retaining and expending operations and maintenance collections to be used for irrigation works purposes. Once the conveyance takes place, the bill language recognizes that the Community will then have full ownership of and operating authority over the irrigation works as provided in the bill.

(b) Fulfillment of Federal Trust Responsibilities: A key provision of this legislation provides a balance between the need of the Community to be able to operate the irrigation works during the year 2000 and beyond and the need of the United States to be able to fulfill its trust responsibilities to Indian tribes, individual Indians and Indians with trust allotments. The language seeks to accomplish this by requiring that the Community's laws and regulations regarding management, regulation and control of water resources on the Reservation contain certain basic requirements and standards. The Community has currently brought its Water Code into compliance with the requirements and standards contained in the legislation (that amended Water Code is, and will be, on file with the Committee on Resources and the U.S. Department of the Interior). The two key requirements and standards are as follows:

(1) This paragraph requires that a process continue to be included in the Community's laws and regulations to provide members of the Community, including allottees, a water system that, in turn, will provide a just and equitable distribution of water to achieve the goals of maximum beneficial use and conservation of water, while factoring in such considerations as the demand on the water resource, land use changes, and the varying quantity of water available to the Community.

(2) This paragraph requires that a due process system continue to be included in the Community's laws and regulations to ensure the consideration and determination of a request from an Indian or Indian allottee for distribution of water for use on his or her land. It also requires that such laws and regulations continue to be provided through an appellate process, including a means for adjudicating denied or disputed distributions of water and resolution of contested administrative decisions.

(c) Subsequent Modification of Laws and Regulations: The bill seeks to ensure that if the Community needs to or seeks to amend its laws and regulations after the legislation is enacted, there be a process by which that should be carried out. That process would involve generally a notice and wait procedure. The community would publish the proposed changes, and make them available to the Secretary at least 120 days before the effective date of the changes. The process also requires that, if a proposed change could "significantly adversely affect" the rights of allottees, then it would take the concurrence of both the Community and the Secretary in order for such changes to become effective. Although it is not expected that the community will need to amend its Code as it pertains to this subsection, it may. It is expected, however, that the Secretary will not seek to utilize this provision unless there were to be, indeed, a proposed change to the Community's Water Code that could significantly adversely affect allottee rights.

(d) Limitations on Liability: This subsection provides that the united States is not liable for damages based on the Community's ownership and operation of the irrigation works except for those damages caused by acts of negligence by the United States before the date of enactment. Also, the subsection makes clear that nothing in the subsection should be construed to increase the liability of the United States beyond what is provided in the Federal Tort Claims Act.

(e) Cancellation of charges: As has been the case in similar, although not identical, legislation in the past, as of the conveyance date, the charges for construction for the irrigation works deferred under 25 USC 386 are canceled. This is also, in part, in recognition that this project is comprised of deteriorating laterals, ditches, sump ponds, reservoirs and a few wells, some of which do not work currently, and some of the ditches are not even lined. The irrigation works is an aging gravity-fed system. It dates back to the early 1900s. In recent years the Community has contributed funds (as opposed to appropriated funds), that have been devoted to the refurbishment of the works. The construction funds committed to the project by the United States have long ago been more than amortized. By the Community assuming full responsibilities for the works, it is recognized that the United States is taking the next logical step to complete the process begun several years ago which resulted in 1997 with the transfer of operational management to the Community. If the United States were not to take this next step, the Community has indicated that it would be compelled to seek retroceding the irrigation works to the United States at significant costs to the United States. In such an eventuality, the U.S. would need to assign Bureau of Indian Affair employees to operate the works and commit federal funds to the works' refurbishment.

(f) Project No Longer a BIA Project: The legislation provides that, once the conveyance has occurred, the irrigation works will not be eligible for federal benefits "based solely on the fact that the irrigation works were formerly" a BIA irrigation project. It also recognizes though that the legislation is not to be interpreted to limit or reduce in any way funds the Community may be eligible to receive under other federal law.

Section 3. Relationship to Other Laws: This section makes clear that the provisions of this legislation are not to be construed to "diminish the trust responsibility of the United States" to the Community, to individual Indians or to Indian allottees within the Reservation.

Enclosures: (1) Section-by-Section analysis; (2) Departmental Report on H.R. 2820: Letter from Hon. David J. Hayes, Deputy Secretary, U.S. Department of the Interior to Chairman Don Young, Committee on Resources; (3) Resolution of Salt River Pima-Maricopa Indian Community Tribal Council.

SECTION-BY-SECTION ANALYSIS

Section 1. Findings. This section expresses the findings of the Congress that—in light of a number of considerations, including that, in fulfillment of federal trust responsibility to Indian tribes, it is the policy of the United States to promote Indian self-determination and economic self-sufficiency—it is appropriate that the U.S. convey to the Community the irrigation works.

Section 2. Conveyance and Operation of Irrigation Works.

(a) Conveyance. This subsection authorizes and directs the Secretary to convey to the Community all rights and interests of the U.S. to the irrigation works. It further provides the authority for the Community to continue operating the irrigation works during the period from the date of enactment until the conveyance in accordance with this Act and 25 USC §450, including retaining and expending operations and maintenance collections for irrigation works purposes.

(b) Fulfillment of Federal Indian Trust Responsibilities. This subsection provides that to assure compliance with federal trust responsibilities, the Community will operate the irrigation works under this Act and the Community's laws and regulations to assure fairness in the delivery of water to water users. It provides that the Community laws and regulations must continue to include—

(1) A process in which all members of the Community are provided a system of distribution, allocation, control, pricing and regulation of water that will in turn, provide a just and equitable distribution of water to attain the maximum use and conservation of water; and

(2) A due process system to deal with requests by Indians and Indian allottees for distribution of water.

(c) Subsequent Modification of Laws and Regulations. This subsection provides that, if the Community's laws and regulations are modified after the date of enactment of this Act, the proposed modifications will be published and made available to the Secretary before the effective date of those laws and regulations. Additionally, the subsection requires that the Community and the Secretary concur in any proposed changes that could significantly adversely affect the rights of allottees.

(d) Limitations of Liability. This subsection sets forth the limits on the liability of the United States for damages from the Community's ownership and operation of the irrigation works.

(e) Cancellation of Charges. This subsection provides for the cancellation of certain charges deferred under 25 USC §386(a) for construction of the irrigation works.

(f) Project No Longer BIA Project. This subsection provides that, after conveyance, the irrigation works will no longer be a Bureau of Indian Affairs project and therefore not eligible for federal benefits based only on its status as a former BIA project.

Section 3. Relationship to Other Laws. This section ensures that nothing in this Act diminishes the federal Indian Trust Responsibility on the Community's Reservation.

THE DEPUTY SECRETARY
OF THE INTERIOR,
Washington, DC, September 20, 2000.

Hon. DON YOUNG,
Chairman, Resources Committee,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter sets forth the views of the Department of the Interior on H.R. 2820, to provide for the ownership and operation of the irrigation works on the Salt River Pima-Maricopa Indian Community's reservation in Maricopa County, Arizona, by the Salt River Pima-Maricopa Indian Community. We understand that the Salt River Pima Maricopa Indian Community (Community) will request that the attached bill be introduced as a substitute for H.R. 2820.

The Department intends to support the attached substitute bill which represents a compromise reached between the Department and the Community with respect to original provisions of H.R. 2820 that were objectionable to the Department. Our support is contingent on the enactment by the Community of the attached amendments to its water code that will bring the code into compliance with the provisions of the substitute bill. We understand that the Community intends to enact these amendments to its water code before or shortly after the substitute bill is introduced. We recommend that action on the bill await assurances that the necessary changes to the Community water code have been made.

Finally, the Department suggests Section 2(d) of the substitute bill be amended by removing "employees, agents, or contractors" from the clause.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DAVID J. HAYES.

Enclosures.

RESOLUTION

Whereas, the Congress of the United States has under consideration the passage of H.R. 2820 to convey to the Salt River Pima Maricopa Indian Community ("Community") the irrigation works formerly owned and operated by the Bureau of Indian Affairs and located on Community tribal and allottee land; and

Whereas, as a result of negotiations that led to the development of H.R. 2820, and amendments thereto, the legislation's language contemplates that the Community will adopt certain amendments to its Surface Water Management Code prior to enactment of the legislation: Now, Therefore be it

Resolved, That the Community hereby adopts the attached amendments to this Surface Water Management Code; and be it

Resolved further, That such amendments are to become effective immediately;

Resolved further, That, if substitute legislation for H.R. 2820 (1) is not passed by the Congress prior to the adjournment *sine die* of the 106th Congress, or (2) if so passed by Congress, but is not signed into law during the 106th Congress, the approval by the Community of these amendments shall become null and void.

(i) in light of the foregoing and in order to—

(1) promote Indian self-determination, economic self-sufficiency, and self-governance;

(2) enable the Community in its development of a diverse, efficient reservation economy; and

(3) enable the Community to better serve the water needs of the water users within the Community,

it is appropriate in this instance that the United States convey to the Community the ownership of the irrigation works.

SEC 2. CONVEYANCE AND OPERATION OF IRRIGATION WORKS

(a) CONVEYANCE.—The Secretary, as soon as is practicable after the date of enactment of this Act, and in accordance with the provisions of this Act and all other applicable law, shall convey to the Community any or all rights and interests of the United States in and to the irrigation works on the Community's Reservation which were formerly operated by the Bureau of Indian Affairs. Notwithstanding the provisions of 25 U.S.C. §385, 385a., 385b., and 385c, and any implementing regulations, during the period between the date of the enactment of this Act and the conveyance of the irrigation works by the United States to the Community, the Community shall operate the irrigation works under the provisions set forth in this Act and in accordance with the Indian Self Determination and Education Assistance Act (25 U.S.C. §450 et seq.), including retaining and expending operations and maintenance collections for irrigation works purposes. Effective upon the date of conveyance of the irrigation works, the Community shall have the full ownership of and operating authority over the irrigation works in accordance with the provisions of this Act.

(b) FULLFILLMENT OF FEDERAL TRUST RESPONSIBILITIES.—To assure compliance with the federal upon the concurrence of both the Community and the Secretary.

(d) LIMITATIONS OF LIABILITY.—Effective upon the date of enactment of this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on the Community's ownership or operation of the irrigation works, except for damages caused by acts of negligence committed by the United States prior to the date of enactment of this Act. Nothing in this section shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act, 28 U.S.C. §2671 et seq.

(e) CANCELLATION OF CHARGES.—Effective upon the date of conveyance of the irrigation works on the Reservation of the Community that have been deferred pursuant to 25 U.S.C. §386a are hereby canceled.

(f) PROJECT NO LONGER A BIA PROJECT.—Effective upon the date of conveyance of the irrigation works under this section, the irrigation works shall no longer be considered a Bureau of Indian Affairs irrigation project and the facilities will not be eligible for federal benefits based solely on the fact that the irrigation works were formerly a Bureau of Indian Affairs irrigation project. Nothing in this Act shall be construed to limit or reduce in any way the service, contracts, or funds the Community may be eligible to receive under other applicable federal law.

SEC 3. RELATIONSHIP TO OTHER LAWS

Nothing in this Act shall be construed to diminish the trust responsibility of the United States under applicable law to the Salt River Pima-Maricopa Indian Community, to individual Indians, or to Indians with trust allotments within the Community's Reservation.

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Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2820, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING MEMORIAL AND GARDENS IN HONOR AND COMMEMORATION OF FREDERICK DOUGLASS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5331) to authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

The Clerk read as follows:

H.R. 5331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEMORIAL AND GARDENS TO HONOR AND COMMEMORATE FREDERICK DOUGLASS.

(a) MEMORIAL AND GARDENS AUTHORIZED.—The Frederick Douglass Gardens, Inc., is authorized to establish a memorial and gardens on lands under the administrative jurisdiction of the Secretary of the Interior in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the Frederick Douglass memorial and gardens shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(c) PAYMENT OF EXPENSES.—The Frederick Douglass Gardens, Inc., shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial and gardens. No Federal funds may be used to pay any expense of the establishment of the memorial and gardens.

(d) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the memorial and gardens (including the maintenance and preservation amount required under section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b)), or upon expiration of the authority for the memorial and gardens under section 10(b) of such Act (40 U.S.C. 1010(b)), there remains a balance of funds received for the establishment of the memorial and gardens, Frederick Douglass Gardens, Inc., shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act (40 U.S.C. 1008(b)(1)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5331 is a bipartisan bill that was introduced by the gentleman from Illinois (Mr. DAVIS).

Mr. Speaker, Frederick Douglass was one of the most prominent leaders of the 19th century abolitionist movement. Born into slavery in eastern Maryland in 1818, Douglass escaped to the North as a young man where he became a world-renowned defender of human rights and eloquent orator, and later a Federal ambassador and advisor to several Presidents. Frederick Douglass was a powerful voice for human rights during the important period of American history, and is still revered today for his contributions against racial injustice.

H.R. 5331 authorizes the Frederick Douglass Gardens, Inc., a nonprofit organization, in partnership with the National Park Service, to establish a memorial and gardens in the District of Columbia or its environs in honor and commemoration of Frederick Douglass. Although not certain, the preferred site would be in the D.C. area, east of the Anacostia River, where Douglass spent the last 20 years of his life.

The Douglass memorial will comply with the Commemorative Works Act, and no Federal funds may be spent for any expense of the establishment of the memorial and gardens. Mr. Speaker, I urge my colleagues to support H.R. 5331.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from Illinois (Mr. DAVIS), who is the chief sponsor of this legislation. I am also listed as an original cosponsor of this bill.

Mr. Speaker, H.R. 5331 authorizes the establishment of a memorial and gardens in the District of Columbia or its environs to honor and commemorate the life and achievements of Frederick Douglass. Frederick Douglass was the Nation's leading 19th century African American spokesman. A gifted writer and speaker, he was a key figure in the abolitionist movement. Because of this historic significance, the National Park Service administers the Frederick Douglass national historic site currently now in Washington, D.C.

Mr. Speaker, we are supportive of this measure, and I want to commend again my good friend, the gentleman from Illinois, for his leadership in sponsoring this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I want to personally thank the gentleman from Utah (Mr. HANSEN) and the ranking member for moving this expeditiously, and I want to join my colleagues in urging the passage of H.R. 5331, which establishes the Frederick Douglass National Memorial Gardens within the District of Columbia.

For years now, many people have asked about the legacy of Frederick Douglass. Certainly it lives on through his family, especially his great great grandson, Frederick Douglass, IV, who I had the pleasure of meeting last week, and it also lives on within each of us because Frederick Douglass bestowed upon us an awesome responsibility to choose the harder right over the easier wrong. He freed himself from slavery and went on to advise President Lincoln, and served as an inspiration to those who yearned to breathe free.

Earlier today, the House passed legislation to appropriate funds for the Abraham Lincoln Presidential Library to be built in Springfield, Illinois. I think that President Lincoln would be pleased that we would honor another hero of the common man by passing this bill to establish the Frederick Douglass National Memorial and Gardens.

Like President Lincoln, Frederick Douglass stands as a reminder of a time when our Nation faced its greatest peril. Through the strength of their resolve and the millions of others who had tasted freedom, our Nation survived and flourished. There are still many issues and problems facing us today, but the foundation they built for us stands strong and allows us the opportunity to meet our challenges together.

Frederick Douglass paved the way for us to better understand the true meaning of the statement that all men are created equal. His legacy lives in each of us, and with the memorial gardens we will ensure that his legacy lives among us as well.

Mr. Speaker, I applaud my colleague, the gentleman from Illinois (Mr. DAVIS), for his forethought in bringing this legislation to the floor, and I want to thank him for bringing me into the fold and allowing me to help him cosponsor this legislation. I also want to thank him for his leadership.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, first of all, let me thank the gentleman from American Samoa for yielding me this time. I also want to thank the ranking member of the subcommittee not only for his diligence but also for his sensitivity in helping to move this legislation forward.

Mr. Speaker, I am pleased to be a principal sponsor of this legislation to honor the renowned 19th century abolitionist leader Frederick Douglass with the National Memorial and Gardens in the Nation's capitol. Without question, Frederick Douglass is an American hero deserving of such honor.

During the course of his remarkable life, Frederick Douglass freed himself from slavery and became internationally renowned for his eloquence in the cause of individual liberty and human rights. Douglass is rightfully regarded as the true father of the civil rights in America and one of profound intellectual thought.

Frederick Douglass published the North Star and Frederick Douglass' Paper, which spread news of the abolitionist movement. His piercing commentary earned him a role as a trusted advisor to President Abraham Lincoln and other American Presidents as the Nation struggled to make good on the promise of emancipation.

Breaking yet another racial barrier, in 1877, Frederick Douglass moved to a house on a hill, Cedar Hill, he called it, in the Anacostia neighborhood of Washington, D.C., where he could look down on the Nation's most historic monuments from the sanctity of his garden.

From his offices in Anacostia in the late 19th century, he published the New National Era, a beacon for a reformed, racially integrated Nation which was to be published, in his words, "in the interest of the colored people of America; not as a separate class, but as a part of the whole people," the American people.

He represented the United States as a foreign diplomat in both Haiti and the

Dominican Republic and also served as a member of the Howard University Board of Directors. He resided in Anacostia until his death in 1895, and is remembered by local schoolchildren to this date as the "Sage of Anacostia."

In a speech for which he is perhaps most well-known, Frederick Douglass deplored how little democratic ideals had yet extended to his people. By building a national memorial and gardens to Douglass in the Nation's capitol, in the sight line of the U.S. Capitol, we demonstrate that his voice was heard.

America is not finished fighting for a 4th of July that includes all people. By surrounding the memorial with a beautiful garden, we pay tribute to the contemplative side of the man that fed his public passion. We remember a man who understood rightly the nature of true power. He knew the value of power vested in a "moral majority of one." To quote his contemporary, Thoreau, "And he wielded the power of personal example as his weapon of choice in the greatest moral struggle of modern times."

The outcome of that struggle could be different if not for the looming presence of Douglass, a man who Langston Hughes said quite simply, "is not dead," and we know what he meant. It would be inappropriate to build a passive memorial of silent, motionless stone. Our most fitting tribute to Douglass is a memorial that will include in its presentation the living, breathing lives grown out of his life, lives fleshing Douglass' dreams of liberty and inspiring others to manifest the personal qualities of Douglass the man: Integrity, courage, passion, a love for liberty and justice, and a commitment to intellectual excellence.

As a passionate defender of the best of American ideals, Frederick Douglass remains a powerful symbol for our times and a goad to constant vigilance. Freedom is not free, and we would do well to provide a reminder to our children that, as Douglass would say, struggle, struggle, strife and pain are the prerequisites for change. And if there is no struggle, there can be no progress.

Mr. Speaker, this moment would not be possible if it were not for people like those in the Anacostia Garden Club; my colleagues, the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Missouri (Mr. TALENT), and the gentlewoman from the District of Columbia (Ms. NORTON); who all were very instrumental in helping to shape this legislation and bring it to the floor. I thank them for joining as original cosponsors.

Also I thank the Speaker, the gentleman from Illinois (Mr. HASTERT); the gentleman from Alaska (Mr. YOUNG), the ranking member; the gentleman from California (Mr. MILLER), the subcommittee chairman; the gentleman from Utah (Mr. HANSEN); and the ranking member, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) for their help in getting this matter to the floor.

Finally, I urge all my colleagues to join with us in passing this legislation, not just for Anacostia or Frederick Douglass, IV, but for the entire Nation and for the entire world to see.

Mr. HANSEN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this effort to pay tribute to a truly, truly great American, Frederick Douglass.

Frederick Douglass has been an inspiration to me throughout my adult life. Let me say that Frederick Douglass was one of the truly great orators in American history, and I have read so much about him in the past. I, of course, was a speech writer for President Reagan, and when I read about Frederick Douglass and how he moved people and changed history with his passion, with his moral passion, I just could not help but admire him so.

And, of course, he was also a gifted writer, and I am a former journalist, and I certainly admire the fact that we have a great orator and a gifted writer who did what? He helped save America from a moral sin. He helped cleanse America. He was a freedom fighter. He was a human rights advocate when the freedom fighters and the human rights advocates needed to work on the United States of America because we needed cleansing from our horrible institution of slavery.

So I am happy to join in this tribute to Frederick Douglass.

Mr. FALEOMAVAEGA. Mr. Speaker, how much time do we have remaining on this side of the aisle?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from American Samoa (Mr. FALEOMAVAEGA) has 13 minutes remaining.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 8 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), and I also do want to thank the gentleman from Illinois for his most eloquent statement about this great American leader.

Ms. NORTON. Mr. Speaker, I thank the gentleman from American Samoa for yielding me this time and for his work in facilitating this bill to the floor so soon after it was introduced. I also thank the gentleman from Utah (Mr. HANSEN), who has worked with me on similar bills and without whom this bill would certainly not be here so promptly.

I am particularly indebted to my good friends, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Illinois (Mr. DAVIS), whose leadership has been central to this bill.

Mr. Speaker, on any list of the 10 greatest Americans of all time Frederick Douglass' name would probably appear. A man of multiple talents and great principle.

Of course, he is known for many on the one hand as the great abolitionist. That is his national-international reputation. Those of us in the District of Columbia call him the Sage of Anacostia. Anacostia and southeast Washington. This much seems clear: Frederick Douglass was the most important black man of the 19th century, just as Martin Luther King is surely the most important black man of the 20th Century.

There are two important differences, though. First, a memorial for Martin Luther King, Jr. is about to come forward on the mall. We are very close to that now. A mall site has been approved, the memorial itself has been approved, yet there is none for Douglass anywhere in the Nation's capitol.

And, secondly, we do not seek a place for Douglass on the mall. To be sure, Douglass deserves a national memorial wherever the greats are sited, but there has been great sensitivity in thinking through where this memorial should sit.

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I thank the original cosponsors with whom I have cosponsored this bill, because, in a very real sense, Douglass belongs with us in the District of Columbia.

Now, the National Park Service maintains a very interesting, wonderfully educational home, the home he called Cedar Hill in Southeast, in Anacostia. If Members have not been there, it is a place you must not avoid. They have set that home up exactly as Douglass left it. It is a great and wonderful mansion that he purchased in historic Anacostia.

It is also in historic Anacostia where the memorial itself belongs, not on the overcrowded mall where with all our hubris we all seek to crowd but in Anacostia, in Southeast, where Douglass lived, where he wrote, and from where he often rode on horseback and even walked to Capitol Hill. He held every conceivable position in the District, U.S. marshal, board of Howard University, recorder of deeds for the District of Columbia. He was a man for all seasons and all nations and he was a man of the District of Columbia. To be sure, a national and international hero and diplomat, but above all, a man of this town.

So it stands to reason that it would be a local group in Anacostia who wishes to raise the funds, working with the National Park Service, for this memorial, of course, with no funds to come from the United States Government.

One of the most appealing aspects of the notion of this memorial is that it is a memorial and gardens, and the sponsor is the Frederick Douglass Gardens. What a wonderful idea, an idea that did not come from us but from the community which has thought about Douglass and his life, how he lived that life, close to the city, close to nature. Supporters, of course, include not only the Frederick Douglass Institute, Frederick Douglass, IV himself, a man who looks strikingly like his great great grandfather, I might add, but also the Anacostia Historical Society and the Anacostia Garden Club; residents of the District of Columbia who studied his life and try to live by his principles.

The preferred site is even more wonderful. Again, it is not some grand site in the middle of the most important part of the memorial, though heaven knows Douglass would deserve such a site were it appropriate in our sight, but it would be, we hope, on Poplar Point.

Where is Poplar Point? Poplar Point is a discarded site where the Architect of the Capitol maintained his greenhouse. There is nothing there now. We have moved the greenhouse. We would like to reclaim it and integrate it as a memorial grove to be kept by the Park Service with some appropriate memorial to the great Frederick Douglass in the gardens, gardens so that people can come not just to watch whatever we put there but to think about his life, to think about where he lived, to think about what Douglass stood for.

I do believe this is the way to do a memorial, Mr. Speaker, at least for this man. It is, as well, a way to spread out the memorials to other historic parts of the District. We all somehow see ourselves close to the Capitol, waving to history. You cannot do it. You cannot fill it up with ourselves. You cannot fill it up with our favorite heroes. Yet much of the District is historic. Not far from the Capitol is where the great historic figures like George Washington and Abraham Lincoln spent their time, not in this plot of land but in the wonderful plots surrounding the District. That is where Douglass belongs. That is where we want a memorial to him, in another historic part of the District, historic old Anacostia.

We hope it will prove a perfect precedent for memorials for other great men and women. This was a perfect idea. I thank the original cosponsors, and I thank my own constituents here in Washington for giving us an idea that I hope will be repeated to honor great men and women like Frederick Douglass.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the gentlewoman from the District of Columbia for an excellent presentation concerning her support of this legislation. Again I urge my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

I am also honored to be a part of honoring this great American. If I may be a wee bit political, the gentleman from California tells me he was one of the founders of the Republican Party.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5331.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EL CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 366) to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

The Clerk read as follows:

S. 366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "El Camino Real de Tierra Adentro National Historic Trail Act."

SEC. 2. FINDINGS.

The Congress finds the following:

(1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros (1598–1600), San Gabriel (1600–1609) and then Santa Fe (1610–1821).

(2) The portion of El Camino Real de Tierra Adentro that resided in what is now the United States extended between El Paso, Texas and present San Juan Pueblo, New Mexico, a distance of 404 miles;

(3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland;

(4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed trails for trade long before Europeans arrived;

(5) In 1598, Juan de Oñate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real;

(6) During the Mexican National Period and part of the U.S. Territorial Period, El Camino Real de Tierra Adentro facilitated the emigration of people to New Mexico and other areas that would become the United States;

(7) The exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderlands was made possible by this route, whose historical period extended from 1598 to 1882;

(8) American Indians, European emigrants, miners, ranchers, soldiers, and missionaries used El Camino Real during the historic development of the borderlands. These travelers promoted cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans;

(9) El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5 (a) of the National Trails System Act (16 U.S.C. 1244 (a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

"(21) EL CAMINO REAL DE TIERRA ADENTRO.—

"(A) El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to San Juan Pueblo, New Mexico, as generally depicted on the maps entitled 'United States Route: El Camino Real de Tierra Adentro', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico', dated March 1997.

"(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of Interior.

"(C) ADMINISTRATION.—The Trail shall be administered by the Secretary of the Interior.

"(D) LAND ACQUISITION.—No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for El Camino Real de Tierra Adentro except with the consent of the owner thereof.

"(E) VOLUNTEER GROUPS; CONSULTATION.—The Secretary of the Interior shall—

"(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and

"(ii) consult with other affected Federal, State, local governmental, and tribal agencies in the administration of the trail.

"(F) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 366 amends the National Trails System Act to designate El Camino Real de Tierra Adentro as a component of the National Trails System. The bill directs the Secretary of the Interior to administer the trail, to encourage volunteer groups to develop and maintain the trail, and also to consult with affected Federal, State, local governmental and tribal agencies in its administration. The bill requires owner consent for any Federal land acquisition along the trail. Additionally, S. 366 authorizes the Secretary to coordinate trail activities and programs with the Government of Mexico as well as Mexican nongovernmental organizations and academic institutions.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, El Camino Real de Tierra Adentro, or the Royal Road of the Interior, covers more than 400 miles from El Paso, Texas to San Juan Pueblo, New Mexico. The trail was established as a trade route by Native Americans more than 300 years ago and played an important role in the exploration, settlement and economic development of a large section of the American Southwest.

The 103rd Congress commissioned a study of the trail to determine whether or not it met the criteria to be included as part of the National Historic Trails System. The study was completed in 1997 and concluded that such a designation would be appropriate. The final step in this process is the adoption of this legislation now before us today.

The discussion of this trail may seem familiar to some Members. That is because the House has already passed H.R. 2271, sponsored by the gentleman from Texas (Mr. REYES), legislation to complete the designation of this historic trail. However, at the last minute an amendment to the gentleman from Texas' bill was forced through that significantly weakened the bill and created controversy over what had been a noncontroversial piece of legislation to begin with.

Now that cooler heads have prevailed, Mr. Speaker, we are forced to consider the Senate-passed companion version of this legislation as a means of undoing the damage that was done to the gentleman from Texas' bill. This is good legislation, Mr. Speaker. It is unfortunate that my friends in the majority's insistence on a pointless amendment to the House bill has resulted in delaying its enactment.

I urge my colleagues to support the bill. I want to thank my good friend from Utah, the chairman of the Subcommittee on National Parks and Public Lands, for pushing for this legislation to be brought to the floor.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. Hansen) that the House suspend the rules and pass the Senate bill, S. 366.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

NORTHERN COLORADO WATER CONSERVANCY DISTRICT LAND CONVEYANCE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4389) to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District, as amended.

The Clerk read as follows:

H.R. 4389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) CONTRACT.—The term "contract" means the contract between the United States and the Northern Colorado Water Conservancy District providing for the construction of the Colorado-Big Thompson Project, dated July 5, 1938 (including any amendments and supplements).

(2) DISTRICT.—The term "District" means the Northern Colorado Water Conservancy District.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRANSFERRED WATER DISTRIBUTION FACILITIES.—The term "transferred water distribution facilities" means the North Poudre Supply Canal and Diversion Works, also known as the Munroe Gravity Canal, the Charles Hansen (Supply) Canal and Windsor Extension, and the Dixon Feeder Canal, all of which are facilities of the Colorado-Big Thompson Project located in Larimer County, Colorado.

SEC. 2. CONVEYANCE OF TRANSFERRED WATER DISTRIBUTION FACILITIES.

(a) IN GENERAL.—The Secretary shall, as soon as practicable after the date of enactment of this Act and in accordance with all applicable law, convey to the District all right, title, and interest in and to the transferred water distribution facilities.

(b) SALE PRICE.—

(1) IN GENERAL.—The Secretary shall accept $150,315 as payment from the District and $1,798,200 as payment from the power customers under the terms specified in this section, as consideration for the conveyance under subsection (a). Out of the receipts from the sale of power from the Loveland Area Projects collected by the Western Area Power Administration and deposited into the Reclamation fund of the Treasury in fiscal year 2001, $1,798,200 shall be treated as full and complete payment by the power customers of such consideration and repayment by the power customers of all aid to irrigation associated with the facilities conveyed under subsection (a).

(2) NO EFFECT ON OBLIGATIONS AND RIGHTS.—Except as expressly provided in this Act, nothing in this Act affects or modifies the obligations and rights of the District under the contract.

(3) PAYMENTS.—Except as provided in subsection (c), the District shall continue to make such payments as are required under the contract.

(c) CREDIT TOWARD PROJECT REPAYMENT.—Upon payment by the District of the amount authorized to be accepted from the District under subsection (b)(1), the amount paid shall be credited toward repayment of capital costs of the Colorado-Big Thompson Project in an amount equal to the associated undiscounted obligation for repayment of the capital costs.

SEC. 3. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the transferred water distribution facilities under this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on any prior ownership or operation by the United States of the conveyed property.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4389 transfers a small component of a much larger project. The larger overall project was built from 1938 to 1957 and called the Colorado-Big Thompson project. The water is used primarily to help irrigate 615,000 acres of northeastern Colorado farmland.

The proposed legislation will divest the Bureau of Reclamation of responsibility for future management, liability and replacement of the North Poudre Supply Canal and Diversion Works, the Charles Hansen Supply Canal and Windsor Extension, and the Dixon Feeder Canal.

An agreement on the sale price has been worked out between the District, the Bureau of Reclamation and Western Area Power Administration for the facilities to be conveyed under this act.

I urge an aye vote on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will not oppose the provisions of this bill. I ask that my colleagues support this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, while I will not oppose H.R. 4389, I will note that this project transfer bill does not in my view represent good stewardship of a valuable Federal asset. The bill is full of generalities, and the United States and taxpayer-owners get practically nothing out of this deal. No environmental benefits will result from this transfer, and public involvement opportunities are minimal. My formal views on H.R. 4389 are set forth in the Committee Report accompanying the bill.

The bill mandates conveyance without first allowing the Secretary to determine whether such a conveyance is in the public interest. The bill should, instead simply authorize the conveyance so the Secretary can make such a determination.

The bill does not provide for local public involvement prior to final action on the transfer.

The bill fails to provide for environmental protection and enhancement. Environmental protection and enhancement are the appropriate quid pro quo to mitigate for post-transfer loss of federal control and applicability of most federal laws.

Finally, H.R. 4389 creates a fixed "sale price" prior to knowing the details of the transfer. The United States should negotiate a fair price for the conveyance only after the terms and conditions of transfer are established through negotiations with local stakeholders.

Transfers of Western water projects to local beneficiaries are not inherently bad, but H.R. 4389 should not be used as a template for future transfers. These projects are publicly-owned, and taxpayer interests should be recognized and protected.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4389, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

VETERANS' ORAL HISTORY PROJECT ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5212) to direct the American Folklife Center at the Library of Congress to establish a program to collect video and audio recordings of personal histories and testimonials of American war veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Oral History Project Act".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds as follows:

(1) Military service during a time of war is the highest sacrifice a citizen may make for his or her country.

(2) 4,700,000 Americans served in World War I, 16,500,000 Americans served in World War II, 6,800,000 Americans served in the Korean Conflict, 9,200,000 Americans served in the Vietnam Conflict, 3,800,000 Americans served in the Persian Gulf War, and countless other Americans served in military engagements overseas throughout the 20th century.

(3) The Department of Veterans Affairs reports that there are almost 19,000,000 war veterans living in this Nation today.

(4) Today there are only approximately 3,400 living veterans of World War I, and of the some 6,000,000 veterans of World War II alive today, almost 1,500 die each day.

(5) Oral histories are of immeasurable value to historians, researchers, authors, journalists, film makers, scholars, students, and citizens of all walks of life.

(6) War veterans possess an invaluable resource in their memories of the conflicts in which they served, and can provide a rich history of our Nation and its people through the retelling of those memories, yet frequently those who served during times of conflict are reticent to family and friends about their experiences.

(7) It is in the Nation's best interest to collect and catalog oral histories of American war veterans so that future generations will have original sources of information regarding the lives and times of those who served in war and the conditions under which they endured, so that Americans will always remember those who served in war and may learn first-hand of the heroics, tediousness, horrors, and triumphs of war.

(8) The Library of Congress, as the Nation's oldest Federal cultural institution and largest and most inclusive library in human history (with nearly 119,000,000 items in its multimedia collection) is an appropriate repository to collect, preserve, and make available to the public an archive of these oral histories. The Library's American Folklife Center has expertise in the management of documentation projects and experience in the development of cultural and educational programs for the public.

(b) PURPOSE.—It is the purpose of this Act to create a new federally sponsored, authorized, and funded program that will coordinate at a national level the collection of video and audio recordings of personal histories and testimonials of American war veterans, and to assist and encourage local efforts to preserve the memories of this Nation's war veterans so that Americans of all current and future generations may hear directly from veterans and better appreciate the realities of war and the sacrifices made by those who served in uniform during wartime.

SEC. 3. ESTABLISHMENT OF PROGRAM AT AMERICAN FOLKLIFE CENTER TO COLLECT VIDEO AND AUDIO RECORDINGS OF HISTORIES OF VETERANS.

(a) IN GENERAL.—The Director of the American Folklife Center at the Library of Congress shall establish an oral history program—

(1) to collect video and audio recordings of personal histories and testimonials of veterans of the armed forces who served during a period of war;

(2) to create a collection of the recordings obtained (including a catalog and index) which will be available for public use through the National Digital Library of the Library of Congress and such other methods as the Director considers appropriate to the extent feasible subject to available resources; and

(3) to solicit, reproduce, and collect written materials (such as letters and diaries) relevant to the personal histories of veterans of the armed forces who served during a period of war and to catalog such materials in a manner the Director considers appropriate, consistent with and complimentary to the efforts described in paragraphs (1) and (2).

(b) USE OF AND CONSULTATION WITH OTHER ENTITIES.—The Director may carry out the activities described in paragraphs (1) and (3) of subsection (a) through agreements and partnerships entered into with other government and private entities, and may otherwise consult with interested persons (within the limits of available resources) and develop appropriate guidelines and arrangements for soliciting, acquiring, and making available recordings under the program under this Act.

(c) TIMING.—As soon as practicable after the enactment of this Act, the Director shall begin collecting video and audio recordings under subsection (a)(1), and shall attempt to collect the first such recordings from the oldest veterans.

SEC. 4. PRIVATE SUPPORT.

(a) ACCEPTANCE OF DONATIONS.—The Librarian of Congress may solicit and accept donations of funds and in-kind contributions to carry out the oral history program under section 3.

(b) ESTABLISHMENT OF SEPARATE GIFT ACCOUNT.—There is established in the Treasury (among the accounts of the Library of Congress) a gift account for the oral history program under section 3.

(c) DEDICATION OF FUNDS.—Notwithstanding any other provision of law—

(1) any funds donated to the Librarian of Congress to carry out the oral history program under section 3 shall be deposited entirely into the gift account established under subsection (b);

(2) the funds contained in such account shall be used solely to carry out the oral history program under section 3; and

(3) the Librarian of Congress may not deposit into such account any funds donated to the Librarian which are not donated for the exclusive purpose of carrying out the oral history program under section 3.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $250,000 for fiscal year 2001; and

(2) such sums as may be necessary for each succeeding fiscal year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5212 was introduced by the gentleman from Wisconsin (Mr. KIND) and the gentleman from New York (Mr. HOUGHTON) and has 230 cosponsors. The bill creates a recording program within the American Folklife Center at the Library of Congress to collect videotaped histories of American war veterans.

There are 19 million veterans in the United States, but only about 3,400 remaining who served in World War I. As the bill points out, of the 6 million World War II vets alive today, almost 1,500 die each day. We are currently observing the 50th anniversary of the Korean conflict.

This program will ensure that future generations have access to the memories and experiences of veterans acquired during their service to the Nation. These individual stories will provide historians with invaluable information to give context to some of the greatest moments in our history and some of the most tragic. It will also provide the public with a way to remember and celebrate the sacrifices made by the men and women who have fought to protect our freedom.

The Library of Congress, through the National Digital Library, Local Legacies program and other activities has developed the capability to digitize materials collected and to make them available to all Americans through the Library's Web pages so that the greatest number of Americans can benefit from the memories of our veterans.

Mr. Speaker, unfortunately the lead cosponsor of this legislation the gentleman from New York (Mr. HOUGHTON) could not be here for floor debate at this time. I will ask as part of general leave that his written statement on this bill be made part of the RECORD.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume. I thank the distinguished gentleman from Utah for his comments and his undertaking the responsibility to make sure this bill passes in a timely fashion. He is one of the good Members of this body and is always there when you need him.

Mr. Speaker, it is an honor to speak in support of H.R. 5212, as amended, the Veterans' Oral History Project Act. The manager's amendment in my opinion has strengthened an already good bill and I want to thank the gentleman from California (Mr. THOMAS), certainly the gentleman from Wisconsin (Mr. KIND), and the gentleman from New York (Mr. HOUGHTON) for all their work in getting this legislation to the floor.

This bill directs the American Folklife Center, as the gentleman from Utah said, at the Library of Congress to establish a program to collect video and audio of personal histories and testimonials of America's war veterans.

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Our war veterans include 19 million men and women who risked their lives so that this bold experiment in democracy could flourish. Their record of valor, courage, and bravery is unmatched in world history.

The numbers of men and women, Mr. Speaker, who have served our Nation is staggering: 4.7 million in World War I; 16.5 million in World War II; 6.8 million in the Korean War; 9.2 million in the Vietnam War; and 3.8 million in the Persian Gulf War. Of these veterans, almost 19 million are still with us today. In my district, there are more than 11,000 military retirees.

Though these numbers are astounding, the veterans' stories and achievements are even more remarkable. Among these 19 million nationwide and 11,000 in Maryland's fifth district are the Doughboys, who broke the German resistance at Meuse-Argonne and forged victory in World War I; the brave paratroopers who jumped behind enemy lines and the courageous soldiers who charged the beaches of Normandy; the men who endured the vicious fighting in the Pacific theater, including five brutal months at Guadalcanal.

These veterans climbed Pork Chop Hill and endured the losses at Heartbreak Ridge in the Korean War, a war, Mr. Speaker, whose 50th anniversary we are honoring this year.

They quietly patrolled the rivers in search for a hidden enemy in the jungles of Vietnam.

These 19 million veterans saw their countrymen fall around them; yet they continued to march forward. They continued to fight, not for their personal glory, but for our freedom. By passing this bill, Mr. Speaker, we allow their firsthand accounts to become part of our Nation's history.

It is imperative that we act soon, tonight. The Department of Veterans Affairs estimates that 572,000 veterans will die this year, including an estimated 1,500 World War II veterans each day, as the gentleman from Utah (Mr. HANSEN) pointed out. As we lose these men and women of courage, we also lose their stories of valor and honor. We must make every effort to learn their stories. These remembrances will help not only those interested in America's past; they will guide those who will lead America's future.

Mr. Speaker, I would like to congratulate two of our body, the gentleman from Wisconsin (Mr. KIND), a Democrat, and the gentleman from New York (Mr. HOUGHTON), a Republican, two distinguished Representatives in this body, who have joined together to make sure that we remember and that generations yet to come will remember.

Mr. Speaker, I am pleased to ask unanimous consent to yield the balance of my time to the gentleman from Wisconsin (Mr. KIND), a distinguished leader on this legislation, whose efforts, along with those of the gentleman from New York (Mr. HOUGHTON), have resulted in this being on the floor and on the front lobes of our brains tonight, and ask that he be allowed to control this time.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I want to thank my friend and colleague from Utah for agreeing to call up this legislation tonight and sticking around, even though we are approaching the debate hour in this town. But I also want to thank the gentleman from California (Chairman THOMAS) and his majority staff of the Committee on House Administration, and the ranking member, the gentleman from Maryland (Mr. HOYER) and his staff, for all the help and cooperation and support they have shown in regards to this legislation that my friend and colleague, the gentleman from New York (Mr. HOUGHTON), and I introduced just a couple of weeks ago.

Mr. Speaker, this legislation is very simple, but I believe it is very important; important if this country has an interest in preserving our history. What this legislation basically does is directs the Library of Congress to establish a national archives for the collection and preservation of the oral history through videotape testimony of our veterans who are still with us today.

Now that we have the technology to do it, I believe this Nation should make every conceivable effort to try to preserve this very important piece of American oral history before it is too late, as the gentleman from Maryland (Mr. HOYER) already indicated.

Time is of the essence. We have roughly 19 million veterans who are still with us today. Of that number, slightly more than 6 million are from the Second World War generation. They are passing away at roughly 1,500 a day, and with them go their memories.

Recently, I have encountered a lot of veterans of the Second World War and the Korean generation who have been more willing to speak about their experiences in the twilight of their years. I have also encountered many family members who regret today the fact that they did not take time to videotape their loved ones, their father or mother or grandparents, in regards to their experience during these great conflicts that shaped the 20th century.

Earlier this year, in April, this Congress declared the American GI as the Person of the Century because of the profound influence and impact they had on the course of human events in the 20th century. I do not think we can honor them any better than by trying to preserve their memories.

What I envision ultimately once this project gets established and implemented is that children in the 22nd, 23rd, or even the 24th century, will be able to access through the Internet the videotaped statements of their great-great-great-grandfather or grandmother who served during the Second World War or Korean War or the Viet Nam War or the Gulf War. What an incredibly powerful history lesson that would be, and for future historians being able to research this part of history by using firsthand accounts from the videotape testimony we are going to be able to collect and preserve for future generations.

The Library of Congress is uniquely situated to handle this project. They have an American Folk Life Center which is already taking videotape testimony of community leaders across the country asking them how they would like their communities to be remembered 100 or 200 years from now.

So they have the expertise, and they have the technology. They are moving to digitize virtually everything contained at the Library of Congress now, and once we are able to start collecting these videotapes, they are going to be able to index it, digitize it, and make it available over the Internet for anyone interested in learning this part of our Nation's history.

I also envision the help of a lot of family members and encourage their support in videotaping their loved ones, veterans who served in foreign conflicts, members of the VFW, American Legion Halls, who can set up videotaping places within their halls, encouraging veterans to come in and share their story. Class projects, students going out and actually videotaping and interviewing these veterans on tape for educational benefit, and these videotape collections being saved for the family archives purposes for community libraries, or historical societies, but ultimately a copy being sent out to the Library of Congress so we can index it, digitize it and make it available for future generations.

I think this is a worthwhile project, one that will require the cooperation of countless people across the country, but especially from our veterans, who can leave an incredible gift, a gift that will keep on giving to generation after generation, by stepping forward and talking about their experiences in these conflicts that made this Nation the great Nation that it is today.

So I want to again thank the gentleman from New York (Mr. HOUGHTON) for all of his work and efforts put into this project. Unfortunately, he had a death in the family tonight, so he is not here to speak in person in favor of the bill. But I want to thank him for being the lead cosponsor on the Veterans Oral History Project. We have worked together on several pieces of good bipartisan legislation, and I am pleased to have joined forces with him yet again today. The gentleman from New York (Mr. HOUGHTON) himself is a veteran of the Second World War. He served as a private first class in the United States Marine Corps; and, with any luck, we are going to be able to encourage him and the other veterans in this place to also participate in this important project. But it is going to require a collective effort to do so, and to do it well.

Mr. Speaker, I also want to thank the author Stephen Ambrose for the support he has shown on the recommendations that he has made in support of the veterans oral history project.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the remarks of the gentleman from Maryland (Mr. HOYER) and the gentleman from Wisconsin (Mr. KIND) on this very worthy piece of legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. KIND. Mr. Speaker, I yield myself such time as I may.

Mr. Speaker, I also want to thank a few other people who have been instrumental in the creation of this legislation. Senators MAX CLELAND and CHUCK HAGEL have introduced this bill on the Senate side, and we are hoping towards the tail-end of their session we will be able to bring this up under unanimous consent and see it moved through the United States Senate. They have been instrumental in being able to move this on the Senate side.

I also want to thank, in particular, Steve Kelly and Winston Tabb at the Library of Congress for providing invaluable assistance in the development of the project and for their enthusiasm they have shown for this project.

I want to thank the Veterans of Foreign Wars and the American Legion for their support so far in what we anticipate to be a great partnership with those key and important organizations.

I also want to thank Jeff Mazur on my staff, who has sat through countless numbers of meetings and countless number of drafts of this legislation in order to shape it and get it to a point where we were successful in speaking to our colleagues and obtaining close to 250 original cosponsors for this legislation.

But, most of all, I want to thank the veterans of this Nation, those who I personally spoke to and who inspired me and those who I am sure the rest of my colleagues have had an opportunity to meet with and talk to and listen to them tell their stories. Without them, obviously, we would not be enjoying the freedoms and the liberties that we enjoy today. Again, with their support we can make this project what it was intended to be, a living legacy of their service to our country and a gift to future generations.

Mr. HOUGHTON. Mr. Speaker, this is a solid, basic bill—with a great purpose.

It is to help honor and remember those Americans who used solid, basic values to perform exceptionally and serve great purposes on behalf of our nation.

Now veterans are modest people. They don't boast. They are matter-of-fact. They feel they "did their job". But the fact is that they did remarkable things—things that we must always remember.

This project will see to that. How?

Simply put, history often records the momentous events. But those momentous events are made up of countless individual storylines. Individual storylines that couldn't all fit into current history books or TV documentaries—stories that need their own archive. This bill will allow the Library of Congress to create such an archive—an archive of videotaped testimonials of the veterans themselves, telling their own stories.

If those stories are not told, recorded, studied, preserved—we risk losing them, and all that they teach us.

This project will seize the moment before us—before too much time has gone by—to go to our veterans and learn of duty, heroism, sacrifice, fear, humor, patriotism, comradeship, compassion . . . and of darker things and times, almost unspeakable things—and how ordinary Americans stood up to resist them.

Those are lessons we must impart to the next generation. Today, we are helping to see that great purpose is served.

Mrs. McCARTHY of New York. Mr. Speaker, I rise in support of Congressman KIND and Congressman HOUGHTON's bill that allows the public to hear our history directly from the men and women who fought to preserve it.

America's war veterans will be offered the opportunity to share their experiences first-hand by providing an oral history to the Library of Congress.

Most of our history is found in books usually written by those who witnessed or played an active role in the events that made this country what it is today.

Well, this legislation goes a step further and puts a face to the name by video-taping the recollections of our veterans' time in service.

But this bill actually does much more. It allows students, as well as the community, to get involved and learn more about their local veterans.

To actually speak to a veteran who fought for this country, and hear about the events first-hand is the best history lesson anyone can receive.

On Long Island, we have thousands of veterans who answered their country's call to duty and are proud to share their experiences with today's youth.

As someone who lived through the Vietnam era, I remember what a difficult time it was for our country.

I remember watching many of our soldiers leaving to fight with the chance of not returning. Unfortunately, many did not.

For those that made it home, this is an opportunity to talk about the experiences and the sacrifices they endured during this time and share them with the country.

I'd like to commend Representative KIND and Representative HOUGHTON for taking the initiative in drafting this legislation and urge my colleagues to support the measure.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 5212 the Veterans Oral History Project Act of 2000. I urge my colleagues to lend this timely and important legislation their support.

This bill would authorize a program within the Library of Congress to supervise and facilitate the collecting of personal histories and recollections of American combat veterans.

These personal histories will include both oral testimony recorded on video-tape, as well as written letters and testimonials from veterans.

As a World War II veteran, I am deeply aware of the importance of my generation recording its stories for those future generations yet unborn.

American veterans played a unique and defining role in shaping the events of the 20th century. The American citizen soldier was responsible for defending the cause of freedom from German aggression in 1917, Nazi tyranny and Japanese imperialism in 1942, and Communist invasion in 1950.

Today, many of these veterans are passing on. There are less than 3,500 World War I veterans alive today, out of a fighting force of over 4.5 million. Moreover, almost 1,500 World War II veterans die each day.

It is vitally important that we gather as many of their personal stories before they are lost to us forever.

This legislation is a good first step toward meeting that goal. It will both help ensure that future generations remember the contributions of those who served in combat, as well as to preserve the triumphs of the citizen soldier over evil in America's 20th century conflicts.

I urge my colleagues to join in supporting this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5212, as amended.

The question was taken.

Mr. KIND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add extraneous material on H.R. 5212, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

RUSSIAN ANTI-SHIP MISSILE NONPROLIFERATION ACT OF 2000

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4022) regarding the sale and transfer of Moskit anti-ship missiles by the Russian·Federation.

The Clerk read as follows:

H.R. 4022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Russian Anti-Ship Missile Nonproliferation Act of 2000".

SEC. 2. PURPOSE.

The purpose of this Act is to prohibit the forgiveness or rescheduling of any bilateral debt owed by the Russian Federation to the United States until the Russian Federation has terminated all sales and transfers of Moskit anti-ship missiles that endanger United States national security.

SEC. 3. FINDINGS.

The Congress makes the following findings:

(1) In February 2000, the first of two Russian-built Sovremenny-class destroyers sold to the People's Republic of China arrived in the Taiwan Strait, manned by a mixed Russian and Chinese naval crew. Currently, the Russian and Chinese Governments are discussing the sale of 2 additional Sovremenny destroyers.

(2) Within weeks after the arrival of the destroyers, the Russians are scheduled to transfer the first of several of the ship's most lethal weapon, the radar-guided Moskit (also known as Sunburn) anti-ship missile, which can carry either conventional or nuclear warheads.

(3) The supersonic Moskit missile, which can be mounted on a naval or mobile land platform, was designed specifically to destroy American aircraft carriers and other warships equipped with advanced Aegis radar and battle management systems. The United States Navy considers the missile to be extremely difficult to defend against.

(4) The Moskit missile has an over-the-horizon range of 65 miles and can deliver a 200-kiloton warhead in under 2 minutes. One conventional Moskit missile can sink a warship or disable an aircraft carrier, causing the deaths of hundreds of American military personnel.

(5) The Russian Federation is helping the air force of the People's Liberation Army to assemble Sukhoi Su-27 fighter aircraft, which are capable of carrying an air-launched version of the Moskit missile, which has a longer range than the sea-launched version. The Russian Federation is reportedly discussing the sale of air-launched Moskit missiles to the People's Republic of China.

(6) Land-, sea-, or air-launched Moskit missiles raise the potential for American casualties and could affect the outcome in any future conflict in the Taiwan Strait or South China Sea. The transfer of the missile by China to Iran or other belligerent nations in the Persian Gulf region would increase the potential for conflict and for American casualties. A Moskit missile mounted on a mobile land platform would be difficult to locate and could wreak havoc on the coastline of the Straits of Hormuz.

SEC. 4. PROHIBITION OF DEBT FORGIVENESS.

(a) PROHIBITION.—Notwithstanding any other provision of law, the President shall not reschedule or forgive any outstanding bilateral debt owed to the United States by the Russian Federation, until the President certifies to the Congress that the Russian Federation has terminated all transfers of Moskit anti-ship missiles that endanger United States national security, particularly transfers to the People's Republic of China.

(b) WAIVER.—The President may waive the application of subsection (a) if the President determines and certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that such waiver is vital to the national security interest of the United States.

SEC. 5. REPORTS ON THE TRANSFER BY RUSSIA OF MOSKIT MISSILES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act and every 6 months thereafter, until the certification under section 4, the President shall submit to the Committee on International relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report identifying the status of any contract and the date of the transfer of any version of the Moskit missile, particularly transfers to the People's Republic of China, occurring on or after February 1, 2000.

(b) SUBMISSION IN CLASSIFIED FORM.—Reports submitted under subsection (a), or appropriate parts thereof, may be submitted in classified form.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in February 2000, just the beginning of this year, a Russian-built Sovremenny class destroyer sailed through the Taiwan Strait with a mixed Russian and Communist Chinese crew, and the ship sailed to its new home in southeast China.

The ship's most lethal weapon was the supersonic SSN-22 Moskit missile, also known as the Sunburn missile, which was developed by Russia during the Cold War to destroy U.S. aircraft carriers and Aegis class warships.

On his recent visit to Beijing, leaders of the Chinese People's Liberation Armed Forces told Admiral Dennis Blair, Chief of U.S. Pacific Command, that if U.S. aircraft carriers once again sailed close to the Taiwan Strait, just as they did during the cross-Strait tensions of 1996, that the People's Liberation Army would fight a battle "at any cost."

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The Moskit missiles now allow the Communist Chinese Navy to make such threats against the U.S. Navy's most powerful platforms, and they allow the Communist Chinese to endanger the lives of thousands of American service personnel. The Moskit missiles, which can be mounted on ships or on land-based mobile platforms, can carry either conventional or nuclear warheads. A new version is being developed to be fired from jet fighters. It is the most dangerous antiship missile, the Russians and now the Communist Chinese have in their fleet.

Our Navy admittedly has limited ability to defend itself against this 20 kilo-ton nuclear-capable weapon, a payload, I might add, that surpasses the bomb that was dropped on Hiroshima during World War II, and they can hit an American target at a range of up to 65 nautical miles.

Each destroyer that the Russians are transferring to the Communist Chinese carries 8 Moskit missiles. This arsenal could destroy an entire U.S. aircraft carrier battle group, killing thousands of American service personnel.

China is scheduled to receive at least three more of these Sovremenny destroyers at the end of 2001. The next delivery is scheduled during the end of this year. Each ship will have a component of at least 18 of these deadly missiles.

H.R. 4022 seeks to deter the Russians from transferring these missiles to the Communist Chinese or any other nation or organization that would endanger U.S. naval vessels. The resolution prohibits the rescheduling of any outstanding bilateral debt owed to the United States by Russia, until the President of the United States certifies that the Russian Federation has terminated all transfers of these deadly antiship missiles that would endanger not only U.S. national security but the lives of thousands upon thousands of our naval personnel.

Mr. Speaker, the resolution does not affect U.S. support for reform and humanitarian aid to Russia. It does not affect U.S. assistance to the Nunn-Lugar program. In fact, it gives Russian leaders the choice of whether they prefer selling these deadly weapon systems to the potential enemies of the United States, or whether they instead would prefer us to have bilateral debt restructuring and forgiveness, something that would help them out.

This choice makes sense, and it makes sense for us to offer the Russian leadership this choice. Thousands of lives of our brave men and women in uniform who are serving in the Asia-Pacific Theater depend on our vote. And why should we be restructuring Russia's debt, giving them the benefit of not having to pay the money that they owe, if they are going to use that economic largesse on our part to provide deadly weapons that are aimed at one purpose, and one purpose only, the destruction of U.S. naval vessels and the killing of naval personnel, of U.S. naval personnel. I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. Russian sales of Moskit antiship missiles to the PRC pose a great threat to the security of Taiwan and to our country. These missiles arrived in China at a time when the mainland has enormously increased the number of other types of missiles on China's coast facing Taiwan.

Taiwan is a vibrant democracy and a key economic player in the Asia-Pacific region, and it is unacceptable that the PRC continues to boast to the world about its missile threat to Taiwan and, by extension, of the United States.

When this legislation was first marked up in our committee, we expressed concerns that the bill did not give the President sufficient flexibility to balance the national security implications of this complicated situation.

On one hand, China's possession of these missiles poses a danger to our Navy and the Taiwan Straits. On the other hand, Russia may need to seek a comprehensive multilateral agreement to deal with its debt burden in the future, without which it may face the prospect of default to key western governments. A Russian default could even force the Russians to sell more missiles to China and to other countries which obviously are of a concern to the United States.

We must balance, Mr. Speaker, the national security implications posed by Russia's missile sales to China with those posed by a further destabilized economic situation in Russia.

For this reason, the committee agreed to an amendment giving the President the national security interest waiver. This waiver allows the President the flexibility to protect adequately U.S. national security interests in this situation.

Mr. Speaker, it is hoped that the President will not need to use this waiver. Russia should take a careful look at the strong support for this legislation in this House and decide the continued sales of Moskit missiles to China are not in Russia's interests.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and pass the bill, H.R. 4022, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4022, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EXPRESSING SENSE OF CONGRESS REGARDING TAIWAN'S PARTICIPATION IN THE UNITED NATIONS

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H.Con.Res. 390) expressing the sense of the Congress regarding Taiwan's participation in the United Nations, as amended.

The Clerk read as follows:

H. CON. RES. 390

Whereas Taiwan has dramatically improved its record on human rights and routinely holds free and fair elections in a multiparty system, as evidenced most recently by Taiwan's second democratic presidential election of March 18, 2000, in which Mr. Chen Shui-bian was elected as president;

Whereas the 23,000,000 people on Taiwan are not represented in the United Nations and many other international organizations, and their human rights as citizens of the world are therefore severely abridged;

Whereas Taiwan has in recent years repeatedly expressed its strong desire to participate in the United Nations and other international organizations;

Whereas Taiwan has much to contribute to the work and funding of the United Nations and other international organizations;

Whereas the world community has reacted positively to Taiwan's desire for international participation, as shown by Taiwan's membership in the Asian Development Bank and Taiwan's admission to the Asia-Pacific Economic Cooperation group as a full member and to the World Trade Organization as an observer;

Whereas the United States has supported Taiwan's participation in these bodies and, in the Taiwan Policy Review of September 1994, declared an intention of a stronger and more active policy of support for Taiwan's participation in appropriate international organizations;

Whereas Public Law 106-137 required the Secretary of State to submit a report to the Congress on administration efforts to support Taiwan's participation in international organizations, in particular the World Health Organization; and

Whereas in such report the Secretary of State failed to endorse Taiwan's participation in international organizations and thereby did not follow the spirit of the 1994 Taiwan Policy Review: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) Taiwan and its 23,000,000 people deserve appropriate meaningful participation in the United Nations and other international organizations such as the World Health Organization; and

(2) the United States should fulfill the commitment it made in the 1994 Taiwan Policy Review to more actively support Taiwan's participation in appropriate international organizations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the people of Taiwan have proved that freedom and democracy are not just American ideals, not just European ideals, they are the universal principles that apply to every individual, to every community and every nation as our Founding Fathers stated, that we look at the rights as being God given to all people on this planet.

The United States State Department's report on the Taiwan Policy Review 1994 clearly stated that the U.S. should more actively support Taiwan's membership in international organizations, because Taiwan has lived up to the ideals that we expect of democracies. And President Clinton, however, has not used our influence in international bodies to try to insist that Taiwan be able to participate in these organizations. Congressional support for Taiwan is solid.

Taiwan has made enormous strides towards becoming a full democracy, as I stated, and it is unreasonable for the people of Taiwan to be excluded from the full participation in international organizations due to threats from mainland China. Unfortunately, what we have today is a Communist dictatorship headed by gangsters who have never been elected to anything, who are making demands upon us to mistreat a democratically elected government in Taiwan.

It is embarrassing that our administration seems to be kowtowing to that type of pressure. The United States has supported Taiwan's membership in the Asian Development Bank and its admission to the Asian-Pacific Economic Cooperation group. Extending United Nations and World Health Organization membership is the next step in demonstrating U.S. support for Taiwan and a United States commitment to those people around the world who believe in democracy and freedom and liberty and justice and have actually moved to make sure their country, as Taiwan has done, enshrines those ideals.

China's continued harassment and intimidation of Taiwan also underlines the urgency and necessity of Taiwan's participation in the United Nations. Taiwan currently does not have access to the United Nations Security Council, and the forum countries whose safety is in jeopardy and they must turn to. Not only that, but after Taiwan has joined the United Nations' responsibility for Taiwan safety and security, it will be shifted solely to the United States as laid down in the 1979 Taiwan's Relations Act to the international community.

Mr. Speaker, I would ask my colleagues to support this legislation, and in doing so, strike a very solid note that can be heard around the world in the halls of the dictatorships in Beijing but also in the halls of democracy in Taiwan and in those countries that are struggling to be free that shows the United States is on the side of democracy and democratic people.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution. Taiwan's 40-year journey toward democracy is one of the 20th century's great success stories. The people of Taiwan have proved to the whole world that freedom and democracy are not just American ideals; they are universal principles that apply to every individual, to every community and to every Nation.

We must take steps to reward nations like Taiwan that are making such great progress towards democracy.

Mr. Speaker, I dream of a day when Taiwan is a contributing member of the World Trade Organization, the World Health Organization and the United Nations. I dream of a day when the U.S. will replace its one China policy with a policy of one China, one Taiwan, one Tibet.

H.Con.Res. 390 recognizes that Taiwan and its 23 million people deserve to participate in the UN and other international organizations, such as the World Health Organization.

The U.S. should fulfill its commitment made in the 1994 Taiwan Policy Review to more actively support Taiwan's membership in organizations such as the UN and the WHO. This legislation has received broad bipartisan support, 86 colleagues from both sides of the aisle have cosponsored this bill.

Taiwan's growing regional and global significance demands a more active and thoughtful U.S. policy. Our ties with Taiwan must encompass all aspects of Taiwan's security, trade relations and support for the right of self-determination for the people of Taiwan.

Mr. Speaker, I look forward to the day when the people of Taiwan replace their observance of 10-10 with President Lee's July 9 call for state-to-state relations with the People's Republic of China. One day I hope July 9th will be as important to the Taiwanese people as July 4th is to us.

Mr. Speaker, so much still remains to be done. If the U.S. believes so strongly in self determination and the freedom for all people, we must support Taiwan in its struggle to become an independent democracy. The U.S. must immediately abandon its misguided one China policy. Mr. Speaker, I ask support for the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Colorado (Mr. SCHAFFER) to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCHAFFER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, it is an honor to be here tonight to support my friend, the gentleman from Colorado (Mr. SCHAFFER), who has introduced this important resolution and to the gentleman from California (Mr. ROHRABACHER), the gentleman from Ohio (Mr. BROWN), champions of human rights around the world.

It is frustrating that we even have to debate a resolution like this, as to whether a free country, where they have just proven the ultimate test to democracy, and that is can a long-time power like in Taiwan and like in Mexico, where parties were in power for so many years we wondered whether it was a real democracy. But in fact, they made it a peaceful transition. The economy has not really changed.

The basic institutions in the society are sound like they are in America. And Taiwan is a model of what we should be looking at. If we look at them, they have been successful in high tech. They are one of our major trading partners; important in Indiana, and important in the Midwest and important to all the United States of America. The second largest trading partner with Japan, in fact, a major investor in trade with mainland China.

When we look at it, economically they are what we wanted. Politically they have undergone a transformation of power successfully without violence; that is what we ask of the world. They have religious freedom in their country with diverse religions, without warring, much of what we do not see from other member states of the United Nations.

They supported financially different foreign aid projects such as in Kosovo, even though they are not allowed to be in the United Nations, and we look at it and say what exactly do we want out of a country, what can we demand of these people that they are not delivering? Why in the world would an organization like the United Nations often full of states that are actually controlled by another state, states that are in constant disarray, where democracy is not practiced, where human rights are not practiced, and yet we let them in the United Nations and we will not let Taiwan. What is it that is so intimidating us and other nations of the world.

□ 2100

What is it that is so intimidating us and other nations of the world?

Well, we have undergone a transformation in our relationships with the People's Republic of China. It is clear, as the world's largest nation, that we are going to continue to have some sort of a relationship that we need to work through with this giant nation. But that does not give them the right to push around and deny the rights to others such as Taiwan.

I stand here tonight in strong support of this resolution.

Mr. SCHAFFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Taiwan has played a positive role in promoting world trade and eradicating poverty and in advancing human rights, a fact that merits recognition by members of the United Nations.

Taiwan has a population of 23 million and has a democratic system of government, but above all, it is a peace-loving nation which is able and willing to carry out the obligations contained in the charter of the United Nations.

Today the people of Taiwan enjoy a high degree of freedom and democracy. Taiwan held its first presidential election in March of 1996, the first time in history that Taiwan elected its highest leader by a popular vote.

In March of 2000, Mr. Chen Shui-bian of the Democrat Progressive Party was elected in the second direct presidential election, marking the first ever change of political parties for the Taiwan presidency.

Since Mr. Chen's inauguration on May 20 of this year, the people of Taiwan have witnessed a peaceful transition of power as a result of a democratic election.

Taiwan is one of the most successful examples of economic development in the 21st century, and is now the world's 19th largest economy in terms of gross national product, and the 14th most important trading country where the United States is concerned. It is also a major investor in East Asia, and possesses the third largest amount of foreign reserves in the world.

Taiwan is also a humanitarian-minded country. Over the years, it has sent over 10,000 experts to train technicians all over the world, especially in countries of Asia, the South Pacific, Latin America, and Africa to help develop agriculture, fisheries, livestock industries, and so on.

It also has provided billions of U.S. dollars in disaster relief throughout the world, including in China over the past several years, and has responded to the United Nations appeals for emergency relief and rehabilitation assistance to countries suffering from natural disasters and wars.

Currently, Taiwan contributes capital to regional development programs throughout international financial institutions, such as the Asian Development Bank, the Central American Bank for Economic Integration, the InterAmerican Development Bank, and the European Bank for Reconstruction and Development.

Taiwan is fully committed to observing the premise of the Universal Declaration of Human Rights and to its integration into international human rights systems, spearheaded by the United Nations.

It is for that reason, Mr. Speaker, that this resolution is here before us. Taiwan's quest for self-determination is something that the United States of America has traditionally and consistently supported. That support and that goal of self-determination is critical as the world watches a truly democratic and economic success story unfolding before our very eyes in Taiwan.

It is at this point in time that I urge my colleagues to adopt this resolution which I have introduced to once again restate our support and our commitment to the progress of democracy, the progress of free markets, the progress of a pro-American attitude and sentiment that we see in Taiwan today that is important not only for freedom-loving people in Taiwan, but also important for America's' national and strategic interests, as well.

I might also add, Mr. Speaker, there are millions and millions of Taiwan immigrants here in the United States whose dream for their homeland is the kind of democracy and liberty which they sought in coming to the United States. It is a dream that is born by the greatness of the United States, and in this way, I think this Congress can play a tremendous role in helping not only Taiwanese Americans but also certainly those who are fighting for freedom and liberty and democracy in Taiwan today have the greatest opportunity to secure their hopes and dreams for themselves and for the world.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. SCHAFFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 390.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SCHAFFER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 390, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title was amended so as to read:

Concurrent resolution expressing the sense of the Congress regarding Taiwan's participation in the United Nations and other international organizations.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. GUTKNECHT. Mr. Speaker, I offer a resolution (H. Res. 608) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 608

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Transportation and Infrastructure: Mr. Martinez of California;

Committee on Armed Services: Mrs. Wilson of New Mexico.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE STATE OF AMERICA'S AGRICULTURAL ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I first want to thank the Speaker for the hours that he has spent in the chair for these special orders. The gentleman has gone above and beyond the call of duty to be present to enable Members to address the House for these special orders, and I want to personally thank the Chair.

Mr. Speaker, my colleague, the gentleman from Minnesota (Mr. GUTKNECHT), and I will be talking about an important issue for the agricultural community. I rise today to address an issue that should concern all Americans, the state of our agricultural economy.

Our farmers and livestock producers are faced with another year of daunting economic prospects. Just yesterday, Mr. Speaker, Agriculture Secretary Glickman reported the U.S. had distributed a record $28 billion in direct financial assistance to American farmers and ranchers during fiscal year 2000, $28 billion. This represents up to 50 percent of on-farm cash income. This is significant and should open our eyes to what is happening to American agriculture.

When I listen to farmers in my district, I hear several messages as they try to explain the causes of the economic situation. Many say that we need to address the issue of additional export markets, and I fully agree, and I applaud this Congress for passing monumental trade legislation and opening the door to the potential represented by over 1 billion China citizens when we passed in this Congress permanent normal trade relations with China.

But I also hear from my farmers fears that they are being squeezed out of business by large agricultural corporations. Over the past several years, we have watched as agribusiness after agribusiness has consolidated its operations, merged with its competitors, and created yet an even larger company, dramatically tilting the playing field to the potential disadvantage of the family farmer.

The meat industry may be the best example of concentration run rampant, with concentration and vertical integration in the packing industry making it difficult for small producers to get a fair shake.

In today's livestock markets, four companies, four companies, slaughter 80 percent of the Nation's steers and heifers. In 1998, four companies slaughtered 56 percent of the Nation's hogs, up from 32 percent in 1985.

Complicating matters further is the increased vertical integration of the industry. The most visible was the recent merger of Smithfield Foods, one of the largest packers and owners of hogs, with Murphy Farms, perhaps its greatest competitor in live hog production.

So what has this done to the markets? Well, maybe it has negatively affected competition. Maybe the increased concentration has reduced the marketability of hogs and cattle raised by independent producers in Iowa and other States, like Minnesota. Maybe it has given these large agribusinesses an unfair competitive advantage and allowed them to manipulate prices, and forced smaller companies out of business. We just do not know.

Who will provide answers to these questions? The farmers and livestock producers in my district are looking for help from their government, their only available ally. Some advocate new laws to protect their interests, claiming the existing ones are not doing the job.

But I am not sure that new laws are necessary. We already have some pretty strong laws on the books. The problem is, this administration has not enforced the laws that are already on the books.

I think that increased concentration in the agricultural markets has negatively affected competition and put farmers and producers in Iowa and elsewhere at a disadvantage. But in recent years, the USDA's Grain Inspection and Packers and Stockyard Administration, known as GIPSA, has found relatively few incidents of illegal business practices in livestock markets.

This should provide some reassurance, should it not? Unfortunately, it does not, because last month the General Accounting Office released this report, "Packers and Stockyards Programs, Actions Needed to Improve Investigations of Competitive Practices."

In this report, the GAO says, "USDA has authority under the Packers and Stockyards Act which has been delegated to the Grain Inspection and Packers and Stockyards Administration to initiate administrative actions to halt unfair and anticompetitive practices by packers and livestock marketing and meatpacking."

The authority is already there, but USDA, under this administration, has not done its job. It is not that GIPSA does not investigate alleged anti-competitive behavior. It does. In fact, between October, 1997, and December, 1999, it conducted 74 investigations. The problem is, GIPSA's investigative procedures are inadequate for determining anti-competition investigations.

□ 2115

Despite repeated recommendations to improve its practices, GIPSA continues in its failed attempt to protect the interest of small producers. The GAO found that GIPSA's ability to investigate and enforce allegations of unfair and anti-competitive practices was insufficient because its investigations are lead by economists without the formal involvement of the USDA's Office of General Counsel.

The GAO wrote, "As a result, a legal perspective that focuses on assessing potential violations is generally absent." The GAO recommended that investigation should be based upon the model followed by the Department of Justice and the Federal Trade Commission. These agencies "emphasize establishing the theory of each case and the elements that will prove a case. At each stage of the investigation, there are reviews by senior officials who are attorneys and economists which focus on developing sound cases."

Under these procedures, violations of the Packers and Stockyards Act would be much easier to identify. However, at GIPSA, legal reviews are generally not performed until an investigation is completed. In fact, between 1994 and 1996, only 4 of 84 investigations had been submitted to the general counsel for review because investigations were conducted by staff with inappropriate qualifications, inadequate input from attorneys, and apparent lack of cooperation among GIPSA branches. That, in my mind, is unacceptable.

In addition to developing investigative procedures based on Department of Justice and FTC models, the GAO recommends that the USDA, A, develop a teamwork approach for investigations with GIPSA's economists and USDA's attorneys working together to identify violations of the law; B, determine the number of attorneys that are needed for USDA's general counsel to participate in and, where appropriate, lead GIPSA's investigations; C, provide senior GIPSA and general counsel officials to review the progress of investigations at main decision points; and, D, ensure that legal specialists are used effectively by providing them with leadership and supervision by USDA's attorneys and ensure that GIPSA has the economic talents that it needs.

Mr. Speaker, the Department of Agriculture accepts and agrees with the GAO recommendations. In their official letter of comment, Undersecretary of Marketing and Regulatory Affairs, Michael Dunn, said, "Overall, GIPSA and the OGC concur with the recommendations provided in this report. The Department finds that GAO's recommendations are within GIPSA's existing reorganization, reengineering, training, and long-term planning and implementation strategies."

But reform has not been coming from the agency. In 1997, GIPSA's own Inspector General recommended similar changes. That report highlighted the importance of having attorneys participate in GIPSA's investigations. The office of Inspector General recommended then that GIPSA should follow the FTC and Department of Justice models and recommended several reforms that would greatly improve GIPSA's ability to enforce the Packers and Stockyards Act. At that time, like now, GIPSA agreed; but this new GAO report shows that the reforms taken by GIPSA in response to its office of Inspector General's recommendations are insufficient to properly enforce the law.

In addition, in 1991, the GAO recommended USDA implement a more feasible approach for monitoring activity in livestock markets. So we are looking at an agency which was told 9 years ago it needed to improve its performance with respect to anticompetitive activity in the livestock markets. The agency was again told by its Inspector General 3 years ago what specifically needed to be done to improve its investigative procedures, and they have not done so.

Obviously, USDA needs some Congressional pressure to implement the necessary reforms. That is why today I joined the gentleman from Minnesota (Mr. GUTKNECHT), who is with me here tonight, and our colleagues in the Senate, Senator GRASSLEY from Iowa and Senator GRAMS from Minnesota, in introducing the Packers and Stockyards Enforcement Improvement Act of 2000.

This bill requires USDA to implement within 1 year the recommendations of the GAO to improve its investigations into alleged anti-competitive activity. In addition, the bill requires USDA to develop and implement a training program for competition, investigations, and to provide an annual report to Congress on the State of the cattle and hog industries, identifying business activities that represent possible violations of the Packers and Stockyards Act.

Mr. Speaker, this is an important issue. Farmers and producers rely on the USDA to protect them from anti-competitive practices. If GIPSA cannot do this, who can they turn to? We should implement this bill this year. Our farmers deserve a department and an agency which are properly prepared to address their concerns.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT), a cosponsor of this bill, and I want to express my appreciation to him.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Iowa for yielding to me. I thank him for this special order, and I thank him for this bill.

I want to say a special thank you to our colleagues in the Senate, particularly Senator GRASSLEY for his hearing in September, on September 25, where he highlighted this report.

I want to point out to people who may be watching who the General Accounting Office is. The General Accounting Office is basically our auditors; and many times, they file reports. We send them out to investigate different agencies to find out if they are really doing their jobs. Altogether too often they do a beautiful job of coming back with a report and recommendations, and the reports wind up sitting on some desk somewhere and gathering dust.

So I want to say a special thank you to our colleagues over on the other body for at least saying this time we are going to do something about it, this time we really mean it.

I want to talk a little bit about the Packers and Stockyards Act. It goes back about 70 years, and it was designed to protect individual producers. It was not designed to protect the packers and the stockyards. As the gentleman from Iowa (Mr. GANSKE) mentioned, and I do not want to become repetitive, but what we have seen in the last 10 years especially is a tremendous change in what has happened in the livestock industry.

Frankly, from my perspective, and listening to the gentleman from Iowa speak earlier, we came here together in 1994, and I have always thought in many respects we both come from what I thought was the Teddy Roosevelt wing of the Republican parties, whether it is fighting for open markets and more competition for prescription drugs, which I think we are winning, and I am not so certain. We seem to be waging a war, not only against the pharmaceutical industry, but the FDA itself, and sometimes our own leadership makes our job even more difficult. But the important point is we understand that markets are more powerful than armies and that competition is good.

I was reading about Teddy Roosevelt this weekend; and the more one reads about him, the more interesting he is. But he really and deeply and fiercely believed that competition was a good thing, that it brought out the best, whether it was on the sporting fields or whether it was in business. He fought literally all of his life to make certain that there was adequate competition in every field.

What we have seen in the last several years are really disturbing trends. Let me just share with the people who may be watching this what has happened relative to some of the large mergers. We have talked about this relative to pharmaceutical industry. It was not that long ago we had, well, let us see, there was Glaxo and there was Wellcome and Bristol-Myers. There was Squibb. There were four separate companies. If they have their way, by the end of this year, there will be one company. Now, all of those companies were big companies, and they had tremendous market power, but imagine what it is like now that there is one.

We have talked about the oil industry, the same thing. People sometimes scratch their heads, and they wonder why is it we seem to be at the mercy of the large oil companies. Well, at one time we had Exxon and Mobile, and one was a $55 billion company, and the other was a $43 billion company, and now they are one company.

It was Teddy Roosevelt who was behind breaking up Standard Oil. Now we see all those big oil companies coming back together.

Let us talk about concentration.

Mr. GANSKE. Mr. Speaker, reclaiming my time for a moment, at the moment that we are speaking here on the floor, there is a Presidential debate going on. I hope that one of the questions that is asked Vice President GORE and Governor Bush is what would be their position on antitrust.

I, too, feel like I am a member of the Teddy Roosevelt wing of the Republican Party, a progressive wing that felt that it was important for the little guy to have a chance to compete.

To bring us back to this issue of meat packing, correct me if I am wrong, but I believe the gentleman from Minnesota (Mr. GUTKNECHT) has some personal experience in the business, does he not?

Mr. GUTKNECHT. Mr. Speaker, my experience, I think the gentleman from Iowa is referring to, is that I am a licensed and bonded auctioneer. Yes, I can spit it out pretty fast.

I would like to illustrate, 10 years ago, about 80 percent of the livestock in the United States was sold either in what we call a spot market or in some kind of an auction format. That has now changed that 80 percent of livestock today is sold under some kind of a contract.

Now, I am not totally opposed to contracts, but we have a number of problems with contracts. One is transparency. Many times one producer, independent producers living right across the road from each other, both could have contracts with the same packer, and neither may know what the other's contract really is.

Mr. GANSKE. Mr. Speaker, reclaiming my time, many times, I think they may have clauses in those contracts that say they are not supposed to divulge the contents of that contract; is that not right?

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, that is correct. But the interesting thing is, under the Packers and Stockyards Act, as I understand it, actually the USDA has access to that information. Now, I am not saying they ought to share the information from one neighbor to the other, but there ought to be a way that they can share more information about what actually is going on in the marketplace. Because as I have said, many times our independent producers, our farmers, it is like they go into the casino every day, and they make bets. They are betting against the big grain companies, they are betting with the big fertilizer companies, they are betting with the packers and the people who buy their products.

The problem is the people that they are dealing with have enormous amounts of information. They know what is going on in China. They know what deals they may have going on in other parts of the world. They have much better information. So, in effect, they are going in and they are betting against the house, and the house always wins.

We are not saying that the packers or the stockyards are necessarily evil. But there is something wrong with the system where they have a lot more information, they know what the prices are actually being paid, and the producers do not.

What we are saying is it is time for the USDA to, at least, do what the General Accounting Office is telling us and what they have told us in the past needs to be done to more aggressively enforce the act.

Let me go back to this issue of concentration, because I want to share these numbers with the gentleman from Iowa and some of the people who may be watching.

Since 1993, which coincidentally was when Mr. GORE and Mr. Clinton came into office, since 1993, there have been in the United States 46,571 mergers in the United States that were approved by the Department of Justice. Those deals totaled more than $5 trillion. Now, that is just a big number to most of us, but let us compare that to the previous 8 years. During the previous 8 years, there were only 19,518 mergers, and they totaled a little more than $1 trillion in value.

What we have seen in the last several years is just an enormous amount of concentration, and we are seeing it particularly in agriculture, whether it is on the seed and fertilizer side of the farmer's ledger or whether it is on the side of the ledger where he is selling what he is producing, whether it is grain, or whether it is livestock.

As an auctioneer, I know this. If you have an auction and you only have two bidders, you are not going to get as good a price as if you have five or six bidders.

Now, we cannot always force the situation relative to how many people are going to be in the meat packing business. Again, I am not saying they are particularly evil, but I think there is a system beginning to develop that looks incredibly sinister to those independent producers, and it looks an awful lot like that there is potential for manipulation of some of these prices.

So all we are really saying is we do not need to rewrite the Packers and Stockyards Act. That is what this report says. What we have to do is a better job of enforcing those laws. This is true throughout so much of what we do.

A lot of our more liberal friends says we need more laws, whether it is campaign finance laws or other laws. Some of us say, yes, maybe we do need some changes in the law, but first and foremost, let us enforce the laws that are on the books today. That is what this audit says. That is what this bill says. In effect, this says to the USDA, this time we really mean it.

□ 2130

Mr. GANSKE. Mr. Speaker, I appreciate the gentleman's comments on the meat packing situation. In talking to farmers across the Fourth Congressional District in Iowa, they are very frustrated. We in the State of Iowa have been trying to put together a deal which would create a new beef packing plant in the State of Iowa. I do not know that there has been a modern beef packing plant done in the United States in the last 15 to 20 years.

It is clear that there are a number of reasons why there needs to be more modern packing plants in terms of, I think, the water quality issues and things like that, but also packing facilities that are at a reasonable distance from the producer and an option for them to use. There would be farmers that would have cattle, producers that would have an option then of going to one of the established packers or coming, for instance, to central Iowa. They would then be able to make that judgment based on some competition for the price between those two cattle packers. That does not exist right now.

As the gentleman has pointed out, the number of mergers not just in this industry but in the entire economy is just accelerating beyond belief. And I am glad that the gentleman mentioned the instance of the pharmaceuticals, because we can talk about prescription drugs in a few minutes, but before we leave this issue of enforcement, I think it is important to go over again what we are talking about, and that is that there already is what is called the Grain Inspection and Packers and Stockyards Administration. This administration is charged with finding out whether or not there are anti-competitive practices. Unfortunately, as this GAO report has shown, and others in the past have shown, because of the way the investigations are done by GIPSA, they are not taking advantage of counsel along the way that will help their inspectors determine whether in fact anti-competitive behavior has occurred.

There needs to be counsel giving advice on that. That is one of the recommendations in this report. And it is unfortunate that the USDA and GIPSA has not followed the recommendations of the report in the past. Nine years ago a similar report was made to this, and still nothing has happened. So that is the reason why the gentleman and I have introduced our bill, and Senator GRASSLEY and Senator GRAMS in the Senate have introduced our bill, The Packer and Stockyards Enforcement Improvement Act of 2000.

We are calling on our colleagues, both Republicans and Democrats, particularly in areas that are rural and where they have constituents who are meat producers, to sign on to our bill. As my colleague from Minnesota said, this bill does not write new language in terms of the law, it seeks to affect a more efficient and effective implementation of the prior law.

Mr. GUTKNECHT. And I just want to point out that one of the things that many times people inside the bureaucracy will say is, well, we do not have enough staff or we do not have enough money. But the General Accounting Office does not say that in their report. We currently allocate 153 people and about $16 million, and over the last 2 years they have conducted a grand total of 74 investigations.

Now, I do not know how many is the right number, whether it is staff or whether it is the appropriation or how many investigations that they should conduct, but I do know this; that there is enormous distrust out in farm country among our independent producers out there of the way this law is being enforced. There is a lot of concern. And I think the way to allay that concern is to make certain that at least the recommendations of our own General Accounting Office, as it relates to the investigative methodology that is used, is implemented, to make certain we get to the bottom of this.

We cannot completely solve this problem of concentration. I think that is sort of a function of the way the economy seems to be moving today. On the other hand, I think we can do all within this law that is possible to make certain that if there is only going to be four major packers that are involved in beef packing, that at least there is adequate competition.

Personally, I would love to see moving back to more of an auction format. Frankly, I think that is the fairest way to sell almost anything. And I say that as a licensed and bonded auctioneer. But the real key about the auction was that a person could go to the auction ring and sit there and see what cattle or hogs were actually selling for. If they paid close enough attention, they could tell who was buying them; whether they were going to Armour or Swift or Hormel, wherever they were going. If someone paid attention, they could know who was buying and how much was being paid.

In today's market, that is next to impossible. They publish some prices in the paper, but, in fact, I have to tell my colleague that when we went through that period when hogs dropped to $8 per hundred, the truth of the matter was that many of the hogs being slaughtered in our facilities in Iowa and Minnesota were not selling for $8 a hog, they were selling for substantially more than that because they were on some form of contract. Even today, when we look at the cash market, that may or may not be the price that hogs are actually being sold for on that given day.

The USDA has enormous power under the Packers and Stockyards Act, and what we are saying as part of this is that they need to do a better job of sharing the information they have with those independent producers.

And let me just say finally about the independent producers that anybody who has spent any amount of time with these people who raise livestock, farmers in general but livestock producers in particular, these are the salt of the earth people. The truth of the matter is they do not ask for much from government. Matter of fact, if any of my colleagues were to go to the National Cattlemen's Association, if there is any group in America who says get the government out of our business, it is the Nation's cattlemen. I admire them so much.

All they really ask for is a level playing field and a set of rules that are fair so that they have a chance to compete and take care of their families, perhaps grow their farms and their ranches for their families and future generations. They do not ask for much. And so I think the very minimum that we can do in this Congress is to make certain that we at least implement the recommendations of our own General Accounting Office.

So I congratulate the gentleman for bringing this bill forward. I congratulate the Senate sponsors as well. Hopefully, we can get this bill passed, perhaps in the next 10 days. But I will promise the gentleman that if we do not get it passed before we are able to go home and this Congress adjourns, we will be back next year and I will be prodding my colleagues on the Committee on Agriculture, and I know the gentleman will be prodding his colleagues in the Committee on Commerce to make certain that we do follow through on this and that something happens for these great people out there working their tails off every day.

Mr. GANSKE. Well, Teddy Roosevelt was known as the trust buster, and what we were dealing with at that time was the big oil and the railroads. Probably one of the great books in American literature on capitalism is a book by the name of the "Octopus," and I would encourage all our colleagues to read that book because that book dealt with the iron grip that the railroads had over our agricultural communities at that time. The average farmer there was the victim of a monopoly most of the time in those areas. Take it or leave it; this is our freight rate, and they had no choice. It required the hand of government to come in and act as an equalizing force so that, in effect, competition could flourish and that we could see some justice in the economic markets.

I am afraid that we are heading, with the continued concentration in the food industry, and particularly the meat packing industry, in that same direction. I think it would be better to implement the current laws now effectively rather than at some time in the future be faced with a more draconian type of legislation. And strange things can happen in a democracy. I think that it would behoove the meat packing industry itself to have an interest in the effective application by GIPSA of the Packers and Stockyards Act. So I thank my colleague for joining me on this issue.

I think that we also could speak for a few minutes on a very important issue to our constituents, and that is the high cost of prescription drugs. This is an issue that is important not just for senior citizens but for everyone in the country. We are seeing health insurance premiums rise at 10, 11, 12 percent per year now, largely due to the fact that prescription drug costs are rising at 18 to 20 percent per year, and so employers are being hit with increased costs of premiums and they are passing part of that on to the employees, which is making health care much more expensive.

We are seeing prescription drug prices in this country at four times the cost for the same medicine than it would cost in Mexico; at twice the cost for the same medicine as someone can get the medicine from Canada or the European Union.

I got a letter from a constituent who said that he had been in a clinical trial for a new arthritis medicine. It worked great. He was a volunteer at a hospital, so he went to the hospital pharmacy where, with his volunteer discount, he could get that pill for $2.50 per pill. He got on the Internet that night and he found he would be able to get that pill for about half price from Canada or Europe, Geneva, Switzerland, and a quarter price from Mexico.

And yet, if he does that, he is likely to get a threatening letter from the Food and Drug Administration saying that he is breaking a law that was passed in 1980 that prevents the reimportation of prescription drugs; drugs that are made in this country, safely packaged in this country, and sent overseas. In 1980, they passed a law that said we could not reimport those drugs back into the United States.

It was part of an FDA reform bill. It was a small part, but Ronald Reagan, who was the President at that time, signed the bill in general but gave a warning about that particular part. He said he was really concerned about that special protection for the pharmaceutical industry, because he thought that not allowing reimportation could result in the increase of prescription drugs in the United States. And Ronald Reagan was right, because we are now seeing these high costs.

The gentleman from Minnesota and I, and the gentlewoman from Missouri (Mrs. EMERSON), and a couple of our other colleagues, the gentleman from Oklahoma (Mr. COBURN), including some of our colleagues on the Democratic side of the aisle, the gentleman from Vermont (Mr. SANDERS) and the gentleman from Maine (Mr. BALDACCI) and others, have worked hard to try to fix that law that was passed in 1980 so that we can reimport prescription drugs. If we allowed drugs to come back into the United States at a lower cost, I guaranty the competition in the market would lower the cost for everyone, not just for senior citizens.

I would be happy to yield to the gentleman to give us an update on where that bill is at this point in time.

Mr. GUTKNECHT. Well, the gentleman has done a great job of setting the stage. In this case, I should say Dr. GANSKE. The gentleman probably understands this issue as well as anybody. I sort of fell into it at some of my town hall meetings.

Several years ago, seniors started to talk about bus trips to Canada to buy prescription drugs. And, to be honest, the first couple of times it came up, I just sort of dismissed it. If people want to go to Canada, they can go to Canada. But then I began to learn that the FDA actually sent these threatening letters to seniors if they attempted to reorder. Generally speaking, they will allow people to go across the border with a legal prescription and go into a pharmacy in Canada or Mexico, or, frankly, around the rest of the world.

But I want to take a moment to talk about the differentials. Let us take one drug. The purple pill; Prilosec. The average price in the United States now is about $139 for a 30-day supply. And one of the aspects of many of these drugs is that once a patient begins to take these, they tend to be on them for very long periods of time.

□ 2145

Prilosec is a wonderful drug. It is for acid reflux disease and for ulcers. It is a wonderful drug. I really do not want to bash the makers of it. But the problem is this. In the United States that 30-day supply is about $139 now. That same 30-day supply of exactly the same drug made in the same plant under the same FDA approval sells in Canada for about $55. But in Mexico I am told you can buy the same drug for $17.50. In Europe the average price is about $39.

I think Americans want to pay their fair share. But what is really happening right now is the pharmaceutical industry is shifting much of their cost for research and development and most of their profits are coming at the expense of American consumers. That is just wrong. When we talk about Teddy Roosevelt, we talk about competition and how competition makes things stronger. Competition in sports, competition in business. What we are saying is you have got to have competition in the drug industry. Right now they hide behind the protection of the FDA. We are saying that that has to stop.

I will give the gentleman one more example. My 83-year-old father, unlike some of the politicians' stories, really does take Coumadin. It is a blood thinner. The average price here in the United States for a 30-day supply is about $28. That same drug in Switzerland sells for $2.85. The President and the Vice President and a lot of people on both sides of the aisle say, "We've got to have prescription drug coverage for seniors." But one of the seniors at my town hall meetings said it so well. He said, "If you think drugs are expensive today, just wait till the government provides them for free." If we do not solve this price side of this problem, we will never be able to solve the coverage side. I support the coverage side. I think it is time to have a benefit as part of Medicare that includes prescription drugs. I think that is the right thing to do. But you will never get there, you will never be able to afford that benefit if we do not create some competition in the United States so that Americans have access to world market prices. It is the only area I know of where the world's best customers pay far and away the world's highest prices.

We are making progress. The President has now embraced our bill. Congressional leaders on both sides have embraced our bill. But the FDA and the drug companies are not exactly embracing our bill. As we speak, they are trying to throw more and more grit into the gears to try and slow this thing down. I do believe that ultimately, because we are in the Information Age, this is going to happen. You cannot hold back markets. Shortly after the Soviet flag came down for the last time over the Kremlin, a headline was written and it was so powerful, because what it said was, markets are more powerful than armies. If you think about it, the Soviet experiment was 70 years of the government trying to hold back markets. It cannot be done, particularly in the Information Age. We are going to win this fight. We are going to see prescription drug prices in the United States come down by at least 30 percent. And with those savings, and the estimates are next year we are going to spend $150 billion in this country on prescription drugs, a 30 percent savings, I am not good in math but that works out to $45 billion in savings for American consumers. With some of those savings we can begin to create a better safety net, a better program, some kind of a benefit that will take care of those seniors that currently fall through the cracks.

I want to thank the gentleman for all his help. It has been bipartisan. We have the gentleman from Vermont (Mr. SANDERS), we have got a lot of Democrats who have joined us, the gentleman from Maine (Mr. BALDACCI), lots of Democrats have helped us on this. It is not a partisan issue. I always tell people this is not a debate between the right and the left. This is a debate between right and wrong and it is wrong to make American consumers pay the world's highest prices.

Mr. GANSKE. I would point out that on the House appropriations bill, we have passed an amendment in a bipartisan fashion, 375–12, to allow the reimportation of prescription drugs back into the United States. And on the Senate side, the vote was about 75 for allowing reimportation. Here is where we are on the specifics of the legislation as I understand it today in talks that are ongoing with the White House and between congressional leadership and, that is, that there is an issue on labeling. The prescription drug companies want to try to get a provision into this bill that would say that if the label is at all different, then you cannot bring the drug back in. Those labels frequently will be written in the foreign language of the country that they are in, not necessarily the instructions inside the box, the instructions inside the box could easily be just like the instructions inside the box of a DVD that you would buy. In other words, they would be written in English, German, Spanish, French, so that you would have the same information, but the drug companies are trying to prevent the reimportation by saying that if there is anything different on the label, then it cannot come back in. We need to make sure that that type of loophole is not allowed into it.

Then the drug companies are looking at ways where they can write contracts with wholesalers and retailers overseas, restrictive contracts that would say that they cannot send those drugs back into the United States. That would be totally gutting the bill if they were allowed to do that. We cannot allow the pharmaceutical companies to put a provision into a bill saying that they can write contracts that would be exclusive contracts and not allow for the reimportation.

On the safety issue, honestly I believe that prescription drugs that are made in the United States, shipped overseas, can safely be reimported. The Secretary of Health and Human Services Donna Shalala says that we think that the FDA can monitor the safety of drugs coming back into the United States. Just give us about $24 million more to beef up our inspection service in the FDA and we think we can do it safely and effectively. $24 million is a drop in the bucket compared to the billions of dollars that consumers in this country would save by having increased competition.

I just have to reinforce what my colleague has said. We are talking about increased competition. We are not talking about price controls. We are talking about really letting the market work, whereas right now there is a special protection for those products that almost no other industry has. Do our farmers have that kind of protection? We are dealing with a global market. Our farmers when they sell their corn and beans, that sale price is determined by how many acres are planted in Brazil. They are dealing with a global market. So are our appliance makers. So is our entire economy if we are selling financial services. It is a global market. There is no reason why one industry should have such a special protection when we can safely and effectively administer the reimportation.

Finally, I just want to point out, the negotiations with the White House are primarily going on about whether to allow wholesalers and retailers to reimport prescription drugs. I think the gentleman from Minnesota would agree with me 100 percent, this should not be just for wholesalers and retailers. This should be for individuals as well. And at a bare minimum we ought to delete that law that says that the Customs Department and the Food and Drug Administration can send threatening letters to citizens from this country if they would purchase prescription drugs overseas.

Mr. GUTKNECHT. The gentleman is exactly right. I think that it has to be about allowing the local pharmacies and other groups to import, but most importantly, if nothing else happens this year, we ought to make it very clear to the FDA that as long as it is an FDA-approved drug, made in an FDA-approved facility, they should stop threatening American seniors for trying to save a few bucks on prescription drugs. It is immoral for them to send threatening letters to 87-year-old widows trying to save $15 on a prescription or $20 or maybe $100, whatever it happens to be. For our own FDA to be the bully in this whole debate, it seems to me is outrageous. Now, if it is an illegal drug, then absolutely it ought to be stopped at the border. But if it clearly is an FDA-approved drug made in an FDA-approved facility, for them to be allowed to send threatening letters to our seniors ought to stop and it ought to stop the day the President signs that bill. I feel very strongly about this. Yes, we want to do it for everybody.

Let me come back just real briefly to the whole issue of safety. One of the arguments and we have seen ads, in fact I think the pharmaceutical industry spent something like $400 million this year lobbying and advertising on this issue, it is the Henny Penny, the sky will fall. People just have to think what we can do today with today's technology. There is a software company in Minneapolis that was one of the people who developed the bar coding technology that is now being used in almost every hospital, where they bar code the pharmaceuticals and they put a bar-coded bracelet on everybody. They know exactly when you got your Prilosec or whatever drug was given to you. That technology is there today, could be modified and we can make certain that every product that comes off the line, whether the plant is in Switzerland or Indianapolis, that that is in fact what it says and that it was made on such and such a date at such and such a time, we can check that instantly with today's technology. Not only that, we have got tamperproof containers today that we did not have in 1980. Finally, we can bar code boxes. I do not know when the last time you got a package from Fed Ex or UPS or the post office but almost all of them now have bar coding technology. They know where that package is almost at any moment from the time you deliver it to the parcel delivery service to the time it is electronically signed for. The idea that we cannot protect this commodity when it is going from Great Britain or Geneva to the United States is just outrageous. That is not true. We have the technology.

Finally, let me say, how safe is safe? The truth of the matter is, sometimes people here in the United States get the wrong prescription, or even when they get the right prescription in the right dosage, some people will have adverse reactions. The gentleman mentioned our farmers. Every day hundreds of thousands of pounds of food go across our borders with very, very little inspection by the Food and Drug Administration. But somehow we have to build a wall a mile high to keep out pharmaceuticals. That is just not good common sense. That is all we are really asking for, is some competition and some common sense.

I do not like price controls. The way to break the backs of price controls in other parts of the world is open up the markets. But what will happen is American consumers on a net basis will see their costs go down while the rest of the world starts to pay their fair share.

Mr. GANSKE. I think that this is a very important issue. There are competing plans for more comprehensive pharmaceutical benefits in Medicare. They are caught up right now in presidential politics as well as partisan politics with the elections coming up. But this is something that we have been able to already vote on in both the House and in the Senate in a very bipartisan manner. Would this solve the total problem? No. But it would be an important step forward. I do think that it would result in more competitive and lower priced prescription drugs in this country. It would take a little while for the implementation of the rules that the FDA would make in terms of being able to inspect periodically reimported drugs. So I do not think it would be an immediate benefit. We might not see it in the first 6 months or maybe even year after the implementation, but very shortly I think it could be implemented. And I think that the administration has come to the conclusion that this can be done safely, too. Otherwise, Secretary Shalala would not have said we think that with some small amount of additional funding for the FDA, we can adequately protect American consumers on the reimportation of drugs.

I would point out that as the gentleman already has that food passes back and forth across our borders rather freely. It is inspected periodically. But there are pathogens that can appear on food that can be life-threatening, too. Yet we do not say that there can be no international trade on food. And so this is something that we ought to get done before we finish up. I truly encourage our leadership and the administration to work together in good faith and not to be unduly swayed by attempts by the pharmaceutical industry to put in provisions that would in essence continue this practice of protectionism.

Mr. GUTKNECHT. I would just thank the gentleman again for this special order. If I could just say that the two of us came in 1994 and hopefully, with the blessing of our voters in our district, we are going to be back next year to continue to fight in that Teddy Roosevelt tradition, to create more competition, whether it is in the pharmaceutical industry, whether it is with packers and stockyards, because at the end of the day one of the rules of the Federal Government is to ensure that there will be adequate competition, that there will be a level playing field, and that everybody has a chance to succeed in this marketplace.

□ 2200

So we are going to be back next year, regardless of what happens on either of these issues. We are going to continue to press the envelope, and the spirit of Teddy Roosevelt is still alive and well here in Washington.

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the Chair declares the House in recess, subject to the call of the Chair.

Accordingly (at 10 p.m.) the House stood in recess, subject to the call of the Chair.

□ 2317

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 11 o'clock and 17 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4828, STEENS MOUNTAIN WILDERNESS ACT OF 2000

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 106–930) on the resolution (H. Res. 609) providing for consideration of the bill (H.R. 4828) to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. CARDIN, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. SIMPSON, for 5 minutes, October 5.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, October 10.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker.

H.R. 3363. For the relief of Akal Security, Incorporated.

H.R. 4115. To authorize appropriations for the United States Holocaust memorial museum, and for other purposes.

H.R. 4733. Making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4931. To provide for the training or orientation or individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes.

H.R. 5193. To amend the National Housing Act to temporarily extend the applicability of the downpayment simplification provisions for the PHA single family housing mortgage insurance program.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 704. An act to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs.

S. 179. An act to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the "Clifford P. Hansen Federal Courthouse".

ADJOURNMENT

Mrs. MYRICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 4, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10422. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Annual Report for the calendar year 1999; to the Committee on Banking and Financial Services.

10423. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed transfer of major defense equipment from the Government of Israel [Transmittal RSAT–2–00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10424. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to South Korea [Transmittal No. DTC 130–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10425. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a notice, in accordance with Section 42(b) of the Arms Export Control Act, that the Government of Egypt has requested that the United States Government permit the use of Foreign Military Financing for the sale and limited coproduction of 13 M88A2 tank recovery vehicle kits; to the Committee on International Relations.

10426. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Passport Procedures—Amendment to requirements for executing a passport application on behalf of a minor—received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10427. A letter from the Chairman, Federal Maritime Commission, transmitting a Strategic Plan covering the program activities through fiscal year 2005; to the Committee on Government Reform.

10428. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the NASA 2000 Strategic Plan (Enclosure 1); to the Committee on Government Reform.

10429. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's Strategic Plan for Fiscal Years 2000 through 2005; to the Committee on Government Reform.

10430. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting the Strategic Plan for Fiscal Year 2000-2005; to the Committee on Government Reform.

10431. A letter from the Acting Director, Office of Government Ethics, transmitting the Strategic Plan for Fiscal Years 2001-2006; to the Committee on Government Reform.

10432. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's Strategic Plan for 2000 through 2005; to the Committee on Government Reform.

10433. A letter from the Secretary of Health and Human Services, transmitting the Department's Strategic Plan for Fiscal Years 2001 through 2006; to the Committee on Government Reform.

10434. A letter from the Secretary of Transportation, transmitting the Department's Strategic Plan for Fiscal Years 2000 through 2005; to the Committee on Government Reform.

10435. A letter from the Assistant Attorney General, Office of Justice Programs, transmitting the annual report of the Office of Justice Programs, Fiscal Year 1999, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 3850. A bill to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the nation by relieving unnecessary burdens on the Nation's two percent local exchange telecommunications carriers, and for other purposes, with an amendment (Rept. 106-926). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEKAS: Committee on the Judiciary. H.R. 1293. A bill to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels (Rept. 106-927, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4721. A bill to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States; with an amendment (Rept. 106-928). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4828. A bill to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes; with an amendment (Rept. 106-929, Pt. 1).

Mrs. MYRICK: Committee on Rules. House Resolution 609. Resolution providing for consideration of the bill (H.R. 4828) to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes (Rept. 106-930). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Transportation and Infrastructure discharged. H.R. 1293 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Agriculture discharged. H.R. 4828 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1293. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 3, 2000.

H.R. 4828. Referral to the Committee on Agriculture extended for a period ending not later than October 3, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. POMBO (for himself and Mr. LANTOS):

H.R. 5360. A bill to direct the Secretary of Agriculture to conduct a comprehensive evaluation of, and make necessary recommendations to Congress regarding, Federal and State laws that regulate private ownership of exotic wild animals; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. DINGELL, Mr. INSLEE, Mr. UDALL of New Mexico, Mr. PASCRELL, Mr. LEWIS of Georgia, Mr. PALLONE, Mr. SMITH of Washington, and Mr. TIERNEY):

H.R. 5361. A bill to amend title 49, United States Code, to require periodic inspections of pipelines and improve the safety of our Nation's pipeline system; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself and Mr. MOAKLEY):

H.R. 5362. A bill to increase the amount of fees charged to employers who are petitioners for the employment of H-1B non-immigrant workers, and for other purposes; to the Committee on the Judiciary.

By Mr. GILMAN:

H.R. 5363. A bill to provide for the review by Congress of proposed construction of court facilities; to the Committee on Transportation and Infrastructure.

By Mr. BERMAN (for himself and Mr. BOUCHER):

H.R. 5364. A bill to amend title 35, United States Code, to provide for improvements in the quality of patents on certain inventions; to the Committee on the Judiciary.

By Mr. COX (for himself, Mr. BLILEY, Mr. TAUZIN, Mr. DREIER, Mr. DAVIS of Virginia, Mr. GOODLATTE, Mr. WELLER, Mr. DOOLEY of California, Ms. ESHOO, Mr. MORAN of Virginia, Mr. SMITH of Washington, Mr. CROWLEY, and Mr. GONZALEZ):

H.R. 5365. A bill to impose a temporary moratorium on the elimination of the existing "pooling of interests" method of accounting for business mergers and acquisitions, and for other purposes; to the Committee on Commerce.

By Mr. DINGELL:

H.R. 5366. A bill to abolish the Council on Environmental Quality; to the Committee on Resources.

By Mr. GANSKE (for himself and Mr. GUTKNECHT):

H.R. 5367. A bill to require the implementation of the recommendations of the General Accounting Office on improving the administration of the Packers and Stockyards Act, 1921, by the Department of Agriculture; to the Committee on Agriculture.

By Mr. NEY:

H.R. 5368. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Ohio; to the Committee on Commerce.

By Ms. PRYCE of Ohio (for herself, Mr. HYDE, Mr. CAMP, Mrs. JOHNSON of Connecticut, and Mr. EWING):

H.R. 5369. A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997; to the Committee on the Judiciary.

By Mr. RADANOVICH:

H.R. 5370. A bill to authorize the President to award a gold medal on behalf of the Congress to Peter F. Drucker, the father of modern management, in recognition of his accomplishments as a journalist, a writer, an economist, and a philosopher; to the Committee on Banking and Financial Services.

By Mr. SCHAFFER:

H.R. 5371. A bill to authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado; to the Committee on Resources.

By Mr. SMITH of Michigan:

H.R. 5372. A bill to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes; to the Committee on Agriculture.

By Mr. TANCREDO (for himself, Mr. JONES of North Carolina, and Mr. MCCOLLUM):

H.R. 5373. A bill to guarantee the right of individuals to receive Social Security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Ways and Means.

By Mr. UDALL of New Mexico:

H.R. 5374. A bill to settle the land claims of the Pueblo of Santo Domingo; to the Committee on Resources.

By Mr. WALSH (for himself, Mr. Boehlert, Mr. Gilman, Mr. Reynolds, Mr. Quinn, Mr. Lazio, Mr. Houghton, Mr. McHugh, and Mr. Sweeney):

H.R. 5375. A bill to establish the Erie Canalway National Heritage Corridor in the State of New York, and for other purposes; to the Committee on Resources.

By Mr. BORSKI (for himself, Mr. Lipinski, Mr. Brady of Pennsylvania, Ms. Millender-McDonald, Ms. Kaptur, Mr. McGovern, Mr. Brown of Ohio, Mr. Kleczka, Mr. Dingell, Mr. Gejdenson, Mr. Quinn, Mr. Hoyer, Mr. Smith of New Jersey, Mr. Kanjorski, Mr. Saxton, Mr. Frost, Mr. Rohrabacher, Mr. Klink, Mr. English, Mr. Murtha, Mr. Holden, Mr. Fattah, Mr. Doyle, Mr. McDermott, Mr. Mascara, Mr. Pallone, Mr. Larson, Mr. Pascrell, Mr. Hoeffel, Mr. Stupak, and Mr. Kucinich):

H. Con. Res. 416. Concurrent resolution recognizing the historical significance of the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarnosc, and for other purposes; to the Committee on International Relations.

By Mr. ROHRABACHER (for himself, Mr. Lantos, Mr. Burton of Indiana, and Mr. Faleomavaega):

H. Res. 606. A resolution calling upon the President to provide for the appropriate training of Foreign Service officers and other executive branch personnel in the primacy of democratic values and internationally-recognized human rights; to the Committee on International Relations.

By Mr. SHUSTER:

H. Res. 607. A resolution providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 707; considered and agreed to.

By Mr. GUTKNECHT:

H. Res. 608. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. BARR of Georgia introduced A bill (H.R. 5376) for the relief of Sandra J. Pilot; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. Strickland.

H.R. 71: Mr. Walden of Oregon.

H.R. 82: Mr. Manzullo.

H.R. 284: Mr. Walsh and Mr. Gekas.

H.R. 303: Mr. Greenwood.

H.R. 632: Mr. Cox.

H.R. 700: Mr. Walden of Oregon.

H.R. 842: Mr. Chabot, Mr. Rahall, Mr. Wise, and Mr. Kucinich.

H.R. 1071: Mr. Holt, Ms. Slaughter, and Mr. Pickett.

H.R. 1182: Mr. Green of Wisconsin.

H.R. 1196: Mr. Moakley.

H.R. 1303: Mr. Bereuter, and Mr. Saxton.

H.R. 1422: Mr. Clement.

H.R. 1560: Mr. Crane.

H.R. 1595: Mr. Nadler.

H.R. 1671: Mr. Gibbons.

H.R. 1689: Mr. LoBiondo.

H.R. 2000: Mr. Greenwood.

H.R. 2166: Mr. Holt, Ms. Woolsey, Mrs. Northup, Mr. Mica, and Ms. Baldwin.

H.R. 2355: Mr. Lampson.

H.R. 2451: Mr. Pickering.

H.R. 2620: Mr. Weller and Mr. Weldon of Florida.

H.R. 2702: Mrs. Kelly.

H.R. 2814: Ms. Lee.

H.R. 2835: Ms. Woolsey.

H.R. 2894: Mr. Pickering.

H.R. 3083: Mr. Hastings of Florida.

H.R. 3433: Mr. Fattah.

H.R. 4025: Mr. Mica.

H.R. 4145: Mr. Brown of Ohio.

H.R. 4162: Mr. Olver.

H.R. 4281: Mr. Hastings of Washington.

H.R. 4328: Mr. Ose and Mr. Sandlin.

H.R. 4487: Mr. Allen.

H.R. 4493: Mr. McNulty.

H.R. 4498: Mrs. Thurman.

H.R. 4527: Mr. Wolf, Mr. Phelps, Mr. Becerra, Mr. Tierney, Mr. Hill of Indiana, Ms. Sanchez, Mr. Gonzalez, Mrs. Napolitano, Ms. Berkley, Mr. Moore, Mr. Olver, Mr. Kind, Mr. Abercrombie, Mr. Kucinich, Mr. Weiner, Mr. Frank of Massachusetts, Mr. Jefferson, Mr. Meeks of New York, Mr. Thompson of California, Mrs. Lowey, Mr. McGovern, Ms. Millender-McDonald, Mr. Dixon, Mr. Miller of Florida, Mr. McDermott, Mr. Gekas, Mrs. Wilson, Mr. Hoeffel, Mr. Baldacci, Mr. Doyle, Mr. George Miller of California, Mr. Herger, Mr. Baca, Ms. Velázquez, Mr. Sabo, Mr. Hulshof, Mr. Baird, Mrs. Bono, Mr. Evans, Ms. Kilpatrick, and Mr. Kolbe.

H.R. 4570: Mr. Porter, Mr. Fattah, and Mr. Watkins.

H.R. 4650: Mr. Toomey.

H.R. 4672: Mr. Smith of Texas.

H.R. 4728: Ms. Eshoo, Mr. Hayworth, Mr. Watkins, Mr. Pickering, Mr. Wicker, Mr. Millender-McDonald, Mr. Coburn, Mr. Turner, Mr. Hefley, Mr. Bilirakis, Ms. Pryce of Ohio, and Mr. Shaffer.

H.R. 4792: Mrs. Lowey and Mr. Dingell.

H.R. 4825: Mr. Watt of North Carolina, Mr. Inslee, Mr. Jones of North Carolina, Mr. Moore, Mrs. Roukema, Mr. Hinchey, Mr. Saxton, and Mr. Moran of Virginia.

H.R. 4874: Mr. Weygand.

H.R. 4935: Ms. Schakowsky.

H.R. 4971: Mr. Stearns, Mrs. Meek of Florida, and Mr. Canady of Florida.

H.R. 5015: Ms. Kaptur and Mr. Frost.

H.R. 5055: Ms. Kilpatrick and Mr. Gonzalez.

H.R. 5068: Mr. Mica, Mr. Scarborough, Mr. Bilirakis, and Mr. Stearns.

H.R. 5081: Mr. Abercrombie.

H.R. 5132: Mr. Shays, Ms. Kaptur, Mr. Filner, Mr. Abercrombie, and Ms. McKinney.

H.R. 5147: Mr. Evans, Mr. Tierney, Mr. Weiner, Mr. McGovern, Mr. Capuano, Mr. DeFazio, Mr. Abercrombie, and Mr. McDermott.

H.R. 5151: Mr. Isakson.

H.R. 5166: Mr. Evans.

H.R. 5178: Mrs. Kelly and Mr. Klink.

H.R. 5180: Mr. Doyle, Mr. Kuykendall, and Mr. Goode.

H.R. 5212: Mrs. Myrick, Mr. Lipinski, Mr. Stearns, Mr. McHugh, and Mr. Gibbons.

H.R. 5236: Mr. Rodriguez.

H.R. 5237: Mr. Rodriguez.

H.R. 5242: Mrs. Lowey, Mr. Fossella, Mr. Ackerman, Mr. Meeks of New York, Mr. Crowley, and Ms. Slaughter.

H.R. 5262: Ms. Lofgren and Mr. Frost.

H.R. 5265: Mr. Hefley.

H.R. 5268: Mr. Filner, Mr. Kingston, Mr. Davis of Illinois, and Mr. Sisisky.

H.R. 5271: Mr. Holden, Mr. Lipinski, Mr. Rangel, Mr. Kucinich, and Mr. Mascara.

H.R. 5275: Mr. Strickland and Mr. Boehlert.

H.R. 5306: Mr. Stump, Mr. Sessions, Mr. McIntosh, Mr. Ehrlich, Mr. Riley, Mr. Stevens, Mr. Watts of Oklahoma, Mr. Everett, and Mr. Paul.

H.R. 5311: Mr. Sanders, Mr. Filner, Ms. Kaptur, Mrs. Jones of Ohio, Mr. Abercrombie, Mr. Frost, Ms. McKinney, Mr. Rahall, Ms. Millender-McDonald, Mr. Bonior, and Mr. Kucinich.

H.R. 5331: Mr. Cardin, and Ms. Berkley.

H.R. 5345: Mr. Baca, Mr. Dixon, Mr. Boehlert, and Mr. McHugh.

H.J. Res. 48: Mr. Weller.

H. Con. Res. 77: Mr. Saxton.

H. Con. Res. 283: Mr. Condit.

H. Con. Res. 323: Mr. Udall of Colorado.

H. Con. Res. 337: Mr. Cox, Mr. King, and Mr. Weller.

H. Con. Res. 364: Mr. Turner.

H. Con. Res. 373: Mr. DeFazio.

H. Con. Res. 384: Mr. Hayworth, Mr. Bonilla, and Mr. Cox.

H. Con. Res. 395: Ms. Hooley of Oregon.

H. Con. Res. 404: Mr. Filner, Mr. Faleomavaega, Mr. Towns, Mr. Hinchey, Ms. Berkley, Mr. Turner, and Mr. Hutchinson.

H. Res. 347: Mr. Walsh.

H. Res. 458: Mr. Bachus, Mr. DeFazio, Mr. Ballenger, Mr. Watt of North Carolina, Mr. Lantos, and Mr. Tauzin.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments, were submitted as follows:

H.R. 4828

OFFERED BY: MR. WALDEN OF OREGON

[Amendment in the Nature of a Substitute]

Amendment No. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; PURPOSES; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Steens Mountain Cooperative Management and Protection Act of 2000".

(b) Purposes.—The purposes of this Act are the following:

(1) To maintain the cultural, economic, ecological, and social health of the Steens Mountain area in Harney County, Oregon.

(2) To designate the Steens Mountain Wilderness Area.

(3) To designate the Steens Mountain Cooperative Management and Protection Area.

(4) To provide for the acquisition of private lands through exchange for inclusion in the Wilderness Area and the Cooperative Management and Protection Area.

(5) To provide for and expand cooperative management activities between public and private landowners in the vicinity of the Wilderness Area and surrounding lands.

(6) To authorize the purchase of land and development and nondevelopment rights.

(7) To designate additional components of the National Wild and Scenic Rivers System.

(8) To establish a reserve for redband trout and a wildlands juniper management area.

(9) To establish a citizens' management advisory council for the Cooperative Management and Protection Area.

(10) To maintain and enhance cooperative and innovative management practices between the public and private land managers in the Cooperative Management and Protection Area.

(11) To promote viable and sustainable grazing and recreation operations on private and public lands.

(12) To conserve, protect, and manage for healthy watersheds and the long-term ecological integrity of Steens Mountain.

(13) To authorize only such uses on Federal lands in the Cooperative Management and Protection Area that are consistent with the purposes of this Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; purposes; table of contents.
Sec. 2. Definitions.
Sec. 3. Maps and legal descriptions.
Sec. 4. Valid existing rights.
Sec. 5. Protection of tribal rights.

TITLE I—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA

Subtitle A—Designation and Purposes

Sec. 101. Designation of Steens Mountain Cooperative Management and Protection Area.
Sec. 102. Purpose and objectives of Cooperative Management and protection Area.

Subtitle B—Management of Federal Lands

Sec. 111. Management authorities and purposes.
Sec. 112. Roads and travel access.
Sec. 113. Land use authorities.
Sec. 114. Land acquisition authority.
Sec. 115. Special use permits.

Subtitle C—Cooperative Management

Sec. 121. Cooperative management agreements.
Sec. 122. Cooperative efforts to control development and encourage conservation.

Subtitle D—Advisory Council

Sec. 131. Establishment of advisory council.
Sec. 132. Advisory role in management activities.
Sec. 133. Science committee.

TITLE II—STEENS MOUNTAIN WILDERNESS AREA

Sec. 201. Designation of Steens Mountain Wilderness Area.
Sec. 202. Administration of Wilderness Area.
Sec. 203. Water rights.
Sec. 204. Treatment of wilderness study areas.

TITLE III—WILD AND SCENIC RIVERS AND TROUT RESERVE

Sec. 301. Designation of streams for wild and scenic river status in Steens Mountain area.
Sec. 302. Donner und Blitzen River redband trout reserve.

TITLE IV—MINERAL WITHDRAWAL AREA

Sec. 401. Designation of mineral withdrawal area.
Sec. 402. Treatment of State lands and mineral interests.

TITLE V—ESTABLISHMENT OF WILDLANDS JUNIPER MANAGEMENT AREA

Sec. 501. Wildlands juniper management area.
Sec. 502. Release from wilderness study area status.

TITLE VI—LAND EXCHANGES

Sec. 601. Land exchange, Roaring Springs Ranch.
Sec. 602. Land exchanges, C.M. Otley and Otley Brothers.
Sec. 603. Land exchange, Tom J. Davis Livestock, Incorporated.
Sec. 604. Land exchange, Lowther (Clemens) Ranch.
Sec. 605. General provisions applicable to land exchanges.

TITLE VII—FUNDING AUTHORITIES

Sec. 701. Authorization of appropriations.
Sec. 702. Use of land and water conservation fund.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVISORY COUNCIL.—The term "advisory council" means the Steens Mountain Advisory Council established by title IV.

(2) COOPERATIVE MANAGEMENT AGREEMENT.—An agreement to plan or implement (or both) cooperative recreation, ecological, grazing, fishery, vegetation, prescribed fire, cultural site protection, wildfire or other measures to beneficially meet public use needs and the public land and private land objectives of this Act.

(3) COOPERATIVE MANAGEMENT AND PROTECTION AREA.—The term "Cooperative Management and Protection Area" means the Steens Mountain Cooperative Management and Protection Area designated by title I.

(4) EASEMENTS.—

(A) CONSERVATION EASEMENT.—The term "conservation easement" means a binding contractual agreement between the Secretary and a landowner in the Cooperative Management and Protection Area under which the landowner, permanently or during a time period specified in the agreement, agrees to conserve or restore habitat, open space, scenic, or other ecological resource values on the land covered by the easement.

(B) NONDEVELOPMENT EASEMENT.—The term "nondevelopment easement" means a binding contractual agreement between the Secretary and a landowner in the Cooperative Management and Protection Area that will, permanently or during a time period specified in the agreement—

(i) prevent or restrict development on the land covered by the easement; or

(ii) protect open space or viewshed.

(5) ECOLOGICAL INTEGRITY.—The term "ecological integrity" means a landscape where ecological processes are functioning to maintain the structure, composition, activity, and resilience of the landscape over time, including—

(A) a complex of plant communities, habitats and conditions representative of variable and sustainable successional conditions; and

(B) the maintenance of biological diversity, soil fertility, and genetic interchange.

(6) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Cooperative Management and Protection Area and the Wilderness Area required to be prepared by section 111(b).

(7) REDBAND TROUT RESERVE.—The term "Redband Trout Reserve" means the Donner und Blitzen Redband Trout Reserve designated by section 302.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Land Management.

(9) SCIENCE COMMITTEE.—The term "science committee" means the committee of independent scientists appointed under section 133.

(10) WILDERNESS AREA.—The term "Wilderness Area" means the Steens Mountain Wilderness Area designated by title II.

SEC. 3. MAPS AND LEGAL DESCRIPTIONS.

(a) PREPARATION AND SUBMISSION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress maps and legal descriptions of the following:

(1) The Cooperative Management and Protection Area.

(2) The Wilderness Area.

(3) The wild and scenic river segments and redband trout reserve designated by title III.

(4) The mineral withdrawal area designated by title IV.

(5) The wildlands juniper management area established by title V.

(6) The land exchanges required by title VI.

(b) LEGAL EFFECT AND CORRECTION.—The maps and legal descriptions referred to in subsection (a) shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

(c) PUBLIC AVAILABILITY.—Copies of the maps and legal descriptions referred to in subsection (a) shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management and in the appropriate office of the Bureau of Land Management in the State of Oregon.

SEC. 4. VALID EXISTING RIGHTS.

Nothing in this Act shall effect any valid existing right.

SEC. 5. PROTECTION OF TRIBAL RIGHTS.

Nothing in this Act shall be construed to diminish the rights of any Indian tribe. Nothing in this Act shall be construed to diminish tribal rights, including those of the Burns Paiute Tribe, regarding access to Federal lands for tribal activities, including spiritual, cultural, and traditional food gathering activities.

TITLE I—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA

Subtitle A—Designation and Purposes

SEC. 101. DESIGNATION OF STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA.

(a) DESIGNATION.—The Secretary shall designate the Steens Mountain Cooperative Management and Protection Area consisting of approximately 425,550 acres of Federal land located in Harney County, Oregon, in the vicinity of Steens Mountain, as generally depicted on the map entitled "Steens Mountain Boundary Map" and dated September 18, 2000.

(b) CONTENTS OF MAP.—In addition to the general boundaries of the Cooperative Management and Protection Area, the map referred to in subsection (a) also depicts the general boundaries of the following:

(1) The no livestock grazing area described in section 113(e).

(2) The mineral withdrawal area designated by title IV.

(3) The wildlands juniper management area established by title V.

SEC. 102. PURPOSE AND OBJECTIVES OF COOPERATIVE MANAGEMENT AND PROTECTION AREA.

(a) PURPOSE.—The purpose of the Cooperative Management and Protection Area is to conserve, protect, and manage the long-term ecological integrity of Steens Mountain for future and present generations.

(b) OBJECTIVES.—To further the purpose specified in subsection (a), and consistent with such purpose, the Secretary shall manage the Cooperative Management and Protection Area for the benefit of present and future generations—

(1) to maintain and enhance cooperative and innovative management projects, programs and agreements between tribal, public, and private interests in the Cooperative Management and Protection Area;

(2) to promote grazing, recreation, historic, and other uses that are sustainable;

(3) to conserve, protect and to ensure traditional access to cultural, gathering, religious, and archaeological sites by the Burns Paiute Tribe on Federal lands and to promote cooperation with private landowners;

(4) to ensure the conservation, protection, and improved management of the ecological, social, and economic environment of the Cooperative Management and Protection Area, including geological, biological, wildlife, riparian, and scenic resources; and

(5) to promote and foster cooperation, communication, and understanding and to reduce conflict between Steens Mountain users and interests.

Subtitle B—Management of Federal Lands

SEC. 111. MANAGEMENT AUTHORITIES AND PURPOSES.

(a) In General.—The Secretary shall manage all Federal lands included in the Cooperative Management and Protection Area pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable provisions of law, including this Act, in a manner that—

(1) ensures the conservation, protection, and improved management of the ecological, social and economic environment of the Cooperative Management and Protection Area, including geological, biological, wildlife, riparian, and scenic resources, North American Indian tribal and cultural and archaeological resource sites, and additional cultural and historic sites; and

(2) recognizes and allows current and historic recreational use.

(b) Management Plan.—Within four years after the date of the enactment of this Act, the Secretary shall develop a comprehensive plan for the long-range protection and management of the Federal lands included in the Cooperative Management and Protection Area, including the Wilderness Area. The plan shall—

(1) describe the appropriate uses and management of the Cooperative Management and Protection Area consistent with this Act;

(2) incorporate, as appropriate, decisions contained in any current or future management or activity plan for the Cooperative Management and Protection Area and use information developed in previous studies of the lands within or adjacent to the Cooperative Management and Protection Area;

(3) provide for coordination with State, county, and private local landowners and the Burns Paiute Tribe; and

(4) determine measurable and achievable management objectives, consistent with the management objectives in section 102, to ensure the ecological integrity of the area.

(c) Monitoring.—The Secretary shall implement a monitoring program for Federal lands in the Cooperative Management and Protection Area so that progress towards ecological integrity objectives can be determined.

SEC. 112. ROADS AND TRAVEL ACCESS.

(a) Transportation Plan.—The management plan shall include, as an integral part, a comprehensive transportation plan for the Federal lands included in the Cooperative Management and Protection Area, which shall address the maintenance, improvement, and closure of roads and trails as well as travel access.

(b) Prohibition on Off-Road Motorized Travel.—

(1) Prohibition.—The use of motorized or mechanized vehicles on Federal lands included in the Cooperative Management and Protection Area—

(A) is prohibited off road; and

(B) is limited to such roads and trails as may be designated for their use as part of the management plan.

(2) Exceptions.—Paragraph (1) does not prohibit the use of motorized or mechanized vehicles on Federal lands included in the Cooperative Management and Protection Area if the Secretary determines that such use—

(A) is needed for administrative purposes or to respond to an emergency; or

(B) is appropriate for the construction or maintenance of agricultural facilities, fish and wildlife management, or ecological restoration projects, except in areas designated as wilderness or managed under the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(c) Road Closures.—Any determination to permanently close an existing road in the Cooperative Management and Protection Area or to restrict the access of motorized or mechanized vehicles on certain roads shall be made in consultation with the advisory council and the public.

(d) Prohibition on New Construction.—

(1) Prohibition, exception.—No new road or trail for motorized or mechanized vehicles may be constructed on Federal lands in the Cooperative Management and Protection Area unless the Secretary determines that the road or trail is necessary for public safety or protection of the environment. Any determination under this subsection shall be made in consultation with the advisory council and the public.

(2) Trails.—Nothing in this subsection is intended to limit the authority of the Secretary to construct or maintain trails for nonmotorized or nonmechanized use.

(e) Access to Nonfederally Owned Lands.—

(1) Reasonable access.—The Secretary shall provide reasonable access to nonfederally owned lands or interests in land within the boundaries of the Cooperative Management and Protection Area and the Wilderness Area to provide the owner of the land or interest the reasonable use thereof.

(2) Effect on existing rights-of-way.—Nothing in this Act shall have the effect of terminating any valid existing right-of-way on Federal lands included in the Cooperative Management and Protection Area.

SEC. 113. LAND USE AUTHORITIES.

(a) In General.—The Secretary shall allow only such uses of the Federal lands included in the Cooperative Management and Protection Area as the Secretary finds will further the purposes for which the Cooperative Management and Protection Area is established.

(b) Commercial Timber.—

(1) Prohibition.—The Federal lands included in the Cooperative Management and Protection Area shall not be made available for commercial timber harvest.

(2) Limited exception.—The Secretary may authorize the removal of trees from Federal lands in the Cooperative Management and Protection Area only if the Secretary determines that the removal is clearly needed for purposes of ecological restoration and maintenance or for public safety. Except in the Wilderness Area and the wilderness study areas referred to in section 204(a), the Secretary may authorize the sale of products resulting from the authorized removal of trees under this paragraph.

(c) Juniper Management.—The Secretary shall emphasize the restoration of the historic fire regime in the Cooperative Management and Protection Area and the resulting native vegetation communities through active management of Western Juniper on a landscape level. Management measures shall include the use of natural and prescribed burning.

(d) Hunting, Fishing, and Trapping.—

(1) Authorization.—The Secretary shall permit hunting, fishing, and trapping on Federal lands included in the Cooperative Management and Protection Area in accordance with applicable laws and regulations of the United States and the State of Oregon.

(2) Area and time limitations.—After consultation with the Oregon Department of Fish and Wildlife, the Secretary may designate zones where, and establish periods when, hunting, trapping or fishing is prohibited on Federal lands included in the Cooperative Management and Protection Area for reasons of public safety, administration, or public use and enjoyment.

(e) Grazing.—

(1) Continuation of existing law.—Except as otherwise provided in this section and title VI, the laws, regulations, and executive orders otherwise applicable to the Bureau of Land Management in issuing and administering grazing leases and permits on lands under its jurisdiction shall apply in regard to the Federal lands included in the Cooperative Management and Protection Area.

(2) Cancellation of certain permits.—The Secretary shall cancel that portion of the permitted grazing on Federal lands in the Fish Creek/Big Indian, East Ridge, and South Steens allotments located within the area designated as the "no livestock grazing area" on the map referred to in section 101(a). Upon cancellation, future grazing use in that designated area is prohibited. The Secretary shall be responsible for installing and maintaining any fencing required for resource protection within the designated no livestock grazing area.

(3) Forage replacement.—Reallocation of available forage shall be made as follows:

(A) O'Keefe pasture within the Miners Field allotment to Stafford Ranches.

(B) Fields Seeding and Bone Creek Pasture east of the county road within the Miners Field allotment to Amy Ready.

(C) Miners Field Pasture, Schouver Seeding and Bone Creek Pasture west of the county road within the Miners Field allotment to Roaring Springs Ranch.

(D) 800 animal unit months within the Crows Nest allotment to Lowther (Clemens) Ranch.

(4) Fencing and water systems.—The Secretary shall also construct fencing and develop water systems as necessary to allow reasonable and efficient livestock use of the forage resources referred to in paragraph (3).

(f) Prohibition on Construction of Facilities.—No new facilities may be constructed on Federal lands included in the Cooperative Management and Protection Area unless the Secretary determines that the structure—

(1) will be minimal in nature;

(2) is consistent with the purposes of this Act; and

(3) is necessary—

(A) for enhancing botanical, fish, wildlife, or watershed conditions;

(B) for public information, health, or safety;

(C) for the management of livestock; or

(D) for the management of recreation, but not for the promotion of recreation.

(g) Withdrawal.—Subject to valid existing rights, the Federal lands and interests in lands included in the Cooperative Management and Protection Areas are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, except in the case of land exchanges if the Secretary determines that the exchange furthers the purpose and objectives specified in section 102 and so certifies to Congress.

SEC. 114. LAND ACQUISITION AUTHORITY.

(a) Acquisition.—

(1) Acquisition authorized.—In addition to the land acquisitions authorized by title VI, the Secretary may acquire other non-Federal lands and interests in lands located within the boundaries of the Cooperative Management and Protection Area or the Wilderness Area.

(2) Acquisition methods.—Lands may be acquired under this subsection only by voluntary exchange, donation, or purchase from willing sellers.

(b) Treatment of Acquired Lands.—

(1) In general.—Subject to paragraphs (2) and (3), lands or interests in lands acquired under subsection (a) or title VI that are located within the boundaries of the Cooperative Management and Protection Area shall—

(A) become part of the Cooperative Management and Protection Area; and

(B) be managed pursuant to the laws applicable to the Cooperative Management and Protection Area.

(2) Lands within wilderness area.—If lands or interests in lands acquired under subsection (a) or title VI are within the boundaries of the Wilderness Area, the acquired lands or interests in lands shall—

(1) become part of the Wilderness Area; and

(2) be managed pursuant to title II and the other laws applicable to the Wilderness Area.

(3) Lands within wilderness study area.—If the lands or interests in lands acquired under subsection (a) or title VI are within the boundaries of a wilderness study area, the acquired lands or interests in lands shall—

(1) become part of that wilderness study area; and

(2) be managed pursuant to the laws applicable to that wilderness study area.

(c) Appraisal.—In appraising non-Federal land, development rights, or conservation easements for possible acquisition under this section or section 122, the Secretary shall disregard any adverse impacts on values resulting from the designation of the Cooperative Management and Protection Area or the Wilderness Area.

SEC. 115. SPECIAL USE PERMITS.

The Secretary may renew a special recreational use permit applicable to lands included in the Wilderness Area to the extent that the Secretary determines that the permit is consistent with the Wilderness Act (16 U.S.C. 1131 et seq.). If renewal is not consistent with the Wilderness Act, the Secretary shall seek other opportunities for the permit holder through modification of the permit to realize historic permit use to the extent that the use is consistent with the Wilderness Act and this Act, as determined by the Secretary.

Subtitle C—Cooperative Management

SEC. 121. COOPERATIVE MANAGEMENT AGREEMENTS.

(a) Cooperative Efforts.—To further the purposes and objectives for which the Cooperative Management and Protection Area is designated, the Secretary may work with non-Federal landowners and other parties who voluntarily agree to participate in the cooperative management of Federal and non-Federal lands in the Cooperative Management and Protection Area.

(b) Agreements Authorized.—The Secretary may enter into a cooperative management agreement with any party to provide for the cooperative conservation and management of the Federal and non-Federal lands subject to the agreement.

(c) Other Participants.—With the consent of the landowners involved, the Secretary may permit permittees, special-use permit holders, other Federal and State agencies, and interested members of the public to participate in a cooperative management agreement as appropriate to achieve the resource or land use management objectives of the agreement.

(d) Tribal Cultural Site Protection.—The Secretary may enter into agreements with the Burns Paiute Tribe to protect cultural sites in the Cooperative Management and Protection Area of importance to the tribe.

SEC. 122. COOPERATIVE EFFORTS TO CONTROL DEVELOPMENT AND ENCOURAGE CONSERVATION.

(a) Policy.—Development on public and private lands within the boundaries of the Cooperative Management and Protection Area which is different from the current character and uses of the lands is inconsistent with the purposes of this Act.

(b) Use of Nondevelopment and Conservation Easements.—The Secretary may enter into a nondevelopment easement or conservation easement with willing landowners to further the purposes of this Act.

(c) Conservation Incentive Payments.—The Secretary may provide technical assistance, cost-share payments, incentive payments, and education to a private landowner in the Cooperative Management and Protection Area who enters into a contract with the Secretary to protect or enhance ecological resources on the private land covered by the contract if those protections or enhancements benefit public lands.

(d) Relation to Property Rights and State and Local Law.—Nothing in this Act is intended to affect rights or interests in real property or supersede State law.

Subtitle D—Advisory Council

SEC. 131. ESTABLISHMENT OF ADVISORY COUNCIL.

(a) Establishment.—The Secretary shall establish the Steens Mountain Advisory Council to advise the Secretary in managing the Cooperative Management and Protection Area and in promoting the cooperative management under subtitle C.

(b) Members.—The advisory council shall consist of 12 voting members, to be appointed by the Secretary, as follows:

(1) A private landowner in the Cooperative Management and Protection Area, appointed from nominees submitted by the county court for Harney County, Oregon.

(2) Two persons who are grazing permittees on Federal lands in the Cooperative Management and Protection Area, appointed from nominees submitted by the county court for Harney County, Oregon.

(3) A person interested in fish and recreational fishing in the Cooperative Management and Protection Area, appointed from nominees submitted by the Governor of Oregon.

(4) A member of the Burns Paiute Tribe, appointed from nominees submitted by the Burns Paiute Tribe.

(5) Two persons who are recognized environmental representatives, one of whom shall represent the State as a whole, and one of whom is from the local area, appointed from nominees submitted by the Governor of Oregon.

(6) A person who participates in what is commonly called dispersed recreation, such as hiking, camping, nature viewing, nature photography, bird watching, horse back riding, or trail walking, appointed from nominees submitted by the Oregon State Director of the Bureau of Land Management.

(7) A person who is a recreational permit holder or is a representative of a commercial recreation operation in the Cooperative Management and Protection Area, appointed from nominees submitted jointly by the Oregon State Director of the Bureau of Land Management and the county court for Harney County, Oregon.

(8) A person who participates in what is commonly called mechanized or consumptive recreation, such as hunting, fishing, off-road driving, hang gliding, or parasailing, appointed from nominees submitted by the Oregon State Director of the Bureau of Land Management.

(9) A person with expertise and interest in wild horse management on Steens Mountain, appointed from nominees submitted by the Oregon State Director of the Bureau of Land Management.

(10) A person who has no financial interest in the Cooperative Management and Protection Area to represent statewide interests, appointed from nominees submitted by the Governor of Oregon.

(c) Consultation.—In reviewing nominees submitted under subsection (b) for possible appointment to the advisory council, the Secretary shall consult with the respective community of interest that the nominees are to represent to ensure that the nominees have the support of their community of interest.

(d) Terms.—

(1) Staggered terms.—Members of the advisory council shall be appointed for terms of three years, except that, of the members first appointed, four members shall be appointed for a term of one year and four members shall be appointed for a term of two years.

(2) Reappointment.—A member may be reappointed to serve on the advisory council.

(3) Vacancy.—A vacancy on the advisory council shall be filled in the same manner as the original appointment.

(d) Chairperson and Procedures.—The advisory council shall elect a chairperson and establish such rules and procedures as it deems necessary or desirable.

(e) Service Without Compensation.—Members of the advisory council shall serve without pay, but the Secretary shall reimburse members for reasonable expenses incurred in carrying out official duties as a member of the council.

(f) Administrative Support.—The Secretary shall provide the advisory council with necessary administrative support and shall designate an appropriate officer of the Bureau of Land Management to serve as the Secretary's liaison to the council.

(g) State Liaison.—The Secretary shall appoint one person, nominated by the Governor of Oregon, to serve as the State government liaison to the advisory council.

(h) Applicable Law.—The advisory committee shall be subject to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 132. ADVISORY ROLE IN MANAGEMENT ACTIVITIES.

(a) MANAGEMENT RECOMMENDATIONS.—The advisory committee shall utilize sound science, existing plans for the management of Federal lands included in the Cooperative Management and Protection Area, and other tools to formulate recommendations for the Secretary regarding—

(1) new and unique approaches to the management of lands within the boundaries of the Cooperative Management and Protection Area; and

(2) cooperative programs and incentives for seamless landscape management that meets human needs and maintains and improves the ecological and economic integrity of the Cooperative Management and Protection Area.

(b) PREPARATION OF MANAGEMENT PLAN.—The Secretary shall consult with the advisory committee as part of the preparation and implementation of the management plan.

(c) SUBMISSION OF RECOMMENDATIONS.—No recommendations may be presented to the Secretary by the advisory council without the agreement of at least nine members of the advisory council.

SEC. 133. SCIENCE COMMITTEE.

The Secretary shall appoint, as needed or at the request of the advisory council, a team of respected, knowledgeable, and diverse scientists to provide advice on questions relating to the management of the Cooperative Management and Protection Area to the Secretary and the advisory council. The Secretary shall seek the advice of the advisory council in making these appointments.

TITLE II—STEENS MOUNTAIN WILDERNESS AREA

SEC. 201. DESIGNATION OF STEENS MOUNTAIN WILDERNESS AREA.

The Federal lands in the Cooperative Management and Protection Area depicted as wilderness on the map entitled "Steens Mountain Wilderness Area" and dated September 18, 2000, are hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System. The wilderness area shall be known as the Steens Mountain Wilderness Area.

SEC. 202. ADMINISTRATION OF WILDERNESS AREA.

(a) GENERAL RULE.—The Secretary shall administer the Wilderness Area in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.). Any reference in the Wilderness Act to the effective date of that Act (or any similar reference) shall be deemed to be a reference to the date of the enactment of this Act.

(b) WILDERNESS BOUNDARIES ALONG ROADS.—Where a wilderness boundary exists along a road, the wilderness boundary shall be set back from the centerline of the road, consistent with the Bureau of Land Management's guidelines as established in its Wilderness Management Policy.

(c) ACCESS TO NON-FEDERAL LANDS.—The Secretary shall provide reasonable access to private lands within the boundaries of the Wilderness Area, as provided in section 112(d).

(d) GRAZING.—

(1) ADMINISTRATION.—Except as provided in section 113(e)(2), grazing of livestock shall be administered in accordance with the provision of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), in accordance with the provisions of this Act, and in accordance with the guidelines set forth in Appendices A and B of House Report 101–405 of the 101st Congress.

(2) RETIREMENT OF CERTAIN PERMITS.—The Secretary shall permanently retire all grazing permits applicable to certain lands in the Wilderness Area, as depicted on the map referred to in section 101(a), and livestock shall be excluded from these lands.

SEC. 203. WATER RIGHTS.

Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

SEC. 204. TREATMENT OF WILDERNESS STUDY AREAS.

(a) STATUS UNAFFECTED.—Except as provided in section 502, any wilderness study area, or portion of a wilderness study area, within the boundaries of the Cooperative Management and Protection Area, but not included in the Wilderness Area, shall remain a wilderness study area notwithstanding the enactment of this Act.

(b) MANAGEMENT.—The wilderness study areas referred to in subsection (a) shall continue to be managed under section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) in a manner so as not to impair the suitability of the areas for preservation as wilderness.

(c) EXPANSION OF BASQUE HILLS WILDERNESS STUDY AREA.—The boundaries of the Basque Hills Wilderness Study Area are hereby expanded to include the Federal lands within sections 8, 16, 17, 21, 22, and 27 of township 36 south, range 31 east, Willamette Meridian. These lands shall be managed under section 603(c) of the Federal Lands Policy and Management Act of 1976 (43 U.S.C. 1782(c)) to protect and enhance the wilderness values of these lands.

TITLE III—WILD AND SCENIC RIVERS AND TROUT RESERVE

SEC. 301. DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER STATUS IN STEENS MOUNTAIN AREA.

(a) EXPANSION OF DONNER UND BLITZEN WILD RIVER.—Section 3(a)(74) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(74)) is amended—

(1) by striking "the" at the beginning of each subparagraph and inserting "The";

(2) by striking the semicolon at the end of subparagraphs (A), (B), (C), and (D) and inserting a period;

(3) by striking "; and" at the end of subparagraph (E) and inserting a period; and

(4) by adding at the end the following new subparagraphs:

"(G) The 5.1 mile segment of Mud Creek from its confluence with an unnamed spring in the SW¼SE¼ of section 32, township 33 south, range 33 east, to its confluence with the Donner und Blitzen River.

"(H) The 8.1 mile segment of Ankle Creek from its headwaters to its confluence with the Donner und Blitzen River.

"(I) The 1.6 mile segment of the South Fork of Ankle Creek from its confluence with an unnamed tributary in the SE¼SE¼ of section 17, township 34 south, range 33 east, to its confluence with Ankle Creek.".

(b) DESIGNATION OF WILDHORSE AND KIGER CREEKS, OREGON.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"(   ) WILDHORSE AND KIGER CREEKS, OREGON.—The following segments in the Steens Mountain Cooperative Management and Protection Area in the State of Oregon, to be administered by the Secretary of the Interior as wild rivers:

"(A) The 2.6-mile segment of Little Wildhorse Creek from its headwaters to its confluence with Wildhorse Creek.

"(B) The 7.0-mile segment of Wildhorse Creek from its headwaters, and including .36 stream miles into section 34, township 34 south, range 33 east.

"(C) The approximately 4.25-mile segment of Kiger Creek from its headwaters to the point at which it leaves the Steens Mountain Wilderness Area within the Steens Mountain Cooperative Management and Protection Area.".

(c) MANAGEMENT.—Where management requirements for a stream segment described in the amendments made by this section differ between the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) and the Wilderness Area, the more restrictive requirements shall apply.

SEC. 302. DONNER UND BLITZEN RIVER REDBAND TROUT RESERVE.

(a) FINDINGS.—The Congress finds the following:

(1) Those portions of the Donner und Blitzen River in the Wilderness Area are an exceptional environmental resource that provides habitat for unique populations of native fish, migratory waterfowl, and other wildlife resources, including a unique population of redband trout.

(2) Redband trout represent a unique natural history reflecting the Pleistocene connection between the lake basins of eastern Oregon and the Snake and Columbia Rivers.

(b) DESIGNATION OF RESERVE.—The Secretary shall designate the Donner und Blitzen Redband Trout Reserve consisting of the Donner und Blitzen River in the Wilderness Area above its confluence with Fish Creek and the Federal riparian lands immediately adjacent to the river.

(c) RESERVE PURPOSES.—The purposes of the Redband Trout Reserve are—

(1) to conserve, protect, and enhance the Donner und Blitzen River population of redband trout and the unique ecosystem of plants, fish, and wildlife of a river system; and

(2) to provide opportunities for scientific research, environmental education, and fish and wildlife oriented recreation and access to the extent compatible with paragraph (1).

(d) EXCLUSION OF PRIVATE LANDS.—The Redband Trout Reserve does not include any private lands adjacent to the Donner und Blitzen River or its tributaries.

(e) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer all lands, waters, and interests therein in the Redband Trout Reserve consistent with the Wilderness Act (16 U.S.C. 1131 et seq.) and the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(2) CONSULTATION.—In administering the Redband Trout Reserve, the Secretary shall consult with the advisory council and cooperate with the Oregon Department of Fish and Wildlife.

(3) RELATION TO RECREATION.—To the extent consistent with applicable law, the Secretary shall manage recreational activities in the Redband Trout Reserve in a manner that conserves the unique population of redband trout native to the Donner und Blitzen River.

(4) REMOVAL OF DAM.—The Secretary shall remove the dam located below the mouth of Fish Creek and above Page Springs if removal of the dam is scientifically justified and funds are available for such purpose.

(f) OUTREACH AND EDUCATION.—The Secretary may work with, provide technical assistance to, provide community outreach and education programs for or with, or enter into cooperative agreements with private landowners, State and local governments or agencies, and conservation organizations to further the purposes of the Redband Trout Reserve.

TITLE IV—MINERAL WITHDRAWAL AREA

SEC. 401. DESIGNATION OF MINERAL WITHDRAWAL AREA.

(a) DESIGNATION.—Subject to valid existing rights, the Federal lands and interests in lands included within the withdrawal boundary as depicted on the map referred to in section 101(a) are hereby withdrawn from—

(1) location, entry and patent under the mining laws; and,

(2) operation of the mineral leasing and geothermal leasing laws and from the minerals materials laws and all amendments thereto except as specified in subsection (b).

(b) ROAD MAINTENANCE.—If consistent with the purposes of this Act and the management plan for the Cooperative Management and Protection Area, the Secretary may permit the development of saleable mineral resources, for road maintenance use only, in those locations identified on the map referred to in section 101(a) as an existing "gravel pit" within the mineral withdrawal boundaries (excluding the Wilderness Area, wilderness study areas, and designated segments of the National Wild and Scenic Rivers System) where such development was authorized before the date of enactment of this Act.

SEC. 402. TREATMENT OF STATE LANDS AND MINERAL INTERESTS.

(a) ACQUISITION REQUIRED.—The Secretary shall acquire, for approximately equal value and as agreed to by the Secretary and the State of Oregon, lands and interests in lands owned by the State within the boundaries of the mineral withdrawal area designated pursuant to section 401.

(b) ACQUISITION METHODS.—The Secretary shall acquire such State lands and interests in lands in exchange for—

(1) Federal lands or Federal mineral interests that are outside the boundaries of the mineral withdrawal area;

(2) a monetary payment to the State; or

(3) a combination of a conveyance under paragraph (1) and a monetary payment under paragraph (2).

TITLE V—ESTABLISHMENT OF WILDLANDS JUNIPER MANAGEMENT AREA

SEC. 501. WILDLANDS JUNIPER MANAGEMENT AREA.

(a) ESTABLISHMENT.—To further the purposes of section 113(c), the Secretary shall establish a special management area consisting of certain Federal lands in the Cooperative Management and Protection Area, as depicted on the map referred to in section 101(a), which shall be known as the Wildlands Juniper Management Area.

(b) MANAGEMENT.—Special management practices shall be adopted for the Wildlands Juniper Management Area for the purposes of experimentation, education, interpretation, and demonstration of active and passive management intended to restore the historic fire regime and native vegetation communities on Steens Mountain.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the authorization of appropriations in section 701, there is authorized to be appropriated $5,000,000 to carry out this title and section 113(c) regarding juniper management in the Cooperative Management and Protection Area.

SEC. 502. RELEASE FROM WILDERNESS STUDY AREA STATUS.

The Federal lands included in the Wildlands Juniper Management Area established under section 501 are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) pertaining to managing the lands so as not to impair the suitability of the lands for preservation as wilderness.

TITLE VI—LAND EXCHANGES

SEC. 601. LAND EXCHANGE, ROARING SPRINGS RANCH.

(a) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with Roaring Springs Ranch, Incorporated, to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 76,374 acres in exchange for the private lands described in subsection (b).

(b) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in subsection (a) and the disbursement referred to in subsection (d), Roaring Springs Ranch, Incorporated, shall convey to the Secretary parcels of land consisting of approximately 10,909 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area, a wilderness study area, and the no livestock grazing area as appropriate.

(c) TREATMENT OF GRAZING.—Paragraphs (2) and (3) of section 113(e), relating to the effect of the cancellation in part of grazing permits for the South Steens allotment in the Wilderness Area and reassignment of use areas as described in paragraph (3)(C) of such section, shall apply to the land exchange authorized by this section.

(d) DISBURSEMENT.—Upon completion of the land exchange authorized by this section, the Secretary is authorized to make a disbursement to Roaring Springs Ranch, Incorporated, in the amount of $2,889,000.

(e) COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyance of the Federal lands under subsection (a) within 70 days after the Secretary accepts the lands described in subsection (b).

SEC. 602. LAND EXCHANGES, C.M. OTLEY AND OTLEY BROTHERS.

(a) C. M. OTLEY EXCHANGE.—

(1) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with C. M. Otley to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 3,845 acres in exchange for the private lands described in paragraph (2).

(2) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in paragraph (1) and the disbursement referred to in paragraph (3), C. M. Otley shall convey to the Secretary a parcel of land in the headwaters of Kiger gorge consisting of approximately 851 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area and the no livestock grazing area as appropriate.

(3) DISBURSEMENT.—Upon completion of the land exchange authorized by this subsection, the Secretary is authorized to make a disbursement to C.M. Otley, in the amount of $920,000.

(b) OTLEY BROTHERS EXCHANGE.—

(1) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with the Otley Brother's, Inc., to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 6,881 acres in exchange for the private lands described in paragraph (2).

(2) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in paragraph (1) and the disbursement referred to in subsection (3), the Otley Brother's, Inc., shall convey to the Secretary a parcel of land in the headwaters of Kiger gorge consisting of approximately 505 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area and the no livestock grazing area as appropriate.

(3) DISBURSEMENT.—Upon completion of the land exchange authorized by this subsection, the Secretary is authorized to make a disbursement to Otley Brother's, Inc., in the amount of $400,000.

(c) COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyances of the Federal lands under subsections (a) and (b) within 70 days after the Secretary accepts the lands described in such subsections.

SEC. 603. LAND EXCHANGE, TOM J. DAVIS LIVESTOCK, INCORPORATED.

(a) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Wilderness Area, the Secretary may carry out a land exchange with Tom J. Davis Livestock, Incorporated, to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 5,340 acres in exchange for the private lands described in subsection (b).

(b) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in subsection (a) and the disbursement referred to in subsection (c), Tom J. Davis Livestock, Incorporated, shall convey to the Secretary a parcel of land consisting of approximately 5,103 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area.

(c) DISBURSEMENT.—Upon completion of the land exchange authorized by this section, the Secretary is authorized to make a disbursement to Tom J. Davis Livestock, Incorporated, in the amount of $800,000.

(d) COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyance of the Federal lands under subsection (a) within 70 days after the Secretary accepts the lands described in subsection (b).

SEC. 604. LAND EXCHANGE, LOWTHER (CLEMENS) RANCH.

(a) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with the Lowther (Clemens) Ranch to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section

605(a), consisting of a total of approximately 11,796 acres in exchange for the private lands described in subsection (b).

(b) Receipt of Non-Federal Lands.—As consideration for the conveyance of the Federal lands referred to in subsection (a) and the disbursement referred to in subsection (d), the Lowther (Clemens) Ranch shall convey to the Secretary a parcel of land consisting of approximately 1,078 acres, as depicted on the map referred to in section 605(a), for inclusion in the Cooperative Management and Protection Area.

(c) Treatment of Grazing.—Paragraphs (2) and (3) of section 113(e), relating to the effect of the cancellation in whole of the grazing permit for the Fish Creek/Big Indian allotment in the Wilderness Area and reassignment of use areas as described in paragraph (3)(D) of such section, shall apply to the land exchange authorized by this section.

(d) Disbursement.—Upon completion of the land exchange authorized by this section, the Secretary is authorized to make a disbursement to Lowther (Clemens) Ranch, in the amount of $148,000.

(e) Completion of Conveyance.—The Secretary shall complete the conveyance of the Federal lands under subsection (a) within 70 days after the Secretary accepts the lands described in subsection (b).

SEC. 605. GENERAL PROVISIONS APPLICABLE TO LAND EXCHANGES.

(a) Map.—The land conveyances described in this title are generally depicted on the map entitled "Steens Mountain Land Exchanges" and dated September 18, 2000.

(b) Applicable Law.—Except as otherwise provided in this section, the exchange of Federal land under this title is subject to the existing laws and regulations applicable to the conveyance and acquisition of land under the jurisdiction of the Bureau of Land Management. It is anticipated that the Secretary will be able to carry out such land exchanges without the promulgation of additional regulations and without regard to the notice and comment provisions of section 553 of title 5, United States Code.

(c) Conditions on Acceptance.—Title to the non-Federal lands to be conveyed under this title must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal lands shall conform with the title approval standards applicable to Federal land acquisitions.

(d) Legal Descriptions.—The exact acreage and legal description of all lands to be exchanged under this title shall be determined by surveys satisfactory to the Secretary. The costs of any such survey, as well as other administrative costs incurred to execute a land exchange under this title, shall be borne by the Secretary.

TITLE VII—FUNDING AUTHORITIES

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Except as provided in sections 501(c) and 702, there is hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 702. USE OF LAND AND WATER CONSERVATION FUND.

(a) Availability of Fund.—There are authorized to be appropriated $25,000,000 from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5) to provide funds for the acquisition of land and interests in land under section 114 and to enter into nondevelopment easements and conservation easements under subsections (b) and (c) of section 122.

(b) Term of Use.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

Amend the title so as to read: "A bill to designate the Steens Mountain Wilderness Area and the Steens Mountain Cooperative Management and Protection Area in Harney County, Oregon, and for other purposes.".

EXTENSIONS OF REMARKS

HONORING ROBERT CROISSANT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to celebrate the life of a truly remarkable human being, Robert Croissant. Bob recently passed away after a battle with heart troubles. He lived every day to its fullest and truly enjoyed the gifts life had to offer. As family and friends mourn this immense loss, I would like to pay tribute to this great Coloradan.

Bob was born in Kuner, Colorado, a small farming town on the eastern plains. The communities where he grew up were wholly dependent upon agriculture, and growing up he very quickly learned to appreciate the importance of this trade. After graduating from Greeley High School, he attended Colorado A&M, which is known today as Colorado State University. Attending college was not Bob's original plan in life, but after realizing the possibilities it held for his future in the agricultural profession, he was hooked. Eventually, he earned his degree in Agronomy.

Bob's love and fascination for farming soon drew him back to eastern Colorado. Soon after graduating, the university's agricultural extension office was in need of an Assistant County Agent, and he took the position. After helping the farmers of Logan County in this position, he moved to Burlington, Colorado, where he was promoted to County Director.

Bob's knowledge of agriculture was unparalleled in eastern Colorado and his aid to farmers was immeasurable. He was well known for meeting farmers at breakfast where he would examine the crops that were brought in on-sight. Bob's widespread efforts in the agricultural arena were slowed down significantly when a heart condition required him to stop his extensive travels. He and his wife then moved to Ft. Collins, where Bob continued to work at Colorado State University as a professor.

Although he may not have been as agile as he once was, he still found a way to stay involved in the profession he loved. He could also be found at nearby 4–H events, where he passed along his expertise in agriculture to young people.

Bob Croissant was a truly remarkable person and he will be greatly missed. He leaves behind a wonderful and loving family. Mr. Speaker, on behalf of the State of Colorado and the U.S. Congress I ask that we take this moment to honor a beloved and cherished Coloradan.

INTRODUCTION OF THE BUSINESS METHOD PATENT IMPROVEMENT ACT OF 2000

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BOUCHER. Mr. Speaker, I am pleased to join my colleague from California, Mr. Berman, in introducing the Business Method Patent Improvement Act of 2000. As we look forward to shaping intellectual property law for the 21th Century, few issues in the 107th Congress will be more important than deciding whether, and under what conditions, the government should be issuing "business method" patents.

Two years ago, the U.S. Court of Appeals for the Federal Circuit ruled in the State Street Bank decision that a patent could be issued on a method of doing business. Since then, the Patent and Trademark Office has been deluged with applications for business method patents. Unfortunately, the PTO has granted some highly questionable ones. Last year, it awarded a patent to Amazon.com for its "one-click" method of shopping at a web site. The press recently reported that the PTO is now on the verge of awarding a patent covering any computer-to-computer international commercial transaction.

Something is fundamentally wrong with a system that allows individuals to get patents for doing the seemingly obvious. The root of the problem is that the PTO does not have adequate information—what is called "prior art"—upon which to determine whether a business method is truly non-obvious and therefore entitled to patent protection. We're introducing this legislation in an effort to repair the system before the PTO awards more monopoly power to people doing the patently obvious.

Not surprisingly, there has been a great deal of concern in the high-tech community that the continued award of business method patents could lead to a significant amount of wasteful litigation, could stifle the development of new technology, and could retard the development of the Internet. Consider for a moment a few of the more extreme cases now in the courts:

Amazon.com has sued Barnesandnoble.com, alleging that it infringed its "one click" shopping method, forcing its principal rival and other website merchants either to pay Amazon.com royalties for the use of any one click method or to use a "two click" means of selling books and records;

Priceline has sued Microsoft for offering a "name your price" service on its Expedia travel site, even though the market economy of the Western world and the theory of microeconomics is predicated on individuals setting a price at which they are willing to purchase something; and

The Red Cross has been sued for using computers to solicit contributions and donations from the public at large, even though philanthropy in this country has always depended on organizations making requests for contributions, whether by phone, in person, or through other means.

It should be said that in these instances, the patent covers the basic concept of the business method, such as the one click to check-out or using computers to solicit donations or accomplish commercial transactions across international borders. The creator of the intellectual property can always obtain a copyright on the software that implements a particular method of doing these things, and no one would complain. What is new and disturbing is obtaining ownership of the entire concept of performing seemingly obvious acts whatever individual method of implementation is used, foreclosing the opportunity for competitors to develop new and different means of entering the business.

I am hard-pressed to understand how the award of these kinds of patents will advance the greater public good. Under the Constitution, Congress has the power to grant inventors exclusive rights to their discoveries "[t]o promote the Progress of Science and useful Arts. . . ." Rewarding someone for "inventing" a method of doing something obvious on its face hardly seems to meet standard. In fact, rather than encouraging innovation, which is the purpose of the patent laws, it has the opposite effect by foreclosing entire markets to competition.

Our purpose in introducing this bill today is threefold. First, given the importance of the subject and the critical need to support the development of new technology and the growth of the Internet, we believe it is important to begin a public debate now about how Congress should respond to the State Street Bank decision. Second, we want to develop through legislation an appropriate framework for the PTO to assess the claims asserted by would-be business method inventors and to give the public a meaningful opportunity to participate before—not just after—a patent is awarded. And finally, we hope to force business method patent applicants to disclose all the relevant prior art to the PTO, rather than hiding the ball as some do now.

I want to stress that our bill does not outlaw or prohibit the award of business method patents. Rather, it is designed to ensure that these kinds of patents will only be issued when they truly represent something new and innovative—in other words, something that deserves protection.

Our bill makes one important substantive change to the law and addresses two fundamental procedural defects in the current system. And in doing so, it will help create an urgently needed database of prior art so that patent examiners will have a better basis for evaluating claims made by applicants in the future.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

On substance, our bill would create the presumption that the computer-assisted implementation of an analog-world business method is obvious and thus is not patentable. In these cases, the burden would be on the applicant to rebut the presumption of obviousness.

On procedure, we would add new protections at the beginning and at the end of the current process. Unfortunately, the public rarely knows when the PTO is evaluating a proposed business method patent application, and thus has no opportunity to bring prior art and other information to the attention of a patent examiner or to argue that the statutory criteria for the award of a patent is for other reasons not met before it is too late to do any good. We, therefore, would require the PTO to give the public at large an opportunity early in the patent review process to submit prior art information and evidence that the claimed invention is already in public use or is obvious. In addition, if asked, the PTO would be required to conduct a proceeding comparable to the discretionary public use proceeding already on the books.

At the end of the process, we would establish an opposition procedure so that the public at large would have one additional opportunity to challenge the award of a business method patent short of having to file a lawsuit. Decisions in these proceedings would be made by an administrative opposition judge chosen from a panel of examiners with special expertise in evaluating business method patents.

The bill makes two other important procedural changes. In cases involving business method patents, the burden of proof on the party seeking to show invalidity would be lowered from the current "clear and convincing evidence standard" to the "preponderance of the evidence" standard. And because we share the concern the PTO has about the lack of prior art being accessible to examiners, our bill would require an applicant for a business method patent to disclose the extent to which the applicant has searched for prior art.

Taken together, these changes will enable the PTO to do a better job when examining business method patent applications, and they will ensure that the American public has an opportunity to participate more fully in the process, which should reduce the risk of the PTO awarding any more patents on the patently obvious.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Ms. WOOLSEY. Mr. Speaker, due to an event in my District, I missed roll call votes #503–505. Had I been present, I would have voted:

Roll Call #503—Yea.

Roll Call #504—Yea.

Roll Call #505—No.

Regarding H.R. 3088, I wholeheartedly agree that victims of rape should be able to learn whether their assailant could have passed on the HIV virus to them. That's why I support addressing this issue in the Violence Against Women Act, and support women who have been raped and want to undergo an HIV test. However, H.R. 3088 could force innocent individuals to undergo HIV tests and have that information involuntarily disclosed to others. This Congress should not force the accused to undergo an HIV test until he has been proven guilty. Under this legislation, an individual who is indicted and may be able to prove his innocence would still be forced to undergo an HIV test. This bill has not been considered by the Judiciary Committee, and I believe that it strongly violates the principle that Americans are innocent until proven guilty.

PRIVACY COMMISSION ACT

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to voice my strong opposition to H.R. 4049, the Privacy Commission Act.

H.R. 4049 will establish a commission to study how best to protect individual privacy. In eighteen months this commission will provide its findings to Congress and the President.

Congress is already well aware of the ability of public and private institutions to gather and share data. While the gathering of personal data has heralded improvements in customer services and national security efforts, it threatens to undermine an individual's ability to protect their most private medical and financial information. Internationally, an individual's ability to control their most private information is considered a human right.

I am very concerned about the invasion of our private rights and that is why Congress should act now, not postpone action for another eighteen months when the commission's report is completed.

There is legislation before this body that would provide adequate protection for individual privacy. I am a cosponsor of three such bills: H.R. 1941, H.R. 2447, and H.R. 3320. These three bills will protect personal health information by limiting use and disclosure of such information, prohibit employment or health insurance discrimination based on genetic information, and amend the privacy provisions in the Gramm-Leach-Bliley Act to prohibit financial institutions from disclosing, or making use of, nonpublic personal credit information. On May 1, 2000, President Clinton announced his consumer privacy plan which he presented to Congress stating "we cannot allow new opportunities to erode old and fundamental rights."

These bills and the President's plan should be considered by the full House. Individual privacy protection greatly concerns individuals in my district. They deserve to have this issue debated in full and addressed immediately. H.R. 4049 will serve only to delay this process, and in the end inform us and the American people what is already abundantly apparent: Congress must act immediately to protect individual privacy.

RECOGNIZING EMMA BEATRICE TAYLOR—95 YEARS YOUNG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. TOWNS. Mr. Speaker, today I honor Emma Beatrice Taylor, a resident of Brooklyn, on her 95th birthday. I ask my colleagues assembled here today to please join me in acknowledging Mrs. Taylor's remarkable life.

On this day, October 3, 1905, here in Washington, D.C., her father, an immigrant from Africa, and her mother, an immigrant from England, were blessed with the birth of their daughter, Emma. As a young girl, Emma possessed excellence, greatness, the favor of God, love and honor, the law of kindness in tongue, morality and character. Emma married Elbert James Robinson, and their union was blessed with three beautiful daughters, including my very good friend, Delores Chainey. Mr. Speaker, all of the amazing blessings bestowed upon Emma Taylor are the result of a God-centered life.

Mr. Speaker, Emma Beatrice Taylor is more than worthy of receiving our birthday wishes, and I hope that all of my colleagues will join me today in honoring this outstanding woman.

HONORING THE HUMBOLDT COUNTY, CALIFORNIA BRANCH OF THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. THOMPSON of California. Mr. Speaker, today I recognize the 50th anniversary of the Humboldt County, California Branch of the American Association of University Women (AAUW).

The AAUW's mission is to promote equity, lifelong education, and positive change for all women. This vision has made a significant impact on the lives of Humboldt County women.

The American Association of University Women is committed to promoting diversity, undertaking research, and providing scholarships, grants and awards. This admirable association takes action on behalf of women in the educational system. For America to prosper we must be sure to foster a learning environment that is accessible to young women and the American Association of University Women has always served as an advocate in this cause. The AAUW is one of the largest private sources of educational grants for women.

During the past 50 years the Humboldt chapter of the AAUW has benefited the community in countless ways. Thanks to community action projects, fundraising and special activities—including an educational foundation, cross cultural exchange, and book and food drives—the Humboldt Branch has provided service as well as a forum for policy discussion and community building.

Mr. Speaker, it is appropriate at this time that we acknowledge the outstanding efforts of the Humboldt County, California Branch of the American Association of University Women.

HONORING FLORENCE WALTON RICHARDSON WYCKOFF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. FARR of California. Mr. Speaker, today I pay tribute to a woman who helped shape the history of the State of California, and in the process touched the lives of countless individuals. Ms. Florence Walton Richardson Wyckoff, who would have been 95 this week, died in her sleep on September 20, 2000 in her Watsonville, California home.

Florence was born on October 5, 1905, to Leon J. Richardson and Maud Wilkinson Richardson in Berkeley, California. She earned a B.A. in fine arts at the University of California, Berkeley, in 1926, and it was there that she met her future husband, Hubert Coke Wyckoff. In 1931 they married and moved to San Francisco, where Florence became involved with politics and what would become her life's work, activism. While in San Francisco, she worked with the San Francisco Theater Union and the National Consumers League for Fair Labor Standards. She also worked with the gubernatorial campaign of Cuthbert L. Olsen, and was appointed by Governor Olsen as Director of Community Relations for the California State Relief Administration. It was in this position that she began traveling and investigating the living conditions of farm laborers in this country.

Shocked by the standards she saw, and by the lack of access to such basic necessities as education and healthcare for migrant workers, she became a powerful lobbyist for social change in these areas. During World War II, her husband, Hubert, recruited my father, the late Senator Farr, to work at his side in Washington, DC as a Deputy Administrator in the War Shipping Administration. While in Washington, Florence testified before congressional committees for minimum wages and public health improvements for farm workers. It was at this time that she also served on the Boards of Directors of the National Consumers League and Food For Freedom.

After returning to California, she worked to begin the first citizen's health council in Santa Cruz County, and was appointed by Governor Earl Warren to the Advisory Committee on Children and Youth. She served on this board for twenty years under four governors, and worked to establish health-care clinics for farm workers along the migrant routes used in the nation. Additionally, she was appointed by Governor Edmund G. "Pat" Brown to the State Board of Public Health in 1961, and it was during this time that Florence was integral to the creation and passage of the Federal Migrant Health Act, which remains in effect today.

Never one to sit down when she was needed, she continued to work tirelessly almost until the day she passed away. She helped found organizations that would assist migrant children in attending college, and was a crusader in promoting reading and education among all children. Her last project was the successful recent opening of the Freedom Branch Library, which began as a small library for the children of migrant workers. Florence was also active in many organizations, including Migration, Adaptation in the Americas (MAIA), The Friends of the Freedom Library, The Corralitos Valley Community Council, the Coastal Resource Management Project, the Migrant Agricultural History Archive at the University of California, Santa Cruz, and the Santa Cruz County Community Foundation Board.

I will really miss one of my late mother and father's best friends. I will miss her smile, charm, love for friends and never ending support and stories of my parents as young activists. As described to me, she was a leader in her life in creating a more compassionate and just society. We have lost a person of history who made this country a better place because of her deeds.

Described by friends and family as "tenacious and determined," "influential" and "caring," and "A woman that made a difference," Florence Wyckoff will be sorely missed by her sister, Jane R. Hanks of North Bennington, Vermont, as well as the many nephews, nieces, friends and the California community, in general.

RECOGNITION OF THE QUEENS COURIER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. ACKERMAN. Mr. Speaker, today I pay tribute to the Queens Courier, a weekly community newspaper in the borough Queens, New York, which is celebrating its 15th anniversary.

The Queens Courier was launched late in the last century by Victoria Schneps and John Toscano. Victoria was a school teacher who teamed-up with then WABC–TV reporter Geraldo Rivera to expose abhorrent conditions at the Willowbrook State School for the Mentally Retarded. Victoria's daughter Lara had resided at the facility. John meanwhile, a former political editor at the New York Daily News published the weekly newspaper Queens Week. The two entrepreneurs invested a mere $250 each to embark on their journalistic quest where in the beginning they worked out of Victoria's living room and did not take salaries for the first year.

The first issue of the newspaper hit the streets on May 9, 1985 as the Whitestone/College Point Courier. The front page headline read "Whitestone-College Point Courier: First Issue Today." That first edition included stories on traffic tie-ups on the Throgs Neck Bridge, local school news and political and gardening columns. Within the next few years, Victoria bought John out and the newspaper attracted many loyal readers and established a strong identity in the area. Then as readership increased, Victoria Schneps expanded the newspaper to cover most communities throughout Queens and subsequently renamed the paper to the Queens Courier.

Today the borough-wide publication includes five newspapers serving 36 neighborhoods in Queens. The newspaper features quality writing and reporting in a contemporary and easy to read format. It is available both by paid subscription and can be obtained at hundreds of outlets throughout Queens.

The Queens Courier has also won numerous awards for excellence in community journalism while affording local businesses and merchants, the opportunities to reach their customers in an efficient and cost-effective manner. In addition, the publication has ventured into the broadcasting and Internet domain with the weekly public affairs show "Queens on the Air" on local cable and an informative site on the world wide web at www.queenscourier.com. I encourage everybody to log onto this site to see what community journalism is all about.

Yes, from humble beginnings—including that stint until 4 a.m. to get the very first edition out—to obtaining the respect and trust of thousands of Queens citizens, the Queens Courier has become a newspaper heavyweight in the new millennium. Yet the publication continues to stay on the original mission that it set 15 years ago—to provide local news coverage in a fair, accurate and balanced manner. Whether through the breadth of its stories, the quality of its editorials, the informative advertisements, special features and insightful columns—the Queens Courier remains on the cutting edge of community journalism.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me now in congratulating Victoria Schneps and the entire staff of the Queens Courier for a terrific 15 years of service to the Queens community. I am confident that the Queens Courier will continue to enjoy success for many more years to come.

FOR BREAD AND FOR FREEDOM: THE 20TH ANNIVERSARY OF THE FOUNDING OF SOLIDARITY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. SMITH of New Jersey. Mr. Speaker, I want to add my voice to those who commemorate the 20" anniversary of the founding of Solidarity and join as a co-sponsor of this resolution, H. Con. Res 416. Significantly, one of the original 21 demands of the Gdansk workers was a call for the implementation of the Helsinki Final Act. As Chairman of the Helsinki Commission, I therefore take special satisfaction in hailing one of the success stories of the Helsinki process.

Stalin is reputed to have once said that trying to impose communism on Poland was like trying to put a saddle on a cow. Certainly, there were few places in Central Europe where communism was more unwelcome and unnatural. The peaceful dismantlement of a totalitarian system imposed by force is testimony to the heroism, ingenuity, and integrity of Solidarity activists and the millions of Solidarity's supporters throughout the country.

Of course, the events at the Gdansk shipyard in the summer of 1980 were the continuation—and elevation—of the opposition to communism that was the inevitable by-product of communism itself in Poland, from the workers' strikes in Poznan in 1956, to the university dissent in 1968, to the Gdansk riots of 1970. But Solidarity was unique in two critical ways. First, it established an unprecedented union between workers and intellectuals, making the whole more than the sum of the parts. Second, it evolved into a mass movement, drawing support from all segments of society. With the critical support of the Catholic Church, Solidarity came to embody the hopes and aspirations not only of the people of Poland, but of dissidents and democrats throughout the region. When Lech Walesa was awarded the Nobel Peace prize, that award rightly recognized the achievements of an extraordinary individual as well as the historic role of the Solidarity movement itself and the people who comprised it.

Indeed, there are many well known heroes of this movement, in addition to Lech Walesa: Bronislaw Geremek, Adam Michnik, Wladislaw Frasyniuk, Bogdan Lis, Jacek Kuron, Anna Walentynowicz, Janusz Onyszkiewicz, to name but a few of the legions of Solidarity's activists. There were also martyrs, including Father Jerzy Popieluszko, and the miners and others who died when martial law was imposed in 1981. Millions of other Poles, in small ways and large, contributed to world freedom through their support of freedom in Poland.

Mr. Speaker, the resolution we support today seeks to honor them and their movement.

A NEW DAY FOR THE NATIONAL ENVIRONMENTAL POLICY ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. DINGELL. Mr. Speaker, more than 30 years ago, I was the co-author of one of the strongest federal laws to protect our air, water and lands. The National Environmental Policy Act recognized that many federal activities, and many federally supported activities, affect the quality of our air, waters, and lands. As a result, federal agencies have been required for more than three decades to report on their activities' impact on the human environment in environmental impact statements.

NEPA was passed by a Democratic Congress and signed by a Republican President. It has withstood years of attack from many special interests and has contributed greatly to improvements in our environment and human health. I have been a stalwart defender of NEPA throughout its history and even defended the Act when different administrations tried to undermine its intent.

One continuing focus of concern was over the role of the President's Council On Environmental Quality (CEQ), about which I helped several administrations, including the current one, understand the benefits of having a single Presidential agency coordinate environmental policy for very diverse interests within the Executive Branch.

I was proud to have fought on behalf of CEQ in the past. However, as occasionally happens with some government agencies, I have come to realize that CEQ has outlived its usefulness now that federal agencies have instilled a stronger environmental ethic in their decision making. I fact, CEQ's role has evolved from one of facilitation to one of obfuscation. It has become an assemblage of irksome meddlers who cost much and do little. In my opinion, their recent efforts on behalf of the environment have been counterproductive from the standpoint of sound conservation practices.

Mr. Speaker, I am therefore proposing legislation today that abolishes the CEQ and leaves the protections of NEPA in place for coordination within each federal agency. This will allow the Appropriations Committee next year to have another $2.9 million every year for much more valuable conservation purposes.

ORIENTATION AND MOBILITY SECTION, WESTERN BLIND REHABILITATION CENTER, VA PALO ALTO HEALTH CARE FACILITY, PALO ALTO, CALIFORNIA RECEIVES OLIN E. TEAGUE AWARD

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. STUMP. Mr. Speaker, in a ceremony on Wednesday, September 13, 2000, in the House Veterans' Affairs Committee hearing room, the Orientation and Mobility Section, Western Blind Rehabilitation Center, VA Palo Alto Health Care Facility, Palo Alto, California, received on Olin E. Teague Award for their efforts on behalf of disabled veterans.

The Teague Award is presented annually to VA employees whose achievements have been of extraordinary benefit to veterans with service-connected disabilities, and is the highest honor at VA in the field of rehabilitation.

The Orientation and Mobility Section was selected to receive this prestigious award in honor of their work to develop the first power scooter training program for low vision blinded veterans with ambulatory problems. Realizing that current support items such as canes, walkers and scooters did not meet the needs of the less mobile, blind veteran, the team determined to find a solution. The team worked with specialists in Physical Therapy, Physical Medicine, and Prosthetics Service to study the various types of power scooters available for sighted individuals. In addition to their full daily schedules, the team members made the time to actually become power scooter travelers to learn to navigate on the scooters as sighted individuals. When they became fully knowledgeable of power scooter travel, they began to develop options to adapt the power scooter for use by blind veterans. Their enthusiasm, persistence and creativity paid off. Two distinct power scooter programs were developed to meet the differing needs and capabilities of legally blind low vision veterans. These programs offer veterans a higher quality of life and a highly valued commodity—their independence.

Mr. Speaker, the name Olin E. "Tiger" Teague is synonymous with exemplary service to the Nation's veterans. The late Congressman Teague served on the House Veterans Affairs Committee for 32 years, 18 of those years as its distinguished chairman. No one who opposed him on veterans' issues ever had to ask why he was called Tiger. He set the standards by which we can best serve all veterans. I know my colleagues join me in offering our deep appreciation to the Orientation and Mobility Section for their concern, dedication, and innovation in meeting the special rehabilitation needs of disabled veterans. We congratulate them for the excellence of their work and for the distinguished award they received.

IN HONOR OF JOSEPH ROE CRAWFORD SMITH

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. ROGERS. Mr. Speaker, today, as I speak, in Brentwood, Tennessee, the family, friends, and loved ones of Joseph Roe Crawford Smith are celebrating his life, which was so tragically and prematurely ended this past Friday in a freak outdoor accident.

Mr. Speaker, I am taking the unusual step of bringing before the U.S. Congress the news of Crawford's passing because Crawford was such an extraordinary 22-year-old young man and because his death seems so senseless and inexplicable. In fact, this was a double, horrible tragedy, because the same accident took the life of his friend and fellow University of Tennessee senior Chris Dowdle, also of Brentwood.

Mr. Speaker, perhaps one day we will know why these model young men were taken, in their prime, just as their preparation for adult life was so nearly complete. Maybe, "in the sweet by and by" in the words of that hymn. But, for now, we are hurting and terribly saddened.

I knew young Crawford. He was handsome, personable and brilliant. He was a devout Christian. He was devoted to his parents Joe and Claudette and to his sister, Frances. He was a model of good behavior and courtesy. He was an inspiration to his colleagues and to adults like this Member who had the good fortune to know him. Why, oh why, did he have to go so soon?

Mr. Speaker, in special tribute to Crawford Smith, I have requested that an American flag be flown over the United States Capitol this day in his honor.

Mr. Speaker, our hearts are hurting for Joe and Claudette and to Chris Dowdle's parents, Douglas and Anita. They are living through a parent's worst nightmare. I know all my colleagues join me in praying God's most merciful presence with them as they travel through this valley of the shadow of death.

PERSONAL EXPLANATION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. EVERETT. Mr. Speaker, due to sickness and the inability to arrive in Washington, DC yesterday, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 503 (H.R. 4049, Privacy Commission Act)—"yea";

Rollcall No. 504 (H.R. 4147, Stop Material Unsuitable for Teens Act)—"yea";

Rollcall No. 505 (H.R. 3088, Victims of Rape Health Protection Act)—"yea".

HONORING DR. JULIAN SEBASTIAN AS A MEMBER OF THE RWJ EXECUTIVE NURSE FELLOW PROGRAM

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. FLETCHER. Mr. Speaker, it is my honor to recognize a distinguished member of the medical community of Central Kentucky. Dr. Juliann Sebastian is an Associate Professor and Assistant Dean for advanced practice nursing as well as the Director of Graduate Studies for the MSN degree program of the College of Nursing at the University of Kentucky. Dr. Sebastian is a dedicated medical professional who has educated countless students during their journey through nursing school.

Recently, Dr. Sebastian was honored by the Robert Wood Johnson Nurse Fellows Program at the Friends of the National Institute of Nursing Research's Annual Gala. This honor will allow Dr. Sebastian to embark on a three year self-study program while continuing her current duties at the University of Kentucky.

It is a pleasure to recognize Dr. Juliann Sebastian in the United States House of Representatives today, on her prestigious achievement. It is clear that the Fellows program recognized Dr. Sebastian's many talents and abilities to contribute so much to the medical community. As a fellow member of the medical community, I salute you, Dr. Sebastian.

RETIREMENT OF SANDY GOSS, DEPUTY CHIEF OF COBB COUNTY FIRE AND EMERGENCY SERVICES

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BARR of Georgia. Mr. Speaker, I rise today to recognize Sandy Goss, Deputy Chief of Cobb County Fire and Emergency Services, for his dedication and commitment to the entire Cobb community, and to congratulate him on his retirement after 37 years of service.

Mr. Goss, who grew up around the fire department and following in his father's footsteps, joined the fire department full time immediately following his graduation from high school, in 1965.

Over the years, he worked his way through the ranks. In 1968, he was promoted to lieutenant; he made captain in 1983; he became the battalion chief in 1996; the following year he made colonel; and in 1998, he became deputy chief. While deputy chief, he was in charge of 85 percent of the department, with special operations, the HAZMAT team, technical rescue, vehicle maintenance, armored guards, and the fire suppression division all under his supervision.

He will be sorely missed, and will leave behind a legacy hard to match. I join many others in wishing Sandy and his family the very best.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 2000

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mrs. MORELLA. Mr. Speaker, today I ask my colleagues to join me in supporting the passage of H.R. 2392, a bill to reauthorize the Small Business Innovation Research Program, or SBIR.

Last year around this time, the House passed H.R. 2392. After months of work by the House and Senate, the Senate took action and passed H.R. 2392, with an amendment in July of this year. Their amendment incorporated both changes to the House provisions and new Senate provisions.

Now, H.R. 2392 is to go back to the Senate with additional Small Business provisions attached to the bill, but with the agreed-to provisions relating to SBIR untouched, These include: extending the program through fiscal year 2007; requiring small businesses to submit a concise commercialization plan with their proposals; requiring agencies participating in SBIR to provide an annual performance plan in accordance with the Government Performance and Results Act; requiring the collection and maintenance of data which will allow program evaluation; and a National Research Council report on how SBIR has used small businesses to stimulate technological innovation and how agencies have used SBIR in meeting their research and development needs.

The above are the main provisions that emanated from the House. The Senate has added provisions, including: a partnership grant program between small businesses and states (FAST, Federal and State Technology Partnership Program), and a mentoring network developed through the funds provided for in the FAST program.

Overall, the provisions contained in this bill improve upon the SBIR program and I am confident that we can again work with the Senate to reach an agreement allowing for the continuation of this excellent program. I urge my colleagues to support this important reauthorization.

NEW YORK'S MOST OUTSTANDING OLDER WORKER

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mrs. McCARTHY of New York. Mr. Speaker, today I name Bernard Tzall, a microbiologist at a research laboratory in Nassau County, as New York's Most Outstanding Older Worker for the year 2000.

I admire Bernard's dedication and commitment. At the age of 85, he is still working tirelessly to improve the lives of those around him through his research.

Bernard began working at the laboratory in the 1940s, after serving his country in the Army. Over his six decades of service, he has received awards from national, state, and local organizations for his outstanding research and contributions to the community. In 1953, he was promoted to managing director of the Lab.

About ten years ago, Bernard was diagnosed with throat cancer and was forced to stop working. Miraculously, he was able to successfully fight off the cancer and he returned to work after his surgery.

Even with the handicap of using a voice-assisting prosthesis, he played an instrumental role in discovering the cure for an unknown virus in New York waters. Mr. Tzall is currently enrolled as a PhD. Candidate, becoming one of the oldest engineering students in the country. He continues to work at his laboratory, training new employees and managing its library.

The Prime Time 2000 award, sponsored by Green Thumb, was presented to an outstanding senior over the age of 65 from each state who works more than 20 hours per week. Mr. Tzall demonstrated excellence and commitment that put him in a class with a select few Prime Time recipients.

I commend Bernard for all he has overcome and all he has accomplished. I am honored to give him this recognition he well deserves.

PHARMACIA & UPJOHN ABUSE OF AVERGE WHOLESALE PRICE SYSTEM: STARK CALLS FOR FDA INVESTIGATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. STARK. Mr. Speaker, I have today sent the following letter to Pharmacia & Upjohn, highlighting the extent to which this company has been inflating its drug prices and engaging in other deceptive business practices.

The evidence I have been provided shows that Pharmacia & Upjohn has knowingly and deliberately inflated their representations of the average wholesale price ("AWP"), wholesale acquisition cost ("WAC") and direct price

("DP") which are utilized by the Medicare and Medicaid programs in establishing drug reimbursements to providers.

In doing so, Pharmacia & Upjohn is abusing the public trust, endangering patients by affecting physician prescribing practices, and exploiting America's seniors and disabled who are forced to pay 20% of these inflated drug costs. American taxpayers pick up the rest of the tab.

These findings are particularly timely as the Ways and Means Subcommittee on Health will today markup a Medicare bill that seeks to delay any administrative action by the Department of Health and Human Services (HHS) to alleviate this problem. This is bad policy. And I strongly oppose this provision of the bill. Reform of current Medicare drug reimbursement policy is needed now to protect taxpayer funds and public health.

To help bring an end to these harmful, misleading practices, I have today called on the FDA to conduct a full investigation into Pharmacia & Upjohn business practices.

These practices must stop and these companies must return the money that is owed to the public because of their abusive practices.

I would like to submit the following letter to Pharmacia & Upjohn into the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 3, 2000.

Mr. FRED HASSAN,
Chief Executive Officer, Pharmacia & Upjohn Co., Inc., Peapack, NJ.

DEAR MR. HASSAN: You should by now be aware of Congressional investigations suggesting that Pharmacia & Upjohn has for many years been reporting and publishing inflated and misleading price data and has engaged in other deceptive business practices in order to manipulate and inflate the prices of certain drugs. The price manipulation scheme is executed through Pharmacia & Upjohn's inflated representations of average wholesale price ("AWP") and direct price ("DP"), which are utilized by the Medicare and Medicaid programs in establishing drug reimbursements to providers. The difference between the inflated representations of AWP and DP versus the true prices that providers pay is regularly referred to in your industry as "the spread." In turn, this has caused the Medicare and Medicaid Programs to expend excessive amounts in paying claims for certain drugs. The evidence amassed by Congress clearly shows that Pharmacia & Upjohn has reported inflated prices and has engaged in other improper business practices in order to cause its customers to receive a windfall profit from Medicare and Medicaid.

The manipulated disparities between your company's reported AWPs and DPs are staggering. For example, in 1997, Pharmacia & Upjohn reported an AWP of $946.94 for 200 mg. of Adriamycin PFS while offering to sell it to American Oncology Resources (AOR) for $168.00 and to Comprehensive Cancer Center for $152.00 (Composite Exhibit 1"). Your company then aggressively marketed its cancer drugs to health care providers by touting financial inducements and other types of incentives. Pharmacia & Upjohn created and marketed the financial inducements for the express purpose of influencing the professional judgment of doctors and other health care providers in order to increase the company's market share.

Pharmacia & Upjohn's strategy of increasing the sales of its drugs by enriching with taxpayer dollars, the doctors and others who administer the drugs is reprehensible and a blatant abuse of the privileges that Pharmacia & Upjohn enjoys as a major pharmaceutical manufacturer in the United States. This is perhaps best illustrated by Pharmacia & Upjohn's own internal documents which reveal that the company abused its position as a drug innovator in an initial Phase III FDA clinical trial for a cancer drug used to treat lymphoma (Composite Exhibit "2").

". . . Clinical Research Trials

Initial Phase III Protocol trial for "Oral Idamycin" in lymphomas. This trial will offer AOR $1.1M [million] in additional revenues. Two hundred twenty-five (225) patients at $5,000 per patient. . . .

The above . . . items are contingent on the signing of the AOR Disease Management Partner Program. AOR's exclusive compliance to the purchase of the products listed in the contract product attachment is also necessary for the above items to be in effect."

The linking of doctor participation in FDA clinical drug trials to their purchase and administration of profit-generating oncology drugs is entirely inconsistent with the objective scientific testing that is essential to the integrity of the trial. I am hopeful that the FDA will take immediate action to stop such behavior by your company. The FDA's inability to act to ensure the validity of drug trials will necessitate legislative action.

Doctors must be free to choose drugs based on what is medically best for their patients. It is highly unethical for drug companies to provide physicians with payments for FDA clinical trials and inflated price reports that financially induce doctors to administer Pharmacia & Upjohn's drugs to patients. In particular, Pharmacia & Upjohn's conduct, along with the conduct of other drug companies, is estimated to have cost taxpayers over a billion dollars. It also has a corrupting influence on the exercise of independent medical judgment both in the treatment of severely ill cancer patients and in the medical evaluation of new oncological drugs.

In addition to Pharmacia & Upjohn's action in the context of the Phase III FDA clinical trial, internal Pharmacia & Upjohn documents secured through Congressional investigations clearly establish that Pharmacia & Upjohn created and then exploited misleading information about its prices. Following is one example: "Some of the drugs on the multi-source list offer you savings of over 75% below list price of the drug. For a drug like Adriamycin, the reduced pricing offers AOR a reimbursement of over $8,000,000 profit when reimbursed at AWP. The spread from acquisition cost to reimbursement on the multi-source products offered on the contract give AOR a wide margin for profit" (Exhibit "3").

It is clear that Pharmacia & Upjohn targeted health care providers, who might be potential purchasers, by creating and then touting the windfall profits arising from the price manipulation. For example, Pharmacia & Upjohn routinely reported inflated average wholesale prices for its cancer drug Bleomycin, 15u, as well as direct prices. The actual prices paid by industry insiders was in many years less than half of what Pharmacia & Upjohn represented. Pharmacia & Upjohn reported that the average wholesale price for Bleomycin, 15u, rose from $292.43 to $309.98, while the price charged to industry insiders fell by $43.15 (Composite Exhibit "4").

Congress attempted to address the issue of inflated drug reimbursement, in part, in 1997 legislation requiring Medicare to reimburse drug costs at 95% of AWP.

Unfortunately, Congress was unaware that, while it intended to improve Medicare's solvency, Pharmacia & Upjohn was submitting false price reports to further inflate reimbursement amounts for both Medicare and Medicaid that would nullify the effects of Congressional action. Composite Exhibit "5" demonstrates that Pharmacia & Upjohn increased its price representations for its cancer drug Toposar by 5% in October 1997 while taking care to ensure customers that the change in reported prices would not have any impact on the lower, true prices being paid, but would increase government reimbursement.

The following excerpt, addressing Medicaid reimbursement, is illustrative of the steps Pharmacia & Upjohn took to ensure that government health programs paid the inflated reimbursement resulting from false price reports: "FYI—Heads up. The following P&U price increases may create a spread between purchase price and Medicaid reimbursement that may create sales complaints if not resolved in reasonable time period by customary Medicaid updates. Therefore, your action may be required in some instances if over the next few months Medicaid does not automatically pick up the price changes" (Exhibit "6").

Pharmacia & Upjohn reported price increases in October 1997 with full knowledge that the true prices of the drugs were falling. For example, Composite Exhibit "7" reveals that Pharmacia & Upjohn voluntarily lowered its price of Adriamycin PFS 200 mg to $152.00 while reporting an AWP of $946.94: "Dear Willie, A (VPR) Voluntary Price Reduction will become effective May 9, 1997. The wholesalers have been notified, however it may take two weeks to complete the transition. . . ."

Additionally, internal Pharmacia & Upjohn documents secured through the Congressional investigations show that Pharmacia & Upjohn also utilized a large array of other inducements to stimulate product sales. These inducements, including "educational grants" and free goods, were designed to result in a lower net cost to the purchaser while concealing the actual price beneath a high invoice price. Through these means, drug purchasers were provided substantial discounts that induced their patronage while maintaining the fiction of a higher invoice price—the price that corresponded to reported AWPs and inflated reimbursements from the government. Composite Exhibit "8" highlights these inducements:

AOR/PHARMACIA & UPJOHN PARTNERSHIP PROPOSAL: Medical Education Grants. A $55,000 grant has been committed for 1997 for the AOR Partnership for excellence package including: Education/Disease Management, Research Task Force, AOR Annual Yearbook. A $40,000 grant to sponsor the AOR monthly teleconference. This sponsorship was committed and complete in February 1997. . . .

PHARMACIA & UPJOHN, INC. INTER-OFFICE MEMO: If needed, you have a "free goods" program to support your efforts against other forms of generic doxorubicin. . . .

Use your "free goods," wisely to compete against other generic forms of Adriamycin, not to shift the customer to direct shipments. The higher we can keep the price of Adriamycin, the easier it is for you to meet your sales goals for Adriamycin.

My reading of the Federal Food, Drug, and Cosmetic Act and the corresponding regulations suggests that the FDA should pay particular attention to Pharmacia & Upjohn's misleading price reports. Accordingly, I am today requesting that the Commissioner of the FDA, Dr. Jane Henney, conduct a full investigation into Pharmacia & Upjohn's business practices.

I urge Pharmacia & Upjohn to immediately cease these acts and make arrangements to compensate taxpayers for the financial injury caused to federally funded programs. Any refusal to accept responsibility will most certainly be indicative of the need for Congress to control drug prices. If we cannot rely upon drug companies to make honest and truthful representations about their prices, then Congress will be left with no alternative but to take decisive action to protect the public.

Please share this letter with your Board of Directors and in particular with the Board's Corporate Integrity Committee.

Sincerely,

PETE STARK,
Member of Congress.

INTRODUCTION OF H.R. 5361, THE PIPELINE SAFETY ACT OF 2000

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. OBERSTAR. Mr. Speaker, before we adjourn we need to pass legislation to improve pipeline safety. The recent explosions in Bellingham, Washington (three fatalities) and Carlsbad, New Mexico (12 fatalities) are the most visible indications of a serious, long-term problem. Today I am introducing H.R. 5361, the Pipeline Safety Act of 2000, a bill that I believe will help us to go forward quickly and pass this badly needed legislation. The bill is cosponsored by Congressmen DINGELL, INSLEE, UDALL (NM), PASCRELL, LEWIS (GA), PALLONE, SMITH (WA), and TIERNEY; many of the cosponsors represent citizens in States that have had serious pipeline accidents.

Our Nation has 2.2 million miles of pipeline carrying 617 million ton-miles of oil and refined oil products, and 20 trillion cubic feet of natural gas. The pipeline system and the volume of products transported continue to grow. In the last ten years, pipeline mileage has grown by ten percent—at the same time that our Nation's suburbanization continues to bring more families near pipelines.

Regrettably, as the industry has grown, safety has declined. In the last decade, there were 2,241 major pipeline accidents resulting in death, serious injury, or substantial property damage. These explosions killed 226 people and caused more than $700 million of damage to property and the environment. And pipeline safety is deteriorating: the General Accounting Office (GAO) has found that the rate of pipeline accidents is increasing by four percent a year.

To exacerbate the problem, we are dealing with an aging pipeline system. About 24 percent of gas pipelines are now more than 50 years old. The section of pipeline involved in the recent Carlsbad, New Mexico tragedy was almost 50 years old and had suffered substantial internal corrosion.

Congress and the National Transportation Safety Board (NTSB) have long been aware of the unacceptable state of pipeline safety. A series of laws and NTSB recommendations have given the responsible federal agency, the Office of Pipeline Safety (OPS) of the Department of Transportation, direction as to the steps that need to be taken. Regrettably, OPS has not been responsive.

A recent GAO study found that OPS has failed to implement 22 statutory directives for regulations and studies. Twelve of these provisions date from 1992 or earlier. OPS has the lowest rate of any transportation agency for compliance with NTSB recommendations. In addition, GAO has challenged OPS'new policy of reduced reliance on enforcement fines.

During the past year, we have made progress in developing legislation to improve pipeline safety. The Senate has passed a bill, S. 2438, that includes some provisions that would enhance safety but, at the same time, the bill fails to deal satisfactorily with the most important safety issues. It is my judgment that it would be a serious mistake to adopt the Senate bill unchanged. The minimal contributions that the bill would make to safety are outweighed by the legislative reality that passage of this bill would make it extremely difficult to pass additional pipeline safety legislation during the period of the three-year authorization Provided by the bill.

The Senate bill, as passed, is opposed by the families of the victims of the Bellingham, Washington, pipeline explosion, and the following organizations: the National Pipeline Reform Coalition; League of Conservation Voters; Environmental Defense; Clean Water Action; National Environmental Trust; Natural Resources Defense Council; Physicians for Social Responsibility; U.S. Public Interest Research Group; AFL–CIO Transportation Trades Department; the International Brotherhood of Teamsters; and the AFL–CIO Building and Construction Trades Department.

I believe that the House should go forward with its own legislation and then work with the Senate to develop a joint product that would make an effective contribution to pipeline safety.

Until a few weeks ago, this was the path we were following in the House. Several good pipeline safety bills had been introduced, including H.R. 4792, a bill sponsored by Congressman INSLEE and 15 other Members. Within the Transportation and Infrastructure Committee, the Committee with primary jurisdiction over this issue, there had been extensive bipartisan discussions and staff work, and draft legislation had been prepared and was within days of being ready for a markup in early

I find the industries' assessment of the legislative situation to be obviously selfserving. When was the last time we heard an industry demand that a "tough" bill be passed to Improve its safety? How could anyone, three weeks ago, say with a straight face that the last five weeks, or the last two weeks, of this Congress provide insufficient time for negotiations on this relatively limited issue, when during the last two weeks the House and the Senate will have to resolve all the major issues associated with 11 of the 13 appropriation bills?

The bill I am introducing today does not include all the provisions that I would like to see included in a pipeline safety bill. In the interest of facilitating prompt House action on pipeline safety, my bill is based largely on the House bipartisan staff draft bill that had been developed for an early September markup.

I believe that this bill is a major improvement over the Senate product and can make important contributions to pipeline safety. In accordance with a joint statement of principles for improving pipeline safety endorsed by Congressman JOHN DINGELL, Ranking Democratic Member of the Committee on Commerce which also has jurisdiction over pipeline safety, and me, the bill requires pipeline integrity management programs; requires periodic pipeline inspections; ensures that pipeline employees are qualified, well trained, and certified; expands the public's right to know; provides environmental accountability and increases enforcement; expands States' role in pipeline safety; enables more citizen involvement; and increases funding to improve pipeline safety. A summary of the bill may be found at the end of this statement. Although the Senate bill includes provisions on some of these issues, in most cases they are not effective to deal with the problem.

Let me just focus on a couple of issues to illustrate the difference between my objectives and the Senate bill. I believe that any pipeline safety bill must require pipeline operators to adopt integrity management programs and must require periodic inspections of pipelines at least once every five years.

Why is that so important?—two reasons: First, required inspections will prevent tragedy. The need for regular inspections is particularly acute because of the age of our pipeline system. As I have already said, about 24 percent of gas pipelines are now more than 50 years old. The section of pipeline involved in the recent Carlsbad, New Mexico tragedy was almost 50 years old, and the National Transportation Safety Board (NTSB) has found that the failed sections had significant internal corrosion and pipe wall loss in some areas of more than 50 percent. The NTSB stated that, based on their initial investigation, the 50-year-old pipeline was never properly tested. The company never conducted an internal inspection of the pipeline involved in the explosion. I believe that inspections probably would have uncovered these corrosion problems before they led to a tragedy. Without requiring pipeline inspections, there will be more tragedies. We don't need another Carlsbad, New Mexico, Bellingham, Washington, Edison, New Jersey or Mounds View, Minnesota.

Second, a subtle, but important, distinction between this bill and the Senate bill is that the Senate bill does not require the pipeline companies to do anything. The Senate bill only requires the Office of Pipeline Safety to adopt regulations dealing with the issue. This approach has been tried and failed. In 1992, Congress passed legislation that directed OPS to adopt regulations requiring inspections by 1995. Now, 13 years after the NTSB recommended required periodic inspections and eight years after the statutory mandate, the Office of Pipeline Safety has not issued a single regulation imposing pipeline inspection requirements. For important parts of the industry NTSB has not even issued a Notice of Proposed Rulemaking.

The failure of the Office of Pipeline Safety's failure to comply with statutory inspections mandates is just one example of OPS' lack of responsiveness to Congressional directives and NTSB recommendations when it comes to pipeline safety. The GAO has found that the Office of Pipeline Safety has not complied with 22 existing statutory requirements regarding pipeline safety, many of which had statutory deadlines that have long since past. We should not pass a bill, like S. 2438, that imposes a 23rd statutory requirement telling OPS to do the right thing.

It is time for the House to lead; it is time for these needless pipeline tragedies to stop. The House should go forward with its own pipeline safety legislation and we should get a truly effective pipeline safety bill on the President's desk before we adjourn.

Summary of H.R. 5361, The Pipeline Safety Act of 2000

1. Requires pipeline integrity management programs

Statutorily requires that hazardous liquid and natural gas pipeline operators adopt integrity management programs, regardless of whether the Department of Transportation's Office of Pipeline Safety (OPS) completes pending and planned rulemakings to require these programs.

The Department of Transportation (DOT) must review each operator's integrity management program, and either accept it or require changes.

2. Requires Periodic Inspections (at least once every five years)

Statutorily requires periodic inspections of pipelines at least once every five years in areas of high population or environmental sensitivity; methods for monitoring cathodic protection on the operator's entire system; follow-up actions which will be taken if inspections reveal deficiencies; and programs for installing emergency flow restricting devices.

3. Ensures that pipeline employees are qualified, well trained, and certified

Statutorily requires that each pipeline operator develop and implement a program for ensuring that all employees performing safety sensitive functions are qualified.

Qualifications of employees must be established by testing and may not be established by observing on-the-job performance only (as would be permitted under a recent OPS regulation).

Requires DOT to review all pipeline operator programs, and either accept them or require changes.

Establishes a pilot program in which DOT will develop a test for certifying persons who operate computer-based systems which control pipeline operations. OPS will use its test to certify these employees at three companies.

4. Expands the public's right to know

Requires pipeline operators to establish programs to educate the public on the use of the one call program prior to excavation, and on how to identify and respond to a pipeline release.

Requires pipeline operators to make useful information available to state emergency response committee and local emergency planning committees, and to make maps of pipelines available to municipalities.

Requires pipeline operators to provide DOT, and DOT to provide the public, with pipeline segment reports including histories of incidents and inspection, enforcement actions affecting the segment, and the results of periodic testing of the segment.

5. Provides environmental accountability and increases enforcement

Establishes a new penalty with strict liability (no fault required) for oil spills, of $1,000 per barrel of hazardous liquid (e.g., oil) discharged. This is the same penalty as is currently imposed for oil spills in water.

Raises maximum civil penalties from the current law level of $25,000 per violation and $500,000 for a related series of violations to $100,000 per violation and $1,000,000 for a series of violations.

Expands the Attorney General's authority to pursue civil actions and get appropriate relief.

6. Expands States' role in pipeline

Authorizes the Department of Transportation to enter into agreements with states to enable the states to participate in pipeline safety inspections and oversight, and to comment on pipeline operators' integrity management programs.

7. Enables more citizen involvement

Establishes a pilot program to establish and fund nine Regional Advisory Councils to enable public and local government representatives to make substantive recommendations to the pipeline industry and regulators regarding improving pipeline safety.

8. Increases funding to improve pipeline safety

Significantly increases authorizations for pipeline safety programs to enable the Office of Pipeline Safety to carry out an active, aggressive inspection program.

HOUSE OF REPRESENTATIVES—*Wednesday, October 4, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHAW).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 4, 2000.

I hereby appoint the Honorable E. CLAY SHAW, Jr., to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Lawrence A. Lambert, Jr., First United Methodist Church, Greensburg, Kansas, offered the following prayer:

Almighty God, Creator of all people and nations, acknowledging Your preeminence, we acknowledge our humanness. Asking for Thy Grace and Mercy, forgive us when we wound Your Heart and grieve Your Spirit in the world.

Renew our congressional leaders and all Americans in the challenge to keep our Nation physically strong, mentally awake, and morally straight.

Awaken the pioneer spirit within our leaders and all Americans to explore and reclaim the truths that were founded in this Country and in which our Nation with humility proclaimed "In God we trust!"

Help us embrace Thy eternal truth that outweighs any falsehood.

O God, empower Congressional leaders to fulfill the mandate not to be served, but to serve. Lift them on Wings as an Eagle, discerning Your compassion, Your love, vision, will, and purpose.

Grant them wisdom for a moral and just society bearing always the poor and powerless as Your mandate for leadership. Bless each dedicated House Member, their staff, and their families, in Thy gracious name and in the name of our Lord, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kansas (Mr. MORAN) come forward and lead the House in the Pledge of Allegiance.

Mr. MORAN of Kansas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1800. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General.

H.R. 2752. An act to direct the Secretary of the Interior to sell certain public land in Lincoln County through a competitive process.

H.R. 2773. An act to amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system.

H.R. 4579. An act to provide for the exchange of certain lands within the State of Utah.

H.R. 4583. An act to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1143. An act to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.

H.R. 3084. An act to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln.

The message also announced that the Senate has passed a bill and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 2440. An act to amend title 49, United States Code, to improve airport security.

S. Con. Res. 60. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. Wisconsin and all those who served aboard her.

S. Con. Res. 70. Concurrent resolution requesting that the United States Postal Service issue a commemorative postage stamp honoring the national veterans service organizations of the United States.

S. Con. Res. 141. Concurrent resolution to authorize the printing of copies of the publication entitled "The United States Capitol" as a Senate document.

WELCOME TO REVEREND LAWRENCE A. LAMBERT, JR.

(Mr. MORAN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Kansas. Mr. Speaker, I am here to welcome to the House Chamber and to our Nation's Capitol one of my constituents and one of the citizens of Kansas, Reverend Lambert, who is here today with his wife, Linda, and graciously delivered the invocation on our proceedings today.

Reverend Lambert is the United Methodist minister in the community of Greensburg, a community of several thousand people in the southern part of Kansas. It is a delight to have him and his wife with us.

I appreciate his prayers and concerns for our country and for the House of Representatives and for the task we have before us. This is Reverend Lambert's first visit to the Nation's Capitol, and we are delighted to have him as our guest today.

THE UNITED STATES SHOULD TAKE ACTION TO HELP CITIZENS OF SIERRA LEONE

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I rise again today to discuss the abominable situation in Africa. We have had over two decades of killings, maimings, abductions, and the murder of approximately 1 million Africans. Our State Department has done virtually nothing.

If we compare what has happened in Africa and what has happened in Kosovo and Bosnia, where we have sent troops, Bosnia and Kosovo do not begin to compare in deaths and human agony with what has happened in Africa.

I am particularly concerned about Sierra Leone, where we now have a battle over diamonds. It is not a political battle, it is a battle for money, for diamonds, for power. Charles Taylor of Liberia undoubtedly is interfering. There is some evidence that Mr. Qaddafi from Libya is also interfering, and others from Guinea and other lands. And yet, we do nothing. We stand and watch it happen.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Last week in a hearing chaired by the gentleman from California (Mr. ROYCE) of the Subcommittee on Africa, we saw the maimed and injured, little children whose arms had been chopped off, a terrible, terrible sight, and our State Department and our country have done virtually nothing.

It is time for us to rise up and help the citizens of that Nation. I ask that we do that.

WEN HO LEE, A JUSTICE DEPARTMENT SCAPEGOAT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I do not know if Wen Ho Lee is a spy, but one thing for sure, Wen Ho Lee is a scapegoat. Wen Ho Lee was a diversion used by Janet Reno to avoid the appointment of an independent counsel to investigate illegal Chinese campaign contributions to the Democrat National Committee.

Who is kidding whom? Even Barney Fife can see through this ploy. Wake up, Congress. A Chinese Red Army general, a Red Army general was one of the Chinese who funneled money to the Democrat National Committee, and there has been no investigation. Beam me up.

I yield back the treason of Janet Reno and the secrets still to be stolen by the Chinese.

MISLEADING STATEMENTS BY THE VICE PRESIDENT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, do Members remember that all-American slogan: baseball, mom, and apple pie? We have a new campaign slogan today, thanks to the Vice President, the person who supposedly invented the Internet. It goes, dog, mother-in-law, and prescription drugs.

This week, the Boston Globe, no member of the vast right wing conspiracy, and the Washington Times both reported that GORE made up an anecdote about the cost of drugs. Why would the Vice President mislead our Nation's seniors and the entire media by telling a bogus personal story that his mother-in-law pays three times the price for arthritis medicine as compared to his dog? Why would he stretch the truth on such an important issue that the Republican House already has taken action on to lower the cost of medicines by 25 percent? Why would he puff up a false personal story? Solely to score political points with our Nation's seniors?

Whatever the motive, it is time for some straight talk, not invented rhetoric. America's families and senior citizens deserve no less. People should come before politics.

REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, the House passed the reauthorization of the Violence Against Women Act on September 26. The funding for that act expired on September 30. When is the Senate going to act?

The vote here was 415 to 3. The House took great strides in reauthorizing the funding programs in the VAWA that will improve the quality of life for millions of women and children across the country. It reauthorizes programs that make a real difference in our communities: the STOP grants, the National Domestic Violence Hotline, battered women's shelters, rape crisis centers.

I visited one of those centers just recently. They are doing the job. That is why we reauthorized it. Where is the Senate? We must be sensitive to the needs of every woman who is a victim of these tragic circumstances.

I would like to thank the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Michigan (Mr. CONYERS) for their leadership on this critical legislation.

BUREAUCRATS PRACTICING MEDICINE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, obviously, I am no medical doctor. Therefore, I would never presume to know what medication, for example, would be better to treat the heart condition of a 72-year-old woman in Winnemucca, Nevada.

Yet, the Gore plan thinks that Washington bureaucrats should know best which drug should or should not be used by my constituents 2,000 miles away in Nevada. After all, that is what his Medicare Modernization Act calls for, 182 new mandates on prescription drug delivery, including a government formulary to cover prescriptions. If a drug is not listed in the Gore formulary, Medicare will not cover it, and a needy citizen, a senior, will not be able to obtain their life-saving medication.

Mr. Speaker, this same plan has failed miserably in Canada and Europe. My fellow citizens in Nevada and across America should not be denied access to the prescription drugs they need by Washington bureaucrats whose only medical credentials are that they have visited a doctor for their yearly physical.

I yield back the Gore government-run prescription drug plan that has Washington, D.C. deciding which medicines should be in our cabinet.

URGING CONGRESS AND THE ADMINISTRATION TO RESTORE PEACE IN SIERRA LEONE

(Mr. HALL of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, I rise today to share with this Congress a story of a young girl who was maimed by thugs in Sierra Leone. These are some of the kids that testified before the Congress last week.

Bintu Amara, who is in this picture, who is 9 years old, watched rebels chop off her leg last year. They did it to terrorize everyone who sees her, and remind all the world that they will stop at nothing in their bid to control the country's diamond mines.

Bintu did not say much at the special hearing that the gentleman from California (Chairman ROYCE) held last week, but she did tell this Congress that she wants very much to go to school. That is not likely to happen, I am sad to report. Today, diamonds will earn $37 million for rebel armies, like the one that did this to Bintu. Tomorrow they will earn another $37 million, and so on.

I urge this Congress and this administration to do something about this, not in a year, not some day, but today. Americans buy two-thirds of the world's diamonds. They would be horrified to know that this is where their money goes.

We owe it to them, we owe it to Bintu, to do something about this tragedy.

ILLEGAL PRACTICES BY THE CLINTON-GORE ADMINISTRATION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last night in the Presidential debate AL GORE's words "No controlling legal authority" came up. What George Bush should have said is that all those words mean is, "Catch me if you can."

Everyone in Washington knows it is illegal to use foreign money. It is illegal to launder money. It is illegal to sell access. It is illegal to use your phones, your computers, your office, your staff, for raising funds.

The Democrats have accepted millions of dollars in foreign moneys, laundered money, and turned the Lincoln bedroom and the coffee klatches into a money-making machine.

Mr. GORE not only participated and planned, he was a cheerleader of this administration and their corrupt practices in the White House. That is why the American people are disappointed in Vice President AL GORE.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise that the Member should avoid personal references to the President or the Vice President.

CONGRESS MUST WORK TO PAY OFF THE PUBLIC DEBT AND PROVIDE A PRESCRIPTION DRUG BENEFIT TO SENIORS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, in this time of great prosperity, it is imperative that Congress works to pay off the public debt and provide a prescription drug benefit for all seniors.

The Nation has a public debt of over $3 trillion. However, in the last 3 years, Republicans have paid down $354 billion in public debt and are on track to completely pay off this part of the national debt by 2012.

Republicans are committed to using 90 percent of next year's budget surplus to pay off the public debt, while locking away 100 percent of the social security and Medicare surpluses.

While we remain the most prosperous Nation in the world, the sad reality is that there are still some seniors who have to choose between putting food on the table and the prescription drugs they need to live healthy lives. Mr. Speaker, that is not fair.

When we passed a prescription drug benefit that was voluntary, available, and affordable for all seniors, the gentleman from Illinois (Mr. GEPHARDT) and the Democrats walked out on seniors. That is not right. Republicans will not walk out on seniors, and will continue to work to find a bipartisan solution to reducing the cost of prescription drugs while working to pay off our public debt.

THE PRESIDENT SHOULD PUT DEBT REDUCTION AHEAD OF SPENDING AND AGREE TO REPUBLICAN 90/10 PROPOSAL

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, it has been 22 days since the Congress proposed to lock away 100 percent of the social security and Medicare surpluses and dedicate at least 90 percent of the total budget surplus for public debt reduction. It has been 22 days that the Clinton-Gore administration has refused to answer our calls for debt reduction.

There will be an estimated $268 billion surplus this fiscal year. Our question he simple: Should it be used to pay off the public debt, or should it be spent on ongoing Washington programs?

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Republicans are for using the surplus to pay off the debt. Where do President Clinton and Vice President GORE stand? Our children and grandchildren deserve better than to inherit mountains of debt.

Mr. Speaker, I urge the President and Vice President to put debt reduction ahead of spending and agree to our 90–10 percent proposal.

UNITED STATES MUST DO MORE FOR JUST PEACE IN SIERRA LEONE

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, the war in Sierra Leone has been one of the most barbaric in the world. A rebel group, the RUF, supported by neighboring Liberia, has been conducting the most hideous of violence against civilians in this west African country. They are doing this to steal the Nation's diamond wealth.

Last week, 4-year-old Memunatu Mansaray told us how her and her grandmother were among 300 people who sought refuge in a mosque when rebels attacked the capital. When she cried out, the hiding population was discovered, and all but her were shot dead. She survived because, when it was her turn, a rebel commander told a 12-year-old boy, a boy captured and drugged by the rebels, not to waste a bullet on her, but to cut off her hand. Her right hand was amputated that day when she was just 2 years old.

Fortunately, private Americans have come forth to give her medical attention. But there are thousands of other child victims with nothing. As a matter of fact, there are 20,000 amputees. I believe that those who saw her left with an awareness of why the U.S. must do more to help bring a just peace, a just peace to Sierra Leone. This savagery has to stop.

PRESIDENT AND CONGRESS SHOULD WORK TOGETHER TO ELIMINATE DEBT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, it has been 22 days ago since Republicans asked the President and Vice President to join us in dedicating 90 percent of next year's surplus to eliminating the national debt. Even last night, the Vice President said he wanted to reduce the debt. But as of this morning, we have not heard a word from either one of them.

I am curious, what are they waiting for? Could it be because the Vice President has proposed over $1 trillion in new government spending? I think it is. It seems the Vice President cares more about spending the surplus than saving it. Why else has he been silent on joining our efforts to eliminate the debt?

This Democrat administration spending spree will jeopardize the health of Social Security and Medicare, and that is just wrong. I tell the Vice President, come on, together let us eliminate the national debt. Social Security and Medicare depend on it.

WOMEN'S CAUCUS COORDINATED EFFORT ON PASSING VAWA

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, one of the top priorities of the bipartisan Women's Caucus is reauthorizing the Violence Against Women Act. The House has already passed it by a nearly unanimous vote, 415 to 3.

But while women are being beaten up and children continue to witness violence every day in their homes, the Senate and the conference committee have yet to act. It is time for action. We are calling, in a bipartisan way, on our colleagues in the House and the Senate on the conference committee. We know that this bill will save lives. We know that it helps our communities deal with domestic violence.

We know that passing VAWA is one way to stop the cycle of violence in America. We know that the prosecutors and law enforcement officers support it. How long must our children suffer the consequences of family violence. Every day that goes by without passing it is too long.

We call upon this House and Senate and conference committee to pass the Violence Against Women Act.

PRESIDENTIAL CANDIDATES DISAGREE ON TAXING ISSUES

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, as a result of decades of social engineering, the United States Tax Code has evolved into a complex maze of deductions, credits, exemptions, and special preferences under which taxpayers with same incomes can pay vastly different amounts in taxes.

This uneven treatment of taxpayers is fundamentally unfair and it is at odds with the American value of equality under the law.

Unfortunately, Mr. Speaker, Vice President AL GORE's economic plan would make things even worse. Although the Vice President claims to provide middle class tax relief, he actually provides meager relief only to those individuals who agree to live the government-approved AL GORE mandated life-style.

As a result, the Wall Street Journal reported yesterday "families earning identical amounts of money would pay widely different taxes and families earning more money than others could pay significantly lower taxes."

Those who choose the GORE life-style get a tax break. Those who choose to live their own lives get nothing. For example, if one purchases a costly electric car, the Vice President gives one a tax break. If one purchases a Ford pickup truck, one gets nothing. That is not my definition of fairness. That is not my definition of freedom.

Governor Bush, however, has a different approach. He believes that all Americans are overtaxed and worthy of some relief, even those who drive Ford pickup trucks. His evenhanded plan would provide relief to virtually every taxpayer. That, Mr. Speaker, is fair.

REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT OF 1994

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Mr. Speaker, October is National Domestic Violence Awareness Month, a time for us to reflect upon the damage done to American society by domestic violence.

Scratch the surface of any of our Nation's most challenging social problems, from crime in schools to gang violence and homelessness, and one is likely to find the root cause is domestic violence.

Law enforcement officials report that domestic violence calls are among their most frequent. Judges find that children first seen in their courts as victims of domestic violence return later as adult criminal defendants. Schools report that children with emotional problems often come from environments where violence is the norm.

What does this tell us? It tells us that violence begets violence, and it is incumbent on all of us to try and break the cycle. That is exactly what the Violence Against Women Act, VAWA, of 1994 has helped us to do over the last 6 years.

Let us get to the President's desk now the 5-year reauthorization of VAWA. It is a vital investment in this Nation's future.

PAYING OFF DEBT PRESERVES THE POLITICAL AND SPIRITUAL HERITAGE OF OUR GRANDCHILDREN

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, nearly 40 years ago, President Dwight D. Eisenhower warned "we cannot mortgage the material assets of our grandchildren without risking the loss also of their political and spiritual heritage.

"We want democracy to survive for all generations to come, not become the insolvent phantom for tomorrow."

This Congress has a chance to tear off a piece of that mortgage placed on our children and our grandchildren and all of our future generations by paying off America's debt. We can start this year. We can start by committing 90 percent of the surplus to paying off America's debt.

Democrats say it cannot be done, and they are wrong. Just a couple of years ago when we Republicans promised we would stop Bill Clinton's raid on Social Security, Democrats said that could not be done. But once again, they were wrong.

Paying off the debt should be our top priority. It frees up money currently spent on interest and allows us to pay for other top priorities such as prescription drug benefits, saving Social Security, and preserving the political and spiritual heritage of our grandchildren.

REPUBLICANS COMMITTED TO PAYING DOWN DEBT

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, for far too long, government spending reigned supreme in Washington. Deficit spending ran rampant, the debt ballooned, and taxes skyrocketed. It was always spend first and worry about the debt later.

But today Republicans are changing course and saying that paying off the debt for our children's future should be at the front of the line, not at the end of the line.

Republicans are committed to paying off the national debt. We have already reduced the debt by about $350 billion and are committed to eliminating the national debt altogether.

The Clinton-Gore administration vetoed relief on the marriage and death taxes. Remember? Republicans are not about to sit back and let the Democrats now spend that money.

As we finalize next year's budget, we are dedicated to three core principles. Let us pay down the debt. Let us make sure Social Security and Medicare are on sound financial ground for this generation of seniors and future generations. Let us give the American people substantial tax relief. They deserve it. That is what is right for the country.

REBELS IN SIERRA LEONE PROFIT FROM "BLOOD" DIAMONDS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, the Clinton administration has a miserable record on what is taking place in Sierra Leone. Moctar Jollah is a 27-year-old. He is from Sierra Leone. This past year, Moctar had his right hand and his ear cut off by rebel thugs in Sierra Leone. The gentleman from Ohio (Mr. HALL) and I met Moctar at an amputee camp this past December.

At the amputee camp, Moctar introduced us to thousands of people who were lucky to be alive. The people we met were the survivors, those who did not bleed to death as they struggled to flee the rebels who had cut off their arms, their legs, and their ears.

No one was spared the brutal, grotesque, and evil actions of the rebels. Infant babies had their arms and legs cut off. Young men in the prime of their life suddenly had half a leg. Women were raped by rebels and then had their limbs amputated, only to give birth several months later as a result of the rape they suffered.

Why did the rebels of Sierra Leone do it? They did it because of diamonds. Diamonds to profit and control and trade in Sierra Leone. The trade in conflict for blood diamonds must stop.

The gentleman from Ohio (Mr. HALL) has a bill, the CARAT Act, H.R. 5147. Pass the bill, stop the flow of blood from conflict diamonds.

URGING DEPARTMENT OF JUSTICE TO END NONSENSE AGAINST MICROSOFT

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, hopefully Tuesday, September 26, marked the turning point in the misguided antitrust suit against Microsoft when the Supreme Court turned down a Hail-Mary plea by the government to hear Microsoft's appeal.

Two new studies, one from the Institute of Policy Innovation and one from the Association for Competitive Technology calculate the annual economic damages caused to our economy would range between $20 billion and $75 billion a year.

I would like to quote Milton Friedman, the Nobel Laureate Economist who said, "Silicon Valley is suicidal in calling government in to mediate in the disputes among some of the big companies in the area and Microsoft. The end result will be that an industry that up to now has been able to proceed at a marvelous pace with little or no government regulation is now going to have government all over it. It is going to spend in legal fees over the next 10 or 20 years, money which society would benefit from much more if it were spent in the kind of research and development that has brought us many miracles in the area of Internet, in the area of home computers, industry computers, and all the rest."

The Berkshire Hathaway vice-chairman, Charles Munger, says "The Justice Department could hardly have come up with a more harmful set of demands than those it now makes. If it wins, our country will end up hobbling its best-performing high-tech businesses."

I urge an end to this madness.

WELFARE REFORM SUCCESS

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, hearing the Democrats say they reformed welfare is similar to saying all of us in this House won gold in the Olympics. Did we participate in the success at Sydney? No. But did this Nation benefit from the years of practice and experience of these gold medals? Yes.

When we were talking about reforming welfare, the Democrats said welfare reform would fail, and President Clinton vetoed this legislation twice.

□ 1030

Well, failure could not be further from the truth today. Taxpayers are better off than they were 4 years ago due to fiscal responsibility and reforms passed by the Republican Congress. Six years ago welfare checks in the Northeast totaled about $47 million, and this year the costs are about $12 million, nearly $35 million in savings.

Republicans have helped restore incentive to work instead of dooming families to a life of continued dependencies. Our policy should be a hand up, not a hand out.

SOCIAL SECURITY

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I think a lot of Americans listened to the debate last night. A lot of us have been working on Social Security for a long time, certainly our Speaker pro tempore, the gentleman from Florida (Mr. SHAW), myself, the gentleman from Texas (Mr. STENHOLM), the gentleman from Arizona (Mr. KOLBE), and many others have been looking at ways to keep this most important program continuing to be solvent. A lot of people depend on it.

I was very upset last night with some of the comments on Social Security. The Vice President has got a plan that I think does not solve the huge problem of keeping Social Security solvent.

Let me just go through this chart briefly. The biggest risk is doing nothing at all. Social Security has a total unfunded liability of over $20 trillion. The Social Security Trust Fund contains nothing but IOUs. That is what the Vice President is suggesting, that we add another giant IOU and somehow come up with the money. How are we going to come up with the money?

The last point. To keep paying program Social Security benefits, the payroll tax will have to be increased to at least 50 percent of total income; 50 percent of total income for our FICA taxes or benefits will have to be cut by one-third.

We cannot continue to go on doing nothing. We have to make some program changes if we are going to keep this important program solvent.

APPOINTMENT OF CONFEREES ON H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. SHAW). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. MORAN of Virginia moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4942 be instructed to recede from disagreement with the amendment of the Senate.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. MORAN) will be recognized for 30 minutes and the gentleman from Oklahoma (Mr. ISTOOK) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion, as it was read, would instruct the conferees to accept the Senate version of the District of Columbia appropriations bill for fiscal year 2001. The reason is that the Senate bill is a superior bill.

The Senate bill is a bill that was supported by virtually all of the Republicans and Democrats in the Senate, will be supported by virtually all of the Democrats and I think a great many Republicans in the House. It is a bill that is supported by the Mayor of the District of Columbia and by the D.C. City Council, the properly elected officials to govern the district. And it is the only bill that the President will sign.

This bill provides $34 million more in Federal funds to enable the District to undertake important economic development, environmental restoration and educational opportunity activities. It fully funds the Federal commitment to build the New York Avenue metro station; and, in fact, it represents only a third of the cost, given the fact that if we provide this money; the private sector will provide another third; another third will come from local funds.

The Senate bill also enables the Poplar Point remediation project to begin. It provides tuition assistance for D.C. students to be able to take advantage of the ability to attend college outside of the District of Columbia. Without these funds, that program cannot be fully implemented. And it will enable the D.C. courts to see their first pay increase in more than 5 years.

The Senate bill also refrains from imposing new social policies on the District, policies that we would never try to impose on our own constituents in our own congressional districts, and policies that have been rejected by the citizens of the District of Columbia and that, in fact, are intended to negate actions, programs, and initiatives that are working within the District of Columbia and that we ought to support not only because they are working, but, most importantly, because they are the way that the citizens of the District of Columbia choose to spend their own money.

In addition to eliminating the more controversial social riders that were added anew to this bill, it goes a long way in honoring and giving more respect to the District and its reform-minded elected officers by reducing by more than 30 the number of general provisions in the bill that are no longer necessary.

That is why the Senate bill is a superior bill, why in the very last days of this session we ought to recede to the Senate and get this bill passed.

Mr. Speaker, I reserve the balance of my time.

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume, and I rise to oppose the motion to instruct made by the gentleman from Virginia.

I recognize the gentleman is concerned about the differences between the House-passed and Senate-passed bills and he is willing to take what the Senate has done, but I would certainly disagree with some of the things he wants to accomplish because I think he would defeat his whole purpose if we were to adopt the Senate bill.

If we were to adopt the Senate bill, for example, we would create a hole of $61 million in the District's own budget. We would put it out of balance. Why? Because there is language that the Senate does not have that we are poised to put in the conference agreement for what they call the "tobacco securitization." These are proceeds from the tobacco settlement that allows the District a revenue stream to issue securities to be able to use that money in their budget. They need the language provisions that we are working on in the conference report, or they are going to have a hole in their budget.

So if we just took the gentleman's recommendation, and he says he is concerned with the finances of the District, we are going to knock a big hole in their budget by doing so.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Is my recollection incorrect that that is not in the House bill either?

Mr. ISTOOK. Reclaiming my time, Mr. Speaker, that is why it is to be added in conference. The District has been working on the language, which they have submitted to us, knowing that it needs to be inserted in the conference report. It is a part of the District's budget. They are relying upon these funds.

But without having the conference so that we can insert that language, all other issues aside, the gentleman would blow a greater hole in the District's budget than the gentleman is trying to get them in additional Federal money. Because, as the gentleman points out, the additional Federal money that the Senate bill has that is not in the House bill is about $30 million or $35 million, only half of the hole that we would blow in the District's budget if we did not go to conference.

And, of course, as the gentleman is aware, the Federal funds in the House bill, it is kind of like having a checking account or a savings account and drawing against it. We had an allocation for what we could do regarding the District; the Senate had the larger account, and that is the reason they provided a higher level of funding. We have all along expected that more funds would be made available to the House so that we could, for example, provide more Federal funding for the New York Avenue metro station in particular. That has been the plan all along, and it is proceeding accordingly.

In addition, of course, to the financial problems that we would cause for the District were we to adopt the motion of the gentleman from Virginia, we would, of course, take out some other things. We would take out several million dollars of the drug testing and treatment program for persons on probation and parole who are required to stay drug free as a condition of remaining free on the streets.

The House has the larger amount of money to make sure that we not only have the drug testing to get people locked right back up if they violate that condition of their probation or their parole, but also to provide the drug counseling and treatment that is necessary to try to help people not only to be drug free now but to be that way for the rest of their lives, even after the term of their probation or parole expires.

If we adopted the gentleman's language, we would also be taking out $1 million in a public-private housing partnership that is being put together by the Washington Interfaith Network, where the Washington religious community is providing a lot of resources and effort to improve a particular housing project that we have some matching Federal money to work with the private effort that they are putting forth there.

If we adopt the language of the gentleman from Virginia, we also would be giving a blank check to the Public Benefit Corporation. Well, what is the Public Benefit Corporation? That is the entity that runs D.C. General Hospital that, in addition to the $45 million subsidy that they receive from the District of Columbia, has been running additional deficits of over $100 million total over these last 3 years. We have language in the House bill that brings the PBC under control, to try to get its finances straightened up. The Senate bill does not have that language. By adopting the Senate bill we would perpetuate the abuse and the misuse, the illegal, I believe, management of funds at the D.C. General Hospital, which right now the Mayor, the Council, and the new members on the PBC board are trying to get a handle on the situation and change the structure of the D.C. General Hospital.

If we do not have the incentive in this bill to say to them that they can no longer just take money that was not even budgeted and pour it into D.C. General Hospital, ignoring the law, as the General Accounting Office has made clear is what they have been doing, we will not get the D.C. General Hospital situation under control. We most certainly will not if we just adopt the motion of the gentleman from Virginia.

There are a number of things that are either in the House bill or that we have been working to make sure are put into the conference report between the House and the Senate that would be destroyed by the motion of the gentleman. I do not think we want to adopt that motion.

I could talk about other things. We could talk about the drug-free zones that would be wiped out; I could talk about the youth tobacco program, trying to keep kids away from tobacco, that the gentleman's motion would wipe out; but I think I have said enough to make the point.

I urge Members to oppose the motion of the gentleman from Virginia.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

First off, the Mayor and the Public Benefits Corporation seem to be working out their problems. Although I know language would be beneficial, we have not seen this particular language to which the chairman refers.

Mr. ISTOOK. Mr. Speaker, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I am referring to the language that is in the House bill, although the gentleman correctly notes that we are working on possible revisions of that to put it in its best form.

Mr. MORAN of Virginia. Well, reclaiming my time, Mr. Speaker, those subsequent revisions we have not seen.

Now, the gentlewoman from the District of Columbia, who is the proper representative of the citizens of the District of Columbia, feels that the highest priority is to get this bill funded, notwithstanding issues with regard to the securitization of tobacco revenue and things like that. She is looking to the priorities of the Mayor, the city council and its citizens, and feels that this motion is in the best interest of those citizens, which I find to be a compelling argument to accept the Senate version.

Mr. Speaker, I yield 8 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate his comments.

First, let me indicate that what I am going to say now has the sign-off of the Mayor and the Chair of the city council, who want us to support the motion to instruct so that D.C. can get its money and we can recede to the Senate bill.

D.C. General Hospital has been taken care of in the Senate bill. There is some money that can be moved, if necessary, to assist the transition, with very severe limits on it; and D.C., of course, can no longer fund the hospital above and beyond the appropriated amount. That has been fully taken care of in the House.

The Senate budget as to securitization of the tobacco settlement, D.C. would have desired that.

□ 1045

But the necessity to get this bill done is overriding, and the mayor and the City Council are asking our colleagues on both sides to support the motion to instruct.

The Senate bill is tough on the District, tougher than necessary, but it is a fair bill. It forces me to swallow hard. There are major attachments on that bill reflecting the views of this House as well as the Senate. There is a major violation of home rule right in our face.

Congressional review of the Chief Financial Officer before that nomination becomes effective even after hearings and confirmation by the Council, a totally unnecessary, horrible violation of home rule. And if the mayor and the City Council are willing to let that go without a fight and a veto, I think it says a lot about the urgency of passing this bill because I am going to have something to say about what the specific injury is to the District in holding this bill longer.

The Senate bill requires the District to pay back in 1 year amounts taken from its emergency reserves for emergencies, and that becomes very difficult for us because it is a city recovering from insolvency. If we take an amount from the reserves, the District asks that we have 3 years to pay it back. We are not able to get that in the Senate bill. That is the kind of tough language the District would have to absorb through the Senate bill.

But the Senate bill would, at least, make this small appropriation go away. And then what would we have? Would it be one down and eight to go? I have lost count. But they have got a lot to do before they get out of here. If they want to spend their time in October and November fighting over the D.C. bill, be my guest. Because we are not going to give up without a fight.

If in fact we do not adopt the Senate version, what we are headed for is a veto and a protracted fight over the smallest appropriation consisting almost entirely of locally raised revenue. This would be an absurd fight this late in the year because it would be a fight over D.C.'s balanced budget with a surplus.

The Senate version, of course, has riders we deplore but it bears us a fight over controversial language that are the pet concerns of this Member and that Member who in the House cannot wait for the D.C. appropriation because it allows them to undemocratically micromanage their views into the appropriation of a local jurisdiction, going against all of the philosophy of devolution that is spouted by the other side daily on this floor.

Is it worth the fight to get their little curlicue in their budget and then have it vetoed by the President? I do not think so.

Usually funds have not held up the D.C. appropriations since most of the money comes from D.C. and D.C. submits balanced budgets. Not this time. This appropriation is being held up largely because of a $35 million dispute in a $2 trillion budget. That is what this House is all about.

Now, understand that this dispute involves priorities that were funded in the President's budget and that the District cannot do without. So that means a fight, too. They have a fight on their hands. Do they want a fight? Do they want to stick around and fight? They are going to get their fight. Because we have got to get that Metro station.

D.C. has come up with a third of the money. As far as the Metro station, one of our business people has written an extraordinary piece in the Washington Post saying he simply cannot believe that, with the millions of dollars he is pouring into the District, that the Congress would not let this Metro station go. It is key to the revitalization of the entire northeast quadrant of the city, to the city's economy itself, which is just rebounding from insolvency.

We cannot put any more of our money into it. The control board has certified that it does not have more of its money to put into it. That is going to hold this bill up. We are not going to give up without that Metro stop. If my colleagues want to hang around and fight over it, they got themselves a fight.

Members have always supported such infrastructure support. They did so when we were building the Convention Center because they knew that we were going to make millions of dollars for ourselves every year. And so the Congress funded an expansion of the Metro stop near the Convention Center when the President put the money in his budget, as he has now.

This body, in one of the great moments frankly for bipartisan support for the Nation's capital, passed the College Access Act. There was strong bipartisan support in the Senate and the House because the House understood that we are the only jurisdiction in the United States that does not have a State college system, a State university system. So that now our youngsters can go to State colleges for low in-state college tuition fees.

Why underfund in the second year, the upcoming year, when we have received such an outpouring of young people taking advantage, more than 3,000 youngsters going all over the United States? It is mean spirited to underfund that, especially since the money for it is there in the President's budget.

It is time to acknowledge the giant steps that the District has taken with its new reform mayor, Tony Williams, and its completely revitalized City Council that does tough oversight all the time. They did their homework. We found no fault with their budget.

The delay into the fiscal year has already hurt the City's priorities. As I speak, 175 police cannot be hired. As I speak, we cannot put money into an after-school program to take our kids off the street during the high crime hours between 3 and 6. And the only reason is because this body has decided to hold our budget up, our balanced budget, and we cannot move ahead on anything new until they let our budget go.

Is it worth it to put their own signature on somebody else's budget when they have done their homework? Let the District budget go.

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me, as part of my response to some things that have been claimed, take issue with this idea that supposedly the bill consists almost entirely of local funds.

In this bill, of the total of about $5.5 billion in operating expenses in the bill, about $3 billion of it is raised locally, about $2 billion of it is different Federal grant programs that comes from the Federal Government; and then over $400 million of it is direct appropriation of Federal funds to the District of Columbia.

I do not consider $2.5 billion of Federal money or $400 million of appropriated money—and of course it exceeds that $400 million—I do not consider that to be small potatoes. I consider that to be a lot of taxpayers' money.

We do not have that kind of direct appropriation to my hometown. It does not go to Oklahoma City. It does not go to Sacramento. It does not go to Minneapolis or St. Paul or even Chicago. It goes to Washington, D.C., as the Nation's Capital because we have a unique constitutional perspective and mandate regarding the Nation's Capital. Otherwise, we would not have this bill, we would not have a District appropriation.

Ms. NORTON. Mr. Speaker, will the gentleman yield?

Mr. ISTOOK. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, just for the record, I want the gentleman to know that, of the $2 billion that the gentleman has referenced, only $400 million of that is for direct Federal funding, but most of it is for the kind of grants they do not appropriate for anybody else in the first place.

Mr. ISTOOK. Mr. Speaker, reclaiming my time, that is not accurate. The $2 billion in grants and such is in addition to the $414 million that the House appropriated. So the total of those is approximately $2.5 billion. And then we have the local funds of about $3 billion.

This is significant taxpayers' money. Whether the figure is $2.5 billion, $2 billion, or $400 million, I do not think any of us should say to the taxpayer with a straight face that that is not much money and this Congress should not be concerned about it and just let it go. We should be concerned.

Now, the Senate bill has more than the $414 million. They have $448 million. And that is what we have been working to reconcile.

Now, I think a false illusion, and it has been fascinating in this process, Mr. Speaker, to see efforts to create a false illusion as though the House were not trying to work, for example, on this New York Avenue Metro station project. The problem is, we do not get money from the President's budget.

I realize that Members of his own party can stand up here and say, "Oh, my goodness, they are not doing what the President's budget says." Well, if all we need is the President's budget, we do not need a House of Representatives and we do not need a Senate; just let the President call all the shots and act accordingly.

The President does not give us money. The money comes from the taxpayers. And we have budgets within the House and within the Senate. We do not say we can spend as much money as the President says we can spend. We are only allowed to spend as much money as the House says can be spent if it should be spent.

And this nonsense about saying, "Oh, they have not done what the President's budget says;" we do not always agree with the President. That may be a surprise to some people. Maybe they always do. But I do not always agree, and I try in good faith to work with everyone and work these differences out.

As we have said throughout the process, it is really sad to see this effort to try to say to the business community and others in Washington that Congress is not helping with the New York Avenue Metro station. That is balderdash.

Number one, we funded to the full extent that we were able to do within the amount of money that had been allocated in our budget. And secondly, we have said from the beginning that we expected when we got to the conference with the Senate that the Senate would have a higher number that would enable us to add the extra money for the New York Avenue Metro station, which is exactly what is happening.

I really think it is sad to see this effort to demagogue and say, "Oh, they are not trying to help on this significant project," because we have from day one and that has been the plan all along that the extra money would be received in an allocation when we got to conference so that we would be able to do that.

Also a false argument has been made saying, "Oh, they are not taking care of the college tuition program." My goodness, we established that program in this bill last year with bipartisan support, as the gentlewoman mentions, and we have funded every penny that the program required plus a cushion of about 15 percent.

I recognize some people want to expand the program and, therefore, they want more money or they want the amount that was originally projected to be needed until they found out how many students were actually participating and we knew then what the actual number was rather than going with an estimate that was done a year or more in advance. We funded the need and then some. But some people say, "Oh, they have got to give us more than that because we created a number in advance that we projected would be necessary and we are wearing blinders as to what the actual needs of the program are."

Nevertheless, because the funds that go into that college tuition program remain available for future years and cannot be used for any other purpose we are going to increase the funding for that program. I think what we will end up doing is provide funding in advance for some of the college tuition that will not be spent until more than a year from now.

That has been the situation all along. Yet some people try to create an illusion that there has been a different approach toward the college tuition or towards the New York Avenue Metro station.

□ 1100

The bill that we have before us should be resolved very soon. We have been working with the gentleman from Virginia (Mr. MORAN), we have been working with the gentlewoman from the District of Columbia (Ms. NORTON), we have been working with the administration, and we certainly have been working with the Senate. We expect that we are going to have this conference completed very quickly and the bill right back out to this Floor so that we can take care of the situation, the timing concern that the gentlewoman from the District mentions. We are sensitive to that. We are trying to move as quickly as we can. But the Senate did not pass its bill until last week, until last Thursday night. The House acted long before that. We have been waiting on the Senate. Now that the Senate has acted, we are able to go to conference, and finish up these details and get it right back here to the House floor. We expect to have this done quickly.

Mr. Speaker, I oppose the motion to instruct conferees. As I said in my earlier statement, it is going to blow holes in the District's budget. It is going to create a lot more problems than it might ever solve. I oppose the motion to instruct and ask Members to oppose the motion.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Madam Speaker, I yield myself such time as I may consume.

Let me just elaborate on a few of the comments that the gentlewoman who represents the District of Columbia made. First of all, we have an opportunity to get the District of Columbia appropriations bill passed. We have only got two out of 13 appropriation bills done now. Finally we would get a third, with 10 to go.

The second point she made is we are only asking for $34 million more. Now, we just passed an energy and water appropriations bill that was $880 million over the budget request. I would not want to suggest that a lot of that is pork, but I would suggest to the people who are watching this that they may want to look at some of the composition of that bill. We passed a defense appropriations bill. It was $1.4 billion less for military readiness that the President requested, yet there is $9 billion more for weapons programs, primarily manufactured in majority Members' districts.

We are going to go through a number of appropriation bills in the last few days of this term, and all of them are going to see major increases, increases that make this D.C. bill dwarf by comparison. I mean, when we are talking about the District of Columbia bill compared to other bills, these numbers would get lost in the rounding. We are asking for $34 million is all, and that just brings it up to the budget request.

Let me make a third point that the gentlewoman did not discuss and, that is, with regard to the prerogatives that we assume for our own congressional district. We have been adding programs that benefit our district. That is part of our job. Whether they fit within the original budget resolution or not, we are going to do the best we can for our district. But in addition to that, we jealously guard our district from letting any other Members mess around with it because we know our district best. We know what our priorities are.

Imagine, I would ask my colleagues, consider how you would feel if the rest of your colleagues were telling you what you ought to be doing for your congressional district, what you ought to be doing to your congressional district. We would never tolerate this kind of scrutinizing, this kind of bashing in some ways, all this kind of micromanaging. The gentlewoman from the District of Columbia is saying, weighing all the priorities, understanding my district better than any of you do, and we know that that is the truth, what she wants is for us to recede to the Senate, get this bill passed, we are already past the beginning of the fiscal year, let the District of Columbia get its appropriation bill and let it go about its business. That is all she is asking.

I am asking my colleagues, do nothing more but nothing less than we would do for our own congressional districts. Put yourselves in the gentlewoman from the District of Columbia's shoes. If you were representing the District of Columbia, what would you expect your colleagues to do? What we would expect our colleagues to do is to recede to the Senate, to get the bill passed but most importantly to listen to us, to take our advice on our congressional district.

Madam Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON) to respond to the gentleman from Oklahoma's comments, and then we will summarize our motion.

Ms. NORTON. Madam Speaker, there are two points on which I simply must take exception to the remarks of the Chair of the subcommittee when he talks about the $6 billion budget and says almost $4 billion of it is from the District and about $2 billion of it is from the Federal Government. Most of that $2 billion would never have come here until recently. In all of the years that the District budget came, Federal grants, most of them competitive Federal grants, were never even included in the District budget that came here. In recent years it has been and most of that money are grants. For example, it includes the transportation money that I get for the District out of another appropriation altogether, very large set of money, had nothing to do with this appropriation or with this chairman. It is done pursuant to a formula. And that is included in the $2 billion. That is most of the money he is talking about when he says $2 billion.

Let me say what I mean when I say the President put the money in the budget. This gentleman would not have had $35 million to manipulate to other priorities. If there was not $35 million in the budget, if there were only the money funding the functions that the Federal Government took over, we would not even be having this discussion. But the Mayor, the city council Chair, the control board Chair and I went to the White House and said, "We are funding two-thirds of the Metro stop, can the Federal Government put in one-third?" What this chairman has done is to take a good part of that money and reallocate it to where he thinks the money should go, or else he would not have had any money to play around with at all. We do not agree with him. It is our city.

He is for some of the money, for example, into the arboretum which is in the appropriation of the agriculture committee. We are asking that the money that was added to the D.C. appropriation, funded in the President's budget, be used for the purpose he funded it for and not be used for the purposes the gentleman wants it funded for. He would not have had it to deal with at all if we had not gone to the White House. I ask him to respect the reason the money was put in there, and it was the Metro stop and the other functions that we have mentioned.

Finally, I say to my colleagues, it is not fair to you to ask you to vote against the motion to instruct because you will engage in a futile exercise. If you vote against the motion to instruct, you are voting for overtime on the smallest appropriation. You are guaranteed a fight on that appropriation, I promise you that.

Mr. ISTOOK. Madam Speaker, I yield 6 minutes to the gentleman from Kansas (Mr. TIAHRT), a member of the subcommittee.

Mr. TIAHRT. Madam Speaker, I rise in opposition to this motion to instruct, because I think it goes back on some very important priorities that are in this bill the way it currently is and that the Senate has avoided. There are things that were excluded in this bill that I think are important to the States that surround the District of Columbia, and yet we are willing to make an island under the Senate version, an island here in the District of Columbia on some important legislation such as an amendment presented by the gentleman from California (Mr. BILBRAY).

He wanted to restrict, and do it with some authority, underage smoking. If you travel across the Potomac to Virginia, you will find that they have laws to restrict underage smoking. If you go to the east on Highway 50, you drive into Maryland and you will find that they have restrictions on underage smoking. But yet we are going to create an island here under the motion to instruct for the children in the District of Columbia and allow them this underage smoking, allowing kids to drive across the bridges or come into the District of Columbia and have less fear of buying cigarettes and getting into a life-style that will shorten their lives.

In addition to that, the Senate has made the choice that they are willing to risk placing elementary school children in the proximity of drug users, people who take illegal drugs and inject them into their veins. The House version had a restriction on the needle exchange program, saying simply that we are going to place a higher priority on children than we are on drug users.

We were going to take the very same language in the bill, we have the very same language as what the District of Columbia City Council has determined as a drug-free school zone, and we applied that to the program that gives needles to drug abusers. They will then take these needles and they inject illegal drugs into their veins. Now, there have been quite a few studies about the program, and what we have found is that in the area where needles are distributed, there are drug pushers, there are obviously drug users, and there are areas where the police have had to stay away by their own accord in order to let the program go so that we can give these needles to people who illegally use drugs.

All we were trying to do in this bill was to restrict the area where these needles were distributed. The amendment that was cut out by the Senate did not exclude the program at all. It exists on private funds today. But there are 10 distribution points in the District of Columbia. Six of them are within the area known as a drug-free school zone. Some of them are as close as across the street from where children in the District of Columbia attend school. So the Senate has made a choice, and it is now supported in this motion to instruct to place a higher priority on drug users than on the children, a very disturbing thought. We should place the children in the District of Columbia in a higher priority than we do drug users.

The Senate has gone on to take other very vital services and completely strike them out. They struck a hotline service that exists here in the District of Columbia. There are people in our society that are in dire need, they are in dire straits or in a difficult time and in the District of Columbia today you can call an 800 number and the people on that hotline will not let you off the phone until they connect you with the service that will meet your need, until that is connected, until that connection is made. But yet that was struck in this motion to instruct, that whole area is taken out. The Senate took it out, turning our backs on people that are truly in need.

They also struck the money for a mentoring service. There are kids in the District of Columbia that do not have much of a future. They are in a single-parent household, some of them are living with grandparents, aunts and uncles, and this mentor organization provides an individual to stay with them and meet their needs, if it is going to school to help them with their studies and talk with their teachers, if that is going to court with them, if it is helping them just get the medication they need. The mentoring program accompanies these children to help them get a start in life, to give them a little bit of hope in a community that is in desperate need of hope. Yet the Senate and this motion to instruct will completely strike that program, leaving these children without the help that they need.

They also went on to cut other grassroots community organizations, and $500,000 for a cleanup. We heard a lot of talk about how the Metro stop is more important than these programs and that we have taken money, reprioritized it through the Senate, through this motion to instruct, for a Metro stop, but we have overlooked important things in this community. We have overlooked these children, we have overlooked the hotline service, we have overlooked a program that just is trying to restrict where we distribute needles to drug abusers. We have problems in the hospital, overlooked by this motion to instruct, a hospital that has twice as many employees than they need, completely overlooked, and half a million dollars for an environmental cleanup, overlooked because we want to change it to a Metro stop. I think the Metro stop is needed. I think we need some upgrades there. But to place that at a higher priority than the children of this community I think is wrongheaded, wrongminded. I think it is the wrong direction.

I would suggest that we vote against this motion to instruct and that we keep the House version of what was passed here. It makes more sense, it is more compassionate, and it is the right thing to do.

□ 1115

Mr. MORAN of Virginia. Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding me the time and thank the gentleman also for his great leadership on behalf of the District of Columbia making decisions for itself.

I also want to commend the distinguished gentlewoman from the District of Columbia (Ms. NORTON) for her tireless leadership on behalf of the people of the District and on behalf of the people of our country, because the principle of local control over some of these decisions is one that serves us all well in this country.

Madam Speaker, I rise in strong support of the motion to instruct offered by my colleagues, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Virginia (Mr. MORAN).

The House bill that this body voted on earlier unfortunately included several riders that would interfere with the District of Columbia's ability to serve its citizens. Among these riders is the Tiahrt amendment, a bill that would kill the District's needle exchange programs, which have been proven effective in reducing the number of new HIV infections in the District and in this country, especially among children.

Think about the children. Approximately half of all new HIV infections are linked to injection drug use, and three quarters of new HIV infections in children are the result of injection drug use by a parent. Why would we pass up the opportunity to save a child's life by shutting down programs that work?

Although AIDS deaths have declined in recent years as a result of new treatments and improved access to care, HIV/AIDS remains the leading cause of death among African American males age 25 to 44 in the District. In spite of these statistics, this amendment that is contained in the House bill attempts to shut down programs that the local community has established to reduce new HIV infections.

This Congress should be supporting the decisions that the local communities make about their health care and the health care of their people, not limiting local control. Numerous health organizations, including the American Medical Association, the American Public Health Association, have concluded that needle exchange programs are effective.

Madam Speaker, in addition, at my request, the Surgeon General's office has prepared a review of all peer reviewed scientific studies of needle exchange programs over the past 2 years, and they also conclusively found that needle exchange programs reduce HIV transmission and do not increase drug use.

Madam Speaker, the President will veto this bill in the present form. If we support the motion to instruct, we will be able to send this bill to the President and have it signed into law. Here we are past the date of the end of the fiscal year, and we still have 11 appropriation bills out there.

I just want to take another moment to go back, to the needle exchange program. Since the inception of the needle exchange program in the District of Columbia in the latter half of 1996 through 1999, the number of new IDU cases has fallen more than 65 percent from some 396 in 1996 to 139 in 1997, which represents the most significant decline in new AIDS cases across all transmission categories over this 4-year period.

Madam Speaker, I urge my colleagues to support the motion to instruct.

Mr. ISTOOK. Madam Speaker, if I may inquire of the gentleman from Virginia (Mr. MORAN), would it be agreeable if I take 2 minutes to close, then the gentleman take 2 minutes to close?

Mr. MORAN of Virginia. Madam Speaker, I think I may get wound up a little more. Madam Speaker, let us yield ourselves at least 3 minutes for this.

Mr. ISTOOK. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I think it is important to remember that were we to adopt the motion of the gentleman from Virginia (Mr. MORAN) and just accept everything that the Senate has done on this bill, first, we would blow a $61 million hole in the District's budget because we would not have the language that was intended to be put in and will be put in the conference agreement to enable the District to issue securities against the revenue they expect from the tobacco settlement and that the District is counting on in this budget this year. So we would cut out that $61 million and blow a hole in their budget.

I do not know where they would try to make it up. If we were to adopt the gentleman's motion, we would also remove the public-private effort, not only to work with public housing but to work with the residents of public housing to improve their employment, which is part of the project of the Washington Interfaith Network that the House version funds but the Senate version does not.

Also, were we to adopt the Senate version, we would cut out the funding that the House has to help teenagers, young women, in the District to promote abstinence, to try to stop the major problem with teenage pregnancy and sex and the difficulty it leads to for so many people. We would cut out that funding if we were to adopt the gentleman's motion.

Also under the gentleman's motion, we would remove millions of dollars from the drug testing and drug treatment program that is a major effort to reduce crime in the District of Columbia. We would cut that out if we were to adopt the gentleman's motion.

Madam Speaker, the things that were mentioned by the gentlewoman from the District of Columbia (Ms. NORTON) as I tried to make clear throughout, we always expected, and it is the intention in the conference, that more funds are now being made available to the House, which is the amount that we were counting on to provide the full requested funding on the New York Avenue Metro station. That has been the plan all along, that is what is happening; but we did not have the money available to us in the House in our subcommittee previously.

It was not that we had the money and spent it elsewhere, we did not have the money. And we were going to say we are going to wipe out everything else, because we knew what was going to happen, and it has happened with or without adopting the motion of the gentleman from Virginia (Mr. MORAN), the bill, when it finally goes to the President's desk, will have the full funding for the New York Avenue Metro station and the full funding for the college tuition program, because any excess in that program would just be carried through to the next year anyway.

We have tried to make that clear. That is not an issue. That is not an issue whatsoever. In the conference report, those are the things that we intend to do, but let us not undo the work of the House of Representatives. We had amendments that this House adopted by voice vote, because the support was so firm. We had an amendment by the gentleman from California (Mr. BILBRAY) for example that was adopted in this House by 265 votes, very strong, very bipartisan votes that the gentleman's motion would wipe out.

I urge defeat of the motion to instruct conferees, so we can very, very quickly go to conference, get these issues resolved and bring the confercne agreement right back to this floor.

Madam Speaker, I yield back the balance of my time.

Mr. MORAN of Virginia. Madam Speaker, I yield myself such time as I may consume.

I would say to the gentleman from Oklahoma (Chairman ISTOOK), that while some of the points are valid with regard to the House bill and the Senate bill, the conclusion is not one we could agree with.

Let me respond to some of the points that have been made by the gentleman from Oklahoma (Chairman ISTOOK) and by my colleague, the gentleman from Kansas (Mr. TIAHRT).

My colleague, the gentleman from Kansas (Mr. TIAHRT), suggested that in some way the Senate bill shortchanges youth programs, and yet the Senate bill adds $500,000 for a new community center for homeless runaway at-risk youth. The Senate bill adds another $250,000 to enhance reading skills of District public school students.

There is a whole list of programs that the Senate bill has that I know that the gentleman from Kansas (Mr. TIAHRT) and the gentleman from Oklahoma (Mr. ISTOOK) would not object to, but these are good programs that are not in the House bill.

The main thing that I have to take issue with is that the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Kansas (Mr. TIAHRT) have suggested that the House bill takes a more responsible approach to some of these difficult issues that we have been wrestling with, and I do not think that is the case.

I would remind both the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Kansas (Mr. TIAHRT) and anyone who does not think that the Senate bill is a responsible bill that it passed the Senate unanimously, unanimously.

Madam Speaker, with regard to this needle exchange program, the Senate bill that we are asking my colleagues to accept and that the gentlewoman from the District of Columbia (Ms. NORTON) is willing to accept says we cannot use any Federal funds for needle exchange programs. We cannot use any local funds for needle exchange programs. We cannot use any public funds for needle exchange program. It is pretty tough language. But it is in the bill. And to suggest, as my friend, the gentleman from Kansas (Mr. TIAHRT), suggested that somehow the Senate is taking too liberal an approach here, I do not think that the Senate is some cabal of left-wing ideologues. I should not characterize the Senate.

Mr. ISTOOK. Madam Speaker, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Madam Speaker, the gentleman mentioned the effort of the Senate. I was watching, and perhaps the gentleman was, when the Senate brought the bill up. Is the gentleman aware the consideration the Senate gave to this bill on the floor when they brought it up and passed it in about 30 seconds? That was the extent of the consideration, literally 30 seconds.

Mr. MORAN of Virginia. Reclaiming my time, Madam Speaker, I am very grateful for the gentleman for making note of that, because I think that is exactly what we should be doing here.

These are bills that were requested by the White House because they came from the District of Columbia City Council, the Mayor, the financial control board agreed to them. So this is a budget that already has been scrutinized. I do not know why we need to take more than 30 seconds. This is the District's bill. It makes sense. It is a responsible bill.

We want to get our appropriations bills done. It is after October 1. We have a terrific chairman, the gentleman from Oklahoma (Mr. ISTOOK), and the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, he wants to get our work done. He is upset. And it is past October 1. The fiscal year has begun.

We have an opportunity to get a bill passed that the Senate agrees to, that the White House will sign. We are only talking about $34 million that was within the budget request. We are probably going to go $25 billion over our budget resolution. Here we are talking $34 million. We can get this bill out of the way. Let us get our job done. The chairman has worked so hard, we ought to let him get his job done.

Let us not mess around with these tangential issues, these ideological issues. Let us let the citizens of the District of Columbia decide what is in their best interests, let us recede to the Senate, let us get this appropriations bills signed, get our work done.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Virginia (Mr. MORAN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ISTOOK. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. The Chair will reduce to 5 minutes the electronic vote on the motion to suspend the rules and pass the bill, H.R. 5212, as amended, immediately following this vote.

The vote was taken by electronic device, and there were—yeas 190, nays 219, not voting 24, as follows:

[Roll No. 510]

YEAS—190

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NAYS—219

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Forbes
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss

Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Baca
Brown (FL)
English
Eshoo
Fossella
Franks (NJ)
Gephardt
Hastings (FL)
Hefley
Hilleary
Houghton
Hoyer
King (NY)
Klink
Lazio
McCollum
McIntosh
Meehan
Paul
Riley
Skelton
Sweeney
Vento
Wise

□ 1151

Mrs. BONO and Messrs. RADANOVICH, HORN, BACHUS, HOLDEN, SMITH of Texas, EWING and LUCAS of Kentucky changed their vote from "yea" to "nay".

Ms. MILLENDER-McDONALD and Messrs. OWENS, ORTIZ, and GREENWOOD changed their vote from "nay" to "yea".

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, the Chair appoints the following conferees: Messrs. ISTOOK, CUNNINGHAM, TIAHRT, ADERHOLT, Mrs. EMERSON, and Messrs. SUNUNU, YOUNG of Florida, MORAN of Virginia, DIXON, MOLLOHAN and OBEY.

There was no objection.

VETERANS' ORAL HISTORY PROJECT ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5212, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5212, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 26, as follows:

[Roll No. 511]

YEAS—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Baca
Barrett (WI)
Brown (FL)
Clayton
English
Eshoo
Fossella
Franks (NJ)
Gephardt
Hastings (FL)
Hefley
Hilleary
Houghton
Hoyer
King (NY)
Klink
Lazio
McCollum
McIntosh
Meehan
Paul
Riley
Skelton
Sweeney
Vento
Wise

□ 1201

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 510, a bill instructing conferees on H.R. 4942, the District of Columbia Appropriations Act for Fiscal Year 2001. Had I been present I would have voted "nay." Mr. Speaker, I was unavoidably detained for rollcall No. 511, H.R. 5212, the Veterans' Oral

History Project Act. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall Nos. 510 and 511. I was unavoidably detained and therefore could not vote for this legislation. Had I been present, I would have voted "aye" on both rollcall votes.

STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION ACT OF 2000

Mrs. MYRICK. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 609 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 609

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4828) to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 8 of rule XVIII. That amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, yesterday the Committee on Rules met and granted an open rule for H.R. 4828, the Steens Mountain Wilderness Act. The rule waives all points of order against consideration of the bill. The rule provides for 1 hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Resources.

The rule makes in order as an original bill for the purpose of amendment the Walden amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1, which shall be open for amendment at any point.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit, with or without instructions.

Madam Speaker, H. Res. 609 is a fair and open rule for a noncontroversial bill. Last year, the Secretary of the Interior told folks in southeastern Oregon that the President might designate Steens Mountain as a national monument. Steens Mountain is deserving of protection, but the local residents who live and work in the area became worried their livelihoods were in danger; that the President would impose all sorts of restrictions on land use and put them out of business.

In response to these concerns, the gentleman from Oregon (Mr. WALDEN) decided to work out a compromise solution. He brought everyone to the table, including the governor of Oregon and the Secretary of the Interior, and they worked out a compromise which protects the environment and protects ranching and recreational activities.

The entire Oregon delegation, both Democrats and Republicans, support this bill. Indeed, this is how legislation should be done, and the gentleman from Oregon (Mr. WALDEN) deserves credit for working hard to write a bill that everyone can support before it even reaches the House floor. So I urge my colleagues to support this rule and to support the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume, and I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the customary time.

This is an open rule. It is a bill to protect the natural resources near Steens Mountain in Oregon. As my colleague from North Carolina has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. The rule permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

The area near Steens Mountain is home to unique land formations, beautiful lakes, and rare and diverse plants and wildlife. The bill designates wilderness areas, wild and scenic rivers, and other management arrangements to preserve the area's natural resources.

Madam Speaker, this is an open rule, it is the normal process, the bill has bipartisan support, and I support the rule and the bill.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MYRICK. Madam Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GANSKE). Pursuant to House Resolution 609 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4828.

□ 1211

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4828) to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes, with Mrs. BIGGERT in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of H.R. 4828, the Steens Mountain Cooperative Management and Protection Act of 2000.

Madam Chairman, today we have the opportunity to protect Steens Mountain in Oregon, one of the most beautiful areas in the West. What brings us here today is nothing more than the relentless efforts of the gentleman from Oregon (Mr. WALDEN) over the past few months to draft this consensus legislation. The citizens of Oregon are lucky to be represented by a man who has found a way to preserve the beautiful area while at the same time respecting the people's needs and uses in the Steens Mountain area.

H.R. 4828 is the culmination of years of effort to protect this unique area. H.R. 4828 is a complicated measure that uses management prescriptions that fit the land. Steens Mountain is a 30-mile long block which rises approximately 9,700 feet above the Alvord Basin, and is home to a variety of wildlife, including sage grouse, bighorn sheep, golden eagles, deer, antelope, and many varieties of fish. Currently, the Steens Mountain recreational land consists of 147,773 acres managed by the BLM; 41,577 acres of private land; and 4,506 acres of State land.

H.R. 4828 withdraws 1.2 million acres from mining and geothermal development and designates 134,000 acres as wilderness. It would also create a nongrazing zone of approximately 100,000 acres, as well as 500,000 acres of cooperative management and protection area.

In addition, H.R. 4828 would establish the Wildlands Juniper Management Area, expand the Donner and Blitzen Wild and Scenic River, designate the Donner and Blitzen Redband Trout Reserve, authorize the Secretary of the Interior to carry out a number of land exchanges to facilitate the purpose of this legislation, and allow the conservation of these lands to remain under local management.

During full committee consideration, the issue of Federal Reserve water rights within the wilderness area was heavily debated. During the next decade, Congress will consider many BLM wilderness bills. In my State of Utah, this debate is the foremost of resource issues.

□ 1215

As Congress heads down this road of finally resolving the BLM wilderness debate in the West, we must be cautious in how we approach such areas as grazing, water, existing uses, and existing rights.

The amendment considered as original text will resolve the water issue in a matter that does not prejudice the debate in the future. The language simply repeats the 1964 Wilderness Act. This is a reasonable approach that ensures the area is protected.

Once again, I want to commend the gentleman from Oregon (Mr. WALDEN) in this effort, and I urge my colleagues to support the passage of this very worthwhile legislation.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I ask unanimous consent that I may yield all of the time on this side to the gentleman from Oregon (Mr. DEFAZIO) for the purposes of controlling the time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DEFAZIO. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I really never thought we would get here today to the floor of the House of Representatives adopting consensus legislation on behalf of the entire Oregon delegation to protect the extraordinary beauty, ecological value of the Steens Mountains. It is a place I visited, a place I love. It is not in my district. It is actually quite far away from my district, a number of hours' drive. But it is an unbelievably beautiful, almost mystical place rising up out of arid eastern Oregon overlooking the Alvord Desert on one side and looking back to the west over sagebrush and scattered farmlands to the west.

The values in that area in terms of the environment are just amazing, not just the spectacular views but the wildlife habitat, the river canyons. This bill will provide extraordinary protections for some of the most delicate areas and the most beautiful areas in the Steens by affording, to the best of my knowledge, the first legislated cattle-free wilderness in, at least, Oregon and, I believe, throughout the western United States.

That is crucial for the delicate nature of some of the uplands and the gorges and the headwaters for their preservation.

This was not an agreement easily reached. Quite frankly, I think it was about a year ago when the gentleman from eastern Oregon (Mr. WALDEN) came to my office and said he wanted to talk about the Steens and about legislation for the Steens. I was open to meeting with him about this but did not expect much, to tell the truth.

He came in with his trusty staff person, put down a map of the Steens with which I was familiar, and then started pulling out all these velcroed sections and stickies and saying, well, I want to do this. And after he got to about the fifth "I want to do this," I said, this is a pretty good offer. And he said, well, that is not all and he kept pulling out the velcroed stickies and putting them on the map.

It was a good first offer. We have improved the bill significantly since that time. We have worked with the conservation groups who are most familiar with the Steens area, environmental groups. The gentleman has done yeoman's work in bringing along the local community and the ranchers, who are significantly impacted by this legislation.

I think it is just an extraordinary day and, in my tenure in Congress, a very unusual day when the entire Oregon delegation is unanimously in support of legislation that relates to the environment in our wonderful and beautiful State. This is not something that is frequently seen no matter how meritorious the legislation.

So I stand here in strong support of the legislation. We will hear from other members of the Oregon delegation later, and the gentleman from California (Mr. GEORGE MILLER) I will recognize later. But at this point I want to congratulate the gentleman from Oregon (Mr. WALDEN), who represents the district, for the work he has done.

Madam Chairman, I reserve the balance of my time.

Mr. HANSEN. Madam Chairman, I ask unanimous consent that the gentleman from Oregon (Mr. WALDEN) control the remaining time on the majority side.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. WALDEN of Oregon. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, we have accomplished something unique with the drafting of this legislation. We have brought together people from very different walks of life. We have given them equal seats at the table of public policy, and we have crafted an Oregon-based solution that works for the ranchers and works for the environment.

I want to start by telling my colleagues about the people who live in Harney County and who ranch on Steens Mountain. These are people whose ancestors were encouraged by the Federal Government to take the risk of expanding our Nation's frontier, to risk life and property to settle the Wild West. They were the homesteaders of the 1800s, people of undaunted courage who followed the trail to the West blazed by Lewis and Clark some 200 years ago.

They moved to an area of Southeast Oregon later called Harney County, where cows outnumbered people and still do today. It is a county that is larger than most New England States, 143 miles long and 86.6 miles wide. There are no freeways here, no congestion, no gridlock except when they are moving cows to graze in another area.

These are people whose closest neighbor is often miles and miles away. They are self-reliant people with soft hearts but rugged spirits.

This is not the world of high-tech millionaires, BMWs, and the fast life. But it is a place where people look out for each other, take care of each other. It is a place where written contracts are not broken because usually written contracts are not needed, a man's word is all it takes, a handshake will do. They do not get much from Government other than a tax bill, and they sure do not ask for a lot in return.

And for a century or more, they have tended the land and worked in cooperative partnership with the Federal Government to ensure that the environment is protected and their ranching way of life is allowed to continue.

Steens Mountain is a checkerboard of private and public lands interrelated. In cities, fences are designed to divide neighbor from neighbor, but here there are few fences and quite often the neighbor is the Federal Government. It is a true partnership in a wide open space that has served the mountain and served the people well.

Steens Mountain itself is as unique as the people who live on it and near it. Unlike most mountain ranges across America, Steens Mountain stands alone in the desert. Made of heavy lava, Steens Mountain is a huge, upthrust block twenty-three miles from its base on the west to its top. But when we get to that top, we are at nearly 10,000 feet; and it is a straight drop of nearly a mile to the playa below.

Breathtaking? You bet it is.

The explorers who settled here were not stupid. They picked the best lands on the mountain for their ranches. Harney County is arid, receiving just a few inches of rainfall a year. So the ranchers went for the water and the lush valleys, as any of us would have done. But today, in this legislation, they are offering to give back some of the best they have, to put it in wilderness for public benefit for a lifetime. This is a good deal for the taxpayers, and it works for the ranchers.

Over the years, the ranchers and the Federal Government have worked together to improve the range lands, to improve the aspen groves, the watersheds and the fish habitat. It is a partnership that has served the environment well.

Well, about a year ago, Steens Mountain was discovered by the administration and a new land rush was on. One, to save the Steens, to name it a national monument to encircle the ranchers and their home places with a new set of Federal laws and restrictions like a noose that could only get tighter and tighter until it would have choked out their way of life.

Now, in some parts of the West the reaction might have been to simply go into denial. But here the ranchers and the people realized that the threat they faced was both real and unstoppable.

Over Labor Day weekend a year ago, I met with the people most affected at a community dinner in Frenchglen. We faced the challenge together: Should we simply protest the idea of a monument, knowing it would come anyway, and trust the Federal Government to write the rules, or should we try to write legislation of our own, legislation that would have to accomplish the environmental goals of the administration without choking out a way of life on the mountain and the communities that surround it.

Well, my colleagues, the legislation we are considering today here on the floor of the House of Representatives is the end result. It is the result of hundreds, if not thousands, of hours of negotiation over the last year. It is one of the few examples where the threat of a unilaterally imposed national monument of more than a million acres has been replaced by legislation written by the people most affected.

We will hear today much about the importance of this legislation in protecting and preserving Steens Mountain. And it does do that. But it does something just as important, if not more. It protects private property rights. It protects water rights. It enshrines in Federal law the spirit of cooperative management of the Federal lands that has been unique to this region.

It is nearly half the size of the Federal monument. It is a solution in keeping with the great tradition and spirit that makes Oregon unique because we have with this legislation, in a small measure, rekindled the Oregon spirit of working together to protect our special place and our special way of life while we respect the rights of individuals and preserve the environment.

Moreover, we have proven that even in the heat of an election year, people of different parties and philosophies can work together for the common good. We heard my colleague from Eugene talk about that. Rare is the time when this delegation representing many different parts of Oregon has gotten together on a piece of legislation this monumental.

Every member of the Oregon delegation supports this bill. Every member of this delegation, House and Senate, has worked in good faith to fight for the principles they believe in that are important for our future as a State.

The Governor of Oregon and the Secretary of the Interior, with whom I have obviously had disagreements over the years, support this bill and have worked in good faith to accomplish its goals. The Oregon Cattlemen's Association and the Sierra Club, both at the table, both support this legislation. The Wilderness Society and Oregon Trout support this bill.

Is it as I would have written it if I alone could have written it? No. But neither is it as those who would eliminate ranching would have written it. It is indeed what legislating is all about. It is a compromise but a compromise that is far better than a national monument twice its size. It will allow a ranching lifestyle more than a century old to continue for generations to come, and it will protect and preserve the most fragile environment in southeastern Oregon.

I have next to me here a picture of Big Indian. This is part of what we are trying to protect and preserve. This gorge that we see here rising probably 7,000 or 8,000 feet into the sky would be protected with the wilderness boundary for about as far as we could see on this picture. It is an extraordinary place. And there is one after another after another.

We declare four wild and scenic rivers in this legislation. We set up a special redband trout reserve so that the stream where this special species is will be managed and enhanced for the protection of the redband trout.

We create 174,000 acres of wilderness, 100,000 acres of which is cow free. And yet we preserve and protect the ranching way of life in this region.

I want to close by specifically thanking and naming those people who have played such an important role in this legislation. After all, we spent more than a year working on it and clearly hundreds of hours, and we can spend a few minutes saying thanks to the people most involved.

I want to start with my former legislative director, Lindsey Slater, who has probably put more time and effort into this than any of us and has been there throughout it all with new ideas about how to make it work. It ought to be named after him, but we probably cannot go there today; and Valerie West and David Blair and Sarah Bittlemen from the Senators' offices; and Amelia Jenkins, Chris, Michael, and Bill in the Members' offices; and Kevin Smith and Peter Green; and the Governor, Secretary Babbitt, along with Molly and Laurie and Roy, our legislative counsel who we have gone back to time and time again to say this is the final draft only to have to go back one more time and say, well, we found one other thing we needed to change; and to Allen Freemyer and Lisa and Liz, thank you for your help; and to the gentleman from Utah (Chairman HANSEN) and to the gentleman from Alaska (Mr. YOUNG) for their work.

To Stacy Davies, to Fred Otley and to Charlie Otley, thank you. To all the people in Harney County, thank you for staying at the table, for working hard and fighting for what you all believe in. And to Bill Marlett and Andy Kerr, representing some of the toughest negotiators in Oregon's environmental community, thank you for giving us this opportunity, as well.

So I thank the members of the delegation, our Senators, the Governor, and the Secretary for getting us to this point. Because, truly, it is a remarkable day. I thank the ranking member of the Committee on Resources, as well, both for his input and his understanding of the importance of this issue for our State and for our Nation.

Madam Chairman, I reserve the balance of my time.

□ 1230

Mr. DEFAZIO. Madam Chairman, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the full committee.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding me this time.

Madam Chairman, I want to say that no one can argue with the desire of this delegation to save Steens Mountain and the surrounding area and the importance of this environmental asset. I will, however, unfortunately, have to disagree with him about how this was gone about by the process that was used here, and I think that it is unfortunate that a number of provisions of this bill deviate from public land management and conservation designations, including those dealing with wilderness.

In addition, there are significant problems with the land exchanges proposed in this bill, including valuations and payments that have no basis in law or policy. As the General Accounting Office noted in a report done in June of this year given to our committee, many land exchanges have failed to protect the public interest or provide that the lands exchanged were of equal value. That is the law of the land.

Unfortunately, the exchanges in this bill, I believe, continue that pattern; and I find that pattern troubling because I think it raises serious questions about the public interest, about the public treasury, and about the public good. No appraisals were done in this instance. Instead, BLM at the direction of the bill's sponsors prepared a realty report. Since the lands the ranchers offered were worth significantly less than the Federal lands they wanted, the BLM was asked by the bill's sponsors to use valuation assumptions that are not found in Federal law or policy. Further, the payments to the ranchers that this bill provides are an unjustified benefit, in my opinion.

The provisions of this bill on wilderness are also troubling. First, thousands of acres of wilderness study areas are transferred to private ownership. The wilderness boundaries that were drawn in many instances follow section lines. This is both a serious management and ecological problem because those lines represent arbitrary markers and bisect resources that are hard to administer. Further, much of the wilderness is bisected by roads. While portions of the wilderness will be off-limits to cows, the Secretary is required to make other wilderness areas available to provide forage replacement.

Grazing is given a high priority in this bill, and the promotion of grazing is made one of the objectives of the area. The bill contains numerous other exemptions for grazing. While there is a general prohibition on new roads in the area, that does not apply to roads needed for livestock. Likewise, while there is a general prohibition on the construction of Federal lands, that does not apply to facilities needed for livestock. The Secretary is also required to construct fencing and water developments for livestock in the area.

I regret that the bill that is being brought to the floor today has deleted the wilderness water right language that was in the bill approved by the Committee on Resources. This is not an improvement, and in the end it will only make it harder to protect those wilderness values.

Madam Chairman, I recognize that Secretary Babbitt and the Oregon delegation have signed off on this legislation, and I recognize again that Steens Mountain is clearly an asset that is worth the kind of protection that they seek. But I think that we have to raise these questions. Otherwise, we are going to continue to see a drift in the land exchange policy of this government that continues to ignore valuations, that continues to ignore or not require appraisals and continues to ignore the public interest.

It is clearly in the public interest to protect Steens Mountain. The question is whether or not it is in the public interest to protect it in this manner. Is it in the public interest after we make an exchange of unequal parcels recognizing that there is a difference in the forage value of these lands as properly we should, we have exchanged?

We have exchanged in Roaring Springs, we took 10,000 acres, almost 11,000 acres; and we gave back 76,000 acres, recognizing that there are distinctions. We then told the Secretary of the Interior that they shall provide the fencing and the improvements and the water on those lands. And then on top of that where these already started out unequal, we have now added on cash payments that range from almost $3 million to $148,000 against the policy and the recommendations of the Department of the Interior.

I realize the desire and the sense of urgency about this and the asset that is being protected, but I think that we had better take a long and hard look at the exchange policy as the GAO recommended because it has cost the taxpayers of this country millions of dollars. At some point the integrity has got to be put back into that process. I think in fact there should be a moratorium on exchanges until such time as both the BLM and the Forest Service can tell this Congress that there is integrity in that process, that the public interest is in fact being served and the treasury of the United States is being protected.

Those are my concerns. It is not with the merits of protecting Steens Mountain. The gentleman from Oregon (Mr. WALDEN) has worked very hard on this and has brought about an agreement. Much of that agreement is in fact necessary and quite proper, but I think there are questions around valuations that are serious here. But the delegation has come together on this. They believe this is the proper manner to proceed. But I think clearly in light of the GAO report and the warnings that we have been given that we ought to give due consideration to this.

Mr. DEFAZIO. Madam Chairman, I yield 7 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Chairman, I appreciate the gentleman's courtesy in giving me time to speak on this bill.

I came to this, actually it was sort of interesting. Listening to my colleague, the gentleman from eastern Oregon (Mr. WALDEN), and the gentleman from California (Mr. GEORGE MILLER), for whom I have the greatest respect and admiration, I must admit that I find myself in modest disagreement with them both.

I was one of those people that did not look at the action, the attention, the interest by Secretary Babbitt as a noose. I feel, with all due respect to my Republican colleagues, that this administration has been moving forward to attempt to protect precious jewels of resources throughout the country, and I think appropriately so. And I have been supportive of their efforts; and, candidly, at one of our early meetings, I was there to just say I did not think that monument status was a bad fallback position; and frankly, rather than a noose of Federal regulation, I am not prepared at this point to go into some debate, but I will be happy to do it with my colleague; and I am sure we will have opportunities on the campaign trail, about the Republican approach to environmental protection, hard rock mining, what has happened with grazing areas around the country; and frankly I think the vast majority of the American public supports greater protection, including many of the monument designations.

But what my friend from eastern Oregon approached, and I think rightly so, was the notion that we, because of the patchwork that has occurred in this area, in part historic accident, in part smart business practice, in part frankly we in government at all levels have been asleep at the switch, we had an opportunity to do something better. And I will add my voice and you will hear from other Members of the Oregon delegation who will come forward each with their own unique story about the treasure that is this wilderness that we are about, I hope, to designate today.

In fact, I could use all of my time, and I will not, just talking about the experience of going out at dawn on a spring morning far into the desert off a deserted road and watching the mating ritual of the sage grouse as the sun comes up. It is truly something that sends shivers down your spine and is something that is fragile in nature and something that is part of this heritage that we could lose.

And I would also take modest disagreement with my friend when he talked about this is not an area of high-tech millionaires, because it is truly a unique way of life in eastern Oregon, the ranching activities; but we have already seen that there are some of the high-tech millionaires that appreciate this. There have been sales pressures. I have visited with one gentleman in eastern Oregon recently who purchased an element that frankly we should find a way to add to the protection, because despite our vaunted land-use planning protections in Oregon, there is still much of this land that is at risk; there is much of this land that could in fact be developed in the future, and there is pressure for people to put not just mansions but massive structures which they legally would be entitled to do if we are not able to move forward in the future.

So while we are not threatened perhaps by traffic jams in this portion of eastern Oregon, we are not threatened by huge dot-com compounds that will be there, there is some of the new money, and some old money, that has the potential of disrupting this precious area.

That is why I must take modest exception to my friend from California, because there is in fact an urgency at moving forward. And because while there may not be some areas that fit perhaps into a cookie cutter approach for land valuation and exchanges, I am convinced that the package that has been developed here as a result of painstaking effort on behalf of a number of people, the tip of the iceberg was mentioned by the gentleman from Oregon (Mr. WALDEN), and they deserve that recognition and our thanks. But what was accomplished was a package that actually is fair value for priceless resources. And it was not something that the Oregon delegation signed off on. It was a vicious process of give-and-take, of hand-wringing, that resulted in drafting our approach for Oregonians.

In addition to acknowledging the efforts of my friend, the gentleman from Oregon (Mr. WALDEN), I would like to acknowledge the gentleman from Oregon (Mr. DEFAZIO), who stepped forward at a critical time. Sometimes he can be a little cranky. He saved it, he brought it in at the right moment, and I think he helped move some things forward. The administration, and especially Secretary Babbitt, who kept the eye on what our objective was. The people from the environmental community in Oregon hammered away at things that they held dear, and they are proud supporters of this legislation, from the American Lands Alliance, the Audubon Society, Columbia Gorge Audubon, Cybil Ackerman, Mark Salvo. I do not have time to go through everybody's name. I hope somebody will at the end.

But I guess I want to conclude by the notion that this is not just recapturing the heritage of what we have in eastern Oregon and crafting an Oregon solution as a team to something that is going to last for generations. I think this is an example of how this Congress should work, because as frustrated as I am frankly by the lack of environmental progress, I think we have demonstrated today that people of disparate views could come together, one person looking at the threat of protection and somebody else looking like this was going to help us, but come together and make something that was better. And I would hope that not only would the House pass this legislation overwhelmingly; but I would hope that this would serve as a model that we could take forward to craft appropriate environmental solutions, break the logjam. There are a number of things that we could move forward with, and I think if we had the same sort of inclusive process that was demonstrated here, we could in fact reach the objections that have been advanced by our friend from California and be able to move forward with items that we can all take pride in.

Madam Chairman, I add my congratulations to the gentleman from Oregon (Mr. WALDEN), the gentleman from Oregon (Mr. DEFAZIO), our Senators and governor for making this possible.

Mr. WALDEN of Oregon. Madam Chairman, I yield myself 1 minute.

Madam Chairman, I would just like to thank my colleague, the gentleman from Portland (Mr. BLUMENAUER), for his comments. I might take exception to his comment that the gentleman from Oregon (Mr. DEFAZIO) was ever cranky. I do not recall that. Well, maybe once, but I think we all were once.

I would point out, too, that his comment about the high-tech millionaires is perhaps taken in a different context than I meant it, which is that this is not the center of industry in that respect. But he is very right in the sense that those who do have that wealth are eyeing this mountain because as people saw on this floor, the views from there are extraordinary, the pressures to sell off parcels on this mountain are only increasing; and there could be over 200 buildable lots on this mountain that even under Oregon's fairly restrictive land-use laws could be accessed, and you could have trophy homes built on. So indeed the investment we are making today is one for the future, to protect and preserve the best of this mountain and preserve the life-style.

Madam Chairman, I reserve the balance of my time.

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Mr. DEFAZIO. Madam Chairman, I yield 5 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Madam Chairman, I thank the gentleman for yielding the time to me, and I rise in strong support of this legislation, the Steens Mountain Wilderness Act. Anyone who has ever been to Oregon and has seen the Steens Mountain and the Alvord Desert knows it is one of the most beautiful and pristine places in the world.

Madam Chairman, what is more, if you have not been to Oregon, you probably know about our passion for making sure that we keep Oregon beautiful and protecting our resources; and that is why we have before us today this wonderful, outstanding consensus piece of legislation.

H.R. 4828 is an Oregon-based solution that not only protects private property rights, but will also protect the scientifically important landscape.

Madam Chairman, I would like to thank my friend and colleague, the gentleman from Oregon (Mr. WALDEN), for his working so hard to bring this bill to the floor today. I look at how this was handled by the gentleman; and it is typical, I think, about how Oregonians solve problems. He brought everyone to the table, and he worked very hard to find that win-win solution.

Frankly, like my colleague, the gentleman from Oregon (Mr. BLUMENAUER), I think this would be a wonderful model that we could use in Congress and do seldom use. In addition, I would like to thank Secretary Babbitt and my colleague, the gentleman from Oregon (Mr. DEFAZIO), the ranking member on the Committee on Resources, for working out all the nitty-gritty details.

I mean, this is a kind of legislation that is not only protecting this wonderful area, but how do you get all of those little details and all the staff that worked on this. Again, while not a Member of Congress, I would like to thank my staff, Chris Huckleberry, for all the hard work he did on it in the last year.

Finally, I would like to include a letter of support from the Oregon governor, John Kitzhaber, into the RECORD.

OCTOBER 4, 2000.

TO THE OREGON CONGRESSIONAL DELEGATION: The Steens Mountain Area is a state and national treasure. Its beauty and ecological value are immense. The Steens-Alvord area is home to multiple rare species, scientifically important landscapes and outstanding recreational and scenic values. It is our duty to conserve and protect it for generations to come.

The Steens Mountain Area is also home to a rich and valuable Oregon culture. From the ancestors of the Burns Paiute Native American tribe to the family ranches of today, the Steens-Alvord area has cultural, historical, and economic value. We must not lose this value. We must diligently safeguard the existing culture and way of life on the mountain, for if we do not we will surely diminish all the critical values of the mountain—its ecology, its culture, and its people.

The legislation before the House today goes a long way toward achieving these purposes and I am happy to join the Oregon congressional delegation in supporting this needed legislation.

GOVERNOR JOHN A. KITZHABER, M.D.

Madam Chairman, again, I thank all of the people that worked so hard on this. It is a wonderful solution to a problem, and it is a model this Congress could use and hopefully will use more in the future. I urge my colleagues to vote yes on this bill.

Mr. WALDEN of Oregon. Madam Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Madam Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Madam Chairman, I thank the gentleman for yielding me the time, and I rise in support of this bill and want to take this opportunity to recognize the tremendous hard work which the gentleman from Oregon (Mr. WALDEN) has put into this effort, the leadership of the gentleman from Oregon (Mr. DEFAZIO), and keeping all of us on track.

I would like to also recognize the governor, the administration and all the Members of the Oregon delegation in coming together to resolve this complex set of issues the way that Oregonians traditionally have, cooperatively, with common vision, and common sense.

And what an achievement we indeed have, because from either Steens Mountain looking down to the Alvord Desert or from the Alvord Basin looking up to the mountain, the Steens Mountain is a treasure in the sky, now saved for all time.

We do a good thing today, cooperation, common sense, common vision, coming together to produce this uncommon moment.

Mr. WALDEN of Oregon. Madam Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I want to thank my colleagues from the Oregon delegation, both for their eloquent words in support of this legislation and for the team work that went into this bill. It is, as I said earlier, in my time in Congress fairly unprecedented the degree of comity and the progress we have made as we went through very, very long and productive discussions.

One of the highlights has to have been the hour-and-a-half meeting in my office with the governor on the conference call. We are not quite sure how long he was there. He was there to help us with one key point and was subjected to listening for quite some period of time.

I also want to thank others who were involved, Lindsay Slater, as was said earlier, just did yeoman's work; and it is a real loss to the gentleman from Oregon (Mr. WALDEN) that he is taking on the task of representing an inland State, but we wish him well in his new job. Troy Tidwell, our two senators who obviously played a key role in this and will play a key role in its final enactment, since we have to deal with the other body, so-called, Governor Kitzhaber, as I said earlier, his patience, his contribution, the staff of all of these individuals.

In particular, I want to acknowledge Josh Kardon. He was in a number of meetings on this issue when Senator WYDEN had to be occupied elsewhere by his official business, and Josh played a key role in meetings with Secretary Babbitt and others. Sarah Bittleman and David Blair also on the Senator's staff. Valerie West, who did tremendous work on Senator SMITH's staff, and I have had an occasion to work with Valerie previously when she worked for Representative SMITH on the Oregon Wild and Scenic Rivers bill, and she did great work on this. Kevin Smith from the governor's office.

Madam Chairman, I had quite a number of occasions to meet with and chat with Secretary Babbitt over the phone on the development of this legislation, and he was a tremendous help, and his staff, Molly McUsic and Laurie Settlemeyer, were also tremendous contributors.

Rick Healy from the Committee on Resources did a great job in basically pointing out what he felt were concerns and deficiencies on behalf of the gentleman from California (Mr. GEORGE MILLER), the ranking member. And we addressed quite a few of those during the development of the legislation.

Madam Chairman, I am proud of this legislation. It is a day when I am just so proud to be a Member of the rather small, but sometimes powerful, Oregon delegation, because I think we are going to bowl this bill right through here today without hardly any dissention on the part of our colleagues. So congratulations to the gentleman from eastern Oregon (Mr. WALDEN), who represents this area, and my thanks to all the other Members of the delegation.

Madam Chairman, I forgot my staff, Amelia Jenkins, who did yeoperson's work in this battle on a fine, wonderful resolution.

Madam Chairman, I yield back the balance of my time.

Mr. WALDEN of Oregon. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I just again want to thank my colleague, the gentleman from the fourth district for Oregon (Mr. DEFAZIO), for putting up with my persistence. I know there were times when I was probably a little more persistent than I needed to be, but we got here. We could not have done it without the gentleman's help, because obviously there are things that the gentleman feels very strongly about, as do others in the delegation and others in different communities, that had to be addressed, that had to be dealt with if we were going to be successful and be here today.

I appreciate the gentleman's help and that of the other members of the delegation, important roles each of you played in working this through here at the final days or week and a half, hopefully, of this legislative session.

To be at this point, I think it is truly unique and I think we have a partnership that can be used, and we have shown that the legislative process can work. I think Americans out there who probably do not have a clue about Steens Mountain have at least come to understand that you can make this process work if you allow everybody at the table to try and resolve the issues at hand; and so it is truly a delight to be here and to move this bill forward and to be in a position we are in right now. I thank each of you for your hard work, your dedication, your comments, and your support.

Madam Chairman, I urge my colleagues to support H.R. 4828, the Steens Mountain Wilderness Act of 2000.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN (Mrs. BIGGERT). All time for general debate has expired.

In lieu of the amendment recommended by the Committee on Resources printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1. That amendment in the nature of a substitute shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; PURPOSES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Steens Mountain Cooperative Management and Protection Act of 2000".

(b) PURPOSES.—The purposes of this Act are the following:

(1) To maintain the cultural, economic, ecological, and social health of the Steens Mountain area in Harney County, Oregon.

(2) To designate the Steens Mountain Wilderness Area.

(3) To designate the Steens Mountain Cooperative Management and Protection Area.

(4) To provide for the acquisition of private lands through exchange for inclusion in the Wilderness Area and the Cooperative Management and Protection Area.

(5) To provide for and expand cooperative management activities between public and private landowners in the vicinity of the Wilderness Area and surrounding lands.

(6) To authorize the purchase of land and development and nondevelopment rights.

(7) To designate additional components of the National Wild and Scenic Rivers System.

(8) To establish a reserve for redband trout and a wildlands juniper management area.

(9) To establish a citizens' management advisory council for the Cooperative Management and Protection Area.

(10) To maintain and enhance cooperative and innovative management practices between the public and private land managers in the Cooperative Management and Protection Area.

(11) To promote viable and sustainable grazing and recreation operations on private and public lands.

(12) To conserve, protect, and manage for healthy watersheds and the long-term ecological integrity of Steens Mountain.

(13) To authorize only such uses on Federal lands in the Cooperative Management and Protection Area that are consistent with the purposes of this Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; purposes; table of contents.
Sec. 2. Definitions.
Sec. 3. Maps and legal descriptions.
Sec. 4. Valid existing rights.
Sec. 5. Protection of tribal rights.

TITLE I—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA

Subtitle A—Designation and Purposes

Sec. 101. Designation of Steens Mountain Cooperative Management and Protection Area.
Sec. 102. Purpose and objectives of Cooperative Management and protection Area.

Subtitle B—Management of Federal Lands

Sec. 111. Management authorities and purposes.
Sec. 112. Roads and travel access.
Sec. 113. Land use authorities.
Sec. 114. Land acquisition authority.
Sec. 115. Special use permits.

Subtitle C—Cooperative Management

Sec. 121. Cooperative management agreements.
Sec. 122. Cooperative efforts to control development and encourage conservation.

Subtitle D—Advisory Council

Sec. 131. Establishment of advisory council.
Sec. 132. Advisory role in management activities.
Sec. 133. Science committee.

TITLE II—STEENS MOUNTAIN WILDERNESS AREA

Sec. 201. Designation of Steens Mountain Wilderness Area.
Sec. 202. Administration of Wilderness Area.
Sec. 203. Water rights.
Sec. 204. Treatment of wilderness study areas.

TITLE III—WILD AND SCENIC RIVERS AND TROUT RESERVE

Sec. 301. Designation of streams for wild and scenic river status in Steens Mountain area.
Sec. 302. Donner und Blitzen River redband trout reserve.

TITLE IV—MINERAL WITHDRAWAL AREA

Sec. 401. Designation of mineral withdrawal area.
Sec. 402. Treatment of State lands and mineral interests.

TITLE V—ESTABLISHMENT OF WILDLANDS JUNIPER MANAGEMENT AREA

Sec. 501. Wildlands juniper management area.
Sec. 502. Release from wilderness study area status.

TITLE VI—LAND EXCHANGES

Sec. 601. Land exchange, Roaring Springs Ranch.
Sec. 602. Land exchanges, C.M. Otley and Otley Brothers.
Sec. 603. Land exchange, Tom J. Davis Livestock, Incorporated.
Sec. 604. Land exchange, Lowther (Clemens) Ranch.
Sec. 605. General provisions applicable to land exchanges.

TITLE VII—FUNDING AUTHORITIES

Sec. 701. Authorization of appropriations.
Sec. 702. Use of land and water conservation fund.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVISORY COUNCIL.—The term "advisory council" means the Steens Mountain Advisory Council established by title IV.

(2) COOPERATIVE MANAGEMENT AGREEMENT.—An agreement to plan or implement (or both) cooperative recreation, ecological, grazing, fishery, vegetation, prescribed fire, cultural site protection, wildfire or other measures to beneficially meet public use needs and the public land and private land objectives of this Act.

(3) COOPERATIVE MANAGEMENT AND PROTECTION AREA.—The term "Cooperative Management and Protection Area" means the Steens Mountain Cooperative Management and Protection Area designated by title I.

(4) EASEMENTS.—

(A) CONSERVATION EASEMENT.—The term "conservation easement" means a binding contractual agreement between the Secretary and a landowner in the Cooperative Management and Protection Area under which the landowner, permanently or during a time period specified in the agreement, agrees to conserve or restore habitat, open space, scenic, or other ecological resource values on the land covered by the easement.

(B) NONDEVELOPMENT EASEMENT.—The term "nondevelopment easement" means a binding contractual agreement between the Secretary and a landowner in the Cooperative Management and Protection Area that will, permanently or during a time period specified in the agreement—

(i) prevent or restrict development on the land covered by the easement; or

(ii) protect open space or viewshed.

(5) ECOLOGICAL INTEGRITY.—The term "ecological integrity" means a landscape where ecological processes are functioning to maintain the structure, composition, activity, and resilience of the landscape over time, including—

(A) a complex of plant communities, habitats and conditions representative of variable and sustainable successional conditions; and

(B) the maintenance of biological diversity, soil fertility, and genetic interchange.

(6) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Cooperative Management and Protection Area and the Wilderness Area required to be prepared by section 111(b).

(7) REDBAND TROUT RESERVE.—The term "Redband Trout Reserve" means the Donner und Blitzen Redband Trout Reserve designated by section 302.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Land Management.

(9) SCIENCE COMMITTEE.—The term "science committee" means the committee of independent scientists appointed under section 133.

(10) WILDERNESS AREA.—The term "Wilderness Area" means the Steens Mountain Wilderness Area designated by title II.

SEC. 3. MAPS AND LEGAL DESCRIPTIONS.

(a) PREPARATION AND SUBMISSION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress maps and legal descriptions of the following:

(1) The Cooperative Management and Protection Area.

(2) The Wilderness Area.

(3) The wild and scenic river segments and redband trout reserve designated by title III.

(4) The mineral withdrawal area designated by title IV.

(5) The wildlands juniper management area established by title V.

(6) The land exchanges required by title VI.

(b) LEGAL EFFECT AND CORRECTION.—The maps and legal descriptions referred to in subsection (a) shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

(c) PUBLIC AVAILABILITY.—Copies of the maps and legal descriptions referred to in subsection (a) shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management and in the appropriate office of the Bureau of Land Management in the State of Oregon.

SEC. 4. VALID EXISTING RIGHTS.

Nothing in this Act shall effect any valid existing right.

SEC. 5. PROTECTION OF TRIBAL RIGHTS.

Nothing in this Act shall be construed to diminish the rights of any Indian tribe. Nothing in this Act shall be construed to diminish tribal rights, including those of the Burns Paiute Tribe, regarding access to Federal lands for tribal activities, including spiritual, cultural, and traditional food gathering activities.

TITLE I—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA

Subtitle A—Designation and Purposes

SEC. 101. DESIGNATION OF STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA.

(a) DESIGNATION.—The Secretary shall designate the Steens Mountain Cooperative Management and Protection Area consisting of approximately 425,550 acres of Federal land located in Harney County, Oregon, in the vicinity of Steens Mountain, as generally depicted on the map entitled "Steens Mountain Boundary Map" and dated September 18, 2000.

(b) CONTENTS OF MAP.—In addition to the general boundaries of the Cooperative Management and Protection Area, the map referred to in subsection (a) also depicts the general boundaries of the following:

(1) The no livestock grazing area described in section 113(e).

(2) The mineral withdrawal area designated by title IV.

(3) The wildlands juniper management area established by title V.

SEC. 102. PURPOSE AND OBJECTIVES OF COOPERATIVE MANAGEMENT AND PROTECTION AREA.

(a) Purpose.—The purpose of the Cooperative Management and Protection Area is to conserve, protect, and manage the long-term ecological integrity of Steens Mountain for future and present generations.

(b) Objectives.—To further the purpose specified in subsection (a), and consistent with such purpose, the Secretary shall manage the Cooperative Management and Protection Area for the benefit of present and future generations—

(1) to maintain and enhance cooperative and innovative management projects, programs and agreements between tribal, public, and private interests in the Cooperative Management and Protection Area;

(2) to promote grazing, recreation, historic, and other uses that are sustainable;

(3) to conserve, protect and to ensure traditional access to cultural, gathering, religious, and archaeological sites by the Burns Paiute Tribe on Federal lands and to promote cooperation with private landowners;

(4) to ensure the conservation, protection, and improved management of the ecological, social, and economic environment of the Cooperative Management and Protection Area, including geological, biological, wildlife, riparian, and scenic resources; and

(5) to promote and foster cooperation, communication, and understanding and to reduce conflict between Steens Mountain users and interests.

Subtitle B—Management of Federal Lands

SEC. 111. MANAGEMENT AUTHORITIES AND PURPOSES.

(a) In General.—The Secretary shall manage all Federal lands included in the Cooperative Management and Protection Area pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable provisions of law, including this Act, in a manner that—

(1) ensures the conservation, protection, and improved management of the ecological, social and economic environment of the Cooperative Management and Protection Area, including geological, biological, wildlife, riparian, and scenic resources, North American Indian tribal and cultural and archaeological resource sites, and additional cultural and historic sites; and

(2) recognizes and allows current and historic recreational use.

(b) Management Plan.—Within four years after the date of the enactment of this Act, the Secretary shall develop a comprehensive plan for the long-range protection and management of the Federal lands included in the Cooperative Management and Protection Area, including the Wilderness Area. The plan shall—

(1) describe the appropriate uses and management of the Cooperative Management and Protection Area consistent with this Act;

(2) incorporate, as appropriate, decisions contained in any current or future management or activity plan for the Cooperative Management and Protection Area and use information developed in previous studies of the lands within or adjacent to the Cooperative Management and Protection Area;

(3) provide for coordination with State, county, and private local landowners and the Burns Paiute Tribe; and

(4) determine measurable and achievable management objectives, consistent with the management objectives in section 102, to ensure the ecological integrity of the area.

(c) Monitoring.—The Secretary shall implement a monitoring program for Federal lands in the Cooperative Management and Protection Area so that progress towards ecological integrity objectives can be determined.

SEC. 112. ROADS AND TRAVEL ACCESS.

(a) Transportation Plan.—The management plan shall include, as an integral part, a comprehensive transportation plan for the Federal lands included in the Cooperative Management and Protection Area, which shall address the maintenance, improvement, and closure of roads and trails as well as travel access.

(b) Prohibition on Off-Road Motorized Travel.—

(1) Prohibition.—The use of motorized or mechanized vehicles on Federal lands included in the Cooperative Management and Protection Area—

(A) is prohibited off road; and

(B) is limited to such roads and trails as may be designated for their use as part of the management plan.

(2) Exceptions.—Paragraph (1) does not prohibit the use of motorized or mechanized vehicles on Federal lands included in the Cooperative Management and Protection Area if the Secretary determines that such use—

(A) is needed for administrative purposes or to respond to an emergency; or

(B) is appropriate for the construction or maintenance of agricultural facilities, fish and wildlife management, or ecological restoration projects, except in areas designated as wilderness or managed under the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(c) Road Closures.—Any determination to permanently close an existing road in the Cooperative Management and Protection Area or to restrict the access of motorized or mechanized vehicles on certain roads shall be made in consultation with the advisory council and the public.

(d) Prohibition on New Construction.—

(1) Prohibition, exception.—No new road or trail for motorized or mechanized vehicles may be constructed on Federal lands in the Cooperative Management and Protection Area unless the Secretary determines that the road or trail is necessary for public safety or protection of the environment. Any determination under this subsection shall be made in consultation with the advisory council and the public.

(2) Trails.—Nothing in this subsection is intended to limit the authority of the Secretary to construct or maintain trails for nonmotorized or nonmechanized use.

(e) Access to Nonfederally Owned Lands.—

(1) Reasonable access.—The Secretary shall provide reasonable access to nonfederally owned lands or interests in land within the boundaries of the Cooperative Management and Protection Area and the Wilderness Area to provide the owner of the land or interest the reasonable use thereof.

(2) Effect on existing rights-of-way.—Nothing in this Act shall have the effect of terminating any valid existing right-of-way on Federal lands included in the Cooperative Management and Protection Area.

SEC. 113. LAND USE AUTHORITIES.

(a) In General.—The Secretary shall allow only such uses of the Federal lands included in the Cooperative Management and Protection Area as the Secretary finds will further the purposes for which the Cooperative Management and Protection Area is established.

(b) Commercial Timber.—

(1) Prohibition.—The Federal lands included in the Cooperative Management and Protection Area shall not be made available for commercial timber harvest.

(2) Limited exception.—The Secretary may authorize the removal of trees from Federal lands in the Cooperative Management and Protection Area only if the Secretary determines that the removal is clearly needed for purposes of ecological restoration and maintenance or for public safety. Except in the Wilderness Area and the wilderness study areas referred to in section 204(a), the Secretary may authorize the sale of products resulting from the authorized removal of trees under this paragraph.

(c) Juniper Management.—The Secretary shall emphasize the restoration of the historic fire regime in the Cooperative Management and Protection Area and the resulting native vegetation communities through active management of Western Juniper on a landscape level. Management measures shall include the use of natural and prescribed burning.

(d) Hunting, Fishing, and Trapping.—

(1) Authorization.—The Secretary shall permit hunting, fishing, and trapping on Federal lands included in the Cooperative Management and Protection Area in accordance with applicable laws and regulations of the United States and the State of Oregon.

(2) Area and time limitations.—After consultation with the Oregon Department of Fish and Wildlife, the Secretary may designate zones where, and establish periods when, hunting, trapping or fishing is prohibited on Federal lands included in the Cooperative Management and Protection Area for reasons of public safety, administration, or public use and enjoyment.

(e) Grazing.—

(1) Continuation of existing law.—Except as otherwise provided in this section and title VI, the laws, regulations, and executive orders otherwise applicable to the Bureau of Land Management in issuing and administering grazing leases and permits on lands under its jurisdiction shall apply in regard to the Federal lands included in the Cooperative Management and Protection Area.

(2) Cancellation of certain permits.—The Secretary shall cancel that portion of the permitted grazing on Federal lands in the Fish Creek/Big Indian, East Ridge, and South Steens allotments located within the area designated as the "no livestock grazing area" on the map referred to in section 101(a). Upon cancellation, future grazing use in that designated area is prohibited. The Secretary shall be responsible for installing and maintaining any fencing required for resource protection within the designated no livestock grazing area.

(3) Forage replacement.—Reallocation of available forage shall be made as follows:

(A) O'Keefe pasture within the Miners Field allotment to Stafford Ranches.

(B) Fields Seeding and Bone Creek Pasture east of the county road within the Miners Field allotment to Amy Ready.

(C) Miners Field Pasture, Schouver Seeding and Bone Creek Pasture west of the county road within the Miners Field allotment to Roaring Springs Ranch.

(D) 800 animal unit months within the Crows Nest allotment to Lowther (Clemens) Ranch.

(4) Fencing and water systems.—The Secretary shall also construct fencing and develop water systems as necessary to allow reasonable and efficient livestock use of the forage resources referred to in paragraph (3).

(f) Prohibition on Construction of Facilities.—No new facilities may be constructed on Federal lands included in the Cooperative Management and Protection Area unless the Secretary determines that the structure—

(1) will be minimal in nature;

(2) is consistent with the purposes of this Act; and

(3) is necessary—

(A) for enhancing botanical, fish, wildlife, or watershed conditions;

(B) for public information, health, or safety;

(C) for the management of livestock; or

(D) for the management of recreation,,but not for the promotion of recreation.

(g) Withdrawal.—Subject to valid existing rights, the Federal lands and interests in lands included in the Cooperative Management and Protection Areas are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, except in the case of land exchanges if the Secretary determines that the exchange furthers the purpose and objectives specified in section 102 and so certifies to Congress.

SEC. 114. LAND ACQUISITION AUTHORITY.

(a) Acquisition.—

(1) Acquisition authorized.—In addition to the land acquisitions authorized by title VI, the Secretary may acquire other non-Federal lands and interests in lands located within the boundaries of the Cooperative Management and Protection Area or the Wilderness Area.

(2) Acquisition methods.—Lands may be acquired under this subsection only by voluntary exchange, donation, or purchase from willing sellers.

(b) Treatment of Acquired Lands.—

(1) In general.—Subject to paragraphs (2) and (3), lands or interests in lands acquired under subsection (a) or title VI that are located within the boundaries of the Cooperative Management and Protection Area shall—

(A) become part of the Cooperative Management and Protection Area; and

(B) be managed pursuant to the laws applicable to the Cooperative Management and Protection Area.

(2) Lands within wilderness area.—If lands or interests in lands acquired under subsection (a) or title VI are within the boundaries of the Wilderness Area, the acquired lands or interests in lands shall—

(1) become part of the Wilderness Area; and

(2) be managed pursuant to title II and the other laws applicable to the Wilderness Area.

(3) Lands within wilderness study area.—If the lands or interests in lands acquired under subsection (a) or title VI are within the boundaries of a wilderness study area, the acquired lands or interests in lands shall—

(1) become part of that wilderness study area; and

(2) be managed pursuant to the laws applicable to that wilderness study area.

(c) Appraisal.—In appraising non-Federal land, development rights, or conservation easements for possible acquisition under this section or section 122, the Secretary shall disregard any adverse impacts on values resulting from the designation of the Cooperative Management and Protection Area or the Wilderness Area.

SEC. 115. SPECIAL USE PERMITS.

The Secretary may renew a special recreational use permit applicable to lands included in the Wilderness Area to the extent that the Secretary determines that the permit is consistent with the Wilderness Act (16 U.S.C. 1131 et seq.). If renewal is not consistent with the Wilderness Act, the Secretary shall seek other opportunities for the permit holder through modification of the permit to realize historic permit use to the extent that the use is consistent with the Wilderness Act and this Act, as determined by the Secretary.

Subtitle C—Cooperative Management

SEC. 121. COOPERATIVE MANAGEMENT AGREEMENTS.

(a) Cooperative Efforts.—To further the purposes and objectives for which the Cooperative Management and Protection Area is designated, the Secretary may work with non-Federal landowners and other parties who voluntarily agree to participate in the cooperative management of Federal and non-Federal lands in the Cooperative Management and Protection Area.

(b) Agreements Authorized.—The Secretary may enter into a cooperative management agreement with any party to provide for the cooperative conservation and management of the Federal and non-Federal lands subject to the agreement.

(c) Other Participants.—With the consent of the landowners involved, the Secretary may permit permittees, special-use permit holders, other Federal and State agencies, and interested members of the public to participate in a cooperative management agreement as appropriate to achieve the resource or land use management objectives of the agreement.

(d) Tribal Cultural Site Protection.—The Secretary may enter into agreements with the Burns Paiute Tribe to protect cultural sites in the Cooperative Management and Protection Area of importance to the tribe.

SEC. 122. COOPERATIVE EFFORTS TO CONTROL DEVELOPMENT AND ENCOURAGE CONSERVATION.

(a) Policy.—Development on public and private lands within the boundaries of the Cooperative Management and Protection Area which is different from the current character and uses of the lands is inconsistent with the purposes of this Act.

(b) Use of Nondevelopment and Conservation Easements.—The Secretary may enter into a nondevelopment easement or conservation easement with willing landowners to further the purposes of this Act.

(c) Conservation Incentive Payments.—The Secretary may provide technical assistance, cost-share payments, incentive payments, and education to a private landowner in the Cooperative Management and Protection Area who enters into a contract with the Secretary to protect or enhance ecological resources on the private land covered by the contract if those protections or enhancements benefit public lands.

(d) Relation to Property Rights and State and Local Law.—Nothing in this Act is intended to affect rights or interests in real property or supersede State law.

Subtitle D—Advisory Council

SEC. 131. ESTABLISHMENT OF ADVISORY COUNCIL.

(a) Establishment.—The Secretary shall establish the Steens Mountain Advisory Council to advise the Secretary in managing the Cooperative Management and Protection Area and in promoting the cooperative management under subtitle C.

(b) Members.—The advisory council shall consist of 12 voting members, to be appointed by the Secretary, as follows:

(1) A private landowner in the Cooperative Management and Protection Area, appointed from nominees submitted by the county court for Harney County, Oregon.

(2) Two persons who are grazing permittees on Federal lands in the Cooperative Management and Protection Area, appointed from nominees submitted by the county court for Harney County, Oregon.

(3) A person interested in fish and recreational fishing in the Cooperative Management and Protection Area, appointed from nominees submitted by the Governor of Oregon.

(4) A member of the Burns Paiute Tribe, appointed from nominees submitted by the Burns Paiute Tribe.

(5) Two persons who are recognized environmental representatives, one of whom shall represent the State as a whole, and one of whom is from the local area, appointed from nominees submitted by the Governor of Oregon.

(6) A person who participates in what is commonly called dispersed recreation, such as hiking, camping, nature viewing, nature photography, bird watching, horse back riding, or trail walking, appointed from nominees submitted by the Oregon State Director of the Bureau of Land Management.

(7) A person who is a recreational permit holder or is a representative of a commercial recreation operation in the Cooperative Management and Protection Area, appointed from nominees submitted jointly by the Oregon State Director of the Bureau of Land Management and the county court for Harney County, Oregon.

(8) A person who participates in what is commonly called mechanized or consumptive recreation, such as hunting, fishing, off-road driving, hang gliding, or parasailing, appointed from nominees submitted by the Oregon State Director of the Bureau of Land Management.

(9) A person with expertise and interest in wild horse management on Steens Mountain, appointed from nominees submitted by the Oregon State Director of the Bureau of Land Management.

(10) A person who has no financial interest in the Cooperative Management and Protection Area to represent statewide interests, appointed from nominees submitted by the Governor of Oregon.

(c) Consultation.—In reviewing nominees submitted under subsection (b) for possible appointment to the advisory council, the Secretary shall consult with the respective community of interest that the nominees are to represent to ensure that the nominees have the support of their community of interest.

(d) Terms.—

(1) Staggered terms.—Members of the advisory council shall be appointed for terms of three years, except that, of the members first appointed, four members shall be appointed for a term of one year and four members shall be appointed for a term of two years.

(2) Reappointment.—A member may be reappointed to serve on the advisory council.

(3) Vacancy.—A vacancy on the advisory council shall be filled in the same manner as the original appointment.

(d) Chairperson and Procedures.—The advisory council shall elect a chairperson and establish such rules and procedures as it deems necessary or desirable.

(e) Service Without Compensation.—Members of the advisory council shall serve without pay, but the Secretary shall reimburse members for reasonable expenses incurred in carrying out official duties as a member of the council.

(f) Administrative Support.—The Secretary shall provide the advisory council with necessary administrative support and shall designate an appropriate officer of the

Bureau of Land Management to serve as the Secretary's liaison to the council.

(g) State Liaison.—The Secretary shall appoint one person, nominated by the Governor of Oregon, to serve as the State government liaison to the advisory council.

(h) Applicable Law.—The advisory committee shall be subject to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 132. ADVISORY ROLE IN MANAGEMENT ACTIVITIES.

(a) Management Recommendations.—The advisory committee shall utilize sound science, existing plans for the management of Federal lands included in the Cooperative Management and Protection Area, and other tools to formulate recommendations for the Secretary regarding—

(1) new and unique approaches to the management of lands within the boundaries of the Cooperative Management and Protection Area; and

(2) cooperative programs and incentives for seamless landscape management that meets human needs and maintains and improves the ecological and economic integrity of the Cooperative Management and Protection Area.

(b) Preparation of Management Plan.—The Secretary shall consult with the advisory committee as part of the preparation and implementation of the management plan.

(c) Submission of Recommendations.—No recommendations may be presented to the Secretary by the advisory council without the agreement of at least nine members of the advisory council.

SEC. 133. SCIENCE COMMITTEE.

The Secretary shall appoint, as needed or at the request of the advisory council, a team of respected, knowledgeable, and diverse scientists to provide advice on questions relating to the management of the Cooperative Management and Protection Area to the Secretary and the advisory council. The Secretary shall seek the advice of the advisory council in making these appointments.

TITLE II—STEENS MOUNTAIN WILDERNESS AREA

SEC. 201. DESIGNATION OF STEENS MOUNTAIN WILDERNESS AREA.

The Federal lands in the Cooperative Management and Protection Area depicted as wilderness on the map entitled "Steens Mountain Wilderness Area" and dated September 18, 2000, are hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System. The wilderness area shall be known as the Steens Mountain Wilderness Area.

SEC. 202. ADMINISTRATION OF WILDERNESS AREA.

(a) General Rule.—The Secretary shall administer the Wilderness Area in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.). Any reference in the Wilderness Act to the effective date of that Act (or any similar reference) shall be deemed to be a reference to the date of the enactment of this Act.

(b) Wilderness Boundaries Along Roads.—Where a wilderness boundary exists along a road, the wilderness boundary shall be set back from the centerline of the road, consistent with the Bureau of Land Management's guidelines as established in its Wilderness Management Policy.

(c) Access to Non-Federal Lands.—The Secretary shall provide reasonable access to private lands within the boundaries of the Wilderness Area, as provided in section 112(d).

(d) Grazing.—

(1) Administration.—Except as provided in section 113(e)(2), grazing of livestock shall be administered in accordance with the provision of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), in accordance with the provisions of this Act, and in accordance with the guidelines set forth in Appendices A and B of House Report 101–405 of the 101st Congress.

(2) Retirement of certain permits.—The Secretary shall permanently retire all grazing permits applicable to certain lands in the Wilderness Area, as depicted on the map referred to in section 101(a), and livestock shall be excluded from these lands.

SEC. 203. WATER RIGHTS.

Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

SEC. 204. TREATMENT OF WILDERNESS STUDY AREAS.

(a) Status Unaffected.—Except as provided in section 502, any wilderness study area, or portion of a wilderness study area, within the boundaries of the Cooperative Management and Protection Area, but not included in the Wilderness Area, shall remain a wilderness study area notwithstanding the enactment of this Act.

(b) Management.—The wilderness study areas referred to in subsection (a) shall continue to be managed under section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) in a manner so as not to impair the suitability of the areas for preservation as wilderness.

(c) Expansion of Basque Hills Wilderness Study Area.—The boundaries of the Basque Hills Wilderness Study Area are hereby expanded to include the Federal lands within sections 8, 16, 17, 21, 22, and 27 of township 36 south, range 31 east, Willamette Meridian. These lands shall be managed under section 603(c) of the Federal Lands Policy and Management Act of 1976 (43 U.S.C. 1782(c)) to protect and enhance the wilderness values of these lands.

TITLE III—WILD AND SCENIC RIVERS AND TROUT RESERVE

SEC. 301. DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER STATUS IN STEENS MOUNTAIN AREA.

(a) Expansion of Donner und Blitzen Wild River.—Section 3(a)(74) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(74)) is amended—

(1) by striking "the" at the beginning of each subparagraph and inserting "The";

(2) by striking the semicolon at the end of subparagraphs (A), (B), (C), and (D) and inserting a period;

(3) by striking "; and" at the end of subparagraph (E) and inserting a period; and

(4) by adding at the end the following new subparagraphs:

"(G) The 5.1 mile segment of Mud Creek from its confluence with an unnamed spring in the SW¼SE¼ of section 32, township 33 south, range 33 east, to its confluence with the Donner und Blitzen River.

"(H) The 8.1 mile segment of Ankle Creek from its headwaters to its confluence with the Donner und Blitzen River.

"(I) The 1.6 mile segment of the South Fork of Ankle Creek from its confluence with an unnamed tributary in the SE¼SE¼ of section 17, township 34 south, range 33 east, to its confluence with Ankle Creek.".

(b) Designation of Wildhorse and Kiger Creeks, Oregon.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"(   ) Wildhorse and Kiger Creeks, Oregon.—The following segments in the Steens Mountain Cooperative Management and Protection Area in the State of Oregon, to be administered by the Secretary of the Interior as wild rivers:

"(A) The 2.6-mile segment of Little Wildhorse Creek from its headwaters to its confluence with Wildhorse Creek.

"(B) The 7.0-mile segment of Wildhorse Creek from its headwaters, and including .36 stream miles into section 34, township 34 south, range 33 east.

"(C) The approximately 4.25-mile segment of Kiger Creek from its headwaters to the point at which it leaves the Steens Mountain Wilderness Area within the Steens Mountain Cooperative Management and Protection Area.".

(c) Management.—Where management requirements for a stream segment described in the amendments made by this section differ between the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) and the Wilderness Area, the more restrictive requirements shall apply.

SEC. 302. DONNER UND BIITZEN RIVER REDBAND TROUT RESERVE.

(a) Findings.—The Congress finds the following:

(1) Those portions of the Donner und Blitzen River in the Wilderness Area are an exceptional environmental resource that provides habitat for unique populations of native fish, migratory waterfowl, and other wildlife resources, including a unique population of redband trout.

(2) Redband trout represent a unique natural history reflecting the Pleistocene connection between the lake basins of eastern Oregon and the Snake and Columbia Rivers.

(b) Designation of Reserve.—The Secretary shall designate the Donner und Blitzen Redband Trout Reserve consisting of the Donner und Blitzen River in the Wilderness Area above its confluence with Fish Creek and the Federal riparian lands immediately adjacent to the river.

(c) Reserve Purposes.—The purposes of the Redband Trout Reserve are—

(1) to conserve, protect, and enhance the Donner und Blitzen River population of redband trout and the unique ecosystem of plants, fish, and wildlife of a river system; and

(2) to provide opportunities for scientific research, environmental education, and fish and wildlife oriented recreation and access to the extent compatible with paragraph (1).

(d) Exclusion of Private Lands.—The Redband Trout Reserve does not include any private lands adjacent to the Donner und Blitzen River or its tributaries.

(e) Administration.—

(1) In general.—The Secretary shall administer all lands, waters, and interests therein in the Redband Trout Reserve consistent with the Wilderness Act (16 U.S.C. 1131 et seq.) and the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(2) Consultation.—In administering the Redband Trout Reserve, the Secretary shall consult with the advisory council and cooperate with the Oregon Department of Fish and Wildlife.

(3) Relation to recreation.—To the extent consistent with applicable law, the Secretary shall manage recreational activities in the Redband Trout Reserve in a manner that conserves the unique population of redband trout native to the Donner und Blitzen River.

(4) REMOVAL OF DAM.—The Secretary shall remove the dam located below the mouth of Fish Creek and above Page Springs if removal of the dam is scientifically justified and funds are available for such purpose.

(f) OUTREACH AND EDUCATION.—The Secretary may work with, provide technical assistance to, provide community outreach and education programs for or with, or enter into cooperative agreements with private landowners, State and local governments or agencies, and conservation organizations to further the purposes of the Redband Trout Reserve.

TITLE IV—MINERAL WITHDRAWAL AREA

SEC. 401. DESIGNATION OF MINERAL WITHDRAWAL AREA.

(a) DESIGNATION.—Subject to valid existing rights, the Federal lands and interests in lands included within the withdrawal boundary as depicted on the map referred to in section 101(a) are hereby withdrawn from—

(1) location, entry and patent under the mining laws; and,

(2) operation of the mineral leasing and geothermal leasing laws and from the minerals materials laws and all amendments thereto except as specified in subsection (b).

(b) ROAD MAINTENANCE.—If consistent with the purposes of this Act and the management plan for the Cooperative Management and Protection Area, the Secretary may permit the development of saleable mineral resources, for road maintenance use only, in those locations identified on the map referred to in section 101(a) as an existing "gravel pit" within the mineral withdrawal boundaries (excluding the Wilderness Area, wilderness study areas, and designated segments of the National Wild and Scenic Rivers System) where such development was authorized before the date of enactment of this Act.

SEC. 402. TREATMENT OF STATE LANDS AND MINERAL INTERESTS.

(a) ACQUISITION REQUIRED.—The Secretary shall acquire, for approximately equal value and as agreed to by the Secretary and the State of Oregon, lands and interests in lands owned by the State within the boundaries of the mineral withdrawal area designated pursuant to section 401.

(b) ACQUISITION METHODS.—The Secretary shall acquire such State lands and interests in lands in exchange for—

(1) Federal lands or Federal mineral interests that are outside the boundaries of the mineral withdrawal area;

(2) a monetary payment to the State; or

(3) a combination of a conveyance under paragraph (1) and a monetary payment under paragraph (2).

TITLE V—ESTABLISHMENT OF WILDLANDS JUNIPER MANAGEMENT AREA

SEC. 501. WILDLANDS JUNIPER MANAGEMENT AREA.

(a) ESTABLISHMENT.—To further the purposes of section 113(c), the Secretary shall establish a special management area consisting of certain Federal lands in the Cooperative Management and Protection Area, as depicted on the map referred to in section 101(a), which shall be known as the Wildlands Juniper Management Area.

(b) MANAGEMENT.—Special management practices shall be adopted for the Wildlands Juniper Management Area for the purposes of experimentation, education, interpretation, and demonstration of active and passive management intended to restore the historic fire regime and native vegetation communities on Steens Mountain.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the authorization of appropriations in section 701, there is authorized to be appropriated $5,000,000 to carry out this title and section 113(c) regarding juniper management in the Cooperative Management and Protection Area.

SEC. 502. RELEASE FROM WILDERNESS STUDY AREA STATUS.

The Federal lands included in the Wildlands Juniper Management Area established under section 501 are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) pertaining to managing the lands so as not to impair the suitability of the lands for preservation as wilderness.

TITLE VI—LAND EXCHANGES

SEC. 601. LAND EXCHANGE, ROARING SPRINGS RANCH.

(a) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with Roaring Springs Ranch, Incorporated, to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 76,374 acres in exchange for the private lands described in subsection (b).

(b) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in subsection (a) and the disbursement referred to in subsection (d), Roaring Springs Ranch, Incorporated, shall convey to the Secretary parcels of land consisting of approximately 10,909 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area, a wilderness study area, and the no livestock grazing area as appropriate.

(c) TREATMENT OF GRAZING.—Paragraphs (2) and (3) of section 113(e), relating to the effect of the cancellation in part of grazing permits for the South Steens allotment in the Wilderness Area and reassignment of use areas as described in paragraph (3)(C) of such section, shall apply to the land exchange authorized by this section.

(d) DISBURSEMENT.—Upon completion of the land exchange authorized by this section, the Secretary is authorized to make a disbursement to Roaring Springs Ranch, Incorporated, in the amount of $2,889,000.

(e) COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyance of the Federal lands under subsection (a) within 70 days after the Secretary accepts the lands described in subsection (b).

SEC. 602. LAND EXCHANGES, C.M. OTLEY AND OTLEY BROTHERS.

(a) C. M. OTLEY EXCHANGE.—

(1) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with C. M. Otley to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 3,845 acres in exchange for the private lands described in paragraph (2).

(2) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in paragraph (1) and the disbursement referred to in paragraph (3), C. M. Otley shall convey to the Secretary a parcel of land in the headwaters of Kiger gorge consisting of approximately 851 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area and the no livestock grazing area as appropriate.

(3) DISBURSEMENT.—Upon completion of the land exchange authorized by this subsection, the Secretary is authorized to make a disbursement to C.M. Otley, in the amount of $920,000.

(b) OTLEY BROTHERS EXCHANGE.—

(1) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with the Otley Brother's, Inc., to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 6,881 acres in exchange for the private lands described in paragraph (2).

(2) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in paragraph (1) and the disbursement referred to in subsection (3), the Otley Brother's, Inc., shall convey to the Secretary a parcel of land in the headwaters of Kiger gorge consisting of approximately 505 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area and the no livestock grazing area as appropriate.

(3) DISBURSEMENT.—Upon completion of the land exchange authorized by this subsection, the Secretary is authorized to make a disbursement to Otley Brother's, Inc., in the amount of $400,000.

(c) COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyances of the Federal lands under subsections (a) and (b) within 70 days after the Secretary accepts the lands described in such subsections.

SEC. 603. LAND EXCHANGE, TOM J. DAVIS LIVESTOCK, INCORPORATED.

(a) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Wilderness Area, the Secretary may carry out a land exchange with Tom J. Davis Livestock, Incorporated, to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 5,340 acres in exchange for the private lands described in subsection (b).

(b) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in subsection (a) and the disbursement referred to in subsection (c), Tom J. Davis Livestock, Incorporated, shall convey to the Secretary a parcel of land consisting of approximately 5,103 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area.

(c) DISBURSEMENT.—Upon completion of the land exchange authorized by this section, the Secretary is authorized to make a disbursement to Tom J. Davis Livestock, Incorporated, in the amount of $800,000.

(d) COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyance of the Federal lands under subsection (a) within 70 days after the Secretary accepts the lands described in subsection (b).

SEC. 604. LAND EXCHANGE, LOWTHER (CLEMENS) RANCH.

(a) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with the Lowther (Clemens) Ranch to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 11,796 acres in exchange for the private lands described in subsection (b).

(b) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in subsection (a) and the disbursement referred to in subsection (d), the Lowther (Clemens) Ranch shall convey to the Secretary a parcel of land consisting of approximately 1,078 acres, as depicted on the map referred to in section 605(a), for inclusion in the Cooperative Management and Protection Area.

(c) TREATMENT OF GRAZING.—Paragraphs (2) and (3) of section 113(e), relating to the effect of the cancellation in whole of the grazing permit for the Fish Creek/Big Indian allotment in the Wilderness Area and reassignment of use areas as described in paragraph (3)(D) of such section, shall apply to the land exchange authorized by this section.

(d) DISBURSEMENT.—Upon completion of the land exchange authorized by this section, the Secretary is authorized to make a disbursement to Lowther (Clemens) Ranch, in the amount of $148,000.

(e) COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyance of the Federal lands under subsection (a) within 70 days after the Secretary accepts the lands described in subsection (b).

SEC. 605. GENERAL PROVISIONS APPLICABLE TO LAND EXCHANGES.

(a) MAP.—The land conveyances described in this title are generally depicted on the map entitled "Steens Mountain Land Exchanges" and dated September 18, 2000.

(b) APPLICABLE LAW.—Except as otherwise provided in this section, the exchange of Federal land under this title is subject to the existing laws and regulations applicable to the conveyance and acquisition of land under the jurisdiction of the Bureau of Land Management. It is anticipated that the Secretary will be able to carry out such land exchanges without the promulgation of additional regulations and without regard to the notice and comment provisions of section 553 of title 5, United States Code.

(c) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal lands to be conveyed under this title must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal lands shall conform with the title approval standards applicable to Federal land acquisitions.

(d) LEGAL DESCRIPTIONS.—The exact acreage and legal description of all lands to be exchanged under this title shall be determined by surveys satisfactory to the Secretary. The costs of any such survey, as well as other administrative costs incurred to execute a land exchange under this title, shall be borne by the Secretary.

TITLE VII—FUNDING AUTHORITIES

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Except as provided in sections 501(c) and 702, there is hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 702. USE OF LAND AND WATER CONSERVATION FUND.

(a) AVAILABILITY OF FUND.—There are authorized to be appropriated $25,000,000 from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-5) to provide funds for the acquisition of land and interests in land under section 114 and to enter into nondevelopment easements and conservation easements under subsections (b) and (c) of section 122.

(b) TERM OF USE.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments?

If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KNOLLENBERG) having assumed the chair, Mrs. BIGGERT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4828), to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes, pursuant to House Resolution 609, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to designate the Steens Mountain Wilderness Area and the Steens Mountain Cooperative Management and Protection Area in Harney County, Oregon, and for other purposes.".

A motion to reconsider was laid on the table.

□ 1300

APPOINTMENT OF CONFEREES ON H.R. 820, COAST GUARD AUTHORIZATION ACT OF 1999

Mr. GILCHREST. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Transportation and Infrastructure, I move to take from the Speaker's table the bill (H.R. 820) to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST).

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. SHUSTER, YOUNG of Alaska, GILCHREST, DEFAZIO, and BAIRD.

There was no objection.

APPOINTMENT OF CONFEREES ON S. 835, ESTUARY HABITAT AND CHESAPEAKE BAY RESTORATION ACT OF 2000

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on the Senate bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes:

Messrs. SHUSTER, YOUNG of Alaska, BOEHLERT, and GILCHREST, Mrs. FOWLER, and Messrs. SHERWOOD, SWEENEY, KUYKENDALL, VITTER, OBERSTAR, BORSKI, BARCIA, FILNER, TAYLOR of Mississippi, BLUMENAUER, and BALDACCI.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GOSS. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none and, without objection, appoints the following conferees:

From the Permanent Select Committee on Intelligence for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. GOSS, LEWIS of California, MCCOLLUM, CASTLE, BOEHLERT, BASS, GIBBONS, and LAHOOD, Mrs. WILSON, Mr. DIXON, Ms. PELOSI, and Messrs. BISHOP, SISISKY, CONDIT, ROEMER, and HASTINGS of Florida.

From the Committee on Armed Services for consideration of defense tactical intelligence and related activities:

Messrs. SPENCE, STUMP, and SKELTON.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EDUCATION IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, for the next hour I will be joined by at least one other of our colleagues and perhaps others who are making their way to the floor to talk about the important issue of education in America, and specifically, the work that is being undertaken by the Republican majority in the Committee on Education and the Workforce.

It is the number one topic that voters tell us they care about, and with good reason. Education is essential and fundamental to the maintenance of our Republic. It is virtually impossible in a Nation that is devised on a philosophy where the people hold the power and loan that authority to politicians at election time to have a nation made up of an unwise electorate.

Of course, being educated liberally in the education of our history, of political philosophy, economics, science, math, and all the rest is absolutely essential in maintaining our presence in the world and on this planet as the world's freest democracy and the nation with the most economic opportunity in the world.

With that in mind, we have begun the process of looking at the United States Department of Education, an agency that spends and manages on the order of $120 billion per year.

Now, about $40 billion of that is annual appropriations, and that level of funding increases pretty dramatically every year, and has increased even more dramatically now that Republicans have taken over control of the House, a fact which many friends, many of my Democrat friends on the other side of the aisle, cannot seem to come to grips with, and choose to ignore the reality of that.

Not all spending in the Department of Education is good, just because we support education. I say that because of the failure to achieve our ultimate goal in education funding. Our ultimate goal where education funding is concerned is to get dollars to the classroom, to get the money that the American people send to Washington and expect us to appropriate responsibly to the children who need it most. That is our goal. That is our mission.

Unfortunately, that does not happen to the extent we would like. I am sorry to say that the United States Department of Education, despite the best of intentions, despite the wonderful mission statement that is printed on their brochure and beneath their seal that Members will find just down the road here at the several Education Department office buildings and headquarters, wastes too much money on waste, fraud, and abuse. Money has been stolen right out from underneath the noses of the Department of Education budget managers.

I want to talk about some of those examples, because before we begin the process of trying to streamline the Federal government, trying to reorient ourselves and the way we spend money on children and the education process, we need to understand what the failures are at the Department of Education today.

As I mentioned, out of an agency that manages about $120 billion a year, we see too much of it squandered. Again, about $40 billion of it is appropriated annually through this Congress. The rest is managed through the loan portfolio, student loans that are managed by the United States Department of Education.

In total, it comes out to about $120 billion, making this agency one of the largest financial institutions in the United States, and certainly one of the largest financial institutions in the world. With that much money, we should spend an inordinate amount of time, in my opinion, making sure those dollars are spent properly and correctly.

What really turned us on to this project was our efforts on the Subcommittee on Oversight and Investigations, under the leadership of the gentleman from Michigan (Mr. HOEKSTRA). Our efforts were focused on spending. We wanted to go back to the Department of Education and ask, what did they do with the money we appropriated last year?

On a number of indicators, it is unfortunate that we see the quality of education declining, borne out by the comparisons of our students in the United States in math and science. Against students in math and science in 21 of our industrialized peers around the world, we rank near the bottom. Out of those 21 countries, we are number 19, 19. It is unacceptable.

So we ask, what are they doing with all the money? Why do we continue to rank lower and lower when compared to our international peers, yet we keep spending more and more in Washington on the Federal education bureaucracy? There seems to be some problem.

So we started looking at the money. We asked some fundamental questions about how the past dollars were spent. To our horror, we discovered that in 1998, the Department of Education could not tell us how they spent and how they managed their $120 billion agency. They could not tell us.

See, the Congress requires every Federal agency to conduct audits of their financial activities and to rely those audits to the Congress, which we review and consider at the time when we appropriate more money. So various Federal agencies sent their audits back to the Congress.

Most Federal agencies did not do very well. Their books were not kept in a way that meets reasonable standards for accountability. But in the case of the Department of Education, it was worse than that, Mr. Speaker. In 1998, the United States Department of Education managed its books so poorly that it could not even audit the books.

When I say the word "managed," that is being generous. In reality, the Department of Education in 1998 mismanaged its books so severely that when the audit was required, the auditors, outside auditors in Ernst & Young, came back to the Congress and said, we cannot even do the audit, it is that bad. A $120 billion agency cannot audit its books. The books were unauditable.

In 1999, things got slightly better. The Department was able to audit its books, which gave us a better idea of how it accounts for its money. It received the poorest grade possible on that financial audit. There were huge discrepancies on the order of hundreds of millions of dollars that were misplaced, that were put in the wrong accounts.

We found a grant-back account, as it is called, where the U.S. Department of Education sends a check to various vendors around the country and grant recipients, universities, mainly. At the Department they send not one check, often they send two checks. They have to set up an account to receive the second check back.

The receipt of that check is usually predicated on a conscientious university somewhere recognizing the error, recognizing that they received two identical checks for the same expenditure, and sending one back.

□ 1315

If they fail to do that, it could take years before the U.S. Department of

Education ever gets around to finding the error and recovering the money.

When we looked last at that grant back account, it had a balance of about $750 million. Now, these are funds that the Department could not really tell us where they came from, they were not sure where they were supposed to be, and they were unclear as to the status of those funds at the time we were there and where they should be properly held. Since that investigation, the balance of that fund has been dropped down. But the Department, to this day, continues to crank out duplicate checks and duplicate payments. The Department does not have sufficient controls either to catch these errors.

What we have discovered is that system of poorly managed, of errant accounting creates an environment where waste, fraud and abuse are actually encouraged, not officially encouraged, but tacitly encouraged.

Let me give my colleagues an example that involves the State of South Dakota, and I see the gentleman from Michigan (Mr. HOEKSTRA), chairman of the Subcommittee on Oversight and Investigations, here as well as the gentleman from South Dakota (Mr. THUNE) who represents the two school districts that are in question.

It seems that some money called Impact Aid funds was supposed to be wired from the U.S. Department of Education to its intended recipients in South Dakota, two schools. But somewhere along the line, the security system was breached, and somebody rekeyed in the account codes of the schools in South Dakota, that effectively the Federal money, $2 million worth, was wired, stolen, and diverted into private accounts.

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. SCHAFFER. I yield to the gentleman from Michigan to elaborate further on that story.

Mr. HOEKSTRA. Mr. Speaker, I mean, when we think about this process and we got involved in this issue, when the Department of Education failed its 1998 audit, which means the auditors came in and said the way that the numbers are reported in their financial statements, we have taken a look at their internal processes and procedures, and there is not a clear indication or there is not a high degree of confidence that the numbers that they are reporting accurately reflect what happened within the Department of Education. They did the same thing for 1999. They put some qualifications on it. The Department of Education made some progress.

The interesting thing in the 1999 audit, which bears directly on the Impact Aid that the gentleman just brought up is that, in the 1999 audit statement, which came out earlier in the year 2000, but it was as they were taking a look at how the Department of Education was processing their checks and their payments in 1999, they said in the audit report that there is no integrity in the process; that individuals within the process had too much latitude and too many responsibilities so that perhaps the same person entering the data would have the opportunity to change the data and those types of things. It appears that may be exactly what happened in this case. But it was brought out in the 1999 audit.

So what we find is they failed the 1998 audit. They failed their 1999 audit. Specifically in the 1999 audit, they raise questions about the integrity of the way that Impact Aid funds are distributed. Then we end up with the gentleman from South Dakota (Mr. THUNE) here and a couple of school districts in his State not getting their Impact Aid funds. Why? Precisely the reason that was identified in the 1999 audit.

So even when these things are highlighted and specifically highlighted within the audit reports, the Department of Education has demonstrated an inability or a callousness to actually making the changes and responding to the auditors.

Mr. SCHAFFER. Mr. Speaker, we on the Republican side of the aisle are very, very serious about getting dollars to the classroom, and it does not always mean we have to spend more. What it does mean, though, is that we have to be smarter and wiser. We need to be more vigilant when it comes to streamlining the Department of Education so that we can be more efficient and squeeze more value out of every dollar that we spend.

Now, we care about this across the spectrum of the Republican majority because we care about children, and we want the hard-earned dollars of the American people going to the most important priority in our Nation. But it matters even more when one is the Congressman who represents the children who have been defrauded in the case that we just mentioned of $2 million for some of the poorest school districts in one's constituency. Of course I am speaking of the gentleman from South Dakota (Mr. THUNE) who is here, and I yield to him to tell us what this means back home in South Dakota for him and his constituents.

Mr. THUNE. Mr. Speaker, I thank the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from Michigan (Mr. HOEKSTRA) as well for the great leadership that they have taken from discovering and examining and reviewing Federal budgets, and particularly in this case the Federal Department of Education, to determining what in fact is going wrong over there, why are we failing audits and uncovering a lot of these issues.

Mr. Speaker, I just think that the gentleman from Colorado (Mr. SCHAFFER) made a good point, and that is that what we have talked about for some time is getting the Federal education dollar, in other words, the dollars the taxpayers of this country pay that goes into Washington to support education, back into the classroom and keep it from being lost in the Washington bureaucracy.

There is a perfect example of why we have to do that. We look at what happened, let us me just retell the story very briefly here because I think this paints a picture about what happened in South Dakota. One has got a school that is waiting for its money, contacted the Department of Education. The Department could not find the money, so it cut them a brand-new check.

Meanwhile, back at the ranch, as they say, two men are trying to buy a Corvette in the State of Maryland. They fail a background check and the dealer decides to call the FBI. The FBI, of course, investigates and finds that $2 million in Federal education dollars intended for two rural school districts in South Dakota have been diverted into private bank accounts in Maryland and were used to buy luxury SUVs and a house.

Now, the Department of Education has an enormous budget in relative terms, I think in direct expenditures somewhere around a little under $40 billion a year. If we add all the student loans and other things that are processed there as much as $120 billion actually goes through the Department of Education. Two million dollars, with an "M," $2 million may not seem like a lot to them, but it means a lot to the kids and the teachers in those two schools.

Let me just very briefly talk about Wagner, South Dakota. That was one of the schools whose money was mysteriously lost by the Department of Education. Wagner is a small town, population 1,462, about a 2-hour drive from the largest city in South Dakota.

Now, there are about 780 K through 12 students in the town of Wagner, and they rely heavily on Federal education dollars because many of the students, over 50 percent in fact, live on the nearby Indian reservation.

Now, when Wagner does not get its Federal education dollars, there are very real consequences. This year, using Federal Impact Aid dollars, which is the program that we are discussing here at this point, Wagner is expanding the kindergarten program, adding chemistry and sociology classes in the high school, and hiring four new teachers this year. Real fraud means real pain to real students.

Now, some of the students at Wagner High School sent me a letter, and I would like to read it for my colleagues. Interestingly enough, this was written to the car dealer in Maryland who blew the whistle on this; and had it not been for him, we maybe never would have discovered this, but it is to the car dealer. The kids at Wagner write this.

It says: "To the honest car dealer, we are writing to thank you for being an honest and aware individual. Your awareness has helped solve a crime and your honesty has helped us to get the money we have needed for our educational programs. The money we received has helped us to build additional classroom space for the elementary, junior and senior high school. We were badly overcrowded, and this extra space helps make our daily life so much better.

"The money has also been used to provide additional computers and the educational programs we need so that we can have the best education possible. You probably have children and understand how important getting a good education is.

"For this reason, we are very grateful that there are still people in the world who know the difference between right and wrong and choose right."

It is signed "Sincerely, students from Wagner Community School in Wagner, South Dakota," which I think is a remarkable, remarkable letter in that it acknowledges the honesty and integrity of the gentleman from Maryland, the car dealer who exposed this particular incident, brought it to our attention, and has helped us, I think, get to the bottom of a lot of other issues that are occurring at the Department of Education.

I would just simply add, Mr. Speaker, and say I think what we are talking about here is making sure that the children of this country have the best possible education, that they have the highest standards. I think, unfortunately, what happens in Washington is we tend to dumb down the standards because it is so big and so bureaucratic, and it is easy to lose a few million dollars here and a few million dollars there. Pretty soon we are talking about real money.

I am very proud of the school system in South Dakota. I have two daughters in that school system. But the reason the school system works in South Dakota is because we have local administrators, because we have school boards, because we have teachers, because we have parents who care enough about their children's education to become involved. This sort of thing would not have happened with the local school board in South Dakota.

I have to say again I appreciate the work that both the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from Michigan (Mr. HOEKSTRA) are doing in exposing some of these situations, finding out more about it. The failed audits in 1998 and 1999 I think drew attention to this. Certainly the work that the gentlemen are doing is valuable to the people of this country and, more importantly, to the children who our schools are supposed to serve.

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. SCHAFFER. I am happy to yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, here is the quote out of the Ernst and Young report on internal control fiscal year 1999 audit of the Department of Education: "During testing of grant expenditures for the Impact Aid grant program," which is the program that affected the school districts of the gentleman from South Dakota (Mr. THUNE), "which incurred approximately $1 billion of expenditures during fiscal year 1999, we," that is Ernst and Young, "noted that two individuals were able to process drawdown requests for funds and then subsequently approve their own processing of the drawdown request. Furthermore, we noted that several other individuals performed incompatible functions in the processing of Impact Aid payments. For example, certain individuals have the authority to initiate payment requests, approve payment requests, and subsequently batch the requests and authorize payment by the finance department. Inadequate segregation of duties in sensitive areas such as payment processing can greatly increase the risk of errors or irregularities."

I guess they are using nicer English here to talk about exactly what went on. But I would guess that errors or irregularities is transferring the payment from the gentleman's two school districts in South Dakota and say let us put them into a bank account, into a personal bank account that we can use to buy SUVs or a Corvette or purchase a house.

But that is what Ernst and Young said in 1999 in their financial audit. The thing that we find is the Department of Education does not respond.

Mr. SCHAFFER. Mr. Speaker, if I can clarify, Ernst and Young was hired by the Department of Education to perform the audit on the Department's books, much like many businesses do around the country today to hire outside auditors to come in and give an objective perspective. This was an audit the Department of Education paid for presumably so they can learn from the result, not only on the financial side of the audit, but the performance side.

What I am hearing the gentleman from Michigan (Mr. HOEKSTRA) say, as what we have heard in the committee before, that the Department of Education actually had predicted, they knew. Go ahead; please clarify.

Mr. HOEKSTRA. Ernst and Young predicted.

Mr. SCHAFFER. Yes, Mr. Speaker, Ernst and Young predicted that the Department of Education had fully been apprised of their possibility that its controls were so lax and insufficient that waste, fraud and abuse could take place in the specific fund that ended up costing the constituents of the gentleman from South Dakota (Mr. THUNE) $2 million. The thieves would have still been carrying on the caper were it not for, not the Department of Education finding this crime, but a sales agent as at a car dealership.

I would like to underscore that for a second, just that whole action, because we spend $40 million a year in the Department of Education on accountants, on auditors, on people who are supposed to oversee the financial transactions of the Department. Their job, $40 million worth of them, their job is to make sure this kind of crime does not take place, to read the audit and put the proper controls in place so that the money gets to the children.

They were warned. They paid for the warning. They paid for the expert advice. They ignored the warnings. The crime took place. Even with $40 million worth of auditors and accountants, they still had no idea. It took a sales agent at a car dealership to find the $2 million that was stolen from the South Dakota schools.

That is why I find it so remarkable and gratifying that the children are writing letters to the proper person in this case. It is not the Department that got the money to the classroom, it was the conscientious car sales agent at the dealership in Maryland, Hyattsville, Maryland if I am not mistaken, who saved the day.

Mr. THUNE. Mr. Speaker, if the gentleman will yield, this is one particular obvious incident that we are looking at here today, and it does become somewhat personal because it was school districts in my State and school districts that are particularly in need of this support. Impact Aid is a program that supports school districts that have a heavy Federal impact in their school districts, in this case Native American populations close to reservations.

□ 1330

But if we extrapolate or expand this, Impact Aid is just one program. It is a program that has worked very effectively and one program that I have supported wholeheartedly to make sure that the resources are there to support our children, but think of all the various programs not only throughout the Department of Education but across all of government across this country, and the enormous potential for waste, fraud and abuse.

This is why when we have these broad philosophical debates in Washington about what to do with Federal surplus dollars, should we spend it in Washington or should we get it back home, this is exactly why we have to get this money out of Washington and back in the hands of the American people.

Furthermore, if we look at it in terms of a principle, again coming back to decision-making, who really cares about our children? And I think we all agree children ought to be the focus of our educational efforts. They ought to be able to learn in safe, drug-free environments, they ought to have the brightest and best teachers, and they ought to know that there will be standards and accountability. The taxpayers in this country and the parents, who pay the bills, ought to be able to know with some assurance that the dollars they are sending to Washington, D.C. to support education are not being squandered in some enormous bureaucracy, but are actually making it back into the classroom where they are improving the rate of learning for our children.

This is an issue which I just think cries out for change, in the sense that when we look at these issues, whether it is education or any other, that we have to get more of the decision-making and more of the power and more of the money out of Washington and back into the classrooms and back into the living rooms and back into the communities where it can make a difference; where there are local decision-makers who care enough about their kids not to let this sort of thing happen.

Mr. SCHAFFER. Republicans are for decentralized government. We are for strong high-quality schools, we are for well-paid teachers who are well-trained and paid on a professional basis, and we are for money being spent on the priorities that exist in various communities around the country.

The Washington model, the liberal model, the one the Democrats and the President have espoused over in the White House is something very different. Their model is oriented toward building this large Federal bureaucracy here in Washington to make decisions for the whole country. To them, that seems more efficient. And as we are seeing, structurally it just cannot work. A large centralized education authority here in Washington takes power away from locally elected school board members. It takes decision-making away from the classroom teacher, away from the school board members, away from the principals, away from the people who know the children best and understand the priorities of a local community most; the people who can actually name the names of the children in those classrooms.

Those are the people we as Republicans trust, and that is where we want to place the authority and resources, meaning tax dollars. That is our preference. These folks over at the Department of Education are nice people. We have been down there. The gentleman from Michigan (Mr. HOEKSTRA) and I have actually walked down to the office and paid them a personal visit. We went office to office and met a lot of these folks. They are like anybody we know in our neighborhoods. They have the pictures of their kids on their desks, and they have got education systems in their neighborhoods that they care about. But just from a functional perspective, this large bureaucracy charged with trying to manage 50 State education systems, it is just not set up to do it well. It cannot succeed. It just cannot. It is too big, too impersonal, and there are too many moving parts.

There are 760-some-odd Federal programs they try to manage over there, and they manage a $120 billion budget. So when they lose a couple million, they do not notice it. The car dealer has to notice it and the kids notice it, but the Department does not notice it. But I tell my colleagues this. If we can get that money to the local classroom, I know every single principal in my district would notice $2 million missing. I know every school board member elected to manage schools in Colorado would notice $2 million missing. I know every single schoolteacher would notice $2 million missing. But over in the Department, they did not notice. It took the car sales agent to find the guy who was trying to buy a Corvette with the stolen money to notice, a real person who made a big difference for children in South Dakota in this case. And presumably for other children because we are going to crack down on this part of a failed department as well.

I yield to the gentleman from Michigan.

Mr. HOEKSTRA. I wanted to build off the comments that our friend from South Dakota made in talking about the amount of money that comes to Washington and how Washington responds.

Obviously, the Congress appropriates this money to the executive branch. What this chart points out is that there are nine major agencies or cabinet level offices that cannot get a clean audit. It means that the auditors come in and say that their internal procedures are not good enough to give a high degree of confidence that their reporting in their financial statements accurately reflects what is happening.

The first thing we ought to be really scared about is the one we have listed first, the Treasury Department. Our Treasury Department cannot get a clean audit. We have talked about education. The interesting thing here is that neither Treasury nor Education can get a clean audit, and one of the problems that we have highlighted in the education department is that they have the authority to write checks and at the end of the month, when they check what they have written against what the Treasury Department has reported as being cashed, they cannot reconcile these two numbers. So we have two major departments, Treasury and Education, which cannot get clean audits.

The Justice Department cannot get a clean audit, the Defense Department cannot get a clean audit, the Agriculture Department cannot get a clean audit, EPA, HUD, OPM, and AID. None of these agencies can get clean audits. And we know by the work we have done by taking a close look at the Department of Education, when these agencies cannot get a clean audit, they are creating an environment that is ripe for waste, fraud and abuse. We have found all of that within the Department of Education.

And I think as the gentleman from South Dakota mentioned, real problems and real mistakes impact real people. In this case, the fraud within the Department of Education impacts young people in some of the neediest schools in the country.

Mr. SCHAFFER. The Clinton-Gore administration knew that they had this problem years ago. In fact, it was the Vice President who put together a report back in 1993 called the National Performance Review report. Here it is right here. Does the gentleman have the famous quote highlighted here, by chance?

Well, somewhere in this document, this nice shiny document that apparently the Department of Education never opened up, is this quote, and remember this is a quote from the report published by the Vice President, it says, "In other words, if a publicly traded corporation kept its books the way the Federal Government does, the Securities and Exchange Commission would close it down immediately."

That is what the Vice President said in this report evaluating just what the gentleman from Michigan had highlighted. The problems that plagued the Clinton-Gore administration's whole management style back in 1993 still exists today. In fact, it is worse. It has gotten worse over time.

Mr. HOEKSTRA. If the gentleman will yield, there are a couple of other quotes the Vice President wrote in his reinvention booklet here. Remember, now, he is talking about a department that has failed its 1998 audit, failed its 1999 audits, and has projected it will fail its next three audits. "The Department of Education has suffered from mistrust and management neglect almost from the beginning. To overcome this legacy and to lead the way in national education reform, Ed must refashion and revitalize its programs, management, and systems. AL GORE, Report of the National Performance Review." And it is dated not 2000, but "AL GORE, 1993."

Another quote: "The Department is redesigning its core financial management systems to ensure that data from accounting, grants, contracts, payments and other systems are integrated into a single system. AL GORE, Report of the National Performance Review, 1993." The end result is that we are now in the year 2000, the Department of Education is still failing its audits, and the litany of waste, fraud and abuse within this department is getting to be an embarrassment to the department and actually an embarrassment to the executive branch.

Mr. THUNE. Not only is it an embarrassment obviously to the government, I think it ought to be an embarrassment to the taxpayers. And ultimately that is what we are talking about here, the taxpayers, the people who are paying the bills here. The people who pay the freight in this country are the people who are hurt the most.

I come back to the point that in this particular case we are talking about waste, fraud and abuse as it applies to a couple of school districts in my State of South Dakota, but waste, fraud and abuse means real pain to real students. Unless we can refashion and reshape these agencies of government in a way that makes them responsive to the people that they are there to serve, we will continue, I think, to uncover incidents just like this one.

And, again, thankfully, there was a car dealer in Maryland who had the courage to recognize this incident and contact the appropriate authorities. Because, frankly, had it not been for that, who knows. Really, who knows if this ever would have been discovered. Because the Department of Education, when the shortfall became evident in the State of South Dakota in the two school districts, after a period of time, and in one school district a protracted period of time, but they just issued a new check. They just cut a new check. Hey, it is no big deal, we will just get a little more money here and we will take care of it. But that is the problem, again, when there is no accountability. And what this cries out for is higher standards and more accountability.

And, really, it does start at the top. I appreciate all the studies that have been done, the Vice President's study back in 1993; but here we are in the year 2000, and leadership on issues like this really starts at the top, from the top all the way down through all the respective agencies. I am sure the gentlemen will find, as they continue to research the Department of Education, more incidents, more examples of waste, fraud and abuse. And certainly from the standpoint of the taxpayers, it is not a good return and it does not do anything to help the children of this country to have the taxpayers send almost $40 billion a year, that is with a B, $40 billion to Washington with the intention that those dollars are going to be used in some fashion to help improve the rate of learning of children in this country only to find examples like this, and the others that the gentlemen have noted and that throughout their research continue to crop up. This only continues to build the cynicism and the mistrust and everything else that exists in our culture today about the Federal Government, and that is truly unfortunate.

These are embarrassing examples not only for the agencies of government who are responsible and have the taxpayers' trust and are the stewards of those dollars; but, more importantly, these are embarrassing to the people who pay the bills in this country. If we want to build trust and confidence in the government, we cannot have these sort of things happening.

Again, in my judgment, what it does is it just points to the need to make sure that we do our job as a Congress in terms of oversight; and, secondly, to make sure that the Federal dollars that come in here are used efficiently and that we do everything we can to get them back out of Washington, back where decisions are made locally, back where decisions are made by people who care about their communities and their children.

As the gentleman mentioned, I am sure they are very well-intentioned people and good people at the Department of Education here in Washington, and they care about their children. But the reality is parents, communities, and teachers care a lot more about the children when they know their names, when they have the personal contact. And that is where the decision-making, that is where the authority, and that is where the power and resources ought to be focused, not in a Washington bureaucracy.

Mr. SCHAFFER. I have actually had superintendents of schools and school board members and principals who tell me not to spend another dime on that agency until we get it cleaned up and until we get that financial disaster corrected. They need the money. They want the dollars in the classrooms. But they also realize that when there is a Department of Education that is hemorrhaging cash to the extent that it is today, that it serves no one well to continue to feed more money into this machine that loses cash, has it stolen, has it squandered, cannot account for it, and, in the end, gets a fraction of the money back to children.

We have talked about the example of the $2 million that was stolen out of the department from the children in South Dakota and used to buy cars. I would point out the thieves in this case actually did buy two cars. It was the third dealer that they went to to buy another car that realized there was a crime going on and turned them in. But my point is, this is more than a suggestion that there is a potential for more waste, fraud and abuse. We have lots of other examples, and I will go through a couple more here in the next minute or so, but I would yield to the gentleman from Michigan.

Mr. HOEKSTRA. Well, I just wanted to mention that not only did they buy cars, they bought a Lincoln Navigator, a Cadillac Escalante, they bought a house, and they were going to try to actually buy a Corvette. So it is interesting.

I was going to say we have to get to this before our time is up. We ought to go through some of these other cases of abuse, but we should also talk about what is actually happening with our kids.

□ 1345

There is a lot of information out there. Our kids are not testing well when we compare them to international standards.

It is kind of interesting. A number of the newspapers have been running an ad this week saying we are lucky this is not the Olympic scores, and they list 21 countries and the U.S. is 18. What it is is on educational achievement, on the third international math and science study. And it is disheartening. Not enough of our kids are testing at proficiency grade level.

The fastest growing program in our colleges today, we had a hearing today on overseas studies programs, that is not the fastest growing program on college campuses today. The fastest growing program on college campuses today is remedial education, taking kids who have graduated from high school, but cannot perform at basic levels in reading, writing and math so they get in college and they have the colleges and the universities to do remediation.

But that is the problem and that is the sad part here is that we have got a Department of Education with all the kinds of problems that we have outlined and at the same time we are leaving too many kids behind.

And so, if the gentleman wants to take a look at some of the other examples of waste, fraud and abuse, we can do that.

Mr. SCHAFFER. Mr. Speaker, one other example that we investigated in the Subcommittee on Oversight and Investigations was a theft ring involving collaboration between outside contractors and the Department of Education employees who operated this theft ring for at least 3 years, starting in 1997; and we finally caught it almost in 2000.

They stole more than $300,000 worth of electronic equipment. They stole computers. They stole television sets. They stole VCRs. They stole phone equipment. They stole all kinds of electronic computer equipment and so on. And they also collected more than $600,000 in false overtime claims.

So we had people in the Department of Education who were signing these work vouchers for some pseudo contractors outside of the Department of Education so that they were getting paid for work that they did not do. Except in one case, in this particular example, the manager in the Department of Education actually sent an employee out to go out to Maryland to pick up crabcakes and bill that to the taxpayers of America.

It is just mind boggling. Here is how it worked: The Department of Education employee charged with overseeing these outside contractors would order equipment through the contractor and these were funds that were paid for, equipment that was paid for by the Department of Education, and they would have it delivered by a complicit contract employee, she had it delivered to her house and to her friends' houses.

And the contract employee also did these personal errands. I mentioned the crab cakes that this contract employee ran out to buy and bring back so she could eat them for lunch. And, in return, she signed off on these false weekends and holiday hours that were never worked. And that was paid for by the children of America. That is where the money went.

Money that we want to get to classrooms, money we Republicans think children could use, instead was going to pay almost $600,000 worth of false overtime hours and bills and these projects where they run out and buy crab cakes for themselves.

This theft ring is still under investigation by the Justice Department. There are several who were investigated who signed guilty pleas, and seven Department of Education employees have been suspended indefinitely without pay pending the final outcome of this probe. And there are more examples.

Mr. HOEKSTRA. Mr. Speaker, if we just go through them quickly:

The Department of Education, September 1999, prints 3.5 million financial aid forms. One problem, they printed them incorrectly. It cost the American taxpayer $720,000.

There is one that we call "dead and loving it." The Department of Education improperly discharged almost $77 million in student loans. We have a policy in place that, if a person, a borrower, dies or they become disabled, their loans are forgiven them. In this case, we forgave $77 million of student loans.

Even better news for these young people is that they were not dead and they were not disabled. We just forgave them the loan improperly.

This again, where we talk about I think what we saw in South Dakota, this affects real people. Thirty-nine students were selected to receive the Jacob Javits Fellowship. This is an award given to students that are graduating from undergrad that the Federal Government agrees to pay for 4 years of graduate schoolwork for them.

Having a daughter that is just going to college, I can imagine how excited the parents would be that the tuition is covered. I can imagine how excited the student would be, and I can also imagine how excited her friends and also her academic institution would be for that kind of recognition.

The good news is we had 39 winners. The bad news is the Department of Education notified the wrong 39 young people and said, you are the winners, and 2 days later they had to call back and say, sorry, we got it wrong; you did not win.

That was February of 2000.

This year alone, the Department of Education has issued over $150 million in what I think my colleague was talking about earlier, duplicate payments. We pay you once. We pay you twice. And that is the $150 million of the contractors who have notified us or that the Department of Education caught. Who knows how much they have not caught.

Mr. SCHAFFER. So this is, the Department, I mentioned this before, sends duplicate payments for the same expenditures. It would be like your employer sending you two paychecks for the same month.

Mr. HOEKSTRA. Absolutely, and maybe knowing it and maybe not knowing it.

Student financial programs are annually cited. And while we are talking about real money, this is now talking 70 to 80 billion dollars of loan portfolios that they manage.

The General Accounting Office calls these high-risk programs most susceptible to waste, fraud, and abuse. And what do we know when outside experts come in and highlight these programs? They are right.

Ernst & Young says the $40 billion that you spend is right for waste, fraud, and abuse. We have got a long list of it. Now GAO comes in and says your loan programs are high risk for waste, fraud, and abuse. And we have got all kinds of examples in that area, as well, and it gets to be real money at a time when we really ought to be focusing on getting those dollars into a classroom.

Mr. THUNE. Mr. Speaker, I would just simply add, Mr. Speaker, to what my colleagues have said here in the sense that a lot of these dollars in these various programs, I am sure there are people who appreciate it. The people who have gotten their loans forgiven are probably real happy about this and the people who got the double payments that are being made out there. I mean, there are some beneficiaries of all this waste, fraud and abuse I am sure. But the people who are paying for it are the people who are supposed to be served by the programs and the taxpayers of this country whose dollars they are in the first place and who have high expectations about what their Government ought to be in terms of being responsible and efficient in the use of those tax dollars.

I know my colleagues are focusing on education. We had in the Committee on Agriculture the other day, and I am not on this subcommittee, but the Committee on Oversight and Investigations had a hearing. The agency or division within the Department of Agriculture that is responsible for the CRP program came up to the Committee on Agriculture to explain how $20 million had been spent on a mural on a garage and on providing bus transportation for people to attend Sierra Club meetings.

Now, when questioned about that, how could you use those dollars in that fashion, the answer was, well, we have very broad authorities and that is a justifiable, legitimate use of taxpayer dollars.

I do not know about my colleagues, and irrespective of what they think about one organization or another, providing federally subsidized transportation to go to a Sierra Club meeting or any other club meeting seems to me to be a little bit outside of what people would expect in terms of taxpayers and the use of their tax dollars in this country.

And so, I just use that again. My colleagues are talking about educational issues and the Department of Education and clearly they have a very, very long record and have accumulated tremendous amount of evidence of the waste, fraud, and abuse that occurs there.

But as the gentleman from Michigan (Mr. HOEKSTRA) noted earlier with his chart, many other agencies of Government fail their audits, as well. And this is another example, another department of Government, a program, the Conservation Reserve Program, which is designed to benefit producers in this country and to further protect the environment, add to wildlife production and other things that is designed specifically with a purpose in mind, those dollars are being misdirected in a way that I think is totally inconsistent with the purpose and totally inconsistent with what is right with the taxpayers.

Mr. SCHAFFER. Mr. Speaker, I would submit and I know my colleague would agree that it all relates. It is all the same from a taxpayer's perspective. Back home in Ft. Collins, Colorado or Pierce, South Dakota or Holland, Michigan they are sending their money to Government. That is all they know. They are not saying an education tax, an agriculture tax, a defense tax. They are just paying taxes, almost half their income; and they expect that somebody here in Washington is going to object for the $20 million mural in the Department of Education. Because what every American knows is that they prefer to have that money spent on their children and schools.

So whether it is waste in the one department or any of the nine agencies that cannot even tell us how they spend their money because they fail their audits and do not do it well, from a taxpayer's perspective, they know what real priorities are in America: defending the country, educating our children, keeping the roads in operable condition, and things of that sort that are real priorities for the country.

I think we owe it to taxpayers. As Republicans, I think taxpayers rely on us to expose this kind of waste, fraud and abuse whether it is in the Department of Education, Department of Agriculture, or whether it is the million-dollar outhouses that the U.S. Park Service built out in some national park. All of these things should not go unnoticed.

I think it is the more honest approach that we have joined forces as a Republican majority to tell the truth about this waste, to expose it, to talk about it, to begin to fix these problems. Because our message is positive. We want to get resources to the top priority where they are needed most. We disagree with our Democrat colleagues who say these are problems but let us just spend more so we do not notice.

No. People work too hard for that money. It should not be wasted and squandered in accordance with these examples that we have spoken about today. Our positive agenda is to spend money wisely and to be prudent and responsible with somebody else's money, in this case the money that is taxed and sent to the Federal Government by way of tax revenues.

Mr. HOEKSTRA. Mr. Speaker, when we take a look at it again, when we see the waste fraud and abuse, I mean, it is really scary. But then it also gets to be scary when we take a look at some of the places where we consciously make the decision to spend the money.

My colleague, the gentleman from South Dakota (Mr. THUNE), talked about the mural. Somebody in Federal Government made the conscious decision that spending $20 million of taxpayer money in that area was a good idea. Someone also made the decision consciously that taking people and busing them to these events was a good use of taxpayer money.

The Department of Education's closed captioning. We pay for this. We can watch The Young and the Restless; The Bold and the Beautiful, I never heard of that one; Days of our Lives; Sunset Beach; Men in Tool Belts; the New Maury Povich Show; Dukes of Hazard; Bewitched; Gomer Pyle; Dynasty; WKRP in Cincinnati. The Federal Government is paying for closed captioning, all of those programs, to the tune of almost $9 million dollars.

At the same time, we recognize that a lot of our kids are not reading by third grade, they are not reading by fourth grade, they are not reading by fifth grade. But we are doing these types of things, and it really is time, I think, for us not only to wipe out the waste, fraud and abuse but to take the dollars and focus them on the programs and the efforts that will make the biggest difference.

Mr. SCHAFFER. Mr. Speaker, that has been our objective here in Congress as a Republican majority is to chop this waste, fraud and abuse out of Federal agencies to begin to consolidate programs so that we can send money back to the States in larger chunks with fewer moving parts so that there is more accountability and we involve more local leaders in the disbursement of those funds.

In that way we really are not talking about spending more money on education per child but spending less over time in what is budgeted for all this wasted money that takes place here under the Clinton administration. And so, it is a positive message that we are about, it is a proactive agenda that we are trying to unfold here in Washington. It is a different agenda which our Democrat friends and the Clinton-Gore administration have presided over for the last 8 years.

□ 1400

In their own words, it could not be made any clearer by the Vice President himself when he said, in other words, if a publicly traded corporation kept its books the way the Federal Government does, the Securities and Exchange Commission would close it down immediately.

They knew that back in 1993 when they printed this. They knew that 2 years ago when Ernst & Young did the audit of the Department of Education and warned the Department of Education that there was a potential for theft to take place in the Impact Aid funds; but in all cases they were too busy trying to persuade Americans that they were not paying enough taxes and did not spend enough time making the government more efficient, and in this case and in several other cases, the children of America suffer.

We want to end the suffering. We want to end this burden of waste, fraud and abuse that has been perpetrated upon the American people. We want a brighter day for education of American students, where dollars are spent wisely, dollars get to the classroom, and Americans have their confidence restored in how their Federal Government works.

Mr. HOEKSTRA. I think we ought to take a little bit of time talking about where we are with kids. We know our kids are not tested enough, but we also have proposals to fix these problems. We have a series of objectives that say here is what we would like to do. We have got a program called Dollars to the Classroom. It says we want to get 95 cents of every Federal education dollar back into a local classroom. We have got Ed-Flex. What is Ed-Flex? What Ed-Flex says is we know that as we have gone around America with our project called Education at a Crossroads, the States have consistently come back and said, we get 6 to 7 percent of our money from Washington; we get 50 percent of our paperwork. Ed-Flex says we are going to allow school districts and States to eliminate part of the bureaucratic nightmare that we have imposed on them.

We have a program which we call Straight A's. So we are going to get more dollars into the classroom, we are going to get rid of the red tape, and then what we are saying is we are going to allow you more discretion so that in a school district in Colorado, if they need to buy technology, they can go out and buy computers. But if a school district in my area of west Michigan says we really want to do teacher training, they can take those dollars and use the dollars for teacher training, so that we recognize that the needs of west Michigan are very different than the needs of Colorado or South Dakota, so we are going to give school districts flexibility.

The other thing that we want to do is we want to fully fund our commitment to the Individuals With Disabilities Education Act. The Federal Government committed to paying 40 percent of this mandate that was placed on our local school districts. I think this year we are going to be all the way up to a high, and that is under a Republican Congress, the other side was never able to achieve this kind of funding for IDEA, we are paying 13 percent. But that means, the other part of that mandate, the other 27 percent which we committed to pay now has to come out of a local school district's taxes. What we need to do is we need to fully fund our commitment and when we do that, we will free up local dollars to use for school construction, hiring teachers, technology, other improvements, what they believe their kids need.

Mr. SCHAFFER. We tried, you and I tried and others, the more conservative Members of Congress tried to actually put more money into that unfunded Federal mandate because we know it frees up local districts to provide pay raises for teachers, to build new classrooms, to invest in the technology. We offered amendment after amendment here on the House floor when the appropriations bill was here to beef up the funding for the Individuals With Disabilities Education Act; but AL GORE and Bill Clinton, they did not help us, they were not interested. In fact, their budget opposes what we want to accomplish with fully funding the Individuals With Disabilities Education Act.

I am hopeful and optimistic that we are on the threshold of perhaps a new day over in the White House with a new kind of leadership that really understands education funding is about real people, real children. When the Department loses funds or squanders resources or mismanages programs, there are real Americans who suffer and suffer mightily as a result of that kind of mismanagement, and it is the same kind of mismanagement that the White House even wrote books about in 1993. It is a tragedy that they failed to follow their own advice, clean up the waste, fraud and abuse in the Department, get money to the classroom. They have had 8 years to work on it, they have squandered their opportunity, they cannot do it. We will.

Mr. HOEKSTRA. Creating a Government That Works Better and Costs Less, Report of the National Performance Review.

We can speak from experience that the redesign or the reinvention of the Education Department has been a failure. AL GORE dropped the ball at the Department of Education. The American taxpayer is paying for this. More importantly, America's children are paying the price for this failure of reinvention at the Department of Education. It was promised us in 1993 and the conditions are as bad if not worse in the year 2000 than what they were in 1993.

PIPELINE SAFETY LEGISLATION AND THE LONGHORN PARTNERS PIPELINE

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, before the end of the 106th Congress, I am hopeful to be able to pass a comprehensive pipeline safety bill. On September 7, the Senate unanimously passed the Pipeline Safety Improvement Act of 2000. This bill is tough and has many public safety provisions. For example, the daily penalty for a violation of regulations increases from $25,000 a day to $500,000 a day. In addition, pipeline companies must now report spills in excess of five gallons as opposed to 50 barrels or 2,100 gallons under current law.

Other provisions in this bill require pipeline companies to have a detailed pipeline integrity plan as well as mandating stronger training and qualification requirements. The bill also strengthens the public's right to know and provides whistle-blower protections for pipeline employees.

I believe this bill is a good start. Although I would still like to include other public safety protections, I understand the need for a pipeline safety bill this year. I look forward to working with my colleagues on the Committee on Commerce that I serve on but also in the Committee on Transportation and Infrastructure if necessary to move even more legislation, stronger legislation next year. Pipelines have been shown to be a much safer way to transport products than trucks or other methods and the current bill increases that safety factor.

I have also been working with several of my Texas colleagues and colleagues in the southwestern United States to secure Federal approval of a project called the Longhorn Pipeline. The Longhorn Pipeline begins at Galena Park, Texas, in east Harris County in the district I represent and goes across Texas for approximately 700 miles to El Paso, Texas.

This pipeline is intended to carry refined petroleum production from Houston to southwest markets of the United States in El Paso and Midland/Odessa and hopefully beyond. After much delay, the Federal Government now seems to be willing to move forward in the process. George Frampton, chair of the Council on Environmental Quality, has recommended the EPA and the Department of Transportation to include the analysis of the Longhorn Pipeline project by finishing the environmental assessment.

The many studies and analyses conducted by the Federal Government indicate that the extensive mitigation plan supports this action. The Longhorn Mitigation Plan protects the environment and all the people along the pipeline route and is of a scope and rigor unprecedented in the pipeline industry. It includes measures designed to reduce the probability of a spill as well as measures designed to provide greater protection to the more sensitive areas, including areas where communities and drinking water could be affected.

The Longhorn Pipeline meets or exceeds current statutory, regulatory and industry standards. The pipeline would be the safest in the history of the United States. I do not make this statement lightly. For instance, the mitigation measures are adjusted along the route of the pipeline based on the sensitivity of the area. The route was divided into approximately 8,000 segments, and the relative sensitivity at each segment was determined based on factors including the proximity to population centers, drinking water supplies, and protected species habitat.

I cannot begin to understand why the Federal Government has taken this long, and to have made such a difficult process in the regulatory lag is amazing. We still have time to salvage the good intentions and still have the success that was started with this process. But we need to act now. I say we, the Federal Government. Since Longhorn filed for the pipeline conversion in 1997, two other previous crude-oil-conversion-to-refined-products pipelines are up and running. I repeat, they are up and running with not the mitigation measures that are part of this Longhorn Pipeline.

If we are interested in pipeline safety, we need to encourage pipeline companies to establish mitigation measures such as these. Working together, we can ensure that pipelines remain a viable transportation means while maintaining and improving public safety.

SERVING THE SAN DIEGO COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to recognize the 86 years of service given to the San Diego community by the Neighborhood House Association and at the same time the 35th anniversary of Head Start, both nationwide and at this location.

Neighborhood House is a multipurpose social service agency whose goal is to improve the quality of life of the people served. It is one of the largest nonprofit organizations in San Diego, reaching more than 300,000 San Diego residents with its programs. Since Dr. Howard Carey assumed leadership as president and chief executive officer in 1972, Neighborhood House has grown from a budget of $400,000 and a staff of 35 to the current budget of approximately $50 million with 800 employees. Among the most important of the services of Neighborhood House is Head Start, and the 35th anniversary of Head Start is being recognized at a Gala 2000 event by the Neighborhood House Association on November 17, 2000.

As we all know, Head Start is the most successful federally funded program for children that has been created. It has touched the lives of tens of thousands of low-income preschool children and their families. The Neighborhood House Head Start serves 7,000 preschoolers and their families in 77 centers, the largest San Diego Head Start program. And plans are in place to provide for over 11,000 children to be reached in over 130 centers.

Mr. Speaker, Head Start and the Neighborhood House are in the business of helping people to help themselves. They strive for permanent changes, and long-term self-sufficiency is their goal. On the occasion of the Neighborhood House Association's Gala 2000, I am honored to congratulate both Head Start and the Neighborhood House for their many contributions to the children and families of San Diego.

PROTECTING OUR ENVIRONMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. BLUMENAUER. Mr. Speaker, we have just witnessed last night the first of the presidential debates between the candidates of the two major parties. After a great deal of wrangling, I was pleased to see that Governor Bush agreed to the debate commission's recommendations and has agreed to share the platform. I think it is important that we are now turning to issues that confront the American public. Unfortunately, sometimes with the barrage of issue ads that we see and at times conflicting claims, I can understand how the American public can be confused about what the actual truth may be in a particular area. But I will tell you in the areas that relate to the environment, there is really no excuse for confusion. The differences could not be clearer between the two political parties and the two major candidates.

We wanted to take a few minutes this afternoon to address those issues of the environment, where people stand and what difference it makes for the American public. I am honored to be joined in this discussion this afternoon by the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Resources, a gentleman whose legacy in terms of protecting the environment, dealing with natural resources, fighting against pollution, leadership on a wide variety of issues is unparalleled.

Mr. Speaker, I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I thank the gentleman very much for yielding, and I thank him for taking this time that we might have an opportunity to discuss both the environmental challenges that are presented in this election season and by this Congress and by the differences between Governor Bush and Vice President GORE.

I, as many Americans last night, was shocked when, although I guess we should not have been surprised but shocked when Governor Bush suggested that the way out of our energy crisis was to simply drill in the Arctic National Wildlife Refuge and that would in fact solve the problem.

□ 1415

As was correctly pointed out by Vice President GORE, if you simply do that, you do nothing but add a couple of months of oil supply to the total consumption of the United States, but you have done nothing on the other side, which is consumption, conservation, new technologies, all of which are necessary if we are going to use these oil resources in a wise fashion.

It is unfortunate that the first thing that Governor Bush would suggest to the American public is that we ought to, in fact, treat the Arctic National Wildlife Refuge much as we would an oil field in East Texas. There is a world of difference between those two, and perhaps Governor Bush does not understand that.

But the Arctic Wildlife Refuge is not just that. It is a refuge for wildlife, of caribou and other species, that are greatly threatened by additional development in the Arctic, and it is important that we understand that, because I think, again, as Vice President GORE pointed out, you need not destroy our environment to improve the energy situation in this country.

We know that there are all kinds of additional energy efficiencies, whether it is the insulation of our home, whether it is the improved efficiency of the generators of electricity around this country, as we are replacing old and worn out generators, whether it is the improvement of the gas mileage of our automobiles.

This Congress, the Republican Congress, has stalled year after year the consideration of improving the gas mileage of automobiles. So now where do we find ourselves? We find ourselves, essentially, where the fleet averages are going backwards to where they were in the 1970s, and now we see once again we are threatened with competition by foreign auto makers introducing hybrid cars, racing ahead on fuel cells.

We know that 70 percent of all the energy that is imported into this country is used for transportation, so to continue to waste it on the highways is a tragedy, and especially when people now are forced into paying, because of the cartel in the Middle East and the big oil companies in this country, are forced to pay in excess of $2 a gallon. I bet most Americans wish that this Republican Congress had not kept us from reviewing those mileage standards, so that if they are going to have to pay $2 a gallon, they might get 30 or 40 miles a gallon, as opposed to 19 or 20 miles per gallon.

I think it is an important distinction, because I think it highlights the rather cavalier attitude of Governor Bush toward the environment. It is out of step with the American public. It is clearly out of step with the American public's desire to protect the environment, to clean up the environment where it has been polluted, and to keep it from being polluted where it has not happened.

Clearly an overwhelming majority of Americans want to expand our National Park System and to protect the National Park System. They want to increase the public lands that are available to them and their families and their communities, whether those are neighborhood parks, city parks, regional parks or State park systems.

In the State of California, where I come from, the State park system is oversubscribed on every holiday, on every weekend, by people who want to take their families out and enjoy that kind of experience. They want to protect the farmlands in our growing communities so there will be open space, so there will be an opportunity to protect the habitat of endangered species, so that they can use open lands to buffer the dramatic growth that has taken place in so many of our suburban communities.

That is what the American public has said they want, and they have said that over and over and over again. Yet what we have seen in the agenda of the Republicans on the Committee on Resources on which I sit and in this House is to constantly attack the underlying basic national laws in this country that provide for the protection of the environment, the laws of the Clean Water Act, of the Clean Air Act, of the Superfund law, of the Endangered Species Act.

Time and again in the Committee on Resources, the gentleman does not sit on the Committee on Resources, he sits on the Committee on Transportation and Infrastructure, and I think he has some similar actions that take place there, but we see constant attempts to try to override the Endangered Species Act, to try to approve projects without the consideration of the impact on the species. Yet we know that in all of the polling data, which is an indication of the American public's attitude, that 80 percent of Americans agree that protecting land, water and wildlife and other natural resources is extremely important to them and two-thirds of them believe that the Federal Government, the Federal Government, should in fact be doing more to protect our forest resources, to protect our wilderness resources, to protect the national parks and the public lands of this Nation. In fact, they go so far as to suggest they would like the Federal Government to create more of these opportunities within our society.

The gentleman from Oregon has been a leader in trying to explain that. As the Vice President pointed out last night, this is not about having to ruin one value in America to achieve another value. We would like energy independence, we would like energy efficiency, we want to make sure that we can meet the demands of our economy, but we do not have to destroy the environment in the process.

So I thank the gentleman at this time for taking this time, and I want to yield back to him so he can participate. I see we have been joined by our colleague from Maine (Mr. ALLEN).

But I want to point out that last night, to hear that that was the single strategy of Governor Bush to answer the energy question, was simply drill more, and to suggest that somehow we have not been drilling in the past, the hottest drilling area in the world is not in Russia, it is not in China, it is not in Indonesia; it is in deep water off of the coast of the Gulf Coast of the United States of America. People have been drilling here.

But it is the manner in which we have been wasting the resources. We have been wasting the resources, and we now say we are going to invade the Arctic National Wildlife Refuge in some desperate attempt to achieve energy independence. We ought to achieve energy independence, and the gentleman knows more about this and I would hope he comments on this. If 70 percent of the imported oil in this country is going into transport, that tells you that maybe where you want to start thinking about the problem is with the automobile, to make it more efficient, to do some of the things the gentleman has talked about that have not come to pass, unfortunately, in this Congress, in terms of mass transit, in terms of the design of our communities, in terms of making them transportation-friendly to various options, whether they are trains or mass transit or buses or car pooling, these kinds of arrangements. Then you really send a message to the sheiks in the Middle East, if you will, who are running the cartel, that their market is not going to be as great because we are going to stop the waste of that energy.

I thank the gentleman for yielding, and will ask him to yield later in this special order.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's comments, and I think he hit the nail right on the head. What Vice President Gore and the Democrats in Congress have been advocating is giving the American public choices. We right now have 3 or 4 percent of the world's oil reserves. We are consuming currently 25 percent.

The gentleman rightly catalogued the efforts on the part of this Congress, Republicans, to stop us from moving forward; cutting back on energy conservation, avoiding opportunities to reinstate and even study the impact of energy efficiency in vehicles across the fleet. As the gentleman points out, it goes in the wrong direction.

It is important that we give the American public choices. If the American public had realistic choices two times a week to take mass transit, to car pool, to be able to telecommute, having the opportunity, other than just being in their own car commuting by themselves, we would not have to import any oil. But, again, Governor Bush has no initiatives in this area, and our friends in Congress have been cutting back on solid initiatives that have been advanced in the past.

I appreciate the gentleman focusing on this notion of just simply drilling in the Arctic National Wildlife Reserve. This, of course, is opposed by the overwhelming majority of the American public, even in these times of scarce energy availability. They know that opening this portion is not only an environmental threat, but it just prolongs the ultimate solution that we have. It is, at most, a 6-month supply of oil, and it would take up to 10 years for us to be able to bring that oil to market. Threatening the Arctic Reserve for something that is not going to make a difference in this crisis or the next crisis is an example of a failed one-dimensional approach from Governor Bush.

We are going to talk more, because in fact that is not unlike some of the problems that he has with his own environmental legacy in Texas.

Before elaborating on that, I did want to be able to turn, if I could, to our colleague, the gentleman from Maine (Mr. ALLEN), from the other Portland. The gentleman from Maine (Mr. ALLEN) has developed legislation, for instance, to help clean up pollution from aging power plants. He has introduced two bills to curb air pollution, the Clean Power Plant Act and the Omnibus Mercury Emissions Reduction Act. He has been a leader as a local official, the mayor of Portland, Maine, and in his work here in Congress, not just for dealing with things like prescription drugs, but working to make sure that Americans have the quality of life that they want and they deserve.

It is my great honor to yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding.

I have to say I am pleased we are doing this special order, because watching the debate last night, there was a striking and clear difference between AL GORE and George W. Bush on these environmental issues. In fact, just to turn for a moment back to the energy issues that the gentleman and the gentleman from California (Mr. MILLER) were discussing, if you pay attention to what has been in the news over the last several months, we had the news that the North Pole was open water, a dramatic development. The ice cap there had melted temporarily during the summer. The North Pole was no longer ice, it was water. We have also in the last few days seen news that the hole in the ozone layer over the Antarctic is now as big as it has ever been. Yet when it comes to deciding how to deal with this energy crisis, the first thing out of Governor Bush's mouth is we need to do more drilling, which means we need to have more oil, burn more oil.

Though we do, as AL GORE pointed out last night, we should bring more marginal wells into production. That is a short-term solution. There is also no reason not to proceed to make sure that we are doing energy conservation, that we are doing renewable technologies. We are looking at solar and other technologies like that, and are really moving ahead on that front.

Mr. Speaker, the basic point is this: What makes good sense for an energy policy is what makes good sense for an anti-pollution policy. As the gentleman mentioned, and I want to thank him for his leadership on these issues, I do have legislation, H.R. 2980, the Clean Power Plant Act of 1999, that would bring all of these old grandfathered plants, grandfathered under the Clean Air Act and the Clean Air Act amendments, it would bring them up to new source emission standards.

Well, what does all that mean? It turns out that these old coal- and oil-fired power plants are still major polluters in this country, and they produce nitrogen oxides, which contribute to ozone depletion and produce smog; they produce sulfur dioxide, which is a component of acid rain; they produce mercury, which poisons our waters and gets into the food chain in our lakes and streams and has led to warnings in 40 States across the country that pregnant women and children should not be eating fresh water fish; and it produces the major greenhouse gas, which is carbon dioxide. In fact, 33 to 40 percent of all the man-made carbon dioxide emissions in this country come from these old coal- and oil-fired power plants.

What we need to do is, and the technology is there, this is relatively easy stuff if you have the political will to do it, what we need to do is make sure that we are taking steps toward bringing all these power plants and other industrial plants, which I will speak about in a moment, up to new source emissions standards. Let us use the latest technology. Let us have cleaner air and let us burn less fuel.

If you turn to Texas, the record there for Governor Bush is a very different record. In fact, the Texas Air Crisis Campaign has just put out a press release indicating that in the 1999 session of the Texas legislature, an effort to mandate reductions from grandfathered industrial plants in Texas was headed off when the Governor's office asked industry representatives to draft a voluntary plan in which these grandfathered facilities could come up with voluntary cleanup plans. But now the data shows that in the past year the actual reduction in pollution is three-tenths of one percent of the total emissions from the plant.

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There is a dispute with a Texas natural resources conservation commission. They say it is all the way up to 3 percent, but they are taking into account future reductions. The bottom line is this: the record that Governor Bush has in Texas on controlling pollution is appalling. It is appalling. And the data is here for anyone who wants to look at that record.

If it is any indication of what he would do in Texas is what he would do for this country, we all have reason to be worried when it comes to the environment.

Mr. BLUMENAUER. Mr. Speaker, we have been joined by our colleague, the gentleman from Massachusetts (Mr. MARKEY), an admitted expert in this area. Perhaps if the gentleman would like to comment on it since this has been an area of his expertise for years.

Mr. MARKEY. Mr. Speaker, I was listening to this discussion, and it occurred to me that if we just go back over the last 6 years, that is from the moment of which the Republican party took over the United States Congress, there has not been a discussion about what more can be done for the environment. The real issue was how can we do less?

I mean, their goal was to turn EPA from standing for the Environmental Protection Agency into Ever Polluters Ally. I mean they wanted to change Superfund so we played the polluters, rather than the polluters playing the American people for spoiling our natural resources.

And now as we hit this campaign year, the year 2000, GOP it used to stand for Grand Old Party; but now it stands for the Gas and Oil Party. They do not propose to first ensure that we have more efficient society, that we bring out the waste that exists within the United States and the world in terms of our consumption of oil. Their first idea is let us go to the most pristine part of the entire country, the Arctic natural refuge area and to begin drilling, even though they still have not even begun to tap all the rest of Alaska in terms of its oil production capacity.

It is a ruse, in other words. They take every crisis not as an opportunity to explain to America how we can use these natural resources more efficiently, but rather how can we now take the most precious part of the natural resources we have in the country, in the Arctic, in these refuge areas, and begin drilling there as well? They say, well, all we will leave is human footprints there.

I do not know why these environmentalists are concerned. But the truth is that they have left a footprint over in Prudhoe Bay, and it is a human footprint indeed; but it is an industrial footprint of despoliation of the environment in that area. There has been no real protection given to the environment.

Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for bringing this issue up at this point, because I think it is central to the consideration of the American people, in terms of which direction they want our country to go in at this central point in our country's history.

I think last night we learned that the first thing the oil industry wants to do is go to the Arctic and to take this precious land and to begin the same process that they have already undertaken in Prudoe Bay, and I think that would be a historic mistake.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the comments of the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Maine (Mr. ALLEN) talking about the shift that has taken place. The gentleman from Maine (Mr. ALLEN) was concerned about being able to move forward in dealing with these power plants that have not been complying with the Clean Air Act.

In Texas, they are proud of a voluntary approach. They have hundreds of these old plants that are not in compliance, and this voluntary approach has resulted in a few dozen coming into compliance. It is an abject failure, and I think it would be absolutely a disaster were that approach applied here on a national level.

Mr. Speaker, we have been joined by my colleague, the gentleman from Maryland (Mr. CARDIN), a leader in areas that range from bicycles to energy conservation. The gentleman from Maryland is a distinguished member of the Committee on Ways and Means. I am privileged to yield to the gentleman.

Mr. CARDIN. First, let me thank the gentleman from Oregon (Mr. BLUMENAUER) for holding this special order. I think this is an extremely important subject.

We are proud in Maryland that we believe that a good energy policy is a good environmental policy, and they go hand in hand. We are very proud of our environment. We cherish our life-style in the Chesapeake Bay and other great resources. We have great bike paths, and we have great greenways. We want to make sure that we are energy sufficient and we are not today.

I was struck last night in listening to the debate of just the dramatic difference between the two candidates on energy. It could not be more dramatically different. George Bush basically says that we can go into the pristine areas of this Nation and continue to use more and more energy and oil in this country, and we do not have a problem. Whereas AL GORE made it very clear that we do have an energy problem in this country and, yes, it means trying to obtain as much energy as we can among ourselves, particularly with alternative fuels.

But it also means good conservation and good energy practices and dealing with the energy problems that are out there so that we can conserve energy in this country and we can be more sensitive to our environment.

During these past 6 years, we in Congress have been fighting the Republican leadership, basically trying to stop some bad things from happening. We have not had the opportunity to move forward on an energy policy, because the Republican leadership has blocked it every step of the way. They are certainly in concert with George W. Bush in that regard.

In 1995, you saw the energy efficiency programs cut by 26 percent by the Republican leadership. I am sure George W. Bush would be pleased with that; the weatherization assistance cut by 50 percent.

Then in 1997, the Committee on the Budget recommended the abolishing of the Department of Energy and that energy conservation be cut by another 62 percent over 5 years. Once again, I think the Republican candidate for President would be very pleased with those suggestions, because he certainly does not believe in an aggressive Department of Energy here to try to find solutions to our energy problems, to develop alternative energy sources.

Then in 1999, the energy department proposed that we purchase an additional hundred million barrels of crude oil for our Strategic Petroleum Reserve. We are 115 billion barrels short. Mr. Speaker, in the next few months, people in the Northeast, including in my district, are going to be very vulnerable to heating oil prices; and we have not done what we should have done in this body in order to help my constituents and those in the Northeast who are going to be suffering from the high costs of home heating oil.

Quite frankly, as I listened last night to the debate, it is an important reason why I hope my constituents and the voters around the Nation are very much in tune to the energy issue as we go into this fall election. There is a major difference between the two candidates.

What should we be doing? And I particularly appreciate the gentleman from Oregon (Mr. BLUMENAUER) taking this special order, because he has been the leader in this Congress on livable communities. When I first came to Congress, we were working on aspects of livable communities that came to a screeching halt under this Republican leadership. The gentleman has spoken out to the fact that we want to have a better quality of life here. We do not want to sit in traffic jams all day. We do not want to waste a lot of energy and waste a lot of our useful life by sitting in a traffic jam for hours, as many times I do between Baltimore and Washington.

Once we get that high-speed rail in, we do not have that problem. We need that desperately. We do need more intelligent transportation systems. Mass transit makes sense, and we should be looking at ways to improve the livable communities agenda.

I am proud of Vice President GORE and his leadership on these issues to talk about how we want our communities to be. We, in Maryland, as the gentleman knows, have the smart growth policy. Governor Glendening has been the leader on that. It makes sense for us to develop smart growth and livable communities. It is good for energy, good for the environment, and also good for quality of life for our people.

We should be doing that. We are not doing that. We also should be talking about being more self-sufficient in energy in this Nation, and we are not talking about that because we need a comprehensive policy. The Vice President is talking about that; the governor from Texas is not.

Mr. Speaker, I very much appreciate the gentleman taking the time here this afternoon so that we can underscore some issues that we hope this Nation will focus on as we move into the November elections. These are extremely important subjects.

This Congress, this body, should be doing more on improving livable communities and improving our energy issues and hope that we can focus the Nation in on these issues as we move on to the campaign. I thank the gentleman for the time.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the input of the gentleman from Maryland (Mr. CARDIN). We have had a number of references to the debate last night. One of the more interesting debates that is going on is to listen to our Republican colleagues debate with themselves on these issues of the environment and energy.

I found it greatly amazing actually when we had the Republican Whip, TOM DELAY, barely a week ago calling the Strategic Petroleum Reserve a national security asset and concerned about somehow it being played politics with.

Yet this was the same TOM DELAY who introduced legislation a year earlier that, along with abolishing the Department of Energy, would have sold off the Strategic Petroleum Reserve, or when we hear TOM DELAY accusing the administration of playing politics with an intervention in the market that actually drove down the price. At the same time the gentleman from New York (Mr. GILMAN), the Committee on International Relations, said that we welcome the President's announcement that he will release 30 million barrels of oil from the Strategic Petroleum Reserve.

My colleagues will recall the same day the gentleman from Texas (Mr. BARTON), the Subcommittee on Energy and Power, was saying that he was going to look at legislation potentially that would block this release. What happened?

He spiked oil prices back up again; the next day backing away from his plan saying it is time.

Well, I appreciate my colleague, the gentleman from Maryland (Mr. CARDIN), for talking about the question that we have to try and deal with putting the pieces together, promoting more livable communities, giving people more choices.

Mr. Speaker, one of the leaders in Congress doing this is the gentlewoman from Orange County, California (Ms. SANCHEZ), our colleague who has lectured at Harvard, who has toured various parts of the country, and who has one of the most challenging districts in the country but has been active with her local officials, with her citizens to help them from the government sector to be able to give them more choices and more resources.

I am pleased that the gentlewoman would be willing to join us in this discussion. I yield to her.

Ms. SANCHEZ. Mr. Speaker, I thank my colleague from Oregon (Mr. BLUMENAUER), who truly heads the livable communities task force here in the Congress, a bipartisan measure to really try to do something about planning. In the area that I represent, we have a lot of natural beauty. We have the coastline of California.

And one of the things that really concerned me last night that Governor Bush said was this whole thing about drilling in the Arctic natural wildlife refuge. Why? Because I have seen so many attacks by the Republicans here to try to drill off the shore of California, something that we as Californians really do not want.

We really want to make sure that we are not going to our natural preserves to go after oil in that manner.

Mr. Speaker, getting back to this whole issue of livable communities. The communities that I represent are pretty built out, and it really is this point about planning, planning how we do transportation, planning how we do affordable housing, how we do the housing and job mix there, how we have urban parks, where our children go and play.

The most striking thing about Governor Bush's record in Texas, 6 years of being a governor there, and he has, the last time I checked, never visited an area along the southern border to Mexico that is called Los Colinas. This area in Texas has no planning. These are lots that are sold to individuals where there is no infrastructure. There is no sanitation. There is no water line. Nothing. No highways, no arterial highways, no local roads. Nothing. And what you get is really a shanty, not even a shanty town, but one shanty home after the other, where raw sewage is being spilled out there, where water needs to be trucked in, where people are very, very poor. There are probably about 300,000 people living in Los Colinas, this area along the border.

Mr. Speaker, a medium income of a family in a household, if you can call their house a house, is less than $8,000 a year.

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This guy has been Governor of Texas for 6 years and he has not ever bothered to even go down and see what is in his own backyard? I have been to Las Colonias more often than Governor Bush has. If this is the Governor's idea of livable communities, his idea of planning, his idea of how we pay for infrastructure, of how we place urban parks, there are no urban parks in Las Colonias, there is nothing. It is destitute. It is a lot.

There are not even roads decent enough to make sure that children who live in a shanty in Las Colonias can get to the schools, which are probably miles away from where the children are living. This is the record? This is what he has to go on?

This is what people have to understand. America should really understand what kind of a Governor this is, someone who really does not understand about planning, about quality of life, about looking at how we raise our children, and that environment is just not how pristine something is or how we put a monument someplace, but more importantly, it is about our lives, and it is about our children's future.

I thank my colleague, the gentleman from Oregon, for giving me some time to talk about Las Colonias.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's focusing in for us on the concern that we should have in terms of what the Bush administration would represent based on what has happened in two terms now of the Governor of the State of Texas.

Texas, if it were a country, would have the world's seventh largest emission of carbon dioxide. Texas, under the leadership of Governor Bush, has now seen that Houston has now emerged as the number one city in the country in terms of pollution, air pollution, surpassing Los Angeles. We will be talking more about that.

I am privileged to have join us for a discussion of these issues the gentleman from New York (Mr. HINCHEY), a valuable member of the Committee on Appropriations and someone who has been a leader in environmental protection in this Congress.

I yield to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) very much. I thank him particularly for organizing this special order today and giving us all an opportunity to talk about an issue that is important to the gentleman, important to me, important to many of the Members of this House, and I think important to all Americans.

That is, the quality of our natural environment, and particularly the convergence of that issue with another one that is also critically important, the issue of energy, the issue of the availability and the use of energy in the United States currently, and as we foresee the availability of energy here in our country and the use of those energy resources on into the future.

The convergence of these two issues is more than coincidental. They are inextricably intertwined, the issue of protecting the environment and the issue of the way we produce energy for our critical energy needs.

I watched the debate last night, also. I heard in response to a question on the energy issue the Governor of Texas respond that he felt that it was important for us to deal with the energy issue by expanding drilling and searching for new sources of oil.

I would simply point out that that is not going to solve our energy problem. He went on to say that we ought to be drilling in the Arctic Wildlife National Refuge, and that is a place where we would obtain significant amounts of oil for our energy future.

There are two aspects of that suggestion which deserve attention; first of all, the fragility of that environment. The Arctic National Wildlife Refuge is in fact one of the most fragile environments on the planet. It is important for us to protect it. In fact, it is an essential obligation on our part to protect that fragile environment.

We have here a photograph which I hope the camera would take an opportunity to focus upon so that those of us here in the room, as well as people watching this, can get an idea of what the Arctic Wildlife National Refuge looks like. We can see from the presence of wildlife and the presence of these huge and dramatic mountains and also the presence of the landscape, we can get an impression of the fragility of that landscape.

It is important for us to protect fragile environments. It is also important for us to be realistic about our energy needs and where we are going to obtain the energy that we are going to need, both now and in the future.

If we were to accept the Texas Governor's, Governor Bush's, recommendation that we drill to the extent that he would like to in the Arctic Wildlife National Refuge, what would be the results of that from an energy point of view?

The results would be this. The maximum amount of oil that we could draw from the Arctic Wildlife National Refuge would supply the energy needs of the United States for approximately 6 months. So what he is suggesting is ravishing this very sensitive, critical, irreplaceable environment for a 6-months supply of energy needs in our country. Obviously, it is a very foolish notion.

Furthermore, the implication that somehow this 6-months supply of oil would in some way supply our energy needs for any significant period into the future is obviously on its face just absurd.

So it is important for us to point out the factual circumstances surrounding these issues so that the American people begin to get an understanding of what this issue is all about and the dimensions of this particular debate: a 6-months supply in exchange for the ravishing of this environment. It simply makes no sense.

On the other hand, Vice President GORE laid out in some detail an energy plan that will take us where we need to be. Any energy plan that is worthy of the name must have among its components major provisions for energy conservation. We need to conserve more energy. We are simply expending too much energy in our country. We are using it, and much of the way we use it is wasteful.

For example, we need to have CAFE standards for vehicles such as the SUVs that are finding their way increasingly on the streets and highways of America. Sometimes I get the impression that people who are driving these vehicles think they are going to be taking a trip across the Kalahari Desert instead of driving around the urban area of Washington, D.C., just as an example.

These vehicles, that get about 12 miles to a gallon, are part of the problem, frankly. They are part of the problem because they are consuming precious resources in a very flagrant and sort of careless and unthinking way.

So we need to have improved standards for our transportation needs. We need to have improved standards for appliances. We need to have improved standards for energy production facilities.

If we do that, we will find that the greatest source of new energy for the United States, both now and in the future, but particularly in the future, the greatest source of our new energy needs, will be from conservation. We will have reduced the amount of fossil fuels that we are producing and thereby extended the life of the known available fossil fuels for our future energy needs.

So energy conservation is the principal component of any rational energy plan. In fact, it is the one absolutely essential ingredient of any energy conservation or energy provision plan. We have to conserve. We have to use our energy, the energy that is available to us, much more intelligently and much more carefully than we have in the past.

I would also like to call attention to some of the issues that the gentleman was talking about a moment ago with regard to the environmental legacy in Texas.

Let me just read them here, because I think they are very illustrative of the way in which this particular Governor has husbanded the resources of this particular State of Texas. The Governor has had two terms down there. He has had an opportunity to establish the record. Let us take a look at the record and see what it looks like.

We see first of all that Houston is ranked number one for the second year as America's smoggiest city. That is an honor that I think not many cities would like to have. Houston is the worst city in America for smog. Texas ranks number one in the number of chemicals polluting its air, and the effect of that on the people of Texas is, I am sure, not very welcome. We certainly do not want to see that kind of thing happen across the country.

Texas ranks number one for the amount of toxins released into its atmosphere; again, not an enviable record. In 1997, Texas released over 260 million, 260 million pounds of toxic pollutants into the atmosphere, the number one State in the Nation in that regard, seventh biggest. If Texas were a country, it would be the world's seventh largest national emitter of carbon dioxide; again, not an enviable record.

We have here what we are calling double trouble. Since Governor Bush took office, the number of days when Texas cities exceeded Federal ozone standards has doubled. So the record of this particular Governor with regard to his husbanding of the environment in the state of Texas is a very poor one, indeed, and one that I think we would not want to see inflicted upon the American people all across the country.

I thank the gentleman very much for the opportunity to participate in this special order on an issue that is of critical importance to the future of our country.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's contribution to this discussion. I would just make two comments before turning to another of our colleagues.

First, as bad as this Texas environmental legacy is, and it is, as the gentleman pointed out, awful, what concerns me more than anything is somehow Governor Bush's lack of urgency about this. Where is his outrage about what has happened to his State in the last 6 years that he has been Governor? Where are his initiatives to try and do something about it?

I find the lack of passion on the environment inexplicable, and it is something that I think ought to be of grave concern to every American.

I do appreciate the gentleman putting up the picture of what we are talking about with the Arctic National Wildlife Refuge. This, after all, was something that was recognized as a national treasure by that radical Republican Governor, Dwight Eisenhower, in 1960, when he started setting aside these unique lands for protected status, America's Serengeti.

The gentleman has pictured on that beautiful scene of the plain some of the large caribou herds, 130,000 of them, that calve and rear their young on that coastal plain, that provide subsistence to indigenous people that have a right to rely on that, and could be destroyed by the disruption of the herd.

The gentleman has pointed out, as has our colleague, the gentleman from California (Mr. MILLER), that this refuge is much more sensitive than Prudhoe Bay, and that the American public, we have talked about 70 percent of the American public opposes drilling here, as advocated by Governor Bush.

I find even more interesting that Alaskans, who would stand to benefit from the oil drilling, even Alaskans have a slight majority, according to the public opinion polls, that oppose drilling in this precious area. It is obviously shortsighted and dangerous. I appreciate the gentleman focusing on it for us this afternoon.

Now it is my pleasure to yield to the gentlewoman from California (Ms. PELOSI), another of the environmental champions in Congress, a woman who has perhaps one of the most challenging urban districts in urban America, the one that is keenly environmentally sensitive and concerned about livable communities.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding to me. I especially want to thank him for his great leadership on protecting the environment. It is an issue about conservation and it is an issue about health. His championship of the livable communities initiative is one that will serve our children well, and their children and their children. It is about the future. That is what elections are about, especially presidential elections.

So I was very disappointed to hear last night that Governor Bush was offering old suggestions, last century proposals, to challenges that we have into this new millennium.

Livable communities, those are two words that the gentleman from Oregon (Mr. BLUMENAUER) has championed.

Community, that is what America is about: where we live, how we educate our children, where we go to work, how we get there, the air we breath, the water we drink, how we take care of our families in a community.

Described by the word "livable," what could be more basic and more commonsensical than that?

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That is what this discussion is about. Vice President GORE, along with House and Senate Democrats, favor long-term solutions about our livable communities. They propose solutions which reduce our reliance on imported oil and ensure a cleaner environment by supporting investments in renewable energy and energy efficiencies.

We House Democrats support that as well. We support tax credits for producing electricity for renewable sources, expanded exploration of cleaner burning natural gas, consumer incentives to purchase energy efficient cars, trucks and homes by offering tax breaks.

In addition to investments in renewable energy, we need to expand America's transportation choices by investing in alternatives such as light rail, high-speed rail, and cleaner, safer buses and other forms of mass transit. These are real solutions that benefit the consumer and the environment and not the cycle of corporate welfare.

I think it is important to note that the Republican-led House appropriation of $650 million for energy conservation is $201 million less than the President's request and $95 million below the current year funding.

We are going backward in our funding. In fact, since 1995, Republicans have slashed funding for solar renewable and conservation programs by a total of $1.3 billion below the Clinton administration request.

I had much more to say about the Bush proposal, but he spoke for himself last night, as I say, in an old way about how we should go into the future, and I know there are other speakers here.

I just want to say that this issue about how we take up this initiative of livable communities under the leadership of the gentleman from Oregon (Mr. BLUMENAUER), this issue about energy and the environment are not just conservation environmental issues.

Where I live, the environment is not an issue in California. It is an ethic, it is a value. It is about our children's health. In other special orders, we can talk about environmental health and how we are impacted by the air we breathe, the water we drink, and what that means to our children's health and the rate of asthma among young children in African-American communities and breast cancer among so many women across the board in our community.

I want to on behalf of my constituents thank the gentleman from Oregon (Mr. BLUMENAUER) for his outstanding leadership on this issue and thank him for giving this opportunity to point out the difference between Vice President GORE and Governor Bush as far as the future is concerned.

Mr. BLUMENAUER. Mr. Speaker, I must say that I appreciate the gentlewoman from California (Ms. PELOSI) tying these pieces together, because as she mentioned, under the notion of livable communities, which the Republican leadership has attempted to sort of pass off as somehow a war against the suburbs or citizens, trying to pry citizens from their cars, she pointed out that it is, instead, a broader concept of how we tie the pieces together, how we make our families safe, healthy and more economically secure. I could not agree with the gentlewoman more.

This administration, the Clinton-Gore administration has done more than any administration in history for the Federal Government to be a better partner, whether it is the environmental ethic, as the gentlewoman from California mentioned, that is being instilled in the Department of Defense, the General Services Administration, to the statements that the Vice President himself has made that indicates that, really, the best is yet to come if we have an opportunity for him to serve as President building on this legacy. I appreciate the gentlewoman's comments and her leadership.

Mr. Speaker, it is with great pleasure that I yield to the gentleman from New York (Mr. WEINER). There are a number of issues that impact people in urban areas. The gentleman from New York represents one of the most urbanized areas in the country and has been a champion of neighborhood livability, metropolitan livability, and Congress being a better partner.

Mr. WEINER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I have to tell my colleagues it was almost before I learned the name of the gentleman from Oregon (Mr. BLUMENAUER) that I had learned to associate him with the idea and concept of livable communities. I want to thank him for taking this time.

Mr. Speaker, I come from a community that one might think would embrace the idea of exploring any sources of energy that we can find, perhaps even including the Alaska Arctic National Wildlife Refuge. Nothing could be further from the truth.

I represent an area in Brooklyn and Queens that has one of the largest urban national parks in the Nation. We have come to appreciate it. It is not all that we would like it to be, but we do see it as our little corner of the national park system.

One would also think that, being from the Northeast where the demand for oil has been so difficult in that high prices have caused so much harm to many of the senior citizens and those on fixed incomes, one would think that any proposal to produce more oil might meet with favorable consideration.

But, in fact, Governor Bush's proposal last night to take one of our most beautiful natural resources and drill for a few weeks' worth of oil and do irreparable harm to our environment is not being met with very much responsiveness.

I will tell my colleagues one thing the Republicans should be credited for is the diversity of their ticket. They should be commended. The President and Vice Presidential nominees come from two completely different oil companies. I think that diversity of oil companies should not be confused with a real outlook and diverse outlook on the way we should deal with our environment.

One does not have to look very far to see how Governor Bush would serve as President. In 1997, in Texas, there was a wide-scale review of the environmental laws and the protections for consumers in that State.

So who did Governor Bush appoint to be on the panel to provide recommendations? Representatives from the oil and gas industry. They came back with proposals that might stun some in this Chamber. They said that the environmental protections in Texas should be optional for many of the largest polluters in Texas.

Well, perhaps, that is why over 230,000 Texas children are exposed to pollutants every day because there is over 295,000 tons of air pollution each year just in the 2-mile radius around schools in Texas. So it is not at all unusual to hear a proposal that would say let us soil the environment in Alaska. He has been willing to do it in his home State of Texas as well.

But this debate is not one that is just going on on the Presidential level. We here in Congress have been fighting it and the gentleman from Oregon (Mr. BLUMENAUER) for longer than I have. .

There were calls in this Chamber over and over again to reduce the amount that we fund for renewable energy. In fact, George W. Bush on September 22 said that we should spend more for energy conservation. He would not have probably voted yes on any of his Republican colleagues' budgets that pass through here because conservation programs have been funded by over $1.3 billion under the President's request since 1995.

In 1995, Republicans cut energy efficiency programs by 26 percent. For those who say we should see around the corner a little bit to see these problems coming, it is clear that that was not going on in this Chamber. If Republicans did not cut the weatherization programs in this country, over 250,000 more households today would have the benefit of those programs, reducing our dependency on oil and, frankly, energy of all kinds and increasing conservation.

Repeatedly around here we have heard calls by Republicans that say do not do anything to support domestic producers when prices are low. It was almost comical to listen to the Republicans grind their teeth and gnash their teeth and wring their hands about the release of petroleum from the Strategic Petroleum Reserve.

Putting aside that George Bush, Sr. did a similar thing, and at the time he said it was to stabilize economic pressures, the idea that we have tried to encourage, especially those of us in the Northeast as a time when oil was inexpensive, was cheap, we did not seize the opportunity to increase the amount that we had in reserve. Why did we not do that? Because Democrats were proposing it and the Republicans were continually shooting it down.

So as we watch this debate go on on the Presidential level, we have to remember that, in each and every one of our congressional districts, this debate should be happening on a smaller level.

It is often said, in conclusion, Mr. Speaker, every 4 years we hear our constituents say, "You know what, every 4 years it seems like the candidates are getting closer and closer, and it seems like one giant party in this country. It seems like we are choosing the lesser of two evils."

This year, even the most creative thinker cannot say that about these two candidates. They are very far apart. There are extraordinary differences. The issues that affect livable communities and choosing between having a picture like this of pristine mountains in Alaska or having an oil rig pulling into this part of the country, that is clearly what is at stake in this election. I commend the gentleman from Oregon (Mr. BLUMENAUER) for calling attention to it.

Mr. BLUMENAUER. Mr. Speaker, we appreciate the gentleman from New York (Mr. WEINER) adding his voice and his concerns.

Mr. Speaker, I yield again to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, just quickly, because I want to follow on a point that the gentleman from New York (Mr. WEINER) made, and that is that this is not an abstract discussion. As he has pointed out and as other speakers have pointed out, when Governor Bush says that his answer is to drill in the Arctic National Wildlife Refuge, that is a matter that has been proposed and has been reported out of committee by the Republicans in the United States Senate.

The reason it will not happen this year is because of the veto threat of the Clinton-Gore administration not to do it. But that is what stopped it the last couple of years. This is not something that people are thinking about later on. They are actively trying to do it. We have seen it in our committee, in the Committee on Resources.

We have seen effort after effort reported out by the Republicans in the Congress to undermine clean water, to undermine clean air, to undermine the Endangered Species Act, to undermine the Superfund Act. The reason they have not become law is because of the Clinton-Gore administration because they say they will not accept it, that they will veto those bills, and the Republicans have to back down.

Just in the bill we passed yesterday, there were over 20 damaging environmental riders on that bill. This is not abstract. That was yesterday on a vote. The reason those riders did not end up on that bill is because the President and the Vice President said they would not accept them.

Now think, now think of Washington, D.C. and we have President George W. Bush. No threat of a veto. Agreement on this policy. What do we end up with? We end up with, like the gentleman from New York (Mr. WEINER) pointed out, we end up looking like Texas. We end up looking like Texas.

That is not what America wants. It is completely out of step, not with the Democrats, but with America. American people do not want this kind of environmental wrecking crew ranging across the very bedrock laws of this Nation that protect our environment, that protect our quality of life, that protect our communities, and just throwing them out because the timber industry, the mining industry, the oil industry, the chemical industry are not happy with these laws.

It does not matter if one lives in New York City, if one lives in the San Francisco Bay area or Portland or lives in Upstate New York or one lives in the South or one lives in Florida. It does not matter. If one is going to drill in the Arctic, what is it that keeps Mr. Bush from drilling off the coast of California where the citizens have said no, off the coast of Florida, off the coast of the Carolinas, where people have said no we do not want our areas spoiled. If he is prepared to go into the Arctic National Wildlife Refuge, what keeps him from going off the coast of Florida and California?

What keeps those places from being drilled today? The Clinton-Gore administration, because they are the ones, they are the ones that have continued to fight for those moratoriums.

Mr. BLUMENAUER. Mr. Speaker, I do hope that this will be an opportunity over the course of the remaining month of this election for the American public to focus keenly on these issues. I think the record is clear. I think that goals that the American public want are available to us, and I am hopeful that they will figure largely in the result next November.

H–1B VISA LEGISLATION PASSES IN DARK OF NIGHT

The SPEAKER pro tempore (Mr. ISAKSON). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, obviously we are having the opportunity to have vigorous discussions on the floor of the House. But, Mr. Speaker, I want to draw my colleagues' attention to the time. It is 3:15 Eastern Standard Time, and we are now engaged in what we call special orders, an opportunity to speak to our colleagues and others on very important issues.

I raise this point of time because yesterday in the dark of evening, with barely a 10-minute to 15-minute notice, it was found necessary to bring to the floor of the House a major piece of legislation disallowing any debate by the procedure of suspension which disallows debate and amendments to improve on the status of the legislation, and it passed in the dark of night with no official rollcall vote. That legislation is H–1B nonimmigrant visas.

Let me say, Mr. Speaker, I realize that there is a great need to deal with the necessity of employment in our high-tech industry. In fact, as I look at the cap, the number of H–1B visas that would have been allowed, 195,000, I am sure if we would have been allowed to debate this legislation, we might have seen a consensus of increasing the number.

But yesterday, our Republican majority saw fit in the dark of night to bring it up when many Members were not noticed about it. What we find that has occurred, Mr. Speaker, is that American workers go longing.

American workers are not protected by ensuring that those who come into this country have the minimum salary being paid to them so that they do not come in and be underpaid what American workers can have. There is nothing in the bill that requires employers to recruit or hire or train American workers.

□ 1515

It is known that African American workers are only 11 percent of the high-tech industry, and they continue to be underemployed. There is nothing in the bill that requires the high-tech industry to file their EEO–1 forms just to ensure us that they are hiring Hispanics, African Americans and women and other minorities. There is nothing in the bill that requires employers to take constructive steps to recruit qualified American workers and to cross-train and to work with Hispanic-serving institutions and historically black colleges. There is nothing in the bill which requires the employers to comply with the Department of Labor regulations, and there is nothing in the bill that provides fairness and amnesty for certain of those who are requiring such.

But my point, Mr. Speaker, is this. This bill was worthy of a vigorous discussion. There is nothing in the bill that deals with how do we help rural Americans. Even though the economy is booming, there are certain pockets of our Nation where there is double-digit unemployment. I believe the high-tech industry has a lot to offer, so it would have been prudent for us to be on the floor of the House to tell the American worker we are not forgetting them; that as we bring in necessary immigrant workers on nonimmigrant visas from other countries that we value their contributions.

This is not an effort to start a bashing of those who serve well in this industry, but it is a disappointment to me that those of us who had other viewpoints, among the many pieces of legislation that could have been offered in amendments, we were not given the opportunity. Therefore, our constituents are left in the dark, holding the bag of unemployment because this Congress refused to discuss major legislation impacting Americans in the broadness of light.

Interestingly enough, there was a legislative, a particular initiative, that included in that the employer would undertake an obligation not to displace United States workers, obligation of petitioning employers. So there was language in another bill that did not get discussed that would require those high-tech industries to at least document that they were not displacing an American worker. Can we do any less?

And then, Mr. Speaker, I would like to cite Mr. John William Templeton, a co-convener of the Coalition for Fair Employment in Silicon Valley: "It is asserted that the digital divide has become a convenient excuse for some firms to avoid training and hiring hispanic and black workers. Instead, these companies prefer to hire foreign workers, such as those brought in under the H–1B program, who often command lower salaries." That is unfair to them as well.

So, Mr. Speaker, I offer my enormous disappointment and my commitment to continue working until the last day of this session to make sure that Americans as well as those who are needed by the industry are treated fairly; that our institutions of higher learning, who voluntarily want to participate in the high-tech industry, can get involved and that we can close the digital divide and ensure that those who are here, who want to be trained, our children in schools in both urban and rural areas, Mr. Speaker, can be the kind of skilled workers that will provide the employment base for the high-tech industry.

Good Evening, Mr. Speaker. I approach the debate on the H1–B visa program with a very heavy heart. Why? Because I have spent a considerable amount of time this year in my capacity as Ranking Member of the Subcommittee on Immigration and Claims in trying to come up with a reasonable H–1B bill that would protect American workers and meet the needs of the business community.

I have said on numerous occasions, that I support the Hi-tech industry but I also support our American workforce. I worked very hard in the House Judiciary Committee to come up with a bill that would protect American workers, and I am saddened that the bill that passed yesterday evening falls short of that requirement. The bill that passed out of the Judiciary Committee contained provisions that compelled employers to take certain steps that would protect American workers. However, what is most glaring for me are the lack of any provisions that protect minority American workers who are grossly under represented in the High-tech industry. Nothing in the bill establishes an opportunity for the hi-tech industry to work with HBCU's and Hispanic-Serving institutions and recruit minority workers.

African Americans are especially impacted by discriminatory hiring practices in the information technology field. Data from the Bureau of Labor Statistics show that the hiring of African Americans in high technology has improved only slightly during the past decade. According to a 1999 report, Silicon Ceiling: Solutions for Closing the Digital Divide, approximately 80% of the high technology companies in Silicon Valley do not file EEO–1 forms or affirmative action reports with the Joint Reporting Committee representing federal civil rights enforcement agencies. Clearly there's work to be done to ensure that African Americans have fair access to the lucrative high tech labor market. There is nothing in the current bill that ensures that. Democrats or Republicans did not get a chance to offer any amendments; we were not afforded an opportunity to go to the Rules Committee; and we were not allowed to effect the process, to change the legislation. Democracy was absent in the consideration of this bill.

I would have surely offered an amendment that would require the H–1B employers to report to the Department of Labor how they are recruiting and hiring American workers, particularly those who are members of under represented minority groups. I do not see anything wrong with holding the High-tech community accountable for not only who they hire, but who they do not.

I am very concerned about raising the cap of these H–1B visas. Although it is true that in recent years the high tech industry has fueled enormous growth in the United States and has benefited the corporate information technology, and raising the cap on these types of specialty workers should include an increased commitment to training of U.S. workers. The growing workforce of our country and the strength and growth of the high tech industry in particular can be met effectively by fully developing the skills of our own workers as a first priority, before hiring highly specialized foreign workers. We can have the best of both worlds—expert foreign workers (which create more jobs in America) and trained professional American workers prepared to work in the most sophisticated sectors of the Hi-tech industry.

There has been a lot of discussion in recent months about including immigration provisions with the H–1B legislation. On the Senate side, they call it L.I.F.A., the Latino Immigration Fairness Act. The work "fairness" is in the title because how can we possibly lift the cap, and bring in 585,000 foreign hi-tech workers, and ignore the people who are already here? Where is our sense of justice, of equality, of fairness? This H–1B legislation should have: provided relief to late amnesty applicants who have significantly contributed to the American economy; providing parity through the 1997 NACARA law by offering amnesty to Salvadorans, Guatemalans, Hondurans, and Haitians.

Our immigration law contains a provision-called "registry"—that gives immigrants who have been here without proper documents an opportunity to adjust to permanent status if they have been here for a long enough time and have nothing in their background that would disqualify them from immigrant status. This year, a bill that I have sponsored, H.R. 4172, the "Legal Amnesty Restoration Act of 2000", is before the Congress. This legislation updates the cutoff date for the "statute of limitations," which is now set at 1972. In fact, the majority of immigrants who would benefit from updating the registry date are those who qualified to apply for legalization in the mid-1980s, but the Immigration and Naturalization Service (INS) misinterpreted the law. If their applications had been accepted and processed properly when they should have been, many, if not most of these immigrants would already be citizens. It is unfair and incorrect to refer to these people as "illegal aliens."

Instead, they have been fighting the immigration bureaucracy for more than a decade and are now threatened with deportation. The provisions in my bill which should have been included with the H–1B legislation, or considered for independent House floor action would ensure that the registry provision is continuously updated by moving the registry cutoff date to 1986. If these people are not given relief, hundreds of thousands of people will be forced to abandon their homes, will have to separate from their families, move out of their communities, be removed from their jobs, and return to countries where they no longer have ties.

The Congress also needs to address Central American and Haitian parity. It is long past time to offer Salvadorans, Guatemalans, Hondurans, and Haitians the same opportunity to apply for permanent residence as was extended to the Nicaraguans and Cubans in 1997. Because immigrants from these countries have experienced similar violence and hardship, it is unjust to continue providing unequal treatment. Additionally, while these immigrants have been waiting for their cases to be resolved, they have been contributing to our economy and are needed to support the workforce needs of this country.

I believe that the current high demand market for certain technical specialities is that it should encourage us to retrain displaced workers, attract under represented women and minorities, better educate our young people, and retrain willing and able older workers who have been forced into unemployment.

I am very pleased that Section 12 of this bill provides much needed funding to help close the Digital Divide by putting computer learning centers in Boys and Girls clubs across the country. I sponsored and introduced with Congressman LAMAR SMITH H.R. 4178, the "Kids 2000 Act", that would authorize $20 million from the Violent Crime Reduction Trust Fund each year for the next five years to operate the PowerUP program in Boys and Girls Clubs across the country. I am pleased that the exact language from both my bill and the Senate companion version is in this bill.

This bill does not have language to ensure proper training of our incumbent workers. I believe we need more workers and we need to train more American workers as I come from a city that has over 1000 companies that specialize in information technology. This should be a non-partisan issue.

In conclusion Mr. Speaker, we need to approach the H1–B visa specialty program with two eyes wide open. One eye focused on looking out for our American workers to ensure proper training, and the other eye focused on the under representation of minorities and women in the high tech industry who currently comprise our American workforce.

I support H–1B visas, to improve our hi-tech industry but I also support our American workers. Thank-you Mr. Speaker.

H-1B VISAS

The SPEAKER pro tempore (Mr. ISAKSON). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I want to express my appreciation to the gentleman from Colorado (Mr. McINNIS) and the other Members on the other side who are allowing me to proceed.

Mr. Speaker, last night, under the cloak of darkness, without notice, without the opportunity to participate by voice vote on an unwritten suspension calendar, after we had been told there would be no further votes for the day, at a time when most Members had left the Chamber for evening activities, the House passed S. 2045, legislation related to the increase of H-1B visas.

I was not necessarily opposed to the bill, formally entitled the American Competitiveness in the 21st Century Act. I was opposed to not having a debate about it.

But with such vitally important legislation, in an area of critical importance to this Nation, immigration policy, this House should have had a chance to debate this matter, air the many views that emerged during the House committee consideration of a similar measure, and voted in the light of day on the bill.

It is wrong, Mr. Speaker. It is inexcusable. And the American people deserve to know what some in this House did. The Senate bill increased H-1B visas, in the light of day, to allow some 200,000 additional high-tech workers to come to America from other countries, to work over the next 3 years. I had amendments prepared to expand this legislation to provide these same employment opportunities and training opportunities to the United States workers in rural communities.

Professionals who work in specialty occupations are admitted to the United States on a temporary basis through the H-1B visa category, the largest category of temporary foreign workers. The increase was pushed by many in the business community, especially those in the information technology area, which is experiencing an economic explosion and unprecedented job growth.

The amendments I had prepared would have made sure that those living in rural America would have the opportunity to secure a position in this rapidly expanding job market before employers look outside the United States to bring in foreign workers. Not that we are against bringing in foreign workers, we just want the same opportunity for those who live in rural America.

The House Committee on the Judiciary marked up and reported H.R. 4227, the Technology Worker Temporary Relief Act. Among the many bills introduced, there were three others related to the same subject, increasing numerical limitations on H-1B visas, that also should be considered. Those bills were H.R. 3983, H.R. 4402, and H.R. 4200.

Despite the rosy economic picture in America, too many Americans are being left out. For those Americans, many of them living in rural America over at least a 20-year period, there has been a troubling trend, a trend that affects the very quality of their life. During these 2 decades, income and wealth inequality, the disparity in income and wealth due to wages, accumulated wealth, investments and returns, have been well documented.

It is an alarming and disturbing trend because among those rural Americans left behind, fewer can afford healthy meals, fewer can afford health care for their families, and fewer can afford a college education for their children. It is an alarming and disturbing trend because rural America has been disproportionately affected. Consequently, rural America lags far behind other communities in personal access to the Internet as well as the total use of the Internet.

This disparity exacerbates the persistent poverty, high unemployment, inadequate health care and education resources. Thus, as the economy rapidly expands, rural communities find that it is far more difficult to participate.

Moreover, technological advances, which could provide some solutions to these conditions, elude rural communities because of digital disenfranchisement. Such advances as telemedicine, distance education and electronic government, depend upon Internet access.

It is clear that the competition among service providers that is driving the Internet explosion is not as concentrated in rural communities. The lack of population densities, the absence of essential infrastructure and the fact that rural communities are often spread over great distances are reasons cited for this lack of enthusiasm. Even the Department of Commerce has concluded in its Report; "Falling Through The Net," that, "Disparities clearly exist (and) . . . access comes hardest for Americans who are low-income . . . less educated, single-parent families, young heads-of-households, and (those) who live in the South, rural areas and central cities."

However, these barriers should not, must not remain as impediments. A rising tide should lift all boats.

It is for these reasons that this House should have had the opportunity to debate, vote on and support amendments that would require education and training for American citizens who reside in rural and other depressed areas; amendments that would require both public and private sector entities to make reasonable and diligent efforts to find American citizens who are willing to be trained in information technology positions; that would raise the H–1B visa fees; and that would use those increased revenues to, in part, carry out the other amendment mandates.

Mr. Speaker, this House has not had the will to pass a modest increase in the minimum wage, an increase to help move millions of America's workers out of poverty. But we did find the will to pass a bill that mandates that foreign workers earn a minimum of $40,000 a year. That is what the H–1B Bill that passed provides.

Late last night, Mr. Speaker, those who favor large business interests won. But, the

American people, especially those who live in rural America, the many willing and able unemployed workers and this Nation, lost.

It is clear, Mr. Speaker, that rural America indeed lost. In fact, the Nation lost. Indeed, I think we should make an opportunity for American workers as well.

TRIBUTE TO LT. BRUCE JOSEPH DONALD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

Mrs. KELLY. Mr. Speaker, I rise today to honor a man from my district, Lieutenant Bruce Joseph Donald of Poughkeepsie, who was killed last Friday when his F–18 Hornet strike fighter crashed in the Persian Gulf.

Lieutenant Donald, known by his call sign, "Straydog," was a 1995 graduate of the Naval Academy where he earned a Bachelor of Sciences degree in Ocean Engineering. Following graduation, Lieutenant Donald spent 6 months at his alma mater on temporary duty prior to being sent to Pensacola, Florida, to begin preflight indoctrination training. Afterwards, he traveled to Corpus Christi, Texas, for primary flight training, and then completed advanced jet training in Kingsville, Texas.

According to his superior officers, Lieutenant Donald performed exceptionally during flight school and, in February of 1998, he earned his Wings of Gold and an assignment to F–18 replacement pilot training at VMFAT–101. Having successfully completed replacement training, "Straydog" reported to VFA–25 in July 1999.

As a member of the "Fist of the Fleet," he excelled as a strike fighter pilot and served as the squadron's naval aviation training and operations procedures standardization officer, air-to-ground training officer, coffee mess officer, and landing signals officer. Lieutenant Donald was an exceptional pilot with sound judgment and was a designated combat section leader.

Although we live in a time of relative peace, we must never forget that the men and women who serve this Nation are constantly putting their lives on the line. We owe a tremendous debt to these men and women and to their families who love and support them through their training and deployments so that we may continue to live in a world of hope and the promise of peace.

Having dedicated much of his young life to the service of this Nation, it is only fitting that Lieutenant Donald can be commemorated here. Lieutenant Bruce Donald is survived by his parents, Patrick and Elaine Donald, his brother Brian, all of Poughkeepsie, New York. I offer the Donald family and their friends my deepest condolences.

OIL DRILLING IN ALASKA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to refute some of the comments that were made previously on this floor by Members of this House that know little about what they talk about, and that is energy and energy policy.

I noticed the gentleman from New York was talking about the fragile environment in Alaska. He showed a picture, very frankly, that is not the area which would be drilled in Alaska that George W. Bush suggested last night. He showed a picture that is far south. This is the area of Prudhoe Bay, 74 miles away from the 1002 place where we would drill.

If you notice the caribou here are around the oil rigs. In fact, our caribou herd has increased tenfold from where it was prior to the exploration in Prudhoe Bay, which provided to this Nation of ours every bottom barrel that has been delivered of the 16 billion barrels of oil. That is 16 billion barrels of oil that you would not have to import from the OPEC countries.

You have to keep in mind, Mr. and Mrs. America, that we are now so totally dependent on oil, approximately 57 percent this year, that if there is not a policy change, it will be 60 percent by the year 2005.

I watched the debate last night, and everybody else watched the debate, and I would suggest respectfully that George W. Bush's idea about energy production is vital to you. As you are sitting watching this, if you are a senior citizen and worrying about heating oil prices, right now we are importing, keep in mind, about a million barrels a day from Saddam Hussein. The area which we would like to explore, which is 74 miles away from the pipeline, 74 miles, has the potential, has the potential, of 39 billion barrels of oil. We could increase the production, going through the present pipeline, about a million barrels a day, equal to what we are importing from Saddam Hussein. We would not be dependent upon the OPEC countries. But that is just a small part. Alaska is just a small part.

This administration, the Vice President and the President himself have closed 34 refineries since 1992 in the United States of America. The Vice President asked us to use our reserve to lower the prices, which it will not do so. But as we do take that oil, if he is successful in his attempt, the oil will have to be shipped and refined in Venezuela and then shipped back to the United States because they have discouraged the building of new refineries.

The refineries themselves we have in place are running around 95 percent, which is unhealthy for the refineries because it is hard to maintain them at that level.

□ 1530

We must consider the production and the refining capability, and this Nation with this administration has not done.

I am going to suggest respectfully that there is no energy policy. I have said it once and I will say it again. The only energy policy this administration has had is to be on knee pads begging OPEC to produce more oil.

That is not America. It is for us to set a policy, it is for the next President to set a policy to make sure that we are no longer dependent upon the OPEC countries.

Coal, massive amounts across the Nation and Alaska being discouraged. Nuclear is not being utilized. It is being shut down. Natural gas, the demand has gotten so high now gas has gone from $2.15 a million to, in fact, $5.40 today. Now, that to me is wrong.

If we can find, which we know we have when we are given the opportunities and areas are open, we can become at least 50 percent dependent upon ourselves. And my colleagues out there think businesses can be run with 57 percent of their companies owned by someone else, if they think they can do what they want to do when 57 percent is owned by someone else, they are sadly mistaken and know little about business or the economy.

And that is where the United States is today, 57 percent today, 60 percent by the year 2005 unless there is a change in the energy policy.

My State, yes, is an energy-producing State. Thank God for that. It was on this floor in the House right here in 1973 that we passed the pipeline bill that delivered to this Nation 16 billion barrels of oil spent in our country, not spent overseas, in our country. And to show my colleagues the results, the caribou herd is stronger, the environment is safer. And very frankly, this Nation needed it badly in 1973 because of the embargo; and it needs it today.

I ask America to wake up about energy. Think about where we are going to be if we do not change that policy. George W. Bush mentioned it last night in the debate. We must have an energy policy today that increases the development and the production and the ability to refine our energy policy.

NIGHTSIDE CHAT

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, I have listened a good deal to the previous comments, and I was wondering if the gentleman from Alaska (Mr. YOUNG) could answer the question or go into a little more depth about the specific area in which this exploration has taken place.

It sounded as if it was in the middle of a national park in the middle of a wildlife refuge. I thought maybe it would be interesting to hear from the gentleman just the dynamics of Alaska, how much of the land is owned by Alaska, and maybe compare the size of Alaska to Texas for example. And so, I think the comments of the gentleman are very appropriate.

Mr. Speaker, I yield to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding. I am glad he asked that question. Because the area which we are talking about, the area called the 10–02 Area in the Arctic National Wildlife Range, is a very small part of 19 million acres. It is approximately 1,200,000 acres. And of that 12,000 acres would be disturbed. But it is only 74 miles away from the existing oil field and pipeline, 74 miles, which is a very small distance to tie these two areas in.

It is an area that this Congress set aside when they passed the Alaska National Land bill by Senator JACKSON and Senator STEVENS because we knew the potential of the oil being there. And by the way, Mr. and Mrs. America, this is your oil. This is not the State of Alaska's oil.

My goal is to try to make us more independent so we are not dependent on the foreign countries. This very small area that is not, by the way, the pristine area that people talked about, it is probably the most hostile area. And that is why I referred to the picture that the gentleman spoke before me about ANWAR was a picture that was false, false, false.

I want people to remember that. It is a made-up picture or a picture taken in the southern part of that 19 million acres. And I ought to know because I live in that area. And so, when people say we are going to destroy the environment, and I listened to the Vice President talking about destroying the crown jewel. Alaska is the largest State, 2½ times the size of Texas.

We have more wilderness than any other area in the United States including all the States put together. We have more pristine areas in the State of Alaska than any other area. They will never be touched by man. But this one area has the potential, very small as it is, to provide for the Nation itself so we are not dependent upon the Sadam Husseins a million barrels a day for the next 100 years.

Now, keep that in mind what I have just said, by the next 100 years. Some people say I am exaggerating, that it is not true. This is exactly fact. And when someone says, we do not need the oil, it is only 6 months' times, that means we have no other production and would be totally dependent on Alaska and we never ever expected that. But we should be able to provide at least that million barrels a day so we do not have to buy it from Sadam Hussein. That is what is important to me.

Mr. MCINNIS. Mr. Speaker, if the gentleman does not mind, as the gentleman knows, our colleagues that were up here spent most of an hour speaking about what a traumatic situation this was and how terrible this was going to be; and I do not think it was held in its proper perspective. So I think if the gentleman, for example, would not mind going in a little more detail.

He said, when the original plan was drafted or the bill was passed, there was an area that was set aside for exploration. My understanding is now, when we talk about the 19 million acres, the gentleman said there is 1.2 million, but we are only talking about 12,000 acres of 19 million. Is that correct?

Mr. YOUNG of Alaska. It would be 12,000 acres of 19 million will be totally disturbed by mankind. The rest of it is wilderness.

By the way, the Congress set this area aside because they knew the oil was there. And that is one of the reasons it should be opened up.

To give my colleagues an example, in the last 10 years we have lost actually 77 percent of our oil rigs because this administration has not promoted oil development. They have asked us to be dependent upon the foreign country. The domestic oil and gas industry has lost 500,000 jobs in the last decade.

It is ironic to me in this political arena in which sit, Mr. GORE, the Vice President, says, big oil, big oil is bad. Foreign oil is good. Big oil is bad. Buy it from the foreign countries and be dependent. That is good. Let us be domestically dependent on the other countries. No, that is bad.

So I am suggesting that Alaska wants to contribute to the ability of this country not to have to respond to the OPEC countries. And we are so close, 74 miles away. Remember, the pipeline is 400 miles long. We have the potential of 39 billion barrels of oil, and that is the largest reserve we know in the United States today.

And yet we have people talking about destroying the environment. The environment will not be destroyed. But keep in mind, what right do we have as Americans to buy oil from Russia, and yes, we are doing that; to buy oil from the OPEC countries? Do they have any safeguards? They do not. They spill more oil in Russia in one day in the pipeline than we did in the Exon Valdez. And yet we want to buy oil from foreign countries to feed our appetites, that I would agree with. But each day we stop domestic production makes us more dependent, more responsive to the foreign desires. And they can run that price up.

If my colleagues want to blame somebody for the high price, blame this administration. Blame this administration for really discouraging domestic production. They do not have an energy policy, none whatsoever. And if they want to read an interesting book, read AL GORE's book. He wants to destroy the combustible engine, put everybody on bicycles, like they are in China. And yet the other day he said we have got to lower the price of gasoline because it is hurting our economy and the people.

The reason the prices are high is because the policy they have is to go to the OPEC countries and beg them to produce more oil. If we were producing our own oil, then we would not have to beg, they would be producing at a level which we would be producing it and the price would be stabilized.

Mr. MCINNIS. Mr. Speaker, reclaiming my time, I might point out that while the Vice President has proposed in the last couple of weeks because, one, we are in a political season and, two, the price of gasoline has escalated rather dramatically, if we look at the Vice President's writings on his policy, his policy actually is to increase the taxes. It is clear. I am not taking this out of context. His policy is you raise the price, you put more taxes on gasoline; and that is the only real policy I have seen.

But let me shift gears for a moment. If the gentleman would not mind, I know I am taking the time of the gentleman, but I was wondering if the gentleman would not explain, when we talk to our colleagues here about the pipeline, if he would explain a little more about what the pipeline consists of, how that project was handled and how they addressed the environmental issues when they put in ANWAR. Talk a little bit about that just to acquaint our colleagues with what is going on in Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I was the sponsor of the pipeline bill; and it passed August in 1973 because we were in an embargo. The OPEC countries placed an embargo and our gasoline went from 23 cents to 54 cents, and we were frankly out of oil.

We passed it here in 1973. We told the companies to build it in 3 years, and they did; and in 1976 they had the first barrel of oil that flowed through that line. And by the way, it all went to the United States. It did not go to Japan. All of it went to the United States. And we have produced about 16 billion barrels of oil.

At the crisis of the Gulf War, for instance, we were producing 2,200,000 barrels a day. It averaged a million barrels a day. It has the capacity of 2 million barrels. But we put that pipeline in with all the safeguards that we can possibly have available in those days. That has been a long time, approximately 28 years ago.

We put crossings for caribou to cross over at the cost of about $50 million. And by the way, they do not use them. They crawl under the pipeline because they like to be under the pipeline.

The caribou herd has increased dramatically many fold over. Actually, the wildlife all the way around has increased. We have had, they say, a thousand spills. That is pure poppycock if I may say so. Because up there they call it a spill and they are very good about reporting it. If there is one drop of oil somewhere from a squirt gun or an oil can or the bottom of a truck, that is reported.

There has been no major spill at all in this pipeline from the time it was constructed. The one people hear about is the Exon Valdez. That was the responsibility of one man, one captain that made an abrupt turn; and why we will never know.

But in the meantime, I remind the American people that that oil which you receive is oil that we would not have to buy from the OPEC countries; and if we could produce 2 million barrels a day, which we could with ANWAR, and, remember, it is your oil, if we could produce 2 million barrels a day, that means we would be that less dependent upon those foreign countries.

Mr. McINNIS. Mr. Speaker, what concerns me about the discussions that we have been having on the Alaskan oil is that the emotions get in the way, I think, of looking at the facts. One, the fact of what are the requirements of the United States? What is the dependency of the United States? What happens if the United States becomes dependent, as we have seen, on foreign countries? What happens to our economy? What happens to everything from medicine and so on?

On the other hand, we need to not let our emotions become so charged with the price of oil that we ignore environmental safeguards.

And so, my reason in talking with the gentleman is for his explanations of the safeguards. And I think he has done a good job that, with the environment, we have spent $50 million on the caribou for example. Well, that one was not justified because the caribou do not use it. There are a lot of environmental expenses that are taken into consideration and a lot of sensitivities that, rightfully so, are observed.

This is not a sign-off to some company to go up and drill where they want. This is probably the most scrutinized project in the United States I would guess.

Mr. YOUNG of Alaska. Mr. Speaker, I am glad the gentleman brought this up, because it is scrutinized Federally and by the State, the EPA, the DEC, the Corps of Engineers, the Coast Guard, and Fish and Wildlife; and it meets every criteria for safety in the promotion of wildlife.

I go back to this picture again. These are caribou, and this is the oil field. These are caribou and calves, and this is the oil field. And by the way, many times they talked about the caribou herd; the porcupine caribou herd and how their calving area will be disturbed. And I have said all along, caribou calve when they want to calve and where they want to calve. And guess what, the last 2 years they have not calved anywhere near this area we want to drill in.

The myth that is put forth by interest groups to somehow say we are better off buying oil from other countries where they do terrible damage environmentally with no safeguards when ours have all these supervisional agencies over them is wrong.

And each one of you, Mr. and Mrs. America, as you go up to that pump, you are paying the OPEC countries, you are not paying the United States.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Alaska (Mr. YOUNG) is reminded that he must address his remarks to the Chair.

Mr. YOUNG of Alaska. Well, Mr. and Mrs. America in the gallery, then. I can address somebody I hope.

Mr. Speaker, I want to get back to the concept. Let us look at energy.

Now, you cannot conserve your way into prosperity, nor can you conserve your way into independence with fuel or energy. And that is the suggestion of AL GORE, we are going to have conservation that will solve our problem. Not as our population increases. That is an impossibility. It is not correct.

So I am suggesting we must think about where we find our oil and our gas. And we have it in Alaska. It can be done and has been done and is environmentally safe. We must allow this to happen for America. We must not allow the OPEC countries to control us, as they are doing now.

□ 1545

They are the ones that are pulling the strings; they are the ones that raise the price of gasoline at the pump with the taxes that AL GORE added. They are the ones that make you pay more as you go to work or you take your young son to soccer or your daughter to piano lessons or vice versa. We as Americans have to have a policy. I believe our policy on energy has to be one of production, one of discovery and one of refining.

I know I am going to introduce a bill the next session to give us an expedited process to build refineries. Because I have asked people, "Why aren't you building refineries?" They say, "We can't build refineries under the present delay factors of this administration." That means we have to buy refined products from abroad. Most of the gasoline that you burn in your automobile and heating oil that you are using and the northern reserve which we are going to have after this Congress passes it comes from a foreign country, which means we are dependent.

And so I ask you to make sure everybody understands this issue. Energy is the number one problem in America today and threatens our freedom and our security because in the last 8 years, we have allowed this administration to direct us with their policy to become dependent upon foreign countries. I am trying to offset that. Anybody that steps up here and talks about my State and how bad it is in ANWR and the Arctic wildlife range has never been there, they know little of it, and they are speaking the word of a written booklet from an interest group that wants us to become more dependent upon foreign fossil fuels. As we become more dependent, we have to respond to their desires. Maybe it could be negative to the American way.

I ask everybody to wake up, all of my colleagues, and support me in the development of not only the 1002 areas in Alaska but the other fossil fuel areas in America. I thank the gentleman for yielding.

Mr. McINNIS. I thank the gentleman for taking time this evening. I thought it was very appropriate for the gentleman to come over here because it seemed to be one-sided, the story we just heard.

I also would like to thank the gentleman with my colleagues here for the considerations and the courtesies that he has extended to the State of Colorado over the years. We appreciate his service and his courtesies.

Mr. Speaker, I interrupted my comments because I felt it was very important that we listen to the chairman of the Committee on Resources, the gentleman who has represented the State of Alaska for a number of years. Alaska is a wonderful, wonderful State. Most of Alaska, I think in the high 90s, maybe 96 percent of Alaska is owned by the Federal Government. I wish I had time this evening to talk to my colleagues about what happens and the differences between States that are primarily owned by government and States that are primarily owned by private individuals.

Many of my colleagues here on the floor come from States where their primary ownership in their State are private individuals. Many of us come from States where the primary ownership in our States is the Federal Government. In Colorado, for example, my district is the Third Congressional District of the State of Colorado. My district geographically is larger than the State of Florida. And on the eastern line of my district, which, very simplified, runs from Wyoming down I–25 to New Mexico, it exempts out the cities as you go down, but from that eastern border to the Atlantic Ocean, that land, there is very little Federal Government ownership of lands. Out here in the East, you have the Appalachias, you have the Everglades down there and then in a lot of States you have the local courthouse, you may have a park here and there; but the reality of it is if we took a map, for example, of the United States and we looked, obviously I am not an artist, but if we took a look at my eastern border, here is Colorado, the point I am making is from this point right here to the Atlantic Ocean, Federal ownership or government ownership of land is represented about like this, with the Appalachias here, the Everglades, the park up here in the Northeast. If you were to look from my border, this district, the Third Congressional District, and go to the Pacific Ocean, you are going to find out that government ownership of land looks like this. Obviously that is a rough drawing, but that is pretty significant.

There are a lot of differences between living in areas where the ownership of the land is by individuals and living out here where our zoning and planning commissions are dictated by decisions out of Washington, D.C. For example, my colleagues that live out here in the East, those that represent States with very little Federal ownership, when they decide they want to build a new bridge or when they decide that they want to go and have a new building or some kind of adjustment in their county or some type of development, they go to their local county planning and zoning commission. Out here in these Federal lands, anything like that, they have got to go to their planning board which is in Washington, D.C. So there are a lot of significant issues that we ask for our colleagues in the East to have an understanding of what goes on out primarily in the West. Or have an understanding of what goes on in the State of Alaska.

For example, in my district, we are totally dependent, totally, not partially, totally dependent on multiple use of public lands, for water. Every highway that we have in my district comes across Federal lands. The water, when I go back to water, it is either stored upon, originates or comes across Federal lands. All of our power lines, all of our cellular telephone towers, all of this is on Federal lands. In my particular district of which we have the premier ski areas in the world, Aspen or Vail or Telluride or Powder Horn or Purgatory, I could go on and on and on, these areas are dependent, very dependent, our tourism dollars are very dependent on these lands. We are very, very, I guess you would say over a period of time we have become encompassed by the concept of multiple use.

I want to talk just for a moment about that concept of multiple use. What happened in the early days when our country was a young country, we basically had this as our country. Our forefathers, the leaders of our country, wanted to settle the land that we had purchased. In those days, possession, that is where the saying, by the way, possession is nine-tenths of the law, possession meant everything. In the early days of our country, if you did not possess the land, somebody else could come in and they did not care whether you had a deed or a document that said you own it, they came in, they sat there with a gun and said, "I own that property."

Once our country made purchases like through the Louisiana Purchase and things like that, what happened was, taking this out for a moment, they were trying to figure out how to get people to leave the relative comforts of the East and of the settled communities in the East, how do we get them out into the new frontier. How do we encourage people to go out there and set up a home or set up towns, because as a country we need to possess the lands like the Louisiana Purchase, or we are going to lose them to some other country.

So what they decided to do was let us give land. Everybody in this country, it is an American's dream to own a little piece of land, to own your own little house. It is the American dream. So they used this incentive, go West, young man, go West. To do that, they said, let us have a homestead. You go out into Kansas, you go out into Missouri, you go out there, you find 160 acres or you find 320 acres, you farm it for enough years and you get to keep it. It is your land.

That worked pretty well. What we saw were fairly dramatic movements of population into these areas. But when they got to the West where it is very arid, we do not have the kind of water, it does not rain in the West like it does in the East, when they got out West, the crowd started going around. Nobody was sticking around in here. Why? Because they discovered in Kansas, for example, or Missouri or even eastern Colorado or down here in some of these States, in the Midwest States, Pennsylvania and so on, they were discovering that with 160 acres, you can support a family. You have enough acreage there to grow a farm. But they also discovered that when you got to the mountains, for example, or to the more arid acres, sometimes 160 acres would not even feed one cow. So the settlers were not staying there.

At the Nation's capital, they said, what do we do about this? How do we get settlers out here before we lose this land? How do we get them to move in there? Somebody came up with the idea, it takes 160 areas of good fertile ground in Missouri for a family. That is the equivalent in the mountains of Colorado, it might take 2,000 acres. So let us give them 2,000 acres. They thought about it, the policymakers back then, and they said, "Wait a minute, we can't give that away. That is too much for one person." Then the idea was born, well, let us go ahead and have the government retain the ownership. In other words, the government will continue to own this land out here, but let us let the people use the land. That is where the concept of multiple use came from.

When the gentleman, the chairman of the Committee on Resources, stands up and talks about Alaska and talks about your oil, that is why Alaska is primarily owned by the government, because of the fact of the differences between States in the West and States in the East. And so I think it was important. I acknowledge the gentleman and appreciate him coming to speak with us.

I want to address another point. I had the opportunity to come down and listen to some of my respected colleagues prior to my having the opportunity to visit with you. It sounded like it was the George W. Bush bash hour. What can we bash George W. Bush about? That seems to be a favorite thing by some of my colleagues here lately. What policy can we find of George W. Bush? Let's just bash him.

Somebody ought to stand up here and say a few things that George W. Bush is doing right and a few ideas that I think will work for this country on a bipartisan basis, that both sides of the aisle ought to acknowledge.

Let us take an example. Let us talk about Social Security, for example. Social Security, we ought to look a little at the history. We know that we had the Depression in 1929. In 1935, the President decided and this country, and this Congress on this floor, decided that we should have a national insurance policy, a social insurance. That is where Social Security came about. But there are a few factors to remember about Social Security when it was first conceived.

Number one, for every person that was retired in 1935, we had 42 workers out there working. Forty-two workers for every person retired. What has happened over a period of time is the number of people that are working has gone down in proportion to the number of people that are retired. Today, instead of being 42 to one, today it is three to one. It is three to one. That has created a problem for Social Security.

Number two, and this is good news for all of us, colleagues. This is good news. The modern medicine that we have developed and the vaccines and the ability to fight things like chicken pox and polio and things that were horrible diseases of the past and with godspeed we can find a cure for cancer in the future but these diseases have in a large part been conquered.

The average person in the United States in 1935 could expect to live, a male 62 years old, a female 65. Today, that is almost in the 80s. We have had a dramatic increase in the life span for our citizens in this country. Unfortunately, no adjustment has ever been made in Social Security, number one, because of the number of active workers that have been reduced and, two, because of the extended life span of these individuals.

So what is happening is today we have a Social Security fund which on a cash basis, means cash in the bank, is in the plus column. But when we look on an actuarial basis, and what do I mean by that word? I mean when we look into the future and say, okay, here is the money we have, here are our future obligations, do we have enough money to cover all of these future obligations? That is what is called actuarial thinking. On an actuarial basis, Social Security is bankrupt.

And who is the individual that is running for President that has stood up and I think in a bipartisan approach come up with a plan? Now, it is a bold plan. GORE and the President, they have called it a risky plan. You have got to take some risk. You have got a plan that is in trouble. Not in trouble for my generation. I am 47. Not in trouble for my parents. My parents are going to be guaranteed, any of the colleagues, any of your seniors, their money is not going to be interrupted. Really from about 45 on up, their money is going to be there. But the young people of this country, the people that George W. Bush has talked about, the people in their 30s, the young workers that are starting out in their 20s, those are the people that are going to face the dramatic problem on Social Security if we do not take a bold move. You can call it risky as AL GORE has called it, but the fact is you have got to do something. That is what leadership is about. If you do not want to lead, stand aside. We are not going to leave you behind.

□ 1600

But you are not a leader. Somebody has to get out there with a bold plan. I can tell you that the plan that George W. Bush has proposed is not exactly in my opinion something that is novel.

You say, what do you mean novel? Well, I think that George W. Bush and his Social Security plan, they looked around and said, gosh, how do we test market my proposal? How do we test market something for the younger generation that will save Social Security?

You know what? They found it. It has been test marketed. It has been out there and used. You know what? It is working.

The logical question that one would ask is, well, where is this test market? Where are the results? Who is using the same type of basic plan that George W. Bush is proposing for all of America? Where is your test market on that? You know, when corporations or businesses or people want to try a product, they go out and test it first. So you prove to us, MCINNIS, where is this test market?

You know where it is? It is right here on the House floor. Us. You know what? We are treated differently than other Americans. Every Federal employee is treated differently than other Americans. How? We have our own separate retirement plan.

Now, we are participants in Social Security, and we do pay into Social Security, but, as you know, we have another plan. Every Federal employee, 3 million of us in this country, have been test marketed, and that plan is called the Thrift Savings Plan.

What is the Thrift Savings Plan? Number one, it is voluntary. You are not required to participate in it; exactly what George W. Bush is saying with the partial investment of Social Security dollars.

Number two, it gives you choice; exactly what George W. Bush is talking about when he talks about his Social Security plan.

Number three, it guarantees you a payment, regardless of the choice that you make; exactly what we have in our Thrift Savings Plan and exactly what George Bush has proposed in his plan.

How does the Thrift Savings Plan work? As you know, we get our check, and there is an automatic deduction taken out of our check for Social Security. There is also an automatic deduction taken out for our retirement. So, as a Federal employee, and remember, this applies to all Federal employees, not just to the Congress, but to about three million Federal employees, so they take out a small amount, or an amount, out of your check for your retirement. You have no choice on that. You get no choice as to where it is invested. You do not get a choice as to whether it goes into the stock market or whether it goes into bonds. You have no choice on it. On the other hand, the trade-off is you are guaranteed a payment when you retire.

But, then, after that is said and done, you get to take up to 10 percent of your pay and you can invest it through the Thrift Savings Plan, and the Federal Government will match the first 5 percent. So you get to take 10 percent, they match the first 5 percent, and you get choice. You are not required to do it, by the way. And what kind of choices do we have?

Our choices are, one, you can go into savings accounts, which are guaranteed by the government, just like if you went to a local bank, FDIC approved. You get that. But the return is low. The lower the risk, the lower the return; the higher the risk, the higher the return. The very low risk option, zero risk, almost, and you get a low return. Or you can go into something like the bond or the stock market. You have that choice.

What is wrong with George W. Bush's proposal to give choice to the American people? What is wrong with our generation, the older generation, looking to the younger generation, like my children? My children are grown now. What is wrong with my generation saying to this generation, hey, you ought to have a little choice. We ought to give you a choice on some of your investment dollars.

George W. Bush has not gone out and said take all the Social Security dollars and let this young generation decide if they want to put it all in the stock market. Of course, that would be reckless conduct. That would be careless. There is not a financial mind in the world that would tell you that would be a smart thing to do.

What George W. Bush said is give them up to 2 percent. Let us try it out. It works for American government employees, why can it not work for the young generation; the women in this country that are young and just getting into the workplace; the young men and the families.

If we do not do something, do you know what the return is? If we stick with the status proposed, which seems to be what is proposed by the Al Gore policy? Here is what your return is: 0.09 percent. That is a rotten return. That is what you get to expect, assuming that we can keep it afloat.

So a young couple today, let us say a young lady named Joyce and a young man named John, and John and Joyce go out into the workplace, and their Social Security, if we do not change this thing, number one, it probably on an actuarial basis will not be there for them; and, if it is, if the stock market continues to boom, and we know, in case you have not read in the last few weeks, it has leveled off, but if it continued to boom, which it will not do forever, then that is about what kind of return you can expect.

How can we do this? Come on. It is an obligation, it is a fiduciary duty on every one of us in this room, to stand up for this next generation behind us and the generation behind them and the generation behind them.

If we are going to have a Social Security program, let us give them a Social Security plan that works for the American people. Let us not make American Federal Government employees an exclusive set, where they have a little different arrangement than the very people who put us here. The people that pay our checks are the taxpayers. We ought to take that into consideration. We should not treat the taxpayers of this country, who are not Federal employees, different than we treat Federal employees.

Why not change Social Security? I see positive things. Instead of standing up here in a very partisan way and bashing George W. Bush, why do we not stand up here and talk about what I think are the good policies and the good recommendations that he has made? If he becomes the President, I think you are going to see a very positive change for Social Security.

Those policies will work because they have been test marketed. It is not new.

It did not just fall out of the sky. These policies work, they have been tested, and they have been tested on 3 million people. And, do you know what? The participation rates are in the high 80 or 90 percent of Federal employees that want to get into this program. Because why? Because it works. That is why they want to get into this program.

Mr. Speaker, let me change subjects, because I heard some other Bush bashing going on, and I think once again somebody has to come tell the other side of the story. Paul Harvey, who by the way, I had the privilege of meeting Paul Harvey a couple of weeks ago in Pueblo, Colorado, where we honored about 100 Medal of Honor recipients, and Paul Harvey was kind enough to come out there at his expense to speak to us. But Paul Harvey has a famous saying, you have all heard it, "and now for the rest of the story." That is exactly why I am over here this afternoon talking to you.

You heard one side of the story, Bush bashing; Bush bashing on Social Security, Bush bashing on taxes. Bush bashing. Look, do you know what? There are a lot of good things in there. Why not look for some of the good, colleagues, instead of trying to spin it out of control because of the political necessities of an election coming up here in 4 or 5 weeks?

Let us talk about taxes, and let us talk about what the Republicans, frankly, with a lot of help from conservative Democrats, have done with their tax policy.

Number one, the Republicans, again with help from conservative Democrats, who came across the aisle, we sent to the President of this country a death tax elimination. Now, whether or not you think you are covered by the death tax, I think it is a fundamental question.

It is the same thing, by the way, with the marriage tax elimination. The Republicans, with help from some conservative Democrats, sent to the President of the United States a marriage tax elimination, to eliminate the tax, because of the fact you are married, and to eliminate the tax because of your death. On both occasions, the President vetoed both of them.

Now, let us talk about it. The basic fundamental question you need to ask about the death tax and the fundamental question you need to ask about the marriage tax is should death or marriage, should those be taxable events in our society? You know what? The majority of us stood up and said no.

Unfortunately, the administration disagreed. They think that marriage should be a taxable event. They think that death is a taxable event. Not only do they think death is a taxable event, I sit on the Committee on Ways and Means. I know about finance and taxes. The President's budget, the President and Vice President, the Clinton-Gore budget this year not only did not even consider elimination of the death tax, they actually proposed an increase of $9.5 billion, a $9.5 billion increase in the death tax.

You should not increase it, you should not keep it. The death tax does not collect a lot of money. Let me tell you, when you hear, and I have heard this over and over again, when you hear, well, this only benefits the upper 2 percent of a community, wake up. It does not just affect 2 percent of the community. Let me give an example.

Colorado, you take a small town in Colorado. I have a small community in Colorado where somebody who, by the way, lived the American dream, started out with nothing, worked all his life. His entire dream in life was to be successful so he could pass it on to the next generation and spread it in the community. He had a construction company. By the way, to be eligible for the death tax on a construction company, if you own free and clear, if you own much more than a bulldozer, a dump truck and a backhoe, then all of a sudden you are facing the death tax. That is right, a bulldozer, backhoe and dump truck, and you are facing the death tax.

This individual passed away. From what you would hear from the people who think that the death tax is a fair tax, that it is fair to tax somebody on property they have accumulated that they have already paid taxes on, simply by the fact that they died, what you need to look at is what the impact is on a community.

What happened, when he died they took 70-some percent: 55 percent of it for the death tax, 22 percent on capital gains, or 28 percent, excuse me, on capital gains. And they took 70-some percent of that estate and moved it out of this small town in Colorado and they moved that money to Washington, D.C. to be redistributed by a bureaucracy.

You know what? The money in a community ought to stay in a community. I do not believe you ought to be able to tax death as a taxable event, but it sure would be a lot more liveable if you went to that small community and said, look, just in spite, you had somebody who was successful, so we are going to tax them on their death, but you get to keep the money in the community.

Remember, the death tax, where it came from. The death tax came as kind of a get-even tool with the Carnegies and the Fords and the Rockefellers. That is where that thing came from, from people who wanted to declare class warfare, who said, look, this is a great country, and we say if you invent the better mouse trap, you get to reap the reward, as long as you do not reap too many rewards, because then we are going to come after you. That is exactly what happened in the twenties and so on.

This is a tax that should never have been created. It is a tax that hurts our communities. It is a tax that hurts our environment. This is a country that ought to pride itself in encouraging its citizens, encouraging its families, to pass a business from one generation to the next generation.

What builds the strength of a country is family. That is what builds our strength. And for a government to go out and discourage and actually penalize the transfer of a business or the family farm or the family hardware store from one generation to the next generation is fundamentally flawed. It is flawed with the concept of what we have as government.

Now, maybe in a communist country or in a socialist country, where everybody is not paid on what they are worth, they are paid on what they need, so no matter what they do, it is not what they do for society, it is what they need. So you equalize all those payments.

That is what the concept of a death tax or a marriage tax comes from, especially a death tax. That is not what we want in this country. That is not what ought to be happening to our communities.

By the way, you heard me right when I tell you the death tax hurts our environment. You say wait a minute, how does the death tax hurt our environment? You know how it hurts it? In my district, in Colorado, a beautiful district, I live in the highest place in the Nation, the highest elevation in the Nation. If you have been skiing in the mountains in Colorado, if you have been in the mountains in Colorado, the essence is you are in my district.

The people discover the beauty of this. What happened is we have family farms and ranches out there, and what is happening is people are coming in and the families are having to sell these. They want to farm, they want to ranch, they want to have that piece of land, but they have to sell it. You know where that land goes? It does not continue as a ranching operation. It does not continue as a farming operation. It continues as a few hundred more condominiums, or a few hundred more townhouses, or a brand new shopping center. That is what is happening to that land out there, and a lot of it is due directly to this death tax.

So do not stand here and bash George W. Bush because he wants to eliminate the death tax. Do not stand here and bash George W. Bush because he says marriage should not be a taxable event. What you ought to do is, as some of the Democrats have done, join the Republicans in our fight to get rid of the death tax. Join the Republicans, as some conservative Democrats have done, and get rid of the marriage tax.

Instead, what happened, unfortunately, we saw the majority of Democrats go with the President and support the President's veto of getting rid of the marriage tax and support the President on this death tax. I am saying to my colleagues, work with us in a bipartisan method. We can do something for Social Security for this next generation. We can do something about that death tax. We can do something about that marriage penalty.

□ 1615

Let me tell my colleagues, in a bipartisan direction, when we have worked together in the past, the Democrats helped us pass probably the largest tax break that we have had in 20 years or 30 years; although the people do not realize what we have done. The Republicans, about 3 years ago, 2 years ago went out and said the Americans dream is about owning their own home. So we think in most families, the ownership of the home is the largest asset they have; that is usually the largest asset in a family.

What we said, the Republican bill that we got passed, with some help from some conservative Democrats, on a bipartisan working effort, the bill we passed says that if you now own a home and you sell that home for a profit, I am not talking about equity, I am talking about net income, you sell it for a profit, your first $250,000 per person, remember most homes are owned by couples, so it is the first $500,000 per couple, but the first $250,000 per person goes into your pocket tax free. You get to do that every 2 years.

That is an incentive for people to go out and own homes, and that was supported on a bipartisan effort. We had conservative Democrats who helped the Republicans pass that, and that gave the American people a tax break they deserved.

For some reason, there has been a misconception down here on this floor. We seem to think that the American taxpayers ought to pay and pay and pay, and somehow people, some of my colleagues spin it out as if we dare talk about it, hey, maybe they put in too much. George W. Bush says take half of our surplus right away and put it to reduction of the debt; that should be our priority.

Reduce that debt, but you still have a little that you ought to put into some programs like education and healthcare, and you still have a small fraction of that you ought to give back to the taxpayer, pat them on the back and say thanks for what you have done. Thanks to the productive nature of the American people, the American taxpayer, this government is sitting pretty well.

This surplus was not created by the wonderful creative thoughts of your government. It was created by our constituents, the hard workers, the 8:00 to 5:00 people or the 8:00 to 8:00 people out there who produce and create capital. Government does not create capital. Government transfers capital. Government takes it from the workers' pockets, transfers it to Washington, D.C., and then hands it out as if they worked for it. That is not what the government is about.

What I am saying is do not be ashamed to talk about a tax cut. They ought to be reasonable tax cuts. Is it unreasonable to cut out the tax of death? Is it unreasonable to cut out the tax of marriage?

I was so excited last night in that debate. I wanted to be in that debate, not as a candidate but just to get up there and say, wait a minute, Mr. Vice President, what is wrong with the policy of cutting out a death tax? What is wrong with the policy of eliminating the marriage tax? What is wrong with the homeowners tax break that we gave 2 years ago? You did not try and spin it out of control then.

I am telling my colleagues from a bipartisan point of view, we owe respect to the taxpayer; and there is no reason to back off and be ashamed, because we talk about maybe we ought to thank the taxpayer and say we got enough to operate the government. The more the taxpayer provides for the government, the sloppier the government becomes.

Sometimes it is a good idea to tighten down on the budgets. That forces efficiencies. That is why I have taken this podium today, instead of bashing Bush all the time, which I heard minute after minute after minute earlier this afternoon, why do we not stand up and say, hey, here are some policies that we can work on in a bipartisan basis; here are some positive things that he has proposed.

There are very few of my colleagues out here who could look me right in the eye and arguably tell me that our plan, our Thrift Savings Plan, should not apply to the American people and should only apply to Federal Government employees. There are very few of you, I think, that could really look me in the eye and honestly tell me, Look, SCOTT, we ought to have a death tax.

How many of my colleagues really support a death tax? How many of my colleagues really think people ought to be penalized in tax due to the fact that they are married? How many of my colleagues really think that this government ought to engage in discouraging families from passing their hardware store or their farm or ranch from one generation to the next generation? Not a lot of my colleagues, but my colleagues ought to be identified to the American people so they know exactly where we stand.

The taxpayer does deserve some courtesy. We obviously need to reduce the death debt. We have to take care of programs like education and health care which are fundamental for the survival of the greatness of this country; but the best way that we do it is we look at it in a positive sense, and I encourage my colleagues to do just exactly that.

CITIZENS' RIGHT TO VOTE

The SPEAKER pro tempore (Mr. ISAKSON). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from California (Ms. MILLENDER-McDONALD) is recognized for 60 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, the 14th amendment of the Constitution of the United States guarantees every American citizen the right to vote.

When our country was founded, the right to vote was preserved for white men and property owners. It took the Women Suffrage Movement to enfranchise women and the Civil Rights Movement to fully enfranchise African Americans and other people of color in this country.

In the words of Susan B. Anthony, we, the people, not just the select few, but we, the whole people including all of us formed this union.

Today, we have awakened to a new challenge for this republic, restoring the voting rights of men and women who committed crime but have paid their debt to society.

While the Constitution takes away the voting rights of individuals convicted of serious crimes, the States are given the power to restore this right. Through our criminal justice system, hundreds of thousands of men and women have been politically disenfranchised, many of whom are poor and minorities who committed nonviolent crimes.

Many of these individuals have paid their debt to society; and yet some States have restored their right to vote automatically, while others hold this right hostage to politics. Laws governing the restoration of voting rights after a felony conviction are unequal throughout the country.

Persons in some States can easily regain their voting rights, while in other States persons effectively lose their rights to vote permanently.

Mr. Speaker, two States do not disenfranchise felons at all times; 46 States and the District of Columbia have disenfranchisement laws that deprive convicted felons of the right to vote while they are in prison, and in 32 States convicted offenders may not vote while they are on parole. In 29 States, probationers may not vote; 14 States disenfranchise ex-offenders who have fully served their sentences, no matter the nature or seriousness of the offense; 17 States require gubernatorial pardon, legislative action or administrative procedures to restore the right to vote.

State disenfranchisement laws disproportionately affect the poor and ethnic minorities. They are more likely to be arrested, charged more harshly, poorly represented in court, convicted and receive harsher sentences. Whether we like these people, whether we want to know them personally, or whether we want to share private lives with them, they are part of the whole people of America. They deserve a second chance to vote.

Consider these statistics, Mr. Speaker: an estimated 3.9 million Americans, or one in 50 adults, currently cannot vote because of a felony conviction. Women represent about a half million of this total. Three-fourths, or 72 percent, of the 1.9 million disqualified voters are not in prison, but are on probation, parole or are ex-offenders.

The last decade alone, over 560,000 Americans served their entire sentence, stood free and stand free and clear of incarceration and parole and have paid their debt to society. An estimated 65,000 of these Americans are women, and they cannot vote in some States. Now, today you will hear from fellow Members of Congress who believe firmly that those individuals who have committed crimes paid their debt to society and been released free and clear should be allowed to vote.

This may seem like a radical proposition, but it is not. It is fundamentally consistent with the principles we live by in this country. When you pay your debt to society by spending time in prison, your punishment is complete. At that point, our society releases you back into society and expects you to be rehabilitated socially with family, friends, and community. They also look to ensure that you are economically upright with jobs, or should.

It is time now to pay attention to your civic rehabilitation, that is, giving one the right to vote. Minority and poor people are overrepresented in these numbers. Tonight you will hear from my colleagues why we need to enfranchise all of these women and men.

Mr. Speaker, I have introduced H.R. 5158, the Second Chance Voting Rights Act of 2000, and this bill does just that. Others, like my friends and colleagues, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. DAVIS), also have introduced legislation to enfranchise these Americans.

My bill, H.R. 5158, simply says if you have served time, you are now out and have served your debt to society. If you are free of all parole and paroles, then you should have a restoration of your voting rights. That is only the right thing to do in this country we call America.

Those persons who have had a mishap in life should be given a second chance. My bill simply says they should in those States that will allow that, and those States you see are listed here. Clearly, the States that you see on the chart are the States that automatically will have a restoration of those voting rights, once a person has served his or her debt to society through parole and is now free and clear standing. And those States are California, Colorado, the District of Columbia, Hawaii, Idaho, Illinois, Indiana, Kansas, Maine, Massachusetts, Michigan, Montana, New York, North Dakota, Ohio, Oregon, and Pennsylvania.

□ 1630

Every vote counts. Every vote should count as we proceed into an election mode over the next month or so, a little better than a month. We should remember that the Constitution does give us this fundamental right, and we should also ensure that every person in this country has that fundamental right. We should not abridge that in any form once a person has paid his or her debt to society and is clear and free of her or his parole.

I can recall in the early sixties before the 1965 Voting Rights Act in southern States there were many who had to pay poll taxes before they were given the right to vote. There were some who had to know the Constitution verbatim before they were given the right to vote. That was a certain amount of disenfranchising in and of itself. Yet, those were persons who were people of color, primarily African-Americans.

After the 1965 Voting Rights Act that established their right to vote, then we saw large numbers of African-Americans voting, many of whom now have gone on but who recognize the type of disenfranchisement through not being able to vote unless they knew the Constitution verbatim or paid, as they had, so-called poll taxes.

My bill is simply saying that person does not have to do any of this anymore. This person will not be allowed to vote if he or she is on probation, but for the persons who have cleared themselves of all of the debt that they owe, they should have a restoration of their voting rights.

I say to the Members, Mr. Speaker, if they know of any such person who really has restored his or her rights, do let them know that they have a few days in some States; that there are some States where the deadline for voting is October 7. There are other States where the deadline is October 10.

We are encouraging all of those who want to restore their rights and to vote to call their registered Recorder's office and ask simply, where do I get the affidavit? They have that responsibility to go to the registered Recorder's office and get that affidavit. We have a right to restore your rights by virtue of giving you that right through legislation.

My bill also suggests that those States that do not automatically restore that, we should give them, through the Federal law, that right to vote, especially in Federal elections such as for the President of the United States.

I do have now with me a gentleman who has made his mark early on coming to this House, who in 1999 also introduced a bill, a different bill than that of the gentleman from Michigan (Mr. CONYERS) in that year, but his bill speaks to enfranchisement and restoration of voting rights.

I yield to the gentleman from Illinois (Mr. DAVIS), an outstanding Member, to speak on his bill, and just for general statements. I thank the gentleman for being here.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentlewoman for yielding to me. Also I want to commend her, not only for bringing an issue like this one to the floor, but for the outstanding work that she does on a regular basis on behalf of disenfranchised citizens throughout America, and her tremendous effort to make sure that those who are sometimes left out, those who are forgotten, those who are at the very bottom of everything in our society, are in fact given as much opportunity.

So I am pleased to join in this special order organized by the gentlewoman from California (Ms. MILLENDER-MCDONALD).

This issue has been neglected for too long in this country, and I am talking about those who have officially paid their debt for their infractions, but upon reentry into the mainstream were shunned by the very system that has claimed them reformed by denying them the opportunity to participate in our electoral process.

It seems to me that it is unbelievable that for individuals in a society that values democracy, in a society that talks about each and every individual having the right to participate, a society that talks about the reclamation of individuals and finding ways to bring people back into the mainstream after they have committed infractions, and yet, we deny them the most basic of all rights in a free and democratic society, and that is the right to participate.

I rise to emphatically declare that every American who commits a crime who sufficiently pays his or her debt to society and is rendered free to reenter back into society should have their right to vote fully restored upon return.

In fact, as indicated by the gentlewoman from California (Ms. MILLENDER-MCDONALD), last year I introduced legislation that would do exactly that.

The fact of the matter is clear, that the right to vote is the most basic constitutional act of citizenship. Furthermore, it is my belief that this basic right should include law-abiding citizens. Unfortunately, many people who control the courts and legislatures throughout our country are divided on this issue, and have passed laws that make it difficult if not impossible for people to come back.

Some States have passed laws which allow ex-felons to easily regain their voting rights, and as a result, these citizens are able to freely exercise their regained right and carry on as productive members of society. Other States, however, are still rooted in archaic belief systems and have kept oppressive laws on the books that permanently bar ex-felons from the basic right to vote.

It is imperative that we review these systems and establish a uniform standard which affords ex-offenders the opportunity to vote in Federal elections, but not only in Federal elections, in local elections as well. It is incredible, when we look at the number of individuals in some of our States, and especially the number of African-American males in some of our States, who have lost their right to ever participate in a meaningful way in the making of laws and the determination of who will represent them in public bodies.

If a person can pay taxes, get a job, learn a trade, learn a skill, carry on all of the functions of citizenship, then I think it begs the question as to why they cannot also vote.

So I would hope, I would hope that as we continue to look at this issue, that we would look at those States that have in fact restored and given back the right for these individuals, once they have paid their debt to society. I have not seen anything that has happened in any of these States that would cause me to believe that it is a harmful practice.

Take, for example, my State of Illinois. I consider it to be a progressive State; not as progressive, perhaps, as it will be, and not as progressive as it should be. But I say it is a progressive State because it is a State where the Governor, even as we look at the death penalty, has determined that we need to review the way in which it is administered, because for some reason, for many reasons, there seem to be an inordinate number of African-Americans, Spanish-speaking citizens, low-income, poor, uneducated, undereducated individuals who end up in the penal system on death row, in the penitentiary, and individuals even who, once they serve whatever time they have been given, still do not have the hope of voting.

So I say to the gentlewoman from California (Ms. MILLENDER-MCDONALD), I think she has in fact given the country a great service by raising this issue, because it gives us a chance to explore; to look at, first of all, why are there so many people in this country in prison? There are more than 2 million people associated in some, way, shape, form, or fashion with our correctional system.

Here we are, 5 percent of the world's population, but 25 percent of the prison population. In a country as enlightened, we are the most technologically proficient Nation on the face of the Earth. The quality of life for mass numbers of people in this country is greater than we would find the quality of life for people anyplace in the world.

Yet, we have not found a way to, in a seriously, not only humane way, yes, we can look at it as being humane, but we can also look at it from another vantage point. It is like having a car that has six cylinders, but if only three of those cylinders are functioning, think of all the power and energy that we are losing.

Think of all the possibilities that we could have. Think of all the positive things that could take place if we would look for ways to take men and women who have committed crimes, who have been incarcerated, and while they are there, would it not make much more sense if they could learn a trade, if they could learn how to do computers, if they could acquire college degrees, if they could learn how to be carpenters and brick-layers and masons and to do maintenance work and to be office managers? Rather than coming back with no skill and not the right to vote, they could come back having paid their debt to society saying, "I am now ready to do my part. I am ready to do my share of helping to make this country the great Nation that it has the potential of being, so that it becomes even greater than what it is."

So I ask the gentlewoman to keep working, if she will, on these tough issues. Some of us will be there working with her. Ultimately, the day will come when those individuals who are now left out will in fact get cut in. I thank the gentlewoman for this evening.

Ms. MILLENDER-McDONALD. Mr. Speaker, I tell the gentleman from Illinois, he just says it so eloquently. I want to enter into some kind of colloquy or dialogue with the gentleman, so I do not want him to leave.

We have been joined by the outstanding gentlewoman from Indiana (Ms. CARSON), who has been in the forefront of mental health. We do recognize that a lot of those of whom we speak have a certain amount of mental health issues, yet it is not being addressed as they are being incarcerated and/or let out.

The gentlewoman from Indiana (Ms. CARSON) comes with experience, having served in the State legislature of her State, with the know-how to address and dig into this issue of mental health.

I yield to the gentlewoman from Indiana (Ms. CARSON) for her remarks on this particular issue.

Ms. CARSON. Mr. Speaker, it is an esteemed privilege and pleasure to stand here in support of, first and foremost, a Member who hales from the State of California, who has the wisdom and foresight and the motivation and the spirit and the compassion and the humanitarianism to bring forth so many pieces of legislation on behalf of people across this country, not just confined to her own district and her own State.

□ 1645

I want to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for allowing me an opportunity to come by just a little while and give just a few brief remarks, and to stand here with the incredibly distinguished gentleman from Illinois (Mr. DAVIS), whose district is in a State that is contiguous with my State of Indiana, and to say a few words on behalf of H.R. 5158, the Second Chance Voting Rights Act of 2000.

Certainly, there is not one among us in this country who does not seek a second chance for one reason or another. I have been given a second chance to live. I have been given a second chance to be a Member of the United States Congress and would hope that I would be given even another chance to be able to stand here with so many distinguished Representatives from across these United States of America.

I say that because, since I was a little child, we harmoniously were taught to say "My country 'tis of thee, sweet land of liberty." That is what the Second Chance Voting Rights Act of 2000 is, liberty. Liberty and justice for all is something that we were also taught to rehearse and memorize as we were growing up through the school systems and going out into the byways of life, liberties and justice for all people.

When one thinks of justice, one thinks of either Frederick Douglass or Booker T. Washington that said "Justice delayed is justice denied."

Elected officials are supposed to be the voice of the people. But what happens, when in their selection, a segment of the population is silenced? Silenced for life, not necessarily by choice, not by violent means, not through court procedures, but automatically upon conviction. A portion of our precious democracy dies and society suffers.

A very poignant point came to my attention when I first ran for Congress in 1996. The field was crowded as is in cases where a retiring Member seat exists, somebody who had held a seat for some 30-some years, and is open, and everybody jumps in it.

It was interesting that we had three people who were running for Congress who were convicted felons. The reason they chose to run for Congress instead of municipal or local office is because the State law prohibited felons from running for State office. But no law anywhere prohibited felons from running for a seat in the United States

Congress. I thought that was very interesting that one could not run for a local office but one could run for Congress because Congress has the jurisdiction in terms of determining its membership and its eligibility.

Now, would it not just make sense for here in the United States of America is the only country in the world that permanently takes away the right to vote from its citizens. In 14 States, offenders are barred from ever voting again, even after serving their time. It sounds like something we hear often about double jeopardy.

The opinions of ex-offenders are no less important than that of other citizens because they are still human beings. In matters of government action, Supreme Court Justice Thurgood Marshall recognized that and said "ex-offenders are as much affected by actions of government as any other citizen and have as much right to participate in government decision making."

It is estimated that 3.9 million citizens are barred from voting, including more than 1 million who have fully completed their sentences. How can the justice system and States say that an individual is rehabilitated and worthy of another chance in society when that individual is stripped from their voting rights in government?

This goes beyond the denial of individual voice. The policy has implications beyond an individual being denied to vote. The origins of voter disenfranchisement can be traced back to medieval times where offenders were banished from the community. It is later revived in the segregation era as a supposed race-neutral voting restriction to exclude blacks from voting.

The practice of barring ex-offenders from voting has a disproportionate racial impact, even though it may seem race neutral. Consider that the rate for voter disenfranchisement for African-American men is seven times the national average. Consider that the 1.4 million or 13 percent of African-American men are barred from voting. Consider that 36 percent of the total disenfranchised population is comprised of African-American men. Clearly, the impact of this policy falls disproportionately on our Nation's black men.

As a result, the voice of African-American communities as a whole is weakened. A large segment of our population is denied the opportunity to decide who will shape public policy, who will make our laws that affect all of us.

According to the Human Rights Watch, if this current trend continues in a dozen or more States, 30 to 40 percent of the next generation of black men will be permanently prohibited from their right to vote.

Because the States lack uniformity on this matter, the right to vote is dependent upon geography rather than reason. Some States will reinstate the right to vote only through a Governor's pardon or parole board, while in others a bill must be enacted to restore the right.

Some States like Virginia permit the restoration of voting rights. However, in 1996 to 1997, of the 200,000 ex-convicts in Virginia, only 404 had their right to vote restored.

There is no compelling reason, Mr. Speaker, for this national policy interest to be ignored. We must understand why ex-offenders should be denied the right to vote and redress it and reverse it.

As long as America denies some citizens the most fundamental of democratic rights, the right to vote, true democracy cannot exist in silence. When you silence some, you silence all.

We bemoan the low voter participation especially in the African-American community where there is no wonder. A disproportionate number of citizens of the African-American community are in fact disenfranchised in terms of their voting opportunities.

So, Mr. Speaker, please know that I give the gentlewoman from California (Ms. MILLENDER-MCDONALD) a standing ovation, that I give her the tip of my hat for bringing this long overdue issue before the ears and eyes of America and certainly in the halls of the United States Congress.

I would trust that as we go along and begin to educate the Members about this injustice that exists, that perhaps they will decide that it will no longer persist, and rectify this situation that is a bad mark, I believe, on a Western civilization.

I thank the gentlewoman so very much for allowing me to come, and I praise her highly.

Ms. MILLENDER-McDONALD. Mr. Speaker, the gentlewoman from Indiana (Ms. CARSON) is a gracious lady, and I appreciate her coming. The gentlewoman kind of hit the nail on the head, if you will. We all have been given second chances. So why not give those who have had a mishap through this penal system a second chance, too, to have a restoration of their voting rights.

I will be working with the gentlewoman from Indiana (Ms. CARSON), not only with this issue, but with the issue of mental health as it absolutely integrates into this whole issue of incarceration.

Mr. Speaker, we now have a man who has gained enormous respect across this country as we saw him during the impeachment process. The gentleman from Virginia (Mr. SCOTT) is known to challenge anyone on this floor when there is an infringement on the Constitution. He is highly respected in this House because of his constitutional background and expertise. But today he comes because he questions the Constitution as we talk about fundamental rights of those who should have those rights be restored.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her strong support of this fundamental basic right, the right to vote.

The right to vote is among the most cherished rights we enjoy as citizens of the United States. In fact, it is the cornerstone of our democracy. Unfortunately, many citizens have been denied that basic fundamental right. States first limited the right to vote to white men only with property, excluding women and racial and ethnic minorities.

While the post-Civil War constitutional amendments secured the right to vote for those previously excluded, many States enacted laws designed to circumvent those amendments by erecting new barriers such as the poll tax and other schemes to deny that basic right to vote. Through the passage of the Voting Rights Act of 1965, and other related legislation, we have eliminated those barriers and expanded the number of citizens who can participate in this great democracy.

Here we are today, however, because a significant segment of our population continues to be left out of the process. Specifically, many States maintain barriers to voting for former offenders, denying them the right to vote in an election.

A recent study by the Sentencing Project and the Human Rights Watch shows that some 3.9 million Americans are either currently or permanently disenfranchised as a result of State laws. Among those who are disenfranchised are 1.4 million African-American men or 13 percent of the total black population of adult men.

The disparate impact on black adult men not only denies that group the right to vote but also limits voter opposition to unfair and discriminatory crime policies which result in so many minorities being imprisoned today.

We have to put an end to this cycle of discriminatory crime policy which results in bad crime policy, resulting in the victims of that policy losing their right to vote and then they cannot complain democratically about the discriminatory policy and new policies are enacted.

I am talking about policies like racial profiling where one picks people off the street because of their race or the crack cocaine-powder cocaine disparity where crack cocaine, which is a drug of choice in the black community, one can get 5 years mandatory minimum for a weekend's worth of crack. Ninety-five percent of the defendants in those cases are African American or Hispanic, while powder cocaine one has to get caught with over $50,000 worth before one is subjected to the same mandatory minimum. Once one is subjected to that, one cannot complain because one loses one's right to vote.

Now, I applaud the gentlewoman from California (Mrs. MILLENDER-McDONALD) and the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. DAVIS) and others for their legislation to address this problem. It is a difficult problem because of the constitutional complications.

Article 1 section 2 of the Constitution shows where you find the qualifications for electors. Let me just quote what that says: "the electors in each State shall have the qualifications requisite for electors of the most numerous Branch of the State Legislature," which means that the electors in Federal elections are those who can vote for the local State House of Representatives. The State gets to decide who can vote.

Now, the Federal Constitution in section 4 says, that the times, places and manner of holding elections for Senators and Representatives can be prescribed in each State, but Congress shall be able to make regulations involving the time, place and manner; but according to section 2, not the qualifications.

Now, the 14th amendment and equal protection clause says that the States cannot discriminate against people as they determine the qualifications except for participation in rebellion or other crime, which says specifically that the States may discriminate based on felony records.

Now, Richardson v. Ramirez, a 1974 case recognized that felony disenfranchisement law does not on its face violate the Constitution, and so we are somewhat limited in what we can do. But the vote to determine voter qualifications is not unlimited.

Rogers v. Lodge, 1982, held that at-large electoral systems are unconstitutional if conceived or operated as purposeful devices to further racial discrimination by minimizing, cancelling out, or diluting the voting strength of racial elements in a voting population.

□ 1700

Now, the court identified a number of considerations. The presence of racially polarized voting, the impact of past discrimination on the ability of African Americans to participate, the lack of responsiveness to the African American community, the depressed socioeconomic status of African Americans can all be considered. And consistent with that, in Hunter v. Underwood, a 1985 case, the Supreme Court determined that Alabama's felony disenfranchisement law, in fact, violated the Equal Protection Clause of the 14th amendment because "Discriminating against black as well as poor whites was a motivating factor for the law."

Thus, the standard becomes clear. Any Federal legislation on this topic must be supported by specific evidence in the record as to the discriminatory intent of each State's statute, similar to the evidence gathered when we passed the Voting Rights Act. Findings which just show a possible disproportionate impact may not be enough. But certainly if we can find intent in those State laws, we can develop legislation. This means that in States that have no minority population, we probably cannot show that those laws were affected to discriminate against minorities, but we should have a hearing record to show which States in fact do. And we can target our remedy just to those States, just like the Voting Rights Act did where only certain States are subject to the preclearance provision. Those States were caught discriminating. We identified those States and affected the remedy just in those States and not others.

So we need to have hearings next year and establish the record that we all know is true, that felony disenfranchisement has a disparate impact on black adult men, and exists in many States because of discriminatory reasons. Laying such a foundation will permit us to establish a compelling State interest for Federal intervention and permit us to narrowly tailor the legislation to address the problem. That legislation will enable those presently disenfranchised to fully participate in our democracy, and we will be able to craft legislation which could withstand constitutional challenge.

Mr. Speaker, I commend the advocacy of the gentlewoman from California, the gentleman from Illinois, and others who have called this special order to expose the compelling issue before us; and even though the solution may be complicated constitutionally, we can work, because we must, to address this problem, and we must support our basic fundamental constitutional rights to vote.

I thank the gentlewoman from California.

Ms. MILLENDER-McDONALD. My God, you have done well by my spirit and by my soul. I will certainly call on the gentleman as we engage further in hearings, because the gentleman has given some compelling arguments with the cases that he has outlined that suggest to me that we can perhaps fight this, and we will do just that as we go around this country hearing from folks and hearing what they have to say in terms of discriminatory practices and then challenge even States and their attorneys general so that we can then fight this on this floor.

I thank the gentleman so much. I told my colleagues that he was a scholar in his constitutional knowledge and, indeed, he has reflected that today.

We have with us another great lady from the great State of California, who in her own right has worked in this House on numerous issues, but what she has been so noted for is her fight for women and children, for funding for women's health and for the HIV/AIDS epidemic in minority communities. Those of us who are people of color cannot say enough of this woman, who may not be a person of color, but she is a person of conscience.

Mr. Speaker, I would like to yield to none other than the gentlewoman from California (Ms. PELOSI). California has brought us one of its finest, and I thank her so much.

Ms. PELOSI. I thank the gentlewoman so very much. I thank her for her great leadership and that of the gentleman from Illinois (Mr. DAVIS) and the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. SCOTT). We have been blessed in this institution with great legal minds and great minds that care about equality.

I support the Civil Participation Rehabilitation Act of 1999, which would grant persons, as the gentlewoman has spelled out, who have been released from incarceration, the right to vote in Federal elections.

The points have been very well made by the Members who have spoken already. I just want to give a little perspective from the standpoint of the Committee on Appropriations, on which I serve. I spent some time on the Subcommittee on Commerce, Justice, State, and Judiciary, where judges would come before us for their appropriation, and we would have the opportunity to ask them about issues like mandatory minimum sentences or making a Federal offense on certain crimes that really should not have been raised to that level.

This rampage that the Congress seemed to have been on, and not only the Congress but the State of California too, where we have the "Three Strikes You're Out," and mandatory minimum sentences, etcetera, where we have had these sentences which go beyond a year and a day and, therefore, are considered a felony, we have so many people now who run the risk of being disenfranchised.

This denying voting rights to ex-offenders is inconsistent with the twin values of democracy and rehabilitation. Felony voting restrictions only serve to alienate and isolate individuals from civil society. Americans believe in rehabilitation, that if a debt to society is paid, there is no longer a debt. Why then should we not have a universal Second Chance Voting Rights Act so that people all have a stake in America's future?

Our colleague from Virginia has mentioned the number of African American men, that there are estimates that 1.4 million African American men, or 13 percent of the total population of black adult men, have been disenfranchised either currently or permanently disenfranchised as a result of State felony voting laws. This is outrageous. This is outrageous. We have a chance here to do something about it.

And while I am at it, I have talked about people paying their dues to society and the mandatory minimum sentences which elevate some of these offenses to felonies; but, in conclusion, I want to make one other point. We do not have equal representation for all the people in our society when they are accused of a crime. It simply does not happen. It comes into play when we talk about the death penalty, which is a different issue; but when we have everyone having the same caliber of legal representation, then we can talk about everyone having the same risk in terms of where penalties are concerned.

So where we have a situation where Congress is interested in making some offenses felonies, by either making the sentence a year and a day, or we have the situation where young people simply do not know about the "Three Strikes You're Out," the mandatory minimums, the risks they take in making mistakes when they are very young, they cannot afford to pay for the kind of representation that somebody else, who might get off because they had a much better lawyer, gets.

Also, there is an interest on the part of prosecutors sometimes for a plea, and people with information have a plea. Lots of times these kids have no information. Lots of times they just got caught with a small amount of a drug. They do not have information, so they go to jail. Somebody higher up, who has information, can plea, can afford better representation; and these kids, again, are the ones who go to jail, lose their right to vote. Even after they pay their debt to society, they may not be able to vote.

So I thank the gentlewoman for doing this. It is so fundamental to our democracy that everyone have a stake in it; that everyone be able to fully participate. We cannot say to young people who have made a mistake that they are going to pay for it forever in terms of their full enfranchisement as a citizen in our country. Certainly as long as we are a country where representation is unequal as far as representation in the courts, we cannot have these, shall we say, capital punishments, as far as voting is concerned.

So I thank the gentlewoman for what she is doing from the perspective of my district and from the perspective as a proprietor who has heard over and over and over from the judges, please, stop, Congress, from making all these mandatory minimum sentences. Give us some discretion. Stop federalizing these offenses. That takes us down a path which is exacerbated by the disenfranchisement that you are trying to correct here.

So I commend the gentlewoman and the gentleman from Illinois (Mr. DAVIS), the gentleman from Michigan (Mr. CONYERS), our distinguished ranking member on the Committee on the Judiciary; and I am pleased to join all my colleagues, the gentleman from Virginia (Mr. SCOTT) and the distinguished gentlewoman from Ohio (Mrs. JONES), as well as our colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), who I know will be speaking as well, and so many Members who have spoken on this issue today.

I thank all my colleagues for their leadership. We are all in your debt.

Ms. MILLENDER-McDONALD. I thank the gentlewoman so much. The gentlewoman has touched on an issue that we certainly will be looking at as we probe into this whole notion of discriminatory practices when it comes to voting rights, especially for those who have served their debt to society, and one is mandatory sentencing. We really need to see how that plays into the inability of one having to have the restoration of their voting rights. So that is one thing we will look at critically as we move into venues with hearings.

As I said, the gentlewoman from California may not be a woman of color, but she is a woman of conscience.

Well, Mr. Speaker, now we have a woman of color who once was a prosecutor and a judge out of the great State of Ohio. She has come in and put her paw prints on this place in such a short time. She has gone around this country talking about predatory lending.

As her predecessor said, the gentlewoman from Ohio (Mrs. JONES) is someone she knew was going to come in like a strike of lightning, and she has done just that. With her experience in the courts, with her experience in other areas of the justice system, she has certainly served us well even in her short time.

I thank the gentlewoman so much for being with us tonight.

Mrs. JONES of Ohio. Mr. Speaker, I am pleased to join the gentlewoman from California (Ms. MILLENDER-McDONALD) this afternoon in the special order, as well as my colleagues, the gentleman from Illinois (Mr. DAVIS), the gentlewoman from California (Ms. PELOSI), and the gentleman from Virginia (Mr. SCOTT). I am pleased to stand and rise in support of the special order with regard to H.R. 5158, Second Chance Voting Rights Act of 2000 and H.R. 906, Civic Participation and Rehabilitation Act of 1999.

It is interesting that while voter registration drives move at full speed, and while campaign speeches are given to varying constituencies, one group is still left out. We always say, "It is your vote that is your voice. If you do not vote, you do not have a voice." The people without a voice today are those in the States wherein convicted felons who have completed their time in jail or who are off of parole do not have the right to vote. That is why I am proud to stand in support of both of these bills, and I urge my colleagues to do the same.

Think about it. America was founded as a second chance; a second chance for freedom, a second chance away from religious persecution. Why then are we stripping rights from people who have served their time, paid their debt to society and now want a second chance?

We must remember that this Nation stood up when it granted women the right to vote. This Nation stood up over 2 decades ago when African Americans were disenfranchised by Jim Crow, by all the poll taxes, all the literacy tests, and recognized that disenfranchisement runs counter to our democratic ideals of freedom, justice, and liberty.

In the United States, felony convictions bring civil consequences. We all know that. Offenders may lose the right to vote, sit on juries, hold offices, and obtain various licenses. The problem is that these penalties continue long after the sentence is served and long after the debt is paid. Let us give those rights back to give an opportunity for the offenders to be whole again.

Forty-six States and the District deny convicted adults in prison the right to vote; 32 States disenfranchise felons on parole; 29 disenfranchise those on probation; and 14 bar ex-offenders for life. We have already gone through the statistics. Think about it like this. My predecessors died for me to have the right to vote. What that did was it not only gave people the right to vote, but it gave them the opportunity to be heard, and it also made them responsible citizens in their community.

By disenfranchising so many people in our communities, particularly disproportionately African Americans, we disenfranchise a Nation, a generation of young people whose parents will not know about voting. So how can they take their children to the ballot box if they have not had the right to vote? If we want the people to believe that they have a part in this society, that they are useful in this society, we need to give them the opportunity and the right to vote so that they can then act responsibly and go out and vote.

Some will argue this legislation makes legislators soft on crime. Nonsense. Legislation like Second Chance and Civic Participation make legislators not soft on crime but strong on democracies. Others are concerned that victims and ex-felons might determine election outcomes, particularly where local sheriffs and judges have run tough-on-crime campaigns. Nonsense. Voting is a right that comes with citizenship. Let us give it back.

Why do I support both these pieces of legislation? Because participation aids in rehabilitation and public confidence. Ex-offenders have served their time; let us not punish them forever. And felony voting restrictions have strong racial overtones, since African Americans are disproportionately represented in the criminal justice system.

□ 1715

We must do better. If we are discouraged about low voting participation from the general public, let us do something positive about it. Let us give exoffenders a new chance, a second chance, a new start to start their life, liberty and the pursuit of happiness.

We must clear up this stain on our Nation and support both of these pieces of legislation.

Let me finally close with a couple of anecdotes.

When I served as a judge and people I had placed on probation completed their probation and were sent out in the world, they were discouraged because they could not get a job, they were discouraged because they did not have a right to vote, they were discouraged because they could not get a license. We must give these persons an opportunity to become useful citizens in our community.

Think about it like this: Right now on the TV on the Divorce Court, we have a young judge who was a juvenile offender. He turned his life around. He is a shining example of young people who can turn their lives around when aided and supported and make a difference in our society.

Support the right thing. Support a second chance. Support H.R. 5158 and H.R. 906.

Mr. Speaker, I thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her leadership on this issue and I would ask all my colleagues to join in the leadership team and vote in favor in support of these pieces of legislation.

Ms. MILLENDER-McDONALD. Mr. Speaker, I thank the gentlewoman for her comments. I think she made a very telling statement when she says penalties last long after probationary periods. What a telling statement that is.

I am told I have a shorter period of time than I thought I had, and so I will give the remainder of the 5 minutes that I have to an outstanding young woman who hails from the great State of Texas, who everyone knows in my State because of the absolutely sterling presentation she did during the impeachment.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California for her leadership.

Mr. Speaker, I rise to join with my colleagues on reemphasizing to the American people and to our House colleagues and to the other body the importance of H.R. 5158, Second Chance Voting Rights of 2000, and H.R. 906, the Civic Participation and Rehabilitation Act of 1999 offered by the gentleman from Michigan (Mr. CONYERS).

I know that we have heard these numbers, but might I, Mr. Speaker, emphasize again that 3.9 million Americans, or one in 50 adults, currently cannot vote because of a felony conviction.

Now, as a member of the House Committee on the Judiciary, I think it is important for the American public to realize that we, too, uphold the Constitution and believe in its tenets, and that is the value of the right to vote, the value of democracy, but we also realize that juxtaposed alongside of the Constitution are a myriad of State criminal statutes that make our country a country of laws governed by the people. We understand that.

But in this time of great necessity of human capital, the great need for human capital, is it not shameful that we waste those individuals who have dutifully paid back to society for what they have done?

I would hope that people would understand or that, as we are participating in this discussion, that all who are listening would understand that what we are talking about are individuals who have in fact paid back their time, and yet they cannot be allowed to vote. They cannot vote in Federal elections, and many times they cannot vote in our State elections.

Let me applaud some of the work that has been done in the State of Texas which is now working to indicate to those ex-felons who have done their time that they can be re-enfranchised. This is a key element of what we are trying do on the Federal level.

Last evening about 75 to 80 million people listened to the Presidential debates, as they will listen over the next couple of days. I would simply say that they are privileged to not only listen, but they are privileged to vote.

Why would we extinguish the valuable human capital of young people in our community, of individuals who made a mistake when they were young and have paid their dues, why would we extinguish their right to vote?

And so, I think that we must look to this Federal legislation because I believe there are only about 20 States that automatically restore the right to vote. And, therefore, this Second Chance Voting Rights Act of 2000 is to re-enfranchise our brothers, our sisters, mothers, fathers and others.

Mr. Speaker, I want to thank the gentlewoman from California for leading on this special order, not only to educate but to help us legislate freedom. Freedom is not easy. It is not cheap. Let us not deny those Americans who have now come forward and say, I know that I did not do right, but I have paid the time. Let us enfranchise them.

Ms. MILLENDER-McDONALD. Mr. Speaker, I thank the gentlewoman for her comments.

Mr. Speaker, I yield to the gentlewoman from the State of Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I want to express my appreciation to the leadership and for the bill that has been introduced for this subject because I think that it is of high priority.

Mr. Speaker, today I became a cosponsor of H.R. 5158, the Second Chance Voting Rights Act of 2000. The legislation, authored by my colleague Representative JUANITA MILLENDER-MCDONALD, would automatically restore federal voting rights to any formerly incarcerated person upon the unconditional release of that individual from incarceration and completion of their sentence, including parole.

This legislation is necessary because thousands of ex-offenders are denied the fundamental right to vote. Under the Constitution, states have the authority to deny the right to vote to an individual who is imprisoned and to restore that right once a person is released. Many states automatically return the right to vote once the former prisoner's sentence has been completed. However, some states require prisoners to meet certain procedural requirements to have their voting rights restored, and a few go as far as requiring a "pardon" for voting rights to be restored. In my own state of Texas, the right to vote is not restored until two years after the prisoner receives a certificate of discharge, two years after completing probation, or by pardon. In other words, former prisoners in Texas do not share in the basic rights that other Texans enjoy because they must wait two years before regaining their voting rights.

This situation in Texas and in many other parts of the country is fundamentally wrong. Citizens should not be deprived of the right to vote once they have paid their debt to society in full.

Allow me to share with you that in Texas I am coordinating with Yvonne Davis and Terry Hodge, Texas state representatives and members of the Texas Legislative Black Caucus, an effort to reach out to individuals who have been released from incarceration. The effort will involve enlisting voter education groups to reach out to these individuals and public service announcements to encourage these individuals to register and to vote on November 7th. This effort was launched in early August. It will remind individuals that although they lost many of their rights while incarcerated, they are again full-fledged Americans who have the same rights as their fellow citizens to help elect leaders who will shape the future direction of this country.

Ms. MILLENDER-McDONALD. Mr. Speaker, the 14th Amendment to the Constitution of the United States guarantees every American citizen the right to vote. When our country was founded, the right to vote was preserved for white men and property owners. It took the women's suffrage movement to enfranchise women and the Civil Rights Movement to fully enfranchise African-Americans and other people of color in this country. In the words of Susan B. Anthony, "we the people" were not just the select few but "we," the whole people, including all of us, formed this Union.

Today, we have awakened to a new challenge for this Republic—restoring the voting rights of men and women who committed crimes but have paid their debt to society.

While the Constitution takes away the voting rights of individuals convicted of serious crimes, the States are given the power to restore this right. Through our criminal justice system, hundreds of thousands of men and women have been politically disenfranchised—many of whom are poor and minority and who committed nonviolent crimes. Many of these individuals have paid their debt to society. Some States have restored their right to vote automatically while others hold this right hostage to politics.

Laws governing the restoration of voting rights after a felony conviction are unequal throughout the country. Persons in some States can easily regain their voting rights while in other States persons effectively lose their right to vote permanently.

Two States do not disenfranchise felons at all.

Forty-six States and the District of Columbia have disenfranchisement laws that deprive convicted offenders of the right to vote while they are in prison.

In thirty-two States, convicted offenders may not vote while they are on parole.

In twenty-nine States probationers may not vote.

Fourteen States disenfranchise ex-offenders who have fully served their sentences, no matter the nature or seriousness of the offense.

Seventeen States require gubernatorial pardon, legislative action, or administrative procedures to restore the right to vote.

State disenfranchisement laws disproportionately affect the poor and ethnic minorities. They are more likely to be arrested, charged more harshly, poorly represented in court, convicted and receive harsher sentences. Whether we like these people, whether we want to know them personally, or whether we want to share private lives with them, they are part of the "whole people" of America. They deserve a second chance to vote.

Consider these statistics:

An estimated 3,900,000 Americans, or one in fifty adults, currently cannot vote because of a felony conviction. Women represent about a half million of this total.

Three-fourths (73%) of the 3,900,000 disqualified voters are not in prison, but are on probation, parole or are ex-offenders.

Over the last decade alone, over 560,000 Americans served their entire sentence, stand free and clear of incarceration and parole and have paid their debt to society. An estimated 65,000 of these Americans are women. And, they cannot vote in some States.

Today, you will hear from fellow Members of Congress who believe firmly that those individuals who have committed crimes, paid their debt to society, and been released free and clear should be allowed to vote. This may seem like a radical proposition, but it is not. It is fundamentally consistent with the principles we live by in this country—when you pay your debt to society by spending time in prison, your punishment is complete. At that point, our society releases you back into society and expects you to be rehabilitated socially with family, friends, and community, and economically with jobs. It is time now to pay attention to your civic rehabilitation.

Minority and poor people are over-represented in these numbers. Tonight, you will hear from your colleagues why we need to enfranchise all these women and men. I have introduced H.R. 5158, the Second Chance Voting Rights Act of 2000, to do just that. Others like my friends and colleagues Representative JOHN CONYERS and Representative DANNY DAVIS also have introduced legislation to enfranchise these Americans. You will hear from them now.

Representative DANNY DAVIS; Representative JULIA CARSON; Representative STEPHANIE TUBBS JONES; Representative NANCY PELOSI (maybe); Representative BOBBY SCOTT; Representative SHEILA JACKSON-LEE; and Representative EDDIE BERNICE JOHNSON; for unanimous consent.

The last day to register is coming up soon. Every person who is not registered should check with your county registrar of voters and make sure you get registered. I want to encourage all Americans of every political persuasion to register and vote on election day, November 7. I particularly want to encourage ex-offenders who live in States that have restored their voting rights automatically to register and vote. These States are: California; Colorado; District of Columbia; Hawaii; Idaho; Illinois; Indiana; Kansas; Maine; Massachusetts; Michigan; Montana; New York; North Dakota; Ohio; Oregon; and Pennsylvania.

In our great representative democracy, we must not deny anyone who is eligible to vote; even those who have paid their debts to society not be given this fundamental right.

Remember. Every vote counts and your vote can make a difference. Register to vote by October 8 and vote on November 7.

Mr. Speaker, again, thanks to all of the Members who have come tonight.

PRESCRIPTION DRUG BILL

The SPEAKER pro tempore (Mr. ISAKSON). Under a previous order of the House, the gentleman from Pennsylvania (Mr. MASCARA) is recognized for 5 minutes.

Mr. MASCARA. Mr. Speaker, my wife Dolores and I have spoken on many occasions about the need to pass a prescription drug bill.

Some of our friends back in southwest Pennsylvania are affected by the lack of coverage. I come to the floor to express my deep concern regarding the continued lack of prescription drug coverage for many of our Nation's seniors.

I recently received a letter from a constituent who worked his entire life in a blue collar job. He retired on a small nest egg and his monthly Social Security check. Although his health is relatively good, he still spends over 40 percent of his income on health care costs, including a monthly prescription drug bill that is over $400 a month. Unfortunately, he does not have prescription drug insurance and every month he is forced to cut back on food and medicine.

I assure my colleagues he is not alone. The AARP estimates that the average out-of-pocket prescription cost for seniors is $349 per month. Of the nearly 40 million people on Medicare, one-third have no prescription drug coverage and 20 percent have coverage that does not last the full year.

In other words, millions of seniors are suffering in ways that are morally wrong, especially for such a wealthy and caring Nation.

How can we turn our backs on our seniors?

To paraphrase the late Senator Hubert Humphrey, the true moral test of a government is how it treats those that are in the dawn of life, our children, those who are in the twilight of life, our elderly, and those who are in the shadows of life, the sick, the disabled, and the less fortunate.

The elderly and the sick and the disabled should not have to make the terrible choice between food and medicine.

In that vein, last year I introduced H. Con. Res. 152, which called upon Congress to pass meaningful legislation that would give all seniors prescription drug coverage.

I am sure my colleagues here in the House are aware of the enormity of this issue. I am sure they know that upwards of 13 million seniors in this Nation are without any kind of prescription drug benefit and that over one-third of those currently on Medicare have no outpatient drug benefit.

Seniors are asking for a real drug benefit package. We need a reordering of priorities. During a period in our history when we are experiencing unprecedented budget surpluses, we need to include a prescription drug plan that will cover all seniors and it should be through the Medicare program, not through HMOs or private insurance companies who have failed miserably in the delivery of health care in this country.

So let us get together, let us work together and pass a piece of legislation that will help our seniors.

RURAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today to talk about rural America.

Sometimes I think it is the forgotten part of America. Having lived my entire life there, I think it is the heart and soul of America. In my view, it is the part of this country where basic values are still important, where people believe they work hard for a day's pay and they are willing to do their fair share, they do not want a free lunch.

But as we look at the history in the last 8 years, and we will start with agriculture, in the times of unparalleled prosperity, the finest economy America has ever had, agriculture is struggling to even exist.

Family farms are leaving all parts of America. In my part of Pennsylvania, we have been watching that and they grow up into rag weed and other weeds for a few years and then they become brush and then they grow back to forests.

How could agriculture not flourish when our economy is so strong? We have had a Clinton-Gore administration that has not kept their promise to American farmers. They promised to open world markets. We have unparalleled ability in this country to produce food and fiber. But without world markets, there is no place to sell their products.

Farm products have never been cheaper. Agriculture products have never been at a lower value. And it is almost impossible for so many of our farmers to pay the bills. So agriculture has had a bad 8 years during Clinton-Gore, and I do not think we can stand 8 more. We need a leader in this country that will open our markets and help agriculture to be profitable once again.

Energy, the issue that is in the pocketbooks of all Americans. We are going to have a winter this year where the poorest of Americans will pay in some places twice as much for their home heating fuel as they paid last year.

How did that happen? How did we go from $10 oil to $35 oil in less than 18 months? It is because this leadership of the Clinton-Gore administration had no energy policy. They were drunk on cheap oil. They paid no attention to the oil patches of this country and the other energy resources of this country, and they allowed them to slowly go out of business.

During this administration, our dependency has gone from 36 percent to 56 percent oil not from our friends, not from our neighbors in many cases, but from unstable parts of the world who care nothing about our economic future.

And today, the policies of this administration have put us in a position where we could be paying $45 for oil before the year is over. And we all know what that will do to home heating, cost of trucking, cost of driving our vehicles.

A lack of an energy policy of the Clinton-Gore administration has been devastating to rural America. Because not only do we consume it, that is where we produce it.

The timber industry. In the West, we have great softwoods. In the eastern part of the United States, we have the finest hardwoods forests in the world. My district has one of the finest hardwood forests in America. But again we have watched Clinton-Gore policies that have tried to stop all timbering on public lands.

Someone might say, well, that sounds good. But you know the Federal Government owns a third of America. When we add the State governments in, we are at about 44 or 45 percent of public ownership. And when we add local governments in, we are approaching half of America is owned by government.

So government policies from an administration have an awful lot to do with whether we practice good forestry and whether we are able to timber.

Timber is a natural resource and it is a resource that replenishes itself. You could have good forestry practice on the land forever and it will continue to grow fine quality timber that we use to build our homes, make our paper, and all the things we sort of take for granted.

□ 1730

I am told we are approaching 50 percent on the importation now of softwoods in this country because we have had a policy that opposes cutting timber.

Public land ownership I have talked about. When a huge part of a State and much of rural America, that is where they own, in rural America, when you have public policy changes, you have a huge impact on the rural economies; when you no longer allow grazing; when you no longer allow mining; when you no longer allow timbering. Much of our land was purchased with a promise that it would be multi-use, it would be for recreation, it would be for natural resource supply. Today, that promise has been broken.

While we own all this land, our National Park Service and our Forest Service facilities, our Bureau of Land Management facilities and our Fish and Wildlife Service facilities have never been in greater disrepair, because we are on a land-buying grab. We are in the process of buying land and not maintaining the land we have. Many of these things and many more are the reasons why rural America has not prospered under this administration, and it needs new leadership in Washington if it is to survive.

RECESS

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1850

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 6 o'clock and 50 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2941, LAS CIENEGAS NATIONAL CONSERVATION AREA ESTABLISHMENT ACT OF 1999

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–935) on the resolution (H. Res. 610) providing for consideration of the bill (H.R. 2941) to establish the Los Cienegas National Conservation Area in the State of Arizona, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 2311, RYAN WHITE CARE ACT AMENDMENTS OF 2000

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–936) on the resolution (H. Res. 611) providing for consideration of the Senate bill (S. 2311) to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HEFLEY (at the request of Mr. ARMEY) for today and October 5 on account of illness.

Mr. BACA (at the request of Mr. GEPHARDT) for today on account of a family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DIXON) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. CLAY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MASCARA, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

(The following Members (at the request of Mr. KUYKENDALL) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today and October 5.

Mr. PETERSON of Pennsylvania, for 5 minutes, today and October 5 and 6.

Mr. SMITH of Michigan, for 5 minutes, today and October 5, 10, and 11.

Mr. DUNCAN, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mrs. KELLY, for 5 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, today.

SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2440. An act to amend title 49, United States Code, to improve airport security; to the Committee on Transportation and Infrastructure.

S. Con. Res. 60. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who serve aboard her; to the Committee on Government Reform.

S. Con. Res. 70. Concurrent resolution requesting that the United States Postal Service issue a commemorative postage stamp honoring the national veterans service organizations of the United States; to the Committee on Government Reform.

S. Con. Res. 141. Concurrent resolution to authorize the printing of copies of the publication entitled "The United States Capitol" as a Senate document; to the Committee on House Administration.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of following title, which was thereupon signed by the Speaker.

H.R. 4365. An act to amend the Public Health Service Act with respect to children's health.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 302. An act for the relief of Kerantha Poole-Christian.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On October 3, 2000:

H.R. 4115. To authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes.

H.R. 3363. For the relief of Akal Security, Incorporated.

H.R. 4931. To provide for the training or orientation of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes.

H.R. 5193. To amend the National Housing Act to temporarily extend the applicability of the downpayment simplification provisions for the FHA single family housing mortgage insurance program.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Thursday, October 5, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10436. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's "Major" final rule—Fair Market Rents: Increased Fair Market Rents and Higher Payment Standards for Certain Areas [Docket No. FR 4606-1-01] (RIN: 2501-AC75) received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10437. A letter from the Executive Director, Emergency Oil and Gas Guaranteed Loan Board, transmitting the Board's final rule—Emergency Oil and Gas Guaranteed Loan Program; Financial Statements (RIN: 3003-ZA00) received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10438. A letter from the Executive Director, Emergency Steel Loan Guarantee Board, transmitting the Board's final rule—Emergency Steel Guarantee Loan Program; Participation in Unguaranteed Tranche (RIN: 3003–ZA00) received October 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10439. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans—North Carolina: Approval of Revisions to the North Carolina State Implementation Plan; Technical Correction [NC–087–9939; FRL–6881–1] received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10440. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised 15% Plan for Northern Virginia Portion of the Metropolitan Washington, D.C. Ozone Nonattainment Area [VA088–5051a; FRL–6880–8] received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10441. A letter from the Chief, Office of Plans and Policy, Federal Communications Commission, transmitting the Commission's final rule—Compatibility Between Cable Systems And Consumer Electrontics Equipment [PP Docket No. 00–67] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10442. A letter from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Domestic Licensing of Special Nuclear Material; Possession of a Critical Mass of Special Nuclear Material (RIN: 3150–AF22) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10443. A letter from the Director, International Cooperation, Office of the Under Secretary of Defense, Department of Defense, transmitting a copy of Transmittal No. 13–00 which constitutes a Request for Final Approval for the project arrangement with Australia concerning Advanced Armament Technologies ("Metal Storm Project"), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10444. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 113–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10445. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 117–00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10446. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 096–00], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10447. A letter from the Director, Federal Emergency Management Agency, transmitting the revised Strategic Plan FY 2000 Through FY 2006; to the Committee on Government Reform.

10448. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the Commercial Activities Inventory as required by the Federal Activities Inventory Reform Act of 1998 (the FAIR ACT); to the Committee on Government Reform.

10449. A letter from the Chairman, National Labor Relations Board, transmitting the Office of the Inspector General Fiscal Year 2000 A–76 Submission Annual Inventory Submission as required under the Federal Activities Inventory Reform Act of 1998; to the Committee on Government Reform.

10450. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the National Labor Relations Board's Strategic Plan for Fiscal Years 2000 through 2002; to the Committee on Government Reform.

10451. A letter from the Director, National Science Foundation, transmitting the Government Performance and Results Act Stategic Plan for FY 2001–2006; to the Committee on Government Reform.

10452. A letter from the Commissioner, Social Security Administration, transmitting a copy of the strategic plan entitled, "Mastering the Challenge"; to the Committee on Government Reform.

10453. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting the Department's final rule—Landing Requirements for Passengers Arriving From Cuba [INS No. 2045–00] (RIN: 1115–AF72) received October 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10454. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Agency, transmitting the Agency's final rule—Adjustment of Civil Penalties for Inflation Miscellaneous Administrative Changes (RIN: 3150–AG59) received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10455. A letter from the the Assistant Secretary of the Army, the Department of Defense, transmitting a notification from the Secretary of the Army supporting the authorization and, subject to the Sacramento Area Flood Control Agency adopting and enforcing measures which would preserve the project's level of flood protection, plans to implement the South Sacramento County Streams through the normal budget process; (H. Doc. No. 106—298); to the Committee on Transportation and Infrastructure and ordered to be printed.

10456. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Air Tour Operators in the State of Hawaii [Docket No. 27919; Special Federal Aviation Regulation (SFAR 71) (RIN: 2120–AG–44) received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10457. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Identification of Approved and Disapproved Elements of the Great Lakes Guidance Submission From the State of New York, and Final Rule [FRL–6881–9]—received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10458. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—amending the NASA Federal Acquisition Regulation Supplement (NFS) to conform to changes made in the Federal Acquisition Regulation (FAR) by Federal Acquisition Circular (FAC) 97–19 and make editorial corrections and miscellaneous changes dealing with NASA internal and administrative matters—received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10459. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Implemention of Public Law 105–33, Section 9302, Relating to the Imposition of Permit Requirements on the Manufacturer of Roll-Your-Own Tobacco (98R–370P) [T.D. ATF–429; Ref: T.D. ATF–424, T.D. ATF–424a, T.D. ATF–427 and Notice No. 889] (RIN: 1512–AB92) received October 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McCOLLUM: Committee on the Judiciary. H.R. 5136. A bill to make permanent the authority of the Marshal of the Supreme Court and the Supreme Court Police to provide security beyond the Supreme Court building and grounds (Rept. 106–931). Referred to the Committee of the Whole House on the State of the Union.

Mr. CANADY: Committee on the Judiciary. H.R. 5018. A bill to amend title 18, United States Code, to modify certain provisions of law relating to the interception of communications, and for other purposes; with an amendment (Rept. 106–932). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. House Resolutions 596. Resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes; with an amendment (Rept. 106–933). Referred to the House Calendar.

Mr. YOUNG OF Alaska: Committee on Resources. H.R. 2941. A bill to establish the Las Cienegas National Conservation Area in the State of Arizona; with an amendment (Rept. 106–934). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 610. Resolution providing for consideration of the bill (H.R. 2941) to establish the Las Cienegas National Conservation Area in the State of Arizona (Rept. 106–935). Referred to the House Calendar.

Mr. GOSS. Committee on Rules. House Resolution 611. Resolution providing for consideration of the bill (S. 2311) to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Services Act, to improve access to health care and the quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes (Rept. 106–936). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas:

H.R. 5377. A bill to amend the Immigration and Nationality Act to extend the limitation on waivers granted under section 212(h) of that Act to aliens unlawfully present in the United States; to the Committee on the Judiciary.

By Mr. SMITH of Texas:

H.R. 5378. A bill to amend the Immigration and Nationality Act to clarify the special rule relating to continuous residence or physical presence under section 240A(d) of that Act; to the Committee on the Judiciary.

By Mr. SMITH of Texas:

H.R. 5379. A bill to amend the Immigration and Nationality Act to clarify the provisions applicable to arrest, detention, and release of criminal aliens pending removal decisions; to the Committee on the Judiciary.

By Mr. HYDE (for himself, Mr. Conyers, Mr. Gekas, and Mr. Nadler):

H.R. 5380. A bill to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act; to the Committee on the Judiciary.

By Mr. FLETCHER (for himself, Mr. Ewing, Mr. Boucher, Mr. Whitfield, Mr. Lewis of Kentucky, and Mr. McIntyre):

H.R. 5381. A bill to provide for a more restrictive tariff-rate quota on imports of tobacco; to the Committee on Ways and Means.

By Mr. FLETCHER (for himself, Mr. Ewing, Mr. Boucher, Mr. Whitfield, Mr. Lewis of Kentucky, Mr. McIntyre, and Mr. Goode):

H.R. 5382. A bill to allow the Secretary of Agriculture to use existing authorities to provide export promotion assistance for tobacco and tobacco products of the United States; to the Committee on Agriculture.

By Mr. BARRETT of Nebraska:

H.R. 5383. A bill to amend the child and adult care food program under the Richard B. Russell National School Lunch Act to provide alternative reimbursement rates under that program for family or group day care homes located in less populous areas; to the Committee on Education and the Workforce.

By Mr. BOEHLERT (for himself and Mr. Lazio):

H.R. 5384. A bill to establish a pilot program to encourage the use of alternative fuel vehicles in public transportation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COBURN (for himself, Mr. Armey, Mr. DeLay, Mr. Watts of Oklahoma, Mr. Smith of New Jersey, Mr. Oberstar, Mr. Stupak, Mrs. Myrick, Mr. Rahall, Mr. Aderholt, Mr. Baker, Mr. Shimkus, Mrs. Emerson, Mr. Schaffer, Mr. DeMint, Mr. Doolittle, Mr. Wamp, Mr. Istook, Mr. Hilleary, Mr. Burr of North Carolina, Mr. Tancredo, Mr. Vitter, Mr. Pickering, Mr. English, Mr. Hayes, Mr. Peterson of Pennsylvania, Mr. Barr of Georgia, Mr. Pitts, Mr. Dickey, Mr. Hostettler, Mr. Hoekstra, Mr. Largent, Mr. Souder, Mr. Tiahrt, Mr. Hayworth, Mrs. Chenoweth-Hage, Mr. Sam Johnson of Texas, Mr. Goode, Mr. Ryun of Kansas, Mr. Bartlett of Maryland, Mr. Green of Wisconsin, Mr. Jones of North Carolina, Mr. Manzullo, and Mr. Shadegg):

H.R. 5385. A bill to require the Food and Drug Administration to establish restrictions regarding the qualifications of physicians to prescribe the abortion drug commonly known as RU–486; to the Committee on Commerce.

By Mr. ISAKSON (for himself, Mr. Tanner, Mr. Norwood, and Mr. Kingston):

H.R. 5386. A bill to amend the Internal Revenue Code of 1986 to provide economic relief to farmers and ranchers, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Michigan:

H.R. 5387. A bill to provide a transition for railroad workers to the Social Security Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. Saxton, Mr. Bliley, Mr. Boucher, Mr. Davis of Virginia, Mr. Goode, Mr. Goodlatte, Mr. Moran of

Virginia, Mr. PICKETT, Mr. SCOTT, Mr. SISISKY, and Mr. WOLF):

H.R. 5388. A bill to designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, as the "Herbert H. Bateman Educational and Administrative Center" to the Committee on Resources.

By Mr. HUNTER (for himself, Mr. BILBRAY, Mr. CUNNINGHAM, Mr. PACKARD, and Mr. FILNER):

H. Con. Res. 417. Concurrent resolution expressing the strong support of Congress that the Federal Energy Regulatory Commission execute its fundamental responsibility to reform the unjust and unreasonable electric power rates in California immediately; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 515: Mr. FARR of California.

H.R. 595: Mr. ANDREWS.

H.R. 842: Mr. COYNE.

H.R. 919: Ms. NORTON, Ms. SCHAKOWSKY, and Mr. WELDON of Pennsylvania.

H.R. 1228: Mr. DEUTSCH.

H.R. 1271: Mr. BACA, Mr. OBERSTAR, and Mr. TIERNEY.

H.R. 1929: Mr. HOLT.

H.R. 2200: Mr. LAZIO.

H.R. 2631: Mr. DIAZ-BALART.

H.R. 2720: Mr. HASTINGS of Florida.

H.R. 2774: Mr. SANDERS.

H.R. 2892: Ms. CARSON.

H.R. 3192: Ms. WATERS.

H.R. 3677: Mr. HALL of Texas.

H.R. 3766: Ms. WATERS.

H.R. 4003: Mr. WALDEN of Oregon.

H.R. 4274: Mr. PASTOR, Mrs. TAUSCHER, Ms. SLAUGHTER, Mr. BARCIA, and Mr. BECERRA.

H.R. 4277: Mr. WATKINS and Mr. SHERMAN.

H.R. 4279: Mr. WALDEN of Oregon.

H.R. 4308: Mr. ROTHMAN.

H.R. 4330: Ms. CARSON

H.R. 4393: Mr. BENTSEN.

H.R. 4395: Mr. ISAKSON.

H.R. 4594: Ms. WOOLSEY and Mr. BENTSEN.

H.R. 4728: Mr. SMITH of Texas and Mr. HOBSON.

H.R. 4740: Mr. PASCRELL, Mr. HOLDEN, and Ms. KILPATRICK.

H.R. 4750: Ms. WOOLSEY.

H.R. 4780: Mr. SIMPSON and Mr. HASTINGS of Washington.

H.R. 5005: Mr. SAXTON.

H.R. 5068: Mr. YOUNG of Florida.

H.R. 5146: Mr. GOODLATTE.

H.R. 5158: Ms. JACKSON-LEE of Texas

H.R. 5179: Mr. BONIOR and Ms. ROYBAL-ALLARD.

H.R. 5180: Mr. RAMSTAD.

H.R. 5186: Mr. BOSWELL.

H.R. 5194: Mrs. MALONEY of New York.

H.R. 5200: Mr. KINGSTON, Mr. PITTS, and Mr. HASTINGS of Washington.

H.R. 5219: Mr. BONIOR, Mrs. CHRISTENSEN, Mr. HOUGHTON, Mr. MCGOVERN, and Mr. RAHALL.

H.R. 5220: Mr. HALL of Texas.

H.R. 5222: Mr. THOMPSON of California.

H.R. 5242: Mr. HINCHEY, Mr. QUINN, Mr. OWENS, Ms. VELÁZQUEZ, and Mr. LAFALCE.

H.R. 5271: Mr. GREEN of Texas and Mr. DOOLEY of California.

H.R. 5344: Mr. PITTS.

H.R. 5365: Mr. OXLEY, Mr. FOSSELLA, Ms. MCCARTHY of Missouri, and Mr. KIND.

H.R. 5375: Mr. LAFALCE and Mr. MCNULTY.

H. Con. Res. 62: Mr. ROGAN.

H. Con. Res. 337: Mrs. TAUSCHER.

H. Con. Res. 377: Mrs. MALONEY of New York, Mr. MCGOVERN, and Ms. SCHAKOWSKY.

H. Con. Res. 412: Mr. SHAYS.

H. Con. Res. 413: Mr. STEARNS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2941

OFFERED BY: MR. HANSEN

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following new text:

SECTION 1. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) CONSERVATION AREA.—The term "Conservation Area" means the Las Cienegas National Conservation Area established by section 4(a).

(2) ACQUISITION PLANNING DISTRICT.—The term "Acquisition Planning District" means the Sonoita Valley Acquisition Planning District established by section 2(a).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Conservation Area.

(4) PUBLIC LANDS.—The term "public lands" has the meaning given the term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)), except that such term shall not include interest in lands not owned by the United States.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 2. ESTABLISHMENT OF THE SONOITA VALLEY ACQUISITION PLANNING DISTRICT.

(a) IN GENERAL.—In order to provide for future acquisitions of important conservation land within the Sonoita Valley region of the State of Arizona, there is hereby established the Sonoita Valley Acquisition Planning District.

(b) AREAS INCLUDED.—The Acquisition Planning District shall consist of approximately 142,800 acres of land in the Arizona counties of Pima and Santa Cruz, including the Conservation Area, as generally depicted on the map entitled "Sonoita Valley Acquisition Planning District and Las Cienegas National Conservation Area" and dated October 2, 2000.

(c) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Acquisition Planning District. In case of a conflict between the map referred to in subsection (b) and the map and legal description submitted by the Secretary, the map referred to in subsection (b) shall control. The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, and in the appropriate office of the Bureau of Land Management in Arizona.

SEC. 3. PURPOSES OF THE ACQUISITION PLANNING DISTRICT.

(a) IN GENERAL.—The Secretary shall negotiate with land owners for the acquisition of lands and interest in lands suitable for Conservation Area expansion that meet the purposes described in section 4(a). The Secretary shall only acquire property under this Act pursuant to section 7.

(b) FEDERAL LANDS.—The Secretary, through the Bureau of Land Management, shall administer the public lands within the Acquisition Planning District pursuant to this Act and the applicable provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), subject to valid existing rights, and in accordance with the management plan. Such public lands shall become part of the Conservation Area when they become contiguous with the Conservation Area.

(c) FISH AND WILDLIFE.—Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Arizona with respect to fish and wildlife within the Acquisition Planning District.

(d) PROTECTION OF STATE AND PRIVATE LANDS AND INTERESTS.—Nothing in this Act shall be construed as affecting any property rights or management authority with regard to any lands or interest in lands held by the State of Arizona, any political subdivision of the State of Arizona, or any private property rights within the boundaries of the Acquisition Planning District.

(e) PUBLIC LANDS.—Nothing in this Act shall be construed as in any way diminishing the Secretary's or the Bureau of Land Management's authorities, rights, or responsibilities for managing the public lands within the Acquisition Planning District.

(f) COORDINATED MANAGEMENT.—The Secretary shall coordinate the management of the public lands within the Acquisition Planning District with that of surrounding county, State, and private lands consistent with the provisions of subsection (d).

SEC. 4. ESTABLISHMENT OF THE LAS CIENEGAS NATIONAL CONSERVATION AREA.

(a) IN GENERAL.—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important aquatic, wildlife, vegetative, archaeological, paleontological, scientific, cave, cultural, historical, recreational, educational, scenic, rangeland, and riparian resources and values of the public lands described in subsection (b) while allowing livestock grazing and recreation to continue in appropriate areas, there is hereby established the Las Cienegas National Conservation Area in the State of Arizona.

(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 42,000 acres of public lands in the Arizona counties of Pima and Santa Cruz, as generally depicted on the map entitled "Sonoita Valley Acquisition Planning District and Las Cienegas National Conservation Area" and dated October 2, 2000.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area. In case of a conflict between the map referred to in subsection (b) and the map and legal description submitted by the Secretary, the map referred to in subsection (b) shall control. The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, and in the appropriate office of the Bureau of Land Management in Arizona.

(d) Forest Lands.—Any lands included in the Coronado National Forest that are located within the boundaries of the Conservation Area shall be considered to be a part of the Conservation Area. The Secretary of Agriculture shall revise the boundaries of the Coronado National Forest to reflect the exclusion of such lands from the Coronado National Forest.

SEC. 5. MANAGEMENT OF THE LAS CIENEGAS NATIONAL CONSERVATION AREA.

(a) In General.—The Secretary shall manage the Conservation Area in a manner that conserves, protects, and enhances its resources and values, including the resources and values specified in section 4(a), pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this Act.

(b) Uses.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established as set forth in section 4(a).

(c) Grazing.—The Secretary of the Interior shall permit grazing subject to all applicable laws, regulations, and Executive Orders consistent with the purposes of this Act.

(d) Motorized Vehicles.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles on public lands in the Conservation Area shall be allowed only—

(1) before the effective date of a management plan prepared pursuant to section 6, on roads and trails designated for use of motorized vehicles in the management plan that applies on the date of the enactment of this Act; and

(2) after the effective date of a management plan prepared pursuant to section 6, on roads and trails designated for use of motor vehicles in that management plan.

(e) Military Airspace.—Prior to the date of the enactment of this Act the Federal Aviation Administration approved restricted military airspace (Areas 2303A and 2303B) which covers portions of the Conservation Area. Designation of the Conservation Area shall not impact or impose any altitude, flight, or other airspace restrictions on current or future military operations or missions. Should the military require additional or modified airspace in the future, the Congress does not intend for the designation of the Conservation Area to impede the military from petitioning the Federal Aviation Administration to change or expand existing restricted military airspace.

(f) Access to State and Private Lands.—Nothing in this Act shall affect valid existing rights-of-way within the Conservation Area. The Secretary shall provide reasonable access to nonfederally owned lands or interest in lands within the boundaries of the Conservation Area.

(g) Hunting.—Hunting shall be allowed within the Conservation Area in accordance with applicable laws and regulations of the United States and the State of Arizona, except that the Secretary, after consultation with the Arizona State wildlife management agency, may issue regulations designating zones where and establishing periods when no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(h) Preventative Measures.—Nothing in this Act shall preclude such measures as the Secretary determines necessary to prevent devastating fire or infestation of insects or disease within the Conservation Area.

(i) No Buffer Zones.—The establishment of the Conservation Area shall not lead to the creation of protective perimeters or buffer zones around the Conservation Area. The fact that there may be activities or uses on lands outside the Conservation Area that would not be permitted in the Conservation Area shall not preclude such activities or uses on such lands up to the boundary of the Conservation Area consistent with other applicable laws.

(j) Withdrawals.—Subject to valid existing rights all Federal lands within the Conservation Area and all lands and interest therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws and from location, entry, and patent under the mining laws, and from operation of the mineral leasing and geothermal leasing laws and all amendments thereto.

SEC. 6. MANAGEMENT PLAN.

(a) Plan Required.—Not later than 2 years after the date of the enactment of this Act, the Secretary, through the Bureau of Land Management, shall develop and begin to implement a comprehensive management plan for the long-term management of the public lands within the Conservation Area in order to fulfill the purposes for which it is established, as set forth in section 4(a). Consistent with the provisions of this Act, the management plan shall be developed—

(1) in consultation with appropriate departments of the State of Arizona, including wildlife and land management agencies, with full public participation;

(2) from the draft Empire-Cienega Ecosystem Management Plan/EIS, dated October 2000, as it applies to Federal lands or lands with conservation easements; and

(3) in accordance with the resource goals and objectives developed through the Sonoita Valley Planning Partnership process as incorporated in the draft Empire-Cienega Ecosystem Management Plan/EIS, dated October 2000, giving full consideration to the management alternative preferred by the Sonoita Valley Planning Partnership, as it applies to Federal lands or lands with conservation easements.

(b) Contents.—The management plan shall include—

(1) provisions designed to ensure the protection of the resources and values described in section 4(a);

(2) an implementation plan for a continuing program of interpretation and public education about the resources and values of the Conservation Area;

(3) a proposal for minimal administrative and public facilities to be developed or improved at a level compatible with achieving the resource objectives for the Conservation Area and with the other proposed management activities to accommodate visitors to the Conservation Area;

(4) cultural resources management strategies for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona, with emphasis on the preservation of the resources of the Conservation Area and the interpretive, educational, and long-term scientific uses of these resources, giving priority to the enforcement of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Conservation Area;

(5) wildlife management strategies for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona and using previous studies of the Conservation Area;

(6) production livestock grazing management strategies, prepared in consultation with appropriate departments of the State of Arizona;

(7) provisions designed to ensure the protection of environmentally sustainable livestock use on appropriate lands within the Conservation Area;

(8) recreation management strategies, including motorized and nonmotorized dispersed recreation opportunities for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona;

(9) cave resources management strategies prepared in compliance with the goals and objectives of the Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 et seq.); and

(10) provisions designed to ensure that if a road or trail located on public lands within the Conservation Area, or any portion of such a road or trail, is removed, consideration shall be given to providing similar alternative access to the portion of the Conservation Area serviced by such removed road or trail.-

(c) Cooperative Agreements.—In order to better implement the management plan, the Secretary may enter into cooperative agreements with appropriate Federal, State, and local agencies pursuant to section 307(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(b)).

(d) Research Activities.—In order to assist in the development and implementation of the management plan, the Secretary may authorize appropriate research, including research concerning the environmental, biological, hydrological, cultural, agricultural, recreational, and other characteristics, resources, and values of the Conservation Area, pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)).

SEC. 7. LAND ACQUISITION.

(a) In General.—

(1) Priority to conservation easements.—In acquiring lands or interest in lands under this section, the Secretary shall give priority to such acquisitions in the form of conservation easements.

(2) Private lands.—The Secretary is authorized to acquire privately held lands or interest in lands within the boundaries of the Acquisition Planning District only from a willing seller through donation, exchange, or purchase.

(3) County lands.—The Secretary is authorized to acquire county lands or interest in lands within the boundaries of the Acquisition Planning District only with the consent of the county through donation, exchange, or purchase.

(4) State lands.—

(A) In general.—The Secretary is authorized to acquire lands or interest in lands owned by the State of Arizona located within the boundaries of the Acquisition Planning District only with the consent of the State and in accordance with State law, by donation, exchange, purchase, or eminent domain.

(B) Sunset of authority to acquire by eminent domain.—The authority to acquire State lands under subparagraph (A) shall expire 10 years after the date of the enactment of this Act.

(C) Consideration.—As consideration for the acquisitions by the United States of lands or interest in lands under this paragraph, the Secretary shall pay fair market value for such lands or shall convey to the

State of Arizona all or some interest in Federal lands (including buildings and other improvements on such lands or other Federal property other than real property) or any other asset of equal value within the State of Arizona.

(D) TRANSFER OF JURISDICTION.—All Federal agencies are authorized to transfer jurisdiction of Federal lands or interest in lands (including buildings and other improvements on such lands or other Federal property other than real property) or any other asset within the State of Arizona to the Bureau of Land Management for the purpose of acquiring lands or interest in lands as provided for in this paragraph.

(b) MANAGEMENT OF ACQUIRED LANDS.—Lands acquired under this section shall, upon acquisition, become part of the Conservation Area and shall be administered as part of the Conservation Area. These lands shall be managed in accordance with this Act, other applicable laws, and the management plan.

SEC. 8. REPORTS TO CONGRESS.

(a) PROTECTION OF CERTAIN LANDS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the most effective measures to protect the lands north of the Acquisition Planning District within the Rincon Valley, Colossal Cave area, and Agua Verde Creek corridor north of Interstate 10 to provide an ecological link to Saguaro National Park and the Rincon Mountains and contribute to local government conservation priorities.

(b) IMPLEMENTATION OF THIS ACT.—Not later than 5 years after the date of the enactment of this Act, and at least at the end of every 10-year period thereafter, the Secretary shall submit to Congress a report describing the implementation of this Act, the condition of the resources and values of the Conservation Area, and the progress of the Secretary in achieving the purposes for which the Conservation Area is established as set forth in section 4(a).

S. 2311

OFFERED BY: MR. BLILEY

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ryan White CARE Act Amendments of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES

Subtitle A—HIV Health Services Planning Councils

Sec. 101. Membership of councils.
Sec. 102. Duties of councils.
Sec. 103. Open meetings; other additional provisions.

Subtitle B—Type and Distribution of Grants

Sec. 111. Formula grants.
Sec. 112. Supplemental grants.

Subtitle C—Other Provisions

Sec. 121. Use of amounts.
Sec. 122. Application.

TITLE II—CARE GRANT PROGRAM

Subtitle A—General Grant Provisions

Sec. 201. Priority for women, infants, and children.
Sec. 202. Use of grants.
Sec. 203. Grants to establish HIV care consortia.
Sec. 204. Provision of treatments.
Sec. 205. State application.
Sec. 206. Distribution of funds.
Sec. 207. Supplemental grants for certain States.

Subtitle B—Provisions Concerning Pregnancy and Perinatal Transmission of HIV

Sec. 211. Repeals.
Sec. 212. Grants.
Sec. 213. Study by Institute of Medicine.

Subtitle C—Certain Partner Notification Programs

Sec. 221. Grants for compliant partner notification programs.

TITLE III—EARLY INTERVENTION SERVICES

Subtitle A—Formula Grants for States

Sec. 301. Repeal of program.

Subtitle B—Categorical Grants

Sec. 311. Preferences in making grants.
Sec. 312. Planning and development grants.
Sec. 313. Authorization of appropriations.

Subtitle C—General Provisions

Sec. 321. Provision of certain counseling services.
Sec. 322. Additional required agreements.

TITLE IV—OTHER PROGRAMS AND ACTIVITIES

Subtitle A—Certain Programs for Research, Demonstrations, or Training

Sec. 401. Grants for coordinated services and access to research for women, infants, children, and youth.
Sec. 402. AIDS education and training centers.

Subtitle B—General Provisions in Title XXVI

Sec. 411. Evaluations and reports.
Sec. 412. Data collection through Centers for Disease Control and Prevention.
Sec. 413. Coordination.
Sec. 414. Plan regarding release of prisoners with HIV disease.
Sec. 415. Audits.
Sec. 416. Administrative simplification.
Sec. 417. Authorization of appropriations for parts A and B.

TITLE V—GENERAL PROVISIONS

Sec. 501. Studies by Institute of Medicine.
Sec. 502. Development of rapid HIV test.
Sec. 503. Technical corrections.

TITLE VI—EFFECTIVE DATE

Sec. 601. Effective date.

TITLE I—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES

Subtitle A—HIV Health Services Planning Councils

SEC. 101. MEMBERSHIP OF COUNCILS.

(a) IN GENERAL.—Section 2602(b) of the Public Health Service Act (42 U.S.C. 300ff-12(b)) is amended—

(1) in paragraph (1), by striking "demographics of the epidemic in the eligible area involved," and inserting "demographics of the population of individuals with HIV disease in the eligible area involved,"; and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting before the semicolon the following: ", including providers of housing and homeless services";

(B) in subparagraph (G), by striking "or AIDS";

(C) in subparagraph (K), by striking "and" at the end;

(D) in subparagraph (L), by striking the period and inserting the following: ", including but not limited to providers of HIV prevention services; and"; and

(E) by adding at the end the following subparagraph:

"(M) representatives of individuals who formerly were Federal, State, or local prisoners, were released from the custody of the penal system during the preceding 3 years, and had HIV disease as of the date on which the individuals were so released.".

(b) CONFLICTS OF INTERESTS.—Section 2602(b)(5) of the Public Health Service Act (42 U.S.C. 300ff-12(b)(5)) is amended by adding at the end the following subparagraph:

"(C) COMPOSITION OF COUNCIL.—The following applies regarding the membership of a planning council under paragraph (1):

"(i) Not less than 33 percent of the council shall be individuals who are receiving HIV-related services pursuant to a grant under section 2601(a), are not officers, employees, or consultants to any entity that receives amounts from such a grant, and do not represent any such entity, and reflect the demographics of the population of individuals with HIV disease as determined under paragraph (4)(A). For purposes of the preceding sentence, an individual shall be considered to be receiving such services if the individual is a parent of, or a caregiver for, a minor child who is receiving such services.

"(ii) With respect to membership on the planning council, clause (i) may not be construed as having any effect on entities that receive funds from grants under any of parts B through F but do not receive funds from grants under section 2601(a), on officers or employees of such entities, or on individuals who represent such entities.".

SEC. 102. DUTIES OF COUNCILS.

(a) IN GENERAL.—Section 2602(b)(4) of the Public Health Service Act (42 U.S.C. 300ff-12(b)(4)) is amended—

(1) by redesignating subparagraphs (A) through (E) as subparagraphs (C) through (G), respectively;

(2) by inserting before subparagraph (C) (as so redesignated) the following subparagraphs:

"(A) determine the size and demographics of the population of individuals with HIV disease;

"(B) determine the needs of such population, with particular attention to—

"(i) individuals with HIV disease who know their HIV status and are not receiving HIV-related services; and

"(ii) disparities in access and services among affected subpopulations and historically underserved communities;";

(3) in subparagraph (C) (as so redesignated), by striking clauses (i) through (iv) and inserting the following:

"(i) size and demographics of the population of individuals with HIV disease (as determined under subparagraph (A)) and the needs of such population (as determined under subparagraph (B));

"(ii) demonstrated (or probable) cost effectiveness and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available;

"(iii) priorities of the communities with HIV disease for whom the services are intended;

"(iv) coordination in the provision of services to such individuals with programs for HIV prevention and for the prevention and treatment of substance abuse, including programs that provide comprehensive treatment for such abuse;

"(v) availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease; and

"(vi) capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities;";

(4) in subparagraph (D) (as so redesignated), by amending the subparagraph to read as follows:

"(D) develop a comprehensive plan for the organization and delivery of health and support services described in section 2604 that—

"(i) includes a strategy for identifying individuals who know their HIV status and are not receiving such services and for informing the individuals of and enabling the individuals to utilize the services, giving particular attention to eliminating disparities in access and services among affected subpopulations and historically underserved communities, and including discrete goals, a timetable, and an appropriate allocation of funds;

"(ii) includes a strategy to coordinate the provision of such services with programs for HIV prevention (including outreach and early intervention) and for the prevention and treatment of substance abuse (including programs that provide comprehensive treatment services for such abuse); and

"(iii) is compatible with any State or local plan for the provision of services to individuals with HIV disease;";

(5) in subparagraph (F) (as so redesignated), by striking "and" at the end;

(6) in subparagraph (G) (as so redesignated)—

(A) by striking "public meetings," and inserting "public meetings (in accordance with paragraph (7)),"; and

(B) by striking the period and inserting "; and"; and

(7) by adding at the end the following subparagraph:

"(H) coordinate with Federal grantees that provide HIV-related services within the eligible area.".

(b) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—Section 2602 of the Public Health Service Act (42 U.S.C. 300ff-12) is amended by adding at the end the following subsection:

"(d) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—Promptly after the date of the submission of the report required in section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease), the Secretary, in consultation with planning councils and entities that receive amounts from grants under section 2601(a) or 2611, shall develop epidemiologic measures—

"(1) for establishing the number of individuals living with HIV disease who are not receiving HIV-related health services; and

"(2) for carrying out the duties under subsection (b)(4) and section 2617(b).".

(c) TRAINING.—Section 2602 of the Public Health Service Act (42 U.S.C. 300ff-12), as amended by subsection (b) of this section, is amended by adding at the end the following subsection:

"(e) TRAINING GUIDANCE AND MATERIALS.—The Secretary shall provide to each chief elected official receiving a grant under 2601(a) guidelines and materials for training members of the planning council under paragraph (1) regarding the duties of the council.".

(d) CONFORMING AMENDMENT.—Section 2603(c) of the Public Health Service Act (42 U.S.C. 300ff-12(b)) is amended by striking "section 2602(b)(3)(A)" and inserting "section 2602(b)(4)(C)".

SEC. 103. OPEN MEETINGS; OTHER ADDITIONAL PROVISIONS.

Section 2602(b) of the Public Health Service Act (42 U.S.C. 300ff-12(b)) is amended—

(1) in paragraph (3), by striking subparagraph (C); and

(2) by adding at the end the following paragraph:

"(7) PUBLIC DELIBERATIONS.—With respect to a planning council under paragraph (1), the following applies:

"(A) The council may not be chaired solely by an employee of the grantee under section 2601(a).

"(B) In accordance with criteria established by the Secretary:

"(i) The meetings of the council shall be open to the public and shall be held only after adequate notice to the public.

"(ii) The records, reports, transcripts, minutes, agenda, or other documents which were made available to or prepared for or by the council shall be available for public inspection and copying at a single location.

"(iii) Detailed minutes of each meeting of the council shall be kept. The accuracy of all minutes shall be certified to by the chair of the council.

"(iv) This subparagraph does not apply to any disclosure of information of a personal nature that would constitute a clearly unwarranted invasion of personal privacy, including any disclosure of medical information or personnel matters.".

Subtitle B—Type and Distribution of Grants

SEC. 111. FORMULA GRANTS.

(a) EXPEDITED DISTRIBUTION.—Section 2603(a)(2) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(2)) is amended in the first sentence by striking "for each of the fiscal years 1996 through 2000" and inserting "for a fiscal year".

(b) AMOUNT OF GRANT; ESTIMATE OF LIVING CASES.—

(1) IN GENERAL.—Section 2603(a)(3)) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(3)) is amended—

(A) in subparagraph (C)(i), by inserting before the semicolon the following: ", except that (subject to subparagraph (D)), for grants made pursuant to this paragraph for fiscal year 2005 and subsequent fiscal years, the cases counted for each 12-month period beginning on or after July 1, 2004, shall be cases of HIV disease (as reported to and confirmed by such Director) rather than cases of acquired immune deficiency syndrome"; and

(B) in subparagraph (C), in the matter after and below clause (ii)(X)—

(i) in the first sentence, by inserting before the period the following: ", and shall be reported to the congressional committees of jurisdiction"; and

(ii) by adding at the end the following sentence: "Updates shall as applicable take into account the counting of cases of HIV disease pursuant to clause (i).".

(2) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—Section 2603(a)(3)) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(3)) is amended—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following subparagraph:

"(D) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—

"(i) IN GENERAL.—Not later than July 1, 2004, the Secretary shall determine whether there is data on cases of HIV disease from all eligible areas (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) sufficiently accurate and reliable for use for purposes of subparagraph (C)(i). In making such a determination, the Secretary shall take into consideration the findings of the study under section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease).

"(ii) EFFECT OF ADVERSE DETERMINATION.—If under clause (i) the Secretary determines that data on cases of HIV disease is not sufficiently accurate and reliable for use for purposes of subparagraph (C)(i), then notwithstanding such subparagraph, for any fiscal year prior to fiscal year 2007 the references in such subparagraph to cases of HIV disease do not have any legal effect.

"(iii) GRANTS AND TECHNICAL ASSISTANCE REGARDING COUNTING OF HIV CASES.—Of the amounts appropriated under section 318B for a fiscal year, the Secretary shall reserve amounts to make grants and provide technical assistance to States and eligible areas with respect to obtaining data on cases of HIV disease to ensure that data on such cases is available from all States and eligible areas as soon as is practicable but not later than the beginning of fiscal year 2007.".

(c) INCREASES IN GRANT.—Section 2603(a)(4)) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(4)) is amended to read as follows:

"(4) INCREASES IN GRANT.—

"(A) IN GENERAL.—For each fiscal year in a protection period for an eligible area, the Secretary shall increase the amount of the grant made pursuant to paragraph (2) for the area to ensure that—

"(i) for the first fiscal year in the protection period, the grant is not less than 98 percent of the amount of the grant made for the eligible area pursuant to such paragraph for the base year for the protection period;

"(ii) for any second fiscal year in such period, the grant is not less than 95 percent of the amount of such base year grant;

"(iii) for any third fiscal year in such period, the grant is not less than 92 percent of the amount of the base year grant;

"(iv) for any fourth fiscal year in such period, the grant is not less than 89 percent of the amount of the base year grant; and

"(v) for any fifth or subsequent fiscal year in such period, if, pursuant to paragraph (3)(D)(ii)), the references in paragraph (3)(C)(i) to HIV disease do not have any legal effect, the grant is not less than 85 percent of the amount of the base year grant.

"(B) SPECIAL RULE.—If for fiscal year 2005, pursuant to paragraph (3)(D)(ii), data on cases of HIV disease are used for purposes of paragraph (3)(C)(i), the Secretary shall increase the amount of a grant made pursuant to paragraph (2) for an eligible area to ensure that the grant is not less than 98 percent of the amount of the grant made for the area in fiscal year 2004.

"(C) BASE YEAR; PROTECTION PERIOD.—With respect to grants made pursuant to paragraph (2) for an eligible area:

"(i) The base year for a protection period is the fiscal year preceding the trigger grant-reduction year.

"(ii) The first trigger grant-reduction year is the first fiscal year (after fiscal year 2000) for which the grant for the area is less than the grant for the area for the preceding fiscal year.

"(iii) A protection period begins with the trigger grant-reduction year and continues until the beginning of the first fiscal year for which the amount of the grant determined pursuant to paragraph (2) for the area equals or exceeds the amount of the grant determined under subparagraph (A).

"(iv) Any subsequent trigger grant-reduction year is the first fiscal year, after the end of the preceding protection period, for which the amount of the grant is less than the amount of the grant for the preceding fiscal year.".

SEC. 112. SUPPLEMENTAL GRANTS.

(a) In General.—Section 2603(b)(2) of the Public Health Service Act (42 U.S.C. 300ff-13(b)(2)) is amended—

(1) in the heading for the paragraph, by striking "Definition" and inserting "Amount of grant";

(2) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively;

(3) by inserting before subparagraph (B) (as so redesignated) the following subparagraph:

"(A) In general.—The amount of each grant made for purposes of this subsection shall be determined by the Secretary based on a weighting of factors under paragraph (1), with severe need under subparagraph (B) of such paragraph counting one-third.";

(4) in subparagraph (B) (as so redesignated)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period and inserting a semicolon; and

(C) by adding at the end the following clauses:

"(iv) the current prevalence of HIV disease;

"(v) an increasing need for HIV-related services, including relative rates of increase in the number of cases of HIV disease; and

"(vi) unmet need for such services, as determined under section 2602(b)(4).";

(5) in subparagraph (C) (as so redesignated)—

(A) by striking "subparagraph (A)" each place such term appears and inserting "subparagraph (B)";

(B) in the second sentence, by striking "2 years after the date of enactment of this paragraph" and inserting "18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000"; and

(C) by inserting after the second sentence the following sentence: "Such a mechanism shall be modified to reflect the findings of the study under section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease)."; and

(6) in subparagraph (D) (as so redesignated), by striking "subparagraph (B)" and inserting "subparagraph (C)".

(b) Requirements for Application.—Section 2603(b)(1)(E) of the Public Health Service Act (42 U.S.C. 300ff-13(b)(1)(E)) is amended by inserting "youth," after "children,".

(c) Technical and Conforming Amendment.—Section 2603(b) of the Public Health Service Act (42 U.S.C. 300ff-13(b)) is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraph (5) as paragraph (4); and

(3) in paragraph (4) (as so redesignated), in subparagraph (B), by striking "grants" and inserting "grant".

Subtitle C—Other Provisions

SEC. 121. USE OF AMOUNTS.

(a) Primary Purposes.—Section 2604(b)(1) of the Public Health Service Act (42 U.S.C. 300ff-14(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "HIV-related—" and inserting "HIV-related services, as follows:";

(2) in subparagraph (A)—

(A) by striking "outpatient" and all that follows through "substance abuse treatment and" and inserting the following: "Outpatient and ambulatory health services, including substance abuse treatment,"; and

(B) by striking "; and" and inserting a period;

(3) in subparagraph (B), by striking "(B) inpatient case management" and inserting "(C) Inpatient case management";

(4) by inserting after subparagraph (A) the following subparagraph:

"(B) Outpatient and ambulatory support services (including case management), to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease."; and

(5) by adding at the end the following:

"(D) Outreach activities that are intended to identify individuals with HIV disease who know their HIV status and are not receiving HIV-related services, and that are—

"(i) necessary to implement the strategy under section 2602(b)(4)(D), including activities facilitating the access of such individuals to HIV-related primary care services at entities described in paragraph (3)(A);

"(ii) conducted in a manner consistent with the requirements under sections 2605(a)(3) and 2651(b)(2); and

"(iii) supplement, and do not supplant, such activities that are carried out with amounts appropriated under section 317.".

(b) Early Intervention Services.—Section 2604(b) (42 U.S.C. 300ff-14(b)) of the Public Health Service Act is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) Early intervention services.—

"(A) In general.—The purposes for which a grant under section 2601 may be used include providing to individuals with HIV disease early intervention services described in section 2651(b)(2), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV disease counseling and testing sites, health care points of entry specified by eligible areas, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

"(B) Conditions.—With respect to an entity that proposes to provide early intervention services under subparagraph (A), such subparagraph applies only if the entity demonstrates to the satisfaction of the chief elected official for the eligible area involved that—

"(i) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

"(ii) the entity will expend funds pursuant to such subparagraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.".

(c) Priority for Women, Infants, and Children.—Section 2604(b) (42 U.S.C. 300ff-14(b)) of the Public Health Service Act is amended in paragraph (4) (as redesignated by subsection (b)(1) of this section) by amending the paragraph to read as follows:

"(4) Priority for women, infants and children.—

"(A) In general.—For the purpose of providing health and support services to infants, children, youth, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, the chief elected official of an eligible area, in accordance with the established priorities of the planning council, shall for each of such populations in the eligible area use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in such area) with acquired immune deficiency syndrome to the general population in such area of individuals with such syndrome.

"(B) Waiver.—With respect the population involved, the Secretary may provide to the chief elected official of an eligible area a waiver of the requirement of subparagraph (A) if such official demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.".

(d) Quality Management.—Section 2604 of the Public Health Service Act (42 U.S.C. 300ff-14) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) Quality Management.—

"(1) Requirement.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

"(2) Use of funds.—From amounts received under a grant awarded under this part for a fiscal year, the chief elected official of an eligible area may (in addition to amounts to which subsection (f)(1) applies) use for activities associated with the quality management program required in paragraph (1) not more than the lesser of—

"(A) 5 percent of amounts received under the grant; or

"(B) $3,000,000.".

SEC. 122. APPLICATION.

(a) In General.—Section 2605(a) of the Public Health Service Act (42 U.S.C. 300ff-15(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (2) the following paragraphs:

"(3) that entities within the eligible area that receive funds under a grant under this part will maintain appropriate relationships with entities in the eligible area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters), and other entities under section 2604(b)(3) and 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their HIV status but not in care;

"(4) that the chief elected official of the eligible area will satisfy all requirements under section 2604(c);".

(b) CONFORMING AMENDMENTS.—Section 2605(a) (42 U.S.C. 300ff-15(a)(1)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "services to individuals with HIV disease" and inserting "services as described in section 2604(b)(1)"; and

(B) in subparagraph (B), by striking "services for individuals with HIV disease" and inserting "services as described in section 2604(b)(1)";

(2) in paragraph (7) (as redesignated by subsection (a)(1) of this section), by striking "and" at the end;

(3) in paragraph (8) (as so redesignated), by striking the period and inserting "; and"; and

(4) by adding at the end the following paragraph:

"(9) that the eligible area has procedures in place to ensure that services provided with funds received under this part meet the criteria specified in section 2604(b)(1).".

TITLE II—CARE GRANT PROGRAM

Subtitle A—General Grant Provisions

SEC. 201. PRIORITY FOR WOMEN, INFANTS, AND CHILDREN.

Section 2611(b) of the Public Health Service Act (42 U.S.C. 300ff-21(b)) is amended to read as follows:

"(b) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—

"(1) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, a State shall for each of such populations use, of the funds allocated under this part to the State for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in the State) with acquired immune deficiency syndrome to the general population in the State of individuals with such syndrome.

"(2) WAIVER.—With respect the population involved, the Secretary may provide to a State a waiver of the requirement of paragraph (1) if the State demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.".

SEC. 202. USE OF GRANTS.

Section 2612 of the Public Health Service Act (42 U.S.C. 300ff-22) is amended—

(1) by striking "A State may use" and inserting "(a) IN GENERAL.—A State may use"; and

(2) by adding at the end the following subsections:

"(b) SUPPORT SERVICES; OUTREACH.—The purposes for which a grant under this part may be used include delivering or enhancing the following:

"(1) Outpatient and ambulatory support services under section 2611(a) (including case management) to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.

"(2) Outreach activities that are intended to identify individuals with HIV disease who know their HIV status and are not receiving HIV-related services, and that are—

"(A) necessary to implement the strategy under section 2617(b)(4)(B), including activities facilitating the access of such individuals to HIV-related primary care services at entities described in subsection (c)(1);

"(B) conducted in a manner consistent with the requirement under section 2617(b)(6)(G) and 2651(b)(2); and

"(C) supplement, and do not supplant, such activities that are carried out with amounts appropriated under section 317.

"(c) EARLY INTERVENTION SERVICES.—

"(1) IN GENERAL.—The purposes for which a grant under this part may be used include providing to individuals with HIV disease early intervention services described in section 2651(b)(2), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV disease counseling and testing sites, health care points of entry specified by States or eligible areas, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

"(2) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under paragraph (1), such paragraph applies only if the entity demonstrates to the satisfaction of the State involved that—

"(A) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

"(B) the entity will expend funds pursuant to such paragraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.

"(d) QUALITY MANAGEMENT.—

"(1) REQUIREMENT.—Each State that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

"(2) USE OF FUNDS.—From amounts received under a grant awarded under this part for a fiscal year, the State may (in addition to amounts to which section 2618(b)(5) applies) use for activities associated with the quality management program required in paragraph (1) not more than the lesser of—

"(A) 5 percent of amounts received under the grant; or

"(B) $3,000,000.".

SEC. 203. GRANTS TO ESTABLISH HIV CARE CONSORTIA.

Section 2613 of the Public Health Service Act (42 U.S.C. 300ff-23) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by inserting before the semicolon the following: ", particularly those experiencing disparities in access and services and those who reside in historically underserved communities"; and

(B) in subparagraph (B), by inserting after "by such consortium" the following: "is consistent with the comprehensive plan under 2617(b)(4) and";

(2) in subsection (c)(1)—

(A) in subparagraph (D), by striking "and" after the semicolon at the end;

(B) in subparagraph (E), by striking the period and inserting "; and"; and

(C) by adding at the end the following subparagraph:

"(F) demonstrates that adequate planning occurred to address disparities in access and services and historically underserved communities."; and

(3) in subsection (c)(2)—

(A) in subparagraph (B), by striking "and" after the semicolon;

(B) in subparagraph (C), by striking the period and inserting "; and"; and

(C) by inserting after subparagraph (C) the following subparagraph:

"(D) the types of entities described in section 2602(b)(2).".

SEC. 204. PROVISION OF TREATMENTS.

(a) IN GENERAL.—Section 2616(c) of the Public Health Service Act (42 U.S.C. 300ff-26(c)) is amended—

(1) in paragraph (4), by striking "and" after the semicolon at the end;

(2) in paragraph (5), by striking the period and inserting "; and"; and

(3) by inserting after paragraph (5) the following:

"(6) encourage, support, and enhance adherence to and compliance with treatment regimens, including related medical monitoring.

"Of the amount reserved by a State for a fiscal year for use under this section, the State may not use more than 5 percent to carry out services under paragraph (6), except that the percentage applicable with respect to such paragraph is 10 percent if the State demonstrates to the Secretary that such additional services are essential and in no way diminish access to the therapeutics described in subsection (a).".

(b) HEALTH INSURANCE AND PLANS.—Section 2616 of the Public Health Service Act (42 U.S.C. 300ff-26) is amended by adding at the end the following subsection:

"(e) USE OF HEALTH INSURANCE AND PLANS.—

"(1) IN GENERAL.—In carrying out subsection (a), a State may expend a grant under this part to provide the therapeutics described in such subsection by paying on behalf of individuals with HIV disease the costs of purchasing or maintaining health insurance or plans whose coverage includes a full range of such therapeutics and appropriate primary care services.

"(2) LIMITATION.—The authority established in paragraph (1) applies only to the extent that, for the fiscal year involved, the costs of the health insurance or plans to be purchased or maintained under such paragraph do not exceed the costs of otherwise providing therapeutics described in subsection (a).".

SEC. 205. STATE APPLICATION.

(a) DETERMINATION OF SIZE AND NEEDS OF POPULATION; COMPREHENSIVE PLAN.—Section 2617(b) of the Public Health Service Act (42 U.S.C. 300ff-27(b)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (4) through (6), respectively;

(2) by inserting after paragraph (1) the following paragraphs:

"(2) a determination of the size and demographics of the population of individuals with HIV disease in the State;

"(3) a determination of the needs of such population, with particular attention to—

"(A) individuals with HIV disease who know their HIV status and are not receiving HIV-related services; and

"(B) disparities in access and services among affected subpopulations and historically underserved communities;"; and

(3) in paragraph (4) (as so redesignated)—

(A) by striking "comprehensive plan for the organization" and inserting "comprehensive plan that describes the organization";

(B) by striking ", including—" and inserting ", and that—";

(C) by redesignating subparagraphs (A) through (C) as subparagraphs (D) through (F), respectively;

(D) by inserting before subparagraph (C) the following subparagraphs:

"(A) establishes priorities for the allocation of funds within the State based on—

"(i) size and demographics of the population of individuals with HIV disease (as determined under paragraph (2)) and the needs of such population (as determined under paragraph (3));

"(ii) availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease;

"(iii) capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities and rural communities; and

"(iv) the efficiency of the administrative mechanism of the State for rapidly allocating funds to the areas of greatest need within the State;

"(B) includes a strategy for identifying individuals who know their HIV status and are not receiving such services and for informing the individuals of and enabling the individuals to utilize the services, giving particular attention to eliminating disparities in access and services among affected subpopulations and historically underserved communities, and including discrete goals, a timetable, and an appropriate allocation of funds;

"(C) includes a strategy to coordinate the provision of such services with programs for HIV prevention (including outreach and early intervention) and for the prevention and treatment of substance abuse (including programs that provide comprehensive treatment services for such abuse);";

(E) in subparagraph (D) (as redesignated by subparagraph (C) of this paragraph), by inserting "describes" before "the services and activities";

(F) in subparagraph (E) (as so redesignated), by inserting "provides" before "a description"; and

(G) in subparagraph (F) (as so redesignated), by inserting "provides" before "a description".

(b) Public Participation.—Section 2617(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended—

(1) in paragraph (5), by striking "HIV" and inserting "HIV disease"; and

(2) in paragraph (6), by amending subparagraph (A) to read as follows:

"(A) the public health agency that is administering the grant for the State engages in a public advisory planning process, including public hearings, that includes the participants under paragraph (5), and the types of entities described in section 2602(b)(2), in developing the comprehensive plan under paragraph (4) and commenting on the implementation of such plan;".

(c) Health Care Relationships.—Section 2617(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended in paragraph (6)—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period and inserting "; and"; and

(3) by adding at the end the following subparagraph:

"(G) entities within areas in which activities under the grant are carried out will maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters), and other entities under section 2612(c) and 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their HIV status but not in care.".

SEC. 206. DISTRIBUTION OF FUNDS.

(a) Minimum Allotment.—Section 2618 of the Public Health Service Act (42 U.S.C. 300ff–28) is amended—

(1) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively; and

(2) in subsection (a) (as so redesignated), in paragraph (1)(A)(i)—

(A) in subclause (I), by striking "$100,000" and inserting "$200,000"; and

(B) in subclause (II), by striking "$250,000" and inserting "$500,000".

(b) Amount of Grant; Estimate of Living Cases.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in paragraph (2)—

(1) in subparagraph (D)(i), by inserting before the semicolon the following: ", except that (subject to subparagraph (E)), for grants made pursuant to this paragraph or section 2620 for fiscal year 2005 and subsequent fiscal years, the cases counted for each 12-month period beginning on or after July 1, 2004, shall be cases of HIV disease (as reported to and confirmed by such Director) rather than cases of acquired immune deficiency syndrome";

(2) by redesignating subparagraphs (E) through (H) as subparagraphs (F) through (I), respectively; and

(3) by inserting after subparagraph (D) the following subparagraph:

"(E) Determination of Secretary Regarding Data on HIV Cases.—If under 2603(a)(3)(D)(i) the Secretary determines that data on cases of HIV disease are not sufficiently accurate and reliable, then notwithstanding subparagraph (D) of this paragraph, for any fiscal year prior to fiscal year 2007 the references in such subparagraph to cases of HIV disease do not have any legal effect.".

(c) Increases in Formula Amount.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended—

(1) in paragraph (1)(A)(ii), by inserting before the semicolon the following: "and then, as applicable, increased under paragraph (2)(H)"; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by striking "subparagraph (H)" and inserting "subparagraphs (H) and (I)"; and

(B) in subparagraph (H) (as redesignated by subsection (b)(2) of this section), by amending the subparagraph to read as follows:

"(H) Limitation.—

"(i) In general.—The Secretary shall ensure that the amount of a grant awarded to a State or territory under section 2611 or subparagraph (I)(i) for a fiscal year is not less than—

"(I) with respect to fiscal year 2001, 99 percent;

"(II) with respect to fiscal year 2002, 98 percent;

"(III) with respect to fiscal year 2003, 97 percent;

"(IV) with respect to fiscal year 2004, 96 percent; and

"(V) with respect to fiscal year 2005, 95 percent,

of the amount such State or territory received for fiscal year 2000 under section 2611 or subparagraph (I)(i), respectively (notwithstanding such subparagraph). In administering this subparagraph, the Secretary shall, with respect to States or territories that will under such section receive grants in amounts that exceed the amounts that such States received under such section or subparagraph for fiscal year 2000, proportionally reduce such amounts to ensure compliance with this subparagraph. In making such reductions, the Secretary shall ensure that no such State receives less than that State received for fiscal year 2000.

"(ii) Ratable reduction.—If the amount appropriated under section 2677 for a fiscal year and available for grants under section 2611 or subparagraph (I)(i) is less than the amount appropriated and available for fiscal year 2000 under section 2611 or subparagraph (I)(i), respectively, the limitation contained in clause (i) for the grants involved shall be reduced by a percentage equal to the percentage of the reduction in such amounts appropriated and available.".

(d) Territories.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in paragraph (1)(B) by inserting "the greater of $50,000 or" after "shall be".

(e) Separate Treatment Drug Grants.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section and amended by subsection (b)(2) of this section) is amended in paragraph (2)(I)—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by striking "(I) Appropriations" and all that follows through "With respect to" and inserting the following:

"(I) Appropriations for treatment drug program.—

"(i) Formula grants.—With respect to";

(3) in subclause (I) of clause (i) (as designated by paragraphs (1) and (2)), by inserting before the semicolon the following: ", less the percentage reserved under clause (ii)(V)"; and

(4) by adding at the end the following clause:

"(ii) Supplemental treatment drug grants.—

"(I) In general.—From amounts made available under subclause (V), the Secretary shall make supplemental grants to States described in subclause (II) to enable such States to increase access to therapeutics described in section 2616(a), as provided by the State under section 2616(c)(2).

"(II) ELIGIBLE STATES.—For purposes of subclause (I), a State described in this subclause is a State that, in accordance with criteria established by the Secretary, demonstrates a severe need for a grant under such subclause. In developing such criteria, the Secretary shall consider eligibility standards, formulary composition, and the number of eligible individuals at or below 200 percent of the official poverty line to whom the State is unable to provide therapeutics described in section 2616(a).

"(III) STATE REQUIREMENTS.—The Secretary may not make a grant to a State under this clause unless the State agrees that—

"(aa) the State will make available (directly or through donations from public or private entities) non-Federal contributions toward the activities to carried out under the grant in an amount equal to $1 for each $4 of Federal funds provided in the grant; and

"(bb) the State will not impose eligibility requirements for services or scope of benefits limitations under section 2616(a) that are more restrictive than such requirements in effect as of January 1, 2000.

"(IV) USE AND COORDINATION.—Amounts made available under a grant under this clause shall only be used by the State to provide HIV/AIDS-related medications. The State shall coordinate the use of such amounts with the amounts otherwise provided under section 2616(a) in order to maximize drug coverage.

"(V) FUNDING.—For the purpose of making grants under this clause, the Secretary shall each fiscal year reserve 3 percent of the amount referred to in clause (i) with respect to section 2616, subject to subclause (VI).

"(VI) LIMITATION.—In reserving amounts under subclause (V) and making grants under this clause for a fiscal year, the Secretary shall ensure for each State that the total of the grant under section 2611 for the State for the fiscal year and the grant under clause (i) for the State for the fiscal year is not less than such total for the State for the preceding fiscal year.".

(f) TECHNICAL AMENDMENT.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in paragraph (3)(B) by striking "and the Republic of the Marshall Islands" and inserting "the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and only for purposes of paragraph (1) the Commonwealth of Puerto Rico".

SEC. 207. SUPPLEMENTAL GRANTS FOR CERTAIN STATES.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.) is amended—

(1) by striking section 2621; and

(2) by inserting after section 2619 the following section:

"SEC. 2620. SUPPLEMENTAL GRANTS.

"(a) IN GENERAL.—The Secretary shall award supplemental grants to States determined to be eligible under subsection (b) to enable such States to provide comprehensive services of the type described in section 2612(a) to supplement the services otherwise provided by the State under a grant under this subpart in emerging communities within the State that are not eligible to receive grants under part A.

"(b) ELIGIBILITY.—To be eligible to receive a supplemental grant under subsection (a), a State shall—

"(1) be eligible to receive a grant under this subpart;

"(2) demonstrate the existence in the State of an emerging community as defined in subsection (d)(1); and

"(3) submit the information described in subsection (c).

"(c) REPORTING REQUIREMENTS.—A State that desires a grant under this section shall, as part of the State application submitted under section 2617, submit a detailed description of the manner in which the State will use amounts received under the grant and of the severity of need. Such description shall include—

"(1) a report concerning the dissemination of supplemental funds under this section and the plan for the utilization of such funds in the emerging community;

"(2) a demonstration of the existing commitment of local resources, both financial and in-kind;

"(3) a demonstration that the State will maintain HIV-related activities at a level that is equal to not less than the level of such activities in the State for the 1-year period preceding the fiscal year for which the State is applying to receive a grant under this part;

"(4) a demonstration of the ability of the State to utilize such supplemental financial resources in a manner that is immediately responsive and cost effective;

"(5) a demonstration that the resources will be allocated in accordance with the local demographic incidence of AIDS including appropriate allocations for services for infants, children, women, and families with HIV disease;

"(6) a demonstration of the inclusiveness of the planning process, with particular emphasis on affected communities and individuals with HIV disease; and

"(7) a demonstration of the manner in which the proposed services are consistent with local needs assessments and the statewide coordinated statement of need.

"(d) DEFINITION OF EMERGING COMMUNITY.—In this section, the term 'emerging community' means a metropolitan area—

"(1) that is not eligible for a grant under part A; and

"(2) for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of between 500 and 1999 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available (except that, for fiscal year 2005 and subsequent fiscal years, cases of HIV disease shall be counted rather than cases of acquired immune deficiency syndrome if cases of HIV disease are being counted for purposes of section 2618(a)(2)(D)(i)).

"(e) FUNDING.—

"(1) IN GENERAL.—Subject to paragraph (2), with respect to each fiscal year beginning with fiscal year 2001, the Secretary, to carry out this section, shall utilize—

"(A) the greater of—

"(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(a)(2)(I), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

"(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 1000, but less than 2000, cases of AIDS as reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded; and

"(B) the greater of—

"(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(a)(2)(I), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

"(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 500, but less than 1000, cases of AIDS reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded.

"(2) TRIGGER OF FUNDING.—This section shall be effective only for fiscal years beginning in the first fiscal year in which the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(a)(2)(I), exceeds by at least $20,000,000 the amount appropriated under 2677 to carry out part B in fiscal year 2000, excluding the amount appropriated under section 2618(a)(2)(I).

"(3) MINIMUM AMOUNT IN FUTURE YEARS.—Beginning with the first fiscal year in which amounts provided for emerging communities under paragraph (1)(A) equals $5,000,000 and under paragraph (1)(B) equals $5,000,000, the Secretary shall ensure that amounts made available under this section for the types of emerging communities described in each such paragraph in subsequent fiscal years is at least $5,000,000.

"(4) DISTRIBUTION.—Grants under this section for emerging communities shall be formula grants. There shall be two categories of such formula grants, as follows:

"(A) One category of such grants shall be for emerging communities for which the cumulative total of cases for purposes of subsection (d)(2) is 999 or fewer cases. The grant made to such an emerging community for a fiscal year shall be the product of—

"(i) an amount equal to 50 percent of the amount available pursuant to this subsection for the fiscal year involved; and

"(ii) a percentage equal to the ratio constituted by the number of cases for such emerging community for the fiscal year over the aggregate number of such cases for such year for all emerging communities to which this subparagraph applies.

"(B) The other category of formula grants shall be for emerging communities for which the cumulative total of cases for purposes of subsection (d)(2) is 1000 or more cases. The grant made to such an emerging community for a fiscal year shall be the product of—

"(i) an amount equal to 50 percent of the amount available pursuant to this subsection for the fiscal year involved; and

"(ii) a percentage equal to the ratio constituted by the number of cases for such community for the fiscal year over the aggregate number of such cases for the fiscal year for all emerging communities to which this subparagraph applies.".

Subtitle B—Provisions Concerning Pregnancy and Perinatal Transmission of HIV

SEC. 211. REPEALS.

Subpart II of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-33 et seq.) is amended—

(1) in section 2626, by striking each of subsections (d) through (f);

(2) by striking sections 2627 and 2628; and

(3) by redesignating section 2629 as section 2627.

SEC. 212. GRANTS.

(a) IN GENERAL.—Section 2625(c) of the Public Health Service Act (42 U.S.C. 300ff-33) is amended—

(1) in paragraph (1), by inserting at the end the following subparagraph:

“(F) Making available to pregnant women with HIV disease, and to the infants of women with such disease, treatment services for such disease in accordance with applicable recommendations of the Secretary.”;

(2) by amending paragraph (2) to read as follows:

“(2) FUNDING.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated $30,000,000 for each of the fiscal years 2001 through 2005. Amounts made available under section 2677 for carrying out this part are not available for carrying out this section unless otherwise authorized.

“(B) ALLOCATIONS FOR CERTAIN STATES.—

“(i) IN GENERAL.—Of the amounts appropriated under subparagraph (A) for a fiscal year in excess of $10,000,000—

“(I) the Secretary shall reserve the applicable percentage under clause (iv) for making grants under paragraph (1) both to States described in clause (ii) and States described in clause (iii); and

“(II) the Secretary shall reserve the remaining amounts for other States, taking into consideration the factors described in subparagraph (C)(iii), except that this subclause does not apply to any State that for the fiscal year involved is receiving amounts pursuant to subclause (I).

“(ii) REQUIRED TESTING OF NEWBORNS.—For purposes of clause (i)(I), the States described in this clause are States that under law (including under regulations or the discretion of State officials) have—

“(I) a requirement that all newborn infants born in the State be tested for HIV disease and that the biological mother of each such infant, and the legal guardian of the infant (if other than the biological mother), be informed of the results of the testing; or

“(II) a requirement that newborn infants born in the State be tested for HIV disease in circumstances in which the attending obstetrician for the birth does not know the HIV status of the mother of the infant, and that the biological mother of each such infant, and the legal guardian of the infant (if other than the biological mother), be informed of the results of the testing.

“(iii) MOST SIGNIFICANT REDUCTION IN CASES OF PERINATAL TRANSMISSION.—For purposes of clause (i)(I), the States described in this clause are the following (exclusive of States described in clause (ii)), as applicable:

“(I) For fiscal years 2001 and 2002, the two States that, relative to other States, have the most significant reduction in the rate of new cases of the perinatal transmission of HIV (as indicated by the number of such cases reported to the Director of the Centers for Disease Control and Prevention for the most recent periods for which the data are available).

“(II) For fiscal years 2003 and 2004, the three States that have the most significant such reduction.

“(III) For fiscal year 2005, the four States that have the most significant such reduction.

“(iv) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable amount for a fiscal year is as follows:

“(I) For fiscal year 2001, 33 percent.

“(II) For fiscal year 2002, 50 percent.

“(III) For fiscal year 2003, 67 percent.

“(IV) For fiscal year 2004, 75 percent.

“(V) For fiscal year 2005, 75 percent.

“(C) CERTAIN PROVISIONS.—With respect to grants under paragraph (1) that are made with amounts reserved under subparagraph (B) of this paragraph:

“(i) Such a grant may not be made in an amount exceeding $4,000,000.

“(ii) If pursuant to clause (i) or pursuant to an insufficient number of qualifying applications for such grants (or both), the full amount reserved under subparagraph (B) for a fiscal year is not obligated, the requirement under such subparagraph to reserve amounts ceases to apply.

“(iii) In the case of a State that meets the conditions to receive amounts reserved under subparagraph (B)(i)(II), the Secretary shall in making grants consider the following factors:

“(I) The extent of the reduction in the rate of new cases of the perinatal transmission of HIV.

“(II) The extent of the reduction in the rate of new cases of perinatal cases of acquired immune deficiency syndrome.

“(III) The overall incidence of cases of infection with HIV among women of childbearing age.

“(IV) The overall incidence of cases of acquired immune deficiency syndrome among women of childbearing age.

“(V) The higher acceptance rate of HIV testing of pregnant women.

“(VI) The extent to which women and children with HIV disease are receiving HIV-related health services.

“(VII) The extent to which HIV-exposed children are receiving health services appropriate to such exposure.”; and

(3) by adding at the end the following paragraph:

“(4) MAINTENANCE OF EFFORT.—A condition for the receipt of a grant under paragraph (1) is that the State involved agree that the grant will be used to supplement and not supplant other funds available to the State to carry out the purposes of the grant.”.

(b) SPECIAL FUNDING RULE FOR FISCAL YEAR 2001.—

(1) IN GENERAL.—If for fiscal year 2001 the amount appropriated under paragraph (2)(A) of section 2625(c) of the Public Health Service Act is less than $14,000,000—

(A) the Secretary of Health and Human Services shall, for the purpose of making grants under paragraph (1) of such section, reserve from the amount specified in paragraph (2) of this subsection an amount equal to the difference between $14,000,000 and the amount appropriated under paragraph (2)(A) of such section for such fiscal year (notwithstanding any other provision of this Act or the amendments made by this Act);

(B) the amount so reserved shall, for purposes of paragraph (2)(B)(i) of such section, be considered to have been appropriated under paragraph (2)(A) of such section; and

(C) the percentage specified in paragraph (2)(B)(iv)(I) of such section is deemed to be 50 percent.

(2) ALLOCATION FROM INCREASES IN FUNDING FOR PART B.—For purposes of paragraph (1), the amount specified in this paragraph is the amount by which the amount appropriated under section 2677 of the Public Health Service Act for fiscal year 2001 and available for grants under section 2611 of such Act is an increase over the amount so appropriated and available for fiscal year 2000.

SEC. 213. STUDY BY INSTITUTE OF MEDICINE.

Subpart II of part B of title XXVI of the Public Health Service Act, as amended by section 211(3), is amended by adding at the end the following section:

“SEC. 2628. RECOMMENDATIONS FOR REDUCING INCIDENCE OF PERINATAL TRANSMISSION.

“(a) STUDY BY INSTITUTE OF MEDICINE.—

“(1) IN GENERAL.—The Secretary shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study to provide the following:

“(A) For the most recent fiscal year for which the information is available, a determination of the number of newborn infants with HIV born in the United States with respect to whom the attending obstetrician for the birth did not know the HIV status of the mother.

“(B) A determination for each State of any barriers, including legal barriers, that prevent or discourage an obstetrician from making it a routine practice to offer pregnant women an HIV test and a routine practice to test newborn infants for HIV disease in circumstances in which the obstetrician does not know the HIV status of the mother of the infant.

“(C) Recommendations for each State for reducing the incidence of cases of the perinatal transmission of HIV, including recommendations on removing the barriers identified under subparagraph (B).

If such Institute declines to conduct the study, the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

“(2) REPORT.—The Secretary shall ensure that, not later than 18 months after the effective date of this section, the study required in paragraph (1) is completed and a report describing the findings made in the study is submitted to the appropriate committees of the Congress, the Secretary, and the chief public health official of each of the States.

“(b) PROGRESS TOWARD RECOMMENDATIONS.—In fiscal year 2004, the Secretary shall collect information from the States describing the actions taken by the States toward meeting the recommendations specified for the States under subsection (a)(1)(C).

“(c) SUBMISSION OF REPORTS TO CONGRESS.—The Secretary shall submit to the appropriate committees of the Congress reports describing the information collected under subsection (b).”.

Subtitle C—Certain Partner Notification Programs

SEC. 221. GRANTS FOR COMPLIANT PARTNER NOTIFICATION PROGRAMS.

Part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.) is amended by adding at the end the following subpart:

“Subpart III—Certain Partner Notification Programs

“SEC. 2631. GRANTS FOR PARTNER NOTIFICATION PROGRAMS.

“(a) IN GENERAL.—In the case of States whose laws or regulations are in accordance with subsection (b), the Secretary, subject to subsection (c)(2), may make grants to the States for carrying out programs to provide partner-counseling and referral services.

“(b) DESCRIPTION OF COMPLIANT STATE PROGRAMS.—For purposes of subsection (a), the laws or regulations of a State are in accordance with this subsection if under such laws or regulations (including programs carried out pursuant to the discretion of State officials) the following policies are in effect:

“(1) The State requires that the public health officer of the State carry out a program of partner notification to inform partners of individuals with HIV disease that the partners may have been exposed to the disease.

“(2)(A) In the case of a health entity that provides for the performance on an individual of a test for HIV disease, or that treats the individual for the disease, the State requires, subject to subparagraph (B), that the entity confidentially report the positive test results to the State public health officer in a manner recommended and approved by the Director of the Centers for Disease Control and Prevention, together with such additional information as may be necessary for carrying out such program.

"(B) The State may provide that the requirement of subparagraph (A) does not apply to the testing of an individual for HIV disease if the individual underwent the testing through a program designed to perform the test and provide the results to the individual without the individual disclosing his or her identity to the program. This subparagraph may not be construed as affecting the requirement of subparagraph (A) with respect to a health entity that treats an individual for HIV disease.

"(3) The program under paragraph (1) is carried out in accordance with the following:

"(A) Partners are provided with an appropriate opportunity to learn that the partners have been exposed to HIV disease, subject to subparagraph (B).

"(B) The State does not inform partners of the identity of the infected individuals involved.

"(C) Counseling and testing for HIV disease are made available to the partners and to infected individuals, and such counseling includes information on modes of transmission for the disease, including information on prenatal and perinatal transmission and preventing transmission.

"(D) Counseling of infected individuals and their partners includes the provision of information regarding therapeutic measures for preventing and treating the deterioration of the immune system and conditions arising from the disease, and the provision of other prevention-related information.

"(E) Referrals for appropriate services are provided to partners and infected individuals, including referrals for support services and legal aid.

"(F) Notifications under subparagraph (A) are provided in person, unless doing so is an unreasonable burden on the State.

"(G) There is no criminal or civil penalty on, or civil liability for, an infected individual if the individual chooses not to identify the partners of the individual, or the individual does not otherwise cooperate with such program.

"(H) The failure of the State to notify partners is not a basis for the civil liability of any health entity who under the program reported to the State the identity of the infected individual involved.

"(I) The State provides that the provisions of the program may not be construed as prohibiting the State from providing a notification under subparagraph (A) without the consent of the infected individual involved.

"(4) The State annually reports to the Director of the Centers for Disease Control and Prevention the number of individuals from whom the names of partners have been sought under the program under paragraph (1), the number of such individuals who provided the names of partners, and the number of partners so named who were notified under the program.

"(5) The State cooperates with such Director in carrying out a national program of partner notification, including the sharing of information between the public health officers of the States.

"(c) Reporting System for Cases of HIV Disease; Preference in Making Grants.—In making grants under subsection (a), the Secretary shall give preference to States whose reporting systems for cases of HIV disease produce data on such cases that is sufficiently accurate and reliable for use for purposes of section 2618(a)(2)(D)(i).

"(d) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.".

TITLE III—EARLY INTERVENTION SERVICES

Subtitle A—Formula Grants for States

SEC. 301. REPEAL OF PROGRAM.

(a) Repeal.—Subpart I of part C of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–41 et seq.) is repealed.

(b) Conforming Amendments.—Part C of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–41 et seq.), as amended by subsection (a) of this section, is amended—

(1) by redesignating subparts II and III as subparts I and II, respectively;

(2) in section 2661(a), by striking "unless—" and all that follows through "(2) in the case of" and inserting "unless, in the case of"; and

(3) in section 2664—

(A) in subsection (e)(5), by striking "2642(b) or";

(B) in subsection (f)(2), by striking "2642(b) or"; and

(C) by striking subsection (h).

Subtitle B—Categorical Grants

SEC. 311. PREFERENCES IN MAKING GRANTS.

Section 2653 of the Public Health Service Act (42 U.S.C. 300ff–53) is amended by adding at the end the following subsection:

"(d) Certain Areas.—Of the applicants who qualify for preference under this section—

"(1) the Secretary shall give preference to applicants that will expend the grant under section 2651 to provide early intervention under such section in rural areas; and

"(2) the Secretary shall give special consideration to areas that are underserved with respect to such services.".

SEC. 312. PLANNING AND DEVELOPMENT GRANTS.

(a) In General.—Section 2654(c)(1) of the Public Health Service Act (42 U.S.C. 300ff–54(c)(1)) is amended by striking "planning grants" and all that follows and inserting the following: "planning grants to public and nonprofit private entities for purposes of—

"(A) enabling such entities to provide HIV early intervention services; and

"(B) assisting the entities in expanding their capacity to provide HIV-related health services, including early intervention services, in low-income communities and affected subpopulations that are underserved with respect to such services (subject to the condition that a grant pursuant to this subparagraph may not be expended to purchase or improve land, or to purchase, construct, or permanently improve, other than minor remodeling, any building or other facility).".

(b) Amount; Duration.—Section 2654(c) of the Public Health Service Act (42 U.S.C. 300ff–54(c)) is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) Amount and duration of grants.—

"(A) Early intervention services.—A grant under paragraph (1)(A) may be made in an amount not to exceed $50,000.

"(B) Capacity development.—

"(i) Amount.—A grant under paragraph (1)(B) may be made in an amount not to exceed $150,000.

"(ii) Duration.—The total duration of a grant under paragraph (1)(B), including any renewal, may not exceed 3 years.".

(c) Increase in Limitation.—Section 2654(c)(5) of the Public Health Service Act (42 U.S.C. 300ff–54(c)(5)), as redesignated by subsection (b), is amended by striking "1 percent" and inserting "5 percent".

SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

Section 2655 of the Public Health Service Act (42 U.S.C. 300ff–55) is amended by striking "in each of" and all that follows and inserting "for each of the fiscal years 2001 through 2005.".

Subtitle C—General Provisions

SEC. 321. PROVISION OF CERTAIN COUNSELING SERVICES.

Section 2662(c)(3) of the Public Health Service Act (42 U.S.C. 300ff–62(c)(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking "counseling on—" and inserting "counseling—";

(2) in each of subparagraphs (A), (B), and (D), by inserting "on" after the subparagraph designation; and

(3) in subparagraph (C)—

(A) by striking "(C) the benefits" and inserting "(C)(i) that explains the benefits"; and

(B) by inserting after clause (i) (as designated by subparagraph (A) of this paragraph) the following clause:

"(ii) that emphasizes it is the duty of infected individuals to disclose their infected status to their sexual partners and their partners in the sharing of hypodermic needles; that provides advice to infected individuals on the manner in which such disclosures can be made; and that emphasizes that it is the continuing duty of the individuals to avoid any behaviors that will expose others to HIV.".

SEC. 322. ADDITIONAL REQUIRED AGREEMENTS.

Section 2664(g) of the Public Health Service Act (42 U.S.C. 300ff–64(g)) is amended—

(1) in paragraph (3)—

(A) by striking "7.5 percent" and inserting "10 percent"; and

(B) by striking "and" after the semicolon at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(5) the applicant will provide for the establishment of a quality management program—

"(A) to assess the extent to which medical services funded under this title that are provided to patients are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines; and

"(B) to ensure that improvements in the access to and quality of HIV health services are addressed.".

TITLE IV—OTHER PROGRAMS AND ACTIVITIES

Subtitle A—Certain Programs for Research, Demonstrations, or Training

SEC. 401. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.

(a) Elimination of Requirement To Enroll Significant Numbers of Women and

CHILDREN.—Section 2671(b) (42 U.S.C. 300ff-71(b)) is amended—

(1) in paragraph (1), by striking subparagraphs (C) and (D) and inserting the following:

"(C) The applicant will demonstrate linkages to research and how access to such research is being offered to patients."; and

(2) by striking paragraphs (3) and (4).

(b) INFORMATION AND EDUCATION.—Section 2671(d) (42 U.S.C. 300ff-71(d)) is amended by adding at the end the following:

"(4) The applicant will provide individuals with information and education on opportunities to participate in HIV/AIDS-related clinical research.".

(c) QUALITY MANAGEMENT; ADMINISTRATIVE EXPENSES CEILING.—Section 2671(f) (42 U.S.C. 300ff-71(f)) is amended—

(1) by striking the subsection heading and designation and inserting the following:

"(f) ADMINISTRATION.—

"(1) APPLICATION.—"; and

(2) by adding at the end the following:

"(2) QUALITY MANAGEMENT PROGRAM.—A grantee under this section shall implement a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.".

(d) COORDINATION.—Section 2671(g) (42 U.S.C. 300ff-71(g)) is amended by adding at the end the following: "The Secretary acting through the Director of NIH, shall examine the distribution and availability of ongoing and appropriate HIV/AIDS-related research projects to existing sites under this section for purposes of enhancing and expanding voluntary access to HIV-related research, especially within communities that are not reasonably served by such projects. Not later than 12 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the findings made by the Director and the manner in which the conclusions based on those findings can be addressed.".

(e) ADMINISTRATIVE EXPENSES.—Section 2671 of the Public Health Service Act (42 U.S.C. 300ff-71) is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following subsection:

"(i) LIMITATION ON ADMINISTRATIVE EXPENSES.—

"(1) DETERMINATION BY SECRETARY.—Not later than 12 months after the date of enactment of the Ryan White Care Act Amendments of 2000, the Secretary, in consultation with grantees under this part, shall conduct a review of the administrative, program support, and direct service-related activities that are carried out under this part to ensure that eligible individuals have access to quality, HIV-related health and support services and research opportunities under this part, and to support the provision of such services.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—Not later than 180 days after the expiration of the 12-month period referred to in paragraph (1) the Secretary, in consultation with grantees under this part, shall determine the relationship between the costs of the activities referred to in paragraph (1) and the access of eligible individuals to the services and research opportunities described in such paragraph.

"(B) LIMITATION.—After a final determination under subparagraph (A), the Secretary may not make a grant under this part unless the grantee complies with such requirements as may be included in such determination.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 2671 of the Public Health Service Act (42 U.S.C. 300ff-71) is amended in subsection (j) (as redesignated by subsection (e)(1) of this section) by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

SEC. 402. AIDS EDUCATION AND TRAINING CENTERS.

(a) SCHOOLS; CENTERS.—

(1) IN GENERAL.—Section 2692(a)(1) of the Public Health Service Act (42 U.S.C. 300ff-111(a)(1)) is amended—

(A) in subparagraph (A)—

(i) by striking "training" and inserting "to train";

(ii) by striking "and including" and inserting ", including"; and

(iii) by inserting before the semicolon the following: ", and including (as applicable to the type of health professional involved), prenatal and other gynecological care for women with HIV disease";

(B) in subparagraph (B), by striking "and" after the semicolon at the end;

(C) in subparagraph (C), by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(D) to develop protocols for the medical care of women with HIV disease, including prenatal and other gynecological care for such women.".

(2) DISSEMINATION OF TREATMENT GUIDELINES; MEDICAL CONSULTATION ACTIVITIES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue and begin implementation of a strategy for the dissemination of HIV treatment information to health care providers and patients.

(b) DENTAL SCHOOLS.—Section 2692(b) of the Public Health Service Act (42 U.S.C. 300ff-111(b)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—

"(A) GRANTS.—The Secretary may make grants to dental schools and programs described in subparagraph (B) to assist such schools and programs with respect to oral health care to patients with HIV disease.

"(B) ELIGIBLE APPLICANTS.—For purposes of this subsection, the dental schools and programs referred to in this subparagraph are dental schools and programs that were described in section 777(b)(4)(B) as such section was in effect on the day before the date of the enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105-392) and in addition dental hygiene programs that are accredited by the Commission on Dental Accreditation.";

(2) in paragraph (2), by striking "777(b)(4)(B)" and inserting "the section referred to in paragraph (1)(B)"; and

(3) by inserting after paragraph (4) the following paragraph:

"(5) COMMUNITY-BASED CARE.—The Secretary may make grants to dental schools and programs described in paragraph (1)(B) that partner with community-based dentists to provide oral health care to patients with HIV disease in unserved areas. Such partnerships shall permit the training of dental students and residents and the participation of community dentists as adjunct faculty.".

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) SCHOOLS; CENTERS.—Section 2692(c)(1) of the Public Health Service Act (42 U.S.C. 300ff-111(c)(1)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

(2) DENTAL SCHOOLS.—Section 2692(c)(2) of the Public Health Service Act (42 U.S.C. 300ff-111(c)(2)) is amended to read as follows:

"(2) DENTAL SCHOOLS.—

"(A) IN GENERAL.—For the purpose of grants under paragraphs (1) through (4) of subsection (b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(B) COMMUNITY-BASED CARE.—For the purpose of grants under subsection (b)(5), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

Subtitle B—General Provisions in Title XXVI

SEC. 411. EVALUATIONS AND REPORTS.

Section 2674(c) of the Public Health Service Act (42 U.S.C. 300ff-74(c)) is amended by striking "1991 through 1995" and inserting "2001 through 2005".

SEC. 412. DATA COLLECTION THROUGH CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 318A the following section:

"DATA COLLECTION REGARDING PROGRAMS UNDER TITLE XXVI

"SEC. 318B. For the purpose of collecting and providing data for program planning and evaluation activities under title XXVI, there are authorized to be appropriated to the Secretary (acting through the Director of the Centers for Disease Control and Prevention) such sums as may be necessary for each of the fiscal years 2001 through 2005. Such authorization of appropriations is in addition to other authorizations of appropriations that are available for such purpose.".

SEC. 413. COORDINATION.

Section 2675 of the Public Health Service Act (42 U.S.C. 300ff-75) is amended—

(1) by amending subsection (a) to read as follows:

"(a) REQUIREMENT.—The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and the Health Care Financing Administration coordinate the planning, funding, and implementation of Federal HIV programs to enhance the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease. The Secretary shall consult with other Federal agencies, including the Department of Veterans Affairs, as needed and utilize planning information submitted to such agencies by the States and entities eligible for support.";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (b) the following subsection:

"(b) REPORT.—The Secretary shall biennially prepare and submit to the appropriate committees of the Congress a report concerning the coordination efforts at the Federal, State, and local levels described in this section, including a description of Federal barriers to HIV program integration and a strategy for eliminating such barriers and enhancing the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease."; and

(4) in each of subsections (c) and (d) (as redesignated by paragraph (2) of this section),

by inserting "and prevention services" after "continuity of care" each place such term appears.

SEC. 414. PLAN REGARDING RELEASE OF PRISONERS WITH HIV DISEASE.

Section 2675 of the Public Health Service Act, as amended by section 413(2) of this Act, is amended by adding at the end the following subsection:

"(e) RECOMMENDATIONS REGARDING RELEASE OF PRISONERS.—After consultation with the Attorney General and the Director of the Bureau of Prisons, with States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary, consistent with the coordination required in subsection (a), shall develop a plan for the medical case management of and the provision of support services to individuals who were Federal or State prisoners and had HIV disease as of the date on which the individuals were released from the custody of the penal system. The Secretary shall submit the plan to the Congress not later than 2 years after the date of the enactment of the Ryan White CARE Act Amendments of 2000.".

SEC. 415. AUDITS.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–71 et seq.) is amended by inserting after section 2675 the following section:

"SEC. 2675A. AUDITS.

"For fiscal year 2002 and subsequent fiscal years, the Secretary may reduce the amounts of grants under this title to a State or political subdivision of a State for a fiscal year if, with respect to such grants for the second preceding fiscal year, the State or subdivision fails to prepare audits in accordance with the procedures of section 7502 of title 31, United States Code. The Secretary shall annually select representative samples of such audits, prepare summaries of the selected audits, and submit the summaries to the Congress.".

SEC. 416. ADMINISTRATIVE SIMPLIFICATION.

Part D of title XXVI of the Public Health Service Act, as amended by section 415 of this Act, is amended by inserting after section 2675A the following section:

"SEC. 2675B. ADMINISTRATIVE SIMPLIFICATION REGARDING PARTS A AND B.

"(a) COORDINATED DISBURSEMENT.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall develop a plan for coordinating the disbursement of appropriations for grants under part A with the disbursement of appropriations for grants under part B in order to assist grantees and other recipients of amounts from such grants in complying with the requirements of such parts. The Secretary shall submit the plan to the Congress not later than 18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000. Not later than 2 years after the date on which the plan is so submitted, the Secretary shall complete the implementation of the plan, notwithstanding any provision of this title that is inconsistent with the plan.

"(b) BIENNIAL APPLICATIONS.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall make a determination of whether the administration of parts A and B by the Secretary, and the efficiency of grantees under such parts in complying with the requirements of such parts, would be improved by requiring that applications for grants under such parts be submitted biennially rather than annually. The Secretary shall submit such determination to the Congress not later than 2 years after the date of the enactment of the Ryan White CARE Act Amendments of 2000.

"(c) APPLICATION SIMPLIFICATION.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall develop a plan for simplifying the process for applications under parts A and B. The Secretary shall submit the plan to the Congress not later than 18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000. Not later than 2 years after the date on which the plan is so submitted, the Secretary shall complete the implementation of the plan, notwithstanding any provision of this title that is inconsistent with the plan.".

SEC. 417. AUTHORIZATION OF APPROPRIATIONS FOR PARTS A AND B.

Section 2677 of the Public Health Service Act (42 U.S.C. 300ff–77) is amended to read as follows:

"SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

"(a) PART A.—For the purpose of carrying out part A, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(b) PART B.—For the purpose of carrying out part B, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE V—GENERAL PROVISIONS

SEC. 501. STUDIES BY INSTITUTE OF MEDICINE.

(a) STATE SURVEILLANCE SYSTEMS ON PREVALENCE OF HIV.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study to provide the following:

(1) A determination of whether the surveillance system of each of the States regarding the human immunodeficiency virus provides for the reporting of cases of infection with the virus in a manner that is sufficient to provide adequate and reliable information on the number of such cases and the demographic characteristics of such cases, both for the State in general and for specific geographic areas in the State.

(2) A determination of whether such information is sufficiently accurate for purposes of formula grants under parts A and B of title XXVI of the Public Health Service Act.

(3) With respect to any State whose surveillance system does not provide adequate and reliable information on cases of infection with the virus, recommendations regarding the manner in which the State can improve the system.

(b) RELATIONSHIP BETWEEN EPIDEMIOLOGICAL MEASURES AND HEALTH CARE FOR CERTAIN INDIVIDUALS WITH HIV DISEASE.—

(1) IN GENERAL.—The Secretary shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study concerning the appropriate epidemiological measures and their relationship to the financing and delivery of primary care and health-related support services for low-income, uninsured, and under-insured individuals with HIV disease.

(2) ISSUES TO BE CONSIDERED.—The Secretary shall ensure that the study under paragraph (1) considers the following:

(A) The availability and utility of health outcomes measures and data for HIV primary care and support services and the extent to which those measures and data could be used to measure the quality of such funded services.

(B) The effectiveness and efficiency of service delivery (including the quality of services, health outcomes, and resource use) within the context of a changing health care and therapeutic environment, as well as the changing epidemiology of the epidemic, including determining the actual costs, potential savings, and overall financial impact of modifying the program under title XIX of the Social Security Act to establish eligibility for medical assistance under such title on the basis of infection with the human immunodeficiency virus rather than providing such assistance only if the infection has progressed to acquired immune deficiency syndrome.

(C) Existing and needed epidemiological data and other analytic tools for resource planning and allocation decisions, specifically for estimating severity of need of a community and the relationship to the allocations process.

(D) Other factors determined to be relevant to assessing an individual's or community's ability to gain and sustain access to quality HIV services.

(c) OTHER ENTITIES.—If the Institute of Medicine declines to conduct a study under this section, the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

(d) REPORT.—The Secretary shall ensure that—

(1) not later than 3 years after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made in the study is submitted to the appropriate committees of the Congress; and

(2) not later than 2 years after the date of the enactment of this Act, the study required in subsection (b) is completed and a report describing the findings made in the study is submitted to such committees.

SEC. 502. DEVELOPMENT OF RAPID HIV TEST.

(a) EXPANSION, INTENSIFICATION, AND COORDINATION OF RESEARCH AND OTHER ACTIVITIES.—

(1) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate research and other activities of the National Institutes of Health with respect to the development of reliable and affordable tests for HIV disease that can rapidly be administered and whose results can rapidly be obtained (in this section referred to a "rapid HIV test").

(2) REPORT TO CONGRESS.—The Director of NIH shall periodically submit to the appropriate committees of Congress a report describing the research and other activities conducted or supported under paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

(b) PREMARKET REVIEW OF RAPID HIV TESTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention and the Commissioner of Food and Drugs, shall submit to the appropriate committees of the Congress a report describing the progress made towards, and barriers to, the premarket review and commercial distribution of rapid HIV tests. The report shall—

(A) assess the public health need for and public health benefits of rapid HIV tests, including the minimization of false positive results through the availability of multiple rapid HIV tests;

(B) make recommendations regarding the need for the expedited review of rapid HIV test applications submitted to the Center for Biologics Evaluation and Research and, if such recommendations are favorable, specify criteria and procedures for such expedited review; and

(C) specify whether the barriers to the premarket review of rapid HIV tests include the unnecessary application of requirements—

(i) necessary to ensure the efficacy of devices for donor screening to rapid HIV tests intended for use in other screening situations; or

(ii) for identifying antibodies to HIV subtypes of rare incidence in the United States to rapid HIV tests intended for use in screening situations other than donor screening.

(c) Guidelines of Centers for Disease Control and Prevention.—Promptly after commercial distribution of a rapid HIV test begins, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish or update guidelines that include recommendations for States, hospitals, and other appropriate entities regarding the ready availability of such tests for administration to pregnant women who are in labor or in the late stage of pregnancy and whose HIV status is not known to the attending obstetrician.

SEC. 503. TECHNICAL CORRECTIONS.

(a) Public Health Service Act.—Title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.) is amended—

(1) in section 2605(d)—

(A) in paragraph (1), by striking "section 2608" and inserting "section 2677"; and

(B) in paragraph (4), by inserting "section" before 2601(a)"; and

(2) in section 2673(a), in the matter preceding paragraph (1), by striking "the Agency for Health Care Policy and Research" and inserting "the Director of the Agency for Healthcare Research and Quality".

(b) Related Act.—The first paragraph (2) of section 3(c) of the Ryan White Care Act Amendments of 1996 (Public Law 104-146; 110 Stat. 1354) is amended in subparagraph (A)(iii) by striking "by inserting the following new paragraph:" and inserting "by inserting before paragraph (2) (as so redesignated) the following new paragraph".

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

Amend the title so as to read: "A bill to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes.".

SENATE—*Wednesday, October 4, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, help us to live beyond the meager resources of our adequacies and learn that You are totally reliable when we trust You completely. You constantly lead us into challenges and opportunities that are beyond our strength and experience. We know that in every circumstance, You provide us with exactly what we need.

Looking back over our lives, we know that we could not have made it without Your intervention and inspiration. And when we settle back on a comfortable plateau of satisfaction, suddenly You press us on to new levels of adventure and leadership. You are the disturber of false peace, the developer of dynamic character, and the ever present deliverer when we attempt what we could not do on our own.

May this be a day in which we attempt something beyond our human adequacy and discover that You are able to provide the power to pull it off. Give us a fresh burst of excitement for the duties of this day so that we will be able to serve courageously. Indeed, we will attempt great things for You and expect great things from You. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Alaska.

SCHEDULE

Mr. MURKOWSKI. Mr. President, today the Senate will resume consideration of the conference report to accompany H.R. 4578, the Interior appropriations bill. It is hoped that all debate and a vote on the conference report can be completed by midafternoon. Following the disposition of the Interior appropriations legislation, the Senate may begin consideration of any other conference report available for action or the continuing resolution which continues Government funding through October 14. I encourage those Senators with statements regarding the Interior appropriations conference report to come to the floor as soon as possible during today's session. I thank my colleagues for their cooperation.

I believe Senator SCHUMER has asked to be recognized upon the conclusion of my remarks. I also believe Senator GORTON, who will be managing the Interior appropriations bill, is expected to come over and may ask to interrupt the presentation at that time.

Mr. REID. Mr. President, if the Senator from Alaska will yield, it is my understanding the Senator from Alaska requires about 25 minutes to speak as in morning business.

Mr. MURKOWSKI. I am not sure what my time is. I would like to be allotted enough time to complete my presentation. I imagine it would be within that general timeframe. I will try to get to the point because I know there are other Members who want to be heard this morning.

Mr. REID. Mr. President, we are going to the Interior appropriations bill. I ask unanimous consent that whatever time is consumed by the Senator from Alaska, we be allowed the same amount of time to speak as in morning business on this side, with the Senator from New York requiring 15 minutes, and I would reserve whatever time is remaining to keep up with the time the Senator from Alaska uses.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Mr. President, what is the allotted time for morning business today?

The PRESIDING OFFICER. There is no allotted time.

Mr. MURKOWSKI. I gather that the minority whip would like equal time.

Mr. REID. Yes.

Mr. MURKOWSKI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENTIAL DEBATE AND ENERGY POLICY

Mr. MURKOWSKI. Mr. President, like millions of Americans last night, I watched the Presidential debate with a great deal of interest. It was one of the more memorable debates in recent history for a number of reasons.

First, of course, as a Republican, I was very proud of the job that Governor Bush did. It is probably fair to say that he was matched against a very experienced debater, Vice President GORE, but I think the Governor held his own in many respects. From the broad issues of prescription drugs to Medicare, education to energy, Governor Bush very clearly laid out what the choice is for the American people in this election.

Governor Bush engaged the issues. They were not dodged. The Governor was clear in laying out the goals and objectives he would propose in his administration, if he were elected President.

I was particularly pleased with the debate because it focused on energy, which is one of the crucial issues facing the American people today and has probably received the least publicity. Obviously, in the areas of education, prescription drugs, health, and Social Security, we are all trying to build a better structure, a long lasting structure, and also address what to do with the surplus.

But the issue on energy is quite clear. We have a crisis in this country. It has developed over a period of the last 7½ years. It has not been addressed by the current administration. I am very pleased that we have, in the energy area, a distinct separation on the issues between the candidates, and the American public can clearly understand and, as a consequence, view the merits of each proposal.

The Vice President said, in regard to a question on energy policy, and I quote:

> I am for doing something on the supply side and the consumption side.

I have no doubt that that is the case, but I point out in the past 8 years we haven't had any indication of specifically what the Vice President would do on these issues. As a consequence, I think he is headed in the wrong direction, and the American public are becoming more and more aware.

What we have seen happen is the emergence of an issue that in many respects our friends on the other side of the aisle hope will go away or not become a major issue prior to the election. With the increasing rise in crude oil—10 days ago it was up to an all-time high in 10 years of $37; it dropped down with the SPR release; now it is coming up again—the American public is becoming aware of how crucial not our dependence on imported oil necessarily is but the general concern that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

we have sacrificed our traditional areas of dependence on energy, whether it be coal, nuclear, or hydro, for a policy that has been fostered by this administration that directs everything towards utilization of natural gas.

As a consequence, we have seen the price of natural gas rise from $2.16 per thousand cubic feet 10 months ago to better than $5.00 in the last quotes that have come out within the last couple weeks. We have seen a tremendous increase in the dependence on natural gas at the expense of all our other energy sources.

This has occurred over an 8-year period of time. During that time, Clinton-Gore have to stand accountable for what they have done. On the supply side, the Vice President has done something. It is a situation that the supplies have decreased 18 percent and on the consumption side, consumption has increased 14 percent. In spite of our efforts for conservation, in spite of our efforts in alternative energy, we have a decreased supply and an increased consumption.

I was astonished when the Vice President said in his response to a question on energy policy, and again I quote:

> We need to get serious about this energy crisis in the Congress and in the White House.

Where has he been for the last 7½ years? While I don't agree with him in terms of Congress not being serious, I was glad to see they finally admitted it was not an issue taken seriously in the White House for the past 7½ years. That was certainly the implication.

We have had statements from our Secretary of Energy relative to the fact that the administration was caught napping with regard to energy prices, as we have seen the price of oil go from $10 a barrel a year ago to $37 within the last few weeks.

Now, I think, while it didn't come up in the debate last night specifically, there was a generalization to blame big oil. Well, who is big oil, Mr. President? Who sets the price of oil? We had a hearing before the Energy and Natural Resource Committee, which I chair. It was rather interesting because the Secretary of Energy did acknowledge that it is OPEC, the supplier, setting the price of oil. We are 58-percent dependent on OPEC. Who is OPEC? The Mideast countries that have the excess capacity, such as Saudi Arabia, Kuwait, and moving down to Central America is Venezuela, and then we also have Mexico. They have the supply; we have the appetite. They set the price. So to blame big oil for profiteering, or to make the implication of profiteering, is totally unrealistic and a bit irresponsible, in my opinion. There is no mention, of course, in general terms of the assumption that perhaps our oil industry was simply benevolent when they were selling at $10 a barrel a little more than a year ago. They are not so benevolent now because, obviously, they don't set the price. It is a supply and demand issue.

When the Vice President said we needed to get serious about the energy crisis, I think it is apparent that there has been a lack of attention during this in the administration, because Congress has acted. Specifically, Congress passed legislation granting deep water royalty relief. Congress passed legislation to help our domestic oil and gas industry through tax incentives, which they vetoed. Congress passed legislation that would handle the country's nuclear waste, which they vetoed. Congress passed legislation to open up the Coastal Plain of ANWR—that sliver in the Arctic—to responsible development, which they vetoed. That was 6 years ago. Had they passed that legislation, we would know what is there. We could have another strategic petroleum reserve, and we don't know that. We would be a long way into the development stages if indeed the oil were there. I venture to say, Mr. President, if we made a commitment to proceed with the Arctic oil reserve, you would see a dramatic drop in the price of oil.

One of the other interesting things the Vice President brought up was the implication that we hadn't done anything, or not enough, with renewables. In the last 5 years under the Republican Congress, expenditures for renewables have been $1.5 billion in new spending and $4.5 billion in various tax incentives. So Congress anteed up about $4.6 billion total for that purpose. The difficulty is that we simply don't have the technology to replace our oil dependence with coal, natural gas, and hydrogen.

Let's not be fooled. It is not just around the corner. The Vice President said last night he is a big clean coal fan. Well, what does that really mean? You would assume he would support the development of coal-fired generating plants in this country. There hasn't been a new one built in years. The administration's budget over the last 5 years has proposed to rescind or defer more than $1.4 billion in clean coal technology. Those are the facts.

How can you be all things to all people? Well, Vice President GORE implies he is pretty good at that. Let's talk a little bit about the facts because part of the issue that came up on energy was the disposition of the Coastal Plain in Alaska, the State I represent. I know something about it. I have been to the coastal plain many, many times. I think once again we saw the Vice President in trouble with the facts. This is what he said regarding the Arctic Coastal Plain, and I quote:

> I think that is the wrong choice. It would only give us a few months' worth of oil, and oil would not start flowing for years into the future.

Well, the facts are, according to the Department of Energy—the Clinton-Gore Department of Energy—this area could be the largest field ever discovered in North America—possibly 16 billion barrels of recoverable oil. If that high estimate of oil is found, it could produce over 20 percent of our current domestic production levels for the next 20 years. If the high estimate is found, it would be larger than Prudhoe Bay, which has been doing just that—producing 20 to 25 percent of our oil for almost the last 25 years.

I am not surprised that Vice President GORE has a problem with the facts on this issue. One need only read his official position on why he wants to "protect the Arctic Coastal Plain" to see that he is terribly misinformed. He says, "The wildlife refuge's Coastal Plain—where drilling would occur—is home to polar bears, grizzlies and black bear, Dall sheep, wolves and moose."

I know something about this area. I assure you there are no black bears and no Dall sheep in the Coastal Plain. Dall sheep are a mountainous species, and perhaps some Members in this body would have you believe otherwise, but there are no mountains in the Coastal Plains. It is very flat for miles and miles and miles.

What did Governor Bush say? Well, Governor Bush said it is better to produce energy here at home, where we can do it in an environmentally sound manner than to continue relying on imported sources of energy. I particularly agree that it is better that we explore at home, using our technology and environmental sensitivity, and do it right, rather than going over to the rain forests in Colombia, where there are no environmental constraints and they would ship it into this country on foreign tankers, which have the exposure to an accident off our shores by companies that don't have the deep pockets associated with the tragic accident that occurred in my State. Nevertheless, it seems as if this administration would continue to rely on the likes of Saddam Hussein for our energy security. That is about where we are.

I am going to conclude my presentation this morning on one segment of our energy policy that needs clarification. It is an issue that the environmental community has perpetrated on our American citizens; that is, that there is something extraordinarily unique, and there is something that, by its implication, suggests that we cannot explore and, if we find hydrocarbons, develop them safely. That is the argument over ANWR—or, as we refer to it, the Coastal Plain—a small portion of the area which is proposed to be opened for exploration and can only be done by the Congress of the United States.

Before I go into it, I think the public should be aware of another fact that has come up. You will recall the other day the Vice President recommended to the President that we release crude oil from the Strategic Petroleum Reserve, about 30 million barrels. That 30 million barrels was estimated to be a supply of heating oil, after it was refined, that would equal about a 3-day supply. I think it was about 3 or 4 million barrels of heating oil we would get out of that release.

I think it is also interesting to recognize that in the wintertime we consume about 4 million barrels of distillate—including heating oil a day. What I can't understand is the reality that we are exporting heating oil—heating oil that ordinarily you would assume would be going into inventories to meet the anticipated winter demand for heating oil in the Northeast Corridor. More than 117,000 barrels per day of distillate, as I understand it, are being shipped over to Europe and other places.

If the President has the power—which he certainly and evidently has taken—to remove oil from the SPR, why would he not prohibit the export of any heating oil refined from that oil? It is diesel that is going overseas currently. It doesn't make sense. I will have more information specifically, but they seem to have overlooked this in their euphoria to get the word out that indeed they are doing something positive about the shortage in the Northeast Corridor for heating oil, and the fact we are allowing a refined product to go to Europe is unconscionable and certainly goes against the argument that we needed to release oil from SPR.

Let me get into my presentation this morning because I want to try to communicate what this issue is about—ANWR, what are the facts and what is the fix. Hopefully, we can address that this morning since this issue has been brought up in the Presidential debates and clearly is attracting the attention of the American people, many of whom simply don't have an appreciation because they have never been there.

My State of Alaska is a pretty big piece of real estate. It is one-fifth the size of the lower United States. If you overlay Alaska over the entire lower United States, it will range from Canada to Mexico and Florida to California over to the Aleutian Islands 1,000 miles out to the west.

This little portion up here of our State is called the Arctic National Wildlife Refuge—perhaps inaccurately named because not all of it is a refuge nor all of it a wildlife area. There is an area that was carved out by Congress in 1980. In their wisdom, Congress took this area, which is 19 million acres—the size of the State of South Carolina—and said let's make a wilderness out of part of it and a wildlife refuge out of the other part. They took 8.5 million acres and made a wilderness in perpetuity; it is not going to be changed. They made another 9 million acres into what we call a refuge. But they left this area called the Coastal Plain, or the 1002 area, out of any permanent land designation until Congress made its determination as to its status.

During this time, there were certain activities with regard to oil and gas exploration, and it was suggested that there might be a significant reserve in this general area.

As you know, Prudhoe Bay is here—not too far away. That is where we have been producing about 25 percent of the total crude oil produced in this country. We built an 800-mile pipeline down to Valdez where the oil flows and moves down to the west coast of the United States. This infrastructure is already there. There was a construction project of about $7.5 billion to $8 billion, the largest construction project ever built in North America. It was designed to handle a little better than 2 million barrels of crude oil a day. Currently it is handling a little over 1 million barrels a day. So there is an unused capacity in existence there for over 1 million barrels a day. It would require no further adjustment of any kind.

The idea here is, should we allow exploration in this area and put it up for Federal leases? If we do, can we do it safely?

Of course, the proposal in Governor Bush's energy presentation is to take the revenue of some $3 billion anticipated from Federal leases as well as the federal royalty share and put that back into conservation issues, renewable energy technologies, home heating, and weatherization programs; in other words, take the revenue and try to do something positive for people to lower costs associated with high energy costs.

That is a significant step that suggests we can use the revenue which the private sector will pay and do something very positive with it, and address, if you will, environmental issues that need regeneration in other parts of the country with this revenue. The whole question, of course, is the status of this area and whether Congress is going to see fit to open it up.

I am going to go through the arguments because I think they really mandate an understanding so that there can be an appreciation of the merits of this. The first argument that is used in the fictional sense is the assumption that 95 percent of this area is already open to oil development.

Here is the area we are talking about. Only a part of the 1,500 mile Arctic Coastline is left open for possible development. Only 14 percent of the whole 1,500-mile Coastal Plain in Alaska is open to oil exploration today—not 95 percent but 14 percent.

Here is the area. This is closed. This area is open. Some of this happens to be State lands. And, except for a small part of the coastline, the coastline of the national petroleum reserve is closed clear over to Point Hope. To suggest that 95 percent of the area is already open is totally inaccurate.

I will certainly look forward to a spirited debate on this subject if somebody wants to take me up on it, including members of the environmental groups.

We also have 8 million acres of ANWR, as I have indicated, in a permanent wilderness. Another 9.5 million acres is classified as refuge; that is, 95 percent of the entire range is closed to exploration and oil development. It is closed.

Using modern technology—there is the point I want to highlight—the indications are that we would need only 2,000 acres out of the 19 million acres to develop the proposed oil fields that are believed to exist in the ANWR Coastal Plain. That is a pretty small footprint when you consider this ANWR area is about the size of the State of South Carolina. We are talking about a 2,000-acre footprint, if given the opportunity. That is about one-tenth of 1 percent of the 1.5 million acres, the 1002 area, and only 1 and one-hundredth percent of the entire 19-million acre ANWR area.

These are the misconceptions that have been forced on the American people relative to the significance of what development could take place, how small the footprint is, and how large overall the area is, and little attention has been given to the infrastructure that is already there.

I also remind people that this is not an untouched area. There is a distant early warning radar site there. There is a Native village of Kaktovik right in the middle of it where nearly 300 Eskimo people make their living and pursue a subsistence lifestyle. It is interesting to note that about 70 percent of the people in the village support opening the area because they want to have an opportunity for an alternative standard of living and lifestyle: Should they choose to foster just subsistence, or should they pursue opportunities for jobs.

Another fiction is that opening up the Coastal Plain would destroy the biological part of the wildlife refuge. That really sounds good. But let's look at it for a minute.

The Coastal Plain can be opened to development without harm to the wildlife and the environment. Even the Eskimo inhabitants of Kaktovik who depend on subsistence hunting and fishing to eke out their living in the far north are convinced that oil development can be done safely, because of the safeguards, without harm to their land and the wildlife on which they depend for their heritage.

Under legislation I have proposed, No drilling or development activities would be allowed during the caribou calving season. Limits would be placed on exploration, development, and related activities to avoid impacts on fish and wildlife. Initial exploration efforts would be limited to a time between November and May—the Arctic winter—to guarantee that there would be no impact from exploration, pipelines, or roads on the caribou.

Let's look at some descriptive charts that give you an idea about the success of developing this area from what we have learned in Prudhoe Bay.

Here is the Prudhoe Bay area. These are not mannequins, these are real caribou. They are wandering around, and nobody is disturbing them. You cannot take a gun. There is no shooting allowed. There is no taking of game in the entire oil fields. These animals are very adjustable as long as they are not harassed. Clearly they are not harassed.

There is a picture of the caribou herd that happens to be going through Prudhoe Bay area.

The same thing is true with regard to other wildlife. This is the pipeline going to Prudhoe Bay. You can see the Arctic tundra over here. It is a pretty time. It is a wintertime picture.

There are three bears here. It is kind of comical because the bears are walking on the pipeline. Why? Because it is easier to walk on the pipeline than to walk in the snow. They are as smart as the average bears around here. In any case, it is a little warmer too. To suggest that somehow these animals are going to be fenced out because of some activity just isn't supported by any burden of proof.

We are trying to give some factual, real-life issues associated with development in the Arctic and what steps we take to protect the environment and ensure we are not going to have difficulties associated with the wildlife.

I also want to show you a little effort by our Canadian friends on this side when they begin to initiate an aggressive oil and gas exploration program in the Arctic.

This is the boundary between Canada and Alaska. This is the Northwest Territory. We see various villages. The dots represent oil wells that have been drilled for exploration purposes. Here is the village of Old Crow, just on the Canadian side of the Alaska-Canadian border.

My point is to show the extent of drilling on the Canadian side in the search of oil and gas. Unfortunately, they didn't find any oil and gas. This is also the route of the porcupine caribou herd. They move through the range and traverse the area. Incidentally, they cross a highway, the Dempster Highway. The Canadian Government, when they found there was no oil, decided to make it a park. As a consequence, it is a park today; that is fine. But to suggest that somehow this activity would have some effect on the migration pattern certainly proves it didn't have much of an effect, and the highway and the caribou traversing it did not have an effect on the herds. In the proposals we have for development in Alaska, the technology today is very different.

This photograph gives an idea of the development of an oil well in Alaska today. There are no roads, no gravel. This is an ice road. That is the technology used. They build up the ice and use it as a road. This is a well. You can see the Arctic Ocean. It is a pretty tough area. It has its own uniqueness, its own beauty, but is a very hostile environment.

When exploration activity is completed, this is the picture we have during the short summer. It is the same area. There is no despoiling of the tundra. This represents the technology that is available today.

The Coastal Plain has been declared America's last wilderness. It is not wilderness. However, an awful lot of our State is wilderness. We have 56 million acres of wilderness. The point is we protect the wilderness. We can protect these areas.

In our State less than 1 percent of the entire State, 365 million acres, is in private ownership and available for development. We have 192 million acres of parks, preserves, conservation system units. As I have said, there are 56 million acres of wilderness, 61 percent of all American wilderness. How much is enough? I am not here to debate. Wilderness in Alaska already covers an area equal to Pennsylvania, New Jersey, West Virginia, and Maryland.

Further in the Coastal Plain lies this village of Eskimo people. This picture demonstrates what it is like to take a walk on the North Slope in the wintertime. There are a couple of kids in the village walking down the street. It is blowing snow. Aren't these kids entitled to a different lifestyle, should they wish? The answer clearly is yes. When they say there has been nothing in this area, they are misleading. It is inaccurate. This is the wilderness, this is the refuge, this is what Congress is debating, and this is where the oil is likely to occur in the footprint of 2,000 acres.

Some suggest it is only a 90-day, or a 200-day supply of oil. Prudhoe Bay was estimated to produce 9 billion barrels. It has produced over 12 billion barrels today. It is still producing over a million barrels a day. When we look at potential production, we are looking at the potential of 16 billion barrels. When we talk about a 200-day supply, we assume there will not be any oil produced from any other source. It is a fictional argument.

I have talked about the caribou, but I want to show again the significance of this with regard to Prudhoe Bay. This picture is a different herd than exists in the ANWR area. This is the central arctic herd. There is no indication that an environmentally responsible exploration will harm the porcupine caribou which, I might add, is 129,000 now. As a matter of fact, we have about three times as many caribou in our State as we have people—not that that is anything significant, but it is a fact. We have had 26 years in Prudhoe Bay of protecting these animals. The central herd has grown from 3,000 animals in 1978 to 19,700 today. That is a fact.

These arguments suggesting somehow we will decimate the wildlife simply is not based on any accurate information. It is an emotional argument. This is one of the travesties that has been taking place—exploiting the American public to suggest we cannot open this area safely. Why has the environmental community pursued this? It generates membership. It generates dollars, gives them a cause, and it is so far away people cannot see for themselves. I can't say how many "experts" in this body have opinions but have never been there. Their material is written by the Wilderness Society. It is written by the Sierra Club.

Caribou will flourish in ANWR as they have throughout Alaska. In these areas, no hunting will be allowed by anyone other than a Native.

We have heard a good deal from the Gwich'in group, the group of Natives on the Canadian and the Alaskan side. The suggestion is this will destroy their culture. Nothing will prevent the caribou herd from passing close to the Gwich'in villages. That is where they yearly hunt, when they come through. They will continue to have the availability of the caribou for their subsistence. Strict controls are planned to prevent disruption of the caribou herds during the summer calving. The caribou calve in the northern area, but they calve, depending on weather schedules, snowfall, bugs, and predators—sometimes they calve on the Canadian side; sometimes they calve on the Alaskan side. The point is, the Gwich'in group that is dependent will be protected as a consequence of ensuring that there is no activity on the Arctic Slope during the time of the migration. That can be simply asserted by regulations, and we have agreed to do that.

It is interesting to note that the Gwich'in group, 15 years ago, issued a request for a proposal to lease their own land, about 1.7 million acres for oil development. Maybe the oil companies should have bought. Unfortunately, there wasn't any oil. As a consequence, the leases were not taken up. Now the Gwich'ins are entitled to change their mind, and that is what they have done.

The truth is, they are funded by the Wilderness Society. They are funded by the Sierra Club. We have tried time and time again to encourage some of the Gwich'ins to go from their traditional area and go to Point Barrow and see what the Eskimos think of resource development associated with oil and gas.

I recall one of my friends took a group up. He is an Eskimo from Barrow. He said he used to go to school to keep warm. But before he did, he had to go to the beach to pick up driftwood that flowed down the river—no trees, but driftwood, to keep warm. He says: We have an alternative lifestyle now. We have a choice. We can take a job. We have educational opportunities.

They are able to provide a full 4-year college scholarship to any member of their community who wants to go. They can do that because they have revenues associated with their Barrow's taxing base on the oil pipeline. So it has brought about an alternative in lifestyle and a choice that people previously did not have.

These people are entitled to the same things to which you and I are entitled, if they so choose. So when you look at these kids, look at whether or not they want to continue to rely on the subsistence economy, following game, or whether they want an opportunity to have a college education and come back, maybe, as a doctor or nurse or whatever. They are given this opportunity through activities associated with creating the tax base of their communities. Should they not be heard as well?

I was amused at the inconsistencies associated with the environmental community. The Audubon Society currently holds leases in the Paul J. Rainey Wildlife Preserve in Louisiana. They hold oil leases. They generate revenue. There is nothing wrong with that, but it is an inconsistency they do not care to acknowledge or admit. If it is OK for the Audubon Society to have revenues from oil in a preserve, the Paul J. Rainey Wildlife Preserve in Louisiana, why shouldn't the Natives of my State have the same opportunity for their own land? It seems to me there is certainly justification.

There is another myth: Canada has protected their wildlife; we should do the same. We went through that. The Canadians finally created a national park, but they did so only after extensive exploration failed. The Canadians drilled 89 exploration wells on their side with no success. They also extended the Dempster Highway, cutting across the center of the Porcupine caribou herds' route.

Another fiction we hear all the time: Oil exploration would destroy polar bear habitat. Doesn't that sound terrific? The reality is polar bears den on the Arctic ice pack, not on land. The administration has positively identified only 15 polar bear dens on the entire Coastal Plain for an 11-year period; that is one or two dens a year. We have a healthy population of polar bears, estimated at about 2,000. The reason is we do not shoot them. You can go to Canada and take a polar bear for a trophy: You can go to Russia. You can't do it in the United States. The only people who can take polar bear are the Native people for subsistence. The environmentalists don't tell you that.

However, they do tell you Prudhoe Bay has been littered with chemical and oil spills, the Arctic having been despoiled by three or four—whatever figure they want to use. But the figure that is accurate is 17,000 spills since 1970. That is the accurate figure. How can you have those spills with such a pristine environment? The fact is, as a consequence of the environmental oversight and requirements, every spill of any material—even if it is fresh water—has to be reported; any spill that is how you get 17,000 spills.

For example, in 1993 there were 160 spills involving 60,000 gallons. Before you jump to conclusions, only 2 spills involved oil. Roughly 9.5 gallons of oil were spilled from a leaky valve. Any oil and chemical spills have almost always been confined to frozen gravel pads where they are easily cleaned up. Moving more than 1 million barrels of oil a day, everyday, from the ground, through the pipe and onto ships—9.5 gallons of oil spilled. I think that is a remarkable record. Prudhoe Bay is the finest oil field in the world bar none. We send kids up from Anchorage and Fairbanks to pick up the few papers that happen to blow around. It is a summer job.

Another fiction: Producing more oil would simply cause Americans to buy more gas-guzzling cars and defeat conservation efforts. America does need to be more energy efficient. It does need to develop more alternative fuels. Even with increased energy efficiency and conservation, our energy demands are forecast to increase 30 percent by the year 2010. By then, America will be producing just 5.2 million barrels of oil per day. We will be forced to import 65 percent of our oil needs. This certainly poses a threat to our national security. We would need 30 giant foreign-flagged supertankers a day, more than 10,000 a year, coming into our ports to import the oil we need. That creates much more environmental risk than developing our own resources where we have the tough environmental requirements.

The vast majority of Americans oppose disturbing the Alaska Arctic National Refuge—that is what the environmentalists would have you believe. Americans strongly support responsible development when they know the facts about it. That is what I have attempted to do today.

I encourage my colleagues to give me an opportunity to debate them if they want to challenge these facts. A poll taken by the Gordon S. Black Corp. said 56 percent of Americans support ANWR leasing; 37 percent oppose; 74 percent of Americans support efforts to produce domestic oil and natural gas. That is what Governor Bush proposed last night—producing more oil here at home and not being dependent on imports. Certainly, most Alaskans support ANWR. The entire congressional delegation, the Democratic Governor, 78 percent of the residents of Kaktovik, this little village, support it.

Some say what are we doing exporting from Alaska? We don't export oil from Alaska. There was some exported when we had surplus oil on the west coast of the United States. That has not occurred for several months.

Finally, they suggest we are a wealthy State, we don't need ANWR. That is a ridiculous argument. We have, in Alaska, the highest cost of living in the nation. We have billions of dollars of unmet infrastructure needs like sanitation for our village's health needs. We have no roads across most of Alaska. We have, probably, the most fragile economy of any State in the Union. We have always depended on resource industries, but our timber industry has been shut down by this administration. We have lost our jobs in Ketchikan and Sitka, our only two year-round manufacturing plants. Our oil and gas jobs are down.

The worst thing is we have had 32,000 young Alaskans leave Alaska since 1992 as a consequence of not having opportunities for these people within our State because we are dependent on developing resources and the Federal Government controls the landmass in our State.

I hope as we continually debate the issues before us as we enter this Presidential campaign, and the issue of energy comes to the forefront, as it should, as a distinct issue between the two candidates, we will have a better understanding of the merits of opening up this area of the Arctic for the relief that is needed in this country today. I predict if this administration would commit to opening up this area for oil and gas leasing, you would see a drop in the price of oil overnight. As a consequence, the belief that America meant business when it said we were going to relieve our dependence on imported oil would mean we would not be subject to the whims of the individual who controls, if you will, the difference between the world's capacity to produce and the world's current demand—which is about 1.5 million barrels with supply being a little over the demand. That one person is Saddam Hussein, in Iraq, who is currently producing almost 3 million barrels a day. The fear is he will cut production. If he cuts production, we will see oil prices go from $37 to probably $60 a barrel. That, coupled with the instability associated with the current spokesperson from OPEC, from Venezuela, who has made certain suggestions that clearly the object of OPEC in Venezuela is to protect the interests of the small countries of the world at the expense of the large consumers of hydrocarbons.

means we have a very unstable situation.

I hope the American people have a better understanding of what has happened in the last 8 years as this current administration has abandoned the traditional dependence on many sources of energy—oil, natural gas, hydrocarbons associated with our coal industry, our nuclear industry and our hydroelectric industry—and clearly focused the future on our energy supply of natural gas.

As a consequence, we have seen what has happened with natural gas. Demand has gone up, and we are in a situation now where other countries are dictating conditions under which we have to pay the price they charge or go without. It is strictly supply and demand. It has been coming for a long time, and the Clinton-Gore administration bears the responsibility for not having a responsible energy policy. That is why I am so pleased to see Governor Bush come forward and acknowledge what has to be done, and among those issues is more domestic production.

The fact he has stated the belief that we can open up this area safely I think deserves full examination and explanation to the American public. That is what I have attempted to do today.

I thank my colleague for the opportunity to speak in morning business. I see the floor leader, Senator GORTON, is on the floor. I believe the pending business is the Interior appropriations bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Nevada.

Mr. REID. Will the Chair inform the Senator from Nevada as to how much time the Senator from Alaska consumed?

The PRESIDING OFFICER. Forty-seven minutes.

Mr. REID. Mr. President, that indicates that after the Senator from New York speaks, there will be 25 minutes remaining on this side. Even though it was not part of the order, I ask unanimous consent that the time of the minority be used all at the same time, that there not be any interruption. I believe that was the intent of the unanimous consent agreement entered earlier today—that we would have equal time in morning business.

The PRESIDING OFFICER. The Senator is correct, although the minority will control 32 minutes following Senator SCHUMER's statement.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak prior to Senator SCHUMER and use whatever time I may consume, which will be about 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISSUES IN THE PRESIDENTIAL DEBATE

Mr. REID. Mr. President, I have the greatest respect for my friend from Alaska. He has devoted a great amount of his time to this one issue; that is, drilling in ANWR. I have been present on the floor on many occasions when he has given basically the same presentation he did today. I do not mean to take away from the intensity of his belief, his passion, that there should be drilling in this pristine area. The fact of the matter is that the majority is wrong on this issue.

The minority believes we do not have to pump every drop of oil that is on U.S. soil, that there are other things we should do. One of the things we need to do is develop alternative energy sources; that is, solar energy. We are not as a government doing nearly enough to develop this great resource.

We have heard a lot of discussion on this floor about the Nevada Test Site where some thousand nuclear devices were exploded over the years. Solar energy facilities could be developed at the Nevada Test Site which could produce enough electricity to supply all the needs of the United States. The desert Sun would supply enough energy for the whole United States. That is what we should develop—alternate energy sources.

I am very proud of the fact that this administration has decided they are going to go all out, and they have already begun to develop geothermal energy. All over the western part of the United States, there is geothermal energy potential. If one drives from the capital of Nevada, Carson City, to Reno, one sees steam coming out of the ground. That steam represents great potential for geothermal energy.

There are powerplants in Nevada and other places in the western part of the United States that produce electricity from the heat of the Earth. Geothermal energy is available in various parts of the United States. There is tremendous potential there.

If one drives in southern California, one sees areas where there are miles and miles of windmills. These windmills produce electricity, and we are getting better every day in developing more efficient windmills. That is where we should be directing our attention, not to producing oil in a pristine wilderness in Alaska.

The fact of the matter is, we could produce millions of barrels of oil there for a very short period of time. The effect on our energy policy would be minimal. It would produce jobs for the people of Alaska—and I understand why the Senators from Alaska are pushing jobs—but it would be to the detriment of our environment.

It was very clear in the debate last night that the Vice President said we should not be drilling in ANWR, there are other things we can do, and he mentioned, as I have, alternate energy policies. He also stated that we can do a lot of things in our country to conserve and reduce the need to produce more electricity. I hope we will focus on what we can do to make sure we are energy efficient and that we are not so dependent on importing foreign oil.

One of the things I regret we did not do, because the majority would not let us do it, is to put more oil in our reserves. We have a program to begin pumping some of our reserves. That is a wise decision. Look at the results. There was a dramatic decline in the cost of oil, and OPEC suddenly decided it was the right thing to do to start producing more oil because they knew we would start pulling down our reserves and the cost of oil would go down anyway.

The Senator from Alaska criticized the Vice President for his interest in improving energy efficiency and expanding renewable energy production. His criticism is not well taken. In my view, the Vice President has a balanced, healthy approach to reducing American dependence on foreign oil and big oil generally. He recognizes we can produce oil and gas more efficiently at home, we can expand our domestic production of renewable energy, and our economy can become more efficient.

Vice President GORE has also realized, as he stated on a number of occasions and as I have already said, that we do not need to develop every drop of oil in the Earth. Unlike Governor Bush, Vice President GORE believes that in some cases special places, national treasures, should be off limits to big oil.

We know there is a massive lobbying effort by big oil companies to drill in ANWR. It is the wrong thing to do. Clearly, the Arctic National Wildlife Refuge is one of those special places about which the Vice President talked. It is the last pristine Arctic ecosystem in the United States. It should be out of bounds for oil exploration. I do not care if the caribou can walk on pipelines because it is warm or they cannot walk on pipelines because they are cold. The fact of the matter is, we do not need to drill in ANWR. It should be out of bounds. Vice President GORE recognizes we can protect America's national treasures and satisfy our energy needs.

I am disappointed that Governor Bush lacks, I am sorry to say, a notion about, or maybe even an understanding of, what energy policy is all about. His affiliation for so long with big oil seems to have tempered his views toward big oil. Of course, his Vice Presidential candidate has the same global view that big oil solves all problems. The only way for America to reduce its debilitating addiction to foreign oil is to develop alternative energy sources and to do a better job with our consumption. We do not solve our problems by drilling in our precious national wildlife refuge.

Mr. President, not only do I believe that the Vice President was right last night about our energy policy, but I also believe he was right about education.

I think, when we recognize that over 90 percent of our kids go to public schools, we have to do things to protect and improve our public schools. I think the Vice President recognizes the need for school construction.

In Las Vegas, we have to build a new school every month to keep up with growth. We need help. I did not misspeak. We need to build a new school every month to keep up with the growth in Las Vegas. We have the sixth largest school district in America. We need help, as other school districts around the country need help. We need them for different reasons. The average school in America is over 40 years old. The Vice President recognizes that school districts need help in school construction. We need help in getting more teachers and better teachers.

That is why the Vice President spoke so eloquently on the need to do something about prescription drug benefits. That is why he spoke about the need to do something about prescription drugs.

It was very clear to all of us that his statements regarding international policy were certainly well made. The Vice President did a good job because he has a wealth of experience.

But I also want to say this to the American people. I am not here today to diminish Governor Bush. We should be very proud in America that we had the ability last night to watch these two fine men debate. They are debating to become the President of the United States, the most powerful, the most important job in the whole world.

I have to say I think the glass is half full, not half empty. I think these two men did a good job. Most of us who serve in the Senate—or everyone who serves in the Senate—have been involved in these debates. It is hard. It might look easy watching these men at home on TV, but it is hard. There is tremendous pressure on each one of them. Millions of people are watching each one of them.

What is the criticism today? The Vice President sighed; and George Bush, when he was not speaking, his face was red and he snorted a couple times. If that is the worst we say about these two fine men, then we are in pretty good shape as a country. AL GORE is a friend of mine, Tipper Gore is a friend of mine. I think his debate was a slam dunk, as indicated in all the polls today. AL GORE won the debate. And I am very happy that he did.

But do not diminish these two men by saying one sighed too much or one had a red face. They were in a very difficult situation last night. I am proud of the work that both of them did. I think we, as a country, should feel good about our country, that people who are running for President can be seen; their sighs and red faces combined. I think we should recognize that. If you look just across the ocean, you see what is going on in Serbia and Yugoslavia. That is what we do not want. We should be very proud of what we have here in America.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleagues for giving me the time, and my good friend from Nevada, the assistant minority leader, for arranging our ability to speak.

First, I say, as well, that I enjoyed the debate last night. I thought most Americans got to see, for 90 minutes, the candidates unfiltered. It was good for the country, whatever side one came down on. It is just one more step in the process of all of us educating ourselves about the very difficult problems this country faces as we move along.

I would like to talk about one aspect of the debate which is very relevant to what we are doing here as we end our final 2 weeks on the budget. What we heard from the Vice President and from Governor Bush last night about the budget, about Medicare, and about taxes is exactly what the Senate is focused on as we move to wrap up the session. So I thought it would be a good idea for us to actually look at the numbers instead of the rhetoric.

Last night it seemed to me Vice President GORE talked about a lot of numbers. Governor Bush did not answer any of his statements. He did not answer Jim Lehrer's questions. Instead, he resorted to this sort of catchall of "fuzzy numbers," "fuzzy math," "fuzzy Washington numbers." I guess when you do not have the ability to answer or you are stuck, you go to rhetoric.

I would like to examine those so-called "fuzzy numbers." I do not think anyone who has examined them looks at them as "fuzzy." But it is just that Governor Bush's plans for America are so skewed, and the numbers do not add up, that he cannot answer the questions directly and instead starts talking about "fuzzy numbers."

I will admit, to the average American this is all sort of confusing. People are so busy with their jobs and their families and their hobbies and their avocations, they can't take out a magnifying glass and look at all the details. They have to go, as we always have in this Republic, with their instincts. Who is really right?

But today I thought I might spend a few minutes of our time on the floor, which I am grateful for, to actually go over those numbers in as clear a way as I can.

It is clear, once you look at the numbers, that what the Vice President was saying is true: That if we use Governor Bush's plan, a largely disproportionate share of the tax cuts go to the wealthiest people; that there is no room for Medicare expansion, in fact Medicare must be cut, if we use Governor Bush's plan; that, in fact, you do go back to the old days of not only eating up the surplus but of deficit spending—if we do all of the things that Governor Bush has proposed.

So let's look at the math.

Let's start out with the basic foundation of our budget, the surplus projections. We all know they may not be accurate, but they may not be accurate on the low side or they may not be accurate on the high side. These are the best numbers we have from the Congressional Budget Office, which is generally regarded as fairly nonpartisan.

They estimate that the surplus, over the next 10 years, will be huge, $4.6 trillion. I think that is because we finally have gotten it here in Washington that we can't go spending money we do not have. That is good. There is a consensus—I think both Democrats and Republicans agree—about that.

There is a second agreement. We all agree right now that the money ought to go to Social Security first, that we ought to take the Social Security surplus, the amount of money that is in FICA, that you pay in in FICA, that every American worker pays in—their hard-earned dollars; and they pay what I guess many would think is a high percentage—my daughter had her first job over the summer. She is 15. She was amazed how much came out in FICA from her little meager paycheck. But we say all that FICA money should stay with Social Security; that no one in Washington should get their sticky little fingers on it and use it for something else. You take away the Social Security surplus and that gives us a total, over the next 10 years, of $2.2 trillion to spend.

Last night, the Vice President said Governor Bush's plan would not only use all that but return us to deficit spending when you added everything up. He focused on the tax cut as much too large, if you wanted to do the other things.

The Governor did not respond in point. He said: These fuzzy Washington numbers. This chart shows the numbers are not fuzzy. They are as clear as the nose on the Governor's face.

You start with the $2.2 trillion, non-Social Security surplus. Both parties agree we have to preserve the Medicare trust fund, although last night the Governor did refuse to come out for his lockbox. But as you preserve the trust fund, if you do not cut into Medicare, which he says he will not do, you lose another $360 billion. Then you go $1.8 trillion.

Then there is the $1.3 trillion tax cut. We will discuss later to whom it goes. That was the No. 1 contention in the debate. But Governor Bush, by his own words, takes $1.3 trillion. He says it is a small portion of the total Government budget. It is. But it is a very large portion of the surplus that we have. Of the $2.2 trillion that is left after you save Social Security and preserve Social Security, he would take $1.3 trillion of that—more than half of it—and put it into tax cuts. That brings us down to $500 billion left over the 10 years.

Then there are the other tax breaks that the Governor has supported which have been talked about on this floor. He supports cutting the marriage penalty. He mentioned that last night. He supports the estate tax reduction. He has mentioned that at other times. You take that, that is another $940 billion. So now we are already in deficit by $400 billion; no longer having the surplus that we struggled to attain after so many years of deficit spending. So then we are in deficit.

But he doesn't stop there. Then there is spending. The Governor proposes some spending for education and for other things. Every day we hear of a new program he is coming out with. I support some of them, as I support some of the tax cuts, but not all because together, when you add it up, it is too much.

He has proposed $625 billion in spending. That brings our deficit to $1 trillion. Then he proposes that we take $1 trillion out of Social Security and let people invest that in the stock market or whatever else. Of course, he said, it will go up three times; that is, if the stock market triples. I don't put my daughter's college money that my wife and I save each month in the stock market for fear, even though it might triple, it might go down. And then how are we going to pay for her college?

He takes the money out, wherever you put it, and that is another $1.1 trillion. Now we are at a $2.1 trillion deficit. Finally, because you are not getting interest on all this money; you are spending it, so to speak, in terms of tax breaks and in terms of spending programs, you lose another $400 billion of foregone interest. When you add it all up, the deficit, with the Governor's plan, is back to the bad old days of $2.5 trillion.

This is not fuzzy Washington math. These are not fuzzy numbers. These are the numbers the Governor has proposed. No wonder he didn't answer Vice President GORE's retort about going back and where all the money is coming from. No wonder he had to use this rhetoric. The only people these numbers are fuzzy to are the people who don't want to add them up because they lead to deficit spending: the Governor of Texas and his supporters.

The other big issue was where does the tax cut go. Again, Vice President GORE said seven, eight, nine, ten times—I lost count—that the top 1 percent of the people in America get a huge proportion of the tax cut. And Jim Lehrer asked Governor Bush whether that was true, and Governor Bush would not answer the question. Do you know why? Why didn't Governor Bush answer the question as to where the tax cuts go? Because he knew the Vice President was right. He knew it went disproportionately to the wealthiest people in America.

Here are the numbers, plain and simple. This is data from Citizens for Tax Justice, not a Democratic or Republican group.

The top 1 percent of America, those are people—I wish the Vice President had said this—the top 1 percent is not you or even me, and I make a good salary as a Senator. You have to make $319,000 to be in the top 1 percent. If you average it out, the income of the top 1 percent is $915,000. These people are not just millionaires; they make almost $1 million a year on average. They get 42 percent of the tax cut. Almost one of every $2 we are cutting in taxes goes to people whose average income is $1 million or close to $1 million a year. How many Americans want that? If I were confronted with that fact, I would "rhetorize," as they say, I would give what the Governor himself might call Washington rhetoric and say: That is fuzzy mathematics.

It is not fuzzy. Here it is, Governor Bush: The top 1 percent get 42 percent of the tax cuts. The people whose average income is $915,000 get $46,000 back in tax cuts.

Let's take the people in the middle, the middle 20 percent, people making between $25,000 and $40,000 a year. They get about 8 percent of the tax cuts or $453. Of course, low-income people, the Governor said, they are going to do better—yes, $42 a year better. So it is true, as the Governor said, everyone gets a tax break. He wants to give the money to everyone. The trouble is, he wants to give most of the money to the wealthiest few.

He is right. The wealthiest people have most of the money, and they pay a lot of the taxes. That is true. But we have a policy choice, Mr. President. Do we want the wealthiest of people to get most of the money back or do we want to do targeted tax cuts for the middle class and spend more of the money than the Governor does on education, on a prescription drug plan, on health care?

This is not fuzzy Washington math. These are facts. I don't blame Governor Bush for running away from them and hiding behind rhetoric.

One final point. Vice President GORE, in the debate, said that he wanted targeted tax cuts for the middle class. And George Bush said: You need an accountant to figure this out. Well, tell a family who is making $50,000 a year, whose oldest child is 17, and the husband and wife are up late at night worrying: How in the heck are we going to pay for Johnny's college. How the heck, on an income of $50,000 a year, are we going to come up with $10,000 a year after paying our mortgage and buying the food and payments on the car? How are we going to do that?

Well, you don't need an accountant with what Vice President GORE talked about. You simply need to put on your tax return that your child is going to college, that you are paying $10,000 a year, and you deduct that from your taxes. It is as simple as deducting your mortgage interest. It is as simple as deducting your health care costs. You don't need an accountant.

We all believe in tax cuts; I do. Is it better for all of America to give that wealthiest family $46,000 a year, when their income is $915,000, or is it better to say to middle-income families who are struggling with the cost of college that we ought to make college tuition tax deductible, a proposal that has had bipartisan support in the Senate? The Senator from Maine, OLYMPIA SNOWE; myself; the Senator from Indiana, Mr. BAYH; and the Senator from Oregon, Mr. SMITH—two Democrats and two Republicans—have championed that. I learned how much people struggled with that when I ran for the Senate 2 years ago. It is one of my passions to get it done.

You don't need an accountant. Those are not fuzzy Washington numbers.

The PRESIDING OFFICER. The Senator has used 15 minutes.

Mr. SCHUMER. I ask unanimous consent that I be given an additional 2 minutes from our time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. It is not fuzzy math. It is plain and simple.

The bottom line is, last night Governor Bush could not argue facts. He could not argue the merits. So he ran away from the argument by claiming fuzzy numbers.

The debate was a great success for the Vice President because, as people examine what I have talked about—the huge deficit spending the Governor would have us engage in, again, the fact that a disproportionate share of the tax cuts go to the wealthy; the fact that the middle-income tax cuts proposed by the Vice President are very simple and easy to use and desperately needed by the American people—the Vice President will score points.

More importantly, he will win the election on that basis, and America will finally spend our surplus on the priorities we need and return taxes to the middle class who need them more than anybody else. Our country will continue the prosperity that, praise God, we have seen in the last 8 years.

Mr. President, these are not fuzzy Washington numbers. These are facts. They are facts that show that the Vice President is far more in touch with what the average American wants and needs than is Governor Bush.

I don't believe in class warfare. I respect people who have made a lot of money. That is the American dream. I hope my children will.

But when you do deep tax cuts, who should get it when you only have a limited amount? When you have a surplus, why should it be squandered? Governor Bush, these are not fuzzy numbers but hard, cold facts that help the American people.

I yield back my time and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

APPLAUDING SENATOR SCHUMER

Mr. REID. Mr. President, I appreciate very much the statement of the Senator from New York. New York is the financial capital of the world, and the Senator from New York, having long represented that State in the House of Representatives, has certainly hit the ground running here in the Senate. We depend on the Senator from New York on many occasions for financial information and advice due to the fact that he comes from the financial capital of the world. His very vivid description of the debate last night, in financial terms and what the tax situation is from both candidates, was welcome. I congratulate and applaud the Senator for his very lucid statement.

Mr. SCHUMER. I thank my friend, who is a great leader for all of us. He is always giving us younger Members time to make our statements on the floor, in addition to all the other nice things he does.

ALASKA PRODUCTION

Mr. REID. Mr. President, I thought it was appropriate that we revisit what the junior Senator from Alaska said today. He has come to the floor on many occasions and said, as I have stated earlier, the same thing. He does it with great passion, and I appreciate how strongly he feels about it. I think the time has come that we don't let his statements go without giving the facts from the other side. What are some of those facts? Let's talk about production of oil in Alaska.

In 1999, the Clinton-Gore administration offered tracts on nearly 4 million acres of land in the national petroleum reserve in Alaska, to the west of Prudhoe Bay, for oil and gas leasing.

> Oil companies with winning bids will pay—

This is a staggering figure, but it is to show that we in this administration have had an energy policy, as we all know.

> Oil companies with winning bids will pay $104,635,728 for leases in the National Petroleum Reserve in Alaska. A total of 425 tracts on approximately 3.9 million acres were offered by the U.S. Bureau of Land Management in today's lease sale, the first such sale for the reserve since 1984.

It is important we recognize that there is an energy policy and, as indicated, this is the first sale for the reserve since 1984.

> Six oil companies submitted 174 bids on 133 tracts.

The oil industry should explore and develop the Alaskan Petroleum Reserve before there is any suggestion of opening the sensitive lands of the wildlife refuge to development. We acknowledge that, and that is why they are paying $105 million to do that. They should do that before there is even a suggestion of opening the sensitive lands of the ANWR to develop. ANWR doesn't need to be developed. To even suggest doing it before we fully explore the petroleum reserve in Alaska indicates that we are doing it for reasons other than petroleum production.

> In 1998, the U.S. Geological Survey released a mean estimate of 2.4 billion barrels of economically recoverable oil in the Arctic Refuge at $18 a barrel market price in 1996 dollars. Such a discovery would never meet more than a small part of our oil needs at any given time. The U.S. consumes about 19 million barrels of oil daily or almost 7 billion barrels annually. . . .

So using these numbers for a couple of years, you could drill and it would be gone, and you would damage, to say the least, this beautiful part of the world.

The U.S. Geological Survey indicates that the mean estimate of economically recoverable reserves assumes an oil price of $18, as I have indicated. We know the price of oil is almost double that today. Even at $20 a barrel, the mean estimate increases to 3.2 billion barrels. This information comes from Dr. Thomas Casadevall, the Acting Director of the U.S. Geological Survey.

Production of oil in the United States peaked in 1970. You can see that on this chart. That was when the United States produced about 9.6 million barrels of oil every day. Production in Alaska has also been on a continual decline since 1988. It is very clear that the production of oil in Alaska has been going downhill since 1988, when it peaked at 2 million barrels of oil a day.

Domestic gas and oil drilling activity decreased nearly 17 percent during 1992, the last year of the Bush administration, and was at the lowest level since 1942. So I think we should understand that the Senator from Alaska—if he has to complain about energy policy—should go back to the Bush administration. That is when we bottomed out, so to speak.

Let's talk about what has gone on since 1992 when this administration began a concerted effort to increase the production of oil. Under the leadership of the Clinton-Gore administration, natural gas production on Federal lands onshore and oil production offshore is increasing. Natural gas production on Federal onshore lands has increased nearly 60 percent during this administration. Let me repeat that. Natural gas production on Federal onshore lands has increased nearly 60 percent since 1992. Oil production on Federal lands is down. But the gas statistics belie the argument that the administration has shut down the public lands to oil and gas development. This source comes from testimony given before the Energy and Natural Resources Committee in July of this year.

The Gulf of Mexico has become one of the hottest places in the world for exploration, especially since this administration supported incentives for deepwater development going into effect in 1995. Between 1992 and 1999, oil production offshore has increased 62 percent.

So it hardly seems to me that this is an administration without an energy policy, when we have determined that natural gas production during this administration on Federal onshore lands has increased about 60 percent and we have also determined that during this administration oil production offshore has increased 62 percent. Natural gas production in deep waters has increased 80 percent in just the past 2 years. These increases are in areas of the Gulf of Mexico, where the United States actively produces oil and gas.

So the point I am making is that we have my friend, the Senator from Alaska, coming to the floor and continually saying we don't have an energy policy. These figures belie that. We have an increase in Federal onshore lands by 60 percent; oil production offshore, 62 percent; and just in the last 2 years, gas production in deep waters increased 80 percent. Why? Because of actions taken by the Clinton-Gore administration.

The deep water in the Gulf of Mexico has emerged as a world-class oil and gas province in the last 4 years. That is as a result of work done by this administration. This historic change, after 53 years of production in the Gulf of Mexico, has been driven by several major factors, all coalescing during this administration. Truly, the deep water will drive the new millennium, no question about that.

I think it is important to note that we are all concerned about the fact that we are importing more oil than we should. Look at this chart. Oil importation went up in the mid 1970s, and during the gas crunch, because of policies taken by the Federal Government with tax credits and other things for developing alternative sources of energy, it went down. But with the glut of oil and the price of oil low, the consumption of oil, imported oil, went up again. Production has gone down. It is certainly indicated on this chart.

Also, I think we have to recognize that one thing has driven everything we do in this country, and that is the consumption of oil. We consume far more than we should. I think that is why the Clinton-Gore administration has stressed the fact that we need to do something to lessen the consumption of oil in this country.

The Energy Information Agency reports that the total petroleum product demand in 1999 grew by over 600,000 barrels a day, or 3.2 percent. That is the largest year increase since 1988.

The transportation-related demand accounted for more than 335,000 barrels per day.

According to the Energy Information Agency, the annual energy outlook for transportation sector energy consumption is projected to increase almost 2 percent per year.

We need to do better.

Of the projected increase in oil demand between now and 2020, 87 percent will be in the transportation sector.

In 1995, the Republican Congress shut down the administration's efforts to study higher fuel efficiency standards for light trucks and SUVs. Major automobile manufacturers fought ruthlessly convincing labor that it would cost jobs in the United States.

This summer when consumers started screaming about gasoline prices, Ford and GM realized they could increase the fuel economy of SUVs by as much as 25 percent. This should have happened many, many years ago. But, of course, the major automobile manufacturers were unwilling to sacrifice anything.

The good news is that we can have better fuel economy without costing jobs or eliminating the features that consumers seek in these vehicles. They have already committed to higher fuel emission standards in Europe and Japan. Why didn't they do it here? Because we were gullible. We in Congress would not allow legislation to go forward to do something about this.

Let me repeat. I appreciate very much the desire of the Senators from Alaska to want to drill in pristine wilderness to create jobs in Alaska, but I think we have to look at the big picture. Jobs in Alaska are not as important as maintaining the last remaining Arctic pristine wilderness we have in America.

I hope we look at what we are already doing in Alaska to increase energy production, and also look to the absolute necessity of doing something about alternative energy, such as wind, solar, and geothermal—and do something with oil shale—doing things such as that so we can become more energy efficient in America and less dependent on foreign oil.

I reserve whatever time we have. I know the Senator from Illinois has been here patiently waiting to speak.

Mr. President, I ask that Senator DORGAN be allowed to follow the Senator from Illinois with the time we have remaining in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FITZGERALD. Mr. President, the Senator from Washington has requested that he be allowed to speak before me beginning at about 11:10. I would like to go after Senator GORTON because he is only going to speak for about 10 minutes. I will speak for an extended period following Senator GORTON's remarks.

Mr. REID. We have no objection to that. We want to make sure that the manager of the bill on the Democrat side, Senator BYRD from West Virginia, is able to follow the statement of Senator GORTON—the two managers of the bill. I think the Senator from Illinois would not object to that.

Mr. FITZGERALD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report to accompany H.R. 4578, which the clerk will report.

The assistant legislative clerk read as follows:

> A conference report to accompany H.R. 4578, an act making appropriations for the Department of the Interior and related agencies for fiscal year sending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I am pleased to bring before the Senate the conference report on the Interior and Related Appropriations Act for Fiscal Year 2001. The conference report passed the House yesterday on an overwhelmingly bipartisan vote of 348–69.

The bill provides $18.94 billion in total budget authority, an amount significantly above both the FY 2000 level of $15 billion and the President's FY 2001 request of $16.5 billion. This increase is primarily attributable to two items that I know to be of great interest to my colleagues.

The bulk of the increase over the budget request level is a direct result of the disastrous wildfires that plagued the West this summer. This bill includes the administration's $1.6 billion supplementary fire package, as well as $200 million in additional funds to address rehabilitation needs on the national forests, maintenance and upgrades to firefighting facilities, and for community and landowner assistance. The bill also includes the $240 million provided in the Domenici floor amendment for hazardous fuels reduction in the wildland/urban interface.

Those areas which public lands abut upon communities, towns and cities, as well as language designed to expedite this work that so desperately needs to be done. This language does not, however, overturn or bypass the National Environmental Protection Act, the Endangered Species Act, or any other environmental statute. In total, the bill provides $2.9 billion for fire management.

The other element of this legislation that has garnered the most attention is title VIII, the land conservation, preservation, and infrastructure improvement title. This title does two things: First, it provides an additional $686 million in fiscal year 2001 for a wide variety of conservation programs, including Federal land acquisition, the stateside grant program, forest legacy, and urban park recreation and recovery. These amounts are in addition to the amounts agreed to in conference in the base portion of the bill. In total, funding for these Interior programs is about $1.2 billion for next year.

Second, title VIII establishes a new conservation spending category in the Budget Act for an array of conservation programs, for the maintenance of Federal land management facilities, most particularly, national parks, and for payments in lieu of taxes. Using the $1.2 billion provided in the fiscal year 2001 Interior bill as a base amount, plus a notional $400 million for coastal programs that may or may not be provided in the Commerce, Justice, State appropriations bill, this new spending category is established using a base of $1.6 billion.

For Interior and CJS programs combined, this new budgetary category will go by $160 billion per year through fiscal year 2006. This separate allocation may only be spent on qualifying programs, and any amounts not spent will roll over and be added to the following year's allocation.

Title VIII also establishes several subcategories within the broader category conservation category. The allocation provided for each subcategory will only be available for programs within that subcategory and may not be used for other programs. And, like the structure of the broader category, any amounts not appropriated within a subcategory in a given year would be rolled over and added to the following year's suballocation.

The suballocations and associated amounts are shown on the chart. The bottom line is "payments in lieu of taxes" for $50 million a year—over and above the present payment in lieu of taxes. The next amount is "Federal maintenance," an amount added specifically at my request. This was originally suggested by House conferees. It glaringly omitted the deferred maintenance in our national parks and our forests and our wildlife refuges, an amount that I think approaches $16 billion, and a modest start on that over and above the present bill is included in each one of these years.

Next, the orange is "urban and historic preservation programs," the purple is "State and other conservation programs," wildlife grants, wetlands conservation, the Geological Survey, and the like. The red is "Federal and State Land and Water Conservation Fund programs." The green is "coastal programs," basically under the jurisdiction of NOAA, and the "other" beginning in fiscal year 2002 is the $160 million a year add-on which can be at the discretion of the Congress, devoted to any one of these other programs. That will be decided by future Congresses.

As the allocation for the overall category grows in the outyears, that growth is not tied to any particular subcategory. The suballocations are not caps. There is nothing to prevent the Appropriations Committee from also using its regular allocation to fund any one of these programs that provide additional funding from the overall program growth, the blue part, lines I have just described on the graph.

While this structure is somewhat confusing at first, its effect is to provide some certainty to several programs within the Interior subcommittee jurisdiction which will be likely to receive and maintain substantial increases over the current funding levels. At the same time, it preserves the availability of Congress to adjust specific amounts on a year-to-year basis in response to changing needs performance and other factors.

Finally, of course, any money not spent, while it cannot be spent for any other spending category, obviously will go to pay down the national debt.

The programs that comprise the new spending category are a mix of programs identified as priorities by the administration in its budget request, by supporters of CARA during their deliberations, and by Congress as a whole as represented in the thousands of individual requests that I receive each year as chairman of this subcommittee. I want to emphasize, once again, what I did several months ago when we debated this bill for the first time. I think this year we had 1,100 requests from 100 Senators for programs within Interior—the great majority of which would fall into one of these categories.

Vitally important is the fact that the bill does not create any new entitlements. At the same time, it is not an empty promise. For the same reasons—we rarely see an appropriations bill go to the floor without spending every penny of its allocation—I think it likely that allocations provided in title VIII will be fully subscribed in each year's appropriations bill. The exact mix of funding will be up to future Congresses, but title VIII does prevent these funds from being taken from the target programs and used for other programs, even other programs within the Interior bills, such as Indian education, health services, Forest Service, the cleanup of abandoned mine lands.

To be perfectly clear, the construct of title VIII is not what I would have dealt had I complete discretion. Nor do I believe it is what the Appropriations Committee would have written with complete discretion. Congress has always had the ability to provide increases to the programs through the regular appropriations process, but it has not necessarily done so due to the resulting impact on other programs and, of course, on the deficit or the surplus. Nevertheless, title VIII represents a fair compromise that reflects the general views of this Congress with respect to these programs, and it has the support of the administration.

Now, the focus in recent weeks has been on wildfires and the conservation funding issues I have just addressed. There are other features of the bill to which I want to draw my colleagues' attention. The conference report provides an increase of $104 million for the operation of the National Park Service and the U.S. Park Police, including $40 million to increase the base-operating budgets of nearly 100 parks and related sites. The bill also provides an increase of $66 million for the management of Bureau of Land Management land and resources, a badly needed boost for an agency that has sometimes received less attention than the other land management agencies, but which has a demanding mission in terms of multiple uses.

The operating budgets of the Fish and Wildlife Service and the Forest Service also receive healthy increases, which I hope will enable these agencies to improve performance in areas such as the Endangered Species Act consultation and recreation management.

In terms of programs designed primarily to benefit American Indians, this bill has a great deal to offer. From the very beginning of this process, I have made Indian education in school construction one of my highest funding priorities. Many colleagues on the committee—particularly my friend, the Senator from New Mexico, Mr. DOMENICI, who is here on the floor—have for years stressed the need for increased investment in Indian schools. This year's budget request provided an opportunity to provide this investment. I am pleased the conference report provides $142 million for school replacement. This is $75 million above this year's enacted level and will provide funds for the replacement of the next six schools on the Bureau of Indian Affairs priority list. It also provides funding for a cost-share program for eligible replacement schools, which is designed to provide funding so that construction of replacement schools can be fully completed in order to remove the school immediately from the BIA priority list. Indian school repairs also increases by $80.5 million above last year's level.

The conference report also provides significant increases for health services for Indian people, including an increase of $167 million for health services and $47 million for construction and repair of health care facilities.

The bill provides continued support for the Department of Interior's efforts to reform its trust management practices. This is a massive problem that has developed over decades, if not the entire 20th century, which will take time and resources to fix. This conference report provides the budget request for the Office of the Special Trustee, and also provides an emergency supplemental of $27.6 million for activities directly related to recent developments in the Cobell litigation. In addition, the bill provides an increase of $31.9 million above fiscal year 2000 for trust reform within the regular Bureau of Indian Affairs appropriations.

Of the many cultural programs within this subcommittee's jurisdiction, the National Endowment for the Arts was again the focus of much discussion in the House-Senate conference. The conference agreement maintains the Senate funding level for the NEA—an increase of $7.4 million above the current year level. These additional funds will be targeted for arts education and outreach programs, and I think are a fitting response to the reforms that the NEA has instituted in recent years. This is the first increase of any significance for the NEA in more than a decade. I am also pleased that funding for the National Endowment for the Humanities is also increased by $5 million.

For energy programs, this conference report includes funding for several programs that will help reduce our dependence on foreign energy sources, as well as reduce harmful emissions from stationary and mobile sources. The energy conservation account is increased by $95 million, including full funding for the Partnership for a New Generation of Vehicles—PNGV. This amount also includes increases of $18 million for the Weatherization program and $4 million for the State Energy Conservation Program. For fossil energy R&D, the bill provides $433 million, and establishes a new powerplant improvement program to support demonstration of advanced coal power technologies. This is an initiative that I am sure Senator BYRD will wish to discuss further, because it is one of his favorite items.

There are many other elements of this conference report that recommend its passage by the Senate, but I will only mention one more. Funding for payments in lieu of taxes is increased by $65 million, including $50 million provided in title VIII, outlined on this chart. This brings appropriations for PILT to $200 million. This increase represents a significant step in raising appropriations for PILT toward the authorized funding level.

I also wish to note two errors in the Statement of Managers. Page 177 of the Statement of Managers indicates that an increase of $4 million above the House level is provided for "Heavy Vehicle Propulsion within the hybrid systems activity." This is incorrect, and is a result of an error in the conference notes. The $4 million increase over the House level is for "Advanced Power Electronics," reflecting the amount provided in the Senate-passed bill. On page 194 of the Statement of Managers, the paragraph that begins "Consistent with paragraph (3) and accompanying Senate instruction . . ." should have been deleted.

In closing, I want to again urge my colleagues to support this conference report. It does a tremendous amount of good for the management of our Federal lands, as well as for the conservation of lands and waters whether Federal, state, municipal or private. It is a good bill that has the unanimous support of the conferees of both Houses, and I urge its adoption by the Senate.

Mr. DOMENICI. Will the Senator yield?

Mr. GORTON. The Senator will be happy to yield.

Mr. DOMENICI. Mr. President, I, first, congratulate Senator GORTON. Everything considered—the pressure of the closing, the politics of this season—I think he produced a very good bill and I compliment him. I would like to quickly talk with him about three issues because they have been very dear to me and we have finally come around to solving all three of them in this bill.

First, the American Indian people will thank us because for the first time we are making the case for replacing Indian schools. They are so much in disrepair that nobody would send their kids to them, but there are no other schools to go to; they are out in Indian country, and we, the Government, happen to own them. There has been a dramatic increase this year. Thanks to this committee, we will add six new schools, and we will do a very large amount of maintenance on buildings that desperately need it. If Congress will heed what was discussed, they will do this for 5 or 6 years and get rid of the entire backlog.

Senator, you have heard me for years ask the administration to give us a multiyear budget proposal to take care of Indian schools because if we don't pay for them nobody will. They are ours. This year the President put such language in his budget after consultation with a number of us. It is a little late, but nonetheless the Indian people can finally say, "We see some daylight," with reference to adequate schools for our kids.

Mr. GORTON. The Senator from New Mexico not only states the case correctly but understates his own participation. I am rather certain that the President would not have made the request without the constant advocacy on behalf of this program from the Senator from New Mexico. I think he can take great credit for this success.

Mr. DOMENICI. I thank the Senator, my good friend, very much.

Second, we debated on the floor of the Senate an interesting sounding amendment. We called it "Happy Forests." It was a $240 million amendment on this bill on the floor. I thought I was going to get a lot of guff here on the floor because I asked for $240 million and divided it among the two agencies that control our property, the Forest Service and the BLM. What I wanted to do with the money was to push, with a great deal of vigor, for these two Departments to go out and inventory where the forests were close to our cities, where the forests have grown up, where cities have grown up and where there is a proximity of buildings and people to the forest because that is very risky.

We did strike a positive tone with the administration when they admitted that there were many such cases and many examples. We have cited examples of a city such as Santa Fe in New Mexico where its water resource is right in the forest. If that forest happened to burn, they would lose their water supply. So we thought we ought to pursue this and start a list of those and make the Federal Government start to list the risky ones and then start to clean them up.

We had to argue for 3 days. We got about 75 percent of what we wanted. We gave in to the administration on some in a very valid compromise. But I can say as to number, as many as a few hundred communities that are right in the forests, they should be seeing the Federal Government around coming up with some plans to try to alleviate this underbrush problem and growth that may, indeed, cause these communities to burn when we could prevent it with some maintenance and cleanup.

We have not reached, to my satisfaction, language that will push this expeditiously because they are fearful in the White House that we are going to push some of the environmental laws. We made it clear the environmental laws apply. Nonetheless, there will be some difficulty on the part of the bureaus of the Federal Government because they have to move with some dispatch and they have to advise people a lot more than they ever did about the proximity of fire and the risk to them and where they are scheduled to do the cleanup—where is that? They are going to have to start advising communities.

So I thank my good friend for that.

Mr. GORTON. Again, this was the program of the Senator from New Mexico. I do not think there was any item in the conference committee that was discussed at more length with the administration and in more detail. I am gratified the Senator was able to make a reasonable compromise and I was delighted to support him.

Mr. DOMENICI. I also say, overall, when we make requests of you and your people, and Senator BYRD and his people, I do not think in any case for me we could have been treated more fairly. Every request was looked at carefully. I thank my colleague so much for the many things he was able to do for my State. I will enumerate them and perhaps come to the floor before the Senator is finished and talk with a little more specificity. But I thought before he left his opening statement too far behind, I would like to add my words at the end of it as I have this morning.

Mr. GORTON. I appreciate that. As the Senator knows, this is a reciprocal relationship. The people of the State of Washington can thank the Senator from the State of New Mexico for many vitally important programs that are in the bill for energy and water that he manages.

Mr. DOMENICI. By the way, that is going down to the President soon—I don't know how long it will take—and it will come back here with a veto, and we do intend to work as expeditiously as we can to repass it with the many things that are in there for your sake.

I yield the floor.

Mr. GORTON. I note the presence on the floor of my distinguished colleague, Senator BYRD, my good friend, who also has a great deal of responsibility for this.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. It goes without saying, Mr. President—I have said it many times already—that the chairman of this subcommittee is fully knowledgeable of the contents of the original bill, fully knowledgeable of what is in this conference report, and always—always considerate, always courteous, and is one of the finest chairmen I have ever served with on any subcommittee. And I served with a lot of chairmen of subcommittees. This one is almost without a flaw when it comes to being chairman of this subcommittee.

It is a pleasure for me to serve with him. I would like to be chairman one day, but I am not the chairman, and I fully understand that. If somebody else other than I has to be chairman, I like Senator GORTON. We accomplish a lot for this Nation together. This is a great subcommittee.

I have said many times it really is a western subcommittee, more so than it is eastern, as far as I am concerned. I have said that over the years. But we do our best because somebody has to do the work. I do enjoy it. I enjoy the collaboration we always have in connection with this bill. I do it understanding that the appropriations process is absolutely vital to the operation of Government and that we need to know about that process. We need to always understand the rules and the precedents of Government.

If I had a larger vocabulary, I could say more about the chairmanship that is rendered by Mr. GORTON. I will not speak further. I could say the same thing with regard to the chairman of the full committee, TED STEVENS. There could not be any finer man. He is always a gentleman. That goes a long way with me around the Senate. He is always a gentleman. He is always considerate of the needs and the problems of the constituents of other Senators. He listens courteously, and he is very straightforward. If he cannot do it, he will tell you so. He tells me that. If he cannot do it, he will tell me so. I like that kind of talk.

Mr. President, I fully support the legislation. I urge my colleagues to support it as well.

I will not reiterate the inventory of programs contained in the Interior conference report, nor their respective funding levels. The chairman has done an excellent job of providing Members with those details. I do, however, wish to point out a new program planned for the Department of Energy because of its significance to this nation's overall energy security.

Within the Fossil Energy Research and Development account, funds have been provided to undertake a power plant improvement initiative. This new effort is vital to our Nation if we hope to continue our economic expansion. Upgrading and renewing our out-of-date and undersized electric power system cannot wait. We cannot sit back and wait for the development of new power sources which, to date, have not proved commercially viable.

The fact is, more than half of this Nation's electricity is generated in coal-fired power plants, a situation that is not likely to change for the foreseeable future.

We are working today by virtue of the lights that are in the ceiling of this Chamber. It used to be in this country that this Chamber was lighted by gas. It was only in this century, the 20th century—and we are not into the 21st yet—it was only in this century that we saw air-conditioning come to this Chamber.

From where does this energy come? What is the source? What is the source of the little light we see at night burning in the top of the Washington Monument?

I made a trip around the world with a House committee in 1955, 45 years ago. We went around the world in an old Constellation, four propellers. We visited many countries. Today it would be called a junket. But we were away 68 days. We visited many countries throughout the world. When I was in high school, I read a book by Jules Verne titled "Around the World in 80 Days." We went around the world in 68 days. Of course, John Glenn went around the world in, I believe it was 81 minutes.

The point I am making is I visited many countries, saw many things, met many high people—kings and princes and queens, shahs. We saw wonderful edifices, beautiful edifices, great edifices, such as the Taj Mahal. But the most enjoyable, pleasurable, satisfying, and comforting thing I saw on that whole trip was when we flew back into Washington and I saw those two or three little red lights in the top of the Washington Monument. There we were, home again, where we could go to the water faucet and drink without fear that we might succumb to some disease. Having been in Afghanistan on that trip and Jakarta and India, Pakistan, Korea, and Malaysia—all of these places where one certainly must not, at that time, drink the water without its being boiled—it brought to me in a very vivid way what a wonderful country we have and how great it is to be home, back in the good old United States of America, where we take so many things for granted.

There were those lights in the top of the Washington Monument, and here are these lights. Take away coal; take away those lights. The great eastern cities of New York and Philadelphia and Boston, the great cities of the East—take away the coal, and it is going to shut down a lot of industries. People will then begin to appreciate that coal miner whose sweat, and sometimes tears, and sometimes blood afford this great country the leisure and the comfort that come from coal-fired plants.

We are working to make this coal more environmentally feasible. We have gone a long way. I have supported appropriations and initiated appropriations for clean coal technology, and we have seen the results of this research that is being done by these funds that come out of the committee on which the distinguished minority whip, Mr. REID, and I sit.

There are people in this Government who, I imagine, would like to see the mines closed, coal mining done away with; shut them down. We know we are in transition, and we are preparing for that eventuality by the fact that we appropriate funds in this committee to produce energy in an environmentally feasible manner.

Mr. REID. Will the Senator yield?

Mr. BYRD. I do yield, with great pleasure, to my friend.

Mr. REID. I ask my friend from West Virginia this question. I can't pass up the opportunity; whenever I hear someone talking about miners, my mind is flooded with thoughts of my father. The Senator and I have discussed what a hard job a miner has. I can remember, as if it were yesterday, my father coming home, muddy and dirty, telling us he had another hard day at the office. The fact of the matter is, he worked very hard. Miners work very hard.

The Senator from West Virginia has done such an outstanding job of protecting miners, and not only coal miners. You have helped us with our gold miners, people who go under the Earth for other types of product than coal.

I also say this to my friend from West Virginia, my leader. This Government needs to do more with clean coal technology. We started a plant near Reno, NV, which cost hundreds of millions of dollars. But in the second phase of it, the Government did not come through in helping with that energy-efficient use of coal, and therefore they are going to have to switch and do something else.

The Federal Government has the means now of clean coal technology. But we have been too cheap as a government. We need to spend more money on clean coal technology. If we spent more money on clean coal technology, we would be less dependent on oil. So I want to help the Senator from West Virginia any way I can to make sure we do more with developing clean coal technology. And with the technology we have, let's make sure the Federal Government helps implement this in places such as Reno, at the Tracy plant, so we can do a better job of cleaning the air.

Mr. BYRD. Yes. I thank my friend for his excellent contribution to the colloquy.

Many times, as he has said, we have discussed this matter. He understands the background from which I came—which is a similar background to that from which he came—the coal mining; in his case, gold mining; in my case, coal mining. Sometimes we refer to it as "black gold."

This coal has provided the livelihood for thousands of miners over the years, who have risked their lives to go into those coal mines. So research, I have believed during the years I have been on the Senate Appropriations Committee—42 years—is the answer to many of the things, research. And through research, mining has been made more safe. We have fewer and fewer miners being killed annually than we have had in the past.

It has been a very bloody—a very bloody—employment and a very bloody industry, if you go back over the years. So we have improved the safety. We are helping to clean up the environment. We are understanding ways in which coal may be mined more cheaply. And that is the result of the moneys that have been appropriated through this Subcommittee on Interior.

As I have already indicated, I have appropriated, I have been the source of the appropriations of millions of dollars for clean coal technology. And I have to say that my own administration has several times, in the budget that has been sent up here to the Congress, recommended deferring—deferring—some of these moneys, using these moneys that are there for clean coal technology, using them for something else, or even rescinding some of those moneys.

Now I have fought—fought—these budget recommendations off several times. So I think we have reached the point where the Presidential candidates need to talk about this. And I hope they will.

Given that reality, it makes good, common sense for the United States to try to ease the demand on the existing fleet of electric plants. And, so, the conferees have included this new power plant improvement initiative in an effort to bring business and Government together in a productive partnership that will produce more energy, yet cleaner energy. I am pleased that this effort is being made, and I thank the distinguished chairman for his help in ensuring that our Nation's energy needs continue to be a top priority.

I thank the other members of the Appropriations Committee. And I thank our colleagues on the other side of the Capitol on the Appropriations Committee there who have worked with us in this regard.

Beyond this particular program, let me also say how much I appreciate the chairman's overall support for projects and programs of importance to the minority Members of this body. I have already referred to that, but I think it bears reflecting upon again. As always, his graciousness, his dedication to duty, and his steadfast commitment to working in a bipartisan manner have made this conference far less arduous than it might otherwise have been. Despite all the tangents that conferees are wont to go off on—if left to their own devices; and I understand how that is very easily done—Senator GORTON never lost sight of the ultimate task at hand.

So in my opinion, based on my experience, he is the consummate professional. And he and his staff—we must not forget the staff. We often hear that the clothes make the man. Well, I must say, based on my experience here, that the staff, in large measure, make the Senator and help to turn the wheels of the Nation. So our staffs are to be commended for their efforts.

I urge all my colleagues, Mr. President, to support this conference report so that we can send it to the White House for the President's signature.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). Under the previous order, the Senator from Illinois is recognized.

Mr. FITZGERALD. Mr. President, I am here to speak on the $120 million Abraham Lincoln Library, for which there is authorization language in the Interior Subcommittee appropriations bill.

Last night, the Senate passed separate legislation authorizing $50 million of Federal funds for the construction of the Abraham Lincoln Library in Springfield, IL. The library is intended to be built with a mixture of State and Federal funds. The total cost of the project would be about $120 million.

The Senate, in adopting its authorizing language, attached an amendment, that I put on, that required this library, this monument for "Honest Abe" Lincoln—that all the construction contracts on it be competitively bid in accordance with the Federal competitive bid guidelines.

That language cleared the full Senate last night. The Senate went on record in favor of a requirement that this Abraham Lincoln $120 million library carry with it the requirements that all contracts be competitively bid in accordance with Federal procurement law, the purpose of which is to prevent political favoritism in the awarding of construction contracts and also to get the best value for the taxpayer.

I rise to speak on the Subcommittee on Interior appropriations bill because there is language in the bill that authorizes $50 million in Federal funding over several years for construction of the Abraham Lincoln Library. However, the language requiring competitive bidding of the construction contract has been stripped out of the conference report.

The Governor of Illinois is opposed to the attachment of Federal competitive bidding guidelines and apparently asked for House assistance to go around the Senate, which has spoken on this issue and gone on record in favor of the Federal competitive bid guidelines.

I support construction of the Abraham Lincoln Library in Springfield, IL. If it is done properly, it could be a wonderful treasure, not only for the city of Springfield and for the State of Illinois but, indeed, for the entire Nation. Of course, Springfield, IL, is where "Honest Abe Lincoln" lived. He lived there for many years. He is responsible for making it the State capital of Illinois. When Abe Lincoln served in the State legislature in the early part of the 1800s, he was successful in leading a drive to move the State capital from Vandalia to Springfield, IL. For several years, he represented Sangamon County in both the Illinois Legislature and later for a period in the U.S. Congress. Of course, his debates for the Senate seat with Stephen Douglas of Illinois in 1858 are legendary.

I am very proud to hold the seat in the Senate that Abraham Lincoln and Stephen Douglas vied for in 1858, before, of course, Abraham Lincoln went on, in 1860, to be elected the first Republican President of the United States and one of our greatest Presidents ever.

There are several Lincoln attractions in Springfield, IL. I am sure many of my colleagues and many of the people in the gallery have visited Lincoln's home in Springfield, IL, which is run by the National Park Service. It is maintained with a great deal of care. It is a wonderful attraction. I went there as a boy, and I have returned there many times since. Senator DURBIN and I both have our Springfield district offices in the Lincoln home neighborhood, which has been renovated and restored to the way it was when Abraham Lincoln and his family lived there prior to his becoming President.

We also have in Springfield the Abraham Lincoln law office. One can actually go into the very same building in which Abraham Lincoln practiced law for many years in Springfield. He rode the circuit. He did not just practice law in Sangamon County but practiced law all over central Illinois.

In recent years, we have turned up many original legal pleadings and filings drafted by Abraham Lincoln. Many of those documents are now scattered all over the State of Illinois. It would be a wonderful achievement if we could finally have one great Lincoln Library in Springfield to bring all the Lincoln artifacts in the possession of the State of Illinois, as well as whatever members of the public donate for this library, into one tasteful, well thought out monument to the man who is arguably the greatest President of the United States, the one who saved our Union at its hour of maximum peril.

I am concerned that if we don't have tight controls over taxpayer money that is going to build this library, we run the risk of winding up not with a $120 million Abraham Lincoln Library but instead a $50 million building that just happens to cost $120 million. I think there could be no worse or uglier irony than to have a monument for "Honest Abe" wind up being a gigantic public works project on which a bunch of political insiders wind up lining their pockets at taxpayer expense.

Let me share some background on the Abraham Lincoln Library, where the idea first started, and how it has changed over the years. I think my colleagues will see that I have reason to be concerned about the growing cost of the project and certainly the magnitude of it within the city of Springfield.

This is a time line: "The Lincoln Library Project Time Line and Interesting Facts."

Back in February 1998, then-Governor Jim Edgar proposed construction of the Lincoln Presidential Library in Springfield and committed $4.9 million in State funds for initial planning and design. At that time, the projected cost of the project was not $120 million. The projected cost was $40 million. They said it was going to come from State, local, and private funds.

Later on, in May of 1998, the project was no longer a $40 million project. It had grown 50 percent in those few months. It was now a $60 million project. According to the Copely News Service, on May 13, 1998, the estimated cost of the Lincoln Library was raised to $60 million, an increase of 50 percent. Senator DURBIN and my predecessor, Carol Moseley-Braun, and Sid Yates, who was at that time the ranking member on the House Interior Committee, were seeking $30 million in Federal commitment for the project. They wrote that the State and the city of Springfield were willing to commit up to $30 million in funds to match Federal support. That was May of 1998. We had gone from $40 million up to $60 million.

By April 1999, less than a year later, the project price tag had gone up again, this time a little bit more significantly. "Illinois Historic Preservation Association authority spokesman says library may cost as much as $148 million." We have gone from $40 to $60 million, and now we are at $148 million. I believe, now, today, since April 1999, they are talking about $115 or $120 million. Gratefully, the cost or the projected cost has gone down from April 1999. We are talking today about a $115 or $120 million project. That is a big building for Springfield, IL.

These are Illinois structures and cost comparisons. This is taken from a State Journal-Register article of May 1, 2000. The State Journal-Register is the newspaper in Springfield, IL. They apparently did some figuring and estimated the cost, adjusted for inflation, of many of the other prominent buildings in the city of Springfield, IL.

Our State capitol in Illinois was built between 1868 and 1888. The estimated cost, adjusted for inflation, of constructing the State capitol in Springfield, IL, is $70 million. The State Historical Library, constructed from 1965 to 1968, would cost $13 million to build today. Keep in mind that with this project—the Lincoln Library—we are talking about a $120 million building. The State Library, redone in 1990, was $6 million; Lincoln's Tomb, done in 1865, $6 million. The Dana-Thomas House, a Frank Lloyd Wright home, which I believe the State owns and manages, built between 1902 and 1904, would cost $9 million.

Now, the State has a revenue department. It is one of the largest departments of the State, and it has a fairly new building that goes back to the early eighties, one of the very large State office buildings in Springfield that was built between 1981 and 1984. The estimated cost, adjusted for inflation, of building it today is $70 million. They have a gigantic convention center in Springfield called the Prairie Capitol Convention Center, constructed between 1975 and 1979. The estimated cost, adjusted for inflation, of building that giant Capitol Convention Center today would be $60 million.

There are also some very notable private buildings in Springfield, IL, that are quite large and significant. One is the Franklin Life Insurance Company building, built between 1911 and 1913. The estimated cost, adjusted for inflation, of building it today is $44 million. The Horace Mann Insurance Company building, built from 1968 to 1972, would be $34.5 million.

So, again, the Abraham Lincoln Library is going to be almost twice as costly as any of these other buildings—almost twice as costly as the State capitol, even though the capitol, I believe, is projected to be about two times the size of the projected Abraham Lincoln Library. We are talking about a very substantial building. It is interesting to note, as well, that the Ronald Reagan Library—a Presidential library which opened in 1991—cost $65 million.

I have indicated to you the magnitude of this project as being something that caused me to really focus on the details of the taxpayer money involved. I noted the size and scope of the construction project, how it had grown from $40 million to $60 million to $120 million in projected costs over a very short period of time. But I also want to refer you to the language in the Interior conference report now on the floor of the Senate, which has come over to us from the House.

The language in the conference report does not tell the people of this country to whom the $50 million is going to be paid. The language of the conference committee report says the $50 million will go to an entity that will be selected later. We are talking about $50 million. Everybody is acting under the assumption that this money is going to be given to the State of Illinois. I think it should be noted that there is no requirement in the conference committee report that is before the Senate that this money is required to go to a public source, such as the State of Illinois. It is required to go to "an entity" that will be selected later. Now, could that be a private entity? It appears to me it could because there is nothing in the conference committee report that would prevent it from being paid to a private entity. It says an entity that will be selected later by the Secretary of the Department of the Interior in consultation with the Governor of Illinois.

Now, under the language as it is worded, they could possibly give that $50 million to an individual. I hope that will not happen. I hope the Secretary of the Interior and the Governor of Illinois will not decide to take $50 million of taxpayer money and give it to an individual. But they could under the language before the Senate. There would be no violation of the law if they did. They could also give it to a private corporation. There would be no violation of this conference committee report if the Secretary of the Interior, in consultation with the Governor of Illinois, steered this money to a private corporation. If that were to happen, this money would just have gone out of the public's hands and out of the public control into an area where we could no longer really put much in the way of restrictions on what they did with it. Pretty much the only requirement in the conference report is that this entity, to be designated or selected later, will have to show its plans for the construction of the library.

There is a private entity out there called the Abraham Lincoln Presidential Library Foundation. As far as I can tell, this is a private, not-for-profit corporation that has filed with the Illinois secretary of state's office on June 20, 1990. It has an address of 10 South Dearborn Street, Suite 5100, Chicago, IL. The registered agent's name is J. Douglas Donafeld. I recall Mr. Donafeld as a lawyer in Chicago who does lobby work in Springfield. The corporation's name is the Abraham Lincoln Presidential Library Foundation. This foundation, according to published reports that I have read, has three directors on its board—a Mrs. Julie Cellini, who is head of the Illinois Historic Preservation Agency; Lura Lynn Ryan, the First Lady of the State of Illinois; and Pam Daniels, the wife of Lee Daniels, the Republican leader in the Illinois State House of Representatives. I hope the Governor of Illinois and the Secretary of the Interior will not give these public funds to the private corporation called the Abraham Lincoln Presidential Library Foundation because, if that were to happen, then no one's competitive bid laws, no one's procurement laws would be attached and the money could really be out of the taxpayers' control.

Assume, for the sake of argument, that this $50 million in Federal money would not be given to a private individual or a private corporation and that the Secretary of the Interior and the Governor of Illinois would want it sent to the State of Illinois. I think it is a reasonable assumption that the State of Illinois would turn the money over to the State Capitol Development Board, which usually builds State buildings such as this—builds State prisons and has built the State of Illinois building in downtown Chicago. It is a reasonable assumption that if the entity selected to receive the $50 million is not a private entity, the money would go to the State and the State would turn it over to the Capitol Development Board, which is known as the CDB for short.

The State contends that if the money is handled by the CDB, the State's procurement law for its competitive bidding laws that applies to the CDB and to other State agencies, such as Central Management Services, and apparently most of the rest of the State government, that its code would apply to the construction of this library and that its code would require competitive bidding of the project.

The Governor of Illinois contends that there is no need for the Federal competitive bidding guidelines to be attached because in his judgment the State procurement code is sufficient.

He also points out that I, PETER FITZGERALD, Senator from Illinois, when I was a State senator representing the northwest suburban Chicago area district in the Illinois State Senate, voted for that procurement code. Indeed, I did in 1997. I believed that code appeared to represent an improvement over the prior procurement code in the State of Illinois. But I regret that there was a loophole in that State's procurement code that I missed in 1997. I regret that I missed it, and I want to make doubly sure that we don't repeat another loophole in this particular project. I didn't recognize this loophole until I sat down and compared the State code side by side with the Federal code.

In my judgment, there are two main problems with the State's competitive bid code.

There are many instances in the State procurement code where there are fairly narrow exceptions to the general requirement for purchases of goods and equipment, building construction contracts, and leases. There are some narrow exceptions sprinkled throughout the code to the general requirement that the project be competitively bid with an overall push towards trying to get the lowest cost bid built into the code. But most of the exceptions built into the code to the competitive bid requirements are fairly narrow.

If the State does not use competitive bidding to buy something, they typically will have to give notice and file written reasons for not going forward with competitive bidding.

But here is a loophole. And here is why this loophole is relevant to this major gigantic project.

Within the part of the State procurement code that deals with the Illinois Capital Development Board, which, as I have explained, is the board or State agency that would be required to construct the Abraham Lincoln Library, provided the Governor of Illinois and the Secretary of Interior don't channel the $50 million in Federal money to a private entity outside the control of anybody but the board of directors of that corporation, the Capital Development Board has a special section in the procurement code. They have a special exemption.

Let us read the Capital Development Board special exemption. You don't need to be a lawyer to understand that this is a rather broad loophole in the portion of the Illinois Capital Development Board's procurement code.

This is from an Illinois statute. This is binding law in the State of Illinois, passed by the Illinois General Assembly, and signed into law by the Governor of Illinois.

30 I.L.C.S. 500/30-15: (b) says:

> Other methods. The Capital Development Board shall establish by rule construction purchases that may be made without competitive sealed bidding and the most competitive alternate method of source selection that shall be used.

The code clearly contemplates that the Capital Development Board shall not have to use competitive bidding; that they can opt out of competitively bidding for this construction contract. That language is plain as day.

The Capital Development Board, in seeking to oppose my amendment which requires the application of Federal competitive bid laws, has circulated a letter that says they have to competitively bid the project under State law. However, their letter makes no reference or attempts to abut this provision of State law.

Here is what their letter says:

> DEAR SENATOR FITZGERALD: Competitive bidding has long been the requirement for State of Illinois construction contracts and was most recently reaffirmed with the passage of the stricter Illinois procurement code of 1998. Only six exemptions to that provision, which are defined by rule and must be approved by the director, exist.

And then they name the exemptions: No. 1, emergency repairs; No. 2, construction projects of less than $30,000 total; No. 3, limited projects such as asbestos removal for which CDB may contract with correctional industries; No. 4, an architecture program which follows a separate procurement process; No. 5, construction management services which are competitively procured under a separate law; and, No. 6, sole source items.

I am not sure what the sole source items are.

But, in any case, they don't refer to this section of the law which seems to me is plain as day.

I am a lawyer, so I didn't find it confusing. I have run it by nonlawyers, and none of them have been unable to understand this. It doesn't seem as if there is any ambiguity here.

It says, "The Capital Development Board shall establish by rule construction purchases that may be made without competitive sealed bidding." So they can establish a rule that they can do this without competitive bidding.

What does it mean when they establish a rule, when they say "rule"?

The Capital Development Board can just write its own rule. It has that authority from the Illinois General Assembly to write its own rule. And in this authority to them to write its own rule, we have an unchecked level of discretion on the part of the State that, in my judgment, leaves too much room for abuse by political insiders in the State of Illinois.

When I saw that was in the bill originally authorizing this appropriations, which as I said, the Senate passed last night with my amendment requiring Federal competitive bid guidelines, and my staff showed it to me, we said this is a giant loophole.

As one paper in Illinois has editorialized it, it is a giant loophole for which you could drive a whole convoy of Illinois Department of Transportation trucks.

I regret that I missed that when I voted for this procurement code of which I was a part back in 1997.

I asked the Congressional Research Service if there was a comparable loophole in the Federal law.

In a memorandum to me from an attorney in the Congressional Research Service at the Library of Congress, it says:

> The exception found in 30 I.L.C.S. 500/30-15, which permits the Capital Development Board to establish by rule construction purchases which may be made without competitive sealed bidding, does not have a comparable provision in Federal procurement law. On its face it appears to be a rather broad exception to the requirement for competition in awarding State construction contracts.

I think it is very clear that is a giant loophole that should not be allowed in a project of this magnitude. Mr. President, $50 million of taxpayer money from the Federal Government is a lot of money. How many Americans are working day in and day out, some families with parents working 2, 2½, sometimes 3 jobs just to pay the taxes, just to pay the cut extracted by Uncle Sam. The American people are fundamentally very generous with their money. They will permit reasonable expenditures for their community, for their State, for worthy projects, but we owe it to all Americans—not just those Americans in my State of Illinois but Americans all over the country—to take great care with their money and to treat it no less carefully than we would treat our own money.

I sometimes wonder whether those who oppose closing this loophole by substituting them with the Federal competitive bid guidelines—which are much more comprehensive, much more thoroughly defined, and which a lot of thought has gone into—if they were building a house, wouldn't they competitively bid or insist that their house be competitively bid if they had to pay for it out of their own pocket? I think they would. I think they would do what they could to secure the best possible value for themselves. And I think we in government ought to try and treat the taxpayers' money with the same respect we treat our own.

As to another point on the State of Illinois code with respect to competitive bidding, this is a very subtle omission. This is a problem not just in the portion of that code which deals with the Illinois Capital Development Board; it is a problem that permeates the whole code. This is the one loophole that I didn't fully appreciate until I sat down and read the Federal procurement guidelines, side by side, with the State guidelines.

The Illinois rules where sealed competitive bids are required—as we have shown, it is not required; the Capital Development Board can opt out of competitive sealed bidding, but where the code does require competitive sealed bidding—and maybe in this project the State would not opt out of competitive sealed bidding, but say it applied its own competitive sealed bidding guidelines. It is interesting there is a lot of language in the procurement code that gives the State the appearance of a regulator.

On its face, there are a lot of fairly ordinary provisions one would expect in a State procurement code. One thing is interesting. The State code, when it requires the State to go out and solicit bids—say, for a construction contract—they are required under the State code to tell the bidders in advance what criteria the State is going to evaluate in selecting bids. In other words, the State would have to tell prospective bidders how they are going to select the contractor and presumably they would tell prospective construction contractors that they are going to look at cost, workmanship, experience, quality, management. There could be all sorts of factors at which they are going to look. And they have to tell the bidders, in advance, what factors they will look for.

It is interesting; the State code doesn't require the State officials to tell the bidders the relative weight or importance of each of those criteria. The Federal code does. Federal law requires that sealed bid solicitations disclose in advance all significant bid evaluation factors and the relative importance of each factor and whether nonprice factors when combined, will be accorded more, equal, or less weight than price.

The citation for that Federal requirement is at 41 U.S.C. section 253(a). The State code, by not requiring that the State tell you in advance what weight they are going to assign the different criteria, allows a purchasing officer for the State to pick any bid he or she wants and explain his decision by saying that the one factor for which that bid was better or the combination of factors for which that bid was better was the most important factor.

That subtle omission in the State law allows practically any decision the State makes to be rationalized after the fact. So, conceivably, somebody could come in, and say we have a $1.5 million construction project. Somebody bids $1.4 million; the other bidder bids $1.6 million. The State can give the award after the fact to the high bidder, the $1.6 million, and say they decided the management experience and the quality of the higher bidder was more important than the cost that you, the low bidder, offered. They could move the goalpost after the fact and there would be nothing the losing bidder could do. There would be no challenge. There is no State procurement law because no State procurement law was violated. In fact, it would be very difficult to violate the State rules.

When I reflected on this, it occurred to me that after almost a lifetime of living in Illinois and reading about procurement scandals and reading investigative report after investigative report by the Chicago Sun Times, the Chicago Tribune, the Associated Press, on leases that ripped off the State, on construction projects that ripped off the State, on contracts of many sorts on which the taxpayers appeared to not have made out well, we rarely, if ever, heard of any legal challenge or of any prosecution. It is very hard to violate the State code. It is that subtle omission. I believe that needs to be tightened up.

The Federal code is much better at buttoning down the procurement officials, and under the Federal law we hear of challenges to Federal officials awarding bids to somebody. If there is a basis for challenging it because the bidder whose bid was rejected can say, hey, these procurement officers told me that cost was 75 percent of it and workmanship was the other portion, but they violated those guidelines. The Federal law does a better job of pinnning down the State officials so they cannot keep moving the goalposts and award the projects to their political friends.

In my judgment, the Federal code does a much better job of lowering the potential for political favoritism in the award of contracts using taxpayer money.

If I may, for a moment, I would like to now turn to the context, the overall general context in which I come to the Senate floor to argue against language in this conference committee report that comes to us from the House with the requirement of competitive Federal bidding of the $120 million Abraham Lincoln Federal Library in Springfield, IL—the requirement of competitive bidding according to Federal laws—stripped out of it.

I reviewed early on in my discussion how the cost of this project had gone from $40 million to $60 million to $120 million; that we are talking about a lot of money. This would be a monstrous building within the city of Springfield, one of the biggest buildings, in fact, save for the Springfield Memorial Hospital. But I also want to give the rest of the picture, the other parts of the puzzle that cause me to have great concern and to feel as strongly as I do that there ought to be tighter controls on the spending.

Illinois has a long history of having had problems in State procurement. There have been questions before about capital construction projects involving the Capital Development Board. In fact, I would like to read an editorial from the Peoria Journal Star, dated Wednesday, March 16, 1994:

> To the Illinois Capital Development Board for giving River City's construction companies an unfair advantage—thumbs up.
>
> Giving an unfair advantage in bidding to manage construction of a southern Illinois prison, River City submitted the low bid and the board's staff recommended its acceptance. But the board rebid the project and awarded it to a Chicago firm, knowing what River City had bid, which, knowing what River City had bid, lowered its own offer. The process is doubly tainted because the Chicago firm, together with its subcontractor, had donated $10,000 to a previous Governor's campaign. The perception, rightly or wrongly, is that River City lost the contract because it didn't ante up.

There is another article about a more recent capital construction project. This is an article from the Chicago Tribune, dated January 6, 2000. The headline is:

> New Prison Benefits Ryan Pal: $33,000 payday seen in land deal.

The article is by Ray Gibson, a Tribune staff writer. I would like to read this article because I think it shows the problems that can occur. I would like to set forth the context, why one could, on a large construction project in Illinois, reasonably be concerned about whether the money is all channeled into the project and that none of it is frittered away in rewarding political pals.

> When Gov. George Ryan announced last month that his home county of Kankakee was the winner in the latest Illinois prison derby, he talked about how the new $80 million women's facility would create jobs and other opportunities for economic development.
>
> What he didn't say was that one of the first to benefit would be one of his top supporters and fundraisers, real estate developer Tony Perry, who was among the dignitaries on the date for Ryan's announcement.
>
> Perry, acting at Ryan's behest as the point man for Hopkins Park and Pembroke Township's bid for the new prison, personally acquired options on the 120 acres the state will buy to construct the new women's facility.
>
> By Perry's own account, the current owners will pay him about a 5 percent real estate commission, which would amount to about $33,000, when he exercises his options to acquire the land. Then he will sell the land to the state. Right now, he says, he plans to sell the acreage for the same price he will pay—about $5,500 an acre.
>
> But state officials say that price is still open to negotiation and his profit could be

higher. And Perry also acquired options on two other tracts of land near the prison site that are almost certain to be developed.

A Tribune examination of how Perry, the governor's longtime friend, came to act as the middleman for the proposed prison construction illustrates anew the financial advantages political insiders reap under Ryan, already under fire for questionable leases of state facilities during his tenure as secretary of state.

Perry's role in the selection of Hopkins Park and Pembroke Township for the prison site began last summer, as the sweepstakes among Illinois communities vying for the new penal facility got under way.

At a luncheon, Perry said—he doesn't recall where—the governor asked him to help the impoverished Kankakee County communities complete the required paperwork to finalize their bid for the new facility.

Perry went to work, first meeting with local officials.

"Tony Perry told us the governor sent him. . . . The governor sent him to make sure the paperwork got done correctly," said Hopkins Park Village Clerk Pam Basu, who opposes the prison project.

Then Perry set about meeting with landowners to persuade them to sell the farmland, and he personally obtained options to acquire 480 acres, representing three proposed sites in the area. Although the state now needs only 120 acres for the site, Perry originally obtained options for three 160-acre parcels of land.

He researched the cost of supplying utilities to the site and rounded up vital statistics about one of the state's poorest communities.

For all that work, Perry was not paid, according to local officials.

But now that the state is set to acquire 120 acres of land where the new women's prison will be constructed, Perry says he stands to make a 5 percent commission—or about $33,000—from the sale of the land to the state.

Perry's role in the development now has touched off a local controversy. According to Basu, the decision to allow Perry to act as the communities' representative was never discussed at any township or municipal board meeting. Nor was his agreement with the sellers to act as a real estate agent and collect a fee ever disclosed, she said.

Nonetheless, other local officials said Perry's help was vital to the communities securing the prison.

"He was the key component. He was very instrumental in helping," said Hopkins Park Mayor David Legett.

But others say Perry's commission, and Ryan's decision to tap him for the job, is just another example of insider politics.

"To me, it sounds like more ways to take care of his close friends," said Jim Howard, executive director of Common Cause, a taxpayers lobbying group. "It just reinforces the public attitude how bad and dirty politics is in Illinois."

Perry's role in the Hopkins Park prison is unusual on several counts. This will be the first time in two decades that the state will pay the entire cost to buy private property to construct a new prison. During 26 previous construction projects, the local communities vying for the prison sites have either supplied the land free or paid a portion of the state's purchase price. If the state only reimburses Perry for his cost per acre, it stands to pay $660,000 to acquire the land, the first time the state has paid so much to acquire a prison site in at least 20 years.

A spokesman for the governor would not comment on why Ryan asked Perry to step in and help with the application other than to say that Perry was a real estate professional who has a long history in economic development in Kankakee County.

While many of the communities participating in the prison derby hired lobbyists, Perry's role was unique in that he, and not local public officials, acted as the point man for the project.

"He was pretty much spearheading the communities effort," said Nic Howell, a spokesman for the Illinois Department of Corrections. "He was the contact."

Howell said the agency did not know if Perry was being paid.

"I have no idea. None whatsoever. I don't know that he's not doing this out of the goodness of his heart," said Howell, adding that he was unaware that Perry would receive a commission on the sale from the seller.

Howell said the state wouldn't make any offer to buy the property from Perry until after it does appraisals.

Perry said that he is now trying to spur development around the new prison, but he insisted he is not going to act as a developer. He has been meeting with builders and developers and trying to woo them to bring everything from housing to industrial development to the area.

"I am not the developer. I am the orchestrator," he said.

State officials will spend millions of dollars to bring utilities such as sewers, gas, and water to the prison site from as far as two miles away, improvements that will increase the value of nearby properties as well.

If the prison's construction fulfills the communities' dream of development, the land near the prison could be filled with gas stations, restaurants, housing and other development.

Perry also has options to purchase two adjoining 160-acre parcels of land that were also proposed for the prison site. He said in a recent interview that he will not execute the options to buy those 320 acres, saying it would be improper to benefit as a developer.

"I can't work on somebody's behalf" and turn around and develop the property, he said.

Perry is a longtime friend of Ryan's and a fundraiser. Just four weeks after Ryan announced in September 1997 his intention to run for the governor's office, Perry chaired one of the first major fundraisers for Ryan's campaign in Chicago.

Since 1994, Perry and the firms that he operates have donated nearly $19,000 to Ryan's campaign fund. One of Perry's ventures, a nonprofit corporation that was formed to help economic development in Kankake County, donated $2,250 to Ryan's campaign, despite federal tax laws that prohibit it from making political donations.

State officials and Ryan have contended that there were plenty of good reasons why the site was selected over bids from the two other finalists, Freeport and Wenona.

Pembroke Township is statistically one of the poorest areas in the state and nation. Fifty-two percent of its 3,657 residents live below the poverty level, and its unemployment rate is four times higher than the state's rate. The site also is close to the Chicago area, where many of the prisoners' families reside.

Even Ryan joked at the Dec. 9 press conference when the site selection was announced that his roots in the county may have influenced the decision.

"This is one of the advantages in supporting a local guy for public office," he said. "I can't imagine this would've happened if I hadn't been elected governor."

Despite the potential for enormous economic assistance from the project, not all Pembroke Township residents are throwing out the welcome mat for the prison.

A group of about 200 residents called Pembroke Advocates for Truth sprang up in the last several months to try to stop construction, saying they don't believe the economic benefits will trickle down to the community. They point to Perry, who lives in nearby Bourbonnais, as an example of how outsiders are more likely than locals to reap the benefits.

"There are a lot of angry people out here," said Beau, who is a member of the group.

Perry said Ryan approached him and asked him to help because the two communities needed assistance with the paperwork. Perry said he contacted local officials and offered his services.

A Ryan spokesman said the governor "doesn't recall the conversation quite that way," but he declined to elaborate.

Records show that Perry paid little, if anything, for the options on the property. Because no cash was needed for the transactions, either Pembroke Township or Hopkins Park could have entered into the option agreements with the local landowners, as did another finalist, the City of Freeport, records show.

Perry told the state in September that it could expect to pay $6,100 an acre for the 160 acres it would purchase. The state recently has said it will purchase only about 120 acres.

Now, Perry said he will sell the land to the state at $5,500 an acre, the price he is paying the owners.

(Mr. SMITH of New Hampshire assumed the chair.)

Mr. FITZGERALD. Mr. President, there have also been a number of problems involving Illinois leases that go back a number of years. I turn my attention to an examination of State leasing practices. We have, thus far, been dealing with the State procurement code, how it bids out projects for construction, but also part of that code governs how the State handles its leases and whether it competitively bids leases for office space or other space that the State of Illinois may give.

In an examination of this overall context of insider deals that have happened and swirled around and been going on in Springfield for a very long time, I want to focus on a couple of articles that go back a little bit further to December 29, 1992.

There was at that time a series that was run in the Chicago Tribune that was called "Between Friends. In the new era of patronage, the politically connected get something better than jobs—lucrative government leases."

This article I am going to read is the third in a series. The headline is "Helping Their Cronies Is The Lease Politicians Can Do." The byline is by Ray Gibson and Hanke Gratteau:

Before Paul Butera decided to shut down and sell his grocery at 3518 W. Division St., his telephone started ringing.

The interest in his property, an enormous parking lot backstopped by a single-story brick structure of 30,000 square feet, astonished him.

Located in a working-class area, the grocery had served Butera's family well for four years. But business had waned since a large grocery complex opened nearby. Although he had yet to list the property with a real estate broker, Butera began getting calls about whether the Humboldt Park property was for sale.

"The property got very hot very fast," he recalled.

Several weeks before Butera closed the deal in July 1991, he learned the buyer planned to convert the grocery into office space and rent it to the state for the Illinois Department of Children and Family Services.

Unbeknownst to Butera, the state and the buyer, Victor J. Cacciatore, Sr., had hammered out the details of the lease four months before Butera sold the property.

The lease was signed in apparent violation of state purchasing laws that require disclosure of building and land owners. State officials signed the lease relying on Cacciatori's representation that he was the owner of the building, said Helen Adorjan, a spokeswoman for the state Department of Central Management Service, or CMS.

The state has done business with Cacciatore for decades, and, for just as long, Cacciatore had been a faithful campaign contributor.

Patronage, the process of rewarding political cronies at taxpayers' expense, has been big business in Illinois. Even though court decisions and taxpayers' outrage largely have stopped the practice of putting supporters on the public payroll, elected officials still find ways to divide the spoils.

Contracts are the mother lode for a new age of patronage. Deals to lease properties, perform services and produce goods for the state are now a $4.6 billion-a-year industry, a business that has more than doubled in the last decade.

The state's need to house its burgeoning bureaucracy has been a gold mine for those seeking to lease land and offices to the state. From 1981 to 1991, the state's rental costs climbed to $104 million annually, a 177 percent increase. Those with connections, such as Cacciatore, are cashing in.

The state's landlords include major donors to the gubernatorial campaigns of James Thompson and Jim Edgar. In the last four years, Edgar's campaign fund has received more than $178,000 from people who lease offices to the state, disclosure forms show.

Those people include Cacciatore, who has contributed at least $9,000 to Edgar's campaign fund and has received two state leases since Edgar took office. During the final seven years of the Thompson administration, Cacciatore donated more than $27,000 to Thompson's campaign. During that time, he was awarded five state leases.

The DCFS deal marked the second time Cacciatore had offered to rent to the state the building he did not own. Records show he first proposed the Division Street grocery as an office building in March 1990, more than 15 months before he bought it.

Other large states have specific procedures to secure property, but Illinois' methods are much more fluid, said Michael Bartletti, manager of the Bureau of Property Management for CMS, the leasing agent for most state departments. Requirements vary according to geographic and agency needs, he said.

For example, sometimes the state publishes an advertisement seeking potential sites. Sometimes it does not. Sometimes state leasing agents search specific communities for appropriate buildings, Bartletti said. Sometimes they do not.

Bartletti said CMS rules "encourage" the obtaining of price quotes on "two or three sites" that would meet state needs. The rule, he said, "encourages competition. It doesn't require it."

In the Cacciatore deal, the state did not advertise its need for DCFS office space, records show.

Instead, CMS officials relied on responses to a year-old advertisement published when the Illinois Department of Public Aid sought similar office space, Adorjan said.

Cacciatore had proposed the Division Street grocery as a potential public aid office, Adorjan said, so the site was suggested to DCFS.

CMS records on the DCFS office hunt reflect that the agency obtained price quotes on two other locations. But an owner of a building the state said it surveyed told the Tribune that he never was contacted.

Records state that officials with CMS contacted an individual named "Boris Amen," who was trying to sell a 28,000-square-foot building at 2950 N. Western Ave.

But officials at Advanced Transformer, the owner of the 130,000-square-foot factory at that address, said that they never offered their property to the state and that they did not know Boris Amen.

"I have never had any discussions with the state," said Sol Hassom, a vice president for the company.

Records also state that CMS obtained a price quote on a lease from owners of a building at 3011 N. Western Ave. No such address or building exists. An owner of a nearby 9,000-square-foot building said he never has offered it for rent.

Adorjan acknowledged the records were filled with inaccuracies, but she maintained that the agency obtained other competing prices that are not reflected in the records.

"It is obvious that they are just sloppy records," she said. "They obviously did a sloppy job."

Records show the state will pay $2.3 million over the next five years to rent the grocery, which Cacciatore bought for $775,000. With his partners, Cacciatore holds seven state leases worth more than $1 million a year.

The state is paying $17.05 a square foot for space, utilities and janitorial service for the Humboldt Park building. That rate, according to Realtors, is comparable with rates in fancy Loop high-rise buildings.

"You can do better than that in the Loop," said George Martin, a real estate broker. "You can get $13 (a square foot). What you are talking about out there doesn't even make sense."

Adorjan said the rent the state is paying was fair and comparable with others in the area.

Cacciatore, in a written response to questions, argued that the high rental rate partly reflects remodeling costs needed to meet the state's requirements.

Cook County records show Cacciatore's company spent $450,000 on remodeling. According to the lease, Cacciatore will recoup his initial investment and renovation costs within the first three years.

Cacciatore's company and appraisers successfully argued earlier this year to lower the property's tax assessment. Their plea was based partly on data showing that the state was paying rent that was $5 a square foot to $6 a square foot above market rates and that, therefore, the rent did not accurately reflect the building's value, county records show.

"Confronted with the pressing need to service the area with a field office and the lack of such appropriate office space, (the state) was willing to pay a rental premium," the company's written appeal stated.

Cacciatore also has sold property to the state. The state's 1990 purchase of $1.9 million of Cacciatore's property in Lake County for a proposed state highway provoked public outcry there. At his request, the property was rezoned for development, forcing the state to pay 20 times the price it normally pays for vacant land.

One south suburban landlord who leases property to the state said renting office space to the state is an insider's game fraught with politics.

The landlord, who asked not to be identified, told the Tribune that when he was notified that a state agency was leaving his building in the midst of a long-term contract, state officials told him to see William Cellini, a top Republican fundraiser.

"I was told, 'If you want to get a state lease, go see Mr. Cellini,'" he said. He did not, and the state canceled his lease.

Cellini headed the state Transportation Department under Republican Gov. Richard Ogilvie. He has not been a state official in nearly two decades but remains one of Springfield's most influential insiders. His sister Janis is Edgar's patronage chief, and the transportation agency still seeks his counsel, according to former and current officials.

"I chuckle sometimes when I hear some of the stories in Springfield about what all (Cellini) controls. That's not true," Edgar said in an interview.

Cellini and Cacciatore, along with another former state official, Gayle Franzen, were business partners in 1991 on the purchase of a 140-acre parcel in south suburban Hazel Crest, records show.

Franzen said Cacciatore invited him to become a partner on the Division Street grocery, even though Cacciatore told the state he was the sole owner. Franzen said that he declined. Cellini, through an aide, said he had no current interests in any state leases.

In addition to holding leases with the state, Cacciatore is a director of Elgin Sweeping Services Inc., which has reaped nearly $40 million in contracts with the state's highway department since 1970, when Cellini headed the department. The contract is based on competitive bidding, but no company has submitted a competing bid in 10 years, state records show.

Let me read that sentence again. The State, of course, on this $120 million library, is assuring us that there will be the application of what they call their competitive bid rules. But in this article, it says:

> The contract is based on competitive bidding, but no company has submitted a competing bid in 10 years, state records show.

Some state landlords scoff at the notion that political favoritism influences the way the state shops for land and space.

Anthony Antoniou, a Du Page County real estate developer, is among them. His firm holds a lease that is among the state's most expensive, with $5.2 million in annual payments for an unemployment office on Chicago's State Street.

Antoniou, a contributor to Thompson and Edgar, said his firm found that politics

> played virtually no role in the decision to lease his building.
>
> Nevertheless, when Antoniou began discussions with the state about possible purchase of the State Street building, he turned to state Sen. Howard Carroll for help. Carroll, a Chicago Democrat, heads the appropriations committee that approves the budget for CMS, the agency trying to buy the building.
>
> "Harold Carroll is a friend," Antoniou said. "He may have given some peripheral help. I met with him through my wife who lobbies (in Springfield)."
>
> Carroll said that Antoniou asked him to find out the status of possible state funds to buy the building.
>
> "We did some checking and we didn't see any funds in the budget," Carroll said.
>
> Illinois' lease costs are comparable to what officials in New York, Florida and Texas spend on land rights and office space. California, which has nearly twice as many state employees as Illinois and whose real estate costs are notoriously exorbitant, spends more than $270 million a year on leases.
>
> But the manner in which leases are let in Illinois differs greatly from methods used in Florida, Texas and California. In those states, landlords must submit sealed bids to state officials who are required by law to award leases to the lowest and best competitive bidder.
>
> Illinois officials reject the notion of competitive bidding on leases.

Let me read that line again:

> Illinois officials reject the notion of competitive bidding on leases.

Competitive bidding has never been popular in Illinois with public officials, and that is what is at stake here on this $120 million Lincoln Library, where objections were made to the U.S. Senate's requirement that Federal competitive bid guidelines be attached to this $50 million authorization for a $120 million building in Springfield, IL.

Quoting again:

> The Tribune found that state rental procedures are so casual that state files on negotiations for some properties are little more than handwritten scrawls of price quotes from building owners.
>
> Officials have maintained for more than a decade that state law does not require competitive bidding on leases, despite admonishments from the state auditor general. The absence of competitive bidding, the auditor general has warned, has deprived taxpayers of the "assurance that its best interests were served."

Let me interject at this point, since this article was written, the State's procurement law has been updated and presumably improved to some extent. But in our discussion and our examination today, we are trying to emphasize that not all loopholes have been closed and that the State rules still allow a high degree of discretion and leave a high amount of decisionmaking authority up to subjective preferences of State officials and that leaving that kind of unchecked discretion in State officials' hands opens the potential for insider abuse of Illinois procurement, whether it is leasing a building, building a building, or buying goods and services from the State.

Continuing from the article:

> The Tribune investigation of state purchasing found that CMS sometimes has disregarded its own internal rules established to ensure fair pricing and competition.
>
> In some cases, state agencies seeking to lease space compose written requirements that virtually rule out competition. Specifications also have been tailored to steer state agencies to sites owned by the connected, as in the case of a $9.3 million deal in Peoria.

Let's back up on that. In some cases, you have the State claiming it has competitive bidding, but what they do is. State agencies seeking to lease space compose written requirements that virtually rule out competition. They put restrictions on who is eligible to apply. The State did that with how they awarded river boat licenses in Illinois, and we are going to get to that later this afternoon when we examine how the State awarded the phenomenally lucrative 10 river boat licenses that somehow just happened to—I guess it was coincidence—all wind up in the hands of long-time contributors, in many cases, for many of those river boat licenses.

Continuing from the article:

> Twelve days after the Illinois Department of Transportation informed CMS that it had outgrown its district headquarters in Peoria, officials with CMS asked the governor's office if G. Raymond Becker, a multimillionaire real estate developer, was eligible to become a state landlord.
>
> The written query, dated March 19, 1990, was necessary because Becker was a Thompson-appointed member of the Illinois Capital Development Board, whose executive director is required by state law to review all state leases.
>
> CMS officials wanted to know if Thompson would waive a state conflict-of-interest law prohibiting state officials such as Becker from doing business with the state.
>
> Such waivers are somewhat routine in Illinois, but the request was unusual because CMS officials had not yet advertised the state's desire to rent office space in Peoria, records show.
>
> But Becker, a member of Thompson's Governor's Club, a circle of campaign contributors whose donations totaled at least $1,000, already was being considered for a state contract for space in the 16-story office building he was constructing in downtown Peoria.
>
> Months later, the state published an advertisement from new Peoria space, specifying narrow geographic boundaries that essentially reduced the competition to Becker's building. Another developer, Dianne Cullinan, who had a downtown site under construction next to the state's targeted area, expressed interest but later halted talks after much of her building was leased.
>
> Negotiations with Becker, the lone landlord under consideration, lagged for several months. But in January 1991, the deal was completed within a week—the final one of Thompson's tenure.
>
> Thompson waived the conflict of interest law for Becker, noting that his proposal—the only one that had been on the table for four months—was the best of two submitted. Yet, records show that neither Cullinan nor anyone other than Becker had submitted a formal proposal.
>
> The Becker deal stands to be worth more than $9.3 million over the next 10 years if the state renews the lease after the first five years. IDOT offices fill about one-third of the building, which Becker built with a $3.2 million Peoria city bond and private loans of $8 million.
>
> "It was a very good deal because I am doing much better with the rest of the leases," Becker said. The IDOT lease, he said, helped him charge higher rates for the lower floors. By August, shortly before IDOT moved in, two-thirds of the complex had been rented, Becker said.
>
> The lease also carried the promise of revitalizing Becker's adjacent properties: a twin-story condominium and a small office complex that have been suffering from high vacancy rates.
>
> Whether the deal was as good for taxpayers as it was for Becker is another question.

Of course, that line in this article—"Whether the deal was as good for taxpayers as it was for Becker is another question"—kind of goes to the heart of our debate today because we want construction of the Presidential library for Abraham Lincoln in Springfield, IL, to be as great a treasure for and as good a deal for the taxpayers of Illinois and this Nation as it is for everybody who winds up actually building the building or owning other buildings right next to it, which will benefit from the tourism that comes in.

> State officials maintain the Becker lease is less costly than building a Peoria headquarters.
>
> They point to a January 1991 study conducted by an outside consulting firm that concluded that over a 10-year period, the state would pay about $11.4 million for construction, operating costs and debt service on a new building, compared with slightly less than $10 million in lease costs in the same period.
>
> But the study was based in part on the consultants' assumption that the state would have to acquire land for the project, records indicate.
>
> "We are not aware of other state-owned space in the Peoria area that would be suitable for the (IDOT) space needs," the study stated. "Also, we did not examine the cost of buying and renovating an existing facility. . . . Additionally, we did not address the availability of bond funds to finance the construction of a potential facility."
>
> Three years earlier, IDOT had proposed building a Peoria regional headquarters and materials-testing labs on a 34-acre site owned by the state on the city's west side.
>
> The price tag at the time was $7.16 million, said Richard Adorjan, an IDOT spokesman.
>
> The General Assembly refused to appropriate funds for the project, so the state decided to lease. Adorjan said IDOT was never told about the 1991 study comparing the costs of leasing with the costs of a new building.
>
> CMS officials say they never considered the 34-acre site for building because it was "too rural," Bartletti said.
>
> The site is 9.3 miles from Peoria's downtown, said a CMS spokesman. IDOT's main headquarters in Springfield is about four miles from downtown.
>
> IDOT's former Peoria headquarters, a sprawling brick structure with 36,000 square feet on the city's north end, will continue to house materials-testing labs, but the site soon will be largely abandoned.
>
> The IDOT lease was not Becker's only deal with the state.
>
> Soon after signing the IDOT lease in Peoria, Thompson aides signed a $1.1 million

lease for the Illinois Department of Employment Security to move into a building owned by Becker's business partner, Russell Waldschmidt. Less than a year later, Waldschmidt sold the building to Becker's son, George Raymond Becker, Jr.

Later in 1991, the General Assembly restored funding for leased office space for the Illinois Industrial Commission in another Becker-owned building. The five-year lease is worth about $41,000 annually.

Becker's construction company also has been a successful competitor for state road building jobs. In 1987 and 1989, his company was the low bidder on two contracts worth nearly $2 million for paving and resurfacing state highways near Peoria, an IDOT spokesman said.

Becker and his partner, Waldschmidt, said Becker's status as a confidant to the Thompson administration played no role in landing the leases.

But administration sources said Thompson's aides demanded that the transportation agency lease be signed before Thompson left office. Some top administrators had favored putting the lease on hold, a common practice during transitions, since it would bind Edgar's administration to the pact. Their concerns, however, were overruled by Thompson's key aides, according to interviews.

Even after Thompson left office, he continued to turn to his old friend for favors. Several months after Thompson left the Executive Mansion, the developer lent his private airplane to the former Governor to fly to Jackson, Miss., for a Republican Party function, according to a Thompson spokeswoman.

CMS officials have been at loggerheads with the state Auditor General's office for more than a decade because of their insistence that state law does not require leases to be competitively bid.

Again, what we are talking about here is competitively bidding a construction contract. The House has taken a position in opposition to the Senate's requirement on an appropriation of $50 million to the State of Illinois that that money be competitively bid, that the construction contracts be competitively bid in accordance with the Federal law. The House position on this, to date, is that the project not carry that restriction and that States' so-called competitive bid guidelines are adequate.

We are here examining some of the problems that have occurred in recent memory in the State of Illinois regarding leases, construction projects, and the like, which really weren't what we would think should be a proper competitive bidding and where there has been some slippage.

State purchasing laws, a hodgepodge of more than 100 provisions adopted over the years, make no mention of leases. And a 1981 report by state auditors found that 96 percent of the state's leases were awarded without bid.

That is why there are so many articles inches thick and investigative reports, over many different administrations and many Governors in the State of Illinois, of deals that appeared to involve, or may have involved, or the writers thought involved, political favoritism.

CMS has argued that because leases are not specifically included among the goods and services required to be competitively bid, they are exempt from bidding. State auditors have argued that because leases are not listed among the exemptions, they must be bid.

There is no way to competitively bid real estate, said the CMS' Bartletti.

Simply put, there are no two real estate parcels in the world that are alike. Real estate is exclusive by definition. There is only one parcel at a certain intersection. Location is everything in real estate, he said.

Among the State purchasing reforms to be proposed in the general assembly's spring session will be a requirement to bid leases competitively, said State Senator Judy Barr Topinka (R-Riverside).

The proposed reform, Topinka said, is prompted largely by "the scandal" created by a lease state officials signed in 1989 to rent the shuttered St. Anne's Hospital on Chicago's West Side.

State officials needed the building to house patients from the Illinois State Psychiatric Hospital, which had to be closed for extensive renovations.

Taxpayers will end up paying $16.1 million for a four-year lease of the hospital, including costs of transferring patients, mainly because the lease failed to shield the state from huge repair bills.

The state could have bought the building for $3 million.

Let's review that again.

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The State could have bought it for $3 million. But they will end up paying $16 million for a 4-year lease of the hospital.

In that difference between $16.1 million and $3 million, look at the money that was lost for the taxpayers. How many taxpayers had to work how many hours? How many couples had to struggle working 2, or 2½, or 3 jobs to pay their taxes to the State of Illinois and to the Federal Government just to see that money go to State officials?

Some might conclude from such articles that in many cases when there are not proper controls, what the State officials wind up doing with that taxpayer money is really tantamount to lighting a match to it.

I now move on to another issue that has been talked about in Illinois for a very long time. It actually goes back to the early 1980s, and it is still a problem for the taxpayers in the State of Illinois. That is the subject of hotel loans given out by the State that were never fully repaid.

There are some of these issues that we could highlight on which I am seeking to narrow the focus and ultimately tie all of this back into what is going on down in Springfield.

I am going to turn to a discussion of State loans that were made back in the early 1980s for the construction of several buildings around the State, including two hotels: One in Springfield, IL, and the other, as I recall, at Collinsville, IL, which is down in the southern part of the State in the metro East St. Louis area. I am very familiar with both of these hotels. Of course, I see them often on my trips to Springfield and Collinsville. These hotels are actually pretty famous in the minds of many taxpayers because the taxpayers gave loans for the prominent people to develop these hotels and the loans were never fully paid.

This article, which comes from the Chicago Sun Times, dated April 26, 1995, is by Tim Novak, who at that time was in Springfield. He wrote this article. The headline is, "Taxpayers Stuck With $30 Million Hotel Tab."

Illinois taxpayers will lose $30 million today when state Treasurer Judy Baar Topinka closes the books on two hotel loans that former Gov. Jim Thompson and former Treasurer Jerry Cosentino made to political cronies.

The hotels owe the state $40.3 million under low-interest loans they got in 1982, but Topinka has agreed to settle their debts for $10 million, the Sun-Times has learned. She plans to announce the deal today.

Under the deal, the Springfield Renaissance Hotel headed by Republican power broker William F. Cellini will pay the state $3.75 million of the $19.8 million it owes.

The state will also collect $6.3 million from the Collinsville Holiday Inn, partly owned by Gary Fears, who raised money for Democrats and Republicans. The Collinsville hotel owes the state $20.6 million.

Topinka said it's the "best deal" she could get from the hotels, which have often skipped loan payments while their value has fallen. The deal will save the state at least $6,000 a month it spends to manage the loans.

"The taxpayers are going to take a bath, no question," Topinka said. "But the property is so depressed, we will never get back what we spent. Our little escapade into the hotel business has not been remarkably fruitful.

"I may open myself up to criticism on one hand, but on the other hand, I have got to settle this because the longer this goes on, the more we lose because the property value (of the hotels) keeps going down."

Former Treasurer Patrick Quinn, a Democrat, said Topinka is giving another sweetheart deal to political insiders.

"These particular individuals . . . are getting off very lightly," Quinn said of Cellini and Fears. "The taxpayers are being fleeced again. They were fleeced when the loans were made. They were fleeced when the loans were refinanced.

"If you foreclosed, you would have assets that you can sell for a greater price than they're getting now," Quinn said. He claimed that the hotels are worth far more than the $10 million the owners will pay under Topinka's deal.

Local assessors say the hotels are worth a total of $13.2 million—$7.9 million for the Springfield hotel and $5.3 million for the one in Collinsville.

Topinka said the hotels are worth only a total of $6.5 million, much less than the $10 million the state will receive. Topinka said the Springfield hotel is worth $3 million and the one in Collinsville is worth $3.5 million.

"I didn't make the (original) deal," she said. "I'm the garbage man trying to clean up."

The loans were to expire in 2010. The state cannot foreclose on the hotels until 1999, and then only if the debts exceed $18 million on the Springfield hotel and $19.9 million on the Collinsville one.

Quinn spent four years trying to get money out of the hotel owners, particularly Cellini, who made millions as the lead investor of the state's first riverboat casino, the Alton Belle.

Quinn urged the Illinois Gaming Board to revoke the casino license last year unless Cellini pays off the hotel loan. The board refused, saying the hotel and casino were separate, state-sanctioned deals.

Cellini is among 80 investors in the Springfield hotel. He could not be reached for comment. B.C. Gitcho, managing partner of the Collinsville hotel, referred questions to attorney Dan K. Webb, a law partner of Thompson's.

Webb, who represents both hotels, could not be reached for comment.

Thompson, a Republican, and Cosentino, a Democrat, made the hotel loans in 1982 under the governor's Build Illinois program, designed to create economic development and jobs.

Cellini's group, President Lincoln Hotel Ventures, used the money to build a luxurious hotel about six blocks from the state Capitol. Fears' group, Collinsville Hotel. Venture, built a hotel about 20 miles east of St. Louis.

The loans originally had a 12.25 percent interest rate. The owners were required to make mortgage payments only in those quarters in which the hotels made profits. The owners often skipped payments, claiming they made no money in those quarters.

Before Thompson and Cosentino left office in 1991, the loans were restructured with a new interest rate of 6 percent. The interest was deferred until the principal was paid off.

Since 1982, the state has collected $1.3 million from the Springfield hotel and $1.4 million from the Collinsville hotel.

Mr. President, there is another article on that hotel loan. I point out at this time the hotel for which that loan was given, that was built in Springfield, IL—one of them was for a hotel in Springfield, the other for a hotel in Collinsville, IL.

This is a map of downtown Springfield. This is the State capitol where I used to go when I was a State senator in Springfield for 6 years. This is the Abraham Lincoln neighborhood. Mr. Lincoln's neighborhood is run by the National Park Service. Abraham Lincoln's home is here. Senator DURBIN and I have our Springfield district offices in that neighborhood. It is beautifully maintained to look as it did in Mr. Lincoln's era.

Here is the Springfield Convention Center, and next to the Springfield Convention Center we see the Renaissance Springfield Hotel.

As we saw that investor deal, headed by Mr. William Cellini from Springfield, they got that $15 million—I believe was the loan—back in the early 1980s. There was an attempt to settle the loan after not much of that money had been paid back. In fact, that settlement that was just described, to my knowledge, never went through.

I will continue reading some articles and examining this hotel issue because since it is so close to where the proposed Lincoln Library site is, I think this will give a picture of how this connects together and why in my mind—being familiar with this whole history—red flags were raised. I believed we were on notice that we needed to do everything we could to protect taxpayers' money in the construction of that proposed Lincoln Library, which is a $120 million project.

Mr. DORGAN. Will the Senator yield for a question?

Mr. FITZGERALD. I yield.

Mr. DORGAN. I believe I will be recognized following the Senator's presentation, but for purposes of timing, how long does the Senator expect to continue speaking?

Mr. FITZGERALD. I will speak as long as I need to make the point on this project. I imagine it will be for quite some time.

Mr. DORGAN. If I might, the Senator certainly has a right to speak for as long as he chooses once he is recognized in the Senate, but for the purpose of others who desire to speak on the conference report, I am curious if we could get some time frame.

I am willing to come back to the Chamber if the Senator will give me an idea of when he might complete his remarks.

Mr. FITZGERALD. All I can say at this time—I hope the Senator will appreciate this—I will need an extended period of time, and I cannot give a good timeframe. You may want to go back to your office.

Mr. DORGAN. Mr. President, that is a fair answer.

I ask if, perhaps 10 minutes before the Senator finishes, he would say "in conclusion," which would trigger me to come back to the floor.

Mr. FITZGERALD. I will do that.

Turning to a June 5, 1995, Chicago Tribune article, by Rick Pearson, a Tribune staff writer, the headline is: "Taxpayers Face a Big Loss on Hotel Loans: GOP Insider Denies Political Deal."

He has achieved a unique and almost mystical aura as a clout-heavy Republican power broker, fundraiser and riverboat gambling captain.

But William Cellini says he doubts he will ever be a hotel developer again.

Cellini is at the center of a controversy involving a proposal by state Treasurer Judy Baar Topinka to settle $40 million owed to taxpayers on two hotel loans for $10 million. He said he and other investors in the Springfield Renaissance never made a dime and will never see any return.

Cellini also maintained that the state has probably recouped the original $120 million lent to developers of the Renaissance, the Collinsville Holiday Inn and 16 other projects because the developers paid 17 percent interest during the construction in the high-interest period of the early 1980s.

"Would I do it again? Never," Cellini said in his first public comments on the hotel deal. "Well, never is a long time. Let's put it this way: I'll never do another one with the government. You're too high-profile, and then everybody comes to these (political) conclusions.'

Not that anyone is suggesting any tag days for the 60-year-old Cellini.

He has parlayed his position during the 1960s as state transportation secretary under Gov. Richard Ogilvie into influential leases and contracts, a role as head of the road-building Illinois Asphalt Pavement Association, and chairmanship of Argosy Gaming Co., which operates the Alton Belle riverboat casino. Cellini's stake in the riverboat is worth more than $20 million.

Yet Cellini disputed the perception that the hotel settlement reached in April with Topinka is a sweetheart deal for himself, the Renaissance's 84 other investors, bipartisan fundraiser Gary Fears and investors in the Collinsville Holiday Inn.

Instead, he said, taxpayers will get about $2 million more than the highest bid offered to former state Treasurer Patrick Quinn when he attempted to shop the two hotel loans last year to other investors.

In addition, Cellini said, investors in the Springfield hotel put $10.1 million of their money into launching the project, along with the state's $15.5 million loan and a $3.1 million federal urban-development grant.

Boy, that is interesting. On that loan for that Springfield Renaissance Hotel, the investors put in $10 billion of their money, the State loaned $15 million of State taxpayers' money, and the Federal Government gave $3.1 million in an urban development grant for that hotel.

"People are saying, 'This hotel was built with all state money. Cellini didn't put in anything, and now he's walking away with the marbles.' That isn't true. We put in almost as much as the state, for sure $10 million in cash. And we will never get it back," Cellini said.

The proposed settlement with Topinka has been put on hold pending review by Atty. Gen. Jim Ryan, another Republican. But under the agreement, Cellini and Renaissance investors would pay the state $3.75 million of the $19.8 million they owe.

Meanwhile, the Collinsville Holiday Inn would pay $6.3 million of $20.6 million owed to the state.

Topinka, a Republican who took office in January, has said the loans were a "bad investment" for the state. She also said the settlement is the "best deal" she could get for taxpayers because the properties' values are depressed.

The loans, first made in 1982 by then-Gov. James Thompson, a Republican, and then-Treasurer Jerome Cosentino, a Democrat, originally carried a 12.25 percent interest rate. But Thompson and Cosentino revised the loans in 1988 to require mortgage payments only when the hotels were profitable. Few payments were made.

That is interesting. The loan was not being fully repaid. Yet in 1998 they revised the loan documents so that mortgage payments only had to be made when the hotel was profitable. And then few payments were made.

Shortly before Thompson and Cosentino left officein 1991, the loans again were restructured to call for 6 percent interest, with all payments first applied to principal on the debt.

> Cellini, who is a general partner of the Renaissance and owns 1.01 percent of the stock, said the original loan, the subsequent restructuring and the settlement plan were normal business deals and didn't involve politics.
>
> The projects initially were meant to improve economic development, but they were written down because of market conditions, he said.
>
> The lavish Renaissance, five blocks from the Capitol, pays $100,000 a year to help retire bonds used to build an adjacent city convention center. The hotel has a payroll of $2.8 million and pays $1.3 million a year in taxes, he said.
>
> "It isn't that this was different or it was something that just because of political contact there was this discounting," Cellini said. "There isn't a first-class, full-service hotel that was built in Chicago from '85 to today that is not only not paying their mortgage loans but I bet you some of them aren't paying for their operations."
>
> Cellini also disputed reports from Topinka's office that personal guarantees he signed on the loan were waived by Thompson and Cosentino. Such a waiver would have helpted Cellini when Argosy appeared before the Illinois Gaming Board seeking a license for the Alton Belle casino.
>
> But aides to Topinka confirmed Friday that when the hotel was opened, Cellini satisfied the terms of a construction loan and was released from his personal guarantee.
>
> Cellini also said that while the hotel had an assessed value of $7 million two years ago, the value of the real estate now is only slightly more than the $3.7 million value of the loan that investors have agreed to pay.

Mr. President, I ask unanimous consent that the Senator from Louisiana be recognized at this time, and that I be rerecognized upon the completion of her remarks and that my rerecognition count as a continuation of my current speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I know the Senator from Illinois has been on the floor for quite some time speaking on an issue about which he obviously feels very strongly and about which he is quite knowledgeable and on which he has been going into some detail. Hopefully, it can be worked out, or some accommodations can be made.

I am here, actually, to speak about an issue that is related to this bill but is completely different from what my colleague from Illinois has been speaking about. This is about the underlying bill, the Interior appropriations bill, and about the CARA Coalition, the Conservation Reinvestment Act—which you yourself have been familiar with and were actually very helpful, Mr. President, and were supportive along the way. I thank you for that. I want to say a few words about the Interior appropriations bill and how it falls so short of what many of us were hoping.

I realize this is a process; it is a democratic process. I realize we cannot always get what we want. But I do believe we should always try our very best to get what we believe is not only best for our State but best for our Nation. That is what the CARA Coalition represents, a group of Governors, almost every Governor in the Nation, mayors—almost all of the mayors in the Nation, Democrats and Republicans—over 5,000 environmental and business organizations and recreational organizations throughout this Nation that have been trying to communicate to the White House and to the appropriators, both Democrats and Republicans, and to the President himself, how important it is to try to take this time, this year—not next year but this year—to lay down a real legacy for the environment, something that recognizes the importance of purchasing Federal lands when appropriate but also a legacy that realizes how important it is to give some money, not to Federal agencies but to State governments and to local officials, so Governors and mayors can make plans based on their local and State needs.

I know that you agree with me, Mr. President—actually, many do in this Chamber—that Washington doesn't always know best. The CARA Coalition thinks sometimes Washington has good ideas, but we think sometimes States and Governors and mayors and county commissioners have good ideas. Sometimes parents who run Little League Baseball leagues in their communities have good ideas. We think volunteers in communities have good ideas. But there are a handful of people who think—it is just disturbing to me, and I do not understand it—there are some people here, unfortunately on both sides of the aisle, who think the only decisions that are good come from Washington. So the CARA Coalition wants to say the Interior bill fails—fails to take advantage of the partnerships that are available at the State and at the local level.

In addition, I have to say the Interior bill also fails to take into account the important contributions that are made by the coastal States to this endeavor.

While the amount of money that the Interior bill has come up with is over $1 billion in the first year, a good portion of that money, about half of it, $500 million, actually does not come from the general fund. It comes from offshore oil and gas revenues. The moneys we use in this bill that were outlined earlier to fund the Land and Water Conservation Fund, which was authorized and established over 30 years ago but never funded to its levels, either at the Federal or the State side—that money comes from offshore oil and gas revenues.

Those revenues primarily come from the Gulf of Mexico and from Louisiana, Texas, Mississippi, and to some degree Alabama. The drilling for natural gas, which is an environmentally friendly fuel that helps us reduce the harmful elements in the air, takes place in the Gulf of Mexico, and the revenues generated from those oil and gas wells fund the land and water conservation bill.

Another shortcoming of the Interior bill is that it fails to recognize the contributions that are made by Louisiana, Mississippi, and Texas. It does not provide a fair share of those revenues back to our States. It does not include coastal impact assistance. There is a possibility under the agreement with the chairmen of the committees that some of that can possibly be taken care of in the Commerce-Justice-State bill. We are very hopeful some of that money might become available.

This plan for an environmental legacy, despite the fact that this may be taken care of to a small degree in another bill, in the Interior bill, fails to recognize the contribution made by States that allow offshore oil and gas drilling.

I have held up this plan many times on the floor. This is the "Coast 2050" plan from Louisiana. This is a plan that says: "Without bold action now, a national treasure will be lost forever." That treasure is the largest expanse of coastal wetlands in North America. The largest expanse of coastal wetlands in North America is at risk. The CARA Coalition came to Washington to say: We do not want all of the money for Louisiana, Mississippi, and Texas. We do not even want 50 percent of the money. We do not even expect 25 percent of the money. But we think we are in our right to ask for at least 10 percent of the money that is generated from offshore oil and gas revenues to come back to the coastal States, the great coastal areas of our Nation, for restoration.

The coast of Louisiana is home to 2 million Americans, and the other statistics are awesome. The ecosystem contributes nearly 30 percent by weight of the total commercial fisheries harvested in the entire Nation. It provides wintering habitat for over 70 percent of migratory waterfowl for the whole Nation. And 18 percent of U.S. oil production, and 24 percent of gas production come from Louisiana primarily and the Gulf of Mexico. Our port system ranks first in the Nation, and we provide commercial outlets for the transportation of goods into this Nation and out of this Nation.

As a Senator from Louisiana—and I know Senator BREAUX joins me—I thought we could expect some recognition of what the coastal States mean to this Nation and some recognition of a coastal impact assistance piece or coastal stewardship piece, which CARA had in mind and which this Interior bill—although it is recognized, it has moved some of the money over to Commerce—does not recognize in its legacy.

I say for the CARA Coalition that we have always believed the legacy that we are trying to leave is not just about interior States; it is about coastal States. It is not just about Federal spending and decisions made at the Federal level; it is about decisions made at the local level and at the State level.

The underlying bill, while I know it took some work and it took some effort and there have been lots of negotiations at every level, fails in many aspects in terms of what we had hoped for this year. We will continue to hope for it if it is not done in this Congress.

There is still time. It is unlikely that what we are asking for can be done in this bill. The conference is closed. We do not, under the rules, have an opportunity to amend this particular bill, but there are many other bills moving through. There is still action that can be taken on the part of the Democratic and Republican leadership. The President himself could weigh in more strongly and say: Yes, let's take what we can on lands legacy, but let's add in addition to it the CARA legislation.

I will try to explain a few other things about the underlying bill and how it falls very short of where we want to be.

Supporters of the underlying bill claim there is money in this bill for conservation programs, and they are correct. There is even more money than was originally budgeted for conservation programs. The problem is that each of the programs have to compete against each other for limited dollars. Unlike CARA, which had the programs pretty much clearly defined and moneys attached to each program so that Governors, mayors, and program administrators could count on that money, the underlying bill does not allow for that. It allows for competition, for an annual grab-bag approach every year. Let me give an example.

In the first category, which is under the land conservation, preservation, infrastructure improvement trust fund, which is what this bill now calls it—it is not lands legacy, it is not CARA, it is called the land conservation, preservation, infrastructure improvement trust fund. There is $539 million in that fund, but out of that fund, the Federal side of land and water and the State side of land and water have to compete for that $539 million.

We heard the distinguished chairman from Washington say he had over $1 billion in requests. He said he had over 1,000 requests totaling over $1 billion. That is just requests from the Federal side. If there are $1 billion in requests every year for the Federal side of land and water, and we only have in this bill $539 million to fund it, I argue there is not going to be anything left for the State side of land and water. They have been underfunded for 30 years. The Governors have been left holding an empty bag. When the mayors look in the bag, there is no money—promises, promises, but no money. While this trust fund attempts in a way to put this in categories, it fails to deliver the money necessary for the State side and the Federal side.

Let me go into the next category which talks about State and other conservation programs. It talks about the cooperative endangered species fund, which is important; State wildlife grants, which basically, according to the Wildlife Coalition, will never get to the States because it will take 3 years to come up with a plan, and then when the States come up with a plan, it will take so much longer for it to be approved, so this $50 million is not really worth much at this point.

The State wildlife grants, the North American wetlands conservation, science programs, forest legacy, and additional planning inventory and monitoring, all of those funds have to compete in this "trust fund" for limited resources.

Instead of being able to count on money every year for the endangered species fund, instead of being able to count on a real State wildlife fund on which local officials can count and on which preservationists and conservationists can count, it is not there. Forest legacy cannot count on it. The chances of funding it are minimal.

I will go to something Members can appreciate because they heard so much from their mayors. The next category is urban and historic preservation.

It includes the program we know as UPARR. It includes a very popular and effective program called Historic Preservation. It includes Urban and Community Forestry and the Youth Conservation Corps.

They are good programs. The problem is, they have to compete for the same pot of money, fighting among themselves. We had hoped, and we thought, it was time—and we still believe it is time, the CARA Coalition—to get the environmental community and the business community and the recreational activists and enthusiasts in this Nation working together. That is what the CARA Coalition represents. Instead of fighting over crumbs, instead of fighting over very limited amounts of money, we were hoping to build, first, on a relatively small amount of money but build together. And as the budget provided, as political opportunities provided, we were willing to come back and wait and be patient and get additional moneys for these programs.

But to force these groups, which have had to live on so little for so long, to have to compete amongst each other every year, year in and year out, I think is far less than what we could have done and what we should have done.

We do not probably have the support to defeat this Interior appropriations bill. I would have to say, there are some very good things in this bill. The appropriators worked very hard. I know it is very tough to try to put together a bill that can meet the approval of over 500 Members—both in the House and in the Senate—representing different parties and different interests.

(Mr. SMITH of New Hampshire assumed the chair.)

Ms. LANDRIEU. I want to just say how much I respect our leader, Senator BYRD, and the work that he and his staff have put in. But I believe it is important—and I feel compelled as the leader of the CARA Coalition in the Senate—to point out that there are real differences. And those differences really matter to environmental groups, to wildlife groups, to coastal impact assistance organizations that are fighting for coastal impact assistance and more acknowledgment of the needs of our coasts. And it matters to parents, to volunteers, and to community organizations.

So I think that we should be truthful and honest—and I am not saying that people have not been truthful and honest, but I do think we have to be very clear that while this trust fund could potentially be a beginning, it is not nearly where we need to be in terms of delivering a real legacy for this Nation, a legacy of which Republicans can be proud, a legacy of which Democrats can be proud, a legacy of which this President can be proud.

So I want to take a few minutes, if I could—and I know we have quite a bit of time and no time limit—so I would like to take a moment to go through this large binder here to talk about our coalition because there is still time remaining in this session. We do not know whether we are going to be in for this week, whether we may be here for another 2 weeks, or another 3 weeks. There are still many serious negotiations going on between the House and the Senate, between congressional appropriators and the White House, on a variety of issues that are important to our Nation.

Some of those issues have to do with health care; some of them have to do with education; some of them have to do with transportation. So we have time.

I have come to the floor to try to explain, in my remarks, the differences between what the Interior bill has laid down and for what the CARA Coalition was hopeful.

I also want to point out and add to the RECORD this extraordinary coalition that has been supporting this legislation, and to ask them to use the time remaining to call the leadership, Senator LOTT, Senator DASCHLE, and the President himself, and say thank you for the work that we have done. But let's not miss this opportunity to do better. Let's not miss this opportunity to do better this year, and to hopefully build in the years to come on what the Conservation and Reinvestment Act really envisions for our Nation.

Since I am a Senator from Louisiana, I want to thank this extraordinary list of supporters from Louisiana who are registered here in this book. This book is actually a book of all the States. There are 5,000 organizations—an unprecedented coalition, of, as I said, Governors, mayors, county officials, conservation and wildlife organizations, sportsmen's groups, parks and recreation advocates, business and industry groups, historic preservationists, and soccer and youth sports organizations that have called on us to act.

I want them to know that I have heard their message. I want them to know that 63 Senators have heard their message. I want them to know that Chairman MURKOWSKI and the ranking member, Senator BINGAMAN, have heard their message. We want to work with them in the remaining weeks of this session, and for as long into the future as it takes to actually get an environmental legacy for this country of which we can all be proud.

Let me just say, in this book is a letter to each of the Senators, signed by anywhere from 50 to literally hundreds of organizations in their States, urging them to adopt CARA, the Conservation and Reinvestment Act, the principles outlined in CARA.

I thank, particularly, from my State of Louisiana, for his extraordinary leadership, our Secretary of Natural Resources, Jack Caldwell, who works for a Republican Governor, Gov. Mike Foster. In our State this has truly been a bipartisan effort.

I thank our Louisiana Wildlife Federation; the Coalition to Restore Coastal Louisiana, which produced this extraordinary document, for their work and help and advice through this process.

I thank our Lieutenant Governor, who is a colleague of mine, and a good friend, Kathleen Blanco, and her Office of State Parks.

I particularly thank the Louisiana Chapter of the Sierra Club that spoke out early in support of this effort.

I thank the Louisiana Legislature that was the first legislative body in the Nation to adopt a resolution in favor of the Conservation Reinvestment Act. And many State legislatures around our Nation have followed that show of support.

Almost every elected official in our State—particularly, I want to single out Mayor Marc Morial, the mayor of New Orleans, who will be leading the U.S. Conference of Mayors next year as chairman and a leading member of that organization, for his outstanding advocacy for UPARR and for other portions of the CARA legislation.

I thank Jefferson Parish President Tim Coulon, who is a Republican. Again, our partnership has been quite bipartisan in Louisiana. I thank him.

We have led this effort, but we have been joined by many States in the Union, by many officials from all parts of this Nation.

Just for the record, I want to read a few of the groups from the State of Mississippi that have been extraordinary and helpful in this—and to thank Senator TRENT LOTT for his support—and to continue to encourage him and our leader, Senator DASCHLE, to find whatever avenues are necessary to build on the good work that has been done this year in this regard. There are actually pages and pages of supporters from Mississippi.

I will only read out the very top few, but there are literally—it looks to be over 200 supporters from Mississippi, the first being Mississippi Heritage Trust, Mississippi Department of Wildlife Fisheries and Parks, Mississippi Wildlife Federation, the Chapter of Wildlife Society, the Chapter of American Planning Association, the School of Architecture for Mississippi State—and I could go on through this—the city of Hattiesburg, the city of Laurel, the Keep Jackson Beautiful Coalition, literally hundreds of organizations in Mississippi.

For the RECORD, I will recite some of the organizations from South Dakota because the leader has been on our side. Both Senator DASCHLE and Senator TIM JOHNSON were so helpful in this effort. We also have pages and pages of organizations: Governor Bill Janklow, the South Dakota Department of Game, Fish and Parks, the South Dakota Parks and Recreation Association, the South Dakota Conservation Officers Association, Beadle County Master Gardeners, the Beadle County Sportsmen's Club, the Optimist Club of Huron. Throughout their entire State, from mayors to elected officials to conservation organizations, they have let their voice be heard. I want the South Dakota supporters to know that their leader has heard them, has been supportive, and has been very helpful.

I also thank our House colleagues: Chairman YOUNG from Alaska; the ranking member, GEORGE MILLER of California; JOHN DINGELL of Michigan, who has been an outstanding advocate for CARA; from my State particularly, BILLY TAUZIN, who represents south Louisiana and is an excellent supporter of CARA; and CHRIS JOHN, who has been very helpful, a member of the committee in the House. We have had a coalition of Senators and House Members, of elected officials around the Nation.

Since the session is not over yet, our fight is not over. We recognize that we can't have everything we have asked for, but we recognize that we would never get anywhere if we didn't ask. If we had not put this effort forward, we might never get to a real trust fund for the environment for our Nation. I think the effort has been worth pursuing and the effort is still worth pursuing.

I am not going to ask my colleagues to vote against this bill. Some of them may do that for their own reasons. Senator FITZGERALD and others who don't think there are enough property rights protections may, for their own purposes, want to do that. I probably will cast a vote against the Interior bill because it falls short of what we want.

But this is a democratic process. We believe what we are fighting for is in the right direction. We believe the CARA Coalition represents truly a bipartisan effort that can gather the support of not only Federal officials but State officials. And we believe that this is, in fact, a beginning. There is still time left to build on it. I am hoping leaders from other committees of the Senate can potentially give some support, as they have been from the beginning, and help as we try to put our best foot forward and move ahead on this legislation.

I will go over some of the other numbers in which some of my colleagues may be interested on this particular bill. As I said earlier, the basis of CARA was to give guaranteed funding in certain categories for environmental programs. Although this trust fund lays down broad categories, they are not specific enough so that people can actually depend on them and States can depend on them.

For instance, under the land acquisition part of this bill, let's say for Arizona, in this conference committee report there are about $15 million for land acquisition. Under the CARA proposal, as compromised between the House and Senate, Arizona would have received and could have counted on approximately $47 million each year.

Arkansas—and Senator LINCOLN has been an outstanding supporter of CARA—under the land portion of this bill actually gets zero money. This is legislation for billions of dollars that are earmarked for other places, but under this trust fund concept, Arkansas gets actually zero. Under CARA, they would have a guarantee of $14.9 million.

Colorado in this bill has $5.3 million. Under CARA, they would have $46 million each year for the State PILT, for payment in lieu of taxes, for land acquisition at the State level, not directed by Federal agencies but at the State level. They would have had money for historic preservation and for urban parks for cities such as Denver and others in Colorado.

Connecticut has $1.6 million approximately. They would have had $17 million of guaranteed funding.

Delaware has $1.3 million; under CARA, $14 million.

Georgia, which, according to our records, has about $650,000 for land acquisition projects, would have had $32 million under the Conservation and Reinvestment Act.

Hawaii, which has $2 million in this bill, would have counted on about $29 million a year.

Idaho, which has about $7.5 million, would have gotten $39 million a year, primarily in PILT payments, some on the State side of land and water, and some in other areas.

Illinois, which is a large State, a very important State in our Nation, and one of the most populated States, under this trust fund has zero money allocated for this year but would have had $38 million every year under CARA.

Indiana has $3.8 million, as opposed to our proposal for $25 million.

As I read through some of these numbers—I would like to read through them all for all the States—let me say that the underlying bill on the trust fund has approximately the same amount of money the CARA Coalition desired.

Our coalition wants to be respectful and appreciative of budget constraints. We recognize there are a great many needs in this Nation, from support for teachers and schools to support for health care, to the lockbox for Social Security and Medicare. We have examined the state of the budget. But we believe we could have spent and still believe that half of 1 percent of the surplus for an environmental trust fund that we could count on year in and year out was not too much to ask for. In fact, the appropriators have basically agreed with that concept because that is the amount of money they have actually put in this bill.

The problem is, the framework they put in forces organizations to compete year in and year out, not being able to depend on money. It well underfunds PILT, payment in lieu of taxes, which is so important to our Western States. The underlying bill gives all of the money, or 85 percent of it or more, to Federal agencies and shortchanges our Governors and our mayors and our local elected officials. And it does not fund, as clearly as it should, some of the other important programs we have outlined as authorizers in our compromise between the House and the Senate.

(Mr. GREGG assumed the chair.)

Mr. REID. Would the Senator yield for a question?

Ms. LANDRIEU. Yes, if I may retain the floor.

Mr. REID. I ask my friend, we have Senator DORGAN, Senator CRAIG, and others wishing to speak. No one wants to take away the time the Senator deserves on this issue. Can she give us an idea of how much time she is going to take?

Ms. LANDRIEU. I will take probably another 10 minutes, and then I will yield back my time, if I am able to, to Senator FITZGERALD, who continues to want time on the floor. We can check with Senator FITZGERALD.

Mr. President, I will continue to read some of this into the RECORD.

Iowa, for instance, is the only State of the Union to date that has not received any money from the Land and Water Conservation Fund in 30 years, as the records will reflect. This year, Iowa has $600,000. Under CARA, we could have made a commitment of approximately $11 million per year.

Kansas—and Senator ROBERTS has been a terrific supporter of CARA, and I am appreciative of his support, particularly for the wildlife portion of our bill—gets zero in the trust fund for this year. Kansas would have gotten about $11.9 million under CARA.

Kentucky, $2.5 million; $15 million under CARA.

Maine, $1 million under this bill for this year; $31.9 million would have been directed to Maine under the CARA proposal.

Maryland, which sits on the shores of the great Chesapeake Bay—an area that deserves, in my opinion, a great deal more attention, and the local officials in the various States around the Chesapeake have done a wonderful job, and there has been much help from the Federal level, but we can still do more to protect that important ecosystem in our Nation—Maryland gets $1.2 million. Under CARA, they would have gotten $28 million a year.

Massachusetts, about $1.5 million; under CARA, $35 million.

Michigan, $1.1 million; under CARA, $42 million.

Minnesota, $2.8 million; under CARA, $29 million.

Missouri, $3.5 million; under CARA, $26.2 million.

Montana, $6.5 million; under CARA, $47.8 million.

Nebraska—and Senator KERREY has been a wonderful supporter and very helpful in terms of arguing that States and local governments should have a say as we divide this money annually and should be able to count on something and not have to wait until October, which costs the taxpayers more and which is difficult at the State level. Nebraska has a grand total of $400,000 for the Land and Water Conservation Fund. Under CARA, they would have gotten about $14.5 million.

Nevada, which is the State of my good colleague, Senator REID, got $2 million. CARA would have brought them $37 million. A lot of that money would have been for PILT payments because the Senator represents a State where the Federal Government owns 92 percent of the land.

So it is our obligation to provide money for those local units in Nevada which lose revenues when the Federal Government takes over land from the private sector. They would have benefited from the formula that would have acknowledged that and tried to, in some ways, make them whole by improving their PILT payments. They would get $38 million under CARA; instead, they get $2 million.

New Hampshire, a small State but a very important State, under this bill gets $3.6 million; under CARA, the total it would have received is $17 million.

New Jersey, the Garden State, with a Republican Governor whom I admire a good deal, Governor Whitman, just passed—and I am sure with Democratic help—a bond issue to provide over a billion dollars for Saving Open Spaces in New Jersey. They are one of the most populated States and are trying to preserve the farmland they have left and the green spaces. That is very important to many people along the east coast, the west coast, the interior, and the coastal communities. They passed a billion dollar, multiyear effort. I believe, and the CARA coalition believes, we should try to match that effort. Instead, under this bill, we have given New Jersey $2 million. CARA would have provided them a $40 million partnership every year.

New Mexico—and Senator BINGAMAN has been an outspoken advocate and a ranking member on our side—gets $4.7 million. It would be $44.9 million under CARA.

I know my time is going to be running short. In a moment, I will be prepared to yield my time back to Senator FITZGERALD, who had the floor. I was taking some time from him. I say to our floor leader, I will yield back some time to Senator FITZGERALD.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

Mr. REID. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. FITZGERALD. Yes, for a question.

Mr. REID. I just have a parliamentary inquiry. The Senator would not lose the floor. I have a question to ask the Chair.

Is the parliamentary situation that the Senator from Illinois has the floor?

The PRESIDING OFFICER. That is correct.

The Senator from Illinois is recognized.

Mr. FITZGERALD. Mr. President, I am going to continue speaking about this $120 million proposed Abraham Lincoln Library in Illinois. I realize my colleague from Idaho wishes to be recognized. What I am going to ask is unanimous consent that the Senator from Idaho be recognized for 10 minutes at this time and that I then be rerecognized.

Mr. REID. Mr. President, reserving the right to object, the reason I say that is, there is a unanimous consent agreement already in effect, and the Senator from North Dakota wishes to speak as well. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois has the floor.

Mr. FITZGERALD. Continuing on, Mr. President, to bring the Senate back up to date, we are talking about a proposed Abraham Lincoln Library in downtown Springfield, IL, that would cost approximately $120 million.

The library would be one of the most expensive buildings in the city of Springfield. The estimated value of the State capitol in Springfield is, I believe, $78 million, in inflation-adjusted dollars. This library would be approximately half the size of the State capitol, but it is a substantial building. It is also going to be very close to the Renaissance Springfield Hotel, which we have been examining in detail this afternoon.

The reason I am concerned or have an objection to the conference committee report now before the Senate is that the conference committee report authorizes $50 million in Federal funding for the Abraham Lincoln site but does not carry the requirement that passed out of the Senate that the project be competitively bid in accordance with Federal law. Instead, it would appear the money that is authorized in the conference committee report—instead of having a competitive bid requirement, it says that the $50 million is authorized to go to an entity that will be selected later which would design and construct the library.

The language does not make clear that the entity would be a governmental entity. It is possible, based on reading the conference report, that the $50 million could be channeled to private sources. Presumably, that would not happen however. Presumably, the money would be given to the State of Illinois.

We have reviewed what would happen if the money were given to the State of Illinois, how the State of Illinois would award construction contracts. Presumably, the State of Illinois would turn the project over to its Capital Development Board. We reviewed and examined earlier today a giant loophole in the Capital Development Board—the statute on procurement that governs the Capital Development Board. They have a right to opt out of competitive bidding. Apparently, in the statute, they can just decide they are not going to have competitive sealed bids on the project.

That loophole gives me pause for the reason that I thought we ought to have a tighter set of restrictions. I proposed an amendment that would require that the Federal competitive bid guidelines be attached to the project. I think that would take care of the problem. We are examining in detail the concerns I have and some of the red flags that have occurred to me with this project.

I spent 6 years in the Illinois State Senate in Springfield. I have a pretty good idea of how State government operates. I am familiar with many of the people who are involved with this project. After taking a very close look at the project, it originally started out as a $40 million project, then went to a $60 million project. At one time they were talking about a $140-something million project; now it is back down to a $115 million or a $120 million project. They are seeking $50 million from the State of Illinois, $50 million from the Federal Government, and $10 million in essentially tax breaks from the city of Springfield, and possibly the contribution of some land.

They are, in addition, creating a not-for-profit corporation that was filed with the office of the Illinois secretary of state in June of this year. They have recently made, are making, or have made—it is not clear which—a request to become registered as an official charity. They could solicit and retain contributions for the Lincoln Library Foundation. They have set an ambitious goal for the foundation of raising somewhere in the neighborhood of $50 or $55 million.

I received from published reports that the foundation's board of directors appear to be Mrs. Julie Cellini, who is the head of the Illinois Historic Preservation Agency, and Mrs. Laura Ryan, the first lady of the State of Illinois.

Mr. REID. Mr. President, will my friend from Illinois yield for a question without losing his right to the floor?

Mr. FITZGERALD. I yield for a question.

Mr. REID. The Senator from Illinois has the floor. The Senator from North Dakota, under a unanimous consent agreement, has a right to speak when the Senator finishes. The Senator from Idaho wishes to speak for 10 minutes. I am wondering if the Senator from Illinois would agree that Senator CRAIG could speak now for 10 minutes, with the Senator from Illinois retaining his right to the floor, and at such time as Senator DORGAN comes to the floor we allow him to speak for up to 20 minutes.

Mr. FITZGERALD. I would go along with that as long as I could be recognized upon the completion of the remarks of the Senator from Idaho and upon the completion of the remarks of Senator DORGAN, and that my recognition would count as a continuation of the speech I am now delivering on the Senate floor.

Mr. REID. That was the intent of the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. As I understand it, the Senator from Idaho is now going to be recognized for 10 minutes.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank both Senators and the Senator from Illinois for yielding. It certainly was his prerogative not to yield because he controls the time, and I appreciate that, and the Senator from Nevada for accommodating me and working out the differences.

Mr. CRAIG. Mr. President, I had hoped that I would be able to respond in part while the Senator from Louisiana was on the floor speaking about her concerns about the CARA legislation. She certainly has made every effort to move that legislation, which is important to her State.

Both the Senator from Louisiana and I serve on the Energy and Natural Resources Committee on which that legislation was formed. She has always been courteous. We have worked closely together on the issue.

I could not and do not support CARA as it is currently crafted and as it was voted out of the Energy and Natural Resources Committee. I said very early on to the citizens of my State and to my colleagues on that committee that I would strongly oppose any bill that created a Federal entitlement that allowed the Federal Government to own more of the State of Idaho. The Federal Government already owns nearly 64 percent of my State. And this year you watched Federal forests in my State burn, with tremendous fire and heat, causing the destruction of the environment and resources. My State forests did not burn. The private forests in Idaho did not burn because they were managed. They were thinned. They are healthy, growing, dynamic forests that provide marvelous habitat and quality water to our streams, to our fisheries, and to the life-style of my beautiful State.

Two weeks ago, I was in a helicopter flying over the nearly 1.2 million acres of charred national forests in my State—charred almost to a point of nonrecognition. It will take a decade or more for the natural environment to begin to return. That could have been avoided to some degree, if the Forest Service and its management had not become an agency of benign neglect, which had simply turned its back on these living environments, and had helped Mother Nature to improve them in a way that they would not have burned in such a catastrophic fashion.

The reason I say that is because many want the Federal Government to own more land. Somehow the Federal Government's ownership has in some people's minds become synonymous with quality environment. That is simply not true today.

Nearly 40 million acres of national forest land are in a dead or dying condition—bug-infested, overpopulated with trees, and as a result drought stricken, with the health of the trees declining and the health of the forests faltering.

Is that a way to manage lands? No, it isn't. The Senator from Louisiana knows that. She knows my strong opposition to additional ownership of Federal property in my State. She worked with me. She worked with me very closely to try to change that equation, and we simply could not get that done.

That is why we did something different in this Interior appropriations bill. It is not CARA and it is not land legacy, but it does recognize the importance of spending money for certain resource values, for certain wildlife habitat values, for certain coastal needs of the kind the Senator from Louisiana has for the general well-being of the environment with moneys coming from offshore oil royalties, many of them generated in the gulf south of her State and out into the ocean beyond Louisiana. On that, she and I do not disagree. But I will continue to be a strong opponent of an attitude or a philosophy and an effort to fund an attitude and a philosophy that somehow if the Federal Government owns the land, it is going to be better protected. In my State of Idaho, because nearly 64 percent is owned by the Federal Government, they also dictate the economy of my State.

Today we had a hearing in the Small Business Committee about the impact of forest policies on all of the small communities of my State. I chair the Forestry Subcommittee of this Senate. We have held over 100 hearings since 1996 examining the character of decision-making in the U.S. Forest Service and that they ignore small business today, and they turn their back on small communities that adjoin those forests.

Is it any wonder why nearly all of those small communities in Idaho and across the Nation today associated with public forests have 14 and 15 percent unemployment while the rest of our country flourishes because of the high-tech economy? No. It is quite obvious that is what is happening because this Government and this administration have locked the door on the U.S. forested land and turned their back and walked away. With that, thousands of jobs and 45,000 schoolchildren in rural schools across the Nation are deprived of the money that would have come to them by an active management plan of the U.S. Forest Service because of long-term policies that allowed counties and school districts to share in those revenues.

I can't stand here as someone representing the State of Idaho and say: Give the Federal Government more money to buy more land in the State of Idaho to make it Federal. I can't do that in good conscience, and I won't.

I am joined with my western colleagues to tell the Senator from Louisiana, somehow it has to be done differently. I am not going to suggest what we do in this bill is answer the problems or concerns of the Senator from Louisiana. I think it probably isn't.

But I will say it is no longer an entitlement. It is not automatic for 15 years. We do not give this administration or any future administration half a billion worth of cash a year to go out and buy more and more land to turn into forest fires or dying habitat for wildlife because they won't actively manage it and care for it.

There is a lot of money in here to help our national parks. There is money for urban parks. There is money for coastal acquisitions. There is a great deal of money—$1.8 billion, nearly $2 billion worth. A chart shows it ratchets it up over the next number of years to nearly $2.4 billion. It is not as originally envisioned by the CARA Coalition, but it is a great deal of what they asked for.

Ms. LANDRIEU. Will the Senator yield for clarification?

Mr. CRAIG. I have very limited time. I apologize.

I am not in any way—how do I say this—taking offense at what the Senator from Louisiana has said. We have worked very closely on this issue. She and I held fundamental disagreement on one portion of the bill. I made an effort to change that. I made an effort to have no net gain of Federal lands in the States. Willing seller, willing buyer—all of those kinds of things we worked to get. We couldn't get them.

So I have fought, as other colleagues have fought, not to allow CARA to come to the floor this year for a vote.

Let me talk more about something else before my time is up. I mentioned that nearly 1.2 million acres of Federal land burned in my State this year, beautiful forested land that was in trouble environmentally, and when Mother Nature came along and struck with her violence, it all went up in smoke.

There is a lot of money in this bill to begin to deal with those problems, a great deal of money in this bill to pay off the fire expenditures that are natural to do so. A lot of this money is to pay back the expenses that were incurred this year, the millions and millions of dollars spent each day for nearly 60 days across this country during the peak of the fire season when the skies of Idaho were gray to black, as it was true in other States across this Nation. There is a lot of money in this bill for that purpose.

There is also additional money in this bill, new language, and new policy, on which Senator DOMENICI of New Mexico and I worked with a lot of others, to try to create an active management scheme that will allow in areas where there are now urban dwellers—we call it the urban wildland interface—which I will come back to.

I thank my colleague from Illinois for yielding. This is an important bill. We have addressed a lot of the problems. I hope my colleagues will join in supporting the passage of the Interior appropriations conference report.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. Mr. President, reviewing again the proposed Abraham Lincoln Library in Springfield, IL, I emphasize the magnitude of the project. It is a proposed $120 million project. It started as a $40 million project, went up to $60 million, and now it is at $120 million. At one time, it was up to $140 million.

Reviewing the cost of other important buildings in the city of Springfield, the estimated cost, adjusted for inflation:

The State capitol building built in 1868 to 1888, $70 million.

The Willard Ice Building, I believe for the State Department of Revenue, a very large State office building built in 1981 to 1984, took 3 years to construct, $70 million;

The Prairie Capitol Convention Center, a large convention center, built in 1975 to 1979, $60 million.

This Abraham Lincoln Library will be one of the largest, most important buildings in the city of Springfield. I am supporting the project. However, I want the city of Springfield to get a $120 million library out of the project, not a $50 million library that just happens to cost $120 million.

It is for that reason I have tried, and the Senate has tried, to insist that the project be competitively bid. The Senate has gone on record with the legislation that cleared the full Senate last night, unanimously requiring, with our authorization of $50 million for this project, that the Federal rules of competitive bidding, which are set forth in this volume and are very extensive, very well thought out, were worked on by then-Senator Bill Cohen from Maine, now the Secretary of Defense—a lot of thought has gone into these rules. A lot of refinements have been made over many years. They have had to correct problems, and they have gone back to them repeatedly.

It has been a great focus of many Senators and Congresspeople in Washington. The intent of the Federal rules is to try to eliminate political favoritism in the awarding of construction contracts. The House has now in the conference committee, with provisions they have inserted into the conference committee, the same authorization that the Senate has backed. However, they struck the language requiring that Federal competitive bidding guidelines be followed.

The money is supposed to go to an entity that will be selected later. It is not clear exactly to whom the $50 million taxpayer money will go. It is interesting that Washington passes legislation sending out the money without saying to whom it is going; that is what this provision does. One would think we would be more careful with the taxpayer money and we would know—at least for sure it would be nailed down in law—who was getting the money. Presumably the money would wind up in the hands of the State of Illinois, and if it wound up in the State of Illinois, they would probably give it to their Illinois Capital Development Board for the Illinois Capital Development Board to construct the project in accordance with the Illinois procurement code.

Reviewing for the Senators who have just arrived, the Illinois procurement code was at one time one of the weakest, perhaps, in the country. It was strengthened a few years ago, in late 1997. I think changes were made for the better. I supported legislation—I believe it was H.R. 1633—that strengthened those guidelines. When we started to look and study in a more detailed manner how the Federal money would go, and considered what would happen if it went to the State Capital Development Board, we looked carefully at the State's procurement code and a couple of glitches popped out at us.

I want to review those glitches. The State's position on this is that if the money goes to the Capital Development Board and they build the library, they have to, under their law, use competitive bidding. It turns out, however, that contrary to the Capital Development Board's assertions, in fact, a contradiction appears in the statute governing the Capital Development Board. The portion of the procurement code that governs the Capital Board is 30.I.L.C.S.5500/30-a. It says:

> Other methods. The Capital Development Board shall establish by rule construction purchases that may be made without competitive sealed bidding and the most competitive alternate method of source selection that shall be used.

That is a great big loophole in the Capital Development Board procurement code. Thus, there is the possibility that if we give this money to the State and do not attach the Federal competitive bidding guidelines, the State could simply opt out of competitively bidding the project.

That troubled me greatly, given the magnitude of the project and given a long history in Illinois of what I would say is a fairly acute problem with procurement contracts—in construction and in leasing, particularly. It occurred to me that we needed tighter safeguards.

There is another general problem I addressed earlier with the State procurement code, and that is in advance of bidding, even when they do opt to competitively bid, they don't have to tell the bidders what weight and relative importance they are going to attach to the various criteria they must set forth. The State must tell the bidders by what criteria they are going to judge the bids and make awards, but they are not going to tell you what weight they assign to the various criteria.

The problem with that is that it is like trying to pin keylime pie to the wall. You can come in with the low bid and the State can say we gave more weight, actually, to the experience of this other bid. It costs a little bit more, but we give more weight to their experience, or vice versa; they could almost always rationalize the acceptance of any bid after the fact and make it very hard to challenge a decision by the State to not accept your bid. Of course, in contrast, the Federal code in that regard is markedly superior. It does a much better job at limiting the discretion of the procurement officers and it does that by requiring that sealed bid solicitations disclose in advance all significant bid evaluation factors and the relative importance of each factor and whether nonprice factors, when combined, will be accorded more, equal, or less weight than price.

Of course, the State rules, which do not require the relative importance for weight of the factors to be disclosed, would allow a purchasing officer to pick any bid he wants and explain his decision by saying the one factor for which that bid was better was the most important factor, and any decision could be rationalized after the fact. It would be very hard to challenge any award the State made.

Perhaps that could be why, after there have been so many articles and investigative reports written about seemingly, on their face, exorbitant rents or prices on projects, that you don't actually have much of a challenge or any history of prosecutions on that. So I feel the State code really is deficient in those two key respects. I feel the Senate did the right thing by attaching a requirement that the Federal competitive bidding guidelines attach to the project. There is greater protection for the taxpayers if we do that.

We have reviewed the history of projects in Springfield. We talked about a State loan given to a partnership that constructed the Springfield Renaissance Hotel. That hotel is located close to where the Abraham Lincoln Library is proposed to be. We talked about some of the problems that have arisen from time to time in the State of Illinois. My goal here is to try to tighten the law so we are not setting the table for another problem to occur with this project, which is, after all, being built as a monument to "Honest Abe" Lincoln, perhaps the greatest President in history. We want to make sure the taxpayers get the value of all the resources they are contributing.

We have reviewed how the State previously gave out loans to build the hotels. Those loans were never fully repaid. I believe there is still a substantial outstanding balance. We have, thus, in that manner, begun laying before the Senate the context in which my deep concern arises by the loose authorizing language in the conference committee report before the Senate.

Now, we read the article "Taxpayers Stuck With $30 Million Hotel Tab." I want to turn to an article that appeared in the Chicago Sun Times on October 6, 1996. It is an article by Tim Novak, Chuck Neubauer, and Dave McKinney. If I may read this article, the headline is:

> Cellini State Capitol's Quiet Captain of Clout; Dealmaker Built Empire Working in Background.
>
> Outside the state Capitol, William Cellini is just another businessman.
>
> Inside, Cellini is one of the most powerful people in state government, a man who has built a personal empire worth at least $50 million through his ties to the governor's office dating back to 1968.
>
> This 62-year-old son of a Springfield policeman is perhaps the most feared, respected and invisible man in those halls of power.
>
> He's played the system brilliantly—and legally.
>
> Cellini has never run for state office, but he's helped run state offices—reviewing choices for the governor's Cabinet, getting scores of people state jobs and at one time even approving all federal appointments in Illinois.
>
> His unique access has put him in position for a staggering succession of state-financed deals.
>
> He is an owner of the state's first riverboat casino. He got state money to build a money-losing luxury hotel where he throws fund-raisers for Gov. Edgar. He got state funds to build 1,791 apartments in Chicago, the suburbs and Downstate. He manages offices that he developed for state agencies. He invests pension funds for state teachers. And that is just part of his empire.
>
> But most of all Cellini has had clout with Illinois governors starting with Richard Ogilvie through James Thompson and now Edgar.

Keep in mind, this is an article from 1996. George Ryan is the current Governor of Illinois. Reading again from the article:

> And those relationships have been mutually profitable: the Governors got cash for their campaigns and Cellini became a multimillionaire.
>
> "I can't recall someone similar to Bill Cellini having that access. And for that long as well," said Donald Totten, the Schaumburg Township Republican committeeman who was President Reagan's Midwest coordinator.
>
> "He seems to always have the ears of governors, which are always the most powerful people in government," Totten said. "Thompson-Cellini, Ogilvie-Cellini. Edgar's got his sister on in a major job, so he has influence there."
>
> Cellini's sister Janis is Edgar's patronage director, in charge of hiring people for the highest level jobs. Both Cellinis accompanied Edgar on a two-week trade mission to Asia last month.
>
> Cellini has clout. But money is the foundation of his far-reaching empire. Specifically, his ability to raise cash—primarily from road builders—while rarely giving any of his

own money. Cellini raises hundreds of thousands of dollars, mainly for those Republicans, primarily candidates for governor, but also for those seeking the White House like Gerald Ford, Ronald Reagan, George Bush and Bob Dole.

Throughout it all, Cellini has been granted extraordinary powers, clout that elected officials usually reserve for themselves.

When Edgar took office, Cellini interviewed candidates for the Cabinet and made recommendations—particularly for state departments that do business with Cellini's companies.

"The reason he's involved in Cabinet selections is Bill Cellini has seen more Cabinet members come and go. He has good instincts about what it takes to be a good Cabinet member," said state Sen. Kirk Dillard (R–Hinsdale), who spent three years as Edgar's first chief of staff.

Cellini has also spent nearly 30 years helping scores of people get jobs in state agencies, creating what some call a patronage army more loyal to Cellini than any governor.

"He probably knows more people in state government that I do," Thompson told the Sun-Times in 1990 as he was winding down his 14 years as governor.

Cellini's clout has gone all the way to the White House based on letters and memos from the Gerald R. Ford Library. Under President Ford, Cellini was in charge of all federal appointments in Illinois, according to a letter from Don "Doc" Adams, a longtime Cellini friend who was chairman of the Illinois Republican Party when Ford was president.

"As you know Bill Cellini is the man we've designated to coordinate Federal and State appointments for the state of Illinois," Adams wrote in 1976 to Ford's personnel director, Douglas Bennett.

"If Doc Adams is telling the White House that Bill Cellini is the guy to go to in Illinois . . . Bill is operating as a political boss without having to be an elected official," said a longtime Republican who requested anonymity.

It's hard to find people, Republican or Democrat, willing to talk about Cellini and Cellini adds to the intrigue by shunning the spotlight.

Cellini ignored numerous requests from the Chicago Sun-Times to discuss his empire and power. Over the past few years, Cellini has placed many of his financial holdings in trusts to benefit his son, William Jr., 27, and daughter, Claudia, 22.

Keep in mind this article is from 1996.

Often referred to as a Downstate Republican powerbroker, Cellini has numerous business deals in Chicago and the suburbs, often working with businessmen allied with Democrats such as Mayor Daley.

Cellini spends so much time in Chicago that he bought a $594,000 condo on Michigan Avenue in 1993 without a mortgage. He also has a $325,000 home without a mortgage in an elite Springfield neighborhood. It's a long way from the Springfield duplex he and his wife, Julie, shared when he went to work for Ogilvie in 1969.

"There's no doubt he's probably done pretty well," Edgar said. "But there are a lot of people who have made money off state government who have never been involved in politics . . . who have never worked a precinct or helped a candidate.

"I think there's a lot of folks who are envious of Bill Cellini."

THE OGILVIE YEARS

"When I met Bill Cellini he was a local politician. That was it," said John Henry Altorfer, a Peoria businessman who hired Cellini to manage his campaign for governor in 1968.

Cellini (pronounced, Suh-LEE-nee), a former high school physics teacher, was in his early 30s and building a reputation as a Downstate power while serving his second term on Springfield's City Council. Altorfer said he thought Cellini could deliver Downstate votes and help him win the Republican nomination for governor in a four-way race that included Cook County Board President Richard Ogilvie.

Cellini "was very energetic and had a lot of ideas," said Altorfer, who now lives in Arizona. "He worked very hard for me until I lost."

Altorfer beat Ogilvie in the Downstate counties, but Ogilvie carried Cook County and won the primary. Ogilvie brought Cellini along to garner Downstate support, a move that has left Altorfer with lingering suspicions.

"Some of my friends came to me and said, 'Do you think Bill was secretly working for Ogilvie?'" Altorfer said. "Ogilvie had inside information about my campaign and I wasn't sure where it came from.

"The only person who worked for me who received anything was Bill Cellini," Altorfer said. "I have to believe he was being repaid. I thought he had loyalties to two people, me and Ogilvie."

Altorfer "didn't lose because of Cellini," said Thomas Drennan, a political advisor to Ogilvie. "Cellini beat our brains out" in the primary.

"He was just an excellent organizer," Drennan said. "He was like a good precinct captain, but countywide."

Ogilvie was elected governor and he picked Cellini to become the state's public works director, overseeing construction of the interstate highway system that had started in the 1950s.

Cellini, who was 34, had experience with road construction, having served as Springfield's streets commissioner while on the City Council and as a member of the Roads and Bridges Committee when he was on the Sangamon County Board.

Cellini rose quickly under Ogilvie. Cellini headed a task force that created the Illinois Department of Transportation and he became the first director, overseeing a $1.6 billion budget and 10,000 employees. His $40,000 salary was second only to Ogilvie's.

Cellini was also chosen to head other committees. One pushed for extending the rapid transit line to O'Hare Airport. Another pushed for building the Deep Tunnel, the ongoing public works project to relieve flooding in Cook County.

"He expanded his influence when he was secretary of transportation," said Totten, who was a transportation deputy under Cellini. "He was a very powerful, behind-the-scenes politician in Springfield. And he still is."

Road construction boomed under Cellini and Ogilvie, but so did allegations of collusion among road builders seeking to cash in on the work. A handful of road builders were convicted in the federal probe and temporarily suspended from getting any more federally funded highway projects.

The probe included accusations that Cellini's top deputies used IDOT helicopters to swoop down on construction sites to pick up campaign donations for Ogilvie. No state officials were ever charged in the probe that continued after Ogilvie lost his re-election bid in 1972 to Dan Walker, the Democrat who defied Mayor Daley's machine to become governor.

Mr. DORGAN. Mr. President, I wonder if the Senator from Illinois will yield at this point.

Mr. FITZGERALD. I will yield for a question.

Mr. DORGAN. Mr. President, my understanding from the colloquy with the Senator from Nevada is that the Senator from Illinois indicated he would yield to me for 20 minutes without him losing the continuity of his presentation and with the stipulation he be recognized upon the completion of my remarks.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Senator from North Dakota now be recognized for 20 minutes and that I be rerecognized upon the completion of his remarks and that my rerecognition count as a further continuation of the speech I began earlier today.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I want to say a few words about the Interior conference report which is before the Senate, but first I want to make some brief comments on a bill called CARA, the Conversation and Reinvestment Act.

My colleague from the State of Louisiana and other colleagues from the State of Florida and many other areas of the country feel, as I do, that it is very important for us to try to finish this important bill before we finish our work this year.

CARA is a bill dealing with conservation, preservation, and reinvestment in our natural resources, wildlife, parks, and public lands. We struggled to bring that out of the Energy Committee under the leadership of Senator MURKOWSKI. My hope is, before this Congress adjourns, we will have the opportunity to pass it through the Senate and find a way to have the House of Representatives work with us to accept it so it can become law. It is a very important piece of legislation.

Mr. President, let me say a kind word about my colleague from the State of Washington, Senator GORTON, and also my colleague from West Virginia, Senator BYRD.

I come to the floor to talk about this conference report. I am on the Interior Subcommittee. I have told my two colleagues before—the chairman and the ranking member—that I think they have done an awfully good job. This is not easy work. It is hard work, trying to fit unlimited wants into limited resources. How do you do all of that? You have to make choices. Sometimes the choices are hard and painful, but you have to make choices.

While I would like to see more investment and more spending in some areas that I think are critical, I must say that this year, once again, Senator GORTON and Senator BYRD have taken another step—a significant step—in addressing some of these critical needs.

And it has not always been done in the past. So I say to them, thank you. And good for you. I appreciate the work you have done.

I especially wanted to come to the floor today to speak for a few minutes about the issues of Indian education. I have been such a strong advocate of Indian schools. These schools on Indian reservations—both the BIA schools and the public schools on or near reservations—that do not have much of a tax base to help them are in desperate need of repair. The legislation that was brought to the floor of the Senate does, this time, make some significant strides in providing investments for those areas.

Let me use some charts that I have shown before to demonstrate why this is an important issue.

This is the Marty Indian School in Marty, SD. This picture shows what happens to be some of their plumbing. Take a look at that and ask if that is where you would be proud to send your kids to school—to an old 70- and 80-year-old building that is in desperate condition with, effectively, rubber Band-Aids around their water pipes and sewer pipes.

This is another picture of the Marty Indian School; an old rusty radiator with crumbling walls. Would we be proud to send our children into those classrooms?

I have been to the Ojibwa Indian School many times. This is a picture showing the plywood that separates this building from a caved in foundation, which separates children from danger. Of course, many of the children in Ojibwa go to a series of structures, modular structures, that are kind of like the double-wide mobile homes.

This picture shows the fire escape. Note the fire escape is a wooden set of stairs. These little children at the Ojibwa school move back and forth between all these modular structures, in the middle of the winter, with wind and snow blowing. I have been there. I have seen the wiring and other things that lead you to question whether those children are safe in those schools. We have report after report after report saying this school needs to be rebuilt.

Here is a fire escape made of wooden stairs in these modular classrooms. These modular classrooms go inside. Again, they are in desperate need of repair. My point is that we need to do better than this.

My two colleagues, who have put this bill together, have made a step forward this year in construction money and repair and renovation money for these schools. I say to them, thank you. I hope we can do even more in the coming years. But I appreciate the effort we have made this year.

I will make another point about Indian education. I want to read something to my colleagues. The other issue that is so important to me is the issue of the Indian tribal colleges around this country. They have been such a blessing to so many people who have been left behind.

There are so many people in this country who have been left behind, especially on the Indian reservations, living in poverty, living in communities with substantial substance abuse, violence that is the kind of unspeakable violence that breaks your heart.

I have talked about a young woman on the floor of the Senate before named Tamara Demarais. I met her one day. Young little Tamara was 3 years old when she was put in foster care. One person was handling 150 cases of these children. So that person, working these cases, put little Tamara, at age 3, in foster care and did not check closely enough the family she was putting this little 3-year-old with.

This is what happened to Tamara. At a drunken party, this little 3-year-old girl had her hair torn out by the roots, had her arm broken, and her nose broken in a severe beating.

How did that happen? Why did that happen to this little girl? Because somebody did not care enough or did not have the time to check to see whether they were putting this little girl in a family who was going to be harmful to her. She went to a foster home and was beaten severely at age 3.

I met that little girl about 2 years later. I wonder how long it will take her to get over the scars of what happened to her. But it happens too often—the struggle, the violence, amidst the poverty. How do we break out from that in these circumstances?

I want to tell you a story about tribal colleges. As the Senator from Washington will remember, in the full Appropriations committee in the Senate, I offered an amendment to add a couple million dollars. I am pleased to say that this funding stayed in this legislation. These tribal colleges are the colleges where those who have kind of been left behind in many cases go back to school. Often the only way they can do that is to have an extended family right on the reservation for child care and for other assistance; and then they can go to school.

I have talked before about the woman I met who was the oldest graduate at a tribal college when I gave the graduation speech one day. This is a woman who had been cleaning the toilets in the hallways of the college, a single mother with four children, and no hope and no opportunity.

She said to herself: I would like to graduate from this college somehow. So as she toiled, cleaning the school at nights, she put together a plan to try to figure out a way to go to that college and graduate. The day I showed up, she had a cap and gown and a smile on, because this mother of four, with the help of Pell grants and student aid and other things, was a college graduate. Imagine, that is what it does to the lives of these people.

I will read from a letter of someone who says it better than I could.

> I grew up poor and I was considered backward by non-Indians.
>
> My home was a two-room log house in a place called the "bush" on North Dakota's Turtle Mountain Indian Reservation.
>
> I stuttered. I was painfully shy. My clothes were hand-me-downs. I was like thousands of other Indian kids growing up on reservations across America.
>
> When I went to elementary school I felt so alone and so different. I couldn't speak up for myself. My teachers had no appreciation for Indian culture.
>
> I'll never forget that it was the lighter-skinned children who were treated better. They were usually from families that were better off than mine.
>
> My teachers called me savage.
>
> Even as a young child I wondered . . . What does it take to be noticed and looked upon the way these other children are?
>
> By the time I reached 7th grade, I realized that if my life was going to change for the better, I was going to have to do it. Nobody else could do it for me.
>
> That's when the dream began. I thought of ways to change things for the better—not only for myself but for my people.
>
> I dreamed of growing up to be a teacher in a school where every child was treated as sacred and viewed positively, even if they were poor and dirty.
>
> I didn't want any child to be made to feel like I did. But I didn't know how hard it would be to reach the realization of my dream. I almost didn't make it.
>
> By the time I was 17, I had dropped out of school, moved to California, and had a child.
>
> I thought my life was over.
>
> But when I moved back to the reservation I made a discovery that literally put my life back together.
>
> My sisters were attending Turtle Mountain College, which had just been started on my reservation. I thought that is something I could do, too, so I enrolled.
>
> In those days, we didn't even have a campus. There was no building. Some classes met at a local alcohol rehabilitation center in an old hospital building that had been condemned.
>
> But to me, it didn't matter much. I was just amazed I could go to college. It was life-changing.
>
> My college friends and professors were like family. For the first time in my life I learned about the language, history and culture of my people in a formal education setting. I felt honor and pride begin to well up inside of me.
>
> This was so unlike my other school experience where I was told my language and culture were shameful and that Indians weren't equal to others.
>
> Attending a tribal college caused me to reach into my inner self to become what I was meant to be—to fight for my rights and not remain a victim of circumstances or of anybody.
>
> In fact, I loved college so much that I couldn't stop. I had a dream to fulfill . . . or perhaps some would call it an obsession.
>
> This pushed me on to complete my studies at Turtle Mountain College and earn a Doctorate in Education Administration from the University of North Dakota.
>
> I've worked in education ever since, from Head Start teacher's aide to college professor.
>
> Now I'm realizing my dream of helping Indian children succeed. I am the Office of Indian Education Programs' superintendent

working with nine schools, three reservations, and I oversee two educational contracts for two tribal colleges.

My life would not have turned out this way were it not for the tribal college on my reservation.

This is Loretta De Long. Loretta is a good friend of mine, a remarkable woman, a remarkable educator. She writes a letter—I have not read all of it, there is another page—but she writes a letter that describes in such wonderful, vivid detail the struggle and the difficulty to overcome the obstacles early in her life and the role the tribal college played in her life.

The Turtle Mountain Community College is a wonderful place. I have been there many times. I have spoken at their commencement. They now have a new campus. They have people going to college there who never would have had a chance to get a college education, but being able to access the extended family on the reservation for child care and a range of other things, there are people getting education at this tribal college who would not have had the opportunity before.

It is not just this college. It is the Sitting Bull College at Fort Yates. I was down there recently and helped them dedicate a new cultural center. There are so many good tribal colleges that are providing opportunity for people such as Loretta.

There are people like Loretta who are going to schools of the type I described earlier. They are going to schools with heating registers that look like this. They are going to schools with plumbing that looks like this. That ought not happen. We know better than that. We can do better than that for these kids. It doesn't matter where you are in this country, when you send a kid through a schoolroom door, you ought to believe, as an American, that we want that child to go through the best classroom door in the world; we want that classroom to be one we are proud of.

I have mentioned before—and if it is repetitive, tough luck—I have mentioned before Rosie Two Bears, who, in the third grade at Cannonball, looked up at me and said: Mr. Senator, are you going to build us a new school? Boy, do they need it. Rosie Two Bears deserves, as every other young child in this country, the opportunity to go to a school we are proud of—we, as Americans, are proud of. She goes to a school right near an Indian reservation, just off the site of the reservation, with no tax base at all. It is a public school. We need to fix that.

The point is, that is sort of a long way of describing almost an obsession of mine—that we can't leave people behind in this country. This country is doing well. I am proud of that. But we can't leave people behind. There are some young kids, especially in this country, who are being left behind, going to schools that are not adequate. There are others who will be left behind if we don't continue to strengthen these tribal colleges.

A final comment: The amount of money we provide for tribal colleges with this legislation will provide $3,477 per pupil, and that is an improvement.

Let me finish by saying I commend the Senator from Washington and the Senator from West Virginia and others with whom I have worked. But the authorization is at the $6,000 level. And, frankly, in community colleges around the country—community colleges, not tribal colleges—the average support for students is over $6,000 per student. So we are still well short in tribal colleges of doing what we can to make these the kind of institutions we all know they can be.

I conclude by asking unanimous consent that the entire letter of Dr. Loretta De Long, from which I quoted, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TURTLE MOUNTAIN AGENCY,
TURTLE MOUNTAIN, NORTH DAKOTA

DEAR FRIEND OF THE COLLEGE FUND, I grew up poor and considered backward by non-Indians.

My home was a two-room log house in a place called the "bush" on North Dakota's Turtle Mountain Indian Reservation.

I stuttered. I was painfully shy. My clothes were hand-me-downs. I was like thousands of other Indian kids growing up on reservations across America.

When I want to elementary school I felt so alone and different. I couldn't speak up for myself. My teachers had no appreciation for Indian culture.

I'll never forget that it was the lighter-skinned children who were treated better. They were usually from families that were better off than mine.

My teachers called me savage.

Even as a young child I wondered . . . What does it take to be noticed and looked upon the way these other children are?

By the time I reached 7th grade I realized that if my life was going to change for the better, I was going to have to do it. Nobody else could do it for me.

That's when the dream began. I thought of ways to change things for the better—not only for myself but for my people.

I dreamed of growing up to be a teacher in a school where every child was treated as sacred and viewed positively, even if they were poor and dirty.

I didn't want any child to be made to feel like I did. But I didn't know how hard it would be to reach the realization of my dream. I almost didn't make it.

By the time I was 17 I had dropped out of school, moved to California, and had a child.

I thought my life was over.

But when I moved back to the reservation I made a discovery that literally put my life back together.

My sisters were attending Turtle Mountain College, which had just been started on my reservation. I thought that was something I could do, too, so I enrolled.

In those days, we didn't even have a campus. There was no building. Some classes met at a local alcohol rehabilitation center in an old hospital building that had been condemned.

But to me, it didn't matter. I was just amazed I could go to college. It was life-changing.

My college friends and professors were like family. For the first time in my life I learned about the language, history and culture of my people in a formal education setting. I felt honor and pride begin to well up inside me.

This was so unlike my prior school experience where I was told my language and culture were shameful and that Indians weren't equal to others.

Attending a tribal college caused me to reach into my inner self to become what I was meant to be—to fight for my rights and not remain a victim of circumstance or of anybody.

In fact, I loved college so much that I couldn't stop! I had a dream to fulfill . . . or perhaps some would call it an obsession.

This pushed me on to complete my studies at Turtle Mountain College and to ultimately earn a Doctorate in Education Administration from the University of North Dakota.

I've worked in education ever since, from Head Start teacher's aide to college professor.

Now I'm realizing my dream of helping Indian children succeed. I am the Office of Indian Education Programs' superintendent working with nine schools, three reservations, and I oversee two educational contracts with two tribal colleges.

My life would not have turned out this way were it not for the tribal college on my reservation.

My situation is not unique and others feel this way as well. Since 1974, when Turtle Mountain College was chartered by the Turtle Mountain tribe, around 300 students have gone on to earn higher degrees. We now have educators, attorneys, doctors and others who have returned to the reservation. They—I should say, we—are giving back to the community.

Instead of asking people to have pity on us because of what happened in our past, we are taking our future into our own hands.

Instead of looking for someone else to solve our problems, we are doing it.

There's only one thing tribal colleges need.

With more funding, the colleges can do even more than they've already achieved. We will take people off the welfare rolls and end the economic depression on reservations. Tribal colleges have already been successful with much less than any other institutions of higher education have received.

That is why I hope you will continue to support the American Indian College Fund.

I'm an old timer. The College Fund didn't exist when I was a student. I remember seeing ads for the United Negro College Fund and wishing that such a fund existed for Indian people.

We now have our own Fund that is spreading the message about tribal colleges and providing scholarships. I'm so pleased. I believe the Creator meant for this to be.

But so much more must be done. There still isn't enough scholarship money available to carry students full time.

That is my new dream *-*-* to see the day when Indian students can receive four-year scholarships so they don't have to go through the extremely difficult struggle many now experience to get their education.

I hope you'll keep giving, keep supporting the College Fund, so that some day this dream becomes reality.

I know it can happen because if my dream for my future came true, anything is possible.

Thank you.

Sincerely,
LORETTA DE LONG, ED.D.,
Turtle Mountain Chippewa,
Superintendent for Education.

Mr. DORGAN. I have a number of other letters from people whose stories are just as inspiring, about their lives and the changes in their lives as a result of being able to access the education opportunities at tribal colleges.

Mr. GORTON. Will the Senator yield?

Mr. DORGAN. I am happy to yield for a question. The Senator from Illinois will retain the floor following my presentation.

Mr. GORTON. That is correct.

I want to thank the Senator for his compliments and to say what is obvious—that his dedication and commitment to his constituents in this connection is both praiseworthy and effective.

Earlier in the course of this debate, the Senator from New Mexico, Mr. DOMENICI, was here to speak to the same subject. He and the Senator from North Dakota made a very good team. Together they persuaded the President to include this very significant amount of money, both for the construction of new Indian schools and for the repair of those that can appropriately be repaired or remodeled. But as the Senator from New Mexico pointed out, this is the first major contribution to that. I can say that as long as I am in this position and as long as the Senator from North Dakota is in his, I know we will keep this in the forefront of our consideration. And I tell him that we are going to try to get to the bottom of that priority list as well as to the top of the priority list.

The Senator from North Dakota has done a good job in a good cause, and this bill takes a major step forward in meeting those priorities.

Mr. DORGAN. Mr. President, may I ask how much time is remaining?

The PRESIDING OFFICER. Fifteen seconds.

Mr. DORGAN. If I might just conclude, I thank the Senator from Washington. I should certainly have, at the start of my presentation—and I did not—given credit to President Clinton. In his budget request, the Senator from Washington mentioned he did start a process this year to say we must do better.

So also, it seems to me, this administration deserves significant credit for the first steps in what I am sure will be a long journey, but one that we must complete. I thank the Senator from Washington and also the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. FITZGERALD. Mr. President, I thank my colleagues from North Dakota and Washington. I appreciate this opportunity to continue reading an article from the Chicago Sun-Times dated October 6, 1996. The article is by Tim Novak, Chuck Neubauer, and Dave McKinney, headlined "Cellini: State Capitol's Quiet Captain of Clout; Dealmaker Built Empire Working in Background."

As you will understand, if you listen to the articles I am reading, we are ultimately leading up to a tie-in back to the Abraham Lincoln $120 million Presidential library in Springfield, IL. The article earlier discussed the Ogilvie years—Governor Ogilvie's administration in Illinois. And where we last left off was at the beginning of the Walker years. Walker was the Governor of Illinois who succeeded Ogilvie in the early 1970s.

Continuing with the article:

> With Walker in the governor's office, Cellini was out of a job, never to return to the state payroll. But his ties to state government grew under the Democratic governor.
>
> "He still had all his contacts with IDOT," said Joe Falls, a former Downstate GOP leader who ran IDOT's safety programs under Cellini.
>
> "Walker and all his people still needed his help and Bill cooperated," Falls said. "He had friends on both sides, but when it came down to an election, he was always a Republican."
>
> Cellini became executive director of the Illinois Asphalt Pavement Association, representing virtually all state road builders, many engineering firms and other companies that build and repair state roads. And he still runs the association, serving as executive vice president.
>
> It's an association that has been quite beneficial for the road builders and Cellini, although his salary was a modest $49,140, according to the group's 1990 income tax returns.
>
> Under Cellini's leadership, the association members have donated hundreds of thousands of dollars to governors and other state officials over the years. Edgar has received at least $375,000 from the association's members over the past 30 months. And the association's political action committee, the Good Government Council, has given more than $100,000 to other state officials.
>
> "He and the asphalt pavers continued to play the same games as always but with a Democratic administration," a longtime Republican official said.
>
> "The key to the asphalt pavers is that they get contracts for their work on a predictable basis," the official said. "The business continued to flow and the campaign contributions flowed to the Democratic governor, just like the Republican governor."
>
> While heading the asphalt association, Cellini developed his reputation as a national transportation authority while expanding his political power.
>
> Soon after Cellini left the state payroll, President Richard M. Nixon appointed him to the National Highway Advisory Committee.
>
> Cellini found the federal post was advantageous, personally and politically. When his four-year term was set to expire in March, 1976, Cellini lobbied President Gerald Ford for an appoint to the National Transportation Policy Study Commission.
>
> "The commission has been perfect for my simultaneously covering political meetings in D.C. and around the country, while keeping up with my profession in transportation and public works," Cellini wrote in a letter to Ford's personnel director Douglas Bennett on March 11, 1976.
>
> "Of course, I'm counting that my serving as President Ford Committee's Downstate Coordinator for Illinois won't be a disadvantage," he added in the letter obtained from the Ford Library.
>
> Cellini got the appointment. He also was chosen to give a speech seconding Ford's renomination at the 1976 Republican convention.
>
> "They were looking for somebody with an ethnic connection, and (Ogilvie) probably recommended him," said Falls, who ran Ford's Illinois campaign.
>
> Cellini was widely hailed for helping Ford win Illinois, although he lost the election to Jimmy Carter, one of the few times a presidential candidate won Illinois, but lost the White House.
>
> As Cellini was expanding his power, he got into real estate development and management using the name New Frontier. The company specialized in building and managing apartments, usually with state financing, for senior citizens. The firm later branched into office buildings that were leased to the state.
>
> In the waning days of the Walker administration, New Frontier got its first state deal when Cellini secured $5.4 million in state funds to build a 212-unit building near the state Capitol. The building includes offices for the asphalt pavement association and Cellini's companies, including New Frontier.
>
> It was the first of several real estate deals New Frontier would get from state government.
>
> THE THOMPSON YEARS
>
> Cellini turned state government into a cottage industry after the Republicans regained the governor's office with the election of James R. Thompson in 1976.
>
> Cellini averaged more than a deal a year with the state before Thompson stepped down after 14 years in office. And state officials say they were probably others that no one was aware of.
>
> Cellini's personal income soared in the early Thompson years. Cellini's taxable income was $185,558 in 1978, and it nearly doubled to $368,100 in 1979, according to records he filed in federal tax court. He had no taxable income in 1980, $27,539 in 1981 and $252,349 in 1982.
>
> Cellini's use of tax shelters created problems with the IRS, which ordered him to pay $78,120 in back taxes for some of those years, according to tax court records filed in 1992.
>
> New Frontier—the company Cellini started shortly before Thompson took office—and its owners were worth $30 million when Thompson left office, according to a biography New Frontier used to attract clients in 1990.
>
> Under Thompson, Cellini and New Frontier built nine apartment buildings in Chicago, the suburbs and Downstate with an additional $84.1 million in loans from the state housing authority, whose chairman A.D. Van Meter is a close friend of Cellini.
>
> New Frontier also became one of the state's biggest landlords in Springfield, providing offices for several agencies such as Corrections, Public Aid and IDOT, the agency Cellini started.
>
> Sometimes the state agreed to move into the buildings before New Frontier bought them. Sometimes the State hired New Frontier to erect buildings and lease them to the state, all without competitive bids, which Illinois does not require for its real estate transactions.
>
> When New Frontier was chosen to build and lease a building for IDOT, Cellini already had an option to purchase the land.

Cellini has sold all of those buildings, but New Frontier still manages them.

And Cellini created new companies to get other deals under Thompson.

The President Lincoln Hotel Corp. got a $15 million loan from Thompson and state treasurer Jerry Consentino, a Democrat, so Cellini could build a luxury hotel in Springfield, a long-time dream that no one else would finance.

Cellini's dream has turned into a nightmare. Before Thompson and Cosentino left office, they renegotiated the loan twice lowering the interest rate to 6 percent from 12.5 percent to keep Cellini from defaulting. The current agreement prevents the state from foreclosing on the hotel until 1999, while Cellini can skip quarterly mortgage payments when the hotel operates at a loss.

The deal has caused a political backlash for Cellini.

State Treasurer Judy Baar Topinka cut a deal last year to let Cellini's hotel and another state-financed hotel in Downstate Collinsville pay $10 million to settle their debts which totaled $40.3 million. Attorney General Jim Ryan squashed the deal, arguing the hotels were worth more than $10 million.

Cellini and the Collinsville hotel owners, who include politically connected developer Gary Fears, sued, arguing that Ryan had no authority to cancel their deal with Topinka. The pending suit was brought by Winston & Strawn, the powerful law firm where Thompson now works.

Cellini's hotel plays a prominent role in his empire. When road builders come to bid for state contracts, many of them stay in the hotel resplendent with Italian marble, cherry wood and special shower rods that were invented and patented by Cellini—designed to keep the shower curtain from sticking to the backside of his guests.

The hotel is also the place where Cellini throws fund-raisers, like the bash he threw for Edgar the day after Topinka agreed to settle the hotel loan.

Cellini had made a lot of deals, but he hit the jackpot when he and a new group of partners got a riverboat casino license from the state two months before Thompson left office. Cellini's Alton Belle was the state's first floating casino when it opened a few months after Edgar took office in 1991.

Within two years, Cellini's group issued public stock in their casino company, Argosy Gaming, a deal that immediately netted Cellini $4.9 million and left him as one of the largest stockholders whose stock was worth $50 million. Since then, the stock's value has fallen and Cellini has sold off some shares. His family's remaining stock was worth $12 million last Wednesday.

"Right now the way Bill makes his money is by ownership of that boat," said a former state official, who asked not to be identified. "It's questionable if . . . he needs to do any of these other deals. It's thought that he's hooked on deals. He just can't resist making deals."

And while most of those deals came under Thompson, the former governor told the Sun-Times in 1990 that he had nothing to do with Cellini's influence.

"He was on the political scene when I became governor," Thompson said. "He'll be on the political scene when I leave."

THE EDGAR YEARS

Cellini has remained close to the governor's office, although his deals have slowed since Edgar replaced Thompson in 1991.

Cellini has been an important source of campaign contributions for Edgar, who spent $10.8 million to win re-election in 1994.

Two of Cellini's family members have positions in the Edgar administration: sister Janis as patronage director, and wife Julie, who has continued as chairman of the Illinois Historic Preservation Agency, an unpaid position she got from Thompson.

As we will recall, the Illinois historic preservation agency, which I believe Mrs. Cellini still runs or is in charge of, will probably be in charge of the Abraham Lincoln Presidential Library in Springfield.

New Frontier is constructing an addition to a building occupied by the state Environmental Protection Agency. New Frontier was hired to build the addition by the three businessmen who own the Springfield building. New Frontier has managed the building for the past 10 years. The state will pay $75 million to rent the complex that it will own at the end of the 20-year deal.

Cellini lobbies for several major clients, including Chicago HMO. The state paid Chicago HMO $155 million last year to provide health care for 75 percent of the 180,000 welfare recipients who are in managed care programs. Those numbers are likely to grow as Edgar pushes more welfare recipients into managed care.

With these vast business deals, Cellini's wealth has soared. In addition to his Argosy Gaming stock, his family has a stock portfolio worth at least $2.26 million. They own 108 stocks that are each worth at least $20,000 and 20 other stocks each worth at least $5,000, according to an ethics statement his wife filed earlier this year.

And the family earned at least $165,000 in capital gains last year from the sale of stocks they owned in 33 companies, according to the ethics statement.

Cellini remains in regular contact with Edgar's chiefs of staff, said Dillard, who had the job for three years.

"When I was the governor's chief of staff, Bill and I talked but it wasn't nearly as often as people imagined . . . a couple times a month," Dillard said. "It could be (about) upcoming political races or just rumors he would pick up.

"One of the things that makes Bill Cellini a trusted adviser is the longevity and breadth of his experience in state government," Dillard said.

"Bill Cellini personally cares in a friendship type of fashion . . . about governors Thompson and Edgar," Dillard said. "He's very different . . . from many of the other individuals who tangentially profit from government."

Edgar's staff has consistently tried to downplay Cellini's clout, but the governor admits he has a close relationship with Cellini.

"Bill Cellini has been a friend of mine," Edgar said. "We were both here in the '60s. I was starting out in the Legislature and he was in the Ogilvie administration. I've known him a long time.

"We don't socialize much, but we have over the years done things. . . . Our daughters were about the same age," Edgar said. "If there's some issue he's got or some political thing coming up, we might talk about it. But we don't see each other that much."

Cellini's clout is greatly exaggerated, Edgar insisted, the product of stories such as this.

"It's something you in the media have kind of continued to perpetuate that aura about Bill Cellini."

There is another article on this same issue that came out a few years earlier. I would like to share that with the Senators who are here and the people in the galleries.

Continuing along on the history of what has transpired in State government in Springfield over the years, all leading up to why I am concerned that we have to make sure this $120 million building project in Springfield is competitively bid according to the strict guidelines so that no taxpayer money goes off on insider dealing in Springfield, this article appeared in the Chicago Sun-Times of Thursday October 11, 1990. It is written by Mark Brown and Chuck Neubauer. The title of the article is "Influence Peddler Turns Clout To Cash."

As lobbyist, landlord developer, hotel operator and all-purpose influence peddler, William F. Cellini has become a legend in Springfield for his prolific ability to cash in on State government. A budding political and business force when Governor Thompson was elected in 1976, this son of a police officer is now regarded by many as the State's most influential Republican not holding elective office. Much of that reputation is based on the goodies he has culled from the Thompson administration—six major State office leases, plus State financing for eight apartment projects, one office building, and a luxury hotel.

Like all legends, it often is difficult to sort fact from fiction where Cellini is concerned. For every business deal that can be traced to him, there are always two more in which he was rumored to be involved but left no fingerprints.

Cellini, 55, tends to add to the mystery, rarely talking to reporters. He did not answer Chicago Sun-Times requests for an interview for this story.

Although he served as the state's first transportation secretary, under Gov. Richard B. Ogilvie, his only official positions these days are with the Sangamon County Republican organization.

While acknowledging Cellini's influence, Thompson denied that it stems from him.

"He probably know more people in state government than I do," Thompson said." . . . He was on the political scene when I became governor. He'll be on the political scene when I leave. He doesn't need me to front for him.

Thompson said he speaks to Cellini no more than once a year. But they have communicated in other ways.

In one 12-month period encompassing his 1986 re-election campaign, Thompson reported using $765 in campaign funds to buy five antiques as gifts for Cellini and his wife. Thompson sent gifts for Christmas and as thank-yous for fund-raisers hosted by the Cellinis. The governor even remembered their anniversary.

Although Cellini's personal political donations to Thompson are not especially large, he is known for his ability to raise money from others.

"He's been very helpful," Thompson said.

One source of Cellini's clout is his role as executive vice president of the Illinois Asphalt Pavement Association, a trade group of road builders who have fared well under Thompson's policies. Their combined fund-raising prowess is considerable.

Cellini also gets paid to protect the interests of three other groups, the Illinois Association of Sanitary Districts, Illinois Concrete pipe Association and Prestressed Precast Producers of Illinois.

> His primary business, however, is the New Frontier Group, a diversified, Chicago-based real estate organization that was less than two years old when Thompson was elected. It now boasts that it has developed more than 1.3 million square feet of office space and 2,550 housing units.
>
> Much of that growth is attributable to Cellini's adept use of government programs.
>
> With $55 million in low-interest financing from the Illinois Housing Development Authority, a quasi-state agency under Thompson's control, New Frontier Developments Co. has built eight government-subsidized apartment projects since 1976.
>
> Cellini's New Frontier Management Co. serves as the management agent not only for his own properties but for many other Chicago-area apartment buildings.
>
> Cellini and New Frontier also emerged under Thompson as the state's favorite Springfield landlord.
>
> His first major office deal was in 1979, when Cellini bought an abandoned seminary and leased it to the state for a Corrections Department headquarters and training school.
>
> The controversial arrangement was typical of many of the Cellini deals that followed because state officials strayed from normal procedures to his apparent benefit.
>
> Corrections officials were in such a hurry to get the seminary property that they passed up an opportunity to buy it outright and instead entered into a lease-purchase agreement with Cellini. They said it enabled them to move in more quickly than if they had to go through the usual purchase process.
>
> The lease-purchase would have allowed the state to buy the facility any time over the term of the lease—at a generally escalating price. Eleven years later, though, the state still is renting.
>
> Cellini, who had paid $3.6 million for the property and spent at least $4.2 million remodeling it, collected $9.5 million in rent from the state before selling to a Virginia company in 1987 for $9.1 million.
>
> Cellini proved to be in the right place at the right time for many similar opportunities, renting space to the Public Aid, Transportation and Commerce and Community Affairs departments.
>
> In the cases of Public Aid and Transportation, Cellini's company was hired to construct buildings and lease them back to the state, bypassing the state Capital Development Board, which usually constructs state buildings on a competitively bid basis.
>
> When Transportation Department officials got around to announcing the site that they insisted on having for their new building, it turned out that Cellini already had an option on the land.
>
> Even when Cellini began selling his buildings, at a tidy profit, his company was kept on by the new owner to manage them. The 20-year management agreements have a special termination clause that calls for a $1.1 million fee to be paid to Cellini's company if the new owner replaces it.
>
> The most prominent symbol of Cellini's political influence is the Springfield Ramada Renaissance, a luxury hotel that he long had sought to build but couldn't get financed until Thompson and state Treasurer Jerry Cosentino approved a $15 million state loan in 1982.
>
> The hotel has been a financial embarrassment for the state, which has twice renegotiated the loan to avoid a default.

That article ended by discussing a Renaissance Springfield Hotel which, and we have heard, Mr. Cellini was instrumental in getting a State loan to construct a hotel. We also reviewed earlier that Federal funds were involved in building that hotel, and we went through and realized that hotel has not paid back that $15 million loan—at least not as far as we know.

The proposed Lincoln Library site is going to be right near that hotel.

I turn from the hotel issue to discussing how the State awarded riverboat gaming licenses. The State, back in the beginning and the late 1980s, and I think finally in 1990, created 10 riverboat licenses. The State statute was fairly specific with respect to where many of these riverboat licenses had to be. It later turned out that in most cases, only a couple of people applied for the riverboat licenses and these licenses wound up being very lucrative. In fact, they ended up being phenomenally lucrative licenses. Again, on the riverboat licensing, as was mentioned in that article, Mr. Cellini was involved in the Alton Riverboat, the gaming company boat we have talked about.

I will proceed to discuss how those licenses were handed out.

Mr. DURBIN. Will the Senator from Illinois yield?

Mr. FITZGERALD. I yield only for a question.

Mr. DURBIN. I noticed the Senator earlier had yielded to Senators with an understanding, a unanimous consent agreement that he would not surrender the floor. I ask for the same opportunity to speak, with the unanimous consent request that the floor will be returned to my colleague from Illinois after the conclusion of my remarks.

Mr. FITZGERALD. I would be happy to accommodate my colleague. I am told that similar requests are pending from Senator GRAHAM of Florida, Senator JOHN MCCAIN, and then you? If we could work out an agreement, I would not like to bypass those who have shown up earlier. Are either of those Senators on the floor or the Cloakroom?

Mr. DURBIN. I do not believe either of those Senators are on the floor. I believe my statement will take no more than 10 minutes. With the forbearance of the Senator, I ask unanimous consent I be allowed to speak for 10 minutes, and that at the conclusion of my remarks the floor be returned to my colleague from the State of Illinois.

Mr. FITZGERALD. I am going to object to that. I am told the leader is on his way and he is going to be making a statement.

The PRESIDING OFFICER. Objection is heard. The Senator from Illinois has the floor.

Mr. REID. The Senator has the floor, but I would like to propound a unanimous consent request that we go into a quorum call for the purpose of the leader coming to the floor, and when the majority leader completes his statement, the floor return to the Senator from Illinois and that he not be charged with a second speech.

The PRESIDING OFFICER. Is there objection?

Mr. FITZGERALD. Yes, I agree to that. I have no objection.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. LOTT. Mr. President, the Interior appropriations conference report obviously is a very important bill. There has been an awful lot of work that has gone into it. It does have bipartisan support. As I understand it, it is positioned to be signed into law. It passed the House 349–69, something of that nature.

The Senator from Illinois has some difficulties with a provision in this legislation. Certainly, as any Senator, he is entitled to make his point, and to make his point at length within the provisions of our rules. It is important we move forward now. We are prepared to move forward on this legislation.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending Interior appropriations conference report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 4578, the Department of Interior appropriations bill:

Trent Lott; Ted Stevens; Larry Craig; Pat Roberts; Jim Inhofe; Mike DeWine; John Warner; Pete Domenici; R.F. Bennett; Richard Shelby; Kit Bond; Slade Gorton; Phil Gramm; Conrad Burns; Chuck Hagel; and Kay Bailey Hutchison.

Mr. LOTT. Mr. President, I will continue to work with Senator FITZGERALD and others to try to resolve this issue as best we can and any other problems that may exist. I do believe it is necessary to prepare the Senate for a cloture vote if it should be necessary.

I now ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 641, S. 662.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 662) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast and Cervical Cancer Prevention and Treatment Act of 2000".

SEC. 2. OPTIONAL MEDICAID COVERAGE OF CERTAIN BREAST OR CERVICAL CANCER PATIENTS.

(a) Coverage as Optional Categorically Needy Group.—

(1) In general.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XVI), by striking "or" at the end;

(B) in subclause (XVII), by adding "or" at the end; and

(C) by adding at the end the following:

"(XVIII) who are described in subsection (aa) (relating to certain breast or cervical cancer patients);".

(2) Group described.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following:

"(aa) Individuals described in this subsection are individuals who—

"(1) are not described in subsection (a)(10)(A)(i);

"(2) have not attained age 65;

"(3) have been screened for breast and cervical cancer under the Centers for Disease Control and Prevention breast and cervical cancer early detection program established under title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) in accordance with the requirements of section 1504 of that Act (42 U.S.C. 300n) and need treatment for breast or cervical cancer; and

"(4) are not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act (42 U.S.C. 300gg(c)).".

(3) Limitation on Benefits.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(A) by striking "and (XIII)" and inserting "(XIII)"; and

(B) by inserting ", and (XIV) the medical assistance made available to an individual described in subsection (aa) who is eligible for medical assistance only because of subparagraph (A)(10)(ii)(XVIII) shall be limited to medical assistance provided during the period in which such an individual requires treatment for breast or cervical cancer" before the semicolon.

(4) Conforming amendments.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(A) in clause (xi), by striking "or" at the end;

(B) in clause (xii), by adding "or" at the end; and

(C) by inserting after clause (xii) the following:

"(xiii) individuals described in section 1902(aa),".

(b) Presumptive Eligibility.—

(1) In general.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920A the following:

"PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR CERVICAL CANCER PATIENTS

"Sec. 1920B. (a) State Option.—A State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(aa) (relating to certain breast or cervical cancer patients) during a presumptive eligibility period.

"(b) Definitions.—For purposes of this section:

"(1) Presumptive eligibility period.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

"(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(aa); and

"(B) ends with (and includes) the earlier of—

"(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

"(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

"(2) Qualified entity.—

"(A) In general.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—

"(i) is eligible for payments under a State plan approved under this title; and

"(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

"(B) Regulations.—The Secretary may issue regulations further limiting those entities that may become qualified entities in order to prevent fraud and abuse and for other reasons.

"(C) Rule of construction.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities, consistent with any limitations imposed under subparagraph (B).

"(c) Administration.—

"(1) In general.—The State agency shall provide qualified entities with—

"(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

"(B) information on how to assist such individuals in completing and filing such forms.

"(2) Notification requirements.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

"(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

"(B) inform such individual at the time the determination is made that an application for medical assistance under the State plan is required to be made by not later than the last day of the month following the month during which the determination is made.

"(3) Application for medical assistance.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance under such plan by not later than the last day of the month following the month during which the determination is made.

"(d) Payment.—Notwithstanding any other provision of this title, medical assistance that—

"(1) is furnished to an individual described in subsection (a)—

"(A) during a presumptive eligibility period;

"(B) by a entity that is eligible for payments under the State plan; and

"(2) is included in the care and services covered by the State plan,

shall be treated as medical assistance provided by such plan for purposes of clause (4) of the first sentence of section 1905(b).".

(2) Conforming amendments.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: "and provide for making medical assistance available to individuals described in subsection (a) of section 1920B during a presumptive eligibility period in accordance with such section".

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking "or for" and inserting ", for"; and

(ii) by inserting before the period the following: ", or for medical assistance provided to an individual described in subsection (a) of section 1920B during a presumptive eligibility period under such section".

(c) Enhanced Match.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking "and" before "(3)"; and

(2) by inserting before the period at the end the following: ", and (4) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance provided to individuals who are eligible for such assistance only on the basis of section 1902(a)(10)(A)(ii)(XVIII)".

(d) Effective Date.—The amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 2000, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee substitute be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill, as amended, be considered read the third time.

The bill (S. 662), as amended, was considered read the third time.

Mr. LOTT. Mr. President, I further ask unanimous consent that the Senate then proceed to Calendar No. 542, H.R. 4386, all after the enacting clause be stricken, and the text of S. 662 be inserted in lieu thereof. Further, I ask unanimous consent that the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and, finally, any statements relating to this very important piece of legislation be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4386), as amended, was read the third time and passed.

Mr. LOTT. I note, Mr. President, that this is the breast and cervical cancer legislation. It has broad bipartisan support. I am very pleased we were able to come to an agreement to bring it this far. It came up this morning in the Finance Committee. I asked the Senator from New York if he would help us get it cleared through to this point. Senator MOYNIHAN indicated he would, and he has done so, as always. I do not think we would have this clearance without his help.

Mr. MOYNIHAN. Mr. President, may I have one moment?

Mr. LOTT. Mr. President, I will be glad to yield the floor to Senator MOYNIHAN.

Mr. MOYNIHAN. Mr. President, we all thank the majority leader for this action. I know it will be particularly pleasing to the chairman of our committee, Senator ROTH, who took up this measure, introduced in the first instance by Senator CHAFEE. It came out of our committee unanimously. It is good legislation. It should be pursued. We thank the leader for his effort.

I yield the floor.

Mr. LOTT. I ask unanimous consent that S. 662 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I take this opportunity to commend the Senate's passage of S. 662, the Breast and Cervical Cancer Treatment Act. I am pleased to be a cosponsor of this important legislation, which provides low-income, uninsured women with access to the treatment they need to battle these two potentially devastating diseases.

In 1990, Congress created a program, administered by the Centers for Disease Control, CDC, to provide breast and cervical cancer screening for low-income, uninsured women. While this program's goal was to reduce mortality rates from these two diseases, the fact many women diagnosed under the program had no funds for treatment left our goal largely unfulfilled.

The Breast and Cervical Cancer Treatment Act moves this Federal commitment forward to the next logical step, by providing Medicaid funds to treat these women who are diagnosed with breast or cervical cancer through the CDC screening program. Under this important legislation, American women will be able to receive the treatment they need to win the fight against breast cancer or cervical cancer.

As we are in the waning days of this legislative session, I am glad to join my Senate colleagues in passing the Breast and Cervical Cancer Treatment Act, which will provide new resources and hope to low-income women with breast or cervical cancer. As the House has already passed a similar bill, it is my hope that Congress will present final legislation to the President for enactment this year.

Ms. SNOWE. Mr. President, I rise today to express my unwavering support for passage of the Breast and Cervical Cancer Treatment Act (S. 662). This bill addresses an issue that is vital to the health and lives of so many low-income women—coverage of breast and cervical cancer treatment under the Medicaid program.

This legislation was originally introduced by our late colleague, Senator John Chafee of Rhode Island. Senator Chafee was always one of the Senate's leaders on health care issues, and like all of my colleagues, I am sad that he is not with us today to see his bill pass the Senate. I know that he would be pleased to know that his bill now has the support of 75 Senators.

I also want to take a moment to note the dedication of my colleagues Senators MIKULSKI, LINC CHAFEE, GRASSLEY, and HATCH—we have put many hours into ensuring that today's legislation gets through the Senate and can be reconciled quickly with the House version. Finally, this bill would not be before us today if not for the help of the Chairman of the Senate Finance Committee—it was Senator ROTH who made a commitment to get this bill through the Finance Committee.

In 1990, while serving in the House, I was a proud cosponsor of the legislation that established the Center for Disease Control's National Breast and Cervical Early Detection Program. This groundbreaking program—sponsored in the Senate by Senator MIKULSKI—ensures that women who are medically underserved in this country receive regular screening for breast and cervical cancer. Since the program did its very first screening in 1991, over 1.4 million women have had either a mammogram or a test for cervical cancer. And more are screened every single day.

It is unquestionable that early detection is our best weapon against cancer. The success of the CDC program is proven. As a result of this program over 6,800 uninsured, low-income women across the country now know they have breast cancer and can take action to fight this disease. And over 34,000 uninsured, low-income women across the country now know they have either invasive cervical cancer or precancerous cervical lesions.

In my home state of Maine, nearly 16,000 women have gone through the screening program since it began in 1995. And as a result of this screening 46 women with breast cancer and 23 women with cervical cancer have vital information that they might not have had otherwise. I don't like to think of what could have happened if they had found out about their cancer when it was too late.

Unfortunately, screening alone—and the life-or-death knowledge about one's health that comes as a result—cannot save a woman's life. It is estimated that breast and cervical cancer will kill more than half a million women this decade alone. In fact, breast cancer is the number one killer of American women between the ages of 35 and 54. While screening is the first line of defense in fighting cancer, and is so very, very important, it is really only the first part of the battle.

When the National Breast and Cervical Cancer Early Detection Program passed in 1990, we wanted to ensure that women would receive treatment. The law was written to require states to seek out services for the women they screen in order to receive timely and appropriate treatment. But the state programs are overwhelmed. Program administrators are scrambling to find treatment services—and even then these uninsured, low-income women must somehow come up the money for costly procedures.

This legislation will give women who have been screened through the CDC's National Breast and Cervical Cancer Early Detection Program the chance to receive needed treatment that is truly life-and-death. This Act will allow states the option of providing Medicaid services to women who have breast or cervical cancer.

I would like to explain to my colleagues why this legislation is so important in a very personal way. One of my constituents went through the Maine Breast and Cervical Health Program and had an abnormal mammogram, followed by an abnormal ultrasound. She was advised to have a sterotactic biopsy but delayed for three months because she could not afford it. Three months in which her cancer could grow and spread. And while she eventually had the biopsy and was not diagnosed with cancer, these three months could have truly meant the difference between winning or losing her battle against cancer.

The women who go through this program have undergone enough solely by being diagnosed with cancer. And the stress of diagnosis is almost debilitating. But to compound this stress, to leave a woman with the knowledge that she has cancer, that she must—absolutely must— receive treatment or her cancer will spread, but to not help her find the means to fight for her life is unconscionable.

We cannot sit back and claim that a screening program is enough to save a woman's life. We know that the uninsured are 49 percent more likely to die than are insured women during the four to seven years following an initial breast cancer diagnosis. This is unconscionable—we must provide an option for uninsured women who are not able to pay for treatment on their own. We cannot sit back and watch women die from a disease that they discovered through our program but not help them fight this disease.

I am extremely pleased that the Senate is bringing the bill up for passage today; the House overwhelmingly passed its version on May 9th and I hope that the two bills will be reconciled quickly in conference.

Ms. MIKULSKI. Mr. President, I rise today in strong support of Senate passage of the Breast and Cervical Cancer Treatment Act S. 662. I am proud to be the lead Democratic sponsor of this bill. This is legislation that will help save lives, and it has the strong bipartisan support of 76 cosponsors. It gives states the option of providing Medicaid coverage to low-income women diagnosed with breast and cervical cancer through the National Breast and Cervical Cancer Early Detection Program under the Centers for Disease Control and Prevention, CDC.

Senate passage of this legislation was a true bipartisan team effort, and I want to recognize the other members of this team. I want to commend the late Senator John Chafee, who sponsored this legislation, for his leadership and genuine commitment to the women this bill would help. I want to thank Senators LINCOLN CHAFEE, MOYNIHAN, SNOWE, GRASSLEY, and HATCH for their strong support and leadership as we have all worked together to move this legislation through the Senate. I thank the Majority Leader and the Democratic Leader for their commitment to getting this bill through the Senate.

I also want to commend Senator ROTH for his leadership in the Finance Committee to ensure committee consideration and passage of this bill. Thank you also to President Clinton and Vice President GORE who have been supportive of providing treatment to women diagnosed with breast and cervical cancer through the CDC screening program, especially by including a provision similar to S. 662 in the Administration's Fiscal Year 2001 budget.

Finally, none of us would be here today to celebrate Senate passage of this bill without the hard work, tenacity, persistence, and perseverance of Fran Visco and the National Breast Cancer Coalition. They have done an outstanding job of making sure that women's voices from across the country were heard, listened to, and well represented.

However, our work is not yet finished. The House of Representatives must now take up and pass the bill we passed today. The House should move swiftly to enact this legislation that has such overwhelming bipartisan support.

The CDC screening program celebrated its 10th anniversary on August 10, 2000. The CDC screening program has provided over one million mammograms and over one million Pap tests. Among the women screened, over 7,000 cases of breast cancer and over 600 cases of cervical cancer have been diagnosed. I am proud to be the Senate architect of the legislation that created the breast and cervical cancer screening program at the CDC, and now I'm fighting to complete the program by adding a treatment component. There are three reasons why we must swiftly enact the Breast and Cervical Cancer Treatment Act.

First, times have changed since the creation of the CDC screening program ten years ago. In 1990, when I wanted to include a treatment component in the screening program, I was told we didn't have the money. Well, now we are running annual surpluses, instead of annual deficits. The screening program was just a down payment, not the only payment. We have the resources to provide treatment to these women. I think we ought to put our money into saving lives.

Second, prevention, screening, and early detection are very important, but alone they do not stop deaths. Screening must be combined with treatment to reduce cancer mortality. Finally, it is only right to provide federal resources to treat breast and cervical cancer for those screened and diagnosed with these cancers through a federal screening program.

I look forward to working with my colleagues on both sides of the aisle to ensure swift enactment of the Breast and Cervical Cancer Treatment Act in the final days of this session. Women diagnosed with breast and cervical cancer shouldn't have to wait another year for treatment. I can't think of any better way to mark the 10th anniversary of the CDC screening program than by finally adding a federal treatment component to ensure that we make a true difference in the lives of women across this country.

Mr. ROTH. Mr. President, I am pleased that the Senate has passed legislation that will dramatically improve the lives of lower-income women faced with a terrifying diagnosis of breast or cervical cancer.

Ten years ago, Congress created the National Breast and Cervical Cancer Early Detection Program, through the Centers for Disease Control, to help lower-income women receive the early detection services that are the best protection against breast and cervical cancer. This important program has served more than a million women in subsequent years. However, the screening program does not include a treatment component. Instead, women who receive a cancer diagnosis must rely on informal networks of donated care.

Last year, Senator John Chafee introduced S. 662, the Breast and Cervical Cancer Treatment Act, to make it easier for women facing breast and cervical cancer to receive necessary treatment—and I think each and every one of us shares that important goal.

S. 662 makes treatment available through the Medicaid program. Now, maybe some of us would have approached the problem differently. I think there are very valid concerns about creating disease-specific eligibility categories within the Medicaid program.

However, despite those concerns, I am pleased that the Senate passed S. 662 because we are dealing with a thoroughly unique set of circumstances. The new Medicaid eligibility category created in S. 662 is specifically linked to a unique and existing federal screening program and must not, and will not, be viewed as a precedent for extending Medicaid eligibility body-part by body-part.

Instead, today the Senate fulfills a promise made nearly 10 years ago. We are saying to lower-income, uninsured women that we will continue to help you access the preventive health care services you need. But now, through S. 662, our commitment to you will not stop with screening. If problems are found, the federal government stands ready to work with the states to make sure you receive the treatment you need to get well.

I am grateful to my colleagues in the Senate for joining me in supporting this important legislation, and I look forward to working with my colleagues in the House to quickly reconcile the differences between our bills so we can see this necessary legislation signed into law this year.

UNANIMOUS CONSENT REQUEST—H.R. 4986

Mr. LOTT. Mr. President, I ask unanimous consent, notwithstanding rule XXII, that the Senate turn to the consideration of Calendar No. 817, H.R. 4986, relating to foreign sales corporations, and that following the reporting of the bill by the clerk, the committee amendments be agreed to, with no other amendments or motions in order, and the bill be immediately advanced to third reading and passage occur, all without any intervening action or debate.

I further ask unanimous consent that the Senate then insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, who would be Senators ROTH, LOTT, and MOYNIHAN.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, we have been doing everything we can to move along the appropriations process. We did that on the energy and water appropriations bill. We are doing that on the Interior appropriations bill. I want the RECORD to be clear, as the leader knows, we are not holding up the Interior bill.

Mr. LOTT. Absolutely. We had some reservations on both sides of the aisle last night. The reservations on Senator REID's side of the aisle were worked out. The problem now is, as I stated, that Senator FITZGERALD has a problem. The Senator from Nevada has worked on his part of the problem on which, by the way, I agreed with him. I believe we have gotten the language we need, so it is not necessary for that objection to be filed.

Mr. REID. Mr. President, I further say under my reservation, we are also standing by ready to work on Transportation and hopefully Agriculture. It would be very nice if we could complete this work which is, as the leader knows, overdue.

The point is, I want the RECORD spread with the simple fact that I am going to object to Calendar No. 817. It is an unusual thing we have to object. We want to move things along as quickly as possible, as indicated by the statement I just made. But as to H.R. 4986, I object. I say to the leader, there are people who are looking at this, and we hope it can be cleared at an early date.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, if I may comment, as Senator REID mentioned, we hope to move to the Transportation and Agriculture appropriations conference reports. I had hoped one or both of those would be ready today. I believe they are both close to completion. In fact, I am sure the Transportation appropriations conference report is completed, and we should have it, hopefully, early in the morning. Agriculture has been more difficult for obvious reasons: Getting an exact reliable number on what is needed for disasters, but also dealing with issues such as the drug reimportation question and the sanctions issue. They are going to attempt to close that conference this afternoon. We hope to have a vote and be ready for action on tomorrow.

With regard to this particular bill, the foreign sales corporation, I understand there are some reservations, but hopefully we can find a way to consider it.

Mr. MOYNIHAN. Would the majority leader yield for a question?

Mr. LOTT. I do not believe I have the floor, I say to the Senator, but I am sure that Senator REID would yield to the Senator.

Mr. REID. I am happy to yield to my friend from New York who is so interested in this legislation, and who has talked to me about it so many times.

Mr. MOYNIHAN. You say "reservations." Sir, if there are any reservations about the legislation as such, I would hope they would bring them to the attention of Senator ROTH, myself, and others, and the administration.

This is absolutely must do legislation. If we do not do it, we put ourselves at risk of a probable certain outcome—a trade war with Europe. In fact, it would astonish us and injure us, and we will wonder what happened. And nothing need have happened.

It was found that our tax arrangements for foreign sales corporations were in violation of WTO rules. Fine. We said we will produce a different measure that is compliant. The American industry is very happy. We have the bill. All we need to do is pass it. The deadline was October 1. It has been extended to November 1. If we do not do this, we will be remembered as a Congress that did not, and not favorably, sir.

I thank you for bringing it up. I regret there are reservations, but they have nothing to do, that I know of, with the essence of this measure.

Mr. REID. I would say to my friend, I think the statement that the Senator has made should be within earshot of everyone. If there is a problem—and somewhat technical in the minds of some—they should come forward.

Mr. MOYNIHAN. I will stay here all afternoon and evening.

Mr. REID. I am sure the Senator can explain it well. So I invite Senators to do that.

Mr. LOTT. I would like to make clear, if there is a technical amendment, or if there is a germane amendment, we could certainly get an agreement to make that in order.

What bothers me is that earlier on there had been indications that there were unrelated amendments that would ball the Senate up and this bill into protracted debate. What bothers me even more is, as we get closer, hopefully, to the end of the session, the thinking, I guess, would be, well, we will just drop this into something. The opportunity for mischief at that point is endless because if one Senator shows up and objects, we could lose it.

So I know Senator REID will be working on this. But this is something that is important to our country. I assume that the White House also would like to get this done. We need to continue to focus very closely on this piece of legislation.

UNANIMOUS CONSENT REQUEST—H.R. 4868

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 841, H.R. 4868, regarding tariff and trade laws.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I do object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—H.R. 2884

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 506, H.R. 2884, which extends energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003. I further ask consent that a substitute amendment at the desk submitted by Senators MURKOWSKI and BINGAMAN be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MURKOWSKI addressed the Chair.

Mr. LOTT. Mr. President, I would be glad to yield the floor to Senator MURKOWSKI.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, it is my understanding that the majority leader attempted to get a unanimous consent on the Energy Policy and Conservation Act.

That bill was objected to?

Mr. LOTT. I believe there was objection.

The PRESIDING OFFICER. Objection was heard.

Mr. LOTT. If the Senator would allow me, we have one other unanimous consent request. If we could get that entered into—it has been agreed to—then you would have the floor without the pressure of making a short statement. I think Senator REID would be able to leave the Chamber, too, if he chooses.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 110

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to H.J. Res. 110, the continuing resolution, and after the reporting of the joint resolution by the clerk, it be considered under the following agreement, with no amendments or motions in order: 2 hours equally divided between the chairman and the ranking minority member or his designee; 3 hours equally divided between the two leaders or their designees.

I further ask consent that all time be used or considered yielded back by the close of business today, and when the Senate reconvenes on Thursday at 9:30, there be 30 minutes under the control of Senator STEVENS and 60 minutes under the control of Senator BYRD for closing remarks, and at 11 a.m. the bill be read for a third time, and passage of H.J. Res. 110 occur, all without any intervening action or debate, and that this all begin immediately following the statement by Senator MURKOWSKI.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, and I will not object, I say to the leader and to the Presiding Officer, we have a number of people who wish to speak on this matter today. We have the time to do that. If we can work something out with the Senator from Illinois, there are people waiting to speak today on this matter.

Mr. LOTT. I believe the Senator from Illinois understands it will be 6 or 6:15 or thereabouts before he would be able to resume making his statement. So that would give us a couple hours that we could use before that time, and then additional time after that, if it is necessary. So hopefully we can get started right away.

Mr. REID. I say to the leader, through the Chair, the Senator from Illinois has been most gracious today. I know he believes very passionately and strongly about the issue he has been debating. But he has been very cooperative, generous in allowing us to interrupt as long as he did not lose the floor. I extend my appreciation to the Senator from Illinois for allowing us to do that.

Mr. FITZGERALD. I just reserve the right to object.

My understanding is that I will have the floor again at about 6:15.

Mr. LOTT. Or thereabouts. It could be earlier or 5 minutes later, but fully it is our intent to have the Senator from Illinois resume his statement at that time or at about that time.

Mr. FITZGERALD. I thank the leader for his accommodation.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. LOTT. Was there objection?

I believe the request was agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Mr. MURKOWSKI. I ask unanimous consent, if I may, to proceed off the leader's time on the CR that is before the body.

Mr. REID. Reserving the right to object, Mr. President, I say to my friend, we have a number of Senators who have been waiting for a long time. Will the Senator give us some idea as to how long he will be?

Mr. MURKOWSKI. I will be very short. I imagine I will be 10, 12 minutes.

Mr. REID. Mr. President, I ask unanimous consent that following the statement of the Senator from Alaska the Senator from Illinois be given 10 minutes off the time that has been reserved for Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY POLICY AND CONSERVATION ACT

Mr. MURKOWSKI. Mr. President, my understanding is that the leader requested unanimous consent to bring up the Energy Policy and Conservation Act, referred to as EPCA, and there was objection raised. I wonder if the——

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Mr. President, I would hope that my colleagues who have raised an objection to the Senate taking up this legislation would reconsider. This is a very important piece of legislation. It is the reauthorization of the Energy Policy and Conservation Act.

Senator BINGAMAN, who is the ranking member of the Energy and Natural Resources Committee, and myself, as chairman, have worked closely to come together with this compromise legislation. We have worked with the administration.

It is my understanding that the administration supports this legislation, and for good reason: Because the Energy Policy and Conservation Act, initially passed in 1975, deals with issues at hand, issues that are affecting the energy supply in this country, issues that are affecting the price of energy in this country; and issues that the administration has mandated pass the Congress of the United States, specifically, this body because these issues deal with the domestic oil supply and conservation and the Strategic Petroleum Reserve and the International Energy Program, or IEP, as the agreement stands.

Certain authorities for the Strategic Petroleum Reserve, or SPR, and U.S. participation in the International Energy Program expired in March of this year. The legislation before us would extend these authorizations through September 30, 2003.

I think it is rather ironic that we are out of compliance in the sense of having both these significant issues expire at a time when we have an energy crisis and we have not acted upon them.

I would like to point out several facts about the legislation before us and the need for that legislation.

We have seen a lot of publicity given to the Strategic Petroleum Reserve and the emphasis put on the significance of that as kind of a savings account for oil in case we have an interruption from our supply from overseas, a supply which currently is about 58 percent of our total consumption.

Title I of EPCA provided for the creation of SPR, the Strategic Petroleum Reserve, and set forth the method and circumstances for its drawdown and distribution in the event of a severe energy supply interruption or to fulfill U.S. obligations under the IEP agreement.

The SPR currently contains approximately 570 million barrels of oil and has a total capacity of about 700 million barrels, with a daily drawdown capacity of about 4.1 million barrels per day. At its peak, the SPR contained 592 million barrels of oil. Currently, the SPR contains about 570 million barrels of oil, so there has been a drawdown.

We have seen the action by the President in transferring 30 million barrels out of the SPR to be turned into heating oil. It is rather interesting to note that the formula doesn't necessarily relate to 30 million barrels of heating oil. We will actually get somewhere between 4 and 5 million barrels of heating oil out of 30 million barrels of crude oil, about a 2- to 3-day supply.

As a consequence of the President's action, there is a legitimate question of whether the President had the authority to transfer that oil out of the SPR since the authorization for the Strategic Petroleum Reserve expired March 30 of this year. In any event, there is absolutely no reason why it shouldn't be authorized, regardless of individual attitudes on the appropriateness of drawing the SPR down.

It was created in response to the difficulties faced in 1973, when we experienced the Arab oil embargo. Many of us remember that time. We were outraged. We had gasoline lines around the block and the public was indignant. They blamed everybody—the Government. How could it happen in the United States that we had run out of gasoline? The concept was simple. At that time, most of us believed America should not be held hostage again to Mideast oil cartels and that this would act as our protection against cutting off our supplies. Unfortunately, we find ourselves in a situation today where our domestic policies have led us to being held hostage by another tyrant. That tyrant in the Mideast is one Saddam Hussein.

Clearly, we are becoming more and more dependent on Saddam Hussein. Currently, 750,000 barrels a day of Saddam Hussein's oil come to the United States. It is even more significant that Saddam Hussein has taken a pivotal role in the oil issue worldwide, because the difference between production capacity and consumption is a little over 1 million barrels a day. In other words, we are producing a little over 1 million barrels more than we can consume, but that is the maximum production. Out of that, Saddam Hussein is contributing almost 3 million barrels a day. So you can see the leverage that Saddam Hussein has. He has already threatened to cut production. He went to the U.N., when they asked for specific programs for repayment of damages associated with his invasion of Kuwait. He said: If you make me do this now, what I am going to do is simply put off any further plans to increase production, and I very well may reduce production.

You can see the leverage he has if he reduces production. What is the world going to do? The price is going to go up, and they are going to pay the price.

So what we have seen today is the reality that the world is consuming just slightly less oil than we are producing. Because of this, we have not been able to build up our supply of inventory against any unexpected supply interruption, which very well could occur. The Mideast is still an area of crisis and controversy.

Here we are, as we approach the fourth quarter of the year, and we have the difference between supply and demand, the knowledge that it is going to tighten even further, and this leads, as I have indicated, to a volatile worldwide oil market.

It is troubling in the United States because we have allowed ourselves to become 58-percent dependent on imported oil, and this has grown dramatically in the past few years. What disturbs me most is the fact that we have become even more dependent on Iraq. As a consequence, it is fair to recognize that with Saddam Hussein now calling the shots in the world energy markets and the United States allowing him to do so, we have basically put in danger the security of Israel.

Make no mistake about it. Every speech he concludes, he concludes with: Death to Israel. It is kind of ironic. Maybe I am oversimplifying our foreign policy, but it seems as though we buy his oil, put it in our airplanes and go over and bomb him. We have had flown over 200,000 sorties since the Persian Gulf war, where we go over and enforce what amounts to an air blockade. As a consequence, we are in a situation where we are supplying the cash-flow for his Republican Guard as well as the development of his missile and delivery capability and his biological capability. This is a mistake.

Because of this, it is imperative that we continue to place the focus of the Strategic Petroleum Reserve on a defensive weapon against severe supply interruptions and that we do not use it as an offensive weapon to manipulate market forces. We have debated that issue on the floor before. I think this bill achieves a balance.

What we have in this bill is very important because many Members are from the Northeast, and this bill covers heating oil reserves. The legislation contains language authorizing the Secretary of Energy to create a home heating oil reserve in the Northeast.

Several points about this: First, I have personal concerns about the establishment of such a reserve. A reserve could actually act as a disincentive to marketers to keep adequate supplies of oil on hand for fear that the price could drop out of their market at any time. That is a possibility, with the Government going into competition.

A government-operated reserve of 2 million barrels could actually tie up storage capacity that private marketers would fill and deplete usually four or five times a season. The reserve could create an unworkable, rather elaborate regulatory program used to implement it.

Second, I was most concerned about the trigger mechanism included in the House language that seemingly gave the Secretary total discretionary authority to release oil from the reserve. I believe we have addressed the majority of the problems associated with the creation of such a reserve by clarifying the trigger mechanism.

The mechanism we have in this bill allows the Secretary to make a recommendation for release if there is a severe supply interruption.. This is deemed to occur if, one, the price differential between crude oil, as reflected in an industry daily publication such as Platt's Oilgram Price Report or Oil Daily, and No. 2 heating oil, as reported in the Energy Information Administration's retail price data for the Northeast, increases by more than 60 percent over its 5-year rolling average; and second, the price differential continues to increase during the most recent week for which price information is available. We have this mechanism in this legislation, and it has been agreed to by virtually every Member of this body.

As to EPCA reauthorization, the bill extends the general authority for EPCA through September 30, 2003.

On the Strategic Petroleum Reserve, the authorities for SPR are extended through September 30, 2003. It strengthens the defense aspects of SPR by requiring the Secretary of Defense to affirm that a drawdown would not have a negative impact on national security. That was an important provision Senator BINGAMAN and I negotiated.

We also have stripper well relief, the small stripper wells that we are so dependent on that were threatened the last time we had a price downturn. The amendment retains the provision contained in the House bill that would give the Secretary of Energy discretion to purchase oil from marginal—that is 15 barrels of production daily or less—wells when the market price drops below $15. Otherwise, these wells will be lost. The cost of production to get them back up is such that they would never go on line again. This would give some certainty to these producers that we really value, the strippers, as the true strategic petroleum reserve, and an operational one, in this country.

This provision would hopefully offset the loss of some 600,000 b/d of lost production that occurred because of the dramatic price decrease in 1999.

This amendment also allows the Secretary to fill the SPR with oil bought at below average prices.

We have weatherization. It strengthens the DOE Weatherization program by expanding the eligibility for the program and increases the per-dwelling assistance level.

The Summer Fill and Fuel Program authorizes a summer fill and fuel budgeting program.

The program will be a state-led education and outreach effort to encourage consumers to take actions to avoid seasonal price increases and minimize heating fuel shortages—such as filling tanks in the summer.

The Federal Lands Survey directs the Secretary of Interior, in conjunction with the Secretaries of Agriculture and Energy, to undertake a national inventory of the onshore oil and gas reserves in this country and the impediments to developing these resources.

This will enable us to get a better handle on our domestic resources and the reasons why they are not being developed.

The DOE Arctic Energy Office establishes within the Department of Energy an Office of Arctic Energy.

Most of the energy in North America is coming from above the Arctic Circle.

The office will promote research, development, and deployment of energy technologies in the Arctic.

This provision is critical as the Arctic areas of this country have provided for as much as 20% of our domestic petroleum resources—have more than 36 TCF of proven reserves of gas, and an abundance of coal, as we look at future energy needs of this country.

It might surprise members to know that the Department of Energy employs no personnel in Alaska!

There is a 5 megawatt exemption that allows the State of Alaska to assume the licensing and regulatory authority over hydro projects less than 5 megawatts.

This will expedite the process and cost of getting this clean source of energy in wider use in Alaska.

The Senate has already passed this provision.

The justification is that there is no way a small community, a small village, can put in a small hydrobelt wheel on a stream that has no anadromous fish and generate power to replace dependence on high-cost diesel, much of which is flown in, and still meet the requirement of the FERC, which licenses these small operations. And, as a consequence, we have not been able to utilize them in many of the areas to replace the high cost of diesel.

We have royalty-in-kind.

This provision allows the Secretary of the Interior more administrative flexibility to increase revenues from the government's oil and gas royalty-in-kind program.

Under current law, the government has the option of taking its royalty share either as a portion of production, usually one-eighth or one-sixth, or its equivalent in cash.

Recent experience with MMS's royalty-in-kind pilot program has shown that the government can increase the value of its royalty oil and gas by consolidation and bulk sales.

Under royalty-in-kind, the government controls and markets its oil without relying on its lessees to act as its agent. This eliminates a number of issues that have resulted in litigation in recent years and allows the government to focus more directly on adding value to its oil and gas.

Finally, the FERC relicensing study requires FERC to immediately undertake a review of policies, procedures, and regulations for the licensing of hydroelectric projects to determine how to reduce the cost and time of obtaining a license.

I remind colleagues that this is a bipartisan piece of legislation that has been developed between Senator BINGAMAN and myself on the Energy Committee. It has been cleared, as I understand it, by our side unanimously. It is my understanding that there still remains objection on the other side, although we have had assurances that we are willing to work and try to address the concerns of those on the other side who have chosen to place a hold on this legislation.

In view of the heightened emotions associated with our energy crisis in this country, this is very responsible legislation that is needed and is supported by the administration. It is timely, and it is certainly overdue in view of the fact that we are down to the last few days of this session. I hope we can come to grips with meeting the obligation we have to pass the Energy Policy and Conservation Act out of this body.

I yield the floor.

Mr. REID. Before the Senator from Alaska leaves the floor, I of course recognize the expert on our side of the aisle dealing with this legislation is the Senator from California, Mrs. BOXER. I want to say this because I am the one who objected to this. Following what the Senator from Alaska has said—and I have the greatest respect for him, and we work together on many issues—it seems to me we can resolve this very quickly. There is a companion bill, H.R. 2884, which already passed the House. We can bring it up here as it passed the House. It would go through very quickly. We believe that would take care of the immediate problems facing us—the home heating oil reserves and the Strategic Petroleum Reserve.

The problem we have, and the reason for the objection, is that to H.R. 2884 my friend from Alaska added some very—from our perspective—very controversial oil royalties, among other things. So we believe if the home heating oil reserve is as important as we think it is—and we believe it is extremely important—and if the Strategic Petroleum Reserve is as important as we think it is, we should go with the House bill. We can do that in a matter of 5 minutes.

Mr. President, I ask unanimous consent that under the time reserved to the minority on the continuing resolution, Senator DURBIN, who has been waiting patiently all afternoon, be recognized for 10 minutes, Senator BOXER be recognized for 30 minutes, Senator GRAHAM for 30 minutes, Senator HARKIN for 15 minutes, Senator FEINGOLD for 10 minutes, and Senator WELLSTONE for 5 minutes.

Mr. MURKOWSKI. Senator BINGAMAN and I have worked in a bipartisan manner on this legislation. I am sure Senator BINGAMAN would want to express his views. I encourage him to avail himself of that opportunity. It is my understanding that the administration supports the triggering mechanism in our bill as opposed to the one in the House bill specifically, and, as a consequence, we have worked toward an effort to try to reach an accord.

We are certainly under the impression on this side that we worked this out satisfactorily to the administration. But objections may be raised. Senators are entitled to make objections, but I hope they are directed at issues that clearly address environmental improvements.

I have nothing more to say other than this legislation is needed. We have a crisis in energy, and we had best get on with it. Otherwise, I think the problem is going to suffer the exposures, particularly since we won't have authorization.

I thank the Senator.

I see the Senator from California, who may be able to shed some light on this.

The PRESIDING OFFICER. Is there objection to the time agreement as proposed by the Senator from Nevada?

Without objection, it is so ordered.

Mr. REID. Mr. President, I don't think we need unanimous consent. The time is under our control. We can allocate it any way we desire.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 110) making further continuing appropriations for the fiscal year 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, it is my understanding that pursuant to the request of the minority whip, I will be recognized for 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Mr. President, 31 years ago, when I graduated from law school here in Washington, DC, my wife and I picked up our little girl, took all of our earthly possessions, and moved to the State capital of Springfield, IL. It was our first time to visit that town. We went there and made a home and had two children born to us there and raised our family.

So for 31 years Springfield, IL, has been our home. It has been a good home for us. We made a conscious decision several times in our lives to stay in Springfield. It was the type of home we wanted to make for our children, and our kids turned out pretty well. We think it was the right decision. Springfield has been kind to me. It gave me a chance, in 1982, and elected me to the House of Representatives, and then it was kind enough to be part of the electorate in Illinois that allowed me to serve here in the Senate.

I have come to know and love the city of Springfield, particularly its Lincoln history. I was honored as a Democrat to be elected to a congressional seat of which part was once represented in the U.S. House of Representatives by Abraham Lincoln. Of course, he was not a Democrat. He was a Whig turned Republican—first as a Whig as a Congressman and then Republican as President. But we still take great pride in Lincoln, whether we are Democrats or Republicans.

When I was elected to the Senate, their came a time when someone asked me to debate my opponent. They said it was the anniversary of the Douglas-Lincoln debate of 1858 which drew the attention of the people across the United States. Douglas won the senatorial contest that year. Two years later, Lincoln was elected President.

It seems that every step in my political career has been in the shadow of this great Abraham Lincoln.

In about 1991, I reflected on the fact that in Springfield, IL—despite all of the things that are dedicated to Abraham Lincoln, the State capital where he made some of his most famous speeches and pronouncements, and his old law office where he once practiced law, the only home he ever owned across the street from my senatorial office, just a few blocks away the Lincoln tomb, and only a few miles away Lincoln's boyhood home in New Salem—of all of these different Lincoln sites in that area, for some reason this great President was never given a center, a library in one place where we could really tell the story of Abraham Lincoln's life to the millions of people across the world who are fascinated by this wonderful man.

We had at one point over 400,000 tourists a year coming to the Lincoln home. I know they are from all over the world because I see them every day when I am at home in Springfield.

I thought: we need to have a center, one place that really tells the Lincoln story and draws together all of the threads of his life and all of the evidence of his life so everyone can come to appreciate him.

In 1991, that idea was just the idea of a Congressman, and I tried my best to convince a lot of people back in Illinois of the wisdom of this notion. I worked on it here in Washington over the years. Once in Congress, people came along and said: Maybe it is a good idea. There should be a Lincoln Presidential center. We really ought to focus the national attention on this possibility.

We passed several appropriations bills in the House. Some of them didn't go very far in the Senate. But the interest was piquing. All of a sudden, more and more people started discussing this option and possibility.

I recall that in the last year of the Governorship of Jim Edgar in his last State of the State Address he raised this as a project that he would like to put on the table for his last year as Governor. He told me later that he was amazed at the reaction. People from all over Illinois were excited about this opportunity. He weighed in and said the State will be part of this process. His successor, Gov. George Ryan, and his wife Laura Ryan, also said they wanted to be part of it. The mayor of Springfield, Karen Hasara, asked that the State accept from the city of Springfield a parcel of real estate so they could build the center.

All of a sudden, there came together at the local and State level this new momentum and interest in the idea of a Lincoln Presidential library and a Lincoln center. I was energized by that.

Then, of course, the Illinois Congressional Delegation weighed in in support of it, and we have tried now to make a contribution from the Federal level toward this national project, which brings together local, State, and Federal sources in the name of Abraham Lincoln.

This Interior appropriations bill, of course, includes $10 million of a $50 million authorization for that purpose. I think that is a good investment and a very worthy project for which I fought for 10 years.

I am happy to have joined with my colleague, Senator FITZGERALD, who offered a bill which authorized this center. He offered this bill as a freestanding piece of legislation. I coauthored it with him. He added an amendment relative to the bidding process, and that amendment was adopted in committee. It was agreed to on the floor. It is my understanding that it is now going to be sent over to the House for conference. I was happy to stand with him in that effort.

But I think I would like to reflect for a moment on this project and to say a few words about the debate that has gone on today on the floor of the Senate.

The debate seems to focus on several different aspects of this Lincoln center. I cannot tell that it is in the best location in the city of Springfield. I didn't choose that location. I believed it wasn't my place to get involved. The minute this Lincoln center was suggested, people from all over Springfield who owned real estate came flocking to my door and reminded me of what good friends they were and asked me to pick their location for the Lincoln center. I said I wasn't going to do it. It shouldn't be a political decision. It should be a decision made in the best interests of the hundreds of thousands of people who will come and visit this location.

The location which they have chosen is in a good spot when you consider the restoration of the old railroad station from which Abraham Lincoln left for his Presidency, and the old State capital which was important in his life and to this new center. They create a campus that I think will be visited and enjoyed by a lot of people.

There was also a question about the design of the center. I am no architect or planner. I really defer to others. I know what I would like. I would like to put in my two cents worth. But I am not going to act as an architect, a planner, or an engineer. That is really a decision to be made by others. It should not be a political decision.

I think what Senator FITZGERALD said during the course of this debate is that the bidding process for this center should not be political either. I agree with him completely. I think he is on the right track.

As he and I have said in various ways, a center that honors "Honest Abe" should be built in an honest fashion. That is what we are going to try to do in Springfield, IL. Senator FITZGERALD and I have been in agreement to this point. I believe, though, that we may have some difference of opinion in how we are going to progress from here.

I, frankly, believe that trying to create a new bidding process for this center involving Federal rules may be difficult and may be impossible. What agency is going to do it? Who is going to implement these rules and regulations? How will this law apply? But I agree with him that whatever process we use—whether it is Federal, State, or some other means—that it should be one where competitive bidding is the absolute bottom line so that it is open and honest.

That is why I asked of the Capital Development Board in Springfield, which I believe will be the agency supervising this bidding, for a letter that expressly states that this process will be done by open competition and open bidding. I received that letter yesterday.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF ILLINOIS,
CAPITAL DEVELOPMENT BOARD,
Springfield, IL, October 3, 2000.

Hon. RICHARD J. DURBIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DURBIN: This letter is an additional attempt to allay concerns that have been raised about our state's commitment to competitive bidding and the efficacy of our state purchasing laws. Let me assure you that all construction contracts for this library and museum are being and will continue to be competitively bid pursuant to state law that is at least as stringent, if not more so, than federal bidding requirements.

Competitive bidding has long been the requirement for State of Illinois construction contracts and was most recently reaffirmed with the passage of the stricter Illinois Procurement Code of 1998. Only six exemptions to that provision, which are defined by rule and must be approved by the Executive Director, exist:

(1) emergency repairs when there exists a threat to public health or safety, or where immediate action is needed to repair or prevent damage to State property;

(2) construction projects of less than $30,000 total;

(3) limited projects, such as asbestos removal, for which CDB may contract with Correctional Industries;

(4) the Art-in-Architecture program which follows a separate procurement process;

(5) construction management services which are competitively procured under a separate law; and,

(6) sole source items.

None of these exceptions have ever or will apply to the library project, as they do not apply to the overwhelming majority of CDB's projects.

With regard to the federal practice of "weighting" construction bid criteria, there is no similar provision in state law, because there is only one criteria allowed—our bids must be awarded to the lowest responsible bidder—period. While it appears to me that the federal government has taken the approach that it will determine the responsiveness of the individual bidders after bids are received, Illinois law actually requires that process to occur before bidding takes place. Construction companies are required to become prequalified with CDB before they can bid on construction projects. It is during the prequalification process that we determine a company's bonding capacity and assess their work history and level of experience through reference checks—in short, their ability to perform construction work.

All bids for a construction project are opened during publicly held and advertised "bid opening" meetings. All interested constructors are informed at that time of the bid amounts. There is no provision that allows CDB not to award to the low bidder.

I hope that this clarifies some of the issues that have been raised. Please do not hesitate to call on me if I may be of further assistance.

Sincerely,

KIM ROBINSON,
Executive Director.

Mr. DURBIN. Mr. President, this letter was sent to me by the executive director of the Illinois Capital Development Board, Kim Robinson. I don't know Kim Robinson personally. But she writes to me in this letter of October 3 that there are certain exceptions to competitive bidding under the Illinois State law. She lists all six of them, and then concludes:

> None of these exceptions have ever or will apply to the library project, as they do not apply to the overwhelming majority of CDB's projects.

By that statement it is clear to me that there is going to be open competitive bidding on this project.

The point that was raised by Senator FITZGERALD earlier in the debate about qualified bidders is a valid one. Who will be bidding on this project? I do not know. Frankly, no one has come forward to me and suggested that they want to be bidding on this project. It wouldn't do them any good anyway. I am not going to make that decision. I haven't involved myself in the location or design. I leave that to others.

But I hope when this happens and bidders are solicited that it is an entirely open process as well. I will guarantee that there will be more attention paid to this bid for this project in Springfield, IL, than probably anything in its history.

I credit Senator FITZGERALD for bringing that attention forward. But let us proceed with the premise that it is going to be a transparent process. And let us make certain that as it progresses we will have at least an opportunity to assess it every single step of the way.

I also add that during the course of his statement today my colleague has raised questions about previous bidding processes by Governors in the State of Illinois.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, questions have been raised by Senator FITZGERALD about the bidding processes under Governors in the State of Illinois. For the record, there has not been a Democratic Governor in the State of Illinois for 24 years. So if he is suggesting that there have been irregularities under Governors, it is likely that they have not been of my political party. I can tell you without exception that I have never involved myself in any bidding process in Springfield by the State government. I have considered my responsibilities to be here in Washington and not in the State capital. Frankly, the people who bid on contracts and whether they are successful is another part of the world in which I have not engaged myself. I am not standing here in defense of any of these bidding processes, or making excuses for any of these processes. If there was any wrongdoing, then let those in appropriate positions investigate that and come to conclusions. Whether there was any reason for any kind of prosecution or investigation, that is not in my province nor my responsibility.

I hope at the end of this debate we can remove any cloud on this project. This project should go forward. The Illinois congressional delegation supports this project. Let us demand it be open and honest, and then let us support it enthusiastically. Frankly, I think we all have an obligation to taxpayers—Federal, State, and local alike—to meet that goal.

I close with one comment because I want to be completely open and honest on the record. My colleague, Senator FITZGERALD, during the course of the debate has mentioned the Cellini family of Springfield. The Cellini family is well known. My wife and I have known Bill and Julie Cellini for over 30 years. We are on opposite sides of the political fence. He is a loyal Republican; I am a loyal Democrat. Seldom have we ever come together, except to stand on the sidelines while our kids played soccer together or joined in community projects. They are friends of ours. I have taken the floor of the Senate to note that Julie Cellini is an author in our town who has done some wonderful profiles of people who live in Springfield.

I make it part of this record today, when I came up with the original concept of this Lincoln center, there were three people who came forward and said they were excited about it and wanted to work with me on it. This goes back 10 years now. They included Susan Mogerman, who works with the Illinois State Historical Library, as well as Nikki Stratton, a woman involved in Springfield tourism, and Julie Cellini. These three women have worked tirelessly for 10 years on this project. I never once believed that any of them would be involved in this because they thought there was money at the end of the rainbow. I think they genuinely believe in this idea and they believe it is good for Springfield and good for the State of Illinois.

I can't speak to any other dealings by that family or any other family, but I can say every contact I have had with those three women and their families about this project has been entirely honorable, entirely above board, and in the best interests of civic involvement for an extremely important project, not only to our city of Springfield but to the State of Illinois and to the Nation.

I hope when this is all said and done, this delegation can come together, closely monitor the bidding process, do everything in our power to help make this center a reality, and at the end of the day I hope we will be alive and be there at the opening of this great center.

I was honored a few months ago by our Democratic leader, TOM DASCHLE, to secure a spot as a member of the Abraham Lincoln Bicentennial Commission. I can think of few higher honors than to work and celebrate the life and accomplishments of one of the world's greatest leaders. The actual bicentennial will not be fully celebrated until 2009. This legislation is a great first step in a celebration of the life and accomplishments of a great President.

Mr. FITZGERALD. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator.

Mr. FITZGERALD. I compliment my colleague, my friend from Illinois. Extending my time line further, I started in 1998. There are a lot of articles going back to the early 1980s when Senator DURBIN—then Congressman DURBIN—was working hard to get this project off the ground. I compliment him for his hard work over a number of years on behalf of this project.

I appreciate his love for Springfield. Senator DURBIN has talked many times at our weekly Thursday morning breakfast about his love for Springfield. I know that he and his wife Loretta have lived in Springfield for many years. I am hopeful that we can work together and build a wonderful Abraham Lincoln Library that will truly be a credit not just to Springfield but to the whole State of Illinois and the entire country.

I also thank Senator DURBIN for his support and the amendment he offered in the Senate requiring the Federal competitive bid rules. Senator DURBIN has been very supportive and the whole Illinois delegation supports the project. There has simply been a difference of opinion as to which bidding rules should be attached.

I did want to point out that the State code does contemplate, where Federal strings are attached, Federal appropriations, that State agencies receiving Federal aid, grant funds, or loans, shall have the authority to adapt their procedures, rules, projects, drawings, maps, surveys, and so forth, to comply with the regulation, policy, and procedures of the designated authority of the U.S. Government in order to remain eligible for such Federal aid funds.

I think that provision would be helpful in the case of this grant or any other grant where the Federal Government seeks to ensure the proper accountability of the Federal funds.

I compliment my colleague and thank him for his working and allowing me to make my views known. I look forward to continuing to work with the Senator this year and in following years.

Mr. DURBIN. I thank Senator FITZGERALD.

In closing, you know your senatorial lineage is traced to Steven Douglas, and I checked the history of the Senate. I am afraid he is on our side of the aisle, and he traced himself to my seat. You have some distinguished senatorial colleagues who proceeded you, and I am certain you are very proud of them as well.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from California.

Mrs. BOXER. It is my understanding I now have 30 minutes.

The PRESIDING OFFICER. The Senator is correct.

ROYALTY PAYMENTS

Mrs. BOXER. I am pleased to come to the floor today to try to shed a little light, if not a little heat, on an issue that was raised by the Senator from Alaska, Mr. MURKOWSKI, when he asked unanimous consent that we take up H.R. 2884, but substitute his amendment to that bill, and pass it. The unanimous consent request was made by the majority leader on behalf of Senator MURKOWSKI. He came to the floor with a very eloquent discussion of why he believed it was important.

I am one of the Senators—there is more than one—who objects to this bill. I think it is very important to state clearly on the record why. First, H.R. 2884 as it came over from the House does exactly the right thing. It reauthorizes the Strategic Petroleum Reserve, and it sets up a home heating oil reserve. That is very important for the people of this country, particularly the people in the Northeast. We could pass that in 1 minute flat by unanimous consent request. No one has any problem.

What is the problem, my friends? Senator MURKOWSKI has essentially added to that bill a whole new body of law concerning royalty payments by the oil companies, which they owe the taxpayers of the United States of America. It deals with the ability of the oil companies to pay, not in cash—which is essentially the way they pay now—but in kind. It would encourage, by many of the provisions in it, the payment of these royalty payments in kind. In other words, Uncle Sam would become the proud owner of natural gas, Uncle Sam would become the proud owner of oil. And, by the way, Uncle Sam would then have to in some cases market that product.

I don't think we are good at becoming a new Price Club. I really don't. My friend from Alaska says: But the Government wants to do it, they want to do it. They came to us; they asked us; they want to do it. Show me one bureaucrat in Government who doesn't want more power, more authority, more jobs, and I will show you a rare bureaucrat.

The royalty payments that come into this Federal Government go to the Land and Water Conservation Fund. Let me be clear what a royalty payment is. When you find oil on Federal land offshore and onshore, you must pay a percentage of that to the taxpayers. It is like rent. You are using the taxpayers' land, the offshore areas, and you have to pay a certain amount of rent based on the value of the oil or gas you recover.

This is an area that has been fraught with complication and difficulty. I frankly have found myself on the side of the consumers who have said they have been shortchanged by the oil companies. I believe that those of us who fought for 3 long years for a fair royalty payment did the right thing. Why do I say that? Because under the old system there have been lawsuits and almost in every case—I do not even know of any case where we did not prevail on behalf of the taxpayers.

I hear today that the Federal Government has collected, because there have been some recent settlements, almost a half a billion dollars of payment from the oil companies. Do you know why? Because they have been cheating the taxpayers out of the royalty payments that they were supposed to make based on the fair market value. One of the ways they have cheated the taxpayers is to undervalue the oil. If you are in beginners math, you know a percentage of a smaller number will yield yet a smaller number. So they did not do the proper math. They didn't show what the oil was worth. They undervalued the oil and then they took a percentage of the undervalued oil and gave it to the taxpayers and we were shorted a half billion dollars—maybe more. That is just the recent settlement.

So after 3 years of fighting—and, believe me, I had to stand on my feet and fight long and hard, and so did a lot of my colleagues, and I thank them—we were able to make sure that a fair way of determining the fair market value of that oil was put in place.

In the middle of all this comes the payment-in-kind program. In other words, instead of paying cash, we say to the oil and gas companies we are going to try an experiment. We are going to try a pilot program. We are going to allow you to pay your royalties in kind. That is like if you owed the Government your income taxes and said: Uncle Sam, I'm short. Will you take the payment in, say, my mother's antique chest? That's worth about $1,000 and that's what I owe.

By the way, we do this with no other commodity. We have checked the records. We say to them something we say to no one else who owes the Federal Government: You can pay your dues, your royalty payments, in kind.

I have a lot of problems with that. A lot of my colleagues think it is just great. But, again, it is my experience that we do not do too well in the business world in government. We are better off doing our work here, getting that straight. Now we are going to expand. It is going to be Uncle Sam's Oil Company; Uncle Sam's Gas Company: Drive in and fill her up.

Of course I am exaggerating; it will not be exactly that. What we will do is market the product and sell it and probably pay the oil companies to do all that marketing for us so they will get back plenty of money. We will wind up paying them to market their product. This is a very confusing matter.

So what happens? Without one hearing in the Energy Committee, we have before us a substitute bill that I have objected to and others have objected to that would essentially say, regardless of all the work, Senator BOXER, that you and many of your colleagues went through to get a fair royalty payment, we are going to come around in the backdoor when nobody is looking and we are going to put in a new way to figure out how to pay royalties. We are going to expand this payment-in-kind program even before we have held one hearing on whether it even works. The pilot programs are going to be completed very soon, in about 3 or 4 months, at least one of them. Another one will be done next year. What is the rush to pass a 5-year authorization on royalty payments in kind? What is the rush? Is that the way to govern? Is that the way to legislate?

No other industry in America gets this chance. I say, if you read the substitute offered by my good friend, Senator MURKOWSKI, you are going to find a few things in there that are going to raise your eyebrows.

In the very first draft, they set up another definition of "fair market value." I protested. They dropped it. Now it just says the royalty in kind has to be paid in a fair market value, but it doesn't define it. It doesn't do what the rule does for the in-cash payments. So now you have two conflicting ways, one way that is clearly defined if you pay in cash and one way that is open to interpretation, fair market value—whatever that means—for the payment in kind.

Do you know what I see? Again, you don't have to be an expert in economics. I was an economics major, but that was so many years ago I don't pretend to be an expert. But if I say to you, "fair market value," you are going to say, "I think that is a willing buyer and a willing seller."

If I ask Sarah here, who has worked so hard on this, she is going to say: I think that is a little risky because the seller might be a subsidiary of the buyer. That is not arm's length. It has to be an arm's length agreement.

Somebody else might say: Forget that. Let's just go to the published newspaper in terms of what the oil is selling for on that date.

Frankly, that is the one I like. That is the one we use in the definition when you pay royalty in cash.

The first problem is you are setting up a whole conflict here. I will tell you, those guys with those sharp pencils who are in the oil company, they are going to go for payment in kind because there is not any real definition. They are going to give us less oil and less value than we would get.

So then you say to my friend, Senator MURKOWSKI, let's at least put in this legislation a statement that says: Under no circumstances should we get less than we would get if it was payment in cash because, again, this money goes to the Land and Water Conservation Fund, which is our conservation fund. We buy lands with it. We fix up parks with it. And the State share—because States get a share of the royalty payment—that goes to the California classrooms.

Are they going to send oil to the California classrooms? Are they going to send natural gas?

So we said: Look, we have to work out these problems with the States. In any case, we can't have less of a payment than we would have if you paid in cash. So we said: Will you put that in the language? "Under no case will we get less than we would get if we got payment in cash."

Oh, no, they use the word "benefits," not revenues. The benefits have to be equal or greater.

I said: Wait a minute. What does that mean?

Well, the Secretary will decide if there is a benefit.

Let me tell you I have seen Secretaries of the Interior come and go. I saw one who said: Don't worry about the ozone layer leaving us. Don't worry about a hole in the ozone layer; just wear a hat and put on sunscreen. Don't worry about cancer. That was one Secretary of the Interior.

So in this 5-year authorization that never had a hearing, before the pilot programs are through, we are leaving all this up to the Secretary of the Interior, whoever he or she may be.

We have seen Secretaries of the Interior who fought on behalf of the environment. We have seen Secretaries of the Interior who fought on behalf of big oil. I am not here to give authority to the Secretary of the Interior to decide when it is in the benefit of the United States to take less than what you would get if you received a payment in cash.

I understand from Senator MURKOWSKI's staff that he feels strongly about this and he is not going to back off. He is going to file a cloture motion and all the rest of it. That is fine. We will stay here past the election because I am going to stand on my feet because I don't think the taxpayers ought to be ripped off again. They have been ripped off for years. We finally resolved the situation, and we are now back to square one.

Again, I reiterate, the underlying bill that came over from the House is a beautiful bill.

It deals with two things which we need to do: We need to fill up the Strategic Petroleum Reserve and reauthorize it, and we need a home heating oil reserve. I will say we are told by the administration that they actually can act on this without this legislation, but it certainly would be better to have it.

I say to my friend, Senator MURKOWSKI—and I will not do it now in deference to the fact he is not here—I would like to move the underlying H.R. 2884 as it came over here and pass it 5 minutes a side. We can do it if we did not add all this royalty in-kind section to it.

The last point I wish to make on this subject is, in the Interior bill that is now before the Senate, we have already taken care of this problem. The Minerals Management Service came to us and said: We need a little help with the pilot program because we really want to make sure we are giving payment in kind every chance. The Minerals Management Service wants to go into the oil business. That is great. They want to be the Price Club of the United States of America. So they want help. OK.

We took care of them in this Interior bill. We gave them what they wanted. We allowed them to calculate this royalty in a way that they can subtract the cost of transportation, even subtract the cost of marketing oil. The oil companies get a good deal. Senator MURKOWSKI wants a 5-year authorization without one hearing. He wanted to pass it by unanimous consent, no amendments, nothing.

I may sound upset, and it is true, I am upset because I think the consumers get a raw deal. Every time we have a little problem with an energy supply, what do we hear around this place? Drill in ANWR; let the oil companies pay lower royalties, and meanwhile the oil companies are earning the biggest profits they have ever earned, causing Senator PAT LEAHY of Vermont to come down here and propose a windfall profits tax on the oil companies. But it is not good enough for them to earn $1 billion and $2 billion in a quarter—in a quarter—to have 100-percent profits and 200-percent profits and 300-percent profits. They have to pay us less in royalties. If you knew what this amount was—it is so minuscule compared to their profits—it would shock you.

It is not minuscule to the child who sits in a California classroom. It is not minuscule to the Land and Water Conservation Fund or the Historic Preservation Fund, but yet here we are when we should be doing energy conservation, when we should be having a long-term energy plan, the first thing we do, because the Senator from Alaska attaches it to an important bill, is give a break to the oil companies again with these royalties in kind.

Boy, I tell you. Maybe the Senator from Florida will be interested to know this. There is not any other business in America that pays in kind. It would be interesting if you had to pay your IRS bill and you said: I have a few extra things around the house I am going to send in.

It is hard to believe we would have an authorization to really expand the payment-in-kind program without one hearing. I am stunned. It is taken care of in the Interior bill. We gave them a narrow bill. We did not mess with the definition of how you are supposed to pay, what you are supposed to pay. We did what the Interior Department wanted.

If this is going to a cloture vote, I tell my friends, so be it. I have other friends on this side of the aisle who agree very strongly, and we are going to stand on our feet and it is not going to be pleasant, it is not going to be happy, but we are going to have to do it, and let us shine the light of truth on the whole oil royalty question.

They are going to get up and say: Oh, it's the mom and pop little guys. Fine, let's do this for the mom and pop little guys. I will talk to you about that. But do not give the biggest companies—these are multinational corporations making excess profits—another break, and suddenly Uncle Sam goes into the oil business and the gas business.

This whole issue of an energy policy is important. It came up in the debates, and what we heard from the two candidates was very different. George W. Bush had one energy policy and one energy policy alone, and that is more development at home. By the way, we have had a lot more oil development here—and I am going to put that information in the RECORD—since Clinton-Gore came in. But they want to go to a wildlife refuge and drill in a wildlife refuge.

The No. 1 goal of environmentalists in this country is to protect that wildlife refuge. They want to drill in it, and you say: Senator BOXER, how much oil is in there? The estimate is about 6 months of oil. Period. End of quote. Forever. Some say if you got every drop out of it, it could go for 2 years, but that is the outside; most people think it is 6 months.

To me that is a contradiction in terms. We have to figure out a better way. I will give you a better way. We can save a million barrels of oil a day—a million barrels of oil a day—if we just say the SUVs should get the same mileage as a car. A million barrels of oil a day, and yet when that comes up, people duck for cover around here.

How have the President and the Vice President tried to have an energy policy? First of all, since they came in, oil and gas production on onshore Federal lands has increased 60 percent, and offshore oil production is up 65 percent since they came in, while they are protecting the most vulnerable offshore tracts, off California, off Florida, and other pristine places. We have seen a huge increase there.

They worked to bring an additional 3.5 million more barrels per day into the world oil market. They have taken measures to swap 30 million barrels of oil from the Strategic Petroleum Reserve, and this will help the Northeast not have a repeat of last year's home heating oil shortage. We know it was Vice President GORE who pushed for this, frankly, along with a couple of Republicans and Democrats in the Congress, and it seems to be working. We hope it will.

They supported alternatives to oil and gas, such as ethanol, a renewable resource made from feedstock such as corn, and increasing ethanol use would help reduce dependence on foreign oil. It would help our farmers by boosting corn prices, and since ethanol can be made from waste, such as rice straw, waste straw, trimmings and trash, the greater use of ethanol can turn an environmental problem into an environmental benefit. In other words, it would take trash and turn it into energy. That is a plus.

The other half of the administration's energy policy is to improve energy efficiency. I think it is very important to look at the record here. Having told you that if we go to the Arctic National Wildlife Refuge, we will only get 6-month's worth of oil, what is the answer? Let's see what the facts show.

The administration supported a tax credit to promote alternative sources of energy—solar, biomass, wind, and other sources. The Republican Congress said no.

The administration recommended tax credits for electric fuel cell and qualified hybrid vehicles. It was a 5-year package of tax credits. The Republican Congress said no.

The administration advocated a tax credit for efficient homes and buildings. The Republican Congress said no.

The administration recommended tax incentives for domestic oil and gas industries. The Republican Congress said no.

The administration requested $1.7 billion for Federal research and development efforts to promote energy efficiency in buildings, industry, and transportation, and expanded use of renewable energy and distributed power generation systems. And the Republican Congress partially funded that program.

The administration requested $1.5 billion for investments in energy R&D for oil, gas, coal, efficiency, renewables, and nuclear energy. What was the answer of the Republican Congress? No. And they introduced legislation to abolish the Department of Energy. That is a great answer.

George Bush is saying we have no energy policy, and most of his party said: Do away with the Department of Energy. That was at a time when oil prices were low. They said: We don't need it. That is some policy.

It goes on.

The administration requested $851 million for energy conservation for the Department of Energy. The request was cut by $35 million.

They requested money to continue the Partnership for a New Generation of Vehicles. That was cut in half by the Republican Congress.

They requested $225 million for building technology assistance funding. That was cut.

They asked for $85 million to create a new Clean Air Partnership Fund to help States and localities reduce pollution and become more energy efficient. The Republican Congress said no.

It goes on.

The administration recommended studying increases in the fuel economy of automobiles. We know that 50 percent of the cause of our energy dependence is automobiles. What did this Republican Congress do? It prohibited the administration from even studying the increases in fuel economy standards in a rider to the appropriations bill.

So now we have the Republican standard bearer standing up in a debate saying: Where is your energy policy? There were 20 initiatives. I have only mentioned part of those. And they said no to the vast majority of them, and they said, OK, we will give you a little bit for a few.

It seems, to me, disingenuous—and that is the nicest way I can say it—to be critical of Vice President GORE, saying he has no energy policy, when every single proposal, except maybe a couple, was turned down with a vengeance.

Then, when we have a problem, our friends on the other side come down and say: You see the other side, they care about the environment too much. They will not drill in a wildlife refuge.

I say, thank you for mentioning that because if there is anything I want to accomplish here in the short time that any of us has in the scheme of things, it is to protect this magnificent area.

I wish we could join hands across party lines on energy. I say to the Presiding Officer, we have worked together in the Committee on Public Works. We have worked, for example, on ways to replace MTBE in a good way. We have worked on ways to make sure that we do not rob the States of their transit funds. I think we can do this. I do not think it is fair, however, for the candidate of the Republican Party to accuse the Vice President, who has proposed numerous ways, both on the production side and on the demand side, to resolve the problem, and say, there is no energy policy, when time after time after time it has been thwarted in this very body and in the House.

I remember when I first went into politics—a very long time ago—we had an energy crisis. At that time, we realized our automobiles were simply gas guzzlers. I remember. They used to get 10 miles to the gallon, 12 miles to the gallon. I am definitely showing my age when I admit that. I remember that. And now we are doing better, but we can do better still.

I say to you that rather than go into a pristine and beautiful wildlife refuge—which we really owe to our children and our grandchildren and their kids; we owe them the preservation of that area—rather than do that, we could take a few steps here that can really make us so much more energy efficient, that we will be proud to say to our children and our grandchildren that we took a few steps. We did not inconvenience anybody.

Our refrigerators do a little bit better on energy use, our dishwashers, and our cars. I say to my own kids, who are at that age when they love those cars—I have a prejudice against those big SUVs because it is hard for me to climb into them. The bottom line is, they are very nice, but we can do better for our Nation and not be dependent on OPEC.

Fifty percent of our problem has to do with transportation. So we do not have to say: Oh, my gosh, we have a problem. Drill in a wildlife preserve. Oh, my gosh, we have a problem. Destroy the coast of California; ruin the tourism industry; ruin the fishing industry; risk oil spills. We do not have to go there.

We were sent here to find better ways of solving problems. Having an energy policy is important, but it takes two to tango. The Congress cannot do without the President, and the President cannot do without the Congress. The President proposes and Congress disposes. Unfortunately, they disposed of almost every single idea this administration had. We are suffering the consequences. So the issue is brought up at a Presidential debate, when people are pointing at each other, and we right here had a chance to do much better.

The PRESIDING OFFICER. The Senator's 30 minutes have expired.

Mrs. BOXER. I thank the Presiding Officer. This was a chance for me to explain my vociferous opposition to the substitute offered by Senator MURKOWSKI and to talk about an energy policy. I appreciate your patience, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to take 6 minutes of the leader's time to speak as in morning business on the continuing resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I want to briefly describe my own thoughts on this royalty-in-kind issue.

First, let me say, the Senator from California, and, before her, the Senator from Alaska, talked about a great many issues related to our energy situation. I do not have the time and I have not come to the floor prepared to address all of those. I generally agree with the Senator from California that we need a balanced energy policy. We need to not only do things to increase supply, but we also need to reduce demand in this country. We have fallen short in that regard.

I have proposed legislation, which the administration strongly supports, much of which the Senator from California referred to, that I believe would help us to reduce demand and also help us to increase production. I am sorry that we have not been able, as a Congress, and as a Senate, to bring that up for consideration this year. I hope we still can before we adjourn, but the days are growing short.

Let me speak for a minute about the particular bill and the royalty-in-kind issue.

As I understand it, the action which started this discussion was an effort to move to H.R. 2884. This is the House version of EPCA. EPCA stands for Energy Policy and Conservation Act.

That is an important piece of legislation. It reauthorizes the Strategic Petroleum Reserve. It sets up a heating oil reserve in the Northeast, about which many feel very strongly. It does a variety of things. It gives the Department of Energy authority to pay above-market prices for production from stripper wells in order to fill the Strategic Petroleum Reserve when the price of oil falls below $15 a barrel. It does other things on the weatherization grant program. It has some useful provisions and contains a variety of other things.

It also contains a provision that the Senator from Alaska has strongly supported, and is intent upon keeping in the bill, on the subject of royalty in kind.

Let me explain my thoughts on that.

The Congress—for several Congresses now—has spent a lot of time arguing about, How do you determine what the royalty ought to be when the Federal Government allows for production of oil and gas on Federal lands? What amount of money is owed to the Federal Government?

We all know it is 12.5 percent; it is one-eighth. But how much is that in dollars? There is a lot of litigation on that subject. There has been, for a substantial period of time, a lot of debate on the subject.

The Federal agencies which manage our Federal oil and gas resources indicate that in certain circumstances they believe the United States has the opportunity to realize more money by actually taking its one-eighth in royalty in kind; that is, actually taking that royalty in the form of oil or gas instead of receiving it in cash.

The thought is that there is more of a benefit to the Government in some circumstances. Existing law authorized the Department of Interior to do that very thing. But under this authority, the Mineral Management Service, MMS, which is part of the Department of Interior, has conducted several very promising pilot programs on this subject of royalty in kind. Two of the latest of these involve Federal onshore oil, conducted in cooperation with the State of Wyoming and offshore gas in the Gulf of Mexico. Those are two examples.

Early indications from both of these are that these pilot programs will result in greater revenue for the United States and for the taxpayer than would have been received had the oil and gas been taken in value, had the Government been paid dollars instead.

As an example, the thought of the Senator from California, as I understood it, was that there is something unfair to the Government by having the Government take its oil or its gas in kind. An analogy which we might think about is if the Government were owed one beer out of a six-pack, would it make more sense for the Government to take that beer or would it be better for the Government to go through a lengthy process of trying to establish the value of that one beer once it considered the cost of transporting the six-pack and the cost of storing it and all the other things. And in some circumstances, as I understand it, the Department of Interior, through this Minerals Management Service, has determined that it is in their interest to go ahead and take the royalty in kind instead of trying to calculate and argue about the price of it.

Based on these programs that have been in place, MMS, the Minerals Management Service, has determined that it could conduct a more efficient program, one that would be more likely to result in increased revenues, if it were able to pay for contracts for transporting and processing and selling the oil and gas it takes from Federal leases. Existing authorities allow the MMS to enter into contracts for these services but do not provide a way for them to pay except under general agency appropriations.

The amendment the Senator from Alaska has offered and I have cosponsored grants to the Department of Interior authority to use the money it makes when it sells oil and gas it takes in kind to pay for the expenses incurred in preparing it for sale, including its transportation, processing, aggregating, storing, and marketing. There is a 5-year sunset on this.

The amendment adds to existing law some very substantial protections for the Government and for the taxpayer.

It requires the Department to stop taking royalties in kind if the Secretary of Interior determines that it is not beneficial to the United States to take royalty in that form.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BINGAMAN. I ask unanimous consent for an additional 2 minutes from the leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. It also requires that the Department report extensively to Congress on how the program is going. None of these requirements exist in current law. The royalty-in-kind provision in the Interior appropriations bill does not have these protections. This very bill we are getting ready to vote on in the next few days, the Interior appropriations bill, does grant authority to the Department to take the Federal Government's royalty in kind, but it does not have the protections that are in the amendment the Senator from Alaska and I are cosponsoring.

While 1 year is better than nothing, which is the Interior appropriations language—the Department clearly supports that provision in the Interior appropriations bill—a 5-year authorization gives the agency enough time to actually enter into contracts it would need to seriously test the workability of this program.

I wanted to clarify my own views at least as to what this provision would do. The Energy Policy and Conservation Act is important legislation. I hope we can resolve this dispute and get the legislation up for consideration in this Congress.

I do support the royalty-in-kind provision the Senator from Alaska and I have cosponsored. It will be beneficial to the Government—not to the oil industry but to the Government. It would be a win/win situation, and I do not see it as in any way breaking faith with the American taxpayer.

It would be good public policy for us to go ahead with this. I hope we can do so before the Congress adjourns.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I believe by previous order, I have 30 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAHAM. Mr. President, I am here today in support of my colleague from Louisiana and to express my dismay at the content of the Interior appropriations conference report which we are considering. Senator LANDRIEU knows better than each of us the amount of work, dedication, and focus it took to produce the widely and wildly supported legislation, the Conservation and Reinvestment Act, or CARA, which has passed the House, passed the Senate Energy and Natural Resources Committee, and now awaits Senate floor action.

We have a unique opportunity before us in this session of the Congress: the ability to enact conservation legislation that will have a positive impact not just for ourselves but for our children and grandchildren, long after we have left this Chamber.

This opportunity is in the historical mainstream of the United States of America. We are starting a new century, the 21st century. It is the third full new century that has been started since the United States of America became a sovereign nation.

The first of those full centuries was the 19th century. We were led into the 19th century by one of our greatest Presidents, whose bust is above the Presiding Officer, Thomas Jefferson. Thomas Jefferson had a goal, a goal to acquire the city of New Orleans, which ironically is the home of Senator LANDRIEU. The purpose was to secure water transit on the Mississippi for American commerce, as it was developing in the Mississippi Valley, the Ohio Valley of the Presiding Officer, and later in the Missouri River Valley.

President Jefferson suddenly had a unique opportunity before him. While his negotiators were discussing with the French, the then-owners of New Orleans, the purchase of that city, they were met with a counter offer. Don't just buy New Orleans; buy the entire Louisiana territory.

President Jefferson seized this opportunity and fundamentally transformed the United States of America. No longer were we an Atlantic nation. We were a continental nation. No longer were we a nation in which Americans were quickly using up their original land; we were a nation that had an enormous new area to develop.

America suddenly had also been saved from the prospect of North America becoming a battleground for European rivalries because, with Louisiana in hand, the United States would be the dominant force in North America and would not have to contend with the prospect of the English, the French, the Spanish, and other Europeans attempting to settle their long animosities on our territory.

That was a truly bold idea, an idea that led us into the 19th century and has forever transformed our Nation.

We began the 20th century with another similarly bold leader, Theodore Roosevelt, whose bust is just outside the main entrance to the Senate Chamber.

Theodore Roosevelt had an idea that America should become a place which respected its natural heritage. So in his almost 8 years as President, he added to the national inventory of public lands an area that is the size of all the States which touch the Atlantic Ocean from Maine to Florida—an enormous contribution to our patrimony which, again, has served to transform both our idea of America and our access to America.

We had an opportunity to start the 21st century with an idea which, if not of the scale of either the Louisiana Purchase or Theodore Roosevelt's commitments to public lands, would have been a statement that our generation still recognized its obligation to prepare for the future, as those two great leaders had done.

That was what the Conservation and Reinvestment Act was about—to take a portion of the Anglo revenue, which the United States receives from Outer Continental Shelf drilling, and invest those funds in a better America for our future generations.

I submit that this opportunity for a bold, grand idea in the tradition of Jefferson and Roosevelt—an idea that could have come close to being a legacy—is now, in fact, sadly a travesty, a mere shadow of what could have been. I suggest that there is no more inappropriate time for us to turn timid and retreat from what could have been. When Theodore Roosevelt became President of the United States in the early part of the 20th century, the United States had a population of approximately 125 million people. By the end of the 20th century, the United States has a population of 275 million people.

The U.S. Bureau of the Census projects that by the year 2100—100 years from today—the population of the United States will be 571 million Americans. It is our obligation—as it was Thomas Jefferson's and Theodore Roosevelt's and those who supported their vision of the future—to begin the process of preparing for that next America that is going to arrive in the next 100 years. That next America has to be our grandchildren. They are the people who are going to make up the 571 million Americans in the year 2100. It is possible that some of the young people who are here with us today may live through this full century and experience what that new America is going to be like. How well we are preparing for that new America is being tested by what we are doing today. I am sad to say that in the retreat from providing for an ongoing, significant source of funding to provide for the variety of needs of that new America, we are failing the next America.

Like the occupant of the chair, I have served as Governor of a State. I believe one of the most lamentable aspects of this failure is the way in which we have treated States. States are our partners in this great Federal system. Probably of all the contributions the United States has made to the theory of government, none has been as significant as the concept of federalism: That we could have within 1 sovereign nation 50 States that were sovereign over areas of their specific responsibility, and that in many areas those sovereignties would merge in respectful partnerships in order to accomplish goals that were important to the citizens of an individual State but also important to all Americans.

Many of the programs that were the objective of the CARA legislation were in that category of respectful partnerships between the Federal Government and the State. For those respectful partnerships to be effective, in my judgment, there are some prerequisites. One of those prerequisites is that on both sides of the partnership there must be sustainability, predictability; both partners must bring to the table the capacity to carry out their mutually arrived at plans and visions.

The CARA legislation, as it was passed by the House of Representatives—I might say by an overwhelming vote—and voted out of the Senate Committee on Energy and Natural Resources, had such a vision because it would have provided through this source of funds of the Outer Continental Shelf a guaranteed source of revenue to meet the Federal side of that respectful partnership with the States in everything from urban parks to historic district redevelopment, to the development of urban forests—a whole array of needs which our growing population requires.

With that assured source of financing, there could have been some other things accomplished. One would have been good, intelligent planning as to how to go about using public funds to the greatest benefit. Part of that planning would have been to have set priorities in which people would have had some confidence. When you say priorities, by definition, you are telling some people they are at the absolute front of the line, other people are a few spaces back, and some are toward the end of the line.

But if those who stand in line believe their turn in fact will come if they are patient and, if they do the planning that is asked of them, they will finally receive their reward through Federal participation in funding, I am afraid that what we have just done is lost that opportunity because of what we have in the conference report of the Department of the Interior. Under title VII, the land conservation, preservation, and infrastructure improvement title, which is offered to us as the substitute for CARA, we have this language:

> This program is not mandatory and does not guarantee annual appropriations. The House and the Senate Committees on Appropriations have discretion in the amounts to be appropriated each year, subject to certain maximum amounts as described herein.

So we have no respectful partnership, and therefore we have no reasonable expectation that the kind of goals that were at the heart of the CARA program will in fact be realized. I suggest that our partners in the States who, from virtually every organization that represents State interests, had advocated passage of the CARA legislation will find this to be a particularly disappointing and sad day.

In addition to the fact that we are squandering the opportunity that comes with the enthusiasm of the new century, in addition to the fact that we are failing to meet the challenge for the new America, which will occupy this great Nation in the next hundred years, and in spite of the fact that we have acted in an arrogant and disrespectful way to our partners, the States, there is yet another tragedy in what is being proposed. That tragedy is our national parks.

On July 25, 2000, the Senate Energy Committee passed its version of the CARA bill, containing what I consider to be one of its most important aspects—the national park protection fund. This fund would provide $100 million in assured, guaranteed funding for the parks for 15 years, $100 million a year, for the purpose of natural, cultural, and historic resource preservation and restoration. This was a critical section of the bill. It was mirrored after a bill which I introduced in April of 1999. During our markup in the Energy Committee, I supported this section. I did believe that it should have included even more money to adequately address the needs of our national parks.

I might say in that view that I was joined by a number of members of the Energy Committee who advocated a more significant commitment to the protection of our national parks. I am blessed to say that since this bill was reported by committee, we have had even another ally join in this effort. We have had the Republican candidate for President of the United States, Gov. George W. Bush. Governor Bush, on September 13 of this year, stated that he would commit to spend $5 billion on maintenance of the national parks over the next 5 years "to renew these national treasures and reverse the neglect."

We are rejecting the advice and recommendation of the Governor of Texas, the Republican nominee for President of the United States, with this legislation because what it provides for national parks maintenance is only $50 million for 1 year. Fifty million dollars for 1 year is all we are going to be voting for if we accept this conference report—not the $5 billion over 5 years that Governor Bush has wisely recommended we invest in the restoration and revitalization of the great national treasure of our national parks.

The conference report today takes a tremendous step in the opposite direction in terms of a commitment for the rejuvenation of our national parks. It is wholly inadequate. I rise today to plead for our national parks.

As Senator LOTT said at a press conference in support of the CARA legislation earlier this year, even Kermit the Frog supports this bill. To borrow a phrase from America's favorite frog, "It's not easy being green." It is also no simple matter maintaining the beautiful pinks and rich browns of Utah's canyons, the bright reds and oranges of Virginia's leaves in the fall, and, of course, the myriad colors that comprise America's Everglades. It is not easy. But it is critically important. It is our responsibility.

The parks tell the story of what and who we are and how we came to be. They contain the spirit of America. Maintaining these national treasures takes commitment to conservation and environmental preservation. That commitment takes money—reliable, sustainable, predictable money—in order to be able to undertake the kinds of projects which are necessary to preserve our great natural and cultural heritage.

There are many examples I might use to demonstrate this necessity for a sustained, reliable source of money to protect our heritage. Let me just use one that I have had the occasion to visit twice in the last few months; that is, Ellis Island.

Ellis Island, as we all know, is the place through which some 15 million persons seeking the freedom and liberty and opportunity of the United States first entered our country. It is a site which is seeping with the history of America. It is a site which is composed of about 40-some buildings, including the first public health hospital in the history of the United States; it is on Ellis Island.

You may have seen some television programs which were broadcast from Ellis Island that show a series of buildings which have been renovated to their 19th century style with brilliance and beauty. Unfortunately, what you do not see are the other 35 buildings in back of those that have been rehabilitated. When you walk through those buildings, what you see is some of the history of America crumbling literally before your eyes and feet.

The reason for this crumbling is that there has not been an adequate, reliable source of funds to maintain this and many others of our national heritage. The superintendent of the park told me that if she had a reliable source of funds, she could organize a rational plan for the rehabilitation of these historic buildings and, at considerable savings to the taxpayers, commence the process of saving these buildings.

What we have before us is not a bill that gives us the opportunity of salvation. Rather, it is a program that virtually assures the disintegration of Ellis Island and other invaluable parts of our Nation's history and culture. Today, protection of our natural resources and our historic and cultural resources has fallen further and further behind.

Suffering takes many forms. Wildlife is suffering. In the park I know the best, America's Everglades and the great Everglades National Park, the number of nesting wading birds has declined 93 percent since the 1930s. One study of 14 national parks found that 29 carnivores and large herbivores had disappeared since these parks were established and placed under our trusteeship and protection. Only half the islands in the Park Service's historic collections are cataloged.

Often it takes an act of individual intervention in order to save an important national treasure. I have had the good fortune to have my daughter marry the son of a great American historian, David McCullough. David McCullough has sounded the national alarm at the disintegration of much of our historical and cultural treasures. One of those for which he sounded the alarm was the Longfellow house in Cambridge, MA. Not only was it the home of a great American family, it happened to be the home where George Washington lived when he was establishing the first components of the American Colonial Army that would eventually be victorious in the American Revolution—an extremely important site in American history, a site which, lamentably, was collapsing.

David McCullough, a sophisticated person with considerable ability to energize action on behalf of a worthy project, went to one of our colleagues, Senator KENNEDY, and brought to Senator KENNEDY's attention what was happening at the Longfellow house in his State of Massachusetts. Senator KENNEDY came to the Congress not too many years ago and got specific funding for the Longfellow house. Now it is on the road back to recovery.

But do we have to depend upon the convergence of a historian and an influential Senator to save our national heritage? Are we going to say it is important enough that we do this on a predictable, sustained, professional basis? We have that opportunity with the CARA Act. We are about to lose that opportunity with this conference report.

Only 62 percent of conditions needed to preserve and protect the museum collections within our National Park System meet professional standards for their protection. Considering only the park's portion of the CARA compromise—words which I find objectionable—but of only the park's portion of this alleged CARA compromise, we have nearly 290 million reasons to oppose it. Those 290 million reasons are the 290 million persons who last year visited our Nation's parks. That number grows each year as our children and our grandchildren take our place among the mountains, the forests, and the historic sites which comprise America's National Park System. The parks are more than just popular destinations. They are havens for more than 120 threatened and endangered species.

The National Park Service also oversees a trove of historic artifacts that represent the story of human experience in North America, some 75 million items of our history.

We owe to future generations, we owe to our children and our grandchildren, and their grandchildren, the chance to learn this story. We owe them the same opportunity to appreciate the majestic beauty of this land as we ourselves have been lucky enough to experience.

In the words of President Lyndon Johnson:

> If future generations are to remember us with gratitude rather than contempt, we must leave them more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it.

We are seeing that opportunity to leave to those future generations a glimpse of the world as it was in the beginning, we are seeing that opportunity unnecessarily and tragically slipping away.

A steady diet of green will keep our natural treasures healthy well into the next century. We have the opportunity to do this. When the legislation establishing our Outer Continental Shelf drilling program and the royalties that would be derived was established, the theory was we would take the resources that we gathered as we depleted one natural resource, the petroleum and natural gas under our Outer Continental Shelf, and we would use it precisely as a means of investment in the future of our country by investing it in the protection of our most valuable natural historic and cultural resources.

That is the opportunity that the legislation which was introduced, passed overwhelmingly in the House, passed by the Senate Committee on Energy and Natural Resources—and I am proud to say with the support of our Presiding Officer—gave us. It is an opportunity we are about to fritter away.

The CARA compromise does not achieve any of these significant goals. This Senate will diminish itself in terms of its appreciation of our American experience. We will diminish ourselves in terms of our political will. We will diminish ourselves as viewed by the history of our own grandchildren if we are to accept this compromise as being an adequate statement, the beginning of the 21st century of what we think our responsibilities to the future are.

I urge we defeat this conference report, that we defeat this feeble compromise, and that we start again by bringing to the Senate floor the legislation which has passed out of the Committee on Energy and Natural Resources and give us an opportunity to debate it. Those who have some objections should offer amendments. That is the democratic way. I am confident it will pass and that it will be accepted by the House of Representatives, and signed with enthusiasm by the President, and then we will be worthy of the offices we hold and worthy of our responsibility to the American past and to the American future.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. What business is before the Senate?

The PRESIDING OFFICER. The pending resolution, H.J. Res. 110, is under a time limit.

Mr. GRAMS. I ask unanimous consent I be allowed to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUGS

Mr. GRAMS. Mr. President, I come to the floor this evening to talk about an issue which has commanded a lot of attention lately in this body, an issue which has been a major concern of mine for a long time. That is, prescription drug coverage under our Medicare program.

Prescription drugs, as we all know, are becoming an increasingly important, in fact, an essential component of our health care delivery system in the United States. Because of their increasing role in the improvement of health outcomes, I believe a newly designed Medicare would unquestionably include a prescription drug benefit. Unfortunately, Medicare is still operating under a 1965 model. Our seniors continue to lack this very essential coverage.

Over a year ago I introduced the Medical Ensuring Prescription Drugs for Seniors Act, or MEDS, and this role would provide a prescription drug benefit for all Medicare-eligible beneficiaries, and on a volunteer basis. My plan would ensure that our neediest seniors would get the assistance they need, when they need it, for as long as they need it. And MEDS, as most other plans that have been introduced in the Senate, is a comprehensive, Medicare-based approach and will take a few years to fully implement.

Though I fully support MEDS and will fight for its passage, I believe our seniors need some relief now. To that end, I am supporting Senator ROTH's bill, which would send Federal funds back to the States today in order to establish or improve our prescription drug coverage immediately for our seniors and those seniors who need that help and coverage now.

I want to be clear, the only way that Congress will be able to address the prescription drug needs of our seniors this year is to pass the Roth proposal. We need to do it. Unfortunately, our friends on the other side of the aisle disagree with that view. They would rather work to push a massive Medicare-based plan which only seems to increase the burden on the majority of seniors through increased premiums, reduced benefits, and more bureaucracy; in other words, create a bigger and bigger government bureaucracy to handle this.

I believe it is a backdoor tax increase on our seniors, which is both irresponsible, and it would be totally unacceptable, especially to those who really need the help in the coverage to afford prescriptions.

The Democratic proposal, which Vice President AL GORE and others advocate, is frought with a lot of problems. First, his plan would take 8 years to be fully implemented—8 years. The Roth bill would go into effect today. The Vice President's plan would take 8 years to phase in.

You don't hear that when they talk about it, do you? But we all know that our seniors cannot afford to wait 8 years, especially the neediest of our seniors' population, to start realizing a prescription drug benefit under our Medicare program.

This is a part of the plan that often goes unmentioned and one that needs to be highlighted. Either have a plan now that is immediate and provides help to our seniors today, or pass a plan that costs more, reduces benefits, and asks our seniors to wait 8 years to have it fully implemented under Medicare.

The second problem with the proposal is that when it is fully phased in, it will put a new tax on our seniors because it asks for premiums of $600 a year in new additional premiums over and above what they are paying. Above and beyond the fact that many seniors would find that $600 to be cost prohibitive, statistics suggest that the average senior uses only about $675 in prescription drugs in a year. I am not a mathematician by profession, but I can tell you when the proposal only covers 50 percent of the costs of the prescription drugs to begin with—so, in other words, after paying your $600-a-year premium, you have to pay a 50-percent copay on all the drugs you consume, and I believe there is also a cap with it—it means that for the additional $600 premium, again a new tax on our seniors, the average senior would receive at best $37.50 in benefits.

Considering the enormous financial burden this is going to place on an already ailing Medicare system, I am not sure the American people are going to want to assume what will inevitably be a new tax liability and at the same time risk the collapse of Medicare in order to prop up a plan that delivers only pennies a year in prescription drug benefits.

Because it is a bit politically distasteful, supporters of this plan and similar measures fail to mention the cost of these proposals. They make it sound as if this is going to provide Medicare prescription drug coverage to all seniors at no cost. That is the way they always like to present a lot of these plans, that somehow it is free. I don't know of many seniors out there who believe they are going to get something for nothing. When was the last time they had a free lunch? They know that. Our seniors are smarter than that, but yet they are being told these are things we can provide free.

The bill supported by the Vice President and a number of my colleagues will cost nearly $250 billion over the next 10 years. Aside from having to raid either the Social Security or Medicare trust funds to pay for it—and that is how they pay for it. They are going to take money from an ailing trust fund and try to shift it into expanding new benefits and saying nobody has to pay for it but they are basically robbing from Peter to pay Paul and weakening an already weak system.

An equally troubling fact is that it does nothing to modernize the Medicare program at all. It is basically just putting a Band-Aid over an old system that has problems; again, trying to bring in a 1965 model and adapt it to the year 2000. When the Medicare Commission actually made these proposals, President Clinton pulled the plug. He did not even consider what this panel was recommending. But thanks to Senators FRIST and BREAUX, they are introducing this plan which makes sense, and that is to overhaul, to reform Medicare, and to make sure prescription drugs are an important part of that. But the Roth bill would be that stopgap in order to provide coverage today for our seniors until we can have a real Medicare reform package.

In the absence of these important reforms, this plan offered by the Vice President is nothing more than a prescription for disaster. The funding comes out of the Social Security surplus, which, by the way, the Vice President claims to wall off for only Social Security and only Medicare, but while they are doing that they are trying to expand these services and say it is going to cost nothing. It is a free lunch, a free ride. Nobody believes that can happen. Especially our seniors know that there is no free lunch. Adding new demands on Medicare through the Social Security surplus without reforming the program, again, will only put Medicare further at risk than what it is today.

Finally, their proposal provides no flexibility in terms of being able to opt in or opt out of their program. Again, our proposal is voluntary. If it benefits you, you can get into it. If it doesn't benefit you, don't; keep your own coverage as you have it today. But you have a choice.

Again, these big government programs, the first thing they want to eliminate is choice for the consumer, and in this case for our seniors. You only have one shot under the Vice President's plan to get in and that is it. Seniors, as they age into Medicare, need to make a determination whether they want to get in and save a few dollars a year at best, into a system that is going to cost them at least $600 a year in more taxes. If they take it and change their mind, it is simply too late; they are stuck. They are either in or they are out.

I am happy and proud to have been one of the first to introduce a prescription drug plan in the Senate, and I am hopeful that by having done so, my commitment to this issue and our Nation's seniors is underscored. But, most importantly, I want to ensure that any effort we undertake in Congress will actually help to provide assistance to those who truly need it and provide it sooner rather than later; not with a plan where we are going to try to solve the problems for 6 or 10 percent of the population, but the way they try to solve it is to mandate 100 percent of Americans get involved in their big new bureaucracy for prescription drugs. Importantly, too, my plan does not use the Social Security surplus which I have also secured in a lockbox.

I reiterate, I believe our seniors deserve a prescription drug plan that is truly voluntary, one that will not jeopardize the future of Medicare, and one which will not place on the backs of taxpayers any additional burdens or liabilities. Instead, I am hopeful the Senate can pass legislation immediately returning the money to the States to provide relief while strengthening Medicare and implementing the long-term comprehensive benefit that does not result in a new tax on our seniors. We have an historic opportunity to help our Nation's seniors. I believe we should act now, this year.

Mr. President, I yield the floor.

Mr. GRAHAM. Mr. President, will the Senator yield for a question?

Mr. GRAMS. Yes.

Mr. GRAHAM. I say to my colleague, I am concerned that several of your criticisms sound to me as if they are really criticisms against Medicare, as opposed to the idea of prescription drugs being offered through Medicare. For instance, did you just say that you felt it was inappropriate that there be a premium charged for the prescription medication benefit?

Mr. GRAMS. To answer the Senator from Florida, I am not opposed to a surcharge or a prescription charge but a charge that is going to assume a new $600-per-year additional tax or cost on our seniors while providing very little in benefit that would overcome that cost.

Mr. GRAHAM. So you are opposed to the principle of a shared cost program between beneficiaries and the Federal Government in delivering Medicare; is that correct?

Mr. GRAMS. That is not true. The Senator from Florida is inaccurate because in my own plan, my MEDS program is a copay and also has deductibles built in depending on wages or income. It is worked through Medicare and through the HCFA program.

So, no, I do not oppose a shared responsibility or liability but one that is a benefit to seniors, and not one that drains their pocketbooks for little or no benefit.

Mr. GRAHAM. No. 1, you understand, of course, that Part B of Medicare requires, first, a voluntary election to participate and then, second, a monthly premium which today is approximately $45?

Mr. GRAMS. Correct.

Mr. GRAHAM. You also understand the Vice President's plan would require a second voluntary election to participate in prescription drugs, and the monthly fee would be $25, or $300 a year, not $600 a year? Is that correct?

Mr. GRAMS. But his plan is not voluntary. You can voluntarily get in, but when you do not get in, you can't reapply. That is my understanding.

Mr. GRAHAM. No. 2, do you understand Part B of Medicare—I am talking about Medicare as it existed for 35 years—requires the exact same election process as the Vice President's plan would require for prescription drugs? He is doing nothing beyond what we have done for 35 years in Part B of Medicare; that is, the physicians and outpatient services. Do you agree with that?

Mr. GRAMS. My understanding is that in order to be a part of the Vice President's plan of receiving prescription drug coverage, one must pay a $50 premium per month, or new tax, in order to be involved in the system. You have one choice, one chance to get in or you are left out. So you are putting pressure on seniors at whatever age. Then, when you average in what an average senior consumes today in prescription drugs, it is very little if any benefit at all.

Mr. GRAHAM. No. 1, it is $25 a month or $300 a year. No. 2, it is a voluntary election, exactly the same way that you had a voluntary election for Part B for 35 years.

No. 3, you understand that the plan of the Vice President is a universal plan like all the rest of Medicare; over 39 million Americans who are eligible for Medicare are eligible to make the voluntary election to participate in the prescription drug benefit?

Mr. GRAMS. So you are saying the President's plan, when fully phased in, will be only $25 per month or are you talking about the initial plan with the coverage available with the caps and coverage?

Mr. GRAHAM. I am talking about the plan that will be in effect in the year 2002 when we adopt this plan. It will be a voluntary plan. It will be a plan which will be affordable. It will not only give you the benefit of access to 50-percent coverage of your immediate prescription medication cost, but it will also give you, after you pay $4,000, a stop loss, a catastrophic intercept which says, beyond that point, the Federal Government will pay all of your prescription drug bills.

That is, in my opinion, the most important part of this plan because the fear of many seniors, and the thing they see as the potential threat to not only their health but their economic security, is that they are going to fall into a serious illness where suddenly their prescription drug costs are not $20 or $30 a month but are $800 or $1,000 a month.

The Vice President's plan assures that after you have paid $4,000, then you will have a stop loss against any further payments. Don't you think that is a pretty significant security for America's seniors?

Mr. GRAMS. I disagree with the Vice President—if I may reclaim my time—and I will tell you why. Because, as you said, when it goes into effect in 2002, it is not fully implemented for 6 to 8 years. You might start off with a low payment, but it escalates to $50-a-month premiums fully implemented, and it does provide you have to pay 50 percent, up to $4,000.

To compare that with my MEDS plan, we have a $25 copay per month, $300 per year. We do not have a cap for people below 135 percent of poverty. So they will get any amount of drugs for $300 a year compared to the President's $4,000. For some who are on the edge of poverty, they do not have the $4,000, I say to the Senator, to pay for this.

Mr. GRAHAM. As you understand, all of the plans provide for no payment for persons who are above the Medicaid eligibility limit but generally below 175 percent of poverty, which means approximately $14,000 or $15,000. They would pay no premium. They would pay no copayments. They would have no deductibles. For those people, the Vice President's plan would be fully available without any charges.

What we are talking about in both plans is the people who are above 175 percent of poverty. What percentage subsidization would you provide for persons over 175 percent of poverty?

Mr. GRAMS. Not to belabor this debate, and it is good we are talking about it because the American people need to hear it, but over that amount of money you are talking about, we would still have a $25 copay, the $150 deductible, and then no cap at all on coverage. If you were at that income level, you would probably pay, at most, $175 per month for the whole year or $175 per month per year.

Mr. GRAHAM. So you pay $175 a month, is your premium.

Mr. GRAMS. If you are going to have the $25 copay and $125 a month deductible.

Mr. GRAHAM. If I had been there last night—and I know the rules of the first debate precluded having a chart—I would have loved to have had a chart and asked Governor Bush to fill in the blanks. Since we do not have Governor Bush here but you are advocating the first phase of his plan, let me ask you about a few of the blanks on his chart.

What would be your coverage for persons over 175 percent of poverty? What percentage of their prescription drug costs would you cover?

Mr. GRAMS. I am not here to try to defend or put words in——

Mr. GRAHAM. I am trying to get the facts.

Mr. GRAMS. I am trying to defend the plan I have offered, and that is my MEDS program.

Mr. GRAHAM. Let me ask about your plan. For persons over 175 percent of poverty, what percentage of the prescription drug expenses would you have the plan cover as opposed to that for which the individual would be responsible?

Mr. GRAMS. It would cover 100 percent of everything over a $25 copay and a $150-a-month deductible for those who are in that income level or above.

Mr. GRAHAM. So it would be a $150 monthly deductible and a $25 copay?

Mr. GRAMS. Yes——

Mr. GRAHAM. Is that copay per prescription filled?

Mr. GRAMS. For the month, yes.

Mr. GRAHAM. I thought $150 a month was the deductible. There is a copay beyond that?

Mr. GRAMS. Yes.

Mr. GRAHAM. How is that calculated?

Mr. GRAMS. Twenty-five dollars of the prescription.

Mr. GRAHAM. The plan would pay 25 percent——

Mr. GRAMS. That is the deductible. The individual would pay 25 percent of the cost of the prescription, and then if they were at an income level you are talking about, it would be a $150 deductible with no caps or limits for the year; not the $4,000 you are talking about.

Mr. GRAHAM. What do you estimate to be the cost of that plan that has a $150 deductible and $25 copay?

Mr. GRAMS. We have tried, but we have not had it scored yet and have not been able to get the numbers, but some of the projections we have say it will be under $40 billion a year, not the 258 or 253 the Vice President is talking about.

Mr. GRAHAM. How can you offer a more generous plan by having the beneficiary pay only 25 percent as opposed to the Vice President's 50 percent and yet have such a lower cost?

Mr. GRAMS. Because what we are trying to do is target those who need the help, and that is about 6 or maybe 10 percent of the population. What the Vice President is doing and what you are talking about is bringing 100 percent of Americans under a new national program where the Government is going to be the purchaser and the dispenser of these prescriptions. I reject that type of a plan.

Mr. GRAHAM. Mr. President, I will conclude these questions by going back to my first assertion. We are not talking about prescription drugs through Medicare; we are talking about an assault against the basic principles of Medicare itself. That is a universal program, not a program limited by class to only the poor and near poor of America: That is a voluntary program. That is a shared cost program between the beneficiary and the Federal Government. That is a comprehensive program that covers all of the necessary health care for older Americans. And, as I believe the Senator stated in his introductory comments, nobody would develop Medicare today, in 2000, without having a prescription drug benefit.

When you attack all those principles that are the foundation of Medicare, what you are really doing is attacking one of the programs which has made the greatest contribution to lifting 39 million Americans into levels of respect and security and well-being of any program that the Federal Government has ever developed. The American people need to hear that this debate is not just about prescription drugs; it is about a frontal assault against Medicare. If this philosophy prevails, that is where the battleground will be.

I thank the Chair.

Mr. GRAMS. Reclaiming my time, not to leave the impression that by any means this is an assault on Medicare, because the plan I have proposed and outlined is handled and complemented through Medicare. I know they like to always say the Republicans are making an assault against Medicare and somehow we want to end the program of providing this help and assistance to millions of seniors across the country. That is simply not true.

This plan does nothing to make an assault on Medicare or the benefits it provides today, but it also does not turn a prescription drug program into a national prescription drug program run and handled by the Government, and that is basically my belief of what is outlined here.

We will work to preserve and strengthen Medicare, and that includes adding an affordable prescription drug plan that will take care of the neediest of the seniors in our society today.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I want to get engaged in that discussion. I guess we will have time for that later. But the fact is, I think the Senator from Florida is correct. What we are seeing here, really, is a continuation of Newt Gingrich's philosophy that Medicare should wither on the vine. We all remember that.

That was this "Contract on America." That was Newt Gingrich's philosophy. I think we see it further taking place here today.

The Senator from Minnesota, I think, is basically going down that same path that Governor Bush is. Basically, what they have envisioned is a prescription drug program where, basically, if you are poor, you are on welfare, and you get it. If you are rich, you don't need it, and you pay for your own or you can belong to your own insurance plan and pay for it, or maybe you have an employer-sponsored program. But if you are the middle class, and you are in that middle group, you are paying the bill for both of them. You are paying for the tax breaks for the wealthy, and you are paying for the welfare benefits for the poor so they can get their prescription drugs. But you, in the middle class, don't get anything. If you do, in fact, get in this program, you will be paying and paying and paying and paying.

The Republicans have never liked Medicare. They did not like it when it came in, and they have never liked it since. So they just keep coming up with these kinds of programs that sound nice, but basically it is designed to unravel Medicare and let it wither on the vine.

Mr. President, I want to take to the floor today again to speak about the lack of due process in the Senate regarding judgeships, and especially the nomination of Bonnie Campbell for a position on the Eighth Circuit Court of Appeals.

Her nomination has now been pending for 216 days. Yesterday, the Senate voted through four judges. Three of them were nominated and acted on in July; one was nominated in May. Bonnie Campbell was nominated in March. Yet those got through, but they are holding up Bonnie Campbell. Why?

Maybe it is because she has been the Director of the Violence Against Women Office in the Justice Department for the last 5 years; that office which has implemented the Violence Against Women Act, which, by all accounts, has done an outstanding job.

Maybe my colleagues on the other side of the aisle do not want any woman that is qualified to be an appeals court judge. Maybe that is why they are holding it up. Maybe it is because she has done such a good job of implementing the Violence Against Women Act.

Maybe they are holding her up because they think there are enough women on the circuit court. Of 148 circuit judges, only 33 are women; 22 percent. But maybe my colleagues on the Republican side think that is enough women to have on the circuit court.

I have said time and time again—and I will say it every day that we are in session—that Bonnie Campbell is not being treated fairly, not being accorded, I think, the courtesy the Senate ought to afford someone who is well qualified.

All the paperwork is done. All the background checks are done. She is supported by Senator GRASSLEY, a Republican, and by me, a Democrat from her home State. That may rarely happen around here. So Bonnie Campbell is not being treated fairly.

Senator HATCH, the other day, said, well, the President made some recess appointments in August, and that didn't set too well with some Senators. But what has that got to do with Bonnie Campbell? Maybe they don't like the way President Clinton combs his hair, but that has nothing to do with Bonnie Campbell being a judge on the circuit court.

Is Senator HATCH really making the argument that because President Clinton made some recess appointments that he didn't like, so that gives him an adequate excuse and reason to hold up Bonnie Campbell? I find that an interesting argument and an interesting position to take.

I have heard that there was a news report that came out today that some of the Senators on the other side had some problems with her views. Now, this is sort of general. I don't know what those problems are. But that is why we vote. If some Senator on the other side does not believe Bonnie Campbell is qualified or should not be a Federal judge in a circuit court, bring her name out, let's debate it. These are debatable positions. Let's talk about it. And then let's have the vote.

If someone feels they can't vote for her, that is their right and their obligation. But we did not even have that. We do not even have her name on the floor so we can debate it because the Judiciary Committee has bottled it up.

Then I was told her name came in too late. It came in just this year. I heard that again. That is also in the news reports today, that somehow this vacancy occurred a year ago, but her name did not come down until March.

So I did a little research.

In 1992, when President Bush—that is the father of Governor Bush—was President in 1992, and the Senate was in Democratic hands, we had 13, 14 judges nominated; 9 had hearings; 9 were referred; and 9 were confirmed—all in 1992. Every judge who had a hearing got referred, got acted on, and got confirmed.

Now, that was OK in 1992, I guess, when there was a Republican President and a Democratic Senate. But I guess it is not OK when we have a Democratic President and a Republican Senate.

Here we are. This chart shows this year, we have had seven nominees, including Bonnie Campbell. We have had two hearings; we have had one referred; one confirmed—one out of seven. So this kind of story I am hearing, that her nomination came in too late, is just pure malarkey. This is just another smokescreen.

Circuit judges. They say: Well, it's a circuit court. There's an election coming up. We might win it, so we want to save that position so we can get one of our Republican friends in there.

Well, again, in 1992, circuit nominees, we had nine: six were acted on in July and August, two in September, and one in October. Yet in the year 2000, we had one acted on this summer, and we are in the closing days of October. No action.

So, again, it is not fair. It is not right. It is not becoming of the dignity and the constitutional role of the Senate to advise and consent on these judges.

Thirty-three women out of 148 circuit judges; 22 percent—I guess my friends on the other side think that is fine. I do not think it is fine.

Again, everything has been done. All of the paperwork has been in, and here she sits.

UNANIMOUS CONSENT REQUEST—NOMINATION OF BONNIE CAMPBELL

Mr. HARKIN. Mr. President, I will now—and I will every day—ask unanimous consent to discharge the Judiciary Committee on further consideration of the nomination of Bonnie Campbell, the nominee for the Eighth Circuit Court, and that her nomination be considered by the Senate immediately following the conclusion of action on the pending matter, and that the debate on the nomination be limited to 2 hours, equally divided, and that a vote on her nomination occur immediately following the use or yielding back of that time.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Mr. President, I object on behalf of the leader.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. I wish I knew why people are objecting. Why are they objecting to Bonnie Campbell? Why are they objecting to a debate on the Senate floor? Why are they objecting to bringing her name out so that we can have a discussion and a vote on it?

I want to make clear for the Record, it is not anyone other than the Republican majority holding up this nominee. Every day we are here—I know there will be an objection—I am going to ask unanimous consent because I want the Record to show clearly what is happening here and who is holding up this nominee who is fully qualified to be on the circuit court for the Eighth Circuit.

Now I want to turn my comments to something the Senator from Minnesota was talking about; that is, the prescription drug program from the debate last night. Quite frankly, I was pretty surprised to hear Governor Bush talking about his prescription drug program. He calls it an "immediate helping hand," and there is a TV ad being waged across the country to deceive and frighten seniors. He talks about "Mediscare"; that was Bush's comment last night. He accused the Vice President of engaging in "Mediscare," scaring the elderly.

If the Bush proposal for prescription drugs were to ever go into effect, seniors ought to be scared because what it would mean would be the unraveling of Medicare, letting Medicare wither on the vine.

Let's take a look at the Bush proposal. We know it is a two-stage proposal. First, it would be turned over to the States. It would require all 50 States to pass enabling or modifying legislation. Only 16 States have any kind of drug benefit for seniors. Each State would have a different approach.

The point is, many State legislatures don't meet but every 2 years. Even if we were to enact the program, there are some State legislatures that wouldn't get to it for a couple years.

Our most recent experience with something such as this is the CHIP program, the State Children's Health Insurance Program, which Congress passed in 1997. It took Governor Bush's home State of Texas over 2 years to implement the CHIP program. It is not immediate.

He calls it "immediate helping hand." It won't be immediate because States will have a hard time implementing it. In fact, the National Governors' Association says they don't want to do it. This is the National Governors' Association:

> If Congress decides to expand prescription drug coverage to seniors, it should not shift that responsibility or its costs to the states.

That is exactly what Bush's 4-year program does. Beyond that, his plan only covers low-income seniors. Many of the seniors I have met and talked with wouldn't qualify for Bush's plan.

A recent analysis shows that the Bush plan would only cover 625,000 seniors, less than 5 percent of those who need help. His plan is not Medicare; it is welfare. What the seniors of this country want is Medicare, not welfare. Seniors would likely have to apply to a State welfare office. They would have to show what their income is. If they make over $14,600 a year, they are out. They get nothing, zero.

After this 4-year State block grant, then what is his plan? Well, it gets worse. Then his long-term plan is tied to privatizing Medicare; again, something that would start the unraveling of Medicare. It would force seniors to join HMOs.

So under Governor Bush's program, after the 4-year State program, then we would go into a new program. It would be up to insurance companies to take it. So seniors who need drug coverage would have to go to their HMO. They would not get a guaranteed package. The premium would be chosen by the HMO, the copayment chosen by the HMO, the deductible chosen by the HMO. And the drugs you get? Again, chosen by the HMO.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. Mr. President, I ask unanimous consent for at least a couple more minutes to finish up. I didn't realize I was under a time schedule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Bush's plan would leave rural Americans out in the cold. Thirty percent of seniors live in areas with no HMOs. And contrary to what the Senator from Minnesota said, if I heard him correctly, under the Bush program, the Government would pay 25 percent of the premiums and Medicare recipients would have to pay 75 percent.

The Bush program basically is kind of scary. Seniors ought to be afraid of it, because if it comes into being, you will need more than your Medicare card. You will need your income tax returns to go down and show them how much income you have, how many assets you have. If you qualify, you are in; if you don't, you are out. That would be the end of Medicare.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I ask unanimous consent that I be given time as needed, yielded off the continuing resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILDREN'S HEALTH ACT OF 2000

Mr. FRIST. Mr. President, I have come to the floor to discuss and share with my colleagues very good news, some news that is bipartisan, that reflects what is the very best of what the Senate is all about.

It has to do with a bill called the Children's Health Act of 2000, a bill that is bipartisan, that reflects the input of probably 20 to 30 individual Senators on issues that mean a great deal to them based on their experience, their legislative history, what they have done in the past, their personal experiences, and responding to their constituents. This bill passed the Senate last week and passed the House of Representatives last week and will be sent to the President of the United States sometime either later tonight or tomorrow.

The Children's Health Act of 2000, is a comprehensive bill, a bill that forms the backbone of efforts to improve the health and safety of young people today, of America's children today. But equally important, it gathers the investments to improve the health, the well-being of children of future generations.

It is fascinating to me because it was about a year or a year and a half ago that Senator JEFFORDS and I, after working on this particular piece of legislation for a couple of years, reached out directly across the Capitol to Chairman BLILEY and Representative BILIRAKIS to work together to address a whole variety of children's health issues, including day-care safety, maternal, child, and fetal health, pediatric public health promotion, pediatric research, efforts to fight drug abuse, and efforts to provide mental health services for our young people today.

The good news, with all of the other debates that are going on and the partisanship going back and forth, is that we in the Senate, as the Congress, we as a government have been successful in accomplishing this bipartisan, bicameral effort.

The bill that Congress now sends to the President includes two divisions or two parts. The first part, part A, addresses issues regarding children's health. The second part, part B, addresses youth drug abuse.

I would like to take a few moments to outline not the entire bill, but a number of the provisions in this bill, because I think it reflects the care and the thoughtfulness with which this bill was put together.

The first is day care safety. Perhaps the most critical section of the first part of this bill relates to day care health and safety. We based it on the bill which was called, the Children's Day Care Health and Safety Improvement Act, a bill that I introduced, again, in a bipartisan way, with Senator DODD on March 9 of this year.

Currently, there are more than 13 million children under the age of 6 who, every day, are enrolled in day care. About a quarter of a million children in Tennessee go to day care. The day care safety bill recognizes that it is our responsibility as a society, as a Government, to make sure that these day care facilities are as safe as possible, such as the health of children in child care is protected, so that when a parent, or both parents, drop that child off at day care, they can rest assured that the child will be in a safe environment throughout the day.

The danger in child care settings recently has become evident in my own State of Tennessee, again drawing upon how we learn and listen in our own States and bring those issues together and discussing them on the floor of the Senate and then fashion them into a bill. Tragically, within the span of just two years, in one city in Tennessee, four children died in child care settings. In addition, one in five child care programs in another city in Tennessee were found to have potentially put the health and safety of children at risk during the year 1999.

But this isn't just a Tennessee concern. It affects parents and day care centers and children nationwide. According to a Consumer Product Safety Commission Study in 1997, 31,000 children, ages 4 and younger, were treated in hospital emergency rooms for injuries they sustained while in child care or at school. More than 60 children have died in child care settings since 1990. The statistics are startling. They are unacceptable. The thousands of parents dropping their children off and leaving them in the hands of child care providers every day deserve the reassurance that their children will be safe throughout the day.

A recent study by the American Academy of Pediatrics reinforced this need further when it reported a disturbing trend among children with SIDS, Sudden Infant Death Syndrome. They looked at SIDS infants in day care. There were 1,916 SIDS cases from 1995 through 97 in 11 States and they found that about 20 percent, 391 deaths occurred in these day care settings. Most troubling was the fact that in over half of the cases the caretakers placed children on their stomach, where those same children at home were put to sleep on their backs by their parents. Parents and advocates who are dedicated to helping to eliminate the incidence of SIDS have urged that child care providers be required to have SIDS risk reduction education. When you hear these statistics and read these reports, you will agree. That is why I included a provision in this bill to carry out several activities, including the use of health consultants to give health and safety advice to child care providers on important issues, including SIDS prevention.

Overall, our bill authorizes $200 million to States to help improve the health and safety of children in child care settings. The grants can be used for all sorts of activities, including child care provider training and education, inspections in criminal background checks for day care providers; enhancements to improve a facility's ability to serve children with disabilities; to look at transportation safety procedures; to look and study and provide information for parents on choosing a safe and healthy day care setting.

This funding could also be used to help child care facilities meet the health and safety standards, or employ health consultants to give health and safety advice to child care providers. Many of us in this body have grandchildren or children. Our highest concerns are for the safety of those children and grandchildren. I understand the fears that so many parents have. Parents should not be afraid to leave their children in the care of a licensed child care facility. This bill, very simply, helps ensure that our child care centers will be safer.

A second portion of the first part of this bill includes provisions called the Children's Public Health Act of 2000 which, again, had been introduced in a bipartisan way by myself, Senator JEFFORDS, and Senator KENNEDY on July 13 of this past year. The purpose of this bill is to address a whole variety of children's health issues, including maternal and infant health, including pediatric health promotion, including pediatric research. Senator ORRIN HATCH, whose name was mentioned on the floor a few minutes ago, has been a real leader in another area of traumatic brain injury. Unintentional injuries are the leading cause of death in the age group between 1 and 19 years. It is those unintentional injuries that is the number one cause of death. In fact, more than 1.5 million American children suffer a brain injury each year. Therefore, in this bill we strengthen the traumatic brain injury for the CDC, the National Institutes of Health, and the Health Resources and Services Administration.

Birth defects are the leading cause of infant mortality and are responsible for about 30 percent of all pediatric admissions. This bill also focuses on maternal and infant health. This legislation establishes for the first time a National Center for Birth Defects and Developmental Disabilities at the CDC, to collect, analyze and distribute data on birth defects.

In addition, the bill authorizes a program called Healthy Start, a program to reduce the rate of infant mortality and improve those perinatal or those outcomes around the time of birth, by providing grants to areas with a high incidence of infant mortality and low birthweight. To address the fact that over 3,000 women experience serious complications due to pregnancy and that two out of three will die from complications in their pregnancy, this bill develops a national monitoring and surveillance program to better understand the maternal complications and mortality to decrease the disparities among various populations at risk of death and complications from pregnancy.

Asthma has an increasing incidence in this country and we don't know why. This bill combats some of the most common ailments. For instance, it provides comprehensive asthma services and coordinates the wide range of asthma prevention programs in the Federal Government, to address the most common childhood diseases. Asthma is a disease that affects over 5 million children in this country today.

Obesity is another problem. Again, we don't fully understand it, but it is a problem that is increasing in magnitude. Childhood obesity has doubled in the past 15 years and produced almost 5 million seriously overweight children in adolescence. It is an epidemic. This bill addresses childhood obesity and supports State and community-based programs promoting good nutrition and increased physical activity among American youth.

Lead poisoning prevention. As I look at problems across Tennessee, I was concerned to learn that in Memphis over 12 percent of children under the age of 6 may have lead poisoning. Such poisoning, we know, can contribute to learning disabilities, loss of intelligence, to hyperactivity, to behavioral problems.

In this bill, we include physician identification and training programs on current lead screening policies. We track the percentage of children in health center programs, and conduct outreach and education for families at risk for lead poisoning.

The Surgeon General's report of May 2000 noted that oral health is inseparable from overall health, and that while a majority of the population has experienced great improvements in oral health disparities affecting poor children and those who live in underserved areas represent 80 percent of all dental cavities in 20 percent of children.

Our bill encourages pediatric oral health by supporting community-based research and training to improve the understanding of etiology, pathogenesis diagnoses, or the why of the disease progression, the diagnosis of the disease prevention and treatment of these pediatric oral, dental, and cranial facial diseases. Behind all of those is pediatrics research.

Our bill strengthens pediatric research. It does it in such a way by establishing a pediatric research initiative within the National Institutes of Health. It will enhance collaborative efforts. It will provide increased support for pediatrics biomedical research and ensure that opportunities for advancement in scientific investigations and care for children are realized.

I should also mention childhood research protections, children who are involved in research, and how they are protected.

Included in this bill are provisions to address safety initiatives in children's research by requiring the Secretary of Health and Human Services to review the current Federal regulations for the protection of children who are participating in investigations. It will address issues such as determining acceptable levels of risk and obtaining parental permission. They will report to Congress on how to ensure the highest standards of safety.

This year the Senate Subcommittee on Public Health, which I chair, held two important hearings relating to gene therapy trials and human subject protections. We discovered a lapse of protection for individuals participating in clinical trial research. In the next

Congress, we intend to make the further review in updating of human subject protections a major priority of this subcommittee.

The second part of this bill, division B of the bill, contains provisions which address very specifically the curse of pediatric or youth drug abuse.

The 1999 National Household Survey on Drug Abuse conducted by the Substance Abuse and Mental Health Services Administration reported that 10.9 percent of youth ages 12 to 17 currently use illicit drugs. They further estimated that 11.3 percent of 12- to 17-year-old boys and 10.5 percent of 12- to 17-year-old girls used drugs in the past month.

Just as discouraging is the growth in youth alcohol abuse. These same reports reveal that 10.4 million current drinkers are younger than the legal drinking age of 21 and that more than 6.8 million have engaged in binge drinking.

Sadly, all of these numbers detailing youth substance abuse have risen since 1992.

We addressed this tragedy again head on by incorporating the Youth Drug and Mental Health Services Act, which in a bipartisan way was introduced by myself and Senator KENNEDY last spring which was first passed in the Senate in November of 1999.

This youth drug bill addresses the problem of youth substance abuse by authorizing and by reauthorizing and improving and strengthening the Substance Abuse and Mental Health Services Administration. This bill puts a renewed focus on youth and adolescence substance abuse and mental health services. At the same time, it gives flexibility, and it demands greater accountability by States for the use of Federal funds.

Created in 1992 to assist States in reducing substance abuse and mental illness through these prevention and treatment programs, the Substance Abuse and Mental Health Services Administration provides funds to States for alcohol and drug abuse prevention and treatment programs and activities, as well as mental health services. Its block grants account for 40 percent and 15 percent, respectively, of all substance abuse and community mental health services.

In my own State of Tennessee, the Substance Abuse and Mental Health Services Act provides more than 70 percent of overall funding for the Tennessee Department of Health, Bureau of Alcohol and Drug Abuse.

This bill very quickly accomplishes six critical goals. It promotes State flexibility by easing outdated or unneeded requirements and governing the expenditure of Federal block grants.

Second, it ensures State accountability by moving away from the present system inefficiencies to a performance-based system.

Third, it provides substance abuse treatment services and early intervention substance abuse services for children and adolescence.

Fourth, it helps local communities treat violent youth and minimizes outbreaks of youth violence through partnerships among schools, among law enforcement activities, and mental health services. It ensures Federal funding for substance abuse or mental health emergencies.

And six, it supports and expands programs providing mental health and substance abuse treatment services to homeless individuals.

I will close by basically stating, once again, how excited I am about this particular bill as we send it to the President. Over the next several days during morning business, I look forward to the opportunity of coming back and discussing this bill further with my colleagues who have participated so directly in this particular bill.

I wish to respond very briefly to some comments that were made prior to me beginning my comments and the discussion on the floor in the hour preceding my comments that centered on prescription drug plans, the modernization of Medicare, and who has the best approach. The debate was very much between the Bush proposal and the Gore proposal. Let me very quickly summarize the objections that seniors have to the Gore proposal and the prescription drugs. I can do this very quickly. It really boils down to one sentence.

Under the Gore proposal, seniors will have only one choice, and they will only have one chance to make that choice. Then there is no turning back. No. 1, the Gore prescription drug proposal is centered around a Washington-run drug HMO.

Why does that bother seniors? Because an HMO ultimately, and often we see it too commonly today, sets prices, determines access, and can deny that access without any choice.

No. 2, the Gore proposal has a $600 access fee. That means if you do not use prescription drugs today, you are going to be paying $600 more today for getting nothing further; $600 access. That is before you buy any drugs whatsoever, a $600 access fee.

Our seniors are asking: Am I going to be one of the 13 million people who do not even have $600 in prescription drug requirements a year? If so, if I join that plan, I automatically am going to be paying more for what I get today.

That is for 13 million seniors. Seniors are asking: Am I going to be one of those 13 million?

Just one example: Under the Gore prescription drug proposal, if you have $500 a year in prescription drugs, and you joined his plan, you are going to have to pay $530 for $500 worth of prescription drugs today.

That is why seniors are going to object. That is why the Gore plan really, as I see it, has absolutely no chance for passage.

One other thing on the access fee: Let me tell our seniors very directly, if this bill were to pass today, if the Vice President were successful in getting this bill through today, as a senior your Medicare premiums, how much you pay every month, is going to double from what it is today. Your Medicare premium for what you pay today for Medicare is going to double. It will go from $45 to $90 within 2 years, if you join this plan.

The third I said is one choice; one chance; no turning back. You have one chance under the Gore proposal. If you are 64½ you either get this prescription drug benefit or you don't.

The problem is that a lot of heart disease doesn't develop until you are 65, or 67, or 70, or 75, or 80, or 85 years of age. At 64½, if you didn't go into these prescription drug programs, you have no chance to go into it in the future. You have only one chance; that is, when you are 64½.

People say you only live 65, or 67, or 77 years of age. If you live to be 64½, you are likely to live to 80 or 85 years of age. You have one choice—a Washington HMO; one chance when you are 64½ and no turning back.

I make it very clear to our seniors what we are talking about when we talk about the prescription drug plan proposed by Vice President GORE.

Mr. JEFFORDS. Mr. President, it gives me great pleasure to join my colleagues today in celebrating the passage of Children's Health Act, which Senators FRIST, KENNEDY, myself, and many others introduced earlier this year. The Children's Health Act passed the Senate on September 22, the House on September 27, and is now one step closer to becoming law.

The Children's Health Act will significantly improve the well-being of children in this nation. This bill authorizes prevention and educational programs, clinical research, and direct clinical care services for child specific health issues.

President Clinton needs to sign this legislation into law now. Our nation's medical research and treatment systems must be encouraged to recognize that children have unique needs. Without the initiative of the Children's Health Act, research into many of the diseases and disorders that effect children will be overlooked and neglected.

I am also excited that the Children's Health Act includes legislation that the Senate passed last year to reauthorize the Substance Abuse and Mental Health Services Administration (SAMHSA). The Youth Drug and Mental Health Services Act is critically important for strengthening community-based mental health and substance-abuse prevention and treatment services.

We introduced SAMHSA reauthorization with strong bipartisan cosponsorship of many members of the HELP

Committee. The service and grant programs administered by SAMHSA have gone far too long without being reauthorized. We will now be able to improve access and reduce barriers to high quality, effective services for individuals who suffer from, or are at risk for, substance abuse or mental illness, as well as for their families and communities.

This legislation includes the formula compromise for the Substance Abuse Treatment Block Grant that was originally included in the 1998 omnibus appropriations bill. This is an issue of paramount importance to small and rural states, and I am pleased that this legislation ratifies and continues the agreement reached in 1998.

The Children's Health Act and the Youth Drug and Mental Health Services Act are both the product of many months of work and collaboration among its many stakeholders. We have come this far because of the bipartisan dedication of members of HELP Committee and especially the leadership of Senator FRIST and Senator KENNEDY. I commend them both for their considerable efforts to help so many children and American families.

I also want to thank my colleagues in the House for their strong cooperation and support. I am so proud of being involved in this effort and I think the entire House of Representatives and Senate should be very proud of approving the Children's Health Act.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 110

Mr. FRIST. Mr. President, I ask unanimous consent when the Senate convenes tomorrow morning, the time prior to 10 a.m. be equally divided in the usual form and the previously ordered vote on H.J. Res. 110 now occur at 10 a.m.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. FRIST. I ask consent that the Senate now resume consideration of the Interior conference report and Senator FITZGERALD be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FITZGERALD. Mr. President, Senator WYDEN has requested to speak for 5 to 10 minutes. I ask unanimous consent he be allowed to do that, then I be able to go back and speak as though it were a continuation of the speech I have had ongoing since early this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSISTED SUICIDE

Mr. WYDEN. Mr. President, I come to the floor tonight to discuss the possibility that there will be an effort very shortly to override Oregon's assisted suicide law as part of a package that includes legislation that is extremely important to the country, such as legislation that would protect women from domestic violence, such as legislation that would also deal with sex trafficking—an extraordinary scourge that victimizes women and children. I think it would be extremely unfortunate to victimize the victims in that way. It is clearly not in the public interest.

Oregon's assisted suicide law involves a very controversial matter. I happen to be against assisted suicide, against the Oregon law, but the bill that cleared the Judiciary Committee on a 10-8 vote, a very narrow vote, is strongly opposed by the American Cancer Society. The American Cancer Society believes that legislation will harm those in pain. I am very hopeful that rather than tie this assisted suicide legislation to vitally needed legislation that would protect the victims of domestic violence and women and children from sex trafficking, the Senate would adhere to the agreement that was entered into in August.

In August, on a bipartisan basis, the Senate made it very clear, and I specifically addressed this on the floor of the Senate, that I was open to a fair fight, to an open debate on the assisted suicide question. In fact, I made it very clear that while I intend to use every opportunity to speak on the floor of the Senate and make sure the Members understand, for example, that the American Cancer Society believes this legislation will harm those in pain, I was willing to accept the will of the Senate on any cloture vote that might be scheduled. That was the agreement entered into in August. It provided for a fair fight on this issue.

Tonight we are told that there may be the possibility, as I have touched on, of an effort to override Oregon's assisted suicide law. By the way, Oregon is the only State in the country that has such legislation. It would be linked to the other desperately needed measures, such as the legislation to protect women victimized by domestic violence. I hope that will not be the case. I would have to oppose very strongly that kind of effort. It seems to me it is not in the public interest, and it is particularly regrettable since it runs contrary to the spirit of what was agreed to in August: That there would be an opportunity for both sides on the floor of the Senate to have this debate about assisted suicide; I would have a chance to address the issue in some detail, but if there were an effort to file cloture, I would accept the will of the Senate on that measure.

In addition, we just learned in the last few minutes there is a possibility schoolchildren in 700 rural school districts around the country could also be held hostage because, again, there may be an objection to the county payments bill legislation authored by Senator CRAIG of Idaho and myself—again, bipartisan. There may be an objection to that bill, again, on the grounds that somehow it should be examined some more and possibly linked again to the assisted suicide question.

I think, again, these issues ought to be considered on the merits. The county payments legislation passed this body by unanimous consent; 100 Senators agreed to make sure that these schoolchildren in 700 rural school districts got a fair shake. We have been working with the House. We have now come up with an agreement among the House, the Senate, and the White House. I think we can pass it 100-0 in the Senate. But we are told someone is going to object to the county payments legislation for the unrelated reason that they are not able to work out an arrangement that allows them to throw the Oregon assisted suicide law in the trash can on an arbitrary basis.

What the Senate worked out in August was fair to all sides. It ensured that we have a chance to discuss the matter of assisted suicide. It is a controversial question. I personally am against assisted suicide. I voted against the Oregon law twice. I voted against Federal funding for assisted suicide. But I oppose the legislation being advanced here to overturn Oregon's law for the same reasons that the American Cancer Society does. It will hurt patients in pain.

I felt compelled to come to the floor of the Senate and express my concern. I think it is not in the public interest to link desperately needed legislation such as the bill to protect the victims of domestic violence to the assisted suicide law. It is not appropriate to hold hostage the victims of sex trafficking to the Oregon assisted suicide law. I hope we will not see what has been raised as a possibility in the last few minutes, and that is to hold up the county payments legislation—which has been agreed to by the House and the Senate negotiators and those at the White House—that would provide a lifeline to 700 rural school districts all across the country.

I hope that bill and the other vitally needed legislation will not be held up because a Senator decides he or she wants to throw the assisted suicide override into unrelated legislation that this country needs so greatly. I made it clear last August I was open to being fair to both sides. That is why we entered into an agreement for a fair fight. I said I would respect the will of the Senate on a cloture vote if it came to that. I think we ought to adhere to that August agreement and not link this matter of throwing Oregon's law into the trash can by tucking it into unrelated legislation.

Frankly, those who are trying to tuck this override of Oregon's assisted suicide law into other legislation—such as the bill that would protect the victims of domestic violence—are doing a tremendous disservice to the women victimized by domestic violence, to the victims of sex trafficking, to the schoolchildren who desperately need that county payments legislation. These bills ought to be considered on their merits. That was agreed to back in August with respect to the assisted suicide legislation. I will do everything in my power to insist the Senate adhere to what was agreed on last August.

I thank my colleague and friend from Illinois for his thoughtfulness.

INTERPARLIAMENTARY CONFERENCES

Mr. LOTT. Mr. President, for the information of the affected Members of the Senate, I would like to state for the record that if a Member who is precluded from travel by the provisions of rule 39 is appointed as a delegate to an official conference to be attended by Members of the Senate, then the appointment of that individual constitutes an authorization by the Senate and the Member will not be deemed in violation of rule 39.

FINAL PASSAGE OF S. 1198, THE TRUTH IN REGULATING ACT

Mr. LOTT. Mr. President, I rise today to applaud the efforts of everyone who worked to pass S. 1198, the Truth in Regulating Act. Last evening, the House passed this important legislation, following the Senate's passage of the bill on May 9th of this year. I was pleased to learn of the final passage of this bill in the House, as this event marks the culmination of the hard work of many Senators, Representatives, and members of their staffs in achieving another milestone in our journey towards comprehensive regulatory reform.

This legislation establishes a process for Congress to obtain reviews of economically significant rules. These reviews, to be performed by the General Accounting Office, will help Congress to better assess the impact of federal agency regulations. I am confident that the information which will be provided in these reports will enable Congress and the public to have a better understanding of the potential costs and benefits of these regulations, and I believe that these independent analyses will help federal agencies to develop the most efficient and beneficial regulations for all concerned.

Mr. President, passage of this legislation would not have been possible without the hard work of several Senators on both sides of the aisle. Both Senator SHELBY and Senator THOMPSON have been active in addressing this issue for quite some time, and the efforts of Senator BOND and the input of Senator LEVIN were also helpful to the process. Similarly, I know that Representatives KELLY and MCINTOSH worked hard on the House side to get the Truth in Regulating Act passed. The details of this legislation were worked out by countless hours of work by a number of staff members, both former and current, for these Senate and House members. In addition to members of my staff, these staff members include Paul Noe, Mark Oesterle, Suey Howe, Linda Gustitus, Meredith Matty, Barry Pineles, Larry McCredy, Barbara Kahlow, and Marlo Lewis.

Mr. President, I look forward to the President signing this legislation.

Mr. THOMPSON. Mr. President, I am pleased that last night the House passed on suspension the "Truth in Regulating Act," S. 1198, and that this legislation will now be sent to the President. S. 1198 will support Congressional oversight to ensure that important regulatory decisions are cost-effective, well-reasoned, and fair.

The foundation of the "Truth in Regulating Act" is the right of Congress and the people we serve to know about important regulatory decisions. Through the General Accounting Office, which serves as Congress' eyes and ears, this legislation will help us get access to the cost-benefit analysis, risk assessment, federalism assessment, and other key information underlying any important regulatory proposal. So, in a real sense, this legislation not only gives people the right to know; it gives them the right to see—to see how the government works, or doesn't. GAO will be responsible for providing an evaluation of the analysis underlying a proposed regulation, which will enable us to communicate better with the agency up-front. It will help us to ensure that the proposed regulation is sensible and consistent with Congress' intent before the horse gets out of the barn. It will help improve the quality of important regulations. This will contribute to the success of programs that the public values and improve public confidence in the Federal Government, which is a real concern today.

Under the 3-year pilot project established by this legislation, a chairman or ranking member of a committee with legislative or general oversight jurisdiction, such as Governmental Affairs, may request the GAO to review a proposed economically significant rule and provide an independent evaluation of the agency regulatory analysis underlying the rule. The Comptroller General shall submit a report no later than 180 days after a committee request is received. A requester may ask for the report sooner when needed, as may be the case where there is a short comment period or hearing schedule. The Comptroller General's report shall include an evaluation of the benefits of the rule, the costs of the rule, alternative regulatory approaches, and any cost-benefit analysis, risk assessment, and federalism assessment, as well as a summary of the results of the evaluation and the implications of those results for the rulemaking.

It is my hope that the "Truth in Regulating Act" will encourage Federal agencies to make better use of modern decisionmaking tools, such as cost-benefit analysis and risk assessment. Currently, these important tools often are viewed simply as options—options that aren't used as much or as well as they should be. Over the years, the Governmental Affairs Committee has reviewed and developed a voluminous record showing that our regulatory process is not working as well as intended and is missing important opportunities to achieve more cost-effective regulation. In April 1999, I chaired a hearing in which we heard testimony on the need for this proposal. The General Accounting Office has done important studies for Governmental Affairs and other committees showing that agency practices—in cost-benefit analysis, risk assessment, federalism assessments, and in meeting transparency and disclosure requirements of laws and executive orders—need significant improvement. Many other authorities support these findings. All of us benefit when government performs well and meets the needs of the people it serves.

A lot of effort and collaboration went into this legislation, which I think is why the Senate and now the House could approve it with broad bipartisan support. The Truth in Regulating Act is based on two initiatives—a bill originally sponsored by Senator RICHARD SHELBY with Senators LOTT and BOND, as well as a similar measure that I sponsored with Senators LINCOLN, VOINOVICH, KERREY, BREAUX, LANDRIEU, INHOFE, STEVENS, BENNETT, ROBB, HAGEL, and ROTH. I particularly appreciate that my colleagues on the other side of the aisle worked with me to pass this legislation. From the beginning, Senator BLANCHE LINCOLN made this a bipartisan initiative by joining me as cosponsor. Later, Senator JOSEPH LIEBERMAN, the Ranking Member of the Governmental Affairs Committee, worked with me to resolve his concerns before the Committee markup. This led the way for passage of this legislation through the Governmental Affairs Committee by voice vote and through the Senate by unanimous consent.

Congresswoman SUE KELLY first proposed a bill for the congressional review of regulations in the 105th Congress. After the Senate passed S. 1198 by unanimous consent in May of this year, Chairman DAN BURTON of the Government Reform Committee advanced the bill through the House. I want to thank Chairman BURTON for his leadership as well as SUE KELLY for her hard work that led to the final passage of the Truth in Regulating Act in the House.

I congratulate my colleagues in the House and Senate for pulling together to get the job done.

ON DELAYS IN SENATE CONSIDERATION OF H.R. 5107

Mr. LEAHY. Mr. President, all Democrats have cleared for final passage H.R. 5107, the Work for Hire and Copyright Corrections Act of 2000. I hope that the Senate will take up H.R. 5107 without further unnecessary delay. Representatives BERMAN and COBLE deserve credit, along with the interested parties, for working out a consensus solution in their work for hire copyright legislation. I do not know why the Senate has not confirmed their work and accorded their bill consent for final passage. Why the Republican majority has not taken up this measure since the middle of last week is another unexplained mystery.

As has been true with our bipartisan bill to provide bulletproof vest grants to law enforcement, S. 2014, and its House-passed counterpart, H.R. 4033, all Democrats have cleared these matters for Senate action..As has been true for some time with the Violence Against Women Act of 2000, S. 2787, all Democrats have cleared these matters for Senate action. The same is true with respect to S. 1796, the Justice for Victims of Terrorism Act, all Democrats have cleared these matters for Senate action. There are so many bills cleared by the Senate Democrats being held hostage without explanation by the Republican majority, it is hard to know where to begin and where to end. Here is this last week of the session the Senate could be making progress on a number of items but we remained stymied.

I regret that Congress did not complete its necessary work on the required appropriations bills before the beginning of the new fiscal year. We are again requiring the Government to exist from continuing resolution to continuing resolution. Along with the American people, I hope that we will complete our work before too much longer.

NBC AND FOX AND THE PRESIDENTIAL DEBATES

Mr. DORGAN. Mr. President, I also wish to say a word today about NBC and Fox, the two television networks that have decided they would not broadcast the Presidential debates live. I think it is deplorable, really, that networks, that use the public airwaves, and have some responsibility here with respect to the public good and public interest, have decided that Presidential debates are not important enough to preempt other programming.

I notice that NBC said its local affiliates could make their own judgment. It is not as if NBC, according to Mr. Kennard, the Chairman of the Federal Communications Commission, has not interrupted regular programming previously. In fact, they have interrupted sports programming previously. NBC, last evening, said: We have a contract to show a New York Yankees-Oakland Athletics playoff game. So they did not really want to, on a national basis, show the Presidential debate live. They did allow their affiliates to make that decision.

Mr. Kennard points out in an op-ed piece in the New York Times that in 1994 NBC was showing the NBA finals, the basketball finals, but they cut away from the basketball finals to follow that white Bronco that was meandering around the highways of Los Angeles with O.J. Simpson in the backseat. So they were able to cut away from the NBA finals to deal with the O.J. Simpson saga in that white Bronco, we remember so well, but they could not cut away from a playoff game—not the World Series; a playoff game—in baseball to televise the Presidential debate.

Fox News is another story. They did not give their affiliates any choice. From their standpoint, "Dark Angel" was important last night, entertainment programming. Apparently Fox News' entertainment programming is more important than televising the Presidential debates for the American people.

I agree with Bill Kennard, the Chairman of the Federal Communications Commission. He wrote a piece that says: "Fox and NBC Renege on a Debt." It seems to me, in this country we ought to take this system of ours seriously. Presidential debates are very important. They have a wonderful and hallowed tradition in this country. It seems to me that television networks have a responsibility to the American people to provide live coverage of those debates.

I regret that NBC did not. And I would say to the NBC affiliate in Washington, DC, they decided to carry the debate. Thank you for doing that. Good for them. But Fox News did not give any of their affiliates that choice. I think they have made the wrong choice.

VISIT BY FORMER MEMBERS OF CONGRESS TO CUBA

Mr. DODD. Mr. President, today I join with my colleague Senator ROBERTS to draw attention to a most interesting report on our country's policy toward Cuba. Some of my colleagues may know that a bipartisan group of former Members of Congress traveled to Cuba in September on a fact-finding mission for the United States Association of Former Members of Congress. These four former members, John Brademas, Larry LaRocco, Fred Grandy, and Jack Buechner, did not travel as a group officially invited by the Cuban Government, but rather traveled on tourist visas, a distinction that allowed the delegation more flexibility to meet with representatives of a wide cross section of Cuban society, including religious and cultural leaders, as well as ordinary Cuban citizens.

Upon returning to the United States, the delegation wrote a detailed report concerning their visit to Cuba, and their recommendations on U.S.-Cuban policy. Remarkably, the recommendations contained in the report were unanimous, and were markedly similar to the recommendations made by two previous delegations in 1996, and 1999.

The report, which was released on September 5, states that "United States policy toward Cuba should be addressed on the basis first, of what is best for U.S. national interests, and second, what is best for Cuba and the Cuban people." It goes on to observe that, as a policy aimed at bringing about political change in Cuba, the regimen of comprehensive sanctions and the embargo have become increasingly anachronistic. It calls upon Congress and the Administration to begin a phased reduction of sanctions against Cuba, and a first step, recommends that current legislation on Capitol Hill to remove all restrictions on the sales or gifts of food and medicines be enacted. The report concludes with the observation that the delegation found "solid support among key independents" in Cuba for this action.

Among other recommendations, the delegation suggested that the United States establish a bank in Havana to authorize the sale of food and medicine, that additional direct flights between the U.S. and Cuba be facilitated, and steps taken to improve Internet communication between the two countries.

These recommendations were based on the perception by the traveling delegation that the embargo on food and medicine is hurting common Cuban citizens while failing to advance U.S. national security interests on the island. The consensus in Cuba is that Fidel Castro is not being affected by this embargo—he has all the food and medicine he needs. The Cuban people recognize that the embargo hurts only themselves, and are actively seeking help from the United States.

As we approach the final days of this session, hard-fought progress toward an easing of the embargo may still bear fruit. While the Senate considers important legislation in this area, I urge my colleagues to read both the excerpts of the report at the end of my speech and the full text of the Association report, which is available from the

United States Association of Former Members of Congress at 330 A Street, N.W., Washington, D.C. 20002. With that, Mr. President, I ask unanimous consent that portions of the delegation's report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNITED STATES ASSOCIATION OF FORMER MEMBERS OF CONGRESS

We, the four members of a delegation of the United States Association of Former Members of Congress (AFMC), visited Cuba from May 26 to June 3, 2000, to explore first-hand the current political, social and economic realities in that country and to consider what steps might be taken to improve relations between Cuba and the United States. Before traveling we were briefed by officials in the Department of State, key Members of Congress, leaders of non-governmental organizations (NGOs) and officials of the Cuban Interests Section in Washington, DC. The report you hold in your hands reflects the collective deliberations of the delegation, and lists six specific recommendations that we all endorse. As you will see, we did not attempt to tackle every issue involved in relations between our countries; in order to make concrete and well-founded recommendations, we focused on a core of matters that seemed particularly significant to us.

This fact-finding trip was the third and last in a series funded by a grant from the Ford Foundation to the AFMC. The other two trips were made in December 1996 and January 1999. Our recommendations closely parallel those of the previous two bipartisan delegations. To date, 15 former Members of Congress (eight Republicans and seven Democrats) have traveled to Cuba on these Ford Foundation-sponsored missions. The recommendations of all three delegations have been unanimous and are remarkably similar in terms of their implications for U.S. policy.

Unlike the two previous delegations, we did not travel as a group officially invited by the Cuban Government. We had the appropriate documentation from the United States Government, including a license from the Department of Treasury's Office of Foreign Assets Control. Although the Cuban government did not extend an official invitation to the delegation, we were issued tourist visas.

The unofficial character of the visit allowed us to control our own time, to have a wide variety of meetings and to gain a much better idea of what a cross-section of the Cuban population thinks. Unencumbered by the protocol demands that normally accompany an officially approved trip, we were free to visit a range of independent organizations, art centers, church and church-sponsored groups and research centers. We were also able to attend church services, visit markets, travel into the countryside and talk freely to private citizens. The people we met with ranged from an average woman attending an Elián González rally whom we engaged in spontaneous conversation to Cuba's Minister of Foreign Affairs; from the tour guide of the Partagás cigar factory in Old Havana to the Papal Nuncio; from the director of the government-sponsored cultural organization Casa de las Américas to the head of the Roman Catholic relief organization, Caritas; from an urban planner sympathetic to the current regime in Cuba to some of the most controversial figures—including Marta Beatriz Roque, René Gómez Manzano, and Felix Bonne—and independent journalists living in that country today.

On the ground in Cuba, we heard a remarkably diverse array of voices and observed a highly complex set of political and social circumstances; nonetheless, we submit this report in the conviction that the implementation of our recommendations can only further the interests of both the United States and the people of Cuba.

JOHN BRADEMAS,
D—Indiana.
J. BUECHNER,
R—Missouri.
FRED GRANDY,
R—Iowa.
LARRY LAROCCO,
D—Idaho.

RECOMMENDATIONS

Our recommendations are based on our extensive discussions during our trip to Cuba. Our recommendations closely parallel those of the two previous bipartisan delegations of the U.S. Association of Former Members of Congress.

1. Congress and the administration should begin a phased reduction of sanctions legislation, as defined in the Cuban Democracy Act of 1992 (PL 102-484) and the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Helms-Burton, PL 104-114). As a first step, current legislation on Capitol Hill (H.R. 3140 and S. 2382) to remove all restrictions on the sales (for gifts) of food and medicines should be enacted.

2. Serious consideration should be given to the establishment of a U.S. bank in Havana if legislation to authorize the sales of food and medicine is approved by Congress and the Administration.

3. Opportunities for people-to-people contact between citizens of the United States and Cuba should be expanded, particularly through two-way exchanges in the fields of education and culture. More links between educational, cultural and non-governmental institutions in our two countries should also be established.

4. The current ceilings on annual remittances from the United States to Cuba should be raised significantly, if not eliminated.

5. Steps should be taken to facilitate direct fights between the United States and Cuba.

6. Steps should be taken to improve Internet communication between the citizens of both countries. Initiatives aimed at enabling Cuban citizens to gain greater access to the Internet should be encouraged, and support should be given to individuals and entities involved in the creation of websites and other electronic platforms aimed at improving mutual understanding between the peoples of the United States and Cuba.

SUPPORT FOR FEDERAL-STATE-PARTNERSHIPS RELATIVE TO SCHOOL MODERNIZATION

Mr. JOHNSON. Mr. President, I rise to express my strong support for initiatives to create a federal-state-local partnership relative to public school construction and renovation throughout America. At a time when unprecedented budget surpluses are being projected by budget leaders at both the White House and in Congress, it seems clear to me that some modest portion of these funds ought to be used to assist our school districts. In South Dakota, it has become increasingly difficult to pass school bond issues, given the fact that real estate taxes are already too high and our state's agricultural economy has been struggling. The result is an enormous backlog of school construction needs, and the costs of repair and replacement only increase with each passing year.

To propose a new school construction partnership is not to suggest some sort of "federalization" of K-12 public education. The decisions as to whether to replace or repair a school would remain with the local school districts where they belong, and by far the largest share of the expense would continue to be met by local taxpayers. Even so, a federal effort to reduce interest costs or otherwise participate in reducing the total cost of school construction could often times make the difference between a successful project or none at all. If the federal government were to simply block grant these funds, the dollars would have to be disbursed in such a broad manner that no school district would receive a sufficient amount of help to seriously make a real difference.

While I appreciate that school construction assistance must be targeted to help needy school districts first, I do want to convey my strong opinion that the eligibility requirements for a federal-local partnership should not be so restrictive as to eliminate the possibility of many of our school districts from participating. South Dakota has a great many school districts which are not completely impoverished, but yet find it almost impossible to pass a bond issue and otherwise adequately fund their education programs. This program should apply to more than just the extreme poverty situations of inner urban areas and remote rural areas. It should apply as well to the many small and medium size communities all across our country that seriously struggle with school construction and renovation needs.

I applaud and support these efforts to invest a small portion of our Nation's wealth in improved educational opportunities and facilities for all—this investment now, will result in improved academic performance, better citizenship and a stronger economy for generations to come.

VICTIMS OF GUN VIOLENCE

Mr. DORGAN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 4, 1999:

Darius Bradley, 18, Baltimore, MD; Joseph Booker, 21, Chicago, IL; Vincent Dobson, 22, Baltimore, MD; Frank Garner, 22, Kansas City, MO; Larry D. Hadley, 43, Madison, WI; Joseph Hall, 20, Detroit, MI; Arthur Harris,, 39, Houston, TX; Kendall Hawks, 18, Baltimore, MD; Clarence Jackson, 21, New Orleans, LA; Derrick Jacque, 24, New Orleans, LA; Jasul Johnson, 23, Philadelphia, PA; Charlotte Lindsey, 50, Memphis, TN; James McClinton, 24, Chicago, IL; Richard Mitchell, 51, Detroit, MI; Shawn Moore, 25, New Orleans, LA; Cedric Outler, 41, Miami-Dade County, FL; Zawakie Walker, 23, Detroit, MI; Darieus Washington, 31, Baltimore, MD; William Wilson, 24, Baltimore, MD; and Unidentified male, 72, Nashville, TN.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

ISSUES OF IMPORTANCE TO WOMEN

Ms. LANDRIEU. Mr. President, I would like to speak on a pending piece of legislation that I believe requires our urgent attention. The fact that the leadership has not acted to bring this bill to the floor is of great concern to me. While I understand that our time is short and our list is long, the Re-authorization of the Violence Against Women's Act should be on the list of priorities for this Congress. I urge the leadership not to allow another day to pass and to bring this bill to the floor for our immediate consideration.

In 1994, with the President's strong support, Congress passed the landmark Violence Against Women Act, which established new Federal criminal provisions and key grant programs to improve this nation's criminal justice system's response to domestic violence. Since that time, the number of crimes against women has decreased. A recent report by the Bureau of Justice Statistics shows that the number of women experiencing violence at the hands of an intimate partner declined 21 percent from 1993 to 1998. Under this bill, the Federal Government has awarded $1.6 billion dollars, $24 million of which went to support programs in the State of Louisiana, to help support the efforts of prosecutors, law enforcement officials, the courts, victim advocates, health care and social service professionals, and intervention and prevention programs. The National Domestic Violence Hotline, established with funds from this Act, has received more than 500,000 calls since it began operating.

While I think the success of this Act alone is an important reason to support its continuation, it is not why I stand here today. Although the number of women murdered by an intimate partner is the lowest it has been since 1976, still, 3 out of 4 victims murdered last year were female. Tremendous strides have been made, but domestic violence and crimes against women continue to devastate the lives of many women and children throughout our country.

In fact, in May of this year, one week after Mother's Day, a Louisiana woman, Jacqulene Gersfeld, was gunned down by her husband just outside a Gretna courthouse. The couple had a history of violence and friends reported that this was not the first time Jacqulene's husband, Marvin, had threatened to kill her. Far too often, abused women are afraid, and many times for good reason, to remove themselves from these abusive relationships, but not Jacqulene, she sought help, obtained a protective order and filed for divorce. She left that courtroom believing that her days of living in fear were over and that her husband could no longer harm her. But she was wrong.

I am sad to say that Jacqulene's story is not unique. In New Orleans alone, the Domestic Violence help line receives 16,000 calls for assistance a year. Of the total women's homicide rate, 46 percent of those deaths are attributed to domestic violence. And that is just one city in my state. I am certain that every one of my colleagues could come to this floor and tell of a woman in their state whose fate was that of Jacqulene's. As citizens of the greatest democracy in the world, we cannot stand idly by and watch these stories unfold. The need for the services provided for under the Violence Against Women Act are needed now more than ever. Women like Jacqulene must be protected from the wrath of their estranged abusers. They must know that there are people willing to help them and their children escape the abuse and start a new life.

While domestic violence may be dismissed by some as an issue that affects only women, it is not, it is an issue that affects us all. Studies show that a child's exposure to the father abusing the mother is the strongest risk factor for transmitting violent behavior from one generation to the next. A significant number of young males in the juvenile justice system were from homes where violence was the order of the day. Family violence costs the nation from $5 to $10 billion annually in medical expenses, police and court costs, shelters and foster care, sick leave, absenteeism, and non-productivity. In fact, the majority of welfare recipients have experienced domestic abuse in their adult lives and a high percentage are currently abused.

My Colleague from Delaware, Senator BIDEN, and I have cosponsored legislation to reauthorize the Violence Against Women Act. If Congress fails to reauthorize VAWA, many critical programs may be jeopardized. Reauthorization legislation, which has broad bipartisan support will help to: maintain existing programs, expand investigation and prosecution of crimes against women; provide greater numbers of victims with assistance; maintain and expand the domestic violence hotline, shelter, rape prevention, and education programs; and support effective partnerships between law enforcement, victim advocates and communities.

Again, I am disappointed that this Congress is quickly coming to a close and this bill is still waiting for action by the Senate. Several times during the campaign, the leadership has claimed that the issues that are important to women are of the highest priority. I can hardly think of an issue that more directly affects the lives of women and their families than their health and safety.

Since we returned from the August recess, several members have come to the floor and talked about time. The minority leader eloquently detailed the amount of time, or lack thereof, that this body has dedicated to actually doing the work of the American people. The majority leader, on the other hand, has cautioned us that time is limited and we, therefore, must use it wisely. I could not agree more—time is running out and so, it is about time that we ask the Majority to do more than make empty promises. It is about time we question the sincerity of a party when their Presidential candidate needs to be briefed before he can take a stance on legislation to end violence against women. It is about time we do all we can to make good on a promise that we made six years ago to victims like Jacqulene. While it is too late for us to help her, we owe to the hundreds and thousands of others like her to act quickly. I implore my colleagues not to let time run out for the millions of women whose lives could be saved by this legislation.

REQUEST FOR PRINTING OF THE ECSTASY ANTI-PROLIFERATION ACT OF 2000 IN THE CONGRESSIONAL RECORD

Mr. GRAHAM. Mr. President, on 23 May 2000, I introduced the Ecstasy Anti-proliferation Act of 2000, now known as S. 2612. The original bill text was not printed in the CONGRESSIONAL RECORD for that day. I am resubmitting the original text of the bill and ask unanimous consent that the text be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ecstasy Anti-Proliferation Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The illegal importation of 3,4-methylenedioxy methamphetamine, commonly referred to as "MDMA" or "Ecstasy", has increased in recent years, as evidenced by the fact that Ecstasy seizures by the United States Customs Service have risen from less than 500,000 tablets during fiscal year 1997 to more than 4,000,000 tablets during the first 5 months of fiscal year 2000.

(2) Use of Ecstasy can cause long-lasting, and perhaps permanent, damage to the serotonin system of the brain, which is fundamental to the integration of information and emotion, and this damage can cause long-term problems with learning and memory.

(3) Due to the popularity and marketability of Ecstasy, there are numerous Internet websites with information on its effects, production, and the locations of use, often referred to as "raves". The availability of this information targets the primary users of Ecstasy, who are most often college students, young professionals, and other young people from middle- to high-income families.

(4) Greater emphasis needs to be placed on—

(A) penalties associated with the manufacture, distribution, and use of Ecstasy;

(B) the education of young people on the negative health effects of Ecstasy, since the reputation of Ecstasy as a "safe" drug is it's most dangerous component;

(C) the education of State and local law enforcement agencies regarding the growing problem of Ecstasy trafficking across the United States;

(D) reducing the number of deaths caused by Ecstasy use and its combined use with other "club" drugs and alcohol; and

(E) adequate funding for research by the National Institute on Drug Abuse to—

(i) identify those most vulnerable to using Ecstasy and develop science-based prevention approaches tailored to the specific needs of individuals at high risk;

(ii) understand how Ecstasy produces its toxic effects and how to reverse neurotoxic damage;

(iii) develop treatments, including new medications and behavioral treatment approaches;

(iv) better understand the effects that Ecstasy has on the developing children and adolescents; and

(v) translate research findings into useful tools and ensure their effective dissemination.

SEC. 3. ENHANCED PUNISHMENT OF ECSTASY TRAFFICKERS.

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines regarding any offense relating to the manufacture, importation, or exportation of, or trafficking in—

(1) 3,4-methylenedioxy methamphetamine;

(2) 3,4-methylenedioxy amphetamine;

(3) 3,4-methylenedioxy-N-ethylamphetamine; or

(4) any other controlled substance, as determined by the Sentencing Commission in consultation with the Attorney General, that is marketed as Ecstasy and that has either a chemical structure substantially similar to that of 3,4-methylenedioxy methamphetamine or and effect on the central nervous system substantially similar to or greater than that of 3,4-methylenedioxy methamphetamine;

(including an attempt or conspiracy to commit an offense described in paragraph (1), (2), (3), or (4)) in violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. 1901 et seq.).

(b) GENERAL REQUIREMENT.—In carrying out this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a)—

(1) review and amend the Federal sentencing guidelines to provide for increased penalties such that those penalties are comparable to the base offense levels for offenses involving any methamphetamine mixture; and

(2) take any other action the Commission considers to be necessary to carry out this subsection.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall ensure that the Federal sentencing guidelines for offenders convicted of offenses described in subsection (a) reflect—

(1) the need for aggressive law enforcement action with respect to offenses involving the controlled substances described in subsection (a); and

(2) the dangers associated with unlawful activity involving such substances, including—

(A) the rapidly growing incidence of abuse of the controlled substances described in subsection (a) and the threat to public safety that such abuse poses;

(B) the recent increase in the illegal importation of the controlled substances described in subsection (a);

(C) the young age at which children are beginning to use the controlled substances described in subsection (a); and

(D) any other factor that the Sentencing Commission deems appropriate.

SEC. 4. ENHANCED PUNISHMENT OF GHB TRAFFICKERS.

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any offense relating to the manufacture, importation, or exportation of, or trafficking in—

(1) gamma-hydroxybutyric acid and its salts; or

(2) the List I Chemical gamma-butyrolactone;

(including an attempt or conspiracy to commit an offense described in paragraph (1) or (2)) in violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. 1901 et seq.).

(b) GENERAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall with respect to each offense described in subsection (a)—

(1) review and amend the Federal Sentencing guidelines to provide for increased penalties such that those penalties reflect the seriousness of these offenses and the need to deter them;

(2) assure that the guidelines provide that offenses involving a significant quantity of Schedule I and II depressants are subject to greater terms of imprisonment than currently provided by the guidelines and that such terms are consistent with applicable statutory maximum penalties; and

(3) take any other action the Commission considers to be necessary to carry out this subsection.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall consider—

(1) the dangers associated with the use of the substances described in subsection (a), and unlawful activity involving such substances;

(2) the rapidly growing incidence of abuse of the controlled substances described in subsection (a) and the threat to public safety that such abuse poses, including the dangers posed by overdose; and

(3) the recent increase in the illegal manufacture the controlled substances described in subsection (a).

SEC. 5. EMERGENCY AUTHORITY TO SENTENCING COMMISSION.

The United States Sentencing Commission shall promulgate amendments under this Act as soon as practicable after the date of the enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

SEC. 6. PROHIBITION ON DISTRIBUTION OF INFORMATION RELATING TO THE MANUFACTURE OR ACQUISITION OF CONTROLLED SUBSTANCES.

Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended by adding at the end the following:

"(g) PROHIBITION ON DISTRIBUTION OF INFORMATION RELATING TO MANUFACTURE OR ACQUISITION OF CONTROLLED SUBSTANCES.—

"(1) CONTROLLED SUBSTANCE DEFINED.—In this subsection, the term 'controlled substance' has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(2) PROHIBITION.—It shall be unlawful for any person—

"(A) to teach or demonstrate the manufacture of a controlled substance, or to distribute by any means information pertaining to, in whole or in part, the manufacture, acquisition, or use of a controlled substance, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a crime; or

"(B) to teach or demonstrate to any person the manufacture of a controlled substance, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture, acquisition, or use of a controlled substance, knowing or having reason to know that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes an offense.

"(3) PENALTY.—Any person who violates this subsection shall be fined under this title, imprisoned not more than 10 years, or both.".

SEC. 7. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT INTERNET WEBSITES.

Not later than 90 days after the date of enactment of this Act, the head of each department, agency, and establishment of the Federal Government shall, in consultation with the Director of the Office of National Drug Control Policy, place antidrug messages on appropriate Internet websites controlled by such department, agency, or establishment which messages shall, where appropriate, contain an electronic hyperlink to the Internet website, if any, of the Office of National Drug Control Policy.

SEC. 8. EXPANSION OF ECSTASY AND LIQUID ECSTASY ABUSE PREVENTION EFFORTS.

(a) PUBLIC HEALTH SERVICE ASSISTANCE.—Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

"SEC. 506. GRANTS FOR ECSTASY ABUSE PREVENTION.

"(a) AUTHORITY.—The Administrator, may make grants to, and enter into contracts and cooperative agreements with, public and nonprofit private entities to enable such entities—

"(1) to carry out school-based programs concerning the dangers of abuse of and addiction to 3,4-methylenedioxy methamphetamine or related drugs, using methods that are effective and science-based, including initiatives that give students the responsibility to create their own antidrug abuse education programs for their schools; and

"(2) to carry out community-based abuse and addiction prevention programs relating to 3,4-methylenedioxy methamphetamine or related drugs that are effective and science-based.

"(b) USE OF FUNDS.—Amounts made available under a grant, contract or cooperative agreement under subsection (a) shall be used for planning, establishing, or administering prevention programs relating to 3,4-methylenedioxy methamphetamine or related drugs in accordance with paragraph (3).

"(c)(1) DISCRETIONARY FUNCTIONS.—Amounts provided under this section may be used—

"(A) to carry out school-based programs that are focused on those districts with high or increasing rates of abuse and addiction to 3,4-methylenedioxy methamphetamine or related drugs and targeted at populations that are most at risk to start abuse of 3,4-methylenedioxy methamphetamine or related drugs;

"(B) to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for abuse of and addiction to 3,4-methylenedioxy methamphetamine or related drugs;

"(C) to assist local government entities to conduct appropriate prevention activities relating to 3,4-methylenedioxy methamphetamine or related drugs;

"(D) to train and educate State and local law enforcement officials, prevention and education officials, health professionals, members of community antidrug coalitions and parents on the signs of abuse of and addiction to 3,4-methylenedioxy methamphetamine or related drugs, and the options for treatment and prevention;

"(E) for planning, administration, and educational activities related to the prevention of abuse of and addiction to 3,4-methylenedioxy methamphetamine or related drugs;

"(F) for the monitoring and evaluation of prevention activities relating to 3,4-methylenedioxy methamphetamine or related drugs, and reporting and disseminating resulting information to the public; and

"(G) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

"(2) PRIORITY.—The Administrator shall give priority in making grants under this subsection to rural and urban areas that are experiencing a high rate or rapid increases in abuse and addiction to 3,4-methylenedioxy methamphetamine or related drugs.

"(d)(1) PREVENTION PROGRAM ALLOCATION.—Not less than $500,000 of the amount available in each fiscal year to carry out this section shall be made available to the Administrator, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for abuse of and addiction to 3,4-methylenedioxy methamphetamine or related drugs and the development of appropriate strategies for disseminating information about and implementing these programs.

"(2) REPORT.—The Administrator shall submit an annual report containing the results of the analyses and evaluations conducted under paragraph (1) to—

"(A) the Committee on Health, Education, Labor, and Pensions, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and

"(B) the Committee on Commerce, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

"(e) AUTHORIZATION.— There is authorized to be appropriated to carry out this subsection—

"(1) $5,000,000 for fiscal year 2001; and

"(2) such sums as may be necessary for each succeeding fiscal year.".

(b) NATIONAL YOUTH ANTIDRUG MEDIA CAMPAIGN.—In conducting the national media campaign under section 102 of the Drug-Free Media Campaign Act of 1998 (21 U.S.C. 1801), the Director of the Office of National Drug Control Policy shall ensure that such campaign addresses the reduction and prevention of abuse of 3,4-methylenedioxy methamphetamine or related drugs among young people in the United States.

* * *

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, October 3, 2000, the Federal debt stood at $5,653,358,623,363.58, five trillion, six hundred fifty-three billion, three hundred fifty-eight million, six hundred twenty-three thousand, three hundred sixty-three dollars and fifty-eight cents.

Five years ago, October 3, 1995, the Federal debt stood at $4,975,626,000,000, four trillion, nine hundred seventy-five billion, six hundred twenty-six million.

Ten years ago, October 3, 1990, the Federal debt stood at $3,254,159,000,000, three trillion, two hundred fifty-four billion, one hundred fifty-nine million.

Fifteen years ago, October 3, 1985, the Federal debt stood at $1,823,105,000,000, one trillion, eight hundred twenty-three billion, one hundred five million.

Twenty-five years ago, October 3, 1975, the Federal debt stood at $547,355,000,000, five hundred forty-seven billion, three hundred fifty-five million, which reflects a debt increase of more than $5 trillion—$5,106,003,623,363.58, five trillion, one hundred six billion, three million, six hundred twenty-three thousand, three hundred sixty-three dollars and fifty-eight cents during the past 25 years.

ADDITIONAL STATEMENTS

CONGRATULATING THE NEW YORK METS AND THE NEW YORK YANKEES ON THEIR SUCCESSFUL SEASONS

• Mr. MOYNIHAN. Mr. President, I rise to congratulate both New York professional baseball clubs, the Mets and the Yankees, on yet another outstanding season of play. And as any fan will know, the season has only just begun. With the "Amazin's" capturing in fine form the National League Wild Card and the "Bronx Bombers" winning the American League East Division for the fourth time in the last five years, the most exciting time of the year is now upon us. New Yorkers look forward to their first "subway series" since 1956, when the Yankees beat the then-Brooklyn Dodgers in seven games and Don Larson threw the only perfect game in World Series history. We will cheer for our revered teams like no time since.

First, however, the Mets head west to take on the San Francisco Giants, a team they had some trouble with earlier in the season and a team to be reckoned with. But the Mets have picked up a lot of steam in recent weeks and finished the regular season winning five straight. Indeed, riding the arms of Al Leiter and Mike Hampton, and the bats of Benny Agbayani and the venerable Mike Piazza, the Mets are as strong as they have been in years and couldn't be more ready for the Giants or whomever they may face next.

The Yankees, on the other hand, have had a tough time of it lately. Losing their last 15 of 18 games, one might say they did not so much race into the playoffs as limp. But this team is nowhere near down, nor anywhere near out. No franchise in the history of the game has had such achievement. To regain their championship form, they will rely on veteran and newcomer alike. Stalwarts such as Bernie Williams, Derek Jeter, and Scott Brosius have proven a winning combination along with a seasoned pitching staff including Andy Pettitte, Mariano Rivera and "The Rocket" Roger Clemens. Add to this already formidable lineup Glenallen Hill, Jose Canseco, and David Justice and the Yankees ought not be counted out as they seek to claim their 26th World Championship

With this in mind, I along with my fellow New Yorkers, and Mets and Yankees fans everywhere, wait not so patiently, cheer not so quietly, knowing that we may again have our subway series. Good luck Mets and Yankees!•

* * *

HONORING KELO-LAND TV

• Mr. JOHNSON. Mr. President, it is with great honor that I rise today to congratulate KELO-LAND TV of Sioux

Falls, South Dakota for receiving the prestigious national Emmy award for it's Tradition of Caring" public service announcement.

The Emmy awards nobly serve as a gateway to focusing the public's attention on cultural, educational, and technological advances in the television industry. Specifically, the purpose of the award for the Public Service Announcement—Campaign category is to recognize special achievements of the television media establishment based on their unmatched ability to achieve excellence and originality. Within this category, the outstanding achievements KELO-TV made in it's "Tradition of Caring" public service announcement led them to be chosen as first among four national finalists at the presentation of the Emmy awards in New York City.

The "Tradition of Caring" public service announcement culminates three outstanding years of active community involvement by all of KELO-LAND TV's employees on behalf of over twenty charitable organizations. The purpose of their public service campaign was to facilitate employee and community involvement in local causes. To effectively implement their campaign, employees were divided into teams based on similar interests with each team focusing on a particular organization within the community. Their personal approach to public service has not only won them an Emmy, but it has significantly helped organizations throughout South Dakota gain positive exposure and financial assistance.

KELO-LAND TV richly deserves this distinguished award. It is an honor for me to share with my colleagues KELO-TV's exemplary leadership and strong commitment to both the development and enhancement of South Dakota's local communities through public service. I strongly commend their advancements in the television industry, and I am very pleased that their substantial efforts have found such extraordinary success.•

TRIBUTE TO DR. EMMETT O. TEMPLETON

• Mr. SHELBY. Mr. President, I rise today to honor Dr. Emmett O. Templeton of Birmingham, Alabama who recently received the American College of Radiology's (ACR) Gold Medal. Dr. Templeton currently chairs the department of radiology at Montclair Baptist Medical Center in Birmingham and continues to faithfully serve the community.

Dr. Templeton is an extraordinary individual who, as Chairman of the board of Chancellors of the American College of Radiology, made a lasting impression on Members of Congress by his straight-talking style. He served his specialty, radiology, and the nation's public policy in health by dealing with problems head-on and working to find solutions. Dr. Templeton has been an asset to all of us in Congress and is deserving of the ACR Gold Medal which recognizes his marvelous achievements.

In addition, I have included the remarks made in the ACR Bulletin about Dr. Templeton and why he has been awarded the Gold Medal.

EMMETT O. TEMPLETON, M.D.

At 53, Emmett "Neal" Templeton, M.D., is one of the youngest recipients of the ACR Gold Medal. A unique and talented radiologist, Dr. Templeton is perhaps best known for his outstanding contributions and dedicated service to the college. Never one to toot his own horn, Dr. Templeton's unassuming manner, excellent intermediary talents and astute guidance have earned him the widespread respect of his peers. He has played a significant role in the advancement and success of the ACR and has been an inspiration to many of his colleagues in the southeast.

An ACR Fellow, Dr. Templeton became actively involved with the ACR fewer than 15 years ago, yet has served on more than 20 commissions and committees and participated for several years on many of them. The wide range of committees he has assisted is a reflection of his avid interest in all aspects of radiology, including accurate coding, practice matters and relationships with clinics and hospitals.

"Neal is an unusually bright and charismatic individual, which is immediately evident to those he meets. It is the reason he has so frequently been chosen for leadership," says Milton Gallant, M.D., director of radiology at The General Hospital Center at Passaic in New Jersey. "Leadership opportunities, coupled with unusual statesmanship and hard work, have resulted in his endeavors being uniformly successful."

Dr. Templeton has selflessly shared his time and counsel in ACR leadership roles, beginning as vice chair for the Commission on Radiologic Practice, The Commission on Economics, the Committee on State and Economic Legislation of the Commission on Economics, the Committee on Coding and Nomenclature and the Commission on Government Relations have all benefitted from his direction as chair. From 1992 to 1994, he served as vice chair of the Board of Chancellors. The following two years he served as chairman of the board while also serving as chairman of the Commission on Government Relations. In 1996 he was elected ACR president.

Bibb Allen Jr., M.D., one of Templeton's partners at Birmingham Radiological Group, saw firsthand the sacrifices Templeton willingly made during his tenure on the Board of Chancellors. "Neal spent the vast majority of his personal time away from the hospital conducting the business of the college," Allen says. "All radiologists have benefitted from Neal's leadership and skill."

Dr. Templeton is also a member of the Radiology Residency Review Committee, the AMA Practice Expense Advisory Committee, AMA–CPT Editorial Panel, the Government Relations Oversight Committee and the Practice Expense Advisory Committee panel.

His effective management style has made him an accomplished mediator. He is well known for his concern and support for technologists, office managers and office staff, recognizing the importance of their role in the practice of radiology. According to Barbara E. Chick, M.D., past councilor, chancellor and vice president of the ACR, "His availability to meet with anyone, at any time, to help problem-solve was a great asset to the field of radiology when the "turf" battles were so common." Chick adds, "I believe his keen insight has been beneficial to many practices in their marketing and reimbursement activities."

Templeton has a unique knowledge of radiologic practice and economic matters. He has been appointed to the boards of HMO and PPO organizations as a result of the model hospital and imaging center practices he has demonstrated in his own practice. One of the highlights of his career was his stewardship of diagnostic imaging centers as an alternative to private office or hospital practice. He was an early expert in this concept during a time when the recognition of radiologists as "physicians" was not unequivocal.

Currently chair of the department of radiology at Montclair Baptist Medical Center, Birmingham, Ala., Templeton earned his medical degree from the University of Alabama in 1973 and completed his internship and residency at the University of Alabama's hospitals and clinics. Even after achieving the highest positions in the ACR, he continues to serve the college and radiology "in the trenches."

Michael A. Sullivan, M.D., associate chairman of the department of diagnostic radiology at Ochsner Clinic in New Orleans, sums up Templeton's character nicely: "Neal is a wonderful individual who is forthright, honest and hard-working. He exemplifies the term 'involved radiologist.' "•

HONORING HARCUM COLLEGE'S 85th ANNIVERSARY

• Mr. SANTORUM. Mr. President, I rise today to recognize the 85th anniversary of Harcum College. The Harcum Post Graduate School was opened by Edith Hatcher, a talented concert pianist, and her husband Octavius Marvin Harcum. Together they chose a venture that would combine her "talents as an educator and artist and his business vision and ability." Harcum College opened its doors on October 1, 1915 in Melville Hall, with three students and five pianos.

In its early years, Harcum was a preparatory school, giving students the skills needed to attend college. Mr. Harcum was the first President, but when he died tragically in a car accident in 1920, Edith assumed the Presidency. She remained in that position for more than 30 years. The college continued to grow, yet it was a proprietary institution and faced financial difficulties. In 1952 it could no longer be run as a profitable enterprise; Edith declared bankruptcy.

The Junto Adult School was a nonprofit educational corporation founded by Benjamin Franklin. It purchased the assets of Harcum and decided to use it as a two-year college for women. Philip Klein assumed leadership, and in 1955, Pennsylvania granted Harcum permission to be the first junior college in the Commonwealth's history to confer the Associate of Arts and Science degrees.

Throughout the years, tremendous expansion of facilities has occurred yet Harcum remains committed to its original philosophies. Harcum College embraces a value system based on four principles: a respect for and appreciation of diversity; the ability to make sound ethical and moral choices; the need to take responsibility for self and others; and a commitment to lifelong learning. All members of the Harcum community are committed to the success of one another.

Harcum College has always placed learning first and is committed to providing individualized educational experiences for a diverse community of learners. Harcum educated students in the arts and occupational skills, and in Mrs. Harcum's words, the college respected each student as an "individual with personal needs, interests, aptitudes, and aspirations."

I commend Harcum College for its accomplishments and commitment to education. Harcum has faced many challenges over the years, and I congratulate the institution as it remains an outstanding educational facility.●

2000 NATIONAL DISTINGUISHED PRINCIPALS AWARD

• Mr. MURKOWSKI. Mr. President, I would like to take a moment to congratulate an exceptional elementary school principal, Mr. Karl Schleich of Wasilla, Alaska. He is the 2000 recipient of the National Distinguished Principals Award for Alaska.

The National Distinguished Principals Program (NDP) was established in 1984 as an annual event to honor elementary and middle school principals who set the pace, character, and quality of the education children receive during their early school years. The program is jointly sponsored by the U.S. Department of Education and the National Association of Elementary School Principals (NAESP). It calls attention to the fundamental importance of the school principal in achieving educational excellence for pre-kindergarten through eighth grade students.

Mr. Schleich's reputation for getting things done was established in southeast Alaska when, in his first position as an educational leader, he oversaw the creation of a grade 6–8 middle school in a former grade 7–12 building and then founded a regional association to support others making similar transitions. As an assistant principal, he helped model a middle school program that received statewide and national attention. In his role as principal at Snowshoe Elementary School, he has boosted school improvement efforts, developed and trained staff in schoolwide assessments of writing, reading comprehension, and early literacy skills, as well as portfolios of children's work. Karl Schleich is commended by his colleagues for his uncommon interpersonal skills and energy that he has demonstrated in his 12 years as a principal.

Our Nation's future depends on today's educators. Currently, 40 percent of America's 4th graders read below the basic level on national reading tests. On international tests, the nation's 12th graders rank last in Advanced Physics compared with students in 18 other countries. And one-third of all incoming college freshmen must enroll in a remedial reading, writing, or mathematics class before taking regular courses. This country is in need of more devoted and talented educators. I commend Mr. Schleich for his hard work and dedication to our children. He is educating those who will lead this country in creating, developing, and putting to work new ideas and technology.●

TRIBUTE TO CAPTAIN JOSEPH E. BAGGETT

• Mr. HUTCHINSON. Mr. President, I rise today to recognize and honor Captain Joseph E. Baggett, Judge Advocate Generals' Corps, United States Navy, upon his retirement after twenty-nine years of devoted, active duty service in our great nation's Navy.

Captain Baggett was born into a military family. The son of a career enlisted Marine, Captain Baggett grew up in the presence of the United States Navy in such diverse locations as Naval Air Station Pensacola, Marine Corps Base, Camp Lejeune, and the United Kingdom. Raised with the values of Honor, Courage, and Commitment, and with a family tradition of service, it only made sense that he too would pursue a military career.

Captain Baggett graduated Phi Beta Kappa from Tulane University in May 1971, and entered the Navy through Tulane's Naval Reserve Officer Training Corps. At that time Captain Baggett raised his hand and took his oath to support and defend the Constitution. In the years since that day he has devoted indeed all of his great energy, talent, and intellect to that task. He has been steadfast in his covenant to this nation and his devotion to those with whom he has served. An illustrious career gives eloquent testimony to his service to our country and to our Navy's legal community.

After two tours as a Supply Corps officer, including service onboard USS *Rich* (DD–820), he entered the Navy's Law Education Program and commenced the study of law at Tulane University. After earning his Juris Doctor degree in 1977, his first tour of duty as a Navy Judge Advocate was at Naval Legal Service Office, Jacksonville, Florida where he served as a formidable military prosecutor tirelessly pursuing justice on behalf of the Navy.

Captain Baggett's subsequent tours demonstrate his exceptional talent for international and operational law, his unsurpassed academic credentials, and his desire to serve the Fleet wherever required. In such diverse assignments as Commander Middle East Force onboard USS *LaSalle* (AGF–3) and USS *Coronado* (AGF–11), Commander Iceland Defense Force, and Commander Sixth Fleet, serving onboard USS *Belknap* (CG–26) and USS *Iowa* (BB–61), Captain Baggett's legal acumen and diplomatic skill repeatedly helped safeguard America's Interests and project America's presence in these often complex areas of the world. Interspersed were tours in Navy's Office of Legislative Affairs, the International Law Division of the Office of the Judge Advocate General, and the University of Miami where he earned a Masters of Law degree in Ocean and Coastal Law.

With his vast experience with forward-deployed, operational forces, Captain Baggett was able to quickly contribute to a number of vital, National-level issues in subsequent Washington staff assignments, including tours on the Joint Staff's Strategic Plans and Policy Directorate, as Deputy Assistant Judge Advocate General for International Law, and as the Defense Department Representative for Ocean Policy, where he was pivotal in developing United States policy on a variety of issues, including issues involving the newly formed Russian Federation. With this comprehensive top-level, international legal perspective, Captain Baggett was the obvious choice to become the Counsel for National Security to the Deputy Attorney General of the United States.

Returning to the Fleet as the Senior Staff Judge Advocate for the Commander in Chief, U.S. Atlantic Fleet, Captain Baggett was a major influence in high-level decisionmaking related to all aspects of Fleet operations, including environmental coordination and enforcement, rules of engagement, medical law, military justice, and the legal aspects of shore activity management. Captain Baggett's subsequent tour as the Commanding Officer of the Navy's flagship Naval Legal Service Office, in Norfolk, Virginia, demonstrated once again his exceptional leadership skills. Here he mentored the young men and women of the Navy's legal community about the operational imperatives of the Navy, and constantly stressed the paramount need to serve the Fleet.

Captain Baggett's wealth of expertise of Navy won him the assignment as Director of the Legislation Division in the Navy's Office of Legislative Affairs. In this capacity his consistent sound judgment and flawless tact ensured Navy issues were properly conveyed to Senate Committees and Subcommittees.

Standing beside this officer throughout his career has been his wife Suzanne, a lady to whom he owes much.

She has been his key supporter, devoting her life to her husband, to their two sons, Merritt and Graham, and to the men and women of the Navy family. She has traveled by his side for these many years. Her sacrifice and devotion have served as an example and inspiration for others.

With these words before the Senate, I seek to recognize Captain Baggett for his unswerving loyalty to the Navy and the Nation. The Department of the Navy and the American people have been served well by this dedicated naval officer. He will be missed. He has left the Navy better prepared to face the challenges and opportunities of the 21st century. We thank him and wish Joe, and his lovely wife Suzanne, fair winds and following seas as they continue forward in what will most assuredly remain lives of service to this Great Nation.●

EDWIN J. KUNTZ

● Mr. BURNS. Mr. President, I rise today to announce the passing of an outstanding leader in the agriculture community of Montana. I first met Ed Kuntz and his family in the 1960's. He and his family lived in the small community of Custer, Montana. They farmed small grain, sugar beets and fed cattle. It was a typical diversified farming operation found on the many irrigation projects along the Yellowstone River.

Ed was a little different. He was not only of the land but was of the people who lived on the land and called it home. Just another average American of the silent Americans who served this country when asked and served his community when no one else would. Average? Not at all. Nothing could be further from the truth.

His service to his community and neighbors did not stop at the county line. He was an excellent farmer and stockman. His love and respect for the sugar industry took him to national leadership where he was one of their most respected leaders. With the demands on the farm and dedication to a family, he still found time to work for the sugar beet industry not only for himself but his neighbors. I know first hand the impact he had on this town of Washington as he represented the many sugar growers across the country.

He was born May 3, 1926 in Billings, Montana. He was educated and graduated from Custer High School in 1944 and enlisted in the Army Air Corps and trained as a gunner on a B–17. While on furlough, he married his high school sweetheart, Peg Qusest. This December they would have been celebrating being married 56 years.

Ed became a director on the Mountain States Beet Growers Association and served 35 years on that board. He was treasurer for more years than anybody can count and president for 10 years. He also served on the board of directors of the American Sugar Beet Association in Washington, D.C. and devoted many hours away from the farming operation and family.

He is survived by his wife, Peg of Custer, Montana, a daughter, Belva; 2 sons, Rick and Cody.

By paying our respect to Ed Kuntz, we acknowledge the unsung leaders across this land who silently build a nation every day. He was just one that has been described as being a part of the greatest generation.●

TRIBUTE TO GENERAL ANTHONY ZINNI, USMC (RET.)

● Mr. WARNER. Mr. President, I rise today to pay tribute to General Anthony Zinni, United States Marine Corps, on the occasion of his completion of a successful tour of duty as Commander in Chief, United States Central Command, and his retirement from active duty after 36 years of loyal service. I offer these remarks with great respect for General Zinni, a true American patriot and a Marine's Marine.

General Zinni is a remarkable individual, a distinguished combat soldier, and an inspiring, uncompromising leader. During his 36 year military career, General Zinni's intellect, candor, and unshakeable optimism have had a profound, positive influence on the U.S. Armed Forces from the Quang Nam province of Vietnam to the sheikdoms of the Middle East, and a hundred points in between. A life long adventure that began in a small Pennsylvania town on the banks of the Schuykill River has taken him around the world and to the top echelons of military leadership.

A first generation American, General Zinni began his service to the nation in 1961. His father, Antonio Zinni, who immigrated from Italy and fought for his adopted country in the trenches of France in World War I, and his mother, Lilla, instilled in General Zinni an unconditional devotion to the principles of American freedom and liberty and a profound respect for military service. On his first day of classes at Villanova University, with the lessons of his parents in mind, General Zinni joined the Marine Corps. From the Augustinians and the Marine Corps Drill Instructors, General Zinni developed an intellectual prowess and professional military acumen that would distinguish him as a "cut above" throughout his career.

Beginning with two combat tours in Vietnam, General Zinni embarked on a series of assignments that reflect the myriad missions to which the military has been deployed in the latter part of the 20th Century—combat operations, humanitarian operations, peacekeeping and peace enforcement. Following Vietnam, General Zinni participated in humanitarian relief operations in the Philippines and in Northern Iraq. He commanded U.S. military forces in Somalia and also commanded the task force responsible for safeguarding the withdrawal of U.N. peacekeeping forces from Somalia in 1995.

In August 1997, General Zinni, recognized as one of the most operationally competent, most experienced and most versatile military leaders in uniform, was selected by the President to be the Commander in Chief of United States Central Command. Following a unanimous confirmation vote by this chamber, General Zinni spent the next three years representing the United States and ensuring the security of U.S. interests in one of the most challenging areas of the world.

As many of my colleagues are aware, United States Central Command encompasses a region that includes 25 nations, extending from Egypt and the Horn of Africa through the Arabian Peninsula and Gulf States, to the newly independent central Asian nations and Pakistan. While abundant in cultural, ethnic and religious diversity, these same enriching features are also the source of deep-rooted, historic animosities—animosities within the region and toward the United States. Guided by his imperative to genuinely understand the unique perspective of a society and his desire to work with the people of the region, General Zinni earned the respect and administration of the area's national leaders. There is no question that he was the right man in the right place at the right time.

While we acknowledge the long list of General Zinni's accolades, we recognize that the challenges of military life are most successfully accomplished as a team effort. General Zinni's wife, Debbie, and their children Lisa, Tony, and Maria have shared the challenges and rewards of General Zinni's military life. The journey which brought General Zinni to Central Command, the hallmark of his distinguished military career, would not have been possible without the unconditional and loving support of his family.

On behalf of a grateful nation, I congratulate you and your family for your service to the Nation, the Armed Forces and to the Marine Corps. Semper Fi! General, as a former Maine, I salute you on the floor of the U.S. Senate.●

IDAHO'S OLYMPIC CHAMPIONS

● Mr. CRAIG. Mr. President, I rise today to congratulate two Idaho athletes who have made America proud in the 2000 Olympic Games.

Stacy Dragila from Pocatello, Idaho soared to the top of her sport, bringing home the gold medal. She pole vaulted fifteen feet, one inch in Sydney, Australia on September 25th. Stacy deserves recognition because she is more than an athlete. She gives back to her sport by working as an assistant track coach at Idaho State University.

Idahoan Charles Burton is another Idaho Olympian. He finished his round of wrestling competition on October first, coming in at fifth place. Charles wrestled at Centennial High School in Boise and Boise State University. He has been called the "U.S. Olympic Wrestling Team's most hidden gem," and I'm proud he represented our gem state in Sydney.

The hard work and determination of Idaho's Olympic Athletes is an inspiration to us all. They have demonstrated the best of our State and our Nation, and I am proud to congratulate both Stacy and Charles for their personal achievement and the honor in which each represented Idaho and the United States of America.•

TRIBUTE TO LOWELL GUTHRIE

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to my good friend Lowell Guthrie for his commitment to higher education, and his generosity to the students at Western Kentucky University in Bowling Green, Kentucky.

I have had the privilege of knowing Lowell for many years and have witnessed his compassion for others on numerous occasions. Lowell has a kind heart and a giving spirit, and he constantly thinks of ways to improve the quality of life for others. Lowell has built a successful business in Bowling Green and is an active member of the Bowling Green community. He is a leader in education, providing opportunities for his employees and for others whom he does not know by funding scholarships to Western Kentucky University. He has consistently been a contributor to WKU and has now stepped up as a leader in Western's Investing in the Spirit capital campaign with a $1.8 million gift to provide student scholarships and to construct a clock and bell tower on the WKU campus.

The clock and bell tower will stand in "The Guthrie Plaza" in memory of Lowell's brother, Sgt. 1st Class Robert Guthrie, an American soldier who died in the Korean War, and it will honor all those associated with WKU who have lost their lives in service to their country. The courtyard area of The Guthrie Plaza will be constructed in honor of Lowell's wife, Judith Carolyn Guthrie.

The tower and courtyard will enhance the appearance of WKU's campus but more importantly it will serve as a reminder to thousands of students and alumni of those who sacrificed their lives so that we may have freedom. Lowell's generosity and his commitment to education will ensure that hundreds of students from all backgrounds will receive a quality education and the opportunity to succeed in whatever field of study they choose.

On behalf of myself and my colleagues in the United States Senate, I offer heartfelt thanks to Lowell and to the entire Guthrie family for their continuing commitment to Western Kentucky University, their community and to the education of America's youth.•

MESSAGES FROM THE HOUSE

At 1:09 p.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 366. An act to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

S. 1198. An act to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

S. 2045. An act to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens.

S. 2272. An act to improve the administration, efficiency, and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 238. An act to improve the prevention and punishment of criminal smuggling, transporting, and harboring of aliens, and other purposes.

H.R. 284. An act to amend title 38, United States Code, to require employers to give employees who are members of a reserve component a leave of absence for participation in an honor guard for a funeral of a veteran.

H.R. 534. An act to amend chapter 1 of title 9, United States Code to provide for a greater fairness in the arbitration process relating to motor vehicle franchise controls.

H.R. 848. An act for the relief of Sepandan Farnia and Farbod Farnia.

H.R. 2820. An act to provide for the ownership and operation of the irrigation works on the Salt River Pima-Maricopa Indian Community's reservation in Maricopa County, Arizona, by the Salt River Pima-Maricopa Indian Community.

H.R. 3184. An act for the relief of Zohreh Farhang Ghahfarokhi.

H.R. 3414. An act for the relief of Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron.

H.R. 3484. An act to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes.

H.R. 3850. An act to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the nation by relieving unnecessary burdens on the Nation's two percent local exchange telecommunications carriers, and for other purposes.

H.R. 4022. An act regarding the sale and transfer of Moskit anti-ship missiles by the Russian Federation.

H.R. 4216. An act to amend the Workforce Investment Act of 1998 to expand the flexibility of customized training, and for other purposes.

H.R. 4389. An act to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

H.R. 4503. An act to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities.

H.R. 4721. An act to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States.

H.R. 5139. An act to provide for the conveyance of certain real property at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia.

H.R. 5178. An act to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

H.R. 5266. An act for the relief of Saeed Rezai.

H.R. 5331. An act to authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 64. Concurrent resolution recognizing the severity of the issue of cervical health, and for other purposes.

H. Con. Res. 133. Concurrent resolution recognizing the severity of the disease of colon cancer, the preventable nature of the disease, and the need for education in the areas of prevention and early detection, and for other purposes.

H. Con. Res. 390. Concurrent resolution expressing the sense of the Congress regarding Taiwan's participation in the United Nations and other international organizations.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the federal costs of disaster assistance, and for other purposes, with an amendment to the Senate amendment.

The message further announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon. That Mr. ISTOOK, Mr. CUNNINGHAM, Mr. TIAHRT, Mr. ADERHOLT, Mrs. EMERSON, Mr. SUNUNU, Mr. YOUNG of Florida, Mr. MORAN of Virginia, Mr. DIXON, Mr. MOLLOHAN, and Mr. OBEY, be the managers of the conference on the part of the House.

At 3:18 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4828. An act to designate the Steens Mountain Wilderness Area and the Steens Mountain Cooperative Management and Protection Area in Harney County, Oregon, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 820) to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon. That Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. GILCHREST, Mr. DEFAZIO, and Mr. BAIRD, be the managers of the conference on the part of the House.

The messages further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon. That the following Members be the managers of the conference on the part of the House:

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. GOSS, Mr. LEWIS of California, Mr. MCCOLLUM, Mr. CASTLE, Mr. BOEHLERT, Mr. BASS, Mr. GIBBONS, Mr. LAHOOD, Mrs. WILSON, Mr. DIXON, Ms. PELOSI, Mr. BISHOP, Mr. SISISKY, Mr. CONDIT, Mr. ROEMER, and Mr. HASTINGS of Florida.

ENROLLED BILLS SIGNED

At 5:32 p.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 302. An act for the relief of Kerantha Poole-Christian.

H.R. 4365. An act to amend the Public Health Service Act with respect to children's health.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–10978. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Management and Accounting Deficiencies in the District's Excess and Surplus Property Program"; to the Committee on Governmental Affairs.

EC–10979. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "District's Privatization Initiatives Flawed by Noncompliance and Poor Management"; to the Committee on Governmental Affairs.

EC–10980. A communication from the Acting Director of the Office of Government Ethics, transmitting, pursuant to law, a report relative to the strategic plan for fiscal years 2001–2006; to the Committee on Governmental Affairs.

EC–10981. A communication from the Executive Director of the Advisory Council on Historic Preservation, transmitting, pursuant to law, a report relative to commercial activities inventory; to the Committee on Governmental Affairs.

EC–10982. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73 .202(b), Table of Allotments, FM Broadcast Stations (Andalusia, Alabama and Holt, Florida)" (MM Docket No. 00–17;RM–9814) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10983. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73 .202(b), Table of Allotments, FM Broadcast Stations, Bristol, Vermont" (MM Docket No. 99–260, RM–9686) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10984. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73 .202(b), Table of Allotments, FM Broadcast Stations (Rangely, Silverton and Ridgway, Colorado)" (MM Docket No. 99–151) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10985. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73 .202(b), Table of Allotments, FM Broadcast Stations Rocksprings, Texas" (MM Docket No. 99–336) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10986. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73 .202(b), Table of Allotments, FM Broadcast Stations (Sheffield, Pennsylvania; Erie, Illinois; and Due West, South Carolina)" (MM Docket No. 00–60; 00–61; and 00–62) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10987. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73 .202(b), Table of Allotments, FM Broadcast Stations (Pitkin, Lake Charles, Moss Bluff and Reeves, LA, and Crystal Beach, Galveston, Missouri City and Rosenberg, TX)" (MM Docket No. 9926) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC– –10988. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73 .202(b), Table of Allotments, FM Broadcast Stations (Jacksonville, GA, Las Vegas, NM, Vale, OR, Waynesboro, GA, Fallon, NV, Weiser, OR)" (MM Docket Nos. 00–84, RM–9855; 00–85, RM–9868; 00–86, RM–9869; 00–89, RM–9872; 00–111 , RM–9900; 00–112, RM–9901) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10989. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Fourth Memorandum Opinion and Order in CC Docket 94-102 Regarding Enhanced 911 Emergency Calling Systems" (FCC 00–326, CC Doc. 94–102) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10990. A communication from the Chief, Office of Plans and Policy, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Compatibility Between Cable Systems and Consumer Electronics Equipment" (PP Doc. 0067, FCC 00–342) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10991. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 15 of the Commission's Rules Regarding Spread Spectrum Devices" (ET Docket No. 99–231, FCC 00–312) received on October 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10992. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignments Policies of the Private Land Mobile Radio Services, Third Memorandum Opinion and Order" (FCC 99–138, PR Docket No. 92–235) received on September 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10993. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Air Tour Operations in the State of Hawaii ; docket no. 27919; SFAR 71 [9–29/9–28]" (RIN2120–AG44) (2000–0001) received on September 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10994. A communication from the Assistant Bureau Chief, Management, International Bureau Telecommunications Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Order on Reconsideration in the Matter of Rules and Policies on Foreign Participation in the U.S. Telecommunications Market" (IB Docket No. 97–142, FCC 00–339) received on September 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10995. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled "NASA 2000 Strategic Plan"; to the Committee on Commerce, Science, and Transportation.

EC–10996. A communication from the Secretary of Defense, transmitting, a notice relative to three retirements; to the Committee on Armed Services.

EC–10997. A communication from the Chief of the Programs and Legislation Division, Office of the Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to a cost comparison of Multiple Support Functions at Randolph Air Force Base, Texas; to the Committee on Armed Services.

EC–10998. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the strategic plan for 2000–2005; to the Committee on Energy and Natural Resources.

EC–10999. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisin Produced From Grapes Grown in California; Decreased Assessment Rate" (Docket Number: FV00–989–5 IFR) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11000. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading" (RIN0581–AB89) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11001. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Implementation of Public Law 105–33, Section 9302, Relating to the Imposition of Permit Requirements on the Manufacture of Roll-Your-Own Tobacco (98R–370P)" (RIN1512–AB92) received on October 2, 2000; to the Committee on Finance.

EC–11002. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, a report on the Andean Trade Preference Act (ATPA); to the Committee on Finance.

EC–11003. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation Z (Truth-in-Lending)" (R–1070) received on September 29, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11004. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Fair Market Rents: Increased Fair Market Rents and Higher Payment Standards for Certain Areas" (RIN2501–AC75) (FR–4606–I–01) received on October 2, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11005. A communication from the Executive Director of the Emergency Oil and Gas Guaranteed Loan Board, transmitting, pursuant to law, the report of a rule entitled "Emergency Oil and Gas Guaranteed Loan Board; Financial Statements" (RIN3003–ZA00) received on October 2, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11006. A communication from the Executive Director of the Emergency Steel Loan Guarantee Board, transmitting, pursuant to law, the report of a rule entitled "Emergency Steel Loan Guarantee Program; Participation in Unguaranteed Tranche" (RIN3003–ZA00) received on October 2, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11007. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to emergency funds; to the Committee on Health, Education, Labor, and Pensions.

EC–11008. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the strategic plan for fiscal years 1999–2004; to the Committee on Health, Education, Labor, and Pensions.

EC–11009. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report relative to the strategic plan for 2000–2005; to the Committee on Health, Education, Labor, and Pensions.

EC–11010. A communication from the Director of Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Administrative Practices and Procedures; Good Guidance Practices" (Docket No. 99N–4783) received on October 3, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11011. A communication from the Director of Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Gastroenterology and Urology Devices; Effective Date of Requirement for Premarket Approval of the Implanted Mechanical/Hydraulic Urinary Continence Device" (Docket No. 94N–0380) received on October 3, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11012. A communication for the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the fiscal year 1996 Low Income Home Energy Assistance Program (LIHEAP); to the Committee on Health, Education, Labor, and Pensions.

EC–11013. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the fiscal year 2001–2006 strategic plan; to the Committee on Health, Education, Labor, and Pensions.

EC–11014. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised 15% Plan for Northern Virginia Portion of the Metropolitan Washington, D.C. Ozone Nonattainment Area" (FRL #6880–8) received on October 3, 2000; to the Committee on Environment and Public Works.

EC–11015. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Identification of Approval and Disapproved Elements of the Great Lakes Guidance Submission From the State of New York, and Final Rule" (FRL #6881–9) received on October 3, 2000; to the Committee on Environment and Public Works.

EC–11016. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans—North Carolina: Approval of Revisions to North Carolina State Implementation Plan: Technical Correction" (FRL #6881–1) received on October 3, 2000; to the Committee on Environment and Public Works.

EC–11017. A communication from the Director of the Office of Congressional Affairs, Office of Enforcement, Nuclear Regulatory Commission , transmitting, pursuant to law, the report of a rule entitled "NRC Enforcement Policy" received on October 3, 2000; to the Committee on Environment and Public Works.

EC–11018. A communication from the Director of the Office of Congressional Affairs, Office of the General Counsel, Nuclear Regulatory Agency, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Civil Penalties for Inflation/Miscellaneous Administrative Changes" (RIN3150–AG59) received on October 3, 2000; to the Committee on Environment and Public Works.

EC–11019. A communication from the Acting Inspector General, Department of Defense, transmitting, pursuant to law, the fiscal year 1999 DOD Superfund Financial Transactions; to the Committee on Environment and Public Works.

EC–11020. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "National Air Toxics Program: The Integrated Urban Strategy"; to the Committee on Environment and Public Works.

EC–11021. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the South Sacramento County Streams, California; to the Committee on Environment and Public Works.

EC–11022. A communication from the Secretary and the Deputy Secretary of the Department of Housing and Urban Development, transmitting jointly, pursuant to law, a report relative to the fiscal year 2000–2006 strategic plan; to the Committee on Banking, Housing, and Urban Affairs.

EC–11023. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the strategic plan for fiscal year 2001–2005; to the Committee on Governmental Affairs.

EC–11024. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, a report relative to the commercial activities inventory; to the Committee on Governmental Affairs.

EC–11025. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on October 3, 2000; to the Committee on Governmental Affairs.

EC–11026. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Rev. Proc. 78–37" (Rev. Proc. 2000–41) received on October 3, 2000; to the Committee on Finance.

EC–11027. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic approval of changes in funding methods" (Revenue Procedure 2000–40) received on October 3, 2000; to the Committee on Finance.

EC–11028. A communication from the Administrator of the Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Rice Crop Insurance Provisions" received on October 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11029. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Extension of Expiration Date for the Respiratory Body System

Listings" (RIN0960–AF42) received on October 3, 2000; to the Committee on Finance.

EC–11030. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Landing requirements for passengers arriving from Cuba" (RIN1115–AF72) (INS. No. 2045–00) received on October 3, 2000; to the Committee on the Judiciary.

EC–11031. A communication from the General Counsel of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Electronic Filing of Documents" received on October 3, 2000; to the Committee on Energy and Natural Resources.

EC–11032. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to voluntary commitments to accelerate the introduction of alternative fuel vehicles (AFVs); to the Committee on Energy and Natural Resources.

EC–11033. A communication from the Deputy Assistant Secretary of Defense (Equal Opportunity), transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN1190–AA28) received on October 3, 2000; to the Committee on Armed Services.

EC–11034. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to the United Kingdom; to the Committee on Foreign Relations.

EC–11035. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–11036. A communication from the Director of the Office of Equal Opportunity Programs, Agency for International Development, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN0412–AA45) received on October 3, 2000; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–626. A resolution adopted by the City Commission of Ft. Lauderdale, Florida relative to the Comprehensive Everglades Restoration Plan; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001" (Rept. No. 106–483).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

S. 1109: A bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes (Rept. No. 106–484).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2417: A bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes (Rept. No. 106–485).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1697: A bill to authorize the Secretary of the Interior to refund certain collections received pursuant to the Reclamation Reform Act of 1982 (Rept. No. 106–486).

S. 1756: A bill to enhance the ability of the National Laboratories to meet Department of Energy missions and for other purposes (Rept. No. 106–487).

S. 2163: A bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington (Rept. No. 106–488).

S. 2882: A bill to authorize Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes (Rept. No. 106–489).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS for the Committee on Foreign Relations.

Treaty Doc. 106–47 Investment Treaty With Azerbaijan (Exec. Rept. No. 106–23).

TEXT OF COMMITTEE RECOMMENDED
RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania for the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Washington on January 14, 1998 (Treaty Doc. 106–42), subject to the declaration of subsection (a) and the proviso of subsection (a).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–25 Investment Treaty With Bahrain (Exec. Rept. No. 106–23).

TEXT OF COMMITTEE RECOMMENDED
RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the State of Bahrain Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on September 29, 1999 (Treaty Doc. 106–25), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advise and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–26 Investment Treaty With Bolivia (Exec. Rept. No. 106–23).

TEXT OF COMMITTEE RECOMMENDED
RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Bolivia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Santiago, Chile, on April 17, 1998 (Treaty Doc. 106–26), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–29 Investment Treaty With Croatia (Exec. Rept No. 106–23).

Text of Committee Recommended Resolution of Advice and Consent:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Croatia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Zagreb on July 13, 1996 (Treaty Doc. 106–29), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

Treaty interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) Proviso.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

Supremacy of the constitution.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–28 Investment Treaty With El Salvador (Exec. Rept. No. 106–23).

Text of Committee Recommended Resolution of Advice and Consent

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at San Salvador on March 10, 1999 (Treaty Doc. 106–28), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

Treaty interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) Proviso.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

Supremacy of the constitution.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–27 Investment Treaty With Honduras (Exec. Rept. No. 106–23).

Text of Committee Recommended Resolution of Advice and Consent

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Honduras Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Denver on July 1, 1995 (Treaty Doc. 106–27), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

Treaty interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) Proviso.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

Supremacy of the constitution.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–30 Investment Treaty With Jordan (Exec. Rept No. 106–23).

Text of Committee Recommended Resolution of Advice and Consent:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Amman on July 2, 1997 (Treaty Doc. 106–30), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

Treaty interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) Proviso.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President.

Supremacy of the constitution.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–42 Investment Treaty With Lithuania (Exec. Rept. No. 106–23).

Text of Committee Recommended Resolution of Advice and Consent:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania for the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Washington on January 14, 1998 (Treaty Doc. 106–42), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

Treaty interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) Proviso.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification:

Supremacy of the constitution.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–31 Investment Treaty With Mozambique (Exec. Rept. No. 106–23).

Text of Committee Recommended Resolution of Advice and Consent:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Mozambique Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, and a related exchange of letters, signed at Washington on December 1, 1998 (Treaty Doc. 106–31), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

Treaty interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) Proviso.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-46 Protocol Amending Bilateral Investment Treaty With Panama (Exec. Rept. No. 106-23).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Between the Government of the United States of America and the Government of the Republic of Panama Amending the Treaty Concerning the Treatment and Protection of Investments of October 27, 1982, signed at Panama City on June 1, 2000, (Treaty Doc. 106-46).

Treaty Doc. 104-25 Investment Treaty With Uzbekistan (Exec. Rept. No. 106-23).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT.

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Uzbekistan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on December 16, 1994 (Treaty Doc. 104-25), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-35 Treaty With Cyprus on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106-24).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Cyprus on Mutual Legal Assistance in Criminal Matters, signed at Nicosia on December 20, 1999 (Treaty Doc. 106-35), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under the Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-19 Treaty With Egypt on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106-24).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Arab Republic of Egypt on Mutual Legal Assistance in Criminal Matters, signed at Cairo on May 3, 1998 (Treaty Doc. 106-19), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification.

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-17 Treaty With France on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106-24).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of France on Mutual Legal Assistance in Criminal Matters, with an Explanatory Note, signed at Paris on December 10, 1998 (Treaty Doc. 106-17), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-18 Treaty with the Hellenic Republic on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106-24).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Hellenic Republic on Mutual Legal Assistance in Criminal Matters, signed at Washington on May 25, 1999 (Treaty Doc. 106-18), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 102-26 Treaty With Nigeria on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106-24).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Federal Republic of Nigeria on Mutual Legal Assistance in Criminal Matters, signed at Washington on September 13, 1989 (Treaty Doc. 102-26), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-20 Treaty With Romania on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106-24).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Romania on Mutual Legal Assistance in Criminal Matters, signed at Washington on May 26, 1999 (Treaty Doc. 106-20), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence,

anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-36 Treaty With South Africa on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106-24).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of South Africa on Mutual Legal Assistance in Criminal Matters, signed at Washington on September 16, 1999 (Treaty Doc. 106-36), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionality based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106-16 Treaty With Ukraine on Mutual Legal Assistance in Criminal Matters (Exec. Rept. 106-24).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and Ukraine on Mutual Legal Assistance in Criminal Matters, signed at Kiev on July 22, 1998 (Treaty Doc. 106-16), subject to the understanding of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification.

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interests, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105-25 Inter-American Convention on Mutual Assistance in Criminal Matters With Related Optional Protocol (Exec. Rept. 106-24).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Inter-American Convention on Mutual Assistance in Criminal Matters ("the Convention"), adopted at the Twenty-Second Regular Session of the Organization of American States ("OAS") General Assembly meeting in Nassau, The Bahamas, on May 23, 1992, and the Optional Protocol Related to the Inter-American Convention on Mutual Assistance in Criminal Matters ("the Optional Protocol"), adopted at the Twenty-third Regular Session of the OAS General Assembly meeting in Managua, Nicaragua, on June 11, 1993, both instruments signed on behalf of the United States at OAS Headquarters in Washington on January 10, 1995 (Treaty Doc. 105-25), subject to the understandings of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDINGS.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

(1) IN GENERAL.—The United States understands that the Convention and Optional Protocol are not intended to replace, supersede, obviate or otherwise interfere with any other existing bilateral or multilateral treaties or conventions, including those that relate to mutual assistance in criminal matters.

(2) ARTICLE 25.—The United States understands that Article 25 of the Convention, which limits disclosure or use of information or evidence obtained under the Convention, shall no longer apply if such information or evidence is made public, in a manner consistent with Article 25, in the course of proceedings in the Requesting State.

(3) PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it may provide under the Convention and/or Optional Protocol so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Convention or the Optional Protocol requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 104–29 United Nations Convention To Combat Desertification in Countries Experiencing Drought, Particularly in Africa, With Annexes (Exec. Rept. No. 106–25).

Text of Committee Recommended
Resolution of Advice and Consent:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, With Annexes, adopted at Paris, June 17, 1994, and signed by the United States on October 14, 1994, (Treaty Doc. 104-29) (hereinafter, "The Convention"), subject to the understandings of subsection (a), the declarations of subsection (b) and the provisos of subsection (c).

(a) Understandings.—The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification of the Convention and shall be binding on the President:

(1) Foreign assistance.—The United States understands that, as a "developed country," pursuant to Article 6 of the Convention and its Annexes, it is not obligated to satisfy specific funding requirements or other specific requirements regarding the provision of any resource, including technology, to any "affected country," as defined in Article 1 of the Convention. The United States understands that ratification of the Convention does not alter its domestic legal processes to determine foreign assistance funding or programs.

(2) Financial resources and mechanism.—The United States understands that neither Article 20 nor Article 21 of the Convention impose obligations to provide specific levels of funding for the Global Environmental Facility, or the Global Mechanism, to carry out the objectives of the Convention, or for any other purpose.

(3) United states land management.—The United States understands that it is a "developed country party" as defined in Article 1 of the Convention, and that it is not required to prepare a national action program pursuant to Part III, Section 1, of the Convention. The United States also understands that no changes to its existing land management practices and programs will be required to meet its obligations under Articles 4 or 5 of the Convention.

(4) Legal process for amending the convention.—In accordance with Article 34(4), any additional regional implementation annex to the Convention or any amendment to any regional implementation annex to the Convention shall enter into force for the United States only upon the deposit of a corresponding instrument of ratification, acceptance, approval or accession.

(5) Dispute settlement.—The United States declines to accept as compulsory either of the dispute settlement means set out in Article 28(2), and understands that it will not be bound by the outcome, findings, conclusions or recommendations of a conciliation process initiated under Article 28(6). For any dispute arising from this Convention, the United States does not recognize or accept the jurisdiction of the International Court of Justice.

(b) Declarations.—The Senate's advice and consent is subject to the following declarations, which shall be binding on the President:

(1) Consultations.—It is the sense of the Senate that the Executive Branch should consult with the Committee on Foreign Relations of the Senate about the possibility of United States participation in future negotiations concerning this Convention, and in particular, negotiation of any Protocols to this Convention.

(2) Treaty interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(3) Adoption of no reservations provision.—It is the sense of the Senate that the "no reservations" provision contained in Article 37 of the Convention has the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and that the Senate's approval of the Convention should not be construed as a precedent for acquiescence to future treaties containing such provisions.

(c) Provisos.—The advice and consent of the Senate is subject to the following provisos:

(1) Report to congress.—Two years after the date the Convention enters into force for the United States, and biennially thereafter, the Secretary of State shall provide a report to the Committee on Foreign Relations of the Senate setting forth the following:

(i) a description of the programs in each affected country party designed to implement the Convention, including a list of community-based non-governmental organizations involved, a list of amounts of funding provided by the national government and each international donor country, and the projected date for full implementation of the national action program;

(ii) an assessment of the adequacy of each national action program (including the timeliness of program submittal), the degree to which the plan attempts to fully implement the Convention, the degree of involvement by all levels of government in implementation of the Convention, and the percentage of government revenues expended on implementation of the Convention;

(iii) a list of United States persons designated as independent experts pursuant to Article 24 of the Convention, and a description of the process for making such designations;

(iv) an identification of the specific benefits to the United States, as well as United States persons, (including United States exporters and other commercial enterprises), resulting from United States participation in the Convention;

(v) a detailed description of the staffing levels and budget of the Permanent Secretariat established pursuant to Article 23;

(vi) a breakdown of all direct and indirect United States contributions to the Permanent Secretariat, and a statement of the number of United States citizens who are staff members or contract employees of the Permanent Secretariat;

(vii) a list of affected party countries that have been developed countries, within the meaning of the Convention; and

(viii) for each affected party country, a discussion of results (including discussion of specific successes and failures) flowing from national action plans generated under the Convention.

(2) Supremacy of the constitution.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–38 Extradition Treaty with Belize (Exec. Report No. 106–26.

Text of Committee Recommended
Resolution of Advice and Consent:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advice and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of Belize, signed at Belize on March 30, 2000 (Treaty Doc. 106–38), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition of extradition to the international criminal court.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person extradited to Belize from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Belize by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreement Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Proviso.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President.

Supremacy of the constitution.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–4 Extradition Treaty With Paraguay (Exec. Report No. 106–26).

Text of Committee Recommended
Resolution of Advice and Consent:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Paraguay, signed at Washington on November 9, 1998 (Treaty Doc. 106–4), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article XV concerning the rule of Specialty would preclude the resurrender of any person extradited to the Republic of Paraguay from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to the Republic of Paraguay by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–24 Extradition Treaty With South Africa (Exec. Report No. 106–23).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States and the Government of the Republic of South Africa, signed at Washington on September 16, 1999 (Treaty Doc. 106–24), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification.

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 18 concerning the Rule of Specialty would preclude the resurrender of any person extradited to the Republic of South Africa from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to the Republic of South Africa by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1998, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President.

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–34 Extradition Treaty With Sri Lanka (Exec. Report No. 106–26).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT:

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Democratic Socialist Republic of Sri Lanka, signed at Washington on September 30, 1999 (Treaty Doc. 106–34), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 16 concerning the Rule of Specialty would preclude the resurrender of any person extradited to the Democratic Socialist Republic of Sri Lanka from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to the Democratic Socialist Republic of Sri Lanka by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HUTCHINSON:

S. 3157. A bill to require the Food and Drug Administration to establish restrictions regarding the qualifications of physicians to prescribe the abortion drug commonly known as RU–486; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JEFFORDS:

S. 3158. A bill to shift Impact Aid funding responsibility for military connected children and property from the Department of Education to the Department of Defense; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ASHCROFT:

S. 3159. A bill to amend the Fair Labor Standards Act of 1938 to clarify provisions relating to the use of accrued compensatory time by certain public employees; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG:

S. 3160. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Abel and Mary Nicholson House, Elsinboro Township, Salem County, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON (for herself, Mr. GRASSLEY, Mr. GRAMM, Mr. KYL, Mr. DOMENICI, Mr. DODD, Mrs. FEINSTEIN, Mr. HOLLINGS, and Mr. SESSIONS):

S. Res. 366. A resolution expressing the Sense of the Senate on the Certification of Mexico; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. JEFFORDS:

S. 3158. A bill to shift Impact Aid funding responsibility for military connected children and property from the Department of Education to the Department of Defense; to the Committee on Health, Education, Labor, and Pensions.

"EDUCATIONAL ASSISTANCE FOR MILITARY CONNECTED CHILDREN ACT OF 2000"

Mr. JEFFORDS. Mr. President, today I am introducing the "Educational Assistance for Military Connected Children Act of 2000," legislation that would transfer from the Department of

Education to the Department of Defense financial responsibility for impact aid payments used to support the education of military dependents.

The impact aid program is authorized as Title VIII of the Elementary and Secondary Education Act (ESEA) of 1965. Unlike other ESEA programs, however, impact aid payments are not used to support specific educational activities. Rather, these payments serve as general aid to local educational agencies to replace tax dollars which are foregone as the result of the presence of the Federal government. For example, Federal property—such as military installations—is not subject to property taxes. In addition, under the terms of the Soldiers' and Sailors' Civil Relief Act of 1940, many military personnel do not pay taxes in the States and localities where their children attend school.

Replacing lost revenues that would otherwise have been available to support local schools is an obligation of the Federal government in those cases where the revenue loss is directly related to Federal action. The Department of Education, through the impact aid program, provides nearly $1 billion each year for this purpose.

Over the past two years, the Committee on Health, Education, Labor, and Pensions has been reviewing all ESEA programs. In the course of that review, I have come to the conclusion that the children of military personnel would be better served if the impact aid provided on their behalf were offered through the Department of Defense.

For one thing, DOD officials are in a far better position than are Education Department personnel to assess the needs of schools on or near military bases and to be aware of activities—such as downsizing or the construction or renovation of base housing—which can have a major effect on the amount of the impact aid assistance available to a school. In many cases, my committee has been asked, after the fact, to address specific impact aid problems which have confronted schools as a result of such decisions.

In addition, problems such as inadequate funding, overcrowded conditions, and lengthy delays in the issuance of impact aid payments could be better addressed if their resolution were the responsibility of those who are most familiar with the needs of these schools and their students.

On a number of occasions in the past, defense-related legislation has included provisions which have directly changed impact aid or have supported parallel programs. I do not see that the interests of schools or students are best served by this duplication of effort.

The Department of Defense currently offers of variety of services to military dependents—ranging from child care to health services. I believe the education of these children to be equally important. The legislation I am offering today is, I believe, a good starting point for impact aid reform designed to improve the educational opportunities available to military dependents.

Mr. ASHCROFT:

S. 3159. A bill to amend the Fair Labor Standards Act of 1938 to clarify provisions relating to the use of accrued compensatory time by certain public employees; to the Committee on Health, Education, Labor, and Pensions.

STATE AND LOCAL GOVERNMENT FAMILY FRIENDLY WORKPLACE ACT

Mr. ASHCROFT. Mr. President, I rise today to introduce a very important piece of legislation. This bill continues my effort to help working parents balance the demands between work and family.

Over the past five years, we have been talking about the difficulty that parents have balancing work and family obligations. I do not think there are two values that are more highly or intensely admired in America than these. The first one is the value we place on our families. We understand that more than anything else the family is an institution where important things are learned, not just knowledge imparted but wisdom is obtained and understood in a family which teaches us not just how to do something but teaches us how to live.

The second value which is a strong value in America and reflects our heritage is the value of work. Americans admire and respect work. The difficult issue that face us as a nation, is how are we going to resolve these tensions? I think that is one of the jobs, that we have to try and make sure we build a framework where people can resolve those tensions. Since 1965, the amount of time parents spend with their children has dropped 40 percent and a 1993 study that found that 66 percent of adults surveyed nationwide wanted to spend more time with their children.

This tension between the workplace and the home place, juxtaposed or set in a framework of laws created in the 1930's that does not allow us flexibility, is a problem. For example, you might be asked to do overtime over and over and over again, and you do overtime, and then you are paid time and a half. But at some point, you would rather have the time than the money. If the employer agreed to it voluntarily—both parties—we ought to let that happen. Right now, it is against the law. According to a number of surveys, this is what Americans want. For example, a poll by Money magazine found that 64 percent of the American people—and 68 percent of women—would rather have their overtime in the form of time off, than in cash wages. Eighty-two percent said they supported the Republican's plan to give working men and women more control over their hard-earned time. Money magazine, May 1997.

In an attempt to address these work and family tensions, in each of the last three Congresses, I have introduced legislation. Each of these bills provide flexible working arrangements—or "flex-time," and compensatory time off—or "comp time."

The comp time provisions in the Family Friendly Workplace Act (S. 1241) would permit employees to choose, if the employer agreed, to be compensated with time-and-a-half compensatory time off for overtime hours worked in lieu of time-and-a-half pay—whenever time is more valuable than financial compensation to the employee. This gives hourly employees the ability to meet their family obligations while still taking home a full paycheck.

The flex time provisions would allow private sector hourly employees to work biweekly work schedules the same as federal employees have been able to since 1978. Rather than being limited to 40 hours in a seven-day period, private sector workers could schedule 80 hours over a two-week period in any combination if their employers agree. Overtime would have to be paid for any hours ordered by the employer in excess of those in the designated biweekly work schedule. For example, if an employer asked an employee to work 45 hours in a week when the employee was scheduled to work only 35 hours under the biweekly work schedule, the employer would be required to pay the employee 10 hours of overtime compensation. This is true even though absent the agreement, the employer would only be required to pay the employee five hours of overtime.

When these provisions were developed, I took seriously the concerns raised by my constituents that adequate protections had to be contained in the bill to make sure this was a real choice made by employees—not employers. Both of the provisions were designed to do just that. In the Family Friendly Workplace Act employers cannot require accepting compensatory time off in lieu of over time pay as a condition of employment. Nor can they require employees to work flex time as a condition of employment. In addition, such agreements to work these alternative work schedules have to be in writing, signed by the employee. Coercion into these programs—or even attempted coercion—is strictly prohibited and contain severe penalties.

Due to the nature of comp time, there also are protections specific to that program. Employers would be prohibited from coercing, or attempting to coerce, employees into using or not using their comp time. The bill requires employers to cash-out their employees' comp time bank at the end of each year or in the alternative, within thirty days of their employees' request.

These cash-out provisions serve two important purposes. First, it ensures that employers who offer the option of comp time do not do so with the belief that it will give them ability to avoid paying overtime. Second, it also structures comp time programs with a built-in incentive for employers to allow employees to use their comp time when it is needed by the employee.

Today, I am introducing legislation to provide these superior protections to state and local government workers. First, it will prohibit the practice of requiring employees to accept comp time as a condition of employment. It also will require state and local governments to cash-out comp time banks at the end of each year or within thirty days of request by the employees. Finally, it will specifically prohibit state and local governments from forcing employees to use their accumulated comp time against their wishes. It is those workers who are giving up time with their families—they should be able to use it to spend time with their families. These protections will impact 290,405 workers in Missouri, or approximately twelve percent of the workforce.

No doubt, state and local governments will be concerned about the cost of cashing out these comp time banks or changing their scheduling patterns in order to allow workers to use their accumulated comp time. As a former Governor, I understand these concerns. However, I have to take seriously the practice that can no longer be called isolated incidents. Forcing employees to work over time takes away time from their families. Our police officers, fire fighters, corrections' officers, and other state and local government workers should have the choice whether that time should be compensated with time or money. They know what best fits their needs and should not be forced—with the blessings of the federal government—into giving up that choice.

Mr. LAUTENBERG:

S. 3160. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Abel and Mary Nicholson House, Elsinboro Township, Salem County, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

ABEL AND MARY NICHOLSON HOUSE NATIONAL HISTORIC SITE STUDY ACT OF 2000

Mr. LAUTENBERG. Mr. President, I am pleased to introduce the Abel and Mary Nicholson House National Historic Site Study Act of 2000. This bill would require the Secretary of the Interior to study the suitability and feasibility of designating the Abel and Mary Nicholson House located in Elsinboro Township, Salem County, New Jersey, as a unit of the National Park System. As part of the study the Secretary would also be required to consider management alternatives to create an administrative association with the New Jersey Coastal Heritage Trail Route. The bill I am introducing today would authorize the National Park Service to acquire this land in compliance with the service's standard rules and regulations.

Mr. President, the Abel and Mary Nicholson House is prized for its architectural and historical significance to, not only my state, but, our entire nation. It is a unique resource which can provide unparalleled opportunities for studying our national cultural and natural heritage. Situated along Alloway Creek, a tributary of the Delaware River, the house is surrounded by an intact cultural landscape of farm fields, wetlands and forests. The original access to the house was from the creek, as rivers were the highways of 18th century America.

The Abel and Mary Nicholson House is a Delaware Valley, brick, patterned-end mansion constructed in 1722. The original portion of the house has existed for 280 years with only routine maintenance, no major remodeling or restoration, and without the intrusion of either electricity or a central heating system. It stands alone as the only known, pristine survivor of an Anglo-American building tradition that existed for three quarters of a century.

The Nicholson House is changing the thinking of architectural historians about the construction and use of rooms in the earliest houses of the Delaware Valley. The house has been called an architectural Rosetta stone that provides new insight to our understanding of the use and function of interior space during the 18th century. Additionally, Mr. President, an 1859 addition to the house enhances the significance of the property with a similar level of architectural integrity.

Mr. President, the Abel and Mary Nicholson House also has cultural significance in its well-documented associations with the earliest Quaker settlement in North America and the first permanent English settlement in New Jersey. Abel Nicholson arrived in New Jersey at the age of three. He was brought to New Jersey by his father, Samuel Nicholson, a follower of John Fenwick. They arrived in 1675, seven years before William Penn arrived to settle Philadelphia. John Fenwick was the founder of Greenwich and Salem, New Jersey, the first permanent English-speaking settlements on the Delaware River.

Samuel Nicholson purchased 2,000 acres in Elsinboro Township, New Jersey and a 16-acre lot in the City of Salem where he constructed a home. It was in the Salem house that the first Salem Meeting of the Society of Friends was organized in 1676. In 1680, Samuel Nicholson donated the Salem house to the Salem Meeting and relocated to the Elsinboro property. In 1693, Abel Nicholson married Mary Tyler, the daughter of another Quaker. Abel and Mary Nicholson built the present house, in 1722, which historians believe either replaced or abutted the earlier structure built by his father.

Mr. President, the Nicholson House represents the Mid-Atlantic region's colonial history and traditions. Because of its architectural integrity and what it is teaching scholars about how 18th century building spaces were used, it is considered to transcend regional significance and ranks as one of America's iconic early structures.

Mr. President, the Abel and Mary Nicholson House is a national treasure that deserves consideration for preservation and protection so it can continue to teach future generations of Americans about the contributions and lives of the early Americans. Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Abel and Mary Nicholson House National Historic Site Study Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Abel and Mary Nicholson House, located in Elsinboro Township, Salem County, New Jersey, was built in 1722;

(2) the original section of the House is the only pristine, surviving portion of a Delaware Valley brick patterned-end house featuring a diaper or diamond pattern in glazed bricks in the gable wall of the building, and less elaborate decorations of checkered string courses on the other 3 walls;

(3) the original section of the House—

(A) contains early paint, original hinges, locks, shelving, floorboards, roof framing, and chimneypieces; and

(B) has received only routine maintenance and no major remodeling, and is without the intrusion of either electricity or a central heating system;

(4) the 1859 addition to the House enhances the significance of the property with a similar level of architectural integrity;

(5) the House has well-documented associations with the earliest Quaker settlement in North America;

(6) the House and surrounding property may be available for acquisition from a willing donor; and

(7) the House is—

(A) 1 of the most significant "first period" houses surviving in the Delaware Valley; and

(B) an architectural Rosetta stone on the domestic life of the first 2 generations of settlers in the Delaware Valley.

SEC. 3. DEFINITIONS.

In this Act:

(1) HOUSE.—The term "House" means the Abel and Mary Nicholson House, located in Elsinboro Township, Salem County, New Jersey.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. STUDY.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary shall, in consultation with the State of New Jersey—

(1) carry out a study on the suitability and feasibility of designating the House as a unit of the National Park System;

(2) consider management alternatives to create an administrative association with the New Jersey Coastal Heritage Trail Route; and

(3) submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings of the study.

(b) CONTENTS.—The study under subsection (a) shall be conducted in accordance with Public Law 91-383 (16 U.S.C. 1a–1 et seq.).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

ADDITIONAL COSPONSORS

S. 260

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 260, a bill to make chapter 12 of title 11, United States Code, permanent, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 662

At the request of Mr. L. CHAFEE, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1446

At the request of Mr. LOTT, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1726

At the request of Mr. MCCAIN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1726, a bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations.

S. 2031

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2031, a bill to amend the Fair Labor Standards Act of 1938 to prohibit the issuance of a certificate for subminimum wages for individuals with impaired vision or blindness.

S. 2476

At the request of Mr. BURNS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2476, a bill to amend the Communications Act of 1934 in order to prohibit any regulatory impediments to completely and accurately fulfilling the sufficiency of support mandates of the national statutory policy of universal service, and for other purposes.

S. 2580

At the request of Mr. JOHNSON, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2580, a bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes.

S. 2764

At the request of Mr. KENNEDY, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Iowa (Mr. HARKIN), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2764, a bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes.

S. 2778

At the request of Mr. KOHL, the names of the Senator from New Hampshire (Mr. SMITH) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2778, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 2912

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2912, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

S. 2938

At the request of Mr. BROWNBACK, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 2939

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2939, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 2963

At the request of Mr. BRYAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2963, a bill to amend title XIX of the Social Security Act to require the Secretary of Health and Human Services to make publicly available medicaid drug pricing information.

S. 2986

At the request of Mr. HUTCHINSON, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2986, a bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes.

S. 3009

At the request of Mr. HUTCHINSON, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3068

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3068, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent resident status.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 3095

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3095, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent resident status.

S. 3101

At the request of Mr. ASHCROFT, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. CLELAND), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 3101, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States.

S. 3112

At the request of Mr. ABRAHAM, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 3112, a bill to amend title XVIII of the Social Security Act to ensure access to digital mammography through adequate payment under the medicare system.

S. 3120

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3120, a bill to amend the Immigration and Nationality Act to modify restrictions added by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

S. 3127

At the request of Mr. SANTORUM, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 3127, a bill to protect infants who are born alive.

S. 3137

At the request of Mr. SESSIONS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 3137, a bill to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

S. 3147

At the request of Mr. ROBB, the names of the Senator from California (Mrs. BOXER) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 3147, a bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass.

S. CON. RES. 135

At the request of Mr. ROBB, his name was added as a cosponsor of S. Con. Res. 135, a concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

S.J. RES. 52

At the request of Mr. GREGG, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S.J. Res. 52, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

S. RES. 292

At the request of Mr. CLELAND, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. Res. 292, a resolution recognizing the 20th century as the "Century of Women in the United States".

SENATE RESOLUTION 366—EXPRESSING THE SENSE OF THE SENATE ON THE CERTIFICATION OF MEXICO

Mrs. HUTCHISON (for herself, Mr. GRASSLEY, Mr. GRAMM, Mr. KYL, Mr. DOMENICI, Mr. DODD, Mrs. FEINSTEIN, Mr. HOLLINGS, and Mr. SESSIONS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 366

Whereas Mexico will inaugurate a new government on 1 December 2000 that will be the first change of authority from one party to another;

Whereas the 2nd July election of Vincente Fox Quesada of the Alliance for Change marks an historic transition of power in open and fair elections;

Whereas Mexico and the United States share a 2,000 mile border, Mexico is the United States' second largest trading partner, and the two countries share historic and cultural ties;

Whereas drug production and trafficking are a threat to the national interests and the well-being of the citizens of both countries;

Whereas U.S.-Mexican cooperation on drugs is a cornerstone for policy for both countries in developing effective programs to stop drug use, drug production, and drug trafficking; Now, therefore, be it

Resolved,

(a) The Senate, on behalf of the people of the United States

(1) welcomes the constitutional transition of power in Mexico;

(2) congratulates the people of Mexico and their elected representatives for this historic change;

(3) expresses its intent to continue to work cooperatively with Mexican authorities to promote broad and effective efforts for the health and welfare of U.S. and Mexican citizens endangered by international drug trafficking, use, and production.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the incoming new governments in both Mexico and the United States must develop and implement a counterdrug program that more effectively addresses the official corruption, the increase in drug traffic, and the lawlessness that has resulted from illegal drug trafficking, and that a one-year waiver of the requirement that the President certify Mexico is warranted to permit both new governments time to do so.

AMENDMENTS SUBMITTED

FAMINE PREVENTION AND FREEDOM FROM HUNGER IMPROVEMENT ACT OF 2000

HAGEL AMENDMENT NO. 4289

Mr. FITZGERALD (for Mr. HAGEL) proposed an amendment to the bill (H.R. 4002) to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger; as follows:

On page 23, line 2, insert "agricultural and" after "world's".

NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS ACT OF 2000

On October 3, 2000 the Senate amended and passed S. 2412, as follows:

S. 2412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "National Transportation Safety Board Amendments Act of 2000".

(b) REFERENCES.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. DEFINITIONS.

Section 1101 is amended to read as follows:

"§ 1101. Definitions

"Section 2101(17a) of title 46 and section 40102(a) of this title apply to this chapter. In this chapter, the term 'accident' includes damage to or destruction of vehicles in surface or air transportation or pipelines, regardless of whether the initiating event is accidental or otherwise.".

SEC. 3. AUTHORITY TO ENTER INTO AGREEMENTS.

(a) IN GENERAL.—Section 1113(b)(1)(I) is amended to read as follows:

"(I) negotiate and enter into agreements with individuals and private entities and departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries for the provision of facilities, accident-related and technical services or training in accident investigation theory and techniques, and require that such entities provide appropriate consideration for the reasonable costs of any facilities, goods, services, or training provided by the Board.".

(b) Deposit of Amounts.—

(1) Section 1113(b)(2) is amended—

(A) by inserting "as offsetting collections" after "to be credited"; and

(B) by adding after "Board." the following: "The Board shall maintain an annual record of collections received under paragraph (1)(I) of this subsection.".

(2) Section 1114(a) is amended—

(A) by inserting "(1)" before "Except"; and

(B) by adding at the end thereof the following:

"(2) The Board shall deposit in the Treasury amounts received under paragraph (1) to be credited to the appropriation of the Board as offsetting collections.".

(3) Section 1115(d) is amended by striking "of the 'National Transportation Safety Board, Salaries and Expenses' " and inserting "of the Board".

SEC. 4. OVERTIME PAY.

Section 1113 is amended by adding at the end the following:

"(g) Overtime Pay.—

"(1) In general.—Subject to the requirements of this section and notwithstanding paragraphs (1) and (2) of section 5542(a) of title 5, for an employee of the Board whose basic pay is at a rate which equals or exceeds the minimum rate of basic pay for GS–10 of the General Schedule, the Board may establish an overtime hourly rate of pay for the employee with respect to work performed at the scene of an accident (including travel to or from the scene) and other work that is critical to an accident investigation in an amount equal to one and one-half times the hourly rate of basic pay of the employee. All of such amount shall be considered to be premium pay.

"(2) Limitation on overtime pay to an employee.—An employee of the Board may not receive overtime pay under paragraph (1), for work performed in a calendar year, in an amount that exceeds 15 percent of the annual rate of basic pay of the employee for such calendar year.

"(3) Limitation on total amount of overtime pay.—The Board may not make overtime payments under paragraph (1) for work performed in any fiscal year in a total amount that exceeds 1.5 percent of the amount appropriated to carry out this chapter for that fiscal year.

"(4) Basic pay defined.—In this subsection, the term 'basic pay' includes any applicable locality-based comparability payment under section 5304 of title 5 (or similar provision of law) and any special rate of pay under section 5305 of title 5 (or similar provision of law).

"(5) Annual report.—Not later than January 31, 2002, and annually thereafter, the Board shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House Transportation and Infrastructure Committee a report identifying the total amount of overtime payments made under this subsection in the preceding fiscal year, and the number of employees whose overtime pay under this subsection was limited in that fiscal year as a result of the 15 percent limit established by paragraph (2).".

SEC. 5. RECORDERS.

(a) Cockpit Video Recordings.—Section 1114(c) is amended—

(1) by striking "Voice" in the subsection heading;

(2) by striking "cockpit voice recorder" in paragraphs (1) and (2) and inserting "cockpit voice or video recorder"; and

(3) by inserting "or any written depiction of visual information" after "transcript" in the second sentence of paragraph (1).

(b) Surface Vehicle Recordings and Transcripts.—

(1) In general.—Section 1114 is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (e) the following:

"(d) Surface Vehicle Recordings and Transcripts.—

"(1) Confidentiality of recordings.—The Board may not disclose publicly any part of a surface vehicle voice or video recorder recording or transcript of oral communications by or among drivers, train employees, or other operating employees responsible for the movement and direction of the vehicle or vessel, or between such operating employees and company communication centers, related to an accident investigated by the Board. However, the Board shall make public any part of a transcript or any written depiction of visual information that the Board decides is relevant to the accident—

"(A) if the Board holds a public hearing on the accident, at the time of the hearing; or

"(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident are placed in the public docket.

"(2) References to information in making safety recommendations.—This subsection does not prevent the Board from referring at any time to voice or video recorder information in making safety recommendations.".

(2) Conforming amendment.—The first sentence of section 1114(a) is amended by striking "and (e)" and inserting "(d), and (f)".

(c) Discovery and Use of Cockpit and Surface Vehicle Recordings and Transcripts.—

(1) In general.—Section 1154 is amended—

(A) by striking the section heading and inserting the following:

"§ 1154. Discovery and use of cockpit and surface vehicle recordings and transcripts;

(B) by striking "cockpit voice recorder" each place it appears in subsection (a) and inserting "cockpit or surface vehicle recorder";

(C) by striking "section 1114(c)" each place it appears in subsection (a) and inserting "section 1114(c) or 1114(d)"; and

(D) by adding at the end the following:

"(6) In this subsection:

"(A) Recorder.—The term 'recorder' means a voice or video recorder.

"(B) Transcript.—The term 'transcript' includes any written depiction of visual information obtained from a video recorder.".

(2) Conforming amendment.—The chapter analysis for chapter 11 is amended by striking the item relating to section 1154 and inserting the following:

"1154. Discovery and use of cockpit and surface vehicle recordings and transcripts.".

SEC. 6. PRIORITY OF INVESTIGATIONS.

(a) In General.—Section 1131(a)(2) is amended—

(1) by striking "(2) An investigation" and inserting:

"(2)(A) Subject to the requirements of this paragraph, an investigation"; and

(2) by adding at the end the following:

"(B) If the Attorney General, in consultation with the Chairman of the Board, determines and notifies the Board that circumstances reasonably indicate that the accident may have been caused by an intentional criminal act, the Board shall relinquish investigative priority to the Federal Bureau of Investigation. The relinquishment of investigative priority by the Board shall not otherwise affect the authority of the Board to continue its investigation under this section.

"(C) If a Federal law enforcement agency suspects and notifies the Board that an accident being investigated by the Board under subparagraph (A), (B), (C), or (D) of paragraph (1) may have been caused by an intentional criminal act, the Board, in consultation with the law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.".

(b) Revision of 1977 Agreement.—Not later than 1 year after the date of the enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this Act.

SEC. 7. PUBLIC AIRCRAFT INVESTIGATION CLARIFICATION.

Section 1131(d) is amended by striking "1134(b)(2)" and inserting "1134 (a), (b), (d), and (f)".

SEC. 8. MEMORANDUM OF UNDERSTANDING.

Not later than 1 year after the date of the enactment of this Act, the National Transportation Safety Board and the United States Coast Guard shall revise their Memorandum of Understanding governing major marine accidents—

(1) to redefine or clarify the standards used to determine when the National Transportation Safety Board will lead an investigation; and

(2) to develop new standards to determine when a major marine accident involves significant safety issues relating to Coast Guard safety functions.

SEC. 9. TRAVEL BUDGETS.

The Chairman of the National Transportation Safety Board shall establish annual fiscal year budgets for non-accident-related travel expenditures for Board members which shall be approved by the Board and submitted to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure together with an annual report detailing the non-accident-related travel of each Board member. The report shall include separate accounting for foreign and domestic travel, including any personnel or other expenses associated with that travel.

SEC. 10. CHIEF FINANCIAL OFFICER.

Section 1111 is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

"(h) Chief Financial Officer.—The Chairman shall designate an officer or employee of the Board as the Chief Financial Officer. The Chief Financial Officer shall—

"(1) report directly to the Chairman on financial management and budget execution;

"(2) direct, manage, and provide policy guidance and oversight on financial management and property and inventory control; and

"(3) review the fees, rents, and other charges imposed by the Board for services and things of value it provides, and suggest appropriate revisions to those charges to reflect costs incurred by the Board in providing those services and things of value.".

SEC. 11. IMPROVED AUDIT PROCEDURES.

The National Transportation Safety Board, in consultation with the Inspector General of the Department of Transportation, shall develop and implement comprehensive internal audit controls for its financial programs based on the findings and recommendations of the private sector audit firm contract entered into by the Board in March, 2000. The improved internal audit controls shall, at a minimum, address Board asset management systems, including systems for accounting management, debt collection, travel, and property and inventory management and control.

SEC. 12. AUTHORITY OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 11 of subtitle II is amended by adding at the end the following:

"§ 1137. Authority of the Inspector General

"(a) IN GENERAL.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, shall have authority to review only the financial management, property management, and business operations of the National Transportation Safety Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.

"(b) DUTIES.—In carrying out this section, the Inspector General shall—

"(1) keep the Chairman of the Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Board;

"(2) issue findings and recommendations for actions to address such problems; and

"(3) report periodically to Congress on any progress made in implementing actions to address such problems.

"(c) ACCESS TO INFORMATION.—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

"(d) REIMBURSEMENT.—The Inspector General shall be reimbursed by the Board for the costs associated with carrying out activities under this section.".

(b) CONFORMING AMENDMENT.—The subchapter analysis for such subchapter is amended by adding at the end the following:

"1137. Authority of the Inspector General.".

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

Section 1118 is amended to read as follows:

"§ 1118. Authorization of appropriations

"(a) IN GENERAL.—There are authorized to be appropriated for the purposes of this chapter $57,000,000 for fiscal year 2000, $65,000,000 for fiscal year 2001, and $72,000,000 for fiscal year 2002, such sums to remain available until expended.

"(b) EMERGENCY FUND.—The Board has an emergency fund of $2,000,000 available for necessary expenses of the Board, not otherwise provided for, for accident investigations. Amounts equal to the amounts expended annually out of the fund are authorized to be appropriated to the emergency fund.".

SEC. 14. CREDITING OF LAW ENFORCEMENT FLIGHT TIME.

In determining whether an individual meets the aeronautical experience requirements imposed under section 44703 of title 49, United States Code, for an airman certificate or rating, the Secretary of Transportation shall take into account any time spent by that individual operating a public aircraft as defined in section 40102 of title 49, United States Code, if that aircraft is—

(1) identifiable by category and class; and

(2) used in law enforcement activities.

SEC. 15. TECHNICAL CORRECTION.

Section 46301(d)(2) of title 49, United States Code, is amended by striking "46302, 46303," and inserting "46301(b), 46302, 46303, 46318,".

SEC. 16. CONFIRMATION OF INTERIM FINAL RULE ISSUANCE UNDER SECTION 45301.

The publication, by the Department of Transportation, Federal Aviation Administration, in the Federal Register of June 6, 2000 (65 FR 36002) of an interim final rule concerning Fees for FAA Services for Certain Flights (Docket No. FAA-00-7018) is deemed to have been issued in accordance with the requirements of section 45301(b)(2) of title 49, United States Code.

SEC. 17. AERONAUTICAL CHARTING.

(a) IN GENERAL.—Section 44721 of title 49, United States Code, is amended—

(1) by striking paragraphs (3) and (4) of subsection (c); and

(2) by adding at the end of subsection (g)(1) the following:

"(D) CONTINUATION OF PRICES.—The price of any product created under subsection (d) may correspond to the price of a comparable product produced by a department of the United States Government as that price was in effect on September 30, 2000, and may remain in effect until modified by regulation under section 9701 of title 31, United States Code."; and

(3) by adding at the end of subsection (g) the following:

(5) CREDITING AMOUNTS RECEIVED.—Notwithstanding any other provision of law, amounts received for the sale of products created and services performed under this section shall be fully credited to the account of the Federal Aviation Administration that funded the provision of the products or services and shall remain available until expended.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2000.

THE CALENDAR

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. Mr. President, I will resume my filibuster on the Interior appropriations conference committee report. But the majority leader has asked me to take care of a few housekeeping matters in the meantime. I want to do that for the information of all Senators, before they go home for the evening.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and in consultation with the chairman and the ranking minority member of the Finance Committee, pursuant to Public Law 103-296, appoints David Podoff, of Maryland, as a member of the Social Security Advisory Board, vice Lori L. Hansen.

RECOGNIZING THE 25th ANNIVERSARY OF THE ENACTMENT OF THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975

MR. FITZGERALD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 829, H. Con. Res. 399.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 399) recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FITZGERALD. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 399) was agreed to.

The preamble was agreed to.

WILLIAM H. NATCHER BRIDGE

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 846, H.R. 1162.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1162) to designate the bridge on United States Route 231 that crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the "William H. Natcher Bridge."

There being no objection, the Senate proceeded to consider the bill.

Mr. FITZGERALD. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1162) was read the third time and passed.

J. SMITH HENLEY FEDERAL BUILDING

Mr. FITZGERALD. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 847, H.R. 1605.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1605) to designate the Federal Building and United States Courthouse located at 402 North Walnut Street in Harrison, Arkansas, as the "J. Smith Henley Federal Building and United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. FITZGERALD. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1605) was read the third time and passed.

CARL ELLIOTT FEDERAL BUILDING

Mr. FITZGERALD. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 848, H.R. 4806.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4806) to designate the Federal Building located at 1710 Alabama Avenue in Jasper, Alabama, as the "Carl Elliot Federal Building".

There being no objection, the Senate proceeded to consider the bill.

Mr. FITZGERALD. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4806) was read the third time and passed.

OWEN B. PICKETT U.S. CUSTOMHOUSE

Mr. FITZGERALD. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 5284, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5284) to designate the U.S. customhouse located at 101 East Main Street in Norfolk, Virginia, as the "Owen B. Pickett U.S. Customhouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. FITZGERALD. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5284) was read the third time and passed.

RED RIVER NATIONAL WILDLIFE REFUGE ACT

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 909, H.R. 4318.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4318) to establish the Red River National Wildlife Refuge.

There being no objection, the Senate proceeded to consider the bill.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4318) was read the third time and passed.

SEQUENTIAL REFERRAL—S. 2917

Mr. FITZGERALD. Mr. President, I ask unanimous consent that when the Committee on Indian Affairs reports S. 2917, a bill to settle the land claims of the Pueblo of Santa Domingo, the bill be referred to the Energy Committee for a period not to exceed 7 days; further, I ask unanimous consent that if the Energy Committee has not reported the measure prior to the expiration of the 7-day period, the bill be automatically discharged and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING CERTAIN PERSONNEL FLEXIBILITIES AVAILABLE

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 4642 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4642) to make certain personnel flexibilities available with respect to the General Accounting Office, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill (H.R. 4642) was read the third time and passed.

AMENDING THE FOREIGN ASSISTANCE ACT OF 1961

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 913, H.R. 4002.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4002) to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment. [Strike out all after the enacting clause and insert the part printed in italic].

SECTION 1. SHORT TITLE.

This Act may be cited as the "Famine Prevention and Freedom From Hunger Improvement Act of 2000".

SEC. 2. GENERAL PROVISIONS.

(a) DECLARATIONS OF POLICY.—(1) The first sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended to read as follows: "The Congress declares that, in order to achieve the mutual goals among nations of ensuring food security, human health, agricultural growth, trade expansion, and the wise and sustainable use of natural resources, the United States should mobilize the capacities of the United States land-grant universities, other eligible universities, and public and private partners of universities in the United States and other countries, consistent with sections 103 and 103A of this Act, for: (1) global research on problems affecting food, agriculture, forestry, and fisheries; (2) improved human capacity and institutional resource development for the global application of agricultural and related environmental sciences; (3) agricultural development and trade research and extension services in the United States and other countries to support the entry of rural industries into world markets; and (4) providing for the application of agricultural sciences to solving food, health, nutrition, rural income, and environmental problems, especially such problems in low-income, food deficit countries.".

(2) The second sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended—

(A) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively;

(B) in subparagraph (A) (as redesignated), by striking "in this country" and inserting "with and through the private sector in this country and to understanding processes of economic development";

(C) in subparagraph (B) (as redesignated), to read as follows:

"(B) that land-grant and other universities in the United States have demonstrated over many years their ability to cooperate with international agencies, educational and research institutions in other countries, the private sector, and nongovernmental organizations worldwide, in expanding global agricultural production, processing, business and trade, to the benefit of aid recipient countries and of the United States;";

(D) in subparagraph (C) (as redesignated), to read as follows:

"(C) that, in a world of growing populations with rising expectations, increased food production and improved distribution, storage, and marketing in the developing countries is necessary not only to prevent hunger and ensure human health and child survival, but to build the basis for economic growth and trade, and the social security in which democracy and a market economy can thrive, and moreover, that the greatest potential for increasing world food supplies and incomes to purchase food is in the developing countries where the gap between food need and food supply is the greatest and current incomes are lowest;";

(E) by striking subparagraphs (E) and (G) (as redesignated);

(F) by striking "and" at the end of subparagraph (F) (as redesignated);

(G) by redesignating subparagraph (F) as subparagraph (G); and

(H) by inserting after subparagraph (D) the following:

"(E) that, with expanding global markets and increasing imports into many countries, including the United States, food safety and quality, as well as secure supply, have emerged as mutual concerns of all countries;

"(F) that research, teaching, and extension activities, and appropriate institutional and policy development therefore are prime factors in improving agricultural production, food distribution, processing, storage, and marketing abroad (as well as in the United States);";

(I) in subparagraph (G) (as redesignated), by striking "in the United States" and inserting "and the broader economy of the United States"; and

(J) by adding at the end the following:

"(H) that there is a need to responsibly manage the world's natural resources for sustained productivity, health and resilience to climate variability; and

"(I) that universities and public and private partners of universities need a dependable source of funding in order to increase the impact of their own investments and those of their State governments and constituencies, in order to continue and expand their efforts to advance agricultural development in cooperating countries, to translate development into economic growth and trade for the United States and cooperating countries, and to prepare future teachers, researchers, extension specialists, entrepreneurs, managers, and decisionmakers for the world economy.".

(b) Additional Declarations of Policy.—Section 296(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(b)) is amended to read as follows:

"(b) Accordingly, the Congress declares that, in order to prevent famine and establish freedom from hunger, the following components must be brought together in a coordinated program to increase world food and fiber production, agricultural trade, and responsible management of natural resources, including—

"(1) continued efforts by the international agricultural research centers and other international research entities to provide a global network, including United States universities, for international scientific collaboration on crops, livestock, forests, fisheries, farming resources, and food systems of worldwide importance;

"(2) contract research and the implementation of collaborative research support programs and other research collaboration led by United States universities, and involving research systems in other countries focused on crops, livestock, forests, fisheries, farming resources, and food systems, with benefits to the United States and partner countries;

"(3) broadly disseminating the benefits of global agricultural research and development including increased benefits for United States agriculturally related industries through establishment of development and trade information and service centers, for rural as well as urban communities, through extension, cooperatively with, and supportive of, existing public and private trade and development related organizations;

"(4) facilitation of participation by universities and public and private partners of universities in programs of multilateral banks and agencies which receive United States funds;

"(5) expanding learning opportunities about global agriculture for students, teachers, community leaders, entrepreneurs, and the general public through international internships and exchanges, graduate assistantships, faculty positions, and other means of education and extension through long-term recurring Federal funds matched by State funds; and

"(6) competitive grants through universities to United States agriculturalists and public and private partners of universities from other countries for research, institution and policy development, extension, training, and other programs for global agricultural development, trade, and responsible management of natural resources.".

(c) Sense of the Congress.—Section 296(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(c)) is amended—

(1) in paragraph (1), by striking "each component" and inserting "each of the program components described in paragraphs (1) through (6) of subsection (b)";

(2) in paragraph (2)—

(A) by inserting "and public and private partners of universities" after "for the universities"; and

(B) by striking "and" at the end;

(3) in paragraph (3)—

(A) by inserting "and public and private partners of universities" after "such universities";

(B) in subparagraph (A), by striking ", and" and inserting a semicolon;

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) by striking the matter following subparagraph (B); and

(E) by adding at the end the following:

"(C) multilateral banks and agencies receiving United States funds;

"(D) development agencies of other countries; and

"(E) United States Government foreign assistance and economic cooperation programs;"; and

(4) by adding at the end the following:

"(4) generally engage the United States university community more extensively in the agricultural research, trade, and development initiatives undertaken outside the United States, with the objectives of strengthening its capacity to carry out research, teaching, and extension activities for solving problems in food production, processing, marketing, and consumption in agriculturally developing nations, and for transforming progress in global agricultural research and development into economic growth, trade, and trade benefits for aid recipient countries and United States communities and industries, and for the wise use of natural resources; and

"(5) ensure that all federally funded support to universities and public and private partners of universities relating to the goals of this title is periodically reviewed for its performance.".

(d) Definition of Universities.—Section 296(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(d)) is amended—

(1) by inserting after "sea-grant colleges;" the following: "Native American land-grant colleges as authorized under the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note);"; and

(2) in paragraph (1), by striking "extension" and inserting "extension (including outreach)".

(e) Definition of Administrator.—Section 296(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(e)) is amended by inserting "United States" before "Agency".

(f) Definition of Public and Private Partners of Universities.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

"(f) As used in this title, the term 'public and private partners of universities' includes entities that have cooperative or contractual agreements with universities, which may include formal or informal associations of universities, other education institutions, United States Government and State agencies, private voluntary organizations, nongovernmental organizations, firms operated for profit, nonprofit organizations, multinational banks, and, as designated by the Administrator, any organization, institution, or agency incorporated in other countries.".

(g) Definition of Agriculture.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

"(g) As used in this title, the term 'agriculture' includes the science and practice of activity related to food, feed, and fiber production, processing, marketing, distribution, utilization, and trade, and also includes family and consumer sciences, nutrition, food science and engineering, agricultural economics and other social sciences, forestry, wildlife, fisheries, aquaculture, floraculture, veterinary medicine, and other environmental and natural resources sciences.".

(h) Definition of Agriculturists.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

"(h) As used in this title, the term 'agriculturists' includes farmers, herders, and livestock producers, individuals who fish and others employed in cultivating and harvesting food resources from salt and fresh waters, individuals who cultivate trees and shrubs and harvest nontimber forest products, as well as the processors, managers, teachers, extension specialists, researchers, policymakers, and others who are engaged in the food, feed, and fiber system and its relationships to natural resources.".

SEC. 3. GENERAL AUTHORITY.

(a) Authorization of Assistance.—Section 297(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(a)) is amended—

(1) in paragraph (1), to read as follows:

"(1) to implement program components through United States universities as authorized by paragraphs (2) through (5) of this subsection;";

(2) in paragraph (3), to read as follows:

"(3) to provide long-term program support for United States university global agricultural and related environmental collaborative research and learning opportunities for students, teachers, extension specialists, researchers, and the general public;"; and

(3) in paragraph (4)—

(A) by inserting "United States" before "universities";

(B) by inserting "agricultural" before "research centers"; and

(C) by striking "and the institutions of agriculturally developing nations" and inserting "multilateral banks, the institutions of agriculturally developing nations, and United States and foreign nongovernmental organizations supporting extension and other productivity-enhancing programs".

(b) Requirements.—Section 297(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "universities" and inserting "United States universities with public and private partners of universities"; and

(B) in subparagraph (C)—

(i) by inserting ", environment," before "and related"; and

(ii) by striking "farmers and farm families" and inserting "agriculturalists";

(2) in paragraph (2), by inserting ", including resources of the private sector," after "Federal or State resources"; and

(3) in paragraph (3), by striking "and the United States Department of Agriculture" and all that follows and inserting ", the Department of Agriculture, State agricultural agencies, the Department of Commerce, the Department of the

Interior, the Environmental Protection Agency, the Office of the United States Trade Representative, the Food and Drug Administration, other appropriate Federal agencies, and appropriate nongovernmental and business organizations.".

(c) FURTHER REQUIREMENTS.—Section 297(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(c)) is amended—

(1) in paragraph (2), to read as follows:

"(2) focus primarily on the needs of agricultural producers, rural families, processors, traders, consumers, and natural resources managers;"; and

(2) in paragraph (4), to read as follows:

"(4) be carried out within the developing countries and transition countries comprising newly emerging democracies and newly liberalized economies; and".

(d) SPECIAL PROGRAMS.—Section 297 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b) is amended by adding at the end the following new subsection:

"(e) The Administrator shall establish and carry out special programs under this title as part of ongoing programs for child survival, democratization, development of free enterprise, environmental and natural resource management, and other related programs.".

SEC. 4. BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT.

(a) ESTABLISHMENT.—Section 298(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(a)) is amended in the third sentence, by inserting at the end before the period the following: "on a case-by-case basis".

(b) GENERAL AREAS OF RESPONSIBILITY OF THE BOARD.—Section 298(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(b)) is amended to read as follows:

"(b) The Board's general areas of responsibility shall include participating in the planning, development, and implementation of, initiating recommendations for, and monitoring, the activities described in section 297 of this title.".

(c) DUTIES OF THE BOARD.—Section 298(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "increase food production" and all that follows and inserting the following: "improve agricultural production, trade, and natural resource management in developing countries, and with private organizations seeking to increase agricultural production and trade, natural resources management, and household food security in developing and transition countries;"; and

(B) in subparagraph (B), by inserting before "sciences" the following: ", environmental, and related social";

(2) in paragraph (4), after "Administrator and universities" insert "and their partners";

(3) in paragraph (5), after "universities" insert "and public and private partners of universities";

(4) in paragraph (6), by striking "and" at the end;

(5) in paragraph (7), by striking "in the developing nations." and inserting "and natural resource issues in the developing nations, assuring efficiency in use of Federal resources, including in accordance with the Governmental Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), and the amendments made by that Act;"; and

(6) by adding at the end the following:

"(8) developing information exchanges and consulting regularly with nongovernmental organizations, consumer groups, producers, agribusinesses and associations, agricultural cooperatives and commodity groups, State departments of agriculture, State agricultural research and extension agencies, and academic institutions;

"(9) investigating and resolving issues concerning implementation of this title as requested by universities; and

"(10) advising the Administrator on any and all issues as requested.".

(d) SUBORDINATE UNITS.—Section 298(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(d)) is amended—

(1) in paragraph (1)—

(A) by striking "Research" and insert "Policy";

(B) by striking "administration" and inserting "design"; and

(C) by striking "section 297(a)(3) of this title" and inserting "section 297"; and

(2) in paragraph (2)—

(A) by striking "Joint Committee on Country Programs" and inserting "Joint Operations Committee"; and

(B) by striking "which shall assist" and all that follows and inserting "which shall assist in and advise on the mechanisms and processes for implementation of activities described in section 297.".

SEC. 5. ANNUAL REPORT.

Section 300 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220e) is amended by striking "April 1" and inserting "September 1".

AMENDMENT NO. 4289

Mr. FITZGERALD. Mr. President, Senator HAGEL has a technical amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. FITZGERALD], for Mr. HAGEL, proposes an amendment numbered 4289.

The amendment is as follows:

(Purpose: To include in the statement of policies that there is a need to responsibly manage the world's agricultural, as well as, natural resources for sustained productivity, health and resilience to climate variability)

On page 23, line 2, insert "agricultural and" after "world's".

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the amendment be agreed to.

The amendment (No. 4289) was agreed to.

Mr. FITZGERALD. Mr. President, I ask unanimous consent the committee substitute amendment, as amended, be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee substitute, as amended, was agreed to.

The bill (H.R. 4002), as amended, was read the third time and passed.

ORDERS FOR THURSDAY, OCTOBER 5, 2000

Mr. FITZGERALD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m., on Thursday, October 5. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.J. Res. 110, the continuing resolution, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FITZGERALD. For the information of all Senators, the Senate will begin closing remarks on the continuing resolution at 9:30 a.m. tomorrow. Under the order, there will be approximately 30 minutes equally divided on the resolution, with a vote on adoption of the resolution scheduled to occur at 10 a.m.

Following the vote, the Senate is expected to resume consideration of the conference report to accompany the Interior appropriations bill. The Senate may also begin consideration of any other appropriations bills available for action; therefore, Senators should be prepared for votes throughout the day.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—CONFERENCE REPORT—Continued

Mr. FITZGERALD. Mr. President, at this time I would like to return to our discussion of the Abraham Lincoln Presidential Library, which is a project in the Interior conference committee report that we have been discussing from time to time throughout the day.

I spoke earlier, for several hours, about concerns I have had with the language in the conference committee report. The language authorizes $50 million in Federal expenditures for the library in Springfield. It says that the purpose of those expenditures would be for the construction of the library, for planning, design, acquiring, and constructing the library. But it is interesting; the actual language in the authorization does not say who is getting the money. It says that the $50 million would be going to an entity that would be selected later.

So the Senate and the House have a conference committee report before us with a $50 million authorization for the library in Springfield, IL, but we do not know to whom we are going to give the money.

When I saw this language earlier on, when the authorizing bill came from the House to my Senate committee, I saw that as a problem. I saw it also as a problem that there was no requirement that the construction project be competitively bid.

I thought, what if this money falls into the hands of a private entity? The entity in the bill could apparently be private or public. There is no restriction in the bill that it can only go to a public entity. There is no suggestion in the bill that the money has to go to the State of Illinois.

I thought, we have to take care to make sure that we have protections in there for the taxpayer, so that this money cannot be spent improperly.

Senator DURBIN came in and spoke earlier. He said that he supports a bidding process with integrity, as do I. I appreciate Senator DURBIN's support and the support I have had from all of my 99 colleagues in the Senate, where we have gone on record by passing legislation over to the House that says the Senate thinks it is a good idea that this $50 million authorization for the Lincoln Library in Springfield, IL, requires that the project be competitively bid in accordance with the comprehensive Federal competitive bid guidelines. I thank all my colleagues in the Senate for their support on that proposition.

I talked to many of my colleagues in the last couple weeks about this issue, and every single one of them agreed: Isn't it a good idea that we restrict that money so it cannot be misused? After all, it is not even clear where the money is going.

It is possible that the money would go to the State of Illinois. If it does go to the State of Illinois, I think that would be preferable to it being given to an individual or to a private corporation.

I described earlier in the day how there is a private not-for-profit organization out there that has recently been organized known as the Abraham Lincoln Presidential Library Foundation, and that I do not think it would be a good idea to give the taxpayer's money to a private not-for-profit organization in which case it would be up to the board of directors of that corporation as to how the money would be handled. We would not have safeguards for the public.

But I also pointed out that if the money went to the State of Illinois, and the State of Illinois directed the money to its Capital Development Board, there was a real problem.

The State of Illinois has a procurement code that was amended a few years ago. It does, in general, seek to ensure competitive bidding. It is an improvement over old laws that the State of Illinois used to have.

When I was in the State senate in Springfield, in 1997, I voted for the current State procurement law. But we pointed out that there is a loophole in there, and I regret that I missed that loophole. The loophole is that the Capital Development Board has a way to opt out of competitively bidding projects. It is a highly unusual and irregular loophole.

A letter from the Capital Development Board to Senator DURBIN stated that the project would have to be competitively bid because they would require it. They said they couldn't do things that were not competitively bid. That is nice they put that in their letter, but their letter is flatly contradicted by their statute. The statute that governs the Capital Development Board has a clear opt-out so that the State can just opt out of competitively biding this project. Fifty million dollars in taxpayer money is a lot of money.

The one issue Senator DURBIN mentioned concerned the attachment of Federal competitive bid guidelines to this project in Springfield, to make sure it was properly applied and that we didn't have political influence in the awarding of the many contracts that would be given out. There is, after all, $120 million of taxpayer money, when you include the State of Illinois money, the Federal money, the city of Springfield money, and any private money that is contributed to the project. That is a lot of money. You would think you would want careful safeguards in that law. It is hard for me to think of any reason anybody would oppose the strictest possible exceptions on how we spend taxpayer money to ensure that there is competitive bidding.

Senator DURBIN wondered how would it work if Federal requirements would apply; the State of Illinois wouldn't know how to handle it if Federal guidelines were applied. I don't think that is correct. As I pointed out to Senator DURBIN, it is very clear the State contemplates that Federal guidelines will frequently be attached when the Federal Government gives money to the State of Illinois. If you get Federal money from somewhere or you get money from somebody, it is not unusual that strings are attached.

Article 20 of the Illinois procurement code, source selection and contract formation, at 500/20-85, contemplates the attachment of Federal strings. Section 20-85, Federal requirements: A State agency receiving Federal aid funds, grants, or loans shall have authority to adopt its procedures, rules, project statements, drawings, maps, surveys, plans, specifications, contract terms, estimates, bid forms, bond forms, and other documents or practices, to comply with the regulations, policies, and procedures of the designated authority, administration, or department of the United States in order to remain eligible for such Federal aid funds, grants, or loans.

Mr. President, I ask unanimous consent to print this statute in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WEST'S SMITH-HURD ILLINOIS COMPILED STATUTES ANNOTATED CHAPTER 30. FINANCE BONDS AND DEBT ACT 500. ILLINOIS PROCUREMENT CODE ARTICLE 20. SOURCE SELECTION AND CONTRACT FORMATION

§20-85. Federal requirements. A State agency receiving federal-aid funds, grants, or loans shall have authority to adopt its procedures, rules, project statements, drawings, maps, surveys, plans, specifications, contract terms, estimates, bid forms, bond forms, and other documents or practices to comply with the regulations, policies, and procedures of the designated authority, administration, or department of the United States, in order to remain eligible for such federal-aid funds, grants, or loans.

HISTORICAL AND STATUTORY NOTES

Section 99-5 of P.A. 90-572, Article 99, approved Feb. 6, 1998, provides:

"Effective date and transition. This Article, Sections 1-15 through 1-15.115 of Article 1, and Article 50 take effect upon becoming law. Articles 1 through 45 and 53 through 95 take effect January 1, 1998, solely for the purpose of allowing the promulgation of rules to implement the Illinois Procurement Code. The Procurement Policy Board established in Article 5 may be appointed as of January 1, 1998, and until July 1, 1998, shall act only to review proposed purchasing rules. Articles 1 through 45 and 53 through 95 for all other purposes take effect on July 1, 1998."

For applicable effective date of laws provisions in Illinois governing §99-5 of P.A. 90-572, Art. 99, see 5 ILCS 75/0.01 et seq.

Mr. FITZGERALD. Clearly, the State of Illinois contemplates that for many grants from the Federal Government, they will have to comply with the Federal Government's requirements. That is not unusual. The Federal Government has requirements for education money, for Medicaid money, and the like. For this project, I think it is reasonable.

We don't want to unduly hamper it. But Federal competitive bidding, who would oppose that? I don't think Democrats would oppose it. I don't think Republicans would oppose it. Certainly no Democrat, no Republican in the Senate wished to go on record opposing it. It is a simple, safe precaution for the taxpayers.

Again, this statute, which we have talked about on and off all day, conclusively demolishes the letters that are being put out by the Capital Development Board saying they must use competitive bidding and that there is no way competitive bidding won't be used.

Let me reflect on that argument again. They are saying that clearly competitive bidding will be used. This project now is the focus of a lot of attention around the State of Illinois, and many people have said it will definitely be competitively bid.

If that is the case, why such stiff opposition to attaching the Federal competitive bid guidelines? If they are going to bid it according to the book and there won't be any problems with the contracts, then why is anybody opposed? Why is it? I don't know.

Clearly, the Office of the Governor of Illinois believed strongly enough that these guidelines, these restrictions, not be attached. Instead, they chose to go around the Senate and try to get the language snuck into a conference committee report, stripped of the competitive bidding language, and in a way so that it would be rolled into an $18 billion appropriations bill that is a must-pass bill. That conference committee report cannot be amended or recommitted. They went to a lot of trouble. In fact, they were practically doing anything and stopping at nothing to avoid the competitive bid guidelines which they are essentially saying they are going to do anyway. That doesn't make a lot of sense to me. Why the objection? Why the fierce fight over requiring Federal procurement laws be followed?

Now, throughout the day, I have set the context in which this debate has been occurring. I believed it necessary because for those who aren't from the wonderful land of Lincoln, the great State of Illinois, they may not be fully familiar with the politics.

Sometimes our politics have become famous. Chicago has famous political traditions. The State government probably hasn't been as well known as the city of Chicago's government. But I believed I needed to set the table, to lay the foundation and give the Senators from other States the context in which I was concerned that this money would be provided in a way that would permit unfettered discretion on the part of whoever might get this $50 million authorized appropriation.

I read a number of articles into the RECORD this morning that talked about problems that have occurred in State government in Illinois, not just under Republican administrations but under both Republican and Democratic administrations, where, because of a lack of competitive bidding, because of lax, weak procurement laws that left too much to the subjective preferences of State officials on awarding contracts, we have had of a sad history of procurement problems in the State of Illinois. Hopefully, the State's new procurement law will cut down on future problems such as that. But as I have pointed out, it has a few loopholes that I hope will get cleaned up.

We have talked about leases of buildings. We have talked about construction projects. We have highlighted a number of instances in which those leases at that time were not competitively bid, where there were a lot of questions about the amounts taxpayers were paying for the State to lease buildings. And certainly the people involved in leasing the properties to the State seem to be very involved in the political process, which raises a lot of questions in one's mind.

I also talked about the hotel loan, which involved a loan to a politically connected developer to build the Springfield Renaissance Hotel. It was a $15 million loan from the State of Illinois. It appeared also, as we read some of those articles, that Federal money was involved in that, too, and that that loan was never repaid to the State of Illinois. Some payments were made. I don't know what the unpaid balance is today, but I think it is quite substantial. That developer still has that hotel, too. This hotel is very close, about a block and a half, maybe two blocks away, as we saw, from the proposed Abraham Lincoln Presidential Library.

If the library is built and it becomes the wonderful attraction we hope it will be for citizens from all over the country to come and enjoy and learn about Abraham Lincoln in the hometown of Abraham Lincoln, certainly it will generate a lot of tourist revenue for the city of Springfield. I imagine the Springfield Renaissance Hotel would benefit from the projections of increased tourism. I hope that would be the case. I hope that perhaps at that time the hotel, the partnership that runs it, would think about whether they couldn't make more payments to the State on that $15 million taxpayer loan that goes back to the early 1980s.

I know that State officials released personal guarantees and waived the State's right to foreclose on that hotel loan. It is clear there probably isn't much of a legally enforceable note anymore. You would have to wonder if those people would think about whether it wouldn't be a good idea for them, the right thing for them to do, to try to make payments when they could. They probably would argue that the notes are worthless now and that the State's rights as lender were waived while the loan was in default. It is kind of unusual. In fact, I have never really heard of a lender, when they have a bad loan, waive all their rights. It seems kind of odd to me.

In any case, there is another episode in our State's recent history that I was very vocal on when I was in the State senate. That was on how riverboat licenses were given out.

Back in about 1990, the State created 10 riverboat licenses. The first six of them were fairly site specific in their statute on where the river boat licenses had to go.

That always raised questions because there were questions of whether in drawing up the statute the State was actually attempting to steer these riverboat licenses to certain individuals. It just so happened that an investor in the first riverboat license awarded under the Illinois gaming law was the very same individual, Mr. William Cellini, about whom we have read some articles, who got the hotel loan, didn't have to pay it back, had the leases of the State buildings, and has been involved in politics in Illinois for a long time.

I would, if I could, like to continue on in an examination of what happened when the State didn't competitively bid the riverboat licenses, and I always believed they should have been competitively bid. You had licenses that turned out to be phenomenally lucrative. In some cases, very small investments made many people very rich, very quickly. There was always a question as to how the State determined who got the licenses. The people who wound up getting the first six licenses, which were fairly site-specific, tended to be people who were very much involved in State politics in Illinois. They were what I would call "insiders" in the State capitol. Of course, they always encouraged the perception that it was just a coincidence that these very lucrative licenses fell into their hands. And they got real rich, real quick.

In fact, a riverboat was put up in Joliet, IL. I remember when I was in the State senate, that boat was called the Joliet Empress. We could not find out the financial results of these boats. It was an exception to the freedom of information laws in Springfield, and even though these boats got a license from the State, they didn't have to give out financial information to the public. But the Joliet Empress decided to do a public bond offering, as I recall. In order to do that public offering of its debt securities, it had to file a registration statement with the Securities and Exchange Commission. In the process of filing that statement, they disclosed their investors and disclosed some of the financial results of the riverboat.

I am going to suggest that the original investment was somewhere in the neighborhood of $20 million. In the first 18 months, as I recall, the nine people who owned the riverboat took in something like $87 million in cash dividends. It kind of makes the Internet firms that we are reading about in the soaring NASDAQ index seem like nothing. This was really a bonanza for the people who wound up with these riverboat licenses.

When I read on the floor of the Illinois State Senate how lucrative these licenses were, I thought it was wrong that the State wasn't competitively bidding those licenses. They were setting up a process by which people who wanted these licenses could go through the politicians who could give it to them on a no-bid basis. And in so doing, the State was leaving an awful lot of money on the table. In fact, they were literally lighting a match to millions of dollars they could have reaped had they auctioned off those licenses and created some kind of bidding process and not allowed political favoritism to ever be a question in the awarding of those licenses.

In fact, there was a lot of opposition to ever competitively bidding those licenses. Certainly, the people who wound up owning or wanting the licenses never wanted those competitively bid. Instead, what happened, in order to raise revenue in the early 1990s, on a few occasions the State raised income taxes on everybody else.

Mr. President, let me go, if I may, to a couple of articles that describe how the State gave out the no-bid riverboat licenses. Again, this is all in the context of examining what happens when

State, Federal, or local government—any government at all—don't put restrictions on money they are giving out for contracts, or on benefits that they are giving out, when they don't make sure there is a competitive bidding process involved. Questions always arise as to whether there is political favoritism.

This article is from the Chicago Sun-Times of February 26, 1993. The byline is by Ray Long. The headline is, "Developer Hits Riverboat Jackpot; Stock Sale Windfall Steams Treasurer."

I ask unanimous consent that this article from the Chicago Sun-Times be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Chicago Sun-Times, Feb. 26, 1993]

DEVELOPER HITS RIVERBOAT JACKPOT; STOCK SALE WINDFALL "STEAMS" TREASURER

(By Ray Long)

Politically powerful Springfield developer William Cellini has sold $5.3 million in riverboat casino stock as part of a deal that prompted the state treasurer to call for a windfall tax on such transactions.

Argosy Gaming Co., owner of the Alton Belle riverboat, reported that Cellini sold 277,778 shares, netting him $4.9 million after fees, in last week's first public offering of Illinois riverboat stock.

Argosy sold a total of $76.6 million in stock, and the original shareholders collected $29.5 million, the company said.

Cellini remains the largest single shareholder, and his remaining shares could be worth more than $50 million, based on the value of the public shares.

Argosy plans to use money from the sale to pay start-up debts, fund a new riverboat and develop gambling in Louisiana and Missouri.

State Treasurer Patrick Quinn, a Democrat, said, "I've got steam coming out of my ears" from anger over the Argosy deal. "It's downright obscene."

A probable gubernatorial candidate in 1994, Quinn said Cellini should have been denied his piece of the Alton riverboat license because of questions about his role in a state loan to build the Springfield Ramada Renaissance hotel.

"I don't think if you take the taxpayers to the cleaners once, you should get a second chance to put more money in your own pocket," Quinn said while taping "The Reporters," to be aired at 9 p.m. Sunday on WMAQ-AM (670).

The state should impose a windfall tax on investors in riverboat gambling ventures that start private and later go public, Quinn said.

In a separate interview, Cellini, a top Republican fund-raiser and friend of Gov. Edgar's, said the Springfield hotel arrangement was proper.

As for the riverboat transaction, he said he had been "obligated at one time for an amount approaching a million" dollars. He said federal regulations about new public offerings prevented him from discussing details about the company or stock sale.

The Ramada Renaissance received a 1982 state loan for $15.5 million at 12¼ percent interest. After recurring payment disputes, the loan was restructured in 1991 for $18.6 million at 6 percent.

Cellini said he was one of 80 partners in the hotel. "I have never taken out or realized one penny from the hotel," he said.

Quinn's staff said the lenders defaulted in 1987 under former state Treasurer Jerry Cosentino and former Gov. James R. Thompson, a Republican and friend of Cellini's.

But Cellini disputed this account. "During the time of the loan," he said, "I don't believe we were ever declared in default—except in order to refinance and restructure, there may have been needed language implying such."

Quinn said: "A lot of folks, I think, are pretty upset about getting taxed to the limit and then seeing government operate . . . as a personal piggy bank for insiders. This is wrong."

Mike Lawrence, spokesman for Edgar, said the Gaming Board's initial approval of the Alton riverboat project was granted before the governor took office. The final license approval came in 1991 after Edgar took office.

William Kunkle, Gaming Board chairman, said Cellini passed the agency's background check.

Meanwhile, Thursday, the Gaming Board met in Chicago and failed to reach agreement on how to implement a legal limit of 1,200 gambling customers per riverboat.

Mr. FITZGERALD. Mr. President, there are a number of other articles that have been written over the years about how the State gave out the riverboat gambling licenses in Illinois. The record is replete with problems that the State had, or questions that were raised about how the licenses were awarded. They just happened to be awarded to people who seemed to be involved in the political process.

That was something I was concerned about at the time. I was in the State senate at that time; this goes back to 1994. There is an article in the Chicago Sun-Times that discusses how I was seeking competitive bidding on those State riverboat licenses.

This is an article from April 10, 1994, entitled, "Riverboat Deal is Plum For Insiders," by Dennis Byrne of the Chicago Sun-Times:

> The agreement between Mayor Daley and Gov. Edgar to bring riverboat gambling to Chicago should make a lot of people happy: Chicago taxpayers and schoolchildren, who will benefit from the additional revenues, and the thousands of casino/entertainment center employees.
>
> But the folks who should be the happiest are the well-connected insiders who are already raking it in from the state's 10 suburban and Downstate riverboats and who stand to make hundreds of millions more from the Chicago riverboats.
>
> That would be thanks to a little-noticed part of the agreement changing the law that bans owners of one riverboat license from having more than a 10 percent interest in a second. If approved by the Legislature, they could own a second license and up to a 10 percent interest in a third.
>
> So folks such as Eugene Heytow, chairman of the politically connected Amalgamated Trust & Savings Bank, where William Daley, the mayor's brother, once was president, could keep his stake in a riverboat in Galena while buying a chunk of one in Chicago. And William Cellini, a powerful friend of Edgar and former Gov. James R. Thompson, could buy into Chicago big-time while keeping his lucrative interest in the Alton Belle. So could Gayle Franzen, the Republican candidate for DuPage County Board chairman. And so on.
>
> You could argue that they should get a piece of the Chicago action because the state is changing the rules of the game, that when they invested in the suburban and Downstate boats they believed they wouldn't face any competitive risk from Chicago.
>
> However, it's not a very convincing argument in the face of the obscene profits that they have already harvested from their state-protected monopolies. State Sen. Peter G. Fitzgerald (R-Inverness), a banker, has calculated that the profits have been great enough to cover initial investments in only a matter of months—the kind of return that might make Hillary Rodham Clinton envious. In the case of the Alton Belle, a $20 million or so capital investment (and a paltry $85,000 for a state licensing fee) seeded a company that now has an estimated market value approaching a half billion dollars.

Let me read that again.

This is from Dennis Byrne, "Riverboat Deal is Plum for Insiders."

> In the case of the Alton Belle, a $20 million or so capital investment—and a paltry $85,000 for a State licensing fee.

The guys who got the riverboats gave the State $85,000. The State gave them a license and ceded a company that now has an estimated market value approaching $.5 billion.

Not a bad deal if you are giving the $85,000 and they are giving you the license. It is worth, at that time they say, $.5 billion. What did the taxpayers get out of this with no competitive bidding? They had their income taxes raised during that time.

> For an initial outlay of just a couple hundred grand 2½ years ago, investors now would own tens of millions of dollars worth of stock. Cellini himself plucked $4.9 million when he sold some of his stock when the company went public, but still retains some $60 million worth of stock.
>
> And if they invest in Chicago boats? Using the city's figures, Fitzgerald calculates that annual net income on each boat could approach $50 million, and that the market value of each boat (at five times earnings) could exceed a quarter of a billion dollars.
>
> Thankfully, though, they'd have to sink more into the Chicago boats, because, unlike the license for suburban and Downstate boats, the city licenses would be competitively bid. Who gets the license will depend, in part, on how much the bidder is willing to give to the city in admission, franchise and other fees. Unfortunately, though, the state's 20 percent gaming tax on gross receipts will not be raised, for the Chicago or Downstate boats. Nor do we know if other municipalities that are granted new boats will be able to demand competitive bidding.
>
> Fitzgerald believes that even if the 20 percent state tax were raised significantly, to as high as 60 percent, the owners still would make a nice profit. So if we truly believe that the boats are a public good, maybe we should allow the public to rake off at least as much as some politically connected pals.

Mr. President, I understand that the Presiding Officer has an obligation, so I will try to focus my remarks and enable the Presiding Officer to meet that obligation.

We have introduced a number of articles on this point all during the day to lay the context in which my concerns were raised about this very large project in Springfield.

I guess now we are down to the point where we have to ask the big question: Is the proposed Abraham Lincoln Library in Springfield, IL, another insider deal? I certainly hope it doesn't become one. This may or may not be now. We will not know until it is done. But we should do our very best to prevent it from becoming one.

We have said if we don't have careful controls, the money could wind up in private hands. It wouldn't have to be competitively bid under the language in the conference report. If the money winds up in State hands, then under the language that passed out of the House in the conference report, and which the Senate has basically said they don't like because it doesn't have Federal competitive bidding in it, if the money went to a private entity and went to the State—we have seen the State without competitive bidding. I would hate to see the monument to "Honest Abe" discussed in one of these many articles that have been written by investigative reporters. Competitive bidding could be opted out if it were the Capital Development Board that were doing the project.

As I pointed out, it is not unusual for the State to have to live within Federal competitive bid guidelines. This is not an unusual request. Then there is the State code. The State procurement code specifically contemplates the application of Federal guidelines such as these Federal competitive guidelines.

Are there red flags on this project? I want to sum those up again. We talked earlier in the day about some of the red flags.

We had the cost of the project increasing as the project has been talked about over the last few years. It started out as a proposed $40 million project in February of 1998. It went to a $60 million project 13 months later, in March of 1999. When I first came to the Senate, it was a $60 million project. Then one month after that, the next report said it was a $148 million project—up from the most recent $60 million estimate on advice from "designers and fiscal advisers." That raised the red flag in my mind. I thought we had to bird-dog this project. After all, that is a big expenditure in any city, and it is certainly a big expenditure in the city of Springfield, our State capital.

The estimated cost, adjusted for inflation, of our State capitol is only $70 million compared to the $148 million that we saw referred to there, and now the $120 million that they are talking about for this library.

The cost of other buildings in Springfield: the Willard Ice Building is a $70 million building; the Prairie Capital Convention Center is a $60 million building.

We are really talking about a very visible project in Springfield. We discussed the location as well of this library. We noted its proximity to the Springfield Ramada Renaissance Hotel. We talked at length about the history of the Springfield Renaissance Hotel. We noted that this project is intended to and will stimulate tourism, if it is done right, in the city of Springfield. That hotel stands to benefit from that. It would be nice if we could get some payments on that $15 million State loan from back in 1982 to build that.

We have not yet noted, and I think we need to note, that Mr. Cellini, whom we have discussed, has been active in seeking to raise money for the private foundation that is connected to the library. Let me see if I can focus on that for one second and find a citation for you, Mr. President. There are newspaper articles, I believe, that suggest he has been out actively trying to raise money for the library. I would like to find that citation.

Incidentally, I should also mention that the Ronald Reagan Presidential Library cost $65 million.

It is a State Journal Register article from September 5, 1999, a little over a year ago:

> William Cellini reported to be heading private fundraising drive for the project.

So we are beginning to connect this all back into some of the projects we have read about throughout the course of the day. These are connecting threads, and set against the backdrop of procurement history and controversy in Illinois, I think there is good reason for Congress to be careful with this project. I think it is reasonable to look at all these red flags and say, this $50 million in Federal money, we better make sure it is buttoned down; better be careful, we don't want to happen to this money what has sometimes happened in the past. We don't want this project ever to be the subject of one of these investigative reports in one of our State's fine newspapers.

In light of the time restraints we are running up against tonight, the hour is late and I recognize that, I thank my colleagues again for all their support, for going on record in favor of competitive bidding in accordance with the Federal competitive bidding guidelines. I certainly hope the House will reconsider the position that has come out of the House in opposition for buttoning down this money and having tighter controls on it, to make sure that none of it winds up being involved in an insider deal, and that Springfield gets $120 million worth of value out of the $120 million that is intended to be spent on this monument for Abraham Lincoln.

Some may wonder why I have sought to filibuster the Interior appropriations bill over this matter. They would note $50 million is a substantial amount, but as a percentage of the entire appropriations bill, it is relatively small in comparison. There are literally countless projects throughout the country that are contained in that bill. I believed it was important to come to the floor and to lay out this case because it goes to the very heart of the appropriations process in Washington.

I understand those who oppose the competitive bidding will eventually have a good opportunity to move their bill and make sure the competitive bidding isn't in there. But I hope we are going to have illumination here. I think the people of Illinois can know who their government is and what it is about. I think that the people of this country may see, through the prism of Illinois, how serious and consequential the ethical foundations of their government can and must be.

This issue of whether we make sure this money is competitively bid goes to the very heart of the appropriations process. We ought to take great care of the people's money. The people's money represents precious hours of hard work, sweat, and time away from family. The American people are fundamentally generous, and they will permit reasonable expenditures for the good of their country, their communities, and their State. However, Mr. President, don't abuse them. Do your best to make sure that there are sufficient safeguards so the people can know that their taxpayer dollars will not simply be trampled on by political insiders. That is what bothers me personally, eats at me—the people who oppose provisions such as this act, as though $50 million in taxpayer money is a quarter. How can we ever put too many controls on taxpayer money? Why would anyone not welcome even more stringent competitive bid rules? Why would anybody oppose that? I can't think of a good reason.

The backdrop of problems we have had in the State of Illinois for a long time, which I illuminated today, and the legacy of insider dealing make me very reluctant to turn over this particular $120 million without doing everything I can to protect it.

I thank all of those who have stayed with me tonight, and I yield the floor.

RECESS UNTIL 9:30 A.M. TOMORROW

The **PRESIDING OFFICER**. Under the previous order, the Senate stands in recess until 9:30 a.m. on Thursday, October 5, 2000.

Thereupon, the Senate, at 8:25 p.m., recessed until 9:30 a.m., Thursday, October 5, 2000.

EXTENSIONS OF REMARKS

STATEMENT ON THE INTRODUCTION OF THE BUSINESS METHOD PATENT IMPROVEMENT ACT OF 2000

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BERMAN. Mr. Speaker, in recent months, substantial concern has been expressed over the patenting of Internet and business strategies and techniques. Both the quality and appropriateness of a number of recently granted patents have been questioned.

My primary concern in this issue is the protection of intellectual property, which I believe is critical both to innovation and to the economy—and in that context, I want to make sure that the quality of U.S. patents is the highest possible.

As the breadth of patentable subject matter grows, it is incumbent upon Congress to consider two questions. First, are the Patent and Trademark Office and the courts properly interpreting the scope of what should be patentable? Second, is the process for patenting appropriate for the subject matter we allow to be patented?

It is clear from my conversations with those who are developing the Internet, those financing Internet ventures, individuals conducting business and those in the patent community—and the public at large—that the patenting of Internet and business strategies and techniques is controversial and deserves serious examination. Some believe that "business method" patents should simply not be allowed. They argue, by analogy, that a toaster should be patentable but the idea of toasting bread should not. Others argue that business methods should remain patentable, but the PTO should apply much greater scrutiny when it examines such patent applications. To extend the analogy: we have been toasting bread for a long time and if you are going to patent a method of doing so, the PTO better make sure that it has never been done in just that way before. Some note that people have received patents on activities that have been undertaken for decades and even centuries, and argue that merely placing an activity on the Internet does not make for novelty. Finally, there are a number of strange examples that lend themselves to questions about whether such common human activities deserve patent protection at all. Surely, the patent system is functioning in a curious manner when patents have been issued on a technique for measuring a breast with a tape to determine bra size (Pat. No. 5,965,809), methods of executing a tennis stroke (Pat. No. 5,993,366) and swinging a golf club (Pat. No. 5,616,089), an architect's method of eliminating hallways by placing staircases on the outside of buildings (Pat. No. 5,761,857), and a method for teaching custodial staff basic cleaning tasks (Pat. No. 5,851,117). Others have noted with suspicion the patent for a method of exercising a cat using a laser light as a tease (Pat. No. 5,443,036).

Other patents, granted to more serious endeavors, have also have been roundly criticized. With regard to patenting Internet adaptations of brick-and-mortar businesses, questions have arisen about patents granted for a method of selling music and movies in electronic form over the Internet (Pat. No. 5,191,573), a method of developing a statistical "fantasy" football game using a computer (Pat. No. 4,918,603), a method of allowing car purchasers to select options for cars ordered over the Internet (Pat. No. 5,825,651), a method of rewarding online shoppers with frequent flyer miles (Pat. No. 5,774,870), and an arguably very broad patent on managing secure online orders and payments using an "electronic shopping cart" to purchase goods on the Internet (5,745,681).

In lay terms, the basic question in each case is whether the patent owner merely adapted a well known business activity to the Internet in a straight forward manner. In patent parlance, the question is whether any of these activities are truly new and would not be obvious to one skilled in the relevant art. Other questions that may be relevant are whether others in the United States had known of the invention or had used it, and whether the invention was used or sold in public prior to the filing for a patent.

I am not asserting that any of these patents should be invalidated. However, patents are becoming a critical factor in valuing many new economy businesses, and that means they are significant to the health of the economy. If business method patents are indeed being issued based on insufficient information about the relevant inventions that preceded the patented invention or if a patent is issued on the basis of insufficient "prior art," there is substantial risk to the inventor that those who know of the "prior art" could step forward at any time, invalidating the patent. This uncertainty means that investors cannot be confident that businesses will in fact reap the returns they expect on the patented inventions.

In the context of the Internet, many argue that rather than spurring innovation, patents interfere with innovation; that fierce commercial competition, as opposed to patent monopolies, has driven innovation; and that a culture of open sharing of innovation has been the key to the Internet's rapid growth. Whether this is true or false, an invention that is tied up because of an inappropriate grant of patent is problematic and may interfere with the advancement of technology. If a patent is granted for an invention that is not truly novel or one which is obvious to an expert in the field, it may then become unavailable for competitors to exploit. Such a patent may also open the user of the prior invention to an infringement lawsuit.

The U.S. patent system, created under the specific authority of the Constitution, grants for a limited time a statutory monopoly over one's inventions. An inventor should have an incentive to create—a monopoly for a limited time allows an inventor the opportunity to appropriately benefit from his creativity, and at the same time, reveal in detail the invention to allow others to build on his advances. Historically, the concept of invention was limited to the physical realm, a machine or process by which a product is produced. Over the years, however, the courts and the PTO have expanded the scope of patentable subject matter. In fact, the Patent and Trademark Office is of the view that it is operating under Supreme Court instruction to patent "anything under the sun made by man." To that end, they have allowed the patenting of business methods.

Three events have contributed to the rapid growth in the number of applications for business method patents:

In the 1998 ruling in State Street Bank v. Signature Financial Group, the Court of Appeals for the Federal Circuit, (which has exclusive jurisdiction over patent appeals) concluded that methods of doing business implemented using a computer are patentable. Some interpret the opinion as not even requiring computer implementation, and thus more broadly affirming the patenting of any business method. State Street was notable because it resolved a question where there had previously been divergent opinions among the lower courts. Some courts were of the view that there was a "business method exception" to patentability dating back to at least 1868. In resolving this issue, the court opened the flood gates for business method patents.

The second key event has been the explosive growth of the Internet. As businesses move to the Internet, they either adapt methods of doing their ongoing brick-and-mortar business or they invent new and innovative methods to take advantage of the unique qualities of the Internet.

Finally, business executives and entrepreneurs alike are gaining a better understanding of the economic value of intellectual property and patents, and are pursuing ways to take advantage of these opportunities.

Given this growth in patent applications, has the quality of patents suffered? There are several reasons identified for the lessening of the quality of patents in this area. In the view of some, the existing patent corps does not have the expertise to examine these "new tech" and "business" patents. The PTO needs more resources to enhance their examiners expertise and increase the size of the examiner corps in the relevant areas of art. Also, as a result of industry practices, there is a dearth of "prior art" data, the evidence of preexisting inventions, available in the areas of the Internet and business methods.

To be patentable, an invention has to be novel, useful, and not obvious to an expert in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the field. Novelty is judged by comparing the invention with both patented and non-patented inventions. Determining whether an invention existed before the patent application was filed—or whether the invention is obvious—is an extraordinarily difficult task in the realm of business methods and the Internet. Core Internet tools such as the Amazon.com "1-click", may have been in use prior to the filing of Amazon's patent application. Priceline.com's "buyer-driven sales" over the Internet arguably may have been "obvious" to an expert in the field of auctions.

I do not know whether these patents should or should not have been granted (and ongoing litigation will inevitably make that determination), but it is clear that the review of business method patent applications is impaired by the lack of documentation capturing the history of innovation in the Internet or the development of business techniques and methods.

By contrast, in the fields of engineering or science (two areas in which many patents are sought), inventions and innovations are meticulously documented and published. With these publications at hand, an examiner has easy reference to existing inventions. But very little published information exists with Internet and hi-tech practices . . . and most of what does exist is analogous to "folk knowledge", handed from person to person orally or in chat rooms or by e-mail. Where developments are documented, there is no common organizing scheme. Where business plans are involved, they are usually closely held as trade secrets. Since an examiner can reject a patent application only on published "prior art", informal communications are excluded.

As to obviousness, it is usually up to the patent examiner—using his own expertise and research of "prior art"—to assess whether an expert in the field would think to come up with the applicant's invention. In the area of business method patents, the endeavors for which patents are being sought are very new to the PTO. It has been only five years since the Internet became a tool of business, and only two years since the court clearly established the rule that a business method is patentable in the United States. Unfortunately, although PTO is taking strides to develop expertise in the appropriate fields, there must be improvement in how experts can submit information to the PTO regarding specific patent applications.

Many of the changes needed can be met only by legislative action. It is critical that we create new mechanisms to get "prior art" into the system and make it available to applicants and the PTO. We must enhance the deference given the PTO in rejecting patent applications on the basis of all of the provisions of subsections 102(a) and (b) of title 35 by allowing examiners to rely on evidence of knowledge, use, public knowledge or sale in the U.S. that may not be documented in published references.

I am today introducing with Mr. BOUCHER a bill that will enhance the quality of Internet and non-Internet business method patents by increasing the opportunity for expert input into the patenting process. These improvements will provide patent owners and investors alike with greater confidence in the quality of their patents. The bill requires the PTO to publish business method patent applications and give the members of the public an opportunity to present "prior art" they believe may disqualify the application. Members of the public may also petition the PTO to hold a hearing to determine whether an invention was known, used by others, or in public use or on sale in the U.S. prior to the filing of the application. The bill also establishes an expeditious administrative "opposition" process by which a party will be able to challenge a business method patent. The opposition process provides parties with substantial evidentiary tools but will be much less costly and more efficient than litigation. The opposition process must be invoked within 9 months of the granting of a patent, and must be concluded within 18 months thereafter. Thus, we assure that within 27 months after the granting of the patent, a patent owner will either have enhanced confidence in the quality of their patent—something akin to quiet title—or will know the patent has been invalidated. The procedure will be presided over by an Administrative Opposition Judge who has substantial patent expertise and will have the responsibility to assure efficient review.

In regard to adaptations of business methods to the Internet, the bill establishes that where an invention only differs from "prior art" in that it is implemented using computer technology, such an invention shall be presumed obvious and therefore not patentable (this presumption can be overcome if a preponderance of the evidence shows that the invention was not obvious). Finally, the bill lowers the burden of proof for a challenge to a patent from "clear and convincing evidence" to "a preponderance of the evidence"—an appropriately lower standard where the difficulty of producing evidence is complicated by the traditions and practices of the industries.

In introducing this legislation I am not taking a final position as to whether business methods should be patentable—I tend to think they should be, but I could be persuaded otherwise. I am not wed to any particular provision of this bill itself But I do believe that we need to be sure that the Patent and Trademark Office is well equipped to consider these patents, that there are adequate means to get good information into the system describing prior inventions, and that there are the appropriate standards and processes in place to assure the quality of the patents that are actually issued. There should be no question that the U.S. patent system produces high quality patents.

This bill is a work in progress, and one that will likely generate great debate. As I have noted, there are some who believe that "business methods" should not be patentable at all. Others who are certain to argue that current law "ain't broke", so there is no need for Congress to fix it. Still others believe that, to the extent there may be a problem, the Patent and Trade Mark Office will address it administratively. My intent with this legislation is to stimulate the dialogue. We need to air these issues and ultimately (and hopefully quickly) find the proper solutions.

TEACHING ABOUT CONGRESS

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. ROEMER. Mr. Speaker, I highly recommend the following speech recently given by our distinguished former Indiana colleague Lee Hamilton. Lee has devoted his career as a public servant to improving public understanding of Congress, and I found his remarks quite timely and informative. Mr. Speaker, I submit the following remarks into the CONGRESSIONAL RECORD.

TEN THINGS I WISH POLITICAL SCIENTISTS WOULD TEACH ABOUT CONGRESS—REMARKS BY THE HONORABLE LEE H. HAMILTON, PI SIGMA ALPHA LECTURE, AMERICAN POLITICAL SCIENCE ASSOCIATION ANNUAL MEETING, AUGUST 31, 2000

INTRODUCTION

My purpose this afternoon is to offer some thoughts on the role that you, as political scientists, can play in improving public understanding of the U.S. Congress.

I do not know what each of you teaches about the Congress—but I do know—on the basis of several thousand public meetings over three decades—that the lack of public understanding about the institution is huge.

That lack of understanding among ordinary Americans concerns me deeply because it increases the public's suspicions and cynicism about the Congress, weakens the relationship between voters and their representatives, makes it harder for public officials to govern, and prevents our representative democracy from working the way it should.

I believe you can improve public understanding of Congress by teaching several basic, and rather simple, lessons about this sometimes puzzling institution.

If Americans leave high school and college with a solid understanding of Congress, they will be better able to contribute to our nation's political life and will help make our representative democracy work better.

TEN THINGS TO TEACH ABOUT CONGRESS

First, I'd like you to teach that Congress is the most important link between the American people and their national government.

Many Americans have little appreciation for the basic function and role of Congress in our political system. I want you to help them understand that Congress is the institution whose job it is to seek consensus out of the many and diverse views of the American people. I want you to explain that Congress performs the extraordinary task of legislating and overseeing the government in the interest of more than 275 million Americans.

For all its deficiencies—which I will get to later—Congress has three great strengths:

Congress is, by far, the most representative institution in the United States. We live in a complicated country of vast size and remarkable diversity. Our people are many; they're spread far and wide; and they represent a great variety of beliefs, religions, and ethnicities. It isn't easy for such a country to live together peacefully and productively. Although Congress does not perfectly mirror the demographics of the American people, it does help bind us together by representing the country's great diversity.

Congress is also accessible—much more so than any other part of the federal government. Congress is the primary "listening post" of the people. If an ordinary American has a complaint or suggestion about the government, he cannot reach the President, or the Vice President, or a cabinet secretary—or even a deputy assistant secretary. He can reach his Representative or Senator.

And Congress is our nation's chief deliberative body. It is the place where the many views and interests of the American people on all manner of subjects get thrashed out. It remains the central forum for vigorous public debate, consensus building and decision making on the most important issues of the day.

Second, I'd like you to explain that Congress has a major impact on people's everyday lives.

Many Americans believe Congress accomplishes little and is simply irrelevant to their daily lives. I'd like you to help correct that misperception.

While Congress is no longer the most powerful institution in the national government—as it was at the beginning of the 19th century—it is still an important shaper of national life.

Americans pay more attention to Congress as they understand the impact congressional decisions have on the fabric of their lives. When Congress funds basic research in science, it's helping create the future cures for deadly diseases. When it raises the minimum wage, it's enabling people to rise out of poverty. When it protects national parks, it's preserving our natural heritage.

I want Americans—I want your students—to appreciate that nearly every aspect of their lives is touched by the decisions of Congress.

It's remarkable how quickly we forget that Congress has been involved in some big things in recent years: Erasing the federal deficit; Overhauling the welfare and public housing systems; Rewriting telecommunications laws; Approving billions to improve roads and bridges; and Liberalizing international trade.

Although we may not all like what Congress did on each of these issues, after debating policy options and gauging public sentiment, it acted.

Third, I'd like you to emphasize that Congress was not designed to move quickly and efficiently.

One of the most common complaints about the Congress is that it's always arguing and bickering. I must have heard the complaint a hundred times: "Why can't you guys ever agree?"

This perception is a major factor in the public's lack of confidence in the institution.

Why is it so difficult for Congress to reach agreement? Part of the answer involves politics. The struggle for partisan or personal advantage, particularly in an election year, can stall the work of Congress substantially.

But there is much more to it than that. Our system of government was intentionally set up with many checks and balances to prevent hasty action. Legislative dispute and delay, while frustrating, are not necessarily signs of democracy in decay.

The task of achieving consensus is made especially difficult today because the issues before Congress are so numerous, complex and technical, and they come at Members with staggering rapidity.

In the Federalist Papers, Madison wrote that a Member of Congress must understand just three issues: commerce, taxation and the militia. To a Member today, that observation is a bit quaint, to say the least.

Take the ten most difficult issues facing our country and you can be sure that Congress will take each of them up in some form over the coming year.

People misunderstand Congress' role if they demand that Congress be a model of efficiency and quick action. Congress can work quickly if a broad consensus exists in the country. But such a consensus is rare—especially on the tough issues at the forefront of public life today. Usually, Congress must build a consensus. It cannot simply impose one on the American people.

The quest for consensus can be painfully slow, and even exasperating, but it is the only way to resolve disputes peacefully and produce policies that reflect the varied perspectives of our diverse citizenry.

Fourth, I'd like you to highlight the great dynamism and complexity of the legislative process.

When I visit with students in American government classes, I make a point of flipping through their textbooks to see the diagram illustrating "How a Bill Becomes a Law". The diagram usually explains that a piece of legislation, once introduced, moves through subcommittee and committee, then to the House and Senate floors, then to a House-Senate conference, and finally to the President for his signature or veto.

In a technical sense, of course, these diagrams are generally accurate. But my reaction to them is: "How boring! How sterile!" They fail to convey the challenge, the hard work, the excitement, the obstacles to overcome, the political pressures, the defeats suffered, and the victories achieved to enact legislation. They give a woefully incomplete picture of how complicated and untidy the legislative process can be, and they barely hint at the clash of interests and the multitude of difficult things a Member must do to shepherd an idea into law.

One of the most important and time-consuming aspects of the legislative process is conversation: the scores—even hundreds—of one-on-one talks that a skillful Member will have with colleagues to make the case for a particular bill, to learn what arguments opponents will use to try to block it, and to get a sense of what adjustments might be needed to move it along.

These conversations end up posing difficult dilemmas to a Member pushing a bill. For instance, should the Member alter the proposal to broaden its appeal, or keep the bill as it is and hope to defeat the opposition?

How should the Member use the media—to rally public support behind the measure, put pressure on opponents, and advance the legislation?

The increased size and scope of individual bills today makes the legislative process still more complicated. Almost half of the major bills are referred to more than one committee in each chamber. Ad hoc caucuses are sometimes created to address new concerns. As the number of actors involved proliferates, the possibilities for conflict over a bill increase.

All of this adds up to a process that is extremely dynamic, unpredictable and messy. There are ways for astute Members to get around nearly every stage in the traditional model of the process.

Even for Members, it can be difficult to know when and where the key decisions on a bill will be made.

Fifth, I'd like you to teach that what this country needs is more, not fewer, politicians.

Members of Congress are, first and foremost, politicians. Their number one objective is to get re-elected.

Yet the art of politics does not often get high praise these days. When the federal government was almost shut down a few years back, that was considered "politics". When Washington, D.C. was consumed by the impeachment of President Clinton, and the rest of the people's business had to take a back seat, that was attributed to "politics".

Showing skill as a "politician" has come to mean demonstrating the ability to raise campaign funds, to engage in the tit-for-tat exchange of negative advertising, to fudge your positions, or to jockey for public support based on polls and focus groups.

But the fact is that good politicians are vital to the success of our representative democracy. When I say "politician," I mean someone who knows how to practice the art of politics.

This art involves an assortment of important, but often underappreciated, skills. Good politicians must know how to listen—in order to find out what people want. They must be able to build support for their ideas with colleagues, constituents and key individuals. They must search for common ground across parties and among people with diverse interests. They must be able to compromise while preserving core beliefs. And they must get results—achieving passage of legislation that meets people's needs.

To avoid coming apart at the seams, our country needs people who know how to practice the art of politics. That is what good politicians do: they make democratic government possible in a nation alive with competing factions.

Politicians may not be popular, but they are indispensable to making representative democracy work.

That's why we need more politicians, not fewer.

Sixth, I'd like you to teach that Members of Congress behave better than people think.

The perception that Members are corrupt, or immoral, or enriching themselves at the taxpayer's expense, takes a serious toll on our system of government.

Americans of all stripes like to dwell on misbehavior by Members of Congress. People look at the latest scandal and assume they're seeing the real Congress. But they're not, not by a long shot.

Don't get me wrong. I'm not proposing my former colleagues for sainthood. But as the press lauds two vice presidential candidates—Republican Dick Cheney and Democrat Joe Lieberman—for their probity in Congress, we should remember that probity is the rule, not the exception.

Some Members, of course, do engage in improper conduct—and our system of financing elections degrades politician and donor alike—but my experience is that most Members are remarkable people who care deeply about our country and seek to better it through their public service. Most could make far more money on the outside, but choose to serve in Congress because they want to contribute to their country.

Moreover, the ethical standards in Congress are higher than ever before. When I entered the House, gifts and the use of campaign contributions for personal use were unrestricted; financial disclosure was not required of Members; there was no written code of conduct; and no standing House ethics committee existed to police the membership. All that has changed.

Certainly, Congress still has major strides to make in this area. The role of the House Ethics Committee, for instance, has not yet been fully worked out, and its performance has been disappointing over the last few years.

But the ethical climate at the Capitol is light years ahead of where it was a couple of decades ago. And, I might add, light years ahead of the common wisdom.

Seventh, I'd like you to teach that Members of Congress do pay attention to their constituents.

Often I hear that Members of Congress only pay attention to power brokers and big-time donors and don't care about ordinary citizens. That simply is not true.

Sometimes when I stood in front of a roomful of voters, I could feel a curtain of doubt hanging between them and me: I took the positions I did, they believed, because of this or that campaign contribution, not because I'd spent time studying and weighing the merits of issues. They had given themselves over to cynicism, and cynicism is the great enemy of democracy. It is very difficult for public officials to govern when their character, values, and motives are always suspect.

Of course, Members of Congress are influenced by special interests—often too much, in my view—but they are even more influenced by their constituents.

Members are—for the most part—very good politicians. They know what their constituents think. They hold numerous public meetings, poll their districts regularly, talk on the phone with constituents frequently, and answer hundreds of letters and e-mail messages daily. They are constantly helping to solve constituents' problems.

Members really do believe that constituent views are important; during all my years in Congress I never heard a Member say otherwise.

My view, in fact, is that Members are sometimes too close to their constituents—particularly when they risk reflecting their constituents' views at the expense of their own judgment. It was Lincoln who said that the art of democratic government is to be out in front of your constituents, but not too far out in front.

Eighth, I'd like you to emphasize that citizens play an essential role in making Congress work.

The American people bear more responsibility for the success of our representative democracy than they realize. If people don't participate in the political process, their views cannot be effectively represented. This is not just a matter of voting. Our system depends upon open and trusting interaction between representatives and the people who elected them.

Let me give you an example of what I mean. Back in the late 1970s, I was meeting with a group of constituents in Switzerland County, a deeply rural, tobacco growing county in the far southern corner of Indiana. It was not a place I expected to come for enlightenment on international politics.

While talking with the group, though, the subject of the Panama Canal treaties came up. This was well before the media had focused on the issue, but a man I'd never met suddenly stood up and laid out the clearest, most evenly reasoned argument for ratification that I ever did hear on the matter—even after the treaty debate mushroomed into a raging national issue. I was flabbergasted, but took it as a humbling reminder that as a Member of Congress, you can always find constituents who can teach you a thing or two about an issue.

My constituent in Switzerland County understood that the relationship between a citizen and a representative requires more than a quick handshake, or a vote, or a moment's pause to sign a computer-generated postcard. He understood that there must be a conversation, a process of mutual education, between citizens and representatives.

Many Americans have given up on the conversation. They must understand that they need to get involved if they want our system to improve.

They need to know that the nature of this relationship between the representative and the represented—and the honesty of the exchange between the two—shapes the strength of our representative democracy.

Ninth, I hope you teach that Congress needs a lot of improvement—to make it more accountable, transparent, responsive and efficient.

I urge you to be unrelenting critics of the Congress—but in the context of everything else I've said so far.

I won't go into detail here because you are familiar with these problems.

The incessant money chase—to fund increasingly costly campaigns—diverts Members' attention from their important responsibilities and leads to a growing sense that access is bought and sold.

Many Members—especially Members of the House—operate today in a state of perpetual campaigning. Rather than trying to develop consensus and pass laws, they view the legislative session primarily as an opportunity to frame issues and position themselves for the next election.

It is extremely difficult to defeat incumbents in Congress. Their financial advantages are great and they use the redistricting process to create districts that are heavily partisan in their favor.

Bitter partisanship and personal attacks have become all too common in Congress—poisoning the atmosphere and making it harder to meet the needs of the country.

Special interest groups have too much influence over Congress. They play an important role by representing the views of different segments of the population, but they often have tunnel vision—advancing narrow interests at the expense of the national interest.

The committee system has been eroded and is close to collapse. Legislation is regularly drafted in informal settings outside the authorizing committees and brought directly to the House or Senate floor.

Congress devotes too little attention to some of the country's major long-range challenges. How can we ensure that we have adequate food, energy, and water supplies well into the future? How do we maintain a prosperous and open economy? What domestic and international environmental challenges will we face? Congress spends so much of its time struggling to pass its basic spending bills that these kinds of long-term issues are simply set aside and not dealt with.

Congress doesn't perform adequate oversight of government programs. Oversight of the implementation of laws is at the very core of good government. But congressional oversight has shifted away in recent years from the systematic review of programs to highly politicized investigations of individual public officials.

Current scheduling practices make it difficult for Congress to carry out its responsibilities. The 2 1/2 to 3 day legislative workweek makes it impossible for Members to attend all of their committee meetings and other official business.

There is a severe lack of accountability in the appropriations process. Congress increasingly turns to omnibus legislation—combining hundreds of different provisions into one huge bill, tacking on unrelated riders and wasteful earmarks.

The rules for the consideration of bills in the House are often too restrictive. Although there has been some improvement in the 106th Congress, the House leadership has tended over the years to design rules that sharply curtail debate, restrict the opportunity for the average Member to participate, and limit the amendments and policy options that can be considered.

The Senate regularly fails to consider presidential nominations for key judicial posts and cabinet positions in a timely manner. This practice blocks appointments that are critical for the effective functioning of our government.

Congress must take its own reform seriously. It should work on reform every year—not every ten years, as has been its pattern.

Finally, I'd like you to teach that in spite of these many problems with Congress, our representative democracy works. It may be slow, messy, cumbersome, and even unresponsive at times, but it has many strengths, and continues to serve us well.

Some say our institutions of government—including the Congress—create more problems than they solve. In the past decade, we experienced an intensified assault on government from some quarters, and "government" and "Washington, D.C." became bad words, symbols of the worst kind of corruption and waste. My hope is that we are now beginning to move away from that kind of extreme anti-government rhetoric. The more positive tone of the present presidential campaign would suggest that we are.

Representative democracy, for all its faults, is our best hope for dealing with our nation's problems. It works through a process of deliberation, negotiation and compromise—in a word, the process of politics. Politics is the way we represent the will of the people in this country. At its best, our representative democracy gives a system whereby all of us have a voice in the process and a stake in the product.

I don't for a moment agree with those who think that our representative democracy has failed or that the future of the country is bleak.

Just consider the condition of America today. In general I think it is a better place than it was when I came to Congress some 35 years ago.

Of course, our country still faces serious problems—from reducing economic inequality to improving access to health care to strengthening our schools—but overall we are doing quite well.

We must be doing something right.

Churchill's remark that "democracy is the worst system devised by the wit of man, except for all the others," still rings true.

I would hope that when each student leaves your class, he or she would appreciate that this representative democracy of ours works reasonably well.

RECOGNIZING THE NATIONAL WALK OUR CHILD TO SCHOOL DAY IN HONOR OF JOHN LAZOR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. KUCINICH. Mr. Speaker, today I recognize Wendy Lazor, Councilman Ed Fitzgerald, the Lakewood City Council, and the Lakewood Board of Education for their work in establishing the "International Walk your Child to School Day," in honor and memory of John Lazor.

The tragic loss of three-year-old John Lazor occurred on April 26, 2000, while on an innocent walk to the corner store with his day care provider. A pickup truck backed from across the street into the driveway which young John was standing in, killing him instantly. This tragedy emphasizes the importance of taking precautions and the need for children's safety education. John's courageous mother, Wendy Lazor, has decided to dedicate herself to the advocacy of pedestrian safety, especially children. Amazingly, she found strength in the midst of her loss to work as an advocate for the public good. She is the driving force behind Lakewood, Ohio's recent resolution to establish Wednesday, October 4, 2000, as National Walk Our Children to School Day.

Along with the help of the Lakewood Board of Education, City Council and Councilman Ed Fitzgerald, The Lakewood Early Childhood Professionals has decided to dedicate a special event, the National Walk Our Children to School Day, in John Lazor's honor. All of Lakewood can participate in this event, in which the purpose is to provide an opportunity for adults to teach children about pedestrian safety and choosing safe routes to school, and to help make our communities more safe for walking. Because Lakewood is a densely populated city, and one in whose children typically walk to and from school on a daily basis, the City Board of Education has decided to support and encourage participation in National Walk Our Children to School Day. The city's main event, honoring the memory of Wendy Lazor's son, John, will be held at his old school, Franklin Elementary.

Mr. Speaker, I ask my fellow colleagues to rise with me in recognition of the hard work and dedication of Wendy Lazor, Councilman Ed Fitzgerald, and the rest of the City of Lakewood's Public and Educational Leadership for their support of the National Walk Our Children to School Day. And let us honor the memory of the young John Lazor, and the courage of his mother, Wendy, for striving to better the community even in the face of personal strife and distress. Her selfless compassion and triumph in the face of tragedy is inspirational to all.

COMMENDING THE AMARILLO VETERANS AFFAIRS HEALTH CARE SYSTEM

HON. LARRY COMBEST

OF TEXAS

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. COMBEST. Mr. Speaker, I, along with my distinguished colleague, Mr. THORNBERRY, wish to congratulate the Amarillo Veterans Affairs (VA) Health Care System for receiving the Robert W. Carey Quality Award from the Department of Veterans Affairs. This annual award is one of the highest honors that a VA facility can receive. The Carey Award recognizes model organizations for their quality transformation efforts, organizational effectiveness, and improvements in performance service and satisfying customers. The Amarillo VA Health Care System, which provides medical assistance to veterans throughout the Texas and Oklahoma Panhandles and portions of Eastern New Mexico and Southern Kansas, received the 2000 Carey Award for the health care category.

The Amarillo VA Health Care System serves a population of 75,000 veterans and houses an acute care facility, nursing home, two community-based outpatient clinics, and four contractual primary care clinics. Over 25,000 patients are treated annually, including 3,300 inpatient and over 200,000 outpatient visits. They have implemented a wide variety of innovative measures, from moving the Substance Abuse Program to an outpatient setting to restructuring Primary Care and to establishing a safety program to reduce employee accidents. Through the use of employee teams, the hospital now administers a Bar Code Medication Administration, which uses computer technology to track and monitor patient medications. In addition, they have established a pilot program of the Computerized Patient Record System, enabling the hospital to coordinate patient information so that all aspects of the health care system may be utilized.

The mission of the Veterans Health Administration and the Amarillo VA Health Care System is to improve the health of the served population by providing primary, specialty, and extended care, and related social support services through an integrated health care delivery program. As a learning organization, the VA Health Care System continually raises the standard for VA facilities nationwide. By focusing on trust, teamwork, and continuous improvement, the Amarillo VA has been able to greatly reduce the costs of primary care, increase the quality of health care available and improve employee relations. These combined efforts have built a facility that provides an invaluable service to thousands of veterans.

It is with pride that we recognize the doctors, nurses, administrators, volunteers, and other staff who have contributed to this outstanding accomplishment. Thanks to their tremendous efforts, West Texas is home to an outstanding veteran health care provider. We wholeheartedly extend our congratulations to the Amarillo VA Health Care System for receiving the 2000 Robert W. Carey Quality Award.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. PORTMAN. Mr. Speaker, because I was unavoidably detained, I missed Roll Call Votes #503, 504 and 505 yesterday.

Had I been present, I would have voted "Yea" on each bill.

HONORING KATARYNA CHOMIK

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. KILDEE. Mr. Speaker, I am happy today to recognize the accomplishments of a woman who has unselfishly worked to improve the quality of life for our citizens. On Tuesday, October 10, members of Flint, Michigan's International Institute will gather to present to Mrs. Kataryna Chomik its prestigious Golden Door Award, given annually to an immigrant who has made a positive impact on the greater Flint community and the Institute itself.

Born in February of 1920, in the Western Ukraine, Irena, as she has come to be known, grew up with her parents and seven sisters. As a child, Irena promised to never leave her home or family. However, several family tragedies, including the death of her father, prompted Irena's mother to send her away to work as a companion and nursemaid to Maria Lewicka, the daughter of a Ukranian priest who was recovering from a spinal injury. Although Irena's strong faith had been forged early in her life, this experience strengthened her beliefs and her commitment to service.

At the beginning of World War II, Irena was sent to a school for kindergarten teachers, and upon graduation, managed a village program. The war progressed and headed in the direction of Irena's town. Ukranian churches were being destroyed and the clergy exterminated, but Irena continued to work to preserve her heritage. As a result, she was sentenced to ten years of hard labor by a Soviet war court, but was later retried and released. After this, Irena fled on foot, finding refuge in a Czechoslovakian convent, where the Sisters bought her a plane ticket to Belgium.

It was in Belgium that Irena met Nicholas Chomik, who would later become her husband. On Christmas Eve 1950, the Chomiks, along with their daughter, Olga, were welcomed to their new life in the United States by a sight that told them that all their struggles had not been for naught—the Statue of Liberty. After living on the East Coast for a year, the Chomiks moved to Flint, where Nicholas found employment with General Motors, and Irena worked as a seamstress. During this time, the Chomiks were blessed with two more daughters, Mary and Daria.

It was during this time that Irena began a long-standing relationship with the group that greatly helped her when she first came to America, the International Institute. Irena was always on hand volunteering on various committees, and participating in activities such as international dance exhibitions, parades, and her annual Ukranian Easter Egg workshops.

Mr. Speaker, I am truly fascinated by stories such as Kataryna Chomik's. Through tremendous adversity, she has been able to live the true American dream. She is truly an inspiration to all who come into contact with her. I ask my colleagues in the 106th Congress to please join me to congratulate and wish Irena the very best.

A TRIBUTE TO THE MINORITY ARTS RESOURCE COUNCIL

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BRADY. Mr. Speaker, today I honor the Minority Arts Resource Council as it sponsors the Third Annual African American Rodeo in the First Congressional District. The rodeo focuses on the important contributions of African American Western pioneers. It also offers the opportunity for thousands of inner city school children to view a part of American history that has been left out of history books.

The African American Rodeo is a real life exciting spectacle that spotlights the role African Americans played in the settling and shaping of the American West. It tells the stories of the legendary Black heroes of the old West, including Bill Pickett, who invented the sport of bulldogging or steer wrestling. If he had not been banned from completing with white rodeo contestants, Pickett may well have become one of the greatest rodeo record setters.

Therefore, I proudly support the African American Rodeo and I thank MARC for its efforts to showcase the contribution of the Black cowboy so that our children can learn about an important American story that for too long has gone untold.

PERSONAL EXPLANATION

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. GARY MILLER of California. Mr. Speaker, on Monday, September 25, 2000 I was unavoidably detained in my district. During my absence, I missed roll call votes 487, 488, 489, 490, 491, and 492.

Had I been present, I would have voted "yes" on each of the motions.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 2000

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. KUCINICH. Mr. Speaker, I stand in support of H.R. 2392 which would reauthorize the Small Business Innovation Research Program (SBIR). The current SBIR authorization is due to sunset on October 1, 2000. H.R. 2392 would extend the SBIR authorization into the next decade and provide a mechanism for federal agencies to contract with small business for research and development projects. This important program is critical for the support of small high-tech companies and fosters technical innovation which results in the nation's economic growth. The commercialization of research and development results in major economic benefits to the nation; the creation of long-term jobs with subsequent generation of increased income, spending and economic growth.

I know that technological advancement is a key driving force of our national economic growth. The revolution in telecommunications is one example of the effects of technical progress in the growth of the national economy, and also an increase in our standards of living. Technical advances drive the economic growth in several ways; it contributes to the creation of new jobs, new services, new industries and new capital formation. In the past major technological innovation was provided by major corporate research centers. Today small, entrepreneurial companies are playing increasingly important roles in our technological advancement and economic growth. These small high-tech companies create new products and services, develop new industries, and are major factors in driving both technological change and growth in our national economy. The SBIR program is critical to the continuation of the critical involvement of small businesses in our technological advancement. I support H.R. 2392 because it will contribute to the growth of jobs and promote technological innovation.

CONGRATULATING CONGREGATION B'NAI ISRAEL

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. SAXTON. Mr. Speaker, please join me in congratulating Congregation B'nai Israel in Toms River, New Jersey for its 50th anniversary. Established in 1950, Congregation B'nai Israel has provided a number of important services to the Toms River community. These services are, but not limited to, study of the Torah, a nursery school, a variety of summer programs, numerous youth activities, and adult education programs. Also, important to note is the fact that the congregation has continually provided volunteer services to Caregivers, an interfaith coalition whose mission is to train volunteers to provide home care services the frail elderly, the disabled and the homebound. Such services are indispensable to the Toms River community.

Since 1950, Congregation B'nai Israel has grown exponentially. Today, the congregation consists of 500 families, which makes it the largest synagogue between Monmouth County and Atlantic City.

It is important to recognize the totality of Congregation B'nai Israel's contributions to the entire Toms River community. Simply put, Congregation B'nai Israel offers the needed atmosphere, environment, and dedication to promote and enrich the lives of each synagogue member.

Mr. Speaker, I would like to congratulate Congregation B'nai Israel for their upcoming 50th anniversary of their founding. May your gala dinner and dance at the synagogue be joyful.

VIOLENCE AGAINST WOMEN ACT OF 2000

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Ms. LEE. Mr. Speaker, I rise today to strongly urge the Senate to reauthorize the Violence Against Women Act (VAWA). Last week, the House passed VAWA by a vote of 415–3.

VAWA's authorization expired on September 30, 2000. This means that the funding for these programs is scheduled to run out this month.

This law has provided battered women and their children, a safe haven, and the support necessary for their physical and emotional security.

VAWA has given a second chance to these women as well as saved many of their lives.

Violence against women should not be tolerated.

This legislation provides greater protections to all women who have been victimized and abused.

I join my colleagues in urging the Senate to pass the reauthorization bill now.

The women and the children of this nation are depending on the passage of this important piece of legislation to help stop violent crimes against women.

LITTLE FLOWER MANOR MARKS 25 YEARS OF SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. KANJORSKI. Mr. Speaker, today I pay tribute to Little Flower Manor of Wilkes-Barre, Pennsylvania, a nonprofit skilled nursing home which is celebrating its 25th anniversary of compassionate, loving care and service to the community. The Carmelite Sisters for the Aged and Infirm operate Little Flower Manor under the auspices of the Diocese of Scranton.

This exceptional facility opened its doors in 1975, a living tribute to the vision, dedication and persistence of the Most Reverend J. Carroll McCormick, the late Bishop of Scranton, and the generosity of the faithful of the Diocese.

This dedication to provide service to the aged continues under the leadership of the Most Reverend James C. Timlin, the present Bishop of Scranton. At Little Flower Manor, each resident is given the attention required to enable him or her to maintain personal dignity, individuality and independence.

A 25th Anniversary Gala will be held Nov. 3, 2000, at the Woodlands Inn and Resort with Judge Peter Olszewski as guest speaker. Sister Jeanette D. Lindsay, administrator and chief operating officer of Little Flower Manor, will present the inaugural Crystal Rose Award. The honored recipients are Mr. and Mrs. John D. McCarthy and the late Bishop McCormick.

Jack and CeCe McCarthy have been outstanding supporters of the values, commitment and mission of Little Flower Manor, practicing stewardship by giving unselfishly of their time, talents and treasure.

Mr. Speaker, I send my congratulations and best wishes to the McCarthys, the Carmelite Sisters, the Diocese of Scranton, and everyone who plays a part in Little Flower Manor's continued service to its residents.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE UKRAINIAN-AMERICAN YOUTH ASSOCIATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Ukrainian-American Youth Association's 50 years of distinguished service to Greater Cleveland's Ukrainian youth population.

The Ukrainian-American Youth Association, a group which educates the young about traditional Christian and patriotic values, embodies the very values it pledges to teach. Guided by the principles of organizing, nurturing, and educating youth under the ideals of "God and Ukraine," the Youth Association promotes Christian ethics and pride in their Ukrainian national heritage. Our community has been gracefully elevated due to the work of this dedicated organization which encourages tomorrow's leaders to step forward into positions of leadership in the Ukrainian-American community, as well as the larger local, national, and global communities.

A debt of gratitude is owed to the Ukrainian-American Youth Association. The young, who have been touched by the caring, "spirit invoked" ideals taught there, have grown to become the model citizens and leaders in our community who we are always eager to welcome. Mindful of the role of the citizen in his or her respective locality, the Ukrainian-American Youth Association instructs its youth about the duties and responsibilities of good citizenship, always encouraging and challenging them to become leaders within their Ukrainian culture and their communities-at-large. The firm foundation of educating the Ukrainian youth about the value of freedom should not be underestimated. Rather, it is the very basis for the continuing engagement of our all-too-often apathetic youth, and therefore, the basis of the improvement of our society in both the near and distant future.

Mr. Speaker, I ask that my colleagues rise with me today in celebration of the Ukrainian-American Youth Association's 50 years of service to the Ukrainian-American youth population. Many young persons have surely benefitted from the work of this tireless group, and our nation has surely benefitted from the Youth Association's instruction on the virtues and responsibilities of good citizenship and the value of freedom. Let us honor this distinguished group and let us wish them 50 more years of fantastic service to our population.

PERSONAL EXPLANATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. FILNER. Mr. Speaker, due to the death of my father, I did not attend the session of June 28, 2000 and June 29, 2000. Had I been present, I would have voted as follows on the roll call votes indicated:

#352—yes, #353—yes, #354—yes, #355—no, #356—yes, #357—no, #359—no, #360—no, #361—no, #362—no, #363—yes, #364—no, #365—yes, #366—no, #367—no, #368—no, #369—no, #370—no, #372—yes.

REPUBLIC OF CHINA'S NATIONAL DAY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. RADANOVICH. Mr. Speaker, Taiwan is a free democratic nation in the Pacific and a shining example of economic success and total democratization. Taiwan's accomplishments are too numerous to mention here, but I do want to note that Taiwan's success is directly attributable to its people's industriousness and its leader's wisdom. Today nearly everyone in Taiwan is middle class, and is enjoying the country's many amenities—such as good food, adequate housing, a good transportation system, excellent schools and crime-free neighborhoods. Politically, people can freely express their opinions and elect their leaders at every level. Press freedom and human rights are also guaranteed by Taiwan's constitution.

Therefore, to my friends in Taiwan, I want to go on record stating that you have done a wonderful job and congratulations on your 89th National Day.

HONORING THE MONTGOMERY COUNTY FAMILY SERVICES

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. HOEFFEL. Mr. Speaker, today I congratulate Family Services as they celebrate 100 years of exemplary service in Montgomery County, Pennsylvania. This organization was established when three local nonprofit organizations merged. Family Services of Pottstown, the Lower Montgomery County Service Society, and the Main Line Neighborhood united to provide the community with outstanding social services.

The 13th Congressional District of Pennsylvania benefits from many programs implemented by Family Services. The services provided by this group address a variety of needs including counseling, access to housing, medical care, delivery of meals, identifying peer support systems, and locating resources to prevent future problems.

Family Services works on many programs that have become an integral part of our community including: Meals on Wheels; Project HEARTH (Helping Elderly Adults Remain in Their Homes); Project HOPE, which provides HIV/AIDS Prevention and Support Services; Families and Schools Together; and Safe Kids. Family Services also provides workshops and seminars such as "Family Violence Prevention", "Dating Violence Prevention", and "Partnerships for Community Building", which help families confront many of today's challenges.

It is an honor to recognize the remarkable impact this organization has on the community. Family Services has enhanced the quality of life for many of my constituents and it is a privilege to represent such an extraordinary organization.

IN HONOR OF RITA CESTARIC

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. KUCINICH. Mr. Speaker, today I pay tribute to Rita Cestaric who has been an outstanding citizen of my district and our state. Rita Cestaric's entire life has been one of devotion to her family, her friends and her community. Her passion for service to community helped to encourage the involvement of many people in public life, including myself. She was ever the activist, prodding and pushing, moving mountains on behalf of her city and her nation. She was a civic and political force for decades in North Olmstead, Ohio.

The home of Rita and her devoted husband, John Cestaric, was always a hub of activity in the community. With John's patient support, the Cestaric household was an important stop in any political campaign. Her children, Rita, Carole and John were always in amazement at the endless stream of activity which characterized the Cestaric home: They saw firsthand the impact of their mother's dedication and understood how significant her help was to so many people.

Public officials came to the Cestaric home not only to meet the people of the neighborhood, but they were drawn to Rita. She gave wise counsel to generations of public servants who sought her assistance. She always had a sense of what was in the public interest. Her wisdom was the wisdom of the people and when she spoke you always knew that hers was unmistakably the voice of many. She was an exemplar of the power of women in politics. She was a singular force for encouraging many women to become involved in the civic life of their communities.

Rita Cestaric was an optimist. She faced all challenges in life with equanimity. She suffered the loss of her dear husband John, and still she moved ahead to continue her contributions of her time and her efforts. And when she at last faced her most serious personal challenge to her health, she did so without complaint, but with great inner strength and beauty.

Mr. Speaker, I ask that Members of the House of Representatives of the United States of America join with me in paying tribute to the life of Rita Cestaric, and expressing gratitude for her love of country and her service to community.

TRIBUTE TO MR. AND MRS. WILLIE McCOY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. CLYBURN. Mr. Speaker, today I pay tribute to Willie and Agnes McCoy on the occasion of their 60th wedding anniversary. Sixty years of marriage is an accomplishment that is worthy of recognition, and I'd like to add my wishes for a happy 90th year to Mr. Willie McCoy. He celebrated his 90th Birthday on the 4th of September.

In June of 1940, Willie McCoy and Agnes Green met in Jacksonville, Florida. After an instant connection and brief courtship, Willie and Agnes were married on November 16, 1940. They were wed in the home of a friend by Rev. H.H. Robinson, whose words to them were "always respect each other, and never be too proud to say I'm sorry." Upon this foundation of respect and humility, coupled with love, honesty, and trust, an exemplary marriage was forged.

Throughout their many years together, they have been blessed with seven children, sixteen grandchildren, many great-grandchildren, and a number of wonderful nieces, nephews, and close friends. One of their children, Willie, is a very good friend to me and my family.

To each other, they are gifts from God. To us, they are an example of true love and friendship. Mr. Speaker, I ask you and my colleagues to join me in honoring Mr. and Mrs. Willie McCoy on their 60th wedding anniversary, and Mr. Willie McCoy on his 90th birthday.

RECOGNITION OF YOUTH CIVIC LITERACY MONTH AND THE IMPORTANT CONTRIBUTIONS OF WAYNE STATE UNIVERSITY'S CIVIC LITERACY PROJECT

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Ms. STABENOW. Mr. Speaker, today I recognize the Youth Urban Agenda/Civic Literacy Project of Wayne State University. As a result of their efforts to encourage youth participation in the political process, the month of October 2000 is being recognized as Youth Civic Literacy Month in Wayne County Michigan.

The Youth Urban Agenda/Civic Literacy Project started at Wayne State University in 1986 in an effort to promote programs to teach students about civic responsibility and provide them with the tools they need to build a real political agenda. This month the Project will convene an international telecommunications event entitled "A Youth Urban Agenda in the New Millennium." The event will be held in Detroit, Michigan with the participation of students and teachers from one hundred twenty middle schools, high schools, adult education programs and post-secondary institutions in Southeast Michigan. They will be linked with teachers and students from major U.S. and non-U.S. cities.

In an era when so many people have become disillusioned with the political process and have stopped participating, it is vitally important that we energize our young people to become involved. It is my pleasure to acknowledge and commend Wayne State University and the Youth Urban Agenda/Civil Literacy Project for it's leadership and vision in preparing young people to fully participate in the political process.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Ms. CARSON. Mr. Speaker, I was unavoidably absent yesterday, Monday October 2, 2000, and as a result, missed roll call votes 503 through 505. Had I been present, I would have voted "no" on roll call vote 503, "yes" on roll call vote 504, and "yes" on roll call vote 505.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 503, H.R. 4049, the Privacy Commission Act. Had I been present I would have voted "yea". Mr. Speaker, I was unavoidably detained for rollcall No. 504, H.R. 4147, the Stop Material Unsuitable for Teens Act. Had I been present I would have voted "yea". Furthermore, Mr. Speaker, I was unavoidably detained for rollcall No. 505, H.R. 3088, the Victims of Rape Health Protection Act. Had I been present I would have voted "yea".

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. OWENS. Mr. Speaker, yesterday I was unavoidably absent on a matter of critical importance and missed the following votes:

On H.R. 4049 (rollcall No. 503), to establish the Commission for the Comprehensive Study of Privacy Protection, introduced by the gentleman from Arkansas, Mr. HUTCHINSON, I would have voted "Nay"

On H.R. 4147 (rollcall No. 504), to amend Title 18 United States Code, to increase the age of persons considered to be minors for the purposes of the prohibition on transporting obscene materials to minors, introduced by the gentleman from Colorado, Mr. TANCREDO, I would have voted "Yea".

On H.R. 3088 (rollcall No. 505), to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional protections to victims of rape, introduced by the gentleman from Pennsylvania, Mr. WELDON, I would have voted "Yea".

IN HONOR OF JOSEPH A. BALZANO

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. SAXTON. Mr. Speaker, I make special note of a very important person who has served the State of New Jersey, the City of Camden, and the Delaware River port community for 50 years.

Mr. Joseph A. Balzano, or Joe as we call him, serves as Executive Director and Chief Executive Officer of the South Jersey Port Commission, Port of Camden. The South Jersey Port Commission hired Joe in 1951 as an equipment operator. He quickly moved into management, serving as the Port Operations Manager from 1961 to 1982, then as Deputy Director of the Commission from 1982 to 1989, and finally as Executive Director and CEO since 1989. On August 22, 2000, he began his 50th year working for the Port of Camden.

My friend Joe has had a very interesting career with many highlights. One of these highlights was his integral role in helping to bring the retired Battleship USS *New Jersey* (BB–62) to its namesake home of New Jersey, and to its final resting place as a national museum docked in the Port of Camden.

Joe was born and raised, attended school, married and raised his family in the City of Camden. He has received many honors and awards over the years—too many to list here—and is among the best senior executives in the maritime industry.

The Port of Camden is thankful that Joe Balzano's knowledge, wisdom, leadership and dedication have blessed New Jersey and the Delaware River port community for five decades. Moreover, we are fortunate that his presence will continue to grace the streets of Camden for years to come.

On behalf of the United States Congress and the 3rd Congressional District of New Jersey, I thank Joe Balzano for his distinguished service and dedication to the Port of Camden and to the State of New Jersey.

COMMEMORATING UNITY DAY

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I commemorate Unity Day, which is being celebrated in Germany today. October 3, 2000 marks the 10th Anniversary of Germany's Reunification.

Growing up, I learned about two countries called Germany—the West and the East—an ally and an enemy. For over 40 years, this country was divided; families were separated, and most strikingly, vastly different political ideologies governed these two nations.

However, the highly dynamic 20th Century allowed the generation which witnessed the division of this great nation see it reunified on October 3, 1990. What once seemed impossible became unstoppable as the Berlin Wall opened on November 9, 1989, and streams of excited people crossed into the west. While these people were separated by geography and government, their German heritage and common memory of one country kept them together.

While the desire to reunite these two nations was strong, significant economic, political, and social challenges faced the newly united Germany. Despite these issues, the German government and her people pressed forward, refusing to look back.

Today, Germany has much to celebrate. Now united, this country has defined itself, both as a sovereign nation, and within the context of multinational institutions such as the European Union, NATO, and the United States. In addition, Germany has remained a strong ally of the United States.

As Germany celebrates the realization of freedom and democracy under one flag, let this Congress recognize and offer its congratulations on this milestone of achievement, the 10th Anniversary of German Reunification.

A TRIBUTE TO THE GERMAN SOCIETY OF PENNSYLVANIA

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, today I honor the German Society of Pennsylvania. Founded in 1764, it is the oldest German American organization in the new world. In celebration of its founding, the Society will hold its 236th Anniversary Ball and its annual German American Day festivities.

The first German immigrants came to the new world after being invited by William Penn to come to his colony. Ultimately, thirteen families settled in what became known as Germantown, one of Philadelphia's oldest sections of the city. These families left their homes in the Rhineland City of Krefeld and arrived in Philadelphia on October 6, 1683, a date celebrated by German Americans as the beginning of their history in the United States.

The flow of German immigrants continued and the poorest of them suffered many hardships and cruelty. As a result the Society was founded, for the express purpose of aiding these distressed immigrants. And, because of the Society's advocacy a series of measures to protect immigrants were enacted.

Today, the Society maintains its presence in the First Congressional District in its historic 1888 landmark building, which is on the national list of historic places. The Society also continues to steadfastly fulfill its mission to serve its members and those who share interests in German and German American culture, heritage and values through its presentations of educational lectures, cultural and arts programs, and seminars.

PERSONAL EXPLANATION

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. HOEFFEL. Mr. Speaker, last night I missed the first vote (#503) which authorized a Privacy Commission. I was unavoidably detained on a train from Philadelphia which was late in arriving. If present, I would have voted "nay" on the motion.

REVIEW BY CONGRESS OF PROPOSED CONSTRUCTION OF COURT FACILITIES—H.R. 5363

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. GILMAN. Mr. Speaker, today I am introducing legislation to provide for the review by Congress of proposed construction of court facilities, H.R. 5363.

I am introducing this measure in response to my experience with a proposed Federal courthouse project for Orange County, New York.

In April of this year, the Judicial Council of the Second Circuit voted to rescind its prior 1992 approval for construction of a Federal courthouse in Orange County, New York.

This project began in 1991, when then Chief Judge of the U.S. District Court of the Southern District of New York the honorable Charles L. Brient, requested the board of judges to study future planning for court facilities west of the Hudson River. Subsequently, on June 1992, the board of judges of the southern district found that there was a need for a courthouse to meet the growing demands in the mid-Hudson Valley Region of New York, and voted unanimously to authorize the chief judge to apply to the Judicial Council of the Second Circuit for approval of a Federal District Courthouse west of the Hudson.

Following approval of the Judicial Council of the Second Circuit on July 28, 1992, the matter was referred to the court administration and case management committee of the judicial conference of the United States. The committee reported favorably and voted unanimously in a March 1993 session of the judicial conference of the United States to "seek legislation on the court's behalf to amend title 28 of the U.S. Code, section 112(b) to establish a place for holding court in the Middletown/Wallkill area of Orange County or such nearby location as may be deemed appropriate."

Accordingly, during the 104th Congress, Public Law 104–317 was approved designating that "court for the southern district shall be held at New York, White Plains, and in Middletown-Wallkill area of Orange County or such nearby location as may be appropriate."

In an attempt to proceed forward in an expeditious matter the administrative office of the courts and the U.S. General Services Administration, both concurring with the need for a courthouse in Orange County, determined that a facility could and should be constructed and paid through GSA's current funding.

This project had and still has clear evidence denoting the growth in population and economic activity in Dutchess, Orange, and Sullivan County in New York, as well as steady increases in caseload from the mid-Hudson Valley region. In fact, current statistics suggests that the need is even greater now than previously ascertained by Congress in 1996. The number of cases in 1999 that could have gone to an Orange County Courthouse, based on the location of the litigants or the attorney's residence, increased to 312, up from 290 in 1996. Moreover, the population for the region has increased to 671,767, up from 656,740 in 1996 and the total labor force has risen to 309,100 up from 301,800 in 1996.

Furthermore, it should be noted that while Congress may have acquiesced in the closure of some courthouses which have become redundant, based on considerations of economy and efficiency, I know of no situation where a court has refused to provide judicial services at a location designated by statute, where both the need exists and there is strong local support for the service. Such was and still is clearly the case with regard to the Orange County project.

Accordingly, while it is now current practice, as denoted by title 28 of the U.S. Code, for the U.S. Administrative Office of the Courts and the GSA to develop a rolling five year plan denoting the need for courthouse construction, I believe it is important for Congress to have a say in this important matter.

The legislation I introduced today will require the director of the Administrative Office of the United States Courts to submit for approval to the Congress a report setting forth the courts plans for proposed construction. Congress will have 30 legislative days to disapprove of the proposed construction.

It has become apparent to me after the experience I have had with both the Board of Judges of the southern district and the Judicial Council of the Second Circuit that an imperialistic attitude among many of our Federal judges prevail.

The decision as to whether or not to move forward with construction of a court facility is no longer based on existing evidence and data showing the need, but instead on the personal thoughts of the judges involved.

This legislation will end that practice. Accordingly, I urge my colleagues to support H.R. 5363.

H.R. 5363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL REVIEW OF NEW CONSTRUCTION FOR FEDERAL COURTS.

(a) IN GENERAL.—Section 462 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(g)(1) Facilities for holding court may not be constructed unless—

"(A) the Director of the Administrative Office of the United States Courts submits to the Congress a report setting forth the plans for the proposed construction; and

"(B) 30 days have elapsed and the Congress has not, before the end of that 30-day period, enacted a provision of law stating in substance that the Congress disapproves the proposed construction.

"(2) For purposes of paragraph (1), construction of facilities includes the alteration, improvement, remodeling, reconstruction, or enlargement of any building for purposes of holding court.

"(3) The 30-day period referred to in paragraph (1) shall be computed by excluding—

"(A) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

"(B) any Saturday and Sunday, not excluded under subparagraph (A), when either House is not in session.".

(b) CONFORMING AMENDMENTS.—Section 462 of title 28, United States Code, is amended—

(1) in subsection (b), by inserting before the period at the end the following: ", and subject to subsection (g)";

(2) in subsection (c), by inserting before the period at the end the following: ", and subject to subsection (g)"; and

(3) in subsection (f), by inserting "subject to subsection (g)," after "Director requests,".

CHINA'S HUMAN RIGHTS VIOLATIONS DISQUALIFY BEIJING FROM HOSTING THE 2008 OLYMPIC GAMES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. LANTOS. Mr. Speaker, last Thursday, I introduced House Resolution 601, a resolution expressing the sense of the House of Representatives that the Olympic Games in the year 2008 should NOT be held in Beijing in the People's Republic of China. Joining me as cosponsors of this resolution are a distinguished bipartisan group of our colleagues who are leaders in the area of human rights the Gentleman from California, Mr. COX; the gentleman from Virginia, Mr. WOLF; the gentleman from New Jersey, Mr. SMITH; the gentlewoman from California, Ms. PELOSI; the gentleman from Illinois, Mr. PORTER; and the gentleman from California, Mr. ROHRABACHER.

Mr. Speaker, Beijing is one of five cities currently under consideration by the International Olympic Committee (IOC) to host the games in the year 2008. Four other cities are also still in the running—Istanbul, Turkey; Osaka, Japan; Paris. France; and Toronto, Canada. The decision on the venue for the 2008 Games will be made by the IOC at its meeting in Moscow in July 2001. Since the decision will be made in only nine months, it is important that any expression of the views of the House of Representatives be made known quickly.

Mr. Speaker, the human rights record of the People's Republic of China is abominable and it is getting worse, not better. It is completely inconsistent with the Olympic ideal to hold the Games in Beijing. As our resolution spells out in greater detail, according to most recent State Department's Country Reports on Human Rights Practices, the government of China "continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms."

I reject the argument that holding the games in Beijing will encourage the Chinese government to clean up its act with regard to human rights. The Mayor of Beijing, in connection with the city's bid to host the games, already informed a rally in the city that in preparation for the Games, the government will "resolutely smash and crack down on Falun Gong and other evil cults." If Beijing's bid is accepted, there will be more—not fewer—human rights violations.

Mr. Speaker, the venue of the Olympic Games has great significance. Hitler's Berlin Olympics of 1936 were nothing more than a propaganda exercise—an attempt to fool other countries into believing that Nazi Germany was a model world citizen. Holding the games in Beijing will convey a message that is inconsistent with the Olympic ideal.

Clearly the venue for the Olympic Games is a decision that will be made by the IOC, but clearly this is an issue on which the U.S. Congress can and should express its opinion. If we do not to express our views in the face of China's egregious human rights violations, we would be derelict in our responsibilities.

In 1993, as the IOC was considering the venue for the 2000 Olympic Games, Mr. Speaker, I introduced a resolution which expressed the sense of the House of Representatives that the Olympics in the year 2000 should not be held in Beijing or elsewhere in the People's Republic of China. That resolution was approved by an overwhelming vote in the House of Representatives on July 26, 1993. A Short while later, the IOC voted to accept the bid of Sydney, Australia, as host to the 2000 games.

Mr. Speaker, it is imperative that we continue to call the attention of the world community to the serious violation of human rights by the government of the People's Republic of China. Holding the games in Beijing, if human rights violations continue unabated, would be so contrary to the spirit of the Olympics that the Beijing games would go down in history in much the same terms as Hitler's 1936 games. This is an issue on which this House should express its view.

Mr. Speaker, I submit the full text of House Resolution 601 to be printed in the RECORD. The text of the resolution spells out in greater detail the concerns we have regarding China's record on human rights and its inconsistency with the Olympic ideal.

HOUSE RESOLUTION 601

Expressing the sense of the House of Representatives that without improvement in human rights the Olympic Games in the year 2008 should not be held in Beijing in the Peoples Republic of China.

Whereas the International Olympic Committee is now in the process of determining the venue of the Olympic Games in the year 2008 and is scheduled to make that decision at the IOC meeting scheduled for Moscow in July 2001;

Whereas the city of Beijing has made a proposal to the International Olympic Committee that the summer Olympic Games in the year 2008 be held in Beijing;

Whereas the Olympic Charter states that "Olympism" and the Olympic ideal seek to foster "respect for universal fundamental ethical principles";

Whereas the United Nations General Assembly in resolution 48/11 adopted on October 25, 1993, recognized "that the Olympic goal of the Olympic Movement is to build a peaceful and better world by educating the youth of the world through sport, practiced without discrimination of any kind and the Olympic spirit, which requires mutual understanding, promoted by friendship, solidarity and fair play;

Whereas United National General Assembly in resolution 50/13 of November 7, 1995, stressed "the importance of the principles of the Olympic charter, according to which any form of discrimination with regard to a country or a person on grounds of race, religion, politics, sex or otherwise is incompatible with the Olympic Movement;

Whereas the State Department's Country Reports on Human Rights Practices for 1999 reports that

(1) "The [Chinese] Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms."

(2) "Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process."

(3) "The Government infringed on citizens' privacy rights."

(4) "The Government tightened restrictions on freedom of speech and of the press, and increased controls on the Internet; self-censorship by journalists also increased."

(5) "The Government severely restricted freedom of assembly and continued to restrict freedom of association."

(6) "The Government continued to restrict freedom of religion and intensified controls on some unregistered churches."

(7) "The Government continued to restrict freedom of movement."

(8)The Government does not permit independent domestic nongovernmental organizations (NGOs) to monitor publicly human rights conditions."

(9) "Violence against women, including coercive family planning practices—which sometimes include forced abortion and forced sterilization; prostitution; discrimination against women; trafficking in women and children; abuse of children; and discrimination against the disabled and minorities are all problems."

(10) "The Government continued to restrict tightly worker rights, and forced labor in prison facilities remains a serious problem. Child labor persists."

(11) "Particularly serious human rights abuses persisted in some minority area, especially in Tibet and Xinjiang, where restrictions on religion and other fundamental freedoms intensified.";

Whereas, according to press reports, Liu Qi, the Mayor of Beijing, told a rally called to promote Beijing's bid to host the Olympic Games that the government would "resolutely smash and crack down on Falun Gong and other evil cults" in preparation for hosting the games;

Whereas, the egregious human rights abuses committed by the Government of

China are inconsistent with the Olympic ideal; and

Whereas on July 26, 1993, the House of Representatives adopted House Resolution 188 in the 103rd Congress which expressed the sense of the House of Representatives that the Olympics in the year 2000 should not be held in Beijing or elsewhere in the People's Republic of China;

Now, therefore, be it Resolved that the House of Representatives

(1) welcomes the participation of Chinese athletes in the Olympic Games, notes the outstanding competitive effort of Chinese athletes in the games in Sydney, Australia, where Chinese athletes placed third in the number of medals earned, and in Atlanta, Georgia, and Barcelona, Spain, where Chinese athletes also placed third in the number of medals earned, and wholeheartedly welcomes the support of the Chinese people for the Olympic Games;

(2) acknowledges that the Chinese people and thousands of Chinese Olympic athletes have shown their strong support for the Olympic spirit through their commitment to excellence, energy, skill, sportsmanship, and good will towards their fellow athletes;

(3) expresses the sense of the House of Representatives that the Olympic Games in the year 2008 should not be held in Beijing in the People's Republic of China because the deplorable human rights record of the People's Republic of China violates international human rights standards which that Government has pledged to uphold and its actions are inconsistent with the Olympic ideal;

(4) expresses the view that the House looks forward to the day when the House can support a proposal of the People's Republic of China to host the Olympic Games at a time when the Chinese people openly enjoy the tolerance and freedoms espoused by the high ideals of the Olympic tradition; and

(5) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the Chairman of the International Olympic Committee and to the United States representative to the International Olympic Committee with the request that it be circulated to all members of the committee.

RECOGNITION OF CARLEY ZELL AS GEORGIA'S OLDER WORKER OF THE YEAR

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. KINGSTON. Mr. Speaker, today I recognize Carley Zell as the recipient of this year's Georgia's Older Worker of the Year award. Mr. Zell was given the award during the Georgia Older Worker Conference and 12th Annual Awards Luncheon. The award was presented to Mr. Zell by the Georgia Labor Commissioner Michael Thurmond. Mr. Zell has lived in three centuries and has yet to retire. He has continued to work and contribute to his family and community. Let me take a moment to applaud Mr. Zell's dedication and contributions.

Mr. Zell owns Zell Enterprises which he founded in 1958. His company includes rental properties that are located in Brunswick and the Jacksonville Warehouse Co. Mr. Zell started his first job at age 12 delivering newspapers for the Brunswick News. The year after he graduated from Glynn Academy, he served as an apprentice seaman in the U.S. Navy. During his time in the Navy, he managed a shipyard cafeteria that served 30,000 workers daily, as they built ships at the Brunswick shipyards during World War II.

Please join me again in applauding Mr. Zell. He represents what is best in America—he is a self-learner, and through hard work and persistence has reached the true meaning of success. Let us all take direction from him and strive to obtain his love for work. He has continually given to his community and never asked for anything back in return. Our society today needs more people like him to inspire and continually give relentlessly.

EXPRESSING SENSE OF CONGRESS REGARDING TAIWAN'S PARTICIPATION IN THE UNITED NATIONS

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H. Con. Res. 390. This Member would first like to express his sincere appreciation to the distinguished gentleman from Colorado [Mr. SCHAFFER] for introducing this resolution on September 6, 2000 and for working with this Member and staff on a limited number of modifications to the resolution as introduced. In addition, this Member would also like to thank the distinguished Ranking Member of the Subcommittee on Asia and the Pacific [Mr. LANTOS], the distinguished Chairman of the Committee on International Relations [Mr. GILMAN] and the Committee's distinguished Ranking Member [Mr. GEJDENSON], for supporting this resolution and moving it expeditiously forward to the House Floor for consideration.

House Concurrent Resolution 390 expresses this body's strong support for Taiwan's participation in the United Nations and other international organizations, including the World Health Organization (WHO). The resolution correctly notes that the 23 million people on Taiwan have much to contribute—both substantively and financially—to the work of international organizations. Clearly, the people on Taiwan should also benefit from the work of the international organizations as do all members of the world community.

In addition, H. Con. Res. 390 recognizes Taiwan's dramatic transformation into a multiparty democracy with a civil society which fully respects human rights and civil liberties. The resolution notes the most recent illustration of Taiwan's democratic development—the March 18, 2000, election of Mr. Chen Shui-bian as president and the peaceful transfer of power on Taiwan from one political party to another on May 20th with the inauguration of Mr. Chen.

Certainly, Taiwan's economic achievements in the last 50 years also give Taiwan a special role in assisting developing economies and contributing to international organizations focused on economic, trade and development matters. Taiwan is the world's 13th largest economy with over $235 billion in two-way trade. Indeed, Taiwan already is an active and constructive member of the Asia Development Bank and APEC and has been an observer at the World Trade Organization since 1992.

This year, on May 24, 2000, this body clearly and unequivocally spoke in favor of Taiwan's accession to the WTO as a full member by passing H.R. 4444. Given recent statements by representatives of the People's Republic of China, this Member wishes to reaffirm that legislation's commitment that the United States should be prepared to aggressively counter any attempt to delay, set conditions on, or block Taiwan's accession to the WTO. Our strong support for Taiwan's accession to the WTO is clear.

The resolution also calls on the Clinton Administration to uphold the commitment made in its 1994 Taiwan Policy Review to more actively support Taiwan's participation in appropriate international organizations.

Mr. Speaker, in closing, this Member notes that this body has repeatedly passed measures that call for greater participation by Taiwan in international organizations, in particular supporting Taiwan's participation in the United Nations, the World Health Organization, and the World Trade Organization, among others. As Chairman of the Asia and Pacific Subcommittee, this Member believes it is worthwhile for this body to reaffirm its support and commitment to Taiwan's participation in these important international organizations. Therefore, this Member strongly supports the passage of H. Con. Res. 390.

CONFERENCE REPORT ON H.R. 4578, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this conference report—and I will do so as a strong supporter of the Conservation and Reinvestment Act, or "CARA."

I understand that other supporters of CARA may disagree. They are concerned that passage of this bill will mean that CARA is dead.

But I do not think that is the case. Certainly I will continue working for CARA's enactment this year—and, if that does not occur, and if I am reelected, I will resume the effort next year.

But in the meantime, by passing this conference report we will take an important step toward one of CARA's key goals—that is, toward fulfilling the promise of one of the wisest and most far-sighted conservation measures ever—the Land and Water Conservation Fund Act.

The promise of that Act was that as the federal government sold non-renewable resources, particularly the oil and gas from the outer continental shelf, it would invest a major part of the proceeds in conserving our lands and waters and in helping our local communities to make similar investments.

Unfortunately, because of the budget problems of the past, for too long the Congress fell short of fulfilling that promise. But now the budget situation is different and we have a chance to make up for some of the shortfalls of the past and in fact to expand the benefits for our country.

By passing this bill, we can help our communities respond to the problems of growth and sprawl and to provide much-needed places for sports and outdoor recreation. We can help preserve our open spaces by acquiring inholdings in our parks and forests from people who want to sell. We can help protest threatened and endangered species, and the fish and wildlife resources that are so important to Colorado and the rest of the nation.

By greatly increasing the resources of the Historic preservation Fund we can help preserve the irreplaceable historic legacy of Colorado and our nation—saving historic landmarks, attracting private investment, and helping bring economic vitality to historic sites in Gilpin, Clear Creek, Adams, and Jefferson Counties and to neighborhoods in Boulder, Arvada, and countless other communities in Colorado and across the continent.

And by bolstering the PILT program, we can help the counties and other local governments in areas where the federal government is a major landowner—and we can do it the right way, by providing funds that aren't tied to timber sales or other uses of the federal lands and so without making the local communities hostages to the debates over timber harvests or other extractive uses.

Mr. Speaker, of course this is not a perfect bill—but, all too often we are reminded that there is no perfect legislation.

But, when you consider all that this conference report would do for our country I am convinced that we should approve it today—and, after that, keep on working for the further improvements that will come from enactment of CARA.

H. CON. RES. 64, CERVICAL CANCER PUBLIC AWARENESS RESOLUTION

SPEECH OF

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. RILEY. Mr. Speaker, I want to commend my colleagues in the House for their support of H. Con. Res. 64, the Cervical Cancer Public Awareness Resolution. I am proud to have supported this legislation as a cosponsor.

This resolution recognizes the severity of the issue of cervical cancer. In order to defeat cervical cancer this country must open its eyes to the disease's catastrophic effects. This legislation seeks to accomplish that objective. It calls on the United States as a whole to support individuals who have been afflicted with cervical cancer, as well as their loved ones. This resolution not only makes Americans aware of this horrible disease, it also urges them to take the opportunity to learn about cervical cancer and take advantage of the improved early detection methods now available. Additionally, this legislation articulates Congress's recognition of the importance of federally funded programs that provide cervical cancer screenings and follow-up services to medically under served individuals. It is vitally important that each and every woman in America have access to these early detection screenings.

Cervical cancer annually strikes an estimated 15,000 women in the United States. It is estimated that during this decade more than 150,000 women will be diagnosed with cervical cancer in the United States. Even more startling is that during an average woman's lifetime cervical cancer strikes one out of every 50 American women. Studies show that although cervical cancer is a preventable disease in a majority of cases it is still one of the leading causes of death among women worldwide. Although these statistics appear dismal, I am optimistic that through awareness and research we can eventually prevent this disease from taking any more lives. Even today, cervical cancer can be successfully treated and even prevented in many cases. The key to prevention is through early detection. Unfortunately, many women are not aware of the dangers or even the existence of cervical cancer, therefore they do not take the proper precautions through early detection screenings.

It is my sincere hope that this legislation will promote widespread awareness throughout the United States. This bill will bring awareness to this very serious disease, and educate all individuals, not only women, on the availability of early detection methods. I believe that through awareness and education we can save thousands of lives, and actually prevent cervical cancer in thousands of other lives. Again, I am proud to have supported the Cervical Cancer Public Awareness Resolution.

IN HONOR OF TOM TOSH OF COMO, TEXAS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. FROST. Mr. Speaker, today, I wish to honor Tom Tosh of Como, Texas. Tom was recently recognized as Texas' Outstanding Older Worker by Green Thumb, America's oldest non-profit provider of senior employment and training. At age sixty-seven, when most people have retired, or are at least considering retirement, Tom went back to work at Custom Shutters Inc. It has now been sixteen years, and Tom Tosh, at age eighty-two, continues to work 40-hour weeks in his position as a speciality craftsman.

Tom truly exemplifies the positive work ethic, experience, loyalty and dependability so important to our society today. According to his personnel manager, Tom is an inspiration because of his untiring dedication to his craft and his company. He is creative, patient, wise, kind, and honest. His knowledge and work ethnic motivates workers less than half his age, who, at this rate, will probably end up retiring before he does!

Tom is a navy veteran; he served our country in World War II. In addition to working full-time, Tom volunteers for the American Cancer Society, is a member of his local Veterans of Foreign Wars, swims, sails, and makes jewelry, All this, and he still finds time to dedicate to his wife of 61 years and two children. He is a shinning example of America at any age, and truly exemplifies that ability is ageless.

I am proud of work that Green Thumb and other organizations do to strengthen our families, communities, and the Nation. The opportunities, and wisdom that older workers such as Tom Tosh can provide for us are immeasurable. I salute him today.

CONTRIBUTION OF THE CALIFORNIA NATIONAL GUARD TO FIGHTING ILLEGAL DRUGS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. LANTOS. Mr. Speaker, I rise today to commend the California National Guard for its vital contribution in helping to reduce drug use among our youth. Throughout the United States the National Guard frequently assists local law enforcement agencies in their fight against illicit drugs, and often Guard members risk their lives to provide necessary support for local law enforcement agencies.

Mr. Speaker, the California National Guard performs a variety of tasks and missions in support of local law enforcement agencies. One program in particular that I wish to call to the attention of my colleagues is the Guard's educational efforts as part of "Red Ribbon Week," a nationwide effort to focus on drug awareness and education during the last of October. Since 1988, the California National Guard has been an active participant in Red Ribbon Week. This highly successful program was started initially to commemorate the life of Drug Enforcement Agency officer Enrique ("Kiki") Camerena, an undercover narcotics agents who was brutally murdered by illegal drug traffickers. To mark his death and honor his life, the week of October 23–31 has been designated Red Ribbon Week. Across the nation, federal and local law enforcement agencies spend the week participating in a variety of programs to educate children about the perils of drug use.

The California National Guard has been such an active participant in Red Ribbon Week and its efforts have generated such interest in the program that the Guard has expanded Red Ribbon Week into Red Ribbon Month in order to respond to the numerous requests for education programs. The California Guard uses the power of positive role models to encourage choosing a drug-free lifestyle. I can only imagine the incredibly positive affect that a helicopter pilot has on young childred after they witness the landing of his or her helicopter on the school grounds. Other positive Guard efforts include chaperoning education retreats and speaking at schools.

Mr. Speaker, the California National Guard's involvement in Red Ribbon Month is only one aspect of its participation in the battle against illicit drug use. The National Guard participates in the two pronged attack to reduce drug use in our country—simultaneously attacking supply and demand. The Drug Demand Reduction Program (DDR) focuses on education and information about the effects of narcotic use so that individuals will be less likely to turn to drugs. The Guard implements this program through its education work with school children. Already in this year alone, members of the California National Guard have spoken to 123,550 people, 82% of them school-age children and 74% of them in the 8th grade or below. This is particularly important, Mr. Speaker, because studies have shown that the earlier you teach children the dangers of drug use, the greater the chance that the child will embrace that message.

The second element of the California Guard's anti-drug program involves removing the supply of drugs from our streets. To this end, the Guard provides support and assistance to local law enforcement agencies in getting the drugs off of the streets. From flight surveillance to assisting local police officers in raids of methamphetamine plants, the California Guard has been involved in numerous seizures of illegal narcotics. This past year alone, in actions supported by the California Guard, law enforcement officials have seized over 8,100 lbs. of cocaine, 750 lbs. of heroin, 1,800 lbs. of methamphetamine, 360 lbs. of opium, 414,677 marijuana plants and 261 lbs. of processed marijuana.

Mr. Speaker, I invite my colleagues to join me in paying tribute to the vital efforts of the California National Guard in reducing illicit drugs on our streets and educating of our youth about the perils of drug use. Thanks to their diligent efforts, our state and our nation are a better place.

RECOGNIZING THE REPUBLIC OF CHINA'S NATIONAL DAY

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. WALDEN of Oregon. Mr. Speaker, I send my best wishes and congratulations to Republic of China President Chen Shui-bian and his people on the occasion of their 89th National Day. In recent years, Taiwan has prospered. It has one of the strongest economies in the world and its people enjoy unprecedented prosperity. Taiwan has solid schools, a good transportation system and sound health care. Furthermore, the people of Taiwan enjoy many political freedoms such as direct elections, a free press, and human rights.

I commend Taiwan on their 89th National Day. Their people have every right to be proud on this momentous occasion.

EL CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL ACT

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. REYES. Mr. Speaker, I am proud to be the sponsor of the House bill of S. 366, El Camino Real de Tierra Adentro National Historic Trail Act.

This trail has a great deal of importance to the Southwest. El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros (1598–1600), San Gabriel (1600–1609) and then Santa Fe (1610–1821). The portion of El Camino Real de Tierra Adentro that resided in what is now the United States extended between El Paso, Texas and present San Juan Pueblo, New Mexico, a distance of 404 miles. El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland. American Indian groups dating back into prehistoric times, especially the Pueblo Indians of the Rio Grande river valley, use the area and trail along the Rio Grande long before Europeans arrived.

In 1598, Don Juan de Onate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real, and during the Mexican National Period and part of the U.S. Territorial Period, El Camino Real de Tierra Adentro facilitated the emigration of people to New Mexico and other areas that would become the United States.

This trail is important to the history of the borderlands as it was central to the exploration, conquest, colonization, settlement, religious conversion, and military occupation of the Southwest. Many people used the trail including American Indians, European emigrants, miners, ranchers, soldiers, and missionaries. These travelers promoted cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans. El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law. This trail is important to the cultural history and rich heritage of the Southwest.

S. 366 amends the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail. This noncontroversial legislation prohibits the acquisition of any lands or interests outside the exterior boundaries of any federally administered area for El Camino Real de Tierra Adentro except with the consent of the owner. The bill has already passed in the House in a similar form. I am pleased that this bill, which is identical to the House bill which I originally introduced, has again made it to the floor.

I would like to thank Chairman YOUNG and Ranking Member MILLER. I would also like to thank Congressman HANSEN and my colleague Mr. SKEEN for allowing this clean bill to come to the House floor. I know that the designation of the Camino Real de Tierra Adentro, as a part of the National Historic Trails System, will benefit a great many people.

I hope my colleagues will support me in the passage of this legislation.

S. 1198: THE TRUTH IN REGULATING ACT

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. McINTOSH. Mr. Speaker, I applaud the House's passage yesterday of S. 1198, the Truth in Regulating Act of 2000. This bipartisan, good government bill establishes within the Legislative Branch a much needed regulatory analysis function. This function is intended to enhance congressional responsibility for regulatory decisions developed under the laws Congress enacts.

I want to especially thank Small Business Subcommittee Chairwoman on Regulatory Reform and Paperwork Reduction SUE KELLY for her initiation of this concept and her tenacious determination over a several year period to reach yesterday's successful result. Since 1998, the House Government Reform Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, which I chair, held two hearings and issued two House Reports (H. Rept. 105–441, Part 2 and H. Rept. 106–772) in support of a Congressional office of regulatory analysis.

Yesterday, during the floor debate on S. 1198, Vice Chairman PAUL RYAN expressed Congressional intent for this bill and presented the multi-year House legislative history. I want to emphasize three points which Mr. RYAN made. Also, I want to express my differing view about two statements made by Subcommittee Ranking Member DENNIS KUCINICH.

First, I agree with Mr. RYAN about the importance of the General Accounting Office's (GAO's) submitting timely comments on proposed rules during the public comment period, while there is still an opportunity to influence the cost, scope and content of an agency's regulatory proposal. S. 1198 does not require GAO to submit timely comments but neither does it preclude GAO for doing so. Second, I agree with Mr. RYAN about GAO's responsibility to examine non-agency (i.e., "public") data and analyses in preparing its 'independent evaluation' of an agency's regulatory proposal. Sometimes the best way to determine if an agency has ignored Congressional intent or failed to consider less costly or nonregulatory alternatives is to review non-agency analyses. S. 1198 does not require GAO to review public data but neither does it preclude GAO from doing so. Third, I agree with Mr. RYAN that GAO should comment substantively on an agency's regulatory proposal. S. 1198 does not require GAO to comment on the scope and content of an agency's regulatory proposal but neither does it preclude GAO from doing so.

Mr. KUCINICH stated his view that, "Under this bill, GAO would retain its traditional role as auditor . . . [the bill] preserves GAO's traditional role as auditor." I do not agree with his view. Instead, S. 1198 requires GAO to prepare an independent evaluation or analysis of agency regulatory proposals. Evaluation is not equivalent to auditing; evaluation requires a thorough analysis, e.g., consideration of less costly or non-regulatory alternatives not presented in an agency's documents. Second, Mr. KUCINICH stated, 'Furthermore, [the bill] would not require the agency to conduct any new analysis.' GAO's independent evaluation should lead agencies to prepare missing cost/benefit, small business impact, federalism impact, or any other missing analysis. S. 1198 does not require an agency to prepare a missing analysis but neither does it preclude an agency from doing so.

A TRIBUTE TO LIBBIE HICKMAN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. SCHAFFER. Mr. Speaker, today I rise to recognize a dedicated Olympian from my district who is an inspiration to all athletes. Libbie Hickman, a resident of Fort Collins, Colorado, recently earned the proud distinction of representing our great nation at the 27th Olympic Summer Games in Sydney, Australia. Libbie was the fastest American runner in the qualifying race held Wednesday, September 27th, recording a time of thirty-two minutes and fifty-nine seconds. This qualifying time enabled Ms. Hickman to race in last Saturday's finals where she valiantly represented our nation in its quest for gold.

A graduate of Colorado State University, Libbie Hickman has always dreamed of achieving Olympic glory. She first started running at the age of eight, racing against her brothers in the front yard as her father timed them with his stopwatch. Libbie became serious about her running career during her senior year of college, changing her specialty from the 1,500 meter race to the 3,000 meter race. However, it wasn't until four years later, in 1991, that Libbie Hickman truly made her mark by winning the Association of Road Running Athletes (ARRA) circuit title. Since then, Libbie has placed in the top ten of the finishers in twenty-one of the races in which she has participated. In 14 of those races, she finished in the top 5, and in 5 of them, she won the event.

In her spare time, Libbie Hickman is a self-described "gardening freak" who thinks she might have been a professional gardener if her passion for running were not so strong. Passion for her sport has driven her to work hard in pursuit of her Olympic dream. This passion was on display Wednesday as she led the American team to a qualifying spot in the 10,000 meter finals. Libbie finished 10th in her heat, and 20th overall. She was the only American woman who qualified to go to the finals on Saturday. While Libbie did not win the race, she won our hearts and proved herself a fierce and respected competitor, and an inspiration to the people of Colorado, and the entire nation.

It is with great pride that I stand today to congratulate one of Colorado's genuine Olympic heroes. Libbie Hickman is a true American heroine. She has displayed courage and perseverance in the tireless pursuit of excellence. She has competed on the world's biggest track and given her all to fulfill her Olympic dream. She has made us proud.

VETERANS' ORAL HISTORY PROJECT ACT

SPEECH OF

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. HAYES. Mr. Speaker, I rise in support of the legislation offered by the gentleman from Wisconsin, the Veterans' Oral History Project, because it encompasses American pride and patriotism. Our veterans are the heroes who helped preserve our American heritage. They are living evidence that freedom is never free, and they carry the honor of hundreds of thousands who breathed their last breath on the field of battle.

Some months ago, I introduced legislation to recognize the American G.I. as the most influential figure of the 20th century. I was proud that my legislation passed this House unanimously, and I believe the legislation we debate this evening is critical to our effort to recognize and preserve a record of the sacrifices of every man and woman who served our Nation. The importance of documenting the personal accounts of our country's veterans cannot be understated. For generations, American troops have served to ensure freedom and democracy in all corners of the world. Their contributions are woven not only into the history of a grateful nation but also the history of a peaceful world.

Over the course of the last few months, I have asked veterans throughout my district, the 8th District of North Carolina, to share with me their wartime experiences. Their response has been amazing. Every American should have the opportunity to read the brave accounts of veterans like James Holt, James Wells, and Willie Monday—to name just a few. Crew Chief Holt recounts his WWII missions and America's contribution in defeating Hitler. Similarly, Mrs. Shuping writes on behalf of her father, James Archie Wells, who fought to liberate Okinawa, and Captain Monday recalls his reconnaissance missions over the Philippines. This, Mr. Speaker, is the best of American history—and there is an abundance of it. That's why this legislation is so very important. The memory of those we lost and the sacrifice of those who lived to tell the tale must be preserved and held in high esteem by a Congress and a country that extends our veterans its utmost respect and heartfelt gratitude.

I commend my colleague from Wisconsin for his initiative on this issue and urge my colleagues support for this worthy legislation.

IN HONOR OF ABBOT ROGER W. GRIES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Abbot Roger W. Gries who has been named "Catholic Man of the Year" by the Greater Cleveland Knights of Columbus Luncheon Club.

This is certainly a well-deserved title for Abbot Gries, a native Clevelander who has devoted most of his life to education, his faith and the Catholic Church. He professed his vows as a Benedictine monk more than 40 years ago and was ordained to the priesthood in 1963. Throughout his many years of dedicated service to Benedictine High School, Abbot Gries has held a number of different posts. He started out teaching mathematics, but his extraordinary skill as an educator was soon recognized as he was named Assistant Principal in 1965 and Principal in 1968.

Abbot Gries continued his successful reign as Principal at Benedictine until 1977, when he was appointed Prior of St. Andrew Abbey, the second superior of the monastery. Because of his outstanding work as Prior, his fellow monks elected him the fourth abbot of St. Andrew Abbey on June 9, 1981, a position that he holds to this day. In addition to his commitment to St. Andrew Abbey, Abbot Gries is also President of Benedictine High School. At this time, he is overseeing the implementation of the Master Plan currently underway at the Abbey and high school in the Buckeye-Woodland community.

Aside from his prominent role as an educator and abbot of St. Andrew Abbey, Abbot Gries also served at the Holy Family Parish in Parma, OH on weekends for 18 years and previously acted as the chaplain of the Maple Heights Knights of Columbus. He continues his active association with the Alhambra.

Mr. Speaker, I ask my fellow colleagues to join me in honoring Abbot Roger W. Gries. This remarkable man reminds us all of the importance of faith, community, and volunteerism. We are truly lucky to have him in Cleveland.

TRIBUTE TO PRISCILLA HILLGREN

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great American, and I am proud to recognize Priscilla A. Hillgren in the Congress for her invaluable contributions and service to our nation.

Priscilla Hillgren distinguished herself through her devotion to her family, friends, and community. She was born in Beresford, South Dakota on June 26th, 1904, the daughter of a Lutheran minister. Her family instilled in her the value of an education, and she and her sisters attended college, which she interrupted twice to teach in a country school.

One of the happiest days of her life surely must have been June 26th, 1929, when she married Ralph O. Hillgren, who was city editor of the Argus Leader in Sioux Falls, South Dakota. Many more happy days followed, thanks to the births of her son John, her daughters Annette Bray and Sonja Hillgren Hill, two grandchildren, five great-grandchildren, three step grandchildren, and three step great-grandchildren.

Priscilla Hillgren is probably best-known for her work with mentally handicapped children at three Sioux Falls private schools from 1958 to 1972. Her generosity and hard work touched many families in that area, and her legacy will inspire those who continue to provide these important services.

She also was active in the American Association of University Women, with membership in two AAUW book groups, and was honored by AAUW as a Named Gift Recipient in 1977. Moreover, Priscilla was president of the Augustana College Auxiliary, and a member of the Civic Fine Arts Center and the American Legion Auxiliary, among other organizations.

Sadly, Priscilla Hillgren passed away last month. Her congregation at the First Lutheran Church, where she was a Sunday School teacher for 26 years, will miss her greatly, as will her family and friends.

I am among this group, and on behalf of the Congress I extend my deepest sympathies to her family, even as I encourage them to join me in celebrating her extraordinary life.

INTRODUCTION OF THE ALTERNATIVE FUEL VEHICLES INTERMODAL TRANSPORTATION ACT

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. BOEHLERT. Mr. Speaker, transportation is vital to the social and economic health of our nation. During the past twenty years, however, transportation systems have struggled to keep pace with America's growing and changing needs. For example, between 1970 and 1990, the U.S. automobile population grew almost three times faster than the human population. In fact, in 1995 Americans averaged about 4.3 one-way trips per day and about 14,000 miles per year—up from 2.9 trips and 9,500 miles in 1977. Other forms of transportation have seen dramatic growth as well. Since 1980, freight railroad traffic has increased 47 percent and the number of airports has increased 20 percent.

Explosive transportation growth has led to inefficient movement of people and goods, reduced productivity, wasted energy, and increased congestion and emissions. A recent study conducted by the Texas Transportation Institute found that in 1982, ten of the 70 urban areas studied had unacceptable levels of congestion, but by 1996, that number had almost quadrupled, to 39 areas.

As the number of cars, trucks, freight trains and planes grows and America's transportation network expands, the need for fuel increases. In 1997, the volume of imported oil exceeded domestic production for the first time in U.S. history. Our thirst for oil is fueled by the transportation sector, which uses over 65 percent of the petroleum consumed in the United States.

Our transportation system is over 90 percent dependent on oil—and that's too much when over 50 percent our nation's oil comes from overseas and the price has almost quadrupled in 18 months. Powering our cars and buses with alternative fuel is an environmentally sound way to reduce our dependence on foreign oil—and it's good for the economy, too, because alternative fuels can be produced here at home.

Alternative fuels, such as electricity, natural gas, methanol, hydrogen and propane, provide a plentiful, domestically produced and environmentally friendly source of energy. And, when integrated into America's transportation network—in meaningful quantities—alternatively fueled vehicles (AFVs) contribute to mitigating the energy and environmental problems caused by the transportation sector.

In addition, to alternative fuels, the implementation of intermodal transportation networks is another component to alleviating America's transportation problems. Intermodalism refers to interconnections among various modes of transportation, or the use of multiple modes of transportation during a single trip. Employing the concept of intermodalism offers the promise of lowering transportation costs, increasing economic productivity and efficiency, reducing the burden on existing infrastructure, while at the same time reducing energy consumption and improving air quality and the environment.

In an attempt to address the energy and environmental concerns that an "over-stressed" transportation network has created, Congress passed several pieces of legislation. The Clean Air Act Amendments of 1990, established programs and regulations directed at the mobile sector to decrease major automotive pollutants that are the key contributors to urban smog, or ozone. Today, however, nearly 100 cities throughout the United States continue to fail to meet federal air quality guidelines.

In 1991, Congress also recognized the impact and sought to mitigate some of the problems associated with the growing number of cars, trucks, freight trains and planes in the United States when it enacted the Intermodal Surface Transportation Efficiency Act (ISTEA). ISTEA established the National Commission on Intermodal Transportation and tasked it with conducting a complete study of intermodal transportation in the US. ISTEA also established the Congestion Mitigation and Air Quality Improvement (CMAC) Program which provides federal funding for innovative transportation projects designed to assist States in meeting their transportation/air quality plans. The CMAC program, cuts across traditional areas, such as vehicle emission inspections and maintenance. Although inroads have been made, and intermodal transportation systems have been applied in the movement of goods, large-scale intermodal systems have yet to be meaningful applied to the movement of peple.

Finally, in 1992, Congress enacted the Energy Policy Act (EPAct) which recognized that alternative fuels and alternative fuel vehicles (AFVs) can provide substantial environmental benefits and at the same time can decrease our dependence on foreign oil. EPAct included a modest set of tax incentives intended to support the development and introduction of AFVs to the market.

Today I am introducing legislation that builds on the very important work that has been done as a result of these landmark bills that have focused our efforts on dealing with transportation, congestion, air quality and energy security issues holistically, rather than as separate non-connected issues. I believe, firmly, that we must look to address many of the problems created by a growing transportation system and the need to ensure and indeed enhance mobility as a single issue, a single goal. The "Alternative Fuel Vehicles Intermodal Transportation Act" provides funding for a $200 million federal pilot program to demonstrate the use of alternative fuel vehicles in intermodal applications. Importantly, the goals of the program will be accomplished through partnerships between Federal, State and local governments, metropolitan transportation authorities, industry and business. This legislation would help urban centers develop and demonstrate effective, alternative fuel transportation networks to move people.

By combining intermodal transportation systems with alternative fuels, the United States can build transportation networks that efficiently and cleanly transport passengers and goods.

In the long run, alternative fuel vehicles will obviously have to succeed in the marketplace entirely on their own. But the federal government should be doing more to encourage the development and deployment of alternative vehicles because there are clear public benefits and the technology will develop too slowly without incentives. In addition, public entities are the main purchasers of buses so the government is the market in that area.

What will this legislation achieve? The proposed pilot program would assist up to 15 locations throughout the United States to put in place clean, innovative, linked transportation systems that reduce dependence on foreign oil, increase reliance on alternative fuels, enhance the usefulness of public transportation systems, protect the environment, and speed the deployment of alternative fuel technologies. Participants in the program would be required to match federal dollars with an equal contribution from State and local governments and the private sector. Projects would be awarded to applicants that meet criteria including: the number of riders served or goods transported; the ability to achieve national, state or local air quality goals; and the deployment of innovative transportation technologies or new intermodal systems that increase the use of alternative fuels.

How could this legislation impact your community? Imagine a linked transportation system where commuters use electric station cars or "neighborhood electric vehicles" to reach an electrified commuter train or a natural gas powered bus, which would then deliver them to the urban center. And once in the urban center, the same people might transfer to a propane-powered shuttle bus or fuel cell bus for the last leg of their trip to the office, the shopping district or the doctor.

Another travel scenario that releases near zero-emissions while improving the quality of a trip might involve the business traveler who arrives in a city by plane, transfers to a light rail system that deposits her in the urban center where she checks-out an electric "station car" to travel to meetings in three different locations. Upon concluding business, she returns to the light-rail station, plugs in the rented station car for the next driver, hops on the light rail and returns to the airport. This business traveler has left no environmental footprint during her visit to your community.

Enhance the environment—relieve traffic congestion—increase alternative fuel use—effectively demonstrate viable and sustainable alternative fuel vehicles and their interconnected use in transportation networks—bring together all levels of government and industry as partners in this effort—and educate the public that alternative fuel technologies work . . . these are the goals of the Alternative Fuel Vehicles Intermodal Transportation Act. The price tag for reaching these goals is relatively modest; the price for not supporting this type of paradigm shift in the way we move people and goods is incalculable. And it is a price that will be paid not just with dollars, but with our natural resources, our air, and the quality of life for generations to come. I hope many of my colleagues will recognize the value and importance of this innovative program and will support this important legislation.

PRESCRIPTION DRUGS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. CRANE. Mr. Speaker, as the Congress continues to debate the question on how to provide seniors with affordable prescription drugs, I wanted to bring to my colleagues attention the article "Prescription Drug Costs: Has Canada Found the Answer?" by William McArthur, M.D. Dr. McArthur is a palliative care physician, writer and health policy analyst in Vancouver B.C. Some of our colleagues have been touting the affordability of prescription drugs in Canada and in some cases sponsoring bus trips for seniors across the border to obtain these drugs. We should be skeptical of this approach because, in reality, the Canadian government drug mandates harm patients and increase the costs in other sectors of the health care system.

The Canadian bureaucracies cause significant delays in access to new and innovative drugs. First, at the federal level, Canadians wait up to a year longer than Americans do for approval of new drugs. Then the delays continue at the provincial level where various government "gatekeepers" review the "therapeutic value" of prescription drugs before they are included in the formulary. The length of the delays varies widely. The government officials in Nova Scotia approve drugs for its formulary in 250 days, while the wait in Ontario is nearly 500 days.

Canadian patients are often forced to use the medicines selected by the government solely for cost reasons. Patients who would respond better to the second, third, or fourth drug developed for a specific condition are often denied the preferred drug, and are stuck with the government-approved "one size fits all" drug.

I urge my Colleagues to read this article and keep in mind that while prescription drugs appear to cost less in Canada than in the United States, there is a costly price associated with the Canadian system that ultimately translates into a lack of quality care for patients.

[From the National Journal's Congress Daily, Oct. 2, 2000]

PRESCRIPTION DRUG COSTS: HAS CANADA FOUND THE ANSWER?

(By William McArthur, M.D.)

Some Americans faced with the rising costs of prescription drugs look longingly at Canada, where prescription drugs appear to cost less than in the United States. The fact is that, while some drugs do cost less in Canada, others don't. Furthermore, many drugs are not available at any cost in Canada. The effect of Canadian policies is to restrict the overall availability of prescription drugs through a combination of a lengthy drug approval process and oppressive price controls.

First of all, Canada's federal drug approval process takes much longer than that of the U.S., resulting in delayed access for Canadians to new drugs. For example, Canadian acceptance of the drug Viagra came a whole year after it had been available in the U.S. For 12 months Canadians who needed Viagra, or another of the many drugs delayed or denied approval, had to go to the U.S. to get their medication.

Even if a drug wins federal approval, it faces 10 more hurdles to become widely accessible—the 10 provinces. Each province has a review committee that must approve the drug for reimbursement under the public healthcare system. For example, in British Columbia, neither the new anti-arthritic drugs Celebrex and Vioxx, nor the Alzheimer's treatment Aricept, have been approved for reimbursement, severely limiting their availability. Further, the provincial approval times vary greatly from province to province, creating further inequities.

Price controls imposed by a government agency, the Patented Medicines Price Review Board (PMPRB), are the reason some prescription drugs cost less in Canada than in the United States. However, while keeping some prescription drug prices down through price controls, Canada has been unable to control overall drug spending. OECD statistics reveal that when the PMPRB was created in 1988, per capita expenditure on prescription drugs was $106; by 1996 that had doubled to $211 per person. One study of international drug price comparisons by Prof. Patricia Danzon of the Wharton School of the University of Pennsylvania concluded that, on the average, drug prices in Canada were higher than those in the United States. Some individual drugs, particularly generics, cost far more in Canada. For example, the anti-hypertensive drug atenolol is four times more expensive in Canada than in the United States. And a University of Toronto study found that the main effect of price controls on prescription drugs was to limit patients' access to newer medicines so that they had to rely more on hospitals and surgery.

All provinces require that chemically identical and cheaper generic drugs be substituted for more expensive brand-name drugs when they are available. However, British Columbia has gone farther with a "reference price system." Under this system, the government can require that a patient receiving a drug subsidy be treated with whichever costs the least: (a) a generic substitute, (b) a drug with similar but not identical active ingredients or (c) a completely different compound deemed to have the same therapeutic effect. Patients are often forced to switch medicines, sometimes in mid-treatment, when the reference price system mandates a change. Twenty-seven percent of physicians in British Columbia report that they have had to admit patients to the emergency room or hospital as a result of the mandated switching of medicines. Sixty-eight percent report confusion or uncertainty by cardiovascular or hypertension patients, and 60 percent have seen patients' conditions worsen or their symptoms accelerate due to mandated switching.

Through limiting the availability of prescription drugs and controlling the prices of those that are available, Canada has succeeded only in preventing Canadians from obtaining drugs that might have reduced hospital stays and expensive medical procedures. The end result of this is that Canadians are getting a lower standard of health care at a higher cost than patients and taxpayers have a right to expect.

One lesson that Americans should learn from the Canadian experience is that when government pays for drugs, government controls the supply. As soon as government has to pay the bill, efforts are made to restrict the availability of newer and more effective drugs. The inevitable result is that other health expenditures like surgery and emergency visits increase, and patients suffer.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BLUMENAUER. Mr. Speaker, expanding the number of H–1B visas for foreign workers is critical to the well being of Oregon's high-tech community. Given the strong economy, record low unemployment, and declining graduation rates in high-tech education fields, that industry is facing a critical shortage of highly educated workers. In Oregon, for example, we have openings for 800 software engineers and are currently unable to fill them.

Our education system is not producing the needed skilled workers for the high-tech industry. The H–1B visa program helps fill the void, but that's not all it does. The legislation we adopted last night helps develop our own workforce.

The bill keeps the current $500 application fee that employers pay for new H–1B visa holders, which produces $75 million in revenue each year. Less than two percent of the fees is for administrative expenses and the rest is used to enhance our educational system. This funding provides math, science, engineering, and technology post-secondary scholarships for low-income and disadvantaged students. It is also used to improve K–12 math and science education and for job training.

While this funding helps, I have joined many of my colleagues in pressing for more. I am a cosponsor of the Dreier-Lofgren bill that raises the cap on H–1B visas and doubles the application fee to $1000. I am hopeful we can adopt that increase before we adjourn and thereby do even more to meet our nation's educational needs.

Many companies in my state are working independently of the government to help as well. Intel makes its micro-chips in Oregon. In 1998, it contributed $63 million to higher education and $29 million to K–12 education. In an effort to encourage high school students to enter science and engineering career field tracks, companies like Electro Scientific Industries have partnered with local school districts and opened their doors to students, teachers and parents to talk to young engineers about career decisions and options.

Together, we can reverse the shortage by improving our educational system. In the short term, increasing visa numbers is not a bad thing. Each new wave of immigrants adds to the diversity and character of our communities. This diversity has given us the strength to grow in times of prosperity and survive in times of trouble. H–1B visa holders add to our strong economy.

RECOGNITION OF THE "LIGHT THE NIGHT" WALK

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Ms. PRYCE of Ohio. Mr. Speaker, my colleagues to will be interested in the following comments made by Mr. Ken Barun, President and CEO of Ronald McDonald House Charities on the "Light the Night" walk held on September 21, 2000, that raised funds for the Leukemia and Lymphoma Society. I submit Mr. Barun's remarks for the RECORD:

> You, the "Light the Night" walkers—teams and individuals—are the ones truly making a difference tonight. Through your participation in events such as this, the Leukemia & Lymphona Society continues to raise funds and combat cancers that have touched so many of us—our families, our friends—those whom we know or had the pleasure of once knowing.
>
> I think it's fate that the Leukemia & Lymphoma Society and Ronald McDonald House Charities have come together for this wonderful fundraiser. Both organizations care deeply about children and their families; both provide comfort and care when needed; and both want to see an end to this terrible disease called cancer.
>
> To give you a brief background about Ronald McDonald House Charities, our mission is to improve the health and wellness of children around the world. It is a mission that began with the care and compassion of dedicated people who, like McDonald's Corporation founder, Ray Kroc, dared to dream.
>
> Ray once dreamed of having a thousand McDonald's restaurants in the U.S. We now have more than 25,000 restaurants in 119 countries. Similarly, the people who started Ronald McDonald House Charities, had the dream of having just one Ronald McDonald House—the one that opened in Philadelphia in 1974. We now have more than 200 Houses around the world in 18 countries.
>
> As the network of Ronald McDonald Houses grows, so does our role as a Charity. To date, through our global organization and more than 160 local Chapters in 32 countries, we've awarded more than 225 million dollars in grants. In addition, we receive the donation of time from an army of well over 25,000 volunteers worldwide.
>
> Volunteers like you. People who effect positive change. Which brings me back to why we are all here. Leukemia is the number one disease that kills our children. Think about that—the number one disease. However, there is hope: Because of efforts like yours tonight, and the efforts of others like you, there's been enough funding to sustain ongoing research, research that has tripled the leukemia survival rate in the last 39 years. That is an astonishing accomplishment. And you, members and volunteers of the Leukemia & Lymphoma Society, should be proud to be a part of that.
>
> I'd like to thank the McDonald's region in Washington and Baltimore and all its McDonald's franchisees for supporting and participating in tonight's "Light the Night" Walk with us. I'd also like to thank the Leukemia & Lymphoma Society for all your terrific work in organizing this event. And finally, to those of you who have come out here tonight, donned your walking shoes and have collected thousands and thousands of dollars, a very special, heartfelt thank you.
>
> I feel truly honored to be in your company.

RECOGNITION OF LAWSUIT ABUSE AWARENESS WEEK: SEPTEMBER 18–22, 2000

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. EHRLICH. Mr. Speaker, I rise to acknowledge a group of citizens in my district working hard to address an issue affecting every citizen of our state: Lawsuit Abuse.

Throughout my district, and all over the greater Baltimore area, local citizens are volunteering their time and energy to inform the public about the costs and problems stemming from the excessive numbers and types of lawsuits filed in today's litigious society. The men and women of the Baltimore Regional Citizens Against Lawsuit Abuse, otherwise known as BRCALA, have a simple goal—to create a greater public awareness of abuses of our civil justice system. This type of citizen activism has had a positive impact on perceptions and attitudes toward abuses of our legal system, a problem most folks do not stop to consider during their daily routine.

While the overall mission of Baltimore Regional Citizens Against Lawsuit Abuse is to curb lawsuit abuse, the organization's efforts focus on education. Every time these dedicated Marylanders speak out against lawsuit abuse, ordinary citizens are educated on the statewide and nationwide consequences our legal system has on our daily lives. The costs of lawsuit abuse include higher prices for consumer products, higher medical expenses, higher taxes, higher insurance rates, and lost business expansion and product development.

As a former member of the Maryland General Assembly, I worked hard to reform our legal system at the state level. During my tenure in Congress, I have supported efforts with respect to product liability reform, securities litigation reform, and reform of the federal Superfund program. More importantly, I sponsored legislation that has helped reduce frivolous class action lawsuits brought against mortgage brokers.

This year, I voted to support H.R. 1875, the Interstate Class Action Jurisdiction Act. This legislation recognizes that many class action lawsuits do little to help consumers, but allow personal injury lawyers to collect millions of dollars in legal fees. H.R. 1875 is an important step in helping reform a legal system that has been abused time and time again.

Legal reform is a complex issue. The legal system must function to provide justice to every American. This does not mean, however, that the status quo is perfect. When lawsuits and the courts are used in excess or to the detriment of innocent parties, the system must be reviewed and reformed.

Let me acknowledge the BRCALA board of directors for giving of their valuable time and energy: the Honorable Phillip Bissett, BRCALA chairman; Joseph Brown, Jr.; Dr. William Howard; Gary O. Prince; the Honorable Joseph Sachs; and the Honorable Michael Wagner—directors and supporters dedicated to BRCALA; and Nancy Hill, BRCALA executive director.

Mr. Speaker, the Baltimore Regional Citizens Against Lawsuit Abuse has declared September 18 through September 22, 2000, as "Lawsuit Abuse Awareness Week" in Maryland.

I want to commend every person involved in this worthwhile effort for their dedication and commitment.

A TRIBUTE TO HON. ROBERT W. BLANCHETTE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. SHUSTER. Mr. Speaker, I rise to pay tribute to one of the true leaders in the renaissance of America's rail transportation system. Robert Blanchette, who died last week, was literally present at the creation when our private-sector railroads suffered financial collapse in the 1970s, and then returned to financial stability after 1980.

After graduation from Yale Law School and service as an Air Force legal officer, Mr. Blanchette began his legal career in railroading as the general counsel of the New Haven Railroad in the late 1960s. While serving in that post, he also became executive director of the America's Sound Transportation Review program, one of the first modern efforts to analyze the ills of the transport system and recommend needed changes.

Bob's next major post was counsel to the bankruptcy trustee of the Penn Central Railroad, which entered bankruptcy in 1970 and collapsed in 1973. At the time, Penn Central was the largest corporate bankruptcy in U.S. history. Based on his outstanding performance as counsel, Bob was later installed first as bankruptcy trustee, then chairman of the board, and chief executive officer.

As one who arrived in Congress in the midst of what became known as "the wreck of the Penn Central," I can personally attest to the gargantuan effort required to deal with massive creditor claims against the Penn Central estate, while at the same time helping to fashion Conrail as the federally created successor to the various bankrupt Northeastern freight railroads. Bob handled these daunting tasks with characteristic acumen and aplomb. Eventually, thanks to the groundwork laid during Bob's tenure with the Penn Central, Conrail became a thriving railroad that was fully privatized in 1987 and was recently purchased by Norfolk Southern and CSX.

When Ronald Reagan took office in 1981, Bob was named Federal Railroad Administrator. This was an era of massive and long overdue change, when the entire freight railroad industry was being transformed and rehabilitated through the deregulation of the Staggers Rail Act. Bob was at the center of efforts to modernize all federal policies affecting the rail transport system.

In 1983, Bob returned to private law practice, representing the French high-speed rail enterprise, TGV. Later, from 1990 to 1997, he served as general counsel to the Association of American Railroads.

Those who worked in or with the railroad industry can attest to Bob's razor-sharp mind and analytical skills. He was able easily to grasp the most complex issues, and equally important, to fashion sensible proposals for addressing those issues. Without exception, Bob was the consummate gentleman, and a constant source of dry wit and good humor. He never shrank from discussing and dissecting the rail transport policy issues of the day, on or off Capitol Hill.

Throughout his professional career, Bob remained intensely proud of his French heritage, and an unapologetic Francophile, always ready to discuss French culture, cuisine, and of course, wine. He was truly un homme extraordinaire, and will be sorely missed by all who had the good fortune to know him.

MR. TRACY JOHNSON HONORED WITH NATIONAL CRIME PREVENTION AWARD

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. MANZULLO. Mr. Speaker, I rise today to pay tribute to Mr. Tracy Johnson of Freeport, Illinois, a town in the congressional district I am privileged to represent. Tracy is a modern-day hero who works tirelessly to prevent crime in northern Illinois.

On September 29, 2000, Tracy joined seven other citizen crime fighters from around the country to receive the SBC Communications Award of Excellence in Crime Prevention. Nationally recognized comedian Joe Piscopo presented the award during the "2000 National Conference on Preventing Crime" in Washington, DC. This year's eight winners, selected from nominations across the country, have all made major impacts in their communities with their innovative crime prevention strategies.

Tracy received this special honor because he helped spearhead the Coalition for a Safe Community, a comprehensive partnership of organizations and people planning and acting to prevent crime throughout Freeport; started an education and action crime prevention program for youth; and developed a job training and placement center for young mothers, among other activities.

I wish to thank Tracy and the numerous individuals with whom he works for their tireless efforts to make our communities safer.

NATIONAL DAY OF THE REPUBLIC OF CHINA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. ACKERMAN. Mr. Speaker, as the Republic of China's 89th National Day approaches, I wish to congratulate President Chen Shui-bian and the people of Taiwan for their continuing economic success and political reforms.

On this festive occasion, it is my hope that Taiwan and the Chinese mainland will soon begin a serious dialogue on reunification issues. The time is approaching for both sides to work out their differences and find a way to co-exist without antagonism. I am certain the people on Taiwan look forward to the day when they will be able to celebrate October 10th without the fear of a bellicose neighbor threatening not only their political freedom, but also their very lives.

I also would like to take this opportunity to extend my heartfelt congratulations and best wishes to Ambassador C.J. Chen, who recently returned to Washington after several years in Taipei. A distinguished diplomat, Ambassador Chen is now Taiwan's chief representative in the United States. Ambassador Chen is an industrious and experienced diplomat who has worked diligently for many years to strengthen ties between the United States and the people of Taiwan.

Mr. Speaker, Taiwan has become a beacon of democracy in an area of the world which has known authoritarianism for centuries. The upcoming celebration of National Day in the Republic of China is a timely reminder of the importance of our friendship and support for Taiwan.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. KENNEDY of Rhode Island. Mr. Speaker, in 1998, Congress passed legislation to raise the H–1B caps to 115,000 visas per year. That legislation included important provisions to ensure that American workers would not be displaced by those holding H–1B visas. This included requirements for employers to file applications with the Department of Labor showing that they will pay the H–1B worker the "required wage rate" and that a strike or lockout was not occuring at the job site.

Unfortunately, that legislation was not enough and already the 115,000 H–1B visa limit for Fiscal Year 2000 has been reached. Tuesday, the Senate passed S. 2045 to increase the H–1B cap to 195,000 through 2003 and included several important worker training and education provisions. It is now time for the House to pass this bill as well.

This bill includes provisions so that 55% of the H–1B education and training fees go toward Department of Labor demonstration programs and projects to provide training for workers. Twenty-two percent of the fees will go toward low-income scholarships and fifteen percent of the fees will go toward National Science Foundation grants for math, technology and science education in primary and secondary schools. It also provides after-school technology grants to encourage youth education in these subject areas.

Earlier this year, I cosponsored "The Helping to Improve Technology Education and Achievement Act of 2000" introduced by Congresswoman ZOE LOFGREN and Congressman DAVID DREIER. This bill was critical to the debate on this issue and I am proud to have worked with those sponsors, as well as with members on both sides of the aisle who have been dedicated to bringing this bill to the floor.

I recognize the enormous difficulties that the current worker shortage poses to high tech companies. At the same time, however, I want to insure that we do all that we can to reach the best and brightest in America and providing opportunity for and training to American workers as well. Today's bill is attentive to both of these needs. I urge all of my colleagues to vote for S. 2045.

PASS THE CARAT ACT: H.R. 5147

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. HALL of Ohio. Mr. Speaker, many of us are gravely concerned about the role the trade in diamonds has in fueling some of the most brutal wars in Africa. Much is made of the fact that the number of these diamonds is small—between 4 and 15 percent. The reality is that blood diamonds account for 30 percent of the profits the industry earns.

The link between diamonds and war is well-documented, and I urge our colleagues to get the complete story by requesting a briefing by U.S. intelligence agencies. In the meantime, I am submitting for the RECORD a selection of excerpts from respected publications. This is by no means exhaustive, and it omits reports on the industry's recent efforts to repair its damaged reputation.

I hope this selection is useful to the American public—which buys two-thirds of the world's diamonds. And I urge my colleagues to review this situation and join in efforts to combat this terrible trade.

"The flow of uncut diamonds from rebel-held mines to market centers around the world—valued at hundreds of millions of dollars a year—is keeping rebel armies in Angola, Congo and Sierra Leone supplied with tanks and assault rifles and even uniforms and beer, American and European officials say." U.S. May Try to Curb Diamond Trade That Fuels Africa Wars, *New York Times*, 8/7/99.

"The brutal war in Sierra Leone, which left thousands maimed and mutilated, was prolonged by at least 18 months because of the ability of the rebels to quickly trade diamonds for arms, an Administration official said. . . ." U.S. May Try to Curb Diamond Trade That Fuels Africa Wars, *New York Times*, 8/7/99.

"In many African nations, the natural resources that should be used to feed and educate people are instead being used to destroy them. . . . Loot, not better government, has motivated the psychotically brutal guerrillas of Sierra Leone." The Business of War in Africa, *New York Times*, 8/8/99.

"Sierra Leone was founded in the 18th century as a safe haven for freed slaves. At the close of the 20th century, its people are enduring horrors at the hands of their countrymen and bearing scars from a civil war of atrocities perpetrated by an army of thugs and desperadoes." The Amputees of Sierra Leone: Civil War's Brutal Legacy, *Washington Post*, 10/18/99.

"The eight-year conflict that has shattered this country and brutalized its 5 million people has been fueled by foreigners' hunger for diamonds. . . . These conflicts are singularly brutal, scholars say, because many of their sponsors are outsiders with little motive to limit destruction." Diamond Hunters Fuel Africa's Brutal Wars, *Washington Post*, 10/16/99.

". . . a prosthetics specialist for Handicap International . . . said he had never seen a double-arm amputee until he came here. 'It was shocking,' he said. 'I don't think you will find double amputees of the upper limbs anywhere else in the world—maybe isolated cases, but not like in Sierra Leone.' In the Amputee and War Wounded Camp. . . . the double amputees are considered the unluckiest. Those without arms . . . openly express envy of those with a missing leg, who will one day wear trousers over an artificial leg, or those with at least one good arm. . . . a psychologist who treats the amputees, said the Revolutionary United Front appeared to have selected men whose maiming would most profoundly affect the social order. 'It was the goal of the rebels to take away their role as men, fathers and husbands." Sierra Leone Measures Terror in Severed Limbs, *Washington Post*, 8/22/99.

"The residents of this camp [for amputees] lost their arms and feet to a rebel force that spread terror among Sierra Leoneans not by killing but by leaving people . . . as living, limbless symbols of its savage power. The campaign*Sierra Leone Measures Terror in Severed Limbs, Washington Post*, 8/22//99.

"That dazzling diamond necklace you buy for that special someone at a swank Fifth Avenue jewelry store may be funding the activities of a canibal gang in Sierra Leone. . . . It's the dark side of the diamond industry. . . . and the profits—estimated to be $2 billion a year—are funneled back to some of the worst mass killers this century has ever seen. The money is used to buy arms and military hardware, and to hire private mercenary firms to keep these internal African conflicts raging, according to a recent report by the State Department's Bureau of Intelligence and Research." *Dirty Diamonds, New York Post*, 11/9/99.

". . . are New York diamond dealers worried about having their glittering product follow in the footsteps of the fur coat and labeled parish products? 'No . . . We've weathered many storms before. We'll weather this one too.'" *Dirty Diamonds, New York Post*, 11/9/99.

"Some of Africa's worst violence—in Angola, in Congo, in Sierra Leone—where hundreds of thousands have died or lost arms and legs: This turmoil has been financed in large part by stolen diamonds that end up in jewelry stores around the world. . . . There is so much money at stake, it won't be easy to stop rebels who have used the beauty and value of diamonds to create misery and death in Africa." ABC World News Tonight, 11/26/99.

"In an African tragedy, the world's purest gems are funding one of the diriest wars in history." *Diamonds in the Rough, Time*, 12/6/99.

"More than 10,000 people had been murdered, raped, abductted or maimed by rebels in a campaign of calculated terror. In their vividness sand gratuitous cruelty, the mass amputations epitomized the powerlessness of ordinary Africans a the turn of the millennium. They also marked a climactic spasm in a grinding eight-year civil war shaped by familiar patterns. Outsiders exploited Sierra Leone's diamonds and other resources. . . . The international media paid little attention. And the great power stood aside, numbed by Africa's wars and poverty." *Peace Without Justice: The Other War, Washington Post*, 1/9/00.

"Rebel armies in Angola, the Congo, and Sierra Leone wage brutal civil wars funded by an extensive, smuggled diamond trade. The rebels take control of a diamond mine, falsify a few documents, and then sell the diamonds in the international markets. . . . Rebels in Sierra Leone used their diamond money, funneled through dealers in Liberia, to build an army that started with just 400 volunteers, into a fighting force with more than 20,000 paid soldiers." *Is Your Engagement Ring Funding a Civil War?*, Shewire, 2/23/00.

"In many parts of Africa, diamonds don't mean glamour, purity or eternal love. Instead, they mean slaughter and sadistic brutality. In civil wars in Angola, Congo and Sierra Leone—among the world's bloodiest yet most ignored conflicts—guerrilla groups earn hundreds of millions of dollars annually from mining and exporting diamonds. They use the money to buy huge arsenals and terrorize enormous expanses of countryside." *Glittering Currency of African Warfare, San Francisco Chronicle*, 3/6//00.

"The diamond-financed escalation of war in Angola in the last decade has cost the lives of about 500,000 people while displacing about four million others, according to human rights groups and the United Nations," *U.N. Sees Violation of a Diamond Ban by Angola Rebels, New York Times*, 3/11/00.

". . . the glittering stones have become agents of slave labor, murder, dismemberment, mass homelessness and wholesale economic collapse." *New York Times*. 4/6/00.

"Sierra Leone remains one of the poorest countries, despite its diamond wealth. Or rather because of it. 'The diamond mines are central to the conflict in two ways. One, they provide the spoils. Two, providing the RUF with the money to continue waging war.'" *A Conflict Rooted in Rebels and Diamonds, Christian Science Monitor*, 5/15/00.

"Clausewitz called war 'the pursuit for politics by other means.' But war is just as often a device for the pursuit of business. In Sierra Leone, war is caused by diamonds. The limb-chopping rebels of the Revoluntionary United Front (RUF) started out in 1991 as a small band. Then they captured the diamond region, got rich and became a very big band. . . . They fight not to win but to keep hold of the diamond trade." *Diamonds are for Killers, Washington Post*, 5/16/00.

"The international diamond trade needs to be regulated . . . Better accountability is not too much to ask of an industry with annual retail sales worth $56 billion. Western governments can carry on financing peacekeeping missions while their consumers finance mayhem." *Diamonds are for Killers, Washington Post*, 5/16/00.

"Sierra Leone is being ripped apart because of diamonds. The Revolutionary United Front, or RUF, the leading rebel group, controls the country's richest diamond areas . . . refugees have no hope of profiting from their hometown's natural wealth so long as the RUF remains there. 'I am living like this all because of diamonds,' [a refugee] said, surveying a crush of humanity at the camp's food distribution center." A War Driven by Diamonds, Los Angeles Times, 5/26/00.

"That a criminal economy can eat away at the heart of states and whole nations is nothing new. But recent events in Lierra Leone have shown that it can also divert to its own advantage an entire peacekeeping operation run by the United Nations and supported by the main foreign powers . . . We must be clear about who is involved. Barbaric, drug-crazed and dragooned by the warlords as they may be armed and desperate young men could not have brought UNAMSIL to it knees all on their own. The UN has been ensnared by something different, something newer and more insidious; by a struggle between two rival groups supported by businessmen intent on gaining control of mineral wealth." *Sierra Leone's Diamond Wars, Le Monde*, 6/00.

'The Kalashnikov lifestyle helps our business,' sing the child-soldiers of the RUF. When these kids with guns—doubly cursed by a war in which they are born to live as killers and then die young—watched the blue berets moving towards the diamond fields last March, they did not see them as representatives of an international community intent on disarming them and generously giving them an education, health, social protection and work. This is just one more faction that wanted to take their territory away from them so as to deprive them of their source of wealth . . . " *Sierra Leone's Diamond Wars, Le Monde*, 6/00

"At least three wars in Africa are 'fueled' by diamonds . . . A campaign partly financed by Britain, is seeking to alert consumers to 'conflict' diamonds.' Seeing what animal-rights campaigners did to fur, this has terrified the whole industry." *Losing Their Sparkle: How to Stop Diamonds Paying for Nasty African Wars, The Economist*.6/3/00.

"When they chop off people's hands, they will say to the victims, 'Let's see how you're going to vote now,' [Sierra Leone's Ambassador] Liegh explained. 'In Sierra Leone, people re in a state of shock. Nobody throughout the fellow Africans could be this vicious' The extreme violence, he said, is explained by the diamonds, which the rebels—who have received support from Libya and neighboring Liberia—seek to control. 'The greedier you are, the more violent you are,' he said." *An African Ambassador Battles Terror and Indifference, New York Times*, 6/5/00.

"As the people of Sierra Leone, Angola and the Democratic Republic of the Congo have found to their cost, diamonds from rebel-controlled mines are the perfect currency to discreetly buy arms, bribe officials and keep soldiers fed and fighting. Stones smaller than a fingernail can be easily hidden and sold for thousands of dollars with no question asked." *African Diamonds are a Rebel's Best Friend, Reuters*, 6/8/00.

"DeBeers is stepping up its attempts to make such Robin Cook and others do not stigmatize diamonds as 'the new fur' through constantly associated them with wars in Africa. Diamonds are commonplace in some parts of the [African] Continent and ,their high value is dependent on a pure image and DeBeers' restricting supply. The company has always had a huge marketing arm and 'diamonds are forever,' coined in 1947, is one of the most successful advertising slogans of all time." *African Images Could Hurt Diamond Trade, Daily Telegraph*, 6/12/00

"The [United Nations'] main objective is to take the diamond fields in the east, which finance the rebels' war chest . . . From the diamond fields, the threats of the conflict lead over the border. The RUF smuggles diamonds into neighboring Liberia, where President Charles Taylor (who helped launch the RUF) is, according to the British, swapping them for weapons and ammunition." *Sierra Leone: Staying On, The Economist*, 6/17/00

"Many rebel leaders inciting civil conflict are really more interested in lucrative commodities such as diamonds, drugs, timber and coffee than in the political grievances they espouse, the World Bank says in a report release last week...When the main grievances—inequality political repression, and ethnic and religious divisions—are measured objectively, *Report Links Conflicts with Commodities, UN Wire*, 6/22/00.

"In Sierra Leone, the Revolutionary United Front, a rebel outfit seeking to conquer diamond fields in the eastern part of their country, routinely chops off the limbs of citizens to force evacuations of the countryside surrounding the mines. The rebels barter diamonds for weapons and fund their movement with illicit diamond trade. . . . While the vast majority of diamonds come from conflict-free zones in Africa and are traded legitimately, enough diamonds are mined in conflict zones to create a reasonable doubt about any stone's origin." *Rights Groups Take the Stick to Carat of Conflict Diamonds, Congressional Quarterly Daily Monitor*, 6/26/00.

". . . public perception of diamonds has been marred by the gems' links to such armed conflicts as the one in Sierra Leone, reports the Karachi Dawn. 'Suddenly, instead of being glamorous and eternal, the precious stones are shooting to the top of the political hate list,' wrote Doug Alexander. 'Their sparkle has faded in a matter of weeks.'" *Diamonds Becoming Unpopular Due to Ties to Conflict, UN Wire*, 6/29/00.

"'We have always maintained that the conflict in Sierra Leone is not about ideology, tribal or regional difference,' [Sierra Leone's Ambassador] Kamara added. "It has nothing to do with the so-called problem of marginalized youths or . . . an uprising by rural poor against the urban elite. The root of the conflict is and remains diamonds, diamonds and diamonds.'" *New York Times*, 7/6/00.

"Two weeks ago the World Bank reported that the struggle for diamonds and other commodities had overtaken politics as the biggest cause of civil war globally. The deaths of countless Africans are now inextricably linked to the glittering object that has symbolized the promise of a lasting marriage." *In Search of Hot Rocks, Newsweek*, 7/10/00.

"By far the most potent symbol of the suffering 'conflict diamonds' can inflict are the amputees of Sierra Leone. [Foday] Sankoh's rebels cut the hands off defenseless civilians in order to sow terror and clear people out of diamond-rich areas. Later, long after a peace agreement had been signed, Sankoh's forces attacked U.N. peacekeepers just as they were preparing to move into rebel-held diamond zones. That audacious assault clearly demonstrated just how important diamonds had become to the RUF." *In Search of Hot Rocks, Newsweek*, 7/10/00.

"Rather quickly, the world is waking up to the role of diamonds in fueling Africa's civil wars." *Africa's Death Stones*, 7/15/00.

"Diamonds have long conjured the most romantic notions. . . . In parts of conflict-ridden Africa, however, diamonds inspire little sentimentality. African warlords have taken control of some of the most valuable diamond mines on the continent, using the proceeds to buy guns and machetes. Their involvement in the international diamond trade has given birth to a new gemstone: the blood diamond." *A Rebel's Best Friend, Washington Times*, 7/23/00.

"Consumers have begun to ask where their diamonds come from, prodding the industry to start certifying that it does not finance civil wars, merchants said. . . . The diamond merchants say they are working under pressure from their customers." *Diamond Industry Makes Proposals, Washington Post*, 9/7/00.

"Buyers would be appalled to learn that money paid for diamond rings and bracelets may ultimately support politico-criminal bands which exploit child-soldiers and survive by atrocities and terror. The business would be ruined overnight if the barbarous crimes committed in Sierra Leone—and wholesale atrocities against civilians in the struggles over control of diamonds and minerals in the Congo, Angola and elsewhere—became associated by the Western public with luxury jewels." *How Pressure on the Diamond Trade Can do Good for Africa, International Herald Tribune*, 8/25/00.

"The diamond trade is hard to control since the stones are so easily concealed and transported. . . . On the other hand, nearly all traded jewel diamonds pass by way of four countries: South Africa . . . Belgium and Israel, . . . and the United States. All are serious countries that can suppress much of the illicit trade, if they want." *How Pressure on the Diamond Trade Can do Good for Africa, International Herald Tribune*, 8/25/00.

"DeBeers was rocked by disclosures that in 1992 the company bought $14 million worth of diamonds from Angolan rebels and has since scrambled to burnish its public image . . . [its] strategy may prove a spectacularly profitable act of reinvention." *A Gem of a New Strategy, Time*, 9/25/00.

"Nine years of civil war . . . has devastated the civilian population of Sierra Leone. The conflict has killed over 75,000 people, displaced one-half of the country's 4.5 million people, and resulted in egregious human rights violations. . . . The RUF, however, has continued to finance its military operations through the illegal sale of diamonds." *Sierra Leone: Diamonds for Arms, Human Rights Brief*, Spring 2000.

"The photographs of sad-eyed babies whose hands were hacked off by a vicious rebel force have shocked the world's conscience. So too have reports that the wealth and weaponry of Sierra Leone's insurgents come from their control of their country's diamond fields. The horrifying juxtaposition of severed limbs with twinkling gems has even riveted the attention of the diamond industry. U.S. consumers have a particular reason to deplore the link between diamond purchases and the funding of the psychotic rebel forces in West Africa. Americans reportedly account for 65 percent of the world's diamond jewelry sales. But at present there is no way for those buying this symbol of love to make an ethical choice." *Deadly Diamonds: Gems Sold in the United States Pay for Atrocities in West Africa, Legal Times*, 9/11/00.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. HINOJOSA. Mr. Speaker, yesterday I was unavoidably detained and missed rollcall vote No. 509, making further continuing appropriations for the fiscal year 2001. Had I been present I would have voted "yea."

IN HONOR OF THE 25TH WEDDING ANNIVERSARY OF DON AND CATHIE HUNSBERGER

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. COX. Mr. Speaker, there are few occasions more joyous and historic in a family's life than a 25th wedding anniversary. On October 11, 1975, Don and Cathie Hunsberger were married. Today, a quarter-century later, their bonds of matrimony are stronger than ever.

As each of us in Congress knows, leadership in all walks of life means, more than anything else, setting an example. The Hunsbergers' commitment to each other, to their families, and to their communities is just such an example and inspiration to us all.

They began their partnership as college sweethearts at DePauw University in Greencastle, Indiana. Cathie was studying to become a teacher. Don was preparing for law school. Even then, Cathie was convinced that the education of our children was the key to our future, and Don was committee to improving the way of our laws and our government serve the people. Their sense of caring and responsibility made a lasting impression on all of their many friends, most particularly Cathie's adopted "sister" and roommate, my wife, Rebecca. Cathie and Don were soon married, and shortly made their way to Orange County, California.

As a renowned educator, Cathie has made a positive difference to hundreds of our children in Orange County. Don's leadership in the law and his community service have improved the lives of families throughout Southern California.

Twenty-five years of marriage have produced four children. As parents, Don and Cathie have passed along their values and their sense of honor, duty, and patriotism to Lauren, Ashley, Alec, and Evan. As a result, Orange County and our Nation will long profit from their example.

Along with the rest of their family and friends, the Hunsbergers will be celebrating this memorable occasions on October 11, 2000 in Yorba Linda, California at the home of Cathie's parents, George and Mary Ries. I know all of my colleagues join me in wishing Don and Cathie Hunsberger a splendid 25th wedding anniversary, and many more to come.

EXPRESSING SENSE OF CONGRESS REGARDING TAIWAN'S PARTICIPATION IN THE UNITED NATIONS

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BLILEY. Mr. Speaker, the Republic of China on Taiwan will celebrate its 89th anniversary of its founding on October 10, 2000. On this exciting occasion, I would like to add my support for this thriving democracy and to recognize the good work of Taiwan's President Chen Shui-bain.

Again this year, the Republic of China on Taiwan attempted to return to the United Nations. I agree that the Republic of China on Taiwan should have a place in the United Nations. Taiwan is, and has always been willing to contribute to the many worthwhile causes of the United Nations, but without membership to the United Nations, Taiwan is barred from any substantive involvement.

Time has come for the United Nations to honor its own principle of universal membership and admit the Republic of China on Taiwan as a member.

On the eve of the Republic of China's National Day, I call on the United States to support this thriving democracy in their bid to become a member of the United nations.

QUALITY, NOT QUANTITY; RESULTS NOT PROCESS

SPEECH OF

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BILIRAKIS. Mr. Speaker, I rise today to pay tribute to my good friend and colleague, BILL GOODLING.

When I think of BILL GOODLING, the words "quality" and "integrity" come to mind. BILL GOODLING is an example of the very finest this institution has to offer. His practical experience as a high school teacher, principal, and superintendent has given him the ability to legislate with authority on education issues. Many times I have looked to his leadership on education and deferred to his "hands-on" knowledge of preparing children for the best possible future.

BILL's philosophy of education is based on the premise that many of us believe in—ensuring that parents and local education agencies make decisions regarding a child's education, not the federal government. As Chairman of the Education and the Workforce Committee, he has challenged the federal education paradigm by insisting that the education of children is not determined by federal bureaucrats.

For his entire tenure in the House of Representatives, BILL GOODLING has encouraged all of us to keep the federal government's commitment to special education, and funding for the Individuals with Disabilities Education Act (IDEA) has more than doubled during his term as Chairman of the Education Committee. IDEA will miss a great ally when he retires from the House.

Under his leadership, the focus on education has shifted from the quantity of programs and services provided by the federal government to the quality of those programs. Head Start, for example, has been enhanced to ensure that children are taught by qualified teachers and held accountable for meeting specific performance measures. Ed-Flex has also been expanded to allow all 50 states flexibility in administering education programs in return for meeting measurable performance standards.

BILL's contributions to Congress are not solely limited to education, however. As a member of the Committee on International Relations, he has impacted the development of U.S. foreign policy by insisting that U.S. national security interests are the utmost priority. His position on that Committee has also allowed him the opportunity to champion human rights and child survival efforts abroad.

Like many of my colleagues, I am saddened to see him leave this body. I will certainly miss his practical, "hands-on" expertise when looking for leadership on education issues. But I congratulate you, BILL, on a job well done. I wish you and Hilda all the best for your life to come.

HISTORICALLY WOMEN'S PUBLIC COLLEGES OR UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION ACT

SPEECH OF

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. CHAMBLISS. Mr. Speaker, I rise today in strong support of this important bill, H.R. 4503, Historically Women's Public Colleges or Universities Historic Building Restoration and Preservation Act, which provides critical funding to assist a group of schools who pioneered improvements in educational opportunities for women throughout the United States.

Like the other colleges and universities that we are supporting in this bill, Wesleyan was established to ensure that women in the United States receive a quality education. Wesleyan College was founded as a public college in 1836, by citizens of Macon, Georgia, as Georgia Female College and is the oldest women's college in the world that still educates exclusively women. For more than 160 years, Wesleyan, has prepared women for life, work, and service. Today, Dr. Nora Bell, President of Wesleyan, the faculty and staff of Wesleyan continue to promote women's education as a continual, integrated process of growth in mind, spirit, and body.

Located on a 200-acre wooded campus, Wesleyan has multiple historic buildings on its current campus, including Persons Hall, Wortham Hall, and Banks Hall. I have had the distinct honor to visit the Wesleyan campus on many occasions. I have talked to students, toured the splendid historic building, and I firmly believe that providing funding for Wesleyan College as well as Georgia College and the other prestigious historically women's public colleges and universities will help restore some of our most precious historic landmarks and treasures and preserve the foundations of women's education in America.

FOREMOST FOODS ON GUAM

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. UNDERWOOD. Mr. Speaker, this year marks the 50th anniversary of Foremost Foods on Guam. For five decades, Foremost has been at the forefront in providing goods and services to the people of Guam. The company's products were first introduced to local households in 1950, when former Governor Carlton Skinner asked International Dairy Supply Company to supply Guam's civilian population with dairy products. Two years earlier, International Dairy was awarded a contract to produce goods exclusively for military personnel. Blue Seal milk products were then sold at local stores and Guam schools began receiving half-pints of milk for lunch programs.

On February 12, 1951, International Dairy Supply Company was issued a Guam business license and, by 1955, the company was producing a thousand gallons of milk a day for civilian consumption. At the time, the staff consisted of 11 production personnel, 5 maintenance staffers and 3 drivers. In 1961, the Blue Seal milk trademark was replaced with the familiar "F" logo denoting Blue Seal's relationship with the parent company, Foremost Dairies. by 1965, Foremost Dairies had become the company's sole shareholder.

In the 1960's, milk, vanilla ice cream, and Coca-Cola were Foremost's bestsellers on Guam and in the Northern Marianas. As consumer lifestyles became more active and sophisticated, Foremost catered to local tastes. Through the years, low-fat skimmed products, Diet Coke, fat-free milk, yogurt and Crystal Clear Drinking Water have found popularity among island consumers.

From a handful of employees in the 1950's, Foremost Foods and Coco-Cola Beverage Company, Guam, now employs a full time staff which mans two 8-hour shifts at their state-of-the-art plant in Upper Tumon. In addition, a technical staff supervises and maintains equipment 24 hours a day, 7 days a week. Under the capable direction of Paul Boon, who became the company's president 7 years ago, Foremost has continued a tradition of dedication and support for its employees. Veteran employees can attest to the company's concerns towards its workers through their training and development programs and their salary and benefits packages.

Over the years, Foremost has also been an active supporter of community programs, activities and events. The company has supplied products to numerous races and tournaments. It sponsors major events, such as the prestigious Asian Professional Golf Association Tournament, and provides corporate encouragement to community endeavors, such as Sanctuary Inc., the American Cancer Society, Goodwill Industries of Guam, Inc., and the Guam Chapter of the American Red Cross. However, the cooperative spirit between Foremost and the community is best demonstrated in times of contingency, such as typhoons. During such times, Foremost employees switch to round-the-clock production preparing basic supplies, such as ice and water, in order to meet the needs of island residents.

For the past 50 years, Guam and the Northern Marianas have enjoyed quality products provided by Foremost Foods. On behalf of the people of Guam, I commend the company for its contribution to our community and our economy. I congratulate Foremost Foods and join them in celebrating their 50-year anniversary on Guam. I hope that the next 50 years would bring continued success to Foremost Foods and its employees.

At this point, I would like to submit, for the RECORD, the names of veteran employees who, through the years, have made great contributions towards the success of the company.

33 Years: Narciso M. Ibit, Production Supervisor; 31 Years: Eduardo G. Merto, Dairy Specialist II; 27 Years: Hermie L. Loria, Production Supervisor; 26 Years: Benjamin M. Peralta, Engineering Technician I; Danilo E. Tucio, Dairy Specialist III; 25 Years: Joseph E. Collado, Chief Engineer; Arturo Hippolito, Dairy Specialist II; Marcelo Carlos, Jr., CSR Crystal Clear; Luis Gonzales, Production Manager; Carlos Nucum, Engineering Technician II; Bartolome Andres Dairy Specialist II; Efren Silva, Engineering Tech I; Tommy Sangalang, Dairy Specialist II; Teodor Agsalud, Warehouse Specialist II; 24 Years: Natalio I. Esperosa, Dairy Specialist I; Mateo D. Ulanday, Dairy Route Sales Representative; Cerilio Danila, Dairy Specialist III; Jose Ferrer, Dairy Route Sales Representative; 23 Years: Rudolfo De Guzman, Dairy Specialist II; Leo Bustillo, Warehouse Specialist II; Augusto Perez, Engineering Technician III; Luther Umayam, Auto Mechanic I; Alberto Valencia, Engineering Technician I; 22 Years: Manuel Alvarez, Crystal Clear Supervisor; Jose Agahan, Warehouse Specialist II; 20 Years: Romualdo Dela Cruz, Engineering Leadman IV; 19 Years: Federico Ventura, Preseller (Dairy); Erlo Torres, Dairy Specialist II; 15 Years: Reynaldo Dimla, Engineering Clerk; Samuel Agsalud, Dairy Specialist III; 14 Years: Rogelio Almeria, Auto Mechanic II; 13 Years: Zaldy Ponce, Warehouse Specialist II; Benson Ayson, Dairy Route Sales Representative; Rodolfo Paulino, QA Manager; Luzviminda Fellone, Lab Technician II; Elmer Escalera, Dairy Specialist II; Eddie Salonga, Dairy Route Sales Representative; 12 Years: John Panaguiton, Dairy Route Sales Representative; Eloison Galang, Coke Vending Sales Representative; Antonio Pehipol, Dairy Specialist IV; Amante Velasco, Dairy Specialist III; Roger Tiong, Dairy Route Sales Representative; Salvador Tarape, Dairy Route Sales Representative; 11 Years: Gil David, Warehouse Specialist II; Jose Canovas, Preseller (Dairy); Edgar Llarenas, Coke Technician III; Joveneil Eugenio, Lab Technician I.

EX-OFFENDER VOTING RIGHTS ACT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. TOWNS. Mr. Speaker, in Post-Civil War America, Congress passed the Fourteenth and Fifteenth Amendments to the United States Constitution to give African Americans the right to vote and to participate meaningfully in the governance of this country. While 22 African-Americans were elected to Congress in the following years, the promise of these amendments was destroyed by Jim Crow laws. After decades of struggle, the sacrifices of nonviolent civil rights protesters spurred Congress to approve the Voting Rights Act in 1965. The passage of the Voting Rights Act was perhaps the most important victory won by the Civil Rights Movement led by the Reverend Dr. Martin Luther King, Jr. All of these efforts were made with the recognition that the franchise is critical to the ultimate emancipation of the African American people.

Unfortunately, as we approach the first national election of the new millennium, we are confronted with another challenge to the enfranchisement of millions of African-Americans. Mr. Speaker, there is simply no justification for the disenfranchisement of almost 3 million Americans who served their sentences for the commission of a felony crime. Let me repeat that point: over 3 million Americans have lost their right to vote even after they have paid their debt to society. Mr. Speaker, this issue is of great concern to my community, which already suffered so much from the so-called "war on drugs."

The war on drugs is perhaps the single most "effective" tool in disenfanchising millions of African Americans since Jim Crow. Between 1985 and 1995, there was a 707% increase in the number of African Americans in state prison for a drug offense, compared to a 306 percent increase for whites over the same period. In addition, since the advent in 1986 of mandatory minimum sentences for drug related offenses, the number of African Americans in prison on drug-related offenses has exploded. In fact, despite evidence that African Americans and Caucasians use drugs at roughly the same rate, African Americans have been especially hard hit by mandatory minimum sentences: African Americans comprise about 13 percent of the United States' population, 15 percent of drug users, and 17 percent of cocaine users. However, thanks to the war on drugs being targeted against our communities, African Americans account for 33 percent of all federal drug convictions, 57 percent of Federal cocaine convictions and a staggering 84 percent of all federal crack cocaine convictions. Once convicted, these individuals often lose their right to vote for life.

The result? The combined effect of the war on drugs and mandatory minimum sentences being targeted at African Americans and other minorities is that these groups are losing their right to vote at staggering rates. That's why I come here today, to join my colleagues in demanding passage on vital legislation to make all persons released from prison automatically eligible to vote in federal elections. This, Mr. Speaker, is a necessary step in restoring the franchise to those Americans who have already suffered so much.

IN RECOGNITION OF MANUEL D. MAYERSON

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 4, 2000

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to Manuel D. Mayerson, who will be honored at the Second Annual Circle of Life Awards Dinner in Cincinnati on October 5, 2000.

The Circle of Life Awards Dinner raises awareness about the severity of brain injury and honors leaders like Manuel for their work in helping young people with disabilities. Brain injury is the most frequent cause of disability and death among children and adolescents in the United States. Each year, over 1 million children sustain injuries with more than 30,000 suffering a serious permanent disability.

Manuel's interest in helping children and others with disabilities began about 10 years ago when he was approached by several organizations about the problems of infant brain injuries caused by shaking. Manuel then decided to form the Family Violence Coalition, which focuses on programs to prevent child abuse.

Most recently and through Manuel's support, the Mayerson Center for Safe and Healthy Children at Children's Hospital Medical Center of Cincinnati was founded to help prevent, identify and treat child abuse and neglect. Manuel also serves as a trustee at Children's Hospital. Outside the Hospital, he has been instrumental in establishing programs like the Inclusion Network, which works to increase acceptance of the disabled, and other important human service programs that help people to overcome limiting conditions.

Manuel continues to serve on a number of boards including: the Cincinnati Children's Hospital; Hebrew Union College; Contemporary Arts Center; Cincinnati Art Museum; and the Freestore/Foodbank. In addition, the Mayerson Foundation, supported by Manuel and his wife, Rhoda, has been most generous to causes that improve the lives of children, people with disabilities, and to community institutions aimed at preserving cultural heritage.

Manuel and Rhoda have three children: Neil, Fred, and Arlene. In addition to the many influences in Manuel's life, Arlene, a civil liberties attorney and one of the architects of the Americans with Disabilities Act, has had a significant impact in shaping his commitment to helping those with disabilities.

All of us in the Cincinnati area congratulate Manuel for his outstanding leadership, service and commitment to improving the lives of others.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 5, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 10

2:30 p.m.
Intelligence
Closed business meeting to consider pending intelligence matters.
SH-219

7:30 p.m.
Conferees
Closed meeting of conferees on H.R. 4392, to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.
S-407, Capitol

OCTOBER 11

9:30 a.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To continue oversight hearings on the Wen Ho Lee case.
SD-226

OCTOBER 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine the status of Gulf War illnesses.
SD-124

SENATE—*Thursday, October 5, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Claude Pomerleau, CSC, University of Portland, Oregon.

PRAYER

The guest Chaplain, Rev. Claude Pomerleau, offered the following prayer:

Let us pray:

Lord and Master of the universe, we dare to name You Mother and Father because You are the Source of all that we are, all that we have, and all that we do. You have also sent us Your Spirit, and so we call ourselves Your children. We know that You love us, and that this gift goes beyond our greatest expectations.

O God, bless all the Members of the Senate, this day and always. May they act in accordance with Your Spirit as they serve this Nation and work for a more peaceful and secure world. May they be just and compassionate in their work as You are just and compassionate with Your creation, and may they be a sign of Your presence for this Nation and the world.

We pray that we may always be instruments of Your peace, even in the midst of unresolved problems and constant human conflicts. And, as a result, may we strive to be a mosaic of Your renewing presence in this world, through which we have a brief but glorious passage. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO.) The Senator from Alaska is recognized.

SCHEDULE

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I have been asked to announce today that the Senate will resume consideration of H.J. Res. 110, the continuing resolution. Under the order, the time until 10 a.m. will be equally divided with a vote scheduled to occur at 10 a.m. Following the vote, the Senate is expected to resume debate on the conference report to accompany H.R. 4578, the Interior appropriations bill. Cloture was filed on the conference report and it is hoped an agreement can be reached to have the cloture vote during today's session. The Senate may also begin consideration of any other conference reports available for action. I thank my colleagues for their attention.

Mr. President, I understand the Senator from Vermont would like to make a very special introduction. It will be my intention then to speak, and take the time of Senator STEVENS, leaving him about 5 minutes remaining on our side.

Mr. REID. Mr. President, I didn't understand. Is that a unanimous consent request for something?

The PRESIDING OFFICER. No unanimous consent request was made.

The Senator from Vermont.

THE GUEST CHAPLAIN

Mr. LEAHY. Mr. President, I thank my friend from Alaska for his usual courtesies. I will take time on our side briefly.

I thank the Senate Chaplain, Dr. Ogilvie, for his courtesy in inviting today's visiting Chaplain, Father Claude Pomerleau. Father Pomerleau is very special to me; he is my brother-in-law. He is the chairman of the department of history and political science at the University of Portland. He has a distinguished career, a doctorate from the University of Denver, where actually one of his lead professors was Dr. Madeleine Albright's father. He speaks many, many languages. He is seen as a leading authority on Latin America. He teaches in Chile as well as at the University of Portland—in fact, he just came back from there.

I could go through all these things about him, but from a personal point of view he is very special to me. His sister, Marcelle, and I have been married now for 38 years, and he was present when we were married, as were his brother Rene and his father and mother, Phil and Cecile Pomerleau. Phil and Cecile are no longer with us, but I have a feeling they look down in pride at their son this morning, as we all do. He is a teacher, he is a mentor, a brother, a son, a beloved uncle—in our family he has been all of those and more.

He has been a very dear friend to me. I think of what Edward Everett Hale, a former distinguished Senate Chaplain, once said. He was asked:

> Do you pray for the Senators, Dr. Hale?

And he said:

> No, I look at the Senators and I pray for the country.

I am privileged to have a brother who not only prays for the country, but prays for this Senator. I consider it, in my 26 years here, one of the rarest privileges I have had to be able to see him on the floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. REID. Will the Senator yield for a comment about Senator LEAHY?

The PRESIDING OFFICER. Does the Senator yield?

Mr. MURKOWSKI. I yield.

Mr. REID. Mr. President, before Senator LEAHY and his brother-in-law leave, I want the good Father to know how much the Senate cares about you and Marcelle. You have expressed so well your feelings about your brother-in-law, but we want you to know how much the entire Senate on both sides of the aisle respects Senator LEAHY and your lovely sister.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001—Resumed

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 110) making further continuing appropriations for the fiscal year 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, what is the time circumstance on this bill?

The PRESIDING OFFICER. There are 12 minutes a side. The time is evenly divided.

Mr. STEVENS. I yield the 12 minutes on this side to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

ENERGY POLICY

Mr. MURKOWSKI. Mr. President, I think it is important to note the situation escalating in the Mideast as a consequence of the tensions. It is unfortunate it would be at a time when we had hoped there would be an effort to get a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

firm peace agreement. As a consequence of that, I think it is important to bring to the attention of my colleagues a reality relative to the release of the Strategic Petroleum Reserve at the recommendation of Vice President GORE to our President.

As you know, the President did release 30 million barrels of the Strategic Petroleum Reserve. This was the largest single release of crude oil from SPR in the 25-year history of the reserve. The administration has claimed this has been a successful effort because the price of oil has dropped. Notwithstanding that, using SPR to manipulate prices is contrary to the law because we have not reauthorized SPR, and of course the success of this is determined in the long term, not the short term.

But I wish to bring to the attention of each and every Member some facts. Since the President made his announcement, there has been no new heating oil placed into the market and no measurable rise in inventories. It may surprise some of you, particularly those in the Northeast, to know that American consumers may, under the current arrangement, never see any of the product refined from the crude oil that we released from our Strategic Petroleum Reserve. Let me explain why because this is important.

In the arrangement, there was absolutely no requirement that those who successfully bid on crude oil from the Strategic Petroleum Reserve needed to refine it into heating oil. They may decide to make gasoline or some other product.

Second, there is absolutely nothing that prevents this product from being shipped to foreign markets, either in its crude form or as a refined product such as heating oil.

Guess what. That is just what is happening. We are shipping heating oil to Europe. Look at the Wall Street Journal this morning. Let me quote:

> Europe's market for heating oil is 50 percent bigger than the U.S. heating oil market. Europe's stocks are even tighter and prices there are a few cents a gallon higher, so U.S. refiners have renewed incentive to ship heating oil across the Atlantic. . . . U.S. exports of heating oil to Europe have ballooned nearly six times, in the first 7 months of this year. . . .

That tells the story of the arrangement that the administration made to take the oil out of SPR and increase our heating oil supply. What has happened with it is it is going to Europe. I am not surprised by this, in the sense of the market going to the highest price where it can generate a return. But I am astonished about the claim of the administration and those who support the movement of SPR, and the release, that it was done because of concerns over supply for the benefit of the American consumer. The American consumer has not benefited. This is a spin being put on by the pundits.

I asked the Secretary of Energy pointblank at a hearing last week:

> Is it possible as a result of oil being released from SPR that prices could fall but no new heating oil would find its way into the U.S. heating market?

Do you know what the answer was? It could happen. The irony is that we are going to release oil from our Strategic Petroleum Reserve to provide product to a European market. That should not be lost on the American consumer or Members of this body.

Finally, SPR was created for one specific purpose: as a reserve in case our supply, our dependence on OPEC and other countries, is disrupted. We are 58-percent dependent on imported oil. We have a situation in the Mideast. Iraq is claiming Kuwait is stealing its oil, the same claim it made prior to the Persian Gulf war. Kuwait is now claiming Iraq stole oil during the gulf war. The entire Israeli-Palestinian peace process appears, unfortunately, to have fallen apart. All this leads to a reminder that we should not use our petroleum reserve for political purposes, and that appears to be what we have done in this arrangement.

Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. The Senator has 7½ minutes remaining.

Mr. MURKOWSKI. I ask the Chair to advise me when I have 4 minutes remaining.

The PRESIDING OFFICER. The Chair will do so.

Mr. MURKOWSKI. Mr. President, as a consequence of the focus on energy between our two Presidential candidates, it is very appropriate that we identify differences.

The Vice President has said he has an energy plan that focuses not only on increasing the supply but also on working on the consumption side, but the real facts are the Vice President does not practice what he preaches. Let's look at the record over the last 7½ years.

The administration has opposed domestic oil exploration and production. We have had 17 percent less production since Clinton-Gore took office, and the facts are it decreased the number of oil wells from 136,000 and the number of gas wells has decreased by 57,000. These are wells that have actually been closed since 1992. There has been absolutely no utilization of American coal in coal-fired electric generating plants. We have not built a new plant since 1990.

The difficulty is the Environmental Protection Agency has made it so uneconomic that the industry simply cannot get the permits. We force the nuclear energy to choke on its own waste. We were one vote short in the Senate to pass a veto override. Yet the U.S. Court of Appeals has given the industry a liability case in the Court of Claims, with a liability to the taxpayers of somewhere between $40 billion and $80 billion.

The administration threatens to tear down hydroelectric dams out West. What are we going to do there? We are going to take the traffic off the rivers and put it on the highways. We have ignored electric reliability and supply concerns. Go out to California, particularly San Diego, where they have seen price spikes and brownouts, no new generation, no new transmission. This has happened on the Vice President's watch.

Natural gas prices in the last 10 months have gone from $2.60 to $5.40 for delivery. That is the problem we are facing, and that is the record under this administration.

Let's not forget one more thing. The Vice President talks about cutting taxes. The Vice President himself cast the vote in 1993 to raise the gas tax 4.3 cents a gallon. He did not just cast the vote; he broke the tie, and that is the significance of the record with regard to a contribution to increase domestic energy in this country. Instead of doing something to increase domestic oil supply, the Vice President and the administration would rather blame big oil profiteering, and that is ironic. Where was big oil a year ago when oil was selling for $10 a barrel? Who was profiteering then, Mr. President?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. MURKOWSKI. Who sets the price of oil? OPEC.

I thank the Chair and reserve the remainder of our time for Senator STEVENS, who wants to claim that time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it seems to me the majority is crying because the price of oil has dropped. The President made a decisive step and said we are going to pump oil from our reserve. Immediately, the price of oil dropped. Today it is below $30 a barrel. The majority seems so concerned that what the President has done has helped—the price of oil has dropped.

I suggest my friends in the majority talk to the Governor of Texas or maybe the man running for Vice President. They have connections with the oil industry. Maybe they could talk him into not shipping oil overseas if that is, in fact, what is happening. They are crying crocodile tears because what is happening here is good. We laid out in great detail yesterday what this administration has done to lower the price of oil to make sure the economy was in good shape.

I am also continually amazed at what the majority says about the Vice President: He broke the tie, so there is a 4-cent-per-gallon increase in gas; isn't that too bad?

Let's look at the history. Remember, the majority was saying all kinds of bad things would happen. The Republicans were saying all kinds of bad things would happen if, in fact, the Clinton and Gore budget deficit reduction plan passed. It passed.

Prior to passing, listen to what the Republicans had to say.

CONRAD BURNS:

> So we're still going to pile up some more debt. But most of all, we're going to cost jobs in this country.

He was wrong on both counts. There are 22 million new jobs and, of course, the debt is gone.

ORRIN HATCH said:

> Make no mistake, this will cost jobs.

Wrong again.

PHIL GRAMM, the Senator from Texas:

> I want to predict here tonight that if we adopt this bill, the American economy is going to get weaker, not stronger, and the deficit 4 years from today will be higher than it is today, and not lower. When it is all said and done, people will pay more taxes, the economy will create fewer jobs, Government will spend more money, and the American people will be worse off.

I am not going to go into detail, but we have 300,000 fewer Federal employees than in 1992. We have the lowest unemployment in some 40 years. We have created 22 million jobs. We have a Federal Government today that is smaller than when President Kennedy was President. I think those on the other side should realize, yes, the Vice President did cast a decisive vote, but it was so decisive that it put this country on the road to economic recovery.

I also suggest my friends should stop talking about nuclear waste. We know there is not going to be another nuclear powerplant built in America, but we also recognize that rather than spending time on nuclear waste, why don't they talk about alternative energy—solar, wind, and geothermal?

My friend from Alaska continually talks about energy policy. I respect his opinion, but I continue to believe he is absolutely wrong.

Mrs. BOXER. Will my friend yield me 3 minutes?

Mr. REID. I will be happy to yield to my friend from California from the time we have.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my friend for setting the record straight and for doing such a good job because we do have to remember where we were when the Clinton-Gore administration took office.

In my State, there was suffering; there was no hope; people's dreams were set aside; the economy was in the tank; and there was double-digit unemployment. Today we are in the midst of the greatest economic recovery ever. It dates back to the vote AL GORE cast because he was the deciding vote on that budget. The Republicans predicted gloom and doom, deficits and debt, unemployment and the rest. Let's face it; they were wrong. We do not want to go back to those days of high deficits.

VIOLENCE AGAINST WOMEN ACT

Mrs. BOXER. Mr. President, I appreciate the assistant Democratic leader yielding me time because I want to talk briefly about the Violence Against Women Act, and then I am going to make a unanimous consent request, of which I believe the other side has been made aware.

The Violence Against Women Act, a landmark law that was passed in 1994, has now expired. We have to reauthorize it. It is crucial. It has expired.

Is this an important and worthy act? Yes, it is. Both sides of the aisle agree. We have seen a 21-percent reduction in violence against women. We have seen shelters for battered women and their families built. They have gone up from 1,200 to about 2,000. We see doctors trained to recognize domestic abuse and police men and women trained to recognize domestic abuse. So we are seeing, in the figures, a decrease in the violence.

But we cannot allow this law to die. The point is, it passed the House overwhelmingly. It is a clean bill. But there are political games going on over here. People want to attach all kinds of different things to the Violence Against Women Act. It can stand alone on its own two feet. Senator BIDEN wrote that act a long time ago. When I was in the House, he asked me to carry it. He has been joined by Senator HATCH. They have worked together now on this new reauthorization.

The last point I want to make before making my unanimous consent request is this: It may be called the Violence Against Women Act, but this act directly attacks the problem of children in these homes. We have to realize that children under the age of 12 live in approximately 4 out of 10 homes that experience domestic violence.

We look at Hollywood—and we are critical of what they are doing in terms of the R-rated films shown to kids—but the fact is, there is only one reliable predictor of future violence. If a male child sees one parent beat another parent, he is twice as likely to abuse his own wife as the son of nonviolent parents.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Five minutes remaining.

Mr. REID. I yield the Senator 2 more minutes.

Mrs. BOXER. We have a situation where we know if a child sees violence in the home, that child is very likely to repeat that violence. We have to protect these children by stopping the violence.

UNANIMOUS-CONSENT REQUEST—H.R. 1248

At this time, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 834, H. 1248, an act to prevent violence against women, that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object, I ask the Senator, under my reservation, this bill which has done so much good in the country, has it lapsed?

Mrs. BOXER. Yes. The Violence Against Women Act reauthorization has expired. We can't permit this to continue any longer. The House acted, and well over 400 Members voted to reauthorize it.

Mr. REID. Is the Senator telling me that right now the law is not in effect in our country?

Mrs. BOXER. In essence, the authorization has definitely expired. My friend is right. That is why I make this request in a most urgent fashion.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Reserving the right to object, I rise on behalf of the leader, who is working now with Members on the other side. I do not know of anyone who disagrees with what the Senator from California has said. No one I know of disagrees with the bill. I certainly do not. However, there is a process underway. I object to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Time runs equally against both sides.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. How much time is remaining on the minority side?

The PRESIDING OFFICER. There are 3 minutes on the minority side.

Mr. REID. I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank Senator REID, once more, for yielding me some time.

I understand the Republican side of the aisle wants to attach different pieces of legislation to the Violence Against Women Act, and that is what is slowing it down. I know they want to see this act go forward. But I have to say to them, there is an easy way to do it.

I am very disappointed we had this objection this morning. We had a beautiful prayer—a beautiful prayer—given by Senator LEAHY's brother-in-law. If you heard what he said, he prayed that we in the Senate could work to do good works—to do good works. I know that is what we all strive to do every single day we get up in the morning. But it seems to me that good work such as the Violence Against Women Act is easy to do. We do not have to use it as a train to which we attach different pieces of legislation.

I see Senator WELLSTONE on the floor. He has worked so hard in the area of the trafficking of women worldwide. Yes, we have no objection if we marry these two, if you will, pieces of legislation together because they make sense. One is talking about violence at home; one is talking about taking girls and putting them into sex trafficking. And it is a sin upon the world that this happens. We agreed to do this. It could have been done in a minute. We do not need to come on the floor and have a long period of time to discuss this. I am sure the Senator would agree; we could have a few comments.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mrs. BOXER. I am very disappointed this morning that we haven't been able to do at least one good thing for the women and children of this country, and that is to pass the House bill, the Violence Against Women Act, to get it done.

The PRESIDING OFFICER. Who yields time?

Time runs equally against both sides.

Mr. REID. Mr. President, I would like to ask a question of my friend from California in the minute we have remaining.

Mrs. BOXER. Yes.

Mr. REID. With all this compassionate conservatism around, do you think it would be good if the Governor of Texas interceded in this matter?

Mrs. BOXER. Yes. I would call on the Governor to intercede with our friends on the other side. He was asked about the Violence Against Women Act on the campaign trail. He was unaware of it. He said he had not heard of it, although Texas has received about $75 million, and they have built battered women shelters. Then when he studied it, he said he supported it, for which I am very grateful. But this is a golden moment for him.

Since we have passed the bill, I want to say to my friend from Nevada, intimate-partner violence has decreased by 21 percent. Again, we have seen the number of battered women shelters increase by 60 percent. Before there were more animal shelters than there were for women and children. So we should act. I hope my friends will reconsider.

The PRESIDING OFFICER. All the time of the minority has expired.

Who yields time?

Time will run on the majority side.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I think we are getting prepared, within a couple minutes now, to have a vote on the continuing resolution. I simply want to rise again to say I do not disagree at all with what the Senator from California is saying. But the fact is, there is a plan. There is a plan to operate under here. The Senate does not simply react because someone gets up and says it is time to do this. There are negotiations going on between the leader and Senators on the other side.

I am sure this will indeed be done. We have a lot of things that need to be done. I would suggest that we ought to get the whole thing planned a little bit. I am a little surprised that this Senator is talking about objecting to moving forward because I think there have been quite a few objections coming from that side that has gotten us to where we are now. That is not really the point. The point is, we will handle this bill. The leader has prepared to do that.

Mr. THOMAS. Mr. President, I hope we can now proceed to the vote.

The PRESIDING OFFICER. The clerk will read the joint resolution for the third time.

The joint resolution was read the third time.

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—95

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Leahy

NOT VOTING—4

Feinstein
Helms
Jeffords
Lieberman

The joint resolution (H.J. Res. 110) was passed.

Mr. FITZGERALD. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A conference report to accompany H.R. 4578, an act making appropriations for the Department of the Interior and related agencies for fiscal year ending September 30, 2001, and for other purposes.

Mr. WELLSTONE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE AGENDA

Mr. LEAHY. Mr. President, the situation we are in right now is interesting. It is different from any similar period I can recall in nearly 26 years in the Senate. We are at the end of the fiscal year—we have actually gone beyond the end of the fiscal year—and nothing seems to be happening. I voted against the continuing resolution, not because I do not think we should keep the Government going—of course we should; it is unfortunate to close down the Government—but more to express my concern that we are not doing our business.

We have not passed our appropriations bills as we should. We all talk about how we make Government more efficient or how we make Government better. But imagine if you are running one of these Agencies or one of these Departments and you have to make the decisions for the year, and Congress, which has a mandate under law to pass the appropriations bills by September 30, we are here on October 5 and are nowhere near completing the bills.

Yet in a Congress that spends more time investigating than legislating, we are perfectly willing to have investigations and actually bring a lot of these Departments to a halt while we ask them question after question, even if the questions have already been asked, and yet we are unwilling to do our own work on time. It is not the way it can be done, and it is not the way it should be done.

I strongly urge Senators to consider next year when we come back, no matter who wins the Presidency, no matter who wins seats in the Senate or in the other body, that we spend more time trying to do things that actually help the country, that we set aside some of the partisanship and bitterness that has marked this Senate actually since impeachment time, which in itself was marked by partisanship when impeachment was rushed through in a lame duck House of Representatives and then passed over to this body. It appears in many ways we lost our footing at that time and never got back on course.

There are bills that have bipartisan support. There was one I was discussing on the floor a few minutes ago with the distinguished Senator from Colorado, the Campbell-Leahy bulletproof vest bill. This is a bill that provides money for bulletproof vests for law enforcement officers.

Senator CAMPBELL and I served in law enforcement before we came to Congress. We served at a time when much of law enforcement did not face the danger it does now, but we kept enough of our ties to law enforcement and so we know how difficult it is. We know that the men and women we send out to protect all of us are themselves so often the victims of the same criminals from whom they try to protect us.

Bulletproof vests are a $500 or $600 item. They wear out in 5 years. A lot of departments, especially small departments in States such as Vermont or rural areas like Texas, cannot afford these vests. I have letters from hundreds of law enforcement people from around the country who tell me that under the original Campbell-Leahy bill, they finally have a sense of security because they have bulletproof vests. We want to extend that for a couple more years. Yet we cannot even get a vote on it.

This is a bill which, if it is brought to a vote in this Chamber, I am willing to bet virtually every Senator, Republican and Democrat, will vote for. How can one vote against it? Yet there has been one hold on the Republican side of the aisle, and we cannot bring up this vital law enforcement piece of legislation.

I wanted to be sure—I am hearing from law enforcement agencies all across the country: Why can't you pass it?—so I actually made the point of checking with all 46 Democratic Senators: Do any of you have any objection to voting on this on a second's notice? They said: No, pass it by unanimous consent, if you want.

I ask whoever is holding it up on the other side not to continue to hold it up.

Mr. President, I return to ask the Republican leadership what is holding up enactment of the Bulletproof Vest Partnership Grant Act of 2000? This is a bill I introduced with Senator CAMPBELL and others last April. The Senate Judiciary Committee considered and and reported the bill unanimously to the full Senate back in June. I have since been working to get Senate consideration, knowing that it will pass overwhelmingly if not unanimously.

Unfortunately, an anonymous "hold" on the Republican side prevented enactment before the Senate recessed in July. I have been unable to discover which Republican Senator opposes the bill or why, and that remains true today.

We have been working for several months to pass the Bulletproof Vest Partnership Grant Act of 2000. It has been cleared by all Democratic Senators.

That it has still not passed the full Senate is very disappointing to me, as I am sure that it is to our nation's law enforcement officers, who need life-saving bulletproof vests to protect themselves. Protecting and supporting our law enforcement community should not be a partisan issue.

Senator CAMPBELL and I worked together closely and successfully in the last Congress to pass the Bulletproof Vest Partnership Grant Act of 1998 into law. This year's bill reauthorizes and extends the successful program that we helped create and that the Department of Justice has done such a good job implementing.

I have charts here that show how successful the Bulletproof Vests Grant Program has been for individual states. In its first year of operation in 1999, the program funded the purchase of 167,497 vests with $23 million in federal grant funds.

For the State of Alabama, the program funded the purchase of 2,287 bulletproof vests for law enforcement officers in 1999. For the State of California, the program funded the purchase of 28,106 bulletproof vests for law enforcement officers in 1999. For the State of Colorado, the program funded the purchase of 1,844 bulletproof vests for police officers in 1999.

For the State of Idaho, the program funded the purchase of 711 bulletproof vests for law enforcement officers in 1999. For the State of Michigan, the program funded the purchase of 2,932 bulletproof vests for law enforcement officers in 1999. For the State of Minnesota, the program funded the purchase of 1,052 bulletproof vests for law enforcement officers in 1999. For the State of Mississippi, the program funded the purchase of 1,283 bulletproof vests for law enforcement officers in 1999. For the State of Missouri, the program funded the purchase of 2,919 bulletproof vests for law enforcement officers in 1999.

For the State of New York, the program funded the purchase of 13,004 bulletproof vests for law enforcement officers in 1999. For the State of Oklahoma, the program funded the purchase of 3,042 bulletproof vests for law enforcement officers in 1999. For the State of Rhode Island, the program funded the purchase of 792 bulletproof vests for law enforcement officers in 1999. For the State of Utah, the program funded the purchase of 1,326 bulletproof vests for law enforcement officers in 1999. For my home State of Vermont, the program funded the purchase of 361 bulletproof vests for police officers in 1999. For big and small states, the program was a success in its first year.

I have a second chart that shows how successful the Bulletproof Vests Grant Program has been for individual states in its second year of operation. In 2000, the program funded the purchase of 158,396 vests with $24 million in federal grant funds.

For the State of Alabama, the program funded the purchase of 2,498 bulletproof vests for law enforcement officers in 2000. For the State of California, the program funded the purchase of 27,477 bulletproof vests for law enforcement officers in 2000. For the State of Colorado, the program funded the purchase of 2,288 bulletproof vests for police officers in 2000.

For the State of Idaho, the program funded the purchase of 477 bulletproof vests for law enforcement officers in 2000. For the State of Michigan, the program funded the purchase of 3,427 bulletproof vests for law enforcement officers in 2000. For the State of Minnesota, the program funded the purchase of 709 bulletproof vests for law enforcement officers in 2000. For the State of Mississippi, the program funded the purchase of 1,364 bulletproof vests for law enforcement officers in 2000. For the State of Missouri, the program funded the purchase of 1,221 bulletproof vests for law enforcement officers in 2000.

For the State of New York, the program funded the purchase of 11,969 bulletproof vests for law enforcement officers in 2000. For the State of Oklahoma, the program funded the purchase of 3,389 bulletproof vests for law enforcement officers in 2000. For the State of Rhode Island, the program funded the purchase of 313 bulletproof vests for law enforcement officers in 2000. For the State of Utah, the program funded the purchase of 1,326 bulletproof vests for law enforcement officers in 2000. For my home State of Vermont, the program funded the purchase of 175 bulletproof vests for police officers in 2000. For the second year in a row, the program was a great success.

Mr. President, I ask unanimous consent that these two charts listing the number of bulletproof vests purchased and the Federal grant amounts for each state in 1999 and 2000 under the Bulletproof Vest Partnership Grant Program be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. The Bulletproof Vest Partnership Grant Act of 2000 builds on the success of this program by doubling its annual funding to $50 million for fiscal years 2002-2004. It also improves the program by guaranteeing jurisdictions with fewer than 100,000 residents receiving the full 50-50 matching funds because of the tight budgets of these smaller communities and by making the purchase of stab-proof vests eligible for grant awards to protect corrections officers in close quarters in local and county jails.

We have 20 cosponsors on the new bill, including a number of Democrats and Republicans. This is a bipartisan bill that is not being treated in a bipartisan way. For some unknown reason a Republican Senator has a hold on this bill and has chosen to exercise that right anonymously.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives. It is essential the we update this law so that many more of our officers who are risking their lives everyday are able to protect themselves.

I hope that the mysterious "hold" on the bill from the other side of the aisle will disappear. The Senate should pass without delay the Bulletproof Vest Partnership Grant Act of 2000 and send to the President for his signature into law.

Before we recessed last July, I informed the Republican leadership that the House of Representatives had passed the companion bill, H.R. 4033, by an overwhelming vote of 413-3. I expressed my hope that the Senate would quickly follow suit and pass the House-passed bill and send it to the President. President Clinton has already endorsed this legislation to support our Nation's law enforcement officers and is eager to sign it into law.

I find it ironic that the Senate in July passed the Federal Law Enforcement Animal Protection Act, H.R. 1791. That bill increased the penalties for harming dogs and horses used by federal law enforcement officers. President Clinton signed that bill into law on August 2nd.

The majority acted quickly to protect dogs and horses used by law enforcement officers but has stalled action on legislation to provide life-saving protection for law enforcement officers themselves. The Senate should have moved as quickly in July to pass the Bulletproof Vest Partnership Grant Act of 2000 and sent it to the President for his signature into law.

Several more months have come and gone. Unfortunately, nothing has changed. Not knowing what the misunderstanding of our bill is, I find it is impossible to overcome an anonymous, unstated objection. I, again, ask whoever it is on the Republican side who has a concern about this program to please come talk to me and to Senator CAMPBELL. I hope that the Senate will do the right thing and pass this important legislation without further unnecessary delay.

EXHIBIT 1

BULLETPROOF VEST PARTNERSHIP GRANT ACT—YEAR 1999

State	Total vests	Approved amount
Alabama	2,287	$230,343.84
Alaska	395	90,309.65
Arizona	1,705	334,099.97
Arkansas	778	180,830.13
California	28,106	2,843,427.56
Colorado	1,844	303,622.83
Connecticut	3,637	547,507.96
Delaware	1,526	69,533.76
District of Columbia	844	44,899.70
Florida	9,641	985,708.59
Georgia	4,067	528,480.98
Guam	145	6,000.00
Hawaii	330	100,865.57
Idaho	711	101,673.49
Illinois	9,035	1,337,252.98
Indiana	5,375	774,582.31
Iowa	1,954	441,262.08
Kansas	1,257	195,605.72
Kentucky	1,510	234,990.82
Louisiana	3,112	330,409.06
Maine	626	161,374.59
Maryland	3,772	329,998.45
Massachusetts	2,255	274,032.76
Michigan	2,932	658,931.12
Minnesota	1,052	146,378.98
Mississippi	1,283	201,931.59
Missouri	2,919	478,933.33
Montana	435	101,647.37
Nebraska	905	127,329.90
Nevada	394	84,441.26
New Hampshire	450	143,632.09
New Jersey	5,336	838,439.10
New Mexico	1,388	321,910.87
New York	13,004	1,240,481.60
North Carolina	5,974	750,998.79
North Dakota	397	81,443.98
Northern Mariana Islands	375	38,000.00
Ohio	5,506	1,084,863.95
Oklahoma	3,042	348,374.03
Oregon	1,847	342,712.74
Pennsylvania	8,360	1,018,781.60
Puerto Rico	1,496	212,091.20
Rhode Island	792	192,873.46
South Carolina	2,286	451,685.53
South Dakota	228	57,206.42
Tennessee	2,576	331,638.90
Texas	9,245	1,350,816.23
Utah	1,326	325,181.42
U.S. Virgin Island	356	6,000.00
Vermont	361	96,386.81
Virginia	3,559	426,197.77
Washington	1,840	387,177.81
West Virginia	645	128,878.93
Wisconsin	2,065	441,721.01
Wyoming	221	49,814.46
Total	167,497	22,913,725.04

BULLETPROOF VEST PARTNERSHIP GRANT ACT—YEAR 1999

State	Number vests	BVP funding
Alabama	2,498	333,476.91
Alaska	202	38,435.26
Arizona	2,569	474,444.89
Arkansas	408	164,433.89
California	27,477	2,983,332.71
Colorado	2,288	388,322.15
Connecticut	1,904	308,881.86
Delaware	2,214	216,210.35
District of Columbia	1,580	171,768.76
Florida	11,769	1,433,916.06
Georgia	4,780	749,046.97
Guam		
Hawaii	2,331	388,037.21
Idaho	477	120,627.95
Illinois	6,761	923,328.88
Indiana	3,842	513,415.07
Iowa	1,011	210,632.67
Kansas	1,048	201,192.38
Kentucky	1,363	241,682.86
Louisiana	3,510	421,933.86
Maine	576	120,651.83
Maryland	2,782	265,643.15
Massachusetts	3,582	754,073.82
Michigan	3,427	622,564.00
Minnesota	709	234,776.23
Mississippi	1,364	239,899.81
Missouri	1,221	224,177.96
Montana	271	80,877.76
Nebraska	622	90,276.24
Nevada	1,176	141,612.32
New Hampshire	489	118,470.26
New Jersey	5,579	1,227,933.41
New Mexico	1,195	200,141.76
New York	11,969	1,817,314.92
North Carolina	3,183	530,987.91
North Dakota	352	43,284.36
Northern Mariana Islands	355	107,033.50
Ohio	5,015	950,198.19
Oklahoma	3,389	562,865.11
Oregon	2,456	416,464.24
Pennsylvania	8,260	1,577,238.20
Puerto Rico	1,337	147,861.47
Rhode Island	313	84,417.94
South Carolina	1,727	256,551.50
South Dakota	157	27,845.87
Tennessee	2,154	286,436.37
Texas	5,962	802,886.82
U.S. Virgin Island	341	45,361.11
Utah	837	171,546.50
Vermont	175	43,806.27
Virginia	3,415	446,645.52
Washington	2,690	525,935.54
West Virginia	512	75,650.56
Wisconsin	2,418	437,207.69
Wyoming	159	44,134.89
Total	158,396	24,005,803.78

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, today is October 5, the first anniversary of an event I hope I will not see again in the Senate. I have spoken many times about the Senate being the conscience of the Nation, and it should be. A year ago today, I believe the country was harmed by a party-line vote. That party-line vote defeated the nomination of Justice Ronnie White to the Federal district court in Missouri. Justice White, on the Missouri Supreme Court, had the highest qualifications. He passed through the Senate Judiciary Committee. He had the highest ABA ratings. He is a distinguished African American jurist. Yet when it came to a vote, every Democrat voted for him and every Republican voted against him. I believe that was a mistake and one we will regret. I spoke on this nomination on October 15 and 21 of last year and more recently this year.

Fifty-one years ago this month—I was 9 years old—the Senate confirmed President Truman's nomination of William Henry Hastings to the Court of Appeals for the Third Circuit. That was actually the first Senate confirmation of an African American to our Federal courts—only 51 years ago. Thirty-one years ago, the Senate confirmed President Johnson's nomination of Thurgood Marshall to the U.S. Supreme Court. When we rejected Ronnie White, I wonder if we went backward or we moved forward.

This year, the Judiciary Committee has even refused to move forward with a hearing on Roger Gregory or Judge James Wynn to the Fourth Circuit. It is interesting—talk about bipartisanship—one of these men is a distinguished African American, a legal scholar, strongly supported by both the Republican and Democratic Senators from his State. Senator WARNER, a distinguished and respected Member of this body and a Republican, strongly supports him. Senator ROBB, an equally distinguished and respected Member of this body and a Democrat, a decorated war hero, also supports him, and the President nominated him. We cannot even get a vote.

I hope this does not continue. I suggest, again, whoever wins the Presidency, whoever wins seats or loses seats in the Senate, that we not do this next year.

This year, the Judiciary Committee reported only three nominees to the Court of Appeals all year. We denied a committee vote to two outstanding nominees who succeeded in getting hearings. I understand the frustration of Senators who know Roger Gregory, Judge James Wynn, Kathleen McCree Lewis, Judge Helene White, Bonnie Campbell, and others should have been considered and voted on.

There are multiple vacancies on the Third, the Fourth, Fifth, Sixth, Ninth, Tenth, and District of Columbia Circuits; 23 current vacancies. Our appellate courts have nearly half of the judicial vacancies in the Federal court system. That has to change. I hope it will.

I see my distinguished colleague and friend from Texas on the floor. I want to assure her I will yield the floor very soon.

But I hope we can look again and ask ourselves objectively, without any partisanship, can we not do better on judges?

I quoted Gov. George Bush on the floor a couple days ago. I said I agreed with him. On nominations, he said we should vote them up or down within 60 days. If you don't want the person, vote against them. The Republican Party should have no fear of that. They have the majority in this body. They can vote against them if they want, but have the vote. Either vote for them or vote against them. Don't leave people such as Helene White and Bonnie Campbell—people such as this—just hanging forever without even getting a rollcall vote. That is wrong. It is not a responsible way and besmirches the Senate, this body that I love so much.

I consider it a privilege to serve here. This is a nation of a quarter of a billion people; and only 100 of us can serve at any one time to represent this wonderful Nation. It is a privilege that our States give us. We should use the privilege in the most responsible way to benefit all of us.

When Senators do not vote their conscience, they risk the debacle that we witnessed last October 5th, when a partisan political caucus vote resulted in a fine man and highly qualified nominee being rejected by all Republican Senators on a party-line vote. The Senate will never remove the blot that occurred last October when the Republican Senators emerged from a Republican Caucus to vote lockstep against Justice White. At a Missouri Bar Association forum last week, Justice White expressed concern that the rejection of his nominations to a Federal judgeship will have a "chilling effect" on the desire of other young African American lawyers to seek to serve on our judiciary.

President Clinton has tried to make progress on bringing greater diversity to our federal courts. He has been successful to some extent. With our help, we could have done so much more. We will end this Congress without having acted on any of the African American nominees, Judge James Wynn or Roger Gregory, sent to us to fill vacancies on the Fourth Circuit and finally integrate the Circuit with the highest percentage of African American population in the country, but the one Circuit that has never had an African American judge. We could have acted on the nomination of Kathleen McCree Lewis and confirmed her to the Sixth Circuit to be the first African American woman to sit on that Court. Instead, we will end the year without having acted on any of the three outstanding nominees to the Sixth Circuit pending before us.

This Judiciary Committee has reported only three nominees to the Courts of Appeals all year. We have held hearings without even including a nominee to the Courts of Appeals and denied a Committee vote to two outstanding nominees who succeeded in getting hearings. I certainly understand the frustration of those Senators who know that Roger Gregory, Judge James Wynn, Kathleen McCree Lewis, as well as Judge Helene White, Bonnie Campbell and others should have been considered by this Committee and voted on by the Senate this year.

There continue to be multiple vacancies on the Third, Fourth, Fifth, Sixth, Ninth, Tenth and District of Columbia Circuits. With 23 current vacancies, our appellate courts have nearly half of the total judicial emergency vacancies in the federal court system. I note that the vacancy rate for our Courts of Appeals is more than 12 percent nationwide. If we were to take into account the additional appellate judgeships included in the Hatch-Leahy Federal Judgeship Act of 2000, S.3071, a bill that was requested by the Judicial Conference to handle current workloads, the vacancy rate on our federal courts of appeals would be more than 17 percent.

The Chairman declares that "there is and has been no judicial vacancy crisis" and that he calculates vacancies at "less than zero." The extraordinary service that has been provided by our corps of senior judges does not mean there are no vacancies. In the federal courts around the country there remain 63 current vacancies and several more on the horizon. With the judgeships included in the Hatch-Leahy Federal Judgeship Act of 2000, there would be over 130 vacancies across the country. That is the truer measure of vacancies, many of which have been longstanding judicial emergency vacancies in our southwest border states. The chief judges of both the Fifth and Sixth Circuits have had to declare their entire courts in emergencies since there are too many vacancies and too few circuit judges to handle their workload.

The chairman misconstrues the lessons of the 63 vacancies at the end of the 103rd Congress in 1994. I would point out that in 1994 the Senate confirmed 101 judges to compensate for normal attrition and to fill the vacancies and judgeships created in 1990. In fact, that Congress reduced the vacancies from 131 in 1991, to 103 in 1992, to 112 in 1993, to 63 in 1994. Vacancies were going down and we were acting with Republican and Democratic Presidents to fill the 85 judgeships created by a Democratic Congress under a Republican President in 1990. Since Republicans assumed control of the Senate in the 1994 election the Senate has not even kept up with normal attrition. We will end this year with more vacancies than at the end of the session in 1994. As I have pointed out, the vacancies are most acute among our courts of appeals. Further, we have not acted to add the judgeships requested by the Judicial Conference to meet increased workloads over the last decade.

According to the Chief Justice's 1999 year-end report, the filings of cases in our Federal courts have reached record heights. In fact, the filings of criminal cases and defendants reached their highest levels since the Prohibition Amendment was repealed in 1933. Also in 1999, there were 54,693 filings in the 12 regional courts of appeals. Overall growth in appellate court caseload last year was due to a 349 percent upsurge in original proceedings. This sudden expansion resulted from newly implemented reporting procedures, which more accurately measure the increased judicial workload generated by the Prisoner Litigation Reform Act and the Antiterrorism and Effective Death Penalty Act, both passed in 1996.

Let me also set the record straight, yet again, on the erroneous but oft-repeated argument that "the Clinton Administration is on record as having stated that a vacancy rate just over 7 percent is virtual full-employment of the judiciary." That is not true.

The statement can only be alluded to an October 1994 press release. It should not be misconstrued in this manner. That press release was pointing out that at the end of the 103rd Congress if the Senate had proceeded to confirm the 14 nominees then pending on the Senate calendar, it would have reduced the judicial vacancy rate to 4.7 percent, which the press release then proceeded to compare to a favorable unemployment rate of under 5 percent.

Unfortunately, the chairman's assertions are demonstrably false. Contrary to his statement, the Justice Department's October 12, 1994 press release that he cites does not equate a 7.4 percent vacancy rate with "full employment," but rather a 4.7 percent rate. Additionally, the vacancy rate was not reduced to 4.7 percent in 1994, and stands at three times that today.

The Justice Department release was not a statement of administration position or even a policy statement but a poorly designed press release that included an ill-conceived comment. Job vacancy rates and unemployment rates are not comparable. Unemployment rates are measures of people who do not have jobs not of Federal offices vacant without an appointed office holder.

When I learned that some Republicans had for partisan purposes seized upon this press release, taken it out of context, ignored what the press release actually said and were manipulating it into a misstatement of Clinton administration policy, I asked the Attorney General, in 1997, whether there was any level or percentage of judicial vacancies that the administration considered acceptable or equal to "full employment."

The Department responded:

> There is no level or percentage of vacancies that justifies a slow down in the Senate on the confirmation of nominees for judicial positions. While the Department did once, in the fall of 1994, characterize a 4.7 percent vacancy rate in the federal judiciary as the equivalent of the Department of Labor 'full employment' standard, that characterization was intended simply to emphasize the hard work and productivity of the Administration and the Senate in reducing the extraordinary number of vacancies in the federal Article III judiciary in 1993 and 1994. Of course, there is a certain small vacancy rate, due to retirements and deaths and the time required by the appointment process, that will always exist. The current vacancy rate is 11.3 percent. It did reach 12 percent this past summer. The President and the Senate should continually be working diligently to fill vacancies as they arise, and should always strive to reach 100 percent capacity for the Federal bench.

At no time has the Clinton administration stated that it believes that 7 percent vacancies on the federal bench is acceptable or a virtually full federal bench. Only Republicans have expressed that opinion. As the Justice Department noted three years ago in response to an inquiry on this very questions, the Senate should be "working diligently to fill vacancies as they arise, and should always strive to reach 100 percent capacity for the federal bench."

Indeed, I informed the Senate of these facts in a statement in the CONGRESSIONAL RECORD on July 7, 1998, so that there would be no future misunderstanding or misstatement of the record. Nonetheless, in spite of the facts and in spite of my July 1998 statement and subsequent statements on this issue over the past three years, these misleading statements continue to be repeated.

Ironically, the Senate could reduce the current vacancy rate to under 5 percent if we confirmed the 39 judicial nominees that remain bottled up before the Judiciary Committee. Instead of misstating the language of a 6-year-old press release that has since been discredited by the Attorney General herself, the chairman would have my support if we were working to get those 39 more judges confirmed.

I regret to report again today that the last confirmation hearing for federal judges held by the Judiciary Committee was in July, as was the last time the Judiciary Committee reported any nominees to the full Senate. Throughout August and September and now into the first week in October, there have been no additional hearings held or even noticed, and no executive business meetings have included any judicial nominees on the agenda. By contrast, in 1992, the last year of the Bush administration, a Democratic majority in the Senate held three confirmation hearings in August and September and continued to work to confirm judges up to and including the last day of the session.

I continue to urge the Senate to meet its responsibilities to all nominees, including women and minorities. So long as the Senate is in session, I will urge action. That highly-qualified nominees are being needlessly delayed is most regrettable. The Senate should join with the President to confirm well-qualified, diverse and fair-minded nominees to fulfill the needs of the Federal courts around the country.

As I noted on the floor earlier this week, the frustration that many Senators feel with the lack of attention this Committee has shown long pending judicial nominees has simply boiled over. I understand their frustration and have been urging action for some time. This could all have been easily avoided if we were continuing to move judicial nominations like Democrats did in 1992, when we held hearings in September and confirmed 66 judges that Presidential election year.

I regret that the Judiciary Committee and the Senate is not holding additional hearings, that we only acted on 39 nominees all year and that we have taken so long on so many of them. I deeply regret the lack of a hearing and a vote on so many qualified nominees, including Roger Gregory, Judge James Wynn, Judge Helene White, Bonnie Campbell, Enrique Moreno, Allen Snyder and others. And, I regret that a year ago today, the Senate rejected the nomination of Justice Ronnie White to the Federal District Court of Missouri on a partisan, party-line vote.

Mr. REID. Will the Senator yield for a question?

Mr. LEAHY. I yield for a question.

Mr. REID. I say to my friend from Vermont, the bulletproof vest bill that you wrote and that you have spoken about here on the floor this morning—is that right?

Mr. LEAHY. That is right.

Mr. REID. It would greatly benefit rural Nevadans; is that not right?

Mr. LEAHY. There is no question it would benefit rural Nevada. Of course, the distinguished deputy leader was in law enforcement himself. He knows the threat that police officers face. That threat is not exclusive to big cities, by any means.

Mr. REID. I say to my friend, the lead Democrat on the Judiciary Committee, Nevada is an interesting State. Seventy percent of the people in Nevada live in the metropolitan Las Vegas area. Another about 20 percent live in the Reno metropolitan area. The 10 percent who are spread out around the rest of the State cover thousands and thousands of square miles, and there are many small communities that do not have the resources that the big cities have to provide, for example, bulletproof vests.

I say to my friend from Vermont, do you agree that people who work in rural America in law enforcement deserve the same protection as those who work in urban centers throughout America?

Mr. LEAHY. There is no question about it. In fact, in the 1999 bill they were able to purchase nearly 400 vests, many of those in the rural areas. If we get this through, now they can purchase 1,176 vests.

I say this because the Senate moved very quickly to pass a bill that increased the penalties if we harmed dogs or horses used by law enforcement. In other words, we could quickly zip this through and pass a bill saying the penalty will be increased if one harms a dog or horse used by law enforcement, but, whoops, we can't pass a bipartisan piece of legislation protecting the law enforcement officer himself or herself. I think of Alice in Wonderland. I have to admit, under those circumstances.

Mr. REID. I say to my friend, I am happy we are looking out for animals. I support that and was aware of that legislation, but I think it is about time we started helping some of these rural police departments in Nevada that are so underfunded and so badly in need of this protection.

Mr. LEAHY. I say to my friend from Nevada, I, too, support the bill protecting animals in law enforcement. But I wish we could have added this other part. If you have the police officer out with the police dog, that police officer deserves protection. If you have a police officer out there with a horse—in many parts of both urban and rural areas horses are still used for a number of reasons by police officers—then let's also protect the police officer.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent, on behalf of the leader, at 1 o'clock today, the Senator from Illinois, Mr. FITZGERALD, be recognized to make closing remarks on the Interior appropriations conference report for up to 45 minutes, and following the use or yielding back of time, the cloture vote occur, notwithstanding rule XXII, and following that vote, if invoked, the conference report be considered under the following time restraints: 10 minutes equally divided between the two managers, 10 minutes equally divided between the chairman and ranking member of Appropriations; 30 minutes under the control of Senator LANDRIEU, 15 minutes under the control of Senator MCCAIN.

I further ask consent that following the use or yielding back of time, the Senate proceed to vote on adoption of the conference report, without any intervening action or debate.

Mr. REID. Reserving the right to object, I wonder if the Senator would be kind enough to change the time until 2 o'clock. I think that has been agreed to on your side. I did not hear. Senator FITZGERALD is to be given 1 hour rather than 45 minutes.

Mrs. HUTCHISON. Mr. President, that is acceptable. We could change the time to start at 2 o'clock today, with Senator FITZGERALD having 1 hour.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. HUTCHISON. In light of this agreement, Mr. President, the next vote will be at approximately 3 o'clock.

Let me revise, once again, the unanimous consent request to begin at 1 o'clock, leaving the 1-hour timeframe for Mr. FITZGERALD; therefore, in light of the agreement, the vote would occur at approximately 2 o'clock, with another vote on adoption of the conference report at 3:30 today. If I could wrap all of that in together as a unanimous consent request, that would be my hope. I make that unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. REID. The confusion is not on the part of the Senator from Texas. It is my confusion. I apologize for inserting that 2 o'clock time. There was some confusion on my part. The debate will start at 1 and we will vote around 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL APPOINTMENTS

Mrs. HUTCHISON. Mr. President, having heard my distinguished colleague from Vermont talk about the judicial selection process, I rise to commend Senator HATCH and his leadership of the Judiciary Committee.

It is very difficult to accommodate all of the requests and responsibilities that are entailed in a lifetime appointment to the Federal bench. I think Senator HATCH has done the very best job he possibly could in getting appointments through, appointments that are reflective of Clinton administration priorities. The vast majority of Clinton appointees have gone through. In my home State of Texas, we have had 20 nominations. Senator GRAMM and I have supported 18 of those, and 17 have gone through. There is still one pending that we support.

I think Senator HATCH has bent over backwards to do his due diligence but to respect the wishes of the Democratic side and the administration. I don't want to leave unchallenged some of the comments made that indicate that serious consideration has not been given to every single Clinton appointee and that in most cases those appointees have been put forward.

It is important that a lifetime appointment be scrutinized because there is no accountability of that lifetime appointment. We need to look at all of the factors surrounding a particular nominee, knowing the power that a Federal judge has and that the accountability is limited.

I applaud Senator HATCH. I think he has done a terrific job under very difficult circumstances. I hope he will continue the due diligence and also continue apace with the nominations process.

HOSPITAL PRESERVATION ACT

Mrs. HUTCHISON. Mr. President, I rise to discuss the Hospital Preservation Act that Senator ABRAHAM and I introduced last year. We achieved partial relief for hospitals last year, but we have reintroduced it this year in an attempt to get more relief for the beleaguered hospitals of our country.

Today we have both the House Ways and Means Committee and the Senate Finance Committee working on this very important legislation. We will have legislation that will, at least for this year, restore the cuts that are being made to our hospitals in Medicare payments, but I am hoping we can get more. In fact, there are many areas of our health care system that have been undercut by a combination of the Balanced Budget Act and have actually been cut even more forcefully by the Health Care Financing Administration than was ever intended by Congress.

When we passed the Balanced Budget Act, we said we would look at the effects, and if we needed to refine it in any way, we would do that. Congress has met its responsibility in that regard. We had the Balanced Budget Act Refinement Act passed. We have come back and restored cuts that were too much. That is what we are doing in the bill that is before us or will be before us very soon, that is now being considered by the House Committee on Ways and Means and the Senate Finance Committee. In fact, the legislation would increase payments to hospitals, nursing homes, home health care agencies, managed care organizations, and other health providers that are paid under Medicare.

This legislation is needed especially for our hospitals because they are the front line of our health care delivery system. This legislation builds on legislation Congress passed last year that reversed some of the cuts in provider payments that did result from the Balanced Budget Act and from excessive administrative actions taken by the Health Care Financing Administration.

Last year's bill contained important provisions that have helped preserve the ability of American hospitals to continue to provide the highest level of health care anywhere in the world. The Balanced Budget Refinement Act that Congress passed last year did make the situation a little brighter for some of these struggling hospitals. It eases the transition from cost-based reimbursement to prospective payment for hospital outpatient services. It restores some of the cuts to disproportionate share payments, and it provides targeted relief for teaching hospitals and cancer and rehabilitation hospitals.

I was proud to have been the prime advocate in the Senate for one of the provisions in that bill that restored the full inflation update for inpatient hospital services for sole community provider hospitals, those located primarily in rural areas that provide the only institutional care in a 35-mile geographic area. However, last year's bill was really just a start. I think we have all heard from hospitals that they are really hurting. Hospitals are actually beginning to close, in Texas and all over the Nation. Independent estimates are that this trend will only get worse unless something is done.

I and many of my colleagues in Congress continue to hear from hospital administrators, trustees, health professionals that they were struggling to maintain the quality and variety of health services in the face of mounting budget pressures. With the statutory and HCFA-imposed cuts that they were seeing, many efficiently run hospitals began for the first time to run deficits and threaten closure. For many of these hospitals to close, particularly those in rural areas, would mean not only the loss of life-saving medical services to the residents of the area but also the loss of a core component of local communities. Jobs would be lost. Businesses would wither, and the sense of community and stability a local hospital brings would suffer.

My colleague, Senator Spence ABRAHAM of Michigan, and I began the task of looking for the best way to provide significant assistance to these hospitals to make sure the payments they were receiving for taking Medicare patients were fair and adequate to enable them to continue serving our Nation's seniors, and also to have the support they need to run their hospitals. We decided to try to expand the sole community provider hospital provision to all hospitals.

The bill we have introduced will make sure that Medicare payments for inpatient services actually keep up with the rate of hospital inflation. We will restore the full 1.1 percent in scheduled reductions from the annual inflation updates for inpatient services called for by the Balanced Budget Act. Moreover, rather than just applying to a small group of hospitals, this legislation would benefit every hospital in America, providing an estimated $7.7 billion in additional Medicare payments over the next 5 years.

Now, you may ask, where is that $7.7 billion going to come from? Well, when we passed the Balanced Budget Act, we projected savings of $110 billion over the 5-year period that should have occurred from the cuts we put in the Balanced Budget Act. But, in fact, instead of $110 billion, we are now projecting $220 billion in savings. So the $7.7 billion just for this part of the bill has already been saved, and $100 billion more is estimated when you take into account the whole 5 years.

So the bottom line is, we cut too much; we are going to restore part of those cuts; and we are still going to be approximately $100 billion ahead. So we will have saved $100 billion, as we intended to do, but we will restore the cuts that have caused such hardships to the hospitals throughout our country.

The bill that is being considered by the House Ways and Means Committee contains a full 1-year restoration in the inflation update for hospitals. The pending Senate Finance Committee bill would restore the cuts in 2001, but it only delays the 2002 cuts until 2003. This is progress.

I so appreciate Senator ROTH and Senator MOYNIHAN's efforts in the Senate Finance Committee. But I don't want to delay those cuts. I want to restore the cuts for the full 2 years. I hope that in the end we can go ahead and do that because these hospitals need to know that there is a stability in their budgeting, that they will be able to look at the restoration in the cuts for the next 2 years. They need to be able to plan. They need to know they will have the adequate funding for Medicare that they must have to give the services in the community and to support the hospital for all of the people and the health care needs of the community.

So we are not doing anything that would bust the budget or go into deficits. The fact is, this is a refinement. We have cut $100 billion too much, and we are restoring $8 billion of that.

In the bill that is being considered by the Senate Finance Committee, we also will strengthen the Medicare payments for the disproportionate share hospitals, for home health care agencies, for graduate medical education, and for Medicare+Choice plans. We are not out of the woods, but we are taking a major step in the right direction.

I commend Senator ROTH for his leadership of the committee, along with Senator MOYNIHAN. I implore Congress to move swiftly on this very important legislation. We cannot go out of session without addressing the issue of keeping our hospitals from suffering disastrous cuts in Medicare—cuts that they cannot absorb and cuts that are not warranted. This is our responsibility, Mr. President.

I thank my colleague, Senator ABRAHAM, for helping me so much on this issue. He has been a leader. After listening to hospital personnel in his home State of Michigan, he came to me and said, "We have to do something; let's do it together," and I said, "Great," because we must act before we leave this year in Congress. We cannot go forward without addressing this very important issue for the hospitals and health care providers of our country.

CERTIFICATION OF MEXICO

Mrs. HUTCHISON. Mr. President, I want to speak briefly on a sense-of-the-Senate resolution I have introduced on behalf of myself and Senators GRASSLEY, GRAMM, KYL, DOMENICI, DODD, FEINSTEIN, HOLLINGS, and SESSIONS.

We have submitted this sense-of-the-Senate resolution to deal with the issue of the certification of Mexico. Several of us introduced a bill earlier in the session after the election of the new President of Mexico, Vicente Fox, to try to address the issue of two new administrations in both of our countries that will be faced with the automatic certification of the issue of how we are dealing with illegal drug trafficking as a bilateral effort in our two countries, but with two administrations that have not had time to sit down and come up with a plan that would cooperate fully in this very important effort.

Since time is so short, we have come up with a sense-of-the-Senate resolution that I think will at least say it is the will of the Senate. If we can pass this before we adjourn sine die, I think it will be a major step in the right direction to give some relief to the two new Presidents who will be sworn in for both of our countries and to say, first of all, we in the Senate take this very seriously. One of the most important issues for our countries is dealing with illegal drug trafficking between Mexico and the United States. Realizing that neither President could be held accountable yet for the programs that should be put in place, we are going to have a 1-year moratorium.

This is the sense-of-the-Senate resolution:

Whereas Mexico will inaugurate a new government on 1 December 2000 that will be the first change of authority from one party to another;

Whereas the 2nd July election of Vincente Fox Quesada of the Alliance for Change marks an historic transition of power in open and fair elections;

Whereas Mexico and the United States share a 2,000 mile border, Mexico is the United States' second largest trading partner, and the two countries share historic and cultural ties;

Whereas drug production and trafficking are a threat to the national interests and the well-being of the citizens of both countries;

Whereas U.S.-Mexican cooperation on drugs is a cornerstone for policy for both countries in developing effective programs to stop drug use, drug production, and drug trafficking; Now, therefore, be it

Resolved,

(a) The Senate, on behalf of the people of the United States

(1) welcomes the constitutional transition of power in Mexico;

(2) congratulates the people of Mexico and their elected representatives for this historic change;

(3) expresses its intent to continue to work cooperatively with Mexican authorities to promote broad and effective efforts for the health and welfare of U.S. and Mexican citizens endangered by international drug trafficking, use, and production.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the incoming new governments in both Mexico and the United States must develop and implement a counterdrug program that more effectively addresses the official corruption, the increase in drug traffic, and the lawlessness that has resulted from illegal drug trafficking, and that a one-year waiver of the requirement that the President certify Mexico is warranted to permit both new governments time to do so.

I appreciate very much Senator GRASSLEY working with me on this sense-of-the-Senate resolution. All of my cosponsors represent a bipartisan effort across the borders and across both sides of the aisle.

Mr. President, I want to just say I went to Mexico leading a delegation of Members of Congress. It was the first congressional delegation to visit Mexico with the new President-elect, and we were able to sit down and visit with both President Zedillo, the President of Mexico, and the President-elect, Vicente Fox. I want to say how encouraged we were with the dynamism of President-elect Fox, with his absolute assurance that this drug issue is one of the most important of all the issues between our two countries, and they promised to work hand in hand with the new administration that will be elected in the United States in November, and with Members of Congress to do everything they can working with us to cooperate in stopping the cancer on both of our countries that this drug trafficking is causing.

When we have a criminal element in Mexico and a criminal element in the United States, that is bad for both of our countries. It is preying on the ability of our country to have full economic freedom, to grow and prosper, and to have friendly relations across our borders. The drug trafficking issue is the big cloud over both of our countries. I believe that President-Elect Fox is going to pursue this vigorously.

I also want to say that President Zedillo has taken major steps in that direction for his country. He, first of all, laid the groundwork for the democracy that clearly was shown in this last election. Instead of handpicking a successor and not allowing free primaries, he did the opposite. He allowed the free primaries and he said in every way they were going to have open and free elections. President Zedillo has made his mark on Mexico. He was a very important President for recognizing that the time had come for free and open elections in Mexico. He is to be commended, and I think he will go down in the history books as one of the great Presidents of Mexico.

In addition, President Zedillo tried very hard to cooperate in the effort that we were making in drug trafficking. I would say that no one believes that we are nearly where we need to be in that regard. But I think he took some very important first steps.

I see a ray of sunshine in Mexico. Our country to the South is a very important country to the United States. They are our friends. We share cultural ties. We share family ties.

It is in all of our interests that we have the strongest bond between Mexico and the United States—just as we have with Canada and the United States. These are our borders. I have always said that I believe the strengthening of our hemisphere is going to be a win for all three of our countries.

I want to go all the way through the tip of South America in our trading relations and in the building of all of our economies because I think that is our future. Our countries depend on each other. We are interdependent, and our friendship and our alliances will be important for the security and viability of all of our countries in the Western Hemisphere.

I am very pleased that we have introduced this sense of the Senate. I urge my colleagues to help us pass this sense of the Senate so that we will be able, next session, to say that the Senate has spoken, and that we want to give some time to certification so that our countries can go forward with our two new Presidents and have a strong working relationship.

Thank you, Mr. President. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President. I ask unanimous consent I be allowed to speak for no more than 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY POLICY

Mr. CRAIG. Mr. President, my attention was drawn this morning to an article in the Washington Times where our Secretary of Energy, Bill Richardson, defends energy policy by saying something that I found fascinating, to the point of absurdity. He says, "We are not in an energy crisis."

I am not quite sure how Mr. Richardson defines "crisis," but I do know Mr. Richardson has recognized, at least for 12 months, a problem. Am I to understand that the reason for the absence of an energy policy in the Clinton administration is that we recognize a problem, but we are not going to do anything about it until it becomes a crisis?

Home heating oil last year, in the Northeast, began at 80 cents to 90 cents a gallon. It went to nearly $2 before that season was over. It was contracted this summer at $1.19, and it is now selling at $1.40. I call that a crisis if I am low income and I want a warm home this winter. I call it a crisis if I want to travel cross-country and I can't afford to fill my gas tank. I call it a crisis if I am a trucker and I can't up my contracts to absorb my fuel or energy costs and I must turn my truck back in, as thousands are now doing—turning their trucks back in on the lease programs under which they acquired them when they planned to move the commerce of America across this country.

Mr. Secretary, earlier this year, you flew numerous times to the Middle East with a tin cup in hand, begging the sheiks of the OPEC nations to turn the valve on just a little bit and let out a little more oil, hopefully dropping the price of crude and therefore lowering the cost at the pump. For a moment in time it worked. Then the price started ratcheting up as the markets began to understand that what had happened was pretty much artificial and pretty much rhetorical in nature and that, in fact, the supplies had not increased to offset the demand.

While all of that was going on, underneath the surface of this issue were a few basic facts. We have lost over 30 refineries in the last decade because they couldn't afford to comply with the Clean Air Act; they couldn't retrofit in a profitable way. They were not given tax credits and other tools because it was "big oil" and you dare not cause them any benefits that might ultimately make it to the marketplace so the consumer could ultimately benefit. Those refineries went down.

Here we are at a time when the price of crude oil peaked and the Vice President ran to the President and said please release SPR, and that has been done, or at least it is now being organized to be done, and it may lower prices. Yet that was a Strategic Petroleum Reserve that was destined to be used only for a crisis. And the Secretary of Energy says no crisis. He himself said yesterday before the National Press Club there is no energy crisis in this country. But there was a crisis last week and the President agreed to release the oil out of SPR.

I don't get it. I do not think I am that ignorant. I serve on the Energy Committee. We reviewed this. We have argued for a decade that there is a problem in the making, but this administration will not put down a policy, even though they see a problem, unless the problem becomes a crisis.

But now there is not a crisis, so why are we releasing the Strategic Petroleum Reserve, which was designed not only for a crisis but for a national emergency, one that was inflicted upon us by a reduction or a stoppage of the flow of foreign crude coming into our economy that might put our economy at risk.

The Secretary says we have a short-term problem and we will work it out in time.

Mr. Secretary, what does "working it out" mean? Have you proffered or proposed a major energy policy before the Congress of the United States? No, you have not. Have you suggested an increase in production of domestic resources so we could lower our dependency on foreign oil? No, you have not, Mr. Secretary.

So the American public ought to be asking of this administration, the Vice President, the President, and the Secretary of Energy: Mr. Secretary, Mr.

President, and Mr. Vice President, if there is no crisis, then why are you tapping the very reserves that we have set aside for a time of crisis? Somehow it doesn't fit.

There were political allegations 3 or 4 weeks ago when the Vice President was asking the President to release the petroleum reserve. He was saying there was a crisis, or a near crisis. That got done. And yesterday,

> In remarks before the National Press Club, [Secretary] Richardson said the "political campaign" was behind Gore's accusations against [big] oil companies and that a surge in demand for oil in the United States and abroad is the real reason gasoline, heating-oil and natural-gas prices have soared this year. "We are not in an energy crisis."

Mr. Secretary, if you are traveling or if you are not wealthy and you have to pick up the 100 percent increased cost in your energy bills and your heating bills, I am going to tell you that is a crisis. But my guess is, it is typical of this administration, a problem is a problem until there is a crisis, and then you find a solution; 8 years without a solution to this problem spells crisis.

I am sorry, Mr. Secretary, but your rhetoric doesn't fit the occasion, nor does it rectify the problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes, and I ask to be followed by the Senator from West Virginia, Mr. ROCKEFELLER, who will speak on the same subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE "CAPTIVE SHIPPER" PROBLEM

Mr. DORGAN. Mr. President, the Senator from West Virginia, Mr. ROCKEFELLER and I, along with the Senator from Montana, Mr. BURNS, have been working on legislation dealing with our railroad service in this country. We have introduced legislation, S. 621, entitled the Railroad Competition and Service Improvement Act which addresses problems associated with shippers who are "captive" or dependent on one railroad for their shipping needs. Mr. President, I have with me a letter from over 280 chief executive officers of American corporations writing about this subject.

I ask unanimous consent it be printed in the RECORD following my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DORGAN. These CEOs of some of America's largest companies, and companies all across this country, join us expressing concern about what has happened to America's railroads. There is no competition in the railroad industry in this country. The deregulation of the rail industry occurred, now, over 20 years ago. At that point, we had 42 class I railroads. Now we are down to only about four major railroad operations in this country—two in the East and two in the West. Rather than encouraging some competitive framework in the rail industry, the deregulation of the railroad industry has resulted in a handful of regional monopolies. They rely on bottlenecks to exert maximum power over the marketplace.

These megarailroads dominate railroad traffic, generating 95 percent of the gross ton miles and nearly 94 percent of the revenues, and they control 90 percent of all coal movement in this country, 70 percent of all grain movement in America, and 88 percent of all chemical movement in this country.

It is quite clear what consolidation has meant to all Americans. Let me give a practical example. If you are a farmer in my State of North Dakota and you want to sent a load of wheat to market and you put that load of wheat on a railcar in Bismarck, ND, and send it to Minneapolis, MN, a little over 400 miles, you will pay $2,300. If you are going to ship that same carload of wheat from Minneapolis to Chicago, about the same distance, you do not pay $2,300, you pay less than $1,000.

Why the difference? Why are we charged more than double as North Dakotans to ship wheat about the same distance? Because there is no competition on the line from Bismarck to Minneapolis, but there is competition between Minneapolis and Chicago, so the prices are competitive. Where there is competition, there are lower rates. Where there is no competition, there are monopoly prices. They say to businesses and farmers: Here's the charge; if you don't like it, don't use our service.

What other service exists? There is only one line, only one railroad. There is a monopoly service, and they are engaged in monopoly pricing, and we have no regulatory authority to say this is wrong.

We have what are called "captive shippers." These are Main Street businesses, family farmers, big companies, small companies, and they are held captive by the railroad companies that say to them: We have the rails, we have the cars, we have the company, and here's what the service is going to cost you; if you don't like it, tough luck.

In the circumstance I just described, the railroad says to a North Dakota farmer: We're going to charge you double what we charge other people. Why? Because we choose to. Why? Because we want to; because we have the muscle to do it, and if you don't like it, take a hike.

That is what is going on in this industry where there is no competition and where we have shippers being held captive all across this country.

Do rail costs matter much to my part of the country? Let me give another example.

Grain prices have collapsed. A farmer does not get much for grain these days. If you take wheat to an elevator in Minot, ND, that elevator pays about $2.40 a bushel for it, which is a pittance—it is worth a lot more than that—the cost to ship that $2.40 a bushel wheat to the west coast is nearly $1.20 a bushel. Half the value of that wheat on the west coast ends up being transportation costs by the railroad industry.

How can they do that? It's pricing gouging and nobody can do much about it because there is no regulatory authority to say it is wrong. They hide behind the Staggers Rail Act which deregulated the railroads, gave them enormous power, and resulted in a substantial concentration. The result is, all across this country we have shippers who are now held captive, they are locked in by an industry that says: This is what we are going to charge you; if you don't like it, that's tough luck.

What happens if someone believes this is really arbitrary, really unfair and they intend to complain about it? We had what was called the Interstate Commerce Commission. That was a group of folks who had died from the neck up. Nobody told them, but they were dead from the neck up and had one big rubber stamp down there. It said: "Approved" They had one big rubber stamp and one big ink pad. Whatever the railroads wanted, the ICC said: "Approved."

We got rid of the ICC. Now we have a Surface Transportation Board, and we have someone at the Surface Transportation Board, Linda Morgan, to whom I pay a compliment. She put a moratorium on mergers. We had another proposal for a merger, and she slapped on a moratorium. That merger fell apart. Good for her. It is the first good sign of life for a long while among regulators. Good for her. But all of the merger damage is pretty well done. Linda Morgan is fighting a lonely battle at the Surface Transportation Board.

Let me show you what happens when somebody files a complaint for unfair rail charges. You file a complaint, and here are the steps. First of all, you need to ante up some money. The filing fee for the standard procedure of complaint will be $54,000. It differs in some cases. If you have a beef with the railroad, first of all, understand you are taking on somebody with a lot more money and muscle than you have, No. 1. No. 2, you are going to pay a filing fee to file a complaint against the railroad freight rates, and then when you file the complaint, you ought to expect to live a long time because you are not going to get a result for a long, long time. In fact, some folks in Montana filed a complaint against a railroad. It took 17 years—17 years—for the complaint to go through the process, and then it never really got resolved in a satisfactory way. That is why rail shippers understand it does not make much sense to take the railroads on.

You have the railroad with the muscle to make these things stick, and then you have regulators who have largely been braindead for a long, long time and do not want to do much. The exception again is we have a new Surface Transportation Board. Linda Morgan showed some courage, so there is some hope with the current STB.

What is happening in this country must change. Senator ROCKEFELLER, who has been a leader on this issue, and I have held hearings on it. We both serve on the Senate Commerce Committee. We are joined by Senator BURNS in our efforts. It is a bipartisan effort.

We want to pass the S. 621, but we are not going to get it done by the end of this year. What we are hoping for is that the 280 plus CEOs of companies across this country, large and small, who wrote this letter saying they are sick and tired of being held captive by shipping rates imposed by railroads that are noncompetitive—a rate that does not often relate to value for service—will get the attention in Congress that they deserve. We hope these CEOs continue to weigh in, in a significant way, with those who matter in this Congress to say: "Let's do something serious about this issue." This is a tough issue but it is one Congress has a responsibility to tackle.

I pay credit to my colleague from West Virginia, Senator ROCKEFELLER. He has been working on this issue for a long time. I have been privileged to work with him. We know that which is worth doing takes some time to get done often, but we are not going to quit. The message to the 280 companies that have signed this letter, the message to our friends in Congress is: We have a piece of legislation that tries to tackle this issue of monopoly concentration and inappropriate pricing in the railroad industry. It tackles the issue on behalf of captive shippers all across this country—family farmers and Main Street businesses and others—and we are not going to quit.

We hope as we turn the corner at the start of this next Congress that we will be able to pass legislation that will give some help and some muscle to those in this country who are now paying too much. They expect to be able to operate in a system that has competition as a regulator in the free market, and that has not existed in the rail industry for some long while.

I yield the floor, and I believe my colleague from West Virginia will also have some things to say.

EXHIBIT 1

SEPTEMBER 26, 2000.

Hon. JOHN MCCAIN,
Chairman, Senate Commerce Committee,
Washington, DC.
Hon. ERNEST HOLLINGS,
Ranking Member, Senate Commerce Committee,
Washington, DC.

DEAR CHAIRMAN MCCAIN AND SENATOR HOLLINGS: We are writing to ask that shipper concerns with current national rail policy be given priority for Commerce Committee action next Congress. The Staggers Rail Act was enacted in 1980 with the goal of replacing government regulation of the railroads with competitive market forces. Since that time, the structure of the nation's rail industry has changed dramatically. Where there were 30 Class I railroad systems operating in the U.S. in 1976, now there are only seven. While major railroads in North America appear poised to begin another round of consolidations in the near future, the Surface Transportation Board continues to adhere to policies that hamper rail competition. Structural changes in the rail industry combined with STB policies have stopped the goal of the Staggers Rail Act dead in its tracks.

We depend on rail transportation for the cost-effective, efficient movement of raw materials and products. The quality and cost of rail transportation directly affects our ability to compete in a global marketplace, generate low cost energy, and contribute to the economic prosperity of this nation. Current rail policies frustrate these objectives by allowing railroads to prevent competitive access to terminals, maintain monopolies through "bottleneck pricing," and hamper the growth of viable short line and regional railroads through "paper barriers."

We applaud the Commerce Committee's leadership on behalf of consumers concerning proposed mergers in the airline industry. America's rail consumers also need your support and leadership to respond effectively to the dramatic changes that are underway in the rail industry. Bipartisan legislation is currently pending in both the Senate and House of Representatives that takes a modest, effective approach in attempting to remove some of the most critical impediments to competition. Please work with us and take the steps that are needed to create a national policy that ensures effective, sustainable competition in the rail industry.

Sincerely,

Fred Webber, President and CEO, American Chemistry Council;

Glenn English, CEO, National Rural Electric Cooperative Association;

Alan Richardson, Executive Director, American Public Power Association;

Tom Kuhn, President, Edison Electric Institute;

Henson Moore, President and COE, American Forest and Paper Association;

Kevern R. Joyce, Chairman, President and CEO, Texas-New Mexico Power Company;

Jeffrey M. Lipton, President and CEO, NOVA Chemicals Corporation;

Robert N. Burt, Chairman and CEO, FMC Corporation;

Allen M. Hill, President and CEO, Dayton Power and Light Company;

Paul J. Ganci, Chairman and CEO, Central Hudson Gas & Electric Corporation;

David T. Flanagan, President and CEO, CMP Group, Inc;

Charles F. Putnik, President, CONDEA Vista Company;

Thomas S. Richards, Chairman, President and CEO, RGS Energy Group, Inc;

W. Peter Woodward, Senior Vice President, Chemical Operations, Kerr-McGee Chemical LLC;

Phillip D. Ashkettle, President and CEO, M.A. Hanna Company;

Eugene R. McGrath, Chairman, President and CEO, Consolidated Edison, Inc.;

David M. Eppler, President and CEO, Cleco Corporation;

Robert B. Catell, Chairman and CEO, KeySpan Energy;

Thomas L. Grennan, Executive VP, Electric Operations, Western Resources, Inc,;

Joseph H. Richardson, President and CEO, Florida Power Corporation;

Wayne H. Brunetti, President and CEO, Xcel Energy, Inc.;

Myron W. McKinney, President and CEO, Empire District Electric Company;

Erle Nye, Chairman, TXU Corporation;

Corbin A. McNeill, Jr., Chairman, President and CEO, PECO Energy Company;

James E. Rogers, Vice Chairman, President and CEO, Cinergy Corp.;

Stanley W. Silverman, President and CEO, The PQ Corporation;

Robert Edwards, President, Minnesota Power;

William G. Bares, Chairman and CEO, The Lubrizol Corporation;

Stephen M. Humphrey, President and CEO, Riverwood International;

Thomas A. Waltermire, Chairman and CEO, The Geon Company;

James R. Carlson, Vice President, Flocryl Inc.;

John M. Derrick, Jr., Chairman and CEO, Pepco;

David D. Eckert, Executive Committee Member, Rhodia Inc.;

Frederick F. Schauder, Ltd., CFO and HD of Business Service Center, Lonza Group, Ltd.;

Marvin W. Zima, President, OMNOVA Solutions Performance Chemicals;

Simon H. Upfill-Brown, President, and CEO, Haltermann, Inc.;

Thomas A. Sugalski, President, CXY Chemicals, USA;

John L. MacDonald, Chairman and President, JLM Industries Inc.;

David A. Wolf, President, Perstorp Polyols, Inc.;

Roger M. Frazier, Vice President, Pearl River Polymers Inc.;

Yoshi Kawashima, Chairman and CEO, Reichhold, Inc.;

Geroge F. MacCormack, Group Vice President, Chemicals and Polyester, DuPont;

C. Bert Knight, President and CEO, Sud-Chemie Inc.;

James A. Cederna, President and CEO, Calgon Carbon Corporation;

Bernard J. Beaudoin, President, Kansas City Power and Light;

William S. Stavropoulos, President and CEO, The Dow Chemical Company;

Andrew J. Burke, President and CEO, Degussa-Huls Corporation;

Geroge A. Vincent, Chairman, President & CEO, The C.P. Hall Company;

William Cavanaugh, III, Chairman, President and CEC, Carolina Power & Light Company;

Richard B. Priory, Chairman, President and CEO, Duke Energy Corporation;

Howard E. Cosgrove, Chairman, President and CEO, Conectiv;

Gary L. Neale, Chairman, president and CEO, NiSource Inc.;

Robert L. James, President & CEO, Jones-Hamilton Co.;

Vincent A. Calarco, Chairman, President and CEO, Crompton Corporation;

Earnest W. Deavenport, Jr., Chairman and CEO, Eastman Chemical Company;

Reed Searle, General Manager, Intermountain Power Agency;

Robert Roundtree, General Manager, City Utilities of Springfield, MO;

Walter W. Hasse, General Manager, Jamestown Board of Public Utilities;

Glenn Cannon, General Manager, Waverly Iowa Light and Power;

Jeffrey L. Nelson, General Manager, East River Electric Power Cooperative;

Mike Waters, President, Montana Grain Growers Association;

Terry F. Steinbecker, President & CEO, St. Joseph Light & Power Company;

Hugh T. McDonald, President, Entergy Arkansas, Inc.;

Dave Westbrock, General Manager, Heartland Consumers Power;

David M. Radtcliffe, President & CEO, Georgia Power Company;

Stephen B. King, President and CEO, Tomah3 Products, Inc.;

Donald W. Griffin, Chairman, President and CEO, Olin Corporation;

Ian MacMillan, Technical Manager, Octel-Starreon LLC;

Martin E. Blaylock, Vice President, Manufacturing Operations, Monsanto Company;

G. Ashley Allen, President, Milliken Chemical, Division of Milliken & Co.;

Dwain S. Colvin, President, Dover Chemical Corporation;

Bill W. Waycaster, President and CEO, Texas Petrochemicals LP;

David C. Hill, President and CEO, Chemicals Division, J.M. Huber Corporation;

Mark P. Bulriss, Chairman, President and CEO, Great Lakes Chemical Corporation;

Michael E. Ducey, President and CEO, Borden Chemical, Inc.;

Chuck Carpenter, President, North Pacific Paper Co.;

Richard R. Russell, President and CEO, GenTek Inc.; General Chemical Corporation;

John T. Files, Chairman of the Board, Merichem Company;

John C. Hunter, Chairman, President and CEO, Solutia Inc.;

William M. Landuyt, Chairman and CEO, Millennium Chemicals, Inc.;

Kevin Lydey, President and CEO, Blandin Paper Company Inc.;

J. Roger Harl, President and CEO, Occidental Chemical Corporation;

Rajiv L. Gupta, Chairman and CEO, Rohm and Haas Company;

Sunil Kumar, President and CEO, International Specialty Products;

Kenneth L. Golder, President and CEO, Clariant Corporation;

Michael Fiterman, President and CEO, Liberty Diversified Industries;

Nicholas R. Marcalus, President and CEO, Marcal Paper Mills Inc.;

Charles H. Fletcher, Jr., Vice President, Neste Chemicals Holding Inc.;

William J. Corbett, Chairman and CEO, Silbond Corporation;

Robert Betz, President, Cognis Corporation;

Arnold M. Nemirow, Chairman and CEO, Bowater Inc.;

Harry J. Hyatt, President, Sasol North America;

Eugene F. Wilcauskas, President and CEO, Specialty Products Division, Church & Dwight Co., Inc.;

Robert C. Buchanan, Chairman and CEO, Fox River Paper Co.;

David W. Courtney, President and CEO, CHEMCENTRAL Corporation;

Joseph F. Firlit, President and CEO, Soyland Power Cooperative;

Ronald Harper, CEO and General Manager, Dakota Coal Company and Dakota Gasification Co.;

Richard Midulla, Executive VP and General Manager, Seminole Electric Cooperative, Inc.;

Dan Wiltse, President, National Barley Growers Association;

William L. Berg, President and CEO, Dairyland Power Cooperative;

Charles L. Compton, General Manager, Saluda River Electric Cooperative;

Don Kimball, CEO, Arizona Electric Power Cooperative, Inc.;

Gary Smith, President and CEO, Alabama Electric Cooperative, Inc.;

Stephen Brevig, Executive VP and General Manager, NW Iowa Power Cooperative;

Frank Knutson, President and CEO, Tri-State G and T Association, Inc.;

Robert W. Bryant, President and General Manager, Golden Spread Electric Cooperative;

Marshall Darby, General Manager, San Miguel Electric Cooperative, Inc.;

Thomas W. Stevenson, President and CEO, Wolverine Power Supply Cooperative;

Kimball R. Rasmussen, President and CEO, Deseret G and T Cooperative;

Thomas Smith, President and CEO, Oglethorpe Power Corporation;

Evan Hayes, President, Idaho Grain Producers Association;

Gary Simmons, Chairman, Idaho Barley Commission;

Randy Peters, Chairman, Nebraska Wheat Board;

Terry Detrick, President, National Association of Wheat Growers;

Leland Swenson, President, National Farmers Union;

Frank H. Romanelli, President and CEO, Metachem Products, L.L.C.;

Frederick W. Von Rein, Vice President, GM Fisher Chemical, Fisher Scientific Company LLC;

Raymond M. Curran, President and CEO, Smurfit Stone Container Corp.;

Floyd D. Gottwald, Jr., Chairman and CEO, Albemarle Corporation;

Richard G. Bennett, President, Shearer Lumber Products;

John Begley, President and CEO, Port Townsend Paper Company;

Gregory T. Cooper, President and CEO, Cooper Natural Resources;

Mark J. Schneider, Chief Executive Officer, Borden Chemicals and Plastics;

Kees Verhaar, President and CEO, Johnson Polymer;

L. Ballard Mauldin, President, Chemical Products Corporation;

George M. Simmons, President of First Chemical Corporation, ChemFirst Inc;

Christopher T. Fraser, President and CEO, OCI Chemical Corporation;

Gerhardus J. Mulder, CEO and Vice Chairman of the Board, Felix Schoeller Technical Papers, Inc.;

John F. Trancredi, President, North American Chemical Co., IMC Chemicals Inc.;

Christian Maurin, Chairman and CEO, Nalco Chemical Company;

Nicholas P. Trainer, President, Sartomer Company, Inc.;

Thomas H. Johnson, Chairman, President, and CEO, Chesapeake Corporation;

Gordon Jones, President and CEO, Blue Ridge Paper Products Inc.;

David Lilley, Chairman, President and CEO, Cytec Industries Inc.;

Mario Concha, Vice President, Chemical & Resins, Georgia-Pacific Corporation;

Duane C. McDougall, President and CEO, Willamette Industries, Inc.;

Kennett F. Burnes, President and COO, Cabot Corporation;

Aziz I. Asphahani, President and CEO, Carus Chemical Company;

Thomas M. Hahn, President and CEO, Garden State Paper Company;

Dan F. Smith, President and CEO, Lyondell Chemical Company;

Frank R. Bennett, President, Bennett Lumber Products Inc.;

Joseph G. Acker, President, Hickson Dan Chemical Corporation;

James F. Akers, President, The Crystal Tissue Company;

Lee F. Moisio, Executive Vice President, Vertex Chemical Corporation;

Richard G. Verney, Chairman and CEO, Monadnock Paper Mills, Inc.;

Helge H. Wehmeier, President and CEO, Bayer Corporation;

Michael Flannery, Chairman and CEO, Pope and Talbot, Inc.;

R. P. Wollenberg, Chairman and CEO, Longview Fiber Company;

Michael T. Lacey, President and COO, Ausimont USA, Inc.;

Michael J. Kenny, President, Laporte Inc.;

Jean-Pierre Seeuws, President and CEO, ATOFINA Petrochemicals, Inc.;

Michael J. Ferris, President and CEO, Pioneer Americas, Inc.;

Edward A. Schmitt, President and CEO, Georgia Gulf Corporation;

Peter A. Wriede, President and CEO, EM Industries, Inc.;

Fred G. von Zuben, President and CEO, The Newark Group;

Paul J. Norris, Chairman, President and CEO, W.R. Grace & Co.;

George H. Glatfelter II, Chairman, President and CEO, P.H. Glatfelter Company;

Larry M. Games, Vice President, Procter & Gamble;

David C. Southworth, President, Southworth Company;

Harvey L. Lowd, President, Kao Specialties Americas LLC;

Richard Connor, Jr., President, Pine River Lumber Co., Ltd.;

William Wowchuk, President, Eaglebrook, Inc.;

W. Lee Nutter, Chairman, President and CEO, Rayonier;

Robert Carr, President and Chief Operating Officer, Schenectady International, Inc.;

Robert Strasburg, President, Lyons Falls Pulp & Paper, Inc.;

J. Edward, CEO, Gulf States Paper Corporation;

Gorton M. Evans, President and CEO, Consolidated Papers, Inc.;

John K. Robinson, Group Vice President, BP Amoco p.l.c.;

David J. D'Antoni, Sr. Vice President and Group Operating Officer, Ashland Inc.;

Pierre Monahan, President and CEO, Alliance Forest Products, Inc.;

Peter Oakley, Chairman and CEO, BASF Corporation;

Charles K. Valutas, Sr. Vice President and Chief Administrative Officer, Sunoco, Inc.;

Leroy J. Barry, President and CEO, Madison Paper Industries;

Norman S. Hansen, Jr., President, Monadnock Forest Products, Inc.;

Dan M. Dutton, CEO, Stinson Lumber Company;

Michael L. Kurtz, General Manager, Gainesville Regional Utilities;

William P. Schrader, President, Salt River Project,

Jim Harder, Director, Garland Power and Light;

Gary Mader, Utilities Director, City of Grand Island, Nebraska;

Robert W. Headden, Electric Superintendent, City of Escanaba, Michigan;

Darryl Tveitakk, General Manager, Northern Municipal Power Agency;

Steven R. Rogel, Chairman, President and CEO, Weyerhaeuser Company;

John T. Dillon, Chairman and CEO, International Paper Company;

Roy Thilly, CEO, Wisconsin Public Power, Inc.;

Tom Heller, CEO, Missouri River Energy Services;

Charles R. Chandler, Vice Chairman, Greif Bros Corp.;

Rudy Van der Meer, Member, Board of Management, Akzo Nobel Chemicals Inc.;

William B. Hull, President, Hull Forest Products, Inc.;

Larry M. Giustina, General Manager, Giustina Land and Timber Co.;

Daniel S. Sanders, President, ExxonMobil Chemical Company;

Thomas E. Gallagher, Sr. Vice President, Coastal Paper Company;

F. Casey Wallace, Sales Manager, Allegheny Wood Products Inc.;

Terry Freeman, President, Bibler Bros Lumber Company;

William Mahnke, Vice President, Duni Corporation;

Neil Carr, President, Elementis Specialties;

Chris A. Robbins, President, EHV Weidmann Industries Inc.;

James Lieto, President, Chevron Oronite Company LLC;

Marvin A. Pombrantz, Chairman and CEO, Baylord Container Corp.;

M. Glen Bassett, President, Baker Petrolite Corporation;

Glen Duysen, Secretary, Sierra Forest Products;

Kent H. Lee, Senior Vice President of Speciality Chemicals, Ferro Corporation;

James L. Burke, President and CEO, SP Newsprint Company;

Dana M. Fitzpatrick, Executive Vice President, Fitzpatrick and Weller, Inc.;

Bert Martin, President, Fraser Papers Inc.;

Carl R. Soderlind, Chief Executive Officer, Golden Bear Oil Specialties;

Charles L. Watson, Chairman and CEO, Dynegy, Inc.;

Alan J. Noia, Chairman, President and CEO, Allegheny Energy;

Ronald D. Earl, General Manager and CEO, Illinois Municipal Electric Agency;

Steven Svec, General Manager, Chillicothe Municipal Utilities;

Michael G. Morris, Chairman, President and CEO, Northeast Utilities;

Jay D. Logel, General Manager, Muscatine Power and Water;

Robert A. Voltmann, Executive Director & Chief Executive Officer, Transportation Intermediaries Association;

Andrew E. Goebel, President and Chief Operating Officer, Vectren Corporation;

Bob Johnston, President and CEO, Municipal Electric Authority of Georgia;

Rick Holly, President, Plum Creek;

A.D. Correll, Chairman and CEO, Georgia-Pacific Corporation;

Robert M. Owens, President and CEO, Owens Forest Products;

Charles E. Platz, President, Montell North America Inc.;

Nirmal S. Jain, President, BaerLocher USA;

Will Kress, President, Green Bay Packaging Inc.;

Stanley Sherman, President and CEO, Ciba Specialty Chemicals Corporation;

Charles A. Feghali, President, Interstate Resources Inc.;

Charles H. Blanker, President, Esleeck Manufacturing Company, Inc.;

Dennis H. Reilley, President and CEO, Praxair, Inc.;

Vohn Price, President, The Price Company;

Lawrence A. Wigdor, President and CEO, Kronos, Inc.;

Eric Lodewijk, President and Site Manager, Roche Colorado Corporation;

James L. Gallogly, President and CEO, Chevron Phillips Chemical Company;

Takashi Fukunaga, General Manager, Specialty Chemicals, Mitsui & Co. (USA), Inc.;

James A. Mack, Chairman and CEO, Cambrex Corporation;

F. Quinn Stepan, Sr., Chairman and CEO, Stepan Company;

John R. Danzeisen, Chairman, ICI Americas Inc.;

Harold A. Wagner, Chairman and CEO, Air Products and Chemicals, Inc.;

Bernard J. Darre, President, The Shepherd Chemical Company;

Frank A. Archinaco, Executive Vice President, PPG Industries, Inc.;

Gary E. Anderson, President and CEO, Dow Corning Corporation;

David S. Johnson, President and CEO, Ruetgers Organics Corporation;

Whitson Sadler, President and CEO, Solvay America, Inc.;

Peter L. Acton, General Manager, Arizona Chemical Company;

Wallace J. McCloskey, President, The Norac Company, Inc.;

Gregory Bialy, President and CEO, RohMax USA, Inc.;

Arthur R. Sigel, President and CEO, Velsicol Chemical Corporation;

H. Patrick Jack, President and CEO, Aristech Chemical Corporation;

Michael E. Campbell, Chairman and CEO, Arch Chemicals, Inc.;

James B. Nicholson, President and CEO, PVS Chemicals, Inc.;

D. George Harris, Chairman, D. George Harris and Associates;

James E. Gregory, President, Dyneon LLC;

Toshihoko Yoshitomi, President, Mitsubishi Chemical America Inc.;

William H. Joyce, Chairman, President & CEO, Union Carbide Corporation;

Kenneth W. Miller, Vice Chairman, Air Liquide America Corporation;

Norman Blank, Senior Vice President, Research & Development, Sika Corporation;

Edward W. Kissel, President and COO, OM GROUP, INC.;

Mario Meglio, Director of Marketing, Kuehne Chemical Company, Inc.;

Jerry L. Golden, Executive Vice President-Americas, Shell Chemical Company;

Thomas E. Reilly, Jr., Chairman and CEO, Reilly Industries, Inc.;

Joseph F. Raccuia, CEO, Encore Paper Company, Inc.;

Alex Kwader, President and CEO, Fibermark;

John A. Luke, Jr., Chairman and CEO, Westvaco Corporation;

George J. Griffith, Jr., Chairman and President, Merrimac Paper Co.;

George Harad, Chairman and CEO, Boise Cascade Corporation;

L. Pendleton Siegel, Chairman and CEO, Potlatch Corporation;

Monte R. Haymon, President and CEO, Sappi Fine Paper;

George D. Jones III, President, Seaman Paper Company, Inc.;

Jon M. Huntsman, Sr., Chairman, Huntsman Corporation;

Jerry Tatar, Chairman and CEO, The Mead Corporation;

Larry L. Weyers, Chairman, President and CEO, WPS Resources Corporation;

Jan B. Packwood, President and CEO, IDACORP, Inc.;

E. Linn Draper, Jr., Chairman, President and CEO, American Electric Power;

Steven E. Moore, Chairman, President and CEO, OGE Energy Corp.;

John MacFarlane, Chairman, President and CEO, Otter Tail Power Company;

H. Peter Burg, Chairman and CEO, First Energy Corp.;

John Rowe, Chairman, President and CEO, Unicom Corporation;

Erroll B. Davis, Jr., Chairman, President and CEO, Alliant Energy Corporation;

Alan Richardson, President and CEO, PacifiCorp;

William F. Hecht, Chairman, President and CEO, PPL Corporation;

Bob Stallman, President, American Farm Bureau Federation;

William Rodecker, Director, Occupational Health, Safety & Environmental Affairs, Eli Lilly and Company.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from New Jersey.

ALS TREATMENT AND ASSISTANCE ACT

Mr. TORRICELLI. Mr. President, all of us in our public lives on occasion meet an individual under circumstances and remains with us. They are so powerful in their impact that they haunt us and, if we are true to our responsibilities, also lead us to involvement. It could be circumstances of a struggling family attempting to pay their bills. It could be someone in enormous physical or emotional distress.

I rise today because 3 years ago I met a young family from Burlington County, NJ, who had exactly this impact on me, my life, and my own service in the Senate.

Kevin O'Donnell was 31 years old, a devoted father who was skiing with his daughter one weekend, when he noticed a strange pain in his leg. It persisted, which led him to visit his family doctor. Here, he was shocked to learn, despite his apparent good health, the vibrancy of his own life and his young age, that he had been stricken with ALS, known to most Americans as Lou Gehrig's disease.

We are fortunate that ALS is a very rare disorder. It affects 30,000 individuals in our Nation, with an additional 5,000 new cases diagnosed every year. We should be grateful it is so rare because the impact on an individual and their health and their family is devastating. Indeed, there are few diseases that equal the impact of ALS on an individual.

It is, of course, a neurological disorder that causes the progressive degeneration of the spinal cord and the brain. Muscle weakness, especially in the arms and legs, leads to confinement to a wheelchair. In time, breathing becomes impossible and a respirator is needed. Swallowing becomes impossible. Speech becomes nearly impossible. Muscle by muscle, legs to arms to chest to throat, all motor activity of the body shuts down.

While ALS usually strikes people who are over 50 years old, indeed, there are many cases of young people being afflicted with this disease. Once the disease strikes, life expectancy is 3 to 5 years. But the difficulty is, life expectancy is not measured from diagnosis; it is measured from the first symptoms.

Diagnosing ALS is very difficult. What can appear as a pain in the leg can be overlooked for months. Muscle disorders can be ignored for a year. Doctors have a difficult time diagnosing Lou Gehrig's disease.

Not surprisingly, after diagnosed, the financial burdens are enormous. Work is impossible. Twenty-four hour care is likely. Wheelchairs, respirators, nursing care can easily cost between $200,000, to a quarter of a million dollars a year.

Families struggle with this financial burden while they are also struggling with the certainty of death at a young age.

This leads me to the responsibilities of this institution.

Patients with ALS must wait 2 years before becoming eligible for Medicare. For 2 years—no help, no funds, no assistance. As a result, 17,000 ALS patients currently are ineligible for Medicare services. And thousands of these individuals will die having never received one penny of Medicare assistance. Their death from ALS is a foregone conclusion. It could come in a year or 2 years or 3, but we are requiring a 2-year waiting period before there is any assistance.

Clearly, ALS, the problems of diagnosis, the certainty of death, the rapid deterioration of the human body, was not considered with this 2-year waiting period.

Nearly 3 years ago, I first introduced legislation that would eliminate the 24-month waiting period for ALS from Medicare. Most of the people who were with me that day here in the Senate when we introduced this legislation are now dead. Most of them never received any Medicare assistance. Only I remain, having been there that day offering this legislation again to bring help to these people.

But their agony and the burdens on their families have now been succeeded by thousands of others, who at the time probably had never heard of ALS disease, certainly did not know that Medicare, upon which their families had come to rely, would be out of reach to them in such a crisis.

The ALS Treatment and Assistance Act, since that day, has enjoyed bipartisan support, with 28 cosponsors in the Senate, 12 Republicans and 16 Democrats. In the House of Representatives, 280 Democrats and Republicans have cosponsored the legislation.

This spring, the Senate unanimously adopted this legislation as part of the marriage penalty tax bill, which, of course, did not become law.

Both Houses, both parties have responded to this terrible situation.

Two weeks ago, when Senator MOYNIHAN and Senator DASCHLE introduced S. 3077, the Balanced Budget Refinement Act of 2000, I was very proud that the ALS provision was included in their legislation. Last Wednesday, the ALS waiver was included in the balanced budget refinement legislation approved by the House Commerce Committee. So there is still hope.

As every Member of this institution knows, the calendar is late. Regretfully, we are again at a time of year when the legislative process ceases to work as it is taught in textbooks across the country. There will not be an opportunity for me to advocate this legislation for ALS patients by offering an amendment on the Senate floor to the Medicare package developed by the Finance Committee. That option is simply not going to exist under the procedures and the calendar of the Senate.

I am, therefore, left with the following circumstances. Having lost many of those ALS patients, on whose behalf I originally began this effort, a new group of families are now helping me across the country. They, too, have a year or two remaining in their lives and need this help.

If I can succeed in getting this provision, with the support of my colleagues, in the balanced budget refinements that ultimately will be passed by this Senate, for those people before their deaths, there is still hope. If I fail, then these people, too, will expire before they get any assistance from the Government.

I do not know of an argument not to pass this legislation. I do not know of a point that any Senator in any party, at any time, could make, to argue on the merits, that these ALS patients should not get a waiver under Medicare, in the remaining months or years of their lives, to get some financial assistance.

The unanimous support of the Senate previously, I think, is testament to the fact that we are of one mind. I simply now would like to ask my colleagues, in these final days, knowing that there will be a Medicare balanced budget refinement bill, that this provision be included.

I also, Mr. President, ask unanimous consent to have printed in the RECORD a copy of the letter that was sent to Chairman ROTH last week, signed by 16 of my colleagues in the Senate, Democrats and Republicans, asking for inclusion of the ALS legislation in a balanced budget refinement package.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 25, 2000.

Hon. WILLIAM V. ROTH,
Chairman, Senate Finance Committee,
Washington, DC.

DEAR CHAIRMAN ROTH: As the Finance Committee prepares to mark-up a Balanced Budget Act refinement package for Medicare providers, we urge your support for the inclusion of an important provision of S. 1074, the Amyotrophic Lateral Sclerosis Treatment Act. This provision would eliminate the 24-month waiting period for Medicare which prevents ALS patients from receiving the immediate care they desperately need.

As you know, ALS is a fatal neurological disorder that affects 30,000 Americans. Its progression results in total paralysis, leaving patients without the ability to move, speak, swallow or breathe and therefore totally dependent on care givers for all aspects of life. Without a cure or any effective treatment, the life expectancy of an ALS patient is only three to five years.

A common problem for individuals stricken with ALS is that, due to the progressive nature of the disease and the lack of any diagnostic tests, a final diagnosis is often made after a year or more of symptoms and searching for answers. This delay results in a loss of valuable time that could have been spent in starting treatment early. Once a diagnosis is finally made, the tragedy is needlessly worsened by Medicare's 24-month waiting period which forces ALS patients to wait until the final months of their illness to receive care.

Eliminating this unfair restriction for ALS patients enjoys strong bipartisan support in the Senate and the House. In fact, the House version of this bill has the support of 280 cosponsors. Including this legislation in a BBA refinement package will represent a first real step toward improving the quality of life for Americans stricken with ALS. We look forward to working with you, and appreciate your consideration of this important legislation.

Sincerely,

Mr. TORRICELLI. Mr. President, I thank you for the time and I thank my colleagues for their indulgence. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. First, I would like to comment on the comments that were made by Senator TORRICELLI from New Jersey. I thought they were profound, moving, and obviously urgent.

What I regret to have to report to him is that the Senate Finance Committee, on which I serve on the minority side, has concluded there will be no markup. There will with no markup on the balanced budget amendment. So this is very sad. This is part of the denigration of the process of this entire institution.

There is no health care legislation that has come out of the Finance Committee, or anywhere else, in the last 2 years. We could go through that litany.

But I want to report my profound discouragement to the Senator that we were told yesterday there would be no markup, no markup on the one thing that we could do to help not only the people you are talking about but all the hospitals and hospices and skilled nursing facilities, home health agencies in our States which are suffering.

So we have to rely on the good will of the President when he meets with leaders, Republican leaders. Hopefully, maybe a Democrat will be included in that meeting. Maybe something can happen.

But this is where we have arrived at in this institution. It is unfortunate. It is wretched. It has a terrible consequence for the people who you so movingly and eloquently talked about.

RAILROAD COMPETITION

Mr. ROCKEFELLER. Mr. President, I come before the Senate today to speak about an issue—the plight of captive shippers—on which the Senator from North Dakota, Mr. DORGAN, spoke and on which I have been working for 16 years, every day I have been in the Senate, with a complete, absolute, and total lack of success. One doesn't ordinarily admit those things, but I say that because that is how bad the situation is. That is how unwilling the Congress is to address this problem even though it affects every single Senator and every single Congressman in the entire United States of America without a single exception.

How did this happen is the same question as asking why is it that people complain about planes being late but don't take any interest in aviation policy. We are a policy body. We are meant to deliberate; we are meant to discuss issues. We don't. We don't take any interest in aviation. So we complain but don't do anything. We take no interest in railroad policy, and so we don't complain and we don't do anything.

As a result, the American Association of Railroads, which is one of the all-time most powerful lobbying groups in the country, has its way. As Senator DORGAN said, they have their way although there are only really four or five railroads left. When I came here in 1985, as the junior Senator from West Virginia, there were 50 or 60 class I railroads. Those are the big ones. Now there are four or five, probably soon to be two or three.

When the Staggers Act was passed to deregulate the railroads, which unfortunately this Congress did in 1980, they divided it into two parts. They said for those railroads which had competition, the market would set the price. But they said there are about—let's pick the number—20 percent of all railroads which have no competition. In the coal mines, steel mills, granaries, and manufacturing facilities that these railroads serve, there is no competition. Their rates would be determined by the Interstate Commerce Commission at that time. Now it is called the Surface Transportation Board. Very few of my colleagues know anything about the Surface Transportation Board or knew anything about the Interstate Commerce Commission, even though many of their people are suffering vastly from the consequences of the inaction of these two bodies.

We don't have railroad competition in many aspects of our economy. You can't move coal by a pickup truck and you can't fly it in an airplane, you have to move it in a train. Sometimes you can put it in a truck, but you have to basically put it in a train. The Presiding Officer knows that very well; he comes from a State that produces coal.

I also am going to submit the same letter the Senator from North Dakota did for the RECORD so it appears at the conclusion of my remarks. It is an extraordinary letter to Chairman MCCAIN and Senator HOLLINGS signed by 282 CEOs—not government relations people, not lobbyists, but by CEOs. It is the most extraordinary document of commitment and anger over a subject I have seen in the 16 years I have been in the Senate. I have never seen anything like this before.

This is obviously a matter of enormous importance to my State. Most of what we produce has to be moved by railroad: Chemicals; coal; steel; lumber. It is a place where railroads have an enormous presence and railroads dominate.

This letter seeks to make railroad policy a top concern. These people say it is their top legislative concern. They represent virtually every industry, and all parts of the country.

I don't know how we got to this situation. I think it is ignorance on the part of the Congress, it is inattention, to some degree laziness on the part of the Commerce Committee and the Congress. It doesn't rise to the level of a crisis which hits us one day and grabs all the headlines. It is like the ALS about which the Senator from New Jersey was talking. It just creeps slowly. It just gradually destroys parts of the economy.

Let me explain the situation this way. Imagine if I decided I wanted to fly to Dallas, TX, from Charleston, WV, and I was told I had to go through Atlanta. We don't have a lot of direct connections out of West Virginia. And suppose the airline told me, told this Senator, that they would not tell me how much my ticket would cost from Atlanta to Dallas. I would be outraged. All kinds of people would jump into the action. They couldn't do that. That would be illegal. It would be wrong.

The railroads can do what the airlines are prevented from doing. They can refuse to quote you a price on what is called bottleneck situations, where they will not tell you how much it is going to cost on a monopoly segment. By doing that they control the price of whatever you are shipping, wherever you are shipping it. That is wrong.

One of the reasons they are able to do that is that railroads, unlike virtually every other industry that has been deregulated, have antitrust exemption. Why do railroads have antitrust protection? Can anybody give me a reason they would have antitrust protection? They have been deregulated. No other industry that has been deregulated has an exemption from our antitrust law, but the railroads do, because the American Railroad Association moves very quietly and skillfully under the radar of attention. It is a huge and powerful group. It doesn't make waves, doesn't cause notice. It hands out tremendous amounts of money, but they do their work below the radar screen.

As a result, when chemicals move out of the Kenawha Valley and the Ohio Valley in West Virginia and when coal moves out of southern West Virginia and northern West Virginia, we are victims in many circumstances to captive shipping. We are captives of the railroads. They can charge our companies whatever they want, and they do. It is illegal, but the railroads have on their side the Surface Transportation Board, which is supposed to "regulate" them, but instead is concerned only with how much money the railroads are making. So why should the railroads do anything other than make the most money they can? And they do.

I know of no other situation like that in America. I come from a family that knew something about monopoly. And, properly and correctly, a President named Theodore Roosevelt came along and ended that because it was wrong. It was done in those times. That is the way those businesses were done, but it was wrong.

Well, it is wrong what the railroads are doing today on captive shipping. For 16 years we have been fighting this—16 years, no progress, nothing. The STB comes up and they say: We need to have rules and regulations from the Congress. The folks in the Commerce Committee say: We are having all kinds of hearings.

We don't have hearings. We technically have hearings, but they are not hearings. They are not probing hearings. A couple people drop in; a couple people drop out. Consumers everywhere suffer from this, and they don't even know about it. We should, because it is our responsibility to protect consumers. Where the law says the railroad companies cannot do something which they are doing, we should be upset by that. And if it is 20 percent of railroad traffic, we should be angry about it. But we don't care. We don't care.

Again, many, if not most, of the products and commodities—coal and chemicals especially—being shipped by companies in West Virginia these products · are shipped by companies, are shipped by companies that are captive to a single railroad. Only one line serves most of these plants. The railroads have all power: This is what you are going to pay; if you don't want to pay it, then we won't serve you.

And they use a lot of other strong-arm tactics, which I will not go into, although I am protected on the floor and I could, and I would be happy to, but I won't do it. But they use strong-arm tactics; they know how to use them and they do use them. There are four or five major railroads, and they can use strong-arm tactics and get away with it. All the others have been merged and eaten up. So the shippers are forced to pay whatever the railroads want to charge. If my colleagues think that is fair, fine.

This is what it's like: When you walk into a grocery store to buy bread, you know what bread is supposed to cost. But no, the grocer says, no, you have to pay three times the usual cost. I don't think my colleagues would stand for that. But my colleagues do put up with this, by continuing to let railroads charge whatever they want—not what the market says the cost should be—even though it costs their constituents and companies in their states more money than it should, and puts people out of work.

Why won't my colleagues get interested in this subject? Why won't they require the STB and the railroads to follow the law? Why doesn't the Commerce Committee take this more seriously?

I cannot remember any significant period of time since I have been in this body that I have not had a steady flow of complaints from my "captive" shippers—large and small companies that are captive to one railroad. They have no alternative but to pay what the railroad says they must. There is only one line going in; what are they going to do? Carry it out by hand? The Staggers Act said the railroads shouldn't exercise this kind of control. The captive shippers cannot set their own price. The railroads set the price on the monopoly segment, often without telling shippers what the price is, and thereby control the price along the entire route. This happens—today and every day—in the American economy. This is free market?

So businesses in my State and in your State, Mr. President, and the State of the Senator from Alaska are hindered from making the kinds of profits and putting a number of people to work because we in Congress choose to ignore an enormous American problem.

I'd like to say a little bit about why this has all happened. I have talked about the diminution of the number of railroads. We have just two railroads on the east coast and two on the west coast, and one running the length of the Mississippi. These five railroads collect 95 percent of all freight revenues, as Senator DORGAN said. Pretty soon, that number may be reduced to just two railroads, period. These railroads are not exactly having a hard time. This level of "competition"—with just a few railroads controlling 95 percent of the traffic—means, prima facie, that we really have no competition at all. You just say 95 percent, and there you have it. By definition, there is no competition.

During the last 5 years, the pace of railroad consolidation has been dizzying. In 1996, the merger of the Union Pacific and Southern Pacific Railroads threw the entire country into crisis. Did we care? Yes, briefly, for a week or so. There were some stories in the Wall Street Journal—we heard about the Houston railyard being shut down—and some of the rest of the country noticed, too. It was a strange and confusing railroad problem, and we didn't have time to figure it out; that was our attitude. So it came and it went. But it cost endless millions of dollars and endless lost jobs.

But we need to look at what happened. The results of that merger—creating one huge, unresponsive railroad, from two large unresponsive railroads—were major service disruptions, plant closings, thousands of lost workdays, and endless millions of dollars lost by companies all over this country.

We had the same thing on a smaller scale in West Virginia and in the East. We have had our own merger. Conrail was divided kind of piecemeal between CSX and Norfolk Southern Railroads. A period of disruption followed that merger also—perhaps not the scale of the UP-SP debacle—but still devastating and frustrating to my manufacturers in my State and throughout the Northeast. The railroads didn't worry because they knew nobody here was paying any attention.

Rail consolidation isn't the only culprit. Several unjustified and counterintuitive rulings made by the Surface Transportation Board and its predecessor agency, the Interstate Commerce Commission, have stifled railroad competition and made matters much worse.

These agencies have enormous power in our economy. Their key decision was the 1996 "bottleneck" decision to which I have already referred. That allows a railroad to remain in control of its essential facilities, known as "bottlenecks" and effectively prevent a rail customer from getting to a competing railroad, or even getting a price. In other words, where railroads share a line, they won't let you use it. They won't let anybody else use it. They won't tell you what it would cost even if you work out some kind of arrangement. They control the cost of shipping along your whole route, and they shut you down.

The court of appeals upheld the decision of the STB as not being "arbitrary or capricious." So that seems to be on the side of the railroads. In its decision, the court of appeals went out of its way to say that the bottleneck decision was, one, not the only interpretation that the STB could have made under the law; and, two, not necessarily the interpretation the court itself would have made.

Since then, the STB, predictably, has refused to revisit this decision and seems to take the official position that it does not have the legal authority to reach any other conclusion without specific direction from Congress to put competition first. Well, I don't have any problem with that, except Congress hasn't been paying any attention and probably won't do that anytime soon. There is no chance we will do that in the Commerce Committee now. Public anger hasn't been galvanized, and congressional anger hasn't been galvanized. Congressional passiveness rules.

Under the protective rulings of the Surface Transportation Board, railroads are the only industry in the Nation that have both been deregulated and allowed to maintain monopoly power over its essential facilities. Congress, the Federal agencies, and the Federal courts have specifically prevented telephone companies, airlines, natural gas pipelines, and electric utilities from controlling essential facilities, while at the same time they enjoy the benefits of deregulation.

I reject the notion that the Staggers Rail Act intentionally allowed railroads to use their bottleneck facilities to prevent customers access to competition. That is wildly illogical and wildly untrue. It goes against every principle of the American market economy. Likewise, it makes no sense, and runs counter to the law of the land, for the STB to view protection of the financial health of the railroads as its overriding mission, which they do. In all of their history, they have never found a railroad to be revenue adequate. That is the technical term. In other words, they have never found a railroad which is making enough money. The railroads have to make more money, suppress competition, according to the STB.

So if we in Congress really care about the long-term viability of the freight railroad industry, we have to examine and make fundamental changes to the policy. But first we have to understand it—and we don't, and we won't, until people get motivated.

The railroad industry itself is given unwarranted special treatment, about which I have spoken, regarding the antitrust review. They are totally exempt from review by the Antitrust Division of the Department of Justice. Instead, it is left to the Surface Transportation Board to determine whether a merger or acquisition is "in the public interest."

Now, fortunately, as the Senator from North Dakota indicated, the STB is quite concerned about its merger policy. Hurrah. They see, as I do, the very real and ominous possibility that a final round of railroad mergers could leave us with just two transcontinental railroads carrying 97 percent of all American rail freight.

So the STB responded this year by instituting a 15-month moratorium on major railroad mergers. They are also conducting a rulemaking on their merger procedures.

I commend this unprecedented and important letter from 282 chief executive officers of huge American companies and small American companies to all of my colleagues. My guess is that very few colleagues will read that letter because we are passive, because this issue is under our radar. Or more accurately, we have decided to ignore it. When it comes to ignoring this problem, we have an unblemished record of success, even though our inaction hurts companies and people in every part of this country.

Their letter sends a compelling message to Congress that the status quo on railroad policy is unacceptable and must be changed. Senator BURNS, Senator DORGAN, and I have a bill to do exactly that, if we can get anybody to pay attention to it.

I thank the Presiding Officer. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my colleague from West Virginia. I sympathize with the exposure that his State has. Of course, my State, unfortunately, is not connected to the rest of the United States by rail. We have a State-owned railroad and would like to have the opportunity to have a railroad connection. I am sympathetic to his cause.

ENERGY CRISIS

Mr. MURKOWSKI. Mr. President, I would like to address a couple of situations that I think are paramount in our consideration of issues before us today. I know most of my colleagues are aware of the current situation in Belgrade and the uprising against the dictatorship of Milosevic. I understand the situation is very grave at this time. I know we are all hopeful there will be no serious loss of life as a result of the uprising. I am sure my colleagues will join me in our prayers and hopes that the opposition's Kostunica will be successful in ousting Milosevic and instituting a democratic and peaceful new government in Yugoslavia. I know the Senate hopes for the best and that the nightmare in Yugoslavia may soon be at an end.

Unfortunately, we have a similar situation in the Middle East and the fighting that is going on between the Israelis and the Palestinians. Over 67 people have been killed.

I think it appropriate at a time when we are facing an energy crisis in this country to recognize the volatility associated with the area where we are most dependent on our oil supply; namely, the Middle East. Fifty-eight percent of our oil is imported primarily from OPEC.

As we look at the situation today, we recognize the fragility, if you will, and the sensitivity associated with relying on that part of the world, particularly when we see the action by this administration in the last few days of drawing down oil from the Strategic Petroleum Reserve which is set up for the specific purpose of ensuring that we have an adequate supply in storage if, indeed, our supply sources are interrupted.

By drawing that reserve down 30 million barrels, we sent a signal to OPEC that we were drawing down own our savings account making us more vulnerable, if you will, to those who hold the leverage on the supply of oil; namely, OPEC, Venezuela, Mexico, and other countries.

I wanted to make that observation and further identify, if you will, that we have a situation that needs correction. We still have time to do it in this body; that is, to pass the EPCA reauthorization bill.

As a consequence of the effort by the majority leader yesterday to bring that bill up—H.R. 2884—the reauthorization bill, I think it is important that we recognize why we need it.

First, it reauthorizes the Strategic Petroleum Reserve. The authorization expired in March of this year.

It creates a home heating oil reserve with a proper trigger mechanism that is needed.

It provides State-led education programs on "summer fill" and fuel budgeting programs.

It requires the Secretary of Defense to concur with drawdowns and indicate that those drawdowns will not impact national security.

It strengthens weatherization programs by increasing the per-dwelling allowance.

It requires yearly reports on the status of fuel supply prior to the heating season.

We have worked hard at trying to bring this to the floor and get it passed.

Yesterday, the Senator from California indicated there was still opposition to the bill. It is my understanding that comments were made about the bipartisan substitute we have offered. As a consequence, I believe there is a need for a response.

One, the Senator claimed that we could take up and pass the underlying bill—H.R. 2884—without amendment.

This simply can't happen. The underlying bill does not contain responsible trigger mechanisms to protect SPR from inappropriate withdrawal.

The Secretary of Energy has asked for a more responsible trigger mechanism than is contained in the underlying bill. The Secretary is right. We need that. This is our insurance policy if we have a blowup in the Middle East.

Second, by accepting the House bill, we would lose the opportunity to strengthen the weatherization program contained in the substitute and we would also lose the mandate for a yearly report from the Department of Energy on the status of our fuel heading into the winter contained in the substitute.

These are important issues. I am sure the Senator from California would agree that she would support these.

But, as a consequence, to suggest that we can accept the House bill that doesn't include the triggering mechanism is the very point that I want to bring up.

The Senator from California also said the Federal Government should not be in the oil business and that they don't do well in the oil business. I certainly agree. We don't do well with the Strategic Petroleum Reserve. We have bought high and sold low out of that reserve.

But it is even more important now that we have moved some of our oil to build up a heating oil reserve.

Isn't it ironic that the facts are, since the beginning of this year, more than 152,000 barrels of distillate—heating oils, light diesels, and so forth—have been exported each day. We are exporting fuel oils and heating oils that we ought to be holding in our reserve since we have a shortage of heating oil for the Northeast States that are so dependent on it. That is not what we are doing.

According to today's Wall Street Journal, that number is ballooning even higher because of tight supplies and higher prices in Europe. In other words, we need more of it here, but we are sending it over to Europe—as opposed to the administration putting a closure or requiring that crude oil be taken out of SPR and be refined for heating oil and held in this country in reserve.

That isn't in the requirement for the 30 million barrels that went out of SPR. The companies that bid on it can do whatever they wish with it. So we haven't accomplished anything. Where is it going? It is going to Europe.

I agree with the Senator from California that the Federal Government should not be in the oil business. They are doing a lousy job of it, and their SPR withdrawal is strictly a political cover to try to imply that the administration is doing something about the crisis so we don't get too excited about the election that is coming up. It is a charade.

The Senator from California claims the royalty-in-kind provisions are a charade allowing oil companies to pay fair market value—and this Senator is trying to undercut efforts to resolve valuation issues.

While I would like to take credit for all the provisions in our bill, in fairness, they were worked out with the ranking member of the committee, Senator BINGAMAN, and the administration. In fact, the royalty-in-kind program was initiated in 1994 by none other than Vice President GORE as part of the reinvention of government to test new, more efficient ways of collecting its royalty share.

If the Senator from California is saying that AL GORE's efforts to reinvent government have been a failure and have cost the American taxpayer millions of dollars, I would certainly respect her opinion.

Furthermore, a provision requires that the Government receive benefits "equal to or greater" than it would have received under a royalty evaluation program.

Finally, the Senator accused me—the Senator from Alaska—of trying to move this program "in the dark of night."

Well, I am disappointed by that statement. Prior to even taking this substitute up on the floor, my staff approached the staff of the Senator from California to work to resolve concerns in a good-faith effort.

The staff of Senator BINGAMAN, the ranking member of the Energy Committee, which I chair, spent countless hours answering the Senator's questions and addressing her concerns. Unfortunately, those efforts evidently have been unsuccessful.

So any argument that the RIK language in this bill has not gone through an appropriate process pales in comparison to that alleged lack of process involved in a "rider" on the same subject the Senator from California supports in the Interior appropriations bill.

You cannot have it both ways.

The arguments are simply empty rhetoric premised on the assumption that oil companies are inherently bad and any program dealing with them must be flawed. The implication is that the oil companies are profiteering.

There is no mention that we were selling oil in this country at $10 a barrel a year ago. Now it is $33 a barrel.

Who sets the price of oil? Is it "Big Oil" in the United States? No. It is OPEC. OPEC provides 58 percent of the supply. It is Venezuela and Mexico. You pay the price, or you leave it.

I am prepared to bring up this bill under a reasonable time agreement, debate the issue at length, and have the Senator from California offer an amendment to strike the provision if she finds it objectionable. That is her right. I support that right.

But it is time we move the Senate version of this very important bill to reauthorize the Strategic Petroleum Reserve, and establish a home heating oil reserve, and get the administration focused on the reality that the oil they propose to take out of SPR is being refined and sent over to Europe to meet their heating oil demands. That is the reality.

If we don't move this legislation, the Senator from California will have to bear the responsibility. It is unconscionable to me at a time when we face an energy crisis—not only oil and natural gas but other areas and in our electric industry—that we find some other important bills being held up. We have passed out of the Committee an electric power reliability bill. The purpose was the recognition that we have a shortage of generating capability in this country.

We have not expanded our generating capacity to meet the demand. As a consequence of that, we have not progressed with a distribution system to meet the demand that is growing. So out of the Committee, along with Senator GORTON, we specifically worked to get an electric power reliability bill. It is sitting here waiting for passage. What it does—and the administration wants it—it sets up a way to share the shortage.

That sounds ironic, but we have a shortage of generating capacity. We have seen spiking costs very high, hundreds and thousands of dollars, for short periods of time. The reliability bill administers in a fair manner, to ensure that if there is any surplus in one area, it is moved to other areas without the exposure of spiking. We cannot seem to move that on the floor of the other body. We are going into a timeframe where, if we get a cold winter and higher electric demands, we will need that legislation.

Another bill, of course, that we considered is our electricity deregulation bill, a comprehensive bill. The problem was there was a mandate to have 7½ percent of our energy derived from renewables. That is easy to say. The administration mandated that bill. But there is no way to enforce it because we simply don't have the technical capability to achieve 7½ percent of our energy from non-hydro renewables. It is less than 2 percent now.

They say we haven't spent enough money or been dedicated or made a commitment. I remind my colleagues, we have extended in 5 years $1.5 billion in direct spending to subsidize development of renewables. We have given tax incentives for renewables of $4.9 billion. I support renewables, but we just can't pick them up. The wind doesn't always blow outside. In my State of Alaska, it is not always sunny. Solar panels do not always work.

As a consequence, I remind my colleagues, when you fly out of Washington from time to time, you don't leave here on hot air, you need energy. We have a crisis. We have not passed the electric power reliability legislation, we have not passed comprehensive electricity deregulation, and we are in a situation where we have taken oil from SPR and now we are seeing that oil move to Europe.

I want to use the remaining time to do a contrast because I want to emphasize the significance of the energy policies as proposed by our two Presidential candidates. Make no mistake, on energy policy the differences between Vice President GORE and Governor Bush could not be more clear.

Let's look at costs. We have added up the Bush proposal, $7.1 billion over 10 years. The Gore proposal, which the newspapers have added up—which are usually somewhat favorable to the Vice President—costs 10 times more than that, somewhere between $80 and $125 billion. They are still trying to pin down the figures. The Vice President wants to raise prices and limit supply of fossil energy, which makes up over 80 percent of our energy needs. By discouraging domestic production, the administration has forced us to be more dependent on foreign oil, placing our national security at risk and, of course, raising prices.

The Vice President's only answer in the first debate was to give you solar, wind, biomass technologies, that are not yet available. Again, I remind my colleagues, we have spent $1.5 billion in direct spending and $4.9 billion in tax incentives over 5 years trying to develop more renewables.

In contrast, Governor Bush would expand domestic production of oil and natural gas, reduce imports below 50 percent, and ensure affordable and secure supplies by developing resources at home. He would invest ample resources into emerging clean fossil technologies, renewable energy, and energy conservation programs, but, most of all, he won't bet on our energy future. Governor Bush will use the energy of today to yield cleaner, more affordable energy sources for tomorrow.

Now, let's look at the record. The Vice President has said he has an energy plan that focuses not only on increasing the supply but also working on the consumption side. The facts show the Vice President doesn't practice what he preaches. The administration has actually decreased energy supply during the past 7½ years. They have opposed domestic oil production and exploration. We have 17 percent less production since Clinton-Gore took office. We have closed 136,000 oil wells and 57,000 gas wells since 1992. They oppose the use of plentiful American coal and clean coal technology. The EPA makes it uneconomical to have a coal-generating plant. The demand is there for energy, but clearly coal is simply almost off limits because of the process.

We force the nuclear industry to choke on its waste. We are one vote short in this body of passing a veto override, yet the U.S. court of appeals, in a liability case, ruled the Government had the responsibility to take the waste. The cost to the taxpayers here is somewhere between $40 and $80 billion in liability due the industry as a consequence of the Federal Government's failure to honor the sanctity of the contract.

They have threatened to tear down hydroelectric dams. Where are they going to place the traffic that moves on barges? Put it on the highways? That will take away 10 percent of our Nation's electricity.

They ignored electric power reliability and supply concerns. Go out to San Diego and see the price spikes there—no new generation, no new transmission in southern California.

They have claimed to support increased use of natural gas, yet they have kept Federal lands off limits to natural gas production: approximately 64 percent of the overthrust belt in the Midwest—Wyoming, Colorado, Montana—is off limits to exploration. We all remember in this body the Vice President coming and sitting as President of the Senate, utilizing his tie-breaking vote in 1993 to raise the gas tax.

We recall initially he wanted a Btu tax to reduce consumption of energy when the administration first came in. There has been a series of taxes. We heard a lot about it in the debate the other day. The Vice President said the tax plan favors the richest 1 percent. Yet 2 percent of the people pay 80 percent of the taxes. He didn't mention that.

Talking about crude oil and the Vice President, instead of doing something to increase the domestic supply of oil, the Vice President seems to want to blame big oil for profiteering as a cause for high prices. This simply is an effort to distract attention from the real problems, to cover for this Administration's lack of a real energy strategy.

One year ago, oil was being given away at $10 a barrel. Who was profiteering, Mr. Vice President? Were American oil companies simply being generous? The small U.S. companies—"Small Oil"—were suffering, with 136,000 stripper and marginal oil wells closed. Our domestic energy industry was in real trouble. Stripper wells cannot make it at $10 a barrel.

The six largest oil companies—AL GORE's "big oil"—only comprise 15 percent of the world oil market. In contrast, OPEC—Saudi Arabia, Iran, Venezuela, Mexico, Iraq—produce 30 million barrels a day and control 41 percent of the world's oil market. OPEC controls the supply. Therefore, they set the price, not the United States.

If we don't like their price, I guess we don't have to buy their oil. But obviously we are addicted to it. By discouraging domestic exploration and increasing our reliance on foreign oil, the Vice President would take away that option, essentially, forcing us to pay OPEC's price for oil, holding us hostage to foreign governments, as the case is now.

What about Governor Bush? He would encourage new domestic oil and gas explorations. As he said Tuesday: The only way to become less dependent on foreign sources of crude oil is to explore at home. Charity begins at home.

Just opening up the ANWR Coastal Plain in my State of Alaska to exploration would increase domestic production by a million barrels a day. I bet it would drop the price of oil $10 to $15 a barrel. The same amount, a million barrels a day, is slightly more than what we import from Iraq. Here is a person we don't trust, whom we fought a war against, yet we are dependent on, and that is Saddam Hussein. Shouldn't we produce this oil at home rather than risk our national security by relying on Iraq for energy needs?

Yesterday I gave a few facts, not fiction, about oil exploration and gas exploration in my State. My colleague from Nevada, who is not on the floor today, continued to refer to outdated estimates and recoverable oil from ANWR using oil prices. He said at a price of $18 a barrel, ANWR was likely to yield a low-end estimate of 2.4 billion barrels, but that still is 1 million barrels a day for 6 years, Mr. President.

And the prices will be much higher than that—they will be $25 a barrel, or more. According to the U.S. Geological Survey, the ANWR Coastal Plain is likely to yield 10 billion barrels of recoverable oil, nearly as much as Prudhoe Bay. But it is interesting to reflect on Prudhoe Bay because that one area has supplied one-fifth of our oil needs for the last 20 years. ANWR could do the same for the next 20 years. Remember the realities associated with estimates. They estimated Prudhoe Bay would produce 10 billion barrels, and it has produced over 12 billion and is still producing over a million a day.

I want to talk about natural gas because Governor Bush's energy plan is more than just increasing the domestic supply of oil. He would also expand access to natural gas on Federal lands and build more gas pipelines.

The Vice President makes no mention of natural gas, leaving the most critical part of America's energy mix policy simply unsaid. Yet natural gas is vital for home heating and electric power. 50 percent of U.S. homes, 56 million, use natural gas for heating. Natural gas provides 15 percent of our Nation's electric power, and that generating capability has no place to go for more capacity other than natural gas because you can't get permitted. Mr. President, 95 percent of our new electric power plants will be powered by natural gas as the fuel of choice, but this administration refuses to allow the exploration and production of gas, or the construction of pipelines, to increase the supply of gas to customers.

Demand has gone up faster than supply. This yields higher prices. And our demand for gas will only increase. The EIA expects natural gas consumption to increase from 22 trillion cubic feet now to 30 to 35 trillion cubic feet by 2010.

The administration touts natural gas as its bridge to the energy future—our cleanest fossil fuel—fewer emissions, efficient end use for industrial and residential applications, huge domestic supply, no need to rely on imports. Yet they place Federal lands off limits to new natural gas production. Where are we going to get it? Mr. President, 64 percent of the Rocky Mountain overthrust belt is off limits. The roadless policy of the Foreign Service locks up 40 million acres of public land, and there is a moratorium on OCS drilling until 2012. Where is it going to come from, thin air?

AL GORE would even cancel existing leases. He made a statement in Rye, NH, on October 21, 1999:

> I'll make sure there is no new oil leasing off the coasts of California and Florida. And then I would go much further: I will do everything in my power to make sure that there is no new drilling off these sensitive areas—even in areas already leased by previous administrations.

The American people ought to wake up. Where is our energy going to come from? Now there is no strategic natural gas reserve, is there, like we have for an oil, for the Vice President to fall back on in the case of natural gas prices. This administration simply ignored energy, and now we are in trouble and they are covering their behind.

Natural gas is now over $5.30 per thousand cubic feet. Less than 10 months ago it was $2.16.

The differences are clear. The Vice President would limit new natural gas production and force higher prices for consumers. Governor Bush would encourage domestic production of natural gas and the construction of pipelines to get it there.

We talked, finally, about renewables. The Vice President said Tuesday that:

> We have to bet on the future and move beyond the current technologies to have a whole new generation of more efficient, cleaner energy technologies.

That sounds fine, but how are we going to get there? I think we all agree in this case our energy strategy should include improved energy efficiency, as well as expanded use of alternative fuels and renewable energy and a mix of fuel oil, natural gas, nuclear, and hydro.

But the critical question is how do you get there from here? The Vice President would make a bet. He would bet that by diminishing supply of conventional fuels such as oil and natural gas, you will be more willing to pay higher prices and make renewables competitive. He will support higher energy taxes, just as he did in 1993 when he cast the tie-breaking vote to raise gas taxes. And he will favor more regulations, more central controls on energy use standards for each part of our everyday life.

The Vice President will tell you what kind of energy you could use, how much of it you could use, and how much you would have to pay for it.

In contrast, Governor Bush would harness America's innovative technological capability and give us the technologies of tomorrow by using the American "can do" spirit. Governor Bush would set aside the up-front funds from leasing Federal lands from ANWR, for oil and gas—the "bid bonuses"—to be earmarked for basic research into renewable energy. He has a plan. It is a workable plan. It is not smoke and mirrors. The production royalty from oil and gas leases would be invested in energy conservation and low-income family programs such as LIHEAP or weatherization assistance. Using tax incentives, Governor Bush would expand use of renewable energy in the marketplace—building on successful experience in the State of Texas. As a result of Governor Bush's efforts on electricity restructuring, Texas will be one of the largest markets for renewable energy, about 2000 new megawatts.

Finally, Governor Bush would also maintain existing hydroelectric dams and streamline the Federal relicensing process. Al Gore would breach the dams in the Pacific Northwest.

The Vice President will try to lay the blame on Congress. He said we have only approved about 10 percent of their budget requests for renewable energy. Here again the Vice President is twisting the facts. According to the Congressional Research Service, we have provided $2.88 billion in funding for renewable energy since 1992; 86 percent of their request.

The conclusion, the bottom line, is the contrast between the candidates and their energy policies could not be more clear. The Vice President wants to raise prices and limit the supply of fossil energy which makes up over 80 percent of our energy needs, replacing it with solar, wind, and biomass technologies which are just not widely available or affordable today.

Governor Bush would expand the domestic production of oil and natural gas, ensuring affordable and secure supplies. He won't bet on our energy future. Governor Bush will use the energy of today to yield cleaner more affordable energy sources for tomorrow.

The choice for the American consumers on November 7 is clear. Support a candidate with a positive plan to reduce dependence on Saddam Hussein, the Middle East, and other areas; produce here at home and use all our energy resources, our coal, our oil, our hydro, our nuclear, and natural gas because we are going to need them all to keep the U.S. economy going.

Remember, you can't fly out of here on hot air.

I yield the floor.

The PRESIDING OFFICER (Mr. Voinovich). The time until 2 o'clock is under the control of the Senator from Illinois.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent I be allowed to speak for up to 5 minutes, with the consent from the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

YUGOSLAVIA

Mrs. HUTCHISON. Mr. President, it is my intention to speak for a couple of minutes, and then I will suggest the absence of a quorum and ask if the distinguished Chair would also like to say a few words. And if he indicates such, I will step aside.

I want to speak about something that is happening that is very important to our country and to the rest of the world. As we speak, hundreds of thousands of Yugoslavian people are demonstrating in the streets, saying they want the election result to be declared. It was an election. There is a question about how free it was.

Certainly President Milosevic is trying to have a runoff, to have time to get his troops back together. But it is clear the people of Yugoslavia are standing up for their rights. During all the time the United States has been dealing with the issue of President Milosevic and his wife continuing to keep down the people of Yugoslavia and the satellite countries—Montenegro, Macedonia, Kosovo—to keep them from having the opportunity to express their free will, we in America have said to the people of Yugoslavia: Please, make your voices heard.

We will be supportive of what the people of that country want to happen. Clearly, there has been somewhat of a revolution in this last election period.

I hope and pray for the people of Yugoslavia that they will get their voice, that they will have their voices heard, that they will have representation in Parliament, and that the truly elected President of Yugoslavia will be able to take office.

It is impossible for us to know if the election was fair. It is impossible for us to know if there should be a runoff. Certainly the people have taken matters into their own hands, and they have shown a spirit that cannot be denied.

The hearts and prayers of the people of America are with the people of Yugoslavia today, hoping they will be able to have a free and fair Presidential election; that they will be able to have a Parliament that is truly representative of the people of Yugoslavia. That extends to the people of Montenegro, the people of Macedonia, the people of Kosovo, that they, too, will have their free will to be in control of their countries.

We are watching in our country and we wish them the best. We hope the people of Yugoslavia can take control of their own destiny. That is what we would wish for every person in the world, for every country in the world, and no less certainly for Yugoslavia.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FITZGERALD. Mr. President, I express my appreciation to all the Members of this distinguished body and, in particular, our Senate leaders on both sides of the aisle for the opportunity they have given me over the last couple days to speak to a matter of great importance, in my mind, a matter which, though it concerns only a relatively small portion of the Interior conference committee report that is before the Senate, I think nonetheless is a matter that goes to the heart of the Government's appropriations process.

I want to review and describe the filibuster I have conducted since about 2 days ago. It has had four major parts.

First, I explained the project about which I was concerned: The Abraham Lincoln Presidential Library to be built in Springfield, IL. This is a project I support, and I am working to help make sure the project is adequately funded over the next couple years in the Senate.

Second, I explained our insistence on Federal competitive bidding and described the bill the Senate supported which detailed the competitive bid provision. This body, on its own, when focused on the narrow issue of whether the Federal funding the Congress is approving for the Abraham Lincoln Library would require that the project be competitively bid in accordance with Federal bidding guidelines, all Members from all 50 States, agreed that the Federal competitive bid guidelines should be attached.

However, the Interior conference committee report that is before us has stripped out that competitive bidding requirement, and since the project now is in the heart of this Appropriations Committee report, which has many other projects and appropriations for programs and Departments of the Federal Government all over the country, it is now in a bill that will no doubt pass the Senate.

Third, I compared the State versus the Federal procurement process and procedure.

Finally, I gave the context in which these concerns arise. I read a series of articles from publications from throughout the State of Illinois that discussed, first, the various contexts in which the issues of competitive bidding have come up in the State of Illinois and, second, the potential for insider abuse when there are not tight requirements that competitive bidding be applied to a government construction project or a government lease or to practically any kind of project in which the Federal or State government is involved.

It has been my effort to make the best possible case that Federal competitive bidding rules should be attached to the Lincoln Library.

I began by reviewing the time line of this project. This project was first discussed 2 years ago, or more, under the administration of then Gov. Jim Edgar of the State of Illinois. In the first few months of February 1998, Governor Edgar at that time was proposing a $40 million library. Later, we saw how, by March of 1999 in a new administration, the project had grown to a $60 million project. Then we saw how, by April of 1999, they were discussing $148 million project to construct the Abraham Lincoln Presidential Library in Springfield, IL.

Since then, I think the numbers have fallen back down, and we are really talking about a $115 million to $120 million project: $50 million will come from the Federal Government, $50 million will come from the State, and the rest will come from private sources.

I also talked about the specific language in the Interior conference committee report that is before us.

I noted that that authorization for $50 million in funding, coupled with an appropriation for $10 million that would be distributed in this fiscal year, does not specify who is to get the $50 million authorization. The authorization language does not require that the money be delivered to the State of Illinois. It says the money will be delivered to an entity that will be selected later by the Department of the Interior in consultation with the Governor of the State of Illinois.

I have been concerned by the wide open nature of that language. When you think about wording a bill that money will be funneled to an entity that is going to be selected later, we do not know what that entity is. That raises cause for concern. What happens if that money falls outside of the hands of State or Federal officials altogether and is in private hands? Will there be any controls on it at all?

I also mentioned that I was concerned, if this money did go to the State of Illinois—it may well go to the State of Illinois—the State would probably hand it over to its Capital Development Board.

I noted that the Illinois Capital Development Board, which builds many of the State's buildings, such as prisons, built the State of Illinois Building in the city of Chicago, IL. They have an unusual provision in the general State procurement code, a highly irregular and unusual provision, that allows the Capital Development Board to establish "by rule construction purchases that may be made without competitive sealed bidding and the most competitive alternate method of source selection that shall be used."

I pointed out that with this lack of a hard and fast requirement, if the money were to flow to the State of Illinois, and the Capital Development Board were to construct this library, the Capital Development Board, by their own statute, would have the authority to opt out of competitively bidding this project.

I do not think a project of any magnitude, paid for by the taxpayers, should be done without competitive bidding. Obviously, there is too much potential for abuse. We want to make sure we get the best value for the taxpayers. It would be irresponsible for the Congress to not require competitive bidding, in my judgment, and not just on a small project but most particularly for a very large project such as this, a $120 million project.

I also want to note—to give some scale to the size of a $120 million building—we have some Illinois structures and cost comparisons. The source for this is the State Journal-Register, the newspaper in Springfield, IL, from a May 1, 2000, article.

They said that the estimated cost, adjusted for inflation, of building the Illinois State Capitol in today's dollars would be $70 million. So $120 million is much more expensive. The Lincoln Library would be much more expensive than the State capital.

There is another building in Springfield that is worth $70 million. That is the Illinois State Revenue Department building, the Willard Ice Building, built in 1981 to 1984. It would probably cost about $70 million to build. That is a huge building.

The Prairie Capital Convention Center: It is estimated to have cost $60 million in today's dollars.

The Abraham Lincoln Library will be much more expensive than all of these very major buildings in Springfield, IL. On a project of this magnitude, obviously we need to have the construction contracts competitively bid.

In discussing the State procurement code, I noted that the State Capital Development Board had the ability to opt out of competitively bidding projects. It was for that reason, when I saw the language of this measure that originally came over to us from the House, I decided we ought to look at attaching tougher guidelines.

We compared the State procurement code to the Federal procurement code, and I determined that in order that we not have to worry about the State opting out of competitive bidding, and in order that we not have to worry about some other flaws in the State procurement code, we would instead attach the Federal guidelines.

When I was in Springfield as a State senator for 6 years, back in 1997 I voted for the current State procurement code. It is indeed some improvement over the old State procurement laws. Nonetheless, it does have some problems and it could be better. I regret that I missed the loophole that allows the Capital Development Board to opt out of competitively bidding a project.

I also discussed, at length, yesterday how the Capital Development Board was sending around a letter saying they would competitively bid this project, no matter what. They also suggested that their rules require them to competitively bid this project.

That contention is conclusively demolished by the language of the State statute, which shows that they do not have to competitively bid. They are sending out a letter saying they would competitively bid. Obviously, that does not create a legal requirement. They sent the letter to me. Maybe it creates a contractual obligation to me, but it does not make them legally accountable in the bidding process. How can you hold someone accountable if the code is optional? That is the problem with the State procurement code.

Furthermore, I noted, when I had a discussion with Senator DURBIN—he, of course, along with all other Senators in this body, supported the passage of the Senate provision which required competitive bidding in accordance with the Federal guidelines. However, he did raise the question, How would the State be able to adapt itself so it would apply the Federal competitive bidding guidelines?

I pointed out that the State code contemplates, in fact, that from time to time Federal guidelines will be attached on grants from the Federal Government and that the State has statutory authority to adopt all its forms and procedures in order to make sure they can comply with guidelines imposed by the Federal Government, much in the same way the State would have to comply with any guidelines the Federal Government gave along with funding for education, for health care for the indigent, for Medicaid dollars, or the like. Absolutely, there is nothing wrong with that, nor is there anything unusual about that. That is why the State contemplates it in its procurement code.

I also reviewed, at length, the context in which this debate has occurred. I read a series of articles from publications throughout the State of Illinois into the RECORD. Those articles discuss the various contexts in which competitive bidding had come up before in the awarding of construction contracts, of leases for State buildings, of licenses for riverboats.

I also discussed loans the State had given out back in the early 1980s to build luxury hotels, loans that never were repaid, and it seemed the borrowers had never really been held fully accountable.

I told you that from my experience of several years in the Illinois State legislature, I could not casually dismiss this history. It is seared in my memory from many bruising battles I had when I was a State senator in the Illinois State Senate from 1993 to the end of 1998.

Finally, we asked the question whether the Lincoln Library is another one of those insider deals, such as the ones we discussed when we read into the RECORD stories of leases of State buildings to the State in which it seemed the people who owned the property made out real well but the State seemed to be paying very exorbitant rental rates, and also mishaps that we had with construction projects in the past.

We described how, with the very lucrative Illinois riverboat licenses, some of which could be worth in the hundreds of millions of dollars each, the minute you got one of those riverboat licenses, you would have the ability to earn in some cases $100 million a year, and that these licenses could be considered extremely valuable. They would probably sell on the open market for many times the amount of annual earnings that would accrue to one of those licenses.

We described how those very valuable licenses were given out in the State of Illinois on a no-bid basis for a total consideration of $85,000 apiece. I described how I thought that was wrong, that those licenses, instead of being handed out as political bonbons to connected political insiders who happen to be longtime, big-dollar contributors to both sides of the aisle, that we should not have just given them away like that. They should have been competitively bid, and the people who wanted those lucrative licenses should not have been going through the legislature or through a gaming board made up of officials handpicked by the Governor to see who would become the next multimillionaire in the State of Illinois.

Had we had competitive bidding for those riverboat licenses, then we might not have had all the articles written about how it was that only a handful of politically connected people just happened to wind up being the ones who got these phenomenally lucrative gambling licenses.

They were lucrative licenses not only because they were gambling licenses but because they were monopoly licenses. There could be only 10 riverboats in the State of Illinois. If there could only be 10 restaurants or 10 hotels in the State of Illinois, then the license to operate one of those restaurants or hotels would be very valuable as well.

We reviewed at length all the problems that happened and all the questions that get raised when a governmental body gives out privileges or contracts or leases without tight procedures to make sure that political favoritism does not enter into the equation and without tight guidelines to make sure there is a fair and equitable competitive bidding process.

After this whole discussion, in which some names of prominent political people seemed to be coming up again and again and again in many of the articles, we finally arrived at the question, is this Abraham Lincoln Library to be built in Springfield—the construction has not started yet; it is scheduled to start on Lincoln's birthday next year, 2001; they have awarded some architecture and engineering contracts and some design contracts—just another insider deal? We concluded that it may or may not be. We won't know until it is done, until we see how it is done. But we concluded that, clearly, given the whole history of problems we have seen again and again and again in recent State history with the awarding of construction contracts, leases, privileges, licenses, that we ought to do our very best to prevent this project from becoming just one more insider deal. And we noted what a horrible, ugly irony it would be if a monument to "Honest Abe" Lincoln, arguably our country's greatest President, wound up having any taint at all.

That is what we are seeking to avoid. We should do our very best to prevent it from becoming an insider deal.

Moreover, we have many red flags that have to be taken into account. We have the price increases from $40 to $60 to now $120 million. We have the location of the library. The library site has recently been selected. This is a map of Springfield. This is the State Capitol complex. This is where Abraham Lincoln's home is. It is now run by the National Park Service. There is, in fact, an entire neighborhood that has been renovated and kept up to look as we think it looked in the day and age that Abraham Lincoln and his family lived there.

This is where the Capital Convention Center is. This is where the Abraham Lincoln Library is now planned. That was the site selected. Maybe that is the best site. I don't know. One may never know. It is close to the old State Capitol, which Abraham Lincoln actually served in and spoke in when he was a State legislator. It is near the Abraham Lincoln law office. Is it the best site? I don't know. Did political favoritism come into consideration in selecting that site? I don't know. We don't know.

One thing is interesting, though. This hotel, the Renaissance Springfield Hotel, is very close to the proposed library. That is the hotel that, as we discussed yesterday, was built with taxpayer money in the form of a State loan given out back in the early 1980s. The loan was never paid back, though some payments were made on the loan. The people who got the loan still own the hotel and still manage it. Presumably if the Lincoln Library results in increased tourism revenue and more people coming to visit the city of Springfield, there will be a lot of tourist dollars. Some projections estimate as much as $140 million in tourist revenue will be added by the construction of the library in Springfield. Certainly some of that would probably accrue to the benefit of those who have the Renaissance Springfield Hotel.

The price increases, the location of the library, we note these things. We note the involvement of individuals whose names have come up in the past and were described again and again in many of the articles read into the RECORD. And we note the general problem that the State has had with projects such as this in the past.

Given all these red flags, isn't it appropriate that we be extra careful and that we do everything we can to ensure that the project be appropriately competitively bid? It is for that reason that I attached the Federal competitive bid guidelines when the authorization bill came into the Senate. These guidelines were adopted unanimously in the Senate Energy Committee and, ultimately, the whole Senate unanimously adopted these guidelines and sent the bill back to the House.

We are here today because we have to vote on the Interior conference committee report which has appropriations for the project tucked in, but with the Senate requirements for competitive bidding in accordance with Federal guidelines stripped out. It is the fact that those competitive bid guidelines are not contained within the authorization and appropriations for the library in this Interior conference committee report that I am here on the floor of the Senate.

Mr. President, this debate, as I have said, goes to the very heart of the appropriations process itself. We need to take great care with the taxpayers' money. The money represents precious hours of hard work, sweat, and time away from their families. The American people are fundamentally generous and they will permit reasonable expenditures for the good of their country and their communities. The people of Springfield, IL, are as generous as any, and they are as fine a people as any.

I have heard more from the people of Springfield, IL, than from anywhere else in my State about the importance to them of having an honest and ethical bidding process on this library that they hope will be a credit to their community for ages to come. But while the people are generous and they are willing to permit us to make reasonable expenditures in support of our States and communities, the taxpayers do expect that they not be abused. We need to do our best to make sure there are sufficient safeguards so that the people can know their hard work is not being trampled on, that politically connected individuals are not deriving private profit at the expense of the taxpayers, all under the guise of a public works project.

I know that in this Chamber our remarks go out to the entire country. I am well aware of it in this debate because our office is receiving correspondence from people all over the United States who find interesting what has happened in Illinois. But I want to address these remarks now exclusively to the people of my State—the land of Lincoln—Illinois.

In a very short time now, the Senate will soon take a vote on the Interior appropriations conference report. This is the vehicle that contains the Lincoln Library provisions we have been talking about in this filibuster.

When the Senate votes, we will lose because the Interior bill itself is a bill with considerable support for projects around the country—it is an $18 billion bill that literally has implications for every State in the Nation—my colleagues will vote for it. Even those who, along with me, believe the Lincoln Library should have Federal competitive bidding rules attached to the money that will be appropriated today will do so.

As I have noted, all Members of this body, earlier this week, voted in favor of Federal competitive bidding guidelines for this project when we had a vote just on that narrow issue. We cannot have a vote to take out the language that is in the conference committee report that does not require the competitive bidding. These are the rules of the Senate. However, when the vote is called and we lose, I do not want the people of Illinois to be discouraged by the difficulties we have encountered. If nothing else, from the materials we have introduced into the RECORD, it is clear that the political culture of Illinois is entrenched and formidable—so entrenched and formidable that a simple provision such as competitive bidding could become controversial.

Our effort in these last couple of days is just a baby step. Real change can only come as the people of Illinois see more, know more, and gradually come to realize that they do indeed have the power to make it different. Real change comes from the bottom, from the people up. All those of us in this body can do is observe, think, exercise our very best judgment, and then make the case.

Today and yesterday, we have made the case. In a little while, the opponents of our simple competitive bid requirement will prevail. But the next time you hear of leases, or loans, or capital projects, or riverboat licenses going to political insiders, you will remember this debate; and together we will rejoin the fight and redouble our efforts for the next time.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Is there objection? I object.

Mr. GRASSLEY. May I speak just on the bill?

The PRESIDING OFFICER. Can we suggest the absence of a quorum?

Mr. GRASSLEY. I don't want to go through that if I don't have to.

Mr. FITZGERALD. Mr. President, I yield the remainder of my time to the occupant of the chair, Senator VOINOVICH from Ohio.

(Mr. FITZGERALD assumed the chair.)

ELECTIONS IN THE BALKANS

Mr. VOINOVICH. Mr. President, as my colleagues are well aware, I have a keen interest in what happens in the Balkans because I believe what happens in Southeastern Europe impacts on our national security, our economic well-being in Europe, the stability of Europe and yes, world peace.

For the better part of the 20th Century, Western Europe and the U.S. have had an enormous stake in what has occurred in Southeastern Europe.

However, we have not done enough to pay attention to what is happening there, dating back to the time when former Secretary of State, Jim Baker, said of Yugoslavia that "we don't have a dog in this fight."

Unfortunately, that line of thinking has prevailed, and we've allowed Slobodan Milosevic to wreak havoc. Over the last decade, he has spread death and destruction to the people of Serbia, Kosovo and Croatia and we all know that U.S. troops now are in Kosovo and Bosnia because of him.

Even a U.S. and NATO led air war last year was not sufficient to bring an end to the Milosevic regime.

Since the end of the war, I have been working hard on three essential items that I believe will bring peace and stability to the region. First, I have been working with leaders here and abroad to help stop the ethnic cleansing in Kosovo; second, to try and make sure that we keep our promises to the Stability Pact of Southeast Europe. To that end, I recently met with Bodo Homback, the head of the Stability Pact to underscore the importance of the Stability Pact; and third, I have been working tirelessly to support democracy in Serbia, a cause I took on when I was governor of the State of Ohio.

When I was in Bucharest at the Organization for the Security and Cooperation of Europe, OSCE, in July of this year, I introduced a resolution on Southeastern Europe that called to the attention of the OSCE's Parliamentary Assembly the situation in Kosovo and Serbia, and made clear the importance of democracy in Serbia.

I pointed out to my OSCE colleagues in that resolution that Milosevic was a threat to the stability, peace and prosperity of the region. I argued that in order for the nations of that region to become fully integrated into Europe—for the first time in modern history—Milosevic's removal from office was absolutely essential.

My resolution put the OSCE, as a body, on record as condemning the Milosevic regime and insisting on the restoration of human rights, the rule of law, free press and respect for ethnic minorities in Serbia. I was pleased that my resolution passed, despite strong opposition by the delegation from the Russian Federation.

Many people had become resigned to the fact that if the NATO bombing and the hardships that followed the end of the air war did not produce widespread anti-Milosevic sentiment, the prospect for Milosevic's removal from office by the Serbian people would not happen any time soon. Even Milosevic himself felt confident enough in his rulership of Yugoslavia to call for general elections nine months earlier than they were supposed to occur.

On Sunday, September 24th, historic elections took place in Yugoslavia in spite of the worst type of conditions that could possibly hamper free and fair elections, including military and police presence at polling places; ballots counted by Milosevic appointees; reports of "ballot stuffing;" intimidation of voters during the election process; and the refusal to allow independent observers to monitor election practices and results.

In spite of all that, the people won. They won because of the old Serbian slogan—Samo, Sloga, Srbina, Spasava—which translates into "only unity can save the Serbs", or, "in unity there is strength for the Serbs."

And I might say the opposition finally got its act together with prayers to St. Sava, and with enlightenment from the Holy Spirit.

It was the political force of the people that propelled law professor, and political unknown, Vojislav Kostunica, to victory.

This monumental victory over an indicted war criminal proves that the Serb people strongly desire positive change. They want to see their country move beyond the angry rhetoric and nationalistic fires fanned by Milosevic.

And let me make this point clear: Mr. Kostunica's victory and his support are not the result of Western influence.

And although Milosevic had previously acknowledged that Mr. Kostunica had more votes, we learned yesterday afternoon that his pawns on the constitutional court declared that the September 24th elections were unconstitutional.

This latest and most blatant attempt by Milosevic to thwart the will of the people is the final insult to the citizens of Yugoslavia.

The citizens of Yugoslavia—through a constitutional election—have spoken. They have elected a new President.

The Serb people, driven by a desire to live free from the dictatorship of Milosevic, have been pushed to take their election mandate by force. They are, at this very moment, engaged in a struggle to throw off the shackles of oppression.

In light of these developments, I am prayerful that the Serb people will be able to enforce their will, and that they will remember their slogan—Samo, Sloga, Srbina, Spasava—and remain united at this very important time for freedom.

I also pray that the Serb military and police forces will avoid bloodshed, recognizing that their brothers and sisters only seek the freedom that a tyrant has denied them.

Let me be clear, Mr. President: this is not a revolution. The Serb people are enforcing the mandate of their election because this man who has been beaten refuses to relinquish power.

He ought to understand that he's either going to walk out of there or go out on a stretcher or in a body bag.

Mr. President, we in the United States must render our support to the Serb people immediately, and convince our allies and the nations of the world that Vojislav Kostunica is the new and legitimately elected leader of Serbia, and we need to convince Russia that they should immediately tell Milosevic that the game is over; it's time to go.

Mr. President, we also need to assure the Serbian people—who have been long-standing friends of this nation and also our allies in World War II—that we are still their friends and that it is Milosevic who has been the problem, not the Serbian people.

The Serb people need to know that with their new leader, Vojislav Kostunica, we will remove our sanctions against Serbia and help them reinvigorate their economy and re-establish their self-respect and the United States will welcome them into the light of freedom and a bright new chapter in Serbian history.

Thank you Mr. President. I yield the floor.

Mr. McCAIN. Mr. President, once again, we are witness to the belated if inevitable fall of a tyrannical regime that failed to convince the population under its control that its worst enemy lay outside that nation's borders. As I speak, the Serbian people are storming Yugoslavia's Parliament building and seizing television stations. In the town of Kolubara, coal miners and tens of thousands of supporters have openly and peacefully defied the Milosevic regime's efforts at stemming the tide of history. A regime that stands accused of crimes against humanity is on its deathbed, and the United States must not hesitate to declare its unequivocal support for those brave enough to defy that regime.

The people of Yugoslavia have spoken very clearly. They turned out to elect a new President, and Slobodan Milosevic's efforts to manipulate the democratic process has not succeeded. The formidable internal security apparatus that Milosevic and his supporters in the Socialist Party, as well as the Yugoslav United Left, the Communist organization led by his wife Mirjana Markovic, have established cannot save him.

The new defense doctrine President Milosevic approved just 2 months ago listed as its highest priority preservation of the regime that today finds itself under the gravest threat to its survival. While the United States must exercise care in how its role in developments in Serbia are perceived, it must not fail to lend its moral support to those fighting for democracy.

Since 1992, the Balkans have been the scene of the bloodiest fighting in Europe since World War II. The wars that have ravaged Bosnia-Herzegovina and Kosovo produced a list of war criminals that will take years to try, in the event they are brought to justice. A tremendous amount of the blame for that situation resides in one man—Slobodan Milosevic. He was instrumental in creating the environment in which those atrocities occurred and presided over military campaigns that gave the world a new and onerous phrase: ethnic cleansing.

There are those who believe the United States did not have a role to play in supporting democratization in Serbia. Those of us who supported S.720, the Serbia Democratization Act, however, have remained firm in our conviction that U.S. support for democracy in that troubled nation was something to be proud of and could play a positive role in facilitating positive change in Yugoslavia. That S.720 has remained stuck in the House is unfortunate, but the message that it sent merely by its introduction was powerful. We cannot selectively stand for freedom and should not be ashamed that it provides the moral foundation of our foreign policy. Ongoing events in Serbia illustrate vividly the intense desire for democracy in Serbia and the United States should not hesitate to state its strong support for the election of Vojislav Kostunica and for the forces of change in Yugoslavia.

The Balkan powderkeg is facing its most promising period of change since the end of the Cold War. We should not be idle witnesses to that change. I urge the House to speak forcefully on this issue by passing the Serbia Democratization Act at once. The symbolism of U.S. support for democratic change will not play into the hands of a discredited regime in its death throes. On the contrary, it will tell the people of Yugoslavia that we stand with them on the verge of a new era.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

> We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 4578, the Department of the Interior appropriations bill.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 4578, the Interior appropriations bill, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote:

The yeas and nays resulted—yeas 89, nays 8, as follows:

[Rollcall Vote No. 265 Leg.]

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—8

Breaux
Feingold
Fitzgerald
Graham
Inhofe
Landrieu
McCain
Smith

NOT VOTING—3

Feinstein
Jeffords
Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 8.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Washington.

Mr. GORTON. Will the Presiding Officer state what the order of business is now?

The PRESIDING OFFICER. There is a time limit on the conference report, 10 minutes equally divided between the two managers, 10 minutes equally divided between the chairman and ranking member of the Appropriations Committee, 30 minutes under the control of Senator LANDRIEU, and 15 minutes under the control of Senator MCCAIN.

Mr. GORTON. I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in opposition to the bill.

I ask unanimous consent that a list of the unauthorized and unrequested earmarks, earmarks added in conference, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS IN H.R. 4578, CONFERENCE REPORT FOR FY 2001, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS

Bill Language

Additional $1,762,000 for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487.

Earmark of $2,000,000 provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program.

Earmark of $1,607,000 for security enhancements in Washington, D.C.

Earmark of $1,595,000 for the acquisition of interests in Ferry Farm, George Washington's Boyhood Home and for management of the home.

An additional $5,000,000 for Save America's Treasures for various locale-specific projects.

Earmark of $650,000 for Lake Champlain National Historic Landmarks.

Earmark of $300,000 for the Kendall County Courthouse.

Earmark of $365,000 for the U.S. Grant Boyhood Home National Historic Landmark which should be derived from the Historic Preservation Fund.

Earmark of $1,000,000 of the total of the grants made available to the State of Maryland under Title IV of the Surface Mining Control and Reclamation Act of 1977 if the amount is set aside in an acid mine drainage abatement and treatment fund established under a State law.

Earmark of $300,000 shall be for a grant to Alaska Pacific University for the development of an ANILCA training curriculum.

Provision stating that none of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin that is inconsistent with the United States Army Corps of Engineers' efforts to control flooding and siltation in that area.

Provision stating that notwithstanding any other provision of law, the Secretary of the Interior shall designate Anchorage, Alaska, as a port of entry for the purpose of section 9(f)(1) of the Endangered Species Act of 1973.

Provision stating that notwithstanding any other provision of law, the Secretary of the Interior shall convey to Harvey R. Redmond of Girdwood, Alaska, at no cost, all right, title, and interest of the United States in and to United States Survey No. 12192, Alaska, consisting of 49.96 acres located in the vicinity of T. 9N., R., 3E., Seward Meridian, Alaska.

Provision which requires a land exchange regarding the Mississippi River Wildlife and Fish refuge.

Provision which authorizes a land exchange in Washington between the Fish and Wildlife Service and Othello Housing Authority.

Provision which authorizes the establishment of the First Ladies National Historic Site in Canton, Ohio.

Provision which authorizes the Palace of Governors in New Mexico.

Provision which authorizes the Southwestern Pennsylvania Heritage Preservation Commission.

Provision which redesignates the Cuyahoga Valley National Recreation Area as a National Park.

Provision which authorizes the Wheeling National Heritage Area in West Virginia.

Earmark of $500,000 to be available for law enforcement purposes on the Pisgah and Nantahala National Forests.

Earmark of $990,000 for the purpose of implementing the Valles Caldera Preservation Act, which shall be available to the Secretary for the management of the Valles Caldera National Preserve, New Mexico.

Earmark of $5,000,000 to be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment.

Earmark of $700,000 shall be provided to the State of Alaska for monitoring activities at Forest Service log transfer facilities, in the form of an advance, direct lump sum payment.

Earmark of $5,000,000 is appropriated and shall be deposited into the Southeast Alaska Economic Disaster Fund without further appropriation or fiscal year limitation. The Secretary of Agriculture shall distribute these funds to the City of Craig in fiscal year 2001.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the National Forest System' and 'Capital Improvement and Maintenance' accounts and planned to be allocated to activities under the 'Jobs in the Woods' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects.

Language stating that funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area.

Language stating that the Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark.

Language stating that funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California.

Earmark of $5,000,000 to be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to start a priority project for the acquisition of land, planning, design and construction of 79 staff quarters at Bethel, Alaska, subject to a negotiated project agreement between the YKHC and the Indian Health Service.

Provision stating that notwithstanding any other provision of law, for fiscal year 2001 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the 'Jobs in the Woods' component of the President's Forest Plan for the Pacific Northwest or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands.

Provision which continues a provision regulating the export of Western Red Cedar from National forest System Lands in Alaska.

Provision which continues to limit mining and prospecting on the Mark Twain National Forest in Missouri.

Provision limiting competition for fire and fuel treatment and watershed restoration contracts in California.

Provision that amends the Columbia River Gorge National Scenic Area Act to expedite the acquisition of critical lands within the NSA dealing with land appraisal assumptions utilized by the Forest Service to acquire land within the Columbia River Gorge National Scenic Area.

Provision that adds the "Boise Laboratory Replacement Act of 2000" that permits the sale of the Forest Service Boise, ID, laboratory site, occupied by the Rocky Mountain Research Station, and the use of the proceeds to purchase interests in a multi-agency facility at the University of Idaho.

Conference Report Language

Bureau of Land Management

Earmark of $500,000 for Montana State University weed program.

Earmark of $750,000 for Idaho weed control.

Earmark of $900,000 for Yukon River salmon.

Earmark of $1,000,000 for Missouri River activities associated with the Lewis and Clark Bicentennial celebration.

Earmark of $500,000 for the Missouri River undaunted stewardship program.

Earmark of $700,000 for the development of a mining claim information system in Alaska.

Earmark of $500,000 for a coalbed methane EIS in Montana.

Earmark of $650,000 for the Montana cadastral project.

Earmark of $300,000 for the Utah geographic reference project.

Earmark of $2,400,000 for Alaska conveyance.

Earmark of $500,000 to prepare an EIS for future coal bed methane and conventional oil and gas development in the Montana portion of the Power River Basin.

Earmark of $500,000 for the Undaunted Stewardship program, which will allow for local input and participation in grants to protect historic sites along the Lewis and Clark Trail. This program is to be cooperatively administered by the Bureau and Montana State University.

Language which encourages the Bureau to work with the Waste Management Education and Research Consortium (WERC) at New Mexico State University in addressing the problem of abandoned mine sites in the western United States.

Earmark of $482,000 for an Alaska rural fire suppression program (Wildland fire management).

Earmark of $482,000 for a rural Alaska fire suppression program. (Wildland fire suppression).

Earmark of $8,800,000 is to be made available to the Ecological Restoration Institute (ERI) of Northern Arizona University, through a cooperative agreement with the Bureau of Land Management, to support new and existing ecologically-based forest restoration activities in ponderosa pine forests.

Earmark of $3,760,000 for construction at the Coldfoot Visitor Center.

Earmark of $400,000 for construction at the Fort Benton Visitor Center.

Earmark of $200,000 for construction at the California Train Interpretive Center.

Earmark of $500,000 for construction at the Blackwell Island Facility.

Language which encourages the Bureau to work with the town of Escalante and Garfield County, UT to ensure that the construction of the science center is consistent with the Escalante Center master plan.

Earmark of $5,000,000 for land acquisition in El Dorado County, CA.

Earmark of $2,000,000 for land acquisition at Organ Mountains, New Mexico.

Earmark of $2,000,000 for land acquisition for Upper Crab Creek, Washington.

Fish and Wildlife Service

Earmark of $2,000 for Everglades for resource management.

Earmark of $1,500,000 for cold water fish in Montana and Idaho.

Earmark of $270,000 for the California/Nevada desert resource initiative.

Earmark of $1,000,000 for Central Valley and Southern California habitat conservation planning.

Earmark of $500,000 for bighorn sheep conservation in Nevada.

Increases in the recovery program include $5,000,000 for matching grants for Pacific salmon conservation and restoration in Washington.

Earmark of $288,000 for wolf recovery in Idaho.

Earmark of $100,000 for wolf monitoring by the Nez Perce tribe.

Earmark of $600,000 for eider research at the Alaska SeaLife Center.

Earmark of $600,000 for Lahontan cutthroat trout restoration.

Earmark of $500,000 for the black capped vireo in Texas.

Increase of $1,400,000 for Washington salmon enhancement.

Increase of $4,000 for bull trout recovery in Washington.

Increase of $500,000 for private lands conservation efforts in Hawaii.

Increase of $50,000 for rehabilitation of the White River in Indiana in response to a recent fish kill.

Increase of $252,000 in project planning for the Middle Rio Grande Bosque program.

Increase of $350,000 for Long Live the Kings and Hood Canal Salmon Enhancement Group.

Increase of $575,000 to reduce sea bird bycatch in Alaska.

Increase of $360,000 for staffing and operations associated with the new port of entry designation in Anchorage, Alaska.

Increase of $5,000,000 for the Washington Hatchery Improvement Project.

Increase of $184,000 for marking of hatchery salmon in Washington.

Earmark of $11,051,000 for the Alaska subsistence program.

Earmark of $750,000 for the Klamath River flow study.

Earmark of $500,000 for Trinity River restoration.

Earmark of $200,000 for Yukon River fisheries management studies.

Earmark of $100,000 for Yukon River Salmon Treaty education efforts.

Increase of $2,000,000 for Pingree Forest non-development easements in Maine to be handled through the National Fish and Wildlife Foundation.

The increase provided in consultation for cold water fish in Montana and Idaho are for preparation and implementation of plans, programs, or agreements identified by the States of Idaho and Montana that will address habitat for freshwater aquatic species on non-Federal lands.

Earmark of $800,000 in new joint ventures funding for the Atlantic Coast.

Earmark of $750,000 in new joint ventures funding for Lower Mississippi.

Earmark of $650,000 in new joint ventures funding for Upper Mississippi.

Earmark of $1,400,000 in new joint ventures funding for Prairie Pothole.

Earmark of $700,000 in new joint ventures funding for Gulf Coast.

Earmark of $700,000 in new joint ventures funding for Playa Lakes.

Earmark of $400,000 in new joint ventures funding for Rainwater Basin.

Earmark of $1,000,000 in new joint ventures funding for Intermountain West.

Earmark of $550,000 in new joint ventures funding for Central Valley.

Earmark of $700,000 in new joint ventures funding for Pacific Coast.

Earmark of $370,000 in new joint ventures funding for San Francisco Bay.

Earmark of $400,000 in new joint ventures funding for Sonoran.

Earmark of $370,000 in new joint ventures funding for Arctic Goose.

Earmark of $370,000 in new joint ventures funding for Black Duck.

Earmark of $550,000 in new joint ventures funding for Sea Duck.

Earmark of $593,000 for Alaska Maritime NWR, AK (Headquarters/Visitor Center).

Earmark of $500,000 for Bear River NWR, UT (Water management facilities).

Earmark of $3,600,000 for Bear River NWR, UT (Education Center).

Earmark of $350,000 for Canaan Valley NWR, WV (Heavy equipment replacement).

Earmark of $500,000 for Clarks River NWR, KY (Garage and visitor access).

Earmark of $250,000 for Great Dismal Swamp NWR, VA (Planning and public use).

Earmark of $800,000 for John Heinz NWR, PA (Administrative wing).

Earmark of $700,000 for Kealia Pond NWR, HI (Water control structures).

Earmark of $180,000 for Kodiak NWR, AK (Visitor Center/planning).

Earmark of $130,000 for Mason Neck NWR, VA (ADA accessibility).

Earmark of $600,000 for Mason Neck NWR, VA (Non-motorized trail).

Additional $5,000,000 for National Conservation Training Center, WV (Fourth Dormitory).

Earmark of $2,000,000 for Noxubee NWR, MS (Visitor Center).

Earmark of $300,000 for Pittsford NFH, VT (Planning and design/hatchery rehabilitation).

Earmark of $115,000 for Seatuck & Sayville NWRs, NY (Visitor facilities).

Earmark of $1,512,000 for Silvio O. Conte NWR, VT (Education Center).

Earmark of $1,100,000 for White River NWR, AR (Visitor Center construction).

Earmark of $350,000 for White Sulphur Springs NFH, WV (Holding and propagation).

Earmark of $20,000 for White Sulphur Springs NFH, WV (Office renovations).

Earmark of $500,000 for land acquisition at Back Bay NWR (VA).

Earmark of $1,000,000 for land acquisition for Big Muddy NWR (MO).

Earmark of $1,000,000 for land acquisition for Bon Secour NWR (AL).

Earmark of $1,750,000 for land acquisition for Centennial Valley NWR (MT).

Earmark of $500,000 for land acquisition for Clarks River NWR (KY).

Earmark of $2,100,000 for land acquisition for Dakota Tallgrass Prairie Project (SD).

Earmark of $1,000,000 for land acquisition for Edwin B. Forsythe NWR (NJ).

Earmark of $1,150,000 for land acquisition for Grand Bay NWR (AL).

Earmark of $1,500,000 for land acquisition for Lake Umbagog NWR (NH).

Earmark of $500,000 for land acquisition for Minnesota Valley NWR (MN).

Earmark of $600,000 for land acquisition for Neal Smith NWR (IA).

Earmark of $1,000,000 for land acquisition for Northern Tallgrass NWR (MN).

Earmark of $800,000 for land acquisition for Patoka River NRW (IN).

Earmark of $1,300,000 for land acquisition for Prime Hook NWR (DE).

Earmark of $750,000 for land acquisition for Silvo O. Conte NWR (CT/MA/NH/VT).

Earmark of $1,500,000 for land acquisition for Stewart B. McKinney NWR (CT).

Earmark of $1,000,000 for land acquisition for Waccamaw NWR (SC).

Earmark of $1,000,000 for land acquisition for Walkill River (NJ).

National Park Service

Earmark of $975,000 for the 9 National Trails.

Increase of $2,300,000 for Harpers Ferry Design Center.

Earmark of $350,000 to repair the lighthouse at Fire Island NS.

Earmark of $75,000 to repair the Ocean Beach Pavilion at Fire Island, NS.

Earmark of $309,000 for repairs of the Bachlott House.

Earmark of $100,000 for the Alberty House which are both located at Cumberland Island NS.

Earmark of $500,000 for maintenance projects at the Ozark National Scenic Riverways Park.

Earmark of $200,000 for a wilderness study at Apostle Islands NL, WI.

Language that directs the National Park Service make sufficient funds available to assure that signs marking the Lewis and Clark route in the State of North Dakota are adequate to meet National Park Service standards.

Language that directs that, within the amounts provided for operation of the National Park System, the Service shall provide the necessary funds, not to exceed $350,000, for the Federal share of the cooperative effort to provide emergency medical services in the Hawaii Volcanoes National Park.

Language stating that consideration should be given to groups involved in hiking and biking trails in southeastern Michigan and the Service is encouraged to work cooperatively with groups in this area.

Increase of $100,000 for Gettysburg NMP technical assistance.

Increase of $250,000 for the National Center for Preservation Technology.

Language that directs that implementation funds for the Hudson River Valley National Heritage Area are contingent upon National Park Service approval of the management and interpretive plans that are currently being developed.

Earmark of $742,000 for Alaska Native Cultural Center.

Earmark of $100,000 for Aleutian World War II National Historic Area.

Earmark of $2,300,000 for Chesapeake Bay Gateways.

Earmark of $300,000 for Dayton Aviation Heritage Commission.

Earmark of $2,250,000 for Four Corners Interpretive Center.

Earmark of $500,000 for Lamprey River.

Earmark of $500,000 for Mandan On-a-Slant Village.

Earmark of $500,000 for National First Ladies Library.

Additional $40,000 for Roosevelt Campobello International Park Commission.

Earmark of $500,000 for Route 66 National Historic Highway.

Earmark of $495,000 for Sewall-Belmont House.

Earmark of $400,000 for Vancouver National Historic Reserve.

Earmark of $594,000 for Wheeling National Heritage Area.

Earmark of $100,000 for Women's Progress Commission.

An additional $7,276,000 for various locale-specific Historic Preservation projects.

Earmark of $500,000 for Antietam NB, MD (stabilize/restore battlefield structures).

Earmark of $1,360,000 for Apostle Islands NL, WI (erosion control).

Additional $600,000 for Apostle Islands NL, WI (rehab Outer Island lighthouse).

Earmark of $300,000 for Canaveral NS, FL (Seminole Rest).

Earmark of $300,000 for Canaveral NS, FL.

Earmark of $4,000,000 for Corinth NB, MS (construct visitor center).

Earmark of $779,000 for Cumberland Island NS, GA (St. Mary's visitor center).

Additional $1,000,000 for Cuyahoga NRA, OH (stabilize riverbank).

Earmark of $1,300,000 for Dayton Aviation NHP, OH (east exhibits).

Earmark of $114,000 for Delaware Water Gap NRA, PA/NJ (Depew site).

Earmark of $350,000 for Down East Heritage Center, ME.

Earmark of $500,000 for Dry Tortugas NP, FL (stabilize and restore fort).

Earmark of $129,000 for Edison NHS, NJ (preserve historic buildings and museum collections).

Earmark of $1,175,000 for Edison NHS, NJ.

Earmark of $1,500,000 for Ft. Stanwix NM, NY (completes rehabilitation).

Earmark of $386,000 for Ft. Washington Park, MD (repair masonry wall).

Earmark of $300,000 for Gateway NRA, NY/NJ (preservation of artifacts at Sandy Hook unit).

Earmark of $100,000 for George Washington Memorial Parkway, MD/VA (Belle Haven).

Earmark of $300,000 for George Washington Memorial Parkway, MD/VA (Mt. Vernon trail).

Earmark of $511,000 for Grand Portage NM, MN (heritage center).

Earmark of $1,500,000 for Hispanic Cultural Center, NM (construct cultural center).

Earmark of $3,000,000 for Hot Springs NP, AR (rehabilitation).

Earmark of $2,500,000 for John H. Chafee Blackstone River Valley NHC, RI/MA.

Earmark of $795,000 Kenai Fjords NP, AK (completes interagency visitor center design).

Earmark of $10,000,000 for Lincoln Library, IL.

Earmark of $290,000 for Lincoln Home NHS, IL (restore historic structures).

Earmark of $487,000 for Longfellow NHS, MA (carriage barn).

Additional $945,000 for Manzanar NHS, CA (establish interpretive center and headquarters).

Earmark of $2,543,000 for Missouri Recreation River Research & Education Center, NE (Ponca State Park).

Earmark of $500,000 for Morristown NHP, NJ.

Earmark of $500,000 for Morris Thompson Visitor and Cultural Center, AK (planning).

Earmark of $150,000 for Mt. Rainier NP, WA (exhibit planning and film).

Additional $7,500,000 for National Constitution Center, PA (Federal contribution).

Earmark of $6,000,000 for National Underground RR Freedom Center, OH.

Earmark of $338,000 for New Jersey Coastal Heritage Trail, NJ (exhibits, signage).

Earmark of $800,000 for New River Gorge NR, WV (repair retaining wall, visitor facilities, technical support).

Earmark of $445,000 for New River Gorge NR, WV (repair retaining wall, visitor facilities, technical support).

Earmark of $10,000,000 for Palace of the Governors, NM (build museum).

Earmark of $203,000 for Palo Alto Battlefield NHS, TX (completes visitor center).

Earmark of $1,614,000 for Palo Alto Battlefield NHS, TX (completes visitor center).

Earmark of $1,000,000 for Shiloh NMP, TN (erosion control).

Earmark of $3,000,000 for Southwest Pennsylvania Heritage, PA (rehabilitation).

Earmark of $240,000 for St. Croix NSR, WI (planning for VC/headquarters; rehabilitate river launch site).

Earmark of $330,000 for St. Croix NSR, WI (planning for VC/headquarters; rehabilitate river launch site).

Earmark of $445,000 for St. Gaudens NHS, NH (collections building, fire suppression).

Earmark of $20,000 for St. Gaudens NHS, NH (collections building, fire suppression).

Earmark of $340,000 for Statue of Liberty and Ellis Island, NY/NJ (ferry terminal utilities).

Earmark of $2,000,000 for Statue of Liberty and Ellis Island, NY/NJ (ferry terminal utilities).

Earmark of $500,000 for Tuskegee Airmen NHS, AL (stabilization planning).

Earmark of $365,000 for U.S. Grant Boyhood Home, OH (rehabilitation).

Earmark of $2,000,000 for Vancouver NHR, WA (exhibits, rehabilitation).

Earmark of $739,000 for Vicksburg NMP, MS (various).

Earmark of $550,000 for Vicksburg NMP, MS (various).

Earmark of $788,000 for Washita Battlefield NHS, OK (visitor center planning).

Earmark of $4,000,000 for Wheeling Heritage Area, WV

Earmark of $38,000 for Wilson's Creek NB, MO (complete library).

Earmark of $200,000 for Wright Brothers NM, NC (planning for visitor center restoration).

Earmark of $1,500,000 to complete the Federal investment at Fort Stanwix NM in New York.

Language expecting the Service to provide the necessary funds, within the amounts provided for Equipment Replacement, to replace the landing craft at Cumberland Island NS and replace the airplane at Glen Canyon National Recreation Area.

Earmark of $300,000 to initiate a Lincoln Highway Study to initiate a study to define the cultural significance and value to the Nation of the Congaree Creek site in Lexington County, SC, as part of the Congaree National Swamp Monument, and a study for a national heritage area in the Upper Housatonic Valley in Northwest Connecticut.

Land Acquistion and Conservation Fund:

Earmark of $200,000 for Apostle Islands NL (WI).

Earmark of $1,200,000 for Appalachian NST (Ovoka Farm) (VA).

Earmark of $1,000,000 for Brandywine Battlefield (PA).

Earmark of $1,200,000 for Chickamauga/Chattanooga NMP (TN).

Earmark of $1,000,000 for Delaware Water Gap NRA (PA).

Earmark of $3,250,000 for Ebey's Landing NHR (WA).

Earmark of $2,000,000 for Gulf Islands NS (Cat Island) (MS).

Earmark of $2,000,000 for Ice Age NST (Wilke Tract) (WI).

Earmark of $2,000,000 for Indiana Dunes NL (IN).

Earmark of $1,300,000 for Mississippi National River RA (Lower Phalen Creek) (MN).

Earmark of $2,700,000 for Petroglyph NM (NM).

Earmark of $2,200,000 for Saguaro NP (AZ).

Earmark of $1,000,000 for Shenandoah NHA (VA).

Earmark of $1,300,000 for Sitka NHP (Sheldon Jackson College) (AK).

Earmark of $1,100,000 for Sleeping Bear Dunes NL (MI).

Earmark of $1,500,000 for Stones River NB (TN).

Earmark of $1,500,000 for Wrangell-St. Elias NP & Pres. (AK).

Earmark of $2,000,000 for the purchase of Cat Island, MS (subject to authorization).

Earmark of $1,000,000 included for the Shenandoah Valley Battlefields National Historic District is contingent upon the final approval by the Secretary of the Interior of the Commission.

Earmark of $1,500,000 for the intended purchase of patented mining claims in Wrangell-St. Elias National Park by the National Park Service.

Earmark of $250,000 for the Hawaiian volcano program.

Earmark of $475,000 for Yukon Flats geology surveys.

Earmark of $1,200,000 for the Nevada gold study.

Earmark of $300,000 for Lake Mead/Mojave research.

Earmark of $300,000 for the Lake Champlain toxic study.

Earmark of $450,000 for Hawaiian water monitoring.

Earmark of $300,000 for the Southern Maryland aquifer study.

Earmark of $180,000 for a Yukon River chum salmon study.

Earmark of $750,000 for the continuation of the Mark Twain National Forest mining study to be accomplished in cooperation with the water resources division and the Forest Service.

Earmark of $4,000,000 to create NBII 'nodes' to work in conjunction with private and public partners to provide increased access to and organization of information to address these and other challenges. These funds are to be distributed as follows: $350,000 for Pacific Basin, Hawaii; $1,000,000 for Southwest.

Texas; $1,000,000 for Southern Appalachian, Tennessee; $200,000 for Pacific Northwest, Washington; $250,000 for Central Region, Ohio; $200,000 for North American Avian Conservation, Maryland; $250,000 for Network Standards and Technology, Colorado; $400,000 for Fisheries Node, Virginia and Pennsylvania; $200,000 for California/Southwest Ecosystems Node, California; and, $150,000 for Greater Yellowstone Ecosystem Node, Montana.

Language stating that funding is provided for light distancing and ranging (LIDAR) technology to assist with recovery of Chinook Salmon and Summer Chum Salmon under the Endangered Species Act. These funds should be used in Mason County, WA

Bureau of Indian Affairs

Earmark of $500,000 for Alaska subsistence.

Earmark of $176,000 for the Reindeer Herders Association.

Earmark of $1,000,000 for a distance learning, telemedicine, fiber optic pilot program in Montana.

Earmark of $146,000 for Alaska legal services.

Earmark of $200,000 for forest inventory for the Uintah and Ouray tribes.

Earmark of $300,000 for a tribal guiding program in Alaska.

Earmark of $1,000,000 for the distance learning project on the Crow, Fort Peck, and Northern Cheyenne reservations.

Increase of $1,250,000 for Aleutian Pribilof church repairs, which completes this program as authorized.

Increase of $50,000 for Walker River (Weber Dam).

Increase of $200,000 for Pyramid Lake.

Increase of $2,000,000 for the Great Lakes Fishing Settlement.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

Forest Service

Earmark of $250,000 to the University of Washington silviculture effort at the Olympic Natural Resource Center. The managers have also agreed with Senate direction concerning funding levels for the wood utilization laboratory in Sitka, AK, and for operations of the Forest Research Laboratories located in Princeton, Parsons, and Morgantown, WV, and funds for the CROP study on the Colville National Forest, WA.

Language which directs the Forest Service to provide total operational funding of $750,000 to the Rapid City, SD, lab.

Language which directs the Forest Service to provide $502,000 in appropriated funds for the Wind River canopy crane, WA. This funding includes proposed funding for the New York City watershed and the Senate proposed funding for Utah technical education and State of Washington stewardship activities.

An additional $750,000 for an update of the cooperative study on the New York-New Jersey highlands area.

Language directing $1,400,000 to the Ossippee Mountain conservation, easement NH, and also to direct no less than $2,000,000 to the Great Mountain, CT, easement, and no less than $2,000,000 for the West Branch, ME, project.

Language stating the importance of forest protection in South Carolina and encourage the Forest Service to work with the appropriate State agencies to ensure continuation of these much needed protections.

Increase of $450,000 for the Chicago Wilderness Study.

Earmark of $500,000 for cooperative activities in Forest Park in St. Louis, MO.

Earmark of $250,000 in a direct lump sum payment for the United Fisherman of Alaska to implement an educational program to deal with subsistence management and other fisheries issues.

Earmark of $5,000,000 to assist a land transfer for Kake, AK; these funds are contingent upon an authorization bill being enacted.

Earmark of $2,000,000 to cost-share kiln-drying facilities in southeast and south-central Alaska.

Language stating that the funds provided for reforestation on abandoned mine lands in Kentucky are to be matched with funds provided in this bill to the Department of Energy for carbon sequestration research, as well as other non-federal funds.

Earmark of $900,000 for the University of Washington and Washington State University extension forestry effort.

Earmark of $1,878,000 for Columbia River Gorge economic development in the States of Washington and Oregon.

Earmark of $300,000 for the CROP project on the Colville NF, WA.

Earmark of $1,000,000 for acid mine cleanup on the Wayne NF, OH.

Earmark of $360,000 for the Rubio Canyon waterline analysis on the Angeles NF, CA.

Increase of $1,500,000 increase for aquatic restoration in Washington and Oregon.

Increase of $1,250,000 increase for Lake Tahoe watershed protection.

Increase of $300,000 for invasive weed programs on the Okanogan NF and other eastern Washington national forests with no more than five percent of these funds to be assessed as indirect costs.

Earmark of $200,000 for the Batten Kill River, VT, project.

Earmark of $700,000 for operations of the Continental Divide trail.

Earmark of $100,000 for the Monongahela Institute effort at Seneca Rocks, WV.

Earmark of $120,000 for the Monongahela NF, Cheat Mountain assessment, WV.

Earmark of $100,000 for cooperative recreational site planning on the Wayne NF, OH.

Earmark of $100,000 for cooperative efforts regarding radios for use at Tuckerman's Ravine on the White Mountain NF, NH.

Earmark of $68,000 for the Talimena scenic byway.

Language which directs the Forest Service to conduct a feasibility study on constructing a recreational lake on the Bienville NF in SMITH County, MS.

Earmark of $790,000 for forestry treatments on the Apache-Sitgreaves NF, AZ.

Earmark of $250,000 for a Pacific Crest trail lands team.

Earmark of $500,000 for special needs on the Pisgah and Nantahala NFs.

Additional $2,000,000 for the Quincy Library Group project, CA.

Additional $5,000,000 for Tongass NF, AK, timber pipeline.

Earmark of $500,000 in the minerals and geology management activity to support necessary administrative duties related to the Kensington Mine in southeast Alaska.

Earmark of $600,000 is provided for cooperative research and technology development between Federal fire research and fire management agencies and the University of Montana National Center for Landscape Fire Analysis.

Earmark $263,000 for Apache-Sitgreaves NF, AZ, urban interface.

Earmark of $6,947,000 for windstorm damage in Minnesota.

Earmark of $1,500,000 for the Lake Tahoe basin.

Earmark of $2,400,000 for work on the Giant Sequoia National Monument and Sequoia National Forests.

Earmark of $7,500,000 is a direct lump sum payment to the Kenai Peninsula Borough to complete the activities outlined in the spruce bark beetle task force action plan. Ten percent of these funds shall be made available to the Cook Inlet Tribal Council for reforestation on Native inholdings and Federal lands identified by the task force.

Language emphasizing the need for a cost-share for the Grey Towers, PA, funding.

Language encouraging the Forest Service to work with Tulare County, CA, on plans for recreational facilities.

Earmark of $2,000,000 for the Forest Service to develop a campground in the Middle Fork Snoqualmie Valley in the Mt. Baker-Snoqualmie National Forest, WA.

Earmark of $2,000,000 to purchase non-development scenic easements in Pingree Forest, ME.

Earmark for Lake Tahoe, NV of $2,000,000 for cooperative erosion grants in State and private forestry, $1,250,000 for the NFS vegetation and watershed activity to enhance restoration of sensitive watersheds, $1,500,000 in capital improvement and maintenance to help fix the ailing road system, and $1,500,000 in wildfire management funding to enhance forest health by reducing hazardous fuel.

Earmark of $5,500,000 for management of national forest system lands for subsistence uses in Alaska as proposed by the Senate.

The Forest Service is encouraged to give priority to projects for the Alaska jobs-in-the-woods program that enhance the southeast Alaska economy, such as the Southeast Alaska Intertie.

Increase of $2,000,000 is provided for a demonstration of solid oxide technology in Nuiqsut, Alaska.

Earmark of $278,000 for the Golden, CO, field office.

Indian Health Service

Earmark of $225,000 for the Shoalwater Bay infant mortality prevention program.

Increases for the Alaska immunization program include $70,000 for pay costs and $2,000 for additional immunizations.

Within the funding provided for contract health services, the Indian Health Service should allocate an increase to the Ketchikan Indian Corporation's (KIC) recurring budget for hospital-related services for patients of KIC and the Organized Village of Saxman (OVS) to help implement the agreement reached by the Indian Health Service, KIC, OVS and the Southeast Alaska Regional Health Corporation on September 12, 2000. The additional funding will enable KIC to purchase additional related services at the local Ketchikan General Hospital.

Earmark of $1,000,000 for the Northwest Portland area AMEX program.

Earmark of $4,500,000 is provided for construction of the Smithsonian Astrophysical Observatory's facility at Hilo, Hawaii.

TITLE V—EMERGENCY/SUPPLEMENTAL PROVISIONS

Department of Interior

$1,500,000 for the preparation and implementation of plans, programs, or agreements identified by the State of Idaho that will address habitat for freshwater aquatic species on non-Federal lands in the State.

$1,000,000 to be made available to the State of Idaho to fund habitat enhancement, maintenance, or restoration projects consistent with such plans, programs, or agreements.

$5,000,000 for the conservation and restoration of Atlantic salmon in the Gulf of Maine, with funds provided to the National Fish and Wildlife Foundation, the Atlantic Salmon Commission and the National Academy of Sciences for specified activities.

$8,500,000 to various specific locales to repair or replace buildings, equipment, roads, bridges, and water control structures damaged by natural disasters; funds are to be used for repairs to Service property in the states of Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, and Washington.

$1,2000,000 for repair of the portions of the Yakima Nation's Signal Peak Road.

An additional $1,800,000 for repairs in Alaska, Colorado, Connecticutt, Florida, Georgia, Kansas, Maryland-Delaware-Washington, D.C., Massachusetts-Rhode Island, Nevada, New Hampshire-Vermont, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, South Carolina, South Dakota, and Virginia.

Department of Agriculture

$2,000,000 for an avalanche prevention program in the Chugach National Forest, Kenai National Park, Kenai National Wildlife Refuge and nearby public lands.

$7,249,000 to the National forest system for damage caused by severe windstorms in the States of Minnesota and Wisconsin.

Total earmarks in report ..	$372,064,000
Total supplemental/emergency earmarks	28,249,000
Total combined earmarks	400,313,000

Mr. McCAIN. Mr. President, first, I congratulate Mr. FITZGERALD, the Senator from Illinois, for his valiant effort to prevent a contract to be let without any competition. I do not understand why contracts that entail expenditure of taxpayers' funds should not be let in a competitive fashion so that the taxpayers can receive the maximum value for their investments in their Government. I congratulate Senator FITZGERALD for his valiant effort.

This year's final agreement provides a much-needed infusion of funding for conservation, wildlife management, and Native American programs. However, once again, I express my objections to the amount of excessive pork barrel spending and extraneous legislative riders included in this final agreement.

The agreement exceeds its overall budget by $2.5 billion, increasing spending by 25 percent, with funding levels that are close to $4 billion higher than the House bill and $3 billion more than the Senate bill.

We are entering a remarkable phase of American political history. The spigot is on, and it is on in a fashion I have not seen in the years I have spent in the Congress.

The new conference agreement has taken pork barrel spending to higher proportions by adding more than $120 million more in earmarks that either were not included in the Senate or House bill or added funding for unrequested or unauthorized projects. In addition to higher amounts of pork barrel spending, appropriators conveniently designated billions more in emergency spending, including nearly $30 million in "emergency funds" for locale-specific earmarks.

As I said, I have a list that was printed in the RECORD. Several of our favorites: $1.25 million for weed programs at Montana State University and Idaho—weed programs that are specific to two universities; $5.25 million for a new dormitory at the National Constitution Training Center; $20,000 for office renovations at the White Sulfur Springs National Fish Hatchery. Guess where. West Virginia. We have several fish hatcheries in my State of Arizona. I wonder if maybe we could get a little refurbishment for our offices, as well as those in West Virginia.

There is $487,000 for a carriage barn in Longfellow National Historic Site in Massachusetts—a carriage barn.

Here is one of my favorites. I think we should all be impressed by the pressing need for this: $176,000 for the Reindeer Herders Association. For the Reindeer Herders Association, $176,000 is earmarked.

That also happens to be out of the Bureau of Indian Affairs funding. Never mind that we have dilapidated housing, terrible schools, nutrition programs that need to be funded in the Bureau of Indian Affairs, my friends, but we put in $176,000 for that vitally needed Reindeer Herders Association. I am sure Santa Claus is very pleased that these funds will be going to the Reindeer Herders Association.

You will find something very interesting, Mr. President, as I go through the list of earmarks and as people read the RECORD. You will see the names Alaska, West Virginia, Washington State, and Hawaii appear with amazing frequency, which I am sure is pure coincidence.

So we have $1 million for a distance learning telemedicine, fiber-optic pilot program in Montana.

Here is an important one. Here is a vital item that had to be earmarked: $1.5 million to refurbish the Vulcan Statue in Alabama. I am not familiar with the Vulcan Statue, but I am sure it needed to be refurbished over any other statue in America that may need to be refurbished.

Here is one that should interest taxpayers and entertain all of us: $400,000 for the Southside Sportsman Club in New York. Take heart, all Southside sportsmen, help is on the way: $400,000 for your operations.

There is $5 million for the Southeast—guess where—Alaska Economic Disaster Fund, which was not included in either the Senate or House proposals, ordered to be used for Craig, AK, to assist with economic development. Times are tough in Craig, my friends. They need $5 million in Craig.

I urge those who are interested to find out what the population of Craig, AK, might be. I think that might turn out to be a fair amount of money per capita.

There is $500,000 for administrative duties at the Kensington Mine in southeast Alaska—ta-da, Mr. President—for administrative duties at the Kensington Mine in southeast Alaska.

We have lots of mines in my State. I hope they will consider helping them with their administrative duties in their mines, as well.

Mr. President, the list goes on and on and on.

So $2 million for the purchase of Cat Island in Mississippi; $5 million for a land transfer in Kake, AK; $4.6 million for the Wheeling National Heritage Area in West Virginia, which has received earmarks in previous Interior appropriations without any authorization. I should point out that new legislative language was tacked on to this report to finally authorize this project, although it certainly never went through the normal process of approval.

I hope the taxpayers will be able to see how we are spending their dollars. It is remarkable.

I believe in the debate one of the candidates was saying: You ain't seen nothing yet. Mr. President, you ain't seen nothing yet. Wait until we get to the omnibus bill which very few of us will have ever seen or read when we vote yes or no on it. We will have a remarkable document, one I think historians in the centuries ahead will view with interest and puzzlement.

Mr. President, I yield the remainder of my time.

ATLANTIC SALMON CONSERVATION AND RESTORATION

Ms. COLLINS. I want to thank the distinguished Chairman of the Interior Appropriations Subcommittee for his invaluable help in securing funding for vital, time-sensitive, on-the-ground Atlantic salmon conservation and restoration programs in Maine on an emergency basis. Due to your efforts, $5.0 million in emergency appropriations were included in the Interior Appropriations conference report for this purpose. It is critical that these funds be on the ground this year in order to demonstrate a federal financial commitment to salmon in my State, and that a listing under the Endangered Species Act is not necessary to conserve and restore Maine's Atlantic salmon.

Mr. GORTON. My home state, too, has experienced the disruption that a federal endangered species listing can cause. I therefore appreciate the importance and urgency of the funds sought by the Senator from Maine.

Ms. COLLINS. The emergency appropriation included in the Interior Appropriations conference report will make a substantial contribution to salmon conservation and restoration efforts in the State. The funds will be made available to the National Fish and Wildlife Foundation (or "NFWF"), which has made a commitment to me to allocate the monies to worthwhile projects as soon as possible. The conference report provides $5.0 million to

NFWF, of which $2.0 million will be made available to the Atlantic Salmon Commission and $500,000 will be made available to the National Academy of Sciences. The remaining $2.5 million will be administered by NFWF to carry out a grant program that will fund on-the-ground projects to further Atlantic salmon conservation or restoration efforts in coordination with the State of Maine and the Maine Atlantic Salmon Conservation Plan.

The conference report contains language indicating that funds administered by NFWF will be subject to cost sharing. Is it your understanding, Mr. Chairman, that this language means the $2.5 million administered by NFWF to carry out a grant program must be matched, in the aggregate, by at least $2.5 million in non-federal funds?

Mr. GORTON. The Senator from Maine is correct. I expect that the $2.5 million grant program administered by NFWF will leverage at least $2.5 million overall in additional, nonfederal funds.

Ms. COLLINS. And is it also your understanding, Mr. Chairman, that the $2.0 million made available to the Atlantic Salmon Commission and the $500,000 made available to the National Academy of Sciences will not be subject to any matching requirement?

Mr. GORTON. That is also correct.

Ms. COLLINS. I want to again thank the distinguished Chairman of the Interior Appropriations Subcommittee. In crafting this conference report, he has accomplished a Herculean task with this usual grace and skill. And the $5.0 million he has helped secure will promote a vigorous and effective salmon conservation and restoration effort in my State.

Mr. GORTON. As I have said before, I greatly admire the Senator from Maine's tenacity and her unfailing devotion to the best interests of her State.

LAKE TAHOE LAND ACQUISITION COLLOQUY

Mr. REID. Mr. Chairman, I would like to request your help interpreting the language that was inserted into the conference report pertaining to the use of funds appropriated for the acquisition of environmentally sensitive property at Lake Tahoe. That language states that no funds may be used to acquire urban lots. To my knowledge, "urban lots" is a term that is not defined in this bill or any related statute or regulation. As a result, I want to make sure that we clarify what we intend by the term urban lot.

As you know, the plan to protect Lake Tahoe is predicated in large part of the Lake Tahoe Preservation Act of 1981 (H.R. 7306), commonly known as the Santini-Burton Act, and companion California and Nevada bond acts. Together, these State and Federal acts provide for the purchase and stewardship of environmentally sensitive lands in the Lake Tahoe Basin. The legislative history of the Santini-Burton Act indicated that approximately $150 million worth of land in Lake Tahoe would be purchased (approximately $100 million has been expended to date). The Santini-Burton Act generally identified lands eligible for purchase, and was followed by the adoption of a comprehensive plan identifying specific criteria for purchases. That plan was subject to an Environmental Impact Statement and accompanying public comment process, and this plan remains in effect to this day.

I am confident that, with the correct information in hand, Congress will direct the Forest Service to go forward with the completion of the program. In the meantime, however, the effort to protect Lake Tahoe is likely to sustain significant damage if the language in the conference report is mistakenly interpreted to reverse long standing policy decisions. That is why I am asking for your concurrence to direct the Forest Service to interpret the language in a manner consistent with the existing program.

Specifically, I want to make it clear that the term "urban lot" does not include environmentally sensitive lands. The current program designates a property's eligibility for acquisition according to its environmental sensitivity because that is the purpose of the acquisition program. Such designations reflect extensive analysis and the support of the local community. This report language should not be interpreted to change this methodology such that acquisition eligibility is based on an unspecified and invariably random geographic distinction. In all likelihood, any ill-conceived geographic standard would exclude the most environmentally sensitive property that the ongoing program is designed to protect.

I believe that the report language is consistent with the current practice of federal land acquisition in the Lake Tahoe basin. Do you share my understanding that the definition of "urban lots" includes only those properties that are presently qualified for urban development?

Mr. GORTON. That is my understanding.

Mr. REID. Then it makes sense for any prohibition on land acquisition referred to in the report language to apply only if to properties that satisfy all of the following criteria: (1) they are not adjacent to current forest system lands, (2) they are within Tahoe Regional Planning Agency's urban boundaries, (3) they are not adjacent to Lake Tahoe, or to waters or streamzones tributary to Lake Tahoe, and (4) they are presently eligible to take residential or commercial development. This clarification integrates the intent of the new conference report language to limit such acquisitions to essential sensitive lands while retaining the basic purpose of the Lake Tahoe land acquisition program.

Mr. GORTON. In response to my colleague, the senior Senator from Nevada, let me say that your understanding of the issues affecting Lake Tahoe is correct. Your concerns seem reasonable, as does your interpretation of the language in question.

Mr. REID. I appreciate the Chairman's understanding and concurrence on this very important issue.

REGARDING SEC. 156 AND ACCOMPANYING REPORT LANGUAGE

Mr. REID. Mr. President, as the Chairman knows, I included language in this bill that directs the Department of Interior to finalize the so-called 3809 regulations, which govern hardrock mining operations on public lands, and to do so consistently with the findings and recommendations of a study completed by the National Research Council or NRC. The language is identical to language enacted in last year's omnibus bill. I want to emphasize my intent in offering this language, and request the Chairman's understanding and concurrence. Briefly, my intent is to ensure that the Department of Interior finalizes a rule that protects the environment and that takes into account the direction of Congress and the findings and recommendations of the NRC report.

Mr. GORTON. I am glad to assist my friend, the senior Senator from Nevada. In clarifying Congress' intent in enacting these provisions. I agree with his statement that the Committee intends for Interior to study the entire NRC report carefully and to adopt a rule that is consistent with the findings and recommendations of that report.

Mr. REID. Mr. President, last year Congress adopted this requirement that Interior finalize 3809 rule changes only if they are "not inconsistent" with the recommendations of the NRC report I already described. Parsing this statutory language to the point of absurdity, the Interior Solicitor quickly wrote and circulated a legal opinion concluding that Congress intended by this action to require Interior's consideration only of material in the report specifically labeled as "recommendations"—amounting only to a few lines of the report—and no other information in the report. And, he went on to conclude that this law imposes no significant limitations on the agency's ability to finalize its proposed 3809 rule. This year we have adopted the consistency requirement again, just as it was written last year. I ask the Chairman, did we enact the language again just to ratify the legal conclusion that Interior could finalize 3809 rules essentially without restrictions?

Mr. GORTON. I thank my friend, and emphasize that we did not act again this year just to ratify the actions of the Department of Interior. The Committee to reemphasize its original intent: That Interior study the NRC report carefully, and that any final 3809 regulations promulgated be consistent with that report.

Mr. REID. One last question that I have concerns a statement made by some of our House colleagues during House consideration of the FY 2001 Interior appropriations bill in which they suggested an interpretation of the ongoing rulemaking including broad discretion to deny mining permits, by redefining the existing statutory definition of unnecessary or undue degradation. Does the Chairman of the subcommittee who helped develop this language agree that our House colleagues are suggesting an interpretation that clearly goes beyond current law and that section 156 specifically states that nothing in this provision shall be construed to expand existing authority.

Mr. GORTON. The Senator is correct. Section 156 states, "nothing in this section shall be construed to expand the existing statutory authority of the Secretary." The interpretation suggested by our House colleagues would require additional statutory authority which Interior does not have and is specifically denied by this bill.

Mr. REID. I thank the Chairman for his help in clarifying the Committee's intent.

U.S. FOREST SERVICE NATIONAL FIRE RETARDANTS

Mr. CRAIG. Mr. President, I would like to engage in a colloquy with the distinguished Chairman of the Interior and Related Agencies Appropriations Subcommittee on an issue that affects the Forest Service and forest fire fighting in the West.

Mr. GORTON. I would be glad to engage in such a discussion with my friend, the distinguished Chairman of Forest and Public Lands Subcommittee of the Energy and Natural Resources Committee.

Mr. CRAIG. Mr. President, the U.S. Forest Service has announced its intention to move to gum thickened/sodium ferrocyanide aerially applied fire retardants in the 2004 bid process. The Service is to be commended for this initiative that seeks a more effective and environmentally friendly means to address the wildfires with which we have become so painfully accustomed in the West. Indeed, the Forest Service's own research shows that gum thickened retardants are 25–40 percent more effective than un-thickened retardants. The criteria called for in 2004, though, can be met today. Is it the Committee's view that the U.S. Forest Service should be striving for a more environmentally friendly product and should use such a product as soon as possible?

Mr. GORTON. I agree with that view. It should be the U.S. Forest Service's priority to use the most effective, environmentally protective aerially applied fire retardants.

Mr. CRAIG. Mr. Chairman, as you know, the after-effects of wildfires are devastating to the landscape. Mother Nature has a way of bringing life back to the land when all appears lost. However, even Mother Nature cannot erase for years the stains on the lands caused by some aerially applied fire retardants. This is especially of concern where historical and archeological resources, national parks, wilderness areas and urban/wilderness areas are concerned. Would you agree that U.S. Forest Service should preserve the option for local foresters to use less staining fugitive retardants where, in their judgment, it is warranted?

Mr. GORTON. I would agree that the U.S. Forest Service should preserve the option to use such fire retardants in order to minimize the long-term visual impacts of wildfires.

Mr. CRAIG. Mr. Chairman, the U.S. Forest Service has historically supported competition in the supply of fire retardants through the inclusion of a viability clause in its bids. For the first time, the upcoming 2001 bid process may be conducted by sealed bid. It is unclear whether viability will be a consideration. This is a critical issue in a fire season like the one we just experienced. Would you agree that the U.S. Forest Service should support competition in the supply of aerially applied fire retardants?

Mr. GORTON. I would agree that maintaining dual suppliers of high performance, environmentally acceptable fire retardants is critical to the mission of the Service.

Mr. CRAIG. I thank the Chairman for this clarification.

GREAT FALLS HISTORIC DISTRICT, PATERSON, NEW JERSEY

Mr. LAUTENBERG. Mr. President, I would like to inquire of the Chairman of the Subcommittee on Interior and Related Agencies, Senator GORTON, about one aspect of the conference report.

Mr. Chairman, the conference report to the Interior Appropriations bill for Fiscal Year 2001 does not include funding for construction projects in the Great Falls Historic District, located in the City of Paterson, New Jersey.

Mr. GORTON. The Senator is correct.

Mr. LAUTENBERG. Mr. Chairman, by way of background, the Great Falls Historic District was established in Section 510 of Public Law 104–33, the Omnibus Parks bill of 1996. This legislation, which I coauthored, is designed to preserve the historic character of the City of Paterson, New Jersey. Like Lowell, Massachusetts, Paterson holds a prominent place in our nation's industrial past. Few people realize that Paterson was the first planned industrialized city. Alexander Hamilton himself chose the area around the Great Falls for his laboratory, and he established the Society for Useful Manufacturers right in Paterson. The work of its citizens and the wealth of its natural resources soon caused Paterson to thrive, and it became a mecca for countless numbers of immigrants, including my own family. The skills and spirit of these immigrants made Paterson one of our nation's leading centers for textile manufacturing, earning the nickname "Silk City."

Mr. Chairman, the 1996 legislation authorizes the Secretary of the Interior to provide grants through the Historic Preservation Fund for up to one-half of the costs of preparing a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the Great Falls District. The Secretary may also provide matching funds for implementation of projects identified in the plan. The total federal authorization for the Great Falls Historic District is $3.3 million.

Mr. Chairman, since the authorizing legislation establishing the Great Falls Historic District specifically enables the City to receive up to $250,000 in matching federal funds for preparation of a historic preservation plan, the Secretary could provide these funds through the funds provided in the conference report for the Historic Preservation Fund.

Mr. GORTON. The Senator is correct. This bill includes appropriations from the Historic Preservation Fund that could be used for eligible projects such as that for the Great Falls in Paterson.

Mr. BYRD. I concur with the Chairman that the Great Falls project is eligible to receive Historic Preservation Funds, for preparation of its plan.

Mr. LAUTENBERG. Mr. Chairman, I understand that the Great Falls Historic District would be eligible to receive up to $250,000 of these funds for preparation of a historic preservation plan, and that, once these plans are completed, an additional $50,000 in matching funds is available from the Historic Preservation Fund for technical assistance and $3 million is available for restoration, preservation, and interpretive activities.

Mr. Chairman, I would like to include a letter from the Mayor of the City of Paterson to the regional director of the National Park Service, expressing the City's interest in moving forward with development of the Great Falls development plan. I hope that this letter will confirm to the Service and to the Chairman and Ranking Member, that the City is fully prepared to provide the necessary match to develop the plan. I am confident that the City will work closely with the Service on development of a plan, and that, once it is completed, the City may apply for the remaining authorized funds for completion of specific projects.

Mr. GORTON. I appreciate the Senator's interest in this matter, and I ask unanimous consent that a copy of the letter be inserted in the RECORD.

Mr. LAUTENBERG. I thank the Chairman and the Ranking Member.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CITY OF PATERSON,
OFFICE OF THE MAYOR,
Paterson, NJ, October 4, 2000.

MARIE RUST,
Northeast Regional Director, National Park Service, 200 Chestnut Street, Philadelphia, PA.

Re: Public Law 104-333.

DEAR MS. RUST: This is to reaffirm our sincere interest in, and need of, the funding of Public Law 104-333. Ever since the authorization of the 3.3 million dollars for the Great Falls Redevelopment Act we have been anxiously awaiting the appropriation. We are committed to provide the necessary local match.

The preparation of the Development Plan required by the Act is an essential first step in documenting the feasibility of a National Park. After the Plan, our two primary activities in the district remain to be the redevelopment of the former ATP Site including the Gun Mill and the rehabilitation of the raceway. Both projects are essential to the achievement of the economic development objectives of the Urban History Initiative. The initial Gun Mill stabilization has been successfully completed. We are awaiting the execution of the Programmatic Agreement so that we may continue with the engineering and other site preparation and stabilization work for the former ATP Site. The overall raceway and prioritization has been completed. Final plans are ready for the Upper Raceway section.

We continue to pursue other sources of funding including TEA-21 Enhancement, the New Jersey Historic Trust, New Jersey Green Acres, and others. If these are not successful I will ask the City Council to bond any remaining local share. This is to assure you that we will secure the local match for whatever amount Congress appropriates.

Very truly yours,
MARTIN G. BARNES,
Mayor.

Mrs. BOXER. Mr. President, I have been a long time supporter of CARA—the Conservation and Reinvestment Act. The concept behind CARA was a visionary one—to take revenues generated from the extraction of offshore oil and gas resources and reinvest them permanently and automatically in our nation's invaluable wildlife, coastal, and public land resources.

The CARA proposal that was developed in a cooperative, bipartisan way by the Senate Energy Committee offered an opportunity for this Congress to make an historic contribution to conservation and to truly leave behind a legacy that we could be proud of and from which our children would benefit.

Instead, we are faced with a situation in which this overwhelmingly popular bill will never be considered on the Senate floor.

The House passed its version of CARA back in May by an overwhelming vote of 315 to 102; it was a vote that brought in supporters from across the political spectrum and around the country. More recently, a letter signed by 63 Senators was sent to the Senate leadership requesting that CARA be brought to the floor.

Yet the Republican leadership has refused to let this bill move forward.

I ask my colleagues, what does it take to get a vote around here? How can we say that we are doing the people's business, if a bill that is as broadly supported as CARA cannot even be voted upon?

We have now been presented with a package in the Interior appropriations bill that purports to fulfill the goals of CARA. I am tremendously disappointed to say that this package does very little to accomplish the goals of CARA.

CARA would have provided nearly $45 billion to important conservation programs over the next 15 years. The Interior proposal provides roughly $6 billion and only makes those funds available for the next 6 years.

But far more disappointing than the discrepancy in funding levels is the fact that the Interior proposal does little to guarantee that these funds will actually be made available each year for specific conservation purposes.

Instead, the Interior proposal will force important and beneficial programs like Urban Parks and Recreation to battle against other important programs like the Historic Preservation program for funding each year.

What made CARA remarkable was the fact that it would have provided the Urban Parks program, or state fish and wildlife agencies, or endangered species recovery efforts, with a predictable and reliable amount of funding.

This feature would have ensured that important conservation efforts would NOT be subject to the uncertainties of the annual appropriations cycle, but instead could be certain that funding would be available over the long term. And as a result, these conservation programs could have finally planned and implemented ambitious, long-term conservation efforts. The Interior appropriations proposal fails to provide this sort of certainty.

I will vote for the Interior appropriations bill. The bill funds many important programs that I care about and in making a nod to CARA it will provide some increased funding for things like the state's portion of the Land and Water Conservation Fund.

I am also pleased that the most egregious anti-environmental riders that appeared in earlier versions of this bill have been removed.

However, I hope nobody will interpret my vote for this bill as a sign of support for what I view as a hijacking of CARA. I remain deeply disturbed that a bill that had the potential to do as much good as CARA will never see the light of day.

Mr. SMITH of New Hampshire. Mr. President, it is with great regret that I rise today to oppose the Conference Report to the Interior Appropriations bill.

I want to begin by praising my colleagues on the Committee on Appropriations who have worked so hard on this bill and conference report. I know they have faced many difficult issues, competing demands for limited resources, and the pressure of time as this Congress winds down. And there are many good provisions in this bill, including several that will benefit my home State of New Hampshire. The bill includes two projects that have been particularly important to me and for which I requested funding—the Lamprey River & St. Gaudens. I appreciate the efforts of the Appropriations Committee to provide that funding.

Unfortunately, notwithstanding these and other good provisions, the bill fails to deliver what we as elected officials have promised the American people. I want to take this opportunity to explain, especially to my fellow Granite Staters, why I am voting against the Interior Appropriations Conference Report.

First, I am deeply disappointed that this bill does not include full funding for the Land and Water Conservation Fund or for the many important programs included in the Conservation and Reinvestment Act. In failing to provide this funding, I believe that we have truly squandered an opportunity that may never exist again. Even more importantly, I believe we failed to live up to the promise we made years ago to dedicate a percentage of the revenues from oil and gas production on the Outer Continental Shelf to the conservation and enhancement of fish, wildlife, lands and waters.

Congress came close to keeping that promise when the House passed by an overwhelming margin of three to one a landmark conservation bill—the so-called Conservation and Reinvestment Act (CARA). The Senate Energy and Natural Resources Committee passed a companion bill in July. The CARA bill reflects our collective commitment to investing in the environment for ourselves and for future generations.

I am proud that I was able to play a part in bringing attention to the bill in the Senate. On May 24, 2000, I held a hearing on the Senate bill in the Committee on Environment and Public Works. Although that Committee, which I chair, did not have primary jurisdiction over the bill, I felt it was important to hold the hearing to help build support for the legislation and to highlight some of the very important programs that would be enhanced by the passage of the bill. These programs included funding for the Endangered Species Act and Pittman-Robertson Act, both of which are in the jurisdiction of the Committee on Environment and Public Works. I said it then, and I want to reaffirm it today. Now is the time for the Federal government to step up to the plate and assist in the efforts to protect our natural resources—not by grabbing up more Federal land, but by working in partnership with States and private landowners and providing much-needed funding for critically underfunded programs. The CARA bill would have done that.

Instead, the Interior Appropriations Conference Report includes a mere shadow of the real CARA.

Instead of providing full permanent funding for the Land and Water Conservation Fund, the Interior Conference Report appropriates only $600 million for one year and only $90 million of that is allocated for stateside funding. The CARA bill I cosponsored would have provided the States with a guaranteed $450 million a year to conduct numerous worthwhile conservation projects, including creating new parks and building soccer fields. The limited appropriation provided by the Conference Report, by contrast, with no guarantees for future years, isn't CARA: it's business as usual.

The bottom line is that Americans like to spend their time outdoors. Over half of all Americans will tell you that their preferred vacation spots are national parks, forests, wilderness areas, beaches, shorelines and mountains. And almost all Americans—94 percent believe we should be spending more money on land and water conservation.

I agree with those Americans who believe that it's time to invest some of the budget surplus in our environment. For years now, we have been telling the tax payers that there isn't any money available for conservation programs and that it's up to landowners to bear the burdens of saving our land and natural resources. Well, in my opinion, those days are over. It's past time for the federal government to contribute its fair share, and the Interior Conference Report falls far short in that respect.

Second, I am extremely troubled by the fact that the Conference Report provides no protections for private property rights. CARA did. The real CARA bill provided an unprecedented level of protection for the private land owner. For example, the Senate CARA bill that I cosponsored expressly prohibited the Federal government from using any CARA funds to implement regulations on private property. In addition, all Federal acquisitions of land through the Land and Water Conservation Fund would have been subject to significantly more restrictions than under current law. Not one of those private property rights protections is included in the Interior Appropriations Conference Report.

Third, I cannot support the language in the Conference Report that establishes a vague new Federal "wildlife conservation program" that imposes new, but undefined, obligations on the States and gives broad discretion to the federal Fish and Wildlife Service to define those obligations. The Interior Appropriations Conference Report directs the Fish and Wildlife Service to create a new $300 million state grant program subject only to the approval of the Committee on Appropriations. That is inappropriate.

The Committee on Environment and Public Works is responsible for overseeing wildlife programs; it is our prerogative and responsibility to review, discuss, and ultimately authorize any wildlife program. Yet, this new program was inserted at the last minute, behind closed doors, without any public debate or consultation with the Committee of jurisdiction. For that reason, I must oppose its inclusion in this Conference Report. The concept may be a good one, but this is not the right process or the appropriate vehicle.

Finally, I must oppose the Conference Report because of the adverse impact it will have on thousands of citizens of New Hampshire who depend upon and enjoy the White Mountain National Forest.

When the Senate passed its Interior Appropriations bill in July, it included an important provision excluding the White Mountain National Forest from this Administration's broad policy of prohibiting the construction of all new roads in previously undisturbed areas of national forests, the so-called roadless policy. We excluded the White Mountain National Forest from this "one-size-fits-all" roadless policy, not because we want thousands of miles of new roads in the White Mountains, but because these decisions should be made at the local level through the forest planning process, by the people who live near, enjoy, and use the National Forest.

I have deep concerns about the Administration's roadless policy because I believe it is intended to limit public access and legitimate public use of our national forests. But even more importantly, in the context of the White Mountain National Forest, it would specifically override an existing forest management plan that maintains a balance between economic activity, recreation and environmental protection—a forest management plan that was developed through a collaborative process involving state and local government officials, local citizens, and federal officials. I firmly believe that States and local citizens should play a significant role in making the management decisions relating to the forest lands in their communities, including the decisions about roads.

It was for that reason that I strongly supported the language that was included in the Senate bill that allowed the citizens of New Hampshire to make those decisions through the forest planning process for the White Mountain National Forest, rather than simply mandating a blanket roadless policy from Washington, D.C. That important provision, however, has now been dropped from the Conference Report. I believe that Washington D.C.'s roadless policy will hurt New Hampshire. It will have significant economic, social, and ecological impacts. And it will undermine the cooperative dialogue that took place during the revision of the forest plan. Therefore, I cannot support a Conference Report that does not include language protecting the White Mountain National Forest from unnecessary and inappropriate interference from Washington's bureaucrats.

The Interior Appropriations bill passed by the Senate last July also included a specific exemption for North Country residents from the user fees that the National Forest Service charges for access to the White Mountain National Forest. That exemption has now been deleted.

I have long been opposed to user fees in the White Mountain National Forest because I believe it is fundamentally unfair to local residents. In areas, like the North Country of New Hampshire, where the Federal Government owns much of the land, communities lose a significant portion of their property tax base which they need to fund schools and other necessary social programs and infrastructure. Residents in these communities then have to make up the shortfall. The user fee, on top of the loss in local tax revenue, imposes an unfair burden for local citizens. It is wrong for the Federal government to charge local residents in the North Country a fee for enjoying the White Mountain National Forest when they are already subsidizing the Forest.

As I stated at the beginning, there are many good provisions in this Interior Conference Report. I applaud the work that my colleagues have done and appreciate the support they have given to important New Hampshire projects. Therefore, it is with great reluctance that I oppose the Conference Report.

Mr. WELLSTONE. Mr. President, I come to the floor today to speak about two provisions of great concern to my state of Minnesota. While this conference report clearly missed the opportunity to make a historic, long term commitment to our environmental heritage, I rise in support of this legislation because it does represent an important first step in many conservation accounts, and includes vital funding to restore Minnesota's National Forests.

First of all, I want to make clear that I am disappointed that the full Conservation and Reinvestment Act, CARA, was not included in this Interior Appropriations bill. CARA, as reported out of the Senate Energy and Natural Resources Committee, is landmark legislation that would commit $3 billion annually for 15 years to conservation and natural resource protection. CARA would provide $37.4 million of stable funding annually to the conservation and protection of Minnesota's natural resources.

However the compromise in this bill does not reflect the spirit or intent of the full CARA bill. First of all this Conference report does not guarantee multiple year funding for the states, which was the entire premise of CARA. When it comes to protecting our coastlines (on the North Shore in Minnesota) and open spaces (in Northern Minnesota), expanding our urban parks (in the metro Twin Cities area), or investing in wildlife conservation, the annual appropriation approach has proven not to work in the past and is unlikely to work in the future. In addition, the report does not include dedicated funding for wildlife conservation programs, which puts Minnesota's wildlife conservation needs in competition with other state conservation programs, and makes it possible that Minnesota would receive no funds for wildlife preservation from this legislation. While, overall I am encouraged that this legislation more than doubles conservation funding from the $742 million in the current fiscal year to $1.6 billion in FY 2000, we should not loose sight of the fact that this conference report is clearly no substitute for a full funded CARA bill.

On a related matter, I am pleased the conference committee has restored the balance of the Forest Service's request for Minnesota's National Forests. During consideration of the Interior Appropriations bill, Senators GORTON and BYRD agreed to my amendment to include $7.2 million in additional emergency funds for Minnesota's National Forests. And today the Senate will take an important step that will restore the balance of emergency funds requested earlier this year by the Superior, Chippewa and Chequamegon National Forests' for blowdown recovery efforts.

Furthermore, this legislation includes an important regular, FY 2001 appropriation for the Superior National Forest, that my colleague from Minnesota and I were able to work on together. These monies would be available to the Forest Service next year and are vital to continued recovery efforts in northern Minnesota.

These national forests bore the brunt of a massive once-in-a-thousand year wind and rain storm that devastated parts of northern Minnesota on July 4, 1999. The storm damaged over 300,000 acres in seven counties, including as much as 70 percent of the trees in our national forests, and washed out numerous roads. The damage caused by this storm has severely hindered the U.S. Forest Service's ability to responsibly manage the Chippewa and Superior National Forests.

The most troubling aspect of this storm for the people of northern Minnesota is the continued extreme risk of a catastrophic fire resulting from the tremendous amount of downed and dead timber. Funding provided to the Forest Service through this legislation will be used for immediate and future recovery efforts, and to reduce the threat of a major wildland fire.

The storm has changed affected portions of the forests for years to come and has created new risks and experiences for visitors and residents. Since July 4th, the Superior and Chippewa National Forests officials have been working with state, county, and local officials on storm recovery activities and planning to meet future needs.

Immediately after the storm the Forest Service, in conjunction with State, County and local governments began a search and rescue operation that lasted for 15 days from July 4 to July 19, 1999. Fortunately not a single life was lost in the storm, however there were 20 medical evacuations from the Boundary Waters Canoe Area Wilderness, BWCAW. The most severe case was a broken neck. In addition, the forest Service conducted a search of 2,200 camp sights in the BWCAW to ensure no one was trapped. And finally USFS crews cleared approx. 200 miles of roads, and reconstructed 6 miles of emergency roads.

Once the emergency search and rescue was completed, the U.S. Forest Service turned their attention to reducing hazards that could negatively affect visitors, residents and local businesses that depend on the BWCAW and the National Forests. The Forest Service brought in 191 people including an administrative team and several crews from across the country to return facilities to a safe condition so they could be reopened and used during the rest of the year.

And now the Superior National Forest is proposing to reduce the risk of fire escaping the Boundary Waters Canoe Area Wilderness, BWCAW, by using prescribed burning within the wilderness. The 1.1 million-acre BWCAW, located in northeastern Minnesota adjacent to the Canadian border, is one of the most heavily used wildernesses in the United States.

The proposal is to reduce the increased risk of wildfire associated with the July 4, 1999, storm. The proposed action is to treat approximately 47,000 to 81,000 acres of the wilderness with prescribed fire over a five to six year time period.

The goal of this project is to improve public safety by reducing the potential for high intensity wildland fires to spread from the BWCAW into areas of intermingled ownership, which include homes, cabins, resorts and other improvements, or across the international border into Canada. This will be accomplished in a manner which is sensitive to ecological and wilderness values, and protects fire personnel and BWCAW visitor safety during implementation.

While the Forest Service has been engaged in this work for many months, it is clear that much is yet to be done, and that it is going to take many years to dig out from under the storm and to restore the forest to a more normal and healthy state. However this cannot happen without adequate funding. This is a victory for all of Minnesota, and I am grateful to my colleagues for their support. I am very pleased that the Senate approved the remainder of these badly needed funds today, especially for the people of northern Minnesota, who cannot wait.

Mr. FEINGOLD. Mr. President, I am delighted that the conference report for Interior appropriations before this body today makes a significant investment in Wisconsin's only unit of the National Park System, the Apostle Islands National Lakeshore. The Lakeshore recently celebrated its 30th anniversary on September 26, 2000, and I rise today to express my gratitude to the Senior Senator from West Virginia (Mr. BYRD) and the Senator from Washington (Mr. GORTON) for working with me to ensure that some of the highest priority needs at the Lakeshore are met.

I have been raising the need for these funds since 1998. On April 22 of that year, I introduced legislation, named for former Senator Gaylord Nelson who was the sponsor of the federal legislation that created the Lakeshore, to try to make sure that the Park Service has the funds included in this bill today. This bill helps to fund a wilderness suitability study of the Lakeshore as required by the Wilderness Act. Most of the Lakeshore is managed as wilderness, yet the required study has not yet been completed so that Congress can evaluate whether there is a need for a formal legal designation. This bill retains amendment language that I offered during the Senate consideration of Interior appropriations and provides $200,000 for that purpose.

The bill also provides funds to the Park Service to protect the history Raspberry and Outer Island lighthouses which are threatened by erosion. The 21 islands of the Apostle Islands National Lakeshore have six lighthouses, the greatest number of lighthouses on any property in federal ownership anywhere in the country. They are all at least 100 years old, and many of them are still used as aids to navigation and are in need of Federal help.

By providing funds in this bill to ensure the success of the Lakeshore we contribute to another larger success—our efforts to clean and protect our environment and provide places for people to rest and refresh themselves. I have been very pleased in the willingness of the bill's managers to support my efforts to draw attention to this park. They have other, bigger parks that also have funding needs. But the managers understood my appeal on behalf of the people of Wisconsin with these funds. They know, as I do, that when the American people sit among the hemlocks on Outer Island, walk along the shore, travel to Devils Island, observe the waters of Lake Superior, they know protection of the Apostles is worth a federal investment.

The investments in the Apostles are authorized investments, part of the requirements that we gave the Park Service when we created the Lakeshore. As delighted as I am that these funds have been included by the managers, I remain concerned about the fact that this bill provides funds and policy direction for unauthorized projects, authorizes new projects and continues to contain a number of policy riders that affect environmental protection. Because these riders remain, I will vote against the bill.

I am concerned that this body is becoming habituated to the practice of environmental legislation by rider. This leaves Members of this body, like myself, who are very concerned about legislation which has the potential to adversely effect the implementation of environmental law, or change federal natural resource policy, with limited options. We must, by either striking the riders, or trying to modify their efforts, do the work of the authorizing committees on the floor of this body. With limited floor time on spending bills, and with the pressure to pass appropriations bills or risk shutting down or disrupting important Government programs, we do not do the best by the environment that we can and must do in our legislative efforts.

I believe that the Senate should not include provisions in spending bills that weaken environmental laws or prevent potentially environmentally beneficial regulations from being promulgated by the federal agencies that enforce federal environmental law.

For more than two decades, we have been a remarkable bipartisan consensus on protecting the environment through effective environmental legislation and regulation. I believe we have a responsibility to the American people to protect the quality of our public lands and resources. That responsibility requires that the Senate express its strong distaste for legislative efforts to include proposals in spending bills that weaken environmental laws or prevent potentially beneficial environmental regulations from being promulgated or enforced by the federal agencies that carry out Federal law.

Every year I hold a town hall meeting in each one of Wisconsin's 72 counties. When I hold these meetings, the people of Wisconsin continue to express their grave concern that, when riders are placed in spending bills, major decisions regarding environmental protection are being made without the benefit of an up or down vote.

When this bill passed the Senate initially on July 18, 2000, I was one of two Senators to vote against it because of legislative riders. I know that the bill managers worked long and hard to keep a number of the most controversial riders, many of which I was concerned about, off of this bill and I commend them for that. However, I am also concerned that there is a category of riders to which we have become habituated: riders on Alaska red cedar, riders on mining regulations, riders on grazing permits. There are also new authorizing provisions in this bill, such as developing forensic laboratory service fees for Fish and Wildlife investigations into wildlife mortality, and a new program to develop a reduced fee program for developing a reduced fee program to accommodate nonlocal travel through the National Park System. Why aren't these matters being discussed in the authorizing committees? These issues may have merit, but I think they should be handled by the committees of jurisdiction.

We cannot continue to put the Appropriations Committee in the position of having to decide which of these riders are more or less important. These measures need to be referred to the authorizing committees, and we need to restore the trust of the American people that we are proceeding with the people's business in a fashion which allows for open debate and actual deliberation.

I yield the floor.

Mr. DOMENICI. Mr. President, I am pleased to rise today in strong support of the conference report accompanying H.R. 4578, the Interior and related agencies appropriations bill for fiscal year 2001.

As a member of the Interior Appropriations Subcommittee and the joint House-Senate conference committee, I appreciate the difficult task before the distinguished subcommittee chairman and ranking member to balance the diverse priorities funded in this bill—from our public lands, to major Indian programs and agencies, energy conservation and research, and the Smithsonian and federal arts agencies. They have done a masterful job meeting important program needs in this final bill.

The pending conference report provides an unprecedented $18.9 billion in new budget authority and $11.9 billion in new outlays to fund the Department of Interior and related agencies. When outlays from prior-year budget authority and other completed actions are taken into account the Senate bill totals $18.9 billion in BA and $17.4 billion in outlays for fiscal year 2001. The Senate bill is exactly at the revised section 302(b) allocation for both BA and in outlays filed by the Appropriations Committee earlier today.

I would particularly like to thank Senator GORTON and Senator BYRD for their commitment to Indian programs in this year's Interior and related agencies appropriation bill. They have included increases of $160 million for Bureau of Indian Affairs education construction, $214 million for the Indian Health Service, and nearly $102 million for the operation of Indian programs.

I commend the subcommittee chairman and ranking member for bringing this important measure to the floor with significant resources totaling $1.6 billion to address the aftermath of the devastating summer and fall forest fires, including my initiative to undertake hazardous fuels reduction activities within the urban/wildland interface to protect our local communities—the so-called Happy Forests initiative.

This bill also includes an important, bipartisan compromise to establish a new Land Conservation, Preservation and Infrastructure Program that will dedicate $12 billion over the next six years to conservation programs. This is an unprecedented commitment to conservation efforts by the Federal Government. I am pleased to support this initiative in its final form.

I appreciate the consideration given by my colleagues to several priority items for my constituents in New Mexico, which are included in the final bill.

I urge my colleagues to support the final version of the fiscal year 2001 Interior and related agencies Appropriations bill, and I ask unanimous consent that the Budget Committee scoring of the bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 4578, INTERIOR APPROPRIATIONS, 2001, SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 2001, in millions of dollars]

	General purpose	Mandatory	Total
Conference Report:			
Budget authority	18,883	59	18,942
Outlays	17,284	70	17,354
Senate 302(b) allocation:			
Budget authority	18,883	59	18,942
Outlays	17,284	70	17,354
2000 level:			
Budget authority	14,769	59	14,828
Outlays	14,833	83	14,916
President's request:			
Budget authority	16,413	59	16,472
Outlays	15,967	70	16,037
House-passed bill:			
Budget authority	14,723	59	14,782
Outlays	15,164	70	15,234
Senate-passed bill:			
Budget authority	15,875	59	15,934
Outlays	15,591	70	15,661
CONFERENCE REPORT COMPARED TO			
Senate 302(b) allocation:			
Budget authority	....	....	....
Outlays	....	....	....
2000 level:			
Budget authority	4,114	....	4,114
Outlays	2,451	-13	2,438
President's request [1]			
Budget authority	2,470	....	2,470
Outlays	1,317	....	1,317
House-passed bill:			
Budget authority	4,160	....	4,160
Outlays	2,120	....	2,120
Senate-passed bill:			
Budget authority	3,008	....	3,008

H.R. 4578, INTERIOR APPROPRIATIONS, 2001, SPENDING COMPARISONS—CONFERENCE REPORT—Continued

[Fiscal year 2001, in millions of dollars]

	General purpose	Mandatory	Total
Outlays	1,693	....	1,693

[1] The comparison between the conference report and the President's request is skewed because the conference report includes $1.5 billion in emergency firefighting funds that the President indicated he would request, but for which OMB never submitted a formal request to the Congress, so the amount is not reflected in the President's request.

AAAAAANote.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Ms. LANDRIEU. Mr. President, I am in line for time, but I would be happy to yield to the Senator for 5 or 10 minutes.

Mr. GRASSLEY. Ten minutes.

Ms. LANDRIEU. I just need the 30 minutes that were reserved for me. I would be happy to yield to the Senator from Iowa.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I come to the floor today, as I have many times in the last couple of months, to speak about an issue that is so important for so many Members in the Senate, and our colleagues on the House side, and to supporters everywhere, the Conservation and Reinvestment Act.

We will be voting on the Interior appropriations bill in just a few moments. I plan, with all due respect to those who have worked on this bill—and I acknowledge their hard work—to vote no because it fails to embrace the principles outlined in the Conservation and Reinvestment Act.

I express my respect for the members of the Appropriations Committee. They have a very tough job. They are charged with a great responsibility. While we have disagreed over this particular issue, we have worked together as we have tried and continue to try to reach a bipartisan compromise over this great battle for a legacy for our environment.

In particular, I thank Senator TED STEVENS from Alaska, our chairman, and Senator ROBERT BYRD from West Virginia, our ranking member, who have been very attentive to the calling and the requests of the CARA supporters in this regard. While we have disagreed on this issue, it has not been personal. My remarks today are intended strictly to be constructive and hopefully to help us chart a course to navigate in the future on this important issue.

I will read into and submit for the RECORD the excellent comments from individuals and Governors and mayors reflected in newspapers around our country, literally from the west coast to the east coast, from the south to the north, from interior communities to coastal communities, literally thousands and thousands of positive editorials and articles written about what we are attempting to do. From the State of Illinois, we have had some of our best editorials on this subject, of which the Presiding Officer has been a supporter.

From the Seattle Post, May 18, a few months ago this year, talking about CARA:

> It is a bold approach to environmental conservation and restoration. If ever there were a win-win for all the squabbling factions permanently encamped in the corridors of Capitol Hill to argue about the environment, this bill has to be it.

From the Providence Journal, RI, September 19:

> Even with the unusual level of bipartisan support that this measure has, it could easily get lost in the last days of an election-year session. Citizens should press Congress to get it on to the desk of President, who would sign it.

While time is short, where there is a will there is a way, and the people of Rhode Island surely believe that.

From the Los Angeles Times, September 18:

> This measure should be plucked from the pack and made law.

Chicago Tribune, from the home State of the Presiding Officer:

> As Congress churns through its last days before adjournment, one issue of environmental impact should not be left in the dust, the Conservation and Reinvestment Act, or CARA.

The New York Times just last week:

> Before adjourning next month, Congress should approve two of the most important conservation bills in many years. One bill, the Conservation and Reinvestment Act, would guarantee $45 billion over 15 years for a range of environmental purposes, including wilderness protection.

Again, from my own paper, the New Orleans Times Picayune, which a few months back, actually, in its frustration in trying to communicate our message, said:

> Senators from inland states don't seem to understand why Louisiana and other coastal states should receive the bulk of this environmental money generated by offshore revenues and maybe that is because their states aren't disappearing.

From the Tampa Tribune:

> The Conservation Reinvestment Act is a necessary and sensible measure that would allow our nation to safeguard its natural heritage. It deserves Senate support.

Finally, from the Detroit Free Press, one of our most supportive editorials, in June of this year:

> One of CARA's most exciting aspects, in fact, is the ability to focus on smaller projects than the Federal Government normally would, including urban green spaces, walkways, small slices of important habitat. For those with visions of a walkable riverfront in Detroit, of selective preservation of natural spots in the path of development, CARA is a dream come true—if the Senators controlling its fate will set it free.

I don't think CARA is going to get set free in the vote that we are going to have in just a few minutes, but that is the process. We will continue our fight. We will continue to talk about this important issue, and we will be organized and ready for next year.

In addition, there are still days left in this session where CARA could be, or something more like it, set free so that we can begin and can continue some of the very important environmental work going on in the country.

Let me say, not all of that environmental work takes place in Washington, D.C. Not all of that environmental work takes place among Federal agencies, although they have a role. A lot of this work takes place in our hometowns all across the Nation, with our Governors' offices, with our mayors and our county commissions, on ball fields and soccer fields, on cleanup days and Earth Days all over the Nation. That is the hope that CARA would bring that will be left on the table today.

I will submit all of these for the RECORD in my closing remarks.

In addition, let me make the point that some people have claimed that the CARA legislation was just helping coastal States. I will submit for the RECORD a wonderful editorial today from a place right in the middle of our Nation, the Kansas City Star, about the Conservation Reinvestment Act, realizing that time is short, but I want to read what they say from Kansas and Missouri:

> This is not the time to give up. Despite the apparent bipartisan agreement, this latest version of the Conservation and Reinvestment Act, also known as CARA, should not be the one approved by Congress.

Let us try to unite and find the will to salvage what we can, and perhaps there is a possible way to do that.

Let me read for the RECORD, as I begin closing, a letter to the editor of all the ones that were received, and there were literally hundreds written by many distinguished people from around our country, the one we received that just stood out above all the others was a wonderful letter written by Lady Bird Johnson and by the distinguished leader, Laurance Rockefeller, who is the uncle to our colleague from West Virginia whom we so admire and respect and for whom we have such affection. Laurance Rockefeller is 98 years old. I will read into the RECORD what Lady Bird and Laurence Rockefeller said about the actions we should be taking now:

> The 20th century can rightly be called America's conservation century. From President Theodore Roosevelt forward, Americans

> began to embrace their land rather than just use it. This ethic of conservation has created, protected and preserved tens of millions of acres of open space in America, encompassing everything from national parks to neighborhood soccer fields.
>
> But conservation is not something that concludes just because a century does. We are not done, nor will we ever be. While protecting our natural resources is often a quiet, steady exercise, sometimes moments of great opportunity arise. We are at such a moment now.

They go on to write:

> The U.S. Senate has before it legislation that would do more to protect America's heritage than anything in a generation. The Conservation and Reinvestment Act is in the true spirit of the early conservationists: It plans for the future while solving the immediate; it provides for recreation as well as preservation; it ensures significant state and local input and control; and it has bipartisan support. The House has passed the bill and the Senate Energy and Natural Resources Committee has approved it. With the administration supporting the legislation, all that is needed is Senate action in the remaining days of this Congress.
>
> CARA's origins stretch back to 1958, when President Eisenhower created the Outdoor Recreation Resources Review Commission to conduct a three-year inquiry into America's growing outdoor needs. Its findings suggested a new approach: Not only should the Federal Government step up its lagging land acquisition program to round out our National Park System, but it should also embark on a new venture to provide matching funds that state and local governments could use to meet a broader set of outdoor needs.
>
> In 1964, President Lyndon B. Johnson signed into law a bill creating the Land and Water Conservation Fund, which not only affirmed these commitments but set American conservation on a course it still follows.
>
> The foresight embedded in LWCF—an emphasis on Federal/state/local partnerships, long-term planning, permanent acquisition and urban recreation—was strengthened later in the 1960s by tapping money from offshore oil and gas leases to fund LWCF projects. The wisdom of doing so was strikingly simple: Utilize the exploitation of one public natural resource in order to protect and conserve another. Congress had made a promise and found a way to keep it. And for years, the LWCF worked wonders. More than 37,000 projects have been sparked by the initiative, helping states and localities acquire 2.3 million acres of parkland and adding 3.4 million acres of new Federal lands to our national bounty. The LWCF has funded open space in literally every county in America, and is responsible for everything from helping preserve Civil War battlefields to purchasing land for Rocky Mountain National Park to building the baseball field down the street from your house.
>
> After 15 years of generally faithful adherence to LWCF's unique bargain, Presidential administrations and Congress began to redirect large chunks of fund revenues from their intended purposes to other budget items. Since 1980, more than $11 billion has been diverted from these projects, creating a staggering backlog of Federal, state and local land protection needs.

They continue and write:

> We urgently need to restore the promise. That's what CARA will do. CARA represents the first good opportunity in 20 years to set our conservation path back on track. It not only fully funds the LWCF, but also addresses critical needs in wildlife management, urban parks, coastal protection—

Which is so important to my State and to many of our States, particularly Mississippi, Alabama, and all along the east and west coasts—

> and historic preservation. Most important, it establishes a dependable source of funding for these programs. The prescience of those who created the fund was that conservation especially could not be a haphazard thing: population growth, the inexorable march of development and simple wear and tear on resources require a permanent commitment. CARA returns us to that premise, providing approximately $3 billion a year and a firm precedent for future funding.
>
> CARA returns us to another important ideal: bipartisanship.

Sometimes that is in too short supply here in Washington.

> Republican Don Young of Alaska and Democrat George Miller of California did a masterful job of steering CARA through the House, winning a 315–102 vote. In the Senate, Republican Frank Murkowski of Alaska and Democrat Jeff Bingaman of New Mexico brought the bill out of committee with support from Senators of both parties. In these gridlocked times, CARA's bipartisan treatment is a reminder that policy can sometimes overcome politics.

They conclude by saying:

> We hope the full Senate will heed that reminder and act on CARA now.

We have worked as partners on conservation issues for almost four decades. Our hope has always been that American leaders would act so that their children—all children—would have something to look forward to. By reviving the Land and Water Conservation Fund before Congress goes home this year, it can provide just that.

Unfortunately, the bill before us does not do what this vision outlined. It does do many good things, but it falls short of this vision. In the last 10 minutes that I have, I want to finalize my comments by making just a few more points and submit a letter for the RECORD.

According to the Webster's Dictionary, "legacy" means something handed down from an ancestor or predecessor or from the past, or to bequeath.

For more than 3 years, many in this body, dozens of Members of the House of Representatives, hundreds of mayors and Governors, thousands of environmentalists and wildlife groups, and millions of Americans have been calling for a true environmental legacy.

Those of my colleagues who will, in a few minutes, support the Interior appropriations conference report will do so for many good reasons. My great friend from Idaho, Senator CRAIG, spoke eloquently yesterday about the money in this bill to fight the wild fires raging across the western plains. That is a very good reason to support this bill.

As the temperature gets ready to dip across America this winter, there is great need for a home heating oil reserve, and that is in this bill. That is a very good reason to support it.

In my State of Louisiana, the Cat Island Refuge, which is the oldest cypress forest in North America—and it may be the only one left—gets money in this bill. The New Orleans Jazz Commission and the Cane River National Heritage Area, the oldest settlement in the Louisiana Purchase, are reasons to support this bill.

However, if anyone here is looking for a true legacy, a long-term commitment to our vanishing coastlines, our disappearing wildlife, and our crumbling parks and historic treasures, you will not find that in this bill.

The true legacy would have been the Conservation Reinvestment Act—a bill which has bipartisan support by a vast majority of the Congress and support from the President of the United States. However, today we will be asked to vote on what really amounts to sort of a CARA cardboard cutout—one that kind of looks like the real thing, but it is really flimsy and hollow, one which fails to deliver the great promise that we had at this opportunity for our children and our grandchildren.

For 3 years, a monumental and historic coalition built around this bill and congressional leaders designed it in a way to merit support across the aisle and across the Nation.

Early on, some environmentalists charged it was a pro-drilling bill. So we clarified the language to make sure it was drilling neutral to gather their support.

I think—and there are some of my colleagues on the floor who can attest to this—that perhaps we failed to go as far as we should have. But I believe we made great strides in meeting the concerns of some of those who claimed that this bill would have compromised private property rights and would have allowed the Federal Government to buy up land without willing seller provisions and congressional approval.

We worked mightily to meet those objectives, and we believe the compromise that we came up with was fair and good along these lines.

I know for the past few years I have cajoled, bargained, and spoken to so many of my friends and colleagues to listen to the merits of this proposal. I am sure on more than one occasion when they saw me coming, they ran the other way. But I believe this is so important that we should take this step now.

When I am asked how we can afford to do this, my answer is simple: How can we afford not to?

Since 1930, Louisiana has lost more than 1,500 square miles of marsh. The State loses between 25 and 30 miles each year—nearly a football field of wetlands every 30 minutes in my State.

By 2050, we will lose more than 600 square miles of marsh and almost 400 square miles of swamp.

That means the Nation will lose an area of coastal wetlands about the size of Rhode Island—about the size of your State, Mr. President. We are about ready to lose it.

In the past 100 years, as so eloquently spoken about yesterday by our colleague from Florida, Senator BOB GRAHAM, southern Florida's Everglades have been reduced to one-fifth their former size.

In the past 30 years, the population of blue crabs in the Chesapeake Bay has been barely hanging on, much to the dismay, I know, of Senator MIKULSKI and Senator SARBANES, who fight vigorously for renewal in the Chesapeake.

In the middle of this century, a boater could look down into Lake Tahoe's depths and see 100 feet. Today that is more like 60, or 70, and dropping every day. Senator FEINSTEIN and Senator BOXER know that CARA could be one of the answers—not the only answer but truly one of the answers to help.

These facts are staggering. More importantly, it will take decades to turn it around.

So let's begin now.

I ask each of my colleagues to put themselves in the shoes of our Governors, our mayors, and our natural resource officials. All of these local officials are charged just as we are with developing long-range strategies to combat vanishing coastlines, disappearing wildlife, and crumbling treasures. But if we don't enact CARA, or something very close to it, a funding stream they can count on year in and year out, their efforts will be marginalized.

The Gulf of Mexico does not wait for congressional approval to claim 30 square miles of Louisiana every year. Hurricanes do not lobby congressional appropriators before they claim precious beaches in Mississippi, Alabama, Florida, and the eastern seaboard. Mother nature does not testify in front of Congress before she floods our parks, eats away at the Everglades, and takes her toll on our historic treasures.

Let us look closely at what we are doing here today. I ask that we not be lulled into believing that this is anything more than a minor downpayment on a debt we owe to our children.

In the past 2 years, I think we have made much progress in recognizing the contribution of the coastal States—particularly States such as Louisiana, Texas, Mississippi, and Alabama—which generate these offshore revenues in the first place.

Because I have received assurances from both leaders, Senator LOTT of Mississippi, and Senator DASCHLE of South Dakota, that both coastal impact assistance and wildlife protection can be addressed in other bills in this Congress, I have withdrawn my objections to final passage of this bill.

Although CARA supporters will lose the vote today, we will grow stronger. We will come back energized and ready to fight for what our country really needs—a true environmental legacy. The coalition knows that this is a downpayment. And, like all who are owed a debt, we will come to collect.

Winston Churchill once said:

> Want of foresight . . . unwillingness to act when action would be simple and effective . . . lack of clear thinking, confusion of counsel until the emergency comes . . . until self-preservation strikes its jarring gong . . . these are features which constitute the endless repetition of history.

Colleagues, let us heed these words. Let us come next year prepared with a willingness to act. Let us think clearly before the emergencies come. Let us not wait until our environmental preservation hangs in the balance. And let us listen to the cause of the American people—people from my State, people from your State, people from all of our States who say they need something on which they can depend—a steady stream of revenue; a partnership that they can depend on to help preserve what is best about America while protecting private property rights, while protecting the great balance between land ownership and land maintenance, while protecting the great needs of our coastline and our interior.

We need a bill that America can grow on and depend on and prosper from in the decades ahead.

I thank again the appropriators for their hard work. I thank the authorizers for their tremendous vision.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of wonderful people who need to be thanked for their efforts and, in doing so, not conceding that there is not still some time left to make some corrections and improvements but recognizing that the time is short and we will continue to pursue this avenue. But this is a list of coalition members from the National Wildlife Federation; Sporting Goods Manufacturers Association; National Governors' Association; the Nature Conservancy; Louisiana Department of Natural Resources; Americans for our Heritage and Recreation; International Association of Fish and Wildlife Agencies that worked so hard on this effort; U.S. Soccer Foundation; National Wildlife Federation; Coastal Conservation Association; Outdoor Recreation Coalition of America; Trust for Public Lands; Coastal States Organization, which Jack Caldwell helped to head up; National Coalition of State Historic Preservation Officers, particularly the Governor of Oregon who was so helpful, and many other Governors; the Wilderness Society; Southern Governors Association; my Governor, Governor Foster, who lent a hand early on; Land Trust Alliance; and the Coalition to Restore Coastal Louisiana.

Those are just a few. There are so many more and I know my time is probably up.

I also ask unanimous consent to have printed in the RECORD the names of many of the staff people who helped make this possible.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CARA COALITION MEMBERS

Mark Van Putten, Jodi Applegate, Jim Lyon, Steve Schimburg—National Wildlife Federation
Sandy Briggs—Sporting Goods Manufacturers Association
Jena Carter, Diane Shays—National Governor's Association
Tom Cassidy, Jody Thomas, David Weiman—The Nature Conservancy
Sidney Coffee—Louisiana Department of Natural Resources
Tom Cove—Sporting Goods Manufacturers Association
Jane Danowitz—Americans for our Heritage and Recreation
Glenn Delaney, Naomi Edelson, Max Peterson—International Association of Fish and Wildlife Agencies
Jim Range—International Association of Fish and Wildlife Agencies/The American Airgun Field Target Association
Gary Taylor—International Association of Fish and Wildlife Agencies
Herb Giobbi—U.S. Soccer Foundation
Pam Goddard—National Wildlife Federation
Bob Hayes—Coastal Conservation Association
Myrna Johnson—Outdoor Recreation Coalition of America
Lesly Kane—Trust for Public Land
Tony MacDonald—Coastal States Organization
Nancy Miller—National Coalition of State Historic Preservation Officers
Andrew Minkiewicz, Kevin Smith—Governor Kitzhaber of Oregon
Rindy O'Brien—The Wilderness Society
Beth Osborne—Southern Governor's Association
Bob Szabo—Van Ness—Feldman Law Firm
Russell Shay—Land Trust Alliance
Mark Davis—Coalition to Restore Coastal Louisiana

ACTIVELY SUPPORTIVE MEMBERS AND STAFFS

Senator Thomas Daschle—Mark Childress, Eric Washburn
Senator Trent Lott—Jim Ziglar
Senator Bingaman—Minority Energy Committee Staff: Bob Simon, Sam Fowler, David Brooks, Mark Katherine Ishee, Kyra Finkler
Senator Murkowski—Majority Energy Committee Staff: Andrew Lundquist, Kelly Johnson
Senator Mike DeWine—Paul Palagyi
Senator John Breaux—Fred Hatfield, Stephanie Leger, Mallory Moore
Senator Max Baucus—Brian Kuehl, Norma Jane Sabiston, Jason Schendle, Aylin Azikalin, Alyson Azodeh

All democratic colleagues on Energy Committee and Senator Fitzgerald.

Ms. LANDRIEU. Mr. President, I end by saying that sometimes it takes a bold act to receive something on which we can really build. CARA is a bold act.

In a bill with $15 billion, asking for a few hundred million for States and local governments, a few hundred million for our coastal communities, a few hundred million for wildlife, was not too much to ask. I am very hopeful in the years ahead we can meet the promise of CARA.

I ask unanimous consent to have printed excerpts of editorial support.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Why CARA? Why Now?

EXCERPTS OF EDITORIAL SUPPORT FOR THE CONSERVATION AND REINVESTMENT ACT

"It's a bold approach to environmental conservation and restoration. If ever there were a win-win for all the squabbling factions permanently encamped in the corridors of Capitol Hill to argue about the environment, this bill has to be it." Seattle Post-Intelligencer, May 18, 2000.

"The Conservation and Reinvestment Act has the magic to get through Congress in an election year: money for lots of states, creative compromises and an odd-couple pair of sponsors from the right and left."—Seattle Times, May 9, 2000.

"Even with the unusual level of bipartisan support that this measure has, it could easily get lost in the last days of an election-year session. Citizens should press Congress to get it onto the desk of President Clinton, who should sign it."—Providence (Rhode Island) Journal, September 19, 2000.

"This measure should be plucked from the pack and made law."—Los Angeles Times, September 18, 2000.

"By passing the act, the Senate will demonstrate that in the current prosperity, America is not forgetting its other riches, those bestowed on it by nature."—San Jose Mercury News, September 17, 2000.

"As Congress churns though its last days before adjournment, one issue of environmental impact should not be left in the dust: the Conservation and Reinvestment Act, or CARA."—Chicago Tribune, September 16, 2000.

"Before adjourning next month, Congress should approve two of the most important conservation bills in many years. One bill, the Conservation and Reinvestment Act, would guarantee $45 billion over 15 years for a range of environmental purposes, including wilderness protection."—The New York Times, September 13, 2000.

"One of the most important and comprehensive pieces of conservation legislation in U.S. history deserves immediate passage by the Senate. It is a bill most Americans have never heard of: The Conservation and Reinvestment Act, or CARA."—St. Louis Post-Dispatch, September 11, 2000.

"This is a rare piece of legislation. Its purpose is clear and simple. Its funding is ready. Its public benefit would be immense, and so would its public support, if anyone could hear about it through the blare of electioneering. All it needs is attention by our senators in the next three weeks."—San Diego Union-Tribune, September 7, 2000.

"Senators from inland states don't seem to understand why Louisiana and other coastal states should receive the bulk of the environmental money generated by offshore oil revenues. And maybe that's because their states aren't disappearing."—The (New Orleans) Times-Picayune, July 18, 2000.

"Back in the '60s, Congress set aside $900 million yearly from offshore oil revenue for the Land and Water Conservation Fund to finance purchases of important natural beauty spots. But over the years Congress routinely robbed the fund to spend the money elsewhere, and Iowa was routinely shut out when the remainder was divided. CARA restores the fund and adds much more."—The Des Moines Register, July 8, 2000.

"This landmark legislation deserves a chance, and it will be a shame if opponents manage to use the clock or unreasonable arguments to kill it. While senators out West worry about the federal government gaining more control over land, those of us who live in Louisiana worry about the acres of coast that are crumbling into the Gulf of Mexico. One fear is speculation, the other is all too real."—The (New Orleans) Times-Picayune, September 19, 2000.

"The Conservation and Reinvestment Act is a necessary and sensible measure that would allow our nation to safeguard its natural heritage. It deserves the Senate's support."—The Tampa Tribune, July 7, 2000.

"CARA is considered to be the most significant conservation funding legislation any Congress has ever considered."—Times Daily (Florence, Alabama), July 10, 2000.

"The Conservation and Reinvestment Act is a strong and balanced realization of the philosophy that government revenues generated by exploiting natural resources ought to be spent, in large part, on protecting resources elsewhere. That's philosophy that Congress has long honored on paper, and should now put into practice."—The (Minneapolis) Star Tribune, July 3, 2000.

"One of CARA's most exciting aspects, in fact, is the ability to focus on smaller projects than the federal government normally would, including urban green spaces, walkways and small slices of important habitat. For those with visions of a walkable riverfront in Detroit, of selective preservation of natural spots in the path of development, CARA is a dream come true—if the senators controlling its fate will set it free."—Detroit Free Press, June 27, 2000.

"The most important land conservation bill in many years is now before the United States Senate, and time is running out."—The New York Times, June 27, 2000.

"It's a reasonable, bipartisan way for America to create long-term funding for conserving our natural heritage."—The (Salem, Oregon) Statesman Journal, June 14, 2000.

"CARA is a good program that promotes local initiative toward parks, resource conservation and historic preservation. We hope our senators change their positions and give the support it deserves."—The Idaho Statesman, June 13, 2000.

"We need to make it clear that we, the American people, want the Senate to pass the most significant wildlife, parks and recreation legislation in over 30 years."—The Pueblo (Colorado) Chieftain, June 11, 2000.

"This is a quality-of-life bill for the future, one that holds enormous promise for the protection of dwindling natural and cultural resources. Passage means benefits for the current generation of Americans, and a chance to continue those gains for generations yet to come."—The Buffalo (New York) News, May 22, 2000.

"So long as good sense continues to prevail, this legislation may signal the beginning of an era, none too soon, in which environmental impact has a more prominent seat at the table."—Winston-Salem Journal, May 19, 2000.

[From the Kansas City Star, Oct. 5, 2000]

Conservation Money

The proposed Conservation and Reinvestment Act, which would transfer millions of dollars from federal off-shore oil leases to financially starved local and state parks and wildlife programs, is in trouble.

Thanks to a deal devised by congressional negotiators on the Interior Department appropriations bill, the House has approved a pale version of the landmark legislation that earlier had been endorsed by two-thirds of the House, more than half of the Senate and President Clinton.

The President has endorsed this inferior agreement, saying that "while we had hoped for even more" he wanted to praise the conservation, wildlife and recreation groups, as well as citizens, who worked so hard for the conservation act.

This is not the time to give up. Despite the apparent bipartisan agreement, this latest version of the Conservation and Reinvestment Act, also known as CARA, should not be the one approved by Congress. It falls far short of the original that has been pushed by conservation groups, cities, counties and states.

Under a strong bipartisan effort, Congress has been on the verge of restoring the money to its rightful uses. Of the $3 billion CARA would provide, Missouri annually stands to gain $34.7 million and Kansas $17.3 million for natural resource preservation and parkland acquisition. Kansas and Missouri cities and counties could use their share of the money to improve state and local parks, purchase land for parks, and other recreational purposes.

The substitute version falls short in the money it would guarantee over the long term. In one example, $350 million annually for nongame wildlife programs has been cut to $50 million.

Senate Majority Leader Trent Lott and Minority Leader Tom Daschle have announced their intention to push to restore CARA to its former self. They are backed by the nation's governors, who have sought significant conservation funding for state needs. The original version is the one that should be passed.

Approval of CARA could be one of the most significant victories of this Congress.

Mr. THOMAS. I ask unanimous consent to take the remaining time of the Senator from Arizona, which I believe is 4 minutes.

Mr. BYRD. Would the distinguished Senator allow me to use 5 minutes of my time as the ranking member on the subcommittee?

Mr. THOMAS. Go right ahead.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I trust that the distinguished Senator will not leave the floor. I hope he will follow me immediately. If he is in great haste, I will be glad to yield to him.

Mr. THOMAS. Go right ahead.

Mr. BYRD. Mr. President, in the short time available before the Senate votes on final passage of the Interior appropriations conference report, I want to again urge my colleagues to support this measure. It is a good compromise that balances the needs of our parks, our forests, our wildlife refuges, and our trust responsibilities to American Indians, against the resources made available to us. That task—the task of reconciling identified needs with limited resources—is not easy.

I am particularly pleased with the level of funding in this bill for fossil energy research. The new power plant improvement initiative, along with the other fossil energy research programs in the Department of Energy, are critical to this nation's energy security.

Working to curtail our reliance on imported oil, and ensuring that our current fleet of power plants are efficient and environmentally sound, should be the cornerstone of the next administration's energy policy. I can assure the next president, whomever he may be, that I, for one, am ready to assist in that endeavor.

Mr. President, I also wish to take a moment to thank the chairman of the full committee, Senator TED STEVENS, for his interest in this bill, for his continued support, and for his willingness to work with Senator GORTON and me to ensure that we were able to get to this point. In particular, I am grateful for his help in making additional resources available to the Interior subcommittee. Without those resources, we could not have crafted this bill.

Finally, Mr. President, let me again thank my colleague, the subcommittee chairman, Senator GORTON. He and his staff have truly been a pleasure to work with.

When I talk of staff, let me briefly mention my own staff person, Peter Kiefhaber. I believe this is his first bill, first major bill, to assist me on this floor throughout the markup, throughout the hearings. He has done a masterful job as a new person in that position. I thank him and I congratulate him.

I yield the floor now. I yield my remaining time to Senator GORTON.

I, again, thank the distinguished Senator for yielding when he had the floor, to allow me to make this brief statement.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I ask to take the 4 minutes that was available to the Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I appreciate the opportunity to visit just a moment on a subject that is very close to my heart and very close to my interests. I am from Wyoming, a State that has open space throughout a great deal of the State. It is the eighth largest State in the United States and still the smallest population. I grew up near Yellowstone Park. Those are things I feel very strongly about.

I want to do two things—one, to comment on the good proposal of the Senator from Louisiana and her passionate defense of it. I understand that. I respect that a great deal. There are some things that are disadvantageous about CARA that we have talked about. One, of course, is the idea it makes it mandatory spending for 15 years. This is an entitlement. As we look at our budget now, about a third of our budget is up to the Congress to allocate. The rest of it is entitlements.

I came from serving in the Wyoming Legislature where the legislature now only has control over 25 percent of the dollars. I think that is a dangerous position, and entitlements become a real problem.

Also, as we look toward the land acquisition, there are a number of things we need to be concerned about in this year's budget. From this administration, there was more interest on the purchase plan than the maintenance plan. We have 379 parks in this country, most of which are in desperate need of infrastructure help, but it seems as if the more popular thing to talk about is the acquisition of more land. Fifty percent of my State belongs to the Federal Government; 85 percent of Nevada in the west along the Rocky Mountain area, most of the land now belongs to the Federal Government.

We asked in committee if we could have some kind of protection in this allocation of CARA of $45 billion, that we would not have any more Federal land; that, indeed, if Federal lands were to be purchased, we would have an opportunity to dispose of some Federal land so there would be basically no net gain. It seems to me that is reasonable. The supporters of CARA were not willing to talk about that.

In conclusion, I think there is a great deal of merit in the bill before the Senate. It isn't, of course, what everyone wants. There are more expenditures to it than some like. It does reflect help however, for the losses that were incurred because of the forest fires—6.6 million acres in the West burned this year and the costs associated and the losses associated there.

I am going to support this bill. I am pleased. I thank the chairman for his good work in getting this bill before the Senate.

I will comment on the fact that not only in this bill but in a number of bills there are authorizations for things I think are inappropriately authorized in appropriations bills. In this bill there are some parks, for example, and set-asides which certainly ought to come from the authorizing committee, not from the Appropriations Committee.

I understand what happens. We get toward the end of the year, and there are things there, people want something to happen and we are in danger of having a lot of that happen in the next week or so. I hope it does not. We have a system where there is an authorization and there is an appropriation.

I don't think anyone in this place is more anxious to have dollars available to do something with conservation, to do something with preservation, to do something with easements, to do something with maintenance of the land we already have, but I think we have to make sure those bills, indeed, have the composition that makes them the kinds of things that we need to have in this Congress and that is to have them authorized yearly or at least in shorter spans than 15 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, before I make some general remarks, I will respond to the three—and I think there have only been three—critics of this bill.

For the better part of 3 days, the Senate has indulged in the remarks of the Senator from Illinois over one item out of many hundreds in this bill. Normally speaking, items such as the Lincoln Library are included in bills such as this because the Senators from the States concerned believe they are important and because we believe they are reasonable national priorities. I think I can assure the Senator from Illinois and the body that, had I known we were going to go through this process, there would have been no money for this project in this bill at all. It may very well be there will be no more tomorrow.

I do think a library for Abraham Lincoln's papers in Springfield, IL, is an appropriate project. The State of Illinois and various local entities and individuals are providing the great majority of the money that is going into that project. The Senator from Illinois has engaged in a filibuster, required the vote of 89-8 on cloture, all over the bidding practices with respect to the way in which that project is undertaken, as to whether or not they ought to be Federal bidding practices or the State of Illinois' bidding practices—bidding practices of the State of Illinois that I believe he had something to do with creating while he was a member of the legislature of that body.

Even under the bill as it appears here, the Secretary of the Interior has the authority to review the design, method of acquisition, and the estimated cost, and can deal with anything that the Secretary believes to be untoward in this entire question. But I have to say that to spend 3 days of the time of the Senate on this internal dispute involving Members of Congress and others from the State of Illinois was an imposition on the time of the Senate at any time, but especially when the Senate is attempting to finish many important bills of which this is one, but only one. We will go forward with it at this point. We will pass the bill at this point. I believe the President of the United States will sign it at this point. But I can certainly not remember any other instance in which a Member from a State that is getting a benefit from the bill has looked so carefully at the teeth of a gift horse.

The second question I raise is about some of the criticisms from my good friend, the Senator from Arizona. He complains about money in this bill for carriage barn rehabilitation at the Longfellow National Historic Site. That is a national park site. That is the very kind of thing that we must rehabilitate. Henry Wadsworth Longfellow, when he lived at his place, had a carriage barn. I don't know whether the Senator from Arizona feels we should let it fall down, but my own view is our first duty is to maintain the national park sites that we have at the present time. The Senator from Wyoming has just referred to that. How that constitutes pork, or a reason to vote against this bill, is, I must say, beyond my understanding.

He complains about dollars for the southeast Alaska disaster fund that he claims were not included in either the House or the Senate bill. In fact, they were included in the Senate bill under a different account number.

He complains about $30 million for site-specific earmarks or emergency funds, one quarter of which turn out to be—slightly more than one quarter—for hazardous fuels reduction activities carried on by Northern Arizona University.

When I was on the floor, he was complaining about the rehabilitation of a fish hatchery in White Sulfur Springs, WV, which was requested by my good friend and colleague, the Senator from West Virginia. Again, I am puzzled why it is we should not provide such office rehabilitation at a site that is a specific function of the people of the United States.

In other words, I don't find those criticisms to have any particular merit whatsoever. This is our business. It is the business of this bill to see to it that the lands and historic sites and facilities of the United States of America are properly maintained. I think one of the great shortcomings, one of the overwhelming shortcomings that we have had in the last few years is that we have not been maintaining these sites to the extent they ought to be maintained. One of the goals, which I have accomplished in this bill, is to increase the amount of money for that maintenance, both in the regular bill and in this supplement to this bill that is the third item of controversy here today.

This bill is criticized by the Senator from Louisiana as not including the full authorization for the so-called CARA bill, the Conservation and Reinvestment Act. She is certainly correct; it does not. That bill is an almost $3-billion-a-year entitlement for some 15 years, the net result of which is that the items included in it are deemed to be more important, should that bill pass the Congress of the United States, than saving the Social Security system, than education, than health care, or any of the other items for which we appropriate every year. In my view, it is utterly inappropriate as an entitlement that automatically comes off the top, before all the other priorities of the people of the United States.

On the other hand, many of the items preferred in that CARA legislation are highly worthy items, items for which this subcommittee chairman is delighted to have what now amounts to a greater authorization. Many of them will be more liberally funded in the future as a result of the proposals that are a part of this bill now.

It is said—it was said in that criticism—that this bill sends all the money through the Federal bureaucracy rather than CARA sending it directly to the States. First, it doesn't send all the money through the Federal bureaucracy. Many of these programs are existing programs that result in formula grants to the States, and others are competitive grants to the States. At this point, the Congress can, through its authorizing committees, change the distribution formula for any one of these programs, either to make them more direct or more focused. CARA, of course, doesn't send all its money directly to the States, either. It does include large amounts for payment to coastal States but they are for new programs which are not even authorized at this point and will not be unless some bill of that nature is passed.

Second, this is criticized by some conservatives for not providing protections for private property. The Interior bill funds currently authorized programs. It doesn't authorize them; it funds currently authorized programs and therefore, by definition, includes every protection for private property that exists in any one of those authorizing laws. If there are shortcomings in this field, it is not the fault of the Appropriations Committee but of the very authorizing committee that presented CARA to us in the first place.

For Federal land acquisitions that are funded by this CARA-lite, in future years everyone is going to be subject to the same process as is used at the present time. They are all going to go through appropriations committees. I can assure my colleagues, I cannot think of a case where this committee has approved a project that did not have the support of the relevant Members of Congress, except maybe for this one in Illinois, which has been the subject of debate for some 3 days. So that objection is simply not valid.

It is also pointed out this bill does not provide States and local governments with a predictable funding stream. You bet your life it does not, and it was not so designed. Why should we give a predictable funding stream for grant programs to State and local governments in precedence to the very programs for which we are directly responsible? We do not have a fully predictable or legally enforceable funding stream for schools. We don't have it for most of our health care programs. We don't have it for research and development programs. We don't have it for a wide variety of the programs that are subject to debate every year. It is just for that reason that we do not have it. They should be subject to debate and revision with respect to priorities every year. That is why we have a Congress.

On the other hand, this new title does provide a decidedly increased likelihood that these grant programs will be sustained and will increase in future years.

What this bill does is to say that if you do not spend this money on the programs outlined in this bill, you cannot spend it on something else, but it will go to reducing the national debt. It is only a couple months. Members on both sides of the aisle vociferously were saying that a reduction of the national debt was the most important single economic activity in which we could engage. Chairman Greenspan was quoted constantly on the floor of the Senate. We forgot that when some decided we needed these "predictable funding streams," that is to say, entitlements which come directly out of debt reduction.

I have never been able to see the logic of a 15-year guaranteed funding stream that could not easily be adjusted if the programs were ineffective or if we went into economic times in which there were higher priorities.

Those are some of the critiques of the particular proposal, additional portions of which are likely to be included in the appropriations bill for Commerce-State-Justice, particularly the oceans portions of it which will be debated later.

Finally, Senator GRAHAM from Florida criticized the bill for not providing adequate funds for national parks. While CARA would have guaranteed an extra $100 million per year for the National Park Service—Mr. President, I am allowed to take time from Senator STEVENS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. The answer is, of course, CARA did not either. CARA gave money to the National Park Service above the line but not below the line, and very likely future Congresses will simply reduce the discretionary portion of that account by the amount guaranteed in CARA itself.

It was at my insistence that this CARA-lite does include an item, I believe $150 million a year, for national park maintenance. I think that is one of the most important elements of the bill itself.

The vote on cloture indicated the broad support for this bill, as did the overwhelming bipartisan vote in the House of Representatives. For that overwhelming bipartisan support, I owe particular thanks to Senator BYRD for helping me in developing the conference agreement and shaping it in a way that merits the support of Members on both sides of the aisle. His new staff minority clerk, Peter Kiefhaber, has been a tremendous asset during the course of his first year. He has been ably assisted by Carole Geagley of the minority staff and Scott Dalzell, who has been with us on detail from the U.S. Fish and Wildlife Service.

I thank my own exemplary staff: Bruce Evans, who is sitting here with me, Ginny James, Leif Fonnesbeck, Christine Drager, and Joe Norrell, as well as our detailee, Sheila Sweeney, and Kari Vander Stoep of my personal staff. All have also worked so many hours on this bill that I do not dare count them for fear of feeling ashamed. They have worked extremely hard, but they have been successful and have every reason to be gratified with their work.

I note for the record this is the last year in which I will be privileged to work with my counterpart chairman, Congressman RALPH REGULA from the House of Representatives. He will have another subcommittee next year, and I tell you, I will miss him. I have never dealt with anyone in this body or in the other body with whom I have had a more positive and affirmative, constructive working relationship, often with a great many laughs because of his marvelous sense of humor. RALPH REGULA will have left a substantial legacy of increased priority for the maintenance of our Federal lands and facilities and a great approach in a matter of principle.

In summary, this is a popular bill that has every right to be popular because it meets with many of the needs of deferred maintenance for past neglect. It has many projects in it that are of great importance to Members on both sides of the partisan divide in this body and our significant national priorities as well, and will get us through another year with respect not just to these natural resources used in energy research and cultural institutions in the United States but in a way I think worthy and which I recommend heartily to my colleagues.

The PRESIDING OFFICER. All time is yielded back.

Mr. GORTON. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. GORTON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 13, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—83

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Frist
Gorton
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Johnson
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—13

Breaux
Brownback
Feingold
Fitzgerald
Graham
Gramm
Helms
Inhofe
Landrieu
McCain
Sessions
Smith (NH)
Voinovich

NOT VOTING—4

Feinstein
Jeffords
Kennedy
Lieberman

The conference report was agreed to.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

MORNING BUSINESS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE HEATING OIL RESERVE

Mr. MURKOWSKI. Mr. President, I think Senator DOMENICI will be seeking recognition. First, I want to take 2 minutes to alert my colleagues to what I think is a very significant issue.

Much has been made of late about the status of the Strategic Petroleum Reserve and the recommendation by Vice President GORE that we withdraw 30 million barrels out of the SPR so we can build up our heating oil reserve. Let me tell you what is happening to that.

The administration forgot a very important detail when they put that oil up to bid for the refiners. They didn't mandate that the crude oil be refined into heating oil or that it be used to build inventories here in the United States for the benefit of the Northeast States that need that heating oil inventories built up.

What will happen to the crude oil or refined product? It will go into the marketplace, and it is going to Europe because Europe is paying a higher price for heating oil than the United States. Currently, 167,000 barrels a day of distillate is exported.

Let me tell you what came out of the Houston Chronicle, and I quote:

> The buyers can do what they wish with the oil, such as sell or swap it, said Department of Energy spokesperson Drew Malcomb, although whoever ends up with the oil has to get it out of storage by the end of November.
>
> The extra crude won't result in any additional heating oil because all the heating oil facilities already are operating at maximum capacity, Brown said.

There you have it. You have an administration that said we had an emergency, we had to go into SPR, address our heating oil situation, while sending a message to the Mideast that we are reducing our savings account. Then we find we may not build up our domestic heating oil inventories at all with this oil, it is going up for sale into the market and ending up in Europe because the administration didn't mandate that if you bought the oil, you had to keep it here in the United States.

Senator STEVENS and I have experienced some demands relative to our inability to move our oil out of our State.

It is inconsistent to me that the administration could make such a poor business deal. We have not accomplished anything with SPR. We have simply increased our exports of heating oil. I think it is a charade.

I thank my colleague from New Mexico. But I did want to call that to your attention.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Houston Chronicle entitled "Oil from Reserve in High Demand" and two tables on distillate exports.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OIL FROM RESERVE IN HIGH DEMAND—BIDDERS GRAB 30 MILLION BARRELS

(By Nelson Antosh)

Trading companies and refiners looking for a good deal on crude have snapped up all 30 million barrels that the federal government is releasing from the Strategic Petroleum Reserve.

The Energy Department announced Wednesday that 11 companies, some of them with names little known even within the industry, had submitted the best bids for the oil being held underground in Louisiana and Texas.

The buyers in effect promised to return to storage 31.56 million barrels between August and November of next year, thus paying a premium of about 5 percent.

But by using the futures market, the successful bidders will be able to pay back with oil cheaper than what it is today, even if the real market price for crude may be higher by then.

"A good transaction for value," said Mary Rose Brown of Valero, a San Antonio-based company that will be refining its federal crude. The difference between Wednesday's futures and the payback cost is $3.25 per barrel, she said.

The futures price for next October is $28.53, said Kyle Cooper of Salomon Smith Barney in Houston, who reasons that all the reserve sale does is "move around crude."

In contrast to next October, the sweet crude contract for next month settled Wednesday on the New York Mercantile Exchange for $31.43 per barrel.

The buyers can do what they wish with the oil, such as sell or swap it, said DOE spokesman Drew Malcomb, although whoever ends up with the oil has to get it out of storage by the end of November.

Valero will be taking 1 million barrels of sour crude from the Bryan Mound storage site near Freeport and splitting it between its refineries in Texas City and Freeport.

That crude will be co-mingled with other supplies and be made into a full range of products, including gasoline.

The extra crude won't result in any additional heating oil because all the heating oil facilities already are operating at maximum capacity, Brown said. Valcro even shifted some of its distillate output at a New Jersey refinery from premium-priced jet fuel into home heating oil.

"The product will go where the market is," said Malcomb, although he said his agency would prefer that it be refined into heating oil and be shipped to the Northeast.

Vitol, a trading company in Houston that also owns a refinery in Canada, will get 1.05 million barrels of sweet crude out of a storage site in Louisiana and 550,000 sour barrels out of Bryan Mound.

The company will apply for an export license, but logically it is a better value if sold along the Gulf Coast, said a Vitol employee who preferred not to be identified.

Marathon Ashland Petroleum LLC, a Houston-based venture that is a major refiner, was the high bidder on 2.4 million barrels of sour crude and 1.5 million barrels of sweet crude.

The DOE did not release the amounts that individual companies promised to return to the reserve, because that could influence any future sales.

Morgan Stanley Dean Witter of New York was the high bidder on 2 million barrels.

Lesser known names were Euell Energy of Aurora, Colo., which was the high bidder on 3 million barrels, Burhany Energy Enterprises of Tallahassee, Fla., also with 3 million barrels, and Lance Stroud Enterprises of New York with 4 million barrels.

Equiva Trading, which is a Houston-based alliance between Shell and Texaco, will get 2.5 million barrels. A spokesman could not be reached late Wednesday.

Elf Trading, also based in Houston, is getting 1 million barrels.

The largest quantity, 6 million barrels, was won by BP Oil Supply Co., in Warrenville, Ill.

"Every barrel we can get into the market in the next few weeks reduces the risk of a shortage of heating oil and diesel fuel this winter," said Secretary of Energy Bill Richardson in a news release. "This is good for consumers and good for our nation's long-term security."

Some have criticized releasing oil from the Strategic Petroleum Reserve as a political ploy to get more votes in the Northeast, where heating oil is widely used.

TABLE 5. U.S. YEAR-TO-DATE DAILY AVERAGE SUPPLY AND DISPOSITION OF CRUDE OIL AND PETROLEUM PRODUCTS, JANUARY-JUNE 2000

[Energy Information Administration/Petroleum Supply Monthly, August 2000; in thousand barrels per day]

Commodity	Supply				Disposition				
	Field production	Refinery production	Imports	Unaccounted for crude oil[a]	Stock change[b]	Crude losses	Refinery inputs	Exports	Products supplied[c]
Crude Oil	[E] 5,851		8,655	432	64	0	14,787	87	0
Natural Gas Liquids and LRGs	1,956	754	204		59		357	83	2,414
Pentanes Plus	307		28		6		133	4	192
Liquefied Petroleum Gases	1,649	754	176		53		225	79	2,222
Ethane/Ethylene	746	29	23		6		0	0	791
Propane/Propylene	549	597	124		8		0	60	1,201
Normal Butane/Butylene	163	121	13		34		120	19	125
Isobutane/Isobutylene	191	7	17		6		105	0	105
Other Liquids	177		642		63		807	47	−98
Other Hydrocarbons/Oxygenates	339		62		4		367	30	0
Unfinished Oils			348		23		427	0	−102
Motor Gasoline Blend. Comp	−162		231		37		16	16	0
Aviation Gasoline Blend. Comp			0		−1		−3	0	3
Finished Petroleum Products	218	16,146	1,282		70			775	16,801
Finished Motor Gasoline	218	7,842	347		76			109	8,223
Reformulated		2,533	176		5			1	2,703
Oxygenated	561	107	1		−1			1	669
Other	−343	5,202	170		71			107	4,851
Finished Aviation Gasoline		17	(s)		−1			0	19
Jet Fuel		1,570	129		22			27	1,650
Naphtha-Type		(s)	2		(s)			(s)	2
Kerosene-Type		1,570	127		22			27	1,648
Kerosene		58	3		−10			1	70
Average exports per day:									
Distillate Fuel Oil		3,414	274		−97			152	3,634
0.05 percent sulfur and under		2,364	139		−1			35	2,469
Greater than 0.05 percent sulfur (Heating oil only)		1,049	136		−96			117	1,164
Residual Fuel Oil		657	212		7			141	721
Naphtha For Petro. Feed Use		164	104		(s)			0	268
Other Oils For Petro. Feed use		203	154		(s)			0	357
Special Naphthas		102	11		−1			21	94
Lubricants		187	14		−1			27	174
Waxes		15	2		(s)			3	14
Petroleum Coke		704	1		1			289	416
Asphalt and Road Oil		508	29		75			4	458
Still Gas		652	0		0			0	652
Miscellaneous Products		53	(s)		(s)			(s)	53
Total	8,201	16,900	10,783	432	256	0	15,952	992	19,117

[a] Unaccounted for crude oil represents the difference between the supply and disposition of crude oil. Preliminary estimates of crude oil imports at the National level have historically understated final values by approximately 50,000 barrels per day. This causes the preliminary values of unaccounted for crude oil to overstate the final values by the same amount.

[b] A negative number indicates a decrease in stocks and a positive number indicates an increase in stocks.

[c] Products supplied is equal to field production, plus refinery production, plus imports, plus unaccounted for crude oil, minus stock change, minus crude losses, minus refinery inputs, minus exports.

(s) = Less than 500 barrels per day.

[E] = Estimated.

LRG = Liquefied Refinery Gas.

— = Not Applicable.

Note: Totals may not equal sum of components due to independent rounding.

Sources: Energy Information Administration (EIA) Forms EIA-810, "Monthly Refinery Report," EIA-811, "Monthly Bulk Terminal Report," EIA-812, "Monthly Product Pipeline Report," EIA-813, "Monthly Crude Oil Report," EIA-814, "Monthly Imports Report," EIA-816, "Monthly Natural Gas Liquids Report," EIA-817, "Monthly Tanker and Barge Movement Report," and EIA-819M, "Monthly Oxygenate Telephone Report". Domestic crude oil production estimates based on historical statistics from State conservation agencies and the Minerals Management Service of the U.S. Department of the Interior. Export data from the Bureau of the Census and Form EIA-810, "Monthly Refinery Report."

THESE ARE B–B EXPORTED—AMERICAN PETROLEUM INSTITUTE, ENERGY INFORMATION ADMINISTRATION

Date	Distillate[1]
January 1998	133
February 1998	79
March 1998	129
April 1998	186
May 1998	121
June 1998	149
July 1998	161
August 1998	150
September 1998	107
October 1998	75
November 1998	54
December 1998	145
January 1999	117
February 1999	116
March 1999	159
April 1999	191
May 1999	187
June 1999	180
July 1999	123
August 1999	130
September 1999	162
October 1999	192
November 1999	170
December 1999	212
January 2000	132
February 2000	112
March 2000	211
April 2000	178
May 2000	127
June 2000	149
July 2000	132
August 2000	168

[1] Distillate fuel exports (Mbld), heating oil and diesel.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I understand I have up to 20 minutes as if in morning business.

The PRESIDING OFFICER. Ten minutes.

Mr. DOMENICI. I ask unanimous consent for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I understand Senator SESSIONS would like to follow me with 5 minutes, if there is no objection.

Mr. REID. Mr. President, reserving the right to object, the Senator from New Mexico wishes to speak for how long?

Mr. DOMENICI. Up to 20 minutes.

Mr. REID. We have the Senator from Alabama, and we have Senator BRYAN who wishes 10 minutes. I ask that, using normal procedure, we have a Republican and a Democrat. I ask that Senator BRYAN be the last speaker for up to 10 minutes.

Mr. DOMENICI. Mr. President, I assume we need Senator SESSIONS' concurrence.

Mr. SESSIONS. That is all right with me. I respect that. Senator BRYAN will be the last. I defer to him.

Will the Senator restate the agreement? The Senator from New Mexico has 20 minutes, Senator BRYAN has 10 minutes, and I have 5 minutes.

Mr. REID. That is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

TAX RELIEF PROPOSALS

Mr. DOMENICI. Mr. President, I put a little editorial up here, and I hope I made it big enough that those who photograph what we talk about here can see it.

I want to read this paragraph in yellow, and I want to speak to Vice President GORE's constant harping about the 1 percent of the American taxpayers getting too much of a tax break. I would like to do that for about 10 or 12 minutes.

But first, let me suggest to the middle-class American people who have been waiting for a tax cut that if you elect Vice President GORE, you can wait perhaps forever because, as this editorial says, he might say over and over and over—maybe as many times as he said "1 percent" the other night—that he is for middle-income Americans getting a tax break.

But this is the Washington Post—not the Washington Times or the Albuquerque Journal—that says:

> If Mr. Gore believes middle-class people need a tax break, he might better give them one—and let them decide how to spend the money. If he believes the Government should do more to promote education, he could do so more effectively with truly targeted spending programs rather than with tax credits that, for example, go to those who could and would pay for tuition in any case along with those who need the help. But for political reasons, the Democrats, as in 1992 and 1996, believe they need to cloak their programs in the language and form of tax cuts. One result would be an ever more complex Tax Code.

The truth of the matter is that the Vice President of the United States spoke the other night about the unfairness of the tax proposals of George W. Bush.

I just want to start by correcting one thing for sure. There are no middle-income tax cuts in Vice President GORE's proposal—the last time he spoke to it, the second time he spoke to it, and the time he sent us an 81-page budget. There are no middle-class tax cuts. Why? Because he chooses to say to the American people: If you do this with your money, you get a credit; if you do that with your money, you get a credit.

But for those who do not do this or that because they don't have any children to put in day care or they don't have any of the other things they need that he wants to give them tax credit for, the overwhelming percentage of the middle class gets zero.

That is maybe what we ought to be talking about whenever he says 1 percent. Perhaps we ought to say middle-class people, zero; middle-class Americans, zero—maybe 16 times, as he did the other night in referring to "1 percent."

Having said that, I want to talk about the progressive taxes the American people pay and the progressive system we live under because I believe there are millions and millions and millions of Americans who have not been told what our Tax Code is and have not been told what George W. Bush's tax proposals would do. Let me try that for a few minutes.

I just told you what the Washington Post said about his tax proposals. In essence, even when he chooses to help—that is, the Vice President—the middle-class Americans, he chooses, I say to my friend from Alabama, to tell them how to spend the tax cut.

That is the essence of the difference between the across-the-board cut of George W. Bush and the Vice President, although he has much less on the tax side, in any event—the Vice President—but he chooses to say: Mr. and Mrs. America, I don't want you to have a $1,500 tax cut if you are making $60,000 or $50,000. What I want you to do, if you want to take advantage of what I want you to do, if you do one of these five or six things as we have said, you will get a tax break.

If you are Mr. and Mrs. America, you might say: I don't need any of those taxes. Why don't you just give me my money and let me spend it?

That is one of the very big differences between the two parties at this point, as indicated by this editorial.

In 1992 and 1996, Vice President GORE again chose in behalf of his colleagues to say: We want to give you a tax cut, but do not misunderstand; you have to use it our way or you don't get it.

Is there anybody in America who thinks a tax cut should be used only the way the Federal Government wants them to use it? I don't think they even understand a tax cut to be that. But you can rest on it, that is what he is talking about—not a single middle-income tax cut—zero. I repeat.

I would like to talk a little bit on what has happened to the Tax Code of the United States.

Mr. President and fellow Senators, we have the fairest and most progressive Tax Code any country has ever lived under. Let me tell you what it does today.

If anyone wants one of these, I will gladly give them one. The Internal Revenue Service gives us the information, and the Joint Committee on Taxation, which is a combined committee, gave us this information.

Let me talk about the 1 percent.

Fellow Americans, 1 percent of the taxpayers of America—1 percent—currently pay a shocking 33 percent of the taxes.

Let me repeat, Mr. President. On the income tax side, the top 1 percent of Americans pay 33 percent of the taxes that America collects from income. They are rather wealthy. They make $250,000 and over, and 1 percent pays 33 percent of the taxes.

Let me right off the bat give you an astonishing number. If you are to adopt George W. Bush's across-the-board tax cut, guess what percent the top 1 percent will pay then? Remember I said, right now under our very progressive code, they pay 33 percent of all the taxes we collect.

I say to my friend from Alabama, it is a startling revelation. After we cut everybody across the board, as George Bush suggests, the top 1 percent will pay 34 percent total taxes. In other words, their portion of the total taxes will go up 1 percent, not come down. Isn't that interesting?

So everyone understands who is rich and who isn't and who pays a lot of taxes and who doesn't, let's talk about the top 10 percent of taxpayers. Most people watching and most people visiting are in that bracket because the top 10 percent of the taxpayers are people earning $79,000 or higher. How much of the total taxes collected by America from income does the top 10 percent pay? I am sure, unless someone has studied it, in your wildest guess you will not conclude this. Sixty-seven percent of the income taxes collected come from the top 10 percent of the people in this country who are earning $79,000. Imagine.

Can anyone imagine a fairer system if you want to tax people who earn money than to have 1 percent of the population that makes substantial money pay 33 percent of the taxes, and the top 10 percent of 79 and higher pay 67 percent? Frankly, it is obvious to me our Vice President is, once again, running on an issue that has been tried before, and we are very grateful as a nation that it has never worked. He is practicing the art of class warfare. He wants to make sure Americans do not trust the capitalist system where people might make more money, one versus another, depending on what they are doing, what they have invested in, and for what they have taken a risk. He wants to make the issue that the top 10 percent, which pays 33 percent of the taxes, does not deserve to be looked at when we look at cutting taxes for Americans.

I am quite sure that sooner or later the American people are going to catch on that everybody who pays taxes gets a tax break. So nobody will have a misunderstanding, if you don't pay taxes, you don't get a tax break. I think that is pretty fundamental. There are many millions of Americans working for a living who do not pay any U.S. income tax. Right off the bat, when you speak about giving other people who are earning less tax breaks, we have to understand a very large percentage of Americans don't pay any taxes. They may think they are paying a lot because they are paying Social Security taxes, and neither candidate is recommending, from what I can tell, that we dramatically reduce the Social Security—other than George W. Bush saying let's investment 2 percent. Otherwise, I haven't heard anybody saying that onerous Social Security tax is the one that ought to be fixed.

Let me repeat, when the tax plan is in place under Mr. Bush, the top 1 percent will pay $4 trillion in taxes when we have finished the tax across-the-board cut. Let's give that again: That top 1 percent will pay $4 trillion in income taxes, and it will be 34 percent of the new income taxes that we are taking in.

What will that $4 trillion buy that 1 percent of Americans are paying in taxes? It will buy all of the following: All of our defense programs, welfare, food stamps, child nutrition, State child health insurance. We just picked some programs. That top 1 percent will pay for all of that out of what they pay in income taxes.

If Mr. GORE continues to refer to this top 1 percent as public enemy No. 1, then I can only say that the top 1 percent are high-income folks; the top 10 percent earn $79,000 and above. One group pays 33 percent of the taxes; and the other group pays 67.

What should we do? Should we say because they pay 67 percent of the taxes but they make $79,000 or more they should get no tax reduction? If you are going to have a tax reduction because you have a giant surplus, let's be fair and say the American Tax Code is fair. We ought to continue to be fair, leave it as fair as it was, but make sure we understand the top 10 percent deserve some tax relief, since they are paying 67 percent of the tax.

Let me also suggest that the bottom rung of wage earners and taxpayers in America—so there is no misunderstanding about my progressivity comment that we have a progressive code—the bottom 50 percent pay 4 percent; the bottom 50 percent of our earners pay 4 percent of the taxes of America.

I think we have a pretty fair system. In fact, it is very heavily skewed towards those people making $79,000 or more. But George Bush, from what I can analyze, intends to leave it the same. It will come out like it is in terms of progressivity, excepting that those in the top 1 percent, by a coincidence of reducing the total tax take, will end up paying 34 percent instead of 33—even if we give them a tax break.

I do believe it is rather authentic when the Washington Post says to Vice President GORE, if you want to give the middle income a tax cut, give it to them. Don't tell them what they must use it for in order to get a tax credit or tax break. That is not very American. Why should the Government tell wage earners, people who are making money in the American system, what they must do with their income if they want a tax break? I thought if you were going to give it back, you would give it back to them so they can spend it.

I will discuss another issue, Mr. Vice President. I don't come today to the floor to talk about the case of the schoolgirl in Florida who had to stand for one of her first days of classes this fall because $150,000 worth of computers had yet to be unboxed. That is one of the statements made by our Vice President in his debate. It is now, today, authentic, that is not a true statement. The people from that school and that school district have denied it. I think by this hour the Gore campaign has said it is a mistake.

The Vice President said essentially in his own words that the analysis of his budget from the budget experts who work for this Senator, the chairman of the Budget Committee, although they happen to work for me, what they produced as the estimate of the cost of his budget ideas would use up the entire surplus and $700 to $900 billion of the Social Security surplus. He said something like, it is not worth the paper.

I have analyzed with this same staff many budgets. They have come out as right as anyone around. They said before the Vice President put his entire package together, that if every single program he advocates would get funded—it is 200 or more new programs—there will be between 20,000 and 30,000 new Federal employees.

Incidentally, when the Vice President takes great credit for shrinking the Government and says we have reduced the number of people working for the Government, it would be good to note that 90 percent of the shrinkage of Federal employees is because the military was reduced. Between 85 and 90 percent of that entire personnel reduction is from military reductions.

But let's get back to this. That budget staff said there are 200 new programs in the Vice President's ideas for America. They also suggested to me it is a new era of big government, excessive government, and obviously huge increases in what government will do.

I laid that before the Senate in this report. It is as correct today as it was then. And, indeed, we have now seen Vice President GORE's plan all in one package. They reanalyzed it and said their original estimate is right, that he would have to spend the surplus to pay for his entire budget. We will have that report next week in an edition similar to this one, in which each program is analyzed and we tell the American people either the Vice President is suggesting myriad programs he does not intend to do or intends to do less than he said because if he is going to do what he says in his last written proposal, you cannot do those programs without spending all of the surplus and part of—not all of it but part of the surplus that belongs to Social Security.

I close by saying the Vice President Tuesday night talked a lot about the lockbox. Isn't it amazing that Democrats, including the Vice President, talk about the lockbox as if they invented it; they pursued it; they are the ones who really advocated it and kept it alive. I want to say this is one time when Senator DOMENICI has to say: That is not true. It came out of the Budget Committee and I was the first Senator to suggest it. The proposal I suggested has never been voted on to this date because it is a real lockbox. It really makes it tough to spend either Social Security—and if you want to use the same format for Medicare, that is fine. But let's get it straight. We have been trying to get a lockbox passed up here from our side. Whatever we propose is either too strict, too rigid, doesn't have enough flexibility for the Treasury Department, or something. But let's make sure everybody understands we started the idea; we pursued it with great vigor. It is now part, I believe, of what we believe. Whether we get it passed or not, in our form, I believe everybody around here is going to be frightened to death if a Budget Committee says: Hey, this budget is spending Social Security surplus money. I believe we have that ingrained in our minds because the public expects it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from Nevada takes the floor, I ask unanimous consent following the Senator from Alabama, Senator DURBIN be recognized for a half hour in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. BRYAN. Mr. President, this morning's Washington Post features an article entitled "Iverson's Bad Rap Is Well-Deserved."

It is a story about one of the Nation's high-profile National Basketball Association stars who is about to release a rap CD that encourages gun violence, degrades women, and blatantly bashes people because of their sexual orientation. The National Basketball Association, the Philadelphia 76ers, his team, Mr. Iverson's record label, his coach, and every fairminded person should condemn this kind of so-called entertainment for the trash that it is. Clearly, these are not the kind of messages that one of the NBA's leading and most talented players should be sending to tens of thousands of kids who watch him play and may idolize him.

I fully respect Mr. Iverson's first amendment rights, but clearly the message he is sending encourages violence and implicitly condones it, hardly the kind of conduct one would expect from a celebrity whose conduct is admired by many of the Nation's youth.

What makes this particularly objectionable is the fact that Mr. Iverson and many of his other incredibly talented colleagues in the NBA are specifically marketed by the NBA itself as superheroes to our kids. The NBA is ultimately in a business to make money, and that is fine. They use their stars to promote their teams. But one would hope the NBA would exercise good judgment in choosing the athletes they select to promote because many of these athletes use their stardom to, again, promote themselves and to use that same kind of marketing appeal. And when the message, as in this case from Mr. Iverson, is both hateful and dangerous and is absorbed by all too many of our Nation's youth, it is a vicious cycle that the NBA should end immediately.

The NBA has the power to pick and choose which athletes they are going to market and promote. They should exercise sound judgment and discretion before encouraging this kind of promotion and the reprehensible message it sends.

A few weeks ago I joined with many of our colleagues, both in committee and on the floor, in condemning some of the media produced in Hollywood, some of the videos, some of the violence that so often invades the Nation's television audience. We should also condemn this kind of conduct as well. When the NBA promotes these questionable athletes, they assist them in their quest to become wealthy media darlings, and that only helps other media outlets such as record companies and movie studios to exploit their now already famous personalities. In fact, Mr. Iverson's record company is apparently planning to use the NBA's very well publicized All-Star weekend to release the uncensored—and one could only conclude even more objectionable—version of his soon-to-be-released CD.

Again, it is ultimately going to have to be up to the NBA as to who they promote and market and who they do not. But they need to realize if they continue to promote and market athletes who use their league-endorsed celebrity to promote or incite violence or the degradation of more than half the Nation's population, they will continue to bear a great deal of responsibility for the consequences of these actions.

I find it somewhat incredible that the Philadelphia 76ers' own coach has said, according to the Washington Post article, that he does not have a problem with Mr. Iverson's CD. That is nothing more than a cheap copout, and the NBA, the Philadelphia 76ers, and his coach should immediately condemn this outrageous, dangerous, and hateful message.

Let me give an example of one of the lyrics that is on this CD. Mr. Iverson says on his CD if someone is "man enough to pull a gun/Be man enough to squeeze it."

In addition, he also advocates the murder of gay men on his new CD.

I am told that a wire report has been circulated this afternoon indicating that Mr. Iverson has apologized to gay men and to women for the hateful language contained in his CD. I call upon Mr. Iverson to do more than that; to ask, as a responsible American, as a role model, which he styles himself to be: Let's not issue this CD. Let's recall it. That would be the kind of conduct we should ask and expect of Mr. Iverson.

There are many athletes in America who do provide the kind of role model all Americans can endorse—the Cal Ripkens and the Tiger Woods in the World. These are the kind of people who send a very positive message about the value of the work ethic and the commitment to standards. All of us admire that kind of conduct. If Mr. Iverson is deemed to be a role model for America's youth, I suggest that the youth of America is in serious trouble.

Michael Wilbon also had a very interesting response to this subject in the Post this morning. I commend it to my colleagues as well.

Mr. President, I ask unanimous consent this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Iverson's Bad Rap Is Well-Deserved

(By Michael Wilbon)

Like a lot of other folks who care about basketball, I keep waiting for Allen Iverson to grow up. I keep waiting for him to lift some weights and get stronger so that he can better withstand the pounding he takes. I keep waiting, hoping for him to realize that games are often won at the previous day's practice, which he may or may not have attended. I keep hoping that he is old enough now—25—to understand there's a world of difference between being a great talent and a great player, between somebody who's got game and a champion. I keep waiting for Iverson to understand that the notion of being a role·model goes way beyond a lot of people 'walking around town wearing your jersey.

But here we are, at the start of NBA season No. 5, and Iverson seems no closer to getting any of this than he did four years ago. Maybe he's further away. My vigil appears to be in vain.

NBA camps have just opened, and Iverson is in the news already, again for the wrong reasons. The story with sizzle is the controversy over a soon-to-be-released rap CD on which Iverson does what the majority of thug rappers do: He demonstrates that he, too, can bash gays, degrade women and talk about shooting somebody. That's the genre. It's pretty clear how this breaks down; if you're under 30 (regardless of race, nationality, gender), chances are overwhelming you're a lot more open to thug rap than if you're over 40. I'm 41, and most rap doesn't speak to me, doesn't move me whatsoever. But I do listen to it enough to know that lyrics Iverson's spewing on "Non-Fiction" are fairly common.

That doesn't mean people won't be offended, and legitimately so. Iverson's rap on gays, as reported earlier this week in the Philadelphia Inquirer: "Come to me with faggot tendencies/You'll be sleepin' where the maggots be." He also raps, "Man enough to pull a gun/Be man enough to squeeze it."

This is a young man who in the same breath will tell you he is a role model? Sadly, he is probably right on the mark. And sadly, the hip-hop community seems to get a pass on gay-bashing and misogynist behavior.

Given what this kid has been through in his life, and that the present environment existed long before he came along, many of us have extended Iverson the benefit of the doubt. He's about used it up. It's not about his twisted lyrics, specifically. It's about squandering talent, it's about being a self-absorbed egomaniac whose position in the culture isn't nearly as big as he thinks it is. It's about never listening to anyone, and having no regard for anything that doesn't revolve around him and his. Kinda like the very dead Notorious B.I.G. and Tupac, which I'm sure Iverson would take as a compliment.

I thought Iverson was getting somewhere when he said earlier this week, "The whole time I've been in the NBA, I haven't been professional at all. I always looked at it like it was just basketball. This year will definitely be the best season I've had since I've been in the NBA. I owe it to myself and my family and my teammates to be a better player.

"I'm concentrating on basketball. I haven't been working on my game as serious as I should've. I have the raw talent. this is going to be the most important year of my career because all eyes are on me this year. Everybody's wanting to see if I can be the captain, if I can be a leader, if I can be professional besides playing basketball, and if I'm up to the challenge. I'm ready for it because it's something I can do."

But the longer you listen to Iverson, the more you realize he's disconnected from the world we live in, even the world he lives in. The attitude is: I can be late or miss practice whenever I want because I'm Allen Iverson, The Answer, and the team don't have nothin' if it ain't got me. And if you make a big deal out of me cussin' the coach and standing up my teammates and getting fined 50 times in one season, then you must be a punk 'cause I'm tough and you ain't.

Iverson is ticked off because the 76ers tried to trade him because he repeatedly is late to practice, if he shows at all. You know what his take is? "That's embarrassing to hear that an organization is thinking about trading its franchise player because he's tardy to practice."

Of course, it never occurred to him that it ought to be embarrassing for the franchise player to be tardy repeatedly. That wouldn't cross his mind. "You're going to send me to the worst team in the league?" he asked incredulous at the possibility of going to the Los Angeles Clippers, apparently unaware that players a whole lot more accomplished than he is (Wilt and Kareem to name two) were traded in their prime.

Truth be told, the Clippers don't want Iverson. Several teams have turned down the chance to trade for him and here's why: They're afraid he'll never get with the program—anybody's program. He plays his heart out every time he puts on a uniform. For those 48 minutes, there isn't anything he won't do to win a basketball game. He'll sacrifice his body, he'll do the dirty work some superstars don't want to do. But the great players in any sport know it only starts there. And that's what Iverson hasn't grasped. You know what he said this week about his repeated tardiness, which by the way has angered his teammates?

"Yeah, I was late to practice, but, believe me, [the number of] times that I heard nobody would put up with that. I'm not even brave enough to miss that many practices."

So how many, Allen? "I don't know; I wasn't counting. Don't nobody complain about the effort I give in a game. [Given the injuries and pounding he takes] it's bad enough I had to come to the game."

Iverson went on to say he was "hurt hearing some of the things the fans were saying, some of the things people on the coaching staff were saying. I thought a lot of people in this organization were my friends and I found out the hard way that there's no friends in this business besides your teammates."

I guess those would be the teammates for whom he won't come to practice on time. I guess those would be the friends who have begged him for years to get his act together to try to realize there are obligations that come with an $80 million contract. If they're not sucking up to him, they're against him, they don't understand him, they're not as tough as he is.

Folks under 30 are tired of people my age wanting Iverson to be Bird or Magic or Jordan, and that's understandable. Different time, different place, the world evolves. But I'm looking at Kevin Garnett now, at Ray Allen, at Tim Duncan, at Shaq and Kobe Bryant. There is a new generation of players trying to be all they can be. And they have fully developed lives outside of basketball.

Iverson, meanwhile, raps one thing, but his actions speak even louder. It's everybody else's fault, it's the coach's fault, it's the system's fault. He says he is going to change. It reminds me of Bob Knight saying he was going to change. I'm hoping Iverson is different because he's more than 30 years younger than Knight; he can grow up if he wants. But maybe it's more important for him to talk loud while saying nothing.

Mr. BRYAN. Mr. President, again, let me urge the NBA and the Philadelphia 76ers to step forward and be heard. They will say: Look, we cannot control Mr. Iverson's conduct. That may be true. But they have an obligation, a responsibility to speak out and to condemn such conduct, even if they are unable to control it. So far, either they have, by silence, acquiesced, or they have to acknowledge that they find nothing wrong with the CD.

I find that both troubling and tragic if that is the standard we are to follow.

Again, the NBA, the Philadelphia 76ers, and their coach ought to speak out loud and clear and indicate this is not the kind of conduct they expect from one of their star athletes and to be as critical of it as I know Americans are in general.

Mr. President, I yield the floor. I believe some of our other colleagues have reserved time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Nevada for sharing those serious concerns. It was not long ago that a group of us wrote the major department stores in the country asking them not to sell this violent material to minors, and they responded as good corporate citizens.

They said: We have a constitutional right to sell it, but we are not going to do it. Either we are not going to sell it at all, or we are going to make sure children produce an ID so we know they are old enough to buy the material. I thought that was a good corporate response.

Yes, the NBA may not legally be able to stop this stuff, but they ought to express their concern about it. The Senator makes a valid point, and I salute him for it.

(The remarks of Mr. SESSIONS pertaining to the introduction of S. 3169 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SESSIONS. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

ORGAN DONATION IN AMERICA

Mr. DURBIN. Mr. President, before I address the issue that I would like to speak to this evening, I would first like to acknowledge a press conference which was held today, and one which I believe could have some significance across the United States. It was a press conference here on the lawn of the U.S. Capitol. In attendance were Senators BILL FRIST of Tennessee and Senator DEWINE of Ohio—both Republican Senators—as well as my Democratic colleague, Senator CARL LEVIN and I.

What would bring together two Democrats and two Republicans in rare agreement here in the close of a session? It is an issue which, frankly, transcends party and transcends region. It is the issue of organ donation in America.

Mr. President, 72,000 of our friends and neighbors are sitting by a telephone across America at this very moment waiting for the phone to ring to be told that there is an organ available to be donated to them which could save their lives—72,000. In my home State of Illinois, there are 4,500 such people. Sadly, 300 of them will die before they receive the phone call that an organ is available.

So last year I joined with Senators FRIST, DEWINE, LEVIN, and KENNEDY, and half a dozen other Senators from both sides of the aisle, to try to address this on a national basis. We came up with the concept that this Thanksgiving in the year 2000 will be designated "Give Thanks, Give Life Week," where we will try to alert families across America, as they come together for Thanksgiving, that they should take a few moments of time in that festivity and just perhaps talk to one another privately about their feelings about organ donation.

We were lucky to have the endorsement of this effort by the National Football League. At 17 different NFL games on Thanksgiving Week, they will have "Give Thanks, Give Life" activities.

Today, we had at this gathering on the Capitol lawn, Connie Payton, who is the widow of the great Chicago Bear running back Walter Payton. Of course, he died in November of last year from liver disease. He might have been saved by a liver transplant. She has really dedicated her life since trying to work for children and for organ donation in his memory.

Connie is a wonderful lady who has been on television in public service spots across Illinois with our Secretary of State, Jesse White, for the past 6 or 7 months. She really is well respected for her efforts.

Joining her were representatives of the National Football League from the Washington Redskins and from the Tennessee Titans. It is going to be a great opportunity across America to use what is a great family get-together to remember the very basic: If you want to give thanks, you can give life with an organ donation.

So I hope a lot of my colleagues in the other NFL cities will be part of this and will participate. In Chicago, we are going to set up tables in Soldier Field for those who want organ donation cards and to encourage people to sign their driver's licenses. At half time we are going to bring out a bunch of kids and older folks who successfully received organ transplants.

At this meeting, we had Jon Hochstein, a 5-year-old boy from Virginia. He had a heart transplant a year and a half ago, and he looks like he will play in the NFL some day.

It is a great miracle, but it can't happen without organ donors. Those of us who made that commitment, and have made it known to our families, stand at least the possibility to bring a lot of joy to families.

Mr. REID. Will the Senator yield?

Mr. DURBIN. I am happy to.

Mr. REID. The Senator from Illinois and I came to the House of Representatives together 18 years ago. I was placed on the Science and Technology Committee, and the first subcommittee I was on was chaired by Representative ALBERT GORE. One of the first hearings that he put together as chairman of that subcommittee dealt with organ transplants. That was 18 years ago. Maybe the Senator can remember the very noted hearing that he held, beginning a discussion on organ transplants.

Mr. DURBIN. I was at the same hearing.

Mr. REID. I say to my friend from Illinois, do you remember little Jamie Fisk whom he brought in?

Mr. DURBIN. I do.

Mr. REID. He was yellow.

Mr. DURBIN. Jaundiced.

Mr. REID. He needed a liver transplant. As a result of that hearing, Jamie Fisk got a liver transplant. It began a discussion in our country that the Senator from Illinois has carried on all these years about why we should be aware of the need for organ transplants.

I was not aware the Senator was coming to the floor today to speak about this subject. But my mind returns to that very dramatic hearing that went on for many hours. It was the first of its kind.

I would say, in passing, and ask the Senator if he agrees with me, that this is like AL GORE to begin something like this. He is a visionary. And this goes back long before anyone ever anticipated or thought that AL GORE would be a Member of the Senate, certainly not Vice President, and not running for the Presidency.

Mr. DURBIN. I agree with you.

But I remember it well because I was lucky enough to serve on that same subcommittee. I remember that testimony as if it were yesterday. It was amazing that this issue was brought forward. We have done so much.

Our Republican colleague, who is a medical doctor, Senator BILL FRIST, was a former heart and lung transplant surgeon. He came down here. He talked about how he used to carry around in his pocket the names of 10 or 12 people who needed an organ donation. He would go through the hospital to see if there were any families with a loved one who was about to pass away who would even consider that. He said since he stopped that practice a few years ago, the number of organ transplants has been increasing each and every year. But it can't continue unless there are more donors.

I hope this "Give Thanks, Give Life Week" around Thanksgiving will become an annual event. I want to really salute the National Football League and Paul Tagliabue, the Commissioner, for all the support they have given us. They have at least given it the kind of sendoff we hoped to achieve. Connie Payton, who was here the other day; Mark Moseley, who is a former most valuable player in the NFL; Bill Brundage, who was also a lineman for the Washington Redskins—they all came out here to endorse the concept.

Many times, people in sports can come forward and spur a lot of folks to take seriously what politicians, such as ourselves, may not be able to impress upon them. So this meeting today was a good one.

TAX CUTS AND THE PRESIDENTIAL DEBATE

Mr. DURBIN. Mr. President, I also come to the floor today to talk about an issue that came up the other night during the course of the Presidential debate. I did a television show last night called "Crossfire." Some people probably have seen it. It was typical. It was kind of a controlled shouting match, you might say, on "Crossfire," with Republicans on one side and Democrats on the other. Mary Matalin, who is from Illinois, and has been quite well known for her chairmanship of the campaign for George Bush's election as President, was there representing the Republican side. Of course, we had Bill Press on the Democratic side. We talked about the debate.

The interesting thing to me was, the analysis of the debate by these commentators kind of came down to what I consider to be fairly superficial questions: Did George Bush show disrespect for AL GORE when he brought up the whole question about fundraising? Did AL GORE show disrespect for George Bush when he shrugged or was guilty of audible breathing?

I thought to myself at one point, is that as good as it gets in a Presidential campaign in America? We can listen to 90 minutes of debate and wonder if someone perhaps cleared their throat at the wrong time, or shrugged their shoulders, or someone else brought up a word or two that might have crossed the line.

I think it is worth a lot more for us to have these debates. I think it is important that all of us who are in this business—Republicans and Democrats—take it as seriously as the American people want to take it.

What I hear from people across the country is, we are looking for political candidates who speak candidly, honestly, openly, and truthfully. Tell us what you believe, even if we might disagree with it, so we can draw a conclusion about you, not just our ideas about you.

The issue that AL GORE came to the debate to talk about is one which was addressed a few moments ago by our colleague, Senator PETE DOMENICI of New Mexico. I listened carefully because I really respect this man. For years, when I served in the House of Representatives on the Budget Committee, and now on the Senate Budget Committee, I have watched PETE DOMENICI. He has gone after the deficit like a tiger and for years and years was admonishing Congress to cut spending, trying to bring down our deficit. He continues in that effort.

As a consequence, I wish he were here on the floor. I told him I was going to bring up this issue. I wish he were here on the floor so we could have a little debate about the proposed tax cuts of the two candidates, AL GORE and George Bush, and the impact it would have on America.

I think that is the point that AL GORE was trying to make the other night in the debate. There really are two clear choices. Both parties are for tax cuts, but they are entirely different approaches. The American people get to take their pick whichever they think is best for the future of this country and fairest for the taxpayers.

Frankly, I think the choice is very stark and very clear.

Let me show you, as an example, this chart, which demonstrates George Bush's proposal. It is true, we are at the point in our history where we are going to have a surplus; more money coming into the Federal Treasury than going out for the next 10 years.

The amount of that surplus will be somewhere in the neighborhood of $4.8 trillion—a huge amount of money. It sure is a far cry from just a few years back when we had, year after year, deficit after deficit. But, thank goodness, we are now living in an era of projected surpluses. We can start thinking about doing things with that money that will be good for the Nation.

The first thing you have to notice out of the $4.8 trillion surplus over the next 10 years is we have all agreed—Democrats and Republicans—that $2.6 trillion of the $4.8 trillion will not be touched. That is a surplus in the Social Security funds. We have said that is off limits. Nobody gets to touch the Social Security fund. So you start off with a 10-year surplus of $2.2 trillion, which I have indicated on this graph.

Then we take a look at the projection, first from George Bush, as to what you might do with that. Well, there will be a surplus as well in the Medicare trust fund, the hospitalization plan for the elderly and disabled, of about $360 billion. We think that should also be off the table. We should not touch it. We know Medicare won't last forever, and we want it to be solvent. So if you take away that amount, you are down to $1.8 trillion over the next 10 years.

Then, of course, you take the proposal of George Bush for tax breaks of $1.3 trillion, and you find that you have $500 billion left over the next 10 years.

Then George Bush has also endorsed other Republican tax breaks, such as the estate tax, the marriage penalty tax, the telephone tax, a whole variety of tax breaks which total $940 billion. Now we find ourselves in short order in the deficit category again. If you do all these things, you are back in the deficit world.

Then take a look at proposals by Governor Bush for additional spending on a variety of things—the military, education, whatever it happens to be—$625 billion, and that brings the deficit to a total of $1 trillion over the next 10 years. Then there is the proposal by Governor Bush that suggests we should privatize Social Security. That would cost $1.1 trillion. So add that to the $1 trillion, and now you have $2.1 trillion. With added interest costs of these additional debts of $400 billion at the end of 10 years, you started off with a $4.8 trillion surplus and now, at the end of it, under the George Bush plan, you have a $2.5 trillion deficit.

None of us wants to see a return to those deficits. So the alternative which has been proposed on the Democratic side by Vice President GORE suggests a much more reasonable approach: Start with the same $2.2 trillion, the non-Social Security surplus; protect the Medicare trust fund, $1.8 trillion; targeted investments, $530 billion. What is that for? Additional medical research at the National Institutes of Health, more money for our schools, environmental protection, cleaning up some of the environmental waste sites across America. Now add in the prescription drug benefit under Medicare, which we support on the Democratic side. You are now down to $943 billion.

Then we bring in our tax cuts, $480 billion worth of tax cuts, which I will describe in a few minutes. Then after you have reduced interest, you have a net of $310 billion on the plus side. You are not back in deficit land again. You don't see the red ink on this chart. You are still above the line. You still have a surplus.

The Vice President has suggested that we should put this in a rainy day fund because, frankly, all of these economic projections are just guesses about the future. If we guess wrong, we should have a rainy day fund for emergencies. The good news is, as we address this approach, by the year 2012, we will have eliminated, under Vice President GORE's proposal, the publicly held national debt in America.

What does that mean? It means that the debt being held by folks who own treasuries and securities in the Federal Government will have been retired. And if that is retired, then it means less competition for capital, lower interest rates, more opportunity for businesses to expand and families to borrow money for mortgages. It also means that our kids will not be carrying the burden of the national debt on their shoulders. I don't think we can leave our children a better gift. Those who would suggest that a tax cut is a much better deal miss the point.

The best deal is for us to eliminate the publicly held national debt, have targeted tax cuts, and end up with a surplus at the end. To find ourselves, as Governor Bush has proposed, running into all of this red ink from his proposals would be a recipe for disaster. We would not only still have our national debt, we would be adding to it. I don't think that does our kids and grandchildren any good whatsoever.

When AL GORE said repeatedly the other night that the Bush tax cut spends more for the wealthiest 1 percent than the total that he wants to spend on education, defense, health and prescription drugs, that is exactly what the figures show. The tax cuts proposed by George Bush for the wealthiest 1 percent of Americans, $667 billion worth of tax cuts, are greater than the investments he wants to make in defense, health care, education, and prescription drug benefits combined. It is his choice. In this business of politics, it is a business of choices. I think it is important for us to reflect for a moment on the distribution of those tax cuts proposed by George Bush.

This was a point raised earlier by Senator DOMENICI. I am sorry that we didn't have a chance to be on the floor together so we could explore what we are talking about.

Who are the people who make the top 1 percent of income in America? They turn out to be folks who make more than $319,000 a year. That is $25,000 a month. I don't expect people to hold up their hands if they happen to be in that category. When you talk about those who need a tax cut, does it spring to your mind automatically that this is the first group we should care about, that 40 or 50 percent of all the tax cuts ought to go to people making over $25,000 a month? Boy, that sure doesn't calculate in my mind.

And the Bush tax cut, the average tax cut for those people making over $319,000 a year, is $46,000 a year. That is the Bush tax cut for the top 1 percent. You go down to people in the lower income categories and you see that it is small change. If you are making less than $14,000 a year, George Bush thinks you need a tax cut, too, $42 a year. If you are making less than $24,000 a year, it is up to $187 a year; under $40,000 a year, $453 a year.

As you look at this, you have to ask yourself a question: Is it really important for Members of Congress to feel the pain of the wealthiest people in America or perhaps to identify with a lot of middle-income and working families who are struggling with the necessities of life?

I come to this job believing that our responsibility isn't to the wealthiest. I think they are doing pretty well. America has been pretty prosperous for the last 8 years, more economic prosperity than at any time in our history. And it shows. People are living better. They are saving more. They are enjoying a better lifestyle. To think they need a tax cut at this moment in our history rather than to eliminate the national debt, rather than to provide tax cuts for people in lower income categories, is beyond me.

There are some interesting statistics, too, about what has happened to Federal tax rates since Bill Clinton and AL GORE took over. There was a statement made frequently by Governor Bush that he wants to cap the total Federal tax rate at 33.3 percent. He said no one should pay more than a third of their income in Federal taxes. That is an interesting proposal. But as you get into it, this is what it says. Let me give you an idea.

For middle-income families, since the Clinton-Gore administration took office, the total Federal tax rate has dropped to 22.8 percent, the lowest rate since 1978. So telling those folks we are not going to let your taxes go beyond 33.3 percent, they are already doing well. Tax rates are coming down. We want to continue to see them come down with more targeted tax cuts. For families with incomes of $24,000, the tax rate went from 19.8 percent in 1992 to 14.1 percent in 1999, the lowest tax rate since 1968.

So when the suggestion is made that the Federal tax rate won't be any higher than a third for anybody, it really goes back to the highest income categories. That is his shorthand version of saying: I want to give a tax cut not to working families but to people at the highest income categories. What George Bush is challenging is basically the idea of a progressive income tax, something that we really agreed on almost 80 years ago in America.

We said, if you are well off and you are doing better, you should pay a higher tax rate than people who are struggling to get by. Every President has gone along with that from the beginning, Democrats and Republicans alike. But the arguments coming from Governor Bush at this point suggest he doesn't believe that. He believes we should reduce the rate for the wealthiest people in the country and not provide similar tax relief for those who are in lower income categories.

It would be a virtual windfall, in terms of tax benefits, for some of the wealthiest people in America. Honest to goodness, should we be on the floor of the Senate and in the House dreaming up ways to make Bill Gates' life more comfortable? I don't think so. How about Donald Trump? I think he is doing okay. I watch the way he dresses and his lifestyle. I don't think he will need this $46,000 from George Bush. In fact, if he receives it, he may not even notice it.

When we talk about tax cuts on the Democratic side, we are talking about things that working families will definitely notice. Let me give you some ideas of the things we have come up with that we think are targeted tax cuts consistent with keeping the economy moving forward and helping everybody, not just a few. The Republicans criticized these, but that is what campaigns are about.

On the Democratic side we believe the No. 1 concern of working families is paying for their children to attend college. You can look at kids coming out of college who are $15,000, $20,000 in debt, and higher. Parents wonder, for goodness' sakes, how can we save up enough for this child to be able to go to college. I did a survey in Illinois. Over the last 20 years, college tuition in public and private universities in my State has gone up 200 to 400 percent. So it is understandable that there would be anxiety among parents as they try to think about how they are going to pay for college.

Well, Vice President GORE and the Democrats have suggested that up to $12,000 of college tuition and fees should be deductible on your taxes. You can't do that now. We think you should. That would be a helping hand to working families who want their kids to go to college and acquire the best skills, but they don't want them loaded down with debt when they graduate. It is simple, straightforward, honest, and popular. I have been across my State, which is split down the middle politically. I have yet to run into a crowd that didn't applaud that suggestion. They know, either through their kids or their own life's experience, that this is the sort of thing that works. I went to Rockford College in Rockford, IL, and I asked them, "What is the average indebtedness of your graduates upon graduation?" They said, "It's $20,000 after getting out of school."

If the Gore plan for education expense deductions were in place, that student would graduate with a debt of $4,000 or $5,000, instead of $20,000. And if you have accumulated college debt, you will be able to claim a tax credit for the interest that you have to pay on it. So I think that is the kind of targeted tax cut that makes more sense, rather than giving Bill Gates $46,000 a year, which he won't even notice.

Secondly, a lot of people are concerned about day care. I understand now with a grandson—and Senator REID and I were talking about our grandkids earlier. I have a 4-year-old grandson, and my daughter and son-in-law are concerned about quality day care and the cost of it. We want Alex to have the very best. But it gets expensive. A lot of families can't afford the best. So we give a tax credit for day care, but it is not adequate. It doesn't meet the need. A lot of families struggle and worry. They are hoping that the kids they pick up at the end of the day will be better off than when they left them, but they are never sure.

Wouldn't it make more sense for us to have a greater tax credit for day care? A lot of working families would applaud that. Kids in a better environment have a better chance to be healthy and safe and to succeed. So that is a targeted tax cut which has been supported by Vice President GORE and supported on the Democratic side.

A third one relates to long-term care. This is one that virtually all of us face as our parents get older and need additional attention. We may find, perhaps, that a visiting nurse, or some sort of convalescent care, or assisted living situation is the key for happiness for a person you love very much, a parent who has given you their entire lives. But it is expensive, and there are a lot of out-of-pocket expenses involved when a conscientious family cares for an aging parent or grandparent.

As the Democrats have proposed, I think a tax break for those engaged in long-term care assistance for their parents and relatives is a sensible investment. Today, at a town meeting which we have every Thursday—Senator FITZGERALD and I—for visitors from Illinois, a young lady talked about her little boy who suffered from autism and how, after all of the efforts by the school district and her health insurance, she and her husband still had to borrow from relatives and take out of pocket to care for their disabled little boy. She said to me: Why in the world can't I get help under the Tax Code for that?

I think she is right. Doesn't it make more sense for us to make sure the Tax Code is sensitive to people's real needs in raising their families?

When these folks are making a sacrifice for their children, shouldn't we be there to help them along? That is the difference. On the Democratic side, we target the tax cuts as I have just described. On the Republican side, they say, no, we think the wealthiest top 1 percent in America should get 42.6 percent of the tax breaks; those making over $300,000 a year should get $46,000 a year in tax breaks. And, frankly, they disparage our approach as being "too selective." Well, it is true; our tax cuts do go for specific purposes, but they are purposes with which real families can identify.

So when the debate started disintegrating into a question about who was clearing their throat, or shrugging their shoulders, or glaring at whom, I thought there is much more at stake in this election. I hope in the closing weeks of the election—and the Vice Presidential debate is tonight, and the Presidential candidates will debate on two more occasions in the next few weeks—we can get down to business here. I think there is a clear choice on so many issues.

I haven't mentioned prescription drugs, and I would like to do that for a moment. There is such a dramatic difference between the approach that George Bush proposed for prescription drugs and that by proposed by Vice President GORE. Did you know the Bush proposal, in the first 4 years, would depend on each State enacting a prescription drug benefit? That's right. Every single State would have to enact the law and do it their own way. That means just a handful of people will be assisted. In Illinois, over a million people might qualify for prescription drug help, but because of the way the law is written, only 55,000 actually do. It is limited to a certain number of diseases and certain drugs. Frankly, that doesn't do the job. As a consequence of that, you will have a lot of people left behind.

Governor Bush says for 4 years we will let the States take care of it, if they want to. Some States already have prescription drug benefit plans. Illinois is one of them, but Texas is not. So the State of Texas, where he is Governor, hasn't even enacted a prescription drug benefit plan. And now George Bush says we will leave it up to the States and they can show the initiative and leadership when it comes to prescription drugs for 4 years. Then, at the end of 4 years, things get very interesting under Governor Bush's plan. It is at that point he says we will take it away from the Governors in the States and put it in the loving and caring arms of a group which we know America trusts the most—insurance companies. Insurance companies.

So the decisions on the prescription drugs won't be made by doctors, nurses, or health care professionals. Once again, they will be made by clerks at insurance companies, who will decide which drugs they are going to put in their formulary, their accepted prescription drugs, and which ones they will not. They will decide the premiums and how much the copay will be. You will decide on your own how much help you will get. If you happen to be making a certain amount of money, you may not qualify for any assistance whatsoever. That is the George Bush plan. That is his approach. He says it gives you maximum choice. You get to pick your own insurance company. What a break. Then your insurance companies get to pick the drugs which you may be allowed to take.

Contrast that with the Democratic plan, supported by AL GORE. He says this ought to be a voluntary universal plan under Medicare. There is your choice. The private insurance companies versus Medicare. That is the choice I think a lot of people don't understand is really before us in this Presidential election. GORE believes in a prescription drug benefit under Medicare that is universal, voluntary, and available for everybody. Bush says to first give it to the States, let them work with it for a while, and then give it to the insurance companies and let them take it over. That is the choice. It is no choice at all. Under the Gore plan, the Medicare prescription drug benefit plan, your doctor will be prescribing your drugs. Medicare will help you pay for them. Under the Bush plan, the health insurance company will decide which drugs you can apply for and how much you pay in premiums.

I don't think that is much of a choice. I think back to 1965 when I was a student. I can remember the debate under Medicare. The Republicans opposed the creation of Medicare. It was Lyndon Johnson's idea that they called socialistic, the Great Society, so forth and so on.

Look at where we are today, 35 years later: A health insurance plan for the elderly and disabled which has lengthened the lifespan of senior citizens and which has brought dignity and independence to their lives. Medicare is a system they trust. When AL GORE suggests that prescription drug benefits should be under Medicare, seniors say: We feel at home with Medicare. We know how it works.

Do seniors who voluntarily sign up have to pay a premium? Of course, they pay for Medicare now. It is understandable. They will be making a monthly payment. But look at the peace of mind they buy for $50 a month. They realize there is a maximum amount they will have to pay each year for prescription drugs. If a medical catastrophe comes along, they know they are not out on a limb and unable to fill those prescriptions if they need to.

When it comes to tax cuts and prescription drug benefits, what a clear contrast between the two candidates for President of the United States. Elections are about choices.

Many of our friends on the Republican side of the aisle, frankly, who didn't have much of an inclination toward these issues are now discovering these issues. They are now newfound converts to the idea of prescription drug benefits. They have come up with a plan, which is interesting, about the reimportation of drugs after they have been sent overseas. You know a lot of drugs made in the United States go to other countries and they are sold for a fraction of the cost. The question is, can you bring them back into the country, buy them at a fraction of the cost in Canada and Mexico, and bring them back in the United States? I support it.

It really shows how far this system has disintegrated when the drug companies sell drugs in Canada for a fraction of what they cost consumers in the United States, where the drugs were developed with taxpayers' money through the NIH and inspection by the FDA and others.

This reimportation of drugs from other countries, as appealing as it sounds, can't possibly solve the problem. It is impossible to believe that American drug companies will just be shifting drugs overseas on a wholesale basis and expect Americans to import them back into the United States. At some point, they will slow down the sales overseas and they will take control of the situation.

The only real answer for a prescription drug benefit under Medicare is for the Medicare system to bargain with the drug companies for reasonable prices and costs for these drugs. That is really a key issue in this campaign and a key difference between the two candidates.

I know this is likely to come out tonight in the debate between our colleague, Senator JOE LIEBERMAN, and the former Secretary of Defense, Mr. Cheney. But I don't believe this is the end of the debate. I think it will continue on the Senate and House floor in the closing days and weeks of this session. Ultimately, the American people will be the judge. We have asked the American people in many polls which approach they prefer, and they say, hands down, that the Democrats understand Medicare, understand prescription drug benefits, and understand how to bring tax cuts that work for working families so that prosperity is there for everyone and not just a few.

(Mr. SMITH of Oregon assumed the chair.)

Mr. REID. Mr. President, before the Senator yields, may I ask the Senator a question? Did he say the top 1 percent of the people in the Bush tax cut get almost 50 percent of all the benefits?

Mr. DURBIN. That is correct.

Mr. REID. Did the Senator also say there are a number of converts during the last few months on issues that we have developed? Take, for example, the Patients' Bill of Rights. Isn't it true that in this body, on a straight party-line vote, there was a Patients' Bill of Rights in name only? The majority, the Republicans, passed a Patients' Bill of Rights. But is the Senator aware of what is in the Republicans' Patients' Bill of Rights that is good for the American people?

Mr. DURBIN. I can respond in this regard. I know the Republican so-called Patients' Bill of Rights was so good that the insurance companies approved of it and embraced it and endorsed it. Frankly, it is supposed to be a law that protects consumers against the excessive attitude and conduct of these insurance companies. Excuse me if I am skeptical, but this bill is endorsed by the lobby that is supposed to be fighting for the Patients' Bill of Rights. I smell a rat. Maybe I shouldn't use that term in light of the political campaign that is going on. I suggest perhaps that it not a real Patients' Bill of Rights.

Mr. REID. Is the Senator also aware that a Republican Member of the House of Representatives, a medical doctor from the State of Iowa, who looked at the bill we passed in the Senate, which the Republicans passed over objection, denigrated that bill? I repeat: Is the Senator aware that a Republican House Member from Iowa who is a medical doctor has stated that the bill passed out of here by the Republicans is bad?

Mr. DURBIN. That is Congressman GANSKE of Iowa. There was a bipartisan coalition in the House that endorsed the Democratic bill, the one that really works, the only one endorsed by virtually every medical group in America that understands patients ought to have the benefit of a doctor's judgment, not an insurance company's judgment, when it comes to critical health care.

They have created their own Trojan horse, this phony bill on the Patients' Bill of Rights. Honestly, I think the American people are going to see through it.

Mr. REID. I say to my friend from Illinois that it is possible to do work around here on a bipartisan fashion. That was demonstrated by Congressman NORWOOD, a Republican, and Congressman DINGELL, a Democrat. Congressman DINGELL is not a medical doctor. It is a good bill. Does the Senator agree?

Mr. DURBIN. It is a good bill. It is almost identical to the bill the Democrats had in the Senate.

I think the Senator from Nevada is also aware that we now have a new

Member in the Senate from the State of Georgia who is committed to supporting our bill. We are now at a point where we believe that bill could pass.

Mr. REID. Is the Senator aware that we have not been allowed, through parliamentary maneuvers over here, to have a vote on the Patients' Bill of Rights? But we now have, obviously, a new Member who will vote in favor of it.

Mr. DURBIN. The Republican leadership in the Senate doesn't want to allow a vote on the Democratic Patients' Bill of Rights, almost the identical bill that passed in the House, because they know it would pass and it would be an embarrassment to them. The Democrats would win that battle. I don't think the people at home care whether the Democrats win or the Republicans win. They want families to win. This is an example where families would win, where you could have protection.

Let me give an example. I am sure the Senator is well aware of this. If a woman in the course of a pregnancy is going to her obstetrician, and because there is a change of insurance companies at her employment, she is asked to go to a different HMO, we provide that she can continue with the same doctor's care, in whom she has confidence, through the completion of her pregnancy. I think it is common sense and good medical judgment. I think both sides could agree on it. That is part of our Patients' Bill of Rights.

It says if you are going to the emergency room with a child, you don't have to check in the glove compartment, pull out the insurance policy, and go through it page by page to get the right hospital. It says if somebody at an insurance company makes a wrong decision and you lose your life or your health, they can be held accountable, as every business and person in America is held accountable.

Those are some basics in the Democrats' Patients' Bill of Rights. The Republican leadership does not want that issue to come to the floor because they now know we have the votes to pass it. They have blocked us every step of the way.

Mr. REID. Is the Senator also aware—which I am certain he is, but I would like to hear his response—that the Democrats' Patients' Bill of Rights is something unusual as far as this Senator is concerned, because we have the support of literally every organization in America: the AMA and the American Bar Association? I can't remember these two organizations ever agreeing on anything. Virtually the only organization that opposes this legislation is a health insurance company.

Does the Senator acknowledge that?

Mr. DURBIN. That is the reason a Patients' Bill of Rights hasn't passed in the Senate. It is not a question of what is right and popular, what the people want, and what health care professionals say will be best for the future of health care. It is a question of political muscle. The insurance companies have more political muscle in the Senate. They have stopped us from bringing this bill to the floor for a vote.

Shortly we will adjourn and go home with a lot of unfinished business. This is one of them. We came this close to doing it, but the Republican leadership said: No, we are not going to allow the Patients' Bill of Rights to come to the floor for a vote. That is an illustration of their insensitivity to what people in this country really care about: good health care. This Congress has not responded to it. In many respects, this Congress couldn't care less. That is sad because it is our responsibility, as representatives of the people of the States who elect us to listen to their needs and to respond to them. We have been totally unresponsive because of the efforts of the Republican leadership.

Mr. REID. If the Senator would also answer this question; it was brought up indirectly by the Senator's last statement. One of the things we have not done here is do something about campaign finance reform. As we are talking all over America, there are 30-second and 1-minute spots being run by this group, that group, the Democratic Party, Republican Party, and independent groups. The American public is beginning to get almost punch drunk as to who is advertising what.

Does the Senator think it would be one of the most important things we could do as a body and as a Congress to get this campaign finance problem under control, such as getting rid of soft money? Does the Senator think it would help the body politic to have campaign finance reform? We have been prevented from this by the majority.

Mr. DURBIN. The Senator is right. The efforts of our colleague, Senator RUSS FEINGOLD, and Republican Senator JOHN MCCAIN are well documented. AL GORE has said: As President, the first bill we will send the Congress is the McCain-Feingold campaign finance reform. The first bill he will accept is a bipartisan bill to deal with campaign finance reform.

If we cannot come to grips with the abuses of the campaign finance system, several things will occur. The special interest groups, which rule the corridors of Congress and continue to rule the campaigns, will set the agenda; and secondly, many good men and women will continue to refuse to get into this business because they don't want to mess with multimillion-dollar campaigns, these attack ads that come from every direction, and the attacks on personal lives and reputation which have become so commonplace in negative campaigning.

It is interesting to me we have a bill so clearly bipartisan. The Republican Senator, JOHN MCCAIN, was very popular as a Republican candidate for President. In fact, he carried a few States in the Republican Presidential primary. Yet we can't even get that bill to the floor for a vote in a Senate that is controlled by the Republican Party.

I think the American people see through this. I think they understand that this is not a fight over the Bill of Rights, it is a fight over the rights of Americans to be well represented.

Mr. REID. I say we need more people like the Presiding Officer. He has joined with us in many bipartisan matters. I hope the conversation we have had today does not in any way reflect upon the Senator from Oregon, who has worked with us on a number of issues. I am sure it has caused him a problem on the other side of the aisle.

The reason I mention that is everyone thinks McCain-Feingold is a bipartisan bill, and it is, in the sense that JOHN MCCAIN has stepped way forward on this to talk about the need for campaign finance reform. But the people willing to help him on the other side of the aisle, the majority of them, are few and far between.

On a number of issues we have talked about today, with rare exception, the Senator from Oregon has been willing to join in a bipartisan fashion to pass legislation. As my friend from Illinois has said, it is possible we could do this. All we have to do is what is right for the American people and get rid of these very high-pressure lobbying efforts—for example, the health insurance industry, which is preventing us from moving forward on something like a Patients' Bill of Rights.

Mr. DURBIN. At this point, I acknowledge my colleague, Senator FITZGERALD of Illinois, who also voted for the Patients' Bill of Rights. He has publicly stated he thinks it is the best approach. I think it takes extraordinary courage sometimes to break from your party on these issues.

The presiding Senator from Oregon has showed exceptional leadership and courage on the hate crimes issue. This was not an easy issue, I am sure, for him; it was not for any of us. He stood up on that issue. I will remember that for a long time. It was exceptional. We want to make sure we continue in that bipartisan spirit. I hope even in the closing days we might reach out and find some bipartisan common ground to deal with some of these important issues.

I see some of my colleagues have come to the floor, and they have been very patient in waiting for me to finish my remarks. I yield the floor.

Mr. REID. Mr. President, what is the parliamentary order before the Senate?

The PRESIDING OFFICER. We are in morning business. Senators are permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I am following up on the Presidential debates of the other evening. I was thinking about what Governor Bush was saying about his Medicare plan. He was referring to Vice President GORE and saying: You are engaging in "Mediscare"—"Mediscare." You are trying to scare the seniors.

The more I have looked at Governor Bush's Medicare proposal for prescription drugs, I have come to the conclusion that if his plan ever comes into effect, the senior citizens in this country ought to be scared. They ought to be scared about this.

Here is the difference between what Vice President GORE wants in terms of prescription drugs and what Governor Bush wants. In my right hand I have a Medicare card. Under the prescription drug policies of Vice President GORE, this is all you need to get your prescription drug. You have a Medicare card, you go to your doctor, he prescribes the drugs, you go to your local pharmacy, and you get your drugs filled. That is all you need—your Medicare card.

Under the Bush proposal, which goes out to the States, they have to pass legislation, and if you make over $14,600 a year, you get nothing. So in order to qualify for prescription drugs under the plan advocated by Governor Bush, you would basically have to meet all of the requirements for Medicaid in terms of showing your income, assets, everything else.

I want to put together the sheaf of papers you would have to fill out if you were an elderly person and you wanted to get prescription drugs under the Bush plan. This is what you would fill out. It looks like about 40 pages of paperwork. First of all is the tax return. You have to take that in and show them how much you made. Then you have to do all the documents, including instructions, applications, certificates, estate recovery—of course, if you have some estate and you have some assets. There is an insurance questionnaire. This is the type of paperwork you would be faced with under the Bush proposal.

Under the Gore proposal: One simple Medicare card.

I sum it up by saying what the seniors of this country want is Medicare; they don't want welfare. That is exactly what Governor Bush is proposing in his Medicare prescription drug proposal.

JUDGESHIPS

Mr. HARKIN. Mr. President, an issue I will be talking about every day is the issue of judgeships and the fact that we still have our judges bottled up, especially Bonnie Campbell, who has now been waiting 217 days to be reported out of the committee. Yet we just had some judges approved this week who were nominated in July, had their hearing in July. They were approved. But Bonnie Campbell still sits in the Judiciary Committee.

It is not right, it is not fair to her, it is not fair for our judicial system. Bonnie Campbell has all of the qualifications to be a judge on the Eighth Circuit. A former attorney general of Iowa, she did an outstanding job there. Since 1995, she has been the first and only director of the Office of Violence Against Women in the Department of Justice which was created by the Violence Against Women Act of 1994. Again, she has done an outstanding job.

There has been some good news. During that period of time, domestic violence against women, in fact, has decreased. But the facts are we have a long way to go. In 1998, American women were the victims of 876,340 acts of domestic violence. Domestic violence accounted for 22 percent of violent crimes against women. During those same years, children under 12 lived in 43 percent of the households where domestic violence occurred.

We have to reauthorize the Violence Against Women Act. Last week, the House passed by 415-3 the reauthorization of the Violence Against Women Act. Again, I doubt they would have passed it so overwhelmingly if its only person charged with enforcing that law had done a bad job in running the office. I did not hear one comment on the House floor, nor have I heard one here, that in any way indicates that Bonnie Campbell did not do an outstanding job as head of that office. She did do an outstanding job and everyone knows she did. So now we're hearing that the Violence Against Women Act will be attached to something else and pass the Senate that way.

Yet perhaps the one person in this country who understands this issue and this law better than anyone else is Bonnie J. Campbell, who has directed that office for the last 5 years. We need people on the courts and on the bench who understand that law and can apply it fairly across our Nation. That is why we need Bonnie Campbell on the Eighth Circuit.

Right now we have quite a lack of women serving on our circuit courts. Frankly, the number of women on our circuit courts is appalling. We need more women on our circuit courts. And we need to confirm them here. Of the 148 circuit judges, only 33 are women—22 percent. That, in itself, is scandalous.

Bonnie Campbell should be added to that list.

Again, it doesn't seem right that Bonnie Campbell would get a hearing back in May and then remain bottled up in Committe. Lets go back to the presidential term of George Bush. During that time, every single district and circuit nominee who got a hearing—got a vote in Committee. And all but one got a vote on the Senate floor.

Yet we are not allowed to vote on Bonnie Campbell's nomination on the floor. So as I said, it is not fair to her. It is not fair to the judicial system. It is not fair to the advise and consent clause of the Constitution to hold her up.

Mr. President, I will again, today, as I will do every day, ask unanimous consent to discharge the Judiciary Committee of further consideration of this nomination.

Mr. President, I ask unanimous consent to discharge the Judiciary Committee from further consideration of the nomination of Bonnie Campbell, the nominee for the Eighth Circuit Court, that her nomination be considered by the Senate immediately following the conclusion of action on the pending matter, that the debate on the nomination be limited to 2 hours equally divided and a vote on her nomination occur immediately following the use or yielding back of that time.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Is there objection?

Mr. MACK. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, again, every day I will come out and ask unanimous consent to get Bonnie Campbell's name out of the committee and on the floor for a vote. Yet the objections come from the Republican side of the aisle. Why, I don't know. As I said, no one has said she's not qualified. If someone wants to vote against her to be on the Eighth Circuit, that is that Senator's right—obligation, if it is a vote he or she feels in conscience that he or she must cast. But, again, I say, give her a vote.

The PRESIDING OFFICER. The 10 minutes of the Senator has expired.

Mr. HARKIN. I ask unanimous consent to wrap it up in about 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. So it only seems fair and right we bring her out here and have a vote. If people want to vote one way or the other, that is fine. But it is not fair, 217 days.

I will end my comments again by saying the standard bearer of the Republican Party, Governor Bush of Texas, has stated there ought to be a 60-day deadline on judge nominations, in other words 60 days from the day nominated to the time they get a vote in the Senate. I endorse that. Bonnie Campbell has been sitting there 217 days. Let's bring her out for a vote.

I will yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

ECONOMICS

Mr. MACK. Mr. President, as my colleagues know, I will be leaving the Senate at the end of my term. I want to put a few thoughts on the record over the next few days, depending on the time available.

I have four grandchildren—three grandsons and one granddaughter—Ronnie Elam, Brett Elam, Blake Caldwell, and Addison McGillicuddy. The comments I am going to make today really are from the perspective of thinking about them and their future and the desire to see that they will grow up in a country and in a world where their opportunities will be equal to, if not better than, those of their parents, their grandparents, and their great-grandparents. I want them to have a better understanding when they reach that point when they have their own families.

As people look back on the last several decades of the 20th century, I want, at least from my perspective, to be able to put on the record what I believe happened from both an economic and foreign policy perspective, and from a national security perspective. So that is what my comments will reflect today, my thoughts with respect to economics primarily and some that will reflect my feelings with respect to national defense.

So I would like to talk about economics, a topic that has been one of my passions as a Member of the Congress. Economic policy was the very reason I ran for the House of Representatives back in 1982. As many of us may recall, our country remained in a deep recession at the time, still struggling to recover from the economic policies of the 1970s. Although it was still being phased in, President Reagan's economic program was under attack by our friends across the aisle. But, to me, the Reagan economic program was a bold reaffirmation of the very purpose of America.

Many people have noted the happy coincidence that the year 1776 saw the publication of two of the most important documents in world history, Adam Smith's "Wealth Of Nations" and Thomas Jefferson's Declaration of Independence. These works share the theme of freedom. Smith made the case for free trade and unfettered markets, as Jefferson put in words the concept that government exists to protect individual liberty.

These documents rebutted, refined, and transcended the prevailing views of 1776 Great Britain. For over a century, these principles held firm and the United States stood tall as a beacon of hope and opportunity for people from all points on the globe.

Ours was a society without a rigid class structure, a society that promised equal opportunity for all based on individual enterprise and hard work, not government privileges and connections. America had no large bureaucracies intruding upon every sphere of commercial life. We relied on the willingness of individuals to shoulder the risk and responsibility that is part and parcel of private enterprise.

But this distinctly American way was challenged by two worldwide crises in the 20th century. First came the Great Depression. Although gross government mismanagement of the money supply and counterproductive trade policies were the cause of this crisis, government was put forward as the cure. This led to the proliferation of alphabet agencies seeking to steer every aspect of the American economy, as government assumed a new income redistribution role.

The second crisis was the rise of totalitarianism on the European Continent. The United States won World War II, but in the process of saving Europe from one brand of tyranny, an equally evil force came to occupy half of Europe, and the war effort was used as the justification for price controls and economic intervention that was unprecedented in the United States.

The welfare state in America grew by leaps and bounds. Once it was conceded that the Government is the guarantor of income, each successive call for new and bigger programs became harder and harder to resist. At the same time, the consolidation of the Soviet bloc presented the largest threat to freedom in human history, presenting new and costly challenges for America as the beacon of freedom. Exaggerations of Soviet economic success fueled the call for greater Government involvement in the U.S. economy. Over time, high tax rates and regulatory excesses accumulated like barnacles to slow the once mighty ship of American private enterprise.

It is hard for younger Americans to imagine how bleak our Nation's prospects appeared before Reagan assumed the Presidency. Recurrent, simultaneous bouts of high unemployment and high inflation confounded most economists, who viewed the two as a trade-off. It was thought that to reduce unemployment you had to accept inflation and to reduce inflation you had to accept higher unemployment. Producers and consumers suffered from an energy crisis. And real household incomes were shrinking as fast as "bracket creep" was raising everyone's tax bill year after year. The response of the incumbent administration was hardly inspiring—ranging from suggesting "voluntary" wage and price controls to preaching that we must learn to live within limits. In short, the American establishment was telling the American people to accept the notion that they no longer controlled their own economic destinies.

Starting in the 1970s, the media aggressively advanced the notion popular in intellectual circles that America's free enterprise system was failing. This view persisted through the 1980s. The best-seller lists were crowded with books telling of the decline of America and predicting that Japan would be the economic juggernaut of the 21st century. Even in the 1992 campaign, Bill Clinton and AL GORE were extolling the virtues of the European economic systems, of social democracy and industrial planning. We hear echoes of this approach today, with candidate AL GORE's Government-knows-best mentality. GORE proposes to micromanage and fine-tune the economy, social engineering through tax credits designed to make people behave the way the Washington bureaucrats want them to—such as buying "fuel-efficient" eighteen-wheeler trucks.

Ronald Reagan's "Program for Economic Recovery" was the opposite of the Government planning approach advocated by the critics of capitalism. Reagan rejected the idea that policymakers could fine-tune the economy, much less control it from Washington. Instead, he sought to establish a stable environment conducive to economic growth. This meant getting inflation under control, and reducing taxes, regulation, and the size and scope of Government. It meant restoring the incentives for working, saving, investing, and succeeding. It meant opening America to the benefits and challenges of international trade.

Ronald Reagan's economic principles resonated within me. I had seen firsthand the obvious connection between the expansion of Government and our worsening economic performance. When I started in the banking business in 1966, I probably spent 90 to 95 percent of my time engaged in activities that I considered productive—designing new services to attract business, working to increase the market share and profitability of the bank. The rest involved Government paperwork. By the time I left in 1982, this ratio had completely flipped: I was spending 85 to 90 percent of my time trying to figure out how to comply with Government regulations and mandates. There was a constant stream of letters from the Government dictating how we should manage our business, from the Comptroller of the Currency, the Treasury, the FDIC, and the Federal Reserve, on topics ranging from flood insurance to so-called truth-in-lending. I remember a letter that went so far as to tell us the specific temperatures to set our heating and cooling thermostats in our businesses. Some people may have forgotten this level of Government intrusion.

In fact, others may believe it never could happen in a country such as America, but it has. It has happened before, and if we are not vigilant, it could happen again.

I received a letter from Federal Reserve Chairman Paul Volcker detailing which types of loans we could and could not make. To make the example, I could lend a family money to add an additional bedroom to their home. If that same family wanted to add a swimming pool to their home, I was prohibited from making that loan.

To some, this may have made sense if you believed that the Government should be managing consumer demand, but that role made no sense to me.

With my experience in the banking business, it wasn't hard to understand why we as a nation were having difficulty competing around the globe, when we had moved so many of our resources away from productive activities and into trying to comply with Government regulations. Over the years I had come to realize that all the abstract Keynesian theories I was taught in college ignored how the choices and incentives of individuals are altered by government interference in the economy. By failing to account for the real world, those theories in practice had come pretty close to ruining the economy. But along came Ronald Reagan, with a common sense approach that went back to basics—free markets, free enterprise, free trade. Here was a man who had recognized that big Government was a detriment to the economy, a man who approached things from the perspective of freedom as opposed to Government. I shared that perspective and recognized the importance of President Reagan's election. On election night, November 4, 1980, I knew that I had to get involved in this great campaign to restore freedom—but I would have never guessed that, two decades later, I would be standing here in the United States Senate.

Ronald Reagan clearly saw that the problem was too much government, and the solution was more individual freedom. When he assumed the Presidency, we suffered from high inflation and high unemployment. To combat the first, he prescribed reigning in the rapid growth of the money supply, asking the Fed to minimize the damage to the economy caused by high and volatile inflation. The second problem required deep cuts in the high tax rates that were deterring work, saving, and investment. But the Fed delivered tight money a lot sooner than the Congress could deliver the tax cuts, which were phased-in over 3 years. The Fed had overreacted to the stimulus of tax cuts that had not yet arrived, exacerbating the economic downtown, throwing the budget seriously out of balance, and putting the third year of the Reagan tax rate reductions in jeopardy.

In the recession of the early 1980s, the economic policies of President Reagan that inspired me to public service came under attack. In the now famous "Stay the Course" campaign of 1982, the President's party retained control of the Senate, minimized losses in the House despite the dire economic times, and preserved the Reagan economic program. We also kept on track President Reagan's defense policies, which were under attack from shortsighted critics who were unwilling to pay the price to ensure our freedom. I am proud that my first campaign was in that fateful year, when President Reagan's detractors stood a chance of putting his programs in jeopardy and I was able to make a stand in favor of his programs.

As I mentioned, the Reagan economic program was my inspiration to run for office. As a freshman, I cut my teeth in the House by circulating a letter vowing support for the President's veto of any bill that tampered with the third year of the tax cuts. After I obtained the 146 signatures necessary to sustain a veto, that threat disappeared, and the Kemp-Roth tax cuts were allowed to work. President Reagan's most dramatic policy change was without a doubt this supply-side tax cut. It seems also inconceivable today that just two decades ago, marginal income tax rates were as high as 70 percent in the United States. It was little wonder that our country was in economic decline, when its most economically productive citizens could keep only a 30 percent share of their additional earnings. These high tax rates not only discouraged additional work and investment at the margin, but also confiscated capital that could have been used for job creation by the private sector.

By cutting income tax rates by 30 percent across-the-board, Reagan restored a large measure of freedom to the American taxpayer—not just the freedom to spend money that would have been taxed away, but the freedom that results when economic decisions are no longer influenced by high tax rates. It was not about the dollars that would have been collected had tax rates stayed high, but the choices that would never have been made because of these high rates—decisions to expand plant capacities or start new businesses, for instance.

President Reagan entered the White House with one paramount spending goal: to rebuild our national defense, since national security is the most fundamental responsibility of the Federal Government. He realized that to provide this desperately needed public good, while cutting tax rates to unleash the productive forces of the nation, required fiscal restraint in the non-defense portion of the Federal budget.

The difficulties that President Reagan had in taming the congressional urge to spend made a balanced budget and tax limitation amendment to the Constitution one of my top priorities when I entered Congress. It also motivated me to be the main House sponsor, along with Dick Cheney, of the Gramm-Rudman Deficit Reduction Act, which worked for at least a few years to hold spending down. Today, as much as ever, I believe some super majority restriction on the ability of Members of Congress to spend taxpayers' dollars is necessary. Unless taxes are cut to keep the revenues from flowing into Washington, the trillions of dollars of surpluses that are projected over the next decade will not last—if the taxes are collected, Congress will spend them.

Reagan also initiated a sea change in monetary policy. He did not want the Federal Reserve to manipulate the money supply in an attempt to target interest or unemployment rates. All he wanted was price stability, the elimination of high levels of inflation from the economy. The Fed should not be responsible for the level of growth in the economy—this is the role of the private sector. The best economic environment that the Fed can provide is one in which inflation expectations play a small or almost nonexistent role in long-term planning. Reagan's appointees to the Federal Reserve Board, people like Alan Greenspan, Preston Martin, Manley Johnson, Martha Seger, and Wayne Angell, shared this view and took politics out of monetary policy.

Throughout the Reagan years, the loudest and strongest advocate of stable prices in the Congress was Jack Kemp. Jack would talk tirelessly about the need for "a dollar as good as gold," and his intellectual and political support for this position no doubt influenced President Reagan's selection of Greenspan as Fed Chairman. Alan Greenspan continues to hold sway at the Federal Reserve as part of the Reagan legacy, and his record at containing inflation has set a high standard. As a member of the Senate Banking Committee I have attempted to institutionalize this approach to monetary policy, sponsoring a bill that would make price stability, not economic growth or "stabilization," the goal of the Federal Reserve. Thanks to the monetary policy initiated by President Reagan, this legislation is now a safeguard rather than a necessity.

The prevailing attitude concerning trade has also shifted, thanks to President Reagan—who recognized the fallacy of protectionism. In large part, this was due to his belief in competition and free enterprise. But his attitude was also shaped by his confidence in America. He was neither afraid of foreign competition, nor embarrassed that imports might be preferred over American goods. America, as a nation of immigrants, represents the best that the world can offer. More than any consumer good, the main export of America must be the ideal of political and economic freedom, an ideal that is undercut by trade restrictions.

By signing a free trade agreement with Canada, opening free trade negotiations with Mexico, and proposing the dismantling of agricultural trade barriers in the Uruguay Round of the GATT, Ronald Reagan went on the offensive for trade liberalization. At a time when Japan-bashing was commonplace—when Members of Congress were literally bashing Japanese-made electronics into pieces on the steps of the Capitol—Reagan did not retreat from his basic free-trade principles. The remarkable success of U.S. industries from computers, semiconductors, software, biotechnology and many others over the past 2 decades has vindicated Reagan's belief that American business prospers best in an open and competitive free enterprise environment.

Today, principally as a result of the supply-side policies pursued by the Reagan administration, the U.S. economy is healthy. Both inflation and unemployment are low. Productivity is growing rapidly and incomes are rising.

Any doubts that President Reagan is responsible for today's bounty should be dispelled by considering a few fundamental questions. Would American economic growth be as robust today if the Federal Government still took 70 cents of every additional dollar of income from our most productive citizens? If the typical family was hit with a 49 percent Federal income tax rate on top of an effective payroll tax rate of 14.2 percent?

Would our economy be so strong if we were still suffering from double-digit inflation and interest rates, due to the politicized use of monetary policy to manipulate consumer demand? If the trend of the last 2 decades were toward managed trade, rather than freer trade? Would entrepreneurs and innovators abound if high inflation and high tax rates on capital gains slashed the returns to their risk-taking?

Would the Soviet Empire have fallen if it had not been for the military buildup, diplomatic leadership, and resolute defense of freedom during the presidency of Ronald Reagan? Would our country be as secure as it is today if instead of trading partners, the people of Eastern and Central Europe were still prisoners of the Soviet bloc? If our fellow Americans south of our border were still the potential victims of imported totalitarianism instead of full participants in established democracies?

Our debt to Ronald Reagan reminds me of an exchange mission I once went on, with Tom Foley and Dick Cheney.

It was a congressional delegation that went to France in 1985. On that trip, we spent most of our time in Paris. But for the last several days, we went out to the French countryside. I went to a little town called Le Mans, where I traveled around with my host, Francois, from that district. I learned a lot about what his country was experiencing.

At the end of that tour, we did what many of us would refer to as an old-fashioned town meeting, where I responded to questions from the French audience for almost 2 hours. At the end of the period, I asked Francois if it would be all right if I were to ask the audience a question. And he was gracious in my request, and I asked them: Since I am returning to America tomorrow, I would like to be able to tell other people of the State of Florida what you think about our country.

The first person stood up and said: "We think of America as a dynamic, growing, thriving, exciting place." A second person that stood up said basically the same thing. The third person to address me was a fellow who probably was in his late 70's or early 80's. This fellow was stooped over, his weight being supported precariously on an old, gnarled cane. He came over closer to me, looked me directly in the eyes, and said: "You tell the people of America that we will never forget that it was the American G.I. who saved our little town. You tell them we'll never forget!"

Well, I feel that way about Ronald Reagan, my political hero, who inspired me to enter politics. America will never forget what President Reagan did for us. He gave us back our faith and renewed our belief in this country. He gave America back its pride. He rebuilt America's defenses. His economic policies reduced taxes, reduced inflation, reduced unemployment. He put America back to work again. He reminded America what made us a great nation—our commitment to freedom. And he won the cold war without firing a single shot.

The citizens of America and the people of the world will never forget.

Mr. President, I yield the floor.

RETIREMENT OF CHARLES A. GILLIS

Mr. LOTT. Mr. President, I would like to acknowledge the upcoming retirement of Mr. Charles A. Gillis, who will retire on October 20, 2000, as Branch Manager of the Gulfport Branch Office, United States Small Business Administration (SBA). I know that I am joined by the entire business community of South Mississippi, Charlie's colleagues at the SBA, and all those who have had the privilege of interacting with him over the years.

I especially want to thank Charlie for a long career of completely devoted service to his community, the State of Mississippi, and this Nation. I have known Charlie for many years and have seen firsthand the substantial impact his extensive knowledge and business expertise have had on countless small businesses and the local economy of Southern Mississippi.

Charles Gillis' ties to the Gulf Coast run deep, as does his record of service and achievement. He is a life-long resident of Harrison County and a graduate of Gulfport High School. Charlie served in the First Cavalry Division in Korea in 1951. He received his Bachelor of Arts in Business Administration from the University of Southern Mississippi (USM), and later completed additional graduate studies in business at the USM-Gulf Park Campus.

Prior to serving with the SBA, Charlie was a small business entrepreneur in his own right, as owner and operator of Gillis Furniture in Gulfport. Moreover, Charlie served as a furniture manufacturers representative with regular travel assignments covering five states. Throughout his private sector career, Charlie honed the business skills that later made him such an invaluable public sector resource to other small business owners and operators.

Charlie began his tenure of service with the SBA in July 1982, and has faithfully served the agency ever since. His service in the SBA's Gulfport Branch Office is especially important to me since the branch office was created after Hurricane Camille devastated the Mississippi Gulf Coast and its economy in 1969, and during my service as Administrative Assistant to then Congressman William Colmer.

Charlie has been recognized for his continuous dedication to duty and his tireless community spirit. Over the years, he has been chosen as one of the "Outstanding Men in America," recognized as among the "Personalities of the South," and selected as "SBA District Employee of the Year."

In addition to personal accolades and longstanding official service, Charlie generously has given of his time in many ways to improve his community. He served as President of the University of Southern Mississippi's Alumni Association, as Chairman of the Harrison County Election Commission, and as Vice President of Governmental Affairs for the Gulfport Area Chamber of Commerce. Moreover, Charlie is an associate member of Delta Sigma Pi Fraternity, and serves as a Mason, a Shriner, Rotarian, and a charter member of Trinity United Methodist Church in Gulfport.

Charlie's constant professionalism and vast knowledge will be greatly missed by the Small Business Administration, the South Mississippi business community and officials at every level of government, who have had the distinct pleasure and benefit of his insight. Whenever called, Charlie always responds in a timely and effective manner with eagerness, efficiency and courtesy. Although I know he will miss daily interactions with his co-workers and colleagues, I also know that Charlie, his wife Rose, and their family, will have many opportunities to focus their abundance of energy and exemplary community spirit.

THE ACID DEPOSITION AND OZONE CONTROL ACT OF 1999 AND EPA'S ANALYSIS OF S. 172

Mr. MOYNIHAN. Mr. President, I rise today to express concern and dismay over the unwarranted delay of a critical analysis of S. 172, the Acid Deposition and Ozone Control Act. This analysis thoroughly documents the substantial benefits to be achieved, at comparatively insignificant costs, by passing S. 172. Unfortunately, we have received this information only after it is too late to coordinate the bill's passage this year.

I first asked the Environmental Protection Agency (EPA) to analyze the impacts of S. 172 in 1998. Specifically, EPA was asked to calculate the costs and benefits of the legislation with regard to effects on human health, environment and the business community. EPA completed the report in March, 2000 and submitted it to the Office of Management and Budget (OMB) for their review. Unfortunately, OMB withheld the analysis for six months despite the fact that co-sponsors in both the House and Senate requested the report's release in letters to Director Jacob Lew. We have EPA's report today because Representative DAN BURTON, Chairman of the House Committee on Government Reform, was willing to subpoena the report. I am disappointed that this course of events had to occur.

Nonetheless, I am quite pleased with the results of EPA's analysis. Not only would S. 172 significantly improve visibility and the state of ecosystems sensitive to acid rain and nitrogen loading, but it would produce approximately $60 billion in public health benefits annually and save 10,000 lives each year. All this for an additional cost to utilities of $3.3 billion. What a tremendous service we could do to society by simply passing this legislation. If we don't, an epidemic could ensue. For example, according to EPA an DGAO, 43% of the lakes in New York's Adirondack Park will become acidified by 2040 even with the reductions mandated by the 1990 Clean Air Amendments.

As far back as the 1960s, fisherman in the Adirondacks began to complain about more than "the big one that got away." Fish, once abundant in the pristine, remote Adirondack lakes, were not just getting harder to catch—they were gone.

When I entered the Senate in 1977, there was much we needed to learn about acid rain. So I introduced the first Federal legislation to address our "knowledge deficit" about acid rain—the Acid Precipitation Act of 1979. My bill was enacted into law as Title VII of the energy Security Act, which Congress passed in June 1980. Title VII established the National Acid Precipitation Assessment Program (NAPAP), an interagency program charged with assessing the causes and damages of acid deposition, and reporting its findings to Congress. NAPAP spawned tremendous academic interest in the subject of acid deposition, and our understanding of the subject has since developed substantially.

In 1990, I helped write Title IV of Clean Air Act Amendments, which established a "Sulfur Dioxide Allowance Program." Its creation represented a radical departure from the traditional "command and control" approach to environmental regulation, common at the time. This program was the first national, statutorily-mandated, market-based approach to pollution control. It has been immensely successful.

We can be proud of these accomplishments, but we have a long way to go yet. Since 1990 we have learned, for instance, that the sulfur dioxide (SO_2) emissions reductions required under the Clean Air Act Amendments of 1990 are insufficient to prevent continued damage to human health and sensitive ecosystems. NAPAP has reported that forests, streams, and rivers in the Front Range of Colorado, the Great Smoky Mountains of Tennessee, the San Gabriel and San Bernardino Mountains of California are also now showing the effects of acidification and nitrogen saturation. We have learned that nitrogen oxides (NO_X), which we largely ignored nine years ago, are significant contributors to our nation's air quality deficiencies. And finally, we have demonstrated that legislation containing regulatory flexibility and market incentives is highly effective.

S. 172, which I first introduced with Senator D'Amato in 1997, seeks to build upon this new body of knowledge, combining the best and most current scientific evaluation of our environmental needs with the most effective and efficient regulatory framework. Today, S. 172 is cosponsored by Senators SCHUMER, JEFFORDS, LIEBERMAN, REED, DODD, KERRY, FEINSTEIN, LAUTENBERG, KENNEDY, BOXER, and WYDEN. In the House, the bill is sponsored by Representatives BOEHLERT and SWEENEY, and co-sponsored by 48 House Members.

These are my final days in this great legislative body, and I will surely cherish the accomplishments we have made through the years. Today, I ask my friends and colleagues to continue the push to protect our nation's public health and environment from critical pollutants such as nitrogen oxides, sulfur dioxide, mercury and carbon dioxide. It is my understanding that the able Chairman of the Environment and Public Works Committee, Senator BOB SMITH, has indeed made this commitment and I commend him for it.

As I mentioned before, I am disappointed that the release of important information regarding the effects of S. 172 was withheld for so long. However, now that we have this information, we must act upon it and pass legislation that goes beyond our clean air achievements so far. The SO_2 Allowance Program established by the Clean Air Act Amendments of 1990 has achieved extraordinary benefits at costs less than half of initial projections. The efficacy of the approach is proven. The science indicates that we did not go far enough. The Acid Deposition and Ozone Control Act endeavors to build upon our accomplishments, and to begin the work which remains to be done.

Mr. President, I ask unanimous consent that my remarks and two recent articles on this issue be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Poughkeepsie Journal, Sept. 20, 2000]

RELEASE STUDY ON ACID RAIN

Why is the government withholding documents that could shed light on how best to deal with the ravages of acid rain?

Remarkably, that's the case now involving a federal Office of Management and Budget report. The report likely shows a remedy put forth by Sen. Daniel Patrick Moynihan won't be too financially onerous on the utility industry, a leading cause of acid rain, according to the Adirondack Council. But it would better protect the environment, the environmental group states.

Acid rain occurs, in part, when polluting emissions from utility plants are carried in the wind hundreds of miles from their origin, often causing smog. They also can mix with water vapor, falling as the acid rain that kills lakes and aquatic life in the Adirondack and Catskill regions and elsewhere.

Council officials express concern the White House is putting the lid on the OMB study because it could show just how ineffective government efforts to curb acid rain have been. It also might demonstrate why more environmental regulations must be imposed on Midwestern utilities in particular, something that won't play well in those states right before the national presidential election.

"OMB is stonewalling while Adirondack lakes continue to die," said Timothy Burke, executive director of the council.

At issue are Moynihan's suggested changes to a federal program intended to convince power producers to run cleaner generating plants. Under the 1990 Clean Air Act, the Environmental Protection Agency program gives utilities a financial incentive by allowing them to sell pollution credits to other companies. The program has been fairly successful in New York, allowing utilities here to reduce pollution below the federal maximums and then sell unused pollution credits to out-of-state utilities. By purchasing the credits, some utilities can stay within EPA pollution guidelines and avoid huge fines. Thus it's more cost-effective for them to continue to buy the credits rather than make expensive alterations to their plants to cut emissions.

Problem is, many of these utilities are located in the Midwest and are believed to be major contributors to acid rain. This year, New York lawmakers took it upon themselves to close the loophole by passing a law prohibiting utilities in this state from selling credits to utilities in the Midwest. But that will only go so far to fight acid rain, unless other Northeastern states follow suit.

SOLUTION CAN'T WAIT ANY LONGER

And it's clear dramatic changes are needed soon. Hundreds of Adirondack lakes and streams have been killed by acid rain, and they'll never recover. And for years, environmentalists have projected that 40 percent of the lakes will be dead within 50 years. Most recently, the U.S. General Accounting Office, the independent investigative arm of Congress, said the Adirondacks have been socked with so much acid rain, the fragile mountain soil can no longer soak up the pollutant nitrogen oxide. And that means the nitrogen oxide is flowing into Adirondack lakes at a more rapid rate than previously believed.

Moynihan and the rest of the state's congressional delegation are proposing a 50-percent cut in emissions beyond what's called for under the credit allowance program. They would do so by halving the amount of sulfur dioxide that can be produced through the purchase of one pollution credit. Before congressional leaders are willing to consider the measure further, however, they want to know the potential costs of the legislation. Fair enough. The Adirondack Council says the study will show the costs won't be astronomical to the utilities, pointing out they were greatly off base on their projections of how much the original allowance program would cost their businesses.

The Office of Management and Budget could shed light on this important matter. But the only way that will happen is if President Clinton shows sufficient political courage to order the study to be released. He should do so immediately.

[From the Albany, New York, Times Union, Oct. 4, 2000]

ACID RAIN BOTTOM LINE—A NEW EPA STUDY SHOWS JUST HOW AFFORDABLE IT IS TO FIGHT POLLUTION

How much would it cost to keep Adirondack lakes from dying from acid rain? How much to spare thousands of Americans who suffer respiratory illnesses caused by the smokestack pollutants that contribute to acid rain? New York Sen. Daniel Patrick Moynihan put those questions to the Environmental Protection Agency two years ago, as he and Rep. Sherwood Boehlert, R-Utica, struggled to push through strict new federal limits on emissions of nitrogen and sulfur that drift from power plants in the Mid-west and South and descend on the Northeast, causing health problems in populated areas and killings trees and aquatic life in the Adirondacks and other pristine regions.

Now, after an unjustified delay by the Clinton administration that some critics are attributing to election-year politics, the EPA report is finally public, thanks to a subpoena issued by the House Government Reform Committee. And the price tag turns out to be so affordable that any further delay in reducing smokestack pollution is indefensible. The bottom line: $1. That is how little the average household monthly utility bill would rise if the Moynihan-Boehlert bill were law.

But time is running short. Congress has only a few days left to conclude its business this year, and there are no encouraging signs that lawmakers will give the Moynihan-Boehlert bill the prompt attention it deserves.

But they should. The EPA report not only makes a convincing case for stricter pollution controls, but it also spells out the benefits that the nation—not just the Northeast—stands to reap in return. In a cost-benefit analysis sought by Mr. Moynihan, the EPA pegs the benefits of reducing acid rain at $60 billion, compared with $5 billion that power plants would have to pay to meet the tighter emissions standards. That's a $55 billion payback, as represented in savings on treating chronic bronchitis, reducing emergency room visits for asthma and eliminating 1.5 billion days of lost work each year because of respiratory illnesses. There would be scenic improvements as well as the atmosphere cleared over national treasures like the Adirondacks and the Shenandoah and Great Smoky Mountains national parks.

In the Adirondacks, the struggle is a life-and-death one. A recent Times Union series found that without sharp new curbs on acid rain, half of the Adirondack lakes will no longer be able to support aquatic life in 40 years. Already it is too late to save some ponds and lakes that have been contaminated by nitrogen oxide. The pattern will continue unless prompt action is taken. As our series noted, state leaders and the New York congressional delegation have made a strong bipartisan effort to combat the problem. Now it is Congress' turn. No one state can stop acid rain on its own. But Congress can, and should, provide the necessary federal remedy. The EPA has just given 55 billion reasons to act now.

RAIL SERVICE ISSUES

Mr. McCAIN. Mr. President, I would like to discuss a subject of great importance to our nation and its economy, that is rail transportation.

Earlier today, a few of my colleagues expressed views alleging a failure by this Congress for not passing legislation to regulatorily address rail service and shipper problems. As Chairman of the Senate Commerce, Science, and Transportation Committee, I want to set the record straight concerning the work of the Committee to address service and shipper problems.

Since becoming Chairman of the Senate Commerce Committee, the Committee has held no less than six hearings during which rail service and shipper issues were addressed. Three were field hearings, one each in Montana, North Dakota, and Kansas. Three hearings were conducted here in the Senate at which the topic of rail service dominated the testimony and members' questioning. I also have publicly stated a willingness for the Committee to hold even more hearings.

Further, Senator HUTCHISON, the Chairman of the Surface Transportation Subcommittee, and I requested the Surface Transportation Board (STB) to conduct a comprehensive analysis of rail service and competitive issues. The STB is the federal agency which oversees rail service and other matters. The Board's findings are extremely important and they were widely discussed during our Committee hearings last year. In addition, earlier this year the Board announced it would conduct a proceeding to change its merger guidelines in recognition of the drastically changed rail industry dynamic that has transformed since the rail deregulation movement of the late 1970's and the 1980's. The Board announced its new guidelines proposal earlier this week and will be taking comments on the proposal through November 17.

Three very diverse bills concerning the STB's authorities have been introduced in the Senate and another bill was submitted in the House. However, to date no consensus on a legislative approach has been achieved. I have had the privilege to serve in Congress nearly twenty years and during that time I have learned that significant legislation is always the product of careful analysis and bipartisan compromise. Pending rail legislation and the STB's future will be no exception.

My colleagues from North Dakota and West Virginia referred to a letter with 277 signatures seeking rail regulatory changes. I am in receipt of that letter. But I am also in receipt of literally hundreds of letters—letters from Governors, rail shippers, and others—strongly opposing any rail reregulatory efforts.

To allege the Senate Commerce Committee doesn't take the issue of rail service seriously is a gross misstatement. The fact is, and I will repeat it, there is no consensus. A bill supported by only five members is not a solution, but it does allow those sponsors to sound high and mighty about their good intentions.

In order to pass a bill and send it to the President, we clearly have a long way to go. But I remain optimistic, and as a deregulator, stand ready to support any proposal that fairly and safely balances the needs of shippers and carriers.

POLICE REFORM IN NORTHERN IRELAND

Mr. DODD. Mr. President, yesterday, an op-ed on police reform in Northern Ireland written by my friend and colleague Senator KENNEDY appeared in the Washington Post. In that op-ed Senator KENNEDY very concisely and eloquently stated why it is so important that meaningful police reform happens in Northern Ireland. As all of our colleagues know full well, Senator KENNEDY has worked tirelessly to promote peace and reconciliation in Northern Ireland for many years. It has been an honor to work closely with him in that effort and I commend him for his leadership on this issue. Needless to say I agree completely with him that the recommendations of the Patten Commission must be fully implemented, to ensure a genuine new beginning for a police force in Northern Ireland that will be acceptable to the Catholic community.

I hope and pray that those who are currently playing a role in the legislative process in the British Parliament take time to reflect upon the thoughts expressed in this very important op-ed. I would ask unanimous consent that a copy of Senator KENNEDY's article be printed in the RECORD at the conclusion of my remarks. I would urge all of our colleagues to take a moment to read it when they have the opportunity to do so.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 4, 2000]

A POLICE FOR ALL IN N. IRELAND

(By Edward M. Kennedy)

This month Britain's House of Lords will have the opportunity to improve the flawed legislation approved by the House of Commons in July to reform the police force in Northern Ireland and give it the support and respect it needs from the Catholic community.

The case for reform is clear. The current force—the Royal Ulster Constabulary (RUC)—is 93 percent Protestant. The vast majority of Catholics, who make up more than 40 percent of the population in Northern Ireland, do not support it because it does not represent them or protect them and has too often failed them.

Many Catholics believe the RUC has been involved in a long-standing "shoot-to-kill" policy. Questions continue about collusion of the RUC with Protestant paramilitaries in the murder of Patrick Finucane, a defense attorney shot dead in front of his wife and children in 1989. In 1997 RUC officers stood by as Robert Hamill, a young Catholic, was kicked to death by 30 Protestants shouting "kill him" and ethnic slurs. The RUC was shamefully inactive when death threats were made against another defense attorney, Rosemary Nelson, who was later murdered when her car was blown up as she drove to work last year. Many other examples could be cited to demonstrate why Catholics distrust the police.

Northern Ireland's 1998 Good Friday agreement presented a historic opportunity to change all that—to reform the police service and make it representative of the entire community. Under the agreement, an independent eight-member international commission was established, led by a former chairman of the British Conservative Party, Christopher Patten. Its mission was to propose an alternative and create a community-oriented, human rights-based police service that Catholics and Protestants alike would be prepared to join. In September 1999, the Patten Commission published its unanimous report containing 175 recommendations for change.

The assertion has been made that in the current legislation, the British government will implement 95 percent of the Patten's recommendations. But quantity does not measure quality. In fact, the most significant reforms recommended by the commission are not adequately implemented in the legislation.

The commission's task was to balance the desires of each community against what is necessary to create a fair and representative police force. The recommendations of the Patten Commission reflected those compromises. Patten is the compromise. It must not be diluted.

Unfortunately, the British government has done just that. It has made unwise concessions to those of the Protestant majority who still view the police as "theirs," and to the police themselves, who have always resisted reform. If the new police service is to succeed, it must represent and be accepted by the community it serves. Catholics must be convinced they should support and join it. Otherwise, the entire Good Friday agreement is in jeopardy.

As the legislation is considered by the House of Lords, the British government should propose changes to implement fully the Patten recommendations. Among the most obvious:

Name, badge and flag: As Patten recommended, to attract Catholics, the police force should have a neutral name and symbols. The legislation should ensure that the proposed name change to the neutral "Police Service of Northern Ireland" is made for all purposes, not just some purposes. The badge should be free of any association with Great Britain or Ireland, and the British flag should no longer fly above police buildings.

Oversight Commissioner: Patten recommended the appointment of an oversight commissioner to supervise the implementation of its recommendations. Thomas Constantine, former New York State police chief and former head of the U.S. Drug Enforcement Administration, was recently named oversight commissioner. He should be free to comment on the adequacy of British decisions in implementing the Patten Report—not just oversee the changes made by the government.

Accountability: Patten recommended a new policing board to hold the police accountable and an ombudsman to investigate complaints against and wrongdoing by the police. Restrictions on the board's power to initiate inquiries and investigate past complaints should be eliminated, as should the British government's power to interfere in its work. The ombudsman should be able to investigate police policies and practices—not just report on them.

On June 15 British Secretary of State for Northern Ireland Peter Mandelson wrote, "I remain absolutely determined to implement the Patten recommendations and to achieve the effective and representative policing service—accepted in every part of Northern Ireland—that his report aims to secure." This determination has yet to be convincingly demonstrated.

Full implementation of the recommendations of the Patten Commission is essential to guarantee fair law enforcement and to create a new police service that will have and deserve the trust of all the people of Northern Ireland. It will be a tragedy if this opportunity to achieve a new beginning is lost.

The writer is a Democratic senator from Massachusetts.

PIERRE ELLIOT TRUDEAU

Mr. HATCH. Mr. President, it is often said that Canada and the U.S. share the longest undefended border in the world. While this is repeated so often it has become a cliche, like all cliches, there is a fundamental truth in it. In this case, the fundamental truth is a striking geopolitical reality which Americans do not always appreciate. The peace we enjoy in North America is largely a function of this border.

With our neighbor to the north, we share a border of approximately 4,000 miles, a border that runs through New England and the Great Lakes, through the great forests, plains, and mountains, and along the Alaskan frontier of this rich North American continent. Mutually respected sovereignty is the fundamental basis of peaceful international discourse. But I will add that an undefended border makes for the warmest of relations, and the greatest of respect.

Last Thursday, Canada lost perhaps its best known Prime Minister of recent times, when Pierre Elliott Trudeau died, at the age of 80. For the past week, our neighbors to the north have been in mourning, and I stand today to pay my respects to the family of former Prime Minister Trudeau and to all the citizens of the country he served with singular dedication.

Mr. Trudeau and I did not share a common political tradition, nor did we share a political ideology. This does not diminish my respect for the man and his work one bit. I note, with appreciation, that one of Mr. Trudeau's mottos was "reason before passion," a principle I certainly believe conservative lawmakers would share.

I admired former Prime Minister Trudeau for his dedication to his country, to the rule of law, and to the betterment of the world. In his moving tribute at his father's funeral earlier this week, Justin Trudeau said, "My father's fundamental belief never came from a textbook, it stemmed from his deep love and faith in all Canadians."

Pierre Trudeau led Canada at a tumultuous time in its history and in the history of the world. In 1970, he was confronted with a terrorist, separatist threat from Quebecois extremists. Prime Minister Trudeau—who, in Canadian history, was at the time, only its third of Quebecois descent himself—was a dedicated federalist and, even more fundamentally, dedicated to the rule of law. He faced down the terrorists, and since then issues of separatism have been dealt with at the ballot box. While he successfully defended the rule of law, Canadians recognize the advances he instituted to preserve Canada's unique cultural diversity.

Mr. Trudeau had a different view of geopolitics than did most of the American administrations with which he dealt. It is said that he succeeded, at times, in aggravating U.S. presidents from Nixon to Reagan.

Some of this had to do, in my opinion, with the nature of the relationship between our countries. While Canada is the second largest political land-mass in the world, its population is small, approximately one-tenth of ours, and its economy is dwarfed by ours. In fact, the former Prime Minister famously said once: "Living next to you is in some ways like sleeping with an elephant. No matter how friendly and even-tempered is the beast, one is affected by every twitch and grunt."

While Mr. Trudeau held substantively different views on the world than many American leaders, he demonstrated that policy disputes can exist and nations remain civilized and respectful. And that is how I think of former Prime Minister Pierre Trudeau.

In closing, I wish to note another story his son, Justin, told at his father's funeral this week. He recounted how, as a child, his father took him one day for lunch at the cafeteria in Ottawa's Parliament. There, young Justin saw a political rival of his father and made a childish crack about him to his dad. His father sternly rebuked him and, according to his son, said "You never attack the person. You may be in total disagreement with the person; however, you shouldn't denigrate him." That day, Pierre Trudeau taught his son, who is now a teacher, that "having different opinions from those of another person should in no way stop you from holding them in the greatest respect possible as people."

That is the principle of a civilized man, and the practice of a civilized nation. As the world bids adieu to Pierre Trudeau, I extend my deepest condolences to his family and to all the good citizens of our great neighbor Canada.

THE INTERIOR APPROPRIATIONS BILL AND THE CONSERVATION AND REINVESTMENT ACT

Mr. ROBB. Mr. President. I would like to say a few words about the Interior Appropriations bill and CARA. The Interior Appropriation is a good bill. CARA is a great bill. CARA brought together a variety of supporters from all parts of the country to develop a program that would provide for wildlife protection, urban parks, green space, coastal impact protection and would guarantee funding for the development of recreation areas for years to come.

Elements of CARA have been included in the Interior bill, although the funding for these provisions is paltry by comparison to the House and Senate CARA bills. Other provisions may find a home in other appropriations packages, but one of the most important elements may be orphaned in the end. That is the provision for wildlife and habitat protection. Just as we are cheering our success in securing a place for wildlife, as we celebrate a growing population of eagles on the Potomac River, we are failing to fund the programs that make this possible. State wildlife agencies have clearly demonstrated their ability to bring back populations of threatened and endangered species, such as the pronghorn and the bald eagle. But they lack the resources to repeat the success on thousands of other species.

The purpose of CARA was to provide the ounce of prevention that keeps species from becoming threatened. CARA was to protect both game and nongame populations. By providing dependable state based funding we could ensure on-the-ground protection of wildlife, and continued maintenance of habitat for all wild species. It is important to note that there is an educational component in Title III of CARA. We are increasingly becoming an urban nation, and it is important to provide an introduction to wild places and wild things to our children. This introduction will help them become the next generation of good land stewards.

Virginians have come out for CARA. Rarely have I heard from so many different groups who support a piece of legislation. I would like to submit for the RECORD a list of the Virginia groups who support this legislation and to thank all of the groups for the remarkable job they have done in promoting CARA and the principles of outdoor recreation and education. I am highlighting Title III in my remarks simply because it is being ignored in the Interior Appropriations bill. But each and every title in CARA was thoughtfully deliberated and negotiated. Rarely have I seen such care taken in developing a bill, and even though efforts to allay the concerns of some western Senators were not successful, they were genuine, and I hope useful for future discussions.

The Interior bill does provide substantial funding for the Lands Legacy program, and this is important. The bill also provides a good deal of funding for Virginia projects that are particularly worthy. But we could have done better, we could have done more. And I regret that the Senate has not yet risen to the occasion, that we did not complete this important work. Senator LANDRIEU, like the gracious lady that she is, has not asked CARA sponsors and supporters to withhold our support for the Interior Appropriation, and for the sake of the Virginia projects in the bill I will vote for the Appropriation. But, I will pledge to keep working for the passage of CARA in the final days of the session.

I ask unanimous consent that this statement be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VIRGINIA ORGANIZATIONS SUPPORTING CARA

AFS—Virginia Chapter; American Bass Association; Anderson Cottage Bed & Breakfast; Augusta Bird Club; Burke Center Wildlife Committee; Carl Zeiss Optical, Sports Optics; Clarke County Citizen Council.

Duck Island Enterprises, Inc.; Evergreen Bed & Breakfast Inn; Fair View Bed and Breakfast; For the Birds, Inc.; Friends of Dragon Run State Park; Friends of Shenandoah River; Friends of the North Fork Shenandoah.

Friends of the Rivers of Virginia; High Meadows Inn; IWLA—Maury Chapter; IWLA—Virginia Chapter; James River Basin Canoe Livery, Ltd. Laurel Creek Nursery; Loudoun Wildlife Conservancy; Lynchburg Bird Club; Mattaponi River Company; Mill Mountain Zoo.

More Critters & Company; NAS—Cape Henry Audubon Society; NAS—Fairfax Audubon Society; NAS—Virginia Beach Chapter; Natural Resources Technology; New River Free Press; New River Valley Bird Club; New River Valley Environmental Coalition Newport House Bed & Breakfast.

North Bend Plantation; North Fork Nature Center; Piedmont Productions; Prince William Natural Resources Council Public Lands Foundation; Resource Management Associates; Responsive Management; Ridgerunner Forestry Services; River Place at Deltaville.

Selu Conservancy; The Alleghany Inn; The Conservation Fund; The Friends of the North River; The Mark Addy; The Opequon Watershed, Inc.

The Ornithological Council; The River'd Inn; The Wildlife Center of Virginia; Thornrose House Bed & Breakfast; Trout Unlimited (National); TWS—Southeastern Chapter; TWS—Virginia Chapter; TWS—Virginia Tech Student Chapter.

Valley Conservation Council; Virginia American Bass Association; Virginia Association of Soil & Water Conservation District Virginia BASS Federation, Inc.; Virginia Game Warden Association; Virginia Herpetological Society; Virginia Society of Ornithology; Virginia Tourism Corporation; Virginia Wildlife Federation; Virginia's Explore Park; Virginians for Wilderness; Western Virginia Land Trust.

VICTIMS OF GUN VIOLENCE

Mr. WELLSTONE. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 5, 1999:

Norman P. Blasco, 47, Chicago, IL; Guy Colbert, 25, Detroit, MI; Daniel Galloway, 39, San Antonio, TX; Justin Eric Googenrand, 23, St. Paul, MN; Denise Long, 41, Nashville, TN; Shawndell Mosely, 27, Memphis, TN; Donald Roper, 34, Oakland, CA; and Theodore Slater, 87, Toledo, OH.

One of the victims of gun violence I mentioned, 41-year-old Denise Long of Nashville, was shot and killed accidentally by a 22-year-old co-worker who pulled out a handgun and dropped it on the floor. Her co-worker did not have a permit to carry a handgun. She also did not have permission to have the gun at their place of work.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

PNTR

Mrs. LINCOLN. Mr. President, as a strong advocate for Permanent Normal Trade Relations with China, I feel a personal responsibility to ensure that American companies benefit from this continuing trade relationship. I believe most of my Senate colleagues feel the same way. I am confident there will be many success stories, but there are also valuable lessons to be learned from watching U.S. companies that have tried to do business thus far.

Panda Energy International is one such company. Panda is currently building a substantial gas-powered generator in Union County, Arkansas, and I have been personally briefed by Panda's officials about their difficulties in China. Panda spent six years developing a power project near Tangshan in Hebei Province. It signed a contract to sell all of the output from the project to the North China Power Group—an arm of the national utility—at a price to be determined by a formula. Armed with this contract, Panda borrowed $155 million needed to construct the project through a public bond offering in the U.S. capital markets. Construction for the project got underway in 1997. The project was completed late last year, and has been in limbo since that time.

The project cannot sell power without formal approval of a tariff, or price for its electricity, by the Tangshan municipal pricing bureau. The Tangshan pricing bureau has been reluctant to assign a tariff that would then set in motion the need to buy additional electricity for the region where demand has recently diminished. At the same time, Panda Energy is in a perilous bind, because it had to mortgage all of its existing power plants—two in the United States and one in Nepal—as security to guarantee the U.S. bond holders they would be repaid their loans. The company is on the verge of defaulting on the loans.

Mr. EDWARDS. Would the Senator yield?

Mrs. LINCOLN. I would be pleased to yield to my friend from North Carolina.

Mr. EDWARDS. I want to associate my self with the concern expressed by the Senator from Arkansas. Panda Energy has a major gas-fired co-generator in northwestern North Carolina. That plant, in Roanoke Rapids, was the first project completed by this corporation and has been a significant supplier of electricity to the citizens of my state for the past ten years.

I, too, have been briefed about the difficulties Panda has faced in their effort to improve China's electricity-generating infrastructure. The commitment to approve and issue a formal tariff to the Panda Project in Luannan County, that the municipal and provincial governments agreed to, is not being honored. By failing to honor their commitment to grant a reasonable tariff rate, these governments have precluded the commercial generation of power. If this continues, the U.S. bondholders will have no choice but to foreclose on what represents the first U.S. capital markets power project financing in China.

This is a difficult situation for both sides, but the bottom line is that the international trading system breaks down if agreements are not honored, especially for large infrastructure projects like this one with long lead times. People invest money based on these agreements. They put their companies at risk.

I would like to yield to my colleague, Senator KERRY, who has been working on this issue for some time.

Mr. KERRY. Mr. President, I have been aware of this story since July. Many of the bonds for this project are held through mutual funds in which Americans have invested their savings. This is not just a question of inequity for the U.S. developer of the project but also for millions of Americans who are the bondholders, and many of whom are my constituents.

In response to a letter written on August 7 to the Chinese ambassador, the chargé d'affaires indicated that he had met with both the U.S. developer and representatives from the U.S. bondholders, had conveyed the concern back home, and would be—quote—making efforts to facilitate a satisfactory solution to this problem—end quote. It has now been almost two months, and we have seen no resolution of this problem, but rather delay and discrimination.

I note that the Democratic Leader has joined us, and I would like to suggest to him a report by the Administration, but first I would yield the Floor to my colleague from Montana, Senator BAUCUS.

Mr. BAUCUS. Mr. President, I do not have first hand knowledge of the situation, but it is troubling to hear of U.S. businesses running into such difficulties. I read the written statement that the U.S. sponsor of this project submitted to the Senate Finance Committee last spring.

Two things struck me. One is that the mediator split the difference. He split the difference between the price for electricity proposed by the Tangshan pricing bureau and the minimum price that the U.S. developer of the project said it needed in order to avoid defaulting on the project debt. The other thing that struck me is, although this was no great result for the U.S. developer, all the developer is seeking at this point is to have the mediator's recommendation implemented.

I would like to read a paragraph from the statement that the U.S. sponsor of the project submitted to the Senate Finance Committee. This is the president of the company speaking. "I am not here to ask you or your colleagues to grant or deny China PNTR status. I am here to relate a story of how one U.S. company fared when it tried to supply electricity to the Chinese. Unfortunately, we have come to find that our experience is not all that uncommon. However, in our case, the consequences are potentially disastrous because Panda had to guarantee the U.S. bondholders that they would be repaid. We feel like the jilted bride who entered into a marriage five years ago with the Chinese only to find them trying to walk away from the marriage now that the child has been born. This isn't fair."

I agree, and I yield the Floor to the Democratic Leader.

Mr. DASCHLE. Mr. President, I have discussed this unfortunate situation with several of my colleagues. I believe that it would be very helpful to have the Secretary of Commerce and the Secretary of Energy undertake a joint analysis of the facts of this situation and report back to the Senate on their discussions with the Chinese government within 45 days.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, October 4, 2000, the Federal debt stood at $5,653,380,479,214.62, five trillion, six hundred fifty-three billion, three hundred eighty million, four hundred seventy-nine thousand, two hundred fourteen dollars and sixty-two cents.

One year ago, October 4, 1999, the Federal debt stood at $5,654,411,000,000, five trillion, six hundred fifty-four billion, four hundred eleven million.

Five years ago, October 4, 1995, the Federal debt stood at $4,980,561,000,000, four trillion, nine hundred eighty billion, five hundred sixty-one million.

Ten years ago, October 4, 1990, the Federal debt stood at $3,255,813,000,000, three trillion, two hundred fifty-five billion, eight hundred thirteen million.

Fifteen years ago, October 4, 1985, the Federal debt stood at $1,823,105,000,000, one trillion, eight hundred twenty-three billion, one hundred five million, which reflects a debt increase of almost $4 trillion—$3,830,275,479,214.62, three trillion, eight hundred thirty billion, two hundred seventy-five million, four hundred seventy-nine thousand, two hundred fourteen dollars and sixty-two cents, during the past 15 years.

ADDITIONAL STATEMENTS

HONORING DIRECT SERVICE PROFESSIONALS

• Mr. DURBIN. Mr. President, I am pleased today to join the Illinois chapter of the American Association on Mental Retardation in recognizing the recipients of the 2000 Direct Service Professional Award. These individuals are being honored for their outstanding devotion to the effort to enrich the lives of people with developmental disabilities in Illinois.

These recipients have displayed a strong sense of humanity and professionalism in their work with persons with disabilities. Their efforts have inspired the lives of those whom they care for, and they are an inspiration to me as well. They have set a fine example of community service for all Americans to follow.

These honorees spend more than 50 percent of their time in direct, personal involvement with their clients. They are not primarily managers or supervisors. They are direct service workers at the forefront of America's effort to care for people with special needs. They get up and go to work every day, with little recognition, providing much needed and greatly valued care and assistance.

It is my pleasure to acknowledge the contributions of the following Illinois direct service professionals: Kimberly Brown, Janelle Cote, Margaretha Daigh, Dawn Golec, David Hamm, Pat Hartz, Sandy Hawkins, Rhonda Housman, Kathy Lambert, Kathy Lyons, Deb Minor, Valensie Parnell, Mary Beth Schultz, Marshall Sears, Kim Smith, Jayce Turner, Don Van Duyse, Junior Vieux, Clifton White, and Tijuana Wright.

I know my fellow Senators will join me in congratulating the winners of the 2000 Direct Service Professional Award. I applaud their dedication and thank them for their service.•

TAIWAN CELEBRATES NATIONAL DAY

• Ms. LANDRIEU. Mr. President, next Sunday marks the eighty-ninth birthday of the Republic of China, which now resides in Taiwan. This representative government arose from a revolution against an archaic imperial system. In 1911, Chinese patriots ousted the Qing dynasty, and ignited the promise of economic and political freedom for Chinese nationalists throughout the world.

National Day, or the shuang shi, is the most important national holiday in Taiwan, for it celebrates not only a critical military victory, but a wealth of principles which, to this day, guide the governance of Taiwan—particularly: resistance to dynastic tyranny, embrace of free market enterprise, development of western-style political institutions, and ultimately, the evolution of a fully thriving democratic republic. After repeated set-backs, on October 10, 1911, the revolutionary Wuch'ang Army successfully launched a revolt against China's imperial regime. The nationalists would no longer tolerate property seizure and suppressed individual rights. Without a supreme sovereign reigning over the country, China plunged into a civil war. Although never truly resolved, this conflict stalemated in 1949, when Communists expelled Chiang Kai-shek and the nationalists to present-day Taiwan.

After emergency martial law was lifted in 1987, the groundwork was finally laid to realize the cardinal objectives of Taiwan's founding father, Sun Yat-sen—to establish a representative Republic of China. In 1992, Taiwan held its first democratic legislative elections, followed by presidential elections in 1996. In March of this year, Taiwan held her second presidential elections, installing a wholly independent, man of the people as the leader of Tawain—Chen Shui-bian. This man embodies the spirit of the new Republic of China on Taiwan. As mayor of Taipei, Chen Shui-bian cleaned up the capital city, attacking organized crime and other illicit industries. As a political dissident, he stood strong in the face of efforts to muzzle him. In this year's election, he inaugurated a new political order for his people.

In addition to Chen's fair elections, Taiwan has much to celebrate. As Taiwan enjoys her various National Day festivities—the huge parades, dazzling entertainment, and explosive fireworks displays—let us all celebrate the birth of true democracy in Taiwan. We salute our friends on that great island—the people of Taiwan. Please join me in saying to them Shuang shi kwai ler.•

HONORING OUR FALLEN FIREFIGHTERS

• Mrs. BOXER. Mr. President, firefighters from across the Nation who died in the line of duty will be remembered during the National Fallen Firefighters Memorial Weekend on October 7th and 8th at the National Fire Academy in Emmitsburg, Maryland. As in years past, the National Fallen Firefighters Foundation and the Federal Emergency Management Agency will sponsor the nation's tribute to these valiant public servants.

The 106 firefighters to be honored this year include seven Californians. On behalf of the people of my state, I want to remember each of them in turn:

Matthew Eric Black, 20, a volunteer with the Lakeport Fire Protection District, died on June 23, 1999 when he accidentally came in contact with a downed power line during operations at a grass fire. His older brother is also a firefighter.

Stephen Joseph Masto, 28, a career firefighter with the Santa Barbara Fire Department, died on August 28, 1999 of heatstroke while working as an EMT at a wildland fire. He received the Outstanding Cadet Award at Rio Hondo Fire Academy and received a service award as a volunteer at Upland Fire Department.

Tom Moore, 38, a career firefighter with the Manteca Fire Department, died on June 16, 1999 after suffering severe trauma in a training tower fall. He had served with the department for over 14 years and was a well-known fire service instructor specializing in heavy/confined space rescue and hazardous materials.

Karen J. Savage, 44, a volunteer firefighter/EMT with Hawkins Bar Volunteer Fire Department in Burnt Ranch, died on October 16, 1999 from injuries sustained in a vehicle accident at the scene of a wildland fire.

Martin Michael Stiles, 40, a California Department of Corrections inmate assigned to the Los Angeles County Fire Department Strike Team, died on July 18, 1999 of injuries from a fall while working at a wildland fire in Ventura County, California. A San Diego native, he was dedicated to wildland firefighting and loved the outdoors.

Tracy Dolan Toomey, 52, a 27-year veteran firefighter with the Oakland Fire Department, died on January 10, 1999 in the collapse of a burning building. A Vietnam veteran, he was an avid welder and a member of the California Artistic Blacksmith's Association.

Edward E. Luttig, 54, a member of the Sacramento Fire Department, died on September 10, 1990 from injuries sustained 23 years earlier while searching for survivors in an apartment fire. Sacramento firefighters donated their time and money to support Mr. Luttig and his family during those 23 years. His name is being added to the Memorial at the request of his friends and former colleagues.

These fallen heroes paid the ultimate price for their devotion to public service and safety. They are an inspiration to us all, as are the men and women who continue to protect Americans from fire and other emergencies.•

MOTHER KATHARINE DREXEL: A TEACHER TO SOME, A SAINT TO MANY

• Mr. BREAUX. Mr. President, I rise today to honor the life of Mother Katharine Drexel. Born into one of the wealthiest families in America in 1858, Mother Katharine turned down a life of privilege to start the Sisters of the Blessed Sacrament in 1891. She dedicated her life to building a brighter future for underprivileged African-American and Native American children.

In honor of her hard work and dedication to the disadvantaged and disenfranchised, on October 1—just 45 years after her death—Pope John Paul II canonized Mother Katharine into sainthood, the highest recognition a Catholic can receive. She is the fifth American to reach this honor, and only the second who was born in America.

The prestigious Xavier University of Louisiana owes its entire existence to Mother Katharine Drexel. When founded in New Orleans in 1925, Xavier's mission was to prepare its students for positions of leadership. Today, Xavier is widely recognized for sending more African-Americans to medical school than any college in America. Its 70 percent medical and dental school acceptance rate is almost twice the national average, and 93 percent of those who enter these programs earn their degree.

Xavier also ranks first nationally in the number of African-American students who earn degrees in biology, physics, pharmacy and the physical sciences. In fact, since 1927 Xavier has graduated nearly 25 percent of the black pharmacists practicing in the United States.

Thousands of Xavier's graduates are prominent scientists, scholars, musicians, and community leaders in Louisiana and across the country. Notable graduates include Department of Labor Secretary Alexis Herman, and retired, four-star Air Force General Bernard Randolph, former head of the Space and Defense Systems Command.

Proof of Mother Katharine's superior works lies in the achievements of three of her former students. One of Mother Katharine's students at Xavier was a young man who shined shoes, but wanted an education. Today, Dr. Norman Francis is president of Xavier University and a nationally recognized leader in higher education.

Another of her former students, Lionel Hampton, found his gift for music under Mother Katharine's tutelage at Xavier. Hampton later earned platinum and gold records, and became the first African-American to play in the Benny Goodman Band. Hampton joined another jazz great and New Orleanian, Louis Armstrong, to play for Pope Pius XII.

Mother Katharine also spread her goodwill elsewhere across the country. When Marie Allen entered Mother Katharine's St. Michael's Indian School in Window Rock, Arizona, she was an impoverished young child who spoke no English. Today, Dr. Marie Allen heads the Navaho Nation Special Diabetes Program to educate Native Americans about diabetes, a deadly disease that plagues American Indian reservations. Even more, over the past 10 years, 90 percent of students graduating from St. Michael's Indian School have gone to college.

These are just three examples of the multitude of students who have been inspired to greatness by Mother Katharine Drexel. In the midst of a hostile culture, she used kindness and compassion to fight injustice and indignities, and in the process forged a brighter future for America's poor and underprivileged.

When Katharine Drexel died at the age of 97 in 1955, more than 500 of her disciples were teaching in 63 schools on American Indian reservations and in African-American communities. This is a true testament to her ability to inspire and lead.

History is full of truly remarkable people whose individual acts of kindness have left an indelible mark on our hearts, our souls and our conscience. Mother Katharine Drexel is no different. Her actions are a true testament to the power of strong religious faith and a moral obligation to those less fortunate.

On behalf of the thousands of people around the world who have been touched by her work, I pay tribute to the life and work of Mother Katharine Drexel. She may have been a teacher to some, but Mother Katharine is a saint to many.•

TRIBUTE TO DR. FAYE G. ABDELLAH

• Mr. INOUYE. Mr. President, I would like to take a moment to honor Dr. Faye G. Abdellah, RN, Ed.D., Sc.D., FAAN who is currently serving as the Dean of the Graduate School of Nursing at the Uniformed Services University. Dr. Abdellah will be inducted in the National Women's Hall of Fame this weekend. Founded in 1969, the Hall is a national membership organization in Seneca Falls, New York that honors and celebrates the achievements of American women. She will join a list of 157 of the most distinguished women in American history, including Susan B. Anthony, Clara Barton, Helen Keller, Sandra Day O'Connor, Rosa Parks, and Eleanor Roosevelt. Dr. Abdellah is being recognized and honored for her pioneering work altering nursing theory and practice, for the development of the first tested coronary care unit that saved thousands of lives, and for being the first nurse to hold the rank of Rear Admiral (Upper Half) and the title of Deputy Surgeon General for the United States.

Dr. Abdellah is the recipient of 79 professional and academic honors. She holds eleven honorary degrees from universities that have recognized her innovative work in nursing research, in the development of the first nurse scientist, as an international expert in health policies, and for making invaluable contributions to the health of our nation. She has authored and co-authored more than 150 publications, some of which have been translated into six languages.

Dr. Abdellah worked with the Surgeon General in the formation of national health policies related to AIDS, drug addiction, violence, smoking and alcoholism. She developed the first federal training program for health services researchers, health services administrators and geriatric nurse practitioners. Dr. Abdellah has worked with state and district nursing associations, serving on many work groups and committees developing standards of nursing practice, credentialing activities, and providing workshops in nursing research.

As part of her international health outreach role as a nurse and health services consultant, she has been a member of official United States delegations on exchange missions to Russia, Yugoslavia, and France, and designated as coordinator for nursing for the United States-Argentina Cooperation in Health and Medical Research Project. Dr. Abdellah has also served as a consultant to the Japanese Nursing Association on nursing education and research on three separate occasions.

I have had the privilege of knowing Dr. Abdellah for many years. Her selfless devotion to duty and extraordinary accomplishments are legendary. It is with pride that I congratulate Dr. Abdellah on her well-deserved induction into the National Women's Hall of Fame. Our nation can be proud of her long and distinguished service to this country.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:09 p.m. a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House insists upon its amendment to the bill (S. 835) to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon. That Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. BOEHLERT, Mr. GILCHREST, Mrs. FOWLER, Mr. SHERWOOD, Mr. SWEENEY, Mr. KUYKENDALL, Mr. VITTER, Mr. OBERSTAR, Mr. BORSKI, Mr. BARCIA, Mr. FILNER, Mr. TAYLOR of Mississippi, Mr. BLUMENAUER, and Mr. BALDACCI, be the managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5212. An act To direct the American Folklife Center at the Library of Congress to establish a program to collect video and audio recordings of personal histories and testimonials of American war veterans, and for other purposes.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on today, October 5, 2000, by the President pro tempore (Mr. THURMOND):

S. 302. An act for the relief of Kerantha Poole-Christian.

S. 1794. An act to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the "Clifford P. Hansen Federal Courthouse."

H.R. 4365. An act to amend the Public Health Service Act with respect to children's health.

ENROLLED BILLS SIGNED

At 3:41 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 366. An act to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

S. 1198. An act to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

S. 2045. An act to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

2722. An act to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

H.R. 1800. An act To amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General.

H.R. 2752. An act to direct the Secretary of the Interior to sell certain public land in Lincoln County through a competitive process.

H.R. 2773. An act To amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system.

H.R. 4579. An act to provide for the exchange of certain lands within the State of Utah.

H.R. 4583. An act to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

H.J. Res. 110. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled bills and joint resolution were signed subsequently by the President pro tempore (Mr. THURMOND).

At 6:41 p.m. a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2641. An act to make technical corrections to title X of the Energy Policy Act of 1992.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 2311. An act to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1143) to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4292. An act to protect infants who are born alive.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 5, 2000, he had presented to the President of the United States, the following enrolled bills:

S. 302. An act for the relief of Kerantha Poole-Christian.

S. 366. An act to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

S. 1794. An act to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the "Clifford P. Hansen Federal Courthouse."

S. 1198. An act to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

S. 2045. An act to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

S. 2272. An act to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11037. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "North American Industry Classification System (NAICS)" received on October 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11038. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "National Aeronautics and Space Administration (NASA)" received on October 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11039. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, a report relative to the strategic plan through fiscal year 2005; to the Committee on Commerce, Science, and Transportation.

EC–11040. A communication from the Associate Administrator for Equal Opportunity Programs, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN1190-AA28) received on October 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11041. A communication from the Chief, Compliance Division, Office of Civil Rights, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN1190-AA28) received on October 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11042. A communication from the Director of the Office of Civil Rights, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN1190-AA28) received on October 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11043. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Emergency Interim Rule to Prohibit Trap Gear in the Royal Red Shrimp Fishery in the Gulf of Mexico" (RIN0648-AO52) received on October 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11044. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Sharpchin and Northern Rockfish in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area" received on October 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11045. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Sharpchin and Northern Rockfish in the Aleutian Islands Subarea" received on October 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11046. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Adjustment of General Category Daily Retention Limit on Previously Designated Restricted Fishing Days" received on October 3, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment and an amendment to the title:

S. 1950: A bill to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in the Powder River Basin, Wyoming and Montana, and for other purposes (Rept. No. 106–490).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1969: A bill to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes (Rept. No. 106–491).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2448: A bill to enhance the protections of the Internet and the critical infrastructure of the United States, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. WARNER for the Committee on Armed Services.

Robert N. Shamansky, of Ohio, to be a Member of the National Security Education Board for a term of four years. (Reappointment)

Robert B. Pirie, Jr., of Maryland, to be Under Secretary of the Navy.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John D. Hopper Jr., 6003

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Paul W. Essex, 6243

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John H. Campbell, 2822

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Lloyd J. Austin III, 5848
Col. Vincent E. Boles, 8885
Col. Gary L. Border, 4796
Col. Thomas P. Bostick, 3680
Col. Howard B. Bromberg, 2959
Col. James A. Coggin, 0287
Col. Michael L. Combest, 6794
Col. William C. David, 2507
Col. Martin E. Dempsey, 8511
Col. Joseph F. Fil Jr., 0990
Col. Benjamin C. Freakley, 0002
Col. John D. Gardner, 1994
Col. Brian I. Geehan, 7655
Col. Richard V. Geraci, 7246
Col. Gary L. Harrell, 7778
Col. Janet E. A. Hicks, 4097
Col. Jay W. Hood, 6271
Col. Kenneth W. Hunzeker, 4503
Col. Charles H. Jacoby Jr., 3627
Col. Gary M. Jones, 0483
Col. Jason K. Kamiya, 9579
Col. James A. Kelley, 0354
Col. Ricky Lynch, 2073
Col. Bernardo C. Negrete, 1299
Col. Patricia L. Nilo, 2459
Col. F. Joseph Prasek, 0077
Col. David C. Ralston, 4648
Col. Don T. Riley, 7610
Col. David M. Rodriguez, 1850
Col. Donald F. Schenk, 9074
Col. Steven P. Schook, 9597
Col. Gratton O. Sealock II, 7906
Col. Stephen M. Seay, 2151
Col. Jeffrey A. Sorenson, 3510
Col. Guy C. Swan III, 1672
Col. David P. Valcourt, 6455
Col. Robert M. Williams, 6304
Col. W. Montague Winfield, 5342
Col. Richard P. Zahner, 3707

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., Section 624:

To be major general

Brig. Gen. Lawrence R. Adair, 1436
Brig. Gen. Buford C. Blount III, 5012
Brig. Gen. Steven W. Boutelle, 1030
Brig. Gen. James D. Bryan, 1525
Brig. Gen. Eddie Cain, 1695
Brig. Gen. John P. Cavanaugh, 7354
Brig. Gen. Bantz J. Craddock, 7782
Brig. Gen. Keith W. Dayton, 7231
Brig. Gen. Kathryn G. Frost, 8467
Brig. Gen. Larry D. Gottardi, 1032
Brig. Gen. Stanley E. Green, 4130
Brig. Gen. Craig D. Hackett, 5451
Brig. Gen. Franklin L. Hagenbeck, 3956
Brig. Gen. Hubert L. Hartsell, 8996
Brig. Gen. George A. Higgins, 7049
Brig. Gen. William J. Leszczynski, 7829
Brig. Gen. Michael D. Maples, 9508
Brig. Gen. Thomas F. Metz, 5686
Brig. Gen. Daniel G. Mongeon, 4804
Brig. Gen. William E. Mortensen, 1064
Brig. Gen. Eric T. Olson, 5130
Brig. Gen. Richard J. Quirk III, 1272
Brig. Gen. Ricardo S. Sanchez, 9260
Brig. Gen. Gary D. Speer, 7286
Brig. Gen. Mitchell H. Stevenson, 3914
Brig. Gen. Charles H. Swannack Jr., 8239
Brig. Gen. Terry L. Tucker, 6846
Brig. Gen. John R. Wood, 0518

The following named officer for appointment as the Chief of Engineers, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and 3036:

To be lieutenant general

Maj. Gen. Robert B. Flowers, 0549

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Charles S. Mahan Jr., 5401

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. H. Steven Blum, 9926

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William T. Nesbitt, 8512

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. David P. Rataczak, 5455

To be brigadier general

Col. George J. Robinson, 6368

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Willie A. Alexander, 7252

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Carole A. Briscoe, 8823

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. David J. Kaucheck, 3284

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Daniel F. Perugini. 0634

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. John E. Stevens, 5894

To be brigadier general

Col. Rick Baccus, 5697
Col. Abner C. Blalock Jr., 0594
Col. John M. Braun, 5088
Brig. Gen. George A. Buskirk Jr., 3156
Col. James R. Carpenter, 2966
Col. Craig N. Christensen, 3064
Col. Paul D. Costilow, 2786
Col. James P. Daley, 2270
Col. Charles E. Fleming, 2330
Col. Charles E. Gibson, 2195
Col. Michael A. Gorman, 3651
Col. John F. Holechek Jr., 4313
Col. Mitchell R. LeClaire, 4067
Col. Richard G. Maxon, 0268
Col. Gary A. Pappas, 3580
Col. Donald H. Polk, 3019
Col. Robley S. Rigdon, 7740
Col. Charles T. Robbs, 6993
Col. Bruce D. Schrimpf, 2945
Col. Thomas J. Sullivan, 4948
Col. Brian L. Tarbet, 0965
Col. Gordon D. Toney, 1990
Col. Antonio J. Vicens-Gonzalez, 8687
Col. William L. Waller Jr., 7603
Col. Charles R. Webb, 2951
Col. William D. Wofford, 5170
Col. Kenneth F. Wondrack, 1587
Col. Ronald D. Young, 3292

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. William J. Davies, 1673

Brig. Gen. George T. Garrett, 4718
Brig. Gen. Dennis A. Kamimura, 1117
Brig. Gen. Bruce M. Lawlor, 3844
Brig. Gen. Timothy E. Neel, 6895
Brig. Gen. Larry W. Shellito, 2025
Brig. Gen. Darwin H. Simpson, 3156
Brig. Gen. Edwin H. Wright, 8891

To be brigadier general

Col. George A. Alexander, 7321
Col. Terry F. Barker, 9468
Col. John P. Basilica Jr., 4126
Col. Wesley E. Craig Jr., 6586
Col. James J. Dougherty Jr., 1953
Col. Ronald B. Kalkofen, 1783
Col. Edward G. Klein, 3085
Col. Thomas P. Luczynski, 9915
Col. James R. Mason, 7632
Col. Glen I. Sakagawa, 0978
Col. Joseph J. Taluto, 0598
Col. Thomas S. Walker, 7835
Col. George W. Wilson, 5766
Col. Ireneusz J. Zembrzuski, 9839

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Herbert L. Altshuler, 8024
Brig. Gen. Richard E. Coleman, 5494
Brig. Gen. B. Sue Dueitt, 9342
Brig. Gen. Michael R. Mayo, 3841
Brig. Gen. Robert S. Silverthorn Jr., 7380
Brig. Gen. Charles E. Wilson, 7188

To be brigadier general

Col. Michael G. Corrigan, 8444
Col. John R. Hawkins III, 7069
Col. Gregory J. Hunt, 9933
Col. Michael K. Jelinsky, 5149
Col. Robert R. Jordan, 4761
Col. David E. Kratzer, 9689
Col. Michael A. Kuehr, 0757
Col. Bruce D. Moore, 8071
Col. Conrad W. Ponder Jr., 4071
Col. Jerry W. Reshetar, 0799
Col. Bruce E. Robinson, 2520
Col. James R. Sholar, 6553
Col. Edwin E. Spain, 8277
Col. Stephen B. Thompson, 2012
Col. George W. Wells Jr., 9978

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Kevin P. Byrnes, 7639

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Kerry G. Denson, 1996

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William W. Goodwin, 8875

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) John G. Cotton, 6982
Rear Adm. (lh) Henry F. White Jr., 1081

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. William V. Alford, 4792
Capt. John P. Debbout, 9101
Capt. Roger T. Nolan, 6456
Capt. Stephen S. Oswald, 2861
Capt. Robert O. Passmore, 0129
Capt. Gregory J. Slavonic, 4544

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Michael R. Johnson, 2467
Rear Adm. (lh) Charles R. Kubic, 6173

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Rodrigo C. Melendez, 1580

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Richard W. Mayo, 4195

The following named officer for appointment as Vice Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5035:

To be admiral

Vice Adm. William J. Fallon, 0304

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Toney M. Bucchi, 9527

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Timothy J. Keating, 8508

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Martin J. Mayer, 0493

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Dennis V. McGinn, 1807

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Jack A. Davis, 8721

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. James R. Battaglini, 5336
Brig. Gen. James E. Cartwright, 5961
Brig. Gen. Christopher Cortez, 9054
Brig. Gen. Gary H. Hughey, 9286
Brig. Gen. Thomas S. Jones, 2831
Brig. Gen. Richard L. Kelly, 9290
Brig. Gen. John F. Sattler, 0580
Brig. Gen. William A. Whitlow, 5394

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John F. Goodman, 3509

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Thomas A. Benes, 4726
Col. Christian B. Cowdrey, 0819
Col. Michael E. Ennis, 1117
Col. Walter E. Gaskin Sr., 4185
Col. Michael R. Lehnert, 3452
Col. Joseph J. McMenamin, 3792
Col. Duane D. Thiessen, 8882
Col. George J. Trautman III, 0849
Col. Willie J. Williams, 4568
Col. Richard C. Zilmer, 9990

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Andrew B. Davis, 1872
Col. Harold J. Fruchtnicht, 2652

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Gregory S. Newbold, 6783

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning Donna L. Kennedy and ending Michael D. Prazak, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2000.

Air Force nominations beginning Franklin C. Albright and ending Lewis F. Wolf, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2000.

Air Force nomination of Warren S. Silberman, which was received by the Senate and appeared in the Congressional Record on September 6, 2000.

Air Force nomination of James C. Seaman, which was received by the Senate and appeared in the Congressional Record on September 12, 2000.

Air Force nominations beginning George M. Abernathy and ending Richard M. Zink, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2000.

Air Force nominations beginning Douglas N. Barlow and ending Gregory E. Seely, which nominations were received by the Senate and appeared in the Congressional Record on September 28, 2000.

Air Force nominations beginning John B. Stetson and ending Christine E. Tholen, which nominations were received by the Senate and appeared in the Congressional Record on October 2, 2000.

Army nominations beginning John W. Alexander, Jr. and ending Donald L. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on July 10, 2000.

Army nominations beginning Bruce D. Adams and ending Vikram P. Zadoo, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2000.

The following named officers for appointment in the Reserve of the Army to the grades indicated under Title 10, U.S.C., Section 12203:

To be major general

Brig. Gen. George F. Bowman, 9374
Brig. Gen. Lloyd D. Burtch, 7226
Brig. Gen. Alfonsa Gilley, 9002
Brig. Gen. James R. Helmly, 0535
Brig. Gen. Dennis E. Klein, 0720

To be brigadier general

Col. James A. Cheatham, 4975
Col. George R. Fay, 4701
Col. Charles E. Gorton, 6077
Col. John H. Kern, 3064
Col. Charles E. McCartney, 5546
Col. Jack C. Stultz, Jr., 5861
Col. Stephen D. Tom, 2119

Army nominations beginning Daniel G. Aaron and ending X2457, which nominations were received by the Senate and appeared in the Congressional Record on July 27, 2000.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Bradford C. Brightman, 2206

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. H. Douglas Robertson, 1652

Army nomination of Merritt M. Smith, which was received by the Senate and appeared in the Congressional Record on September 6, 2000.

Army nominations beginning James M. Davis and ending Lanneau H. Siegling, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2000.

Army nomination of John Espinosa, which was received by the Senate and appeared in the Congressional Record on September 6, 2000.

Army nomination of Albert L. Lewis, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Army nominations beginning Philip C. Caccese and ending Donald E. McLean, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2000.

Army nominations beginning Richard W.J. Cacini and ending Carlos A. Trejo, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2000.

Army nominations beginning Melvin Lawrence Kaplan and ending George Raymond Ripplinger, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2000.

Army nomination of *Michael Walker, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Army nominations beginning Eddie L. Cole and ending Christopher A. White, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2000.

Army nominations beginning Jeanne J. Blaes and ending Janelle S. Weyn, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2000.

Army nominations beginning *Patrick N. Bailey and ending *Jeffrey L. Zust, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2000.

Army nominations beginning Timothy F. Abbott and ending *X4076, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2000.

Navy nomination of Bradley S. Russell, which was received by the Senate and appeared in the Congressional Record on May 11, 2000.

Navy nomination of Douglas M. Larratt, which was received by the Senate and appeared in the Congressional Record on July 25, 2000.

Navy nominations beginning Felix R. Tormes and ending Christopher F. Beaubien, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2000.

Navy nominations beginning Ava C. Abney and ending Michael E. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2000.

Navy nominations beginning William B. Acker III and ending John Zarem, which nominations were received by the Senate and appeared in the Congressional Record on July 26, 2000.

Navy nomination of Keith R. Belau, which was received by the Senate and appeared in the Congressional Record on July 27, 2000.

Navy nomination of Randall J. Bigelow, which was received by the Senate and appeared in the Congressional Record on September 6, 2000.

Navy nomination of Robert G. Butler, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nomination of Vito W. Jimenez, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nomination of Michael P. Tillotson, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nomination of Michael W. Altiser, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nomination of Melvin J. Hendricks, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nomination of Glenn A. Jett, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nomination of Joseph T. Mahachek, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nomination of Robert J. Werner, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nomination of Marian L. Celli, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nomination of Stephen M. Trafton, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Navy nominations beginning Eric M. Aaby and ending Anthony E. Zerangue, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2000.

Navy nominations beginning William S. Abrams II and ending Michael Ziv, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2000.

Navy nomination of Jeffrey N. Rocker, which was received by the Senate and appeared in the Congressional Record on September 13, 2000.

Navy nominations beginning Jerry C. Mazanowski and ending James S. Carmichael, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2000.

Navy nominations beginning Michael W. Bastian and ending Steven C. Wurgler, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2000.

Marine Corps nominations beginning Jack G. Abate and ending Jeffrey G. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 27, 2000.

Marine Corps nomination of Gerald A. Cummings, which was received by the Senate and appeared in the Congressional Record on September 7, 2000.

Marine Corps nomination of David L. Ladouceur, which was received by the Senate and appeared in the Congressional Record on September 13, 2000.

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 106–23 International Plant Protection Convention (Exec. Report No. 106–27).

TEXT OF COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Plant Protection Convention (IPPC), Adopted at the Conference of the Food and Agriculture Organization (FAO) of the United Nations at Rome on November 17, 1997 (Treaty Doc. 106–23), referred to in this resolution of ratification as "the amended Convention," subject to the understandings of subsection (a), the declaration of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDINGS.—The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification of the amended Convention and shall be binding on the President:

(1) RELATIONSHIP TO OTHER INTERNATIONAL AGREEMENTS.—The United States understands that nothing in the amended Convention is to be interpreted in a manner inconsistent with, or alters the terms or effect of, the World Trade Organization Agreement on the Application of Sanitary or Phytosanitary Measures (SPS Agreement) or other relevant international agreements.

(2) AUTHORITY TO TAKE MEASURES AGAINST PESTS.—The United States understands that nothing in the amended Convention limits the authority of the United States, consistent with the SPS Agreement, to take

sanitary or phytosanitary measures against any pest to protect the environment or human, animal, or plant life or health.

(3) ARTICLE XX ("TECHNICAL ASSISTANCE").—The United States understands that the provisions of Article XX entail no binding obligation to appropriate funds for technical assistance.

(b) DECLARATION.—The advice and consent of the Senate is subject to the following declaration:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following:

(1) REPORT TO CONGRESS.—One year after the date the amended Convention enters into force for the United States, and annually thereafter for five years, the Secretary of Agriculture, in consultation with the Secretary of State, shall provide a report on Convention implementation to the Committee on Foreign Relations of the Senate setting forth at least the following:

(A) a discussion of the sanitary or phytosanitary standard-setting activities of the IPPC during the previous year;

(B) a discussion of the sanitary or phytosanitary standards under consideration or planned for consideration by the IPPC in the coming year;

(C) information about the budget of the IPPC in the previous fiscal year; and

(D) a list of countries which have ratified or accepted the amended Convention, including dates and related particulars.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the amended Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 3161. A bill to amend title XVIII of the Social Security Act to require the Medicare Payment Advisory Commission to conduct a study on certain hospital costs; to the Committee on Finance.

By Mr. HATCH:

S. 3162. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make grants to improve security at schools, including the placement and use of metal detectors; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3163. A bill to designate the calendar decade beginning on January 1, 2001, as the "Decade of Pain Control and Research"; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. GRAMS, Mr. LEAHY, and Mr. CLELAND):

S. 3164. A bill to protect seniors from fraud; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. MURKOWSKI, Mr. HATCH, and Mr. KERREY):

S. 3165. A bill to amend the Social Security Act to make corrections and refinements in the Medicare, Medicaid, and SCHIP health insurance programs, as revised by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes; read the first time.

By Mr. BINGAMAN:

S. 3166. A bill to amend the Clinger-Cohen Act of 1996 to provide individual federal agencies and the executive branch as a whole with increased incentives to use the share-in-savings program under that Act, to ease the use of such program, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 3167. A bill to establish a physician recruitment and retention demonstration project under the medicare program under title XVIII of the Social Security Act; to the Committee on Finance.

By Mr. TORRICELLI:

S. 3168. A bill to eliminate any limitation on indictment for sexual offenses and make awards to States to reduce their DNA casework backlogs; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. BINGAMAN, Mr. ALLARD , Mr. JOHNSON, Mr. CRAPO, and Mrs. LINCOLN):

S. 3169. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Internal Revenue Code of 1986 with respect to drugs for minor animal species, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Ms. COLLINS, and Mr. KENNEDY):

S. 3170. A bill to amend the Higher Education Act of 1965 to assist institutions of higher education to help at-risk students to stay in school and complete their 4-year postsecondary academic programs by helping those institutions to provide summer programs and grant aid for such students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURKOWSKI (for himself, Mr. BREAUX, and Mr. STEVENS):

S. 3171. A bill to amend the Internal Revenue Code of 1986 to extend the section 29 credit for producing fuel from a non-conventional source; to the Committee on Finance.

By Mr. KENNEDY:

S. 3172. A bill to provide access to affordable health care for all Americans; to the Committee on Finance.

By Mr. SMITH of New Hampshire (for himself, Mr. WARNER, Mr. INHOFE, Mr. THOMAS, Mr. BOND, Mr. VOINOVICH, Mr. CRAPO, Mr. L. CHAFEE, Mr. BAUCUS, Mr. MOYNIHAN, and Mr. GRAHAM):

S. 3173. A bill to improve the implementation of the environmental streamlining provisions of the Transportation Equity Act for the 21st Century; read the first time.

By Mr. ABRAHAM:

S. 3174. A bill to amend the Internal Revenue Code of 1986 to allow a long-term capital gains deduction for individuals; to the Committee on Finance.

By Mr. CRAIG (for himself, Mr. CONRAD, Mr. BAUCUS, Mr. BINGAMAN, Mr. BREAUX, Mr. BURNS, Mr. CRAPO, Mr . DASCHLE, Mr. ENZI, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. GREGG, Mr. HARKIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. LEAHY, Mr. LUGAR, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. SARBANES, Mr. SMITH of New Hampshire, Mr. THOMAS, and Mr. WELLSTONE):

S. 3175. A bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MACK:

S. Res. 367. A resolution urging the Government of Egypt to provide a timely and open appeal for Shaiboub William Arsel and to complete an independent investigation of police brutality in Al-Kosheh; to the Committee on Foreign Relations.

By Mr. BROWNBACK (for himself and Mr. TORRICELLI):

S. Con. Res. 142. A concurrent resolution relating to the reestablishment of representative government in Afghanistan; to the Committee on Foreign Relations.

By Mr. MURKOWSKI (for himself and Mr. BINGAMAN):

S. Con. Res. 143. A concurrent resolution to make technical corrections in the enrollment of the bill H.R. 3676; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Con. Res. 144. A concurrent resolution commemorating the 200th anniversary of the first meeting of Congress in Washington, DC; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. BAYH (for himself, Mr. GRAMS, Mr. LEAHY, and Mr. CLELAND):

S. 3164. A bill to protect seniors from fraud; to the Committee on the Judiciary.

PROTECTING SENIORS FROM FRAUD ACT

Mr. BAYH. Mr. President, today I rise as the author of the Protecting Seniors From Fraud Act, a bipartisan bill to prevent fraud against seniors.

The Protecting Seniors From Fraud Act is extremely important because seniors are disproportionately victims of telemarketing and sweepstakes fraud. Even though Americans over the age of 50 account for approximately 27% of the United States population, they comprise 56% of the "mooch lists" used by fraudulent telemarketers. Unfortunately, fraudulent telemarketers prey upon the trusting nature of seniors and as a result seniors lose approximately $14.8 billion each year.

This can be prevented if seniors are educated about their consumer rights and are informed about methods that are available to them to confirm the legitimacy of an investment or product. According to a national survey, 70% of older fraud victims say it is difficult to identify when fraud is happening and 40% of older Americans cannot distinguish between a legitimate and a fraudulent telemarketing sales call. There is a need to educate seniors about the dangers of fraud and how to avoid becoming a victim of fraud. As a first step to educate seniors in my state of Indiana about fraud prevention, I held a Special Committee on Aging field hearing on protecting seniors from fraud.

I heard testimony from two victims of investment scams in which both lost a large sum of their retirement. Mrs. Georgeanne MaCurdy lost close to $150,000 and Mr. Owen Saltzgaver lost close to $50,000. Mr. Saltzgaver said "It was a scam from the beginning, I wish I knew," and Mrs. Georgeanne MaCurdy stated "It is the first thing I think of when I get up in the morning and the last thing I think of when I go to sleep. I thought I could trust him."

At this hearing I highlighted the Protecting Seniors From Fraud Act. This bill would provide necessary resources to local programs part of the National Association of TRIADs, a community-policing program that partners law enforcement agencies with senior volunteers to reduce crime and fraud against the elderly. There are 725 counties with TRIADs nationwide. They help more than 16 million seniors. During the field hearing, Captain Ed Friend, the leader of the TRIAD program in South Bend, Indiana, testified about the importance of combating fraud and how the South Bend TRIAD program has been providing seminars to Seniors on fraud prevention. He made clear that without federal funding TRIADs' nationwide efforts would have to cease. The authorization for Federal funding provided in this bill should ensure the continuation of TRIADs' efforts. In order to assist TRIAD with those efforts, this bill also requires the Health and Human Services Department to disseminate information to seniors on fraud prevention through the Area Agencies on Aging and other existing senior-focused programs.

In addition to educating seniors, this bill contains provisions which would include seniors in the crime victimization survey and would require the United States Attorney General to conduct a study of crimes committed against seniors. I thank Senator LEAHY for his leadership on this issue. These provisions would allow Congress to gather more information on crimes against seniors in order to react with appropriate legislative action.

Education is one of many steps that needs to be taken to prevent fraud. I also introduced the "Combating Fraud Against Seniors Act" this year to increase enforcement measures and toughen penalties against those promoting fraudulent schemes through mass-marketing. Education and tougher penalties will hopefully protect seniors from fraud.

Protecting seniors from fraud is of growing importance as our population ages and more seniors save more money for their retirement. Our seniors deserve to be informed and their investments deserve to be secure. I urge the Senate to consider this bipartisan legislation and pass it prior to adjournment.

Mr. LEAHY. Mr. President, I join today with Senators BAYH, GRAMS, and CLELAND in introducing the "Protecting Seniors from Fraud Act of 2000." I have been concerned for some time that even as the general crime rate has been declining steadily over the past eight years, the rate of crime against the elderly has remained unchanged. That is why I introduced the Seniors Safety Act, S. 751, with Senators DASCHLE, KENNEDY, and TORRICELLI over a year ago.

The Protecting Seniors from Fraud Act includes one of the titles from the Seniors Safety Act. This title does two things. First, it instructs the Attorney General to conduct a study relating to crimes against seniors, so that we can develop a coherent strategy to prevent and properly punish such crimes. Second, it mandates the inclusion of seniors in the National Crime Victimization Study. Both of these are important steps, and they should be made law.

The Protecting Seniors from Fraud Act also includes important proposals for addressing the problem of crimes against the elderly, especially fraud crimes. In addition to the provisions described above, the bill authorizes the Secretary of Health and Human Services to make grants to establish local programs to prevent fraud against seniors and educate them about the risk of fraud, as well as to provide information about telemarketing and sweepstakes fraud to seniors, both directly and through State Attorneys General. These are two common-sense provisions that will help seniors protect themselves against crime.

I hope that we can also take the time to consider the rest of the Seniors Safety Act, and enact even more comprehensive protections for our seniors. The Seniors Safety Act offers a comprehensive approach that would increase law enforcement's ability to battle telemarketing, pension, and health care fraud, as well as to police nursing homes with a record of mistreating their residents. The Justice Department has said that the Seniors Safety Act would "be of assistance in a number of ways." I asked Senator HATCH to hold Judiciary Committee hearings on the bill as long ago as October 1999, and again this past February, but my requests have thus far not been granted. I ask again today for hearings on this important and comprehensive proposal.

First, the Seniors Safety Act provides additional protections to nursing home residents. Nursing homes provide an important service for our seniors—indeed, more than 40 percent of Americans turning 65 this year will need nursing home care at some point in their lives. Many nursing homes do a wonderful job with a very difficult task—this legislation simply looks to protect seniors and their families by isolating the bad providers in operation. It does this by giving federal law enforcement the authority to investigate and prosecute operators of those nursing homes that engage in a pattern of health and safety violations. This authority is all the more important given the study prepared by the Department of Health and Human Services and reported this summer in the New York Times showing that 54 percent of American nursing homes fail to meet the Department's "proposed minimum standard" for patient care. The study also showed that 92 percent of nursing homes have less staff than necessary to provide optimal care.

Second, the Seniors Safety Act helps protect seniors from telemarketing fraud, which costs billions of dollars every year. My bill would give the Attorney General the authority to block or terminate telephone service where that service is being used to defraud seniors. If someone takes your money at gunpoint, the law says we can take away their gun. If someone uses their phone to take away your money, the law should allow us to protect other victims by taking their phone away. In addition, my proposal would establish a Better Business Bureau-style clearinghouse that would keep track of complaints made about telemarketing companies. With a simple phone call, seniors could fine out whether the company trying to sell to them over the phone or over the Internet has been the subject of complaints or been convinced of fraud. Senator BAYH has recently introduced another bill, S. 3025, the Combating Fraud Against Seniors Act, which includes the part of the Seniors Safety Act that establishes the clearinghouse for telemarketing fraud information.

Third, the Seniors Safety Act punishes pension fraud. Seniors who have worked hard for years should not have to worry that their hard-earned retirement savings will not be there when they need them. The bill would create new criminal and civil penalties for those who defraud pension plans, and increase the penalties for bribery and graft in connection with employee benefit plans.

Fourth and finally, the Seniors Safety Act strengthens law enforcement's ability to fight health care fraud. A recent study by the National Institute for Justice reports that many health care fraud schemes "deliberately target vulnerable populations, such as the elderly or Alzheimer's patients, who are less willing or able to complain or alert law enforcement." This legislation gives law enforcement the additional investigatory tools it needs to uncover, investigate, and prosecute health care offenses in both criminal and civil proceedings. It also protects whistle-blowers who alert law enforcement officers to examples of health care fraud.

In conclusion, I would like to commend Senators BAYH and CLELAND for working to take steps to improve the safety and security of America's seniors. I call upon my colleagues to pass this bipartisan legislation and begin the fight to lower the crime rate against seniors. I also urge them to consider and pass the Seniors Safety Act. Taken together, these two bills would provide a comprehensive approach toward giving law enforcement and older Americans the tools they need to prevent crime.

By Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. MURKOWSKI, Mr. HATCH, and Mr. KERREY):

S. 3165. A bill to amend the Social Security Act to make corrections and refinements in the Medicare, Medicaid, and SCHIP health insurance programs, as revised by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes; read the first time.

MEDICARE, MEDICAID AND SCHIP IMPROVEMENTS ACT OF 2000

Mr. ROTH. Mr. President, I am very pleased today to join Senator MOYNIHAN and my other colleagues on the Senate Finance Committee in introducing the Medicare, Medicaid and SCHIP Improvements Act of 2000. This is important, bipartisan legislation intended to address needed health care funding and other improvements in these programs that are so important to millions of Americans. Every year on the Finance Committee we maintain watchful oversight of these critical programs to make sure that beneficiary access to services is maintained, and that payments and benefits are adjusted to meet beneficiaries' needs. This bill would add about $28 billion in funds to these programs over the next five years. Following are some of the highlights of this legislation.

(1) Medicare beneficiary assistance provisions would reduce coinsurance liability for hospital outpatient services; improve access to Medigap coverage; permit Medicare+Choice plans to give beneficiaries cash rebates of Part B premiums; protect access to immunosuppressive, cancer, hemophilia and other drugs, and extend Part B premium assistance for lower-income beneficiaries.

(2) Preventive health benefits would expand existing or add new coverage for pap smears, colorectal cancer screening, and nutrition therapy, and request further work on effective preventive benefits for later consideration in Medicare.

(3) Rural health care improvements address service capacity and access to services through increased payments for critical access, sole-community and Medicare-dependent hospitals. The package also includes provisions for rural health clinics, ambulance services, and telemedicine. Rural hospitals, skilled nursing facilities and home health agencies also benefit from general financing improvements detailed in other sections.

(4) Medicare+Choice provisions stabilize and improve funding for beneficiaries electing to enroll in privately-offered Medicare+Choice plans, with special attention to rural communities; restore funding for beneficiary education campaigns; and provide additional assistance for frail, disabled and rural beneficiaries.

(5) Hospital funding improvements increase annual payment updates; improve disproportionate share hospital (DSH) payments under Medicare and Medicaid for providing uncompensated care to uninsured patients; reform Medicare's DSH program to reduce disparities in the treatment of rural and urban hospitals; add funding for rehabilition hospitals; and protect payments for teaching hospitals.

(6) Skilled nursing facility (SNF) provisions improve funding, maintain access to therapy services, and reduce regulatory burdens by delaying implementation of consolidated billing.

(7) Home health and hospice provisions protect funding for home health services by delaying a scheduled 15% cut in payments; increasing funding for high-cost outlier cases, and making special temporary payments to rural agencies. Hospice provisions improve funding, require research on issues related to eligibility for the benefit and establish a hospice demonstration program.

(8) Dialysis and durable medical equipment (DME) provisions improve payments for DME for all Medicare beneficiaries, and for services received by individuals with end-stage renal disease, as well as enhancing their opportunities to participate in the Medicare+Choice program.

(9) Additional provisions address physician, laboratory, ambulatory surgery center and other medical services. The package also creates a Joint Committee on Health Care Financing to provide professional support to the Congress in addressing the burgeoning cost and legislative complexity of the Medicare, Medicaid and State Children's Health Insurance programs and monitoring the viability of safety net providers.

(10) Medicaid and SCHIP provisions improve the financing of and access to services provided by federally qualified health centers and rural health clinics; establish policies for the retention and redistribution of unspent SCHIP funds; increase authorization for the Maternal and Child Health Block Grant; and add funding for special diabetes programs for children and Native Americans.

I would like to accomplish even more this year, especially in the Medicare program. For instance, I remain committed to securing comprehensive drug benefits for the aged and disabled beneficiaries in Medicare. I will continue to work towards that goal. However, I am pleased that we were able to achieve bipartisan support for these improvements and I will continue my efforts to build the bipartisan consensus needed to proceed on larger Medicare reforms in the near future.

Mr. MOYNIHAN. Mr. President, I am pleased to join with Senator ROTH, distinguished chairman of the Finance Committee, in sponsoring the Medicare, Medicaid, and SCHIP Improvement Act of 2000.

As part of the effort to balance the Federal Budget, the Balanced Budget Act of 1997 (BBA) provided for reduction in Medicare payments for medical services. At the time of enactment, the Congressional Budget Office (CBO) estimated that these provisions would reduce Medicare outlays by $112 billion over 5 years. We now know that these BBA cuts have been much larger than originally anticipated—some argue twice as large, although it's difficult to determine this with any precision.

Hospital industry representatives and other providers of health care services have asserted that the magnitude of the reductions are having unintended consequences which are seriously impacting the quantity and quality of health care services available to our citizens.

Last year, the Congress addressed some of those unintended consequences, by enacting the Balanced Budget Refinement Act (BBRA), which added back $16 billion over 5 years in payments to various Medicare providers, including: Teaching Hospitals; Hospital Outpatient Departments; Medicare HMOs (Health Maintenance Organizations); Skilled Nursing Facilities; Rural Health Providers; and Home Health Agencies.

However, Members of Congress are continuing to hear from providers who argue that the 1997 reductions are still having serious unanticipated consequences.

To respond to these continuing problems, the President last June proposed additional BBA relief in the amount of $21 billion over the next 5 years. On September 20, Senator Daschle and I, along with 32 of our Democratic colleagues, introduced a similar, but more substantial, BBA relief package that would provide about $40 billion over 5 years in relief to health care providers and beneficiaries. Today, along with Senator ROTH, I am pleased to be cosponsoring a bipartisan BBA relief bill to provider about $28 billion in relief over 5 years.

I want, in particular, to highlight that this legislation would—for fiscal years 2001 and 2002—prevent further reductions in the special Medicare payments to our Nation's teaching hospitals. A little background is in order.

Medicare provides support to our Nation's teaching hospitals by adjusting its payments upward to reflect Medicare's share of costs associated with care provided by medical residents. This is accomplished under two mechanisms: direct graduate medical education (direct GME) payments; and indirect medical education (IME) adjustments. Direct GME costs include items such as salaries of residents, interns, and faculty and overhead costs for classroom training. The separate IME adjustment was established in 1983 and pertains to residency training costs that are not directly attributable to medical education expenses, but are nevertheless associated with teaching activities and the teaching hospital's research mission—for example, extra demands placed on hospital staff, additional tests ordered by residents, and increased use of diagnostic testing and advanced technology. Prior to the BBA, the IME adjustment increased Medicare's hospital payments by approximately 7.7 percent for each 10 percent increase in a hospital's ratio of interns and residents to hospital beds.

The BBA included a reduction in the IME adjustment from the previous 7.7 percent to 7.0 percent in FY 1998; to 6.5 percent in FY 1999; to 6.0 percent in FY 2000; and to 5.5 percent in FY 2001 and subsequent years. In my judgment, these cuts would have seriously impaired the cutting edge research conducted by teaching hospitals, as well as impaired their ability to train doctors and to serve so many of our nation's indigent.

Last year, in the BBRA, we mitigated the scheduled reduction in FY 2000—freezing the IME adjustment at 6.5 percent; and the IME adjustment was set at 6.25 percent for FY 2001, and 5.5 percent thereafter. The package we are introducing today, would restore $600 million in funds for FY 2001 and FY 2002 by setting the IME adjustment at 6.5 percent in both years. The IME adjustment would then fall to 5.5 percent thereafter—a reduction which I had hoped to cancel this year, and sincerely hope the congress will cancel in future legislation.

I have stood before my colleagues on countless occasions to bring attention to the financial plight of medical schools and teaching hospitals. Yet, I regret that the fate of the 144 accredited medical schools and 1416 graduate medical education teaching institutions still remains uncertain. The proposals in this bill will provide critically needed financing—at least in the short-run.

In the long-run, however, we need to restructure the financing of graduate medical education along the lines I have proposed in the Graduate Medical Education Trust fund Act (S. 210). What is needed is explicit and dedicated funding for these institutions, which will ensure that the United States continues to lead the world in this era of medical discovery. The Graduate Medical Education Trust Fund Act would require that the public sector, through the Medicare and Medicaid programs, and the private sector through an assessment on health insurance premiums, provide broad-based financial support for graduate medical education. S. 210 would roughly double current funding levels for Graduate Medical Education and would establish a Medical Education Advisory Commission to make recommendations on the operation of the Medical Education Trust Fund, on alternative payment sources for funding graduate medical education and teaching hospitals, and on policies designed to maintain superior research and educational capacities.

In addition to restoring much needed funding to our Nation's teaching hospitals for the next two years, this bill would add back funding in many vital areas of health care. Key provisions of the bill we are introducing today would: provide full market basket (inflation) adjustments to hospitals for 2001 and 2002; target additional relief to rural hospitals; reduce cuts in payments to hospitals for handling large numbers of low-income patients (referred to as "disproportionate share (DSH) hospital payments"); delay the scheduled 15 percent cut in payments to home health agencies; improve funding for skilled nursing facilities; and assist beneficiaries through preventive benefits and smaller coinsurance payments.

Let me close by again complimenting Senator ROTH on developing this bill on a bipartisan basis and expressing my hope that the forthcoming information negotiations with committees of the House will be similarly conducted on a bipartisan basis.

By Mr. BINGAMAN:

S. 3166. A bill to amend the Clinger-Cohen Act of 1996 to provide individual federal agencies and the executive branch as a whole with increased incentives to use the share-in-savings program under that Act, to ease the use of such program, and for other purposes; to the Committee on Governmental Affairs.

INFORMATION TECHNOLOGY SHARE-IN-SAVINGS PROGRAM IMPROVEMENT ACT OF 2000

Mr. BINGAMAN. Mr. President, today I'm introducing a bill designed to lower the cost of the government's information technology systems and improve how those systems serve our citizens by encouraging greater use of a "share-in-savings" approach to contracting for information technology (IT).

Under a share-in-savings approach, the government contracts with a company to provide an improved, lower cost IT service and the company pays the up-front costs of the project, which is not the usual practice. In return, the contractor gets paid a portion of the money saved by the government under the new arrangement. Essentially, the contractor bears the capital costs needed for the government to save some money and has a strong incentive to decrease the government's costs because they get paid a portion of any savings.

Although this approach to IT contracting is authorized as a pilot program under the Clinger-Cohen Act, I understand the executive branch has not made much use of this approach to date. Hence, I believe there are opportunities for greater creativity in this area if we give the agencies greater incentives.

Basically, my bill does three things. First, and most importantly, it gives agencies an incentive to try a share-in-savings approach by letting them keep up to half the government's net savings to use for additional IT projects, rather than having all the net savings going back to the Treasury. It's just human nature that if you ask someone to do something risky—like a new IT system—but all the benefits go elsewhere, they're not going to be very inclined to do it. That is, unless they get to keep some of the benefits to improve their own operations—which is what this bill let's them do. The point here is that the more agency managers actually are willing to use this approach, the more money the taxpayer will save in the long run.

There's precedent for this with regard to certain Energy Savings Performance Contracts. Under a provision applicable to the Department of Defense, local base commanders can keep a portion of the savings from those contracts to purchase more energy saving equipment or even for morale and recreation purposes.

Second, my bill gives the executive branch as a whole an incentive to try share-in-savings contracting for IT by allowing the pilot program to graduate to a regular authority once a significant number of projects have been done, the approach has been found to be useful, and guidance on how to use the authority has been issued. This gives the top levels of the executive branch a goal to push toward.

Finally, my bill will ease implementation of share-in-savings contracting by allowing agency program managers to approve the projects, thereby giving them greater autonomy and streamlining the selection process. Currently, share-in-savings IT projects must be approved by the Administrator of Federal Procurement, a very high level in the executive branch.

In sum, my bill will encourage greater use of the share-in-savings approach to IT contracting under the Clinger-Cohen Act by giving the agencies a portion of the savings to reinvest; the executive branch a goal; and the program managers more autonomy.

I had originally planned to introduce this as an amendment to the Treasury, Postal Appropriations bill. But, because it doesn't look like we'll have a chance to really debate that bill this year, I've decided to introduce this bill today to get my proposal before the Senate.

Now, to give some credit where credit is due, I got interested in this topic because of a piece I saw in Roll Call on E-Government by Patricia McGinnis of the Council for Excellence in Government. In it she mentioned the idea of letting agencies retain some of the IT savings they achieve in order to reinvest it in more IT.

I also understand that the Governmental Affairs Committee recently put up a web site to discuss potential e-government policies and legislation. And, I was glad to learn that the share-in-savings approach to IT is one of its topics.

So, I hope the Governmental Affairs committee will take a thorough look at the ideas in my bill. I look forward to working with them to find new ways to save the taxpayer money while improving the services they are provided.

Mr. President, I ask unanimous consent that the text of my bill and a letter from Ms. McGinnis in support of the amendment I'd planned be included in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Information Technology Share-in-Savings Program Improvement Act of 2000".

SEC. 2. PURPOSES.

The purposes of this Act are to provide individual federal agencies and the executive branch as a whole with increased incentives to use the share-in-savings program under the Clinger-Cohen Act of 1996 and to ease the use of such program.

SEC. 3. EXPANSION OF AUTHORITY.

Section 5311 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 692; 40 U.S.C. 1491) is amended—

(1) in subsection (a)—

(A) by striking "the heads of two executive agencies to carry out " and inserting "heads of executive agencies to carry out a total of five projects under";

(B) by striking "and" at the end of paragraph (1);

(C) by striking the period at the end of paragraph (2) and inserting "; and"; and

(D) by adding at the end the following:

"(3) encouraging the use of the contracting and sharing approach described in paragraphs (1) and (2) by allowing the head of the executive agency conducting a project under the pilot program—

"(A) to retain, out of the appropriation accounts of the executive agency in which savings computed under paragraph (2) are realized as a result of the project, up to the amount equal to half of the excess of—

"(i) the total amount of the savings, over

"(ii) the total amount of the portion of the savings paid to the private sector source for such project under paragraph (2); and

"(B) to use the retained amount to acquire additional information technology.";

(2) in subsection (b)—

(A) by inserting "a project under" after "authorized to carry out"; and

(B) by striking "carry out one project and"; and

(3) by striking subsection (c) and inserting the following:

"(c) EVOLUTION BEYOND PILOT PROGRAM.—(1) The Administrator may provide general authority to the heads of executive agencies to use a share-in-savings contracting approach to the acquisition of information technology solutions for improving mission-related or administrative processes of the Federal Government if—

"(A) after reviewing the experience under the five projects carried out under the pilot program under subsection (a), the Administrator finds that the approach offers the Federal Government an opportunity to improve its use of information technology and to reduce costs; and

"(B) issues guidance for the exercise of that authority.

"(2) For the purposes of paragraph (1), a share-in-savings contracting approach provides for contracting as described in paragraph (1) of subsection (a) together with the sharing and retention of amounts saved as described in paragraphs (2) and (3) of that subsection.

"(3) In exercising the authority provided to the Administrator in paragraph (1), the Administrator shall consult with the Administrator for the Office of Information and Regulatory Affairs.

"(d) AVAILABILITY OF RETAINED SAVINGS.—Amounts retained by the head of an executive agency under subsection (a)(3) or subsection (c) shall, without further appropriation, be available for the executive agency for the acquisition of information technology and shall remain available until expended. Amounts so retained from any appropriation of the executive agency not otherwise available for the acquisition of information technology shall be transferred to any appropriation of the executive agency that is available for such purpose.".

THE COUNCIL FOR EXCELLENCE
IN GOVERNMENT,
Washington, DC, August 10, 2000.

Sen. JEFF BINGAMAN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BINGAMAN: The Council for Excellence in Government applauds your interest in legislation to encourage federal agencies to conduct pilot "share-in-savings" partnerships under the Clinger-Cohen Act. We agree that making greater use of "share-in-savings" projects will lead to successful public-private joint ventures that can produce savings for the agencies and better results for the American people.

In particular, we think the approach to encouraging greater use of "share-in-savings" partnerships embodied in your planned amendment to this year's Treasury and General Government appropriations bill—allowing agencies to retain some of the savings, and the pilots to easily graduate to a regular authority—deserves serious consideration by Congress.

As you move forward, you may also want to look at the work of the General Service Administration's (GSA) Federal Technology Center. Ken Buck, Director of Business Innovations, Office of the Commissioner at GSA, is very knowledgeable about the successful methods of contracting and procurement using this approach.

In fact, the Council is working with GSA to develop case studies of best practices using share-in-savings methods for use by federal agencies. We will share that work with you as soon as it is available.

Again, thanks for your leadership on this very important issue, which will not only promote e-government but also excellence in government.

Sincerely,

PATRICIA MCGINNIS,
President and CEO.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 3167. A bill to establish a physician recruitment and retention demonstration project under the Medicare Program under title XVIII of the Social Security Act; to the Committee on Finance.

PHYSICIAN RECRUITMENT AND RETENTION ACT OF 2000

Mr. DOMENICI. Mr. President, I rise today with my friend Senator BINGAMAN to introduce the "Physician Recruitment and Retention Act of 2000."

Almost like clockwork one can pick up an Albuquerque newspaper and read about the shortage of physicians in New Mexico and the resulting problems. When individuals have difficulty receiving adequate medical treatment, action must be taken.

For example, in Albuquerque an urban area of almost 700,000 there are only two neurosurgeons besides the five practicing at the University of New Mexico. Such a ratio can only cause one thing, severe difficulties for patients. Thus, a patient recently waited eighteen hours in an Albuquerque emergency room before seeing a neurosurgeon.

I would ask my colleagues the following: what good are hospitals filled with the latest technology if there are not enough doctors? And what good are modern medical offices if there are not enough doctors to treat the patients in a timely manner?

The problem I have just described is not just occurring in New Mexico, rather other states are experiencing similar problems because of a common set of problems. I would submit the combination of high levels of poverty and low Medicare reimbursement rates causes a twofold problem.

First, patients often have difficulty obtaining timely care and second, states cannot effectively recruit and retain their physicians. Our Bill builds upon the simple proposition that if Medicare Physician reimbursement rates are raised, patients will be the ultimate beneficiaries.

The Bill we are introducing creates a two state demonstration program to address these problems by increasing Medicare Physician reimbursements by 5 percent for a period of three years if certain criteria are met.

The Bill also authorizes a GAO study to determine whether: (1) patient access to care and the ability of states to recruit and retain physicians is adversely impacted when the enumerated factors in the previous section are present; and (2) increased Medicare Physician reimbursements improve patient access to care and the ability of states to recruit and retain physicians.

Thank you and I look forward to working with my colleague, Senator BINGAMAN, on this very important issue.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Physician Recruitment and Retention Act of 2000”.

SEC. 2. MEDICARE PHYSICIAN RECRUITMENT AND RETENTION DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall establish a demonstration project for the purpose of improving—

(1) access to health care for beneficiaries under part B of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.); and

(2) the ability of States to recruit and retain physicians.

(b) CONDUCT OF DEMONSTRATION PROJECT.—

(1) DEMONSTRATION SITES.—The demonstration project under this section shall be conducted in 2 sites, which shall be statewide.

(2) RECRUITMENT AND RETENTION OF PHYSICIANS.—Under the demonstration project, the Secretary shall increase by 5 percent payments for physicians' services (as defined in section 1861(q) of the Social Security Act (42 U.S.C. 1395x(q)) under section 1848 of such Act (42 U.S.C. 1395w-4) to physicians furnishing such services in any State that submits an application under paragraph (3) that is approved by the Secretary under paragraph (4).

(3) APPLICATION.—Any State wishing to participate in the demonstration program shall submit an application to the Secretary at such time, in such manner, and in such form as the Secretary may reasonably require.

(4) APPROVAL.—The Secretary shall approve the applications of 2 States that, based upon 1998 data, have—

(A) an uninsured population above 20 percent (as determined by the Bureau of the Census);

(B) a population eligible for medical assistance under the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) above 17 percent (as determined by the Health Care Financing Administration);

(C) an unemployment rate above 4.8 percent (as determined by the Bureau of Labor Statistics);

(D) an average per capita income below $21,200 (as determined by the Bureau of Economic Analysis); and

(E) a geographic practice cost indices component of the reimbursement rate for physicians under the medicare program that is below the national average (as determined by the Health Care Financing Administration).

(5) DURATION.—The demonstration project under this section shall be conducted for a period of 3 years.

(c) WAIVER AUTHORITY.—The Secretary may waive such requirements of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to the extent and for the period that the Secretary determines is necessary for carrying out the demonstration project under this section.

(d) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the demonstration project conducted under this section to determine whether the access of beneficiaries under the medicare program to health care and the ability of States to recruit and retain physicians is—

(A) adversely impacted by the factors described in subparagraphs (A) through (E) of subsection (b)(4); and

(B) improved by increased payments to physicians under subsection (b)(2).

(2) REPORT.—Not later than 1 year after the Secretary completes the demonstration project under this section, the Comptroller General of the United States shall submit a report on the results of the study conducted under paragraph (1) to the appropriate committees of Congress.

By Mr. TORRICELLI:

S. 3168. A bill to eliminate any limitation on indictment for sexual offenses and make awards to State to reduce their DNA casework backlogs; to the Committee on the Judiciary.

SEXUAL ASSAULT PROSECUTION ACT OF 2000

Mr. TORRICELLI. Mr. President, I rise today to introduce the Sexual Assault Prosecution act of 2000. This legislation will ensure that no rapist will evade prosecution when there is reliable evidence of their guilt.

As the law is written today, a rapist can walk away scot-free if they are not charged within five years of committing their crime. This is true when if overwhelming evidence of the offender's guilt, such as a DNA match with evidence taken from the crime scene, is later discovered. Some states, including my home state of New Jersey, have recognized the injustice presented by this situation and have already abolished their statutes of limitations on sexual assault crimes, and many other states are considering similar measures. Given the power and precision of DNA evidence, it is now time that the federal government abolish the current statute of limitations on federal sexual assault crimes.

The precision with which DNA evidence can identify a criminal assailant has increased dramatically over the past couple decades. Because of its exactness, DNA evidence is now routinely collected by law enforcement personnel in the course of investigating many crimes, including sexual assault crimes. The DNA profile of evidence collected at a sexual assault crime scene can be compared to the DNA profiles of convicted criminals, or the profile of a particular suspect, in order to determine who committed the crime. Moreover, because of the longevity of DNA evidence, it can be used to positively identify a rapist many years after the actual sexual assault.

The enormous advancements in DNA science have greatly expanded law enforcement's ability to investigate and prosecute sexual assault crimes. Unfortunately, the law has not kept pace with science. Given the precise accuracy and reliability of DNA testing, however, the legal and moral justifications for continuing to impose a statute of limitations on sexual assault crimes are extremely weak. To that end, I am introducing the “Sexual Assault Prosecution Act of 2000” which will eliminate the statute of limitations for sexual assault crimes. This legislation will not affect the burdens of proof and the government will still have to prove guilt beyond a reasonable doubt before any person could be convicted of a crime.

Currently, the statute of limitations for arson and financial institution crimes is 10 years and is 20 years for crimes involving the theft of major artwork. If it made sense to extend the traditional five-year limitations period for these offenses, surely it makes sense to do so for sexual assault crimes, particularly when DNA technology makes it possible to identify an offender many years after the commission of the crime. By eliminating this ticking clock, we can see to it that no victim of sexual assault is denied justice simply because the clock ran out. I look forward to working with each and every one of you in order to get this legislation enacted into law.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sexual Assault Prosecution Act of 2000”.

SEC. 2. SEXUAL OFFENSE LIMITATION.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended—

(1) in section 3283, by striking “sexual or”; and

(2) by adding at the end the following:

“§ 3296. Sexual offenses

“An indictment for any offense committed in violation of chapter 109A of this title may be found at any time without limitation.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"3296. Sexual offenses.".

SEC. 3. AWARDS TO STATES TO REDUCE DNA CASEWORK BACKLOG.

(a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice, and after consultation with representatives of States and private forensic laboratories, shall develop a plan to grant voluntary awards to States to facilitate DNA analysis of all casework evidence of unsolved crimes.

(2) OBJECTIVE.—The objective of the plan developed under paragraph (1) shall be to effectively expedite the analysis of all casework evidence of unsolved crimes in an efficient and effective manner, and to provide for the entry of DNA profiles into the combined DNA Indexing System ("CODIS").

(b) AWARD CRITERIA.—The Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice, shall develop criteria for the granting of awards under this section including—

(1) the applying State's number of unsolved crimes awaiting DNA analysis; and

(2) the applying State's development of a comprehensive plan to collect and analyze DNA evidence.

(c) GRANTING OF AWARDS.—The Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice, shall develop applications for awards to be granted to States under this section, shall consider all applications submitted by States, and shall disburse all awards under this section.

(d) AWARD CONDITIONS.—States receiving awards under this section shall—

(1) require that each laboratory performing DNA analysis satisfies quality assurance standards and utilizes state-of-the-art DNA testing methods, as set forth by the Federal Bureau of Investigation in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice;

(2) ensure that each DNA sample collected and analyzed be made available only—

(A) to criminal justice agencies for law enforcement purposes;

(B) in judicial proceedings if otherwise admissible;

(C) for criminal defense purposes, to a criminal defendant, who shall have access to samples and analyses performed in connection with any case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

(3) match the award by spending 15 percent of the amount of the award in State funds to facilitate DNA analysis of all casework evidence of unsolved crimes.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice $15,000,000 for each of fiscal years 2001, 2002, 2003, and 2004, for awards to be granted under this section.

Mr. SESSIONS (for himself, Mr. BINGAMAN, Mr. ALLARD, Mr. JOHNSON, Mr. CRAPO, and Mrs. LINCOLN):

S. 3169. A bill to amend the Federal Food, Drug, and Cosmetic Act and the International Revenue Code of 1986 with respect to drugs for minor animal species, and for other purposes; to the Committee on Finance.

MINOR ANIMAL SPECIES HEALTH AND WELFARE ACT OF 2000

Mr. SESSIONS. Mr. President, I rise today to bring attention to a problem that unfortunately goes largely unnoticed except by those who are directly affected. Livestock and food animal producers, pet owners, zoo and wildlife biologists, and animals themselves are facing a severe shortage of approved animal drugs for minor species.

Minor species include thousands of animal species, including all fish, birds, and sheep. By definition, they are any animals other than cattle, horses, chickens, swine, turkeys, dogs and cats, the most common animals. There are millions of those animals. A similar shortage of drugs and medicines for major animal species exists for diseases which occur infrequently or which occur in limited geographic areas. Due to the lack of availability for these minor-use drugs, millions of animals go untreated or treatment is delayed. Unnecessary animal physical and human emotional suffering results, and human health may be threatened as well.

Without access to these necessary minor-use drugs, farmers and ranchers will also suffer. An unhealthy animal left untreated can spread disease throughout an entire stock. This causes severe economic hardship to struggling ranchers and farmers.

For example, sheep ranchers lost nearly $45 million worth of livestock alone in 1999. The sheep industry estimates that if it had access to effective and necessary drugs, growers' reproduction costs for their animals could be cut by up to 15 percent. In addition, feedlot deaths from disease would be reduced by 1 to 2 percent, adding approximately $8 million to the revenue of the industry.

The catfish industry is the No. 2 agriculture industry in Alabama. Though it is not the State's only aquacultural commodity, catfish is by far its largest. The catfish industry generates enormous economic opportunity in the State, particularly in west Alabama, one of the poorest regions of the State and where I grew up.

The catfish industry estimates its losses at $60 million a year, attributable to diseases for which drugs are not available. Indeed, it is not uncommon for a catfish producer to lose half his stock in a pond due to disease. The U.S. aquaculture industry overall, including food fish and ornamental fish, produces and raises over 800 different species. Unfortunately, this industry has only five drugs that are approved for treating these diseases. This results in tremendous economic hardship and suffering.

Because of limited market opportunity, low profit margins, and the enormous capital investment required, it is seldom economically feasible for drug manufacturers to pursue research and development and then seek approval of it by FDA for drugs used in treating these minor species and for infrequent conditions and diseases in all animals. As a result, a group of people have come together, an effective professional coalition, to deal with this problem.

I, along with Senator BINGAMAN from New Mexico, Senator ALLARD, Senator CRAPO, Senator LINCOLN, and Senator JOHNSON resolve to improve this situation by introducing the Minor Animal Species Health and Welfare Act of 2000. This legislation will allow animal drug manufacturers the opportunity to develop and obtain approval for minor-use drugs which are vitally needed by a wide variety of animal industries.

Our legislation incorporates the major proposals of the Food and Drug Administration's Center for Veterinary Medicine to increase the availability of drugs for minor animal species and rare diseases in all animals. It actually creates incentives for animal drug manufacturers to invest in product development and obtain FDA marketing approvals.

This legislation creates a program very similar to the very successful human orphan drug program that has dramatically increased the availability of drugs to treat rare human diseases over the past 20 years. Besides providing benefits to livestock producers and animal owners, this measure will develop incentives and sanctioning programs for the pharmaceutical industry, while maintaining and ensuring public health.

The Minor Animal Species Health and Welfare Act will not alter FDA drug approval responsibilities that ensure the safety of animal drugs to the public. The FDA Center for Veterinary Medicine currently evaluates new animal drug products prior to approval and use. This rigorous testing and review process provides consumers with the confidence that animal drugs are safe for animals and consumers of products derived from treated animals.

Current FDA requirements include guidelines to prevent harmful residues and evaluations to examine the potential for the selection of resistant pathogens. Any food animal medicine or drug considered for approval under this bill would be subject to these same assessments.

The Minor Animal Species Health and Welfare Act is supported by 25 organizations, including the American Farm Bureau Federation, the American Health Institute, the American Veterinary Medical Association, and the National Aquaculture Association. It is vital legislation.

This act will reduce the economic risks and hardship which fall upon ranchers and farmers as a result of diseases. It will benefit pets and their owners and benefit various endangered species of aquatic animals. The act will also promote the health of all animal species while protecting human health and will alleviate unnecessary animal suffering.

This is commonsense legislation which will benefit millions of American pet owners, farmers, and ranchers. It is the result of a tremendous cooperative effort by virtually every entity concerned with this problem. They have worked with the Food and Drug Administration and continue to work with the FDA on this bill.

I believe we are on the verge of taking a big step to facilitate the introduction of more drugs that help treat animals in our country. I thank the people who have all worked to make this a reality. I particularly thank Mary Alice Tyson on my staff who has worked so hard on this project.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minor Animal Species Health and Welfare Act of 2000".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) There is a severe shortage of approved animal drugs for use in minor species.

(2) There is a severe shortage of approved drugs for treating animal diseases and conditions that occur infrequently or in limited geographic areas.

(3) Because of the small market shares, low-profit margins involved, and capital investment required, it is generally not economically feasible for animal drug manufacturers to pursue approvals for these species, diseases, and conditions.

(4) Because the populations for which such drugs are intended are small and conditions of animal management may vary widely, it is often difficult or impossible to design and conduct studies to establish drug safety and effectiveness under traditional animal drug approval processes.

(5) It is in the public interest and in the interest of animal welfare to provide for special procedures to sanction the lawful use and marketing of animal drugs for minor species and minor uses that take into account these special circumstances and that ensure that such drugs do not endanger the public health.

(6) Exclusive marketing rights and tax credits for clinical testing expenses have helped encourage the development of orphan drugs for human use, and comparable incentives will help encourage the development and sanctioning for lawful marketing of animal drugs for minor species and minor uses.

SEC. 3. AMENDMENTS AFFECTING THE FOOD AND DRUG ADMINISTRATION.

(a) DEFINITIONS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(kk) The term 'minor species' means animals other than cattle, horses, swine, chickens, turkeys, dogs, and cats, except that the Secretary may amend this definition by regulation.

"(ll) The term 'minor use' means the use of a drug—

"(1) in a minor species, or

"(2) in an animal species other than a minor species for a disease or condition that occurs infrequently or in limited geographic areas, except that the Secretary may amend this definition by regulation.

"(mm) The term 'species with no human food safety concern' means an animal species, or life stage of an animal species, that is not customarily used for food for humans and does not endanger the public health.".

(b) MINOR USE ANIMAL DRUGS.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following new subchapter:

"SUBCHAPTER F—ANIMAL DRUGS FOR MINOR USES

"DESIGNATION OF DRUGS FOR MINOR USES

"SEC. 571. (a) Prior to the submission of an application for approval of a new animal drug under section 512(b), a manufacturer or sponsor of such drug may request that the Secretary designate such drug as a drug for a minor use. The Secretary shall designate such drug as a drug for minor use if the Secretary finds that such drug is or will be investigated for a minor use and the application for such drug is approved under section 512. A request for a designation of a drug under this subsection shall contain the consent of the applicant to notice being given by the Secretary under subsection (c) respecting the designation of the drug.

"(b) The designation of a drug as a drug for a minor use under subsection (a) shall be subject to the condition that—

"(1) if an application was approved for the drug under section 512(c), the manufacturer of the drug will notify the Secretary of any discontinuance of the production of the drug at least 1 year before discontinuance; and

"(2) if an application has not been approved for the drug under section 512(c) and if preclinical investigations or investigations under section 512(j) are being conducted with the drug, the manufacturer or sponsor of the drug will notify the Secretary of any decision to discontinue active pursuit of approval of an application under section 512(b).

"(c) Notice respecting the designation of a drug under subsection (a) shall be made available to the public.

"PROTECTION FOR DRUGS FOR MINOR USES

"SEC. 572. (a) Except as provided in subsection (b):

"(1) If the Secretary approves an application filed pursuant to section 512 for a drug designated under section 571 for a minor use, no active ingredient (including any salt or ester of the active ingredient) of which has been approved in any other application under section 512, the Secretary may not approve or conditionally approve another application submitted under section 512 or section 573 for such drug for such minor use for a person who is not the holder of such approved application until the expiration of 10 years from the date of the approval of the application.

"(2) If the Secretary approves an application filed pursuant to section 512 for a drug designated under section 571 for a minor use, which includes an active ingredient (including an ester or salt of the active ingredient) that has been approved in any other application under section 512, the Secretary may not approve or conditionally approve another application submitted under section 512 or section 573 for such drug for such minor use for a person who is not the holder of such approved application until the expiration of 7 years from the date of approval of the application.

"(b) If an application filed pursuant to section 512 is approved for a drug designated under section 571, the Secretary may, during the 10-year or 7-year period beginning on the date of the application approval, approve or conditionally approve another application under section 512 or section 573 for such drug for such minor use for a person who is not the holder of such approved application if—

"(1) the Secretary finds, after providing the holder notice and opportunity for the submission of views, that in such period the holder of the approved application cannot assure the availability of sufficient quantities of the drug to meet the needs for which the drug was designated; or

"(2) such holder provides the Secretary in writing the consent of such holder for the approval or conditional approval of other applications before the expiration of such 10-year or 7-year period.

"CONDITIONAL APPROVAL FOR MINOR USE NEW ANIMAL DRUGS

"SEC. 573. (a)(1) Except as provided in paragraph (2), any person may file with the Secretary an application for conditional approval of a new animal drug for a minor use. Such person shall submit to the Secretary as part of an application—

"(A) reports of investigations which have been made to show whether or not such drug is safe for use;

"(B) information to show that there is a reasonable expectation that the drug is effective for its intended use, such as data from a pilot investigation, data from an investigation in a related species, data from a single investigation, data from an investigation using surrogate endpoints, data based on pharmacokinetic extrapolations, data from a short-term investigation, or data from the investigation of closely-related diseases;

"(C) the quantity of drug expected to be manufactured and distributed on an annual basis;

"(D) a commitment that the applicant will conduct additional investigations to support approval of an application under section 512 within the time frame set forth in subsection (d)(1)(A);

"(E) reasonable data for establishing a conditional dose; and

"(F) the information required by section 512(b)(1)(B)-(H).

"(2) A person may not file an application under paragraph (1) if the person has filed a previous application under paragraph (1) for the same drug and conditions for use that was conditionally approved by the Secretary under subsection (b).

"(b)(1) Within 180 days after the filing of an application pursuant to subsection (a), or such additional period as may be agreed upon by the Secretary and the applicant, the Secretary shall either (A) issue an order conditionally approving the application if the Secretary then finds that none of the grounds for denying conditional approval specified in subsection (c) applies, or (B) give the applicant notice of an opportunity for an expedited informal hearing on the question whether such application is conditionally approvable.

"(2) A drug manufactured in a pilot or other small facility may be used to demonstrate the safety and effectiveness of the drug and to obtain conditional approval for the drug prior to manufacture of the drug in a larger facility, unless the Secretary makes a determination that a full scale production facility is necessary to ensure the safety or effectiveness of the drug.

“(c)(1) If the Secretary finds, after due notice to the applicant and giving the applicant an opportunity for an expedited informal hearing, that—

“(A) the investigations, reports of which are required to be submitted to the Secretary pursuant to subsection (a), do not include adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling;

“(B) the results of such tests show that such drug is unsafe for use under such conditions or do not show that such drug is safe for use under such conditions;

“(C) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to preserve its identity, strength, quality, and purity;

“(D) upon the basis of the information submitted to the Secretary as part of the application, or upon the basis of any other information before the Secretary with respect to such drug, the Secretary has insufficient information to determine whether such drug is safe for use under such conditions;

“(E) evaluated on the basis of the information submitted to the Secretary as part of the application and any other information before the Secretary with respect to such drug, there is insufficient information to show that there is a reasonable expectation that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling;

“(F) upon the basis of information submitted to the Secretary as part of the application or any other information before the Secretary with respect to such drug, any use prescribed, recommended, or suggested in labeling proposed for such drug will result in a residue of such drug in excess of a tolerance found by the Secretary to be safe for such drug;

“(G) based on a fair evaluation of all material facts, such labeling is false or misleading in any particular;

“(H) such drug induces cancer when ingested by humans or animal or, after tests which are appropriate for the evaluation of the safety of such drug, induces cancer in humans or animal, unless the Secretary finds that, under the conditions for use specified in proposed labeling and reasonably certain to be followed in practice—

“(i) such drug will not adversely affect the animals for which it is intended; and

“(ii) no residue of such drug will be found (by methods of examination prescribed or approved by the Secretary by regulations, which regulations shall not be subject to subsections (c)) in any edible portion of such animals after slaughter or in any food yielded by or derived from the living animals; or

“(I) another person has received approval under section 512 for a drug with the same active ingredient or ingredients and the same conditions of use, and that person is able to assure the availability of sufficient quantities of the drug to meet the needs for which the drug is intended;

the Secretary shall issue an order refusing to conditionally approve the application. If, after such notice and opportunity for hearing, the Secretary finds that subparagraphs (A) through (I) do not apply, the Secretary shall issue an order conditionally approving the application.

“(2) In determining whether such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof, the Secretary shall consider, among other relevant factors, (A) the probable consumption of such drug and of any substance formed in or on food because of the use of such drug, (B) the cumulative effect on man or animal of such drug, taking into account any chemically or pharmacologically related substance, (C) safety factors which in the opinion of experts, qualified by scientific training and experience to evaluate the safety of such drugs, are appropriate for the use of animal experimentation data, and (D) whether the conditions of use prescribed, recommended, or suggested in the proposed labeling are reasonably certain to be followed in practice. Any order issued under this subsection refusing to approve an application shall state the findings upon which it is based.

“(d)(1) A conditional approval granted by the Secretary under this section shall be effective for a 1-year period. The Secretary shall, upon request, renew a conditional approval for up to 4 additional 1-year terms, unless the Secretary by order makes a finding that—

“(A) the applicant is not making appropriate progress toward meeting approval requirements under section 512, and is unlikely to be able to fulfill such requirements and obtain such approval under such section before the 5 year maximum term of the conditional approval expires;

“(B) excessive quantities of the drug have been produced, without adequate explanation; or

“(C) another drug with the same active ingredient or ingredients for the same conditions of use has received approval under section 512, and the holder of the approved application is able to assure the availability of sufficient quantities of the drug to meet the needs for which the drug is intended.

“(2) If the Secretary does not renew a conditional approval, the Secretary shall provide due notice and an opportunity for an expedited informal hearing to the applicant.

“(e)(1) The Secretary shall, after due notice and opportunity for an expedited informal hearing to the applicant, issue an order withdrawing conditional approval of an application filed pursuant to subsection (a) if the Secretary finds—

“(A) that experience or scientific data show that such drug is unsafe for use under the conditions of use upon the basis of which the application was conditionally approved;

“(B) that new evidence not contained in such application or not available to the Secretary until after such application was conditionally approved, or tests by new methods, or tests by methods not deemed reasonably applicable when such application was conditionally approved, evaluated together with the evidence available to the Secretary when the application was conditionally approved, shows that such drug is not shown to be safe for use under the conditions of use upon the basis of which the application was conditionally approved;

“(C) on the basis of new information before the Secretary with respect to such drug, evaluated together with the evidence available to the Secretary when the application was conditionally approved, that there is not a reasonable expectation that such drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling;

“(D) that the application contains any untrue statement of a material fact; or

“(E) that the applicant has made any changes from the standpoint of safety or effectiveness beyond the variations provided for in the application unless the applicant has supplemented the application by filing with the Secretary adequate information respecting all such changes and unless there is in effect a conditional approval of the supplemental application, which supplemental application shall be treated in the same manner as the original application.

If the Secretary finds that there is an imminent hazard to the health of man or of the animals for which such drug is intended, the Secretary may suspend the conditional approval of such application immediately, and give the applicant prompt notice of the Secretary's action and afford the applicant the opportunity for an expedited informal hearing. Authority to suspend the conditional approval of an application shall not be delegated below the Commissioner of Food and Drugs.

“(2) The Secretary may also, after due notice and opportunity for an expedited informal hearing to the applicant, issue an order withdrawing the conditional approval of an application with respect to any new animal drug under this section if the Secretary finds—

“(A) that the applicant has failed to establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records or to make required reports in accordance with a regulation or order under subsection (h), or the applicant has refused to permit access to, or copying or verification of, such records as required by paragraph (2) of such subsection;

“(B) that on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was conditionally approved, the methods used in, or the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to assure and preserve its identity, strength, quality, and purity and were not made adequate within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of; or

“(C) that on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was conditionally approved, the labeling of such drug, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of.

“(3) Any order under this subsection shall state the findings upon which it is based.

“(f) The decision of the Secretary under subsections (c), (d), or (e) shall constitute a final agency decision for purposes of judicial review.

“(g)(1) When an application filed pursuant to subsection (a) is conditionally approved, the Secretary shall by notice publish in the Federal Register the name and address of the applicant and the conditions and indications of use of the new animal drug covered by such application, including any tolerance and withdrawal period or other use restriction and, if such new animal drug is intended for use in animal feed, appropriate purposes and conditions of use (including special labeling requirements and any requirement that an animal feed bearing or containing the new animal drug be limited to use under the professional supervision of a licensed veterinarian) applicable to any animal feed for use in which such drug is conditionally approved, the expiration date of the conditional approval, and such other information, upon the basis of which such application was conditionally approved, as the Secretary deems necessary to assure the safe and effective use of such drug.

"(2) Upon withdrawal of conditional approval of such new animal drug application or upon its suspension, the Secretary shall publish a notice in the Federal Register.

"(h)(1) In the case of any new animal drug for which a conditional approval of an application filed pursuant to subsection (a) is in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary, of data relating to experience, and other data or information, received or otherwise obtained by such applicant with respect to such drug, or with respect to animal feeds bearing or containing such drug, as the Secretary may by general regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination, whether there is or may be ground for refusing to renew the conditional approval under subsection (d) or for invoking subsection (e). Such regulation or order shall provide, where the Secretary deems it to be appropriate, for the examination, upon request, by the persons to whom such regulation or order is applicable, of similar information received or otherwise obtained by the Secretary.

"(2) Every person required under this subsection to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

"(i)(1) The label and labeling of a drug with a conditional approval under this section shall state that fact prominently and conspicuously.

"(2) Conditions of use that are the subject of a conditional approval under this section shall not be combined in product labeling with any conditions of use approved under section 512.

"(j)(1) Safety and effectiveness data and information which has been submitted in an application filed under subsection (a) for a drug and which has not previously been disclosed to the public shall be made available to the public, upon request, unless extraordinary circumstances are shown—

"(A) if no work is being or will be undertaken to have the application conditionally approved,

"(B) if the Secretary has determined that the application is not conditionally approvable and all legal appeals have been exhausted,

"(C) if conditional approval of the application under subsection (c) is withdrawn and all legal appeals have been exhausted, or

"(D) if the Secretary has determined that such drug is not a new animal drug.

"(2) Any request for data and information pursuant to paragraph (1) shall include a verified statement by the person making the request that any data or information received under such paragraph shall not be disclosed by such person to any other person—

"(A) for the purpose of, or as part of a plan, scheme, or device for, obtaining the right to make, use, or market, or making, using, or marketing, outside the United States, the drug identified in the application filed under subsection (a), and

"(B) without obtaining from any person to whom the data and information are disclosed an identical verified statement, a copy of which is to be provided by such person to the Secretary, which meets the requirements of this paragraph.

"(k) To the extent consistent with the public health, the Secretary shall promulgate regulations for exempting from the operation of this section new animal drugs, and animal feeds bearing or containing new animal drugs, intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of animal drugs. Such regulations may, in the discretion of the Secretary, among other conditions relating to the protection of the public health, provide for conditioning such exemption upon the establishment and maintenance of such records, and the making of such reports to the Secretary, by the manufacturer or the sponsor of the investigation of such article, of data (including but not limited to analytical reports by investigators) obtained as a result of such investigational use of such article, as the Secretary finds will enable the Secretary to evaluate the safety and effectiveness of such article in the event of the filing of an application pursuant to this section. Such regulations, among other things, shall set forth the conditions (if any) upon which animals treated with such articles, and any products of such animals (before or after slaughter), may be marketed for food use.

"INDEX OF LEGALLY MARKETED UNAPPROVED MINOR USE ANIMAL DRUGS FOR MINOR SPECIES WITH NO HUMAN FOOD SAFETY CONCERN

"SEC. 574. (a)(1) The Secretary shall establish an index of unapproved minor use new animal drugs that may be lawfully marketed for use in minor species with no human food safety concern.

"(2) Such index is intended to benefit primarily zoo and wildlife species, aquarium and bait fish, reptiles and amphibians, caged birds, and small pet mammals as well as some commercially produced species such as cricket, earthworms and possibly nonfood life stages of some minor species used for human food such as oysters and shellfish.

"(3) Such index shall conform to the requirements in subsection (d).

"(b)(1) Any person may submit a request to the Secretary for a preliminary determination that a drug may be eligible for inclusion in the index. Such a request shall include—

"(A) information regarding the proposed species, conditions of use, and anticipated annual production;

"(B) information regarding product formulation and manufacturing; and

"(C) information sufficient for the Secretary to determine that there does not appear to be human food safety, environmental safety, occupational safety, or bioavailability concerns with the proposed use of the drug.

"(2) Within 90 days after the submission of a request for a preliminary determination under paragraph (1), the Secretary shall grant or deny the request, and notify the submitter of the Secretary's conclusion. The Secretary shall grant the request if it appears that—

"(A) the request addresses the need for a minor use animal drug for which there is no approved or conditionally approved drug, and

"(B) the proposed drug use does not appear to raise human food safety, environmental safety, occupational safety, or bioavailability concerns.

"(3) If the Secretary denies the request, the Secretary shall provide due notice and an opportunity for an expedited informal hearing.

"(4) If the Secretary does not grant or deny the request within 90 days, the Secretary shall provide the Committee on Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate with the reasons action on the request did not occur within such 90 days.

"(5) The decision of the Secretary under this subsection shall constitute a final agency decision for purposes of judicial review.

"(c)(1) With respect to a drug for which the Secretary has made a preliminary determination of eligibility under subsection (b), the submitter of that request may request that the Secretary add the drug to the index established by subsection (a). Such a request shall include—

"(A) a copy of the Secretary's preliminary determination of eligibility issued under subsection (b);

"(B) a qualified expert panel report that meets the requirements in paragraph (2);

"(C) a proposed index entry;

"(D) proposed labeling;

"(E) anticipated annual production of the drug; and

"(F) a commitment to manufacture, label, and distribute the drug in accordance with the index entry and any additional requirements that the Secretary may prescribe by general regulation or specific order.

"(2) For purposes of paragraph (1), a 'qualified expert panel report' is a written report that—

"(A) is authored by a panel of individuals qualified by scientific training and experience to evaluate the safety and effectiveness of animal drugs for the intended uses and species in question and operating external to the Food and Drug Administration;

"(B) addresses all available target animal safety and effectiveness information, including anecdotal information where necessary;

"(C) addresses proposed labeling;

"(D) addresses whether the drug should be limited to use under the professional supervision of a licensed veterinarian; and

"(E) addresses whether, in the expert panel's opinion, the benefits of using the drug outweigh its risks, taking into account the harm being caused by the absence of an approved or conditionally approved new animal drug for the minor use in question.

"(3) Within 180 days after the receipt of a request for listing a drug in the index, the Secretary shall grant or deny the request. The Secretary shall grant the request if the Secretary finds, on the basis of the expert panel report and other information available to the Secretary, that the benefits of using the drug outweigh its risks, taking into account the harm caused by the absence of an approved or conditionally approved new animal drug for the minor use in question. If the Secretary denies the request, the Secretary shall provide due notice and the opportunity for an expedited informal hearing. If the Secretary does not grant or deny the request within 180 days, the Secretary shall provide the Committee on Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate with the reasons action on the request did not occur within such 180 days. The decision of the Secretary under this paragraph shall constitute a final agency decision for purposes of judicial review.

"(d)(1) The index established by subsection (a) shall include the following information for each listed drug:

"(A) The name and address of the sponsor of the index listing.

"(B) The name of the drug, its dosage form, and its strength.

"(C) Labeling.

"(D) Production limits or other conditions the Secretary deems necessary to prevent misuse of the drug.

"(E) Requirements that the Secretary deems necessary for the safe and effective use of the drug.

"(2) The Secretary shall publish the index, and revise it monthly.

"(e)(1) If the Secretary finds, after due notice to the sponsor and an opportunity for an expedited informal hearing, that—

"(A) on the basis of new information before the Secretary, evaluated together with the evidence available to the Secretary when the drug was listed in the index, the benefits of using the drug do not outweigh its risks, or

"(B) the conditions and limitations of use in the index listing have not been followed,

the Secretary shall remove the drug from the index. The decision of the Secretary shall constitute final agency decision for purposes of judicial review.

"(2) If the Secretary finds that there is an imminent hazard to the health of man or of the animals for which such drug is intended, the Secretary may suspend the listing of such drug immediately, and give the sponsor prompt notice of the Secretary's action and afford the sponsor the opportunity for an expedited informal hearing. Authority to suspend the listing of a drug shall not be delegated below the Commissioner of Food and Drugs.

"(f)(1) In the case of any new animal drug for which an index listing pursuant to subsection (a) is in effect, the sponsor shall establish and maintain such records, and make such reports to the Secretary, of data relating to experience, and other data or information, received or otherwise obtained by such sponsor with respect to such drug, or with respect to animal feeds bearing or containing such drug, as the Secretary may by general regulation, or by order with respect to such listing, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination, whether there is or may be ground for invoking subsection (e). Such regulation or order shall provide, where the Secretary deems it to be appropriate, for the examination, upon request, by the persons to whom such regulation or order is applicable, of similar information received or otherwise obtained by the Secretary.

"(2) Every person required under this subsection to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

"(g) The labeling of a drug that is the subject of an index listing shall state, prominently and conspicuously, that the drug is legally marketed but not approved.

"(h) The Secretary shall promulgate regulations to implement this section. Such regulations shall address, among other subjects, the composition of the expert panel, sponsorship of the expert panel under the auspices of a recognized professional organization, conflict of interest criteria for panel members, and the use of advisory committees convened by the Food and Drug Administration.

"(i) To the extent consistent with the public health, the Secretary shall promulgate regulations for exempting from the operation of this section new animal drugs intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of animal drugs. Such regulations may, in the discretion of the Secretary, among other conditions relating to the protection of the public health, provide for conditioning such exemption upon the establishment and maintenance of such records, and the making of such reports to the Secretary, by the manufacturer or the sponsor of the investigation of such article, of data (including but not limited to analytical reports by investigators) obtained as a result of such investigational use of such article, as the Secretary finds will enable the Secretary to evaluate the safety and effectiveness of such article in the event of the filing of a request for an index listing pursuant to this section. Such regulations, among other things, shall set forth the conditions (if any) upon which animals treated with such articles, and any products of such animals (before or after slaughter), may be marketed for food use.

"GRANTS AND CONTRACTS FOR DEVELOPMENT OF ANIMAL DRUGS FOR MINOR USES

"SEC. 575. (a) The Secretary may make grants to and enter into contracts with public and private entities and individuals to assist in defraying the costs of qualified testing expenses and manufacturing expenses incurred in connection with the development of drugs for minor uses.

"(b) For purposes of subsection (a) of this section:

"(1) The term 'qualified testing' means—

"(A) clinical testing—

"(i) which is carried out under an exemption for a drug for minor uses under section 512(j), 573(k), or 574(i); and

"(ii) which occurs after the date such drug is designated under section 571 and before the date on which an application with respect to such drug is submitted under section 512; and

"(B) preclinical testing involving a drug for minor use which occurs after the date such drug is designated under section 571 and before the date on which an application with respect to such drug is submitted under section 512.

"(2) The term 'manufacturing expenses' means expenses incurred in developing processes and procedures intended to meet current good manufacturing practice requirements which occur after such drug is designated under section 571 and before the date on which an application with respect to such drug is submitted under section 512.

"(c) For grants and contracts under subsection (a), there are authorized to be appropriated $1,000,000 for fiscal year 2001, $1,500,000 for fiscal year 2002, and $2,000,000 for fiscal year 2003.".

(c) THREE-YEAR EXCLUSIVITY FOR MINOR USE APPROVALS.—Section 512(c)(2)(F)(ii), (iii), and (v) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii), (iii), and (v)) is amended by striking "(other than bioequivalence or residue studies)" and inserting "(other than bioequivalence studies or, except in the case of a new animal drug for minor uses, residue studies)".

(d) SCOPE OF REVIEW FOR MINOR USE APPLICATIONS.—Section 512(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(d)) is amended by adding at the end the following:

"(5) In reviewing a supplement to an approved application that seeks a minor use approval, the Secretary shall not reconsider information in the approved application to determine whether it meets current standards for approval.".

(e) PRESUMPTION OF NEW ANIMAL DRUG STATUS.—Section 709 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379a) is amended by designating the existing text as subsection (a), and by adding after such new subsection the following:

"(b) In any action to enforce the requirements of this Act respecting a drug for minor use that is not the subject of an approval under section 512, a conditional approval under section 573, or an index listing under section 574, it shall be presumed that the drug is a new animal drug.".

(f) CONFORMING AMENDMENTS.—

(1) Section 512(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(a)(1)) is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) there is in effect an approval of an application filed pursuant to subsection (b) with respect to such use or intended use of such drug, and such drug, its labeling, and such use conform to such approved application;

"(B) there is in effect a conditional approval of an application filed pursuant to section 573 with respect to such use or intended use of such drug, and such drug, its labeling, and such use conform to such conditionally approved application; or

"(C) there is in effect an index listing pursuant to section 574 with respect to such use or intended use of such drug, and such drug, its labeling, and such use conform to such index listing.".

(2) Section 512(a)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(a)(4)) is amended by adding after "if an approval of an application filed under subsection (b)" the following: "or a conditional approval of an application filed under section 573".

(3) Section 503(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(f)) is amended as follows:

(A) In paragraph (1)(A)(ii) by striking "512" and inserting the following: "512, a conditionally approved application under subsection (b) of section 573, or an index listing under subsection (a) of section 574.".

(B) In paragraph (3) by striking "section 512" and inserting the following: "sections 512, 573, or 574.".

(4) Section 504(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 354(a)(1)) is amended by striking "512(b)" and inserting "512(b), a conditionally approved application filed pursuant to section 573, or an index listing pursuant to section 574.".

(5) Section 504(a)(2)(B) and (b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 354(a)(2)(B), and 354(b)) are amended by striking "512(i)" and inserting "512(i) or section 573(g), or the index listing pursuant to section 574.".

(6) Section 403(a) of the Food and Drug Administration Modernization Act of 1997 (21 U.S.C. 371(a)) is amended by adding at the end "For purposes of this section, an approved article includes a new animal drug that is the subject of a conditional approval or an index listing under sections 573 and 574 of the Federal Food, Drug, and Cosmetic Act, respectively.".

(g) REGULATIONS.—The Secretary of Health and Human Services shall promulgate proposed regulations to implement amendments to the Federal Food, Drug, and Cosmetic Act made by this Act within 6 months of the date of enactment of this Act, and final regulations within 24 months of the date of enactment of this Act.

(h) OFFICE OF MINOR USE ANIMAL DRUG DEVELOPMENT.—

(1) The Secretary of Health and Human Services shall establish within the Center of Veterinary Medicine of the Food and Drug Administration an Office of Minor Use Animal Drug Development (referred to in this

subsection as the "Office"). The Secretary of Health and Human Services shall select an individual to serve as the Director of such Office. The Director of such Office shall report directly to the Director of the Center for Veterinary Medicine. The Office shall be responsible for designating minor use animal drugs under section 571 of the Federal Food, Drug, and Cosmetic Act, for administering grants and contracts for the development of animal drugs for minor uses under section 575 of the Federal Food, Drug, and Cosmetic Act, and for serving as liaison with any party interested in minor use animal drug development.

(2) For the Office described under paragraph (1), there are authorized to be appropriated $1,200,000 for each of the fiscal years 2001 through 2003.

SEC. 4. CREDIT FOR CLINICAL TESTING EXPENSES FOR CERTAIN ANIMAL DRUGS FOR MINOR USES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 45C the following new section:

"SEC. 45D. CLINICAL TESTING EXPENSES FOR CERTAIN ANIMAL DRUGS FOR MINOR USES.

"(a) GENERAL RULE.—For purposes of section 38, the minor use animal drug credit determined under this section for the taxable year is an amount equal to 50 percent of the qualified animal clinical testing expenses for the taxable year.

"(b) QUALIFIED ANIMAL CLINICAL TESTING EXPENSES.—For purposes of this section—

"(1) QUALIFIED ANIMAL CLINICAL TESTING EXPENSES.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'qualified animal clinical testing expenses' means the amounts which are paid or incurred by the taxpayer during the taxable year which would be described in subsection (b) of section 41 if such subsection were applied with the modifications set forth in subparagraph (B).

"(B) MODIFICATIONS.—For purposes of subparagraph (A), subsection (b) of section 41 shall be applied—

"(i) by substituting 'animal clinical testing' for 'qualified research' each place it appears in paragraphs (2) and (3) of such subsection, and

"(ii) by substituting '100 percent' for '65 percent' in paragraph (3)(A) of such subsection.

"(C) EXCLUSION FOR AMOUNTS FUNDED BY GRANTS, ETC.—The term 'qualified animal clinical testing expenses' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise by another person (or any governmental entity).

"(D) SPECIAL RULE.—For purposes of this paragraph:

"(i) section 41 shall be deemed to remain in effect for periods after June 30, 2000; and

"(ii) the trade or business requirement of section 41(b)(1) shall be deemed to be satisfied in the case of a taxpayer that owns animals and that conducts clinical testing on such animals.

"(2) ANIMAL CLINICAL TESTING.—

"(A) IN GENERAL.—The term 'animal clinical testing' means any clinical testing—

"(i) which is carried out under an exemption for a drug being tested for minor use under section 512(j), 573(k), or 574(i) of the Federal Food, Drug, and Cosmetic Act (or regulations issued under such sections),

"(ii) which occurs—

"(I) after the date such drug is designated under section 571 of such Act, and

"(II) before the date on which an application with respect to such drug is approved under section 512(c) of such Act, and

"(iii) which is conducted by or on behalf of—

"(I) the taxpayer to whom the designation under such section 571 applies, or

"(II) the owner of the animals that are the subject of clinical testing.

"(B) TESTING MUST BE FOR MINOR USE.—Animal clinical testing shall be taken into account under subparagraph (A) only to the extent such testing is related to the use of a drug for the minor use for which it was designated under section 571 of the Federal Food, Drug, and Cosmetic Act.

"(c) COORDINATION WITH CREDIT FOR INCREASING RESEARCH EXPENDITURES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any qualified animal clinical testing expenses for a taxable year to which an election under this section applies shall not be taken into account for purposes of determining the credit allowable under section 41 for such taxable year.

"(2) EXPENSES INCLUDED IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any qualified animal clinical testing expenses for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

"(d) DEFINITION AND SPECIAL RULES.—

"(1) MINOR USE.—For purposes of this section, the term 'minor use' has the meaning given such term by section 201(ll) of the Federal Food, Drug, and Cosmetic Act. Determinations under the preceding sentence with respect to any drug shall be made on the basis of the facts and circumstances as of the date such drug is designated under section 571 of the Federal Food, Drug, and Cosmetic Act.

"(2) DENIAL OF CREDIT FOR TESTING CONDUCTED BY CORPORATIONS TO WHICH SECTION 936 APPLIES.—No credit shall be allowed under this section with respect to any animal clinical testing conducted by a corporation to which an election under section 936 applies.

"(3) CERTAIN RULES MADE APPLICABLE.—Rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply for purposes of this section.

"(4) ELECTION.—This section shall apply to any taxpayer for any taxable year only if such taxpayer elects (at such time and in such manner as the Secretary may by regulations prescribe) to have this section apply for such taxable year.".

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of such Code is amended—

(A) by striking "plus" at end of paragraph (11),

(B) by striking the period at the end of paragraph (12) and inserting ", plus", and

(C) by adding at the end the following new paragraph:

"(13) the minor use animal drug credit determined under section 45D(a).".

(2) Section 280C(b) of such Code is amended—

(A) in paragraph (1), by striking "section 45C(b)" and inserting "section 45C(b) or 45D(b)", and

(B) in paragraphs (1) and (2), by striking "section 45C" each place it appears and inserting "section 45C or 45D".

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45C the following new item:

"Sec. 45D. Clinical testing expenses for certain animal drugs for minor uses.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act. ,

(e) REGULATIONS.—The Secretary of the Treasury shall publish proposed regulations to implement amendments to the Internal Revenue Code of 1986 made by this Act within 6 months after the date of the enactment of this Act, and final regulations within 24 months after such date.

Mr. DODD (for himself, Ms. COLLINS, and Mr. KENNEDY):

S. 3170. A bill to amend the Higher Education Act of 1965 to assist institutions of higher education to help at-risk students to stay in school and complete their 4-year postsecondary academic programs by helping those institutions to provide summer programs and grant aid for such students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

COLLEGE COMPLETION CHALLENGE GRANTS ACT OF 2000

Mr. DODD. Mr. President, I rise today to join Senator COLLINS in offering legislation that will support our youth and promote their abilities by helping them stay in college and complete their degrees.

There is no question that post-secondary education is a critical component in individual success in today's economy. Parents understand this reality from the day their children are born and they start worrying about how to make college affordable. Students know it as they work to achieve good grades and high test scores. And policymakers know it as we work to increase Pell grants and support increased saving options for families.

But colleges achievement is not just about being accepted at a higher education institution. To fully see the benefits of post-secondary education, one must complete a degree. And yet, while college enrollment rates have been rising, 37 percent of students who enter post-secondary education drop out before they receive a degree or certificate. This problem is especially acute for minorities. Thirty percent of African-Americans and Hispanic-Americans drop out of college before the end of their first year. This is almost double the rate of white Americans.

For these students and for us as a nation, these statistics represent a lost opportunity. Clearly, these students aspire to greater things—to more education and better careers. But instead of fulfilling this promise, they leave school with their potential unrealized. Unfortunately, many of them also leave school not just with an academic set-back, but also with substantial student loan debt, which today is as much a reality of college attendance as is a course syllabus.

The legislation I am introducing today, the "College Completion Challenge Grants Act of 2000", would provide vital support and assistance to at-risk students to help them stay in school and complete their degrees. The College Completion Challenge grant program is based on the successful work of the Student Support Services (SSS) program, which is one of the Turning R Into Opportunity programs. While TRIO is better known for its early intervention programs with talented, at-risk high school students, SSS follows through on these early efforts by supporting at-risk, first-generation college students once they are enrolled. The College Completion Challenge grants would supplement these student support services by offering additional scholarship aid, intensive summer programs, and further support services to students at risk of dropping out. Higher education institutions participating in SSS as well as those that provide similar support through other sources would be eligible to apply for these additional dollars.

Mr. President, the House of Representatives has already acted on similar legislation, which was included in the Higher Education Technical Amendments that passed the House earlier this year. So, I am hopeful that we too can find an appropriate vehicle to support these students as they pursue their dreams. I urge my colleagues to support this legislation.

By Mr. MURKOWSKI (for himself, Mr. BREAUX, and Mr. STEVENS):

S. 3171. A bill to amend the Internal Revenue Code of 1986 to extend the section 29 credit for producing fuel from a non-conventional source; to the Committee on Finance.

ENERGY SECURITY FOR AMERICAN CONSUMERS ACT OF 2000

Mr. MURKOWSKI. Mr. President, if this country is ever going to achieve the goal of reducing our dependency on foreign sources of oil to at least 50 percent, we are going to have to provide incentives that will encourage our energy industry to recover oil and gas from nonconventional sources.

In the aftermath of the twin oil shocks of the 1970s, Congress enacted Section 29 of the tax code which provides a tax credit to encourage production of oil and gas from unconventional sources such as Devonian shale, tight rock formations, coalbeds and geopressurized brine. This credit has helped the industry invest in new technologies which allow us to recover large oil and gas deposits that are locked in various formations which are very expensive to develop.

Since the Clinton-Gore Administration came into office, it has sent up various proposals all designed to eliminate the Section 29 credit. As a result of their efforts, the Section 29 credit has not applied to any facilities placed in service since July 1, 1998. That makes absolutely no sense when we realize that today we are 56 percent dependent on foreign sources of oil. Doing away with this credit sends a direct signal to the market—this country will not lift a finger to encourage energy development at home.

I think it is time to reverse the failed energy policies of the Clinton-Gore administration. As part of that effort, I am today introducing legislation that would extend the Section 29 credit until 2013 and allow it to apply to facilities that are placed in service before 2011. I am pleased that Senators BREAUX and STEVENS are joining me in this effort.

Mr. President, if we are to retain the prosperity we have enjoyed over the last 20 years, we must have a stable and secure supply of oil and natural gas. Section 29 is an important provision that will allow our energy development companies to bring technologies on line to develop new energy deposits.

Moreover, the bill expands the definition of qualifying investments to include heavy oil. In Alaska, there are several billion barrels of heavy oil in West Sak Prudhoe Bay that are just too costly to exploit because of the density of the oil and the fact that it is heavily laden with sand. Extension of the Section 29 credit could very well mean that these billions of barrels of heavy oil could be exploited and brought onto the U.S. energy market.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Security for American Consumers Act of 2000".

SEC. 2. EXTENSION OF CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

(a) EXTENSION OF CREDIT.—Subsection (f) of section 29 of the Internal Revenue Code of 1986 (relating to credit for producing fuel from a nonconventional source) is amended—

(1) in paragraph (1)(A), by inserting before "or" the following: "or from a well drilled after the date of the enactment of the Energy Security for American Consumers Act of 2000, and before January 1, 2011,",

(2) in paragraph (1)(B), by inserting before "and" at the end the following: "or placed in service after the date of the enactment of the Energy Security for American Consumers Act of 2000, and before January 1, 2011,", and

(3) in paragraph (2), by striking "2003" and inserting "2013".

(b) REDUCTION IN AMOUNT OF CREDIT BY 20 PERCENT PER YEAR STARTING IN 2007.— Subsection (a) of section 29 of such Code is amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to—

"(A) the applicable amount, multiplied by

"(B) the barrel-of-oil equivalent of qualified fuels—

"(i) sold by the taxpayer to an unrelated person during the taxable year, and

"(ii) the production of which is attributable to the taxpayer.

"(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is the amount determined in accordance with the following table:

In the case of taxable years beginning in calendar year:	**The applicable amount is:**
2001 to 2008	$3.00
2009	$2.60
2010	$2.00
2011	$1.40
2012	$0.80
2013 and thereafter	$0.00

(c) CREDIT ALLOWED AGAINST BOTH REGULAR TAX AND ALTERNATIVE MINIMUM TAX.—Paragraph (6) of section 29(b) of such Code is amended to read as follows:

"(6) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this part (other than subpart C and this section) and under section 1397E."

(d) QUALIFIED FUELS TO INCLUDE HEAVY OIL.—Subsection (c) of section 29 of such Code (defining qualified fuels) is amended—

(1) in paragraph (1), by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) heavy oil, as defined in section 613A(c)(6)(7).", and

(2) by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR HEAVY OIL.—Heavy oil shall be considered to be a qualified fuel only if it is produced from a well drilled, or in a facility placed in service, after the date of the enactment of the Energy Security for American Consumers Act of 2000, and before January 1, 2011."

(e) REPEAL OF SUPERSEDED SUBSECTION.—Subsection (g) of section 29 of such Code is repealed.

(f) EFFECTIVE DATE.—The amendments made by this Act shall apply to taxable years beginning after December 31, 2000.

By Mr. KENNEDY:

S. 3172. A bill to provide access to affordable health care for all Americans; to the Committee on Finance.

BASIC HEALTH PLAN ACT

Mr. KENNEDY. Mr. President, last week, the Census Bureau released new figures on the number of the uninsured. Thanks to a prosperous economy and the Children's Health Insurance Program, the number of the uninsured declined for the first time in more than a decade. But that decline was small, and it is no cause for complacency. The number of uninsured is still far too high—43 million Americans have no insurance coverage—and any weakening in the economy is likely to send the number higher again.

It's a national disgrace that so many Americans find the quality of their health determined by the quantity of their wealth. In this age of the life sciences, the importance of good medical care in curing disease and improving and extending life is more significant than ever, and denying any family the health care they need is unacceptable.

Earlier this year, along with a number of my colleagues in the House and Senate, I introduced bipartisan legislation to extend the Child Health Insurance Program to include the parents of participating children and to increase the enrollment of eligible children in Medicaid and CHIP. It received a majority vote in the Senate, but it was defeated on a procedural motion. I hope that we will be able to pass it promptly next year, as an initial effective step to reduce the number of the uninsured.

Today, I am introducing an additional measure. The Basic Access to Secure Insurance Coverage Health plan—or BASIC Health plan. Congressman John Dingell is introducing a companion measure in the House. Our proposal uses the model of the Child Health Insurance Program to make subsidized coverage available—through private insurance or Medicaid—to all Americans with incomes below 300 percent of poverty—$25,000 a year for an individual and $42,000 a year for a family of three.

Almost three-quarters of the uninsured are in this income range. Our plan also includes innovative steps to encourage current and newly eligible individuals and families to enroll. It is a major step toward the day when access to affordable health care will be a reality for all Americans, and I hope it will be enacted as well next year.

The need for BASIC is clear. One of our highest national priorities for the new century must be to make good health care a reality for all our people. Every other industrialized society in the world except South Africa achieved that goal in the 20th century—and under Nelson Mandela and Thabo Mbeki, South Africa has taken giant steps toward universal health care today. But in our country, the law of the jungle still too often prevails. Forty-three million of our fellow citizens are left out and left behind when it comes to health insurance.

The dishonor roll of suffering created by this national problem is a long one.

Children fail to get a healthy start in life because their parents cannot afford the eyeglasses or hearing aids or doctors visits they need.

A young family loses its chance to participate in the American dream, when a breadwinner is crippled or killed because of lack of timely access to medical care.

A teenager is condemned to go without a college education because the family's income and energy are sucked away by the high financial and emotional cost of uninsured illness.

An older couple sees its hope for a dignified retirement dashed when the savings of a lifetime are washed away by a tidal wave of medical debt.

Even in this time of unprecedented prosperity, more than 200,000 Americans annually file for bankruptcy because of uninsured medical costs. And the human costs of being uninsured are often just as devastating.

In any given year, one-third of the uninsured go without needed medical care.

Eight million uninsured Americans fail to take the medication that their doctor prescribes, because they cannot afford to fill the prescription.

Four hundred thousand children suffer from asthma but never see a doctor. Five hundred thousand children with recurrent earaches never see a doctor. Another five hundred thousand children with severe sore throats never see a doctor.

Thirty-two thousand Americans with heart disease go without life-saving and life-enhancing bypass surgery or angioplasty—because they are uninsured.

Twenty-seven thousand uninsured women are diagnosed with breast cancer each year. They are twice as likely as insured women not to receive medical treatment before their cancer has already spread to other parts of their bodies. As a result, they are 50 percent more likely to die of the disease.

Overall, eighty-three thousand Americans die each year because they have no insurance. The lack of insurance is the seventh leading cause of death in America today. Our failure to provide health insurance for every citizen kills more people than kidney disease, liver disease, and AIDS combined.

Today our opportunity to finally end these millions of American tragedies is greater than ever before. Our prosperous economy gives us large new resources to invest in meeting this critical need. Recently, some Republicans in Congress have finally joined Democrats in urging our country to meet the challenge of providing health coverage to the 43 million Americans who are uninsured.

The BASIC plan can be a bridge for both Republicans and Democrats to come together. It is based on the model of the Child Health Insurance Program, which enjoys broad bi-partisan support in every state in the country. It emphasizes a Federal-State partnership to make care accessible and affordable. Insurance is provided primarily through the private sector, but without employer mandates.

The BASIC plan is designed to supplement, not replace, the current employment-based system of health care. It will also build on Medicaid, which effectively serves so many of the very poor, the working poor, the disabled, and people with AIDS.

Federal subsidies under BASIC will be targeted to those without insurance today. We should not disrupt the health coverage that 161 million Americans now receive through their employers. It makes no sense to encourage those who already have reliable employer-based health insurance to turn instead to a new government-subsidized program. The cost to taxpayers would balloon needlessly, and force us to reduce benefits in order to cut costs.

The proposal builds on and expands proven programs that are already in place. States will provide coverage under Medicaid for all very low income people, consistent with the mandate that already exists in federal law to provide Medicaid coverage for all children with family incomes below 100 percent of poverty. Medicaid's broad benefits and minimal cost-sharing are ideal for very low income people, because they cannot afford to contribute significantly to the cost of their own care.

For low and moderate income individuals and families, the plan follows the CHIP model. States will have the choice of providing coverage through Medicaid or contracting with private insurance companies to offer subsidized coverage to those eligible to participate. The state would pay the insurance company a premium for each individual enrolled. For higher income enrollees, the individual would make a premium contribution as well.

One-third of all the uninsured today are poor, and almost three-quarters of the uninsured have incomes below 300 percent of poverty. A program of subsidies targeted on these low and moderate income Americans will put affordable health insurance within reach of the vast majority of the uninsured.

One of the biggest problems we face in expanding health insurance coverage through such a program is assuring that those who are eligible actually participate. We have learned a great deal from the experience under CHIP on how to achieve this objective. We know that simple, mail-in forms are important. We know that public information campaigns and the involvement of community-based organizations can be valuable. We know that programs with presumptive eligibility are effective—so that people can be signed up right away, without waiting until the eligibility verification process has been completed. We know that enrolling people for a year at a time without subjecting them to reapplications or reverification of income more often than once a year is critical. Through steps like these, we can see that the uninsured are not only eligible for the program but actually participate in it, so that they actually have the financial protection and access to timely medical care they need.

The BASIC Health plan will not require employers to contribute to the cost of coverage. But it will require them to make the BASIC plan coverage available through the workplace, and forward the premiums of workers to the insurance company that the workers choose. This step is a minimum obligation that responsible employers should be willing to accept—and it can significantly increase the number of the uninsured who actually have coverage. Eighty-two percent of uninsured Americans today are workers or dependents of workers. Our message to all of them is that help is finally on the way.

The cost of the BASIC place is an estimated $200 billion to $300 billion over the next ten years—approximately the cost of the prescription drug plans that many of us have proposed under Medicare. It's a substantial amount of the surplus, but as we know from the success of Medicare, few if any federal dollars are better spent.

In sum, every child deserves a healthy start and life. Every family deserves protection against the high cost of illness. All Americans deserve timely access to quality, affordable health care. The American people want action. It is time for all of us to make the cause of health care for all a national priority.

I ask unanimous consent that a summary of the BASIC plan and a fact sheet on the problem of the uninsured be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEED FOR LEGISLATION AND SUMMARY OF THE "BASIC" HEALTH PROGRAM: UNIVERSAL ACCESS TO AFFORDABLE QUALITY HEALTH INSURANCE

America is the only industrial country in the world, except South Africa, that does not guarantee health care for all its citizens. The number of uninsured declined last year for the first time in more than a decade—but 43 million Americans remain uninsured, and any slowdown in the economy is likely to send the number up again. The vast majority of the uninsured are workers or dependents of workers. The consequences of being uninsured go far beyond vulnerability to catastrophic medical costs. The uninsured often lack timely access to quality health care, especially preventive care. They suffer unnecessary illness and even death because they have no coverage.

Growth in the Uninsured

The number of the uninsured has grown from 32 million in 1987 to 43 million this year. Except for a brief pause in 1993 and 1994, the number of uninsured has consistently increased by a million or more each year until this year. Even these figures understate the number of the uninsured. During the course of a year, 70 million Americans will be uninsured for an extended period of time.

Characteristics of the Uninsured

The vast majority of privately insured Americans—161 million citizens under 65—receive coverage on the job as workers or members of their families. But the uninsured are also overwhelmingly workers or their dependents. Eighty-two percent of those without insurance are employees or family members of employees. Of these uninsured workers, most are members of families with at least one person working full-time.

Most uninsured workers are uninsured because their employer either does not offer coverage, or because they are not eligible for the coverage offered. Seventy percent of uninsured workers are in firms where no coverage is offered. Eighteen percent are in firms that offer coverage, but they are not eligible for it, usually because they are part-time workers or have not been employed by the firm long enough to qualify for coverage. Only 12 percent of uninsured workers are offered coverage and decline.

The uninsured are predominantly low and moderate income persons. Almost 25 percent are poor (income of $8,501 or less for a single individual; $13,290 or less for a family of three). Twenty-eight percent have incomes between 100 and 200 percent of poverty. Eighteen percent have incomes between 200 and 300 percent of poverty. Almost three-fourths have incomes below 300 percent of poverty.

Consequences of Being Uninsured

An uninsured family is exposed to financial disaster in the event of serious illness. Unpaid medical bills account for 200,000 bankruptcies annually. Over 9 million families spend more than one fifth of their total income on medical costs. The health consequences of being uninsured are often as devastating as the economic costs:

In any given year, one-third of the uninsured go without needed medical care.

Eight million uninsured Americans fail to take medication their doctors prescribe, because they cannot afford to fill the prescription.

Thirty-two thousand Americans with heart disease go without life-saving and life-enhancing bypass surgery or angioplasty, because they are uninsured.

Twenty-seven thousand uninsured women are diagnosed with breast cancer each year. They are twice as likely as insured women not to receive medical treatment until their cancer has already spread in their bodies. As a result, they are 50 percent more likely to die of the disease.

The tragic bottom line is that eighty-three thousand Americans die every year because they have no insurance. Being uninsured is the seventh leading cause of death in America. Our failure to provide health insurance for every citizen kills more people than kidney disease, liver disease, and AIDS combined.

THE PROPOSAL: SUMMARY OF BASIC ACCESS TO SECURE INSURANCE COVERAGE HEALTH PLAN ("BASIC" HEALTH PLAN)

Overview

The BASIC program builds on the bi-partisan Child Health Insurance Program and on Vice-President Gore's proposal to extend insurance coverage under CHIP and Medicaid to the parents of eligible children. The Child Health Insurance Program provides subsidized coverage through Medicaid or private insurers contracting with state governments for low and moderate income children. The BASIC plan extends the availability of subsidized coverage to all uninsured low and moderate income Americans, regardless of age or family status. It guarantees the availability of coverage in every state for every uninsured person, and includes provisions to encourage enrollment by those who are eligible. The plan also allows those who have incomes too high to qualify for subsidies to participate in the program by paying the full premium.

Key Provisions

Phase I: Coverage for Children and Parents—Expansion of CHIP and Medicaid

Eligibility levels are raised to 300 percent of poverty for all uninsured children.

Coverage is made available to all uninsured parents of eligible children.

Coverage is made available to legal immigrant children and their parents.

The required benefit package for children is improved by adding eye-glasses, hearing aids, and medically necessary rehabilitative services for disabled or developmentally delayed children.

Additional steps are established to encourage enrollment of eligible children and their parents, including presumptive eligibility, qualification for at least twelve months, and simplified application forms.

The system of capped state allotments under CHIP is eliminated and federal matching funds are made available for all eligible persons enrolled in the program.

Phase II: Coverage for the Remaining Uninsured

Subsidized coverage is made available for all uninsured single adults with incomes below 300 percent of poverty. Coverage is phased in by income levels, beginning with those below 50 percent of poverty in the third year of the program, rising to 300 percent of poverty in the ninth year.

Unsubsidized coverage is available to all individuals in families with incomes too high to qualify for subsidized coverage, by paying the cost through premiums.

Responsibility of Employers

Eighty-two percent of the uninsured are workers or dependents of workers. Employers will not be required to provide coverage or contribute to the cost of coverage—but they will be required to offer their uninsured employees an opportunity to enroll in the program and agree to facilitate the coverage by withholding any required premium contributions from the employee's periodic pay.

Cost

Preliminary estimates of similar proposals indicate that the federal cost will be $200–$300 billion over the next ten years, beyond the amount already budgeted for expansions of coverage under the current CHIP program.

By Mr. SMITH of New Hampshire (for himself, Mr. WARNER, Mr. INHOFE, Mr. THOMAS, Mr. BOND, Mr. VOINOVICH, Mr. CRAPO, Mr. L. CHAFEE, Mr. BAUCUS, Mr. MOYNIHAN, and Mr. GRAHAM):

S. 3173. A bill to improve the implementation of the environmental streamling provisions of the Transportation Equity Act for the 21st Century; read the first time.

ENVIRONMENTAL STREAMLINING IMPROVEMENT ACT

Today I am introducing legislation that requires the US Department of Transportation to make substantial revisions to the recently proposed regulations on transportation planning and environmental streamlining. This action is necessary because the proposed regulations fail to fully comply with the direction that Congress gave to the U.S. Department of Transportation (US DOT) in the Transportation Equity Act for the 21st Century—the so-called TEA—21—that we passed in 1998.

The proposed regulations cover the inter-related disciplines of transportation planning and environmental protection. It is my view that transportation system development and the environment can exist in harmony if there is proper planning and foresight. All too often, though, there is a lack of coordination that results in unnecessary delays to transportation projects, or leads to wasted time and funds on projects that never get built.

This is the problem that I, along with my colleagues, Senators GRAHAM and WYDEN, attempted to address when we authored TEA-21's environmental streamlining provision. Our provision, which is section 1309 of TEA-21, required a more systematic approach to avoid conflicts, expedite approvals, and eliminate duplicated efforts in developing transportation projects.

Section 1309 does not weaken environmental standards or avoid existing requirements for environmental analysis. Instead, section 1309 requires better coordination between the transportation and environmental agencies.

Specifically, section 1309 requires that US DOT to establish a coordinated review process among the various state and federal agencies, to ensure concurrent rather than sequential reviews by these agencies, and to establish a dispute resolution process so that delays are not created by lingering, unresolved problems. We also included other changes in TEA-21 that were intended to put greater order and efficiency into the planning and approval of transportation projects.

Unfortunately, the proposed regulations fail to meet the requirements of TEA-21 in two important respects: First, the regulations do not incorporate the specific requirements of environmental streamlining with regard to time periods for review or a dispute resolution process.

Second, the regulations create new data collection, consultation and analysis requirements that will further complicate and delay transportation projects.

The full Committee on Environment and Public Works held a hearing two weeks ago to take testimony from the administration and the states on the intent and effect of these regulations. the states unanimously objected to the increased burden that would result from these proposed regulations. Where we intended to reduce delay, state transportation departments testified that these regulations would add years to project development, putting us even further behind in meeting our transportation needs.

A few weeks ago, eleven bipartisan members of my committee joined in a letter to the Secretary of Transportation recommending that the proposed regulations be revised and reissued. That is precisely the subject of the legislation I am introducing today.

This bill requires the Secretary of Transportation to revise the rules, taking into consideration the hundreds of comments received on the current proposal, and to comply with the clear directives that US DOT received from Congress in section 1309 of TEA-21. I hope that with a second chance, the US DOT will craft rules that clearly meet Congressional intent.

Mr. BAUCUS. Mr. President, today Senator SMITH, on behalf of Senator VOINOVICH, myself and others is introducing the Environmental Streamlining Improvement Act.

This bill ensures that the United States Department of Transportation will issue a revised rule on TEA-21 environmental streamlining regulations. This bill will give the USDOT another chance to follow the statute when issuing proposed rules on planning and the environment.

The Environment and Public Works Committee has held three hearings on the subject of environmental streamlining since the passage of TEA-21 in 1998. I am sorry to say that in the 2 years it has taken the USDOT to issue this NPRM, they fall far short of what Congress has intended. TEA-21 is very specific about what the regulations should do. The proposed regulations follow neither the word nor the intent of TEA-21.

I remember working with Senators WARNER, GRAHAM, WYDEN and CHAFEE and with the House members to develop an agreement on environmental streamlining. Those provisions are now Sections 1308 and 1309 of TEA-21.

I had heard from the Montana Department of Transportation and from others about how cumbersome a process it is to complete a highway project. Everyone who worked on TEA-21, in both the House and Senate, wanted to include a direction to the USDOT to streamline the planning and project development processes for the states.

We were very clear—the environment and the environmental reviews should not get short shrift! But, we need to find a way to make it easier to get a final decision, eliminate unnecessary delays, move faster and with as little paperwork as possible.

I cannot over-emphasize that the planning and environmental provisions of TEA-21 need to be implemented in a way that will streamline the expedite, not complicate, the process of delivering transportation projects.

That is why Congress directed the USDOT to include certain elements in their regulations on environmental streamlining.

We included concepts to be incorporated in future regulations—like concurrent environmental reviews by agencies and reasonable deadlines for the agencies to follow when completing their reviews.

Certainly we did not legislate an easy task to the USDOT. Trying to coordinate so many separate agencies is like trying to herd cats. The whole concept of environmental streamlining—that is, to make the permit and approval process work more smoothly and effectively, while still ensuring protection of the environment—is one of the more difficult challenges of TEA-21.

So I waited for the rules to come out. And waited. And two years after the passage of TEA-21 I look at the proposed rules and I am very disappointed.

I have identified several problems with these regulations and I would like to mention just a few things that I see as real problems.

First, elevating the planning process participants to the roles of decision makers. These regulations were supposed to help the States get their jobs done better and more efficiently. Its one thing to add more participants to the process. More involvement is a good thing.

But its another thing to give them the authority to make decisions about how the planning process will work. This decision maker role is currently held by State DOTs and Metropolitan Planning Organizations for a reason.

Second, what happened to "streamlining?" The basic elements of real streamlining are the only things not in the regs.

Third, these regulations are supposed to answer questions—but what is contained in the proposed regulations raises even more questions because they are vague there they need to be precise.

Fourth, this proposal makes it even harder, if not impossible to come to a decision. These regulations include initiatives not outlined in sections 1308 and 1309 and in many areas would strip states of their authority.

I would also like to mention that the Montana Department of Transportation filed comments or wrote letters at every possible opportunity for the public record. As I read these proposed regulations, I see that MDT's comments were either never read by the USDOT or ignored.

Let me close by saying that I believe the proposed rules would add significant requirements and uncertainty to planning and environmental review for transportation projects. In practical terms, they would increase overhead and delay—and delay usually means increased project costs. These proposed rules could make it difficult for States to deliver their programs. Contracts won't get let and jobs will be lost.

I know this is a tough task. To streamline a process while ensuring that we maintain a thorough planning and environmental review process. But, adding requirements to the process is contrary to the course charted by Congress.

At our last hearing, the administration testified that their intent was to streamline the process. The bill we are introducing today would allow them to make good on their intent.

Our bill requires the USDOT go back to the drawing board and incorporate comments received from States and others and issue another NPRM. I am confident the USDOT will do the right thing this time.

Mr. VOINOVICH. Mr. President, I rise today to thank Senator BOB SMITH of introducing the Environmental Streamlining Improvement Act today. Last month several of my colleagues on the Environmental and Public Works Committee, following a full committee hearing on the issue, requested that the Administration revise its proposed rules on environmental streamlining and transportation planning, taking into consideration comments already submitted on the proposed rules, and publish them in the Federal Register for an additional 120-day comment period. This legislation is being introduced today because the Administration has not responded to our request.

In addition to requiring the Administration to consider public comments and to revise and re-propose rules on environmental streamlining and transportation planning, this legislation would prevent the Secretary of Transportation from finalizing the rules until May 1, 2001, and require a report on changes that were made to the revised rules.

When I was Governor of Ohio, I witnessed first-hand the frustration of many of the various state agencies because they were required to complete a myriad of federally-required tasks on whatever project they initiated.

With my background as a local and state official, I bring a unique perspective to this issue. While environmental review is good public policy, I believe that there are more efficient ways to ensure adequate and timely delivery of construction projects, while still carefully assessing environmental concerns.

Congress recognized the frustration of the states and enacted planning and environmental provisions to initiate environmental streamlining and expedite project delivery. These programs are embodied in Sections 1308 and 1309 of TEA–21. Section 1308 calls for the integration of the Major Investment Study, which had been a separate requirement for major metropolitan projects, with the National Environmental Policy Act (NEPA) process. Section 1309 of TEA–21 calls for the establishment of a coordinated review process for the Department of Transportation to work with other federal agencies to ensure that transportation projects are advanced according to cooperatively determined time-frames. This is accomplished by using concurrent rather than sequential reviews, and allows states to include state-specific environmental reviews in the coordinated process.

Last year, I conducted two hearings as Chairman of the Subcommittee on Transportation and Infrastructure on streamlining and project delivery. During those hearings I stressed how important it is that the planning and environmental streamlining provisions of TEA–21 be implemented in a way that will streamline and expedite, not complicate, the process of delivering transportation projects. A year after these hearings and nearly two years after the passage of TEA–21, the Department of Transportation finally published its proposed planning and NEPA regulations on May 25, 2000. Frankly, I am very disappointed with how long it took to propose these rules, and I believe many of my colleagues feel the same way. More importantly, there is a lot of disappointment with the proposed rules in general.

I strongly believe these proposed regulations are inconsistent with TEA–21 and Congressional intent and do little, if anything, to streamline and expedite the ability of states to commence transportation projects. The proposed rules create new mandates and requirements, add new decision-makers to the process, and provide endless fodder for all kinds of lawsuits, especially with regard to environmental justice.

In Ohio, the process of highway construction has been dubbed: "So you Want a Highway? Here's the Eight Year Hitch." My hope has been that in the future we could say "So you Want a Highway? Here's the Five Year Hitch." I don't see that happening with the proposal we have before us. For that reason, I am very pleased Senator SMITH has introduced this legislation today.

By Mr. CRAIG (for himself, Mr. CONRAD, Mr. BAUCUS, Mr. BINGAMAN, Mr. BREAUX, Mr. BURNS, Mr. CRAPO, Mr. DASCHLE, Mr. ENZI, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. GREGG, Mr. HARKIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. LEAHY, Mr. LUGAR, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. SARBANES, Mr. SMITH of New Hampshire, Mr. THOMAS, and Mr. WELLSTONE):

S. 3175. A bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL RURAL DEVELOPMENT PARTNERSHIP ACT OF 2000

Mr. CRAIG. Mr. President, I rise today with Senator CONRAD to introduce the "National Rural Development Partnership Act of 2000"—a bill to codify the National Rural Development Partnership (NRDP or the Partnership) and provide a funding source for the program. I am pleased that Senators BAUCUS, BINGAMAN, BREAUX, BURNS, CRAPO, DASCHLE, ENZI, GORTON, GRAMM, GRAMS, GREGG, HARKIN, HUTCHISON, JEFFORDS, JOHNSON, KENNEDY, KERREY, LEAHY, LUGAR, MIKULSKI, MURRAY, REED, SARBANES, BOB SMITH, THOMAS, and WELLSTONE are joining us as original cosponsors.

The Partnership was established under the Bush Administration in 1990, by Executive Order 12720. Although the Partnership has existed for ten years, it has never been formally authorized by Congress. The current basis for the existence of the Partnership is found in the Consolidated Farm and Rural Development Act of 1972 and the Rural Development Policy Act of 1980. In addition, the Conference Committee Report on the 1996 federal Farm Bill created specific responsibilities and expectations for the Partnership and state rural development councils (SRDCs).

The Partnership is a nonpartisan interagency working group whose mission is to "contribute to the vitality of the Nation by strengthening the ability of all rural Americans to participate in determining their futures." The NRDP and SRDCs do something no other entities do: facilitate collaboration among federal agencies and between federal agencies and state, local, and tribal governments and the private and non-profit sectors to increase coordination of programs and services to rural areas. When successful, these efforts result in more efficient use of limited rural development resources and actually add value to the efforts and dollars of others.

On March 8, 2000, the Subcommittee on Forestry, Conservation, and Rural Revitalization, which I chair, held an oversight hearing on the operation and accomplishments of the NRDP and SRDCs. The Subcommittee heard from a number of witnesses, including officials of the US Departments of Agriculture, Transportation and Health & Human Services, state agencies, and private sector representatives. The hearing established the need for some legislative foundation and consistent funding. The legislation we are introducing accomplishes this.

This legislation formally recognizes the existence and operations of the Partnership, the National Rural Development Council (NRDC), and SRDCs. In addition, the legislation gives specific responsibilities to each component of the Partnership and authorizes it to receive Congressional appropriations.

Specifically, the bill formally establishes the NRDP and indicates it is composed of the NRDC and SRDCs. NRDP is established for empowering and building the capacity of rural communities, encouraging participation in flexible and innovative methods of addressing the challenges of rural areas, and encouraging all those involved in the Partnership to be fully engaged and to share equally in decision making.

This legislation also identifies the role of the federal government in the Partnership as being that of partner, coach, and facilitator. Federal agencies are called upon to designate senior-level officials to participate in the NRDC and to encourage field staff to participate in SRDCs. Federal agencies are also authorized to enter into cooperative agreements with, and to provide grants and other assistance to, state rural development councils, regardless of the form of legal organization of a state rural development council.

The composition of the NRDC is specified as being one representative from each federal agency with rural responsibilities, and governmental and nongovernmental for-profit and non-profit organizations that elect to participate in the NRDC. The legislation outlines the duties of the Council as being to provide support to SRDCs; facilitate coordination among federal agencies and between the federal, state, local and tribal governments and private organizations; enhance the effectiveness, responsiveness, and delivery of federal government programs; gather and provide to federal agencies information about the impact of government programs on rural areas; review and comment on policies, regulations, and proposed legislation; provide technical assistance to SRDCs; and develop strategies for eliminating administrative and regulatory impediments. Federal agencies do have the ability to opt out of participation in the Council, but only if they can show how they can more effectively serve rural areas without participating in the Partnership and Council.

This legislation provides that states may participate in the Partnership by entering into a memorandum of understanding with USDA to establish an SRDC. SRDCs are required to operate in a nonpartisan and nondiscriminatory manner and to reflect the diversity of the states within which they are organized. The duties of the SRDCs are to facilitate collaboration among government agencies at all levels and the private and non-profit sectors; to enhance the effectiveness, responsiveness, and delivery of federal and state government programs; to gather information about rural areas in its state and share it with the NRDC and other entities; to monitor and report on policies and programs that address, or fail to address, the needs of rural areas; to facilitate the formulation of needs assessments for rural areas and participate in the development of the criteria for the distribution of federal funds to rural areas; to provide comments to the NRDC and others on policies, regulations, and proposed legislation; assist the NRDC in developing strategies for reducing or eliminating impediments; to hire an executive director and support staff; and to fundraise.

As I have stated before, this legislation authorizes the Partnership to receive appropriations as well as authorizing and encouraging federal agencies to make grants and provide other forms of assistance to the Partnership and authorizing the Partnership to accept private contributions. The SRDCs are required to provide at least a 25 percent match for funds it receives as a result of its cooperative agreement with the federal government.

As you know, too many parts of rural America have not shared in the boom that has brought great prosperity to urban America. We need to do more to ensure that rural citizens will have opportunities similar to those enjoyed by urban areas. To do so, we do not necessarily need new government programs. Instead, we must do a better job of coordinating the many programs available for USDA and other federal agencies that can benefit rural communities. With the passage of this legislation, the NRDP and SRDCs will be better situated to provide that much needed coordination.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Rural Development Partnership Act of 2000”.

SEC. 2. FINDINGS.

Congress finds that—

(1) rural development has been given high priority throughout most of this century as a means of achieving a sound balance between rural and urban areas in the United States, a balance that Congress considers essential to the peace, prosperity, and welfare of all citizens of the United States;

(2)(A) during the last half century, Congress has enacted many laws and established many programs to provide resources to rural communities;

(B) in addition, numerous efforts have been made to coordinate Federal rural development programs; and

(C) during the last decade, the National Rural Development Partnership and its principal components, the National Rural Development Council and State rural development councils, have successfully provided opportunities for collaboration and coordination among Federal agencies and between Federal agencies and States, nonprofit organizations, the private sector, tribal governments, and other entities committed to rural advancement;

(3) Congress enacted the Rural Development Act of 1972 (86 Stat. 657) and the Rural Development Policy Act of 1980 (94 Stat. 1171) as a manifestation of this commitment to rural development;

(4) section 2(b)(3) of the Rural Development Policy Act of 1972 (7 U.S.C. 2204b(b)(3)) directs the Secretary of Agriculture to develop a process through which multi-state, State, substate, and local rural development needs, goals objectives, plans and recommendations can be received and assessed on a continuing basis;

(5) the National Rural Development Partnership and State Rural Development Councils were established as vehicles to help coordinate development of rural programs in 1990;

(6) in 1991, the Secretary began to execute those statutory responsibilities, in part through the innovative mechanism of national, State, and local rural development partnerships administered by the Under Secretary of Agriculture for Small Community and Rural Development;

(7) that mechanism, now known as the “National Rural Development Partnership”, has been recognized as a model of new governance and as an example of the effectiveness of collaboration between the Federal, State, local, tribal, private, and nonprofit sectors in addressing the needs of the rural communities of the United States;

(8) partnerships by agencies and entities in the Partnership would extend scarce but valuable funding through collaboration and cooperation; and

(9) the continued success and efficacy of the Partnership could be enhanced through specific Congressional authorization removing any statutory barriers that could detract from the benefits potentially achieved through the Partnership's unique structure.

SEC. 3. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:

“SEC. 381P. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

“(a) DEFINITIONS.—In this section:

“(1) AGENCY WITH RURAL RESPONSIBILITIES.—The term ‘agency with rural responsibilities’ means any executive agency (as defined in section 105 of title 5, United States Code) that—

“(A) implements Federal law targeted at rural areas, including—

“(i) the Act of April 24, 1950 (commonly known as the Granger-Thye Act) (64 Stat. 82, chapter 9);

“(ii) the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098);

“(iii) section 41742 of title 49, United States Code;

“(iv) the Rural Development Act of 1972 (86 Stat. 657);

“(v) the Rural Development Policy Act of 1980 (94 Stat. 1171);

“(vi) the Rural Electrification Act of 1936 (2 U.S.C. 901 et seq.);

“(vii) amendments made to section 334 of the Public Health Service Act (42 U.S.C. 254g) by the Rural Health Clinics Act of 1983 (97 Stat. 1345); and

“(viii) the Rural Housing Amendments of 1983 (97 Stat. 1240) and the amendments made by the Rural Housing Amendments of 1983 to title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.); or

“(B) administers programs that have a significant impact on rural areas, including—

“(i) the Appalachian Regional Commission;

“(ii) the Department of Agriculture;

“(iii) the Department of Commerce;

“(iv) the Department of Defense;

“(v) the Department of Education;

“(vi) the Department of Energy;

“(vii) the Department of Health and Human Services;

“(viii) the Department of Housing and Urban Development;

“(ix) the Department of the Interior;

“(x) the Department of Justice;

“(xi) the Department of Labor;

“(xii) the Department of Transportation;

“(xiii) the Department of the Treasury.

“(xiv) the Department of Veterans Affairs;

“(xv) the Environmental Protection Agency;

“(xvi) the Federal Emergency Management Administration;

“(xvii) the Small Business Administration;

“(xviii) the Social Security Administration;

“(xix) the Federal Reserve System;

“(xx) the United States Postal Service;

“(xxi) the Corporation for National Service;

“(xxii) the National Endowment for the Arts and the National Endowment for the Humanities; and

“(xxiii) other agencies, commissions, and corporations.

“(2) COUNCIL.—The term “Council” means the National Rural Development Council established by subsection (c).

“(3) PARTNERSHIP.—The term “Partnership” means the National Rural Development Partnership established by subsection (b).

“(4) RURAL AREA.—The term “rural area” means—

“(A) all the territory of a State that is not within the boundary of any standard metropolitan statistical area, as designated by the Director of the Office of Management and Budget;

“(B) all territory within any standard metropolitan statistical area described in subparagraph (A) within a census tract having a population density of less than 20 persons per square mile, as determined by the Secretary according to the most recent census of the United States as of any date; and

“(C) such areas as a State Rural Development Council may identify as rural.

“(5) STATE RURAL DEVELOPMENT COUNCIL.—The term “State rural development council” means a State rural development council that meets the requirements of subsection (d).

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established a National Rural Development Partnership composed of—

“(A) the National Rural Development Council established under subsection (a); and

“(B) State rural development councils established under subsection (d).

“(2) PURPOSES.—The purposes of the Partnership are—

“(A) to empower and build the capacity of States and rural communities within States to design unique responses to their own special rural development needs, with local determinations of progress and selection of projects and activities;

“(B) to encourage participants to be flexible and innovative in establishing new partnerships and trying fresh, new approaches to rural development issues, with responses to rural development that use different approaches to fit different situations; and

“(C) to encourage all 5 partners of the Partnership (Federal, State, local, and tribal governments, the private sector, and nonprofit organizations) to be fully engaged and share equally in decisions.

“(3) ROLE OF FEDERAL GOVERNMENT.—The role of the Federal Government in the Partnership should be that of a partner, coach, and facilitator, with Federal agencies authorized—

“(A) to cooperate closely with States to implement the Partnership;

“(B) to provide States with the technical and administrative support necessary to plan and implement tailored rural development strategies to meet local needs;

“(C) to delegate decisionmaking to other levels;

“(D) to ensure that the head of each department and agency specified in subsection (a)(1)(B) designates a senior-level agency official to represent the department or agency, respectively, on the Council and directs appropriate field staff to participate fully with the State rural development council within their jurisdiction; and

“(E) to enter into cooperative agreements with, and to provide grants and other assistance to, State rural development councils, regardless of the form of legal organization of a State rural development council and notwithstanding any other provision of law.

“(4) ROLE OF PRIVATE AND NONPROFIT SECTOR ORGANIZATIONS.—Private and nonprofit sector organizations are encouraged—

“(A) to act as full partners in the Partnership and State rural development councils; and

“(B) to cooperate with participating government organizations in developing innovative problem approaches to rural development.

“(c) NATIONAL RURAL DEVELOPMENT COUNCIL.—

“(1) ESTABLISHMENT.—There is established a National Rural Development Council.

“(2) COMPOSITION.—The Council shall be composed of—

“(A) 1 representative of each agency with rural responsibilities that elects to participate in the Council; and

“(B) representatives of local, regional, State, tribal, and nongovernmental profit and nonprofit organizations that elect to participate in the activities of the Council.

“(3) DUTIES.—The Council shall—

“(A) provide support for the work of the State rural development councils;

“(B) facilitate coordination among Federal programs and activities, and with State, local, tribal, and private programs and activities, affecting rural development;

“(C) enhance the effectiveness, responsiveness, and delivery of Federal programs in rural areas;

“(D) gather and provide to Federal authorities information and input for the development and implementation of Federal programs impacting rural economic and community development;

“(E) review and comment on policies, regulations, and proposed legislation that affect or would affect rural areas;

“(F) provide technical assistance to State rural development councils for the implementation of Federal programs; and

“(G) develop and facilitate strategies to reduce or eliminate administrative and regulatory impediments.

“(4) ELECTION NOT TO PARTICIPATE.—An agency with rural responsibilities that elects not to participate in the Partnership shall submit to Congress a report that describes—

“(A) how the programmatic responsibilities of the Federal agency that target or have an impact on rural areas are better achieved without participation by the agency in the Partnership; and

“(B) a more effective means of partnership-building and collaboration to achieve the programmatic responsibilities of the agency.

“(5) PERFORMANCE EVALUATIONS.—In conducting a performance evaluation of an employee of an agency with rural responsibilities, the agency shall consider any comments submitted by a State rural development council.

“(d) STATE RURAL DEVELOPMENT COUNCILS.—

“(1) ESTABLISHMENT.—Each State may elect to participate in the Partnership by entering into a memorandum of agreement with the Secretary to establish a State rural development council.

“(2) STATE DIVERSITY.—Each State rural development council shall—

“(A) have a nonpartisan and nondiscriminatory membership that is broad and representative of the economic, social, and political diversity of the State; and

“(B) carry out programs and activities in a manner that reflects the diversity of the State.

“(3) DUTIES.—Each State rural development council shall—

“(A) facilitate collaboration among Federal, State, local, and tribal governments and the private and nonprofit sectors in the planning and implementation of programs and policies that target or have an impact on rural areas of the State;

“(B) enhance the effectiveness, responsiveness, and delivery of Federal and State programs in rural areas of the State;

“(C) gather and provide to the Council and other appropriate organizations information on the condition of rural areas in the State;

“(D) monitor and report on policies and programs that address, or fail to address, the needs of the rural areas of the State;

“(E) facilitate the formulation of local needs assessments for the rural areas of the State and participate in the development of criteria for the distribution of Federal funds to the rural areas of the State;

“(F) provide comments to the Council and other appropriate organizations on policies, regulations, and proposed legislation that affect or would affect the rural areas of the State;

“(G) in conjunction with the Council, facilitate the development of strategies to reduce or eliminate conflicting or duplicative administrative or regulatory requirements of Federal, State, local, and tribal governments;

“(H) use grant or cooperative agreement funds available to the Partnership to—

“(i) retain an Executive Director and such support staff as are necessary to facilitate and implement the directives of the State rural development council; and

“(ii) defray expenses associated with carrying out subparagraphs (A) through (G) and subparagraph (J);

“(I) be authorized to solicit funds to supplement and match funds granted under subparagraph (H); and

“(J) be authorized to engage in all other appropriate activities.

“(4) COMMENTS OR RECOMMENDATIONS.—

“(A) IN GENERAL.—A State rural development council may provide comments and recommendations to an agency with rural responsibilities related to the activities of the State rural development council within the State.

“(B) AGENCY.—The agency with rural responsibilities shall provide to the State rural development council a written response to the comments or recommendations.

“(5) ACTIONS OF STATE RURAL DEVELOPMENT COUNCIL MEMBERS.—When carrying out a program or activity authorized by a State rural development council, a member of the Council shall be regarded as an employee of the Federal Government for purposes of chapter 171 of title 28, United States Code.

“(6) FEDERAL PARTICIPATION IN STATE RURAL DEVELOPMENT COUNCILS.—

“(A) IN GENERAL.—Subject to subparagraph (B), Federal employees may participate in a State rural development council.

“(B) CONFLICTS.—A Federal employee who participates in a State rural development council shall not participate in the making of any council decision if the agency represented by the Federal employee has any financial or other interest in the outcome of the decision.

"(C) FEDERAL GUIDANCE.—The Attorney General shall issue guidance to all Federal employees that participate in State rural development councils that describes specific decisions that—

"(i) would constitute a conflict of interest for the Federal employee; and

"(ii) from which the Federal employee must recuse himself or herself.

"(e) ADMINISTRATION OF THE PARTNERSHIP.—

"(1) DETAIL OF EMPLOYEES.—In order to provide experience in intergovernmental collaboration, with the approval of the head of an agency with rural responsibilities that elects to participate in the Partnership, an employee of the agency with rural responsibilities is encouraged to be detailed to the Partnership without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(2) ADDITIONAL SUPPORT.—The Secretary shall provide for any additional support staff to the Partnership as the Secretary determines to be necessary to carry out the duties of the Partnership.

"(3) PANEL.—

"(A) IN GENERAL.—A panel consisting of representatives of the Council and State rural development councils shall be established to lead and coordinate the strategic operation, policies, and practices of the Partnership.

"(B) ANNUAL REPORTS.—In conjunction with the Council and State rural development councils, the panel shall prepare and submit to Congress an annual report on the activities of the Partnership.

"(f) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"(2) FEDERAL AGENCIES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, in order to carry out the purposes described in subsection (b)(2), the Partnership shall be eligible to receive grants, gifts, contributions, or technical assistance from, or enter into contracts with, any Federal department or agency, to the extent otherwise permitted by law.

"(B) ASSISTANCE.—Federal departments and agencies are encouraged to use funds made available for programs that target or impact rural areas to provide assistance to, and enter into contracts with, the Partnership, as described in subparagraph (A).

"(3) CONTRIBUTIONS.—The Partnership may accept private contributions.

"(g) MATCHING REQUIREMENTS FOR STATE RURAL DEVELOPMENT COUNCILS.—A State rural development council shall provide matching funds, or in-kind goods or services, to support the activities of the State rural development council in an amount that is not less than 25 percent of the amount of Federal funds received under the agreement described in subsection (d)(1).

"(h) TERMINATION.—The authority provided under this section shall terminate 5 years after the date of enactment of this section.".

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from Connecticut (Mr. DODD), the Senator from Nevada (Mr. REID), the Senator from Nevada (Mr. BRYAN), the Senator from Georgia (Mr. MILLER), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maine (Ms. SNOWE), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1563

At the request of Mr. ABRAHAM, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1563, a bill to establish the Immigration Affairs Agency within the Department of Justice, and for other purposes.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2448

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2448, a bill to enhance the protections of the Internet and the critical infrastructure of the United States, and for other purposes.

S. 2698

At the request of Mr. GORTON, his name was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2718

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Maine (Ms. SNOWE) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2725

At the request of Mr. SMITH of New Hampshire, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2787

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2939

At the request of Mr. GRASSLEY, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2939, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 2986

At the request of Mr. HUTCHINSON, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Wyoming (Mr. THOMAS), the Senator from Texas (Mr. GRAMM), the Senator from Minnesota (Mr. GRAMS), and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2986, a bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3060

At the request of Mr. WELLSTONE, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 3060, a bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

S. 3067

At the request of Mr. JEFFORDS, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 3067, a bill to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

S. 3101

At the request of Mr. ASHCROFT, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 3101, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States.

S. 3112

At the request of Mr. ABRAHAM, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 3112, a bill to amend title XVIII of the Social Security Act to ensure access to digital mammography through adequate payment under the medicare system.

S. 3147

At the request of Mr. ROBB, the names of the Senator from Nebraska (Mr. KERREY), the Senator from Georgia (Mr. MILLER), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 3147, a bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass.

S. 3152

At the request of Mr. ROTH, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Rhode Island (Mr. L. CHAFEE) were added as cosponsors of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3156

At the request of Mr. LAUTENBERG, the name of the Senator from Nevada (Mr. REID) was withdrawn as a cosponsor of S. 3156, a bill to amend the Endangered Species Act of 1973 to ensure the recovery of the declining biological diversity of the United States, to reaffirm and strengthen the commitment of the United States to protect wildlife, to safeguard the economic and ecological future of children of the United States, and to provide certainty to local governments, communities, and individuals in their planning and economic development efforts.

S. 3157

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 3157, a bill to require the Food and Drug Administration to establish restrictions regarding the qualifications of physicians to prescribe the abortion drug commonly known as RU-486.

S. RES. 292

At the request of Mr. CLELAND, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 292, a resolution recognizing the 20th century as the "Century of Women in the United States."

S. RES. 365

At the request of Mr. VOINOVICH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 365, a resolution expressing the sense of the Senate regarding recent elections in the Federal Republic of Yugoslavia, and for other purposes.

At the request of Mr. L. CHAFEE, his name and the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 365, supra.

SENATE CONCURRENT RESOLUTION 142—RELATING TO THE REESTABLISHMENT OF REPRESENTATIVE GOVERNMENT IN AFGHANISTAN

Mr. BROWNBACK (for himself and Mr. TORRICELLI) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 142

Whereas Afghanistan has existed as a sovereign nation since 1747, maintaining its independence, neutrality, and dignity;

Whereas Afghanistan had maintained its own decisionmaking through a traditional process called a "Loya Jirgah", or Grand Assembly, by selecting, respecting, and following the decisions of their leaders;

Whereas recently warlords, factional leaders, and foreign regimes have laid siege to Afghanistan, leaving the landscape littered with landmines, making the most fundamental activities dangerous;

Whereas in recent years, and especially since the Taliban came to power in 1996, Afghanistan has become a haven for terrorist activity, has produced most of the world's opium supply, and has become infamous for its human rights abuses, particularly abuses against women and children;

Whereas the former King of Afghanistan, Mohammed Zahir Shah, ruled the country peacefully for 40 years, and after years in exile retains his popularity and support; and

Whereas former King Mohammed Zahir Shah plans to convene an emergency "Loya Jirgah" to reestablish a stable government, with no desire to regain power or reestablish a monarchy, and the Department of State supports such ongoing efforts: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States—

(1) supports democratic efforts undertaken in Afghanistan that respect the human and political rights of the people of all ethnic and religious groups in that country, including the efforts to reestablish a "Loya Jirgah" process that would lead to the people of Afghanistan determining their own destiny through a democratic process involving free and fair elections; and

(2) supports the continuing efforts of former King Mohammed Zahir Shah and other responsible parties searching for peace to convene an emergency "Loya Jirgah"—

(A) to reestablish a representative government in Afghanistan that respects the rights of the people of all ethnic and religious groups, including the right of the people to govern their own affairs through inclusive institution building and a democratic process;

(B) to bring freedom, peace, and stability to Afghanistan; and

(C) to end terrorist activities, drug production, and human rights abuses in Afghanistan.

SENATE CONCURRENT RESOLUTION 143—TO MAKE TECHNICAL CORRECTIONS IN THE ENROLLMENT OF THE BILL H.R. 3676

Mr. MURKOWSKI (for himself and Mr. BINGAMAN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 143

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 3676 to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California, the Clerk of the House of Representatives shall make the following corrections:

(1) In the second sentence of section 2(d)(1), strike "and the Committee on Agriculture, Nutrition, and Forestry".

(2) In the second sentence of section 4(a)(3), strike "Nothing in this section" and insert "Nothing in this Act".

(3) In section 4(c)(1), strike "any person, including".

(4) In section 5, add at the end the following:

"(j) WILDERNESS PROTECTION.—Nothing in this Act alters the management of any areas designated as Wilderness which are within the boundaries of the National Monument. All such areas shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.), the laws designating such areas as Wilderness, and other applicable laws. If any part of this Act conflicts with any provision of those laws with respect to the management of the Wilderness areas, such provisions shall control.".

SENATE CONCURRENT RESOLUTION 144—COMMEMORATING THE 200TH ANNIVERSARY OF THE FIRST MEETING OF CONGRESS IN WASHINGTON, DC

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 144

Whereas November 17, 2000, is the 200th anniversary of the first meeting of Congress in Washington, DC;

Whereas Congress, having previously convened at the Federal Hall in New York City and at the Congress Hall in Philadelphia, has met in the United States Capitol Building since November 17, 1800;

Whereas President John Adams, on November 22, 1800, addressed a joint session of Congress in Washington, DC, for the first time, stating, "I congratulate the people of the United States on the assembling of Congress at the permanent seat of their Government; and I congratulate you, gentlemen, on the prospect of a residence not to be changed.";

Whereas, on December 12, 1900, Congress convened a joint meeting to observe the centennial of its residence in Washington, DC;

Whereas since its first meeting in Washington, DC, on November 17, 1800, Congress has continued to cultivate and build upon a heritage of respect for individual liberty, representative government, and the attainment of equal and inalienable rights, all of which are symbolized in the physical structure of the United States Capitol Building; and

Whereas it is appropriate for Congress, as the first branch of the government under the Constitution, to commemorate the 200th anniversary of the first meeting of Congress in Washington, DC, in order to focus public attention on its present duties and responsibilities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) November 17, 2000, be designated as a day of national observance for the 200th anniversary of the first meeting of Congress in Washington, DC; and

(2) the people of the United States be urged and invited to observe such date by celebrating and examining the legislative process by which members of Congress convene and air differences, learn from one another, subordinate parochial interests, compromise, and work towards achieving a constructive consensus for the good of the people of the United States.

SENATE RESOLUTION 367—URGING THE GOVERNMENT OF EGYPT TO PROVIDE A TIMELY AND OPEN APPEAL FOR SHAIBOUB WILLIAM ARSEL AND TO COMPLETE AN INDEPENDENT INVESTIGATION OF POLICE BRUTALITY IN AL-KOSHEH

Mr. MACK submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 367

Whereas on Friday August 14, 1998, two Coptic Christians, Samir Oweida Hakim and Karam Tamer Arsal, were murdered in Al-Kosheh, Egypt;

Whereas, according to a report from the Egyptian Organization for Human Rights that was translated by the United States Embassy in Cairo, up to 1,200 Coptic Christians, including women and children, were subsequently detained and interrogated without sufficient evidence;

Whereas it is reported that the police tortured the detained Coptic Christians over a period of days and even weeks and that the detainees suffered abuses that included beatings, administration of electric shock to all parts of the body, including sensitive areas, and being bound in painful positions for hours at a time;

Whereas Egypt is a party to the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment;

Whereas the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment prohibits torture to obtain information and confessions such as the torture that reportedly took place in Al-Kosheh;

Whereas Egypt is party to the International Covenant on Civil and Political Rights;

Whereas Article 18 of the International Covenant on Civil and Political Rights states that "(1) Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or in private, to manifest his religion or belief in worship, observance, practice and teaching. (2) No one shall be subject to coercion which would impair his freedom to have or adopt a religion or belief of his choice.";

Whereas some of the 1,200 detained Coptic Christians reported that the police chief made derogatory remarks about their religion and stated that the detainees were being targeted because of their religious beliefs;

Whereas the summary report of the Egyptian Organization for Human Rights states that, as a result of the massive roundup and torture of the Coptic Christian community, a prosecution proceeded using confessions obtained under duress;

Whereas, according to the report, as translated by the United States Embassy in Cairo, one of the confessors "was detained for 18 days, beaten constantly, was not allowed food or water, and prevented from relieving himself" and "confessed only when they threatened to rape his two sisters" who "were brought to the police station, tortured and threatened with rape in front of him", and the detainee identified Shaiboub William Arsel as the murderer;

Whereas Shaiboub William Arsel, a Coptic Christian, was charged with the murders of Samir Oweida Hakim and Karam Tamer Arsal, was found guilty, and was sentenced on June 5, 2000, to 15 years of hard labor;

Whereas, according to the Associated Press story describing Shaiboub William Arsel's trial, "[t]he court based its guilty verdict on evidence and testimony provided by police, said the officials on condition of anonymity" and "gave no further details";

Whereas no known international observers were present at Shaiboub William Arsel's trial;

Whereas, on January 2, 2000, a mob of nearly 3,000 Muslims killed 21 Christians and destroyed and looted dozens of Christian homes and businesses in the village of Al-Kosheh; and

Whereas local Egyptian security forces failed to stop the massacre of Coptic Christians, and according to Coptic leader Pope Shenouda III, "responsibility falls first on security forces . . . the problem lies among the authorities in the area where the incident occurred": Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE ON THE APPEAL OF SHAIBOUB WILLIAM ARSEL AND THE EGYPTIAN GOVERNMENT'S INVESTIGATION OF POLICE BRUTALITY IN AL-KOSHEH.

The Senate hereby urges the President and the Secretary of State to encourage officials of the Government of Egypt to—

(1) allow for a timely and open appeal for Shaiboub William Arsel that includes international observers; and

(2) complete an independent investigation of the police brutality in Al-Kosheh.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State, with the request that the President or the Secretary further transmit such copy to the Government of Egypt.

RESOLUTION ON SHAIBOUB WILLIAM ARSEL

Mr. MACK. Mr. President, I rise today to speak on behalf of Coptic Christians in Egypt who have been persecuted because of their religious beliefs. According to reports by both the Egyptian Organization for Human Rights and Freedom House in the United States, up to 1,200 Coptic Christians in Al-Kosheh, Egypt, were detained, interrogated, and subjected to police brutality in relation to the murders of two other Coptic Christians in 1998. After weeks of reported torture, these accounts suggest that confessions were obtained under duress that identified Shaiboub William Arsel as the murderer. Mr. Arsel was subsequently sentenced to 15 years of hard labor.

Over the last two years I have met with officials from the Egyptian government, including President Hosni Mubarak on several occasions in an attempt to address this issue quietly. Unfortunately, these discussions have failed to produce sufficient action on the part of the government of Egypt. As a result, I rise today to submit a resolution urging the President to encourage the Egyptian government to provide Shaiboub William Arsel with a timely and open appeal that would include international observers, and furthermore to complete an independent investigation of the police brutality in Al-Kosheh.

AMENDMENTS SUBMITTED

MIWALETA PARK EXPANSION ACT

MURKOWSKI AMENDMENT NO. 4290

Mr. MACK (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 1725) to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land; as follows:

On page 3, beginning on line 6 strike Section 2(b)(1) and insert:

“(1) IN GENERAL.—After conveyance of land under subsection (a), the County shall manage the land for public park purposes consistent with the plan for expansion of the Miwaleta Park as approved in the Decision Record for Galesville Campground, EA #OR110-99-01, dated September 17, 1999.”.

Section 2(b)(2)(A) strike “purposes—” and insert: “purposes as described in paragraph 2(b)(1)—”.

SAINT-GAUDENS HISTORIC SITE LEGISLATION

THOMAS AMENDMENT NO. 4291

Mr. MACK (for Mr. THOMAS) proposed an amendment to the bill (S. 1367) to amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes; as follows:

On page 2, line 3, strike “215” and insert in lieu thereof “279”.

SOUTHEASTERN ALASKA INTERTIE SYSTEM LEGISLATION

MURKOWSKI AMENDMENT NO. 4292

Mr. MACK (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 2439) to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

“That upon the completion and submission to the United States Congress by the Forest Service of the ongoing High Voltage Direct Current viability analysis pursuant to USFS Collection Agreement #00CO-111005-105 or no later than February 1, 2001, there is hereby authorized to be appropriated to the Secretary of Energy such sums as may be necessary to assist in the construction of the Southeastern Alaska Intertie system as generally identified in Report #97-01 of the Southern Conference. Such sums shall equal 80 percent of the cost of the system and may not exceed $384 million. Nothing in this Act shall be construed to limit or waive any otherwise applicable State or Federal Law.

“SEC. 2. NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM.

“(a) ESTABLISHMENT.—The Secretary of Energy shall establish a five year program to assist the Navajo Nation to meet its electricity needs. The purpose of the program shall be to provide electric power to the estimated 18,000 occupied structures on the Navajo Nation that lack electric power. The goal of the program shall be to ensure that every household on the Navajo Nation that requests it has access to a reliable and affordable source of electricity by the year 2006.

“(b) SCOPE.—In order to meet the goal in subsection (a), the Secretary of Energy shall provide grants to the Navajo Nation to—

“(1) extend electric transmission and distribution lines to new or existing structures that are not served by electric power and do not have adequate electric power service;

“(2) purchase and install distributed power generating facilities, including small gas turbines, fuel cells, solar photovoltaic systems, solar thermal systems, geothermal systems, wind power systems, or biomass-fueled systems;

“(3) purchase and install other equipment associated with the generation, transmission, distribution, and storage of electric power; or

“(4) provide training in the installation operation, or maintenance of the lines, facilities, or equipment in paragraphs (1) through (3); or

“(5) support other activities that the Secretary of Energy determines are necessary to meet the goal of the program.

“(c) TECHNICAL SUPPORT.—At the request of the Navajo Nation, the Secretary of Energy may provide technical support through Department of Energy laboratories and facilities to the Navajo Nation to assist in achieving the goal of this program.

“(d) ANNUAL REPORTS.—Not later than February 1, 2002 and for each of the five succeeding years, the Secretary of Energy shall submit a report to Congress on the status of the programs and the progress towards meeting its goal under subsection (a).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $15,000,000 for each of the fiscal years 2002 through 2006.”

SAND CREEK MASSACRE NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2000

THOMAS AMENDMENT NO. 4293

Mr. MACK (for Mr. THOMAS) proposed an amendment to the bill (S. 2950) to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado; as follows:

On page 5, line 23, strike “Boundary of the Sand Creek Massacre Site” and insert in lieu thereof “Sand Creek Massacre Historic Site”.

On page 5, line 25, strike “SAND 80,009 IR” and insert in lieu thereof “SAND 80,013 IR”.

LITTLE SANDY RIVER WATERSHED LEGISLATION

MURKOWSKI AMENDMENT NO. 4294

Mr. MACK (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 2691) to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes; as follows:

Strike Section 3, through the end of the bill, and insert:

SEC. 3. LAND RECLASSIFICATION.

(a) Within six months of the date of enactment of this Act, the Secretaries of Agriculture and Interior shall identify any Oregon and California Railroad lands (O&C lands) subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. Sec. 1181f) within the boundary of the special resources management area described in Section 1 of this Act.

(b) Within eighteen months of the date of enactment of this Act, the Secretary of the Interior shall identify public domain lands within the Medford, Roseburg, Eugene, Salem and Coos Bay Districts and the Klamath Resource Area of the Lakeview District of the Bureau of Land Management approximately equal in size and condition as those lands identified in paragraph (a) but not subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. Sec. 1181a–f). For purposes of this paragraph, ‘public domain lands’ shall have the meaning given the term ‘public lands’ in Section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), but excluding there from any lands managed pursuant to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f).

(c) Within two years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress and publish in the Federal Register a map or maps identifying those public domain lands pursuant to paragraphs (a) and (b) of this Section. After an opportunity for public comment, the Secretary of the Interior shall complete an administrative land reclassification such that those lands identified pursuant to paragraph (a) become public domain lands not subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875f; 43 U.S.C. Sec. 1181f) and those lands identified pursuant to paragraph (b) become Oregon and California Railroad lands (O&C lands) subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f).

SEC. 4. ENVIRONMENTAL RESTORATION.

(a) IN GENERAL.—In order to further the purposes of this Act, there is hereby authorized to be appropriated $10 million under the provisions of section 323 of the FY 1999 Interior Appropriations Act (P.L. 105–277) for Clackamas County, Oregon, for watershed restoration, except timber extraction, that protects or enhances water quality or relates to the recovery of species listed pursuant to the Endangered Species Act (Public Law 93–205) near the Bull Run Management Unit.

HARRIET TUBMAN SPECIAL RESOURCE STUDY ACT

THOMAS AMENDMENT NO. 4295

Mr. MACK (for Mr. THOMAS) proposed an amendment to the bill (S. 2345) to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located Auburn, New York, and for other purposes; as follows:

On page 7, line 24, strike “Port Hill Cemetery,” and insert in lieu thereof “Fort Hill Cemetery,”.

FRANCHISE FEE RECALCULATION LEGISLATION

BINGAMAN AMENDMENT NO. 4296

Mr. MACK (for Mr. BINGAMAN) proposed an amendment to the bill (S. 2331) to direct the Secretary of the Interior to recalculate the franchise fee owed by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument, South Carolina; as follows:

Strike all and insert the following:

"SECTION 1. ARBITRATION REQUIREMENT.

"The Secretary of the Interior (in this Act referred to as the Secretary) shall, upon the request of Fort Sumter Tours, Inc. (in this Act referred to as the 'Concessioner'), agree to binding arbitration to determine the franchise fee payable under the contract executed on June 13, 1986 by the Concessioner and the National Park Service, under which the Concessioner provides passenger boat service to Fort Sumter National Monument in Charleston Harbor, South Carolina (in this Act referred to as 'the Contract').'

"SEC. 2. APPOINTMENT OF THE ARBITRATOR.

"(a) Mutual Agreement.—Not later than 30 days after the date of enactment of this Act, the Secretary and the Concessioner shall jointly select a single arbitrator to conduct the arbitration under this Act.

"(b) Failure To Agree.—If the Secretary and the Concessioner are unable to agree on the selection of a single arbitrator within 30 days after the date of enactment of this Act, within 30 days thereafter the Secretary and the Concessioner shall each select an arbitrator, the two arbitrators selected by the Secretary and the Concessioner shall jointly select a third arbitrator, and the three arbitrators shall jointly conduct the arbitration.

"(c) Qualifications.—Any arbitrator selected under either subsection (a) or subsection (b) shall be a neutral who meets the criteria of selection 573 of title 5, United States Code.

"(d) Payment of Expenses.—The Secretary and the Concessioner shall share equally the expenses of the arbitration.

"(e) Definition.—As used in this Act, the term "arbitrator" includes either a single arbitrator selected under subsection (a) or a three-member panel of arbitrators selected under subsection (b).

"SEC. 3. SCOPE OF THE ARBITRATION.

"(a) Sole Issues To Be Decided.—The arbitrator shall, after affording the parties an opportunity to be heard in accordance with section 579 of title 5, United States Code, determine—

"(1) the appropriate amount of the franchise fee under the Contract for the period from June 13, 1991 through December 31, 2000 in accordance with the terms of the Contract; and

"(2) any interest or penalties on the amount owed under paragraph (1).

"(b) De Novo Decision.—The arbitrator shall not be bound by any prior determination of the appropriate amount of the fee by the Secretary or any prior court review thereof.

"(c) Basis for Decision.—The arbitrator shall determine the appropriate amount of the fee based upon the law in effect on the effective date of the Contract and the terms of the Contract.

"SEC. 4. FINAL DECISION.

"The arbitrator shall issue a final decision not later than 300 days after the date of enactment of this Act.

"SEC. 5. EFFECT OF DECISION.

"(a) Retroactive Effect.—The amount of the fee determined by the arbitrator under section 3(a) shall be retroactive to June 13, 1991.

"(b) No Further Review.—Notwithstanding subchapter IV of title 5, United States Code (commonly known as the Administrative Dispute Resolution Act), the decision of the arbitrator shall be final and conclusive upon the Secretary and the Concessioner and shall not be subject to judicial review.

"SEC. 6. GENERAL AUTHORITY.

"Except to the extent inconsistent with this Act, the arbitration under this Act shall be conducted in accordance with subchapter IV of title 5, United States Code.".

BLACK ROCK DESERT-HIGH ROCK CANYON EMIGRANT TRAILS NATIONAL CONSERVATION AREA ACT OF 2000

BRYAN AMENDMENT NO. 4297

Mr. MACK (for Mr. Bryan) proposed an amendment to the bill (S. 2273) to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Rock Desert-High Rock Canon Emigrant Trails National Conservation Area Act of 2000".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The areas of northwestern Nevada known as the Black Rock Desert and High Rock Canyon contain and surround the last nationally significant, untouched segments of the historic California Emigrant Trails, including wagon ruts, historic inscriptions, and a wilderness landscape largely unchanged since the days of the pioneers.

(2) The relative absence of development in the Black Rock Desert and High Rock Canyon areas from emigrant times to the present day offers a unique opportunity to capture the terrain, sights, and conditions of the overland trails as they were experienced by the emigrants and to make available to both present and future generations of Americans the opportunity of experiencing emigrant conditions in an unaltered setting.

(3) The Black Rock Desert and High Rock Canyon areas are unique segments of the Northern Great Basin and contain broad representation of the Great Basin's land forms and plant and animal species, including golden eagles and other birds of prey, sage grouse, mule deer, pronghorn antelope, bighorn sheep, free roaming horses and burros, threatened fish and sensitive plants.

(4) The Black Rock-High Rock region contains a number of cultural and natural resources that have been declared eligible for National Historic Landmark and Natural Landmark status, including a portion of the 1843–44 John Charles Fremont exploration route, the site of the death of Peter Lassen, early military facilities, and examples of early homesteading and mining.

(5) The archaeological, paleontological, and geographical resources of the Black Rock-High Rock region include numerous prehistoric and historic Native American sites, wooly mammoth sites, some of the largest natural potholes of North America, and a remnant dry Pelistocene lakebed (playa) where the curvature of the Earth may be observed.

(6) The two large wilderness mosaics that frame the conservation area offer exceptional opportunities for solitude and serve to protect the integrity of the viewshed of the historic emigrant trails.

(7) Public lands in the conservation area have been used for domestic livestock grazing for over a century, with resultant benefits to community stability and contributions to the local and State economies. It has not been demonstrated that continuation of this use would be incompatible with appropriate protection and sound management of the resource values of these lands; therefore, it is expected that such grazing will continue in accordance with the management plan for the conservation area and other applicable laws and regulations.

(8) The Black Rock Desert playa is a unique natural resource that serves as the primary destination for the majority of visitors to the conservation area, including visitors associated with large-scale permitted events. It is expected that such permitted events will continue to be administered in accordance with the management plan for the conservation area and other applicable laws and regulations.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "public lands" has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(3) The term "conservation area" means the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area established pursuant to section 4 of this Act.

SEC. 4. ESTABLISHMENT OF THE CONSERVATION AREA.

(a) Establishment and Purposes.—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, cultural, paleontological, scenic, scientific, biological, educational, wildlife, riparian, wilderness, endangered species, and recreational values and resources associated with the Applegate-Lassen and Nobles Trails corridors and surrounding areas, there is hereby established the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area in the State of Nevada.

(b) Areas Included.—The conservation area shall consist of approximately 797,100 acres of public lands as generally depicted on the map entitled "Black Rock Desert Emigrant Trail National Conservation Area" and dated July 19, 2000.

(c) Maps and Legal Description.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the conservation area. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 5. MANAGEMENT.

(a) Management.—The Secretary, acting through the Bureau of Land Management, shall manage the conservation area in a manner that conserves, protects and enhances its resources and values, including those resources and values specified in subsection 4(a), in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law.

(b) Access.—

(1) In general.—The Secretary shall maintain adequate access for the reasonable use and enjoyment of the conservation area.

(2) Private land.—The Secretary shall provide reasonable access to privately owned land or interests in land within the boundaries of the conservation area.

(3) EXISTING PUBLIC ROADS.—The Secretary is authorized to maintain existing public access within the boundaries of the conservation areas in a manner consistent with the purposes for which the conservation area was established.

(c) USES.—

(1) IN GENERAL.—The Secretary shall only allow such uses of the conservation area as the Secretary finds will further the purposes for which the conservation area is established.

(2) OFF-HIGHWAY VEHICLE USE.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the conservation area shall be permitted only on roads and trails and in other areas designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (e).

(3) PERMITTED EVENTS.—The Secretary may continue to permit large-scale events in defined, low impact areas of the Black Rock Desert playa in the conservation area in accordance with the management plan prepared pursuant to subsection (e).

(d) HUNTING, TRAPPING, AND FISHING.—Nothing in this Act shall be deemed to diminish the jurisdiction of the State of Nevada with respect to fish and wildlife management, including regulation of hunting and fishing, on public lands within the conservation area.

(e) MANAGEMENT PLAN.—Within three years following the date of enactment of this Act, the Secretary shall develop a comprehensive resource management plan for the long-term protection and management of the conservation area. The plan shall be developed with full public participation and shall developed with full public participation and shall describe the appropriate uses and management of the conservation area consistent with the provisions of this Act. The plan may incorporate appropriate decisions contained in any current management or activity plan for the area and may use information developed in previous studies of the lands within or adjacent to the conservation area.

(f) GRAZING.—Where the Secretary of the Interior currently permits livestock grazing in the conservation area, such grazing shall be allowed to continue subject to all applicable laws, regulations, and executive orders.

(g) VISITOR SERVICE FACILITIES.—The Secretary is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, visitor service facilities for the purpose of providing information about the historical, cultural, ecological, recreational, and other resources of the conservation area.

SEC. 6. WITHDRAWAL.

(a) IN GENERAL.—Subject to valid existing rights, all Federal lands within the conservation area and all lands and interests therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, from operation of the mineral leasing and geothermal leasing laws and from the minerals materials laws and all amendments thereto.

SEC. 7. NO BUFFER ZONES.

The Congress does not intend for the establishment of the conservation area to lead to the creation of protective perimeters or buffer zones around the conservation area. The fact that there may be activities or uses on lands outside the conservation area that would not be permitted in the conservation area shall not preclude such activities or uses on such lands up to the boundary of the conservation area consistent with other applicable laws.

SEC. 8. WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Black Rock Desert Wilderness Study Area comprised of approximately 315,700 acres, as generally depicted on a map entitled "Black Rock Desert Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Black Rock Desert Wilderness.

(2) Certain lands in the Pahute Peak Wilderness Study Area comprised of approximately 57,400 acres, as generally depicted on a map entitled "Pahute Peak Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Pahute Peak Wilderness.

(3) Certain lands in the North Black Rock Range Wilderness Study Area comprised of approximately 30,800 acres, as generally depicted on a map entitled "North Black Rock Range Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the North Black Rock Range Wilderness.

(4) Certain lands in the East Fork High Rock Canyon Wilderness Study Area comprised of approximately 52,800 acres, as generally depicted on a map entitled "East Fork High Rock Canyon Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the East Fork High Rock Canyon Wilderness.

(5) Certain lands in the High Rock Lake Wilderness Study Area comprised of approximately 59,300 acres, as generally depicted on a map entitled "High Rock Lake Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the High Rock Lake Wilderness.

(6) Certain lands in the Little High Rock Canyon Wilderness Study Area comprised of approximately 48,700 acres, as generally depicted on a map entitled "Little High Rock Canyon Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Little High Rock Canyon Wilderness.

(7) Certain lands in the High Rock Canyon Wilderness Study Area and Yellow Rock Canyon Wilderness Study Area comprised of approximately 46,600 acres, as generally depicted on a map entitled "High Rock Canyon Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the High Rock Canyon Wilderness.

(8) Certain land in the Calico Mountains Wilderness Study Area comprised of approximately 65,400 acres, as generally depicted on a map entitled "Calico Mountains Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Calico Mountains Wilderness.

(9) Certain lands in the South Jackson Mountains Wilderness Study Area comprised of approximately 56,800 acres, as generally depicted on a map entitled "South Jackson Mountains Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the South Jackson Mountains Wilderness.

(10) Certain lands in the North Jackson Mountains Wilderness Study Area comprised of approximately 24,000 acres, as generally depicted on a map entitled "North Jackson Mountains Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the North Jackson Mountains Wilderness.

(b) ADMINISTRATION OF WILDERNESS AREAS.—Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the wilderness areas designated under this Act. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) GRAZING.—Within the wilderness areas designated under subsection (a), the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 101-628.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

CAT ISLAND NATIONAL WILDLIFE REFUGE ESTABLISHMENT ACT

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 4298

Mr. MACK (for Mr. SMITH of New Hampshire) proposed an amendment to the bill (H.R. 3292) to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana; as follows:

At the end, add the following:

SEC. 8. DESIGNATION OF HERBERT H. BATEMAN EDUCATION AND ADMINISTRATIVE CENTER.

(a) IN GENERAL.—A building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, on Assateague Island, Virginia, shall be known and designated as the "Herbert H. Bateman Education and Administrative Center".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the Herbert H. Bateman Education and Administrative Center.

SEC. 9. TECHNICAL CORRECTIONS.

(a) Effective on the day after the date of enactment of the Act entitled, "An Act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994" (106th Congress), section 6 of the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 668dd note; Public Law 103-340), relating to an environmental education center and refuge, is redesignated as section 7.

(b) Effective on the day after the date of enactment of the Cahaba River National

Wildlife Refuge Establishment Act (106th Congress), section 6 of that Act is amended—

(1) in paragraph (2), by striking "the Endangered Species Act of 1973 (16 U.S.C. 1331 et seq.)" and inserting "the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)"; and

(2) in paragraph (3), by striking "section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4))" and inserting "paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a))".

(c) Effective on the day after the date of enactment of the Red River National Wildlife Refuge Act (106th Congress), section 4(b)(2)(D) of that Act is amended by striking "section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4))" and inserting "paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a))".

DISASTER MITIGATION ACT OF 2000

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 4299

Mr. MACK (for Mr. SMITH) proposed an amendment to the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Disaster Mitigation Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.
Sec. 102. Predisaster hazard mitigation.
Sec. 103. Interagency task force.
Sec. 104. Mitigation planning; minimum standards for public and private structures.

TITLE II—STREAMLINING AND COST REDUCTION

Sec. 201. Technical amendments.
Sec. 202. Management costs.
Sec. 203. Public notice, comment, and consultation requirements.
Sec. 204. State administration of hazard mitigation grant program.
Sec. 205. Assistance to repair, restore, reconstruct, or replace damaged facilities.
Sec. 206. Federal assistance to individuals and households.
Sec. 207. Community disaster loans.
Sec. 208. Report on State management of small disasters initiative.
Sec. 209. Study regarding cost reduction.

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.
Sec. 302. Definitions.
Sec. 303. Fire management assistance.
Sec. 304. Disaster grant closeout procedures.
Sec. 305. Public safety officer benefits for certain Federal and State employees.
Sec. 306. Buy American.
Sec. 307. Treatment of certain real property.
Sec. 308. Study of participation by Indian tribes in emergency management.

TITLE I—PREDISASTER HAZARD MITIGATION

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes, flooding, and wildfires, pose great danger to human life and to property throughout the United States;

(2) greater emphasis needs to be placed on—

(A) identifying and assessing the risks to States and local governments (including Indian tribes) from natural disasters;

(B) implementing adequate measures to reduce losses from natural disasters; and

(C) ensuring that the critical services and facilities of communities will continue to function after a natural disaster;

(3) expenditures for postdisaster assistance are increasing without commensurate reductions in the likelihood of future losses from natural disasters;

(4) in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), high priority should be given to mitigation of hazards at the local level; and

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local governments (including Indian tribes) will be able to—

(A) form effective community-based partnerships for hazard mitigation purposes;

(B) implement effective hazard mitigation measures that reduce the potential damage from natural disasters;

(C) ensure continued functionality of critical services;

(D) leverage additional non-Federal resources in meeting natural disaster resistance goals; and

(E) make commitments to long-term hazard mitigation efforts to be applied to new and existing structures.

(b) PURPOSE.—The purpose of this title is to establish a national disaster hazard mitigation program—

(1) to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters; and

(2) to provide a source of predisaster hazard mitigation funding that will assist States and local governments (including Indian tribes) in implementing effective hazard mitigation measures that are designed to ensure the continued functionality of critical services and facilities after a natural disaster.

SEC. 102. PREDISASTER HAZARD MITIGATION.

(a) IN GENERAL.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

"SEC. 203. PREDISASTER HAZARD MITIGATION.

"(a) DEFINITION OF SMALL IMPOVERISHED COMMUNITY.—In this section, the term 'small impoverished community' means a community of 3,000 or fewer individuals that is economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.

"(b) ESTABLISHMENT OF PROGRAM.—The President may establish a program to provide technical and financial assistance to States and local governments to assist in the implementation of predisaster hazard mitigation measures that are cost-effective and are designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical services and facilities under the jurisdiction of the States or local governments.

"(c) APPROVAL BY PRESIDENT.—If the President determines that a State or local government has identified natural disaster hazards in areas under its jurisdiction and has demonstrated the ability to form effective public-private natural disaster hazard mitigation partnerships, the President, using amounts in the National Predisaster Mitigation Fund established under subsection (i) (referred to in this section as the 'Fund'), may provide technical and financial assistance to the State or local government to be used in accordance with subsection (e).

"(d) STATE RECOMMENDATIONS.—

"(1) IN GENERAL.—

"(A) RECOMMENDATIONS.—The Governor of each State may recommend to the President not fewer than 5 local governments to receive assistance under this section.

"(B) DEADLINE FOR SUBMISSION.—The recommendations under subparagraph (A) shall be submitted to the President not later than October 1, 2001, and each October 1st thereafter or such later date in the year as the President may establish.

"(C) CRITERIA.—In making recommendations under subparagraph (A), a Governor shall consider the criteria specified in subsection (g).

"(2) USE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in providing assistance to local governments under this section, the President shall select from local governments recommended by the Governors under this subsection.

"(B) EXTRAORDINARY CIRCUMSTANCES.—In providing assistance to local governments under this section, the President may select a local government that has not been recommended by a Governor under this subsection if the President determines that extraordinary circumstances justify the selection and that making the selection will further the purpose of this section.

"(3) EFFECT OF FAILURE TO NOMINATE.—If a Governor of a State fails to submit recommendations under this subsection in a timely manner, the President may select, subject to the criteria specified in subsection (g), any local governments of the State to receive assistance under this section.

"(e) USES OF TECHNICAL AND FINANCIAL ASSISTANCE.—

"(1) IN GENERAL.—Technical and financial assistance provided under this section—

"(A) shall be used by States and local governments principally to implement predisaster hazard mitigation measures that are cost-effective and are described in proposals approved by the President under this section; and

"(B) may be used—

"(i) to support effective public-private natural disaster hazard mitigation partnerships;

"(ii) to improve the assessment of a community's vulnerability to natural hazards; or

"(iii) to establish hazard mitigation priorities, and an appropriate hazard mitigation plan, for a community.

"(2) DISSEMINATION.—A State or local government may use not more than 10 percent of the financial assistance received by the State or local government under this section for a fiscal year to fund activities to disseminate information regarding cost-effective mitigation technologies.

"(f) ALLOCATION OF FUNDS.—The amount of financial assistance made available to a State (including amounts made available to local governments of the State) under this section for a fiscal year—

"(1) shall be not less than the lesser of—

"(A) $500,000; or

"(B) the amount that is equal to 1.0 percent of the total funds appropriated to carry out this section for the fiscal year;

"(2) shall not exceed 15 percent of the total funds described in paragraph (1)(B); and

"(3) shall be subject to the criteria specified in subsection (g).

"(g) CRITERIA FOR ASSISTANCE AWARDS.—In determining whether to provide technical and financial assistance to a State or local government under this section, the President shall take into account—

"(1) the extent and nature of the hazards to be mitigated;

"(2) the degree of commitment of the State or local government to reduce damages from future natural disasters;

"(3) the degree of commitment by the State or local government to support ongoing non-Federal support for the hazard mitigation measures to be carried out using the technical and financial assistance;

"(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State;

"(5) the extent to which the technical and financial assistance is consistent with other assistance provided under this Act;

"(6) the extent to which prioritized, cost-effective mitigation activities that produce meaningful and definable outcomes are clearly identified;

"(7) if the State or local government has submitted a mitigation plan under section 322, the extent to which the activities identified under paragraph (6) are consistent with the mitigation plan;

"(8) the opportunity to fund activities that maximize net benefits to society;

"(9) the extent to which assistance will fund mitigation activities in small impoverished communities; and

"(10) such other criteria as the President establishes in consultation with State and local governments.

"(h) FEDERAL SHARE.—

"(1) IN GENERAL.—Financial assistance provided under this section may contribute up to 75 percent of the total cost of mitigation activities approved by the President.

"(2) SMALL IMPOVERISHED COMMUNITIES.—Notwithstanding paragraph (1), the President may contribute up to 90 percent of the total cost of a mitigation activity carried out in a small impoverished community.

"(i) NATIONAL PREDISASTER MITIGATION FUND.—

"(1) ESTABLISHMENT.—The President may establish in the Treasury of the United States a fund to be known as the 'National Predisaster Mitigation Fund', to be used in carrying out this section.

"(2) TRANSFERS TO FUND.—There shall be deposited in the Fund—

"(A) amounts appropriated to carry out this section, which shall remain available until expended; and

"(B) sums available from gifts, bequests, or donations of services or property received by the President for the purpose of predisaster hazard mitigation.

"(3) EXPENDITURES FROM FUND.—Upon request by the President, the Secretary of the Treasury shall transfer from the Fund to the President such amounts as the President determines are necessary to provide technical and financial assistance under this section.

"(4) INVESTMENT OF AMOUNTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

"(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

"(i) on original issue at the issue price; or

"(ii) by purchase of outstanding obligations at the market price.

"(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

"(D) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

"(E) TRANSFERS OF AMOUNTS.—

"(i) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

"(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(j) LIMITATION ON TOTAL AMOUNT OF FINANCIAL ASSISTANCE.—The President shall not provide financial assistance under this section in an amount greater than the amount available in the Fund.

"(k) MULTIHAZARD ADVISORY MAPS.—

"(1) DEFINITION OF MULTIHAZARD ADVISORY MAP.—In this subsection, the term 'multihazard advisory map' means a map on which hazard data concerning each type of natural disaster is identified simultaneously for the purpose of showing areas of hazard overlap.

"(2) DEVELOPMENT OF MAPS.—In consultation with States, local governments, and appropriate Federal agencies, the President shall develop multihazard advisory maps for areas, in not fewer than 5 States, that are subject to commonly recurring natural hazards (including flooding, hurricanes and severe winds, and seismic events).

"(3) USE OF TECHNOLOGY.—In developing multihazard advisory maps under this subsection, the President shall use, to the maximum extent practicable, the most cost-effective and efficient technology available.

"(4) USE OF MAPS.—

"(A) ADVISORY NATURE.—The multihazard advisory maps shall be considered to be advisory and shall not require the development of any new policy by, or impose any new policy on, any government or private entity.

"(B) AVAILABILITY OF MAPS.—The multihazard advisory maps shall be made available to the appropriate State and local governments for the purposes of—

"(i) informing the general public about the risks of natural hazards in the areas described in paragraph (2);

"(ii) supporting the activities described in subsection (e); and

"(iii) other public uses.

"(l) REPORT ON FEDERAL AND STATE ADMINISTRATION.—Not later than 18 months after the date of enactment of this section, the President, in consultation with State and local governments, shall submit to Congress a report evaluating efforts to implement this section and recommending a process for transferring greater authority and responsibility for administering the assistance program established under this section to capable States.

"(m) TERMINATION OF AUTHORITY.—The authority provided by this section terminates December 31, 2003.".

(b) CONFORMING AMENDMENT.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

"TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE".

SEC. 103. INTERAGENCY TASK FORCE.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as amended by section 102(a)) is amended by adding at the end the following:

"SEC. 204. INTERAGENCY TASK FORCE.

"(a) IN GENERAL.—The President shall establish a Federal interagency task force for the purpose of coordinating the implementation of predisaster hazard mitigation programs administered by the Federal Government.

"(b) CHAIRPERSON.—The Director of the Federal Emergency Management Agency shall serve as the chairperson of the task force.

"(c) MEMBERSHIP.—The membership of the task force shall include representatives of—

"(1) relevant Federal agencies;

"(2) State and local government organizations (including Indian tribes); and

"(3) the American Red Cross.".

SEC. 104. MITIGATION PLANNING; MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

"SEC. 322. MITIGATION PLANNING.

"(a) REQUIREMENT OF MITIGATION PLAN.—As a condition of receipt of an increased Federal share for hazard mitigation measures under subsection (e), a State, local, or tribal government shall develop and submit for approval to the President a mitigation plan that outlines processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government.

"(b) LOCAL AND TRIBAL PLANS.—Each mitigation plan developed by a local or tribal government shall—

"(1) describe actions to mitigate hazards, risks, and vulnerabilities identified under the plan; and

"(2) establish a strategy to implement those actions.

"(c) STATE PLANS.—The State process of development of a mitigation plan under this section shall—

"(1) identify the natural hazards, risks, and vulnerabilities of areas in the State;

"(2) support development of local mitigation plans;

"(3) provide for technical assistance to local and tribal governments for mitigation planning; and

"(4) identify and prioritize mitigation actions that the State will support, as resources become available.

"(d) FUNDING.—

"(1) IN GENERAL.—Federal contributions under section 404 may be used to fund the development and updating of mitigation plans under this section.

"(2) MAXIMUM FEDERAL CONTRIBUTION.—With respect to any mitigation plan, a State, local, or tribal government may use an amount of Federal contributions under section 404 not to exceed 7 percent of the amount of such contributions available to the government as of a date determined by the government.

"(e) Increased Federal Share for Hazard Mitigation Measures.—

"(1) In general.—If, at the time of the declaration of a major disaster, a State has in effect an approved mitigation plan under this section, the President may increase to 20 percent, with respect to the major disaster, the maximum percentage specified in the last sentence of section 404(a).

"(2) Factors for consideration.—In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established—

"(A) eligibility criteria for property acquisition and other types of mitigation measures;

"(B) requirements for cost effectiveness that are related to the eligibility criteria;

"(C) a system of priorities that is related to the eligibility criteria; and

"(D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete.

"SEC. 323. MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

"(a) In General.—As a condition of receipt of a disaster loan or grant under this Act—

"(1) the recipient shall carry out any repair or construction to be financed with the loan or grant in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards; and

"(2) the President may require safe land use and construction practices, after adequate consultation with appropriate State and local government officials.

"(b) Evidence of Compliance.—A recipient of a disaster loan or grant under this Act shall provide such evidence of compliance with this section as the President may require by regulation.".

(b) Losses From Straight Line Winds.—The President shall increase the maximum percentage specified in the last sentence of section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) from 15 percent to 20 percent with respect to any major disaster that is in the State of Minnesota and for which assistance is being provided as of the date of enactment of this Act, except that additional assistance provided under this subsection shall not exceed $6,000,000. The mitigation measures assisted under this subsection shall be related to losses in the State of Minnesota from straight line winds.

(c) Conforming Amendments.—

(1) Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended—

(A) in the second sentence, by striking "section 409" and inserting "section 322"; and

(B) in the third sentence, by striking "The total" and inserting "Subject to section 322, the total".

(2) Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5176) is repealed.

TITLE II—STREAMLINING AND COST REDUCTION

SEC. 201. TECHNICAL AMENDMENTS.

Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154) is amended in subsections (a)(1), (b), and (c) by striking "section 803 of the Public Works and Economic Development Act of 1965" each place it appears and inserting "section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2))".

SEC. 202. MANAGEMENT COSTS.

(a) In General.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 104(a)) is amended by adding at the end the following:

"SEC. 324. MANAGEMENT COSTS.

"(a) Definition of Management Cost.—In this section, the term 'management cost' includes any indirect cost, any administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or disaster preparedness or mitigation activity or measure.

"(b) Establishment of Management Cost Rates.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall by regulation establish management cost rates, for grantees and subgrantees, that shall be used to determine contributions under this Act for management costs.

"(c) Review.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.".

(b) Applicability.—

(1) In general.—Subject to paragraph (2), subsections (a) and (b) of section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)) shall apply to major disasters declared under that Act on or after the date of enactment of this Act.

(2) Interim authority.—Until the date on which the President establishes the management cost rates under section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)), section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) (as in effect on the day before the date of enactment of this Act) shall be used to establish management cost rates.

SEC. 203. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 202(a)) is amended by adding at the end the following:

"SEC. 325. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

"(a) Public Notice and Comment Concerning New or Modified Policies.—

"(1) In general.—The President shall provide for public notice and opportunity for comment before adopting any new or modified policy that—

"(A) governs implementation of the public assistance program administered by the Federal Emergency Management Agency under this Act; and

"(B) could result in a significant reduction of assistance under the program.

"(2) Application.—Any policy adopted under paragraph (1) shall apply only to a major disaster or emergency declared on or after the date on which the policy is adopted.

"(b) Consultation Concerning Interim Policies.—

"(1) In general.—Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this Act, the President, to the maximum extent practicable, shall solicit the views and recommendations of grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely—

"(A) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or

"(B) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency.

"(2) No legal right of action.—Nothing in this subsection confers a legal right of action on any party.

"(c) Public Access.—The President shall promote public access to policies governing the implementation of the public assistance program.".

SEC. 204. STATE ADMINISTRATION OF HAZARD MITIGATION GRANT PROGRAM.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

"(c) Program Administration by States.—

"(1) In general.—A State desiring to administer the hazard mitigation grant program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of the authority to administer the program.

"(2) Criteria.—The President, in consultation and coordination with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum—

"(A) the demonstrated ability of the State to manage the grant program under this section;

"(B) there being in effect an approved mitigation plan under section 322; and

"(C) a demonstrated commitment to mitigation activities.

"(3) Approval.—The President shall approve an application submitted under paragraph (1) that meets the criteria established under paragraph (2).

"(4) Withdrawal of approval.—If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation grant program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

"(5) Audits.—The President shall provide for periodic audits of the hazard mitigation grant programs administered by States under this subsection.".

SEC. 205. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) Contributions.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (a) and inserting the following:

"(a) Contributions.—

"(1) In general.—The President may make contributions—

"(A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the government; and

"(B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person.

"(2) ASSOCIATED EXPENSES.—For the purposes of this section, associated expenses shall include—

"(A) the costs of mobilizing and employing the National Guard for performance of eligible work;

"(B) the costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging; and

"(C) base and overtime wages for the employees and extra hires of a State, local government, or person described in paragraph (1) that perform eligible work, plus fringe benefits on such wages to the extent that such benefits were being paid before the major disaster.

"(3) CONDITIONS FOR ASSISTANCE TO PRIVATE NONPROFIT FACILITIES.—

"(A) IN GENERAL.—The President may make contributions to a private nonprofit facility under paragraph (1)(B) only if—

"(i) the facility provides critical services (as defined by the President) in the event of a major disaster; or

"(ii) the owner or operator of the facility—

"(I) has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

"(II)(aa) has been determined to be ineligible for such a loan; or

"(bb) has obtained such a loan in the maximum amount for which the Small Business Administration determines the facility is eligible.

"(B) DEFINITION OF CRITICAL SERVICES.—In this paragraph, the term 'critical services' includes power, water (including water provided by an irrigation organization or facility), sewer, wastewater treatment, communications, and emergency medical care.

"(4) NOTIFICATION TO CONGRESS.—Before making any contribution under this section in an amount greater than $20,000,000, the President shall notify—

"(A) the Committee on Environment and Public Works of the Senate;

"(B) the Committee on Transportation and Infrastructure of the House of Representatives;

"(C) the Committee on Appropriations of the Senate; and

"(D) the Committee on Appropriations of the House of Representatives.".

(b) FEDERAL SHARE.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (b) and inserting the following:

"(b) FEDERAL SHARE.—

"(1) MINIMUM FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

"(2) REDUCED FEDERAL SHARE.—The President shall promulgate regulations to reduce the Federal share of assistance under this section to not less than 25 percent in the case of the repair, restoration, reconstruction, or replacement of any eligible public facility or private nonprofit facility following an event associated with a major disaster—

"(A) that has been damaged, on more than 1 occasion within the preceding 10-year period, by the same type of event; and

"(B) the owner of which has failed to implement appropriate mitigation measures to address the hazard that caused the damage to the facility.".

(c) LARGE IN-LIEU CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (c) and inserting the following:

"(c) LARGE IN-LIEU CONTRIBUTIONS.—

"(1) FOR PUBLIC FACILITIES.—

"(A) IN GENERAL.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

"(B) AREAS WITH UNSTABLE SOIL.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government because soil instability in the disaster area makes repair, restoration, reconstruction, or replacement infeasible, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 90 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

"(C) USE OF FUNDS.—Funds contributed to a State or local government under this paragraph may be used—

"(i) to repair, restore, or expand other selected public facilities;

"(ii) to construct new facilities; or

"(iii) to fund hazard mitigation measures that the State or local government determines to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

"(D) LIMITATIONS.—Funds made available to a State or local government under this paragraph may not be used for—

"(i) any public facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

"(ii) any uninsured public facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

"(2) FOR PRIVATE NONPROFIT FACILITIES.—

"(A) IN GENERAL.—In any case in which a person that owns or operates a private nonprofit facility determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing the facility, the person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

"(B) USE OF FUNDS.—Funds contributed to a person under this paragraph may be used—

"(i) to repair, restore, or expand other selected private nonprofit facilities owned or operated by the person;

"(ii) to construct new private nonprofit facilities to be owned or operated by the person; or

"(iii) to fund hazard mitigation measures that the person determines to be necessary to meet a need for the person's services and functions in the area affected by the major disaster.

"(C) LIMITATIONS.—Funds made available to a person under this paragraph may not be used for—

"(i) any private nonprofit facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

"(ii) any uninsured private nonprofit facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).".

(d) ELIGIBLE COST.—

(1) IN GENERAL.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (e) and inserting the following:

"(e) ELIGIBLE COST.—

"(1) DETERMINATION.—

"(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

"(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

"(ii) in conformity with codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) applicable at the time at which the disaster occurred.

"(B) COST ESTIMATION PROCEDURES.—

"(i) IN GENERAL.—Subject to paragraph (2), the President shall use the cost estimation procedures established under paragraph (3) to determine the eligible cost under this subsection.

"(ii) APPLICABILITY.—The procedures specified in this paragraph and paragraph (2) shall apply only to projects the eligible cost of which is equal to or greater than the amount specified in section 422.

"(2) MODIFICATION OF ELIGIBLE COST.—

"(A) ACTUAL COST GREATER THAN CEILING PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is greater than the ceiling percentage established under paragraph (3) of the cost estimated under paragraph (1), the President may determine that the eligible cost includes a portion of the actual cost of the repair, restoration, reconstruction, or replacement that exceeds the cost estimated under paragraph (1).

"(B) ACTUAL COST LESS THAN ESTIMATED COST.—

"(i) GREATER THAN OR EQUAL TO FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent of the cost estimated under paragraph (1), but is greater than or equal to the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving funds under this section shall use the excess funds to carry out cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster.

"(ii) Less than floor percentage of estimated cost.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving assistance under this section shall reimburse the President in the amount of the difference.

"(C) No effect on appeals process.—Nothing in this paragraph affects any right of appeal under section 423.

"(3) Expert panel.—

"(A) Establishment.—Not later than 18 months after the date of enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry and State and local government.

"(B) Duties.—The expert panel shall develop recommendations concerning—

"(i) procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices; and

"(ii) the ceiling and floor percentages referred to in paragraph (2).

"(C) Regulations.—Taking into account the recommendations of the expert panel under subparagraph (B), the President shall promulgate regulations that establish—

"(i) cost estimation procedures described in subparagraph (B)(i); and

"(ii) the ceiling and floor percentages referred to in paragraph (2).

"(D) Review by president.—Not later than 2 years after the date of promulgation of regulations under subparagraph (C) and periodically thereafter, the President shall review the cost estimation procedures and the ceiling and floor percentages established under this paragraph.

"(E) Report to congress.—Not later than 1 year after the date of promulgation of regulations under subparagraph (C), 3 years after that date, and at the end of each 2-year period thereafter, the expert panel shall submit to Congress a report on the appropriateness of the cost estimation procedures.

"(4) Special rule.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.".

(2) Effective date.—The amendment made by paragraph (1) takes effect on the date of enactment of this Act and applies to funds appropriated after the date of enactment of this Act, except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1)) takes effect on the date on which the cost estimation procedures established under paragraph (3) of that section take effect.

(e) Conforming Amendment.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (f).

SEC. 206. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

(a) In General.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended to read as follows:

"SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

"(a) In General.—

"(1) Provision of assistance.—In accordance with this section, the President, in consultation with the Governor of a State, may provide financial assistance, and, if necessary, direct services, to individuals and households in the State who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to meet such expenses or needs through other means.

"(2) Relationship to other assistance.—Under paragraph (1), an individual or household shall not be denied assistance under paragraph (1), (3), or (4) of subsection (c) solely on the basis that the individual or household has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

"(b) Housing Assistance.—

"(1) Eligibility.—The President may provide financial or other assistance under this section to individuals and households to respond to the disaster-related housing needs of individuals and households who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

"(2) Determination of appropriate types of assistance.—

"(A) In general.—The President shall determine appropriate types of housing assistance to be provided under this section to individuals and households described in subsection (a)(1) based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors as the President may consider appropriate.

"(B) Multiple types of assistance.—One or more types of housing assistance may be made available under this section, based on the suitability and availability of the types of assistance, to meet the needs of individuals and households in the particular disaster situation.

"(c) Types of Housing Assistance.—

"(1) Temporary housing.—

"(A) Financial assistance.—

"(i) In general.—The President may provide financial assistance to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

"(ii) Amount.—The amount of assistance under clause (i) shall be based on the fair market rent for the accommodation provided plus the cost of any transportation, utility hookups, or unit installation not provided directly by the President.

"(B) Direct assistance.—

"(i) In general.—The President may provide temporary housing units, acquired by purchase or lease, directly to individuals or households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

"(ii) Period of assistance.—The President may not provide direct assistance under clause (i) with respect to a major disaster after the end of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.

"(iii) Collection of rental charges.—After the end of the 18-month period referred to in clause (ii), the President may charge fair market rent for each temporary housing unit provided.

"(2) Repairs.—

"(A) In general.—The President may provide financial assistance for—

"(i) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster to a safe and sanitary living or functioning condition; and

"(ii) eligible hazard mitigation measures that reduce the likelihood of future damage to such residences, utilities, or infrastructure.

"(B) Relationship to other assistance.—A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.

"(C) Maximum amount of assistance.—The amount of assistance provided to a household under this paragraph shall not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(3) Replacement.—

"(A) In general.—The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster.

"(B) Maximum amount of assistance.—The amount of assistance provided to a household under this paragraph shall not exceed $10,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(C) Applicability of flood insurance requirement.—With respect to assistance provided under this paragraph, the President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition of the receipt of Federal disaster assistance.

"(4) Permanent housing construction.—The President may provide financial assistance or direct assistance to individuals or households to construct permanent housing in insular areas outside the continental United States and in other remote locations in cases in which—

"(A) no alternative housing resources are available; and

"(B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost-effective.

"(d) Terms and Conditions Relating to Housing Assistance.—

"(1) Sites.—

"(A) In general.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

"(i) is complete with utilities; and

"(ii) is provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

"(B) Sites provided by the president.—A readily fabricated dwelling may be located on a site provided by the President if the President determines that such a site would be more economical or accessible.

"(2) Disposal of units.—

"(A) Sale to occupants.—

"(i) In general.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household lacks permanent housing.

"(ii) SALE PRICE.—A sale of a temporary housing unit under clause (i) shall be at a price that is fair and equitable.

"(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited in the appropriate Disaster Relief Fund account.

"(iv) HAZARD AND FLOOD INSURANCE.—A sale of a temporary housing unit under clause (i) shall be made on the condition that the individual or household purchasing the housing unit agrees to obtain and maintain hazard and flood insurance on the housing unit.

"(v) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

"(B) OTHER METHODS OF DISPOSAL.—If not disposed of under subparagraph (A), a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims—

"(i) may be sold to any person; or

"(ii) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees—

"(I) to comply with the nondiscrimination provisions of section 308; and

"(II) to obtain and maintain hazard and flood insurance on the housing unit.

"(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

"(1) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household in the State who is adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

"(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

"(f) STATE ROLE.—

"(1) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

"(A) GRANT TO STATE.—Subject to subsection (g), a Governor may request a grant from the President to provide financial assistance to individuals and households in the State under subsection (e).

"(B) ADMINISTRATIVE COSTS.—A State that receives a grant under subparagraph (A) may expend not more than 5 percent of the amount of the grant for the administrative costs of providing financial assistance to individuals and households in the State under subsection (e).

"(2) ACCESS TO RECORDS.—In providing assistance to individuals and households under this section, the President shall provide for the substantial and ongoing involvement of the States in which the individuals and households are located, including by providing to the States access to the electronic records of individuals and households receiving assistance under this section in order for the States to make available any additional State and local assistance to the individuals and households.

"(g) COST SHARING.—

"(1) FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of the costs eligible to be paid using assistance provided under this section shall be 100 percent.

"(2) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—In the case of financial assistance provided under subsection (e)—

"(A) the Federal share shall be 75 percent; and

"(B) the non-Federal share shall be paid from funds made available by the State.

"(h) MAXIMUM AMOUNT OF ASSISTANCE.—

"(1) IN GENERAL.—No individual or household shall receive financial assistance greater than $25,000 under this section with respect to a single major disaster.

"(2) ADJUSTMENT OF LIMIT.—The limit established under paragraph (1) shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(i) RULES AND REGULATIONS.—The President shall prescribe rules and regulations to carry out this section, including criteria, standards, and procedures for determining eligibility for assistance.".

(b) CONFORMING AMENDMENT.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is amended by striking "temporary housing".

(c) ELIMINATION OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.—Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section take effect 18 months after the date of enactment of this Act.

SEC. 207. COMMUNITY DISASTER LOANS.

Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) is amended—

(1) by striking "(a) The President" and inserting the following:

"(a) IN GENERAL.—The President";

(2) by striking "The amount" and inserting the following:

"(b) AMOUNT.—The amount";

(3) by striking "Repayment" and inserting the following:

"(c) REPAYMENT.—

"(1) CANCELLATION.—Repayment";

(4) by striking "(b) Any loans" and inserting the following:

"(d) EFFECT ON OTHER ASSISTANCE.—Any loans";

(5) in subsection (b) (as designated by paragraph (2))—

(A) by striking "and shall" and inserting "shall"; and

(B) by inserting before the period at the end the following: ", and shall not exceed $5,000,000"; and

(6) in subsection (c) (as designated by paragraph (3)), by adding at the end the following:

"(2) CONDITION ON CONTINUING ELIGIBILITY.—A local government shall not be eligible for further assistance under this section during any period in which the local government is in arrears with respect to a required repayment of a loan under this section.".

SEC. 208. REPORT ON STATE MANAGEMENT OF SMALL DISASTERS INITIATIVE.

Not later than 3 years after the date of enactment of this Act, the President shall submit to Congress a report describing the results of the State Management of Small Disasters Initiative, including—

(1) identification of any administrative or financial benefits of the initiative; and

(2) recommendations concerning the conditions, if any, under which States should be allowed the option to administer parts of the assistance program under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

SEC. 209. STUDY REGARDING COST REDUCTION.

Not later than 3 years after the date of enactment of this Act, the Director of the Congressional Budget Office shall complete a study estimating the reduction in Federal disaster assistance that has resulted and is likely to result from the enactment of this Act.

TITLE III—MISCELLANEOUS

SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.

The first section of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 note) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Robert T. Stafford Disaster Relief and Emergency Assistance Act'.".

SEC. 302. DEFINITIONS.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) in each of paragraphs (3) and (4), by striking "the Northern" and all that follows through "Pacific Islands" and inserting "and the Commonwealth of the Northern Mariana Islands";

(2) by striking paragraph (6) and inserting the following:

"(6) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

"(B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and

"(C) a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State."; and

(3) in paragraph (9), by inserting "irrigation," after "utility,".

SEC. 303. FIRE MANAGEMENT ASSISTANCE.

(a) IN GENERAL.—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) is amended to read as follows:

"SEC. 420. FIRE MANAGEMENT ASSISTANCE.

"(a) IN GENERAL.—The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

"(b) COORDINATION WITH STATE AND TRIBAL DEPARTMENTS OF FORESTRY.—In providing assistance under this section, the President shall coordinate with State and tribal departments of forestry.

"(c) ESSENTIAL ASSISTANCE.—In providing assistance under this section, the President may use the authority provided under section 403.

"(d) RULES AND REGULATIONS.—The President shall prescribe such rules and regulations as are necessary to carry out this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect 1 year after the date of enactment of this Act.

SEC. 304. DISASTER GRANT CLOSEOUT PROCEDURES.

Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following:

"SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.

"(a) Statute of Limitations.—

"(1) In general.—Except as provided in paragraph (2), no administrative action to recover any payment made to a State or local government for disaster or emergency assistance under this Act shall be initiated in any forum after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency.

"(2) Fraud exception.—The limitation under paragraph (1) shall apply unless there is evidence of civil or criminal fraud.

"(b) Rebuttal of Presumption of Record Maintenance.—

"(1) In general.—In any dispute arising under this section after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency, there shall be a presumption that accounting records were maintained that adequately identify the source and application of funds provided for financially assisted activities.

"(2) Affirmative evidence.—The presumption described in paragraph (1) may be rebutted only on production of affirmative evidence that the State or local government did not maintain documentation described in that paragraph.

"(3) Inability to produce documentation.—The inability of the Federal, State, or local government to produce source documentation supporting expenditure reports later than 3 years after the date of transmission of the final expenditure report shall not constitute evidence to rebut the presumption described in paragraph (1).

"(4) Right of access.—The period during which the Federal, State, or local government has the right to access source documentation shall not be limited to the required 3-year retention period referred to in paragraph (3), but shall last as long as the records are maintained.

"(c) Binding Nature of Grant Requirements.—A State or local government shall not be liable for reimbursement or any other penalty for any payment made under this Act if—

"(1) the payment was authorized by an approved agreement specifying the costs;

"(2) the costs were reasonable; and

"(3) the purpose of the grant was accomplished.".

SEC. 305. PUBLIC SAFETY OFFICER BENEFITS FOR CERTAIN FEDERAL AND STATE EMPLOYEES.

(a) In General.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended by striking paragraph (7) and inserting the following:

"(7) 'public safety officer' means—

"(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew;

"(B) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

"(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

"(ii) are determined by the Director of the Federal Emergency Management Agency to be hazardous duties; or

"(C) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

"(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

"(ii) are determined by the head of the agency to be hazardous duties.".

(b) Effective Date.—The amendment made by subsection (a) applies only to employees described in subparagraphs (B) and (C) of section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of enactment of this Act.

SEC. 306. BUY AMERICAN.

(a) Compliance With Buy American Act.—No funds authorized to be appropriated under this Act or any amendment made by this Act may be expended by an entity unless the entity, in expending the funds, complies with the Buy American Act (41 U.S.C. 10a et seq.).

(b) Debarment of Persons Convicted of Fraudulent Use of "Made in America" Labels.—

(1) In general.—If the Director of the Federal Emergency Management Agency determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Director shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) Definition of debar.—In this subsection, the term "debar" has the meaning given the term in section 2393(c) of title 10, United States Code.

SEC. 307. TREATMENT OF CERTAIN REAL PROPERTY.

(a) In General.—Notwithstanding the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.), or any other provision of law, or any flood risk zone identified, delineated, or established under any such law (by flood insurance rate map or otherwise), the real property described in subsection (b) shall not be considered to be, or to have been, located in any area having special flood hazards (including any floodway or floodplain).

(b) Real Property.—The real property described in this subsection is all land and improvements on the land located in the Maple Terrace Subdivisions in the city of Sycamore, DeKalb County, Illinois, including—

(1) Maple Terrace Phase I;

(2) Maple Terrace Phase II;

(3) Maple Terrace Phase III Unit 1;

(4) Maple Terrace Phase III Unit 2;

(5) Maple Terrace Phase III Unit 3;

(6) Maple Terrace Phase IV Unit 1;

(7) Maple Terrace Phase IV Unit 2; and

(8) Maple Terrace Phase IV Unit 3.

(c) Revision of Flood Insurance Rate Lot Maps.—As soon as practicable after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the appropriate flood insurance rate lot maps of the agency to reflect the treatment under subsection (a) of the real property described in subsection (b).

SEC. 308. STUDY OF PARTICIPATION BY INDIAN TRIBES IN EMERGENCY MANAGEMENT.

(a) Definition of Indian Tribe.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) Study.—

(1) In general.—The Director of the Federal Emergency Management Agency shall conduct a study of participation by Indian tribes in emergency management.

(2) Required elements.—The study shall—

(A) survey participation by Indian tribes in training, predisaster and postdisaster mitigation, disaster preparedness, and disaster recovery programs at the Federal and State levels; and

(B) review and assess the capacity of Indian tribes to participate in cost-shared emergency management programs and to participate in the management of the programs.

(3) Consultation.—In conducting the study, the Director shall consult with Indian tribes.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Director shall submit a report on the study under subsection (b) to—

(1) the Committee on Environment and Public Works of the Senate;

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Appropriations of the House of Representatives.

TECHNOLOGY TRANSFER COMMERCIALIZATION ACT OF 1999

EDWARDS AMENDMENT NO. 4300

Mr. MACK (for Mr. Edwards) proposed an amendment to the bill (H.R. 209) to improve the ability of Federal agencies to license federally owned inventions; as follows:

At the appropriate place, insert the following:

SEC. . TECHNOLOGY PARTNERSHIPS OMBUDSMAN.

(A) Appointment of Ombudsman.—The Secretary of Energy shall direct the director of each national laboratory of the Department of Energy, and may direct the director of each facility under the jurisdiction of the Department of Energy, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding the policies and actions of each such laboratory or facility with respect to technology partnerships (including cooperative research and development agreements), patents, and technology licensing.

(b) Qualifications.—An ombudsman appointed under subsection (a) shall be a senior official of the national laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing, or, if appointed from outside the laboratory or facility, function as such a senior official.

(c) Duties.—Each ombudsman appointed under subsection (a) shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the national laboratory or facility regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report quarterly on the number and nature of complaints and disputes raised, along with the ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information, to—

(A) the Secretary;

(B) the Administrator for Nuclear Security;

(C) the Director of the Office of Dispute Resolution of the Department of Energy; and

(D) the employees of the Department responsible for the administration of the contract for the operation of each national laboratory or facility that is a subject of the report, for consideration in the administration and review of that contract.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent Evan Mathiason and Daniel Lopez, interns in my office, be granted the privilege of the floor today during Senate deliberations.

The PRESIDING OFFICER. Without objection, it is so ordered.

2000 OCTOBER QUARTERLY REPORTS

The mailing and filing date of the October Quarterly Report required by the Federal Election Campaign Act, as amended, is Sunday, October 15, 2000. All Principal Campaign Committees supporting Senate candidates in the 2000 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records will be open from 12:00 noon until 4:00 p.m. on October 15th to receive these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

2000 12 DAY PRE-GENERAL REPORTS

The filing date of the 12 Day Pre-General Report required by the Federal Election Campaign Act, as amended, is Thursday, October 26, 2000. The mailing date for the aforementioned report is Monday, October 23, 2000, if postmarked by registered or certified mail. If this report is transmitted in any other manner it must be received by the filing date. All Principal Campaign Committees supporting Senate candidates in the 2000 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 8:00 a.m. until 6:00 p.m. on Thursday, October 26th to receive these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

48 HOUR NOTIFICATIONS

The Office of Public Records will be open on three successive Saturdays and Sundays from 12:00 noon until 4:00 p.m. for the purpose of accepting 48 hour notifications of contributions required by the Federal Election Campaign Act, as amended. The dates are October 21st and 22nd, October 28th and 29th, November 4th and 5th. All principal campaign committees supporting Senate candidates in 2000 must notify the Secretary of the Senate regarding contributions of $1,000 or more if received after the 20th day, but more than 48 hours before the day of the general election. The 48 hour notifications may also be transmitted by facsimile machine. The Office of Public Records FAX number is (202) 224–1851.

REGISTRATION OF MASS MAILINGS

The filing date for 2000 third quarter mass mailings is October 25, 2000. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116.

The Public Records office will be open from 8:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

2000 30 DAY POST-GENERAL REPORTS

The mailing and filing date of the 30 Day Post-General Report required by the Federal Election Campaign Act, as amended, is Thursday, December 7, 2000. All Principal Campaign Committees supporting Senate candidates in the 2000 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 9:00 a.m. to 5:00 p.m. on December 7th to receive these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

THE CALENDAR

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration, en bloc, of the following reported calendar items by the Energy Committee: Calendar No. 636, S. 2478; Calendar No. 637, S. 2485; Calendar No. 640, H.R. 3201; Calendar No. 665, S. 1670; Calendar No. 668, H.R. 2879; Calendar No. 713, H.R. 2833; Calendar No. 749, S. 134; Calendar No. 753, S. 1972; Calendar No. 755, S. 2300; Calendar No. 757, S. 2499; Calendar No. 768, H.R. 468; Calendar No. 770, H.R. 1695; Calendar No. 790, S. 1925; Calendar No. 792, S. 2069; Calendar No. 799, H.R. 3632; Calendar No. 811, H.R. 4226; Calendar No. 833, H.R. 4613; Calendar No. 835, H.R. 3745; Calendar No. 852, S. 2942; Calendar No. 854, S. 3000; Calendar No. 886, S. 2749; Calendar No. 887, S. 2865; Calendar No. 892, H.R. 4285; Calendar No. 897, S. 2757; Calendar No. 901, S. 2977; Calendar No. 903, S. 2885; Calendar No. 907, H.R. 4275; Calendar No. 925, S. 2111; Calendar No. 928, S. 2547; Calendar No. 931, H. Con. Res. 89; and Calendar No. 936, S. 1756.

I ask unanimous consent that any committee amendments, where appropriate, be agreed to, the bills, as amended, if amended, be read a third time and passed, as amended, if amended, any title amendments be agreed to, the resolution be agreed to, and the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to any of the bills and the resolution be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

PEOPLING OF AMERICA THEME STUDY ACT

The Senate proceeded to consider the bill (S. 2478) to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes, which had been reported by the Committee on Energy and Natural Resources with amendments as follows:

(Omit the parts in black brackets and insert the parts printed in italic.)

S. 2478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Peopling of America Theme Study Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the "peopling of America"; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United States and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the American population;

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(6)(A) the National Park Service's official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a-5 note; Public Law 101-628), that "the Secretary shall ensure that the full diversity of American history and prehistory are represented" in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that "people are the primary agents of change" and establishes the theme of human population movement and change—or "peopling places"—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

(b) PURPOSES.—The purposes of this Act are—

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and events otherwise not recognized in the peopling of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) THEME STUDY.—The term "theme study" means the national historic landmark theme study required under section 4.

(3) PEOPLING OF AMERICA.—The term 'peopling of America" means the migration to and within, and the settlement of, the United States.

SEC. 4. THEME STUDY.

(a) IN GENERAL.—The Secretary shall prepare and submit to Congress a national historic landmark theme study on the peopling of America.

(b) PURPOSE.—The purpose of the theme study shall be to identify regions, areas, *trails*, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) can provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) IDENTIFICATION AND DESIGNATION OF POTENTIAL NEW NATIONAL HISTORIC LANDMARKS.—

(1) IN GENERAL.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) LIST OF APPROPRIATE SITES.—The theme study shall—

(A) include a list in order of importance or merit of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic [Places by assisting members of the public in evaluating sites within their communities and in surrounding areas.] *Places.*

(3) DESIGNATION.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) NATIONAL PARK SYSTEM.—

(1) IDENTIFICATION OF SITES WITHIN CURRENT UNITS.—The theme study shall identify appropriate sites within units of the National Park System at which the peopling of America may be interpreted.

(2) IDENTIFICATION OF NEW SITES.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) CONTINUING AUTHORITY.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) PUBLIC EDUCATION AND RESEARCH.—

(1) LINKAGES.—

(A) ESTABLISHMENT.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(I) regions, *trails*, areas, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(II) groups of people; and

(ii) between—

(I) regions, areas, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsection (b); and

(II) units of the National Park System identified under subsection (d).

(B) PURPOSE.—The purpose of the linkages shall be to maximize opportunities for public education and scholarly research on the peopling of America.

(2) COOPERATIVE ARRANGEMENTS.—On the basis of the theme study, the Secretary shall, subject to the availability of funds, enter into cooperative arrangements with State and local governments, educational institutions, local historical organizations, communities, and other appropriate entities to preserve and interpret key sites in the peopling of America.

(3) EDUCATIONAL INITIATIVES.—

(A) IN GENERAL.—The documentation in the theme study shall be used for broad educational initiatives such as—

(i) popular publications;

(ii) curriculum material such as the Teaching with Historic Places program;

(iii) heritage tourism products such as the National Register of Historic Places Travel Itineraries program; and

(iv) oral history and ethnographic programs.

(B) COOPERATIVE PROGRAMS.—On the basis of the theme study, the Secretary shall implement cooperative programs to encourage the preservation and interpretation of the peopling of America.

SEC. 5. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared in accordance with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendments were agreed to.

The bill (S. 2478), as amended, was read the third time and passed, as follows:

S. 2478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Peopling of America Theme Study Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the "peopling of America"; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United States and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the American population;

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(6)(A) the National Park Service's official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a-5 note; Public Law 101-628), that "the Secretary shall ensure that the full diversity of American history and prehistory are represented" in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that "people are the primary agents of change" and establishes the theme of human population movement and change—or "peopling places"—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

(b) PURPOSES.—The purposes of this Act are—

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and

events otherwise not recognized in the peopling of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) THEME STUDY.—The term "theme study" means the national historic landmark theme study required under section 4.

(3) PEOPLING OF AMERICA.—The term "peopling of America" means the migration to and within, and the settlement of, the United States.

SEC. 4. THEME STUDY.

(a) IN GENERAL.—The Secretary shall prepare and submit to Congress a national historic landmark theme study on the peopling of America.

(b) PURPOSE.—The purpose of the theme study shall be to identify regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) can provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) IDENTIFICATION AND DESIGNATION OF POTENTIAL NEW NATIONAL HISTORIC LANDMARKS.—

(1) IN GENERAL.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) LIST OF APPROPRIATE SITES.—The theme study shall—

(A) include a list in order of importance or merit of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic Places.

(3) DESIGNATION.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) NATIONAL PARK SYSTEM.—

(1) IDENTIFICATION OF SITES WITHIN CURRENT UNITS.—The theme study shall identify appropriate sites within units of the National Park System at which the peopling of America may be interpreted.

(2) IDENTIFICATION OF NEW SITES.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) CONTINUING AUTHORITY.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) PUBLIC EDUCATION AND RESEARCH.—

(1) LINKAGES.—

(A) ESTABLISHMENT.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(II) groups of people; and

(ii) between—

(I) regions, areas, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsection (b); and

(II) units of the National Park System identified under subsection (d).

(B) PURPOSE.—The purpose of the linkages shall be to maximize opportunities for public education and scholarly research on the peopling of America.

(2) COOPERATIVE ARRANGEMENTS.—On the basis of the theme study, the Secretary shall, subject to the availability of funds, enter into cooperative arrangements with State and local governments, educational institutions, local historical organizations, communities, and other appropriate entities to preserve and interpret key sites in the peopling of America.

(3) EDUCATIONAL INITIATIVES.—

(A) IN GENERAL.—The documentation in the theme study shall be used for broad educational initiatives such as—

(i) popular publications;

(ii) curriculum material such as the Teaching with Historic Places program;

(iii) heritage tourism products such as the National Register of Historic Places Travel Itineraries program; and

(iv) oral history and ethnographic programs.

(B) COOPERATIVE PROGRAMS.—On the basis of the theme study, the Secretary shall implement cooperative programs to encourage the preservation and interpretation of the peopling of America.

SEC. 5. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared in accordance with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SAINT CROIX ISLAND HERITAGE ACT

The Senate proceeded to consider the bill (S. 2485) to require the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine, which had been reported by the Committee on Energy and Natural Resources with an amendment.

(Omit the past in black brackets and insert the part printed in italic.)

S. 2485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saint Croix Island Heritage Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Saint Croix Island is located in the Saint Croix River, a river that is the boundary between the State of Maine and Canada;

(2) the Island is the only international historic site in the National Park System;

(3) in 1604, French nobleman Pierre Dugua Sieur de Mons, accompanied by a courageous group of adventurers that included Samuel Champlain, landed on the Island and began the construction of a settlement;

(4) the French settlement on the Island in 1604 and 1605 was the initial site of the first permanent settlement in the New World, predating the English settlement of 1607 at Jamestown, Virginia;

(5) many people view the expedition that settled on the Island in 1604 as the beginning of the Acadian culture in North America;

(6) in October, 1998, the National Park Service completed a general management plan to manage and interpret the Saint Croix Island International Historic Site;

(7) the plan addresses a variety of management alternatives, and concludes that the best management strategy entails developing an interpretive trail and ranger station at Red Beach, Maine, and a regional heritage center in downtown Calais, Maine, in cooperation with Federal, State, and local agencies;

(8) a 1982 memorandum of understanding, signed by the Department of the Interior and the Canadian Department for the Environment, outlines a cooperative program to commemorate the international heritage of the Saint Croix Island site and specifically to prepare for the 400th anniversary of the settlement in 2004; and

(9) only 4 years remain before the 400th anniversary of the settlement at Saint Croix Island, an occasion that should be appropriately commemorated.

(b) PURPOSE.—The purpose of this Act is to direct the Secretary of the Interior to take all necessary and appropriate steps to work with Federal, State, and local agencies, historical societies, and nonprofit organizations to facilitate the development of a regional heritage center in downtown Calais, Maine before the 400th anniversary of the settlement of Saint Croix Island.

SEC. 3. DEFINITIONS.

In this Act:

(1) ISLAND.—The term "Island" means Saint Croix Island, located in the Saint Croix. River, between Canada and the State of Maine.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. SAINT CROIX ISLAND REGIONAL HERITAGE CENTER.

(a) IN GENERAL.—The Secretary shall provide assistance in planning, constructing, and operating a regional heritage center in downtown Calais, Maine, to facilitate the management and interpretation of the Saint Croix Island International Historic Site.

(b) COOPERATIVE AGREEMENTS.—To carry out subsection (a), in administering the Saint Croix Island International Historic Site, the Secretary may enter into cooperative agreements under appropriate terms and conditions [with State and local agencies] *with other Federal agencies, State and local agencies* and nonprofit organizations—

(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

(2) to conduct activities that facilitate the dissemination of information relating to the Saint Croix Island International Historic Site;

(3) to provide financial assistance for the construction of the regional heritage center in exchange for space in the center that is sufficient to interpret the Saint Croix Island International Historic Site; and

(4) to assist with the operation and maintenance of the regional heritage center.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) DESIGN AND CONSTRUCTION.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act (including

the design and construction of the regional heritage center) $2,000,000.

(2) Expenditure.—Paragraph (1) authorizes funds to be appropriated on the condition that any expenditure of those funds shall be matched on a dollar-for-dollar basis by funds from non-Federal sources.

(b) Operation and Maintenance.—There are authorized to be appropriated such sums as are necessary to maintain and operate interpretive exhibits in the regional heritage center.

The committee amendment was agreed to.

The bill (S. 2485), as amended, was read the third time and passed, as follows:

S. 2485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saint Croix Island Heritage Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) Saint Croix Island is located in the Saint Croix River, a river that is the boundary between the State of Maine and Canada;

(2) the Island is the only international historic site in the National Park System;

(3) in 1604, French nobleman Pierre Dugua Sieur de Mons, accompanied by a courageous group of adventurers that included Samuel Champlain, landed on the Island and began the construction of a settlement;

(4) the French settlement on the Island in 1604 and 1605 was the initial site of the first permanent settlement in the New World, predating the English settlement of 1607 at Jamestown, Virginia;

(5) many people view the expedition that settled on the Island in 1604 as the beginning of the Acadian culture in North America;

(6) in October, 1998, the National Park Service completed a general management plan to manage and interpret the Saint Croix Island International Historic Site;

(7) the plan addresses a variety of management alternatives, and concludes that the best management strategy entails developing an interpretive trail and ranger station at Red Beach, Maine, and a regional heritage center in downtown Calais, Maine, in cooperation with Federal, State, and local agencies;

(8) a 1982 memorandum of understanding, signed by the Department of the Interior and the Canadian Department for the Environment, outlines a cooperative program to commemorate the international heritage of the Saint Croix Island site and specifically to prepare for the 400th anniversary of the settlement in 2004; and

(9) only 4 years remain before the 400th anniversary of the settlement at Saint Croix Island, an occasion that should be appropriately commemorated.

(b) Purpose.—The purpose of this Act is to direct the Secretary of the Interior to take all necessary and appropriate steps to work with Federal, State, and local agencies, historical societies, and nonprofit organizations to facilitate the development of a regional heritage center in downtown Calais, Maine before the 400th anniversary of the settlement of Saint Croix Island.

SEC. 3. DEFINITIONS.

In this Act:

(1) Island.—The term "Island" means Saint Croix Island, located in the Saint Croix River, between Canada and the State of Maine.

(2) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. SAINT CROIX ISLAND REGIONAL HERITAGE CENTER.

(a) In General.—The Secretary shall provide assistance in planning, constructing, and operating a regional heritage center in downtown Calais, Maine, to facilitate the management and interpretation of the Saint Croix Island International Historic Site.

(b) Cooperative Agreements.—To carry out subsection (a), in administering the Saint Croix Island International Historic Site, the Secretary may enter into cooperative agreements under appropriate terms and conditions with other Federal agencies, State and local agencies and nonprofit organizations—

(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

(2) to conduct activities that facilitate the dissemination of information relating to the Saint Croix Island International Historic Site;

(3) to provide financial assistance for the construction of the regional heritage center in exchange for space in the center that is sufficient to interpret the Saint Croix Island International Historic Site; and

(4) to assist with the operation and maintenance of the regional heritage center.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) Design and Construction.—

(1) In general.—There is authorized to be appropriated to carry out this Act (including the design and construction of the regional heritage center) $2,000,000.

(2) Expenditure.—Paragraph (1) authorizes funds to be appropriated on the condition that any expenditure of those funds shall be matched on a dollar-for-dollar basis by funds from non-Federal sources.

(b) Operation and Maintenance.—There are authorized to be appropriated such sums as are necessary to maintain and operate interpretive exhibits in the regional heritage center.

CARTER G. WOODSON HOME NATIONAL HISTORIC SITE STUDY ACT OF 2000

The Senate proceeded to consider the bill (H.R. 3201) to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site, and for other purposes.

The bill (H.R. 3201) was read the third time and passed.

FORT MATANZAS NATIONAL MONUMENT

The Senate proceeded to consider the bill (S. 1670) to revise the boundary of Fort Matanzas National Monument, and for other purposes.

The bill (S. 1670) was read the third time and passed, as follows:

S. 1670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) Map.—The term "Map" means the map entitled "Fort Matanzas National Monument", numbered 347/80,004 and dated February, 1991.

(2) Monument.—The term "Monument" means the Fort Matanzas National Monument in Florida.

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 2. REVISION OF BOUNDARY.

(a) In General.—The boundary of the Monument is revised to include an area totaling approximately 70 acres, as generally depicted on the Map.

(b) Availability of Map.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

SEC. 3. ACQUISITION OF ADDITIONAL LAND.

The Secretary may acquire any land, water, or interests in land that are located within the revised boundary of the Monument by—

(1) donation;

(2) purchase with donated or appropriated funds;

(3) transfer from any other Federal agency; or

(4) exchange.

SEC. 4. ADMINISTRATION.

Subject to applicable laws, all land and interests in land held by the United States that are included in the revised boundary under section 2 shall be administered by the Secretary as part of the Monument.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

"I HAVE A DREAM" PLAQUE ACT

The Senate proceeded to consider the bill (H.R. 2879) to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have a Dream" speech, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert the part printed in italic.

SECTION 1. PLACEMENT OF PLAQUE AT LINCOLN MEMORIAL.

(a) Placement of Plaque.—

(1) In general.—The Secretary of the Interior shall install in the area of the Lincoln Memorial in the District of Columbia a suitable plaque to commemorate the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech.

(2) Relation to Commemorative Works Act.—The Commemorative Works Act (40 U.S.C. 1001 et seq.) shall apply to the design and placement of the plaque within the area of the Lincoln Memorial.

(b) Acceptance of Contributions.—

(1) In general.—The Secretary of the Interior is authorized to accept and expand contributions toward the cost of preparing and installing the plaque, without further appropriation. Federal funds may be used to design, procure, or install the plaque.

The committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 2879), as amended, was read the third time and passed.

YUMA CROSSING NATIONAL HERITAGE AREA ACT OF 2000

The Senate proceeded to consider the bill (H.R. 2833) to establish the Yuma Crossing National Heritage Area.

The bill (H.R. 2833) was read the third time and passed.

GAYLORD NELSON APOSTLE ISLANDS STEWARDSHIP ACT OF 1999

The Senate proceeded to consider the bill (S. 134) to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area, which had been reported from the Committee on Energy and Natural Resources, with an amendment as follows:

(Omit the part in black brackets)

S. 134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gaylord Nelson Apostle Islands Stewardship Act of 1999".

SEC. 2. GAYLORD NELSON APOSTLE ISLANDS.

(a) DECLARATIONS.—Congress declares that—

(1) the Apostle Islands National Lakeshore is a national and a Wisconsin treasure;

(2) the State of Wisconsin is particularly indebted to former Senator Gaylord Nelson for his leadership in the creation of the Lakeshore;

(3) after more than 28 years of enjoyment, some issues critical to maintaining the overall ecological, recreational, and cultural vision of the Lakeshore need additional attention;

(4) the general management planning process for the Lakeshore has identified a need for a formal wilderness study;

(5) all land within the Lakeshore that might be suitable for designation as wilderness are zoned and managed to protect wilderness characteristics pending completion of such a study;

(6) several historic lighthouses within the Lakeshore are in danger of structural damage due to severe erosion;

(7) the Secretary of the Interior has been unable to take full advantage of cooperative agreements with Federal, State, local, and tribal governmental agencies, institutions of higher education, and other nonprofit organizations that could assist the National Park Service by contributing to the management of the Lakeshore;

(8) because of competing needs in other units of the National Park System, the standard authorizing and budgetary process has not resulted in updated legislative authority and necessary funding for improvements to the Lakeshore; and

(9) the need for improvements to the Lakeshore and completion of a wilderness study should be accorded a high priority among National Park Service activities.

(b) DEFINITIONS.—In this section:

(1) LAKESHORE.—The term "Lakeshore" means the Apostle Islands National Lakeshore.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) WILDERNESS STUDY.—In fulfillment of the responsibilities of the Secretary under the Wilderness Act (16 U.S.C. 1131 et seq.) and of applicable agency policy, the Secretary shall evaluate areas of land within the Lakeshore for inclusion in the National Wilderness System.

(d) APOSTLE ISLANDS LIGHTHOUSES.—The Secretary shall undertake appropriate action (including protection of the bluff toe beneath the lighthouses, stabilization of the bank face, and dewatering of the area immediately shoreward of the bluffs) to protect the lighthouse structures at Raspberry Lighthouse and Outer Island Lighthouse on the Lakeshore.

(e) COOPERATIVE AGREEMENTS.—Section 6 of Public Law 91-424 (16 U.S.C. 460w-5) is amended—

(1) by striking "SEC. 6. The lakeshore" and inserting the following:

"SEC. 6. MANAGEMENT.

"(a) IN GENERAL.—The lakeshore"; and

(2) by adding at the end the following:

"(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with a Federal, State, tribal, or local government agency or a nonprofit private entity if the Secretary determines that a cooperative agreement would be beneficial in carrying out section 7.".

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $200,000 to carry out subsection (c); and

(2) $3,900,000 to carry out subsection (d).

[(g) FUNDING.—

[(1) IN GENERAL.—Of the funds made available under the heading "CLEAN COAL TECHNOLOGY" under the heading "DEPARTMENT OF ENERGY" for obligation in prior years, in addition to the funds deferred under the heading "CLEAN COAL TECHNOLOGY" under the heading "DEPARTMENT OF ENERGY" under section 101(e) of division A of Public Law 105-277—

[(A) $5,000,000 shall not be available until October 1, 2000; and

[(B) $5,000,000 shall not be available until October 1, 2001.

[(2) ONGOING PROJECTS.—Funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

[(3) TRANSFER OF FUNDS.—In addition to any amounts made available under subsection (f), amounts made available under paragraph (1) shall be transferred to the Secretary for use in carrying out subsections (c) and (d).

[(4) UNEXPECTED BALANCE.—Any balance of funds transferred under paragraph (3) that remain unexpended at the end of fiscal year 1999 shall be returned to the Treasury.]

The committee amendment was agreed to.

The bill (S. 134), as amended, was read the third time and passed, as follows:

S. 134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gaylord Nelson Apostle Islands Stewardship Act of 2000".

SEC. 2. GAYLORD NELSON APOSTLE ISLANDS.

(a) DECLARATIONS.—Congress declares that—

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(4) the general management planning process for the Lakeshore has identified a need for a formal wilderness study;

(5) all land within the Lakeshore that might be suitable for designation as wilderness are zoned and managed to protect wilderness characteristics pending completion of such a study;

(6) several historic lighthouses within the Lakeshore are in danger of structural damage due to severe erosion;

(7) the Secretary of the Interior has been unable to take full advantage of cooperative agreements with Federal, State, local, and tribal governmental agencies, institutions of higher education, and other nonprofit organizations that could assist the National Park Service by contributing to the management of the Lakeshore;

(8) because of competing needs in other units of the National Park System, the standard authorizing and budgetary process has not resulted in updated legislative authority and necessary funding for improvements to the Lakeshore; and

(9) the need for improvements to the Lakeshore and completion of a wilderness study should be accorded a high priority among National Park Service activities.

(b) DEFINITIONS.—In this section:

(1) LAKESHORE.—The term "Lakeshore" means the Apostle Islands National Lakeshore.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) WILDERNESS STUDY.—In fulfillment of the responsibilities of the Secretary under the Wilderness Act (16 U.S.C. 1131 et seq.) and of applicable agency policy, the Secretary shall evaluate areas of land within the Lakeshore for inclusion in the National Wilderness System.

(d) APOSTLE ISLANDS LIGHTHOUSES.—The Secretary shall undertake appropriate action (including protection of the bluff toe beneath the lighthouses, stabilization of the bank face, and dewatering of the area immediately shoreward of the bluffs) to protect the lighthouse structures at Raspberry Lighthouse and Outer Island Lighthouse on the Lakeshore.

(e) COOPERATIVE AGREEMENTS.—Section 6 of Public Law 91-424 (16 U.S.C. 460w-5) is amended—

(1) by striking "SEC. 6. The lakeshore" and inserting the following:

"SEC. 6. MANAGEMENT.

"(a) IN GENERAL.—The lakeshore"; and

(2) by adding at the end the following:

"(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with a Federal, State, tribal, or local government agency or a nonprofit private entity if the Secretary determines that a cooperative agreement would be beneficial in carrying out section 7.".

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $200,000 to carry out subsection (c); and

(2) $3,900,000 to carry out subsection (d).

CONVEYANCE OF JOE ROWELL PARK

The Senate proceeded to consider the bill (S. 1972) to direct the Secretary of

Agriculture to convey to the town of Dolores, Colorado, the current site of Joe Rowell Park, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(Omit the part in black brackets and insert the part printed in italic.)

S. 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF JOE ROWELL PARK.

(a) In General.—The Secretary of Agriculture shall convey to the town of Dolores, Colorado, for no consideration, all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), for open space, park, and recreational purposes.

(b) Description of Property.—

(1) In general.—The property referred to in subsection (a) is a parcel of approximately 25 acres of land comprising the site of the Joe Rowell Park (including all improvements on the land and equipment and other items of personal property as agreed to by the Secretary) [in section 16 (Map 1), township 37 north, range 15 west, NMPM, Dolores, Colorado.] *depicted on the map entitled "Joe Rowell Park," dated July 12, 2000.*

(2) Survey.—

(A) In general.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(B) Cost.—As a condition of any conveyance under this section, the town of Dolores shall pay the cost of the survey.

(c) Possibility of Reverter.—Title to any real property acquired by the town of Dolores, Colorado, under this section shall revert to the United States if the town—

(1) attempts to convey or otherwise transfer ownership of any portion of the property to any other person;

(2) attempts to encumber the title of the property; or

(3) permits the use of any portion of the property for any purpose incompatible with the purpose described in subsection (a) for which the property is conveyed.

(d) The map referenced in subsection (b)(1) shall be on file for public inspection in the Office of the Chief of the Forest Service at the Department of Agriculture in Washington, DC.

The committee amendments were agreed to.

The bill (S. 1972), as amended, was read the third time and passed, as follows:

COAL MARKET COMPETITION ACT OF 2000

The Senate proceeded to consider the bill (S. 2300) to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

The bill (S. 2300) was read the third time and passed, as follows:

S. 2300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE.

This Act may be cited as the "Coal Market Competition Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) Federal land contains commercial deposits of coal, the Nation's largest deposits of coal being located on Federal land in Utah, Colorado, Montana, and the Powder River Basin of Wyoming;

(2) coal is mined on Federal land through Federal coal leases under the Act of February 25, 1920 (commonly known as the "Mineral Leasing Act") (30 U.S.C. 181 et seq.);

(3) the sub-bituminous coal from these mines is low in sulfur, making it the cleanest burning coal for energy production;

(4) the Mineral Leasing Act sets for each leasable mineral a limitation on the amount of acreage of Federal leases any 1 producer may hold in any 1 State or nationally;

(5)(A) the present acreage limitation for Federal coal leases has been in place since 1976;

(B) currently the coal lease acreage limit of 46,080 acres per State is less than the per-State Federal lease acreage limit for potash (96,000 acres) and oil and gas (246,080 acres);

(6) coal producers in Wyoming and Utah are operating mines on Federal leaseholds that contain total acreage close to the coal lease acreage ceiling;

(7) the same reasons that Congress cited in enacting increases for State lease acreage caps applicable in the case of other minerals—the advent of modern mine technology, changes in industry economics, greater global competition, and the need to conserve Federal resources—apply to coal;

(8) existing coal mines require additional lease acreage to avoid premature closure, but those mines cannot relinquish mined-out areas to lease new acreage because those areas are subject to 10-year reclamation plans, and the reclaimed acreage is counted against the State and national acreage limits;

(9) to enable them to make long-term business decisions affecting the type and amount of additional infrastructure investments, coal producers need certainty that sufficient acreage of leasable coal will be available for mining in the future; and

(10) to maintain the vitality of the domestic coal industry and ensure the continued flow of valuable revenues to the Federal and State governments and of energy to the American public from coal production on Federal land, the Mineral Leasing Act should be amended to increase the acreage limitation for Federal coal leases.

SEC. 3. COAL MINING ON FEDERAL LAND.

Section 27(a) of the Act of February 25, 1920 (30 U.S.C. 184(a)), is amended—

(1) by striking "(a)" and all that follows through "No person" and inserting "(a) Coal Leases.—No person";

(2) by striking "forty-six thousand and eighty acres" and inserting "75,000 acres"; and

(3) by striking "one hundred thousand acres" each place it appears and inserting "150,000 acres".

THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF A HYDROELECTRIC PROJECT IN THE STATE OF PENNSYLVANIA

The Senate proceeded to consider the bill (S. 2499) to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania.

The bill (S. 2499) was read the third time and passed, as follows:

S. 2499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE AND REINSTATEMENT OF LICENSE.

(a) In General.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7041, the Commission shall, at the request of the licensee for the project, extend the period required for commencement of construction of the project until December 31, 2001.

(b) Effective Date.—Subsection (a) takes effect on the expiration of the period required for commencement of construction of the project described in subsection (a).

(c) Reinstatement of Expired License.—If the license for the project described in subsection (a) has expired before the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction as provided in subsection (a).

SAINT HELENA ISLAND NATIONAL SCENIC AREA ACT

The Senate proceeded to consider the bill (H.R. 468) to establish the Saint Helena Island National Scenic Area which had been reported from the Committee on Energy and Natural Resources, with an amendment as follows:

(Omit the part in black brackets and insert the part printed in italic)

H.R. 468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saint Helena Island National Scenic Area Act".

SEC. 2. ESTABLISHMENT OF SAINT HELENA ISLAND NATIONAL SCENIC AREA, MICHIGAN.

(a) Purpose.—The purposes of this Act are—

(1) to preserve and protect for present and future generations the outstanding resources and values of Saint Helena Island in Lake Michigan, Michigan; and

(2) to provide for the conservation, protection, and enhancement of primitive recreation opportunities, fish and wildlife habitat, vegetation, and historical and cultural resources of the island.

(b) Establishment.—For the purposes described in subsection (a), there shall be established the Saint Helena Island National Scenic Area (in this Act referred to as the "scenic area").

(c) Effective Upon Conveyance.—Subsection (b) shall be effective upon conveyance of satisfactory title to the United States of the whole of Saint Helena Island, except that portion conveyed to the Great Lakes Lighthouse Keepers Association pursuant to section 1001 of the Coast Guard Authorization Act of 1996 (Public Law 104-324; 110 Stat. 3948).

SEC. 3. BOUNDARIES.

(a) Saint Helena Island.—The scenic area shall comprise all of Saint Helena Island, in Lake Michigan, Michigan, and all associated rocks, pinnacles, islands, and islets within one-eighth mile of the shore of Saint Helena Island.

(b) Boundaries of Hiawatha National Forest Extended.—Upon establishment of the scenic area, the boundaries of the Hiawatha National Forest shall be extended to include all of the lands within the scenic area. All such extended boundaries shall be deemed boundaries in existence as of January 1, 1965, for the purposes of section 8 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9).

(c) Payments to Local Governments.—Solely for purposes of payments to local governments pursuant to section 6902 of title 31, United States Code, lands acquired by the United States under this Act shall be treated as entitlement lands.

SEC. 4. ADMINISTRATION AND MANAGEMENT.

(a) Administration.—Subject to valid existing rights, the Secretary of Agriculture (in this Act referred to as the "Secretary") shall administer the scenic area in accordance with the laws, rules, and regulations applicable to the National Forest System in furtherance of the purposes of this Act.

(b) Special Management Requirements.—[With-in 3 years of the date of the enactment of this Act, the Secretary shall seek to develop a management plan for the scenic area as an amendment to the land and resources management plan for the Hiawatha National Forest.] *Within 3 years of the acquisition of 50 percent of the land authorized for acquisition under section 7, the Secretary shall develop an amendment to the land and resources management plan for the Hiawatha National Forest which will direct management of the scenic area.* Such an amendment shall conform to the provisions of this Act. Nothing in this Act shall require the Secretary to revise the land and resource management plan for the Hiawatha National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). In developing a plan for management of the scenic area, the Secretary shall address the following special management considerations:

(1) Public access.—Alternative means for providing public access from the mainland to the scenic area shall be considered, including any available existing services and facilities, concessionaires, special use permits, or other means of making public access available for the purposes of this Act.

(2) Roads.—After the date of the enactment of this Act, no new permanent roads shall be constructed within the scenic area.

(3) Vegetation management.—No timber harvest shall be allowed within the scenic area, except as may be necessary in the control of fire, insects, and diseases, and to provide for public safety and trail access. Notwithstanding the foregoing, the Secretary may engage in vegetation manipulation practices for maintenance of wildlife habitat and visual quality. Trees cut for these purposes may be utilized, salvaged, or removed from the scenic area as authorized by the Secretary.

(4) Motorized travel.—Motorized travel shall not be permitted within the scenic area, except on the waters of Lake Michigan, and as necessary for administrative use in furtherance of the purposes of this Act.

(5) Fire.—Wildfires shall be suppressed in a manner consistent with the purposes of this Act, using such means as the Secretary deems appropriate.

(6) Insects and disease.—Insect and disease outbreaks may be controlled in the scenic area to maintain scenic quality, prevent tree mortality, or to reduce hazards to visitors.

(7) Dockage.—The Secretary shall provide through concession, permit, or other means docking facilities consistent with the management plan developed pursuant to this section.

(8) Safety.—The Secretary shall take reasonable actions to provide for public health and safety and for the protection of the scenic area in the event of fire or infestation of insects or disease.

(c) Consultation.—In preparing the management plan, the Secretary shall consult with appropriate State and local government officials, provide for full public participation, and consider the views of all interested parties, organizations, and individuals.

SEC. 5. FISH AND GAME.

Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Michigan with respect to fish and wildlife in the scenic area.

SEC. 6. MINERALS.

Subject to valid existing rights, the lands within the scenic area are hereby withdrawn from disposition under all laws pertaining to mineral leasing, including all laws pertaining to geothermal leasing. Also subject to valid existing rights, the Secretary shall not allow any mineral development on federally owned land within the scenic area, except that common varieties of mineral materials, such as stone and gravel, may be utilized only as authorized by the Secretary to the extent necessary for construction and maintenance of roads and facilities within the scenic area.

SEC. 7. ACQUISITION.

(a) Acquisition of Lands Within the Scenic Area.—The Secretary shall acquire, by purchase from willing sellers, gift, or exchange, lands, waters, structures, or interests therein, including scenic or other easements, within the boundaries of the scenic area to further the purposes of this Act.

(b) Acquisition of Other Lands.—The Secretary may acquire, by purchase from willing sellers, gift, or exchange, not more than 10 acres of land, including any improvements thereon, on the mainland to provide access to and administrative facilities for the scenic area.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) Acquisition of Lands.—There are hereby authorized to be appropriated such sums as may be necessary for the acquisition of land, interests in land, or structures within the scenic area and on the mainland as provided in section 7.

(b) Other Purposes.—In addition to the amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated such sums as may be necessary for the development and implementation of the management plan under section 4(b).

The committee amendment was agreed to.

The bill (H.R. 468), as amended, was read the third time and passed.

IVANAPAH VALLEY AIRPORT PUBLIC LANDS TRANSFER ACT

The Senate proceeded to consider the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanapah Valley, Nevada, to Clark County, Nevada, and for the development of an airport facility, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(Omit the part in black brackets and insert the part printed in italic)

S. 1695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ivanpah Valley Airport Public Lands Transfer Act".

SEC. 2. CONVEYANCE OF LANDS TO CLARK COUNTY, NEVADA.

(a) In General.—Notwithstanding the land use planning requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712 and 1713), but subject to subsection (b) of this section and valid existing rights, the Secretary shall convey to the County all right, title, and interest of the United States in and to the Federal public lands identified for disposition on the map entitled "Ivanpah Valley, Nevada-Airport Selections" numbered 01, and dated April 1999, for the purpose of developing an airport facility and related infrastructure. The Secretary shall keep such map on file and available for public inspection in the offices of the Director of the Bureau of Land Management and in the district office of the Bureau located in Las Vegas, Nevada.

(b) Conditions.—The Secretary shall make no conveyance under subsection (a) until each of the following conditions are fulfilled:

(1) The County has conducted an airspace [assessment] *assessment, using the airspace management plan required by section 4(a),* to identify any potential adverse effects on access to the Las Vegas Basin under visual flight rules that would result from the construction and operation of a commercial or primary airport, or both, on the land to be conveyed.

(2) The Federal Aviation Administration has made a certification under section 4(b).

(3) The County has entered into an agreement with the Secretary to retain ownership of Jean Airport, located at Jean, Nevada, and to maintain and operate such airport for general aviation purposes.

(c) Payment.—

(1) In general.—As consideration for the conveyance of each parcel, the County shall pay to the United States an amount equal to the fair market value of the parcel.

[(2) Deposit in special account.—The Secretary shall deposit the payments received under paragraph (1) in the special account described in section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345). The second sentence of section 4(f) of such Act (112 Stat. 2346) shall not apply to interest earned on amounts deposited under this paragraph.]

(2) Deposit in special account.—(A) The Secretary shall deposit the payments received under paragraph (1) into the special account described in section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345). Such funds may be expended only for the acquisition of private inholdings in the Mojave National Preserve and for the protection and management of the petroglyph resources in Clark County, Nevada. The second sentence of section 4(f) of such Act (112 Stat. 2346) shall not apply to interest earned on amounts deposited under this paragraph.

(B) The Secretary may not expend funds pursuant to this section until—

(i) the provisions of section 5 of this Act have been completed; and

(ii) a final Record of Decision pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued which permits development of an airport at the Ivanpah site.

❙(d) REVERSION AND REENTRY.—If, following completion of compliance with section 5 of this Act, the Federal Aviation Administration and the County determine that an airport cannot be constructed on the conveyed lands—❙

(d) REVERSION AND REENTRY.—If, following completion of compliance with section 5 of this Act and in accordance with the findings made by the actions taken in compliance with such section, the Federal Aviation Administration and the County determine that an airport should not be constructed on the conveyed lands—

(1) the Secretary of the Interior shall immediately refund to the County all payments made to the United States for such lands under subsection (c); and

(2) upon such payment—

(A) all right, title, and interest in the lands conveyed to the County under this Act shall revert to the United States; and

(B) the Secretary may reenter such lands.

SEC. 3. MINERAL ENTRY FOR LANDS ELIGIBLE FOR CONVEYANCE.

The public lands referred to in section 2(a) are withdrawn from mineral entry under the Act of May 10, 1872 (30 U.S.C. 22 et seq.; popularly known as the Mining Law of 1872) and the Mineral Leasing Act (30 U.S.C. 181 et seq.).

SEC. 4. ACTIONS BY THE DEPARTMENT OF TRANSPORTATION.

(a) DEVELOPMENT OF AIRSPACE MANAGEMENT PLAN.—The Secretary of Transportation shall, in consultation with the ❙Secretary,❙ *Secretary, prior to the conveyance of the land referred to in section 2(a),* develop an airspace management plan for the Ivanpah Valley Airport that shall, to the maximum extent practicable and without adversely impacting safety considerations, restrict aircraft arrivals and departures over the Mojave Desert Preserve in California.

(b) CERTIFICATION OF ASSESSMENT.—The Administrator of the Federal Aviation Administration shall certify to the Secretary that the assessment made by the County under section 2(b)(1) is thorough and that alternatives have been developed to address each adverse effect identified in the assessment, including alternatives that ensure access to the Las Vegas Basin under visual flight rules at a level that is equal to or better than existing access.

SEC. 5. COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 REQUIRED.

Prior to construction of an airport facility on lands conveyed under section 2, all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to initial planning and construction shall be completed by the Secretary of Transportation and the Secretary of the Interior as joint lead agencies. *Any actions conducted in accordance with this section shall specifically address any impacts on the purposes for which the Mojave National Preserve was created.*

SEC. 6. DEFINITIONS.

In this Act—

(1) the term "County" means Clark County, Nevada; and

(2) the term "Secretary" means the Secretary of the Interior.

The committee amendments were agreed to.

The bill (H.R. 1695), as amended, was read the third time and passed.

LAKE TAHOE RESTORATION ACT

The Senate proceeded to consider the bill (S. 1925) to promote environmental restoration around Lake Tahoe basin, which had been reported from the Committee on Energy and Natural Resources, with an amendment as follows:

(Strike out all after the enacting clause and insert the part printed in italic)

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lake Tahoe Restoration Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Lake Tahoe, one of the largest, deepest, and clearest lakes in the world, has a cobalt blue color, a unique alpine setting, and remarkable water clarity, and is recognized nationally and worldwide as a natural resource of special significance;

(2) in addition to being a scenic and ecological treasure, Lake Tahoe is one of the outstanding recreational resources of the United States, offering skiing, water sports, biking, camping, and hiking to millions of visitors each year, and contributing significantly to the economies of California, Nevada, and the United States;

(3) the economy in the Lake Tahoe basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area;

(4) Lake Tahoe is in the midst of an environmental crisis; the Lake's water clarity has declined from a visibility level of 105 feet in 1967 to only 70 feet in 1999, and scientific estimates indicate that if the water quality at the Lake continues to degrade, Lake Tahoe will lose its famous clarity in only 30 years;

(5) sediment and algae-nourishing phosphorous and nitrogen continue to flow into the Lake from a variety of sources, including land erosion, fertilizers, air pollution, urban runoff, highway drainage, streamside erosion, land disturbance, and ground water flow;

(6) methyl tertiary butyl ether—

(A) has contaminated and closed more than ⅓ of the wells in South Tahoe; and

(B) is advancing on the Lake at a rate of approximately 9 feet per day;

(7) destruction of wetlands, wet meadows, and stream zone habitat has compromised the Lake's ability to cleanse itself of pollutants;

(8) approximately 40 percent of the trees in the Lake Tahoe basin are either dead or dying, and the increased quantity of combustible forest fuels has significantly increased the risk of catastrophic forest fire in the Lake Tahoe basin;

(9) as the largest land manager in the Lake Tahoe basin, with 77 percent of the land, the Federal Government has a unique responsibility for restoring environmental health to Lake Tahoe;

(10) the Federal Government has a long history of environmental preservation at Lake Tahoe, including—

(A) congressional consent to the establishment of the Tahoe Regional Planning Agency in 1969 (Public Law 91–148; 83 Stat. 360) and in 1980 (Public Law 96–551; 94 Stat. 3233);

(B) the establishment of the Lake Tahoe Basin Management Unit in 1973; and

(C) the enactment of Public Law 96–586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants;

(11) the President renewed the Federal Government's commitment to Lake Tahoe in 1997 at the Lake Tahoe Presidential Forum, when he committed to increased Federal resources for environmental restoration at Lake Tahoe and established the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe basin;

(12) the States of California and Nevada have contributed proportionally to the effort to protect and restore Lake Tahoe, including—

(A) expenditures—

(i) exceeding $200,000,000 by the State of California since 1980 for land acquisition, erosion control, and other environmental projects in the Lake Tahoe basin; and

(ii) exceeding $30,000,000 by the State of Nevada since 1980 for the purposes described in clause (i); and

(B) the approval of a bond issue by voters in the State of Nevada authorizing the expenditure by the State of an additional $20,000,000; and

(13) significant additional investment from Federal, State, local, and private sources is needed to stop the damage to Lake Tahoe and its forests, and restore the Lake Tahoe basin to ecological health.

(b) PURPOSES.—The purposes of this Act are—

(1) to enable the Forest Service to plan and implement significant new environmental restoration activities and forest management activities to address the phenomena described in paragraphs (4) through (8) of subsection (a) in the Lake Tahoe basin;

(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to improve water quality and manage Federal land in the Lake Tahoe Basin Management Unit; and

(3) to provide funding to local governments for erosion and sediment control projects on non-Federal land if the projects benefit the Federal land.

SEC. 3. DEFINITIONS.

In this Act:

(1) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The term "environmental threshold carrying capacity" has the meaning given the term in article II of the Tahoe Regional Planning Compact set forth in the first section of Public Law 96–551 (94 Stat. 3235).

(2) FIRE RISK REDUCTION ACTIVITY.—

(A) IN GENERAL.—The term "fire risk reduction activity" means an activity that is necessary to reduce the risk of wildlife to promote forest management and simultaneously achieve and maintain the environmental threshold carrying capacities established by the Planning Agency in a manner consistent, where applicable, with chapter 71 of the Tahoe Regional Planning Agency Code of Ordinances.

(B) INCLUDED ACTIVITIES.—The term "fire risk reduction activity" includes—

(i) prescribed burning;

(ii) mechanical treatment;

(iii) road obliteration or reconstruction; and

(iv) such other activities consistent with Forest Service practices as the Secretary determines to be appropriate.

(3) PLANNING AGENCY.—The term "Planning Agency" means the Tahoe Regional Planning Agency established under Public Law 91–148 (83 Stat. 360) and Public Law 96–551 (94 Stat. 3233).

(4) PRIORITY LIST.—The term "priority list" means the environmental restoration priority list developed under section 6.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.

(a) IN GENERAL.—The Lake Tahoe Basin Management Unit shall be administered by the Secretary in accordance with this Act and the laws applicable to the National Forest System.

(b) RELATIONSHIP TO OTHER AUTHORITY.—

(1) PRIVATE OR NON-FEDERAL LAND.—Nothing in this Act grants regulatory authority to the Secretary over private or other non-Federal land.

(2) Planning Agency.—Nothing in this Act affects or increases the authority of the Planning Agency.

(3) Acquisition under other law.—Nothing in this Act affects the authority of the Secretary to acquire land from willing sellers in the Lake Tahoe basin under any other law.

SEC. 5. CONSULTATION WITH PLANNING AGENCY AND OTHER ENTITIES.

(a) In General.—With respect to the duties described in subsection (b), the Secretary shall consult with and seek the advice and recommendations of—

(1) the Planning Agency;

(2) the Tahoe Federal Interagency Partnership established by Executive Order No. 13057 (62 Fed. Reg. 41249) or a successor Executive order;

(3) the Lake Tahoe Basin Federal Advisory Committee established by the Secretary on December 15, 1998 (64 Fed. Reg. 2876) (until the committee is terminated);

(4) Federal representatives and all political subdivisions of the Lake Tahoe Basin Management Unit; and

(5) the Lake Tahoe Transportation and Water Quality Coalition.

(b) Duties.—The Secretary shall consult with and seek advice and recommendations from the entities described in subsection (a) with respect to—

(1) the administration of the Lake Tahoe Basin Management Unit;

(2) the development of the priority list;

(3) the promotion of consistent policies and strategies to address the Lake Tahoe basin's environmental and recreational concerns;

(4) the coordination of the various programs, projects, and activities relating to the environment and recreation in the Lake Tahoe basin to avoid unnecessary duplication and inefficiencies of Federal, State, local, tribal, and private efforts; and

(5) the coordination of scientific resources and data, for the purpose of obtaining the best available science as a basis for decisionmaking on an ongoing basis.

SEC. 6. ENVIRONMENTAL RESTORATION PRIORITY LIST.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a priority list of potential or proposed environmental restoration projects for the Lake Tahoe Basin Management Unit.

(b) Development of Priority List.—In developing the priority list, the Secretary shall—

(1) use the best available science, including any relevant findings and recommendations of the watershed assessment conducted by the Forest Service in the Lake Tahoe basin; and

(2) include, in order of priority, potential or proposed environmental restoration projects in the Lake Tahoe basin that—

(A) are included in or are consistent with the environmental improvement program adopted by the Planning Agency in February 1998 and amendments to the program;

(B) would help to achieve and maintain the environmental threshold carrying capacities for—

(i) air quality;

(ii) fisheries;

(iii) noise;

(iv) recreation;

(v) scenic resources;

(vi) soil conservation;

(vii) forest health;

(viii) water quality; and

(ix) wildlife;

(3) in determining the order of priority of potential and proposed environmental restoration projects under paragraph (2), the focus shall address projects (listed in no particular order) involving—

(A) erosion and sediment control, including the activities described in section 2(g) of Public Law 96–586 (94 Stat. 3381) (as amended by section 7 of this Act);

(B) the acquisition of environmentally sensitive land from willing sellers under Public Law 96–586 (94 Stat. 3381) or land acquisition under any other Federal law;

(C) fire risk reduction activities in urban areas and urban-wildland interface areas, including high recreational use areas and urban lots acquired from willing sellers under Public Law 96–586 (94 Stat. 3381);

(D) cleaning up methyl tertiary butyl ether contamination; and

(E) the management of vehicular parking and traffic in the Lake Tahoe Basin Management Unit, especially—

(i) improvement of public access. to the Lake Tahoe basin, including the promotion of alternatives to the private automobile;

(ii) the Highway 28 and 89 corridors and parking problems in the area; and

(iii) cooperation with local public transportation systems, including—

(I) the Coordinated Transit System; and

(II) public transit systems on the north shore of Lake Tahoe.

(c) Monitoring.—The Secretary shall provide for continuous scientific research on and monitoring of the implementation of projects on the priority list, including the status of the achievement and maintenance of environmental threshold carrying capacities.

(d) Consistency With Memorandum of Understanding.—A project on the priority list shall be conducted in accordance with the memorandum of understanding signed by the Forest Supervisor and the Planning Agency on November 10, 1989, including any amendments to the memorandum as long as the memorandum remains in effect.

(e) Review of Priority List.—Periodically, but not less often than every 3 years, the Secretary shall—

(1) review the priority list;

(2) consult with—

(A) the Tahoe Regional Planning Agency;

(B) interested political subdivisions; and

(C) the Lake Tahoe Water Quality and Transportation Coalition; and

(3) make any necessary changes with respect to—

(A) the findings of scientific research and monitoring in the Lake Tahoe basin;

(B) any change in an environmental threshold as determined by the Planning Agency;

(C) any change in general environmental conditions in the Lake Tahoe basin; and

(D) submit to Congress a report on any changes made.

(f) Cleanup of Hydrocarbon Contamination.—

(1) In general.—The Secretary shall, subject to the availability of appropriations, make a payment of $1,000,000 to the Tahoe Regional Planning Agency and the South Tahoe Public Utility District to develop and publish a plan, not later than 1 year after the date of enactment of this Act, for the prevention and cleanup of hydrocarbon contamination (including contamination with MTBE) of the surface water and ground water of the Lake Tahoe basin.

(2) Consultation.—In developing the plan, the Tahoe Regional Planning Agency and the South Tahoe Public Utility District shall consult with the States of California and Nevada and appropriate political subdivisions.

(3) Willing sellers.—The plan shall not include any acquisition of land or an interest in land except an acquisition from a willing seller.

(g) Authorization of Appropriations.—There is authorized to be appropriated, for the implementation of projects on the priority list and the payment identified in subsection (f), $20,000,000 for the first fiscal year that begins after the date of enactment of this Act and for each of the 9 fiscal years thereafter.

SEC. 7. ENVIRONMENTAL IMPROVEMENT PAYMENTS.

Section 2 of Public Law 96–586 (94 Stat. 3381) is amended by striking subsection (g) and inserting the following:

"(g) Payments to Localities.—

"(1) In general.—The Secretary of Agriculture shall, subject to the availability of appropriations, make annual payments to the governing bodies of each of the political subdivisions (including any public utility the service area of which includes any part of the Lake Tahoe basin), any portion of which is located in the area depicted on the final map filed under section 3(a).

"(2) Use of payments.—Payments under this subsection may be used—

"(A) first, for erosion control and water quality projects; and

"(B) second, unless emergency projects arise, for projects to address other threshold categories after thresholds for water quality and soil conservation have been achieved and maintained.

"(3) Eligibility for payments.—

"(A) In general.—To be eligible for a payment under this subsection, a political subdivision shall annually submit a priority list of proposed projects to the Secretary of Agriculture.

"(B) Components of list.—A priority list under subparagraph (A) shall include, for each proposed project listed—

"(i) a description of the need for the project;

"(ii) all projected costs and benefits; and

"(iii) a detailed budget.

"(C) Use of payments.—A payment under this subsection shall be used only to carry out a project or proposed project that is part of the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 and amendments to the program.

"(D) Federal obligation.—All projects funded under this subsection shall be part of Federal obligation under the enviromental improvment program.

"(4) Division of funds.—

"(A) In general.—The total amounts appropriated for payments under this subsection shall be allocated by the Secretary of Agriculture based on the relative need for and merits of projects proposed for payment under this section.

"(B) Minimum.—To the maximum extent practicable, for each fiscal year, the Secretary of Agriculture shall ensure that each political subdivision in the Lake Tahoe basin receives amounts appropriated for payments under this subsection.

"(5) Authorization of appropriations.—In addition to the amounts authorized to be appropriated to carry out section 6 of the Lake Tahoe Restoration Act, there is authorized to be appropriated for making payments under this subsection $10,000,000 for the first fiscal year that begins after the date of enactment of this paragraph and for each of the 9 fiscal years thereafter.".

SEC. 8. FIRE RISK REDUCTION ACTIVITIES.

(a) In General.—In conducting fire risk reduction activities in the Lake Tahoe basin, the Secretary shall, as appropriate, coordinate with State and local agencies and organizations, including local fire departments and volunteer groups.

(b) Ground Disturbance.—The Secretary shall, to the maximum extent practicable, minimize any ground disturbances caused by fire risk reduction activities.

SEC. 9. AVAILABILITY AND SOURCE OF FUNDS.

(a) In General.—Funds authorized under this Act and the amendment made by this Act—

(1) shall be in addition to any other amounts available to the Secretary for expenditure in the Lake Tahoe basin; and

(2) shall not reduce allocations for other Regions of the Forest Service.

(b) Matching Requirement.—Except as provided in subsection (c), funds for activities under section 6 and section 7 of this Act shall be available for obligation on a 1-to-1 basis with funding of restoration activities in the Lake Tahoe basin by the States of California and Nevada.

(c) Relocation Costs.—The Secretary shall provide ⅔ of necessary funding to local utility districts for the costs of relocating facilities in connection with environmental restoration projects under section 6 and erosion control projects under section 2 of Public Law 96–586.

SEC. 10. AMENDMENT OF PUBLIC LAW 96–586.

Section 3(a) of Public Law 96–586 (94 Stat. 3383) is amended by adding at the end the following:

"(5) Willing Sellers.—Land within the Lake Tahoe Basin Management Unit subject to acquisition under this section that is owned by a private person shall be acquired only from a willing seller.".

SEC. 11. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act exempts the Secretary from the duty to comply with any applicable Federal law.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1925), as amended, was read the third time and passed.

CONVEYANCE OF CERTAIN LAND IN POWELL, WYOMING

The Senate proceeded to consider the bill (S. 2069) to permit the conveyance of certain land in Powell, Wyoming, which had been reported from the Committee on Energy and Natural Resources.

The bill (S. 2069) was read the third time and passed, as follows:

S. 2069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF PUBLIC PURPOSE CONDITION.

(a) Findings.—Congress finds that—

(1) the parcel of land described in subsection (c) was patented to the town (now City) of Powell, Wyoming, by the United States General Land Office on October 17, 1934, to help establish a town near the Shoshone Irrigation Project;

(2) the land was patented with the condition that it be used forever for a public purpose, as required by section 3 of the Act of April 16, 1906 (43 U.S.C. 566);

(3) the land has been used to house the Powell Volunteer Fire Department, which serves the firefighting and rescue needs of a 577 square mile area in northwestern Wyoming;

(4) the land is located at the corner of U.S. Highway 14 and the main street of the business district of the City;

(5) because of the high traffic flow in the area, the location is no longer safe for the public or for the fire department;

(6) in response to population growth in the area and to National Fire Protection Association regulations, the fire department has purchased new firefighting equipment that is much larger than the existing fire hall can accommodate;

(7) accordingly, the fire department must construct a new fire department facility at a new and safe location;

(8) in order to relocate and construct a new facility, the City must sell the land to assist in financing the new fire department facility; and

(9) the Secretary of the Interior concurs that it is in the public interest to eliminate the public purpose condition to enable the land to be sold for that purpose.

(b) Elimination of Condition.—

(1) Waiver.—The condition stated in section 3 of the Act of April 16, 1906 (43 U.S.C. 566), that land conveyed under that Act be used forever for a public purpose is waived insofar as the condition applies to the land described in subsection (c).

(2) Instruments.—The Secretary of the Interior shall execute and cause to be recorded in the appropriate land records any instruments necessary to evidence the waiver made by paragraph (1).

(c) Land Description.—The parcel of land described in this subsection is a parcel of land located in Powell, Park County, Wyoming, the legal description of which is as follows:

Lot 23, Block 54, in the original town of Powell, according to the plat recorded in Book 82 of plats, Page 252, according to the records of the County Clerk and Recorder of Park County, State of Wyoming.

GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT OF 2000

The Senate proceeded to consider the bill (H.R. 3632) to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

The bill (H.R. 3632) was read the third time and passed.

BLACK HILLS NATIONAL FOREST AND ROCKY MOUNTAIN RESEARCH STATION IMPROVEMENT ACT

The Senate proceeded to consider the bill (H.R. 4226) to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

The bill (H.R. 4226) was read the third time and passed.

NATIONAL HISTORIC LIGHTHOUSE PRESERVATION ACT OF 2000

The Senate proceeded to consider the bill (H.R. 4613) to amend the National Historic Preservation Act for purposes of establishing a national lighthouse preservation program.

The bill (H.R. 4613) was read the third time and passed.

EFFIGY MOUNDS NATIONAL MONUMENT ADDITIONS ACT

The Senate proceeded to consider the bill (H.R. 3745) to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

The bill (H.R. 3745) was read the third time and passed.

EXTENSION OF THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF CERTAIN HYDROELECTRIC PROJECTS IN THE STATE OF WEST VIRGINIA

The Senate proceeded to consider the bill (S. 2942) to extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia.

The bill (S. 2942) was read the third time and passed, as follows:

S. 2942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

(a) In General.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission projects numbered 6901, 6902, and 7307, the Commission may, at the request of the licensee for each project, respectively, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for 3 consecutive 2-year periods.

(b) Effective Date.—Subsection (a) takes effect on the date of the expiration of the extension issued by the Commission before the date of the enactment of this Act under section 13 of the Federal Power Act (16 U.S.C. 806).

(c) Reinstatement of Expired License.—If the period required for commencement of construction of any of the projects described in subsection (a) expired before the date of the enactment of this Act—

(1) the Commission shall reinstate the license effective as of the date of its expiration; and

(2) the first extension authorized under subsection (a) shall take effect on the expiration date.

LAND EXCHANGE BETWEEN THE SECRETARY OF THE INTERIOR AND THE DIRECTOR OF CENTRAL INTELLIGENCE AT THE GEORGE WASHINGTON MEMORIAL PARKWAY

The Senate proceeded to consider the bill (S. 3000) to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike out all after the enacting clause and insert the part printed in italic.

SECTION 1. AUTHORIZATION OF LAND EXCHANGE.

(a) In General.—Subject to section 2, the Secretary of the Interior (referred to in this Act as the "Secretary") and the Director of Central Intelligence (referred to in this Act as the "Director") may exchange—

(1) approximately 1.74 acres of land under the jurisdiction of the Department of the Interior within the boundary of the George Washington Memorial Parkway, as depicted on National Park Service Drawing No. 850/81992, dated August 6, 1998; for

(2) approximately 2.92 acres of land under the jurisdiction of the Central Intelligence Agency adjacent to the boundary of the George Washington Memorial Parkway, as depicted on National Park Service Drawing No. 850/81991, sheet 1, dated August 6, 1998.

(b) Public Inspection.—The drawings referred to in subsection (a) shall be available for public inspection in the appropriate offices of the National Park Service.

SEC. 2. CONDITIONS OF LANDS EXCHANGE

(a) No Reimbursement or Consideration.—The exchange described in section 1 shall occur without reimbursement or consideration.

(b) Public Access for Motor Vehicle Turn-Around.—The Director shall allow public access to the land described in section 1(a)(1) for a motor vehicle turn-around on the George Washington Memorial Parkway.

(c) Turner-Fairbank Highway Research Center.—The Director shall allow access to the land described in section 19(a)(1) by—

(1) employees of the Federal Highway Administration; and

(2) other Federal employees and visitors whose admission to the Turner-Fairbanks Highway Research Center of the Federal Highway Administration (hereinafter referred to in this Act as the "Center") is authorized by the Center.

(d) Closure to Protect Central Intelligence Agency.—

(1) In General.—Subject to paragraphs (2) and (3) and notwithstanding any other provision of this section, the Director may close access to the land described in section 1(a)(1) to all persons (other than the United States Park Police, other necessary employees of the National Park Service, and employees of the Federal Highway Administration) if the Director determines that physical security conditions require the closure to protect employees or property of the Central Intelligence Agency.

(2) Time limitation.—The Director may not close access to the land under paragraph (1) for more than 12 hours during any 24-hour period unless the Director consults with the National Park Service, the Center, and the United States Park Police.

(3) Turner-Fairbank highway research center.—No action shall be taken under this subsection to diminish access to the land described in section 1(a)(1) by employees of the Federal Highway Administration except when the action is taken for security reasons.

(e) Deed Restrictions.—The Director shall ensure compliance by the Central Intelligence Agency with the deed restrictions that apply to the land described in section 1(a)(1).

(f) Interagency Agreement.—The Secretary and the Director shall comply with the terms and conditions of the Interagency Agreement between the National Park Service and the Central Intelligence Agency, signed in 1998, regarding the exchange and management of the land subject to the Agreement.

(g) Deadline.—The Secretary and the Director shall complete the exchange authorized by this section not later than 120 days after the date of enactment of this Act.

SEC. 3. MANAGEMENT OF EXCHANGED LANDS.

(a) Land Conveyed to Secretary.—Any land described in section 1(a)(2) that is conveyed to the Secretary shall be—

(1) included within the boundary of the George Washington Memorial Parkway; and

(2) administered by the National Park Service as part of the Parkway, subject to the laws (including regulations) applicable to the Parkway.

(b) Land Conveyed to Director.—Any land described in section 1(a)(1) that is conveyed to the Director shall be administered as part of the Headquarters Building Compound of the Central Intelligence Agency.".

CALIFORNIA TRAIL INTERPRETIVE ACT

The Senate proceeded to consider the bill (S. 2749) to Establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the setting of the western portion of the United States.

The bill (S. 2749) was read the third time and passed, as follows:

S. 2749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "California Trail Interpretive Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the nineteenth century westward movement in the United States over the California National Historic Trail, which occurred from 1840 until the completion of the transcontinental railroad in 1869, was an important cultural and historical event in—

(A) the development of the western land of the United States; and

(B) the prevention of colonization of the west coast by Russia and the British Empire;

(2) the movement over the California Trail was completed by over 300,000 settlers, many of whom left records or stories of their journeys; and

(3) additional recognition and interpretation of the movement over the California Trail is appropriate in light of—

(A) the national scope of nineteenth century westward movement in the United States; and

(B) the strong interest expressed by people of the United States in understanding their history and heritage.

(b) Purposes.—The purposes of this Act are—

(1) to recognize the California Trail, including the Hastings Cutoff and the trail of the ill-fated Donner-Reed Party, for its national, historical, and cultural significance; and

(2) to provide the public with an interpretive facility devoted to the vital role of trails in the West in the development of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) California trail.—The term "California Trail" means the California National Historic Trail, established under section 5(a)(18) of the National Trails System Act (16 U.S.C. 1244(a)(18)).

(2) Center.—The term "Center" means the California Trail Interpretive Center established under section 4(a).

(3) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(4) State.—The term "State" means the State of Nevada.

SEC. 4. CALIFORNIA TRAIL INTERPRETIVE CENTER.

(a) Establishment.—

(1) In general.—In furtherance of the purposes of section 7(c) of the National Trails System Act (16 U.S.C. 1246(c)), the Secretary may establish an interpretation center to be known as the "California Trail Interpretive Center", near the city of Elko, Nevada.

(2) Purpose.—The Center shall be established for the purpose of interpreting the history of development and use of the California Trail in the settling of the West.

(b) Master Plan Study.—To carry out subsection (a), the Secretary shall—

(1) consider the findings of the master plan study for the California Trail Interpretive Center in Elko, Nevada, as authorized by page 15 of Senate Report 106–99; and

(2) initiate a plan for the development of the Center that includes—

(A) a detailed description of the design of the Center;

(B) a description of the site on which the Center is to be located;

(C) a description of the method and estimated cost of acquisition of the site on which the Center is to be located;

(D) the estimated cost of construction of the Center;

(E) the cost of operation and maintenance of the Center; and

(F) a description of the manner and extent to which non-Federal entities shall participate in the acquisition and construction of the Center.

(c) Implementation.—To carry out subsection (a), the Secretary may—

(1) acquire land and interests in land for the construction of the Center by—

(A) donation;

(B) purchase with donated or appropriated funds; or

(C) exchange;

(2) provide for local review of and input concerning the development and operation of the Center by the Advisory Board for the National Historic California Emigrant Trails Interpretive Center of the city of Elko, Nevada;

(3) periodically prepare a budget and funding request that allows a Federal agency to carry out the maintenance and operation of the Center;

(4) enter into a cooperative agreement with—

(A) the State, to provide assistance in—

(i) removal of snow from roads;

(ii) rescue, firefighting, and law enforcement services; and

(iii) coordination of activities of nearby law enforcement and firefighting departments or agencies; and

(B) a Federal, State, or local agency to develop or operate facilities and services to carry out this Act; and

(5) notwithstanding any other provision of law, accept donations of funds, property, or services from an individual, foundation, corporation, or public entity to provide a service or facility that is consistent with this Act, as determined by the Secretary, including 1-time contributions for the Center (to be payable during construction funding periods for the Center after the date of enactment of this Act) from—

(A) the State, in the amount of $3,000,000;

(B) Elko County, Nevada, in the amount of $1,000,000; and

(C) the city of Elko, Nevada, in the amount of $2,000,000.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $12,000,000.

VIRGINIA WILDERNESS ACT OF 2000

The Senate proceeded to consider the bill (S. 2865) to designate certain land of the National Forest System located in the State of Virginia as wilderness.

The bill (S. 2865) was read the third time and passed, as follows:

S. 2865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Virginia Wilderness Act of 2000".

SEC. 2. DESIGNATION OF WILDERNESS AREAS.

Section 1 of the Act entitled "An Act to designate certain National Forest System lands in the States of Virginia and West Virginia as wilderness areas" (Public Law 100–326; 102 Stat. 584) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(7) certain land in the George Washington National Forest, comprising approximately 6,500 acres, as generally depicted on a map entitled 'The Priest Wilderness Study Area', dated June 6, 2000, to be known as the 'Priest Wilderness Area'; and

"(8) certain land in the George Washington National Forest, comprising approximately 4,800 acres, as generally depicted on a map entitled 'The Three Ridges Wilderness Study Area', dated June 6, 2000, to be known as the 'Three Ridges Wilderness Area.".

TEXAS NATIONAL FORESTS IMPROVEMENT ACT OF 1999

The Senate proceeded to consider the bill (H.R. 4285) to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System Lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes.

The bill (H.R. 4285) was read the third time and passed.

TRANSFER AND OTHER DISPOSITION OF CERTAIN LANDS AT MELROSE AIR FORCE RANGE, NEW MEXICO, AND YAKIMA TRAINING CENTER, WASHINGTON

The Senate proceeded to consider the bill (S. 2757) to provide for the transfer and other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(Omit the parts in black brackets and insert the part printed in italic)

S. 2757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND TRANSFER AND WITHDRAWAL, MELROSE AIR FORCE RANGE, NEW MEXICO, AND YAKIMA TRAINING CENTER, WASHINGTON.

(a) MELROSE AIR FORCE RANGE, NEW MEXICO.—

(1) TRANSFER.—Administrative jurisdiction over the surface estate of the following lands is hereby transferred from the Secretary of the Interior to the Secretary of the Air Force:

NEW MEXICO [PRIME] *PRINCIPAL* MERIDIAN

T. 1 N., R. 30 E.
Sec. 2: S½.
Sec. 11: All.
Sec. 20: S½SE¼.
Sec. 28: All.
T. 1 S., R. 30 E.
Sec. 2: Lots 1–12, S½.
Sec. 3: Lots 1–12, S½.
Sec. 4: Lots 1–12, S½.
Sec. 6: Lots 1 and 2.
Sec. 9: N½, N½S½.
Sec. 10: N½, N½S½.
Sec. 11: N½, N½S½.
T. 2 N., R. 30 E.
Sec. 20: E½SE¼.
Sec. 21: SW¼, W½SE¼.
Sec. 28: W½E½, W½.
Sec. 29: E½E½.
Sec. 32: E½E½.
Sec. 33: W½E½, NW¼, S½SW¼.

Aggregating 6,713.90 acres, more or less.

(2) STATUS OF SURFACE ESTATE.—Upon transfer of the surface estate of the lands described in paragraph (1), the surface estate shall be treated as real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(3) WITHDRAWAL OF MINERAL ESTATE.—Subject to valid existing rights, the mineral estate of the lands described in paragraph (1) is withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.).

(4) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this subsection or the Act of July 31, 1947, the Secretary of the Air Force may use, without application to the Secretary of the Interior, the sand, gravel, or similar mineral material resources on the lands described in paragraph (1), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on Melrose Air Force Range, New Mexico.

(b) YAKIMA TRAINING CENTER, WASHINGTON.—

(1) TRANSFER.—Administrative jurisdiction over the surface estate of the following lands is hereby transferred from the Secretary of the Interior to the Secretary of the Army:

WILLAMETTE MERIDIAN

T. 17 N., R. 20 E.
Sec. 22: S½.
Sec. 24: S½SW¼ and that portion of the E½ lying south of the Interstate Highway 90 right-of-way.
Sec. 26: All.
T. 16 N., R. 21 E.
Sec. 4: SW¼SW¼.
Sec. 12: [SW¼.] *SE¼.*
Sec. 18: Lots 1, 2, 3, and 4, E½ and E½W½.
T. 17 N., R. 21 E.
Sec. 30: Lots 3 and 4.
Sec. 32: NE¼SE¼.
T. 16 N., R. 22 E.
Sec. 2: Lots 1, 2, 3, and 4, S½N½ and S½.
Sec. 4: Lots 1, 2, 3, and 4, S½N½ and S½.
Sec. 10: All.
Sec. 14: All.
Sec. 20: SE¼SW¼.
Sec. 22: All.
Sec. 26: N½.
Sec. 28: N½.
T. 16 N., R. 23 E.
Sec. 18: Lots 3 and 4, E½SW¼, W½SE¼, and that portion of the E½SE¼ lying westerly of the westerly right-of-way line of Huntzinger Road.
Sec. 20: That portion of the SW¼ lying westerly of the easterly right-of-way line of the railroad.
Sec. 30: Lots 1 and 2, NE¼ and E½NW¼.

Aggregating 6,640.02 acres.

(2) STATUS OF SURFACE ESTATE.—Upon transfer of the surface estate of the lands described in paragraph (1), the surface estate shall be treated as real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C 471 et seq.).

(3) WITHDRAWAL OF MINERAL ESTATE.—Subject to valid existing rights, the mineral estate of the lands described in paragraph (1) and of the following lands are withdrawn from all forms of appropriation under the public land laws, including the mining laws and the geothermal leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.):

WILLAMETTE MERIDIAN

T. 16 N., R. 20 E.
Sec. 12: All.
Sec. 18: Lot 4 and SE¼.
Sec. 20: S½.
T. 16 N., R. 21 E.
Sec. 4: Lots 1, 2, 3, and 4, S½NE½.
Sec. 8: All.
T. 16 N., R. 22 E.
Sec. 12: All.
T. 17 N., R. 21 E.
Sec. 32: S½SE¼.
Sec. 34: W½.

Aggregating 3,090.80 acres.

(4) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this subsection or the Act of July 31, 1947, the Secretary of the Army may use, without application to the Secretary of the Interior, the sand, gravel, or similar mineral material resources on the lands described in paragraphs (1) and (3), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on the Yakima Training Center, Washington.

The committee amendments were agreed to.

The bill (S. 2757), as amended, was read the third time and passed, as follows:

S. 2757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND TRANSFER AND WITHDRAWAL, MELROSE AIR FORCE RANGE, NEW MEXICO, AND YAKIMA TRAINING CENTER, WASHINGTON.

(a) MELROSE AIR FORCE RANGE, NEW MEXICO.—

(1) TRANSFER.—Administrative jurisdiction over the surface estate of the following lands is hereby transferred from the Secretary of the Interior to the Secretary of the Air Force:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 N., R. 30 E.
Sec. 2: S½.
Sec. 11: All.
Sec. 20: S½SE¼.
Sec. 28: All.
T. 1 S., R. 30 E.
Sec. 2: Lots 1–12, S½.
Sec. 3: Lots 1–12, S½.
Sec. 4: Lots 1–12, S½.
Sec. 6: Lots 1 and 2.
Sec. 9: N½, N½S½.
Sec. 10: N½, N½S½.
Sec. 11: N½, N½S½.
T. 2 N., R. 30 E.
Sec. 20: E½SE¼.
Sec. 21: SW¼, W½SE¼.
Sec. 28: W½E½, W½.
Sec. 29: E½E½.
Sec. 32: E½E½.
Sec. 33: W½E½, NW¼, S½SW¼.
Aggregating 6,713.90 acres, more or less.

(2) STATUS OF SURFACE ESTATE.—Upon transfer of the surface estate of the lands described in paragraph (1), the surface estate shall be treated as real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(3) WITHDRAWAL OF MINERAL ESTATE.—Subject to valid existing rights, the mineral estate of the lands described in paragraph (1) is withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.).

(4) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this subsection or the Act of July 31, 1947, the Secretary of the Air Force may use, without application to the Secretary of the Interior, the sand, gravel, or similar mineral material resources on the lands described in paragraph (1), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on Melrose Air Force Range, New Mexico.

(b) YAKIMA TRAINING CENTER, WASHINGTON.—

(1) TRANSFER.—Administrative jurisdiction over the surface estate of the following lands is hereby transferred from the Secretary of the Interior to the Secretary of the Army:

WILLAMETTE MERIDIAN

T. 17 N., R. 20 E.
Sec. 22: S½.
Sec. 24: S½SW¼ and that portion of the E½ lying south of the Interstate Highway 90 right-of-way.
Sec. 26: All.
T. 16 N., R. 21 E.
Sec. 4: SW¼SW¼.
Sec. 12: SE¼.
Sec. 18: Lots 1, 2, 3, and 4, E½ and E½W½.
T. 17 N., R. 21 E.
Sec. 30: Lots 3 and 4.
Sec. 32: NE¼SE¼.
T. 16 N., R. 22 E.
Sec. 2: Lots 1, 2, 3, and 4, S½N½ and S½.
Sec. 4: Lots 1, 2, 3, and 4, S½N½ and S½.
Sec. 10: All.
Sec. 14: All.
Sec. 20: SE¼SW¼.
Sec. 22: All.
Sec. 26: N½.
Sec. 28: N½.
T. 16 N., R. 23 E.
Sec. 18: Lots 3 and 4, E½SW¼, W½SE¼, and that portion of the E½SE¼ lying westerly of the westerly right-of-way line of Huntzinger Road.
Sec. 20: That portion of the SW¼ lying westerly of the easterly right-of-way line of the railroad.
Sec. 30: Lots 1 and 2, NE¼ and E½NW¼.
Aggregating 6,640.02 acres.

(2) STATUS OF SURFACE ESTATE.—Upon transfer of the surface estate of the lands described in paragraph (1), the surface estate shall be treated as real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C 471 et seq.).

(3) WITHDRAWAL OF MINERAL ESTATE.—Subject to valid existing rights, the mineral estate of the lands described in paragraph (1) and of the following lands are withdrawn from all forms of appropriation under the public land laws, including the mining laws and the geothermal leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.):

WILLAMETTE MERIDIAN

T. 16 N., R. 20 E.
Sec. 12: All.
Sec. 18: Lot 4 and SE¼.
Sec. 20: S½.
T. 16 N., R. 21 E.
Sec. 4: Lots 1, 2, 3, and 4, S½NE½.
Sec. 8: All.
T. 16 N., R. 22 E.
Sec. 12: All.
T. 17 N., R. 21 E.
Sec. 32: S½SE¼.
Sec. 34: W½.
Aggregating 3,090.80 acres.

(4) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this subsection or the Act of July 31, 1947, the Secretary of the Army may use, without application to the Secretary of the Interior, the sand, gravel, or similar mineral material resources on the lands described in paragraphs (1) and (3), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on the Yakima Training Center, Washington.

INTERPRETIVE CENTER AND MUSEUM, DIAMOND VALLEY LAKE, HEMET, CALIFORNIA

The Senate proceeded to consider the bill (S. 2977) to assist the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

The bill (S. 2977) was read the third time and passed, as follows:

S. 2977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTERPRETIVE CENTER AND MUSEUM, DIAMOND VALLEY LAKE, HEMET, CALIFORNIA.

(a) ASSISTANT FOR ESTABLISHMENT OF CENTER AND MUSEUM.—The Secretary of the Interior shall enter into an agreement with an appropriate entity for the purpose of sharing costs incurred to design, construct, furnish, and operate an interpretive center and museum, to be located on lands under the jurisdiction of the Metropolitan Water District of Southern California, intended to preserve, display, and interpret the paleontology discoveries made at and in the vicinity of the Diamond Valley Lake, near Hemet, California, and to promote other historical and cultural resources of the area.

(b) ASSISTANCE FOR NONMOTORIZED TRAILS.—The Secretary shall enter into an agreement with the State of California, a political subdivision of the State, or a combination of State and local public agencies for the purpose of sharing costs incurred to design, construct, and maintain a system of trails around the perimeter of the Diamond Valley Lake for use by pedestrians and nonmotorized vehicles.

(c) MATCHING REQUIREMENT.—The Secretary shall require the other parties to an agreement under this section to secure an amount of funds from non-Federal sources that is at least equal to the amount provided by the Secretary.

(d) TIME FOR AGREEMENT.—The Secretary shall enter into the agreements required by this section not later than 180 days after the date on which funds are first made available to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $14,000,000 to carry out this section.

JAMESTOWN 400TH COMMEMORATION COMMISSION

The Senate proceeded to consider the bill (S. 2885) to establish the Jamestown 400th Commemoration Commission, and for other purposes, which has been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(Omit the part in black brackets and insert the part printed in italic)

S. 2885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jamestown 400th Commemoration Commission Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the founding of the colony at Jamestown, Virginia in 1607, the first permanent English colony in the New World, and the capital of Virginia for 92 years, has major significance in the history of the United States;

(2) the settlement brought people from throughout the Atlantic Basin together to form a multicultural society, including English, other Europeans, Native Americans, and Africans;

(3) the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, and economic structure and status;

(4) the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown; and

(5) in 1996—

(A) the Commonwealth of Virginia designated the Jamestown-Yorktown Foundation as the State agency responsible for planning and implementing the Commonwealth's portion of the commemoration of the 400th anniversary of the founding of the Jamestown settlement;

(B) the Foundation created the Celebration 2007 Steering Committee, known as the Jamestown 2007 Steering Committee; and

(C) planning for the commemoration began.

(b) PURPOSE.—The purpose of this Act is to establish the Jamestown 400th Commemoration Commission to—

(1) ensure a suitable national observance of the Jamestown 2007 anniversary by complementing the programs and activities of the [State] *Commonwealth of Virginia;*

(2) cooperate with and assist the programs and activities of the State in observance of the Jamestown 2007 anniversary;

(3) assist in ensuring that Jamestown 2007 observances provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the Jamestown sites;

(4) assist in ensuring that the Jamestown 2007 observances are inclusive and appropriately recognize the experiences of all people present in 17th century Jamestown;

(5) provide assistance to the development of Jamestown-related programs and activities;

(6) facilitate international involvement in the Jamestown 2007 observances;

(7) support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the Jamestown 2007 observances; and

(8) assist in the appropriate development of heritage tourism and economic benefits to the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMEMORATION.—The term "commemoration" means the commemoration of the 400th anniversary of the founding of the Jamestown settlement.

(2) COMMISSION.—The term "Commission" means the Jamestown 400th Commemoration Commission established by section 4(a).

(3) GOVERNOR.—The term "Governor" means the Governor of [the State.] *Virginia.*

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

[(5) STATE.—

[(A) IN GENERAL.—The term "State" means the State of Virginia.

[(B) INCLUSIONS.—The term "State" includes agencies and entities of the State.]

(5) STATE.—The term "State" means the Commonwealth of Virginia, including agencies and entities of the Commonwealth.

SEC. 4. JAMESTOWN 400TH COMMEMORATION COMMISSION.

(a) IN GENERAL.—There is established a commission to be known as the "Jamestown 400th Commemoration Commission".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of [16 members,] *15 members,* of whom—

(A) 4 members shall be appointed by the Secretary, taking into consideration the recommendations of the Chairperson of the Jamestown 2007 Steering Committee;

(B) 4 members shall be appointed by the Secretary, taking into consideration the recommendations of the Governor;

(C) 2 members shall be employees of the National Park Service, of which—

(i) 1 shall be the Director of the National Park Service (or a designee); and

(ii) 1 shall be an employee of the National Park Service having experience relevant to the commemoration, to be appointed by the Secretary; and

(D) 5 members shall be individuals that have an interest in, support for, and expertise appropriate to, the commemoration, to be appointed by the Secretary.

(2) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(ii) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(3) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet—

(i) at least twice each year; or

(ii) at the call of the Chairperson or the majority of the members of the Commission.

(B) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(4) VOTING.—

(A) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(B) QUORUM.—A majority of the Commission shall constitute a quorum.

(5) CHAIRPERSON.—The Secretary shall appoint a Chairperson of the Commission, taking into consideration any recommendations of the Governor.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the founding of Jamestown;

(B) generally facilitate Jamestown-related activities throughout the United States;

(C) encourage civic, patriotic, historical, educational, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the founding and early history of Jamestown;

(D) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, Jamestown; and

(E) ensure that the 400th anniversary of Jamestown provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities.

(2) PLANS; REPORTS.—

(A) STRATEGIC PLAN; ANNUAL PERFORMANCE PLANS.—In accordance with the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285), the Commission shall prepare a strategic plan and annual performance plans for the activities of the Commission carried out under this Act.

(B) FINAL REPORT.—Not later than September 30, 2008, the Commission shall complete a final report that contains—

(i) a summary of the activities of the Commission;

(ii) a final accounting of funds received and expended by the Commission; and

(iii) the findings and recommendations of the Commission.

(d) POWERS OF THE COMMISSION.—The Commission may—

(1) accept donations and make dispersions of money, personal services, and real and personal property related to Jamestown and of the significance of Jamestown in the history of the United States;

(2) appoint such advisory committees as the Commission determines to be necessary to carry out this Act;

(3) authorize any member or employee of the Commission to take any action that the Commission is authorized to take by this Act;

(4) procure supplies, services, and property, and make or enter into contracts, leases or other legal agreements, to carry out this Act (except that any contracts, leases or other legal agreements made or entered into by the Commission shall not extend beyond the date of termination of the Commission);

(5) use the United States mails in the same manner and under the same conditions as other Federal agencies;

(6) subject to approval by the Commission, make grants in amounts not to exceed $10,000 to communities and nonprofit organizations to develop programs to assist in the commemoration;

(7) make grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of Jamestown; and

(8) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS OF THE COMMISSION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—On the request of the Commission, the head of any Federal agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(ii) Civil service status.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) State employees.—The Commission may—

(i) accept the services of personnel detailed from States (including subdivisions of States); and

(ii) reimburse States for services of detailed personnel.

(5) Volunteer and uncompensated services.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(6) Support services.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(f) Procurement of Temporary and Intermittent Services.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) FACA Nonapplicability.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) No Effect on Authority.—Nothing in this section supersedes the authority of the State, the National Park Service, or the Association for the Preservation of Virginia Antiquities, concerning the commemoration.

(i) Termination.—The Commission shall terminate on December 31, 2008.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 3000), as amended, was read the third time and passed.

The title was amended so as to read: "To authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes."

The committee amendments were agreed to.

The bill (S. 2885), as amended, was read the third time and passed, as follows:

S. 2885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jamestown 400th Commemoration Commission Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) the founding of the colony at Jamestown, Virginia in 1607, the first permanent English colony in the New World, and the capital of Virginia for 92 years, has major significance in the history of the United States;

(2) the settlement brought people from throughout the Atlantic Basin together to form a multicultural society, including English, other Europeans, Native Americans, and Africans;

(3) the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, and economic structure and status;

(4) the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown; and

(5) in 1996—

(A) the Commonwealth of Virginia designated the Jamestown-Yorktown Foundation as the State agency responsible for planning and implementing the Commonwealth's portion of the commemoration of the 400th anniversary of the founding of the Jamestown settlement;

(B) the Foundation created the Celebration 2007 Steering Committee, known as the Jamestown 2007 Steering Committee; and

(C) planning for the commemoration began.

(b) Purpose.—The purpose of this Act is to establish the Jamestown 400th Commemoration Commission to—

(1) ensure a suitable national observance of the Jamestown 2007 anniversary by complementing the programs and activities of the Commonwealth of Virginia;

(2) cooperate with and assist the programs and activities of the State in observance of the Jamestown 2007 anniversary;

(3) assist in ensuring that Jamestown 2007 observances provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the Jamestown sites;

(4) assist in ensuring that the Jamestown 2007 observances are inclusive and appropriately recognize the experiences of all people present in 17th century Jamestown;

(5) provide assistance to the development of Jamestown-related programs and activities;

(6) facilitate international involvement in the Jamestown 2007 observances;

(7) support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the Jamestown 2007 observances; and

(8) assist in the appropriate development of heritage tourism and economic benefits to the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) Commemoration.—The term "commemoration" means the commemoration of the 400th anniversary of the founding of the Jamestown settlement.

(2) Commission.—The term "Commission" means the Jamestown 400th Commemoration Commission established by section 4(a).

(3) Governor.—The term "Governor" means the Governor of Virginia.

(4) Secretary.—The term "Secretary" means the Secretary of the Interior.

(5) State.—The term "State" means the Commonwealth of Virginia, including agencies and entities of the Commonwealth.

SEC. 4. JAMESTOWN 400TH COMMEMORATION COMMISSION.

(a) In General.—There is established a commission to be known as the "Jamestown 400th Commemoration Commission".

(b) Membership.—

(1) In general.—The Commission shall be composed of 15 members, of whom—

(A) 4 members shall be appointed by the Secretary, taking into consideration the recommendations of the Chairperson of the Jamestown 2007 Steering Committee;

(B) 4 members shall be appointed by the Secretary, taking into consideration the recommendations of the Governor;

(C) 2 members shall be employees of the National Park Service, of which—

(i) 1 shall be the Director of the National Park Service (or a designee); and

(ii) 1 shall be an employee of the National Park Service having experience relevant to the commemoration, to be appointed by the Secretary; and

(D) 5 members shall be individuals that have an interest in, support for, and expertise appropriate to, the commemoration, to be appointed by the Secretary.

(2) Term; vacancies.—

(A) Term.—A member of the Commission shall be appointed for the life of the Commission.

(B) Vacancies.—

(i) In general.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(ii) Partial term.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(3) Meetings.—

(A) In general.—The Commission shall meet—

(i) at least twice each year; or

(ii) at the call of the Chairperson or the majority of the members of the Commission.

(B) Initial meeting.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(4) Voting.—

(A) In general.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(B) Quorum.—A majority of the Commission shall constitute a quorum.

(5) Chairperson.—The Secretary shall appoint a Chairperson of the Commission, taking into consideration any recommendations of the Governor.

(c) Duties.—

(1) In general.—The Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the founding of Jamestown;

(B) generally facilitate Jamestown-related activities throughout the United States;

(C) encourage civic, patriotic, historical, educational, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the founding and early history of Jamestown;

(D) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, Jamestown; and

(E) ensure that the 400th anniversary of Jamestown provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities.

(2) Plans; reports.—

(A) Strategic plan; annual performance plans.—In accordance with the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285), the Commission shall prepare a strategic plan and annual performance plans for the activities of the Commission carried out under this Act.

(B) FINAL REPORT.—Not later than September 30, 2008, the Commission shall complete a final report that contains—

(i) a summary of the activities of the Commission;

(ii) a final accounting of funds received and expended by the Commission; and

(iii) the findings and recommendations of the Commission.

(d) POWERS OF THE COMMISSION.—The Commission may—

(1) accept donations and make dispersions of money, personal services, and real and personal property related to Jamestown and of the significance of Jamestown in the history of the United States;

(2) appoint such advisory committees as the Commission determines to be necessary to carry out this Act;

(3) authorize any member or employee of the Commission to take any action that the Commission is authorized to take by this Act;

(4) procure supplies, services, and property, and make or enter into contracts, leases or other legal agreements, to carry out this Act (except that any contracts, leases or other legal agreements made or entered into by the Commission shall not extend beyond the date of termination of the Commission);

(5) use the United States mails in the same manner and under the same conditions as other Federal agencies;

(6) subject to approval by the Commission, make grants in amounts not to exceed $10,000 to communities and nonprofit organizations to develop programs to assist in the commemoration;

(7) make grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of Jamestown; and

(8) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS OF THE COMMISSION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—On the request of the Commission, the head of any Federal agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from States (including subdivisions of States); and

(ii) reimburse States for services of detailed personnel.

(5) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(6) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(f) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the State, the National Park Service, or the Association for the Preservation of Virginia Antiquities, concerning the commemoration.

(i) TERMINATION.—The Commission shall terminate on December 31, 2008.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

COLORADO CANYONS NATIONAL CONSERVATION AREA AND BLACK RIDGE CANYONS WILDERNESS ACT OF 2000

The Senate proceeded to consider the bill (H.R. 4275) to establish the Colorado National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes.

The bill (H.R. 4275) was read the third time and passed.

LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA TO KATY

The Senate proceeded to consider the bill (S. 2111) to direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the San Bernardino National Forest, California, to KATY 101.3 FM, a California Corporation, which had been reported by the Committee on Energy and Natural Resources with an amendment as follows:

(Strike out all after the enacting clause and insert the part printed in italic)

SECTION 1. LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—Subject to valid existing rights and settlement of claims as provided in this section, the Secretary of Agriculture shall convey to KATY 101.3 FM (in this section referred to as "KATY") all right, title and interest of the United States in and to a parcel of real property consisting of approximately 1.06 acres within the San Bernardino National Forest in Riverside County, California, generally located in the north ½ of section 23, township 5 south, range 2 east, San Bernardino meridian.

(b) LEGAL DESCRIPTION.—The Secretary and KATY shall, by mutual agreement, prepare the legal description of the parcel of real property to be conveyed under subsection (a), which is generally depicted as Exhibit A–2 in an appraisal report of the subject parcel dated August 26, 1999, by Paul H. Meiling.

(c) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be equal to the appraised fair market value of the parcel of real property to be conveyed. Any appraisal to determine the fair market value of the parcel shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisition and approved by the Secretary.

(d) SETTLEMENT.—In addition to the consideration referred to in subsection (c), upon the receipt of $16,600 paid by KATY to the Secretary, the Secretary shall release KATY from any and all claims of the United States arising from the occupancy and use of the San Bernardino National Forest by KATY for communication site purposes.

(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real property to be conveyed under subsection (a).

(f) ADMINISTRATIVE COSTS.—Any costs associated with the creation of a subdivided parcel, recordation of a survey, zoning, and planning approval, and similar expenses with respect to the conveyance under this section, shall be borne by KATY.

(g) ASSUMPTION OF LIABILITY.—By acceptance of the conveyance of the parcel of real property referred to in subsection (a), KATY, and its successors and assigns will indemnify and hold harmless the United States for any and all liability to General Telephone and Electronics Corporation (also known as "GTE") KATY, and any third party that is associated with the parcel, including liability for any buildings or personal property on the parcel belonging to GTE and any other third parties.

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to this section shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a; commonly known as the

Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for the inclusion in the San Bernardino National Forest.

(i) RECEIPTS ACT AMENDMENT.—The Act of June 15, 1938 (Chapter 438:52 Stat. 699), as amended by the Acts of May 26, 1944 (58 Stat. 227), is further amended—

(1) by striking the comma after the words "Secretary of Agriculture";

(2) by striking the words "with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (16 U.S.C. 513),";

(3) by inserting the words ", real property or interests in lands," after the word "lands" the first time it is used;

(4) by striking "San Bernardino and Cleveland" and inserting "counties of San Bernardino, Cleveland and Los Angeles";

(5) by striking "county of Riverside" each place it appears and inserting "counties of Riverside and San Bernardino";

(6) by striking "as to minimize soil erosion and flood damage" and inserting "for National Forest System purposes"; and

(7) after the "Provided further, That", by striking the remainder of the sentence to the end of the paragraph, and inserting "twelve and one-half percent of the monies otherwise payable to the State of California for the benefit of San Bernardino County under the aforementioned Act of March 1, 1911 (16 U.S.C. 500) shall be available to be appropriated for expenditure in furtherance of this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2111), as amended, was read the third time and passed.

GREAT SAND DUNES NATIONAL PARK ACT OF 2000

The Senate proceeded to consider the bill (S. 2547) to provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve in the State of Colorado, and for other purposes, which had been reported by the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Sand Dunes National Park Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Sand Dunes National Monument in the State of Colorado was established by Presidential proclamation in 1932 to preserve Federal land containing spectacular and unique sand dunes and additional features of scenic, scientific, and educational interest for the benefit and enjoyment of future generations;

(2) the Great Sand Dunes, together with the associated sand sheet and adjacent wetland and upland, contain a variety of rare ecological, geological, paleontological, archaeological, scenic, historical, and wildlife components, which—

(A) include the unique pulse flow characteristics of Sand Creek and Medano Creek that are integral to the existence of the dunes system;

(B) interact to sustain the unique Great Sand Dunes system beyond the boundaries of the existing National Monument;

(C) are enhanced by the serenity and rural western setting of the area; and

(D) comprise a setting of irreplaceable national significance;

(3) the Great Sand Dunes and adjacent land within the Great Sand Dunes National Monument—

(A) provide extensive opportunities for educational activities, ecological research, and recreational activities; and

(B) are publicly used for hiking, camping, and fishing, and for wilderness value (including solitude);

(4) other public and private land adjacent to the Great Sand Dunes National Monument—

(A) offers additional unique geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources; and

(B) contributes to the protection of—

(i) the sand sheet associated with the dune mass;

(ii) the surface and ground water systems that are necessary to the preservation of the dunes and the adjacent wetland; and

(iii) the wildlife, viewshed, and scenic qualities of the Great Sand Dunes National Monument;

(5) some of the private land described in paragraph (4) contains important portions of the sand dune mass, the associated sand sheet, and unique alpine environments, which would be threatened by future development pressures;

(6) the designation of a Great Sand Dunes National Park, which would encompass the existing Great Sand Dunes National Monument and additional land, would provide—

(A) greater long-term protection of the geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources of the area (including the sand sheet associated with the dune mass and the ground water system on which the sand dune and wetland systems depend); and

(B) expanded visitor use opportunities;

(7) land in and adjacent to the Great Sand Dunes National Monument is—

(A) recognized for the culturally diverse nature of the historical settlement of the area;

(B) recognized for offering natural, ecological, wildlife, cultural, scenic, paleontological, wilderness, and recreational resources; and

(C) recognized as being a fragile and irreplaceable ecological system that could be destroyed if not carefully protected; and

(8) preservation of this diversity of resources would ensure the perpetuation of the entire ecosystem for the enjoyment of future generations.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY COUNCIL.—The term "Advisory Council" means the Great Sand Dunes National Park Advisory Council established under section 8(a).

(2) LUIS MARIA BACA GRANT NO. 4.—The term "Luis Maria Baca Grant No. 4" means those lands as described in the patent dated February 20, 1900, from the United States to the heirs of Luis Maria Baca recorded in book 86, page 20, of the records of the Clerk and Recorder of Saguache County, Colorado.

(3) MAP.—The term "map" means the map entitled "Great Sand Dunes National Park and Preserve", numbered 140/80,032 and dated September 19, 2000.

(4) NATIONAL MONUMENT.—The term "national monument" means the Great Sand Dunes National Monument, including lands added to the monument pursuant to this Act.

(5) NATIONAL PARK.—The term "national park" means the Great Sand Dunes National Park established in section 4.

(6) NATIONAL WILDLIFE REFUGE.—The term "wildlife refuge" means the Baca National Wildlife Refuge established in section 6.

(7) PRESERVE.—The term "preserve" means the Great Sand Dunes National Preserve established in section 5.

(8) RESOURCES.—The term "resources" means the resources described in section 2.

(9) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(10) USES.—The term "uses" means the uses described in section 2.

SEC. 4. GREAT SAND DUNES NATIONAL PARK, COLORADO.

(a) ESTABLISHMENT.—When the Secretary determines that sufficient land having a sufficient diversity of resources has been acquired to warrant designation of the land as a national park, the Secretary shall establish the Great Sand Dunes National Park in the State of Colorado, as generally depicted on the map, as a unit of the National Park System. Such establishment shall be effective upon publication of a notice of the Secretary's determination in the Federal Register.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) NOTIFICATION.—Until the date on which the national park is established, the Secretary shall annually notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of—

(1) the estimate of the Secretary of the lands necessary to achieve a sufficient diversity of resources to warrant designation of the national park; and

(2) the progress of the Secretary in acquiring the necessary lands.

(d) ABOLISHMENT OF NATIONAL MONUMENT.—(1) On the date of establishment of the national park pursuant to subsection (a), the Great Sand Dunes National Monument shall be abolished, and any funds made available for the purposes of the national monument shall be available for the purposes of the national park.

(2) Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Great Sand Dunes National Monument" shall be considered a reference to "Great Sand Dunes National Park".

(e) TRANSFER OF JURISDICTION.—Administrative jurisdiction is transferred to the National Park Service over any land under the jurisdiction of the Department of the Interior that—

(1) is depicted on the map as being within the boundaries of the national park or the preserve; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

SEC. 5. GREAT SAND DUNES NATIONAL PRESERVE, COLORADO.

(a) ESTABLISHMENT OF GREAT SAND DUNES NATIONAL PRESERVE.—(1) There is hereby established the Great Sand Dunes National Preserve in the State of Colorado, as generally depicted on the map, as a unit of the National Park System.

(2) Administrative jurisdiction of lands and interests therein administered by the Secretary of Agriculture within the boundaries of the preserve is transferred to the Secretary of the Interior, to be administered as part of the preserve. The Secretary of Agriculture shall modify the boundaries of the Rio Grande National Forest to exclude the transferred lands from the forest boundaries.

(3) Any lands within the preserve boundaries which were designated as wilderness prior to the date of enactment of this Act shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103–767; 16 U.S.C. 539i note).

(b) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the establishment of the national park and the preserve, the Secretary shall file maps and a legal description of the national

park and the preserve with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and maps.

(3) The map and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) Boundary Survey.—As soon as practicable after the establishment of the national park and preserve and subject to the availability of funds, the Secretary shall complete an official boundary survey.

SEC. 6. BACA NATIONAL WILDLIFE REFUGE, COLORADO.

(a) Establishment.—(1) When the Secretary determines that sufficient land has been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge, the Secretary shall establish the Baca National Wildlife Refuge, as generally depicted on the map.

(2) Such establishment shall be effective upon publication of a notice of the Secretary's determination in the Federal Register.

(b) Availability of Map.—The map shall be on file and available for public inspection in the appropriate offices of the United States Fish and Wildlife Service.

(c) Administration.—The Secretary shall administer all lands and interests therein acquired within the boundaries of the national wildlife refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and the Act of September 28, 1962 (16 U.S.C. 460k et seq.) (commonly known as the Refuge Recreation Act).

(d) Protection of Water Resources.—In administering water resources for the national wildlife refuge, the Secretary shall—

(1) protect and maintain irrigation water rights necessary for the protection of monument, park, preserve, and refuge resources and uses; and

(2) minimize, to the extent consistent with the protection of national wildlife refuge resources, adverse impacts on other water users.

SEC. 7. ADMINISTRATION OF NATIONAL PARK AND PRESERVE.

(a) In General.—The Secretary shall administer the national park and the preserve in accordance with—

(1) this Act; and

(2) all laws generally applicable to units of the National Park System, including—

(A) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1, 2–4) and

(B) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) Grazing.—

(1) Acquired state or private land.—With respect to former State or private land on which grazing is authorized to occur on the date of enactment of this Act and which is acquired for the national monument, or the national park and preserve, or the wildlife refuge, the Secretary, in consultation with the lessee, may permit the continuation of grazing on the land by the lessee at the time of acquisition, subject to applicable law (including regulations).

(2) Federal land.—Where grazing is permitted on land that is Federal land as of the date of enactment of this Act and that is located within the boundaries of the national monument or the national park and preserve, the Secretary is authorized to permit the continuation of such grazing activities unless the Secretary determines that grazing would harm the resources or values of the national park or the preserve.

(3) Termination of leases.—Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the national monument or the national park or the preserve.

(c) Hunting, Fishing, and Trapping.—

(1) In general.—Except as provided in paragraph (2), the Secretary shall permit hunting, fishing, and trapping on land and water within the preserve in accordance with applicable Federal and State laws.

(2) Administrative exceptions.—The Secretary may designate areas where, and establish limited periods when, no hunting, fishing, or trapping shall be permitted under paragraph (1) for reasons of public safety, administration, or compliance with applicable law.

(3) Agency agreement.—Except in an emergency, regulations closing areas within the preserve to hunting, fishing, or trapping under this subsection shall be made in consultation with the appropriate agency of the State of Colorado having responsibility for fish and wildlife administration.

(4) Savings clause.—Nothing in this Act affects any jurisdiction or responsibility of the State of Colorado with respect to fish and wildlife on Federal land and water covered by this Act.

(d) Closed Basin Division, San Luis Valley Project.—Any feature of the Closed Basin Division, San Luis Valley Project, located within the boundaries of the national monument, national park or the national wildlife refuge, including any well, pump, road, easement, pipeline, canal, ditch, power line, power supply facility, or any other project facility, and the operation, maintenance, repair, and replacement of such a feature—

(1) shall not be affected by this Act; and

(2) shall continue to be the responsibility of, and be operated by, the Bureau of Reclamation in accordance with title I of the Reclamation Project Authorization Act of 1972 (43 U.S.C. 615aaa et seq.).

(e) Withdrawal—

(1) On the date of enactment of this Act, subject to valid existing rights, all Federal land depicted on the map as being located within Zone A, or within the boundaries of the national monument, the national park or the preserve is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

(2) The provisions of this subsection also shall apply to any lands—

(A) acquired under this Act; or

(B) transferred from any Federal agency after the date of enactment of this Act for the national monument, the national park or preserve, or the national wildlife refuge.

(f) Wildnerness Protection.—

(1) Nothing in this Act alters the Wilderness designation of any land within the national monument, the national park, or the preserve.

(2) All areas designated as Wilderness that are transferred to the administrative jurisdiction of the National Park Service shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103–77; 16 U.S.C. 539i note). If any part of this Act conflicts with the provisions of the Wilderness Act or the Colorado Wilderness Act of 1993 with respect to the wilderness areas within the preserve boundaries, the provisions of those Acts shall control.

SEC. 8. ACQUISITION OF PROPERTY AND BOUNDARY ADJUSTMENTS

(a) Acquisition Authority.—

(1) Within the area depicted on the map as the "Acquisition Area" or the national monument, the Secretary may acquire lands and interests therein by purchase, donation, transfer from another Federal agency, or exchange: Provided, That lands or interests therein may only be acquired with the consent of the owner thereof.

(2) Lands or interests therein owned by the State of Colorado, or a political subdivision thereof, may only be acquired by donation or exchange.

(b) Boundary Adjustment.—As soon as practicable after the acquisition of any land or interest under this section, the Secretary shall modify the boundary of the unit to which the land is transferred pursuant to subsection (b) to include any land or interest acquired.

(c) Administration of Acquired Lands.—

(1) General authority.—Upon acquisition of lands under subsection (a), the Secretary shall, as appropriate—

(A) transfer administrative jurisdiction of the lands of the National Park Service—

(i) for addition to and management as part of the Great Sand Dunes National Monument, or

(ii) for addition to and management as part of the Great Sand Dunes National Park (after designation of the Park) or the Great Sand Dunes National Preserve; or

(B) transfer administrative jurisdiction of the lands to the United States Fish and Wildlife Service for addition to and administration as part of the Baca National Wildlife Refuge.

(2) Forest service administration.—

(A) Any lands acquired within the area depicted on the map as being located within Zone B shall be transferred to the Secretary of Agriculture and shall be added to and managed as part of the Rio Grande National Forest.

(B) For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Rio Grande National Forest, as revised by the transfer of land under paragraph (A), shall be considered to be the boundaries of the national forest.

SEC. 9. WATER RIGHTS.

(a) San Luis Valley Protection, Colorado.—Section 1501(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4663) is amended by striking paragraph (3) and inserting the following:

"(3) adversely affect the purposes of—

"(A) the Great Sand Dunes National Monument;

"(B) the Great Sands Dunes National Park (including purposes relating to all water, water rights, and water-dependent resources within the park);

"(C) the Great Sand Dunes National Preserve (including purposes relating to all water, water rights, and water-dependent resources within the preserve);

"(D) the Baca National Wildlife Refuge (including purposes relating to all water, water rights, and water-dependent resources within the national wildlife refuge); and

"(E) any Federal land adjacent to any area described in subparagraphs (A), (B), (C), or (D).".

(b) Effect on Water Rights.—

(1) In general.—Subject to the amendment made by subsection (a), nothing in this Act affects—

(A) the use, allocation, ownership, or control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right;

(B) any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including water right held by the United States;

(C) any interstate water compact in existence on the date of enactment of this Act; or

(D) subject to the provisions of paragraph (2), state jurisdiction over any water law.

(2) WATER RIGHTS FOR NATIONAL PARK AND NATIONAL PRESERVE.—In carrying out this Act, the Secretary shall obtain and exercise any water rights required to fulfill the purposes of the national park and the national preserve in accordance with the following provisions:

(A) Such water rights shall be appropriated, adjudicated, changed, and administered pursuant to the procedural requirements and priority system of the laws of the State of Colorado.

(B) The purposes and other substantive characteristics of such water rights shall be established pursuant to State law, except that the Secretary is specifically authorized to appropriate water under this Act exclusively for the purpose of maintaining ground water levels, surface water levels, and stream flows on, across, and under the national park and national preserve, in order to accomplish the purposes of the national park and the national preserve and to protect park resources and park uses.

(C) Such water rights shall be established and used without interfering with—

(i) any exercise of a water right in existence on the date of enactment of this Act for a non-Federal purpose in the San Luis Valley, Colorado; and

(ii) the Closed Basin Division, San Luis Valley Project.

(D) Except as provided in subsections (c) and (d) below, no Federal reservation of water may be claimed or established for the national park or the national preserve

(c) NATIONAL FOREST WATER RIGHTS.—To the extent that a water right is established or acquired by the United States for the Rio Grande National Forest, the water right shall—

(1) be considered to be of equal use and value for the national preserve; and

(2) retain its priority and purpose when included in the national preserve.

(d) NATIONAL MONUMENT WATER RIGHTS.—To the extent that a water right has been established or acquired by the United States for the Great Sand Dunes National Monument, the water right shall—

(1) be considered to be of equal use and value for the national park; and

(2) retain its priority and purpose when included in the national park.

(e) ACQUIRED WATER RIGHTS AND WATER RESOURCES.—

(1) IN GENERAL.—(A) If, and to the extent that, the Luis Maria Baca Grant No. 4 is acquired, all water rights and water resources associated with the Luis Maria Baca Grant No. 4 shall be restricted for use only within—

(i) the national park;

(ii) the preserve;

(iii) the national wildlife refuge; or

(iv) the immediately surrounding areas of Alamosa or Saguache Counties, Colorado.

(B) USE.—Except as provided in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LC, and Baca Grande Water and Sanitation District, dated August 28, 1997, water rights and water resources described in subparagraph (A) shall be restricted for use in—

(i) the protection of resources and values for the national monument, the national park, the preserve, or the wildlife refuge;

(ii) fish and wildlife management and protection; or

(iii) irrigation necessary to protect water resources.

(2) STATE AUTHORITY.—If, and to the extent that, water rights associated with the Luis Maria Baca Grant No. 4 are acquired, the use of those water rights shall be changed only in accordance with the laws of the State of Colorado.

(f) DISPOSAL.—The Secretary is authorized to sell the water resources and related appurtenances and fixtures as the Secretary deems necessary to obtain the termination of obligations specified in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LLC and the Baca Grande Water and Sanitation District, dated August 28, 1997. Prior to the sale, the Secretary shall determine that the sale is not detrimental to the protection of the resources of Great Sand Dunes National Monument, Great Sand Dunes National Park, and Great Sand Dunes National Preserve, and the Baca National Wildlife Refuge, and that appropriate measures to provide for such protection are included in the sale.

SEC. 10. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory council to be known as the "Great Sand Dunes National Park Advisory Council".

(b) DUTIES.—The Advisory Council shall advise the Secretary with respect to the preparation and implementation of a management plan for the national park and the preserve.

(c) MEMBERS.—The Advisory Council shall consist of 10 members to be appointed by the Secretary, as follows:

(1) one member of, or nominated by, the Alamosa County Commission.

(2) one member of, or nominated by, the Saguache County Commission.

(3) one member of, or nominated by, the Friends of the Dunes Organization.

(4) 4 members residing in, or within reasonable proximity to, the San Luis Valley and 3 of the general public, all of who have recognized backgrounds reflecting—

(A) the purposes for which the national park and the preserve are established; and

(B) the interests of persons that will be affected by the planning and management of the national park and the preserve.

(d) APPLICABLE LAW.—The Advisory Council shall function in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other applicable laws.

(e) VACANCY.—A vacancy on the Advisory Council shall be filled in the same manner as the original appointment.

(f) CHAIRPERSON.—The Advisory Council shall elect a chairperson and shall establish such rules and procedures as it deems necessary or desirable.

(g) NO COMPENSATION.—Members of the Advisory Council shall serve without compensation.

(h) TERMINATION.—The Advisory Council shall terminate upon the completion of the management plan for the national park and preserve.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2547), as amended, was read the third time and passed.

The title was amended so as to read: "A bill to provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the State of Colorado, and for other purposes."

HERMANN MONUMENT AND HERMANN HEIGHTS PARK IN NEW ULM, MINNESOTA

The Senate proceeded to consider the resolution (H. Con. Res. 89) recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage.

The resolution (H. Con. Res. 89) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

H. CON. RES. 89

Whereas there are currently more than 57,900,000 individuals of German heritage residing in the United States, who comprise nearly 25 percent of the population of the United States and are therefore the largest ethnic group in the United States;

Whereas those of German heritage are not merely descendants of one political entity, but of all German speaking areas;

Whereas numerous Americans of German heritage have made countless contributions to American culture, arts, and industry, the American military, and American government;

Whereas there is no recognized tangible, national symbol dedicated to German Americans and their positive contributions to the United States;

Whereas the story of Hermann the Cheruscan parallels that of the American Founding Fathers, because he was a freedom fighter who united ancient German tribes in order to shed the yoke of Roman tyranny and preserve freedom for the territory of present-day Germany;

Whereas the Hermann Monument located in Hermann Heights Park in New Ulm, Minnesota, was dedicated in 1897 in honor of the spirit of freedom and later dedicated to all German immigrants who settled in New Ulm and elsewhere in the United States; and

Whereas the Hermann Monument has been recognized as a site of special historical significance by the United States Government, by placement on the National Register of Historic Places: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, are recognized by the Congress to be a national symbol for the contributions of Americans of German heritage.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 1999

The Senate proceeded to consider the bill (S. 1756) to enhance the ability of the National Laboratories to meet Department of Energy missions, and for other purposes, which had been reported by the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Laboratories Partnership Improvement Act of 2000".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Department" means the Department of Energy;

(2) the term "departmental mission" means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law;

(3) the term "institution of higher education" has the meaning given such term in section

1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term "National Laboratory" means any of the following institutions owned by the Department of Energy—

(A) Argonne National Laboratory;

(B) Brookhaven National Laboratory;

(C) Idaho National Engineering and Environmental Laboratory;

(D) Lawrence Berkeley National Laboratory;

(E) Lawrence Livermore National Laboratory;

(F) Los Alamos National Laboratory;

(G) National Renewable Energy Laboratory;

(H) Oak Ridge National Laboratory;

(I) Pacific Northwest National Laboratory; or

(J) Sandia National Laboratory;

(5) the term "facility" means any of the following institutions owned by the Department of Energy—

(A) Ames Laboratory;

(B) East Tennessee Technology Park;

(C) Environmental Measurement Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Kansas City Plant;

(F) National Energy Technology Laboratory;

(G) Nevada Test Site;

(H) Princeton Plasma Physics Laboratory;

(I) Savannah River Technology Center;

(J) Stanford Linear Accelerator Center;

(K) Thomas Jefferson National Accelerator Facility;

(L) Waste Isolation Pilot Plant;

(M) Y–12 facility at Oak Ridge National Laboratory; or

(N) other similar organization of the Department designated by the Secretary that engages in technology transfer, partnering, or licensing activities;

(6) the term "nonprofit institution" has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(5));

(7) the term "Secretary" means the Secretary of Energy;

(8) the term "small business concern" has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632);

(9) the term "technology-related business concern" means a for-profit corporation, company, association, firm, partnership, or small business concern that—

(A) conducts scientific or engineering research,

(B) develops new technologies,

(C) manufacturers products based on new technologies, or

(D) performs technological services;

(10) the term "technology cluster" means a concentration of—

(A) technology-related business concerns;

(B) institution of higher education; or

(C) other nonprofit institutions,

that reinforce each other's performance through formal or informal relationships;

(11) the term "socially and economically disadvantaged small business concerns" has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)); and

(12) the term "NNSA" means the National Nuclear Security Administration established by Title XXXII of National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).

SEC. 3. TECHNOLOGY INFRASTRUCTURE PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, through the appropriate officials of the Department, shall establish a Technology Infrastructure Pilot Program in accordance with this section.

(b) PURPOSE.—The purpose of the program shall be to improve the ability of National Laboratories or facilities to support departmental missions by—

(1) stimulating the development of technology clusters that can support the missions of the National Laboratories or facilities;

(2) improving the ability of National Laboratories or facilities to leverage and benefit from commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or facilities and—

(A) institutions of higher education,

(B) technology-related business concerns,

(C) nonprofit institutions, and

(D) agencies of State, tribal, or local governments,

that can support the missions of the National Laboratories and facilities.

(c) PILOT PROGRAM.—In each of the first three fiscal years after the date of enactment of this section, the Secretary may provide no more than $10,000,000, divided equally, among no more than ten National Laboratories or facilities selected by the Secretary to conduct Technology Infrastructure Program Pilot Programs.

(d) PROJECTS.—The Secretary shall authorize the Director of each National Laboratory or facility designated under subsection (c) to implement the Technology Infrastructure Pilot Program at such National Laboratory or facility through projects that meet the requirements of subsections (e) and (f).

(e) PROGRAM REQUIREMENTS.—Each project funded under this section shall meet the following requirements:

(1) MINIMUM PARTICIPANTS.—Each project shall at a minimum include—

(A) a National Laboratory of facility; and

(B) one of the following entities—

(i) a business,

(ii) an institution of higher education,

(iii) a nonprofit institution, or

(iv) an agency of a State, local, or tribal government.

(2) COST SHARING.—

(A) MINIMUM AMOUNT.—Not less than 50 percent of the costs of each project funded under this section shall be provided from non-Federal sources.

(B) QUALIFIED FUNDING AND RESOURCES.—

(i) The calculation of costs paid by the non-Federal sources to a project shall include cash, personnel, services, equipment, and other resources expended on the project.

(ii) Independent research and development expenses of government contractors that qualify for reimbursement under section 31–205–18(e) of the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) may be credited towards costs paid by non-Federal sources to a project, if the expenses meet the other requirements of this section.

(iii) No funds or other resources expended either before the start of a project under this section or outside the project's scope of work shall be credited toward the costs paid by the non-Federal sources to the project.

(3) COMPETITIVE SELECTION.—All projects where a party other than the Department or a National Laboratory or facility receives funding under this section shall, to the extent practicable, be competitively selected by the National Laboratory or facility using procedures determined to be appropriate by the Secretary or his designee.

(4) ACCOUNTING STANDARDS.—Any participant receiving funding under this section, other than a National Laboratory or facility, may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(5) LIMITATIONS.—No Federal funds shall be made available under this section for—

(A) construction; or

(B) any project for more than five years.

(f) SELECTION CRITERIA.—

(1) THRESHOLD FUNDING CRITERIA.—The Secretary shall authorize the provision of Federal funds for projects under this section only when the Director of the National Laboratory or facility managing such a project determines that the project is likely to improve the participating National Laboratory or facility's ability to achieve technical success in meeting departmental missions.

(2) ADDITIONAL CRITERIA.—The Secretary shall also require the Director of the National Laboratory or facility managing a project under this section to consider the following criteria in selecting a project to receive federal funds—

(A) the potential of the project to succeed, based on its technical merit, team members, management approach, resources, and project plan;

(B) to potential of the project to promote the development of a commercially sustainable technology cluster, one that will derive most of the demand for its products or services from the private sector, that can support the missions of the participating National Laboratory or facility;

(C) the potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating National Laboratory or facility to achieve its departmental mission or the commercial development of technological innovations made at the participating National Laboratory or facility;

(D) the commitment shown by non-Federal organizations to the project, based primarily on the nature and amount of the financial and other resources they will risk on the project;

(E) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the missions of the participating National Laboratory or facility and that will make substantive contributions to achieving the goals of the project;

(F) the extent of participation in the project by agencies of State, tribal, or local governments that will make substantive contributions to achieving the goals of the project; and

(G) the extent to which the project focuses on promoting the development of technology-related business concerns that are small business concerns or involves such small business concerns substantively in the project.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall limit the Secretary from requiring the consideration of other criteria, as appropriate, in determining whether projects should be funded under this section.

(g) REPORT TO CONGRESS ON FULL IMPLEMENTATION.—Not later than 120 days after the start of the third fiscal year after the date of enactment of this section, the Secretary shall report to Congress on whether the Technology Infrastructure Program should be continued beyond the pilot stage, and, if so, how the fully implemented program should be managed. This report shall take into consideration the results of the pilot program to date the views of the relevant Directors of the National laboratories and facilities. The report shall include any proposals for legislation considered necessary by the Secretary to fully implement the program.

SEC. 4. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) ADVOCACY FUNCTION.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to establish a small business advocacy function that is organizationally independent of the procurement function at the National Laboratory or facility. The person or office vested with the small business advocacy function shall—

(1) work to increase the participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurements, collaborative research,

technology licensing, and technology transfer activities conducted by the National Laboratory or facility;

(2) report to the Director of the National Laboratory or facility on the actual participation of small business concerns in procurements and collaborative research along with recommendations, if appropriate, on how to improve participation;

(3) make available to small business concerns training, mentoring, and clear, up-to-date information on how to participate in the procurements and collaborative research, including how to submit effective proposals;

(4) increase the awareness inside the National Laboratory or facility of the capabilities and opportunities presented by small business concerns, and

(5) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or facility.

(b) ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or facility; or

(2) general technical assistance, the cost of which shall not exceed $10,000 per instance of assistance, to improve the small business concern's products or services.

(c) USE OF FUNDS.—None of the funds expended under subsection (b) may be used for direct grants to the small business concerns.

SEC. 5. TECHNOLOGY PARTNERSHIPS OMBUDSMAN.

(a) APPOINTMENT OF OMBUDSMAN.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding each laboratory's policies and actions with respect to technology partnerships (including cooperative research and development agreements), patents, and technology licensing. Each ombudsman shall—

(1) be a senior official of the National Laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing, or, if appointed from outside the laboratory, function as such a senior official; and

(2) have direct access to the Director of the National Laboratory or facility.

(b) DUTIES.—Each ombudsman shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the laboratory regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report, through the Director of the National Laboratory or facility, to the Department annually on the number and nature of complaints and disputes raised, along with ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information.

(c) DUAL APPOINTMENT.—A person vested with the small business advocacy function of section 4 may also serve as the technology partnership ombudsman.

SEC..6. STUDIES RELATED TO IMPROVING MISSION EFFECTIVENESS, PARTNERSHIPS, AND TECHNOLOGY TRANSFER AT NATIONAL LABORATORIES.

(a) STUDIES.—The Secretary shall direct the Laboratory Operations Board to study and report to him, not later than one year after the date of enactment of this section, on the following topics.

(1) the possible benefits from the need for policies and procedures to facilitate the transfer of scientific, technical, and professional personnel among National Laboratories and facilities; and

(2) the possible benefits from and need for changes in—

(A) the indemnification requirements for patents or other intellectual property licensed from a National Laboratory or facility;

(B) the royalty and fee schedules and types of compensation that may be used for patents or other intellectual property licensed to a small business concern from a National Laboratory or facility;

(C) the licensing procedures and requirements for patents and other intellectual property;

(D) the rights given to small business concern that has licensed a patent or other intellectual property from a National Laboratory or facility to bring suit against third parties infringing such intellectual property;

(E) the advance funding requirements for small business concern funding a project at a National Laboratory or facility through a Funds-In-Agreement;

(F) the intellectual property rights allocated to a business when it is funding a project at a National Laboratory or facility through a Funds-In-Agreement; and

(G) policies on royalty payments to inventors employed by a contractor-operated National Laboratory or facility, including those for inventions made under a Funds-In-Agreement.

(b) DEFINITION.—For the purposes of this section, the term "Funds-In-Agreement" means a contract between the Department and a non-Federal organization where that organization pays the Department to provide a service or material not otherwise available in the domestic private sector.

(c) REPORT TO CONGRESS.—Not later than one month after receiving the report under subsection (a), the Secretary transmit the report, along with this recommendations for action and proposals for legislation to implement the recommendations, to Congress.

SEC. 7. OTHER TRANSACTIONS AUTHORITY.

(a) NEW AUTHORITY.—Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following new subsection:

"(g) OTHER TRANSACTIONS AUTHORITY.—(1) In addition to other authorities granted to the Secretary to enter into procurement contracts, leases, cooperative agreements, grants, and other similar arrangements, the Secretary may enter into other transactions with public agencies, private organizations, or persons on such terms as the Secretary may deem appropriate in furtherance of basic, applied, and advanced research functions now or hereafter vested in the Secretary. Such other transactions shall not be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908.)

"(2)(A) The Secretary of Energy shall ensure that—

"(i) to the maximum extent practicable, no transaction entered into under paragraph (1) provides for research that duplicates research being conducted under existing programs carried out by the Department of Energy; and

"(ii) to the extent that the Secretary determines practicable, the funds provided by the Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction.

"(B) A transaction authorized by paragraph (1) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

"(3)(A) The Secretary shall not disclose any trade secret or commercial or financial information submitted by a non-Federal entity under paragraph (1) that is privileged and confidential.

"(B) The Secretary shall not disclose, for five years after the date the information is received, any other information submitted by a non-Federal entity under paragraph (1), including any proposal, proposal abstract, document supporting a proposal, business plan, or technical information that is privileged and confidential.

"(C) The Secretary may protect from disclosure, for up to five years, any information developed pursuant to a transaction under paragraph (1) that would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a Federal agency.".

(b) IMPLEMENTATION.—Not later than six months after the date of enactment of this section, the Department shall establish guidelines for the use of other transactions. Other transactions shall be made available, if needed, in order to implement projects funded under section 3.

SEC. 8. CONFORMANCE WITH NNSA ORGANIZATIONAL STRUCTURE.

All actions taken by the Secretary in carrying out this Act with respect to National Laboratories and facilities that are part of the NNSA shall be through the Administrator for Nuclear Security in accordance with the requirements of Title XXXII of National Defense Authorization Act of Fiscal Year 2000.

SEC. 9. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS FOR GOVERNMENT-OWNED, CONTRACTOR-OPERATED LABORATORIES.

(a) STRATEGIC PLANS.—Subsection (a) of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended by striking "joint work statement," and inserting "joint work statement or, if permitted by the agency, in an agency-approved annual strategic plan,".

(b) EXPERIMENTAL FEDERAL WAIVERS.—Subsection (b) of that section is amended by adding at the end the following new paragraph:

"(6)(A) In the case of a Department of Energy laboratory, a designated official of the Department of Energy may waive any license retained by the Government under paragraph (1)(A), (2), or (3)(D), in whole or in part and according to negotiated terms and conditions, if the designated official finds that the retention of the license by the Department of Energy would substantially inhibit the commercialization of an invention that would otherwise serve an important federal mission.

"(B) The authority to grant a waiver under subparagraph (A) shall expire on the date that is 5 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001.

"(C) The expiration under subparagraph (B) of authority to grant a waiver under subparagraph (A) shall not effect any waiver granted under subparagraph (A) before the expiration of such authority.".

(c) TIME REQUIRED FOR APPROVAL.—Subsection (c)(5) of that section is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (C); and

(3) in subparagraph (C) as so redesignated—

(A) in clause (i)—

(i) by striking "with a small business firm"; and

(ii) by inserting "if" after "statement"; and

(B) by adding at the end the following new clauses:

"(iv) Any agency that has contracted with a non-Federal entity to operate a laboratory may develop and provide to such laboratory one or more model cooperative research and development agreements, for the purposes of standardizing practices and procedures, resolving common legal issues, and enabling review of cooperative research and development agreements to be carried out in a routine and prompt manner.

"(v) A Federal agency may waive the requirements of clause (i) or (ii) under such circumstances as the agency considers appropriate. However, the agency may not take longer than 30 days to review and approve, request modifications to, or disapprove any proposed agreement or joint work statement that it elects to receive.".

SEC. 10. COOPERATIVE RESEARCH AND DEVELOPMENT OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) OBJECTIVE FOR OBLIGATION OF FUNDS.—It shall be an objective of the Administrator of the National Nuclear Security Administration to obligate funds for cooperative research and development agreements (as that term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), or similar cooperative, cost-shared research partnerships with non-Federal organizations, in a fiscal year covered by subsection (b) in an amount at least equal to the percentage of the total amount appropriated for the Administration for such fiscal year that is specified for such fiscal year under subsection (b).

(b) FISCAL YEAR PERCENTAGES.—The percentages of funds appropriated for the National Nuclear Security Administration that are obligated in accordance with the objective under subsection (a) are as follows:

(1) In each of fiscal years 2001 and 2002, 0.5 percent.

(2) In any fiscal year after fiscal year 2002, the percentage recommend by the Administrator for each such fiscal year in the report under subsection (c).

(c) RECOMMENDTIONS FOR PERCENTAGES IN LATER FISCAL YEARS.—Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees a report setting forth the Administrator's recommendations for appropriate percentages of funds appropriated for the National Nuclear Security Administration to be obligated for agreements described in subsection (a) during each fiscal year covered by the report.

(d) CONSISTENCY OF AGREEMENTS.—Any agreement entered into under this section shall be consistent with and in support of the mission of the National Nuclear Security Administration.

(e) REPORTS ON ACHIEVEMENT OF OBJECTIVE.—(1) Not later than March 30, 2002, and each year thereafter, the Administrator shall submit to the congressional defense committees a report on whether funds of the National Nuclear Security Administration were obligated in the fiscal year ending in the preceding year in accordance with the objective for such fiscal year under this section.

(2) If funds were not obligated in a fiscal year in accordance with the objective under this section for such fiscal year, the report under paragraph (1) shall—

(A) describe the actions the Administrator proposes to take to ensure that the objective under this section for the current fiscal year and future fiscal years will be met; and

(B) include any recommendations for legislation required to achieve such actions.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1756), as amended, was read the third time and passed.

THE CALENDAR

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration, en bloc, of the following reported by the Energy Committee: Calendar No. 470, H.R. 1725; Calendar No. 632, S. 1367; Calendar No. 795, S. 2439; Calendar No. 827, S. 2950; Calendar No. 850, S. 2691; Calendar No. 885, S. 2345; and Calendar No. 926, S. 2331.

I further ask unanimous consent that any committee amendments be agreed to, where appropriate, and the following amendments at the desk: amendment No. 4290 to H.R. 1725; amendment No. 4291 to S. 1367; amendment No. 4292 to S. 2439; amendment No. 4293 to S. 2950; amendment No. 4294 to S. 2691; amendment No. 4295 to S. 2345; and amendment No. 4296 to S. 2331 be agreed to, the bills, as amended, be read the third time, passed, and any title amendment be agreed to, the motions to reconsider be laid upon the table, with no intervening action, and that any statements thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIWALETA PARK EXPANSION ACT

The Senate proceeded to consider the bill (H.R. 1725) to provide for the conveyance by the Bureau of Land Management to Douglas County, OR, of a county park and certain adjacent land.

AMENDMENT NO. 4290

(Purpose: To add clarifying language related to management of conveyed lands)

On page 3, beginning on line 6 strike Section 2(b)(1) and insert:

"(1) IN GENERAL.—After conveyance of land under subsection (a), the County shall manage the land for public park purposes consistent with the plan for expansion of the Miwaleta Park as approved in the Decision Record for Galesville Campground, EA #OR110-99-01, dated September 17, 1999.".

Section 2(b)(2)(A) strike "purposes—" and insert: "purposes as described in paragraph 2(b)(1)—".

The amendment (No. 4290) was agreed to.

The bill (H.R. 1725), as amended, was read the third time and passed.

SAINT-GAUDENS NATIONAL HISTORIC SITE MODIFICATIONS

The Senate proceeded to consider the bill (S. 1367) to amend the act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to omit the parts in black brackets and insert the parts printed in italic.

S. 1367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That ❚the Act of August 31, 1964 (78 Stat. 749).❚ *Public Law 88–543 (16 U.S.C. 461 (note))*, which established Saint-Gaudens National Historic Site is amended—

(1) in section 3 by striking "not to exceed sixty-four acres of lands and interests therein" and inserting "215 acres of lands and buildings, or interests therein";

(2) in section 6 by striking "$2,677,000" from the first sentence and inserting "$10,632,000"; and

(3) in section 6 by striking "$80,000" from the last sentence and inserting "$2,000,000".

AMENDMENT NO. 4291

(Purpose: Technical and clarifying corrections)

On page 2, line 3, strike "215" and insert in lieu thereof "279".

The amendment (No. 4291) was agreed to.

The committee amendment was agreed to.

The bill (S. 1367), as amended, was read the third time and passed, as follows:

S. 1367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 88–543 (16 U.S.C. 461 (note)), which established Saint-Gaudens National Historic Site is amended—

(1) in section 3 by striking "not to exceed sixty-four acres of lands and interests therein" and inserting "279 acres of lands and buildings, or interests therein";

(2) in section 6 by striking "$2,677,000" from the first sentence and inserting "$10,632,000"; and

(3) in section 6 by striking "$80,000" from the last sentence and inserting "$2,000,000".

CONSTRUCTION OF THE SOUTHEASTERN ALASKA INTERTIE SYSTEM

The Senate proceeded to consider the bill (S. 2439) to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes.

The amendment (No. 4292) was agreed to, as follows:

AMENDMENT NO. 4292

(Purpose: To limit the authorization for the Southeastern Alaska Intertie and provide an authorization for Navajo electrification)

Strike all after the enacting clause and insert the following:

"That upon the completion and submission to the United States Congress by the Forest Service of the ongoing High Voltage Direct Current viability analysis pursuant to USFS Collection Agreement #00CO–111005–105 or no later than February 1, 2001, there is hereby authorized to be appropriated to the Secretary of Energy such sums as may be necessary to assist in the construction of the Southeastern Alaska Intertie system as generally identified in Report #97–01 of the Southeast Conference. Such sums shall equal 80 percent of the cost of the system and may not exceed $384 million. Nothing in this Act shall be construed to limit or waive any otherwise applicable State or Federal Law.

"SEC. 2. NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM.

"(a) ESTABLISHMENT.—The Secretary of Energy shall establish a five year program to assist the Navajo Nation to meet its electricity needs. The purpose of the program shall be to provide electric power to the estimated 18,000 occupied structures on the Navajo Nation that lack electric power. The goal of the program shall be to ensure that every household on the Navajo Nation that requests it has access to a reliable and affordable source of electricity by the year 2006.

"(b) SCOPE.—In order to meet the goal in subsection (a), the Secretary of Energy shall provide grants to the Navajo Nation to—

"(1) extend electric transmission and distribution lines to new or existing structures that are not served by electric power and do not have adequate electric power service;

"(2) purchase and install distributed power generating facilities, including small gas turbines, fuel cells, solar photovoltaic systems, solar thermal systems, geothermal systems, wind power systems, or biomass-fueled systems;

"(3) purchase and install other equipment associated with the generation, transmission, distribution, and storage of electric power; or

"(4) provide training in the installation operation, or maintenance of the lines, facilities, or equipment in paragraphs (1) through (3); or

"(5) support other activities that the Secretary of Energy determines are necessary to met the goal of the program.

"(c) TECHNICAL SUPPORT.—At the request of the Navajo Nation, the Secretary of Energy may provide technical support through Department of Energy laboratories and facilities to the Navajo Nation to assist in achieving the goal of this program.

"(d) ANNUAL REPORTS.—Not later than February 1, 2002 and for each of the five succeeding years, the Secretary of Energy shall submit a report to Congress on the status of the programs and the progress towards meeting its goal under subsection (a).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $15,000,000 for each of the fiscal years 2002 through 2006."

The bill (S. 2439), as amended, was read the third time and passed, as follows:

S. 2439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SOUTHEASTERN ALASKA INTERTIE AUTHORIZATION LIMIT.

Upon the completion and submission to the United States Congress by the Forest Service of the ongoing High Voltage Direct Current viability analysis pursuant to United States Forest Service Collection Agreement #00CO–111005–105 or no later than February 1, 2001, there is hereby authorized to be appropriated to the Secretary of Energy such sums as may be necessary to assist in the construction of the Southeastern Alaska Intertie system as generally identified in Report #97–01 of the Southeast Conference. Such sums shall equal 80 percent of the cost of the system and may not exceed $384,000,000. Nothing in this Act shall be construed to limit or waive any otherwise applicable State or Federal law.

SEC. 2. NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a 5-year program to assist the Navajo nation to meet its electricity needs. The purpose of the program shall be to provide electric power to the estimated 18,000 occupied structures on the Navajo Nation that lack electric power. The goal of the program shall be to ensure that every household on the Navajo Nation that requests it has access to a reliable and affordable source of electricity by the year 2006.

(b) SCOPE.—In order to meet the goal in subsection (a), the Secretary of Energy shall provide grants to the Navajo Nation to—

(1) extend electric transmission and distribution lines to new or existing structures that are not served by electric power and do not have adequate electric power service;

(2) purchase and install distributed power generating facilities, including small gas turbines, fuel cells, solar photovoltaic systems, solar thermal systems, geothermal systems, wind power systems, or biomass-fueled systems;

(3) purchase and install other equipment associated with the generation, transmission, distribution, and storage of electric power;

(4) provide training in the installation, operation, or maintenance of the lines, facilities, or equipment in paragraphs (1) through (3); or

(5) support other activities that the Secretary of Energy determines are necessary to meet the goal of the program.

(c) TECHNICAL SUPPORT.—At the request of the Navajo Nation, the Secretary of Energy may provide technical support through Department of Energy laboratories and facilities to the Navajo Nation to assist in achieving the goal of this program.

(d) ANNUAL REPORTS.—Not later than February 1, 2002 and for each of the five succeeding years, the Secretary of Energy shall submit a report to Congress on the status of the programs and the progress towards meeting its goal under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $15,000,000 for each of the fiscal years 2002 through 2006.

SAND CREEK MASSACRE NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2000

The Senate proceeded to consider the bill (S. 2950) to authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado, which had been reported from the Committee on Energy and Natural Resources with amendments to omit the parts in black brackets and insert the parts printed in italic.

S. 2950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sand Creek Massacre National Historic Site Establishment Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on November 29, 1864, a peaceful village of Cheyenne and [Northern and Southern] Arapaho [Indians] *Indians under the leadership of Chief Black Kettle*, along Sand Creek in southeastern Colorado territory was attacked by approximately 700 volunteer soldiers commanded by Colonel John M. Chivington;

(2) more than 150 Cheyenne and Arapaho were killed in the attack, most of whom were women, children, or elderly;

(3) during the massacre and the following day, the soldiers committed atrocities on the dead before withdrawing from the field;

(4) the site of the Sand Creek Massacre is of great significance[,] to descendants of the victims of the massacre and their respective tribes, for the commemoration of ancestors at the site;

(5) the site is a reminder of the tragic extremes sometimes reached in the 500 years of conflict between Native Americans and people of European and other origins concerning the land that now comprises the United States;

(6) Congress, in enacting the Sand Creek Massacre National Historic Site Study Act of 1998 (Public Law 105–243; 112 Stat. 1579), directed the National Park Service to complete a resources study of the site;

(7) the study completed under that Act—

(A) identified the location and extent of the area in which the massacre took place; and

(B) confirmed the national significance, suitability, and feasibility of, and evaluated management options for, that area, including designation of the site as a unit of the National Park System; and

(8) the study included an evaluation of environmental impacts and preliminary cost estimates for facility development, administration, and necessary land acquisition.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of the Sand Creek Massacre as—

(A) a nationally significant element of frontier military and Native American history; and

(B) a symbol of the struggles of Native American tribes to maintain their way of life on ancestral land;

(2) to authorize, on acquisition of sufficient land, the establishment of the site of the Sand Creek Massacre as a national historic site; and

(3) to provide opportunities for [tribes] *for the tribes and the State* to be involved in the formulation of general management plans and educational programs for the national historic site.

SEC. 3. DEFINITIONS.

In this Act:

(1) DESCENDANT.—The term "descendant" means a member of a tribe, an ancestor of whom was injured or killed in, or otherwise affected by, the Sand Creek Massacre.

(2) MANAGEMENT PLAN.—The term "management plan" means the management plan required to be developed for the site under section 7(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(4) SITE.—The term "site" means the Sand Creek Massacre National Historic Site established under section 4(a).

(5) STATE.—The term "State" means the State of Colorado.

(6) TRIBE.—The term "tribe" means—

(A) the [Cheyenne Tribe] *Cheyenne and Arapaho Tribes* of Oklahoma;

[(B) the Arapaho Tribe of Oklahoma;

[(C)] *(B)* the Northern Cheyenne Tribe; or

[(D)] *(C)* the Northern Arapaho Tribe.

SEC. 4. ESTABLISHMENT.

(a) IN GENERAL.—

(1) Determination.—On a determination by the Secretary that land described in subsection (b)(1) containing a sufficient quantity of resources to provide for the preservation, memorialization, commemoration, and interpretation of the Sand Creek Massacre has been acquired by the National Park Service, the Secretary shall establish the Sand Creek Massacre National Historic Site, Colorado.

(2) Publication.—The Secretary shall publish in the Federal Register a notice of the determination of the Secretary under paragraph (1).

(b) Boundary.—

(1) Map and acreage.—The site shall consist of approximately 12,480 acres in Kiowa County, Colorado, the site of the Sand Creek Massacre, as generally depicted on the map entitled, "Boundary of the Sand Creek Massacre Site", numbered, SAND 80,009 IR, and dated July 1, 2000.

(2) Legal description.—The Secretary shall prepare a legal description of the land and interests in land described in paragraph (1).

(3) Public availability.—The map prepared under paragraph (1) and the legal description prepared under paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) Boundary revision.—The Secretary may, as necessary, make minor revisions to the boundary of the site in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 460*l*–9(c)).

SEC. 5. ADMINISTRATION.

(a) In General.—The Secretary shall manage the site in accordance with—

(1) this Act;

(2) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.);

(3) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and

(4) other laws generally applicable to management of units of the National Park System.

(b) Management.—The Secretary shall manage the site—

(1) to protect and preserve the site, including—

(A) the topographic features that the Secretary determines are important to the site;

(B) artifacts and other physical remains of the Sand Creek Massacre; and

(C) the cultural landscape of the site, in a manner that preserves, as closely as practicable, the cultural landscape of the site as it appeared at the time of the Sand Creek Massacre;

(2)(A) to interpret the natural and cultural resource values associated with the site; and

(B) provide for public understanding and appreciation of, and preserve for future generations, those values; and

(3) to memorialize, commemorate, and provide information to visitors to the site to—

(A) enhance cultural understanding about the site; and

(B) assist in minimizing the chances of similar incidents in the future.

(c) Consultation and Training.—

(1) In general.—In developing the management plan and preparing educational programs for the public about the site, the Secretary shall consult ❚with the❚ *with and solicit advice and recommendations from the* tribes and the State.

(2) Agreements.—The Secretary may enter into cooperative agreements with the tribes (including boards, committees, enterprises, and traditional leaders of the tribes) and the State to carry out this Act.

SEC. 6. ACQUISITION OF PROPERTY.

(a) In General.—The Secretary may acquire land and interests in land within the boundaries of the site—

(1) through purchase (including purchase with donated or appropriated funds) only from a willing seller; and

(2) by donation, exchange, or other means, except that any land or interest in land owned by the State (including a political subdivision of the State) may be acquired only by donation.

❚(b) Agriculture; Ranching.—The Secretary shall permit traditional agricultural and ranching activities conducted at the site on the date of enactment of this Act to continue on privately owned land within the designated boundary of the site in effect on the date of enactment of this Act.

❚(c)❚ *(b)* Priority for Acquisition.—The Secretary shall give priority to the acquisition of land containing the marker in existence on the date of enactment of this Act, which states "Sand Creek Battleground, November 29 and 30, 1864", within the boundary of the site.

❚(d)❚ *(c)* Cost-Effectiveness.—

(1) In general.—In acquiring land for the site, the Secretary, to the maximum extent practicable, shall use cost-effective alternatives to Federal fee ownership, including—

(A) the acquisition of conservation easements; and

(B) other means of acquisition that are consistent with local zoning requirements.

(2) Support facilities.—A support facility for the site that is not within the designated boundary of the site may be located in Kiowa County, Colorado, subject to an agreement between the Secretary and the Commissioners of Kiowa County, Colorado.

SEC. 7. MANAGEMENT PLAN.

(a) In General.—Not later than 5 years after the date on which funds are made available to carry out this Act, the Secretary shall prepare a management plan for the site.

(b) Inclusions.—The management plan shall cover, at a minimum—

(1) measures for the preservation of the resources of the site;

(2) requirements for the type and extent of development and use of the site, including, for each development—

(A) the general location;

(B) timing and implementation requirements; and

(C) anticipated costs;

(3) requirements for offsite support facilities in Kiowa County;

(4) identification of, and implementation commitments for, visitor carrying capacities for all areas of the site;

(5) opportunities for involvement by the tribes and the State in the formulation of educational programs for the site; and

(6) opportunities for involvement by the tribes, the State, and other local and national entities in the responsibilities of developing and supporting the site.

SEC. 8. SPECIAL NEEDS OF DESCENDANTS.

(a) In General.—A descendant shall have ❚special❚ *reasonable* rights of access to, and use of, federally acquired land within the site, in accordance with the terms and conditions of a written agreement between the Secretary and the tribe of which the descendant is a member.

(b) Commemorative Needs.—In addition to the rights described in subsection (a), any ❚special❚ *reasonable* need of a descendant shall be considered in park planning and operations, especially with respect to commemorative activities in designated areas within the site.

SEC. 9. TRIBAL ACCESS FOR TRADITIONAL CULTURAL AND HISTORICAL OBSERVANCE.

(a) Access.—

(1) In general.—The Secretary shall grant to any descendant or other member of a tribe reasonable access to federally acquired land within the site for the purpose of carrying out a traditional, cultural, or historical observance.

(2) No fee.—The Secretary shall not charge any fee for access granted under paragraph (1).

❚(b) Temporary Measures.—

❚(1) In general.—In addition to access granted under subsection (a), the Secretary, on a request by a tribe, may take such temporary measures as are necessary, regarding 1 or more portions of federally acquired land within the site, to protect the privacy of any traditional, cultural, or historical observance of the tribe that is conducted on that land.

❚(2) Duration; area.—A temporary measure under paragraph (1) shall remain in effect only for the duration of, and with respect to the area in the site that is involved in, the carrying out of a traditional, cultural, or historical observance under paragraph (1).❚

(b) Conditions of Access.—In granting access under subsection (a), the Secretary shall temporarily close to the general public one or more specific portions of the site in order to protect the privacy of tribal members engaging in a traditional, cultural, or historical observance in those portions; and any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described above.

(c) Sand Creek Repatriation Site.—

(1) In general.—The Secretary shall dedicate a portion of the federally acquired land within the site to the establishment and operation of a site at which certain items referred to in paragraph (2) that are repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 300 et seq.) or any other provision of law may be interred, reinterred, preserved, or otherwise protected.

(2) Acceptable items.—The items referred to in paragraph (1) are any items associated with the Sand Creek Massacre, such as—

(A) Native American human remains;

(B) associated funerary objects;

(C) unassociated funerary objects;

(D) sacred objects; and

(E) objects of cultural patrimony.

(d) Tribal Consultation.—In exercising any authority under this section, the Secretary shall consult with, and solicit advice and recommendations from, descendants and ❚tribes located in the vicinity of the site.❚ *the tribes.*

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The amendment (No. 4293) was agreed to, as follows:

AMENDMENT NO. 4293

(Purpose: Technical and clarifying corrections)

On page 5, line 23, strike "Boundary of the San Creek Massacre Site" and insert in lieu thereof "Sand Creek Massacre Historic Site".

On page 5, line 25, strike "SAND 80,009 IR" and insert in lieu thereof "SAND 80,013 IR".

The committee amendments were agreed to.

The bill (S. 2950), as amended, was read the third time and passed, as follows:

S. 2950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sand Creek Massacre National Historic Site Establishment Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on November 29, 1864, a peaceful village of Cheyenne and Arapaho Indians under the leadership of Chief Black Kettle, along Sand Creek in southeastern Colorado territory was attacked by approximately 700 volunteer soldiers commanded by Colonel John M. Chivington;

(2) more than 150 Cheyenne and Arapaho were killed in the attack, most of whom were women, children, or elderly;

(3) during the massacre and the following day, the soldiers committed atrocities on the dead before withdrawing from the field;

(4) the site of the Sand Creek Massacre is of great significance to descendants of the victims of the massacre and their respective tribes, for the commemoration of ancestors at the site;

(5) the site is a reminder of the tragic extremes sometimes reached in the 500 years of conflict between Native Americans and people of European and other origins concerning the land that now comprises the United States;

(6) Congress, in enacting the Sand Creek Massacre National Historic Site Study Act of 1998 (Public Law 105–243; 112 Stat. 1579), directed the National Park Service to complete a resources study of the site;

(7) the study completed under that Act—

(A) identified the location and extent of the area in which the massacre took place; and

(B) confirmed the national significance, suitability, and feasibility of, and evaluated management options for, that area, including designation of the site as a unit of the National Park System; and

(8) the study included an evaluation of environmental impacts and preliminary cost estimates for facility development, administration, and necessary land acquisition.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of the Sand Creek Massacre as—

(A) a nationally significant element of frontier military and Native American history; and

(B) a symbol of the struggles of Native American tribes to maintain their way of life on ancestral land;

(2) to authorize, on acquisition of sufficient land, the establishment of the site of the Sand Creek Massacre as a national historic site; and

(3) to provide opportunities for the tribes and the State to be involved in the formulation of general management plans and educational programs for the national historic site.

SEC. 3. DEFINITIONS.

In this Act:

(1) DESCENDANT.—The term "descendant" means a member of a tribe, an ancestor of whom was injured or killed in, or otherwise affected by, the Sand Creek Massacre.

(2) MANAGEMENT PLAN.—The term "management plan" means the management plan required to be developed for the site under section 7(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(4) SITE.—The term "site" means the Sand Creek Massacre National Historic Site established under section 4(a).

(5) STATE.—The term "State" means the State of Colorado.

(6) TRIBE.—The term "tribe" means—

(A) the Cheyenne and Arapaho Tribes of Oklahoma;

(B) the Northern Cheyenne Tribe; or

(C) the Northern Arapaho Tribe.

SEC. 4. ESTABLISHMENT.

(a) IN GENERAL.—

(1) DETERMINATION.—On a determination by the Secretary that land described in subsection (b)(1) containing a sufficient quantity of resources to provide for the preservation, memorialization, commemoration, and interpretation of the Sand Creek Massacre has been acquired by the National Park Service, the Secretary shall establish the Sand Creek Massacre National Historic Site, Colorado.

(2) PUBLICATION.—The Secretary shall publish in the Federal Register a notice of the determination of the Secretary under paragraph (1).

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The site shall consist of approximately 12,480 acres in Kiowa County, Colorado, the site of the Sand Creek Massacre, as generally depicted on the map entitled, "Sand Creek Massacre Historic Site", numbered, SAND 80,013 IR, and dated July 1, 2000.

(2) LEGAL DESCRIPTION.—The Secretary shall prepare a legal description of the land and interests in land described in paragraph (1).

(3) PUBLIC AVAILABILITY.—The map prepared under paragraph (1) and the legal description prepared under paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) BOUNDARY REVISION.—The Secretary may, as necessary, make minor revisions to the boundary of the site in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 4601–9(c)).

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall manage the site in accordance with—

(1) this Act;

(2) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.);

(3) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and

(4) other laws generally applicable to management of units of the National Park System.

(b) MANAGEMENT.—The Secretary shall manage the site—

(1) to protect and preserve the site, including—

(A) the topographic features that the Secretary determines are important to the site;

(B) artifacts and other physical remains of the Sand Creek Massacre; and

(C) the cultural landscape of the site, in a manner that preserves, as closely as practicable, the cultural landscape of the site as it appeared at the time of the Sand Creek Massacre;

(2)(A) to interpret the natural and cultural resource values associated with the site; and

(B) provide for public understanding and appreciation of, and preserve for future generations, those values; and

(3) to memorialize, commemorate, and provide information to visitors to the site to—

(A) enhance cultural understanding about the site; and

(B) assist in minimizing the chances of similar incidents in the future.

(c) CONSULTATION AND TRAINING.—

(1) IN GENERAL.—In developing the management plan and preparing educational programs for the public about the site, the Secretary shall consult with and solicit advice and recommendations from the tribes and the State.

(2) AGREEMENTS.—The Secretary may enter into cooperative agreements with the tribes (including boards, committees, enterprises, and traditional leaders of the tribes) and the State to carry out this Act.

SEC. 6. ACQUISITION OF PROPERTY.

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundaries of the site—

(1) through purchase (including purchase with donated or appropriated funds) only from a willing seller; and

(2) by donation, exchange, or other means, except that any land or interest in land owned by the State (including a political subdivision of the State) may be acquired only by donation.

(b) PRIORITY FOR ACQUISITION.—The Secretary shall give priority to the acquisition of land containing the marker in existence on the date of enactment of this Act, which states "Sand Creek Battleground, November 29 and 30, 1864", within the boundary of the site.

(c) COST-EFFECTIVENESS.—

(1) IN GENERAL.—In acquiring land for the site, the Secretary, to the maximum extent practicable, shall use cost-effective alternatives to Federal fee ownership, including—

(A) the acquisition of conservation easements; and

(B) other means of acquisition that are consistent with local zoning requirements.

(2) SUPPORT FACILITIES.—A support facility for the site that is not within the designated boundary of the site may be located in Kiowa County, Colorado, subject to an agreement between the Secretary and the Commissioners of Kiowa County, Colorado.

SEC. 7. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 5 years after the date on which funds are made available to carry out this Act, the Secretary shall prepare a management plan for the site.

(b) INCLUSIONS.—The management plan shall cover, at a minimum—

(1) measures for the preservation of the resources of the site;

(2) requirements for the type and extent of development and use of the site, including, for each development—

(A) the general location;

(B) timing and implementation requirements; and

(C) anticipated costs;

(3) requirements for offsite support facilities in Kiowa County;

(4) identification of, and implementation commitments for, visitor carrying capacities for all areas of the site;

(5) opportunities for involvement by the tribes and the State in the formulation of educational programs for the site; and

(6) opportunities for involvement by the tribes, the State, and other local and national entities in the responsibilities of developing and supporting the site.

SEC. 8. NEEDS OF DESCENDANTS.

(a) In General.—A descendant shall have reasonable rights of access to, and use of, federally acquired land within the site, in accordance with the terms and conditions of a written agreement between the Secretary and the tribe of which the descendant is a member.

(b) Commemorative Needs.—In addition to the rights described in subsection (a), any reasonable need of a descendant shall be considered in park planning and operations, especially with respect to commemorative activities in designated areas within the site.

SEC. 9. TRIBAL ACCESS FOR TRADITIONAL CULTURAL AND HISTORICAL OBSERVANCE.

(a) Access.—

(1) In general.—The Secretary shall grant to any descendant or other member of a tribe reasonable access to federally acquired land within the site for the purpose of carrying out a traditional, cultural, or historical observance.

(2) No fee.—The Secretary shall not charge any fee for access granted under paragraph (1).

(b) Conditions of Access.—In granting access under subsection (a), the Secretary shall temporarily close to the general public one or more specific portions of the site in order to protect the privacy of tribal members engaging in a traditional, cultural, or historical observance in those portions; and any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described above.

(c) Sand Creek Repatriation Site.—

(1) In general.—The Secretary shall dedicate a portion of the federally acquired land within the site to the establishment and operation of a site at which certain items referred to in paragraph (2) that are repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 300 et seq.) or any other provision of law may be interred, reinterred, preserved, or otherwise protected.

(2) Acceptable items.—The items referred to in paragraph (1) are any items associated with the Sand Creek Massacre, such as—

(A) Native American human remains;

(B) associated funerary objects;

(C) unassociated funerary objects;

(D) sacred objects; and

(E) objects of cultural patrimony.

(d) Tribal Consultation.—In exercising any authority under this section, the Secretary shall consult with, and solicit advice and recommendations from, descendants and the tribes.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

PROTECTIONS FOR LITTLE SANDY RIVER

The Senate proceeded to consider the bill (S. 2691) to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to insert the part printed in italic.

S. 2691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCLUSION OF ADDITIONAL PORTION OF THE LITTLE SANDY RIVER WATERSHED IN THE BULL RUN WATERSHED MANAGEMENT UNIT, OREGON.

(a) In General.—Public Law 95-200 (16 U.S.C. 482b note) is amended by striking section 1 and inserting the following:

"SECTION 1. ESTABLISHMENT OF SPECIAL RESOURCES MANAGEMENT UNIT; DEFINITION OF SECRETARY.

"(a) Establishment.—

"(1) In general.—There is established, subject to valid existing rights, a special resources management unit in the State of Oregon comprising approximately 98.272 acres, as depicted on a map dated May 2000, and entitled 'Bull Run Watershed Management Unit'.

"(2) Map.—The map described in paragraph (1) shall be on file and available for public inspection in the offices of the Regional Forester-Pacific Northwest Region, Forest Service, Department of Agriculture, and in the offices of the State Director, Bureau of Land Management, Department of the Interior.

"(3) Boundary adjustments.—Minor adjustments in the boundaries of the unit may be made from time to time by the Secretary after consultation with the city and appropriate public notice and hearings.

"(b) Definition of Secretary.—In this Act, the term 'Secretary' means—

"(1) with respect to land administered by the Secretary of Agriculture, the Secretary of Agriculture; and

"(2) with respect to land administered by the Secretary of the Interior, the Secretary of the Interior.".

(b) Conforming and Technical Amendments.—

(1) Secretary.—Public Law 95–200 (16 U.S.C. 482b note) is amended by striking "Secretary of Agriculture" each place it appears (except subsection (b) of section 1, as added by subsection (a), and except in the amendments made by paragraph (2)) and inserting "Secretary".

(2) Applicable law.—

(A) In general.—Section 2(a) of Public Law 95–200 (16 U.S.C. 482b note) is amended by striking "applicable to National Forest System lands" and inserting "applicable to National Forest System land (in the case of land administered by the Secretary of Agriculture) or applicable to land under the administrative jurisdiction of the Bureau of Land Management (in the case of land administered by the Secretary of the Interior)".

(B) Management plans.—The first sentence of section 2(c) of Public Law 95–200 (16 U.S.C. 482b note) is amended—

(i) by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)"; and

(ii) by striking ", through the maintenance" and inserting "(in the case of land administered by the Secretary of Agriculture) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) (in the case of land administered by the Secretary of the Interior), through the maintenance".

SEC. 2. MANAGEMENT.

(a) Timber Harvesting Restrictions.—Section 2(b) of Public Law 95–200 (16 U.S.C. 482b note) is amended by striking paragraph (1) and inserting the following:

"(1) In general.—Subject to paragraph (2), the Secretary shall prohibit the cutting of trees on Federal land in the entire unit, as designated in section 1 and depicted on the map referred to in that section.".

(b) Repeal of Management Exception.—The Oregon Resource Conservation Act of 1996 (division B of Public Law 104–208) is amended by striking section 606 (110 Stat. 3009–543).

(c) Repeal of Duplicative Enactment.—Section 1026 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4228) and the amendments made by that section are repealed.

(d) Water Rights.—Nothing in this section strengthens, diminishes, or has any other effect on water rights held by any person or entity.

SEC. 3. LAND RECLASSIFICATION.

(a) Within six months of the date of enactment of this Act, the Secretaries of Agriculture and Interior shall identify any Oregon and California Railroad lands (O&C lands) subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. §1181f) within the boundary of the special resources management area described in Section 1 of this Act.

(b) Interior shall identify public domain lands within the Medford, Roseburg, Eugene, Salem and Coos Bay Districts and the Klamath Resource Area of the Lakeview District of the Bureau of Land Management approximately equal in size and condition as those lands identified in paragraph (a) but not subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. §1181f). For purposes of this paragraph, "public domain lands" shall have the meaning given the term "public lands" in Section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. §1702), but excluding therefrom any lands managed pursuant to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. §1181f).

(c) Within two years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress and publish in the Federal Register a map or maps identifying those public domain lands pursuant to paragraphs (a) and (b) of this Section. After an opportunity for public comment, the Secretary of the Interior shall complete an administrative land reclassification such that those lands identified pursuant to paragraph (a) become public domain lands not subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. §1181f) and those lands identified pursuant to paragraph (b) become Oregon and California Railroad lands (O&C lands) subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. §1181f).

SEC. 4. ENVIRONMENTAL RESTORATION.

(a) In General.—In order to further the purposes of this Act, there is hereby authorized to be appropriated $10 million under the provisions of section 323 of the FY 1999 Interior Appropriations Act (P.L. 105–277) for Clackamas County, Oregon, for watershed restoration near the Bull Run Management Unit.

The amendment (No. 4294) was agreed to, as follows:

AMENDMENT NO. 4294

(Purpose: The amendment replaces two sections of the bill to require the Secretaries of Agriculture and Interior to complete an administrative reclassification such that Oregon and California Railroad lands within the area described in the Act become public domains lands not subject to distribution provisions, and to authorize ecosystem restoration activities in Clackamas County, Oregon)

Strike Section 3, through the end of the bill, and insert:

SEC. 3. LAND RECLASSIFICATION.

(a) Within six months of the date of enactment of this Act, the Secretaries of Agriculture and Interior shall identify any Oregon and California Railroad lands (O&C lands) subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. Sec. 1181f) within the boundary of the special resources management area described in Section 1 of this Act.

(b) Within eighteen months of the date of enactment of this Act, the Secretary of the Interior shall identify public domain lands within the Medford, Roseburg, Eugene, Salem and Coos Bay Districts and the Klamath Resource Area of the Lakeview District of the Bureau of Land Management approximately equal in size and condition as those lands identified in paragraph (a) but not subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. Sec. 1181a–f). For purposes of this paragraph, "public domain lands" shall have the meaning given the term "public lands" in Section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), but excluding there from any lands managed pursuant to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f).

(c) Within two years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress and publish in the Federal Register a map or maps identifying those public domain lands pursuant to paragraphs (a) and (b) of this Section. After an opportunity for public comment, the Secretary of the Interior shall complete an administrative land reclassification such that those lands identified pursuant to paragraph (a) become public domain lands not subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. Sec. 1181f) and those lands identified pursuant to paragraph (b) become Oregon and California Railroad lands (O&C lands) subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f).

SEC. 4. ENVIRONMENTAL RESTORATION.

(a) In General.—In order to further the purposes of this Act, there is hereby authorized to be appropriated $10 million under the provisions of section 323 of the FY 1999 Interior Appropriations Act (P.L. 105–277) for Clackamas County, Oregon, for watershed restoration, except timber extraction, that protects or enhances water quality or relates to the recovery of species listed pursuant to the Endangered Species Act (Public Law 93-205) near the Bull Run Management Unit.

The committee amendment was agreed to.

The bill (S. 2691), as amended, was read the third time and passed, as follows:

S. 2691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCLUSION OF ADDITIONAL PORTION OF THE LITTLE SANDY RIVER WATERSHED IN THE BULL RUN WATERSHED MANAGEMENT UNIT, OREGON.

(a) In General.—Public Law 95-200 (16 U.S.C. 482b note) is amended by striking section 1 and inserting the following:

"SECTION 1. ESTABLISHMENT OF SPECIAL RESOURCES MANAGEMENT UNIT; DEFINITION OF SECRETARY.

"(a) Establishment.—

"(1) In general.—There is established, subject to valid existing rights, a special resources management unit in the State of Oregon comprising approximately 98,272 acres, as depicted on a map dated May 2000, and entitled 'Bull Run Watershed Management Unit'.

"(2) Map.—The map described in paragraph (1) shall be on file and available for public inspection in the offices of the Regional Forester-Pacific Northwest Region, Forest Service, Department of Agriculture, and in the offices of the State Director, Bureau of Land Management, Department of the Interior.

"(3) Boundary adjustments.—Minor adjustments in the boundaries of the unit may be made from time to time by the Secretary after consultation with the city and appropriate public notice and hearings.

"(b) Definition of Secretary.—In this Act, the term 'Secretary' means—

"(1) with respect to land administered by the Secretary of Agriculture, the Secretary of Agriculture; and

"(2) with respect to land administered by the Secretary of the Interior, the Secretary of the Interior.".

(b) Conforming and Technical Amendments.—

(1) Secretary.—Public Law 95-200 (16 U.S.C. 482b note) is amended by striking "Secretary of Agriculture" each place it appears (except subsection (b) of section 1, as added by subsection (a), and except in the amendments made by paragraph (2)) and inserting "Secretary".

(2) Applicable law.—

(A) In general.—Section 2(a) of Public Law 95-200 (16 U.S.C. 482b note) is amended by striking "applicable to National Forest System lands" and inserting "applicable to National Forest System land (in the case of land administered by the Secretary of Agriculture) or applicable to land under the administrative jurisdiction of the Bureau of Land Management (in the case of land administered by the Secretary of the Interior)".

(B) Management plans.—The first sentence of section 2(c) of Public Law 95-200 (16 U.S.C. 482b note) is amended—

(i) by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)"; and

(ii) by striking ", through the maintenance" and inserting "(in the case of land administered by the Secretary of Agriculture) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) (in the case of land administered by the Secretary of the Interior), through the maintenance".

SEC. 2. MANAGEMENT.

(a) Timber Harvesting Restrictions.—Section 2(b) of Public Law 95-200 (16 U.S.C. 482b note) is amended by striking paragraph (1) and inserting the following:

"(1) In general.—Subject to paragraph (2), the Secretary shall prohibit the cutting of trees on Federal land in the entire unit, as designated in section 1 and depicted on the map referred to in that section.".

(b) Repeal of Management Exception.—The Oregon Resource Conservation Act of 1996 (division B of Public Law 104-208) is amended by striking section 606 (110 Stat. 3009-543).

(c) Repeal of Duplicative Enactment.—Section 1026 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4228) and the amendments made by that section are repealed.

(d) Water Rights.—Nothing in this section strengthens, diminishes, or has any other effect on water rights held by any person or entity.

SEC. 3. LAND RECLASSIFICATION.

(a) Within 6 months of the date of enactment of this Act, the Secretaries of Agriculture and Interior shall identify any Oregon and California Railroad lands (O&C lands) subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. sec. 1181f) within the boundary of the special resources management area described in section 1 of this Act.

(b) Within 18 months of the date of enactment of this Act, the Secretary of the Interior shall identify public domain lands within the Medford, Roseburg, Eugene, Salem and Coos Bay Districts and the Klamath Resource Area of the Lakeview District of the Bureau of Land Management approximately equal in size and condition as those lands identified in subsection (a) but not subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. sec. 1181a–f). For purposes of this subsection, "public domain lands" shall have the meaning given the term "public lands" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), but excluding therefrom any lands managed pursuant to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f).

(c) Within 2 years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress and publish in the Federal Register a map or maps identifying those public domain lands pursuant to subsections (a) and (b) of this section. After an opportunity for public comment, the Secretary of the Interior shall complete an administrative land reclassification such that those lands identified pursuant to subsection (a) become public domain lands not subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. Sec. 1181f) and those lands identified pursuant to subsection (b) become Oregon and California Railroad lands (O&C lands) subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f).

SEC. 4. ENVIRONMENTAL RESTORATION.

(a) In General.—In order to further the purposes of this Act, there is hereby authorized to be appropriated $10,000,000 under the provisions of section 323 of the FY 1999 Interior Appropriations Act (P.L. 105–277) for Clackamas County, Oregon, for watershed restoration, except timber extraction, that protects or enhances water quality or relates to the recovery of species listed pursuant to the Endangered Species Act (P.L. 93-205) near the Bull Run Management Unit.

HARRIET TUBMAN SPECIAL RESOURCE STUDY ACT

The Senate proceeded to consider the bill (S. 2345) to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, NY, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and insert the part printed in italic.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Harriet Tubman Special Resource Study Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Harriet Tubman was born into slavery on a plantation in Dorchester County, Maryland, in 1821;

(2) in 1849, Harriet Tubman escaped the plantation on foot, using the North Star for direction and following a route through Maryland, Delaware, and Pennsylvania to Philadelpha, where she gained her freedom;

(3) Harriet Tubman is an important figure in the history of the United States, and is most famous for her role as a "conductor" on the Underground Railroad, in which, as a fugitive slave, she helped hundreds of enslaved individuals to esacape to freedom before and during the Civil War;

(4) during the Civil War, Harriet Tubman served the Union Army as a guide, spy, and nurse;

(5) after the Civil War, Harriet Tubman was an advocate for the education of black children;

(6) Harriet Tubman settled in Auburn, New York, in 1857, and lived there until 1913;

(7) while in Auburn, Harriet Tubman dedicated her life to caring selflessly and tirelessly for people who could not care for themselves, was an influential member of the community and an active member of the Thompson Memorial A.M.E. Zion Church, and established a home for the elderly;

(8) Harriet Tubman was a friend of William Henry Seward, who served as the Governor of and a Senator from the State of New York and as Secretary of State under President Abraham Lincoln;

(9) 4 sites in Auburn that directly relate to Harriet Tubman and are listed on the National Register of Historic Places are—

(A) Harriet Tubman's home;

(B) the Harriet Tubman Home for the Aged;

(C) the Thompson Memorial A.M.E. Zion Church; and

(D) Harriet Tubman Home for the Aged and William Henry Seward's home in Auburn are national historic landmarks.

SEC. 3. STUDY CONCERNING SITES IN AUBURN, NEW YORK, ASSOCIATED WITH HARRIET TUBMAN.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a special resource study of the national significance, feasibility of long-term preservation, and public use of the following sites associated with Harriet Tubman:

(1) Harriet Tubman's Birthplace, located on Greenbriar Road, off of Route 50, in Dorchester County, Maryland.

(2) Bazel Church, located 1 mile South of Greenbriar Road in Cambridge, Maryland.

(3) Harriet Tubman's home, located at 182 South Street, Auburn, New York.

(4) The Harriet Tubman Home for the Aged, located at 180 South Street, Auburn, New York.

(5) The Thompson Memorial A.M.E. Zion Church, located at 33 Parker Street, Auburn, New York.

(6) Harriet Tubman's grave at Port Hill Cemetery, located at 19 Fort Street, Auburn, New York.

(7) William Henry Seward's home, located at 33 South Street, Auburn, New York.

(b) INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of—

(1) designating one or more of the sites specified in subsection (a) as units of the National Park System; and

(2) establishing a national heritage corridor that incorporates the sites specified in subsection (a) and any other sites associated with Harriet Tubman.

(c) STUDY GUIDELINES.—In conducting the study authorized by this Act, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in Section 8 of P.L. 91–383, as amended by Section 303 of the National Park Omnibus Management Act ((P.L. 105–391), 112 Stat. 3501).

(d) CONSULTATION.—In preparing and conducting the study under subsection (a), the Secretary shall consult with—

(1) the Governors of the States of Maryland and New York;

(2) a member of the Board of County Commissioners of Dorchester County, Maryland;

(3) the Mayor of the city of Auburn, New York;

(4) the owner of the sites specified in subsection (a); and

(5) the appropriate representatives of—

(A) the Thompson Memorial A.M.E. Zion Church;

(B) the Bazel Church;

(C) the Harriet Tubman Foundation; and

(D) the Harriet Tubman Organization, Inc.

(e) REPORT.—Not later than 2 years after the date on which funds are made available for the study under subsection (a), the Secretary shall submit to Congress a report describing the results of the study.

The amendment (No. 4295) was agreed to, as follows:

AMENDMENT NO. 4295

(Purpose: To make a technical correction)

On page 7, line 24, strike "Port Hill Cemetery," and insert in lieu thereof "Fort Hill Cemetery,".

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2345), as amended, was read the third time and passed, as follows:

S. 2345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Harriet Tubman Special Resource Study Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Harriet Tubman was born into slavery on a plantation in Dorchester County, Maryland, in 1821;

(2) in 1849, Harriet Tubman escaped the plantation on foot, using the North Star for direction and following a route through Maryland, Delaware, and Pennsylvania to Philadelphia, where she gained her freedom;

(3) Harriet Tubman is an important figure in the history of the United States, and is most famous for her role as a "conductor" on the Underground Railroad, in which, as a fugitive slave, she helped hundreds of enslaved individuals to escape to freedom before and during the Civil War;

(4) during the Civil War, Harriet Tubman served the Union Army as a guide, spy, and nurse;

(5) after the Civil War, Harriet Tubman was an advocate for the education of black children;

(6) Harriet Tubman settled in Auburn, New York, in 1857, and lived there until 1913;

(7) while in Auburn, Harriet Tubman dedicated her life to caring selflessly and tirelessly for people who could not care for themselves, was an influential member of the community and an active member of the Thompson Memorial A.M.E. Zion Church, and established a home for the elderly;

(8) Harriet Tubman was a friend of William Henry Seward, who served as the Governor of and a Senator from the State of New York and as Secretary of State under President Abraham Lincoln;

(9) 4 sites in Auburn that directly relate to Harriet Tubman and are listed on the National Register of Historic Places are—

(A) Harriet Tubman's home;

(B) the Harriet Tubman Home for the Aged;

(C) the Thompson Memorial A.M.E. Zion Church; and

(D) Harriet Tubman Home for the Aged and William Henry Seward's home in Auburn are national historic landmarks.

SEC. 3. STUDY CONCERNING SITES IN AUBURN, NEW YORK, ASSOCIATED WITH HARRIET TUBMAN.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a special resource study of the national significance, feasibility of long-term preservation, and public use of the following sites associated with Harriet Tubman:

(1) Harriet Tubman's Birthplace, located on Greenbriar Road, off of Route 50, in Dorchester County, Maryland.

(2) Bazel Church, located 1 mile South of Greenbriar Road in Cambridge, Maryland.

(3) Harriet Tubman's home, located at 182 South Street, Auburn, New York.

(4) The Harriet Tubman Home for the Aged, located at 180 South Street, Auburn, New York.

(5) The Thompson Memorial A.M.E. Zion Church, located at 33 Parker Street, Auburn, New York.

(6) Harriet Tubman's grave at Fort Hill Cemetery, located at 19 Fort Street, Auburn, New York.

(7) William Henry Seward's home, located at 33 South Street, Auburn, New York.

(b) INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of—

(1) designating one or more of the sites specified in subsection (a) as units of the National Park System; and

(2) establishing a national heritage corridor that incorporates the sites specified in subsection (a) and any other sites associated with Harriet Tubman.

(c) STUDY GUIDELINES.—In conducting the study authorized by this Act, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in Section 8 of P.L. 91–383, as amended by Section 303 of the National Park Omnibus Management Act ((P.L. 105–391), 112 Stat. 3501).

(d) CONSULTATION.—In preparing and conducting the study under subsection (a), the Secretary shall consult with—

(1) the Governors of the States of Maryland and New York;

(2) a member of the Board of County Commissioners of Dorchester County, Maryland;

(3) the Mayor of the city of Auburn, New York;

(4) the owner of the sites specified in subsection (a); and

(5) the appropriate representatives of—

(A) the Thompson Memorial A.M.E. Zion Church;

(B) the Bazel Church;

(C) the Harriet Tubman Foundation; and

(D) the Harriet Tubman Organization, Inc.

(e) REPORT.—Not later than 2 years after the date on which funds are made available for the study under subsection (a), the Secretary shall submit to Congress a report describing the results of the study.

RECALCULATING FRANCHISE FEE OWED BY FORT SUMTER TOURS, INC.

The Senate proceeded to consider the bill (S. 2331) to direct the Secretary of the Interior to recalculate the franchise fee owed by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument, SC, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and insert the part printed in italic.

SECTION 1. ARBITRATION REQUIREMENT.

The Secretary of the Interior (in this Act referred to as the "Secretary") shall, upon the request of Fort Sumter Tours, Inc. (in this Act referred to as the "Concessioner"), agree to binding arbitration to determine the franchise fee payable under the contract executed on June 13, 1986, by the Concessioner and the National Park Service, under which the Concessioner provides passenger boat service to Fort Sumter National Monument in Charleston Harbor, South Carolina (in this Act referred to as "the Contract").

SEC. 2. APPOINTMENT OF THE ARBITRATOR.

(a) Mutual Agreement.—Not later than 90 days after the date of enactment of this Act, The Secretary and the Concessioner shall jointly select a single arbitrator to conduct the arbitration under this Act.

(b) Failure To Agree.—If the Secretary and the concessioner are unable to agree on the selection of a single arbitrator within 90 days after the date of enactment of this Act, within 30 days thereafter the Secretary and the Concessioner shall each select an arbitrator, the two arbitrators selected by the Secretary and the Concessioner shall jointly select a third arbitrator, and the three arbitrators shall jointly conduct the arbitration.

(c) Qualifications.—Any arbitrator selected under either subsection (a) or subsection (b) shall be a neutral who meets the criteria of section 573 of title 5, United States Code.

(d) Payment of Expenses.—The Secretary and the Concessioner shall share equally the expenses of the arbitration.

(e) Definition.—As used in this Act, the term "arbitrator" includes either a single arbitrator selected under subsection (a) or a three-member panel of arbitrators selected under (b).

SEC. 3. SCOPE OF THE ARBITRATION.

(a) Sole Issue To Be Decided.—The arbitrator shall determine—

(1) the appropriate amount of the franchise fee under the Contract for the period from June 13, 1991, through December 31, 2000, in accordance with the terms of the Contract; and

(2) any interest or penalties on the amount owed under paragraph (1).

(b) De Novo Decision.—The arbitrator shall not be bound by any prior determination of the appropriate amount of the fee by the Secretary.

(c) Basis for Decision.—The arbitrator shall determine the appropriate amount of the fee based upon the law in effect on the effective date of the Contract and the terms of section 9 of the Contract.

SEC. 4. EFFECT OF DECISION.

(a) Retroactive Effect.—The amount of the fee determined by the arbitrator under section 3(a) shall be retroactive to June 13, 1991.

(b) No Further Review.—Notwithstanding subchapter IV of title 5, United States Code (commonly known as the Administrative Dispute Resolution Act), the decision of the arbitrator shall be final and conclusive upon the Secretary and the Concessioner and shall not be subject to judicial review.

SEC. 5. GENERAL AUTHORITY.

Except to the extent inconsistent with this Act, the arbitration under this Act shall be conducted in accordance with subchapter IV of title 5, United States Code.

SEC. 6. ENFORCEMENT.

A party aggrieved by the alleged failure, neglect, or refusal of another to arbitrate under this Act, or by any unreasonable delay in the appointment of the arbitrator or the conduct of the arbitration, may petition the United States District Court for the District of South Carolina or the United States District Court for the District of Columbia for an order directing that the arbitration proceed in the manner provided by this Act.

Amend the title to read: "A bill to require the Secretary of the Interior to submit the dispute over the franchise fee owed by Fort Sumter Tours, Inc. to binding arbitration.".

The amendment (No. 4296) was agreed to, as follows:

AMENDMENT NO. 4296

Strike all and insert the following:

"SECTION 1. ARBITRATION REQUIREMENT.

"The Secretary of the Interior (in this Act referred to as the 'Secretary') shall, upon the request of Fort Sumter Tours, Inc. (in this Act referred to as the 'Concessioner'), agree to binding arbitration to determine the franchise fee payable under the contract executed on June 13, 1986 by the Concessioner and the National Park Service, under which the Concessioner provides passenger boat service to Fort Sumter National Monument in Charleston Harbor, South Carolina (in this Act referred to as 'the Contract').

"SEC. 2. APPOINTMENT OF THE ARBITRATOR.

"(a) Mutual Agreement.—Not later than 30 days after the date of enactment of this Act, the Secretary and the Concessioner shall jointly select a single arbitrator to conduct the arbitration under this Act.

"(b) Failure To Agree.—If the Secretary and the Concessioner are unable to agree on the selection of a single arbitrator within 30 days after the date of enactment of this Act, within 30 days thereafter the Secretary and the Concessioner shall each select an arbitrator, the two arbitrators selected by the Secretary and the Concessioner shall jointly select a third arbitrator, and the three arbitrators shall jointly conduct the arbitration.

"(c) Qualifications.—Any arbitrator selected under either subsection (a) or subsection (b) shall be a neutral who meets the criteria of section 573 of title 5, United States Code.

"(d) Payment of Expenses.—The Secretary and the Concessioner shall share equally the expenses of the arbitration.

"(e) Definition.—As used in this Act, the term 'arbitrator' includes either a single arbitrator selected under subsection (a) or a three-member panel of arbitrators selected under subsection (b).

"SEC. 3. SCOPE OF THE ARBITRATION.

"(a) Sole Issues To Be Decided.—The arbitrator shall, after affording the parties an opportunity to be heard in accordance with section 579 of title 5, United States Code, determine—

"(1) the appropriate amount of the franchise fee under the Contract for the period from June 13, 1991 through December 31, 2000 in accordance with the terms of the Contract; and

"(2) any interest or penalties on the amount owed under paragraph (1).

"(b) De Novo Decision.—The arbitrator shall not be bound by an prior determination of the appropriate amount of the fee by the Secretary or any prior court review thereof.

"(c) Basis for Decision.—The arbitrator shall determine the appropriate amount of the fee based upon law in effect on the effective date of the contract and the terms of the Contract.

"SEC. 4. FINAL DECISION.

"The arbitrator shall issue a final decision not later than 300 days after the date of enactment of this Act.

"SEC. 5. EFFECT OF DECISION.

"(a) Retroactive Effect.—The amount of the fee determined by the arbitrator under section 3(a) shall be retroactive to June 13, 1991.

"(b) No Further Review.—Notwithstanding subchapter IV of title 5, United States Code (commonly known as the Administrative Dispute Resolution Act), the decision of the arbitrator shall be final and conclusive upon the Secretary and the Concessioner and shall not be subject to judicial review.

"SEC. 6. GENERAL AUTHORITY.

"Except to the extent inconsistent with this Act, the arbitration under this Act shall be conducted in accordance with subchapter IV of title 5, United States Code.".

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2331), as amended, was read the third time and passed, as follows:

S. 2331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. ARBITRATION REQUIREMENT.

The Secretary of the Interior (in this Act referred to as the "Secretary") shall, upon the request of Fort Sumter Tours, Inc. (in this Act referred to as the "Concessioner"), agree to binding arbitration to determine the franchise fee payable under the contract executed on June 13, 1986 by the Concessioner and the National Park Service, under which the Concessioner provides passenger boat service to Fort Sumter National Monument in Charleston Harbor, South Carolina (in this Act referred to as "the Contract").

SEC. 2. APPOINTMENT OF THE ARBITRATOR.

(a) Mutual Agreement.—Not later than 30 days after the date of enactment of this Act, the Secretary and the Concessioner shall jointly select a single arbitrator to conduct the arbitration under this Act.

(b) Failure To Agree.—If the Secretary and the Concessioner are unable to agree on the selection of a single arbitrator within 30 days after the date of enactment of this Act, within 30 days thereafter the Secretary and the Concessioner shall each select an arbitrator, the two arbitrators selected by the Secretary and the Concessioner shall jointly select a third arbitrator, and the three arbitrators shall jointly conduct the arbitration.

(c) Qualifications.—Any arbitrator selected under either subsection (a) or subsection (b) shall be a neutral who meets the criteria of section 573 of title 5, United States Code.

(d) Payment of Expenses.—The Secretary and the Concessioner shall share equally the expenses of the arbitration.

(e) Definition.—As used in this Act, the term "arbitrator" includes either a single arbitrator selected under subsection (a) or a three-member panel of arbitrators selected under subsection (b).

SEC. 3. SCOPE OF THE ARBITRATION.

(a) Sole Issues To Be Decided.—The arbitrator shall, after affording the parties an opportunity to be heard in accordance with section 579 of title 5, United States Code, determine—

(1) the appropriate amount of the franchise fee under the Contract for the period from June 13, 1991 through December 31, 2000 in accordance with the terms of the Contract; and

(2) any interest or penalties on the amount owed under paragraph (1).

(b) De Novo Decision.—The arbitrator shall not be bound by any prior determination of the appropriate amount of the fee by the Secretary or any prior court review thereof.

(c) Basis for Decision.—The arbitrator shall determine the appropriate amount of the fee based upon the law in effect on the effective date of the Contract and the terms of the Contract.

SEC. 4. FINAL DECISION.

The arbitrator shall issue a final decision not later than 300 days after the date of enactment of this Act.

SEC. 5. EFFECT OF DECISION.

(a) Retroactive Effect.—The amount of the fee determined by the arbitrator under section 3(a) shall be retroactive to June 13, 1991.

(b) No Further Review.—Notwithstanding subchapter IV of title 5, United States Code (commonly known as the Administrative Dispute Resolution Act), the decision of the arbitrator shall be final and conclusive upon the Secretary and the Concessioner and shall not be subject to judicial review.

SEC. 6. GENERAL AUTHORITY.

Except to the extent inconsistent with this Act, the arbitration under this Act shall be conducted in accordance with subchapter IV of title 5, United States Code.

The title was amended so as to read: "A bill to require the Secretary of the Interior to submit the dispute over the franchise fee owed by Fort Sumter Tours, Inc. to binding arbitration.".

MAKING TECHNICAL CORRECTIONS TO ENERGY POLICY ACT OF 1992

DAYTON AVIATION HERITAGE PRESERVATION AMENDMENTS ACT OF 2000

Mr. MACK. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of the following items which are at the desk: H.R. 2641 and H.R. 5036.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 2641) to make technical corrections to title X of the Energy Policy Act of 1992.

A bill (H.R. 5036) to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park.

There being no objection, the Senate proceeded to consider the bills.

Mr. MACK. Mr. President, I ask unanimous consent that the bills be read the third time, passed, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 2641 and H.R. 5036) were read the third time and passed.

UNANIMOUS CONSENT AGREEMENT—S. 1236 AND S. 1849

Mr. MACK. Mr. President, I ask unanimous consent that it be in order for the Chair to lay before the Senate, en bloc, messages from the House on S. 1236 and S. 1849, that the Senate concur, en bloc, to the House amendment, and that the action be reconsidered and tabled.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARROWROCK DAM HYDROELECTRIC PROJECT

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1236) entitled "An Act to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

(a) In General.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for three consecutive 2-year periods.

(b) Effective Date.—Subsection (a) shall take effect on the date of the expiration of the extension issued by the Commission prior to the date of the enactment of this Act under section 13 of the Federal Power Act (16 U.S.C. 806).

(c) Reinstatement of Expired License.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

The Senate concurred in the amendment of the House.

WHITE CLAY CREEK WILD AND SCENIC RIVERS SYSTEM ACT

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1849) entitled "An Act to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "White Clay Creek Wild and Scenic Rivers System Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102-215 (105 Stat. 1664) directed the Secretary of the Interior, in cooperation and consultation with appropriate State and local governments and affected landowners, to conduct a study of the eligibility and suitability of White Clay Creek, Delaware and Pennsylvania, and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System;

(2) as a part of the study described in paragraph (1), the White Clay Creek Wild and Scenic Study Task Force and the National Park Service prepared a watershed management plan for the study area entitled "White Clay Creek and Its Tributaries Watershed Management Plan", dated May 1998, that establishes goals and actions to ensure the long-term protection of the outstanding values of, and compatible management of land and water resources associated with, the watershed; and

(3) after completion of the study described in paragraph (1), Chester County, Pennsylvania, New Castle County, Delaware, Newark, Delaware, and 12 Pennsylvania municipalities located within the watershed boundaries passed resolutions that—

(A) expressed support for the White Clay Creek Watershed Management Plan;

(B) expressed agreement to take action to implement the goals of the Plan; and

(C) endorsed the designation of the White Clay Creek and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System.

SEC. 3. DESIGNATION OF WHITE CLAY CREEK.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"(162) White Clay Creek, Delaware and Pennsylvania.—The 190 miles of river segments of White Clay Creek (including tributaries of White Clay Creek and all second order tributaries of the designated segments) in the States of Delaware and Pennsylvania, as depicted on the recommended designation and classification maps (dated June 2000), to be administered by the Secretary of the Interior, as follows:

"(A) 30.8 miles of the east branch, including Trout Run, beginning at the headwaters within West Marlborough township downstream to a point that is 500 feet north of the Borough of Avondale wastewater treatment facility, as a recreational river.

"(B) 15.0 miles of the east branch beginning at the southern boundary line of the Borough of Avondale to a point where the East Branch enters New Garden Township at the Franklin Township boundary line, including Walnut Run and Broad Run outside the boundaries of the White Clay Creek Preserve, as a recreational river.

"(C) 4.0 miles of the east branch that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania, beginning at the northern boundary line of London Britain township and downstream to the confluence of the middle and east branches, as a scenic river.

"(D) 6.8 miles of the middle branch, beginning at the headwaters within Londonderry township downstream to a point that is 500 feet north of the Borough of West Grove wastewater treatment facility, as a recreational river.

"(E) 14 miles of the middle branch, beginning at a point that is 500 feet south of the Borough of West Grove wastewater treatment facility downstream to the boundary of the White Clay Creek Preserve in London Britain township, as a recreational river.

"(F) 2.1 miles of the middle branch that flow within the boundaries of the White Clay Creek Preserve in London Britain township, as a scenic river.

"(G) 17.2 miles of the west branch, beginning at the headwaters within Penn township downstream to the confluence with the middle branch, as a recreational river.

"(H) 12.7 miles of the main stem, excluding Lamborn Run, that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania and Delaware, and White Clay Creek State Park, Delaware, beginning at the confluence of the east and middle branches in London Britain township, Pennsylvania, downstream to the northern boundary line of the city of Newark, Delaware, as a scenic river.

"(I) 5.4 miles of the main stem (including all second order tributaries outside the boundaries of the White Clay Creek Preserve and White Clay Creek State Park), beginning at the confluence of the east and middle branches in London Britain township, Pennsylvania, downstream to the northern boundary of the city of Newark, Delaware, as a recreational river.

"(J) 16.8 miles of the main stem beginning at Paper Mill Road downstream to the Old Route 4 bridge, as a recreational river.

"(K) 4.4 miles of the main stem beginning at the southern boundary of the property of the corporation known as United Water Delaware downstream to the confluence of White Clay Creek with the Christina River, as a recreational river.

"(L) 1.3 miles of Middle Run outside the boundaries of the Middle Run Natural Area, as a recreational river.

"(M) 5.2 miles of Middle Run that flow within the boundaries of the Middle Run Natural Area, as a scenic river.

"(N) 15.6 miles of Pike Creek, as a recreational river.

"(O) 38.7 miles of Mill Creek, as a recreational river.".

SEC. 4. BOUNDARIES.

With respect to each of the segments of White Clay Creek and its tributaries designated by the amendment made by section 3, in lieu of the boundaries provided for in section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundaries of the segment shall be 250 feet as measured from the ordinary high water mark on both sides of the segment.

SEC. 5. ADMINISTRATION.

(a) By Secretary of the Interior.—The segments designated by the amendment made by section 3 shall be administered by the Secretary of the Interior (referred to in this Act as the "Secretary"), in cooperation with the White Clay Creek Watershed Management Committee as provided for in the plan prepared by the White Clay Creek Wild and Scenic Study Task Force and the National Park Service, entitled "White Clay Creek and Its Tributaries Watershed Management Plan" and dated May 1998 (referred to in this Act as the "Management Plan").

(b) Requirement for Comprehensive Management Plan.—The Management Plan shall be considered to satisfy the requirements for a comprehensive management plan under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(c) Cooperative Agreements.—In order to provide for the long-term protection, preservation, and enhancement of the segments designated by the amendment made by section 3, the Secretary shall offer to enter into a cooperative agreement pursuant to sections 10(c) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the White Clay Creek Watershed Management Committee as provided for in the Management Plan.

SEC. 6. FEDERAL ROLE IN MANAGEMENT.

(a) In General.—The Director of the National Park Service (or a designee) shall represent the Secretary in the implementation of the Management Plan, this Act, and the Wild and Scenic Rivers Act with respect to each of the segments designated by the amendment made by section 3, including the review, required under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), of proposed federally-assisted water resources projects that could have a direct and adverse effect on the values for which the segment is designated.

(b) Assistance.—To assist in the implementation of the Management Plan, this Act, and the Wild and Scenic Rivers Act with respect to each of the segments designated by the amendment made by section 3, the Secretary may provide technical assistance, staff support, and funding at a cost to the Federal Government in an amount, in the aggregate, of not to exceed $150,000 for each fiscal year.

(c) Cooperative Agreements.—Any cooperative agreement entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by the amendment made by section 3—

(1) shall be consistent with the Management Plan; and

(2) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(d) National Park System.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a segment designated by the amendment made by section 3 that is not in the National Park System as of the date of the enactment of this Act shall not, under this Act—

(1) be considered a part of the National Park System;

(2) be managed by the National Park Service; or

(3) be subject to laws (including regulations) that govern the National Park System.

SEC. 7. STATE REQUIREMENTS.

State and local zoning laws and ordinances, as in effect on the date of the enactment of this Act, shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)) with respect to the segment designated by the amendment made by section 3.

SEC. 8. NO LAND ACQUISITION.

The Federal Government shall not acquire, by any means, any right or title in or to land, any easement, or any other interest along the segments designated by the amendment made by section 3 for the purpose of carrying out the amendment or this Act.

The Senate concurred in the amendment of the House.

THE CALENDAR

Mr. MACK. Mr. President, I ask unanimous consent that the Energy Committee be discharged from the following bills and resolutions and, further, the Senate now proceed to their consideration en bloc: H.R. 1509, H.R. 2778, H.R. 3676, H.R. 3817, S. 2273 with amendment No. 4297, and S. Res. 326.

I ask unanimous consent that the amendment No. 4297 be agreed to, the bills be considered read the third time and passed, the resolution and preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to any of the bills or resolutions be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISABLED VETERANS' LIFE MEMORIAL FOUNDATION

The bill (H.R. 1509) to authorize the Disabled Veterans' Life Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States, was considered, ordered to a third reading, read the third time, and passed.

DESIGNATING THE TAUNTON RIVER FOR POTENTIAL ADDITION TO NATIONAL WILD AND SCENIC RIVERS SYSTEM

The bill (H.R. 2778) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT

The bill (H.R. 3676) to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California, was considered, ordered to a third reading, read the third time, and passed.

DEDICATION OF BIG SOUTH TRAIL TO LEGACY OF JARYD ATADERO

The bill (H.R. 3817) to dedicate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado to the legacy of Jaryd Atadero, was considered, ordered to a third reading, read the third time, and passed.

BLACK ROCK DESERT-HIGH ROCK CANYON EMIGRANT TRAILS NATIONAL CONSERVATION AREA ACT OF 2000

The Senate proceeded to consider the bill (S. 2273) to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and for other purposes, which was reported from the Committee on Energy and Natural Resources.

The amendment (No. 4297) was agreed to, as follows:

AMENDMENT NO. 4297

(Purpose: to provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Rock Desert-High Rock Canon Emigrant Trails National Conservation Area Act of 2000".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The areas of northwestern Nevada known as the Black Rock Desert and High Rock Canyon contain and surround the last nationally significant, untouched segments of the historic California Emigrant Trails, including wagon ruts, historic inscriptions, and a wilderness landscape largely unchanged since the days of the pioneers.

(2) The relative absence of development in the Black Rock Desert and High Rock Canyon areas from emigrant times to the present day offers a unique opportunity to capture the terrain, sights, and conditions of the overland trails as they were experienced by the emigrants and to make available to both present and future generations of Americans the opportunity of experiencing emigrant conditions in an unaltered setting.

(3) The Black Rock Desert and High Rock Canyon areas are unique segments of the Northern Great Basin and contain broad representation of the Great Basin's land forms and plant and animal species, including golden eagles and other birds of prey, sage grouse, mule deer, pronghorn antelope, bighorn sheep, free roaming horses and burros, threatened fish and sensitive plants.

(4) The Black Rock-High Rock region contains a number of cultural and natural resources that have been declared eligible for National Historic Landmark and Natural Landmark status, including a portion of the 1843-44 John Charles Fremont exploration route, the site of the death of Peter Lassen, early military facilities, and examples of early homesteading and mining.

(5) The archaeological, paleontological, and geographical resources of the Black Rock-High Rock region include numerous prehistoric and historic Native American sites, wooly mammoth sites, some of the largest natural potholes of North America, and a remnant dry Pelistocene lakebed (playa) where the curvature of the Earth may be observed.

(6) The two large wilderness mosaics that frame the conservation area offer exceptional opportunities for solitude and serve to protect the integrity of the viewshed of the historic emigrant trails.

(7) Public lands in the conservation area have been used for domestic livestock grazing for over a century, with resultant benefits to community stability and contributions to the local and State economies. It has not been demonstrated that continuation of this use would be incompatible with appropriate protection and sound management of the resource values of these lands; therefore, it is expected that such grazing will continue in accordance with the management plan for the conservation area and other applicable laws and regulations.

(8) The Black Rock Desert playa is a unique natural resource that serves as the primary destination for the majority of visitors to the conservation area, including visitors associated with large-scale permitted events. It is expected that such permitted events will continue to be administered in accordance with the management plan for the conservation area and other applicable laws and regulations.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "public lands" has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(3) The term "conservation area" means the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area established pursuant to section 4 of this Act.

SEC. 4. ESTABLISHMENT OF THE CONSERVATION AREA.

(a) ESTABLISHMENT AND PURPOSES.—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, cultural, paleontological, scenic, scientific, biological, educational, wildlife, riparian, wilderness, endangered species, and recreational values and resources associated with the Applegate-Lassen and Nobles Trails corridors and surrounding areas, there is hereby established the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area in the State of Nevada.

(b) AREAS INCLUDED.—The conservation area shall consist of approximately 797,100 acres of public lands as generally depicted on the map entitled "Black Rock Desert Emigrant Trail National Conservation Area" and dated July 19, 2000.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the conservation area. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 5. MANAGEMENT.

(a) MANAGEMENT.—The Secretary, acting through the Bureau of Land Management, shall manage the conservation area in a manner that conserves, protects and enhances its resources and values, including those resources and values specified in subsection 4(a), in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law.

(b) ACCESS.—

(1) IN GENERAL.—The Secretary shall maintain adequate access for the reasonable use and enjoyment of the conservation area.

(2) PRIVATE LAND.—The Secretary shall provide reasonable access to privately owned land or interests in land within the boundaries of the conservation area.

(3) EXISTING PUBLIC ROADS.—The Secretary is authorized to maintain existing public access within the boundaries of the conservation areas in a manner consistent with the purposes for which the conservation area was established.

(c) USES.—

(1) IN GENERAL.—The Secretary shall only allow such uses of the conservation area as the Secretary finds will further the purposes for which the conservation area is established.

(2) OFF-HIGHWAY VEHICLE USE.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the conservation area shall be permitted only on roads and trails and in other areas designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (e).

(3) PERMITTED EVENTS.—The Secretary may continue to permit large-scale events in defined, low impact areas of the Black Rock Desert plays in the conservation area in accordance with the management plan prepared pursuant to subsection (e).

(d) HUNTING, TRAPPING, AND FISHING.—Nothing in this Act shall be deemed to diminish the jurisdiction of the State of Nevada with respect to fish and wildlife management, including regulation of hunting and fishing, on public lands within the conservation area.

(e) MANAGEMENT PLAN.—Within three years following the date of enactment of this Act, the Secretary shall develop a comprehensive resource management plan for the long-term protection and management of the conservation area. The plan shall be developed with full public participation and shall developed with full public participation and shall describe the appropriate uses and management of the conservation area consistent with the provisions of this Act. The plan may incorporate appropriate decisions contained in any current management or activity plan for the area and may use information developed in previous studies of the lands within or adjacent to the conservation area.

(f) GRAZING.—Where the Secretary of the Interior currently permits livestock grazing in the conservation area, such grazing shall be allowed to continue subject to all applicable laws, regulations, and executive orders.

(g) VISITOR SERVICE FACILITIES.—The Secretary is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, visitor service facilities for the purpose of providing information about the historical, cultural, ecological, recreational, and other resources of the conservation area.

SEC. 6. WITHDRAWAL.

(a) IN GENERAL.—Subject to valid existing rights, all Federal lands within the conservation area and all lands and interests therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, from operation of the mineral leasing and geothermal leasing laws and from the minerals materials laws and all amendments thereto.

SEC. 7. NO BUFFER ZONES.

The Congress does not intend for the establishment of the conservation area to lead to the creation of protective perimeters or buffer zones around the conservation area. The fact that there may be activities or uses on lands outside the conservation area that would not be permitted in the conservation area shall not preclude such activities or uses on such lands up to the boundary of the conservation area consistent with other applicable laws.

SEC. 8. WILDERNESS.

(a) DESIGNATIN.—In furtherance of the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Black Rock Desert Wilderness Study Area comprised of approximately 315,700 acres, as generally depicted on a map entitled "Black Rock Desert Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Black Rock Desert Wilderness.

(2) Certain lands in the Pahute Peak Wilderness Study Area comprised of approximately 57,400 acres, as generally depicted on a map entitled "Pahute Peak Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Pahute Peak Wilderness.

(3) Certain lands in the North Black Rock Range Wilderness Study Area comprised of

approximately 30,800 acres, as generally depicted on a map entitled "North Black Rock Range Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the North Black Rock Range Wilderness.

(4) Certain lands in the East Fork High Rock Canyon Wilderness Study Area comprised of approximately 52,800 acres, as generally depicted on a map entitled "East Fork High Rock Canyon Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the East Fork High Rock Canyon Wilderness.

(5) Certain lands in the High Rock Lake Wilderness Study Area comprised of approximately 59,300 acres, as generally depicted on a map entitled "High Rock Lake Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the High Rock Lake Wilderness.

(6) Certain lands in the Little High Rock Canyon Wilderness Study Area comprised of approximately 48,700 acres, as generally depicted on a map entitled "Little High Rock Canyon Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Little High Rock Canyon Wilderness.

(7) Certain lands in the High Rock Canyon Wilderness Study Area and Yellow Rock Canyon Wilderness Study Area comprised of approximately 46,600 acres, as generally depicted on a map entitled "High Rock Canyon Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the High Rock Canyon Wilderness.

(8) Certain land in the Calico Mountains Wilderness Study Area comprised of approximately 65,400 acres, as generally depicted on a map entitled "Calico Mountains Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Calico Mountains Wilderness.

(9) Certain lands in the South Jackson Mountains Wilderness Study Area comprised of approximately 56,800 acres, as generally depicted on a map entitled "South Jackson Mountains Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the South Jackson Mountains Wilderness.

(10) Certain lands in the North Jackson Mountains Wilderness Study Area comprised of approximately 24,000 acres, as generally depicted on a map entitled "North Jackson Mountains Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the North Jackson Mountains Wilderness.

(b) ADMINISTRATION OF WILDERNESS AREAS.—Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the wilderness areas designated under this Act. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) GRAZING.—Within the wilderness areas designated under subsection (a), the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 101–628.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The bill (S. 2273), as amended, was read the third time and passed, as follows:

S. 2273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The areas of northwestern Nevada known as the Black Rock Desert and High Rock Canyon contain and surround the last nationally significant, untouched segments of the historic California emigrant Trails, including wagon ruts, historic inscriptions, and a wilderness landscape largely unchanged since the days of the pioneers.

(2) The relative absence of development in the Black Rock Desert and high Rock Canyon areas from emigrant times to the present day offers a unique opportunity to capture the terrain, sights, and conditions of the overland trails as they were experienced by the emigrants and to make available to both present and future generations of Americans the opportunity of experiencing emigrant conditions in an unaltered setting.

(3) The Black Rock Desert and High Rock Canyon areas are unique segments of the Northern Great Basin and contain broad representation of the Great Basin's land forms and plant and animal species, including golden eagles and other birds of prey, sage grouse, mule deer, pronghorn antelope, bighorn sheep, free roaming horses and burros, threatened fish and sensitive plants.

(4) The Black Rock-High Rock region contains a number of cultural and natural resources that have been declared eligible for National Historic Landmark and Natural Landmark status, including a portion of the 1843–44 John Charles Fremont exploration route, the site of the death of Peter Lassen, early military facilities, and examples of early homesteading and mining.

(5) The archeological, paleontological, and geographical resources of the Black Rock-High Rock region include numerous prehistoric and historic Native American sites, wooly mammoth sites, some of the largest natural potholes of North America, and a remnant dry Pleistocene lakebed (playa) where the curvature of the Earth may be observed.

(6) The two large wilderness mosaics that frame the conservation area offer exceptional opportunities for solitude and serve to protect the integrity of the viewshed of the historic emigrant trails.

(7) Public lands in the conservation area have been used for domestic livestock grazing for over a century, with resultant benefits to community stability and contributions to the local and State economies. It has not been demonstrated that continuation of this use would be incompatible with appropriate protection and sound management of the resource values of these lands; therefore, it is expected that such grazing will continue in accordance with the management plan for the conservation area and other applicable laws and regulations.

(8) The Black Rock Desert playa is a unique natural resource that serves as the primary destination for the majority of visitors to the conservation area, including visitors associated with large-scale permitted events. It is expected that such permitted events will continue to be administered in accordance with the management plan for the conservation area and other applicable laws and regulations.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "public lands" has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(3) The term "conservation area" means the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area established pursuant to section 4 of this Act.

SEC. 4. ESTABLISHMENT OF THE CONSERVATION AREA.

(a) ESTABLISHMENT AND PURPOSES.—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, cultural, paleontological, scenic, scientific, biological, educational, wildlife, riparian, wilderness, endangered species, and recreational values and resources associated with the Applegate-Lassen and Nobles Trails corridors and surrounding areas, there is hereby established the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area in the State of Nevada.

(b) AREAS INCLUDED.—The conservation area shall consist of approximately 797,100 acres of public lands as generally depicted on the map entitled "Black Rock Desert Emigrant Trail National Conservation Area" and dated July 19, 2000.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the conservation area. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 5. MANAGEMENT.

(a) MANAGEMENT.—The Secretary, acting through the Bureau of Land Management, shall manage the conservation area in a manner that conserves, protects and enhances its resources and values, including those resources and values specified in subsection 4(a), in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law.

(b) ACCESS.—

(1) IN GENERAL.—The Secretary shall maintain adequate access for the reasonable use and enjoyment of the conservation area.

(2) PRIVATE LAND.—The Secretary shall provide reasonable access to privately owned land or interests in land within the boundaries of the conservation area.

(3) Existing Public Roads.—The Secretary is authorized to maintain existing public access within the boundaries of the conservation area in a manner consistent with the purposes for which the conservation area was established.

(c) Uses.—

(1) In General.—The Secretary shall only allow such uses of the conservation area as the Secretary finds will further the purposes for which the conservation area is established.

(2) Off-Highway Vehicle Use.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the conservation area shall be permitted only on roads and trails and in other areas designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (e).

(3) Permitted Events.—The Secretary may continue to permit large-scale events in defined, low impact areas of the Black Rock Desert playa in the conservation area in accordance with the management plan prepared pursuant to subsection (e).

(d) Hunting, Trapping, and Fishing.—Nothing in this Act shall be deemed to diminish the jurisdiction of the State of Nevada with respect to fish and wildlife management, including regulation of hunting and fishing, on public lands within the conservation area.

(e) Management Plan.—Within three years following the date of enactment of this Act, the Secretary shall develop a comprehensive resource management plan for the long-term protection and management of the conservation area. The plan shall be developed with full public participation and shall describe the appropriate uses and management of the conservation area consistent with the provisions of this Act. The plan may incorporate appropriate decisions contained in any current management or activity plan for the area and may use information developed in previous studies of the lands within or adjacent to the conservation area.

(f) Grazing.—Where the Secretary of the Interior currently permits livestock grazing in the conservation area, such grazing shall be allowed to continue subject to all applicable laws, regulations, and executive orders.

(g) Visitor Service Facilities.—The Secretary is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, visitor service facilities for the purpose of providing information about the historical, cultural, ecological, recreational, and other resources of the conservation area.

SEC. 6. WITHDRAWAL.

(a) In General.—Subject to valid existing rights, all Federal lands within the conservation area and all lands and interests therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, from operation of the mineral leasing and geothermal leasing laws and from the minerals materials laws and all amendments thereto.

SEC. 7. NO BUFFER ZONES.

The Congress does not intend for the establishment of the conservation area to lead to the creation of protective perimeters or buffer zones around the conservation area. The fact that there may be activities or uses on lands outside the conservation area that would not be permitted in the conservation area shall not preclude such activities or uses on such lands up to the boundary of the conservation area consistent with other applicable laws.

SEC. 8. WILDERNESS.

(a) Designation.—In furtherance of the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Black Rock Desert Wilderness Study Area comprised of approximately 315,700 acres, as generally depicted on a map entitled "Black Rock Desert Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Black Rock Desert Wilderness.

(2) Certain lands in the Pahute Peak Wilderness Study Area comprised of approximately 57,400 acres, as generally depicted on a map entitled "Pahute Peak Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Pahute Peak Wilderness.

(3) Certain lands in the North Black Rock Range Wilderness Study Area comprised of approximately 30,800 acres, as generally depicted on a map entitled "North Black Rock Range Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the North Black Rock Range Wilderness.

(4) Certain lands in the East Fork High Rock Canyon Wilderness Study Area comprised of approximately 52,800 acres, as generally depicted on a map entitled "East Fork High Rock Canyon Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the East Fork High Rock Canyon Wilderness.

(5) Certain lands in the High Rock Lake Wilderness Study Area comprised of approximately 59,300 acres, as generally depicted on a map entitled "High Rock Lake Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the High Rock Lake Wilderness.

(6) Certain lands in the Little High Rock Canyon Wilderness Study Area comprised of approximately 48,700 acres, as generally depicted on a map entitled "Little High Rock Canyon Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Little High Rock Canyon Wilderness.

(7) Certain lands in the High Rock Canyon Wilderness Study Area and Yellow Rock Canyon Wilderness Study Area comprised of approximately 46,600 acres, as generally depicted on a map entitled "High Rock Canyon Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the High Rock Canyon Wilderness.

(8) Certain lands in the Calico Mountains Wilderness Study Area comprised of approximately 65,400 acres, as generally depicted on a map entitled "Calico Mountains Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Calico Mountains Wilderness.

(9) Certain lands in the South Jackson Mountains Wilderness Study Area comprised of approximately 56,800 acres, as generally depicted on a map entitled "South Jackson Mountains Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the South Jackson Mountains Wilderness.

(10) Certain lands in the North Jackson Mountains Wilderness Study Area comprised of approximately 24,000 acres, as generally depicted on a map entitled "North Jackson Mountains Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the North Jackson Mountains Wilderness.

(b) Administration of Wilderness Areas.—Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) Maps and Legal Description.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the wilderness areas designated under this Act. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) Grazing.—Within the wilderness areas designated under subsection (a), the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 101-628.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

NATIONAL COWBOY POETRY GATHERING

The Senate proceeded to consider the resolution (S. Res. 326) designating the Cowboy Poetry Gathering in Elko, NV, as the "National Cowboy Poetry Gathering".

The resolution (S. Res. 326) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 326

Whereas working cowboys and the ranching community have contributed greatly to the establishment and perpetuation of western life in the United States;

Whereas the practice of composing verses about life and work on the range dates back to at least the trail drive era of the late 19th century;

Whereas the Cowboy Poetry Gathering has revived and continues to preserve the art of cowboy poetry by increasing awareness and appreciation of this tradition-based art form;

Whereas the reemergence of cowboy poetry both highlights recitation traditions that are a central form of artistry in communities throughout the West and promotes popular poetry and literature to the general public;

Whereas the Cowboy Poetry Gathering serves as a bridge between urban and rural people by creating a forum for the presentation of art and for the discussion of cultural issues in a humane and non-political manner;

Whereas the Western Folklife Center in Reno, Nevada, established and hosted the inaugural Cowboy Poetry Gathering in January of 1985;

Whereas since its inception 16 years ago, some 200 similar local spin-off events are now held in communities throughout the West; and

Whereas it is proper and desirable to recognize Elko, Nevada, as the original home of the Cowboy Poetry Gathering: Now, therefore, be it

Resolved, That the Senate designates the Cowboy Poetry Gathering in Elko, Nevada, as the "National Cowboy Poetry Gathering".

WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK ESTABLISHMENT ACT OF 2000

Mr. MACK. Mr. President I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 891, H.R. 4063.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4063) to establish the Rosie the Riveter/World War II Home Front National Historic Park in the State of California, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Energy and Natural Resources, with amendments.

[Omit the parts in black brackets and insert the parts printed in italic.]

H.R. 4063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rosie the Riveter/World War II Home Front National Historical Park Establishment Act of 2000".

SEC. 2. ROSIE THE RIVETER/WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK.

(a) Establishment.—In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain sites, structures, and areas located in Richmond, California, that are associated with the industrial, governmental, and citizen efforts that led to victory in World War II, there is established the Rosie the Riveter/World War II Home Front National Historical Park (in this Act referred to as the "park").

(b) Areas Included.—The boundaries of the park shall be those generally depicted on the map entitled "Proposed Boundary Map, Rosie the Riveter/World War II Home Front National Historical Park" numbered 963/80000 and dated May 2000. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 3. ADMINISTRATION OF THE NATIONAL HISTORICAL PARK.

(a) In General.—

(1) General administration.—The Secretary of the Interior (in this Act referred to as the "Secretary") shall administer the park in accordance with this Act and the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes," approved August 35, 1916 (39 Stat. 535; 16 U.S.C. 1 through 4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

(2) Specific authorities.—The Secretary may interpret the story of Rosie the Riveter and the World War II home front, conduct and maintain oral histories that relate to the World War II home front theme, and provide technical assistance in the preservation of historic properties that support this story.

(b) Cooperative Agreements.—

(1) General agreements.—The Secretary may enter into cooperative agreements with the owners of the World War II Child Development Centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67A, pursuant to which the Secretary may mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions under which the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes, and that no changes or alterations shall be made in the property except by mutual agreement.

(2) Limited agreements.—The Secretary may consult and enter into cooperative agreements with interested persons for interpretation and technical assistance with the preservation of—

(A) the Ford Assembly Building;

(B) the intact dry docks/basin docks and five historic structures at Richmond Shipyard #3;

(C) the Shimada Peace Memorial Park;

(D) Westshore Park;

(E) the Rosie the Riveter Memorial;

(F) Sheridan Observation Point Park;

(G) the Bay Trail/Esplanade;

(H) Vincent Park; and

(I) the vessel S.S. RED OAK VICTORY, and Whirley Cranes associated with shipbuilding in Richmond.

(c) Education Center.—The Secretary may establish a World War II Home Front Education Center in the Ford Assembly Building. Such center shall include a program that allows for distance learning and linkages to other representative sites across the country, for the purpose of educating the public as to the significance of the site and the World War II Home Front.

[(d) Use of Federal Funds.—

[(1) Non-federal matching.—(A) As a condition of expending any funds appropriated to the Secretary for the purposes of the cooperative agreements under subsection (b)(2), the Secretary shall require that such expenditure must be matched by expenditure of an equal amount of funds, goods, services, or in-kind contributions provided by non-Federal sources.

[(B) With the approval of the Secretary, any donation of property, services, or goods from a non-Federal source may be considered as a contribution of funds from a non-Federal source for purposes of this paragraph.]

(d)(1) The Secretary shall require a match of not less than 50% for the expenditure of any federal funds for the purpose of the cooperative agreements under subsection (b)(2). The non-federal match may be in funds or, with the approval of the Secretary, in goods, services, or in-kind contributions.

(2) Cooperative agreement.—Any payment made by the Secretary pursuant to a cooperative agreement under this section shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall entitle the United States to reimbursement of the greater of—

(A) all funds paid by the Secretary to such project; or

(B) the proportion of the increased value of the project attributable to such payments, determined at the time of such conversion, use, or disposal.

(e) Acquisition.—

(1) Ford assembly building.—The Secretary may acquire a leasehold interest in the Ford Assembly Building for the purposes of operating a World War II Home Front Education Center.

(2) Other facilities.—The Secretary may acquire, from willing sellers, lands or [interests in] *interests within the boundaries of the park in* the World War II day care centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67, through donation, purchase with donated or appropriated funds, transfer from any other Federal Agency, or exchange.

(3) Artifacts.—The Secretary may acquire and provide for the curation of historic artifacts that relate to the park.

(f) Donations.—The Secretary may accept and use donations of funds, property, and services to carry out this Act.

(g) General Management Plan.—

(1) In general.—Not later than 3 complete fiscal years after the date funds are made available, the Secretary shall prepare, in consultation with the City of Richmond, California, and transmit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the park in accordance with the provisions of section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a-7(b)), popularly known as the National Park System General Authorities Act, and other applicable law.

(2) Preservation of setting.—The general management plan shall include a plan to preserve the historic setting of the Rosie the Riveter/World War II Home Front National Historical Park, which shall be jointly developed and approved by the City of Richmond.

(3) Additional sites.—The general management plan shall include a determination of whether there are additional representative sites in Richmond that should be added to the park or sites in the rest of the United States that relate to the industrial, governmental, and citizen efforts during World War II that should be linked to and interpreted at the park. Such determination shall consider any information or findings developed in the National Park Service study of the World War II Home Front under section 4.

SEC. 4. WORLD WAR II HOME FRONT STUDY.

The Secretary shall conduct a theme study of the World War II home front to determine whether other sites in the United States meet the criteria for potential inclusion in the National Park System in accordance with Section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—

(1) Oral histories, preservation, and visitor services.—There are authorized to be appropriated such sums as may be necessary to conduct oral histories and to carry out the preservation, interpretation, education, and other essential visitor services provided for by this Act.

(2) Artifacts.—There are authorized to be appropriated $1,000,000 for the acquisition and curation of historical artifacts related to the park.

(b) Property Acquisition.—There are authorized to be appropriated such sums as are necessary to acquire the properties listed in section 3(e)(2).

(c) Limitation on Use of Funds for S.S. RED OAK VICTORY.—None of the funds authorized to be appropriated by this section may be used for the operation, maintenance, or preservation of the vessel S.S. RED OAK VICTORY.

Mr. MACK. Mr. President, I ask unanimous consent that the committee amendments be withdrawn, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were withdrawn.

The bill (H.R. 4063) was read the third time and passed.

MAKING TECHNICAL CORRECTIONS IN THE ENROLLMENT OF H.R. 3676

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 143, submitted earlier today by Senators MURKOWSKI and BINGAMAN.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 143) to make technical corrections in the enrollment of the H.R. 3676.

Mr. MACK. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 143) was agreed to, as follows:

S. CON. RES. 143

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 3676 to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California, the Clerk of the House of Representatives shall make the following corrections:

(1) In the second sentence of section 2(d)(1), strike "and the Committee on Agriculture, Nutrition, and Forestry".

(2) In the second sentence of section 4(a)(3), strike "Nothing in this section" and insert "Nothing in this Act".

(3) In section 4(c)(1), strike "any person, including".

(4) In section 5, add at the end the following:

"(j) WILDERNESS PROTECTION.--Nothing in this Act alters the management of any areas designated as Wilderness which are within the boundaries of the National Monument. All such areas shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.), the laws designating such areas as Wilderness, and other applicable laws. If any part of this Act conflicts with any provision of those laws with respect to the management of the Wilderness areas, such provisions shall control".

INDIAN ARTS AND CRAFTS ENFORCEMENT ACT OF 2000

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 898, S. 2872.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2872) to improve the cause of action for misrepresentation of Indian arts and crafts.

There being no objection, the Senate proceeded to consider the bill.

Mr. MACK. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2872) was read the third time and passed, as follows:

S. 2872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Arts and Crafts Enforcement Act of 2000".

SEC. 2. AMENDMENTS TO CIVIL ACTION PROVISIONS.

Section 6 of the Act entitled "An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes" (25 U.S.C. 305e) (as added by section 105 of the Indian Arts and Crafts Act of 1990 (Public Law 101-644; 104 Stat. 4664)) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ", directly or indirectly," after "against a person who"; and

(B) by inserting the following flush language after paragraph (2)(B):

"For purposes of paragraph (2)(A), damages shall include any and all gross profits accrued by the defendant as a result of the activities found to violate this subsection.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "or" at the end;

(ii) in subparagraph (B), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(C) by an Indian arts and crafts organization on behalf of itself, or by an Indian on behalf of himself or herself."; and

(B) in paragraph (2)(A)—

(i) by striking "the amount recovered the amount" and inserting "the amount recovered—

"(i) the amount"; and

(ii) by adding at the end the following:

"(ii) the amount for the costs of investigation awarded pursuant to subsection (b) and reimburse the Board the amount of such costs incurred as a direct result of Board activities in the suit; and";

(3) in subsection (d)(2), by inserting "subject to subsection (f)," after "(2)"; and

(4) by adding at the end the following:

"(f) Not later than 180 days after the date of enactment of the Indian Arts and Crafts Enforcement Act of 2000, the Board shall promulgate regulations to include in the definition of the term 'Indian product' specific examples of such product to provide guidance to Indian artisans as well as to purveyors and consumers of Indian arts and crafts, as defined under this Act.".

JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM ACT OF 1994

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 904, H.R. 2496.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2496) to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

There being no objection, the Senate proceeded to consider the bill.

Mr. MACK. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2496) was read the third time and passed.

CAT ISLAND NATIONAL WILDLIFE REFUGE ESTABLISHMENT ACT

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 906, H.R. 3292.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3292) to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Environment and Public Works, with amendments.

[Omit the parts in black brackets and insert the parts printed in italic.]

H.R. 3292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cat Island National Wildlife Refuge Establishment Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) as the southernmost unleveed portion of the Mississippi River, Cat Island, Louisiana, is one of the last remaining tracts in the lower Mississippi Valley that is still influenced by the natural dynamics of the river;

(2) Cat Island supports one of the highest densities of virgin bald cypress trees in the entire Mississippi River Valley, including the Nation's champion cypress tree which is 17 feet wide and has a circumference of 53 feet;

(3) Cat Island is important habitat for several declining species of forest songbirds and supports thousands of wintering waterfowl;

(4) Cat Island supports high populations of deer, turkey, and furbearers, such as mink and bobcats;

(5) conservation and enhancement of this area through inclusion in the National Wildlife Refuge System would help meet the habitat conservation goals of the North American Waterfowl Management Plan;

(6) these forested wetlands represent one of the most valuable and productive wildlife habitat types in the United States, and have extremely high recreational value for hunters, anglers, birdwatchers, nature photographers, and others; and

(7) the Cat Island area is deserving of inclusion in the National Wildlife Refuge System.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Refuge" means the Cat Island National Wildlife Refuge; and

(2) the term "Secretary" means the Secretary of the Interior.

SEC. 4. PURPOSES.

The purposes for which the Refuge is established and shall be managed are—

(1) to conserve, restore, and manage habitats as necessary to contribute to the migratory bird population goals and habitat objective as established through the Lower Mississippi Valley Joint Venture;

(2) to conserve, restore, and manage the significant aquatic resource values associated with the area's forested wetlands and to achieve the habitat objectives of the "Mississippi River Aquatic Resources Management Plan";

(3) to conserve, enhance, and restore the historic native bottomland community characteristics of the lower Mississippi alluvial valley and its associated fish, wildlife, and plant species;

(4) to conserve, enhance, and restore habitat to maintain and assist in the recovery of endangered, and threatened plants and animals; *and*

[(5) to provide opportunities for priority public wildlife dependent uses for compatible hunting, fishing, trapping, wildlife observation and photography, and environmental education and interpretation; and

[(6)]*(5)* to encourage the use of volunteers and facilitate partnerships among the United States Fish and Wildlife Service, local communities, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the Refuge and the National Wildlife Refuge System and public participation in the conservation of those resources.

SEC. 5. ESTABLISHMENT OF REFUGE.

(a) ACQUISITION BOUNDARY.—The Secretary is authorized to establish the Cat Island National Wildlife Refuge, consisting of approximately 36,500 acres of land and water, as depicted upon a map entitled "Cat Island National Wildlife Refuge–Proposed", dated February 8, 2000, and available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) BOUNDARY REVISIONS.—The Secretary may make such minor revisions of the boundary designated under this section as may be appropriate to carry out the purposes of the Refuge or to facilitate the acquisition of property within the Refuge.

(c) ACQUISITION.—The Secretary is authorized to acquire the lands and waters, or interests therein, within the acquisition boundary described in subsection (a) of this section.

(d) ESTABLISHMENT.—The Secretary shall establish the Refuge by publication of a notice to that effect in the Federal Register and publications of local circulation whenever sufficient property has been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge.

SEC. 6. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer all lands, waters, and interests therein acquired under this Act in accordance with the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd et seq.). The Secretary may use such additional statutory authority as may be available for the conservation of fish and wildlife, and the provision of fish- and wildlife-oriented recreational opportunities as the Secretary considers appropriate to carry out the purposes of this Act.

(b) PRIORITY USES.—In providing opportunities for compatible fish- and wildlife-oriented recreation, the Secretary, in accordance with paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure that hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior—

(1) such funds as may be necessary for the acquisition of lands and waters designated in section 5(c); and

(2) such funds as may be necessary for the development, operation, and maintenance of the Refuge.

AMENDMENT NO. 4298

Mr. MACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK], for Mr. SMITH of New Hampshire, proposes an amendment numbered 4298.

Mr. MACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

SEC. 8. DESIGNATION OF HERBERT H. BATEMAN EDUCATION AND ADMINISTRATIVE CENTER.

(a) IN GENERAL.—A building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, on Assateague Island, Virginia, shall be known and designated as the "Herbert H. Bateman Education and Administrative Center".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the Herbert H. Bateman Education and Administrative Center.

SEC. 9. TECHNICAL CORRECTIONS.

(a) Effective on the day after the date of enactment of the Act entitled, "An Act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994" (106th Congress), section 6 of the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 668dd note; Public Law 103-340), relating to an environmental education center and refuge, is redesignated as section 7.

(b) Effective on the day after the date of enactment of the Cahaba River National Wildlife Refuge Establishment Act (106th Congress), section 6 of that Act is amended—

(1) in paragraph (2), by striking "the Endangered Species Act of 1973 (16 U.S.C. 1331 et seq.)" and inserting "the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)"; and

(2) in paragraph (3), by striking "section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4))" and inserting "paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a))".

(c) Effective on the day after the date of enactment of the Red River National Wildlife Refuge Act (106th Congress), section 4(b)(2)(D) of that Act is amended by striking "section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4))" and inserting "paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a))".

Mr. MACK. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 4298) was agreed to.

The bill (H.R. 3292), as amended, was read the third time and passed.

CAHABA RIVER NATIONAL WILDLIFE REFUGE ESTABLISHMENT ACT

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 908, H.R. 4286.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4286) to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama.

There being no objection, the Senate proceeded to consider the bill.

Mr. MACK. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4286) was read the third time and passed.

MAKING TECHNICAL CORRECTIONS TO A MAP RELATING TO THE COASTAL BARRIER RESOURCES SYSTEM

Mr. MACK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 920, H.R. 34.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 34) to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Environment and Public Works, with amendments.

[Omit the parts in black brackets and insert the parts printed in italic.]

H.R. 34

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORRECTIONS TO MAPS.

(a) IN GENERAL.—The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, make such corrections to the map described in subsection (b) as are necessary to ensure that depictions of areas on that map are consistent with the depictions of areas appearing on the map entitled "Amendments to the Coastal Barrier Resources System", [dated ————, and on file with the Committee on Resources of the House of Representatives.] *dated June 5, 2000.*

(b) MAP DESCRIBED.—The map described in this subsection is the map that—

(1) is included in a set of maps entitled "Coastal Barrier Resources System", dated November 2, 1994; and

(2) relates to unit P19–P of the Coastal Barrier Resources System.

(c) AVAILABILITY.—The Secretary of the Interior shall keep the map described in subsection (b) on file and available for public inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

Mr. MACK. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (H.R. 34), as amended, was read the third time and passed.

CLARIFYING BOUNDARIES ON THE MAP RELATING TO THE COASTAL BARRIER RESOURCES SYSTEM

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 922, H.R. 4435.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4435) to clarify certain boundaries on the map relating to Unit NC–01 of the Coastal Barrier Resources System.

There being no objection, the Senate proceeded to consider the bill.

Mr. MACK. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4435) was read the third time and passed.

200TH ANNIVERSARY OF THE FIRST MEETING OF THE CONGRESS IN WASHINGTON, DC

Mr. MACK. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 144, submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A Senate concurrent resolution (S. Con. 144) commemorating the 200th anniversary of the first meeting of the Congress in Washington, DC.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MACK. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 144) was agreed to.

The preamble was agreed to.

The concurrent resolution with its preamble reads as follows:

S. CON. RES. 144

Whereas November 17, 2000, is the 200th anniversary of the first meeting of Congress in Washington, DC;

Whereas Congress, having previously convened at the Federal Hall in New York City and at the Congress Hall in Philadelphia, has met in the United States Capitol Building since November 17, 1800;

Whereas President John Adams, on November 22, 1800, addressed a joint session of Congress in Washington, DC, for the first time, stating, "I congratulate the people of the United States on the assembling of Congress at the permanent seat of their Government; and I congratulate you, gentlemen, on the prospect of a residence not to be changed.";

Whereas, on December 12, 1900, Congress convened a joint meeting to observe the centennial of its residence in Washington, DC;

Whereas since its first meeting in Washington, DC, on November 17, 1800, Congress has continued to cultivate and build upon a heritage of respect for individual liberty, representative government, and the attainment of equal and inalienable rights, all of which are symbolized in the physical structure of the United States Capitol Building; and

Whereas it is appropriate for Congress, as the first branch of the government under the Constitution, to commemorate the 200th anniversary of the first meeting of Congress in Washington, DC, in order to focus public attention on its present duties and responsibilities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) November 17, 2000, be designated as a day of national observance for the 200th anniversary of the first meeting of Congress in Washington, DC; and

(2) the people of the United States be urged and invited to observe such date by celebrating and examining the legislative process by which members of Congress convene and air differences, learn from one another, subordinate parochial interests, compromise, and work towards achieving a constructive consensus for the good of the people of the United States.

ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

Mr. MACK. Mr. President, I ask that the Chair lay before the Senate a message from the House to accompany H.R. 707, an act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes."

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 707) entitled "An Act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes", with the following House Amendment to Senate Amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Disaster Mitigation Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.
Sec. 102. Predisaster hazard mitigation.
Sec. 103. Interagency task force.
Sec. 104. Mitigation planning; minimum standards for public and private structures.

TITLE II—STREAMLINING AND COST REDUCTION

Sec. 201. Technical amendments.
Sec. 202. Management costs.
Sec. 203. Public notice, comment, and consultation requirements.
Sec. 204. State administration of hazard mitigation grant program.
Sec. 205. Assistance to repair, restore, reconstruct, or replace damaged facilities.
Sec. 206. Federal assistance to individuals and households.
Sec. 207. Community disaster loans.
Sec. 208. Report on State management of small disasters initiative.
Sec. 209. Study regarding cost reduction.

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.
Sec. 302. Definitions.
Sec. 303. Fire management assistance.
Sec. 304. President's Council on Domestic Terrorism Preparedness.
Sec. 305. Disaster grant closeout procedures.
Sec. 306. Public safety officer benefits for certain Federal and State employees.
Sec. 307. Buy American.
Sec. 308. Treatment of certain real property.

Sec. 309. Study of participation by Indian tribes in emergency management.

TITLE I—PREDISASTER HAZARD MITIGATION

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes, flooding, and wildfires, pose great danger to human life and to property throughout the United States;

(2) greater emphasis needs to be placed on—

(A) identifying and assessing the risks to States and local governments (including Indian tribes) from natural disasters;

(B) implementing adequate measures to reduce losses from natural disasters; and

(C) ensuring that the critical services and facilities of communities will continue to function after a natural disaster;

(3) expenditures for postdisaster assistance are increasing without commensurate reductions in the likelihood of future losses from natural disasters;

(4) in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), high priority should be given to mitigation of hazards at the local level; and

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local governments (including Indian tribes) will be able to—

(A) form effective community-based partnerships for hazard mitigation purposes;

(B) implement effective hazard mitigation measures that reduce the potential damage from natural disasters;

(C) ensure continued functionality of critical services;

(D) leverage additional non-Federal resources in meeting natural disaster resistance goals; and

(E) make commitments to long-term hazard mitigation efforts to be applied to new and existing structures.

(b) PURPOSE.—The purpose of this title is to establish a national disaster hazard mitigation program—

(1) to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters; and

(2) to provide a source of predisaster hazard mitigation funding that will assist States and local governments (including Indian tribes) in implementing effective hazard mitigation measures that are designed to ensure the continued functionality of critical services and facilities after a natural disaster.

SEC. 102. PREDISASTER HAZARD MITIGATION.

(a) IN GENERAL.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

"SEC. 203. PREDISASTER HAZARD MITIGATION.

"(a) DEFINITION OF SMALL IMPOVERISHED COMMUNITY.—In this section, the term 'small impoverished community' means a community of 3,000 or fewer individuals that is economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.

"(b) ESTABLISHMENT OF PROGRAM.—The President may establish a program to provide technical and financial assistance to States and local governments to assist in the implementation of predisaster hazard mitigation measures that are cost-effective and are designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical services and facilities under the jurisdiction of the States or local governments.

"(c) APPROVAL BY PRESIDENT.—If the President determines that a State or local government has identified natural disaster hazards in areas under its jurisdiction and has demonstrated the ability to form effective public-private natural disaster hazard mitigation partnerships, the President, using amounts in the National Predisaster Mitigation Fund established under subsection (i) (referred to in this section as the 'Fund'), may provide technical and financial assistance to the State or local government to be used in accordance with subsection (e).

"(d) STATE RECOMMENDATIONS.—

"(1) IN GENERAL.—

"(A) RECOMMENDATIONS.—The Governor of each State may recommend to the President not fewer than five local governments to receive assistance under this section.

"(B) DEADLINE FOR SUBMISSION.—The recommendations under subparagraph (A) shall be submitted to the President not later than October 1, 2001, and each October 1st thereafter or such later date in the year as the President may establish.

"(C) CRITERIA.—In making recommendations under subparagraph (A), a Governor shall consider the criteria specified in subsection (g).

"(2) USE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in providing assistance to local governments under this section, the President shall select from local governments recommended by the Governors under this subsection.

"(B) EXTRAORDINARY CIRCUMSTANCES.—In providing assistance to local governments under this section, the President may select a local government that has not been recommended by a Governor under this subsection if the President determines that extraordinary circumstances justify the selection and that making the selection will further the purpose of this section.

"(3) EFFECT OF FAILURE TO NOMINATE.—If a Governor of a State fails to submit recommendations under this subsection in a timely manner, the President may select, subject to the criteria specified in subsection (g), any local governments of the State to receive assistance under this section.

"(e) USES OF TECHNICAL AND FINANCIAL ASSISTANCE.—

"(1) IN GENERAL.—Technical and financial assistance provided under this section—

"(A) shall be used by States and local governments principally to implement predisaster hazard mitigation measures that are cost-effective and are described in proposals approved by the President under this section; and

"(B) may be used—

"(i) to support effective public-private natural disaster hazard mitigation partnerships;

"(ii) to improve the assessment of a community's vulnerability to natural hazards; or

"(iii) to establish hazard mitigation priorities, and an appropriate hazard mitigation plan, for a community.

"(2) DISSEMINATION.—A State or local government may use not more than 10 percent of the financial assistance received by the State or local government under this section for a fiscal year to fund activities to disseminate information regarding cost-effective mitigation technologies.

"(f) ALLOCATION OF FUNDS.—The amount of financial assistance made available to a State (including amounts made available to local governments of the State) under this section for a fiscal year—

"(1) shall be not less than the lesser of—

"(A) $500,000; or

"(B) the amount that is equal to 1.0 percent of the total funds appropriated to carry out this section for the fiscal year;

"(2) shall not exceed 15 percent of the total funds described in paragraph (1)(B); and

"(3) shall be subject to the criteria specified in subsection (g).

"(g) CRITERIA FOR ASSISTANCE AWARDS.—In determining whether to provide technical and financial assistance to a State or local government under this section, the President shall take into account—

"(1) the extent and nature of the hazards to be mitigated;

"(2) the degree of commitment of the State or local government to reduce damages from future natural disasters;

"(3) the degree of commitment by the State or local government to support ongoing non-Federal support for the hazard mitigation measures to be carried out using the technical and financial assistance;

"(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State;

"(5) the extent to which the technical and financial assistance is consistent with other assistance provided under this Act;

"(6) the extent to which prioritized, cost-effective mitigation activities that produce meaningful and definable outcomes are clearly identified;

"(7) if the State or local government has submitted a mitigation plan under section 322, the extent to which the activities identified under paragraph (6) are consistent with the mitigation plan;

"(8) the opportunity to fund activities that maximize net benefits to society;

"(9) the extent to which assistance will fund mitigation activities in small impoverished communities; and

"(10) such other criteria as the President establishes in consultation with State and local governments.

"(h) FEDERAL SHARE.—

"(1) IN GENERAL.—Financial assistance provided under this section may contribute up to 75 percent of the total cost of mitigation activities approved by the President.

"(2) SMALL IMPOVERISHED COMMUNITIES.—Notwithstanding paragraph (1), the President may contribute up to 90 percent of the total cost of a mitigation activity carried out in a small impoverished community.

"(i) NATIONAL PREDISASTER MITIGATION FUND.—

"(1) ESTABLISHMENT.—The President may establish in the Treasury of the United States a fund to be known as the 'National Predisaster Mitigation Fund', to be used in carrying out this section.

"(2) TRANSFERS TO FUND.—There shall be deposited in the Fund—

"(A) amounts appropriated to carry out this section, which shall remain available until expended; and

"(B) sums available from gifts, bequests, or donations of services or property received by the President for the purpose of predisaster hazard mitigation.

"(3) EXPENDITURES FROM FUND.—Upon request by the President, the Secretary of the Treasury shall transfer from the Fund to the President such amounts as the President determines are necessary to provide technical and financial assistance under this section.

"(4) INVESTMENT OF AMOUNTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

"(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

"(i) on original issue at the issue price; or

"(ii) by purchase of outstanding obligations at the market price.

"(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

"(D) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

"(E) TRANSFERS OF AMOUNTS.—

"(i) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

"(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(j) LIMITATION ON TOTAL AMOUNT OF FINANCIAL ASSISTANCE.—The President shall not provide financial assistance under this section in an amount greater than the amount available in the Fund.

"(k) MULTIHAZARD ADVISORY MAPS.—

"(1) DEFINITION OF MULTIHAZARD ADVISORY MAP.—In this subsection, the term 'multihazard advisory map' means a map on which hazard data concerning each type of natural disaster is identified simultaneously for the purpose of showing areas of hazard overlap.

"(2) DEVELOPMENT OF MAPS.—In consultation with States, local governments, and appropriate Federal agencies, the President shall develop multihazard advisory maps for areas, in not fewer than five States, that are subject to commonly recurring natural hazards (including flooding, hurricanes and severe winds, and seismic events).

"(3) USE OF TECHNOLOGY.—In developing multihazard advisory maps under this subsection, the President shall use, to the maximum extent practicable, the most cost-effective and efficient technology available.

"(4) USE OF MAPS.—

"(A) ADVISORY NATURE.—The multihazard advisory maps shall be considered to be advisory and shall not require the development of any new policy by, or impose any new policy on, any government or private entity.

"(B) AVAILABILITY OF MAPS.—The multihazard advisory maps shall be made available to the appropriate State and local governments for the purposes of—

"(i) informing the general public about the risks of natural hazards in the areas described in paragraph (2);

"(ii) supporting the activities described in subsection (e); and

"(iii) other public uses.

"(l) REPORT ON FEDERAL AND STATE ADMINISTRATION.—Not later than 18 months after the date of the enactment of this section, the President, in consultation with State and local governments, shall submit to Congress a report evaluating efforts to implement this section and recommending a process for transferring greater authority and responsibility for administering the assistance program established under this section to capable States.

"(m) TERMINATION OF AUTHORITY.—The authority provided by this section terminates December 31, 2003.".

(b) CONFORMING AMENDMENT.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

"TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE".

SEC. 103. INTERAGENCY TASK FORCE.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as amended by section 102(a)) is amended by adding at the end the following:

"SEC. 204. INTERAGENCY TASK FORCE.

"(a) IN GENERAL.—The President shall establish a Federal interagency task force for the purpose of coordinating the implementation of predisaster hazard mitigation programs administered by the Federal Government.

"(b) CHAIRPERSON.—The Director of the Federal Emergency Management Agency shall serve as the chairperson of the task force.

"(c) MEMBERSHIP.—The membership of the task force shall include representatives of—

"(1) relevant Federal agencies;

"(2) State and local government organizations (including Indian tribes); and

"(3) the American Red Cross.".

SEC. 104. MITIGATION PLANNING; MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

"SEC. 322. MITIGATION PLANNING.

"(a) REQUIREMENT OF MITIGATION PLAN.—As a condition of receipt of an increased Federal share for hazard mitigation measures under subsection (e), a State, local, or tribal government shall develop and submit for approval to the President a mitigation plan that outlines processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government.

"(b) LOCAL AND TRIBAL PLANS.—Each mitigation plan developed by a local or tribal government shall—

"(1) describe actions to mitigate hazards, risks, and vulnerabilities identified under the plan; and

"(2) establish a strategy to implement those actions.

"(c) STATE PLANS.—The State process of development of a mitigation plan under this section shall—

"(1) identify the natural hazards, risks, and vulnerabilities of areas in the State;

"(2) support development of local mitigation plans;

"(3) provide for technical assistance to local and tribal governments for mitigation planning; and

"(4) identify and prioritize mitigation actions that the State will support, as resources become available.

"(d) FUNDING.—

"(1) IN GENERAL.—Federal contributions under section 404 may be used to fund the development and updating of mitigation plans under this section.

"(2) MAXIMUM FEDERAL CONTRIBUTION.—With respect to any mitigation plan, a State, local, or tribal government may use an amount of Federal contributions under section 404 not to exceed 7 percent of the amount of such contributions available to the government as of a date determined by the government.

"(e) INCREASED FEDERAL SHARE FOR HAZARD MITIGATION MEASURES.—

"(1) IN GENERAL.—If, at the time of the declaration of a major disaster, a State has in effect an approved mitigation plan under this section, the President may increase to 20 percent, with respect to the major disaster, the maximum percentage specified in the last sentence of section 404(a).

"(2) FACTORS FOR CONSIDERATION.—In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established—

"(A) eligibility criteria for property acquisition and other types of mitigation measures;

"(B) requirements for cost effectiveness that are related to the eligibility criteria;

"(C) a system of priorities that is related to the eligibility criteria; and

"(D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete.

"SEC. 323. MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

"(a) IN GENERAL.—As a condition of receipt of a disaster loan or grant under this Act—

"(1) the recipient shall carry out any repair or construction to be financed with the loan or grant in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards; and

"(2) the President may require safe land use and construction practices, after adequate consultation with appropriate State and local government officials.

"(b) EVIDENCE OF COMPLIANCE.—A recipient of a disaster loan or grant under this Act shall provide such evidence of compliance with this section as the President may require by regulation.".

(b) LOSSES FROM STRAIGHT LINE WINDS.—The President shall increase the maximum percentage specified in the last sentence of section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) from 15 percent to 20 percent with respect to any major disaster that is in the State of Minnesota and for which assistance is being provided as of the date of the enactment of this Act, except that additional assistance provided under this subsection shall not exceed $6,000,000. The mitigation measures assisted under this subsection shall be related to losses in the State of Minnesota from straight line winds.

(c) CONFORMING AMENDMENTS.—

(1) Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended—

(A) in the second sentence, by striking "section 409" and inserting "section 322"; and

(B) in the third sentence, by striking "The total" and inserting "Subject to section 322, the total".

(2) Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5176) is repealed.

TITLE II—STREAMLINING AND COST REDUCTION

SEC. 201. TECHNICAL AMENDMENTS.

Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154) is amended in subsections (a)(1), (b), and (c) by striking "section 803 of the Public Works and Economic Development Act of 1965" each place it appears and inserting "section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2))".

SEC. 202. MANAGEMENT COSTS.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 104(a)) is amended by adding at the end the following:

"SEC. 324. MANAGEMENT COSTS.

"(a) DEFINITION OF MANAGEMENT COST.—In this section, the term 'management cost' includes any indirect cost, any administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or disaster preparedness or mitigation activity or measure.

"(b) ESTABLISHMENT OF MANAGEMENT COST RATES.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall by regulation establish management cost rates, for grantees and subgrantees, that shall be used to determine contributions under this Act for management costs.

"(c) REVIEW.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date

of establishment of the rates and periodically thereafter.".

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) of section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)) shall apply to major disasters declared under that Act on or after the date of the enactment of this Act.

(2) INTERIM AUTHORITY.—Until the date on which the President establishes the management cost rates under section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)), section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) (as in effect on the day before the date of the enactment of this Act) shall be used to establish management cost rates.

SEC. 203. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 202(a)) is amended by adding at the end the following:

"SEC. 325. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

"(a) PUBLIC NOTICE AND COMMENT CONCERNING NEW OR MODIFIED POLICIES.—

"(1) IN GENERAL.—The President shall provide for public notice and opportunity for comment before adopting any new or modified policy that—

"(A) governs implementation of the public assistance program administered by the Federal Emergency Management Agency under this Act; and

"(B) could result in a significant reduction of assistance under the program.

"(2) APPLICATION.—Any policy adopted under paragraph (1) shall apply only to a major disaster or emergency declared on or after the date on which the policy is adopted.

"(b) CONSULTATION CONCERNING INTERIM POLICIES.—

"(1) IN GENERAL.—Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this Act, the President, to the maximum extent practicable, shall solicit the views and recommendations of grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely—

"(A) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or

"(B) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency.

"(2) NO LEGAL RIGHT OF ACTION.—Nothing in this subsection confers a legal right of action on any party.

"(c) PUBLIC ACCESS.—The President shall promote public access to policies governing the implementation of the public assistance program.".

SEC. 204. STATE ADMINISTRATION OF HAZARD MITIGATION GRANT PROGRAM.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

"(c) PROGRAM ADMINISTRATION BY STATES.—

"(1) IN GENERAL.—A State desiring to administer the hazard mitigation grant program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of the authority to administer the program.

"(2) CRITERIA.—The President, in consultation and coordination with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum—

"(A) the demonstrated ability of the State to manage the grant program under this section;

"(B) there being in effect an approved mitigation plan under section 322; and

"(C) a demonstrated commitment to mitigation activities.

"(3) APPROVAL.—The President shall approve an application submitted under paragraph (1) that meets the criteria established under paragraph (2).

"(4) WITHDRAWAL OF APPROVAL.—If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation grant program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

"(5) AUDITS.—The President shall provide for periodic audits of the hazard mitigation grant programs administered by States under this subsection.".

SEC. 205. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (a) and inserting the following:

"(a) CONTRIBUTIONS.—

"(1) IN GENERAL.—The President may make contributions—

"(A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the government; and

"(B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person.

"(2) ASSOCIATED EXPENSES.—For the purposes of this section, associated expenses shall include—

"(A) the costs of mobilizing and employing the National Guard for performance of eligible work;

"(B) the costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging; and

"(C) base and overtime wages for the employees and extra hires of a State, local government, or person described in paragraph (1) that perform eligible work, plus fringe benefits on such wages to the extent that such benefits were being paid before the major disaster.

"(3) CONDITIONS FOR ASSISTANCE TO PRIVATE NONPROFIT FACILITIES.—

"(A) IN GENERAL.—The President may make contributions to a private nonprofit facility under paragraph (1)(B) only if—

"(i) the facility provides critical services (as defined by the President) in the event of a major disaster; or

"(ii) the owner or operator of the facility—

"(I) has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

"(II)(aa) has been determined to be ineligible for such a loan; or

"(bb) has obtained such a loan in the maximum amount for which the Small Business Administration determines the facility is eligible.

"(B) DEFINITION OF CRITICAL SERVICES.—In this paragraph, the term 'critical services' includes power, water (including water provided by an irrigation organization or facility), sewer, wastewater treatment, communications, and emergency medical care.

"(4) NOTIFICATION TO CONGRESS.—Before making any contribution under this section in an amount greater than $20,000,000, the President shall notify—

"(A) the Committee on Environment and Public Works of the Senate;

"(B) the Committee on Transportation and Infrastructure of the House of Representatives;

"(C) the Committee on Appropriations of the Senate; and

"(D) the Committee on Appropriations of the House of Representatives.".

(b) FEDERAL SHARE.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (b) and inserting the following:

"(b) FEDERAL SHARE.—

"(1) MINIMUM FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

"(2) REDUCED FEDERAL SHARE.—The President shall promulgate regulations to reduce the Federal share of assistance under this section to not less than 25 percent in the case of the repair, restoration, reconstruction, or replacement of any eligible public facility or private nonprofit facility following an event associated with a major disaster—

"(A) that has been damaged, on more than one occasion within the preceding 10-year period, by the same type of event; and

"(B) the owner of which has failed to implement appropriate mitigation measures to address the hazard that caused the damage to the facility.".

(c) LARGE IN-LIEU CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (c) and inserting the following:

"(c) LARGE IN-LIEU CONTRIBUTIONS.—

"(1) FOR PUBLIC FACILITIES.—

"(A) IN GENERAL.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

"(B) AREAS WITH UNSTABLE SOIL.—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government because soil instability in the disaster area makes repair, restoration, reconstruction, or replacement infeasible, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 90 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

"(C) USE OF FUNDS.—Funds contributed to a State or local government under this paragraph may be used—

"(i) to repair, restore, or expand other selected public facilities;

"(ii) to construct new facilities; or

"(iii) to fund hazard mitigation measures that the State or local government determines to be *necessary to meet a need for governmental services and functions in the area affected by the major disaster.*

“(D) Limitations.—Funds made available to a State or local government under this paragraph may not be used for—

“(i) any public facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

“(ii) any uninsured public facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

“(2) For private nonprofit facilities.—

“(A) In general.—In any case in which a person that owns or operates a private nonprofit facility determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing the facility, the person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

“(B) Use of funds.—Funds contributed to a person under this paragraph may be used—

“(i) to repair, restore, or expand other selected private nonprofit facilities owned or operated by the person;

“(ii) to construct new private nonprofit facilities to be owned or operated by the person; or

“(iii) to fund hazard mitigation measures that the person determines to be necessary to meet a need for the person's services and functions in the area affected by the major disaster.

“(C) Limitations.—Funds made available to a person under this paragraph may not be used for—

“(i) any private nonprofit facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

“(ii) any uninsured private nonprofit facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).”.

(d) Eligible Cost.—

(1) In general.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (e) and inserting the following:

“(e) Eligible Cost.—

“(1) Determination.—

“(A) In general.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

“(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

“(ii) in conformity with codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) applicable at the time at which the disaster occurred.

“(B) Cost estimation procedures.—

“(i) In general.—Subject to paragraph (2), the President shall use the cost estimation procedures established under paragraph (3) to determine the eligible cost under this subsection.

“(ii) Applicability.—The procedures specified in this paragraph and paragraph (2) shall apply only to projects the eligible cost of which is equal to or greater than the amount specified in section 422.

“(2) Modification of eligible cost.—

“(A) Actual cost greater than ceiling percentage of estimated cost.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is greater than the ceiling percentage established under paragraph (3) of the cost estimated under paragraph (1), the President may determine that the eligible cost includes a portion of the actual cost of the repair, restoration, reconstruction, or replacement that exceeds the cost estimated under paragraph (1).

“(B) Actual cost less than estimated cost.—

“(i) Greater than or equal to floor percentage of estimated cost.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent of the cost estimated under paragraph (1), but is greater than or equal to the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving funds under this section shall use the excess funds to carry out cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster.

“(ii) Less than floor percentage of estimated cost.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving assistance under this section shall reimburse the President in the amount of the difference.

“(C) No effect on appeals process.—Nothing in this paragraph affects any right of appeal under section 423.

“(3) Expert panel.—

“(A) Establishment.—Not later than 18 months after the date of the enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry and State and local government.

“(B) Duties.—The expert panel shall develop recommendations concerning—

“(i) procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices; and

“(ii) the ceiling and floor percentages referred to in paragraph (2).

“(C) Regulations.—Taking into account the recommendations of the expert panel under subparagraph (B), the President shall promulgate regulations that establish—

“(i) cost estimation procedures described in subparagraph (B)(i); and

“(ii) the ceiling and floor percentages referred to in paragraph (2).

“(D) Review by President.—Not later than 2 years after the date of promulgation of regulations under subparagraph (C) and periodically thereafter, the President shall review the cost estimation procedures and the ceiling and floor percentages established under this paragraph.

“(E) Report to Congress.—Not later than 1 year after the date of promulgation of regulations under subparagraph (C), 3 years after that date, and at the end of each 2-year period thereafter, the expert panel shall submit to Congress a report on the appropriateness of the cost estimation procedures.

“(4) Special rule.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner's responsibility and not the contractor's responsibility.”.

(2) Effective date.—The amendment made by paragraph (1) takes effect on the date of the enactment of this Act and applies to funds appropriated after the date of the enactment of this Act, except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1)) takes effect on the date on which the cost estimation procedures established under paragraph (3) of that section take effect.

(e) Conforming Amendment.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (f).

SEC. 206. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

(a) In General.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended to read as follows:

“SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

“(a) In General.—

“(1) Provision of assistance.—In accordance with this section, the President, in consultation with the Governor of a State, may provide financial assistance, and, if necessary, direct services, to individuals and households in the State who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to meet such expenses or needs through other means.

“(2) Relationship to other assistance.—Under paragraph (1), an individual or household shall not be denied assistance under paragraph (1), (3), or (4) of subsection (c) solely on the basis that the individual or household has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

“(b) Housing Assistance.—

“(1) Eligibility.—The President may provide financial or other assistance under this section to individuals and households to respond to the disaster-related housing needs of individuals and households who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

“(2) Determination of appropriate types of assistance.—

“(A) In general.—The President shall determine appropriate types of housing assistance to be provided under this section to individuals and households described in subsection (a)(1) based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors as the President may consider appropriate.

“(B) Multiple types of assistance.—One or more types of housing assistance may be made available under this section, based on the suitability and availability of the types of assistance, to meet the needs of individuals and households in the particular disaster situation.

“(c) Types of Housing Assistance.—

“(1) Temporary housing.—

“(A) Financial assistance.—

“(i) In general.—The President may provide financial assistance to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

“(ii) Amount.—The amount of assistance under clause (i) shall be based on the fair market rent for the accommodation provided plus the cost of any transportation, utility hookups, or unit installation not provided directly by the President.

“(B) Direct assistance.—

“(i) In general.—The President may provide temporary housing units, acquired by purchase or lease, directly to individuals or households

who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

"(ii) PERIOD OF ASSISTANCE.—The President may not provide direct assistance under clause (i) with respect to a major disaster after the end of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.

"(iii) COLLECTION OF RENTAL CHARGES.—After the end of the 18-month period referred to in clause (ii), the President may charge fair market rent for each temporary housing unit provided.

"(2) REPAIRS.—

"(A) IN GENERAL.—The President may provide financial assistance for—

"(i) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster to a safe and sanitary living or functioning condition; and

"(ii) eligible hazard mitigation measures that reduce the likelihood of future damage to such residences, utilities, or infrastructure.

"(B) RELATIONSHIP TO OTHER ASSISTANCE.—A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.

"(C) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(3) REPLACEMENT.—

"(A) IN GENERAL.—The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster.

"(B) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed $10,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(C) APPLICABILITY OF FLOOD INSURANCE REQUIREMENT.—With respect to assistance provided under this paragraph, the President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition of the receipt of Federal disaster assistance.

"(4) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance to individuals or households to construct permanent housing in insular areas outside the continental United States and in other remote locations in cases in which—

"(A) no alternative housing resources are available; and

"(B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost-effective.

"(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

"(1) SITES.—

"(A) IN GENERAL.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

"(i) is complete with utilities; and

"(ii) is provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

"(B) SITES PROVIDED BY THE PRESIDENT.—A readily fabricated dwelling may be located on a site provided by the President if the President determines that such a site would be more economical or accessible.

"(2) DISPOSAL OF UNITS.—

"(A) SALE TO OCCUPANTS.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household lacks permanent housing.

"(ii) SALE PRICE.—A sale of a temporary housing unit under clause (i) shall be at a price that is fair and equitable.

"(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited in the appropriate Disaster Relief Fund account.

"(iv) HAZARD AND FLOOD INSURANCE.—A sale of a temporary housing unit under clause (i) shall be made on the condition that the individual or household purchasing the housing unit agrees to obtain and maintain hazard and flood insurance on the housing unit.

"(v) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

"(B) OTHER METHODS OF DISPOSAL.—If not disposed of under subparagraph (A), a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims—

"(i) may be sold to any person; or

"(ii) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees—

"(I) to comply with the nondiscrimination provisions of section 308; and

"(II) to obtain and maintain hazard and flood insurance on the housing unit.

"(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

"(1) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household in the State who is adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

"(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

"(f) STATE ROLE.—

"(1) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

"(A) GRANT TO STATE.—Subject to subsection (g), a Governor may request a grant from the President to provide financial assistance to individuals and households in the State under subsection (e).

"(B) ADMINISTRATIVE COSTS.—A State that receives a grant under subparagraph (A) may expend not more than 5 percent of the amount of the grant for the administrative costs of providing financial assistance to individuals and households in the State under subsection (e).

"(2) ACCESS TO RECORDS.—In providing assistance to individuals and households under this section, the President shall provide for the substantial and ongoing involvement of the States in which the individuals and households are located, including by providing to the States access to the electronic records of individuals and households receiving assistance under this section in order for the States to make available any additional State and local assistance to the individuals and households.

"(g) COST SHARING.—

"(1) FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of the costs eligible to be paid using assistance provided under this section shall be 100 percent.

"(2) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—In the case of financial assistance provided under subsection (e)—

"(A) the Federal share shall be 75 percent; and

"(B) the non-Federal share shall be paid from funds made available by the State.

"(h) MAXIMUM AMOUNT OF ASSISTANCE.—

"(1) IN GENERAL.—No individual or household shall receive financial assistance greater than $25,000 under this section with respect to a single major disaster.

"(2) ADJUSTMENT OF LIMIT.—The limit established under paragraph (1) shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(i) RULES AND REGULATIONS.—The President shall prescribe rules and regulations to carry out this section, including criteria, standards, and procedures for determining eligibility for assistance.".

(b) CONFORMING AMENDMENT.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is amended by striking "temporary housing".

(c) ELIMINATION OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.—Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section take effect 18 months after the date of the enactment of this Act.

SEC. 207. COMMUNITY DISASTER LOANS.

Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) is amended—

(1) by striking "(a) The President" and inserting the following:

"(a) IN GENERAL.—The President";

(2) by striking "The amount" and inserting the following:

"(b) AMOUNT.—The amount";

(3) by striking "Repayment" and inserting the following:

"(c) REPAYMENT.—

"(1) CANCELLATION.—Repayment";

(4) by striking "(b) Any loans" and inserting the following:

"(d) EFFECT ON OTHER ASSISTANCE.—Any loans";

(5) in subsection (b) (as designated by paragraph (2))—

(A) by striking "and shall" and inserting "shall"; and

(B) by inserting before the period at the end the following: ", and shall not exceed $5,000,000"; and

(6) in subsection (c) (as designated by paragraph (3)), by adding at the end the following:

"(2) CONDITION ON CONTINUING ELIGIBILITY.—A local government shall not be eligible for further assistance under this section during any period in which the local government is in arrears with respect to a required repayment of a loan under this section.".

SEC. 208. REPORT ON STATE MANAGEMENT OF SMALL DISASTERS INITIATIVE.

Not later than 3 years after the date of the enactment of this Act, the President shall submit to Congress a report describing the results of the State Management of Small Disasters Initiative, including—

(1) identification of any administrative or financial benefits of the initiative; and

(2) recommendations concerning the conditions, if any, under which States should be allowed the option to administer parts of the assistance program under section 406 of the Robert

T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

SEC. 209. STUDY REGARDING COST REDUCTION.

Not later than 3 years after the date of the enactment of this Act, the Director of the Congressional Budget Office shall complete a study estimating the reduction in Federal disaster assistance that has resulted and is likely to result from the enactment of this Act.

TITLE III—MISCELLANEOUS

SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.

The first section of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 note) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Robert T. Stafford Disaster Relief and Emergency Assistance Act'.".

SEC. 302. DEFINITIONS.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) in each of paragraphs (3) and (4), by striking "the Northern" and all that follows through "Pacific Islands" and inserting "and the Commonwealth of the Northern Mariana Islands";

(2) by striking paragraph (6) and inserting the following:

"(6) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

"(B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and

"(C) a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State."; and

(3) in paragraph (9), by inserting "irrigation," after "utility,".

SEC. 303. FIRE MANAGEMENT ASSISTANCE.

(a) IN GENERAL.—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) is amended to read as follows:

"SEC. 420. FIRE MANAGEMENT ASSISTANCE.

"(a) IN GENERAL.—The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

"(b) COORDINATION WITH STATE AND TRIBAL DEPARTMENTS OF FORESTRY.—In providing assistance under this section, the President shall coordinate with State and tribal departments of forestry.

"(c) ESSENTIAL ASSISTANCE.—In providing assistance under this section, the President may use the authority provided under section 403.

"(d) RULES AND REGULATIONS.—The President shall prescribe such rules and regulations as are necessary to carry out this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect 1 year after the date of the enactment of this Act.

SEC. 304. PRESIDENT'S COUNCIL ON DOMESTIC TERRORISM PREPAREDNESS.

Title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.) is amended by adding at the end the following:

"Subtitle C—President's Council on Domestic Terrorism Preparedness

"SEC. 651. ESTABLISHMENT OF COUNCIL.

"(a) IN GENERAL.—There is established a council to be known as the President's Council on Domestic Terrorism Preparedness (in this subtitle referred to as the 'Council').

"(b) MEMBERSHIP.—The Council shall be composed of the following members:

"(1) The President.

"(2) The Director of the Federal Emergency Management Agency.

"(3) The Attorney General.

"(4) The Secretary of Defense.

"(5) The Director of the Office of Management and Budget.

"(6) The Assistant to the President for National Security Affairs.

"(7) Any additional members appointed by the President.

"(c) CHAIRMAN.—

"(1) IN GENERAL.—The President shall serve as the chairman of the Council.

"(2) EXECUTIVE CHAIRMAN.—The President may appoint an Executive Chairman of the Council (in this subtitle referred to as the 'Executive Chairman'). The Executive Chairman shall represent the President as chairman of the Council, including in communications with Congress and State Governors.

"(3) SENATE CONFIRMATION.—An individual selected to be the Executive Chairman under paragraph (2) shall be appointed by and with the advice and consent of the Senate, except that Senate confirmation shall not be required if, on the date of appointment, the individual holds a position for which Senate confirmation was required.

"(d) FIRST MEETING.—The first meeting of the Council shall be held not later than 90 days after the date of the enactment of this Act.

"SEC. 652. DUTIES OF COUNCIL.

"The Council shall carry out the following duties:

"(1) Establish the policies, objectives, and priorities of the Federal Government for enhancing the capabilities of State and local emergency preparedness and response personnel in early detection and warning of and response to all domestic terrorist attacks, including attacks involving weapons of mass destruction.

"(2) Publish a Domestic Terrorism Preparedness Plan and an annual strategy for carrying out the plan in accordance with section 653, including the end state of preparedness for emergency responders established under section 653(b)(1)(D).

"(3) To the extent practicable, rely on existing resources (including planning documents, equipment lists, and program inventories) in the execution of its duties.

"(4) Consult with and utilize existing interagency boards and committees, existing governmental entities, and non-governmental organizations in the execution of its duties.

"(5) Ensure that a biennial review of the terrorist attack preparedness programs of State and local governmental entities is conducted and provide recommendations to the entities based on the reviews.

"(6) Provide for the creation of a State and local advisory group for the Council, to be composed of individuals involved in State and local emergency preparedness and response to terrorist attacks.

"(7) Provide for the establishment by the Council's State and local advisory group of voluntary guidelines for the terrorist attack preparedness programs of State and local governmental entities in accordance with section 655.

"(8) Designate a Federal entity to consult with, and serve as a contact for, State and local governmental entities implementing terrorist attack preparedness programs.

"(9) Coordinate and oversee the implementation by Federal departments and agencies of the policies, objectives, and priorities established under paragraph (1) and the fulfillment of the responsibilities of such departments and agencies under the Domestic Terrorism Preparedness Plan.

"(10) Make recommendations to the heads of appropriate Federal departments and agencies regarding—

"(A) changes in the organization, management, and resource allocations of the departments and agencies; and

"(B) the allocation of personnel to and within the departments and agencies,

to implement the Domestic Terrorism Preparedness Plan.

"(11) Assess all Federal terrorism preparedness programs and ensure that each program complies with the Domestic Terrorism Preparedness Plan.

"(12) Identify duplication, fragmentation, and overlap within Federal terrorism preparedness programs and eliminate such duplication, fragmentation and overlap.

"(13) Evaluate Federal emergency response assets and make recommendations regarding the organization, need, and geographic location of such assets.

"(14) Establish general policies regarding financial assistance to States based on potential risk and threat, response capabilities, and ability to achieve the end state of preparedness for emergency responders established under section 653(b)(1)(D).

"(15) Notify a Federal department or agency in writing if the Council finds that its policies are not in compliance with its responsibilities under the Domestic Terrorism Preparedness Plan.

"SEC. 653. DOMESTIC TERRORISM PREPAREDNESS PLAN AND ANNUAL STRATEGY.

"(a) DEVELOPMENT OF PLAN.—Not later than 180 days after the date of the first meeting of the Council, the Council shall develop a Domestic Terrorism Preparedness Plan and transmit a copy of the plan to Congress.

"(b) CONTENTS.—

"(1) IN GENERAL.—The Domestic Terrorism Preparedness Plan shall include the following:

"(A) A statement of the policies, objectives, and priorities established by the Council under section 652(1).

"(B) A plan for implementing such policies, objectives, and priorities that is based on a threat, risk, and capability assessment and includes measurable objectives to be achieved in each of the following 5 years for enhancing domestic preparedness against a terrorist attack.

"(C) A description of the specific role of each Federal department and agency, and the roles of State and local governmental entities, under the plan developed under subparagraph (B).

"(D) A definition of an end state of preparedness for emergency responders that sets forth measurable, minimum standards of acceptability for preparedness.

"(2) EVALUATION OF FEDERAL RESPONSE TEAMS.—In preparing the description under paragraph (1)(C), the Council shall evaluate each Federal response team and the assistance that the team offers to State and local emergency personnel when responding to a terrorist attack. The evaluation shall include an assessment of how the Federal response team will assist State and local emergency personnel after the personnel has achieved the end state of preparedness for emergency responders established under paragraph (1)(D).

"(c) ANNUAL STRATEGY.—

"(1) IN GENERAL.—The Council shall develop and transmit to Congress, on the date of transmittal of the Domestic Terrorism Preparedness Plan and, in each of the succeeding 4 fiscal

years, on the date that the President submits an annual budget to Congress in accordance with section 1105(a) of title 31, United States Code, an annual strategy for carrying out the Domestic Terrorism Preparedness Plan in the fiscal year following the fiscal year in which the strategy is submitted.

"(2) CONTENTS.—The annual strategy for a fiscal year shall include the following:

"(A) An inventory of Federal training and exercise programs, response teams, grant programs, and other programs and activities related to domestic preparedness against a terrorist attack conducted in the preceding fiscal year and a determination as to whether any of such programs or activities may be duplicative. The inventory shall consist of a complete description of each such program and activity, including the funding level and purpose of and goal to be achieved by the program or activity.

"(B) If the Council determines under subparagraph (A) that certain programs and activities are duplicative, a detailed plan for consolidating, eliminating, or modifying the programs and activities.

"(C) An inventory of Federal training and exercise programs, grant programs, response teams, and other programs and activities to be conducted in such fiscal year under the Domestic Terrorism Preparedness Plan and measurable objectives to be achieved in such fiscal year for enhancing domestic preparedness against a terrorist attack. The inventory shall provide for implementation of any plan developed under subparagraph (B), relating to duplicative programs and activities.

"(D) A complete assessment of how resource allocation recommendations developed under section 654(a) are intended to implement the annual strategy.

"(d) CONSULTATION.—

"(1) IN GENERAL.—In developing the Domestic Terrorism Preparedness Plan and each annual strategy for carrying out the plan, the Council shall consult with—

"(A) the head of each Federal department and agency that will have responsibilities under the Domestic Terrorism Preparedness Plan or annual strategy;

"(B) Congress;

"(C) State and local officials;

"(D) congressionally authorized panels; and

"(E) emergency preparedness organizations with memberships that include State and local emergency responders.

"(2) REPORTS.—As part of the Domestic Terrorism Preparedness Plan and each annual strategy for carrying out the plan, the Council shall include a written statement indicating the persons consulted under this subsection and the recommendations made by such persons.

"(e) TRANSMISSION OF CLASSIFIED INFORMATION.—Any part of the Domestic Terrorism Preparedness Plan or an annual strategy for carrying out the plan that involves information properly classified under criteria established by an Executive order shall be presented to Congress separately.

"(f) RISK OF TERRORIST ATTACKS AGAINST TRANSPORTATION FACILITIES.—

"(1) IN GENERAL.—In developing the plan and risk assessment under subsection (b), the Council shall designate an entity to assess the risk of terrorist attacks against transportation facilities, personnel, and passengers.

"(2) CONTENTS.—In developing the plan and risk assessment under subsection (b), the Council shall ensure that the following three tasks are accomplished:

"(A) An examination of the extent to which transportation facilities, personnel, and passengers have been the target of terrorist attacks and the extent to which such facilities, personnel, and passengers are vulnerable to such attacks.

"(B) An evaluation of Federal laws that can be used to combat terrorist attacks against transportation facilities, personnel, and passengers, and the extent to which such laws are enforced. The evaluation may also include a review of applicable State laws.

"(C) An evaluation of available technologies and practices to determine the best means of protecting transportation facilities, personnel, and passengers against terrorist attacks.

"(3) CONSULTATION.—In developing the plan and risk assessment under subsection (b), the Council shall consult with the Secretary of Transportation, representatives of persons providing transportation, and representatives of employees of such persons.

"(g) MONITORING.—The Council, with the assistance of the Inspector General of the relevant Federal department or agency as needed, shall monitor the implementation of the Domestic Terrorism Preparedness Plan, including conducting program and performance audits and evaluations.

"SEC. 654. NATIONAL DOMESTIC PREPAREDNESS BUDGET.

"(a) RECOMMENDATIONS REGARDING RESOURCE ALLOCATIONS.—

"(1) TRANSMITTAL TO COUNCIL.—Each Federal Government program manager, agency head, and department head with responsibilities under the Domestic Terrorism Preparedness Plan shall transmit to the Council for each fiscal year recommended resource allocations for programs and activities relating to such responsibilities on or before the earlier of—

"(A) the 45th day before the date of the budget submission of the department or agency to the Director of the Office of Management and Budget for the fiscal year; or

"(B) August 15 of the fiscal year preceding the fiscal year for which the recommendations are being made.

"(2) TRANSMITTAL TO THE OFFICE OF MANAGEMENT AND BUDGET.—The Council shall develop for each fiscal year recommendations regarding resource allocations for each program and activity identified in the annual strategy completed under section 653 for the fiscal year. Such recommendations shall be submitted to the relevant departments and agencies and to the Director of the Office of Management and Budget. The Director of the Office of Management and Budget shall consider such recommendations in formulating the annual budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, and shall provide to the Council a written explanation in any case in which the Director does not accept such a recommendation.

"(3) RECORDS.—The Council shall maintain records regarding recommendations made and written explanations received under paragraph (2) and shall provide such records to Congress upon request. The Council may not fulfill such a request before the date of submission of the relevant annual budget of the President to Congress under section 1105(a) of title 31, United States Code.

"(4) NEW PROGRAMS OR REALLOCATION OF RESOURCES.—The head of a Federal department or agency shall consult with the Council before acting to enhance the capabilities of State and local emergency preparedness and response personnel with respect to terrorist attacks by—

"(A) establishing a new program or office; or

"(B) reallocating resources, including Federal response teams.

"SEC. 655. VOLUNTARY GUIDELINES FOR STATE AND LOCAL PROGRAMS.

"The Council shall provide for the establishment of voluntary guidelines for the terrorist attack preparedness programs of State and local governmental entities for the purpose of providing guidance in the development and implementation of such programs. The guidelines shall address equipment, exercises, and training and shall establish a desired threshold level of preparedness for State and local emergency responders.

"SEC. 656. POWERS OF COUNCIL.

"In carrying out this subtitle, the Council may—

"(1) direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency;

"(2) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

"(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable for GS–18 of the General Schedule under section 5332 of title 5, United States Code;

"(4) accept and use donations of property from Federal, State, and local government agencies;

"(5) use the mails in the same manner as any other department or agency of the executive branch; and

"(6) request the assistance of the Inspector General of a Federal department or agency in conducting audits and evaluations under section 653(g).

"SEC. 657. ROLE OF COUNCIL IN NATIONAL SECURITY COUNCIL EFFORTS.

"The Council may, in the Council's role as principal adviser to the National Security Council on Federal efforts to assist State and local governmental entities in domestic terrorist attack preparedness matters, and subject to the direction of the President, attend and participate in meetings of the National Security Council. The Council may, subject to the direction of the President, participate in the National Security Council's working group structure.

"SEC. 658. EXECUTIVE DIRECTOR AND STAFF OF COUNCIL.

"(a) EXECUTIVE DIRECTOR.—The Council shall have an Executive Director who shall be appointed by the President.

"(b) STAFF.—The Executive Director may appoint such personnel as the Executive Director considers appropriate. Such personnel shall be assigned to the Council on a full-time basis and shall report to the Executive Director.

"(c) ADMINISTRATIVE SUPPORT SERVICES.—The Executive Office of the President shall provide to the Council, on a reimbursable basis, such administrative support services, including office space, as the Council may request.

"SEC. 659. COORDINATION WITH EXECUTIVE BRANCH DEPARTMENTS AND AGENCIES.

"(a) REQUESTS FOR ASSISTANCE.—The head of each Federal department and agency with responsibilities under the Domestic Terrorism Preparedness Plan shall cooperate with the Council and, subject to laws governing disclosure of information, provide such assistance, information, and advice as the Council may request.

"(b) CERTIFICATION OF POLICY CHANGES BY COUNCIL.—

"(1) IN GENERAL.—The head of each Federal department and agency with responsibilities under the Domestic Terrorism Preparedness Plan shall, unless exigent circumstances require otherwise, notify the Council in writing regarding any proposed change in policies relating to the activities of such department or agency under the Domestic Terrorism Preparedness Plan prior to implementation of such change. The Council shall promptly review such proposed change and certify to the department or

agency head in writing whether such change is consistent with the Domestic Terrorism Preparedness Plan.

"(2) NOTICE IN EXIGENT CIRCUMSTANCES.—If prior notice of a proposed change under paragraph (1) is not possible, the department or agency head shall notify the Council as soon as practicable. The Council shall review such change and certify to the department or agency head in writing whether such change is consistent with the Domestic Terrorism Preparedness Plan.

"SEC. 660. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subtitle $9,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005. Such sums shall remain available until expended.".

SEC. 305. DISASTER GRANT CLOSEOUT PROCEDURES.

Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following:

"SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.

"(a) STATUTE OF LIMITATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no administrative action to recover any payment made to a State or local government for disaster or emergency assistance under this Act shall be initiated in any forum after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency.

"(2) FRAUD EXCEPTION.—The limitation under paragraph (1) shall apply unless there is evidence of civil or criminal fraud.

"(b) REBUTTAL OF PRESUMPTION OF RECORD MAINTENANCE.—

"(1) IN GENERAL.—In any dispute arising under this section after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency, there shall be a presumption that accounting records were maintained that adequately identify the source and application of funds provided for financially assisted activities.

"(2) AFFIRMATIVE EVIDENCE.—The presumption described in paragraph (1) may be rebutted only on production of affirmative evidence that the State or local government did not maintain documentation described in that paragraph.

"(3) INABILITY TO PRODUCE DOCUMENTATION.—The inability of the Federal, State, or local government to produce source documentation supporting expenditure reports later than 3 years after the date of transmission of the final expenditure report shall not constitute evidence to rebut the presumption described in paragraph (1).

"(4) RIGHT OF ACCESS.—The period during which the Federal, State, or local government has the right to access source documentation shall not be limited to the required 3-year retention period referred to in paragraph (3), but shall last as long as the records are maintained.

"(c) BINDING NATURE OF GRANT REQUIREMENTS.—A State or local government shall not be liable for reimbursement or any other penalty for any payment made under this Act if—

"(1) the payment was authorized by an approved agreement specifying the costs;

"(2) the costs were reasonable; and

"(3) the purpose of the grant was accomplished.".

SEC. 306. PUBLIC SAFETY OFFICER BENEFITS FOR CERTAIN FEDERAL AND STATE EMPLOYEES.

(a) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended by striking paragraph (7) and inserting the following:

"(7) 'public safety officer' means—

"(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew;

"(B) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

"(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

"(ii) are determined by the Director of the Federal Emergency Management Agency to be hazardous duties; or

"(C) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

"(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

"(ii) are determined by the head of the agency to be hazardous duties.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies only to employees described in subparagraphs (B) and (C) of section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of the enactment of this Act.

SEC. 307. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized to be appropriated under this Act or any amendment made by this Act may be expended by an entity unless the entity, in expending the funds, complies with the Buy American Act (41 U.S.C. 10a et seq.).

(b) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—

(1) IN GENERAL.—If the Director of the Federal Emergency Management Agency determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Director shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) DEFINITION OF DEBAR.—In this subsection, the term "debar" has the meaning given the term in section 2393(c) of title 10, United States Code.

SEC. 308. TREATMENT OF CERTAIN REAL PROPERTY.

(a) IN GENERAL.—Notwithstanding the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.), or any other provision of law, or any flood risk zone identified, delineated, or established under any such law (by flood insurance rate map or otherwise), the real property described in subsection (b) shall not be considered to be, or to have been, located in any area having special flood hazards (including any floodway or floodplain).

(b) REAL PROPERTY.—The real property described in this subsection is all land and improvements on the land located in the Maple Terrace Subdivisions in the city of Sycamore, DeKalb County, Illinois, including—

(1) Maple Terrace Phase I;

(2) Maple Terrace Phase II;

(3) Maple Terrace Phase III Unit 1;

(4) Maple Terrace Phase III Unit 2;

(5) Maple Terrace Phase III Unit 3;

(6) Maple Terrace Phase IV Unit 1;

(7) Maple Terrace Phase IV Unit 2; and

(8) Maple Terrace Phase IV Unit 3.

(c) REVISION OF FLOOD INSURANCE RATE LOT MAPS.—As soon as practicable after the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the appropriate flood insurance rate lot maps of the agency to reflect the treatment under subsection (a) of the real property described in subsection (b).

SEC. 309. STUDY OF PARTICIPATION BY INDIAN TRIBES IN EMERGENCY MANAGEMENT.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) STUDY.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall conduct a study of participation by Indian tribes in emergency management.

(2) REQUIRED ELEMENTS.—The study shall—

(A) survey participation by Indian tribes in training, predisaster and postdisaster mitigation, disaster preparedness, and disaster recovery programs at the Federal and State levels; and

(B) review and assess the capacity of Indian tribes to participate in cost-shared emergency management programs and to participate in the management of the programs.

(3) CONSULTATION.—In conducting the study, the Director shall consult with Indian tribes.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit a report on the study under subsection (b) to—

(1) the Committee on Environment and Public Works of the Senate;

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Appropriations of the House of Representatives.

Mr. MACK. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House with a further amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment (No. 4299) is printed in today's RECORD under "Amendments Submitted.")

Mr. SMITH of New Hampshire. Mr. President, I rise in support of H.R. 707, the Disaster Mitigation Act of 2000, and urge its passage by the full Senate. This legislation represents compromise language negotiated with the House of Representatives, but, is, substantively, very similar to the bill passed by the Senate in July of this year. This bill will ensure that FEMA not only remains responsive to local communities after a disaster, but also makes disaster preparedness and mitigation a priority. Further, I am proud that this bill will also result in both short and long term savings to the American taxpayer while, at the same time, providing the states and local communities with added resources for future mitigation efforts. Through added efficiencies this bill saves billions in the long run.

I would like to take this opportunity to thank a number of staff members who have worked so hard on this bill. In particular, I would like to recognize Marty Hall from my committee staff; Jo-Ellen Darcy, committee staff for Senator BAUCUS; Andy Wheeler and Mike Murray from Senator INHOFE'S staff; and Jason McNamara from Senator GRAHAM'S staff.

EMERGENCY HOME REPAIR ASSISTANCE

Mr. GRAHAM. The bill includes a provision that caps emergency home repair assistance for individuals and households at $5,000. Could the Chairman elaborate on this provision to describe what additional assistance might be available to individuals and households should their emergency home repair costs exceed $5,000?

Mr. SMITH. I would be happy to elaborate on the provision. The bill caps "non-means-tested" emergency home repair assistance at $5,000. In other words, as long as insurance proceeds were not available, an individual or household would be eligible for up to $5,000 of emergency home repair assistance before he/she was required to seek additional assistance from other sources, such as the SBA Disaster Loan Program. If that individual or household was not able to obtain an SBA loan, then he/she could be eligible for additional emergency home repair assistance, as long as the total amount of FEMA assistance to this individual or household does not exceed $25,000.

Mr. GRAHAM. Is it correct, then, that if an individual or household was unable to obtain a loan from SBA, or assistance from another source, then they could be eligible to receive additional emergency home repair assistance, based upon the regulations that FEMA promulgates for this section, and as long as the total FEMA assistance received by that individual or household does not exceed $25,000?

Mr. SMITH. The Senator is correct.

Mr. GRAHAM. I thank the Chairman for the clarification.

RESTORATION OF ESTUARY HABITAT

Mr. MACK. Mr. President, I ask that the Chair lay before the Senate a message from the House to accompany S. 835, "An Act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes."

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 835) entitled "An Act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Clean Waters and Bays Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ESTUARY RESTORATION

Sec. 101. Short title.
Sec. 102. Purposes.
Sec. 103. Definitions.
Sec. 104. Estuary habitat restoration program.
Sec. 105. Establishment of Estuary Habitat Restoration Council.
Sec. 106. Advisory board.
Sec. 107. Estuary habitat restoration strategy.
Sec. 108. Monitoring of estuary habitat restoration projects.
Sec. 109. Reporting.
Sec. 110. Funding.
Sec. 111. General provisions.

TITLE II—CHESAPEAKE BAY RESTORATION

Sec. 201. Short title.
Sec. 202. Findings and purposes.
Sec. 203. Chesapeake Bay.
Sec. 204. Sense of the Congress; requirement regarding notice.

TITLE III—NATIONAL ESTUARY PROGRAM.

Sec. 301. Additions to national estuary program.
Sec. 302. Grants.
Sec. 303. Authorization of appropriations.

TITLE IV—FLORIDA KEYS WATER QUALITY

Sec. 401. Short title.
Sec. 402. Florida Keys water quality improvements.
Sec. 403. Sense of the Congress; requirement regarding notice.

TITLE V—LONG ISLAND SOUND RESTORATION

Sec. 501. Short title.
Sec. 502. Nitrogen credit trading system and other measures.
Sec. 503. Assistance for distressed communities.
Sec. 504. Reauthorization of appropriations.

TITLE VI—LAKE PONTCHARTRAIN BASIN RESTORATION

Sec. 601. Short title.
Sec. 602. National estuary program.
Sec. 603. Lake Pontchartrain Basin.
Sec. 604. Sense of the Congress.

TITLE VII—ALTERNATIVE WATER SOURCES

Sec. 701. Short title.
Sec. 702. Grants for alternative water source projects.
Sec. 703. Sense of the Congress; requirement regarding notice.

TITLE VIII—CLEAN LAKES

Sec. 801. Grants to States.
Sec. 802. Demonstration program.
Sec. 803. Sense of the Congress; requirement regarding notice.

TITLE IX—MISSISSIPPI SOUND RESTORATION

Sec. 901. Short title.
Sec. 902. National estuary program.
Sec. 903. Mississippi Sound.
Sec. 904. Sense of the Congress.

TITLE X—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP

Sec. 1001. Short title.
Sec. 1002. Purpose.
Sec. 1003. Definitions.
Sec. 1004. Actions to be taken by the Commission and the Administrator.
Sec. 1005. Negotiation of new treaty minute.
Sec. 1006. Authorization of appropriations.

TITLE I—ESTUARY RESTORATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Estuary Restoration Act of 2000".

SEC. 102. PURPOSES.

The purposes of this title are—

(1) to promote the restoration of estuary habitat;

(2) to develop a national estuary habitat restoration strategy for creating and maintaining effective estuary habitat restoration partnerships among public agencies at all levels of government and to establish new partnerships between the public and private sectors;

(3) to provide Federal assistance for estuary habitat restoration projects and to promote efficient financing of such projects; and

(4) to develop and enhance monitoring and research capabilities to ensure that estuary habitat restoration efforts are based on sound scientific understanding and to create a national database of estuary habitat restoration information.

SEC. 103. DEFINITIONS.

In this title, the following definitions apply:

(1) COUNCIL.—The term "Council" means the Estuary Habitat Restoration Council established by section 105.

(2) ESTUARY.—The term "estuary" means a part of a river or stream or other body of water that has an unimpaired connection with the open sea and where the sea water is measurably diluted with fresh water derived from land drainage. The term also includes near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries.

(3) ESTUARY HABITAT.—The term "estuary habitat" means the physical, biological, and chemical elements associated with an estuary, including the compler of physical and hydrologic features and living organisms within the estuary and associated ecosystems.

(4) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term "estuary habitat restoration activity" means an activity that results in improving degraded estuaries or estuary habitat or creating estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" includes—

(i) the reestablishment of chemical, physical, hydrologic, and biological features and components associated with an estuary;

(ii) except as provided in subparagraph (C), the cleanup of pollution for the benefit of estuary habitat;

(iii) the control of nonnative and invasive species in the estuary;

(iv) the reintroduction of species native to the estuary, including through such means as planting or promoting natural succession;

(v) the construction of reefs to promote fish and shellfish production and to provide estuary habitat for living resources; and

(vi) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" does not include an activity that—

(i) constitutes mitigation required under any Federal or State law for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) constitutes restoration for natural resource damages required under any Federal or State law.

(5) ESTUARY HABITAT RESTORATION PROJECT.—The term "estuary habitat restoration project"

means a project to carry out an estuary habitat restoration activity.

(6) ESTUARY HABITAT RESTORATION PLAN.—

(A) IN GENERAL.—The term "estuary habitat restoration plan" means any Federal or State plan for restoration of degraded estuary habitat that was developed with the substantial participation of appropriate public and private stakeholders.

(B) INCLUDED PLANS AND PROGRAMS.—The term "estuary habitat restoration plan" includes estuary habitat restoration components of—

(i) a comprehensive conservation and management plan approved under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(ii) a lakewide management plan or remedial action plan developed under section 118 of the Federal Water Pollution Control Act (33 U.S.C. 1268);

(iii) a management plan approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and

(iv) the interstate management plan developed pursuant to the Chesapeake Bay program under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).

(8) INDIAN TRIBE.—The term "Indian tribe" has the meaning given such term by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) NON-FEDERAL INTEREST.—The term "non-federal interest" means a State, a political subdivision of a State, an Indian tribe, a regional or interstate agency, or, as provided in section 104(g)(2), a nongovernmental organization.

(10) SECRETARY.—The term "Secretary" means the Secretary of the Army.

(11) STATE.—The term "State" means the States of Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Washington, and Wisconsin, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, American Samoa, and Guam.

SEC. 104. ESTUARY HABITAT RESTORATION PROGRAM.

(a) ESTABLISHMENT.—There is established an estuary habitat restoration program under which the Secretary may carry out estuary habitat restoration projects and provide technical assistance in accordance with the requirements of this title.

(b) ORIGIN OF PROJECTS.—A proposed estuary habitat restoration project shall originate from a non-Federal interest consistent with State or local laws.

(c) REQUIRED ELEMENTS OF PROJECT PROPOSALS.—To be eligible for the estuary habitat restoration program established under this title, each proposed estuary habitat restoration project must—

(1) address restoration needs identified in an estuary habitat restoration plan;

(2) be consistent with the estuary habitat restoration strategy developed under section 107;

(3) be technically feasible;

(4) include a monitoring plan that is consistent with standards for monitoring developed under section 108 to ensure that short-term and long-term restoration goals are achieved; and

(5) include satisfactory assurance from the non-Federal interests proposing the project that the non-Federal interests will have adequate personnel, funding, and authority to carry out and properly maintain the project.

(d) SELECTION OF PROJECTS.—

(1) IN GENERAL.—The Secretary, after considering the advice and recommendations of the Council, shall select estuary habitat restoration projects taking into account the following factors:

(A) The scientific merit of the project.

(B) Whether the project will encourage increased coordination and cooperation among Federal, State, and local government agencies.

(C) Whether the project fosters public-private partnerships and uses Federal resources to encourage increased private sector involvement, including consideration of the amount of private funds or in-kind contributions for an estuary habitat restoration activity.

(D) Whether the project is cost-effective.

(E) Whether the State in which the non-Federal interest is proposing the project has a dedicated source of funding to acquire or restore estuary habitat, natural areas, and open spaces for the benefit of estuary habitat restoration or protection.

(F) Other factors that the Secretary determines to be reasonable and necessary for consideration.

(2) PRIORITY.—In selecting estuary habitat restoration projects to be carried out under this title, the Secretary shall give priority consideration to a project if, in addition to meriting selection based on the factors under paragraph (1)—

(A) the project occurs within a watershed in which there is a program being carried out that addresses sources of pollution and other activities that otherwise would re-impair the restored habitat; or

(B) the project includes pilot testing or a demonstration of an innovative technology having the potential for improved cost-effectiveness in estuary habitat restoration.

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration project carried out under this title shall not exceed 65 percent of such cost.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project carried out under this title shall include lands, easements, rights-of-way, and relocations and may include services, or any other form of in-kind contribution determined by the Secretary to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the activity.

(f) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy to be developed under section 107, the Secretary may take interim actions to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration activity before the completion of the estuary habitat restoration strategy shall not exceed 25 percent of such cost.

(g) COOPERATION OF NON-FEDERAL INTERESTS.—

(1) IN GENERAL.—The Secretary shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which the non-Federal interest agrees to—

(A) provide all lands, easements, rights-of-way, and relocations and any other elements the Secretary determines appropriate under subsection (e)(2); and

(B) provide for maintenance and monitoring of the project to the extent the Secretary determines necessary.

(2) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this title, the Secretary, upon the recommendation of the Governor of the State in which the project is located and in consultation with appropriate officials of political subdivisions of such State, may allow a nongovernmental organization to serve as the non-Federal interest.

(h) DELEGATION OF PROJECT IMPLEMENTATION.—In carrying out this title, the Secretary may delegate project implementation to another Federal department or agency on a reimbursable basis if the Secretary, after considering the advice and recommendations of the Council, determines such delegation is appropriate.

SEC. 105. ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.

(a) COUNCIL.—There is established a council to be known as the "Estuary Habitat Restoration Council".

(b) DUTIES.—The Council shall be responsible for—

(1) soliciting, reviewing, and evaluating project proposals and making recommendations concerning such proposals based on the factors specified in section 104(d)(1), including recommendations as to a priority order for carrying out such projects and as to whether a project should be carried out by the Secretary or by another Federal department or agency under section 104(h);

(2) developing and transmitting to Congress a national strategy for restoration of estuary habitat;

(3) periodically reviewing the effectiveness of the national strategy in meeting the purposes of this title and, as necessary, updating the national strategy; and

(4) providing advice on the development of the database, monitoring standards, and report required under sections 108 and 109.

(c) MEMBERSHIP.—The Council shall be composed of the following members:

(1) The Secretary (or the Secretary's designee).

(2) The Under Secretary for Oceans and Atmosphere of the Department of Commerce (or the Under Secretary's designee).

(3) The Administrator of the Environmental Protection Agency (or the Administrator's designee).

(4) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (or such Secretary's designee).

(5) The Secretary of Agriculture (or such Secretary's designee).

(6) The head of any other Federal agency designated by the President to serve as an ex officio member of the Council.

(d) PROHIBITION OF COMPENSATION.—Members of the Council may not receive compensation for their service as members of the Council.

(e) CHAIRPERSON.—The chairperson shall be elected by the Council from among its members for a 3-year term, except that the first elected chairperson may serve a term of fewer than 3 years.

(f) CONVENING OF COUNCIL.—

(1) FIRST MEETING.—The Secretary shall convene the first meeting of the Council not later than 60 days after the date of the enactment of this Act for the purpose of electing a chairperson.

(2) ADDITIONAL MEETINGS.—The chairperson shall convene additional meetings of the Council as often as appropriate to ensure that this title is fully carried out, but not less often than annually.

(g) COUNCIL PROCEDURES.—The Council shall establish procedures for voting, the conduct of meetings, and other matters, as necessary.

(h) PUBLIC PARTICIPATION.—Meetings of the Council shall be open to the public. The Council shall provide notice to the public of such meetings.

SEC. 106. ADVISORY BOARD.

(a) IN GENERAL.—The Council shall establish an advisory board (in this section referred to as the "board").

(b) DUTIES.—The board shall provide advice and recommendations to the Council—

(1) on the strategy developed pursuant to section 107; and

(2) on the Council's consideration of proposed estuary habitat restoration projects and the Council's recommendations to the Secretary pursuant to section 105(b)(1), including advice on the scientific merit, technical merit, and feasibility of a project.

(c) MEMBERS.—The Council shall appoint members of the board representing diverse public and private interests. Members of the board shall be selected such that the board consists of—

(1) three members with recognized academic scientific expertise in estuary or estuary habitat restoration;

(2) three members representing State agencies with expertise in estuary or estuary habitat restoration;

(3) two members representing local or regional government agencies with expertise in estuary or estuary habitat restoration;

(4) two members representing nongovernmental organizations with expertise in estuary or estuary habitat restoration;

(5) two members representing fishing interests;

(6) two members representing estuary users other than fishing interests;

(7) two members representing agricultural interests; and

(8) two members representing Indian tribes.

(d) TERMS.—

(1) IN GENERAL.—Except as provided by subparagraph (B), members of the board shall be appointed for a term of 3 years.

(2) INITIAL MEMBERS.—As designated by the chairperson of the Council at the time of appointment, of the members first appointed—

(A) nine shall be appointed for a term of 1 year; and

(B) nine shall be appointed for a term of 2 years.

(e) VACANCIES.—Whenever a vacancy occurs among members of the board, the Council shall appoint an appropriate individual to fill that vacancy for the remainder of the applicable term.

(f) BOARD LEADERSHIP.—The board shall elect from among its members a chairperson of the board to represent the board in matters related to its duties under this title.

(g) COMPENSATION.—Members of the board shall not be considered to be employees of the United States and may not receive compensation for their service as members of the board, except that while engaged in the performance of their duties while away from their homes or regular place of business, members of the board may be allowed necessary travel expenses as authorized by section 5703 of title 5, United States Code.

(h) TECHNICAL SUPPORT.—Technical support may be provided to the board by regional and field staff of the Corps of Engineers, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service, and the Department of Agriculture. The Secretary shall coordinate the provision of such assistance.

(i) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the board, the Secretary may provide to the board the administrative support services necessary for the board to carry out its responsibilities under this title.

(j) FUNDING.—From amounts appropriated for that purpose under section 110, the Secretary shall provide funding for the board to carry out its duties under this title.

SEC. 107. ESTUARY HABITAT RESTORATION STRATEGY.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Council, in consultation with the advisory board established under section 106, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to maximize benefits derived from estuary habitat restoration projects and to foster the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(b) GOAL.—The goal of the strategy shall be the restoration of 1,000,000 acres of estuary habitat by the year 2010.

(c) INTEGRATION OF ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.—In developing the estuary habitat restoration strategy, the Council shall—

(1) conduct a review of estuary management or habitat restoration plans and Federal programs established under other laws that authorize funding for estuary habitat restoration activities; and

(2) ensure that the estuary habitat restoration strategy is developed in a manner that is consistent with the estuary management or habitat restoration plans.

(d) ELEMENTS OF THE STRATEGY.—The estuary habitat restoration strategy shall include proposals, methods, and guidance on—

(1) maximizing the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects and the use of Federal resources to encourage increased private sector involvement in estuary habitat restoration activities;

(2) ensuring that the estuary habitat restoration strategy will be implemented in a manner that is consistent with the estuary management or habitat restoration plans;

(3) promoting estuary habitat restoration projects to—

(A) provide healthy ecosystems in order to support—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed; and

(ii) fish and shellfish, including commercial and recreational fisheries;

(B) improve surface and ground water quality and quantity, and flood control;

(C) provide outdoor recreation and other direct and indirect values; and

(D) address other areas of concern that the Council determines to be appropriate for consideration;

(4) addressing the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat;

(5) measuring the rate of change for each type of estuary habitat;

(6) selecting a balance of smaller and larger estuary habitat restoration projects; and

(7) ensuring equitable geographic distribution of projects funded under this title.

(e) PUBLIC REVIEW AND COMMENT.—Before the Council adopts a final or revised estuary habitat restoration strategy, the Secretary shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(f) PERIODIC REVISION.—Using data and information developed through project monitoring and management, and other relevant information, the Council may periodically review and update, as necessary, the estuary habitat restoration strategy.

SEC. 108. MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) UNDER SECRETARY.—In this section, the term "Under Secretary" means the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

(b) DATABASE OF RESTORATION PROJECT INFORMATION.—The Under Secretary, in consultation with the Council, shall develop and maintain an appropriate database of information concerning estuary habitat restoration projects carried out under this title, including information on project techniques, project completion, monitoring data, and other relevant information.

(c) MONITORING DATA STANDARDS.—The Under Secretary, in consultation with the Council, shall develop standard data formats for monitoring projects, along with requirements for types of data collected and frequency of monitoring.

(d) COORDINATION OF DATA.—The Under Secretary shall compile information that pertains to estuary habitat restoration projects from other Federal, State, and local sources and that meets the quality control requirements and data standards established under this section.

(e) USE OF EXISTING PROGRAMS.—The Under Secretary shall use existing programs within the National Oceanic and Atmospheric Administration to create and maintain the database required under this section.

(f) PUBLIC AVAILABILITY.—The Under Secretary shall make the information collected and maintained under this section available to the public.

SEC. 109. REPORTING.

(a) IN GENERAL.—At the end of the third and fifth fiscal years following the date of the enactment of this Act, the Secretary, after considering the advice and recommendations of the Council, shall transmit to Congress a report on the results of activities carried out under this title.

(b) CONTENTS OF REPORT.—A report under subsection (a) shall include—

(1) data on the number of acres of estuary habitat restored under this title, including descriptions of, and partners involved with, projects selected, in progress, and completed under this title that comprise those acres;

(2) information from the database established under section 108(b) related to ongoing monitoring of projects to ensure that short-term and long-term restoration goals are achieved;

(3) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(4) a review of how the information described in paragraphs (1) through (3) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(5) a review of efforts made to maintain an appropriate database of restoration projects carried out under this title; and

(6) a review of the measures taken to provide the information described in paragraphs (1) through (3) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 110. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) ESTUARY HABITAT RESTORATION PROJECTS.—There is authorized to be appropriated to the Secretary for carrying out and providing technical assistance for estuary habitat restoration projects—

(A) $30,000,000 for fiscal year 2001;

(B) $35,000,000 for fiscal year 2002; and

(C) $45,000,000 for each of fiscal years 2003 through 2005.

Such amounts shall remain available until expended.

(2) MONITORING.—There is authorized to be appropriated to the Under Secretary for Oceans and Atmosphere of the Department of Commerce for the acquisition, maintenance, and management of monitoring data on restoration projects carried out under this title, $1,500,000 for each of fiscal years 2001 through 2005. Such amounts shall remain available until expended.

(b) SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF THE COUNCIL AND ADVISORY BOARD.—Not to exceed 3 percent of the amounts appropriated

for a fiscal year under subsection (a)(1) or $1,500,000, whichever is greater, may be used by the Secretary for administration and operation of the Council and the advisory board established under section 106.

SEC. 111. GENERAL PROVISIONS.

(a) AGENCY CONSULTATION AND COORDINATION.—In carrying out this title, the Secretary shall, as necessary, consult with, cooperate with, and coordinate its activities with the activities of other Federal departments and agencies.

(b) COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.—In carrying out this title, the Secretary may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

(c) FEDERAL AGENCY FACILITIES AND PERSONNEL.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this title, and may provide facilities and personnel, for the purpose of assisting the Council in carrying out its duties under this title.

(d) IDENTIFICATION AND MAPPING OF DREDGED MATERIAL DISPOSAL SITES.—In consultation with appropriate Federal and non-Federal public entities, the Secretary shall undertake, and update as warranted by changed conditions, surveys to identify and map sites appropriate for beneficial uses of dredged material for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in order to further the purposes of this title.

(e) STUDY OF BIOREMEDIATION TECHNOLOGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency, with the participation of the estuarine scientific community, shall begin a 2-year study on the efficacy of bioremediation products.

(2) REQUIREMENTS.—The study shall—

(A) evaluate and assess bioremediation technology—

(i) on low-level petroleum hydrocarbon contamination from recreational boat bilges;

(ii) on low-level petroleum hydrocarbon contamination from stormwater discharges;

(iii) on nonpoint petroleum hydrocarbon discharges; and

(iv) as a first response tool for petroleum hydrocarbon spills; and

(B) recommend management actions to optimize the return of a healthy and balanced ecosystem and make improvements in the quality and character of estuarine waters.

TITLE II—CHESAPEAKE BAY RESTORATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Chesapeake Bay Restoration Act of 2000".

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) over many years, the productivity and water quality of the Chesapeake Bay and its watershed were diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the Mayor of the District of Columbia, as Chesapeake Bay Agreement signatories, have committed to a comprehensive cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and

(5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

(b) PURPOSES.—The purposes of this title are—

(1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and

(2) to achieve the goals established in the Chesapeake Bay Agreement.

SEC. 203. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

"SEC. 117. CHESAPEAKE BAY.

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) ADMINISTRATIVE COST.—The term 'administrative cost' means the cost of salaries and fringe benefits incurred in administering a grant under this section.

"(2) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

"(3) CHESAPEAKE BAY ECOSYSTEM.—The term 'Chesapeake Bay ecosystem' means the ecosystem of the Chesapeake Bay and its watershed.

"(4) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

"(5) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

"(6) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

"(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

"(2) PROGRAM OFFICE.—

"(A) IN GENERAL.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

"(B) FUNCTION.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

"(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

"(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

"(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

"(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

"(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

"(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

"(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

"(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

"(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

"(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to achieve the goals and requirements contained in subsection (g)(1), subject to such terms and conditions as the Administrator considers appropriate.

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

"(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

"(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

"(4) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

"(e) IMPLEMENTATION AND MONITORING GRANTS.—

"(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator—

"(A) shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate; and

"(B) may make a grant to a signatory jurisdiction for the purpose of monitoring the Chesapeake Bay ecosystem.

"(2) PROPOSALS.—

"(A) IN GENERAL.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement.

"(B) CONTENTS.—A proposal under subparagraph (A) shall include—

"(i) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and its watershed or meeting applicable water quality standards or established goals and objectives under the Chesapeake Bay Agreement; and

"(ii) the estimated cost of the actions proposed to be taken during the fiscal year.

"(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for an award.

"(4) FEDERAL SHARE.—The Federal share of an implementation grant under this subsection shall not exceed 50 percent of the cost of implementing the management mechanisms during the fiscal year.

"(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

"(6) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

"(7) REPORTING.—On or before October 1 of each fiscal year, the Administrator shall make available to the public a document that lists and describes, in the greatest practicable degree of detail—

"(A) all projects and activities funded for the fiscal year;

"(B) the goals and objectives of projects funded for the previous fiscal year; and

"(C) the net benefits of projects funded for previous fiscal years.

"(f) FEDERAL FACILITIES AND BUDGET COORDINATION.—

"(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

"(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.

"(3) BUDGET COORDINATION.—

"(A) IN GENERAL.—As part of the annual budget submission of each Federal agency with projects or grants related to restoration, planning, monitoring, or scientific investigation of the Chesapeake Bay ecosystem, the head of the agency shall submit to the President a report that describes plans for the expenditure of the funds under this section.

"(B) DISCLOSURE TO THE COUNCIL.—The head of each agency referred to in subparagraph (A) shall disclose the report under that subparagraph with the Chesapeake Executive Council as appropriate.

"(g) CHESAPEAKE BAY PROGRAM.—

"(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve—

"(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and its watershed;

"(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

"(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

"(D) habitat restoration, protection, creation, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

"(E) the restoration, protection, creation, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

"(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

"(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

"(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to implement—

"(i) cooperative tributary basin strategies that address the water quality and living resource needs in the Chesapeake Bay ecosystem; and

"(ii) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Chesapeake Bay ecosystem.

"(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—Not later than April 22, 2000, and every 5 years thereafter, the Administrator, in coordination with the Chesapeake Executive Council, shall complete a study and submit to Congress a comprehensive report on the results of the study.

"(2) REQUIREMENTS.—The study and report shall—

"(A) assess the state of the Chesapeake Bay ecosystem;

"(B) compare the current state of the Chesapeake Bay ecosystem with its state in 1975, 1985, and 1995;

"(C) assess the effectiveness of management strategies being implemented on the date of the enactment of this section and the extent to which the priority needs are being met;

"(D) make recommendations for the improved management of the Chesapeake Bay Program either by strengthening strategies being implemented on the date of the enactment of this section or by adopting new strategies; and

"(E) be presented in such a format as to be readily transferable to and usable by other watershed restoration programs.

"(i) SPECIAL STUDY OF LIVING RESOURCE RESPONSE.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Administrator shall commence a 5-year special study with full participation of the scientific community of the Chesapeake Bay to establish and expand understanding of the response of the living resources of the Chesapeake Bay ecosystem to improvements in water quality that have resulted from investments made through the Chesapeake Bay Program.

"(2) REQUIREMENTS.—The study shall—

"(A) determine the current status and trends of living resources, including grasses, benthos, phytoplankton, zooplankton, fish, and shellfish;

"(B) establish to the extent practicable the rates of recovery of the living resources in response to improved water quality condition;

"(C) evaluate and assess interactions of species, with particular attention to the impact of changes within and among trophic levels; and

"(D) recommend management actions to optimize the return of a healthy and balanced ecosystem in response to improvements in the quality and character of the waters of the Chesapeake Bay.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2000 through 2005.".

SEC. 204. SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under section 117 of the Federal Water Pollution Control Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under section 117 of the Federal Water Pollution Control Act shall report any expenditures on foreign-made items to Congress within 180 days of the expenditure.

TITLE III—NATIONAL ESTUARY PROGRAM

SEC. 301. ADDITIONS TO NATIONAL ESTUARY PROGRAM.

Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by inserting "Lake Ponchartrain Basin, Louisiana and Mississippi; Mississippi Sound, Mississippi;" before "and Peconic Bay, New York.".

SEC. 302. GRANTS.

Section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) PURPOSES.—Grants under this subsection shall be made to pay for activities necessary for the development and implementation of a comprehensive conservation and management plan under this section.

"(3) FEDERAL SHARE.—The Federal share of a grant to any person (including a State, interstate, or regional agency or entity) under this subsection for a fiscal year—

"(A) shall not exceed—

"(i) 75 percent of the annual aggregate costs of the development of a comprehensive conservation and management plan; and

"(ii) 50 percent of the annual aggregate costs of the implementation of the plan; and

"(B) shall be made on condition that the non-Federal share of the costs are provided from non-Federal sources.".

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking "$12,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991" and inserting "$50,000,000 for each of fiscal years 2000 through 2004".

TITLE IV—FLORIDA KEYS WATER QUALITY

SEC. 401. SHORT TITLE.

This title may be cited as the "Florida Keys Water Quality Improvements Act of 2000".

SEC. 402. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

"SEC. 121. FLORIDA KEYS.

"(a) IN GENERAL.—Subject to the requirements of this section, the Administrator may make grants to the Florida Keys Aqueduct Authority, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County for the planning and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

"(b) CRITERIA FOR PROJECTS.—In applying for a grant for a project under subsection (a), an applicant shall demonstrate that—

"(1) the applicant has completed adequate planning and design activities for the project;

"(2) the applicant has completed a financial plan identifying sources of non-Federal funding for the project;

"(3) the project complies with—

"(A) applicable growth management ordinances of Monroe County, Florida;

"(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

"(C) applicable water quality standards; and

"(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.

"(c) CONSIDERATION.—In selecting projects to receive grants under subsection (a), the Administrator shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

"(d) CONSULTATION.—In carrying out this section, the Administrator shall consult with—

"(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);

"(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771–3773);

"(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and

"(4) other appropriate State and local government officials.

"(e) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project carried out using amounts from grants made under subsection (a) shall not be less than 25 percent.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section—

"(1) $32,000,000 for fiscal year 2001;

"(2) $31,000,000 for fiscal year 2002; and

"(3) $50,000,000 for each of fiscal years 2003 through 2005.

Such sums shall remain available until expended.".

SEC. 403. SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this title (including any amendment made by this title), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this title (including any amendment made by this title), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

(c) NOTICE OF REPORT.—Any entity which receives funds under this title shall report any expenditures on foreign-made items to Congress within 180 days of the expenditure.

TITLE V—LONG ISLAND SOUND RESTORATION

SEC. 501. SHORT TITLE.

This title may be cited as the "Long Island Sound Restoration Act".

SEC. 502. NITROGEN CREDIT TRADING SYSTEM AND OTHER MEASURES.

Section 119(c)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1269(c)(1)) is amended by inserting ", including efforts to establish, within the process for granting watershed general permits, a system for trading nitrogen credits and any other measures that are cost-effective and consistent with the goals of the Plan" before the semicolon at the end.

SEC. 503. ASSISTANCE FOR DISTRESSED COMMUNITIES.

Section 119 of the Federal Water Pollution Control Act (33 U.S.C. 1269) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) ASSISTANCE TO DISTRESSED COMMUNITIES.—

"(1) ELIGIBLE COMMUNITIES.—

"(A) STATES TO DETERMINE CRITERIA.—For the purposes of this subsection, a distressed community is any community that meets affordability criteria established by the State in which the community is located, if such criteria are developed after public review and comment.

"(B) CONSIDERATION OF IMPACT ON WATER AND SEWER RATES.—In determining if a community is a distressed community for the purposes of this subsection, the State shall consider the extent to which the rate of growth of a community's tax base has been historically slow such that implementing the plan described in subsection (c)(1) would result in a significant increase in any water or sewer rate charged by the community's publicly-owned wastewater treatment facility.

"(C) INFORMATION TO ASSIST STATES.—The Administrator may publish information to assist States in establishing affordability criteria under subparagraph (A).

"(2) REVOLVING LOAN FUNDS.—

"(A) LOAN SUBSIDIES.—Subject to subparagraph (B), any State making a loan to a distressed community from a revolving fund under title VI for the purpose of assisting the implementation of the plan described in subsection (c)(1) may provide additional subsidization (including forgiveness of principal).

"(B) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, the total amount of loan subsidies made by a State under subparagraph (A) may not exceed 30 percent of the amount of the capitalization grant received by the State for the year.

"(3) PRIORITY.—In making assistance available under this section for the upgrading of wastewater treatment facilities, a State may give priority to a distressed community.".

SEC. 504. REAUTHORIZATION OF APPROPRIATIONS.

Section 119(f) of the Federal Water Pollution Control Act (as redesignated by section 503 of this Act) is amended—

(1) in paragraph (1) by striking "1991 through 2001" and inserting "2000 through 2003"; and

(2) in paragraph (2) by striking "not to exceed $3,000,000 for each of the fiscal years 1991 through 2001" and inserting "not to exceed $80,000,000 for each of fiscal years 2000 through 2003".

TITLE VI—LAKE PONTCHARTRAIN BASIN RESTORATION

SEC. 601. SHORT TITLE.

This title may be cited as the "Lake Pontchartrain Basin Restoration Act of 2000".

SEC. 602. NATIONAL ESTUARY PROGRAM.

(a) FINDING.—Congress finds that the Lake Ponchartrain Basin is an estuary of national significance.

(b) ADDITION TO NATIONAL ESTUARY PROGRAM.—Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is further amended by inserting "Lake Ponchartrain Basin, Louisiana and Mississippi;" before "and Peconic Bay, New York.".

SEC. 603. LAKE PONTCHARTRAIN BASIN.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is further amended by adding at the end the following:

"SEC. 122. LAKE PONTCHARTRAIN BASIN.

"(a) ESTABLISHMENT OF RESTORATION PROGRAM.—The Administrator shall establish within the Environmental Protection Agency the Lake Pontchartrain Basin Restoration Program.

"(b) PURPOSE.—The purpose of the program shall be to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects.

"(c) DUTIES.—In carrying out the program, the Administrator shall—

"(1) provide administrative and technical assistance to a management conference convened for the Basin under section 320;

"(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;

"(3) support environmental monitoring of the Basin and research to provide necessary technical and scientific information;

"(4) develop a comprehensive research plan to address the technical needs of the program;

"(5) coordinate the grant, research, and planning programs authorized under this section; and

"(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Basin.

"(d) GRANTS.—The Administrator may make grants—

"(1) for restoration projects and studies recommended by a management conference convened for the Basin under section 320;

"(2) for public education projects recommended by the management conference; and

"(3) for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana.

"(e) DEFINITIONS.—In this section, the following definitions apply:

"(1) BASIN.—The term 'Basin' means the Lake Pontchartrain Basin, a 5,000 square mile watershed encompassing 16 parishes in the State of Louisiana and four counties in the State of Mississippi.

"(2) PROGRAM.—The term 'program' means the Lake Pontchartrain Basin Restoration Program established under subsection (a).

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated—

"(A) $100,000,000 for the inflow and infiltration project sponsored by the New Orleans Sewerage and Water Board and Jefferson Parish, Louisiana; and

"(B) $5,000,000 for each of fiscal years 2001 through 2005 to carry out this section.

Such sums shall remain available until expended.

"(2) PUBLIC EDUCATION PROJECTS.—Not more that 15 percent of the amount appropriated pursuant to paragraph (1)(B) in a fiscal year may be expended on grants for public education projects under subsection (d)(2).".

SEC. 604. SENSE OF THE CONGRESS.

It is the sense of the Congress that all recipients of grants pursuant to this title shall abide by the Buy American Act. The Administrator of the Environmental Protection Agency shall give notice of the Buy American Act requirements to grant applicants.

TITLE VII—ALTERNATIVE WATER SOURCES

SEC. 701. SHORT TITLE.

This title may be cited as the "Alternative Water Sources Act of 2000".

SEC. 702. GRANTS FOR ALTERNATIVE WATER SOURCE PROJECTS.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

"SEC. 220. GRANTS FOR ALTERNATIVE WATER SOURCE PROJECTS.

"(a) In General.—The Administrator may make grants to State, interstate, and intrastate water resource development agencies (including water management districts and water supply authorities), local government agencies, private utilities, and nonprofit entities for alternative water source projects to meet critical water supply needs.

"(b) Eligible Entity.—The Administrator may make grants under this section to an entity only if the entity has authority under State law to develop or provide water for municipal, industrial, and agricultural uses in an area of the State that is experiencing critical water supply needs.

"(c) Selection of Projects.—

"(1) Limitation.—A project that has received funds under the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.) shall not be eligible for grant assistance under this section.

"(2) Additional consideration.—In making grants under this section, the Administrator shall consider whether the project is located within the boundaries of a State or area referred to in section 1 of the Reclamation Act of June 17, 1902 (32 Stat. 385), and within the geographic scope of the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).

"(d) Committee Resolution Procedure.—

"(1) In general.—No appropriation shall be made for any alternative water source project under this section, the total Federal cost of which exceeds $3,000,000, if such project has not been approved by a resolution adopted by the Committee on Transportation and Infrastructure of the House of Representatives or the Committee on Environment and Public Works of the Senate.

"(2) Requirements for securing consideration.—For purposes of securing consideration of approval under paragraph (1), the Administrator shall provide to a committee referred to in paragraph (1) such information as the committee requests and the non-Federal sponsor shall provide to the committee information on the costs and relative needs for the alternative water source project.

"(e) Uses of Grants.—Amounts from grants received under this section may be used for engineering, design, construction, and final testing of alternative water source projects designed to meet critical water supply needs. Such amounts may not be used for planning, feasibility studies or for operation, maintenance, replacement, repair, or rehabilitation.

"(f) Cost Sharing.—The Federal share of the eligible costs of an alternative water source project carried out using assistance made available under this section shall not exceed 50 percent.

"(g) Reports.—

"(1) Reports to administrator.—Each recipient of a grant under this section shall submit to the Administrator, not later than 18 months after the date of receipt of the grant and biennially thereafter until completion of the alternative water source project funded by the grant, a report on eligible activities carried out by the grant recipient using amounts from the grant.

"(2) Report to congress.—On or before September 30, 2005, the Administrator shall transmit to Congress a report on the progress made toward meeting the critical water supply needs of the grant recipients under this section.

"(h) Definitions.—In this section, the following definitions apply:

"(1) Alternative water source project.—The term 'alternative water source project' means a project designed to provide municipal, industrial, and agricultural water supplies in an environmentally sustainable manner by conserving, managing, reclaiming, or reusing water or wastewater or by treating wastewater.

"(2) Critical water supply needs.—The term 'critical water supply needs' means existing or reasonably anticipated future water supply needs that cannot be met by existing water supplies, as identified in a comprehensive statewide or regional water supply plan or assessment projected over a planning period of at least 20 years.

"(i) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2000 through 2004. Such sums shall remain available until expended.".

SEC. 703. SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) Purchase of American-Made Equipment and Products.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this title (including any amendment made by this title), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) Notice to Recipients of Assistance.—In providing financial assistance under this title (including any amendment made by this title), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

(c) Notice of Report.—Any entity which receives funds under this title shall report any expenditures on foreign-made items to Congress within 180 days of the expenditure.

TITLE VIII—CLEAN LAKES

SEC. 801. GRANTS TO STATES.

Section 314(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1324(c)(2)) is amended by striking "$50,000,000" the first place it appears and all that follows through "1990" and inserting "$50,000,000 for each of fiscal years 2001 through 2005".

SEC. 802. DEMONSTRATION PROGRAM.

Section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended—

(1) in paragraph (2) by inserting "Otsego Lake, New York; Oneida Lake, New York; Raystown Lake, Pennsylvania; Swan Lake, Itasca County, Minnesota;" after "Sauk Lake, Minnesota;";

(2) in paragraph (3) by striking "By" and inserting "Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note; 109 Stat. 734–736), by"; and

(3) in paragraph (4)(B)(i) by striking "$15,000,000" and inserting "$25,000,000".

SEC. 803. SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) Purchase of American-Made Equipment and Products.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this title (including any amendment made by this title), it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) Notice to Recipients of Assistance.—In providing financial assistance under this title (including any amendment made by this title), the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by Congress.

(c) Notice of Report.—Any entity which receives funds under this title shall report any expenditures on foreign-made items to Congress within 180 days of expenditure.

TITLE IX—MISSISSIPPI SOUND RESTORATION

SEC. 901. SHORT TITLE.

This title may be cited as the "Mississippi Sound Restoration Act of 2000".

SEC. 902. NATIONAL ESTUARY PROGRAM.

(a) Finding.—Congress finds that the Mississippi Sound is an estuary of national significance.

(b) Addition to National Estuary Program.—Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is further amended by inserting "Mississippi Sound, Mississippi;" before "and Peconic Bay, New York.".

SEC. 903. MISSISSIPPI SOUND.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is further amended by adding at the end the following:

"SEC. 123. MISSISSIPPI SOUND.

"(a) Establishment of Restoration Program.—The Administrator shall establish within the Environmental Protection Agency the Mississippi Sound Restoration Program.

"(b) Purpose.—The purpose of the program shall be to restore the ecological health of the Sound, including barrier islands, coastal wetlands, keys, and reefs, by developing and funding restoration projects and related scientific and public education projects and by coordinating efforts among Federal, State, and local governmental agencies and nonregulatory organizations.

"(c) Duties.—In carrying out the program, the Administrator shall—

"(1) provide administrative and technical assistance to a management conference convened for the Sound under section 320;

"(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;

"(3) support environmental monitoring of the Sound and research to provide necessary technical and scientific information;

"(4) develop a comprehensive research plan to address the technical needs of the program;

"(5) coordinate the grant, research, and planning programs authorized under this section; and

"(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Sound.

"(d) Grants.—The Administrator may make grants—

"(1) for restoration projects and studies recommended by a management conference convened for the Sound under section 320; and

"(2) for public education projects recommended by the management conference.

"(e) Definitions.—In this section, the following definitions apply:

"(1) Sound.—The term 'Sound' means the Mississippi Sound located on the Gulf Coast of the State of Mississippi.

"(2) Program.—The term 'program' means the Mississippi Sound Restoration Program established under subsection (a).

"(f) Authorization of Appropriations.—There is authorized to be appropriated $10,000,000 to carry out this section. Such sums shall remain available until expended.".

SEC. 904. SENSE OF THE CONGRESS.

It is the sense of the Congress that all recipients of grants under this title (including amendments made by this title) shall abide by the Buy American Act. The Administrator of the Environmental Protection Agency shall give notice of the Buy American Act requirements to grant applicants under this title.

TITLE X—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP

SEC. 1001. SHORT TITLE.

This title may be cited as the "Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000".

SEC. 1002. PURPOSE.

The purpose of this title is to authorize the United States to take actions to address comprehensively the treatment of sewage emanating from the Tijuana River area, Mexico, that flows untreated or partially treated into the United States causing significant adverse public health and environmental impacts.

SEC. 1003. DEFINITIONS.

In this title, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) COMMISSION.—The term "Commission" means the United States section of the International Boundary and Water Commission, United States and Mexico.

(3) IWTP.—The term "IWTP" means the South Bay International Wastewater Treatment Plant constructed under the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), section 510 of the Water Quality Act of 1987 (101 Stat. 80–82), and Treaty Minutes to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944.

(4) SECONDARY TREATMENT.—The term "secondary treatment" has the meaning such term has under the Federal Water Pollution Control Act and its implementing regulations.

(5) SECRETARY.—The term "Secretary" means the Secretary of State.

(6) MEXICAN FACILITY.—The term "Mexican facility" means a proposed public-private wastewater treatment facility to be constructed and operated under this title within Mexico for the purpose of treating sewage flows generated within Mexico, which flows impact the surface waters, health, and safety of the United States and Mexico.

(7) MGD.—The term "mgd" means million gallons per day.

SEC. 1004. ACTIONS TO BE TAKEN BY THE COMMISSION AND THE ADMINISTRATOR.

(a) SECONDARY TREATMENT.—

(1) IN GENERAL.—Subject to the negotiation and conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 1005 of this Act, and notwithstanding section 510(b)(2) of the Water Quality Act of 1987 (101 Stat. 81), the Commission is authorized and directed to provide for the secondary treatment of a total of not more than 50 mgd in Mexico—

(A) of effluent from the IWTP if such treatment is not provided for at a facility in the United States; and

(B) of additional sewage emanating from the Tijuana River area, Mexico.

(2) ADDITIONAL AUTHORITY.—Subject to the results of the comprehensive plan developed under subsection (b) revealing a need for additional secondary treatment capacity in the San Diego-Tijuana border region and recommending the provision of such capacity in Mexico, the Commission may provide not more than an additional 25 mgd of secondary treatment capacity in Mexico for treatment described in paragraph (1).

(b) COMPREHENSIVE PLAN.—Not later than 24 months after the date of the enactment of this Act, the Administrator shall develop a comprehensive plan with stakeholder involvement to address the transborder sanitation problems in the San Diego-Tijuana border region. The plan shall include, at a minimum—

(1) an analysis of the long-term secondary treatment needs of the region;

(2) an analysis of upgrades in the sewage collection system serving the Tijuana area, Mexico; and

(3) an identification of options, and recommendations for preferred options, for additional sewage treatment capacity for future flows emanating from the Tijuana River area, Mexico.

(c) CONTRACT.—

(1) IN GENERAL.—Subject to the availability of appropriations to carry out this subsection and notwithstanding any provision of Federal procurement law, upon conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 5, the Commission may enter into a fee-for-services contract with the owner of a Mexican facility in order to carry out the secondary treatment requirements of subsection (a) and make payments under such contract.

(2) TERMS.—Any contract under this subsection shall provide, at a minimum, for the following:

(A) Transportation of the advanced primary effluent from the IWTP to the Mexican facility for secondary treatment.

(B) Treatment of the advanced primary effluent from the IWTP to the secondary treatment level in compliance with water quality laws of the United States, California, and Mexico.

(C) Return conveyance from the Mexican facility of any such treated effluent that cannot be reused in either Mexico or the United States to the South Bay Ocean Outfall for discharge into the Pacific Ocean in compliance with water quality laws of the United States and California.

(D) Subject to the requirements of subsection (a), additional sewage treatment capacity that provides for advanced primary and secondary treatment of sewage described in subsection (a)(1)(B) in addition to the capacity required to treat the advanced primary effluent from the IWTP.

(E) A contract term of 30 years.

(F) Arrangements for monitoring, verification, and enforcement of compliance with United States, California, and Mexican water quality standards.

(G) Arrangements for the disposal and use of sludge, produced from the IWTP and the Mexican facility, at a location or locations in Mexico.

(H) Payment of fees by the Commission to the owner of the Mexican facility for sewage treatment services with the annual amount payable to reflect all agreed upon costs associated with the development, financing, construction, operation, and maintenance of the Mexican facility.

(I) Provision for the transfer of ownership of the Mexican facility to the United States, and provision for a cancellation fee by the United States to the owner of the Mexican facility, if the Commission fails to perform its obligations under the contract. The cancellation fee shall be in amounts declining over the term of the contract anticipated to be sufficient to repay construction debt and other amounts due to the owner that remain unamortized due to early termination of the contract.

(J) Provision for the transfer of ownership of the Mexican facility to the United States, without a cancellation fee, if the owner of the Mexican facility fails to perform the obligations of the owner under the contract.

(K) To the extent practicable, the use of competitive procedures by the owner of the Mexican facility in the procurement of property or services for the engineering, construction, and operation and maintenance of the Mexican facility.

(L) An opportunity for the Commission to review and approve the selection of contractors providing engineering, construction, and operation and maintenance for the Mexican facility.

(M) The maintenance by the owner of the Mexican facility of all records (including books, documents, papers, reports, and other materials) necessary to demonstrate compliance with the terms of this Act and the contract.

(N) Access by the Inspector General of the Department of State or the designee of the Inspector General for audit and examination of all records maintained pursuant to subparagraph (M) to facilitate the monitoring and evaluation required under subsection (d).

(3) LIMITATION.—The Contract Disputes Act of 1978 (41 U.S.C. 601–613) shall not apply to a contract executed under this section.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—The Inspector General of the Department of State shall monitor the implementation of any contract entered into under this section and evaluate the extent to which the owner of the Mexican facility has met the terms of this section and fulfilled the terms of the contract.

(2) REPORT.—The Inspector General shall transmit to Congress a report containing the evaluation under paragraph (1) not later than 2 years after the execution of any contract with the owner of the Mexican facility under this section, 3 years thereafter, and periodically after the second report under this paragraph.

SEC. 1005. NEGOTIATION OF NEW TREATY MINUTE.

(a) CONGRESSIONAL STATEMENT.—In light of the existing threat to the environment and to public health and safety within the United States as a result of the river and ocean pollution in the San Diego-Tijuana border region, the Secretary is requested to give the highest priority to the negotiation and execution of a new Treaty Minute, or a modification of Treaty Minute 283, consistent with the provisions of this title, in order that the other provisions of this title to address such pollution may be implemented as soon as possible.

(b) NEGOTIATION.—

(1) INITIATION.—The Secretary is requested to initiate negotiations with Mexico, within 60 days after the date of the enactment of this Act, for a new Treaty Minute or a modification of Treaty Minute 283 consistent with the provisions of this title.

(2) IMPLEMENTATION.—Implementation of a new Treaty Minute or of a modification of Treaty Minute 283 under this title shall be subject to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) MATTERS TO BE ADDRESSED.—A new Treaty Minute or a modification of Treaty Minute 283 under paragraph (1) should address, at a minimum, the following:

(A) The siting of treatment facilities in Mexico and in the United States.

(B) Provision for the secondary treatment of effluent from the IWTP at a Mexican facility if such treatment is not provided for at a facility in the United States.

(C) Provision for additional capacity for advanced primary and secondary treatment of additional sewage emanating from the Tijuana River area, Mexico, in addition to the treatment capacity for the advanced primary effluent from the IWTP at the Mexican facility.

(D) Provision for any and all approvals from Mexican authorities necessary to facilitate water quality verification and enforcement at the Mexican facility.

(E) Any terms and conditions considered necessary to allow for use in the United States of treated effluent from the Mexican facility, if there is reclaimed water which is surplus to the needs of users in Mexico and such use is consistent with applicable United States and California law.

(F) Any other terms and conditions considered necessary by the Secretary in order to implement the provisions of this title.

SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

Mr. MACK. Mr. President, I ask unanimous consent that the Senate disagree with the amendment of the House, agree to the request for a conference, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. BENNETT) appointed Mr. SMITH of New Hampshire, Mr. WARNER, Mr. CRAPO, Mr. BAUCUS, and Mrs. BOXER conferees on the part of the Senate.

MEASURE READ THE FIRST TIME—S. 3165

Mr. MACK. Mr. President, I understand S. 3165 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3165) to amend the Social Security Act to make corrections and refinements in the Medicare, Medicaid, and SCHIP health insurance programs, and for other purposes.

Mr. MACK. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

MEASURE READ THE FIRST TIME—S. 3173

Mr. MACK. Mr. President, I understand S. 3173 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3173) to improve the implementation of the environmental streamlining provisions of the Transportation Equity Act for the 21st Century.

Mr. MACK. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

MEASURE READ THE FIRST TIME—H.R. 4292

Mr. MACK. Mr. President, I understand that H.R. 4292 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4292) to protect infants who are born alive.

Mr. MACK. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

TECHNOLOGY TRANSFER COMMERCIALIZATION ACT OF 1999

Mr. MACK. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 209 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 209) to improve the ability of Federal agencies to license federally-owned inventions.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4300

Mr. MACK. Mr. President, Senators EDWARDS, SHELBY, and SESSIONS have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida (Mr. MACK) for Mr. EDWARDS, Mr. SHELBY, and Mr. SESSIONS, proposes an amendment numbered 4300.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . TECHNOLOGY PARTNERSHIPS OMBUDSMAN.

(a) APPOINTMENT OF OMBUDSMAN.—The Secretary of Energy shall direct the director of each national laboratory of the Department of Energy, and may direct the director of each facility under the jurisdiction of the Department of Energy, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding the policies and actions of each such laboratory or facility with respect to technology partnerships (including cooperative research and development agreements), patents, and technology licensing.

(b) QUALIFICATIONS.—An ombudsman appointed under subsection (a) shall be a senior official of the national laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing, or, if appointed from outside the laboratory of facility, function as such a senior official.

(c) DUTIES.—Each ombudsman appointed under subsection (a) shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the national laboratory or facility regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution technique such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report quarterly on the number and nature of complaints and disputes raised, along with the ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information, to—

(A) the Secretary;

(B) the Administrator for Nuclear Security;

(C) the Director of the Office of Dispute Resolution of the Department of Energy; and

(D) the employees of the Department responsible for the administration of the contract for the operation of each national laboratory or facility that is a subject of the report, for consideration in the administration and review of that contract.

Mr. ROCKEFELLER. Senator EDWARDS' amendment establishes a Technology Partnership Ombudsman at Department of Energy's National Laboratories. It is my understanding that the Ombudsman should promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes with industry partners. To ensure fairness and objectivity, however, it would be the Senator's intent that nothing in this Section be interpreted to empower the Ombudsman to act as a mediator or an arbitrator in the process.

Mr. EDWARDS. The Senator's understanding is correct. That is our intention.

Mr. MACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4300) was agreed to.

The bill (H.R. 209), as amended, was passed.

TRAFFICKING VICTIMS PROTECTION AND VIOLENCE AGAINST WOMEN

Mr. BROWNBACK. Mr. President, I want to speak for a few minutes on a conference report, a bill we have been working on all year, including a couple of other provisions that have now been added. We are ready to move forward with it. That is what the vote will address tomorrow.

I have put forward this bill on sex trafficking with Senator WELLSTONE. He and I don't get together on too many bills, so when we do, it is a bit noteworthy. We come from different perspectives, different viewpoints. I think we both have good hearts but our heads take us in different directions. But on this subject of stopping sex trafficking, we don't disagree. We have worked together all year to get this bill through which challenges this practice known as sex trafficking.

Throughout the world, globalization has a dark side. We are seeing increasing numbers of young women, even girls, being trafficked from poorer countries to richer countries into the prostitution business. They have been tricked, forced, coerced and defrauded into working as prostitutes against their will. There are about 700,000 women and girls, according to our Government's estimates, being moved each year from poorer countries to richer countries into the prostitution business. Our Government estimates that approximately 50,000 women and children are trafficked annually into the United States, primarily from Asia and Central America.

This is clearly a terrible practice. Many of these are young girls who are tricked and deceived into forced prostitution believe they are going to a different country for another purpose. For example, those trafficked to the United States are promised a job as a dish washer, or a factory worker. Something that pays better than the job opportunities available in their own, typically poorer, countries. However, once the victims get here, there is no decent job waiting for them. Instead, the trafficker will take their papers and passport so that they have no legal identification. Then they are given false papers, if any. This begins to prepare them for their new life of forced prostitution, making it very difficult to track down and rescue the young woman or girl who has been trapped. There is a point very early in this process where the trafficker says something like the following to his victim, "You are mine and you will do what I say. You will work in this brothel as a prostitute and you have no choice." At this point, she had become a slave in one of the most degrading fashions imaginable.

Senator WELLSTONE and I heard testimony to this effect. We have had two hearings in the Foreign Relations Committee on this subject of trafficking. At both hearings, we had victims testify to such experiences. At one hearing, we had three women who had been trafficked—all had been tricked into traveling to another country believing a good job was waiting on the other side, and once they got there, they were forced into prostitution. This is what they were subjected to. One young woman said that once she was moved into the United States, she was subjected to 30 clients a day, six days a week. If she refused, she was beaten without mercy. It is a dark, dark business.

In January of this year I was in Nepal. I met with a number of girls who had returned from India, where they were forced to work in the brothels in Bombay. These were young girls, frequently from villages, not particularly knowledgeable in the ways of the world. They were young and very innocent when the trafficker had taken them away. The trafficker had told one girl's parents, "I can get her a job in a rug factory in Bombay." The family was poor, they needed income, and they believed him. So they agreed, and gave their daughter away to the trader who forced her into prostitution against her will. And she had no choice.

I met girls who had been trafficked at age 11, 12, and 13. The girls I saw in Nepal, in Katmandu, had returned from this devastating life. Some had escaped by running away, though many cannot since they are in chains or are locked away. Others were thrown out by the brothel because they had contracted AIDS or TB. When they returned at the age of 16, 17, or 18, two-thirds of them had AIDS and were waiting to die, having no proper medicine.

As I stood there with the woman who runs this place of restoration for these young women, she pointed around the room whispering: She is dying, she is dying, she is dying. These were girls of 17 years old, 16 years old, or younger. They were people who had had their youth stolen from them, were deceived or forced into this practice, and then, finally, received a death sentence of AIDS. I saw that. I talked with these survivors of trafficking. Once you see that, you know you have to try to help to stop this. This is wrong, and this terrible practice is increasing. It is happening to 700,000 women and children, girls, each year worldwide.

PAUL WELLSTONE and I worked very hard together. We have a bill that has gone through the Senate by unanimous consent which is the most comprehensive bill to combat this practice of sex trafficking. Among other provisions, this bill substantially increases the penalty for trafficking, while protecting those victims who have been forced into this awful practice. Presently, the victims of trafficking are treated almost as badly as their enslaver, but this bill changes that. Instead, this bill promotes the cooperation of the victims to testify against those who have forced them into trafficking. This will help to bust open the trafficking rings, which we are going very little of these day. It also promotes awareness programs so that people can protect their children and themselves from being tricked into forced prostitution.

I support the increasing globalization of the trade community, but we also have to recognize the problems associated with globalization. Trafficking may be among the worst of those problems. The United States can be a leader in starting to combat this practice, thus giving back to young girls all over the world their childhood instead of a death sentence.

Associated with this trafficking bill is a bill that Senator BIDEN has worked very aggressively on, the Violence Against Women Act. This is a reauthorization of that bill. These two bills are being paired, along with other measures. Senator BIDEN has spoken passionately and frequently on the need to deal with domestic violence in the United States, a very dark and pervasive tragedy in America.

It recently passed in the House of Representatives as a stand alone bill, with only 3 dissenting votes. It is up for reauthorization. VAWA will help those women who are suffering from some form of domestic violence. It is a good piece of legislation and these two bills belong together.

Also associated with this bill is an Internet Alcohol provision, as well as a provision dealing with terrorism, put forward by Senator MACK. It is noncontroversial. Also, in includes a bill entitled, Amy's Law, sponsored by Congressman SALMON in the House, and by Senator SANTORUM here in the Senate. It ultimately promotes tougher prison sentences for people who have been convicted of sex crimes such as rape.

In summary, the two lead bills in this package separately address sex trafficking and violence against women and children. I plead with my colleagues to vote for this package. It will be up tomorrow morning. This package challenges brutal practices suffered by some of the most defenseless and battered in our society and worldwide. It will assist people in some of the most violent and crushing situations, both here and abroad. It will help so many.

I plead with my colleagues in these last hours when people can put up roadblocks to bills. I plead with my colleagues to say that they will not block this bill which will help so many people who are brutalized, including by sex trafficking. I plead with my colleagues, let's move this package on through. This will clear through the House by a large vote. It is something we can do for the women and children in this country as well as worldwide. It is a sensible package. It has been worked out by both sides of the political spectrum, through both parties. So, please, let's do this.

This is something we can all be very proud of passing as we go home. We can proudly say that we tried to do something, as we read increasing stories of forced sex trafficking worldwide. We can say we didn't look away by passing this bill.

Everybody is not going to like everything in these bills. But these two lead issues are so critical and important, and time is so short for us to get these through. Let's not wait until next session as increasingly more and more girls are being tricked into this practice of forced sex trafficking.

The United States can step up awareness and advocacy, and as we do, governments around the world will do the same. The U.S. has to speak first, however, and this is the bill to do the speaking. Let's do it now.

As we vote on this tomorrow morning, I ask my colleagues to vote yes on these very important pieces of legislation to help children, to help women. These are vital pieces of legislation of which we can all be proud.

Mr. President, I understand there may be some more items, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING TECHNICAL CORRECTIONS TO TITLE X OF THE ENERGY POLICY ACT OF 1992

Mr. BROWNBACK. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of H.R. 2641, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 2641) to make technical corrections to title X of the Energy Policy Act of 1992.

Without objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2641) was read the third time and passed.

RYAN WHITE CARE ACT AMENDMENTS OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent the Chair lay before the Senate a message from the House of Representatives to accompany S. 2311.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> *Resolved*, That the bill from the Senate (S. 2311) entitled "An Act to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes", do pass with amendments.

Mr. BROWNBACK. I ask unanimous consent the Senate agree to the amendments of the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, it gives me great pleasure that the Senate is moving to pass the Ryan White Comprehensive AIDS Resources and Emergency Act Amendments of 2000, a measure that will reauthorize a national program providing primary health care services to people living with HIV and AIDS. I especially want to commend Senators HATCH and KENNEDY for the leadership they have provided since the inauguration of the legislation establishing the Ryan White programs over a decade ago. I also want to commend Senator FRIST whose medical expertise played a critical role in key provisions of the bill and continues to be an invaluable resource to our efforts on the range of health issues that come before the Senate. I want to recognize Senator DODD for his unwavering support for this legislation and people living with HIV and AIDS. Finally, I want to acknowledge Senator ENZI's recognition of the growing burden that AIDS and HIV have placed on rural communities throughout the country and the need to address those gaps in services.

It is also important that we recognize the dedicated efforts of our colleagues in the House of Representatives. Chairman BLILEY supported this bill through its passage and provided critical guidance through the negotiations. Representatives BILIRAKIS, COBURN, and WAXMAN have demonstrated time and time again their commitment to people living with AIDS and each has worked diligently to find a compromise to ensure the continued services for people with HIV/AIDS. Representatives BROWN and DINGELL have also played important roles in shepherding this bill through the legislative process.

Since its inception in 1990, the Ryan White program has enjoyed broad bipartisan support. During the last reauthorization of the Ryan White CARE Act in 1996, the measure garnered a vote of 97 to 3 on its final passage. As evidence that strong bipartisan support continues, I am happy to report that this reauthorization bill was passed unanimously by this Chamber in June of this year. The bipartisan support for this important legislation underlines the critical need for the assistance this Act provides across the Nation.

With this reauthorization, we mark the ten years through which the Ryan White CARE Act has provided needed health care and support services to HIV positive people around the country. Titles I and II have provided much needed relief to cities and states hardest hit by this disease, while Titles III and IV have had a direct role in providing healthcare services to underserved communities. Ryan White program dollars provide the foundation of care so necessary in fighting this epidemic and have allowed States and communities around the country to successfully address the needs of people affected by HIV disease.

In recent months a number General Accounting Office studies have shown that the CARE Act is providing services and support to people with HIV who are most in need and most deserving of our help. The GAO found that CARE Act funds are reaching the infected groups that have typically been underserved, including the poor, the uninsured, women, and ethnic minorities. These groups form a majority of CARE Act clients and are being served by the CARE Act in higher proportions than their representation in the AIDS population. The GAO also found that CARE Act funds support a wide array of primary care and support services, including the provision of powerful therapeutic regimens for people with HIV/AIDS that have dramatically reduced AIDS diagnoses and deaths.

Previous efforts to improve this legislation have led to incredible reductions in the number of HIV infected babies being born each year and, equally important, to increased outreach, counseling, voluntary testing, and treatment services being provided to women with HIV infection. Between 1993 and 1998, perinatal-acquired AIDS cases declined 74 percent in the U.S. In this bill, I have continued to support efforts to reach women in need of care for their HIV disease and have included provisions to ensure that women, infants and children receive resources in accordance with the prevalence of the infection among them.

The AIDS Drug Assistance Program has been another critical success. This program has provided people with HIV and AIDS access to newly developed, highly effective therapeutics. Because of these drugs, people are maintaining their health and living longer. The AIDS death rate and the number of new AIDS cases have been dramatically reduced. From 1996 to 1998, deaths from AIDS dropped 54 percent while new AIDS cases have been reduced by 27 percent. In this reauthorization bill we have improved access for underserved and poor communities and increased support for services that help maximize the impact of these therapies.

Despite our great success, the Ryan White program remains as vital to the public health of this Nation as it was in 1990 and in 1996. While the rate of decline in new AIDS cases and deaths is leveling off, HIV infection rates continue to rise in many areas; becoming increasingly prevalent in rural and underserved urban areas; and also among women, youth, and minority communities. Local and state healthcare systems face an increasing burden of disease, despite our success in treating and caring for people living with HIV and AIDS. Rural and underserved urban areas are often unable to address the complex medical and support services needs of people with HIV infection. As the AIDS epidemic continues to expand into these areas across the country, this legislation will allow us to adapt our care systems to meet the most urgent needs in the communities hardest hit by the epidemic.

The bill being considered today was developed on a bipartisan basis, working with other Committee Members, community stakeholders and elected officials at the state and local levels from whom we sought input to ensure that we addressed the most important problems facing communities of people with HIV infection. Finally we have worked closely with our colleagues in the House of Representatives to produce this agreement. This morning, our colleagues in the House of Representatives unanimously passed this legislation that we have before us. The agreements we have reached with our House colleagues have been fully explained in an Statement of Explanation and I would like unanimous consent that this document be printed as part of the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

This bill will double the minimum base funding available to states through the CARE Act to assist them in developing systems of care for people struggling with HIV and AIDS. The bill also includes a new supplemental state grant to target assistance to small and mid-sized metropolitan areas to help them address the increasing number of people with HIV/AIDS living outside of urban areas that receive assistance under Title I of the Act. Rural and underserved areas receive a preference for planning, early intervention, and capacity development grants under title III. In order to assist states in expanding access to appropriate HIV/AIDS therapeutics to low-income people with HIV/AIDS, a supplemental grant has been added to the AIDS Drug Assistance Program.

The bill remains primarily a system of grants to State and local jurisdictions, thereby ensuring that grantees can respond to local needs. States, EMAs, and the affected communities will still decide how to best prioritize and address the healthcare needs of their HIV-positive citizens. This bill reinforces the ability of States and EMAs to identify and meet local needs.

Finally, in recognition of the changing nature of the epidemic, I have asked the Institute of Medicine to complete a study of the financing and delivery of primary care and support services for low income, uninsured, and under-insured individuals with HIV disease, within 21 months after the enactment of this Act. Changes in HIV surveillance and case reporting, and the effects of these changes on program funding, will be included in this study. The recommendations from this study will help Congress and the Secretary of Health and Human Services to ensure the most effective and efficient use of Federal funds for HIV and AIDS care and support.

I am proud that this bill has progressed through the Congress and that we will see this bill become law this year. The people struggling to overcome the challenges of HIV and AIDS must continue to benefit from high quality medical care and access to lifesaving drugs. We have made incredible progress in the fight against HIV/AIDS and I want to ensure that every person in America in need of assistance benefits from our tremendous advances.

Many groups and individuals have contributed significantly to crafting this bill, but I want to acknowledge those at the Health Resources and Services Administration. All of the groups united under the umbrella of the National Organizations Responding to AIDS (NORA) deserve recognition. Representing a diverse community of people with AIDS, CARE Act service providers, and administrative agencies, NORA clearly and effectively communicated to Congress the needs and priorities of their constituents.

I also want to thank several staff members who have worked long and hard to craft this bill and to address the concerns and needs of the affected communities. Stephanie Robinson and Idalia Sanchez, for Senator KENNEDY, were key to reaching agreement on this bill and have provided invaluable assistance and support throughout the development of this legislation. Dave Larson and Mary Sumpter Johnson, of Senator FRIST's office, for their support for the needs of rural and underserved communities throughout the nation. Similarly, Jeannie Ireland with Senator DODD's office, Helen Rhee, working for Senator DEWINE, Libby Rolfe, for Mr. SESSIONS, and Raissa Geary and Mary Jordan in Senator ENZI's office, provided valuable input. Without the efforts of these staff members, we would not have such a strong, well-balanced, and targeted reauthorization bill before us today. I want to also express my gratitude and thanks to Bill Baird, Legislative Counsel, who worked tirelessly to craft legislative language. Finally, I want to acknowledge the contributions of Sean Donohue and William Oscar Fleming of my staff who guidance of this effort from the beginning has resulted in a bill that enjoys broad bipartisan support and which most importantly meets the pressing needs of people with HIV and AIDS.

EXHIBIT 1

RYAN WHITE CARE ACT AMENDMENTS OF 2000—MANAGERS' STATEMENT OF EXPLANATION

The Ryan White CARE Act Amendments of 2000 reauthorize Title XXVI of the Public Health Service Act to ensure that individuals living with HIV and AIDS receive health care and related support services. The legislation contains authorization for appropriations and programmatic changes to ensure the CARE Act programs respond to evolving demographic trends in the HIV/AIDS epidemic and advances in treatment and care.

In March, 1990, Congress enacted the Ryan White CARE Act, honoring Ryan White, a young man who taught the Nation to respond to the HIV/AIDS epidemic with hope and action rather than fear. By the spring of 1990, over 128,000 people had been diagnosed with AIDS in the United States and 78,000 had died of the disease. The CARE Act was reauthorized in 1996, as the epidemic spread to more than 600,000 Americans diagnosed with AIDS and amidst the nationwide recognition that CARE Act programs were indispensable to the care and treatment of Americans with HIV/AIDS.

The CARE Act Amendments of 2000 marks the second reauthorization of the CARE Act. In the last twenty years, the HIV/AIDS epidemic has claimed over 420,000 American men, women, and children. Today, the Centers for Disease Control and Prevention estimates that there are currently between 800,000 and 900,000 persons living with HIV in the United States, with 40,000 new infections annually.

While there is still no cure, the CARE Act has been instrumental in responding to the public health, social and economic burdens of the HIV/AIDS epidemic. However, the steady expansion and changed demographics of the epidemic, as well as the improved survival time for people living with AIDS, are placing increasing stress on State and local health care systems, community based organizations and families providing care. Most importantly, the epidemic is expanding beyond major cities to smaller cities and rural regions, and disproportionately affecting women, communities of color, children and youth.

The Ryan White CARE Act Amendments of 2000 preserves the best and proven features of existing CARE Act programs. But the CARE Act Amendments of 2000 also makes important and substantial reforms to respond to the significant changes in the HIV/AIDS epidemic of the last 5 years.

The Organization of Services Under the CARE Act Amendments of 2000 is as follows:

Title I. Emergency Relief for Areas with Substantial Need for Services: Provides emergency relief grants to 51 eligible metropolitan areas (EMAs) disproportionately affected by the HIV epidemic to provide primary care and HIV-related support services to people with HIV and AIDS. Half of the Title I funding is distributed by formula; the remaining half is distributed competitively, based on the demonstration of severity of need and other criteria.

Planning Council membership has been revised to include HIV-prevention providers, homeless and housing service providers, and representatives of prisoners. A third of Planning Council members must be individuals with HIV/AIDS receiving care who are not officers, employees or consultants to Title I grantees.

Title II. CARE Grant Program: Provides formula grants to States, District of Columbia, Puerto Rico and U.S. Territories to improve the quality of health care and support services for individuals with HIV disease and their families. The funds are used: to provide medical support services, to continue health insurance payments, to provide home care services, and, through the AIDS Drug Assistance Programs (ADAP), to provide medications necessary for the care of these individuals. Supplemental formula grants are awarded to States with "emerging communities" which are ineligible for grants under Title I.

Subtitle B provides discretionary grants to States for the reduction of perinatal transmission of HIV, and for HIV counseling, testing, and outreach to pregnant women. Subtitle C provides discretionary grants to States for partner notification, counseling and referral services.

Title III. Early Intervention Services: Funds nonprofit entitles providing primary care and outpatient early intervention services, including case management, counseling, testing, referrals, and clinical and diagnostic services to individuals diagnosed with HIV. The unfunded program of State formula grants in current law is repealed.

Title IV. Other Programs and Activities: Provides grants for comprehensive services to children, youth, and women living with HIV and their families. Such services include primary, specialty and psychosocial care, as well as HIV outreach and prevention activities. Grantees must demonstrate linkages to, and provide clients with access and education on, HIV/AIDS clinical research.

Title IV newly authorizes the AIDS Education and Training Centers (AETC), a network of 14 regional centers conducting clinical HIV education and training of health providers, to provide prenatal and gynecological care. The HIV/AIDS Dental Reimbursement program, covering uncompensated oral health care for patients with HIV/AIDS, is expanded to provide community-based care in underserved areas.

Under Subtitle B, general provisions authorize CDC data collection of CARE Act planning and evaluation, enhanced interagency coordination of HIV services and prevention, development of a plan for the case management of prisoners with HIV, and administrative provisions related to audits, and a plan for simplification of CARE Act grant disbursements.

Title V. General Provisions: Authorizes Institute of Medicine (IOM) studies and expansion of Federal support for the development of rapid HIV tests. Makes necessary and technical corrections in Title XXVI of the Public Health Service Act.

A summary of selected provisions is as follows:

Use of HIV Case Data in Formula Grants: In order to target funding more accurately to reflect the HIV/AIDS epidemic, the Managers have revised and updated the Title I and Title II formulas to make use of data on cases of HIV infection as well as of AIDS. In Fiscal Year (FY) 2005, HIV and AIDS case data is intended to be used in the Title I and Title II formulas.

However, no later than July 1, 2004, the Secretary shall determine whether HIV case data, as reported to and confirmed by the Director of CDC, is sufficiently accurate and reliable from all eligible areas and States for such use in the formula. The Secretary shall also consider the findings of the Institute of Medicine (IOM) study undertaken under section 501(b).

If the Secretary makes an adverse determination regarding HIV case data, the Managers intend that only AIDS case data will be used in FY2005 formula allocations. The Secretary shall also provide grants and technical assistance to States and eligible areas to ensure that accurate and reliable HIV case data is available no later than FY2007.

Planning and priority setting: The Managers have strengthened the capacity of EMAs and States to plan, prioritize, and allocate funds, based on the size and demographic characteristics of the populations with HIV disease in the eligible area. Planning, priority setting, and funding allocation processes must take into account the demographics of the local HIV/AIDS epidemic, existing disparities in access HIV-related health care, and resulting adverse health outcomes. It is the intent of the Managers that CARE Act dollars more closely follow the shifting trends in the local epidemic and address disparities in health care access and health outcomes as well as the need for capacity development within the local and State HIV health care infrastructures.

The Managers intend both EMAs and States to develop strategies to bring into and retain in care those individuals who are aware of their HIV status but are not receiving services. As part of this process, the Managers place the highest priority on EMAs and States focusing on eliminating disparities in access and services among affected subpopulations and historically underserved communities. The Managers recognize, however, that the relative availability or lack of HIV prevalence data will be reflected in the scope, goals, timetable and allocation of funds for implementation of the strategy.

The Managers also expect the Secretary to collaborate with Titles I and II grant recipients and providers to develop epidemiologic measures and tools for use in identifying persons with HIV infection who know their HIV status but are not in care. The Managers recognize the difficulty the EMAs and States may experience in identifying persons with HIV infection who are not in care and who may be unknown to any health or social support system. The efforts on the part of EMAs and States to accomplish these important tasks, however, should not be delayed until this process is complete. Instead, the Managers expect Titles I and II grant recipients to establish and implement strategies responsive to these urgent needs before the development of nationally uniform measures, to the extent that is practicable and to which necessary prevalence data is reasonably available.

The Managers have also authorized outreach activities in Titles I and II intended to identify individuals with HIV disease know their HIV status but are not receiving services. The intent is to ensure that EMAs and States understand that outreach activities which are consistent with early intervention services and necessary to implement the aforementioned strategies, are appropriate uses of Titles I and II funds. It is not the Managers' intent that such activities supplant or otherwise duplicate activities such as case finding, surveillance and social marketing campaigns currently funded and administered by the Centers for Disease Control and Prevention (CDC). Instead, this authorization reflects the urgency of increasing the coordination between HIV prevention and HIV care and treatment services in all CARE Act programs.

Hold harmless provisions: The hold-harmless provisions are intended to minimize loss and stabilize systems of care in EMAs and States, while assuring that funds are allocated in Titles I and II to reflect the current distribution and epidemiology of the epidemic.

The Managers have revised the Title I hold harmless to limit a potential loss in an EMA's formula allocation to a small percentage of the amount allocated to the eligible area in the previous (or base) year. An EMA may lose no more than 15 percent of its base formula allocation over five years, beginning with 2 percent in the first year and increasing in subsequent years. If the Secretary determines that data on HIV prevalence are accurate and reliable for use in determining Title I formula grants for Fiscal Year 2005, all EMAs may lose no more than 2 percent of their Fiscal Year 2004 formula allocation in that year.

Should an EMA experience a decline in its Title I formula allocation followed by an intervening year in which there is no decline, its losses in any subsequent, nonconsecutive year of decline would once again be limited to 2 percent (i.e., the intervening year "resets the clock").

The Managers intend to ensure that essential primary care and support services are not compromised by short-term fluctuations in AIDS case counts. Because no new EMA is expected by HRSA's Bureau of HIV/AIDS to require the hold harmless in the first three or four years of this reauthorization period, the Managers expect this policy will shield all eligible areas, save those currently requiring the hold harmless, from any meaningful loss in Title I formula funding.

Under the Title II holds harmless, a State or territory may lose no more than 1 percent from the previous fiscal year amounts, or 5 percent over the 5-year reauthorization period. This protection extends to base Title II funding (which excludes funds for AIDS Drug Assistance Programs (ADAP)), as well as to overall Title II funding.

Women, child, infants, and youth set-aside: The Managers are aware of the rising incidence of HIV among youth and women, particularly women of color, and recognize the challenges in assuring them access to primary care and support services for HIV and AIDS. The Managers intend to increase the availability of primary care and health-related supportive services under Title I and Title II for each of the four groups described in the set-aside. Youth are added as a new category within this set-aside. The Managers intend the term "youth" to include persons between the ages of 13 and 24, and "children" to include those under the age of 13, including infants.

The Managers clarify that the set-asides for women, infants, children, and youth with HIV disease be allocated proportionally, based on the percentage of the local HIV-infected population that each group represents. The Managers intend that the States and EMAs continue to make every effort to reach and serve women, infants, children, and youth living with HIV/AIDS by allocating sufficient resources under Titles I and II to serve each of these populations. The Managers also recognize that these priority populations often comprise a greater proportion of HIV cases rather than AIDS cases in a local area. This distinction should be taken into account where necessary prevalence data is reasonably available.

The Managers are aware that these populations may also have access to HIV care through other parts of Title XXVI, Medicaid, State Children's Health Insurance Program (SCHIP), and other Federal and State programs. Therefore, the requirement to proportionally allocate funds provided under Title II to each of these populations may be waived for States which reasonably demonstrate that these populations are receiving adequate care.

Capacity development: Titles I, II and III of this legislation provide a new focus on strengthening the capacity of minority communities and underserved areas where HIV/AIDS is having a disproportionate impact. Currently, many underserved urban and rural areas are not able to compete successfully for planning grants and early intervention service grants due to the lack of infrastructure and experience with the Ryan White CARE Act programs. This gap in services available is increasingly important, as the HIV and AIDS epidemic extends into rural communities. In addition to authorizing capacity development under Titles I and II, the Managers establish a preference for rural areas under Title III that will allow program administrators to target capacity development grants, planning grants, and the delivery of primary care services to rural communities with a growing need for HIV services. However, urban areas are not excluded from consideration for future grants nor is funding reduced to current grants in urban areas.

Quality management: The Managers recognize the importance of having CARE Act grantees ensure that quality services are provided to people with HIV and that quality management activities are conducted on an ongoing basis. Quality management programs are intended to serve grantees in evaluating and improving the quality of primary care and health-related supportive services provided under this act. The quality management program should accomplish a threeford purpose: (1) assist direct service medical providers funded through the CARE Act in assuring that funded services adhere to established HIV clinical practices and Public Health Service (PHS) guidelines to the extent possible; (2) ensure that strategies for improvements to quality medical care, include vital health-related supportive services in achieving appropriate access to and adherence with HIV medical care; and (3) ensure that available demographic, clinical, and health care utilization information is used to monitor the spectrum of HIV-related illnesses and trends in the local epidemic.

The Managers expect the Secretary to provide States with guidance and technical assistance for establishing quality management programs, including disseminating such models as have been developed by States and are already being utilized by Title II programs and in clinical practice environments. Furthermore, the Managers intend that the Secretary provide clarification and guidance regarding the distinction between use of CARE Act funds for such program expenditures that are covered as either planning and evaluation and funds for program support costs. It is not the Managers' intent to divert current program resources or to reassign current program support costs or clinical quality programs to new cost areas, if they are an integral part of a State's current quality management efforts.

Program support costs are described as any expenditure related to the provision of delivering or receiving health services supported by CARE Act funds. As applied to the clinical quality programs, these costs include, but are not limited to, activities such as chart review, peer-to-peer review activities, data collection to measure health indicators or outcomes, or other types of activities related to the development or implementation of a clinical quality improvement program. Planning and evaluation costs are related to the collection and analysis of system and process indicators for purposes of determining the impact and effectiveness of funded health-related support services in providing access to and support of individuals and communities within the health delivery system.

Early intervention services: The Managers authorize early intervention services as eligible services under Titles I and II under certain circumstances. The Managers intend to allow grantees to provide certain early intervention services, such as HIV counseling, testing, and referral services, to individuals at high risk for HIV infection, in accordance with State or EMA planning activities. The Managers recognize the range of organizations that may be eligible to provide early intervention services, including other grantees under titles I, II and III such as community based organizations (CBOs) that act as points of entry into the health care system for traditionally underserved and minority populations.

The Managers believe that referral relationships maintained by providers of early intervention services are essential to increasing the numbers of people with HIV/AIDS who are identified and to bringing them into care earlier in the progression of their disease.

Health-care related support services: The Managers wish to stress the importance of CARE Act funds in meeting the health care needs of persons and families with HIV disease. The Act requires support services provided through CARE Act funds to be health care related. States and EMAs should ensure that support services meet the objective of increasing access to health care and ongoing adherence with primary care needs. The Managers reaffirm the critical relationship between support service provision and positive health outcomes.

Title I planning council duties and membership: The Managers have amended numerous aspects of CARE Act programs to enhance the coordination between HIV prevention and HIV/AIDS care and treatment services. In this case, Planning Council membership of the providers of HIV prevention services will help assure this coordination. To improve representation of underserved communities, providers of services to homeless populations and representatives of formerly incarcerated individuals with HIV disease are included in planning council membership. It is the intent of the Managers that the needs of all communities affected by HIV/AIDS and all providers working within the service areas be represented. The Managers also intend the Planning Councils more adequately reflect the gender and racial demographics of the HIV/AIDS population within their respective EMAs.

The Managers also intend that patients and consumers of Title I services constitute a substantial proportion of Planning Council memberships. The prohibited of officers, employees and consultants is not intended to impede the participation of qualified, motivated volunteers with Title I grantees from serving on Planning Councils where they do not maintain significant financial relationships with such grantees. In contrast to such significant financial relationships, volunteers may be reimbursed reasonable incidental costs, including for training and transportation, which help to facilitate their important contribution to the Planning Councils.

To ensure that new Planning Council members are adequately prepared for full participation in meetings, the Managers direct the Secretary to ensure that proper training and guidance is provided to members of the Councils. The Managers also expect Planning Councils to provide assistance, such as transportation and childcare, to facilitate the participation of consumers, particularly those from affected subpopulations and historically underserved communities.

Consistent with the "sunshine" policies of the Federal Advisory Committee Act (FACA), all meetings of the Planning Councils shall be open to the public and be held after adequate notice to the public. Detailed minutes, records, reports, agenda, and other relevant documents should also be available to the public. The Managers intend for such documents to be available for inspection and copying at a single location, including posting on the Internet.

Title I supplemental: In order to target funding to areas in greatest need of assistance, severity of need is given a greater weight of 33 percent in the award of Title I supplemental grants. The Managers intend that Title I supplemental awards are not intended to be allocated on the basis of formula grant allocations. Instead, such supplemental awards are to be directed principally to those eligible areas with 'severe need," or the greatest or expanding public health challenges in confronting the epidemic. The Managers have included additional factors to be considered in the assessment of severe need, including the current prevalence of HIV/AIDS, and the degree of increasing and unmet needs for services. Additionally, the Managers believe that syphilis, hepatitis B and hepatitis C should be regarded as important co-morbidities to HIV/AIDS.

It is the Managers' strong view that HRSA's Bureau of HIV/AIDS should employ standard, quantitative measures to the maximum extent possible in lieu of narrative self-reporting when awarding supplemental awards. The Managers therefore renew the Bureau's obligation to develop in a timely manner a mechanism for determining severe need upon the basis of national, quantitative incidence data. In this regard, the Managers recognize that adequate and reliable data on HIV prevalence may not be uniformly available in all eligible areas on the date of enactment. It is noted, however, that "HIV disease" under the CARE Act encompasses both persons living with AIDS as well as persons diagnosed as HIV positive who have not developed AIDS.

Title II base minimum funding: The minimum Title II base award is increased in order to increase the funding available to States for the capacity development of health system programs and infrastructure. The Federated States of Micronesia and the Republic of Palau are included as entities eligible to receive Title II funds, in recognition of the need to establish a minimum level of funding to assist in building HIV infrastructure.

Title II public participation: The Managers urge States to strengthen public participation in the Ryan White Title II planning process. While the Managers do not intend that States be mandated to consult with all entities participating in the Title I planning process, reference to such entities is intended to provide guidance to the States that such entities are important constituencies which the States should endeavor to include in their planning processes. Moreover, States may demonstrate compliance with the new requirement of an enhanced process of public participation by providing evidence that existing mechanisms for consumer and community input provide for the participation of such entities. The intent is to allow States to utilize the optimal public advisory planning process, such as special planning bodies or standing advisory groups on HIV/AIDS, for their particular population and circumstances.

The Managers are also aware of the difficulties that some States with limited resources may encounter in convening public hearings over large geographic or rural areas and encourage the Secretary to work with these States to develop appropriate processes for public input, and to consider such limitations when enforcing these requirements.

Title II HIV care consortia: The Manager intend that the States continue to work with local consortia to ensure that they identify potential disparities in access to HIV care services at the local level, with a special emphasis on those experiencing disparities in access to care, historically underserved populations, and HIV infected persons not in care. However, the Managers do not intend that States and/or consortia be mandated to consult with all entities participating in the Title I planning process. Rather, reference to such entities is intended to provide guidance to the States that such entities are important constituencies which the States should endeavor to include in their planning processes.

Title II "emerging communities" supplement: There continues to be a growing need to address the geographic expansion of this epidemic, and this Act continues the efforts made during the last reauthorization to direct resources and services to areas that are particularly underserved, including rural areas and metropolitan areas with significant AIDS cases that are not eligible for Title I funding. A supplemental formula grant program is created within Title II to meet HIV care and support needs in non-EMA areas. There are a large number of areas within States that do not meet the definition of a Title I EMA but that, nevertheless, experience significant numbers of people living with AIDS. This provision stipulates that these "emerging communities," defined as cities with between 500 and 1,999 reported AIDS cases in the most recent 5-year period, be allocated 50 percent of new appropriations to address the growing need in these areas. Funding for this provision is triggered when the allocations to carry out Part B, excluding amounts allocated under section 2618(a)(2)(I), are $20,000,000 in excess of funds available for this part in fiscal year 2000, excluding amounts allocated under section 2618(a)(2)(I). States can apply for these supplemental awards by describing the severity of need and the manner in which funds are to be used.

The Managers intend to acknowledge the challenges faced by many areas with a significant burden of HIV and AIDS and a lack of health care infrastructure or resources to provide HIV care services. This supplemental program allows the Secretary to make grants to States to address HIV service needs in these underserved areas. The Managers understand the necessity to continue to support existing and expanding critical Title II base services.

AIDS Drug Assistance Program supplemental grant and expanded services: Under this Act, the AIDS Drug Assistance Program (ADAP) has been strengthened to assist States in a number of areas. The Secretary is authorized to reserve 3 percent of ADAP appropriations for discretionary supplemental ADAP grants which shall be awarded in accordance with severity of need criteria established by the Secretary. Such criteria shall account for existing eligibility standards, formulary composition and the number of patients with incomes at or below 200 percent of poverty. The Managers also encourage the Secretary to consider such factors as the State's ability to remove restrictions on eligibility based on current medical conditions or income restrictions and to provide HIV therapeutics consistent with PHS guidelines.

States are also required to match the Federal supplement at a rate of 1:4. The Managers expect the State to continue to maintain current levels of effort in its ADAP funding. The Managers intend that the 25 percent State match required to receive funds under this section be implemented in a flexible manner that recognizes the variations between Federal, State, and programmatic fiscal years.

In addition, up to 5 percent of ADAP funds will be allowed to support services that directly encourage, support, and enhance adherence with treatment regimens, including medical monitoring, as well as purchase health insurance plans where those plans provided fuller and more cost-effective coverage of AIDS therapies and other needed health care coverage. However, up to 10 percent of ADAP funds may be expended for such purposes if the State demonstrates that such services are essential and do not diminish access to therapeutics. Finally, the Managers recognize that existing Federal policy provides adequate guidelines to states for carrying out provisions under this section.

Partner notification, perinatal transmission, and counseling services: Discretionary grants are authorized under this Act for partner notification, counseling and referral services. The Managers have also expanded the existing grant program to States for the reduction of perinatal transmission of HIV, and for HIV counseling, testing, and outreach to pregnant woman. Funding for perinatal HIV transmission reduction activities is expanded, with additional grants available to States with newborn testing laws or States with significant reductions in perinatal HIV transmission. In addition, this Act further specifies information to be conveyed to individuals receiving HIV positive test results in order to reduce risk of HIV transmission through sex or needle-sharing practices.

Coordination of coverage and services: This Act also strengthens the requirements made on the States and EMAs in a number of areas aimed at improving the coordination of coverage and services. Grantees must access the availability of other funding sources, such as Medicaid and the State Children's Health Insurance Program (SCHIP) and improve efforts to ensure that CARE Act funds are coordinated with other available payers.

Titles II and IV administrative expenses: The administrative cap for the directly funded Title III programs is increased. The administrative cap for Title III grants is raised from 7.5 percent to 10 percent to correspond with the 10 percent cap on individual contractors in Title I. The Secretary is directed to review administrative and program support expenses for Title IV, in consultation with grantees. In order to assure that children, youth, women, and families have access to quality HIV-related health and support services and research opportunities, the Secretary is directed to work with Title IV grantees to review expenses related to administrative, program support, and direct service-related activities.

Title IV access to research: This Act removes the requirement that Title IV grantees enroll a "significant number" of patients in research projects. Title IV provides an important link between women, children, and families affected by HIV/AIDS and HIV-related clinical research programs. The "significant number" requirement is removed here to eliminate the incentive for providers to inappropriately encourage or pressure patients to enroll in research programs.

To maintain appropriate access to research opportunities, providers are required to develop better documentation of the linkages between care and research. The Secretary of Health and Human Services (HHS), through the National Institutes of Health (NIH), is also directed to examine the distribution and availability of HIV-related clinical programs for purposes of enhancing and expanding access to clinical trials, including trials funded by NIH, CDC and private sponsors. The Managers encourage the Secretary to assure that NIH-sponsored HIV-related trials are responsive to the need to coordinate the health services received by participants with the achievement of research objectives. Nor do the Managers intend this requirement to require the redistribution of funds for such research projects.

Part F Dental Reimbursement Program: The Managers have established new grants for community-based health care to support collaborative efforts between dental education programs and community-based providers directed at providing oral health care to patients with HIV disease in currently unserved areas and communities without dental education programs. Although the Dental Program has been tremendously successful, there is still a large HIV/AIDS population that has not benefitted because there is not a dental education institution participating in their area. These patients are also in need of dental services that could be provided at community sites if more community-based providers would partner with a dental school or residency program. In these partnerships, dental students or residents could provide treatment for HIV/AIDs patients in underserved communities under the direction of a community-based dentist who would serve as adjunct faculty. By encouraging dental educational institutions to partner with community-based providers, the Managers intend to address the unmet need in these areas by ensuring that dental treatment for the HIV/AIDS population is available in all areas of the country, not just where dental schools are located.

Technical assistance and guidance: The Managers reaffirm the Secretary's responsibility in providing needed guidance and tools to grantees in assisting them in carrying out new requirements under this Act. The Secretary is required to work with States and EMAs to establish epidemiologic measures and tools for use in identifying the number of individuals with HIV infection, especially those who are not in care. The legislation requests an IOM study to assist the Secretary in providing this advice to grantees.

The Managers understand that the Secretary has convened a Public Health Service Working Group on HIV Treatment Information Dissemination, which has produced recommendations and a strategy for the dissemination of HIV treatment information to health care providers and patients. Recognizing the importance of such a strategy, the Managers intend that the Secretary issue and begin implementation of the strategy to improve the quality of care received by people living with HIV/AIDS.

Data Collection through CDC: The Managers believe that an additional authorization for HIV surveillance activities under the CDC will serve to advance the purposes of the CARE Act. To better identify and bring individuals with HIV/AIDS into care, States and cities may use such funding to enhance their HIV/AIDS reporting systems and expand case finding, surveillance, social marketing campaigns, and other prevention service programs. Notwithstanding its strong interest in improving the coordination between HIV prevention and HIV care and treatment services, the Managers intend that this enhanced funding for CDC and its grantees ensure that CARE Act programs and funds not duplicate or be diverted to activities currently funded and administered by the CDC.

Coordination: This Act requires the Secretary to submit a plan to Congress concerning the coordination of Health Resources and Services Administration (HRSA), Centers for Disease Control and Prevention (CDC), Substance Abuse and Mental Health Services Administration (SAMHSA), and Health Care Financing Administration (HCFA), to enhance the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease. The Managers believe that much greater effort is required to ensure that the provision of HIV prevention and care services becomes as seamless as possible, and that coordination be pursued at the Federal level, in the States and local communities to eliminate any administrative barriers to the efficient provision of high quality services to individuals with HIV disease.

A second plan for submission to Congress focuses on the medical case management and provision of support services to persons with HIV released from Federal or State prisons.

Administrative simplification: The Managers intend for the Secretary of HHS to explore opportunities to reduce the administrative requirements of Ryan CARE Act grantees through simplifying and streamlining the administrative processes required of grantees and providers under Titles I and II. In consultation with grantees and service providers of both parts, the Secretary is directed to (1) develop a plan for coordinating the disbursement of appropriations for grants under Title I with the disbursement of appropriations for grants under Title II, (2) explore the impact of biennial application for Titles I and II on the efficiency of administration and the administrative burden imposed on grantees and providers under Titles I and II, and (3) develop a plan for simplifying the application process for grants under Titles I and II. It is the intent of the Managers to improve the ability to grantees to comply with administrative requirements while decreasing the amount of staff time and resources spent on administrative requirements.

Program and service studies: The Managers request that the Secretary, through the IOM, examine changing trends in the HIV/AIDS epidemic and the financing and delivery of primary care and support services for low-income, uninsured individuals with HIV disease. The Secretary is directed to make recommendation regarding the most effective use of scarce Federal resources. The purpose of the study is to examine key factors associated with the effective and efficient financing and delivery of HIV services (including the quality of services, health outcomes, and cost-effectiveness). The Managers expect that the study would include examination of CARE Act financing of services in relation to existing public sector financing and private health coverage; general demographics and comorbidities of individuals with HIV disease; regional variations in the financing and costs of HIV service delivery; the availability and utility of health outcomes measures and data for measuring quality of Ryan White funded service; and available epidemiologic tools and data sets necessary for local and national resource planning and allocation decisions, including an assessment of implementation of HIV infection reporting, as it impacts these factors.

The Managers also require an IOM study focuses on determining the number of newborns with HIV, where the HIV status of the mother is unknown; perinatal HIV transmission reduction efforts in States; and barriers to routine HIV testing of pregnant women and newborns when the mothers' HIV status is unknown. The study is intended to provide States with recommendations on improving perintal prevention services and reducing the number of pediatric HIV/AIDS cases resulting from perinatal transmission.

Development of Rapid HIV Test: The Managers encourage the Secretary to expedite the availability of rapid HIV tests which are safe, effective, reliable and affordable. The Managers intend that the National Institutes of Health expand research which may lead to such tests. The Managers also intend that the Director of CDC should take primary responsibility, in conjunction with the Commissioner of Food and Drugs, for a report to Congress on the public health need and recommendations for the expedited review of rapid HIV tests. The Managers believe that the Food and Drug Administration should account for the particular applications and urgent need for rapid HIV tests, as articulated by public health experts and the CDC, when determining the specific requirements to which such tests will be held prior to marketing.

Department of Veterans Affairs: The Managers note that the U.S. Department of Veterans Affairs is the largest single direct provider of HIV care and services in the country. Over 18,000 veterans received HIV care at VA facilities in 1999. Veterans with HIV infection are eligible to participate in Ryan White Title I and Title II programs when they meet eligibility requirements set by EMAs and States, whose plans for the delivery of services must account for the availability of VA services. VA facilities are eligible providers of HIV health and support services where appropriate. The Managers expect that HRSA's Bureau of HIV/AIDS shall encourage Ryan White grantees to develop collaborations between providers and VA facilities to optimize coordination and access to care to all persons with HIV/AIDS.

International HIV/AIDS Initiatives: The Managers note that the CARE Act provides a model of service delivery and Federal partnership with States, cities and community-based organizations which should prove valuable in global efforts to combat the HIV/AIDS epidemic. The Managers strongly encourage the Secretary, the Bureau of HIV/AIDS at HRSA, and the CDC to provide technical assistance available to other countries which has already proven invaluable in helping to limit the suffering caused by HIV/AIDS. It is the Managers' hope that the hard-earned knowledge and experience gained in this country can benefit people with HIV/AIDS overseas.

Mr. KENNEDY. Mr. President, it is a privilege to support the CARE Act Amendments of 2000. I commend the many Senators who worked hard and well on the issue of HIV and AIDS. Senator JEFFORDS and Senator HATCH have championed this issue since 1990 when the CARE Act was first proposed, and Senator FRIST has been an impressive leader in recent years. Their leadership has and the leadership of many others has raised our collective conscience about the HIV/AIDS crisis. Our goal in this legislation is to ensure that citizens with HIV disease continue to receive the benefits of advances in therapies and a system of support that has achieved remarkable success in recent years.

For 20 years, America has struggled with the devastation caused by HIV/AIDS. It is a virus that knows no color, religion, political affiliation, or income status. AIDS continues to kill brothers and sisters, children and parents, friends and loved ones—all in the prime of their lives. This epidemic knows no geographic boundaries and has no mercy on those it strikes. HIV/AIDS has become one of the greatest public health challenges of our times. The CARE Act has directed needed resources to accelerate research, develop effective therapies, and support the 900,000 persons and families living with HIV/AIDS in America, and it clearly deserves to be extended and expanded.

AIDS has claimed over 420,000 lives so far in the United States and it continues to claim the most vulnerable among us, especially women, youth, and minorities. We have good reason to be encouraged by medical advances over the past ten years, but we still face an epidemic that kills over 47,000 people each year. Like other epidemics before it, AIDS is now hitting hardest in areas where knowledge about the disease is scarce and poverty is high. The epidemic has dealt a particularly severe blow on communities of color, which account for 73 percent of all new infections. Women account for 30 percent of new infections. Over half of new infections occur in persons under 25.

An estimated 34 percent of AIDS cases in the U.S. occur in rural areas, and this percentage is growing. As the crisis continues year after year, it becomes increasingly difficult for anyone to claim that AIDS is someone else's problem. We all share in a very real way in being touched by the epidemic.

Fortunately, we have been able to slow the progression of this devastating disease. Many people living with HIV and AIDS are alive today and leading longer and healthier lives. AIDS deaths declined by 20 percent between 1997 and 1998, thanks to advances in care and effective new treatments. The smallest increase in new AIDS cases—11 percent—took place in 1999, compared with an 18 percent increase in new cases just a year before. We are helping people earlier in their disease progression and keeping them healthier longer.

Nevertheless, an estimated 30 percent of persons living with AIDS do not have insurance coverage to pay for costly treatments. As a result, heavy demands are placed on community-based organizations and state and local governments. For these Americans, the CARE Act Amendments of 2000 will continue to provide the only means to obtain the care and treatment they need.

In Massachusetts, there has been a 77 percent decline in AIDS and HIV-related deaths since 1995. But the number of cases increased in women by 11 percent from 1997 to 1998. Fifty-five percent of persons living with AIDS in the state are persons of color. Massachusetts is fortunate to have a state budget that provides funding for primary care, prevention, and surveillance efforts. But no state is economically sufficient enough to provide the significant financial resources needed to enable all persons living with HIV disease to obtain the medical and supportive services they need without the Ryan White CARE Act.

The CARE Act will continue to bring hope to the over 600,000 individuals it serves each year in dealing with this devastating disease. This reauthorization builds on past accomplishments, while recognizing the challenge of ensuring access drug treatment for all who need it, reducing health disparities in vulnerable populations, and improve the distribution and quality of services.

Funds totaling $3.4 billion over the next five years will target the hardest hit 51 metropolitan areas in the country under Title I of the Act. Local planning and priority-setting under Title I assures that each of the eligible metropolitan areas responds to local HIV/AIDS needs. Safeguards are put in place to ensure that Title I areas are protected from drastic shifts in funding that can destabilize their HIV care infrastructure by limiting these losses to a maximum of 15 percent over its FY 2000 levels without compounded the effects of the loss from year to year. We also have assured EMAs the opportunity to reset the clock each time they find they do not need hold harmless protection in order to allow them the needed time and resources to plan prioritize, and redirect resources in response to major shifts that may occur in funding and in the local epidemic.

Under Title II, $4.4 billion over the next five years will provide emergency relief to assist states in developing their HIV health care infrastructure. These funds will also provide life-sustaining drugs to over 61,000 persons each month. In addition, these funds will provide assistance for emerging communities that are increasingly affected by HIV/AIDS, but do not currently qualify for additional assistance, while assuring that base Title II funding losses do not occur in any fiscal year for any state or territory.

Title III programs will receive $730 million during the five year period to assist over 200 local health centers and other primary health care providers in communities with a significant and disproportionate need for HIV care. Many of these communities are located in the hardest hit areas, serving low income communities. An additional $30 million in funds under Title III will provide planning and capacity development grants for hard-to-reach urban and rural communities.

In Title IV, $2700 million over the next five years will be used to meet the specific needs of women, infants, youth, and families. An additional $42 million will assure that oral health care is available to persons with HIV/AIDS who are uninsured. One hundred and forty-one million dollars in funding over the five-year period will assure that we continue our investment in improving the skills of the healthcare workforce.

In total, the CARE Act will authorize over $8.5 billion in funding to fight HIVS/AIDS over the next five years.

I commend the dedication of the AIDS community and the Administration in working with Congress over the past year to bring forward the best possible legislation. I also commend Sean Donohue and William Fleming of Senator JEFFORDS' staff, Dave Larsen of Senator FRIST's staff, and Stephanie Robinson and Idalia Sanchez of my staff for their effective work on this landmark legislation.

The Senate's action today reaffirms our long-standing commitment to provide greater help to those with HIV/AIDS and to families touched by this devastating disease. America has the resources to win the battle against AIDS. We must face this disease with the same courage demonstrated by Ryan White, the young man with hemophilia who contracted AIDS through blood transfusions, and for whom the original act was named. Ryan White touched the world's heart through his valiant effort to speak out against the ignorance and discrimination faced by persons living with AIDS. This legislation carries on his brave work and I urge the Senate to approve it.

Mr. FRIST. Mr. President, I am pleased to acknowledge the final Senate passage of the Ryan White CARE Act Amendments of 2000 today, which follows the actions of House of Representatives earlier this morning. This important bill forms a unique partnership between federal, local, and state governments; non-profit community organizations, health care and supportive service providers. For the last decade, this Act has successfully provided much needed assistance in health care costs and support services for low-income, uninsured and underinsured individuals with HIV/AIDS.

Through programs such as the AIDS Drug Assistance Program, ADAP, which provides access to pharmaceuticals, the CARE Act has helped extend and even save lives. Last year alone, nearly 100,000 people living with HIV and AIDS received access to drug therapy because of the CARE Act. Half the people served by the CARE Act have family incomes of less than $10,000 annually, which is less than the $12,000 annual average cost of new drug "cocktails" for treatment. The CARE Act is critical in ensuring that the number of people living with AIDS continues to increase, as effective new drug therapies are keeping HIV-infected persons healthy longer and dramatically reducing the death rate. Investments in enabling patients with HIV to live healthier and more productive lives have helped to reduce overall health costs. For example, the National Center for Health Statistics reported that the nation has seen a 30 percent decline in HIV related hospitalizations, producing nearly one million fewer HIV related hospital days and a savings of more than $1 billion.

During the 104th Congress, I had the pleasure of working with Senator Kassebaum on the Ryan White CARE Act Amendments of 1996 to ensure that this needed law was extended. Senator JEFFORDS, who has done a terrific job in crafting this bill, has already outlined some specifics of this legislation, however, I would like to conclude by discussing a specific provision which I am grateful Senator JEFFORDS included in this reauthorization.

This bill contains a provision, under Title II of this Act, addressing the fact that the face of this disease is changing as AIDS moves into communities which have not been impacted as great as several Title I grantees. One important aspect of this provision is the creation of supplemental grants for emerging metropolitan communities, which do not qualify for Title I funding but have reported between 500 and 2,000 AIDS cases in the last five years. For cities that have between 1,000 and 2,000 AIDS cases this provision would provide cities, including Memphis and Nashville, at least $5 million in new funding to divide each year, or 25 percent of new monies under Title II, whichever is greater. For cities with 500 to 999 AIDS cases in the last five years, at least $5 million in new funding each year will be divided, or 25 percent of new monies under Title II, whichever is greater. This provision will be implemented as soon as the appropriation level for Title II, excluding the ADAP program, is increased by $20 million above the FY2000 funding level. Once implemented, this program would remain in place every year after the initial trigger level is met with at least $10 million coming from the Title II funding to support this needed effort.

Mr. President, I would like to thank Senator JEFFORDS for his leadership on this issue, and Sean Donohue and William Fleming of his staff for all their expertise in drafting this bill. I would also like to thank Senator KENNEDY and Stephanie Robinson of his staff for their work and dedication to this issue. And finally I would like to think Dave Larson and Mary Sumpter Johnson of my health staff for their work on passage of this bill.

ORDERS FOR FRIDAY, OCTOBER 6, 2000

Mr. MACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Friday, October 6. I further ask unanimous consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the leaders be reserved for their use later in the day, and the Senate then begin a period of morning business with the time until 10 a.m. equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MACK. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 10 a.m. Following morning business, the Senate may begin consideration of the Transportation appropriations conference report or the sex trafficking victims conference report. It is hoped that the Senate can begin consideration of either of these conference reports prior to noon tomorrow. Therefore, votes could occur by midmorning.

Mr. REID. Mr. President, may I ask my friend a question?

Mr. MACK. Certainly.

Mr. REID. Is there a "definite maybe" that we will have a vote? Is that about it?

Mr. MACK. I think that is probably as close to a "definite maybe" as you can get in the Senate at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until tomorrow at 9:30 a.m.

Thereupon, the Senate, at 6:51 p.m., recessed until Friday, October 6, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 5, 2000:

INTER-AMERICAN FOUNDATION

ANITA PEREZ FERGUSON, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006, VICE MARIA OTERO, TERM EXPIRED.

FEDERAL DEPOSIT INSURANCE CORPORATION

JOHN M. REICH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF SIX YEARS, VICE ANDREW C. HOVE, JR., TERM EXPIRED.

HOUSE OF REPRESENTATIVES—*Thursday, October 5, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 5, 2000.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Norman B. Steen, The Christian Reformed Church of Washington, D.C., offered the following prayer:

Almighty God, Maker of Heaven and Earth, Lord of the Nations, You've got the whole world in Your strong and loving hands, this grand Capitol building, our beloved Nation, and all people everywhere.

As this session of the House is drawing to a close, I ask You, Lord, for the blessing of Your wisdom to fall on these Congressmen and Congresswomen as they seek the common good in their deliberations and debate on this day.

Lord, give them understanding, patience and goodwill as they struggle to accomplish their legislative goals, and with this big push now to wrap things up before the campaign season moves into high gear, give our leaders health, strength and endurance to be able to work effectively under all of these pressures.

And above all, Lord, may Your love of justice and mercy and peace be reflected in the work of these dedicated public servants on this day for the blessing of our Nation, for the blessing of the world.

Yours, Lord God, is the kingdom and the power and the glory forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Michigan (Ms. RIVERS) come forward and lead the House in the Pledge of Allegiance.

Ms. RIVERS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 1162. An act to designate the bridge on United States Route 231 that crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the "William H. Natcher Bridge".

H.R. 1605. An act to designate the Federal building and United States courthouse located at 402 North Walnut Street in Harrison, Arkansas, as the "J. Smith Henley Federal Building and United States Courthouse".

H.R. 4318. An act to establish the Red River National Wildlife Refuge.

H.R. 4642. An act to make certain personnel flexibilities available with respect to the General Accounting Office, and for other purposes.

H.R. 4806. An act to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the "Carl Elliott Federal Building".

H.R. 5284. An act to designate the United States courthouse located at 101 East Main Street in Norfolk, Virginia, as the "Owen B. Pickett United States Courthouse".

H. Con. Res. 399. Concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4002. An act to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger.

H.R. 4386. An act to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV) and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2412. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.

The message also announced that pursuant to Public Law 103-296, the Chair, on behalf of the President pro tempore, and in consultation with the Chairman and the Ranking Minority Member of the Finance Committee, appoints David Podoff, of Maryland, as a member of the Social Security Advisory Board, vice Lori L. Hansen.

THE REVEREND NORMAN B. STEEN

(Mr. HOEKSTRA asked and was given permission to address the House for 1 minute.)

Mr. HOEKSTRA. Mr. Speaker, it is my pleasure to welcome the Reverend Norman Steen, pastor of the Christian Reformed Church of Washington, D.C. as a guest chaplain for the House of Representatives.

The Washington, D.C. Christian Reformed Church has a proud history of more than 50 years in the District of Columbia. The church was founded during World War II by members of the Christian Reformed Church who came to Washington from Michigan, Iowa, New Jersey, Washington, and California and from throughout the United States in order to serve our Nation.

Since that time, the church has rooted itself in Northeast Washington and has seen many changes in this city, all the while serving its members and the community around it.

Reverend Steen has been the pastor of the church since April of 1999. Prior to moving with his wife, Barb, he was a minister at a church in my hometown, the 14th Street Christian Reformed Church of Holland, Michigan. During his distinguished 25-year career as a minister, Norm has also served churches in Ridgewood, New Jersey, and Parkersburg, Iowa.

I hope the entire House will join me in welcoming Reverend Norm Steen as our guest chaplain today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minute speeches on each side.

CONGRATULATING IAN AMBER

(Ms. ROS-LEHTINEN asked and was given permission to address the House

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate a remarkable young man and true champion in my congressional district, Ian Amber. Ian is a straight A honor student at Palmetto Senior High School where he excels in various academic organizations. But unlike most teenagers, Ian had to overcome a great obstacle not normally faced by students.

At age 10, Ian was diagnosed with leukemia and underwent 3 years of intense chemotherapy treatment. Through perseverance, he beat cancer; and today, Ian spends his time helping children with life-threatening diseases.

He formed Kids That Care Pediatric and Cancer Fund, the only kid-run organization affiliated with a major hospital in South Florida, an organization in which he raises funds for sick children.

He also created Trading Places, a sensitive-training program for oncology nurses.

Mr. Speaker, I ask my colleagues to help me in recognizing Ian's selfless achievements, and in commending him for being a shining example to us all. He represents Miami Palmetto well. He represents all of us well.

THE VAGINA MONOLOGUES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Broadway has announced a new play called "The Vagina Monologues." I quote, the promo states that "Vagina Monologues uses humor and drama to explore such things as sexual fantasies, orgasms, pelvic examinations and rape." Now if that is not enough to entice your condominium, this vaginal virtuoso is being billed as theater at its finest.

Unbelievable. What is next? Rectal Diaries? Men are dropping like flies in America from prostate cancer and Broadway is promoting vaginal titillation.

Beam me up. I advise all New York men to sleep on their stomachs, and I yield back all the STDs on the East Coast.

ANY MORE STORIES?

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, here we go again. First it is inventing the Internet, then it is drugs for his mother-in-law and his dog. Now it appears the Vice President's imagination has really run wild again. When Governor Bush mentioned traveling to a disaster area with the head of FEMA, Mr. GORE added that he traveled with him too. Untrue. Then claimed to be a strong supporter of the lockbox for Social Security and Medicare. Surprise, surprise, the Democrat filibuster holding up this legislation is waiting for his first sign of support. What about that poor Florida girl forced to stand in her class of 36 because there is no room for her desk? Guess what? Not true again.

What is that phrase about pants on fire? Any more stories?

THE VIOLENCE AGAINST WOMEN ACT

(Ms. RIVERS asked and was given permission to address the House for 1 minute.)

Ms. RIVERS. Mr. Speaker, the House has done its job, we passed the Violence Against Women Act by a vote of 415–3. Nevertheless, the authorization ran out on September 30, 2000.

This critical bill is supported by police officers, judges, prosecutors, governors, State attorneys general, social workers, men and women and children's advocates around the Nation. It deserves immediate attention from the other body.

The Violence Against Women Act was originally passed in 1994 and authorized over a billion dollars for law enforcement grants, judicial training, shelters, a national hotline, child abuse and prevention programs. Thousands of victims from every State, race, and socioeconomic level have relied on these services for protection from violence.

VAWA has saved lives and helped rebuild even more, and it has served to break the cycle of violence in so many families, by preventing children from perpetuating the violence they witness.

With the authorization already expired, I respectfully urge the other body to pass this important legislation.

SQUANDERED OPPORTUNITIES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Governor George W. Bush has rightly pointed out that this boom economy is an opportunity we should not squander. It is an opportunity to get our fiscal house in order to shore up programs like Social Security and Medicare for the next generation.

Unfortunately, the opposition does not seem to see it that way. This is the fourth year in a row that the Republican Congress will pay down the public debt. That will bring us to half a trillion dollars in paid-back debt, and we will do it while preserving the Social Security and Medicare trust funds 100 percent intact.

Mr. Speaker, 22 days ago we sent a letter to the President asking him to join us in this effort, but he has refused to respond.

The only thing we have heard on the matter is what the President said to the newspapers: "It depends on what our spending commitments are."

In other words, he would rather add billions of dollars in new spending than pay down the debt, and that is what Governor Bush means when he talks about squandered opportunities.

APPROVE COMMONSENSE GUN SAFETY LEGISLATION

(Mrs. MCCARTHY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MCCARTHY of New York. Mr. Speaker, the clock is ticking and soon the 106th Congress may adjourn without passing common sense gun safety legislation. Today, we join people throughout the Nation concerned about young people and gun violence.

Earlier this week, I joined the gentleman from Missouri (Mr. GEPHARDT), the minority leader, and the gentleman from Michigan (Mr. CONYERS) in calling on the gentleman from Illinois (Speaker HASTERT) to use his influence to complete work on the stalled Juvenile Justice Conference.

With the help of the gentleman from Illinois (Speaker HASTERT), we can jumpstart the conference to approve child safety locks, to close the gun show loophole and to ban high-capacity ammunition clips. I am pleased that Senator JOHN MCCAIN has endorsed closing the gun show loophole.

Governor Pataki has already brought common sense gun laws to my home State of New York. We need to bring similar legislation to all 50 States. Is there grassroots support for this legislation? You bet.

The Million Mom March demonstrated that people across the Nation want to make their communities safe from gun violence. Just this week, college students around the Nation participated in First Monday 2000. I am pleased that students from Long Island's Hofstra University participated in this grassroots educational issue.

To date, the gun lobby has prevented the Congress from approving national gun safety legislation. We do not have to repeat the past. I ask the gentleman from Illinois (Speaker HASTERT) to consider this.

DEBT REDUCTION STILL BEING HELD HOSTAGE

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, today is day 23 of the debt reduction held hostage by the Clinton-Gore administration. It has been 23 days since Congress proposed to lock away 100 percent of the Social Security and Medicare surpluses and dedicate at least 90 percent of the total budget surplus for debt reduction, but still no answer from the Clinton-Gore administration.

There will be an estimated $268 billion surplus this fiscal year alone. Our question is simple: Should it be used to pay off our public debt, or should it be spent on ongoing Federal programs? Republicans are for using the surplus to pay off public debt.

Where do President Clinton and Vice President GORE stand?

Mr. Speaker, I urge the President and the Vice President to put debt reduction ahead of spending and agree to our 90–10 debt reduction proposal.

VIOLENCE AGAINST WOMEN ACT OF 2000

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Mr. Speaker, the women in my district and women all across this country need to have the Violence Against Women Act of 2000 reauthorized.

The act was first passed in 1994 and has been a lifeline to women who are victims of violence. The current act would go even further by improving existing provisions and adding new ones, such as dating violence, the provision of transitional housing, the creation of supervised visitation and exchange programs for children, and expanding services to reach the elderly and previously underserved populations.

The new reauthorization was passed by this body on September 26, but it remains a top priority, because the other body has yet to pass it.

Mr. Speaker, the Women's Coalition of St. Croix, the Women's Resource Center in St. Thomas, and the Safety Zone in St. John are depending on us, the women and the families they care for, especially their children who also become victims and have a high risk of themselves becoming perpetrators, are depending on us.

I join the other distinguished women of the House and all of my 415 colleagues who voted for its passage in calling on the Senate to do the same and give us a Violence Against Women Act before we adjourn.

ANOTHER INVITATION FOR DEBT ELIMINATION

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, as you heard my colleague, the gentleman from California (Mr. HERGER), say, it has been 23 days since this Congress asked the President to join us in dedicating 90 percent of next year's surpluses to paying off the debt; and once again, they still have had no response to that request.

The Clinton-Gore administration made it very clear they have a priority on reducing the debt for Third World nations, in distant countries away from our shores. Yet they remain silent on this issue of debt elimination for our own country, for our own American working men and women.

Under this Republican-led Congress, we have already paid down $350 billion in debt since 1998, and our plan is to further reduce the debt by an additional $240 billion in the year 2001 and completely eliminate the debt by 2012, while at the same time preserving and protecting Social Security and Medicare.

□ 1015

Eliminating the public debt is good for the economy and lowers interest rates for minor consumers on everything from home mortgages to credit cards, saving American families over $5,000 a year.

Once again, I call upon the President to join me and my colleagues on this responsible middle ground to eliminate the public debt and ensure a stable future for Americans through generations.

URGING CONGRESS TO REAUTHORIZE THE VIOLENCE AGAINST WOMEN ACT

(Ms. BALDWIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BALDWIN. Mr. Speaker, as we near the end of the 106th Congress, there are a few bills that Congress must pass before we go home. To me, one of those "must pass" bills is the reauthorization of the Violence Against Women Act. The House passed VAWA, but the other body has not yet acted on the bill. There is no more time to waste. This law must be reauthorized this year.

The program has done so much. Over the past 6 years, VAWA has helped millions of women, children, and families who have been victims of domestic abuse and sexual assault. This bill is not controversial. The leaders in the other body have a choice: they can continue to assist victims of domestic violence and sexual assault, or they can turn their backs on them.

To turn their backs when they know that VAWA is working would be unconscionable. VAWA must reach the President's desk before Congress adjourns.

AMERICA NEEDS INTEGRITY IN THE ADMINISTRATION

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY MILLER of California. Mr. Speaker, guess who made this claim: I have been a part of the discussions on the Strategic Petroleum Reserve since the day it was first established.

That boast was made a few days ago by AL GORE, who was not even elected to Congress until 2 years after the Strategic Petroleum Reserve was established. He took credit for it, but he was not even in Congress when it happened.

Two days ago in the Presidential debates, GORE claimed that he was at a Florida high school when a student had to stand in class because the classroom was so overcrowded.

The principal of that school laughed when he heard the claim and said, "We have never allowed a student to stand in the back of a classroom or to stand in a classroom." He also added that the classroom in question, a science lab, has about $150,000 this year alone in new equipment.

Why does he have to keep making these things up? What drives him to take credit for so many things that he clearly had nothing to do with?

Mr. GORE has a problem with the truth. We need leadership that knows the difference between self-serving fantasy and reality. Our country is hungry for integrity.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Members are reminded not to make personal references to the Vice President.

ASKING MEMBERS TO SUPPORT THE AMBER ALERT PROGRAM

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, the gentlewoman from New Mexico (Mrs. WILSON) introduced a resolution that recognizes the importance of a community initiative, a successful and effective way to combat child abduction called the Amber Alert Plan.

The Amber Alert is named after Amber Hagerman, a 9-year-old girl who was tragically abducted and murdered in Arlington, Texas, in 1996. The tragedy of Amber's case was felt throughout north Texas, and it led to a search for new and innovative community responses to help law enforcement officials find missing children.

The Amber Alert is a partnership between broadcasters and law enforcement agencies. When law enforcement determines a child is missing, they activate the Amber Alert, by notifying area-participating radio stations. The stations agree to interrupt their programming and broadcast an emergency report, much like an emergency broadcast system. Their report gives details, like the description of a child or any cars involved. TV stations would broadcast Amber Alert crawlers across the front of their screen, which would resemble severe weather warnings.

I unveiled the Amber Alert in my district. Please join me and the gentlewoman from New Mexico in our efforts to recover missing children and curb abductions as a cosponsor of the bill. The health and safety of our children is in Members' hands.

THE DEMOCRAT EDUCATION AGENDA

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, yesterday the minority leader, the gentleman from Missouri (Mr. GEPHARDT), delivered an important address outlining the education agenda our party will pursue next year under a Democratic Congress. This agenda reflects our commitments to take bold action to make public schools strong and effective and to add, not replace, the efforts being made at the local level.

I applaud the minority leader, the gentleman from Missouri (Mr. GEPHARDT), for his efforts that began more than a year ago in a series of meetings at the Madison Building over dinners and good conversations.

Here is what we as Democrats propose on education: establish a major new partnership with States to lower class size and assure that every child has a qualified teacher; offer new investments while holding schools accountable for the results; make quality preschool available to every child; and provide direct grants and tax breaks to upgrade and modernize school facilities.

We have set down our marker. I look forward to working with the then Speaker, the gentleman from Missouri (Mr. GEPHARDT), in a Democratic House to move it forward.

PASS THE VIOLENCE AGAINST WOMEN ACT BEFORE THE END OF SESSION

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, the women of America want the other body to reauthorize the Violence Against Women Act. This landmark legislation, which the House has reauthorized, has saved lives and rescued countless women from the vicious cycle of family violence.

From 1993, when the act was enacted, to 1997, the rate of intimate partner violence fell and the number of female victims of intimate violence dropped. American women have VAWA, the Violence Against Women Act, to thank for these gains.

But there is so much more that needs to be done. In 1998, three out of four victims of intimate-partner homicide were women. The number of women killed by an intimate partner increased 8 percent between 1997 and 1998. Women need VAWA so they can protect themselves and their children from domestic violence.

The Violence Against Women Act saves lives. I urge our colleagues in the other body, pass VAWA before the end of this session.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members should avoid urging action by the other body.

THE VIOLENCE AGAINST WOMEN ACT MUST BE REAUTHORIZED NOW

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, October is Domestic Violence Awareness Month. It is just unthinkable that we should leave Washington and end this session without reauthorizing the Violence Against Women Act.

Last week, by a powerful 415 to 3, this body overwhelmingly affirmed our responsibility to addressing and protecting the needs of all victims of domestic violence, stalking, and sexual assault. Every 15 seconds someone in our country is battered. Every day, four women die in this country as a result of domestic violence.

Every person, woman, man, or child, should feel safe at home and in their neighborhoods. We must ensure that all victims, including immigrant women, are able to report and flee from domestic violence without threats of persecution or deportation.

We have the opportunity in these remaining days to pass VAWA. We should do it now.

TIME FOR CONGRESS TO PASS VAWA

(Ms. CARSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON. Mr. Speaker, I will follow the Speaker's instructions in terms of not admonishing any other entity of the United States Congress. I would simply rise today to say that we need to have the Violence Against Women Act passed by the Congress and sent to the President for his signature.

Last Wednesday this House unanimously passed VAWA by a vote of 415 to 3. We must urge anyone else who can do that to do that.

VAWA expired on September 30. On September 30, the light went out on justice across this country on behalf of all of the women and children who are victims of violence or who are potential victims, including immigrant women.

Without this critical funding, programs serving women and their children will cease to exist. This is not a political game. It is the lives and well-being of women and children across this country that are at stake, that are vulnerable.

I would urge further consideration of VAWA by the United States Congress.

ON THE 35TH ANNIVERSARY OF MEDICARE, CONGRESS SHOULD REPAIR GAPS IN COVERAGE

(Mr. DEUTSCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEUTSCH. Mr. Speaker, this year we celebrate the 35th anniversary of Medicare. The program has benefited over 93 million Americans since it was signed into law on July 30, 1965, by President Johnson.

Yet, our health care system has changed dramatically since then, with medical technology in many ways leading the way, and Medicare has not kept pace with that. I am concerned about the widening gap between the Medicare program and the cutting edge of medical technology.

I am concerned because it means that more than 90,000 Medicare-aged people in my district cannot gain access to advanced treatment and technologies they need. As Congress looks at adjustments to the program, we must act now to repair the gaps in Medicare for the next 35 years of medical innovation.

Medicare's procedure for adding new technologies to the program involve coverage, coding, and payment decisions. Unfortunately, problems and delays have occurred at each of these stages. The result is that now it can take more than 4½ years or more to make the latest breakthrough treatments available to beneficiaries.

I believe that Medicare patients have waited long enough for a program that gives them access to the advanced medical technologies they need. That is why I am pleased to lend full support of H.R. 4395, the Medicare Patient Access to Technology Act, a bipartisan bill which hopefully we will pass this session, and which will lead to 21st century medicine for Medicare beneficiaries.

SUPPORT THE PRESIDENT'S REQUEST FOR INCREASED FUNDING FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, I rise today to celebrate the 26th anniversary of the Community Development Block Grant Program. This program put local development decisions in the hands of those who know best, those who live and work in our community.

This long-term commitment to responsible flexibility has paid off. The average housing program leverage is $2.31 for every Federal dollar spent.

Unfortunately, the Republican leadership has chosen to commemorate 26 years of job creation and increased affordable housing and water improvements by stripping the block grant program of $300 million in the fiscal year 2001 VA-HUD bill.

In Lorais, Ohio, a community in my district struggling with the loss of industry and experiencing rents as much as 50 percent of income, these cuts translate into a loss of jobs, jobs that would have been created next year through construction projects, small business developments, and retraining programs.

This program is simple, it is effective, it is efficient. Communities in northeast Ohio and across the country are depending on it. Proposed 2001 funding levels will, unfortunately, hang them out to dry.

I urge my colleagues to continue our commitment to improving people's quality of life. Let us support the President's request and increase funding for the Community Development Block Grant Program.

RYAN WHITE CARE ACT AMENDMENTS OF 2000

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 611 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 611

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (S. 2311) to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes. The bill shall be considered as read for amendment. The amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 8 of rule XVIII shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I am pleased to yield the customary 30 minutes to my friend, the distinguished gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, this is a fair and straightforward closed rule for a very important piece of legislation. The rule waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD shall be considered as adopted.

□ 1030

This is largely a noncontroversial bill. As no members of the minority testified differently last night at the Committee on Rules, this rule should receive unanimous support, and I urge support.

This reauthorization of the Ryan White CARE Act recognizes the changing demographics of the AIDS epidemic in our country in a way that truly honors the memory of the courageous young boy for which the bill was originally named. Today, there are between 800,000 and 900,000 persons living with HIV in the United States of America with some 40,000 new infections annually. This conference report seeks to shift resources to the most needy areas while preserving the best features of the current programs.

The gentleman from Virginia (Chairman BLILEY) should be commended for his leadership and attention to this critical public health issue which is of concern to every Member of this body. I am hopeful that the progress made on this authorization will spur funding for another essential program for individuals afflicted with the HIV virus.

As my colleagues remember and well know, this House led the way and adopted the Ricky Ray Authorization Act in the last Congress. It authorized $750 million for compassion assistance and recognition to hemophiliacs who contracted AIDS through no fault of their own because of contaminated blood products in the 1980s.

Now, the first installment was provided last year, and this year the gentleman from Florida (Chairman YOUNG) of the Committee on Appropriations should be commended for exceeding the President's request in the House version of the Fiscal Year 2001 Labor-HHS appropriation bill for the next installment.

As negotiations continue and we near the end of this Congress, I am hopeful that the White House will become fully engaged on the Ricky Ray funding problem and work with leadership and Congress to provide full funding for these victims as soon as humanly possible. The need is great and the time is now.

I am confident that, if the White House shows true leadership and demonstrates that this problem is really a top priority for them, we will be able to move further toward full funding this year. Obviously we cannot undo the tragic events of the 1980s, but we can work to provide assistance to these individuals before it is any later.

Mr. Speaker, this rule should engender little debate. It is a fair rule for a good bill. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Florida (Mr. GOSS) for yielding me the time.

Mr. Speaker, this is a closed rule. It will allow for the consideration of S. 2311, which is called the Ryan White CARE Act Amendments of 2000. As the gentleman from Florida has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. Under this closed rule, no amendments can be offered on the House floor.

In 1990, Congress passed the Ryan White Comprehensive AIDS Resources Emergency Act. It was known as the Ryan White CARE Act. This law created programs to help Americans with AIDS and HIV, the virus that causes AIDS, and to slow the spread of HIV.

These programs expired October 1. The bill we are considering will reauthorize and strengthen the Ryan White CARE Act programs by expanding access, improving quality, and providing additional services. Some of the changes will help target health care services to the people who need it the most but who can least afford it.

Women, children, infants and youth with HIV will especially benefit from this bill as will low-income individuals and families. AIDS possesses one of the greatest health challenges of our generation, and there is no way to avoid its tragic grip. However, an active role by the Federal government can, in my opinion, ease the tragedy by reducing the number of new HIV cases and by supporting victims and their families.

The Ryan White CARE Act has worked. The Federal funds spent under this law have saved lives and reduced suffering. These are dollars that could not have been better spent. For example, between 1994 and 1999, pediatric AIDS cases declined by nearly 80 percent largely because of these programs funded by the Federal Government under this Act.

I would like to point out to my colleague that this act offers a framework that we should apply to tackling other tragic diseases, such as childhood cancer. I hope that Congress will learn from the success of this act.

This legislation extending the Ryan White CARE Act represents our best response to dealing with AIDS and its consequences. The bill we are considering is a compromise between the previously passed House and Senate versions. The Senate version passed by unanimous consent. The House version passed by a voice vote under suspension of the rules. I am proud to be a cosponsor of this House version.

Because there is general agreement between the House and Senate, there is no need for a formal conference committee.

I urge my colleagues to vote for the rule and for the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I advise that we have no speakers lined up, and I would be prepared to yield back if the gentleman from Ohio (Mr. HALL) has no speakers.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. COBURN. Mr. Speaker, pursuant to House Resolution 611, I call up the Senate bill (S. 2311) to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 611, the Senate bill is considered read for amendment.

The text of S. 2311 is as follows:

S. 2311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ryan White CARE Act Amendments of 2000".

SEC. 2. REFERENCES; TABLE OF CONTENTS.

(a) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. References; table of contents.

TITLE I—AMENDMENTS TO HIV HEALTH CARE PROGRAM

Subtitle A—Purpose; Amendments to Part A (Emergency Relief Grants)

Sec. 101. Duties of planning council, funding priorities, quality assessment.
Sec. 102. Quality management.
Sec. 103. Funded entities required to have health care relationships.
Sec. 104. Support services required to be health care-related.
Sec. 105. Use of grant funds for early intervention services.
Sec. 106. Replacement of specified fiscal years regarding the sunset on expedited distribution requirement.
Sec. 107. Hold harmless provision.
Sec. 108. Set-aside for infants, children, and women.

Subtitle B—Amendments to Part B (Care Grant Program)

Sec. 121. State requirements concerning identification of need and allocation of resources.
Sec. 122. Quality management.
Sec. 123. Funded entities required to have health care referral relationships.
Sec. 124. Support services required to be health care-related.
Sec. 125. Use of grant funds for early intervention services.
Sec. 126. Authorization of appropriations for HIV-related services for women and children.
Sec. 127. Repeal of requirement for completed Institute of Medicine report.
Sec. 130. Supplement grants for certain States.
Sec. 131. Use of treatment funds.
Sec. 132. Increase in minimum allotment.
Sec. 133. Set-aside for infants, children, and women.

Subtitle C—Amendments to Part C (Early Intervention Services)

Sec. 141. Amendment of heading; repeal of formula grant program.
Sec. 142. Planning and development grants.
Sec. 143. Authorization of appropriations for categorical grants.
Sec. 144. Administrative expenses ceiling; quality management program.
Sec. 145. Preference for certain areas.

Subtitle D—Amendments to Part D (General Provisions)

Sec. 151. Research involving women, infants, children, and youth.
Sec. 152. Limitation on administrative expenses.
Sec. 153. Evaluations and reports.
Sec. 154. Authorization of appropriations for grants under parts A and B.

Subtitle E—Amendments to Part (Demonstration and Training)

Sec. 161. Authorization of appropriations.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Institute of Medicine study.

TITLE I—AMENDMENTS TO HIV HEALTH CARE PROGRAM

Subtitle A—Purpose; Amendments to Part A (Emergency Relief Grants)

SEC. 101. DUTIES OF PLANNING COUNCIL, FUNDING PRIORITIES, QUALITY ASSESSMENT.

Section 2602 (42 U.S.C. 300ff-12) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(C), by inserting before the semicolon the following: ", including providers of housing and homeless services"; and

(B) in paragraph (4), by striking "shall—" and all that follows and inserting 'shall have the responsibilities specified in subsection (d)."; and

(2) by adding at the end the following:

"(d) DUTIES OF PLANNING COUNCIL.—The planning council established under subsection (b) shall have the following duties:

"(1) PRIORITIES FOR ALLOCATION OF FUNDS.—The council shall establish priorities for the allocation of funds within the eligible area, including how best to meet each such priority and additional factors that a grantee should consider in allocating funds under a grant, based on the following factors:

"(A) The size and demographic characteristics of the population with HIV disease to be served, including, subject to subsection (e), the needs of individuals living with HIV infection who are not receiving HIV-related health services.

"(B) The documented needs of the population with HIV disease with particular attention being given to disparities in health services among affected subgroups within the eligible area.

"(C) The demonstrated or probable cost and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available.

"(D) Priorities of the communities with HIV disease for whom the services are intended.

"(E) The availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Securjty Act and the State Children's Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease.

"(F) Capacity development needs resulting from gaps in the availability of HIV services in historically underserved low-income communities.

"(2) COMPREHENSIVE SERVICE DELIVERY PLAN.—The council shall develop a comprehensive plan for the organization and delivery of health and support services described in section 2604. Such plan shall be compatible with any existing State or local plans regarding the provision of such services to individuals with HIV disease.

"(3) ASSESSMENT OF FUND ALLOCATION EFFICIENCY.—The council shall assess the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the eligible area.

"(4) STATEWIDE STATEMENT OF NEED.—The council shall participate in the development of the Statewide coordinated statement of need as initiated by the State public health agency responsible for administering grants under part B.

"(5) COORDINATION WITH OTHER FEDERAL GRANTEES.—The council shall coordinate with Federal grantees providing HIV-related services within the eligible area.

"(6) COMMUNITY PARTICIPATION.—The council shall establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels.

"(e) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—

"(1) IN GENERAL.—Not later than 24 months after the date of enactment of the Ryan

White CARE Act Amendments of 2000, the Secretary shall—

"(A) consult with eligible metropolitan areas, affected communities, experts, and other appropriate individuals and entities, to develop epidemiologic measures for establishing the number of individuals living with HIV disease who are not receiving HIV-related health services; and

"(B) provide advice and technical assistance to planning councils with respect to the process for establishing priorities for the allocation of funds under subsection (d)(1).

"(2) EXCEPTION.—Grantees under subsection (d)(1)(A) shall not be required to establish priorities for individuals not in care until epidemiologic measures are developed under paragraph (1).".

SEC. 102. QUALITY MANAGEMENT.

(a) FUNDS AVAILABLE FOR QUALITY MANAGEMENT.—Section 2604 (42 U.S.C. 300ff–14) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) QUALITY MANAGEMENT.—

"(1) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which medical services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection and to develop strategies for improvements in the access to and quality of medical services.

"(2) USE OF FUNDS.—From amounts received under a grant awarded under this part, the chief elected official of an eligible area may use, for activities associated with its quality management program, not more than the lesser of—

"(A) 5 percent of amounts received under the grant; or

"(B) $3,000,000.".

(b) QUALITY MANAGEMENT REQUIRED FOR ELIGIBILITY FOR GRANTS.—Section 2605(a) (42 U.S.C. 300ff–15(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) that the chief elected official of the eligible area will satisfy all requirements under section 2604(c);".

SEC. 103. FUNDED ENTITIES REQUIRED TO HAVE HEALTH CARE RELATIONSHIPS.

(a) USE OF AMOUNTS.—Section 2604(e)(1) (42 U.S.C. 300ff–14(d)(1)) (as so redesignated by section 102(a)) is amended by inserting "and the State Children's Health Insurance Program under title XXI of such Act" after "Social Security Act".

(b) APPLICATIONS.—Section 2605(a) (42 U.S.C. 300ff–15(a)) is amended by inserting after paragraph (3), as added by section 102(b), the following:

"(4) that funded entities within the eligible area that receive funds under a grant under section 2601(a) shall maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, and homeless shelters) and other entities under section 2652(a) for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their status but not in care;".

SEC. 104. SUPPORT SERVICES REQUIRED TO BE HEALTH CARE-RELATED.

(a) IN GENERAL.—Section 2604(b)(1) (42 U.S.C. 300ff–14(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "HIV-related—" and inserting "HIV-related services, as follows:";

(2) in subparagraph (A)—

(A) by striking "outpatient" and all that follows through "substance abuse treatment and" and inserting the following: "OUTPATIENT HEALTH SERVICES.—Outpatient and ambulatory health services, including substance abuse treatment,"; and

(B) by striking "; and" and inserting a period;

(3) in subparagraph (B), by striking "(B) inpatient case management" and inserting "(C) INPATIENT CASE MANAGEMENT SERVICES.—Inpatient case management"; and

(4) by inserting after subparagraph (A) the following:

"(B) OUTPATIENT SUPPORT SERVICES.—Outpatient and ambulatory support services (including case management), to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.".

(b) CONFORMING AMENDMENT TO APPLICATION REQUIREMENTS.—Section 2605(a) (42 U.S.C. 300ff–15(a)), as amended by section 102(b), is further amended—

(1) in paragraph (6) (as so redesignated), by striking "and" at the end thereof;

(2) in paragraph (7) (as so redesignated), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(8) that the eligible area has procedures in place to ensure that services provided with funds received under this part meet the criteria specified in section 2604(b)(1).".

SEC. 105. USE OF GRANT FUNDS FOR EARLY INTERVENTION SERVICES.

(a) IN GENERAL.—Section 2604(b)(1) (42 U.S.C. 300ff–14(b)(1)), as amended by section 104(a), is further amended by adding at the end the following:

"(D) EARLY INTERVENTION SERVICES.—Early intervention services as described in section 2651(b)(2), with follow-through referral, provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services, but only if the entity providing such services—

"(i)(I) is receiving funds under subparagraph (A) or (C); or

"(II) is an entity constituting a point of access to services, as described in paragraph (2)(C), that maintains a relationship with an entity described in subclause (I) and that is serving individuals at elevated risk of HIV disease; and

"(ii) demonstrates to the satisfaction of the chief elected official that no other Federal, State, or local funds are available for the early intervention services the entity will provide with funds received under this paragraph.".

(b) CONFORMING AMENDMENTS TO APPLICATION REQUIREMENTS.—Section 2605(a)(1) (42 U.S.C. 300ff–15(a)(1)) is amended—

(1) in subparagraph (A), by striking "services to individuals with HIV disease" and inserting "services as described in section 2604(b)(1)"; and

(2) in subparagraph (B), by striking "services for individuals with HIV disease" and inserting "services as described in section 2604(b)(1)".

SEC. 106. REPLACEMENT OF SPECIFIED FISCAL YEARS REGARDING THE SUNSET ON EXPEDITED DISTRIBUTION REQUIREMENTS.

Section 2603(a)(2) (42 U.S.C. 300ff–13(a)(2)) is amended by striking "for each of the fiscal years 1996 through 2000" and inserting "for a fiscal year".

SEC. 107. HOLD HARMLESS PROVISION.

Section 2603(a)(4) (42 U.S.C. 300ff–13(a)(4)) is amended to read as follows:

"(4) LIMITATIONS.—

"(A) IN GENERAL.—With respect to each of fiscal years 2001 through 2005, the Secretary shall ensure that the amount of a grant made to an eligible area under paragraph (2) for such a fiscal year is not less than an amount equal to 98 percent of the amount the eligible area received for the fiscal year preceding the year for which the determination is being made.

"(B) APPLICATION OF PROVISION.—Subparagraph (A) shall only apply with respect to those eligible areas receiving a grant under paragraph (2) for fiscal year 2000 in an amount that has been adjusted in accordance with paragraph (4) of this subsection (as in effect on the day before the date of enactment of the Ryan White CARE Act Amendments of 2000).".

SEC. 108. SET-ASIDE FOR INFANTS, CHILDREN, AND WOMEN.

Section 2604(b)(3) (42 U.S.C. 300ff–14(b)(3)) is amended—

(1) by inserting "for each population under this subsection" after "established priorities"; and

(2) by striking "ratio of the" and inserting "ratio of each".

Subtitle B—Amendments to Part B (Care Grant Program)

SEC. 121. STATE REQUIREMENTS CONCERNING IDENTIFICATION OF NEED AND ALLOCATION OF RESOURCES.

(a) GENERAL USE OF GRANTS.—Section 2612 (42 U.S.C. 300ff–22) is amended—

(1) by striking "A State" and inserting "(a) IN GENERAL.—A State"; and

(2) in the matter following paragraph (5)—

(A) by striking "paragraph (2)" and inserting "subsection (a)(2) and section 2613";

(b) APPLICATION.—Section 2617(b) (42 U.S.C. 300ff–27(b)) is amended—

(1) in paragraph (1)(C)—

(A) by striking clause (i) and inserting the following:

"(i) the size and demographic characteristics of the population with HIV disease to be served, except that by not later than October 1, 2002, the State shall take into account the needs of individuals not in care, based on epidemiologic measures developed by the Secretary in consultation with the State, affected communities, experts, and other appropriate individuals (such State shall not be required to establish priorities for individuals not in care until such epidemiologic measures are developed);";

(B) in clause (iii), by striking "and" at the end; and

(C) by adding at the end the following:

"(v) the availability of other governmental and non-governmental resources;

"(vi) the capacity development needs resulting in gaps in the provision of HIV services in historically underserved low-income and rural low-income communities; and

"(vii) the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the State;"; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) by redesignating subparagraph (C) as subparagraph (F); and

(C) by inserting after subparagraph (B), the following:

"(C) an assurance that capacity development needs resulting from gaps in the provision of services in underserved low-income and rural low-income communities will be addressed; and

"(D) with respect to fiscal year 2003 and subsequent fiscal years, assurances that, in the planning and allocation of resources, the State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), will make appropriate provision for the HIV-related health and support service needs of individuals who have been diagnosed with HIV disease but who are not currently receiving such services, based on the epidemiologic measures developed under paragraph (1)(C)(i);".

SEC. 122. QUALITY MANAGEMENT.

(a) State Requirement for Quality Management.—Section 2617(b)(4) (42 U.S.C. 300ff-27(b)(4)) is amended—

(1) by striking subparagraph (C) and inserting the following:

"(C) the State will provide for—

"(i) the establishment of a quality management program to assess the extent to which medical services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and to develop strategies for improvements in the access to and quality of medical services; and

"(ii) a periodic review (such as through an independent peer review) to assess the quality and appropriateness of HIV-related health and support services provided by entities that receive funds from the State under this part;";

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (D), the following:

"(E) an assurance that the State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), has considered strategies for working with providers to make optimal use of financial assistance under the State medicaid plan under title XIX of the Social Security Act, the State Children's Health Insurance Program under title XXI of such Act, and other Federal grantees that provide HIV-related services, to maximize access to quality HIV-related health and support services;

(4) in subparagraph (F), as so redesignated, by striking "and" at the end; and

(5) in subparagraph (G), as so redesignated, by striking the period and inserting "; and".

(b) Availability of Funds for Quality Management.—

(1) Availability of grant funds for planning and evaluation.—Section 2618(c)(3) (42 U.S.C. 300ff-28(c)(3)) is amended by inserting before the period ", including not more than $3,000,000 for all activities associated with its quality management program".

(2) Exception to combined ceiling on planning and administration funds for states with small grants.—Paragraph (6) of section 2618(c) (42 U.S.C. 300ff-28(c)(6)) is amended to read as follows:

"(6) Exception for quality management.—Notwithstanding paragraph (5), a State whose grant under this part for a fiscal year does not exceed $1,500,000 may use not to exceed 20 percent of the amount of the grant for the purposes described in paragraphs (3) and (4) if—

"(A) that portion of such amount in excess of 15 percent of the grant is used for its quality management program; and

"(B) the State submits and the Secretary approves a plan (in such form and containing such information as the Secretary may prescribe) for use of funds for its quality management program.".

SEC. 123. FUNDED ENTITIES REQUIRED TO HAVE HEALTH CARE RELATIONSHIPS.

Section 2617(b)(4) (42 U.S.C. 300ff-27(b)(4)), as amended by section 122(a), is further amended by adding at the end the following:

"(H) that funded entities maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, and homeless shelters), and other entities under section 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their status but not in care.".

SEC. 124. SUPPORT SERVICES REQUIRED TO BE HEALTH CARE-RELATED.

(a) Technical Amendment.—Section 3(c)(2)(A)(iii) of the Ryan White CARE Act Amendments of 1996 (Public Law 104–146) is amended by inserting "before paragraph (2) as so redesignated" after "inserting".

(b) Services.—Section 2612(a)(1) (42 U.S.C. 300ff-22(a)(1)), as so designated by section 121(a), is amended by striking "for individuals with HIV disease" and inserting ", subject to the conditions and limitations that apply under such section".

(c) Conforming Amendment to State Application Requirement.—Section 2617(b)(2) (42 U.S.C. 300ff-27(b)(2)), as amended by section 121(b), is further amended by adding at the end the following:

"(F) an assurance that the State has procedures in place to ensure that services provided with funds received under this section meet the criteria specified in section 2604(b)(1)(B); and".

SEC. 125. USE OF GRANT FUNDS FOR EARLY INTERVENTION SERVICES.

Section 2612(a) (42 U.S.C. 300ff-22(a)), as amended by section 121, is further amended by adding at the end the following:

"(6) Early intervention services.—The State, through systems of HIV-related health services provided under paragraphs (1), (2), and (3) of section 2612(a), may provide early intervention services, as described in section 2651(b)(2), with follow-up referral, provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services, but only if the entity providing such services—

"(A)(i) is receiving funds under section 2612(a)(1); or

"(ii) is an entity constituting a point of access to services, as described in section 2617(b)(4), that maintains a referral relationship with an entity described in clause (i) and that is serving individuals at elevated risk of HIV disease; and

"(B) demonstrates to the State's satisfaction that no other Federal, State, or local funds are available for the early intervention services the entity will provide with funds received under this paragraph.".

SEC. 126. AUTHORIZATION OF APPROPRIATIONS FOR HIV-RELATED SERVICES FOR WOMEN AND CHILDREN.

Section 2625(c)(2) (42 U.S.C. 300ff-33(c)(2)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

SEC. 127. REPEAL OF REQUIREMENT FOR COMPLETED INSTITUTE OF MEDICINE REPORT.

Section 2628 (42 U.S.C. 300ff-36) is repealed.

SEC. 128. SUPPLEMENT GRANTS FOR CERTAIN STATES.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.) is amended by adding at the end the following:

"SEC. 2622. SUPPLEMENTAL GRANTS.

"(a) In General.—The Secretary shall award supplemental grants to States determined to be eligible under subsection (b) to enable such States to provide comprehensive services of the type described in section 2612(a) to supplement the services otherwise provided by the State under a grant under this subpart in areas within the State that are not eligible to receive grants under part A.

"(b) Eligibility.—To be eligible to receive a supplemental grant under subsection (a) a State shall—

"(1) be eligible to receive a grant under this subpart; and

"(2) demonstrate to the Secretary that there is severe need (as defined for purposes of section 2603(b)(2)(A) for supplemental financial assistance in areas in the State that are not served through grants under part A.

"(c) Application.—A State that desires a grant under this section shall, as part of the State application submitted under section 2617, submit a detailed description of the manner in which the State will use amounts received under the grant and of the severity of need. Such description shall include—

"(1) a report concerning the dissemination of supplemental funds under this section and the plan for the utilization of such funds;

"(2) a demonstration of the existing commitment of local resources, both financial and in-kind;

"(3) a demonstration that the State will maintain HIV-related activities at a level that is equal to not less than the level of such activities in the State for the 1-year period preceding the fiscal year for which the State is applying to receive a grant under this part;

"(4) a demonstration of the ability of the State to utilize such supplemental financial resources in a manner that is immediately responsive and cost effective;

"(5) a demonstration that the resources will be allocated in accordance with the local demographic incidence of AIDS including appropriate allocations for services for infants, children, women, and families with HIV disease;

"(6) a demonstration of the inclusiveness of the planning process, with particular emphasis on affected communities and individuals with HIV disease; and

"(7) a demonstration of the manner in which the proposed services are consistent with local needs assessments and the statewide coordinated statement of need.

"(d) Amount Reserved for Emerging Communities.—

"(1) In general.—For awarding grants under this section for each fiscal year, the Secretary shall reserve the greater of 50 percent of the amount to be utilized under subsection (e) for such fiscal year or $5,000,000, to be provided to States that contain emerging communities for use in such communities.

"(2) DEFINITION.—In paragraph (1), the term 'emerging community' means a metropolitan area—

"(A) that is not eligible for a grant under part A; and

"(B) for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of between 1000 and 1999 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available.

"(e) APPROPRIATIONS.—With respect to each fiscal year beginning with fiscal year 2001, the Secretary, to carry out this section, shall utilize 50 percent of the amount appropriated under section 2677 to carry out part B for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved.

SEC. 129. USE OF TREATMENT FUNDS.

(a) STATE DUTIES.—Section 2616(c) (42 U.S.C. 300ff–26(c)) is amended—

(1) in the matter preceding paragraph (1), by striking "shall—" and inserting "shall use funds made available under this section to—";

(2) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively and realigning the margins of such subparagraphs appropriately;

(3) in subparagraph (D) (as so redesignated), by striking "and" at the end;

(4) in subparagraph (E) (as so redesignated), by striking the period and "; and"; and

(5) by adding at the end the following:

"(F) encourage, support, and enhance adherence to and compliance with treatment regimens, including related medical monitoring.";

(6) by striking "In carrying" and inserting the following:

"(1) IN GENERAL.—In carrying"; and

(7) by adding at the end the following:

"(2) LIMITATIONS.—

"(A) IN GENERAL.—No State shall use funds under paragraph (1)(F) unless the limitations on access to HIV/AIDS therapeutic regimens as defined in subsection (e)(2) are eliminated.

"(B) AMOUNT OF FUNDING.—No State shall use in excess of 10 percent of the amount set-aside for use under this section in any fiscal year to carry out activities under paragraph (1)(F) unless the State demonstrates to the Secretary that such additional services are essential and in no way diminish access to therapeutics.".

(b) SUPPLEMENT GRANTS.—Section 2616 (42 U.S.C. 300ff–26(c)) is amended by adding at the end the following:

"(e) SUPPLEMENTAL GRANTS FOR THE PROVISION OF TREATMENTS.—

"(1) IN GENERAL.—From amounts made available under paragraph (5), the Secretary shall award supplemental grants to States determined to be eligible under paragraph (2) to enable such States to provide access to therapeutics to treat HIV disease as provided by the State under subsection (c)(1)(B) for individuals at or below 200 percent of the Federal poverty line.

"(2) CRITERIA.—The Secretary shall develop criteria for the awarding of grants under paragraph (1) to States that demonstrate a severe need. In determining the criteria for demonstrating State severity of need (as defined for purposes of section 2603(b)(2)(A)), the Secretary shall consider whether limitation to access exist such that—

"(A) the State programs under this section are unable to provide HIV/AIDS therapeutic regimens to all eligible individuals living at or below 200 percent of the Federal poverty line; and

"(B) the State programs under this section are unable to provide to all eligible individuals appropriate HIV/AIDS therapeutic regimens as recommended in the most recent Federal treatment guidelines.

"(3) STATE REQUIREMENT.—The Secretary may not make a grant to a State under this subsection unless the State agrees that—

"(A) the State will make available (directly or through donations from public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to $1 for each $4 of Federal funds provided in the grant; and

"(B) the State will not impose eligibility requirements for services or scope of benefits limitations under subsection (a) that are more restrictive than such requirements in effect as of January 1, 2000.

"(4) USE AND COORDINATION.—Amounts made available under a grant under this subsection shall only be used by the State to provide AIDS/HIV-related medications. The State shall coordinate the use of such amounts with the amounts otherwise provided under this section in order to maximize drug coverage.

"(5) FUNDING.—

"(A) RESERVATION OF AMOUNT.—The Secretary may reserve not to exceed 4 percent, but not less than 2 percent, of any amount referred to in section 2618(b)(2)(H) that is appropriated for a fiscal year, to carry out this subsection.

"(B) MINIMUM AMOUNT.—In providing grants under this subsection, the Secretary shall ensure that the amount of a grant to a State under this part is not less than the amount the State received under this part in the previous fiscal year, as a result of grants provided under this subsection.".

(c) SUPPLEMENT AND NOT SUPPLANT.—Section 2616 (42 U.S.C. 300ff–26(c)), as amended by subsection (b), is further amended by adding at the end the following:

"(f) SUPPLEMENT NOT SUPPLANT.—Notwithstanding any other provision of law, amounts made available under this section shall be used to supplement and not supplant other funding available to provide treatments of the type that may be provided under this section.".

SEC. 130. INCREASE IN MINIMUM ALLOTMENT.

(a) IN GENERAL.—Section 2618(b)(1)(A)(i) (42 U.S.C. 300ff–28(b)(1)(A)(i)) is amended—

(1) in subclause (I), by striking "$100,000" and inserting "$200,000"; and

(2) in subclause (II), by striking "$250,000" and inserting "$500,000".

(b) TECHNICAL AMENDMENT.—Section 2618(b)(3)(B) (42 U.S.C. 300ff–28(b)(3)(B)) is amended by striking "and the Republic of the Marshall Islands" and inserting ", the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau".

SEC. 131. SET-ASIDE FOR INFANTS, CHILDREN, AND WOMEN.

Section 2611(b) (42 U.S.C. 300ff–21(b)) is amended—

(1) by inserting "for each population under this subsection" after "State shall use"; and

(2) by striking "ratio of the" and inserting "ratio of each".

Subtitle C—Amendments to Part C (Early Intervention Services)

SEC. 141. AMENDMENT OF HEADING; REPEAL OF FORMULA GRANT PROGRAM.

(a) AMENDMENT OF HEADING.—The heading of part C of title XXVI is amended to read as follows:

"PART C—EARLY INTERVENTION AND PRIMARY CARE SERVICES".

(b) REPEAL.—Part C of title XXVI (42 U.S.C. 300ff–41 et seq.) is amended—

(1) by repealing subpart I; and

(2) by redesignating subparts II and III as subparts I and II.

(c) CONFORMING AMENDMENTS.—

(1) INFORMATION REGARDING RECEIPT OF SERVICES.—Section 2661(a) (42 U.S.C. 300ff–61(a)) is amended by striking "unless—" and all that follows through "(2) in the case of" and inserting "unless, in the case of".

(2) ADDITIONAL AGREEMENTS.—Section 2664 (42 U.S.C. 300ff–64) is amended—

(A) in subsection (e)(5), by striking "2642(b) or";

(B) in subsection (f)(2), by striking "2642(b) or"; and

(C) by striking subsection (h).

SEC. 142. PLANNING AND DEVELOPMENT GRANTS.

(a) ALLOWING PLANNING AND DEVELOPMENT GRANT TO EXPAND ABILITY TO PROVIDE PRIMARY CARE SERVICES.—Section 2654(c) (42 U.S.C. 300ff–54(c)) is amended—

(1) in paragraph (1), to read as follows:

"(1) IN GENERAL.—The Secretary may provide planning and development grants to public and nonprofit private entities for the purpose of—

"(A) enabling such entities to provide HIV early intervention services; or

"(B) assisting such entities to expand the capacity, preparedness, and expertise to deliver primary care services to individuals with HIV disease in underserved low-income communities on the condition that the funds are not used to purchase or improve land or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility."; and

(2) in paragraphs (2) and (3) by striking "paragraph (1)" each place that such appears and inserting "paragraph (1)(A)".

(b) AMOUNT; DURATION.—Section 2654(c) (42 U.S.C. 300ff–54(c)), as amended by subsection (a), is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) AMOUNT AND DURATION OF GRANTS.—

"(A) EARLY INTERVENTION SERVICES.—A grant under paragraph (1)(A) may be made in an amount not to exceed $50,000.

"(B) CAPACITY DEVELOPMENT.—

"(i) AMOUNT.—A grant under paragraph (1)(B) may be made in an amount not to exceed $150,000.

"(ii) DURATION.—The total duration of a grant under paragraph (1)(B), including any renewal, may not exceed 3 years.".

(c) INCREASE IN LIMITATION.—Section 2654(c)(5) (42 U.S.C. 300ff–54(c)(5)), as so redesignated by subsection (b), is amended by striking "1 percent" and inserting "5 percent".

SEC. 143. AUTHORIZATION OF APPROPRIATIONS FOR CATEGORICAL GRANTS.

Section 2655 (42 U.S.C 300ff–55) is amended by striking "1996" and all that follows through "2000" and inserting "2001 through 2005".

SEC. 144. ADMINISTRATIVE EXPENSES CEILING; QUALITY MANAGEMENT PROGRAM.

Section 2664(g) (42 U.S.C. 300ff–64(g)) is amended—

(1) in paragraph (3), to read as follows:

"(3) the applicant will not expend more than 10 percent of the grant for costs of administrative activities with respect to the grant;";

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(5) the applicant will provide for the establishment of a quality management program to assess the extent to which medical services funded under this title that are provided to patients are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and that improvements in the access to and quality of medical services are addressed.".

SEC. 145. PREFERENCE FOR CERTAIN AREAS.

Section 2651 (42 U.S.C. 300ff–51) is amended by adding at the end the following:

"(d) PREFERENCE IN AWARDING GRANTS.—Beginning in fiscal year 2001, in awarding new grants under this section, the Secretary shall give preference to applicants that will use amounts received under the grant to serve areas that are otherwise not eligible to receive assistance under part A.".

Subtitle D—Amendments to Part D (General Provisions)

SEC. 151. RESEARCH INVOLVING WOMEN, INFANTS, CHILDREN, AND YOUTH.

(a) ELIMINATION OF REQUIREMENT TO ENROLL SIGNIFICANT NUMBERS OF WOMEN AND CHILDREN.—Section 2671(b) (42 U.S.C. 300ff–71(b)) is amended—

(1) in paragraph (1), by striking subparagraphs (C) and (D); and

(2) by striking paragraphs (3) and (4).

(b) INFORMATION AND EDUCATION.—Section 2671(d) (42 U.S.C. 300ff-71(d)) is amended by adding at the end the following:

"(4) The applicant will provide individuals with information and education on opportunities to participate in HIV/AIDS-related clinical research.".

(c) QUALITY MANAGEMENT; ADMINISTRATIVE EXPENSES CEILING.—Section 2671(f) (42 U.S.C. 300ff–71(f)) is amended—

(1) by striking the subsection heading and designation and inserting the following:

"(f) ADMINISTRATION.—

"(1) APPLICATION.—"; and

(2) by adding at the end the following:

"(2) QUALITY MANAGEMENT PROGRAM.—A grantee under this section shall implement a quality management program.".

(d) COORDINATION.—Section 2671(g) (42 U.S.C. 300ff–71(g)) is amended by adding at the end the following: "The Secretary acting through the Director of NIH, shall examine the distribution and availability of ongoing and appropriate HIV/AIDS-related research projects to existing sites under this section for purposes of enhancing and expanding voluntary access to HIV-related research, especially within communities that are not reasonably served by such projects.".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 2671(j) (42 U.S.C. 300ff–71(j)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

SEC. 152. LIMITATION ON ADMINISTRATIVE EXPENSES.

Section 2671 (42 U.S.C. 300ff–71) is amended—

(1) by redesignating subsections (i) and (j), as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h), the following:

"(i) LIMITATION ON ADMINISTRATIVE EXPENSES.—

"(1) DETERMINATION BY SECRETARY.—Not later than 12 months after the date of enactment of the Ryan White Care Act Amendments of 2000, the Secretary, in consultation with grantees under this part, shall conduct a review of the administrative, program support, and direct service-related activities that are carried out under this part to ensure that eligible individuals have access to quality, HIV-related health and support services and research opportunities under this part, and to support the provision of such services.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—Not later than 180 days after the expiration of the 12-month period referred to in paragraph (1) the Secretary, in consultation with grantees under this part, shall determine the relationship between the costs of the activities referred to in paragraph (1) and the access of eligible individuals to the services and research opportunities described in such paragraph.

"(B) LIMITATION.—After a final determination under subparagraph (A), the Secretary may not make a grant under this part unless the grantee complies with such requirements as may be included in such determination.".

SEC. 153. EVALUATIONS AND REPORTS.

Section 2674(c) (42 U.S.C. 399ff–74(c)) is amended by striking "1991 through 1995" and inserting "2001 through 2005".

SEC. 154. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS UNDER PARTS A AND B.

Section 2677 (42 U.S.C. 300ff–77) is amended to read as follows:

"SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated—

"(1) such sums as may be necessary to carry out part A for each of the fiscal years 2001 through 2005; and

"(2) such sums as may be necessary to carry out part B for each of the fiscal years 2001 through 2005.".

Subtitle E—Amendments to Part F (Demonstration and Training)

SEC. 161. AUTHORIZATION OF APPROPRIATIONS.

(a) SCHOOLS; CENTERS.—Section 2692(c)(1) (42 U.S.C. 300ff-111(c)(1)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

(b) DENTAL SCHOOLS.—Section 2692(c)(2) (42 U.S.C. 300ff-111(c)(2)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. INSTITUTE OF MEDICINE STUDY.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning the appropriate epidemiological measures and their relationship to the financing and delivery of primary care and health-related support services for low-income, uninsured, and under-insured individuals with HIV disease.

(b) REQUIREMENTS.—

(1) COMPLETION.—The study under subsection (a) shall be completed not later than 21 months after the date on which the contract referred to in such subsection is entered into.

(2) ISSUES TO BE CONSIDERED.—The study conducted under subsection (a) shall consider—

(A) the availability and utility of health outcomes measures and data for HIV primary care and support services and the extent to which those measures and data could be used to measure the quality of such funded services;

(B) the effectiveness and efficiency of service delivery (including the quality of services, health outcomes, and resource use) within the context of a changing health care and therapeutic environment as well as the changing epidemiology of the epidemic;

(C) existing and needed epidemiological data and other analytic tools for resource planning and allocation decisions, specifically for estimating severity of need of a community and the relationship to the allocations process; and

(D) other factors determined to be relevant to assessing an individual's or community's ability to gain and sustain access to quality HIV services.

(c) REPORT.—Not later than 90 days after the date on which the study is completed under subsection (a), the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report describing the manner in which the conclusions and recommendations of the Institute of Medicine can be addressed and implemented.

The SPEAKER pro tempore. Pursuant to House Resolution 611, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 is considered adopted.

The text of S. 2311, as amended pursuant to House Resolution 611, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ryan White CARE Act Amendments of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES

Subtitle A—HIV Health Services Planning Councils

Sec. 101. Membership of councils.
Sec. 102. Duties of councils.
Sec. 103. Open meetings; other additional provisions.

Subtitle B—Type and Distribution of Grants

Sec. 111. Formula grants.
Sec. 112. Supplemental grants.

Subtitle C—Other Provisions

Sec. 121. Use of amounts.
Sec. 122. Application.

TITLE II—CARE GRANT PROGRAM

Subtitle A—General Grant Provisions

Sec. 201. Priority for women, infants, and children.
Sec. 202. Use of grants.
Sec. 203. Grants to establish HIV care consortia.
Sec. 204. Provision of treatments.
Sec. 205. State application.
Sec. 206. Distribution of funds.
Sec. 207. Supplemental grants for certain States.

Subtitle B—Provisions Concerning Pregnancy and Perinatal Transmission of HIV

Sec. 211. Repeals.
Sec. 212. Grants.
Sec. 213. Study by Institute of Medicine.

Subtitle C—Certain Partner Notification Programs

Sec. 221. Grants for compliant partner notification programs.

TITLE III—EARLY INTERVENTION SERVICES

Subtitle A—Formula Grants for States

Sec. 301. Repeal of program.

Subtitle B—Categorical Grants

Sec. 311. Preferences in making grants.
Sec. 312. Planning and development grants.
Sec. 313. Authorization of appropriations.

Subtitle C—General Provisions

Sec. 321. Provision of certain counseling services.
Sec. 322. Additional required agreements.

TITLE IV—OTHER PROGRAMS AND ACTIVITIES

Subtitle A—Certain Programs for Research, Demonstrations, or Training

Sec. 401. Grants for coordinated services and access to research for women, infants, children, and youth.
Sec. 402. AIDS education and training centers.

Subtitle B—General Provisions in Title XXVI

Sec. 411. Evaluations and reports.
Sec. 412. Data collection through Centers for Disease Control and Prevention.
Sec. 413. Coordination.
Sec. 414. Plan regarding release of prisoners with HIV disease.
Sec. 415. Audits.
Sec. 416. Administrative simplification.
Sec. 417. Authorization of appropriations for parts A and B.

TITLE V—GENERAL PROVISIONS

Sec. 501. Studies by Institute of Medicine.
Sec. 502. Development of rapid HIV test.
Sec. 503. Technical corrections.

TITLE VI—EFFECTIVE DATE

Sec. 601. Effective date.

TITLE I—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES

Subtitle A—HIV Health Services Planning Councils

SEC. 101. MEMBERSHIP OF COUNCILS.

(a) In General.—Section 2602(b) of the Public Health Service Act (42 U.S.C. 300ff-12(b)) is amended—

(1) in paragraph (1), by striking "demographics of the epidemic in the eligible area involved," and inserting "demographics of the population of individuals with HIV disease in the eligible area involved,"; and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting before the semicolon the following: ", including providers of housing and homeless services";

(B) in subparagraph (G), by striking "or AIDS";

(C) in subparagraph (K), by striking "and" at the end;

(D) in subparagraph (L), by striking the period and inserting the following: ", including but not limited to providers of HIV prevention services; and"; and

(E) by adding at the end the following subparagraph:

"(M) representatives of individuals who formerly were Federal, State, or local prisoners, were released from the custody of the penal system during the preceding 3 years, and had HIV disease as of the date on which the individuals were so released.".

(b) Conflicts of Interests.—Section 2602(b)(5) of the Public Health Service Act (42 U.S.C. 300ff-12(b)(5)) is amended by adding at the end the following subparagraph:

"(C) Composition of council.—The following applies regarding the membership of a planning council under paragraph (1):

"(i) Not less than 33 percent of the council shall be individuals who are receiving HIV-related services pursuant to a grant under section 2601(a), are not officers, employees, or consultants to any entity that receives amounts from such a grant, and do not represent any such entity, and reflect the demographics of the population of individuals with HIV disease as determined under paragraph (4)(A). For purposes of the preceding sentence, an individual shall be considered to be receiving such services if the individual is a parent of, or a caregiver for, a minor child who is receiving such services.

"(ii) With respect to membership on the planning council, clause (i) may not be construed as having any effect on entities that receive funds from grants under any of parts B through F but do not receive funds from grants under section 2601(a), on officers or employees of such entities, or on individuals who represent such entities.".

SEC. 102. DUTIES OF COUNCILS.

(a) In General.—Section 2602(b)(4) of the Public Health Service Act (42 U.S.C. 300ff-12(b)(4)) is amended—

(1) by redesignating subparagraphs (A) through (E) as subparagraphs (C) through (G), respectively;

(2) by inserting before subparagraph (C) (as so redesignated) the following subparagraphs:

"(A) determine the size and demographics of the population of individuals with HIV disease;

"(B) determine the needs of such population, with particular attention to—

"(i) individuals with HIV disease who know their HIV status and are not receiving HIV-related services; and

"(ii) disparities in access and services among affected subpopulations and historically underserved communities;";

(3) in subparagraph (C) (as so redesignated), by striking clauses (i) through (iv) and inserting the following:

"(i) size and demographics of the population of individuals with HIV disease (as determined under subparagraph (A)) and the needs of such population (as determined under subparagraph (B));

"(ii) demonstrated (or probable) cost effectiveness and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available;

"(iii) priorities of the communities with HIV disease for whom the services are intended;

"(iv) coordination in the provision of services to such individuals with programs for HIV prevention and for the prevention and treatment of substance abuse, including programs that provide comprehensive treatment for such abuse;

"(v) availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease; and

"(vi) capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities;";

(4) in subparagraph (D) (as so redesignated), by amending the subparagraph to read as follows:

"(D) develop a comprehensive plan for the organization and delivery of health and support services described in section 2604 that—

"(i) includes a strategy for identifying individuals who know their HIV status and are not receiving such services and for informing the individuals of and enabling the individuals to utilize the services, giving particular attention to eliminating disparities in access and services among affected subpopulations and historically underserved communities, and including discrete goals, a timetable, and an appropriate allocation of funds;

"(ii) includes a strategy to coordinate the provision of such services with programs for HIV prevention (including outreach and early intervention) and for the prevention and treatment of substance abuse (including programs that provide comprehensive treatment services for such abuse); and

"(iii) is compatible with any State or local plan for the provision of services to individuals with HIV disease;";

(5) in subparagraph (F) (as so redesignated), by striking "and" at the end;

(6) in subparagraph (G) (as so redesignated)—

(A) by striking "public meetings," and inserting "public meetings (in accordance with paragraph (7)),"; and

(B) by striking the period and inserting "; and"; and

(7) by adding at the end the following subparagraph:

"(H) coordinate with Federal grantees that provide HIV-related services within the eligible area.".

(b) Process for Establishing Allocation Priorities.—Section 2602 of the Public Health Service Act (42 U.S.C. 300ff-12) is amended by adding at the end the following subsection:

"(d) Process for Establishing Allocation Priorities.—Promptly after the date of the submission of the report required in section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease), the Secretary, in consultation with planning councils and entities that receive amounts from grants under section 2601(a) or 2611, shall develop epidemiologic measures—

"(1) for establishing the number of individuals living with HIV disease who are not receiving HIV-related health services; and

"(2) for carrying out the duties under subsection (b)(4) and section 2617(b).".

(c) Training.—Section 2602 of the Public Health Service Act (42 U.S.C. 300ff-12), as amended by subsection (b) of this section, is amended by adding at the end the following subsection:

"(e) Training Guidance and Materials.—The Secretary shall provide to each chief elected official receiving a grant under 2601(a) guidelines and materials for training members of the planning council under paragraph (1) regarding the duties of the council.".

(d) Conforming Amendment.—Section 2603(c) of the Public Health Service Act (42 U.S.C. 300ff-12(b)) is amended by striking "section 2602(b)(3)(A)" and inserting "section 2602(b)(4)(C)".

SEC. 103. OPEN MEETINGS; OTHER ADDITIONAL PROVISIONS.

Section 2602(b) of the Public Health Service Act (42 U.S.C. 300ff-12(b)) is amended—

(1) in paragraph (3), by striking subparagraph (C); and

(2) by adding at the end the following paragraph:

"(7) Public deliberations.—With respect to a planning council under paragraph (1), the following applies:

"(A) The council may not be chaired solely by an employee of the grantee under section 2601(a).

"(B) In accordance with criteria established by the Secretary:

"(i) The meetings of the council shall be open to the public and shall be held only after adequate notice to the public.

"(ii) The records, reports, transcripts, minutes, agenda, or other documents which were made available to or prepared for or by the council shall be available for public inspection and copying at a single location.

"(iii) Detailed minutes of each meeting of the council shall be kept. The accuracy of all minutes shall be certified to by the chair of the council.

"(iv) This subparagraph does not apply to any disclosure of information of a personal nature that would constitute a clearly unwarranted invasion of personal privacy, including any disclosure of medical information or personnel matters.".

Subtitle B—Type and Distribution of Grants

SEC. 111. FORMULA GRANTS.

(a) Expedited Distribution.—Section 2603(a)(2) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(2)) is amended in the first sentence by striking "for each of the fiscal years 1996 through 2000" and inserting "for a fiscal year".

(b) Amount of Grant; Estimate of Living Cases.—

(1) In general.—Section 2603(a)(3)) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(3)) is amended—

(A) in subparagraph (C)(i), by inserting before the semicolon the following: ", except that (subject to subparagraph (D)), for grants made pursuant to this paragraph for fiscal year 2005 and subsequent fiscal years, the cases counted for each 12-month period beginning on or after July 1, 2004, shall be cases of HIV disease (as reported to and confirmed by such Director) rather than cases of acquired immune deficiency syndrome"; and

(B) in subparagraph (C), in the matter after and below clause (ii)(X)—

(i) in the first sentence, by inserting before the period the following: ", and shall be reported to the congressional committees of jurisdiction"; and

(ii) by adding at the end the following sentence: "Updates shall as applicable take into account the counting of cases of HIV disease pursuant to clause (i).".

(2) Determination of secretary regarding data on hiv cases.—Section 2603(a)(3)) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(3)) is amended—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following subparagraph:

"(D) Determination of secretary regarding data on hiv cases.—

"(i) In general.—Not later than July 1, 2004, the Secretary shall determine whether there is data on cases of HIV disease from all eligible areas (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) sufficiently accurate and reliable for use for purposes of subparagraph (C)(i). In making such a determination, the Secretary shall take into consideration the findings of the study under section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease).

"(ii) Effect of adverse determination.—If under clause (i) the Secretary determines that data on cases of HIV disease is not sufficiently accurate and reliable for use for purposes of subparagraph (C)(i), then notwithstanding such subparagraph, for any fiscal year prior to fiscal year 2007 the references in such subparagraph to cases of HIV disease do not have any legal effect.

"(iii) Grants and technical assistance regarding counting of hiv cases.—Of the amounts appropriated under section 318B for a fiscal year, the Secretary shall reserve amounts to make grants and provide technical assistance to States and eligible areas with respect to obtaining data on cases of HIV disease to ensure that data on such cases is available from all States and eligible areas as soon as is practicable but not later than the beginning of fiscal year 2007.".

(c) Increases in Grant.—Section 2603(a)(4)) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(4)) is amended to read as follows:

"(4) Increases in grant.—

"(A) In general.—For each fiscal year in a protection period for an eligible area, the Secretary shall increase the amount of the grant made pursuant to paragraph (2) for the area to ensure that—

"(i) for the first fiscal year in the protection period, the grant is not less than 98 percent of the amount of the grant made for the eligible area pursuant to such paragraph for the base year for the protection period;

"(ii) for any second fiscal year in such period, the grant is not less than 95 percent of the amount of such base year grant;

"(iii) for any third fiscal year in such period, the grant is not less than 92 percent of the amount of the base year grant;

"(iv) for any fourth fiscal year in such period, the grant is not less than 89 percent of the amount of the base year grant; and

"(v) for any fifth or subsequent fiscal year in such period, if, pursuant to paragraph (3)(D)(ii)), the references in paragraph (3)(C)(i) to HIV disease do not have any legal effect, the grant is not less than 85 percent of the amount of the base year grant.

"(B) Special Rule.—If for fiscal year 2005, pursuant to paragraph (3)(D)(ii), data on cases of HIV disease are used for purposes of paragraph (3)(C)(i), the Secretary shall increase the amount of a grant made pursuant to paragraph (2) for an eligible area to ensure that the grant is not less than 98 percent of the amount of the grant made for the area in fiscal year 2004.

"(C) Base year; protection period.—With respect to grants made pursuant to paragraph (2) for an eligible area:

"(i) The base year for a protection period is the fiscal year preceding the trigger grant-reduction year.

"(ii) The first trigger grant-reduction year is the first fiscal year (after fiscal year 2000) for which the grant for the area is less than the grant for the area for the preceding fiscal year.

"(iii) A protection period begins with the trigger grant-reduction year and continues until the beginning of the first fiscal year for which the amount of the grant determined pursuant to paragraph (2) for the area equals or exceeds the amount of the grant determined under subparagraph (A).

"(iv) Any subsequent trigger grant-reduction year is the first fiscal year, after the end of the preceding protection period, for which the amount of the grant is less than the amount of the grant for the preceding fiscal year.".

SEC. 112. SUPPLEMENTAL GRANTS.

(a) In General.—Section 2603(b)(2) of the Public Health Service Act (42 U.S.C. 300ff-13(b)(2)) is amended—

(1) in the heading for the paragraph, by striking "Definition" and inserting "Amount of grant";

(2) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively;

(3) by inserting before subparagraph (B) (as so redesignated) the following subparagraph:

"(A) In general.—The amount of each grant made for purposes of this subsection shall be determined by the Secretary based on a weighting of factors under paragraph (1), with severe need under subparagraph (B) of such paragraph counting one-third.";

(4) in subparagraph (B) (as so redesignated)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period and inserting a semicolon; and

(C) by adding at the end the following clauses:

"(iv) the current prevalence of HIV disease;

"(v) an increasing need for HIV-related services, including relative rates of increase in the number of cases of HIV disease; and

"(vi) unmet need for such services, as determined under section 2602(b)(4).";

(5) in subparagraph (C) (as so redesignated)—

(A) by striking "subparagraph (A)" each place such term appears and inserting "subparagraph (B)";

(B) in the second sentence, by striking "2 years after the date of enactment of this paragraph" and inserting "18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000"; and

(C) by inserting after the second sentence the following sentence: "Such a mechanism shall be modified to reflect the findings of the study under section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease)."; and

(6) in subparagraph (D) (as so redesignated), by striking "subparagraph (B)" and inserting "subparagraph (C)".

(b) Requirements for Application.—Section 2603(b)(1)(E) of the Public Health Service Act (42 U.S.C. 300ff-13(b)(1)(E)) is amended by inserting "youth," after "children,".

(c) Technical and Conforming Amendment.—Section 2603(b) of the Public Health Service Act (42 U.S.C. 300ff-13(b)) is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraph (5) as paragraph (4); and

(3) in paragraph (4) (as so redesignated), in subparagraph (B), by striking "grants" and inserting "grant".

Subtitle C—Other Provisions

SEC. 121. USE OF AMOUNTS.

(a) Primary Purposes.—Section 2604(b)(1) of the Public Health Service Act (42 U.S.C. 300ff-14(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "HIV-related—" and inserting "HIV-related services, as follows:";

(2) in subparagraph (A)—

(A) by striking "outpatient" and all that follows through "substance abuse treatment and" and inserting the following: "Outpatient and ambulatory health services, including substance abuse treatment,"; and

(B) by striking "; and" and inserting a period;

(3) in subparagraph (B), by striking "(B) inpatient case management" and inserting "(C) Inpatient case management";

(4) by inserting after subparagraph (A) the following subparagraph:

"(B) Outpatient and ambulatory support services (including case management), to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease."; and

(5) by adding at the end the following:

"(D) Outreach activities that are intended to identify individuals with HIV disease who know their HIV status and are not receiving HIV-related services, and that are—

"(i) necessary to implement the strategy under section 2602(b)(4)(D), including activities facilitating the access of such individuals to HIV-related primary care services at entities described in paragraph (3)(A);

"(ii) conducted in a manner consistent with the requirements under sections 2605(a)(3) and 2651(b)(2); and

"(iii) supplement, and do not supplant, such activities that are carried out with amounts appropriated under section 317.".

(b) EARLY INTERVENTION SERVICES.—Section 2604(b) (42 U.S.C. 300ff-14(b)) of the Public Health Service Act is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) EARLY INTERVENTION SERVICES.—

"(A) IN GENERAL.—The purposes for which a grant under section 2601 may be used include providing to individuals with HIV disease early intervention services described in section 2651(b)(2), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV disease counseling and testing sites, health care points of entry specified by eligible areas, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

"(B) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under subparagraph (A), such subparagraph applies only if the entity demonstrates to the satisfaction of the chief elected official for the eligible area involved that—

"(i) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

"(ii) the entity will expend funds pursuant to such subparagraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.".

(c) PRIORITY FOR WOMEN, INFANTS, AND CHILDREN.—Section 2604(b) (42 U.S.C. 300ff-14(b)) of the Public Health Service Act is amended in paragraph (4) (as redesignated by subsection (b)(1) of this section) by amending the paragraph to read as follows:

"(4) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—

"(A) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, the chief elected official of an eligible area, in accordance with the established priorities of the planning council, shall for each of such populations in the eligible area use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in such area) with acquired immune deficiency syndrome to the general population in such area of individuals with such syndrome.

"(B) WAIVER.—With respect the population involved, the Secretary may provide to the chief elected official of an eligible area a waiver of the requirement of subparagraph (A) if such official demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.".

(d) QUALITY MANAGEMENT.—Section 2604 of the Public Health Service Act (42 U.S.C. 300ff-14) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) QUALITY MANAGEMENT.—

"(1) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

"(2) USE OF FUNDS.—From amounts received under a grant awarded under this part for a fiscal year, the chief elected official of an eligible area may (in addition to amounts to which subsection (f)(1) applies) use for activities associated with the quality management program required in paragraph (1) not more than the lesser of—

"(A) 5 percent of amounts received under the grant; or

"(B) $3,000,000.".

SEC. 122. APPLICATION.

(a) IN GENERAL.—Section 2605(a) of the Public Health Service Act (42 U.S.C. 300ff-15(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (2) the following paragraphs:

"(3) that entities within the eligible area that receive funds under a grant under this part will maintain appropriate relationships with entities in the eligible area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters), and other entities under section 2604(b)(3) and 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their HIV status but not in care;

"(4) that the chief elected official of the eligible area will satisfy all requirements under section 2604(c);".

(b) CONFORMING AMENDMENTS.—Section 2605(a) (42 U.S.C. 300ff-15(a)(1)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "services to individuals with HIV disease" and inserting "services as described in section 2604(b)(1)"; and

(B) in subparagraph (B), by striking "services for individuals with HIV disease" and inserting "services as described in section 2604(b)(1)";

(2) in paragraph (7) (as redesignated by subsection (a)(1) of this section), by striking "and" at the end;

(3) in paragraph (8) (as so redesignated), by striking the period and inserting "; and"; and

(4) by adding at the end the following paragraph:

"(9) that the eligible area has procedures in place to ensure that services provided with funds received under this part meet the criteria specified in section 2604(b)(1).".

TITLE II—CARE GRANT PROGRAM

Subtitle A—General Grant Provisions

SEC. 201. PRIORITY FOR WOMEN, INFANTS, AND CHILDREN.

Section 2611(b) of the Public Health Service Act (42 U.S.C. 300ff-21(b)) is amended to read as follows:

"(b) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—

"(1) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, a State shall for each of such populations use, of the funds allocated under this part to the State for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in the State) with acquired immune deficiency syndrome to the general population in the State of individuals with such syndrome.

"(2) WAIVER.—With respect the population involved, the Secretary may provide to a State a waiver of the requirement of paragraph (1) if the State demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children's health insurance program under title XXI of such Act, or other Federal or State programs.".

SEC. 202. USE OF GRANTS.

Section 2612 of the Public Health Service Act (42 U.S.C. 300ff-22) is amended—

(1) by striking "A State may use" and inserting "(a) IN GENERAL.—A State may use"; and

(2) by adding at the end the following subsections:

"(b) SUPPORT SERVICES; OUTREACH.—The purposes for which a grant under this part may be used include delivering or enhancing the following:

"(1) Outpatient and ambulatory support services under section 2611(a) (including case management) to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.

"(2) Outreach activities that are intended to identify individuals with HIV disease who know their HIV status and are not receiving HIV-related services, and that are—

"(A) necessary to implement the strategy under section 2617(b)(4)(B), including activities facilitating the access of such individuals to HIV-related primary care services at entities described in subsection (c)(1);

"(B) conducted in a manner consistent with the requirement under section 2617(b)(6)(G) and 2651(b)(2); and

"(C) supplement, and do not supplant, such activities that are carried out with amounts appropriated under section 317.

"(c) EARLY INTERVENTION SERVICES.—

"(1) IN GENERAL.—The purposes for which a grant under this part may be used include providing to individuals with HIV disease early intervention services described in section 2651(b)(2), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV disease counseling and testing sites, health care points of entry specified by States or eligible areas, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

"(2) Conditions.—With respect to an entity that proposes to provide early intervention services under paragraph (1), such paragraph applies only if the entity demonstrates to the satisfaction of the State involved that—

"(A) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

"(B) the entity will expend funds pursuant to such paragraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.

"(d) Quality Management.—

"(1) Requirement.—Each State that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

"(2) Use of funds.—From amounts received under a grant awarded under this part for a fiscal year, the State may (in addition to amounts to which section 2618(b)(5) applies) use for activities associated with the quality management program required in paragraph (1) not more than the lesser of—

"(A) 5 percent of amounts received under the grant; or

"(B) $3,000,000.".

SEC. 203. GRANTS TO ESTABLISH HIV CARE CONSORTIA.

Section 2613 of the Public Health Service Act (42 U.S.C. 300ff-23) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by inserting before the semicolon the following: ", particularly those experiencing disparities in access and services and those who reside in historically underserved communities"; and

(B) in subparagraph (B), by inserting after "by such consortium" the following: "is consistent with the comprehensive plan under 2617(b)(4) and";

(2) in subsection (c)(1)—

(A) in subparagraph (D), by striking "and" after the semicolon at the end;

(B) in subparagraph (E), by striking the period and inserting "; and"; and

(C) by adding at the end the following subparagraph:

"(F) demonstrates that adequate planning occurred to address disparities in access and services and historically underserved communities."; and

(3) in subsection (c)(2)—

(A) in subparagraph (B), by striking "and" after the semicolon;

(B) in subparagraph (C), by striking the period and inserting "; and"; and

(C) by inserting after subparagraph (C) the following subparagraph:

"(D) the types of entities described in section 2602(b)(2).".

SEC. 204. PROVISION OF TREATMENTS.

(a) In General.—Section 2616(c) of the Public Health Service Act (42 U.S.C. 300ff-26(c)) is amended—

(1) in paragraph (4), by striking "and" after the semicolon at the end;

(2) in paragraph (5), by striking the period and inserting "; and"; and

(3) by inserting after paragraph (5) the following:

"(6) encourage, support, and enhance adherence to and compliance with treatment regimens, including related medical monitoring.

"Of the amount reserved by a State for a fiscal year for use under this section, the State may not use more than 5 percent to carry out services under paragraph (6), except that the percentage applicable with respect to such paragraph is 10 percent if the State demonstrates to the Secretary that such additional services are essential and in no way diminish access to the therapeutics described in subsection (a).".

(b) Health Insurance and Plans.—Section 2616 of the Public Health Service Act (42 U.S.C. 300ff-26) is amended by adding at the end the following subsection:

"(e) Use of Health Insurance and Plans.—

"(1) In general.—In carrying out subsection (a), a State may expend a grant under this part to provide the therapeutics described in such subsection by paying on behalf of individuals with HIV disease the costs of purchasing or maintaining health insurance or plans whose coverage includes a full range of such therapeutics and appropriate primary care services.

"(2) Limitation.—The authority established in paragraph (1) applies only to the extent that, for the fiscal year involved, the costs of the health insurance or plans to be purchased or maintained under such paragraph do not exceed the costs of otherwise providing therapeutics described in subsection (a).".

SEC. 205. STATE APPLICATION.

(a) Determination of Size and Needs of Population; Comprehensive Plan.—Section 2617(b) of the Public Health Service Act (42 U.S.C. 300ff-27(b)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (4) through (6), respectively;

(2) by inserting after paragraph (1) the following paragraphs:

"(2) a determination of the size and demographics of the population of individuals with HIV disease in the State;

"(3) a determination of the needs of such population, with particular attention to—

"(A) individuals with HIV disease who know their HIV status and are not receiving HIV-related services; and

"(B) disparities in access and services among affected subpopulations and historically underserved communities;"; and

(3) in paragraph (4) (as so redesignated)—

(A) by striking "comprehensive plan for the organization" and inserting "comprehensive plan that describes the organization";

(B) by striking ", including—" and inserting ", and that—";

(C) by redesignating subparagraphs (A) through (C) as subparagraphs (D) through (F), respectively;

(D) by inserting before subparagraph (C) the following subparagraphs:

"(A) establishes priorities for the allocation of funds within the State based on—

"(i) size and demographics of the population of individuals with HIV disease (as determined under paragraph (2)) and the needs of such population (as determined under paragraph (3));

"(ii) availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Security Act and the State Children's Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease;

"(iii) capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities and rural communities; and

"(iv) the efficiency of the administrative mechanism of the State for rapidly allocating funds to the areas of greatest need within the State;

"(B) includes a strategy for identifying individuals who know their HIV status and are not receiving such services and for informing the individuals of and enabling the individuals to utilize the services, giving particular attention to eliminating disparities in access and services among affected subpopulations and historically underserved communities, and including discrete goals, a timetable, and an appropriate allocation of funds;

"(C) includes a strategy to coordinate the provision of such services with programs for HIV prevention (including outreach and early intervention) and for the prevention and treatment of substance abuse (including programs that provide comprehensive treatment services for such abuse);";

(E) in subparagraph (D) (as redesignated by subparagraph (C) of this paragraph), by inserting "describes" before "the services and activities";

(F) in subparagraph (E) (as so redesignated), by inserting "provides" before "a description"; and

(G) in subparagraph (F) (as so redesignated), by inserting "provides" before "a description".

(b) Public Participation.—Section 2617(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended—

(1) in paragraph (5), by striking "HIV" and inserting "HIV disease"; and

(2) in paragraph (6), by amending subparagraph (A) to read as follows:

"(A) the public health agency that is administering the grant for the State engages in a public advisory planning process, including public hearings, that includes the participants under paragraph (5), and the types of entities described in section 2602(b)(2), in developing the comprehensive plan under paragraph (4) and commenting on the implementation of such plan;".

(c) Health Care Relationships.—Section 2617(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended in paragraph (6)—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period and inserting "; and"; and

(3) by adding at the end the following subparagraph:

"(G) entities within areas in which activities under the grant are carried out will maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters), and other entities under section 2612(c) and 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their HIV status but not in care.".

SEC. 206. DISTRIBUTION OF FUNDS.

(a) MINIMUM ALLOTMENT.—Section 2618 of the Public Health Service Act (42 U.S.C. 300ff–28) is amended—

(1) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively; and

(2) in subsection (a) (as so redesignated), in paragraph (1)(A)(i)—

(A) in subclause (I), by striking "$100,000" and inserting "$200,000"; and

(B) in subclause (II), by striking "$250,000" and inserting "$500,000".

(b) AMOUNT OF GRANT; ESTIMATE OF LIVING CASES.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in paragraph (2)—

(1) in subparagraph (D)(i), by inserting before the semicolon the following: ", except that (subject to subparagraph (E)), for grants made pursuant to this paragraph or section 2620 for fiscal year 2005 and subsequent fiscal years, the cases counted for each 12-month period beginning on or after July 1, 2004, shall be cases of HIV disease (as reported to and confirmed by such Director) rather than cases of acquired immune deficiency syndrome";

(2) by redesignating subparagraphs (E) through (H) as subparagraphs (F) through (I), respectively; and

(3) by inserting after subparagraph (D) the following subparagraph:

"(E) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—If under 2603(a)(3)(D)(i) the Secretary determines that data on cases of HIV disease are not sufficiently accurate and reliable, then notwithstanding subparagraph (D) of this paragraph, for any fiscal year prior to fiscal year 2007 the references in such subparagraph to cases of HIV disease do not have any legal effect.".

(c) INCREASES IN FORMULA AMOUNT.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended—

(1) in paragraph (1)(A)(ii), by inserting before the semicolon the following: "and then, as applicable, increased under paragraph (2)(H)"; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by striking "subparagraph (H)" and inserting "subparagraphs (H) and (I)"; and

(B) in subparagraph (H) (as redesignated by subsection (b)(2) of this section), by amending the subparagraph to read as follows:

"(H) LIMITATION.—

"(i) IN GENERAL.—The Secretary shall ensure that the amount of a grant awarded to a State or territory under section 2611 or subparagraph (I)(i) for a fiscal year is not less than—

"(I) with respect to fiscal year 2001, 99 percent;

"(II) with respect to fiscal year 2002, 98 percent;

"(III) with respect to fiscal year 2003, 97 percent;

"(IV) with respect to fiscal year 2004, 96 percent; and

"(V) with respect to fiscal year 2005, 95 percent,

of the amount such State or territory received for fiscal year 2000 under section 2611 or subparagraph (I)(i), respectively (notwithstanding such subparagraph). In administering this subparagraph, the Secretary shall, with respect to States or territories that will under such section receive grants in amounts that exceed the amounts that such States received under such section or subparagraph for fiscal year 2000, proportionally reduce such amounts to ensure compliance with this subparagraph. In making such reductions, the Secretary shall ensure that no such State receives less than that State received for fiscal year 2000.

"(ii) RATABLE REDUCTION.—If the amount appropriated under section 2677 for a fiscal year and available for grants under section 2611 or subparagraph (I)(i) is less than the amount appropriated and available for fiscal year 2000 under section 2611 or subparagraph (I)(i), respectively, the limitation contained in clause (i) for the grants involved shall be reduced by a percentage equal to the percentage of the reduction in such amounts appropriated and available.".

(d) TERRITORIES.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in paragraph (1)(B) by inserting "the greater of $50,000 or" after "shall be".

(e) SEPARATE TREATMENT DRUG GRANTS.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section and amended by subsection (b)(2) of this section) is amended in paragraph (2)(I)—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by striking "(I) APPROPRIATIONS" and all that follows through "With respect to" and inserting the following:

"(I) APPROPRIATIONS FOR TREATMENT DRUG PROGRAM.—

"(i) FORMULA GRANTS.—With respect to";

(3) in subclause (I) of clause (i) (as designated by paragraphs (1) and (2)), by inserting before the semicolon the following: ", less the percentage reserved under clause (ii)(V)"; and

(4) by adding at the end the following clause:

"(ii) SUPPLEMENTAL TREATMENT DRUG GRANTS.—

"(I) IN GENERAL.—From amounts made available under subclause (V), the Secretary shall make supplemental grants to States described in subclause (II) to enable such States to increase access to therapeutics described in section 2616(a), as provided by the State under section 2616(c)(2).

"(II) ELIGIBLE STATES.—For purposes of subclause (I), a State described in this subclause is a State that, in accordance with criteria established by the Secretary, demonstrates a severe need for a grant under such subclause. In developing such criteria, the Secretary shall consider eligibility standards, formulary composition, and the number of eligible individuals at or below 200 percent of the official poverty line to whom the State is unable to provide therapeutics described in section 2616(a).

"(III) STATE REQUIREMENTS.—The Secretary may not make a grant to a State under this clause unless the State agrees that—

"(aa) the State will make available (directly or through donations from public or private entities) non-Federal contributions toward the activities to carried out under the grant in an amount equal to $1 for each $4 of Federal funds provided in the grant; and

"(bb) the State will not impose eligibility requirements for services or scope of benefits limitations under section 2616(a) that are more restrictive than such requirements in effect as of January 1, 2000.

"(IV) USE AND COORDINATION.—Amounts made available under a grant under this clause shall only be used by the State to provide HIV/AIDS-related medications. The State shall coordinate the use of such amounts with the amounts otherwise provided under section 2616(a) in order to maximize drug coverage.

"(V) FUNDING.—For the purpose of making grants under this clause, the Secretary shall each fiscal year reserve 3 percent of the amount referred to in clause (i) with respect to section 2616, subject to subclause (VI).

"(VI) LIMITATION.—In reserving amounts under subclause (V) and making grants under this clause for a fiscal year, the Secretary shall ensure for each State that the total of the grant under section 2611 for the State for the fiscal year and the grant under clause (i) for the State for the fiscal year is not less than such total for the State for the preceding fiscal year.".

(f) TECHNICAL AMENDMENT.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in paragraph (3)(B) by striking "and the Republic of the Marshall Islands" and inserting "the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and only for purposes of paragraph (1) the Commonwealth of Puerto Rico".

SEC. 207. SUPPLEMENTAL GRANTS FOR CERTAIN STATES.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) is amended—

(1) by striking section 2621; and

(2) by inserting after section 2619 the following section:

"SEC. 2620. SUPPLEMENTAL GRANTS.

"(a) IN GENERAL.—The Secretary shall award supplemental grants to States determined to be eligible under subsection (b) to enable such States to provide comprehensive services of the type described in section 2612(a) to supplement the services otherwise provided by the State under a grant under this subpart in emerging communities within the State that are not eligible to receive grants under part A.

"(b) ELIGIBILITY.—To be eligible to receive a supplemental grant under subsection (a), a State shall—

"(1) be eligible to receive a grant under this subpart;

"(2) demonstrate the existence in the State of an emerging community as defined in subsection (d)(1); and

"(3) submit the information described in subsection (c).

"(c) REPORTING REQUIREMENTS.—A State that desires a grant under this section shall, as part of the State application submitted under section 2617, submit a detailed description of the manner in which the State will use amounts received under the grant and of the severity of need. Such description shall include—

"(1) a report concerning the dissemination of supplemental funds under this section and the plan for the utilization of such funds in the emerging community;

"(2) a demonstration of the existing commitment of local resources, both financial and in-kind;

"(3) a demonstration that the State will maintain HIV-related activities at a level that is equal to not less than the level of such activities in the State for the 1-year period preceding the fiscal year for which the State is applying to receive a grant under this part;

"(4) a demonstration of the ability of the State to utilize such supplemental financial resources in a manner that is immediately responsive and cost effective;

"(5) a demonstration that the resources will be allocated in accordance with the local demographic incidence of AIDS including appropriate allocations for services for infants, children, women, and families with HIV disease;

"(6) a demonstration of the inclusiveness of the planning process, with particular emphasis on affected communities and individuals with HIV disease; and

"(7) a demonstration of the manner in which the proposed services are consistent with local needs assessments and the statewide coordinated statement of need.

"(d) Definition of Emerging Community.—In this section, the term 'emerging community' means a metropolitan area—

"(1) that is not eligible for a grant under part A; and

"(2) for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of between 500 and 1999 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available (except that, for fiscal year 2005 and subsequent fiscal years, cases of HIV disease shall be counted rather than cases of acquired immune deficiency syndrome if cases of HIV disease are being counted for purposes of section 2618(a)(2)(D)(i)).

"(e) Funding.—

"(1) In general.—Subject to paragraph (2), with respect to each fiscal year beginning with fiscal year 2001, the Secretary, to carry out this section, shall utilize—

"(A) the greater of—

"(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(a)(2)(I), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

"(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 1000, but less than 2000, cases of AIDS as reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded; and

"(B) the greater of—

"(i) 25 percent of the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(a)(2)(I), for such fiscal year that is in excess of the amount appropriated to carry out such part in fiscal year preceding the fiscal year involved; or

"(ii) $5,000,000;

to provide funds to States for use in emerging communities with at least 500, but less than 1000, cases of AIDS reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded.

"(2) Trigger of funding.—This section shall be effective only for fiscal years beginning in the first fiscal year in which the amount appropriated under 2677 to carry out part B, excluding the amount appropriated under section 2618(a)(2)(I), exceeds by at least $20,000,000 the amount appropriated under 2677 to carry out part B in fiscal year 2000, excluding the amount appropriated under section 2618(a)(2)(I).

"(3) Minimum amount in future years.—Beginning with the first fiscal year in which amounts provided for emerging communities under paragraph (1)(A) equals $5,000,000 and under paragraph (1)(B) equals $5,000,000, the Secretary shall ensure that amounts made available under this section for the types of emerging communities described in each such paragraph in subsequent fiscal years is at least $5,000,000.

"(4) Distribution.—Grants under this section for emerging communities shall be formula grants. There shall be two categories of such formula grants, as follows:

"(A) One category of such grants shall be for emerging communities for which the cumulative total of cases for purposes of subsection (d)(2) is 999 or fewer cases. The grant made to such an emerging community for a fiscal year shall be the product of—

"(i) an amount equal to 50 percent of the amount available pursuant to this subsection for the fiscal year involved; and

"(ii) a percentage equal to the ratio constituted by the number of cases for such emerging community for the fiscal year over the aggregate number of such cases for such year for all emerging communities to which this subparagraph applies.

"(B) The other category of formula grants shall be for emerging communities for which the cumulative total of cases for purposes of subsection (d)(2) is 1000 or more cases. The grant made to such an emerging community for a fiscal year shall be the product of—

"(i) an amount equal to 50 percent of the amount available pursuant to this subsection for the fiscal year involved; and

"(ii) a percentage equal to the ratio constituted by the number of cases for such community for the fiscal year over the aggregate number of such cases for the fiscal year for all emerging communities to which this subparagraph applies.".

Subtitle B—Provisions Concerning Pregnancy and Perinatal Transmission of HIV

SEC. 211. REPEALS.

Subpart II of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–33 et seq.) is amended—

(1) in section 2626, by striking each of subsections (d) through (f);

(2) by striking sections 2627 and 2628; and

(3) by redesignating section 2629 as section 2627.

SEC. 212. GRANTS.

(a) In General.—Section 2625(c) of the Public Health Service Act (42 U.S.C. 300ff–33) is amended—

(1) in paragraph (1), by inserting at the end the following subparagraph:

"(F) Making available to pregnant women with HIV disease, and to the infants of women with such disease, treatment services for such disease in accordance with applicable recommendations of the Secretary.";

(2) by amending paragraph (2) to read as follows:

"(2) Funding.—

"(A) Authorization of appropriations.—For the purpose of carrying out this subsection, there are authorized to be appropriated $30,000,000 for each of the fiscal years 2001 through 2005. Amounts made available under section 2677 for carrying out this part are not available for carrying out this section unless otherwise authorized.

"(B) Allocations for certain states.—

"(i) In general.—Of the amounts appropriated under subparagraph (A) for a fiscal year in excess of $10,000,000—

"(I) the Secretary shall reserve the applicable percentage under clause (iv) for making grants under paragraph (1) both to States described in clause (ii) and States described in clause (iii); and

"(II) the Secretary shall reserve the remaining amounts for other States, taking into consideration the factors described in subparagraph (C)(iii), except that this subclause does not apply to any State that for the fiscal year involved is receiving amounts pursuant to subclause (I).

"(ii) Required testing of newborns.—For purposes of clause (i)(I), the States described in this clause are States that under law (including under regulations or the discretion of State officials) have—

"(I) a requirement that all newborn infants born in the State be tested for HIV disease and that the biological mother of each such infant, and the legal guardian of the infant (if other than the biological mother), be informed of the results of the testing; or

"(II) a requirement that newborn infants born in the State be tested for HIV disease in circumstances in which the attending obstetrician for the birth does not know the HIV status of the mother of the infant, and that the biological mother of each such infant, and the legal guardian of the infant (if other than the biological mother), be informed of the results of the testing.

"(iii) Most significant reduction in cases of perinatal transmission.—For purposes of clause (i)(I), the States described in this clause are the following (exclusive of States described in clause (ii)), as applicable:

"(I) For fiscal years 2001 and 2002, the two States that, relative to other States, have the most significant reduction in the rate of new cases of the perinatal transmission of HIV (as indicated by the number of such cases reported to the Director of the Centers for Disease Control and Prevention for the most recent periods for which the data are available).

"(II) For fiscal years 2003 and 2004, the three States that have the most significant such reduction.

"(III) For fiscal year 2005, the four States that have the most significant such reduction.

"(iv) Applicable percentage.—For purposes of clause (i), the applicable amount for a fiscal year is as follows:

"(I) For fiscal year 2001, 33 percent.

"(II) For fiscal year 2002, 50 percent.

"(III) For fiscal year 2003, 67 percent.

"(IV) For fiscal year 2004, 75 percent.

"(V) For fiscal year 2005, 75 percent.

"(C) Certain provisions.—With respect to grants under paragraph (1) that are made with amounts reserved under subparagraph (B) of this paragraph:

"(i) Such a grant may not be made in an amount exceeding $4,000,000.

"(ii) If pursuant to clause (i) or pursuant to an insufficient number of qualifying applications for such grants (or both), the full amount reserved under subparagraph (B) for a fiscal year is not obligated, the requirement under such subparagraph to reserve amounts ceases to apply.

"(iii) In the case of a State that meets the conditions to receive amounts reserved under subparagraph (B)(i)(II), the Secretary shall in making grants consider the following factors:

"(I) The extent of the reduction in the rate of new cases of the perinatal transmission of HIV.

"(II) The extent of the reduction in the rate of new cases of perinatal cases of acquired immune deficiency syndrome.

"(III) The overall incidence of cases of infection with HIV among women of childbearing age.

"(IV) The overall incidence of cases of acquired immune deficiency syndrome among women of childbearing age.

"(V) The higher acceptance rate of HIV testing of pregnant women.

"(VI) The extent to which women and children with HIV disease are receiving HIV-related health services.

"(VII) The extent to which HIV-exposed children are receiving health services appropriate to such exposure."; and

(3) by adding at the end the following paragraph:

"(4) MAINTENANCE OF EFFORT.—A condition for the receipt of a grant under paragraph (1) is that the State involved agree that the grant will be used to supplement and not supplant other funds available to the State to carry out the purposes of the grant.".

(b) SPECIAL FUNDING RULE FOR FISCAL YEAR 2001.—

(1) IN GENERAL.—If for fiscal year 2001 the amount appropriated under paragraph (2)(A) of section 2625(c) of the Public Health Service Act is less than $14,000,000—

(A) the Secretary of Health and Human Services shall, for the purpose of making grants under paragraph (1) of such section, reserve from the amount specified in paragraph (2) of this subsection an amount equal to the difference between $14,000,000 and the amount appropriated under paragraph (2)(A) of such section for such fiscal year (notwithstanding any other provision of this Act or the amendments made by this Act);

(B) the amount so reserved shall, for purposes of paragraph (2)(B)(i) of such section, be considered to have been appropriated under paragraph (2)(A) of such section; and

(C) the percentage specified in paragraph (2)(B)(iv)(I) of such section is deemed to be 50 percent.

(2) ALLOCATION FROM INCREASES IN FUNDING FOR PART B.—For purposes of paragraph (1), the amount specified in this paragraph is the amount by which the amount appropriated under section 2677 of the Public Health Service Act for fiscal year 2001 and available for grants under section 2611 of such Act is an increase over the amount so appropriated and available for fiscal year 2000.

SEC. 213. STUDY BY INSTITUTE OF MEDICINE.

Subpart II of part B of title XXVI of the Public Health Service Act, as amended by section 211(3), is amended by adding at the end the following section:

"SEC. 2628. RECOMMENDATIONS FOR REDUCING INCIDENCE OF PERINATAL TRANSMISSION.

"(a) STUDY BY INSTITUTE OF MEDICINE.—

"(1) IN GENERAL.—The Secretary shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study to provide the following:

"(A) For the most recent fiscal year for which the information is available, a determination of the number of newborn infants with HIV born in the United States with respect to whom the attending obstetrician for the birth did not know the HIV status of the mother.

"(B) A determination for each State of any barriers, including legal barriers, that prevent or discourage an obstetrician from making it a routine practice to offer pregnant women an HIV test and a routine practice to test newborn infants for HIV disease in circumstances in which the obstetrician does not know the HIV status of the mother of the infant.

"(C) Recommendations for each State for reducing the incidence of cases of the perinatal transmission of HIV, including recommendations on removing the barriers identified under subparagraph (B).

If such Institute declines to conduct the study, the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

"(2) REPORT.—The Secretary shall ensure that, not later than 18 months after the effective date of this section, the study required in paragraph (1) is completed and a report describing the findings made in the study is submitted to the appropriate committees of the Congress, the Secretary, and the chief public health official of each of the States.

"(b) PROGRESS TOWARD RECOMMENDATIONS.—In fiscal year 2004, the Secretary shall collect information from the States describing the actions taken by the States toward meeting the recommendations specified for the States under subsection (a)(1)(C).

"(c) SUBMISSION OF REPORTS TO CONGRESS.—The Secretary shall submit to the appropriate committees of the Congress reports describing the information collected under subsection (b).".

Subtitle C—Certain Partner Notification Programs

SEC. 221. GRANTS FOR COMPLIANT PARTNER NOTIFICATION PROGRAMS.

Part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.) is amended by adding at the end the following subpart:

"Subpart III—Certain Partner Notification Programs

"SEC. 2631. GRANTS FOR PARTNER NOTIFICATION PROGRAMS.

"(a) IN GENERAL.—In the case of States whose laws or regulations are in accordance with subsection (b), the Secretary, subject to subsection (c)(2), may make grants to the States for carrying out programs to provide partner counseling and referral services.

"(b) DESCRIPTION OF COMPLIANT STATE PROGRAMS.—For purposes of subsection (a), the laws or regulations of a State are in accordance with this subsection if under such laws or regulations (including programs carried out pursuant to the discretion of State officials) the following policies are in effect:

"(1) The State requires that the public health officer of the State carry out a program of partner notification to inform partners of individuals with HIV disease that the partners may have been exposed to the disease.

"(2)(A) In the case of a health entity that provides for the performance on an individual of a test for HIV disease, or that treats the individual for the disease, the State requires, subject to subparagraph (B), that the entity confidentially report the positive test results to the State public health officer in a manner recommended and approved by the Director of the Centers for Disease Control and Prevention, together with such additional information as may be necessary for carrying out such program.

"(B) The State may provide that the requirement of subparagraph (A) does not apply to the testing of an individual for HIV disease if the individual underwent the testing through a program designed to perform the test and provide the results to the individual without the individual disclosing his or her identity to the program. This subparagraph may not be construed as affecting the requirement of subparagraph (A) with respect to a health entity that treats an individual for HIV disease.

"(3) The program under paragraph (1) is carried out in accordance with the following:

"(A) Partners are provided with an appropriate opportunity to learn that the partners have been exposed to HIV disease, subject to subparagraph (B).

"(B) The State does not inform partners of the identity of the infected individuals involved.

"(C) Counseling and testing for HIV disease are made available to the partners and to infected individuals, and such counseling includes information on modes of transmission for the disease, including information on prenatal and perinatal transmission and preventing transmission.

"(D) Counseling of infected individuals and their partners includes the provision of information regarding therapeutic measures for preventing and treating the deterioration of the immune system and conditions arising from the disease, and the provision of other prevention-related information.

"(E) Referrals for appropriate services are provided to partners and infected individuals, including referrals for support services and legal aid.

"(F) Notifications under subparagraph (A) are provided in person, unless doing so is an unreasonable burden on the State.

"(G) There is no criminal or civil penalty on, or civil liability for, an infected individual if the individual chooses not to identify the partners of the individual, or the individual does not otherwise cooperate with such program.

"(H) The failure of the State to notify partners is not a basis for the civil liability of any health entity who under the program reported to the State the identity of the infected individual involved.

"(I) The State provides that the provisions of the program may not be construed as prohibiting the State from providing a notification under subparagraph (A) without the consent of the infected individual involved.

"(4) The State annually reports to the Director of the Centers for Disease Control and Prevention the number of individuals from whom the names of partners have been sought under the program under paragraph (1), the number of such individuals who provided the names of partners, and the number of partners so named who were notified under the program.

"(5) The State cooperates with such Director in carrying out a national program of partner notification, including the sharing of information between the public health officers of the States.

"(c) REPORTING SYSTEM FOR CASES OF HIV DISEASE; PREFERENCE IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to States whose reporting systems for cases of HIV disease produce data on such cases that is sufficiently accurate and reliable for use for purposes of section 2618(a)(2)(D)(i).

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.".

TITLE III—EARLY INTERVENTION SERVICES

Subtitle A—Formula Grants for States

SEC. 301. REPEAL OF PROGRAM.

(a) REPEAL.—Subpart I of part C of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–41 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—Part C of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–41 et seq.), as amended by subsection (a) of this section, is amended—

(1) by redesignating subparts II and III as subparts I and II, respectively;

(2) in section 2661(a), by striking "unless—" and all that follows through "(2) in the case of" and inserting "unless, in the case of"; and

(3) in section 2664—

(A) in subsection (e)(5), by striking "2642(b) or";

(B) in subsection (f)(2), by striking "2642(b) or"; and

(C) by striking subsection (h).

Subtitle B—Categorical Grants

SEC. 311. PREFERENCES IN MAKING GRANTS.

Section 2653 of the Public Health Service Act (42 U.S.C. 300ff-53) is amended by adding at the end the following subsection:

"(d) Certain Areas.—Of the applicants who qualify for preference under this section—

"(1) the Secretary shall give preference to applicants that will expend the grant under section 2651 to provide early intervention under such section in rural areas; and

"(2) the Secretary shall give special consideration to areas that are underserved with respect to such services.".

SEC. 312. PLANNING AND DEVELOPMENT GRANTS.

(a) In General.—Section 2654(c)(1) of the Public Health Service Act (42 U.S.C. 300ff-54(c)(1)) is amended by striking "planning grants" and all that follows and inserting the following: "planning grants to public and nonprofit private entities for purposes of—

"(A) enabling such entities to provide HIV early intervention services; and

"(B) assisting the entities in expanding their capacity to provide HIV-related health services, including early intervention services, in low-income communities and affected subpopulations that are underserved with respect to such services (subject to the condition that a grant pursuant to this subparagraph may not be expended to purchase or improve land, or to purchase, construct, or permanently improve, other than minor remodeling, any building or other facility).".

(b) Amount; Duration.—Section 2654(c) of the Public Health Service Act (42 U.S.C. 300ff-54(c)) is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) Amount and duration of grants.—

"(A) Early intervention services.—A grant under paragraph (1)(A) may be made in an amount not to exceed $50,000.

"(B) Capacity development.—

"(i) Amount.—A grant under paragraph (1)(B) may be made in an amount not to exceed $150,000.

"(ii) Duration.—The total duration of a grant under paragraph (1)(B), including any renewal, may not exceed 3 years.".

(c) Increase in Limitation.—Section 2654(c)(5) of the Public Health Service Act (42 U.S.C. 300ff-54(c)(5)), as redesignated by subsection (b), is amended by striking "1 percent" and inserting "5 percent".

SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

Section 2655 of the Public Health Service Act (42 U.S.C. 300ff-55) is amended by striking "in each of" and all that follows and inserting "for each of the fiscal years 2001 through 2005.".

Subtitle C—General Provisions

SEC. 321. PROVISION OF CERTAIN COUNSELING SERVICES.

Section 2662(c)(3) of the Public Health Service Act (42 U.S.C. 300ff-62(c)(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking "counseling on—" and inserting "counseling—";

(2) in each of subparagraphs (A), (B), and (D), by inserting "on" after the subparagraph designation; and

(3) in subparagraph (C)—

(A) by striking "(C) the benefits" and inserting "(C)(i) that explains the benefits"; and

(B) by inserting after clause (i) (as designated by subparagraph (A) of this paragraph) the following clause:

"(ii) that emphasizes it is the duty of infected individuals to disclose their infected status to their sexual partners and their partners in the sharing of hypodermic needles; that provides advice to infected individuals on the manner in which such disclosures can be made; and that emphasizes that it is the continuing duty of the individuals to avoid any behaviors that will expose others to HIV.".

SEC. 322. ADDITIONAL REQUIRED AGREEMENTS.

Section 2664(g) of the Public Health Service Act (42 U.S.C. 300ff-64(g)) is amended—

(1) in paragraph (3)—

(A) by striking "7.5 percent" and inserting "10 percent"; and

(B) by striking "and" after the semicolon at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(5) the applicant will provide for the establishment of a quality management program—

"(A) to assess the extent to which medical services funded under this title that are provided to patients are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines; and

"(B) to ensure that improvements in the access to and quality of HIV health services are addressed.".

TITLE IV—OTHER PROGRAMS AND ACTIVITIES

Subtitle A—Certain Programs for Research, Demonstrations, or Training

SEC. 401. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.

(a) Elimination of Requirement To Enroll Significant Numbers of Women and Children.—Section 2671(b) (42 U.S.C. 300ff-71(b)) is amended—

(1) in paragraph (1), by striking subparagraphs (C) and (D) and inserting the following:

"(C) The applicant will demonstrate linkages to research and how access to such research is being offered to patients."; and

(2) by striking paragraphs (3) and (4).

(b) Information and Education.—Section 2671(d) (42 U.S.C. 300ff-71(d)) is amended by adding at the end the following:

"(4) The applicant will provide individuals with information and education on opportunities to participate in HIV/AIDS-related clinical research.".

(c) Quality Management; Administrative Expenses Ceiling.—Section 2671(f) (42 U.S.C. 300ff-71(f)) is amended—

(1) by striking the subsection heading and designation and inserting the following:

"(f) Administration.—

"(1) Application.—"; and

(2) by adding at the end the following:

"(2) Quality management program.—A grantee under this section shall implement a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.".

(d) Coordination.—Section 2671(g) (42 U.S.C. 300ff-71(g)) is amended by adding at the end the following: "The Secretary acting through the Director of NIH, shall examine the distribution and availability of ongoing and appropriate HIV/AIDS-related research projects to existing sites under this section for purposes of enhancing and expanding voluntary access to HIV-related research, especially within communities that are not reasonably served by such projects. Not later than 12 months after the date of enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the findings made by the Director and the manner in which the conclusions based on those findings can be addressed.".

(e) Administrative Expenses.—Section 2671 of the Public Health Service Act (42 U.S.C. 300ff-71) is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following subsection:

"(i) Limitation on Administrative Expenses.—

"(1) Determination by secretary.—Not later than 12 months after the date of enactment of the Ryan White Care Act Amendments of 2000, the Secretary, in consultation with grantees under this part, shall conduct a review of the administrative, program support, and direct service-related activities that are carried out under this part to ensure that eligible individuals have access to quality, HIV-related health and support services and research opportunities under this part, and to support the provision of such services.

"(2) Requirements.—

"(A) In general.—Not later than 180 days after the expiration of the 12-month period referred to in paragraph (1) the Secretary, in consultation with grantees under this part, shall determine the relationship between the costs of the activities referred to in paragraph (1) and the access of eligible individuals to the services and research opportunities described in such paragraph.

"(B) Limitation.—After a final determination under subparagraph (A), the Secretary may not make a grant under this part unless the grantee complies with such requirements as may be included in such determination.".

(f) Authorization of Appropriations.—Section 2671 of the Public Health Service Act (42 U.S.C. 300ff-71) is amended in subsection (j) (as redesignated by subsection (e)(1) of this section) by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

SEC. 402. AIDS EDUCATION AND TRAINING CENTERS.

(a) Schools; Centers.—

(1) In general.—Section 2692(a)(1) of the Public Health Service Act (42 U.S.C. 300ff-111(a)(1)) is amended—

(A) in subparagraph (A)—

(i) by striking "training" and inserting "to train";

(ii) by striking "and including" and inserting ", including"; and

(iii) by inserting before the semicolon the following: ", and including (as applicable to the type of health professional involved), prenatal and other gynecological care for women with HIV disease";

(B) in subparagraph (B), by striking "and" after the semicolon at the end;

(C) in subparagraph (C), by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(D) to develop protocols for the medical care of women with HIV disease, including prenatal and other gynecological care for such women.".

(2) DISSEMINATION OF TREATMENT GUIDELINES; MEDICAL CONSULTATION ACTIVITIES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue and begin implementation of a strategy for the dissemination of HIV treatment information to health care providers and patients.

(b) DENTAL SCHOOLS.—Section 2692(b) of the Public Health Service Act (42 U.S.C. 300ff–111(b)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—

"(A) GRANTS.—The Secretary may make grants to dental schools and programs described in subparagraph (B) to assist such schools and programs with respect to oral health care to patients with HIV disease.

"(B) ELIGIBLE APPLICANTS.—For purposes of this subsection, the dental schools and programs referred to in this subparagraph are dental schools and programs that were described in section 777(b)(4)(B) as such section was in effect on the day before the date of the enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105–392) and in addition dental hygiene programs that are accredited by the Commission on Dental Accreditation.";

(2) in paragraph (2), by striking "777(b)(4)(B)" and inserting "the section referred to in paragraph (1)(B)"; and

(3) by inserting after paragraph (4) the following paragraph:

"(5) COMMUNITY-BASED CARE.—The Secretary may make grants to dental schools and programs described in paragraph (1)(B) that partner with community-based dentists to provide oral health care to patients with HIV disease in unserved areas. Such partnerships shall permit the training of dental students and residents and the participation of community dentists as adjunct faculty.".

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) SCHOOLS; CENTERS.—Section 2692(c)(1) of the Public Health Service Act (42 U.S.C. 300ff–111(c)(1)) is amended by striking "fiscal years 1996 through 2000" and inserting "fiscal years 2001 through 2005".

(2) DENTAL SCHOOLS.—Section 2692(c)(2) of the Public Health Service Act (42 U.S.C. 300ff–111(c)(2)) is amended to read as follows:

"(2) DENTAL SCHOOLS.—

"(A) IN GENERAL.—For the purpose of grants under paragraphs (1) through (4) of subsection (b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(B) COMMUNITY-BASED CARE.—For the purpose of grants under subsection (b)(5), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

Subtitle B—General Provisions in Title XXVI

SEC. 411. EVALUATIONS AND REPORTS.

Section 2674(c) of the Public Health Service Act (42 U.S.C. 300ff–74(c)) is amended by striking "1991 through 1995" and inserting "2001 through 2005".

SEC. 412. DATA COLLECTION THROUGH CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 318A the following section:

"DATA COLLECTION REGARDING PROGRAMS UNDER TITLE XXVI

"SEC. 318B. For the purpose of collecting and providing data for program planning and evaluation activities under title XXVI, there are authorized to be appropriated to the Secretary (acting through the Director of the Centers for Disease Control and Prevention) such sums as may be necessary for each of the fiscal years 2001 through 2005. Such authorization of appropriations is in addition to other authorizations of appropriations that are available for such purpose.".

SEC. 413. COORDINATION.

Section 2675 of the Public Health Service Act (42 U.S.C. 300ff–75) is amended—

(1) by amending subsection (a) to read as follows:

"(a) REQUIREMENT.—The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and the Health Care Financing Administration coordinate the planning, funding, and implementation of Federal HIV programs to enhance the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease. The Secretary shall consult with other Federal agencies, including the Department of Veterans Affairs, as needed and utilize planning information submitted to such agencies by the States and entities eligible for support.";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (b) the following subsection:

"(b) REPORT.—The Secretary shall biennially prepare and submit to the appropriate committees of the Congress a report concerning the coordination efforts at the Federal, State, and local levels described in this section, including a description of Federal barriers to HIV program integration and a strategy for eliminating such barriers and enhancing the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease."; and

(4) in each of subsections (c) and (d) (as redesignated by paragraph (2) of this section), by inserting "and prevention services" after "continuity of care" each place such term appears.

SEC. 414. PLAN REGARDING RELEASE OF PRISONERS WITH HIV DISEASE.

Section 2675 of the Public Health Service Act, as amended by section 413(2) of this Act, is amended by adding at the end the following subsection:

"(e) RECOMMENDATIONS REGARDING RELEASE OF PRISONERS.—After consultation with the Attorney General and the Director of the Bureau of Prisons, with States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary, consistent with the coordination required in subsection (a), shall develop a plan for the medical case management of and the provision of support services to individuals who were Federal or State prisoners and had HIV disease as of the date on which the individuals were released from the custody of the penal system. The Secretary shall submit the plan to the Congress not later than 2 years after the date of the enactment of the Ryan White CARE Act Amendments of 2000.".

SEC. 415. AUDITS.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–71 et seq.) is amended by inserting after section 2675 the following section:

"SEC. 2675A. AUDITS.

"For fiscal year 2002 and subsequent fiscal years, the Secretary may reduce the amounts of grants under this title to a State or political subdivision of a State for a fiscal year if, with respect to such grants for the second preceding fiscal year, the State or subdivision fails to prepare audits in accordance with the procedures of section 7502 of title 31, United States Code. The Secretary shall annually select representative samples of such audits, prepare summaries of the selected audits, and submit the summaries to the Congress.".

SEC. 416. ADMINISTRATIVE SIMPLIFICATION.

Part D of title XXVI of the Public Health Service Act, as amended by section 415 of this Act, is amended by inserting after section 2675A the following section:

"SEC. 2675B. ADMINISTRATIVE SIMPLIFICATION REGARDING PARTS A AND B.

"(a) COORDINATED DISBURSEMENT.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall develop a plan for coordinating the disbursement of appropriations for grants under part A with the disbursement of appropriations for grants under part B in order to assist grantees and other recipients of amounts from such grants in complying with the requirements of such parts. The Secretary shall submit the plan to the Congress not later than 18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000. Not later than 2 years after the date on which the plan is so submitted, the Secretary shall complete the implementation of the plan, notwithstanding any provision of this title that is inconsistent with the plan.

"(b) BIENNIAL APPLICATIONS.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall make a determination of whether the administration of parts A and B by the Secretary, and the efficiency of grantees under such parts in complying with the requirements of such parts, would be improved by requiring that applications for grants under such parts be submitted biennially rather than annually. The Secretary shall submit such determination to the Congress not later than 2 years after the date of the enactment of the Ryan White CARE Act Amendments of 2000.

"(c) APPLICATION SIMPLIFICATION.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall develop a plan for simplifying the process for applications under parts A and B. The Secretary shall submit the plan to the Congress not later than 18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000. Not later than 2 years after the date on which the plan is so submitted, the Secretary shall complete the implementation of the plan, notwithstanding any provision of this title that is inconsistent with the plan.".

SEC. 417. AUTHORIZATION OF APPROPRIATIONS FOR PARTS A AND B.

Section 2677 of the Public Health Service Act (42 U.S.C. 300ff–77) is amended to read as follows:

"SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

"(a) PART A.—For the purpose of carrying out part A, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(b) Part B.—For the purpose of carrying out part B, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

TITLE V—GENERAL PROVISIONS

SEC. 501. STUDIES BY INSTITUTE OF MEDICINE.

(a) State Surveillance Systems on Prevalence of HIV.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study to provide the following:

(1) A determination of whether the surveillance system of each of the States regarding the human immunodeficiency virus provides for the reporting of cases of infection with the virus in a manner that is sufficient to provide adequate and reliable information on the number of such cases and the demographic characteristics of such cases, both for the State in general and for specific geographic areas in the State.

(2) A determination of whether such information is sufficiently accurate for purposes of formula grants under parts A and B of title XXVI of the Public Health Service Act.

(3) With respect to any State whose surveillance system does not provide adequate and reliable information on cases of infection with the virus, recommendations regarding the manner in which the State can improve the system.

(b) Relationship Between Epidemiological Measures and Health Care for Certain Individuals With HIV Disease.—

(1) In general.—The Secretary shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study concerning the appropriate epidemiological measures and their relationship to the financing and delivery of primary care and health-related support services for low-income, uninsured, and under-insured individuals with HIV disease.

(2) Issues to be considered.—The Secretary shall ensure that the study under paragraph (1) considers the following:

(A) The availability and utility of health outcomes measures and data for HIV primary care and support services and the extent to which those measures and data could be used to measure the quality of such funded services.

(B) The effectiveness and efficiency of service delivery (including the quality of services, health outcomes, and resource use) within the context of a changing health care and therapeutic environment, as well as the changing epidemiology of the epidemic, including determining the actual costs, potential savings, and overall financial impact of modifying the program under title XIX of the Social Security Act to establish eligibility for medical assistance under such title on the basis of infection with the human immunodeficiency virus rather than providing such assistance only if the infection has progressed to acquired immune deficiency syndrome.

(C) Existing and needed epidemiological data and other analytic tools for resource planning and allocation decisions, specifically for estimating severity of need of a community and the relationship to the allocations process.

(D) Other factors determined to be relevant to assessing an individual's or community's ability to gain and sustain access to quality HIV services.

(c) Other Entities.—If the Institute of Medicine declines to conduct a study under this section, the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

(d) Report.—The Secretary shall ensure that—

(1) not later than 3 years after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made in the study is submitted to the appropriate committees of the Congress; and

(2) not later than 2 years after the date of the enactment of this Act, the study required in subsection (b) is completed and a report describing the findings made in the study is submitted to such committees.

SEC. 502. DEVELOPMENT OF RAPID HIV TEST.

(a) Expansion, Intensification, and Coordination of Research and Other Activities.—

(1) In general.—The Director of NIH shall expand, intensify, and coordinate research and other activities of the National Institutes of Health with respect to the development of reliable and affordable tests for HIV disease that can rapidly be administered and whose results can rapidly be obtained (in this section referred to a "rapid HIV test").

(2) Report to congress.—The Director of NIH shall periodically submit to the appropriate committees of Congress a report describing the research and other activities conducted or supported under paragraph (1).

(3) Authorization of appropriations.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

(b) Premarket Review of Rapid HIV Tests.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention and the Commissioner of Food and Drugs, shall submit to the appropriate committees of the Congress a report describing the progress made towards, and barriers to, the premarket review and commercial distribution of rapid HIV tests. The report shall—

(A) assess the public health need for and public health benefits of rapid HIV tests, including the minimization of false positive results through the availability of multiple rapid HIV tests;

(B) make recommendations regarding the need for the expedited review of rapid HIV test applications submitted to the Center for Biologics Evaluation and Research and, if such recommendations are favorable, specify criteria and procedures for such expedited review; and

(C) specify whether the barriers to the premarket review of rapid HIV tests include the unnecessary application of requirements—

(i) necessary to ensure the efficacy of devices for donor screening to rapid HIV tests intended for use in other screening situations; or

(ii) for identifying antibodies to HIV subtypes of rare incidence in the United States to rapid HIV tests intended for use in screening situations other than donor screening.

(c) Guidelines of Centers for Disease Control and Prevention.—Promptly after commercial distribution of a rapid HIV test begins, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish or update guidelines that include recommendations for States, hospitals, and other appropriate entities regarding the ready availability of such tests for administration to pregnant women who are in labor or in the late stage of pregnancy and whose HIV status is not known to the attending obstetrician.

SEC. 503. TECHNICAL CORRECTIONS.

(a) Public Health Service Act.—Title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.) is amended—

(1) in section 2605(d)—

(A) in paragraph (1), by striking "section 2608" and inserting "section 2677"; and

(B) in paragraph (4), by inserting "section" before 2601(a)"; and

(2) in section 2673(a), in the matter preceding paragraph (1), by striking "the Agency for Health Care Policy and Research" and inserting "the Director of the Agency for Healthcare Research and Quality".

(b) Related Act.—The first paragraph (2) of section 3(c) of the Ryan White Care Act Amendments of 1996 (Public Law 104-146; 110 Stat. 1354) is amended in subparagraph (A)(iii) by striking "by inserting the following new paragraph:" and inserting "by inserting before paragraph (2) (as so redesignated) the following new paragraph".

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

The SPEAKER pro tempore. Pursuant to House Resolution 611, the gentleman from Oklahoma (Mr. Coburn) and the gentleman from Ohio (Mr. Brown) each will control 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. Coburn).

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a bill that is long overdue. Before we get into the topic of discussions on this bill, I think it is important that the American public know that this reauthorization is going to allow at least $1 billion per year to be spent in Ryan White CARE Act policies and procedures. Also, the American public should know that we are going to spend about $10 billion a year on this epidemic, both in terms of research, drug treatments, and all associated factors with it.

As we think about that, if we were to apply the same efforts to many other diseases in our country, we would be achieving far more than we are today.

This bill is long overdue. It is long overdue in a lot of ways. It is long overdue because the government has failed through the CDC and the FDA and the NIH to appropriately handle this epidemic.

Two decades ago, the HIV/AIDS epidemic was recognized. Our Federal response to HIV/AIDS epidemic at that time was to ignore proven public health policies. This bill institutes for the first time in the Ryan White CARE Act proven public health policies that will, in fact, make a difference in the number of people who are infected.

These include ensuring medical access to all who are infected, not a special select few; early intervention in people who are infected; reliable disease surveillance and partner notification, including a responsibility to not infect anyone else with this disease. We will also, for the first time, recognize all of those living with HIV rather than focusing exclusively on those with AIDS.

There are many other noteworthy changes made by this bill. Waiting lists to access life-saving HIV medications under the AIDS Drug Assistance program will be eliminated. Prevention will be incorporated as part of the comprehensive care program. Planning councils will be more representative of the infected population. Patients who rely on the CARE Act for their well-being will be given a greater voice in priority setting, and accountability safeguards will ensure that Federal AIDS funds will be spent on needed patient care. This bill will also provide Federal assistance to States to ensure that all pregnant women with HIV and their children are identified and provided care.

One of the most promising victories in the battle against AIDS was a 1994 finding that the administration of a drug could significantly reduce the chance that a child born to an HIV positive mother would become infected. Yet, despite these miracles, a significant number of women still are not tested for HIV during their pregnancy, and hundreds of children are needlessly infected each year with an incurable disease that will prematurely claim their lives.

This bill will provide up to $400 million annually to any State that makes identifying and ensuring proper care for HIV and infected women and their HIV-exposed newborns a priority.

The two States with such baby AIDS laws, New York and Connecticut, have experienced great success. Universal newborn HIV testing has resulted in the identification of all HIV-exposed births and has allowed hospital and health department staff to ensure that over 98 percent of HIV positive mothers are aware of their HIV status and have newborns referred for early diagnosis and care of HIV infection. That is according to Dr. Guthrie Birkhead, the director of the New York AIDS Institute.

Dr. Birkhead noted that the rates of prenatal care have been increasing, not decreasing as we were told would happen. There has been no detectable change in prenatal participation trends that might be related to the newborn testing program.

The Connecticut baby AIDS law, which requires every newborn to be screened for HIV if the mother's status is unknown, was enacted almost a year ago. In the first 10 months, 26 newborns who were perinatally exposed to HIV have been identified. This is more than four times as many as were diagnosed with HIV in the previous 3 years combined.

This substantial financial incentive amounts to a Federal endorsement of universal HIV newborn testing as a routine medical practice. I must regrettably note that the organization in my profession that purports to represent physicians who care for mothers and women has yet to endorse this. The question we ought to ask ourselves is why the American College of Obstetricians and Gynecologists, knowing that we can save children's lives and we can treat women, has failed to yet endorse this.

This bill will also provide additional resources to support partner notification programs so that everyone who has been exposed to HIV is given the right to know that exposure. In addition, it will empower those who are infected to protect others from infection by providing prevention counseling as a part of a comprehensive care program. This includes providing advice on how to disclose one's HIV status to a potential partner and emphasizing to those living with HIV that they have a responsibility not to give this disease to anyone else.

Finally, the bill recognizes everyone living with HIV and guarantees access to life-saving treatment to all who are infected. Current funding formulas are based on AIDS infection, the end stage of HIV infection. The CDC only recently recommended that States begin tracking the full scope of the epidemic, not just AIDS. The American public ought to be asking why has it waited so long.

Over 12 years ago, the Presidential Commission on HIV warned the continual focus on AIDS rather than the full spectrum of HIV disease has left our Nation unable to deal adequately with the epidemic. Well, this bill changes that. This observation was absolutely correct. Yet, it was ignored by the CDC and Federal policy makers. The results have been devastating.

While our attention was placed on AIDS, the virus silently spread through communities of color, and more and more women became unknowingly infected. Only now are AIDS statistics revealing the paths that the virus took 10 years ago. Unfortunately, the casualties are increasingly rising for women and women of color.

While women and African-Americans comprise the majority of new HIV infections, they also receive less appropriate care according to the General Accounting Office. This is a direct result of the CARE Act's misplaced emphasis on AIDS data and determining funding and priority setting. That has changed with this bill.

All of these changes, while long overdue, will do much to improve our Nation's responsibilities to HIV and AIDS by ensuring medical access to all of those who are infected and by providing the proper care for all.

Mr. Speaker, I include the following letter for the RECORD, as follows:

GENERAL ACCOUNTING OFFICE,
Washington, DC, August 24, 2000.

Hon. TOM A. COBURN,
Vice Chair, Subcommittee on Health and Environment, Committee on Commerce, House of Representatives.

Subject: Ryan White CARE Act: Title I Funding for San Francisco

DEAR MR. COBURN: This letter responds to your request for additional information regarding funding for San Francisco under the Ryan White CARE Act. Specifically, you asked that we compare San Francisco's fiscal year 2000 title I grant award, which was determined using the act's hold-harmless provision, with what the award would have been had deceased AIDS cases been included in the calculation. You also asked how funding for San Francisco that was based on the inclusion of deceased AIDS cases would have compared with the amount San Francisco would have received if the fiscal year 2000 hold-harmless level had been reduced by 25 percent.

In brief, San Francisco's fiscal year 2000 title I grant award would have been 26 percent less had both living and deceased AIDS cases been used to calculate the award instead of the current hold-harmless provision. The reason for this result is the substantial decline in newly reported AIDS cases in San Francisco compared with other eligible metropolitan areas (EMA). Therefore, a 25-percent reduction in the current hold-harmless level would have provided San Francisco with funding comparable to what it would have received if title I grants had been calculated on the basis of both deceased and living cases.

This analysis is based on data obtained from the Centers for Disease Control and Prevention and computer models we developed to calculate how funding would change under various formula scenarios. We performed our work in August 2000 according to generally accepted government auditing standards.

BACKGROUND

The Ryan White CARE Act of 1990 provides health care and preventive services to people infected with the human immunodeficiency virus. Prior to the 1996 reauthorization of the act, the number of both living and deceased AIDS cases was used to distribute title I funds among EMAs. Under this practice, areas of the country with the longest experience with the disease had the most deceased cases and therefore received funding disproportionate to their share of living cases in need of care. The 1996 reauthorization eliminated this practice by counting only live AIDS cases. The effect of the change was to shift funding away from EMAs with higher proportions of deceased cases and toward those with newly diagnosed cases. As geographic trends in the disease change, the revised formula automatically realigns funding with the current distribution of the disease.

A hold-harmless provision was also included in the 1996 reauthorization to provide for a gradual transition to new funding levels for those EMAs that would otherwise have experienced substantial funding decreases. This provision allowed grant awards for affected EMAs to decline by no more than 5 percent by fiscal year 2000. In fiscal year 1996, four EMAs benefited from the hold-harmless provision: San Francisco, New York, Houston, and Jersey City. By fiscal year 1999, all but San Francisco had made the transition to the new formula.

Under the current title I formula, EMAs receive grant awards that are proportional to the number of living AIDS cases. In fiscal year 2000, Los Angeles had 6.9 percent of all AIDS cases nationally and received 6.7 percent of title I funding. Similarly, Miami had 4.4 percent of all AIDS cases and received 4.3 percent of title I funding. EMAs received $1,290 in title I funds per AIDS case in fiscal year 2000. However, because of the hold-harmless provision, San Francisco's grant award was substantially higher: it received $2,360 per AIDS case, or 80 percent more than other EMAs. As a consequence, San Francisco received 6.7 percent of title I formula funding even though it had just 3.8 percent of all living AIDS cases.

RESULTS OF DIFFERENT FUNDING APPROACHES

If both deceased and living AIDS cases had been used to calculate fiscal year 2000 title I formula grants instead of the hold-harmless provision, San Francisco's grant would have been about 4.9 percent of all title I formula funding, or 26 percent less than it actually was (see fig. 1). Thus, a 25-percent reduction in the current hold-harmless level, as provided for in H.R. 4807, would have an effect on San Francisco's funding similar to that of calculating grant awards on the basis of both deceased and living cases.

An important reason that San Francisco's share of living AIDS cases is so much lower than its share of title I formula funding is that the rate of new cases has declined to a much greater extent in San Francisco than in almost any other area of the country. As figure 2 shows, San Francisco's newly reported AIDS cases dropped by over 50 percent between 1990 and 1999, while other EMAs have shown either smaller declines (Los Angeles) or increases (Miami).

At the start of the decade, Los Angeles and San Francisco were reporting nearly the same number of new AIDS cases (2,130 in Los Angeles and 1,923 in San Francisco). By the end of the decade, San Francisco was reporting half as many new cases as Los Angeles (904 compared with 2,027). Similarly, at the start of the decade, Miami was reporting about half as many new AIDS cases as San Francisco (1,076 in Miami compared with 1,923 in San Francisco). By the end of the decade, Miami was reporting about 70 percent more new cases than San Francisco.

We did not obtain comments from other parties because your request pertains to the formula provisions in the law and not to the activities of any agency or organization.

If you have any questions regarding this letter, please contact me at (202) 512-7118 or Jerry Fastrup at (202) 512-7211. Greg Dybalski and Michael Williams made major contributions to this work.

Sincerely yours,

JANET HEINRICH,
Associate Director, Health Financing
and Public Health Issues.

Mr. Speaker, I reserve the balance of my time.

☐ 1045

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I first want to commend the gentleman from Oklahoma (Mr. COBURN) and the gentleman from California (Mr. WAXMAN) for their outstanding work on the Ryan White CARE Act Amendments of 2000.

I also want to acknowledge the gentlewoman from California (Ms. ESHOO). Her constituents should know she worked exceptionally hard on this bill, particularly on those provisions with particular significance to San Francisco. The same can be said of the gentlewoman from California (Ms. PELOSI). She deserves a great deal of credit and praise for her ongoing involvement and input on these provisions.

This bill required a tremendous amount of work and negotiation. Staff members Paul Kim and Roland Foster put in a staggering number of hours, and it shows in the quality of the final product. John Ford, Marc Wheat, Karen Nelson, Eleanor Dehoney also deserves our thanks, as well as Stacey Rampey and Scott Boule.

Over the last several years, much has been written about "The changing face of AIDS." This is not a wholly accurate characterization. HIV/AIDS is not a moving target. It does not leave one population when it moves to another population. Instead, HIV/AIDS expands to absorb new populations while continuing its progression in groups already affected by the virus.

When the AIDS epidemic surfaced in this country 19 years ago, white gay males were the at-risk population. That has not changed. The population still is at an elevated risk. But the epidemic has expanded its reach dramatically in these 2 decades. The latest HIV/AIDS statistics show that African American and Latino communities are significantly over-represented in the number of new HIV infections. African Americans comprise 12 percent of the population but accounted for more than 50 percent of the estimated 40,000 new HIV infections in 1999.

The aggressive nature of this virus calls for an equally aggressive response, and it speaks to the importance of updating and reauthorizing the Ryan White Act. Ryan White programs get information and services to the people who need them. They combat the illness as well as the alienation and isolation that can be one of its most disabling effects.

If HIV/AIDS is a war, and it is set to kill more people worldwide than World War I, World War II, Korea, and Vietnam combined, then the Ryan White programs are this Nation's front line defenses. The act was created in memory of Ryan White, a young teenager who became a national hero in the fight against HIV/AIDS. Ryan wanted to attend school. He wanted to be treated like other young people. Those seem like modest goals, but he had to overcome tremendous obstacles to achieve them.

Ryan was a hemophiliac and contracted HIV through a bad blood transfusion. But he fought against ignorance, he fought against fear, he fought against prejudice on behalf of all individuals with HIV/AIDS. Ryan died on April 8, 1990, at the age of 18. Ten years after his death, the law named after him carries on his legacy.

The Ryan White CARE Act has made a tremendous difference in the lives of people living with HIV/AIDS. In my district, which includes much of Ohio's only title I-eligible metropolitan area, so-called EMA, Ryan White programs provide primary care and support services and the kinds of medications that can tame HIV/AIDS into a chronic, rather than an acute, illness. There is more to do, and the Ryan White Act will continue to play a pivotal role.

In Ohio, while AIDS deaths have declined, the incidence of HIV/AIDS has increased dramatically. After declining steadily, the incidence of HIV/AIDS among young gay males is again on the rise. HIV/AIDS is expanding into new populations while continuing to spread in those populations originally at risk. Prevention is vital; treatment is vital; Ryan White programs are vital.

During the 13th International AIDS Conference held in Durbin, South Africa, scientists shared some amazing research findings. These findings provide sorely needed hope for developing nations ravaged by HIV/AIDS. The research indicates that the so-called AIDS cocktails, which have revolutionized HIV/AIDS treatment in the U.S. and other industrialized nations, can be successfully used even in countries lacking a sophisticated health care infrastructure.

That does not mean it will be easy. There must have been times when Ryan White himself felt overwhelmed by the intransigence, the callousness, and the hatred that he encountered. This Nation should fight AIDS here and abroad with that sense of commitment that he had. Reauthorizing Ryan White is part of that commitment, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. COBURN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health of the Committee on Commerce.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me this time and for being here to lead our side on this very, very significant bill.

I too arise in support of this amendment to S. 2311, the Ryan White CARE Act Amendments of 2000. This final legislation is the result of negotiations between the Senate and the House, and the resulting bill is designed to bring the CARE Act into the 21st century.

I salute my committee colleagues, the gentleman from Oklahoma (Mr. COBURN) and the gentleman from California (Mr. WAXMAN), for their excellent work on this legislation; and I urge Members to support its passage.

My Subcommittee on Health and Environment held a hearing on the bill, and the full Committee on Commerce approved it by voice vote after adopting several bipartisan amendments to further refine and strengthen this very important measure.

Before the August recess, the House approved legislation to reauthorize the Ryan White CARE Act with strong bipartisan support. The act provides critical funding to address the needs of patients living with HIV and AIDS. S. 2311 reflects the agreements reached between the House and the Senate, and I expect this bill to be signed into law in the near future.

The Ryan White Comprehensive AIDS Resources Emergency, or "CARE" Act as we call it, was enacted in 1990 and Congress approved bipartisan legislation to reauthorize the law in 1996. The Ryan White CARE Act provides critical funding for health and social services to the estimated 1 million Americans living with HIV and AIDS. The bill before us will ensure that these patients continue to receive the care and medications they need to enhance and prolong their lives.

The bill makes an important change by relying on the number of HIV-infected individuals as opposed to only the number of persons living with AIDS as the basis for allocating funding under titles I and II of the Ryan White CARE Act. By targeting resources to the front line of the epidemic, we will be able to reduce transmission rates and ensure the necessary infrastructure is in place to provide care to HIV-positive individuals as soon as possible.

This change will allow the Federal Government to be proactive instead of reactive in the fight against HIV and AIDS. It should be noted, however, Mr. Speaker, that this shift will only occur when reliable data on HIV prevalence is available.

The bill also includes a "hold harmless" provision to ensure that no metropolitan area will suffer a drastic reduction in CARE Act funds. The bill which originally passed the House would have hurt certain cities such as San Francisco. In this regard, Mr. Speaker, I will submit for the RECORD a letter that GAO sent to the gentleman from Oklahoma (Mr. COBURN). After lengthy negotiations, it has been agreed the hold harmless reduction will be a compromised 15 percent over the next 5 years.

The Ryan White CARE Act must be reauthorized to improve our public health strategies. The bill before us will ensure that the HIV/AIDS epidemic can be tracked more accurately and that appropriate funding and information about this disease can be directed effectively. I have been very encouraged to hear from patient advocates in support of this measure. For example, AIDS Action stated that it is "very pleased with the compromise bill that has been negotiated between the House and the Senate. It represents a modernization of the CARE Act and will allow us to provide quality care for people with HIV and AIDS."

In closing, Mr. Speaker, I want to again recognize the hard work of all the Members and their staffs, whose bipartisan efforts advanced this reauthorization bill. The gentleman from Oklahoma (Mr. COBURN) and the gentleman from California (Mr. WAXMAN), who I mentioned previously, and staff members Roland Foster and Paul Kim worked very hard to advance this measure in the House, working with Senators JEFFORDS, FRIST, and KENNEDY. And obviously, working with my counterpart on the other side in the subcommittee, the gentleman from Ohio (Mr. BROWN), the gentleman from Michigan (Mr. DINGELL), et cetera, we were able to craft this compromise legislation.

It is a critical piece of legislation that can literally save lives, and I urge all Members to join me today in supporting this important legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. PELOSI), who has been one of the real leaders in this whole process in pulling this bill together.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to compliment him on his great leadership on this legislation; he and the gentleman from Florida (Mr. BILIRAKIS) for their leadership, and I associate myself with the comments that the gentleman from Florida made in recognition of those who worked so hard to make it a success; and, if it is allowed, to especially recognize the work of Senator KENNEDY for bringing about the compromises that exist in this bill.

The gentleman from California (Mr. WAXMAN) has been a champion in Congress since the onset of the AIDS epidemic, and his leadership is very much in evidence in this bill; and the ranking member, the gentleman from Ohio (Mr. BROWN), helped us through some difficult times here, but I think the product is one that this whole body can wholeheartedly support. That is why, Mr. Speaker, I rise in strong support of the reauthorization of the Ryan White CARE Act.

Passage of this vital legislation is the most important action this Congress can take on the issue of AIDS this year. And I would like to thank again the Committee on Commerce, the gentleman from Michigan (Mr. DINGELL), the gentleman from Virginia (Mr. BLILEY), the gentleman from Florida (Mr. BILIRAKIS), the gentleman from California (Mr. WAXMAN), the gentleman from Ohio (Mr. BROWN), and also point out the distinguished work of the gentlewoman from California (Ms. ESHOO).

The gentlewoman from California (Ms. ESHOO) lives in the same metropolitan area that I do. We are in the same area for care and treatment and prevention for people with HIV/AIDS. This is about care today, but her leadership on the committee has been indispensable to the success that we see here today with this legislation.

Since the beginning of the AIDS epidemic, my district in San Francisco has been one of the most severely impacted in the country. When I came to the Congress 13 years ago, we had already lost over 13,000 of our friends and loved ones to the AIDS epidemic. That is 13,000, 13 years ago. We have suffered greatly, but we have learned a lot we would like the rest of the country to benefit from as we have responded to this challenge.

The Ryan White CARE Act was modeled on a system of community-based care that we developed to face the crisis in the 1980s. As a result of this work early in the epidemic, San Francisco produced data that showed the country that comprehensive HIV/AIDS care and services not only saved lives but also saved money and valuable health care resources. Today, the CARE Act programs provide foundation for care and treatment for low-income individuals with HIV and AIDS.

The recent declines we have seen in AIDS deaths are a direct result of the therapies and services that have been made more widely available through the CARE Act to large numbers of uninsured and underinsured people with HIV and AIDS. Each year, the CARE Act ensures that approximately half a million people, 500,000 people, living with HIV and AIDS have access to the medical services, including pharmaceuticals that are needed to sustain and prolong life. This represents approximately two-thirds of the individuals living with HIV/AIDS in this country.

Although great strides have been made, there is much more to be done. The combination therapies that have brought us so much hope are still not reaching all those in need. The changing nature of the HIV/AIDS epidemic, along with the continuing impact of it in traditionally affected communities, has created new challenges for the CARE Act. People of color now represent the majority of new AIDS cases, and the proportion of new AIDS cases among women has grown from 11 percent in 1990 to 23 percent in most recent statistics.

In addition, new HIV infections have remained constant at 40,000 cases per year. These new infections, combined with the decline in AIDS deaths, means more individuals than ever before are living with HIV and in need of treatment regimens that are costly, complicated and lifelong. As a result, the demand on HIV care providers has grown.

The Ryan White CARE Act's remarkable ability to adapt to the changing nature of the AIDS epidemic was confirmed earlier this year when a GAO report concluded that the CARE Act is helping our public health infrastructure adjust to these new challenges by directing services to African Americans, Hispanics, and women in higher proportions than their representation in the AIDS population.

Again, I thank our colleagues, including the gentleman from Oklahoma (Mr. COBURN) and the Committee on Commerce for their great work. This program is an important example of the way that effective leadership at the Federal, State, and local levels can translate into improved health outcomes for the people of this country. I think it also is a wonderful example of bipartisanship, where we can all come together and give what I hope will be unanimous support for this act. I urge my colleagues to vote "yes" on the reauthorization.

Mr. Speaker, I serve on the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations, and one of the priorities we have there is research, prevention, and care for people with HIV/AIDS.

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We want to focus heavily on prevention. We must continue our research for a cure. We are trying to find a vaccine and, hopefully, that will happen before not too long. But we must never forget the people out there who are diagnosed with HIV and AIDS now.

I am pleased that the bill eventually will recognize and count those infected with HIV but not full-blown cases of AIDS in the numbers and in the formula. I wish that would have been sooner. But, nonetheless, there is the recognition. I commend the legislators on the committee, members of the committee, for making that distinction and having it be a part of our formula down the road.

Once again, Mr. Speaker, I want to commend the gentleman from California (Mr. WAXMAN) who I see now on the floor. As I said earlier, he has been a champion since day one on this issue. We have all been very well-served by his leadership, that of the gentleman from Ohio (Mr. BROWN) and others.

I urge my colleagues to vote aye.

Mr. COBURN. Mr. Speaker, I ask unanimous consent that the remainder of the time on our side be controlled by the gentleman from Florida (Mr. BILIRAKIS).

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong support of the Ryan White CARE Act Amendments of 2000. I want to thank the gentleman from Florida (Chairman BILIRAKIS) for his leadership in bringing this bill to the floor and the gentleman from Ohio (Mr. BROWN), the ranking member, for his role in so doing.

And also, there are other colleagues of ours who deserve particular attention. The gentleman from Oklahoma (Mr. COBURN), the gentleman from California (Mr. WAXMAN) and the gentleman from Ohio (Mr. BROWN) worked very hard. They were dedicated in their commitment and their hard work has paid off for these critical programs.

The CARE Act represents the largest authorization of Federal funds specifically designated to provide health and social services to people infected with HIV. Declaring an AIDS emergency, Congress passed the Ryan White Comprehensive AIDS Resources Emergency Act in August of 1990. Six years later, we voted to reauthorize the CARE Act by a unanimous vote in the House of Representatives and a 97–3 vote in the Senate.

Over the last 9 years, the CARE Act has helped increase the availability of primary care health and support services especially for the uninsured and underinsured persons with HIV disease. The multi-title structure of the CARE Act has worked effectively to dramatically improve the quality of life for people living with HIV and their families. It has helped to reduce cost of inpatient care and increase access to care for underserved populations, including people of color.

The legislation we are considering today revises the grant formulas to shift the emphasis of the programs away from treating people with full-blown AIDS to people with the viral precursor, HIV, of AIDS. This legislation includes a new formula beginning in 2005 for distributing funds to States and cities based on the number of both AIDS and HIV cases compared to the current formula, which allocates funds based solely on AIDS cases.

Also included in this measure is $20 million to reduce HIV mother-to-child transmission. The bill also addresses prevention of the disease by including $30 million for tracking the disease and encouraging people to notify their partners.

Additionally, those receiving care through Ryan White programs are required to enroll in counseling programs.

Today, promising new drug therapies have brought new hope and new challenges to the battle against the epidemic, but these new drugs do not constitute a cure and an effective vaccine is still years away. Moreover, the treatments do not work for everyone, they are difficult to access especially for communities of color, and their long-term efficacy remains unknown. Nonetheless, AIDS deaths have declined dramatically in the last 3 years and more people are living longer with HIV.

The HIV/AIDS epidemic thus remains an enormous health emergency in the United States, and it will remain so into this century. The state of the epidemic points to an increase rather than a decrease in the overall need for health care, drug treatment, social services. As a Nation, we must continue our effort to expand access to these services for people living with HIV/AIDS, particularly in communities of color and women.

This Ryan White CARE Act has proven to be an essential and effective part of the Federal response to the HIV/AIDS crisis. This legislation will ensure we continue this response.

I certainly ask this body to support this comprehensive, meaningful and truly successful legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4½ minutes to the gentleman from California (Mr. WAXMAN) who played a very central role in the negotiations on this bill.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong support of S. 2311, the Ryan White CARE Act Amendments of 2000.

As the original author of the Ryan White CARE Act and the coauthor of the House reauthorization bill, H.R. 4807, I want to applaud the Members and the staffs on both sides of the aisle for moving this crucial legislation with such speed and bipartisan cooperation.

I want to recognize the gentleman from Oklahoma (Mr. COBURN) for his commitment to reauthorizing this Act and his leadership in fashioning the compromises that allowed us to move the bill I think virtually unanimously through the House and to get an agreement with the Senate. He made this consensus legislation a reality.

The gentleman from Florida (Chairman BILIRAKIS), the gentleman from Ohio (Mr. BROWN), the gentleman from Virginia (Chairman BLILEY), and the gentleman from Michigan (Mr. DINGELL) have lent their unqualified support. And numerous Members, including the gentlewoman from California (Ms. PELOSI), the gentleman from New York (Mr. TOWNS), the gentlewoman from California (Ms. ESHOO), the gentleman from Texas (Mr. RODRIGUEZ) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) have helped ensure its passage.

Mr. Speaker, the original CARE Act was enacted in the wake of a decade of lost opportunities. I told this House in 1990 that, "Having missed our opportunity to provide an ounce of prevention, we must now prepare to pay for pounds and pounds of cure."

Today, the AIDS epidemic is everywhere. It threatens everyone. But there is still no vaccine and there is still no cure. Nevertheless, the Ryan White CARE Act has made an enormous difference. It provides care to tens of thousands of Americans living with HIV/AIDS. It helps their families cope with the burdens of AIDS and HIV infection, and it provides urgently needed funding to community providers and hospitals to combat the epidemic.

Today's overwhelming bipartisan support for the CARE Act demonstrates that Congress understands how crucial it is to the health and welfare of our country.

Mr. Speaker, this legislation preserves the best features of the CARE Act while making reforms to better respond to a changing epidemic.

First and foremost, this legislation better addresses the needs of individuals with HIV who have not developed AIDS. In 2004, we will determine whether to use nationwide data on HIV infection in the CARE Act. I believe this will happen, and I have been told by the State of California that they will have such data by 2004.

We also call on States and cities to do more to reach those who are not receiving care and to serve the needs of our historically underserved communities. We call for ending lingering disparities in care and for better coordination of HIV/AIDS treatment with prevention.

We have also focused CARE Act programs on the needs of vulnerable populations. Funds will be allocated to better reflect the proportions of women, children, infants and youth with HIV. I expect this will increase such funding for those populations in the future.

This legislation also greatly expands our national effort to eliminate the perinatal transmission of HIV/AIDS. These new funds will help bring the number of babies born with HIV in our country down to zero.

We also redirect funding to cities and States in the greatest need of assistance. The title I and title II "hold harmless" provisions have been revised to ensure a manageable transition to funding allocations which better reflect the epidemic. At the same time, potential disruptions in patient care are minimized. And the title I, title II, and AIDS Drug Assistance Program (ADAP) supplemental grants will assist cities and States with the greatest need of funds.

These are the principal reforms to the CARE Act. They will expand access, improve quality, and enhance services for individuals with HIV and AIDS.

Regrettably, Mr. Speaker, much more could be done and much more needs to be done. We must expand Medicaid to provide care to individuals with HIV who have not developed AIDS. We must lead the global search for an effective HIV vaccine and a cure for AIDS. And we must provide resources and our hard-earned expertise to help other countries combat the epidemic..

For today, though, I am pleased that we will fulfill the expectations of Jeanne White, the mother of Ryan White, and of so many Americans living with HIV and AIDS by reauthorizing the Ryan White CARE Act.

Mr. Speaker, I rise in strong support of the Ryan White CARE Act Amendments.

As the original author of the Ryan White CARE Act and the co-author of the House reauthorization bill, H.R. 4807, I want to applaud the Members and the staff on both sides of the aisle for moving this crucial legislation with such speed and bipartisan cooperation.

I want to recognize Dr. Coburn for his commitment to reauthorizing the CARE Act. He has made this consensus legislation a reality. Chairman Bilirakis and Mr. Brown, Chairman Bliley and Mr. Dingell have lent their unqualified support. And numerous Members, including Ms. Pelosi, Mr. Towns, Mr. Eshoo, Mr. Rodriguez and Dr. Christensen, have helped ensure its passage.

Mr. Speaker, the original CARE Act was enacted in the wake of a decade of lost opportunities. I told this House in 1990 that, "Having missed our opportunity to provide an ounce of prevention, we must now prepare to pay for pounds and pounds of cure."

Ten years ago, there were those who spoke of the AIDS epidemic as a thing of the past. There were those who dismissed the disease as a danger to others, and not themselves. And there were those who opposed the Ryan White CARE Act.

Mr. Speaker, they were wrong then, and they are wrong today. The AIDS epidemic is everywhere. It threatens everyone. It is devastating the globe from Russia to subSaharan Africa. And there is still no vaccine. There is still no cure.

But in the face of these challenges, the CARE Act has made a difference. The CARE Act provides care to tens of thousands of Americans living with HIV/AIDS. It helps their families cope with the burdens of AIDS and HIV infection. And it provides urgently needed funding to community providers and hospitals to combat the epidemic.

Today's overwhelming bipartisan support for the CARE Act demonstrates that Congress understands how crucial it is to the health and welfare of our country.

Let me highlight the important ways this legislation preserves the best and proven features of the CARE Act, while making important and substantial reforms to better respond to a changing epidemic. I am particularly pleased that this consensus House and Senate legislation reflects virtually all of the provisions and agreements reached by this House in H.R. 4807.

Most important of all, this legislation better addresses the needs of individuals with HIV who have not developed AIDS. With 40,000 new infections every year and improved prospects for delaying the onset of AIDS, the number of new deaths from AIDS has declined but the number of individuals with HIV is rising inexorably. In response, this legislation calls on the Secretary of Health and Human Services to determine in 2004 whether we have nationwide data on accurate and reliable cases of HIV infection which can be used in allocating CARE Act funds. I believe this will happen, and I have been told by the State of California that they are confident they will have such data by 2004.

We also call on States and cities to better determine the number and demographics of individuals with HIV. We require special efforts to reach those who are not receiving care and serve the needs of our historically underserved communities. We call for ending lingering disparities in care. And we require States, cities and the Federal government to develop new strategies to better coordinate HIV/AIDS treatment with prevention.

The need for better coordination cuts across systems of care, Federal agencies, States, cities, providers and community organizations. Ten years ago, I described the CARE Act as providing "a continuum of prevention services—counseling and testing, diagnostics for those who test positive, and therapeutics for those whose diagnostics indicate a medical intervention." Patients receiving care under the CARE Act today deserve seamless continuity between testing, counseling, treatments, support and prevention services.

Just last week, the Institute of Medicine released a comprehensive report on our nation's HIV prevention efforts. They concluded that "prevention services for HIV-infected people should be integrated into the standard of care at all primary care centers, sexually-transmitted disease clinics, drug treatment facilities, and mental health centers." This is precisely what we set out to accomplish in H.R. 4807, and this policy is reflected fully in this final consensus legislation.

This legislation also strengthens the responsiveness of CARE Act programs to the public. Title I Planning Councils will include a greater number of independent individuals with HIV/AIDS. Planning Council meetings and records will be exposed to greater public "sunshine." All Planning Council members will receive improved training. And States will make their planning more accessible to a broader range of public stakeholders.

We have also focused CARE Act programs on the needs of vulnerable populations. Just yesterday, the Office of National AIDS Policy announced that half of the 40,000 new HIV infections every year occur among our teens and young adults. In this legislation, funds will be allocated to better reflect the proportions of women, children, infants and youth with HIV. I expect this will increase such funding for these populations in the future.

We have also strengthened the Title IV program for medical care, social services, and access to research for low-income children, youth, women and families. States and cities must develop novel strategies to coordinate their HIV/AIDS services and substance abuse services. And the Secretary of Health and Human Services must develop a plan in consultation with the Attorney General for the treatment of prisoners with HIV/AIDS.

This legislation greatly expands our national effort to eliminate the perinatal transmission of HIV/AIDS. The last ten years have seen a dramatic decline in such cases, due largely to the treatment of pregnant mothers with zidovudine. In an important compromise, we have increased an existing $10 million CARE Act grant program by $20 million, with a proportion of new funds set aside for States with either mandatory newborn testing or significant declines in perinatal transmission. I am confident these funds will be well spent on offering counseling and testing to all pregnant women, outreach to high-risk women and other innovative prevention efforts.

Funding has also been redirected to cities and States with the greatest need of additional assistance. The Title I and Title II "hold harmless" provisions have been revised to ensure a manageable transition to funding allocations which better reflect the current distribution and epidemiology of the epidemic. This will be accomplished while minimizing potential disruptions in care for individuals with HIV/AIDS. Under Title II, States' base funds as well as their total funding will be held harmless to a small percentage of loss.

Under Title I, a city's potential loss in its formula allocation is limited to a percentage of the amount allocated to the city in the base year preceding its need for the hold harmless. In its fifth, consecutive year of need for the hold harmless, a city would lose no more than 15 percent of its base year allocation. Such losses would not be compounded, as was contemplated in the original Senate bill. But if the Secretary determines that data on HIV prevalence will be used in Title I formula grants in 2005, no city may lose more than 2 percent of its 2004 formula allocation in 2005.

Additionally, Title I supplemental grants and new AIDS Drug Assistance Program (ADAP) supplemental grants will be directed to cities and States with "severe need" for such funding, based on more objective and quantitative criteria. And new Title II supplemental formula grants will be given to "emerging communities" with AIDS case counts which fall below the threshold for Title I eligibility.

These are the principal reforms to the CARE Act. They will expand access, improve quality and enhance services for individuals with HIV/AIDS. And I want to recognize the hard work of House staff, including Roland Foster, Paul Kim, Karen Nelson, Marc Wheat, John Ford, Eleanor Dehoney, Brent Delmonte, Katie Porter, Anne Esposito and House Legislative Counsel Pete Goodloe, in making this possible.

Mr. Speaker, much more could be done and much more needs to be done. We must expand Medicaid to provide care to individuals with HIV who have not developed AIDS. We must lead the global search for an effective HIV vaccine and a cure to AIDS. And we must provide resources and our hard-earned expertise to help other countries combat the epidemic.

For today, though, I am pleased we will fulfill the expectations of Jeanne White, the mother of Ryan White, and of so many Americans living with HIV and AIDS by reauthorizing the Ryan White CARE Act.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN) the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in support of S. 2311, the Ryan White CARE Act Amendments as adopted by the Senate. It is a primary source of Federal AIDS prevention and treatment funding. I commend the gentleman from Florida (Mr. BILIRAKIS), the subcommittee chairman on health and environment; the gentleman from Oklahoma (Mr. COBURN); the gentleman from Ohio (Mr. BROWN); and the gentleman from California (Mr. WAXMAN) for their full support of this important measure.

This legislation accomplishes many of our most important HIV goals: modifying the eligibility requirements and allocation formulas for grants to State and local governments; giving States increased flexibility to provide a wider range of treatments and support services; emphasizing the provision of services for women, infants, and children by substituting special grant set-asides; capping administrative and evaluation expenses for the grant programs; and requiring States to implement the Center for Disease Control guidelines regarding HIV testing and counseling for pregnant women.

Also included in this measure is an important fund, $20 million, to reduce HIV transmission from mothers to their babies and $30 million for tracking the disease and encouraging people to notify their partners, and provisions to require people receiving care through Ryan White programs to enroll in counseling programs.

In short, Mr. Speaker, this legislation not only demonstrates the bipartisan humanitarian spirit of this Congress, but also in working together in areas of mutual concern that we can accomplish worthy goals.

Accordingly, I am in strong support of the Ryan White CARE Amendments and I urge our colleagues to adopt it at the earliest possible date.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Mrs. CAPPS) who is a registered nurse and has been a real leader on all kinds of public health issues.

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I rise in strong support of the Ryan White CARE Act Amendments of 2000. I commend my colleagues on the Committee on Commerce and others for all of their hard work.

Today's medical advances allow many individuals with AIDS to lead longer and more productive lives. However, as patients live longer, the cost of their care and treatment has placed an ever-greater demand on community-based organizations and State and local governments.

In the face of these challenges, the Ryan White CARE Act has made a great difference. This CARE Act provides care to tens of thousands of Americans living with HIV/AIDS.

Recently I spoke with the Health Educator, Jayne Brechwald, with the Santa Barbara County Health Care Services in my district. She works on a daily basis with members of the community who benefit greatly from Ryan White funding. She spoke in strong support of funding for crucial services such as Meals on Wheels, food banks, housing counseling. She also praised programs which help those diagnosed navigate the options available for them. These include the medical care, education, and dental care that are so important during this terrifying time in a person's life.

In Jayne's words, "Ryan White funding is really about local control. The program requires that we do a needs assessment every year so that we have a very targeted, specific idea of how the population we serve is changing and how the funding is being utilized."

I believe that the Ryan White Act represents the Federal Government at its best. This program defers to local expertise, while providing the needed helping hand of targeted Federal funding.

Mr. Speaker, I applaud this legislation and urge its passage.

Mr. BILIRAKIS. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me the time. I also thank the gentleman from Florida (Mr. BILIRAKIS) for his leadership on this issue; as well as the minority chair of the Subcommittee on Health, the gentleman from Ohio (Mr. BROWN); and the gentleman from Oklahoma (Mr. COBURN) and the gentleman from California (Mr. WAXMAN) for their collaboration. Anytime the gentleman from Oklahoma (Mr. COBURN) and the gentleman from California (Mr. WAXMAN) agree on something, it has got to be pretty close to right on.

Mr. Speaker, I also want to thank Dorothy Mann from the Philadelphia area, a friend of mine, who helped negotiate one of the toughest aspects of this bill; and that has to do with the testing of newborns.

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AIDS is clearly the worst epidemic in modern history. It is a tragedy, and it has struck down so many millions of people around the world. But of all of its victims, certainly the children, the newborns, are the most innocent and the ones who tug most heavily on our hearts.

Four million women become pregnant in this country every year and 7,000 of those 4 million women are HIV positive. Several hundred of the babies that they bear will be born HIV positive. Of those little children, fully half of them will die before they reach the age of 3; and by the age of 5, 90 percent of them have perished. So obviously anything that can be done to rescue these children from that horrible fate needs to be done. When a woman's HIV status is known during her pregnancy, in two-thirds of the cases the child can be prevented from becoming HIV positive with AZT treatments that are given during pregnancy, during labor and several weeks afterwards, and Cesarian deliveries seem to very dramatically reduce the likelihood that the child will become HIV positive.

What we have done in this bill to try to solve the logjam between those who do and those who do not believe in mandatory testing is we have put $30 million in here to go to those States that either have mandatory testing laws or do the most through a variety of programs to reduce the incidence of HIV being passed on to newborns. In New York, they have had a law on the books for 3 years; and they have been able to identify every child who could potentially become exposed to HIV through delivery. They have been able to prevent all of that. In 98 percent of the cases, the mother has been able to get treatment. It has been wildly successful.

This bill goes a long way to making sure that that track record will apply to every State in the Union.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time, and I thank him and his partners on the other side for their hard work in bringing this most important legislation to the floor.

This week, the surgeon general was quoted as saying the epidemic has evolved to become increasingly an epidemic of people of color, of women and of the young. We have got to get rid of this epidemic, not let it evolve; and what we are doing here this morning will have a great deal to do with getting rid of it.

The disease has moved to a devastating place, Mr. Speaker, to the poorest communities of color. Blacks are only 12 percent of the population. They are 50 percent of the new cases. Almost 80 percent of the new cases among women are black and Latino women. Half of the new cases occur in youth. We are now finding that we have to educate each new cohort perhaps every 4 or 5 years of gay men because the newest cohort needs to learn what those that have passed on in their 20s perhaps had to learn. We are dealing with a preventable disease. But when people get this disease, they need our care and they need our love.

I am grateful to the gay and lesbian community of this country for the way in which they brought this issue to the forefront and now have helped us gather a bipartisan majority for the Ryan White bill. If we continue to do what we are doing today, we will show what we all know, that this is a disease, unlike heart disease and unlike cancer, that we can prevent. This is a disease that we can eliminate. I thank all of those who contributed to this moment on the House floor.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in support of H.R. 4807, to reauthorize the Ryan White CARE Act. This reauthorization is very important to our Nation. It is particularly important to my constituents in the North Bay across the Golden Gate Bridge from San Francisco, and for all of the people in the entire San Francisco Bay region. This act provides crucial services for care and treatment for individuals with HIV and AIDS. To date, the CARE act has worked to dramatically improve the quality of life for people living with HIV and for their families. It has reduced the use of costly inpatient care as well as increased the access to high-quality care for underserved populations.

By supporting this important legislation, Mr. Speaker, we are ensuring that the thousands of Americans living with HIV/AIDS can continue to receive the care and the treatment that is absolutely necessary for their comfort and for their survival.

Mr. Speaker, we must spare no effort to fight the HIV/AIDS epidemic. By reauthorizing the Ryan White CARE Act, we are taking a positive step to successfully dealing with this very deadly disease. We must adopt the reauthorization.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in strong support of the Ryan White CARE Act. And I rise because this legislation has meant so much to so many people throughout the country. The Ryan White CARE Act has meant so much that there are many people who feel as they tell their stories that without it they simply would not be alive.

Mr. John Davis, the newly elected cochair of the city of Chicago's HIV services planning council, says if it was not for the Ryan White CARE Act, he would probably be dead. Mr. Davis, a former heroin addict, says that his road to recovery began with him seeking help at a Ryan White-funded housing program.

Like Mr. Davis, thousands of others throughout the country have had the same experiences. Mr. Derrick Hicks from Chicago is able to live longer and get access to medications he may not otherwise be able to afford. And so, as we continue to see the impact and the effects of this program throughout the country, I simply rise to support it and say that without it many people would not have had the quality of life. I urge continued support.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself the balance of my time.

I again ask for this House's support for the Ryan White CARE Act. It is a tremendous testament to bipartisanship support and the negotiating skills of the gentleman from Oklahoma (Mr. COBURN) and the gentleman from California (Mr. WAXMAN) and their staffs. I ask for unanimous support from this House for this very good legislation that will make a big difference in dealing with this dreadful disease.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to echo the remarks that the gentleman from Ohio (Mr. BROWN) just made. I had planned to do so, also. It is just amazing what can be done from a bipartisan standpoint if people really are sincere and really care about solving an issue rather than being concerned about demagoguery, if you will, or with some of the things that take place. The fact that the gentleman from Oklahoma (Mr. COBURN) and the gentleman from California (Mr. WAXMAN) worked so well on this and were able to get it done speaks well for both of them and for the Congress when it works in that way.

Mr. Speaker, I yield the balance of my time to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I want to first recognize Paul Kim for his great help on the gentleman from California's (Mr. WAXMAN) staff; Marc Wheat, the majority counsel on our side; and Roland Foster, a staff member of mine who has been with me for 6 years since I have been in Congress.

This is a good bill. There is no question about it. But this bill is not enough. Forty thousand people this year are going to become infected with HIV. It does not have to happen. We should be asking the CDC, we should be asking the FDA, we should be asking the NIH why they would not use proven public health policy to stop this epidemic.

The best way to treat people with HIV today is to make sure no one else ever encounters this disease. This is a preventable disease. Although we have gone a long way from where we were in putting in the public health policies that should be there, they are still not there. The reason they are not there is not a good enough reason. We have proven in the medical community that we can secure and hold confidentially anybody's HIV status. We have been perfect on that score. And to use that as a reason now not to move to the next step, I challenge my friend, the gentleman from Ohio (Mr. BROWN), and I challenge the gentleman from Florida (Mr. BILIRAKIS) that in the next Congress and the Congress that follows that you will look very closely at what public health policies could do to prevent that 40,000 people from never getting the disease.

We know. We handled the tuberculosis epidemic in this country. We stopped it dead with a whole lot less effort. This is something we can accomplish. We have proven with this bill that if we will work and talk together and understand each other's motivations, problems and concerns, that through discussion and bipartisan approach that we can solve those problems. The 40,000 people out there this year that are going to get infected deserve for us to do that. As I leave this body, what I would ask is the Members of this body, look at real problems, not the political things that surround it; and if we will do that, 40,000 people will not be infected.

I thank the gentleman from Ohio (Mr. BROWN) for his work. The gentleman from California (Mr. WAXMAN) has been great to work with. I appreciate the ability that we can express ourselves through true concern and solve a problem. I would hope that every Member of this body will support this bill.

I also would leave one message with my colleagues. There are diseases much greater than this disease that face our country today. Diabetes will take tons more people than HIV. Breast cancer will take tons more people than HIV. And yet we are not anywhere close to the same dollar commitment in those diseases as we are HIV. Because we have had a misguided policy on treatment of HIV, we are spending dollars that could be spent in other areas. I would beg the body to look at that.

Mr. BLILEY. Mr. Speaker, I rise in support of this amendment to S. 2311, the Ryan White CARE Act Amendments of 2000. I congratulate Dr. COBURN and Mr. WAXMAN for their excellent work on this legislation, and salute my colleagues on the Commerce Committee who, through workmanlike diligence and thoughtfulness, have dramatically improved the way the Ryan White CARE Act will work now and into the future.

Before the August recess, the House acted on a bi-partisan basis to authorize the Ryan White CARE Act. This very important Act provides funding to address the needs of those living with HIV and AIDS. Because of the importance of this legislation, I made it a priority to resolve the differences between the House-passed bill and the bill passed in the other body. As the newsletter AIDS Policy and Law reported, "The negotiators decided to use the House bill, sponsored by Representatives TOM COBURN, and HENRY WAXMAN, as the vehicle for renewing the statute through fiscal year 2005. The Senate bill was scrapped, with only a few of its provisions being folded into the Coburn-Waxman H.R. 4807." The negotiating team, which included my staff and those from the offices of Representatives BILIRAKIS, WAXMAN, DINGELL, BROWN, Senators JEFFORDS, FRIST, and KENNEDY, achieved a good compromise. I have an additional statement that explains our work in greater detail that I will enter into the record for myself and the negotiators just mentioned. I commend the passage of this important legislation to my colleagues.

As many of my colleagues may recall, President Reagan's HIV Commission concluded that "early diagnosis of HIV infection is essential" because HIV infection "can be treated more effectively when detected early." The medical breakthroughs which have been developed in the twelve years since the inception of this report make early intervention even more important than ever, and I am pleased that this legislation recognizes that partner counseling and referral activities are the most effective early intervention to identify those who do not know their status in the early stages of the disease.

Very importantly, this bill begins the process of basing Ryan White CARE Act funding on HIV cases, not AIDS cases. Such a change will ensure that Ryan White CARE Act dollars go where the disease is growing quickly, not to the areas with the highest historical incidences of AIDS. It also provides incentives for States to implement recommendations belatedly issued by the Centers for Disease Control and Prevention to move to HIV reporting systems, one of the most important public health initiatives in America at the close of the 20th Century.

It is a national tragedy that public health officials in the States were unable or unwilling to move to HIV reporting years ago. The identification of HIV reporting as a serious public health concern was identified by the first Presidential Commission on HIV, appointed by President Ronald Reagan, which stated that "The term 'AIDS' is obsolete. 'HIV infection' more correctly defines the problem. The medical, public health, political, and community leadership must focus on the full course of HIV infection rather than concentrating on later stages of the disease . . . Continual focus on AIDS rather than the entire spectrum of HIV disease has left our nation unable to deal adequately with the epidemic. Federal and state data collection efforts must now be focused on early HIV reports, while still collecting data on symptomatic disease."

It is imperative that the Ryan White CARE Act be reauthorized to provide the incentives to move public health in the right direction so that the HIV/AIDS epidemic can be tracked more accurately, and appropriate funding and information about this disease be better directed.

As many of my colleagues will recall, when we last brought the Ryan White bill to the floor in July, the most contentious issue was the bill's "hold harmless" provision. The bill which originally passed the House would have trimmed the substantial overpayments received by San Francisco so that it would eventually receive no more per capita than any other metropolitan area.

After lengthy negotiations, it has been agreed that the hold harmless reduction will be a compromise between the original House and Senate provisions, which will now be a reduction of 15% over the next five years to slow the transition to equitable funding.

I ask my colleagues to join with me in support of this important legislation that moves us in the right direction as we enter the 21st Century.

RYAN WHITE CARE ACT AMENDMENTS OF 2000

MANAGERS' STATEMENT OF EXPLANATION

The Ryan White CARE Act Amendments of 2000 reauthorize Title XXVI of the Public Health Service Act to ensure that individuals living with HIV and AIDS receive health care and related support services. The legislation contains authorization for appropriations and programmatic changes to ensure the CARE Act programs respond to evolving demographic trends in the HIV/AIDS epidemic and advances in treatment and care.

I. BACKGROUND

In March, 1990, Congress enacted the Ryan White CARE Act, honoring Ryan White, a young man who taught the Nation to respond to the HIV/AIDS epidemic with hope and action rather than fear. By the spring of 1990, over 128,000 people had been diagnosed with AIDS in the United States and 78,000 had died of the disease. The CARE Act was reauthorized in 1996, as the epidemic spread to more than 600,000 Americans diagnosed with AIDS and amidst the nationwide recognition that CARE Act programs were indispensable to the care and treatment of Americans with HIV/AIDS.

The CARE Act Amendments of 2000 marks the second reauthorization of the CARE Act. In the last twenty years, the HIV/AIDS epidemic has claimed over 420,000 American men, women, and children. Today, the Centers for Disease Control and Prevention estimates that there are currently between 800,000 and 900,000 persons living with HIV in the United States, with 40,000 new infections annually.

While there is still no cure, the CARE Act has been instrumental in responding to the public health, social and economic burdens of the HIV/AIDS epidemic. However, the steady expansion and changed demographics of the epidemic, as well as the improved survival time for people living with AIDS, are placing increasing stress on State and local health care systems, community based organizations and families providing care. Most importantly, the epidemic is expanding beyond major cities to smaller cities and rural regions, and disproportionately affecting women, communities of color, children and youth.

The Ryan White CARE Act Amendments of 2000 preserves the best and proven features of existing CARE Act programs. But the CARE Act Amendments of 2000 also makes important and substantial reforms to respond to the significant changes in the HIV/AIDS epidemic of the last 5 years.

II. ORGANIZATION OF SERVICES UNDER THE CARE ACT AMENDMENTS OF 2000

Title I. Emergency Relief for Areas with Substantial Need for Services: Provides emergency relief grants to 51 eligible metropolitan areas (EMAs) disproportionately affected by the HIV epidemic to provide primary care and HIV-related support services to people with HIV and AIDS. Half of the Title I funding is distributed by formula; the remaining half is distributed competitively, based on the demonstration of severity of need and other criteria.

Planning Council membership has been revised to include HIV prevention providers, homeless and housing service providers, and representatives of prisoners. A third of Planning Council members must be individuals with HIV/AIDS receiving care who are not officers, employees or consultants to Title I grantees.

Title II. CARE Grant Program: Provides formula grants to States, District of Columbia, Puerto Rico and U.S. territories to improve the quality of health care and support services for individuals with HIV disease and their families. The funds are used: to provide medical support services, to continue health insurance payments, to provide home care services, and, through the AIDS Drug Assistance Programs (ADAP), to provide medications necessary for the care of these individuals. Supplemental formula grants are awarded to States with "emerging communities" which are ineligible for grants under Title I.

Subtitle B provides discretionary grants to States for the reduction of perinatal transmission of HIV, and for HIV counseling, testing, and outreach to pregnant women. Subtitle C provides discretionary grants to States for partner notification, counseling and referral services.

Title III. Early Intervention Services: Funds nonprofit entities providing primary care and outpatient early intervention services, including case management, counseling, testing, referrals, and clinical and diagnostic services to individuals diagnosed with HIV. The unfunded program of State formula grants in current law is repealed.

Title IV. Other Programs and Activities: Provides grants for comprehensive services to children, youth, and women living with HIV and their families. Such services include primary, specialty and psychosocial care, as well as HIV outreach and prevention activities. Grantees must demonstrate linkages to, and provide clients with access and education on, HIV/AIDS clinical research.

Title IV newly authorizes the AIDS Education and Training Centers (AETC), a network of 14 regional centers conducting clinical HIV education and training of health providers, to provide prenatal and gynecological care. The HIV/AIDS Dental Reimbursement program, covering uncompensated oral health care for patients with HIV/AIDS, is expanded to provide community-based care in underserved areas.

Under Subtitle B, general provisions authorize CDC data collection for CARE Act planning and evaluation, enhanced interagency coordination of HIV services and prevention, development of a plan for the case management of prisoners with HIV, and administrative provisions related to audits, and a plan for simplification of CARE Act grant disbursements.

Title V. General Provisions: Authorizes Institute of Medicine (IOM) studies and expansion of Federal support for the development of rapid HIV tests. Makes necessary and technical corrections in Title XXVI of the Public Health Service Act.

III. SUMMARY OF SELECTED PROVISIONS

Use of HIV Case Data in Formula Grants

In order to target funding more accurately to reflect the HIV/AIDS epidemic, the Managers have revised and updated the Title I and Title II formulas to make use of data on cases of HIV infection as well as of AIDS. In Fiscal Year (FY) 2005, HIV and AIDS case data is intended to be used in the Title I and Title II formulas.

However, no later than July 1, 2004, the Secretary shall determine whether HIV case data, as reported to and confirmed by the Director of CDC, is sufficiently accurate and reliable from all eligible areas and States for such use in the formula. The Secretary shall also consider the findings of the Institute of Medicine (IOM) study undertaken under section 501(b).

If the Secretary makes an adverse determination regarding HIV case data, the Managers intend that only AIDS case data will be used in FY2005 formula allocations. The Secretary shall also provide grants and technical assistance to States and eligible areas to ensure that accurate and reliable HIV case data is available no later than FY2007.

Planning and priority setting

The Managers have strengthened the capacity of EMAs and States to plan, prioritize, and allocate funds, based on the size and demographic characteristics of the populations with HIV disease in the eligible area. Planning, priority setting, and funding allocation processes must take into account the demographics of the local HIV/AIDS epidemic, existing disparities in access HIV-related health care, and resulting adverse health outcomes. It is the intent of the Managers that CARE Act dollars more closely follow the shifting trends in the local epidemic and address disparities in health care access and health outcomes as well as the need for capacity development within the local and State HIV health care infrastructures.

The Managers intend both EMAs and States to develop strategies to bring into and retain in care those individuals who are aware of their HIV status but are not receiving services. As part of this process, the Managers place the highest priority on EMAs and States focusing on eliminating disparities in access and services among affected subpopulations and historically underserved communities. The Managers recognize, however, that the relative availability or lack of HIV prevalence data will be reflected in the scope, goals, timetable and allocation of funds for implementation of the strategy.

The Managers also expect the Secretary to collaborate with Title I and II grant recipients and providers to develop epidemiologic measures and tools for use in identifying persons with HIV infection who know their HIV status but are not in care. The Managers recognize the difficulty the EMAs and States may experience in identifying persons with HIV infection who are not in care and who may be unknown to any health or social support system. The efforts on the part of EMAs and States to accomplish these important tasks, however, should not be delayed until this process is complete. Instead, the Managers expect Title I and II grant recipients to establish and implement strategies responsive to these urgent needs before the development of nationally uniform measures, to the extent that is practicable and to which necessary prevalence data is reasonably available.

The Managers have also authorized outreach activities in Title I and II intended to identify individuals with HIV disease know their HIV status but are not receiving services. The intent is to ensure that EMAs and States understand that outreach activities which are consistent with early intervention services and necessary to implement the aforementioned strategies, are appropriate uses of Title I and II funds. It is not the Managers' intent that such activities supplant or otherwise duplicate activities such as case finding, surveillance and social marketing campaigns currently funded and administered by the Centers for Disease Control and Prevention (CDC). Instead, this authorization reflects the urgency of increasing the coordination between HIV prevention and HIV care and treatment services in all CARE Act programs.

Hold harmless provisions

The hold-harmless provisions are intended to minimize loss and stabilize systems of care in EMAs and States, while assuring that funds are allocated in Title I and II to reflect the current distribution and epidemiology of the epidemic.

The Managers have revised the Title I hold harmless to limit a potential loss in an EMA's formula allocation to a small percentage of the amount allocated to the eligible are in the previous (or base) year. An EMA may lose no more than 15 percent of its base formula allocation over five years, beginning with 2 percent in the first year and increasing in subsequent years. If the Secretary determines that data on HIV prevalence are accurate and reliable for use in determining Title I formula grants for Fiscal Year 2005, all EMAs may lose no more than 2 percent of their Fiscal Year 2004 formula allocation in that year.

Should an EMA experience a decline in its Title I formula allocation followed by an intervening year in which there is not decline, its losses in any subsequent, nonconsecutive year of decline would once again be limited to 2 percent (ie., the intervening year 'resets the clock').

The Managers intend to ensure that essential primary care and support services are not compromised by short-term fluctuations in AIDS case counts. Because no new EMA is expected by HRSA's Bureau of HIV/AIDS to require that hold harmless in the first three or four years of this reauthorization period, the Managers expect this policy will shield all eligible areas, save those currently requiring the hold harmless, from any meaningful loss in Title I formula funding.

Under the Title II hold harmless, a State or territory may lose no more than 1 percent from the previous fiscal year amounts, or 5 percent over the 5-year reauthorization period. This protection extends to base Title II funding (which excludes funds for AIDS Drug Assistance Programs (ADAP)), as well as to overall Title II funding.

Women, child, infants, and youth set-aside

The Managers are aware of the rising incidence of HIV among youth and women, particularly women of color, and recognize the challenges in assuring them access to primary care and support services for HIV and AIDS. The Managers intend to increase the availability of primary care and health-related supportive services under Title I and Title II for each of the four groups described in the set-aside. Youth are added as a new category within this set-aside. The Managers intend the term "youth" to include persons between the ages of 13 and 24, and "children" to include those under the age of 13, including infants.

The Managers clarify that the set-asides for women, infants, children, and youth with HIV disease be allocated proportionally, based on the percentage of the local HIV-infected population that each group represents. The Managers intend that the States and EMAs continue to make every effort to reach and serve women, infants, children, and youth living with HIV/AIDS by allocating sufficient resources under Titles I and II to serve each of these populations. The Managers also recognize that these priority populations often comprise a greater proportion of HIV cases rather than AIDS cases in a local area. This distinction should be taken into account where necessary prevalence data is reasonably available.

The Mangers are aware that these populations may also have access to HIV care through other parts of Title XXVI, Medicaid, State Children's Health Insurance Program (SCHIP), and other Federal and State programs. Therefore, the requirements to proportionally allocate funds provided under Title II to each of these populations may be waived for States which reasonably demonstrate that these populations are receiving adequate care.

Capacity development

Titles I, II and III of this legislation provide a new focus on strengthening the capacity of minority communities and underserved areas where HIV/AIDS is having a disproportionate impact. Currently, many underserved urban and rural areas are not able to compete successfully for planning grants and early intervention service grants due to the lack of infrastructure and experience with the Ryan White Care Act programs. This gap in services available is increasingly important, as the HIV and AIDS epidemic extends into rural communities. In addition to authorizing capacity development under Titles I and II, the Managers establish a preference for rural areas under Title III that will allow program administrators to target capacity development grants, planning grants, and the delivery of primary care services to rural communities with a growing need for HIV services. However, urban areas are not excluded from consideration for future grants nor is funding reduced to current grants in urban areas.

Quality management

The Managers recognize the importance of having CARE Act grantees ensure that quality services are provide to people with HIV and that quality management activities are conducted on an ongoing basis. Quality management programs are intended to serve grantees in evaluating and improving the quality of primary care and health-related supportive services provided under this act. The quality management program should accomplish a threefold purpose: (1) assist direct service medical providers funded through the CARE Act in assuring that funded services adhere to established HIV clinical practices and Public Health Service (PHS) guidelines to the extent possible; (2) ensure that strategies for improvements to quality medical care include vital health-related supportive service in achieving appropriate access and adherence with HIV medical care; and (3) ensure that available demographic, clinical, and health are utilization information is used to monitor the spectrum of HIV-related illnesses and trends in the local epidemic.

The Managers expect the Secretary to provide States with guidance and technical assistance for establishing quality management programs, including disseminating such models as have been developed by States and are already being utilized by Title II programs and in clinical practice environments. Furthermore, the Managers intend that the Secretary provide clarification and guidance regarding the distinction between use of CARE Act funds for such program expenditures that are covered as their planning and evaluation and funds for program support costs. It is not the Managers' intent to divert current program resources or to reassign current program support costs or clinical quality programs to new cost areas, if they are an integral part of a State's current quality management efforts.

Program support costs are described as any expenditure related to the provision of delivering or receiving health services supported by CARE Act funds. As applied to the clinical quality programs, these costs include, but are not limited to, activities such as chart review, peer-to-peer review activities, data collection to measure health indicators or outcomes, or other types of activities related to the development or implementation of a clinical quality improvement program. Planning and evaluation costs are related to the collection and analysis of system and process indicators for purposes of determining the impact and effectiveness of funded health-related support services in providing access to and support of individuals and communities within the health delivery system.

Early intervention services

The Managers authorize early intervention services as eligible services under Titles I and II under certain circumstances. The Managers intend to allow grantees to provide certain early intervention services, such as HIV counseling, testing, and referral services, to individuals at high risk for HIV infection, in accordance with State or EMA planning activities. The Managers recognize the range of organizations that may be eligible to provide early intervention services, including other grantees under Titles I, II and III such as community based organizations (CBOs) that act as points of entry into the health care system for traditionally underserved and minority populations.

The Managers believe that referral relationships maintained by providers of early intervention services are essential to increasing the number of people with HIV/AIDS who are identified and to bringing them into care earlier in the progression of their disease.

Health-care related support services

The Managers wish to stress the importance of CARE Act funds in meeting the health care needs of persons and families with HIV disease. The Act requires support services provided through CARE Act funds to be health care related. States and EMAs should ensure that support services meet the objective of increasing access to health care and ongoing adherence with primary care needs. The Managers reaffirm the critical relationship between support service provision and positive health outcomes.

Title I planning council duties and membership

The Managers have amended numerous aspects of CARE Act programs to enhance the coordination between HIV prevention and HIV/AIDS care and treatment services. In this case, Planning Council membership of the providers of HIV prevention services will help assure this coordination. To improve representation of underserved communities, providers of services to homeless populations and representatives of formerly incarcerated individuals with HIV disease are included in planning council membership. It is the intent of the Managers that the needs of all communities affected by HIV/AIDS and all providers working with the service areas be represented. The Managers also intend the Planning Councils more adequately reflect the gender and racial demographics of the HIV/AIDS population within their respective EMAs.

The Managers also intend that patients and consumers of Title I services constitute a substantial proportion of Planning Council memberships. The prohibition of officers, employees and consultants is not intended to impede the participation qualified, motivated volunteers with Title I grantees from serving on Planning Councils where they do not maintain significant financial relationships, volunteers may be reimbursed reasonable incidental costs, including for training and transportation, which help to facilitate their important contribution to the Planning Councils.

To ensure that new Planning Council members are adequately prepared for full participation in meetings, the Managers direct the Secretary to ensure that proper training and guidance is provided to members of the Councils. The Managers also expect Planning Councils to provide assistance, such as transportation and childcare, to facilitate the participation of consumers, particularly those from affected subpopulations and historically underserved communities.

Consistent with the "sunshine" policies of the Federal Advisory Committee Act (FACA), all meetings of the Planning Councils shall be open to the public and be held after adequate notice to the public. Detailed minutes, records, reports, agenda, and other relevant documents should also be available to the public. The Managers intend for such documents to be available for inspection and copying at a single location, including posting on the Internet.

Title I supplemental

In order to target funding to areas in greatest need of assistance, severity of need is given a greater weight of 33 percent in the award of Title I supplemental grants. The Managers intend that Title I supplemental awards are not intended to be allocated on the basis of formula grant allocations. Instead, such supplemental awards are to be directed principally to those eligible areas with "severe need," or the greatest or expanding public health challenges in confronting the epidemic. The Managers have included additional factors to be considered in the assessment of severe need, including the current prevalence of HIV/AIDS, and the degree of increasing and unmet needs for services. Additionally, the Managers believe that syphilis, hepatitis B and hepatitis C should be regarded as important comorbidities to HIV/AIDS.

It is the Managers' strong view that HRSA's Bureau of HIV/AIDS should employ standard, quantitative measures to the maximum extent possible in lieu of narrative self-reporting when awarding supplemental awards. The Managers therefore renew the Bureau's obligation to develop in a timely manner a mechanism for determining severe need upon the basis of national, quantitative incidence data. In this regard, the Managers recognize that adequate and reliable data on HIV prevalence may not be uniformly available in all eligible areas on the date of enactment. It is noted, however, that "HIV disease" under the CARE Act encompasses both persons living with AIDS as well as persons diagnosed as HIV positive who have not developed AIDS.

Title II base minimum funding

The minimum Title II base award is increased in order to increase the funding available to States for the capacity development of health system programs and infrastructure. The Federated States of Micronesia and the Republic of Palau are included as entities eligible to receive Title II funds, in recognition of the need to establish a minimum level of funding to assist in building HIV infrastructure.

Title II public participation

The Managers urge States to strengthen public participation in the Ryan White Title II planning process. While the Managers do not intend that States be mandated to consult with all entities participating in the Title I planning process, reference to such entities is intended to provide guidance to the States that such entities are important constituencies which the States should endeavor to include in their planning processes. Moreover, States may demonstrate compliance with the new requirement of an enhanced process of public participation by providing evidence that existing mechanisms for consumer and community input provide for the participation of such entities. The intent is to allow States to utilize the optimal public advisory planning process, such as special planning bodies or standing advisory groups on HIV/AIDS, for their particular population and circumstances.

The Managers are also aware of the difficulties that some States with limited resources may encounter in convening public hearings over large geographic or rural areas and encourage the Secretary to work with these States to develop appropriate processes for public input, and to consider such limitations when enforcing these requirements.

Title II HIV care consortia

The Managers intend that the States continue to work with local consortia to ensure that they identify potential disparities in access to HIV care services at the local level, with a special emphasis on those experiencing disparities in access to care, historically underserved populations, and HIV infected persons not in care. However, the Managers do not intend that States and/or consortia be mandated to consult with all entities participating in the Title I planning process. Rather, reference to such entities is intended to provide guidance to the States that such entities are important constituencies which the States should endeavor to include in their planning processes.

Title II "emerging communities" supplement

There continues to be a growing need to address the geographic expansion of this epidemic, and this Act continues the efforts made during the last reauthorization to direct resources and services to areas that are particularly underserved, including rural areas and metropolitan areas with significant AIDS cases that are not eligible for Title I funding. A supplemental formula grant program is created within Title II to meet HIV care and support needs in non-EMA areas. There are a large number of areas within States that do not meet the definition of a Title I EMA but that, nevertheless, experience significant numbers of people living with AIDS. This provision stipulates that these "emerging communities," defined as cities with between 500 and 1,999 reported AIDS cases in the most recent 5-year period, be allocated 50 percent of new appropriations to address the growing need in these areas. Funding for this provision is triggered when the allocations to carry out Part B, excluding amounts allocated under section 2618(a)(2)(I), are $20,000,000 in excess of funds available for this part in fiscal year 2000, excluding amounts allocated under section 2618(a)(2)(I). States can apply for these supplemental awards by describing the severity of need and the manner in which funds are to be used.

The Managers intend to acknowledge the challenges faced by many areas with a significant burden of HIV and AIDS and a lack of health care infrastructure or resources to provide HIV care services. This supplemental program allows the Secretary to make grants to States to address HIV service needs in these underserved areas. The Managers understand the necessity to continue to support existing and expanding critical Title II base services.

AIDS Drug Assistance Program supplemental grant and expanded services

Under this Act, the AIDS Drug Assistance Program (ADAP) has been strengthened to assist States in a number of areas. The Secretary is authorized to reserve 3 percent of ADAP appropriations for discretionary supplemental ADAP grants which shall be awarded in accordance with severity of need criteria established by the Secretary. Such criteria shall account for existing eligibility standards, formulary composition and the number of patients with incomes at or below 200 percent of poverty. The Managers also encourage the Secretary to consider such factors as the State's ability to remove restrictions on eligibility based on current medical conditions or income restrictions and to provide HIV therapeutics consistent with PHS guidelines.

States are also required to match the Federal supplemental at a rate of 1:4. The Managers expect the State to continue to maintain current levels of effort in its ADAP funding. The Managers intend that the 25 percent State match required to receive funds under this section be implemented in a flexible manner that recognizes the variations between Federal, State, and programmatic fiscal years.

In addition, up to 5 percent of ADAP funds will be allowed to support services that directly encourage, support, and enhance adherence with treatment regimens, including medical monitoring, as well as purchase health insurance plans where those plans provided fuller and more cost-effective coverage of AIDS therapies and other needed health care coverage. However, up to 10 percent of ADAP funds may be expended for such purposes if the State demonstrates that such services are essential and do not diminish access to therapeutics. Finally, the Managers recognize that existing Federal policy provides adequate guidelines to states for carrying out provisions under this section.

Partner notification, perinatal transmission, and counseling services

Discretionary grants are authorized under this Act for partner notification, counseling and referral services. The Managers have also expanded the existing grant program to States for the reduction of perinatal transmission of HIV, and for HIV counseling, testing, and outreach to pregnant women. Funding for perinatal HIV transmission reduction activities is expanded, with additional grants available to States with newborn testing laws or States with significant reductions in perinatal HIV transmission. In addition, this Act further specifies information to be conveyed to individuals receiving HIV positive test results in order to reduce risk of HIV transmission through sex or needle-sharing practices.

Coordination of coverage and services

This Act also strengthens the requirements made on the States and EMAs in a number of areas aimed at improving the coordination of coverage and services. Grantees must assess the availability of other funding sources, such as Medicaid and the State Children's Health Insurance Program (SCHIP) and improve efforts to ensure that CARE Act funds are coordinated with other available payers.

Titles III and IV administrative expenses

The administrative cap for the directly funded Title III programs is increased. The administrative cap for Title III grants is raised from 7.5 percent to 10 percent to correspond with the 10 percent cap on individual contractors in Title I. The Secretary is directed to review administrative and program support expenses for Title IV, in consultation with grantees. In order to assure that children, youth, women, and families have access to quality HIV-related health and support services and research opportunities, the Secretary is directed to work with Title IV grantees to review expenses related to administrative, program support, and direct service-related activities.

Title IV access to research

This Act removes the requirement that Title IV grantees enroll a "significant number" of patients in research projects. Title IV provides an important link between women, children, and families affected by HIV/AIDS and HIV-related clinical research programs. The "significant number" requirement is removed here to eliminate the incentive for providers to inappropriately encourage or pressure patients to enroll in research programs.

To maintain appropriate access to research opportunities, providers are required to develop better documentation of the linkages between care and research. The Secretary of Health and Human Services (HHS), through the National Institutes of Health (NIH), is also directed to examine the distribution and availability of HIV-related clinical programs for purposes of enhancing and expanding access to clinical trials, including trials funded by NIH, CDC and private sponsors. The Managers encourage the Secretary to assure that NIH-sponsored HIV-related trials are responsive to the need to coordinate the health services received by participants with the achievement of research objectives. Nor do the Managers intend this requirement to require the redistribution of funds for such research projects.

Part F Dental Reimbursement Program

The Managers have established new grants for community-based oral health care to support collaborative efforts between dental education programs and community-based providers directed at providing oral health care to patients with HIV disease in currently unserved areas and communities without dental education programs. Although the Dental Program has been tremendously successful, there is still a large HIV/AIDS population that has not benefitted because there is not a dental education institution participating in their area. These patients are also in need of dental services that could be provided at community sites if more community-based providers would partner with a dental school or residency program. In these partnerships, dental students or residents could provide treatment for HIV/AIDS patients in underserved communities under the direction of a community-based dentist who would serve as adjunct faculty. By encouraging dental educational institutions to partner with community-based providers, the Managers intend to address to unmet need in these areas by ensuring that dental treatment for the HIV/AIDS population is available in all areas of the country, not just where dental schools are located.

Technical assistance and guidance

The Managers reaffirm the Secretary's responsibility in providing needed guidance and tools to grantees in assisting them in carrying out new requirements under this Act. The Secretary is required to work with States and EMAs to establish epidemiologic measures and tools for use in identifying the number of individuals with HIV infection, especially those who are not in care. The legislation requests an IOM study to assist the Secretary in providing this advice to grantees.

The Managers understand that the Secretary has convened a Public Health Service Working Group on HIV Treatment Information Dissemination, which has produced recommendations and a strategy for the dissemination of HIV treatment information to health care providers and patients. Recognizing the importance of such a strategy, the Managers intend that the Secretary issue and begin implementation of the strategy to improve the quality of care received by people living with HIV/AIDS.

Data collection through CDC

The Managers believe that an additional authorization for HIV surveillance activities under the CDC will serve to advance the purposes of the CARE Act. To better identify and bring individuals with HIV/AIDS into care, States and cities may use such funding to enhance their HIV/AIDS reporting systems and expand case finding, surveillance, social marketing campaigns, and other prevention service programs. Notwithstanding its strong interest in improving the coordination between HIV prevention and HIV care and treatment services, the Managers intend that this enhanced funding for CDC and its grantees ensure that CARE Act programs and funds not duplicate or be diverted to activities currently funded and administered by the CDC.

Coordination

This Act requires the Secretary to submit a plan to Congress concerning the coordination of Health Resources and Services Administration (HRSA), Centers for Disease Control and Prevention (CDC), Substance Abuse and Mental Health Services Administration (SAMHSA), and Health Care Financing Administration (HCFA), to enhance the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease. The Managers believe that much greater effort is required to ensure that the provision of HIV prevention and care services becomes as seamless as possible, and that coordination be pursued at the Federal level, in the States and local communities to eliminate any administrative barriers to the efficient provision of high quality services to individuals with HIV disease.

A second plan for submission to Congress focuses on the medical case management and provision of support services to persons with HIV released from Federal or State prisons.

Administrative simplification

The Managers intend for the Secretary of HHS to explore opportunities to reduce the administrative requirements of Ryan CARE Act grantees through simplifying and streamlining the administrative processes required of grantees and providers under Titles I and II. In consultation with grantees and service providers of both parts, the Secretary is directed to (1) develop a plan for coordinating the disbursement of appropriations for grants under Title I with the disbursement of appropriations for grants under Title II, (2) explore the impact of biennial application for Titles I and II on the efficiency of administration and the administrative burden imposed on grantees and providers under Titles I and II, and (3) develop a plan for simplifying the application process for grants under Titles I and II. It is the intent of the Managers to improve the ability of grantees to comply with administrative requirements while decreasing the amount of staff time and resources spent on administrative requirements.

Program and service studies

The Managers request that the Secretary, through the IOM, examine changing trends in the HIV/AIDS epidemic and the financing and delivery of primary care and support services for low-income, uninsured, and underinsured and individuals with HIV disease. The Secretary is directed to make recommendation regarding the most effective use of scarce Federal resources. The purpose of the study is to examine key factors associated with the effective and efficient financing and delivery of HIV services (including the quality of services, health outcomes, and cost-effectiveness). The Managers expect that the study would include examination of CARE Act financing of services in relation to existing public sector financing and private health coverage; general demographics and comorbidities of individuals with HIV disease; regional variations in the financing and costs of HIV service delivery; the availability and utility of health outcomes measures and data for measuring quality of Ryan White funded service; and available epidemiological tools and data sets necessary for local and national resource planning and allocation decisions, including an assessment of implementation of HIV infection reporting, as it impacts these factors.

The Managers also require an IOM study focuses on determining the number of newborns with HIV, where the HIV status of the mother is unknown; perinatal HIV transmission reduction efforts in States; and barriers to routine HIV testing of pregnant women and newborns when the mothers' HIV status is unknown. The study is intended to provide States with recommendations on improving perinatal prevention services and reducing the number of pediatric HIV/AIDS cases resulting from perinatal transmission.

Development of Rapid HIV Test

The Managers encourage the Secretary to expedite the availability of rapid HIV tests which are safe, effective, reliable and affordable. The Managers intend that the National Institutes of Health expand research which may lead to such tests. The Managers also intend that the Director of CDC should take primary responsibility, in conjunction with the Commissioner of Food and Drugs, for a report to Congress on the public health need and recommendations for the expedited review of rapid HIV tests. The Managers believe that the Food and Drug Administration should account for the particular applications and urgent need for rapid HIV tests, as articulated by public health experts and the CDC, when determining the specific requirements to which such tests will be held prior to marketing.

Department of Veterans Affairs

The Managers note that the U.S. Department of Veterans Affairs is the largest single direct provider of HIV care and services in the country. Over 18,000 veterans received HIV care at VA facilities in 1999. Veterans with HIV infection are eligible to participate in Ryan White Title I and Title II programs when they meet eligibility requirements set by EMAs and States, whose plans for the delivery of services must account for the availability of VA services. VA facilities are eligible providers of HIV health and support services where appropriate. The Managers expect that HRSA's Bureau of HIV/AIDS shall encourage Ryan White grantees to develop collaborations between providers and VA facilities to optimize coordination and access to care to all persons with HIV/AIDS.

International HIV/AIDS Initiatives

The Managers note that the CARE Act provides a model of service delivery and Federal partnerships with States, cities and community-based organizations which should prove valuable in global efforts to combat the HIV/AIDS epidemic. The Managers strongly encourage the Secretary, the Bureau of HIV/AIDS at HRSA, and the CDC to provide technical assistance available to other countries which has already proven invaluable in helping to limit the suffering caused by HIV/AIDS. It is the Managers' hope that the hard-earned knowledge and experience gained in this country can benefit people with HIV/AIDS overseas.

Ms. ESHOO. Mr. Speaker, I strongly support S. 2311, the Ryan White Care Act Amendments of 2000. Enactment of this legislation will truly make a difference in people's lives.

The Ryan White CARE Act, without question, was the most important legislation Congress has ever enacted for people living with HIV and AIDS. Every year, CARE Act funds provide lifesaving medical and social services for tens of thousands of uninsured and underinsured Americans battling these devastating diseases. AIDS medications, viral load testing, treatment education, and case management are just a few of the essential support services provided by federal CARE Act dollars.

Each of the programs created under the CARE Act services a specific need yet, combined, they make up the health care and social service safety net of last resort. Since it's creation in 1990, reliability and stability have been the two cornerstones of the Ryan White law. When we passed the House version of the reauthorization in July, I spoke out against a provision that ran directly contrary to this safety net principle. A 25 percent reduction in the "hold harmless" that was part of the original House bill would have caused a rapid destabilization of systems of care in the Bay Area and potentially around the country. I fought that provision and I'm so pleased that the bill before us today includes a more equitable formula that reflects the changing face of the disease without gutting funding to any one Eligible Metropolitan Area (EMA).

More people than ever are living with HIV/AIDS and the CARE Act must keep pace with the increasing demands. When the CARE Act was passed in 1990, there were 155,619 AIDS cases. In 1996, there were 481,234 cases. Today, America has 733,374 recorded cases of HIV/AIDS. AIDS is the leading cause of death among African Americans between the ages of 25–44 and the second leading cause of death among Latinos in the same age group. HIV/AIDS are still very much with us and we must ensure that all those infected get the medical and social services they need to live longer, more productive lives.

And that's exactly what's been happening. Access to new medications and treatments, such as combination antiretroviral therapies, has significantly lengthened the life expectancy of people with HIV/AIDS. People with AIDS are living longer and those with HIV aren't progressing as quickly to full-blown AIDS. Thankfully, it's no longer necessarily a death sentence. This, in turn, underscores the increasing need for services. As people live longer, their dependence on CARE Act programs greatly increases; hence, the importance of reauthorizing the Ryan White Act.

So, I thank my colleagues, Senators KENNEDY and JEFFORDS and Representatives BROWN, WAXMAN and COBURN, and their staffs, for their work on S. 2311 and for their dedication to reauthorizing the CARE Act this year. It's a good bill that will do wonderful things for people across this country. I urge my colleagues' enthusiastic support.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of S. 2311, Ryan White Care Act. I am very thankful that were are acting on this very important bill, before we run out of time, to ensure that individuals living with HIV and AIDS will receive the health care and related supported services that they need. While, S. 2311 is not perfect, it does provide the necessary authorizations for appropriations and programmatic changes to ensure that the CARE Act is responsive to the evolving demographic trends in the HIV/AIDS epidemic and advances in treatment care.

I am also pleased that one of my major concerns with the House bill to reauthorize the CARE Act, HR 4807, involving incentives for HIV testing of pregnant women and infants, is not in the bill before us today. I oppose mandatory testing of any sub-population, and I strongly believe, that this body must give full consideration to the IOM study as it relates to this issue.

I am encouraged that S. 2311 also changes city and state funding formulas to encompass all who are infected with HIV and not just provide resources for individuals who have progressed to AIDS. This change responds to the changing nature of the epidemic and the newer treatment protocols, which begin medication earlier.

It allows for treatment programs to begin and expand critical prevention efforts. This bill also more effectively represents the burden of the disease and the need for care. In addition, this measure makes a concerted effort to support the fact, that the funding "needs" to follow the trends of the disease (which are disproportionately and increasingly affecting people of color).

It also encourages reporting of HIV infections by states (many do not now report). Such adherence to reporting, will improve our ability to be more progressive and get in front of this epidemic by increasing prevention and outreach efforts.

Another major area that is of critical concern to the Congressional Black Caucus and the communities we represent (which are primarily people of color), is the community planning councils, their composition, effectiveness and operations. This process has not worked well for many disenfranchised communities under existing authorization. Community input is essential to effective service provision at the local level. Therefore, we are encouraged by the requirement in the bill that planning, priority setting and funding allocation processes must take into account the demographics of the local HIV/AIDs epidemic, existing disparities in access to HIV—related care.

In this regard, I also encourage that African Americans and other people of color be appropriately represented in the clinical trials and investigator pools based on the trends of the disease.

I would be remiss if, I did not say that based on the past epidemiology, and several studies and forecasts, FY 2001 funding for the all important ADAP program falls around $100 million dollars short of what will be needed to provide treatment to those infected.

This dramatic shortfall represents the many low income, uninsured and under-insured Americans who will not receive appropriate care, and further puts this country far from where we need to be in fighting this epidemic and saving the lives of those infected and most at-risk.

We in the Caucus and our partners in the Congress and the communities we serve, remain vigilant in the nation's fight against the HIV/AIDS crisis. The Ryan White Care Act is the lifeline to countless Americans infected with HIV and AIDS. It is our best ammunition in the war against this devastating disease that is plaguing our nation. Clearly, we in the U.S. Congress must not wait until this disease begins to mirror the pandemic in Africa. An enhanced, strengthened, responsive and adequately funded Ryan White Care Act is absolutely essential to intensified care, treatment, prevention and outreach.

I urge my colleagues to support this much needed and important bill.

Mr. HORN. Mr. Speaker, I rise to express my strong support for the Ryan White Care Act Amendments of 2000. Over the past ten years, the Ryan White Care Act has represented a unique partnership between federal, state and local officials in delivering prevention and treatment services to those affected by this disease.

The good news is the Care Act has expanded access to high quality health care, which is more important than ever in accommodating the growing numbers of people living with HIV and AIDS. As a result, it is important that federal funds distributed to states and cities most impacted by the disease, such as Long Beach, are needs-based. These amendments are an important step towards the equitable distribution of federal resources for people living with HIV and AIDS.

These amendments will also allow heavily impacted areas such as Long Beach to use their funds now for early intervention services, so they can locate people living with HIV and get them into care. With HIV infecting more than 40,000 Americans each year—at an average treatment cost of $200,000 per individual—prevention strategies remain the most cost effective use of public health dollars.

Today, there are nearly 3800 AIDS cases in Long Beach alone. The Ryan White Care Act Amendments will go a long way in improving access to health care for these Americans, in addition to slowing the rate of new infections, especially in communities of color. I am pleased to lend my support to this important bill and encourage all my colleagues to do the same.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of S. 2311, the Ryan White CARE Act Amendments of 2000. This bill will make a real and profound difference in the lives of persons living with HIV/AIDS by providing resources for essential primary care health and support services.

The Ryan White CARE Act was first passed in 1990. Since that time, the face of the HIV/AIDS epidemic has changed but the need for the Ryan White CARE Act has not. Today, it is more important than ever that we act to expand access to health and social services.

Since coming to Congress, I have had the opportunity to visit with many of my constituents who have benefited from the Ryan White CARE Act. Person after person has told me that, without this Act, they would be unable to afford the treatments needed so that they can remain healthy and productive members of their community. As members of Congress, we have supported increased medical research efforts that have led to promising treatment advances for people living with HIV/AIDS. The Ryan White CARE Act helps to ensure that people can actually obtain that treatment. It helps them find affordable housing and employment opportunities. It is a program that works and deserves our continued support.

In my district, as in other parts of the country, the HIV/AIDS epidemic continues to threaten individuals, families and communities. I want to recognize the outstanding efforts of many in combating this crisis, both here and in the Chicagoland area. In particular, I want to thank Representative HENRY WAXMAN for his outstanding leadership. As the original sponsor of the Ryan White CARE Act, he has worked to make sure that it remains effective and is flexible enough to address the changing nature of this epidemic.

I also want to point out the enormous efforts of the City of Chicago and, specifically, the Department of Public Health. Mayor Richard Daley has developed a strategic plan to provide a comprehensive response to this epidemic, working with providers, prevention experts, community representatives and, most importantly, people living with HIV/AIDS. Recognizing that today there are more people living with an AIDS diagnosis in Chicago than at any other time, the City is working to prevent new infections, provide access to drug therapies and other treatments, improve other services such as affordable housing, and ensure that resources are used as effectively as possible to reflect changing needs. Reauthorization of the Ryan White CARE Act with adequate funding is essential to meeting those goals. I also want to point out the important work of the AIDS Foundation of Chicago and Chicago Health Outreach in this effort.

Finally, we must recognize that women and people of color represent a disproportionate number of new AIDS cases. Many of those impacted are uninsured, have no regular access to primary care services, and are unable to afford anti-HIV therapies. I am working with the Evanston Health Department and the faith community in my district to reach out to these communities and provide information on prevention and available services. Therefore, I am pleased that S. 2311 makes improvements in the Ryan White CARE Act to help eliminate disparities in access to services and outreach to underserved communities.

I urge my colleagues to support the Ryan White CARE Act reauthorization and to follow up on this action by providing full appropriation levels for its essential services.

Mr. TOWNS. Mr. Speaker, I rise in support of S. 2311, which reauthorizes "The Ryan White CARE Act".

HIV infection and AIDS in Brooklyn remains a difficult battle. The Centers for Disease Control found that minorities now account for more than half of all new cases in the United States. AIDS now kills more black men that gunshot wounds. And, it is also the leading cause of death for Hispanic men ages 25 to 44. This disease has equally affected women and children in minority communities. Eighty-four percent of the AIDS cases involving children, age 12 and under, can be found in the black community. And, AIDS has now become the second leading cause of death for black women and the third leading cause for Hispanic women.

I have witnessed these statistics first hand. My congressional district has the highest incidence of new AIDS cases of any area in New York City. Brownsville has more people living with AIDS than 12 States. It has the second highest number of blacks living with AIDS in all of New York City. In addition, East New York and the Ft. Greene neighborhoods have large populations of women living with AIDS.

Yet, we have not witnessed either the research or treatment and care dollars following the change in disease patterns. While Brooklyn is the epicenter of this disease in New York City, the majority of the Ryan White and NIH funds are still going to organizations which do not serve this constituency. In response to language which I worked to include in this legislation, hopefully, this trend will be halted. And, minority communities, like Brownsville, Ft. Greene and East New York, will receive their fair share of treatment dollars.

I am very pleased that with today's floor consideration of the Ryan White CARE Act we will be able to continue to bring resources to those communities and people who are impacted by AIDS and HIV infection. And, I would urge my colleagues to vote for its passage.

Mr. RUSH. Mr. Speaker, I would like to take this opportunity to commend Mr. WAXMAN and Mr. COBURN for their hard work on the reauthorization of the Ryan White CARE Act of 2000. The Ryan White CARE Act provides grants to eligible metropolitan areas that are disproportionately affected by the HIV epidemic; it provides grants to the states and territories to provide health care support services to people living with HIV/AIDS; it provides programs which support outpatient HIV early intervention services for low-income, medically underserved people in existing primary care systems; and it provides services for children, youth, women and families in a comprehensive, community-based, family-centered system of care.

I am glad to see that the Ryan White CARE Act Amendment of 2000 which I am a cosponsor, addresses the needs of people living with HIV and AIDS. As we witness the dramatic changes taking place in other world nations now confronting exploding epidemics of HIV/AIDS, we recognize that the course of the HIV epidemic is also changing.

Racial and ethnic minorities are increasingly becoming affected with this dreadful disease at an alarming rate. With adequate funding, the Ryan White CARE Act can continue providing medical services to people living with HIV/AIDS, which can help to improve their quality of life.

Mr. Speaker, I would like to thank all of my colleagues who have come to the floor today to speak on the importance of reauthorizing the Ryan White CARE Act of 2000. I am pleased that this important piece of legislation passed the House and Senate and that the leadership considered this important reauthorization before the end of this congressional session.

Mr. NADLER. Mr. Speaker, I rise in strong support of S. 2311, the Ryan White CARE Act Amendments of 2000. This is important bipartisan legislation and I am pleased to see it on the floor today on its way to swift passage. I want to thank the authors for hearing the concerns that were raised when the bill first came through the House, and I believe we have reached a good compromise.

Mr. Speaker, the AIDS epidemic has ravaged our communities throughout the country. The statistics are devastating. Through December 1998, nearly 700,000 people had been diagnosed with AIDS. Over 400,000 of these people have died. The Centers for Disease Control and Prevention estimates that over 40,000 people become infected with HIV each year with an estimated 600,000 to 900,000 people living with HIV today.

As a nation, we could have thrown up our hands and given up in the face of this terrible tragedy. But in 1990, in one of the great legislative achievements of the last decade, Congress took action to address this emergency and passed the Ryan White CARE Act. The CARE Act is a comprehensive program providing treatment and support services to those living with HIV and AIDS. It has brought hope and a little humanity to this terrifying crisis.

The CARE Act is a model of how we can accomplish great things in this chamber. By working together, we have produced a program that provides vital health services to people across the country while targeting communities most in need. It is an efficient program that has been an unqualified success.

We haven't found a cure for AIDS yet, but scientists are making promising discoveries every day, bringing hope that we may one day rid ourselves of this disease once and for all. Until then, there is the CARE Act, reaching out to people who are suffering with HIV and AIDS today and who need our help to lead healthy and productive lives. This is a humane program that deserves our strong support.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support for a cause that must be sustained and implemented in America today. S. 2311, "Ryan White CARE Act of 2000" will reauthorize the funds for programs while also changing the formula for current distribution of Ryan White programs. Mr. Speaker, I support this measure that builds on continuing efforts to safeguard the lives of those suffering the most. Accordingly, I applaud the efforts to bring this important legislation to the floor today before the end of the 106th Congress.

Thanks to the persuasive skills by those working on behalf of those afflicted with the HIV/AIDS epidemic, the funding formula within this legislation will actually ensure that minorities are properly covered. The legislation maintains the integrity of the multistructure of the CARE Act, allowing funds to be targeted to the areas hardest hit by the HIV and AIDS epidemic. In addition, I am pleased that the legislation maintains and, in fact, strengthens the decision-making authority of local planning councils and allows resources to be used to locate and bring more individuals into the health care system. Further, I am also delighted to learn that the bill will provide more individuals with early intervention services, such as counseling and testing.

This bill will give states the option to readily extend Medicaid coverage to people living with HIV. If adopted, states will have the ability to add poor and low-income uninsured persons living with HIV to the list of persons categorically eligible for Medicaid. This is very important for people of the 18th Congressional District of Texas who deserve every opportunity to getting the proper coverage it is so critical that they receive quality care. There are HIV-infected persons in my district and across America that need some relief immediately and thus I am pleased by the Medicaid provision in the legislation.

Under current rules, most people living with HIV are ineligible for Medicaid until they have progressed to AIDS and are disabled. Yet, new treatment, such as highly active antiretrovial therapy (HAART), are successfully delaying the progression from HIV infection to AIDS. That is exciting, Mr. Speaker. We can turn this situation around. These advances, along with access to comprehensive health care, have improved the health and quality of life for many people living with HIV. However, without access to Medicaid these advances will remain out of reach for thousands of poor and low-income uninsured people living with HIV.

Early access to HIV treatment through Medicaid, as provided by this legislation, will result in a reduction of new AIDS cases, increase the quality of life of thousands living with HIV, reduce high medical interventions such as inpatient hospitalizations and terminal care, increase tax revenues and reduce costs in the SSI and SSDI programs.

Another initiative, that effects personally my 18th district in Texas, is the establishment of a new supplementary competitive grant program for states in "severe need". HHS must consider the importance of HIV and AIDS, the increased need for service along with the level of unmet need. HHS also must look at disparities in the access to services for historically underserved communities. Acknowledgment of loopholes is being met and solutions being made to combat the destitute situation many underserved communities find themselves in.

Finally, I believe it is significant that the reauthorization of the Ryan White Act has the strong support of the Human Rights Campaign and AIDS Action, two organizations that has done monumental work in the promotion of better health care and other critical benefits for those afflicted with HIV/AIDS. As a result of their hard work, we have a bipartisan effort that finally begins to seek to reach out to minorities in unprecedented fashion.

Congress has long recognized the broad scope of benefits of CARE Act programs to those impacted by the HIV and AIDS. We need to continue helping those in need and redouble our efforts to eliminate the epidemic of HIV/AIDS. Mr. Speaker, I strongly urge my colleagues to strongly support this legislation.

Mr. HOLT. Mr. Speaker, I rise today to express my strong support for passing S. 2311 to reauthorize the Ryan White CARE Act.

I am proud to be a cosponsor of the House reauthorization (H.R. 4807) that we passed by voice vote on July 27, 2000. I am equally proud to stand in support of Senate bill 2311. I urge my colleagues to continue their support for these amendments by voting for S. 2311, and help ensure that those with AIDS will continue to receive the support and resources they need.

Mr. Speaker, we all know the troubling statistics. Since its inception, AIDS has claimed over 400,000 lives in the United States. An estimated 900,000 Americans are living with HIV/AIDS today. Women account for 30 percent of new infections. Over half of all new infections occur in persons under 25. As the AIDS crisis has continued year after year, it has become more and more difficult for anyone to claim that AIDS is someone else's problem.

Since 1990, the CARE Act has helped establish a comprehensive, community-based continuum of care for uninsured and under-insured people living with HIV and AIDS, including access to primary medical care, pharmaceuticals, and support services. The CARE Act provides services to people who would not otherwise have access to care.

As a result of the CARE Act, many people with HIV and AIDS are leading longer and healthier lives today.

Mr. Speaker, since my election to Congress, I have strongly supported increases in funding for medical research. As the spouse of a physician, I have a special affinity for those suffering from life-threatening illnesses. I know some believe that government is the problem and not the solution. But the truth is the opposite: in times of great human suffering and injustice, our government has acted to help our fellow citizens overcome life-threatening conditions and situations. Federal aid for the Ryan White CARE Act is a prime example of the good government can do in the face of tragedy and national danger.

By passing S. 2311, we are making clear that the AIDS epidemic in the United States will receive the attention and public health response it deserves.

By passing S. 2311 today, Mr. Speaker, we will affirm our commitment to people living with HIV/AIDS and their families. We will also be affirming our dedication to sound public policy. By reauthorizing the CARE Act, today, Mr. Speaker, we will give hope and a real chance for a better life to thousands of HIV/AIDS victims.

Mr. DINGELL. Mr. Speaker, I rise today to express my strong support for S. 2311, the Ryan White CARE Act Amendments of 2000. This is an excellent bill and it deserves our immediate consideration and support.

I want to take particular note of the way in which this bill has been developed. This bill comes to us by way of a remarkable bipartisan effort led by my good friend and colleague Representative WAXMAN and from the other side of the aisle, Representative COBURN. Given the complexity of the Ryan White program and the potentially controversial nature of the subject matter, the fact that we will pass a good bill at this time of year with a strong bipartisan vote is a tribute to them.

Our colleagues in the other body have also worked hard on this bill and are to be congratulated for their effort. Senators JEFFORDS, KENNEDY, and FRIST have been solid partners in forging the legislation before us today.

The CDC estimates that more than 900,000 persons in America are now living with HIV. Approximately one-third of these persons know they are infected and are receiving treatment. Another third know they are infected, but are not receiving treatment. Another third does not know they are infected. Another complication is that HIV infections are occurring in every region of the country and in every kind of situation. Underserved areas, such as rural areas, are having a particularly difficult time because they lack the infrastructure of proven prevention and treatment programs.

In brief, S. 2311 keeps those programs that have withstood the test of time. Just as significantly, it makes changes where they were needed. The four titles of the Ryan White CARE Act contain a variety of grants and formulas that distribute funds at the state and local levels. As we all know, changing programs of this kind is never easy. In this case, we have successfully blended the need for change with the need for continuity of care for those areas that have been especially hard hit by the HIV/AIDS epidemic. On this point, let me note the great work of our colleagues Representatives ESHOO, TOWNS and PELOSI. I note, also, that a listing of all of the changes made to the Ryan White program by this bill is set forth in the statement of managers that will be included in the record of today's proceedings.

Finally, Mr. Speaker, I wish to acknowledge the work of ranking member of the Health and Environment Subcommittee, Representative BROWN, and the Subcommittee Chairman, Representative BILIRAKIS. They have forged a solid working relationship on a variety of bills that have come before us this year and we are grateful for their hard work and cooperation.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to House Resolution 611, the previous question is ordered on the Senate bill, as amended.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 512]

YEAS—411

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott

Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—22

Berkley
Bonior
Clay
Eshoo
Franks (NJ)
Gephardt
Hefley
King (NY)
Klink
Lazio
Maloney (CT)
McCollum
McIntosh
Miller (FL)
Murtha
Obey
Paul
Rangel
Sweeney
Vento
Wise
Young (FL)

□ 1151

So the Senate bill was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read: "A bill to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes.".

A motion to reconsider was laid on the table.

Stated for:

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained during rollcall vote No. 512. Had I been present I would have voted "yes."

PROVIDING FOR CONSIDERATION OF H.R. 2941, LAS CIENEGAS NATIONAL CONSERVATION AREA IN THE STATE OF ARIZONA

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 610 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 610

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2941) to establish the Las Cienegas National Conservation Area in the State of Arizona. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 8 of rule XVIII. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 610 is an open rule waiving all points of order against the consideration of H.R. 2941, a bill to establish the Las Cienegas National Conservation Area in the State of Arizona.

The rule provides 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Resources. The rule makes in order as an original bill for the purpose of amendment the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1, which shall be open for amendment at any point. The rule waives all points of order against the amendment in the nature of a substitute.

The rule also authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule further allows the chairman of the Committee on the Whole to postpone votes during the consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit, with or without instructions.

H.R. 2941, a bill introduced by the distinguished gentleman from Arizona (Mr. KOLBE), establishes the Las Cienegas National Conservation Area in parts of Pima, Santa Cruz, and Cochise Counties in Arizona. The bill directs the Secretary of the Interior to develop a management plan for the 42,000 acre area which will conserve, protect, and enhance its resources and values.

Mr. Speaker, this legislation also authorizes the Secretary to purchase or exchange necessary acreage for the conservation area from willing sellers, both individuals and from the State of Arizona.

The bill preserves a significant amount of land that is home to an important cross-section of plants and wildlife. It also creates 142,000-plus acre planning district that is an important first step towards providing a biological corridor from the north of Tucson to Mexico for animal movements that are necessary for the long-term viability of some species.

In addition, two of southern Arizona's perennial streams, the Cienega Creek and the Babocamari River, would be protected by this legislation, ensuring a long-term sustainable riparian area.

□ 1200

Land will also be available for human use in ranching, hunting, and recreation.

H.R. 2941 was reported by unanimous consent by the Committee on Resources on September 20, 2000. Accordingly, I urge my colleagues to support both the rule, House Resolution 610, and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this open rule, and urge my colleagues to pass it.

The underlying bill comes after extensive negotiations between the bill's supporters and the administration, and would establish the Las Cienegas National Conservation Area located in Arizona.

This land is important for a diverse cross-section of plants and wildlife. The bill creates the 137,000-acre Sonoita Valley Conservation Planning District, which includes the 42,000 acre Las Cienegas National Conservation Area.

Moreover, the bill would provide an important first step to creating a biological corridor that extends from north of Tucson to Mexico for animal movements that are necessary for the long-term viability of some species.

In addition, two of southern Arizona's perennial streams, the Cienega Creek and the Babocomari River, would be protected, ensuring a long-term, sustainable riparian area.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the author of this bill, the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I rise in support of this rule for H.R. 2941, the Las Cienegas National Conservation Area Establishment Act.

As the gentleman from Washington said, it is an open rule, and deserves support of all the Members of this body.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 513]

YEAS—411

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Baird
Chenoweth-Hage
Clay
Eshoo
Franks (NJ)
Goodling
Granger
Hefley
King (NY)
Klink
Lazio
McCollum
McIntosh
Miller (FL)
Murtha
Obey
Paul
Payne
Stabenow
Sweeney
Vento
Wise

□ 1220

Ms. MCCARTHY of Missouri changed her vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 110. Joint Resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHUSTER. Mr. Speaker, I rise to a point of a personal privilege.

The SPEAKER pro tempore (Mr. QUINN). The Chair has been apprised of the predicate on which the gentleman from Pennsylvania (Mr. SHUSTER) seeks recognition and finds (in consonance with the precedents cited in section 708 of the House Rules and Manual) that it qualifies as a question of personal privilege under rule IX.

The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 1 hour.

Mr. SHUSTER. Mr. Speaker, first, I want to thank the Members of the Committee on Standards of Official Conduct for concluding what has been a 4-year nightmare to myself and my family. In fact, 4 years, 1 month and 31 days ago, a group associated with Ralph Nader filed an ethics complaint against me.

I have agreed to accept a single letter of reproval to settle this matter. Now, this letter of reproval deals with matters of appearances of improprieties to which I acknowledge. I am very pleased that the committee dismissed the wild and inaccurate charges originally filed by the Nader group. I am very pleased that not a single allegation, not a scintilla of evidence, not a hint of any of this referred to any actions that I took that influenced my activities as chairman of my committee.

Now, the Webster dictionary defines reproval. As we know, a letter of reproval, by definition, is the mildest form of sanction. The Webster dictionary defines it as, and I quote, "to scold or correct, usually gently and with kindly intent."

Now, I must confess I feel neither gentle nor kindly about this 4-year nightmare which has been so difficult for my family and which has cost hundreds of thousands of dollars in legal fees.

It began with this Nader organization complaint filed. And under the rules, it is a fact, not an opinion, it is a fact that, under the rules, such a complaint must include the signatures of three sitting Members. It is a fact, not an opinion, that at least one of those signatures, not only was not signed by a Member, his name was not even spelled correctly. So on the face of it, this should have been rejected in the very beginning. The then committee began the investigation by violating their own rules. But that is something behind us.

It is also a fact that, in the week of October 5, 1998, 2 years ago, the then chairman of the committee sought me out and said to me, and I can quote it because I immediately not only wrote it down, but also sent it to my attorneys and sent a copy of a letter to the distinguished gentleman himself to make sure that I had not misunderstood. He said to me that, after conferring with other Members of the committee, that they wanted to wrap up the matter by year's end because there was nothing of substance. It was, and I emphasize, I quote, "B.S." I immediately prepared a memorandum, and of course my family and I proceeded on this basis.

As it turned out, that was 2 years ago. I was told they wanted to wrap it up by year's end. It did not happen. We regret that. But we went on to do our best to try to comply with this nightmare.

It is also a matter of public record that the chairman of the investigation committee and I have had bad blood over the years, largely, although not exclusively, over the fact that I refused to block a 6-runway which he wanted killed for his airport. At the time, people came to me and said "you should object under the rules to that gentleman being chairman of the subcommittee." I said absolutely not. I said then that gentleman is an honorable gentleman, and I said now that gentleman is an honorable gentleman. So I agreed for us to proceed under those rules.

I agreed to this letter. It is true that, after my chief of staff of 22 years retired, I and my new chief of staff contacted that old chief of staff numerous times on official business to get guidance because that former chief of staff was the only one who had the knowledge that we needed to conduct the affairs of our office. If that created an appearance of impropriety, absolutely. That is true.

It is also true that my wife and I and my family went to Puerto Rico on what we believed to be an official trip. While it is true that we did, indeed, meet with two different organizations on official business plus, as a member of the Permanent Select Committee on Intelligence, I took time to meet with DEA agents on drug matters relating to Puerto Rico, nevertheless it was concluded by the committee that this trip was more recreational. I accept that judgment that it created the appearance of recreation.

It is also true that my congressional staff contributed many times to work in my campaign. It is true that we kept no written records. I acknowledge that. I admit that. If that is an appearance of impropriety, so be it. We understand that the particular staff person in question did testify that she worked nights and weekends to make it up. But, absolutely, we did not keep records which have been deemed to be adequate, and so I have no problem in acknowledging that violation.

It is also true that the Bud Shuster for Congress Committee spent hundreds of thousands of dollars on dinners and charter flights. We identified it as political. But it is true that we did not spell out the details. We did not spell out who it was we had dinner with. We did not spell out the purpose of the dinner. We reported it all on our FEC reports, but we did not provide any detail. So if that is an appearance of impropriety, so be it. I accept it.

Also, the word "excessive" was used in spending campaign funds. Now, if one comes from a rural area, we do not have the benefit of airlines, scheduled airlines. We have to use charter flights.

□ 1230

But between the dinners and the flights, these campaign expenses were "excessive." We thought that was something the FEC was supposed to deal with, but nevertheless we accept that. If that created the appearance of impropriety, so be it.

But I would point out, in fact, it really raises my hackles a bit when people say, "Well, you didn't have any opposition." My colleagues, I have got to confess to the sin of pride. I am the only Pennsylvanian in our Nation's history who has won both the Democratic and the Republican nominations nine times. These Democratic nominations did not fall out of the sky. We conduct very, very complicated write-in campaigns. And in 11 counties, we have had to run 11 campaigns for a write-in campaign. It costs a lot of money.

We work 365 days a year on the political end of our activities, and we do spend an awful lot of money. And if that created the appearance of impropriety, I accept that.

Now, if our practices created the appearance of impropriety, our attorneys at one point said, wait a minute, these are common practices. I said, well, I thought they were, but maybe they are not. So our attorneys initiated investigations into the FEC reports as well as the ethics report of 35 Members of Congress, both sides of the aisle, particularly Members of the Committee on Standards of Official Conduct and the leadership in the Congress to see whether these practices were also conducted by other Members of the Congress. And, indeed, they discovered that in a vast majority of the cases, meals, with the full range of Washington restaurants, Mr. K's, Red Sage, Morton's, Capitol Grill, were paid for by campaign expenses. The Palm, the MCI Center, private clubs, golfing expenses; all paid for with campaign expenses. Entertainment, music, florists, commercial airfare.

Indeed, I emphasize since we do not have commercial flights in rural Pennsylvania, I had to rely on charter flights, but we spent an awful lot of money on it. And if that created an appearance of impropriety, absolutely I accept that.

Members, as they traveled around in style, Sun Valley, campaign expenses or paid for by private groups; Sun Valley, Idaho, Jackson Hole, Aspen, Boulder, Miami, Boca Raton, Orlando, Ft. Myers, Naples, Palm Springs, Pebble Beach, the list goes on and on, Mexico, Puerto Rico, Bermuda, Virgin Islands, Cuba, Panama, London, Scotland, Ireland, Rome, Zurich, Tokyo, Hong Kong, Singapore, South Africa, et cetera, et cetera, all paid for by private groups.

Now, it is a fact that we did not keep a record of how much of my time was spent on official business and how much time was spent on recreation. This is one of the things that the Congress and the committee might want to consider clarifying this, so that when a Member does go on a trip paid for by a private group, he should keep a record of how many hours and minutes he spends on official business and how many hours and minutes he spends on recreations so we would know clearly and so my colleagues do not find themselves in the same difficulty in which we have found ourselves.

In fact, I considered introducing legislation, but it is not my style to do something with tongue-in-cheek to say that we have got to have written records of every time we go and have a dinner with somebody, and we must write down who the person was and what was talked about. Do we really want that around here? Well, what is good for the goose is good for the gander, but it is certainly not my point to suggest that that should be done.

I have to tell my colleagues that my attorneys read the committee report, and they take violent exception to some of the characterizations in it, and urge, by the way, that all my colleagues read our reply to the report, but I accept the letter of reproval. I accept the appearance of impropriety. In the course of it, my attorneys tell me there were 150 subpoenas, 75 witnesses, 33 depositions; and they tell me time and time again in debriefings that they were informed that these witnesses by the staff attorneys were intimidated, were threatened, and were harassed.

I want to emphasize very strongly, these are not the gentlemen and ladies on the Committee on Standards of Official Conduct. As far as I have been apprised, the gentlemen and the ladies on the Committee on Standards of Official Conduct conducted themselves in a manner which we all would expect them to conduct themselves. The staff, of course, was a different situation.

So in conclusion, this 4-year ordeal is over. I accept the findings to stop the hemorrhaging of legal fees and to put this behind us. I am less than thrilled by the drumbeat of malicious, inaccurate newspaper stories which have appeared over the period of time. I certainly want to thank my family and my friends, my staff and my colleagues for their tremendous support which I have received during this 4-year nightmare. And perhaps most significantly, as a result of the tremendous support I have received, our Committee on Transportation and Infrastructure has been able to be an effective committee, has been a committee which in fact, more than any other committee in the Congress, I am told, has seen 119 pieces of legislation signed into law, the largest and most productive committee of the Congress with, indeed, some historic pieces of legislation.

So I accept the findings of the committee in order to put this behind us. And most importantly I want to thank all my colleagues for their tremendous support over this period of time.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, the apologia pro vita sua we have just heard from the gentleman in the well is and represents one of the most intensely personal moments in this body; one of the most human experiences that we engage in. None of us, unless we stand in that well, as the gentleman has just done, can understand the pain and the difficulty, but also the strength of character it takes to deliver the statement the gentleman has just made, and to say "I accept the judgment." But it is characteristic of the gentleman to do so.

The gentleman has led the committee throughout all this ordeal with dignity and effectiveness. I know how pained the gentleman is over this report, but I am proud of this moment that he has taken to address his colleagues and to address the country and to address this institution, and I thank the gentleman.

Mr. SHUSTER. Reclaiming my time, Mr. Speaker, I thank my good friend, and I yield back the balance of my time.

LAS CIENEGAS NATIONAL CONSERVATION AREA IN THE STATE OF ARIZONA

The SPEAKER pro tempore (Mr. LaHood). Pursuant to House Resolution 610 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2941.

□ 1240

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2941) to establish the Las Cienegas National Conservation Area in the State of Arizona, with Mr. Quinn in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah (Mr. Hansen) and the gentleman from West Virginia (Mr. Rahall) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. Hansen).

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume, and I rise in full support of H.R. 2941, which establishes the Cienegas National Conservation Area and the Sonoita Valley Conservation Planning District in the State of Arizona. Authored by my colleague, the gentleman from Arizona (Mr. Kolbe), this legislation will ensure the future protection and use of this area.

The purpose of H.R. 2941 is to preserve the many historical, recreation, and rangeland resources of the region while also allowing for environmentally responsible grazing and recreation to continue. The planning district consists of approximately 137,000 acres of land in the Arizona counties of Pima and Santa Cruz. The conservation area on the southern end of the planning district encompasses nearly 42,000 acres of Federal public land. Both of these management prescriptions will conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique aquatic, wildlife, cave, historical, and other resources and values which allowing livestock grazing and recreation to continue.

In 1995, the Sonoita Valley Planning Partnership was formed to work on public lands issues in the Empire-Cienega Resources Conservation Area, which the BLM established in 1988. The partnership is comprised of various stakeholders, such as hiking clubs, conservation organizations, grazing and mining interests, off-highway vehicle clubs, mountain bike clubs, as well as Federal, States, and county government entities. The SVPP has developed a collaborative management plan for these lands, and the National Conservation Area designation gives this plan's objectives permanence.

The establishment of this conservation planning district and national conservation will not affect any property rights of any lands or interests in lands held by the State of Arizona, any political subdivisions of the State of Arizona, or any private landowners. In addition, reasonable access to non-federally owned lands or interest in lands within the NCA must be provided. The establishment of the National Conservation Area must also allow for multiple use, such as grazing, motorized vehicles, military overflights, and hunting.

Mr. Chairman, this bill ensures the designation of the NCA will not lead to the creation of protective perimeters or buffer zones. This bill also assures that any activity or use on lands outside the NCA are not precluded as a result of the designation. In addition, this bill directs the Secretary to develop and implement a comprehensive management plan for the long-term management of the area.

Mr. Chairman, my colleague, the gentleman from Arizona (Mr. Kolbe), deserves a lot of credit for bringing H.R. 2941 to this point. Following the initial hearing on this legislation, many concerns were raised about boundaries, private and State lands, and grazing language. After several months of negotiation with the minority and the Secretary of the Interior, he has produced legislation that is balanced and reasonable. I want to commend the gentleman from Arizona (Mr. Kolbe) for his patience and hard work. This is a worthy piece of legislation, and I strongly urge my colleagues to support H.R. 2941.

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. Pastor), a member of the powerful Committee on Appropriations.

Mr. PASTOR. Mr. Chairman, I rise to support this legislation, which I have cosponsored and is of tremendous importance to Arizona maintenance.

I appreciate the efforts of the chairman of the Committee on Resources, the gentleman from Alaska (Mr. Young); and the ranking member, the gentleman from California (Mr.

GEORGE MILLER); as well as the subcommittee chairman, the gentleman from Utah (Mr. HANSEN); and my dear friend, the gentleman from West Virginia (Mr. RAHALL), for moving this legislation.

As my colleagues know, this legislation will designate approximately 206,000 acres of land within Pima, Cochise, and Santa Cruz Counties as a National Conservation Area. I represent the area of the designation within Santa Cruz County. I believe, as do many others within Arizona, that it is important for this area to be designated a National Conservation Area.

☐ 1245

This designation would allow for the local people to continue their involvement in the use and preservation of this area by having a say in the important management plan to be developed by the Secretary of Interior.

In 1988, the Empire-Cienegas Resources Conservation Area was established by the Bureau of Land Management. In 1995, in order to address and work on land issues within the Conservation Area, a diverse and caring group of citizens formed the Sonoita Valley Planning Partnership. Virtually every group with an interest in the use and conservation of the area was included in the Partnership.

Conservation organizations have continued to have a say in how this land should be used and protected. Hiking clubs address the needs of the area both in the recreational activities and preservation. Off-highway vehicle clubs and mountain biking clubs have explored ways to use this land while protecting its pristine value and not spoiling it for wildlife and for plant species.

Ranchers have joined the Partnership to best explain how the land can be used for grazing without having a detrimental impact on the environment. Mining companies continue to work within the Partnership in hopes of ensuring an area will be preserved for recreation, wildlife, and beauty.

Finally, State, Federal, and local governments have been included to address the needs of their constituents which are not part of other groups.

Mr. Chairman, I commend the Sonoita Valley Planning Partnership for having developed a management plan for these lands. By Congress designating Las Cienegas as a National Conservation Area, we will give a permanence to the bold and innovative plan that the Partnership has developed. In fact, the management plan is the core of this National Conservation Area designation. In simple terms, it is a plan by local people for local lands.

Mr. Chairman, while there are many details to this legislation, it is important to point out that this bill would preserve a significant amount of land from Tucson to Mexico. It would create a biological corridor that is necessary for the long-term survival of several species that move within the designated area, not to mention protecting a diverse cross-section of plants. It would also sustain a long-term riparian area along two southern Arizona perennial streams.

In closing, Mr. Chairman, we all know there are several options for protecting this land. After looking at all the alternatives, I support the approach of the gentleman from Arizona (Mr. KOLBE) of the Sonoita Valley Planning Partnership as the best alternative to maintaining and preserving this area. By designating this area as a National Conservation Area, we are taking a practical and meaningful approach toward preserving our environment in southeastern Arizona.

I urge my colleagues to support this important legislation.

Mr. HANSEN. Mr. Chairman, I am happy to yield such time as he may consume to the author of this legislation, the gentleman from Arizona (Mr. KOLBE), who has done such an outstanding job on this legislation.

Mr. KOLBE. Mr. Chairman, I thank the gentleman from Utah (Mr. HANSEN) for yielding me the time.

Mr. Chairman, to paraphrase Winston Churchill, consideration of H.R. 2941 marks not the beginning of the end for this legislation, but rather the end of the beginning.

I say that because this is the culmination of 5 years of work by the people who live and work in the area, but its enactment will mark the beginning of an effort to preserve 143,000 acres of land so that future generations can enjoy Arizona's great western heritage, ranching, outdoor recreation and vast open spaces of desert filled with wildlife.

This bill establishes the Las Cienegas National Conservation Area. Mr. Chairman, for the benefit of my colleagues, "Las Cienegas" means "the marshes," something we do not normally associate with Arizona. And yet this river bottom, this watershed is indeed one of the spectacular areas of marshes and bogs.

The legislation will ensure that a land management plan is developed that is consistent with local needs and interests. Besides grazing and recreation, other authorized uses of the lands and the NCA include motorized vehicles on specified roads and trails, continued military overflights, and hunting in accordance with State law.

However, future mineral leases are prohibited. The management plan of this NCA must be based on the local partnership's land use plan that has been collaborative in nature. The plan must include educational programs as well as the strategies for management of wildlife, cultural resources, and cave resources.

The bill also protects private property rights and it ensures access to private and other non-Federal properties within the NCA boundary.

This legislation reflects, I believe, a balanced approach to land management that recreation, hunting and ranching can coexist with the Sonoran desert ecosystem. Several perspectives have been brought to the table during the 5 years that this vision has been molded into its current shape, and the gentleman from Utah (Mr. HANSEN) alluded to some of that.

The interest of hiking clubs, of conservation groups, of grazing permittees, of mountain bike clubs, as well as State and county governments have all been intricately involved and interwoven in this consensus building process.

The bill does indeed, as a result, have very broad support. Both counties affected by this bill have passed unanimous bipartisan resolutions of support. It has shown to have bipartisan support here in the House of Representatives. It has support from the Department of Army and the very nearby Fort Huachuca. It has support of the City of Tucson and support of the Empire Ranch Foundation, of environmental organizations, of the Arizona and Pima Trail Associations, of the Southern Arizona Mountain Bike Association, of the Green Valley Hiking Club. And today, just this morning, I am pleased to say that the Governor of the State of Arizona has just faxed us a letter of her support.

Yes, it even has the support of developers.

The bill establishes a 142,800 acres Sonoita Valley Acquisition Planning District, which includes the 42,000 acres Las Cienegas National Conservation Area.

The goal of this acquisition planning district is to give the Secretary of the Interior the authority to reach a consensual agreement with the Governor of Arizona to acquire the State lands and prevent urban sprawl in the region.

This is a one-way street, however. The Secretary of Interior has to try to negotiate and coordinate with the State, but the State must weigh its options and decide whether this would be beneficial for them. If the State or other non-Federal landowners decide not to participate in this vision, this legislation does not prevent them from doing anything that would be allowed today on that land. It simply provides another option to the State as the major landholder within this acquisition planning area.

Also, let me point out that there are no private lands within the NCA boundary, and non-Federal land within the acquisition planning district could become a part of the National Conservation Area only if they are acquired from a willing seller or if a conservation easement is purchased by the Bureau of Land Management.

Mr. Chairman, I am proud to be here today representing the people of southeastern Arizona on the development of this legislation. They have made a very conscious effort to work with their neighbors, to understand the differing interests, the competing interests that are included in this bill, and to come up with a plan that meets everyone's needs.

Lastly, I would like to take this opportunity to express my thanks and appreciation to the multitude of people who have helped us to get to this point. Many people have put their heart and soul into this bill.

I think of Luther Propst and Mary Vint with the Sonoran Institute; John and Mac Donaldson and John McDonald with the Empire Ranch, and I only wish, I might add, that I could give them some rain right now for their cattle and their feed; of Sheldon Clark, Peter Backus; Supervisors Ray Carroll of Pima County and Ron Morriss of Santa Cruz County; Arizona Game & Fish Commissioner Joe Carter; and Jesse Juen and Laurie Sedlmayr with the Bureau of Land Management.

I also commend Governor Hull and her staff for their valuable contributions to the legislation. I especially want to thank my colleague, the gentleman from Arizona (Mr. PASTOR), for his consistent support. Lisa Daly with Legislative Counsel has to be commended for dealing with my staff's constant pestering and pleasantly and competently dealing with the seemingly never-ending changes to the bill.

Finally, I thank my own staff in Arizona: Kay McLoughlin, Bernadette Polley. And as a witness to just how long this has been going on, I express my thanks also to Melinda Carrell, who retired more than a year ago, not, I might add, because of this bill, but played an instrumental role in developing this legislation.

Without the dedicated work of Kevin Messner, who is with me on the floor today, giving birth to this bill countless times, negotiating improvements, and maneuvering through mine fields, we would not be here on the floor with this bill today.

And finally, last but not least, let me also thank the gentleman from Utah (Mr. HANSEN), the chairman of subcommittee; Allen Freemyer from the majority staff; and Rick Healy from the minority staff for their invaluable input for bringing us here. These folks have been invaluable in this effort. I give my heartfelt thanks to them and say this is what I think the legislative process ought to be about.

I urge my colleagues to vote in favor of a 5-year bipartisan, multi-interest compromise that is being asked for by the people, and I can say virtually all the people, of southern Arizona.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply want to commend and congratulate the gentleman from Arizona (Mr. KOLBE) for the manner in which he has moved this legislation, as well as the subcommittee chairman, the gentleman from Utah (Mr. HANSEN).

At the appropriate time, I will submit the statement of the ranking member, the gentleman from California (Mr. GEORGE MILLER) for the RECORD.

We support the revised bill.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Arizona (Mr. KOLBE) for the excellent presentation that he just gave us concerning this piece of legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, H.R. 2941, introduced by Mr. KOLBE, would establish a new national conservation area (NCA) in southeastern Arizona, near Tucson. The area consists of hills, grasslands and marshes along a stretch of Cienega Creek. Left unaddressed, this area is likely to succumb to urban sprawl.

At the hearing on H.R. 2941, Interior Secretary Babbitt testified in general support a conservation designation for the area. However, there were a significant number of problems with the language of the bill that the Secretary and others elaborated on.

Between the hearing and mark up of the legislation there were discussions among the majority and minority staffs, as well as BLM staff and the bill sponsor on changes that could be made to the bill to make it an acceptable proposal.

We appreciate the fact that the bill reported by the Resources Committee made many positive changes to the bill. However, in one instance the reported bill represented a step backward rather than a step forward.

We did not support the language in the Committee bill as it pertains to grazing. This language had the effect of according grazing a higher status than it has under current law. While the revised bill had many good features to it, on grazing it fell short.

I am pleased that the version of the bill made in order today under the Rule includes provisions that address the problem with the grazing language of the Committee-reported bill. The new language provides for environmentally sustainable grazing on appropriate lands within the conservation area. As such, this language will be consistent with the protection of the important resource values of the area.

Mr. Chairman, I appreciate the work of Representative KOLBE and his staff in addressing this important matter. I will be supporting H.R. 2941 with this new language and urge my colleagues to do likewise.

Mr. HANSEN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

In lieu of the amendment recommended by the Committee on Resources printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following new text:

SECTION 1. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) CONSERVATION AREA.—The term "Conservation Area" means the Las Cienegas National Conservation Area established by section 4(a).

(2) ACQUISITION PLANNING DISTRICT.—The term "Acquisition Planning District" means the Sonoita Valley Acquisition Planning District established by section 2(a).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Conservation Area.

(4) PUBLIC LANDS.—The term "public lands" has the meaning given the term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)), except that such term shall not include interest in lands not owned by the United States.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 2. ESTABLISHMENT OF THE SONOITA VALLEY ACQUISITION PLANNING DISTRICT.

(a) IN GENERAL.—In order to provide for future acquisitions of important conservation land within the Sonoita Valley region of the State of Arizona, there is hereby established the Sonoita Valley Acquisition Planning District.

(b) AREAS INCLUDED.—The Acquisition Planning District shall consist of approximately 142,800 acres of land in the Arizona counties of Pima and Santa Cruz, including the Conservation Area, as generally depicted on the map entitled "Sonoita Valley Acquisition Planning District and Las Cienegas National Conservation Area" and dated October 2, 2000.

(c) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Acquisition Planning District. In case of a conflict between the map referred to in subsection (b) and the map and legal description submitted by the Secretary, the map referred to in subsection (b) shall control. The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, and in the appropriate office of the Bureau of Land Management in Arizona.

SEC. 3. PURPOSES OF THE ACQUISITION PLANNING DISTRICT.

(a) IN GENERAL.—The Secretary shall negotiate with land owners for the acquisition of lands and interest in lands suitable for Conservation Area expansion that meet the purposes described in section 4(a). The Secretary shall only acquire property under this Act pursuant to section 7.

(b) FEDERAL LANDS.—The Secretary, through the Bureau of Land Management, shall administer the public lands within the Acquisition Planning District pursuant to this Act and the applicable provisions of the

Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), subject to valid existing rights, and in accordance with the management plan. Such public lands shall become part of the Conservation Area when they become contiguous with the Conservation Area.

(c) Fish and Wildlife.—Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Arizona with respect to fish and wildlife within the Acquisition Planning District.

(d) Protection of State and Private Lands and Interests.—Nothing in this Act shall be construed as affecting any property rights or management authority with regard to any lands or interest in lands held by the State of Arizona, any political subdivision of the State of Arizona, or any private property rights within the boundaries of the Acquisition Planning District.

(e) Public Lands.—Nothing in this Act shall be construed as in any way diminishing the Secretary's or the Bureau of Land Management's authorities, rights, or responsibilities for managing the public lands within the Acquisition Planning District.

(f) Coordinated Management.—The Secretary shall coordinate the management of the public lands within the Acquisition Planning District with that of surrounding county, State, and private lands consistent with the provisions of subsection (d).

SEC. 4. ESTABLISHMENT OF THE LAS CIENEGAS NATIONAL CONSERVATION AREA.

(a) In General.—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important aquatic, wildlife, vegetative, archaeological, paleontological, scientific, cave, cultural, historical, recreational, educational, scenic, rangeland, and riparian resources and values of the public lands described in subsection (b) while allowing livestock grazing and recreation to continue in appropriate areas, there is hereby established the Las Cienegas National Conservation Area in the State of Arizona.

(b) Areas Included.—The Conservation Area shall consist of approximately 42,000 acres of public lands in the Arizona counties of Pima and Santa Cruz, as generally depicted on the map entitled "Sonoita Valley Acquisition Planning District and Las Cienegas National Conservation Area" and dated October 2, 2000.

(c) Maps and Legal Description.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area. In case of a conflict between the map referred to in subsection (b) and the map and legal description submitted by the Secretary, the map referred to in subsection (b) shall control. The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, and in the appropriate office of the Bureau of Land Management in Arizona.

(d) Forest Lands.—Any lands included in the Coronado National Forest that are located within the boundaries of the Conservation Area shall be considered to be a part of the Conservation Area. The Secretary of Agriculture shall revise the boundaries of the Coronado National Forest to reflect the exclusion of such lands from the Coronado National Forest.

SEC. 5. MANAGEMENT OF THE LAS CIENEGAS NATIONAL CONSERVATION AREA.

(a) In General.—The Secretary shall manage the Conservation Area in a manner that conserves, protects, and enhances its resources and values, including the resources and values specified in section 4(a), pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this Act.

(b) Uses.—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established as set forth in section 4(a).

(c) Grazing.—The Secretary of the Interior shall permit grazing subject to all applicable laws, regulations, and Executive Orders consistent with the purposes of this Act.

(d) Motorized Vehicles.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles on public lands in the Conservation Area shall be allowed only—

(1) before the effective date of a management plan prepared pursuant to section 6, on roads and trails designated for use of motorized vehicles in the management plan that applies on the date of the enactment of this Act; and

(2) after the effective date of a management plan prepared pursuant to section 6, on roads and trails designated for use of motor vehicles in that management plan.

(e) Military Airspace.—Prior to the date of the enactment of this Act the Federal Aviation Administration approved restricted military airspace (Areas 2303A and 2303B) which covers portions of the Conservation Area. Designation of the Conservation Area shall not impact or impose any altitude, flight, or other airspace restrictions on current or future military operations or missions. Should the military require additional or modified airspace in the future, the Congress does not intend for the designation of the Conservation Area to impede the military from petitioning the Federal Aviation Administration to change or expand existing restricted military airspace.

(f) Access to State and Private Lands.—Nothing in this Act shall affect valid existing rights-of-way within the Conservation Area. The Secretary shall provide reasonable access to nonfederally owned lands or interest in lands within the boundaries of the Conservation Area.

(g) Hunting.—Hunting shall be allowed within the Conservation Area in accordance with applicable laws and regulations of the United States and the State of Arizona, except that the Secretary, after consultation with the Arizona State wildlife management agency, may issue regulations designating zones where and establishing periods when no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(h) Preventative Measures.—Nothing in this Act shall preclude such measures as the Secretary determines necessary to prevent devastating fire or infestation of insects or disease within the Conservation Area.

(i) No Buffer Zones.—The establishment of the Conservation Area shall not lead to the creation of protective perimeters or buffer zones around the Conservation Area. The fact that there may be activities or uses on lands outside the Conservation Area that would not be permitted in the Conservation Area shall not preclude such activities or uses on such lands up to the boundary of the Conservation Area consistent with other applicable laws.

(j) Withdrawals.—Subject to valid existing rights all Federal lands within the Conservation Area and all lands and interest therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws and from location, entry, and patent under the mining laws, and from operation of the mineral leasing and geothermal leasing laws and all amendments thereto.

SEC. 6. MANAGEMENT PLAN.

(a) Plan Required.—Not later than 2 years after the date of the enactment of this Act, the Secretary, through the Bureau of Land Management, shall develop and begin to implement a comprehensive management plan for the long-term management of the public lands within the Conservation Area in order to fulfill the purposes for which it is established, as set forth in section 4(a). Consistent with the provisions of this Act, the management plan shall be developed—

(1) in consultation with appropriate departments of the State of Arizona, including wildlife and land management agencies, with full public participation;

(2) from the draft Empire-Cienega Ecosystem Management Plan/EIS, dated October 2000, as it applies to Federal lands or lands with conservation easements; and

(3) in accordance with the resource goals and objectives developed through the Sonoita Valley Planning Partnership process as incorporated in the draft Empire-Cienega Ecosystem Management Plan/EIS, dated October 2000, giving full consideration to the management alternative preferred by the Sonoita Valley Planning Partnership, as it applies to Federal lands or lands with conservation easements.

(b) Contents.—The management plan shall include—

(1) provisions designed to ensure the protection of the resources and values described in section 4(a);

(2) an implementation plan for a continuing program of interpretation and public education about the resources and values of the Conservation Area;

(3) a proposal for minimal administrative and public facilities to be developed or improved at a level compatible with achieving the resource objectives for the Conservation Area and with the other proposed management activities to accommodate visitors to the Conservation Area;

(4) cultural resources management strategies for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona, with emphasis on the preservation of the resources of the Conservation Area and the interpretive, educational, and long-term scientific uses of these resources, giving priority to the enforcement of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Conservation Area;

(5) wildlife management strategies for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona and using previous studies of the Conservation Area;

(6) production livestock grazing management strategies, prepared in consultation with appropriate departments of the State of Arizona;

(7) provisions designed to ensure the protection of environmentally sustainable livestock use on appropriate lands within the Conservation Area;

(8) recreation management strategies, including motorized and nonmotorized dispersed recreation opportunities for the Conservation Area, prepared in consultation

with appropriate departments of the State of Arizona;

(9) cave resources management strategies prepared in compliance with the goals and objectives of the Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 et seq.); and

(10) provisions designed to ensure that if a road or trail located on public lands within the Conservation Area, or any portion of such a road or trail, is removed, consideration shall be given to providing similar alternative access to the portion of the Conservation Area serviced by such removed road or trail.

(c) Cooperative Agreements.—In order to better implement the management plan, the Secretary may enter into cooperative agreements with appropriate Federal, State, and local agencies pursuant to section 307(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(b)).

(d) Research Activities.—In order to assist in the development and implementation of the management plan, the Secretary may authorize appropriate research, including research concerning the environmental, biological, hydrological, cultural, agricultural, recreational, and other characteristics, resources, and values of the Conservation Area, pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)).

SEC. 7. LAND ACQUISITION.

(a) In General.—

(1) Priority to conservation easements.—In acquiring lands or interest in lands under this section, the Secretary shall give priority to such acquisitions in the form of conservation easements.

(2) Private lands.—The Secretary is authorized to acquire privately held lands or interest in lands within the boundaries of the Acquisition Planning District only from a willing seller through donation, exchange, or purchase.

(3) County lands.—The Secretary is authorized to acquire county lands or interest in lands within the boundaries of the Acquisition Planning District only with the consent of the county through donation, exchange, or purchase.

(4) State lands.—

(A) In general.—The Secretary is authorized to acquire lands or interest in lands owned by the State of Arizona located within the boundaries of the Acquisition Planning District only with the consent of the State and in accordance with State law, by donation, exchange, purchase, or eminent domain.

(B) Sunset of authority to acquire by eminent domain.—The authority to acquire State lands under subparagraph (A) shall expire 10 years after the date of the enactment of this Act.

(C) Consideration.—As consideration for the acquisitions by the United States of lands or interest in lands under this paragraph, the Secretary shall pay fair market value for such lands or shall convey to the State of Arizona all or some interest in Federal lands (including buildings and other improvements on such lands or other Federal property other than real property) or any other asset of equal value within the State of Arizona.

(D) Transfer of jurisdiction.—All Federal agencies are authorized to transfer jurisdiction of Federal lands or interest in lands (including buildings and other improvements on such lands or other Federal property other than real property) or any other asset within the State of Arizona to the Bureau of Land Management for the purpose of acquiring lands or interest in lands as provided for in this paragraph.

(b) Management of Acquired Lands.—Lands acquired under this section shall, upon acquisition, become part of the Conservation Area and shall be administered as part of the Conservation Area. These lands shall be managed in accordance with this Act, other applicable laws, and the management plan.

SEC. 8. REPORTS TO CONGRESS.

(a) Protection of Certain Lands.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the most effective measures to protect the lands north of the Acquisition Planning District within the Rincon Valley, Colossal Cave area, and Agua Verde Creek corridor north of Interstate 10 to provide an ecological link to Saguaro National Park and the Rincon Mountains and contribute to local government conservation priorities.

(b) Implementation of This Act.—Not later than 5 years after the date of the enactment of this Act, and at least at the end of every 10-year period thereafter, the Secretary shall submit to Congress a report describing the implementation of this Act, the condition of the resources and values of the Conservation Area, and the progress of the Secretary in achieving the purposes for which the Conservation Area is established as set forth in section 4(a).

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the Congressional Record. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kolbe:

Page 14, beginning on line 2, strike "by donation, exchange, purchase, or eminent domain" and insert "by donation, exchange, or purchase".

Page 14, strike lines 4 through 8.

Page 14, line 9, strike "(C)" and insert "(B)".

Page 14, line 19, strike "(D)" and insert "(C)".

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. KOLBE. Mr. Chairman, just very briefly, this represents the last piece of the compromise on this legislation. After discussions at the last hour last night with the Secretary of Interior, we have agreed to remove the provision providing for any eminent domain provisions in the legislation.

If Arizona adopts a constitutional change this year, the provisions dealing with sale or exchange will still be valid, but we have removed the eminent domain. And this amendment accomplishes that.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, we have examined the amendment to the amendment in the nature of a substitute and we feel it is a good amendment, and we would accept it.

Mr. Chairman, I include for the Record the following letter and attachment from the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, October 5, 2000.

Hon. Don Young,
Chairman, Committee on Resources,
U.S. House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2941, a bill to establish the Las Cienegas National Conservation Area in the State of Arizona.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll, who can be reached at 226-2860.

Sincerely,

Barry B. Anderson
(For Dan L. Crippen, Director).

Enclosure.

H.R. 2941—A bill to establish the Las Cienegas National Conservation Area in the state of Arizona

As reported by the House Committee on Resources on October 4, 2000

CBO estimates that H.R. 2941 would have no significant impact on the federal budget. The bill could affect direct spending (including offsetting receipts); therefore, pay-as-you-go procedures would apply, but we estimate that any such impacts would be less than $500,000 in any given year.

H.R. 2941 would establish the Sonoita Valley Conservation Planning District on 136,900 acres of land in Arizona. The bill would authorize the Secretary of the Interior to establish and operate an advisory council for 10 years to assist the Secretary in managing public lands within the proposed district. Within the district, H.R. 2941 also would establish the Las Cienegas National Conservation Area on 42,000 acres of federal lands and would specify requirements for managing those lands. The bill would direct the Secretary to prepare a management plan for the area and would authorize the Secretary to acquire, through purchase or exchange, nonfederal lands within its boundaries. Subject to valid existing rights, H.R. 2941 would withdraw federal lands within the conservation area from mining and from mineral and geothermal leasing and development. Finally, H.R. 2941 would require the Secretary to report to the Congress on activities within the proposed planning district and conservation area.

Based on information from the Bureau of Land Management (BLM), CBO estimates that implementing this legislation would cost about $500,000 annually, assuming appropriation of the necessary sums. That estimate includes the estimated costs of establishing and managing the proposed district and conservation area, operating the advisory council, updating an existing management plan, and preparing the required reports.

Withdrawing lands within the proposed conservation area from mining and from mineral and geothermal leasing and development could result in forgone offsetting receipts from those lands if, under current law, the land would generate receipts from those activities. According to BLM, however, those lands currently generate no significant receipts from such activities, and the agency does not expect them to generate significant receipts over the next 10 years. CBO estimates that any forgone receipts that might result under this provision would total less than $500,000 a year.

H.R. 2941 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any significant costs incurred by state, local, or tribal governments would result from voluntary decisions to participate in managing the areas affected by this bill.

The CBO staff contact for this estimate is Megan Carroll, who can be reached at 226-2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. KOLBE).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments? If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHUGH) having assumed the chair, Mr. QUINN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2941) to establish the Las Cienegas National Conservation Area in the State of Arizona, pursuant to House Resolution 610, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

□ 1300

The SPEAKER pro tempore (Mr. MCHUGH). Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2941, the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

CONFERENCE REPORT ON H.R. 3244, VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000

Mr. SMITH of New Jersey submitted the following conference report and statement on the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking:

CONFERENCE REPORT (H. REPT. 106-939)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3244), an Act to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Victims of Trafficking and Violence Protection Act of 2000".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions, as follows:

(1) DIVISION A.—Trafficking Victims Protection Act of 2000.

(2) DIVISION B.—Violence Against Women Act of 2000.

(3) DIVISION C.—Miscellaneous Provisions.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Sec. 101. Short title.
Sec. 102. Purposes and findings.
Sec. 103. Definitions.
Sec. 104. Annual Country Reports on Human Rights Practices.
Sec. 105. Interagency Task Force To Monitor and Combat Trafficking.
Sec. 106. Prevention of trafficking.
Sec. 107. Protection and assistance for victims of trafficking.
Sec. 108. Minimum standards for the elimination of trafficking.
Sec. 109. Assistance to foreign countries to meet minimum standards.
Sec. 110. Actions against governments failing to meet minimum standards.
Sec. 111. Actions against significant traffickers in persons.
Sec. 112. Strengthening prosecution and punishment of traffickers.
Sec. 113. Authorizations of appropriations.

DIVISION B—VIOLENCE AGAINST WOMEN ACT OF 2000

Sec. 1001. Short title.
Sec. 1002. Definitions.
Sec. 1003. Accountability and oversight.

TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

Sec. 1101. Full faith and credit enforcement of protection orders.
Sec. 1102. Role of courts.
Sec. 1103. Reauthorization of STOP grants.
Sec. 1104. Reauthorization of grants to encourage arrest policies.
Sec. 1105. Reauthorization of rural domestic violence and child abuse enforcement grants.
Sec. 1106. National stalker and domestic violence reduction.
Sec. 1107. Amendments to domestic violence and stalking offenses.
Sec. 1108. School and campus security.
Sec. 1109. Dating violence.

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

Sec. 1201. Legal assistance for victims.
Sec. 1202. Shelter services for battered women and children.
Sec. 1203. Transitional housing assistance for victims of domestic violence.
Sec. 1204. National domestic violence hotline.
Sec. 1205. Federal victims counselors.
Sec. 1206. Study of State laws regarding insurance discrimination against victims of violence against women.
Sec. 1207. Study of workplace effects from violence against women.
Sec. 1208. Study of unemployment compensation for victims of violence against women.
Sec. 1209. Enhancing protections for older and disabled women from domestic violence and sexual assault.

TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

Sec. 1301. Safe havens for children pilot program.
Sec. 1302. Reauthorization of victims of child abuse programs.
Sec. 1303. Report on effects of parental kidnapping laws in domestic violence cases.

TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN

Sec. 1401. Rape prevention and education.
Sec. 1402. Education and training to end violence against and abuse of women with disabilities.
Sec. 1403. Community initiatives.
Sec. 1404. Development of research agenda identified by the Violence Against Women Act of 1994.
Sec. 1405. Standards, practice, and training for sexual assault forensic examinations.

Sec. 1406. Education and training for judges and court personnel.
Sec. 1407. Domestic Violence Task Force.

TITLE V—BATTERED IMMIGRANT WOMEN

Sec. 1501. Short title.
Sec. 1502. Findings and purposes.
Sec. 1503. Improved access to immigration protections of the Violence Against Women Act of 1994 for battered immigrant women.
Sec. 1504. Improved access to cancellation of removal and suspension of deportation under the Violence Against Women Act of 1994.
Sec. 1505. Offering equal access to immigration protections of the Violence Against Women Act of 1994 for all qualified battered immigrant self-petitioners.
Sec. 1506. Restoring immigration protections under the Violence Against Women Act of 1994.
Sec. 1507. Remedying problems with implementation of the immigration provisions of the Violence Against Women Act of 1994.
Sec. 1508. Technical correction to qualified alien definition for battered immigrants.
Sec. 1509. Access to Cuban Adjustment Act for battered immigrant spouses and children.
Sec. 1510. Access to the Nicaraguan Adjustment and Central American Relief Act for battered spouses and children.
Sec. 1511. Access to the Haitian Refugee Fairness Act of 1998 for battered spouses and children.
Sec. 1512. Access to services and legal representation for battered immigrants.
Sec. 1513. Protection for certain crime victims including victims of crimes against women.

TITLE VI—MISCELLANEOUS

Sec. 1601. Notice requirements for sexually violent offenders.
Sec. 1602. Teen suicide prevention study.
Sec. 1603. Decade of pain control and research.

DIVISION C—MISCELLANEOUS PROVISIONS

Sec. 2001. Aimee's law.
Sec. 2002. Payment of anti-terrorism judgments.
Sec. 2003. Aid to victims of terrorism.
Sec. 2004. Twenty-first century amendment.

DIVISION A—TRAFFICKING VICTIMS PROTECTION ACT OF 2000

SEC. 101. SHORT TITLE.

This division may be cited as the "Trafficking Victims Protection Act of 2000".

SEC. 102. PURPOSES AND FINDINGS.

(a) PURPOSES.—The purposes of this division are to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.

(b) FINDINGS.—Congress finds that:

(1) As the 21st century begins, the degrading institution of slavery continues throughout the world. Trafficking in persons is a modern form of slavery, and it is the largest manifestation of slavery today. At least 700,000 persons annually, primarily women and children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year.

(2) Many of these persons are trafficked into the international sex trade, often by force, fraud, or coercion. The sex industry has rapidly expanded over the past several decades. It involves sexual exploitation of persons, predominantly women and girls, involving activities related to prostitution, pornography, sex tourism, and other commercial sexual services. The low status of women in many parts of the world has contributed to a burgeoning of the trafficking industry.

(3) Trafficking in persons is not limited to the sex industry. This growing transnational crime also includes forced labor and involves significant violations of labor, public health, and human rights standards worldwide.

(4) Traffickers primarily target women and girls, who are disproportionately affected by poverty, the lack of access to education, chronic unemployment, discrimination, and the lack of economic opportunities in countries of origin. Traffickers lure women and girls into their networks through false promises of decent working conditions at relatively good pay as nannies, maids, dancers, factory workers, restaurant workers, sales clerks, or models. Traffickers also buy children from poor families and sell them into prostitution or into various types of forced or bonded labor.

(5) Traffickers often transport victims from their home communities to unfamiliar destinations, including foreign countries away from family and friends, religious institutions, and other sources of protection and support, leaving the victims defenseless and vulnerable.

(6) Victims are often forced through physical violence to engage in sex acts or perform slavery-like labor. Such force includes rape and other forms of sexual abuse, torture, starvation, imprisonment, threats, psychological abuse, and coercion.

(7) Traffickers often make representations to their victims that physical harm may occur to them or others should the victim escape or attempt to escape. Such representations can have the same coercive effects on victims as direct threats to inflict such harm.

(8) Trafficking in persons is increasingly perpetrated by organized, sophisticated criminal enterprises. Such trafficking is the fastest growing source of profits for organized criminal enterprises worldwide. Profits from the trafficking industry contribute to the expansion of organized crime in the United States and worldwide. Trafficking in persons is often aided by official corruption in countries of origin, transit, and destination, thereby threatening the rule of law.

(9) Trafficking includes all the elements of the crime of forcible rape when it involves the involuntary participation of another person in sex acts by means of fraud, force, or coercion.

(10) Trafficking also involves violations of other laws, including labor and immigration codes and laws against kidnapping, slavery, false imprisonment, assault, battery, pandering, fraud, and extortion.

(11) Trafficking exposes victims to serious health risks. Women and children trafficked in the sex industry are exposed to deadly diseases, including HIV and AIDS. Trafficking victims are sometimes worked or physically brutalized to death.

(12) Trafficking in persons substantially affects interstate and foreign commerce. Trafficking for such purposes as involuntary servitude, peonage, and other forms of forced labor has an impact on the nationwide employment network and labor market. Within the context of slavery, servitude, and labor or services which are obtained or maintained through coercive conduct that amounts to a condition of servitude, victims are subjected to a range of violations.

(13) Involuntary servitude statutes are intended to reach cases in which persons are held in a condition of servitude through nonviolent coercion. In United States v. Kozminski, 487 U.S. 931 (1988), the Supreme Court found that section 1584 of title 18, United States Code, should be narrowly interpreted, absent a definition of involuntary servitude by Congress. As a result, that section was interpreted to criminalize only servitude that is brought about through use or threatened use of physical or legal coercion, and to exclude other conduct that can have the same purpose and effect.

(14) Existing legislation and law enforcement in the United States and other countries are inadequate to deter trafficking and bring traffickers to justice, failing to reflect the gravity of the offenses involved. No comprehensive law exists in the United States that penalizes the range of offenses involved in the trafficking scheme. Instead, even the most brutal instances of trafficking in the sex industry are often punished under laws that also apply to lesser offenses, so that traffickers typically escape deserved punishment.

(15) In the United States, the seriousness of this crime and its components is not reflected in current sentencing guidelines, resulting in weak penalties for convicted traffickers.

(16) In some countries, enforcement against traffickers is also hindered by official indifference, by corruption, and sometimes even by official participation in trafficking.

(17) Existing laws often fail to protect victims of trafficking, and because victims are often illegal immigrants in the destination country, they are repeatedly punished more harshly than the traffickers themselves.

(18) Additionally, adequate services and facilities do not exist to meet victims' needs regarding health care, housing, education, and legal assistance, which safely reintegrate trafficking victims into their home countries.

(19) Victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked, such as using false documents, entering the country without documentation, or working without documentation.

(20) Because victims of trafficking are frequently unfamiliar with the laws, cultures, and languages of the countries into which they have been trafficked, because they are often subjected to coercion and intimidation including physical detention and debt bondage, and because they often fear retribution and forcible removal to countries in which they will face retribution or other hardship, these victims often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of such crimes.

(21) Trafficking of persons is an evil requiring concerted and vigorous action by countries of origin, transit or destination, and by international organizations.

(22) One of the founding documents of the United States, the Declaration of Independence, recognizes the inherent dignity and worth of all people. It states that all men are created equal and that they are endowed by their Creator with certain unalienable rights. The right to be free from slavery and involuntary servitude is among those unalienable rights. Acknowledging this fact, the United States outlawed slavery and involuntary servitude in 1865, recognizing them as evil institutions that must be abolished. Current practices of sexual slavery and trafficking of women and children are similarly abhorrent to the principles upon which the United States was founded.

(23) The United States and the international community agree that trafficking in persons involves grave violations of human rights and is a matter of pressing international concern. The international community has repeatedly condemned slavery and involuntary servitude, violence against women, and other elements of trafficking, through declarations, treaties, and United Nations resolutions and reports, including the Universal Declaration of Human Rights;

the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the 1948 American Declaration on the Rights and Duties of Man; the 1957 Abolition of Forced Labor Convention; the International Covenant on Civil and Political Rights; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; United Nations General Assembly Resolutions 50/167, 51/66, and 52/98; the Final Report of the World Congress against Sexual Exploitation of Children (Stockholm, 1996); the Fourth World Conference on Women (Beijing, 1995); and the 1991 Moscow Document of the Organization for Security and Cooperation in Europe.

(24) Trafficking in persons is a transnational crime with national implications. To deter international trafficking and bring its perpetrators to justice, nations including the United States must recognize that trafficking is a serious offense. This is done by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting rather than punishing the victims of such offenses. The United States must work bilaterally and multilaterally to abolish the trafficking industry by taking steps to promote cooperation among countries linked together by international trafficking routes. The United States must also urge the international community to take strong action in multilateral fora to engage recalcitrant countries in serious and sustained efforts to eliminate trafficking and protect trafficking victims.

SEC. 103. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives.

(2) COERCION.—The term "coercion" means—

(A) threats of serious harm to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

(C) the abuse or threatened abuse of the legal process.

(3) COMMERCIAL SEX ACT.—The term "commercial sex act" means any sex act on account of which anything of value is given to or received by any person.

(4) DEBT BONDAGE.—The term "debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

(5) INVOLUNTARY SERVITUDE.—The term "involuntary servitude" includes a condition of servitude induced by means of—

(A) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint, or

(B) the abuse or threatened abuse of the legal process.

(6) MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.—The term "minimum standards for the elimination of trafficking" means the standards set forth in section 108.

(7) NONHUMANITARIAN, NONTRADE-RELATED FOREIGN ASSISTANCE.—The term "nonhumanitarian, nontrade-related foreign assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961, other than—

(i) assistance under chapter 4 of part II of that Act that is made available for any program, project, or activity eligible for assistance under chapter 1 of part I of that Act;

(ii) assistance under chapter 8 of part I of that Act;

(iii) any other narcotics-related assistance under part I of that Act or under chapter 4 or 5 part II of that Act, but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of that Act;

(iv) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(v) antiterrorism assistance under chapter 8 of part II of that Act;

(vi) assistance for refugees;

(vii) humanitarian and other development assistance in support of programs of nongovernmental organizations under chapters 1 and 10 of that Act;

(viii) programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation; and

(ix) other programs involving trade-related or humanitarian assistance; and

(B) sales, or financing on any terms, under the Arms Export Control Act, other than sales or financing provided for narcotics-related purposes following notification in accordance with the prior notification procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of 1961.

(8) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term "severe forms of trafficking in persons" means—

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(9) SEX TRAFFICKING.—The term "sex trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

(10) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and territories and possessions of the United States.

(11) TASK FORCE.—The term "Task Force" means the Interagency Task Force to Monitor and Combat Trafficking established under section 105.

(12) UNITED STATES.—The term "United States" means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

(13) VICTIM OF A SEVERE FORM OF TRAFFICKING.—The term "victim of a severe form of trafficking" means a person subject to an act or practice described in paragraph (8).

(14) VICTIM OF TRAFFICKING.—The term "victim of trafficking" means a person subjected to an act or practice described in paragraph (8) or (9).

SEC. 104. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

(a) COUNTRIES RECEIVING ECONOMIC ASSISTANCE.—Section 116(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(f)) is amended to read as follows:

"(f)(1) The report required by subsection (d) shall include the following:

"(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.

"(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:

"(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.

"(ii) Which government authorities in that country are involved in activities to combat such trafficking.

"(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.

"(iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.

"(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.

"(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.

"(vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.

"(viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.

"(ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.

"(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.

"(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.".

(b) COUNTRIES RECEIVING SECURITY ASSISTANCE.—Section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) is amended by adding at the end the following new subsection:

"(h)(1) The report required by subsection (b) shall include the following:

"(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.

"(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an

assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:

"(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.

"(ii) Which government authorities in that country are involved in activities to combat such trafficking.

"(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.

"(iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.

"(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.

"(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.

"(vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.

"(viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.

"(ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.

"(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.

"(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.".

SEC. 105. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

(a) ESTABLISHMENT.—The President shall establish an Interagency Task Force to Monitor and Combat Trafficking.

(b) APPOINTMENT.—The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Administrator of the United States Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of Central Intelligence, and such other officials as may be designated by the President.

(c) CHAIRMAN.—The Task Force shall be chaired by the Secretary of State.

(d) ACTIVITIES OF THE TASK FORCE.—The Task Force shall carry out the following activities:

(1) Coordinate the implementation of this division.

(2) Measure and evaluate progress of the United States and other countries in the areas of trafficking prevention, protection, and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking. The Task Force shall have primary responsibility for assisting the Secretary of State in the preparation of the reports described in section 110.

(3) Expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking. Any data collection procedures established under this subsection shall respect the confidentiality of victims of trafficking.

(4) Engage in efforts to facilitate cooperation among countries of origin, transit, and destination. Such efforts shall aim to strengthen local and regional capacities to prevent trafficking, prosecute traffickers and assist trafficking victims, and shall include initiatives to enhance cooperative efforts between destination countries and countries of origin and assist in the appropriate reintegration of stateless victims of trafficking.

(5) Examine the role of the international "sex tourism" industry in the trafficking of persons and in the sexual exploitation of women and children around the world.

(6) Engage in consultation and advocacy with governmental and nongovernmental organizations, among other entities, to advance the purposes of this division.

(e) SUPPORT FOR THE TASK FORCE.—The Secretary of State is authorized to establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be headed by a Director. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this division and may have additional responsibilities as determined by the Secretary. The Director shall consult with nongovernmental organizations and multilateral organizations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The agencies represented on the Task Force are authorized to provide staff to the Office on a nonreimbursable basis.

SEC. 106. PREVENTION OF TRAFFICKING.

(a) ECONOMIC ALTERNATIVES TO PREVENT AND DETER TRAFFICKING.—The President shall establish and carry out international initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. Such initiatives may include—

(1) microcredit lending programs, training in business development, skills training, and job counseling;

(2) programs to promote women's participation in economic decisionmaking;

(3) programs to keep children, especially girls, in elementary and secondary schools, and to educate persons who have been victims of trafficking;

(4) development of educational curricula regarding the dangers of trafficking; and

(5) grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.

(b) PUBLIC AWARENESS AND INFORMATION.—The President, acting through the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, and the Secretary of State, shall establish and carry out programs to increase public awareness, particularly among potential victims of trafficking, of the dangers of trafficking and the protections that are available for victims of trafficking.

(c) CONSULTATION REQUIREMENT.—The President shall consult with appropriate nongovernmental organizations with respect to the establishment and conduct of initiatives described in subsections (a) and (b).

SEC. 107. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.—

(1) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with appropriate nongovernmental organizations, shall establish and carry out programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement, as appropriate, of victims of trafficking. Such programs and initiatives shall be designed to meet the appropriate assistance needs of such persons and their children, as identified by the Task Force.

(2) ADDITIONAL REQUIREMENT.—In establishing and conducting programs and initiatives described in paragraph (1), the Secretary of State and the Administrator of the United States Agency for International Development shall take all appropriate steps to enhance cooperative efforts among foreign countries, including countries of origin of victims of trafficking, to assist in the integration, reintegration, or resettlement, as appropriate, of victims of trafficking, including stateless victims.

(b) VICTIMS IN THE UNITED STATES.—

(1) ASSISTANCE.—

(A) ELIGIBILITY FOR BENEFITS AND SERVICES.—Notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, an alien who is a victim of a severe form of trafficking in persons shall be eligible for benefits and services under any Federal or State program or activity funded or administered by any official or agency described in subparagraph (B) to the same extent as an alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act.

(B) REQUIREMENT TO EXPAND BENEFITS AND SERVICES.—Subject to subparagraph (C) and, in the case of nonentitlement programs, to the availability of appropriations, the Secretary of Health and Human Services, the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other Federal agencies shall expand benefits and services to victims of severe forms of trafficking in persons in the United States, without regard to the immigration status of such victims.

(C) DEFINITION OF VICTIM OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—For the purposes of this paragraph, the term "victim of a severe form of trafficking in persons" means only a person—

(i) who has been subjected to an act or practice described in section 103(8) as in effect on the date of the enactment of this Act; and

(ii)(I) who has not attained 18 years of age; or

(II) who is the subject of a certification under subparagraph (E).

(D) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary of Health and Human Services, in consultation with the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other appropriate Federal agencies shall submit a report, which includes information on the number of persons who received benefits or other services under this paragraph in connection with programs or activities funded or administered by such agencies or officials during the preceding fiscal year, to the Committee on Ways and Means, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on

Foreign Relations, and the Committee on the Judiciary of the Senate.

(E) CERTIFICATION.—

(i) IN GENERAL.—Subject to clause (ii), the certification referred to in subparagraph (C) is a certification by the Secretary of Health and Human Services, after consultation with the Attorney General, that the person referred to in subparagraph (C)(ii)(II)—

(I) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons; and

(II)(aa) has made a bona fide application for a visa under section 101(a)(15)(T) of the Immigration and Nationality Act, as added by subsection (e), that has not been denied; or

(bb) is a person whose continued presence in the United States the Attorney General is ensuring in order to effectuate prosecution of traffickers in persons.

(ii) PERIOD OF EFFECTIVENESS.—A certification referred to in subparagraph (C), with respect to a person described in clause (i)(II)(bb), shall be effective only for so long as the Attorney General determines that the continued presence of such person is necessary to effectuate prosecution of traffickers in persons.

(iii) INVESTIGATION AND PROSECUTION DEFINED.—For the purpose of a certification under this subparagraph, the term "investigation and prosecution" includes—

(I) identification of a person or persons who have committed severe forms of trafficking in persons;

(II) location and apprehension of such persons; and

(III) testimony at proceedings against such persons.

(2) GRANTS.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Attorney General may make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to develop, expand, or strengthen victim service programs for victims of trafficking.

(B) ALLOCATION OF GRANT FUNDS.—Of amounts made available for grants under this paragraph, there shall be set aside—

(i) three percent for research, evaluation, and statistics;

(ii) two percent for training and technical assistance; and

(iii) one percent for management and administration.

(C) LIMITATION ON FEDERAL SHARE.—The Federal share of a grant made under this paragraph may not exceed 75 percent of the total costs of the projects described in the application submitted.

(c) TRAFFICKING VICTIM REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Secretary of State shall promulgate regulations for law enforcement personnel, immigration officials, and Department of State officials to implement the following:

(1) PROTECTIONS WHILE IN CUSTODY.—Victims of severe forms of trafficking, while in the custody of the Federal Government and to the extent practicable, shall—

(A) not be detained in facilities inappropriate to their status as crime victims;

(B) receive necessary medical care and other assistance; and

(C) be provided protection if a victim's safety is at risk or if there is danger of additional harm by recapture of the victim by a trafficker, including—

(i) taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals and reprisals from traffickers and their associates; and

(ii) ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public.

(2) ACCESS TO INFORMATION.—Victims of severe forms of trafficking shall have access to information about their rights and translation services.

(3) AUTHORITY TO PERMIT CONTINUED PRESENCE IN THE UNITED STATES.—Federal law enforcement officials may permit an alien individual's continued presence in the United States, if after an assessment, it is determined that such individual is a victim of a severe form of trafficking and a potential witness to such trafficking, in order to effectuate prosecution of those responsible, and such officials in investigating and prosecuting traffickers shall protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates.

(4) TRAINING OF GOVERNMENT PERSONNEL.—Appropriate personnel of the Department of State and the Department of Justice shall be trained in identifying victims of severe forms of trafficking and providing for the protection of such victims.

(d) CONSTRUCTION.—Nothing in subsection (c) shall be construed as creating any private cause of action against the United States or its officers or employees.

(e) PROTECTION FROM REMOVAL FOR CERTAIN CRIME VICTIMS.—

(1) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(A) by striking "or" at the end of subparagraph (R);

(B) by striking the period at the end of subparagraph (S) and inserting "; or"; and

(C) by adding at the end the following new subparagraph:

"(T)(i) subject to section 214(n), an alien who the Attorney General determines—

"(I) is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000,

"(II) is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto, on account of such trafficking,

"(III)(aa) has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

"(bb) has not attained 15 years of age, and

"(IV) the alien would suffer extreme hardship involving unusual and severe harm upon removal; and

"(ii) if the Attorney General considers it necessary to avoid extreme hardship—

"(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, and parents of such alien; and

"(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien,

if accompanying, or following to join, the alien described in clause (i).".

(2) CONDITIONS OF NONIMMIGRANT STATUS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(A) by redesignating the subsection (l) added by section 625(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-1820) as subsection (m); and

(B) by adding at the end the following:

"(n)(1) No alien shall be eligible for admission to the United States under section 101(a)(15)(T) if there is substantial reason to believe that the alien has committed an act of a severe form of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000).

"(2) The total number of aliens who may be issued visas or otherwise provided nonimmigrant status during any fiscal year under section 101(a)(15)(T) may not exceed 5,000.

"(3) The numerical limitation of paragraph (2) shall only apply to principal aliens and not to the spouses, sons, daughters, or parents of such aliens.".

(3) WAIVER OF GROUNDS FOR INELIGIBILITY FOR ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following:

"(13)(A) The Attorney General shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(T).

"(B) In addition to any other waiver that may be available under this section, in the case of a nonimmigrant described in section 101(a)(15)(T), if the Attorney General considers it to be in the national interest to do so, the Attorney General, in the Attorney General's discretion, may waive the application of—

"(i) paragraphs (1) and (4) of subsection (a); and

"(ii) any other provision of such subsection (excluding paragraphs (3), (10)(C), and (10(E)) if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i)(I).".

(4) DUTIES OF THE ATTORNEY GENERAL WITH RESPECT TO "T" VISA NONIMMIGRANTS.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end the following new subsection:

"(i) With respect to each nonimmigrant alien described in subsection (a)(15)(T)(i)—

"(1) the Attorney General and other Government officials, where appropriate, shall provide the alien with a referral to a nongovernmental organization that would advise the alien regarding the alien's options while in the United States and the resources available to the alien; and

"(2) the Attorney General shall, during the period the alien is in lawful temporary resident status under that subsection, grant the alien authorization to engage in employment in the United States and provide the alien with an 'employment authorized' endorsement or other appropriate work permit.".

(5) STATUTORY CONSTRUCTION.—Nothing in this section, or in the amendments made by this section, shall be construed as prohibiting the Attorney General from instituting removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) against an alien admitted as a nonimmigrant under section 101(a)(15)(T)(i) of that Act, as added by subsection (e), for conduct committed after the alien's admission into the United States, or for conduct or a condition that was not disclosed to the Attorney General prior to the alien's admission as a nonimmigrant under such section 101(a)(15)(T)(i).

(f) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—Section 245 of such Act (8 U.S.C 1255) is amended by adding at the end the following new subsection:

"(l)(1).If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States under section 101(a)(15)(T)(i)—

"(A) has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under section 101(a)(15)(T)(i),

"(B) has, throughout such period, been a person of good moral character, and

"(C)(i) has, during such period, complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

"(ii) the alien would suffer extreme hardship involving unusual and severe harm upon removal from the United States,

the Attorney General may adjust the status of the alien (and any person admitted under that section as the spouse, parent, or child of the alien) to that of an alien lawfully admitted for permanent residence.

"(2) Paragraph (1) shall not apply to an alien admitted under section 101(a)(15)(T) who is inadmissible to the United States by reason of a ground that has not been waived under section 212, except that, if the Attorney General considers it to be in the national interest to do so, the Attorney General, in the Attorney General's discretion, may waive the application of—

"(A) paragraphs (1) and (4) of section 212(a); and

"(B) any other provision of such section (excluding paragraphs (3), (10)(C), and (10(E)), if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i)(I).

"(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

"(3)(A) The total number of aliens whose status may be adjusted under paragraph (1) during any fiscal year may not exceed 5,000.

"(B) The numerical limitation of subparagraph (A) shall only apply to principal aliens and not to the spouses, sons, daughters, or parents of such aliens.

"(4) Upon the approval of adjustment of status under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval.".

(g) ANNUAL REPORTS.—On or before October 31 of each year, the Attorney General shall submit a report to the appropriate congressional committees setting forth, with respect to the preceding fiscal year, the number, if any, of otherwise eligible applicants who did not receive visas under section 101(a)(15)(T) of the Immigration and Nationality Act, as added by subsection (e), or who were unable to adjust their status under section 245(l) of such Act, solely on account of the unavailability of visas due to a limitation imposed by section 214(n)(1) or 245(l)(4)(A) of such Act.

SEC. 108. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

(a) MINIMUM STANDARDS.—For purposes of this division, the minimum standards for the elimination of trafficking applicable to the government of a country of origin, transit, or destination for a significant number of victims of severe forms of trafficking are the following:

(1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.

(2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.

(3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.

(4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

(b) CRITERIA.—In determinations under subsection (a)(4), the following factors should be considered as indicia of serious and sustained efforts to eliminate severe forms of trafficking in persons:

(1) Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons that take place wholly or partly within the territory of the country.

(2) Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked.

(3) Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons.

(4) Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of trafficking in persons.

(5) Whether the government of the country extradites persons charged with acts of severe forms of trafficking in persons on substantially the same terms and to substantially the same extent as persons charged with other serious crimes (or, to the extent such extradition would be inconsistent with the laws of such country or with international agreements to which the country is a party, whether the government is taking all appropriate measures to modify or replace such laws and treaties so as to permit such extradition).

(6) Whether the government of the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner that is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave any country, including one's own, and to return to one's own country.

(7) Whether the government of the country vigorously investigates and prosecutes public officials who participate in or facilitate severe forms of trafficking in persons, and takes all appropriate measures against officials who condone such trafficking.

SEC. 109. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

"SEC. 134. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

"(a) AUTHORIZATION.—The President is authorized to provide assistance to foreign countries directly, or through nongovernmental and multilateral organizations, for programs, projects, and activities designed to meet the minimum standards for the elimination of trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000), including—

"(1) the drafting of laws to prohibit and punish acts of trafficking;

"(2) the investigation and prosecution of traffickers;

"(3) the creation and maintenance of facilities, programs, projects, and activities for the protection of victims; and

"(4) the expansion of exchange programs and international visitor programs for governmental and nongovernmental personnel to combat trafficking.

"(b) FUNDING.—Amounts made available to carry out the other provisions of this part (including chapter 4 of part II of this Act) and the Support for East European Democracy (SEED) Act of 1989 shall be made available to carry out this section.".

SEC. 110. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.

(a) STATEMENT OF POLICY.—It is the policy of the United States not to provide nonhumanitarian, nontrade-related foreign assistance to any government that—

(1) does not comply with minimum standards for the elimination of trafficking; and

(2) is not making significant efforts to bring itself into compliance with such standards.

(b) REPORTS TO CONGRESS.—

(1) ANNUAL REPORT.—Not later than June 1 of each year, the Secretary of State shall submit to the appropriate congressional committees a report with respect to the status of severe forms of trafficking in persons that shall include—

(A) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments fully comply with such standards;

(B) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not yet fully comply with such standards but are making significant efforts to bring themselves into compliance; and

(C) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not fully comply with such standards and are not making significant efforts to bring themselves into compliance.

(2) INTERIM REPORTS.—In addition to the annual report under paragraph (1), the Secretary of State may submit to the appropriate congressional committees at any time one or more interim reports with respect to the status of severe forms of trafficking in persons, including information about countries whose governments—

(A) have come into or out of compliance with the minimum standards for the elimination of trafficking; or

(B) have begun or ceased to make significant efforts to bring themselves into compliance,

since the transmission of the last annual report.

(3) SIGNIFICANT EFFORTS.—In determinations under paragraph (1) or (2) as to whether the government of a country is making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, the Secretary of State shall consider—

(A) the extent to which the country is a country of origin, transit, or destination for severe forms of trafficking;

(B) the extent of noncompliance with the minimum standards by the government and, particularly, the extent to which officials or employees of the government have participated in, facilitated, condoned, or are otherwise complicit in severe forms of trafficking; and

(C) what measures are reasonable to bring the government into compliance with the minimum standards in light of the resources and capabilities of the government.

(c) NOTIFICATION.—Not less than 45 days or more than 90 days after the submission, on or after January 1, 2003, of an annual report under subsection (b)(1), or an interim report under subsection (b)(2), the President shall submit to the appropriate congressional committees a notification of one of the determinations listed in subsection (d) with respect to each foreign country whose government, according to such report—

(A) does not comply with the minimum standards for the elimination of trafficking; and

(B) is not making significant efforts to bring itself into compliance, as described in subsection (b)(1)(C).

(d) PRESIDENTIAL DETERMINATIONS.—The determinations referred to in subsection (c) are the following:

(1) WITHHOLDING OF NONHUMANITARIAN, NONTRADE-RELATED ASSISTANCE.—The President has determined that—

(A)(i) the United States will not provide nonhumanitarian, nontrade-related foreign assistance to the government of the country for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; or

(ii) in the case of a country whose government received no nonhumanitarian, nontrade-related foreign assistance from the United States during the previous fiscal year, the United States will not provide funding for participation by officials or employees of such governments in educational and cultural exchange programs for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; and

(B) the President will instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and to use the Executive Director's best efforts to deny, any loan or other utilization of the funds of the respective institution to that country (other than for humanitarian assistance, for trade-related assistance, or for development assistance which directly addresses basic human needs, is not administered by the government of the sanctioned country, and confers no benefit to that government) for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance.

(2) ONGOING, MULTIPLE, BROAD-BASED RESTRICTIONS ON ASSISTANCE IN RESPONSE TO HUMAN RIGHTS VIOLATIONS.—The President has determined that such country is already subject to multiple, broad-based restrictions on assistance imposed in significant part in response to human rights abuses and such restrictions are ongoing and are comparable to the restrictions provided in paragraph (1). Such determination shall be accompanied by a description of the specific restriction or restrictions that were the basis for making such determination.

(3) SUBSEQUENT COMPLIANCE.—The Secretary of State has determined that the government of the country has come into compliance with the minimum standards or is making significant efforts to bring itself into compliance.

(4) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the government of the country to comply with minimum standards for the elimination of trafficking and to make significant efforts to bring itself into compliance, the President has determined that the provision to the country of nonhumanitarian, nontrade-related foreign assistance, or the multilateral assistance described in paragraph (1)(B), or both, would promote the purposes of this division or is otherwise in the national interest of the United States.

(5) EXERCISE OF WAIVER AUTHORITY.—

(A) IN GENERAL.—The President may exercise the authority under paragraph (4) with respect to—

(i) all nonhumanitarian, nontrade-related foreign assistance to a country;

(ii) all multilateral assistance described in paragraph (1)(B) to a country; or

(iii) one or more programs, projects, or activities of such assistance.

(B) AVOIDANCE OF SIGNIFICANT ADVERSE EFFECTS.—The President shall exercise the authority under paragraph (4) when necessary to avoid significant adverse effects on vulnerable populations, including women and children.

(6) DEFINITION OF MULTILATERAL DEVELOPMENT BANK.—In this subsection, the term "multilateral development bank" refers to any of the following institutions: the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the Multilateral Investment Guaranty Agency.

(e) CERTIFICATION.—Together with any notification under subsection (c), the President shall provide a certification by the Secretary of State that, with respect to any assistance described in clause (ii), (iii), or (v) of section 103(7)(A), or with respect to any assistance described in section 103(7)(B), no assistance is intended to be received or used by any agency or official who has participated in, facilitated, or condoned a severe form of trafficking in persons.

SEC. 111. ACTIONS AGAINST SIGNIFICANT TRAFFICKERS IN PERSONS.

(a) AUTHORITY TO SANCTION SIGNIFICANT TRAFFICKERS IN PERSONS.—

(1) IN GENERAL.—The President may exercise the authorities set forth in section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701) without regard to section 202 of that Act (50 U.S.C. 1701) in the case of any of the following persons:

(A) Any foreign person that plays a significant role in a severe form of trafficking in persons, directly or indirectly in the United States.

(B) Foreign persons that materially assist in, or provide financial or technological support for or to, or provide goods or services in support of, activities of a significant foreign trafficker in persons identified pursuant to subparagraph (A).

(C) Foreign persons that are owned, controlled, or directed by, or acting for or on behalf of, a significant foreign trafficker identified pursuant to subparagraph (A).

(2) PENALTIES.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) apply to violations of any license, order, or regulation issued under this section.

(b) REPORT TO CONGRESS ON IDENTIFICATION AND SANCTIONING OF SIGNIFICANT TRAFFICKERS IN PERSONS.—

(1) IN GENERAL.—Upon exercising the authority of subsection (a), the President shall report to the appropriate congressional committees—

(A) identifying publicly the foreign persons that the President determines are appropriate for sanctions pursuant to this section and the basis for such determination; and

(B) detailing publicly the sanctions imposed pursuant to this section.

(2) REMOVAL OF SANCTIONS.—Upon suspending or terminating any action imposed under the authority of subsection (a), the President shall report to the committees described in paragraph (1) on such suspension or termination.

(3) SUBMISSION OF CLASSIFIED INFORMATION.—Reports submitted under this subsection may include an annex with classified information regarding the basis for the determination made by the President under paragraph (1)(A).

(c) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES NOT AFFECTED.—Nothing in this section prohibits or otherwise limits the authorized law enforcement or intelligence activities of the United States, or the law enforcement activities of any State or subdivision thereof.

(d) EXCLUSION OF PERSONS WHO HAVE BENEFITED FROM ILLICIT ACTIVITIES OF TRAFFICKERS IN PERSONS.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by inserting at the end the following new subparagraph:

"(H) SIGNIFICANT TRAFFICKERS IN PERSONS.—

"(i) IN GENERAL.—Any alien who is listed in a report submitted pursuant to section 111(b) of the Trafficking Victims Protection Act of 2000, or who the consular officer or the Attorney General knows or has reason to believe is or has been a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons, as defined in the section 103 of such Act, is inadmissible.

"(ii) BENEFICIARIES OF TRAFFICKING.—Except as provided in clause (iii), any alien who the consular officer or the Attorney General knows or has reason to believe is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible.

"(iii) EXCEPTION FOR CERTAIN SONS AND DAUGHTERS.—Clause (ii) shall not apply to a son or daughter who was a child at the time he or she received the benefit described in such clause.".

(e) IMPLEMENTATION.—

(1) DELEGATION OF AUTHORITY.—The President may delegate any authority granted by this section, including the authority to designate foreign persons under paragraphs (1)(B) and (1)(C) of subsection (a).

(2) PROMULGATION OF RULES AND REGULATIONS.—The head of any agency, including the Secretary of Treasury, is authorized to take such actions as may be necessary to carry out any authority delegated by the President pursuant to paragraph (1), including promulgating rules and regulations.

(3) OPPORTUNITY FOR -REVIEW.—Such rules and regulations shall include procedures affording an opportunity for a person to be heard in an expeditious manner, either in person or through a representative, for the purpose of seeking changes to or termination of any determination, order, designation or other action associated with the exercise of the authority in subsection (a).

(f) DEFINITION OF FOREIGN PERSONS.—In this section, the term "foreign person" means any citizen or national of a foreign state or any entity not organized under the laws of the United States, including a foreign government official, but does not include a foreign state.

(g) CONSTRUCTION.—Nothing in this section shall be construed as precluding judicial review of the exercise of the authority described in subsection (a).

SEC. 112. STRENGTHENING PROSECUTION AND PUNISHMENT OF TRAFFICKERS.

(a) TITLE 18 AMENDMENTS.—Chapter 77 of title 18, United States Code, is amended—

(1) in each of sections 1581(a), 1583, and 1584—

(A) by striking "10 years" and inserting "20 years"; and

(B) by adding at the end the following: "If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.";

(2) by inserting at the end the following:

"§ 1589. Forced labor

"Whoever knowingly provides or obtains the labor or services of a person—

"(1) by threats of serious harm to, or physical restraint against, that person or another person;

"(2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if

the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or

"(3) by means of the abuse or threatened abuse of law or the legal process,

shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

"§1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor

"Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

"§1591. Sex trafficking of children or by force, fraud or coercion

"(a) Whoever knowingly—

"(1) in or affecting interstate commerce, recruits, entices, harbors, transports, provides, or obtains by any means a person; or

"(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),

knowing that force, fraud, or coercion described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

"(b) The punishment for an offense under subsection (a) is—

"(1) if the offense was effected by force, fraud, or coercion or if the person transported had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or

"(2) if the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 20 years, or both.

"(c) In this section:

"(1) The term 'commercial sex act' means any sex act, on account of which anything of value is given to or received by any person."

"(2) The term 'coercion' means—

"(A) threats of serious harm to or physical restraint against any person;

"(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

"(C) the abuse or threatened abuse of law or the legal process.

"(3) The term 'venture' means any group of 2 or more individuals associated in fact, whether or not a legal entity.

"§1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor

"(a) Whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person—

"(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, 1591, or 1594(a);

"(2) with intent to violate section 1581, 1583, 1584, 1589, 1590, or 1591; or

"(3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000;

shall be fined under this title or imprisoned for not more than 5 years, or both.

"(b) Subsection (a) does not apply to the conduct of a person who is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, if that conduct is caused by, or incident to, that trafficking.

"§1593. Mandatory restitution

"(a) Notwithstanding sections 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.

"(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3) of this subsection.

"(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

"(3) As used in this subsection, the term 'full amount of the victim's losses' has the same meaning as provided in section 2259(b)(3) and shall in addition include the greater of the gross income or value to the defendant of the victim's services or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201, et seq.).

"(c) As used in this section, the term 'victim' means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

"§1594. General provisions

"(a) Whoever attempts to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

"(b) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

"(1) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

"(2) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

"(c)(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

"(A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

"(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

"(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

"(d) WITNESS PROTECTION.—Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection)."; and

(3) by amending the table of sections at the beginning of chapter 77 by adding at the end the following new items:

"1589. Forced labor.
"1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor.
"1591. Sex trafficking of children or by force, fraud, or coercion.
"1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor.
"1593. Mandatory restitution.
"1594. General provisions.".

(b) AMENDMENT TO THE SENTENCING GUIDELINES.—

(1) Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offenses, and possession, transfer or sale of false immigration documents in furtherance of trafficking, and the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act.

(2) In carrying out this subsection, the Sentencing Commission shall—

(A) take all appropriate measures to ensure that these sentencing guidelines and policy statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;

(B) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to peonage, involuntary servitude, and slave trade offenses; and

(C) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—

(i) involve a large number of victims;

(ii) involve a pattern of continued and flagrant violations;

(iii) involve the use or threatened use of a dangerous weapon; or

(iv) result in the death or bodily injury of any person.

(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 113. AUTHORIZATIONS OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS IN SUPPORT OF THE TASK FORCE.—To carry out the purposes of sections 104, 105, and 110, there are authorized to be appropriated to the Secretary of State $1,500,000 for fiscal year 2001 and $3,000,000 for fiscal year 2002.

(b) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—To carry out the purposes of section 107(b), there are authorized to be appropriated to the Secretary of Health and Human Services $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(c) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF STATE.—

(1) ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.—To carry out the purposes of section 107(a), there are authorized to be appropriated to the Secretary of State $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(2) VOLUNTARY CONTRIBUTIONS TO OSCE.—To carry out the purposes of section 109, there are authorized to be appropriated to the Secretary of State $300,000 for voluntary contributions to advance projects aimed at preventing trafficking, promoting respect for human rights of trafficking victims, and assisting the Organization for Security and Cooperation in Europe participating states in related legal reform for fiscal year 2001.

(3) PREPARATION OF ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS.—To carry out the purposes of section 104, there are authorized to be appropriated to the Secretary of State such sums as may be necessary to include the additional information required by that section in the annual Country Reports on Human Rights Practices, including the preparation and publication of the list described in subsection (a)(1) of that section.

(d) AUTHORIZATION OF APPROPRIATIONS TO ATTORNEY GENERAL.—To carry out the purposes of section 107(b), there are authorized to be appropriated to the Attorney General $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(e) AUTHORIZATION OF APPROPRIATIONS TO PRESIDENT.—

(1) FOREIGN VICTIM ASSISTANCE.—To carry out the purposes of section 106, there are authorized to be appropriated to the President $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(2) ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.—To carry out the purposes of section 109, there are authorized to be appropriated to the President $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

(f) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF LABOR.—To carry out the purposes of section 107(b), there are authorized to be appropriated to the Secretary of Labor $5,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002.

DIVISION B—VIOLENCE AGAINST WOMEN ACT OF 2000

SEC. 1001. SHORT TITLE.

This division may be cited as the "Violence Against Women Act of 2000".

SEC. 1002. DEFINITIONS.

In this division—

(1) the term "domestic violence" has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2); and

(2) the term "sexual assault" has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

SEC. 1003. ACCOUNTABILITY AND OVERSIGHT.

(a) REPORT BY GRANT RECIPIENTS.—The Attorney General or Secretary of Health and Human Services, as applicable, shall require grantees under any program authorized or reauthorized by this division or an amendment made by this division to report on the effectiveness of the activities carried out with amounts made available to carry out that program, including number of persons served, if applicable, numbers of persons seeking services who could not be served and such other information as the Attorney General or Secretary may prescribe.

(b) REPORT TO CONGRESS.—The Attorney General or Secretary of Health and Human Services, as applicable, shall report biennially to the Committees on the Judiciary of the House of Representatives and the Senate on the grant programs described in subsection (a), including the information contained in any report under that subsection.

TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

SEC. 1101. FULL FAITH AND CREDIT ENFORCEMENT OF PROTECTION ORDERS.

(a) IN GENERAL.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended—

*(1) in the heading, by adding "**AND ENFORCEMENT OF PROTECTION ORDERS**" at the end;*

(2) in section 2101(b)—

(A) in paragraph (6), by inserting "(including juvenile courts)" after "courts"; and

(B) by adding at the end the following:

"(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions."; and

(3) in section 2102—

(A) in subsection (b)—

(i) in paragraph (1), by striking "and" at the end;

(ii) in paragraph (2), by striking the period at the end and inserting ", including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);"; and

(iii) by adding at the end the following:

"(3) have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); and

"(4) in applications describing plans to further the purposes stated in paragraph (4) or (7) of section 2101(b), will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective."; and

(B) by adding at the end the following:

"(c) DISSEMINATION OF INFORMATION.—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection and communication systems that meet the purposes described in this section. Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government.".

(b) PROTECTION ORDERS.—

(1) FILING COSTS.—Section 2006 of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–5) is amended—

*(A) in the heading, by striking "**FILING**" and inserting "**AND PROTECTION ORDERS**" after "**CHARGES**";*

(B) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

"(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or"; and

(ii) in paragraph (2)(B), by striking "2 years" and inserting "2 years after the date of enactment of the Violence Against Women Act of 2000"; and

(C) by adding at the end the following:

"(c) DEFINITION.—In this section, the term 'protection order' has the meaning given the term in section 2266 of title 18, United States Code.".

(2) ELIGIBILITY FOR GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(A) in subsection (c), by striking paragraph (4) and inserting the following:

"(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction."; and

(B) by adding at the end the following:

"(d) DEFINITION.—In this section, the term 'protection order' has the meaning given the term in section 2266 of title 18, United States Code.".

(3) APPLICATION FOR GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2102(a)(1)(B) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(a)(1)(B)) is amended by inserting before the semicolon the following: "or, in the case of the condition set forth in subsection 2101(c)(4), the expiration of the 2-year period beginning on the date of enactment of the Violence Against Women Act of 2000".

(4) REGISTRATION FOR PROTECTION ORDERS.—Section 2265 of title 18, United States Code, is amended by adding at the end the following:

"(d) NOTIFICATION AND REGISTRATION.—

"(1) NOTIFICATION.—A State or Indian tribe according full faith and credit to an order by a court of another State or Indian tribe shall not notify or require notification of the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing State or tribal jurisdiction unless requested to do so by the party protected under such order.

"(2) NO PRIOR REGISTRATION OR FILING AS PREREQUISITE FOR ENFORCEMENT.—Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding failure to comply with any requirement that the order be registered or filed in the enforcing State or tribal jurisdiction.

"(e) TRIBAL COURT JURISDICTION.—For purposes of this section, a tribal court shall have full civil jurisdiction to enforce protection orders, including authority to enforce any orders through civil contempt proceedings, exclusion of violators from Indian lands, and other appropriate mechanisms, in matters arising within the authority of the tribe.".

(c) TECHNICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et

seq.) is amended in the item relating to part U, by adding "AND ENFORCEMENT OF PROTECTION ORDERS" at the end.

SEC. 1102. ROLE OF COURTS.

(a) COURTS AS ELIGIBLE STOP SUBGRANTEES.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001—

(A) in subsection (a), by striking "Indian tribal governments," and inserting "State and local courts (including juvenile courts), Indian tribal governments, tribal courts,"; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting ", judges, other court personnel," after "law enforcement officers";

(ii) in paragraph (2), by inserting ", judges, other court personnel," after "law enforcement officers"; and

(iii) in paragraph (3), by inserting ", court," after "police"; and

(2) in section 2002—

(A) in subsection (a), by inserting "State and local courts (including juvenile courts)," after "States," the second place it appears;

(B) in subsection (c), by striking paragraph (3) and inserting the following:

"(3) of the amount granted—

"(A) not less than 25 percent shall be allocated to police and not less than 25 percent shall be allocated to prosecutors;

"(B) not less than 30 percent shall be allocated to victim services; and

"(C) not less than 5 percent shall be allocated for State and local courts (including juvenile courts); and"; and

(C) in subsection (d)(1), by inserting "court," after "law enforcement,".

(b) ELIGIBLE GRANTEES; USE OF GRANTS FOR EDUCATION.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by inserting "State and local courts (including juvenile courts), tribal courts," after "Indian tribal governments,";

(2) in subsection (b)—

(A) by inserting "State and local courts (including juvenile courts)," after "Indian tribal governments";

(B) in paragraph (2), by striking "policies and" and inserting "policies, educational programs, and";

(C) in paragraph (3), by inserting "parole and probation officers," after "prosecutors,"; and

(D) in paragraph (4), by inserting "parole and probation officers," after "prosecutors,";

(3) in subsection (c), by inserting "State and local courts (including juvenile courts)," after "Indian tribal governments"; and

(4) by adding at the end the following:

"(e) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.".

SEC. 1103. REAUTHORIZATION OF STOP GRANTS.

(a) REAUTHORIZATION.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (18) and inserting the following:

"(18) There is authorized to be appropriated to carry out part T $185,000,000 for each of fiscal years 2001 through 2005.".

(b) GRANT PURPOSES.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001—

(A) in subsection (b)—

(i) in paragraph (5), by striking "racial, cultural, ethnic, and language minorities" and inserting "underserved populations";

(ii) in paragraph (6), by striking "and" at the end;

(iii) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

"(8) supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of State law enforcement agencies, prosecutors, courts, victim services agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence;

"(9) training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault;"; and

(B) by adding at the end the following:

"(c) STATE COALITION GRANTS.—

"(1) PURPOSE.—The Attorney General shall award grants to each State domestic violence coalition and sexual assault coalition for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities.

"(2) GRANTS TO STATE COALITIONS.—The Attorney General shall award grants to—

"(A) each State domestic violence coalition, as determined by the Secretary of Health and Human Services through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.); and

"(B) each State sexual assault coalition, as determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

"(3) ELIGIBILITY FOR OTHER GRANTS.—Receipt of an award under this subsection by each State domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this part to carry out the purposes described in subsection (b).";

(2) in section 2002(b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively;

(B) in paragraph (1), by striking "4 percent" and inserting "5 percent";

(C) in paragraph (5), as redesignated, by striking "$500,000" and inserting "$600,000"; and

(D) by inserting after paragraph (1) the following:

"(2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54 of the total amount made available under this paragraph for each fiscal year;

"(3) 2.5 percent shall be available for grants for State sexual assault coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54 of the total amount made available under this paragraph for each fiscal year;

"(4) 1/54 shall be available for the development and operation of nonprofit tribal domestic violence and sexual assault coalitions in Indian country;";

(3) in section 2003, by striking paragraph (7) and inserting the following:

"(7) the term 'underserved populations' includes populations underserved because of geographic location (such as rural isolation), underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the State planning process in consultation with the Attorney General;" and

(4) in section 2004(b)(3), by inserting ", and the membership of persons served in any underserved population" before the semicolon.

SEC. 1104. REAUTHORIZATION OF GRANTS TO ENCOURAGE ARREST POLICIES.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (19) and inserting the following:

"(19) There is authorized to be appropriated to carry out part U $65,000,000 for each of fiscal years 2001 through 2005.".

SEC. 1105. REAUTHORIZATION OF RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.

Section 40295(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13971(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2001 through 2005."; and

(2) by adding at the end the following:

"(3) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available to carry out this section for each fiscal year shall be available for grants to Indian tribal governments.".

SEC. 1106. NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION.

(a) REAUTHORIZATION.—Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended to read as follows:

"SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subtitle $3,000,000 for each of fiscal years 2001 through 2005.".

(b) TECHNICAL AMENDMENT.—Section 40602(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14031 note) is amended by inserting "and implement" after "improve".

SEC. 1107. AMENDMENTS TO DOMESTIC VIOLENCE AND STALKING OFFENSES.

(a) INTERSTATE DOMESTIC VIOLENCE.—Section 2261 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) OFFENSES.—

"(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce or enters or leaves Indian country with the intent to kill, injure, harass, or intimidate a spouse or intimate partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).

"(2) CAUSING TRAVEL OF VICTIM.—A person who causes a spouse or intimate partner to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and who, in the course of, as a result of, or to facilitate such conduct or travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).".

(b) INTERSTATE STALKING.—

(1) IN GENERAL.—Section 2261A of title 18, United States Code, is amended to read as follows:

"§2261A. Interstate stalking

"Whoever—

"(1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill,

injure, harass, or intimidate another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, that person, a member of the immediate family (as defined in section 115) of that person, or the spouse or intimate partner of that person; or

"(2) with the intent—

"(A) to kill or injure a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or

"(B) to place a person in another State or tribal jurisdiction, or within the special maritime and territorial jurisdiction of the United States, in reasonable fear of the death of, or serious bodily injury to—

"(i) that person;

"(ii) a member of the immediate family (as defined in section 115) of that person; or

"(iii) a spouse or intimate partner of that person;

uses the mail or any facility of interstate or foreign commerce to engage in a course of conduct that places that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii);

shall be punished as provided in section 2261(b).".

(2) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—

(A) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to reflect the amendment made by this subsection.

(B) FACTORS FOR CONSIDERATION.—In carrying out subparagraph (A), the Commission shall consider—

(i) whether the Federal Sentencing Guidelines relating to stalking offenses should be modified in light of the amendment made by this subsection; and

(ii) whether any changes the Commission may make to the Federal Sentencing Guidelines pursuant to clause (i) should also be made with respect to offenses under chapter 110A of title 18, United States Code.

(c) INTERSTATE VIOLATION OF PROTECTION ORDER.—Section 2262 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) OFFENSES.—

"(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce, or enters or leaves Indian country, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).

"(2) CAUSING TRAVEL OF VICTIM.—A person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in subsection (b).".

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended to read as follows:

"§2266. Definitions

"In this chapter:

"(1) BODILY INJURY.—The term 'bodily injury' means any act, except one done in self-defense, that results in physical injury or sexual abuse.

"(2) COURSE OF CONDUCT.—The term 'course of conduct' means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose.

"(3) ENTER OR LEAVE INDIAN COUNTRY.—The term 'enter or leave Indian country' includes leaving the jurisdiction of 1 tribal government and entering the jurisdiction of another tribal government.

"(4) INDIAN COUNTRY.—The term 'Indian country' has the meaning stated in section 1151 of this title.

"(5) PROTECTION ORDER.—The term 'protection order' includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other Federal law) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

"(6) SERIOUS BODILY INJURY.—The term 'serious bodily injury' has the meaning stated in section 2119(2).

"(7) SPOUSE OR INTIMATE PARTNER.—The term 'spouse or intimate partner' includes—

"(A) for purposes of—

"(i) sections other than 2261A, a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; and

"(ii) section 2261A, a spouse or former spouse of the target of the stalking, a person who shares a child in common with the target of the stalking, and a person who cohabits or has cohabited as a spouse with the target of the stalking; and

"(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the victim resides.

"(8) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and a commonwealth, territory, or possession of the United States.

"(9) TRAVEL IN INTERSTATE OR FOREIGN COMMERCE.—The term 'travel in interstate or foreign commerce' does not include travel from 1 State to another by an individual who is a member of an Indian tribe and who remains at all times in the territory of the Indian tribe of which the individual is a member.".

SEC. 1108. SCHOOL AND CAMPUS SECURITY.

(a) GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN ON CAMPUS.—Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is amended—

(1) in paragraphs (2), (6), (7), and (9) of subsection (b), by striking "and domestic violence" and inserting "domestic violence, and dating violence";

(2) in subsection (c)(2)(B), by striking "and domestic violence" and inserting ", domestic violence and dating violence";

(3) in subsection (f)—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

"(1) the term 'dating violence' means violence committed by a person—

"(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

"(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

"(i) the length of the relationship;

"(ii) the type of relationship; and

"(iii) the frequency of interaction between the persons involved in the relationship.";

(C) in paragraph (2) (as redesignated by subparagraph (A)), by inserting ", dating" after "domestic" each place the term appears; and

(D) in paragraph (4) (as redesignated by subparagraph (A))—

(i) by inserting "or a public, nonprofit organization acting in a nongovernmental capacity" after "organization";

(ii) by inserting ", dating violence" after "assists domestic violence";

(iii) by striking "or domestic violence" and inserting ", domestic violence or dating violence"; and

(iv) by inserting "dating violence," before "stalking,"; and

(4) in subsection (g), by striking "fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "each of fiscal years 2001 through 2005".

(b) MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part Z the following new part:

"PART AA—MATCHING GRANT PROGRAM FOR SCHOOL SECURITY

"SEC. 2701. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Attorney General is authorized to make grants to States, units of local government, and Indian tribes to provide improved security, including the placement and use of metal detectors and other deterrent measures, at schools and on school grounds.

"(b) USES OF FUNDS.—Grants awarded under this section shall be distributed directly to the State, unit of local government, or Indian tribe, and shall be used to improve security at schools and on school grounds in the jurisdiction of the grantee through one or more of the following:

"(1) Placement and use of metal detectors, locks, lighting, and other deterrent measures.

"(2) Security assessments.

"(3) Security training of personnel and students.

"(4) Coordination with local law enforcement.

"(5) Any other measure that, in the determination of the Attorney General, may provide a significant improvement in security.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Attorney General shall give preferential consideration, if feasible, to an application from a jurisdiction that has a demonstrated need for improved security, has a demonstrated need for financial assistance, and has evidenced the ability to make the improvements for which the grant amounts are sought.

"(d) MATCHING FUNDS.—

"(1) The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent.

"(2) Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(3) The Attorney General may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.

"(e) EQUITABLE DISTRIBUTION.—In awarding grants under this part, the Attorney General *shall ensure, to the extent practicable, an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.*

"(f) ADMINISTRATIVE COSTS.—The Attorney General may reserve not more than 2 percent from amounts appropriated to carry out this part for administrative costs.

"SEC. 2702. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this part, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require. Each application shall—

"(1) include a detailed explanation of—

"(A) the intended uses of funds provided under the grant; and

"(B) how the activities funded under the grant will meet the purpose of this part; and

"(2) be accompanied by an assurance that the application was prepared after consultation with individuals not limited to law enforcement officers (such as school violence researchers, child psychologists, social workers, teachers, principals, and other school personnel) to ensure that the improvements to be funded under the grant are—

"(A) consistent with a comprehensive approach to preventing school violence; and

"(B) individualized to the needs of each school at which those improvements are to be made.

"(b) GUIDELINES.—Not later than 90 days after the date of the enactment of this part, the Attorney General shall promulgate guidelines to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"SEC. 2703. ANNUAL REPORT TO CONGRESS.

"Not later than November 30th of each year, the Attorney General shall submit a report to the Congress regarding the activities carried out under this part. Each such report shall include, for the preceding fiscal year, the number of grants funded under this part, the amount of funds provided under those grants, and the activities for which those funds were used.

"SEC. 2704. DEFINITIONS.

"For purposes of this part—

"(1) the term 'school' means a public elementary or secondary school;

"(2) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level; and

"(3) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

"SEC. 2705. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $30,000,000 for each of fiscal years 2001 through 2003.".

SEC. 1109. DATING VIOLENCE.

(a) DEFINITIONS.—

(1) SECTION 2003.—Section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg–2) is amended—

(A) in paragraph (8), by striking the period at the end and inserting "; and"; and

(B) by adding at the end the following:

"(9) the term 'dating violence' means violence committed by a person—

"(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

"(B) where the existence of such a relationship shdll be determined based on a consideration of the following factors:

"(i) the length of the relationship;

"(ii) the type of relationship; and

"(iii) the frequency of interaction between the persons involved in the relationship.".

(2) SECTION 2105.—Section 2105 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–4) is amended—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) the term 'dating violence' means violence committed by a person—

"(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

"(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

"(i) the length of the relationship;

"(ii) the type of relationship; and

"(iii) the frequency of interaction between the persons involved in the relationship.".

(b) STOP GRANTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (1), by striking "sexual assault and domestic violence" and inserting "sexual assault, domestic violence, and dating violence"; and

(2) in paragraph (5), by striking "sexual assault and domestic violence" and inserting "sexual assault, domestic violence, and dating violence".

(c) GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2101(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)) is amended—

(1) in paragraph (2), by inserting "and dating violence" after "domestic violence"; and

(2) in paragraph (5), by inserting "and dating violence" after "domestic violence".

(d) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT.—Section 40295(a) of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971(a)) is amended—

(1) in paragraph (1), by inserting "and dating violence (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg–2))" after "domestic violence"; and

(2) in paragraph (2), by inserting "and dating violence (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg–2))" after "domestic violence".

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

SEC. 1201. LEGAL ASSISTANCE FOR VICTIMS.

(a) IN GENERAL.—The purpose of this section is to enable the Attorney General to award grants to increase the availability of legal assistance necessary to provide effective aid to victims of domestic violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims.

(b) DEFINITIONS.—In this section:

(1) DOMESTIC VIOLENCE.—The term "domestic violence" has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(2) LEGAL ASSISTANCE FOR VICTIMS.—The term "legal assistance" includes assistance to victims of domestic violence, stalking, and sexual assault in family, immigration, administrative agency, or housing matters, protection or stay away order proceedings, and other similar matters. No funds made available under this section may be used to provide financial assistance in support of any litigation described in paragraph (14) of section 504 of Public Law 104–134.

(3) SEXUAL ASSAULT.—The term "sexual assault" has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(c) LEGAL ASSISTANCE FOR VICTIMS GRANTS.—The Attorney General may award grants under this subsection to private nonprofit entities, Indian tribal governments, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence and sexual assault victim services organizations and legal assistance providers to provide legal assistance for victims of domestic violence, stalking, and sexual assault;

(2) to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, stalking, and sexual assault.

(d) ELIGIBILITY.—To be eligible for a grant under subsection (c), applicants shall certify in writing that—

(1) any person providing legal assistance through a program funded under subsection (c) has completed or will complete training in connection with domestic violence or sexual assault and related legal issues;

(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a State, local, or tribal domestic violence or sexual assault program or coalition, as well as appropriate State and local law enforcement officials;

(3) any person or organization providing legal assistance through a program funded under subsection (c) has informed and will continue to inform State, local, or tribal domestic violence or sexual assault programs and coalitions, as well as appropriate State and local law enforcement officials of their work; and

(4) the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, or child sexual abuse is an issue.

(e) EVALUATION.—The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, stalking, and sexual assault, and on evaluation research.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2001 through 2005.

(2) ALLOCATION OF FUNDS.—

(A) TRIBAL PROGRAMS.—Of the amount made available under this subsection in each fiscal year, not less than 5 percent shall be used for grants for programs that assist victims of domestic violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

(B) VICTIMS OF SEXUAL ASSAULT.—Of the amount made available under this subsection in each fiscal year, not less than 25 percent shall be used for direct services, training, and technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault.

(3) NONSUPPLANTATION.—Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.

SEC. 1202. SHELTER SERVICES FOR BATTERED WOMEN AND CHILDREN.

(a) Reauthorization.—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

"(a) In General.—There are authorized to be appropriated to carry out this title $175,000,000 for each of fiscal years 2001 through 2005.".

(b) State Minimum; Reallotment.—Section 304 of the Family Violence Prevention and Services Act (42 U.S.C. 10403) is amended—

(1) in subsection (a), by striking "for grants to States for any fiscal year" and all that follows and inserting the following: "and available for grants to States under this subsection for any fiscal year—

"(1) Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than 1/8 of 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made; and

"(2) each State shall be allotted for payment in a grant authorized under section 303(a), $600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.";

(2) in subsection (c), in the first sentence, by inserting "and available" before "for grants"; and

(3) by adding at the end the following:

"(e) In subsection (a)(2), the term "State" does not include any jurisdiction specified in subsection (a)(1).".

SEC. 1203. TRANSITIONAL HOUSING ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

Title III of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following:

"SEC. 319. TRANSITIONAL HOUSING ASSISTANCE.

"(a) In General.—The Secretary shall award grants under this section to carry out programs to provide assistance to individuals, and their dependents—

"(1) who are homeless or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence; and

"(2) for whom emergency shelter services are unavailable or insufficient.

"(b) Assistance Described.—Assistance provided under this section may include—

"(1) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses, such as payment of security deposits and other costs incidental to relocation to transitional housing, in cases in which assistance described in this paragraph is necessary to prevent homelessness because an individual or dependent is fleeing a situation of domestic violence; and

"(2) support services designed to enable an individual or dependent who is fleeing a situation of domestic violence to locate and secure permanent housing, and to integrate the individual or dependent into a community, such as transportation, counseling, child care services, case management, employment counseling, and other assistance.

"(c) Term of Assistance.—

"(1) In general.—Subject to paragraph (2), an individual or dependent assisted under this section may not receive assistance under this section for a total of more than 12 months.

"(2) Waiver.—The recipient of a grant under this section may waive the restrictions of paragraph (1) for up to an additional 6-month period with respect to any individual (and dependents of the individual) who has made a good-faith effort to acquire permanent housing and has been unable to acquire the housing.

"(d) Reports.—

"(1) Report to secretary.—

"(A) In general.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report describing the number of individuals and dependents assisted, and the types of housing assistance and support services provided, under this section.

"(B) Contents.—Each report shall include information on—

"(i) the purpose and amount of housing assistance provided to each individual or dependent assisted under this section;

"(ii) the number of months each individual or dependent received the assistance;

"(iii) the number of individuals and dependents who were eligible to receive the assistance, and to whom the entity could not provide the assistance solely due to a lack of available housing; and

"(iv) the type of support services provided to each individual or dependent assisted under this section.

"(2) Report to congress.—The Secretary shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in reports submitted under paragraph (1).

"(e) Evaluation, Monitoring, and Administration.—Of the amount appropriated under subsection (f) for each fiscal year, not more than 1 percent shall be used by the Secretary for evaluation, monitoring, and administrative costs under this section.

"(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2001.".

SEC. 1204. NATIONAL DOMESTIC VIOLENCE HOTLINE.

Section 316(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(f)) is amended by striking paragraph (1) and inserting the following:

"(1) In general.—There are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2001 through 2005.".

SEC. 1205. FEDERAL VICTIMS COUNSELORS.

Section 40114 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1910) is amended by striking "(such as District of Columbia)—" and all that follows and inserting "(such as District of Columbia), $1,000,000 for each of fiscal years 2001 through 2005.".

SEC. 1206. STUDY OF STATE LAWS REGARDING INSURANCE DISCRIMINATION AGAINST VICTIMS OF VIOLENCE AGAINST WOMEN.

(a) In General.—The Attorney General shall conduct a national study to identify State laws that address discrimination against victims of domestic violence and sexual assault related to issuance or administration of insurance policies.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the findings and recommendations of the study required by subsection (a).

SEC. 1207. STUDY OF WORKPLACE EFFECTS FROM VIOLENCE AGAINST WOMEN.

The Attorney General shall—

(1) conduct a national survey of plans, programs, and practices developed to assist employers and employees on appropriate responses in the workplace related to victims of domestic violence, stalking, or sexual assault; and

(2) not later than 18 months after the date of enactment of this Act, submit to Congress a report describing the results of that survey, which report shall include the recommendations of the Attorney General to assist employers and employees affected in the workplace by incidents of domestic violence, stalking, and sexual assault.

SEC. 1208. STUDY OF UNEMPLOYMENT COMPENSATION FOR VICTIMS OF VIOLENCE AGAINST WOMEN.

The Secretary of Labor, in consultation with the Attorney General, shall—

(1) conduct a national study to identify State laws that address the separation from employment of an employee due to circumstances directly resulting from the experience of domestic violence by the employee and circumstances governing that receipt (or nonreceipt) by the employee of unemployment compensation based on such separation; and

(2) not later than 1 year after the date of enactment of this Act, submit to Congress a report describing the results of that study, together with any recommendations based on that study.

SEC. 1209. ENHANCING PROTECTIONS FOR OLDER AND DISABLED WOMEN FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

(a) Elder Abuse, Neglect, and Exploitation.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

"Subtitle H—Elder Abuse, Neglect, and Exploitation, Including Domestic Violence and Sexual Assault Against Older or Disabled Individuals

"SEC. 40801. DEFINITIONS.

"In this subtitle:

"(1) In general.—The terms 'elder abuse, neglect, and exploitation', and 'older individual' have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

"(2) Domestic violence.—The term 'domestic violence' has the meaning given such term by section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

"(3) Sexual assault.—The term 'sexual assault' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

"SEC. 40802. TRAINING PROGRAMS FOR LAW ENFORCEMENT OFFICERS.

"The Attorney General may make grants for training programs to assist law enforcement officers, prosecutors, and relevant officers of Federal, State, tribal, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals.

"SEC. 40803. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2001 through 2005.".

(b) Protections for Older and Disabled Individuals From Domestic Violence and Sexual Assault in Pro-Arrest Grants.—Section 2101(b) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

"(8) To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence and sexual assault against older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) and individuals with disabilities (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2))).".

(c) Protections for Older and Disabled Individuals From Domestic Violence and Sexual Assault in STOP Grants.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C.

3796gg(b)) (as amended by section 1103(b) of this division) is amended by adding at the end the following:

"(10) developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals; and".

TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

SEC. 1301. SAFE HAVENS FOR CHILDREN PILOT PROGRAM.

(a) In General.—The Attorney General may award grants to States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities to provide supervised visitation and safe visitation exchange of children by and between parents in situations involving domestic violence, child abuse, sexual assault, or stalking.

(b) Considerations.—In awarding grants under subsection (a), the Attorney General shall take into account—

(1) the number of families to be served by the proposed visitation programs and services;

(2) the extent to which the proposed supervised visitation programs and services serve underserved populations (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2));

(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State or tribal domestic violence coalition, State or tribal sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims; and

(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral.

(c) Applicant Requirements.—The Attorney General shall award grants for contracts and cooperative agreements to applicants that—

(1) demonstrate expertise in the area of family violence, including the areas of domestic violence or sexual assault, as appropriate;

(2) ensure that any fees charged to individuals for use of programs and services are based on the income of those individuals, unless otherwise provided by court order;

(3) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation programs and services or safe visitation exchange; and

(4) prescribe standards by which the supervised visitation or safe visitation exchange will occur.

(d) Reporting.—

(1) In general.—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report that includes information concerning—

(A) the number of—

(i) individuals served and the number of individuals turned away from visitation programs and services and safe visitation exchange (categorized by State);

(ii) the number of individuals from underserved populations served and turned away from services; and

(iii) the type of problems that underlie the need for supervised visitation or safe visitation exchange, such as domestic violence, child abuse, sexual assault, other physical abuse, or a combination of such factors;

(B) the numbers of supervised visitations or safe visitation exchanges ordered under this section during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

(C) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which supervised visitation is established under this section;

(D) safety and security problems occurring during the reporting period during supervised visitation under this section, including the number of parental abduction cases; and

(E) the number of parental abduction cases in a judicial district using supervised visitation programs and services under this section, both as identified in criminal prosecution and custody violations.

(2) Guidelines.—The Attorney General shall establish guidelines for the collection and reporting of data under this subsection.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2001 and 2002.

(f) Allotment for Indian Tribes.—Not less than 5 percent of the total amount made available for each fiscal year to carry out this section shall be available for grants to Indian tribal governments.

SEC. 1302. REAUTHORIZATION OF VICTIMS OF CHILD ABUSE PROGRAMS.

(a) Court-Appointed Special Advocate Program.—Section 218 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014) is amended by striking subsection (a) and inserting the following:

"(a) Authorization.—There is authorized to be appropriated to carry out this subtitle $12,000,000 for each of fiscal years 2001 through 2005.".

(b) Child Abuse Training Programs for Judicial Personnel and Practitioners.—Section 224 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024) is amended by striking subsection (a) and inserting the following:

"(a) Authorization.—There is authorized to be appropriated to carry out this subtitle $2,300,000 for each of fiscal years 2001 through 2005.".

(c) Grants for Televised Testimony.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (7) and inserting the following:

"(7) There is authorized to be appropriated to carry out part N $1,000,000 for each of fiscal years 2001 through 2005.".

(d) Dissemination of Information.—The Attorney General shall—

(1) annually compile and disseminate information (including through electronic publication) about the use of amounts expended and the projects funded under section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)), section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)), and section 1007(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)), including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects; and

(2) focus dissemination of the information described in paragraph (1) toward community-based programs, including domestic violence and sexual assault programs.

SEC. 1303. REPORT ON EFFECTS OF PARENTAL KIDNAPPING LAWS IN DOMESTIC VIOLENCE CASES.

(a) In General.—The Attorney General shall—

(1) conduct a study of Federal and State laws relating to child custody, including custody provisions in protection orders, the Uniform Child Custody Jurisdiction and Enforcement Act adopted by the National Conference of Commissioners on Uniform State Laws in July 1997, the Parental Kidnaping Prevention Act of 1980 and the amendments made by that Act, and the effect of those laws on child custody cases in which domestic violence is a factor; and

(2) submit to Congress a report describing the results of that study, including the effects of implementing or applying model State laws, and the recommendations of the Attorney General to reduce the incidence or pattern of violence against women or of sexual assault of the child.

(b) Sufficiency of Defenses.—In carrying out subsection (a) with respect to the Parental Kidnaping Prevention Act of 1980 and the amendments made by that Act, the Attorney General shall examine the sufficiency of defenses to parental abduction charges available in cases involving domestic violence, and the burdens and risks encountered by victims of domestic violence arising from jurisdictional requirements of that Act and the amendments made by that Act.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $200,000 for fiscal year 2001.

(d) Condition for Custody Determination.—Section 1738A(c)(2)(C)(ii) of title 28, United States Code, is amended by striking "he" and inserting "the child, a sibling, or parent of the child".

TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN

SEC. 1401. RAPE PREVENTION AND EDUCATION.

(a) In General.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393A the following:

"SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

"(a) Permitted Use.—The Secretary, acting through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, shall award targeted grants to States to be used for rape prevention and education programs conducted by rape crisis centers, State sexual assault coalitions, and other public and private nonprofit entities for—

"(1) educational seminars;

"(2) the operation of hotlines;

"(3) training programs for professionals;

"(4) the preparation of informational material;

"(5) education and training programs for students and campus personnel designed to reduce the incidence of sexual assault at colleges and universities;

"(6) education to increase awareness about drugs used to facilitate rapes or sexual assaults; and

"(7) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved communities and awareness among individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

"(b) Collection and Dissemination of Information on Sexual Assault.—The Secretary shall, through the National Resource Center on Sexual Assault established under the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, provide resource information, policy, training,

and technical assistance to Federal, State, local, and Indian tribal agencies, as well as to State sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault, including maintenance of a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $80,000,000 for each of fiscal years 2001 through 2005.

"(2) NATIONAL RESOURCE CENTER ALLOTMENT.—Of the total amount made available under this subsection in each fiscal year, not more than the greater of $1,000,000 or 2 percent of such amount shall be available for allotment under subsection (b).

"(d) LIMITATIONS.—

"(1) SUPPLEMENT NOT SUPPLANT.—Amounts provided to States under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services of the type described in subsection (a).

"(2) STUDIES.—A State may not use more than 2 percent of the amount received by the State under this section for each fiscal year for surveillance studies or prevalence studies.

"(3) ADMINISTRATION.—A State may not use more than 5 percent of the amount received by the State under this section for each fiscal year for administrative expenses.".

(b) REPEAL.—Section 40151 of the Violence Against Women Act of 1994 (108 Stat. 1920), and the amendment made by such section, is repealed.

SEC. 1402. EDUCATION AND TRAINING TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to States, units of local government, Indian tribal governments, and nongovernmental private entities to provide education and technical assistance for the purpose of providing training, consultation, and information on domestic violence, stalking, and sexual assault against women who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(b) PRIORITIES.—In awarding grants under this section, the Attorney General shall give priority to applications designed to provide education and technical assistance on—

(1) the nature, definition, and characteristics of domestic violence, stalking, and sexual assault experienced by women who are individuals with disabilities;

(2) outreach activities to ensure that women who are individuals with disabilities who are victims of domestic violence, stalking, and sexual assault receive appropriate assistance;

(3) the requirements of shelters and victim services organizations under Federal anti-discrimination laws, including the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973; and

(4) cost-effective ways that shelters and victim services may accommodate the needs of individuals with disabilities in accordance with the Americans with Disabilities Act of 1990.

(c) USES OF GRANTS.—Each recipient of a grant under this section shall provide information and training to organizations and programs that provide services to individuals with disabilities, including independent living centers, disability-related service organizations, and domestic violence programs providing shelter or related assistance.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,500,000 for each of fiscal years 2001 through 2005.

SEC. 1403. COMMUNITY INITIATIVES.

Section 318 of the Family Violence Prevention and Services Act (42 U.S.C. 10418) is amended by striking subsection (h) and inserting the following:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 2001 through 2005.".

SEC. 1404. DEVELOPMENT OF RESEARCH AGENDA IDENTIFIED BY THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) IN GENERAL.—The Attorney General shall—

(1) direct the National Institute of Justice, in consultation and coordination with the Bureau of Justice Statistics and the National Academy of Sciences, through its National Research Council, to develop a research agenda based on the recommendations contained in the report entitled "Understanding Violence Against Women" of the National Academy of Sciences; and

(2) not later than 1 year after the date of enactment of this Act, in consultation with the Secretary of the Department of Health and Human Services, submit to Congress a report which shall include—

(A) a description of the research agenda developed under paragraph (1) and a plan to implement that agenda;

(B) recommendations for priorities in carrying out that agenda to most effectively advance knowledge about and means by which to prevent or reduce violence against women.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1405. STANDARDS, PRACTICE, AND TRAINING FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS.

(a) IN GENERAL.—The Attorney General shall—

(1) evaluate existing standards of training and practice for licensed health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training;

(2) recommend sexual assault forensic examination training for all health care students to improve the recognition of injuries suggestive of rape and sexual assault and baseline knowledge of appropriate referrals in victim treatment and evidence collection; and

(3) review existing national, State, tribal, and local protocols on sexual assault forensic examinations, and based on this review, develop a recommended national protocol and establish a mechanism for its nationwide dissemination.

(b) CONSULTATION.—The Attorney General shall consult with national, State, tribal, and local experts in the area of rape and sexual assault, including rape crisis centers, State and tribal sexual assault and domestic violence coalitions and programs, and programs for criminal justice, forensic nursing, forensic science, emergency room medicine, law, social services, and sex crimes in underserved communities (as defined in section 2003(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(7)), as amended by this division).

(c) REPORT.—The Attorney General shall ensure that not later than 1 year after the date of enactment of this Act, a report of the actions taken pursuant to subsection (a) is submitted to Congress.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000 for fiscal year 2001.

SEC. 1406. EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL.

(a) GRANTS FOR EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS.—

(1) SECTION 40412.—Section 40412 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13992) is amended—

(A) by striking "and" at the end of paragraph (18);

(B) by striking the period at the end of paragraph (19) and inserting a semicolon; and

(C) by inserting after paragraph (19) the following:

"(20) the issues raised by domestic violence in determining custody and visitation, including how to protect the safety of the child and of a parent who is not a predominant aggressor of domestic violence, the legitimate reasons parents may report domestic violence, the ways domestic violence may relate to an abuser's desire to seek custody, and evaluating expert testimony in custody and visitation determinations involving domestic violence;

"(21) the issues raised by child sexual assault in determining custody and visitation, including how to protect the safety of the child, the legitimate reasons parents may report child sexual assault, and evaluating expert testimony in custody and visitation determinations involving child sexual assault, including the current scientifically-accepted and empirically valid research on child sexual assault;

"(22) the extent to which addressing domestic violence and victim safety contributes to the efficient administration of justice;".

(2) SECTION 40414.—Section 40414(a) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13994(a)) is amended by inserting "and $1,500,000 for each of the fiscal years 2001 through 2005" after "1996".

(b) GRANTS FOR EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS.—

(1) SECTION 40421.—Section 40421(d) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14001(d)) is amended to read as follows:

"(d) CONTINUING EDUCATION AND TRAINING PROGRAMS.—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, shall include in the educational programs it prepares, including the training programs for newly appointed judges, information on the aspects of the topics listed in section 40412 that pertain to issues within the jurisdiction of the Federal courts, and shall prepare materials necessary to implement this subsection.".

(2) SECTION 40422.—Section 40422(2) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14002(2)) is amended by inserting "and $500,000 for each of the fiscal years 2001 through 2005" after "1996".

(c) TECHNICAL AMENDMENTS TO THE EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT OF 1994.—

(1) ENSURING COLLABORATION WITH DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS.—Section 40413 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13993) is amended by adding ", including national, State, tribal, and local domestic violence and sexual assault programs and coalitions" after "victim advocates".

(2) PARTICIPATION OF TRIBAL COURTS IN STATE TRAINING AND EDUCATION PROGRAMS.—Section 40411 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13991) is amended by adding at the end the following: "Nothing shall preclude the attendance of tribal judges and court personnel at programs funded under this section for States to train judges and court personnel on the laws of the States.".

(3) USE OF FUNDS FOR DISSEMINATION OF MODEL PROGRAMS.—Section 40414 of the Equal

Justice for Women in the Courts Act of 1994 (42 U.S.C. 13994) is amended by adding at the end the following:

"(c) State Justice Institute.—The State Justice Institute may use up to 5 percent of the funds appropriated under this section for annually compiling and broadly disseminating (including through electronic publication) information about the use of funds and about the projects funded under this section, including any evaluations of the projects and information to enable the replication and adoption of the projects.".

(d) Dating Violence.—

(1) Section 40411.—Section 40411 of the Equal Justice for Women in Courts Act of 1994 (42 U.S.C 13991) is amended by inserting "dating violence," after "domestic violence,".

(2) Section 40412.—Section 40412 of such Act (42 U.S.C 13992) is amended—

(A) in paragraph (10), by inserting "and dating violence (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg–2))" before the semicolon;

(B) in paragraph (11), by inserting "and dating violence" after "domestic violence";

(C) in paragraph (13), by inserting "and dating violence" after "domestic violence" in both places that it appears;

(D) in paragraph (17), by inserting "or dating violence" after "domestic violence" in both places that it appears; and

(E) in paragraph (18), by inserting "and dating violence" after "domestic violence".

SEC. 1407. DOMESTIC VIOLENCE TASK FORCE

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) (as amended by section 1209(a) of this division) is amended by adding at the end the following:

"Subtitle I—Domestic Violence Task Force

"SEC. 40901. TASK FORCE.

"(a) Establish.—The Attorney General, in consultation with national nonprofit, nongovernmental organizations whose primary expertise is in domestic violence, shall establish a task force to coordinate research on domestic violence and to report to Congress on any overlapping or duplication of efforts on domestic violence issues. The task force shall be comprised of representatives from all Federal agencies that fund such research.

"(b) Uses of Funds.—Funds appropriated under this section shall be used to—

"(1) develop a coordinated strategy to strengthen research focused on domestic violence education, prevention, and intervention strategies;

"(2) track and report all Federal research and expenditures on domestic violence; and

"(3) identify gaps and duplication of efforts in domestic violence research and governmental expenditures on domestic violence issues.

"(c) Report.—The Task Force shall report to Congress annually on its work under subsection (b).

"(d) Definition.—For purposes of this section, the term 'domestic violence' has the meaning given such term by section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(1)).

"(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000 for each of fiscal years 2001 through 2004.".

TITLE V—BATTERED IMMIGRANT WOMEN

SEC. 1501. SHORT TITLE.

This title may be cited as the "Battered Immigrant Women Protection Act of 2000".

SEC. 1502. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the goal of the immigration protections for battered immigrants included in the Violence Against Women Act of 1994 was to remove immigration laws as a barrier that kept battered immigrant women and children locked in abusive relationships;

(2) providing battered immigrant women and children who were experiencing domestic violence at home with protection against deportation allows them to obtain protection orders against their abusers and frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers and the abusers of their children without fearing that the abuser will retaliate by withdrawing or threatening withdrawal of access to an immigration benefit under the abuser's control; and

(3) there are several groups of battered immigrant women and children who do not have access to the immigration protections of the Violence Against Women Act of 1994 which means that their abusers are virtually immune from prosecution because their victims can be deported as a result of action by their abusers and the Immigration and Naturalization Service cannot offer them protection no matter how compelling their case under existing law.

(b) Purposes.—The purposes of this title are—

(1) to remove barriers to criminal prosecutions of persons who commit acts of battery or extreme cruelty against immigrant women and children; and

(2) to offer protection against domestic violence occurring in family and intimate relationships that are covered in State and tribal protection orders, domestic violence, and family law statutes.

SEC. 1503. IMPROVED ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR BATTERED IMMIGRANT WOMEN.

(a) Intended Spouse Defined.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

"(50) The term 'intended spouse' means any alien who meets the criteria set forth in section 204(a)(1)(A)(iii)(II)(aa)(BB), 204(a)(1)(B)(ii)(II)(aa)(BB), or 240A(b)(2)(A)(i)(III).".

(b) Immediate Relative Status for Self-Petitioners Married to U.S. Citizens.—

(1) Self-petitioning spouses.—

(A) Battery or cruelty to alien or alien's child.—Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended to read as follows:

"(iii)(I) An alien who is described in subclause (II) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if the alien demonstrates to the Attorney General that—

"(aa) the marriage or the intent to marry the United States citizen was entered into in good faith by the alien; and

"(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.

"(II) For purposes of subclause (I), an alien described in this subclause is an alien—

"(aa)(AA) who is the spouse of a citizen of the United States;

"(BB) who believed that he or she had married a citizen of the United States and with whom a marriage ceremony was actually performed and who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such citizen of the United States; or

"(CC) who was a bona fide spouse of a United States citizen within the past 2 years and—

"(aaa) whose spouse died within the past 2 years;

"(bbb) whose spouse lost or renounced citizenship status within the past 2 years related to an incident of domestic violence; or

"(ccc) who demonstrates a connection between the legal termination of the marriage within the past 2 years and battering or extreme cruelty by the United States citizen spouse;

"(bb) who is a person of good moral character;

"(cc) who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) or who would have been so classified but for the bigamy of the citizen of the United States that the alien intended to marry; and

"(dd) who has resided with the alien's spouse or intended spouse.".

(2) Self-petitioning children.—Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended to read as follows:

"(iv) An alien who is the child of a citizen of the United States, or who was a child of a United States citizen parent who within the past 2 years lost or renounced citizenship status related to an incident of domestic violence, and who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who resides, or has resided in the past, with the citizen parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen parent. For purposes of this clause, residence includes any period of visitation.".

(3) Filing of petitions.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following:

"(v) An alien who—

"(I) is the spouse, intended spouse, or child living abroad of a citizen who—

"(aa) is an employee of the United States Government;

"(bb) is a member of the uniformed services (as defined in section 101(a) of title 10, United States Code); or

"(cc) has subjected the alien or the alien's child to battery or extreme cruelty in the United States; and

"(II) is eligible to file a petition under clause (iii) or (iv);

shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clause (iii) or (iv), as applicable.".

(c) Second Preference Immigration Status for Self-Petitioners Married to Lawful Permanent Residents.—

(1) Self-petitioning spouses.—Section 204(a)(1)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(ii)) is amended to read as follows:

"(ii)(I) An alien who is described in subclause (II) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if such a child has not been classified under clause (iii) of section 203(a)(2)(A) and if the alien demonstrates to the Attorney General that—

"(aa) the marriage or the intent to marry the lawful permanent resident was entered into in good faith by the alien; and

"(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.

"(II) For purposes of subclause (I), an alien described in this paragraph is an alien—

"(aa)(AA) who is the spouse of a lawful permanent resident of the United States; or

"(BB) who believed that he or she had married a lawful permanent resident of the United States and with whom a marriage ceremony was actually performed and who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such lawful permanent resident of the United States; or

"(CC) who was a bona fide spouse of a lawful permanent resident within the past 2 years and—

"(aaa) whose spouse lost status within the past 2 years due to an incident of domestic violence; or

"(bbb) who demonstrates a connection between the legal termination of the marriage within the past 2 years and battering or extreme cruelty by the lawful permanent resident spouse;

"(bb) who is a person of good moral character;

"(cc) who is eligible to be classified as a spouse of an alien lawfully admitted for permanent residence under section 203(a)(2)(A) or who would have been so classified but for the bigamy of the lawful permanent resident of the United States that the alien intended to marry; and

"(dd) who has resided with the alien's spouse or intended spouse.".

(2) SELF-PETITIONING CHILDREN.—Section 204(a)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended to read as follows:

"(iii) An alien who is the child of an alien lawfully admitted for permanent residence, or who was the child of a lawful permanent resident who within the past 2 years lost lawful permanent resident status due to an incident of domestic violence, and who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who resides, or has resided in the past, with the alien's permanent resident alien parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's permanent resident parent.".

(3) FILING OF PETITIONS.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) is amended by adding at the end the following:

"(iv) An alien who—

"(I) is the spouse, intended spouse, or child living abroad of a lawful permanent resident who—

"(aa) is an employee of the United States Government;

"(bb) is a member of the uniformed services (as defined in section 101(a) of title 10, United States Code); or

"(cc) has subjected the alien or the alien's child to battery or extreme cruelty in the United States; and

"(II) is eligible to file a petition under clause (ii) or (iii);

shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clause (ii) or (iii), as applicable.".

(d) GOOD MORAL CHARACTER DETERMINATIONS FOR SELF-PETITIONERS AND TREATMENT OF CHILD SELF-PETITIONERS AND PETITIONS INCLUDING DERIVATIVE CHILDREN ATTAINING 21 YEARS OF AGE.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) by redesignating subparagraphs (C) through (H) as subparagraphs (E) through (J), respectively;

(2) by inserting after subparagraph (B) the following:

"(C) Notwithstanding section 101(f), an act or conviction that is waivable with respect to the petitioner for purposes of a determination of the petitioner's admissibility under section 212(a) or deportability under section 237(a) shall not bar the Attorney General from finding the petitioner to be of good moral character under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty.

"(D)(i)(I) Any child who attains 21 years of age who has filed a petition under clause (iv) of section 204(a)(1)(A) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date assigned to the self-petition filed under clause (iv) of section 204(a)(1)(A). No new petition shall be required to be filed.

"(II) Any individual described in subclause (I) is eligible for deferred action and work authorization.

"(III) Any derivative child who attains 21 years of age who is included in a petition described in clause (ii) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date as that assigned to the petitioner in any petition described in clause (ii). No new petition shall be required to be filed.

"(IV) Any individual described in subclause (III) and any derivative child of a petition described in clause (ii) is eligible for deferred action and work authorization.

"(ii) The petition referred to in clause (i)(III) is a petition filed by an alien under subparagraph (A)(iii), (A)(iv), (B)(ii) or (B)(iii) in which the child is included as a derivative beneficiary."; and

(3) in subparagraph (J) (as so redesignated), by inserting "or in making determinations under subparagraphs (C) and (D)," after "subparagraph (B),".

(e) ACCESS TO NATURALIZATION FOR DIVORCED VICTIMS OF ABUSE.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended—

(1) by inserting ", or any person who obtained status as a lawful permanent resident by reason of his or her status as a spouse or child of a United States citizen who battered him or her or subjected him or her to extreme cruelty," after "United States" the first place such term appears; and

(2) by inserting "(except in the case of a person who has been battered or subjected to extreme cruelty by a United States citizen spouse or parent)" after "has been living in marital union with the citizen spouse".

SEC. 1504. IMPROVED ACCESS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)) is amended to read as follows:

"(2) SPECIAL RULE FOR BATTERED SPOUSE OR CHILD.—

"(A) AUTHORITY.—The Attorney General may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States if the alien demonstrates that—

"(i)(I) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a United States citizen (or is the parent of a child of a United States citizen and the child has been battered or subjected to extreme cruelty by such citizen parent);

"(II) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a lawful permanent resident (or is the parent of a child of an alien who is or was a lawful permanent resident and the child has been battered or subjected to extreme cruelty by such permanent resident parent); or

"(III) the alien has been battered or subjected to extreme cruelty by a United States citizen or lawful permanent resident whom the alien intended to marry, but whose marriage is not legitimate because of that United States citizen's or lawful permanent resident's bigamy;

"(ii) the alien has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application, and the issuance of a charging document for removal proceedings shall not toll the 3-year period of continuous physical presence in the United States;

"(iii) the alien has been a person of good moral character during such period, subject to the provisions of subparagraph (C);

"(iv) the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not deportable under paragraphs (1)(G) or (2) through (4) of section 237(a) (except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver), and has not been convicted of an aggravated felony; and

"(v) the removal would result in extreme hardship to the alien, the alien's child, or the alien's parent.

"(B) PHYSICAL PRESENCE.—Notwithstanding subsection (d)(2), for purposes of subparagraph (A)(i)(II) or for purposes of section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence if the alien demonstrates a connection between the absence and the battering or extreme cruelty perpetrated against the alien. No absence or portion of an absence connected to the battering or extreme cruelty shall count toward the 90-day or 180-day limits established in subsection (d)(2). If any absence or aggregate absences exceed 180 days, the absences or portions of the absences will not be considered to break the period of continuous presence. Any such period of time excluded from the 180-day limit shall be excluded in computing the time during which the alien has been physically present for purposes of the 3-year requirement set forth in section 240A(b)(2)(B) and section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

"(C) GOOD MORAL CHARACTER.—Notwithstanding section 101(f), an act or conviction that does not bar the Attorney General from granting relief under this paragraph by reason of subparagraph (A)(iv) shall not bar the Attorney General from finding the alien to be of good moral character under subparagraph (A)(i)(III) or section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty and determines that a waiver is otherwise warranted.

"(D) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.".

(b) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended by adding at the end the following:

"(4) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN.—

"(A) IN GENERAL.—The Attorney General shall grant parole under section 212(d)(5) to any alien who is a—

"(i) child of an alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996); or

"(ii) parent of a child alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

"(B) DURATION OF PAROLE.—The grant of parole shall extend from the time of the grant of relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to the time the application for adjustment of status filed by aliens covered under this paragraph has been finally adjudicated. Applications for adjustment of status filed by aliens covered under this paragraph shall be treated as if they were applications filed under section 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c). Failure by the alien granted relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to exercise due diligence in filing a visa petition on behalf of an alien described in clause (i) or (ii) may result in revocation of parole.".

(c) EFFECTIVE DATE.—Any individual who becomes eligible for relief by reason of the enactment of the amendments made by subsections (a) and (b), shall be eligible to file a motion to reopen pursuant to section 240(c)(6)(C)(iv). The amendments made by subsections (a) and (b) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 587). Such portions of the amendments made by subsection (b) that relate to section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) shall take effect as if included in subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 et seq.).

SEC. 1505. OFFERING EQUAL ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR ALL QUALIFIED BATTERED IMMIGRANT SELF-PETITIONERS.

(a) BATTERED IMMIGRANT WAIVER.—Section 212(a)(9)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by adding at the end the following: "The Attorney General in the Attorney General's discretion may waive the provisions of section 212(a)(9)(C)(i) in the case of an alien to whom the Attorney General has granted classification under clause (iii), (iv), or (v) of section 204(a)(1)(A), or classification under clause (ii), (iii), or (iv) of section 204(a)(1)(B), in any case in which there is a connection between—

"(1) the alien's having been battered or subjected to extreme cruelty; and

"(2) the alien's—

"(A) removal;

"(B) departure from the United States;

"(C) reentry or reentries into the United States; or

"(D) attempted reentry into the United States.".

(b) DOMESTIC VIOLENCE VICTIM WAIVER.—

(1) WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.—Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended by inserting at the end the following:

"(7) WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.—

"(A) IN GENERAL.—The Attorney General is not limited by the criminal court record and may waive the application of paragraph (2)(E)(i) (with respect to crimes of domestic violence and crimes of stalking) and (ii) in the case of an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship—

"(i) upon a determination that—

"(I) the alien was acting is self-defense;

"(II) the alien was found to have violated a protection order intended to protect the alien; or

"(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime—

"(aa) that did not result in serious bodily injury; and

"(bb) where there was a connection between the crime and the alien's having been battered or subjected to extreme cruelty.

"(B) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.".

(2) CONFORMING AMENDMENT.—Section 240A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(1)(C)) is amended by inserting "(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)" after "237(a)(3)".

(c) MISREPRESENTATION WAIVERS FOR BATTERED SPOUSES OF UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.—

(1) WAIVER OF INADMISSIBILITY.—Section 212(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(i)(1)) is amended by inserting before the period at the end the following: "or, in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), the alien demonstrates extreme hardship to the alien or the alien's United States citizen, lawful permanent resident, or qualified alien parent or child".

(2) WAIVER OF DEPORTABILITY.—Section 237(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)) is amended—

(A) in clause (i), by inserting "(I)" after "(i)";

(B) by redesignating clause (ii) as subclause (II); and

(C) by adding after clause (i) the following:

"(ii) is an alien who qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B).".

(d) BATTERED IMMIGRANT WAIVER.—Section 212(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(g)(1)) is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by adding "or" at the end; and

(3) by inserting after subparagraph (B) the following:

"(C) qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B);".

(e) WAIVERS FOR VAWA ELIGIBLE BATTERED IMMIGRANTS.—Section 212(h)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(h)(1)) is amended—

(1) in subparagraph (B), by striking "and" and inserting "or"; and

(2) by adding at the end the following:

"(C) the alien qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B); and".

(f) PUBLIC CHARGE.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following:

"(p) In determining whether an alien described in subsection (a)(4)(C)(i) is inadmissible under subsection (a)(4) or ineligible to receive an immigrant visa or otherwise to adjust to the status of permanent resident by reason of subsection (a)(4), the consular officer or the Attorney General shall not consider any benefits the alien may have received that were authorized under section 501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1641(c)).".

(g) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives covering, with respect to fiscal year 1997 and each fiscal year thereafter—

(1) the policy and procedures of the Immigration and Naturalization Service under which an alien who has been battered or subjected to extreme cruelty who is eligible for suspension of deportation or cancellation of removal can request to be placed, and be placed, in deportation or removal proceedings so that such alien may apply for suspension of deportation or cancellation of removal;

(2) the number of requests filed at each district office under this policy;

(3) the number of these requests granted reported separately for each district; and

(4) the average length of time at each Immigration and Naturalization office between the date that an alien who has been subject to battering or extreme cruelty eligible for suspension of deportation or cancellation of removal requests to be placed in deportation or removal proceedings and the date that the immigrant appears before an immigration judge to file an application for suspension of deportation or cancellation of removal.

SEC. 1506. RESTORING IMMIGRATION PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) REMOVING BARRIERS TO ADJUSTMENT OF STATUS FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) IMMIGRATION AMENDMENTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in subsection (a), by inserting "or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or" after "into the United States."; and

(B) in subsection (c), by striking "Subsection (a) shall not be applicable to" and inserting the following: "Other than an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1), subsection (a) shall not be applicable to".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications for adjustment of status pending on or made on or after January 14, 1998.

(b) REMOVING BARRIERS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) NOT TREATING SERVICE OF NOTICE AS TERMINATING CONTINUOUS PERIOD.—Section 240A(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(1)) is amended by striking "when the alien is served a notice to appear under section 239(a) or" and inserting "(A) except in the case of an alien who applies for cancellation of removal under subsection (b)(2), when the alien is served a notice to appear under section 239(a), or (B)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 587).

(3) MODIFICATION OF CERTAIN TRANSITION RULES FOR BATTERED SPOUSE OR CHILD.—Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note) is amended—

(A) by striking the subparagraph heading and inserting the following:

"(C) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION AND FOR BATTERED SPOUSES AND CHILDREN.—"; and

(B) in clause (i)—

(i) in subclause (IV), by striking "or" at the end;

(ii) in subclause (V), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(VI) is an alien who was issued an order to show cause or was in deportation proceedings before April 1, 1997, and who applied for suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the date of the enactment of this Act).".

(4) EFFECTIVE DATE.—The amendments made by paragraph (3) shall take effect as if included in the enactment of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note).

(c) ELIMINATING TIME LIMITATIONS ON MOTIONS TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) REMOVAL PROCEEDINGS.—

(A) IN GENERAL.—Section 240(c)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)(C)) is amended by adding at the end the following:

"(iv) SPECIAL RULE FOR BATTERED SPOUSES AND CHILDREN.—The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply—

"(I) if the basis for the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B), or section 240A(b)(2);

"(II) if the motion is accompanied by a cancellation of removal application to be filed with the Attorney General or by a copy of the self-petition that has been or will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen; and

"(III) if the motion to reopen is filed within 1 year of the entry of the final order of removal, except that the Attorney General may, in the Attorney General's discretion, waive this time limitation in the case of an alien who demonstrates extraordinary circumstances or extreme hardship to the alien's child.".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1229–1229c).

(2) DEPORTATION PROCEEDINGS.—

(A) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)), there is no time limit on the filing of a motion to reopen such proceedings, and the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act (as so in effect) (8 U.S.C. 1252b(c)(3)) does not apply—

(i) if the basis of the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as so in effect) (8 U.S.C. 1254(a)(3)); and

(ii) if the motion is accompanied by a suspension of deportation application to be filed with the Attorney General or by a copy of the self-petition that will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.

(B) APPLICABILITY.—Subparagraph (A) shall apply to motions filed by aliens who—

(i) are, or were, in deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)); and

(ii) have become eligible to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)) as a result of the amendments made by—

(I) subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 et seq.); or

(II) this title.

SEC. 1507. REMEDYING PROBLEMS WITH IMPLEMENTATION OF THE IMMIGRATION PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) EFFECT OF CHANGES IN ABUSERS' CITIZENSHIP STATUS ON SELF-PETITION.—

(1) RECLASSIFICATION.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) (as amended by section 1503(b)(3) of this title) is amended by adding at the end the following:

"(vi) For the purposes of any petition filed under clause (iii) or (iv), the denaturalization, loss or renunciation of citizenship, death of the abuser, divorce, or changes to the abuser's citizenship status after filing of the petition shall not adversely affect the approval of the petition, and for approved petitions shall not preclude the classification of the eligible self-petitioning spouse or child as an immediate relative or affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on the approved self-petition under such clauses.".

(2) LOSS OF STATUS.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) (as amended by section 1503(c)(3) of this title) is amended by adding at the end the following:

"(v)(I) For the purposes of any petition filed or approved under clause (ii) or (iii), divorce, or the loss of lawful permanent resident status by a spouse or parent after the filing of a petition under that clause shall not adversely affect approval of the petition, and, for an approved petition, shall not affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on an approved self-petition under clause (ii) or (iii).

"(II) Upon the lawful permanent resident spouse or parent becoming or establishing the existence of United States citizenship through naturalization, acquisition of citizenship, or other means, any petition filed with the Immigration and Naturalization Service and pending or approved under clause (ii) or (iii) on behalf of an alien who has been battered or subjected to extreme cruelty shall be deemed reclassified as a petition filed under subparagraph (A) even if the acquisition of citizenship occurs after divorce or termination of parental rights.".

(3) DEFINITION OF IMMEDIATE RELATIVES.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(b)(2)(A)(i)) is amended by adding at the end the following: "For purposes of this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) of this Act remains an immediate relative in the event that the United States citizen spouse or parent loses United States citizenship on account of the abuse.".

(b) ALLOWING REMARRIAGE OF BATTERED IMMIGRANTS.—Section 204(h) of the Immigration and Nationality Act (8 U.S.C. 1154(h)) is amended by adding at the end the following: "Remarriage of an alien whose petition was approved under section 204(a)(1)(B)(ii) or 204(a)(1)(A)(iii) or marriage of an alien described in clause (iv) or (vi) of section 204(a)(1)(A) or in section 204(a)(1)(B)(iii) shall not be the basis for revocation of a petition approval under section 205.".

SEC. 1508. TECHNICAL CORRECTION TO QUALIFIED ALIEN DEFINITION FOR BATTERED IMMIGRANTS.

Section 431(c)(1)(B)(iii) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)(iii)) is amended to read as follows:

"(iii) suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).".

SEC. 1509. ACCESS TO CUBAN ADJUSTMENT ACT FOR BATTERED IMMIGRANT SPOUSES AND CHILDREN.

(a) IN GENERAL.—The last sentence of the first section of Public Law 89–732 (November 2, 1966; 8 U.S.C. 1255 note) is amended by striking the period at the end and inserting the following: ", except that such spouse or child who has been battered or subjected to extreme cruelty may adjust to permanent resident status under this Act without demonstrating that he or she is residing with the Cuban spouse or parent in the United States. In acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 et seq.).

SEC. 1510. ACCESS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT FOR BATTERED SPOUSES AND CHILDREN.

(a) ADJUSTMENT OF STATUS OF CERTAIN NICARAGUAN AND CUBAN BATTERED SPOUSES.—Section 202(d) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100, as amended) is amended—

(1) in paragraph (1), by striking subparagraph (B) and inserting the following:

"(B) the alien—

"(i) is the spouse, child, or unmarried son or daughter of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that the son or daughter has been physically present in the United States for a continuous period beginning not later than December

1, 1995, and ending not earlier than the date on which the application for adjustment under this subsection is filed; or

"(ii) was, at the time at which an alien filed for adjustment under subsection (a), the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the alien that filed for adjustment under subsection (a);"; and

(2) by adding at the end the following:

"(3) Procedure.—In acting on an application under this section with respect to a spouse or child who has been battered or subjected to extreme cruelty, the Attorney General shall apply section 204(a)(1)(H).".

(b) Cancellation of Removal and Suspension of Deportation Transition Rules for Certain Battered Spouses.—Section 309(c)(5)(C) of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note) (as amended by section 1506(b)(3) of this title) is amended—

(1) in clause (i)—

(A) by striking the period at the end of subclause (VI) (as added by section 1506(b)(3) of this title) and inserting "; or"; and

(B) by adding at the end the following:

"(VII)(aa) was the spouse or child of an alien described in subclause (I), (II), or (V)—

"(AA) at the time at which a decision is rendered to suspend the deportation or cancel the removal of the alien;

"(BB) at the time at which the alien filed an application for suspension of deportation or cancellation of removal; or

"(CC) at the time at which the alien registered for benefits under the settlement agreement in American Baptist Churches, et. al. v. Thornburgh (ABC), applied for temporary protected status, or applied for asylum; and

"(bb) the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the alien described in subclause (I), (II), or (V)."; and

(2) by adding at the end the following:

"(iii) Consideration of Petitions.—In acting on a petition filed under subclause (VII) of clause (i) the provisions set forth in section 204(a)(1)(H) shall apply.

"(iv) Residence with Spouse or Parent not Required.—For purposes of the application of clause (i)(VII), a spouse or child shall not be required to demonstrate that he or she is residing with the spouse or parent in the United States.".

(c) Effective Date.—The amendments made by subsections (a) and (b) shall be effective as if included in the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100, as amended).

SEC. 1511. ACCESS TO THE HAITIAN REFUGEE FAIRNESS ACT OF 1998 FOR BATTERED SPOUSES AND CHILDREN.

(a) In General.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538) is amended to read as follows:

"(B)(i) the alien is the spouse, child, or unmarried son or daughter of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that, in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that the son or daughter has been physically present in the United States for a continuous period beginning not later than December 1, 1995, and ending not earlier than the date on which the application for such adjustment is filed;

"(ii) at the time of filing of the application for adjustment under subsection (a), the alien is the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a) and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the individual described in subsection (a); and

"(iii) in acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).".

(b) Effective Date.—The amendment made by subsection (a) shall be effective as if included in the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538).

SEC. 1512. ACCESS TO SERVICES AND LEGAL REPRESENTATION FOR BATTERED IMMIGRANTS.

(a) Law Enforcement and Prosecution Grants.—Section 2001(b) of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) (as amended by section 1209(c) of this division) is amended by adding at the end the following:

"(11) providing assistance to victims of domestic violence and sexual assault in immigration matters.".

(b) Grants To Encourage Arrests.—Section 2101(b)(5) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)(5)) is amended by inserting before the period the following: ", including strengthening assistance to such victims in immigration matters".

(c) Rural Domestic Violence and Child Abuse Enforcement Grants.—Section 40295(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953; 42 U.S.C. 13971(a)(2)) is amended to read as follows:

"(2) to provide treatment, counseling, and assistance to victims of domestic violence and child abuse, including in immigration matters; and".

(d) Campus Domestic Violence Grants.—Section 826(b)(5) of the Higher Education Amendments of 1998 (Public Law 105–244; 20 U.S.C. 1152) is amended by inserting before the period at the end the following: ", including assistance to victims in immigration matters".

SEC. 1513. PROTECTION FOR CERTAIN CRIME VICTIMS INCLUDING VICTIMS OF CRIMES AGAINST WOMEN.

(a) Findings and Purpose.—

(1) Findings.—Congress makes the following findings:

(A) Immigrant women and children are often targeted to be victims of crimes committed against them in the United States, including rape, torture, kidnaping, trafficking, incest, domestic violence, sexual assault, female genital mutilation, forced prostitution, involuntary servitude, being held hostage or being criminally restrained.

(B) All women and children who are victims of these crimes committed against them in the United States must be able to report these crimes to law enforcement and fully participate in the investigation of the crimes committed against them and the prosecution of the perpetrators of such crimes.

(2) Purpose.—

(A) The purpose of this section is to create a new nonimmigrant visa classification that will strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes described in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States. This visa will encourage law enforcement officials to better serve immigrant crime victims and to prosecute crimes committed against aliens.

(B) Creating a new nonimmigrant visa classification will facilitate the reporting of crimes to law enforcement officials by trafficked, exploited, victimized, and abused aliens who are not in lawful immigration status. It also gives law enforcement officials a means to regularize the status of cooperating individuals during investigations or prosecutions. Providing temporary legal status to aliens who have been severely victimized by criminal activity also comports with the humanitarian interests of the United States.

(C) Finally, this section gives the Attorney General discretion to convert the status of such nonimmigrants to that of permanent residents when doing so is justified on humanitarian grounds, for family unity, or is otherwise in the public interest.

(b) Establishment of Humanitarian/Material Witness Nonimmigrant Classification.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) (as amended by section 107 of this Act) is amended—

(1) by striking "or" at the end of subparagraph (S);

(2) by striking the period at the end of subparagraph (T) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(U)(i) subject to section 214(o), an alien who files a petition for status under this subparagraph, if the Attorney General determines that—

"(I) the alien has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity described in clause (iii);

"(II) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) possesses information concerning criminal activity described in clause (iii);

"(III) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) has been helpful, is being helpful, or is likely to be helpful to a Federal, State, or local law enforcement official, to a Federal, State, or local prosecutor, to a Federal or State judge, to the Service, or to other Federal, State, or local authorities investigating or prosecuting criminal activity described in clause (iii); and

"(IV) the criminal activity described in clause (iii) violated the laws of the United States or occurred in the United States (including in Indian country and military installations) or the territories and possessions of the United States;

"(ii) if the Attorney General considers it necessary to avoid extreme hardship to the spouse, the child, or, in the case of an alien child, the parent of the alien described in clause (i), the Attorney General may also grant status under this paragraph based upon certification of a government official listed in clause (i)(III) that an investigation or prosecution would be harmed without the assistance of the spouse, the child, or, in the case of an alien child, the parent of the alien; and

"(iii) the criminal activity referred to in this clause is that involving one or more of the following or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction

of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes.".

(c) Conditions for Admission and Duties of the Attorney General.—Section 214 of such Act (8 U.S.C. 1184) (as amended by section 107 of this Act) is amended by adding at the end the following new subsection:

"(o) Requirements Applicable to Section 101(a)(15)(U) Visas.—

"(1) Petitioning procedures for section 101(a)(15)(U) visas.—The petition filed by an alien under section 101(a)(15)(U)(i) shall contain a certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating criminal activity described in section 101(a)(15)(U)(iii). This certification may also be provided by an official of the Service whose ability to provide such certification is not limited to information concerning immigration violations. This certification shall state that the alien "has been helpful, is being helpful, or is likely to be helpful" in the investigation or prosecution of criminal activity described in section 101(a)(15)(U)(iii).

"(2) Numerical limitations.—

"(A) The number of aliens who may be issued visas or otherwise provided status as nonimmigrants under section 101(a)(15)(U) in any fiscal year shall not exceed 10,000.

"(B) The numerical limitations in subparagraph (A) shall only apply to principal aliens described in section 101(a)(15)(U)(i), and not to spouses, children, or, in the case of alien children, the alien parents of such children.

"(3) Duties of the Attorney General with respect to 'U' visa nonimmigrants.—With respect to nonimmigrant aliens described in subsection (a)(15)(U)—

"(A) the Attorney General and other government officials, where appropriate, shall provide those aliens with referrals to nongovernmental organizations to advise the aliens regarding their options while in the United States and the resources available to them; and

"(B) the Attorney General shall, during the period those aliens are in lawful temporary resident status under that subsection, provide the aliens with employment authorization.

"(4) Credible evidence considered.—In acting on any petition filed under this subsection, the consular officer or the Attorney General, as appropriate, shall consider any credible evidence relevant to the petition.

"(5) Nonexclusive relief.—Nothing in this subsection limits the ability of aliens who qualify for status under section 101(a)(15)(U) to seek any other immigration benefit or status for which the alien may be eligible.".

(d) Prohibition on Adverse Determinations of Admissibility or Deportability.—Section 384(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended—

(1) by striking "or" at the end of paragraph (1)(C);

(2) by striking the comma at the end of paragraph (1)(D) and inserting ", or"; and

(3) by inserting after paragraph (1)(D) the following new subparagraph:

"(E) in the case of an alien applying for status under section 101(a)(15)(U) of the Immigration and Nationality Act, the perpetrator of the substantial physical or mental abuse and the criminal activity,"; and

(4) in paragraph (2), by inserting "section 101(a)(15)(U)," after "section 216(c)(4)(C),".

(e) Waiver of Grounds of Ineligibility for Admission.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following new paragraph:

"(13) The Attorney General shall determine whether a ground of inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(U). The Attorney General, in the Attorney General's discretion, may waive the application of subsection (a) (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 101(a)(15)(U), if the Attorney General considers it to be in the public or national interest to do so.".

(f) Adjustment to Permanent Resident Status.—Section 245 of such Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

"(l)(1) The Attorney General may adjust the status of an alien admitted into the United States (or otherwise provided nonimmigrant status) under section 101(a)(15)(U) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E), unless the Attorney General determines based on affirmative evidence that the alien unreasonably refused to provide assistance in a criminal investigation or prosecution, if—

"(A) the alien has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under clause (i) or (ii) of section 101(a)(15)(U); and

"(B) in the opinion of the Attorney General, the alien's continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest.

"(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days unless the absence is in order to assist in the investigation or prosecution or unless an official involved in the investigation or prosecution certifies that the absence was otherwise justified.

"(3) Upon approval of adjustment of status under paragraph (1) of an alien described in section 101(a)(15)(U)(i) the Attorney General may adjust the status of or issue an immigrant visa to a spouse, a child, or, in the case of an alien child, a parent who did not receive a nonimmigrant visa under section 101(a)(15)(U)(ii) if the Attorney General considers the grant of such status or visa necessary to avoid extreme hardship.

"(4) Upon the approval of adjustment of status under paragraph (1) or (3), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval.".

TITLE VI—MISCELLANEOUS

SEC. 1601. NOTICE REQUIREMENTS FOR SEXUALLY VIOLENT OFFENDERS.

(a) Short Title.—This section may be cited as the "Campus Sex Crimes Prevention Act".

(b) Notice With Respect to Institutions of Higher Education.—

(1) In general.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following:

"(j) Notice of Enrollment at or Employment by Institutions of Higher Education.—

"(1) Notice by offenders.—

"(A) In general.—In addition to any other requirements of this section, any person who is required to register in a State shall provide notice as required under State law—

"(i) of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student; and

"(ii) of each change in enrollment or employment status of such person at an institution of higher education in that State.

"(B) Change in status.—A change in status under subparagraph (A)(ii) shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated information is promptly made available to a law enforcement agency having jurisdiction where such institution is located and entered into the appropriate State records or data system.

"(2) State reporting.—State procedures shall ensure that the registration information collected under paragraph (1)—

"(A) is promptly made available to a law enforcement agency having jurisdiction where such institution is located; and

"(B) entered into the appropriate State records or data system.

"(3) Request.—Nothing in this subsection shall require an educational institution to request such information from any State.".

(2) Effective date.—The amendment made by this subsection shall take effect 2 years after the date of enactment of this Act.

(c) Disclosures by Institutions of Higher Education.—

(1) In general.—Section 485(f)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(1)) is amended by adding at the end the following:

"(I) A statement advising the campus community where law enforcement agency information provided by a State under section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(j)), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.".

(2) Effective date.—The amendment made by this subsection shall take effect 2 years after the date of enactment of this Act.

(d) Amendment to Family Educational Rights and Privacy Act of 1974.—Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)), also known as the Family Educational Rights and Privacy Act of 1974, is amended by adding at the end the following:

"(7)(A) Nothing in this section may be construed to prohibit an educational institution from disclosing information provided to the institution under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) concerning registered sex offenders who are required to register under such section.

"(B) The Secretary shall take appropriate steps to notify educational institutions that disclosure of information described in subparagraph (A) is permitted.".

SEC. 1602. TEEN SUICIDE PREVENTION STUDY.

(a) Short Title.—This section may be cited as the "Teen Suicide Prevention Act of 2000".

(b) Findings.—Congress finds that—

(1) measures that increase public awareness of suicide as a preventable public health problem, and target parents and youth so that suicide risks and warning signs can be recognized, will help to eliminate the ignorance and stigma of suicide as barriers to youth and families seeking preventive care;

(2) suicide prevention efforts in the year 2000 should—

(A) target at-risk youth, particularly youth with mental health problems, substance abuse problems, or contact with the juvenile justice system;

(B) involve—

(i) the identification of the characteristics of the at-risk youth and other youth who are contemplating suicide, and barriers to treatment of the youth; and

(ii) the development of model treatment programs for the youth;

(C) include a pilot study of the outcomes of treatment for juvenile delinquents with mental health or substance abuse problems;

(D) include a public education approach to combat the negative effects of the stigma of, and

discrimination against individuals with mental health and substance abuse problems; and

(E) include a nationwide effort to develop, implement, and evaluate a mental health awareness program for schools, communities, and families;

(3) although numerous symptoms, diagnoses, traits, characteristics, and psychosocial stressors of suicide have been investigated, no single factor or set of factors has ever come close to predicting suicide with accuracy;

(4) research of United States youth, such as a 1994 study by Lewinsohn, Rohde, and Seeley, has shown predictors of suicide, such as a history of suicide attempts, current suicidal ideation and depression, a recent attempt or completed suicide by a friend, and low self-esteem; and

(5) epidemiological data illustrate—

(A) the trend of suicide at younger ages as well as increases in suicidal ideation among youth in the United States; and

(B) distinct differences in approaches to suicide by gender, with—

(i) 3 to 5 times as many females as males attempting suicide; and

(ii) 3 to 5 times as many males as females completing suicide.

(c) Purpose.—The purpose of this section is to provide for a study of predictors of suicide among at-risk and other youth, and barriers that prevent the youth from receiving treatment, to facilitate the development of model treatment programs and public education and awareness efforts.

(d) Study.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall carry out, directly or by grant or contract, a study that is designed to identify—

(1) the characteristics of at-risk and other youth age 13 through 21 who are contemplating suicide;

(2) the characteristics of at-risk and other youth who are younger than age 13 and are contemplating suicide; and

(3) the barriers that prevent youth described in paragraphs (1) and (2) from receiving treatment.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 1603. DECADE OF PAIN CONTROL AND RESEARCH.

The calendar decade beginning January 1, 2001, is designated as the "Decade of Pain Control and Research".

DIVISION C—MISCELLANEOUS PROVISIONS

SEC. 2001. AIMEE'S LAW

(a) Short Title.—This section may be cited as "Aimee's Law".

(b) Definitions.—In this section:

(1) Dangerous Sexual Offense.—The term "dangerous sexual offense" means any offense under State law for conduct that would constitute an offense under chapter 109A of title 18, United States Code, had the conduct occurred in the special maritime and territorial jurisdiction of the United States or in a Federal prison.

(2) Murder.—The term "murder" has the meaning given the term in part I of the Uniform Crime Reports of the Federal Bureau of Investigation.

(3) Rape.—The term "rape" has the meaning given the term in part I of the Uniform Crime Reports of the Federal Bureau of Investigation.

(c) Penalty.—

(1) Single State.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any one of those offenses in a State described in paragraph (3), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(2) Multiple States.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any one or more of those offenses in more than one other State described in paragraph (3), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(3) State Described.—A State is described in this paragraph if—

(A) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in paragraph (1) or (2), as applicable, was convicted by the State is less than the average term of imprisonment imposed for that offense in all States; or

(B) with respect to the individual described in paragraph (1) or (2), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

For purposes of subparagraph (B), in a State that has indeterminate sentencing, the term of imprisonment to which that individual was sentenced for the prior offense shall be based on the lower of the range of sentences.

(d) State Applications.—In order to receive an amount transferred under subsection (c), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for one of those offenses in another State.

(e) Source of Funds.—

(1) In General.—Any amount transferred under subsection (c) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General shall provide the State with an opportunity to select the specific Federal law enforcement assistance funds to be so reduced (other than Federal crime victim assistance funds).

(2) Payment Schedule.—The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(f) Construction.—Nothing in this section may be construed to diminish or otherwise affect any court ordered restitution.

(g) Exception.—This section does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in subsection (c) and subsequently been convicted for an offense described in subsection (c).

(h) Report.—The Attorney General shall—

(1) conduct a study evaluating the implementation of this section; and

(2) not later than October 1, 2006, submit to Congress a report on the results of that study.

(i) Collection of Recidivism Data.—

(1) In General.—Beginning with calendar year 2002, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for—

(i) any dangerous sexual offense;

(ii) rape; and

(iii) murder; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) Report.—Not later than March 1, 2003, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

(j) Effective Date.—This section shall take effect on January 1, 2002.

SEC. 2002. PAYMENT OF CERTAIN ANTI-TERRORISM JUDGMENTS.

(a) Payments.—

(1) In General.—Subject to subsections (b) and (c), the Secretary of the Treasury shall pay each person described in paragraph (2), at the person's election—

(A) 110 percent of compensatory damages awarded by judgment of a court on a claim or claims brought by the person under section 1605(a)(7) of title 28, United States Code, plus amounts necessary to pay post-judgment interest under section 1961 of such title, and, in the case of a claim or claims against Cuba, amounts awarded as sanctions by judicial order on April 18, 2000 (as corrected on June 2, 2000), subject to final appellate review of that order; or

(B) 100 percent of the compensatory damages awarded by judgment of a court on a claim or claims brought by the person under section 1605(a)(7) of title 28, United States Code, plus amounts necessary to pay post-judgment interest, as provided in section 1961 of such title, and, in the case of a claim or claims against Cuba, amounts awarded as sanctions by judicial order on April 18, 2000 (as corrected June 2, 2000), subject to final appellate review of that order.

Payments under this subsection shall be made promptly upon request.

(2) Persons Covered.—A person described in this paragraph is a person who—

(A)(i) as of July 20, 2000, held a final judgment for a claim or claims brought under section 1605(a)(7) of title 28, United States Code, against Iran or Cuba, or the right to payment of an amount awarded as a judicial sanction with respect to such claim or claims; or

(ii) filed a suit under such section 1605(a)(7) on February 17, 1999, June 7, 1999, January 28, 2000, March 15, 2000, or July 27, 2000;

(B) relinquishes all claims and rights to compensatory damages and amounts awarded as judicial sanctions under such judgments;

(C) in the case of payment under paragraph (1)(A), relinquishes all rights and claims to punitive damages awarded in connection with such claim or claims; and

(D) in the case of payment under paragraph (1)(B), relinquishes all rights to execute against or attach property that is at issue in claims against the United States before an international tribunal, that is the subject of awards rendered by such tribunal, or that is subject to section 1610(f)(1)(A) of title 28, United States Code.

(b) FUNDING OF AMOUNTS.—

(1) JUDGMENTS AGAINST CUBA.—For purposes of funding the payments under subsection (a) in the case of judgments and sanctions entered against the Government of Cuba or Cuban entities, the President shall vest and liquidate up to and not exceeding the amount of property of the Government of Cuba and sanctioned entities in the United States or any commonwealth, territory, or possession thereof that has been blocked pursuant to section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)), sections 202 and 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701-1702), or any other proclamation, order, or regulation issued thereunder. For the purposes of paying amounts for judicial sanctions, payment shall be made from funds or accounts subject to sanctions as of April 18, 2000, or from blocked assets of the Government of Cuba.

(2) JUDGMENTS AGAINST IRAN.—For purposes of funding payments under subsection (a) in the case of judgments against Iran, the Secretary of the Treasury shall make such payments from amounts paid and liquidated from—

(A) rental proceeds accrued on the date of enactment of this Act from Iranian diplomatic and consular property located in the United States; and

(B) funds not otherwise made available in an amount not to exceed the total of the amount in the Iran Foreign Military Sales Program account within the Foreign Military Sales Fund on the date of enactment of this Act.

(c) SUBROGATION.—Upon payment under subsection (a) with respect to payments in connection with a Foreign Military Sales Program account, the United States shall be fully subrogated, to the extent of the payments, to all rights of the person paid under that subsection against the debtor foreign state. The President shall pursue these subrogated rights as claims or offsets of the United States in appropriate ways, including any negotiation process which precedes the normalization of relations between the foreign state designated as a state sponsor of terrorism and the United States, except that no funds shall be paid to Iran, or released to Iran, from property blocked under the International Emergency Economic Powers Act or from the Foreign Military Sales Fund, until such subrogated claims have been dealt with to the satisfaction of the United States.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the President should not normalize relations between the United States and Iran until the claims subrogated have been dealt with to the satisfaction of the United States.

(e) REAFFIRMATION OF AUTHORITY.—Congress reaffirms the President's statutory authority to manage and, where appropriate and consistent with the national interest, vest foreign assets located in the United States for the purposes, among other things, of assisting and, where appropriate, making payments to victims of terrorism.

(f) AMENDMENTS.—(1) Section 1610(f) of title 28, United States Code, is amended—

(A) in paragraphs (2)(A) and (2)(B)(ii), by striking "shall" each place it appears and inserting "should make every effort to"; and

(B) by adding at the end the following new paragraph:

"(3) WAIVER.—The President may waive any provision of paragraph (1) in the interest of national security.".

(2) Subsections (b) and (d) of section 117 of the Treasury Department Appropriations Act, 1999 (as contained in section 101(h) of Public Law 105-277) are repealed.

SEC. 2003. AID FOR VICTIMS OF TERRORISM.

(a) MEETING THE NEEDS OF VICTIMS OF TERRORISM OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—Section 1404B(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)) is amended as follows:

"(a) VICTIMS OF ACTS OF TERRORISM OUTSIDE UNITED STATES.—

"(1) IN GENERAL.—The Director may make supplemental grants as provided in 1402(d)(5) to States, victim service organizations, and public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring outside the United States who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

"(2) VICTIM DEFINED.—In this subsection, the term 'victim'—

"(A) means a person who is a national of the United States or an officer or employee of the United States Government who is injured or killed as a result of a terrorist act or mass violence occurring outside the United States; and

"(B) in the case of a person described in subparagraph (A) who is less than 18 years of age, incompetent, incapacitated, or deceased, includes a family member or legal guardian of that person.

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to allow the Director to make grants to any foreign power (as defined by section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) or to any domestic or foreign organization operated for the purpose of engaging in any significant political or lobbying activities.".

(2) APPLICABILITY.—The amendment made by this subsection shall apply to any terrorist act or mass violence occurring on or after December 21, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.

(3) ADMINISTRATIVE PROVISION.—Not later than 90 days after the date of enactment of this Act, the Director shall establish guidelines under section 1407(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(a)) to specify the categories of organizations and agencies to which the Director may make grants under this subsection.

(4) TECHNICAL AMENDMENT.—Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended by striking "1404(d)(4)(B)" and inserting "1402(d)(5)".

(b) AMENDMENTS TO EMERGENCY RESERVE FUND.—

(1) CAP INCREASE.—Section 1402(d)(5)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(A)) is amended by striking "$50,000,000" and inserting "$100,000,000".

(2) TRANSFER.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C 10601(e)) is amended by striking "in excess of $500,000" and all that follows through "than $500,000" and inserting "shall be available for deposit into the emergency reserve fund referred to in subsection (d)(5) at the discretion of the Director. Any remaining unobligated sums".

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—

(1) IN GENERAL.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404B the following:

"SEC. 1404C. COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.

"(a) DEFINITIONS.—In this section:

"(1) INTERNATIONAL TERRORISM.—The term 'international terrorism' has the meaning given the term in section 2331 of title 18, United States Code.

"(2) NATIONAL OF THE UNITED STATES.—The term 'national of the United States' has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

"(3) VICTIM.—

"(A) IN GENERAL.—The term 'victim' means a person who—

"(i) suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after December 21, 1988 with respect to which an investigation or prosecution was ongoing after April 24, 1996; and

"(ii) as of the date on which the international terrorism occurred, was a national of the United States or an officer or employee of the United States Government.

"(B) INCOMPETENT, INCAPACITATED, OR DECEASED VICTIMS.—In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the compensation under this section on behalf of the victim.

"(C) EXCEPTION.—Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any compensation under this section, either directly or on behalf of a victim.

"(b) AWARD OF COMPENSATION.—The Director may use the emergency reserve referred to in section 1402(d)(5)(A) to carry out a program to compensate victims of acts of international terrorism that occur outside the United States for expenses associated with that victimization.

"(c) ANNUAL REPORT.—The Director shall annually submit to Congress a report on the status and activities of the program under this section, which report shall include—

"(1) an explanation of the procedures for filing and processing of applications for compensation;

"(2) a description of the procedures and policies instituted to promote public awareness about the program;

"(3) a complete statistical analysis of the victims assisted under the program, including—

"(A) the number of applications for compensation submitted;

"(B) the number of applications approved and the amount of each award;

"(C) the number of applications denied and the reasons for the denial;

"(D) the average length of time to process an application for compensation; and

"(E) the number of applications for compensation pending and the estimated future liability of the program; and

"(4) an analysis of future program needs and suggested program improvements.".

(2) CONFORMING AMENDMENT.—Section 1402(d)(5)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(B)) is amended by inserting ", to provide compensation to victims of international terrorism under the program under section 1404C," after "section 1404B".

(d) AMENDMENTS TO VICTIMS OF CRIME FUND.—Section 1402(c) of the Victims of Crime Act 1984 (42 U.S.C. 10601(c)) is amended by adding at the end the following: "Notwithstanding section 1402(d)(5), all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation.".

SEC. 2004. TWENTY-FIRST AMENDMENT ENFORCEMENT.

(a) SHIPMENT OF INTOXICATING LIQUOR IN VIOLATION OF STATE LAW.—The Act entitled "An Act divesting intoxicating liquors of their interstate character in certain cases", approved March 1, 1913 (commonly known as the "Webb-Kenyon Act") (27 U.S.C. 122) is amended by adding at the end the following:

"SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.

"(a) DEFINITIONS.—In this section—

"(1) the term 'attorney general' means the attorney general or other chief law enforcement officer of a State or the designee thereof;

"(2) the term 'intoxicating liquor' means any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind;

"(3) the term 'person' means any individual and any partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a State or agency thereof; and

"(4) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

"(b) Action by State Attorney General.—If the attorney general has reasonable cause to believe that a person is engaged in, or has engaged in, any act that would constitute a violation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a preliminary or permanent injunction) against the person, as the attorney general determines to be necessary to—

"(1) restrain the person from engaging, or continuing to engage, in the violation; and

"(2) enforce compliance with the State law.

"(c) Federal Jurisdiction.—

"(1) In general.—The district courts of the United States shall have jurisdiction over any action brought under this section by an attorney general against any person, except one licensed or otherwise authorized to produce, sell, or store intoxicating liquor in such State.

"(2) Venue.—An action under this section may be brought only in accordance with section 1391 of title 28, United States Code, or in the district in which the recipient of the intoxicating liquor resides or is found.

"(3) Form of relief.—An action under this section is limited to actions seeking injunctive relief (a preliminary and/or permanent injunction).

"(4) No right to jury trial.—An action under this section shall be tried before the court.

"(d) Requirements for Injunctions and Orders.—

"(1) In general.—In any action brought under this section, upon a proper showing by the attorney general of the State, the court may issue a preliminary or permanent injunction to restrain a violation of this section. A proper showing under this paragraph shall require that a State prove by a preponderance of the evidence that a violation of State law as described in subsection (b) has taken place or is taking place.

"(2) Additional showing for preliminary injunction.—No preliminary injunction may be granted except upon—

"(A) evidence demonstrating the probability of irreparable injury if injunctive relief is not granted; and

"(B) evidence supporting the probability of success on the merits.

"(3) Notice.—No preliminary or permanent injunction may be issued under paragraph (1) without notice to the adverse party and an opportunity for a hearing.

"(4) Form and scope of order.—Any preliminary or permanent injunction entered in an action brought under this section shall—

"(A) set forth the reasons for the issuance of the order;

"(B) be specific in terms;

"(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and

"(D) be binding upon—

"(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

"(ii) persons in active concert or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

"(5) Admissibility of evidence.—In a hearing on an application for a permanent injunction, any evidence previously received on an application for a preliminary injunction in connection with the same civil action and that would otherwise be admissible, may be made a part of the record of the hearing on the permanent injunction.

"(e) Rules of Construction.—This section shall be construed only to extend the jurisdiction of Federal courts in connection with State law that is a valid exercise of power vested in the States—

"(1) under the twenty-first article of amendment to the Constitution of the United States as such article of amendment is interpreted by the Supreme Court of the United States including interpretations in conjunction with other provisions of the Constitution of the United States; and

"(2) under the first section herein as such section is interpreted by the Supreme Court of the United States; but shall not be construed to grant to States any additional power.

"(f) Additional Remedies.—

"(1) In general.—A remedy under this section is in addition to any other remedies provided by law.

"(2) State court proceedings.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.

"SEC. 3. GENERAL PROVISIONS.

"(a) Effect on Internet Tax Freedom Act.—Nothing in this section may be construed to modify or supersede the operation of the Internet Tax Freedom Act (47 U.S.C. 151 note).

"(b) Inapplicability to Service Providers.—Nothing in this section may be construed to—

"(1) authorize any injunction against an interactive computer service (as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)) used by another person to engage in any activity that is subject to this Act;

"(2) authorize any injunction against an electronic communication service (as defined in section 2510(15) of title 18, United States Code) used by another person to engage in any activity that is subject to this Act; or

"(3) authorize an injunction prohibiting the advertising or marketing of any intoxicating liquor by any person in any case in which such advertising or marketing is lawful in the jurisdiction from which the importation, transportation or other conduct to which this Act applies originates.".

(b) Effective Date.—This section and the amendments made by this section shall become effective 90 days after the date of this enactment of this Act.

(c) Study.—The Attorney General shall carry out the study to determine the impact of this section and shall submit the results of such study not later than 180 days after the enactment of this Act.

Amend the title so as to read: "An Act to combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, to reauthorize certain Federal programs to prevent violence against women, and for other purposes.".

And the Senate agree to the same.

BENJAMIN GILMAN,
BILL GOODLING,
CHRIS SMITH,
HENRY J. HYDE,
NANCY L. JOHNSON,
SAM GEJDENSON,
TOM LANTOS,
BEN CARDIN,
Managers on the Part of the House.

From the Committee on the Judiciary:
ORRIN HATCH,
STROM THURMOND,

From the Committee on Foreign Relations:
JESSE HELMS,
SAM BROWNBACK,
JOE BIDEN,
PAUL WELLSTONE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3244) an Act to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Division A of the conference agreement is the Trafficking Victims Protection Act of 2000, an act to combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, in the United States and foreign countries. Division B is the Violence Against Women Act of 2000, an act to reauthorize federal programs that combat violence against women, to strengthen law enforcement to reduce violence against women, to strengthen services to victims of violence, to limit the effects of violence on children, to strengthen education and training to combat violence against women, to enact new procedures for the protection of battered immigrant women, and to extend the Violent Crime Reduction Trust Fund. Division C consists of anti-crime measures including provisions to encourage States to incarcerate individuals convicted of murder, rape, or child molestation, to facilitate recovery by victims of terrorism against the assets of foreign entities that have been held responsible for such terrorism; and to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

CONCERNING DIVISION A

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3244), an Act to combat trafficking of persons, especially into the sex trade, slavery, and involuntary servitude, in the United States and foreign countries, through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS

Section 1 of the House bill states that this Act may be cited as the Trafficking Victims Protection Act of 2000 and lists its contents. Section 1 of the Senate amendment is substantially identical to the House provision. The conference agreement provides that this Act may be cited as the Trafficking Victims

Protection Act of 2000 and includes a table of contents.

SEC. 2. PURPOSES AND FINDINGS

Section 2 of the House bill states that the purposes of this Act are to combat trafficking in persons, to ensure just punishment of traffickers, and to protect their victims. Section 2 of the House bill also includes findings to the effect that every year millions of people, predominantly women and children, are trafficked within or across international borders; that many victims are trafficked into the international sex industry, often through force, fraud, or coercion; that trafficking in persons is not limited to sex trafficking, but often involves forced labor and other violations of human rights; that trafficking is a growing transnational problem that is increasingly perpetrated by organized criminal enterprises; that existing legislation and law enforcement in the United States and abroad are inadequate to deter trafficking, bring traffickers to justice, and meet the safe reintegration needs of trafficking victims; that in some countries, anti-trafficking efforts are hindered by official indifference, corruption, and sometimes even official participation in trafficking; that trafficking in persons is a matter of pressing international concern, and that the United States must work bilaterally and multilaterally to abolish trafficking and protect trafficking victims. The House findings also include references to the Declaration of Independence, the Universal Declaration of Human Rights, and numerous treaties and other international instruments.

Section 2 of the Senate amendment contains identical purposes and similar findings, with a more succinct set of references to international agreements. Section 2 of the Senate amendment also contains findings to the effect that victims of severe forms of trafficking in persons should not be inappropriately incarcerated, fined, or otherwise penalized, and that existing United States statutes on involuntary servitude have been narrowly construed, in the absence of a definition by Congress, to exclude certain cases in which persons are held in a condition of servitude by nonviolent coercion.

Section 2 of the conference agreement is substantially identical to section 2 of the Senate amendment.

SEC. 3. DEFINITIONS

Section 3 of the House bill defines certain terms used in this Act. "Sex trafficking" is defined as the purchase, sale, recruitment, harboring, transportation, transfer, or receipt of a person for the purpose of a commercial sex act. "Severe forms of trafficking in persons" is defined as sex trafficking induced by force, coercion, fraud, or deception, or involving a person under the age of 18, as well as trafficking for the purpose of subjecting the trafficked person to involuntary servitude, slavery, or slavery-like practices by force, coercion, fraud, or deception. "Slavery-life practices" means inducement of a person to perform labor or other services by force, coercion, or by any scheme, plan, or pattern to cause the person to believe that failure to perform the work will result in the infliction of serious harm, debt bondage amounting to involuntary servitude, or subjection to conditions so harsh or degrading as to provide a clear indication that the person has been subjected to them by force, or coercion. In the context of this bill, "serious harm" could include physical restraint that severely limits freedom of movement. "Coercion," as defined, includes the use of force, violence, and physical restraint, as well as acts calculated to have the same effect (such as the credible threat of serious harm). The House provision also defines "nonhumanitarian foreign assistance" to include certain assistance under the Foreign Assistance Act of 1961 and the Export-Import Bank Act of 1945.

Section 3 of the Senate amendment contains definitions similar to those in the House bill, with several exceptions. The Senate provision defines "debt bondage" as a condition in which personal services are pledged as security for a debt but in which either reasonable value of such services is not in fact applied to the debt or the length and nature of such services are unlimited or undefined. The Senate definitions do not use the term "deception" in the definition of severe forms of trafficking. The Senate provision omits the House definition of "slavery-like practices" because this term is not contained elsewhere in the Senate bill. Instead, the Senate provision makes clear that "involuntary servitude" includes a condition of servitude induced by means of any act, scheme, plan, or pattern intended to cause a belief that serious harm or physical restraint would otherwise occur, or by the abuse or threatened abuse of the legal process and also includes a definition of "coercion." The Senate provision also includes definitions of "State" and "United States" which include the District of Columbia and United States territories and possessions. Finally, the Senate omits the definitions of "act of a severe form of trafficking" and "nonhumanitarian foreign assistance" contained in the House bill.

Section 3 of the conference agreement is similar to the Senate provision, except that it includes a definition of "nonhumanitarian, nontrade-related foreign assistance" similar to the definition contained in the House provision, but excluding assistance under the Export-Import Bank Act of 1945 and under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation. The conference agreement also includes a definition of "coercion" corresponding to the definition included in 18 U.S.C. sec. 1591, added by section 12 of this Act, which provides for a criminal offense of sex trafficking.

In various sections, the conference agreement uses more general terms such as "trafficking" or "trafficking in persons" rather than the more limited term "severe forms of trafficking in persons." In such contexts, these terms are intended to be used in a more general sense, giving the President and other officials some degree of discretion to apply the relevant provisions to a broader range of actions or victims beyond those associated with severe forms of trafficking in persons. Such discretion is particularly appropriate in assistance to and protection of victims, because trafficked women and children may have a compelling need for such assistance and protection even though they have not been subjected to severe forms of trafficking. In this connection, the conference agreement includes a definition of "victims of trafficking" that would encompass a broader class of victims in certain programs. Where, however, this Act uses the term "victims of severe forms of trafficking," even in provisions related to protection and assistance, the application of such provisions is limited to such victims.

SEC. 4. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

Section 4 of the House bill requires the Secretary of State to include in the annual Country Reports a list of foreign countries that are countries of origin, transit, or destination for a significant number of victims of severe forms of trafficking, as well as information such as the extent to which government officials in such countries are involved in such trafficking, and an assessment of the steps governments are taking to combat trafficking and to assist victims of trafficking and protect their rights. Section 4 of the Senate amendment is substantially identical to the House provision, except that it does not require a list of countries and would therefore effectively require information about severe forms of trafficking in persons to be provided in the annual Country Report for each foreign country.

Section 4 of the conference agreement is similar to the Senate provision except that it amends sections 116(f) and 502B of the Foreign Assistance Act of 1961, requiring certain information on trafficking in persons to be provided in the Country Reports. The section as amended will limit the required reporting in the Country Reports to severe forms of trafficking in persons, but gives the Secretary of State discretion to include such other information on trafficking as the Secretary deems appropriate. As with other human rights violations, the extent to which trafficking in persons is discussed in the Country Report for a particular country should be commensurate with the extent of the problem in such country.

SEC. 5. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING

Section 5 of the House bill provides that the President shall establish an Inter-Agency Task Force to Monitor and Combat Trafficking and authorizes the establishment an Office in the State Department to provide assistance to the Task Force. Section 5 of the Senate provision is substantially identical to the House provision, except that it requires the Task Force, beginning in 2002, to publish an annual list of countries which do not meet the minimum standards set forth in section 8, and authorizes interim reports with respect to such countries. Section 5 of the conference agreement is substantially identical to the House provision, although the conference agreement does provide in section 10 for annual and interim reports on countries whose governments do not comply with the minimum standards. It also provides that the Task Force will have primary responsibility for advising the Secretary of State on preparation of the reports in section 10.

SEC. 6. PREVENTION OF TRAFFICKING

Section 6 of the House bill charges the President, acting through the Agency for International Development and other agencies and in consultation with appropriate non-governmental organizations, with establishing initiatives to enhance economic opportunity for potential trafficking victims as a means of deterring trafficking, such as microcredit lending programs, training, and education. It also directs the President to establish programs to increase public awareness of the dangers of trafficking and the protections available to victims. Section 6 of the of the Senate amendment is substantially identical to section 6 of the House bill. Section 6 of the conference agreement is identical to the Senate provision.

SEC. 7. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING

Subsection 7(a) of the House bill charges the State Department and the Agency for International Development (AID) with establishing programs and initiatives in foreign countries to assist victims of trafficking.

Subsection 7(a) of the Senate amendment is substantially identical to the House provision. Subsection 7(a) of the conference agreement is identical to the Senate provision, except that all authorities are vested in the President.

Subsection 7(b) of the House bill directs the Attorney General, the Secretaries of Labor and of Health and Human Services, and the Board of Directors of the Legal Services Corporation to expand assistance to victims of severe forms of tafficking in the United States. The provision makes clear that for the purpose of receiving benefits, a "victim of a severe form of trafficking" means only a person who has been subjected to such trafficking and who either has not obtained the age of 15 years or is the subject of a certification that he or she (1) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons, and (2) either has made a bona fide application for a visa under the provisions of immigration law added by section 7(f), or is a person whose presence in the United States the Attorney General is ensuring in order to effectuate prosecution of traffickers. In addition, the section makes victims of severe forms of trafficking in the United States eligible for benefits under the Crime Victims Fund without regard to their immigration status, and allows the Attorney General to make grants to local governments and nonprofit organizations to expand services for victims of trafficking. It also provides trafficking victims a civil right of action against traffickers for violations of 18 U.S.C. 1589 (trafficking into slavery-like conditions) or 1589A (sex trafficking of children or by force, fraud, or coercion).

Subsection 7(b) of the Senate amendment is similar to the House provision except that it does not contain the certification requirement as a condition on eligibility for benefits. It also contains no reference to the Crime Victims Fund and does not provide a civil right of action.

Subsection 7(b) of the conference agreement contains the certification requirement for benefit eligibility. The conference agreement, however, requires a certification only for victims who have attained the age of 18 years. This subsection of the conference agreement is similar to the Senate provision in that it provides no civil right of action. The conferees emphasize that nothing in this Act will preclude trafficking victims from availing themselves of applicable State, local or other Federal laws in seeking compensatory or other damages and relief in any civil proceeding. The House provision making victims eligible for benefits under the Crime Victims Fund has been deleted as unnecessary, because current law does not bar such victims from receiving such benefits on account of their immigration status. The conferees expect that the Office of Victims of Crimes will provide assistance to these victims, even though this provision was deleted. In addition, the conferees believe that in making grants under this section, the Attorney General and other federal officials should consider whether the prospective grantee denies services to a trafficking victim solely on account of conduct incident to that person's status as a victim.

Subsection 7(c) of the House bill requires the Attorney General and the Secretary of State to promulgate regulations to ensure that: (1) victims of severe forms of trafficking are provided with appropriate shelter and care while in Federal custody; (2) victims are not jailed or fined merely because they were trafficked; (3) victims have access to legal assistance and translation services; (4) victims are assured continuous presence in the United States to assist in the prosecution of traffickers; and (5) State and Justice Department personnel are trained in identifying and protecting victims of severe forms of trafficking.

Subsection 7(c) of the Senate amendment is similar to the House provision, with to principal exceptions. First, it does not require regulations that explicitly prohibit incarceration, fines, or other penalties against victims on account of their having been trafficked. Instead, it requires regulations that prohibit the detention of victims in facilities inappropriate to their status as crime victims. Second, it requires regulations under which the Attorney General "may" ensure the continued presence of a person in the United States in order to effectuate prosecution of traffickers if the person is both a victim and a potential witness.

Subsection 7(c) of the Senate conference agreement is substantially identical to the Senate provision. The conferees believe that the House provision with respect to jailing, fining, or otherwise penalizing victims of serious crimes on account of their status as crime victims or on account of conduct committed under duress incident to such status restates existing criminal law and is therefore unnecessary. The conferees also believe that training provided to State Department of Justice Department personnel should include methods for achieving antitrafficking objectives through nondiscriminatory application of immigration laws and others laws.

Subsection 7(d) of the House bill makes clear that nothing in subsection (c) creates a private cause of action against the United States or its employees. Subsection 7(d) of the Senate amendment is identical to the House provision. Subsection 7(d) of the conference agreement is identical to both provisions.

Subsection 7(e) of the House bill makes funds derived from the sale of assets seized from and forfeited by traffickers (pursuant to section 12(e) of the House bill) available for the victim assistance under subsections (a) and (b). The Senate amendment contains no corresponding provision. The conference agreement is identical to the Senate amendment.

Section 7(f) of the House bill creates a new nonimmigrant. "T" visa for certain victims of severe forms of trafficking. Eligibility would be limited to persons who: (1) are victims of a severe form of trafficking in persons, as defined in section 3 of the act; (2) are in the United States or at a United States port of entry by reasons of having been trafficked here; (3) are no older than 14 years of age or were induced to participate in the sex trade or slavery-like practices by force, coercion, fraud, or deception, did not voluntary agree to any arrangement including such participation, and have complied with any reasonable request for assistance in the investigation or prosecution of trafficking acts; and (4) have a well-founded fear of retribution involving the infliction of severe harm upon removal from the United States or would suffer extreme hardship in connection with the trafficking upon removal from the United States. It also permits the Attorney General to grant a "T" visa if necessary to avoid extreme hardship to the victim's spouse, sons and daughters (who are not children), and the parents if the victim is under 21 years old. A victim's children who are unmarried and under 21 years old need not establish extreme hardship to receive a "T" visa. It precludes anyone in this section from receiving a "T" visa if there is substantial reason to believe that the person has committed an act of a severe form of trafficking in persons. The House provision permits the Attorney General to waive grounds of inadmissibility, including health-related grounds, public charge, and, with the exception of security, international child abduction, and former citizens who renounced citizenship to avoid taxation, any other provision of section 212(a) of the INA if the activities rendering the alien inadmissible were caused by the trafficking. It states that the INS is not prohibited from instituting removal proceedings against an alien admitted with a "T" visa for conduct committed after the alien's admission into the United States, or for conduct or a condition that was not disclosed to the Attorney General prior to the alien's admission. The House provision also places an annual cap of 5,000 on "T" visas for trafficking victims. Finally, the House provision permits the Attorney General to adjust the status of a "T" visa holder to that of a permanent resident if the alien: (1) has been physically present in the United States for a continuous period of at least 3 years since the date of admission; (2) has throughout such period been a person of good moral character; (3) has during such period complied with any reasonable request for assistance in the investigation or prosecution of trafficking acts; and (4) has a well-founded fear of retribution involving the infliction of severe harm upon removal from the United States, or would suffer extreme hardship in connection with the trafficking upon removal from the United States. It also permits the Attorney General to adjust the status of the victim's spouse, parents, and married and unmarried sons and daughters, if admitted with a "T" visa, to that of an alien lawfully admitted for permanent residence. An annual cap of 5,000 is placed on adjustments of status for victims. The provision also permits the Attorney General to waive grounds of inadmissibility, including health-related grounds, public charge, and, with the exception of security, international child abduction, and former citizens who renounced citizenship to avoid taxation, any other provision of section 212(a) of the INA if the activities rendering the alien inadmissible caused by the trafficking.

Subsection 7(e) and (f) of the Senate amendment are similar to section 7(f) of the House bill. The Senate provision allows victims who meet all other eligibility requirements for the "T" visa to make a showing of "extreme hardship" whether or not such hardship is "in connection with the victimization." The Senate provision also makes a victim's spouse and minor children eligible for visas only on a showing that their presence in the United States would be "necessary to avoid extreme hardship." The Senate provision makes a victim's parents eligible for visas only if the victim is under the age 21, and provides no eligibility for a victim's sons and daughters who are not minor children. The Senate provision contained no annual limitation on the number of nonimmigrant visas or on the number of persons eligible to adjust status to permanent residence. The Senate provision allowing to waive grounds of inadmissibility was broader than the House provision, allowing waivers of all grounds except participation in Nazi persecution, genocide, and related grounds.

Subsection 7(e) and (f) of the conference agreement are similar to the House bill but incorporate elements of the Senate amendment. The conferees believe that an applicant who voluntarily agrees to be smuggled into the United States in exchange for working to pay off the smuggling fee is not eligible for the "T" visa, unless the applicant becomes a victim of a severe form of trafficking in persons as defined by the Act. The conference provision requires that a victim would face "extreme hardship involving unusual and severe harm" upon removal as an element in establishing eligibility for a visa. The conferees expect that the Immigration and Naturalization Service and the Executive Office for Immigration Review will interpret the "extreme hardship involving unusual and severe harm" to be a higher standard than just "extreme hardship." 'The standard shall cover those cases where a victim likely would face genuine and serious hardship if removed from the United States, whether or not the severe harm is physical harm or on account of having been trafficked. The extreme hardship shall involve more than the normal economic and social disruptions involved in deportation. The conference provision is also similar to the Senate provision in requiring a showing of extreme hardship for the admission of a victim's spouse and minor children and in containing no provision for admission of adult sons and daughters. The conference provision is identical to the House provision with respect to waivers of grounds of inadmissibility.

The conference agreement limits the number of nonimmigrant visas to 5000 per year and also contains an annual limit of 5000 on the number of "T" visa holders who are eligible to adjust their status to lawful permanent residence. The conference provision also adds a new subsection (g), directing the Immigration and Naturalization Service to report annually on whether any otherwise eligible applicant has been denied a visa or adjustment of status solely on account of the annual limitation. The conferees expect that this report will list the number of visa and adjustment applications filed, the number of denials for any reason, and the number denied on account of the annual limitation. The conferees believe that the annual limitation of 5000 is sufficient to include all bona fide victims of severe forms of trafficking in persons who meet all other eligibility requirements. If experience should indicate that the number is insufficient to include all such bona fide eligible victims, it would be appropriate for Congress to consider enacting legislation to increase the annual limitation.

SEC. 8 MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING

Section 8 of the House bill establishes minimums standards applicable to governments of countries that are countries of origin, transit, or destination for a significant number of victims of severe forms of trafficking in persons. The section provides that such governments should enact laws that prohibit and severely punish such trafficking and should make serious and sustained efforts to eliminate such trafficking. The section sets forth a number of indicia of such serious and sustained efforts, including vigorous prosecution of offenders, protection of victims, education of the public and of potential victims, and cooperation with international efforts to stop trafficking. Section 8 of the Senate amendment is substantially similar to the House provision. Section 8 of the conference agreement is substantially similar to the House and Senate provisions. The conferees do not expect that a government would be required to fulfill all the criteria in subsection 8(b) in order to be making "serious and sustained efforts" to eliminate severe forms of trafficking in persons. Rather, the subsection requires only that the Secretary consider these factors in determining whether the government is making such efforts.

SEC. 9 ASSISTANCE TO FOREIGN COUNTRIES TO MEETING MINIMUM STANDARDS

Section 9 of the House bill authorizes the Agency for International Development to fund activities designed to help foreign countries meet the minimum standards outlined in section 8(a) of this Act. Such activities include, but are not limited to, assistance in drafting anti-trafficking legislation, training law enforcement and judicial system officials in the investigation and prosecution of trafficking cases, and efforts by foreign governments to assist victims. Section 9 of the Senate amendment is similar to the House provision but makes clear that such activities may be conducted through nongovernmental or multilateral organizations and may include the expansion of exchange programs and international visitor programs. Section 9 of the conference agreement is substantially identical to the Senate provision.

SEC. 10. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS

Section 10 of the House bill requires the Secretary of State to submit to Congress an annual report on the status of severe forms of trafficking, consisting of a list of countries that do not meet the minimum standards set forth in section 8 of the Act, together with such other information as the Secretary may wish to provide. The section provides that the Secretary may also file interim reports. Beginning in FY 2002, the section requires that for each government that fails to meet the minimum standards, the President "shall" either (a) withhold nonhumanitarian U.S. foreign assistance to that government and direct that the U.S. executive directors of multilateral lending instutions vote against nonhumanitarian assistance to that government during the following fiscal year; or (b) waive these requirements if the President finds that the provision of nonhumanitarian assistance to that country is in the national interest of the United States.

Section 10 of the Senate amendment provides that, with respect to each country that does not meet the minimum standards set forth in section 8, the President "may" take any of a number of actions, including withholding foreign assistance, instructing the U.S. executive directors of multilateral lending institutions to vote against loans or assistance to such countries, prohibiting arms sales, and restricting exports to such countries.

Section 10 of the conference agreement is similar to the Senate provision with respect to countries whose governments do not comply with the minimum standards but are making significant efforts to bring themselves into compliance, in that is contains no provision for actions against such countries, thereby leaving the President free to take no action or to take any action that is within the President's discretion under current law. This section of the conference agreement is similar to the House provision only with respect to countries whose governments not only fail to comply with the minimum standards, but also fail to make significant efforts to comply with such standards. With respect to this small number of truly egregious offenders, the conference agreement contains a provision similar to the House bill, but with the following additional limitations: (1) The requirement that the President either withhold assistance to the foreign government or waive the withholding requirement is limited to assistance which is "nonhumanitarian" and also "nontrade-related." (2) Similarly, the provision with respect to international financial institutions is limited to non-humanitarian, nontrade-related loans and other utilizations of funds. For the purposes of this provision, the conferees consider humanitarian assistance to include debt relief extended by international financial institutions to governments in order to allow such governments to meet the basic needs of the people of their countries. (3) The President may waive these requirements if a waiver would promote the purposes of this Act, such as in a case in which the President believes providing assistance will cause the offending government to attempt to comply with the minimums standards. (4) The President may also waive the requirements if for any other reason he believes a waiver to be in the national interest. (5) The President may use the waiver authority with respect to all assistance and extensions of credit to a government or with respect to any subset of such assistance or extensions of credit. (6) The President must use the waiver authority as necessary to avoid substantial adverse impact on vulnerable populations including women and children. (7) In lieu of notifying Congress that aid will be withdrawn or that one of the waiver authorities granted by this section will be used, the President may notify Congress that the government of a country is already subject to broad-based reductions in assistance due to human rights violations and that no additional measures are deemed appropriate. Finally, (8) the requirement will not go into effect until 2003. The three-year delay in implementation of this provision is intended to give foreign governments time to begin making efforts to comply with the minimum standards. The conferees emphasize that the provisions of this Act clearly require that in assessing the records of foreign governments with respect to the minimum standards for the elimination of trafficking, the President and other executive branch officials must not limit their scrutiny to the governments of countries of origin for victims of severe forms of trafficking in persons, but must apply equally close scrutiny to the governments of transit countries and countries of destination for such victims.

SEC. 11. ACTIONS AGAINST SIGNIFICANT TRAFFICKERS IN PERSONS

Section 11 of the House bill authorizes the Secretary of State to compile and publish a list of foreign persons who have a significant role in a severe form of trafficking in persons, directly or indirectly in the United States, who materially support such persons, or who are owned or controlled by such persons. It allows the President to impose International Emergency Economic Power Acts (IEEPA) sanctions, including the freezing of assets located in the United States, without regard to section 202 of such Act against any foreign person on that list, and requires that the President report to Congress on any such sanctions. It also allows for the non-disclosure of persons on the list for intelligence and law enforcement reasons, and requires that Congress be notified of such exclusions on an annual basis. Subsection 11(e) excludes significant traffickers, persons who knowingly assist them, and their spouses, sons, and daughters who knowingly benefit from the proceeds of their trafficking activities, from entry into the United States. This approach is similar to that adopted by the Foreign Narcotics Kingpin Designation Act, enacted in Title VIII of the Intelligence Authorization Act of 2000, P.L. 106-120.

Section 11 of the Senate amendment is similar to the House provision in that it provides authority to the President to block assets and transactions of foreign persons who were traffickers in persons and foreign persons who materially assist or are owned, controlled or directed by such persons. The House bill and the Senate amendment also include similar provisions for compiling lists of such persons and for reporting on what persons were subject to the authority to block assets and transactions. Finally, the Senate section also includes a provision similar to the House amendment to the Immigration and Nationality Act making inadmissible persons subject to blocking under section 11 as well as spouses, sons and daughters who had obtained financial benefit from such persons and who knew or should have known that the financial benefit was the product of trafficking in persons.

Section 11 of the conference agreement is similar in substance to the House and Senate provisions. The conferees determined that in light of the discretionary character of both proposals, a streamlined provision for designating and reporting on persons subject to the section was warranted, with all authority vested in the President rather than in other executive branch officials. A provision was added explicitly providing the President authority to delegate any responsibility. While the provision explicitly refers to the authority to make derivative designations, the conferees intend that any authority or responsibility in this section may be delegated. The conferees expect that a substantial part of this authority will be delegated to the Secretary of the Treasury, since the Office of Foreign Assets Control within the Department of the Treasury is responsible for administering other blocking programs. However, the conferees also expect that the delegation of authority under section 11 or regulations promulgated to implement this section will ensure that appropriate agencies such as the Departments of State and Justice are involved in the designation process contemplated under this section.

The conferees remain concerned regarding administrative actions that may seriously affect the livelihood of persons subject to such actions but that are not subject to a hearing prior to their application. The conferees have been assured that blocking authority of this type is generally exercised only on persons who have most of their assets abroad, and the chief effect of blocking orders is to prohibit U.S. persons from engaging in transactions with such persons. While this assurance decreases the concern of the conferees that the provisions may inadvertently be used against an innocent person who would then be unable to use any of his or her assets to live during a challenge to a determination, the conferees included a provision requiring the agency administering this section to provide an expedited process for hearing from any person subject to this section, including any designation made directly by the President. It also provides that nothing in this section precludes judicial review of determinations under this section. The conferees recognize, however, that courts will give significant deference to a foreign policy determination of the President, which would be basis for making determinations under this section.

Finally, several of the conferees raised concerns regarding the provision making certain spouses and children of traffickers inadmissible. In order to address these concerns, the conference agreement contains an exception for sons and daughters who were minor children at the time they received a benefit from trafficking enterprises.

SEC. 12. STRENGTHENING PROSECUTION AND PUNISHMENT OF TRAFFICKERS

Section 12 of the House bill amends chapter 77 of title 18 of the United States Code to increase penalties for involuntary servitude and other existing crimes, adds several new criminal violations in the areas of trafficking in persons, and amends the sentencing guidelines related to these crimes. Subsection (a) increases the penalties for involuntary servitude, peonage and other existing crimes from 10 years to 20 years and provides for life imprisonment if the violation includes kidnaping, aggravated sexual abuse or an attempt to kill. Subsection (a) also adds several new crimes to title 18. Section 1589 creates a new crime of forced labor for persons who knowingly provide or obtain the labor or services of a person by threats of serious harm to, or physical restraint against that person or another; by use of fraud, deceit or misrepresentation if the person is a minor, mentally disabled, or otherwise particularly susceptible to undue influence; by the means of any scheme, plan or pattern intended to cause the person to believe that if the person did not perform such labor or services, serious harm or physical restraint would be inflicted on that person or another; or by means of the abuse or threatened abuse of law or the legal process. New section 1590 would criminalize trafficking of any person in violation of Chapter 77 of title 18, including by those who benefit financially or otherwise by such trafficking. New Section 1591 creates a crime for trafficking persons into a criminal sex act by coercion, fraud, deceit, misrepresentation or other abusive practices, as defined in this section. Subsection (a) also establishes a crime for unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude or forced labor, and provides for mandatory restitution to victims of offenses under chapter 77 of title 18. A new subsection 1594 provides general provisions ensuring that attempts and conspiracy of certain crimes in chapter 77 are treated in the same manner as a completed violation and provides for asset forfeiture and witness protection. Finally, section 12(b) provides amendments to U.S. sentencing guidelines regarding crimes contained in the amended chapter 77 of title 18.

Section 12 of the Senate amendment is similar to the House bill, but with certain important differences. Rather than add a new section 1589, the Senate amendment provides a definition of involuntary servitude in section 1584 to include a condition of servitude induced by means of any act, scheme, plan, or pattern intended to cause a person to believe that the person or another person would suffer serious harm or physical restraint or the abuse or threatened abuse of the legal process. The Senate amendment also provides for new crimes for trafficking with respect to peonage, slavery or involuntary servitude, but does not extend the criminal misconduct to persons who benefit financially or otherwise from trafficking. The Senate amendment provides for a new section of title 18 of the United States Code for sex trafficking, but limits it to cases of force, fraud, or coercion, as defined in that section. The Senate amendment also includes new sections relating to unlawful conduct with respect to documents in furtherance of trafficking and other crimes, and likewise has provisions identical to the House bill on mandatory restitution. Finally, the Senate amendment provides general provisions regarding asset forfeiture, witness protection and amendments to U.S. sentencing guidelines.

Section 12 of the conference agreement is substantially similar to the House provision, but incorporates a number of provisions contained in the Senate amendment. In order to address issues raised by the decision of the United States Supreme Court in United States v. Kozminski, 487 U.S. 931 (1988), the agreement creates a new section 1589 on forced labor in form similar to the House bill. The agreement does not contain a provision included in the House bill addressing fraud or deception to obtain labor or services of minors, mentally incompetent persons, or persons otherwise particularly susceptible. In deleting these provisions, the conferees addressed the concerns of some members of the conference that the similar House bill provision might have criminalized conduct that is currently regulated by labor law. However, the conferees are aware that the Department of Justice may seek additional statutory changes in future years to further address the issues raised in Kozminski, as courts and prosecutors develop experience with the new crimes created by this Act.

Section 1589 is intended to address the increasingly subtle methods of traffickers who place their victims in modern-day slavery, such as where traffickers threaten harm to third persons, restrain their victims without physical violence or injury, or threaten dire consequences by means other than overt violence. Section 1589 will provide federal prosecutors with the tools to combat severe forms of worker exploitation that do not rise to the level of involuntary servitude as defined in Kozminski. Because provisions within section 1589 only require a showing of a threat of "serious harm," or of a scheme, plan, or pattern intended to cause a person to believe that such harm would occur, federal prosecutors will not have to demonstrate physical harm or threats of force against victims. The term "serious harm" as used in this Act refers to a broad array of harms, including both physical and nonphysical, and section 1589's terms and provisions are intended to be construed with respect to the individual circumstances of victims that are relevant in determining whether a particular type or certain degree of harm or coercion is sufficient to maintain or obtain a victim's labor or services, including the age and background of the victims.

For example, it is intended that prosecutors will be able to bring more cases in which individuals have been trafficked into domestic service, an increasingly common occurrence, not only where such victims are kept in service through overt beatings, but also where the traffickers use more subtle means designed to cause their victims to believe that serious harm will result to themselves or others if they leave, as when a nanny is led to believe that children in her care will be harmed if she leaves the home. In other cases, a scheme, plan, or pattern intended to cause a belief of serious harm may refer to intentionally causing the victim to believe that her family will face harms such as banishment, starvation, or bankruptcy in their home country. Section 1589 will in certain instances permit prosecutions where children are brought to the United States and face extreme nonviolent and psychological coercion (e.g. isolation, denial of sleep, and other punishments). A claim by an adult of a false legal relationship with a child in order to put the child in a condition of servitude may constitute a scheme, plan or pattern that violates the statute, if there is a showing that such a scheme was intended to create the belief that the victim or some other person would suffer serious harm.

The conference agreement also includes new section 1590 for the crime of trafficking with respect to peonage, slavery, involuntary servitude, or forced labor. The conferees adopted the approach of the Senate bill with respect to this new crime and agreed not to extend it to persons who benefit financially or otherwise from the trafficking out of a concern that such a provision might include within its scope persons, such as stockholders in large companies, who have an attenuated financial interest in a legitimate business where a few employees might act in violation of the new statute. The conference agreement also creates new section 1591 punishing sex trafficking, which is similar to comparable provisions in both the House bill and the Senate amendment. Also, the conference agreement creates new section 1592, which punishes wrongful conduct with respect to immigration and identification documents in the course of a violation of one of several provisions of chapter 77 of title 18, when such conduct is engaged in with the intent to violate one of the sections, or when such conduct is for the purpose of preventing or restricting, without lawful authority, a person's liberty to move or travel in interstate or foreign commerce, or to maintain the labor or services of another, knowing that such person is a victim of severe forms of trafficking, as defined by section 3 of this Act. This revision is intended to address, in part, cases where one of the other crimes of chapter 77 is not completed, but where there is evidence that a trafficker intended to commit such a crime and withheld or destroyed immigration or identification documents for the purpose of preventing the trafficking victim from escaping. Finally, the conference agreement contains provisions similar to the Senate bill regarding mandatory restitution, general provisions, and sentencing guidelines.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS

Section 13 of the House bill authorizes a total of $94.5 million ($31.5 million for FY2000, $63 million for FY01) in the following categories: (a) Interagency Task Force: $1.5 million for fiscal year 2000, $3 million for fiscal year 2001; (b) Health and Human Services for victim assistance in the United States: $5 million for fiscal year 2000, $10 million for fiscal year 2001; (c) Department of State for foreign victim assistance: $5 million for fiscal year 2000, $10 million for fiscal year 2001; (d) The Attorney General for victim assistance in the United States: $5 million for fiscal year 2000, $10 million for fiscal year 2001; (e) The President for (1) foreign victim assistance: $5 million for fiscal year 2000, $10 million for fiscal year 2001, and (2) assistance to help countries meet minimum trafficking standards: $5 million for fiscal year 2000, $10 million for fiscal year 2001; and (f) Department of Labor for victim assistance in the United States: $5 million for fiscal year 2000, $10 million for fiscal year 2001.

Section 13 of the Senate bill is similar to the House provision, except that it authorizes funding for fiscal years 2001 and 2002. It also authorizes $300,000 in fiscal year 2001 for a voluntary contribution to the Organization for Security and Co-operation in Europe and such sums as may be necessary to include the additional information required by section 4 in the annual Country Reports on Human Rights Practices.

Section 13 of the conference agreement is substantially identical to the Senate provision.

CONCERNING DIVISION B, THE VIOLENCE AGAINST WOMEN ACT OF 2000

The Violence Against Women Act of 2000 accomplishes two basic things:

First, the bill reauthorizes through Fiscal Year 2005 the key programs included in the original Violence Against Women Act, such as the STOP, Pro-Arrest, Rural Domestic Violence and Child Abuse Enforcement, and campus grants; battered women's shelters; the National Domestic Violence Hotline; rape prevention and education grant programs; and three victims of child abuse programs, including the court-appointed special advocate program (CASA).

Second, the Violence Against Women Act of 2000 makes some targeted improvements that our experience with the original Act has shown to be necessary, such as—

(1) Authorizing grants for legal assistance for victims of domestic violence, stalking, and sexual assault;

(2) Providing funding for transitional housing assistance;

(3) Improving full faith and credit enforcement and computerized tracking of protection orders;

(4) Strengthening and refining the protections for battered immigrant women;

(5) Authorizing grants for supervised visitation and safe visitation exchange of children between parents in situations involving domestic violence, child abuse, sexual assault, or stalking; and

(6) Expanding several of the key grant programs to cover violence that arises in dating relationships.

We append to this joint statement a section by section analysis of the bill and a more detailed section by section analysis of the provisions contained in Title V, which addresses the plight of battered immigrant women.

DIVISION B—THE VIOLENCE AGAINST WOMEN ACT OF 2000

SECTION-BY-SECTION SUMMARY

Sec. 1001. Short Title

Names this division the Violence Against Women Act of 2000.

Sec. 1002. Definitions

Restates the definitions "domestic violence" and "sexual assault" as currently defined in the STOP grant program.

Sec. 1003. Accountability and Oversight

Requires the Attorney General or Secretary of Health and Human Services, as applicable, to require grantees under any program authorized or reauthorized by this division to report on the effectiveness of the activities carried out. Requires the Attorney General or Secretary, as applicable, to report biennially to the Senate and House Judiciary Committees on these grant programs.

Title I—Strengthening Law Enforcement To Reduce Violence Against Women

Sec. 1101. Improving Full Faith and Credit Enforcement of Protection Orders

Helps states and tribal courts improve interstate enforcement of protection orders as required by the original Violence Against Women Act of 1994. Renames Pro-Arrest Grants to expressly include enforcement of protection orders as a focus for grant program funds, adds as a grant purpose technical assistance and use of computer and other equipment for enforcing orders; instructs the Department of Justice to identify and make available information on promising order enforcement practices; adds as a funding priority the development and enhancement of data collection and sharing systems to promote enforcement of protection orders.

Amends the full faith and credit provision in the original Act to prohibit requiring registration as a prerequisite to enforcement of out-of-state orders and to prohibit notification of a batterer without the victim's consent when an out-of-state order is registered in a new jurisdiction. Requires recipients of STOP and Pro-Arrest grant funds, as a condition of funding, to facilitate filing and service of protection orders without cost to the victim in both civil and criminal cases.

Clarifies that tribal courts have full civil jurisdiction to enforce protection orders in matters arising within the authority of the tribe.

Sec. 1102. Enhancing the Role of Courts in Combating Violence Against Women

Engages state courts in fighting violence against women by targeting funds to be used by the courts for the training and education of court personnel, technical assistance, and technological improvements. Amends STOP and Pro-Arrest grants to make state and local courts expressly eligible for funding and dedicates 5 percent of states' STOP grants for courts.

Sec. 1103. STOP Grants Reauthorization

Reauthorizes through 2005 this vital state formula grant program that has succeeded in bringing police and prosecutors in close collaboration with victim services providers into the fight to end violence against women. ("STOP" means "Services and Training for Officers and Prosecutors.") Preserves the original Act's allocations of states' STOP grant funds of 25 percent to police and 25 percent to prosecutors, but increases grants to victim services to 30 percent (from 25 percent), in addition to the 5 percent allocated to state, tribal, and local courts.

Sets aside five percent of total funds available for State and tribal domestic violence and sexual assault coalitions and increases the allocation for Indian tribes to 5 percent (up from 4 percent in the original Act).

Amends the definition of "underserved populations" and adds additional purpose areas for which grants may be used.

Authorization level is $185 million/year (FY 2000 appropriation was $206.75 million (including a $28 million earmark for civil legal assistance)).

Sec. 1104. Pro-Arrest Grants Reauthorization

Extends this discretionary grant program through 2005 to develop and strengthen programs and policies that mandate and encourage police officers to arrest abusers who commit acts of violence or violate protection orders.

Sets aside 5 percent of total amounts available for grants to Indian tribal governments.

Authorization level is $65 million/year (FY 2000 appropriation was $34 million).

Sec. 1105. Rural Domestic Violence and Child Abuse Enforcement Grants Reauthorization

Extends through 2005 these direct grant programs that help states and local governments focus on problems particular to rural areas.

Sets aside 5 percent of total amounts available for grants to Indian tribal governments.

Authorization level is $40 million/year (FY 2000 appropriation was $25 million.

Sec. 1106. National Stalker and Domestic Violence Reduction Grants Reauthorization

Extends through 2005 this grant program to assist states and local governments in improving databases for stalking and domestic violence.

Authorization level is $3 million/year (FY 1998 appropriation was $2.75 million).

Sec. 1107. Clarify Enforcement to End Interstate Battery/Stalking

Clarifies federal jurisdiction to ensure reach to persons crossing United States borders as well as crossing state lines by use of "interstate or foreign commerce language." Clarifies federal jurisdiction to ensure reach to battery or violation of specified portions of a protection order before travel to facilitate the interstate movement of the victim. Makes the nature of the "harm" required for domestic violence, stalking, and interstate travel offenses consistent by removing the requirement that the victim suffer actual physical harm from those offenses that previously had required such injury.

Resolves several inconsistencies between the protection order offense involving interstate travel of the offender, and the protection order offense involving interstate travel of the victim.

Revises the definition of "protection order" to clarify that support or child custody orders are entitled to full faith and credit to the extent provided under other Federal law—namely, the Parental Kidnaping Prevention Act of 1980, as amended.

Extends the interstate stalking prohibition to cover interstate "cyber-stalking" that occurs by use of the mail or any facility of interstate or foreign commerce, such as by telephone or by computer connected to the Internet.

Sec. 1108. School and Campus Security

Extends the authorization through 2005 for the grant program established in the Higher Education Amendments of 1998 and administered by the Justice Department for grants for on-campus security, education, training, and victim services to combat violence against women on college campuses. Incorporates "dating violence" into purpose areas for which grants may be used. Amends the definition of "victim services" to include public, nonprofit organizations acting in a nongovernmental capacity, such as victim services organizations at public universities.

Authorization level is $10 million/year (FY 2000 STOP grant appropriation included a $10 million earmark for this use).

Authorizes the Attorney General to make grants through 2003 to states, units of local government, and Indian tribes to provide improved security, including the placement and use of metal detectors and other deterrent measures, at schools and on school grounds.

Authorization level is $30 million/year.

Sec. 1109. Dating Violence

Incorporates "dating violence" into certain purpose areas for which grants may be used under the STOP, Pro-Arrest, and Rural Domestic Violence and Child Abuse Enforcement grant programs. Defines "dating violence" as violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Title II—Strengthening Services to Victims of Violence

Sec. 1201. Legal Assistance to Victims of Domestic Violence and Sexual Assault

Building on set-asides in past STOP grant appropriations since fiscal year 1998 for civil legal assistance, this section authorizes a separate grant program for those purposes through 2005. Helps victims of domestic violence, stalking, and sexual assault who need legal assistance as a consequence of that violence to obtain access to trained attorneys and lay advocacy services, particularly pro bono legal services. Grants support training, technical assistance, data collection, and support for cooperative efforts between victim advocacy groups and legal assistance providers.

Defines the term "legal assistance" to include assistance to victims of domestic violence, stalking, and sexual assault in family, immigration, administrative agency, or housing matters, protection or stay away order proceedings, and other similar matters. For purposes of this section, "administrative agency" refers to a federal, state, or local governmental agency that provides financial benefits.

Sets aside 5 percent of the amounts made available for programs assisting victims of domestic violence, stalking, and sexual assault in Indian country; sets aside 25 percent of the funds used for direct services, training, and technical assistance for the use of victims of sexual assault.

Appropriation is $40 million/year (FY 2000 STOP grant appropriation included a $28 million earmark for this use).

Sec. 1202. Expanded Shelter for Battered Women and Their Children

Reauthorizes through 2005 current programs administered by the Department of Health and Human Services to help communities provide shelter to battered women and their children, with increased funding to provide more shelter space to assist the tens of thousands who are now being turned away.

Authorization level is $175 million/year (FY 2000 appropriation was $101.5 million).

Sec. 1203. Transitional Housing Assistance for Victims of Domestic Violence

Authorizes the Department of Health and Human Services to make grants to provide short-term housing assistance and support services to individuals and their dependents who are homeless or in need of transitional housing or other housing assistance as a result of fleeing a situation of domestic violence, and for whom emergency shelter services are unavailable or insufficient.

Authorization level is $25 million for FY 2001.

Sec. 1204. National Domestic Violence Hotline

Extends through 2005 this grant to meet the growing demands on the National Domestic Violence Hotline established under the original Violence Against Women Act due to increased call volume since its inception. Requires annual reports on the Hotline's operation.

Authorization level is $2 million/year (FY 2000 appropriation was $2 million).

Sec. 1205. Federal Victims Counselors Grants Reauthorization

Extends through 2005 this program under which U.S. Attorney offices can hire counselors to assist victims and witnesses in prosecution of sex crimes and domestic violence crimes.

Authorization level is $1 million/year (FY 1998 appropriation was $1 million).

Sec. 1206. Study of State Laws Regarding Insurance Discrimination Against Victims of Violence Against Women

Requires the Attorney General to conduct a national study to identify state laws that address insurance discrimination against victims of domestic violence and submit recommendations based on that study to Congress.

Sec. 1207. Study of Workplace Effects from Violence Against Women

Requires the Attorney General to conduct a national survey of programs to assist employers on appropriate responses in the workplace to victims of domestic violence or sexual assault and submit recommendations based on that study to Congress.

Sec. 1208. Study of Unemployment Compensation For Victims of Violence Against Women

Requires the Attorney General to conduct a national study to identify the impact of state unemployment compensation laws on victims of domestic violence when the victim's separation from employment is a direct result of the domestic violence, and to submit recommendations based on that study to Congress.

Sec. 1209. Enhancing Protections for Older and Disabled Women from Domestic Violence and Sexual Assault

Adds as new purposes areas to STOP grants and Pro-Arrest grants the development of policies and initiatives that help in identifying and addressing the needs of older and disabled women who are victims of domestic violence or sexual assault.

Authorizes the Attorney General to make grants for training programs through 2005 to assist law enforcement officers, prosecutors, and relevant court officers in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals.

Authorization is $5 million/year.

Title III—Limiting the Effects of Violence on Children

Sec. 1301. Safe Havens for Children Pilot Program

Establishes through 2002 a pilot Justice Department grant program aimed at reducing the opportunity for domestic violence to occur during the transfer of children for visitation purposes by expanding the availability of supervised visitation and safe visitation exchange for the children of victims of domestic violence, child abuse, sexual assault, or stalking.

Authorization level is $15 million for each year.

Sec. 1302. Reauthorization of Victims of Child Abuse Act Grants

Extends through 2005 three grant programs geared to assist children who are victims of abuse. These are the court-appointed special advocate program, child abuse training for judicial personnel and practitioners, and grants for televised testimony of children.

Authorization levels are $12 million/year for the special advocate program, $2.3 million/year for the judicial personnel training program, and $1 million/year for televised testimony (FY 2000 appropriations were $10 million, $2.3 million, and $1 million respectively).

Sec. 1303. Report on Parental Kidnaping Laws

Requires the Attorney General to study and submit recommendations on federal and state child custody laws, including custody provisions in protection orders, the Parental Kidnaping Prevention Act of 1980, and the Uniform Child Custody Jurisdiction and Enforcement Act adopted by the National Conference of Commissioners on Uniform State Laws in July 1997, and the effect of those laws on child custody cases in which domestic violence is a factor. Amends emergency jurisdiction to cover domestic violence.

Authorization levels is $200,000.

Title IV—Strengthening Education and Training To Combat Violence Against Women

Sec. 1401. Rape Prevention and Education Program Reauthorization

Extends through 2005 this Sexual Assault Education and Prevention Grant program; includes education for college students; provides funding to continue the National Resource Center on Sexual Assault at the Centers for Disease Control and Prevention.

Authorization level is $80 million/year (FY 2000 appropriation was $45 million).

Sec. 1402. Education and Training to End Violence Against and Abuse of Women with Disabilities

Establishes a new Justice Department grant program through 2005 to educate and provide technical assistance to providers on effective ways to meet the needs of disabled women who are victims of domestic violence, sexual assault, and stalking.

Authorization level is $7.5 million/year.

Sec. 1403. Reauthorization of Community Initiatives to Prevent Domestic Violence

Reauthorizes through 2005 this grant program to fund collaborative community projects targeted for the intervention and prevention of domestic violence.

Authorization level is $6 million/year (FY 2000 appropriation was $6 million).

Sec. 1404. Development of Research Agenda Identified under the Violence Against Women Act.

Requires the Attorney General to direct the National Institute of Justice,in consultation with the Bureau of Justice Statistics and the National Academy of Sciences, through its National Research Council, to develop a plan to implement a research agenda based on the recommendations in the National Academy of Science report "Understanding Violence Against Women," which was produced under a grant awarded under the original Violence Against Women Act.

Authorization is for such sums as may be necessary to carry out this section.

Sec. 1405. Standards, Practice, and Training for Sexual Assault Forensic Examinations

Requires the Attorney General to evaluate existing standards of training and practice for licensed health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training; to recommend sexual assault forensic examination training for all health care students; and to review existing protocols on sexual assault forensic examinations and, based on this review, develop a recommended national protocol and establish a mechanism for its nationwide dissemination.

Authorization level is $200,000 for FY 2001.

Sec. 1406. Education and Training for Judges and Court Personnel.

Amends the Equal Justice for Women in the Courts Act of 1994, authorizing $1,500,000 each year through 2005 for grants for education and training for judges and court personnel in state courts, and $500,000 each year through 2005 for grants for education and training for judges and court personnel in federal courts. Adds three areas of training eligible for grant use.

Sec. 1407. Domestic Violence Task Force

Requires the Attorney General to establish a task force to coordinate research on domestic violence and to report to Congress on any overlapping or duplication of efforts among the federal agencies that address domestic violence.

Authorization level is $500,000.

Title V—Battered Immigrant Women

Strengthens and refines the protections for battered immigrant women in the original Violence Against Women Act. Eliminates a number of "catch-22" policies and unintended consequences of subsequent changes in immigration law to ensure that domestic abusers with immigrant victims are brought to justice and that the battered immigrants Congress sought to help in the original Act are able to escape the abuse.

Title VI—Miscellaneous

Sec. 1601. Notice Requirements for Sexually Violent Offenders

Amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act to require sex offenders already required to register in a State to provide notice, as required under State law, or each institution of higher education in that State at which the person is employed, carried on a vocation, or is a student. Requires that state procedures ensure that this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that it is entered into appropriate State records or data systems. These changes take effect 2 years after enactment.

Amends the Higher Education Act of 1965 to require institutions of higher education to issue a statement, in addition to other disclosures required under that Act, advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. This change takes effect 2 years after enactment.

Amends the Family Educational Rights and Privacy Act of 1974 to clarify that nothing in that Act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders; requires the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.

Sec. 1602. Teen Suicide Prevention Study

Authorizes a study by the Secretary of Health and Human Services of predictors of suicide among at-risk and other youth, and barriers that prevent the youth from receiving treatment, to facilitate the development of model treatment programs and public education and awareness efforts.

Authorization is for such sums as may be necessary.

Sec. 1603. Decade of Pain Control and Research

Designates the calendar decade beginning January 1, 2001, as the "Decade of Pain Control and Research."

DIVISION B—THE VIOLENCE AGAINST WOMEN ACT OF 2000

Title V—The Battered Immigrant Women Protection Act of 2000

SECTION-BY-SECTION ANALYSIS

Generally designed to improve on efforts made in VAWA 1994 to prevent immigration law from being used by an abusive citizen or lawful permanent resident spouse as a tool to prevent an abused immigrant spouse from reporting abuse or leaving the abusive relationship. This could happen because generally speaking, U.S. immigration law gives citizens and lawful permanent residents the right to petition for their spouses to be granted a permanent resident visa, which is the necessary prerequisite for immigrating to the United States. In the vast majority of cases, granting the right to seek the visa to the citizen or lawful permanent resident spouse makes sense, since the purpose of family immigration visas is to allow U.S. citizens or lawful permanent residents to live here with their spouses and children. But in the unusual case of the abusive relationship, an abusive citizen or lawful permanent resident can use control over his or her spouse's visa as a means to blackmail and control the spouse. The abusive spouse would do this by withholding a promised visa petition and then threatening to turn the abused spouse in to the immigration authorities if the abused spouse sought to leave the abuser or report the abuse.

VAWA 1994 changed this by allowing immigrants who demonstrate that they have been battered or subjected to extreme cruelty by their U.S. citizen or lawful permanent resident spouses to file their own petitions for visas without the cooperation of their abusive spouse. VAWA 1994 also allowed abused spouses placed in removal proceedings to seek "cancellation of removal," a form of discretionary relief from removal available to individuals in unlawful immigration status with strong equities, after three years rather than the seven ordinarily required. Finally, VAWA 1994 granted similar rights to minor children abused by their citizen or lawful permanent resident parent, whose immigration status, like that of the abused spouse, would otherwise be dependent on the abusive parent. VAWA 2000 addresses residual immigration law obstacles standing in the path of battered immigrant spouses and children seeking to free themselves from abusive relationships that either had not come to the attention of the drafters of VAWA 1994 or have arisen since as a result of 1996 changes to immigration law.

Sec. 1501. Short Title

Names this tile the Battered Immigrant Women Protection Act of 2000.

Sec. 1502. Findings and Purposes

Lays out as the purpose of the title building on VAWA 1994's efforts to enable battered immigrant spouses and children to free themselves of abusive relationships and report abuse without fear of immigration law consequences controlled by their abusive citizen or lawful permanent resident spouse or parent.

Sec. 1503. Improved Access to Immigration Protections of the Violence Against Women Act of 1994 for Battered Immigrant Women

Allows abused spouses and children who have already demonstrated to the INS that they have been the victims of battery or extreme cruelty by their spouse or parent to file their own petition for a lawful permanent resident visa without also having to show they will suffer "extreme hardship" if forced to leave the U.S., a showing that is not required if their citizen or lawful permanent resident spouse or parent files the visa petition on their behalf. Eliminates U.S. residency as a prerequisite for a spouse or child of a citizen or lawful permanent resident who has been battered in the U.S. or whose spouse is a member of the uniformed services or a U.S. government employee to file for his or her own visa, since there is no U.S. residency prerequisite for non-battered spouses' or children's visas. Retains current law's special requirement that abused spouses and children filing their own petitions (unlike spouses and children for whom their citizen or lawful permanent resident spouse or parent petitions) demonstrate good moral character, but modifies it to give the Attorney General authority to find good moral character despite certain otherwise disqualifying acts if those acts were connected to the abuse.

Allows a victim of battery or extreme cruelty who believed himself or herself to be a citizen's or lawful permanent resident's spouse and went through a marriage ceremony to file a visa petition as a battered spouse if the marriage was not valid solely on account of the citizen's or lawful permanent resident's bigamy. Allows a battered spouse whose citizen spouse died, whose spouse lost citizenship, whose spouse lost lawful permanent residency, or from whom the battered spouse was divorced to file a visa petition as an abused spouse within two years of the death, loss of citizenship or lawful permanent residency, or divorce, provided that the loss of citizenship, status or divorce was connected to the abuse suffered by the spouse. Allows a battered spouse to naturalize after three years residency as other spouses may do, but without requiring the battered spouse to live in marital union with the abusive spouse during that period.

Allows abused children or children of abused spouses whose petitions were filed when they were minors to maintain their petitions after they attain age 21, as their citizen or lawful permanent resident parent would be entitled to do on their behalf had the original petition been filed during the child's minority, treating the petition as filed on the date of the filing of the original petition for purposes of determining its priority date.

Sec. 1504. Improved Access to Cancellation of Removal and Suspension of Deportation under the Violence Against Women Act of 1994

Clarifies that with respect to battered immigrants, IIRIRA's rule, enacted in 1996, that provides that with respect to any applicant for cancellation of removal, any absence that exceeds 90 days, or any series of absences that exceed 180 days, interrupts continuous physical presence, does not apply to any absence or portion of an absence connected to the abuse. Makes this change retroactive to date of enactment of IIRIRA. Directs Attorney General to parole children of battered immigrants granted cancellation until their adjustment of status application has been acted on, provided the battered immigrant exercises due diligence in filing such an application.

Sec. 1505. Offering Equal Access to Immigration Protections of the Violence Against Women Act of 1994 for All Qualified Battered Immigrant Self-Petitioners

Grants the Attorney General the authority to waive certain bars to admissibility or grounds of deportability with respect to battered spouses and children. New Attorney General waiver authority granted (1) for crimes of domestic violence or stalking where the spouse or child was not the primary perpetrator of violence in the relationship, the crime did not result in serious bodily injury, and there was a connection between the crime and the abuse suffered by the spouse or child; (2) for misrepresentations connected with seeking an immigration benefit in cases of extreme hardship to the alien (paralleling the AG's waiver authority for spouses and children petitioned for by their citizen or lawful permanent resident spouse or parent in cases of extreme hardship to the spouse or parent); (3) for crimes of moral turpitude not constituting aggravated felonies where the crime was connected to the abuse (similarly paralleling the AG's waiver authority for spouses and children petitioned for by their spouse or parent); (4) for health related grounds of inadmissibility (also paralleling the AG's waiver authority for spouses and children petitioned for by their spouse or parent); and (5) for unlawful presence after a prior immigration violation, if there is a connection between the abuse and the alien's removal, departure, reentry, or attempted reentry. Clarifies that a battered immigrant's use of public benefits specifically made available to battered immigrants in PRWORA does not make the immigrant inadmissible on public charge ground.

Sec. 1506. Restoring Immigration Protections under the Violence Against Women Act of 1994

Establishes mechanism paralleling mechanism available to spouses and children petitioned for by their spouse or parent to enable VAWA-qualified battered spouse or child to obtain status as lawful permanent resident in the United States rather than having to go abroad to get a visa.

Addresses problem created in 1996 for battered immigrants' access to cancellation of removal by IIRIRA's new stop-time rule. That rule was aimed at individuals gaming the system to gain access to cancellation of removal. To prevent this, IIRIRA stopped the clock on accruing any time toward continuous physical presence at the times INS initiates removal proceedings against an individual. This section eliminates application of this rule to battered immigrant spouses and children, who, if they are sophisticated enough about immigration law and had sufficient freedom of movement to "game the system", presumably would have filed self-petitions, and more likely do not even know that INS has initiated proceedings against them because their abusive spouse or parent has withheld their mail. To implement this change, allows a battered immigrant spouse or child to file a motion to reopen removal proceedings within 1 year of the entry of an order of removal (which deadline may be waived in the Attorney General's discretion if the Attorney General finds extraordinary circumstances or extreme hardship to the alien's child) provided the alien files a complete application to be classified as VAWA-eligible at the time the alien files the reopening motion.

Sec. 1507. Remedying Problems with Implementation of the Immigration Provisions of the Violence Against Women Act of 1994

Clarifies that negative changes of immigration status of abuser or divorce after abused spouse or child files petition under VAWA have no effect on status of abused spouse or child. Reclassifies abused spouse or child as spouse or child of citizen if abuser becomes citizen notwithstanding divorce or termination of parental rights (so as not to create incentive for abuse victim to delay leaving abusive situation on account of potential future improved immigration status of abuser). Clarifies that remarriage has no effect on pending VAWA immigration petition.

Sec. 1508. Technical Correction to Qualified Alien Definition for Battered Immigrants

Makes technical change of description of battered aliens allowed to access certain public benefits so as to use correct pre-IIRIRA name for equitable relief from deportation/removal ("suspension of deportation" rather than "cancellation of removal") for pre-IIRIRA cases.

Sec. 1509. Access to Cuban Adjustment Act for Battered Immigrant Spouses and Children

Allows battered spouses and children to access special immigration benefits available under Cuban Adjustment Act to other spouses and children of Cubans on the basis of the same showing of battery or extreme cruelty they would have to make as VAWA self-petitioners; relieves them of Cuban Adjustment Act showing that they are residing with their spouse/parent.

Sec. 1510. Access to the Nicaraguan Adjustment and Central American Relief Act for Battered Spouses and Children

Provides access to special immigration benefits under NACARA to battered spouses and children similarly to the way section 509 does with respect to Cuban Adjustment Act.

Sec. 1511. Access to the Haitian Refugee Fairness Act of 1998 for Battered Spouses and Children

Provides access to special immigration benefits under HRIFA to battered spouses and children similarly to the way section 509 does with respect to Cuban Adjustment Act.

Sec. 1512. Access to Services and Legal Representation for Battered Immigrants

Clarifies that Stop grants, Grants to Encourage Arrest, Rural VAWA grants, Civil Legal Assistance grants, and Campus grants can be used to provide assistance to battered immigrants. Allows local battered women's advocacy organizations, law enforcement or other eligible Stop grant applicants to apply for Stop funding to train INS officers and immigration judges as well as other law enforcement officers on the special needs of battered immigrants.

Sec. 1513. Protection for Certain Crime Victims Including Victims of Crimes Against Women

Creates new nonimmigrant visa for victims of certain serious crimes that tend to target vulnerable foreign individuals without immigration status if the victim has suffered substantial physical or mental abuse as a result of the crime, the victim has information about the crime, and a law enforcement official or a judge certifies that the victim has been helpful, is being helpful, or is likely to be helpful in investigating or prosecuting the crime. The crime must involve rape, torture, trafficking, incest, sexual assault, domestic violence, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, attempt or conspiracy to commit any of the above, or other similar conduct in violation of Federal, State, or local criminal law. Caps visas at 10,000 per fiscal year. Allows Attorney General to adjust these individuals to lawful permanent resident status if the alien has been present for 3 years and the Attorney General determines this is justified on humanitarian grounds, to promote family unity, or is otherwise in the public interest.

AIMEE'S LAW

This bill penalizes States that fail to incarcerate criminals convicted of murder, rape, and dangerous sexual offenses for long prison terms. In cases in which a State convicts a person of murder, rape, or a dangerous sexual offense, and that person has a prior conviction for any one of those offenses in a designated State, the designated State must pay, from federal law enforcement assistance funds, the incarceration and prosecution cost of the latter State. (The Attorney General would transfer the federal law enforcement funds from the prior State to the subsequent State.)

A State is a designated State and is subject to penalty under this section if (1) the average term of imprisonment imposed by the State on persons convicted of the offense for which that person was convicted is less than the average term of imprisonment imposed for that offense in all states; or (2) that person had served less than 85 percent of the prison term to which he was sentenced for the prior offense. (In making this calculation, if the State has an indeterminate sentencing system, the prison term shall be considered the lower range of the sentence. For example, if a person is sentenced 10-to-12 years, then the calculation is whether the person served 85 percent of 10 years.)

Concerning Sec. 2002 and 2003 of Division C.

Sections 2002 and 2003, which may be referred to as the Justice for Victims of Terrorism Act, helps American victims of terrorism abroad collect court-awarded compensation and ensures that the responsible state sponsors of terrorism pay a price for their crimes.

In March 1985, Terry Anderson, an American journalist working in Beirut, was kidnapped by agents of the Islamic Republic of Iran. He was held captive by his kidnappers in deplorable conditions until early December 1991.

During the 1980's three other individuals working in Lebanon, David Jacobsen, an administrator of the American University hospital in Beirut, Joseph Cicippio, a comptroller of the American University school and hospital and Frank Reed, a principal of a private secondary school in Beirut, were also held captive by agents of the Islamic Republic of Iran.

In April 1995, Alisa Flatow, a 20-year-old college student from New Jersey, was on a bus on the Gaza strip going to a Passover holiday celebration. A terrorist from the Iranian backed Islamic Jihad rammed his car loaded with explosives into the bus, killing Ms. Flatow and seven others.

Two Americans studying in Israel, Matthew Eisenfeld and Sara Duker were killed in a suicide bombing of a bus in Jerusalem in February 1996. Those responsible were provided training, money, and resources by Iran.

Also in February 1996, Cuban MiG aircraft shot down two aircraft flown by the "Brothers to the Rescue" humanitarian organization in international airspace over the Florida Straits. Three American citizens were killed in the attack by the Cuban government.

Antiterrorism Act of 1996 gave these and other American citizens injured in acts of terrorism their survivors to bring a lawsuit against the terrorist state responsible for that act. Congress and the President deliberately created an exception to the doctrine of foreign sovereign immunity and to the statutory protections of the Foreign Sovereign Immunities Act, limited to victims' cases against countries on the State Department's list of state sponsors of terrorism.

Following enactment of the Antiterrorism Act of 1996, numerous American victims filed suit against terrorist states. Each of the victims described above, or surviving family members, has been awarded judgements by U.S. courts. However, the victims were not able to collect on their judgements. Iran and Cuba have few, if any, assets in the United States not blocked by the Treasury Department under sanctions laws or otherwise held by the U.S. Government. The President did not exercise existing authorities to make those assets available.

After the Brothers to the Rescue incident, at a February 26, 1996, White House press briefing President Clinton stated "I am asking that Congress pass legislation that will provide immediate compensation to the families, something to which they are entitled under international law, out of Cuba's blocked assets here in the United States. If Congress passes this legislation, we can provide the compensation immediately." The President did vest funds from blocked Cuban accounts to make modest payments to the Brothers to the Rescue families as a "humanitarian gesture."

Section 117 of the Treasury and General Government Appropriations Act for fiscal year 1999, explicitly made the assets of foreign terrorist states blocked by the Treasury Department under sanctions laws available for attachment by U.S. courts for the very limited purpose of satisfying Antiterrorism Act judgements.

That legislation authorized the President to waive the requirements of that provision in the interest of national security, but the scope of that waiver authority remains in dispute. Presidential Determination 99-1 asserted broad authority to waive the entirety of the provision. But the District Court of the Southern District of Florida, in *Alejandre* v. *Republic of Cuba*, rejected the Administration's view and held, instead, that the President's authority applied only to section 117's requirement that the Secretaries of State and Treasury assist a judgement creditor in identifying, locating, and executing against non-blocked property of a foreign terrorist state.

Subsection 1(f) of this bill repeals the waiver authority granted in Section 117 of the Treasury and General Government Appropriations Act for fiscal year 1999, replacing it will a clearer but narrower waiver authority in the underlying statute. The Committee hopes clarity in the legislative history and intent of subsection 1(f), in the context of the section as a whole, will ensure appropriate application of the new waiver authority.

This is a key issue for American victims of state-sponsored terrorism who have sued or who will in the future sue the responsible terrorism-list state, as they are entitled to do under the Anti-Terrorism Act of 1996. Victims who already hold U.S. court judgements, and a few whose related cases will soon be decided, will receive their compensatory damages as a result of this legislation.

The Committee intends that this legislation will similarly help other pending and future Antiterrorism Act plaintiffs as and when U.S. courts issue judgements against the foreign state sponsors of specific terrorist acts. The Committee shares the particular interest of the sponsors of this legislation in ensuring that the families of the victims of Pan Am flight 103 should be able to collect damages promptly if they can demonstrate to the satisfaction of a U.S. court that Libya is indeed responsible for that heinous bombing. The Committee is similarly interested in pending suits against Iraq.

In replacing the waiver, the conferees accept that the President should have the authority to waive the court's authority to attach blocked assets. But to understand the view of the committee with respect to the use of the waiver, it must be read within the context of other provisions of the legislation.

A waiver of the attachment provision would seem appropriate for final and pending Anti-Terrorism Act cases identified in subsection (a)(2) of this bill. In these cases, judicial attachment is not necessary because the executive branch will appropriately pay compensatory damages to the victims and use blocked assets to collect the funds from terrorist states.

Of particular significance, this section reaffirms the President's statutory authority, inter alia, to vest blocked foreign government assets and where appropriate make payments to victims of terrorism. The President has the authority to assist victims with pending and future cases.

The Committee's intent is that the President will review each case when the court issues a final judgement to determine whether to use the national security waiver, whether to help the plaintiffs collect from a foreign state's non-blocked assets in the United States whether to allow the courts to attach and execute against blocked assets, or whether to use existing authorities to vest and pay those assets as damages to the victims of terrorism.

When a future President does make a decision whether to invoke the waiver, he should consider seriously whether the national security standard for a waiver has been met. In enacting this legislation, Congress is expressing the view that the attachment and execution of frozen assets to enforce judgements in cases under the Anti-Terrorism Act of 1996 is not by itself contrary to the national security interest. Indeed, in the view of the Committee, it is generally in the national security interest of the United States to make foreign state sponsors of terrorism pay court-awarded damages to American victims, so neither the Foreign Sovereign Immunities Act nor any other law will stand in the way of justice. Thus, in the view of the committee the waiver authority should not be exercised in a routine or blanket manner, but only where U.S. national security interests would be implicated in taking action against particular blocked assets or where alternative recourse—such as vesting and paying those assets—may be preferable to court attachment.

Future Presidents should follow the precedent set by this legislation, and find the best way to help victims of terrorism collect on their judgements and make terrorist states pay for their crimes.

The conference report also includes a section, Section 2003, dealing with support for victims of international terrorism. This section will enable the Office for Victims of Crime (OVC) to provide more immediate and effective assistance to Americans who are victims of terrorism abroad—Americans like those killed or injured in the embassy bombings in Kenya and Tanzania, and in the Pan Am 103 bombing over Lockerbie, Scotland. These victims deserve help, but existing programs are failing to meet their needs.

Section 2003(a) of the conference report will permit OVC to serve these victims better by expanding the types of assistance for which the Victims of Crime Act (VOCA) emergency reserve fund may be used, and the range of organizations to which assistance may be provided. These changes will not require new or appropriated funds: They simply allow OVC greater flexibility in using existing reserve funds to assist victims of terrorism abroad, including the victims of the Lockerbie and embassy bombings.

Section 2003(b) will authorize OVC to raise the cap on the VOCA emergency reserve fund from $50 million to $100 million, so that the fund is large enough to cover the extraordinary costs that would be incurred if a terrorist act caused massive casualties, and to replenish the reserve fund with unobligated funds from its other grant programs.

Section 2003(c) will simplify the presently-authorized system of using VOCA funds to provide victim compensation to American victims of terrorism abroad, by permitting OVC to establish and operate an international crime victim compensation program. This program will, in addition, cover foreign nationals who are employees of any American government institution targeted for terrorist attack. The source of funding is the VOCA emergency reserve fund, which Congress authorized in an amendment to the 1996 Antiterrorism and Effective Death Penalty Act.

Section 2003(d) clarifies that deposits into the Crime Victims Fund remain available for intended uses under VOCA when not expended immediately. This should quell concerns raised regarding the effect of spending caps included in appropriations bills last year and this. The appropriations' actions were meant to defer spending, not to remove deposits from the Fund. This provision makes that explicit.

SUMMARY OF S. 577—TWENTY-FIRST AMENDMENT ENFORCEMENT ACT

The purpose of S. 577 is to provide a mechanism to enable States to effectively enforce their laws against the illegal interstate shipment of alcoholic beverages. While Federal law already prohibits the interstate shipment of alcohol in violation of state law, unfortunately, that general prohibition lacks any enforcement mechanism. S. 577 provides that mechanism by permitting the Attorney General of a State, who has reasonable cause to believe that his or her State laws regulating the importation and transportation of alcohol are being violated, to file an action in federal court for an injunction to stop those illegal shipments.

S. 577 only reaches those that violate the law. It only allows actions for an injunction if a person is "engaged in" or "has engaged in" an act that would constitute a violation of a State law, but prohibits injunctions to restrain otherwise lawful advertising. Additionally, S. 577 provides that no preliminary injunctions could be obtained without: (1) proving irreparable injury, and (2) a probability of success on the merits. S. 577 also includes a provision on the "Rules of Construction," which states that the power conveyed by this act is limited to the valid exercise of power vested in the states under the 21st Amendment in accordance with Supreme Court precedent and interpretation, and shall not be interpreted to grant to states any additional power.

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JESSE HELMS,
SAM BROWNBACK,
JOE BIDEN,
PAUL WELLSTONE,
Managers of the Part of the Senate.

MICROENTERPRISE FOR SELF-RELIANCE AND INTERNATIONAL ANTI-CORRUPTION ACT OF 2000

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1143) to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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TITLE I—MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000

SEC. 101. SHORT TITLE.

This title may be cited as the "Microenterprise for Self-Reliance Act of 2000".

SEC. 102. FINDINGS AND DECLARATIONS OF POLICY.

Congress makes the following findings and declarations:

(1) According to the World Bank, more than 1,200,000,000 people in the developing world, or one-fifth of the world's population, subsist on less than $1 a day.

(2) Over 32,000 of their children die each day from largely preventable malnutrition and disease.

(3)(A) Women in poverty generally have larger work loads and less access to educational and economic opportunities than their male counterparts.

(B) Directly aiding the poorest of the poor, especially women, in the developing world has a positive effect not only on family incomes, but also on child nutrition, health and education, as women in particular reinvest income in their families.

(4)(A) The poor in the developing world, particularly women, generally lack stable employment and social safety nets.

(B) Many turn to self-employment to generate a substantial portion of their livelihood. In Africa, over 80 percent of employment is generated in the informal sector of the self-employed poor.

(C) These poor entrepreneurs are often trapped in poverty because they cannot obtain credit at reasonable rates to build their asset base or expand their otherwise viable self-employment activities.

(D) Many of the poor are forced to pay interest rates as high as 10 percent per day to money lenders.

(5)(A) The poor are able to expand their incomes and their businesses dramatically when they can access loans at reasonable interest rates.

(B) Through the development of self-sustaining microfinance programs, poor people themselves can lead the fight against hunger and poverty.

(6)(A) On February 2–4, 1997, a global Microcredit Summit was held in Washington, District of Columbia, to launch a plan to expand access to credit for self-employment and other financial and business services to 100,000,000 of the world's poorest families, especially the women of those families, by 2005. While this scale of outreach may not be achievable in this short timeperiod, the realization of this goal could dramatically alter the face of global poverty.

(B) With an average family size of five, achieving this goal will mean that the benefits of microfinance will thereby reach nearly half of the world's more than 1,000,000,000 absolute poor people.

(7)(A) Nongovernmental organizations, such as those that comprise the Microenterprise Coalition (such as the Grameen Bank (Bangladesh,) K-REP (Kenya), and networks such as Accion International, the Foundation for International Community Assistance (FINCA), and the credit union movement) are successful in lending directly to the very poor.

(B) Microfinance institutions such as BRAC (Bangladesh), BancoSol (Bolivia), SEWA Bank (India), and ACEP (Senegal) are regulated financial institutions that can raise funds directly from the local and international capital markets.

(8)(A) Microenterprise institutions not only reduce poverty, but also reduce the dependency on foreign assistance.

(B) Interest income on the credit portfolio is used to pay recurring institutional costs, assuring the long-term sustainability of development assistance.

(9) Microfinance institutions leverage foreign assistance resources because loans are recycled, generating new benefits to program participants.

(10)(A) The development of sustainable microfinance institutions that provide credit and training, and mobilize domestic savings, is a critical component to a global strategy of poverty reduction and broad-based economic development.

(B) In the efforts of the United States to lead the development of a new global financial architecture, microenterprise should play a vital role. The recent shocks to international financial markets demonstrate how the financial sector can shape the destiny of nations. Microfinance can serve as a powerful tool for building a more inclusive financial sector which serves the broad majority of the world's population including the very poor and women and thus generate more social stability and prosperity.

(C) Over the last two decades, the United States has been a global leader in promoting the global microenterprise sector, primarily through its development assistance programs at the United States Agency for International Development. Additionally, the Department of the Treasury and the Department of State have used their authority to promote microenterprise in the development programs of international financial institutions and the United Nations.

(11)(A) In 1994, the United States Agency for International Development launched the "Microenterprise Initiative" in partnership with the Congress.

(B) The initiative committed to expanding funding for the microenterprise programs of the Agency, and set a goal that, by the end of fiscal year 1996, one-half of all microenterprise resources would support programs and institutions that provide credit to the poorest, with loans under $300.

(C) In order to achieve the goal of the microcredit summit, increased investment in microfinance institutions serving the poorest will be critical.

(12) Providing the United States share of the global investment needed to achieve the goal of the microcredit summit will require only a small increase in United States funding for international microcredit programs, with an increased focus on institutions serving the poorest.

(13)(A) In order to reach tens of millions of the poorest with microcredit, it is crucial to expand and replicate successful microfinance institutions.

(B) These institutions need assistance in developing their institutional capacity to expand their services and tap commercial sources of capital.

(14) Nongovernmental organizations have demonstrated competence in developing networks of local microfinance institutions and other assistance delivery mechanisms so that they reach large numbers of the very poor, and achieve financial sustainability.

(15) Recognizing that the United States Agency for International Development has developed very effective partnerships with nongovernmental organizations, and that the Agency will have fewer missions overseas to carry out its work, the Agency should place priority on investing in those nongovernmental network institutions that meet performance criteria through the central funding mechanisms of the Agency.

(16) By expanding and replicating successful microfinance institutions, it should be possible to create a global infrastructure to provide financial services to the world's poorest families.

(17)(A) The United States can provide leadership to other bilateral and multilateral development agencies as such agencies expand their support to the microenterprise sector.

(B) The United States should seek to improve coordination among G–7 countries in the support of the microenterprise sector in order to leverage the investment of the United States with that of other donor nations.

(18) Through increased support for microenterprise, especially credit for the poorest, the United States can continue to play a leadership role in the global effort to expand financial services and opportunity to 100,000,000 of the poorest families on the planet.

SEC. 103. PURPOSES.

The purposes of this title are—

(1) to make microenterprise development an important element of United States foreign economic policy and assistance;

(2) to provide for the continuation and expansion of the commitment of the United States Agency for International Development to the development of microenterprise institutions as outlined in its 1994 Microenterprise Initiative;

(3) to support and develop the capacity of United States and indigenous nongovernmental organization intermediaries to provide credit, savings, training, technical assistance, and business development services to microentrepreneurs;

(4) to emphasize financial services and substantially increase the amount of assistance devoted to both financial services and complementary business development services designed to reach the poorest people in developing countries, particularly women; and

(5) to encourage the United States Agency for International Development to coordinate microfinance policy, in consultation with the Department of the Treasury and the Department of State, and to provide global leadership among bilateral and multilateral donors in promoting microenterprise for the poorest of the poor.

SEC. 104. DEFINITIONS.

In this title:

(1) BUSINESS DEVELOPMENT SERVICES.—The term "business development services" means support for the growth of microenterprises through training, technical assistance, marketing assistance, improved production technologies, and other services.

(2) MICROENTERPRISE INSTITUTION.—The term "microenterprise institution" means an institution that provides services, including microfinance, training, or business development services, for microentrepreneurs.

(3) MICROFINANCE INSTITUTION.—The term "microfinance institution" means an institution that directly provides, or works to expand, the availability of credit, savings, and other financial services to microentrepreneurs.

(4) PRACTITIONER INSTITUTION.—The term "practitioner institution" means any institution that provides services, including microfinance, training, or business development services, for microentrepreneurs, or provides assistance to microenterprise institutions.

SEC. 105. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

"SEC. 131. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

"(a) FINDINGS AND POLICY.—Congress finds and declares that—

"(1) the development of microenterprise is a vital factor in the stable growth of developing countries and in the development of free, open, and equitable international economic systems;

"(2) it is therefore in the best interest of the United States to assist the development of microenterprises in developing countries; and

"(3) the support of microenterprise can be served by programs providing credit, savings, training, technical assistance, and business development services.

"(b) AUTHORIZATION.—

"(1) IN GENERAL.—In carrying out this part, the President is authorized to provide grant assistance for programs to increase the availability of credit and other services to microenterprises lacking full access to capital training, technical assistance, and business development services, through—

"(A) grants to microfinance institutions for the purpose of expanding the availability of credit, savings, and other financial services to microentrepreneurs;

"(B) grants to microenterprise institutions for the purpose of training, technical assistance, and business development services for microenterprises to enable them to make better use of credit, to better manage their enterprises, and to increase their income and build their assets;

"(C) capacity-building for microenterprise institutions in order to enable them to better meet the credit and training needs of microentrepreneurs; and

"(D) policy and regulatory programs at the country level that improve the environment for microentrepreneurs and microenterprise institutions that serve the poor and very poor.

"(2) IMPLEMENTATION.—Assistance authorized under paragraph (1) (A) and (B) shall be provided through organizations that have a capacity to develop and implement microenterprise programs, including particularly—

"(A) United States and indigenous private and voluntary organizations;

"(B) United States and indigenous credit unions and cooperative organizations; or

"(C) other indigenous governmental and nongovernmental organizations.

"(3) TARGETED ASSISTANCE.—In carrying out sustainable poverty-focused programs under paragraph (1), 50 percent of all microenterprise resources shall be targeted to very poor entrepreneurs, defined as those living in the bottom 50 percent below the poverty line as established by the national government of the country. Specifically, such resources shall be used for—

"(A) direct support of programs under this subsection through practitioner institutions that—

"(i) provide credit and other financial services to entrepreneurs who are very poor, with loans in 1995 United States dollars of—

"(I) $1,000 or less in the Europe and Eurasia region;

"(II) $400 or less in the Latin America region; and

"(III) $300 or less in the rest of the world; and

"(ii) can cover their costs in a reasonable time period; or

"(B) demand-driven business development programs that achieve reasonable cost recovery that are provided to clients holding poverty loans (as defined by the regional poverty loan limitations in subparagraph (A)(i)), whether they are provided by microfinance institutions or by specialized business development services providers.

"(4) SUPPORT FOR CENTRAL MECHANISMS.—The President should continue support for central mechanisms and missions, as appropriate, that—

"(A) provide technical support for field missions;

"(B) strengthen the institutional development of the intermediary organizations described in paragraph (2);

“(C) share information relating to the provision of assistance authorized under paragraph (1) between such field missions and intermediary organizations; and

“(D) support the development of nonprofit global microfinance networks, including credit union systems, that—

“(i) are able to deliver very small loans through a significant grassroots infrastructure based on market principles; and

“(ii) act as wholesale intermediaries providing a range of services to microfinance retail institutions, including financing, technical assistance, capacity-building, and safety and soundness accreditation.

“(5) LIMITATION.—Assistance provided under this subsection may only be used to support microenterprise programs and may not be used to support programs not directly related to the purposes described in paragraph (1).

“(c) MONITORING SYSTEM.—In order to maximize the sustainable development impact of the assistance authorized under subsection (b)(1), the Administrator of the agency primarily responsible for administering this part shall establish a monitoring system that—

“(1) establishes performance goals for such assistance and expresses such goals in an objective and quantifiable form, to the extent feasible;

“(2) establishes performance indicators to be used in measuring or assessing the achievement of the goals and objectives of such assistance;

“(3) provides a basis for recommendations for adjustments to such assistance to enhance the sustainable development impact of such assistance, particularly the impact of such assistance on the very poor, particularly poor women; and

“(4) provides a basis for recommendations for adjustments to measures for reaching the poorest of the poor, including proposed legislation containing amendments to enhance the sustainable development impact of such assistance, as described in paragraph (3).

“(d) LEVEL OF ASSISTANCE.—Of the funds made available under this part, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, including local currencies derived from such funds, there are authorized to be available $155,000,000 for each of the fiscal years 2001 and 2002, to carry out this section.

“(e) DEFINITIONS.—In this section:

“(1) BUSINESS DEVELOPMENT SERVICES.—The term ‘business development services’ means support for the growth of microenterprises through training, technical assistance, marketing assistance, improved production technologies, and other services.

“(2) MICROENTERPRISE INSTITUTION.—The term ‘microenterprise institution’ means an institution that provides services, including microfinance, training, or business development services, for microentrepreneurs.

“(3) MICROFINANCE INSTITUTION.—The term ‘microfinance institution’ means an institution that directly provides, or works to expand, the availability of credit, savings, and other financial services to microentrepreneurs.

“(4) PRACTITIONER INSTITUTION.—The term ‘practitioner institution’ means any institution that provides services, including microfinance, training, or business development services, for microentrepreneurs, or provides assistance to microenterprise institutions.”.

SEC. 106. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is amended to read as follows:

“SEC. 108. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

“(a) FINDINGS AND POLICY.—Congress finds and declares that—

“(1) the development of micro- and small enterprises is a vital factor in the stable growth of developing countries and in the development and stability of a free, open, and equitable international economic system; and

“(2) it is, therefore, in the best interests of the United States to assist the development of the enterprises of the poor in developing countries and to engage the United States private sector in that process.

“(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of credit to micro- and small enterprises lacking full access to credit, including through—

“(1) loans and guarantees to credit institutions for the purpose of expanding the availability of credit to micro- and small enterprises;

“(2) training programs for lenders in order to enable them to better meet the credit needs of microentrepreneurs; and

“(3) training programs for microentrepreneurs in order to enable them to make better use of credit and to better manage their enterprises.

“(c) ELIGIBILITY CRITERIA.—The Administrator of the agency primarily responsible for administering this part shall establish criteria for determining which credit institutions described in subsection (b)(1) are eligible to carry out activities, with respect to micro- and small enterprises, assisted under this section. Such criteria may include the following:

“(1) The extent to which the recipients of credit from the entity do not have access to the local formal financial sector.

“(2) The extent to which the recipients of credit from the entity are among the poorest people in the country.

“(3) The extent to which the entity is oriented toward working directly with poor women.

“(4) The extent to which the entity recovers its cost of lending.

“(5) The extent to which the entity implements a plan to become financially sustainable.

“(d) ADDITIONAL REQUIREMENT.—Assistance provided under this section may only be used to support micro- and small enterprise programs and may not be used to support programs not directly related to the purposes described in subsection (b).

“(e) PROCUREMENT PROVISION.—Assistance may be provided under this section without regard to section 604(a).

“(f) AVAILABILITY OF FUNDS.—

“(1) IN GENERAL.—Of the amounts authorized to be available to carry out section 131, there are authorized to be available $1,500,000 for each of fiscal years 2001 and 2002 to carry out this section.

“(2) COVERAGE OF SUBSIDY COSTS.—Amounts authorized to be available under paragraph (1) shall be made available to cover the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, for activities under this section.”.

SEC. 107. UNITED STATES MICROFINANCE LOAN FACILITY.

(a) IN GENERAL.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), as amended by section 105 of this Act, is further amended by adding at the end the following new section:

“SEC. 132. UNITED STATES MICROFINANCE LOAN FACILITY.

“(a) ESTABLISHMENT.—The Administrator is authorized to establish a United States Microfinance Loan Facility (in this section referred to as the ‘Facility’) to pool and manage the risk from natural disasters, war or civil conflict, national financial crisis, or short-term financial movements that threaten the long-term development of United States-supported microfinance institutions.

“(b) DISBURSEMENTS.—

“(1) IN GENERAL.—The Administrator shall make disbursements from the Facility to United States-supported microfinance institutions to prevent the bankruptcy of such institutions caused by—

“(A) natural disasters;

“(B) national wars or civil conflict; or

“(C) national financial crisis or other short-term financial movements that threaten the long-term development of United States-supported microfinance institutions.

“(2) FORM OF ASSISTANCE.—Assistance under this section shall be in the form of loans or loan guarantees for microfinance institutions that demonstrate the capacity to resume self-sustained operations within a reasonable time period.

“(3) CONGRESSIONAL NOTIFICATION PROCEDURES.—During each of the fiscal years 2001 and 2002, funds may not be made available from the Facility until 15 days after notification of the proposed availability of the funds has been provided to the congressional committees specified in section 634A in accordance with the procedures applicable to reprogramming notifications under that section.

“(c) GENERAL PROVISIONS.—

“(1) POLICY PROVISIONS.—In providing the credit assistance authorized by this section, the Administrator should apply, as appropriate, the policy provisions in this part that are applicable to development assistance activities.

“(2) DEFAULT AND PROCUREMENT PROVISIONS.—

“(A) DEFAULT PROVISION.—The provisions of section 620(q), or any comparable provision of law, shall not be construed to prohibit assistance to a country in the event that a private sector recipient of assistance furnished under this section is in default in its payment to the United States for the period specified in such section.

“(B) PROCUREMENT PROVISION.—Assistance may be provided under this section without regard to section 604(a).

“(3) TERMS AND CONDITIONS OF CREDIT ASSISTANCE.—

“(A) IN GENERAL.—Credit assistance provided under this section shall be offered on such terms and conditions, including fees charged, as the Administrator may determine.

“(B) LIMITATION ON PRINCIPAL AMOUNT OF FINANCING.—The principal amount of loans made or guaranteed under this section in any fiscal year, with respect to any single event, may not exceed $30,000,000.

“(C) EXCEPTION.—No payment may be made under any guarantee issued under this section for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

“(4) FULL FAITH AND CREDIT.—All guarantees issued under this section shall constitute obligations, in accordance with the terms of such guarantees, of the United States of America, and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations to the extent of the guarantee.

“(d) FUNDING.—

“(1) ALLOCATION OF FUNDS.—Of the amounts made available to carry out this part for the fiscal year 2001, up to $5,000,000 may be made available for—

“(A) the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, to carry out this section; and

“(B) the administrative costs to carry out this section.

“(2) RELATION TO OTHER FUNDING.—Amounts made available under paragraph (1) are in addition to amounts available under any other provision of law to carry out this section.

“(e) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the agency

primarily responsible for administering this part.

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

"(3) UNITED STATES-SUPPORTED MICROFINANCE INSTITUTION.—The term 'United States-supported microfinance institution' means a financial intermediary that has received funds made available under part I of this Act for fiscal year 1980 or any subsequent fiscal year.".

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Administrator of the United States Agency for International Development shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the policies, rules, and regulations of the United States Microfinance Loan Facility established under section 132 of the Foreign Assistance Act of 1961, as added by subsection (a).

SEC. 108. REPORT RELATING TO FUTURE DEVELOPMENT OF MICROENTERPRISE INSTITUTIONS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the most cost-effective methods and measurements for increasing the access of poor people overseas to credit, other financial services, and related training.

(b) CONTENTS.—The report described in subsection (a)—

(1) shall include how the President, in consultation with the Administrator of the United States Agency for International Development, the Secretary of State, and the Secretary of the Treasury, will develop a comprehensive strategy for advancing the global microenterprise sector in a way that maintains market principles while ensuring that the very poor overseas, particularly women, obtain access to financial services overseas;

(2) shall provide guidelines and recommendations for—

(A) instruments to assist microenterprise networks to develop multi-country and regional microlending programs;

(B) technical assistance to foreign governments, foreign central banks, and regulatory entities to improve the policy environment for microfinance institutions, and to strengthen the capacity of supervisory bodies to supervise microfinance institutions;

(C) the potential for Federal chartering of United States-based international microfinance network institutions, including proposed legislation;

(D) instruments to increase investor confidence in microfinance institutions which would strengthen the long-term financial position of the microfinance institutions and attract capital from private sector entities and individuals, such as a rating system for microfinance institutions and local credit bureaus;

(E) an agenda for integrating microfinance into United States foreign policy initiatives seeking to develop and strengthen the global finance sector; and

(F) innovative instruments to attract funds from the capital markets, such as instruments for leveraging funds from the local commercial banking sector, and the securitization of microloan portfolios; and

(3) shall include a section that assesses the need for a microenterprise accelerated growth fund and that includes—

(A) a description of the benefits of such a fund;

(B) an identification of which microenterprise institutions might become eligible for assistance from such fund;

(C) a description of how such a fund could be administered;

(D) a recommendation on which agency or agencies of the United States Government should administer the fund and within which such agency the fund should be located; and

(E) a recommendation on how soon it might be necessary to establish such a fund in order to provide the support necessary for microenterprise institutions involved in microenterprise development.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 109. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT AS GLOBAL LEADER AND COORDINATOR OF BILATERAL AND MULTILATERAL MICROENTERPRISE ASSISTANCE ACTIVITIES.

(a) FINDINGS AND POLICY.—Congress finds and declares that—

(1) the United States can provide leadership to other bilateral and multilateral development agencies as such agencies expand their support to the microenterprise sector; and

(2) the United States should seek to improve coordination among G-7 countries in the support of the microenterprise sector in order to leverage the investment of the United States with that of other donor nations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Administrator of the United States Agency for International Development and the Secretary of State should seek to support and strengthen the effectiveness of microfinance activities in United Nations agencies, such as the United Nations Development Program (UNDP), which have provided key leadership in developing the microenterprise sector; and

(2) the Secretary of the Treasury should instruct each United States Executive Director of the multilateral development banks (MDBs) to advocate the development of a coherent and coordinated strategy to support the microenterprise sector and an increase of multilateral resource flows for the purposes of building microenterprise retail and wholesale intermediaries.

SEC. 110. SENSE OF CONGRESS ON CONSIDERATION OF MEXICO AS A KEY PRIORITY IN MICROENTERPRISE FUNDING ALLOCATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) An estimated 45,000,000 of Mexico's 100,000,000 population currently lives below the poverty line, accounting for 20 percent of all poor in Latin America.

(2) Mexico cannot create enough salaried jobs to absorb new workers entering the labor force.

(3) While many poor families depend on microenterprise initiatives to generate a livelihood, the United States Agency for International Development currently has 2 microcredit projects in Mexico, receiving less than one percent of overall microenterprise funding in Latin America and the Caribbean during the last decade.

(4) Mexico's microenterprise activity has been constrained because its financial institutions cannot expand financial services to a larger clientele due to a lack of capital, inefficient financial and administrative management, and a lack of institutional support for microfinance institutions' particular needs.

(5) Mexican nongovernmental organizations, such as Compartamos, have demonstrated competence in developing local microfinance programs.

(6) On July 2, 2000, Vicente Fox Quesada of the Alliance for Change was elected President of the United Mexican States.

(7) The President-elect of Mexico has identified entrepreneurship and the start-up of new microcredit institutions as key economic priorities.

(8) Microenterprise and entrepreneurial initiatives have proven to be successful components of free market development and economic stability.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) providing Mexico's poor with economic opportunity and microfinance services is fundamental to Mexico's economic development;

(2) microenterprise can have a positive impact on Mexico's free market development; and

(3) the United States Agency for International Development should consider Mexico as a key priority in its microenterprise funding allocations.

TITLE II—INTERNATIONAL ANTI-CORRUPTION AND GOOD GOVERNANCE ACT OF 2000

SEC. 201. SHORT TITLE.

This title may be cited as the "International Anti-Corruption and Good Governance Act of 2000".

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Widespread corruption endangers the stability and security of societies, undermines democracy, and jeopardizes the social, political, and economic development of a society.

(2) Corruption facilitates criminal activities, such as money laundering, hinders economic development, inflates the costs of doing business, and undermines the legitimacy of the government and public trust.

(3) In January 1997 the United Nations General Assembly adopted a resolution urging member states to carefully consider the problems posed by the international aspects of corrupt practices and to study appropriate legislative and regulatory measures to ensure the transparency and integrity of financial systems.

(4) The United States was the first country to criminalize international bribery through the enactment of the Foreign Corrupt Practices Act of 1977 and United States leadership was instrumental in the passage of the Organization for Economic Cooperation and Development (OECD) Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions.

(5) The Vice President, at the Global Forum on Fighting Corruption in 1999, declared corruption to be a direct threat to the rule of law and the Secretary of State declared corruption to be a matter of profound political and social consequence for our efforts to strengthen democratic governments.

(6) The Secretary of State, at the Inter-American Development Bank's annual meeting in March 2000, declared that despite certain economic achievements, democracy is being threatened as citizens grow weary of the corruption and favoritism of their official institutions and that efforts must be made to improve governance if respect for democratic institutions is to be regained.

(7) In May 1996 the Organization of American States (OAS) adopted the Inter-American Convention Against Corruption requiring countries to provide various forms of international cooperation and assistance to facilitate the prevention, investigation, and prosecution of acts of corruption.

(8) Independent media, committed to fighting corruption and trained in investigative journalism techniques, can both educate the public on the costs of corruption and act as a deterrent against corrupt officials.

(9) Competent and independent judiciary, founded on a merit-based selection process and trained to enforce contracts and protect property rights, is critical for creating a predictable

and consistent environment for transparency in legal procedures.

(10) Independent and accountable legislatures, responsive political parties, and transparent electoral processes, in conjunction with professional, accountable, and transparent financial management and procurement policies and procedures, are essential to the promotion of good governance and to the combat of corruption.

(11) Transparent business frameworks, including modern commercial codes and intellectual property rights, are vital to enhancing economic growth and decreasing corruption at all levels of society.

(12) The United States should attempt to improve accountability in foreign countries, including by—

(A) promoting transparency and accountability through support for independent media, promoting financial disclosure by public officials, political parties, and candidates for public office, open budgeting processes, adequate and effective internal control systems, suitable financial management systems, and financial and compliance reporting;

(B) supporting the establishment of audit offices, inspectors general offices, third party monitoring of government procurement processes, and anti-corruption agencies;

(C) promoting responsive, transparent, and accountable legislatures that ensure legislative oversight and whistle-blower protection;

(D) promoting judicial reforms that criminalize corruption and promoting law enforcement that prosecutes corruption;

(E) fostering business practices that promote transparent, ethical, and competitive behavior in the private sector through the development of an effective legal framework for commerce, including anti-bribery laws, commercial codes that incorporate international standards for business practices, and protection of intellectual property rights; and

(F) promoting free and fair national, state, and local elections.

(b) Purpose.—The purpose of this title is to ensure that United States assistance programs promote good governance by assisting other countries to combat corruption throughout society and to improve transparency and accountability at all levels of government and throughout the private sector.

SEC. 203. DEVELOPMENT ASSISTANCE POLICY.

(a) General Policy.—Section 101(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(a)) is amended in the fifth sentence—

(1) by striking "four" and inserting "five";

(2) by striking "and" at the end of paragraph (3);

(3) in paragraph (4), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(5) the promotion of good governance through combating corruption and improving transparency and accountability.".

(b) Development Assistance Policy.—Section 102(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151–1(b)) is amended—

(1) in paragraph (4)—

(A) by striking "and" at the end of subparagraph (E);

(B) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(G) progress in combating corruption and improving transparency and accountability in the public and private sector."; and

(2) by adding at the end the following:

"(17) Economic reform and development of effective institutions of democratic governance are mutually reinforcing. The successful transition of a developing country is dependent upon the quality of its economic and governance institutions. Rule of law, mechanisms of accountability and transparency, security of person, property, and investments, are but a few of the critical governance and economic reforms that underpin the sustainability of broad-based economic growth. Programs in support of such reforms strengthen the capacity of people to hold their governments accountable and to create economic opportunity.".

SEC. 204. DEPARTMENT OF THE TREASURY TECHNICAL ASSISTANCE PROGRAM FOR DEVELOPING COUNTRIES.

Section 129(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151aa(b)) is amended by adding at the end the following:

"(3) Emphasis on Anti-Corruption.—Such technical assistance shall include elements designed to combat anti-competitive, unethical, and corrupt activities, including protection against actions that may distort or inhibit transparency in market mechanisms and, to the extent applicable, privatization procedures.".

SEC. 205. AUTHORIZATION OF GOOD GOVERNANCE PROGRAMS.

(a) In General.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), as amended by sections 105 and 107, is further amended by adding at the end the following:

"SEC. 133. PROGRAMS TO ENCOURAGE GOOD GOVERNANCE.

"(a) Establishment of Programs.—

"(1) In General.—The President is authorized to establish programs that combat corruption, improve transparency and accountability, and promote other forms of good governance in countries described in paragraph (2).

"(2) Countries Described.—A country described in this paragraph is a country that is eligible to receive assistance under this part (including chapter 4 of part II of this Act) or the Support for East European Democracy (SEED) Act of 1989.

"(3) Priority.—In carrying out paragraph (1), the President shall give priority to establishing programs in countries that received a significant amount of United States foreign assistance for the prior fiscal year, or in which the United States has a significant economic interest, and that continue to have the most persistent problems with public and private corruption. In determining which countries have the most persistent problems with public and private corruption under the preceding sentence, the President shall take into account criteria such as the Transparency International Annual Corruption Perceptions Index, standards and codes set forth by the International Bank for Reconstruction and Development and the International Monetary Fund, and other relevant criteria.

"(4) Relation to Other Laws.—

"(A) In General.—Assistance provided for countries under programs established pursuant to paragraph (1) may be made available notwithstanding any other provision of law that restricts assistance to foreign countries. Assistance provided under a program established pursuant to paragraph (1) for a country that would otherwise be restricted from receiving such assistance but for the preceding sentence may not be provided directly to the government of the country.

"(B) Exception.—Subparagraph (A) does not apply with respect to—

"(i) section 620A of this Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

"(ii) section 907 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992.

"(b) Specific Projects and Activities.—The programs established pursuant to subsection (a) shall include, to the extent appropriate, projects and activities that—

"(1) support responsible independent media to promote oversight of public and private institutions;

"(2) implement financial disclosure among public officials, political parties, and candidates for public office, open budgeting processes, and transparent financial management systems;

"(3) support the establishment of audit offices, inspectors general offices, third party monitoring of government procurement processes, and anti-corruption agencies;

"(4) promote responsive, transparent, and accountable legislatures and local governments that ensure legislative and local oversight and whistle-blower protection;

"(5) promote legal and judicial reforms that criminalize corruption and law enforcement reforms and development that encourage prosecutions of criminal corruption;

"(6) assist in the development of a legal framework for commercial transactions that fosters business practices that promote transparent, ethical, and competitive behavior in the economic sector, such as commercial codes that incorporate international standards and protection of intellectual property rights;

"(7) promote free and fair national, state, and local elections;

"(8) foster public participation in the legislative process and public access to government information; and

"(9) engage civil society in the fight against corruption.

"(c) Conduct of Projects and Activities.—Projects and activities under the programs established pursuant to subsection (a) may include, among other things, training and technical assistance (including drafting of anti-corruption, privatization, and competitive statutory and administrative codes), drafting of anti-corruption, privatization, and competitive statutory and administrative codes, support for independent media and publications, financing of the program and operating costs of nongovernmental organizations that carry out such projects or activities, and assistance for travel of individuals to the United States and other countries for such projects and activities.

"(d) Annual Report.—

"(1) In General.—The Secretary of State, in consultation with the Secretary of Commerce and the Administrator of the United States Agency for International Development, shall prepare and transmit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate an annual report on—

"(A) projects and activities carried out under programs established under subsection (a) for the prior year in priority countries identified pursuant to subsection (a)(3); and

"(B) projects and activities carried out under programs to combat corruption, improve transparency and accountability, and promote other forms of good governance established under other provisions of law for the prior year in such countries.

"(2) Required Contents.—The report required by paragraph (1) shall contain the following information with respect to each country described in paragraph (1):

"(A) A description of all United States Government-funded programs and initiatives to combat corruption and improve transparency and accountability in the country.

"(B) A description of United States diplomatic efforts to combat corruption and improve transparency and accountability in the country.

"(C) An analysis of major actions taken by the government of the country to combat corruption and improve transparency and accountability in the country.

"(e) Funding.—Amounts made available to carry out the other provisions of this part (including chapter 4 of part II of this Act) and the Support for East European Democracy (SEED) Act of 1989 shall be made available to carry out this section.".

(b) Deadline for Initial Report.—The initial annual report required by section 133(d)(1) of the Foreign Assistance Act of 1961, as added by subsection (a), shall be transmitted not later than 180 days after the date of the enactment of this Act.

TITLE III—INTERNATIONAL ACADEMIC OPPORTUNITY ACT OF 2000

SEC. 301. SHORT TITLE.

This title may be cited as the "International Academic Opportunity Act of 2000".

SEC. 302. STATEMENT OF PURPOSE.

It is the purpose of this title to establish an undergraduate grant program for students of limited financial means from the United States to enable such students to study abroad. Such foreign study is intended to broaden the outlook and better prepare such students of demonstrated financial need to assume significant roles in the increasingly global economy.

SEC. 303. ESTABLISHMENT OF GRANT PROGRAM FOR FOREIGN STUDY BY AMERICAN COLLEGE STUDENTS OF LIMITED FINANCIAL MEANS.

(a) Establishment.—Subject to the availability of appropriations and under the authorities of the Mutual Educational and Cultural Exchange Act of 1961, the Secretary of State shall establish and carry out a program in each fiscal year to award grants of up to $5,000, to individuals who meet the requirements of subsection (b), toward the cost of up to one academic year of undergraduate study abroad. Grants under this Act shall be known as the "Benjamin A. Gilman International Scholarships".

(b) Eligibility.—An individual referred to in subsection (a) is an individual who—

(1) is a student in good standing at an institution of higher education in the United States (as defined in section 101(a) of the Higher Education Act of 1965);

(2) has been accepted for up to one academic year of study on a program of study abroad approved for credit by the student's home institution;

(3) is receiving any need-based student assistance under title IV of the Higher Education Act of 1965; and

(4) is a citizen or national of the United States.

(c) Application and Selection.—

(1) Grant application and selection shall be carried out through accredited institutions of higher education in the United States or a combination of such institutions under such procedures as are established by the Secretary of State.

(2) In considering applications for grants under this section—

(A) consideration of financial need shall include the increased costs of study abroad; and

(B) priority consideration shall be given to applicants who are receiving Federal Pell Grants under title IV of the Higher Education Act of 1965.

SEC. 304. REPORT TO CONGRESS.

The Secretary of State shall report annually to the Congress concerning the grant program established under this title. Each such report shall include the following information for the preceding year:

(1) The number of participants.

(2) The institutions of higher education in the United States that participants attended.

(3) The institutions of higher education outside the United States participants attended during their study abroad.

(4) The areas of study of participants.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,500,000 for each fiscal year to carry out this title.

SEC. 306. EFFECTIVE DATE.

This title shall take effect October 1, 2000.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. SUPPORT FOR OVERSEAS COOPERATIVE DEVELOPMENT ACT.

(a) Short Title.—This section may be cited as the "Support for Overseas Cooperative Development Act".

(b) Findings.—The Congress makes the following findings:

(1) It is in the mutual economic interest of the United States and peoples in developing and transitional countries to promote cooperatives and credit unions.

(2) Self-help institutions, including cooperatives and credit unions, provide enhanced opportunities for people to participate directly in democratic decision-making for their economic and social benefit through ownership and control of business enterprises and through the mobilization of local capital and savings and such organizations should be fully utilized in fostering free market principles and the adoption of self-help approaches to development.

(3) The United States seeks to encourage broad-based economic and social development by creating and supporting—

(A) agricultural cooperatives that provide a means to lift low income farmers and rural people out of poverty and to better integrate them into national economies;

(B) credit union networks that serve people of limited means through safe savings and by extending credit to families and microenterprises;

(C) electric and telephone cooperatives that provide rural customers with power and telecommunications services essential to economic development;

(D) housing and community-based cooperatives that provide low income shelter and work opportunities for the urban poor; and

(E) mutual and cooperative insurance companies that provide risk protection for life and property to under-served populations often through group policies.

(c) General Provisions.—

(1) Declarations of Policy.—The Congress supports the development and expansion of economic assistance programs that fully utilize cooperatives and credit unions, particularly those programs committed to—

(A) international cooperative principles, democratic governance and involvement of women and ethnic minorities for economic and social development;

(B) self-help mobilization of member savings and equity and retention of profits in the community, except for those programs that are dependent on donor financing;

(C) market-oriented and value-added activities with the potential to reach large numbers of low income people and help them enter into the mainstream economy;

(D) strengthening the participation of rural and urban poor to contribute to their country's economic development; and

(E) utilization of technical assistance and training to better serve the member-owners.

(2) Development Priorities.—Section 111 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151i) is amended by adding at the end the following: "In meeting the requirement of the preceding sentence, specific priority shall be given to the following:

"(1) Agriculture.—Technical assistance to low income farmers who form and develop member-owned cooperatives for farm supplies, marketing and value-added processing.

"(2) Financial systems.—The promotion of national credit union systems through credit union-to-credit union technical assistance that strengthens the ability of low income people and micro-entrepreneurs to save and to have access to credit for their own economic advancement.

"(3) Infrastructure.—The support of rural electric and telecommunication cooperatives for access for rural people and villages that lack reliable electric and telecommunications services.

"(4) Housing and community services.—The promotion of community-based cooperatives which provide employment opportunities and important services such as health clinics, self-help shelter, environmental improvements, group-owned businesses, and other activities.".

(d) Report.—Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate agencies, shall prepare and submit to Congress a report on the implementation of section 111 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151i), as amended by subsection (c).

SEC. 402. FUNDING OF CERTAIN ENVIRONMENTAL ASSISTANCE ACTIVITIES OF USAID.

(a) Allocation of Funds for Certain Environmental Activities.—Of the amounts authorized to be appropriated for the fiscal year 2001 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.; relating to development assistance), there is authorized to be available at least $60,200,000 to carry out activities of the type carried out by the Global Environment Center of the United States Agency for International Development during fiscal year 2000.

(b) Allocation for Water and Coastal Resources.—Of the amounts made available under subsection (a), at least $2,500,000 shall be available for water and coastal resources activities under the natural resources management function specified in that subsection.

SEC. 403. PROCESSING OF APPLICATIONS FOR TRANSPORTATION OF HUMANITARIAN ASSISTANCE ABROAD BY THE DEPARTMENT OF DEFENSE.

(a) Priority for Disaster Relief Assistance.—In processing applications for the transportation of humanitarian assistance abroad under section 402 of title 10, United States Code, the Administrator of the United States Agency for International Development shall afford a priority to applications for the transportation of disaster relief assistance.

(b) Modification of Applications.—The Administrator of the United States Agency for International Development shall take all possible actions to assist applicants for the transportation of humanitarian assistance abroad under such section 402 in modifying or completing applications submitted under such section in order to meet applicable requirements under such section. The actions shall include efforts to contact such applicants for purposes of the modification or completion of such applications.

SEC. 404. WORKING CAPITAL FUND.

Section 635 of the Foreign Assistance Act of 1961 (22 U.S.C. 2395) is amended by adding at the end the following new subsection:

"(m)(1) There is established a working capital fund (in this subsection referred to as the 'fund') for the United States Agency for International Development (in this subsection referred to as the 'Agency') which shall be available without fiscal year limitation for the expenses of personal and nonpersonal services, equipment, and supplies for—

"(A) International Cooperative Administrative Support Services; and

"(B) rebates from the use of United States Government credit cards.

"(2) The capital of the fund shall consist of—

"(A) the fair and reasonable value of such supplies, equipment, and other assets pertaining to the functions of the fund as the Administrator determines,

"(B) rebates from the use of United States Government credit cards, and

"(C) any appropriations made available for the purpose of providing capital,

minus related liabilities.

"(3) The fund shall be reimbursed or credited with advance payments for services, equipment, or supplies provided from the fund from applicable appropriations and funds of the Agency, other Federal agencies and other sources authorized by section 607 at rates that will recover total expenses of operation, including accrual of annual leave and depreciation. Receipts from the disposal of, or payments for the loss or damage to, property held in the fund, rebates, reimbursements, refunds and other credits applicable to the operation of the fund may be deposited in the fund.

"(4) At the close of each fiscal year the Administrator of the Agency shall transfer out of the fund to the miscellaneous receipts account of the Treasury of the United States such amounts as the Administrator determines to be in excess of the needs of the fund.

"(5) The fund may be charged with the current value of supplies and equipment returned to the working capital of the fund by a post, activity, or agency, and the proceeds shall he credited to current applicable appropriations.".

SEC. 405. INCREASE IN AUTHORIZED NUMBER OF EMPLOYEES AND REPRESENTATIVES OF THE UNITED STATES MISSION TO THE UNITED NATIONS PROVIDED LIVING QUARTERS IN NEW YORK.

Section 9(2) of the United Nations Participation Act of 1945 (22 U.S.C. 287e–1(2)) is amended by striking "18" and inserting "30".

SEC. 406. AVAILABILITY OF VOA AND RADIO MARTI MULTILINGUAL COMPUTER READABLE TEXT AND VOICE RECORDINGS.

Section 1(b) of Public Law 104–269 (110 Stat. 3300) is amended by striking "5 years" and inserting "10 years".

SEC. 407. AVAILABILITY OF CERTAIN MATERIALS OF THE VOICE OF AMERICA.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to the provisions of this section, the Broadcasting Board of Governors (in this section referred to as the "Board") is authorized to make available to the Institute for Media Development (in this section referred to as the "Institute"), at the request of the Institute, previously broadcast audio and video materials produced by the Africa Division of the Voice of America.

(2) DEPOSIT OF MATERIALS.—Upon the request of the Institute and the approval of the Board, materials made available under paragraph (1) may be deposited with the University of California, Los Angeles, or such other appropriate institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) that is approved by the Board for such purpose.

(3) SUPERSEDES EXISTING LAW.—Materials made available under paragraph (1) may be provided notwithstanding section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) and section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a).

(b) LIMITATIONS.—

(1) AUTHORIZED PURPOSES.—Materials made available under this section shall be used only for academic and research purposes and may not be used for public or commercial broadcast purposes.

(2) PRIOR AGREEMENT REQUIRED.—Before making available materials under subsection (a)(1), the Board shall enter into an agreement with the Institute providing for—

(A) reimbursement of the Board for any expenses involved in making such materials available;

(B) the establishment of guidelines by the Institute for the archiving and use of the materials to ensure that copyrighted works contained in those materials will not be used in a manner that would violate the copyright laws of the United States (including international copyright conventions to which the United States is a party);

(C) the indemnification of the United States by the Institute in the event that any use of the materials results in violation of the copyright laws of the United States (including international copyright conventions to which the United States is a party);

(D) the authority of the Board to terminate the agreement if the provisions of paragraph (1) are violated; and

(E) any other terms and conditions relating to the materials that the Board considers appropriate.

(c) CREDITING OF REIMBURSEMENTS TO BOARD APPROPRIATIONS ACCOUNT.—Any reimbursement of the Board under subsection (b) shall be deposited as an offsetting collection to the currently applicable appropriation account of the Board.

(d) TERMINATION OF AUTHORITY.—The authority provided under this section shall cease to have effect on the date that is 5 years after the date of enactment of this Act.

SEC. 408. PAUL D. COVERDELL FELLOWS PROGRAM ACT OF 2000.

(a) SHORT TITLE.—This section may be cited as the "Paul D. Coverdell Fellows Program Act of 2000".

(b) FINDINGS.—Congress makes the following findings:

(1) Paul D. Coverdell was elected to the George State Senate in 1970 and later became Minority Leader of the Georgia State Senate, a post he held for 15 years.

(2) Paul D. Coverdell served with distinction as the 11th Director of the Peace Corps from 1989 to 1991, where he promoted a fellowship program that was composed of returning Peace Corps volunteers who agreed to work in underserved American communities while they pursued educational degrees.

(3) Paul D. Coverdell served in the United States Senate from the State of Georgia from 1993 until his sudden death on July 18, 2000.

(4) Senator Paul D. Coverdell was beloved by his colleagues for his civility, bipartisan efforts, and his dedication to public service.

(c) DESIGNATION OF PAUL D. COVERDELL FELLOWS PROGRAM.—

(1) IN GENERAL.—Effective on the date of enactment of this Act, the program under section 18 of the Peace Corps Act (22 U.S.C. 2517) referred to before such date as the "Peace Corps Fellows/USA Program" is redesignated as the "Paul D. Coverdell Fellows Program".

(2) REFERENCES.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the Peace Corps Fellows/USA Program shall, on and after such date, be considered to refer to the Paul D. Coverdell Fellows Program.

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

Mr. GEJDENSON. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I will not object. I just take the time to spend one moment to commend the chairman and the conferees on this important piece of legislation. It was not long ago that the chairman and I and the First Lady, Hillary Rodham Clinton, joined together to continue this effort to make microenterprise a central element of our foreign assistance. I want to say that the chairman has done an outstanding job in continuing that effort.

I yield to the gentleman from New York for any comments he might make.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding and I thank the gentleman from Connecticut who has been a cosponsor of this measure for being so supportive of this measure.

I am pleased today to ask our colleagues to support H.R. 1143, the Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000.

Mr. Speaker, the House passed H.R. 1143, the Microenterprise of Self-Reliance Act, in 1999 to increase support for the very important work of microenterprise institutions the world over who produce tangible results and change the lives of thousands of poor people in developing societies.

This landmark bill not only honors the fine organizations and leaders who promote private enterprise and development efforts throughout the world in furtherance of our country's objective of helping those who help themselves, but also serves to place a higher priority on microenterprise programs as an essential component of our development assistance.

This bill is designed to provide a framework for the delivery of seed capital to poor entrepreneurs who are the backbone of the informal economies in developing countries. By strengthening micro enterprises, more income is generated and jobs are created at the grassroots level. Hence, poor economies grow and the need for foreign development assistance declines.

In Africa, more than 80 percent of employment is generated in the informal sector by the self-employed poor. However, many poor entrepreneurs are trapped in poverty because they cannot obtain credit at reasonable rates to build their asset base or expand their otherwise viable self-employment activities.

The microenterprise community has clearly demonstrated that the poor are capable of expanding their incomes and their businesses dramatically when they can access microloans at reasonable rates. H.R. 1143, authorizes programs that can reach these poor people who want to help themselves and thereby help to build their societies.

To date, many fine organizations such as the Foundation for International Community Assistance, Action International, and Opportunities International have built fine records that illustrate that lending directly to the poor is a good investment and that poor people can do repay their loans and build successful businesses.

Mr. Speaker, Microenterprise institutions not only reduce poverty, but they also reduce dependency and enhance self-worth. These are ultimately the objectives that we all wish to achieve in the developing world.

I am pleased to highlight that microenterprise institutions are very successful in raising private funds in conjunction with those provided by our government. These efforts are commendable and should be replicated in other foreign assistance programs as well. It is precisely this approach of having the private and public sectors working together that will yield the results and genuine development that we all seek for the less fortunate of the globe.

By providing access to micro credit to the world's poor, our country stimulates the entrepreneurial spirit and helps to develop and stimulate the informal economies of some of the world's poorest countries. This investment, rather than a hand out, makes good sense and makes a true difference in the lives of the less fortunate.

Mr. Speaker, I wish to thank the microenterprise community, especially the Microenterprise Coalition, including FINCA, Action International, and Results for their constructive suggestions and assistance. I am also grateful for the assistance provided by the Administration and the staff of the Senate Foreign Relations Committee.

Mr. GEJDENSON. Reclaiming my time under my reservation, if I could just add, also, I would like to thank the gentleman from Arizona (Mr. KOLBE), the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the chairman, as well, for their work on the anti-corruption portions of this conference report. This is an important piece of legislation. America has lost as much as $26 billion to foreign bribes. We have now got our G–8 partners joining with us to fight corruption and bribery. This legislation will help build strong democracies globally.

Over the past five years, U.S. firms overseas lost nearly $26 billion in business opportunities to foreign competitors offering bribes.

Unethical business practices continue to jeopardize our ability to compete effectively in the international market.

Bribery and other forms of corruption impede governments in their efforts to deliver basic services to their citizens; they undermine the confidence of people in democracy; and they are all too often linked with trans-border criminal activity, including drug-trafficking, organized crime; and money laundering.

In 1999, the Vice President convened a Global Conference on Fighting Corruption where he declared corruption to be a direct threat to the rule of law and a matter of profound political and social consequence for our efforts to strengthen democratic governments.

It is inarguably in the U.S. national interest to fight corruption and promote transparency and good governance.

My bill will make anti-corruption measures a key principle of our foreign aid program.

By helping these countries root out corruption, bribery and unethical business practices, we can also help create a level playing field for U.S. companies doing business abroad.

When Congress passed the Foreign Corrupt Practices Act in 1977, the United States became the first industrialized country to criminalize corruption. It took us nearly two decades to get all the other industrialized nations to do the same. But American leadership and perseverance succeeded in getting countries which once offered tax write-offs for bribes to pass laws that criminalized bribery.

This bill extends our leadership in fighting corruption to the developing countries.

The International Anti-Corruption and Good Governance Act of 2000 requires that foreign assistance be used to fight corruption at all levels of government and in the private sector in countries that have persistent problems with corruption, particularly where the United States has a significant economic interest.

The bill would also require an annual report on U.S. efforts in fighting corruption in those countries which have the most persistent problems. My intent in requiring this report is to get from the Administration a comprehensive look at all U.S. efforts—diplomatic as well as through our foreign aid program—in those 15–20 countries where we have a significant economic interest or a substantial foreign aid program and where there is a persistent problem with corruption.

This bill makes an important contribution to pro-actively preventing crises that would result from stifled economic growth, lack of foreign investment, and erosion of the public's trust in government.

Among other things, the act establishes anti-corruption and good governance programs as priorities within our foreign assistance programs. The act underscores the importance of our efforts to combat corruption and promote good governance overseas.

It will also allow administrations some flexibility in those relatively rare circumstances where developments on the ground, such as a coup or an economic crisis, would otherwise restrict it from acting through nongovernmental organizations.

Thus, provisions of law that would otherwise restrict assistance to foreign countries are made inapplicable, with certain exceptions, to assistance provided in furtherance of this act. Assistance that would have been prohibited except for this authority cannot be provided directly to the government of such a country, but can be provided to the government through grants and contracts with nongovernmental organizations.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. QUINN). Without prejudice to the possible resumption of legislative business and under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FEDERAL RESERVE NOTES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I am certain that U.S. citizens would be furious if they realized that each person pays $100 each year to the Federal Reserve to rent the paper money we use. Why do we each pay $100 for the privilege of using Federal Reserve notes when we could use United States Treasury currency with no cost at all? If we issued our paper money the same way that we issue our coins, we could reduce the national debt by $600 billion and eliminate $30 billion out of annual payments, interest payments on the Treasury bonds, interest on the U.S. Treasury bonds held by the Federal Reserve supposedly to back the currency.

The Federal Reserve notes we use are technically liabilities of the Fed. It would be easy to fix this badly broken system. Congress need only pass a law declaring that all Federal Reserve notes are officially United States Treasury currency. This would relieve the Fed of all liability for our paper money, and they would then be required to return the bonds that they have held as backing for our currency presently.

We owe it to the citizens of our country to make every effort to reduce this foolish and costly burden.

COMMENDING IDAHO STUDENTS FOR TAKING THE PLEDGE TO SAVE OUR SCHOOLS FROM VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SIMPSON) is recognized for 5 minutes.

Mr. SIMPSON. Mr. Speaker, tragic events often imprint on our minds vivid memories. Most Americans remember exactly where they were when President John F. Kennedy was killed or when the Challenger spaceship exploded. I believe Americans will remember where they were when two high school students in Littleton, Colorado, killed 13 innocent people.

As the Representative for Idaho's Second Congressional District, I clearly remember when I learned of the Columbine massacre. I was voting on a series of bills when a member of my staff pulled me to the television. I watched as students ran out of the school accompanied by SWAT teams. I witnessed a young man breaking a second store library window and falling into a fireman's arms in order to escape the rampage. These images will haunt America forever.

Unfortunately, school violence is too common today. In 1940, public school teachers ranked the top seven disciplinary problems in public schools. They were talking out of turn, chewing gum, making noise, running in the hall, cutting in line, dress code violations and littering. In 1990, the problems had changed to drug and alcohol abuse, pregnancy, suicide, rape, robbery and assault. In the last 12 months alone the number of children bringing weapons to schools in Idaho is up more than 25 percent. Our problems have changed significantly and so must our solutions.

After the Columbine tragedy, I decided a dialogue must begin on the local level to bring about positive change rather than focusing on Federal legislation. I organized three town hall meetings in my district called Saving Our Schools, or SOS meetings. I invited the student body presidents to participate in a panel about school violence. Each president from the surrounding schools also signed an antiviolence pledge that they took back to their high schools.

Today, it is my pleasure to report that more than 5,000 students from over 40 Idaho high schools in my district took the pledge. The pledge reads: "I pledge to keep my school and community safe by never using violence to solve my disagreements and taking personal responsibility for my actions." Some of those Idaho high schools include Aberdeen High School, Blackfoot High School from which I graduated, Buhl, Burley, Butte, Castleford, Firth, and on and on.

The maturity and perception of the students during the town hall meetings and assemblies impressed me. Idaho holds top-notch students who care about their schools. School violence is not going away, and there is not just one answer. But my hope is that schools and communities will look for answers tailored to their needs to ensure schools are places of learning, not of fear.

I encourage my colleagues to initiate similar dialogues with the students, parents and school officials in the communities of their districts before tragedy strikes, not after. As we begin another school year, I hope my House colleagues will urge the students in their districts to take the pledge against violence in our Nation's schools.

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, on April 12, I led an hour of debate of prescription drug coverage for senior citizens. I read three letters from around the state from seniors who shared their personal stories. On the 12th, I made a commitment to continue to read a different letter every week until the House enacts reform. That was six months ago. Although the House passed a prescription drug bill this summer, I believe it will not help most seniors. So, I will continue to read letters until Congress enacts a real Medicare prescription drug benefit. This week, I will read a letter from Harriet Simmons of Detroit, Michigan.

Text of the letter:

Dear Congresswoman STABENOW: I am writing to express my concern over the escalating cost of prescription drugs for seniors. As a senior myself, I must take the medicines prescribed by my doctor to maintain my health. The cost of these drugs can rise from month to month. Sometimes, I have had to purchase half of my medicine or take less so it will last longer.

The Michigan Emergency Pharmaceutical Program for Seniors provides temporary help for 3 months out of the year if you qualify. But, what are we to do the remaining 9 months? Many seniors are too young or just above the income guidelines to qualify. We need help in obtaining our prescriptions for the above cited reasons. I support your efforts to lower the cost of drugs for seniors.

I would like to add: We are senior citizens today but yesterday we were active, tax paying citizens. Don't mistreat us now. We need protection.

Sincerely,

HARRIETT SIMMONS.

Harriet deserves a genuine Medicare prescription drug benefit. Time is running out to do something in this Congress. We must enact real prescription drug reform before we adjourn.

SOCIAL SECURITY SOLVENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, this is good news, I think, for people that are concerned with Social Security. Social Security is one of America's most important programs. I think we have missed a great opportunity in the last 8 years not to develop the kind of policy changes in Social Security that will for sure keep it solvent. Now it is part of the great debate, and I think it is important that we all understand a little better how the Social Security program works. Social Security benefits are a guaranteed act; and the fact is, is that there is going not to be enough money coming in from the payroll tax to pay benefits without some changes. The big change is a better return on the investments.

When Franklin Roosevelt created the Social Security program over 6 decades ago, he wanted it to feature a private sector component to build retirement income. Social Security was supposed to be one leg of a three-legged stool to support retirees. It was supposed to go hand in hand with personal savings and private pension plans. Of course, when it passed through the Senate, it is interesting. The Senate on two votes back in 1935 said that it had to be optional investments so individuals could invest their own money. Provisions were put into that law so that certain States and counties would be allowed to have alternative private investment plans, and now we are seeing counties in Texas and around the country that opted out of Social Security getting four or five, six, 10 times as much benefits from their pension retirement plans that they own as opposed to what Social Security would pay.

The biggest risk is doing nothing at all in Social Security. One thing I am concerned about is President Clinton and Vice President GORE have suggested that we simply add huge, giant IOUs to the Social Security trust fund. The problem with that is that the full faith and credit of this country is good, but the way we pay back Treasury notes now is simply to borrow more money. If we are going to borrow $20 trillion, it is going to tremendously change the economics of this country.

□ 1315

Social Security has a total unfunded liability of over $20 trillion. The Social Security trust fund contains nothing but IOUs. That means you have to either borrow the money to pay it back, increase taxes to pay it back, or you have to reduce benefits. We have to have two things very clear: No increase in taxes, and no reduction in benefits for existing or near-term retirees.

To keep paying the promised Social Security benefits, the payroll tax will have to be increased at least 50 percent of total income or benefits will have to be cut by one-third. Neither of those options are good.

In conclusion, this is the demonstrated problem of Social Security. We are in a short range up to for the next 12 to 15 years of a little more money coming in in the Social Security payroll tax than is needed to pay benefits. But then look what happens in the out years. Twenty trillion, in today's dollars, but in those dollars that are going to have to be paid out over and above what is coming in from the Social Security tax 50 or 60 years from now, it is going to be 120 trillion of those inflated future year dollars. Huge problems. It needs to be dealt with now. We have to get a better return on the investment.

The six principles of saving Social Security that I and Senator ROD GRAMS have come up with are: Protect the current and future beneficiaries; allow freedom of choice; preserve the safety net; make Americans better off, not worse off; create a fully funded system; and no increase in taxes.

Right now the average American worker pays more in the payroll FICA tax than in the income tax. Seventy-eight percent of American workers pay more in the FICA tax than they do the income tax. Let us not increase taxes on them again. Let us do something now, so we do not pass this burden on to our kids and grandkids.

RYAN WHITE CARE ACT

The SPEAKER pro tempore (Mr. QUINN). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my pleasure to be able to rise and support S. 2311, the reauthorization of the Ryan White CARE Act. This legislation needed to come to the floor before the end of the 106th Congress. It is imperative that we continue the fight for treatment dollars to deal with those who are HIV infected and those who are affected.

Thanks to the efforts of collaboration, this legislation provides a funding formula that will actually ensure that all Americans suffering from this devastating disease are properly covered. In particular, it will work to enhance some of the devastated areas in African-American areas and Hispanic areas to provide resources for those communities.

The legislation maintains the integrity of the multi-structure of the CARE Act, allowing funds to be targeted to the areas hardest hit by the HIV and AIDS epidemic. In addition, I am pleased that the legislation maintains and, in fact, strengthens the decision-making authority of local planning councils and allows resources to be used to locate and bring more individuals into the health care system.

I am also delighted to learn that the bill will provide more individuals with early intervention services, such as counseling and testing. This is particularly important in the 18th Congressional District, where many faith-based organizations, nonprofits, are now realizing the importance of education and prevention and speaking the cultural language of the different unique communities that need to understand the dangers of not having knowledge about HIV and AIDS.

This bill, that I have supported in years past and am delighted to extend my support, extends Medicare coverage to people living with HIV. Under this legislation adopted now, States will have the ability to add poor and low-income uninsured persons living with HIV to the list of persons categorically eligible for Medicaid.

This is very important for people in the 18th Congressional District here in Houston for getting proper coverage, and it is very critical that they receive the kind of quality care that is necessary. There are HIV-infected persons in my district and across America that need some relief immediately, and thus the Medicaid provision is imperative.

Under current rules, most people living with HIV are ineligible for Medicaid until they have progressed to AIDS and are disabled. We wanted to engage individuals who are infected so they can have the proper care and treatment. We know with the new health care revolutions and the new drug treatments that have come about, it is very important to have early intervention so that these individuals can live full, active lives. New treatments, such as the highly active heart therapy, are successfully delaying the progression of HIV progression to AIDS.

Mr. Speaker, this is very exciting. We can turn this situation around. Early access to HIV treatment is imperative. I remember coming to this Congress in the early 1990s or in 1990 as a local elected official to join with Senator KENNEDY as he introduced the Ryan White treatment dollars.

This reauthorization is a testimony that it works, that treatment works, and now we must focus on prevention. I believe the legislation must be signed by the President. The formula will add to people's lives; it will in fact save lives. I am very delighted to support this legislation, and I look forward to it being signed by the President so that it can save lives, not only in Texas and in my district, but throughout this Nation, as we continue to fight the AIDS epidemic throughout the world.

CONGRESS RESTORES THE UPARR PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, earlier this week the House passed the Department of Interior appropriations conference report for the year 2001 by an overwhelming margin. Many of the votes for that legislation were the result of an historic commitment of funds to efforts to preserve our national resources, including parks and other public lands, wildlife, endangered species, forest programs and others.

We are providing this support through a new $1.6 billion Lands fund because of the severe underfunding of resource programs over the past decade that have led to a deterioration of the environment and the recreational opportunities for tens of millions of Americans who treasure their national parks, wilderness areas, coasts and other public lands.

No program has been more unjustifiably undermined than the Urban Parks and Recreation Program known as UPARR.

UPARR is a vital program that provides on a matching basis relatively small grants to towns and cities throughout America to try and provide some expanded recreational opportunities to children who have very few alternative recreational opportunities. Across this country, there are dozens of towns and cities where baseball fields are overgrown, soccer fields are short of equipment, gyms and courts are unusable, and every day tens of thousands of children pass by those vacant and useless playgrounds and gyms and have to find something to do after school and in their evening hours. These are the children who fall prey to crime and drugs and gangs and inappropriate sexual activity that place these children and their futures in jeopardy.

UPARR answers a terrible need for these children in their communities. And yet, for the past decade, UPARR has been denied funding by the Congress. Even though dozens of cities and towns filed applications and were prepared to raise the matching funds, the Congress refused to provide even minimal funding for UPARR, despite all the statements of concern about children's well-being and about the need for after school athletics and mentoring programs.

For the past several years, I have been working with a wide range of organizations to fund the UPARR program. I want to pay special tribute to Tom Cove, the Vice President of the Sporting Goods Manufacturers Association, who has spent so much of his time helping to build a network of people outside of Washington on behalf of UPARR's revival and who has been so successful here in the Congress and the administration in persuading people of this vital program.

The UPARR coalition consists of a diverse array of organizations and interests, including the National Council of Youth Sports, which represents 46 million children through the National Youth Sports Leagues, such as Little League, Pop Warner football; the Amateur Athletic Union; the U.S. Soccer Foundation; PONY baseball; and the U.S. Conference of Mayors, especially Mayor Victor Ashe of Knoxville, Mark Morial of New Orleans, and Rosemary Corbin of Richmond, California.

We have also had tremendous help from professional sports organizations and players, who recognize the need in providing young people a safe place to play and learn. I want to recognize our friends at the National Football League, the NFL Player Association, and Major League Baseball's "Reviving Baseball in the Inner Cities" program. We have also had great support from the Police Athletic League, and I especially want to recognize them. They have fought long and hard with us for today's victory for UPARR.

I also want to pay tribute to some of the people in the Seventh Congressional District of California who have been energetic and indefatigable supporters of UPARR, including Mayor Rosemary Corbin of Richmond, California; C.A. Robertson of the Richmond Police Activities League and the statewide Police Activities League; the Greater Vallejo Recreation District and its general manager, Skip Radziewicz; and the Tri-City County Open Space Committee and its chair, Duane Krumm.

Throughout the Nation, individuals such as these have joined together and demanded that Congress provide substantial new funding for UPARR; and this week, they succeeded. When we began this effort, UPARR was receiving nothing, only a few short years ago, not one cent, despite all the rhetoric about concern for our children. So we committed ourselves to UPARR's revival; and we began slow, finding a couple of million dollars on the House floor from here and there.

We were able to convince the Clinton administration that this was a worthy program that met the President and First Lady's goals for children, and a couple of million dollars was included in last year's budget.

This year the President asked for $10 million; and in the bill we passed today, that number was increased to $30 million for each of the next 6 years. I want to thank the members of the Committee on Appropriations for that increase, the gentleman from Ohio (Mr. REGULA), the gentleman from Wisconsin (Mr. OBEY), and the gentleman from Washington (Mr. DICKS). And we intend to get more, because with this program we can turn our cities around and we can change the lives of millions of young children.

Today's bill, while not the level of funding we sought in the Conservation and Reinvestment Act, is an enormous increase to $30 million for each of the next 6 years, with the promise of more above that. With the coalition we have built, I am confident we will successfully compete for dollars within the Committee on Appropriations for UPARR dollars and build a network of recreation and athletic facilities throughout the cities and towns of this Nation.

STATEMENT OF ROANE COUNTY, TENNESSEE, HIGH SCHOOL PRINCIPAL JODY McLOUD CONCERNING SCHOOL PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, several years ago, William Raspberry, the great columnist for the Washington Post, asked in a column these words. He said, "Is it not just possible that anti-religious bias masquerading as religious neutrality has cost this country far more than it has been willing to acknowledge?" I think that is a very good question.

In light of that, I would like to read a statement that Roane County, Tennessee, high school principal Jody McLoud read over the public address system before his school's first football game on September 1, following the Supreme Court decision outlawing or banning prayer at high school football games across the Nation.

Mr. McLoud said this:

> It has always been the custom at Roane County High School football games to say a prayer and play the National anthem to honor God and country. Due to a recent ruling by the Supreme Court, I am told that saying a prayer is a violation of Federal case law.
>
> As I understand the law at this time, I can use this public facility to approve of sexual perversion and call it an alternative lifestyle and if someone is offended, that's okay.
>
> I can use it to condone sexual promiscuity by dispensing condoms and calling it safe sex. If someone is offended, that's okay.
>
> I can even use this public facility to present the merits of killing an unborn baby as a viable means of birth control. If someone is offended, no problem.
>
> I can designate a school day as Earth Day and involve students in activities to religiously worship and praise the Goddess Mother Earth and call it ecology.
>
> I can use literature, videos and presentations in the classroom that depict people with strong traditional Christian convictions as simple minded and ignorant and call it enlightenment.
>
> However, if anyone uses this facility to honor God and ask Him to bless this event with safety and good sportsmanship, Federal case law is violated.
>
> This appears to be, at best, inconsistent, and, at worst, diabolical.

Mr. McLoud continued.

> Apparently we are to be tolerant of everything and everyone except God and His commandments.
>
> Nevertheless, as a school principal, I frequently ask staff and students to abide by rules with which they do not necessarily agree. For me to do otherwise would be at best inconsistent and at worst hypocritical. I suffer from that affliction enough unintentionally. I certainly do not need to add an intentional transgression.
>
> For this reason, I shall "render unto Caesar that which is Caesar's" and refrain praying at this time. However, if you feel inspired to honor, praise and thank God and to ask Him in the name of Jesus to bless this event, please feel free to do so. As far as I know, that is not against the law yet.

That is the statement by Roane County, Tennessee, High School Principal Jody McLoud.

I can tell you that we open up every session of the House and Senate with prayer, but it is unfortunate, the recent Supreme Court decision.

I commend Roane County, Tennessee, High School Principal Jody McLoud for this very fine statement, and I close by asking the question that William Raspberry asked a few years ago in his column, is it not just possible that anti-religious bias, masquerading as religious neutrality, has cost this Nation far more than it has been willing to acknowledge?

□ 1330

RESTORE FEDERAL RECOGNITION TO THE MIAMI NATION OF INDIANA

The SPEAKER pro tempore (Mr. QUINN). Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, this afternoon I have introduced a bill to restore the Federal recognition to the Miami Nation of Indiana.

The Miami Nation of Indiana is one of our most historic Indian nations. Unfortunately, it is not currently recognized by the Federal Government. It is an ironic situation that we face. When Anthony Wayne won the battle of Fallen Timbers that lead directly to the Treaty of Greenville in 1795, the Miami Nation, at that point a defeated nation, entered into negotiations over a period of time with William Henry Harrison in the Northwest Territory and the Federal Government, ceding millions of acres.

Chief Richardville, the civil chief of the tribe, and Little Turtle, the war chief of the Miami Nation, did the best they could to keep as many Miamis in Indiana as possible, approximately at that point 800. The rest were transported in one of the many cases of mistreatment of Native Americans by the American Government, and moved across the Mississippi River.

That tribe continued to be recognized and currently is basically the Miami of Oklahoma. They have completely at this point a distinctive history, a distinctive tribal form of government from the Miami Nation of Indiana. They moved across the Mississippi, then down into Oklahoma, have their own tribal governments and work with that, and occasionally even come in conflict with their brothers from Indiana over what to do with artifacts, over what things are important in the tribe. Because quite frankly, the Indiana Miami are not in many ways a traditional nation, in the sense they were not part of the reservation system that many other Indian tribes in America were part of.

Their goals as a tribe are different. Theirs are predominantly historic and cultural goals as opposed to necessarily the same financial goals, because they are more or less integrated in, but that does not mean that they have not been a continual independent nation. Much of this is detailed in the book "The Miami Indians of Indiana." This particular book was given to me by Charles Bevington, or Meshintoquah, chief of the Pecongeah Clan of the Miami Nation of Indiana.

And he, Chuck, still gets benefits from the treaty of Greenville from 1795. His kids get benefits from the Treaty of Greenville; yet our government says they are not an Indian tribe. Now, wait a minute. If they are getting treaty benefits directly from 1795, this seems like a tad of a stretch.

Let me make a couple of points with this: one is, they have been in continual relationship with the Federal Government, one of the standards to be an independent Indian nation. One of the problems was that in 1897, the Secretary of the Interior based on an opinion by a then assistant Secretary withdrew the acknowledgment of the Indiana Miamis as a tribe.

Since then, Congress has never terminated this relationship. Since then, there has been an acknowledgment that that was an error in 1897. In 1990, the Department of the Interior specifically admitted that the opinion of Attorney General Van Devanter was incorrect and that the trust relationship of the Indiana Miamis was wrongfully terminated. In other words, in 1897 this was wrongfully done. They reappealed to the BIA and lost their appeal, because, apparently, some of the minutes from meetings in either the late 1950s or early 1960s were lost partly because the Secretary's house trailer burned and the Miami did not have records of their continual meetings they had. They had powwows in our district, and throughout parts of northern Indiana they have had a consistent form of tribal government. So we are basically looking at technicalities that have disqualified a nation that is one of our most historic.

Let me give my colleagues a couple of examples. The famous Indian chief, Little Turtle, was one of the greatest warriors in American history. This is a drawing by a Miami of Indiana person who lives in Fort Wayne area, my hometown. What is interesting about this is, this is not a drawing that is contemporary of its period, because the only oil painting of Little Turtle was in the White House, and it was burned when the White House was burned in 1812 when James Madison was President. And it was by Gilbert Stuart.

But this is a likeness drawn after that. Little Turtle is famous because on American soil, he is the only person to have defeated full-blown American armies authorized by this Congress, not once, but twice, bigger defeats, than Custard, bigger defeats than the Western, different things where Crazy Horse and Sitting Bull and all of those famous Indian chiefs. Little Turtle defeated American armies twice.

George Washington said they had to get the junction of the rivers in what is now Fort Wayne but at that time was Kekionga, because it was the controlling of the Northwest territory and we would have never had a Lewis and Clark. We never would have had a Louisiana Purchase if we could not get control of the Northwest Territory. Little Turtle twice defeated those armies.

He was victorious right near Eel River where his settlement was, and he also defeated La Balme from France, who was considered the foremost calvary officer in France.

But then Little Turtle realized he was not going to be able to defeat Anthony Wayne. He stayed in the coalition with Blue Jacket and other Indian tribes, the Shawnee and others; but they were defeated at the battle of Fallen Timbers and that led to a change in the West. Little Turtle decided to work with the United States Government. Then the civil chief, Chief Richardville, also decided to work with the United States Government and in Fort Wayne. We hope within a few months this will be a national historic landmark; it is the oldest Indian treaty house east of the Mississippi still on its site.

It is Chief Richardville's house. It is where the Miami Nation congregated. It was their civil chief. We also have Richardville's son-in-law Lafontaine, in an Indian house. After all, Indiana is named after the Indians, but we do not have respect and have not respected them enough.

We have two treasures of these homes. This is apparently the only Native American home east of the Mississippi on its original site. Richardville and Little Turtle were in fact in essence punished because they stopped warring with the United States.

It is time that the United States correct what are acknowledged wrongs in decertifying the Miami Nation in 1897, to reconcile the bookkeeping error. One last point, they have agreed by a 12 to zero council meeting to suspend their gaming rights. The act says that pursuant they will not pursue gaming in class 3, and only be allowed with expressed approval from Congress.

It is unfortunate that true rights are being denied because of gambling, but they have agreed to suspend theirs.

JAMES RIADY INVITES BILL CLINTON TO LIPPO BOARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, last year, during our investigation, the Committee on Government Reform had John Huang testify that James Riady, a close personal friend of the President of the United States, organized a scheme to funnel a million dollars into the President's campaign in the early 1990s. Around $700,000 to $800,000 of that money was raised, brought into the country from Indonesia through conduits, and funneled into the campaign as had been promised.

We believe much more than that was brought in, but that is all we could account for. Most of that money was sent back, was returned, because it was illegal campaign contributions. We have been after the Justice Department for some time to, in absentia, indict Mr. Riady for illegal campaign contributions and for obstruction of justice.

Mr. Riady fled the country. He is now living in Indonesia, and he is one of the major partners or executive officers in the Lippo Group, which was formed by his father, Mochtar Riady, sometime ago.

Mr. Riady also orchestrated a complex scheme to launder over $4 million in political contributions to various campaigns, parties and other nonprofit groups in addition to the money that he gave to the President's campaign in the early 1990s.

And throughout the 1990s, he worked with John Huang, helped get John Huang appointed to the Democratic National Committee leadership, so that he could extract more money from illegal sources in China and the Far East, including Indonesia.

The Justice Department has not moved to indict Mr. Riady, and that is something that we have really been fighting with them about, because we think, even though he is in Indonesia, he has violated American law, he has fled the country, and he has not complied with subpoenas from our committee and others.

One of the things that really bothers me, and the reason I come to the floor today, is not to rehash what we have known for a long time, Mr. Speaker; but today we find out that Mr. Riady invites the President of the United States to be on the Lippo board of directors in Indonesia. This comes right from the Far Eastern Economic Review that was reported today, and I urge my colleagues to look at the article.

Mr. Speaker, I include this article for the RECORD.

RIADY INVITES CLINTON TO LIPPO BOARD

Indonesian tycoon James Riady has invited U.S. President Bill Clinton to join the board of Lippo Group when he steps down from Office early next year, according to business people who have met Riady in Jakarta recently. Riady has been telling business contacts in Jakarta that he expects Clinton. to accept, even though the U.S. president has been dogged by allegations that Riady funnelled illegal foreign donations to Clinton's 1992 and 1996 election campaigns. A former Lippo Group employee reports that as far back as the mid-1990's Riady was said to be trying to recruit Clinton to the board as soon as he left office. Jakarta police are currently helping the U.S. Justice Department in its investigation of the alleged campaign contributions.

The article reads like this: "Riady invites Clinton to Lippo board. Indonesian tycoon James Riady has invited President Bill Clinton to join the board of Lippo Group when he steps down from office early next year, according to business people who have met with Mr. Riady in Jakarta recently. Riady has been telling business contacts in Jakarta that he expects Clinton to accept even though the U.S. President has been dogged by allegations that Riady funneled illegal foreign contributions to the 1992 and 1996 campaigns."

The thing that is interesting about this, and I am not accusing the President of anything, so I do not want to be stopped for anything, but the thing that is interesting about this, Mr. Speaker, is that the beneficiary of one of the major decisions by the administration was the Riady group, the Lippo Group, in Indonesia.

Sometime in the 1990s, the President took the coal reserve, the largest clean burning coal reserve in the United States, out of possible production in Utah and made it a national park. Many engineers told us that this could have been mined in an environmentally safe way; but, nevertheless, the President said he wanted to make it a national park to preserve the ecology.

Now the beneficiary of that was the Lippo Group in Indonesia, because they have one of the largest clean burning mining operations in the entire world. And when you take this large reserve out of possible production in Utah, the only real beneficiary that we could find was the Riadys and the Lippo Group in Indonesia.

In addition to that, Mr. Riady met with the President in the back of a car in 1992, and again in 1996 worked with him, met with him, and funneled, we believe, millions of dollars in illegal campaign contributions in from Indonesia and from China and many of those hundreds of thousands of dollars of this money was returned because it was to be illegal.

Now we find out that the Riady group is going to put the President on the board of directors when he leaves office in January. All I can say is that this really bothers me a great deal, because all of the information we have would lead one to believe that the very strong possibility exists that a lot of these things were done to benefit the Riady group, and now they are going to put the President on the board of directors. I think every American ought to know that.

NO ENERGY POLICY UNDER CURRENT ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, I, again, rise in the special orders for my colleagues to understand the importance of the energy policy of the United States under this present administration, which is zero. There is no energy policy. In fact, under this administration, we have declined the use of nuclear. We have declined the use of oil. We have declined the use of coal. We have declined the use of hydro.

And, in fact, there has never been a position where they have developed any new power as our population grows and our economy grows. We are using more power every day, and this administration has sought not to do it.

During an election time, the presidential candidate, what is his name, Mr. GORE, decides to asks us to lower the price of fuel in the Northeast by using our reserves. Now, I cannot think of anything more ridiculous and using a reserve that was set up when I was here and this Congress set it up for strategic purposes, in case there was a cutting off of our shipping channels and we needed that fuel for military purposes. That is why it was set up.

There is no shortage of oil. Yes, there is an increase of prices because we are dependent because of this administration's policy on foreign oil. Now, we have a lot of oil and gas in the United States of America. We just have not been able to find it or develop it because of the policies of the Department of Interior, the President of the United States and the Vice President.

What I am very familiar with, of course, is Alaska. Everybody knows that Alaska's Prudhoe Bay, 16 billion barrels have been delivered to the United States. Every American citizen has benefited from that. It has not gone overseas. It was from Prudhoe Bay, developed in 1973 by this Congress because we had an embargo in place.

What else do we have in Alaska? We have in Alaska a place called 1002 area, right here, right here, 74 miles from the existing pipeline that could deliver us a million barrels a day for the next hundred years.

Everybody said what is a million barrels a day? I heard the other night that my so-called candidate, Mr. GORE, he is not my candidate, but the candidate of many unenlightened people, Mr. GORE said we should not destroy the pristine areas, the last ones we have in Alaska. Alaska, every area you see in Alaska has been set aside here, here, here, here, here, here, here, here, here, here, here, here, all the way around 147 million acres of land, set aside for wilderness for a great purpose for the American people. Right up here we have 1.5 million acres that has the potential, 39 billion barrels of oil.

□ 1345

That is 39 billion barrels of oil, a million barrels a day which we are now buying from Saddam Hussein that we could be producing and shipping through our pipeline to the American people. But what does Mr. GORE say? Oh, we cannot develop it.

Show me one area where he suggested developing will occur. He has not done it in his 8 years, he did not do it when he was in the House, and he did not do it while he was in the Senate. He does not believe in it.

To have him say now that we are going to use the reserve and not support opening this ANWR area to me is ridiculous.

By the way, Mr. Speaker, the footprint is less than 12,000 acres, to give the American people, give the American people 1 million barrels a day for the next 100 years. That is what is so crucially important.

But along those lines, keep in mind there has been no energy policy by Mr. GORE. He has none now; and he will have none in the future, other than the fact he wants us all to peddle bicycles. That is his idea.

He raised taxes while he was in the Senate, and he has proposed raising taxes while he was Vice President. Remember, Mr. Speaker, and my colleagues who drive back and forth and fly an airplane, those taxes were raised supposedly to stop our consumption. It has not done so, and in the meantime we have become more dependent, 57 percent today and by the year 2005 it will be 60 percent, which we will be dependent upon foreign countries for oil.

By the way, anytime someone controls us 60 percent, we will do anything they tell us to do. As bad as it is, we will do it because they control us. That is what this administration has done to us; they have made us subservient to the foreign countries and not America.

I always hear the Vice President talk about big oil. There is no big oil that belongs to America anymore; it belongs to the foreigners. He supported that.

We have heard the previous speaker talk about the Lippo situation, the coal situation. There is another classic example where being dependent on foreign countries is wrong. We must as a Nation have an energy policy. We must have a President who understands the energy policy. This is crucially, crucially important.

THE NEED FOR A NATIONAL ENERGY POLICY

The SPEAKER pro tempore (Mr. QUINN). Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, the gentleman from Alaska has outlined the necessity for energizing an energy policy. That is important for the future of our country. The lack of the current administration's intentions towards formulating an energy policy gives us this mandate now to do so in their place, so the gentleman from Alaska properly says Alaskan oil, ANWR, is one element of that.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I want to compliment the gentleman because he has introduced a bill to do just that, to take into consideration all of the facets of energy, to take and decide how many Btus we need for the future of this Nation.

Right now that has not happened. In fact, the administration has closed down 34 refineries in the United States. The last refinery, built in 1980, was in Alaska. That is what has happened to us.

The gentleman's bill, and I believe I am a sponsor with the gentleman, it says to bring to light the need for nuclear power, hydropower, wind power, for conservation, for gas, and for oil, and to put it all together in a package so that my grandchildren will have the ability to have Btus available to them so they can live, yes, a better way. I believe that is crucially important.

Mr. GEKAS. The national goal under the energy policy which is embodied in the bill that we propose calls for our being energy independent in 10 years.

What do we have to do? Increase by any means possible the correct and environmentally safe drilling on domestic properties, on domestic lands, on our Federal lands or wherever it is possible in the western part of our Nation or in Alaska, as the gentleman has outlined, and utilizing all the other devices we may have, our technologies, for solar, for hydroelectric that are our own, waiting for us to use for our own purposes.

Mr. YOUNG of Alaska. If the gentleman will continue to yield, Mr. Speaker, I would like to suggest that many people are very much unaware of the new demand on electrical power.

Twenty-five years ago we did not have that demand. The power being generated today, which we are now using, mostly fossil fuels, natural gas, coal, no oil, but those two things, now the demand comes from that which we all take for granted, and that is the computer, the Internet.

The Internet alone, just the Internet, not the total, the Internet alone increased the consumption of electrical power 7 percent this year. Seven percent of our energy now is being used by the Internet.

Mr. GEKAS. Our bill, called the NRG bill, NRG, national resource governance, NRG, energy, calls for the establishment of a commission, a blue ribbon commission, which will put together all these various facets that we are talking about and balance them with conservation, good conservation methods, and provide for us within 10 years no longer to have to depend on OPEC oil or any foreign oil. That is a Declaration of Independence in energy that is on the horizon if only we will seize the opportunity.

What worse kind of position can the United States be in than to have to kneel in front of the OPEC countries to beg them to produce more oil, beg them to send us more oil, beg them to sell us more oil?

Mr. YOUNG of Alaska. If the gentleman will yield one more moment, I said before that the only energy policy the administration has had is a set of knee pads so they can beg. The inappropriate conduct of trying not to allow us to produce energy, all forms of energy, in the last 8 years, has brought us to this point.

We have to wake up. The gentleman's bill does it. I am proud to be a sponsor of it. I hope everybody that is listening, and I know I am not supposed to say this, but all my colleagues who are listening, I hope they understand we had better approach this with the positive side of production.

We cannot, as we listen to AL GORE, conserve our way into self-sufficiency. That is impossible. Everybody knows it. As long as we are growing, and we are growing, our economy is growing, we have to have energy. That means all the forms of energy that we know, mankind is realizing today. To say no is wrong.

By the way, if I may, gas, natural gas, $2.15 last year, $5.40 today, it is going to $6 because demand is so great. Many of the great fields that would have been drilled, should have been drilled, have been put off limits by this President and this Vice President.

Let us have a policy of energy development and deliveries to our people so we do not have to go back. Instead of issuing knee pads to every American so they can beg for energy, let us have the ability to say, I am American and we have our own power.

Mr. GEKAS. I ask our colleagues to cosponsor the NRG bill for self-sufficient energy in the United States.

THE PROBLEM OF HIV/AIDS AND METHODS TO COMBAT IT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. DAVIS) is recognized for 60 minutes as the designee of the minority leader.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the esteemed gentleman from California (Mr. DIXON) for joining me this afternoon as we discuss one of the most serious problems facing our country and, indeed, our world today, that is, the problem of HIV/AIDS and all of the problems associated with it, as well as talk about ways in which we can combat it.

Earlier today we passed the Ryan White Comprehensive AIDS Relief Act, which provides resources to fight this dreadful disease. I think our passage of this act today is further indication of how serious this Congress takes this problem and the approaches that we have begun to use in terms of providing resources to deal with it.

Although money is needed, and resources is one way of impacting positively the situation, there are other things that people can do that do in fact cost money, but sometimes not as much as we think. There are many agencies, organizations, and groups throughout America and throughout the world who are making use of themselves in every possible way to do what it is that they can to arrest this disease.

One of the areas that we have the most difficulty with is in teenagers. Despite the fact that most American teenagers are aware of methods for preventing pregnancy and STD infection, reports indicate that nearly half of teenagers engage in unprotected sexual activity. In turn, morbidity and infection rates due to HIV continue to rise as young adults become one of the fastest-growing populations contracting HIV/AIDS.

In addition, recent reports estimate that at least 20 to 30 percent of young men may be infected with herpes simplex virus, regardless of sociological demographic background.

As a matter of fact, in some manner, we are all affected by the hardships of these diseases because they have placed hardships on our communities, no matter where we are or who we are. Consequently, programs dedicated to informing young adults about safe sex practices in an appropriate and effective manner are vital.

One such national effort is Project Alpha, which is a creation of Alpha Phi Alpha Fraternity, Incorporated.

Alpha Phi Alpha Fraternity, founded in 1906 at Cornell University, has the distinction of being the first intercollegiate fraternity established for African Americans. Since its inception, Alpha Phi Alpha fraternity has provided voice and vision to the struggle of African Americans and people of color around the world.

Today Alpha Phi Alpha Fraternity, Incorporated, has approximately 150,000 members. Past and present members include noted sociologist W.E.B. DuBois, Adam Clayton Powell, Jr., former Senator Ed Brooks, Dr. Martin Luther King, Jr., Supreme Court Justice Thurgood Marshall, former Congressman and ambassador Andrew Young, former Representative Bill Gray, who heads the United Negro College Fund, the noted author and activist, Paul Robeson, the gentleman from California (Mr. DIXON), the gentleman from Alabama (Mr. HILLIARD), the gentleman from Pennsylvania (Mr. FATTAH), the gentlemen from New York (Mr. MEEKS and Mr. RANGEL), the gentleman from Virginia (Mr. SCOTT).

I, too, Mr. Speaker, am pleased to be a member of the Mu Mu Lambda chapter of this illustrious group, Alpha Phi Alpha, Incorporated.

Project Alpha, in the spirit of this powerful legacy, was established to address the major social, economic, and health problems related to troubling trends in teen pregnancy and STDs.

Since the early 1980s, Alpha Phi Alpha fraternity has implemented the Project Alpha Program, along with the March of Dimes Foundation, and has taught thousands of young men about the consequences of STDs and teenage pregnancy from a male perspective.

Over the past 20 years, members of Alpha have worked with the staff and volunteers of the March of Dimes Birth Defects Foundation to reach hundreds of communities and thousands of young men throughout America and the world.

In an effort to herald this program to the entire Nation, the second week of

October has been declared Project Alpha Week, and from October 7 to October 14 each chapter of Alpha Phi Alpha will devote time to reviewing the medical, legal, and socioeconomic issues involving teen pregnancy and STD infection with teens while encouraging responsible behavior.

I want to commend the brothers of Alpha and the Alpha Project, for without preventative programs such as this successful one, we will pay greatly in the future with higher rates of teen pregnancy and birth defects, higher rates of HIV and other STDs, and ultimately, a lower quality of life for all members of our society.

□ 1400

Now, it is my pleasure to yield to the gentleman from California (Mr. DIXON), the ranking member of the Permanent Select Committee on Intelligence, my brother, and fellow Alpha member.

Mr. DIXON. Mr. Speaker, I thank the gentleman from Illinois very much for yielding to me, and I am very pleased to join with him in this tribute, not only to the Alpha fraternity, but the fight and the cause.

Mr. Speaker, I am pleased to rise today to commemorate Project Alpha Week and to honor the brothers of Alpha Phi Alpha Fraternity and the March of Dimes for their efforts over the past 20 years on this project.

Project Alpha is a collaboration between Alpha Phi Alpha Fraternity and the March of Dimes to reduce teenage pregnancy and sexually transmitted diseases by engaging young men before they have established risk-taking behavior patterns.

During the week of October 7 through 14, young men in communities across this Nation will participate in Project Alpha conferences.

Project Alpha is one of Alpha Phi Alpha Fraternity's three national programs. These national programs, "Project Alpha," "Go to High School-Go to College," and "A Voteless People Is a Hopeless People" exemplify Alpha Phi Alpha's focus on assisting communities through leadership, scholarship, and service.

The curriculum at the Project Alpha conferences will stress three main elements, knowledge building, motivation and taking the message back.

In my hometown of Los Angeles, more than 200 young men are expected to benefit from Project Alpha programs this year. I would like to commend the 12 Southern California chapters who are participating in this year's program.

The program's financial supporters and presenters also should be recognized for their contributions to the community. This year's program will include Michael Cooper, former L.A. Laker star, and State Senator Teresa Hughes. Support is also being provided by the Magic Johnson Theater Corporation; the New Leaders, an organization of young African-American professionals; and the Holman United Methodist Church.

Mr. Speaker, I would also like to take this opportunity to highlight another project that the Alpha Phi Alpha has spearheaded, the Martin Luther King, Jr. Memorial project. I am honored to have worked with Alpha Phi Alpha to enact legislation to allow the King Memorial project to move forward.

In 1996, the gentlewoman from Maryland (Mrs. MORELLA) and I carried the bill to authorize the memorial. In 1998, we passed legislation approving a permanent site on the National Mall for the King Memorial.

The fraternity has since established an independent foundation to coordinate this project and is engaged in raising funds for the Martin Luther King, Jr. Memorial. I am very proud that the effort to honor Dr. King, a man of unique national stature, with a memorial in the Nation's capital has transcended the fraternity and become a project of national significance.

The commitment to community that Alpha Phi Alpha instills in its members is exemplary. I am honored to be a member of the Alpha Phi Alpha Fraternity, and I am pleased to commend both Alpha Phi Alpha and the March of Dimes for their efforts on Project Alpha.

From Project Alpha to the King Memorial to helping to shape generations of great African-American men, Alpha Phi Alpha has contributed so much to our Nation. I am very proud of the brothers that serve in the Congress of the United States with me who are members of the Alpha Fraternity.

Mr. DAVIS of Illinois. Mr. Speaker, let me just ask the gentleman from California (Mr. DIXON), we know that HIV-related illness and death now have the greatest impact on young people. As a matter of fact, AIDS is the leading cause of death among Americans 25 to 44 years old. In this same age group, AIDS now account, on an average, for one in every three deaths among African-American men and one in five deaths in African-American women.

Between 1990 and 1995, AIDS incidents among people 13 to 25 years old rose nearly 20 percent. While AIDS incidents among both young gay and bisexual men and young injecting drug users was relatively constant during this time period, AIDS incidents among young heterosexual men and women rose more than 130 percent.

In a project like Project Alpha, what is it that one can say or what does one say to young people to try and impact upon them the serious consequences of certain kinds of behavior?

Mr. DIXON. Mr. Speaker, if the gentleman will yield, I think that one does two things, and Project Alpha reaches to both of them. One, one can explain to them the impact on the community as it relates to health, as it relates to future planning for a young person. Two, one can explain to them and make clear to them that this kind of epidemic can be avoided if they control themselves and practice what is traditionally called safe sex.

There is probably no greater threat to minority communities today than the national health problem of HIV infection. So to reach out to young men 16, 17, of college age to spread information and to make them realize the danger I think is a great public service.

But just as important, I think that we have to make the entire minority community aware of this danger, and we cannot stress it too much because, as the gentleman from Illinois (Mr. DAVIS) indicated from his facts, it is a growing concern; and the facts continue to show that the spread in the minority communities is running ahead of the spread in the majority communities.

Mr. DAVIS of Illinois. Mr. Speaker, I certainly want to thank the gentleman from California, not only for his participation and his leadership here in the Congress but also his willingness in the community where he lives to be involved, to be interactive with young people, and to try and help them to understand how they can improve the quality of life, not only for themselves, but for others. We certainly appreciate his assistance.

Mr. DIXON. Mr. Speaker, I thank the gentleman from Illinois for taking the time to spread the word. It is an honor for me to serve with him and my other colleagues, not only as I said in the House of Representatives, but as members in the same fraternity.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure now to yield time to the distinguished gentleman from the City of Brotherly Love, Pennsylvania (Mr. FATTAH), who not only provides great leadership in the field of education, which means that he is a natural to be involved in this kind of project, but who is an inspiration to all of those who have known and worked with him for years.

I am proud to call him, not only my colleague, but also my Alpha brother.

Mr. FATTAH. Mr. Speaker, let me thank the distinguished gentleman from the great State of Illinois (Mr. DAVIS) and the City of Chicago, who is a fraternity brother of mine.

I come to the floor just ever so briefly just to add my voice in support for this effort. It really is a substantial effort that, even if I was not a member of this great fraternity, I would be supportive of it, because it really gets at the heart of where we need to be, and that is communicating with individual young men and with our young people in a way which is relevant in terms of the choices that they have to make, the choice points that they confront, that will have an impact on their life chances in a way that they cannot even imagine at 12 and 13 and 14 and 15 years of age.

So I just want to thank the gentleman from Illinois for carving out this special order for a very special message. I want to thank all of my fraternity brothers throughout this country and, in fact, beyond the national borders of this country who are committed to education and committed to this effort in particular in terms of raising the awareness of young people about the choices that they have to make, and the fact that, if they make the right choice, they stand to reap the reward, and if they make the wrong choice, not only do they suffer the consequence, but our entire community and our society suffer the consequences of the choices, assuming they make the wrong one.

So I want to thank the gentleman from Illinois (Mr. DAVIS) and my other Alpha brothers.

Mr. DAVIS of Illinois. Mr. Speaker, listening to the gentleman from Pennsylvania (Mr. FATTAH), there is no one that I know of who is more concerned about education. I remember one of the incidents that happened that sort of reinforced that. I remember the President had invited the gentleman from Pennsylvania and his family to the White House as he was about to sign one of the gentleman's bills. The gentleman from Pennsylvania decided that his son needed to go to school that day, that he could not come.

Mr. FATTAH. Mr. Speaker, our fraternity had the "Stay in School and Go to College." That was one of the very early programs of the Alphas. My son had a perfect attendance up through his high school graduation, and it was an important choice. But, nonetheless, his record of a perfect attendance was important to him and acknowledgment of the importance that we place on education. So now he is a freshman in college. He is doing well.

I think it is important that we as adults indicate to young people where they need to place their value. Hobnobbing at the White House is one thing, but learning and earning a diploma and eventually a degree so that one day one can be in the White House as the resident of it, as the Chief Executive, is a much more important goal in life.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield to the gentleman from Virginia (Mr. SCOTT), one who does, in fact, also have perfect attendance, especially perfect attendance when it comes to representing the needs, hopes and aspirations of his people and representing the effort to make America a better Nation in which to live.

Mr. SCOTT. Mr. Speaker, I appreciate and commend the gentleman from Illinois (Mr. DAVIS), my colleague and Alpha brother, for scheduling this special order this afternoon. I am delighted that we have an opportunity through this special order to talk about the proud history of Alpha Phi Alpha and its ongoing nationwide efforts to meet some of the critical needs of the African-American community.

We have already heard, men of Alpha Phi Alpha have had a strong positive impact on our society in every profession and in every field of endeavor. I am fortunate to serve with many of our Alpha colleagues: The gentleman from the 15th Congressional District of New York (Mr. RANGEL), the gentleman from the 32nd Congressional District of California (Mr. DIXON), the gentleman from the 7th Congressional District of Alabama (Mr. HILLIARD), the gentleman from the 2nd Congressional District of Pennsylvania (Mr. FATTAH), the gentleman from the 6th Congressional District of New York (Mr. MEEKS).

We follow the proud footsteps of Adam Clayton Powell who was elected in Congress in the late 1940s and many other Alpha brothers who have served in Congress and prepared the pathway for numerous other Alpha brothers who serve in public office at the local, State and Federal levels.

Alphas can also claim three of the big four Civil Rights movements. So when one considers the members of this distinguished fraternity, it should come at no surprise that Alpha brothers would be in the leadership of addressing some of our most serious social problems. Whitney Young, Martin Luther King, Floyd McKessick were also in the forefront as Alpha brothers in the civil rights movement. They focused on the right to vote. As has already been indicated, one of the early slogans of the fraternity was "A voteless people is a hopeless people." Because of this focus, the Martin Luther King Memorial is so appropriate, and we are proud to have an Alpha member so honored.

We also must not forget the late Thurgood Marshall who argued the Supreme Court case Brown v. Board of Education, which desegregated public schools and led to the fall of Jim Crow laws everywhere. That is important to note because education has been such a critical issue in the Alpha history.

"Go to high school, go to college" was another early slogan, an early program in Alpha Phi Alpha. Project Alpha is another one of those important projects.

Young African-American males today face many challenges, truancy, illiteracy, drugs, violence and teen fatherhood. And those needs need to be addressed. That is why the week of October 7 through October 14 will be Project Alpha week, focusing on Project Alpha.

For some 20 years, now, Alpha Phi Alpha fraternity has worked with the March of Dimes in an effort to respond to the challenges facing young black males. Project Alpha is a result of this project, and its mission has been to create a national program to prepare young men for the roles that they will be expected to assume in their adulthood.

In communities throughout this country, Project Alpha has created safe havens for young men to learn about and explore ways to develop protective factors to minimize the impact of the social hazards which are present today.

Project Alpha provides education on sexuality, fatherhood, and the role of men in responsible relationships. It motivates young men to make smart decisions about their future and to take an active role in achieving their desired goals. It is a daunting task that Project Alpha has taken on.

Young black men today face many obstacles on their road to adulthood. African-American males continue to lag behind their female counterparts in most measures of academic progress. It is particularly unfortunate to note that 25 percent of all black men can expect to have some contact with the criminal justice system.

□ 1415

We know already that nationally 3 out of every 10 young black males are in jail, prison, on probation, or otherwise involved in the criminal justice system. While unemployment levels for African Americans are at an all-time low, the rate continues to be unacceptable in many urban communities, and this presents yet another risk factor for young African American males.

By focusing on those 12 to 15, Project Alpha lays the groundwork early for developing the protective factors that reduces the likelihood of teen fatherhood and the associated risks that result from teen pregnancy. By providing positive role models from the community, Project Alpha teaches the participants about the social, economic and personal consequences of early fatherhood. And by reducing the rate of teen pregnancy, we are improving the likelihood that these young men will stay in school, stay away from drug use and other negative behaviors.

That is why we congratulate the Alpha Phi Alpha in designating October 7 through 14 as Project Alpha Week. I want to thank the gentleman from Illinois (Mr. DAVIS), my brother Alpha member, for holding this special order this afternoon. I applaud the members of Alpha Phi Alpha and the March of Dimes for their continued commitment to improving the lives of young African American males in the African American community and again congratulate the gentleman on holding this special order.

Mr. DAVIS of Illinois. I thank the gentleman very much, and I would like to get the gentleman's reaction, if I could, to how much on target Project Alpha is.

A study by the National Cancer Institute confirms existent data which reveals that as each generation comes of age, there is a substantial increase in the rate of infection as individuals enter their late teens and early 20s, with infection peaking in the mid to late 20s. Sustained, targeted prevention for each group entering young adulthood is what will keep these waves from developing.

Behavioral science has also shown that a balance of prevention messages is important for young people, and that total abstinence from sexual activity is the only sure way to prevent sexual transmission of HIV infection. Despite all of the efforts, some young people may still engage in sexual intercourse that puts them at risk for HIV and other STDs. For these individuals, the correct and consistent use of latex condoms has been shown to be highly effective in preventing the transmission of HIV and other STDs.

How important does the gentleman think it is for older, and I would not necessarily say that all the Members of Alpha Phi Alpha are old, but more mature members of our society to share concepts, ideas and experiences with younger people, as this project kind of attempts to do, in steering them in a more appropriate direction? And would the gentleman have any challenge for other groups and organizations as to how they can be more helpful?

Mr. SCOTT. Well, I think the gentleman's question really answers itself. The course in Project Alpha, and I have participated in many of the activities at the national convention and in classes in Project Alpha in my own home community in Virginia, and they teach responsibility, they teach abstinence, they teach safe sex; and it is done in such a way that they have the role models from the community coming in and explaining the importance of avoiding teen pregnancy and avoiding the sexually transmitted diseases.

These kinds of role models, I think, can show that they do have a future. One of the high risk factors of getting into trouble is when young people do not feel that they have a future. They tend to involve themselves in more risky behaviors because they think they have nothing to lose. When they see role models and can see a path, particularly a continuum of role models, some of the older ones, like the gentleman, and younger ones, like me, and even younger ones, they can see that they have a future within their life. They see that there are jobs available and careers available. And to the extent that they involve themselves in risky behaviors, they place that future at risk.

So we challenge other groups to get involved in the same kinds of interaction with our young people, because we can have a significant impact in keeping them out of trouble to begin with and keeping them on the right track, and that is why Project Alpha is so important.

Mr. DAVIS of Illinois. Let me just thank the gentleman for his response and for his participation. People throw out accolades, and sometimes they are meaningful and sometimes not as meaningful; but when it comes to role modeling, I would certainly think that the gentleman has been and continues to be one, not only as a Member of Congress but also in the community where the gentleman lives and works. So I want to thank the gentleman for coming and for sharing with us this afternoon.

Mr. SCOTT. I thank the gentleman as well, and I would want to point out that the gentleman himself has been a stalwart advocate of civil rights and voting rights. Just yesterday, we had a special order involving voting rights and the importance of voting, and my fellow fraternity brother has been one of the leaders in that effort.

I want to congratulate the gentleman on his leadership. He has a long history of public service, going back to local government in Chicago, and that certainly shows that the gentleman is a role model and an Alpha that everyone can be proud of.

Mr. DAVIS of Illinois. Well, I thank the gentleman. As we have discussed this afternoon and we have pointed out, all of our speakers have, the impact of HIV and AIDS in the African American community, we know that it has indeed been devastating. As a matter of fact, through December of 1998, the Center for Disease Control had received reports of 688,200 AIDS cases. And of those, 251,408 cases occurred among African Americans. Representing only an estimated 12 percent of the total United States population, African Americans make up almost 37 percent of all AIDS cases reported in this country.

Researchers estimate that 240,000 to 325,000 African Americans, about one in 50 African American men and one in 160 African American women, are infected with HIV. Of those infected with HIV, it is estimated that more than 106,000 African Americans are living with AIDS. So when we see a program like Project Alpha, there is no doubt about its importance in mentoring, educating and encouraging young adults to be responsible during their teen years and beyond.

According to the CDC, 10 national studies have shown that education programs increase safer sex practices among young people who are sexually active. These programs also lead to abstinence, fewer sexual partners, and increased and more effective use of contraception among young men and women.

The other major objective of Project Alpha is teen pregnancy reduction from a male perspective. And although teen birth rates experienced a decline between 1991 and 1996 across all ethnic and economic groups, the country is beginning to see a new surge in pregnant women under 20 years of age. Some important facts to consider are: the United States has the highest pregnancy rate of all developed countries. About 1 million teenagers become pregnant each year, of which 95 percent are unintended. Public cost as a result totaled $120 billion between 1985 and 1990, a circumstance that may resume if current trends continue. It is estimated that $48 billion could have been saved if birth had been postponed.

Eleven States are implementing comprehensive integrated youth programs to prevent teen pregnancies. While others have assistance programs, the Department of Health and Human Services' recent annual report reveals that 32 States have no specified goals regarding this issue. However, Project Alpha has vision with long-range benefits: to reduce teenage pregnancy, thereby reducing child poverty; reducing high school dropout rates and boosting the probability that young adults can fully achieve their potential.

Furthermore, realizing that these programs are traditionally targeted towards raising awareness in young women, Project Alpha focuses on reaching young men, an important yet often overlooked factor in the teen pregnancy problem. By educating young men about contraception and emphasizing personal responsibility, positive changes in attitude and behavior can make a positive difference.

Finally, again, I would like to congratulate Alpha Phi Alpha Fraternity and the March of Dimes for recognizing the need for Project Alpha and holding a week that not only serves young Americans in our communities nationwide, but also fulfills the alpha pledge: First of All, Servant of All. Does the gentleman have any other comments?

Mr. SCOTT. I would just like to thank the March of Dimes and Project Alpha for providing this guidance to our young citizens, and I thank the gentleman for organizing this special order.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman once again, and First of All, Servant of All, we shall transcend all.

REPUBLICAN PLAN FOR ECONOMIC DEVELOPMENT

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. SESSIONS) is recognized for 60 minutes as the designee of the majority leader.

Mr. SESSIONS. Mr. Speaker, what I would like to do is to take a few minutes this afternoon and to begin a discussion with those Members who have been a part of what we have been doing with economic development, a plan by the Republican Party, House and Senate. This plan gives us an opportunity to lead this country into further economic development, an opportunity to develop not only the plans that we have had for quite some time on moving this country forward by stopping the deficit spending that has gone on, but also to turn the country to where we are able to look at ourselves and what we want in the future of this country so that we have economic development and prosperity in this country.

Mr. Speaker, I would like to first talk to what this Congress began doing in 1995, after the election that took place in 1994 where we signed the Contract With America. Back in 1994, when the Republicans began the effort we called the Contract With America, we started this plan and idea, which I signed on to because I believed, as my Republican colleagues did, that it was a comprehensive way for us to begin the discussion about how we change the power structure from Washington, D.C. to move power back home; how we go about balancing the budget and still maintaining economic prosperity and, lastly, how we take the power that is in Washington and empower people back home to begin making their own decisions.

□ 1430

We knew in 1994, just as we do today, that money equals power, probably always has and probably always will, and that the people who have the money are the people that are the decision makers and they are the people that will control, many times, the destiny.

Yet we understood that, back in 1994, the estimates were that this Congress, the Congress that was a Democratic Congress at that time, would continue not only spending every single penny that came to Washington, D.C., but they would also take that money and spend more than what we had. That was called deficit spending, creating a debt that would be long-term on this country. And in 1994, by and large, we had a debt in this country of $5.5 trillion.

The Contract with America, which has been the baseline document for Republicans and this Congress to move forward on, has become really a contract with America that would lead to the development of where we are today.

What happened as a result of that was that two different times this Republican Congress, understanding that welfare was a huge issue in this country, people on welfare needed to come and join what was going on not only in workplaces but would also be a better relationship that they would have with their families to go and create opportunities for those families, many times having a job where they had not had them in generations, and so what happened was we changed the dynamics by changing the law.

What happened in that entire endeavor was we all of a sudden created economic opportunity. Instead of some seven million people being on welfare today, as they were back before 1996, there are now seven million people who get up every morning and leave their home and go to work. They go to work and they become taxpayers. They have become credible people that we can look at and say they have made our country better. Many times they may be doormen or cooks, they may be drivers, they may be involved in teaching our children. But they are people who have made a significant gain in their own personal life and for the life of our Nation.

We are now at the point where these seven million people have created opportunities, because they are now taxpayers, to become a part of paying into what this country has with its system, Social Security, Medicare, the opportunity to pay school taxes, to have a strong voice because they now feel a greater responsibility, and they have been empowered to become a part of what we are doing.

What has happened is that this Republican Congress went from 1996 to 1997 and we had a package, an economic development package, it was called a tax cut package also, and we understood as conservatives that we would incent America to begin the process of wanting to not only invest in jobs and opportunities but also to invest in our stock market and the critical mass that was necessary to begin our infrastructure capitals, and we did this by first cutting taxes. It was a following up with what happened with us having our welfare changes. And we cut taxes. We cut the capital gains tax.

Of course there were people that did not want us to do that. The tax collectors that were in Washington, D.C., said, we should not do that. That will ruin our deficit. We were told it would cost the tax collector $9 billion. In fact, what it did is it brought in $90 billion. It was the catalyst for this country completely turning around to where we all of a sudden then had a surplus.

For, you see, if you do not have a surplus, you cannot pay off your debts. What it did is it changed the direction to where we quit spending money on welfare and started spending more on education and on the infrastructure of this country.

Point two: We looked at families and said, you are the most important asset America has; and we created what was then called a $500 per-child tax credit. It has been nothing less than marvelous to see my neighbors and friends who want to take care of their own family who now have a chance to get back their hard-earned money so that they can take care of their own children.

Point three: We raised the exemption on what is called the death tax, estate tax. We looked at who was being hurt and we compromised with the President and said, we need to raise the exemption.

We went immediately to farmers, people who own their only property for agriculture, and we raised the exemption. We changed this because we believed then and believe now that the people who own their own land and agriculture, for the people that own their own small businesses who, yes, may have assets and resources but are cash poor, should not, based upon death, have these assets taxed to the point to where their heirs have to sell the farm, sell the small business and break it up simply to pay the tax collector.

These are the things that we did to bring us to the point where we are in America where we have created a surplus. We now have breathing room. We now know and are prepared as a Congress to move forward with the new President, a new President that has a bold plan about how we are going to not only make America sound by paying down the debt but by creating economic opportunity for the future.

I am pleased to be joined today by my good friend, the majority leader of the United States Congress, the gentleman from Texas (Mr. ARMEY). The gentleman from Texas has been a leader in the efforts to make sure that the plans that will develop America to where people get back more money in their pocket to where they have the power will be a key to our future because he is not only majority leader but he is also a grandfather and he recognizes that the future of this country rests with our grandchildren.

Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMEY) on this matter.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for taking this hour so that we can conduct this discussion.

Mr. Speaker, I think we in America ought to recognize our heroes, we ought to recognize the people that help this Nation prosper and do well.

There is no doubt in my mind that this Nation owes a debt of gratitude to Bill and Al. Bill and Al can rightfully be cited as the people that perhaps more than anybody else has made it possible for this Nation to be as prosperous as it is.

More than any other two people, perhaps these two people, Bill and Al, are the people that we can credit for all the jobs, the prosperous economy, the fact that the Federal Government is running a surplus, the fact that that surplus combined with the fiscal restraint we have shown here in the House of Representatives has allowed us just on last Saturday to have paid down an astonishing, an astonishing $350 billion in debt in the last 3 fiscal years.

Bill and Al, Mr. Speaker, have done so much more than any other two people I can think ever to warrant our applause and our appreciation for what they have done to make all this possible.

So I would like this body to join me to give a special thank you to Bill and Al, Bill Gates and Alan Greenspan. Without their hard work, we could not have prospered the way we have done.

That is not necessarily the voice that you will hear out of the campaign, Mr. Speaker. The Vice President is running for President, and the essence of his message is, this prosperity is the best idea I ever had. He is saying, without myself and the President, we could never have had this prosperity; and if you do not elect me President, you may lose your prosperity.

It is a frightening thought, Mr. Speaker. When I listen to these speeches on the campaign trail and I realize that the argument that I am hearing is that, the President and I gave you the prosperity and if you lose us, you will lose the prosperity, I am haunted by this fear that on Tuesday we will win the election and I will wake up on Wednesday and discover the Internet has gone away.

But let us look at this. The Vice President says, my plan will secure the prosperity, my plan will preserve the surplus, my plan will continue to buy down debt and save Social Security.

We have taken the trouble to look at the Vice President's plan. And, Mr. Speaker, the Vice President is putting out an economic plan that would spend the on-budget surplus. Indeed he would not only spend all of the on-budget surplus, and this is what I refer to in common parlance as the income tax surplus, but he would even return us to those frightening days of yesteryear when this Government continuously raided the Social Security, and under the Vice President's plan, should he get elected and implement his plan, we would not only spend all of the income tax surplus, but he would go back to the days of raiding the Social Security trust fund and spending those monies, as well.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

The reason I am here is that, with two distinguished Texans having taken the floor, I think it is important to provide a little geographic perspective to this debate.

The fact of the matter is my geographic perspective comes from California and the area which I am privileged to represent, Los Angeles, which happened to be the site of the Democratic National Convention.

At the Staples Center, we saw the Vice President deliver a speech in which he unveiled about 37 different programs which, based on the studies we found, would cost a projected $2.3 trillion. And so, my friend is right on target when he talks about the fact that when we look at where it is we are going and the things that have been proposed, we are going back to a dramatic level of spending.

In fact, I have argued that if, God forbid, AL GORE were to be elected President of the United States, there are many people, certainly on our side of the aisle, who might look back and think, my gosh, would it not be wonderful if we had the days of Bill Clinton again. Because we know that it has been President Clinton who has embraced the 1997 balanced budget agreement, putting us on the road towards balancing the budget not through the tax increase, much of which has been repealed in 1993 that he put through and which Vice President GORE was the deciding vote on in the United States Senate when they voted to do things like have a $48 billion cut in Medicare that was included in that package that they are so proud of, and at the same time we saw the President embrace our tax reduction effort in 1997.

He has embraced the traditional Republican themes of free trade, and we are very proud that he joined with us in doing a number of free trade things; and, of course, the welfare reform bill, which, as we all have said time and time again, he twice vetoed and ultimately signed.

My point is that those bipartisan accomplishments which President Clinton has joined us on, would I believe in large part be reversed with many of the programs that my friend is referring to that have been unveiled by the Vice President.

I think it is very important for the American people to know that, while people have said that the moniker of tax and spend which traditionally had been put around the necks of Democrats in the past and we Republicans have so often said tax-and-spend Democrats, it has been not as easy to do that over the past few years since President Clinton joined with us in a number of initiatives, but if we look at this proposal which has come forward from Vice President GORE, tax and spend would be an understatement for the pattern that we would have.

I wonder if my friend would agree with that.

Mr. ARMEY. Mr. Speaker, yes, I would. I must say, if the gentleman from Texas will continue to yield to us, my colleague says the Vice President today embraces the welfare reform and he embraces the budget agreement we reached in 1997.

Mr. DREIER. Mr. Speaker, I said the President did.

Mr. ARMEY. The President did.

The fact of the matter is part of the story that the Vice President does not tell us is that he did in fact vote in 1993 for President Clinton's budget, that budget that increased taxes, a larger increase in taxes than any other time in the history of the world, increased taxes on gasoline, increased taxes on Social Security benefits, increased taxes across the Nation.

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Then in 1997, in fact, he vehemently objected to our budget agreement where we reduced taxes and set us on the course to a balanced budget. The clear fact of the matter is that if you took the Congressional Budget Office and the Office of Management and Budget at the White House, the projections that they made in 1994 for where we would be this fiscal year under the President's 1993 budget, that budget for which the Vice President so consistently claims credit by virtue of having cast the tie-breaking vote in the Senate, that under that budget had it continued, we would have had a $264 billion deficit this year. Now, that was not my projection. That was the projection made by the President's own Office of Management and Budget, which was agreed to by the Congressional Budget Office.

It was only after 1995, 1996, and especially 1997 where we made this enormous change in direction in the budget that we began to see the projections change; and, indeed, rather than a $264 billion deficit that was projected for this year under the President's 1993 budget, today, thanks to the 1997 budget, the welfare reform and the other things that we did, we have an actual surplus of $250 billion. From $268 billion in deficit to $250 billion of actual surplus is a half a trillion dollars' worth of budget turnaround.

Mr. DREIER. If the gentleman will yield on that point, I think it is important for us to note that with that $264 billion projected deficit, it pales in comparison to the projected spending level that we would see under these plans that have been unveiled by Vice President GORE. I think that is one of the most troubling things. As bad as those proposals were projecting a $264 billion deficit, they look wonderful, and almost like a surplus, compared to what has been put before us as far as projected spending.

Mr. ARMEY. The gentleman is absolutely right. I am reminded of that wonderful song by another very important and colorful Californian, Merle Haggard, "Rainbow Stew," where Merle Haggard bemoans the American fear that Presidents will go through the White House door and not do what they said they would do. In the case of the Vice President's budget proposal, I think, Mr. and Mrs. America, our fear should be that this President would go through the White House door and do what he said he would do.

We all look at Bill Clinton, and we think of him as a big spender; but when you think of President Clinton as a big spender, you have got to recognize that as a big spender, he is a piker next to Vice President AL GORE and his plans. Vice President AL GORE wants $3 for new government spending programs compared to every $1 in new programs requested by President Clinton. That is what I call an awful lot of risky, big government spending schemes.

Vice President GORE's spending proposals add up to at least $2.7 trillion in new Federal spending over the next 10 years. This is important for us to understand: he would spend the entire projected on-budget surplus to pay for his massive expansion of government. That is not what he said the other night. He said the other night he is going to preserve the surplus. But the fact is if he got his way on the spending proposal that he is campaigning on, he would spend the entire income tax surplus.

Mr. SESSIONS. It is interesting that what took place the other night with the discussion of what the Vice President said, and he looks right at the camera and says it. Yet he looked at the camera and talked about him being in our home State a year ago when we were having natural disasters and then admitted a day later, well, he was not there at all. He told us a story about the school where the girl who is the daughter of the restaurateur did not even have a desk to sit at. Yet the reason why, we now find out, after the fact, that 100 new computers were being delivered to the school that day and her desk was taken to put a computer on it.

Which person can we trust? I would suggest to you it is the numbers that you have talked about that is his real plan and the real effects that it will have.

Mr. ARMEY. That is what we are trying to do here. For example, one of the other things we discover when we look at the plan proposed by Vice President GORE is that for every dollar by which he would cut taxes, and I might mention, that would be a net tax cut because he has in fact more actual tax increases than he has tax reductions in his budget plan, but for every net dollar of tax reduction, he would raise government spending by $6.75.

His spending spree would not stop there. His plan would also spend from the Social Security trust fund. We stopped the raid on Social Security, and we will not go back.

Mr. Speaker, I think there is a fact we should recognize here. I think it is a telling statistical comparison. If we take the period of time from 1980 to 1990, the United States people sent to this government a doubling of the money they sent because of the economic growth that followed in the first couple of years of the Reagan administration in 1981 and 1982.

Mr. DREIER. If the gentleman will yield, that was due to one measure. It was the Economic Recovery Tax Act of 1981, which Ronald Reagan pushed for and was able to get ultimately some southern Democrats and some of your Texas colleagues to vote in favor of. That laid the groundwork for a doubling of that flow of revenues to the Treasury through the decade of the 1980s.

Mr. ARMEY. Through the decade of the 1980s. This incidentally is labeled by the Vice President and his friends as "the decade of greed," where also incidentally you had charitable giving not only double but charitable giving to faith-based institutions triple during this period of time. The American people did a magnificent job. They not only built more, created more jobs, earned more, paid more in taxes; but they doubled what they gave to charities and tripled what they gave to faith-based charities. Yet they have the audacity to look at you and me and our families back home and indict us as having lived a decade of greed.

We doubled what we sent to Washington. Bless us. What did Washington do with it? Washington increased spending by $1.68 for every increased dollar we sent them. It does not take any genius to figure this one out. Any time you increase the money coming in by a dollar and increase the money going out by $1.68, you are going to run a deficit. That is what we did. That deficit was so large that it not only spent all of the Social Security trust fund surpluses we generated in those areas, up to $60, $70, $80 billion a year; but it ran a $250 billion deficit.

Let me just say, since 1994, after we put in the massive restructuring of what we call entitlement or mandatory spending, that spending that could never be touched by any President but it was required by Congress to restructure the actual spending programs, welfare reform being the most applauded incident of such reform, that has put 4 million people to work that up to that point had lived in the hopeless despair of welfare. But since that period of time, for every increased dollar the American people have sent in to Washington, spending has gone up by less than 50 cents. Once again, it does not take a genius to figure that one out. If you have got an increased dollar coming out and you are spending out less than 50 cents, you are running a surplus.

That surplus was the product of two things: the prosperity of the American people, the job creation, the expansion, the invention that we see in this magnificent electronic revolution that we are surrounded by in America, the increased tax bonus that came to Washington because America was doing well; and a first time in my lifetime restraint of government spending by a responsible Congress that did the one thing that everybody by that time knew was imperative, reformed the institutionalized, mandatory government spending programs that had been constructed through all that period of time beginning in the mid-1960s called the Great Society programs of President Johnson, and added to quite often by, and most often by, Members of this body.

Mr. DREIER. If the gentleman will yield on that point, when I heard him mention the Great Society, I was reminded of an analysis that I heard of the programs that have been put forward by the Vice President, and an independent analyst, I frankly have to admit I do not remember which one it was, I was either reading the newspaper or I may have listened to it on National Public Radio, they came on and talked about how these proposals which have come forward from the Vice President actually match, or in some cases even exceed, the level of spending that we saw launched as the Great Society.

We do know full well that the spending on subventions that we saw launched with the Great Society were in excess of $5.2 trillion, as Speaker HASTERT likes to say, with a T, that is trillion with a T, $5.2 trillion in spending; and we saw during that period of time the poverty level in this country go from 14.7 percent to 15.2 percent. And so that pattern has clearly failed. And we all know very well that it has failed around the world, as we have seen people clawing toward self-determination.

We are watching the situation unfold at this moment in Belgrade where hundreds of thousands of people are storming to have self-determination because they feel that their votes were improperly counted there. The rest of the world is moving towards individual initiative, responsibility, self-determination, and the proposals that have come forward from Vice President GORE shift us back to the failed policies of the Great Society. That is something that I think again the American people need to know and it is an extraordinarily troubling situation.

Mr. ARMEY. I want to ask the gentleman from Texas (Mr. SESSIONS), we all watched this debate the other night and we are always impressed with glib politicians. People who can turn a phrase impress us. I always like a wordsmith. But every time I see one of these politicians that can come along and so slickly recite expressions, phrases, numbers, I always have to stop and ask myself, can that fellow really be trusted with words and numbers?

One of the things the Vice President made a big point of the other night was that if you elect me, we will never, ever, ever touch your Social Security trust funds. Now, first of all they have got a bad track record on that. But we take a look again at his budget proposals. And his very own proposals when you score them out, they estimate that the Vice President would rob the trust fund of between $500 billion and $900 billion to pay for his new spending agenda.

Mr. and Mrs. America, we are today celebrating the fact that we have made $350 billion in debt reduction; and here we have got a fellow that has come along and said, "I'm going to spend between $500 billion and $900 billion to pay for my new programs."

Mr. SESSIONS. I think the gentleman is right. What is interesting is that I felt like that there should have been some tracer along the bottom about truth in advertising, because, in fact, what happened is that the Vice President made it seem like that he would support these lockboxes that would be available for Social Security and Medicare; and yet it is the Vice President's own party, the Senate minority leader TOM DASCHLE, that will not allow seniors today to be able to have their own lockbox for Social Security. And yet we are supposed to trust the Vice President to say if he were only President, he would accomplish what he cannot get done or President Clinton cannot get done today. Truth in advertising should be important.

Mr. ARMEY. Yes, it should. Here is another case in point. The gentleman from California will recognize this distinguished professor from Stanford University, Dr. John Cogan. The Vice President says his plan would cost $200 billion over 10 years. We have already seen that the estimates are that it would rob the trust fund of between $500 billion and $900 billion. The Vice President says it would cost only $200 billion over the next years. Let us not take my word for it. Let us not take his word for it. Perhaps I might be perceived as one of those glib politicians, such a good wordsmith. How about Dr. John Cogan of Stanford University. He says that the Vice President's plan would cost $160 billion in the very first year alone. Yet the Vice President says that it would be $200 billion over 10 years.

Again, you have got to have an objective measure of these numbers. Ladies and gentlemen, be very, very careful when somebody says, "I'm from Washington; I'm here to help you. Trust me, I'm from the government." I think it is better to get a second opinion and a second opinion from the professor from Stanford would be helpful here.

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Mr. DREIER. I am going to give a second opinion, but it is my opinion of what Professor Cogan had to say on the issue of tax reduction. My friend, another Dallas friend of mine here, the gentleman from Texas (Mr. SESSIONS), just handed me a clip from the editorial page of the "Wall Street Journal."

First, I see we are joined by another gentleman from Texas (Mr. HALL).

Mr. SESSIONS. All conservatives.

Mr. DREIER. I am happy to have the gentleman from Texas (Mr. HALL) joining us. Let me say as we look at where we stand on this tax proposal, the thing that was very, very troubling was this argument that, of course, every bit of benefit goes to the richest 1 percent of the American people. We continue to have that argument put forward.

Professor Cogan has really blown the top right off of that argument, as was pointed out, in this piece in the Journal the day before yesterday, in which it talks about the fact that people at the lowest end of economic spectrum are those that have the greatest percentage reduction.

I guess if you look at the fact that there are people who make large amounts of money and maybe pay $500,000, $1 million in taxes, you have got to ask if someone does pay $500,000 in taxes, as Michael Reagan posed last night on his radio program when I was talking to him, are they not entitled to some type of reduction? Well, under the plan that Governor Bush has put forward, they would get about a 10 percent reduction in their tax burden.

Yet those who are earning less than $35,000 a year get how much, based on this assessment that Professor Cogan has put forward? A 100 percent reduction. Why? Because if you couple the doubling of the child tax credit from $500 to $1,000, along with the overall rate reduction, it is very, very clear that those who are earning less than $35,000 are the greatest percentage beneficiaries from this program that has been put forward by Governor Bush.

Again, that has not gotten out there, but Professor Cogan very correctly points to that, those who are in the upper-income levels have the lowest percentage reduction. But it does seem to me that the argument that we have been getting for the past several months on this us-versus-them class warfare, that is why I think George Bush is right on target when he describes himself as a uniter and not a divider.

I have oft quoted our former colleague, the late Senator Paul Tsongas, who said it so well. He said, "The problem with my Democratic Party is that they love employees, but they hate employers." So that has created a situation where we do not recognize what my friend from Dallas, Texas (Mr. ARMEY) has just mentioned, where the people in, for example, the technology sector of the economy, 45 percent of our Nation's gross domestic product growth in the past 3 years has come from these job creators.

Yes, there are a lot of very rich people, and I know my friend opened by talking about Bill and AL. Bill Gates is one of them, who has been very successful financially. But look at what he has created in jobs, in improving the quality of life and standard of living, not only here in the United States, but around the world. So they are tremendous beneficiaries of this successful man, who has had the incentive to try and look at creative ways to deal with challenges that are out there. And these proposals, which would be so divisive, that the Vice President has put forward, would do little more than stifle that kind of creativity. I find it very troubling.

Mr. HALL of Texas. If the gentleman would yield, does the gentleman remember when it was indicated that a George McKinney, who was a friend of the Vice President, had to go to Canada, as a $25,000 a year man, had to go to Canada to get satisfaction in the health field. I just wondered, who sent him up there for the last 8 years? I think a real good answer would have been, you know, 8½ years is long enough for that to happen. If they put the right folks in position and then charge up here, he will not have to go to Canada; he can go to his corner drugstore.

Mr. SESSIONS. Reclaiming my time, there has been a good question that has been thrown on the floor, and certainly the gentleman from Texas (Mr. HALL), a man of great stature and also with grandchildren at home, as I looked at just in being the father of two little boys, I heard AL GORE talk about the top 1 percent. He was running against success in America, people who are successful, people who obviously have made so much money that, by golly, we should run against them.

In fact, I have always taught as a parent, as a scoutmaster, and even as an employer and certainly in my congressional district, we want and need people who will come and work hard. Yes, they will be rewarded for what they do, but expect them to give back to their community.

Bill Gates, incredible amounts of money that he has given for learning projects, for opportunity to employ people, and yet what do we hear? We hear Vice President GORE attack Bill Gates, attack the top 1 percent.

It is a philosophy that then flows directly to the Attorney General of the United States, who, rather than trying to encourage competition, goes and beats up the largest, most value-packed company in the world, that has created millions of jobs.

Since that time, it is the Attorney General and her actions of government that have put the economy at risk. It is the high-tech companies that today are worried about their profits, that are worried about it.

Of course, the question that came from Mr. Lehrer was about the world economy. I believe the answer is it is the United States Government and AL GORE, through the policies and procedures because they do not like people to be rich, they do not want people to be successful, for envy reasons, that would destroy what we have built up in this country.

Mr. ARMEY. Maybe the gentleman from Texas might make a point. I would like to come back to that point too.

Mr. HALL of Texas. I thank the majority leader and the gentleman from Dallas. Everybody, from a young man like Calvin Clyde from Tyler, Texas, who sits by my side, to people past my age, are a little sick of pitting class against class. I think that is old stock. I do not think it sets well. I think the American people can see through that.

Mr. ARMEY. I want to talk about this 1 percent. I am getting tired of hearing it. When we tried to do the $500 per child tax credit, they said that is for the top 1 percent richest people of America. Give me a break on that. I raised five children. I never felt rich at any time when one of those babies came along. I perhaps had blessings beyond my wildest dreams in all five of them, but I do not remember feeling rich.

We said, well, we will eliminate the marriage penalty. They came back and said, that is a tax break for your rich friends. Again, come on, how many young people getting married feel rich? They may feel blessed, but, bless their hearts, they do not feel rich. If they do get married, why stick them with a $1,400 tax penalty? I laugh at our Tax Code. It just tickles me.

We have got a generous, although constantly eroding, home mortgage deduction to encourage us to buy a house, and then we have got a marriage penalty to encourage us to live in it out of wedlock. The government cannot make up their mind as to what they want to do in their social engineering. But that top 1 percent, this has become a mantra. No matter what tax reduction you talk about, it gets the same indictment.

Here is the real story. The real story of the debate is whose money is it? If I reduce taxes, I thereby will take less of your money. It is your money. But how is it characterized? As me having a big tax giveaway.

I cannot give away what is not mine to give. It is your money. And that is the fundamental message. Why is it if they take 90 percent of the budget surplus and we commit to buying down debt, and then take from that 10 percent that remains the essential spending for a lot of our emergencies, like the fires and floods you have been seeing, to restore our military readiness so our children will be safe on the job as they defend liberty here and abroad, a few of the other things, and then say another 5 percent of it we give back in taxes, or just refuse to take it away in taxes, why is that going to blow a hole in the budget when you have got, by alternative, a spending proposal that is $1.2 trillion over the next 10 years? Why is it they always say, when I spend more of your money, that is good for the economy; but if I leave you to spend more of your money, that is bad for the economy?

Let me just finish my point. In the end, whether I spend the money or the government spends the money, the acid test is, am I getting what I need for myself and my family?

Now, the Vice President, he presumes he knows better. He thinks he can, through the government, buy better for me and my family than I can. My response to that is, oh, yeah? When was the last time you got your wife the right birthday present? I cannot even figure it out for my wife, who I know better than any other person in the world and love more than all other people in the world. And I cannot get the right birthday present. Why does somebody in Washington think they can do a better job for my wife than I can, or, for that matter, for me? The audacity of that just amazes me.

Mr. SESSIONS. I thank the majority leader for being here today, and I will tell the gentleman that I believe his time as a professor of economics not only pays often, has paid off in the past, but will pay off in the future. It is a matter of freedom. It is a matter of freedom about who is going to make decisions for who.

One of the things which we as conservatives repeatedly speak about is that we believe it is not only our money, but it should be our decision-making process also. I think it really gets back to this question of who is going to make the decisions for us. It is either going to be the tax collector or the taxpayer. And money still equals power, and the opportunity to have money in your pocket means that you cannot only engage in the debate and be a part of what is happening, but you can have a say in the final answer. And when Washington, D.C. gets all the money, which is what AL GORE wants, then they will be the decision maker in life.

If we give the money back to the taxpayer, which is what George Bush and the Republican Party wants, then we will have an opportunity for people to not only come and participate in America, but for their answer to be the winning answer, their dream to be the bigger dream.

I yield to the gentleman from California.

Mr. DOOLITTLE. I appreciate the gentleman having this special order. I have been absolutely fascinated with some of the claims I see being made by our liberal Democrat brethren, and one of them is that the big thing now is to attack our tax cut plan, because we are giving a tax cut to the wealthiest 1 percent of Americans. Of course, they never point out those are the Americans who paid a lot of the taxes, and, in fact, I believe the figures are that the top 5 percent of taxpayers paid a majority of the income taxes in this country.

So it is really Marxist class warfare, is what it is. In fact, I do not like to use the term "middle class," and I hear Vice President GORE use that term over and over and over again. It is a Marxist term. You will never find in the U.S. Constitution any reference to "class." In fact, it says all men are created equal. It is the very opposite of this idea of classes that are to be pitted against each other, somehow using government to redistribute benefits from one to go to the other.

I was absolutely fascinated to hear the attack levied recently by the Vice President on Republicans, and specifically Governor Bush, over this 1 percent, over giving the tax cut to all Americans, including the 1 percent of the wealthiest, and yet he then turns around and attacks the Republicans for not giving free prescription drugs to the top 1 percent of wealthiest Americans.

Figure that one out. If that is not the height of hypocrisy and nonsense, I do not know what is. His socialistic disastrous plan for prescription drugs would destroy the surplus that we have worked so hard in the 6 years of Republican administration of this Congress to build up. He would create just another huge entitlement program that would result pretty much in government price fixing, and the drug industry would drop innovation and would be giving all these free prescription drugs to people who do not need them, and all the time he is telling us what a great fiscal conservative he is.

Mr. SESSIONS. It is interesting that the facts of what George Bush's own tax plan is all about was in the "Wall Street Journal," a review of it, on September 5 of this year. Here is what it does. I quote from this article. "The Bush tax cut does not favor the rich."

The "Wall Street Journal" says, "The Bush tax cut does not favor the rich. This is not a flat tax, or even a proportional cut, though such cuts would be more efficient in economic terms. Rather, higher income families get lower percentage reductions."

□ 1515

This is household income. Those earning $50,000 to $75,000 a year would see an average cut of 30 percent. My colleagues, I will tell you that this is exactly in line with what our economics have been, to take the burden away from people who earn between $50,000 and $75,000. Families earning $75,000 to $100,000 would see an average cut of 18 percent, and those earning more than $100,000 would have an average reduction of 10 percent.

Mr. Speaker, what this does very clearly is say that where you have two people, perhaps they are both teachers making $35,000 and $35,000, they would receive a cut of 30 percent.

All the time in my district, wherever I go, I try and talk about how teachers are great for not only our schools and our children, but for America; and they talk about they want a pay raise, they need more money, they need more money. The George Bush tax plan would give the average teacher and a spouse a 30 percent tax cut.

I cannot imagine any school board giving their teachers a 30 percent tax increase. We need to have a tax cut. This government is too big and costs too much money. We need to give the power back, yes, even to our own teachers.

I yield to the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I think the gentleman from Texas also makes a point, you have to define your terms. What is a tax cut? George Bush suggests, like most of us would and the common sense parlance, that a tax cut is a reduced tax bill to those people who pay taxes. Is not that what most Americans would think?

Vice President GORE has one scheme here where he asks the IRS to actually write checks to people who do not even pay taxes, and he calls that a tax cut. Now, I call that a spending spree. It seems to me that there is a very definitional thing.

Can you imagine when the Vice President talks about his tax cuts that what is featured in there is this risky scheme where he is going to say to the IRS, you write checks to people who do not even pay taxes, and we will call it a tax cut. I would not call it that at all. I would call that a funds distribution.

Mr. Speaker, I pay taxes. The IRS has taken my tax money and given it to somebody else, but they are certainly not reducing anybody's taxes in the process. Let us start with making a fundamental thing. A tax cut should be, by definition, a reduction in the tax liability of somebody who pays a tax. Is that not a fair definition?

Mr. SESSIONS. Mr. Speaker, I would agree with the gentleman. I would agree with that.

Mr. ARMEY. I think the gentleman from Pennsylvania (Mr. TOOMEY) is here with us.

Mr. TOOMEY. Mr. Speaker, if the gentleman would yield, I would like to add to this discussion the following thought: clearly, Governor Bush made the case, I thought very persuasively, and the choice between Vice President AL GORE and what Governor Bush comes down to is will we be a freer society in which the men and women who produce the assets and resources of our country get to decide how to allocate those assets and resources, or will it be a less free society and we will see the Federal Government's massive new powers, massive new spending that the Vice. President has proposed and believes in?

I would just like to make two observations. First, if we believe in the very central premise on which our Nation was founded, the principle of individual liability, then that is a very compelling reason in and of itself to support Governor Bush, because he wants to expand the freedom of the men and women of our country. But if we are not persuaded by that principle, then I would suggest that we ask ourselves, what does the empirical evidence suggest? What does the data suggest about the results of economic freedom?

The fact is, the jury is in, the verdict is in. The outcome is very, very clear. Mr. Speaker, I would suggest to my colleagues that they might want to read an annual report that is produced by the Heritage Foundation in cooperation with the Wall Street Journal, and it is a fascinating report. What it does, it measures the extent to which various societies around the world are economically free.

It measures things such as the level of government expenditures in an economy, the level of the tax burden, the amount of the regulatory burden, whether or not currencies are exchangeable. It takes this measurement, and it evaluates those countries which are essentially free economies, and it analyzes those which are essentially unfree, and then it shows an astonishing interesting correlation between economic freedom and wealth and prosperity.

In fact, I would suggest my colleagues turn to page 21 of this report, it is the 2000 Index of Economic Freedom by the Heritage Foundation and Wall Street Journal, and what it demonstrates is empirically and objectively beyond a dispute that those economies, those societies that are most free are also most prosperous, allow their people to create the most wealth, have the highest standard of living, and the greatest opportunity in the world. And those societies which are least free have the greatest poverty and misery.

We know that that happens on the extremes. We know that the Soviet Union was an economic disaster, and the United States has been an economic miracle, but the important point that this study illustrates is that it is not only true on the extremes, but it is true on the continuum in between.

Mr. Speaker, just to finish and to conclude, the point that it makes is that if we move in the direction of greater economic freedom, lowering the tax burden, lowering government regulation, limiting Federal spending, limiting the control of our society in the hands of politicians and bureaucrats in Washington, if we limit that and we expand personal freedom and economic freedom, we will have more prosperity, more economic growth, more opportunity, more people with bigger take-home paychecks able to do the things that work best for their families; and that is the society that I think we all want.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. TOOMEY). The gentleman hits right to the point, and that is, we want to be in an America where we have opportunity and faith in each other and faith in our future.

I yield to the gentleman from Wisconsin (Mr. RYAN), to talk about the surplus dollars.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding to me.

Mr. Speaker, I serve on the Committee on the Budget, and we work very closely at taking a look at whose numbers add up, what we are going to do with the Federal budget surplus. I have here an apples-to-apples comparison of the Bush plan for the surplus and the Gore plan for the surplus.

I think it is very important to put aside all the rhetoric you hear, because a lot of times when you listen to politicians' rhetoric, when you listen to the presidential campaign rhetoric or the media's interpretation of the rhetoric, you do not actually see what is being proposed. Let us take a look at what is actually being proposed.

We have a monumental chance, a historic opportunity to use this surplus to address the many challenges facing our Nation. We have a chance to pay off our national debt. We have a chance to shore up Social Security. We have a chance to modernize and fix Medicare, and we have a chance to let people keep more of their hard-earned money as they continue to overpay their taxes.

What the Gore plan does is it says for every dollar coming into the Federal Government in the form of a budget surplus for the next 10 years, we are going to take 46 cents out of that surplus dollar, 46 cents out of every surplus dollar will go toward Washington, will go toward new spending.

Mr. Speaker, 36 cents of every surplus dollar will go towards Social Security and Medicare and paying down the debt. You take a look at the Gore plan, he has said in his speech and I notice in the debate we are going to pay off the debt by 2012.

The Bush plans the debt off even faster. It puts more money towards preserving Social Security and Medicare and paying off the debt. It puts 58 cents of every surplus dollar toward paying off the debt, preserving Social Security and Medicare.

The point is, if my colleagues take a look at the blue slice of this pie in the Bush plan, after paying off the debt, after stopping the raid on Social Security, paying off the debt in 12 years, after having a meaningful prescription drug benefit, people are still going to be overpaying their taxes, and Governor Bush is proposing that 29 cents of every surplus dollar go back to the people who gave us the surplus, the taxpayers.

What is the alternative to that vision? It is not paying down debt. It is not a question of cutting taxes or paying off debt. It is a question of after paying off the debt and shoring up Social Security and Medicare, giving people their money back or spending it on new programs in Washington, which is what the Vice President is proposing.

He is proposing a minor 7 cents out of every surplus dollar going back to the taxpayers who gave us the surplus in the first place and a whopping 46 cents of new spending out of every surplus dollar. So the question that the Vice President has answered, is, it is not a question of paying off debt, it is a question of not giving anybody their money back or spending more money on new programs in Washington.

If my colleagues take a look at the amount of spending, Bush wants to spend $278 billion over the next 10 years above and beyond the current budgets for national defense, for education, for fixing Medicare. GORE wants to increase spending by $2.1 trillion. He is proposing the largest spending increase in 35 years to double the size of the Federal Government in 10 years. That is the proposal you see with the Gore budget.

Mr. Speaker, this is a huge election. This is about philosophy and vision. The question is, do you want your money to come to Washington and to stay in Washington, so that Washington then can give you some of your money back if you engage in behavior that they approve of; or do you want to keep some more of your own money in your paycheck to begin with? Do you want us to become fiscally responsible and pay off our debts before we launch into new spending sprees and creating more programs?

These are the questions that are being answered that are going to be on line in the ballot this November between Bush and Gore.

I would like to thank the gentleman from Texas (Mr. SESSIONS), who has orchestrated this hour and thank him for the time he has given.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. RYAN). I thank the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, and also the gentleman from Texas (Mr. ARMEY), the majority leader. We have had an opportunity today to speak about the differences between what is AL GORE's old tax and scheme plans versus confidence and security that we will make sure that people make their own decisions back at home which is called the George Bush plan.

I want to thank my colleagues for not only participating today, but for the fervency of their belief that America's greatest days lie ahead of us; that I believe that America's greatest days and no problem that cannot be solved in America, because America will be responsible for its own destiny and the future, not the government.

ILLEGAL NARCOTICS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come to the floor this afternoon, and I hope to talk about the issue that I usually come on Tuesday to talk about but was preempted by the presidential debates on Tuesday night, that is, the problem of illegal narcotics and the damage that illegal narcotics have done across our land.

Mr. Speaker, I cannot help but come to the floor, though, preceding my colleagues who just spoke about some of the differences and the great balance that we have that may be undone here in this next election and some of the differences between the candidates on the issues.

I sat with many of my colleagues, Mr. Speaker, and watched the debates. There are some things I would have mentioned that were not mentioned. Governor Bush has not been part of the legislative process here. The governor was chief executive of the State of Texas.

Mr. GORE has been a Member of the other body, and the differences are very dramatic. He served a number of years as a Member of Congress and finally as a Member of the other body, and it was interesting.

Before I get into the drug portion of my talk this afternoon, I want to talk about some of the differences that are very distinct, the failure of the Vice President, when he was a Member of Congress, to ever come forth with a balanced budget; the failure of Mr. GORE to ever come forward with a proposal to secure Social Security. He is talking about a lockbox.

□ 1530

The Republicans did a lockbox here. He is talking about paying down the deficit by 2012. We are talking about paying down the deficit sooner than that with the plan that we have.

There are things that he had an opportunity, but why did he not propose this? When the Democrats had control of both Houses of Congress, the Senate, by a wide margin, and this body here by a wide veto-proof margin, they could do basically anything they wanted to do. What did they do? He said, well, I cast the deciding vote for an economic policy.

Well, Mr. Speaker, his plan was to pass a deciding vote to increase taxes to the highest level they had. The plan that they brought to this floor of the House of Representatives in 1993 when they passed that huge tax increase projected, their projections were a $200 billion deficit this year. That would have been on top of raiding social security, which they had done decade after decade when they controlled this body.

What a farce, to have this side and one of the leaders of the other side come before the American people and tell them that he is going to solve the problem if he is given another chance.

He had a chance in the Congress, he had a chance when they controlled this place for 2 years with a wide, wide margin. What did they do? They taxed and they spent the largest tax increase.

Talk about energy policy, they do not have a clue of an energy policy. They have allowed the United States of America to be held hostage by ten dictators and by Middle East sheiks and others and allowed our reliance from around 50 percent on foreign oil to go now into the 56 percent and growing range. So we are held hostage. That is their policy.

What is amazing is that we are being held hostage by people in the Middle East, we who sent, under President Bush, our young men and women to die for them, and they cannot even negotiate an oil deal to give us a better rate on the per barrel oil price.

They do not have a clue of an energy policy. On our side of the aisle, we have all backed a domestic plan and tried to increase domestic production, tried to get alternative fuels. I have been up to the ANWR region of Alaska. The footprint that they had and the technology they had years ago when they took oil out of Prudhoe Bay, and even taking oil out of Prudhoe Bay, it is not the same technology today that it was 20 years ago. There is a very small imprint and footprint for oil production.

There is no reason why we have to be energy dependent. We can put a man on the moon. And there is no reason why we cannot devise technology for nuclear energy. Some countries produce much, much more of their energy supply by nuclear means. They do not want to talk about that, of course. But there is no reason why we cannot do away with nuclear waste and turn that actually into energy production. There is no reason why we should be held hostage.. Under this administration, we have increased our dependency to foreign sources.

Those are some of the things that I noticed in the debate.

They talk about a tax cut and balancing the budget without hurting people. We heard the other side here, as we attempted to balance the budget. Balancing the budget is something they could have done for 40 years here. All they had to do was match the expenditures with the revenues. It is not a complicated thing. Most Americans do it every week. They have to limit their expenditures to what they take in.

We did that, and kicking and screaming and dragging some of our people through elections and calling them names and accusing them of all kinds of atrocities is unfair. They want to do that again with Mediscare, with scaring seniors about social security.

Stop and think. I have great respect for senior citizens all in my family that I know because they have been around a long time, and they are not fooled by those who will tell them that they bankrupted social security when they had control of the entire process. They were not only bankrupting the country in these huge deficit expenditures, but dipping into the social security trust fund, dipping into the Highway Trust Fund, dipping into the aviation trust fund, dipping into the Federal employees' trust fund.

Every one of these accounts they raided, until we were just about at our financial knees. Thank goodness a Republican majority, a new majority in the House and in the other body, came along to rescue that.

So now the folks from the other side that raided these funds, we restored the funds and took the abuse from them and were putting our Nation's finances in order, and they had the gall to go before the American people and tell them that they need another 4 years in the White House to solve these problems. They need control of the House and Senate.

Mr. Speaker, their history is tax and spend. Their history. We passed legislation putting our financial House in order. We also passed a $1,000 tax credit for those people who have children in this country when they said we could not do it, that we could not do that. We passed a marriage penalty tax which was vetoed by those same folks that have taken control that want to deny tens and tens of millions of working men and women a little bit of money back in their pocket and not be penalized for being married.

Is that family-friendly? Is that helping working people? So I saw those debates, too. I am so glad my colleagues were here before me to reiterate some of the issues.

The question of education, for 40 years the other side has done nothing but bring power to Washington, as far as education. We heard in the debates that only 6 cents of every dollar comes from the Federal Government. We have a Department of Education with thousands of bureaucrats, most of them in Washington, D.C., 5,000, and many thousands of contract employees. They disguise the true number of employees. I will talk about Federal employees in just a moment.

But in education, we have 5,000, and within just a few miles of my voice in this Capitol there are 3,000 Department of Education Federal employees.

One time I took a student who was visiting here. We were on our way down to the White House. We drive from the Capitol to the White House and see all of these buildings, these massive buildings. He asked me, what do people do in those buildings? We passed the Department of Education. I told him, there are 3,000 Federal education employees just in Washington, D.C. I will tell you what they do, they administer hundreds of Federal education programs. We were up to 760 Federal education programs, all well-meaning, but all that required administration and overhead.

Not only do they require it in downtown Washington in those buildings, where they make $60,000 to $100,000, on average, and show me one teacher in my district that makes $60,000 to $100,000. I do not know of any. But they make it in those buildings here.

I will tell the Members what those people do in the Department of Education: They pass rules and regulations. They administer those 760 programs.

I have no problem with the Federal Government providing money to education. In fact, I guarantee Members, if we ask this question and people would answer, this would be the response. The question would be, if we were thinking about it, who would provide more funding for education, Republicans or Democrats? If we had an audience here, Mr. Speaker, of citizens sitting here, they would probably say the Democrats would.

That is wrong. The Democrats, when they had control, again, and when they were running these deficits, they put very little money into education and increases.

If we take the same period of time that we have had control of this House and we go back when they had control, we dramatically increased the funding and money available for education as a percentage compared to what they did, and put more money in student loans. The difference is that they put more money in administration. They put more emphasis on regulation. They want the control here in Washington, D.C., so that is why they not only require those 3,000 Federal employees here administering these programs, again, well-intended, but they require them in the regional offices.

Then, what is worse is they require them in the State capitals and down at the school boards until we get down to the poor teacher. The teacher is held captive by rules, regulations, by the mandates coming from Washington. I guarantee Members that if we had a President GORE, he would be the king of rules and regulations, and more control in Washington.

That is what the debate is about: Do we want Washington and the Federal Government to have more control, more power, more authority, or do we want the money that is hard earned by the taxpayers to go back to the taxpayers? That is the major question, the major difference, for the people who get their check at the end of the week and they look at the check and there is very little left.

I remember when my daughter graduated a couple of years ago from college. Her biggest shock was to get her first paycheck. She almost cried. She said, dad, I have hardly anything left, and she was not making that much money. But she was shocked, as every American worker is shocked, at the end of the week, how much they have left; at the end of the month, at the end of the year, how much they have left.

This is one of the best fundamental debates this Congress and this country has ever heard, because the debate is about where that money is going to end up and who controls that money: whether we control it, have it back in our pockets, or whether they send it to Washington and tell us how our school will be run, whether they add more administrators in that Department of Education in Washington, whether they force more administrators at the regional level, whether they force more at the school level.

I served in the State legislature in Tallahassee, Florida, the capital, back in the seventies. If Members go to Tallahassee, Florida, there is a huge capitol building. I was there when they built it.

But the second biggest building in Tallahassee, Florida, is a skyscraper which is a Department of Education, a State Department of Education. That Department of Education grew to a huge bureaucracy, one, because of some of the rules and regulations and mandates that came out of Washington. Again, they only supply 6 cents on every dollar. The rest of the money comes from local property taxes, State sales tax and State fees and local money. But they pass down to the local level this huge bureaucracy, this red tape, so a teacher is held hostage in her classroom, so a principal cannot control the school, so the school board has to have hundreds and hundreds of mandated Federal employees carrying out Federal mandates.

That is where the education money goes. That is why this is a great and fundamental debate. If people want government to have more control, there is a very clear choice. If they want education mandated out of Washington, there is a very clear choice. If they want more regulations in education, there is a very clear choice.

Some of this is not rocket science. We know that children need basic education. Governor Bush, I heard his proposal for Head Start. What a great proposal. What he has done in Texas with his young people, if we could do that for our country, for our children, which are the poorest and most at-risk children in this country, they need basic education. They need to be able to read and write and do simple math. It is not complicated. My wife was an elementary schoolteacher, and this is some of the answer.

Let me tell the Members what they put in place. Even I tried to change it, and we cannot change the bureaucracy because they will veto it. This President will veto it.

With Head Start, a great program, I was involved in helping, when I went to the University of Florida some 40 years ago, before some of my colleagues here were even born, I was trying to help young people, particularly with an institution, with the University of Florida.

Here is a great education university next to a community in Gainesville that had many poor children who did not have an opportunity for education.

The Great Start concept is to take good resources, teaching resources, and to give those young people the ability to have a head start, to have access to education so that they have the basic skills so when they enter school they can do simple math, they can read.

□ 1545

Governor Bush, and I hope will be President Bush, proposed that we convert Head Start into a reading program or at least an emphasis on reading and basic skills.

I have a good Head Start program in my local area, but we also have a Head Start program which I examined in my area. My Head Start program, the public one, is a great example of what we should not be doing with taxpayer money. One of the Head Start programs spends between $8.000 and $9,000 per year per student for a part-time program which is basically a glorified baby-sitting program. It has turned into a minority employment program so that the student who is coming out of a disadvantaged home is going into a disadvantaged program and not learning.

I examined the program, and the program had administrators, over 20 administrators in a program for around 400 students, 20 administrators earning between $16,000 and $60,000. The teachers, there was not one certified teacher in the program, not one certified teacher. The so-called teachers were making between $12.000 and $16,000. Is that a head start? That is a farce.

But if those children who are so disadvantaged had just a minimal opportunity to learn to read, to learn to do simple mathematics. Try to hire someone today who can do simple mathematics and read out there, it is very difficult.

One of my community college presidents told me that over half of the students entering community college in my area need remedial education. We have an education recession, and that is because they have taken the power to Washington with all of these mandates and regulations.

Do my colleagues know what they have done? They have failed. They have failed. A teacher cannot teach. A teacher goes into the classroom in many areas and is threatened with bodily harm. One of my district aid's wife is a teacher in one of the schools in central Florida and has been physically attacked.

There is not much the teacher can do. The teacher has lost control of the classroom. Why? Because of the liberal policies and left wing policies of well-intended people who have managed to take control away from parents, from teachers, from principals and local school administrators and amass them all here in Washington, D.C.

That is the clear choice that the American people are going to have: Do you want more power here in Washington over education? Do you want more mandates? Do you want more rules? Do you want the people who, for 40 years, have brought power and regulation to education and so encapsulated the regulation of education that a teacher cannot teach, a parent cannot discipline, that we cannot teach basics, that we have programs that were intended to give children a head start? What do they do? They keep them at the lowest common denominator.

We look at what Governor Bush did just with education in the State of Texas for his young people. These are the young people. If we fail them, ask any teacher what will happen, ask any principal what will happen. First, these will be the disruptive students in the classroom. Next, they will be the dropout students who used to be in the classroom and who are now roaming our streets and neighborhoods. They will be the social problems. These children will be the social problems because they cannot read, they cannot do mathematics.

As chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, I have had the opportunity to sit in some of our prisons and some of our drug treatment programs and penal institutions and talked to young people and talked to also those older who were incarcerated behind bars, the lost souls of this country. A common denominator among almost all of them is that they failed in school. They did not succeed in school.

Of course many of them came from disruptive families, and they had substance abuse problems, and I will try to talk about that in the rest of my talk. But one of the basic problems with young people getting into trouble is the lack of education, lack of being able to compete in and participate in school and having basic educational skills.

So if for no other reason if on the basis of education, we turn over to the tax and spenders and the regulators and the mandators, this Congress and that White House, it would be a very sad day for America. It would be a very sad day for education in this country.

I talked a little bit about education bureaucrats. I do not advocate the necessary abolishment of the Department of Education. The Federal government can play a role. I do not know that we need 5,000 people or 3,000 people in Education. My God, we might have to have some of them go out and teach for a living and actually be in a classroom and stop regulating. We might have to take those dollars instead of the gobbledegook administration of them and the hundreds of millions of dollars spent on administration and block grant that money.

We passed a simple proposal here to try to get 90 percent of Federal dollars into the classroom and to the teacher. To get a good teacher, one has to pay a good teacher. To have a student able to learn in a classroom, one wants the dollar to go there, not the dollar to go to Washington.

This is an unbelievable statistic. But under their plan, the Democrat plan, under what they have done for 40 years in bringing education and bureaucracy to Washington, almost 90 percent of Federal dollars go to everything but basic education. Our plan was to turn that around for teachers, for students to benefit.

Now, just take a few minutes. I would pray that the American people would take a few minutes, Mr. Speaker, and look at what is being proposed here and what has been done here to their schools, public schools.

I was educated in a public school. My wife was educated in a public school. My wife was a teacher in a public school. I think public schools are one of the best institutions this country has ever created. But they are managing to ruin them. That is why they go to charter schools. That is why they are proposing vouchers as an alternative, because they are failing.

So if we want them to fail more, we can regulate them more from Washington. If we want them to succeed, we can put parents and teachers in control. We can have that money come from here and be a partner with them, but let local parents and students and educators make the decisions. Let us take back the schools.

That is what I think Governor Bush is talking about, successful programs and education that teach basics. Basics. If one cannot read and write in this society or do simple math, how can one function? So that is a great difference. I am glad my colleagues were here to talk about it.

Before I talk about the drug situation, I have to talk about Federal employees. I heard the Vice President of the United States taking credit for, and I could almost cry when he did it, for reducing the size of the Federal bureaucracy, I think he said by more than 300,000 Federal employees.

Mr. Speaker, those 300,000 Federal employees were almost all Federal Defense employees. They have not met a bureaucrat that they do not like on this side of the aisle. They love to expand the size of government, and they have had a great deal of experience at it, whether it is the Department of Education.

They cut the Defense civilian employees, and almost every one of those cuts came out of those agencies. If one looks at it, EPA is bigger than it ever has been, the Department of Commerce. Then if we see any shrinkage, Mr. Speaker, do not let them fool us. Do not let the Vice President of the United States, who knows better, tell us that he has reduced the size of the Federal bureaucracy because it just is not so.

I will tell my colleagues, as chairman of the Subcommittee on Civil Service, I will tell my colleagues where the bodies are buried. What they have done is they have contracted for employees. So we have millions and millions of Federal contract employees rather than Federal employees on the payroll.

So that is where some of these folks are. The only agency I know of that Bill Clinton cut when he came in, he reduced the Drug Czar's office from 120 to about 27. We have managed, fortunately, with General McAffrey and others to try to restore the viability of that office. But it has been a struggle. That is where they made their cuts.

That might be a good lead into the subject that I came to talk about that I usually talk about on Tuesday night but was preempted by the debates. I wanted to make a few points. It is very frustrating as a Member of Congress to have seen the folks who brought this country into fiscal disarray, who operated this Congress, this House of Representatives like a poorly run southern plantation with taxpayers subsidizing the Member's restaurant downstairs, with the House bank run as a piggy bank for anyone who wanted to write a check and bounce a check and have the taxpayers fund it, who wanted to see 17 people deliver ice, even though they instituted refrigerators here in the recent years, they still had 17 people spending three-quarters of a million dollars delivering ice the morning and afternoon, who ran this place like a poorly managed southern plantation is the only comparison I could give. The shoe shine operation was subsidized. The haircut was subsidized.

What did we do? We came in. We cut this committee staff by a third. I was sitting with a Member here, and I related this to the Member, a new Member of my side of the aisle. Republicans do not even recall what the Republicans have done in the Congress. We cut the committee staff by one-third. We cut the number of committees by one-third. We privatized the dining room and turned it over to a private operator. We no longer subsidize the barber shop, the shoe shine shop. They are private vendors. We took out the printing office which was doing sweetheart deals for Members, and now you must compete with everyone.

Let me tell my colleagues one more that just galls me. They had disabled people that were blocking the Republican National Headquarters yesterday. I saw them, I guess it was, last night. I thought I would stop and talk to those people, but they did not want to hear the truth.

When I was a Member and came here as a minority member in 1993 when Bill Clinton took over, when the Democrats had control of the House of Representatives and the other body, I had visually disabled blinded people coming to visit me as a Member of Congress, and they bounced off the walls going down the halls. There were no accommodations for disabled.

I wrote the chairman of the Committee on House Administration, and I said, it is a disgrace that the House of Representatives does not live under the laws that we have. I came from the business sector, and the business sector was not allowed to ignore the law. Business people must go by the letter of the law, the Americans With Disabilities law. There is no reason why this Congress should not accommodate it, particularly the House of Representatives, the people's house.

Do my colleagues know what the Democrat chairman did? He ignored me. I wrote him again, and he ignored me. I wrote him again. They ignored the disabled. The disabled Americans who come to this Capitol, came to this Capitol when they controlled by wide margins the House of Representatives and the other body, and they ignored the disabled.

I begged them if they would please accommodate. These are good people. They deserve to have the law enforced as far as the House of Representatives, their people's house, even when they come to lobby or talk to or visit their Members of Congress. They ignored me.

One of the greatest satisfactions I had was, when we took over the House of Representatives, we passed the Congressional Accountability Act. We put the Congress, the House of Representatives under the same laws as the business people. One of the greatest days of satisfaction that I have ever had, and if I never serve another day in the House of Representatives, is when they put a plaque on my door, and it said JOHN L. MICA; and underneath in braille, it had a braille reading for my constituents, so when they visited me they could be treated the same way they would in the private sector.

That was denied when they controlled this entire body by huge margins and could have done anything they wanted to do. That was denied the disabled in my district.

If one goes around the Capitol, and I am now on the Committee on House Administration, it is ironic how tables turn. The Committee on House Administration that would not even hear a minority member asking about helping the disabled, it is ironic. I now serve on that as one of the Speaker's designees on House Administration. Go around and see what we have done.

□ 1600

This place was a disgrace, and we are still trying to get it so it is accessible to the disabled.

The fire alarms. We are still working to get them in order so it is a safe workplace even for the people who work here, which they ignored, as well as the access to people who are disabled.

But I am very proud of what we did. Every Member of the Republican side of the aisle can be very proud of what they did and of their legacy, not only as far as putting this country's financial house in order but in the area of putting the people's House in order. So, as Paul Harvey says, "That's the rest of the story," or a little bit more of the story.

I guess they got my dander up between watching the debates and not hearing what should have been said. But we do need to continue the progress that we have made: keeping our financial house in order, helping Americans have a few more dollars in their pocket, working Americans, and helping people get off of government. I guess those who want a lot of control by government and want power in Washington, it is better to have people relying on them here in Washington. God only knows what JFK would be saying these days. He said, "Ask not what your country can do for you, but what you can do for your country." The other side seems to think it is ask how much more Washington can do for you, and we will get your vote and your money. It is sort of sad, and I hope the American people pay attention to what is going on here.

As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, I have a very small responsibility of all the responsibilities here. I do not have control over the budget. I am one vote out of 435. I do not have control over the appropriations process. But I do have responsibility to try to focus on our national drug policy, and for the past year and a half, as chairman, and since assuming that and leaving as chairman of the Subcommittee on Civil Service of the Committee on Government Reform, I have tried to do my best to deal with a problem which we inherited as a new majority.

The other side was convinced when they came in to office that we did not need a war on drugs, so they began systematically dismantling what was truly a war on drugs. Now, if we all think back to the administration of Ronald Reagan and George Bush, they instituted a number of policies, community-based policies, against narcotics. The First Lady led a "Just say no" effort. The President was engaged in this, we had a vice presidential task force, we had an Andean policy where we went after the drugs at their source. We brought in the military and the Coast Guard, not into arresting people but into drug surveillance; and we had an almost 50 percent decline in drug use in this country back from 1985 to 1990. I brought that chart up and showed it many times.

With the Clinton administration, the first thing they did was fire everybody, just about everybody, in the drug czar's office. They took the military out of the war on drugs. They stopped intelligence sharing with our allies, who were going after drug traffickers. And it is better to have them go after them than to spend our resources. They blocked aid to Colombia, and that is why we have a $1.3 billion aid package to Colombia because they very directly stopped aid and information sharing and any type of assistance going to Colombia.

Now Colombia has gone from practically having no production of heroin and no production of cocaine in 1993, this is the total supply of heroin produced in Colombia in 1993, this is a zero, I hope my colleagues can see this, this is a zero in 1993, and in 6 years of the Clinton-Gore lack of a drug policy, and an actually obstructive drug policy in Colombia, what they have managed to do is to have that come from zero production of heroin to being up to 75 percent of the world's supply. And most of that is coming into the United States from South America.

This is the most recent report I have had as the chairman. We know where the drugs are coming from. Heroin is coming from South America. We see it is at 65 percent of all the heroin. We know this and DEA knows this. They have supplied me with these figures because they can do a DNA signature analysis and almost tell the field that the heroin has come from. So we know that now in the Clinton-Gore administration, in 6, 7 years, they have managed to turn Colombia from producing zero to 65 percent of everything on the streets seized in the United States; 75 percent of the world's supply, as we see. These are DEA figures given to me.

The other huge increase we see is Mexico. From 1997 to 1998 they went from 14 to 17 percent, a 20 percent increase in the country that we gave trade assistance to; that we helped to secure their peso during their financial disaster. We loaned them money. We have given them the best trade benefits of probably any nation in the history of negotiation over trade. We gave them the best benefits. This administration certified Mexico as cooperating; yet they increased by 20 percent in one year the production of heroin. They blocked any aid going to Colombia and turned it into the biggest producer.

So here are two of our problems: we know where it is coming from. It is coming across the border from Mexico. It is being produced, the last 6, 7, years, under the Clinton-Gore administration, in Colombia, where they denied aid; they denied assistance. And even several years ago, when we appropriated $300 million to go to Colombia, that money was bungled in getting delivery of goods and resources to Colombia to go after narcotics trafficking and also eradicating the narcotics production in that country.

We will hear next week from DEA and from GAO and others that have looked at this situation, and they will outline that "the gang that can't shoot straight" could not even get the aide that we appropriated more than 2 years ago to Colombia to try to get this situation under control. That scares me as far as the $1.3 billion we just appropriated. Even when it is appropriated, they cannot get it straight.

The same is true for another deadly drug, which is cocaine. In 1993, President Bush had gotten the production of cocaine almost under control. They went after the cartels. They had an Andean strategy. We have to remember, from a position of wimping out on the narcotics issue, which is sort of the trademark of this administration, back to what took place in 1989. President Bush found one government trafficking in illegal narcotics, primarily cocaine, and what did he do? He sent our troops in and they surrounded the house. If my colleagues will remember, those of us that followed this, they surrounded and captured Noriega. He was captured because he was dealing in drugs and drug trafficking, and that is what he was charged with. And then there is this administration that has turned its back on trying to stop the production.

This was a successful program. When we reduce drug use 50 percent from 1985 to 1992 in this country, when it is reduced by 50 percent, that is a successful program. But they will tell us that the war on drugs has failed. Their war on drugs has failed. Their war on drugs was a dismantling of any effort on drugs, and the evidence could not be more clear.

Now, finally we have gotten the President's attention. In 7 years, I believe the President mentioned the war on drugs eight times, just before the Colombian appropriation. When we do not have leadership from the top, when we do not have an effective strategy, when we take the military and surveillance out of the war on drugs, what do we have? We have a huge supply of drugs. That is why they are dying in Vermont, that is why they are dying in Oregon, that is why they are dying in my State, that is why they are dying in Baltimore, right down the street from here in Baltimore. "Drug Overdose Deaths Exceed Slayings," this is a recent headline, September 15, in Baltimore. That means that there are more drug-related deaths than homicides.

This would be a horrible headline in any community. It has appeared in the headlines in my community. But the national media will not pay attention to this. We held a hearing a week ago on this, but in the United States of America, for the first time in the history of statistics, drug-induced deaths, drug-related deaths in the United States of America exceeded homicides. For the first time. They do not want that information out. The media would not cover it. God forbid anyone should think that they are not doing a great job. But when the drug czar and Donna Shalala held a conference several weeks ago that drug use among eighth graders had dropped slightly, they championed that like we had solved the whole problem.

I tell my colleagues, the problem is serious. Ask any parent, ask any young person. These are the headlines that we see: "High Schoolers Report More Drug Use." Ask any high schooler, ask any parent, ask any single parent, any mother, any set of parents what one of their greatest fears is, and that is to have their child addicted to narcotics. Not only the problem of addiction, it is the problem of death. And now we have all kinds of drugs on the street.

We have a huge supply. We saw where some of the supply is coming from. I am not sure if the Speaker has an HDTV or how many of my colleagues here have an HDTV. Probably not too many. Some might say, well, what is an HDTV? And what does high definition television have to do with drugs? It is a simple economics equation. When there is a short supply and a high price, there is not the demand.

We have heroin, we have cocaine, we have methamphetamine, we have Ecstasy, we have all of these drugs flooding our streets; and the administration has dismantled any effort to go after the supply, to go after the producing countries, to stop drugs most cost effectively at their source. And that is why we have an incredible supply of heroin, that is why we have heroin overdose deaths. Not only do we have heroin overdose deaths, we also have on the streets of our country the most pure heroin and cocaine that our drug enforcement people have ever seen, and our young people are mixing it with alcohol and with other drugs, and they are dying like flies. That is why drug-related deaths, and many of them with our young people, now exceed homicides in the United States.

Now, some people would say that the answer is treatment. And I heard this Geraldo Rivera debate the other night with one of the pro-legalizers talking about this is just a health problem. This is just a health problem. We treat everybody and we will be fine.

□ 1615

Well, they tried the health problem approach in Baltimore and they grew from a small number of addicts to somewhere between 60,000 and 80,000 addicts. Of course, the population went from 900,000 to 600,000 because people left Baltimore. They had a mayor who had a liberalization policy, no enforcement policy. And what happened? Almost the same number of homicides every year. And we saw where now drug-induced deaths exceed homicide in Baltimore. That did not work and it does not work.

The alternative is zero tolerance. Rudy Giuliani did it in New York. He cut the murders from over 2,000 in a year when he took office to 600. Six hundred is about double what Baltimore had, and Baltimore has 600,000 population. And there are millions and millions in New York City. Rudy Giuliani, through a zero tolerance policy and going after drug dealers, cut all crime in New York City.

Walk through New York City and you will see the evidence of it by 58 percent. The seven major felony categories were cut by 58 percent. So it not only cut murders from 2,000 down to 600, it cut down all of the mayhem and the felonies. But this is treatment.

Now, they say we did not put enough money in treatment and we hear that from the other side. We put money in treatment, even under the Republicans, a 26 percent increase in treatment since 1995 funds. Every year we put money in treatment. And we see what has happened with interdiction, with international programs, when the other side, the Democrats, and under the Clinton-Gore policy cut the interdiction, cut the international source country programs.

We have a huge increase in drug use in almost every category in the United States because we have a huge supply coming in. And we can never treat enough people. So we will continue to put money into treatment. But do not let them fool you that this is a health problem that we can treat our way out of this. You cannot have a war or any kind of a conflict and only treat the wounded in battle.

And once someone is addicted to narcotics, our success rate in public programs is a 60/70 percent failure rate. Only a 20/30 percent success rate. And these people are repeat and repeat. Ask any parent who has an addicted young person. Ask any adult who has been addicted to narcotics. And it is the hardest thing in the world to treat these people.

If we follow the Baltimore model, we will have tens and tens of millions of people who are addicted. We cannot afford that. We have asked this administration to go after drug dealers. And the Clinton-Gore administration from 1992 to 1996, this is a chart that was supplied to us by the administration and all the statistics come from the administration, it is entitled Individual Defendants Prosecuted in Federal Courts in Drug Prosecutions 1992 to 1996, they cut the prosecution of going after drug offenders from 29,000 here to 26,000 in 1996. So when we got after them to go after drug dealers and drug offenders, and we are not talking about people with small amounts of possession, we are talking about people dealing in death and destruction in huge quantities trafficking in illegal narcotics, they dropped the prosecution.

And what happened is these are the headlines from the "Dallas Morning News": "Federal Drug Offenders Spending Less Time in Prison Study Finds." We went after them, and we started to get the prosecutions up. And now we find in 2000 the drug offenders are spending less time in prison.

We cannot win with these folks. First they will not prosecute folks; and then when they prosecute them, we finally get them to prosecute them and they do not let them serve prison terms.

That is unfortunate. What is also unfortunate is our country is now being ravaged by not only heroin, not only by cocaine and other drugs of high purity and deadly levels, but we have a new plague across this country and that is the plague of Ecstasy and designer drugs.

We just had a young person at the University of Central Florida die from an overdose of designer drugs just the past few days. We have young people who are dying from Ecstasy. We had a hearing of our subcommittee in Atlanta and heard a father talk of his daughter who about 2 years ago took Ecstasy and went into convulsions. And for 2 years that family went through hell. The daughter was in a coma and finally died.

We have had hearings where we had fathers talk about their sons who have tried Ecstasy and did not get a second chance. They are part of those statistics of drug related deaths that exceed homicides.

One father from Orlando told me, "Mr. Mica, drug related deaths are homicides."

But one of the great misconceptions young people have is that Ecstasy is a harmless drug, designer drugs you can take and feel good.

This is a brain scan provided to us by the National Institute of Drug Abuse, who does scientific studies. This is a brain scan of a normal brain. This is a brain that has dealt with Ecstasy. Ecstasy destroys the brain tissue and it creates a Parkinson's type disease almost in the brain, a destruction of the brain. This is a brain scan after use of Ecstasy.

The young people and adults of this country must realize that they have a dangerous commodity out there. And now some of it is mixed with all kinds of substances and used with other drugs and is deadly.

It is amazing how this stuff is packaged. This is not a little cottage industry. This has turned into a huge industry of deadly drugs in designer packages.

I do not know if we can focus on this, but they put all kinds of fancy designer labels on these drugs. This was provided to us by U.S. Customs Service, and that is what is out there. They try to make it attractive to our young people, and this is what our young people get is a brain, if they survive, that is damaged. And you do not repair this damage to the brain.

So right now we are facing an Ecstasy epidemic. We are facing it in California.

I see my colleague the gentleman from California (Mr. OSE) is here. We were in his district for a hearing. I might want to yield to the gentleman to comment about his perspective. Maybe he can relate, too, to the House part of this problem. The gentleman does a fantastic job working on the subcommittee but shares, as a father and a parent, my concern for what is happening with illegal narcotics.

Mr. Speaker, I yield to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I thank the gentleman from Florida for yielding to me. And I do want to commend his efforts on the Subcommittee on Criminal Justice, Drug Policy and Human Resources, on which I am honored to serve with him as chairman.

He has in fact been to my district for a hearing, and at that hearing we heard the traumatic tales of families whose very fiber was ripped from seam to seam from the abuse of drugs by folks who should know better.

I was hopeful, if I might, Mr. Speaker, if I could just have just a few moments to speak about, frankly, a fraudulent initiative on the California ballot that will contribute to a far more pronounced number of experiences than we have even today.

Mr. MICA. Mr. Speaker, I am pleased to yield to the gentleman. I think we have about 4 minutes, but I think it is important that he gets this message out to our colleagues, the Speaker, and the American people.

Mr. OSE. Mr. Speaker, as my colleagues know, in California we have an interesting process called the initiative process. And on this year's ballot we have Prop 36, which is labeled Substance Abuse and Crime Prevention Act of 2000.

I have a copy of it here. And it is interesting. I have gone through and I have flagged the various parts of it that are so troublesome. This is about 4,500 words in total. And it is interesting, it is being marketed on the basis of treatment. It provides treatment to people, that if we approve this, Californians will receive treatment. But of its 4,500 words, only 383 of them speak directly within the initiative to providing treatment for people. So can you imagine that, less than a tenth of the words in this initiative.

Let me tell my colleagues that what this initiative really does is it imposes the wisdom of a criminal defense attorney, it interjects that into California statute under the guise of providing treatment for folks who need drug treatment.

There is nothing in here that provides treatment to Californians. It changes criminal statute to allow people who violate our laws as it relates to drug possession and use are treated, but it does not provide a single dollar for drug treatment to people who desperately need it.

And keep in mind that this is an initiative written by a criminal defense attorney. The initiative itself was funded by three people who do not even live in California. There is no medical analysis, no medical input to drafting this. It is a shameful fraud being, attempting to be perpetrated on the voters of California.

In fact, Mr. Speaker, just in the course of our committee hearings, the gentleman and I have heard time after time after time from medical professional after medical professional after medical professional that drug testing is an inherent and integral part of a successful drug treatment program. This initiative, the $120 million to be appropriated under this initiative, not a dime of it can be used for drug testing whatsoever. So the initiative eliminates the chance to use the most successful tool we have. I just want to make that clear.

I appreciate being able to come down here and visit with the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the gentleman from California (Mr. OSE) for his comments, and I thank him for the leadership on our Subcommittee on Criminal Justice, Drug Policy and Human Resources.

As we conclude, I again call to the attention of my colleagues, the Speaker, and the American people the need to be vigilant on the issue of illegal narcotics, not to make the mistake of the past, not to be fooled by the legalizers, but to make this country safe for our children and the next generation and stop the ravages of illegal narcotics. Because illegal drugs do destroy lives and do a great deal of damage to our society and our country and particularly to our families and young people.

NATIONAL ENERGY POLICY IN AMERICA

The SPEAKER pro tempore (Mr. MARTINEZ). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to discuss the Democrats' and the Clinton-Gore administration's energy policy versus the Republicans' lack of energy policy and the Republicans' support for big oil rather than the consumers.

I also have to underscore the fact that the Democrats' energy policy protects rather than sacrifices environmental protection.

I know I am going to be joined this evening by some of my colleagues, and I wanted to first yield if I could to the gentleman from the great State of Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me, and I appreciate very much his taking this time today to talk about the lack of a national energy policy.

Perhaps the best known price in America today is that of gasoline. Americans see it posted along the road a dozen or two times a day. They pull in to fill up every week to 10 days, if not more often.

It is also a price that perhaps because of that visibility can generate a lot of heat, especially when it is going up, as it has this year.

This is in fact a price that tells the complex story of global supply and demand, of technological change and of environmental consciousness, and of shifting consumer taste and social change.

Despite the long-term trend, prices move up and down a great deal. These fluctuations can be caused, among other things, by political events, shift in supply and demand of fuel, weather, the level of inventories, disruptions in refinery operations, and the introduction of new environmental standards.

□ 1630

Over the last year or so, retail gasoline prices in the United States have bounced down and then up from very low levels and then back up to very high levels. In February of 1999, the national average retail price fell to 95 cents per gallon, the lowest since 1989 in nominal dollars and one of the lowest levels ever seen in inflated dollars, and 30 percent lower than the price 2 years earlier. Not much more than a year later, they had risen to the recent highs of over $1.50 per gallon nationwide.

These price swings were detrimental to the producer and the consumer. The trucking industry, for example, in my district and all over the United States had a hard time maintaining operations as usual under the economic strain experienced by their businesses as a result of these price increases. Agriculture also has borne the brunt. Today, high oil prices reflect in part the U.S. economic boom and recovering economies elsewhere.

According to the study done by Cambridge Energy Research Associates, gas price conditions felt this summer were attributed to four primary forces acting on the market: number one, the price of crude oil, where for every $1 per barrel, gasoline prices increased 2 to 3 cents; two, inventories are low based on production constraints; three, new environmental regulations have created numerous variations, RFG, ethanol, MTBE, in gasoline contents making it difficult to transport or mix gas from one area into the next during times of crisis; four, the booming economy has created a 2 percent higher demand for gasoline over last summer. This coupled with the fact that Americans are driving more per person per year, 13,000 miles per person per year, has increased demand.

The last President or last administration to attempt to create a new energy policy was President Carter. I cannot remember a time when the Congress, particularly in the last 6 years, in which we have had a serious debate in this Congress regarding energy policy.

A national energy policy is a must for the United States and this policy must decrease America's dependence on foreign oil. Our Nation gets almost 60 percent of our oil from foreign sources, and this is absolutely unacceptable as it puts our economic and national security at risk. The rejuvenation of the domestic oil and gas industry will benefit all Americans and ensure an energy security for this Nation far into the future. Wide swings in price are not good for consumers or for producers. I happen to represent the oil patch. Less than 2 years ago when oil prices were at critically low levels, we had $8 per barrel prices, domestic oil and gas producers in my district, the 17th District of Texas, were struggling to keep their operations open and many did not.

In my district, claims for unemployment from the oil and gas industry quadrupled from 1,171 to 4,730 between December of 1997 and December of 1998. During this time, the lost wellhead value dropped $5.79 million and the value of oil to the Texas economy dropped by almost $1 billion. The number of producing wells declined by 2,855 during this time as well. In my home county of Jones, oil production in December of 1997 was 83,706 barrels; in December of 1998 it had dropped to 69,000 barrels; and in December of 1999 it had declined to 58,000 barrels. That is a decline of 25,000 barrels per month from December of 1997 to December of 1999, or a decline of 30 percent. Total domestic crude oil production has declined from 8.7 million barrels per day in the United States in 1986, the first oil price collapse, to 5.9 billion barrels per day.

When prices are below the cost of exploring and producing crude, these small independent producers cannot stay in business, and it has a ripple effect throughout local communities as schools and hospitals in Texas rely on a healthy oil and gas industry for revenues. At the time, we warned that critically low prices have the potential to turn into a price shock. Unfortunately, this is a lesson that we should have learned many times over the last 2 decades. I would like to find any evidence anywhere in which this Congress, the 106th, attempted to do anything about the low prices.

If there was a time of dramatic demonstration, the compacted experience of the last 3 years with its highs and lows illustrates the need for our Nation to take responsibility for its energy future. We do need a free market for the production of energy, but it cannot be a free market dominated by foreign producing countries that do not have our best interests at heart. Congress needs, in fact must consider measures to help restore market stability with domestic crude oil and natural gas prices, maintaining a level where domestic producers can compete in a global market. However, our national energy policy must recognize both producer and consumer issues.

Last week, the House considered the energy and water appropriations conference agreement which deleted language added in by the House earlier this session to reauthorize the Strategic Petroleum Reserve and to create a Northeast home heating oil reserve. I find it reckless that in the midst of home heating oil shortages in the Northeastern States, this Congress is on the verge of allowing the President's authority to use the Strategic Petroleum Reserve to lapse.

Authorization of the SPR expired on March 31 of this year, 6 months ago. The House supported a measure that would reauthorize the SPR, the Strategic Petroleum Reserve, and ensure that it would be filled with domestic crude oil to capacity with specific options leading to the expansion of the SPR capacity. Many of us stood on this floor and through letters and Dear Colleagues encouraged the Congress 2 years ago when we had the opportunity to buy oil from domestic producers at $8 a barrel and put it into the Strategic Petroleum Reserve which would have been a good investment for this country, a good investment for taxpayer dollars, to buy it at $8, to support the domestic industry when we had a chance to. But because of overt concerns about unrealistic budgets, the majority on this body refused to even consider it.

It is irresponsible, I believe, to refuse that the SPR be reauthorized, giving this and future Presidents all means available to respond to any possible energy supply emergency. It is in our national security interest. The Department of Energy cannot establish a regional home heating oil reserve until Congress either reauthorizes the SPR or separately passes legislation authorizing the creation of such a reserve with a responsible trigger. Are we trying to send a message from Congress to many vulnerable consumers that they will have to sacrifice other needs just to heat their homes this winter? Additionally, shortages in natural gas will be the next energy issue before us when brownouts start occurring in cities short on natural gas used to create electricity, a direct result of the collapse of the independent oil and gas producing industry in the United States because when you stop drilling for oil, you also stop drilling for gas. Gas is often found in the process of discovering oil. That is something that we have been very, very shortsighted on with our, again, lack of a national energy policy.

Let me just quickly outline some of the things that this Congress should have done this year, or last year. Congress needs to consider measures to help restore market stability with domestic crude and natural gas prices maintaining a level where domestic producers can compete in a global market. However, our national energy policy must recognize both producer and consumer issues. We need to enact legislation that provides tax relief for marginal well production, providing a safety net for producers when prices are critically low. We need to enact legislation that provides tax incentives for inactive well recovery aimed at bringing plugged or abandoned wells back on line. We need to pass the Watkins-Stenholm proposal that would correct the inequity facing American oil producers who must meet regulatory costs avoided by producers in other countries by imposing an environmental equalization fee on imported crude oil and refined products at the level of cost domestic producers currently spend on compliance with Federal environmental regulations.

We need to encourage production of unconventional fuels. I have recently cosponsored the Energy Security for American Consumers Act that aims to stimulate production of unconventional gas in the hope that our Nation will be better equipped to meet our future energy needs. This bill would extend the section 29 tax credit for unconventional gas production and will provide the energy sector with a necessary incentive to produce gas that is both difficult and costly to obtain.

We need to enact legislation expensing geological and geophysical costs, delaying rental payments and extending the suspension of net income limitation of percentage depletion for marginal wells. We need to enact a low-cost emergency lending program for the benefit of domestic oil and gas producers. We need to enact legislation that would enhance recovery and wildcat exploration. We must open our Federal lands, both onshore and offshore, except in the most treasured environments, to responsible exploration. From 1997 to 1999, oil well completions for drilling for new reserve declined 54 percent. But by providing financial incentives to increase domestic oil production and exploration, we can encourage the discovery of new domestic oil reserves.

We need to ensure that the Strategic Petroleum Reserve is filled with domestic crude oil to capacity and to the extent that the filled capacity does not meet a 90-day supply of foreign imported petroleum, expand the SPR capacity. We need to ensure that the Northeastern States are not in the position where they are facing home heating oil shortages that will harm consumers by establishing a home heating oil reserve in the Northeast. Despite the fact that the President acted administratively in July to create it, the Congress still needs to authorize the use of this new reserve.

We need to enact legislation to promote new developments in the access, production and use of natural gas. We need to enact legislation to promote research in exploring other avenues of energy, including solar, wind, hydroelectric and other renewable energy resources. We need to enact legislation to provide tax incentives encouraging consumers to make energy-efficient improvements to their homes and purchase energy-efficient automobiles, as well as further promote and fund LIHEAP.

It is imperative that Congress work together setting aside partisan differences to ensure price stability, prices that are not so low that producers are put out of business and prices that are not so high that they hurt consumers and threaten our economy. America needs a balanced, forward-looking energy policy based on the proposals that have been put before this Congress. We need a responsible approach that will infuse our energy sector with both efficiency and competition seeking to protect America against emergencies in the energy market.

Mr. Speaker, these are the things that we should have done. I would challenge very many individuals on either side of the aisle to show anything that we have done other than not avoid the temptation of pointing the finger. There are many, many solutions. I am very happy today, and I again thank the gentleman from New Jersey for taking this 1 hour. I thank him for allowing me to show at least in this one Member's mind some of the things that we should have been doing in this Congress, and some of the proposals that are being advocated now of where we need to go in the next administration and in the next Congress.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Texas for his remarks and two things, first of all, I think he points out very successfully, that it is the Congress that needs to act on authorizing these energy initiatives that would help the American consumer, and we know that for the past 6 years, the Republicans have been in the majority and they have not done it. I know the gentleman does not like to point a finger; but the bottom line is, the Republican leadership runs this place, and they have not put forward an energy policy, and they have not been willing to enact the policies that the Clinton-Gore administration have put forward.

I also wanted to thank my colleague because I see the concern he expressed for the Northeast, particularly the need to authorize the Northeast home heating oil reserve which, again, the Republican leadership has not been willing to do and has been trying to stop the reserve actually from being passed. The gentleman mentioned gas prices. There is an article in the Star Ledger, which is the major newspaper in my home State of New Jersey, today that is entitled "Gas Heat Costs Will Be Soaring. Jersey's Four Utilities Want Rate Hikes as High as 40 Percent." If I could just in the first couple of paragraphs of the article, it says:

> Heating bills could rise as much as 40 percent for some New Jersey consumers this winter if rate increases requested yesterday by the State's four natural gas utilities are approved by regulators. The four utilities covering millions of customers filed petitions seeking emergency relief with the State board of public utilities which is expected to act on the proposals at its next meeting on Tuesday. The increases would be effective immediately.

So what he is saying about the impact ultimately on gas prices is certainly coming true. Most important is the fact that the Republican leadership continues to oppose the President's initiative, backed up by Vice President GORE, to tap the Strategic Petroleum Reserve, the SPR. I just wanted to point out briefly, and then I would like to yield to my other colleague from Texas, that it is ironic that Governor Bush and the Republican leadership here and the Republican leadership on the Committee on Commerce, which I serve on which has jurisdiction over energy policy, continue to criticize the President and the Vice President with regard to the SPR, because if I could just recount a little history here because I think it is important since the Republican leadership came into the majority, or actually I could take it even further back to when President Bush was in office.

When President Bush sold oil from the reserve from the SPR during the Gulf War, domestic reserves were higher than today and crude prices were $5 per barrel cheaper. Yet he said he released the oil not because of national security but to, "calm the markets." So even President Clinton's predecessor, President Bush, recognized the fact that the SPR could be tapped, not for security reasons, but to make sure that prices did not continue to rise.

□ 1645

But, beyond that, since the Republican leadership has been in charge here in the Congress, since 1996, they twice passed laws requiring the sale of oil from the reserve, over 28 million barrels, to help pay for GOP budget priorities. Selling the oil from the SPR just to make ends meet in terms of the budget. Then, last year, in 1999, the Republican leaders, the gentleman from Texas (Mr. ARMEY) and the gentleman from Texas (Mr. DELAY), joined 35 other Republicans to introduce a bill that would not only eliminate the Department of Energy, but abolish the Reserve, abolish the SPR.

Since taking control, Republicans have let the President's authority to fully use the Reserve lapse three times, totaling 18 months. The SPR authority last lapsed on March 31. In 1999, Republicans blocked the Clinton Administration proposal to buy 10 million barrels of oil when crude prices were only $10 a barrel. This is what the gentleman from Texas (Mr. STENHOLM) was saying. The purchase would have helped domestic producers and fill part of the 115 million barrels of SPR capacity in the Reserve.

I am only trying to bring up dramatically that we have Governor Bush and the Republican leadership here criticizing President Clinton, Vice President GORE, for tapping the Reserve to try to bring prices down, and we know the Republicans have a history going all the way back to President Bush of tapping the SPR for similar reasons, but, at the same time, trying to abolish it altogether and not even have it available for use in a time like this, when prices have been going up.

So I am just glad that President Clinton acted on Vice President GORE's advice and decided to go ahead and tap the SPR, because we know it did have the impact of stabilizing prices and even reducing prices to some extent.

I would like to yield now to another one of my colleagues from Texas, the chairman of our Democratic Caucus, who has been chairing a task force on energy policy and has been very effective in not only bringing forth the message in terms of what the Democrats are trying to do here, but trying to get the Republicans to act on the Democrats' proposals.

Mr. FROST. Mr. Speaker, I thank the gentleman for yielding.

For the past 22 years, I have had the honor of serving the people of Texas, America's prototypical energy producing State, so I know that we can achieve bipartisan consensus around energy policy if we want to.

Unfortunately, for 6 years this Republican Congress has been AWOL on energy policy, and, when they have not been asleep at the wheel, they have led the fight against energy independence for America, slashing energy efficiency programs, trying to eliminate the Department of Energy and selling off the Strategic Petroleum Reserve.

Earlier this year, gas prices surged around the Nation, and then, as now, the Republican Congress chose irresponsible partisan attacks against the administration, not reasonable responses with bipartisan support. Most outrageously though, this Republican Congress has consistently ignored or killed Democratic energy policies, and then turned around and tried to score political points when oil prices went up.

For more than 6 months, for instance, the United States has been in a weaker position to negotiate with OPEC, because the Republican Congress continues to withhold one of the President's chief tools for dealing with an energy crisis, the clear authority to fully use the Strategic Petroleum Reserve.

This winter, families in the Northeast face a repeat of last winter, record high home heating prices, because this Republican Congress refuses to create a Northeast Heating Oil Reserve. Just last week, in a fit of partisan pique, Republican leaders again played politics with these two key pieces of America's energy security arsenal, deleting them from the energy and water appropriations bill.

In the midst of an energy crisis, this Republican Congress still refuses to take the simplest of steps to increase America's energy independence. Fortunately, President Clinton and Vice President GORE have showed their leadership to ignore Republican partisanship and to act decisively and appropriately to address our immediate energy problems. After the President announced that he would address shortages by swapping oil out of the Reserve this year in exchange for more oil next year, oil prices dropped nearly $6 a barrel, their lowest level in almost a month. In contrast, oil prices immediately jumped when Republican Representative JOE BARTON of Texas announced that he would try to stop the oil swap.

While we are on the subject of the Reserve swap, let me take a minute to clear up some misconceptions being perpetuated by some of our Republican friends.

First of all, Republicans like to attack the President's move as political. Well, was it political for northeastern Republicans to call for deployment of the Reserve? Hardly. They, like AL GORE and the rest of us, are trying to do what we can to protect families from having to choose between heating their homes and buying groceries this winter.

Indeed, families in the Northeast are facing the prospect of another winter of low oil inventories and high home heating oil prices, as much as 30 percent higher than last year. Across the country, gas prices are still too high. It would have been irresponsible, a terrible abdication of leadership, to ignore this coming energy crisis in the way Republican leaders are trying to do.

Second, Republicans claim the President risked national security by using the Reserve to help families suffering from the energy crisis. This is as hypocritical as it is ridiculous. After all, did it threaten national security when this Republican Congress sold off 28 million barrels of oil from the Reserve to pay for its budget priorities in 1996? Did it threaten national security when this Republican Congress stopped the administration from increasing the Reserve's inventory last year, when oil prices were at just $10 a barrel, which would have strengthened the Reserve and helped domestic producers? And did it threaten national security when Republican leaders, like the gentleman from Texas (Mr. DELAY), the gentleman from Texas (Mr. ARMEY), and the gentleman from Missouri (Mr. BLUNT) tried last year to abolish the Strategic Petroleum Reserve altogether? Probably so.

But by swapping oil out of the Reserve now for more oil next year, the President's action will not just help consumers this winter, it will also strengthen the Reserve and increase national security. In fact, the Department of Energy announced yesterday that its swap agreement with 11 oil companies had been completed, and that it would yield the Reserve a net increase of 1.5 million barrels of oil.

Once you put politics aside, it is clear that the administration's action was good for families in the Northeast beset by high home heating oil prices, and it was good for us in Texas, where long distances and high gas prices can take a real toll on people's pocketbooks.

Fortunately, where American consumers see an energy crisis, Republican leaders see a political opportunity; an opportunity to score political points against a President they despise and an opportunity to cover up their 6-year record of negligence on energy independence. That is profoundly disappointing, because there is no doubt about the seriousness of home heating oil shortages this winter and continued high gas prices.

This Republican Congress has the ability and the responsibility to do more than just play partisan blame games while American consumers are suffering. Congressional Democrats, President Clinton and Vice President GORE, have consistently tried to develop a comprehensive energy independence policy that has broad support across partisan, regional and industry lines. We have worked to reduce America's dependence on foreign oil by encouraging environmentally friendly domestic production.

Under the Clinton Administration, natural gas production on Federal lands on shore has increased nearly 60 percent since 1992, and under the Clinton Administration, oil production offshore in the Gulf of Mexico has increased 62 percent since 1992. But, again, Republican leaders have preferred politics to progress, so Republican energy policy pretty much starts and ends at drilling in the pristine Alaska National Wildlife Reserve, despite the fact that it would not result in a drop of oil on the market for years and despite the fact that the most recent U.S. Geological Survey estimates make clear that the amount of recoverable oil, which amounts to less than 6 months of U.S. domestic oil consumption, is not nearly enough to justify despoiling forever this pristine wildlife reserve.

In contrast, Democratic tax incentives for marginal wells and to further increase domestic production, which have broad support, have been ignored in this Republican Congress. Republican leaders have been even more hostile to our efforts to increase energy efficiency and develop alternative energies. Over the past 6 years, the Republican Congress has underfunded solar, renewable and conservation programs by $1.3 billion below the President's request, and, if Republicans had not cut the weatherization assistance program by 50 percent in 1995, then 250,000 more households could have been helped, which would have decreased demand for oil.

When Republicans first took control of the Congress, they voted to kill the Low Income Home Heating Energy Assistance Program, LIHEAP, which helped the neediest Americans in the midst of an energy crisis, and the following year Republicans proposed changing LIHEAP so that disadvantaged families could be forced to choose between buying food and heating their homes.

For the past 6 years, the threat to America's energy security has come from this Republican Congress and its refusal to treat energy policy as anything other than a partisan political opportunity. It is long past time that Republican leaders finally stop playing political games with oil prices and began working with us to give America the common sense, comprehensive energy independence policy it needs.

I thank the gentleman very much for taking out this special order, so that we could discuss these very important issues with the American public.

Mr. PALLONE. I want to thank my colleague from Texas.

If I could just reiterate two of the things the gentleman mentioned, because I think they are so important, one is this whole effort by Governor Bush and the Republican leadership now to insist that, because of the crisis in oil prices, that we have to now threaten the environment again, either with drilling in ANWAR and Alaska or offshore the continental coast of the United States.

As the gentleman points out, this has no immediate impact. I mean, we are not talking pie in the sky here, we are talking about our constituents, and being from New Jersey and the Northeast, I know this is an immediate crisis that people are facing. They do not want to hear about what is going to happen in a few years; they are facing the crisis now.

The one thing that President Clinton's proposal by tapping the SPR does was to actually reduce prices, and ultimately I think stabilize a market in a way that has an immediate impact. That is what is really important.

I never cease to be amazed how our Republican colleagues talk about policy, but they do not seem to respond to the immediate need that people have, and that is what Vice President GORE and President Clinton were doing when they talked about the need to tap the SPR.

The other thing that I think is so important that the gentleman pointed out, and we do not hear that too often, is this idea that by the Republicans not pursuing a real energy policy for our country, it leaves us weak to foreign exploitation.

I think what I have noticed with President Clinton and Vice President GORE is they keep saying that we need to tap the SPR, not only because of the immediate impact on prices, but because it has an impact on our ability to influence OPEC and the cartel, the oil cartel, if you will, that is trying to drive prices up.

As the cartel and OPEC know that we are going to take action on our own and tap the SPR, they realize that they cannot influence prices as much as they have been able to and take advantage of the situation over the last 6 months.

So, again, we need to make some policy initiatives here. Certainly the Republican leadership in the Congress has not been willing to do it, and the administration has essentially had to act on its own with regard to the SPR and the decision also to move to create this Northeast Home Heating Oil Reserve. But, at the same time, instead of reacting positively to that, the Republican leadership comes here and says, oh, no, we do not want the Northeast Heating Oil Reserve, and we do not want you to be able to pass the SPR, and they passed the energy and water appropriations conference bill last week that actually would eliminate both of those options.

It is an outrageous step. It is outrageous that at a time when the American people are crying for some action to deal with the rise in oil prices and the rise that is going to result in home heating oil, as well as natural gas prices, and the response of the Republican leadership in the Congress is to say no, we do not want you to be able to tap the SPR. We want to pass legislation that says you cannot pass the SPR and pass legislation that says you cannot set up this Northeast Home Heating Oil Reserve. I just cannot believe that that is their response to the public outcry for the need to action to address the crisis.

I wanted to, in the time that I have left, I wanted to develop a little more the reason why I believe very strongly that the Republican leadership here in the House has not only failed to address the immediate energy needs, but is really trying to dismantle and eliminate any effort to set any kind of U.S. energy policy that would create independence on our part for the future.

□ 1700

And I wanted to give some examples of action that has taken place either here or in the other body over the last few weeks. Just last week or within the last 2 weeks, Senator MURKOWSKI from the other body came to the floor, once again, to push for drilling Alaska's last remaining open space, the Arctic National Wildlife Refuge. Not only is he advocating what I consider a policy of destruction; but as I mentioned before, drilling the Arctic Refuge will not produce a drop of oil for several years, and, on the other hand, would only produce several months' worth of supply, while destroying this precious resource for future generations.

We have said over and over again, both in the House and in the other body, that we do not want to tap ANWR, the Arctic Refuge, because of the negative impact on the environment.

What I see now is my colleagues on the other side of the aisle trying to use the current crisis as an excuse to go against what has been a bipartisan position, not to drill in the Arctic Refuge. What I would suggest is that instead of trying to drill the Arctic Refuge, we should be banning exports of Alaskan oil to other nations.

I think a lot of people are not even aware of the fact that we are now on a daily basis in the process of exporting Alaskan oils to other countries, Japan and other countries.

If we really want to take some action that is going to have an impact on prices here, use that, make that oil available here, rather than ship it overseas.

Mr. Speaker, the other thing I would say, too, is that we had the GOP, and I call it the Big Oil GOP leadership on the other side of the aisle, in both the House and the other body. We are reluctant to investigate whether the oil companies were profiting excessively from gas price spikes this summer.

They do not even want to let us investigate the problem and try to come up with a solution. And I guess the fear is that if the investigations proceed, it is going to uncover that the oil companies are trying to undermine the concerns of the American people and show that they are really in league, essentially, with OPEC and the cartel to try to drive up prices.

Now, the Clinton administration did the investigation and the investigation that they did proved that the increase in prices this summer was not due to environmental standards, as the Republican majority has alleged, but in fact was a result of the oil giant's greed and their effort to simply drive up prices.

Mr. MARTINEZ. Mr. Speaker, would the gentleman from New Jersey (Mr. PALLONE) yield for a question?

Mr. PALLONE. On this point?

Mr. MARTINEZ. Yes.

Mr. PALLONE. I will yield, not the whole time, but sure I would yield for a question.

Mr. MARTINEZ. Has the gentleman visited the area up there?

Mr. PALLONE. The Arctic Refuge?

Mr. MARTINEZ. Yes.

Mr. PALLONE. No, I have not.

Mr. MARTINEZ. I have. I used to hear stories all the time about how building of the pipeline and all the rest of the things they were doing and exploration up there, that would hurt the caribou herds and destroy the tundra. And I was quite surprised when I went, actually, that upon visiting the area, the first place the area where the oil drilling is taking place is so cold that the workers cannot be out there for any more than a short length of time, and they have to be brought in and relieved by other workers.

I actually asked the rangers there, because the environmentalists were so concerned about the destruction of the environment, as the gentleman has suggested, how many people had actually visited the area of the previous year, and there had been three people visiting the area. And he said awhile back, a couple of years back, there was actually more than that that visited, because there was the big debate about whether or not to drill there in that period of time, and they were mostly people that were protesters of the drilling there; there was 12.

Now, the closest they could get to that area is a mountain peak, which is quite a few miles that you can see right down across the whole flat area, where they would contemplate drilling. And there is nothing there.

It is absolutely barren, but what I did see, and I was really surprised, as we were traveling along the road alongside of the pipeline, I looked out there and I saw thousands and thousands of caribou, thousands of them. And I had to get down and take a picture. I asked the bus driver to stop the bus, and I went on down.

Now the one big thing that everybody was concerned about then, they even caused the people who built that road to build ramps over the road so the caribou could cross over, because that would be the only place that it would cross over because of the pipeline there. And so I got down—let me finish this one statement.

Mr. PALLONE. I will, then I want to move on.

Mr. MARTINEZ. I got down off the bus to take a picture, and I was busy snapping a picture out here of all of these caribou out there; and all of a sudden, I realized there was something very close to me. At the buttress of the support for the pipeline, there was a caribou standing there eating, munching the tundra and looking at me, and I turned around and took a picture. I have a picture. I would like to show the gentleman. And he was absolutely so close to me I could almost reach out and touch him. He did not seem disturbed at all.

Then I noticed that the caribou were crossing, not over the ramps they built for them, but anywhere, anywhere along that road.

So I am wondering, and the question that I have for the gentleman is, if this is to be so pristine that it is going to be disturbed and it has not seemed to do it yet, would we not rather have that oil than be dependent, because 18 years after when I got here, they were still arguing and complaining about being dependent on OPEC and the oil over there, and in 18 years we have not developed a policy.

The gentleman from Texas (Mr. STENHOLM) stood here and said he has not heard any talk here in the Congress or in the White House about developing a strategy or developing.

Mr. PALLONE. Mr. Speaker, let me answer the gentleman's question. I am willing to give the gentleman some time and that is fine. I would like to answer the question and move on, because I do have other things to say. Let me just answer the gentleman's question. Then I will not yield to the gentleman any more, because I want to finish with my comments.

I do appreciate the fact that the gentleman came to the floor and expressed his concern. I understand that some people would like to explore in the Arctic Refuge, but I think that in many ways, your comments make me feel even more strongly about why it should not be taking place. Obviously, when the gentleman went there, it was a very beautiful area; the gentleman was witnessing the wildlife. The gentleman seems to feel that whatever has happened so far has not had an impact, but it is obvious from what the gentleman witnessed that it is a very sensitive area, and there is a lot of wildlife. And it is a very beautiful, pristine area.

I would maintain that given that fact and given the fact that we are not really talking about that much oil over the long time that is going to impact, I think, U.S. energy policy that we should not take the risk; that the very fact that it is difficult to get there and it is difficult for people to deal with the situation there means that if there was a spill or if there were environmental problems, it would be that much more difficult to clean it up.

Mr. Speaker, I think that the environmentalists take the view that this is a beautiful, pristine area. There is a terrific risk involved, a significant risk, because of the delicate nature of it, and the fact that it is so far away and difficult to access; and that it should not be tapped for that reason; and that if we have to make a decision and weigh the risks that it is just not worth the effort.

It is very similar to what I have in New Jersey. There have been proposals by mineral management's agency to develop offshore oil resources off the coast of New Jersey. And arguments have been made back and forth about whether it is a good idea. And basically my position, because I represent the coastal area where this would take place, has been we have a huge tourism industry. We make billions of dollars every year from having safe beaches and clean water. Frankly, we do not want to take the risk, because we know that the amount of oil that is available there probably would only be a few months in terms of America's supply, and it is just not worth the effort.

So I think part of it is weighing of the risk, and I just do not think it is worth it in the case of ANWR. I will not yield again. I do not mean to cut the gentleman off. I have a lot more to say.

Mr. MARTINEZ. The gentleman has a lot more time. I just have one question.

Mr. PALLONE. I do not have that much more time, I will not yield to the gentleman any more. I thank the gentleman for coming down.

Mr. Speaker, I have another one of my Democratic colleagues here that is joining me here. But just before I yield to him, I just wanted to make a few more comments about the Republican opposition to the tapping of the SPR. And I just want to point out, as some of my Democratic colleagues have, how politically motivated this was, because as we know in the past, the Republicans have not hesitated to sell off the SPR, to tap the SPR, for reasons not related to national security or even advocated that there not be an SPR and it be abolished.

It is interesting that in this case, when the President suggested that he was going to move forward and tap the SPR because of the high oil prices, there were some Republicans also that joined with the Democrats saying that that was a good idea. In fact, over 100 House Members, including 20 Republicans, such as the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, and the gentleman from New York (Mr. LAZIO) of the House Committee on Commerce, sent a letter to President Clinton requesting the tap.

I, for one, would not heed the allegations, if you will, of the big oil ticket, the Bush-Cheney ticket that somehow this is a bad thing. Because if you will notice, even if you are a Republican and from the Northeast, you think it is a good idea, because my colleagues are concerned about the impact on your constituents in New Jersey, New York and the other States that are being negatively impacted by these high oil prices.

The other thing that I think is very interesting is that actually we have not even had opposition from the oil industry or even from some Members of OPEC to the tapping of the SPR.

We had a situation where this was quoted in the Washington Post last week where John Lichtblau, I do not know if I am pronouncing it properly, the chairman of the Petroleum Industry Research Foundation, said that the price drop that occurred after the SPR was tapped reflects the fact that inventories will be increased. He went on to say while very recently there have been speculation about $40-a-barrel oil, now there is speculation that will drop to below $30. He actually thought it was a good idea that we tap the SPR.

We had the Venezuelan oil minister and OPEC president, Ali Rodriguez, affirm the administration's belief and intent in releasing oil from the SPR in that same Post article where he said I think oil prices will not remain at their high levels.

My point is, I do not even see opposition necessarily from the industry or even from OPEC, because they understand that prices were going up and they needed to be stabilized. I really do not have any clue where Governor Bush and Vice President nominee Cheney are coming from where they criticize the Democrats and the Vice President and the President for tapping the SPR. It just seems like they just do not care about the impact on the American people.

Mr. Speaker, I yield to my colleague, the gentleman from the State of Massachussetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank my colleague, the gentleman from New Jersey (Mr. PALLONE), for yielding; and I come here just to add to some of the gentleman's comments when the gentleman was discussing the fact that this is, in fact, very bipartisan.

I understand all the rhetoric during the campaign trails, and I understand that two people that are largely involved with the oil industry are trying to make this a political situation; but that, in fact, is not the case. I was one of those 114-plus Members that signed a letter to the President asking him to do a number of things that would improve the energy situation.

I joined a number of my colleagues from the mid-Atlantic States, as well as from my home State of Massachusetts and New England in talking with the President and the Department of Energy as far back as last winter when these problems originated. We have consistently asked the President to take the kind of preemptive moves that we thought were necessary setting up a reserve for the Northeastern area, releasing fuel from the SPR, from the Strategic Petroleum Reserve, to cover that difference.

Trying to make this into a case where people think that that release was to cover all of our needs is way off base. The fact of the matter is there is a gap between what is produced and what is consumed, and it is only that gap that we are trying to affect. We asked the OPEC countries to produce more oil, and they are trying to do that.

We have asked the non-OPEC foreign producers to produce more oil, and they tell us they are trying to produce it. We now need to go to the domestic producers who have not been producing more. In fact, in a hearing with the Committee on Government Reform, at which I was present, one of the officials from the Exxon-Mobil company was questioned; and the answer was they, in fact, made 272 percent more profits in the second quarter of 2000 than in the second quarter of 1999, while simultaneously reducing their production budget by some 30 percent.

Most of the domestic oil producers, the large companies, have, in fact, been making enormous profits in comparison to the previous year and have been cutting back.

The President did a responsible thing that Democrats and Republicans have asked him to do. There were any number of Republicans from the mid-Atlantic States and the Northeastern States that joined in that letter to the President asking him to do something with the funds, asking him to set up a New England reserve and asking him to release some of the Strategic Petroleum Reserve.

Our colleagues on the Republican side from New York, one of them is running for the Senate, the gentleman from New York (Mr. GILMAN), our colleagues from Maryland, our Republican colleagues from Connecticut, and so on, one of our colleagues from Maine is a Republican. The fact of the matter is, this is geographic in nature of where the hurt is going to be felt, and it is nonpartisan in terms of people trying to help their constituencies and getting the President to do the right thing.

□ 1715

We should not politicize this. We should understand that we have to ask every oil producer, whether they are domestic or foreign in nature, to step up to the plate and produce some more oil. They can do that, and it is about time that they step forward and do that, but also understand that the Republican party has a responsibility here. It is that party that has been prohibiting the President from having the flexibility he needs because they have not reauthorized the strategic reserve clauses of the act that need to be dealt with.

There is no excuse for that. They have let it lapse most recently in March, right in the middle of this oil situation, and that is just not responsible.

They have still yet to put the authorization language in for the Northeast reserve. We have made the appropriations on that. A responsible government would make sure that we have the authority in the President to release the Strategic Petroleum Reserve as and when needed in small amounts.

That would be far more responsible than what was done by the Republican majority in 1996 and 1997. At that point in time they did not swap what was in the Strategic Petroleum Reserve, they sold it, about $227 million dollars in 1996 for the sense of bringing down part of the deficit, and about $227 million in 1997 to pay for some other appropriations that they wanted to pay for. They sold it, they did not swap it.

In fact, last year when we on the Democratic side wanted to have the President get authority to buy 10 million more barrels, that was shot down by our friends on the Republican side. So we could have been increasing the Strategic Petroleum Reserve at an interim at a low price when it was down to $10 or $12 a barrel, and that was rejected.

This is the same group that on occasion has voted to get rid of the Department of Energy, and along with it any Strategic Petroleum Reserve at all, and now for political reasons they are saying, gee, it is a national security issue that we are going to swap some. Unlike them, the President was not going to sell it, he was going to swap it.

As a consequence of that, we are actually going to get 1½ million more barrels back a year from now than it was actually swapped out in the interim period, so we are going to have an increase in the Strategic Petroleum Reserve that our friends on the other side of the aisle wanted to eliminate altogether.

So if they really want to talk about security, let us do the sensible thing here and support the President's action. Let us make sure people in the mid-Atlantic States and Northeast and elsewhere that might be really jeopardized by the severe cold winter, make sure that the supply is there, make sure we are doing everything we can do; and most notably, for those that have low incomes, make sure the LIHEAP monies get out to people, just as the President has done, so they can fill their tanks while it is lower and make sure they have the best possible opportunity to weather this winter.

I thank my colleague, the gentleman from New Jersey, for taking the time and giving me the time to address this sure. The record must be set straight: This is not about politics, this is about people's health and safety, as well as our Nation's security.

Mr. PALLONE. Mr. Speaker, I thank the gentleman, because I think what he is pointing out, and the Democrats have all been pointing out this afternoon, is that we are just trying to address the problems that the average person faces leading into the winter months.

It was really encouraging to see that on our side of the aisle, on the Democratic side, we started off this afternoon with two colleagues from Texas. We might think, why do they care about the Northeast? But they obviously do. They both said very emphatically how important it was to try to address the price issue and set up the Northeast Petroleum Reserve, which I know the gentleman and other Members from the Massachusetts delegation have been very much involved with.

That is what this is all about. That is what the President and the Vice President, they represent the whole country and they have to worry about people all over the country. I just think it is commendable that we are here expressing that concern, and we have colleagues on the Republican side saying, oh, no, that is not the way to go.

Mr. TIERNEY. If the gentleman will yield, Mr. Speaker, during our committee hearings we also heard a lot of talk about the fact, whether or not this oil could be processed, that refineries were running at capacity and whatever.

What we found out is that that was just more rhetoric, also. The refineries generally run at 95 percent, 96 percent, during the months just past. Then there is a retooling period, and in our favor, just at the end of this month, that will be over and they would be down to a capacity of 90 or 91 percent, which they can then kick back up to 95, 96 percent, to get out this home heating oil.

That is a circumstance working in our favor. In fact, people within the industry are welcoming this. The Department of Energy has been talking with people within the industry. Oddly enough, they also understand that there is a situation out there that needs to be addressed and they are cooperating. So that is another reason to take it out of the political realm and leave it in the realm of people's security, safety, and health.

Hopefully we will have that sort of discussion, and not the sort of rhetoric that has been going around.

Mr. PALLONE. I appreciate the gentleman's comments. Of course, I have been talking about the lack of a GOP energy policy, but I could just mention briefly here for maybe a few minutes or so that the administration, the Clinton-Gore administration, for the last 7 years has been trying to get the Congress to enact a really positive energy policy. Of course, for 6 of those 7 years they have had to deal with the Republican leadership that has simply not been willing to adopt it.

Just to give an example, because I keep hearing the Republicans saying they want to open up ANWR, they want to do drilling offshore, but earlier this year when we passed an appropriations bill in the House, the President had come forward with his budget proposing major initiatives for energy efficiency, energy conservation, alternative sources of energy.

The House bill that passed, the House appropriations bill that passed I guess in July or so, had $201 million less than the President's request with regard to energy conservation and $71 million below the existing appropriations level for energy conservation. This was at a time when we were already starting to experience higher prices and less ability to get foreign oil from OPEC.

Just to give an idea of these cuts and how they cut what the President had proposed, it was a $143 million cut, a complete elimination of applied research and development at the Department of Energy for certain conservation programs. They canceled 400 R&D projects in 33 States by 15 Federal labs, 22 universities, and others. There was a $14 million cut in the Low-income Home Weatherization Assistance Program, which would mean about 7,000 fewer low-income families would have their energy bills reduced. There was a $2 million cut from industrial co-generation, which funds R&D.

Then, in that appropriations bill, there was $67 million less than the President's request for solar and renewable energy. There were cuts in biomass fuels and biopower R&D, reductions in solar electricity R&D, cuts in R&D for wind power, which if adequately funded would be competitive just within a few years.

I could go on and on here, and I will not because I am running out of time.

Mr. TIERNEY. Mr. Speaker, if the gentleman would yield before he runs out of his time, when I hear people start to politicize this and say that it is a national security issue to swap oil out of the Strategic Petroleum Reserve, one thing we have to remind people is that it is a swap, and the oil will come back with additional oil.

Secondly, the very people who are making that acquisition now are the people who in 1995 filed a bill that was known as H.R. 1649, the Department of Energy Abolishment Act.

As part of that act, it would ask to eliminate the reserve totally and sell off 571 million barrels of oil. Now, there are 35 people on the other side of the aisle that signed onto that, including three of the very highest members of their leadership, who are the same people now who have the audacity to go on the floor or elsewhere and start to say that a swap is somehow affecting national security.

So not only is it totally wrong and it is not affecting national security in any adverse way, and it is what our allies and what other foreign countries think is a good thing to do, as well as business and others, but it is absolutely contradictory to their past behavior and their past comments.

I think the public can pretty much get in line as to whether people are acting as statesmen or politicians when they make assertions like that. I am going to let it go at that message and defer back to you, but I think it is important for people to know that this was a good move. People in the Northeast and New England, and Massachusetts in particular, are very pleased that the LIHEAP money has gotten relieved. Our people and low-income seniors will have that relief.

We are pleased there is a Northeast reserve being set up so the gap can be addressed, and hopefully keep the supply up and the prices somewhere within the stratosphere. We are very pleased that the President indicated he was going to release from the Strategic Petroleum Reserve, and already we have seen the prices drop on that, except for a slight rebound when Members on the other side of the aisle indicated they would try to block it.

The psychological effect, already a month before it hits the market, has shown it is bringing prices down. That is going to help our seniors, people in our districts generally, and our small businesses, who cannot stand the kind of high prices that are going on and still be productive and get their business done in a way to support their families.

Again, I thank the gentleman for allowing me to address this on the floor. I think it is important to get this information out.

Mr. PALLONE. Mr. Speaker, I thank the gentleman for coming down and joining us during this time.

I think we have a couple of minutes left, so I would just like to point out, Mr. Speaker, that all the Democrats are really asking is that instead of trying to reverse the positive steps that the administration is taking and making these false accusations, that the GOP adopt a sound energy policy and pass the measures that the Democrats have been advocating and that have been proposed by the Clinton and Gore administration in its budget request.

Above all, we should be implementing measures that sustain our natural resources, practical measures that would conserve energy, promote our long-term energy security, and promote international competitiveness and alternative energy resources, all without sacrificing our economic growth.

For example, before we adjourn, the GOP leadership should pass the administration's request for funding and tax incentives for energy efficiency and renewable energy measures, efficient energy research and development, weatherization, and alternative fuel vehicles and mass transit.

I also urge my colleagues on the other side of the aisle to pass legislation banning the export of Alaskan oil. Earlier last week, one of my colleagues on the Democratic side introduced a bill promoting wind energy. This is the kind of creative thinking we need to reduce our dependence on domestic and foreign fossil fuels.

Unfortunately, the Republican majority has done the opposite. It has vastly underfunded programs for the past 6 years that my Democratic colleagues and I and President Clinton and Vice President GORE have promoted, programs that would have conserved energy and prevented the situation we now face.

The Republican majority has an opportunity in the waning days of the Congress, we have a couple of weeks left, to reverse their course and help us pass sound legislation to avert an even greater energy crisis this winter. I would certainly urge them to do so.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4578) "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes."

ISSUES REGARDING OIL PRODUCTION AND CONDITIONS IN RURAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I came down here to talk about rural issues, but I feel a little compelled to talk a little bit about what was just discussed.

I come from Pennsylvania, and in fact 5 miles from my home the first oil well in America was drilled, Drake's well. So I come from an area where my district had four refineries, we only have three now, but an area that has been in the oil business since it started. It is where all the major oil companies in America started, in western Pennsylvania, because that is the first oil field that was developed.

It is interesting to talk to people about these simple ways to fix this problem when it is obvious they have never been in a refinery and they certainly do not understand the oil business.

I am going to just back up a little bit and talk about the problem we have with oil going from $10 to $35 a barrel. It is because we have been 1 million or more barrels short per day in our volume that is necessary, so we are gradually creating a shortage. When we have a shortage in the marketplace, we drive the price up.

We still have a shortage in the marketplace. We are still not importing and domestically producing enough oil to build up a supply.

Normally, in the spring, refineries have all of these tank farms full of gasoline because they cannot produce enough gasoline in the summertime for us to drive our cars as much as we do, so they build those supplies.

In the summertime and in the fall, they build up the supplies of home heating oil, and they have this reserve. This country is way behind. All the refineries are way behind in building up just the normal stocks that they need for this winter for home heating.

Now, we are talking about instantly starting a reserve for New England. In Pennsylvania, a number of years ago when we had the first energy crisis, we had reserves. We had oil and gasoline and fuel oil set aside. Then it was allocated. That is what they are talking about to help themselves in New England when the pipeline is only half full, and it needs to be full to have enough to do the winter. If we put some in a set-aside reserve, we cause a shortage.

I remember when I argued with our Department of Energy in Pennsylvania because we were having this problem every year, and I spent half of my time helping people get fuel oil or gasoline for the gas stations.

I said, I think we are close enough in volume now where if you would not have anything in reserve this year, the system would work. And we argued for weeks. Finally they did that, and we did not have any problem that year.

But the problem we have now, no matter what we do, the refineries in America cannot fill those tanks to supply us, and especially if we have a cold winter, we really are in a dilemma.

They run at 96 to 97 percent capacity, so there is not much room to refine more than they are refining.

What people do not realize, my son works in a refinery. He is an electrician in a refinery. They are getting ready for a 4- or 8-week shutdown where they stop refining. They have to do this to different parts of the refinery annually, and sometimes twice a year, because the refinery runs at such high temperatures, such high pressures, certain pipes and valves and things all have to be replaced every so many months.

☐ 1730

So they shut the refinery down and rebuilt all those lines and rebuilt all those things so that it is safe. Otherwise, these lines would wear out from heat and pressure, and the refinery would blow up. They are a very dangerous facility.

So refineries have to shut down for weeks and months and sometimes 2 months at a time. It depends on if it is a minor overhaul or major overhaul, and they just have to do it. Some of the shortages that we have had is when we have had refineries down longer than they anticipated.

I can remember when my son said they were going to have a 4-week shutdown, and they ended up with a 6-week shutdown because they had problems they did not realize they had.

So this is not a simple process. Suddenly saying we are going to set some oil aside for New England could actually cause us a national shortage that would double the price. So I think those from New England ought to think carefully that we need to fill the pipeline of oil that we refine, we need to get some more normal reserves that we historically have had before we start setting some aside for any one part of the country. It is not a simple issue.

I also was a little amused. I am not going to say that wind does not have some potential in a few parts of the country. We spent billions on wind. We have not had much progress. The researchers have told me they have just about researched wind to death.

I heard a speaker last year that said if we built windmills, the latest type of windmills, a mile wide from coast to coast, that would be 3,000 miles of windmills a mile wide. Now think of the imprint that makes on the landscape. Think of the environmental impact statement one would have to get to do that. We would produce 11 percent of our electricity.

Is it the answer to our future energy needs? No, I do not think wind will ever be. It is not dependable. So many parts of the country, one just cannot count on it. One cannot store it when one has it. It is not a resource that we can count on. So I think to pour a lot of money in wind is throwing the money to the wind from my point of view.

I do have to say that those who are suddenly trying to say the Republicans are the cause of high oil prices in this country, I was one a couple years ago that said $10 oil will destroy our country's ability to produce its own oil. In Pennsylvania, most of the producers have gone broke. In Texas and Oklahoma, many of the producers went broke.

Mr. Speaker, $10 oil destroyed our oil infrastructure; and because of that, one just cannot turn the spigot on. We have to find ways to get them the resources they need so they can rebuild, because a lot of them went broke with $10 oil: and the infrastructure is no longer in place. It is not a simple issue.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 32 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 2138

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 9 o'clock and 38 minutes p.m.

CONFERENCE REPORT ON H.R. 4475, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida submitted the following conference report on the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–940)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4475) "making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:*

Section 101. (a) The provisions of the following bill are hereby enacted into law, H.R. 5394 of the 106th Congress, as introduced on October 5, 2000.

(b) In publishing the Act in slip form and in the United States Statutes at Large pursuant to section 112, of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the bill referred to in subsection (a) of this section.

And the Senate agree to the same.

FRANK R. WOLF,
TOM DELAY,
RALPH REGULA,
HAROLD ROGERS,
RON PACKARD,
SONNY CALLAHAN,
TODD TIAHRT,
ROBERT B. ADERHOLT,
KAY GRANGER,
C.W. BILL YOUNG,
MARTIN OLAV SABO (except for provisions to withhold highway funds from states that do not adopt 0.08 blood alcohol concentration laws),
JOHN W. OLVER,
ED PASTOR,
CAROLYN C. KILPATRICK (except for provisions to withhold highway funds from states that do not adopt 0.08 blood alcohol concentration laws),
JOSÉ E. SERRANO,
MICHAEL P. FORBES,
DAVID R. OBEY *(with exception to denial of funds to states without 0.08 BAC),*
Managers on the Part of the House.

RICHARD C. SHELBY,
PETE V. DOMENICI, (except for WILSON BRIDGE),
ARLEN SPECTER,
CHRISTOPHER S. BOND,
SLADE GORTON,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
TED STEVENS,
FRANK R. LAUTENBERG,
ROBERT C. BYRD,
BARBARA A. MIKULSKI,
HARRY REID,
HERB KOHL,
PATTY MURRAY,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The mangers on the part of the House of Representatives and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, submit the following joint statement to the House of Representatives and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill.

The conference agreement would enact the provisions of H.R. 5394 as introduced on October 5, 2000. The text of that bill follows:

A BILL Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $63,245,000: Provided, That not more than 52 percent of the funds made available under this heading shall be obligated and not more than 224 full time equivalent staff years funded through the end of the second quarter of fiscal year 2001: Provided further, That funds in excess of 52 percent and 224 full time equivalent staff years shall be available only if the Secretary transmits a request to the House and Senate Committees on Appropriations for these additional funds: Provided further, That not to exceed $60,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That not more than $15,000 of the official reception and representation funds shall be available for obligation prior to January 20, 2001.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,140,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $11,000,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $126,887,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $1,500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $13,775,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, of which $2,635,000 shall remain available until September 30, 2002: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare, $3,192,000,000, of which $341,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated in this or any other Act shall be available for pay for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of the enactment of this Act.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $415,000,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $156,450,060 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2005; $37,650,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2003; $60,113,000 shall be available for other equipment, to remain available until September 30, 2003; $63,336,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2003; $55,151,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2002; and $42,300,000 for the Integrated Deepwater Systems program, to remain available until September 30, 2003: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and made available only for the National Distress and Response System Modernization program, to remain available for obligation until September 30, 2003: Provided further, That upon initial submission to the Congress of the fiscal year 2002 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2002 through 2006, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: Provided further, That the amount herein appropriated shall be reduced by $100,000 per day for each day after initial submission of the President's budget that the plan has not been submitted to the Congress: Provided further, That the Commandant shall transfer $5,800,000 to the City of Homer, Alaska, for the construction of a municipal pier and other harbor improvements, contingent upon the City of Homer entering into an agreement with the United States to accommodate Coast Guard vessels and to support Coast Guard operations at Homer, Alaska.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $16,700,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $15,500,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $778,000,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $80,375,000: Provided, That no more than $22,000,000 of funds made available under this heading may be transferred to Coast Guard "Operating expenses" or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: Provided further, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $21,320,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $6,544,235,000, of which $4,414,869,000 shall be derived from the Airport and Airway Trust Fund, of which $5,200,274,000 shall be available for air traffic services program activities; $694,979,000 shall be available for aviation regulation and certification program activities; $139,301,400 shall be *available for civil aviation security program activities; $189,988,000 shall be available for research and acquisition program activities; $12,000,000 shall be available for commercial space transportation program activities; $48,443,600 shall be available for Financial Services program activities; $54,864,000 shall be available for Human Resources program activities; $99,347,000 shall be available for Regional Coordination program activities; and $105,038,000 shall be available for Staff Offices program activities: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be for the contract tower cost-sharing program and not less than $750,000 shall be for the Centennial of Flight Commission: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than 5 years in length or greater than $100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Transportation Administrative Service Center.*

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,656,765,000, of which $2,334,112,400 shall remain available until September 30, 2003, and of which $322,652,600 shall remain available until September 30, 2001: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2002 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2002 through 2006, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: Provided further, That the amount herein appropriated shall be reduced by $100,000 per day for each day after initial submission of the President's budget that the plan has not been submitted to the Congress: Provided further, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a capital lease agreement unless appropriations have been provided to fully cover the Federal Government's contingent liabilities at the time the lease agreement is signed.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $187,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2003: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for administration of such programs; for administration of programs under section 40117; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,200,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,200,000,000 in fiscal year 2001, notwithstanding section 47117(h) of title 49, United States Code: Provided further, That notwithstanding any other provision of law, not more than $53,000,000 of funds limited under this heading shall be obligated for administration.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103, as amended, $579,000,000 are rescinded.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed $295,119,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided, That of the funds available under section 104(a) of title 23, United States Code: $4,000,000 shall be available for Commercial Remote Sensing Products and Spatial Information Technologies under section 5113 of Public Law 105–178, as amended; $10,000,000 shall be available for the National Historic Covered Bridge Preservation Program under section 1224 of Public Law 105–178, as amended; $5,000,000 shall be available for the construction and improvement of the Alabama State Docks, and shall remain available until expended; $10,000,000 shall be available to Auburn University for research activities at the Center for Transportation Technology and to construct a building to house the center, and shall remain available until expended; $7,500,000 shall be available for "Child Passenger Protection Education Grants" under section 2003(b) of Public Law 105–178, as amended; and $25,000,000 shall be available for the Transportation and Community and System Preservation Program under section 1221 of Public Law 105–178, as amended.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $29,661,806,000 for Federal-aid highways and highway safety construction programs for fiscal year 2001: Provided, That within the $29,661,806,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $437,250,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2001; not more than $25,000,000 shall be available for the implementation or execution of programs for the Magnetic Levitation Transportation Technology Deployment Program (section 1218 of Public Law 105–178) for fiscal year 2001, of which not to exceed $1,000,000 shall be available to the Federal Railroad Administration for administrative expenses and technical assistance in connection with such program, of which not to exceed $1,500,000 shall be available to the Federal Railroad Administration for "Safety and operations", and, notwithstanding section 1218(c)(4) of Public Law 105–178, of which $1,000,000 shall be available for low speed magnetic levitation research and development; not more than $31,000,000 shall be available for the implementation or execution of programs for the Bureau of Transportation Statistics (section 111 of title 49, United States Code) for fiscal year 2001: Provided further, That within the $218,000,000 obligation limitation on Intelligent Transportation Systems, the following sums *shall be made available for Intelligent Transportation System projects in the following specified areas:*

State of Alaska, $2,350,000;
Alameda-Contra Costa, California, $500,000;
Aquidneck Island, Rhode Island, $500,000;
Austin, Texas, $250,000;
Automated crash notification system, UAB, $1,000,000;
Baton Rouge, Louisiana, $1,000,000;
Bay County, Florida, $1,500,000;
Beaumont, Texas, $150,000;
Bellingham, Washington, $350,000;
Bloomington Township, Illinois, $400,000;
Calhoun County, Michigan, $750,000;
Carbondale, Pennsylvania, $2,000,000;
Cargo Mate, New Jersey, $750,000;
Charlotte, North Carolina, $625,000;
College Station, Texas, $1,800,000;
Commonwealth of Virginia, $5,500,000;
Corpus Christi, Texas (vehicle dispatching), $1,000,000;
Delaware River Port Authority, $1,250,000;
DuPage County, Illinois, $500,000;
Fargo, North Dakota, $1,000,000;
Fort Collins, Colorado, $1,250,000;
Hattiesburg, Mississippi, $500,000;
Huntington Beach, California, $1,250,000;
Huntsville, Alabama, $3,000,000;
I–70 West project, Colorado, $750,000;
Inglewood, California, $600,000;
Jackson, Mississippi, $1,000,000;
Jefferson County, Colorado, $4,250,000;
Johnsonburg, Pennsylvania, $1,500,000;
Kansas City, Missouri, $1,250,000;
Lake County, Illinois, $450,000;
Lewis & Clark Trail, Montana, $625,000;
Montgomery County, Pennsylvania, $2,000,000;
Moscow, Idaho, $875,000;
Muscle Shoals, Alabama, $1,000,000;
Nashville, Tennessee, $500,000;
New Jersey regional integration/TRANSCOM, $3,000,000;
North Central Pennsylvania, $750,000;
North Las Vegas, Nevada, $1,800,000;
Norwalk and Santa Fe Springs, California, $500,000;
Oakland and Wayne Counties, Michigan, $1,500,000;
Pennsylvania Turnpike Commission, $1,500,000;
Philadelphia, Pennsylvania, $500,000;
Puget Sound regional fare collection, Washington, $2,500,000;
Rensselaer County, New York, $500,000;
Rochester, New York, $1,500,000;
Sacramento County, California, $875,000;
Sacramento to Reno, I–80 corridor, $100,000;
Sacramento, California, $500,000;
Salt Lake City (Olympic Games), Utah, $1,000,000;
San Antonio, Texas, $100,000;
Santa Teresa, New Mexico, $500,000;
Schuylkill County, Pennsylvania, $400,000;
Seabrook, Texas, $1,200,000;
Shreveport, Louisiana, $1,000,000;
South Dakota commercial vehicle, ITS, $1,250,000;
Southeast Michigan, $500,000;
Southhaven, Mississippi, $150,000;
Spokane County, Washington, $1,000,000;
Springfield-Branson, Missouri, $750,000;
St. Louis, Missouri, $500,000;
State of Arizona, $1,000,000;
State of Connecticut, $3,000,000;
State of Delaware, $1,000,000;
State of Illinois, $1,000,000;
State of Indiana (SAFE–T), $1,000,000;
State of Iowa (traffic enforcement and transit), $2,750,000;
State of Kentucky, $1,500,000;
State of Maryland, $3,000,000;
State of Minnesota, $6,500,000;
State of Missouri (rural), $750,000;
State of Montana, $750,000;
State of Nebraska, $2,600,000;
State of New Mexico, $750,000;
State of North Carolina, $1,500,000;
State of North Dakota, $500,000;
State of Ohio, $2,000,000;
State of Oklahoma, $1,000,000;
State of Oregon, $750,000;
State of South Carolina statewide, $2,000,000;
State of Tennessee, $1,850,000;
State of Utah, $1,500,000;
State of Vermont, $500,000;
State of Wisconsin, $1,000,000;
Texas border phase I, Houston, Texas, $500,000;
Tuscaloosa, Alabama, $2,000,000;
Tuscon, Arizona, $1,250,000;
Vermont rural ITS, $1,500,000;
Washington, DC area, $1,250,000;
Washoe County, Nevada, $200,000;
Wayne County, Michigan, $5,000,000;
Williamson County/Round Rock, Texas, $250,000:

Provided further, That, notwithstanding Public Law 105–178, as amended, funds authorized under section 110 of title 23, United States Code, for fiscal year 2001 shall be apportioned based on each State's percentage share of funding provided for under section 105 of title 23, United States Code, for fiscal year 2001, except that before such apportionments are made, $156,486,491 shall be set aside for projects authorized under section 1602 of Public Law 105–178, as amended; $25,000,000 shall be set aside for the Indian Reservation Roads Program under section 204 of title 23, United States Code $18,467,857 shall be set aside for the Woodrow Wilson Memorial Bridge project authorized by section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995, as amended; $10,000,000 shall be set aside for the commercial driver's license program under motor carrier safety grants authorized by section 31102 of title 49, United States Code; and $1,735,039 shall be set aside for the Alaska Highway authorized by section 218 of title 23, United States Code. Of the funds to be apportioned under section 110 for fiscal year 2001, the Secretary shall ensure that such funds are apportioned for the Interstate Maintenance program, the National Highway system program, the bridge program, the surface transportation program, and the congestion mitigation and air quality program in the same ratio that each State is apportioned funds for such program in fiscal year 2001 but for this section: Provided, That, notwithstanding any other provision of law, of the funds apportioned to the State of Oklahoma under section 110 of title 23, United States Code, for fiscal year 2001, $8,000,000 shall be available only for the widening of US 177 from SH–33 to 32nd Street in Stillwater, Oklahoma; $4,300,000 shall be available only for the reconstruction of US 177 in the vicinity of Cimarron River, Oklahoma; $1,500,000 shall be available only for the reconstruction of US 70 from Broken Bow, Oklahoma to the Arkansas state line; $1,000,000 shall be available only to improve Battiest-Pickens Road between Battiest and Pickens, Oklahoma; $140,000 shall be available only to conduct a feasibility study of increasing lanes or adding passing lanes on SH 3 in McCurtain, Pushmataha and Atoka Counties, Oklahoma; and $100,000 shall be available only for the reconstruction of US 70 in Marshall and Bryan Counties, Oklahoma: Provided further, That, notwithstanding any other provision of law, of the funds apportioned to the State of Mississippi under section 110 of title 23, United States Code, for fiscal year 2001, $24,600,000 may be available for construction of an interchange for a connector road from the interchange to U.S. Highway 51, between mile markers 115 and 120 on I–55 in Mississippi: Provided further, That, notwithstanding any other provision of law, of the funds apportioned to the State of New York under section 110 of title 23, United States Code, for fiscal year 2001, $4,000,000 shall be available only to upgrade and improve the Albany North Creek intermodal transportation corridor: Provided further, That, notwithstanding any other provision of law, of the funds apportioned to the State of Nebraska under section 110 of title 23, United States Code, for fiscal year 2001, $3,500,000 shall be available only for the construction of a pedestrian overpass in Lincoln: Provided further, That, notwithstanding any other provision of law, of the funds apportioned to the State of Alabama under section 110 of title 23, United States Code, for fiscal year 2001, $8,000,000 shall be available only for construction of the Patton Island bridge in Lauderdale County, Alabama: Provided further, That, notwithstanding any other provision of law, of the funds apportioned to the State of California under section 110 of title 23, United States Code, for fiscal year 2001, $46,000,000 shall be available only for traffic mitigation and other improvements to existing SR710 in South Pasadena, Pasadena and El Serano: Provided further, That, notwithstanding any other provision of law, the obligation limitation distributed for specific projects described herein shall remain available until expended and shall be in addition to the amount of any obligation limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $28,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the Emergency Relief Program for emergency expenses resulting from floods and other natural disasters, as authorized by section 125 of title 23, United States Code, $720,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $720,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section 104(a) of title 23, United States Code, not to exceed $92,194,000 shall be paid in accordance with law from appropriations made available by this Act and from any available take-down balances to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier

Safety Administration: Provided, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration.

National Motor Carrier Safety Program

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, $177,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $177,000,000 for "Motor Carrier Safety Grants".

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Operations and Research

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $116,876,000 of which $85,321,000 shall remain available until September 30, 2003: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect: Provided further, That none of the funds appropriated in this Act may be obligated or expended to purchase a vehicle to conduct New Car Assessment Program crash testing at a price that exceeds the manufacturer's suggested retail price, unless the Secretary submits a request for a waiver that is approved by the House and Senate Committees on Appropriations: Provided further, That the Department of Transportation shall fund a study with the National Academy of Sciences on whether the static stability factor is a scientifically valid measurement that presents practical, useful information to the public including a comparison of the static stability factor test versus a test with rollover metrics based on dynamic driving conditions that may induce rollover events: Provided further, That nothing in this provision prohibits NHTSA from completing action on its proposal to provide rollover rating information to the public while the National Academy of Sciences conducts this study: Provided further, That to the extent NHTSA continues action on its rollover ratings proposal during the study, the agency shall consider any available preliminary deliberations or conclusions available from the National Academy of Sciences before completing action on its proposal, and shall consider coordinating any final action on its proposal with the completion of the National Academy of Sciences study: Provided further, That the National Academy of Sciences shall complete this study and issue a report to the House and Senate Committees on Appropriations not later than nine months after the date of enactment of this Act: Provided further, That after the National Academy of Sciences submits its findings to the Congress and the National Highway Traffic Safety Administration, the National Highway Traffic Safety Administration shall formally review and respond within thirty days to the study findings and propose any appropriate revisions to the consumer information program based on that review.

Operations and Research

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2001, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

National Driver Register

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000, to be derived from the Highway Trust Fund, and to remain available until expended.

Highway Traffic Safety Grants

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, $213,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2001, are in excess of $213,000,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which $155,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $13,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, $36,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410, and $9,000,000 shall be for the "State Highway Safety Data Grants" under 23 U.S.C. 411: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed $7,750,000 of the funds made available for section 402, not to exceed $650,000 of the funds made available for section 405, not to exceed $1,800,000 of the funds made available for section 410, and not to exceed $450,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: Provided further, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

Safety and Operations

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $101,717,000, of which $5,899,000 shall remain available until expended: Provided, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: Provided further, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

Railroad Research and Development

For necessary expenses for railroad research and development, $25,325,000, to remain available until expended.

Railroad Rehabilitation and Improvement Program

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2001.

Rhode Island Rail Development

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $17,000,000 to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended.

Next Generation High-Speed Rail

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $25,100,000, to remain available until expended.

Alaska Railroad Rehabilitation

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $20,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

West Virginia Rail Development

For capital costs associated with track, signal, and crossover rehabilitation and improvements on the MARC Brunswick line in West Virginia, $15,000,000, to remain available until expended.

Capital Grants to the National Railroad Passenger Corporation

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $521,476,000, to remain available until expended: Provided, That the Secretary shall not obligate more than $208,590,000 prior to September 30, 2001.

FEDERAL TRANSIT ADMINISTRATION

Administrative Expenses

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $12,800,000: Provided, That no more than $64,000,000 of budget authority shall be available for these purposes: Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $1,000,000 shall be transferred to the Department of Transportation's Office of Inspector General for costs associated with the audit and review of new fixed guideway systems: Provided further, That not to exceed $2,500,000 for the National Transit Database shall remain available until expended.

Formula Grants

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $669,000,000, to remain available until expended: Provided, That no more than $3,345,000,000 of budget authority shall be available for these purposes: Provided *further, That of the funds provided under this heading, $60,000,000 shall be available for grants for the costs of planning, delivery, and temporary use of transit vehicles for special transportation needs and construction of temporary transportation facilities for the XIX Winter Olympiad and the VIII Paralympiad for the Disabled, to be held in Salt Lake City, Utah: Provided further, That in allocating the funds designated in the preceding proviso, the Secretary shall make grants only to the Utah Department of Transportation, and such grants shall not be subject to any local share requirement or limitation on operating assistance under this Act or the Federal Transit Act, as amended: Provided further, That notwithstanding section 3008 of Public Law 105–178, the $50,000,000 to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under "Federal Transit Administration, Capital investment grants".*

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: Provided, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $22,200,000, to remain available until expended: Provided, That no more than $110,000,000 of budget authority shall be available for these purposes: Provided further, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), $52,113,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305), $10,886,400 is available for State planning (49 U.S.C. 5313(b)); and $29,500,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $5,016,600,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That $2,676,000,000 shall be paid to the Federal Transit Administration's formula grants account: Provided further, That $87,800,000 shall be paid to the Federal Transit Administration's transit planning and research account: Provided further, That $51,200,000 shall be paid to the Federal Transit Administration's administrative expenses account: Provided further, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: Provided further, That $80,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: Provided further, That $2,116,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $529,200,000, to remain available until expended: Provided, That no more than $2,646,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding any other provision of law, there shall be available for fixed guideway modernization, $1,058,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $529,200,000, together with $50,000,000 transferred from "Federal Transit Administration, formula grants"; and there shall be available for new fixed guideway systems $1,058,400,000, together with $4,983,828 made available for the Pittsburgh airport busway project under Public Law 105–66, together with $1,488,750 made available for the Burlington to Gloucester, New Jersey line under Public Law 103–331, together with $20,521,470 previously appropriated for the Orlando Lynx light rail project remaining unobligated as of or deobligated after September 30, 2000; to be available as follows:

$10,400,000 for Alaska or Hawaii ferry projects;

$500,000 for the Albuquerque/Greater Albuquerque mass transit project;

$25,000,000 for the Atlanta, Georgia, North line extension project;

$1,000,000 for the Austin, Texas, capital metro light rail project;

$3,000,000 for the Baltimore central LRT double track project;

$5,000,000 for the Birmingham, Alabama, transit corridor;

$25,000,000 for the Boston South Boston Piers transitway project;

$1,000,000 for the Boston Urban Ring project;

$2,000,000 for the Burlington-Bennington (ABRB), Vermont, commuter rail project;

$1,000,000 for the Calais, Maine, branch line regional transit program;

$2,000,000 for the Canton-Akron-Cleveland commuter rail project;

$3,000,000 for the Central Florida commuter rail project;

$5,000,000 for the Charlotte, North Carolina, north-south corridor transitway projects;

$35,000,000 for the Chicago METRA commuter rail projects;

$15,000,000 for the Chicago Ravenswood and Douglas branch reconstruction projects;

$1,500,000 for the Clark County, Nevada, RTC fixed guideway project;

$4,000,000 for the Cleveland Euclid corridor improvement project;

$1,000,000 for the Colorado Roaring Fork Valley project;

$70,000,000 for the Dallas north central light rail extension project;

$3,000,000 for the Denver Southeast corridor project;

$20,200,000 for the Denver Southwest corridor project;

$500,000 for the Detroit, Michigan, metropolitan airport light rail project;

$50,000,000 for the Dulles corridor project;

$15,000,000 for the Fort Lauderdale, Florida, Tri-County commuter rail project;

$1,000,000 for the Galveston, Texas, rail trolley extension project;

$15,000,000 for the Girdwood to Wasilla, Alaska, commuter rail project;

$500,000 for the Harrisburg-Lancaster capital area transit corridor 1 commuter rail project;

$1,000,000 for the Hollister/Gilroy branch line rail extension project;

$2,500,000 for Honolulu, Hawaii, bus rapid transit project;

$2,500,000 for the Houston advanced transit project;

$10,750,000 for the Houston regional bus project;

$3,000,000 for the Indianapolis, Indiana, northeast-downtown corridor project;

$1,000,000 for the Johnson County, Kansas, I-35 commuter rail project;

$3,500,000 for Kansas City, Missouri, Southtown corridor project;

$4,000,000 for the Kenosha-Racine-Milwaukee rail extension project;

$3,000,000 for the Little Rock, Arkansas, river rail project;

$8,000,000 for the Long Island Railroad East Side access project;

$2,000,000 for the Los Angeles Mid-City and East Side corridors projects;

$50,000,000 for the Los Angeles North Hollywood extension project;

$3,000,000 for the Los Angeles-San Diego LOSSAN corridor project;

$2,000,000 for the Lowell, Massachusetts-Nashua, New Hampshire commuter rail project;

$10,000,000 for the MARC expansion projects—Penn-Camden lines connector and midday storage facility;

$1,000,000 for the Massachusetts North Shore corridor project;

$6,000,000 for the Memphis, Tennessee, medical center rail extension project;

$6,000,000 for the Nashville, Tennessee, regional commuter rail project;

$121,000,000 for the New Jersey Hudson Bergen project;

$7,000,000 for the Newark-Elizabeth rail link project;

$2,000,000 for the Northern Indiana south shore commuter rail project;

$1,000,000 for the Northwest New Jersey-Northeast Pennsylvania passenger rail project;

$10,000,000 for the Oceanside-Escondido, California, light rail extension project;

$2,000,000 for the Orange County, California, transitway project;

$10,000,000 for the Philadelphia-Reading SETPA Schuylkill Valley metro project;

$2,000,000 for the Philadelphia SEPTA Cross County metro project;

$10,000,000 for the Phoenix metropolitan area transit project;

$5,000,000 for the Pittsburgh North Shore-central business district corridor project;

$12,000,000 for the Pittsburgh stage II light rail project;

$7,500,000 for the Portland-Interstate MAX LRT extension project;

$2,000,000 for the Portland, Maine, marine highway program;

$5,000,000 for the Puget Sound RTA Sounder commuter rail project;

$10,000,000 for the Raleigh-Durham-Chapel Hill Triangle transit project;

$500,000 for the Rhode Island-Pawtucket and T.F. Green commuter rail and maintenance facility;

$35,200,000 for the Sacramento, California, south corridor LRT project;

$2,000,000 for the Salt Lake City-University light rail line project;

$1,000,000 for the San Bernardino, California, Metrolink project;

$31,500,000 for the San Diego Mission Valley East light rail project;

$80,000,000 for the San Francisco BART extension to the airport project;

$12,250,000 for the San Jose Tasman West light rail project;

$75,000,000 for the San Juan Tren Urbano project;

$1,500,000 for the Santa Fe-Eldorado, New Mexico, rail link project;

$50,000,000 for the Seattle, Washington, central link LRT project;

$4,000,000 for the Spokane, Washington, South Valley corridor light rail project;

$1,000,000 for the St. Louis, Missouri, MetroLink Cross County connector project;

$60,000,000 for the St. Louis-St. Clair MetroLink extension project;

$8,000,000 for the Stamford, Connecticut, fixed guideway corridor;

$6,000,000 for the Stockton, California, Altamont commuter rail project;

$5,000,000 for the Twin Cities Transitways projects;

$50,000,000 for the Twin Cities Transitways—Hiawatha corridor project;

$3,000,000 for the Virginia Railway Express commuter rail project;

$7,500,000 for the Washington Metro-Blue Line extension-Addison Road (Largo) project;

$2,000,000 for the West Trenton, New Jersey, rail project;

$2,500,000 for the Whitehall and St. George ferry terminal projects;

$5,000,000 for the Wilmington, Delaware, downtown transit corridor project; and

$1,000,000 for the Wilsonville to Washington County, Oregon, commuter rail project:

Provided further, That any funds previously appropriated for the Miami-Dade Transit east-west multimodal corridor project and the Miami Metro-Dade North 27th Avenue corridor project remaining unobligated as of or deobligated after September 30, 2000, are to be made available for the South Miami-Dade Busway Extension project: Provided further, That funds made available under the heading "Capital investment grants" in Division A, Section 101(g) of Public Law 105–277 for the "Colorado-North Front Range corridor feasibility study" are to be made available for "Colorado-Eagle Airport to Avon light rail system feasibility study"; and that funds made available in Public Law 106–69 under "Capital investment grants" for buses and bus-related facilities that were designated for projects numbered 14 and 20 shall be made available to the State of Alabama for buses and bus-related facilities.

Discretionary Grants

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), $350,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

Job Access and Reverse Commute Grants

Notwithstanding section 3037(l)(3) of Public Law 105–178, as amended, for necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $20,000,000, to remain available until expended: Provided, That no more than $100,000,000 of budget authority shall be available for these purposes: Provided further, That up to $250,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Saint Lawrence Seaway Development Corporation

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

Operations and Maintenance

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $13,004,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

Research and Special Programs

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $36,373,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $4,707,000 shall remain available until September 30, 2003: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

Pipeline Safety

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $47,044,000, of which $7,488,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2003; of which $36,556,000 shall be derived from the Pipeline Safety Fund, of which $23,837,000 shall remain available until September 30, 2003; and of which $3,000,000 shall be derived from amounts previously collected under 49 U.S.C. 60301: Provided, That amounts previously collected under 49 U.S.C. 60301 shall be available for damage prevention grants to States.

Emergency Preparedness Grants

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2003: Provided, That not more than $14,300,000 shall be made available for obligation in fiscal year 2001 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): Provided further, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

Salaries and Expenses

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $48,450,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

Salaries and Expenses

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $17,954,000: Provided, That notwithstanding any other provision of law, not to exceed $900,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2001, to result in a final appropriation from the general fund estimated at no more than $17,054,000.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Salaries and Expenses

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $4,795,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

Salaries and Expenses

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $62,942,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

TITLE III—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Hereafter, funds appropriated under this or any other Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

Sec. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

Sec. 305. None of the funds in this Act shall be available for salaries and expenses of more than 104 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision or political and Presidential appointees in an independent agency funded in this Act may be assigned on temporary detail outside the Department of Transportation or such independent agency.

Sec. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

Sec. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

Sec. 308. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 309. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provide in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) 18 U.S.C. 2725 is amended by:

In paragraph (2) striking the word "and"; and inserting after paragraph 3:

"(4) 'highly restricted personal information' means an individual's photograph or image, social security number, medical or disability information; and

"(5) 'express consent' means consent in writing, including consent conveyed electronically that bears an electronic signature as defined in section 106(5) of Public Law 106–229."

(c) 18 U.S.C. 2721(a) is amended to read as follows:

"(a) In General.—A State department of motor vehicles, and any officer, employee, or contractor thereof, shall not knowingly disclose or otherwise make available to any person or entity:

"(1) personal information, as defined in 18 U.S.C. 2725(3), about any individual obtained by the department in connection with a motor vehicle record, except as provided in subsection (b) of this section; or

"(2) highly restricted personal information, as defined in 18 U.S.C. 2725(4), about any individual obtained by the department in connection with a motor vehicle record, without the express consent of the person to whom such information applies, except uses permitted in subsections (b)(1), (b)(4), (b)(6), and (b)(9): Provided, That subsection (a)(2) shall not in any way affect the use of organ donation information on an individual's driver's license or affect the administration of organ donation initiatives in the States."

(d) 18 U.S.C. 2721(b) is amended by inserting before "may be disclosed" ", subject to subsection (a)(2),".

(e) 18 U.S.C. 2721 is amended by inserting after subsection (d):

"(e) Prohibition on Conditions.—No State may condition or burden in any way the issuance of an individual's motor vehicle record as defined in 18 U.S.C. 2725(1) to obtain express consent. Nothing in this paragraph shall be construed to prohibit a State from charging an administrative fee for issuance of a motor vehicle record."

(f) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

Sec. 310. (a) For fiscal year 2001, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, and paragraph (7) of this section, for the highway use tax evasion program, and amounts provided under section 110 of title 23, United States Code, excluding $128,752,000 pursuant to subsection (e) of section 110 of title 23, as amended, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) of section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year;

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year; and

(7) Notwithstanding any other provision of law, after determining the amount of funds to be allocated to the surface transportation program, to the bridge program, to the congestion mitigation and air quality improvement program, and to the Interstate and National Highway System program, under section 110 of title 23, United States Code, deduct a sum, in an amount not to exceed 1⅙ percent of the sum made available to each program, to administer the provisions of law to be financed from appropriations for the Federal-aid highways program.

(b) Exceptions From Obligation Limitation.—The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).

(c) Redistribution of Unused Obligation Authority.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(d) Applicability of Obligation Limitations to Transportation Research Programs.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) Redistribution of Certain Authorized Funds.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States,

and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any 1 year of the contract; (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: Provided, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2003, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 317. Notwithstanding any other provision of law, any funds appropriated before October 1, 2000, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 318. None of the funds in this Act may be used to compensate in excess of 335 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2001.

SEC. 319. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 320. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901 et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to the enactment of this section.

SEC. 321. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than $3,000,000 of the funds made available to Hawaii pursuant to 49 U.S.C. 5309(c)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry routes.

SEC. 322. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 323. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 324. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: Provided, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this' Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 325. (a) IN GENERAL.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 326. In addition to the funds limited in this Act, $54,963,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), shall be available for section 1069(y) of Public Law 102–240.

SEC. 327. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2001.

SEC. 328. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 329. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $750,000, to remain available until September 30, 2002: Provided, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105–134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings developed by Amtrak which incorporate information on each route's fully allocated costs and ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that Federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: Provided further, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105–134.

SEC. 330. Item number 1473 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 311) is amended by striking "Stony" and inserting "Commerce".

SEC. 331. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 332. Of the funds provided for fiscal year 2001 in section 232 of the Miscellaneous Appropriations Act, 2000, as enacted by section 1000(a)(5) of the Consolidated Appropriations Act, 2000, $20,000,000 shall be available only for fire and life safety improvements to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center.

SEC. 333. None of the funds in this Act shall be available for planning, design, or construction of a light rail system in Houston, Texas.

SEC. 334. Section 3030(b) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by adding at the end the following:

"(72) Wilmington Downtown transit corridor.

"(73) Honolulu Bus Rapid Transit project.".

SEC. 335. None of the funds appropriated or made available by this Act or any other Act shall be used (1) to adopt any proposed rule or proposed amendment to a rule contained in the Notice of Proposed Rulemaking issued on April 24, 2000 (Docket No. FMCSA–97–2350–953), (2) to adopt any rule or amendment to a rule similar in substance to a proposed rule or proposed amendment to a rule contained in such Notice, or (3) if any such proposed rule or proposed amendment to a rule has been adopted prior to enactment of this section, to enforce such rule or amendment to a rule: Provided, That nothing in this section shall apply to issuing and proceeding, through all stages of rulemaking other than adoption of a final rule, under subchapter II of chapter 5 of title 5, United States Code on a supplemental notice of proposed rulemaking to be issued in Docket No. FMCSA–97–2350–953 that contains proposed rules and proposed amendments to rules that take appropriate account of the information received for filing in the docket on the Notice of Proposed Rulemaking (Docket No. FMCSA–97–2350–953).

SEC. 336. Section 3038(e) of Public Law 105–178 is amended by striking "50" and inserting "90".

SEC. 337. Item number 273 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by striking "Reconstruct I–235 and improve the interchange for access to the MLKing Parkway." and inserting "Construction of the north-south segments of the Martin Luther King Jr. Parkway in Des Moines.".

SEC. 338. Item number 328 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by inserting before "of" the following: "or construction".

SEC. 339. Section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 256) is amended—

(1) by striking item number 63, relating to Ohio; and

(2) in item number 186, relating to Ohio, by striking "3.75" and inserting "7.5".

SEC. 340. (a) Of the funds apportioned to the Commonwealth of Massachusetts under each of subsections (b)(1), (b)(2), (b)(3), and (b)(4) of section 104 and section 105 of title 23, United States Code, the Secretary shall withhold obligation of Federal funds and all project approvals for the Central Artery/Tunnel project in fiscal year 2001 and each fiscal year thereafter unless the Secretary of the Department of Transportation determines that the Commonwealth meets each of the following criteria:

(1) The Commonwealth is in full compliance with the partnership agreement that was executed on June 22, 2000, between the Federal Highway Administration, the Massachusetts Turnpike Authority, the Massachusetts Highway Department, and the Massachusetts Executive Office of Transportation and Construction.

(2) The Commonwealth is in full compliance with the balanced statewide program memorandum of understanding entered into by the Massachusetts Highway Department, the Executive Office of Transportation and Construction, and metropolitan planning organizations in the Commonwealth of Massachusetts.

(3) The Commonwealth of Massachusetts shall spend no less than $400,000,000 each year for construction activities and specific transportation projects as defined in the Balanced Statewide Program Memorandum of Understanding on projects other than the Central Artery/Tunnel project.

(b) After June 22, 2000, the Secretary of Transportation shall not approve new net advance construction for the Central Artery/Tunnel project in an amount greater than $222,000,000 and no conversion of advance construction to obligation authority shall cause the Federal share of funding for the Central Artery/Tunnel project to exceed $8,549,000,000.

(c) Of the funds apportioned to the Commonwealth of Massachusetts under each of subsections (b)(1), (b)(2), (b)(3), and (b)(4) of section 104 and section 105 of title 23, United States Code, the Secretary shall withhold obligation of Federal funds and all project approvals for the Central Artery/Tunnel project in fiscal year 2001 and each fiscal year thereafter until the Inspector General of the Department of Transportation finds the annual update of the Central Artery/Tunnel project finance plan consistent with Federal Highway Administration financial plan guidance and the Secretary of the Department of Transportation approves the annual update of the finance plan, except for fiscal year 2001 when approval of the annual update of the finance plan will not be required until December 1, 2000.

(d) Total Federal contributions to the Central Artery/Tunnel project shall not exceed $8,549,000,000.

(e) Should the Secretary withhold Federal funds apportioned to the Commonwealth of Massachusetts under subsections (b)(1), (b)(2), (b)(3), and (b)(4) of section 104 and section 105 of title 23, United States Code, for the Central Artery/Tunnel project in any fiscal year for noncompliance with this section, such funds shall be available to the Commonwealth of Massachusetts for projects other than the Central Artery/Tunnel project in that fiscal year.

(f) This section shall be in effect for each fiscal year in which any Federal funds are made available to construct the Central Artery/Tunnel project in Boston, Massachusetts.

(g) Notwithstanding the foregoing provisions of this section to the contrary, the Secretary is authorized to approve conversion of advance construction to obligation authority and otherwise make Federal funds available to the Commonwealth of Massachusetts without regard to the requirement of the section, other than subsection (d), if and only if to the extent necessary, as evidenced by a certificate of the Secretary of Administration and Finance of the Commonwealth of Massachusetts satisfactory to the Secretary, to enable the Commonwealth of Massachusetts to pay all or any portion of the principal amount of notes issued by the Commonwealth of Massachusetts pursuant to section 9 through 10D of chapter 11 of the Massachusetts acts of 1997, as amended, to finance costs of the Central Artery/Tunnel project in anticipation of the receipts of Federal funds: Provided, That no funds derived from the sale of grant anticipation notes shall be used to exceed the caps described in subsections (b) and (d).

SEC. 341. Section 3027(c)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 112 Stat. 2681–477), relating to services for elderly and persons with disabilities, is amended by striking "$1,000,000" and inserting "$1,444,000".

SEC. 342. Notwithstanding any other provision of law, unobligated balances from section 149(a)(45) and section 149(a)(63) of Public Law 100–17 and the Ebensburg Bypass Demonstration Project of Public Law 101–164 may be used for improvements along Route 56 in Cambria County, Pennsylvania, including the construction of a parking facility in the vicinity.

SEC. 343. None of the funds in this Act shall be used for the planning, development, or construction of California State Route 710 freeway extension project through South Pasadena, California.

SEC. 344. None of the funds made available in this Act may be used for engineering work related to an additional runway at New Orleans International Airport.

SEC. 345. Notwithstanding any other provision of law, up to $800,000 of unobligated balances from capital investment grants available for Fayette County, Pennsylvania intermodal facilities and buses in the Department of Transportation and Related Agencies Appropriations Act, 1999 (Public Law 105–277) and the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106–69) may be made available for an intermodal parking facility in Cambria County, Pennsylvania.

SEC. 346. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 347. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Department of Transportation and Related Agencies that assumes revenues or reflects reductions from the previous year due to user fee proposals that have not been enacted into law prior to the submission of the budget *unless such budget submission identifies which additional spending reductions should occur in the event the user fee proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2002 appropriations Act.*

SEC. 348. In addition to the authority provided in section 636 of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as included in Public Law 104–208, title I, section 101(f), as amended, beginning in fiscal year 2001 and thereafter, amounts appropriated for salaries and expenses for the Department of Transportation may be used to reimburse an employee whose position is that of safety inspector for not to exceed one-half the costs incurred by such employee for professional liability insurance. Any payment under this section shall be contingent upon the submission of such information or documentation as the Department may require.

SEC. 349. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation or weather reporting. The prohibition of funds in this section does not apply to negotiations between the Agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 350. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard "Acquisition, construction, and improvements" shall be available after the fifteenth day of any quarter of any fiscal year beginning after December 31, 2000, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Committees on Appropriations on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: Provided, That such reports shall include an acquisition schedule, estimated current and year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: Provided further, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: Provided further, That such reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: Provided further, That all information submitted in such reports shall be current as of the last day of the preceding quarter.

SEC. 351. Notwithstanding any other provision of law, beginning in fiscal year 2004, the Secretary shall withhold 2 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State has not enacted and is not enforcing a provision described in section 163(a) of chapter 1 of title 23, United States Code; in fiscal year 2005, the Secretary shall withhold 4 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State has not enacted and is not enforcing a provision described in section 163(a) of title 23, United States Code; in fiscal year 2006, the Secretary shall withhold 6 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State has not enacted and is not enforcing a provision described in section 163(a) of title 23, United States Code; and beginning in fiscal year 2007 and in each fiscal year thereafter, the Secretary shall withhold 8 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State has not enacted and is not enforcing a provision described in section 163(a) of title 23, United States Code. If within four years from the date that the apportionment for any State is reduced in accordance with this section the Secretary determines that such State has enacted and is enforcing a provision described in section 163(a) of chapter 1 of title 23, United States Code, the apportionment of such State shall be increased by an amount equal to such reduction. If at the end of such four-year period, any State has not enacted and is not enforcing a provision described in section 163(a) of title 23, United States Code, any amounts so withheld shall lapse.

SEC. 352. (a) IN GENERAL.—Notwithstanding any other provision of law, including the Surplus Property Act of 1944 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.), the Secretary of Transportation (or the appropriate Federal officer) may waive, without charge, any of the terms contained in any deed of conveyance described in subsection (b) that restrict the use of any land described in such a deed that, as of the date of enactment of this Act, is not being used for the operation of an airport or for air traffic. A waiver made under the preceding sentence shall be deemed to be consistent with the requirements of section 47153 of title 49, United States Code.

(b) DEED OF CONVEYANCE.—A deed of conveyance referred to in subsection (a) is a deed of conveyance issued by the United States before the date of enactment of this Act for the conveyance of lands to a public institution of higher education in Oklahoma.

(c) USE OF LANDS SUBJECT TO WAIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the lands subject to a waiver under subsection (a) shall not be subject to any term, condition, reservation, or restriction that would otherwise apply to that land as a result of the conveyance of that land by the United States to the institution of higher education.

(2) USE OF LANDS.—An institution of higher education that is issued a waiver under subsection (a) may use revenues derived from the use, operation, or disposal of that land only for weather-related and educational purposes that include benefits for aviation.

(d) GRANTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if an institution of higher education that is subject to a waiver under subsection (a) received financial assistance in the form of a grant from the Federal Aviation Administration or a predecessor agency before the date of enactment of this Act, then the Secretary of Transportation may waive the repayment of the outstanding amount of any grant that the institution of higher education would otherwise be required to pay.

(2) ELIGIBILITY TO RECEIVE SUBSEQUENT GRANTS.—Nothing in paragraph (1) shall affect the eligibility of an institution of higher education that is subject to that paragraph from receiving grants from the Secretary of Transportation under chapter 471 of title 49, United States Code, or under any other provision of law relating to financial assistance provided through the Federal Aviation Administration.

SEC. 353. The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1006 (112 Stat. 294) by striking "Extend NW 86th Street from NW 70th Street" and inserting "Construct a road from State Highway 141".

SEC. 354. For the purpose of constructing an underpass to improve access and enhance highway/rail safety and economic development along Star Landing Road in DeSoto County, Mississippi, the State of Mississippi may use funds previously allocated to it under the transportation enhancements program, if available.

SEC. 355. Section 1214 of Public Law 105–178, as amended, is further amended by adding a new subsection to read as follows:

"(s) Notwithstanding section 117 (c) of title 23, United States Code, for project number 1646 in section 1602 of Public Law 105–178, the non-Federal share of the project may be funded by Federal funds from an agency or agencies not part of the United States Department of Transportation.".

SEC. 356. Hereafter, the New Jersey Transit commuter rail station to be located at the intersection of the Main/Bergen line and the Northeast Corridor line in the State of New Jersey shall be known and designated as the "Frank R. Lautenberg Station": Provided, That the Secretary of Transportation shall ensure that any and all applicable reference in law, map, regulation, documentation, and all appropriate signage shall make reference to the "Frank R. Lautenberg Station".

SEC. 357. None of the funds in this Act may be available for the planning, development or construction of a multi-lane, limited access expressway at section 800, Pennsylvania Route 202 in Bucks County, Pennsylvania.

SEC. 358. Item 131 in the table under "Federal Transit Administration, Capital investment grants" in Public Law 106–69 is amended by adding after "buses" the following: ", bus-related equipment and bus facilities".

SEC. 359. Each executive agency shall establish a policy under which eligible employees of the agency may participate in telecommuting to the maximum extent possible without diminished employee performance. Not later than 6 months after the date of the enactment of this Act, the Director of the Office of Personnel Management shall provide that the requirements of this section are applied to 25 percent of the Federal workforce, and to an additional 25 percent of such workforce each year thereafter.

SEC. 360. Notwithstanding any other provision of law, new fixed guideway system funds available for the Jackson, Mississippi, Intermodal Corridor in the Department of Transportation and Related Agencies Appropriations Act, 1998, Public Law 105–66, may be made available for obligation during this fiscal year for studies to evaluate and define transportation alternatives for this project, including an intermodal facility at Jackson International Airport, and for related preliminary engineering, final design or construction.

SEC. 361. Notwithstanding any other provision of law, up to $499,000 of the funds made available in item 760 of section 1602 of the Transportation Equity Act for the 21st Century shall be available for corridor planning studies between western Baldwin County and Mobile Municipal Airport.

SEC. 362. Item number 78 in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) is amended by inserting "Akron Innerbelt (State Route 59) corridor, Broadway viaduct replacement, and High Street viaduct replacement," after "extension,".

SEC. 363. Section 117(c) of title 23, United States Code, is amended by inserting before the period at the end of the following: "; except that *the Federal share on account of the project to be carried out under item 1419 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 309), relating to reconstruction of a road and causeway in Shiloh Military Park in Hardin County, Tennessee, shall be 100 percent of the total cost thereof".*

SEC. 364. Section 30118 of title 49, United States Code, is amended—

(1) in subsections (a), (b)(1), and (c), by inserting ", original equipment," before "or replacement equipment" each place it appears; and

(2) in subsection (c)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(B) by striking "A manufacturer" and inserting the following: "(1) IN GENERAL.—A manufacturer"; and

(C) by adding at the end the following:

"(2) DUTY OF MANUFACTURERS.—For the purposes of paragraph (1), a manufacturer of a motor vehicle, original equipment, or replacement equipment shall have a duty to review and consider information, including information received from any foreign source, to learn whether the vehicle or equipment contains a defect or does not comply with an applicable motor vehicle safety standard.".

SEC. 365. Funds appropriated to the Federal Transit Administration under the heading "Transit planning and research" for international activities in Public Law 106–69 shall be transferred to and administered by the Agency for International Development for transportation needs in the frontline states to the Kosovo conflict, as determined to be appropriate by the Administrator of the Agency for International Development.

SEC. 366. Under the heading "Discretionary Grants" in Public Law 105–66, "$4,000,000 for the Salt Lake City regional commuter system project;" is amended to read "$4,000,000 for the transit and other transportation-related portions of the Salt Lake City regional commuter system and Gateway intermodal terminal;".

SEC. 367. Of the amounts to be made available in fiscal year 2001 under section 1404 (safety incentives to prevent operation of motor vehicles by intoxicated persons) of Public Law 105–178, $2,492,121 shall be made available to the Commonwealth of Kentucky for adopting a 0.08 blood alcohol content standard. Thereafter the remaining funds shall be distributed by formula to the eligible states, including Kentucky.

SEC. 368. Notwithstanding any other provision of law, the Secretary of Transportation shall waive repayment of any Federal-aid highway funds expended by the City of Spokane, Washington on the Lincoln Street Bridge Project.

SEC. 369. Items 218 and 219 in the table under "Federal Transit Administration, Capital investment grants" in Division A, section 101(g) of Public Law 105–277 and items 222 and 223 in the table under "Federal Transit Administration, Capital investment grants" in Public Law 106–69 are amended by inserting "and bus and bus facilities" at the end of each item.

SEC. 370. Item number 6 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by inserting after "Kaysville", "and within the amount provided, $2,000,000 for repair and reconstruction of the North Ogden Divide Highway".

SEC. 371. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation. Any State that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages.

SEC. 372. Notwithstanding section 402 of the Department of Transportation and Related Agencies Appropriations Act, 1982 (49 U.S.C. 10903 nt), Mohall Railroad, Inc. may abandon track from milepost 5.25 near Granville, North Dakota, to milepost 35.0 at Lansford, North Dakota, and the track so abandoned shall not be counted against the 350 mile limitation contained in that section.

SEC. 373. Item number 163 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by inserting before the numeral "which includes the study, design, and construction related to local street improvements needed to complement the extension of Kapkowski Road".

SEC. 374. Item number 331 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 269) is amended by striking "highway access" and inserting "highway and freight rail access".

SEC. 375. For capital costs associated with track relocation, track construction and rehabilitation, highway-rail separation construction activities including right-of-way acquisition and utility relocation, and signal improvements in Muscle Shoals, Tuscumbia, and Sheffield, Alabama, $5,000,000 to the Alabama Department of Transportation, to remain available until expended: Provided, That obligation of federal funds is contingent upon a match of no less than 75 percent from non-federal sources.

SEC. 376. For capital costs associated with track acquisition and rehabilitation between Strasburg Junction and Shenandoah Caverns, Virginia, $1,000,000 to Valley Trains and Tours, to remain available until expended: Provided, That the obligation of federal funds is contingent upon an agreement with Norfolk Southern Corporation on track usage and financial support by the Commonwealth of Virginia.

SEC. 377. Item 1135 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 298) is amended by striking "Replace Barton Road/M 14 interchange, Ann Arbor" and inserting "Conduct a study of all possible alternatives to the current M–14/Barton Drive interchange in Ann Arbor, including relocation of M–14/U.S. 23 from Maple Road to Plymouth Road, mass transit options, and other means of reducing commuter traffic and improving highway safety".

SEC. 378. Notwithstanding any other provision of law, in addition to amounts made available in this Act or any other Act, the following sums shall be made available from the Highway Trust Fund (other than the Mass Transit Account): $50,000,000 for the intelligent transportation infrastructure program as authorized by section 5117(b)(3) of Public Law 105–178; $8,500,000 for construction of, and improvements to, 17th Avenue and 23rd Avenue highway ramps in Denver, Colorado; $1,000,000 for engineering, construction of, and improvements to, the Cascade Gateway Border Project in Whatcom County, Washington; $100,000,000 for construction of, and improvements to, Corridor D on the Appalachian development highway system in the State of West Virginia; $1,500,000 for construction of, and improvements to, the Alameda Corridor-East Gateway to American Trade corridor project, California; $4,000,000 for construction of, and improvements to, Avenue G viaduct and connector roads in Council Bluffs, Iowa; $34,100,000 for design and construction of the Birmingham, Alabama Northern Beltline; $13,500,000 for construction of, and improvements to, US 231 from Bowling Green to Scottsville, Kentucky; $150,000 for improvements to the Broad Street and Wyckoff Road intersection, including traffic light upgrades, in the Borough of Eatontown, New Jersey; $12,000,000 for construction of road expansion and improvements to, the Broad Street Parkway in Nashua, New Hampshire; $10,000,000 to construct interchanges US 281 at FM 2812, FM 162, FM 490, SP 122, and SH 186 in Texas; $12,500,000 to construct interchanges US 77 at Business 77 North, FM 3186, FM 490, SP 122, and SP 413 in Texas; $30,000,000 for construction of, and improvements to, the Cooper River Bridge in South Carolina; $100,000,000 for construction of, and improvements to, Corridor X on the Appalachian development highway system in the State of Alabama; $4,000,000 for construction, including related activities, of an interchange at County Highway J and US 10 and to upgrade a segment of US 10 to a four-lane highway in Portage County, Wisconsin; $5,000,000 for construction, including related activities, of the Craig Road overpass between I–15 and Lossee Road in the City of North Las Vegas, Nevada; $30,200,000 for construction of, and improvements to, bridges and other projects on the Dalton Highway, Alaska; $3,200,000 for improvements to Dayton Road in Ames, Iowa; $15,000,000 for construction of, and improvements to, the Detroit, Michigan Ambassador Bridge Gateway project; $24,000,000 for construction of, and improvements to, FAST Corridor in Washington; $10,000,000 for construction of, and improvements to, the Fort Washington Way reconfiguration project, Cincinnati, Ohio; $35,000,000 for construction of, and improvement to, the Four Bears Bridge in North Dakota; $50,000,000 for construction of, and improvements to, the Glenn Highway/George Parks Highway interchange in Alaska; $8,000,000 for preliminary design of the Interstate Route 69 Great River Bridge crossing the Mississippi at Bolivar County, Mississippi; $8,000,000 for reconstruction of, and other improvements to, Halls Mill Road in Freehold Township and Monmouth County, New Jersey; $4,500,000 for construction of, and improvements to, Hamakua-Hilo corridor road and bridge projects, Hawaii; $35,000,000 for construction, including related activities, of an extension of Highway 180 from the City of Mendota to I–5 in Fresno County, California; $10,000,000 to upgrade Highway 36 in Marion County, Missouri, to four-land divided highway; $9,750,000 for widening, relocation of, and other improvements to South Carolina Highway 5, including the removal and relocation of municipal utilities, between Interstate 85 in Cherokee County, South Carolina and Interstate 77 in York County, South Carolina; $10,000,000 for upgrading Highway 60 in Shannon and Carter counties, Missouri, to four-lane divided highway; $6,400,000 for Hoeven Valley corridor, Sioux City, road, intersection, and rail crossing improvements, in Iowa; $20,000,000 for environmental work, design, and construction of the Hoover Dam bypass four-lane bridge; $13,500,000 for construction of, and improvements to, I–15 between milepost 0 and milepost 16, from the Utah border to Deep Creek, Idaho; $10,000,000 for construction of, and improvements to, the I–15 Southbound project, Nevada; $10,000,000 for construction of, and improvements to, I–195 in Rhode Island; $6,400,000 for municipality relocation costs for I–235 in Polk County, Iowa; $12,000,000 for environmental work, preliminary survey and design, and reconstruction of I–35 from Des Moines to Ankeny, Iowa, $36,000,000 for construction, including related activities, of the I–39/US 51/SH 29 corridor (Wausau Beltline) in and around Wausau, Wisconsin; $94,000,000 for construction of, and improvements to, I–49 in the State of Arkansas; $18,400,000 for environmental work, preliminary survey and design of I–69 in Tennessee;; $10,000,000 for construction of, and improvements to, the I–80/US 395 interchange in

Reno, Nevada; $2,800,000 for border crossing improvements on I–87, in New York; $8,000,000 for construction of, and improvements to, the I–95 to Transitway access project in Stamford, Connecticut; $4,000,000 for construction of, and improvements to, U.S. Department of Transportation structure numbered 289–961–H at FAS Route 37 in Illinois; $250,000 for improvements at the Rosedal Road and Provinceline Road intersection in the Township of Princeton, New Jersey; $1,200,000 for improvements to County Route 605 in Delaware Township and West Amwell Township, Hunterdon County, New Jersey; $2,500,000 for improvements to the Route 9 and Route 520 intersection in Marlboro Township, New Jersey; $5,000,000 for improvement to US 73 from State Avenue North to Marxen Road in Wyandotte County, Kansas; $5,000,000 for installation of sound barriers along the Route 309 Expressway between Limekiln Pike and State Route 63 in Montgomery County, Pennsylvania; $8,700,000 for construction, including related activities, of a new interchange on I–435 at Donahoo Road in Wyandotte County, Kansas; $15,000,000 for construction of, and improvements to, the intersection at 27th Street and Airport Road in Billings, Montana; $5,000,000 for construction of, and improvements to, Kahuku Bridges, Hawaii; $5,500,000 for construction of, and improvements to, the Kansas Lane Connector Road alignment project in Monroe, Louisiana; $4,000,000 for construction of, and improvements to, Kekaha, Kauai access roads, Hawaii; $10,000,000 for planning, environmental work, and preliminary engineering of highway, pedestrian vehicular, and bicycle access to the John F. Kennedy Center for the Performing Arts in the District of Columbia; $2,500,000 for construction of, and improvement to, Kihei Road, Hawaii; $10,000,000 for Lafayette Street access improvements from the US 202 Dannehower Bridge to the Pennsylvania Turnpike, including extension of Lafayette Street to the Conshohocken Road, intersection improvements and bridge, reconstruction in Norristown, Pennsylvania; $12,400,000 for widening and overlay/guard rail work on SR 789 between Lander and Hudson, Wyoming; $500,000 for reconstruction of Lewisville Road in Lawrence Township, New Jersey; $3,200,000 for construction of, and improvements to, the Martin Luther King, Jr. Bridge in Toledo, Ohio; $9,300,000 for construction of, and improvements to, the Midtown West intermodal ferry terminal, New York City, New York; $5,000,000 for construction, including related activities, of an extension of Mississippi Highway 44, including a bridge over the Pearl River, in Lawrence County, Mississippi; $13,000,000 for construction of, and improvements to, the Missouri River pedestrian crossing in Omaha, Nebraska; $5,000,000 for the NJCDC Training Facility Project in Paterson, New Jersey; $16,000,000 for construction of, and improvements to, North Shore Road in Swain County, North Carolina; $3,500,000 for construction of, and improvements to, the Norwich, Connecticut intermodal facility project; $1,500,000 for construction of, and improvements to, Padanaram and Little River Road bridge projects in Dartmouth, Massachusetts; $11,000,000 for reconstruction activities on the Potee Street Bridge in Baltimore, Maryland; $250,000 for reconstruction of Institute Street, Lockwood Avenue, First Street, Second Street, Third Street, Ford Avenue, Liberty Street, and Bond Street in the Borough of Freehold, New Jersey; $4,200,000 for relocation and related construction activities thereto of MacArthur Boulevard in Oklahoma City, Oklahoma; $1,200,000 for grade crossing eliminations along Route 17 in Chemung County, New York; $4,000,000 for construction of, and improvements to, Route 2 between St. Johnsbury, Vermont and the New Hampshire State Line; $500,000 for improvements to Route 35 at Clinton Avenue and other intersections in the Borough of Eatontown, Mew Jersey; $500,000 for Route 35 corridor improvements, including signal upgrades, in the Borough of Eatontown, New Jersey; $2,600,000 for construction of, and improvements to, the Niangua Bridge on Route 5 in Camden County, Missouri; $1,000,000 for improvements to Route 641 in Hunterdon County, New Jersey; $25,000,000 for construction, including related activities, of the Route 7 North bypass in Brookfield, Connecticut; $6,000,000 for construction of, and improvements to, the Route 9 Bennington Bypass, Vermont; $5,000,000 for construction of, and improvements to, Saddle Road, Hawaii; $1,200,000 for reconstruction of School Road East in Marlboro Township, New Jersey; $29,000,000 for construction of, and improvements to, a Southeast Connector Route between I–90 and SD 79 in South Dakota; $5,000,000 for improvements, including traffic signal system upgrades, to State Route 99 in Shoreline, Washington; $500,000 for the Township of Princeton, New Jersey municipal complex road improvements, including improvements to the Valley, Mount Lucas, Terhune and Cherry Hill roadways in the Township of Princeton, New Jersey; $23,600,000 for construction of, and improvements to, US 12 between Aberdeen and I–29 in South Dakota; $40,000,000 for construction of, and improvements to, US 19 in Pinellas County, Florida; $25,000,000 for construction of, and improvements to, US 50 Parkersburg bypass in West Virginia; $10,000,000 for construction of, and improvements to, US 63 in Jonesboro, Arkansas; $5,000,000 for construction of, and improvements to, US 101 in Oregon; $4,000,000 for construction of, and improvements to, US 54 in Kansas; $100,000,000 for construction of, and improvements to, the US 82 bridge over the Mississippi River at Greenville, Mississippi; $10,000,000 for construction of, and improvements to, including widening, of US 95 between Laughlin Cutoff and Railroad Pass, Nevada; $1,000,000 for improvements to the Van Wyck Expressway, Queens County, New York; and $20,000,000 for widening US 53 from two lanes to four lanes from Minnesota Highway 169 north of Virginia, Minnesota to Cook, Minnesota; Provided, That the amounts appropriated in this section shall remain available until expended and shall not be subject to, or computed against, any obligation limitation or contract authority set forth in this Act or any other Act.

SEC. 379. (a) Section 412(a) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 627; 112 Stat. 159) is amended—

(1) in paragraph (1)—

(A) by striking "There is" and inserting the following:

"(A) HIGHWAY TRUST FUND.—There is"; and

(B) by adding at the end the following:

"(B) GENERAL FUND.—

"(i) IN GENERAL.—In addition to amounts made available under subparagraph (A), there is appropriated to pay the costs described in subparagraph (A) $600,000,000 for fiscal year 2001.

"(ii) CONDITION.—Notwithstanding any other provision of law, the additional funds made available by clause (i) shall be made available only when 1 or more of the Capital Region jurisdictions accepts conveyance from the Secretary of all right, title, and interest of the United States in and to the new Bridge.

"(iii) MANNER OF USE.—The use of the additional funds made available by clause (i) shall be subject to title 23, United States Code.";

(2) in paragraph (2)—

(A) by striking "Funds" and inserting "Except as provided in paragraph (3), funds"; and

(B) by striking "this section" and inserting "paragraph (1)(A)"; and

(3) by striking "Code; except that—" and inserting the following: "Code.

"(3) CONDITIONS.—With respect to funds authorized or appropriated by this section—".

(b) Section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 627; 112 Stat. 159) is amended by adding at the end the following:

"(d) LIMITATION ON FEDERAL CONTRIBUTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the aggregate of the amounts made available from the Highway Trust Fund and the general fund of the Treasury under this section shall not exceed $1,500,000,000.

"(2) EXCLUDED AMOUNTS.—Amounts made available for the Project under section 110 of title 23, United States Code, shall be excluded from the limitation established by paragraph (1).".

SEC. 380. Section 5309(g)(4) of title 49 United States Code is amended by inserting "(A)" after "(4)" and by adding at the end the following:

"(B) For fiscal year 2001 and thereafter, the amount equivalent to the last 2 fiscal years of funding authorized under section 5338(b) for new fixed guideway systems and extensions to existing fixed guideway systems referred to in subparagraph (A) shall be the amount equivalent to the last 3 fiscal years of such authorized funding.

"(C) Any increase in the total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements as a result of application of subparagraph (B) instead of subparagraph (A) shall be available as follows:

"(1) $269,100,000 for the Chicago, Illinois Metra commuter rail project, that consists of the following elements: the Kane County extension; the North Central double-tracking project; and the Southwest corridor extension.

"(2) $565,600,000 for the Chicago Transit Authority project that consists of the following elements: Ravenswood Branch station and line improvements and the Douglas Branch reconstruction project.

"(3) For new fixed guideways and extensions to existing fixed guideway systems other than for projects referred to in paragraphs (1) and (2); except that for fiscal year 2001, such increase under this paragraph shall not be available for allocation by the department or for making future obligations of the Government and contingent commitments until April 1, 2001.

"(D) Of the amount that would be available under subparagraph (A) if subparagraph (B) were not in effect and would have otherwise been allocated by the Federal Transit Administration to those projects referred to in subparagraphs (C)(1) and (C)(2) shall be available as follows:

"(1) $60,000,000 for the Minneapolis Hiawatha corridor light rail project, which shall be in addition to amounts otherwise allocated under subparagraph (A), for a total of $334,300,000.

"(2) $217,800,000 for the Dulles corridor bus rapid transit project, that consists of a light rail extension from the West Falls Church metrorail station to Tysons Corner, Virginia and bus rapid transit from Tysons Corner to the Dulles International Airport.

"(E) Any amount that would be available under subparagraph (A) if subparagraph (B) were not in effect and would have otherwise been allocated by the Federal Transit Administration to those projects referred to in subparagraphs (C)(1) and (C)(2), shall not be available for allocation by the department or for making future obligations of the Government and contingent commitments until April 1, 2001, except for those projects referred to in subparagraph (D)(1) and (D)(2).

"(F) Future obligations of the Government and contingent commitments made against the contingent commitment authority under section 3032(g)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 for the San Francisco BART to the Airport project for fiscal years 2002, 2003, 2004, 2005 and 2006 shall be charged against section 3032(g)(2) of the Intermodal Surface Transportation Efficiency Act of 1991.

"(G) Any amount that would be available under subparagraph (A) if subparagraph (F) were not in effect and would otherwise have been allocated by the Federal Transit Administration to the project in subparagraph (F) shall not be available for allocation by the department or for making future obligations of the Government and contingent commitments until April 1, 2001.".

SEC. 381. Notwithstanding any other provision of law, within one week from the date of enactment of this Act, the Federal Transit Administrator shall sign a Full Funding Grant Agreement for the MOS–2 segment of the New Jersey Urban Core—Hudson Bergen project.

SEC. 382. None of the funds appropriated in this or any other Act may be used to adjust the boundary of the Point Retreat Light Station or to otherwise limit the property at the Point Retreat Light Station currently under lease to the Alaska Lighthouse Association: *Provided*, That any modifications to the boundary of the Point Retreat Light Station made after January 1, 1998 is hereby declared null and void.

TITLE IV

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $5,000,000,000.

TITLE V

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount in support of the Nation's counterterrorism efforts, $6,424,000: Provided, That these funds shall be for establishing a new interagency National Terrorist Asset Tracking Center in the Office of Foreign Assets Control: Provided further, That these funds may be used to reimburse any Department of the Treasury organization for costs of providing support for this effort.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the integrated Treasury wireless network, $15,000,000, to remain available until expended: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

EXPANDED ACCESS TO FINANCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to develop and implement programs to expand access to financial services for low- and moderate-income individuals, $8,000,000, to remain available until expended: Provided, That of these funds, such sums qs may be necessary may be transferred to accounts of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount to establish and operate a metropolitan area law enforcement training center for the Department of the Treasury, other Federal agencies, the United States Capitol Police, and the Washington, D.C., Metropolitan Police Department, $5,000,000: Provided, That the principal function of the center shall be for firearms and vehicle operation requalification: Provided further, That use of the center for training for other state and local law enforcement agencies may be provided on a space-available basis: Provided further, That the Federal Law Enforcement Training Center is authorized to obligate funds in anticipation of reimbursement from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the costs of transportation to and from the center, ammunition, vehicles, and instruction at the center shall be funded either directly by participating law enforcement agencies, or through reimbursement of actual costs to this appropriation: Provided further, That of the funds provided, no more than $1,500,000 may be obligated until a funding plan for the center has been submitted to the Committees on Appropriations: Provided further, That all Federal property in the National Capital Region that is in the surplus property inventory of the General Services Administration shall be available for selection and use by the Secretary of the Treasury as the site of such a metropolitan area law enforcement training center. If the Secretary of the Treasury identifies a parcel of such property that is appropriate for use for such a center, the property shall not be treated as excess property or surplus property (as those terms are used in the Federal Property and Administrative Services Act of 1949) and administrative jurisdiction over the property shall be transferred to the Secretary for use for such a center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for design and construction of a metropolitan area law enforcement training center, including firearms and vehicle operations requalification facilities, $25,000,000, to remain available until expended: Provided, That of the funds provided, no more than $3,000,000 may be obligated until a design and construction plan has been submitted to the Committees on Appropriations.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount, $4,148,000, for participation in Joint Terrorism Task Forces.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount, $18,934,000: Provided, That $10,000,000 shall be for technology and infrastructure along the northern border: Provided further, That $6,600,000 shall be for hiring counterterrorism agents for deployment along the northern border: Provided further, That none of the funds provided for the northern border shall be obligated until the Commissioner of the Customs Service submits for approval to the Committees on Appropriations a plan for the deployment of the resources and personnel: Provided further, That $2,334,000 shall be for participation in Joint Terrorism Task Forces.

INTERNAL REVENUE SERVICE

TAX LAW ENFORCEMENT

For an additional amount, $7,974,000: Provided, That $3,135,000 shall be in support of the money laundering strategy: Provided further, That $4,839,000 shall be for participation in Joint Terrorism Task Forces.

INFORMATION TECHNOLOGY INVESTMENTS

For necessary expenses of the Internal Revenue Service, $71,751,000, to remain available until September 30, 2003, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

STAFFING TAX ADMINISTRATION FOR BALANCE AND EQUITY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service related to the hiring of new staff, $141,000,000: Provided, That these funds shall be transferred to the appropriations accounts for "Processing, Assistance, and Management", "Tax Law Enforcement", and "Information Systems" in accordance with a staffing plan approved.by the Department of the Treasury and the Office of Management and Budget: Provided further, That none of these funds may be transferred or obligated until such staffing plan is submitted to, and approved by, the Committees on Appropriations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount, $2,904,000, for participation in Joint Terrorism Task Forces.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For an additional amount, $7,000,000: Provided, That $5,000,000 shall be available for continued operation of the technology transfer program: Provided further, That $2,000,000, to remain available until expended, shall be available for counternarcotics research and development projects, to be used for the continued development of a wireless interoperability communication project in Colorado.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $3,500,000: Provided, That, of such amount, $2,500,000 shall become available on March 31, 2001, and shall be provided to the Elections Commission of the Commonwealth of

Puerto Rico as a transfer to be used for objective, non-partisan citizens' education and a choice by voters regarding the islands' future status: Provided further, That none of the funds described in the preceding proviso may be obligated until 45 days after the Elections Commission of the Commonwealth of Puerto Rico submits to the Committees on Appropriations for approval an expenditure plan developed jointly by the Popular Democratic Party, the New Progressive Party, and the Puerto Rican Independence Party: Provided further, That the Elections Commission of the Commonwealth of Puerto Rico shall include the expenditure plan additional views from any party that does not agree with the plan.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $11,350,000: Provided, That $3,000,000 shall be available for non-prospectus construction: Provided further, That $8,350,000, to remain available until expended, shall be available for repairs and alterations.

POLICY AND OPERATIONS

For an additional amount, $13,789,000 of which $2,060,000 shall be for the electronic government initiative, of which $2,000,000 shall be for the regulatory information service center, of which $2,000,000 shall be for facilitating post conveyance remediation to be performed by the City of Waltham, Massachusetts, of which $2,000,000 shall be for a grant to the Institute for Biomedical Science and Biotechnology, of which $2,000,000 shall be for a grant to the Center for Agricultural Policy and Trade Studies, of which $1,000,000 shall be for a grant to the Berwick, Pennsylvania Industrial Development Authority, of which $1,000,000 shall be a grant to Ewing-Lawrence Sewerage Authority in Ewing Township, New Jersey, of which $750,000 shall be for logistical support of the World Police and Fire Games in Indiana, and of which $979,000 shall be for base operations.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

REPAIRS AND RESTORATION

For an additional amount for repairs to the John F. Kennedy Presidential Library, $6,610,000, to remain available until expended.

GENERAL PROVISIONS—THIS TITLE

SEC. 501. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in the Treasury and General Government Appropriations Act, 2001 may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to —

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) RELATION TO OTHER PROVISION.—Section 644 of the Treasury and General Government Appropriations Act, 2001 (relating to Federal agency monitoring of personal information on use of the Internet) shall not have effect.

(d) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 502. (a) CLARIFICATION OF PERMISSIBLE USE OF FACSIMILE MACHINES AND ELECTRONIC MAIL TO FILE INDEPENDENT EXPENDITURE STATEMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d)(1) Any person who is required to file a statement under subsection (c) of this section, except statements required to be filed electronically pursuant to subsection (a)(11)(A)(i) may file the statement by facsimile device or electronic mail, in accordance with such regulations as the Commission may promulgate.

"(2) The Commission shall make a document which is filed electronically with the Commission pursuant to this paragraph accessible to the public on the Internet not later than 24 hours after the document is received by the Commission.

"(3) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying the documents covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.".

(b) TREATMENT OF LINES OF CREDIT OBTAINED BY CANDIDATES AS COMMERCIALLY REASONABLE LOANS.—Section 301(8)(B) of such Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking "and" at the end of clause (xiii);

(2) by striking the period at the end of clause (xiv) and inserting "; and"; and

(3) by adding at the end the following new clause:

"(xv) any loan of money derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate, if such loan is made in accordance with applicable law and under commercially reasonable terms and if the person making such loan makes loans derived from an advance on the candidate's brokerage account, credit card, home equity line of credit, or other line of credit in the normal course of the person's business.".

(c) REQUIRING ACTUAL RECEIPT OF CERTAIN INDEPENDENT EXPENDITURE REPORTS WITHIN 24 HOURS.—

(1) IN GENERAL.—Section 304(c)(2) of such Act (2 U.S.C. 434(c)(2)) is amended in the matter following subparagraph (C)—

(A) by striking "shall be reported" and inserting "shall be filed"; and

(B) by adding at the end the following new sentence: "Notwithstanding subsection (a)(5), the time at which the statement under this subsection is received by the Secretary, the Commission, or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.".

(2) CONFORMING AMENDMENT.—Section 304(a)(5) of such Act (2 U.S.C. 434(a)(5)) is amended by striking "or (4)(A)(ii)" and inserting "or (4)(A)(ii), or the second sentence of subsection (c)(2)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after January 2001.

SEC. 503. Of the amounts provided to the Office of National Drug Control Policy for fiscal year 2001 for the anti-doping efforts of the United States Olympic Committee, the Director of such Office shall make direct payment of $3,300,000 to The U.S. Anti-Doping Agency, Incorporated, for the conduct of anti-doping activities: Provided, That these funds shall be provided not later than 30 days after the date of the enactment of this Act: Provided further, That of the funds made available for this effort, The U.S. Anti-Doping Agency shall have the sole authority to obligate these funds for the promotion of anti-doping efforts relating to United States athletes in the Olympic, Pan American, and Paralympic Games.

SEC. 504. Section 640 of the Treasury and General Government Appropriations Act, 2001 (relating to Civil Service Retirement System) shall not have effect.

SEC. 505. (a) CIVIL SERVICE RETIREMENT SYSTEM.—The table under section 8334(c) of title 5, United States Code, is amended—

(1) in the matter relating to an employee by striking:

"7.5 .... January 1, 2001, to December 31, 2002.
7 .... After December 31, 2002."

and inserting the following:

"7 .... After December 31, 2000.";

(2) in the matter relating to a Member or employee for Congressional employee service by striking:

"8 .... January 1, 2001, to December 31, 2002.
7.5 .... After December 31, 2002."

and inserting the following:

"7.5 .... After December 31, 2000.";

(3) in the matter relating to a law enforcement officer for law enforcement service and firefighter for firefighter service by striking:

"8 .... January 1, 2001, to December 31, 2002.
7.5 .... After December 31, 2002."

and inserting the following:

"7.5 .... After December 31, 2000.";

(4) in the matter relating to a bankruptcy judge by striking:

"8.5 .... January 1, 2001, to December 31, 2002.
8 .... After December 31, 2002."

and inserting the following:

"8 .... After December 31, 2000.";

(5) in the matter relating to a judge of the United States Court of Appeals for the Armed Forces for service as a judge of that court by striking:

"8.5 .... January 1, 2001, to December 31, 2002.
8 .... After December 31, 2002."

and inserting the following:

"8 .... After December 31, 2000.";

(6) in the matter relating to a United States magistrate by striking:

"8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002."

and inserting the following:

"8	After December 31, 2000.";

(7) in the matter relating to a Court of Federal Claims judge by striking:

"8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002."

and inserting the following:

"8	After December 31, 2000.";

(8) in the matter relating to a member of the Capitol Police by striking:

"8	January 1, 2001, to December 31, 2002.
7.5	After December 31, 2002."

and inserting the following:

"7.5	After December 31, 2000.";

and

(9) in the matter relating to a nuclear materials courier by striking:

"8	January 1, 2001 to December 31, 2002.
7.5	After December 31, 2002."

and inserting the following:

"7.5	After December 31, 2000.".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Section 8422(a) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) The applicable percentage under this paragraph for civilian service shall be as follows:

"Employee	7	January 1, 1987, to December 31, 1998.
	7.25	January 1, 1999, to December 31, 1999.
	7.4	January 1, 2000, to December 31, 2000.
	7	After December 31, 2000.
Congressional employee.	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
Member	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	8	January 1, 2001, to December 31, 2002.
	7.5	After December 31, 2002.
Law enforcement officer, firefighter, member of the Capitol Police, or air traffic controller.	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
Nuclear materials courier.	7	January 1, 1987, to October 16, 1998.
	7.5	October 17, 1998, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.".

(2) MILITARY SERVICE.—Section 8422(e)(6) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting "and" after the semicolon;

(B) in subparagraph (B), by striking "; and" and inserting a period; and

(C) by striking subparagraph (C).

(3) VOLUNTEER SERVICE.—Section 8422(f)(4) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting "and" after the semicolon;

(B) in subparagraph (B), by striking "; and" and inserting a period; and

(C) by striking subparagraph (C).

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 7001(c)(2) of the Balanced Budget Act of 1997 (50 U.S.C. 2021 note) is amended—

(A) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(B) in the matter after the colon, by striking all that follows "December 31, 2000.".

(2) MILITARY SERVICE.—Section 252(h)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2082(h)(1)(A)), is amended—

(A) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(B) in the matter after the colon, by striking all that follows "December 31, 2000.".

(d) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 7001(d)(2) of the Balanced Budget Act of 1997 (22 U.S.C. 4045 note) is amended—

(A) in subparagraph (A)—

(i) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(ii) in the matter after the colon, by striking all that follows "December 31, 2000."; and

(B) in subparagraph (B)—

(i) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(ii) in the matter after the colon, by striking all that follows "December 31, 2000.".

(2) CONFORMING AMENDMENT.—Section 805(d)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4045(d)(1)) is amended, in the table in the matter following subparagraph (B), by striking:

"January 1, 2001, through December 31, 2002, inclusive.	7.5
After December 31, 2002 ..	7"

and inserting the following:

"After December 31, 2000	7".

(e) FOREIGN SERVICE PENSION SYSTEM.—

(1) IN GENERAL.—Section 856(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4071e(a)(2)) is amended by striking all that follows "December 31, 2000." and inserting the following:

"7.5	After December 31, 2000.".

(2) VOLUNTEER SERVICE.—Section 854(c)(1) of the Foreign Service Act of. 1980 (22 U.S.C. 4071c(c)(1)) is amended—

(A) in the matter before the colon, by striking "December 31, 2002" and inserting "December 31, 2000"; and

(B) in the matter after the colon, by striking all that follows "December 31, 2000.".

(f) CIVIL SERVICE RETIREMENT SYSTEM.—Notwithstanding section 8334 (a)(1) or (k)(1) of title 5, United States Code, during the period beginning on October 1, 2002, through December 31, 2002, each employing agency (other than the United States Postal Service or the Metropolitan Washington Airports Authority) shall contribute—

(1) 7.5 percent of the basic pay of an employee;

(2) 8 percent of the basic pay of a congressional employee, a law enforcement officer, a member of the Capitol police, a firefighter, or a nuclear materials courier; and

(3) 8.5 percent of the basic pay of a Member of Congress, a Court of Federal Claims judge, a United States magistrate, a judge of the United States Court of Appeals for the Armed Forces, or a bankruptcy judge,

in lieu of the agency contributions otherwise required under section 8334(a)(1) of such title 5.

(g) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—Notwithstanding section 211(a)(2) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2021(a)(2)), during the period beginning on October 1, 2002, through December 31, 2002, the Central Intelligence Agency shall contribute 7.5 percent of the basic pay of an employee participating in the Central Intelligence Agency Retirement and Disability System in lieu of the agency contribution otherwise required under section 211(a)(2) of such Act.

(h) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—Notwithstanding any provision of section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)), during the period beginning on October 1, 2002, through December 31, 2002, each agency employing a participant in the Foreign Service Retirement and Disability System shall contribute to the Foreign Service Retirement and Disability Fund—

(1) 7.5 percent of the basic pay of each participant covered under section 805(a)(1) of such Act participating in the Foreign Service Retirement and Disability System; and

(2) 8 percent of the basic pay of each participant covered under paragraph (2) or (3) of section 805(a) of such Act participating in the Foreign Service Retirement and Disability System,

in lieu of the agency contribution otherwise required under section 805(a) of such Act.

(i) The amendments made by this section shall take effect upon the close of calendar year 2000, and shall apply thereafter.

SEC. 506. Of the amount provided to the United States Secret Service for fiscal year 2001 and specified for activities related to investigations of exploited children, $2,000,000 shall be available to the United States Secret Service for forensic and related support of investigations of missing and exploited children and shall remain available until September 30, 2001.

SEC. 507. (a) Section 108 of the Legislative Branch Appropriations Act, 2001 is amended to read as follows:

"SEC. 108. CHIEF ADMINISTRATIVE OFFICER.—(a) IN GENERAL.—There shall be within the Capitol Police an Office of Administration to be headed by a Chief Administrative Officer as follows:

"(1) Not later than 60 days after the date of the enactment of this Act, the Chief Administrative Officer shall be appointed by the Chief of the Capitol Police after consultation with the Capitol Police Board and the Comptroller General, and shall report to and serve at the pleasure of the Chief of the Capitol Police.

"(2) The Comptroller General shall evaluate the performance of the Chief Administrative Officer in carrying out the duties and responsibilities of the Office of Administration as outlined in this section. The Comptroller General shall meet with the Chief of the Capitol Police and the Capitol Police Board at least quarterly to provide an analysis of the performance of the Chief Administrative Officer. The Comptroller General shall report the results of the evaluation to the Chief of the Capitol Police, the Capitol Police Board, the Committees on Appropriations of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

"(3) The Chief of the Capitol Police shall appoint as Chief Administrative Officer an individual with the knowledge and skills necessary to carry out the responsibilities for budgeting, financial management, information technology, and human resource management described in this section.

"(4) The Chief Administrative Officer shall receive basic pay at a rate determined by the Capitol Police Board, but not to exceed the annual rate of basic pay payable for ES–2 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5, United States Code (taking into account any comparability payments made under section 5304(h) of such title).

"(5) The Capitol Police shall reimburse from available appropriations any costs incurred by the Comptroller General under this section, which shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended.

"(b) RESPONSIBILITIES.—The Chief Administrative Officer shall have the following areas of responsibility:

"(1) BUDGETING.—The Chief Administrative Officer shall—

"(A) prepare and submit to the Capitol Police Board an annual budget for the Capitol Police; and

"(B) execute the budget and monitor through periodic examinations the execution of the Capitol Police budget in relation to actual obligations and expenditures.

"(2) FINANCIAL MANAGEMENT.—The Chief Administrative Officer shall—

"(A) oversee all financial management activities relating to the programs and operations of the Capitol Police;

"(B) develop and maintain an integrated accounting and financial system for the Capitol Police, including financial reporting and internal controls, which—

"(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;

"(ii) complies with any other requirements applicable to such systems; and

"(iii) provides for—

"(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to financial information needs of the Capitol Police;

"(II) the development and reporting of cost information;

"(III) the integration of accounting and budgeting information; and

"(IV) the systematic measurement of performance;

"(C) direct, manage, and provide policy guidance and oversight of Capitol Police financial management personnel, activities, and operations, including—

"(i) the recruitment, selection, and training of personnel to carry out Capitol Police financial management functions; and

"(ii) the implementation of Capitol Police asset management systems, including systems for cash management, debt collection, and property and inventory management and control; and

"(D) shall require annual financial statements for the Capitol Police and provide for an annual audit of the financial statements by an independent public accountant in accordance with generally accepted government auditing standards.

"(3) INFORMATION TECHNOLOGY.—The Chief Administrative Officer shall—

"(A) direct, coordinate, and oversee the acquisition, use, and management of information technology by the Capitol Police;

"(B) promote and oversee the use of information technology to improve the efficiency and effectiveness of programs of the Capitol Police; and

"(C) establish and enforce information technology principles, guidelines, and objectives, including developing and maintaining an information technology architecture for the Capitol Police.

"(4) HUMAN RESOURCES.—The Chief Administrative Officer shall—

"(A) direct, coordinate, and oversee human resources management activities of the Capitol Police;

"(B) develop and monitor payroll and time and attendance systems and employee services; and

"(C) develop and monitor processes for recruiting, selecting, appraising, and promoting employees.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) PERSONNEL.—The Chief Administrative Officer is authorized to select, appoint, employ, and discharge such officers and employees as may be necessary to carry out the functions, powers, and duties of the Office of Administration, but shall not have the authority to hire or discharge uniformed and operational police force personnel.

"(2) RESOURCES OF OTHER AGENCIES.—The Chief Administrative Officer may utilize resources of another agency on a reimbursable basis to be paid from available appropriations of the Capitol Police.

"(d) PLAN.—No later than 180 days after appointment, the Chief Administrative Officer shall prepare and submit to the Chief of the Capitol Police, the Capitol Police Board, and the Comptroller General, a plan—

"(1) describing the policies, procedures, and actions the Chief Administrative Officer will take in carrying out the responsibilities assigned under this section;

"(2) identifying and defining responsibilities and roles of all offices, bureaus, and divisions of the Capitol Police for budgeting, financial management, information technology, and human resources management; and

"(3) detailing mechanisms for ensuring that the offices, bureaus, and divisions perform their responsibilities and roles in a coordinated and integrated manner.

"(e) REPORT.—No later than September 30, 2001, the Chief Administrative Officer shall prepare and submit to the Chief of the Capitol Police, the Capitol Police Board, and the Comptroller General, a report on the Chief Administrative Officer's progress in implementing the plan described in subsection (d) and recommendations to improve the budgeting, financial, information technology, and human resources management of the Capitol Police, including organizational, accounting and administrative control, and personnel changes.

"(f) SUBMISSION TO COMMITTEES.—The Chief of the Capitol Police shall submit the plan required in subsection (d) and the report required in subsection (e) to the Committees on Appropriations of the House of Representatives and of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

"(g) TERMINATION OF ROLE.—As of October 1, 2002, the role of the Comptroller General, as established by this section, will cease.".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2001.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 2001".

Following is explanatory language on H.R. 5394, as introduced on October 5, 2000.

The conferees on H.R. 4475 agree with the matter included in H.R. 5394 and enacted in this conference report by reference and the following description of it. This bill was developed through negotiations by the conferees on the differences in H.R. 4475. References in the following description to the "conference agreement" means the matter included in the introduced bill enacted by this conference report.

CONGRESSIONAL DIRECTIVES

The conferees agree that Executive Branch propensities cannot substitute for Congress' own statements concerning the best evidence of Congressional intentions; that is, the official reports of the Congress. The committee of conference approves report language included by the House (House Report 106–622) or the Senate (Senate Report 106–309 accompanying the companion measure S. 2720) that is not changed by the conference. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

PROGRAM, PROJECT, AND ACTIVITY

During fiscal year 2001, for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended, with respect to funds provided for the Department of Transportation and related agencies, the terms "program, project, and activity" shall mean any item for which a dollar amount is contained in an appropriations Act (including joint resolutions providing continuing appropriations) or accompanying reports of the House and Senate Committees on Appropriations, or accompanying conference reports and joint explanatory statements of the committee of conference. In addition, the reductions made pursuant to any sequestration order to funds appropriated for "Federal Aviation Administration, Facilities and equipment" and for "Coast Guard, Acquisition, construction, and improvements" shall be applied equally to each "budget item" that is listed under said accounts in the budget justifications submitted to the House and Senate Committees on Appropriations as modified by subsequent appropriations Acts and accompanying committee reports, conference reports, or joint explanatory statements of the committee of conference. The conferees recognize that adjustments to the above allocations may be required due to changing program requirements or priorities. The conferees expect any such adjustment, if required, to be accomplished only through the normal reprogramming process.

STAFFING INCREASES PROVIDED BY CONGRESS

The conferees direct the Department of Transportation to fill expeditiously any positions added in the conference agreement, without regard to agency-specific staffing targets which may have been previously established to meet the mandated government-wide staffing reductions.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

The conference agreement provides a total of $63,245,000 for salaries and expenses of the various offices comprising the office of the secretary. Though both the House and Senate had proposed to provide separate appropriations for the individual offices within the office of the secretary, the conference agreement provides a single, consolidated appropriation. The conferees believe that the new administration may wish to reorganize the offices of the secretary to delete redundant and duplicative activities that may be performed by other elements of the department or may be of limited benefit to the office of the secretary; a consolidated appropriation for the salaries and expenses for the offices within the office of the secretary will provide the new secretary greater flexibility to reorganize the office.

The following table summarizes the fiscal year 2001 appropriation for each OST office:

	Conference agreement
Immediate Office of the Secretary	$1,827,000
Immediate Office of the Deputy Secretary	587,000
Office of the General Counsel	9,972,000
Office of the Assistant Secretary for Policy	3,011,000
Office of the Assistant Secretary for Aviation and International Affairs	7,289,000
Office of the Assistant Secretary for Budget and Programs	7,362,000
Office of the Assistant Secretary for Governmental Affairs	2,150,000
Office of the Assistant Secretary for Administration	19,020,000
Office of Public Affairs	1,674,000
Executive Secretariat	1,181,000
Board of Contract Appeals	496,000
Office of Small and Disadvantaged Business Utilization	1,192,000
Office of Intelligence and Security	1,262,000
Office of the Chief Information Officer	6,222,000
Total, salaries and expenses, office of the secretary	63,245,000

Reprogramming guidelines.—While providing a consolidation of office-by-office appropriations for OST, the conferees still want to ensure that adequate Congressional oversight and control is maintained over these expenses. Therefore, the Secretary of Transportation is directed to notify the House and Senate Committees on Appropriations in writing of any change in funding greater than five percent from the office-by-office levels approved by Congress for this appropriation. The Secretary is further directed not to make such a change without the approval of the House and Senate Committees on Appropriations.

The conference agreement includes a provision that limits the availability of funds appropriated under this heading to no more than 52 percent and not more than 224 full-time equivalent staff years funded through the end of the second quarter of fiscal year 2001.

Reception and representation activities.—The conference agreement includes a provision that increases to $60,000 the amount of funds to be available for official reception and representation activities. The conference agreement includes a provision, as proposed by the Senate, that limits to $15,000 the amount of funds that may be obligated for official reception and representation costs prior to January 20, 2001.

Monthly reporting requirement.—The conferees direct the office of the secretary to report monthly on the status of all outstanding reports and reporting requirements, including the status of delinquent Congressional mandated or requested reports and an estimated completion and delivery date.

Administrative directives.—The conferees direct that the department submit its fiscal year 2002 congressional justification materials for the salaries and expenses of the offices of the secretary at the same level of detail provided in the Congressional justifications presented in fiscal year 2001.

The conferees direct that assessments charged by the office of the secretary to the modal administrations shall be for administrative activities, not policy initiatives.

Immediate office of the secretary.—The conference agreement provides a total of $1,827,000 for expenses of the immediate office of the secretary for fiscal year 2001. Funds to support a second deputy chief of staff or a contractor to perform similar duties are deleted by this agreement (−$150,000).

Office of the general counsel.—The conference agreement provides a total of $9,972,000 for expenses of the office of the general counsel. Within the funds provided, no more than 5 FTEs and $500,000 shall be available to support the department's proposed "Accessibility for All America" initiative. Further, the conference agreement provides sufficient resources for advisory or referral activities related to aviation competition guidelines on the part of the department.

Office of aviation and international affairs.—The conference agreement disallows funding as proposed by the House for a new position of special assistant to the assistant secretary for aviation and international affairs (−$120,000). Funding is provided to hire up to two additional transportation industry analysts in fiscal year 2001.

The conferees are aware of, and applaud, the department's efforts to promote foreign air carrier service to and through Alaska. Alaska is uniquely positioned as an international air cargo hub for efficient sorting and consolidation of cargo moving between multiple United States and foreign points. The conferees encourage the department to explore using Alaska as a testing ground for even greater liberalization of foreign and domestic air carriers' rights to carry international air cargo on route legs between Alaska and other United States points. Such liberalization would optimize the geographic advantage of Alaska for air cargo transfer. In addition, such steps would also optimize the flexibility that the department has sought for Alaska as an international aviation hub. Without vigorous initiative on the part of the department, the United States stands to lose to foreign airports the economic activity for labor, industry, and consumers that increased domestic and foreign transfer authority could generate for the United States.

Office of the assistant secretary for budget and programs.—A total of $7,362,000 is provided for the office of the assistant secretary for budget and programs. Within the funds provided, not more than $100,000 is available for workforce training activities to supplement existing training expenditures.

Office of the assistant secretary for administration.—Consistent with the actions of both the House and Senate, the conference agreement does not provide funding for employee development training (−$1,160,000); however, limited funds have been provided to supplement existing training activities, as discussed in the preceding paragraph.

Office of intelligence and security.—Funding provided for the office of intelligence and security totals $1,262,000 and excludes resources for infrastructure protection activities. The conference agreement includes funds for these activities within amounts appropriated to the Research and Special Programs Administration.

Office of the chief information officer.—The conference agreement provides a total of $6,222,000 for salaries and expenses of the office of the chief information officer (CIO). Funding is not provided to implement in fiscal year 2002 a pilot project that has yet to be defined or determined by the department's architecture working group. Such funding should be considered in the context of the department's fiscal year 2002 appropriations request.

The conferees concur with the directions of the House that no major information technology (IT) procurement within the department occur until after a review by the CIO has been conducted to determine system deficiencies, vulnerabilities, compatibility with, and relative need of such systems compared to other departmental systems requirements. Furthermore, the conferees direct the CIO to approve all IT and telecommunications infrastructure items and expenditures for all systems that are nonmode specific (e.g., common grants systems).

Office of intermodalism.—Funding for the office of intermodalism is provided within amounts made available to the Federal Highway Administration, as proposed by the House.

Fractional ownership demonstration program.—The conferees encourage the Secretary of Transportation to execute a demonstration program, to be conducted for a period of not to exceed eighteen months, of the fractional ownership concept for performing administrative support flight missions. The purpose of this demonstration is to determine whether cost savings, increased operational flexibility, and aircraft availability can be realized by DOT through fractional ownership compared to in-house ownership of aircraft. This demonstration shall be competitive, and encompass a suite of aircraft covering a majority of the department's support missions, including those by the Coast Guard, FAA, and NASA (to the extent those aircraft are currently operated by the FAA). The Secretary is directed to report the results of this project to the House and Senate Committees on Appropriations within three months of completing the evaluation. If the Secretary does not conduct such an evaluation, the Secretary is directed to submit a report to the House and Senate Committees on Appropriations providing a detailed explanation of that decision.

OFFICE OF CIVIL RIGHTS

The conference agreement provides $8,140,000 for the office of civil rights as proposed by the House instead of $8,000,000 as proposed by the Senate.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

The conference agreement provides $11,000,000 for transportation planning, research, and development instead of $3,300,000 as proposed by the House and $5,300,000 as proposed by the Senate. The conferees, however, agree with the reductions from the budget request proposed by the House. Funding provided under this heading shall be available for the following activities:

2001 Special Winter Olympics	$1,400,000
Ensuring consumer information and choice in the airline industry	1,000,000
Transportation management planning for the Salt Lake City Winter Olympic Games (section 1223 of TEA21)	2,000,000
Automotive workforce training	3,000,000

The conferees encourage the secretary and each of the modal administrations to work with the National Center for Missing and Exploited Children and the transportation industry to identify and implement initiatives to maximize the transportation sector's involvement in the effort to relocate missing children.

Transportation management planning for the Salt Lake City 2002 Winter Olympic Games.—The conference agreement includes $2,000,000 for transportation management planning for the Salt Lake City Winter Olympic Games, as authorized under section 1223(c) of TEA21. These funds shall be available for planning activities and related temporary and permanent transportation infrastructure investments based on the transportation management plan approved by the Secretary.

Radionavigation and positioning initiatives.—No funding is provided for additional study activities described under "GPS vulnerability study follow-on requirements" and "technical support of GPS spectrum protection and coordination" of the congressional justification as additional funding and guidance is provided for similar initiatives and activities elsewhere in the department. Reprogramming requests in this area will be reviewed if submitted and justified appropriately.

Automotive workforce training.—The conference agreement includes $3,000,000 for development and implementation of a workforce training program designed for specific issues related to the automotive manufacturing industry.

Telework.—The Secretary shall conduct an assessment of the existing practices and infrastructure involved with telework efforts in the greater New York metropolitan area and determine if a telework program, supported by the federal government, could provide significant incentives for increasing the use of telework, thereby reducing vehicle miles traveled and improving air quality. The assessment should identify representatives from local government, environmental organizations and transportation agencies who would comprise a New York City design team for implementing a telework program. Within six months, the Secretary shall report to Congress on the findings of this study. To carry out these activities, the conference agreement includes $300,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

The conference agreement includes a limitation of $126,887,000 on activities of the transportation administrative service center (TASC) instead of $119,387,000 as proposed by the House and $173,278,000 as proposed by the Senate. The conferees concur in the recommendations of the House to disallow the proposed transfer of the National Oceanic and Atmospheric Administration's Office of Aeronautical Charting and Cartography to the TASC (−$43,963,000) and to disallow proposed new staffing increases (−$461,000). The increase of $7,500,000 above the House-passed level has been provided to accommodate solely the anticipated increased workload stemming from creation of the Federal Motor Carrier Safety Administration.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

The conference agreement includes a limitation on guaranteed loans of $13,775,000, as proposed by the House, instead of a limitation of $13,775,000 on direct loans as proposed by the Senate. Further, the conference agreement provides subsidy and administrative costs totaling $1,900,000, as proposed by both the House and the Senate.

MINORITY BUSINESS OUTREACH

The conference agreement provides $3,000,000 for minority business outreach activities, as proposed by both the House and the Senate.

COAST GUARD

OPERATING EXPENSES

The conference agreement provides $3,192,000,000 for Coast Guard operating expenses as proposed by the House instead of $3,039,460,000 as proposed by the Senate. The agreement specifies that $341,000,000 of the total is available only for defense-related activities, as proposed by the House, instead of $641,000,000 proposed by the Senate. The agreement does not include language proposed by the Senate which would have allowed a transfer of up to $100,000,000 from the FAA's operating budget to augment the Coast Guard's drug interdiction activities or OST's Office of Intelligence and Security. The bill also does not include language proposed by the Senate which would have required the Coast Guard to reimburse the Office of Inspector General for Coast Guard-related audits and investigations.

Specific adjustments.—The following table summarizes the House and Senate's proposed adjustments to the Coast Guard's budget request and the final conference agreement:

Item and recommendation	House recommended	Senate recommended	Conference agreement
Repricing of civilian PC&B	+$2,051,000		
Polar icebreaker reimbursement	+3,800,000	+$7,734,000	+7,734,000
International Maritime Information Safety System (IMISS)—defer	−398,000	−398,000	−398,000
MTS leadership and coordination—defer	−801,000	−801,000	−801,000
CG workstation support—defer	−750,000		
NTIA fees—defer increase	−426,000		
"One DOT" initiatives—defer	−304,000		−304,000
Aviation detachment support—defer	−3,904,000		−3,904,000
Nonpay COLA—smaller increase	−6,268,000		−1,363,000
Military pay and benefits		−1,004,000	
Military health care		−105,000	
Permanent change of station		−8,785,000	−3,000,000
Training and education		−7,484,000	−2,065,000
Atlantic area command		−193,000	−193,000
Headquarters directorates		−125,000	−
Headquarters-managed units		−1,760,000	−706,000
Aircraft maintenance		−13,075,000	
Electronic maintenance		−1,500,000	
Shore facility maintenance		−5,000,000	−2,000,000
Vessel maintenance		−4,315,000	
Undistributed reduction		−122,729,000	
Total	−7,000,000	−159,540,000	−7,000,000

Pilot project on occupational and health hazards of Coast Guard personnel.—The conferees agree to provide $1,000,000 for the pilot project, proposed by the Senate, regarding the unique occupational and health hazards of Coast Guard personnel. This project shall be conducted in coordination with Tulane University and the University of Alabama—Birmingham.

Boatracs systems.—The conferees understand that the Coast Guard has purchased several "boatracs" systems in an effort to address communications problems within the eighth district. This text communications system is often the only form of communication between the district headquarters and cutters on patrol performing search and rescue missions. This system could be used as an interim measure, before full implementation of the National Distress and Response System Modernization Project, which could save lives by providing consistent and reliable communications among Coast Guard assets. The Coast Guard is encouraged to evaluate the boatracs system on this basis during fiscal year 2001.

Assessment of progress to replace single hull tanker fleet with double hull ships.—The conferees direct the United States Coast Guard, in consultation with the Maritime Administration, to assess the status of replacement of single hull tank vessels with double hull tank vessels, and report the findings of this assessment to the House and Senate Committees on Appropriations. This report should include: (1) a list of double hull vessels and their carrying capacity in the U.S.-flag fleet; (2) a list of single hull vessels and their carrying capacity and the year in which each single hull vessel is scheduled to be phased out of service under the Oil Pollution Act; and (3) the amount of oil transported each year by domestic U.S.-flag tank vessels to meet the energy needs of the United States. This report shall be submitted by February 1, 2001.

Search and rescue station staffing.—The conferees are concerned that, in the wake of the National Transportation Safety Board report on the sinking of the sailboat Morning Dew, the Coast Guard has still not implemented needed staffing improvements at the nation's search and rescue (SAR) stations. Even though a recent Coast Guard analysis concluded that an additional 109 personnel were needed at these centers, the Coast Guard advised the House that the service "does not believe additional operation center staffing is required in fiscal year 2001 and has not requested any be provided". The conferees reiterate the concerns expressed in the House report regarding deficiencies in the Coast Guard's search and rescue posture, and strongly encourage the service to address the personnel shortfalls at search and rescue stations within the funding levels provided for fiscal year 2001. In addition, the conferees direct the Office of Inspector General, in consultation with the National Transportation Safety Board, to conduct a thorough review of readiness of the nation's SAR stations, including personnel shortfalls, equipment adequacy, training adequacy, and the relative support for SAR programs and activities in the Coast Guard command structure. The conferees direct that this report be completed and submitted to the appropriate committees of the Congress no later than March 1, 2001.

Indonesian Coast Guard.—The conferees do not agree with direction in the Senate report for the Coast Guard to work with representatives of the Indonesian government on officer training and to study turning over surplus vessels to improve the capability of the Indonesian Coast Guard.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conference agreement includes $415,000,000 for acquisition, construction, and improvement programs of the Coast Guard instead of $515,000,000 as proposed by the House and $407,747,660 as proposed by the Senate. Consistent with past years and the House and Senate bills, the conference agreement distributes funds in the bill by budget activity.

Great Lakes Icebreaker.—No procurement funding or direction is provided in this Act for the Great Lakes Icebreaker (Mackinaw replacement) project, as the full estimated cost of this vessel has been provided in prior appropriations Acts.

A table showing the distribution of this appropriation by project as included in the fiscal year 2001 House bill, Senate bill, and the conference agreement follows:

Program Name	House recommended	Senate recommended	Conference agreement
Vessels:	**252,640,000**	**145,936,660**	**156,450,000**
Survey and design - cutters and boats	500,000	500,000	500,000
Seagoing buoy tender (WLB) replacement	120,990,000	82,486,660	118,000,000
Polar icebreaker - USCGC Healy	1,000,000	1,000,000	1,000,000
Configuration management	3,600,000	3,600,000	3,600,000
Surface search radar replacement project	1,150,000	1,150,000	1,150,000
Polar class icebreaker reliability improvement program	4,500,000	4,500,000	4,500,000
Mackinaw replacement	110,000,000	40,000,000	0
87-Foot Patrol Boat (WPB) Replacement	7,000,000	7,000,000	22,000,000
Alex Haley Conversion Project - Phase II	1,400,000	3,200,000	3,200,000
Over-The-Horizon Cutter Boats	1,500,000	1,500,000	1,500,000
Coast Guard Patrol Craft (WPC) Conversion Project	1,000,000	1,000,000	1,000,000
Aircraft:	**43,650,000**	**41,650,000**	**37,650,000**
HH-65A helicopter mission computer replacement	3,650,000	3,650,000	3,650,000
HH-65 LTS-101 Engine Life Cycle Cost Reduction	1,000,000	11,000,000	7,000,000
Aviation Simulator Modernization Project	3,000,000	3,000,000	3,000,000
Coast Guard Cutter Healy Aviation Support	36,000,000	24,000,000	24,000,000
Other Equipment:	**60,113,000**	**54,304,000**	**60,113,000**
Fleet logistics system	5,500,000	5,500,000	5,500,000
Ports and waterways safety system (PAWSS)	6,100,000	7,550,000	6,100,000
Marine information for safety and law enforcement (MISLE)	8,500,000	8,500,000	8,500,000
Aviation logistics management information system (ALMIS)	1,100,000	1,100,000	1,100,000
National distress system modernization	23,800,000	22,000,000	23,800,000
Personnel MIS/Jt uniform military pay system	2,000,000	2,000,000	2,000,000
Local notice to mariners automation	600,000	600,000	600,000
Defense message system implementation	2,471,000	2,471,000	2,471,000
Commercial satellite communications	5,459,000	0	5,459,000
Global Maritime Distress and Safety System (GMDSS)	3,083,000	3,083,000	3,083,000
Search and Rescue Capabilities Enhancement Project	1,500,000	1,500,000	1,500,000
Shore Facilities and Aids to Navigation:	**61,606,000**	**68,406,000**	**63,336,000**
Survey and design - shore projects	7,000,000	7,000,000	7,000,000
Minor AC&I shore construction projects	8,000,000	8,000,000	5,330,000
Housing	12,400,000	12,400,000	10,000,000
Waterways ATON projects	4,706,000	4,706,000	4,706,000
Air Station Kodiak, AK - renovate hanger	8,200,000	8,200,000	8,200,000
Transportation Improvements - Coast Guard Island, Alameda, CA	8,000,000	8,000,000	8,000,000
Coast Guard MEC Waterfront Improvements - Portsmouth, VA	2,400,000	2,400,000	2,400,000
Modernize Coast Guard Facilities - Phase 1 - Cape May, NJ	5,800,000	5,800,000	5,800,000
Rebuild Coast Guard Station, Port Huron, MI - Phase 1	1,300,000	1,300,000	1,300,000
Modernize Air Station Port Angeles Hangar, Port Angeles, WA	3,800,000	3,800,000	3,800,000
Homeporting pier construction - Homer, AK	0	5,800,000	5,800,000
Helipad modernization - Craig, AK	0	1,000,000	1,000,000
Personnel and Related Support:	**54,691,000**	**55,151,000**	**55,151,000**
Direct personnel costs	53,691,000	54,151,000	54,151,000
Core acquisition costs	1,000,000	1,000,000	1,000,000
Integrated Deepwater Systems:	**42,300,000**	**42,300,000**	**42,300,000**
Total appropriation	**515,000,000**	**407,747,660**	**415,000,000**

ENVIRONMENTAL COMPLIANCE AND RESTORATION

The conference agreement includes $16,700,000 for environmental compliance and restoration as proposed by both the House and Senate.

ALTERATION OF BRIDGES

The conference agreement includes $15,500,000 for alteration of bridges deemed hazardous to marine navigation as proposed by the Senate instead of $14,740,000 proposed by the House. The conference agreement distributes these funds as follows:

Bridge and location	*Conference agreement*
New Orleans, LA, Florida Avenue RR/HW Bridge	$3,925,000
Brunswick, GA, Sidney Lanier Highway Bridge	3,000,000
Charleston, SC, Limehouse Bridge	2,000,000
Mobile, AL, Fourteen Mile Bridge	3,000,000
Morris, IL, EJ&E Railroad Bridge	3,000,000
Oshkosh, WI, Fox River Bridge	575,000
Total	15,500,000

Florida Avenue Bridge.—The conferees agree to provide $3,925,000 for this project, and direct that $500,000 of this funding shall be made available to the Port of New Orleans to cover the federal portion of a study of the feasibility of development of the Millenium Port in south Louisiana.

Fox River Bridge.—Funding of $575,000 is provided for removal of the bridge across the Fox River at mile point 56.9 in Oshkosh, Wisconsin.

RETIRED PAY

The conference agreement includes $778,000,000 for Coast Guard retired pay as proposed by both the House and the Senate. This is scored as a mandatory program for federal budget purposes. The conference agreement deletes language proposed by the House authorizing these funds for the payment of fifteen-year career status bonuses. The conferees do not believe that retention bonuses paid to active duty personnel are consistent with the purposes of this program, and have seen no evidence that these payments constitute mandatory expenditures of the Coast Guard, as are the other elements of this mandatory appropriation. Sufficient funding is provided under "Operating expenses" for payment of these bonuses to qualified personnel.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $80,375,000 for reserve training as proposed by the House instead of $80,371,000 as proposed by the Senate. The agreement allows the Reserves to reimburse the Coast Guard operating account up to $22,000,000 for Coast Guard support of Reserve activities, as proposed by the Senate, instead of $21,500,000 as proposed by the House.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

The conference agreement provides $21,320,000 for Coast Guard research, development, test, and evaluation as proposed by the Senate instead of $19,691,000 as proposed by the House. The conferees agree that within the funding provided, $500,000 is to address ship ballast water exchange issues, instead of $1,000,000 as proposed by the Senate.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

The conference agreement provides $6,544,235,000 for operating expenses of the Federal Aviation Administration as proposed by the House instead of $6,350,250,000 as proposed by the Senate. These funds are in addition to amounts made available as a mandatory appropriation of user fees in the Federal Aviation Administration Reauthorization Act of 1996 (Public Law 104–264). Of the total amount provided, $4,414,869,000 is to be derived from the airport and airway trust fund, consistent with Public Law 106–181. The total funding provided is $569,235,000 (9.5 percent) above the fiscal year 2000 enacted level.

Contract tower program funding.—The conference agreement provides $55,300,000 for the contract tower program, which is the amount assumed in the budget estimate. FAA is directed not to reprogram these funds to any other activity or to reduce them to satisfy budget shortfalls which may develop throughout the fiscal year. In addition, the conference agreement includes $5,000,000 for the contract tower cost-sharing program.

Contract tower program extension.—The conferees agree with Senate direction to the FAA Administrator to submit the overdue report on this program, but do not agree with the Senate direction that this report should include a timeline for expanding the program. In addition, the report should address recent findings and recommendations of the DOT Inspector General regarding expansion of the contract tower program.

Criteria for contract tower program eligibility.—The conferees believe that FAA's contract tower program has worked well from both the government's perspective and the users' perspective. Through this program, many aircraft are able to operate more efficiently and safely into airports with contract towers, where FAA-operated towers would otherwise not be available due to prohibitive costs. The conferees are concerned, however, that the traffic counts used to establish eligibility for the contract tower program, and for establishment of certain navigation aids, are erroneous in that certain part 121 operations, including regional jets, are not being classified as air carrier operations. After promulgation of FAA's "one level of safety" rule, the conferees believe that such a distinction is no longer justified. The FAA is urged to change promptly its traffic count methodology to conform to the changes in operator classification brought about by the one level of safety rulemaking.

Specific designations for the contract tower program.—The conferees do not agree with Senate direction to include certain airports in the contract tower program. However, the conferees understand that the Boca Raton, Olive Branch, Henderson, and Tupelo Municipal airports are eligible for this program, and encourage FAA to include those airports in the program if they meet eligibility criteria.

Implementation of the whistleblower protection program.—The conferees direct that, not later than eighteen months after enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary of Labor, report to the House and Senate Committees on Appropriations on measures to assure effective implementation of section 519 of Public Law 106–181. This report shall include a description of the initial implementation of the whistleblower protection program and recommendations to strengthen the enforcement of such provisions. The study shall be performed by a firm with recent experience analyzing employee protection provisions in the transportation sector.

Civil aviation security activities and operations.—Continuing reports of the General Accounting Office, the DOT Office of Inspector General, and the Surveys and Investigations staff of the House Appropriations Committee highlight a number of serious problems in FAA's civil aviation security activities which need to be addressed. A lack of strong management and planning has led to a haphazard and minimal deployment of explosive detection systems at our nation's airports, as well as underutilization of the machines which are deployed; specifications for bomb detection equipment driven by political considerations rather than security expertise; unnecessary tension between FAA and airport security officials in some locations; and lack of management attention and corrective action after field tests, including safety issues raised by FAA's special "red team" conducting undercover assessments at major airports. The conferees cannot provide the entire funding increase requested by this organization in the face of these continuing problems, and expects FAA to address these management issues expeditiously. The conference agreement also directs FAA to submit a comprehensive strategic plan for the civil aviation security program, as proposed by the Senate. The FAA is encouraged to include comprehensive details in this plan regarding specific goals and objectives for the program for each of the next five years.

GPS implementation and procedures.—The conferees agree to transfer to this account $2,200,000 from "Facilities and equipment". This funding was budgeted for the development of GPS approach procedures as part of the GPS wide area augmentation system (WAAS) program. However, this activity is apparently not related to development of WAAS, but is a routine operating expense of the agency. As such, these expenditures should be contained in the agency's operating budget. In addition, the conference agreement includes $3,000,000 only for implementation of a navigation database with internet access for users.

Administration of potential shortfall due to EAS transfer.—The conferees do not agree with House direction specifying that any shortfall in operations funding due to transfer of funds to the essential air service (EAS) program should be borne by the "Facilities and equipment" appropriation.

Regulation of flight crew operating environment.—The conferees are pleased that the FAA and the Occupational Safety and Health Administration (OSHA) recently initiated a joint effort to consider whether OSHA workplace safety standards can be applied to airline crewmembers during flight operations. Enhancing workplace safety for flight crewmembers is, of course, desirable. While the conferees recognize the importance of FAA and OSHA working together to ensure that one agency does not unnecessarily block application of the other's regulations, the conferees believe it is imperative that FAA maintain exclusive responsibility for the regulation and enforcement of policies which affect the safety of flight operations. If, in the FAA's view, an OSHA-proposed workplace safety and health regulation would compromise the safe operation of aircraft, in the overriding interest of aviation safety, the FAA's view should predominate.

Airspace redesign.—The conference agreement includes $8,500,000 for the New York/New Jersey airspace redesign and concurs in the directive of the Senate regarding the reprogramming of these funds.

The following table compares the conference agreement to the levels proposed in the House and Senate bills by budget activity:

FAA Operations
Conference Agreement
Fiscal Year 2001

AIR TRAFFIC SERVICES:

Item	House	Senate	Conference
Budget estimate:	$5,210,434,000	$5,210,434,000	$5,210,434,000
Adjustments to estimate:			
Contract security guard services	-1,725,000	---	-1,725,000
ADTN 2000	-5,000,000	---	-5,000,000
NADIN	-1,750,000	---	-1,750,000
FTS 2001	-3,550,000	---	-3,550,000
PCS maintenance personnel	-1,000,000	---	-1,000,000
Regional admin telecomm	-7,948,000	---	-7,948,000
Infrastructure maintenance	-7,739,000	---	-7,739,000
Centennial of Flt Commission	+750,000	---	+750,000
Contract tower cost sharing	+5,000,000	+5,000,000	+5,000,000
MARC	+2,000,000	---	+2,000,000
NAS handoff	---	-65,726,000	---
RMMS expansion – Texas	---	+350,000	+350,000
Lawton, OK air traffic services	---	+1,500,000	+1,500,000
ATIS training contract	---	+7,505,300	+3,752,000
General reduction		-106,161,700	---
Transfer authority from AIP	---	[120,000,000]	---
GPS implementation/procedures	---	---	+5,200,000
Amount recommended:	**$5,183,177,000**	**$5,039,391,000**	**5,200,274,000**

AVIATION REGULATION AND CERTIFICATION:

Item	House	Senate	Conference
Budget estimate:	$691,979,000	$691,979,000	$691,979,000
Adjustments to estimate:			
training initiative	+3,000,000	---	+3,000,000
Amount recommended:	**694,979,000**	**691,979,000**	**694,979,000**

CIVIL AVIATION SECURITY:

Item	House	Senate	Conference
Budget estimate:	$144,328,000	$144,328,000	$144,328,000
Adjustments to estimate:			
Allow smaller increase	---	-5,866,000	-5,026,600
Amount recommended:	**144,328,000**	**138,462,000**	**139,301,400**

RESEARCH AND ACQUISITION:

Item	House	Senate	Conference
Budget estimate:	$196,497,000	$196,497,000	$196,497,000
Adjustments to estimate:			
Next generation e-mail	-5,000,000	[1]-4,918,000	-5,000,000
Telco bandwith expansion	-1,509,000	-1,509,000	-1,509,000
Allow smaller increase	---	-7,669,000	---
Amount recommended:	**189,988,000**	**182,401,000**	**189,988,000**

COMMERCIAL SPACE TRANSPORTATION:

Item	House	Senate	Conference
Budget estimate:	$12,607,000	$12,607,000	$12,607,000
Adjustments to estimate:			
Allow smaller increase	---	-2,607,000	-607,000
Amount recommended:	**12,607,000**	**10,000,000**	**12,000,000**

REGIONAL COORDINATION:

Item	House	Senate	Conference
Budget estimate:	[2]$99,347,000	$99,347,000	$99,347,000
Adjustments to budget estimate	---	---	---
Amount recommended:	**99,347,000**	**99,347,000**	**99,347,000**

HUMAN RESOURCES:

Item	House	Senate	Conference
Budget estimate:	$60,364,000	$60,364,000	$60,364,000
Adjustments to estimate:			
IPPS replacement	-2,000,000	---	---
Allow smaller increase	---	-10,458,000	-5,500,000
Amount recommended:	**58,364,000**	**49,906,000**	**54,864,000**

FINANCIAL SERVICES:

Item	House	Senate	Conference
Budget estimate:	$63,263,000	$63,263,000	$63,263,000
Adjustments to estimate:			
DELPHI implementation	-7,000,000	-6,900,000	-7,000,000
Cost accounting system	-2,000,000	-1,864,000	-1,900,000
Asset management	-5,556,000	-2,556,000	-4,000,000
Allow smaller increase	---	-8,943,000	-1,919,400
Amount recommended:	**48,707,000**	**43,000,000**	**48,443,600**

STAFF OFFICES:

Item	House	Senate	Conference
Budget estimate:	$336,390,000	$336,390,000	$336,390,000
Adjustments to estimate:			
Transfer to other budget activities	-222,974,000	-222,974,000	-222,974,000
Office of chief counsel staffing	-453,000	---	-453,000
Employee development activities	-225,000	---	-225,000
Allow smaller increase	---	-17,652,000	-7,700,000
Amount recommended:	**112,738,000**	**95,764,000**	**105,038,000**

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement provides $2,656,765,000 for facilities and equipment as proposed by the House and the Senate. This is the level authorized by Public Law 106–181, and represents an increase of $581,765,000 (28 percent) above the fiscal year 2000 enacted level.

The following table provides a breakdown of the House and Senate bills and the conference agreement by program:

Facilities and Equipment
Conference Agreement
Fiscal Year 2001

Program Name	House recommended	Senate recommended	Conference agreement
ENGINEERING DEVELOPMENT, TEST AND EVALUATION:			
ADVANCED TECHNOLOGY DEVELOPMENT & PROTOTYPING	50,000,000	45,848,000	56,480,000
SAFE FLIGHT 21	25,000,000	35,000,000	35,000,000
SUBTOTAL - ADV DEV/PROTOTYPING	**75,000,000**	**80,848,000**	**91,480,000**
AVIATION WEATHER SERVICES IMPROVEMENTS	15,400,000	15,400,000	18,400,000
EN ROUTE AUTOMATION	14,600,000	14,600,000	14,600,000
OCEANIC AUTOMATION SYSTEM	75,000,000	51,970,000	51,970,000
AERONAUTICAL DATA LINK (ADL) APPLICATIONS	30,200,000	30,200,000	30,200,000
NEXT GENERATION VHF A/G COMMUNICATION SYSTEM	12,300,000	12,300,000	12,300,000
FREE FLIGHT PHASE ONE	173,800,000	175,800,000	177,800,000
FREE FLIGHT PHASE TWO	25,000,000	25,000,000	15,000,000
SUBTOTAL - EN ROUTE PROGRAMS	**346,300,000**	**325,270,000**	**320,270,000**
TERMINAL AUTOMATION (STARS)	114,850,000	116,850,000	117,000,000
SUBTOTAL - TERMINAL PROGRAMS	**114,850,000**	**116,850,000**	**117,000,000**
LOCAL AREA AUGMENTATION SYSTEM FOR GPS (LAAS)	31,000,000	37,000,000	37,000,000
WIDE AREA AUGMENTATION SYSTEM (WAAS)	75,000,000	0	74,800,000
SUBTOTAL - LANDING/NAVAIDS	**106,000,000**	**37,000,000**	**111,800,000**
NAS IMPROVEMENT OF SYSTEM SUPPORT LABORATORY	2,162,000	2,162,000	2,162,000
TECHNICAL CENTER FACILITIES	8,795,500	8,795,000	8,795,000
TECHNICAL CENTER INFRASTRUCTURE SUSTAINMENT	2,726,000	2,726,000	2,726,000
SUBTOTAL, RDT&E EQUIPMENT AND FACILITIES	**13,683,500**	**13,683,000**	**13,683,000**
TOTAL ACTIVITY 1	***655,833,500***	***573,651,000***	***654,233,000***
AIR TRAFFIC CONTROL FACILITIES AND EQUIPMENT:			
EN ROUTE AUTOMATION	122,200,000	122,200,000	122,200,000
NEXT GENERATION WEATHER RADAR (NEXRAD)	4,100,000	4,100,000	4,100,000
AIR TRAFFIC OPERATIONS MANAGEMENT	940,000	940,000	940,000
WEATHER AND RADAR PROCESSOR (WARP)	24,710,000	24,710,000	20,000,000
AERONAUTICAL DATA LINK (ADL) APPLICATIONS	1,200,000	1,200,000	1,200,000
ARTCC BUILDING IMPROVEMENTS/PLANT IMPROVEMENTS	58,000,000	58,950,000	58,950,000
VOICE SWITCHING AND CONTROL SYSTEM (VSCS)	0	0	2,700,000
AIR TRAFFIC MANAGEMENT	25,944,000	25,944,000	25,944,000
CRITICAL COMMUNICATIONS SUPPORT	1,880,000	1,880,000	1,880,000
AIR/GROUND COMMUNICATION INFRASTRUCTURE	16,074,000	16,074,000	16,074,000
VOLCANO MONITOR	0	2,000,000	2,000,000
ATC BEACON INTERROGATOR (ATCBI) REPLACEMENT	77,612,000	77,612,000	75,612,000
ATC EN ROUTE RADAR FACILITIES	2,844,000	2,844,000	2,844,000
EN ROUTE COMMS AND CONTROL FACILITIES IMPROVEMENT	7,631,000	7,631,000	7,631,000
AVIATION WEATHER SERVICES IMPROVEMENTS	8,218,000	8,218,000	8,218,000
FAA TELECOMMUNICATIONS INFRASTRUCTURE	29,400,000	29,400,000	29,400,000
NATIONWIDE DIFFERENTIAL GPS	0	0	6,000,000
SUBTOTAL - EN ROUTE PROGRAMS	**380,753,000**	**383,703,000**	**385,693,000**
AIRPORT SURFACE DETECTION EQUIPMENT (ASDE)	4,000,000	1,500,000	4,000,000
AIRPORT SURFACE DETECTION EQUIPMENT (ASDE-X)	15,000,000	8,400,000	8,400,000
TERMINAL DOPPLER WEATHER RADAR (TDWR) - PROVIDE	5,100,000	5,100,000	5,100,000
TERMINAL AUTOMATION (STARS)	75,550,000	75,550,000	75,550,000
TERMINAL AIR TRAFFIC CONTROL FACILITIES REPLACEMENT	140,000,000	117,100,000	145,492,606
CONTROL TOWER/TRACON FACILITIES - IMPROVE	41,759,672	40,259,672	41,759,672
TERMINAL VOICE SWITCH REPLACEMENT (TVSR)/ETVS	15,000,000	10,900,000	14,000,000
EMPLOYEE SAFETY/OSHA AND ENVIRONMENTAL COMPLIANCE	28,400,000	28,400,000	28,400,000

Facilities and Equipment
Conference Agreement
Fiscal Year 2001

Program Name	House recommended	Senate recommended	Conference agreement
HOUSTON AREA AIR TRAFFIC SYSTEM	0	0	12,000,000
NEW AUSTIN AIRPORT AT BERGSTROM	2,500,000	2,500,000	2,500,000
POTOMAC METROPLEX	32,100,000	25,800,000	25,800,000
NORTHERN CALIFORNIA METROPLEX	6,000,000	6,000,000	6,000,000
ATLANTA METROPLEX	3,400,000	3,400,000	3,400,000
NAS INFRASTRUCTURE MANAGEMENT SYSTEM (NIMS)	13,100,000	13,100,000	13,100,000
AIRPORT SURVEILLANCE RADAR (ASR-9)	11,122,000	17,000,000	11,122,000
AIRPORT MOVEMENT AREA SAFETY SYSTEM (AMASS)	20,650,000	20,650,000	20,650,000
VOICE RECORDER REPLACEMENT PROGRAM	2,632,000	3,632,000	3,632,000
TERMINAL DIGITAL RADAR (ASR-11)	69,690,000	75,000,000	69,690,000
WEATHER SYSTEMS PROCESSOR	22,400,000	22,400,000	22,400,000
DOD/FAA ATC FACILITIES TRANSFER	2,600,000	2,600,000	2,600,000
PRECISION RUNWAY MONITORS	2,000,000	17,000,000	2,000,000
TERMINAL RADAR (ASR) - IMPROVE	3,233,600	3,233,000	3,233,000
TERMINAL COMMUNICATIONS IMPROVEMENTS	1,250,700	1,550,700	1,550,700
MODE S - PROVIDE	1,974,000	1,974,000	1,974,000
TERMINAL APPLIED ENGINEERING	6,700,000	6,700,000	6,700,000
SUBTOTAL - TERMINAL PROGRAMS	**526,161,972**	**509,749,372**	**531,053,978**
AUTOMATED SURFACE OBSERVING SYSTEM (ASOS)	8,213,900	13,213,900	11,500,000
OASIS	23,100,000	23,100,000	23,100,000
WEATHER MESSAGE SWITCHING CENTER REPLACEMENT	2,500,000	2,500,000	2,500,000
FLIGHT SERVICE FACILITIES IMPROVEMENT	1,277,500	1,277,500	1,277,500
FLIGHT SERVICE STATION SWITCH MODERNIZATION	6,000,000	6,000,000	6,000,000
FLIGHT SERVICE STATION MODERNIZATION	4,000,000	4,000,000	4,000,000
SUBTOTAL - FLIGHT SERVICE PROGRAMS	**45,091,400**	**50,091,400**	**48,377,500**
VOR	2,632,000	2,632,000	2,632,000
NEXT GENERATION NAVIGATION/LANDING SYSTEMS	0	164,400,000	0
INSTRUMENT LANDING SYSTEM (ILS) - ESTABLISH/UPGRADE	62,000,000	0	85,000,000
ILS - REPLACE MARK 1A, 1B, AND 1C	1,000,000	0	1,000,000
TRANSPONDER LANDING SYSTEM (TLS)	3,000,000	0	3,000,000
LOW LEVEL WINDSHEAR ALERT SYSTEM (LLWAS)	5,734,000	5,734,000	5,734,000
RUNWAY VISUAL RANGE (RVR)	9,000,000	3,000,000	8,000,000
NDB SUSTAIN	940,000	940,000	940,000
NAVIGATIONAL AND LANDING AIDS - IMPROVE	2,955,922	2,955,922	2,955,922
ILS - REPLACE GRN-27	1,000,000	1,000,000	1,000,000
APPROACH LIGHTING SYSTEM IMPROVEMENT (ALSIP)	26,100,000	21,450,000	30,000,000
PRECISION APPROACH PATH INDICATORS (PAPI)	6,000,000	6,000,000	6,000,000
DISTANCE MEASURING EQUIPMENT (DME)	1,128,000	1,128,000	1,428,000
VISUAL NAVAIDS	2,820,000	2,820,000	2,820,000
GULF OF MEXICO OFFSHORE PROGRAM	1,900,000	1,900,000	1,900,000
LORAN-C UPGRADE/MODERNIZATION	25,000,000	0	25,000,000
SUBTOTAL - LANDING AND NAVIGATIONAL AIDS	**151,209,922**	**213,959,922**	**177,409,922**
ALASKAN NAS INTERFACILITY COMM SYSTEM (ANICS)	5,000,000	7,200,000	6,000,000
FUEL STORAGE TANK REPLACEMENT AND MONITORING	10,500,000	10,500,000	10,500,000
FAA BUILDINGS AND EQUIPMENT - IMPROVE/MODERNIZE	10,000,000	10,000,000	10,000,000
ELECTRICAL POWER SYSTEMS - SUSTAIN/SUPPORT	28,200,000	28,200,000	28,200,000
AIR NAVAIDS AND ATC FACILITIES (LOCAL PROJECTS)	1,880,000	1,880,000	1,880,000
AIRCRAFT RELATED EQUIPMENT PROGRAM	6,000,000	6,000,000	6,000,000
COMPUTER AIDED ENG GRAPHICS (CAEG) REPLACEMENT	2,600,000	2,600,000	2,600,000
CABLE LOOP SYSTEMS	5,400,000	0	5,400,000
SUBTOTAL - OTHER ATC FACILITIES	**69,580,000**	**66,380,000**	**70,580,000**
TOTAL ACTIVITY 2	***1,172,796,294***	***1,223,883,694***	***1,213,114,400***
NON-ATC FACILITIES AND EQUIPMENT:			

Facilities and Equipment
Conference Agreement
Fiscal Year 2001

Program Name	House recommended	Senate recommended	Conference agreement
NAS MANAGEMENT AUTOMATION PROGRAM (NASMAP)	1,034,000	1,034,000	1,034,000
HAZARDOUS MATERIALS MANAGEMENT	22,600,000	22,600,000	22,600,000
AVIATION SAFETY ANALYSIS SYSTEM (ASAS)	15,980,000	15,980,000	15,980,000
OPERATIONAL DATA MANAGEMENT SYSTEM (ODMS)	1,000,000	1,000,000	1,000,000
LOGISTICS SUPPORT SYSTEM AND FACILITIES	7,500,000	7,500,000	7,500,000
TEST EQUIPMENT - MAINTENANCE SUPPORT	940,000	940,000	940,000
INTEGRATED FLIGHT QUALITY ASSURANCE	2,200,000	2,200,000	2,200,000
SAFETY PERFORMANCE ANALYSIS SUBSYSTEM (SPAS)	2,400,000	2,400,000	2,400,000
NATIONAL AVIATION SAFETY DATA CENTER	1,800,000	1,800,000	1,800,000
NAS RECOVERY COMMUNICATIONS (RCOM)	4,700,000	4,700,000	4,700,000
PERFORMANCE ENHANCEMENT SYSTEM	2,500,000	2,500,000	2,500,000
EXPLOSIVE DETECTION TECHNOLOGY	136,417,606	99,500,000	99,500,000
FACILITY SECURITY RISK MANAGEMENT	19,339,000	19,339,000	19,339,000
INFORMATION SECURITY	11,200,000	11,200,000	11,200,000
SUBTOTAL - SUPPORT EQUIPMENT	**229,610,606**	**192,693,000**	**192,693,000**
AERONAUTICAL CENTER INFRASTRUCTURE MODERNIZATION	7,200,000	7,200,000	7,200,000
NATIONAL AIRSPACE SYSTEM (NAS) TRAINING FACILITIES	1,880,000	1,880,000	1,880,000
DISTANCE LEARNING	2,162,000	2,162,000	2,162,000
SUBTOTAL - TRAINING EQUIPMENT & FACILITIES	**11,242,000**	**11,242,000**	**11,242,000**
TOTAL ACTIVITY 3	***240,852,606***	***203,935,000***	***203,935,000***
MISSION SUPPORT:			
SYSTEM ENGINEERING AND DEVELOPMENT SUPPORT	24,711,000	24,711,000	24,711,000
PROGRAM SUPPORT LEASES	33,800,000	33,800,000	33,800,000
LOGISTICS SUPPORT SERVICES	6,300,000	6,300,000	6,300,000
MIKE MONRONEY AERONAUTICAL CENTER - LEASE	14,000,000	14,000,000	14,000,000
IN-PLANT NAS CONTRACT SUPPORT SERVICES	2,619,000	2,619,000	2,619,000
TRANSITION ENGINEERING SUPPORT	37,539,000	37,539,000	37,539,000
FREQUENCY AND SPECTRUM ENGINEERING - PROVIDE	2,900,000	2,900,000	2,900,000
PERMANENT CHANGE OF STATION MOVES	26,400,000	26,400,000	26,400,000
FAA SYSTEM ARCHITECTURE	1,000,000	3,534,000	1,000,000
TECHNICAL SERVICES SUPPORT CONTRACT (TSSC)	44,911,000	44,911,000	44,911,000
RESOURCE TRACKING PROGRAM	3,450,000	3,450,000	3,450,000
CENTER FOR ADVANCED AVIATION SYSTEM DEV. (MITRE)	67,000,000	68,400,000	65,200,000
NATIONAL AIRSPACE SYSTEM IMPLEMENTATION	0	63,578,706	0
TOTAL ACTIVITY 4	***264,630,000***	***332,142,706***	***262,830,000***
PERSONNEL AND RELATED EXPENSES:			
PERSONNEL AND RELATED EXPENSES	322,652,600	322,652,600	322,652,600
TOTAL ACTIVITY 5	***322,652,600***	***322,652,600***	***322,652,600***
TOTAL	**2,656,765,000**	**2,656,265,000**	**2,656,765,000**

Advanced technology development and prototyping.—The conference agreement includes $56,600,000 for advanced technology development and prototyping, to be distributed as follows:

Item	House recommended	Senate recommended	Conference agreement
Items in budget	$40,620,000	$28,868,000	$40,000,000
Airport research	7,380,000	7,380,000	7,380,000
Concrete pavement research	2,000,000	2,000,000	2,000,000
UWB/GPS	0	2,600,000	2,600,000
GPS anti-jamming	0	1,000,000	1,000,000
Runway incursion activities	0	0	3,500,000
Total	50,000,000	45,848,000	56,600,000

The conference agreement includes $5,000,000 for the runway incursion reduction program, compared to $1,500,000 in the budget estimate. The additional funds are needed to address nationwide technology initiatives recommended by the National Runway Safety Summit in June 2000, and should not be reprogrammed to any other project or activity. Of the funds provided under "Airport research", $2,000,000 is for airfield pavement improvement activities authorized under sections 905 and 743 of Public Law 106–181.

The $2,600,000 for ultra-wide band (UWB)/GPS work is provided to assess the vulnerability of aviation uses of the GPS signal to interference from electronic devices. New initiatives in this area should be coordinated with all appropriate stakeholders in industry, the National Telecommunications and Information Agency, the Department of Defense, the U.S. Congress, and the Federal Communications Commission. In addition, $1,000,000 is available for anti-jamming initiatives, to improve the resilience of the GPS signal to jamming through improved antennae, signal processing technology, or other means.

Safe flight 21.—The conference agreement provides $35,000,000 for the safe flight 21 program, as proposed by the Senate, and agrees to the Senate's allocation of those additional funds. The conferees direct that, of the funds provided for the Ohio Valley portion of this program, not less than $1,000,000 shall be for a safety study assessing the relative safety benefits of ADS-B technology, including an assessment of the use of ADS-B for conflict detection and resolution. In addition, the conferees encourage FAA to schedule a near-term evaluation of the potential use of ADS-B technology to address the runway incursion problem.

Aviation weather services improvements.—The additional $3,000,000 provided for this program is to support the collaborative effort between FAA and NOAA's National Severe Storms Laboratory to continue research and testing of phased array radar technology and to incorporate airport/aircraft tracking and weather information. Funding of $10,000,000 was provided for this program in the Department of Defense Appropriations Act, 2000.

Aeronautical datalink applications.—The conferees do not agree with Senate direction regarding the qualifications for a contractor for air-to-ground communications.

Static transfer switches.—The conferees understand that the FAA administrator has identified funding to complete procurement under the existing contract to supply en route centers with static transfer switches. These switches enable the centers to switch in back-up power quickly enough to prevent computers from "crashing," and replace equipment which lacks this important capability. The conferees support funding for this procurement.

Free flight phase one.—Of the funds provided for this program, $3,000,000 is to implement the departure spacing program (DSP) to support Dulles International Airport, as proposed by the House, and $4,500,000 is for the program proposed by the Senate to implement DSP for the New York/New Jersey metropolitan area. The amount provided includes the sums necessary for the installation of bar-coded strips at the airports identified in the Senate report. DSP funds should not be reprogrammed to other regions or activities.

Terminal automation.—The conference agreement provides $117,000,000 for this program, instead of $114,850,000 proposed by the House and $116,850,000 proposed by the Senate. Funding is included to install and commission DBRITE systems at Mid-Delta Airport in Mississippi, and at Gainesville Regional and Boca Raton airports in Florida. The conferees understand that existing DBRITE systems are available for redeployment to new sites as a result of other modernization activities.

Distance measuring equipment (DME).—The amount provided above the request for this program shall be for the installation of DME on runway 11 at Newark International Airport.

En route communications and control facilities.—Of the funds provided, $3,200,000 is only for relocation of RTR–A and RTR–D radar facilities at Lambert-St. Louis International Airport in Missouri.

Air traffic control tower and Tracon improvements.—Of the funds provided, $1,500,000 is to continue the cable loop relocation project at Lambert-St. Louis International Airport in Missouri.

Instrument landing system establishment/upgrade.—Funding provided for instrument landing systems (ILS) shall be distributed as follows:

Location	*Amount*
Activities in President's budget	$16,000,000
National replacement program (categories I/II/III)	22,325,000
Lonesome Pine Airport, VA	1,000,000
Jimmy Stewart Airport, PA	855,000
Lafayette Regional Airport, LA	1,000,000
Statesboro-Bulloch County Airport, GA	1,797,000
Buffalo Niagara, NY (ILS/MALSR)	3,798,000
Searcy Airport, AR	2,000,000
Dulles International, VA (DME)	300,000
Wichita MidContinent, KS	1,100,000
Colonel James Jabara Airport, KS	1,100,000
Cleveland Hopkins International, OH	4,000,000
Orlando International, FL (install category III)	2,000,000
Meridian/Key Field, MS	2,000,000
Atlanta Hartsfield International, GA (5th runway)	4,000,000
Evanston Airport, WY	2,500,000
Muscatine Municipal Airport, IA	1,600,000
Kalealoa Airport, HI	2,300,000
Decatur Airport, AL	1,000,000
Gulf Shores Municipal, AL	1,300,000
Lehigh Valley International, PA	2,000,000
Klawock Airport, AK	1,000,000
Mexico Airport, MO	2,000,000
Harry Browne Airport, MI	1,000,000
Wexford County Airport, MI	1,500,000
London-Corbin Airport, KY	2,000,000
Somerset Airport, KY (localizer/NDB)	500,000
Newport News-Williamsburg Airport, VA	2,000,000
Sierra Blanca Regional Airport, NM	350,000
Minneapolis-St. Paul International, MN (localizer/glideslope)	675,000
Total	85,000,000

The FAA recently signed a multiyear contract for additional instrument landing systems. The conferees direct FAA to initiate no less than two ILS demonstration projects which permit the manufacturer and airports expedited and full procurement, project management, and installation authority. This type of "turnkey" approach will allow an assessment of the potential for added cost savings and schedule efficiencies compared to traditional FAA acquisitions.

Runway visual range.—Of the $8,000,000 provided for this program, $1,300,000 is for items cited in the Senate report, $250,000 is for RVR equipment at the Minneapolis-St. Paul International Airport in Minnesota, and $5,000,000 is for continued acquisition of next generation RVR systems.

Voice switching and control system (VSCS).—The conference agreement provides $2,700,000 in this budget line for activities to address the audio clipping, automatic gain control, and tone notching problems found in FAA voice switches. The funding is designed, in part, to address recommendations of FAA's AOS–510 organization in Oklahoma City concerning the rapid deployment voice switch (RDVS), as well as provide solutions for these problems in the ICSS, ETVS, and VSCS switching systems. The conferees understand that a single, commercial-off-the-shelf system may be available to address these problems in all of the systems mentioned.

Precision runway monitors.—The conference agreement does not include funding to install a precision runway monitor (PRM) at Newark International Airport as proposed by the Senate. The conferees recognize that the procurement of this equipment is premature at this time. The conferees note, however, that one of the Administrator's new "choke point" initiatives includes measures to increase the efficiency of air traffic flows and reduce airspace complexity for aircraft destined to New York and New Jersey. This initiative will facilitate the development of arrival procedures at Newark International that could reduce ATC delays once a PRM with accompanying LDA and glideslope is installed. As such, the conferees direct the Administrator to continue to work with the relevant aviation authorities in the region toward the installation of a PRM and LDA with glideslope at Newark International Airport once the "choke points" initiative is fully implemented. Toward that end, the conferees expect the Administrator to continue to work toward the completion of all necessary environmental analyses so that this installation can take place as soon as possible.

Terminal voice switch replacement.—The conferees agree to provide $14,000,000 for this program, and direct FAA not to reprogram any of those resources without Congressional approval.

Houston area air traffic system.—The conference agreement includes $12,000,000 in initial funding for the Houston area air traffic system (HAATS). These funds shall be under administrative control of the FAA Southwest Region, which is the charter holder for this important capacity enhancement program. Funds are intended for instrument landing systems and other facilities and equipment necessary to carry out the program, and shall not be reprogrammed without Congressional approval. The conferees are aware that FAA has approved the record of decision for a major capacity expansion at Houston area airports. To ensure that the required navigation and landing aids, radar positions, and related equipment is provided in a timely manner, FAA established a special charter for this program, giving overall program responsibility to the Southwest Region. This is similar to past charter programs in Dallas, Atlanta, Austin, and Northern Virginia. In the case of Houston, however, the FAA has neglected to provide funding for the program. The conference agreement corrects this oversight.

Low-cost airport surface detection equipment.—The conferees agree to provide $8,400,000 for the low-cost airport surface detection equipment (ASDE) program as proposed by the Senate, instead of $15,000,000 as proposed by the House, and do not agree with House direction regarding contracting strategies for this program. The conferees agree with the House that runway incursions are an urgent safety issue which should be rapidly addressed, in part, through the application of modern technology. Disappointingly, however, the FAA has not put forward a viable or affordable program worthy of Congressional support. In response to Congressional direction to develop a low-cost alternative to today's ASDE-3 system, the agency proposes one twice as expensive and designed for lower-activity airports. In response to direction requiring ten systems in the field by September 2002, the agency proposes one reaching that capability three years later. In addition to these programmatic concerns, the conferees are not convinced of the agency's commitment to this program. Although the FAA Administrator announced in June 2000 that 25 low-cost ASDE systems would be acquired, the agency's five-year capital plan submitted two months later provides less than half the resources necessary to accomplish that goal. In addition, the agency has steadfastly refused to support the additional funding recommended by the House for the coming fiscal year. The conferees cannot responsibly provide additional first-year funding for this program until the agency demonstrates the long-term commitment of resources and the leadership needed to carry it to fruition. In lieu of funds for an acquisition which the agency does not yet support, the conferees have provided an additional $3,500,000 in advanced development funds for runway incursion technology initiatives.

Terminal air traffic control facilities replacement.—The conference agreement includes $145,492,606 for replacement of air traffic control towers and other terminal facilities. The agreement distributes these funds as follows:

Location and Amount

Vero Beach, FL	$5,600,000
Albert Whitted, FL	75,000
Dayton International, OH	4,000,000
WK Kellogg, MI	2,000,000
Sky Harbor, AZ	9,000,000
Cleveland, OH	3,000,000
Richmond, VA	5,700,000
Martin State, MD	1,000,000
Medford, OR	1,000,000
Billings Logan, MT	2,000,000
Grand Canyon, AZ	267,000
Missoula, MT	500,000
Pangborn, WA	1,000,000
Paine Field, WA	1,000,000
McArthur Airport, NY	750,000
Rogue Valley, OR	1,425,500
Fort Wayne, IN	2,000,000
Cheyenne, WY	1,450,000
Morristown, NJ	2,500,000
Oakland, CA	23,912,347
LaGuardia, NY	23,440,000
Boston, MA	24,936,914
Savannah, GA	7,741,015
Topeka, KS	4,361,840
St. Louis, MO	3,317,000
Newark, NJ	2,407,500
Roanoke, VA	2,140,000
Birmingham, AL	1,359,540
Ft. Columbus, OH	1,000,000
Wilkes-Barre, PA	959,200
Houston Hobby, TX	818,550
Champaign, IL	749,000
Little Rock, AR	642,000
Bedford, MA	535,000
Newburgh, NY	1,000,000
Merrill Field, AK	321,000
Wilmington, DE	305,000
Salina, KS	267,500
N. Las Vegas, NV	214,000
Orlando, FL	177,900
Atlanta, GA	167,900
Chantilly, VA	75,000
Gulfport, MS	75,000
Kalamazoo, MI	75,000
Deer Valley, AZ	75,000
Broomfield, CO	75,000
Miami, FL	51,900
Seattle, WA	25,000
Total	145,492,606

Richmond airport traffic control tower, VA.—The Richmond International Airport is in the midst of a terminal expansion program which requires a new airport control tower to be operational by 2002. While the FAA supports construction of a new tower, the agency estimates that, using its normal procedures, the agency would not complete the tower until the year 2004, delaying the capacity expansion program by two years. Since Richmond believes it can meet the schedule if it manages this project, the conferees direct FAA to explore construction of the replacement tower under a construction agreement or other transaction authority with the Richmond International Airport, pursuant to which the airport would construct the tower, using predominantly FAA funding, and FAA would own, operate, and maintain the facility.

Morristown airport traffic control tower, NJ.—The conference agreement includes $2,500,000 for the construction of a replacement air traffic control tower at the Morristown, New Jersey airport. The conferees recognize that the current tower is deteriorating rapidly and needs to be replaced as soon as possible. Toward that end, the conferees direct the FAA Administrator to enter into a reimbursable agreement with the airport through which the remaining construction costs borne by the airport will be reimbursed by the FAA over the next few years.

Airport surveillance radar (ASR-9).—The conferees provide $11,122,000 for this program as proposed by the House, of which $4,000,000 is for the radar system specified in the House report for Palm Springs Airport in California. The conferees agree not to specify additional systems for acquisition at this time, but direct the FAA to initiate or continue preliminary site surveys and other necessary studies for locations cited in the Senate report as well as Cherry Capital Airport in Michigan, Gainesville Regional Airport in Florida, and Jackson Hole Airport in Wyoming. Funds for these studies may be derived either from this budget line or from funds provided for terminal digital radar (ASR-11) implementation. The conferees understand that the FAA has committed to installing a TARDIS unit at the Gainesville Regional Airport and direct the FAA to move expeditiously to install this equipment as an interim solution to the airport's radar needs. In addition, $2,400,000 of the funding provided is for removal and relocation of the existing ASR-9 radar system at Lambert-St. Louis International Airport in Missouri.

Puget Sound radar shortcomings.—The conferees direct the FAA Administrator to conduct a study assessing the best means of correcting shortcomings related to deficient radar coverage in the southern Puget Sound airspace in the State of Washington.

Voice recorder replacement program.—The conference agreement provides $3,632,000 for this program as proposed by the Senate instead of $2,632,000 as proposed by the House. With these additional funds, the FAA is directed to conduct the study cited in the Senate report regarding deployable flight data recorders and support the FAA Technical Center's "integrated aircraft data collection and reporting" project to develop an improved method of collecting, storing, and analyzing critical aircraft flight data by ground-based means.

Automated surface observing system (ASOS).—The conferees agree to provide $11,500,000 for this program instead of $8,213,900 proposed by the House and $13,213,900 proposed by the Senate. Of the funds provided, $80,000 is for installation of an automated weather observing system at Monticello Airport in Wayne County, Kentucky and $100,000 is for installation of an AWOS III system at Dexter Airport in Arkadelphia, Arkansas. Funding is also included for installation of an automated weather sensor system (AWSS) for Owensboro-Daviess County Airport in Kentucky.

Approach lighting system improvement program (ALSIP).—The conference agreement provides $30,000,000 for this program, to be distributed as follows:

Location	House	Senate	Agreement
Activities in President's budget	$1,040,000	$1,100,000	$1,040,000
ALSF–2 acquisition	9,575,000		3,400,000
MALSR acquisition	3,500,000		2,025,000
ALSIP Newport & North Bend, OR	4,000,000	3,500,000	3,500,000
ALSF–2 Cleveland Intl, OH	3,000,000		3,000,000
ALSF–2 Minneapolis-St. Paul Intl, MN			1,500,000
MALSR Starkville, MS	560,000		560,000
MALSR, Millington, TN	425,000		425,000
MALSR install runway 34L, Salt Lake City, UT	3,000,000	3,000,000	3,000,000
MALSR/REIL Monroe Cty, NC	1,000,000		1,000,000
Meridian/Key Field MALSR, MS		2,300,000	2,300,000
Atlanta Hartsfield, GA		2,300,000	1,500,000
Juneau Airport, AK		2,000,000	1,500,000
Las Cruces International, NM		2,750,000	1,600,000
Bethel Airport, AK		2,000,000	1,500,000
Saginaw MBS Intl, MI		500,000	500,000
MALSR, Baton Rouge, LA		2,000,000	1,500,000
Taxiway lighting system, Gadsden Airport Industrial Park, AL			150,000
Total	26,100,000	21,450,000	30,000,000

Aviation access, remote locations in Alaska.—The conferees note that most remote Alaska villages do not have access to hospitals or clinics because they are not connected to the road system. Therefore, they must rely on aircraft medevacs in the event of a medical emergency. The conferees have been informed that an air evacuation of a heart attack victim was delayed for three days because the village of Hoonah lacked navigational aids, and that medevacs in winter months are restricted to just a few hours of daylight because communities lack runway lights. The Administrator is directed to work with the Indian Health Service and the Coast Guard to determine the extent of this problem, and similar access problems in other remote communities, and make recommendations to the House and Senate Committees on Appropriations by March 1, 2001 on what steps should be taken.

Explosive detection systems.—The conferees agree to provide $99,500,000 for the acquisition and deployment of explosive detection systems at airports as proposed by the Senate instead of $136,417,606 as proposed by the House. The conference agreement distributes funds as shown below:

Activity	FY 2001 budget estimate	Conference agreement
Bulk EDS systems	$31,200,000	$40,000,000
Trace detection systems	15,200,000	12,000,000
Threat image projection (TIP) systems	25,320,000	22,000,000
Threat containment units	750,000	
Computer-based training (CBT) systems		2,000,000
System integration	25,030,000	21,500,000
SAFPAS		2,000,000
Total	97,500,000	99,500,000

Bulk explosive detection systems.—The conferees agree with the concern of the House that FAA has not been successful at developing a viable second source for the acquisition of bulk EDS systems, several years after the program was initiated. Competition among vendors is critical for minimizing government costs and lowering technical risk, and FAA's lack of enthusiasm for second source development continues to be disappointing. A recent investigation of the House Appropriations Committee's Surveys and Investigations staff concluded that FAA has failed to use consistent criteria in evaluating different vendors; has failed to formally document test criteria and the basis for test decisions; and has applied different performance standards to different vendors. Some vendors have been allowed to deploy equipment to airports without FAA certification; some have been required to receive certification; and still others have not been approved until completion of post-certification operational tests. In all, it is clear that FAA has neither effectively promoted competition nor evaluated different vendors fairly against a single performance and testing standard. This has resulted in a single vendor receiving contracts for an overwhelming majority of systems, several years after attempts were begun to develop a second source. The conferees will not continue to provide funding for these important machines unless a level playing field is established. Although the conference agreement includes $40,000,000 for bulk explosive detection systems, an increase of $8,800,000 above the budget estimate, the conferees direct that these funds shall be made available in equal amounts to procure explosive detection systems from both certified sources. Further, the FAA shall not unduly delay contract awards to either vendor, by ensuring that the timing of contract awards to the two vendors are paired to the greatest extent practicable.

Strategic Alliance for Passenger Airline Safety.—As proposed by the Senate, the conference agreement includes $2,000,000 for the Strategic Alliance for Passenger Airline Safety (SAFPAS) to conduct development, integration, evaluation, and testing of the concept of remote airline passenger check-in and baggage drop-off. If successful, this could enhance airline passenger check-in efficiency as well as enhance security by distributing the baggage screening load across time and locations, allow for a more measured flow of baggage and more time per bag for screening. This could also reduce the pressure at airport security checkpoints by reducing the number of bags being presented immediately before flight departures.

Center for advanced aviation systems development.—Within the amount made available for this activity, adequate funding has been provided to continue development of flight management system procedures for Newark and Teterboro airports, New Jersey.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement provides $187,000,000 for FAA research, engineering, and development instead of $184,366,000 as proposed by the House and $183,343,000 as proposed by the Senate.

The following table shows the distribution of funds in the House and Senate bills and the conference agreement:

Research, Engineering and Development
Conference Agreement
Fiscal Year 2001

Program Name	House recommended	Senate recommended	Conference agreement
System Development and Infrastructure	**17,425,000**	**14,595,000**	**17,414,000**
System planning & resource management	1,350,000	1,164,000	1,164,000
Technical laboratory facility	11,075,000	13,431,000	12,250,000
Center for Advanced Aviation System Development	5,000,000	0	4,000,000
Information security	0	0	0
Weather	**27,789,000**	**24,839,000**	**24,806,000**
National laboratory program	16,398,000	16,648,000	16,615,000
In-house support	4,391,000	4,391,000	4,391,000
Center for Wind, Ice & Fog	700,000	700,000	700,000
Juneau, AK	3,100,000	3,100,000	3,100,000
SOCRATES	3,200,000	0	0
Aircraft Safety Technology	**58,880,000**	**62,979,000**	**62,679,000**
Aircraft systems fire safety	5,451,000	4,750,000	4,750,000
Advanced materials/structural safety	2,797,000	2,797,000	2,797,000
Propulsion and fuel systems	7,700,000	7,200,000	8,200,000
Flight safety/atmospheric hazards research	4,109,000	4,109,000	4,109,000
Aging aircraft	29,384,000	34,684,000	33,384,000
Aircraft catastrophic failure prevention research	2,782,000	2,782,000	2,782,000
Aviation safety risk analysis	6,657,000	6,657,000	6,657,000
System Security Technology	**49,374,000**	**54,520,000**	**54,520,000**
Explosives and weapons detection	37,460,000	42,606,000	42,606,000
Aircraft hardening	4,307,000	4,307,000	4,307,000
Airport security technology integration	2,462,000	2,462,000	2,462,000
Aviation security human factors	5,145,000	5,145,000	5,145,000
Human Factors & Aviation Medicine	**26,050,000**	**22,929,000**	**24,100,000**
Flight deck/maintenance/system integration human factors	10,100,000	10,100,000	10,100,000
Air traffic control/airway facilities human factors	9,950,000	8,000,000	8,000,000
Aeromedical research	6,000,000	4,829,000	6,000,000
Environment and Energy	**4,848,000**	**3,481,000**	**3,481,000**
Total appropriation	184,366,000	183,343,000	187,000,000

Security research.—The conferees encourage FAA's research organization to work with the OST Office of Intelligence and Security to consider FAA financial support of aviation-related activities conducted through that office. The Office of Intelligence and Security is tasked with certain responsibilities regarding critical infrastructure protection and awareness. Since the large majority of DOT's critical infrastructure is in the FAA, it may be appropriate for the agency to support these activities financially.

Strobe light evaluation.—The conferees direct FAA to provide, out of available funds, up to $500,000 to conduct a test program comparing how various runway approach lighting systems affect a pilot's visual effectiveness during the landing phase. FAA data indicate that "steady burning" approach lights can cause temporary changes in pilot visual acuity, which can affect the ability of the pilot to determine objects at a distance.

Propulsion and fuel systems.—Of the funds provided, $1,500,000 is for the minimum octane fuel research cited in the House report and $1,500,000 is for the Specialty Metals Processing Consortium cited in the Senate report.

Explosives and weapons detection.—The conference agreement includes $42,606,000 as proposed by the Senate instead of $37,460,000 as proposed by the House and included in the budget estimate. Of this amount, $6,000,000 is to continue development of the pulsed fast neutron analysis (PFNA) cargo inspection system, as proposed by the Senate. No funds are allocated to the Safe Skies initiative. Further, the conference agreement provides $1,000,000 for the FAA to fund dual use X-ray technology development at Huntsville International Airport, Alabama, to facilitate the movement of large amounts of palletized cargo through scanning systems with very high levels of contraband and threat detection.

Aging aircraft.—The conference agreement provides $33,384,000 for this program instead of $29,384,000 as proposed by the House and $34,684,000 as proposed by the Senate. Of the funds provided, $5,000,000 is for the National Institute for Aviation Research. The conferees have included an increase of $1,000,000 above the budget request for the Center for Aviation Systems Reliability (CASR); $1,000,000 above the budget request for activities of the engine titanium consortium effort; and $10,000,000 for the activities of the Airworthiness Assurance Center of Excellence, including research at the non-destructive inspection validation center.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes a liquidating cash appropriation of $3,200,000,000, as proposed by the House and the Senate.

Obligation limitation.—The conferees agree to an obligation limitation of $3,200,000,000 for the "Grants-in-aid for airports" program as proposed by the House and the Senate. This is the amount authorized by Public Law 106–181.

High priority projects.—Of the funds covered by the obligation limitation in this bill, the conferees direct FAA to provide not less than the following funding levels, out of available discretionary resources, for the following projects in the corresponding amounts:

Airport	Project	Allocation
Aberdeen Regional Airport	Capital improvements	$2,500,000
Abilene Regional Airport	Terminal expansion, taxiway B extension, runway 17L and other improvements	2,000,000
Akron-Canton Regional	Roadway redesign relating to extension of runway 1/19	2,600,000
Akron-Canton Regional	Design runway 1/19 safety upgrades and extension	1,100,000
Akutan SPB	Runway extensiom and improvements	1,200,000
Albany City Airport	Extension of runway 10/28	4,900,000
Alliance Airport	Runway extension	8,000,000
Angoon	Master plan	500,000
Asheville Regional	Various improvements	2,500,000
Atka Airport	Extension	1,500,000
Atlantic City International Airport	Terminal, runway and taxiway improvements	5,000,000
Austin Straubel Airport	Apron area expansion and taxiway construction	3,500,000
Autauga County Airport	Runway extension, taxiway, lights, parking apron	1,000,000
Baltimore-Washington International	Taxiway, ramp and other airfield improvements	5,000,000
Bay Minette Municipal	Runway extension, etc	4,500,000
Billings-Logan International Airport	Commuter aircraft parking ramp, commercial air freight parking lot	1,500,000
Birmingham International Airport	Various improvements	5,000,000
Bishop Airport, CA	Utility/infrastructure improvements	4,100,000
Bishop Airport, MI	Relocate VOR navigational aid to allow taxiway extension	500,000
Boeing Field	Runway and taxiway improvements	2,000,000
Brazoria County	Runway extension	500,000
Bush InterContinental Airport	Fuel cell airport demonstration project for airline GSE	2,000,000
Capital Airport	Rehabilitation of taxiway A	900,000
Charlottesville-Albemarle Airport	Extension of runway safety area	4,300,000
Chattanooga Lovell Field	Relocate taxiway to safety standard	4,500,000
Cherry Capital Airport	New passenger terminal	5,300,000
Chippewa Valley Regional Airport	Runway reconstruction and taxiway upgrade	2,300,000
Clayton Municipal Airpark	Extend runway 2/20	700,000
Cynthiana-Harrision County Airport	Airport development	450,000
Danville Regional	Apron expansion, etc.	3,200,000
Decatur (Pryor Field Regional)	Runway and taxiway improvements	1,000,000
DeKalb Taylor Municipal	Runway construction; taxiway extension; related	500,000
Detroit City Airport	Land acquisition and property relocation projects	1,000,000
Detroit Lakes Municipal Airport	Various improvements	1,600,000
Dillingham Airport	Master plan, cross-runway	500,000
Dothan Airport	Various improvements	2,000,000
Du Page Airport	Runway extension and widening; taxiway construction; etc	5,200,000
Eastern West Virginia Regional	Rehabilitation of runway 17/35 and terminal improvements	2,500,000
Edward F. Knapp State	Runway reconstruction and construction of parallel taxiway	2,000,000
Erie International Airport	Extension, study, etc.	3,000,000
Estill County Airport	Airport development	250,000
Fairbanks International Airport	Various improvements	1,000,000
Fairhope Municipal Airport	New runway and other improvements	2,000,000
Fayette County Airport	Various improvements	1,500,000
Felts Field	Runway rehabilitation	1,800,000
Frances Gabreski Airport	Lighting and other improvements	600,000
Franklin County	Feasibility study for new airport	90,000
Freeman Municipal Airport	Reconstruction of taxiways and aprons	500,000
Front Royal - Warren County Airport	Emergency equipment	200,000
Gadsden Municipal Airport	Various improvements	600,000
Gary Regional Airport	Various improvements	500,000
Gerald R. Ford International	Noise mitigation & runway resurface	2,000,000
Glacier Park International Airport	Rehabilitation of runways A, B, C and D	500,000
Gnoss Field Airport	Runway extension environmental assessment	325,000

Airport	Project	Allocation
Grant County Airport	Construct parallel taxiway and lighting	500,000
Great Falls International Airport	Runway upgrades	2,500,000
Great Falls International Airport	Drainage improvements	500,000
Greenbrier Valley Airport	Construct general aviation apron and other improvements	800,000
Greenville Municipal Airport	Runway extension	2,000,000
Gulfport-Biloxi Regional Airport	General aviation relocation, ramp space construction, and cargo expansion	2,000,000
Harlan County Airport	Runway extension	350,000
Hayward Municipal Airport	Runway, taxiway, apron reconstruction/runway lighting upgrade	1,800,000
Helena Regional Airport	Parallel taxiway repaving	1,000,000
Henry E. Rohlsen Airport	Extension of runway 9-27 and parallel taxiway	1,000,000
Henry Tift Meyers Airport	Runway rehabilitation, resurfacing, and lighting systems	1,900,000
Hoonah Airport	Runway lighting and safety improvements	1,000,000
Houston Southwest	Master plan update/EIS/feasibility studies	500,000
Huntsville International - Jones Field	Taxiway C connector, runway extension, noise mitigation and land acquisition	1,000,000
Jackson County Airport, WV	Install perimeter fencing	400,000
Jackson International Airport	Design and construction of the air cargo apron	1,000,000
Jimmy Stewart Airport	Runway extension and related improvements	500,000
Juneau International	Maintenance facility hanger for snow removal equipment	1,500,000
Kee Field Airport	Rehabilitate runway 7/25, runway safety improvements and lighting	500,000
Kelly USA, TX	Air cargo study	200,000
Kenai Municipal Airport	Construct ARFF and SRE building (Phase I)	1,000,000
Lafayette Regional Airport	Runway, taxiway, landing and lighting system, and equipment improvements	3,000,000
Lambert - St. Louis International Airport	Runway and other improvements under phase 2 of W-1W modernization plan	10,000,000
Lanai	Runway extension	3,600,000
Lawrence Municipal Airport	Runway reconstruction, apron, taxiway and lighting improvement projects	3,000,000
Lee County Airport, VA	Site preparation for replacement airport	500,000
Lee's Summit Municipal Airport	Land acquisition to extend runway/runway protection zone	500,000
Leesburg Regional Airport	Emergency equipment	200,000
Logan County Airport, WV	Construct parallel taxiway to runway 6	600,000
Luray Caverns Airport	Automated weather observation system	180,000
March Airfield	Civilian refueling system	5,000,000
Marion County - Rankin Fite	Runway extension	1,000,000
Marion/Crittenden County Airport	Master plan	80,000
Marshall County Airport	Rehabilitate runway 6/24	550,000
Mason County Airport	Construct SRE building	500,000
Mercer County Airport	Improve and expand terminal building	2,000,000
Millington Airport	Infrastructure improvement projects	500,000
Mingo County Airport	Rehabilitate runway 6/24	500,000
Minneapolis-St. Paul International	Noise mitigation for the west side of the north/south runway	10,000,000
Minot International Airport	Rehabilitate runway 13/31	4,000,000
Missoula International Airport	Various improvements	750,000
Mobile Downtown	Resurface/lengthen runway; ILS upgrade; other improvements	5,000,000
Mobile Regional Airport	Land acquisition	5,000,000
Monroe Airport, NC	Apron expansion, etc.	2,000,000
Monroe County, AL	Reseal runway, etc	550,000
Monroe County Airport, IN	Land acquisition	2,000,000
Montgomery Regional - Dannelly Field	Passenger terminal construction and improvements	6,000,000
Moorhead Municipal Airport	Runway improvements/extension, lighting, parallel runway extension	1,600,000

Airport	Project	Allocation
Morgantown Municipal Airport	Install perimeter fencing and other improvements	450,000
Napa County Airport	Runway, taxiway, and ramp maintenance; master plan; taxiway project	500,000
New Market Airport	Safety equipment	65,000
New Orleans International	Environmental assessment of north/south runway and land acquisition to relocate the lafrate Business Park	1,000,000
Newton City-County, KS	Land acquisition – ILS related	579,000
Newton City-County, KS	Runway strengthen-repave	2,500,000
Niagara Falls International Airport	Taxiway D rehabilitation	1,000,000
Nome Airport	Remove airport obstructions	2,000,000
Oakland/Pontiac Airport	Land acquisition in runway protection zone	2,000,000
Ogden-Hinckley, Provo Municipal, Tooele Valley, Heber City Municipal / Russ McDonald Field	General aviation capital projects for Olympics	1,500,000
Ohio University Airport	Runway extension	1,000,000
Olive Branch Airport	Various improvements	3,000,000
Ontario International Airport	Cargo Demand study	100,000
Palmer Municipal Airport	Various improvements	500,000
Palwaukee Airport	Construction of east side taxiway parallel to runway 16/34	1,700,000
Perry County Municipal Airport, IN	Runway extension	480,000
Pickaway County Memorial	Runway/taxiway lighting	423,000
Pittsfield Municipal and Harriman-West airports	Land acquisition, environmental assessment, and design work	1,500,000
Ponca City Regional Airport	Runway extension	3,000,000
Port Columbus International Airport	Apron reconstruction and glycol retention and treatment systems	2,360,000
Princeton-Caldwell County Airport	Runway extension and overlay	200,000
Quillayute Airport	Various improvements	656,000
Raleigh County Memorial Airport, WV	Rehabilitate runway 1/19 and taxiway lighting	1,200,000
Richard B. Russell Airport	Taxiway expansion and improvements and apron overlay	700,000
Robert Gray Army Airfield	Taxiway, apron and terminal projects	3,300,000
Roberts Field	Terminal and taxiway improvements	3,500,000
Rock County Airport, WI	Runway reconstruction and extension	1,500,000
Rockingham-Hamlet	Parallel taxiway, etc.	1,122,000
Rota International, CNMI	Runway resurfacing	1,250,000
Rutland State	Various improvements	200,000
Salt Lake City International Airport	Enhanced security system for Olympics	1,000,000
San Bernardino International	Various improvements	1,000,000
San Luis Obispo County	Taxiway M construction	590,000
Santa Maria Public/Hancock Field	Taxiway L construction	650,000
Searcy Municipal Airport	Runway extension and widening and taxiway relocation	5,000,000
Sky Harbor International Airport	Reconstruction and extension of north runway	2,000,000
Somerset-Pulaski County Airport	Property acquisition	1,500,000
Southern California Logistics Airport	Various improvements	2,000,000
Southern Illinois Airport	Runway safety area improvements	1,584,000
Springfield-Branson Regional Airport	Various improvements	4,000,000
St Petersburg-Clearwater International	Runway expansion, etc.	7,600,000
St. Cloud Regional Airport	Runway construction	2,000,000
Stillwater Municipal Airport	Runway lengthening	1,000,000
Sugar Land Municipal	Land acquisition; construct taxiway	2,000,000
Syracuse Hancock International Airport	Improvements to the aircraft rescue and fire fighting building	2,000,000
Taos Municipal Airport	Taxiway, apron, and various other improvements	800,000
Theodore F. Green State	Various improvement projects	1,000,000
Toledo Express Airport	Taxiway and apron improvement projects	2,000,000
Tomahawk Regional Airport	Runway, taxiway, apron reconstruction/runway lighting upgrade	950,000
Tulip City Airport	Land acquisition for runway extension	1,000,000

Airport	Project	Allocation
Tunica Municipal Airport	Various improvements	2,000,000
Unalaska Airport	Extend runway safety area (phase 2) and LDA	2,000,000
Walker County Airport - Bevill Field	Various improvements	1,000,000
Washington Dulles International	ARFF facility	1,685,000
Westmoreland City, PA	Land acquisition	900,000
Wilkes-Barre/Scranton International	Joseph M. McDade terminal	3,000,000
William H. Morse State	Various improvements	1,000,000
Winchester Regional Airport	Security equipment and systems	370,000
Wood County / Gill Robb Wilson Field	Rehabilitate terminal apron, terminal drainage, SRE equipment, master plan and other improvements	1,500,000
Youngstown-Warren	EIS for runway extension	2,500,000

The conferees further direct that the specific funding allocated above shall not diminish or prejudice the application of a specific airport or geographic region to receive other AIP discretionary grants or multiyear letters of intent.

Cleveland Hopkins International Airport, OH.—The conferees are aware of the need for further noise mitigation at Cleveland Hopkins International Airport and of the City of Cleveland's residential sound insulation program to address this issue. Although the city is currently limited to caps for residential and institutional noise set-aside funding, it is expected that these caps will be withdrawn by the FAA because of the significant increase being made available in noise set-aside funding. Accordingly, the conferees urge FAA to give strong consideration to the city's request for multi-year noise set-aside funding to address sound insulation needs for homes and facilities around the airport.

Minneapolis-St. Paul International Airport, MN.—The conferees provide $10,000,000 for noise mitigation activities for the westside of the new Minneapolis-St. Paul International Airport north/south runway, pending FAA's review of the noise impacts of the project.

Denver noise mitigation study.—In House report 105-648, the House Committee on Appropriations instructed FAA to work with the Denver International Airport Study Coordination Group, the DIA noise abatement office, and other affected Colorado communities to identify measures, including changes in flight patterns, which would reduce aircraft noise. In addition to considering average noise levels (particularly in communities with average noise levels over 65 LDN), the FAA was instructed to address the specific altitude of Colorado communities. The conferees urge FAA to continue to work with these entities to resolve their concerns. The conferees direct FAA to provide a letter report detailing its findings and recommended actions to the House and Senate Committees on Appropriations no later than August 1, 2001.

Wilkes-Barre/Scranton International Airport, PA.—The conference agreement provides discretionary funding of $3,000,000 only for the Joseph M. McDade terminal facility at the Wilkes-Barre/Scranton International Airport in Pennsylvania.

Letters of intent.—The conferees urge the FAA to award letters of intent for multiyear capital projects at the following airports:

Location:

Memphis International, TN
Lambert-St. Louis International, MO
Clearwater-St. Petersburg International, FL
Piedmont Triad International, NC
Anchorage International, AK
George Bush Intercontinental, TX
Orlando International, FL
Baltimore-Washington International, MD
Hartsfield-Atlanta International, GA
Alliance Airport, TX
Oakland Pontiac International, MI
North Las Vegas, NV
Cherry Capital Airport, MI

Houston area letter of intent.—The conferees urge FAA to give priority consideration to the letter of intent application from the City of Houston. The city has proposed a major expansion of airside capacity, with positive effects on system delay and a favorable benefit-cost ratio, as part of a larger airport expansion program largely financed by locally-generated funds.

Lambert-St. Louis International Airport.—The conferees encourage the FAA Administrator to award a supplemental letter of intent for Lambert-St. Louis International Airport in Missouri and include within the conference agreement $10,000,000 in discretionary funding for the new W-1W runway and related improvements at this airport.

Piedmont Triad International Airport runway project.—The Conferees direct the FAA to give full and immediate consideration to the Piedmont Triad Airport Authority's application for a letter of intent for construction of a parallel runway (5L-23R) and related improvements. These improvements will provide substantial capacity, safety and economic benefits and will facilitate committed expansion of operations at the airport.

Hartsfield-Atlanta International Airport.—The conferees are aware of the capacity and safety benefits that will accrue from the addition of a fifth runway at Hartsfield-Atlanta International Airport. The conferees direct FAA to give full and immediate consideration to the airport authority's application for a letter of intent for construction of a fifth runway.

GPS approach development.—The confererence agreement does not include the Senate's direction to make available $4,500,000 of administrative funds only for the development of GPS approaches. Funding for this activity is provided in other appropriations.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of unused contract authority totaling $579,000,000, as proposed by both the House and the Senate. These funds are above the annual obligation ceiling for fiscal year 2000, and remain unavailable to the program.

AVIATION INSURANCE REVOLVING FUND

The conference agreement retains language authorizing expenditures and investments from the Aviation Insurance Revolving Fund for aviation insurance activities, as proposed by both the House and the Senate. This provision has been carried in appropriations Acts for many years.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement limits administrative expenses of the Federal Highway Administration (FHWA) to $295,119,000, instead of $290,115,000 as proposed by the House and $386,658,000 as proposed by the Senate.

The conference agreement provides that certain sums be made available under section 104(a) of title 23, U.S.C. to carry out specified activities, as follows: $4,000,000 shall be available for commercial remote sensing products and spatial information technologies under section 5113 of Public Law 105-178, as amended; $10,000,000 shall be available for the national historic covered bridge preservation program under section 1224 of Public Law 105-178, as amended; $5,000,000 shall be available for the construction and improvement of the Alabama State Docks; $10,000,000 shall be available to Auburn University for the Center for Transportation Technology; $7,500,000 shall be made available for "Child Passenger Protection Education Grants" under section 2003(b) of Public Law 105-178, as amended; and $25,000,000 shall be available for the transportation and community and system preservation program under section 1221 of Public Law 105-178, as amended.

The recommended distribution by program and activity of the funding provided for FHWA's administrative expenses is as follows:

FHWA administrative expenses	$315,834,000
Undistributed reduction in administrative expenses	-1,000,000
Defer information technology increases pending CIO review	-2,400,000
Defer increases for workplace development	-4,330,000
Delete funding requested for rural transportation planning initiatives	-1,000,000
Eliminate funding for climate change center	-1,000,000
Deny funding for national rural development partnership program	-500,000
Delete funding for the Garret A. Morgan program	-688,000
Delete funding for 2 new FTE for small and disadvantaged business activities	-230,000
Deny funding for development of regional transportation plan for the Mississippi River Delta initiative	-1,000,000
Delete funding for "working better together" activities	-500,000
Provide $1,000,000 for the office of intermodalism	-317,000
Deny increases for technology transfer and sharing activities	-5,000,000
Disallow funds for the national personal transportation survey	-4,750,000
Congestion mitigation and suburban mobility initiative	+2,000,000

National personal transportation survey.—The conference agreement does not include additional resources for the national personal transportation survey within FHWA's limitation on administrative expenses. Funds have been provided within policy research and the Bureau of Transportation Statistics to continue the national personal transportation survey in fiscal year 2001.

International trade data systems.—The conference agreement includes $1,620,000, as requested, for international trade data systems. The conferees agree with the direction of the House to provide the House and Senate Committees on Appropriations by February 1, 2001 a detailed cost estimate for the development and deployment of the complete system, including cost sharing by other participating federal, state and local agencies, and a schedule for full deployment. The conferees encourage the FHWA within the funds provided for this activity to conduct a study on transportation issues emerging from NAFTA with the University of Texas at El Paso and Dowling College of Long Island, New York, and to work with the Arctic Council to identify opportunities for international cooperation and development in the circumpolar region.

Research and development administrative expenses.—The level provided for administrative expenses of the FHWA shall include funding, as proposed by the House, to support various administrative activities that were requested within the research and technology programs.

Inspector General cost reimbursements.—The conference agreement provides up to $3,524,000 for Inspector General audit cost reimbursements. These funds are transferred from FHWA's administrative takedown as authorized under section 104(a) of title 23 to the office of the inspector general.

Corporate average fuel economy.—Up to $1,000,000 is provided under this heading to conduct a study of corporate average fuel economy standards. This study is more fully discussed under "National Highway Traffic Safety Administration, Operations and research."

Dual logos on interstate signs.—The conferees understand that in response to the establishment of shared facilities for restaurants and other services along interstate highways, there is growing interest in the placement of dual logos on interstate signs to provide information to the traveling public. The Commonwealth of Kentucky is considering a demonstration project that would allow for the use of dual logos in one slot on interstates marking gas, food and lodging facilities. The conferees believe this proposal has merit and direct the FHWA to approve Kentucky's request, should it be submitted.

New Jersey turnpike tremley point interchange.—The conferees are aware of a proposal to construct a new truck-only interchange at exit 12A of the New Jersey Turnpike to provide commercial vehicle access and to alleviate congestion in Linden, New Jersey. The conferees stand in support of this initiative and encourage the appropriate transportation officials in the State of New Jersey to expedite construction of this critically needed congestion mitigation project.

Chesapeake and Delaware Canal.—The conferees direct the Secretary of the Army, acting through the Chief of Engineers, to remove lead-based paint from the St. Georges Bridge in Delaware, to repaint the bridge, and to conduct an assessment for rehabilitation of the bridge using available "Operations and maintenance" general funds from Energy and Water Development Appropriations Acts.

LIMITATION ON TRANSPORTATION RESEARCH

The conference agreement deletes the limitation on transportation research of $437,250,000 proposed by the House. Funding for transportation research programs and activities is included within the overall limitation on federal-aid highways, as proposed by the Senate.

FEDERAL-AID HIGHWAYS

The conference agreement limits obligations for the federal-aid highways program to $29,661,806,000 as proposed by both the House and the Senate. The conference agreement also includes the following limitations within the overall limitation on obligations for the federal-aid highways program as proposed by the Senate: $437,250,000 for transportation research; $25,000,000 for the magnetic levitation transportation technology deployment program; $31,000,000 for the Bureau of Transportation Statistics; and $218,000,000 for intelligent transportation systems. Within the funds provided for magnetic levitation, not to exceed $1,000,000 shall be available to the Federal Railroad Administration for administrative expenses associated with the program; not to exceed $1,500,000 shall be available to the Federal Railroad Administration for "Safety and operations"; and not more than $1,000,000 shall be available for low-speed magnetic levitation research and development. The House bill contained no similar sub-limitations.

The conference agreement also includes a provision which, after deducting $156,486,491 for high priority projects; $25,000,000 for the Indian reservation roads program; $18,467,857 for the Woodrow Wilson Bridge; $10,000,000 for commercial driver's license program under motor carrier safety grants; and $1,735,039 for the Alaska Highway, distributes revenue aligned budget authority directly to the states consistent with each state's individual guaranteed share under section 1105 of Public Law 105–178. This approach is similar to the policy enacted for fiscal year 2000 and maximizes the resources flowing to individual states.

The conference agreement includes several provisions that stipulate how funds apportioned under section 110 of title 23, U.S.C. to the states of Oklahoma, Mississippi, New York, Nebraska, Alabama and California are to be allocated within those states. The FHWA is directed to ensure that the state departments of transportation of these states in no way diminish their annual planned expenditures from their regular federal-aid apportionment on the projects specified in this conference agreement.

Commonwealth of Kentucky.—The conferees expect the Kentucky Transportation Cabinet to pre-finance the right-of-way phase for the Pennyrile Parkway Extension from Hopkinsville to I–24 in Christian County, which is to be funded from the state's annual allotment of federal national highway system funds.

Environmental streamlining pilot program.—The conferees direct the Secretary of Transportation to designate the New Hampshire I-93 corridor project (from Manchester to Salem) as an environmental streamlining pilot project to demonstrate timely identification and resolution of issues, flexible mitigation strategies, and balanced decision-making. The conferees further expect the FHWA's New Hampshire Division Administrator, the Federal Transit Administration's Region 1 Administrator, the U.S. Environmental Protection Agency's Region 1 Administrator, the U.S. Army Corps of Engineers Northeast District Engineer, and the Fish and Wildlife Service Regional Director to serve on this project's board of directors and as principal partners for the duration of this project. This pilot may serve as a model for the application of "project partnering" to implement section 1309 of the Transportation Equity Act for the 21st Century (112 Stat. 232–234).

SURFACE TRANSPORTATION RESEARCH

Within the funds provided for surface transportation research, the conference agreement includes $66,000,000 for highway research and development for the following activities:

Safety	$15,000,000
Pavements	15,000,000
Structures	15,000,000
Environment	6,200,000
Policy	4,600,000
Planning and real estate	4,100,000
Advanced research	900,000
Highway operations and asset management	5,200,000
Total	66,000,000

Within the funds provided for highway research and development, the conferees encourage the FHWA to provide up to $250,000 for continuation of the PM–10 study.

Safety.—The conference agreement includes $15,000,000 for safety research. FHWA is required to implement a comprehensive research and technology program that will ensure safety R&D and deployment activities receive at least the same amount of funds that were provided in fiscal year 2000. Within the funds provided for safety research, the conferees encourage the FHWA to expand its efforts to improve traffic safety at various types of intersections. In addition, the conferees encourage the FHWA to provide: up to $500,000 to explore traffic striping technology improvements which enhance reflectivity in heavy rain; up to $2,000,000 to determine the effectiveness of Freezefree anti-icing systems; up to $2,000,000 for cooperative research at the Western Washington University Vehicle Research Institute for safety and related initiatives; and up to $500,000 for rural bridge safety research in cooperation with the Vermont Agency of Transportation. Lastly, the conferees encourage the FHWA to provide up to $1,800,000 to the Transportation Research Institute at the George Washington University for multi-modal crash analysis, simulation, and modeling for occupant protection and human survivability; and for advanced research into improving performance and safety of transportation networks, including but not limited to information, communications, command and control, and logistics at the physical, operational and information levels.

Pavements.—The conference agreement provides $15,000,000 for pavements research. Within the funds provided for pavements research, the conferees encourage the FHWA to provide: up to $750,000 for cement concrete pavement research at Iowa State University's Transportation Research and Education Center; up to $2,000,000 for alkali silica reactivity research with lithium based technologies; up to $2,000,000 for further research into the GSB-88 emulsified sealer/binder treatment; up to $2,500,000 for the National Center for Asphalt Technology Pavement Research at Auburn University; up to $2,000,000 for a cooperative polymer additive demonstration involving South Carolina State University and Clemson University; and up to $1,000,000 for geosynthetic material pavement research at the Western Transportation Institute.

Structures.—The conference agreement provides $15,000,000 for structures research. Within the funds provided for structures research, the conferees encourage the FHWA to provide: up to $2,000,000 for research at the Center for Advanced Bridge Engineering at Wayne State University; up to $2,000,000 for nondestructive testing research at the Utah Transportation Center; up to $1,500,000 for advanced sensor and inspection research at the New Mexico State University Bridge Research Center; up to $2,000,000 for earthquake hazards mitigation research at the University of Missouri-Rolla; up to $2,000,000 for related engineering research at West Virginia University; up to $2,000,000 for polymer matrix composite research for wood structures at the University of Maine; up to $2,000,000 for a rustproofing and paint technology transfer project using the I–110 bridge from I–10 to U.S. 90; and up to $1,500,000 for cooperative work with the Transportation Research Center at the Washington State University.

Environment.—The conference agreement provides $6,200,000 for environmental research. Within the funds provided for this research activity, the FHWA is encouraged to provide: up to $1,000,000 for the Sustainable Transportation Systems Lab and the National Center for Transportation Technology for mitigation research for heavily-trafficked national parks; up to $1,500,000 for a dust and persistent particulate abatement demonstration study in Kotzebue, Alaska; and up to $1,000,000 to facilitate the air quality work at the National Environmental Respiratory Center.

Policy.—The conference agreement includes $4,600,000 for policy research. Sufficient funding provided under this activity, together with resources provided to the Bureau of Transportation Statistics, shall allow for continued, undiminished work on the national personal transportation survey. The conference agreement deletes funding to continue or to revise the truck size and weight study, as well as funding requested for research cooperation with various international organizations. Both the House and Senate Committees on Appropriations expect to be consulted before future international agreements are consummated by the department that are likely to require financial support by the FHWA.

Highway operations and asset management.—The conference agreement provides $5,200,000 for highway operations and asset management. Within the funds provided for this activity, the conferees encourage the FHWA to provide: up to $800,000 for innovative infrastructure financing best practices research ongoing at the University of Southern California; up to $1,000,000 for the road life research program in New Mexico; and up to $2,000,000 for the Center for Advanced Simulation Technology in New York and Auburn University for continued work on a transportation management plan.

INTELLIGENT TRANSPORTATION SYSTEMS

The conference agreement includes a total of $218,000,000 for intelligent transportation systems (ITS), of which $118,000,000 is available for ITS deployment and $100,000,000 is for ITS research and development. Within the funds available for intelligent transportation systems deployment, the conference agreement provides that not less than the following sums shall be available for intelligent transportation projects in these specified areas:

Project	*Conference agreement*
Alameda-Contra Costa, California	$500,000
Aquidneck Island, Rhode Island	500,000
Austin, Texas	250,000
Automated crash notification system, UAB	1,000,000
Baton Rouge, Louisiana	1,000,000
Bay County, Florida	1,500,000
Beaumont, Texas	150,000
Bellingham, Washington	350,000
Bloomington Township, Illinois	400,000
Calhoun County, Michigan	750,000
Carbondale, Pennsylvania	2,000,000
Cargo Mate, New Jersey	750,000
Charlotte, North Carolina	625,000
College Station, Texas	1,800,000
Commonwealth of Kentucky	1,500,000
Commonwealth of Virginia	5,500,000
Corpus Christi, Texas (vehicle dispatching)	1,000,000
Delaware River Port Authority	1,250,000
DuPage County, Illinois	500,000
Fargo, North Dakota	1,000,000
Fort Collins, Colorado	1,250,000
Hattiesburg, Mississippi	500,000
Huntington Beach, California	1,250,000
Huntsville, Alabama	3,000,000
I–70 West project, Colorado	750,000
Inglewood, California	600,000
Jackson, Mississippi	1,000,000
Jefferson County, Colorado	4,250,000
Johnsonburg, Pennsylvania	1,500,000
Kansas City, Missouri	1,250,000
Lake County, Illinois	450,000
Lewis & Clark trail, Montana	625,000
Montgomery County, Pennsylvania	2,000,000
Moscow, Idaho	875,000
Muscle Shoals, Alabama	1,000,000
Nashville, Tennessee	500,000
New Jersey regional integration/TRANSCOM	3,000,000
North Central Pennsylvania	750,000
North Las Vegas, Nevada	1,800,000
Norwalk and Sante Fe Springs, California	500,000
Oakland and Wayne Counties, Michigan	1,500,000
Pennsylvania Turnpike Commission	1,500,000
Philadelphia, Pennsylvania	500,000
Puget Sound regional fare collection, Washington	2,500,000
Rensselaer County, New York	500,000
Rochester, New York	1,500,000
Sacramento County, California	875,000
Sacramento to Reno, I–80 corridor	100,000
Sacramento, California	500,000
Salt Lake City (Olympic Games), Utah	1,000,000
San Antonio, Texas	100,000
Santa Teresa, New Mexico	500,000
Schuylkill County, Pennsylvania	400,000
Seabrook, Texas	1,200,000
Shreveport, Louisiana	1,000,000
South Dakota commercial vehicle, ITS	1,250,000
Southeast Michigan	500,000
Southhaven, Mississippi	150,000
Spokane County, Washington	1,000,000
Springfield-Branson, Missouri	750,000
St. Louis, Missouri	500,000
State of Alaska	2,350,000
State of Arizona	1,000,000
State of Connecticut	3,000,000
State of Delaware	1,000,000
State of Illinois	1,000,000
State of Indiana (SAFE–T)	1,000,000
State of Iowa (traffic enforcement and transit)	2,750,000
State of Maryland	3,000,000
State of Minnesota	6,500,000
State of Missouri (rural)	750,000
State of Montana	750,000
State of Nebraska	2,600,000
State of New Mexico	750,000
State of North Carolina	1,500,000
State of North Dakota	500,000
State of Ohio	2,000,000
State of Oklahoma	1,000,000
State of Oregon	750,000
State of South Carolina	2,000,000
State of Tennessee	1,850,000
State of Utah	1,500,000
State of Vermont	500,000
State of Wisconsin	1,000,000
Texas border phase I, Houston, Texas	500,000
Tucson, Arizona	1,250,000
Tuscaloosa, Alabama	2,000,000
Vermont rural ITS	1,500,000
Washington, DC area	1,250,000
Washoe County, Nevada	200,000
Wayne County, Michigan	5,000,000
Williamson County/Round Rock, Texas	250,000

Projects selected for funding shall contribute to the integration and interoperability of intelligent transportation systems, consistent with the criteria set forth in TEA21.

District of Columbia.—The conference agreement includes $1,250,000 for intelligent transportation systems in the national capital region. Within the amount provided, the conferees urge funding be made available to develop with George Mason University a system which coordinates ITS responses to major capital projects in Northern Virginia.

Commonwealth of Virginia.—Within the $5,500,000 provided for ITS projects in the Commonwealth of Virginia, $3,000,000 shall be for the I–81 corridor in the Shenandoah Valley and southwestern Virginia to improve safety. The conferees are encouraged by the opportunities to improve safety with ITS programs such as the collection and distribution of real time information, installation of dynamic message signs and safety monitors, coordination of emergency response, and other systems. The conferees expect the Virginia Department of Transportation, working in partnership with Virginia Polytechnic Institute, James Madison University, and George Mason University, to accelerate timely solutions to improve safety on the I-81 corridor.

The conference agreement provides $100,000,000 for ITS research and development activities, to be distributed by activity as follows:

Research and development	$48,680,000
Operational tests	11,820,000
Evaluations	7,750,000
Architecture and standards	13,750,000
Integration	9,000,000
Program support	9,000,000
Total	100,000,000

ITS standards, research, operational tests and development.—Within the $100,000,000 provided for ITS standards, research, operational tests and development, the conference agreement includes, as proposed by the House, $7,300,000 for commercial vehicle research and $30,000,000 for intelligent vehicle initiative research, of which $5,000,000 shall be available for the initial phase of an operational test to advance collision avoidance technologies in the light vehicle platform. The conference agreement deletes $600,000 identified in the Senate report to initiate the design, engineering and installation of intelligent transportation systems at railroad-highway crossings on rail corridors.

FERRY BOATS AND FERRY TERMINAL FACILITIES

Within the funds available for ferry boats and ferry terminal facilities, funds are to be available for the following projects and activities:

Project	*Conference*
Baylink ferry service, Vallejo, California	$1,000,000
Broward County, Florida	2,300,000
Cherry Grove, Long Island ferry boat dock, New York	360,000
Curtis vessel replacement for Rockland and Vinal Haven, Maine	250,000
Dorena Ferry Mississippi River Crossing, Mississippi	500,000
Gees Bend ferry, Alabama	1,000,000
Greenport and Sag Harbor, New York, ferry service	400,000
Jamaica Bay transportation hub, New York	680,000
Fishers Island ferry terminal expansion, New London, Connecticut	1,250,000
Penns Landing dock improvements, Pennsylvania	800,000
Port of Corpus Christi (North Harbor) ferry facility, Texas	1,000,000

Project	Conference
Potomac river ferry, Virginia	660,000
Providence and Newport ferry, Rhode Island	1,000,000
Provincetown, Massachusetts, terminal improvements	300,000
Sandusky, Ohio, river ferry	500,000
Savannah water taxi, Georgia	400,000
St. Johns River water taxi, Jacksonville, Florida	500,000
State of Ohio ferries	500,000
Treasure Island ferry service initiation and pier reconstruction, San Francisco, California	1,000,000

MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM

The conference agreement provides a total of $25,000,000 for the high-speed magnetic levitation (maglev) technology deployment program. Of this total, $1,000,000 is for the Federal Railroad Administration (FRA) to administer the program; $1,500,000 is transferred to FRA for safety and operations activities; and $1,000,000 is for low-speed maglev development.

The conferees direct that $21,500,000 be transferred to FRA for the deployment of high-speed maglev projects. Of this total, the conference agreement recommends the following amounts be made available for preconstruction planning and environmental impact assessments:

Port Authority of Allegheny County, Pennsylvania: Pittsburgh International Airport link	$5,000,000
Maryland Department of Transportation: Baltimore-Washington International Airport-Washington, D.C. link	1,000,000
California-Nevada Super Speed Train Commission: Las Vegas, NV to Anaheim, CA	1,000,000
Georgia/Atlanta Regional Commission: Atlanta, GA to Chattanooga, TN	1,000,000
Southern California Association of Governments: Los Angeles International Airport to March Air Force Base	1,000,000
Florida Department of Transportation	1,000,000
Greater New Orleans Expressway Commission	1,000,000

The remaining funding ($10,500,000) shall be reserved for the projects that the Department of Transportation selects from among the seven candidates to continue in fiscal year 2001.

Low-speed maglev program.—A total of $6,000,000 has been allocated for low-speed maglev programs in fiscal year 2001. This funding is comprised of $1,000,000 transferred from the high-speed maglev program, instead of $3,000,000 as proposed by the Senate, and $5,000,000 from section 3015(c) of Public Law 105–178. This funding is to be allocated as follows:

Segmented rail phased induction electric magnetic motor (SERAPHIM) project	$2,000,000
Colorado Intermountain Fixed Guideway Authority Airport link project	2,000,000
Pittsburgh, Pennsylvania airborne shuttle system	2,000,000

NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM

Within the funds available for the national corridor planning and development program, funds are to be available for the following projects and activities:

Project	Conference
Anniston Evacuation corridor, Calhoun County, Alabama	$3,000,000
Avalon Boulevard/405 Freeway interchange, Carson, California	875,000
Boca Raton traffic calming, Florida	500,000
City of North Ridgeville, Lorain County, Ohio grade crossing improvements	600,000
Coalfields expressway Virginia	4,000,000
Coalfields expressway, West Virginia	10,000,000
Downtown Fitchburg Route 12 extension, Massachusetts	2,000,000
Hatcher Pass (phase I), Alaska	2,000,000
I–25 corridor from Alameda to Logan, Colorado	4,000,000
I–29 Port of Entry, Union County, South Dakota	2,000,000
I–35 corridor expansion, Waco, Texas	1,325,000
I–5 South Medford interchange and Delta Park, Oregon	1,000,000
I–65 upgrade, Clark County, Indiana	1,350,000
I–66, Somerset to London, Kentucky	5,000,000
I–69 corridor, Louisiana	2,300,000
I–69 corridor, Texas	3,000,000
I–74 bridge, Moline, Illinois	5,600,000
Madison County, KY 21 and I–75, Kentucky	1,000,000
New Boston Road improvements, Mercer County, Illinois	3,000,000
Radio Road overpass, City of Sulphur Springs, Texas	1,350,000
Route 104, Virginia	1,000,000
South Shore industrial safety overpass, Indiana	4,750,000
Stevenson expressway, Illinois	3,800,000
US 19, Florida	10,000,000
US 25 improvements, Kentucky	2,000,000
US 321 and US 74, Gasden and Mecklenburg County, North Carolina	500,000
US 395 North Spokane corridor, Washington	1,000,000
US 43, Alabama	4,000,000
US 51 widening, Decatur, Illinois	1,350,000
US 95 (Milepost 522 to Canadian border), Idaho	1,900,000
US Route 2, New Hampshire	1,500,000
US–61 (Avenue of the Saints), Missouri	4,000,000
WI 29 (Chippewa Falls bypass, Wisconsin)	3,000,000

TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PROGRAM

The conference agreement includes a total of $50,000,000 for the transportation and community and system preservation program, of which $25,000,000 is derived from funds provided under section 104(a) of title 23, United States Code. Within the funds made available for the transportation and community and system preservation program, funds are to be distributed to the following projects and activities:

Project	Conference
20/20 vision project in Concord, New Hampshire	$500,000
Arkansas River, Wichita, Kansas, pedestrian transportation facility	1,000,000
Bangor, Maine, intermodal hub facility planning, railroad crossing signalization, bike and pedestrian trails	600,000
Bedford, New Hampshire, corridor planning	250,000
Billings, Montana, open/green space improvement project	775,000
Bowling Green, Kentucky, Riverfront Development transportation enhancements	1,000,000
Buckeye Greenbelt parkway beautification, Toledo, Ohio	250,000
Burlington, Vermont, North Street and Church Street improvements	1,100,000
Chantry Flats Road, Sierra Madre, California	600,000
Charleston, West Virginia, Kanawha Boulevard Walkway project	2,000,000
City of Angola and Steuben City, Indiana, bike path	325,000
City of Bedminster, New Jersey, bike path	500,000
City of Coronado, California, mobility improvements	600,000
City of Ferndale, Michigan, traffic signals	50,000
Claiborne County, Mississippi, access road from US 61 to new port facility	400,000
Clay/Leslie County, Kentucky	2,000,000
Clovis, New Mexico, street revitalization	750,000
Community and environmental transportation acceptability process, California	1,000,000
Delong Mountain Alaska, airport access and related planning	300,000
Downtown Omaha, Nebraska, access and redevelopment project	300,000
East Redoubt Avenue improvements, Soldotna, Alaska	725,000
El Segundo, California, intermodal facility improvements	1,000,000
Elwood bicycle/pedestrian bridge, County of Santa Barbara, California	250,000
Fairbanks, Alaska, downtown transit and cultural integration planning	450,000
Fairfax cross county trail/Potomac National Heritage Scenic Trail, Virginia	500,000
Flint, Michigan, transportation planning and origin & destination shipping study	150,000
Fort Worth, Texas, trolley study	750,000
Heritage Corridor Project study, Illinois	200,000

Project	*Conference*
High capacity transportation system study, Albuquerque, New Mexico ..	500,000
Houston, Texas, Main Street Connectivity Project	750,000
Hudson River Waterfront Walkway, New Jersey	2,000,000
Huffman Prairie Flying Field Pedestrian and Multimodal Gateway Entrance, Dayton, Ohio	700,000
Humboldt Greenway project, Hennepin County, Minnesota	1,000,000
Jackson traffic congestion mitigation planning, Mississippi	600,000
Johnstown, Pennsylvania, pedestrian and streetscape improvements	400,000
Kansas City, Missouri, Illus Davis Mall enhancements	350,000
Las Cruces, New Mexico railroad and transportation museum	200,000
Lincoln Parish transportation plan, Louisiana	1,500,000
Lodge freeway pedestrian overpass, Detroit, Michigan	9,000,000
Manchester, Vermont, pedestrian initiative	375,000
Marked Tree, Arkansas, to I–55 along U.S. Highway 63 improvements and controlled access lanes ...	600,000
Minnesota Trunk Highway 610/10 interchange construction at I–94	1,650,000
Mitchell Marina development, Greenport, New York	250,000
Mobile, Alabama, GM&O intermodal center/Amtrak station	650,000
Montana DOT/Western Montana College statewide geological sign project	200,000
Montana statewide rail grade separation study and environmental review	400,000
New Bedford, Massachusetts, North Terminal	200,000
New Orleans, Louisiana, intermodal transportation research	950,000
NW 7th Avenue corridor improvement project, Miami, Florida	100,000
Ohio and Erie Canal corrdior trail development, Ohio	1,000,000
Olympic Discovery Trail, Washington	580,000
Owensboro riverfront development project	300,000
Palmer, Alaska, urban revitalization	200,000
Park Avenue realignment, Borough of Flemington, New Jersey	1,175,000
Pedestrian and bicycle route projects, City of Henderson, Nevada	375,000
Pedestrian improvements, Lake Cumberland Trail, Kentucky	100,000
Pioneer Courthouse Square lobby renovation project, Portland Oregon	400,000
Puget Sound freight mobility systems team project	20,000
Quincy, Illinois, 18th Street Bridge project	300,000
Raton, New Mexico, rail depot/intermodal center redevelopment	750,000
Roberto Clemente Park pedestrian improvements, Pittsburgh, Pennsylvania	600,000
Rockville, Maryland, Town Center accessibility improvement plan	250,000
Roseville, California, historic district revitalization project	500,000
Route 16 improvements, Ellenboro and Harrisville, West Virginia	250,000
Route 522 construction, Town of South Brunswick, New Jersey	250,000
Satsop Development Park road improvements, Grays Harbor, Washington	1,700,000
Soundview Greenway in the Bronx, New York, New York	1,000,000
South Kingshighway business district pilot program, St. Louis Missouri	100,000
Springfield, Missouri, center city plan	750,000
SR 99 corridor improvements, Shoreline, Washington	1,000,000
Talkeetna, Alaska, parking lot/pedestrian safety access	400,000
Tulsa/Sapula Union Railraod overpass at Oakridge Elementary School, Oklahoma	400,000
Uptown transportation management program, New Mexico	500,000
Utah-Coloralo "Isolated Empire" rail connector study	500,000
Van Buren and Russelville, Arkansas, environmental assessments and improvements	1,000,000
Virginia Beach, Virginia, bike trail	400,000
Virginia weigh stations	1,000,000
Walkable edgewater initiative, Chicago, Illinois	100,000
West Baden Springs preservation project, Indiana ...	1,000,000
Wheeling, West Virginia, Victorian Village Transportation Initiative	500,000

Weigh stations, Virginia.—Funding has been provided in the conference agreement for two mobile weigh stations for the Commonwealth of Virginia to curb illegal overweight trucks using U.S. Route 50 and U.S. 17 (Crooked Run Valley) to bypass the permanent weigh station on I–81. The conferees expect that one such portable weigh station will be used in this region, which includes Fauquier, Clarke and Loudoun counties.

BRIDGE DISCRETIONARY PROGRAM

Within the funds available for the bridge discretionary program, funds are to be available for the following projects and activities:

Project	*Conference*
14th Street Bridge, Virginia	$5,000,000
Chouteau Bridge, Jackson County, Missouri	5,000,000
Clement C. Clay Bridge replacement, Morgan/Madison counties, Alabama ...	1,000,000
Fairfield-Benton-Kennecbec River Bridge, Maine	4,000,000
Florida Memorial Bridge, Florida	10,000,000
Historic Woodrow Wilson Bridge, Mississippi	3,200,000
Missisquoi Bay Bridge, Vermont	3,500,000
Oaklawn Bridge, South Pasadena, California	500,000
Pearl Harbor Memorial Bridge replacement, Connecticut	3,200,000
Powell County Bridge, Montana	1,500,000
Santa Clara Bridge, Oxnard, California	6,500,000
Star City Bridge, West Virginia	6,500,000
US 231 bridge over Tennessee River, Alabama ...	8,900,000
US 54/US 69 Bridge, Kansas	2,000,000
Waimalu Bridge replacement on I–1, Hawaii	3,400,000
Washington Bridge, Rhode Island	6,000,000

FEDERAL LANDS

Within the funds available for the federal lands program, funds are to be available for the following projects and activities:

Project	*Conference*
14th Street Bridge, Washington DC/Virginia	$2,500,000
Acadia National Park trails and road projects ..	500,000
Bear River Migratory Bird Refuge access road	950,000
Boyer Chute National Wildlife Refugee paving project	2,500,000
Broughton. Bridge, Clay County, Kansas	100,000
Charles M. Russell/Fort Peck Roads coalition access project	500,000
Chincoteague Refuge, Virginia	500,000
Chugach Road, Alaska	250,000
Clark Fork River bridge replacement, phase 2, Idaho	1,500,000
Crescent Lake National Wildlife Refuge access road, Nebraska	500,000
Cumberland Gap, Kentucky	900,000
Daniel Boone Parkway, Kentucky	1,000,000
Delaware Water Gap Recreational Area	1,000,000
Forest Highway 26	650,000
Fort Baker, California	100,000
Giant Springs Road relocation L&C interpretive center, Great Falls, Montana	800,000
Highway 323 between Elzada and Ekalaka	1,000,000
Highway 419 reconstruction	2,600,000
Historic Kelso depot, Mojave National Preservation, California	2,500,000
Iditarod (Millenium trail)	1,100,000
Hawaii Volcanoes National Park and Hanalei Valley Scenic Lookout on Kauai	1,500,000
Lake Cumberland access road and improvements ..	750,000
Lake Tahoe Binwall repair and drainage improvement	500,000

Project	Conference
Lowell National Historic Park, western canal walkway improvements ..	500,000
Manassas Battlefield access	500,000
Metlakatla/Walden Point Road	1,250,000
Milford Lake replacement bridge (Corps of Engineers lake)	250,000
Mongap Visitor Center—Upper Delaware Scenic and Recreational River ..	900,000
Mount Saint Helen's National Park access from Coldwater's visitor's center to US 12, Randall, Washington	100,000
Natchez Trace Parkway multi-use trail	300,000
New Mexico Route 4 Jemez Pueblo Bypass	300,000
New River Gorge National River road and safety improvements	3,000,000
Old Lock I park access road	1,000,000
Pasagshak Road realignment and improvement ..	500,000
Rampart Road Eureka connector	500,000
Ridgefield National Wildlife Refuge visitor's center, Clark County, Washington	200,000
Route 600, Virginia	1,550,000
Sawtooth National Forest access (phase 2), Idaho	500,000
SD 240 loop, Cedar Pass landslide stabilization, Badlands National Monument	1,700,000
Second access road for Fort Eustis, Virginia	1,750,000
Silvio Conte National Wildlife Refuge public roads	500,000
Soldier Hallow, Utah	1,200,000
Teton Trail Pass (phase 3), Idaho	500,000
Timucuan Ecological and Historic Preserve, Florida	450,000
Traffic circle at Mount Vernon, Virginia	250,000
US 26 upgrade, Oregon	1,500,000
Utah Trail, Joshua Tree National Park, California	1,500,000

The conferees direct that the funds allocated above are to be derived from the FHWA's public lands discretionary program, and not from funds allocated to the Fish and Wildlife Service's and National Park Service's regions.

BUREAU OF TRANSPORTATION STATISTICS

The conference agreement provides $31,000,000 for the Bureau of Transportation Statistics (BTS), as proposed by both the House and the Senate. Within the funds provided to BTS, $600,000 shall be available for statistical analysis of the National Quality Initiative, and up to $4,750,000 may be allocated for the national personal transportation survey. As noted earlier in this report, the funding provided herein, supplemented with funding provided within the policy research activity, shall be sufficient to continue work on the national personal transportation survey in fiscal year 2001.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of $28,000,000,000 for the federal-aid highways program as proposed by both the House and the Senate.

EMERGENCY RELIEF HIGHWAYS

(HIGHWAY TRUST FUND)

The conference agreement includes an appropriation of $720,000,000 to fund the backlog of requests for damage repairs necessary due to disasters. Since the beginning of fiscal year 1999, the emergency relief program has been facing heavy demand for on-going funding needs from events in prior years. This, coupled with requests for funding to address events which occurred in fiscal year 1999 such as Hurricanes Floyd and Dennis, has led to the current backlog of requests. The funding needs far exceed the annual authorization of $100,000,000 for the emergency relief program. Consistent with the purpose of these funds, the entire amount has been designated as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

(HIGHWAY TRUST FUND)

The conference agreement under title III provides an appropriation of $54,963,000 from the highway trust fund for the Appalachian development highway system. The following table reflects the estimated distribution of funds by state:

Alabama	$6,051,799
Georgia	2,418,532
Kentucky	5,551,582
Maryland..	946,351
Mississippi	678,682
New York	1,304,379
North Carolina	3,563,079
Ohio	2,729,017
Pennsylvania	14,797,439
South Carolina	296,470
Tennessee	6,784,784
Virginia	1,426,067
West Virginia	8,414,819

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes $92,194,000 for administrative expenses of the Federal Motor Carrier Safety Administration as proposed by both the House and the Senate. Of this total, $82,344,000 is for operating expenses and $9,850,000 is for research. The following adjustments are made to the budget request:

High-risk, intrastate carrier information	−$500,000
Contract for vision exemption program	−638,000
Personnel adjustments	+38,000
Crash collection data (section 225e)	+225,000
Operation Respond	+375,000
Research and technology ...	+200,000
Motor carrier safety advisory committee	+100,000
Uniform carrier registration	+200,000

High-risk, intrastate carrier information.—The conference agreement deletes funding for the high-risk intrastate carrier information program under the operating expense account and recommends funding for this activity under the national motor carrier safety grant program because of its direct relevance to state motor carrier safety.

Personnel adjustments.—A total of 119 new, full-time employees (FTE) have been approved for fiscal year 2001, one FTE more than requested. Changes to the personnel budget request are as follows: vision exemption specialists (+3), information systems analysts (+1), international specialist (−1), technology specialist (−1), motor carrier safety grant personnel (+1), and executive secretariat (−2). Also, the conference agreement approves the 20 new border inspectors requested in the budget.

Crash collection data.—The conference agreement provides $2,975,000 to ensure that FMCSA fully implements section 225(e) of the Motor Carrier Safety Improvement Act of 1999. These funds should be used to improve data collection on motor carrier crashes, strengthen data analysis, link driver citation information with other information databases, help train state employees and motor carrier safety enforcement officials, and ensure an increased focus on problem drivers through the integration of driver and crash data.

Research and technology.—A total of $9,850,000 has been provided for research and technology initiatives, an increase of $200,000 above the budget request. The additional funding permits an increased effort on the "share the road" and "no-zone" initiatives.

School transportation study.—FMCSA shall continue funding the school transportation study required by section 4030 of TEA21 at the same level provided in fiscal year 2000.

Motorcoach driver fatigue.—The conferees note that the Federal Motor Carrier Safety Administration has acknowledged in its notice of proposed rulemaking on trucking hours-of-service that little is known about the operations of over-the-road buses and motorcoaches. The conferees believe that there should be additional study of the operations, driver practices and driver fatigue issues specific to over-the-road buses before any revisions to the existing trucking hours-of-service rules are finalized, and encourage the Secretary to conduct such studies to inform additional regulatory proposals in this area.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of $177,000,000 for the national motor carrier safety program as proposed by the House and the Senate.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement includes a limitation on obligations of $177,000,000 for motor carrier safety grants proposed by the House and the Senate. This agreement allocates funding in the following manner:

Basic motor carrier safety grants	$130,000,000
Performance-based incentive grants	7,500,000
Border assistance	8,000,000
Priority initiatives	8,000,000
State training and administration	1,500,000
Crash causation (section 224f)	5,000,000
Information systems and strategic safety initiatives	17,000,000
Information systems	(3,700,000)
Motor carrier analysis	(2,300,000)
Implementation of PRISM	(5,000,000)
Driver programs	(1,000,000)
Data collection and analysis	(5,000,000)
Total	177,000,000

Commercial driver's license (CDL) program.—In addition to the funding provided under this account, a total of $10,000,000 has been provided from funds authorized under section 104(a) of title 23, U.S.C. This funding shall only be available for the commercial driver's license program. Within the funds provided, FMCSA should work with the American Association of Motor Vehicle Administrators, the Commercial Vehicle Safety Alliance, lead MCSAP agencies, and licensing agencies to establish a working group to improve all aspects of the CDL program. In addition, FMCSA should consider sponsoring one or two pilot projects involving law enforcement and drivers licensing agencies to explore new and innovative ways to ensure that drivers who have been convicted of a disqualifying offense do not operate during the period of suspension or revocation. Finally, FMCSA should continue to support the judicial and prosecutorial outreach effort. FMCSA shall submit a letter to both the House and Senate Committees on Appropriations by April 1, 2001 summarizing efforts to increase quality control in the CDL program and efforts taken to provide technical and training assistance to the states.

Automated brake testing equipment.— According to 1999 data, the most common out-of-service violations were brake-related (37 percent). Virginia has been researching and exploring opportunities to use infrared brake inspection equipment and has found one new technology that could significantly help to identify brake deficiencies in a timely manner. Within the high priority allocation, sufficient funding should be provided for the Commonwealth of Virginia to install and test infrared brake inspection equipment (both fixed and hand held) at a few weigh stations.

Covert operations.—Within funding provided for high priority activities, $500,000 shall be used to conduct covert operations and survey the extent of this problem. FMCSA shall report on the survey results by May 1, 2001, outlining the extent to which out-of-service notices are being violated. This survey should be conducted on a sufficiently large sample size so that the scope and nature of the challenge are fully made known to the House and Senate Committees on Appropriations.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

The conference agreement provides $116,876,000 from the general fund for highway and traffic safety activities instead of $107,876,000 as proposed by the House. The Senate did not provide a general fund appropriation for NHTSA's operations and research activities. Instead, the Senate provided the same amount ($107,876,000) from the highway trust fund for these activities. The additional $9,000,000 provided above the House and Senate levels shall be available to supplement the Office of Safety Defects and for other tire-related initiatives in the wake of the Firestone recall.

A total of $85,321,000 shall remain available until September 30, 2003 instead of $77,671,000 as proposed by the House and $77,670,000 as proposed by the Senate.

The agreement includes a provision carried since fiscal year 1996 that prohibits NHTSA from obligating or expending funds to plan, finalize, or implement any rulemakings that would add requirements pertaining to tire grading standards that are not related to safety performance. This provision was contained in both the House and Senate bills.

The conference agreement includes a provision that prohibits NHTSA from purchasing a vehicle to conduct new car assessment program crash testing at a price that exceeds the manufacturer's suggested retail price, as proposed by the Senate. The House bill contained no similar provision. If this provision unduly limits NHTSA's ability to test a new vehicle expeditiously, the Secretary may seek a waiver of this language from the House and Senate Committees on Appropriations.

The conference agreement modifies a provision proposed by the Senate that would have prohibited rollover testing using static stability factors. The agreement allows NHTSA to move forward with the rollover rating proposal while the National Academy of Sciences (NAS) studies static versus dynamic testing. NHTSA shall then be required to review the findings of the NAS study and propose any appropriate revisions to its testing procedures within 30 days of receiving the study.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATOINS)

(HIGHWAY TRUST FUND)

The conference agreement provides $72,000,000 from the highway trust fund to carry out provisions of 23 U.S.C. 403 as proposed by both the House and the Senate.

The following table summarizes the conference agreement for operations and research (general fund and highway trust fund combined) by budget activity:

Salaries and benefits	$57,130,000
Travel	1,276,000
Operating expenses	19,810,000
Contract programs:	
Safety performance	7,366,000
Safety assurance	15,987,000
Highway safety programs	41,776,000
Research and analysis	57,536,000
General administration	645,000
Grant administration reimbursements	−10,650,000
Total	190,876,000

Operating expenses.—A total of $19,810,000 has been provided for operating expenses. Within this total, sufficient funds should be provided for computer-related expenses for all administrative functions, including civil rights, public affairs, counsel, planning and policy, and administration. However, computer support should be funded at the fiscal year 2000 level. The conferees believe that this level of funding is adequate, and urge NHTSA to adopt a more cost-effective approach to managing computer support expenses. A detailed report on fiscal year 2000 computer support expenditures, as requested by the House, shall be provided to the House and Senate Committees on Appropriations by December 31, 2000.

New car assessment program (NCAP).—The conference agreement provides $5,556,000 for the new car assessment program. This fully funds the budget request for this program, except for the small dummy component, and provides sufficient funding to support a National Academy of Sciences study of the proposed rollover rating based on the static stability factor. A total of $500,000 has been included in the research and analysis contract program to crash 14 passenger vehicles with a small stature dummy to acquire essential test data and to assure that these dummies are satisfactorily developed for compliance testing associated with the new air bag rule in 2004. The agency has informed the House and Senate Committees on Appropriations that it will not release the results of crashes conducted to test the small stature dummy as part of NCAP.

Safety defects.—The conference agreement defers $145,000 requested to monitor and investigate recreational, transit, and emergency vehicles, as proposed by the Senate.

Auto hotline.—A total of $1,232,000 has been provided for the auto safety hotline, consistent with actions in the House and Senate reports.

Safe communities.—Funding has been deleted for the safe communities program, consistent with action taken by both the House and the Senate.

National occupant protection program.—The conference agreement provides $11,000,000 for the national occupant protection program. Within the funds provided, $1,000,000 shall be used to implement an innovative demonstration program for locally developed initiatives to increase seat belt usage, as proposed by the Senate.

The conferees direct the department's Inspector General to analyze the effectiveness and efficiency of the occupant protection program managed by the office of traffic safety programs. This review should consider the scope and direction of NHTSA's efforts to increase seat belt use rates and whether the agency is allocating funds to partnerships, demonstration projects, and other activities that are most likely to achieve the department's performance goals. The review also should consider the quality and nature of the technical assistance provided by NHTSA's regional staff to states and local governments that benefit from highway traffic safety grants programs.

Section 157 program.—NHTSA shall conduct a review of the procedures and processes used to administer the section 157 innovative grant program and submit a report to the House and Senate Committees on Appropriations by December 1, 2000, that details how grant administration will be improved and grant awards made more expeditiously within the constraints of existing law.

Emergency medical services head injury research.—A total of $2,250,000 has been provided for emergency medical services. Of this amount, $750,000 shall be provided to the Brain Trauma Foundation to continue phase three of the guidelines for pre-hospital management of traumatic brain injury.

Aggressive driving.—A total of $750,000 has been provided to develop and implement a regional education and driver modification program to combat aggressive driving in Maryland, Virginia, and the District of Columbia. Funding should be allocated as specified in the House report.

Rural trauma.—The conference agreement allocates $250,000 to the University of Vermont's College of Medicine and Fletcher Allen Health Care to determine if the survival rate of rural vehicular accidents could be improved through the application of advanced mobile video telecommunications links between a level 1 trauma center and ambulance crews, as proposed by the Senate.

The agreement also includes $500,000 to continue a project at the University of South Alabama on rural vehicular trauma victims, as proposed by the Senate.

School bus occupant protection.—Within contract funds, $250,000 is allocated to Mercer University Research Center to support a school bus safety initiative, as proposed by the Senate. The House contained no similar provision.

Biomechanics.—At a minimum, NHTSA should continue to support the biomechanics program at the fiscal year 2000 level. The conferees are very supportive of the work being conducted by the crash injury research and engineering network (CIREN) and are encouraged that private sector interests have agreed to fund two additional CIREN centers. Because of this commitment, no federal funding should be provided to expand the number of federally funded centers in fiscal year 2001.

In addition, the conferees agree to provide $1,000,000 to the Injury Control Research Center at the University of Alabama to conduct research related to cervical spine and paralyzing neck injuries that result from motor vehicle accidents.

Special crash investigations.—The private sector has agreed to fund 300 special crash investigations per year to collect and analyze real world crash data as proposed by National Transportation Safety Board. This will double the number of investigations conducted in fiscal year 2000. However, the conferees agree that, despite where such contributions are derived (i.e. from the public or private sector) to conduct these investigations, the results are to be treated as public data and no conditions shall be attached to their release.

Side glazing.—In 1991, NHTSA was required to address deaths and injuries resulting from accidents caused by motor vehicle rollovers, primarily focusing on the use of advanced glazing for vehicle windows, to prevent occupant ejection during rollovers. Since 1991, NHTSA has issued two interim reports concluding that advanced side glazing in passenger vehicles could save up to 1,300 lives per year, but NHTSA has yet to complete a final report. Therefore, the conferees direct NHTSA to complete and issue a final report on advanced side glazing by the end of calendar year 2000.

Grant administration.—Under TEA21, NHTSA may withhold up to five percent of the funding for the grant program for administrative costs. The conference agreement reflects a five percent draw down (−$10,650,000).

CAFE language.—A general provision (Sec. 320) is included that prohibits the use of funds to prepare, prescribe, or promulgate corporate average fuel economy (CAFE) standards for automobiles that differ from those previously enacted. In addition, the conferees request the National Academy of Sciences, in consultation with the Department of Transportation, to conduct a study to evaluate the effectiveness and impacts of CAFE standards. The study shall examine, among other factors, those considerations outlined in 49 U.S.C. section 32902(F); the impact of CAFE standards on motor vehicle safety; disparate impacts on the U.S. automotive sector; the effect on U.S. employment in the automotive sector; and the effect of requiring CAFE calculations for domestic and non-domestic fleets. The National Academy of Sciences shall complete this study no later than July 1, 2001, and submit it to the appropriate committees of the Congress and the Department of Transportation. Section 320 of this Act should not be interpreted as preventing the Department of Transportation from providing the National Academy of Sciences with pertinent data and technical guidance and expertise, as necessary. As noted previously in the Federal Highway Administration's "Limitation on administrative expenses", up to $1,000,000 has been allocated for this study.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

The conference agreement provides $2,000,000 for the National Driver Register as proposed by both the House and the Senate. Of this funding, up to $250,000 may be used for the technology assessment authorized under section 2006 of TEA21.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides $213,000,000 to liquidate contract authorizations for highway traffic safety grants, as proposed by both the House and the Senate.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for highway traffic safety grants to $213,000,000 as proposed by both the House and the Senate. A total of $10,650,000 has been provided for administration of the grant programs as proposed by both the House and the Senate. Of this total, not more than $7,750,000 of the funds made available for section 402; not more than $650,000 of the funds made available for section 405; not more than $1,800,000 of the funds made available for section 410; and not more than $450,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23. This language is necessary to ensure that each grant program does not contribute more than five percent of the total administrative costs.

As noted within the Federal Highway Administration, the conference agreement provides $7,500,000 for child passenger protection education grants. The amount is the same as proposed by the House. The Senate proposed no similar appropriation.

The conference agreement retains bill language, proposed by both the House and Senate, that limits technical assistance to states from section 410 to $500,000.

The conference agreement prohibits the use of funds for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for state, local, or private buildings or structures, as proposed by both the House and the Senate.

The bill includes separate obligation limitations with the following funding allocations:

State and community grants	$155,000,000
Occupant protection incentive grants	13,000,000
Alcohol incentive grants	36,000,000
State highway safety data grants	9,000,000

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

The conference agreement appropriates $101,717,000 for safety and operations instead of $102,487,000 as proposed by the House and $99,390,000 as proposed by the Senate. None of this funding is to be offset from user fees. Of the total amount, $5,899,000 shall remain available until expended instead of $5,249,000 as proposed by the House and $4,957,000 as proposed by the Senate.

In addition to the funding provided for safety and operations, $2,500,000 is provided to the Federal Railroad Administration from funds made available under section 1218 of Public Law 105–178. These funds shall be used to administer the magnetic levitation program, for Operation Lifesaver, for Alaska Railroad liabilities, and for track inspection activities. Of this total, no more than $1,000,000 shall be for administration of the maglev program.

The following adjustments were made to the budget estimate:

Deny new staff positions	−$564,000
Reduce funding for travel	−250,000
Reduce information technology initiative	−594,000
Decrease new employee development funding	−360,000
Deny new outreach initiative	−500,000
Decrease funding for program evaluation	−200,000
Operation Respond	−100,000
Operation Lifesaver	+425,000
Southeast transportation center	+350,000
Fatigue countermeasures program	+200,000
Blakeley Island connector study	+100,000

Operation Lifesaver.—A total of $1,025,000 has been provided to Operation Lifesaver. Of this total, not less than $300,000 shall be used to deploy its national public service campaign.

Southeast transportation center.—The conference agreement provides $350,000 to establish an intermodal emergency response training center for the southeast region of the country, to be located in Meridian, Mississippi. These funds shall be used for equipment and program costs associated with establishment of the center, to include rail passenger equipment and track, a functional rail-highway grade crossing, rail and motor carrier hazardous material vehicles and containers, and other passenger rescue and hazardous materials training facilities. Federal funds provided for the center shall be matched with funding and in-kind contributions from industry, local governments, and other organizations.

Fatigue countermeasures.—A total of $500,000 has been provided for fatigue countermeasures. Of this amount, $250,000 shall be used to develop and implement educational and training programs designed to increase the awareness of fatigue throughout the rail industry and $250,000 shall be used to perform validation testing of controlled light eye reaction testing devices in order to establish a body of fatigue testing data and to assist in developing effective fatigue countermeasures.

Blakeley Island connector study.—The conference agreement provides $100,000 for a grant to Alabama State Docks, a state-owned facility, for a study of the cost and economic benefits of restoring rail service on Blakeley Island in Mobile Bay.

Illinois rail-grade crossings.—The State of Illinois, and in particular, northeastern Illinois, has the largest number of rail-grade crossings and quiet zones in the country. The conferees recognize Illinois' efforts to reduce accidents at these grade crossings and encourage FRA to work with communities in northeastern Illinois to further improve rail-grade crossing safety. This work should include offering technical assistance, identifying federal funding sources, and establishing federal-state-local task forces to improve safety and reduce accidents in this region. FRA should pay particular attention to enforcement enhancements and improved educational outreach in its efforts to help reduce risks to motorists and pedestrians.

The conference agreement deletes bill language contained in the Senate bill requiring FRA to reimburse the Department of Transportation's Inspector General $1,500,000 for the costs associated with rail audits and investigations. The House bill contained no similar provision.

The conference agreement includes a provision that authorizes the Secretary to receive payments from the Union Station Redevelopment Corporation, credit them to the first deed of trust, and make payments on the first deed of trust. These funds may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration and must be reimbursed from payments received by the Union Station Redevelopment Corporation. Both the House and Senate bills contained these provisions.

RAILROAD RESEARCH AND DEVELOPMENT

The conference agreement provides $25,325,000 for railroad research and development instead of $26,300,000 as proposed by the House and $24,725,000 as proposed by the Senate. None of this funding is to be offset from user fees. The following table summarizes the conference agreement by budget activity:

Equipment, operations, and hazardous materials	$11,450,000
Train occupant protection	(5,350,000)
Rolling stock safety assurance	(1,287,000)
Human factors	(2,978,000)
Hazardous materials transportation	(1,000,000)
Grade crossings—human factors	(835,000)
Track and vehicle track interaction	8,300,000
Track and components study	(4,150,000)
Track-train interaction safety	(3,050,000)
Grade crossing infrastructure	(600,000)
Marshall/Nebraska project	(500,000)
Railroad systems safety	4,650,000
Safety of high-speed ground transportation	(4,400,000)
Performance-based regulations	(250,000)
Research and development facilities and equipment	925,000
T-6 vehicle	(500,000)
Transportation Test Center	(425,000)
Total	25,325,000

Higher capacity rail cars on light density tracks.—Within the funds provided, FRA should continue to conduct a study on track and bridge requirements for the handling of 286,000-pound rail cars as specified in the House report.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The conference agreement includes a provision proposed by both the House and Senate specifying that no new direct loans or loan guarantee commitments shall be made using federal funds for the payment of any credit premium amount during fiscal year 2001. No federal appropriation is required since a non-federal infrastructure partner may contribute the subsidy amount required by the Credit Reform Act of 1990 in the form of a credit risk premium. Once received, statutorily established investigation charges are immediately available for appraisals and necessary determinations and findings.

RHODE ISLAND RAIL DEVELOPMENT

Appropriations for the Rhode Island rail development project in fiscal year 2001 total $17,000,000, as proposed by the House. The Senate bill allocated, within funds available to the Department of Transportation, $10,000,000 to the Rhode Island rail development project. With this appropriation, the federal commitment to this project is completed.

NEXT GENERATION HIGH-SPEED RAIL

The conference agreement provides $25,100,000 for the next generation high-speed rail .program instead of $22,000,000 as proposed by the House and $24,900,000 as proposed by the Senate. The following table summarizes the conference agreement by budget activity:

Train control projects:	$11,000,000
Illinois project	(7,000,0000)
Michigan project	(3,000,000)
Digital radio network vehicle tracking system	(500,000)
Transportation safety research alliance	(500,000)
Non-electric locomotives:	6,800,000
Advanced locomotive propulsion system	(3,800,000)
Prototype locomotives	(3,000,000)
Grade crossings and innovative technologies:	4,300,000
North Carolina sealed corridor	(700,000)
Mitigating hazards	(2,500,000)
Low-cost technologies	(1,100,000)
Track and structures	1,300,000
Corridor planning activities	1,700,000
Total	25,100,000

Transportation safety research alliance.—The conference agreement provides $500,000 for the Transportation Safety Research Alliance (TSRA) instead of $2,000,000 as proposed by the Senate. The conferees direct FRA to ensure that TSRA uses appropriated funds to deliver a positive train control component product that is usable as a stand alone system without the need for proprietary software and that this software is accompanied by adequate user documentation. Funding for this project should continue to be matched on a dollar-for-dollar basis by TSRA.

Sealed corridor initiative.—A total of $700,000 has been provided for North Carolina's sealed corridor initiative. The report and associated funding, proposed by the Senate, has been deleted.

Cant deficiency speed study.—Within funds provided, FRA shall analyze the safety impact from operations of passenger trains on freight rail trackage at up to five inches of cant deficiency for speeds between 80 and 110 miles per hour, as outlined in the Senate report. FRA should provide a report to the House and Senate Committees on Appropriations by November 30, 2000.

Corridor planning.—A total of $1,700,000 has been provided for corridor planning activities to be distributed as follows:

Midwest regional rail initiative, preliminary engineering and design and eligible right-of-way improvements	$1,000,000
Boston, MA to Burlington, VT high-speed corridor feasibility study	200,000
Southeast corridor extension from Charlotte, NC to Macon, GA	200,000
Gulf Coast high-speed rail corridor from Mobile, AL to New Orleans, LA	300,000

Rail-highway crossing hazard eliminations.—Under section 1103 of TEA21, an automatic set-aside of $5,250,000 is made available each year for the elimination of rail-highway crossing hazards. A limited number of rail corridors are eligible for these funds. Of these set-aside funds, the following allocations were made:

High-speed rail corridor, Washington, D.C. to Richmond, VA	$750,000
High-speed rail corridor, Mobile, AL to New Orleans, LA	1,500,000
Salem, OR	1,500,000
Atlanta to Macon, GA	125,000
Eastern San Fernando Valley, CA	125,000
Keystone high-speed rail corridor, Harrisburg to Philadelphia, PA	500,000
High-speed rail corridor, Milwaukee to Madison, WI	500,000
Minneapolis/St. Paul, MN to Chicago, IL high-speed rail corridor (Minneapolis/St. Paul to LaCrescent, MN)	250,000

ALASKA RAILROAD REHABILITATION

The conference agreement provides $20,000,000 for the Alaska Railroad as proposed by the Senate. The House bill contained no similar appropriation. This funding should be used to continue ongoing track rehabilitation ($10,000,000), signalized automated siding access between Wasilla and Potter Marsh, and track relocation/highway crossing eliminations.

WEST VIRGINIA RAIL DEVELOPMENT

The conference agreement provides $15,000,000 for capital costs associated with track, signal, and crossover rehabilitation and improvements on the MARC Brunswick line in West Virginia, as proposed by the Senate. The House bill contained no similar provision.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides $521,476,000 for capital grants to the National Railroad Passenger Corporation (Amtrak) as proposed by the House instead of $521,000,000 as proposed by the Senate. Bill language, as proposed by the House, is retained that limits the Secretary from obligating more than $208,590,000 of the funding provided prior to September 30, 2001. The Senate bill limited the obligation rate to $208,400,000.

Fencing along the Northeast Corridor.—Amtrak continues to make progress in enhancing safety along the tracks where high-speed rail will soon be operating. For example, almost 35,000 linear feet of chain-link fencing has been installed in Massachusetts to reduce trespassing along the railroad right-of-way. Earlier this year, the town of Mansfield asked for an additional 12,710 linear feet of fencing to be installed (phase III). On March 15, 2000, the President of Amtrak made a commitment to complete the installation of the fencing that has been requested before high-speed rail is operational. While the conferees recognize that Amtrak has limited funds and must balance many competing capital investment priorities, the conferees believe Amtrak should install the remaining 12,710 feet of fencing that was requested by Mansfield prior to Amtrak's March 15, 2000 testimony before the House Appropriations Committee. The same kind of fencing should be installed as was installed previously. If Mansfield and Amtrak agree that there is a need for more secure fencing within phase III, then they may seek a waiver of this limitation from the House and Senate Committees on Appropriations. Should the community identify additional areas in need of fencing (phases IV and V), then those costs shall be borne solely by these communities.

Rail service in western Virginia.—The Commonwealth of Virginia and Amtrak have been in discussions about the reestablishment of service between Washington, D.C., Bristol, Virginia, and Richmond, Virginia. Amtrak is encouraged to continue working with the Commonwealth of Virginia and the appropriate freight railroads to identify and address costs, infrastructure improvements, and operational needs to initiate such a service.

Alliance, Ohio.—Amtrak shall work with the City of Alliance, Norfolk Southern Corporation, and the State of Ohio to devise a plan to improve accessibility, visibility, safety and information at the Alliance, Ohio station. This report should be submitted to the House and Senate Committees on Appropriations within 180 days of enactment of this Act.

South end infrastructure improvements.—Amtrak is directed to provide quarterly reports, beginning on December 31, 2000, to the House and Senate Committees on Appropriations, the Senate Committee on Commerce, and the House Committee on Transportation and Infrastructure regarding (1) the cost-sharing arrangements agreed to among the users of the southern end of the Northeast Corridor, and (2) ongoing work to implement recommendations contained in the south end corridor infrastructure improvement plan.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

The conference agreement provides $64,000,000 for administrative expenses of the Federal Transit Administration as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $12,800,000 from the general fund, as proposed by both the House and the Senate.

The conference agreement includes a provision that transfers $1,000,000 from project management oversight funds to the Inspector General for reimbursement of audit and financial reviews of major transit projects as proposed by the House. The Senate bill proposed that $3,000,000 from funds under this heading shall be used to reimburse the Inspector General for costs associated with audits and investigations of all transit-related issues and systems. The conference agreement also includes a provision that not to exceed $2,500,000 for the National Transit Database shall remain available until expended.

Full-time equivalent (FTE) staff years.—The conference agreement provides that the FTE level in fiscal year 2001 shall not rise in excess of 495 FTE. Additional staffing increases may be considered by the House and Senate Committees on Appropriations through the regular reprogramming process.

Information technology activities.—The conference agreement deletes funds requested for several technology programs pending the office of the secretary's chief information officer review and full identification of outyear costs (−$650,000). Sufficient funding has been included under this heading for infrastructure data protection, continued operation of the transportation electronic award and management application program, and annual electronic procurement life cycle maintenance, licenses and core operations.

Other items.—The conference agreement provides sufficient funds for workforce planning and training and equipment and office renovation. In addition, the conferees have included $250,000 for regional and state-based grantee workshops.

National Transit Database.—Funding of $2,500,000 for operation of the National Transit Database has been included under this heading, rather than in the research and development account as proposed by the Senate. The conferees further direct that none of the funds made available in this Act for project management oversight activities may be used to supplement funds herein for the National Transit Database.

Project management oversight.—The conferees agree that funding made available for project management oversight shall include at least $21,900,000 for project management oversight reviews and $4,500,000 for financial management reviews.

The conferees direct that the FTA submit to the House and Senate Committees on Appropriations, the Inspector General and the General Accounting Office the quarterly financial management oversight and project management oversight reports for each project with a full funding grant agreement.

With the likelihood of an increasing number of transit projects requiring project oversight, the conferees are concerned that the funds available to finance these oversight activities may soon be insufficient to monitor adequately all large-dollar projects. In fact, the FTA anticipates that a funding shortfall of about $5,000,000 will occur in fiscal year 2002, and that it will then have to make difficult choices as to how it will apply limited oversight funds. FTA has yet to identify the level of funding shortfalls that may occur beyond fiscal year 2002 and how it will address any shortfalls. In order to address FTA's oversight needs and to protect the federal investment in these transit projects, the conferees direct the FTA to develop a plan to (1) determine the amount of funds needed to maintain an adequate level of oversight for all projects requiring oversight and the level of funding that likely will be available for this purpose; (2) identify options to cover any projected funding shortfalls; and (3) identify steps to respond to any shortfalls that may occur. The FTA should provide this plan with the 2002 budget submission to the Congress for consideration.

Full funding grant agreements.—TEA21, as amended, requires that the FTA notify the House and Senate Committees on Appropriations as well as the House Committee on Transportation and Infrastructure and the Senate Committee on Banking 60 days before executing a full funding grant agreement. In its notification to the House and Senate Committees on Appropriations, the conferees direct the FTA to include therein the following: (a) a copy of the proposed full funding grant agreement; (b) the total and annual federal appropriations required for that project; (c) yearly and total federal appropriations that can be reasonably planned or anticipated for future FFGAs for each fiscal year through 2003; (d) a detailed analysis of annual commitments for current and anticipated FFGAs against the program authorization; and (e) a financial analysis of the project's cost and sponsor's ability to finance, which shall be conducted by an independent examiner and shall include an assessment of the capital cost estimate and the finance plan, the source and security of all public- and private-sector financial instruments, the project's operating plan which enumerates the project's future revenue and ridership forecasts, and planned contingencies and risks associated with the project.

The conferees also direct the FTA to inform the House and Senate Committees on Appropriations before approving scope changes in any full funding grant agreement. Correspondence relating to scope changes shall include any budget revisions or program changes that materially alter the project as originally stipulated in the full funding grant agreement, and shall include any proposed change in rail car procurements.

FORMULA GRANTS

The conference agreement provides a total program level of $3,345,000,000 for transit formula grants, as proposed by both the House and the Senate. Within this total, the conference agreement appropriates $669,000,000 from the general fund as proposed by both the House and the Senate. The conference agreement provides that the general fund appropriation shall be available until expended.

The conference agreement provides that funding made available for the clean fuel formula grant program under this heading shall be transferred to and merged with funding provided for the replacement, rehabilitation and purchase of buses and related equipment and the construction of bus-related facilities under "Federal Transit Administration, Capital investment grants".

The conference agreement includes a provision that sets aside $60,000,000 from the formula grants program to fund the Salt Lake City Olympic transit program, instead of $40,000,000 as proposed by the House. The Senate bill contained no similar provision. Funds shall be available for grants for the costs of planning, delivery, and temporary use of transit vehicles for special transportation needs and construction of permanent and temporary transportation facilities for the XIX Winter Olympiad and the VII Paralympiad for the Disabled, to be held in Salt Lake City, Utah. In allocating the funds, the Secretary shall make grants only to the Utah Department of Transportation, and such grants shall not be subject to any local share requirement or limitation on operating assistance under this Act or the Federal Transit Act, as amended. This appropriation is similar to one provided in support of the Summer Olympic Games in Atlanta, Georgia in the fiscal year 1995 Department of Transportation and Related Agencies Appropriations Act.

The FTA, when evaluating the local financial commitment of new rail extension or busway projects, shall consider the extent to which projects' sponsors have used the appreciable increases in the formula grants apportionment for alternative analyses and preliminary engineering activities of such systems.

The conferees expect the Washington Metropolitan Area Transit Authority to use the appreciable increases in its section 5307 apportionment and the transportation infrastructure finance and innovation act (TIFIA) loan provided to WMATA to ensure that fire communications are in place in WMATA's tunnels.

UNIVERSITY TRANSPORTATION RESEARCH

The conference agreement provides a total program level of $6,000,000 for university transportation research as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $1,200,000 from the general fund as proposed by both the House and the Senate. The conference agreement provides that the general fund shall be available until expended.

TRANSIT PLANNING AND RESEARCH

The conference agreement provides a total program level of $110,000,000 for transit planning and research as proposed by both the House and the Senate. Within the total, the conference agreement appropriates $22,200,000 from the general fund as proposed by both the House and the Senate. The conference agreement provides that the general fund appropriation shall be available until expended.

Within the funds appropriated for transit planning and research, $5,250,000 is provided for rural transportation assistance; $4,000,000 is provided for the National Transit Institute; $8,250,000 is provided for the transit cooperative research program; $52,113,600 is provided for metropolitan planning; $10,886,400 is provided for state planning; and $29,500,000 is provided for the national planning and research program.

The conference agreement deletes a provision proposed by the Senate that would have set aside $3,000,000 for Great Cities Universities consortium from funds made available for transit cooperative research. Funding for this activity is provided under the national planning and research account.

Transit cooperative research program.—Within the funds provided for transit cooperative research, $1,500,000 is allocated for phase 2 redesign activities of the national transit database.

National planning and research.—Within the funding provided for national planning and research, the Federal Transit Administration shall make available the following amounts for the programs and activities listed below:

	Conference Agreement
Mid-America regional council coordinated transit planning, Kansas City metro area	$750,000
Sacramento area council of governments regional air quality planning and coordination study	250,000
West Virginia University fuel cell technology institute propulsion and ITS testing	1,000,000
University of Rhode Island, Kingston traffic congestion study component	150,000
Trans-lake Washington land use effectiveness and enhancement review	450,000
State of Vermont electric vehicle transit demonstration	500,000
Acadia Island, Maine explorer transit system experimental pilot program	150,000
Center for Composites manufacturing	950,000
Southern Nevada air quality study	800,000
Project ACTION (TEA21)	3,000,000
Southeastern Pennsylvania Transit Authority advanced propulsion control system (TEA21)	3,000,000
Fairbanks extreme temperature clean fuels research	800,000
Safety and security programs	6,100,000
National rural transit assistance program	750,000
Mississippi State University bus service expansion plan	100,000
CALSTART/WESTART	3,000,000
Hennepin County community transportation, Minnesota	1,000,000
Electric transit vehicle institute, Tennessee	500,000
South Amboy, New Jersey transit study	200,000
Great Cities Universities consortium	2,000,000
Long Island, New York transportation land use projects	250,000
JOBLINKS	1,050,000

The conference agreement deletes funding requested for the Garrett A. Morgan program (−$200,000).

Fuel cell bus and bus facilities program.—None of the funds available under this heading shall supplement funding provided under section 3015(b) of Public Law 105–178 for the fuel cell bus and bus facilities program.

Safety and security programs.—The conference agreement includes $6,100,000 for safety and security programs. The conferees direct that these funds are to be wholly administered by the office of safety and security to advance safety programs and are not to be transferred to other offices to support lesser priority activities.

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides $5,016,600,000 in liquidating cash for the trust fund share of transit expenses as proposed by both the House and the Senate.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides a total program level of $2,646,000,000 for capital investment grants, as proposed by both the House and Senate. Within the total, the conference agreement appropriates $529,200,000 from the general fund as proposed by both the House and the Senate.

Within the total program level, $1,058,400,000 is provided for fixed guideway modernization; $529,200,000 is provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities; and $1,058,400,000 is provided for new fixed guideway systems, as proposed by both the House and the Senate. Funds derived from the formula grants program totaling $50,000,000 are to be transferred and merged with funds provided for the replacement, rehabilitation and purchase of buses and related equipment and the construction of bus-related facilities under this heading. In addition to the $1,058,400,000 provided in this Act for new starts, the conference agreement reallocates $26,994,048 to other new start projects contained in this Act. Reallocated funds are derived from unobligated balances from the following new start projects:

Burlington to Gloucester, New Jersey (Public Law 103–331)	$1,488,750
Orlando, Florida Lynx light rail project	20,521,470
Pittsburgh, Pennsylvania airport busway project (Public Law 105–66)	4,983,828

The conference agreement deletes language proposed by the Senate that would have required the Administrator of the Federal Transit Administration, not later than February 1, 2001, to submit individually to the House and Senate Committees on Appropriations the recommended grant funding levels for the respective buses and bus-related facilities and new fixed guideway projects listed in the Senate bill and accompanying report. The House bill contained no similar provisions.

The conference agreement also deletes language proposed by the Senate that listed new fixed guideway systems and extensions to existing systems that are eligible to receive funding for final design and construction or are eligible to receive funding for alternatives analysis and preliminary engineering. The House bill contained no similar provision.

The conference agreement includes a provision that makes funds appropriated to the Miami-Dade east-west multimodal and the Miami Metro-Dade North 27th Avenue corridor projects in previous Department of Transportation and Related Agencies Appropriations Acts available to the Miami, Florida south busway project.

The conference agreement includes a provision proposed by the Senate that makes funds appropriated in Public Law 105–277 for the Colorado-North Front Range corridor feasibility study available for the Colorado-Eagle Airport to Avon light rail system feasibility study. The House bill contained a provision that would have returned these funds to the new starts program for reallocation to other new start projects in fiscal year 2001.

The conference agreement includes a provision proposed by the Senate that makes funds appropriated in Public Law 106–69, the fiscal year 2000 Department of Transportation and Related Agencies Appropriations Act, for certain bus and bus facilities projects in the state of Alabama available to the state of Alabama for buses and bus facilities. The House bill contained no similar provision.

Three-year availability of section 5309 discretionary funds.—The conference agreement includes a provision that permits the administrator to reallocate discretionary new start and bus facilities funds from projects which remain unobligated after three years. The conferees, however, direct the FTA not to reallocate funds provided in the 1997 and 1998 Department of Transportation and Related Agencies Appropriations Acts for the following projects:

New starts

Burlington—Essex, Vermont commuter rail
Cleveland Berea Red Line extension
Colorado Roaring Fork Valley rail project
Jackson, Mississippi intermodal corridor
Galveston, Texas rail trolley system project
New York St. George ferry terminal project
New Orleans Canal Street corridor project
New Orleans Desire Streetcar project
North Carolina Triangle Transit project
Salt Lake City, Utah commuter rail project
San Bernardino Metrolink project
San Diego Mid-Coast project
Virginia Railway Express—Woodbridge station improvement project

Buses and bus facilities

Arlington, Virginia Clarendon canopy project
Buena Park, California bus facilities
Burlington, Vermont multimodal center
Chatham, Georgia bus facility
Columbia, South Carolina buses and bus facilities
Corvalis, Oregon buses and bus facilities
Dulles, Virginia buses
El Paso, Texas demand response facility
Everett, Washington multimodal center
Folsom, California multimodal facility
Galveston, Texas buses and bus facilities
Jackson, Mississippi maintenance facility
King County, Washington park and ride expansion
Lake Tahoe, California intermodal transit center
Milwaukee, Wisconsin intermodal facility
Minnesota Metro Council Transit Operators, buses and bus facilities
Mobile, Alabama buses and intermodal facilities
Modesto, California bus maintenance facility
Monroe, Louisiana buses
New Castle, Delaware buses and bus facilities
New Haven, Connecticut multimodal center
North Carolina buses and bus facilities
Red Rose Transit Authority, Pennsylvania
Rialto, California Metro Link depot
Sacramento, California bus facility

Saint Tammany Parish, buses and bus facilities
Salt Lake City, Ogden and West Valley, Utah intermodal facilities
San Joaquin, California buses and bus facilities
Santa Clara, California buses and bus facilities
Seattle, Washington Kingdome intermodal facility
Sonoma County, California park and ride facility
Staten Island, New York mobility project
Tampa, Florida buses and bus facilities
Tucson, Arizona intermodal facility
Wilkes-Barre, Pennsylvania mobility project

The conferees agree that when the Congress extends the availability of funds that remain unobligated after three years and would otherwise be available for reallocation at the discretion of the administrator, such funds are extended only for one additional year, absent further congressional direction.

The conferees direct the FTA to reprogram funds from recoveries and previous appropriations that remain available after three years and are available for reallocation to only those section 3 new starts that have full funding grant agreements in place on the date of enactment of this Act, and with respect to bus and bus facilities, only to those bus and bus facilities projects identified in the accompanying reports of the fiscal year 2001 Department of Transportation and Related Agencies Appropriations Act. The FTA shall notify the House and Senate Committees on Appropriations 15 days prior to any such proposed reallocation.

Bus and bus facilities.—The conference agreement provides $529,200,000, together with $50,000,000 transferred from "Federal Transit Administration, Formula grants" and merged with funding under this heading, for the replacement, rehabilitation and purchase of buses and related equipment and the construction of bus-related facilities. Funds provided for buses and bus facilities are to be distributed as follows:

	Conference
State of Alabama:	
Alabama State Docks intermodal passenger and freight facility	$1,000,000
Birmingham—Jefferson County Transit Authority buses and bus facilities	1,000,000
Dothan—Wiregrass Transit Authority buses and bus facilities	750,000
Huntsville Space and Rocket Center intermodal center	2,000,000
Hunstville, intermodal facility	500,000
Huntsville International Airport intermodal center	5,000,000
Lanett, vans	250,000
Mobile Waterfront Terminal	5,000,000
Montgomery—Moulton Street Intermodal Facility	3,000,000
Montgomery, civil rights trail trolleys	250,000
Shelby County, vans	200,000
Staewide, bus and bus facilities	1,500,000
Tuscaloosa interdisciplinary science building parking and intermodal facility	9,500,000
University of Alabama Birmingham fuel cell buses	2,000,000
University of North Alabama, bus and bus facilities	2,000,000
University of South Alabama, buses and bus facilities	2,500,000
State of Alaska:	
Alaska State Fair park and ride and passenger shuttle system	1,000,000
Denali Depot intermodal facility	3,000,000
Fairbanks Bus/Rail Intermodal Facility	3,100,000
Fairbanks parking garage and intermodal center	1,100,000
Homer Alaska Maritime Wildlife Refuge intermodal and welcome center	850,000
Port McKenzie intermodal facilities	7,500,000
Ship Creek pedestrain and bus facilities and intermodal center/parking garage	5,000,000
State of Arizona:	
Mesa bus maintenance facility—Regional Public Transportation Authority	2,000,000
Phoenix, bus and bus facilities	4,500,000
South Central Avenue transit center	2,000,000
Tucson intermodal transportation center at Union Pacific Depot	3,000,000
Tucson, bus and bus facilities	1,000,000
State of Arkansas:	
Central Arkansas Transit Authority, bus and bus facilities	1,055,000
Hot Springs—national park intermodal parking facility	500,000
Nevada County, vans and mini-vans	90,000
Pine Bluff, buses	290,000
River Market and College Station Liviable Communities Program	1,100,000
State of Arkansas, small rural and elderly and handicapped transit buses and bus facilities	3,000,000
State of California:	
AC Transit zero-emissions fuel cell bus deployment demonstration project	1,000,000
Alameda Contra Costs Transit District, buses and bus facilities	500,000
Anaheim, Buses and Bus facilities	250,000
Brea, buses	150,000
Calabasas, buses	500,000
Contra Costa Transit Authority (County Connection), buses	500,000
City of Livemore, park and ride facility	500,000
Commerce, buses	1,000,000
Compton, buses and bus-related equipment	250,000
Culver City, buses	750,000
Davis, buses	1,000,000
El Dorado, buses	500,000
El Segundo, Douglas Street gap closure and intermodal facility	2,100,000
Folsom, transit stations	1,500,000
Foothill Transit, buses and bus facilities	2,500,000
Fresno, intermodal facilities	500,000
Humboldt County, buses and bus facilities	500,000
Los Angeles County Metropolitan Transportation Authority, buses	4,500,000
Marin County, bus facilities	910,000
Modesto, bus facility	250,000
Monrovia, electric shuttles	580,000
Monterey Salinas Transit Authority, buses and bus facilities	500,000
Municipal Transit Operators Coalition, buses	2,000,000
Oceanside, intermodal facility	2,000,000
Placer County, buses and bus facilities	500,000
Playa Vista, Shuttle buses and bus-related equipment and facilities	3,000,000
Redlands, trolley project	800,000
Rialto, intermodal facility	550,000
Riverside County, buses	500,000
Sacramento, buses and bus facilities	1,000,000
San Bernardino, intermodal facility	1,600,000
San Bernardino, train station	600,000
San Diego, East Village station improvement plan	1,000,000
San Francisco, MUNI buses and bus facilities	2,000,000
Santa Barbara County, mini-buses	240,000
Santa Clara Valley Transportation Authority, buses	500,000
Santa Clarita, maintenance facility	2,000,000
Santa Cruz, buses and bus facilities	1,550,000
Sonoma County, buses and bus facilities	1,000,000
Sunline transit agency, buses	1,000,000
Temecula, bus shelters	200,000
Vista, bus center	300,000
State of Colorado:	
Statewise bus and bus facilities	10,000,000
State of Connecticut:	
Bridgeport, intermodal center	5,000,000
Hartford/New Britain busway	750,000
New Haven, trolley cars and related equipment	1,000,000
New London, parade project transit improvements	2,000,000
Norwich bus terminal and pedestrian access	1,000,000
Waterbury, bus garage	1,000,000
State of Delaware:	
Statewide bus and bus facilities	3,500,000
State of Florida:	
Statewide bus and bus facilities	15,500,000
State of Georgia:	
Atlanta, buses and bus facilities	2,000,000
Chatham, buses and bus facilities	2,000,000

	Conference
Cobb County, buses	1,250,000
Georgia Regional Transit Authority, buses and bus facilities	3,000,000
State of Hawaii:	
Honolulu bus and bus facility improvements	6,000,000
State of Idaho:	
Statewide, bus and bus facilities	3,500,000
State of Illinois:	
Harvey, intermodal facilities and related equipment	250,000
Statewide, bus and bus facilities	6,000,000
State of Indiana:	
Evansville, buses and bus facilities	1,500,000
Gary—Adam Benjamin intermodal Center	800,000
Greater Lafayette Public Corporation—Wabash Landing buses and bus facilities	1,500,000
Indianapolis, buses and bus-related equipment	2,500,000
South Bend, buses	3,000,000
West Lafayette, buses and bus facilities	2,100,000
State of Iowa:	
Ames maintenance facility	1,200,000
Cedar Rapids intermodal facility	1,200,000
Clinton facility expansion	500,000
Des Moines park and ride	700,000
Dubuque, buses and bus facilities	560,000
Iowa City intermodal facility	1,200,000
Mason City, bus facility	905,000
Sioux City multimodal ground transportation center	2,000,000
Sioux City Trolley system	700,000
Statewide, bus and bus facilities	2,500,000
Waterloo, buses and bus facilities	537,000
State of Kansas:	
Johnson County, buses	250,000
Kansas City, buses	2,000,000
Kansas City, JOBLINKS	250,000
Kansas Department of Transportation, rural transit buses	3,000,000
Lawrence bus and bus facilities	500,000
Topeka, transit facility	600,000
Wichita, buses and ITS related equipment	3,000,000
Wyandotte County, buses	250,000
Commonwealth of Kentucky:	
Audubon Area Community Action	190,000
Bluegrass Community Action, buses and bus-related equipment	160,000
Central Community Action	100,000
Community Action of Southern Kentucky	100,000
Fulton County, vans and buses	140,000
Hardin County, buses	300,000
Kentucky Department of Transportation	500,000
Kentucky (southern and eastern) transit vehicles	3,000,000
Lexington, LexTran, buses and bus facilities	3,500,000
Louisville, bus and bus facilities	3,000,000
Maysville, bus-related equipment	64,000
Morehead, buses and bus-related equipment	39,000
Murray/Calloway County, buses and bus related equipment	60,000
Northern Kentucky Transit Agency, vans	42,000
Paducah Transit Authority, bus and bus facilities	2,000,000
Pennyrile, vans and related equipment	200,000
Pikeville, transit facility	2,000,000
State of Louisiana:	
Lafeyette multi-modal facility	1,250,000
Plaquemines Panish ferry	1,000,000
St. Bernard Parish intermodal facilities	1,250,000
Statewide bus and bus facilities	2,500,000
State of Maine:	
Bangor intermodal transportation center	1,500,000
Statewide, bus, bus facilities and ferries	4,000,000
State of Maryland:	
Statewide bus and bus facilities	8,000,000
Commonwealth of Massachusetts:	
Attleboro, intermodal facilities	1,000,000
Berkshire, buses and bus facilities	1,000,000
Beverly and Salem, intermodal station improvements	600,000
Brockton, intermodal center	1,000,000
Lowell, transit hub	1,250,000
Merrimack Valley Regional Transit Authority, bus facility	500,000
Montachusett, bus facilities, Leominister	250,000
Montachusett, intermodal facilty, Fitchburg	1,375,000
Pioneer Valley, Pratransit vehicles and equipment	1,000,000
Springfield, intermodal facility	500,000
Woburn, buses and bus facilities	250,000
State of Michigan:	
Detroit, buses and bus facilities	3,000,000
Flint, buses and bus facilities	500,000
Lapeer, multi-modal transportation facility	50,000
SMART community transit, buses and paratransit vehicles	4,125,000
Statewide, buses and bus facilities	11,000,000
Traverse City, transfer station	1,000,000
State of Minnesota:	
Greater Minnesota buses and bus facilities	1,250,000
Metro Transit, buses and bus facilities	13,500,000
St. Cloud, buses and bus facilities	2,125,000
State of Mississippi:	
Brookhaven multimodal transportation center	1,000,000
Coast Transit Authority multimodal facility and shuttle service	3,000,000
Harrison county, multimodal center	1,500,000
Jackson, buses	1,000,000
Picayune multimodal center	650,000
State of Mississippi rural transit vehicles and regional transit centers	3,000,000
State of Missouri:	
Bi-State Development Agency, buses	3,000,000
Dunklin, Mississippi, Scott, Ripley, Stoddard and Cape Ciradeau counties, buses and bus facilities	1,000,000
Excelsior Springs bus replacement	200,000
Jefferson City van and equipment purchase	250,000
Kansas City, buses and bus facilities	1,300,000
OATS buses and vans	2,000,000
Southeast Missouri Transportation Service bus and bus facilities	1,000,000
Southwest Missouri State University, intermodal facility	1,000,000
St. Joseph bus replacement	1,000,000
State of Missouri bus and bus facilities	3,000,000
State of Montana:	
Billings buses and intermodal facility	4,000,000
Blackfoot Indian Reservation bus facility	500,000
Great Falls Transit district buses and bus facilities	1,000,000
Missoula Ravalli Transportation Management Association buses	750,000
State of Nebraska:	
Missouri River pedestrian crossing—Omaha	4,000,000
State of Nevada:	
Clark County bus passenger intermodal facility—Henderson	2,000,000
Clark County, bus rapid transit	3,500,000
Lake Tahoe CNG buses and fleet conversion	2,000,000
Reno and Sparks, buses and bus facilities	1,000,000
Washoe County buses and bus facilities	3,000,000
State of New Jersey:	
Elizabeth Ferry Project	500,000
New Jersey Transit alternative fuel buses	4,000,000
Newark Arena bus improvements	4,000,000
Trenton, train/intermodal station	5,000,000
State of New Mexico:	
Albuquerque automatic vehicle monitoring system (SOLAR)	2,000,000
Albuquerque bus replacement	1,250,000
Albuquerque, transit facility	5,000,000
Angel Fire Bus and Bus Facilities	750,000
Carlsbad, intermodal facilities	630,000

	Conference
Clovis, buses and bus facility	1,625,000
Las Cruces, buses	500,000
Santa Fe buses and bus facilities	2,000,000
Valencia County, transportation station improvements	1,250,000
State of New York:	
Buffalo, buses	2,000,000
Buffalo, intermodal facility	500,000
Eastchester, Metro North facilities	250,000
Greenport and Sag Harbor, ferries and vans	60,000
Highbridge pedestrian walkway	100,000
Jamaica, intermodal facilities	250,000
Larchmont, intermodal facility	1,000,000
Long Beach, bus maintenance facility	750,000
Midtown West intermodal ferry terminal	7,000,000
Nassau County, buses	2,300,000
New Rochelle, intermodal transportation center	1,000,000
Oneida County, buses	1,000,000
Rensselaer County, intermodal facility	500,000
Rochester, buses and bus facilities	2,000,000
Saratoga County, buses	650,000
Suffolk County, senior and handicapped vans	500,000
Sullivan County, buses, bus facilities, and related equipment	1,250,000
Syracuse, buses	3,175,000
Tompkins County, intermodal facility	625,000
Weschester County, buses	1,000,000
Weschester and Duchess counties, vans	200,000
State of North Carolina:	
Statewide bus and bus facilities	8,500,000
State of North Dakota:	
Statewide bus and bus facilities	2,500,000
State of Ohio:	
Cincinnati—intermodal improvements	1,000,000
Cincinnati Riverfront Transit Center	3,000,000
Columbus Near East transit center	1,000,000
Dayton--Second and Main Multimodal Transportation Center	625,000
Statewide bus and bus facilities	14,000,000
State of Oklahoma:	
Metropolitan Tulsa Transit Authority pedestrian and streetscape improvements	2,500,000
Oklahoma City bus transfer center	2,500,000
Statewide bus and bus facilities	4,000,000
State of Oregon:	
Albany bus purchase—Linn-Benton transit system	200,000
Basin Transit System buses	160,000
Columbia County ADA buses	110,000
Coos County buses	70,000
Corvallis Transit System operations facility	260,000
Hood River County bus and bus facility	240,000
Lakeview buses	50,000
Lane Transit District buses and bus facility	1,000,000
Philomath buses	40,000
Redmond, buses and vans	50,000
Rogue Valley buses	960,000
Salem Area Transit District buses	1,500,000
Sandy buses	220,000
South Clackamas Transportation District bus	90,000
South Corridor Transit Center and park and ride facilities in Clackamas County	1,500,000
Sunset Empire Transit District improvements to Clatsop County Intermodal Facility	800,000
Tillamook County District transit facilities	160,000
Union County bus	44,000
Wasco County buses	96,000
Commonwealth of Pennsylvania:	
Allegheny County, buses	250,000
Area Transit Authority, ITS related activities	1,800,000
Beaver County, buses	1,000,000
Berks County, buses and bus facilities	1,000,000
Bethlehem intermodal facility	1,500,000
Bradford County, buses and bus facilities	1,000,000
Bucks County, intermodal facility improvements	1,250,000
Cambria County Transit Authority, maintenance facilities	750,000
Centre Area Transportation Authority, buses	1,600,000
Fayette County, maintenance facilities	500,000
Indiana, maintenance facilities	350,000
Lancaster, buses	1,000,000
Lycoming County, buses and bus facilities	2,000,000
Mid County Transit Authority, buses	135,000
Mid Mon Valley Transit Authority, buses	250,000
Monroe County, buses and bus facilities	1,000,000
Philadelphia—Frankford Transportation Center	3,500,000
Philadelphia, Callowhill bus garage	250,000
Phoenixville, transit related improvements	1,250,000
Somerset County, ITS related equipment	100,000
Westmoreland County, buses and related equipment	240,000
Wilkes-Barre intermodal transportation center	1,000,000
State of Rhode Island:	
Statewide, buses and bus facilities	4,000,000
State of South Carolina:	
Statewide, buses and bus facilities	6,675,000
State of Tennessee:	
Southern Coalition for Advanced Transportation, buses	2,000,000
Statewide, buses and bus facilities	4,000,000
State of Texas:	
Austin, buses	500,000
Brazos Transit District, buses	500,000
Corpus Christi, buses and bus facilities	1,000,000
Dallas, buses	2,000,000
El Paso, buses	1,000,000
Fort Worth, intermodal transportation center	3,500,000
Fort Worth, buses and bus facilities	3,000,000
Galveston, buses and bus facilities	250,000
Harris County, buses and bus facilities	2,000,000
Houston Metro, Main Street Transit Corridor improvements	1,000,000
Lubbock, buses and bus facilities	1,000,000
Texas Rural Transit Vehicle Fleet Replacement Program	4,000,000
Waco, maintenance facility	1,650,000
State of Utah:	
Statewide Olympic bus and bus facilities	10,000,000
State of Vermont:	
Burlington multimodal transportation center	1,500,000
Bellows Falls Multimodal	1,500,000
Brattleboro multimodal center	2,500,000
Central Vermont Transit Authority buses and bus facilities	1,500,000
Chittenden County transportation authority, buses	1,000,000
Vermont Statewide paratransit	1,500,000
Commonwealth of Virginia:	
Statewide bus and bus facilities	15,464,000
State of Washington:	
Clallam County, transportation center	500,000
Clark County, intermodal facilities	1,000,000
Ephrata, buses	440,000
Everett, buses	1,500,000
King County Metro Eastgate Park and Ride	3,000,000
King County Metro transit bus and bus facilities	2,000,000
Renton/Port Quendall transit project	500,000
Richland, bus maintenance facility	1,000,000
Snohomish County, buses and bus facilities	1,000,000
Sound Transit, regional express buses	2,000,000
Statewide combined small transit system request—bus and bus facilities	1,250,000
Thurston County, bus-related equipment	1,250,000
State of West Virginia:	
Statewide buses and bus facilities	2,000,000
State of Wisconsin:	
Statewide bus and bus facilities	14,000,000
State of Wyoming:	
Cheyenne transit and operation facility	920,000

State of Alabama.—The conference agreement provides a total of $1,500,000 for buses and bus facilities within the State of Alabama. Within the funds provided to the state, $25,000 shall be available for Lamar County vans.

State of Florida.—The conferees direct that the funds provided to the State of Florida for buses and bus facilities are to be allocated to all providers within the state, including Tallahassee.

Hot Springs, Arkansas.—Up to $560,000 of the funds allocated for the transportation depot and plaza project in Hot Springs, Arkansas in the fiscal year 2000 Department of Transportation and Related Agencies Appropriations Act may be available for buses and bus facilities.

Commonwealth of Kentucky.—The conference agreement includes $500,000 for buses and bus facilities for the Kentucky Department of Transportation, to be allocated as follows: $88,000 for the city of Frankfort for minibuses; $64,000 for Community Action of Fayette/Lexington for cutaways and lifts; and $102,400 for Lexington Red Cross for minibuses.

State of Louisiana.—The conference agreement includes $2,500,000 for buses and bus facilities in the State of Louisiana. These funds are to be allocated as follows: Alexandria buses and vans, $40,000; Baton Rouge buses and bus equipment, $50,000; Jefferson Parish buses and bus related facilities, $20,000; Lafayette buses and bus related facilities, $300,000; Louisiana Department of Transportation and Development vans, $135,000; Monroe buses and bus related facilities, $135,000; New Orleans bus lease-maintenance, $1,510,000; Shreveport buses, $295,000; and St. Tammany Parish park and ride, $15,000.

State of Michigan.—The conference agreement includes $11,000,000 for statewide buses and bus facilities. These funds are to be allocated only for the following transit agencies: Holland, Cadillac/Wexford, Grand Haven, Ludington, Manistee County, Yates Township, Muskegon area transit authority, Barry County, Ionia, Ionia transit authority, Alma, Big Rapids, Clare County, Crawford County transit commission, Gladwin County, Greenville, Isabella County transit commission, Midland, Midland County, Ogemaw County, Roscommon County, Shiawassee, Twin Cities, Berrien County, Cass County, Dowagiac DAR, Kalamazoo County, Van Buren County, Battle Creek, Adrian, Branch area transit authority, Eaton County, Mecosta County, Lenawee County, Bay Metro and Saginaw.

Nassau County, New York.—The conference agreement includes $2,300,000 for bus and bus facilities in Nassau County, New York. Of that amount, not less than $400,000 shall be made available for service to and from the Nassau County Medical Center and its community health centers.

State of Utah.—The conference agreement includes $10,000,000 for Olympic buses and bus facilities in the State of Utah. These funds are to be available for temporary and permanent bus and bus facility investments to satisfy the transportation requirements of the 2002 Winter Olympic Games. These funds are to be allocated by the Secretary based on the approved transportation management plan for the Salt Lake City 2002 Winter Olympic Games and the Secretary shall make grants only to the Utah Department of Transportation.

Commonwealth of Virginia.—The conference agreement includes $15,464,000 for the Commonwealth of Virginia for buses and bus facilities which shall be distributed as follows: Loudoun Transit multi-modal facility, $1,500,000; Hampton Roads bus and bus facilities, $2,500,000; Prince William County fleet replacement, $3,000,000; Fair Lakes League, $500,000; Springfield station improvements, $500,000; Fairfax County Transportation Association of Greater Springfield, $500,000, Falls Church Bus Rapid Transit terminus, $1,000,000; Lynchburg bus and bus facility, $1,500,000; Jamestown/Yorktown and Williamsburg CNG bus, $1,500,000; Danville bus replacement, $58,000; Farmville bus and bus facilities, $100,000; Charlottesville bus and bus facilities, $1,000,000; City of Richmond bus and bus facilities, $2,000,000.

New fixed guideway systems.—In total, the conference agreement provides $1,085,394,048 for new fixed guideway systems, of which $1,058,400,000 is from new appropriations and $26,994,048 is derived from funds made available in previous appropriations acts that have been reprogrammed to new starts funding in fiscal year 2001. The conference agreement provides for the following distribution of the recommended funding for new fixed guideway systems as follows:

Project	*Conference level*
Alaska or Hawaii ferry projects	$10,400,000
Albuquerque/Greater Albuquerque mass transit project	500,000
Atlanta—MARTA north line extension project	25,000,000
Austin Capital Metro light rail project	1,000,000
Baltimore central LRT double track project	3,000,000
Birmingham, Alabama transit corridor	5,000,000
Boston—South Boston Piers transitway project	25,000,000
Boston Urban Ring project	1,000,000
Burlington-Bennington (ABRB), Vermont commuter rail project	2,000,000
Calais, Maine branch line regional transit program	1,000,000
Canton-Akron-Cleveland commuter rail project	2,000,000
Central Florida commuter rail project	3,000,000
Charlotte, North Carolina, north corridor and south corridor transitway projects	5,000,000
Chicago—METRA commuter rail projects	35,000,000
Chicago—Ravenswood and Douglas Branch reconstruction projects	15,000,000
Clark County, Nevada RTC fixed guideway project	1,500,000
Cleveland Euclid corridor improvement project	4,000,000
Colorado Roaring Fork Valley project	1,000,000
Dallas north central light rail extension project	70,000,000
Denver—Southeast corridor project	3,000,000
Denver—Southwest corridor project	20,200,000
Detroit, Michigan metropolitan airport light rail project	500,000
Dulles corridor project	50,000,000
Fort Lauderdale, Florida Tri-County commuter rail project	15,000,000
Galveston rail trolley extension project	1,000,000
Girdwood to Wasilla, Alaska commuter rail project	15,000,000
Harrisburg-Lancaster capital area transit corridor 1 commuter rail project	500,000
Hollister/Gilroy branch line rail extension project	1,000,000
Honolulu, Hawaii bus rapid transit project	2,500,000
Houston advanced transit project	2,500,000
Houston regional bus project	10,750,000
Indianapolis, Indiana northeast-downtown corridor project	3,000,000
Johnson County, Kansas I-35 commuter rail project	1,000,000
Kansas City, Missouri Southtown corridor project	3,500,000
Kenosha-Racine-Milwaukee rail extension project	4,000,000
Little Rock, Arkansas river rail project	3,000,000
Long Island Railroad East Side access project	8,000,000
Los Angeles Mid-City and East Side corridors projects	2,000,000
Los Angeles North Hollywood extension project	50,000,000
Los Angeles—San Diego LOSSAN corridor project	3,000,000
Lowell, Massachusetts-Nashua, New Hampshire commuter rail project	2,000,000
MARC expansion projects—Penn-Camden lines connector and midday storage facility	10,000,000
Massachusetts North Shore corridor project	1,000,000
Memphis, Tennessee Medical Center rail extension project	6,000,000
Nashville, Tennessee regional commuter rail project	6,000,000
New Jersey Hudson Bergen project	121,000,000
Newark-Elizabeth rail link project	7,000,000
Northern Indiana south shore commuter rail project	2,000,000
Northwest New Jersey-Northeast Pennsylvania passenger rail project	1,000,000
Oceanside-Escondido, California light rail extension project	10,000,000
Orange County, California transitway project	2,000,000
Philadelphia-Reading SEPTA Schuylkill Valley metro project	10,000,000
Philadelphia SEPTA Cross County metro project	2,000,000
Phoenix metropolitan area transit project	10,000,000
Pittsburgh North Shore—central business district corridor project	5,000,000
Pittsburgh stage II light rail project	12,000,000
Portland—Interstate MAX LRT extension project	7,500,000
Portland, Maine marine highway program	2,000,000
Puget Sound RTA Sounder commuter rail project	5,000,000
Raleigh-Durham-Chapel Hill Triangle Transit project	10,000,000

Project	*Conference level*
Rhode Island-Pawtucket and T.F. Green commuter rail and maintenance facility	500,000
Sacramento, California south corridor LRT project	35,200,000
Salt Lake City—University light rail line project	2,000,000
San Bernardino, California Metrolink project	1,000,000
San Diego Mission Valley East light rail project	31,500,000
San Francisco BART extension to the airport project	80,000,000
San Jose Tasman West light rail project	12,250,000
San Juan Tren Urbano project	75,000,000
Santa Fe-Eldorado, New Mexico rail link project	1,500,000
Seattle, Washington—Central Link LRT project	50,000,000
Spokane, Washington South Valley corridor light rail project	4,000,000
St. Louis, Missouri MetroLink Cross County connector project	1,000,000
St. Louis-St. Clair MetroLink extenson project	60,000,000
Stamford, Connecticut fixed guideway corridor	8,000,000
Stockton, California Altamont commuter rail project	6,000,000
Twin Cities Transitways projects	5,000,000
Twin Cities Transitways—Hiawatha corridor project	50,000,000
Virginia Railway Express commuter rail project	3,000,000
Washington Metro—Blue Line extension—Addison Road (Largo) project	7,500,000
West Trenton, New Jersey rail project	2,000,000
Whitehall and St. George ferry terminal projects	2,500,000
Wilmington, Delaware downtown transit corridor project	5,000,000
Wilsonville to Washington County, Oregon commuter rail project	1,000,000

Austin, Texas capital metro light rail project.—The conference agreement includes $1,000,000 for preliminary engineering work for the north/south and southeast corridor in Austin, Texas.

Boston—South Boston Piers transitway project.—The conference agreement includes $25,000,000 for the South Boston Piers transitway project. Because of construction delays and coordination of this project with the Central Artery/Tunnel project, the conferees direct that none of the funds provided in this Act for the South Boston Piers transitway project shall be available until (1) the project sponsor produces a finance plan that clearly delineates the full cost to complete the project, as well as other planned capital and operational requirements of the MBTA, and the manner in which the sponsor expects to pay these costs; (2) the FHWA and the FTA conducts a final review and accepts the plan and certifies to the House and Senate Committees on Appropriations that the fiscal management of the project meets or exceeds accepted U.S. government standards; (3) the General Accounting Office and the Department of Transportation's Inspector General conduct an independent analysis of the plans and provide such analysis to the House and Senate Committees on Appropriations within 60 days of FTA accepting the plan; and (4) the House and Senate Committees on Appropriations have concluded their review of the analysis within 60 days of the transmittal of the analysis to the Committees. Lastly, the House directs the FTA and the IG to conduct ongoing, continual financial management reviews of this project.

Central Florida commuter rail project.- For the central Florida commuter rail project, the conference agreement provides $3,000,000. The conferees are aware that local agencies in Orlando, Florida rescinded their plans to proceed with a light rail project in the Orlando area, for which nearly $56,000,000 in previously appropriated funds were made available, and are now proceeding with commuter rail. While the conference agreement reallocates these balances from the Orlando light rail project to other projects in fiscal year 2001, the conferees are mindful of the continuing need to improve mobility in the greater Orlando area and will consider future appropriations for the central Florida commuter rail project as plans are approved by the appropriate local, state and federal agencies.

Chicago-METRA commuter rail projects.—The conference agreement includes $35,000,000 for preliminary engineering, design and construction on the METRA commuter rail projects in Chicago, Illinois.

Denver-Southeast cooridor project.—The conference agreement includes $3,000,000 for the Denver southeast corridor project, as proposed by the House. The conferees have provided this amount without prejudice to the pending full funding grant agreement, while recognizing that the federal financial commitment to the southwest line was first necessary to complete.

Dulles corridor.—The conference agreement includes $50,000,000 for preliminary engineering and design on the Dulles corridor project.

Girdwood to Wasilla, Alaska, commuter rail project.—The conferees agree that all references in the fiscal year 2000 Department of Transportation and Related Agencies Appropriations Act and accompanying statement of managers referring to Girdwood, Alaska, commuter rail project and North Anchorage to Girdwood are intended to refer to the Girdwood to Wasilla, Alaska, commuter rail project as contained in the Act.

Kansas City, Missouri southtown corridor.—The conference agreement includes $3,500,000 for engineering and design work for the southtown corridor light rail project in Kansas City, Missouri.

Washington Metropolitan Area Transit Authority.—The conferees expect that the Washington Metropolitan Area Transit Authority will undertake from resources available to the Authority access improvements at Ballston Metro station.

Whitehall and St. George ferry terminal projects.—The conference agreement provides $2,500,000 for the Whitehall and St. George ferry terminal projects in the New York City area.

DISCRETIONARY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement includes $350,000,000 in liquidating cash for discretionary grants as proposed by both the House and the Senate.

JOB ACCESS AND REVERSE COMMUTE GRANTS

The conference agreement includes a total program level of $100,000,000 for job access and reverse commute grants as proposed by the House and the Senate. Within this total, the conference agreement appropriates $20,000,000 from the general fund as proposed by the House and the Senate. The conference agreement includes a provision that waives the cap for small urban and rural areas and provides that up to $250,000 of the funds appropriated under this heading may be used for technical assistance, technical support and performance reviews of the job access and reverse commute grants program.

Funds appropriated for the job access and reverse commute grants program are to be distributed as follows:

Project	*Conference*
Alameda and Contra-Costa Counties, California	$500,000
Archuleta County, Colorado	75,000
Athol/Orange community transportation, Massachusetts	400,000
Broome County Transit, New York	250,000
Broward County, Florida	2,000,000
Buffalo, New York	500,000
Capital District Authority, New York	250,000
Central Kenai Peninsula public transportation	500,000
Central Ohio	750,000
Chatham, Georgia	500,000
Chicago, Illinois	1,000,000
Commonwealth of Virginia	4,500,000
Corpus Christi RTA, Texas	550,000
Des Moines, Dubuque, Sioux City, Delaware and Jackson Counties, Iowa	1,600,000
District of Columbia	1,000,000
Dona Ana County, New Mexico	250,000
DuPage County, Illinois	500,000
Easter Seals West Alabama work transition programs	850,000
Fresno, Tulare, Kings and Kern Counties, California	3,000,000
Greater Erie Community Action Committee, Pennsylvania	400,000
Hillsborough County, Florida	600,000
Indianapolis, Indiana	1,000,000
Kansas City, Kansas	1,000,000
Las Cruces, New Mexico	260,000
Los Angeles, California	3,500,000
Mantanuska-Susitna borough, M.A.S.C.O.T, Alaska	60,000
Meramec Community Transit programs, Missouri	150,000
Mobile, Alabama	250,000
Monterey, California	150,000
Nassau County, New York	500,000
North Oakland County, Michigan	250,000
OATS job access programs, Missouri	750,000
Pittsburgh Port Authority of Allegheny County, Pennsylvania	2,000,000
Portland, Oregon	1,840,000
Rhode Island community food bank transportation	100,000
Rhode Island Public Transit Authority	1,000,000
Rochester, New York	300,000
Sacramento, California	1,000,000
San Francisco, California	275,000

Project	*Conference*
Santa Clara County, California	500,000
SEPTA, Philadelphia, Pennsylvania	3,000,000
Sitka, Alaska transit expansion program	400,000
Southern Illinois RIDES	150,000
State of Alabama	1,500,000
State of Arkansas	4,000,000
State of Illinois	1,000,000
State of Maine	500,000
State of Maryland	2,400,000
State of New Hampshire	340,000
State of New Mexico	2,000,000
State of Oklahoma	4,500,000
State of Tennessee	2,000,000
State of Vermont	1,500,000
State of Washington	2,000,000
State of West Virginia	1,500,000
State of Wisconsin	4,700,000
Suffolk County, New York	445,000
Sullivan County, New York	200,000
Tompkins County, New York	300,000
Troy State University, Alabama—Rosa Parks Center	2,000,000
Tucson, Arizona	1,000,000
Tysons Corner/Dulles Corridor, Virginia	500,000
Ulster County, New York	200,000
Washoe County, Nevada	1,000,000
Ways to Work family loan program, Southeastern U.S.	2,000,000
Western Massachusetts	350,000
York County, Maine	900,000

State of Tennessee.—Of the funds provided to the State of Tennessee, $500,000 shall be available to Chattanooga Area Regional Transit Authority in Chattanooga, Tennessee.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

The conference agreement appropriates $13,004,000 for operations and maintenance of the Saint Lawrence Seaway Development Corporation as proposed by the House. The Senate bill provided $12,400,000.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

The conference agreement appropriates $36,373,000 for research and special programs instead of $36,452,000 as proposed by the House and $34,370,000 as proposed by the Senate. Within this total, $4,707,000 is available until September 30, 2003 as proposed by the House instead $4,201,000 as propósed by the Senate. The following adjustments are made to the budget estimate:

Slight reduction in hazardous materials international standards	−$23,000
Fund 2 of 5 new emergency transportation positions	−244,000
Reduce proposed increases for crisis response	−300,000
Reduce funding for new transportation infrastructure program	−2,400,000
Deny funding for university marine grants	−2,500,000
Human centered fatigue research	+300,000
Continue to fund Garrett Morgan program in-house	−200,000
Reduction in business modernization	−564,000
Reduce employee development funding	−227,000
Net adjustment to budget estimate	−$6,158,000

Bill language is retained that permits up to $1,200,000 in fees to be collected and deposited in the general fund of the Treasury as offsetting receipts. Also, bill language is included that permits funds received from states, counties, municipalities, other public authorities and private sources for expenses incurred for training, reports publication and dissemination, and travel expenses incurred in the performance of hazardous materials exemptions and approval functions. Both of these provisions were contained in the House and Senate bills.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

The conference agreement provides a total of $47,044,000 for the pipeline safety program instead of $40,137,000 as proposed by the House and $43,144,000 as proposed by the Senate. Within this total, $23,837,000 is available until September 30, 2003 instead of $20,713,000 as proposed by the House and $24,432,000 as proposed by the Senate.

Of this total, the conference agreement specifies that $7,488,000 shall be derived from the Oil Spill Liability Trust Fund; $36,556,000 from the Pipeline Safety Fund; and $3,000,000 from the reserve fund. The House bill allocated $4,263,000 from the Oil Spill Liability Trust Fund and $35,874,000 from the Pipeline Safety Trust Fund. The Senate bill provided $8,750,000 from the Oil Spill Liability Trust Fund; $31,894,000 from the Pipeline Safety Fund; and $2,500,000 from the reserve fund.

Bill language specifies that the reserve fund should be used for damage prevention grants to states as proposed by the Senate. The House bill contained no similar provision.

The following table reflects the total allocation for pipeline safety in fiscal year 2001:

Budget activity	Pipeline safety fund	Oil spill liability trust fund	Reserve fund [1]	Total
Personnel, compensation, and benefits	$8,963,000	$900,000		$9,863,000
Operating expenses	3,614,000	1,345,000		4,959,000
Information systems	935,000	400,000		1,335,000
Risk assessment and technical studies	850,000	400,000		1,250,000
Compliance	200,000	100,000		300,000
Training and information dissemination	800,000	300,000		1,100,000
Emergency notification	100,000			100,000
Public education and damage control	300,000	200,000		500,000
Oil Pollution Act		2,443,000		2,443,000
Research and development	2,744,000			2,744,000
State grants	15,000,000	1,400,000		16,400,000
Risk management	50,000			50,000
One-call notification	1,000,000			1,000,000
Damage prevention grants	2,000,000		$3,000,000	5,000,000
Total	36,556,000	7,488,000	3,000,000	47,044,000

[1] Funding derived from the reserve fund is not directly appropriated.

State of Washington.—Within the funds provided for operating expenses, the conference agreement provides $800,000 to the State of Washington to match the state legislature's supplemental appropriation for pipeline safety activities as directed by the Senate. The House contained no similar appropriation.

Research and development.—The budget request for research and development has been increased by $600,000 to support airborne mapping research, technology, and engineering in support of improved leak detection, analysis, and response by federal, state, and industry pipeline safety officials.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

The conference agreement provides $200,000 for emergency preparedness grants as proposed by both the House and the Senate. The conference agreement includes a limitation on obligation of $14,300,000 instead of $13,227,000 as proposed by the Senate. The House bill carried no similar provision.

Bill language, proposed by the Senate, which delayed the registration and processing fees collected under the emergency preparedness grant program from July 1 to September 30, 2000, has been deleted. The House bill contained no similar provision.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement appropriates $48,450,000 for the Office of Inspector General instead of $48,050,000 as proposed by the House and $49,000,000 (including transfers) as proposed by the Senate. The agreement does not include language proposed by the Senate deriving $38,500,000 of program funding by transfer from DOT modal administrations, and does include House language authorizing the use of funds for investigation of fraud, deceptive trade practices, and unfair methods of competition in the airline industry.

DCAA audits.—The conferees reiterate concerns expressed by the House and Senate over the declining modal requests for contract audits performed by the Defense Contract Audit Agency (DCAA). These audits are a primary tool in the prevention of government waste, fraud, and abuse, and will not be neglected by the Department of Transportation. The Committees on Appropriations will continue to monitor this issue, and may consider mandated set-aside funding from the modal administrations, or other strong measures, if the lack of support continues. The Assistant Secretary for Budget and Programs is directed to ensure that all modal administrations are reminded, in writing, of the importance of these audits, and is requested to work with the Office of Inspector General to track formally and review DCAA audit requests on a monthly or quarterly basis throughout the coming fiscal year.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

The conference agreement appropriates $17,954,000 for salaries and expenses of the Surface Transportation Board as proposed by the House instead of $17,000,000 as proposed by the Senate. In addition, the conference agreement includes language, proposed by the House, which allows the Board to offset $900,000 of its appropriation from fees collected during the fiscal year. The Senate bill allowed the Board to collect $954,000 in fees to augment its appropriation.

Union Pacific/Southern Pacific(UP/SP) merger.—On December 12, 1997, the Board granted a joint request of Union Pacific Railroad Company and the City of Wichita and Sedgwick County, KS (Wichita/Sedgwick) to toll the 18-month mitigation study pending in Finance Docket No. 32760. The decision indicated that, at such time as the parties reach agreement or discontinue negotiations, the Board would take appropriate action.

By petition filed June 26, 1998, Wichita/Sedgwick and UP/SP indicated that they had entered into an agreement, and jointly petitioned the Board to impose the agreement as a condition of the Board's approval of the UP/SP merger. By decision dated July 8, 1998, the Board agreed and imposed the agreement as a condition to the UP/SP merger. The terms of the negotiated agreement remain in effect. If UP/SP or any of its divisions or subsidiaries materially changes or is unable to achieve the assumptions on which the Board based its final environmental mitigation measures, then the Board should reopen Finance Docket 32760 if requested by interested parties, and prescribe additional mitigation properly reflecting these changes if shown to be appropriate.

March 2000 hearings.—On March 7–10, 2000, the STB held a series of public hearings about major rail consolidations and the future of the rail network. Following the issuance of its new merger policy, the STB shall submit to the House and Senate Committees on Appropriations, the Senate Commerce Committee, and the House Transportation and Infrastructure Committee a report which: (1) identifies concerns that were raised at the March 2000 hearings; (2) details the actions that the STB will undertake to address these concerns; and (3) indicates where the STB lacks the authority and/or personnel resources to effectively address these concerns. This report shall be due July 1, 2001.

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

The conference agreement provides $4,795,000 for the Architectural and Transportation Barriers Compliance Board as proposed by both the House and the Senate.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement appropriates $62,942,000 for salaries and expenses of the National Transportation Safety Board as proposed by the House instead of $59,000,000 as proposed by the Senate. Within the funds provided, NTSB should continue participating in the interagency initiative on aviation safety in Alaska.

Training center and research facility.—NTSB shall enter into an agreement to locate its training center and research facility on land provided by George Washington University at the Loudoun County, Virginia campus. This new facility, sought by the NTSB, will provide NTSB additional laboratory space, classrooms, and conference space as well as house the wreckage of TWA flight 800.

TITLE III—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Sec. 301 allows funds for aircraft; motor vehicles; liability insurance; uniforms; or allowances, as authorized by law as proposed by both the House and Senate.

Sec. 302 requires pay raises to be funded within appropriated levels in this Act or previous appropriations Acts as proposed by both the House and Senate.

Sec. 303 modifies and makes permanent the House and Senate provision that allows funds for expenditures for primary and secondary schools and transportation for dependents of Federal Aviation Administration personnel stationed outside the continental United States.

Sec. 304 limits appropriations for services authorized by 5 U.S.C. 3109 to the rate for an Executive Level IV as proposed by both the House and Senate.

Sec. 305 prohibits funds in this Act for salaries and expenses of more than 104 political and Presidential appointees in the Department of Transportation and includes a provision that prohibits political and Presidential personnel to be assigned on temporary detail outside the Department of Transportation or an independent agency funded in this Act as proposed by both the Senate and House.

Sec. 306 prohibits pay and other expenses for non-Federal parties in regulatory or adjudicatory proceedings funded in this Act as proposed by both the House and Senate.

Sec. 307 prohibits obligations beyond the current fiscal year and prohibits transfers of funds unless expressly so provided herein as proposed by both the House and Senate.

Sec. 308 limits consulting service expenditures of public record in procurement contracts as proposed by both the House and Senate.

Sec. 309 modifies the Senate provision to codify prohibitions against the release of certain personal information without express consent of the person to whom such information pertains; and inserts a new subsection that prohibits the withholdings of funds provided in this Act for any grantee if a State is in noncompliance with this provision. The House proposed no similar provision.

Sec. 310 modifies the distribution of the Federal-aid highways program proposed by the Senate. The House proposed no similar provision.

Sec. 311 exempts previously made transit obligations from limitations on obligations as proposed by both the House and Senate.

Sec. 312 prohibits funds for the National Highway Safety Advisory Commission as proposed by both the House and Senate.

Sec. 313 prohibits funds to establish a vessel traffic safety fairway less than five miles wide between Santa Barbara and San Francisco traffic separation schemes as proposed by both the House and Senate.

Sec. 314 allows airports to transfer to the Federal Aviation Administration instrument landing systems as proposed by both the House and Senate.

Sec. 315 prohibits funds to award multiyear contracts for production end items that include certain specified provisions as proposed by both the House and Senate.

Sec. 316 allows funds for discretionary grants of the Federal Transit Administration for specific projects, except for fixed guideway modernization projects, not obligated by September 30, 2003, and other recoveries to be used for other projects under 49 U.S.C. 5309 as proposed by both the House and Senate.

Sec. 317 allows transit funds appropriated before October 1, 2000, and that remain available for expenditure to be transferred as proposed by both the House and Senate.

Sec. 318 prohibits funds to compensate in excess of 335 technical staff years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development instead of 320 technical staff years as proposed by both the House and Senate.

Sec. 319 allows funds received by the Federal Highway Administration, Federal Transit Administration, and the Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training to be credited to each agency's respective accounts as proposed by the House and Senate.

Sec. 320 prohibits funds to be used to prepare, propose, or promulgate any regulation pursuant to title V of the Motor Vehicle Information and Cost Savings Act prescribing corporate average fuel economy standards for automobiles as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section as proposed by the House. The Senate proposed no similar provision.

Sec. 321 allows funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities to be used to construct new vessels and facilities or to improve existing vessels and facilities, and for repair facilities. The conference agreement includes a new provision allowing the State of Hawaii to use not more than $3,000,000 of the amounts it receives from this program to initiate and operate an inter-island and intra-island demonstration project. The Senate proposed to allow funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities to be used to construct new vessels and facilities, to provide passenger ferryboat service, or to improve existing vessels and facilities, and for repair facilities. The House proposed no similar provision.

Sec. 322 allows funds received by the Bureau of Transportation Statistics to be subject to the obligation limitation for Federal-aid highways and highway safety construction as proposed by both the House and Senate.

Sec. 323 prohibits the use of funds for any type of training which: (1) does not meet needs for knowledge, skills, and abilities bearing directly on the performance of official duties; (2) could be highly stressful or emotional to the students; (3) does not provide prior notification of content and methods to be used during the training; (4) contains any religious concepts or ideas; (5) attempts to modify a person's values or lifestyle; or (6) is for AIDS awareness training, except for raising awareness of medical ramifications of AIDS and workplace rights as proposed by the House. The Senate proposed no similar provision.

Sec. 324 prohibits the use of funds in this Act for activities designed to influence Congress or a state legislature on legislation or appropriations except through proper, official channels as proposed by both the House and Senate.

Sec. 325 requires compliance with the Buy American Act as proposed by both the House and Senate.

Sec. 326 provides an appropriation of $54,963,000 from the Highway Trust Fund for the Appalachian development highway system instead of providing $54,963,000 from the general fund as proposed by the Senate. The House proposed no similar appropriation.

Sec. 327 credits to appropriations of the Department of Transportation rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources as proposed by both the House and Senate. Such funds received shall be available until December 31, 2001.

Sec. 328 authorizes the Secretary of Transportation to allow issuers of any preferred stock to redeem or repurchase preferred stock sold to the Department of Transportation as proposed by the House and Senate.

Sec. 329 provides $750,000 for the Amtrak Reform Council instead of $495,000 proposed by the Senate and $450,000 proposed by the House. Sec. 329 also includes provisions that amend section 203 of Public Law 105–134 regarding the Amtrak Reform Council's recommendations on Amtrak routes identified for closure or realignment as proposed by both the House and Senate.

Sec. 330 amends item number 1473 in section 1602 of Public Law 105–178 by striking "Stony" and inserting "Commerce". The House and Senate proposed no similar provision.

Sec. 331 prohibits funds in this Act unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations as proposed by both the House and Senate.

Sec. 332 specifies that $20,000,000 made available for the James A. Farley Post Office building in fiscal year 2001 must be spent only on fire and life safety initiatives. The conferees consider fire and life safety improvements to include, but not be limited to, matters concerning ventilation, vertical access, and egress. The Pennsylvania Station Redevelopment Corporation shall be the grantee for these funds and shall control expenditures. The House proposed to rescind $60,000,000 for the James A. Farley Post Office Building. The Senate bill contained no similar rescission.

Sec. 333 prohibits funds for planning, design, or construction of a light rail system in Houston, Texas, as proposed by the House. The Senate proposed no similar provision.

Sec. 334 amends section 3030(b) of Public Law 105–178 to authorize the Wilmington downtown transit corridor and the Honolulu bus rapid transit project as proposed by the Senate. The House proposed no similar provision.

Sec. 335 prohibits the use of funds in this act to adopt the rulemaking on Hours of Service of Drivers; Driver Rest and Sleep for Safe Operations (Docket No. FMCSA 97–2350–953), and includes a provision that allows the Federal Motor Carrier Safety Administration to proceed through all stages of the rulemaking, including issuing a supplemental notice of proposed rulemaking, except the adoption of a final rule. The Senate proposed prohibiting the use of funds in this act to consider, finalize, or enforce the rulemaking. The House proposed no similar provision.

Sec. 336 amends section 3038(e) of Public Law 105–178 pertaining to the federal share of the rural transportation accessibility incentive program as proposed by both the House and Senate.

Sec. 337 amends item number 273 of section 1602 of Public Law 105–178 pertaining to the Martin Luther King Jr. Parkway in Des Moines, Iowa, as proposed by the House. The Senate proposed no similar provision.

Sec. 338 amends item number 328 of section 1602 of Public Law 105–178 pertaining to Louisiana Highway 30 as proposed by the House. The Senate proposed no similar provision.

Sec. 339 amends items numbered 63 and 186 of section 1602 of Public Law 105–178 pertaining to projects in Ohio as proposed by the House. The Senate proposed no similar provision.

Sec. 340 pertains to funds apportioned to the Commonwealth of Massachusetts and the Central Artery/Tunnel project. The House proposed prohibiting funds in this Act for salaries and expenses of any departmental official to authorize project approvals or advance construction authority for the Central Artery/Tunnel project in Boston, Massachusetts. The Senate proposed limiting the total Federal contribution for the project to not more than $8,549,000,000.

This provision is included in the conference agreement without prejudice to the current administration of the Massachusetts Turnpike Authority (MTA). Following years of obfuscation, the current administration at MTA has been forthcoming with details of the cost overruns on, and the costs-to-complete, the Central Artery/Tunnel project, as well as identifying the means by which the Commonwealth of Massachusetts plans to finance the project's costs. Moreover, the MTA recently negotiated with the Federal Highway Administration, the Massachusetts Highway Department and the Massachusetts Executive Office of Transportation and Construction a partnership agreement that limits federal financial participation in the project and sets forward other terms and conditions, including the requirement that the Commonwealth undertake a balanced statewide construction program of $400,000,000 a year in construction activities and specific transportation projects in the Commonwealth other than the Central Artery/Tunnel project. The conferees commend the MTA for these actions. This provision is not intended to impugn the administration of, or the recent actions taken by, the MTA, but rather to codify the partnership agreement to ensure that federal financial participation in the Central Artery/Tunnel project has an upper limit, and to ensure that the Federal Highway Administration and the Secretary of the Department of Transportation fulfill their fiduciary responsibilities to the American taxpayer.

Sec. 341 amends section 3027(c)(3) of Public Law 105–178 relating to services for the elderly and persons with disabilities as proposed by the House. The Senate proposed no similar provision.

Sec. 342 allows unobligated balances under section 149 of Public Law 100–17 and the Ebensburg bypass demonstration project of Public Law 101–164 to be used for improvements along Route 56 in Cambria County, Pennsylvania, as proposed by the House. The Senate proposed no similar provision.

Sec. 343 prohibits funds in this Act for the planning, development, or construction of the California State Route 710 freeway extension project through South Pasadena, California, as proposed by the House. The Senate proposed no similar provision.

Sec. 344 prohibits funds in this Act for engineering work related to an additional runway at New Orleans International Airport as proposed by the House. The Senate proposed no similar provision.

Sec. 345 provides that $800,000 from capital investment grants in Public Law 105–277 may be available for an intermodal parking facility in Cambria County, Pennsylvania. The House and Senate proposed no similar provision.

Sec. 346 prohibits funds in this Act to be used for the implementation of the Kyoto Protocol prior to its ratification as proposed by the Senate. The House proposed no similar provision.

Sec. 347 modifies the Senate provision to prohibit the submission of a budget request that assumes revenues or reflects a reduction from the previous year due to user fee proposals that have not been enacted into law prior to the submission of the President's budget unless the budget submission identifies which additional spending reductions should occur in the event the user fee proposals are not enacted prior to the date of a committee of conference for the fiscal year 2002 appropriations Act. The House proposed no similar provision.

Sec. 348 provides that amounts appropriated for salaries and expenses for the Department of Transportation may be used to reimburse safety inspectors for not to exceed one-half the costs incurred by such employees for professional liability insurance, contingent upon the submission of required information or documentation by the Department, as proposed by the Senate. The House proposed no similar provision.

Sec. 349 prohibits funds in this Act to be used to adopt guidelines or regulations requiring airport sponsors to provide the Federal Aviation Administration "without cost" buildings, maintenance, or space for FAA services, as proposed by the Senate. The prohibition does not apply to negotiations between FAA and airport sponsors concerning "below market" rates for such services or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities. The House proposed no similar provision.

Sec. 350 modifies the Senate provision to require the Coast Guard to submit quarterly reports beginning after December 31, 2000, to the House and Senate Committees on Appropriations on all major Coast Guard acquisition projects. The House proposed no similar provision.

Sec. 351 modifies the Senate provision that withholds the highway funds of States that fail to adopt a blood alcohol content level intoxication standard of .08 by fiscal year 2004. Under the conference agreement, States that do not adopt this standard will lose a portion of their highway funds each year, beginning in fiscal year 2004 (2 percent in 2004, 4 percent in 2005, 6 percent in 2006, and 8 percent in 2007). If States enter into compliance by the end of 2007, funds withheld by sanction are restored in the State's apportionment. The House proposed no similar provision.

Sec. 352 allows the Federal Aviation Administration to provide for the conveyance of airport property to an institution of higher education in Oklahoma as proposed by the Senate. The House proposed no similar provision.

Sec. 353 amends item 1006 of section 1602 of Public Law 105–178 regarding a highway project in Polk County, Iowa, as proposed by the Senate. The House proposed no similar provision.

Sec. 354 allows the State of Mississippi to use funds previously allocated to it under the transportation enhancement program, if available, for constructing an underpass along Star Landing Road in DeSoto County, Mississippi, as proposed by the Senate. The House proposed no similar provision.

Sec. 355 modifies the Senate provision that amends section 1214 of Public Law 105–178 to provide that the non-Federal share of project number 1646 in section 1602 may be funded by Federal funds from an agency or agencies not part of the Department of Transportation. The Senate proposed that the Secretary shall not delegate responsibility for carrying out the project to a State. The House proposed no similar provision.

Sec. 356 modifies the Senate provision that designates the New Jersey transit commuter rail station located at the intersection of the Main/Bergen line and the Northeast Corridor line in the State of New Jersey as the "Frank R. Lautenberg Station". The House proposed no similar provision.

Sec. 357 prohibits funds in this Act for the planning, development, or construction of an expressway at section 800 on Pennsylvania Route 202 in Bucks County, Pennsylvania. The House and Senate proposed no similar provision.

Sec. 358 amends Public Law 106–69 to allow funding for buses, bus-related equipment and bus facilities in the State of Michigan. The House and Senate proposed no similar provision.

Sec. 359 establishes a program to reduce traffic congestion that will allow eligible employees of federal agencies to participate in telecommuting to the maximum extent possible without diminished employee performance. Within one year, the Office of Personnel Management shall evaluate the effectiveness of the program and report to Congress. Each agency participating in the program shall develop criteria to be used in implementing such a policy and ensure that managerial, logistical, organizational, or other barriers to full implementation and successful functioning of the policy are removed. Each agency should also provide for adequate administrative, human resources, technical, and logistical support for carrying out the policy. Telecommuting refers to any arrangement in which an employee regularly performs officially assigned duties at home or other work sites geographically convenient to the residence of the employee. Eligible employees mean any satisfactorily performing employee of the agency whose job may typically be performed at least one day per week. The House and Senate proposed no similar provision.

Sec. 360 provides that new fixed guideway system funds previously provided in Public Law 105–66 may be used for projects in Jackson, Mississippi. The House and Senate proposed no similar provision.

Sec. 361 provides that funds made available in item number 760 of section 1602 of Public Law 105–178 shall be used for corridor planning studies between western Baldwin County and Mobile Municipal Airport in Alabama. The House and Senate proposed no similar provision.

Sec. 362 amends section 1107(b) of Public Law 102–240 as it pertains to projects in Akron, Ohio. The House and Senate proposed no similar provision.

Sec. 363 pertains to the federal share of the total cost relating to the reconstruction of a road and causeway in the Shiloh Military Park in Hardin County, Tennessee. The House and Senate proposed no similar provision.

Sec. 364 amends section 30118 of title 49, United States Code, to require motor vehicle manufacturers to review and consider information from any foreign source on defects of motor vehicles, original equipment, or replacement equipment that do not comply with applicable motor vehicle safety standards. The House and Senate proposed no similar provision.

Sec. 365 allows funds appropriated to the Federal Transit Administration to be transferred to the Agency for International Development for transportation needs in the Frontline states to the Kosovo conflict. The House and Senate proposed no similar provision.

Sec. 366 allows funds provided in Public Law 105–66 for the Salt Lake City regional commuter system project to be used for transit and other transportation-related portions of the Salt Lake City regional commuter system and Gateway intermodal terminal. The House and Senate proposed no similar provision.

Sec. 367 provides funding from section 1404 of Public Law 105–178 to the Commonwealth of Kentucky. The House and Senate proposed no similar provision.

Sec. 368 directs the Secretary of Transportation to waive repayment of any federal-aid highway funds expended on the Lincoln Street Bridge project by the City of Spokane, Washington. The House and Senate proposed no similar provision.

Sec. 369 amends previous appropriations Acts to allow funding for bus and bus facilities. The House and Senate proposed no similar provision.

Sec. 370 amends item number 6 in section 1602 of Public Law 105–178 to provide within amounts previously made available $2,000,000 for repair and reconstruction of the North Ogden Divide Highway in Utah. The House and Senate proposed no similar provision.

Sec. 371 allows States to use highway safety program funds (section 402 of title 23, United States Code) to produce and place highway safety service messages in television, radio, cinema, Internet, and print media based on guidance issued by the Secretary of Transportation; and requires States to report to the Secretary on the use of such funds for public service messages. The House and Senate proposed no similar provisions.

Sec. 372 provides that the Mohall Railroad, Inc. may abandon track from Granville to Lansford, North Dakota, and that such abandoned track will not count against the limitation contained in section 402 of Public Law 97–102. The House and Senate proposed no similar provision.

Sec. 373 amends item number 163 in section 1602 of Public Law 105–178 related to the extension of Kapkowski Road in New Jersey to allow for the study, design, and construction of local street improvements. The House and Senate proposed no similar provisions.

Sec. 374 amends item number 331 in section 1602 of Public Law 105–178 to allow funds provided for Humboldt Bay and Harbor Port in California to be used for highway and freight rail access. The House and Senate proposed no similar provision.

Sec. 375 appropriates $5,000,000 to the Alabama Department of Transportation for Muscle Shoals, Tuscumbia, and Sheffield highway-rail improvements. The House and Senate proposed no similar appropriation.

Sec. 376 appropriates $1,000,000 to Valley Trains and Tours for track acquisition and rehabilitation between Strasburg Junction and Shenandoah Caverns, Virginia. This funding is contingent upon an agreement with Norfolk Southern Corporation on track usage. In addition, funding is contingent on financial support by the Commonwealth of Virginia for this project. The House and Senate proposed no similar appropriation.

Sec. 377 amends item number 1135 in section 1602 of Public Law 105–178 to allow funds to be used to study all possible alternatives to the current M–14/Barton Drive interchange in Ann Arbor, Michigan, including relocation of M–14/U.S.23 from Maple Road to Plymouth Road, mass transit options, and other means of reducing commuter traffic and improving highway safety. The House and Senate proposed no similar provision.

Sec. 378 provides necessary expenses, to be derived from the Highway Trust Fund, for various projects within the United States. The House and Senate proposed no similar appropriations.

Sec. 379 provides additional funding for the Woodrow Wilson Memorial Bridge. The $1,500,000,000 limitation on federal contribution prescribed in this section is not intended to preclude states from using federal-aid apportionments or other federal-aid funds made available to the states for costs associated with the Woodrow Wilson Bridge project. The House and Senate proposed no similar appropriation.

Sec. 380 provides contingent commitment authority to the Federal Transit Administration for specific capital investment grants. The House and Senate proposed no similar provision.

Sec. 381 requires the Federal Transit Administrator to sign a full funding grant agreement for the MOS–2 segment of the New Jersey Urban Core-Hudson Bergen project.

Sec. 382 prohibits funding in this or any other Act for adjusting the boundary of the Point Retreat Light Station in Alaska or otherwise limiting property at that station currently under lease to the Alaska Lighthouse Association. The provision also nullifies any modifications to the boundary at that station made after January 1, 1998.

The conference agreement deletes the House and Senate provisions that reduce funding and limit obligation authority for activities of the Transportation administrative service center. The House proposed reducing funding by $4,000,000 for activities of the center and limiting obligation authority to $115,387,000. The Senate proposed reducing funding by $53,430,000 for activities of the center and limiting obligation authority to $119,848,000.

The conference agreement deletes the Senate provision that limits necessary expenses of advisory committees to $1,500,000 of the funds provided in this Act to the Department of Transportation and provides that this limitation shall not apply to negotiated rulemaking advisory committees or the Coast Guard's advisory council on roles and missions as proposed by the Senate.

The conference agreement deletes the provision proposed by both the House and Senate that authorizes the Secretary of Transportation to transfer appropriations by no more than 12 percent among the offices of the Office of the Secretary.

The conference agreement deletes the House and Senate provisions that prohibit funds in this Act for activities under the Aircraft Purchase Loan Guarantee Program. According to the Federal Aviation Administration, this provision is no longer necessary.

The conference agreement deletes the Senate provision that allows the Department of Transportation to enter into a fractional aircraft ownership demonstration. Report language is included on this subject under title I, Office of the Secretary, Salaries and expenses.

The conference agreement deletes the Senate provision that expands the exemption from Federal axle weight restrictions presently applicable only to public transit buses to all over-the-road buses and directs that a study and report concerning applicability of maximum axle weight limitations to over-the-road buses and public transit vehicles be submitted to the Congress.

The conference agreement deletes the Senate provision that amends section 1105(c) of Public Law 102–240 to clarify the alignment of the Ports-to-Plains corridor from Laredo, Texas, to Denver, Colorado.

The conference agreement deletes the Senate provision that expresses the sense of the Senate that Congress and the President should immediately take steps to address the growing safety hazard associated with the lack of adequate parking space for trucks along interstate highways.

The conference agreement deletes the Senate provision that provides for the National Academy of Sciences to conduct a study on noise impacts of railroad operations, including idling train engines on the quality of life of nearby communities, the quality of the environment (including consideration of air pollution), and safety.

The conference agreement deletes the Senate provision that provides $10,000,000 within the funds made available in this Act for the costs associated with the construction of a third track on the Northeast Corridor between Davisville, and Central Falls, Rhode Island; provides $2,000,000 for a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system; $400,000 for passenger rail corridor planning activities for development of the Gulf Coast high speed rail corridor; and $250,000 to the city of Traverse City, Michigan, for a comprehensive transportation plan. The House proposed no similar provision. Funding for these projects was considered in title I of the conference agreement.

The conference agreement deletes the Senate provision that expresses the sense of the Senate regarding funding for Coast Guard operations and acquisitions during fiscal years 2000 and 2001.

The conference agreement deletes the Senate provision that prohibits non-safety related funds to be used for any airport-related grant for the Los Angeles International Airport made to the City of Los Angeles, or any intergovernmental body of which it is a member, by the Department of Transportation or the Federal Aviation Administration, until the Administration concludes the revenue diversion investigation initiated in Docket 13–95–05 and either takes action or determines that no action is warranted.

TITLE IV—DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

The conference agreement includes title IV that appropriates $5,000,000,000 for the reduction of the public debt instead of supplemental appropriations of $12,200,000,000 for the fiscal year ending September 30, 2000, for the reduction of the public debt proposed by the Senate. The House Bill contained no similar title.

TITLE V—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

The conferees agree to provide an additional $6,424,000 to establish a new interagency National Terrorist Asset Tracking Center' (NTATC), to reimburse Treasury Department law enforcement bureaus for detailees to the Center, and for five new positions to reinforce the analytical component of the Office of foreign Assets Control.

VEHICLE USAGE AND REPLACEMENT

The conferees agree with the concerns expressed by the Senate over the lack of progress by the Department of the Treasury and its bureaus in establishing a centralized vehicle acquisition program, despite having been provided $1,000,000 for such purposes in fiscal year 1999. The conferees agree with the Senate that the Department must take action before additional funding is provided. The conferees therefore direct that no funds for new vehicle acquisition shall be obligated or expended until the Department has: (1) developed and implemented the vehicle data warehouse, and (2) provided the committees with a report that confirms that policy directives and operating procedures with regard to vehicles have been fully implemented. The conferees expect that the mandate established in section 116 of Public Law 105–277 shall remain in force.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

The conferees agree to provide an additional $15,000,000 for the Integrated Treasury (Wireless) Network.

EXPANDED ACCESS TO FINANCIAL SERVICES

The conferees agree to provide an additional $8,000,000 for this account.

TREASURY FORFEITURE FUND

The conferees clarify that they have agreed to fund $29,107,000 of the $42,500,000 that the Administration proposed to fund in fiscal year 2001 through the Super Surplus in regular appropriations. No funds are provided for Customs Service vehicle replacement ($11,000,000) and Acquisition and Maintenance for the Federal Law Enforcement Training Center ($2,393,000).

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conferees agree to provide an additional $5,000,000 to the Federal Law Enforcement Training Center (FLETC) to establish and operate a metropolitan area law enforcement training center for the Treasury Department, other federal agencies, the United States Capitol Police, and the Washington, D.C. Metropolitan Police Department, primarily as a place for firearms and vehicle operation requalification. The conferees provide that $3,500,000 of such funding would only be made available for obligation after FLETC submits a detailed spending plan to the Committees on Appropriations.

The conferees are aware that as many as 6,000 federal law enforcement officers in the Washington area require routine skills training, but existing facilities in the region are not meeting this need, in particular for the Treasury Department, the Park Police, the State Department, and the U.S. Capitol Police. The shortage of facilities applies to local law enforcement agencies as well, in particular the Washington, D.C. Metropolitan Police Department.

The conferees are aware of the work by the Interagency Firearms Range Working Group (IFRWG) and strongly supports its mandate to identify a site and plan for establishment and operation of a Washington, D.C. area facility, to meet the need for regular perishable skills training for federal and other law enforcement agencies. The conferees understand that such training would include firearms requalification, driver training, and possibly other continuous routine training. The conferees expect this facility to accommodate as well the unique in-service and agency specific training requirements of the U.S. Capitol Police.

The conferees have seen the preliminary plan developed by FLETC for such a local facility, to include semi-enclosed and enclosed firearms facilities as well as vehicle operation courses, and agree that such a facility, to generate the benefits of consolidated law enforcement training, must be designed, built and operated to meet priority needs for continuing professional training, and to avoid needless duplication or inefficiency. The conferees understand that this facility will be for daytime training operations only, with no residential or dining facilities. The conferees expect that any federal agency seeking funding for new or expanded training facilities in the capital region will participate in and coordinate such requests through FLETC and the IFRWG, and that FLETC will strive to accommodate, as space permits, any requests for training from local law enforcement agencies.

The conferees direct the Federal Law Enforcement Training Center to work with the General Services Administration (GSA) to identify a site for this facility within the GSA inventory of Federal land.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide an additional $25,000,000 for design and construction of a metropolitan area law enforcement training center, including firearms and vehicle operations requalification facilities, to remain available until expended. Such funding would include the costs of architecture and engineering plans, design and construction for firearms ranges, vehicle operation ranges, tactical operations training facilities and related teaching facilities such as classrooms and non-lethal shoot houses, as well as administrative and support facilities. The conferees include language making $22,000,000 of these funds unavailable for obligation until a complete design and construction plan with associated timelines and cost breakouts has been submitted to the Committees on Appropriations.

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

SALARIES AND EXPENSES

The conferees agree to provide an additional $4,148,000 for 30 agents to participate in Joint Terrorism Task Forces.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

The conferees agree to provide an additional $18,934,000 for counterterrorism activities, including $2,334,000 for 17 agents to participate in Joint Terrorism Task Forces; $10,000,000 for northern border security infrastructure; and $6,600,000 for 48 agents to counter-terrorist threats along the northern border. The conferees have also included language prohibiting obligation of funds for the northern border until a plan for the deployment of resources and personnel has been submitted for approval to the Committees on Appropriations.

NORTHERN BORDER SECURITY

The conferees have long agreed on the inadequacy of the federal response to smuggling and other threats facing the southern border and ports of entry to the U.S. The security threat to the northern border of the U.S. was made plain last winter following the arrests of suspected terrorists attempting to enter the United States from Canada into Washington State and Vermont. The need for increased vigilance along our long, undefended border with Canada is beyond dispute while at the same time commerce with Canada, our major bilateral trading partner, grows apace.

Aging infrastructure and staffing shortages have created significant bottlenecks as well as increased vulnerability to potential security threats at a number of northern ports of entry. Yet the conferees perceive inadequate planning for and commitment to provide the necessary personnel, facilities and related infrastructure to keep our border crossings safe and yet facilitate the smooth movement of commerce and passengers. Shortcomings in infrastructure are readily visible to visitors to the border, but so are the sparse staffing levels. The northern border extends nearly 4,000 miles, but has only about 300 agents and inspectors, while the 2,000 mile southwest border has 8,000. In addition to increases in agents and inspectors needed to meet the threat of terrorism, additional land border inspectors are called for in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, which has not been fully implemented.

The conferees therefore direct the U.S. Customs Service, working with the General Services Administration, the Immigration and Naturalization Service, and other agencies responsible for border inspection and facilities, to address the inadequacies that presently exist in facilities and personnel and submit to the Congress a plan to address them with the submission of the fiscal year 2002 budget.

RESOURCE ALLOCATION MODEL

The Customs Service told the Committees over a year ago that the customs staffing resource allocation model was near completion. However, the model remains under review and not operational. At the same time, the Committees have not received any information about the characteristics of the model. Given then numerous requests to establish, expand, or preserve Customs presence at various ports, it is essential that Customs have such a model in place to permit a more transparent and consistent basis for making such decisions. While the conferees recognize that the use of such a model would not by itself mechanically determine all staffing and organizational decisions, they expect the Committees to be able to understand and review future funding requests. The conferees therefore direct Customs and the Treasury Department to expedite completion of the model and to report to the Committees not later than February 1, 2001 on the characteristics and application of the model and on the status of its implementation. The conferees request that the General Accounting Office review the resource allocation model and supporting data used for this analysis, and report to the Committees on the validity and reliability of the model and its findings.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE AND MANAGEMENT

ELECTRONIC TAX ADMINISTRATION

In its June 30, 2000, annual report to Congress, the Electronic Tax Administration Advisory Committee (ETAAC) emphasized its position that IRS should stress partnerships, not competition, with the private sector and state and local governments in achieving its electronic tax administration objectives. In this regard, ETAAC believes it is inappropriate for IRS to offer no-cost electronic filing over the Internet, either by developing its own software or aligning itself with a limited number of "authorized e-file providers." IRS is directed to provide the Committees on Appropriations a report commenting on the ETAAC position as well as making any recommendations to address the concerns raised by ETAAC within 120 days of the enactment of this Act. The conferees share these concerns and further direct the IRS to delay implementing no-cost Internet tax filing services until such report has been submitted to and reviewed by the Committees.

TAX LAW ENFORCEMENT

The conferees agree to provide $7,974,000, including $3,135,000 for support of the money laundering strategy, and an additional $4,839,000 for 35 agents to participate in Joint Terrorism Task Forces.

INFORMATION TECHNOLOGY INVESTMENTS

The conferees to provide $71,751,000 for information technology investments. The release of these funds is subject to conditions similar to those required for funds previously appropriated for modernizing the major computer systems of the Internal Revenue Service.

STAFFING TAX ADMINISTRATION FOR BALANCE AND EQUITY

The conferees agree to provide $141,000,000 in a new account established to fund the hiring of additional staff by the Internal Revenue Service (IRS). Release of these funds is subject to a staffing plan, to be approved by the Department of the Treasury, Office of Management and Budget, and the Committees on Appropriations. The conferees are aware of the IRS' continuing reassessment of its specific staffing needs in light of its implementation of the IRS Restructuring and Reform Act of 1998, as indicated by the recent IRS requests for substantive transfers of funding and positions among its appropriations accounts. The current organizational restructuring within the IRS also has created uncertainty with respect to its specific staffing needs. The conferees look forward to working with the Administration to ensure that balance and equity are achieved with respect to IRS staffing requirements for tax administration.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The conferees agree to provide an additional $2,904,000 for 21 agents to participate in Joint Terrorism Task Forces.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

The conferees urge the Office of Management and Budget to allocate at least two-thirds of the additional staff for use in supporting the management function of the Office, which is limited to the Deputy Director for Management and the Statutory Offices—the Office of Federal Financial Management, the Office of Federal Procurement Policy, and the Office of Information and Regulatory Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

The conferees agree to provide an additional $7,000,000 for the Counterdrug Technology Assessment Center, including $5,000,000 for the continued operation of the technology transfer program and $2,000,000 for the continued development of the wireless interoperability communication project currently underway in Colorado. This much-needed project is in direct response to the wireless communication difficulties experienced by State and local law enforcement during the Columbine High School tragedy.

UNANTICIPATED NEEDS

The conferees agree to provide $3,500,000 for Unanticipated Needs of the President, including $2,500,000 as a transfer to the Elections Commission of the Commonwealth of Puerto Rico for objective, non-partisan citizens' education for a choice by voters on the islands' future status; the conferees make the $2,500,000 transfer available on March 21, 2001. The conferees include a provision prohibiting the use of funds by the Elections Commission until 45 days after the Commission submits to the Committees on Appropriations for approval an expenditure plan developed jointly by the Popular Democratic Party, the New Progressive Party, and the Puerto Rican Independence Party. The conferees also include a provision requiring the Elections Commission to include in the expenditure plan additional views from any party that does not agree with the plan.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

CONSTRUCTION

The conferees agree to provide $3,000,000 for non-prospectus construction projects.

SALT LAKE CITY COURTHOUSE

The conferees are aware of issues surrounding the site of the Salt Lake City courthouse. The conferees direct GSA to examine these issues and report to the Committees on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works within 120 days of enactment of this Act on the status of the site and recommendations on resolving any outstanding issues. In addition, the conferees direct that GSA may not take any further condemnation action prior to the Committees' receipt of the report. The conferees direct GSA to consult with the Administrative Office of the U.S. Courts and the appropriate authorities in the preparation of this report.

REPAIRS AND ALTERATIONS

The conferees agree to provide $8,350,000 for a repair and alteration project associated with a courthouse annex in Columbia, South Carolina

RENTAL OF SPACE

The conferees are concerned with the environmental conditions of the Customs House at Terminal Island, California. While many Customs employees have been temporarily moved from the Customs House to healthier work environments, the conferees are concerned about the health and safety of the remaining employees at the facility. The conferees understand that the General Services Administration (GSA) is working with the Customs Service to resolve the situation at the Customs House to identify permanent space and relocate Customs personnel.

The conferees understand that GSA is working jointly with the Customs Service to relocate the Office of the Customs Special Agent in Charge by December 31, 2000. Other Customs employees will be moved to a new leased location by May 31, 2001. The high-tech customs laboratory will remain at Terminal Island as requested by the Customs Service. The conferees are concerned that plans for relocation of Customs employees occur as scheduled and direct the Customs Service and GSA to report no later than January 15, 2001, on the situation facing the Customs Service employees remaining at this facility and the status of the permanent move.

BUILDING OPERATIONS

ACCESS TO TELECOMMUNICATIONS SERVICES

The conferees are aware that significant cost savings to the government are being achieved by the FTS 2001 and the Metropolitan Area Acquisition programs administered by GSA as a result of increased competition among communications services. The conferees are also aware that such potential cost savings may be jeopardized by building access limitations for telecommunication providers. The conferees note that legislation has been introduced in Congress intended to promote non-discriminatory or fair and reasonable access to telecommunications services for Federal agencies. The conferees direct the executive branch identify building telecommunications access barriers and take necessary steps to ensure that telecommunications providers are given fair and reasonable access to provide service to Federal agencies in buildings where the Federal government is the owner or tenant.

TUCSON, ARIZONA

The conferees direct the GSA to reach a mutual agreement with the City of Tucson, Arizona regarding the use of the federally owned property at 26–72 East Congress by October 24, 2000.

POLICY AND OPERATIONS

The conferees agree to provide an additional $13,789,000 for policy and operations, including $2,060,000 for the electronic government initiative, $2,000,000 for the regulatory information service center, $2,000,000 for facilitating post conveyance remediation to be performed by the City of Waltham, Massachusetts, $2,000,000 for a grant to the Institute for Biomedical Science and Biotechnology, $2,000,000 for the Center for Agricultural Policy and Trade Studies, $1,000,000 for a grant to the Berwick Industrial Development Authority in Pennsylvania, $1,000,000 for a grant to the Ewing-Lawrence Sewerage Authority in Ewing Township, New Jersey, $750,000 for logistical support of the World Police and Fire Games, and $979,000 for base operations.

National Archives and Records Administration

REPAIRS AND RESTORATION

The conferees agree to provide an additional $6,610,000 for repairs to the John F. Kennedy Presidential Library.

General Provisions—This Title

FEDERAL INTERNET SITES

The conferees have included a new provision (Section 501) prohibiting the use of funds by agencies funded in the Treasury and General Government Appropriations Act, 2001, to use federal Internet sites to collect, review, or create any aggregate list that includes the collection of any personally identifiable information relating to an individual's access to or use of any federal government Internet site of the agency. Section 644 of the Treasury and General Government Appropriations Act, 2001, shall not have effect.

FEC REFORMS

The conferees have included a new provision (Section 502) regarding certain reforms within the FEC, including a clarification of the permissible use of fax and electronic mail, a clarification of the treatment of lines of credit, and requiring the actual receipt of certain independent expenditure reports within 24 hours.

U.S. OLYMPIC ANTI-DOPING EFFORTS

The conferees have included a new provision (Section 503) to clarify that the funds made available to the United States Olympic Committee for anti-doping efforts in the Treasury and General Government Appropriations Act, 2001 will be provided to The U.S. Anti-Doping Agency, Incorporated (USADA). USADA, a private organization, is responsible for the anti-doping program in the United States relating to participation by U.S. athletes in the Olympic, Pan American, and Paralympic Games. The conferees agree to make these funds available to USADA based on their understanding that the conduct of such anti-doping programs is the responsibility of USADA and not of any federal government agency.

FEDERAL RETIREMENT CONTRIBUTIONS

The conferees agree to include a new provision (Section 504) that Section 640 of the Treasury and General Government Appropriations Act, 2001 shall not have effect. The conferees further agree to include a new provision (Section 505) regarding Civil Service retirement contributions.

UNITED STATES SECRET SERVICE ASSISTANCE FOR INVESTIGATIONS RELATED TO MISSING AND EXPLOITED CHILDREN

The conferees agree to include a new provision (Section 506) providing that $2,000,000 of fiscal year 2001 funding for the U.S. Secret Service that was specified for activities related to investigations of missing and exploited children shall be available for forensic and related support of such investigations, to remain available until September 30, 2001.

SECTION 108 OF THE LEGISLATIVE APPROPRIATIONS ACT, 2001

The conferees have included a new provision (Section 507) amending Section 108 of the Legislative Branch Appropriations Act, 2001 contained in House Report 106–796. The amendment places the Chief Administrative Officer (CAO) under the direct control of the Chief of the U.S. Capitol Police, in consultation with the Comptroller General of the United States. The Comptroller General will monitor the performance of the CAO and report same to the Chief the U.S. Capitol Police, the Capitol Police Board, and the appropriations and authorizing committees of the Senate and House of Representatives. The Chief will report the CAO's plans and progress made in resolving the several administrative problems of the Capitol Police to the appropriations and authorizing committees of the Senate and House of Representatives.

REVIEW OF PROPOSED CHANGES TO EXPORT THRESHOLDS FOR COMPUTERS

The conferees expect that the assessment provided by the Comptroller General pursuant to Section 314 of the Legislative Branch Appropriations Act, 2001 shall include, at a minimum:

(1) An evaluation of the adequacy of the stated justification for any proposed changes to computer performance export control thresholds given in the Presidential report referred to in subsection (d) of section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note), as amended; and

(2) An evaluation of the likely impact of any proposed changes to computer performance export control thresholds upon—

(A) the national security and foreign policy interests of the United States;

(B) the security of countries friendly to, or allied with, the United States;

(C) multilateral export control regimes of which the United States is a member; and

(D) United States policies designed to slow or prevent the proliferation of weapons of mass destruction or ballistic missile technology.

TREASURY AND GENERAL GOVERNMENT, FY 2001
(amounts in thousands)

	Conference
TITLE V	
DEPARTMENT OF THE TREASURY	
Departmental Offices	6,424
Department-wide systems and capital investments programs	15,000
Expanded Access to Financial Services	8,000
Federal Law Enforcement Training Center:	
Salaries and Expenses	5,000
Acquisition, Construction, Improvements, and Related Expenses	25,000
Bureau of Alcohol, Tobacco and Firearms	4,148
United States Customs Service: Salaries and expenses	18,934
Internal Revenue Service:	
Tax Law Enforcement	7,974
Information technology investments	71,751
Staffing tax administration for balance and equity	141,000
United States Secret Service: Salaries and expenses	2,904
Total, Department of the Treasury	306,135
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT	
Office of National Drug Control Policy:	
Counterdrug Technology Assessment Center	7,000
Unanticipated Needs	3,500
Total, Executive Office of the President	10,500
INDEPENDENT AGENCIES	
General Services Administration:	
Federal Buildings Fund:	
Appropriations	11,350
Limitations on availability of revenue:	
Construction and acquisition of facilities	(3,000)
Repairs and alterations	(8,350)
Policy and Operations	13,789
National Archives and Records Administration:	
Repairs and Restoration	6,610
Total, Independent Agencies	31,749
Total, title V	348,384

The following table provides a tabular summary of the fiscal year 2001 Department of Transportation and Related Agencies Appropriations Act.

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	(60,852)	69,186	(62,109)	(57,469)	63,245	+2,393
Immediate Office of the Secretary	1,867	(2,031)	1,756	1,800	(1,827)	(-40)
Immediate Office of the Deputy Secretary	600	(587)	587	500	(587)	(-13)
Office of the General Counsel	9,000	(11,172)	9,760	9,000	(9,972)	(+972)
Office of the Assistant Secretary for Policy	2,824	(3,132)	3,132	2,500	(3,011)	(+187)
Office of the Assistant Secretary for Aviation and International Affairs	7,650	(7,702)	7,182	7,000	(7,289)	(-361)
Office of the Assistant Secretary for Budget and Programs	6,870	(7,241)	7,241	6,500	(7,362)	(+492)
Office of the Assistant Secretary for Governmental Affairs	2,039	(2,176)	2,000	2,000	(2,150)	(+111)
Office of the Assistant Secretary for Administration	17,767	(20,139)	18,359	17,800	(19,020)	(+1,253)
Office of Public Affairs	1,800	(1,714)	1,454	1,500	(1,674)	(-126)
Executive Secretariat	1,102	(1,181)	1,181	1,181	(1,181)	(+79)
Board of Contract Appeals	520	(496)	496	496	(496)	(-24)
Office of Small and Disadvantaged Business Utilization	1,222	(1,192)	1,192	1,192	(1,192)	(-30)
Office of Intelligence and Security	1,454	(3,494)	1,490	....	(1,262)	(-192)
Office of the Chief Information Officer	5,075	(6,929)	6,279	6,000	(6,222)	(+1,147)
Office of Intermodalism	1,062	....	....	....	....	(-1,062)
Subtotal	(60,852)	(69,186)	(62,109)	(57,469)	(63,245)	(+2,393)

NOTE: FY00 rescissions included in Net total lines.

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Office of civil rights	7,200	8,726	8,140	8,000	8,140	+940
Transportation planning, research, and development	3,300	5,258	3,300	5,300	11,000	+7,700
Across the board (0.38%) rescission	-10					+10
Net subtotal	3,290	5,258	3,300	5,300	11,000	+7,710
Transportation Administrative Service Center	(148,673)	(163,811)	(119,387)	(173,278)	(126,887)	(-21,786)
Minority business resource center program	1,900	1,900	1,900	1,900	1,900	
(Limitation on direct loans)	(13,775)			(13,775)		(-13,775)
(Limitation on guaranteed loans)		(13,775)	(13,775)		(13,775)	(+13,775)
Minority business outreach	2,900	3,000	3,000	3,000	3,000	+100
Across the board (0.38%) rescission	-18					+18
Net subtotal	2,882	3,000	3,000	3,000	3,000	+118
Total, Office of the Secretary	76,152	88,070	78,449	75,669	87,285	+11,133
ATB rescissions	-28					+28
Net total	76,124	88,070	78,449	75,669	87,285	+11,161
Coast Guard						
Operating expenses	2,481,000	2,858,000	2,851,000	2,398,460	2,851,000	+370,000
Defense function	300,000	341,000	341,000	641,000	341,000	+41,000
Subtotal	2,781,000	3,199,000	3,192,000	3,039,460	3,192,000	+411,000

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Contingent emergency	77,000					-77,000
Acquisition, construction, and improvements:						
Vessels	134,560	257,180	252,640	145,937	156,450	+21,890
Across the board (0.38%) rescission	-1,478					+1,478
Net subtotal	133,082	257,180	252,640	145,937	156,450	+23,368
Aircraft	44,210	43,650	43,650	41,650	37,650	-6,560
Other equipment	51,626	60,313	60,113	54,304	60,113	+8,487
Shore facilities & aids to navigation facilities	63,800	61,606	61,606	68,406	63,336	-464
Personnel and related support	50,930	55,151	54,691	55,151	55,151	+4,221
Integrated Deepwater Systems	44,200	42,300	42,300	42,300	42,300	-1,900
Subtotal, A C & I (excl rescission)	389,326	520,200	515,000	407,748	415,000	+25,674
Contingent emergency	578,000					-578,000
Environmental compliance and restoration	17,000	16,700	16,700	16,700	16,700	-300
Across the board (0.38%) rescission	-65					+65
Net subtotal	16,935	16,700	16,700	16,700	16,700	-235
Alteration of bridges	15,000		14,740	15,500	15,500	+500
Across the board (0.38%) rescission	-57					+57
Net subtotal	14,943		14,740	15,500	15,500	+557

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Retired pay	730,327	778,000	778,000	778,000	778,000	+47,673
Reserve training	72,000	73,371	80,375	80,371	80,375	+8,375
Research, development, test, and evaluation	19,000	21,320	19,691	21,320	21,320	+2,320
Total, Coast Guard	4,023,653	4,608,591	4,616,506	4,359,099	4,518,895	+495,242
Contingent emergency	655,000					-655,000
ATB rescissions	-1,600					+1,600
Net total	4,677,053	4,608,591	4,616,506	4,359,099	4,518,895	-158,158
Federal Aviation Administration						
Operations	5,900,000	6,592,235	6,544,235	(6,350,250)	(6,544,235)	(+644,235)
Air traffic services	(4,648,907)	(5,210,434)		5,039,391	5,200,274	+551,367
Aviation regulation and certification	(640,162)	(691,979)		691,979	694,979	+54,817
Civil aviation security	(131,474)	(144,328)		138,462	139,301	+7,827
Research and acquisitions	(174,083)	(196,497)		182,401	189,988	+15,905
Commercial space transportation	(6,560)	(12,607)		10,000	12,000	+5,440
Financial services	(38,981)			43,000	48,444	+9,463
Human resources	(52,809)			49,906	54,864	+2,055
Regional coordination	(95,321)			99,347	99,347	+4,026
Staff offices	(73,093)	(336,390)		95,764	105,038	+31,945
Essential air service	(32,000)					-32,000
TASC	(6,610)					-6,610
Subtotal	(5,900,000)	(6,592,235)		(6,350,250)	(6,544,235)	(+644,235)

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Facilities & equipment (Airport & Airway Trust Fund)	2,075,000	2,495,000	2,656,765	2,656,765	2,656,765	+581,765
Rescission	(-30,000)					(+30,000)
Research, engineering, and development (Airport and Airway Trust Fund)	156,495	184,366	184,366	183,343	187,000	+30,505
Grants-in-aid for airports (Airport and Airway Trust Fund):						
(Liquidation of contract authorization)	(1,750,000)	(1,960,000)	(3,200,000)	(3,200,000)	(3,200,000)	(+1,450,000)
(Limitation on obligations)	(1,950,000)	(1,950,000)	(3,200,000)	(3,200,000)	(3,200,000)	(+1,250,000)
Across the board (0.38%) rescission	(-54,362)					(+54,362)
Rescission of contract authority			-579,000	-579,000	-579,000	-579,000
Net subtotal	(1,895,638)	(1,950,000)	(2,621,000)	(2,621,000)	(2,621,000)	(+725,362)
Total, Federal Aviation Administration	8,131,495	9,271,601	9,385,366	9,190,358	9.388,000	+1,256,505
(Limitations on obligations)	(1,950,000)	(1,950,000)	(3,200,000)	(3,200,000)	(3,200,000)	(+1,250,000)
Total budgetary resources	(10,081,495)	(11,221,601)	(12,585,366)	(12,390,358)	(12,588,000)	(+2,506,505)
ATB rescissions	(-54,362)					(+54,362)
Rescission	-30,000		-579,000	-579,000	-579,000	-549,000
Net total	(9,997,133)	(11,221,601)	(12,006,366)	(11,811,358)	(12,009,000)	(+2,011,867)

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Federal Highway Administration						
Limitation on administrative expenses 1/	(376,072)	(315,834)	(290,115)	(386,658)	(295,119)	(-80,953)
Limitation on transportation research			(437,250)			
Federal-aid highways (Highway Trust Fund):						
(Limitation on obligations)	(26,245,000)	(26,603,806)	(26,603,806)	(26,603,806)	(26,603,806)	(+358,806)
Across the board (0.38%) rescission	(-105,260)					(+105,260)
Net subtotal	(26,139,740)	(26,603,806)	(26,603,806)	(26,603,806)	(26,603,806)	(+464,066)
(Revenue aligned budget authority) (RABA)	(1,456,350)	(3,058,000)	(3,058,000)	(3,058,000)	(3,058,000)	(+1,601,650)
(RABA transfer under Title III)		(-598,000)				
(Adjustment)		(255,000)				
Subtotal, limitation on obligations	(27,701,350)	(29,318,806)	(29,661,806)	(29,661,806)	(29,661,806)	(+1,960,456)
(Exempt obligations)	(1,206,702)	(1,039,576)	(1,039,576)	(1,039,148)	(1,039,576)	(-167,126)
(Liquidation of contract authorization)	(26,000,000)	(28,000,000)	(28,000,000)	(28,000,000)	(28,000,000)	(+2,000,000)

1/ FY 2000 enacted includes $76,058 for motor carrier safety, limitation on administrative expenses.

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Emergency Relief Program (Highway Trust Fund) (contingent emergency appropriation)	....	....	....	....	720,000	+720,000
Total, Federal Highway Administration	....	....	....	....	....	....
Contingent emergency	....	....	....	....	720,000	+720,000
(Limitations on obligations)	(27,701,350)	(29,318,806)	(29,661,806)	(29,661,806)	(29,661,806)	(+1,960,456)
(Exempt obligations)	(1,206,702)	(1,039,576)	(1,039,576)	(1,039,148)	(1,039,576)	(-167,126)
Total budgetary resources	(28,908,052)	(30,358,382)	(30,701,382)	(30,700,954)	(31,421,382)	(+2,513,330)
ATB rescissions	(-105,260)	....	....	....	....	(+105,260)
Net total	(28,802,792)	(30,358,382)	(30,701,382)	(30,700,954)	(31,421,382)	(+2,618,590)

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Federal Motor Carrier Safety Administration						
Motor carrier safety (limitation on administrative expenses) 1/	....	(92,194)	(92,194)	(92,194)	(92,194)	(+92,194)
National motor carrier safety program (Highway Trust Fund):						
(Liquidation of contract authorization)	(105,000)	(187,000)	(177,000)	(177,000)	(177,000)	(+72,000)
(Limitation on obligations)	(105,000)	(177,000)	(177,000)	(177,000)	(177,000)	(+72,000)
(RABA transfer under Title III)	....	(10,000)	....	....	....	....
Subtotal, limitation on obligations	(105,000)	(187,000)	(177,000)	(177,000)	(177,000)	(+72,000)
Total, Federal Motor Carrier Safety Administration	....	....	....	....	....	....
(Limitations on obligations)	(105,000)	(279,194)	(269,194)	(269,194)	(269,194)	(+164,194)
Total budgetary resources	(105,000)	(279,194)	(269,194)	(269,194)	(269,194)	(+164,194)

1/ Provided under FHWA limitation on administrative expenses in FY 2000.

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
National Highway Traffic Safety Administration						
Operations and research	87,400	142,475	107,876	107,876	116,876	+29,476
Operations and research (Highway trust fund):						
(Limitation on obligations)	(72,000)	(72,000)	(72,000)	(72,000)	(72,000)	....
(RABA transfer under Title III)	....	(70,000)	....	....	....	....
(Liquidation of contract authorization)	(72,000)	(142,000)	(72,000)	(72,000)	(72,000)	....
National Driver Register (Highway trust fund)	2,000	2,000	2,000	2,000	2,000	....
Subtotal, Operations and research	(161,400)	(286,475)	(181,876)	(181,876)	(190,876)	(+29,476)
Highway traffic safety grants (Highway Trust Fund):						
(Liquidation of contract authorization)	(206,800)	(213,000)	(213,000)	(213,000)	(213,000)	(+6,200)
(Limitation on obligations):						
Highway safety programs (Sec. 402)	(152,800)	(155,000)	(155,000)	(155,000)	(155,000)	(+2,200)
Occupant protection incentive grants (Sec. 405)	(10,000)	(13,000)	(13,000)	(13,000)	(13,000)	(+3,000)
Alcohol-impaired driving countermeasures grants (Sec. 410)	(36,000)	(36,000)	(36,000)	(36,000)	(36,000)	....
State highway safety data grants (Sec. 411)	(8,000)	(9,000)	(9,000)	(9,000)	(9,000)	(+1,000)
Total, National Highway Traffic Safety Administration	89,400	144,475	109,876	109,876	118,876	+29,476
(Limitations on obligations)	(278,800)	(355,000)	(285,000)	(285,000)	(285,000)	(+6,200)
Total budgetary resources	(368,200)	(499,475)	(394,876)	(394,876)	(403,876)	(+35,676)

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Federal Railroad Administration						
Safety and operations	94,288	103,211	102,487	99,390	101,717	+7,429
Offsetting collections (user fees)	....	-77,300	....	....	....	....
Railroad research and development	22,464	26,800	26,300	24,725	25,325	+2,861
Offsetting collections (user fees)	....	-25,500	....	....	....	....
Rhode Island Rail Development	10,000	17,000	17,000	....	17,000	+7,000
Across the board (0.38%) rescission	-38	....	....	....	....	+38
Net subtotal	9,962	17,000	17,000	....	17,000	+7,038
Pennsylvania Station Redevelopment project (advance appropriation, FY 2001, 2002, 2003) 1/	(60,000)	....	....	....	....	(-60,000)
Next generation high-speed rail	27,200	22,000	22,000	24,900	25,100	-2,100
Across the board (0.38%) rescission	-103	....	....	....	....	+103
Net subtotal	27,097	22,000	22,000	24,900	25,100	-1,997
Alaska Railroad rehabilitation	10,000	....	....	20,000	20,000	+10,000
Across the board (0.38%) rescission	-38	....	....	....	....	+38
Net subtotal	9,962	....	....	20,000	20,000	+10,038

1/ Provided in Title II - Other Appropriations Matters in P.L. 106-113.

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
West Virginia Rail development				15,000	15,000	+15,000
Capital grants to the National Railroad Passenger Corporation	571,000	521,476	521,476	521,000	521,476	-49,524
Expanded intercity rail passenger service fund (RABA transfer under Title III):						
(Liquidation of contract authorization)		(468,000)				
(Limitation on obligations)		(468,000)				
Total, Federal Railroad Administration	734,952	587,687	689,263	705,015	725,618	-9,334
(Limitations on obligations)		(468,000)				
Total budgetary resources	(734,952)	(1,055,687)	(689,263)	(705,015)	(725,618)	(-9,334)
ATB rescissions	-179					+179
Net total	(734,773)	(1,055,687)	(689,263)	(705,015)	(725,618)	(-9,155)

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Federal Transit Administration						
Administrative expenses	12,000	12,800	12,800	12,800	12,800	+800
Administrative expenses (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(48,000)	(51,200)	(51,200)	(51,200)	(51,200)	(+3,200)
Subtotal, Administrative expenses	(60,000)	(64,000)	(64,000)	(64,000)	(64,000)	(+4,000)
Formula grants	619,600	669,000	669,000	669,000	669,000	+49,400
Formula grants (Highway Trust Fund): (Limitation on obligations)	(2,478,400)	(2,676,000)	(2,676,000)	(2,676,000)	(2,676,000)	(+197,600)
Subtotal, Formula grants	(3,098,000)	(3,345,000)	(3,345,000)	(3,345,000)	(3,345,000)	(+247,000)
University transportation research	1,200	1,200	1,200	1,200	1,200	....
University transportation research (Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(4,800)	(4,800)	(4,800)	(4,800)	(4,800)	....
Subtotal, University transportation research	(6,000)	(6,000)	(6,000)	(6,000)	(6,000)	....
Transit planning and research	21,000	22,200	22,200	22,200	22,200	+1,200
Transit planning and research (Highway Trust Fund, Mass Transit Account): (Limitation on obligations)	(86,000)	(87,800)	(87,800)	(87,800)	(87,800)	(+1,800)
Subtotal, Transit planning and research	(107,000)	(110,000)	(110,000)	(110,000)	(110,000)	(+3,000)

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Rural transportation assistance	(5,250)	(5,250)	(5,250)	(5,250)	(5,250)	....
National transit institute	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	....
Transit cooperative research	(8,250)	(8,250)	(8,250)	(8,250)	(8,250)	....
Metropolitan planning	(49,632)	(52,114)	(52,114)	(52,114)	(52,114)	(+2,482)
State planning	(10,368)	(10,886)	(10,886)	(10,886)	(10,886)	(+518)
National planning and research	(29,500)	(29,500)	(29,500)	(29,500)	(29,500)	....
Subtotal	(107,000)	(110,000)	(110,000)	(110,000)	(110,000)	(+3,000)
Across the board (0.38%) rescission	(-243)	....	....	....	....	(+243)
Net subtotal	(106,757)	(110,000)	(110,000)	(110,000)	(110,000)	(+3,243)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(4,929,270)	(5,016,600)	(5,016,600)	(5,016,600)	(5,016,600)	(+87,330)
Capital investment grants	490,200	529,200	529,200	529,200	529,200	+39,000
Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations) 1/	(1,966,800)	(2,116,800)	(2,116,800)	(2,116,800)	(2,116,800)	(+150,000)
Subtotal, Capital investment grants	(2,457,000)	(2,646,000)	(2,646,000)	(2,646,000)	(2,646,000)	(+189,000)

1/ $6 million provided in Title II - Other Appropriations Matters in P.L. 106-113.

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Fixed guideway modernization	(980,400)	(1,058,400)	(1,058,400)	(1,058,400)	(1,058,400)	(+78,000)
Buses and bus-related facilities 1/	(496,200)	(529,200)	(529,200)	(529,200)	(529,200)	(+33,000)
New starts	(980,400)	(1,058,400)	(1,058,400)	(1,058,400)	(1,058,400)	(+78,000)
Subtotal	(2,457,000)	(2,646,000)	(2,646,000)	(2,646,000)	(2,646,000)	(+189,000)
Across the board (0.38%) rescission	(-17,404)	....	....	....	....	(+17,404)
Net subtotal	(2,439,596)	(2,646,000)	(2,646,000)	(2,646,000)	(2,646,000)	(+206,404)
Discretionary grants (Highway Trust Fund, Mass Transit Account) (liquidation of contract authorization)	(1,500,000)	(350,000)	(350,000)	(350,000)	(350,000)	(-1,150,000)
Job access and reverse commute grants	15,000	20,000	20,000	20,000	20,000	+5,000
(Highway Trust Fund, Mass Transit Account) (limitation on obligations)	(60,000)	(80,000)	(80,000)	(80,000)	(80,000)	(+20,000)
(RABA transfer under Title III)	....	(50,000)	....	....	....	....
Subtotal, Job access and reverse commute grants	(75,000)	(150,000)	(100,000)	(100,000)	(100,000)	(+25,000)

1/ $6 million provided in Title II - Other Appropriations Matters in P.L. 106-113.

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Total, Federal Transit Administration	1,159,000	1,254,400	1,254,400	1,254,400	1,254,400	+95,400
(Limitations on obligations)	(4,644,000)	(5,066,600)	(5,016,600)	(5,016,600)	(5,016,600)	(+372,600)
Total budgetary resources	(5,803,000)	(6,321,000)	(6,271,000)	(6,271,000)	(6,271,000)	(+468,000)
ATB rescissions	(-17,647)	....	....	....	....	(+17,647)
Net total	(5,785,353)	(6,321,000)	(6,271,000)	(6,271,000)	(6,271,000)	(+485,647)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	12,042	....	13,004	12,400	13,004	+962
Across the board (0.38%) rescission	-46	....	....	....	....	+46
Mandatory proposal	....	(13,004)	....	....	....	....
Net total	11,996	13,004	13,004	12,400	13,004	+1,008

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Research and Special Programs Administration						
Research and special programs:						
Hazardous materials safety	17,710	18,773	18,773	18,620	18,750	+1,040
Emergency transportation	1,378	2,375	1,866	1,801	1,831	+453
Research and technology	3,397	9,416	4,516	3,740	4,816	+1,419
Program and administrative support	9,576	11,967	11,297	10,209	10,976	+1,400
Subtotal, research and special programs	32,061	42,531	36,452	34,370	36,373	+4,312
Offsetting collections (user fees)		-4,722				
Pipeline safety:						
Pipeline Safety Fund	30,000	42,874	35,874	31,894	36,556	+6,556
Oil Spill Liability Trust Fund	5,479	4,263	4,263	8,750	7,488	+2,009
Pipeline safety reserve	(1,400)			(2,500)	(3,000)	(+1,600)
Subtotal, Pipeline safety program (including reserve)	(36,879)	(47,137)	(40,137)	(43,144)	(47,044)	(+10,165)
Emergency preparedness grants:						
Emergency preparedness fund	200	200	200	200	200	
Limitation on obligations (emergency preparedness fund) (non-add)				(13,227)	(14,300)	(+14,300)
Total, Research and Special Programs Administration	67,740	85,146	76,789	75,214	80,617	+12,877

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Office of Inspector General						
Salaries and expenses	44,840	48,050	48,050	10,500	48,450	+3,610
Across the board (0.38%) rescission	-170					+170
Net total	44,670	48,050	48,050	10,500	48,450	+3,780
(By transfer)				(38,500)		
Total, program funding	(44,670)	(48,050)	(48,050)	(49,000)	(48,450)	(+3,780)
Surface Transportation Board						
Salaries and expenses	17,000	17,954	17,954	17,000	17,954	+954
Offsetting collections	-1,600	-17,954	-900	-954	-900	+700
Across the board (0.38%) rescission	-58					+58
Net total	15,342		17,054	16,046	17,054	+1,712
General Provisions						
Transportation Administrative Service Center reduction	-15,000		-4,000	-53,530		+15,000
Appalachian development highway system (Sec. 326)				54,963	54,963	+54,963
Amtrak Reform Council (Sec. 329)	750	980	450	495	750	
Muscle Shoals, Tuscumbia, and Sheffield (Sec. 375)					5,000	+5,000
Valley trains and tours (Sec. 376)					1,000	+1,000
Miscellaneous highways (Sec. 378)					1,370,000	+1,370,000
Woodrow Wilson Memorial Bridge (Sec. 379)					600,000	+600,000

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Net total, title I, Department of Transportation	15,023,343	16,089,000	15,706,207	15,231,505	18,424,912	+3,401,569
Current year, FY 2001	(14,963,343)	(16,089,000)	(15,706,207)	(15,231,505)	(18,424,912)	(+3,461,569)
Appropriations	(14,340,424)	(16,089,000)	(16,285,207)	(15,810,505)	(18,283,912)	(+3,943,488)
Rescissions	(-32,081)		(-579,000)	(-579,000)	(-579,000)	(-546,919)
Contingent emergency	(655,000)				(720,000)	(+65,000)
Advance appropriations	(60,000)					(-60,000)
(By transfer)				(38,500)		
(Limitations on obligations)	(34,679,150)	(37,437,600)	(38,432,600)	(38,432,600)	(38,432,600)	(+3,753,450)
(Rescissions of limitations on obligations)	(-177,269)					(+177,269)
(Exempt obligations)	(1,206,702)	(1,039,576)	(1,039,576)	(1,039,148)	(1,039,576)	(-167,126)
Net total budgetary resources	(50,731,926)	(54,566,176)	(55,178,383)	(54,703,253)	(57,897,088)	(+7,165,162)
TITLE II - RELATED AGENCIES						
Architectural and Transportation Barriers Compliance Board						
Salaries and expenses	4,633	4,795	4,795	4,795	4,795	+162
National Transportation Safety Board						
Salaries and expenses	57,000	62,942	62,942	59,000	62,942	+5,942
Offsetting collections		-10,000				
Total, title II, Related Agencies	61,633	57,737	67,737	63,795	67,737	+6,104

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conferen vs. enact
Grand total	15,084,976	16,146,737	15,773,944	15,295,300	18,492,649	+3,407,67
Current year, FY 2001	(15,024,976)	(16,146,737)	(15,773,944)	(15,295,300)	(18,492,649)	(+3,467,67
Appropriations	(14,402,057)	(16,146,737)	(16,352,944)	(15,874,300)	(18,351,649)	(+3,949,59
Rescissions	(-32,081)		(-579,000)	(-579,000)	(-579,000)	(-546,91
Contingent emergency	(655,000)				(720,000)	(+65,00
Advance appropriations	(60,000)					(-60,00
(By transfer)				(38,500)		
(Limitation on obligations)	(34,679,150)	(37,437,600)	(38,432,600)	(38,432,600)	(38,432,600)	(+3,753,45
(Rescissions of limitation on obligations)	(-177,269)					(+177,26
(Exempt obligations)	(1,206,702)	(1,039,576)	(1,039,576)	(1,039,148)	(1,039,576)	(-167,12
Net total budgetary resources	(50,793,559)	(54,623,913)	(55,246,120)	(54,767,048)	(57,964,825)	(+7,171,2
Scorekeeping adjustments:						
Pipeline safety (OSLTF)	-3,000	-13,000	-7,000	-2,000	-7,000	-4,0
Pennsylvania Station Redevelopment project (advance appropriations) (Sec. 332)	-60,000	20,000	20,000	20,000	20,000	+80,0
Rescission of advance			-20,000			
FTA: Capital invest grants (Title II PL 106-113)	6,000					-6,0
FTA: Capital investment grants (limitation on obligations)	(-6,000)					(+6,0
Across the board cut (0.38%)	-50,000					+50,0
CBO/OMB adjustment	2,081					-2,0
National Academy of Sciences				1,000		
Total, adjustments	-104,919	7,000	-7,000	19,000	13,000	+117,9

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Net grand total (including scorekeeping)	14,980,057	16,153,737	15,766,944	15,314,300	18,505,649	+3,525,592
Current year, FY 2001	(14,980,057)	(16,133,737)	(15,746,944)	(15,294,300)	(18,485,649)	(+3,505,592)
Appropriations	(14,357,138)	(16,133,737)	(16,345,944)	(15,873,300)	(18,344,649)	(+3,987,511)
Rescissions	(-32,081)	....	(-599,000)	(-579,000)	(-579,000)	(-546,919)
Contingent emergency	(655,000)	....	....	....	(720,000)	(+65,000)
Advance appropriations	....	(20,000)	(20,000)	(20,000)	(20,000)	(+20,000)
(By transfer)	....	....	....	(38,500)	....	....
(Limitations on obligations)	(34,673,150)	(37,437,600)	(38,432,600)	(38,432,600)	(38,432,600)	(+3,759,450)
(Rescissions of limitations on obligations)	(-177,269)	....	....	....	....	(+177,269)
(Exempt obligations)	(1,206,702)	(1,039,576)	(1,039,576)	(1,039,148)	(1,039,576)	(-167,126)
Net grand total budgetary resources	(50,682,640)	(54,630,913)	(55,239,120)	(54,786,048)	(57,977,825)	(+7,295,185)
RECAP BY FUNCTION						
Mandatory	730,327	778,000	778,000	778,000	778,000	+47,673
Discretionary:						
Highway category: (Limitation on obligations)	(28,085,150)	(29,953,000)	(30,216,000)	(30,216,000)	(30,216,000)	(+2,130,850)
Mass Transit category	1,159,000	1,254,400	1,254,400	1,254,400	1,254,400	+95,400
(Limitation on obligations)	(4,638,000)	(5,066,600)	(5,016,600)	(5,016,600)	(5,016,600)	(+378,600)
Total, Mass Transit category	(5,797,000)	(6,321,000)	(6,271,000)	(6,271,000)	(6,271,000)	(+474,000)

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
General purpose discretionary:						
Defense discretionary	300,000	341,000	341,000	641,000	341,000	+41,000
Nondefense discretionary	12,790,730	13,780,337	13,393,544	12,640,900	16,132,249	+3,341,519
Total, General purpose discretionary	13,090,730	14,121,337	13,734,544	13,281,900	16,473,249	+3,382,519
Total, Discretionary	14,249,730	15,375,737	14,988,944	14,536,300	17,727,649	+3,477,919

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2000	$15,084,976
Budget estimates of new (obligational) authority, fiscal year 2001	16,146,737
House bill, fiscal year 2001	15,773,944
Senate bill, fiscal year 2001	15,295,300
Conference agreement, fiscal year 2001	18,492,649
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2000	+3,407,673
Budget estimates of new (obligational) authority, fiscal year 2001	+2,345,912
House bill, fiscal year 2001	+2,718,705
Senate bill, fiscal year 2001	+3,197,349

FRANK R. WOLF,
TOM DELAY,
RALPH REGULA,
HAROLD ROGERS,
RON PACKARD,
SONNY CALLAHAN,
TODD TIAHRT,
ROBERT B. ADERHOLT,
KAY GRANGER,
C.W. BILL YOUNG,
MARTIN OLAV SABO (except for provisions to withhold highway funds from states that do not adopt 0.08 blood alcohol concentration laws),
JOHN W. OLVER,
ED PASTOR,
CAROLYN C. KILPATRICK (except for provisions to withhold highway funds from states that do not adopt 0.08 blood alcohol concentration laws),
JOSE E. SERRANO,
MICHAEL P. FORBES,
DAVID R. OBEY (with exception to denial of funds to states without 0.08 BAC),

Managers on the Part of the House.

RICHARD C. SHELBY,
PETE DOMENICI, (except for WILSON BRIDGE),
ARLEN SPECTER,
CHRISTOPHER S. BOND,
SLADE GORTON,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
TED STEVENS,
FRANK R. LAUTENBERG,
ROBERT C. BYRD,
BARBARA A. MIKULSKI,
HARRY REID,
HERB KOHL,
PATTY MURRAY,
DANIEL K. INOUYE,

Managers on the Part of the Senate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 39 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 2306

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 11 o'clock and 6 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4475, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–941) on the resolution (H. Res. 612) waiving points of order against the conference report to accompany the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3244, TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–942) on the resolution (H. Res. 613) waiving points of order against the conference report to accompany the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, which was referred to the House Calendar and ordered to be printed.

CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, OCTOBER 3, 2000 AT PAGE H8699

The following bill was inadvertently printed in the wrong version and appears below in the correct version as passed by the House.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2045) to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens.

The Clerk read as follows:

S. 2045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY

SEC. 101. SHORT TITLE.

This title may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

SEC. 102. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2001–2003.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vii); and

(2) by striking clause (iv) and inserting the following:

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002;

"(vi) 195,000 in fiscal year 2003; and".

(b) ADDITIONAL VISAS FOR FISCAL YEARS 1999 AND 2000.—

(1) IN GENERAL.—(A) Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(B) In the case of any alien on behalf of whom a petition for status under section 101(a)(15)(H)(I)(b) is filed before September 1, 2000, and is subsequently approved, that alien shall be counted toward the numerical ceiling for fiscal year 2000 notwithstanding the date of the approval of the petition. Notwithstanding section 214(g)(1)(A)(iii) of the Immigration and Nationality Act, the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 2000 is increased by a number equal to the number of aliens who may be issued visas or otherwise provided nonimmigrant status who filed a petition during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(iii) is reached and ending on August 31, 2000.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

SEC. 103. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who is employed (or has received an offer of employment) at—

"(A) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(B) a nonprofit research organization or a governmental research organization.

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

SEC. 104. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

"(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) is eligible to be granted that status but for application of the per country limitations applicable to immigrants under those paragraphs, may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 105. INCREASED PORTABILITY OF H-1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (d). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

SEC. 106. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1-B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

(c) INCREASED JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS.—

(1) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

"(j) JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS TO PERMANENT RESIDENCE.—A petition under subsection (a)(1)(D) for an individual whose application for adjustment of status pursuant to section 245 has been filed and remained unadjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the petition was filed.".

(2) Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following new clause:

"(iv) LONG DELAYED ADJUSTMENT APPLICANTS.—A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.".

(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in paragraph (2). Visas made available under this subsection shall only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act.

(2) NUMBER AVAILABLE.—

(A) IN GENERAL.—Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal year 1999 and 2000 and the number of such visas that were actually used in such fiscal years.

(B) REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas actually used under paragraph (1) for previous fiscal years.

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term "employment-based visa" means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

SEC. 107. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2003".

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "September 30, 2001" and inserting "September 30, 2003".

SEC. 108. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.”.

SEC. 109. NSF STUDY AND REPORT ON THE “DIGITAL DIVIDE”.

(a) Study.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the “digital divide”) in the United States.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 110. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) Allocation of Funds.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking “56.3 percent” and inserting “55 percent”;

(2) in paragraph (3), by striking “28.2 percent” and inserting “23.5 percent”;

(3) by amending paragraph (4) to read as follows:

“(4) National Science Foundation Competitive Grant Program for K–12 Math, Science and Technology Education.—

“(A) In general.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

“(B) Types of programs covered.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills: provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the use of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).”;

(4) in paragraph (6), by striking “6 percent” and inserting “5 percent”; and

(5) in paragraph (6), by striking “3 percent” each place it appears and inserting “2.5 percent”.

(b) Low-Income Scholarship Program.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking “$2,500 per year.” and inserting “$3,125 per year. The Director may renew scholarships for up to 4 years.”.

(c) Reporting Requirement.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

“(e) Reporting Requirement.—The Secretary of Labor and the Director of the National Science Foundation shall—

“(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

“(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

“(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

“(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.”.

SEC. 111. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

“(c) Demonstration Programs and Projects to Provide Technical Skills Training for Workers.—

“(1) In general.—

“(A) Funding.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

“(B) Training provided.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. The need for the training shall be justified through reliable regional, State, or local data.

“(2) Grants.—

“(A) Eligibility.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

“(i) 75 percent of the grants to a local workforce investment board established under section 116(b) or section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

“(I) one workforce investment board;

“(II) one community-based organization or higher education institution or labor union; and

“(III) one business or business-related nonprofit organization such as a trade association: *Provided*, That the activities of such local or regional public-private partnership described in this subsection shall be conducted in coordination with the activities of the relevant local workforce investment board or boards established under the Workforce Investment Act of 1998 (29 U.S.C. 2832); and

“(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

“(B) Designation of responsible fiscal agents.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

“(C) Partnership considerations.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

“(D) Allocation of grants.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

“(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

“(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any single specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

“(3) Start-up funds.—

“(A) In general.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) Exception.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) Duration of start-up period.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) Training outcomes.—

"(A) Consideration for certain programs and projects.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) Requirements for grant applications.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured;

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness; and

"(iii) in the case of an application for a grant under subsection (c)(2)(A)(ii), explain what barriers prevent the strategy from being implemented through a grant made under subsection (c)(2)(A)(i).

"(5) Matching funds.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) Administrative costs.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

SEC. 112. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) Short Title.—This section may be cited as the "Kids 2000 Act".

(b) Findings.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) After-School Technology Grants to the Boys and Girls Clubs of America.—

(1) Purposes.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) Subawards.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) Applications.—

(1) Eligibility.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) Application requirements.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) Grant Awards.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) Source of funds.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) Continued availability.—Amounts made available under this subsection shall remain available until expended.

SEC. 113. USE OF FEES FOR DUTIES RELATING TO PETITIONS.

(a) Section 286(s)(5) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(5)) is amended to read as follows: "4 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Attorney General until expended to carry out duties under paragraphs (1) and (9) of section 214(c) related to petitions made for nonimmigrants described in section 101(a)(15)(H)(i)(b), under paragraph (1) (C) or (D) of section 204 related to petitions for immigrants described in section 203(b).".

(b) Notwithstanding any other provision of this Act, the figure on page 14, line 16 is deemed to be "22 percent"; the figure on page 16, line 14 is deemed to be "4 percent"; and the figure on page 16, line 16 is deemed to be "2 percent".

SEC. 114. EXCLUSION OF CERTAIN "J" NONIMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICABLE TO "H-1B" NONIMMMIGRANTS.

The numerical limitations contained in section 102 of this title shall not apply to any nonimmigrant alien granted a waiver that is subject to the limitation contained in paragraph (1)(B) of the first section 214(l) of the Immigration and Nationality Act (relating to restrictions on waivers).

SEC. 115. STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) Study.—The Secretary of Commerce shall conduct a review of existing public and private high-tech workforce training programs in the United States.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Secretary of Commerce shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

SEC. 116. SEVERABILITY.

If any provision of this title (or any amendment made by this title) or the application thereof to any person or circumstance is held invalid, the remainder of the title (and the amendments made by this title) and the application of such provision to any other person or circumstance shall not be affected thereby. This section be enacted 2 days after effective date.

TITLE II—IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Immigration Services and Infrastructure Improvements Act of 2000".

SEC. 202. PURPOSES.

(a) Purposes.—The purposes of this title are to—

(1) provide the Immigration and Naturalization Service with the mechanisms it needs to eliminate the current backlog in the processing of immigration benefit applications within 1 year after enactment of this Act and to maintain the elimination of the backlog in future years; and

(2) provide for regular congressional oversight of the performance of the Immigration and Naturalization Service in eliminating the backlog and processing delays in immigration benefits adjudications.

(b) Policy.—It is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application, except that a petition for a nonimmigrant visa under section 214(c) of the Immigration and Nationality Act should be processed not later than 30 days after the filing of the petition.

SEC. 203. DEFINITIONS.

In this title:

(1) Backlog.—The term "backlog" means, with respect to an immigration benefit application, the period of time in excess of 180 days that such application has been pending before the Immigration and Naturalization Service.

(2) Immigration benefit application.—The term "immigration benefit application" means any application or petition to confer, certify, change, adjust, or extend any status granted under the Immigration and Nationality Act.

SEC. 204. IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENT ACCOUNT.

(a) Authority of the Attorney General.—The Attorney General shall take such measures as may be necessary to—

(1) reduce the backlog in the processing of immigration benefit applications, with the objective of the total elimination of the backlog not later than one year after the date of enactment of this Act;

(2) make such other improvements in the processing of immigration benefit applications as may be necessary to ensure that a backlog does not develop after such date; and

(3) make such improvements in infrastructure as may be necessary to effectively provide immigration services.

(b) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to the Department of Justice from time to time such sums as may be necessary for the Attorney General to carry out subsection (a).

(2) Designation of account in treasury.—Amounts appropriated pursuant to paragraph (1) may be referred to as the "Immigration Services and Infrastructure Improvements Account".

(3) Availability of funds.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(4) Limitation on expenditures.—None of the funds appropriated pursuant to paragraph (1) may be expended until the report described in section 205(a) has been submitted to Congress.

SEC. 205. REPORTS TO CONGRESS.

(a) Backlog Elimination Plan.—

(1) Report required.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning—

(A) the backlogs in immigration benefit applications in existence as of the date of enactment of this title; and

(B) the Attorney General's plan for eliminating such backlogs.

(2) Report elements.—The report shall include—

(A) an assessment of the data systems used in adjudicating and reporting on the status of immigration benefit applications, including—

(i) a description of the adequacy of existing computer hardware, computer software, and other mechanisms to comply with the adjudications and reporting requirements of this title; and

(ii) a plan for implementing improvements to existing data systems to accomplish the purpose of this title, as described in section 202(a);

(B) a description of the quality controls to be put into force to ensure timely, fair, accurate, and complete processing and adjudication of such applications;

(C) the elements specified in subsection (b)(2);

(D) an estimate of the amount of appropriated funds that would be necessary in order to eliminate the backlogs in each category of immigration benefit applications described in subsection (b)(2); and

(E) a detailed plan on how the Attorney General will use any funds in the Immigration Services and Infrastructure Improvements Account to comply with the purposes of this title.

(b) Annual Reports.—

(1) In general.—Beginning 90 days after the end of the first fiscal year for which any appropriation authorized by section 204(b) is made, and 90 days after the end of each fiscal year thereafter, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning the status of—

(A) the Immigration Services and Infrastructure Improvements Account including any unobligated balances of appropriations in the Account; and

(B) the Attorney General's efforts to eliminate backlogs in any immigration benefit application described in paragraph (2).

(2) Report elements.—The report shall include—

(A) State-by-State data on—

(i) the number of naturalization cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for naturalization applications;

(iii) the number of naturalization applications pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) estimated processing times adjudicating newly submitted naturalization applications;

(v) an analysis of the appropriate processing times for naturalization applications; and

(vi) the additional resources and process changes needed to eliminate the backlog for naturalization adjudications;

(B) the status of applications or, where applicable, petitions described in subparagraph (C), by Immigration and Naturalization Service district, including—

(i) the number of cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for such applications or petitions;

(iii) the number of applications or petitions pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) the estimated processing times adjudicating newly submitted applications or petitions;

(v) an analysis of the appropriate processing times for applications or petitions; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications; and

(C) a status report on—

(i) applications for adjustments of status to that of an alien lawfully admitted for permanent residence;

(ii) petitions for nonimmigrant visas under section 214 of the Immigration and Nationality Act;

(iii) petitions filed under section 204 of such Act to classify aliens as immediate relatives or preference immigrants under section 203 of such Act;

(iv) applications for asylum under section 208 of such Act;

(v) registrations for Temporary Protected Status under section 244 of such Act; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications.

(3) Absence of appropriated funds.—In the event that no funds are appropriated subject to section 204(b) in the fiscal year in which this Act is enacted, the Attorney General shall submit a report to Congress not later than 90 days after the end of such fiscal year, and each fiscal year thereafter, containing the elements described in paragraph (2).

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the Senate bill S. 2045.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

(The following Members (at the request of Mr. HANSEN) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, and October 6, 10, 11, 12, and 13.

Mr. DUNCAN, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1800. To amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General.

H.R. 2752. To direct the Secretary of the Interior to sell certain public land in Lincoln County through a competitive process.

H.R. 2773. To amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system.

H.R. 4579. To provide for the exchange of certain lands within the State of Utah.

H.R. 4583. To extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

H.J. Res. 110. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 366. An act to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

S. 1198. An act to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

S. 2045. An act to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

S. 2272. An act to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title: .

H.R. 4365. To amend the Public Health Service Act with respect to children's health.

ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 8 minutes p.m.), the House adjourned until Friday, October 6, 2000, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10460. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Profile Documents for Commodity Pools (RIN: 3038–AB60) received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10461. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate for Pay-As-You-Go Calculations; to the Committee on the Budget.

10462. A letter from the Director, Office on Management and Budget, transmitting a report on the Estimates Contained in P.L. 106–259 Department of Defense Appropriations Act, FY 2001; to the Committee on the Budget.

10463. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Rocksprings, Texas) [MM Docket No. 99–336; RM–9758] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10464. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Bristol, Vermont) [MM Docket No. 99–260; RM–9686] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10465. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sheffield, Pennsylvania) [MM Docket No. 00–60; RM–9827] (Erie, Illinois) [MM Docket No. 00–61; RM–9840] (Due West, South Carolina) [MM Docket No. 00–62; RM–9846] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10466. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Jacksonville, Georgia) [MM Docket No. 00–84; RM–9855] (Las Vegas, New Mexico) [MM Docket No. 00–85; RM–9868] (Vale, Oregon) [MM Docket No. 00–86; RM–9869] (Waynesboro, Georgia) [MM Docket No. 00–89; RM–9872] (Fallon, Nevada) [MM Docket No. 00–111; RM–9900] (Weiser, Oregon) [MM Docket No. 00–112; RM–9901] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10467. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of section 73.202(b), Table of Allotments, FM Broadcast Stations. (Pitkin, Lake Charles, Moss Bluff, and Reeves, Louisiana, and Crystal Beach, Galveston, Missouri City, and Rosenberg, Texas.) [MM Docket No. 99–26; RM–9436; RM–9651; RM–9652] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10468. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 15 of the Commission's Rules Regarding Spread Spectrum Devices [ET Docket No. 99–231] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10469. A letter from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems [CC Docket No. 94–102] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10470. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Station (Andalusia, Alabama and Holt, Florida) [MM Docket No. 00–17; RM–9814] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10471. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Rangley, Silverton and Ridgway, Colorado) [MM Docket No. 99–151, RM–9559, RM–9932] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10472. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Italy [Transmittal No. DTC 127–00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10473. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10474. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Audit of the Advisory Neighborhood Commission 3B for the period October 1, 1997 through December 31, 1999," pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform.

10475. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Certification of the Fiscal Year 2000 Revised Revenue Estimate of $3,225,180,000 in Support of the District's $189 Million Multimodal General Obligation BONDS," pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform.

10476. A letter from the Chairman, Consumer Product Safety Commission, transmitting a report on the revised Strategic Plan; to the Committee on Government Reform.

10477. A letter from the Attorney General, Department of Justice, transmitting a report on the Strategic Plan for 2000–2005; to the Committee on Government Reform.

10478. A letter from the Acting Secretary, Department of Veterans Affairs, transmitting a report on the Strategic Plan 2001-2006; to the Committee on Government Reform.

10479. A letter from the The Administrator, Environmental Protection Agency, transmitting a report on the Strategic Plan for FY 2000-2005; to the Committee on Government Reform.

10480. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a report on the Strategic Plan for 2000-2005; to the Committee on Government Reform.

10481. A letter from the Chairman, Federal Trade Commission, transmitting a report on the Strategic Plan for FY 2000-2005; to the Committee on Government Reform.

10482. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting a report on the five-year Strategic/Operational Plan for FY 2000-2005; to the Committee on Government Reform.

10483. A letter from the Director, Office of Personnel Management, transmitting a report on the 2000 Inventory of Commercial Activities; to the Committee on Government Reform.

10484. A letter from the Director, Office of Personnel Management, transmitting a report on the Federal Human Resources Management for the 21st century Strategic Plan FY 2000-2005; to the Committee on Government Reform.

10485. A letter from the Secretary of Labor, transmitting a report on the Strategic Plan for 1999-2004; to the Committee on Government Reform.

10486. A letter from the Chairman, Tennessee Valley Authority, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

10487. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 081600A] received October 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10488. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Acquisition of Training Services—received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10489. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Monthly Limit for Transit Passes and Transportation in a Commuter Highway Vehicle Provided by an Employer to Employees Under Section 132(f) of the Internal Revenue Code [Announcement 2000-78] received October 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10490. A letter from the Chief, Regulations Unit, Internal Revenue Services, transmitting the Service's final rule—Automatic approval of changes in funding methods [Rev. Procedure 2000-40] received October 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10491. A letter from the Chairman, United States International Trade Commission, transmitting the annual report on the impact of the Andean Trade Preference Act on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution, pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

10492. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting a report on the Employment of Minorities, Women and People with Disabilities in the Federal Government; jointly to the Committees on Government Reform and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3241. A bill to direct the Secretary of the Interior to recalculate the franchise fee owed by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumpter National Monument in South Carolina, and for other purposes; with an amendment (Rept. 106-937). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1936. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes; with an amendment (Rept. 106-938). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee of Conference. Conference report on H.R. 3244. A bill to combat trafficking on persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking (Rept. 106-939). Ordered to be printed.

Mr. WOLF: Committee of Conference. Conference report on H.R. 4475. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-940). Ordered to be printed.

Mr. REYNOLDS: Committee on Rules. House Resolution 612. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-941). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 613. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking (Rept. 106-942). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELLER:

H.R. 5389. A bill to authorize the Secretary of the Army to convey certain real property in the city of Joliet, Illinois, to the Joliet Park District for use as the park district's headquarters; to the Committee on Transportation and Infrastructure.

By Mr. BILBRAY:

H.R. 5390. A bill to amend the Nazi War Crimes Disclosure Act to extend the existence of the interagency working group established under that Act, and to clarify the authority of that group and the application of that Act regarding records pertaining to the Imperial Government of Japan; to the Committee on Government Reform.

By Mr. ROHRABACHER:

H.R. 5391. A bill to establish the White House Commission on the National Moment of Remembrance; to the Committee on Government Reform.

By Mr. TALENT (for himself and Mr. Crane):

H.R. 5392. A bill to amend title XVIII of the Social Security Act to provide relief for small business concerns from Medicare consolidated billing requirements and to exclude services of certain providers from the skilled nursing facility prospective payment system, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM (for himself and Ms. Baldwin):

H.R. 5393. A bill to amend title 18, United States Code, to provide a criminal penalty for the unauthorized placement of a writing with a consumer product, and for other purposes; to the Committee on the Judiciary.

By Mr. WOLF:

H.R. 5394. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

By Mrs. CAPPS (for herself and Mr. Wu):

H.R. 5395. A bill to provide for qualified withdrawals from the Capital Construction Fund (CCF) for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DIAZ-BALART:

H.R. 5396. A bill to amend section 81 of the Tariff Act of 1930 to amend the definition of a foreign trade zone operator, and for other purposes; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. LaFalce, Mr. Evans, Mr. Abercrombie, Mr. Ackerman, Mr. Andrews, Mr. Baird, Ms. Baldwin, Mr. Barrett of Nebraska, Mr. Bartlett of Maryland, Mr. Becerra, Ms. Berkley, Mr. Berry, Mr. Bilbray, Mr. Blumenauer, Mr. Boehlert, Mr. Bonior, Mrs. Bono, Mr. Borski, Mr. Brady of Pennsylvania, Ms. Brown of Florida, Mr. Brown of Ohio, Mr. Cannon, Mrs. Capps, Mr. Capuano, Ms. Carson, Mrs. Christensen, Mrs. Clayton, Mr. Condit, Mr. Coyne, Mr. Cramer, Ms. Danner, Mr. Davis of Illinois, Mr. DeFazio, Mr. Dicks, Mr.

DINGELL, Mr. DIXON, Mr. ETHERIDGE, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FILNER, Mr. FORBES, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEJDENSON, Mr. GALLEGLY, Mr. GILLMOR, Mr. GONZALEZ, Mr. GOODLATTE, Mr. GORDON, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HALL of Texas, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOLDEN, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. JENKINS, Mrs. JONES of Ohio, Mr. JONES of North Carolina, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KIND, Mr. KLINK, Mr. KUCINICH, Mr. LARSON, Mr. LaTOURETTE, Ms. LEE, Mr. LEVIN, Ms. LOFGREN, Mrs. LOWEY, Mrs. McCARTHY of New York, Ms. McCARTHY of Missouri, Mr. McDERMOTT, Mr. McGOVERN, Mr. McINTYRE, Ms. McKINNEY, Mr. McNULTY, Mrs. MALONEY of New York, Mr. MARTINEZ, Mr. MASCARA, Mr. MATSUI, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. METCALF, Mr. MICA, Ms. MILLENDER-McDONALD, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. MORAN of Virginia, Mr. MURTHA, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. NEY, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. ORTIZ, Mr. OWENS, Mr. PACKARD, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, Mr. PHELPS, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RANGEL, Mr. REYES, Mr. RODRIGUEZ, Mr. ROHRABACHER, Mr. ROMERO-BARCELO, Mrs. ROUKEMA, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SANDERS, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SCOTT, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Mr. SHOWS, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. SPRATT, Ms. STABENOW, Mr. STARK, Mr. STEARNS, Mr. STRICKLAND, Mr. STUPAK, Mr. SWEENEY, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. THOMPSON of California, Mr. THUNE, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. WALDEN of Oregon, Mr. WAMP, Ms. WATERS, Mr. WEYGAND, Mr. WISE, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 5397. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans of the Armed Forces of the United States and to use the proceeds of surcharges imposed on the sale of such coins to fund the transportation of veterans to and from hospitals administered by the Secretary of Veterans Affairs; to the Committee on Banking and Financial Services.

By Mr. JOHN:

H.R. 5398. A bill to provide that land which is owned by the Coushatta Tribe of Louisiana but which is not held in trust by the United States for the Tribe may be leased or transferred by the Tribe without further approval by the United States; to the Committee on Resources.

By Mr. LOBIONDO:

H.R. 5399. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Abel and Mary Nicholson House located in Elsinboro Township, Salem County, New Jersey, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. LUCAS of Oklahoma (for himself and Mr. WATKINS):

H.R. 5400. A bill to amend the Internal Revenue Code of 1986 to modify the retail tax on heavy trucks and trailers to exclude tractors suitable for use with vehicles weighing 33,000 pounds or less; to the Committee on Ways and Means.

By Mr. MOORE (for himself, Mr. WATKINS, Mr. MORAN of Kansas, Mr. STENHOLM, Mr. SISISKY, Mr. CONDIT, Mr. TAYLOR of Mississippi, Mr. CRAMER, Mr. BISHOP, Mr. POMEROY, Mr. SCOTT, Ms. McCARTHY of Missouri, Mr. BERRY, Mr. JOHN, Mr. SANDLIN, Mr. TURNER, and Mr. SHOWS):

H.R. 5401. A bill to amend the Internal Revenue Code of 1986 to extend the section 29 credit for producing fuel from a nonconventional source; to the Committee on Ways and Means.

By Mrs. MORELLA (for herself and Mr. BARTLETT of Maryland):

H.R. 5402. A bill to amend the Chesapeake and Ohio Canal Development Act to extend to the Chesapeake and Ohio Canal National Historical Park Commission; to the Committee on Resources.

By Mr. SOUDER:

H.R. 5403. A bill to restore Federal recognition to the Miami Nation of Indiana; to the Committee on Resources.

By Mr. STARK (for himself, Mr. NEAL of Massachusetts, Mr. JEFFERSON, and Mr. COYNE):

H.R. 5404. A bill to amend title XVIII of the Social Security Act to establish and implement a comprehensive system under the Medicare Program to assure quality of care furnished to Medicare beneficiaries, and reduce the incidence of medical errors, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY (for himself, Mr. ANDREWS, Mrs. McCARTHY of New York, and Mr. KILDEE):

H.R. 5405. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide emergency protection for retiree health benefits; to the Committee on Education and the Workforce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF:

H.R. 5406. A bill to amend title 5, United States Code, to provide for rank awards for certain senior career employees; to the Committee on Government Reform.

By Mr. LAZIO (for himself, Mr. GILMAN, and Mr. REYNOLDS):

H. Con. Res. 418. Concurrent resolution expressing the sense of the Congress regarding the current level of violence between the Israelis and the Palestinians; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

475. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Resolution No. 209 memorializing the United States Army Corps of Engineeers to hold public hearings on its proposed erosion mitigation policy for portions of the Lake Michigan shoreline; to the Committee on Transportation and Infrastructure.

476. Also, a memorial of the House of Representatives of the State of Ohio, relative to Resolution No. 60 memorializing the Congress of the United States to propose and pass legislation to return adequate funding to states to fund the employment security system, ensuring a fair return to employer for the Federal Unemployment Tax Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. BECERRA introduced a bill (H.R. 5407) for the relief of Tony Lara; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Undre clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 531: Ms. VELÁZQUEZ.

H.R. 561: Mr. SMITH of Washington.

H.R. 640: Ms. BERKLEY.

H.R. 783: Ms. BALDWIN.

H.R. 963: Mr. WALDEN of Oregon.

H.R. 1303: Mr. ISTOOK, Mr. McHUGH, Ms. ROYBAL-ALLARD, and Mr. MICA.

H.R. 1450: Ms. BALDWIN.

H.R. 2166: Mr. BAIRD, Mr. GREEN of Wisconsin, Mr. PHELPS, Mr. MEEHAN, Mr. MARKEY, and Mr. CHABOT.

H.R. 2520: Mrs. JOHNSON of Connecticut.

H.R. 2551: Mr. THORNBERRY, Mr. MALONEY of Connecticut, Mr. BEREUTER, and Mr. LoBIONDO.

H.R. 2620: Ms. CARSON and Mr. SMITH of New Jersey.

H.R. 3083: Mr. COYNE, Mr. KUCINICH, and Mr. SERRANO.

H.R. 3256: Mr. UDALL of New Mexico.

H.R. 3453: Ms. PRYCE of Ohio.

H.R. 3514: Mr. CHAMBLISS, Mrs. NORTHUP, Mr. PHELPS, Mr. GREEN of Wisconsin, Mr. MOAKLEY, Mr. CONDIT, and Mr. WEYGAND.

H.R. 3558: Mr. DINGELL.

H.R. 3628: Mr. PETERSON of Pennsylvania.

H.R. 3712: Mr. McNULTY.

H.R. 4025: Mr. ENGLISH.

H.R. 4082: Mr. MORAN of Virginia.

H.R. 4102: Mr. DUNCAN and Mr. SCHAFFER.

H.R. 4281: Mr. OXLEY.

H.R. 4328: Mr. FOLEY.

H.R. 4511: Mr. SCHAFFER and Mr. NUSSLE.

H.R. 4547: Mr. McCOLLUM, Mr. OXLEY, and Ms. DANNER.

H.R. 4549: Mr. EWING.

H.R. 4580: Mr. WALDEN of Oregon.

H.R. 4624: Mr. FARR of California.

H.R. 4740: Mr. BEREUTER and Mr. DIXON.

H.R. 4874: Ms. CARSON and Mr. GRAHAM.

H.R. 4894: Mr. ETHERIDGE.

H.R. 4936: Mr. GREEN of Texas.

H.R. 4971: Mr. BARRETT of Wisconsin and Mr. GOODLATTE.

H.R. 5015: Mr. GREEN of Texas and Ms. CARSON.

H.R. 5027: Mr. SCHAFFER.

H.R. 5067: Mr. REYES.

H.R. 5132: Mr. KUCINICH, Mr. McHUGH, Mrs. LOWEY, Mrs. MORELLA, Mrs. JONES of Ohio, Mr. GORDON, and Ms. ROYBAL-ALLARD.

H.R. 5137: Mr. McCOLLUM, Mr. PORTER, Ms. McCARTHY of Missouri, Ms. PRYCE of Ohio, Mr. LEWIS of Georgia, Mrs. ROUKEMA, Mr. BILIRAKIS, and Mr. McNULTY.

H.R. 5147: Mr. RANGEL, Mr. LIPINSKI, Mr. ROTHMAN, Mr. HALL of Texas, and Mr. MARTINEZ.

H.R. 5148: Mr. WEXLER.

H.R. 5151: Ms. DANNER and Mr. BILBRAY.

H.R. 5152: Mr. KENNEDY of Rhode Island, Mr. LAMPSON, and Ms. ESHOO.

H.R. 5159: Mr. ABERCROMBIE.

H.R. 5164: Mr. DEUTSCH, Mr. SHIMKUS, Mr. LATOURETTE, and Mr. KLINK.

H.R. 5180: Mr. STARK.

H.R. 5238: Ms. BERKLEY.

H.R. 5258: Mr. DELAY, Ms. GRANGER, Mr. FROST, Mr. HALL of Ohio, Mr. BOEHNER, Mr. SPENCE, Mrs. MORELLA, Mr. TRAFICANT, Mr. SESSIONS, Mr. HAYWORTH, Mrs. CLAYTON, Mrs. EMERSON, Ms. BERKLEY, Mr. SAM JOHNSON of Texas, Mr. BERMAN, Mr. ALLEN, Mr. HINOJOSA, Mr. OBERSTAR, Ms. MCKINNEY, Ms. KILPATRICK, Mr. MINGE, Mr. FATTAH, Mr. JEFFERSON, Mr. SANDLIN, Mr. MCGOVERN, Mr. SALMON, Mr. BARRETT of Nebraska, Mr. RADANOVICH, Mrs. CHENOWETH-HAGE, Mr. HOBSON, Mr. GILMAN, Mr. WALDEN of Oregon, Mr. GILCHREST, Mr. HILLEARY, Mr. GOODLATTE, Mr. SHADEGG, Mr. WAMP, Mrs. FOWLER, Mr. HANSEN, Mr. JENKINS, and Mr. WU.

H.R. 5261: Mr. SERRANO and Mr. ENGEL.

H.R. 5268: Mr. NETHERCUTT, Mrs. KELLY, Mr. DOYLE, Mr. REYES, Mr. ISAKSON, Mr. SANDLIN, Mr. NEAL of Massachusetts, Mr. MORAN of Virginia, Mr. GARY MILLER of California, and Mr. COYNE.

H.R. 5271: Mr. PETERSON of Minnesota.

H.R. 5322: Mr. GEORGE MILLER of California.

H.R. 5337: Mr. SMITH of New Jersey and Ms. PELOSI.

H.R. 5350: Mr. NETHERCUTT.

H.R. 5373: Mr. SCHAFFER and Mr. VITTER.

H. Con. Res. 58: Mr. KLINK and Ms. SLAUGHTER.

H. Con. Res. 341: Mr. BOEHLERT and Mr. HALL of Ohio.

H. Con. Res. 370: Ms. SANCHEZ.

H. Con. Res. 395: Ms. SCHAKOWSKY.

H. Con. Res. 401: Mr. HEFLEY, Mr. DOYLE, Mr. RADANOVICH, Mr. CANADY of Florida, Mr. WYNN, Mr. ACKERMAN, Mr. PAYNE, and Ms. MCKINNEY.

H. Con. Res. 404: Mr. COSTELLO, Mr. LEWIS of California, Mrs. MORELLA, Mr. SMITH of Washington, Mr. HASTINGS of Washington, Ms. BALDWIN, Mr. INSLEE, and Mr. MALONEY of Connecticut.

H. Con. Res. 408: Mr. BARRETT of Nebraska, Mr. KUCINICH, Mr. PASCRELL, Mr. GREEN of Texas, Mr. HASTINGS of Washington, and Mr. GOODLATTE.

H. Con. Res. 412: Ms. SLAUGHTER and Mr. FARR of California.

H. Res. 347: Ms. SLAUGHTER.

H. Res. 437: Mr. SANDLIN.

H. Res. 537: Mr. PRICE of North Carolina, Mr. SMITH of Washington, Mr. OLVER, and Mr. LUCAS of Oklahoma.

EXTENSION OF REMARKS

THE NAMING OF THE CARL RENYA MEMORIAL FIELD ON THE 50TH ANNIVERSARY OF CAPUCHINO HIGH SCHOOL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. LANTOS. Mr. Speaker, too often in today's world, our newspapers are filled with stories about all of the things that are wrong with sports. Today, I want to take a moment to honor someone who was an example of all that can be right about athletic competition.

I want to report to my colleagues in this House about a man with an innocent passion for sports, who embodied the virtues of good sportsmanship. A man with a kind gentle spirit, who was an institution on the bleachers and the fields of Capuchino High School in San Bruno and other high schools in San Bruno, Burlingame, and Millbrae, California. Mr. Speaker, I rise today to pay tribute to an outstanding man—Carl Renya.

A graduate of Capuchino High School and affectionately known as "Mr. Capuchino," Carl was the personification of all that is good about sport. A lifelong fan of our Peninsula high schools, Carl could be counted on to be in the audience for every game. He was such a part of the competition that athletes and made rubbing his bald head a pre-game ritual for good luck. In addition to attending every game, Carl regularly authored a sports column in the San Bruno Herald. Although he did not posses the greatest singing voice, Carl took great pride in telephoning local high school principals at 6:00 a.m. on game day mornings to sing the school's fight song.

Mr. Speaker, Carl Renya passed away in March of 1998. It was appropriate that the memorial service for Carl was held in the Gymnasium of Capuchino High School with athletes, cheerleaders, two marching bands, and brightly colored banners which recalled his commitment to the school and its athletic programs.

On Sunday October 8th the people of the Peninsula will gather to honor the 50th Anniversary of Capuchino High School. As part of the anniversary celebration, the school's football field will be renamed and dedicated to honor Carl Renya. Mr. Speaker, I cannot imagine a more appropriate honor. During his brief but full fifty-nine years, Carl touched the lives of all those with whom he came in contact. Now that Carl is gone, those whose lives he touched have their opportunity to cheer for him. Mr. Speaker, even though Carl is no longer cheering on the sidelines, his presence will still be felt at every Capuchino High School football game—which now will be played at the Carl Renya Memorial Field.

TRIBUTE TO ALBERT MARDIROSSIAN, JR., PASSAIC LIONS CLUB MAN OF THE YEAR

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a person I am proud to call my friend, Albert Mardirossian, Jr. of Clifton, New Jersey, who will be recognized on Friday, October 6, 2000 as the Passaic Lions Club Man of the Year. He was feted because of his many years of service and leadership. The 80-year-old organization chooses one man each year that has, "given themselves to both the city and its residents." It is only appropriate that he be honored, for he has a long history of caring, generosity and commitment to others.

Albert was recognized for his many years of leadership in New Jersey, which I have been honored to represent in Congress since 1997, and so it is only fitting that these words are immortalized in the annals of this greatest of all freely elected bodies.

Born in Passaic, New Jersey, Albert Mardirossian, Jr. graduated from Clifton High School in 1956. He received his BS from Fairleigh Dickinson University in 1960. As an undergraduate, he served as Class President, Student Council President and Captain of the Fencing Team. Later, he was the school's fundraising chair in 1965 and its Alumni President in 1966.

Albert has always been an active and involved leader. The time at Fairleigh Dickinson instilled in Albert the attributes necessary for him to become a stellar force in the community. It was the small steps in the beginning of his career that taught him the fundamentals that would make him a role model to the people that he now serves.

Known for a questioning mind and an ability to get things done, Albert has received numerous community awards. These include two previous "Man of the Year" designations. The Passaic Optimists named him in 1985, and the Passaic Old Timers AA tapped him in 1986. He also received "Appreciation Awards" from the Hispanic Information Center of Passaic in 1985 and from the Passaic County Freeholders in 1993. In addition, he is a winner of the Councilman Jim Shoop Community Service Award and the Deacon Magnus Ellen Community Service Award.

Currently, Al builds homes and develops properties in South Jersey, mostly in Little Egg Harbor Township in Ocean County. This native of Passaic and Clifton resident is active in both communities. He has long donated time and money to school athletics. This was evidenced in 1999 with the naming of the Passaic High School "Albert Mardirossian, Jr. Weight & Training Room." Sports are a passion for Al since he used to own two sporting goods stores.

Mr. Speaker, I ask that you join our colleagues, Albert's family and friends and me in recognizing the outstanding and invaluable service to the community of Albert Mardirossian, Jr., a true humanitarian.

TRIBUTE TO JOSEPHINE YOUNGS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in honoring Mrs. Josephine Youngs of Roselle, New Jersey as she celebrates her 100th birthday.

Born on October 25, 1900, in Jacksonville, Florida, Mrs. Youngs is the youngest surviving child of eight siblings, four brothers and four sisters. Mrs. Youngs married Walter Youngs in 1921, and they became the parents of one child. Mrs. Youngs has lived in Roselle, New Jersey for 28 years and is now cared for by her daughter, Geraldine McLean. A long time member of Mount Pleasant Baptist Church in Newark, Mrs. Youngs maintains a keen interest in current events, including the upcoming Presidential election. In addition, she is accomplished at sewing, quilt making, and gardening. She also cheers for the Yankees during baseball season.

Mr. Speaker, Mrs. Youngs is truly an inspiration to those around her. As her family and friends gather to celebrate her life spanning a century, it is fitting that we take this opportunity to pay tribute to her and to extend our very best wishes on this special birthday.

IN RECOGNITION OF CONSTITUENT JANE RYAN

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Ms. BERKLEY. Mr. Speaker, I rise to recognize the great work of my constituent, Jane Ryan, RN, MN, CNAA, who is ending her tenure this year as President of the American Psychiatric Nurses Association (APNA).

Mr. Speaker, Jane Ryan has dedicated her entire career to the field of mental health. For many years, Ms. Ryan focused on training the next generation of psychiatric nurses at the University of California at Los Angeles (UCLA). As a tribute to her work, former students have been known to still talk about Jane's unique ability to bring out the best in her pupils. Despite her busy schedule, ever the teacher and mentor, Jane still continues to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

keep in touch with a number of her former students and colleagues.

Mr. Speaker, Jane Ryan has worked tirelessly on the issue of seclusion and restraint. Recently, her hard work came to fruition as Congress passed language related to seclusion and restraint that focuses on patient and staff safety issues. I supported passage of this measure and was a co-sponsor of the Patient Freedom from Restraint Act. I agree that seclusion and restraint requires our serious attention and we must all thank Jane for her leadership in this area.

During her career, Jane Ryan never lost sight of the larger picture—she never forgot why she and others entered into the field of psychiatric nursing—to help people. With this in mind, she always stressed the need to hold a constant dialogue with patients and their families, in addition to those in the health care provider community. This important theme was made clear when APNA established a Consumer Advisory Task Force to continue this important dialogue. This type of progressive thinking is a hallmark of Jane's leadership.

Mr. Speaker, I had the pleasure of meeting Jane a number of times in my Washington, D.C. office. In fact, with her numerous visits to my office, I was beginning to wonder when she planned to stay in my home state of Nevada for more than one week at a time! However, I do know that I am scheduled to meet with Jane at least one more time this year for what promises to be a very special ceremony in Nevada. I am pleased to announce that I was chosen to receive APNA's 2000 Congressional Service Award. This is a true honor and I wish to thank the entire membership for their consideration.

Mr. Speaker, we have seen a tremendous amount of progress in the field of mental health over the past few years. For example, Dr. David Satcher released the first-ever Surgeon General's report on mental health, where we were reminded of the need to chip away at the stigma that still surrounds mental illness. In 1999, we witnessed the historic White House Conference on Mental Health, led by Mrs. Tipper Gore, where participants, including Jane Ryan, discussed ways to increase access to mental health care. Also, I must mention the efforts of my colleague Senator HARRY REID, who has worked tirelessly to draw attention to the issue of suicide—a problem affecting far too many families across the country and, in particular, those in Nevada. We know, then, much work remains. However, we should reflect and be proud of the accomplishments that were made in the field of mental health—and look forward to more progress.

Mr. Speaker, we must thank people like Jane Ryan, for the remarkable strides we have made. There is no doubt that Ms. Ryan, along with the many other members of the American Psychiatric Nurses Association, are to be commended for their work. On behalf of my colleagues, and citizens across the country, thank you for making a difference in the lives of Americans across the country.

CELEBRATING THE 89TH NATIONAL DAY OF THE REPUBLIC OF CHINA ON TAIWAN

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. LAMPSON. Mr. Speaker, today I would like to make note of and salute the upcoming 89th National Day of the Republic of China on Taiwan which will be celebrated on Tuesday, October 10, 2000.

In recent years, Taiwan has emerged as a major economic power in the world. Much of the economic success is attributable to the efforts of its leaders. They understand that a strong economy is a necessary basis for political progress and reform.

From its one-party past, Taiwan has become a true democracy with a number of political parties. In fact, Mr. Chen Shui-bian of the Democratic Progressive Party was elected president by the people of Taiwan last March. Since his inauguration as president on May 20, President Chen has impressed his people and the world with his leadership and vision for the future.

Mr. Speaker, on this very special day to Taiwan, I extend my congratulations to both President Chen, and Representative C. J. Chen of the Taipei Economic and Cultural Representative Office in the United States.

IN HONOR OF THE LATE MAYOR GEORGE CHRISTOPHER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Ms. PELOSI. Mr. Speaker, I rise to honor the life of one of San Francisco's greatest mayors, Mayor George Christopher, who recently passed away at the age of 92. Every San Franciscan owes Mayor Christopher a debt of gratitude for his service as mayor and his commitment to San Francisco. Mayor Christopher envisioned San Francisco as the world-class city it is today and worked tirelessly to make his dream a reality.

Having emigrated from Greece at the age of 2, George Christopher rose from humble beginnings to become the dominant figure of his time in San Francisco politics. He brought San Francisco the Giants, cleaned up the police force, championed civil rights, and altered the city's landscape. He changed the city in ways today's residents may not even realize.

As the following editorial from the San Francisco Chronicle testifies, George Christopher was a "Giant of San Francisco":

> If the Giants win the National League pennant this year for San Francisco, the person most responsible for the feat won't be Barry Bonds or Dusty Baker or the legion of others who take the field, run the bases or manage team affairs. No, the real credit should go to George Christopher, the illustrious, can-do guy who as mayor lured the franchise here from New York more than 40 years ago.
>
> In a magical move that left New Yorkers seething, Christopher somehow persuaded then-team owner Horace Stoneham to uproot the Giants from the New York Polo Grounds and ship them—Willie Mays and all—more than 2,700 miles west. It was a glorious day in San Francisco history, and Christopher, who died yesterday at age 92, will always be known for it—in part, because hardly anyone knows how he did it.
>
> But Christopher was an early-riser, a go-getter who spent long hours cooking up ways to elevate the vitality and prosperity of his city. "Every era has to take care of its own needs," Christopher once said in a casual statement that summarizes his spirit and tenure at City Hall. After corralling the Giants, Christopher became the driving force behind building a stadium for them to play in at wind-swept Candlestick Point. There were some howls about the Arctic-like atmosphere that surrounds where it sat and some questions of cost and patronage. But there is no question that it was a pragmatic decision.
>
> With similar energy and insight, Christopher pushed for a light rail system that evolved into BART. And he argued for a hotel tax because "extra promotional funds are needed to bolster a number of worthwhile cultural activities, such as the Opera." The fees, he reasoned, would also help attract tourists.
>
> The business community shuttered, but Christopher was right. Tourism has flourished ever since. And the hotel duty has provided millions of dollars for the arts, low-cost hearing and numerous other social services alike.
>
> No wonder he swept into office by a 2-to-1 ratio, winning endorsements from all the daily newspapers, buoyed by support from many Democrats even though he was a Republican. The ever-gentlemanly Christopher will be long remembered for baseball and for his distinctive brand of business-like and effective leadership.

My thoughts and prayers are with his three sisters, Beatrice Tentes, Helen Christopher, and Ethel Davies and all of his family and friends. We will miss him greatly.

HONORING CAMELIA ANWAR SADAT AND DENISE BROWN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. DINGELL. Mr. Speaker, today I commend two extraordinary persons, Camelia Anwar Sadat and Denise Brown, for their tireless efforts to raise the level of awareness of the serious problem of domestic violence. Over the years, both Ms. Sadat and Ms. Brown have been effective advocates for victims of domestic violence. They have committed substantial amounts of time and resources to help address this problem. I am pleased to welcome Ms. Sadat and Ms. Brown to Southeast Michigan when they will address the Arab-American domestic violence dinner sponsored by the Arab Community Center for Economic and Social Services (ACCESS) on October 11, 2000.

Domestic violence has been a problem of great enormity throughout history. Six years ago, however, a bipartisan majority of Congress passed, and President Clinton signed, the Violence Against Women Act (VAWA).

VAWA was a giant step forward in our country's response to violence against women. It was the first federal law of its kind to recognize that gender-based crimes prevent women from being full participants in society. VAWA has had an enormous impact on many women and children through grants and federal prosecutions. VAWA expired on September 30, 2000, however, I am pleased to note that on September 26, 2000, the House of Representatives not only voted overwhelmingly to reauthorize VAWA, but also to expand the original law. I am hopeful the Senate will do likewise so this important legislation can become law.

Violence against women must be stopped and every person must do their part. VAWA is playing an important step in ending this violence, but it cannot do so alone. It is vitally important that the public is educated about the effects this violence has on our society. Ms. Sadat and Ms. Brown are committed advocates and continually reach out and educate communities about domestic violence. I laud their efforts and accomplishments that are raising public awareness and helping purge domestic violence from our nation.

CELEBRATING THE 89TH NATIONAL DAY OF TAIWAN

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. HILLIARD. Mr. Speaker, I wish to send best wishes and congratulations to His Excellency Chen Shui-Bian, President of the Republic of China, and all the citizens of Taiwan on the occasion of their 89th National Day. Taiwan has prospered in recent years. It has one of the strongest economies in the world, and its people enjoy unprecedented prosperity.

Taiwan has good schools, a good transportation system, and quality health care. Furthermore, the people of Taiwan enjoy political freedom through direct elections, a free press, and a commitment to human rights.

Taiwan has every right to be proud on the occasion of its 89th National Day, and I urge my colleagues to join me in congratulating the country's achievements.

REOPENING OF THE GOLDEN ROSE CHORAL SYNAGOGUE IN UKRAINE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. LEVIN. Mr. Speaker, I would like to take this opportunity to extend my sincere congratulations to the Jewish community of Ukraine, and particularly to Rabbi Kaminezki, as they celebrate the reopening of one of Ukraine's most important symbols of Jewish culture—the Golden Rose Choral Synagogue in the city of Dnepropetrovsk.

This important event, which took place on September 20, symbolizes the rebirth of the Jewish community in Ukraine since the collapse of the Soviet Union. Now, as a result of a great deal of hard work and perseverance, the Jewish community in Ukraine can be described as one of the most vibrant Jewish communities in all of the countries comprising the former Soviet Union.

Today in Dnepropetrovsk, for example, the town where the Golden Rose Synagogue is located, Jewish orphanages, schools, food centers, community centers, medical centers, centers that provide care for the elderly, and centers for Holocaust survivors and victims of communism, are all thriving.

What I find even more promising, is that similar positive developments can be seen in many cities and towns across Ukraine. Today, there are more than 260 Jewish public organizations functioning in Ukraine—organizations that are successfully working on a daily basis to promote and consolidate national self-identity and revive important cultural and religious customs and traditions for all Ukrainian Jews.

I am pleased that the Ukrainian Government is committed to continue working together with Jewish community leaders across Ukraine toward resolving the complex issue of the restitution of objects that used to be Jewish community property. In this regard, it is important to stress that more than 33 synagogues, including the one known as Brodsky's Synagogue in Kiev, have already been returned to the country's religious communities.

I hope that in coming weeks and months all Ukrainians will continue working together to promote religious tolerance and freedom. Ukraine's progress in this area so far should stand as a positive example for other countries in the region to follow as they seek to create environments in which no person is subject to persecution solely on the basis of his or her religious or ethnic background.

IN REMEMBRANCE OF GEORGE BECKER, JR.

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. HALL of Texas. Mr. Speaker, it is an honor for me to pay tribute to the late George Becker, Jr. of the Becker Community, located in Kaufman County in the Fourth Congressional District. George suffered a serious injury on his ranch and spent his last months in the hospital fighting for his life until he passed away on May 14 at the age of 84. George was a "fixture" in his community and will be missed by his family and many friends.

George was born August 15, 1915, in the Becker Community, the son of George and Florence Nash Becker. He was a graduate of Texas A&M University and a lifetime rancher and realtor. George was very active in the Texas and Southwest Cattleman's Association. He was a leader in the Becker United Methodist Church and a trustee at Trinity Valley Community College since the 1970's. During World War II, he served as a captain of a PT Boat.

George spent his life in the community in which he was born and raised. He gave his time, talent and energy to community causes and activities—and to the vocation which he loved and which finally claimed his life—ranching.

He is survived by his brother, Major General Bill Becker and sister-in-law Frances of Kaufman; his brother, Bryan Becker of Dallas; his sister, Ellen Becker Dodson and brother-in-law, Dr. Ed Dodson of Texarkana; and many nieces and nephews.

Mr. Speaker, George Becker was a respected citizen of Kaufman County whose passing has left a void in the Becker Community. As we adjourn today, I ask my colleagues to join me in paying our last respects to this fine American, George Becker, Jr.

TRIBUTE TO THE SELF RELIANCE (NJ) FEDERAL CREDIT UNION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a remarkable organization, the Self Reliance (NJ) Federal Credit Union of Passaic, New Jersey. This outstanding money lending organization celebrates its 40th Anniversary on Sunday, October 29, 2000. It is a company with a long history of caring, generosity and commitment to others. Its years of service and leadership deserve to be honored.

The Self Reliance (NJ) Federal Credit Union was recognized for its many years of leadership in Passaic, which I have been honored to represent in Congress since 1997, and so it is only fitting that these words are immortalized in the annals of this greatest of all freely elected bodies.

The Self Reliance (Passaic, NJ) Federal Credit Union opened its doors in January of 1960 with seven members in a small office. The office was located in the Ukrainian National Home on Hope Avenue in Passaic. Members include members of the Self-reliance" Association of Ukrainian Americans, employees of the Union and relatives of employees. Founded on the principle of "People Helping People," the credit union provides financial services that help its members enhance their quality of life.

On February 28, 1960, 51 members elected the credit union's first Board of Directors and Supervisory Committee. A loan policy was established. In January of 1961, the first annual meeting of members took place. Over the first year the credit union's membership increased to 191 and total loans were $23,000. The following year there were 241 members and total loans increased to $44,000. From 1966 through 1970, the credit union gained approximately 40 members per year to a total of 582, with $424,000 in loans.

In 1989, the Board of Directors purchased a building on Allwood Road in Clifton, New Jersey. The site was completely renovated. In August 1991, the credit union relocated its main office to Clifton, and expanded the hours of operation at the branch office in Passaic. In April 1993, the organization changed its name to Self Reliance (NJ) Federal Credit Union.

In November 1995, the union established an additional facility in Whippany, New Jersey.

The same year the union introduced VISA Credit Cards, Home Equity Loans, international electronic fund transfers and IRS Certificates of Deposit to its list of services. During 1996, VISA Check (Debit) Cards were introduced giving members ATM machine access.

In July 1997, the group merged with Self Reliance (Elizabeth, NJ) Federal Credit Union increasing the number of branch offices to four. By 1998, with financial growth of 15%, the credit union became the largest Ukrainian financial institution in the State of New Jersey.

Today the union boasts nearly $60 million in assets and over 4,300 members. To mark the occasion of its 40th anniversary in the year 2000 a disco was held on October 27, a Zebava (cultural) dance was held on October 28, and a banquet was held on October 29.

Mr. Speaker, I ask that you join our colleagues, the members and supporters of this special credit union and me in recognizing the outstanding and invaluable service to the community of the Self Reliance (NJ) Federal Credit Union.

TRIBUTE TO PASTOR CHARLES E. THOMAS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in honoring a very special person, Rev. Dr. Charles E. Thomas, Pastor of New Hope Baptist Church in Newark, NJ, who will retire later this month after more than three decades of faithful service.

Born and raised in Montgomery, AL, to Reverend Nathaniel and Fannie Thomas, he pursued his educational goals, receiving a bachelor's degree in business administration from Selma University in Selma, AL. Reverend Thomas received a bachelor degree in theology from the American Baptist Theological Seminary in Nashville, TN, and an honorary doctorate degree from the Urban Bible Institute of Detroit, MI. Reverend Thomas was called to the New Hope Baptist Church in Newark, NJ, in 1957 and began his pastorship on August 6, 1968.

Throughout his years of service, Pastor Thomas has made a difference in countless lives through his strong commitment to the church and to the entire community. In 1972, Reverend Thomas undertook a major project, the formation of the New Hope Day Care Center, which was first housed in the church's dining room. The day care center later moved to a four-story building purchased by the church. Today, the center continues its successful operation, rendering services for 66 children year round on a daily basis. Pastor Thomas also administered the development of the Minority Contractors and Craftsmen Trade Association and the New Hope Skills Centers. These programs trained workers in carpentry, masonry and machinery and enabled them to pursue careers in those fields.

Pastor Thomas also reorganized the Scholarship Fund at New Hope, expanding opportunities for young men and women who wish to attend college. In 1975, Pastor Thomas organized the New Hope Development Corporation, which was responsible for the building of New Hope Village, a 170-family housing complex in Newark which provides affordable housing. Other innovative programs he spearheaded include van transportation for seniors, services to address teen pregnancies, prison ministry and drug and alcohol counseling.

Mr. Speaker, on the occasion of his retirement, let us express our warmest congratulations to Pastor Thomas and our appreciation for his dedicated service to his church and his community.

ITALIAN-AMERICAN HERITAGE

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. LAMPSON. Mr. Speaker, October 9th is Columbus Day. Columbus Day is more than just a celebration of the great explorer, Christopher Columbus, it's about the achievements of Italian-American heritage and the vision of our entire nation.

Italian-Americans came to this country with little, but we've left a large mark on our history and culture. I look at my own family and feel the same way—I started with little and hopefully will leave a mark on the Southeast, Texas area. My mother, who did not graduate from high school, but earned a G.E.D. on her 80th birthday, successfully raised six children by herself after my father died when I was young. She produced an artist, a doctor, a college teacher, successful business people, and a United States Congressman—not too bad.

In 1492, a brave and noble explorer with nothing but dreams landed in a vast and foreign land full of promise—America. Although he can be considered a controversial figure because Americans born here in what is now the U.S. certainly lost during European expansion, his courage and desire for success made him a hero to all.

Columbus Day celebrates our proud people and recognizes the unique Italian-American experience. With strong leadership and eternal pride, Italian-American communities not only in Southeast Texas, but also around the nation, have distinguished themselves through a strong sense of family and dedication to their youth.

Mr. Speaker, I believe the most valuable and most powerful influence Christopher Columbus has on our nation and in our human history is vision. All Americans can draw inspiration from the character and accomplishments of Columbus.

With his sense of vision, courage, imagination, and optimism, we can create a future bright with promise and a new world where all of us can pursue our dreams. For we have the power to shape the vision of this nation today, tomorrow, and into the next century.

THE NEEDLESTICK SAFETY AND PREVENTION ACT

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Ms. PELOSI. Madam Speaker, we are here today because needlestick related health problems are costly and preventable. H.R. 5178, the Needlestick Safety and Prevention Act, will protect our Nation's health care providers from unnecessary health risks.

Each year, between 600,000 and 800,000 health care workers are accidentally stuck by needles. As a result, over 1,000 of these injured workers go on to contract HIV, hepatitis B, or hepatitis C, and over 100 eventually die from their illness. Even those who are fortunate enough not to be infected by one of these diseases must suffer through 6 months of waiting before they and their families know that they are healthy.

This suffering can be avoided. Studies have shown that over 80 percent of needlestick injuries are avoidable. Passage of the Needlestick Safety and Prevention Act will require a strong national standard to prevent needlestick injuries, and will empower OSHA to increase the usage of safer needles.

These changes will reduce not only the suffering of injured providers and their families, but also the costs that hospitals must absorb each time a needlestick occurs. The post-exposure treatments that every injured worker have cost up to $3,000. My home State of California was the first State to pass this legislation, and estimates are that we will save over $100 million each year as a result.

Unfortunately, this legislation will be too late for many health care providers. Peggy Ferro, a health care worker in my district in San Francisco, was the first health care provider to pass away from AIDS as a result of a needlestick. She died at the young age of 49, while still fighting for passage of the legislation that we are debating today.

Although this legislation has not been passed soon enough to help Peggy, we can honor her memory by ensuring that safer needle technology is used in health facilities. I urge my colleagues to vote "yes" on H.R. 5178.